

To: Dover City Council

From: Dorothea Hooper

Re: School Board Meeting – 1/10/11

Date: 1/11/11

During Citizens Forum two items were discussed:

1. Possible redistricting by moving students from Garrison to Horne Street School. Some parents were hoping the Board would postpone the move. They questioned whether or not class sizes would actually be smaller. What would the situation look like if nothing was done for a year?
2. Students from the Middle School (6th grade) requested the Board reverse their decision not to approve their trip to New York related to their curriculum. Approval had been denied because some students might not be able to afford the \$90 needed to pay for the trip.

In response to student requests, the board did approve the trip to New York.

In the interests of getting each elementary school at approximately 500 to 550 students and with the desire to fill what would be empty rooms at Horne Street while Garrison would remain overcrowded, the Board approved the plan to redistrict students.

During the Consent Agenda, the Board voted not to approve the annual French trip which was requesting approval for 2012. The major objection was the cost per student while chaperones' costs would be covered by student fees. While this is standard procedure for these overseas student trips, board members felt it was an additional burden on students taking an expensive trip. In addition, there was no fun raising proviso in this proposal for students unable to cover the costs.

The book selection for Dover Reads was distributed to board members. All Dover residents are encouraged to read this book with the children and participate in varied activities during this event.

JBC reports indicate that both the Horne Street School and Media Center at the McConnell Center are wrapping up. Board members will probably be broadcasting from the new media center in March.

A presentation was made explaining the Tufts University Math Initiative Program that Dover teachers have begun participating in and the improvement in math skills and attitudes they hope to achieve. Six teachers are currently participating. The program is being financed by a 5 year grant.

Sandy Crosson explained a SPED Study program she would like to use to evaluate the Special Education Department as to its effectiveness in relation to costs as well as the climate and culture SPED has in the schools. She requested approval to hire a professional company (American Education Consultants) to make this evaluation. The cost would be \$38,000 which the district could cover using federal funds earmarked as DINI money. No local taxes money would be involved. This program was highly successful in Portland and is now being tried in Rochester. We are able to realize some savings by having them in the area. The Board approved this program.

Under Board items of interest, one board member stated he would not vote for any field trip that does not provide for fundraising for students who need financial help. Another board member felt that a good many students were being denied the right to go on a trip because some of their classmates could not afford to go.

It was suggested that the Board might discuss this issue at their upcoming retreat and perhaps make a consistent policy regarding field trips.



POOL-A-THON TO SUPPORT DOVER'S POOLS

This year the City of Dover has faced many economic challenges to fund services to the community. We are fortunate to have two excellent aquatic facilities in Dover and have been asked to do all we can to raise funds to support the pool operations.

We have a goal to raise \$50,000 by June 30, 2011 to help in the effort to reduce the City subsidy for the pools. One event that will help us do this is the first annual Pool - A - Thon to be held during the week of January 24 to January 30, 2011. All pool users (high school swim teams, Seacoast Swim Association, Great Bay Masters, lap swimmers, therapy swimmers and recreational swimmers) are being asked to help.

Starting in mid December pool patrons, teams and group members will have the opportunity to get a pledge form and collect pledges and donations that can be dropped off at the Indoor Pool between January 24th and January 30, 2011.

Any questions? Call Ann Fredette at 742-5153

Thank you!

checks payable to:
Dover Pool Fund

Dover Pool Advisory Committee updates

January 12, 2011

Updates from the established Advisory Boards:

Fundraising/Marketing-

- The Children's Home is to hold a bake sale at the High School swim meet on January 22nd with proceeds going into the Dover Pool Fund.
- DPAC t-shirts are in the process of being ordered and will be distributed for sale.
- Work continues on writing grants to secure donations from some of the larger local businesses.
- Fosters Daily Democrat has assigned a reporter to cover Dover Recreation topics on a regular basis and two articles have appeared in recent weeks. DPAC is working on securing a monthly column specific to the Pools.
- A monthly newsletter on the pools is being created and will be distributed to all of the recreational facilities.
- A video through channel 22 featuring swimming history in Dover has been proposed and will be pursued.
- A recent fundraiser sponsored by Uno's was a big success, bringing in \$1,400.00 to the pool fund. DPAC has been talking to other local chain style restaurants to hosting similar events.
- As a reminder:
 - Pool-a-thon and "Dover Swims"** week of January 24th – Already underway and going well.
 - Swim Clinic with Jenny Thompson**, Saturday June 25th- She has followed up on her commitment to support fundraising efforts for the pools. This is a one day clinic and is expected to be a huge success.
 - "Dover Runs for Dover Swims" 5k road/Community Trail Race**, Sunday June 26th. This is a great opportunity to promote community awareness of the Trail as well as the pools and is expected to be an annual event.
 - Summer kick-off of the J.T. Outdoor Pool**, July 2nd - great opportunity to build awareness and goodwill of the pools.

General- DPAC will be presenting to the City Council on February 16th during a scheduled workshop. I encourage the councilors to ask questions and engage in conversation on the work being done by DPAC. Also, I encourage citizens to come down to the meeting to comment at the "citizen's forum" that will immediately follow the presentation and Q&A.

Next regular meeting scheduled Monday February 17th, 2011 and to be held in the 2nd floor meeting room at the indoor pool at 7pm; public is welcome and encouraged to attend.

Respectfully submitted,

Councilor Bill Garrison

January 12, 2011
20 Arch Street

Dover NH 03820

CC. Chris Parker

To all City Council Members:

My name is Franklin Vanderheide and I too reside at 20 Arch Street as a New Hampshire resident. I would like to state that the rezoning of Arch Street from an RM-U to a RM-12 district is a logical request from the majority of the Arch Street residents who filed a petition for the City of Dover to review, discuss and adopt in the best interests of the entire community.

I support this change having resided here since November of 2006 and have come to appreciate its diverse history, its present day agenda's and most of all Dover's attention to its citizen's requests, past and present. Having said that, it has come to my attention that a complaint and petition has been filed naming Catherine Vanderweil of 20 Arch Street in violation of certain codes and misrepresentation which is compiled of misinformation and inaccurate facts. It is my intention to discredit Mr. Jones accusations with fact about a non conforming business and certain drainage issues.

I am the manager/owner of TC Maintenance LLC which solely operates in the Historical District of Fort McKinley located on Great Diamond Island in Maine and now commonly referred to as Diamond Cove. TC Maintenance LLC is a Restoration Specialist Limited Liability Corp created to attend Historical Properties listed in the Historical Register of the United States. At no time has there been a business at 20 Arch Street other than for Office Correspondence, State Tax purposes and to provide Liability Insurance coverage for all workers that Ms. Vanderweil chooses to employ.

The drainage issue is a mute point as it implies nothing to do with diverting water but rather supports an intricate system of pressure sensitive security measures under both driveways and surrounding the entire of property. Over the last few years, I have encouraged Cathy to seek a Restraining Order against Mr. Jones for inappropriate and sometimes bizarre behavior to which many guests have been witness to. Cathy feels that we can solve issues by trying to get along. On one hand Mr. Jones supports the zoning change documented on his website Arch Acres and in the next moment accusing neighbors of violation and innuendo which I hope this council takes into consideration in their future decision.

I am now encouraging Catherine Vanderweil to file a complaint with the New Hampshire Bar Association and the Texas Bar Association. I understand that he holds a professional license in both States and as such is bound by a clearly defined Code of Professional Ethics.

I would like to thank all the Council Members for your professionalism, positive attitudes and courteous attention to these facts.

Respectfully,

Franklin Vanderheide

To promote health and the general welfare;

This proposal supports the health and general welfare of Arch Street by encouraging the maintenance of the street's aesthetic quality of life. Further, by mimicking the housing types in place on the street, it encourages the most appropriate use of land in the neighborhood.

To prevent the overcrowding of land;

While the different zones do have differing dimensional requirements, density is the biggest difference between the two districts. The RM-U district allows up to three and four family dwelling units on a parcel, with a special exception granted by the Zoning Board. The R-12 district allows one unit by right, and allows 2 units if the structure meets certain criteria. As with the desire to discourage congestion on the street, this change would prevent the potential of overcrowding based upon the allowed density and the known available land.

To avoid undue concentration of population;

Currently, there are approximately, thirty (30) units contained within the thirty (30) lots within the area proposed for rezoning. In reviewing the density allowed, the undeveloped and underdeveloped sixteen (16) acres of land could generate double that amount of units, taking into account the wetlands and other environmental limitations of the property. Were this to occur there would be a large increase in population in this area which would result in taxation on the infrastructure and quality of life in the neighborhood.

Regarding section II of 674:17, the 2007 update to the City's Land Use Chapter of its Master Plan is entitled "It's All About Context." This chapter emphasizes the need for new development to be in keeping with the existing conditions in a neighborhood. Several recommendations from the chapter suggested that transition property be reviewed for altering from one district to another. The Arch Street area, while not formally recommended is in a similar situation where the zoning states one thing, but the built character demonstrates another. The Chapter speaks to encouraging neighborhood involvement in developing land use regulations, and this petition reflects that goal.

6. STAFF RECOMMENDATION

Staff recommends approval of the petitioner's request.

7. DECISION

THE DOVER PLANNING BOARD MAKES THE FINDINGS CONTAINED IN THIS DECISION AND APPROVES THE PETITIONERS REQUEST TO ZONE THE AREA AS DESCRIBED FROM URBAN DENSITY MULTI-RESIDENTIAL (RM-U) TO MEDIUM DENSITY RESIDENTIAL (R-12).

FURTHERMORE, THE DOVER PLANNING BOARD APPROVED THE PETITIONERS REQUEST TO ZONE THE AREA AS DESCRIBED FROM URBAN DENSITY MULTI-RESIDENTIAL (RM-U) TO THOROUGHFARE BUSINESS (B-3), AND FORWARDS BOTH TO THE CITY COUNCIL FOR RATIFICATION CONSISTENT WITH THE AMENDMENT PROCEDURE OUTLINED IN CHAPTER 170 SECTION 53 OF THE DOVER CITY CODE.

8. VOTE: AFFIRMATIVE ✓ 9 NEGATIVE 0

City Council
City of Dover, New Hampshire

CITY OF DOVER
10 DEC 30 AM 11:10

Dec 19, 2010

Dear City Councilors:

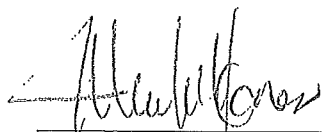
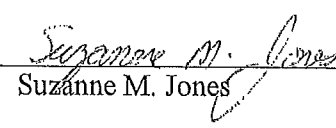
RE: Protest Petition to Rezoning of Arch Street, Dover, NH

Mark W. Jones and Suzanne M. Jones, as owners of parcel 11-14 (portions or entirety of tax map #11 parcels 11-11, 11-11-1, 11-14 and 11-14-B1) as identified in Dover Planning approved Plan 97-64 recorded in the Strafford County Registry of Deeds, so request that you honor this Protest Petition per RSA 675:5 to the proposed Zoning Amendment changing the currently designated RM-U (RM-10) zoning of our land to R-12 zoning designation on the basis that we own approx. 40% (12.07 acres) of the Zoning Amendment claims of the "approx. 30 acres along Arch Street" targeted of said amendment as per the statutorily required "owners of 20% of the area of the lots included in such proposed change". The statutory effects of this Protest Petition call at a minimum for a 2/3 majority of the City Council to pass said Zoning Amendment or to post such Protest Petition at the voter polling places.

Our Protest Petition is based on the context and effects of initiating said Zoning Amendment, and the actions of Petitioners to file this illegal "Spot" Re-zoning Amendment which call on the City to assume liability for the violation our 5th Amendment rights of the U.S. Constitution, N.H. Constitution and Supreme Court decisions by denying our rights to "due process" and without "just compensation" in the taking of our reasonable use and enjoyment of our land via this regulatory inverse condemnation.

We consider this illegal spot rezoning "taking" of our civil rights to have accrued in time to have begun on the date of "Adoption" of this proposed amendment by the Planning Board on Oct. 26, 2010.

Respectfully submitted, and thank you,


Mark W Jones and 
PO Box 1480 Rockport, Tx 78381
Suzanne M. Jones

December 20, 2010

Dover Planning Board Members
Dover City Council Members

RE: Rezoning of Arch St.

My name is Suzanne Jones. My husband Mark and I are owners of the 12 acre property on the west side of Arch St. I would like to state for the record, that I oppose the zoning change from RMU to R12 that some of the residents of Arch St. are proposing.

I can understand why some of the people of Arch St. are proposing this amendment but I don't agree with what they are doing. There is a right way and a wrong way of doing things and taking away someone else's rights to achieve a goal is never the right way. This country's principles are based on protecting each person's individual rights and this country has fought wars to protect those rights.

When Mark and I first bought our property on Arch St. in 1992, we had the same concerns that the residents of Arch St. have. We knew, just as our neighbors did, that because we didn't own the land behind our properties, something could be built there at any time; yet, we all chose to live there. The difference between us and the other owners is that when we first moved to Arch St. we made a conscious decision to try and buy the land behind our property so that we could control when and what could be built there. And, that is exactly what we did. It took us almost 10 years but we were finally able to purchase all of the land directly behind us. Every one of the people who currently live on the West side of Arch St., who are trying to take away our rights by asking for this zoning change, have had the same opportunities we've had.

In 2005, our neighbors the Catalfos, who, at that time, were the largest land owners on Arch Street, put their property up for sale. Fred Catalfo had owned most of that property for over 40 years, yet, when some of the residents of Arch St. found out they were selling it, they reacted as if it was their land and the Catalfos were trying to take it away from them. Some of the Arch St. residents tried to use similar tactics on them that they are currently using on us. Then, as now, Mark and I could not condone their actions. Mark and I did the only thing we felt was the right thing to do and that was to work with the Catalfos to try to buy their land. At the time, we had hoped some of our neighbors, especially those whose properties abutted the Catalfo property, might offer to go in with us, unfortunately, no one did. Even after we bought the land, we spoke to several of our neighbors asking if any of them wanted to purchase some of the land behind their properties to protect themselves. Every one of them declined.

Mark and I have owned property on Arch St. for over 18 years. We have lived there longer than every one of the current abutters now living there with the exception of the Buckleys. The entire time we have owned the property it has been zoned the equivalent of RMU. Now, when we can no longer be the "caretakers" of the land and no one else on Arch St. wants to become the new "caretaker" rather than spend their money to purchase our land, they are asking the city of Dover to "take our land from us" because that is exactly what this zoning change will do.

If you recommend this zoning change, what kind of message will it send to all of the property owners of Dover? If rights can be taken away so easily from such long term owners, whose property is safe? I ask you to please vote no on recommending this amendment.

Sincerely,


Suzanne Jones

WADLEIGH, STARR & PETERS, P.L.L.C.

WILLIAM C. TUCKER
EUGENE M. VAN LOAN III
JOHN E. FRIBERG, Sr.
JAMES C. WHEAT
JOHN A. LASSEY
RONALD J. LAJOIE
KATHLEEN N. SULLIVAN
JEFFREY H. KARLIN
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PIERRE A. CHABOT
JOSEPH G. MATTSON

December 23, 2010

Dover City Council
288 Central Avenue
Dover, NH 03820

Re: Protest Petition of Arch Street Rezoning

Dear Dover City Council:

Enclosed please find a protest petition being filed pursuant RSA 675:5 and Section 170-53(g)(4) of the Dover City Code with regard to the proposed Arch Street rezoning. As you can see, the owners of over half of the impacted acreage object to this proposed rezoning. If adopted by the Dover City Council, the proposed rezoning will result in 80% of the impacted lots being non-conforming.

Due to the filing of this Protest Petition, a two-thirds vote of the City Council will be necessary to adopt the proposed rezoning.

Please do not hesitate to contact me with any questions or concerns

Very truly yours,



Michael J. Tierney

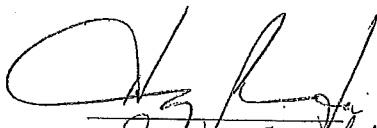
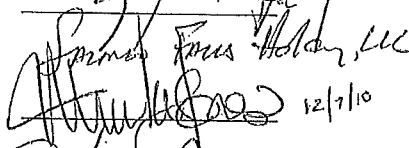

Zoning Protest Petition of Arch Street Rezoning Pursuant to RSA 675:5 and Section 170-53(G)(4) of the Dover City Code

We, the undersigned landowners in the City of Dover, in order to promote stability and continuity of zoning legislation, do hereby object to the zoning amendment described below and respectfully petition that a two-thirds vote of the legislative body be required to enact the proposed amendment. The proposed amendment to the zoning ordinance which is the subject of this petition was advertised in the Fosters Daily Democrat on November 24, 2010 and is a proposal:

“Changing from Urban Density Multi-Residential (RM-U) to Medium Density Residential (R-12) an area of approximately 30 acres along Arch Street consisting of the following parcels or portions of parcels: 10-152, 10-153, 10-154, 10-155, 10-156, 10-157, 10-161-1, 10-162, 10-163, 10-164, 11-9, 11-10, 11-11, 11-11-1, 11-13, 11-14, 11-14-B, 11-14-B-1, 11-15, 11-16, 11-17”

The proposed amendment to the zoning ordinance was considered by the Dover Planning Board on December 7, 2010.

Legal Description of Property Affected by Zoning Amendment

<u>Name</u>	<u>Address</u>	<u>Map/Lot#</u>	<u>Acres</u>	<u>Signature</u>
Salmon Falls	46/48 Arch Street	11-16	4	
Mark Jones	Arch Street	11-14	12	 Salmon Falls Holdings, LLC 12/7/10
Hank Brandt	40 Arch Street	11-15	0.246	

Total Acreage in Protest Petition: 16.246

Total Acreage in Zoning Amendment: 31.045

Percentage¹ of total acreage in Protest Petition: 52.3%

¹ This includes the Boston and Main Railroad property which is a non-residential use. If the railroad property was not included, the protest petition would represent **74% of the total acreage.**

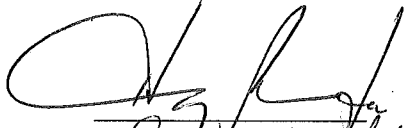
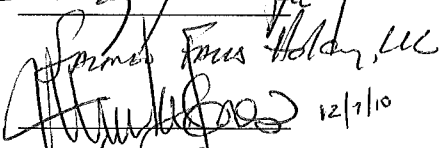
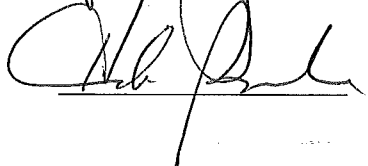
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City of Dover, New Hampshire

CITY OF DOVER
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Dec 19, 2010

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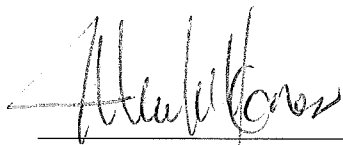
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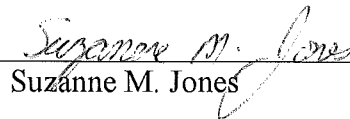
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PO Box 1480 Rockport, Tx 78381

and



Suzanne M. Jones

December 20, 2010

Dover Planning Board Members
Dover City Council Members

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Suzanne Jones

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JOSEPH G. MATTSON

December 23, 2010

Dover City Council
288 Central Avenue
Dover, NH 03820

Re: Protest Petition of Arch Street Rezoning

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Due to the filing of this Protest Petition, a two-thirds vote of the City Council will be necessary to adopt the proposed rezoning.

Please do not hesitate to contact me with any questions or concerns

Very truly yours,



Michael J. Tierney

City Council
City of Dover, New Hampshire
January 11, 2011

RE: Notice of Decision by the Planning Board regarding the rezoning of Arch St.

Dear City Councilors:

My name is Suzanne Jones and as I mentioned in my 12/20 letter attached to the Protest Petition to the City Council, my husband and I lived on Arch St. for almost 20 years and we currently own the twelve acre property behind the houses on the west side of Arch St. We've been living out of state since March but we hope to have some of our property off of Arch St. developed so my husband and I can move back. Because we desire to return, we have a vested interest in how this rezoning affects the neighborhood and the city of Dover.

According to Mr. Parker's analysis, the main concerns of the petitioners are their desire to limit growth, traffic and to maintain the character of Arch St. In regards to the first concern, some of the Arch St. residents have claimed that 150 units could be built on our property; on the other hand, one of the city officials claimed that up to three quarters of our property may be wetland yet neither the city of Dover nor the Arch St. residents have ever done a survey or wetland study of our property. After the first Planning Board discussion regarding the rezoning back in October, my husband contacted the Arch St. residents. He told them that we would be willing to agree to one unit per half acre of land (which is even less density than they currently enjoy now on Arch St.) if they withdrew the petition. My husband then repeated this offer at the next two Planning Board meetings. Apparently no one was paying attention because at the December 7th Planning Board meeting, one of the Arch St. residents stood up and again stated that over 100 units could be built.

As for the increase in traffic that would be added, according to the December 2010 Arch St. traffic study, on average, 5800 cars a day traverse Arch Street. Even if we had as many as 24 units that would still generate less than a one percent increase in traffic and would have a negligible effect. In addition, the Planning Board just went through a thorough study and substantial rezoning in 2008 and 2009. If they had thought Dover's infrastructure would be compromised, I'm sure they would have recommended rezoning Arch St. and all the developable land around it at that time.

As for any development "changing the character" of Arch St., how will it do that? Arch St. is similar to many of the residential streets in downtown Dover. It has several multi-units (three of which directly abut our property) mixed in with duplexes and single family homes. It has small homes on tiny lots right next to larger homes, old homes next to new homes, it ranges in styles from Victorian to ranch and everything in between. In addition, almost all of the developable land off of Arch St. is far back from the road, almost the equivalent of Lexington St. to Arch St. It'll be a separate neighborhood where the majority of it won't even be seen from the road. And, why is "changing the character" perceived as a bad thing? After my husband and I moved to Arch St., one of our neighbors told us that as the little brick English Tudor on the west side of the street that we moved into was being built in 1947, many in the neighborhood hated the house. They thought it was too modern and didn't fit in with the "character" of the neighborhood. Now, I think most people would agree that it not only fits in with the character of Arch St. it enhances it. Sometimes an old neighborhood can use some new character.

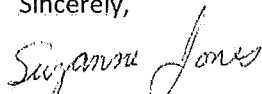
Mr. Parker also mentions that the petitioners believe that their neighborhood has more in common with R-12 zoned neighborhoods. If this is true then why would rezoning Arch St. turn 75-80% of all the properties into non-conforming properties? Based on the number of non-conforming properties R-12 zoning would cause, I would say that Arch St. has more in common with their neighbors that are zoned RMU not R-12.

In 2009, Mark and I gave a drainage easement to our neighbors the Bocs. In exchange for this easement, Will Boc's law firm would do the work for our lot line adjustment. In an email from Chris Wyskiel (the land attorney and partner at the firm) to my husband, he states that he had to change the plan we wanted "in order to achieve Zoning Ordinance conformity for all 3 lots". He further states that "Mr. Parker is pleased that we would propose conformity for all lots and that it will get through zoning much more easily and with city support" and that he does "not recommend changing any lines that preclude plan's achieving Zoning conformity (as to frontage) for all lots. That's HUGE for city approval recommendation."* Yet, less than a year and a half later, Mr. Wyskiel drafts a petition for some of the Arch St. residents to rezone Arch St. from RMU to R-12 which (as I stated previously) potentially turns 75-80% of the properties into non-conforming properties. Why in 2009 was it a big issue for the Planning Board if only one of our lots was non-conforming but in 2010, it doesn't seem to be that much of an issue if 75-80% of all the lots on Arch become non-conforming?

According to the Planning Board R12 is what the majority of the Arch St. residents and property owners want. What are they basing this assumption on? Unless we're missing a page, the copy of the petition we have has three partial pages of signatures with a total of thirty three names. Ten of the names belong to people who don't even live or own property on Arch so I'll exclude them since their properties won't be affected by the zoning change and according to the Planning Board, it's based on what the majority of "Arch St." residents and owners want. That leaves twenty three names. One other name needs to be excluded as well, Ms. Bastinelli at 40 Arch Street. According to the realtor representing the sale of the Bastianelli house, the Arch St. petitioners went to the nursing home where Innocenza Bastinelli currently lives to ask her to sign the petition and it is questionable as to whether or not she knew what she was signing. I don't know if this is true but what I do know is that Ms. Bastinelli has not lived on Arch St. for at least a decade and that her property was for sale at the same time the rezoning was first being discussed publically and has since been sold. As a result, she is no longer a resident or property owner on Arch Street. According to Mr. Parker there are approximately thirty dwelling units within the area proposed for rezoning. From my knowledge of the neighborhood I would say that at least 80% of the units have two or more residents or owners and about 20% where only one person is the owner or resident. With thirty units that would be about fifty four people who currently live or own property on Arch St. Only twenty two Arch St. residents or owners signed the petition. Less than half the residents and owners of Arch St. signed the petition and those same people own less than 20% of the land they're asking to be rezoned, whereas, the people who did not sign the petition own more than 80% of the land.

With less than half the property owners and residents of Arch St. asking for this zoning change and with so few if any benefiting from this change why would the city of Dover be willing to give up valuable RMU land, deny the citizens of Dover access to affordable housing, turn a majority of properties into non-conforming lots and strip all the owners on Arch St. of their rights? The Dover voters would never vote to approve this recommendation so please represent their interests.

Sincerely,


Suzanne Jones

*Documentation for quotations may be provided upon request