

Comments on the petition regarding changes to bylaw 4.3 Mobile Homes, Travel Trailers and Camping submitted by Maureen Sullivan 4/9/13.

These comments cover only the petitioned changes to bylaw 4.3 and not how the proposed changes may relate to, effect, or contradict the other sections of this bylaw that have not been included in the petitions.

Petition regarding 4.3 Mobile Homes, Travel Trailers and Camping ((this section appears in the current bylaw as section 4.3(b)1)).

**1. An owner of a registered travel trailer or camper, must be self contained with portable water and waste containment, may occupy such equipment on private property, with the property owner's permission, for a period of one (1) week without a permit, except in the Business District. For a period of occupancy greater than one week, the property owner must obtain a permit from the Board of Selectmen, the Board of Health, and the Building Commissioner. The Board of Health Agent and Building Commissioner to inspect at will and/or upon receipt of a formal written complaint.**

Comments:

From a purely grammatical perspective, the first sentence of this paragraph is problematic. The clause "must be self contained with portable water and waste containment" refers to the owner of the trailer or camper, not to the trailer or camper.

Since this petition does not require a permit for the first week of camping but one is required in the following weeks, how is this to be monitored or enforced? Who establishes the first day of camping?

The language of this section is at odds with the language in the petition regarding 4.3.2 (b) "**no tent, travel trailer, or camper, as described in section 4.3.1(a) (Herein after called "camper") may be stored or parked on undeveloped land except by Annual Camping Permit from the Board of Selectmen,...**" in that this language clearly states that a permit is required prior to placement of a camper.

The term "at will" as it regards the Building Commissioner and Board of Health Agents inspections of a camper may be inappropriate. The Building Commissioner and Board of Health Agent should be asked to review this petition for comments.

Requiring someone wishing to camp on their property, or the property of their host, for as short a time period as 8 days to obtain 3 separate permits seems onerous. If the intent of the petitioners was to avoid encampments, rather than to simply regulate recreational camping use of property it seems, to me, to be excessive.

Lastly, this petition signature sheet is introduced as "We the undersigned registered voters request that the following by-law regarding the **Board of Assessors** be placed on the Warrant...". Could this be a procedural defect?

Petition regarding 4.3.2 (b):

**“no tent, travel trailer, or camper, as described in section 4.3.1(a) (Herein after called “camper”) may be stored or parked on undeveloped land except by Annual Camping Permit from the Board of Selectmen, with the exception of winter storage. All campers and travel trailers are to be registered. Winter storage is allowed from October 1 thru May 1 of the calendar year. Permit is limited to a maximum of one camper per existing conforming lot. The Camper must be located at least forty (40) feet from lot lines. Unoccupied camper must be removed at the end of the permitted camping winter storage period. The maximum period allowed for camping permits is fourteen (14) consecutive days per annum. Two permits per year can be granted contingent upon approval of sanitary facilities and presentation of a valid registration. The Board of Health Agent and the Building Commissioner are to be allowed, at their discretion, or upon written complaint from a town citizen, to inspect said camping site. A camper in violation of any terms of this article is subject to a daily fine (\$40.00 per day) and the camper may be removed, towed and impounded at the violator’s liability and expense.**

Comments:

The original language of this bylaw was worded to prevent storage of campers on undeveloped land. This petition is providing language that will allow storage of campers, by right, on undeveloped land from October through April without any recourse for abutting property owners. So long as it is parked 40 feet from a property line, a large travel camper may be parked in clear view of a neighboring residence. This seems to be completely at odds with the rationale for adopting the language of the existing bylaw.

This section conflates the storage of uninhabited campers during the winter (campers stored by Middlefield residents for their use, presumably out of town, as well as campers brought to town for recreational use here) with camping use. These two separate use issues would best be addressed by separate bylaws.

**The Board of Health Agent and the Building Commissioner are to be allowed, at their discretion, ... to inspect said camping site.** Is action by either one of these officials discretionary? Perhaps their official responsibilities and enforcement powers are more regulated than that.

The \$40.00 daily fine – If the town wants to increase or decrease this fine in the future it will require a zoning bylaw amendment process and a 2/3 vote to pass. Perhaps it is best to leave the actual fine dollar amount out of the bylaw.