

Bassegio, Erin

From: Benton, Donna
Sent: Monday, January 26, 2026 2:38 PM
To: Hilary Hamer; Planning Board - All
Cc: Perez, Jennifer
Subject: Re: Formal Objection: Jurisdictional Misclassification of 103 Court St, Request for Denial of Site Plan (Part 2 of 2)

Hi Dr. Hamer,

This email has been received and will be added to the public record. To answer your question simply, Section 170-29.G(3)(B)[4] notes, "The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission." under the "Single-family, two-family, three-family, and four or more method". This project is not considered an open space subdivision so the open space subdivision regulations do not apply.

Stay warm,
Donna Benton

From: Hilary Hamer <hilary.a.hamer@gmail.com>
Sent: Monday, January 26, 2026 8:33 AM
To: Benton, Donna; Planning Board - All
Cc: Perez, Jennifer
Subject: Re: Formal Objection: Jurisdictional Misclassification of 103 Court St, Request for Denial of Site Plan (Part 2 of 2)

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January 26, 2026

Dear Director Benton, attention: Members of the Planning Board:

Thank you for confirming receipt of the emails and attachments for the 103 Court St record.

Regarding the offer to meet, I appreciate the gesture; however, my concerns are not rooted in a misunderstanding, but rather in the specific application of City Code. In addition to the definitions I've cited in my letter from Dover City Code **§157-IV Open Space Subdivisions**, section §157-20 reads:

§ 157-20 Approval procedure. A. An open space subdivision with subdivision lots or **cluster arrangements shall be subject to the granting of a major subdivision approval** pursuant to the regulations contained herein. A plan for an open space subdivision with cluster arrangements shall depict, in addition to the required contents of a subdivision plat, the locations of all proposed building sites, roads, driveways, parking lots and other features determined by the Planning Board to be necessary for proper review of the plan.

Note that not only does this specifically include cluster arrangements, but further specifies additional standards for review of cluster arrangements explicitly.

As stated in my documents, the 103 Court St layout meets the criteria defined under **§ 157-21(D)(1)(b)** for a **Cluster Subdivision**: "One parcel with individual detached single-family dwellings located in a cluster arrangement." This is the physical arrangement of 'residential units' at 103 Court St, also utilized in the 210 Tolend Rd development as an example, which was reviewed under Subdivision regulations.

Notably, §157-19 refers broadly to "housing units"; therefore, lot lines, fee-simple lots, and the specific form of ownership are irrelevant under the definitions. **The physical layout determines the project type under statutory regulations.**

The language of the Code mandates that this type of cluster arrangement "*shall be subject to the granting of a major subdivision approval*" (§157-20). While the TDR ordinance allows for the waiver of lot size, frontage, and density, it does not change the **statutory classification** of the project into a "Site Plan." As established by New Hampshire law and local ordinance, Site Plan Review is reserved for multifamily and nonresidential purposes, whereas this proposal consists of detached single-family dwellings on a single lot.

If the Planning Department's position is that this project qualifies as a 'Site Plan' despite these definitions, please provide the specific section of the Dover City Code or NH RSA that grants the Board the authority to reclassify detached single-family dwellings as a site plan.

I trust that I have provided sufficient time for the Board members to independently review these submissions. Given the limited notice provided to residents, I have held it my responsibility to provide as thorough, cited, and comprehensive evidence as possible in a tight timeframe in order to ensure the Board has the necessary information to address these points.

Best regards,

Hilary Hamer, 91 Court St

Please include this email in the official project record before the Board for 103 Court St application.

On Thu, Jan 22, 2026 at 5:38 PM Benton, Donna <d.benton@dover.nh.gov> wrote:

Hi Dr. Hamer,

I am confirming receipt of both your email with attachment (part 1) and this email with attachments (part 2). We will include in the electronic packets for the Planning Board to view tomorrow. Also, I am happy to meet with you if you'd like to hear about open space subdivisions and TDR further. It may help clear up confusion.

Take care,

Donna Benton

From: Hilary Hamer <hilary.a.hamer@gmail.com>

Sent: Thursday, January 22, 2026 9:15:00 AM

To: Planning Board - All

Cc: Perez, Jennifer

Subject: Formal Objection: Jurisdictional Misclassification of 103 Court St, Request for Denial of Site Plan (Part 2 of 2)

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

Dear Dover Planning Board and Staff:

As referenced in my previous email, please find the following Exhibits attached for the official project record regarding the 103 Court St application. These documents provide evidentiary support for the jurisdictional and procedural objections submitted today.

Attached Exhibits:

Exhibit 1: Planning Board Minutes, January 28, 2025

Exhibit 2: Foster's Newspaper Article, January 30, 2025

Exhibit 3: Planning Board Minutes, May 13, 2025

Exhibit 4: Plan for 210 Tolend Rd, Open Space Subdivision

Exhibit 5: Developer's Handbook, City of Dover

Exhibit 6: R-12 Medium Density Residential from Dover Zoning

Exhibit 7: Additional 210 Tolend Rd documents for reference

Exhibit 8: Dover's Open Space Subdivisions Regulations

Please confirm receipt of both the formal objection letter (Part 1) and these supporting exhibits (Part 2) to ensure they are included in the Board's packet.

Respectfully,

Hilary Hamer, 91 Court St, Dover

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