

LIST OF EXHIBITS

Provided by Fergus Cullen

1. Timeline of the redevelopment project at 566 Sixth Street
2. Map of Upper Sixth Street
3. Aerial map of 566 Sixth Street and vicinity
4. Before & After photos
5. December 1, 2023 letter from Fergus Cullen to neighbors letting them know we planned to add housing units to the property
6. Text message October 14, 2023 from Caitlin Wilkie to Jenny Cullen congratulating the Cullens on the purchase. The Wilkies were among the first to know the Cullens purchased the property.
7. Text messages from December 2023 – May 2024 between Wilkies and Jennifer Cullen showing friendly, collaborative relationship. December 1, 2023 letter to neighbors from Fergus Cullen, informing them who bought the property and our intent to add housing to it
8. Email from Fergus to Caitlin, April 3, 2024 about tree removal plan. Because the Wilkie's preference was to have trees cleared to the property line, and not to leave a side buffer, Fergus sought to have this understanding in writing.
9. Email from Caitlin to Fergus, April 4, 2024, confirming tree removal plan.
10. May 20, 2024 letter to neighbors from Fergus Cullen, informing them of our site plan application for "attainable housing".
11. May 21, 2024 text message from Rory Wilkie to Jenny Cullen referencing verbal conversation that took place that morning between Fergus Cullen and the Wilkies in which they expressed concerns about the attainable housing proposal
12. May 21, 2024 email from Rory Wilkie expressing opposition to the plan for attainable housing
13. May 22, 2024 email from Fergus Cullen to the Wilkies further explaining plans
14. May 24, 2024 email from Rory Wilkie, continuing to express opposition to plan
15. June 6, 2024 email from Caitlin Wilkie to Dover Planning Board making claim of conflict of interest
16. June 6, 2024 email from Fergus Cullen to the Planning Board, the Wilkies, the City Manager, and the City Attorney denying any conflict of interest exists
17. June 7, 2024 email from Caitlin Wilkie to the Planning Board, the City Manager, the City Attorney and the Wilkie's attorney, Scott Hogan, claiming Fergus Cullen withheld information from the Planning Board
18. June 11, 2024 text message between Fergus Cullen and Planning Board Chair Gina Cruikshank, documenting that Fergus consulted City Attorney Josh Wyatt about the charge

19. June 11, 2024 transcript, Caitlin Wilkie remarks to the Planning Board, public hearing
20. June 11, 2024 transcript, Fergus Cullen remarks at Planning Board
21. June 11, 2024 transcript, Caitlin Wilkie second remarks to the Planning Board, extended public hearing
22. June 19, 2024, Fosters Daily Democrat story on Cullen application
23. July 10, 2024 transcript, Caitlin Wilkie remarks to the City Council, public forum
24. July 10, 2024 transcript, Fergus Cullen remarks at City Council, member comments
25. October 22, 2024 transcript, attorney Scott Hogan remarks at Planning Board, public hearing, on behalf of the Wilkies
26. October 17, 2024 email from Fergus to Planning Director Donna Benton recusing himself from the October 22, 2024 planning board meeting.
27. December 9, 2024 email from Fergus to Planning Director Donna Benton recusing himself from the December 10, 2024 planning board meeting.
28. December 23, 2024 City of Dover's response to the Cullen's Housing Appeals Board filing, acknowledging no member of the Planning Board agreed with the allegation Cullen had a conflict of interest
29. December 23, 2024 City of Dover's response to the Cullen's Housing Appeals Board filing, acknowledging the TDR process has resulted in more than \$2 million raised for conservation
30. Copy of Fergus Cullen's prepared remarks for January 2, 2025 hearing

TIMELINE – Cullen Project at 566 Sixth Street

October 4, 2023	Property sold at public auction for \$374,000
November 29, 2023	Cullens close on the property
December 1, 2023	Fergus Cullen hand-delivers letter to neighbors letting them know who bought the property and informing them of plans to add “at least two and maybe more housing units to the property”.
December 5, 2023	Cullens pull building permit for gut renovation of existing home
Winter & Spring, 2024	Cullens and Wilkies enjoy a friendly and collaborative relationship
May 20, 2024	Fergus Cullen hand-delivers letter to neighbors giving them advance notice of plan to build “attainable” housing units and providing a draft site plan.
May 21-24, 2024	Wilkies communicate with the Cullens verbally, by text, and by email expressing opposition to the plan for attainable housing based on standard NIMBY arguments.
June 6, 2024	Cullens submit initial Transfer of Development Rights (TDR) site plan review materials to planning board. Referred to Technical Review Committee (TRC).
June 6, 2024	Caitlin Wilkie sends email to entire planning board alleging Fergus Cullen has a conflict of interest in considering a separate land use application about 512 Sixth Street. Fergus responds to all explaining why no conflict exists with respect to 512 Sixth Street and copies the City Attorney and City Manager due to the nature of the accusation.
June 10 or 11, 2024	Fergus Cullen has conversation with City Attorney Josh Wyatt seeking guidance. Wyatt indicates no conflict exists and, moreover, Cullen has a duty to participate. Fergus also communicated with Planning Board chair Gina Cruikshank about the accusation.
June 11, 2024	Wilkies attend planning board meeting concerning 512 Sixth Street application and publicly accuse Fergus of a conflict of interest.
June 20, 2024	TRC reviews Cullen’s initial proposal for 566 Sixth Street. Wilkies attend. Fergus Cullen does not.
July 10, 2024	Wilkies attend meeting of the City Council, which does not consider land use applications, and again publicly accuse Fergus of conflicts of interest and violating the city’s ethics code.

October 1, 2024	Cullens submit revised TDR subdivision and site plan application for two attainable duplexes. Referred to Planning Board.
October 22, 2024	Cullen's revised application for two attainable duplexes reviewed by Planning Board. Fergus Cullen recuses himself and does not attend. Wilkies both speak against the application, citing standard NIMBY arguments, technical arguments, and reiterating accusation of conflict of interest. Board votes to deny the application, 4-3. In the three years the current planning director has been in her role, this is the only time the board voted in opposition to a staff recommendation.
November 16, 2024	Realtor hosts an open house at 566 Sixth Street for prospective renters. Caitlin Wilkie's mom, Laura Monica, attends, pretending to be a potential renter.
November 19, 2024	Cullens submit new TDR subdivision and site plan application for two market-priced, single-family homes. Referred to Planning Board.
November 21, 2024	Cullens file appeal of October 22 denial of plan for two attainable duplexes with the New Hampshire Housing Appeals Board.
November 26, 2024	Caitlin Wilkie submits ethics complaint to Dover City Clerk.
December 10, 2024	Planning Board approves Cullen's application for two single family homes, 9-0. Rory Wilkie attends and speaks against application.

Map of Upper Sixth Street showing location of relevant properties



566 Sixth Street owned by the Cullens (outlined in yellow)

568 Sixth Street owned by the Wilkies (outlined in green)



Before & After Photos of 566 Sixth Street

BACKGROUND: PHASE ONE

The applicant purchased the property at auction in the fall of 2023. The existing home, a 1,440 square foot, two-bedroom, one-bath ranch built in 1957, was partly unfinished and had fallen into disrepair. It was surrounded by dilapidated campers, trailers, sheds, and junk. The applicant cleaned up the property and completed a full-gut renovation of the existing residence, converting it into a three-bedroom, two bath home with all-new plumbing, electric, heating, insulation, windows, doors, flooring, and siding. The newly-renovated house received a Certificate of Occupancy in October and has been rented for 2025.

Before:



After:



FERGUS CULLEN

EXHIBIT

FC 5

exhibitsticker.com

December 1, 2023

«Sal» «Last»
«St_» «St» «Suf»
Dover, NH 03820

Dear «Sal»,

You noticed the house at 566 Sixth Street, previously owned by the Cheneys, went on the market this fall.

We're your new neighbor. Jenny and I recently closed on the property.

I want to give you a head's up about our plans. We will be doing a to-the-studs, gut renovation on the existing home. New everything inside, and mostly new everything on the outside, including new siding in a different color. We'll be tearing down the sheds in the back and removing trees.

We also expect to seek approval to add at least two and maybe more housing units to the property. We don't have a site plan yet, and we don't know the exact number. Our intent is for these to be middle-of-the-market homes that are consistent with the Upper Sixth Street neighborhood. We expect everything to be sold and to become owner-occupied, not rental.

It's important to us to be good neighbors as we work on the property, and after the work is done as well. For now, I just wanted to let you know we're the new owners, and that we're planning to clean up and modernize the property.

I will keep you informed about our plans as they come together. And, you should feel free to contact me if you have any questions or things you'd like to talk about.

Sincerely,

Fergus Cullen

Text message from Caitlin Wilkie to Jenny Cullen



2 People >

Oct 14, 2023 at 11:46 AM

Caitlyn Grants Mom

We were outside when the guys were running by. Had a quick visit and learned the exciting news that you're the buyers of next door auction! So excited for you both - big congratulations!! Stop by any time you're next door. PS Finn was a big fan of our swing set so I'm sure he'll be happy to help with next door reno projects 😊



Oh yes!! I've been meaning to tell you guys! It's our next big

Text messages between Caitlin and Rory Wilkie and Jenny Cullen

To: Rory Grants Dad |

Dec 23, 2023 at 7:47 PM

I'm sure Fin is getting excited for Christmas like Grant is! He loved seeing his friend in the card you dropped off. In the last storm a dead tree on our line broke at the base and is hanging

in a tree towards our house. Would you and Fergus mind if I take it down with my chainsaw before it falls? It's a pretty narrow tree so not super big and should be no issue to take

down. Just wanted to double check with you both first. "Happy Christmas" as our little friend says! 🎄

Oh gosh! Of course- take it down. Let us know if you need help!



All fingers still intact, no house hit and kids (including rory) had a blast! Merry Christmas!



2 People >

Sun, Jan 28 at 2:03 PM

If you guys are home-fergus and Myles have a huge fire going at the property (hope it doesn't stink up your house!!). Feel free to take the kids over! Finn is sleeping- but we're going to go over when he awakes!



Caitlyn Grants Mom

Oh yes, Grant has excitedly been watching it from the deck and screamed "call the fire department, big fire!" 🤪 Eliza just woke up herself so we're going to get them bundled up and head over soon!

Okay! Haha! I told Fergus to burn it bit by bit- but... I hope Finn gets up soon! He's been asking for Grant!

Edited

Caitlyn Grants Mom

They are loving it!



iMessage





2 People >

Wed, Mar 13 at 6:21PM

Rory Grants Dad

**I really like the color
you guys choose for
the siding on the
property looks great!!!!**

Wed, Mar 13 at 9:47PM

**Thanks! I'm so partial
to blue! I may have
chosen gray at first and
then realized it was just
like your house 😄.
We're plugging along!
Hope to play soon. Finn
and I have been sick
forever. Now that it's
warming up - we'll get
outside more!!**



2 People >

Text Message • SMS
Sun, Mar 24 at 8:21AM

Caitlyn Grants Mom



Only Rudy will be sad to see these old pines go! Hope you didn't lose power, our generators been going since last night.

Oh man! Hope it didn't hit your house! What a mess. We're looking forward to getting it cleared!



2 People >

Sat, May 11 at 12:23PM

Rory Grants Dad

Hey Jenny noticed some of the trees being marked on your property. That's exciting. Does that mean the tree people are coming soon? Also, how are the new chickens doing?

R

Hi! Yes, they may need to be re- marked though... fergus asked if you'd like to walk the land with him later this afternoon? Are you around?

The chickens are getting big! You guys



2 People >

Sun, May 12 at 10:47 AM

Caitlyn Grants Mom

**Happy Mother's Day!
Hope Fergus isn't all
business today and
that your family is
spoiling you! Got to see
Finn yesterday and
would love to plan a
date for them soon to
get together!**

C

Tree clearing at 566 Sixth

From fergus ferguscullen.com <fergus@ferguscullen.com>

Date Wed 4/3/2024 4:59 PM

To caitlin.ver@gmail.com <caitlin.ver@gmail.com>

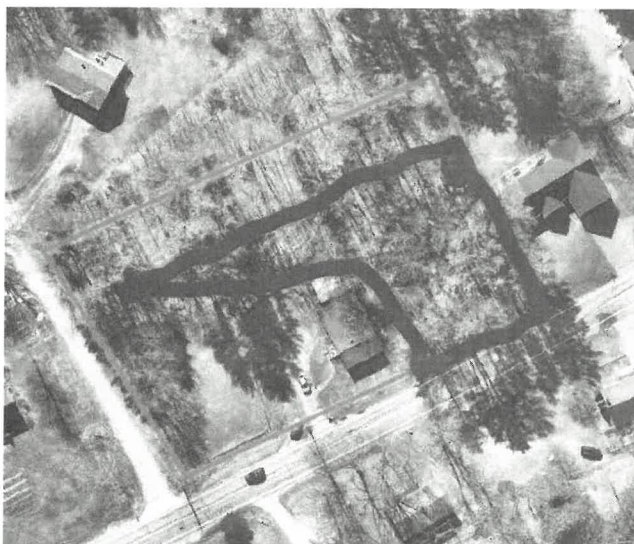
Caitlin and Rory -

We've had some delays on getting a site plan drafted. Meanwhile we have a window that is closing to take care of our tree work. So, I'm planning to go ahead and get most of our tree work done now, with the possibility of coming back to do a little more, later, once it is informed by the site plan.

Removal is going to be done with an excavator - not a crane. Basically the trees will be pushed over, stumps/roots and all.

My intent is to clear to 30 feet of the rear lot line. Along our shared property line, my intent is to clear the front section all the way to your property line. Any stumps that are close to your metal fence will be left in place (those will be cut via chainsaw), but stumps not adjacent to a fenced area will be taken out. We can figure out what to do with remaining stumps next to the fence, later. If you want me to have them ground out, I can do that. If you would like me to plant some shrubs along the property line, I can do that.

We do expect a house will be going in this space - but I don't have a plan to share with you yet.



If you're OK with the plan for tree clearing, may I ask you send me a separate email to the effect of (reword as you like):

Hi Fergus and Jenny -

Rory and I have talked about your plan for tree removal at 566 Sixth Street.

Instead of leaving a 10 foot side buffer, we would prefer you clear to the property line by our front yard and the left side of our house on the portion of the property closest to Sixth Street. There are a number of mature white pines along that strip and our preference is that they be removed rather than be left to threaten our house in a future storm.

We understand it is your intent not to clear trees within a 30 foot setback on the rear of the lot at this time. That's fine by us, too.

Thank you. If you want to discuss anything, please call me.

Fergus Cullen
Dover, NH
fergus@ferguscullen.com
603-520-5450
@ferguscullen



Outlook

EXHIBIT

FC 9

exhibitsticker.com

Tree Clearing

From Caitlin Wilkie <caitlin.ver@gmail.com>

Date Thu 4/4/2024 7:58 AM

To fergus ferguscullen.com <fergus@ferguscullen.com>

Cc Wilkie, Rory V <rory.wilkie@td.com>

Good Morning Fergus and Jenny,

Rory and I have talked about your plan for tree removal at 566 Sixth Street and wanted to circle back with you both.

Instead of leaving a 10 foot side buffer, we would really prefer that you clear right up to the property line by our front yard and along the right side of our house on the portion of the property closest to Sixth Street along our fence. There are a number of mature white pines along that strip that make me hold my breath each storm. It is our preference that they be removed rather than be left to threaten our house in a future storm. That was really made clear in the recent storm and again today. We hope that you can understand the concern and are open to taking those trees.

We understand it is your intent not to clear trees within a 30 foot setback on the rear of the lot at this time. That's fine by us, too and we're looking forward to the continued improvements you're making to the property.

Hope you keep power today and don't lose any trees!

Best,
Caitlin & Rory

FERGUS CULLEN

EXHIBIT

FC 10

exhibitmaker.com

May 20, 2024

«Sal» «Last»
«St_» «St» «Suf»
Dover, NH 03820

Dear «Sal»,

I want to give you an update on the work we're doing at 566 Sixth Street.

We are on schedule to complete the gut renovation of the existing home in June. We've converted what was a two bedroom, one bathroom house into a three bedroom, two bathroom home with all new everything inside. I hope you like the new blue color on the outside.

This week we will be clearing about half the trees from the property as we start to prepare for Phase Two of the project.

We are seeking approval for two new single family houses on Sixth Street – one on each side of the existing home. We expect these will be middle market, three bedroom, two bath homes. We are also seeking approval for two small duplexes to the rear of the existing home. Our intent is for these units to be “attainable” housing – smaller two-bedroom, one bathroom units that are more affordable.

I've enclosed our draft site plan so you can see it in advance. You can expect to receive an official “abutters notice” from the city in the coming weeks.

Please contact me directly if you have any questions or things you'd like to talk about.

Sincerely,

Fergus Cullen

Text message from Rory Wilkie to Jenny Cullen



2 People >

Tue, May 21 at 9:17 AM

Rory Grants Dad

Hey Jenny, Fergus dropped off the site plan yesterday and **Caitlin** and I just had a chance to chat with him this morning about our concerns. I was hoping you could share your email address so we could add you to the thread we told him we'd send later today with our thoughts. Appreciate keeping the lines of communication open as always!

R

Grab him by text. Or email him
Fergus@ferguscullen.com
[\(603\)520-5450](tel:(603)520-5450)

You can call him too



Caitlyn Grants Mom

Thanks Jenny

C



566 Plans Follow Up

From Caitlin Wilkie <caitlin.ver@gmail.com>
Date Tue 5/21/2024 1:09 PM
To fergus ferguscullen.com <fergus@ferguscullen.com>
Cc Wilkie, Rory V <rory.wilkie@td.com>

Jenny and Fergus,

We want to express our sincere appreciation for the open dialogue we've had with you both regarding your plans for the property. Below, we've summarized our feelings, concerns, and proposed adjustments for your consideration.

When we first learned that you had won the auction for the home, we were relieved, sharing a sentiment of gratitude that the property wouldn't succumb to a builder's overcrowded development. Our conversations during bonfires, including with Jenny, underscored this shared appreciation for preserving the character of our neighborhood.

Part of why we loved 568 6th St. was its large neighboring lots and not feeling like neighbors were on top of one another. Your proposal is looking for variances to be granted for more than a 50% reduction in 2 of the lot size requirements to increase structure density drastically. We doubt you'd want this next to your home, so we hope you can appreciate why we wouldn't either. From approximately the Country Farm Rd split to the Rochester line as you know, it is zoned R-40. People buy out here for that reason and you purchased 566 knowing that. If higher density housing was what each of our families and neighbors wanted, we would have bought in a different part of Dover, or an entirely different town.

We understand attainable housing is the platform you ran on for city council and that the city is focused on it as well. It's not the concept of attainable housing that concerns us, but rather the scale of the proposed development, the significant variances to the zoning that would be required, and its impacts on our privacy, tranquility, and property values. R-20 and R-12 are desirable to some people, but forcing that here when it wasn't intended to be such, will negatively impact the look and feel of the homes in this area and most specifically ours. As Caitlin shared earlier today, we would never have purchased this home if what you were planning was already next door.

The shift from a single-family structure on a 1.3-acre lot to five standalone structures accommodating seven families/groups of individuals is drastic and was gut wrenching. We agreed to your ask of the 30ft no cut zone with the understanding it would be three structures total. It wasn't ideal with it being a 200% increase in structures, but your modest, attainable housing goal was clear. You never mentioned the two additional duplexes when discussing what you were clearing and why. That changed what you had originally shared to be a structural increase of 400% and family/individual density by 600%. That is a big reason why this morning we adjusted our feelings on which trees to take within the 30ft no cut line to only dead trees, pines, and those necessary to come down due to any cluster of pines needing to come out. Trees we'd have been ok to have seen gone we decided

should stay to keep any additional buffer to homes we are now likely to have in our line of sight.

No offense to the neighbors down the street who built two more homes at the base of the home on the hill, but we drive by and cringe each time we see them. They stick out like a sore thumb from what the rest of the properties look like. What you're proposing next door would be even worse than what they've done there. We also understand why the town has a 10% maximum lot coverage rule and can understand them trying to be flexible. However, what you are proposing goes above and beyond that. We understand the town's desire for new developments to mirror the neighborhood's aesthetics, however cramming as many homes as you're proposing into a single lot that you then want to subdivide, contradicts the spacious, modest feel of our area. The addition of duplexes, without garages, compounds these concerns, diminishing the appeal of our surroundings.

We respectfully ask and hope you consider removing the duplexes where you currently have them in your site plan. You're going to turn a property we love into one that we hate if your current plans come to fruition. We would like to challenge you on your ask of us about our thoughts on one duplex. Instead, we suggest that you consider keeping to the three home structures you originally shared with the following layout. Have the home closest to ours a single family home as proposed, the one you've renovated in the middle single family as planned and consider the third end home closest to 564 to be a duplex vs a single family home. We feel that would not only meet the needs you're trying to achieve of this being an investment property but also champions the message you've been sharing as a leader without sounding like a hypocrite, while also minimizing the impact of what you're doing to the surrounding neighbors.

We hope you'll consider these adjustments as we seek to find a solution that balances your goals with the preservation of our cherished neighborhood.

Sincerely,
Rory and Caitlin

Re: 566 Plans Follow Up

From fergus ferguscullen.com <fergus@ferguscullen.com>

Date Wed 5/22/2024 3:22 PM

To Caitlin Wilkie <caitlin.ver@gmail.com>

Cc Wilkie, Rory V <rory.wilkie@td.com>

 2 attachments (2 MB)

2 Maplewood.pdf; paste.png;

We understand anything that happens at 566 Sixth would be a pretty big change for your family, and of course we expected you to have concerns. If you (and all our neighbors) couldn't be enthusiastic about changes there, we at least want everyone to be accepting of them.

A couple points:

If we didn't buy, clean up, renovate, and redevelop the property, someone else would have. You'd likely be looking at a similar situation regardless, and possibly a situation you'd be even less happy about driven by someone who doesn't live here and who doesn't care what the neighbors think.

Yes, upper Sixth is zoned R-40. But most of the properties across the street are effectively R-20 density due to the steep hillside. Consistency with the neighborhood is a real and critical factor what gets permitted, and what we are proposing meets this test.

Dover desperately needs diversity of housing and attainable housing. It is literally the #1 goal adopted by this City Council. As I thought about our options for the property, it became important to me that, as a public leader in our community, I include attainable units as part of my own project. I'm not going to be someone who says, "We need more attainable housing. Someone else should build it, somewhere else." I'm open to discussion about what and how many.

The project opposite Wildewood where two new houses were built a couple of years ago was in fact two lots. The new house on the right is on a pre-existing separate lot. The new house on the left was added to the original property.

Creating Accessory Dwelling Units was and is also an option for adding housing units to the property. We were looking at doing that with each of three single family homes - which still would have resulted in six living units (and associated parking) on the property. The neighbor just south of the property has a detached ADU.

Attached is info on a duplex at 2 Maplewood Ave in Dover. We haven't settled on what, exactly, any of the new buildings will be, but a design like this is what I am thinking hard about. It looks like a single family home. The first floor is 1,032 sq feet (3 bed, 1 bath); the second floor is 774 sq feet (2 bed, 1 bath).

I'll let you know when the public hearings are on 566 Sixth. If, in the end, you feel you have to oppose it, I'll understand. But I'm hopeful we'll be able to keep talking about it, act collaboratively to the extent possible, and that in time you'll become at least more comfortable with changes next door.

Fergus Cullen
Dover, NH
fergus@ferguscullen.com
603-520-5450
@ferguscullen

From: Caitlin Wilkie <caitlin.ver@gmail.com>
Sent: Tuesday, May 21, 2024 1:08 PM
To: fergus ferguscullen.com <fergus@ferguscullen.com>
Cc: Wilkie, Rory V <rory.wilkie@td.com>
Subject: 566 Plans Follow Up

Jenny and Fergus,

We want to express our sincere appreciation for the open dialogue we've had with you both regarding your plans for the property. Below, we've summarized our feelings, concerns, and proposed adjustments for your consideration.

When we first learned that you had won the auction for the home, we were relieved, sharing a sentiment of gratitude that the property wouldn't succumb to a builder's overcrowded development. Our conversations during bonfires, including with Jenny, underscored this shared appreciation for preserving the character of our neighborhood.

Part of why we loved 568 6th St. was its large neighboring lots and not feeling like neighbors were on top of one another. Your proposal is looking for variances to be granted for more than a 50% reduction in 2 of the lot size requirements to increase structure density drastically. We doubt you'd want this next to your home, so we hope you can appreciate why we wouldn't either. From approximately the Country Farm Rd split to the Rochester line as you know, it is zoned R-40. People buy out here for that reason and you purchased 566 knowing that. If higher density housing was what each of our families and neighbors wanted, we would have bought in a different part of Dover, or an entirely different town.

We understand attainable housing is the platform you ran on for city council and that the city is focused on it as well. It's not the concept of attainable housing that concerns us, but rather the scale of the proposed development, the significant variances to the zoning that would be required, and its impacts on our privacy, tranquility, and property values. R-20 and R-12 are desirable to some people, but forcing that here when it wasn't intended to be such, will negatively impact the look and feel of the homes in this area and most specifically ours. As Caitlin shared earlier today, we would never have purchased this home if what you were planning was already next door.

The shift from a single-family structure on a 1.3-acre lot to five standalone structures accommodating seven families/groups of individuals is drastic and was gut wrenching. We agreed to your ask of the 30ft no cut zone with the understanding it would be three structures total. It wasn't ideal with it being a 200% increase in structures, but your modest, attainable housing goal was clear. You never mentioned the two additional duplexes when discussing what you were clearing and why. That

Re: 566 Plans Follow Up

From Caitlin Wilkie <caitlin.ver@gmail.com>
Date Fri 5/24/2024 12:46 PM
To fergus ferguscullen.com <fergus@ferguscullen.com>
Cc Wilkie, Rory V <rory.wilkie@td.com>

Fergus,

We want to extend our gratitude for your detailed response and for sharing the homes you've considered for the fit test. We understand circumstances could be different and had it been someone else developing it, we'd have still shared our concerns with them had they too proposed such a large scale change to the number of dwellings and zoning asks.

Regarding 2 Maplewood, we agree it would maintain the style of the homes in the neighborhood. If your development proposal had been of similar scale to that of the home to the south with the ADU, then that too would have been a good one to model. Additionally, the handful of homes on the hill and the property to the south meet the criteria in terms of their structures. We've always felt that the homes on the hill were comfortably spaced and blended well into the surroundings. They each have only one dwelling per property lot. The only exception is 533-539 Sixth Street which we shared our thoughts on previously. The front three dwellings you've proposed have a similar feel to those across the street, however you've given more space between the existing and proposed home than you have to ours. That would put a structure closer to our home by at least 80 feet. We are trying to find a middle ground and although not pleased, could live with that if that's all that ended up being added.

Where we will need to agree to disagree, is how you are referencing those properties as a whole to meet your fit test. For example:

- Home to the south with ADU: What you are proposing is close to triple what that property has on a nearly identical lot size. The intent may be the same for structural look and feel, however the scale differs greatly. Their property and ADU are not noticeable and thus do not impact the neighborhood. Double or even tripling as you've proposed absolutely would.
- Handful of homes on the hill: For those across the street, you pointed out that they have an R-20 feel. They have a nearly identical lot setup with the home on the road side and similar size acreage as our property. The key differentiators however between our homes and a property with that zoning elsewhere like closer to downtown, is that our properties do not have homes behind them. It's the lot size and depth that make them conform with the rest of those around it, just like ours does with the Browns at 570. You would be not just truncating the lots, but removing that portion of the lots which we all have that creates the openness between the homes. What you are proposing is putting four (or five if you moved forward with ADUs like you shared) more structures than they have today.

Neither of those examples is comparing apples to apples. Conformity of the volume of dwellings to land size with the neighborhood is where our greatest concerns come from vs the type of dwelling.

We understand your stance on diverse attainable housing and we welcome such if that has been lost in translation, which it seems it has. We will share at the town meeting as we've shared with you that we're not asking you or the town to go against your goal of diverse housing. Ultimately the number of dwellings you've proposed within the existing lot size is what we are sensitive to and can not support.

Best,
Caitlin and Rory

On Wed, May 22, 2024 at 3:22 PM fergus ferguscullen.com <fergus@ferguscullen.com> wrote:

We understand anything that happens at 566 Sixth would be a pretty big change for your family, and of course we expected you to have concerns. If you (and all our neighbors) couldn't be enthusiastic about changes there, we at least want everyone to be accepting of them.

A couple points:

If we didn't buy, clean up, renovate, and redevelop the property, someone else would have. You'd likely be looking at a similar situation regardless, and possibly a situation you'd be even less happy about driven by someone who doesn't live here and who doesn't care what the neighbors think.

Yes, upper Sixth is zoned R-40. But most of the properties across the street are effectively R-20 density due to the steep hillside. Consistency with the neighborhood is a real and critical factor what gets permitted, and what we are proposing meets this test.

Dover desperately needs diversity of housing and attainable housing. It is literally the #1 goal adopted by this City Council. As I thought about our options for the property, it became important to me that, as a public leader in our community, I include attainable units as part of my own project. I'm not going to be someone who says, "We need more attainable housing. Someone else should build it, somewhere else." I'm open to discussion about what and how many.

The project opposite Wildewood where two new houses were built a couple of years ago was in fact two lots. The new house on the right is on a pre-existing separate lot. The new house on the left was added to the original property.

Creating Accessory Dwelling Units was and is also an option for adding housing units to the property. We were looking at doing that with the each of three single family homes - which still would have resulted in six living units (and associated parking) on the property. The neighbor just south of the property has a detached ADU.

Attached is info on a duplex at 2 Maplewood Ave in Dover. We haven't settled on what, exactly, any of the new buildings will be, but a design like this is what I am thinking hard about. It looks like a single family home. The first floor is 1,032 sq feet (3 bed, 1 bath); the second floor is 774 sq feet (2 bed, 1 bath).

I'll let you know when the public hearings are on 566 Sixth. If, in the end, you feel you have to oppose it, I'll understand. But I'm hopeful we'll be able to keep talking about it, act collaboratively to the extent possible, and that in time you'll become at least more comfortable with changes next door.

Fergus Cullen
Dover, NH
fergus@ferguscullen.com
603-520-5450

From: Caitlin Wilkie <caitlin.ver@gmail.com>
Sent: Thursday, June 6, 2024 3:31:19 PM
To: Benton, Donna
Cc: Planning Board - All
Subject: Re: Site Plans for 512 Sixth Street

Security Notice: External sender. Use caution with hyperlinks or attachments.

Donna,
Thanks for confirming. I'll keep an eye out for it and reach out if I can't find it.

Additionally, I had a question regarding which members of the board will be sitting on that meeting. Did Fergus Cullen step down due to conflict of interest? Even if the plans have changed a bit, it is nearly identical to the type of proposal he shared with abutters for his own property at 566 6th Street. If he has not then I will raise the concern at the meeting Tuesday.

Thanks,
Caitlin

On Thu, Jun 6, 2024 at 3:27 PM Benton, Donna <d.benton@dovernh.gov> wrote:

Hi Caitlin,

The plan needs to be updated. They are looking to purchase 3 TDR units. Please let me know if you have any further questions as you review the materials. Staff memos should be posted by tomorrow.

Thanks,

Donna

Re: Site Plans for 512 Sixth Street



Cullen, Fergus

Thu 6/6/2024 7:30 PM

Sent Items

To: Caitlin Wilkie <caitlin.ver@gmail.com>; Benton, Donna <d.benton@doover.nh.gov>;

Cc: Planning Board - All <PlanningBoard-All@doover.nh.gov>; Joyal, Michael <M.Joyal@doover.nh.gov>; Wyatt, Joshua <J.Wyatt@doover.nh.gov>;

Hi Caitlin -

I am responding to all since your note went to all members of the Planning Board.

My colleagues on the board may not have been previously aware that my wife and I own a property at 566 Sixth Street that will be coming before the Planning Board soon (but is not on next week's agenda). It's a TDR project. Caitlin is an abutter to that property.

Of course I will recuse myself from the board's review, discussion, and vote regarding that item when the time comes. I am sensitive to such matters both in the letter of the law and its spirit.

However, I have no connection to the 512 Sixth Street property or its owners. There exists no conflict of interest with regards to that application.

As it happens, I may not be able to make Tuesday's meeting anyway due to an actual conflict: I chair the Joint Building Committee working on the Dover High athletics project, and we have a Community Listening Session that night starting at 5:30. If it looks like I have to miss the Planning Board meeting I will ask Deputy Mayor Shanahan to substitute - not because I have a conflict of interest but because I have a scheduling conflict in another volunteer role on behalf of the city.

No one involved in the public life of our community gives up our rights as private citizens just because we also have public roles. Moreover, I would argue communities get better decisions on matters of public policy when those making them are informed by practical experience and not just theory.

Copying the city manager and legal counsel due to the nature of the accusation.

Respectfully,

Fergus Cullen

City Councilor – Ward 6

152 Boxwood Ln, Dover NH 03820

e: f.cullen@doover.nh.gov mobile: 603.520-5450

<http://www.doover.nh.gov>

From: Caitlin Wilkie <caitlin.ver@gmail.com>

Sent: Thursday, June 6, 2024 3:31:19 PM

To: Benton, Donna

Re: Site Plans for 512 Sixth Street



Caitlin Wilkie <caitlin.ver@gmail.com>

Fri 6/7/2024 10:53 AM

To: Cullen, Fergus <F.Cullen@dover.nh.gov>;

Cc: Benton, Donna <d.benton@dover.nh.gov>; Planning Board - All <PlanningBoard-All@dover.nh.gov>; Joyal, Michael <M.Joyal@dover.nh.gov>; Wyatt, Joshua <J.Wyatt@dover.nh.gov>; Wilkie, Rory V <rory.wilkie@td.com>; SCOTT HOGAN <hoganlaw@comcast.net>;

Security Notice: External sender. Use caution with hyperlinks or attachments.

Good Morning,

Both myself and my husband Rory were surprised and disappointed to hear that you've not shared your plans with other members of the board. We would never expect nor are we asking for a public figure to give up their rights as a private citizen. We would however, hope that a public figure would be transparent with their fellow board members especially when they had an upcoming plan they did have personal interest in, that is so similar to one they might be voting on. We feel that would be warranted when other proposals similar to yours could be used as a precedent and if approved, could potentially benefit your project. 512 6th Street is a prime example of such and why I raised my question about your attendance.

Fergus, similar to your proposal at 566 6th Street that the board will see in a few weeks, 512 6th Street is also a TDR proposal as you stated. Additionally, it has nearly identical density increases and zoning changes that you're going to be asking for approval on for your property. While you may not have any direct financial benefit to 512 6th Street or the owners, we felt that with the likeness of this proposal to yours, that you would be affected in some other way that might make you biased or appear to be biased should you vote on the 512 6th Street property.

I hope this provides clarity for both you and the other board members where our concern lies.

Thanks,
Caitlin

On Thu, Jun 6, 2024 at 7:30 PM Cullen, Fergus <F.Cullen@dover.nh.gov> wrote:

Hi Caitlin -

I am responding to all since your note went to all members of the Planning Board.

Text message from Fergus Cullen to Gina Cruikshank

To: Gina Cruikshank

Text Message • SMS
Tue, Jun 11 at 10:57 AM

Spoke to Josh. He agrees, separate project, no conflict. Moreover he argues one has a duty to fulfill public responsibilities.

That is a great point. Glad you checked with him

June 11, 2024 TRANSCRIPT

Caitlin Wilkie comments, Dover Planning Board

Good evening. It's nice to put a face to name. My name is Caitlin Wilkie. This is my husband, Rory Wilkie, and we live at 568 Sixth Street.

I had emailed the board last week because my husband and I had concerns over Fergus Cullen and voting on this tonight regarding this agenda item. And although he may not feel that there's any direct benefit or ties to the owners of Sixth Street or the representation here tonight, we did feel that there would be a bias or considered bias or appearance of bias to this vote. And the reasons for our concern over this conflict or potential of conflict of interest is due to the incredible likeness of what's planned here at 512 Sixth Street which although is not was not available on the site for neighbors to view inappropriate from the changes that have been made, but is very, very similar to what Fergus has submitted to the town last week at his property at 566 Sixth Street. His property will be part of the engineering review and then later part of the planning board meetings in the week to come. But both are TDR developments with very similar density increases and very similar number of structures that are being proposed.

Should he vote yes and allow this to be pushed through, it would essentially be asking the board to be approving something very similar for himself in the weeks to come and would set an unfair precedent in our opinion. So as this board is aware, there is a statutory procedure where this could be part of something that you guys put to a vote as to whether or not this is something that Fergus could continue voting on tonight and in the future. And we'd ask that you guys take that into consideration and select an alternative member for that.

With that said, I will also like to speak on behalf of this development itself. You know, we are very aware that there is a housing shortage in New Hampshire and in New England specifically. You know, we know that that's a problem. Fergus has made it a point to share with us a number of times that it's Dover's number one goal to have diverse housing. And it is not our intent to ask that you go against that. But we do feel it's this board's duty and responsibility to promote both smart growth and change at a reasonable scale. We do not feel that the scale being proposed at this property is either of those. It is zoned R40 as a majority of the homes are on Sixth Street from the K9 Chaos line to the Rochester line.

We feel it's the board's duty also uphold the zoning requirements as they exist today, and voting for this proposal would essentially be a slap in the face to homeowners on Sixth Street and other residents of Dover who trust that the zoning will be upheld. You'll be essentially telling us that the profit of the development to both the City of Dover and the developer means more than the value than the existing neighboring homes, because allowing such density increases will absolutely impact the daily use, current value and future marketability of properties. What's being proposed doesn't conform with the volume of structures to acreage majority of the homes have. And as most of you know and as he shared just a moments ago that the property has always had two dwellings and three structures on it when the majority in the area have one or a maximum 2 dwellings. So to allow five structures total would in our

opinion be outrageous and just continue to further go against the homes in the neighborhood more than it already does.

Had we or our neighbors preferred higher density housing, we would have purchased and move somewhere like downtown where higher density is expected. Out on 6th St. you expect privacy, wooded, spacious lots and not to feel like your neighbors are living on top of you. On top of that, there's a fair amount of wetlands on this property and from the site plans it did look like they were very close, although they did say that they would be moving them.

I still have a lot of concerns. For example, Wildcat, which is further up the street, which is a newer development. Impacted the wetlands a lot. Even at least one of those homes was built in the buffer zone, going against the rules. And even with the city taking the precautions, we live in an area where we didn't expect it to be impacted. We expected the city to do its due diligence and to say, yes, this is the engineering is working. The amount of water that we now have in our property, similar to what Ken has shared, has impacted him over the years. My concern is that it's just going to keep doing that as you go further and further down Sixth Street is that all of the homes that never had that problem will soon have that problem because you allow properties like this to have proposals pushed through.

Additionally, that's fine. Additionally, the traffic on the street is so busy and the speed is out of hand, so what is being proposed is only going to further continue to add to that problem with the volume of cars. So if the board approves this today, you're setting a gross precedent that homeowners on Sixth Street didn't expect, anticipate, or ask for, and you're ultimately setting a precedent for Fergus here of one of your own board members to then use as a reference for his own property of interest compared against favorably, which is coming in the next few weeks. So we strongly consider that you voting against it and don't allow something like this 512 6th St. proposal to go in and increase the density. So thank you.

June 11, 2024 TRANSCRIPT

Fergus Cullen comments, Dover Planning Board

Mr. Chairman, may I have a point of personal privilege, please?

I just wanted to address, for the benefit of my colleagues, for those that are in the room, for those who might be watching at home, my wife and I do own a property at 566 Sixth Street which we are in the process of renovating. We will have an application coming before this board in the coming weeks concerning that property.

The Wilkies are abutters to that property. They have concerns about what we are proposing for that property, and that is their right. But they're expressing those concerns in a misdirected way tonight.

Of course, I will be recusing myself from the board's review, discussion, and vote regarding that property when the time comes.

However, that is not the project that is before us tonight. This application concerns 512 Sixth Street which is about half mile away. I have no connection to 512 Sixth Street or its owners. I have no conflict of interest with regards to this application. In case my declaration that I have no conflict of interest isn't sufficient, I also reviewed this question with the City Attorney who agrees no conflict of interest exists. Moreover, the City Attorney reminded me that each of us on this board has been appointed to this volunteer role on behalf of our community with the expectation that we have a duty to fulfill our obligations to the city, which includes vetting and reviewing the application before us.

Thank you, Mr. Chairman.

June 11, 2024 TRANSCRIPT

Caitlin Wilkie comments, Dover Planning Board

Second time speaking

Frame your question. The proposal for R-40 is generally you don't allow more than 10% of the space to be covered with a residential structure. So when we're saying it, it doesn't meet the neighborhood and very similarly to what our neighbor said, that's where we're saying, it's like the amount of homes to an area compared to the rest is very, very dense.

And to reply back to you, Fergus, it's not that it's misdirected. We spoke with our legal counsel as well. We spoke with at least six plus neighbors in addition to our family and friends and everyone had agreed when they looked at the plans both for this property and the one that is next to us, which we will speak on separately. Our issue is not tonight about Fergus at his property. It's truly that these are so similar to each other and the precedent of if this is going to be approved 10 houses down on Sixth Street when generally this hasn't been available or hasn't been an option for people to do. Then we're saying it really is then going to impact moving forward, not just what Fergus does, but other people who purchase homes. And the joke now around the neighborhood is, oh, if somebody's home is up for sale, is that the next development? Like that's really what it's going to be setting a precedent for. So it's not misdirected at you. It's truly everyone felt that we have spoken to, including our land use attorney, that because of the similarity, because of the likeness of the proposals, because of the TDR and the density proposed that we didn't feel that we couldn't not raise our concern over conflict of interest. So just to wanted to clear the air on that. So it's not directed just specifically about your property. It's in general the likeness of the two. So thank you.

Dover councilor plans 'attainable housing' project on Sixth Street

by Ian Lenahan, Foster's Daily Democrat, June 19, 2024

DOVER — A City Council member is behind a proposal to redevelop a Sixth Street property and create new housing units on the site, describing them as middle-market properties to be sold for less than the average-priced Dover home.

Acting as a private citizen, Councilor Fergus Cullen, along with his wife, Jennifer, are seeking approval from the city's land-use boards to subdivide a 1.35-acre parcel at 566 Sixth St. into two single-family residential lots, in addition to another lot that includes a single-family residence and two duplex buildings.

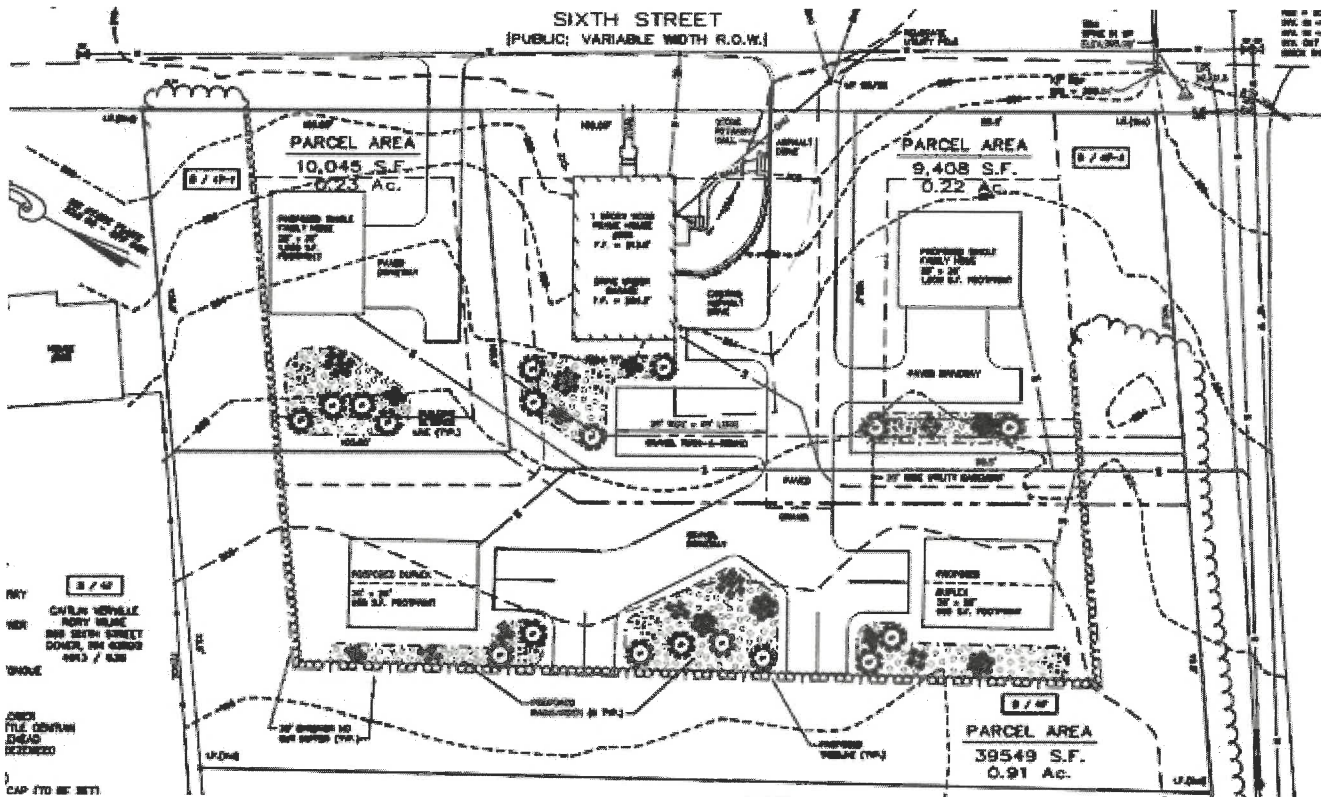
An avid runner, Fergus Cullen runs through the neighborhood multiple times each week. He described upper Sixth Street as being populated predominantly with similar ranch-style homes. After the last owner of the home died last year, the Cullens bought the property and set out to redevelop it.

"It's the number one goal of this City Council and the city of Dover to add more housing and a diversity of housing, including workforce housing," Cullen said. "As we got into this project, it became more and more important to me that we include attainable units in this project. I wasn't going to be someone where I said we need more attainable housing but that someone else ought to do it. I had to do it in my own project."

The estimated cost of construction for the entire project is \$950,000, according to the proposal filed with the city. Prices of the homes, if approved, have yet to be determined.

"We're trying to provide some kind of mix on this property, but it's not going to be million-dollar homes. That was a choice we could have (made) on this property. Instead we're trying to do more middle market and more attainable units that will presumably be less than the median price of a home in Dover right now," Cullen said.

Details of plans to redevelop 566 Sixth St. in Dover



The Cullens purchased the existing circa-1957 home and property last November and have been renovating the structure. The residence has been upgraded from two bedrooms and one bathroom to three bedrooms and two bathrooms.

The couple live less than a mile away from the property and envision selling their newly-constructed units for less expensive rates, if the project is approved. The proposal is slated to be heard by the Technical Review Committee on Thursday at 10:30 a.m. at City Hall.

“The plan we’ve submitted for TRC review is to add two middle-market, single-family homes with three bedrooms and two bathrooms (each), and two duplexes intended to create four lower-priced, more attainable housing units that are smaller in size,” Cullen said Tuesday.

The units within the Cullens’ proposed duplex buildings would all be built with two bedrooms and a bathroom, spanning 800 to 1,000 square feet each if approved, according to Cullen. The official proposal shows each duplex would have a 988 square-foot-footprint, while the two proposed single-family houses would each have a 1,008-square-foot-footprint.

The property presently has two parking spaces, and the Cullens aim to increase that total to 14. Pending approval, the development would be connected to the city's sewer and water systems.

"We intend to sell the completed homes, though it is possible we may end up owning and renting some depending on financing and market conditions," he added.

The Sixth Street site was last valued by the city at \$369,300, according to Dover property records.

Civilworks New England, a Dover civil engineering company, is working with the Cullens on the project. The company's president, Stephen Haight, provided a project narrative in the Cullens' application to the Technical Review Committee.

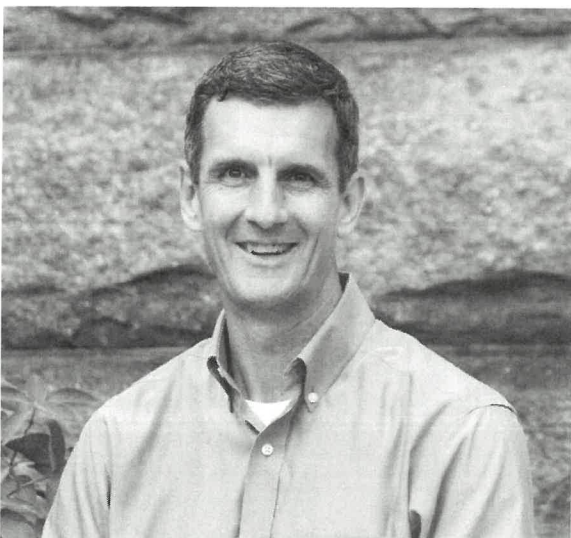
Two driveways would access the housing units, if approved, and six rain gardens are included in the site plan for stormwater runoff treatment, according to Haight's description.

Project will contribute to Dover's growth, Cullen says

The Cullens hope to play a part in adding to the Garrison City's housing stock little by little.

"If we want our communities to continue to grow, if we want our businesses to continue to grow, communities have to add more housing, more diverse housing," Cullen stated.

Serving as the City Council's representative to the Planning Board, Cullen said he will recuse himself from any proceedings regarding his housing development.



July 10, 2024 TRANSCRIPT

Caitlin Wilkie comments, Dover City Council Meeting Public Forum

Good evening. My name is Caitlin Wilkie and I live at 568 Sixth Street in Dover. I've lived here for seven years with my husband Rory and our two children.

Councilor Cullen's actions have completely degraded our trust actually in this local government, and that's why we're here tonight. So that speech couldn't have been more fitting. Fergus Cullen, a city councilor, our city councilor and the council's designee to the Planning Board has proposed a so obviously over designed development at 566 Sixth Street that abuts our property.

We understand that it's the city's number one goal to increase diverse housing. And let me be clear, we are not opposed to that and we understand that there is absolutely a need. However, developing attainable housing must be done in a manner that enhances our community without causing economic distress and disruption to neighbors and neighborhoods and without undermining established zoning codes.

Fergus Cullen has used his knowledge gained through his elected office to twist the pay to play transfer development rights or TDR zoning code into something that is so far beyond protections of standard zoning and what we all purchased our homes expecting to be maintained. His judgment is so far off that he believes adding two more single family homes and two duplexes to an existing family home, making seven families on a 1.3 acre rural low density area, fits with the look and feel of the neighborhood that generally all, almost all have one structure to an acre or more of property. It will cause significant negative impacts for our privacy, our daily use, our value, our future marketability and our property, as well as other abutters and neighbors, as well as economic hardship. Our home's value is estimated to plummet by at least 10%, as we've been advised by real estate professionals, which has been documented.

What am I supposed to tell my children where we live and who represents us when an elected official doesn't have the self-awareness to see that their plans not only disrupt the enjoyment of our home and our largest investment, but will also cause us financial harm? We simply cannot allow a conflict of interest like this to occur. Even if this is legal, and it's very hard to imagine that it is, how is this possible? He is not honoring the public trust and dignity bestowed upon him as community elected leaders and role models, as your council guideline states.

We were shocked when Fergus had not been forthcoming with the Planning Board about his own upcoming development. We were the ones to make the Planning Board aware when we raised concerns to them via e-mail about the appearance of a conflict that we felt Fergus had. At a 512 Sixth Street

property that was on the June 11th agenda, that development is just down the street from his nearly identical density increases. The site plans and planning company were the same and all through the use of the misintended use of the TDR. Ahead of the meeting, Fergus confronted us at our home about raising such concerns with the council. Is that the type of community role model that this city tolerates?

In relation to the jury test, we did not feel Fergus could vote without there being biased or appearance of bias, yet he refused to recuse himself and the board allowed him to vote. Fergus rattled off during the meeting several properties which utilize the TDR. Majority of them fit within the proposed neighborhood and look and feel, unlike the proposal at 512 and unlike at Fergus's at 566. Those two are hoping essentially to win the lottery because they can throw enough money at the transfer of development rights. If Fergus feels his development is appropriate and reasonable and legal, which it's so far from that, then it's going to apply the same lens to every other TDR that comes before him in the board. Even if he had recused himself from voting on a similar matter, it does not excuse the perception of conflict that remains.

We believe it clearly and undeniably violates the city's code under Article One, Section 21-8, regarding investments in conflict with official duties to which no elected or appointed officer or employee shall invest or hold any investment directly or indirectly in any financial, business, commercial, or private transaction which creates a conflict with his or her official duties. Fergus should not be involved in any business dealings where in fact or in perception, he's appearing to use his office here or at the Planning Board for pleasure or personal gain. How is the city tolerating this? All of this is a blemish on our city's character.

[Mayor Carrier: You have one minute left.]

That's fine. Thank you. We can allow. We cannot allow a conflict of interest like this or appearances of conflicts to continue by an elected official. Are we going to follow our own laws? Are we going to obey our own guidelines? Most importantly, are we going to hold our elected officials here in Dover to the highest ethical standards? If not, why does Fergus Cullen get to be the exception?

We hope to find an amicable solution that meets both the city's goals within reasonable means, but does not negatively impact our family, other abutters and our neighbors, some who have shown up to here tonight. If that is not the case and if Fergus Cullen's development is approved as it stands, we are fully committed to working with our legal counsel to take every legal action available, with this being such an unreasonable and unlawful project. Thank you.

July 10, 2024 TRANSCRIPT

Fergus Cullen comments, Dover City Council Meeting Council Matters of Interest

I need to address a couple comments made during public forum this evening.

A member of the community has suggested that I used inside information to purchase a property. I want to be clear, this purchase, this property was sold at auction. There was a sign on the property for weeks announcing this fact. Anyone could have participated in that auction. Not everybody chose to do so.

And if I wasn't working to redevelop this property, somebody else would have. We've cleaned up the property. It had fallen into disrepair. We are about complete on a full gut renovation of the property of the existing home and we have proposed to create housing there that is at or below the median cost of new housing in Dover.

This is the number one issue facing our state, is the number one goal of this council, the creation of more housing, diverse housing, attainable housing. I was not going to be the guy who said, "Somebody else should create attainable housing somewhere else. I was going to do it on my own property.

A member of our community has suggested that I withheld information from my colleagues on the Planning Board. It is true that I have avoided discussing the project with my colleagues on the Planning Board because first of all, there had been no application made to the Planning Board and so there was no issue to consider and second because I anticipated needing to recuse myself from consideration and discussion of it. It would have been inappropriate for me to have discussed it with my colleagues.

You know, this is still a small community where most people still choose to communicate directly with one another. Just because we are volunteer public officials does not mean we give up all of our rights as private citizens. It does mean that we follow disclosure and recusal rules. I have sought and received guidance from the city attorney on how to handle this matter and I've acted in accordance with those rules and with that guidance.

We also have ordinances and rules guiding land use policy. Everything we've done on this project has followed those rules. Moreover, it has been helpful to me as a policymaker to experience personally where our ordinances and the real world intersect. What we've proposed and what ultimately gets approved may be different, and that's OK.

Finally, some of you know that I try to practice stoicism, and so I want to share a quote from Seneca, which I try to use as a guide. "The duty of man is to be useful to his fellow men. If possible, to many of

them. Failing this, to be useful to his neighbors, and failing them, to himself. For when he helps others, he advances the general interests of mankind.”

I am proud to be working to try to create a couple of attainable housing units so that we might have more neighbors. If anyone in the community has concerns about how I've handled myself on this, please speak with me directly. Thank you, Mr. Mayor.

October 22, 2024 TRANSCRIPT

Scott Hogan comments, public hearing, Dover Planning Board. Hogan is an attorney representing the Wilkies

SCOTT HOGAN: Good evening, Madam Chair. Good evening, Planning Board members. My name is Scott Hogan. I'm a New Hampshire land use attorney. Next week I'll start my th year of practice here in New Hampshire. I'm here tonight representing abutting property owners. Several of them are in the room with us tonight. Several of them couldn't attend. And so I'd just like to address a number of issues. And I know the residents would like to speak to their own personal experiences from their own property perspectives. The group contacted me back when. The original proposal was put in front of the planning board at that time. Given the, I will use the word remarkable density and the technical site issues, the group retained me and we also contacted Tobin Farwell, who's a civil engineer over in Lee where I used to live. And so Tobin gave us some of his own input that I'm going to just address quickly as well. And one thing I also wanted to just frame here, so we're talking about a TDR application. So the density we're seeing here obviously couldn't possibly be brought to the planning board under any other regime other than the TDR, the TDR program where the applicant is paying for the additional density the clients will live with going forward. And also so it's proposing a high density residential. Subdivision in the R and again the language is it's proposing attainable not affordable housing. So I just wanted to make that point as well. So when Tobin just from a technical perspective quickly on those he I the issues that he identified and again he did look at the original plan then he gave us his opinion on on this reduced plan, I'll say reduced. In the air quotes, initially, Tobin said, yeah, the original plan was about seven times the density that you would expect in the R and in this area, particularly this one may be three times, so . The other was seven times roughly the density. And again, Tobin brought up the issue that the staff had determined that the existing single family could count as two units, so. There wasn't the additional unit that was being proposed to be purchased. And in that respect, frankly, right from my clients perspectives, whether this applicant buys another unit or two more, two more units, the money will go to the conservation fund, but it doesn't change the conditions. And my mantra that I say to them and everyone all the time is that, yes, the purpose of zoning, the purpose of the planning board's regulations and the particular purposes here of the TDR regime. The mantra is that zoning itself, from their perspectives, they have the right to have their daily use, value and future marketability of their properties protected through the zoning process. That's why we're all here. So in that respect, in terms of

the how many units, what's the base determination, it really kind of goes more to the the overall planning and density and the site plan issues and the protections. Particularly that the TDR process requires and one of them that Tobin kept raising and I know that the staff kept raising and my clients kept raising to me was the 30 foot no cut buffer. So the applicant recently it's been described as clear cut the existing vegetative buffer and removed the stumps so a perimeter. buffer is required perimeter. This one, I don't believe it's it doesn't have a full perimeter buffer. And the existing condition plan itself, as Tobin noted, doesn't represent the actual existing conditions because the vegetative buffer has been removed, the stumps have been removed. So whatever is going to be proposed in in its place has to be some robust Perimeter buffer that doesn't exist as far as we can see in the plans.

CRUIKSHANK: You have less than a minute left.

so yes, OK, thank you. Really less than a minute that would be fast. So the other aspect of this again, so so those in terms of the buffers, the technical issues, impervious coverage, Cogan looked at it and said I think each of the lots is over %, he said I think they're over a lot. And so the impervious coverage issue is something that I'm just going to raise that has to be addressed as as just a matter of one of the base requirements here, along with the the buffer itself. And for what it's worth, because the board raised the issue-- and I wasn't going to raise it, but I'll give you my two cents on the conflict of interest aspect of it. I don't believe there-- since Member Cullen recused himself, planning board members, zoning board members, all officials have the absolute right, as any other property owner does, to submit an application for development. He has recused himself. And I know the only concern in the conversation was that given the kind of ubiquity of these TDR applications all across the city now, that the idea of using the TDR process, particularly here in the rural residential R40 zone, was such that. A member who has an active application promoting their own TDR application, then opining on other TDR applications themselves in terms of supporting the process generally speaking would maybe tend right to reflect on their own application. And I appreciate the comment earlier that given that it is so spite site specific fact specific property specific neighborhood specific that. Perhaps there isn't a precedential value in that respect, but the fact of its use, the fact of how the process goes, the fact of how the board calculates the base issues and particularly here, all of those were I think what the concerns were in that those the discussion of those by a sitting member on other applications would obviously have some reflection on. on every TDR application, including the one-- and I understand he's not sitting on his own. But that was the general concern, I think, that was raised from from within the group that I'm here representing tonight.

CRUIKSHANK: I am going to need you to wrap up. You're well past seven minutes now.

Re: PB meeting Tuesday Oct 22



Cullen, Fergus

Thu 10/17/2024 9:39 PM

To: Benton, Donna <d.benton@dover.nh.gov>; meandkay@comcast.net <meandkay@comcast.net>;

I will be recusing myself from the planning board meeting on October 22.

I spoke to Deputy Mayor Dennis Shanahan today, and he expects to attend.

Fergus Cullen

City Councilor – Ward 6

152 Boxwood Ln, Dover NH 03820

e: f.cullen@dover.nh.gov mobile: 603.520-5450

<http://www.dover.nh.gov>

From: Benton, Donna

Sent: Thursday, October 17, 2024 9:25:31 PM

To: Planning Board - All; meandkay; 'Kyle Pimental'

Cc: Glidden, Jean; Blonigen, Rachel

Subject: PB meeting Tuesday Oct 22

Hello all,

We have a meeting Tuesday at 7pm in City Hall. Here is the link to the materials:

https://publicrecords.dover.nh.gov/Tabs/Index/21148/public/1/deptnum/0/cab/Public_Meetings

If you typically get hard copies, you would have received the materials for Summer St in August. If you no longer have those, they are available online using that link above.

Gina and Melina- your CIP books are in the mailboxes. Kyle- your CIP book is in the Planning office. If you have questions related to the CIP and would find it helpful to have that Department Head at the meeting, please let me know by Monday morning.

As always, I'm happy to answer any questions you have, just let me know.

Thanks and have a great weekend!

Donna

Please consider conserving our natural resources before printing this e-mail and/or any attachments.

This electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance on the information it contains unless authorized to do so. Thank you.

Tuesday refusal



Cullen, Fergus

Mon 12/9/2024 12:51 PM

To: Benton, Donna <d.benton@dover.nh.gov>; meandkay@comcast.net <meandkay@comcast.net>;

Cc: Shanahan, Dennis <D.Shanahan@dover.nh.gov>;

Donna -

I need to recuse myself from the December 10 Planning Board meeting.

I believe Deputy Mayor Shanahan is planning to serve as the City Council rep at this meeting.

Fergus Cullen

City Councilor – Ward 6

152 Boxwood Ln, Dover NH 03820

e: f.cullen@dover.nh.gov mobile: 603.520-5450

<http://www.dover.nh.gov>

THE STATE OF NEW HAMPSHIRE
HOUSING APPEALS BOARD

Fergus and Jennifer Cullen

v.

City of Dover and Dover Planning Board
Case No. 2024-029-PB

CITY OF DOVER AND DOVER PLANNING BOARD'S ANSWER

NOW COME the City of Dover and its Planning Board (collectively "the board"), by and through their attorneys, Mitchell Municipal Group, P.A., and, in answering the *Appeal from Decision of the City of Dover Planning Board Pursuant to RSA 679:5*, state as follows:

-5-

17. In response to the allegations contained in paragraph 17 of the Appeal, the City admits that no member of the planning board agreed with the allegations that Mr. Cullen had a conflict of interest because he serves as a city councilor and a planning board member.

THE STATE OF NEW HAMPSHIRE
HOUSING APPEALS BOARD

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v.

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NOW COME the City of Dover and its Planning Board (collectively "the board"), by and through their attorneys, Mitchell Municipal Group, P.A., and, in answering the *Appeal from Decision of the City of Dover Planning Board Pursuant to RSA 679:5*, state as follows:

14. The allegations contained in paragraph 14 of the Appeal are accurate math: $\$7,500 \times 3 = \$22,500$. In response to the allegations contained in the second sentence, the City admits that since 2018, the sale of development rights has generated over \$2,000,000 for the conservation fund.