

**Moody Point Waterfront Association**  
**Special Board Meeting Minutes – May 01, 2016**  
**Location: *Rehnborg's – 365 Cushing Road***  
**Time: 7 PM**

**Present:**

Gordon Rehnborg	President
Mike Hickey	Vice President
Bill Cormier	Treasurer
Dan Kalagher	Secretary
David May	Board member
Trish Simon	Board member
Phil Ginsburg	Board member

**Others in Attendance:**

Jonathan Sack  
Ken Geremia, President of the MPCA

This meeting was a special meeting called by Gordy to address the various issues surrounding the current building projects on Lot 2-7 and Osprey Circle.

Gordy called the meeting to order.

The first order of business was a discussion of a letter addressed to the Town Planning Board regarding the proposed construction on Lot 2-7. It was drafted by Mike Hickey in conjunction with Trish Simon, David May and Jonathan Sack. The board had appointed these individuals to act as a committee to monitor the construction projects on behalf of the Waterfront.

The letter was distributed to those present. The letter represents the position of the Waterfront Board of Directors, not simply the opinions of the individuals who drafted it. The letter asks the town to monitor the project, enforce its rules and regulations and keep the Waterfront apprised of any issues related to: 1) the impact of the construction on the fire road, 2) the flow of water into the fire pond, and 3) general drainage/wetlands issues. It does not address or challenge the issue of how the town defines a duplex building. A copy of the letter is attached.

Phil suggested a call be placed to Walter Cheney as a courtesy to let him know about the letter.

**A motion to accept the letter and have it delivered to the town was made, seconded, and unanimously approved.** Ken suggested that the MPCA would consider writing a similar letter.

A discussion of a walk-around that took place earlier in day followed. Members from the Meadows, MPCA, and Waterfront were present for the walk-around with the developer. At the walk-around the developer, Walter Chaney, discussed his plans and addressed various comments made and concerns expressed by those in attendance.

A general discussion about the walk-around and other issues took place:

- Walter talked about what constitutes a duplex. Walter said he could change plans to accommodate whatever the town required. His current plans opt for what he considers to be a minimal approach.
- Some people expressed concerns about the view from the Ridge being obstructed.
- Walter expressed his opinion that the various deeds and other MPCA, Meadow and Waterfront documents prohibit obstructing his development of these building lots.
- Walter is very protective of his building rights and in the past has sought relief via the courts; if challenged, he can get aggressive.
- Ken spoke with Walter about drainage on both 2-7 and Osprey Circle and told him people would likely write letters to the town. Walter had no problem with that.
- Phil thought the walk-around was productive. Walter addressed the drainage issue, colors, siding, etc.
- Walter mentioned he had offered at his expense to put a water garden on the Waterfront side of Osprey Circle to help with drainage, but he had not heard back from the Waterfront.
- Building plans for the Osprey Circle lots are now plans are now available. The Meadows has copies.
- David and Trish expressed frustration that they have not heard back from DES on wetlands issues.
- Ken distributed a two-page document outlining his thoughts with respect to both lot 2-7 and Osprey Circle. Each issue has a corresponding concerned party (MPCA, Meadows, or Waterfront). The document addresses issues of drainage, wetlands protection, and the definition of a duplex.
- A timeframe for completion for construction on Osprey Circle was discussed. Concerns were raised as to how long an incomplete site could linger (e.g. pour a slab foundation and then wait multiple years before building). Town regulations are vague.

Gordy discussed the fact that Walter has approached him and others regarding his willingness to construct, at his expense, a water garden on Waterfront property on the east side of private Cushing Road and north of his building lot. The construction of the water garden would be at his expense but he would assume no responsibility for its maintenance. Walter expressed his belief that the water garden was not required or necessary to control the flow of water in the area.

**A motion to reject the Walter Cheney offer to construct a water garden on Waterfront property was made, seconded, and unanimously approved.**

## **Adjournment**

**A motion to adjourn the meeting was made, seconded, and approved.**

## *Moody Point Waterfront Condominium Association*

May 1, 2016

Mr. Michael Hoffman

Code Enforcement Officer

Town of Newmarket

186 Main Street

Newmarket, NH 03857

Dear Mr. Hoffman,

We are writing to you as board members of the Moody Point Waterfront Condominium Association ("the association"). We'd like to voice the concerns of our members regarding the potential impacts of the owner's planned development of Lots #2 - #7 on Cushing Road.

The association respects the owner's vested development rights for this land. It understands that the town has now issued a building permit for the construction of a duplex on this site. Beyond the association's concerns with the potential environmental and aesthetic impacts of construction at this location, it has practical concerns – as an abutter – regarding the potential impacts of construction on this parcel of land. These include: 1) potential deleterious impacts to the condition and use of the adjacent MPCA "fire road"; 2) potential drainage impacts on land immediately adjacent to the construction site (to the south of Units # 507-#510); and, #3) potential impacts on the flow of water to the fire pond, which our association – and the town – rely on for fire suppression.

- 1) The fire road was constructed over twenty years ago. It provides access to a dry hydrant, immediately adjacent to the pond itself. The road was sited and constructed to provide critical access for town fire department personnel and equipment. This access road is immediately adjacent to the development site. The association has concerns regarding potential damage to the road during construction. Further, it is concerned that the developer retains sufficient "shoulder" room to ensure that town vehicles and equipment retain unimpeded access to the pond and hydrant.
- 2) A number of years ago, the association invested more than \$10,000 to mitigate the impacts of poor drainage on land situated between the pond and Units # 507-#510. As a result, this land now features a mowed lawn that affords members year round "livable" outdoor space. Lots #2 - #7 are situated up hill and immediately adjacent to this space. The association is concerned that the proposed development could impact the southward flow of water from Cushing Road and ultimately impact the drainage and use of this lawn area which services and lends value to these four neighboring units.

- 3) Lots #2-#7 feature a wetland drainage area that directly impacts the quality and flow of water to the fire pond. The association is uncertain of the potential impacts to the quality and flow of water emanating from these lots during and after construction. The pond represents a critical source of water supply for fire suppression and a sensitive habitat for Moody Point wildlife species. The association is eager to make certain that this resource is not negatively impacted – both short and long term.

The Moody Point Waterfront Condominium Association is presenting its concerns to town officials because of the unique character of this space and its proximity to its member units. Lot #2 - #7, with the neighboring fire road, residential units and fire pond are situated within a compact, compressed land area. The proposed construction is fraught with opportunities to upset the ecology and utility of these physically interrelated land uses.

The association respectfully requests that it be kept apprised by town officials if and when construction issues – relevant to the concerns expressed in this letter - arise.

Thank you, in advance, for your continued vigilance on behalf of the town of Newmarket and the residents of Moody Point.

Best regards,

Michael Hickey

363 Cushing Road

David May

512 Cushing Road

Trish Simon

510 Cushing Road