

29 January 2017 & 07 February 2017

To the Dover City Council:

The Dover Planning Board recently voted unanimously to rezone, from residential to industrial, more than 50 acres of land that is nearly completely surrounded by existing homes.

I am concerned about this rezoning for the following reasons:

- The use(s) for this rezoned land is not guaranteed.

This rezoning provides no guarantee regarding land use. The land may not be suitable for building a sports complex, as there are many unknowns about the property that could render it unsuitable, and rising interest rates and construction costs could render this project fiscally unfeasible. If for any reason this project cannot go forward, the rezoned land would remain zoned industrial and would become available for who knows what. Rezoning this land for industrial use carries no guarantee at all regarding its use(s).

- This rezoning sets a dangerous precedent – future proposals will cite this rezoning action. Could the city refuse to rezone any other imbedded residential land once it has willingly rezoned this imbedded residentially zoned land that is surrounded by existing homes? The next project that needs rezoning would certainly cite this rezoning as a precedent, and the city would be hard pressed to deny the rezoning petition.

- Rezoning residential land that is surrounded by homes to permit projects that require industrial zoning, severely alters neighborhoods, lowers property values, and diminishes the quality of life for existing homeowners.

Zoning exists to insure the integrity of tracts of land, so that development within zones is compatible throughout the zone. The willingness of the city to rezone imbedded residential land, surrounded by homes, for industrial use, makes zoning effectively meaningless. Land owners, developers, and home buyers alike cannot trust city officials to honor existing zoning and preserve property values. And homeowners who purchase their homes adjacent to, or nearby, undeveloped land that is zoned residential, are unknowingly at risk when the city treats the zoning as temporary, negotiable, and demonstrably mercurial.

- Rezoning that ignores surrounding land opens the door to “straw man” proposals. In the future anyone who desired to have another residential tract of land rezoned for industrial purposes would only need to propose some other attractive project, and once the land was rezoned, withdraw its proposal, and file some undesirable project that is then allowable on the rezoned land – a “straw man” proposal.

- Rezoning that lowers surrounding property values exposes the city to lawsuits.
- Landowners, developers, homeowners, and home buyers cannot trust the city to honor the existing zoning, and renders Dover’s zoning meaningless.

Any disruptive project that requires industrial zoning that is plopped down in the middle of scores of existing homes, especially when those homes have been purchased with the understanding that the adjacent open space is zoned residential, has to have a negative effect on the value of the surrounding homes, and certainly affects the quality of life for those homeowners. Will the city offer to reimburse the homeowners for the loss of value in their homes, and lower their tax assessments to reflect lower property values? What happens if a hundred or more homeowners organize and file suit against the city for what the city has taken from them? The settlement would offset any gain in tax revenues that any project constructed in the industrially zoned land would add to the tax base. Even if no lawsuit were filed, and no compensation or consideration for the effected homeowners is given, the lowered property

values will ultimately be reflected in the assessed values, and that loss of revenue will offset any gain in tax revenue realized by the proposed project.

- This rezoning conflicts with the City of Dover Master Plan.

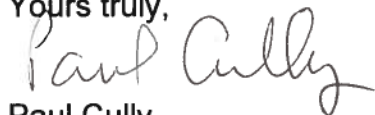
The Planning Board's rezoning conflicts with stated guidelines and the implied principles in the City of Dover Master Plan. Although the plan is advisory and does not have the force of law, it is intended to guide city boards and councils in many respects, especially land use.

- Rezoning this land is not in the city's best fiscal interests. It reduces the tax potential of the land.
 1. According to the Planning Board the projected tax revenue for the sports complex project would be \$525K. But when the decrease in property values of the 142 existing homes surrounding the land for the sports complex is taken into account – an average of \$10K - \$20K (3%-6%) per home – then the \$525K anticipated tax revenue would be reduced by \$142K - \$284K, leaving only a net gain in tax revenue of \$383K - \$241K.
 2. Further, using the Planning Board's projection of 100 homes, of a type similar to the 142 surrounding homes, on the same land, instead of the sports complex, using an average assessed value of \$350K per home (commensurate with the 142 surrounding homes), and deducting for the number of students per home times the cost per student as reported to the State of New Hampshire, and using the average number of students per home from the 142 surrounding homes (0.21 according to the pupil data reported by Dover to the NH Dept. of Ed.), developing the land for homes would produce a net additional tax revenue of \$678K.
 3. Clearly, when considering just the fiscal impact of the two options, the city is far better off if the land is left residential and used for homes that are compatible with, and similar to, those homes that already surround the land.
 4. By NOT rezoning the land, continuing to allow its use to be designated for homes, and locating the sports complex in a more appropriate site, Dover can have BOTH more homes AND the sports complex – and can come out way ahead in terms of tax revenue (1.2 million dollars per year). **A WIN – WIN for Dover.**

Considering the decrease in property values, the uncertainty surrounding the use for the rezoned land, the damage to the credibility and reliability of Dover zoning, and the potential loss of tax revenue from, and compensation to, existing homeowners, the approval to rezone this land should be viewed in a light perhaps not fully considered by the Planning Board. This rezoning sets a dangerous precedent, will not optimize tax revenue, and it potentially puts the city at serious legal risk.

I urge the Dover City Council to do what's best for Dover, and not to endorse or approve the recent rezoning of imbedded residentially zoned land by the Planning Board, and leave the zoning unchanged.

Yours truly,



Paul Cully
5 Ezra's Way
Dover, NH 03820
978-692-2498
pac4patriot@comcast.net