



TOWN OF GILFORD

BOARD OF SELECTMEN
47 Cherry Valley Road
Gilford, NH 03249

J. Kevin Hayes, Chair 603.527.6508
Dale Channing Eddy, Vice-Chair 603.527.6509
Gus Benavides, Clerk 603.527.6507

FAX 603.527.4711
selectmen@gilfordnh.org

GILFORD BOARD OF SELECTMEN
PUBLIC HEARING NOTICE
TOWN BEACH REGULATIONS AMENDMENTS

Wednesday, February 8, 2023
7:00pm
Gilford Town Hall – Conference Room A

The Gilford Board of Selectmen will hold a public hearing to solicit input on proposed amendments to the Town Beach Regulations that would make the following changes:

- Add reference language from the 1947 deed that restricts beach access
- Define the term "guests"
- Define the term "residential property"
- Eliminate daily guest passes
- Eliminate commercial guest passes
- Eliminate seasonal guest passes
- Clarify parking rules

A complete copy of the proposed amended beach regulations is available at the Selectmen's Office upon request and on the Town's website www.gilfordnh.org. Copies will also be made available at the public hearing.

Any interested person may present testimony at the public hearing in-person or submit written comments on this matter by email to selectmen@gilfordnh.org or by regular mail to 47 Cherry Valley Road, Gilford, NH 03249.

Remote participation is being provided as a courtesy at <https://meet.goto.com/605647293>, however, the Public Hearing will not be canceled or postponed in the event of any technological difficulties.



TOWN OF GILFORD, NEW HAMPSHIRE

TOWN BEACH REGULATIONS

(CHAPTER 3)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these amended regulations as the rules by which the Town Beach, (being 17 +/- acres as situated off Varney Point Road and more particularly referenced at Tax Map 223, Lot 417), shall henceforth be governed.

3.1 AUTHORITY

These Regulations are adopted pursuant to the authority granted under RSA 41:11-a.

3.2 PURPOSE

The purpose of these Regulations is to promote the safe and orderly use of the Town Beach for the benefit of Gilford residents, property owners and their guests.

In addition, these Regulations are intended to implement the terms of the deed to the property dated June 30, 1947, as recorded in the Belknap County Registry of Deeds at Book 295, Page 7, especially the covenant provided therein that states as follows: "It is part of the consideration of this deed that said town, its successors and assigns, will maintain said property for at least sixty (60) days during the summer season as a bathing beach and playground, for the use of residents and taxpayers of the Town and members of their households, and exclude all other persons therefrom, except their guests, who may be admitted under such restrictions and regulations as the Town or its Selectmen may from time to time prescribe..." (NOTE: the term "guests" as used in these Regulations shall mean family and friends accompanied by a resident/taxpayer to the Town Beach; and shall not include guests (or paying customers) of lodging establishments and/or short-term rentals.)

3.3 REPEAL OF PREVIOUS REGULATIONS

These Regulations shall supersede and replace all previous Town Beach Regulations, including, but not limited to such admission policies and written rules which may heretofore have been adopted.

3.4 RULES

A. Residency & Entry

1. Access to and from the Gilford Town Beach shall be limited to the Varney Point Access Road only. All visitors must stop at the gatehouse whenever an Attendant is present. Access to this facility by any other means (boat, ATV, fence jumping, etc.) or failure to stop when directed by the Attendant may result in immediate expulsion in addition to any other penalties that may be imposed as a violation.
2. During the period Memorial Day through Labor Day of each year, entry to the Town Beach is limited to the following:
 - (a) Vehicles displaying a valid Town Decal

Town Decals are available in the Town Clerk's Office on an annual (calendar year) basis to residents of the Town of Gilford and individual Gilford property owners ***of residential property situated in the Town of Gilford*** (persons whose names are on a deed) upon proof of identification, residency and/or vehicle registration. Decals must be affixed to the driver's side of the motor vehicle and correspond with that vehicle's registration number. There shall be no charge for the initial Town Decal, but replacement decals shall cost \$25.00.

NOTES:

- (1) Except as otherwise established by the Ordinance Governing the Use and Restrictions of the Glendale Facility, Town Decals shall not be issued to any Gilford taxpayer whose name is not listed on a deed unless they are a resident of the Town, nor to any person who has an unpaid fine for a parking or Town ordinance violation.
- (2) ***Residential property shall not include any parcels of real estate that are not used primarily for habitation in a dwelling, (for example, the following types of real estate do not qualify as residential: boat docks, warehouse and storage units, time shares, campgrounds, recreational vehicle parks, vacant land or undeveloped lots, businesses, retail stores, professional services, or any other type of commercial operations), nor shall they include properties marketed***

as short-term rentals unless the dwelling is occupied by the property owner at least thirty (30) days per calendar year.

- (b) Pedestrians, bicyclists or passengers in a motor vehicle without a Town Decal (and their guests) who show upon proof of identification and Gilford residency or residential property ownership.

- (c) — Visitors who present a Daily Guest Pass

Daily guest passes are available for purchase by residents or property owners from a Town Beach Attendant for \$15.00 per vehicle. Residents and property owners shall be limited to one guest vehicle per day per vehicle with a Town Decal. Vehicle with a Town Decal must accompany the guest vehicle into the Beach.

NOTES:

- (1) All guests must be accompanied by a resident or property owner. Children under the age of 12 are not required to purchase or present a guest pass but they must be accompanied by a person 18 years of age or older with identification. Also, the Town reserves the right to stop selling daily guest passes on any given day if the parking lot capacity reaches seventy five percent (75%).

- (d) — Visitors who present a Commercial Guest Pass

Daily commercial guest passes may be purchased for \$5.00 per person at the Town Clerk's Office by owners/operators of Gilford motels, hotels, inns and other similar establishments for use by their guests.

- (e) — Seasonal Guest Passes may be purchased from the Town Clerk's Office only by Gilford residents or taxpayers (property owners). There shall be two types of seasonal guest passes available. A non-transferrable pass may be purchased for two hundred fifty dollars (\$250.00) per calendar year to be assigned to a specific passenger (non-commercial) vehicle. A transferrable pass may be purchased for use by any passenger (non-commercial) vehicle for five hundred dollars (\$500.00) per calendar year. The Town shall not provide any refunds or free replacement for seasonal guest passes that are lost, stolen or misplaced. There shall be a limit of one seasonal guest pass per household (Gilford property) per season.

- (c) Visitors who present a Temporary Pass signed by the Parks & Recreation Director

The Parks & Recreation Director is authorized to grant special permission for visitors to access the Town Beach under extenuating circumstances.

B. Hours of Operation

1. The Town Beach and parking areas are closed between the hours of 9:00 p.m. and 9:00 a.m. These hours may vary, however, due to weather conditions or maintenance needs. Any person found within the beach area after hours may face immediate expulsion in addition to any other penalties that may be imposed as a violation. Also, any unauthorized vehicle left on Town Beach property after hours may be towed at the expense of the owner.
2. It shall be a violation of these Regulations to trespass on Town Beach property whenever signs are posted that indicate the facility is closed or when the gate is not open.
3. The Town of Gilford makes no guarantee as to the availability of lifeguards or the protection of visitors from weather, injury, drowning or personal conduct during any specific hours of operation.

C. Parking

1. Parking at the Town Beach is limited to passenger cars and light trucks and two-wheeled motorized vehicles with a Town Decal or a Daily Temporary Pass. There is no parking for RV's, buses or trailers allowed in the Town Beach Parking Lot.
2. Limited daily parking at the overflow parking lot (at the ice rink) is available for passenger cars and trucks and two-wheeled motor vehicles with a Town Decal or a Daily Temporary Pass. Parking for RV's, buses or trailers may be allowed in the overflow lot under special circumstances upon prior approval from the Parks & Recreation Department.
3. There is no overnight parking allowed between the hours of 9:00 p.m. and 9:00 a.m. on Town Beach property (including the overflow lot) except by written permission of the Parks & Recreation Director and/or display of a special permit.
4. The parking lot and all access roads into and throughout the Town Beach facilities have a 10 mile per hour speed limit.
5. The Town of Gilford reserves the right to designate parking in the overflow facility (at the ice rink) and/or to limit the number of vehicles that are allowed to park at the Town Beach.
6. Vehicles parked at the Town Beach or in the overflow parking lot without a visible Town Decal or Guest Temporary Pass are subject to being towed at the owner's expense, in addition to any other penalties that may be applicable as a violation of these Regulations.

D. Beach Activities

1. The Town of Gilford provides restrooms, changing facilities, picnic facilities, grills, playground equipment and trash receptacles as a convenience to beach users. The use of such items, however, may be restricted at anytime for any reason. All visitors are required to treat Town Beach property with respect and in a manner that is consistent with their intended purpose.
2. It shall be a violation of these Regulations to damage Town Beach property, (including trees and other vegetation) or dispose of trash in an improper manner, (especially on the beach or in the water). It shall also be a violation of these Regulations to emit loud noises, bright lights or disrupt the peaceful enjoyment of the beach area by others.
3. The Lifeguards are authorized to restrict, limit, prohibit or delegate specific areas for any beach activity (such as ball playing, frisbee tossing, horseshoes, metal detectors, kite flying, etc.) to the extent deemed reasonable and in the best interests of the Town Beach visitors. The failure of any person to comply with the directions of a Lifeguard shall be a violation of these Regulations.
4. The Town reserves the right to restrict or limit group outings of more than eight (8) people under such terms and conditions as may be established by the Recreation Commission. Written requests for organized group outing activities must be submitted at least one (1) month in advance to the Parks & Recreation Department.

E. Swimming Activities

1. The Town of Gilford provides designated swim areas and roped swim lines and a floating dock for the convenience of beach visitors. The use of such facilities, however, may be restricted at anytime for any reason, including, but not limited to weather, lack of staff, or unsafe behavior as may be determined by a Lifeguard, (such as running, pushing, diving, horseplay, lack of swimming ability or faking an emergency). Failure to comply with any order or direction of a Lifeguard shall be a violation of these Regulations.
2. It shall be a violation of these Regulations to use floatation devices, life jackets, swim toys, snorkels, fins, masks or scuba gear in the swim area that is designated as the guarded area, unless medically necessary or approved by the Lifeguards.
3. Swim areas may be closed to the public during such times when swimming lessons or other Parks & Recreation Department scheduled activities are taking place.

F. General Safety

1. Children under the age of 12 must be supervised by an adult in their party at all times.
2. Visitors are asked to report all injuries, equipment defects, facility malfunctions, restroom issues, acts of vandalism, observations of rule violations or missing persons to a Lifeguard or Attendant immediately.
3. Do not leave a charcoal fire unattended. All grills shall be left in an orderly fashion with the fire extinguished, and all charcoal refuse shall be placed in designated concrete containers. The use of portable gas grills by visitors who bring their own appliances onto the Town beach property is not encouraged, however persons may do so at their own risk, provided that such use may be restricted by the Town using its sole discretion in the interests of public safety.

G. Prohibitions

1. There shall be no smoking anywhere on Town Beach property (including designated swim areas), except in the privacy of a motor vehicle or in the street. Failure to comply with this rule or properly dispose of cigarette waste shall be a violation of these Regulations.
2. There shall be no solicitation or commercial activity on Town Beach property without the written permission of the Recreation Commission.
3. There shall be no motor vehicles allowed on the beach (*except as noted in Section 3.5.A.5*).
4. There shall be no pets allowed on Town Beach property except for service dogs as otherwise allowed under the U.S. Americans with Disabilities Act. Patrons with service dogs must make arrangements to properly dispose of waste and must maintain control of the animal at all times.
5. There shall be no camping, tents, screen houses or open flames (except for charcoal fires in grills provided or portable grills).
6. There shall be no watercraft (including boats, canoes, kayaks, inflatable rafts, windsurfers, surfboards, jet skis, amphibious planes, etc.) to be stored, launched, driven or moored on the Town Beach or in a designated swim area or within twenty-five feet (25') of a swim line.
7. There shall be no skinny dipping, nude tanning, female topless sun bathing or exposure of genitalia allowed on Town Beach property.
8. Glass bottles are not allowed on Town Beach property.

9. Feeding of ducks, geese, sea gulls or any other birds or wildlife is not allowed.
10. The use of baseballs, metal or wooden bats, water guns, illegal drugs or weapons of any kind are prohibited on Town Beach property.
11. There is no parking anywhere along Varney *Point* Road.
12. Harassment, intimidation or willful disregard of the staff is strictly prohibited.
13. No fireworks are permitted on Town Beach property.

3.5 EXEMPTIONS

A. The following activities are exempt from these Regulations:

1. Maintenance activities authorized by the Town.
2. Public safety (police and fire-rescue) activities.
3. Recreation activities authorized by the Town.
4. Concession activities authorized by the Town.
5. Winter use of the Town Beach Property for access to Lake Winnepesaukee when frozen.

3.6 VIOLATIONS

- A. Failure to comply with any of these Regulations shall be considered a violation subject to the penalties set forth herein.
- B. Each continuation of a violation after notice and each rule infraction shall constitute a separate offense.

3.7 ENFORCEMENT

A. These Regulations shall be administered and monitored by any and all employees of the Gilford Parks & Recreation Department who have been duly appointed by the Board of Selectmen with responsibilities for oversight and/or maintenance of the Town Beach, including, but not limited to the Parks & Recreation Director, ~~Program Director~~ *Recreation Specialist*, Program Assistant, Gatekeepers, Attendants and Lifeguards. The authority to administer and monitor shall consist of the following:

1. Documenting and reporting violations to the Police Department;

2. Educating visitors about these Regulations;
3. Seeking voluntary compliance and/or expulsion from the facility;
4. Prohibiting entry to the facility or use of the Town Beach property in the event of non-compliance, (to include denial of entry for up to 30 days for repeated or severe violations, subject to a right of written appeal to the Board of Selectmen);
5. Collecting Fees.

B. These Regulations shall be enforced by any duly certified Gilford Police Officer. Enforcement shall consist of (1) an order to vacate the premises; (2) the issuance of a citation; (3) demand for restitution; (4) the revocation of a Town Decal; (5) the issuance of a summons; (6) arrest; and/or (7) any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).

3.8 FINES AND PENALTIES

A. Any person who has committed a violation of these Regulations shall be subject to a fine as follows:

First Offense: The amount due shall be twenty-five dollars (\$25.00)

Second Offense: The amount due shall be fifty dollars (\$50.00)

Third (or more) Offense: The amount due shall be one hundred dollars (\$100.00)

B. No person who has been issued a violation citation shall be allowed to enter the Town Beach property until such time as the fine has been paid or they have been found not guilty by a court of competent jurisdiction or unless otherwise ordered by the Board of Selectmen.

C. Failure to make payment for a fine as indicated on a citation within thirty (30) days of issuance shall result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating these Regulations shall thereafter not be eligible for a Town Decal or entry to the Town Beach for a period of one (1) year from the date of conviction.

3.9 SEVERANCE

In the event that any word, sentence or section of these Regulations is found to be invalid as a result of judicial or legislative action, the remainder of these Regulations shall remain in full force and effect.

3.10 EFFECTIVE DATE

Adopted on February 11, 2009, to be effective February 12, 2009.

Amended on November 18, 2020, to be effective as of December 1, 2020.

Amended on February 9, 2022, to be effective immediately thereafter.

Amended on February 8, 2023, to be effective immediately thereafter.

IN WITNESS WHEREOF, these amended Town Beach Regulations are hereby adopted and approved on the ____ day of _____, 2023, by the Gilford Board of Selectmen, to be effective immediately hereafter, upon consideration of public input during a duly posted and advertised public hearing held on the ____ day of _____, 2023. ATTEST:

J. Kevin Hayes, Selectman

Dale Channing Eddy, Selectman

Gus Benavides, Selectman

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED IN THE OFFICE OF THE TOWN CLERK-TAX COLLECTOR ON THE ____ DAY OF _____, 2023.

Danielle LaFond, Town Clerk-Tax Collector