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June 20, 2016

Dover City Council
288 Central Avenue
Dover, NH 03820

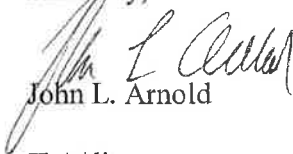
RE: Central Avenue/Glenwood Avenue Rezoning

Dear Mayor Weston and Members of the City Council:

This law firm represents Scott Mitchell Real Estate, LLC in connection with the Citizens' Petition to Rezone the 4 parcels at the corner of Glenwood Avenue and Central Avenue. As part of our presentations to the Planning Board and this Council, Mr. Mitchell agreed to place a portion of 8 Glenwood Avenue under an open space/no-development restriction. This letter is to memorialize that agreement, and to formally assure the Council that Mr. Mitchell will not develop the southeasterly portion of that property and will grant the Town an open space/no-built easement as part of the site plan approval process.

We understand that certain abutters have requested that the boundaries of the open space be defined as part of this rezoning process. Unfortunately, Mr. Mitchell is not in a position to delineate those boundaries at this time, as they will depend in large part on the site plan review process. While conceptual plans have been drawn for information purposes, the site has not yet been designed, and as such, precise boundaries for the open space cannot yet be set. Nonetheless, Mr. Mitchell will work with the Planning Board through the site plan review process to ensure that the southeasterly portion of 8 Glenwood Avenue remains undeveloped.

Sincerely,



John L. Arnold

JLA/dj

cc: Scott Mitchell Real Estate, LLC
Chris Parker

► ALBANY ► BOSTON ► CONCORD ► HARTFORD ► NEW YORK ► PROVIDENCE

HINCKLEY, ALLEN & SNYDER LLP, ATTORNEYS AT LAW

#55845289

Lavertu, Karen

From: Ellen Wood <ewallpe@worldpath.net>
Sent: Wednesday, May 18, 2016 1:31 PM
To: City Council - All
Subject: Crescent Avenue/Glenwood Avenue Project

Please let this email serve as a Crescent Avenue home owner **OPPOSED** to the rezoning of #8 Glenwood Avenue. I have written before, as well as spoken at the last meeting. Crescent Avenue development/street is close to 60 years old. We have home owners that have been paying taxes for 30-40-50 years religiously and their quality of life matters. As a group, we **DO** understand the City of Dover continuing on the economic development growth path, but not at the detriment of their citizens that have chosen to make Dover their home.

Crescent Avenue, as it sits now, is quiet, safe, neighborly and overall one of the most pleasant areas I have ever lived. I have lived in many areas from being in the service, to being married to my ex-husband who was in the service and prior to Dover living in Maine. The woods behind the homes that will directly abut Glenwood Ave property development are a natural buffer from Central Avenue. They prevent noise, promote wildlife, continue the ecologically sound green spaces of Dover (which are slowly disappearing), support the Berry Brook project and are necessary to maintain our current lifestyle. I don't want to come home late and drive down Crescent and see an ugly 6-8-10 foot white fence instead of beautiful trees. I don't want to get the overflow of possible drunks from the proposed restaurants bar come drive down our road. During the day when looking over my right shoulder would I rather see trees or asphalt? I know you know the answer to that.

I have been told when Walgreens was being built my neighbors had water pouring into their basements, how are you going to avoid the same thing happening when the woods/wetlands capture the natural unpolluted run off from rain, but it will have nowhere to go except asphalt? If it's nothing but asphalt, that run off will have nowhere to go and then run off will consist of direct pollutants from cars. delivery trucks, garbage etc.

I enjoy my street, my life, my neighbors. I beg you to **reconsider** changing the zoning to business. There is plenty of business space available on Central Avenue that he can develop to his heart's content. I also don't understand if Dover spent 3 million dollars on the Berry Brook project, why would anyone in their right mind jeopardize that project? I would imagine my tax dollars helped to fund that project, I would like not to have to pay to redo a project of that size and/or make that project null and void for money! Thought needs to be for the future and what that will do not only for my neighbors and my property values but also do we want an equivalent of concrete city for Dover?

If you go ahead with this project, will you reassess our properties because now they won't be worth what they were when they had the natural resources surrounding their properties. I bet not, will those hard feelings or those extra few dollars, in the long run, be worth it.

Thank you for your time and reading this opposition to Glenwood/Crescent avenue project.

I have just recently been told that there is an applicable to subdivide the lot into 7 home lots. I don't know the laws for or against that, but 7 home lots behind Crescent Avenue would be one crowded area. I hope that application would need approval other than and Dover "boards" and the neighbors would have a say so in it's development.

Ellen M. Wood, CPC, CMPE
Practice Manager
Seacoast General Surgery, PC
750 Central Avenue

Lavertu, Karen

From: Ellen Wood <ewallpe@worldpath.net>
Sent: Tuesday, May 24, 2016 4:47 PM
To: City Council - All
Subject: ReZoning 8 Glenwood Ave Parcel

Please do all that you can as elected officials to stop the re-zoning of 8 Glenwood. There is no need. The developer can develop the Central Avenue parcels without any concerns, leave Residential – Residential! Everyone needs to ask if this “improvement of the neighborhood” (developers response when asked at the neighbors meeting, what is the advantage to this development for Crescent Avenue) is an improvement that you would welcome? I doubt it, having noise, lights, pollution, rodents invade your once quiet, peaceful and safe neighborhood/street-avenue.

Thank you taking the time to read this and give it consideration. Ellen Wood

May 24, 2016

To All This May Concern

Ward 1, City of Dover Officials, US Representatives

RE: OPPOSED TO Re-Zoning of #8 Glenwood Avenue, Dover, NH

I plan at being at the meeting tonight and hopefully get the opportunity to speak, but would like to also put something in writing to the people that have been voted in to represent me.

I am located in Ward 1, live at 15 Crescent Avenue, Dover NH. Our street has to be one of the best in the town of Dover. We all take pride in the homes that we own, many of our home owners have been here since the development in the 50's, never being late on their payment of taxes. We love the peace and neighborly feeling of our street and do not want that to change.

A developer has proposed to buy 3 parcels on Central Avenue (already zoned Commercial) and 1 parcel at #8 Glenwood Avenue (zoned Residential). The developer proposes to change #8 Glenwood from Residential to “Thoroughfare Business”. The proposed plans that have been presented at a local neighbors meeting, as well as the planning boards meeting shows nothing less than commercial businesses encroaching onto our private, quiet, lovely street of Crescent Avenue.

Should they approve rezoning of 8 Glenwood, that gives the developer unlimited (almost) power to build whatever he wants on those parcel of lands. I do not object to Dover's economic development, (3 parcels on Central- already zoned for business) but I do object to doing it at the cost of changing quiet neighborhoods to busy, polluted and dangerous areas. A restaurant will bring noise, pollution from the delivery trucks, possible drunks wandering, rodents, lights and everything contradicting why a homeowner will purchase a home on a residential street, not to mention the value of our homes decreasing. Will the tax department reduce our taxes? A bank with drive-up brings it own sets of problems. The original proposal had over 60% of the 4 parcel development ON the parcel at Glenwood. The developer told us in the neighbors meeting, it was “4 parcels or nothing” but he somewhat changed his tune at the last planning board meeting. Staying he would see about a proposal without Glenwood. He also continually said he was a good neighbor, well this good neighbor has already lied and his motivation is to make money, he doesn't truly care what it does to my neighbors on Crescent Avenue.

Develop the 3 parcels on Central all you want, that's what Central Avenue is all about, leave the residential area ALONE. We like our quiet, clean, lovely area and I don't want to take a left onto Crescent and see a 8 foot white fence and hear all the Central Avenue noise.

What also should be considered is much of the land he is talking about developing is wetlands and land that was included in the Berry Brook Project, which we taxpayers helped to pay for! Did we just throw our money down the toilet? We will have, if he doesn't have to consider that project and the long-term effects on pollution.

I respectfully request that you look into this, think of the BIG picture of rezoning the parcel at 8 Glenwood and support myself as well as others in opposing this rezoning.

Respectfully, Ellen M Wood: 15 Crescent Avenue, Dover, NH 03820

Lavertu, Karen

Sent: Wednesday, May 18, 2016 11:50 PM
Subject: PROPOSED REZONING OF GLENWOOD AVENUE & CENTRAL AVENUE

I am asking each Planning Board member to think really hard when you make your decision regarding your vote on the above subject on May 24th. My request is you deny the rezoning proposal as written and have the developer rewrite his request removing Parcel 4, which is on 8 Glenwood Avenue. This would still allow the developer to build the bank, restaurant and other store fronts on Parcels 1,2, and 3.

The reasons for this request are shown below and all have negative impacts to the abutters and residents in the area. Additionally, would the board please explain the hardship that necessitates the developer to request this rezoning from residential to business (B-3).

- Quality of life for the residents on Glenwood Avenue, Crescent Avenue, as well as Horne, and Glencrest Avenue will greatly be affected.
- Wet Lands – this major development could damage the Vernal Pool and adversely effect the WTP which was just upgraded/improved in the past few years
- Berry Brook – DES did a study on Berry Brook and provided information as to what should be done to improve Berry Brook water quality. DES provided a cost estimate and suggested Federal, State, and City Funds could be secured. The Berry Brook project was completed at a cost of \$1m to \$3m. What future contamination damage to Berry Brook will be caused by this rezoning? Cautions made by DES was “stormwater runoff is the largest contributor to the bacteria and nutrient impairment in the watershed”. Will the development of 8 Glenwood Avenue, for any reason, cause an increase of stormwater runoff adding bacteria and nutrient impairment back into Berry Brook and wasting the millions of dollars already spent for it’s quality improvements.
- Disruption to the wild life that visits the area each year (deer, moose, fox, bats, birds, etc.).
- Traffic increase – traffic already a nightmare. This development will add to an existing problem with Horne Street School, buses, parents taking and picking up children to and from school, WalGreensda customers entering and leaving the exit onto Glenwood, emergency vehicles that use Glenwood Ave. to respond to calls at this end of town and the many cars that use this route to get to and from Liberty Mutual and the Industrial Parks on Sixth Street. This route is also an active route for walkers and runners each day.
- Lighting
- Rodents
- Noise from delivery trucks, trash vehicles, roof top A/C, exhaust fans, etc.
- Fumes
- Dumpster Diving
- A natural noise and visual buffer now exists with the many trees on the properties but will be removed if rezoning is approved.
- Homeless
- Drugs
- Other potential crimes

Please consider the well being of the long standing residents and the impact on this well established 60 plus year neighborhood who pay taxes to the city, constantly improving their property all in an effort to contribute to making Dover the fastest growing city in the State. AT WHAT POINT IS “ENOUGH, ENOUGH”?

Lavertu, Karen

From: Brian Kelly <kellybsr@comcast.net>
Sent: Thursday, May 26, 2016 4:25 PM
To: Ben & Marcia Witham; Bob & Roberta Steele; Dana & Karen Parry; douglasridley@gmail.com; Ellen Maura Wood; Gregg Lavasseur; John Wyeth; Kathy Smith; Keith & Lee Colderone; Perry & Keith; latch12345@gmail.com; Lee-Anne Sanfacon; Scott Kelley; sjogasingh@gmail.com; sue.salehkhoul@comcast.net; sweetaman1993@gmail.com; Aileen West; Ann Rae Kelley
Cc: Planning Board - All; City Council - All
Subject: GLENWOOD & CENTRAL AVENUE REZONING

To the neighbors on Glenwood Avenue, Crescent Avenue, Horne Street, Glencrest Avenue, Roosevelt Street, Lowell Avenue, and Paige Street who worked so hard to prevent the rezoning of 8 Glenwood, I say a huge "THANK YOU".

I want to thank you all for the time and effort you put into trying to save one of the nicest residential areas in Dover. It is obvious we not only lost the battle with the city but we probably lost the war. We did not accomplish what we all worked so hard to prevent as the Planning Board saw fit to approve the rezoning for the developer without regard of and to the requests of the city's long standing residents. Even though the most affected homes are Aileen West (10 Glenwood), Dick Casimiro's (4 Crescent), Richard Bennett, to some extent (6 Crescent) and Ann & myself (2 Crescent) all of you supported us and were active to keep our residential area as it exists today. The four of us will have these businesses in our backyards and the city has basically said, accept having this development in your backyard or move. After 40 plus years living in this wonderful neighborhood that is an option we are now seriously considering. It is very obvious to me the City Council will follow suit with the recommendations of the Planning Board and the Planning Director, not the residents.

If the Casimiro's, Bennetts, and Wests wish to continue, just contact me. At the very least we could try to hold the developer's feet to the fire and make sure all promises to the abutters will be in writing and made part of the agreement with the city and keep DES informed as they requested.

We all know we made the best arguments to the Planning Board we could. I understand their position that they believed they could not stop the proposed request as it met all legal requirements. Although it is hard for me to believe that a rezoning request, particularly one to change residential to Business Thoroughfare (B3) and "dump" this development in the remaining residential area, does not require the developer to show the hardship they are suffering to require this rezoning request. My limited knowledge of this process, and it is limited, seemed to indicate showing hardship for the rezoning request was a requirement, at least it is in some nearby surrounding communities. In Dover I guess not.

So again, I thank all of you for your effort. You are a fantastic group of neighbors and Ann and I are truly delighted to have come to meet some of you for the first time. Let's consider this process we went through as a learning experience as to how our city government works. Please do not continue to spend your time on asking the City Council to stop this rezoning but spend your valuable time on something you can actually control. Time is too precious, particularly as you get older.

Thank you,
Brian & Ann Kelley

Lavertu, Karen

From: Brian Kelley <kellybsr@comcast.net>
Sent: Monday, May 30, 2016 1:54 PM
To: Planning Board - All
Cc: City Council - All; Watters, David H.; Verschueren, James; peter.schmidt@leg.state.nh.us
Subject: PROPOSED REZONING OF GLENWOOD AVENUE & CENTRAL AVENUE

I am asking each Planning Board member to think really hard when you make your decision regarding your vote on the above subject on May 24th. My request is you deny the rezoning proposal as written and have the developer rewrite his request removing Parcel 4, which is on 8 Glenwood Avenue. This would still allow the developer to build the bank, restaurant and other store fronts on Parcels 1,2, and 3.

The reasons for this request are shown below and all have negative impacts to the abutters and residents in the area. Additionally, would the board please explain the hardship that necessitates the developer to request this rezoning from residential to business (B-3).

- Quality of life for the residents on Glenwood Avenue, Crescent Avenue, as well as Horne, and Glencrest Avenue will greatly be affected.
- Wet Lands – this major development could damage the Vernal Pool and adversely effect the WTP which was just upgraded/improved in the past few years
- Berry Brook – DES did a study on Berry Brook and provided information as to what should be done to improve Berry Brook water quality. DES provided a cost estimate and suggested Federal, State, and City Funds could be secured. The Berry Brook project was completed at a cost of \$1m to \$3m. What future contamination damage to Berry Brook will be caused by this rezoning? Cautions made by DES was “stormwater runoff is the largest contributor to the bacteria and nutrient impairment in the watershed”. Will the development of 8 Glenwood Avenue, for any reason, cause an increase of stormwater runoff adding bacteria and nutrient impairment back into Berry Brook and wasting the millions of dollars already spent for it’s quality improvements.
- Disruption to the wild life that visits the area each year (deer, moose, fox, bats, birds, etc.).
- Traffic increase – traffic already a nightmare. This development will add to an existing problem with Horne Street School, buses, parents taking and picking up children to and from school, WalGreensda customers entering and leaving the exit onto Glenwood, emergency vehicles that use Glenwood Ave. to respond to calls at this end of town and the many cars that use this route to get to and from Liberty Mutual and the Industrial Parks on Sixth Street. This route is also an active route for walkers and runners each day.
- Lighting
- Rodents
- Noise from delivery trucks, trash vehicles, roof top A/C, exhaust fans, etc.
- Fumes
- Dumpster Diving
- A natural noise and visual buffer now exists with the many trees on the properties but will be removed if rezoning is approved.
- Homeless
- Drugs
- Other potential crimes

Lavertu, Karen

From: Brian Kelley <kelleybsr@comcast.net>
Sent: Friday, June 10, 2016 1:09 AM
To: City Council - All
Cc: Ellen Maura Wood; kathysmith9@aol.com; latch12345@gmail.com; west.aileen@yahoo.com; Dana & Karen Parry; keithandlee@comcast.net; Lauren Clifford; Lee-Anne Sanfacon; douglasridley@gmail.com; glavasseur@gmail.com; keithlara56@gmail.com; mrbsteele@comcast.net; suelsalehkhhou@comcast.net; Sweet Man
Subject: FW: WORKSHOP OF JUNE 1, 2016 (GLENWOOD AVENUE & CRESCENT AVENUE REZONING)

Importance: High

Members of Dover City Council,

Below is an email I wrote to you on June 4th responding to your June 1st workshop. As you can tell I never finished the email or reviewed for correctness. However, after your June 8th workshop I feel compelled to send it to you now. I had called the Planning Department on Wednesday afternoon to see if your agenda for the June 8th workshop included the Glenwood & Central Avenues rezoning and would there be a chance for discussion. I was advised this was on the agenda but there would be no discussion and forwarded on to the June 22nd Council Meeting for a vote. I must not have been thinking clearly as I know I could have spoken to you using the Citizens Forum. Big error on my part.

I want to take this opportunity to make my observations known to all of you. The developer and his attorneys have been before the Planning Board and now the City Council laying out the plan for development of Central Avenue and Glenwood Avenue and his need for requesting the rezoning to a business thoroughfare B-3. Can you explain to me what Mr. Mitchell's hardship is that requires him to request a rezoning of 8 Glenwood Ave. and what are the Planning principles that support the rezoning of this parcel(s)? To me just because he wants to expand his Central Ave. phase does not meet any hardship requirements to rezone 8 Glenwood Avenue. He and his attorneys have explained they met with the residents of Crescent Avenue, "his customer", explaining what the development could be and he wanted to be a "good neighbor". We had questions which he answered and some he could not. He was to get back to us, but he Never Did. His attorney said they would continue to stay in contact with us, they Never Have.

The developer talks a good game and provides information you want to hear and he is complimented by some members of the Planning Board and Council on what he is doing for the city's Master Plan. His last meeting with you when you asked what bank was going in this development he side stepped your question and never answered. You also asked him what businesses would be going in to the development on 8 Glenwood and I believe he said he really didn't know. Well, he either lied to you or lied to the 22 residents of Crescent Avenue, Glenwood Avenue and Horne Street who were at my house in April. He told all of us that the Central Avenue side would have a bank and a small restaurant, while the property on 8 Glenwood would have a few store fronts and definitely a large restaurant. I know why he didn't tell you that when you asked. He tried to side step the answer by saying there were no tenants yet, but Jim Mitchell emphatically stressed at the neighborhood meeting that there would be a large restaurant on the 8 Glenwood lot. When the developer doesn't answer your questions directly and honestly how can you trust he is going to do what he says he is going to do? We, the residents in the area have a hard time believing he is telling us the truth.

There are other areas of Dover where Mr. Mitchell could build which are already zoned B-3 including downtown Dover. The residents in the area requested the Planning Board to deny the entire development rezoning to B-3 or at the least the 8 Glenwood property be denied and let the development on Central Avenue continue. The suggestion to deny 8 Glenwood Avenue rezoning from residential to thoroughfare B3 didn't seem to be a consideration as it seemed more important to meet the City's Master Plan than to meet the requests of the city's longtime residents whose quality

of life is going to change drastically and economically. There is NOT one resident on Crescent Avenue and those affected on Glenwood Avenue that is in favor of the rezoning at 8 Glenwood!

As I asked the Planning Board to listen to the residents and their needs and wants I am asking you to listen even more intently.

Thank you,

Brian Kelley
2 Crescent Ave.

From: Brian Kelley [mailto:kellybsr@comcast.net]
Sent: Saturday, June 04, 2016 9:21 AM
To: 'annrae12@comcast.net' <annrae12@comcast.net>
Subject: WORKSHOP OF JUNE 1, 2016 (GLENWOOD AVENUE & CRESCENT AVENUE REZONING)
Importance: Low

First let me apologize for not being at this workshop to speak. We, residents of Crescent Avenue, did not know you were going to discuss the rezoning of Glenwood Avenue and Central Avenue at this workshop or we would have attended. Today I was advised about your workshop meeting and replayed it today. I sent an email to Mr. Parker asking why we, as abutters, did not receive a notice the subject was being discussed. Mr. Parker stated they do not send out letters for workshops, however, he said he did mention to all at the recent Planning Board meeting held on May 24th that this development would be brought up at the June 1st meeting. No one attending the May 24th meeting from Crescent Avenue, Horne Street, Glencrest, Roosevelt, and Lowell heard Mr. Parkers statement. To me having only the developer and his attorney, engineer, and wet lands expert there without anyone from the residential area being effected.

The attorney and Mr. Mitchell noted that in Phase 1, there would be a bank and small restaurant, however, they did not know who or what would be the tenants in Phase 2. Well, that is not what he and his son Jim told the residents of Crescent Avenue during our meeting with Mr. Mitchell at my home in April. Mr. Mitchell hemmed and hawed and didn't want to say it was going to be a restaurant and store fronts. He finally said it may be something like that. However his son stated emphatically there will be a "large" restaurant and other store fronts. Mr. Mitchell wrote down the questions we asked that he or his son could not answer and said he would come back to us as he wanted to be a good neighbor and provide the correct answers to our questions. HE NEVER CAME BACK OR EVEN HAD THE DECENCY TO CALL. At the Planning Board meeting his attorney emphasized that Mr. Mitchell met with the residents and plans to keep an open dialog and listen to their concerns and work things out as "we are his customers". When you are the developer words often don't mean a thing, it's should be "I mean what I say, and do what say I will do". Mr. Mitchell and his staff has not done anything other than make a lot of statements to the Planning Board to allow his development to be built. As Mr. Ciotti said, "we do listen to anyone who speaks, I really mean that". Well the Planning Board listened to the developer and his attorney and not to the 30, 40, 50, and 60 year residents of Crescent Avenue. NOT 1 resident on Crescent Avenue is in favor of Phase 2 of this development.

Regarding the 6 houses the "quick" drawing Mr. Mitchell and his people presented to the Planning Board was a cul-desac, which in our opinion goes quite a ways into the wet lands. The residents would prefer residential homes behind them rather than the current plan for Phase 2.

Lavertu, Karen

From: Marcia Witham <nhmarcia@gmail.com>
Sent: Thursday, May 19, 2016 3:54 PM
To: City Council - All
Subject: Proposed rezoning of 8 Glenwood Avenue

TO: City Council, Dover NH
FROM: Marcia and Ben Witham ([603-617-7047](tel:603-617-7047))
3 Crescent Avenue, Dover NH
DATE: May 19, 2016
SUBJECT: Proposed rezoning of 8 Glenwood Avenue from
Residential to B3 Thoroughfare Business

We are opposed to this proposed Amendment for the following reasons:

- This change will drastically affect our neighborhood as we understand that under the proposal Scott Mitchell Real Estate, LLC wishes to incorporate this area of approximately 3.4 acres with numbers 824-829 Central Avenue which is currently zoned for Business.
- There will be additional traffic, lighting, noise and air pollution.
- Our greatest concern, however, is the wetlands located on this property. We have vernal pools that house many, there are deer, and in fact they have been in our yard, fox, many birds and other wildlife. The trees that are there sustain the environment, and if they are removed will cause great impact. We have spent much as a City over the past few years in order to bring Berry Brook back and this seems that it will only render all our effort and resources as meaningless.
- There is a water problem in this area as there are many springs and with new construction of the sort proposed, we expect it will only add to this substantially. We need to have porous soils that will filter to Berry Brook, not paved with all the runoff that happens going into an environmentally fragile area.

Lavertu, Karen

From: David Latchaw <dlatchaw@sau14.org>
Sent: Thursday, May 19, 2016 5:56 PM
To: Planning Board - All
Cc: City Council - All; Watters, David H.; Schmidt, Peter B.; Verschueren, James; Baber, Bill; sparhvk@comcast.net; Bixby, Peter; Cheney, Representative Catherine; Treleaven, Susan; Southworth, Thomas; Ward, Kenneth
Subject: From: David Latchaw, 1 Crescent Ave, Dover, NH - Re: the proposed rezoning of 8 Glenwood, Parcel 4 (Dover, NH)

To the Dover Planning Board:

My name is David Latchaw. I am a proud product of Dover's schools, a former Dover employee, and now I am a property owner at 1 Crescent Avenue where I have proudly made my home for the past 10 years. I am also an educator, and currently I am working on my third graduate degree in education. Thus, I would like to share my feelings about some proposed rezoning that will soon be coming before the Dover Planning Board, while simultaneously (hopefully) imparting some knowledge.

I am writing this letter because of the grave concerns I have regarding a rezoning proposal associated with the Central Avenue/Glenwood Avenue rezoning that will be discussed and/or voted upon by the Dover Zoning Board on May 24, 2016. My request is you DENY the rezoning (from residential to commercial) proposal as written, and have the developer rewrite his request REMOVING Parcel 4, which is on 8 Glenwood Avenue; In other words, I do NOT want the developer to be allowed to extend, via rezoning, the commercial line starting at the Walgreens, continuing behind the properties on Crescent Avenue where there is currently pristine woodlands and wetlands.

My concerns for not wanting these aforesaid rezoning are as follows:

- **Berry Brook:**
 - The proposed rezoning and subsequent commercial development is abutting Berry Brook. The state of NH, Dover and UNH has invested millions into the Berry Brook project and it is working, serving as a national model for natural leaching and/or filtering of ground water. However, with commercial development, as described above, the amount of non-porous land development (e.g. parking lots, buildings, roads etc.) will dramatically increase the run-off into Berry Brook; with the runoff will be a litany of other toxins and pollutants. Are we really willing to risk this? Have we considered and studied this?
 - Berry Brook also, in less than a mile, runs into the Cocheco River which is subject to protection under the RSA 483-B, the Shoreland Water Quality Protection Act (SWQPA). Are we really willing to risk this? Have we considered and studied this?
 - Source: http://des.nh.gov/organization/divisions/water/wetlands/cspa/documents/consolidated_list.pdf
- **The impact on endangered and or threatened animals among other wildlife:**
 - In the past I have observed rabbits in the land parcel that is part of the aforesaid, proposed rezoning. Unfortunately, I lack the wisdom to distinguish between whether said rabbits were New England cottontails or eastern cottontails (usually only a DNA test of their feces can definitively determine this), BUT I do know the New England cottontail is (or very recently was) being considered for protection under the Endangered Species Act... Additionally, I have seen an American Three-Toed Woodpecker in year's past, and when the pond behind Crescent Avenue was fuller, a Spotted Turtle. Why does this matter? Both the Three-Toed Woodpecker and the Spotted Turtle are listed as *Threatened* species in New Hampshire. Furthermore, I have also seen rather long snake skins in this area... What's to say said skin isn't a Black Racer? Which, coincidentally is another threatened species... And finally, I have also seen a plethora of bats in the area over the years (and a few in my attic); what's to say these aren't the endangered Small-footed bat? Anyways, my point is simple, who will speak for the animals to defend and

protect them? What other threatened or endangered animals, plants, amphibians etc. have we possibly missed or overlooked? Are we really willing to take this risk?

- **The Dover Citizens:**

- Nearly every abutter and close neighbor has spoken out against the rezoning of parcel 4 on 8 Glenwood. At our last neighborhood meeting, I calculated an average amount of time of OVER 30 years for all the Dover Citizens/property owners speaking out against this proposal... What more would you need to be swayed otherwise? We are good, wholesome and invested taxpayers and we do NOT want this; we are also united in our cause by a significant and majority margin... If that isn't enough to compel you otherwise, then I beseech you and ask, *what is?*

- **Others concerns:**

- With the proposed rezoning from residential to commercial, specifically parcel 4 on 8 Glenwood, the aforementioned taxpayers will also be faced with *increased light pollution, increased noise pollution, increased traffic* (in an already highly congested traffic zone) and the certain *increase of problem vermin* associated with restaurant dumpsters. When faced with these outcomes, or keeping the pristine woodlands and wetlands, to me is an obvious choice; do NOT allow the rezoning of Parcel 4 on 8 Glenwood.

- **The children:**

- Do we really want to commercialize land that is so close to an elementary schools of hundreds of our children? Let me put this in perspective for you: if parcel 4 on 8 Glenwood is commercialized, one could stand at the new business or restaurant that ends up there and drive a golf ball onto the property of Horne Street Elementary School... Now, if this space becomes anything associated with a fast food restaurant, the health risks alone are enough cause for earnest concern! And it's not just me saying this! Our children's very health will be put in jeopardy if we end up with a fast food type of establishment; the Community Health Councils, Inc. with funding from the Centers for Disease Control made this abundantly clear in regards to the spike in childhood obesity associated with such restaurants being in such close proximity to schools... As such, once this land is zoned commercial, who knows what could end up there in the years to come... Are we really willing to risk this?
- Source: <http://www.chc-inc.org/downloads/NFW%20Fast%20Food%20Fact%20Sheet.pdf>
- Even local and state courts have found correlation with the inherent risks associated with commercialized land that's focused on businesses selling unhealthy foods in close proximity to schools AND the increased safety risks associated with augmented traffic flow... But don't take my word for it! Check out: *Bellas v. Planning Board of Weymouth (Massachusetts, 2002)*, *Matter of Hobbs v. Albanese (New York, 1979)*, *Eaton Donut Flour Company, Inc. v. Zoning Board of Review of Town of Westerly (Rhode Island, 2000)*, *McDonald's Corporation v. Board of Selectmen of Randolph (Massachusetts, 1980)*, *Cove Pizza, Inc. v. Hirshon (New York, 1978)*...
- Source: <http://www.publichealthlaw.net/Zoning%20Fast%20Food%20Outlets.pdf>

In closing, I thank you for your time in reading my letter. I implore you to vote down the commercialization (from the current residential designation) of Parcel 4 on 8 Glenwood. The people in the immediate area do NOT want this and we are united in this cause. We deserve to be heard, and I wholeheartedly believe this would not be good for Dover, especially when other parts of the project are already zoned commercial and can be developed... Thus, when is enough, enough? I love Dover and I love that it is the fastest growing city in NH, but we must ensure our growth is done in a *responsible* manner; **rezoning residential land to commercial on the backs of a large, united group of citizens who do NOT want this, is certainly not just, nor responsible.**

Respectfully,



David Latchaw

David W. Latchaw, M.Ed. & M.Ed.

1 Crescent Avenue, Dover, NH

From: "Ballester, Tom" <Tom.Ballester@unh.edu>
Date: June 22, 2016 at 2:39:47 PM EDT
To: Peter Schmidt <peterbarrettschmidt@gmail.com>
Subject: RE: this morning's discussion

Hi Representative Schmidt,

These are my thoughts about proposed development on the property.

Philosophically, modern site development is supposed to occur with the intent of hydrologic transparency: meaning that whatever the changes to land use from a natural setting, that the runoff from a site possess hydrologic characteristics (volumes, peak flows, timing of flows, water quality, etc.) as close as possible to runoff from an undeveloped, undisturbed site. To do so means full implementation of low impact development characteristics and green infrastructure. Anything less than that is not beneficial to the Berry Brook or its ecosystems. I do not know of any argument in which impervious surfaces in a watershed improve receiving water quality or ecosystem characteristics. To the contrary, the more impervious area in a watershed the more deterioration of receiving water quality.

We have spent over one decade and well over one million dollars in state and local funds, plus large in kind efforts by the City of Dover to improve Berry Brook. I do not have any of the drainage designs for the proposed project (and I am not requesting them), however Berry Brook is already on the 303D list and every effort must be made to not lose ground on the great progress we have made to date. This may not stop the re-zoning or the development, but it is mindful of Berry Brook. Berry Brook is listed as "impaired" for water quality by NHDES and the USEPA. The cause of impairment is largely attributed to urban runoff. When we started our Berry Brook efforts, the watershed had over 30% as impervious area with unmanaged stormwater runoff (runoff was simply rapidly diverted from impervious surfaces and quickly sent to Berry Brook with no treatment). This was particularly true for the headwaters of Berry Brook (of which this site belongs). As a point of reference, when watersheds have over 5 to 10% impervious area of unmanaged runoff statistically significant deterioration of water quality and ecosystem indicators result; when over 25% of a watershed is unmanaged runoff from impervious surfaces, most stream ecosystem functions are lost. Our goal for Berry Brook is to manage 70% or more of that 30% impervious watershed area in the hopes of: delisting Berry Brook from the 303D list, making the stream quality habitat for aquatic organism, and to provide a significant natural niche in the City. At the same time there is a natural wetland in

the headwaters of Berry Brook and through our projects we greatly increased the size of these wetlands. Wetlands not only provide for wildlife habitat, but they do an excellent job of naturally managing stormwater runoff. Therefore any proposals to reduce the size of these wetlands is counterproductive in the overall Berry Brook efforts.

Dr. Tom Ballesterio
Director
UNH Stormwater Center