



BELMONT LAND USE OFFICE

TOWN OF BELMONT, NEW HAMPSHIRE

DATE: June 14, 2016
TO: Winnisquam Beach Campground Unit Owners Association
cc: Anthony D'Agostino, Mark Mastenbrook
FROM: Candace Daigle, Town Planner
RE: Enforcement inquiry

I was very pleased to meet with representatives from the Association today and discuss some of the details on the residency issue for your property. In brief:

- Under the conditions of your subdivision/condominium conversion approval, as amended since that time, no overnight occupancy of the sites in the campground with the exception of the manager's unit, is allowed during your mandated "closed" period;
- If a violation of this condition occurs, the Town will cite both the Association as property owner and the unit owner for the violation;
- The Town is willing to work with the Association towards compliance of any known violation;
- If the violation cannot be cured by such a cooperative effort, the Town will commence appropriate enforcement action:

The Town of Belmont's goal is compliance; the goal of the Code Enforcement Officer is to work with residents and business owners alike in a collaborative manner to ensure constant progression is made towards achieving compliance.

The Code Enforcement office utilizes a three strike approach to achieve its goals. The Town of Belmont, under RSA 676:17 can and will impose civil penalties in the amount of \$275.00 dollars a day for each violation from the date of first violation notice until all violations are corrected in a timely manner, and has the right to recoup its cost of pursuing compliance including legal fees.

- The town does not have the right to arbitrarily impose additional "closed" time on the campground as a method of enforcement or penalty;
- Your attorney at the time, Rodney Dyer, Esq., the 1998 Planning Board and the Town at this time believe that the Association has the power to effectively enforce these matters with unit owners, however the Town is not in a position to suggest to you the methods to do so;
- In our discussion today, I did not feel that shutting the power off to the entrance gate overnight during your "closed" time was a safe method of enforcement;
- "Residency" in the Town of Belmont cannot be claimed through the ownership or occupancy of any of the units with the exception of the manager's unit;
- A permit is required to remove or relocate any RV that exceeds 320sf in size and any RV that is taxed by the Town regardless of size;
- A permit is required to install any RV that exceeds 320sf in size;

“Structure - Anything constructed or erected with a fixed location on the ground (not easily moveable by one unassisted individual) or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, manufactured housing units, membrane enclosures, billboards, and any configuration of modular pieces arranged in such a fashion so as to create a single unit which totals 32sf or larger and/or weighs in excess of 70lbs. Concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are not considered structures.”

If you have any question on this definition please contact us.

The Directors are welcome and frankly encouraged to contact this office at any time that we may provide information and assistance to you towards compliant development within the campground. Having current and correct information while working with your unit owners will ultimately save time and money for all involved, help to avoid compliancy issues, and make any required permitting process much more efficient.

At your request I have directed the building office to send the Association a copy of all building permits that are issued for the campground in the future. That's certainly a new process for us and we will try not to miss any permits, but if you ever have a question as to whether a permit has been issued please do not hesitate to contact our office.

Having other such Associations and multi-unit property owners in the community we understand what a seemingly overwhelming job it may seem to be to enforce both your own and the Town's regulations. I would suggest that education may be the most effective method. For many reasons, both existing and new unit owners have a certain level of expectation regarding their unit/site. They may buy it with such expectations or may gain them through seeing other sites or talking to other owners. In other cases, their expectations change over time; they may want to “reside” here when they retire and sell their primary home or when financial burdens leave them with “no choice”. The WBCG was never developed as a retirement or residential community. With a development like WBCG which is a preexisting nonconforming use, it can also be very deceiving to new unit owners who believe they can do all of the things that have been done in the past. If they only learn the truth after they've spent time and money on something that isn't allowed, they can understandably be very upset. Since the Town may have no interaction with prospective or new owners until they've already made decisions and spent money, I believe the most effective job the Association can assume is that of educator. If people understand the rules it seems you will face many fewer instances of a badly “surprised” owner and it should work to reduce the underground “chatter” that is causing many of the problems you're currently facing. Facts work wonders. Perhaps some sort of “welcome package” might be a good place to start. Something to give them a broader understanding of the restrictions and also links to where they can find more info.

Thank you for making these inquiries today and I appreciated the opportunity to provide information to you that we hope will be helpful in your duties.