

## Maintaining a Safe, Healthy and Natural Environment at Moody Point

To: Residents of Moody Point - January 2009  
From: The MP4 Committee.

### I. Lot 4.

The Moody Point Community Association ("MPCA") owns Lot 4. Lot 4 is approximately 26 acres surrounding the units and bordering the water. To aid in the maintenance of Lot 4, the MPCA has appointed the Environmental Committee ("EC"). The Moody Point Lot 4 Committee ("MP4") is a subcommittee of the EC which deals solely with cutting on Lot 4. Each association (the Ridge, Meadow, Hill, Lubberland, and the Waterfront) has a representative on these committees.

### II. MP4 Committee.

The representatives of the MP4 are:

Ridge/Beth Marsh	<a href="mailto:gb9ongreatbay@comcast.net">gb9ongreatbay@comcast.net</a>
Meadow/Tod Rodger	<a href="mailto:tod@deerfootpublications.com">tod@deerfootpublications.com</a>
Hill/Julie Kath	<a href="mailto:2kath@msn.com">2kath@msn.com</a>
Lubberland/Debby Grubbs	<a href="mailto:grubclubnh@comcast.net">grubclubnh@comcast.net</a>
Waterfront/Pat Gardner	<a href="mailto:patgesq@aol.com">patgesq@aol.com</a>
EC/Lynn Badger	<a href="mailto:lynnnh@comcast.net">lynnnh@comcast.net</a>

### III. Lot 4 Maintenance

Maintenance is funded by the MPCA. Maintenance on Lot 4 may include removal of fallen/unsafe/unhealthy trees or limbs, maintaining the trails, reduction/removal of invasive vegetation, poison ivy removal, limbing and cutting to maintain views of the woodlands and the waterfront and generally maintaining a healthy woodland environment. The work varies each year, depending on need and funding. For example, in 2009, Lot 4 will require more work to address storm damage and clean-up which may leave reduced funds available for other issues. Traditionally, three days of annual Lot 4 maintenance has been funded by the MPCA. All work is done in accordance with applicable law and by vendors approved by the EC.

### IV. Lot 4: Limbing and Cutting for View Purposes

Cutting and limbing in the first 150 feet from the waterfront is governed by:

1. State law ("Shoreland Protection Act"), and
2. Department of Environmental Services ("DES") regulations which implement the Act, and
3. Town of Newmarket requirements (for example, a permit is required to cut a tree), and
4. EC's mission statement/guidelines to maintain a healthy woodland environment.

When a resident makes a request for cutting/limbing, these four things must be taken into consideration when the MP4 evaluates such a request.

### V. Individual Requests for Cutting and Limbing

An individual may request cutting or limbing to enhance his/her primary view point of the waterfront and woodlands. To do so:

**1. Contact your MP4 Committee Representative listed above to fill out forms:**

Your representative will meet with you and together you will fill out a work request form. Please bear in mind the following: (a) consider only your primary view point, (b) recognize that all requests may not be acted upon in any given year, (c) recognize that your request may not be legally allowed, (d) remember that requests will be under certain time constraints covered below; and (e) remember that the view cutting is on Lot 4 only, which is MPCA land, not land owned by you or your individual association.

**2. Obtain MP4 Approval:** Next, your representative will take this completed form and present it to other MP4 Committee members; TWO members of the MP4 are required to approve an individual request for cutting or limbing whether by vendor or by the resident.

**3. Approvals and Appeals:** Your representative will contact you to advise whether the request has been approved or denied. If any requests are denied, in whole or part, you have the right to appeal this decision to the EC; if you are still not satisfied, you may then appeal to the MPCA Board.

**4. Estimate and payment:** If your request is approved, the next step is for the MP4 Chairperson (or the EC Chair in her absence) to obtain an estimate for the work from EC approved vendors. The estimate will include and you will be responsible to pay for the following: (a) the cost for the work you requested and debris removal, and (b) the cost for removal of any debris created by this work and (c) the cost, if any, for performing the estimate. Please note that in obtaining the estimate, the approved vendor (certified arborists) may determine that some of the requested work is not feasible or permissible which may cause the MP4 representative to revise the original approval (For example, a limb may be approved for removal that the arborist determines would endanger the health of the tree). Once the estimate is received, your MP4 representative will review it with you for your signed approval. You are responsible to pay in advance for any work and debris removal.

**5. Schedule the work:**

Once steps 1-4 are completed, then and only then will the work be scheduled by the MP4 Chairperson or the EC Chair in her absence.

**6. Can I do the work myself instead of using an approved vendor?**

An individual may request to do the above work rather than pay an approved vendor. The MP4 may approve the following: (a) cutting that can be reached without a ladder, (b) cutting with hand tools only, (c) cutting only vegetation that has been previously approved and tagged with the two MP4 representative involved in your application, (d) cutting by residents only under the direct supervision of at least one MP4 representative. You may also be required to post a \$100 bond to cover prompt debris removal, which \$100 will be returned to you upon your prompt removal of the debris. Further, depending on the work you request, the MP4 may still require that you follow step 4 and obtain an estimate from an approved vendor to determine that the work you request to do yourself is feasible or permissible; and if so, you are responsible for the costs of securing this estimate. **YOU ARE RESPONSIBLE FOR ANY WORK YOU PERFORM AND YOU AGREE IN ADVANCE OF ANY WORK BEING DONE THAT THE MPCA/MPCA INDIVIDUAL BOARD MEMBERS AND THE EC/EC INDIVIDUAL COMMITTEE MEMBERS**

AND THE MP4/MP4 INDIVIDUAL COMMITTEE MEMBERS ARE NOT LIABLE IN ANY WAY FOR THE WORK REQUESTED, PERFORMED OR ANY RESULTING INJURIES.

**7. Fines.**

Please note that the MPCA Board unanimously approved the following resolution on 4/7/08: "Any person(s) who has done unauthorized and/or unapproved cutting (of trees, saplings, plants, shrubs, etc.) on MPCA Common Land will be subject to MPCA fines and all costs associated with any administrative actions and restitution of the property for each occurrence. The MPCA fine will be \$500 for the First Offense, \$1000 for the Second Offense and \$1000 thereafter for each subsequent offense. All costs associated with restitution include, but are not limited to any and all legal, fine or administrative costs incurred by the MPCA as a result of this unauthorized cutting, as well as any and all costs associated with restoring the property to its original condition."

**VI. When do I make my request for cutting?**

Cutting is a two step process.

1. The step first is that the MPCA completes its annual Lot 4 maintenance before entertaining any individual requests.

2. The second step is that individual requests are considered as outlined above. When should I make my individual request? There are normally two instances. First, when the vendor has completed the MPCA annual Lot 4 maintenance in your area, and you have an area of concern regarding your primary viewpoint, contact your MP4 representative immediately - do not contact the Vendor. Secondly, later in the season, you may determine that the viewpoint requires further attention, again, contact your MP4 representative not the vendor.

**VII. The Process.**

Each year the MP4 reviews its procedures and vendors to update and improve the process. Please contact your MP4 representative with any questions, concerns or ideas.

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**I have read the above and agree to it.**

\_\_\_\_\_unit address

\_\_\_\_\_signature of resident requesting cutting

\_\_\_\_\_today's date