



Bennington County Regional Commission

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January 20, 2022

District 8 Environmental Commission
c/o Kim Lutchko, District Coordinator
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Re: Response to January 6, 2022 Memo - GMR Project, Act 250 Permit Application #8B0623-1

Dear District 8 Environmental Commission:

The Bennington County Regional Commission (BCRC) takes this opportunity to correct statements in Exhibit [154](#) and Exhibit [157](#) concerning policies of the Bennington County Regional Plan and BCRC's previous testimony.

Exhibit 154

The applicant claims that there is insufficient "clear and unambiguous language" in the Regional Plan that "prohibits" the GMR development. However, the project clearly does not comply with the following Regional Plan land use policies, which bear directly on the GMR proposal:

- 1. New development should be concentrated in and around established growth centers; scattered development that is remote and has little relationship to existing settlement patterns should be avoided (p76).*
- 4. In rural areas, emphasis should be placed on the conservation and use of natural resources, and the avoidance of costly scattered development that is disruptive of the region's rural character. Low-density residential, commercial (small general/convenience stores, home occupations) and compatible recreational uses also are appropriate in rural areas. Development should reflect historic settlement patterns and preserve important resources, including productive agricultural soils (76).*
- 6. Land use in upland forest areas should emphasize the conservation and wise use of natural resources. The development of permanent improvements and structures for year-round use is generally not appropriate in upland forest areas, although certain important public service facilities may be permitted with proper controls. Forestry and outdoor recreation also are appropriate activities in these areas, and facilities associated with national or state parks are consistent with these uses (p76-77).*
- 10. The following policies apply to new commercial development:*
 - The intensity of commercial development needs to be consistent with the character of the land and surrounding area (p77).*

It is important to note that the Regional Plan's land use policies do not, in any way, state or infer that sprawling commercial lodging facilities, such as the GMR project, are suitable in Rural or Upland Forest areas.

The BCRC's Development Review Committee has found that the GMR would introduce a novel scale of public access, traffic, and scattered development to the area in a way inconsistent with established settlement patterns and area character. The proposed 46-bed resort and public event venue would alter the remote character of the site and area by attracting large numbers of visitors (150-300+) regularly to a site whose current public accessibility is limited to a small and seasonal falconry school and whose other uses are generally limited to small-scale forestry, homestead agricultural, and residential uses. The surrounding area is characterized by low-density rural residential uses, open space, and a federally-designated wilderness area. The closest existing commercial use is located about a mile away within the region's Urban Land Use District. Furthermore, the proposed project is designed to significantly impact the majority of the 53-acre land parcel in a decentralized and sprawling manner as opposed to an approach that would cluster development and minimize impacts to undeveloped rural lands and sensitive natural resource areas. See BCRC testimony summary below for additional ways in which the GMR proposal fails to meet the policies cited above.

The applicant asserts that the GMR should be considered an "outdoor recreation center" as contemplated in the Regional Plan. The BCRC Development Review Committee previously examined this question in [Exhibit 90](#). The Regional Plan's description of such facilities indicates that they are (1) sites overwhelmingly comprised of open space and with very limited development, and (2) sites where the primary use of the site is for outdoor recreation with any commercial or residential uses clearly subordinate to this primary use. This language from the Regional Plan provides detail:

- In discussing ski areas as outdoor recreation centers, the Regional Plan describes them as *"facilities with extensive trail systems and base lodges, but relatively little other commercial or residential development"*. Similarly, other outdoor recreation centers in the region are *"characterized by open space and low-density development... [where] associated commercial and residential uses complement the principal recreational uses... These ancillary uses, however, must remain in scale with and in close physical proximity to the primary [recreation] use. Secondary development associated with these areas should never lead to sprawl or growth patterns that adversely affect the vibrancy of villages or downtowns, or which could result in high costs to local governments."* (p.71)

The BCRC has determined that GMR's proposal to develop a sprawling commercial lodging and event venue facility is inconsistent with the Regional Plan's description of outdoor recreation centers, which emphasize the primary use of natural resource-based recreation with only limited ancillary development.

The applicant alleges that BCRC testimony has been inconsistent, but BCRC has endeavored to provide consistent testimony about how Regional Plan policies come to bear on this complex development application. The BCRC first ([Exhibit 33](#)) corrected the erroneous claim in the Act 250 application that the GMR site is within the Regional Plan's Urban Land Use District. The BCRC then ([Exhibit 90](#)) stated unambiguously that the BCRC Development Review Committee *"did not find GMR's resort development in this location consistent with Regional Plan policies"*, in addition to the following specific points (with references to Regional Plan language provided in [Exhibit 90](#)):

- *"The Committee determines that the GMR's location in the Rural and Forest Districts is not in proximity to existing developed areas, and the proposed commercial resort use is inconsistent with the quiet, undeveloped and residential character of the surrounding area."*

- Regarding development in the Regional Rural District: *“The Regional Plan allows for “outdoor recreation center” development in Rural areas, but the Committee is skeptical that the GMR fits this label... Notably, no stand-alone resorts are sited, and none of the examples provided is immediately comparable to the proposed resort... the Committee concludes that the indoor hotel-like lodging (the ‘cabins’ or ‘camps’ will be served by full water and plumbing), dining, and conference center uses of GMR appear to be the primary uses of the site, with the outdoor recreation activities secondary to those purposes.”*
- Regarding development in the Regional Forest District: *“The Regional Plan is clear in stating that commercial lodging in Upland Forest areas shall be limited to state and national parks. The Committee concludes that the proposal for several commercial cabins in the Forest District does not comply with this regional policy.”*

The findings above were communicated by BCRC staff during the April 2021 Act 250 Hearing. The BCRC then ([Exhibit 129](#)) responded to further assertions from the applicant by demonstrating that the development policies of the Manchester Town Plan and Bennington County Regional Plan are not in conflict, and that BCRC is compelled by statute to provide testimony on the GMR development proposal through Act 250 proceedings because the proposal triggers the Regional Plan’s definition for “substantial regional impact” (SRI). For more information on BCRC’s SRI definition, see Exhibit 129.

Exhibit 157

In response to Item 6, the applicant highlights a portion of the Regional Plan to claim that built structures should be permitted in Upland Forest District. The applicant highlights the first of the following two sentences from the Regional Plan:

- *“Limited commercial natural resource based recreation facilities (e.g., campgrounds, crosscountry ski centers, alpine ski trails at Bromley Mountain) may be appropriate in areas with adequate access roads. Such facilities also may include lodging and other commercial and recreational facilities associated with carefully planned national or state parks.” (p74-75)*

The second sentence from the Regional Plan makes it clear that lodging may be considered in Upland Forest areas only in association with federally- or state-operated park systems.

Conclusion

In summary, the BCRC reaffirms that the GMR application triggers the substantial regional impact threshold defined in the Regional Plan and finds the GMR project does not comply with the Regional Plan’s land use policies. This testimony was reviewed and approved by consensus of the BCRC Development Review Committee.

Respectfully submitted on behalf of the BCRC,



Catherine Bryars
Director of Planning
Bennington County Regional Commission