



COOLIDGE HOMEOWNERS' ASSOCIATION
PO Box 1086
Lincoln, NH 03251

11 May 2016

To: All Homeowners CHA

From: CHA Board of Directors

Re: Cutting of trees at Coolidge Falls.

Dear Homeowners:

As you may remember, we discussed the issue of the cutting of trees on Common Land at our annual meeting last December. Unfortunately, it appears that some trees have been recently cut on Common Land for the evident purpose of improving views. Note that "**Common Land**" is defined in our Bylaws as all of the property outside of the building footprints. Because of this, we are sending a friendly reminder to all Homeowners that both approval and information on how to contract for any tree work, must be obtained from the Association Office before any trees may be removed or trimmed. While the Board believes the Association has been very accommodating of such requests, trees continue to be cut without approval.

Please note that Section 1(d) of the Declaration of Covenants, Reservations, Restrictions and Easements for Coolidge reserves to the Association exclusive authority to maintain common land, and that Sections 12(a) and 13 of the Declaration specifically prohibit any lot owner from cutting trees, shrubbery, or brush on general and limited common land without authorization from the Association. These provisions of the Declaration exist in order to ensure that the potential for drainage and erosion problems inherent in the steeply sloping land of Coolidge is minimized, and to comply with the intent of the Landscape Master Plan adopted by the Association to preserve to the extent practicable a natural woodland appearance and to maintain natural visual barriers between houses.

Also worth noting, that in addition to the prohibitions of the Declaration, state law provides serious civil and/or criminal penalties for cutting trees on land of another without authorization. The applicable statutory provisions of New Hampshire's legal code ("New Hampshire Revised Statutes Annotated") read as follows:

RSA 227-J:8 Trespass; Civil Penalty. –

I. No person shall negligently cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. In addition to any other civil or criminal penalty allowed by law, any person who violates the provisions in paragraph I shall forfeit to the person injured no less than 3 and not more than 10 times the market value of every such tree, timber, log, lumber, wood, pole, underwood, or bark cut, felled, destroyed, injured, or carried away.

RSA 227-J:8-a Trespass; Criminal Penalty. –

I. No person shall recklessly cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. A person who violates the provisions of paragraph I shall be guilty of a class B felony if the loss is greater than \$1,000, or a misdemeanor for any other loss.

Note that it takes the wrongful cutting of only one tree to run afoul of these statutes. Accordingly, we all need to remember that any future instance of an unauthorized cutting of trees will subject the Homeowner not only to the imposition of a fine and the charging of a special assessment under authority of CHA by-laws for repair of any damage to the land and replacement of the trees, but also - depending upon the nature and seriousness of the act - to a possible civil suit for enhanced damages.

We trust we will have everyone's cooperation in maintaining our beautiful landscape at Coolidge Falls. Please contact the CHA Office if you have any questions or concerns regarding this issue.

Very truly yours,

CHA Board of Directors