

Attachments to Planning Board's January 16, 2007 meeting

WINIFRED ANTHONY STEARNS
5 DORRANCE PLACE
HANOVER, NH 03755

January 12, 2007

Planning Board
Hanover,, N.H.

re; 06-24 and 06-21, Tuesday January 16, 2007

Members of the Board:

I submit to you a letter I wrote to Paul Olsen,* Dartmouth Real Estate, culminating correspondence I had with him and President Wright which I had submitted to the Planning Board earlier, March 2006.

Ethically and legally, Planning Board members with conflict of interest with any applicant must recuse themselves from the discussion. A challenge should not have to come from the floor.

I will be at the meeting January 16th, and would appreciate it if the Board members and presenters would use the microphones for those of us who need the hearing enhancement. Thank you.

Sincerely,

Winifred Anthony Stearns

ENC,

BY HAND

WINIFRED ANTHONY STEARNS
5 DORRANCE PLACE
HANOVER, NH 03755

July 2, 2006

Mr. Paul Olsen
Dartmouth Real Estate
7 Lebanon Street
Hanover, N.H. 03755

Dear Paul:

I am very grateful to President Wright for "hearing" me and expressing an interest in knowing the consequences to our neighborhood as to traffic and fumes from the underground garage of "South Block" when it goes on line. (his letter to the March 28, 2006). I am sorry to burden the President with a follow-up, but I do have a few comments in answer to your long letter (dated May 19, received in early June) written at President Wright's behest. Thank you for it, and for the costly effort of time and money in having all those transcripts made.

Issue #1: Garage users.

Yes, Larry Kelly and John Caulo lied to the ZBA as I stated. How can you deny the tape, and say that my statement "is simply-not true"? They were questioned, and answered that the underground garage would be for tenants of South Block only. The ZBA was interested, and whether or not this query was ZBA-relevant is not the point.

A. Zoning Board

I protest your play-on-words "exclusively" and "such as" to attempt to gain permission to extend underground parking to users outside of the South Block protect. It reminds me of the famous Clinton-ism "it depends on what the definition of 'is' is." Why should ZBA members have asked about parking for off-site users when they had already been told that the spaces in the garage were for tenants only?

C. Superior Court Appeal

You deliberately misrepresent the decision of the Court about my summary statement of Conflict of Interest. The dismissal came after a 7-page Memo of protest from all four attorneys opposing me, which said, correctly, that I had not raised the issue "in a timely manner". I remember sitting there in those (only) two meetings, knowing I should act, but, cowardly, copping out because I expected the Planning Board Members to do the right thing and recuse themselves. It did not happen. Neither the attorneys nor the Court ruled against the content of the Conflict of Interests they simply denied the procedure as I presented it. The attorneys must have had concern because they acted quickly and all four of them signed the protest to the Court.

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You and I obviously have a different definition of Conflict of Interest. Here is mine re Planning Board members:

Faulkner	physician, DHMC, retired, pension?, benefits?
Mayor	same as above
Hornig	professor, Dartmouth, retired, pension?, benefits?
Collier	wife of Dartmouth professor
Richards	same as above
(alternate)	
Connolly	employee, Dartmouth, who recuses herself on small Dartmouth issues but for the big zoning changes proposed by Dartmouth, such as moving Grasse Road from SR-1 to GR-3, she remains very active on the Board

I don't know of any conflict with Planning Board members Esmay, Owens, Garipay and Dietrich, although the latter stepped down from both meeting re South Block. Members seated at those two meetings, underlined as I perceive conflict:

October 21, 2003 Collier, Connolly, Faulkner, Hornig, Mayor, Owens

December 9, 2003 Collier, Connolly, Faulkner, Hornig, Mayor, Esmay

It was interesting to note that at a recent discussion before the Planning Board of Hanover Affordable Housing, Judith Esmay, a PB Member married to the top guru for Affordable Housing, Robert Straus, promptly recused herself... a different interpretation of ethical and legal responsibility.

Paul, I am glad that you did not DENY my assertion that the Planning Board is "heavily conflicted" (with Dartmouth). You chose, simply, to dismiss my statement as inflammatory. If the truth is inflammatory, so be it, but any person who might be in disagreement with a Dartmouth Real Estate proposal, should know what they are up against.

D. Proposed Zoning Amendment

Paragraph 3. Even though Judy Brotman, Zoning Administrator, ruled that parking spaces in the South Block garage could not be rented to off-site users, you first accepted it, but then managed to by-pass it by means of a stall, unnoticed (New Hampshire Right to Know?) ad hoc committee, comprised of business and college interests only, no residents. Both Tom Byrne and Bruce Williamson, members of that Chamber of Commerce committee, told me that Judy's ruling had never been mentioned in committee, which allowed your proposal to go through under the umbrella of the Chamber of Commerce. All four proposals, emanating from Dartmouth, were

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passed with one blanket vote by the Planning Board, and so on to the voters, each under separate Article.

Issue #2 Garage Controls

I asked how the new free-for-all status of the underground garage was going to be managed, quite a different issue from on site businesses and residents only, who would not be so apt to create the movement now forthcoming. I note that there are now two-hour meters in the South Block above ground parking which was to be used by customers for South Block businesses only. After first refusing to be in charge of this area, has the Town now agreed to take on this burden to tax payers? Customers only? I don't think so: impossible to regulate, meter-feeding to come.

Issue #3 Garage Air Quality and Noise

Until this garage actually goes on line and the cars stack up inside, there is no way to thoroughly understand the ramifications of all that pollution to adjacent residents and, indeed, car users also. One thing is undeniable: fumes, noise from fans, a big increase of number of cars spilling out onto residential streets will greatly denigrate quality of life for those of us who live adjacent.

As long as I can breathe, I will keep up the struggle to protect my neighborhood and home. I don't believe I am any different from any other home-owner, even those of you who go home to rural acres, leaving behind the challenge of too many cars, too much pollution.

Sincerely,

Winifred Anthony Stearns

cc: President Wright
others