



Agency of Natural Resources

**State of Vermont**  
**Department of Forests, Parks and Recreation**  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3801  
www.vtfpr.org

MEMORANDUM

TO: Josh Donabedian, District Coordinator, District Environmental Commission  
FROM: Frank Spaulding, Parks Projects Manager  
DATE: 12/20/2024  
RE: ACT 250 6G0056-2 North Hero State Park Criterion 7-Municipal Services

FPR has reached out to the Selectboard of the Town of North Hero, The North Hero Fire Department, and Grand Isle Rescue, requesting responses as directed by the Commission in the Rule 20 request for supplemental information. To date we have received responses from the Selectboard of the Town of North Hero, and the North Hero Fire Department.

We cannot compel a response from an independent organization. In lieu of a response from Grand Isle Rescue we submit the following clarification.

The proposed project at North Hero State Park has goals that have been clearly stated elsewhere. This memo focuses on the pathways that will remain in the park following completion of the project and which will provide a variety of services to the public and resource managers. It is offered as additional evidence into the ACT 250 for Permit #6G0056-2 (hereinafter referred to as “amendment” and “permit”) This memo will focus on the 9-Foot wide recreational pathway to the northernmost extreme of the property, which has been the subject of significant discussion for this amendment.

All references to documents are either to those already entered as evidence, attached, or will be excerpted in pertinent part and linked to version published on State or municipal websites with a version date as of the date of submittal of this memo.

The current conditions at the park are documented in the current permit and amendment materials. To achieve desired reductions of impervious surface, the existing paved and gravel roads in the campground and to the shore access will be reclaimed, significantly reduced in dimension and recovered materials recycled to become the base for ADA accessible recreational pathways to serve the dispersed recreation use of the property.

The main park road will become a 9-foot wide graveled recreational pathway with 4 foot grassed shoulders which will have the soils adjusted to meet the stormwater standards for pervious surface. There are three grade dips that will be installed North of the second “campground” loop to restore hydraulic connectivity across the recreational pathway during high water.

This recreational pathway is not a road. It is a multi-use recreational path similar to and in many cases more substantial than pathways and trails at State and municipal recreation areas around the state including but not exclusive to Niquette Bay, Alburgh Dunes, Button Bay, Taconic Mountain Ramble, Round Pond and Causeway State Parks. Willoughby South End Recreation Area, Mills Riverside Park in Jericho/Underhill, Burlington bike path etc.

This recreational path will exceed the dimensions and quality of pathways in many of the properties listed as examples as the reclaimed materials will provide opportunity to achieve the goals and qualities detailed later.

### **General dimension and design**

The proposed recreation path width meets United States Forest Service (USFS) technical design standards for design tread width for Class 5 pedestrian and bicycle trails, the most intensely-managed trail class designation by the USFS. This USFS Class 5 designation is intended for fully developed areas, generally reserved for urban environments, visitor centers, and other high-use recreation sites. Applying the USFS's Visitor Use Management Framework to North Hero State Park directs towards designing the recreation path as a Class 3 or Class 4 trail, with a significantly narrower tread width (72" or less), but as a result of public comment, we have increased the recreation path width to 9 Feet in response to feedback.

### **ADA Access**

The design will afford full connectivity in the pathway network in this park. The recreational pathway will be efficiently regraded to maintain that connectivity while allowing multiuse of the system.

Access via Other Power Driven Mobility Device OPDMD is governed by US Department of Justice and FPR policy as published at:

[https://fpr.vermont.gov/sites/fpr/files/About\\_the\\_Department/Rules\\_and\\_Regulations/Library/ANR%20Lands%20Policy%20OPDMD.pdf](https://fpr.vermont.gov/sites/fpr/files/About_the_Department/Rules_and_Regulations/Library/ANR%20Lands%20Policy%20OPDMD.pdf) .

The proposed design will meet the current classification level of OPDMD access as published in Appendix B to the referenced document. In the fifth paragraph, the policy clarifies that "The OPDMD will be operated only within the footprint of the designated road or trail and must be operated in a manner consistent with the pedestrian experience and characteristics of the trail or road and the concurrent allowed pedestrian uses. The OPDMD speed limit for all for all facilities is limited to typical pedestrian speed, as defined as 3 mph."

### **Town Standards**

This recreational pathway is not a driveway. But, pretending it is, there is no minimum dimension within Town regulations. Link to North Hero Development Regulations, Last amended December 1, 2023

<https://files.municipalone.com/northhero-vt/521071747062524pm.pdf>

Excerpt from Section 7.7: ROAD, DRIVEWAYS AND ACCESS STANDARDS

"B) Driveway Standards. Driveways shall be setback a minimum of 25 feet from all 8 property lines (the DRB may waive this standard for shared driveways involving 9 adjacent properties). Driveways serving two (2) or three (3) lots shall have a minimum width of 20 feet."

North Hero State Park is a single lot and a driveway that exceeds any of these requirements will be maintained to and around the remaining structures and dwellings.

Additionally with the removal of the camping facilities and under the proposed operation the property will no longer be a campground, mobile home park or travel trailer camp/park per the definitions within the linked Zoning regulations.

Later reference under Section 7.7 C) Road Standards 7) Accessibility, the current project meets this requirement as stated above with access to the remaining structures maintained.

### **Practical Emergency Access**

The designed recreational pathway with 9-foot wide gravel surface over a base of reclaimed road material with retained 4 foot grassed shoulders will be sufficient to meet the infrequent maintenance access needs along with foreseeable emergency access.

The Fire Apparatus Manufacturers Association, Publication TC009-1 Emergency Vehicle Size and Weight Guide:

[https://www.fama.org/wp-content/uploads/2017/12/1514564588\\_5a466bec19c41.pdf](https://www.fama.org/wp-content/uploads/2017/12/1514564588_5a466bec19c41.pdf)

In recommended language for state size and weight exemptions for States FAMA recommends exemptions up to maximum weights at “24,000 pounds on a single steering axle; 33,500 pounds on a single drive axle; 62,000 pounds on a tandem axle; or 52,000 pounds on a tandem rear drive steer axle; and a maximum gross vehicle weight of 86,000 lbs.”

The Guide recommends dimensions up to a maximum width at 102 Inches “Exclusive of rear view mirrors, turn signal lamps, handholds for cab entry/egress, splash and spray suppressant devices, load induced tire bulge, a fixed step up to 3 inches deep”

This recreational pathway is dimensioned to meet these recommended maximum dimensions and constructed in a manner that will support the anticipated use under normally anticipated conditions for foreseeable emergency access.

Regarding winter conditions, the change in use of the property (closure of the campground) prompted the State to cease winter plowing beyond the existing entrance parking area which has been the current condition for approximately a decade. This includes a closed gate at the entrance before the parking area or a pile of snow just beyond the parking area in front of the existing road. The proposed project does not change winter operational management.

### **Conclusion**

The former program at that property for which the current ACT 250 permit is written is for a 117 site campground. Municipal Services which support an overnight park facility of that scale should be more than adequate to reasonably support a scaled down day use park with a fraction of that capacity. The project as designed is sufficiently dimensioned and constructed to be efficiently maintained in a manner that will not

(1) place an undue, uneconomic or excessive burden on the ability of local and regional governments or public utilities to provide the services needed for the Project or other Projects, or accommodate growth and

(2) endanger public investments in, or jeopardize or interfere with, adjacent public facilities

We feel that further delay due to unresponsiveness of the above identified municipal service provider is unwarranted as “The burden of proof is on the opponents under Criterion 7 to show an unreasonable or adverse effect.” And FPR has provided, summarized above, “sufficient information for the Board or district commission to make affirmative findings” such that additional conditions would be unnecessary.