CITY OF DOVER

# DOVER PLANNING BOARD – AGENDA

**REVISED**

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|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Avenue, Dover, NH 03820 |
| Meeting Date: | **Tuesday, March 10, 2026** |
| Meeting Time: | **7:00 pm** |

1. **CITIZENS' FORUM**
2. **APPROVAL OF THE PRIOR MINUTES**
   - February 24, 2026 Regular Meeting Minutes
3. **OLD BUSINESS**
4. **NEW BUSINESS**

   A. Consideration and acceptance of Transfer of Development Rights for 6 Brick Road, LLC, Assessor's Map 28, Lot 9-C, zoned O/Gateway, located at 1-24 Jefferson Drive. (Proposal is to purchase four (4) residential units through TDR.) *(TRAN-2025-0008)

   B. Consideration and acceptance of a Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to maintain an existing single-family dwelling and construct four (4) new single-family homes for a total of five (5) dwelling units with two (2) of the new single-family homes size-restricted to 1,400 square feet each.) *(SITE-2024-0012) (*This item was continued from the January 27, 2026 Planning Board meeting.)**

   C. Consideration and acceptance of a Conditional Use Permit for TND Engineering (Owners: Ahmed-Karim Revocable Trust, Ahmed R. Ahmed & Karim Vida Trustees) Assessor's Map 7, Lot 8, zoned R-20, located at 11 Boston Harbor Road. (Proposal is to reconstruct an existing foundation and reconstruct the existing driveway to a pervious surface resulting in approximately 2,000 square feet of permanent impacts to the Conservation District.) *(COND-2026-0004)

   D. Consideration and acceptance of a Conditional Use Permit for Singh Raghbir, Assessor's Map H, Lots 14-D and 14-D-1, zoned R-20, located at 8 and 4 Zeland Drive. (Proposal is to demolish two (2) single-family homes and rebuild with approximately 3,559 square feet of permanent impacts to the Conservation District.) *(COND-2025-0024)

5. **STAFF COMMENT**
6. **MEMBER COMMENTS**
7. **ADJOURNMENT**

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Find us on Facebook at https://www.facebook.com/DoverNHPlanning. The public is encouraged to leave comments in advance by emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.

# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, February 24, 2026** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Doug Glennon (Chair), Kyle Pimental (Vice Chair), Ken Mavrogeorge, George DeBoer, Jeff Sanborn, Tom Clark, Tyler Allen (Alternate), Eric Salovitch (Alternate), April Richer (Councilor)
**Members Not Present (excused)**: Devon Dunn, Melina Gambino (Alternate)
**Staff Present:** Erin Bassegio, City Planner

D. Glennon (Chair) called the meeting to order at 7:00pm, noted he would be acting as Chair and Kyle Pimental would be acting as Vice-Chair. He also noted that Tyler Allen would be sitting for Gina Cruikshank and Eric Salovitch would be sitting for Devon Dunn.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- February 10, 2026 Regular Meeting Minutes

**Motion:** T. Clark moved to approve the regular meeting minutes of February 10, 2026 as submitted. Seconded by: J. Sanborn. Vote: All in favor with E. Salovitch abstaining

## 3. OLD BUSINESS

## 4. NEW BUSINESS

The Vice-Chair announced Items A, B, and C would be heard together.

A. Consideration and acceptance of a Conditional Use Permit for Diversified Building and Maintenance, LLC, Assessor's Map 25, Lot 46, zoned R-12, & G, located at 6 Granite Street. (Proposal is to create one new lot that is shaped in a way that a future building could not practically be sited to meet the 60% frontage build-out requirement) *(COND-2026-0003)
B. Consideration and acceptance of a Conditional Use Permit for Diversified Building and Maintenance, LLC, Assessor's Map 25, Lot 46, zoned R-12 & G, located at 6 Granite Street. (The proposal is to create one new lot on which a structure cannot practically be sited within the required 5-20' build-to line.) *(COND-2026-0006)
C. Consideration and acceptance of a Minor Subdivision for Diversified Building and Maintenance, LLC, Assessor's Map 25, Lot 46, zoned R-12 & G, located at 6 Granite Street. (Proposal is for a minor subdivision creating one (1) new lot.) *(SUBM-2025-0008) (This item was continued from the January 27, 2026 Planning Board Meeting)

E. Bassegio explained that the Applicant is proposing subdividing the parent parcel at 6 Granite St., creating one new lot. Following the proposed subdivision, the parent parcel would total around 0.28 acres and the newly proposed lot would total around 0.45± acres.

The applicant is requesting two CUPs as part of this project. After the proposed subdivision, the new lot would have only about 26 feet of frontage, making it difficult to meet the 60% frontage build-out requirement given the side setbacks. They are also seeking relief from the 5- to 20-foot build-to line, as placing a building within that narrow area would be impractical. These are being sought as precedent conditions as no structure is currently being proposed but to ensure appropriate review of any future proposed structure.

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Christopher Berry, Berry Survey and Engineering represented the application and explained the request for a two-lot subdivision and the details of layout, frontage and future access. No building is being proposed at this time. Staff and the applicant have coordinated so that any proposed future development will come back before the Planning Board. He addressed utilities, storm water, and anticipated future development options.

Mr. Berry addressed comments and questions from the board related to site conditions, development layout, soil conditions and ledge.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION: Non-Environmental CUP Criteria and Gateway CUP Criteria (COND-2026-0003)**
Chapter 170-19.B.1 outlines the criteria for granting a Conditional Use Permit for relief. Those criteria include:

*(a) That both public and private buildings and landscaping shall contribute to the physical definition of rights-of-way as civic spaces.*
*(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.*
*(c) That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.*
*(d) That architecture and landscape design shall grow from local climate, topography, history, and building practice.*
*(e) That buildings shall provide their inhabitants with a clear sense of geography and climate through energy-efficient methods via a mixture of elements including windows, floor plan, and public and private space.*
*(f) That encourage civic buildings and other public gathering places be provided as locations that reinforce community identity and activity.*
*(g) That civic buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the City.*
*(h) That the preservation and renewal of historic buildings shall be facilitated.*
*(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed building and/or use.*
*(j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.*

Well recognized planning practices would, in Staff's opinion, support the requested relief, as construction would be best suited in the rear of the property, not the front. However, staff finds that it cannot fully evaluate the stated criteria at this time, as no structure is currently proposed. Therefore, Staff recommends approval of the Conditional Use Permit with conditions precedent, so that any future property owner will be required to submit building plans for review and final consideration once an actual development proposal is presented.

Chapter 170-20.B.2 outlines the criteria for granting a Conditional Use Permit for relief within the Gateway Zoning District. Those criteria include:

*(a) The requested use shall be compatible with abutting uses and the surrounding neighborhood.*
*(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*
*(c) The requested use will not result in objectionable noise or odor which would constitute a nuisance.*

Similarly, as stated previously, staff recommends approval of the Conditional Use Permit with conditions precedent to ensure appropriate review of future proposed structures.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote to approve the Conditional Use Permit with the following precedent conditions of approval:

**Precedent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
   1.1. The owner's signatures;
   1.2. The Planning File #COND-2026-0003;
   1.3. The stamp and signature of the LLS on the final plans;
2. Receive Conditional Use Permit approval for exceeding Front Primary Build-to Line (COND-2026-0006); and
3. The applicant shall return to the Planning Board for review once a structure is proposed, to demonstrate that all precedent conditions and applicable Conditional Use Permit criteria have been satisfied.

**Motion:** K. Pimental moved to approve the Conditional Use Permit with the precedent conditions. Seconded by T. Clark. Vote: U/A

**STAFF RECOMMENDATION: Non-Environmental CUP Criteria and Gateway CUP Criteria (COND-2026-0006)**

Chapter 170-19.B.1 outlines the criteria for granting a Conditional Use Permit for relief which include:

*(a) That both public and private buildings and landscaping shall contribute to the physical definition of rights-of-way as civic spaces.*
*(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.*
*(c) That the design of streets and buildings shall reinforce safe environments, but not at the expense of accessibility.*
*(d) That architecture and landscape design shall grow from local climate, topography, history, and building practice.*
*(e) That buildings shall provide their inhabitants with a clear sense of geography and climate through energy-efficient methods via a mixture of elements including windows, floor plan, and public and private space.*
*(f) That encourage civic buildings and other public gathering places be provided as locations that reinforce community identity and activity.*
*(g) That civic buildings shall be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the City.*
*(h) That the preservation and renewal of historic buildings shall be facilitated.*
*(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed building and/or use.*
*(j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.*

Similarly, as stated previously, staff recommends approval of the Conditional Use Permit with conditions precedent to ensure appropriate review of future proposed structures.

Chapter 170-20.B.2 outlines the criteria for granting a Conditional Use Permit for relief within the Gateway Zoning District which include:

*(a)The requested use shall be compatible with abutting uses and the surrounding neighborhood.*
*(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*
*(c) The requested use will not result in objectionable noise or odor which would constitute a nuisance.*

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Similarly, as stated previously, staff recommends approval of the Conditional Use Permit with conditions precedent to ensure appropriate review of future proposed structures.
The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote to approve the Conditional Use Permit with the following precedent conditions of approval:

**Precedent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
   1.1. The owner's signatures;
   1.2. The Planning File #COND-2026-0006;
   1.3. The stamp and signature of the LLS on the final plans;
   1.4. Removal of the errant CUP reference
2. Receive Conditional Use Permit from the Gateway District's 60% Frontage Build-Out requirement (COND-2026-0003); and
3. The applicant shall return to the Planning Board for review once a structure is proposed, to demonstrate that all precedent conditions and applicable Conditional Use Permit criteria have been satisfied.

**Motion:** T. Clark moved to approve the Conditional Use Permit with the precedent conditions. Seconded by K. Mavrogeorge. Vote: U/A

**STAFF RECOMMENDATION- Minor Subdivision**
The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
   1.1. The owner's signatures;
   1.2. The Planning File #SUBM-2025-0008;
   1.3. The stamp and signature of the LLS on the final plans; and
2. Confirm lot numbering with City Assessor and include approved numbering on plan set;
3. Receive conditional approval of Conditional Use Permit for Frontage Build-out percentage;
4. Receive conditional approval of Conditional Use Permit for exceeding Front Primary Build-to Line.

**Motion:** K. Pimental moved to approve the Minor Subdivision with the subsequent conditions. Seconded by T. Clark. Vote: U/A

The Vice-Chair announced Items D, E, and F would be heard together.

D. Consideration and acceptance of a Conditional Use Permit for Mechanic Street Realty Trust, Assessor's Map 24, Lot 101, zoned CBD-G, located at 9-11 Mechanic Street. (Proposal is for one accessible residential unit on the ground floor where a non-residential use on the ground floor is required.) *(COND-2026-0007)

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E. Consideration and acceptance of a Conditional Use Permit for Mechanic Street Realty Trust, Assessor's Map 24, Lot 101, zoned CBD-G, located at 9-11 Mechanic Street. (Proposal is to construct a mixed-use building that would have less than the minimum required lot coverage.) *(COND-2026-0008)

F. Consideration and acceptance of Site Plan for Mechanic Street Realty Trust, Assessor's Map 24, Lot 101, zoned CBD-G, located at 9-11 Mechanic Street. (Proposal is to construct an approximately 8,750 square feet, five (5) story mixed-use building, with commercial space on the first floor.) *(SITE-2025-0003)

E. Bassegio explained that the Applicant is proposing a five-story mixed-use building with two commercial units, nine residential units, and eight on-site parking spaces. The applicant has also received City Council approval for a license agreement to use twelve additional spaces in the Portland Avenue public lot.

The project includes two waiver requests for a landscape plan signed by a licensed landscape architect and for a reduced accessway width. Two Conditional Use Permits are also proposed: one to allow a ground-floor residential unit and another for lot coverage of about 26% where 75% is required.

The Technical Review Committee reviewed the application at their April 2, 2025, November 6, 2025, and January 22, 2026 meetings. Part of the TRC discussion and review focused on emergency access, building code compliance based on proximity to neighboring structures, parking availability and layout, and access for passenger vehicles and garbage removal.

Rob Ciampitti, attorney and owner represented the application and explained the requests. He described the existing site conditions, redevelopment plan and unit counts.

Ben Osgood, Engineer, Ranger Engineering, described the existing site conditions, proposed 5-story building location, access, parking, trash area, lighting, drainage, storm water, building description of unit accesses, sidewalks, utilities and landscaping.

Stefano Basso, Architect, SV Designs described details of the proposed building.

Mr. Ciampitti gave closing thoughts about the proposed project.

K. Pimental noted the recent memo provided by staff included criteria to help discern whether the board should allow ground floor commercial units to be converted into residential units. This project is a bit different, but does meet most of that criteria.

The applicant addressed comments and questions related to the proposed artwork, view from the upper floors, parking, commercial unit sizes and use options, HUD restricted / accessible unit location, easement/deed details and proposed driveway plans.

Board members discussed the easement in place, the lack of support provided from the abutting property owner, expansion of driveway onto abutting parcel and how best to provide proof of rights.

Amended condition language was suggested and discussed.

The applicant addressed questions of the board related to the proposed accessible unit location and snow storage.

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**Motion:** G. DeBoer moved to accept the application and declared no regional impact. Seconded by: T. Allen.
Vote: 7-2 with Salovitch and Richer opposed

*Public hearing opened.*
Jeremy Barrows, 5-7 Mechanic St, abutter would like some time to look into the easement as well as meet with the developer.

Steve Colleti, noted he has tried to reach out to the developer in advance of the meeting, but they haven't connected. There may be a legal issue, but he believes the project is good and they can work out the details among themselves.
*Public hearing closed.*

**Motion:** E. Salovitch moved to continue the item to the March 24, 2026 meeting at 7pm in this room. Seconded by: A. Richer.
Board members discussed their opinions on whether a continuance is necessary and/or preferred.
Vote: 5-4 with Sanborn, DeBoer, Clark and Pimental opposed

G. Consideration and acceptance of a Conditional Use Permit for RY Development, LLC, Assessor's Map H, Lot 34, zoned CM, located at 99 Knox Marsh Road. (Proposal is to establish a Residential Commercial Mixed-Use (RCM) Overlay District to allow for a commercial and residential development plan, with all residential units subject to rent restrictions published annually by New Hampshire Housing and HUD at the 60% Area Median Income (AMI) level for Multifamily Tax Subsidy Projects.) *(COND-2026-0002) *(This item was continued from the February 10, 2026 Planning Board Meeting)*

E. Bassegio explained that the Applicant is proposing a Conditional Use Permit to establish a Residential Commercial Mixed-Use overlay district. The overall development plan proposed a mixed-use project with an approximately 25,000 square foot commercial building and two residential buildings, each containing 80 residential units, and 7.5 acres set aside as a wildlife conservation area. The applicant is proposing all residential units subject to rent restrictions based on the 60% Area Median Income (AMI) rent limits.

The property is located within the Secondary Groundwater Protection District and has wetlands and wetland buffers on site, therefore potential environmental Conditional Use Permit approval may be required in the future due to these factors.

The Zoning Board of Adjustment previously approved a Variance for the applicant on Aug. 21, 2025, granting relief related to dimensional requirements and the rental-restriction based on the HUD Fair Market rates.

This CUP is an initial step in the review process, detailed site plans for phases or components of the development will be required and must be submitted for future review and consideration by the Technical Review Committee and Planning Board. If the proposal changes significantly, a revised CUP application will need to be submitted for review and consideration.

FX Bruton, Bruton and Berube and Steve Haight, CivilWorks represented the application and explained the request which is the first step in the process to get the project moving forward. Subsequent steps will include coming back before the board for additional approvals and full site plan review. Mr. Bruton explained details of the proposed buildings, units, commercial and residential breakdowns and variances granted.

E. Salovitch commented the proposed project fits well in the proposed location and he appreciates the 100% affordability aspect.

**Motion:** T. Allen moved to accept the application and declared no regional impact. Seconded by: T. Clark. Vote: U/A

*Public hearing opened.*
Lisa Austin-Smith, 72 Trestle Way is happy for affordable housing being added and expressed concerns about the traffic from Knox Marsh Rd.

Email received from Devon Dunn, 9 Chandler Way, who expressed general support for the project, especially its mixed-use design and affordable housing, but raised concerns about aesthetics and site layout. They encouraged improvements such as breaking up building massing, enhancing façade materials, relocating street-facing parking, and providing a cohesive landscaping and site design plan.
*Public hearing closed.*

The board discussed the long-term plan for the community trail, pedestrian access, diversity within the development and DOT input.

**STAFF RECOMMENDATION – Conditional Use Permit, RCM**
The Residential-Commercial Mixed-Use Overlay District ordinance §170-32B provides for Conditional Use Permits to establish an overlay district that allows a mixture of residential and commercial uses on one parcel. Conditional Use approval may be granted if the applicant has shown that the project follows the City's design guidelines, demonstrated that it will not negatively impact surrounding properties, and provided a fiscal impact analysis that demonstrates the project will be at least cost-neutral to the City both now and over a 10-year period. Approval is also contingent on a formal agreement between the applicant and the Planning Board, which must be recorded with the Strafford County Registry of Deeds.

This application meets these standards.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to the Issuance of Conditional Use Permit:**

1. Revise conditional use permit plan to include:
   1.1. Owner's signatures;
   1.2. Note with a list of approved variances for the site;
   1.3. Add a note stating that the RCM overlay was approved based on the applicant's proposal that 100% of the residential units will be rent-restricted at 60% Area Median Income (AMI) under NH Housing Multifamily Tax Subsidy guidelines;
2. The applicant shall provide the Planning Department with a digital version of the final concept.
3. The applicant continues working with NHDOT on traffic related analysis and potential improvements.
4. A formal development agreement between the Planning Board and the applicant and recorded at SCRD.

**Motion:** T. Clark moved to approve the Conditional Use Permit with conditions presented by staff. Seconded by E. Salovitch. Vote: U/A

## 5. STAFF COMMENT

- Prior TRCs:
  - On February 19th: Site Plan proposal at 47 Central Ave. to construct a four-story, 94-unit hotel with associated landscaping and parking.
  - On February 19th: CUP applications to construct a 4-unit townhouse at 24 Winter St.

- Upcoming TRCs:
  - On March 12th: Site Plan proposal to construct a mixed-use building at 28 Dover Point Rd. to include three (3) commercial units on the first floor and four (4) residential units on the second floor.

## 6. MEMBER COMMENTS

- K. Pimental
  - Shout out to Dover Public Works during storm events
- K. Mavrogeorge
  - Public is always welcome to help clear fire hydrants and sidewalks. Also be sure not to plow driveway snow into City right of way. Submit requests if areas need addressing.

## 7. ADJOURNMENT

**Motion:** G. DeBoer moved to adjourn at 9:18 pm. Seconded by K. Mavrogeorge. Vote: U/A

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CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #TRAN-2025-0008

| | |
|---|---|
| Application Type: | Transfer of Development Rights |
| Applicant(s): | 6 Brick Road, LLC |
| Owner(s): | 6 Brick Road, LLC |
| Location: | 1-24 Jefferson Dr. (Assessor's Map 28, Lot 9-C) |
| Meeting Date: | March 10, 2026 |

**INTENT:** Proposal is to purchase four (4) residential units through Transfer of Development Rights (TDR).

**AGENDA ITEM #:** 4-A

**FILE:** TRAN-2025-0008

**LOTS/UNITS PROPOSED:** Four residential units are being proposed through TDR (six residential units total plus the existing 24 units)

**OWNER/APPLICANT:** 6 Brick Road, LLC

**LOCATION:** 1-24 Jefferson Dr. (Assessor's Map 28, Lot 9-C)

**ACREAGE:** 2.89± acres

**ZONING DISTRICT:** Office, Gateway

**EXISTING/PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Commercial

**WAIVERS REQUESTED:** N/A

**ZBA ACTION:** June 16, 2011: the Zoning Board of Adjustment (ZBA) granted two Variances allowing the existing density and layout on site (Z11-12 and Z11-13)

Jan. 15, 2026: the ZBA approved a Variance to permit a residential use on the first floor in the Office Zoning District (ZONE-2025-0039)

**PERMITS REQUIRED:** N/A

**TECHNICAL REVIEW COMMITTEE:** N/A

**CONSERVATION COMMISSION:** N/A

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters.

**ATTACHMENTS:** TDR Plan, Application Materials.

**Summary of Request and Background:**
The applicant is proposing to purchase four residential units through TDR, for a project total of six residential units.

There are 24 existing townhomes on the subject parcel at 1–24 Jefferson Drive (Tax Map 28, Lot 9-C). The parcel is primarily located within the Office (O) District, though the project area where the new units are being proposed is split between both the Office and Gateway (G) Districts.

On January 15, 2026, the Zoning Board of Adjustment (ZBA) approved a Variance to permit a residential use on the first floor in the Office District (ZONE-2025-0039). This relief is only applicable to the three proposed units labeled as "Building A" on the plan set, as the three units labeled "Building B" are within the Gateway District, and such relief is not required.

The existing density and layout on site were granted via two Variances by the ZBA on June 16, 2011 (Z11-12 and Z11-13). Variance Z11-12 granted relief from the allowed density in the Office District. Where up to a four-family dwelling would have otherwise been permitted, approval was granted for 24 residential units in townhouse structures. Variance Z11-13 granted relief from the requirement that structures within the Office District include nonresidential uses on the first floor.

Per §170-29.G(3)(b), in mixed-use or multi-family districts, the base density is to be derived from the underlying zoning. Prior to the lot line adjustment (LOTA-2023-0010), the site's base density was established at 24 units. The TDR calculation was therefore applied to the additional 8,000 square feet of property to determine any increase in base density. As this area is located entirely within the Gateway District, a mixed-use and multi-family district, the underlying density standard of 4,000 square feet per residential unit was used. Based on this calculation, the base density increased by two units, requiring the applicant to purchase the remaining four (4) units.

Staff has reviewed the proposal and supplied a TDR memo to the applicant.

Review by the Technical Review Committee was not required for the TDR proposal, but would be required for Site Review.

**Consistency with Land Use Regulations - TDR**
§170-29 provides for additional density to be purchased through Transfer of Development Rights, provided that four criteria are met: The proposal is consistent with the Master Plan; is compatible with the land uses on neighboring lots; is created on property served by public water and sanitary sewer; and not seeking permitted relief caused by additional density.

*See reverse →*

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #TRAN-2025-0008

| | |
|---|---|
| Application Type: | Transfer of Development Rights |
| Applicant(s): | 6 Brick Road, LLC |
| Owner(s): | 6 Brick Road, LLC |
| Location: | 1-24 Jefferson Dr. (Assessor's Map 28, Lot 9-C) |
| Meeting Date: | March 10, 2026 |

Staff notes that the applicant identified consistency with goals within the Vision and Conservation and Open Space Chapter of the Master Plan that support infill development, diverse housing opportunities, and the promotion of development within areas already served by municipal services.

The applicant described the project site and proposal within the context of the surrounding area and the underlying Office and Gateway Districts, highlighting that the site has a mix of surrounding offices and single-, two-, and multi-family dwellings.

Staff notes the proposed density of one unit per ±4,198 square feet of developable land is comparable to surrounding properties. This ratio also falls between the underlying Office and Gateway Districts; the Office District requires at least 5,000 square feet per unit for a 3-4 family dwelling and the Gateway District requires at least 4,000 square feet per unit if it's not mixed-use or rent-restricted.

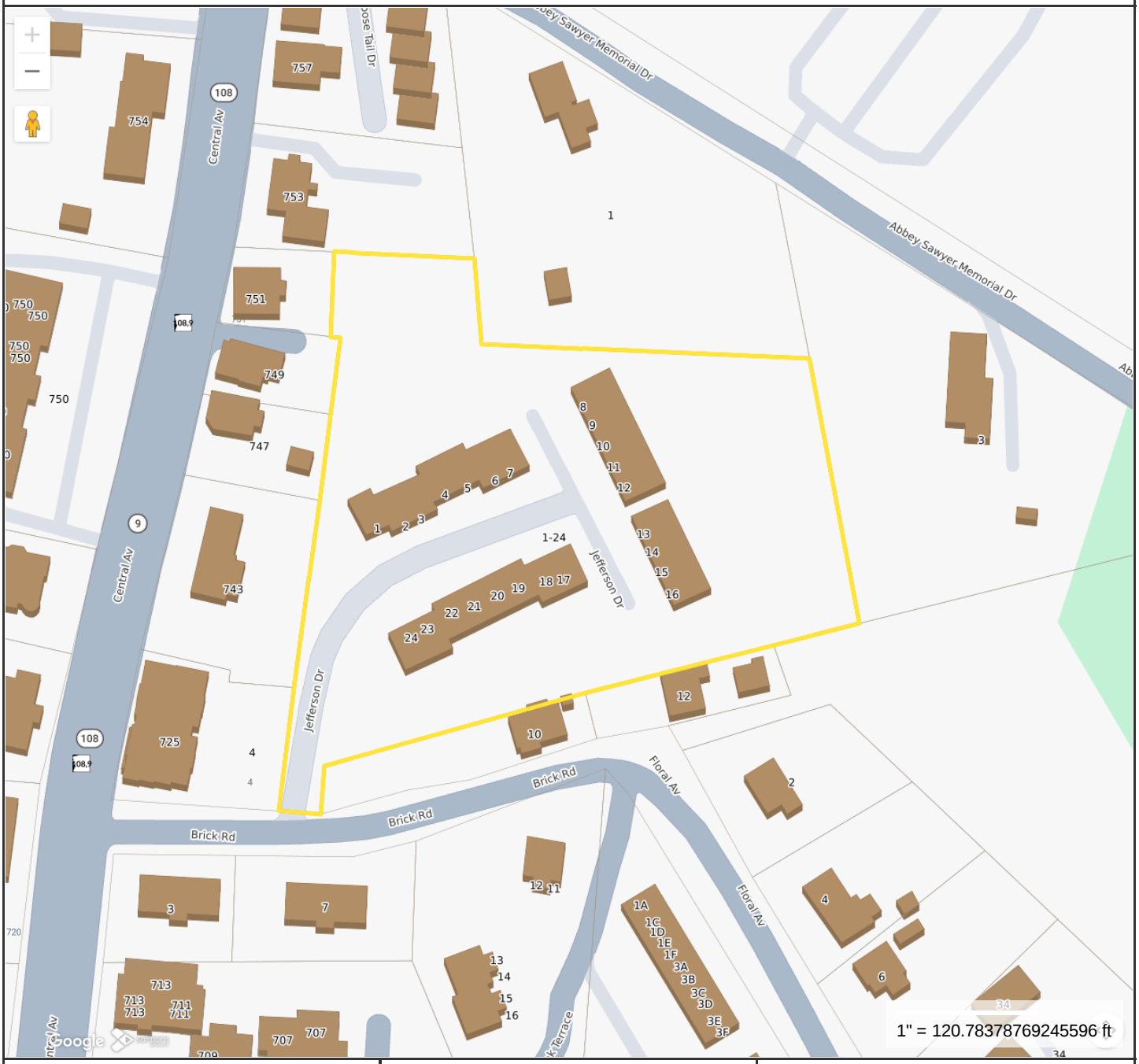
The lot is served by municipal water and sewer services and no environmental relief is required as proposed.

**STAFF RECOMMENDATION - TDR:**
The Planning Department recommends the Planning Board accept the application, open the public hearing, make findings, and vote on the TDR request or request further information. Should the Board vote to grant the TDR request, staff recommend it does so with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**

1. A Site Plan application is required to be submitted for review and approval by the TRC and Planning Board;
2. The revised site plan would need to relocate the existing bioretention areas and stormwater management would need to be redesigned.
3. Payment of TDR fees;
4. Payment of water/sewer investment fees at time of request for service;
5. Revise and submit plan set to include:
   - 5.1. Owners' signatures;
   - 5.2. Surveyed plan signed and stamped by a LLA;
   - 5.3. The following notes:
     - 5.3.1. "This site plan uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase up to four units for a maximum total of six additional units on the subject lot."
6. Work with the Planning Department to endorse a development agreement per Chapter 170-20B(3) and then record at SCRD.

# TRAN-2025-0008 1-24 JEFFERSON DRIVE




**Property Information**

| | |
|---|---|
| **Location** | 1 JEFFERSON DR |
| **Owner** | 6 BRICK ROAD LLC |
| **Land Use** | 114C |
| **Zoning Code** | O |
| **Property Id** | 28009-C00000 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/30/2023
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

**To:** Civilworks NE
**From:** Donna Benton, AICP
**Cc:** Robert Stowell, Tritech Engineering
**Date:** March 4, 2026
**Re:** TDR 1-24 Jefferson Dr.

**ISSUE:**
In February 2020, the Board recommended amendments to the Transfer of Development Rights (TDR) Ordinance. In June 2020, the Planning Board approved the amendments and on July 22, 2020, the City Council ratified them. One element is the requirement for staff to draft a review statement on the need for a sketch plan. Since then the criteria for TDR has also been amended.

**INTENT:**
This memo will serve as part of the staff report.

**GOALS:**
Provide background on balancing development vs. conservation needs and current housing shortage, and describe the TDR applications in Dover.

**Background**
On behalf of your client, you submitted a TDR plan for a residential project consisting of six (6) total units, four (4) of which are proposed to be purchased via TDR.

There are 24 existing townhomes on the subject parcel, Assessor's Map 28, Lot 9-C. The parcel is primarily located within the Office District, though the project area where the new units are being proposed is split between both the Office and Gateway Districts.

On Jan. 15, 2026, the Zoning Board of Adjustment (ZBA) approved a Variance to permit a residential use on the first floor in the Office District (ZONE-2025-0039). The existing density and layout on site were granted via two Variances by the ZBA on June 16, 2011 (Z11-12 and Z11-13). Variance Z11-12 granted relief from the allowed density in the Office District. Where up to a four-family dwelling would have otherwise been permitted, approval was granted for 24 residential units in townhouse structures. Variance Z11-13 granted relief from the requirement that structures within the Office District include nonresidential uses on the first floor.

Since the original approvals for the development at 1–24 Jefferson Dr., the lot lines have been adjusted, adding approximately 8,000 square feet of property, all within the Gateway Zoning District.

Per §170-29G(3)(b), in mixed-use or multi-family districts, the base density is to be derived from the underlying zoning. Prior to the lot line adjustment (LOTA-2023-0010), the site's base density was established at 24 units. The TDR calculation was therefore applied to the additional 8,000 square feet of property to determine any increase in base density. As this area is located entirely within the Gateway District, a mixed-use and multi-family district, the underlying density standard of 4,000 square feet per residential unit was used. Based on this calculation, the base density increased by two units, requiring the applicant to purchase the remaining four (4) units.

Staff performed this review based upon the information below, and is now providing the required staff report (Chapter 170-29 E.(4)a).

**Project Information**

| | |
|---|---|
| Project: | 1-24 Jefferson Dr., TDR |
| Where: | 1-24 Jefferson Dr. (Assessor's Map 28, Lot 9-C) |
| What: | Six (6) units total. Four (4) units requested to be purchased through TDR. (in addition to the 24 existing units) |
| Acres: | 2.89± acres |
| Zone: | Office, Gateway |
| Public Water: | Lot is served by municipal water. |
| Public Sewer: | Lot is served by municipal sewer. |
| Units: | Six (6) total units are proposed. As explained above, two (2) units, in addition to existing density, is considered to be the site's base density, requiring the purchase of four (4) units via TDR. |
| Relief: | No environmental relief would be required. |

**Staff Comment**
When reviewing projects, review the context, discuss options with the applicant, and advise on the feasibility of requesting the purchase or exchange before or after designing a fully laid out plan.

**In reviewing this project, we note:**

- Traffic
  - Jefferson Drive is a private road accessed via Brick Road.
  - Brick Road is accessed via Central Avenue, a high-traffic, arterial road that serves as the primary connection to all area destinations and routes including the nearby Wentworth-Douglass Hospital.
  - The site is well connected to the surrounding sidewalk network, supporting walkability in the area.
  - The subject property is near multiple COAST bus stops providing transit access around Dover and the surrounding region.
- Layout/topography
  - There is an existing development with 24 townhomes onsite.
  - The undeveloped project area is mostly grass, however, there is bioretention area where the new construction is proposed.
  - The site has a mix of surrounding offices and single-, two-, and multi-family dwellings.
  - Upon approval, the site had a ratio of 1 unit per ±4,914 square feet of developable land. Following the lot line adjustment, and proposed increase in units, the proposed ratio is 1 unit per ±4,198 square feet of developable land. This ratio falls between the underlying Office and Gateway Districts; the Office District requires at least 5,000 square feet per unit for a 3-4 family dwelling and the Gateway District requires at least 4,000 square feet per unit if it's not mixed-use or rent-restricted.
  - The cumulative lot coverage of the development upon approval was around 17% and the proposed lot coverage would now be approximately 19%. The maximum lot coverage requirement for the underlying Office and Gateway Districts are both 50%.
- Environmental
  - There are no environmental conditions in the project area that would require relief.

**Staff Recommendation**

Staff notes that the applicant identified consistency with goals within the Vision and Conservation and Open Space Chapter of the Master Plan that support infill development, diverse housing opportunities, and the promotion of development within areas already served by municipal services.

The applicant described the project site and proposal within the context of the surrounding area and the underlying Office and Gateway Districts, highlighting that the site has a mix of surrounding offices and single-, two-, and multi-family dwellings.

Staff notes the proposed density of one unit per ±4,198 square feet of developable land is comparable to surrounding properties. This ratio also falls between the underlying Office and Gateway Districts; the Office District requires at least 5,000 square feet per unit for a 3-4 family dwelling and the Gateway District requires at least 4,000 square feet per unit if it's not mixed-use or rent-restricted.

The lot is served by municipal water and sewer services and no environmental relief is required as proposed.

Staff supports the request but would recommend conversations with abutting properties, particularly along Central Avenue, to ensure appropriate screening between the proposed units and existing single- and two-family homes. While Site Review would be required upon potential TDR approval, staff emphasizes the need for review of the site's intended stormwater management plan, given the current location of the bioretention area in the northwest portion of the property.

# PLAN SNAPSHOT REPORT TRAN-2025-0008
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Plan Type:** | Transfer | **Project:** | | **App Date:** | 11/18/2025 |
| **Work Class:** | Transfer of Development Rights | **District:** | None | **Exp Date:** | NOT AVAILABLE |
| **Status:** | Fees Due | **Square Feet:** | 0.00 | **Completed:** | NOT COMPLETED |
| **Valuation:** | $0.00 | **Assigned To:** | Blonigen, Rachel | **Approval Expire Date:** | |

**Description:** The Applicant proposes to purchase 4 Non-restricted Multi-Family Units.

| | | | | | |
|---|---|---|---|---|---|
| **Parcel:** | 28009-C00000 Main | **Address:** | 1-24 Jefferson Dr Main<br>Dover, NH | **Zone:** | O(Office) |

Applicant
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

Owner
John O'Neill
Home: (978) 375-5153
Business: (978) 375-5153
Mobile: (978) 375-5153

**Plan Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Parcel Map/Lot | 28/9C | Parcel Zoning Overlay | Conservation | Parcel Zoning | Gateway & Office |
| trandevdetail | To further develop Tax Map 28 Lot 9C with 7 additional units for a total of 31 units. The original Jefferson Drive development was approved in 2011 with 24 units in accordance with variances: Z 11-12 & Z 11-13 (Marcia Wentworth Revocable Trust). In 2024, 8,000 sq.ft of land in the Gateway District was purchased from Tax Map 28 Lot 10 in accordance with Boundary Line Adjustment plans recorded in the Strafford County Registry of Deeds # 12993 & 12994. Base density for the original development was 24 units. For the new area purchased in the Gateway district, 2 more units are allowed for a total allowable density of 26 units. The remaining 5 Non-restricted units will be purchased via the City of Dover Transfer of Development Rights (TDR) Ordinance. | Deed Book | 3986<br>5140 | Deed Page | 60<br>135 |
| Property Address | 1-24 Jefferson Drive | Deed Date | 01/18/2012<br>09/27/2023 | Owner Name | 6 Brick Road, LLC |
| Existing Parcel Size (Ac) | 2.891 | Owner Address | 3 Quill Drive Suite 107, Barrington NH | Owner Phone | (978) 375-5153 |
| Existing Parcel Size (sqft) | 125932 | Owner EMail | johnoneill.nh@gmail.com | Parcel Feedback | |
| Reference Plan ID Number: | | Request Type | Residential | trandevpermits | NHDES Sewer Connection - Not yet submitted. |

# PLAN SNAPSHOT REPORT (TRAN-2025-0008)

| | | | | | |
|---|---|---|---|---|---|
| Project Zone | Residential | New Change in Impervious/Paved Area (sq ft) | 10350 | Quantity of Non-Restricted Units | 4 |
| Relief Sought | Unit increase | | | | |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| 2026.03.10_PlanningBoard.Agenda.pdf | 02/24/2026 10:29 | Blonigen, Rachel | | PB Agenda |

| Invoice No. | Fee | | Fee Amount | Amount Paid |
|---|---|---|---|---|
| INV-2025014594 | Planning Transfer of Dev Rights Application Fee | | $200.00 | $200.00 |
| | | **Total for Invoice INV-2025014594** | **$200.00** | **$200.00** |
| INV-2026000633 | Planning First Class Mailing | | $60.00 | $60.00 |
| | Planning Verified Mailing to Abutters | | $377.00 | $377.00 |
| | Planning Creation / Printing of Abutter Labels | | $30.00 | $30.00 |
| | Planning Legal Notice | | $120.00 | $120.00 |
| | | **Total for Invoice INV-2026000633** | **$587.00** | **$587.00** |
| INV-2026000644 | Planning Impervious Paved Area Fee | | $724.50 | $0.00 |
| | | **Total for Invoice INV-2026000644** | **$724.50** | **$0.00** |
| NOT INVOICED | Transfer of Dev Rights Fee - Non-Restricted | | $72,000.00 | $0.00 |
| | | **Total for Invoice NOT INVOICED** | **$72,000.00** | **$0.00** |
| | | **Grand Total for Plan** | **$73,511.50** | **$787.00** |

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 11/18/2025 17:08 | 11/18/2025 17:08 |
| Confirm application complete v.1 | Generic Action | | 11/18/2025 17:08 |
| ~~Technical Review Committee Meeting Agenda v.1~~ | Task | | 11/18/2025 17:08 |
| ~~Land Use Plan Technical Review v.1~~ | Receive Submittal | | 11/18/2025 17:08 |
| ~~Technical Review Committee Meeting v.1~~ | Hold Meeting | | 11/18/2025 17:08 |
| **Planning Board v.1** | | 11/18/2025 17:09 | |
| Planning Board Agenda v.1 | Task | 11/18/2025 17:09 | 02/24/2026 10:30 |
| Invoice for Notices v.1 | Task | 02/24/2026 10:30 | 02/25/2026 13:31 |
| Send Notices v.1 | Task | 02/25/2026 13:30 | |
| Planner Creates Staff Recommendations v.1 | Plan Activity | | |
| Distribute Planning Board Materials v.1 | Task | | |
| Planning Board Hearing v.1 | Hold Hearing | | |
| Planning Board Decision v.1 | Plan Activity | | |
| NOD Sent to Applicant v.1 | Create Report | | |
| **Final Plan v.1** | | | |
| Land Use Plan Stamped and Signed v.1 | Generic Action | | |
| Recording v.1 | Task | | |
| Document Archival v.1 | Generic Action | | |
| Internal Notification of Plan Completion v.1 | Generic Action | | |
| Building Official Notifies Address v.1 | Generic Action | | |
| Pre-Con Meeting v.1 | Hold Meeting | | |
| **Create/Link to Records v.1** | | | |
| Create / Link to Permit - Building Major v.1 | Create Sub Permit | | |
| Create / Link to Permit - Site Work, Construction v.1 | Create Sub Permit | | |

# City of Dover, New Hampshire
## TRANSFER OF DEVELOPMENT RIGHTS APPLICATION

[Revision Date: October 1, 2020]

| Office Use Only | Project #: | | Date Received: | |
|---|---|---|---|---|
| | Amount Paid: | | Time Received: | |

**APPLICANT AND OWNER INFORMATION**

Name of Applicant: 6 Brick Road, LLC Telephone # 978-375-3153

Address of Applicant: 3 Quill Lane Suite 107, Barrington NH 03825

E-Mail Address: johnoneill.nh@gmail.com office@stonearchcommunities.com

Name of Property Owner (if different from applicant): 6 Brick Road, LLC Telephone # 978-375-3153

Address of Property Owner: 3 Quill Lane Suite 107, Barrington NH 03825

**PROPERTY INFORMATION**

Assessor's Map # 28 Lot(s) # 9C

Address of Property: Jefferson Drive, Dover, NH

Zoning District(s) Office & Gateway Overlay District(s) Conservation District

Existing Use of Property: Multi-family residential

New impervious area (in s.f.): 10,350 sq.ft.

**TRANSFER OF DEVELOPMENT RIGHTS INFORMATION**

**Type of TRANSFER OF DEVELOPMENT RIGHT REQUEST (Check All That Apply):**

☒ Residential ☐ Residential (reduced size) ☐ Industrial | ☒ Purchase ☐ Land Preservation

**Relief sought (Check All That Apply):**

☐ Lot Size ☐ Frontage ☐ Setback ☒ Increase by 4 units

Describe Proposed Use or Activity that requires TDR; describe any impacts and document mitigation:

Jefferson Drive currently has 24 townhouse style units. The applicant proposes to develop an additional 6 units, 4 of these units will be non-restricted and purchased through TDR.

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: NHDES Sewer Discharge

Name of Professional That Prepared TDR Plans: Robert J. Stowell, Tritech Engineering Corporation

Address 755 Central Ave Dover, NH Telephone #: 603-742-8107

Professional License #: 9903 E-mail address: rjs@tritecheng.com

**SIGNATURES**

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: _____ Date: _____

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: _____ Date: 11/18/25

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: _____

# CITY OF DOVER TRANSFER OF DEVELOPMENT RIGHTS
# LIST OF ABUTTERS

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

**Owner:**

| TAX MAP | LOT # | PROPERTY OWNER | MAILING ADDRESS |
|---|---|---|---|
| 28 | 9C | 6 Brick Road, LLC | 3 Quill Lane Suite 107, Barrington NH 03825 |

**Applicant (if different from owner):**

| APPLICANT NAME | APPLICANT COMPANY | MAILING ADDRESS |
|---|---|---|
| John O'Neill | 6 Brick Road, LLC | 3 Quill Lane Suite 107, Barrington NH 03825 |

**Surveyor and/or Engineer/Professional Agent:**

| NAME | COMPANY | MAILING ADDRESS |
|---|---|---|
| Robert J. Stowell | Tritech Engineering Corporation | 755 Central Ave, Dover, NH |
| Michael Mariano | Highland Soil Services | 75 Prospect Street, Somersworth, NH |
| | | |

**Conservation Easement Holder:**

| TAX MAP | LOT # | NAME OF EASEMENT HOLDER | MAILING ADDRESS |
|---|---|---|---|
| | | | |

# PLANNING BOARD FEE SCHEDULE

*(Revised February 10, 2020)*

Below are the fees associated with plan review. Please complete the information below and provide payment with your application submittal. Plan review fees shall be paid prior to technical review committee (TRC) being scheduled. For plans not requiring TRC review, fees are due 21 days prior to the Planning Board meeting. Staff will coordinate abutter/notice fees, which will be invoiced and must be paid 28 hours before the Planning Board meeting for an application to be heard. Fees shall be paid by cash or check made payable to "City of Dover."

A. Plan Review Fees

1. Application fee for the following (SELECT ALL THAT APPLY):

- ☐ SUBDIVISION $150.00 x # _____ new lots created= $_____
- ☐ LOT LINE ADJUSTMENT $100.00 X # of lots involved= $_____
- ☒ TRANSFER OF DEVELOPMENT RIGHTS Application fee $150.00= $ 150
- ☐ SITE REVIEW – RESIDENTIAL $100.00 x # ____ per dwelling unit= $_____
- ☐ SITE REVIEW – NON-RESIDENTIAL (not to exceed $10,000)
  - o New construction $.15 sq. ft. x # _____ sq. ft.= $_____
  - o Additions (new floor space) $.10 per sq. ft. x # _____sq. ft.= $_____
- ☐ MOTEL/HOTEL $35.00 x # ___ per lodging unit= $_____
- ☐ CHANGE OF USE (not to exceed $5,000)
  - o Existing floor spaces $.10 per sq. ft. x # _____ sq. ft. = $_____
- ☐ CONDITIONAL USE PERMIT $150.00 x # _____ per application= $_____
- ☐ GRAVEL PIT/ EXCAVATIONS
  - o Application fee $50.00= $_____
  - o Permit fee $75.00= $_____
- ☐ EXTENSIONS OF/AMENDMENTS TO/WAIVERS FOR AN APPROVED PLAN
  $50.00 x # ____ per hour of review (3 hour minimum)= $_____
- ☐ REQUEST FOR REZONING Application fee $150.00= $_____
- ☐ DRIVEWAY WAIVER Application fee $100.00= $_____

SUB TOTAL= $_____

AND

2. IMPERVIOUS PAVED AREA (for new development or additions to existing parking lots (not to exceed $10,000) $.07 sq. ft. x # _____= $_____

TOTAL PLAN REVIEW FEE= $_____

B. Abutter Notification/Mailing Labels - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to review the list and provide to this office the engineer, architect, licensed land surveyor (LLS), licensed landscape architect (LLA) and/or soil scientist whose professional seal appears on the plan with names and addresses for notices.

- ☐ Applicant & Owner, engineer, architect, LLS, LLA and/or soil scientist
  - o Certified letters fee # _____ of x $8.00= $_____
- ☐ Certified letters fee: # of abutters _____ X $8.00= $_____
- ☐ First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X $1.00= $_____
- ☐ Creating/Printing Abutter Labels in triplicate per sheet _____ x $10.00= $_____

SUB TOTAL= $ 150

C. Fo**ster's newspaper public notice** fee $ _____

TOTAL NOTICE FEE= $_____

The above amount must be paid 28 hours prior to the Planning Board meeting, to be heard.

**TRAN-2025-0008** **1 24 JEFFERSON DRIVE**

| Property ID | Location | Owner 1 | Owner 2 | Owner Address 1 | City | State | Zip |
|---|---|---|---|---|---|---|---|
| 29016-000000 | 728 CENTRAL AV | HOLGATE LIMITED PARTNERSHIP | | 130 CENTRAL AVE | DOVER | NH | 03820 |
| 28033-000000 | 2 FLORAL AV | DUCLOS VALERIE BETH TRUSTEE | LESTER VALERIE REVOCABLE LIVING TRUST | 2 FLORAL AVENUE | DOVER | NH | 03820 |
| 28007-000000 | 757 CENTRAL AV | KNOX MARSH DEVELOPMENT LLC | 6 GOOSE TAIL DR LLC 1, 2 & 3 & DIPALO PR | 22 DUSTIN HOMESTEAD | ROCHESTER | NH | 03867 |
| 28016-000000 | 12 BRICK RD | WINTLE ERIN | | 12 BRICK ROAD | DOVER | NH | 03820 |
| 28013-000000 | 725 CENTRAL AV | DOVER COAST 725 CENTRAL LLC | | 24321 WOODSAGE DR | BONITA SPRINGS | FL | 34134 |
| 28015-000000 | 10 BRICK RD | DOVER COAST BRICK LLC | | 24321 WOODSAGE DR | BONITA SPRINGS | FL | 34134 |
| 28018-000012 | 711 CENTRAL AV | DOVER HILL CONDO LLC | | 15 GRANDVIEW DR | DOVER | NH | 03820 |
| 28018-000018 | 707 CENTRAL AV | DUGRENIER JODY A | | 707 CENTRAL AVE UNIT 2 | DOVER | NH | 03820 |
| 28018-000020 | 707 CENTRAL AV | BROWN BENETA | | 711-2 CENTRAL AVE | DOVER | NH | 03820 |
| 28032-000SL2 | 7 ABBEY SAWYER MEMORIAL DR | AT&T WIRELESS SERVICES INC | C/O AT&T TOWER PROPERTY TAX | 1010 PINE ST, 6E-L-01 | ST LOUIS | MO | 63101 |
| 29017-000000 | 750 CENTRAL AV | CENTRAL COMMONS | | 750 CENTRAL AV | DOVER | NH | 03820 |
| 28018-000005 | 709 CENTRAL AV | RALEY PAMELA S TRUSTEE | RALEY PAMELA S REVOCABLE LIVING TRUST | 709 CENTRAL AVE #1 | DOVER | NH | 03820 |
| 28018-000010 | 709 CENTRAL AV | NICOLL JASON R | | 709 CENTRAL AVE #6 | DOVER | NH | 03820 |
| 28018-000015 | 713 CENTRAL AV | KORTH CHRISTOPHER C | | 713 CENTRAL AV UNIT 2 | DOVER | NH | 03820 |
| 28018-000001 | 707 CENTRAL AV | LAWSON NYLES A | | 707 CENTRAL AVE APT 1 | DOVER | NH | 03820 |
| 28018-000006 | 709 CENTRAL AV | BEHRMANN CHRISTIAN | | 709 2 CENTRAL AV | DOVER | NH | 03820 |
| 28018-000007 | 709 CENTRAL AV | PRATT GEOFFREY D | | 709 CENTRAL AVENUE UNIT 3 | DOVER | NH | 03820 |
| 28018-000008 | 709 CENTRAL AV | HENRY LISA | | 709 CENTRAL AVE APT 4 | DOVER | NH | 03820 |
| 28018-000009 | 709 CENTRAL AV | HARRIS JAMES D & PETER B TRUSTEES | THE JAMES D HARRIS GENERATION SKIPPING T | 709 5 CENTRAL AVE | DOVER | NH | 03820 |
| 28018-000003 | 707 CENTRAL AV | CARRABBA MICHAEL J JR | | 707 CENTRAL AVE APT 3 | DOVER | NH | 03820 |
| 28018-000011 | 709 CENTRAL AV | 709CENTRALAVENUEUNIT7 LLC | | PO BOX 535 | ROLLINSFORD | NH | 03869 |
| 28018-000019 | 707 CENTRAL AV | RALEY PAMELA S TRUSTEE | RALEY PAMELA S REVOCABLE LIVING TRUST | 709 CENTAL AVE UNIT 1 | DOVER | NH | 03820 |
| 28018-B00000 | 3 BRICK RD | BRICK ROAD HOLDINGS LLC | | 175 MARKET ST FLOOR 2 | BRIGHTON | MA | 02135 |
| 28018-000014 | 713 CENTRAL AV | MEEKS SHANNON | | 713 CENTRAL AVE UNIT 1 | DOVER | NH | 03820 |
| 28011-000000 | 749 CENTRAL AV | SULLIVAN TIMOTHY | KANE KAITLYN | 90 NEWTON AVE | BRAINTREE | MA | 02184 |
| 28032-000000 | 10 ABBEY SAWYER MEMORIAL DR | CITY OF DOVER | | 288 CENTRAL AVENUE | DOVER | NH | 03820 |
| 28009-B00000 | 3 ABBEY SAWYER MEMORIAL DR | SLIWINSKI FREDERICK J | | 3 ABBEY SAWYER MEMORIAL DR | DOVER | NH | 03820 |
| 28010-000000 | 751 CENTRAL AV | PEARL ANDREW R | PEARL KASSANDRA M | 751 CENTRAL AVE | DOVER | NH | 03820 |
| 28018-000017 | 707 CENTRAL AV | LAWSON NYLES A | | 707 CENTRAL AVE APT 1 | DOVER | NH | 03820 |
| 28032-000LSE | 15 ABBEY SAWYER MEMORIAL DR | ANDREWS JAMES | A/K/A VERTICAL REALITY PROPERTIES CO | 21 ECHO BROOK RD | ROCHESTER | NH | 03839 |
| 28018-000000 | 707 CENTRAL AV | SADDLER HILL CONDO ASSOCIATION | | 707 CENTRAL AVE | DOVER | NH | 03820 |
| 29012-000000 | 720 CENTRAL AV | GARRISON HILL PROPERTIES LLC | | 31 PICKENS AVE | SEABROOK | NH | 03874 |
| 29100-000000 | 726 CENTRAL AV | MARKER 21 HOLDINGS LLC | | 130 CENTRAL AVE | DOVER | NH | 03820 |
| 28025-000000 | 7 FLORAL AV | MCQUADE REALTY INC | | PO BOX 1409 | DOVER | NH | 03820 |
| 28012-A00000 | 743 CENTRAL AV | M5 PROPERTIES LLC | | 171 SILVER ST | DOVER | NH | 03820 |
| 28035-000000 | 4 FLORAL AV | HEDE GREGORY R & BONNIE T TRUSTEES | HEDE GREGORY AND BONNIE REVOCABLE LIVING | 4 FLORAL AVENUE | DOVER | NH | 03820 |
| 28018-000004 | 707 CENTRAL AV | MILLER MJ | | 133 WASHINGTON ST #14 | DOVER | NH | 03821 |
| 28009-A00000 | 753 CENTRAL AV | QUANTUM OFFICE LLC | | 755 CENTRAL AV | DOVER | NH | 03820-3404 |
| 28012-000000 | 747 CENTRAL AV | KOZLOWSKI KRYSTIAN E | | PO BOX 212 | DOVER | NH | 03821 |
| 28032-000SL1 | 9 ABBEY SAWYER MEMORIAL DR | SPRINT SPECTRUM LP | PROPERTY TAX DEPT | PO BOX 8430 | KANSAS CITY | MI | 64114-8430 |
| 28008-000000 | 1 ABBEY SAWYER MEMORIAL DR | ADAM AL-GHAITHY WENDIE & | ADAM AL-GHAITHY YUSEF | 1 ABBEY SAWYER MEMORIAL DR | DOVER | NH | 03820-2801 |
| 28018-000002 | 707 CENTRAL AV | DUGRENIER JODY A | | 707 CENTRAL AVE UNIT 2 | DOVER | NH | 03820 |
| 28018-C00000 | 7 BRICK RD | BRICK ROAD HOLDINGS LLC | | 175 MARKET ST FLOOR 2 | BRIGHTON | MA | 02135 |
| 28018-000013 | 711 CENTRAL AV | BROWN BENETA W | | 711 2 CENTRAL AV | DOVER | NH | 03820 |
| 28018-000016 | 713 CENTRAL AV | KORTH CHRISTOPHER | | 713 CENTRAL AVE UNIT 3 | DOVER | NH | 03820 |
| 28019-A00000 | OAK ST | MCQUADE REALTY INC | | PO BOX 1409 | DOVER | NH | 03820 |
| 28037-000000 | 15 OLD ROLLINSFORD RD | WENTWORTH DOUGLASS HOSPITAL | C/O MASS GENERAL BRIGHAM | 399 REVOLUTION DR | SOMERVILLE | MA | 02145 |
| 29019-000000 | 754 CENTRAL AV | TASKER GROVER L SR & SUSAN R TRUSTEES | TASKER FAMILY LIVING TRUST | 756 CENTRAL AVE | DOVER | NH | 03820 |
| 28009-C00000 | 1 JEFFERSON DR | 6 BRICK ROAD LLC | | 3 QUILL LANE STE 107 | BARRINGTON | NH | 03825 |
| | | TRITECH ENGINEERING CORPORATION | ROBERT J STOWELL | 755 CENTRAL AVENUE | DOVER | NH | 03820 |
| | | HIGHLAND SOIL SERVICES | MICHAEL MARIANO | 75 PROSPECT STREET | SOMERSWORTH | NH | 03878 |

TRITECH
ENGINEERING CORPORATION

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

February 17, 2026

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: TDR Application
Dover Tax Map 28 Lot 9C
Jefferson Drive
Dover, New Hampshire
Job No. 23115

Dear Donna:

In November, on behalf of the applicant/ property owner 6 Brick Road, LLC, we submitted an application for Transfer of Development Rights (TDR). The property is shown as City of Dover Tax Map 28 Lot 9C and is located at Jefferson Drive on the north side of Brick Road and contains 2.891 acres. The property falls within the Gateway & Office Districts and Conservation Overlay Districts.

That application was not reviewed by the Planning Department as it was determined that a variance was required for units 1-3 to omit commercial uses from the first floor. On January 28th 2026, the Zoning Board of Adjustment granted the necessary relief. We have updated our application based on the Zoning Board approval and wish to proceed to the Planning Board with this TDR application.

The original 24 Unit Townhouse development was approved in 2011 with the following variances: to allow three story buildings on one lot, where a maximum of four apartments are allowed in accordance with Article IV Section 170-11 D, 170-12A and the table of uses for the Office zone (see Case # Z 11-12). Also, a variance to allow residential apartments to occupy the first floor in the four constructed three-story buildings where residential is allowed only on the second story or higher of newly constructed buildings was granted (see Case # Z 11-13).

In 2023, 8,000 sq. ft. (0.184 ac) of land in the Gateway District, referred to as Parcel "A" on plan entitled "Boundary Line Adjustment Plan" recorded in the Strafford County Registry of Deeds #12994 & #12993, was purchased from Tax Map 28 Lot 10.

The applicant proposes the further development of Tax Map 28, Lot 9C with 6 additional units for a total of 30 units. The base density for the original Jefferson Drive development in 2011 was 24 units. With the addition of the new area in the Gateway District, 2 additional units are allowed for a total allowable density of 26 units. The remaining 4 Non-Restricted units will be purchased via the City of Dover Transfer of Development Rights (TDR) Ordinance. Tritech Engineering has conducted an on-site survey and completed a topographic analysis as well as an as-built of the existing units and the results are depicted on the attached plans. The proposed construction will be limited to the northwest corner of Map 29 Lot 9C.

We look forward to meeting with the Planning Board at their March 10th meeting and discussing this development plan. Should the board approve this TDR application, the applicant will proceed with completing site engineering and present an application for Site Plan Review in the future.

Enclosed please find;

- Seven (7) Copies of this Submittal Letter
- Seven (7) Copies of the Transfer of Development Rights Application.
- Seven (7) Copies of the Transfer of Development Rights Narrative.
- One (1) Copy of the Full-Size Transfer of Development Rights Site Development Plan Package.
- Six (6) Copies of the Half-Size Transfer of Development Rights Site Development Plan Package.
- Seven (7) Copies of the Elevations & Streetscape of the Proposed Buildings.

Please advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp
Enclosures
\\23115 TDR Only Ltr

# TDR NARRATIVE

for

# *JEFFERSON DRIVE EXPANSION*

Jefferson Drive
Dover New Hampshire
*February 2026*

**Chapter 170-27.G.(8) explains the criteria the Planning Board considers when determining the applicability of TDR regulations. "Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the Transfer of Development Rights so long as the increase in density or intensity:**

- *Is consistent with the Master Plan.*
- *Is not incompatible with the land uses on neighboring lots (eg a multifamily building in a single family neighborhood).*
- *Is created on property served by public water and sanitary sewer.*
- *Any relief sought should not be caused by the additional density.*

## Consistency with the Master Plan:

The proposed development aligns with the following key elements of Dover's Master Plan:

- High quality, low impact growth: This project supports responsible development, preserving the city's rural areas while concentrating residential and commercial activity near the urban core.
- Downtown vibrancy: By creating a walkable, family and pet friendly neighborhood, this project contributes to Dover's vision of an inviting and lively downtown area.
- Diversity of housing options: Our proposal supports the city's goal of providing housing for people of various ages, incomes, and backgrounds.

Addressing Housing Needs:

This project aligns with Dover's Master Plan, particularly the vision of "facilitating a balanced supply of safe and attractive housing for individuals and families of all incomes." Our intent is to redevelop the site using the Transfer of Development Rights (TDR) mechanism, which allows us to create a housing solution that meets the city's goals while respecting the site's characteristics.

Dover, like many municipalities, is facing a shortage of housing across all affordability levels, especially in what is commonly referred to as the "Missing Middle"- smaller-scale, higher density housing. Our proposal for an "In-Fill" development offers a solution by increasing density on a smaller footprint, prioritizing walkability, low-impact development, and affordability. This type of development is explicitly encouraged in the city's Master Plan.

A core value of the Distinctly Dover Vision states, "we are a City with an urban vibrancy, guided by intentional growth to create connected neighborhoods, attractive streetscapes, and accessible open space, while maintaining what makes Dover distinct." The project will connect to neighboring streets through Jefferson Drive. Attractive streetscapes will be protected through attractive architecture and landscaping. Fencing is proposed around the new units to be constructed which will provide privacy screening to abutting properties.

A main goal of the master plan is to protect ecosystems in particular parcels that protect river corridors and connect to open space areas. The goal of the City is to promote more intensive development served by public infrastructure and does not have conservation potential. While no open space is required for the project, through the TDR regulations, funds will be given to the City to invest and protect other open space lands. The site is not suitable for conservation land due to the location of the property as well as the size of the development. This area is not a prime habitat for many animals due to its close proximity

# TDR NARRATIVE

for

# *JEFFERSON DRIVE EXPANSION*

Jefferson Drive
Dover New Hampshire
*February 2026*

to Central Ave. The area proposed for development will not impact any critical areas or habitat for protected species. Another goal is to ensure Dover residents can access open space within a 10-minute walk from their home. There is a publicly accessible conservation and recreation land at the end of Abbey Sawyer Memorial Drive. There is a walking path at the end of Brick Road which leads to the conservation and recreation area

## Compatibility with the land uses on neighboring lots:

The project is located in the Gateway & Office districts. The surrounding area is comprised of a mix of single family residential, multifamily units and office buildings. However, both recent and historic developments have been predominately multi-family.

## Surrounding Neighborhood:

**Recently Developed Multi-Family Properties:**

- Jefferson Drive – 24 units / 2.708 ac = 0.11 ac/ unit
- 725-727 Central Ave – 15 units / 0.33 ac = 0.022 ac/unit
- 757 Central Ave – 7 units / 0.42 ac = 0.06 ac/unit
- 10 Brick Road – 2 units / 0.20 ac = 0.1 ac/unit

**Long Standing Multi-Family Properties:**

- 3 Brick Road – 6 units / 0.23 ac = 0.038 ac/unit
- 7 Brick Road – 6 units / 0.37 ac = 0.062 ac/unit
- Oak Terrace – 24 units / 2.28 ac = 0.095 ac/unit
- Floral Gardens – 48 units / 2.56 ac = 0.053 ac/unit
- 728 Central Ave – 8 units / 0.55 ac = 0.069 ac/unit
- 770 Central Ave – 8 Residential units / 0.55 ac = 0.069 ac/unit

**Proposed Jefferson Drive Expansion:**

- Jefferson Drive Expansion – 30 units / 2.891 ac = 0.096 ac/ unit

The proposed development fits in the existing neighborhood. The architecture of the proposed buildings will be similar to the existing units which will promote a seamless integration of the project.

## Is created on property served by public water and sanitary sewer.

The development will tie into municipal water and sewer. The increase in demand will not have an effect on the municipal water and sewer systems.

## Any relief sought should not be caused by the additional density.

There is no extra relief sought.

CITY OF DOVER

# ZONING BOARD OF ADJUSTMENT - MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | **Council Chambers, City Hall –** 288 Central Ave., Dover, NH 03820 |
| Meeting Date: | **Thursday, January 15, 2025** |
| Meeting Time: | **7:00 pm** |

## 1. ATTENDANCE

**Members Present:** Anthony Sillitta (Chair), Nicholas Couturier (Vice Chair), Jackson Brown, Rich Onufry, Hilary Hamer (Alternate), Nicole Morin (Alternate)
**Members Not Present:** Chris Prior
**Staff Present:** Paul R. Crouser (Zoning Administrator)

Chair Sillitta called the meeting to order at 7PM.

## 2. APPROVAL OF MEETING MINUTES OF DECEMBER 18, 2025

**Motion:** Couturier moved to approve the minutes of December 18, 2025 as submitted. Seconded by Brown. Vote: U/A

## 3. HEARINGS

**A. ZONE-2025-0040** Request for Rehearing of ZONE-2025-0038, Applicant: Scott Hogan, Esq., requests a rehearing of the variance granted on November 20, 2025 in which the owner of 18 Pearson Drive, Tax Map L, Lot 46-M, located in the Lot Density Residential District (R-20), was granted a Variance through **Section 170-12(B),** to allow for the construction of an addition to an existing single-family home to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f.

Hamer declared an attorney/client relationship with the counsel who presented the matter so recused herself from the item.

Sillitta noted Morin will be a voting member for the item.

Sillitta explained the rehearing request procedures and timelines if granted.

Background:
On November 20, 2025, Fergus Cullen, the owner of 18 Pearson Drive, was granted a variance from sections 170-11(B) and 170-12(B) of the Zoning Ordinance, to allow for the construction of an addition to an existing single-family home, to create a two-family dwelling where the minimum lot area for such a project requires 30,000 s.f. of lot area, whereas the existing lot has only 17,224 s.f. Mr. Cullen asserted that the proposed construction of a second unit constituted a conversion of an existing single-family structure, which, given the lot's and units' size, would be permitted by right. Staff viewed the expansion, which effectively doubled the existing square footage, to be a creation, and thus made an administrative decision to the same effect which necessitated the variance relief. Substantial evidence in support of the variance, and more so, the lack of public benefit in denying the variance, were discussed on the record of the 11/20/2025 meeting, which include the ambiguity of "conversions" vs. "creations" within the ordinance, existing dimensional nonconformities present on the lot, and the numerous alternatives available to the property owner which would yield the same, and in some cases more, units (and therefore impacts) than the project's proposal – all of which would be permissible by right and would not be subject to ZBA review.

Board members discussed the request for rehearing:

Onufry: Does not find a valid point for a rehearing within the materials presented by the applicant. Stated that many of the points brought up in the rehearing request failed to prove that the Board deliberated or voted in a way in which they were not legally permitted. The rehearing request failed to identify a good reason for which the rehearing should be granted.

Brown: Stated that he concurred with all of Onufry points which were just stated. He then sought clarity as to whether the Chair was within the rules by making the request to grant the variance himself. P. Crouser confirmed as a voting member he was within his rights to make a motion.

**Motion**: Couturier moved to deny the rehearing request as the board does not find a reason for a rehearing was established. Seconded by Onufry. Vote: U/A

**B. ZONE-2025-0039** Applicant: 6 Brick Road, LLC, 1-24 Jefferson Drive, Tax Map 28, Lot 9-C, located in the Office District (O) and Gateway District (G), requests a Variance from Section 170-12(B), Office District Table of Uses, footnote 4, to permit residential dwelling units in the first floor of a newly constructed structure.

The Vice Chair noted Morin will be a voting member for this item.

The subject parcel for this variance request is located on Jefferson Drive, a private development located off of Brick Road. The development consists of 24 townhouse units with parking and related infrastructure, the original plan for which (P11-42) was approved by the Planning Board on October 26, 2011, with preceding variances to permit the same relief sought currently being granted on June 16, 2011.

On September 16, 2023, the Planning Board approved a lot line adjustment plan which merged a vacant 8,000 s.f. parcel within the Gateway District to the subject parcel (1-24 Jefferson Dr.), which falls within the Office District, thus creating a singular split-zoned parcel.

Given that the property now has additional developable area, the owner is seeking to construct six (6) additional townhouse units, three (3) which fall within the Office District and three (3) within the Gateway District. While the units within the Gateway District are permitted by right, those within the Office District, as they were back in 2011, are approved only if located in the second story or higher of a newly constructed structure, thus necessitating the variance.

Bob Stowell, TriTech Engineering presented the item and explained the history of the project and the request for variance for the additional units proposed now that additional land has been acquired.

Public Hearing opened.
No one spoke
Public Hearing closed.

Staff recommendation: Staff supports the granting of this variance request for two core reasons.
First and foremost, the same variance relief was granted at this project's inception. Existing precedent of the same variance relief on the same property and same zone in and of itself is justification for approval in Staff's Opinion.
Secondly, to force a non-residential use in the first floor of three (3) new buildings in a 24-unit, all residential development is not in keeping with the spirit of the ordinance. Staff would question the viability of any sort of commercial use on the first floor of the proposed structures due to the seclusion of the residential neighborhood, the opposition to increased traffic by the neighborhood's residents, and the lack of commercial visibility for potential tenants being setback from Central and tucked into a residential development.
Based on the evidence presented, Staff recommends that this Board approve this variance request with a single condition:

1. Any existing site lighting spillover onto abutting properties shall be remedied to the satisfaction of the Planning Board during the Site Review process.

Board discussion:
Hamer: supports the variance request as commercial units in that area would not work. That part of the parcel is not even visible from the road.

**Motion:** Couturier moved to grant the request based on legal precedent and the criteria having been met through the packet presented with the condition provided by staff. Brown seconded. Vote: U/A

## 4. OTHER BUSINESS

Organizational meeting:
**Motion:** Sillitta moved to nominate Chris Prior for Chair. Couturier seconded. Vote: 6 in favor
**Motion:** Couturier moved to nominate Sillitta for Vice Chair. Vote: 6 in favor

The board discussed administrative preferences for attendance.

## 5. ADJOURN

**Motion:** Hamer moved to adjourn at 7:20pm. Couturier seconded. Vote: U/A





TDR

SITE DEVELOPMENT PLANS

# JEFFERSON DRIVE EXPANSION

JEFFERSON DRIVE

DOVER, NEW HAMPSHIRE

## LIST OF PLANS


T-1 - TITLE SHEET
T-2 - NEIGHBORHOOD PLAN
EX-1 - EXISTING CONDITIONS PLAN (1"=30')
SN-1 - GENERAL NOTES PLAN
SP-1 - GENERAL SITE PLAN (1"=30')
SP-2 - SITE CONSTRUCTION PLAN (1"=10')



**OWNER / APPLICANT**
6 BRICK ROAD LLC.
3 QUILL LANE
SUITE 107
BARRINGTON, NEW HAMPSHIRE

**CIVIL ENGINEER - SURVEYOR**
TRITECH ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE

**WETLAND & SOIL SCIENTIST**
HIGHLAND SOIL SERVICES
75 PROSPECT STREET
SOMERSWORTH, NEW HAMPSHIRE

**LANDSCAPE ARCHITECT**
TERRAIN
PLANNING & DESIGN LLC
31 KAST HILL ROAD
HOPKINTON, NEW HAMPSHIRE

**TRAFFIC ENGINEER**
TEPP, LLC.
93 STILES ROAD, SUITE 201
SALEM, NEW HAMPSHIRE



TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3630


ISSUED FOR PLANNING BOARD REVIEW
February 17, 2025

REVISIONS
DATE: DESCRIPTION:
2-17-26 REVISED PER ZBA APPROVAL

LICENSED LAND SURVEYOR
No. 9641
ROBERT J. STOWELL
STATE OF NEW HAMPSHIRE

ROBERT J. STOWELL
No. 9641
LICENSED LAND SURVEYOR
STATE OF NEW HAMPSHIRE - PROFESSIONAL ENGINEER

TITLE SHEET

**JEFFERSON DRIVE EXPANSION**

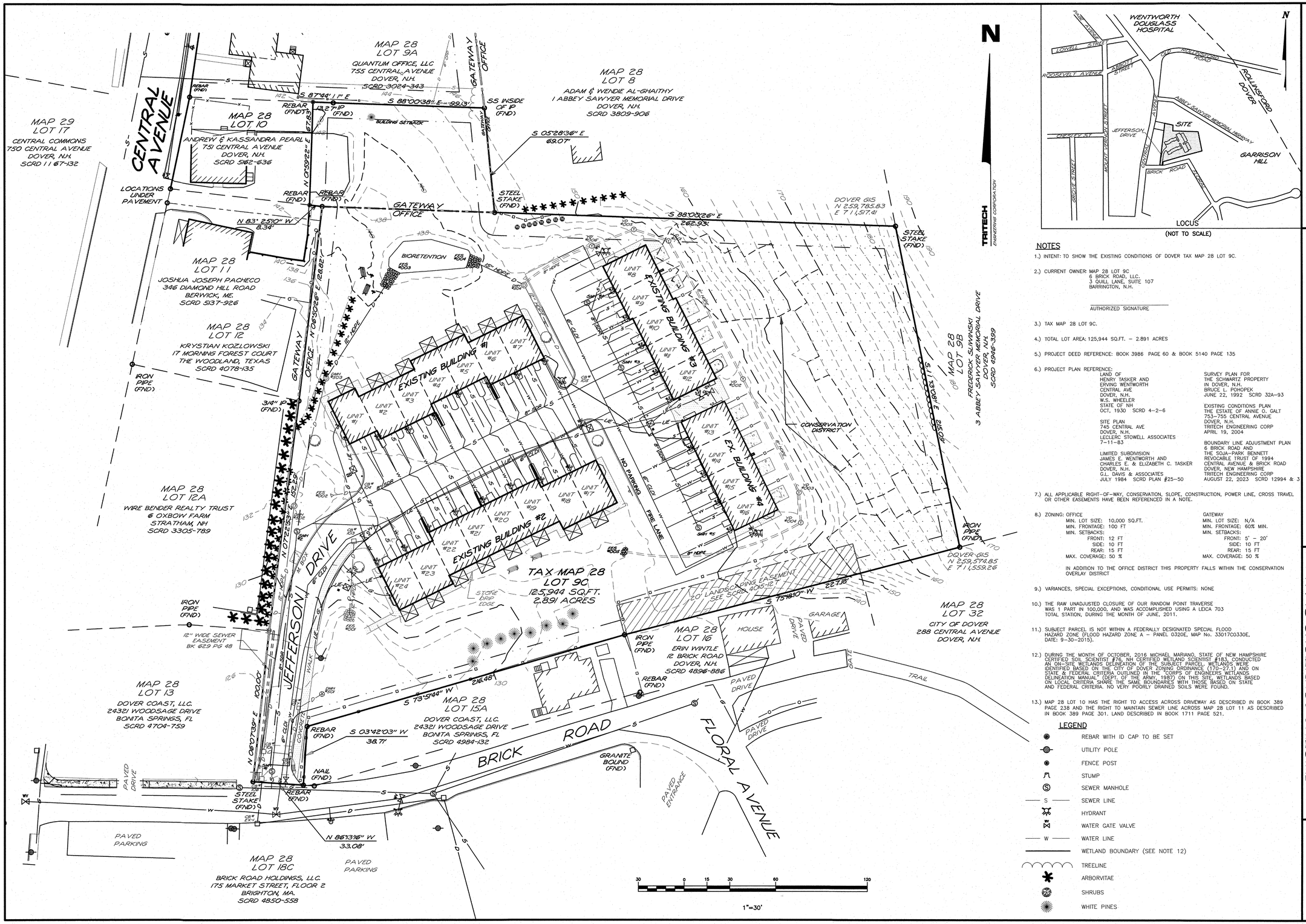
TAX MAP 28 LOT 9C
JEFFERSON DRIVE
DOVER, NEW HAMPSHIRE

NOVEMBER 18, 2025 JOB No. 2315

SHEET No. T-1




| | | | |
|---|---|---|---|
| SHEET No. | NEIGHBORHOOD PLAN | ISSUED FOR PLANNING BOARD REVIEW<br>February 17, 2025 | TRITECH<br>ENGINEERING CORPORATION |
| T-2 | **JEFFERSON DRIVE EXPANSION**<br>JEFFERSON DRIVE<br>DOVER, NEW HAMPSHIRE<br>JANUARY 29, 2026 JOB No. 23115<br>SCALE: 1" = 50' | REVISIONS<br>DATE: DESCRIPTION: | 755 CENTRAL AVENUE<br>DOVER, NEW HAMPSHIRE 03820<br>TELEPHONE 603 742 8107<br>FAX 603 742 3830 |







## NOTES

1.) INTENT: TO SHOW THE EXISTING CONDITIONS OF DOVER TAX MAP 28 LOT 9C.

2.) CURRENT OWNER MAP 28 LOT 9C
6 BRICK ROAD, LLC.
3 QUILL LANE, SUITE 107
BARRINGTON, N.H.

AUTHORIZED SIGNATURE

3.) TAX MAP 28 LOT 9C.

4.) TOTAL LOT AREA: 125,944 SQ.FT. – 2.891 ACRES

5.) PROJECT DEED REFERENCE: BOOK 3986 PAGE 60 & BOOK 5140 PAGE 135

6.) PROJECT PLAN REFERENCE:

LAND OF
HENRY TASKER AND
ERVING WENTWORTH
CENTRAL AVE
DOVER, N.H.
W.S. WHEELER
STATE OF NH
OCT, 1930 SCRD 4-2-6

SITE PLAN
745 CENTRAL AVE
DOVER, N.H.
LECLERC STOWELL ASSOCIATES
7-11-83

LIMITED SUBDIVISION
JAMES E. WENTWORTH AND
CHARLES E. & ELIZABETH C. TASKER
DOVER, N.H.
G.L. DAVIS & ASSOCIATES
JULY 1984 SCRD PLAN #25-50

SURVEY PLAN FOR
THE SCHWARTZ PROPERTY
IN DOVER, N.H.
BRUCE L. POHOPEK
JUNE 22, 1992 SCRD 32A-93

EXISTING CONDITIONS PLAN
THE ESTATE OF ANNIE O. GALT
753-755 CENTRAL AVENUE
DOVER, N.H.
TRITECH ENGINEERING CORP
APRIL 19, 2004

BOUNDARY LINE ADJUSTMENT PLAN
6 BRICK ROAD AND
THE SOJA-PARK BENNETT
REVOCABLE TRUST OF 1994
CENTRAL AVENUE & BRICK ROAD
DOVER, NEW HAMPSHIRE
TRITECH ENGINEERING CORP
AUGUST 22, 2023 SCRD 12994 & 3

7.) ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.

8.) ZONING: OFFICE
MIN. LOT SIZE: 10,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 12 FT
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %

GATEWAY
MIN. LOT SIZE: N/A
MIN. FRONTAGE: 60% MIN.
MIN. SETBACKS:
FRONT: 5' – 20'
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %

IN ADDITION TO THE OFFICE DISTRICT THIS PROPERTY FALLS WITHIN THE CONSERVATION OVERLAY DISTRICT

9.) VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS: NONE

10.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 100,000, AND WAS ACCOMPLISHED USING A LEICA 703 TOTAL STATION, DURING THE MONTH OF JUNE, 2011.

11.) SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A – PANEL 0320E, MAP No. 33017C0330E, DATE: 9-30-2015).

12.) DURING THE MONTH OF OCTOBER, 2016 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE. WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO VERY POORLY DRAINED SOILS WERE FOUND.

13.) MAP 28 LOT 10 HAS THE RIGHT TO ACCESS ACROSS DRIVEWAY AS DESCRIBED IN BOOK 389 PAGE 238 AND THE RIGHT TO MAINTAIN SEWER LINE ACROSS MAP 28 LOT 11 AS DESCRIBED IN BOOK 389 PAGE 301. LAND DESCRIBED IN BOOK 1711 PAGE 521.

### LEGEND

- REBAR WITH ID CAP TO BE SET
- UTILITY POLE
- FENCE POST
- STUMP
- SEWER MANHOLE
- SEWER LINE
- HYDRANT
- WATER GATE VALVE
- WATER LINE
- WETLAND BOUNDARY (SEE NOTE 12)
- TREELINE
- ARBORVITAE
- SHRUBS
- WHITE PINES


TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 749 8107
FAX 603 742 3650


ISSUED FOR PLANNING BOARD REVIEW
February 17, 2025

REVISIONS
DATE: DESCRIPTION:

LICENSED LAND SURVEYOR
NO. 884
ROBERT
STATE OF NEW HAMPSHIRE
STEPANSKI

EXISTING CONDITIONS PLAN

# 6 BRICK ROAD, LLC

JEFFERSON DRIVE
DOVER, NEW HAMPSHIRE

NOVEMBER 18, 2025 JOB No. 23115
SCALE: 1" = 30'

SHEET No.
EX-1

## DOVER SITE PLAN REVIEW NOTES:

1. PLAN INTENT: TO FURTHER DEVELOP MAP 28 LOT 9C WITH 6 ADDITIONAL UNITS FOR A TOTAL OF 30 UNITS. THE ORIGINAL JEFFERSON DRIVE DEVELOPMENT WAS APPROVED IN 2011 WITH 24 UNITS IN ACCORDANCE WITH VARIANCES: Z 11-12 & Z 11-13 (MARCIA WENTWORTH REVOCABLE TRUST). IN 2023, 8,000 SQ.FT. OF LAND IN THE GATEWAY DISTRICT WAS PURCHASED FROM TAX MAP 28 LOT 10 IN ACCORDANCE WITH BOUNDARY LINE ADJUSTMENT PLANS RECORDED IN THE STRAFFORD COUNTY REGISTRY OF DEEDS #12993 & 12994. BASE DENSITY FOR THE ORIGINAL DEVELOPMENT WAS 24 UNITS. FOR THE NEW AREA PURCHASED IN THE GATEWAY DISTRICT, 2 MORE UNITS ARE ALLOWED FOR A TOTAL ALLOWABLE DENSITY OF 26 UNITS. THE REMAINING 4 UNRESTRICTED UNITS WILL BE PURCHASED VIA THE CITY OF DOVER TRANSFER OF DEVELOPMENT RIGHTS (TDR) ORDINANCE.

2. OWNERS OF RECORD: 6 BRICK ROAD, LLC.
3 QUILL LANE, SUITE 107
BARRINGTON, N.H. 03825

3. THE PARCEL IS SHOWN AS:
LOT 9C, MAP 28 OF THE CITY OF DOVER TAX ASSESSOR'S MAPS.

4. THE SUBJECT PARCEL CONTAINS 2.891 ACRES ( 125,944 SQ. FT.) OF LAND. 0 ACRES ARE CURRENTLY IN CURRENT USE.

5. TITLE REFERENCE FOR THE PROJECT PARCEL(S) IS THE STRAFFORD COUNTY REGISTRY OF DEEDS, BOOK NO. 3986, PAGE NO. 60 AND BOOK NO. 5140, PAGE NO. 135.

6. REFERENCE PLANS:
BOUNDARY LINE ADJUSTMENT PLAN, 6 BRICK ROAD AND THE SOJA-PARK BENNETT REVOCABLE TRUST OF 1994, CENTRAL AVENUE & BRICK ROAD, DOVER, NEW HAMPSHIRE, TRITECH ENGINEERING CORPORATION, AUGUST 22, 2023 SCRD 12993 & 12994.

7. ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL, OR OTHER EASEMENTS SHALL BE REFERENCED IN A NOTE AND SHOWN ON THE PLAN.

8. CURRENT ZONING DIMENSIONAL AND DENSITY REQUIREMENTS:
ZONING DISTRICT: OFFICE
SUB-DISTRICT: NONE
ZONING OVERLAY DISTRICTS: CONSERVATION
DIMENSIONAL REQUIREMENTS:

| REQUIRED: | PROVIDED: |
|---|---|
| MINIMUM LOT SIZE: 10,000 SQ.FT. | 10,000 SQ.FT. |
| MINIMUM LOT FRONTAGE: 100 FT. | 100 FT. |
| MINIMUM YARD SETBACKS/BUILD-TO-LINES: | |
| FRONT 12 FT | 12 FT |
| SIDE 10 FT | 10 FT |
| REAR 15 FT | 15 FT |
| ABUT-A-STREET 12 FT | 12 FT |
| MAXIMUM/MINIMUM LOT COVERAGE 50% | 50 % |
| MINIMUM/MAXIMUM BLDG. HEIGHT 45 FT. | 45 FT. |

9. OFF STREET PARKING REQUIREMENTS: NEW DEVELOPMENT

| MAXIMUM: | PROVIDED: |
|---|---|
| PARKING DIMENSIONS: 9'x18' | 9'x18' |
| AISLE DIMENSIONS: 24' | 22' |
| MAXIMUM PARKING ALLOWED 14 | 18 |
| ACCESSIBLE PARKING: 1 | 1 |

10. TO FURTHER DEVELOP MAP 28 LOT 9C WITH 6 ADDITIONAL UNITS FOR A TOTAL OF 30 UNITS. THE ORIGINAL JEFFERSON DRIVE DEVELOPMENT WAS APPROVED IN 2011 WITH 24 UNITS IN ACCORDANCE WITH VARIANCES: Z 11-12 & Z 11-13 (MARCIA WENTWORTH REVOCABLE TRUST). IN 2023, 8,000 SQ.FT. OF LAND IN THE GATEWAY DISTRICT WAS PURCHASED FROM TAX MAP 28 LOT 10 IN ACCORDANCE WITH BOUNDARY LINE ADJUSTMENT PLANS RECORDED IN THE STRAFFORD COUNTY REGISTRY OF DEEDS #12993 & 12994. BASE DENSITY FOR THE ORIGINAL DEVELOPMENT WAS 24 UNITS. FOR THE NEW AREA PURCHASED IN THE GATEWAY DISTRICT, 2 MORE UNITS ARE ALLOWED FOR A TOTAL ALLOWABLE DENSITY OF 26 UNITS. THE REMAINING 4 UNRESTRICTED UNITS WILL BE PURCHASED VIA THE CITY OF DOVER TRANSFER OF DEVELOPMENT RIGHTS (TDR) ORDINANCE.

11. VARIANCES OR SPECIAL EXCEPTIONS GRANTED BY THE ZONING BOARD OF ADJUSTMENT INCLUDING THE CASE NUMBER AND DATE OF DECISION AND ANY CONDITIONS ARE AS FOLLOWS:
Z 11-12 MARCIA WENTWORTH REVOCABLE TRUST
6 BRICK ROAD, TAX MAP 28, LOT 9-C, A VARIANCE FROM THE TERMS OF ARTICLE IV, SECTION 170-11 D, 170-12 A & THE O ZONE TABLE OF USES, FOOTNOTE 5, TO CONSTRUCT 24 - 2 BEDROOM APARTMENTS IN 4 - THREE STORY BUILDINGS ON ONE LOT, WHERE A MAXIMUM OF FOUR APARTMENTS ARE ALLOWED.
Z 11-13 MARCIA WENTWORTH REVOCABLE TRUST
6 BRICK ROAD, TAX MAP 28, LOT 9-C, A VARIANCE FROM THE TERMS OF ARTICLE IV, SECTION 170-11 D, 170-12 A & THE O ZONE TABLE OF USES, FOOTNOTE 5, TO HAVE RESIDENTIAL APARTMENTS OCCUPY THE FIRST FLOOR IN THE FOUR NEWLY CONSTRUCTED THREE STORY BUILDINGS, WHERE RESIDENTIAL IS ALLOWED ONLY ON THE SECOND STORY OR HIGHER OF NEWLY CONSTRUCTED BUILDINGS.
ZONE 2025-0039 6 BRICK ROAD, LLC
1-24 JEFFERSON DRIVE, TAX MAP 28, LOT 9-C, LOCATED IN THE OFFICE DISTRICT (O) AND GATEWAY DISTRICT (G), REQUESTS A VARIANCE FROM SECTION 170-12 (B), OFFICE DISTRICT (O) ZONE TABLE OF USES, FOOTNOTE 4, TO PERMIT RESIDENTIAL DWELLING UNITS IN IN THE FIRST FLOOR OF A NEWLY CONSTRUCTED STRUCTURE.

12. CONDITIONAL USE PERMITS GRANTED BY THE PLANNING BOARD FOR THE PROPOSED USE OR STRUCTURE, INCLUDING THE CASE NUMBER AND DATE OF DECISION AND ANY CONDITIONS ARE AS FOLLOWS: NONE GRANTED

13. PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY TRITECH ENGINEERING CORPORATION IN JUNE, 2011 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

14. AS-BUILT PLANS OF THE PROJECT SHALL BE SUBMITTED ON PAPER AND IN DIGITAL FORMAT AUTOCAD DWG, AUTOCAD DXF OR ESRI FORMAT TO THE CITY OF DOVER CITY ENGINEER'S OFFICE UPON COMPLETION OF PROJECT. AS-BUILT PLANS SHALL BE PREPARED AND CERTIFIED CORRECT BY A L.L.S. OR P.E. DIGITAL FILES SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.

15. SUBJECT PARCEL IS (IS NOT) LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA (COMMUNITY PANEL NUMBER 33017C 0330E, EFFECTIVE DATE: SEPTEMBER 30, 2015.

16. TOPOGRAPHIC SURVEY PERFORMED BY TRITECH ENGINEERING CORPORATION DURING FEBRUARY 2024.

17. ELEVATIONS ARE BASED ON U.S.G.S. NVD 1988 DATUM.

18. WETLANDS WERE DELINEATED BY MICHAEL MARIANO, CERTIFIED WETLANDS SCIENTIST, CERTIFICATION NUMBER 183, IN ACCORDANCE WITH CHAPTER 170-27.1 OF THE ZONING ORDINANCE, IN OCTOBER, 2016. NO WETLANDS WERE OBSERVED.

19. THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION AND TELEPHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED.

20. THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND MUNICIPAL SEWER.

21. ALL CONSTRUCTION SHALL CONFORM WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" AND WITH THE CITY OF DOVER COMMUNITY SERVICES REGULATIONS AND STANDARD SPECIFICATION FOR CONSTRUCTION. THE MORE STRINGENT SPECIFICATION SHALL APPLY.

22. CONTRACTOR SHALL FOLLOW TO THE CONSTRUCTION SEQUENCING IDENTIFIED WITHIN THE PLANNING BOARD APPROVED PLAN SET. ANY DEVIATION FROM THAT SEQUENCING SHALL BE APPROVED BY THE CITY ENGINEER.

23. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY EARTH DISTURBANCE AND BE PROVIDED FOR CONSTRUCTION SEQUENCING INCLUDING TEMPORARY MEASURES.

24. CONTRACTOR SHALL FOLLOW THE PERMANENT STABILIZATION MEASURES SUCH AS LOAM SPREAD RATE FOR DISTURBED AREAS, RATES OF LIME, TYPE AND RATES FOR FERTILIZER, AND SEED AND MULCH MIXTURE WITH RATES OF APPLICATION AS NOTED WITHIN THE PLANNING BOARD APPROVED PLANS. ANY DEVIATION FROM THAT SEQUENCING SHALL BE APPROVED BY THE CITY ENGINEER.

25. THE LIMITS OF CONSTRUCTION DISTURBANCE THAT ARE LOCATED IN OR WITHIN THE 50 FT. OF CONSERVATION AND WETLAND DISTRICTS SHALL BE STAKED, FLAGGED AND CLEARLY IDENTIFIED PRIOR ANY EARTH DISTURBING ACTIVITY OCCURS.

26. ANY PERMANENT TREATMENT SWALES TO BE CONSTRUCTED SHALL HAVE SOD BOTTOMS.

27. A LETTER OF CREDIT FOR THE COST OF REVEGETATING ALL DISTURBED AREAS ON THE SITE SHALL BE SUBMITTED PRIOR TO COMMENCING EARTH DISTURBANCE.

28. A CITY ENGINEER APPROVED CONSTRUCTION SIGN SHALL BE INSTALLED PRIOR TO COMMENCING EARTH DISTURBANCE. SAID SIGNAGE MUST BE LOCATED AND APPROVED BY THE CITY ENGINEER OR PLANNING DIRECTOR.

29. A PRE-CONSTRUCTION CONFERENCE WITH THE DEVELOPER, THE DESIGN ENGINEER, THE EARTHWORK CONTRACTOR AND THE CITY ENGINEER SHALL OCCUR PRIOR TO ANY EARTH DISTURBING ACTIVITY.

30. HOURS OF SITE WORK MUST BE DOCUMENTED ON A SITE CONSTRUCTION SIGN ALONG WITH THE CONTACT INFORMATION FOR THE GENERAL CONTRACTOR. SITE CONSTRUCTION HOURS SHALL BE LIMITED TO MONDAY-FRIDAY 7 AM - 6 PM, NO SATURDAY OR SUNDAY. NO SITE WORK SHALL BE DONE ON FEDERAL HOLIDAYS.

31. BUILDING ADDRESSES, INCLUDING APT AND UNIT NUMBERS (IF APPLICABLE), SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.

32. THE PROPOSED USE FOR THE SITE IS MULTI-FAMILY RESIDENTIAL.

33. THE FOLLOWING FEDERAL AND STATE PERMITS HAVE BEEN ISSUED FOR THE SUBJECT PROPERTY: NHDES SEWER CONNECTION PERMIT

34. COMMERCIAL VEHICLE ROUTE DURING CONSTRUCTION SHALL CONFORM TO THE DOVER CITY CODE OR BE COORDINATED WITH THE COMMUNITY SERVICES DIRECTOR OR THEIR DESIGNEE.

35. ANY RETAINING WALL TALLER THAN FOUR FEET (4') REQUIRES ISSUANCE OF A BUILDING PERMIT FROM THE CITY OF DOVER INSPECTION SERVICES.

36. ANY FENCE TALLER THAN SEVEN FEET (7') REQUIRES THE ISSUANCE OF A BUILDING PERMIT FROM THE CITY OF DOVER INSPECTION SERVICES.

37. APPLICANT SHALL COMPLETE LAND USE DEVELOPMENT TRACKING FORM, MOST RECENTLY REVISED VERSION, UTILIZING THE ONLINE POLLUTION TRACKING AND ACCOUNTING PROJECT (PTAP) PORTAL PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. HTTPS://EXTENSION.UNH.EDU/STORMWATER-CENTER/PTAP

38. THE OWNER OF RECORD SHALL RECORD, AT THE REGISTRY OF DEEDS, DOCUMENTATION SUFFICIENT TO PROVIDE NOTICE TO ALL PERSONS/ENTITIES THAT MAY ACQUIRE ANY PROPERTY SUBJECT TO THE REQUIREMENTS AND RESPONSIBILITIES DESCRIBED IN THE APPROVED STORMWATER MANAGEMENT PLAN. THE NOTICE SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS FOR RECORDING CONTAINED IN RSA 477 AND 478. THE NOTICE NEED NOT SET FORTH THE REQUIREMENTS AT LENGTH, SO LONG AS IT IS SUFFICIENT TO PROVIDE NOTICE TO PROSPECTIVE PURCHASERS TO THE REQUIREMENTS FOR MAINTENANCE AND REPORTING.

39. FIRE DEPARTMENT ACCESS ROAD(S) SHALL BE INSTALLED AND MAINTAINED, IN ACCORDANCE WITH ALL APPLICABLE CODES, TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS IN ALL WEATHER CONDITIONS AT ALL TIMES.

40. EXTERIOR LIGHTING SHALL BE CUT-OFF TYPE FIXTURES PER CHAPTER 153-14-E AND SHALL PROVIDE LIGHTING DIRECTED ON-SITE ONLY.

41. IF A BUSINESS ESTABLISHMENT OR MULTI-FAMILY DWELLING CONTAINED IN A NEW, ALTERED OR REPAIRED STRUCTURE, A SECURITY SYSTEM SHALL BE INSTALLED AS REQUIRED BY CHAPTER 45, ARTICLE I, SECTION 45-2 OF THE CODE OF THE CITY OF DOVER.

42. APPROVED BACKFLOW PREVENTERS SHALL BE PROVIDED FOR BOTH FIRE AND DOMESTIC WATER LINES.

43. THE (EXISTING OR PROPOSED) STRUCTURE SHALL BE SERVED BY A SPRINKLER SYSTEM, IF REQUIRED, BY CHAPTER 81- 30 OF THE CODE OF THE CITY OF DOVER AND THE ADOPTED STATE OF NH BUILDING AND FIRE CODES.

44. SPRINKLER CONNECTIONS MUST BE FLUSHED IN ACCORDANCE WITH NFPA 24 AND A CONTRACTOR'S MATERIAL AND TEST CERTIFICATE FOR UNDERGROUND PIPING FORM MUST BE COMPLETED AND APPROVED BY THE CITY OF DOVER INSPECTION SERVICES PRIOR TO CONNECTION OF THE BACKFLOW DEVICE.

45. FIRE DEPARTMENT CONNECTION(S) SHALL BE LOCATED ON THE STREET SIDE OF THE BUILDING PER NFPA 13. ACCESS TO THE FDC SHALL MAINTAIN A CLEAR AND UNOBSTRUCTED PATH AT ALL TIMES.

46. THE SITE LAYOUT IS DESIGNED IN COMPLIANCE WITH APPLICABLE ACCESSIBILITY REGULATIONS. THE PROPOSED STRUCTURE WILL BE ALSO BE DESIGNED IN ACCORDANCE WITH APPLICABLE ACCESSIBILITY REGULATIONS. (I.E. IBC, ANSI-117.1) AND NH RSA 155-A:5.

47. APPLICANT SHALL SUBMIT A LETTER CERTIFYING THE TIE IN LOCATIONS OR DISCHARGE POINTS FOR ALL SUMP PUMPS AND ROOF LEADERS FOR EXISTING STRUCTURES ON THE PROPERTY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

48. DESIGN ENGINEER OF RECORD OR SHALL PROVIDE SIGNED LETTER TO CITY ENGINEER CERTIFYING THAT THE STORMWATER MANAGEMENT SYSTEM HAS BEEN INSTALLED IN ACCORDANCE WITH APPROVED PLANS.

49. THE APPLICANT SHALL PROVIDE THE CITY OF DOVER AN EASEMENT TO ACCESS WATERLINE AND HYDRANTS TO MAINTAIN WATER QUALITY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

## PLAN SET LEGEND

- WETLAND
- WETLAND BOUNDARY
- IRON PIPE
- UTILITY POLE
- TP — TEST PIT
- D — EXISTING STREET LIGHT
- G — EXISTING STONEWALL
- EXISTING 2 FT CONTOUR
- EXISTING 10 FT CONTOUR
- G — EXISTING GAS LINE
- W — EXISTING WATER LINE OR SERVICE
- WV — EXISTING WATER SHUTOFF
- EXISTING WATER GATE VALVE
- PROPOSED PROPERTY LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED EDGE OF GRAVEL
- 80 — PROPOSED CONTOUR
- PROPOSED HYDRANT
- W — PROPOSED END CAP WITH THRUST BLOCK
- WV — PROPOSED WATER GATE VALVE
- PROPOSED WATER SHUTOFF
- W — PROPOSED WATER LINE OR SERVICE
- PROPOSED VINYL STOCKADE FENCE
- U E&T — PROPOSED UNDERGROUND ELECTRIC & TELEPHONE
- // — PROPOSED OVERHEAD ELECTRIC & TELEPHONE
- PROPOSED ELECTRICAL TRANSFORMER
- PROPOSED ELECTRICAL JUNCTION BOX
- PROPOSED STREET LIGHT
- PROPOSED UTILITY POLE
- D — PROPOSED DRAIN LINE
- PROPOSED CATCH BASIN
- PROPOSED DRAIN MANHOLE
- UD — PROPOSED UNDERDRAIN
- PROPOSED FLARED END SECTION
- PROPOSED RIP RAP
- PROPOSED EASEMENT
- PROPOSED GUARDRAIL
- PROPOSED SILT FENCE OR SILT SOCK
- PROPOSED CONSTRUCTION FENCE
- PROPOSED SILT SOCK WITH ORANGE CONSTRUCTION FENCE OR ORANGE SILT FENCE
- PROPOSED STREET SIGN
- PROPOSED STOP SIGN
- PROPOSED STOP BAR
- PROPOSED STREET TREE
- PROPOSED TREELINE

TRITECH
ENGINEERING CORPORATION
795 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 9117
FAX 603 742 8350

ISSUED FOR PLANNING BOARD REVIEW
February 17, 2025

REVISIONS
DATE: DESCRIPTION:
2-17-26 REVISED PER ZBA APPROVAL

GENERAL NOTES PLAN

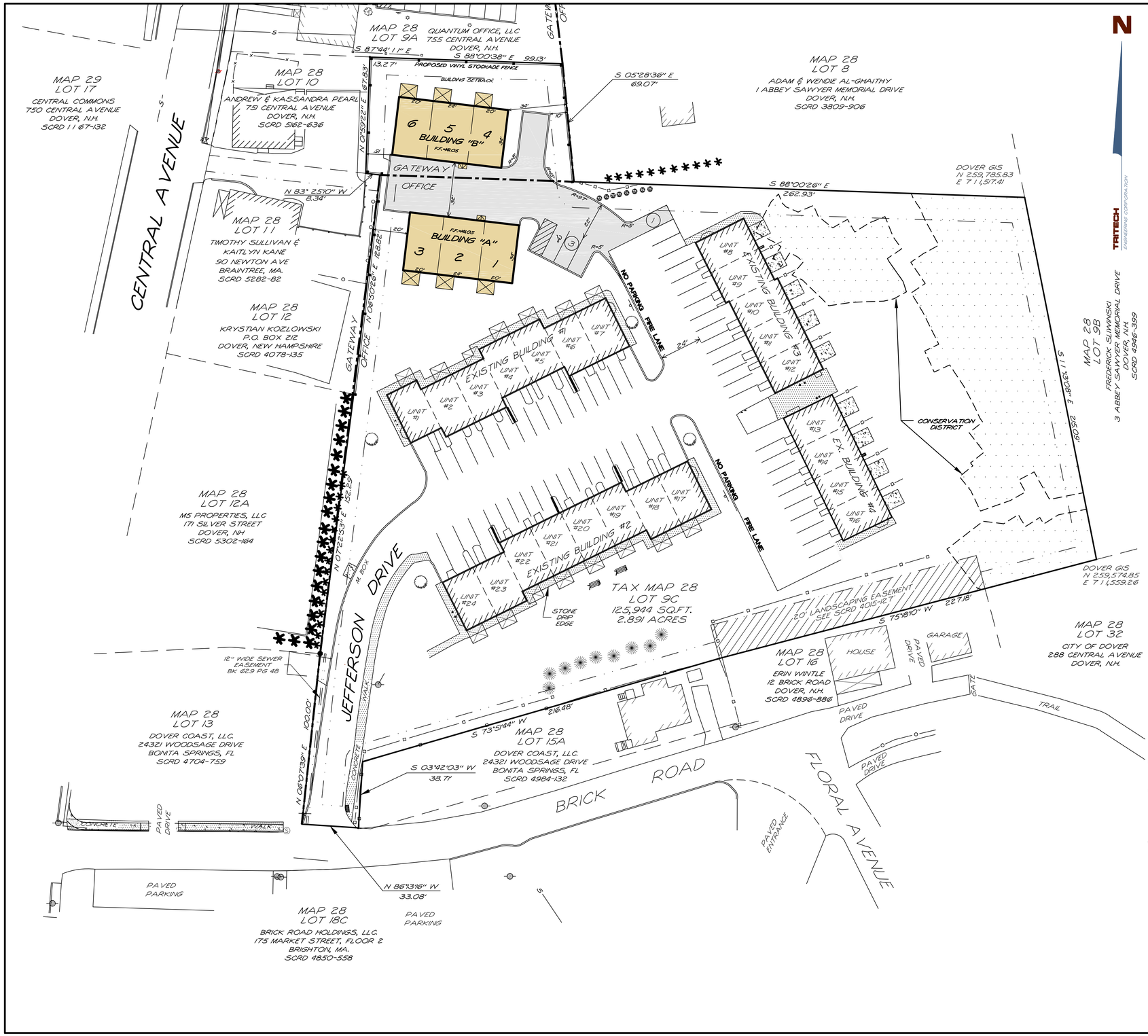
**JEFFERSON DRIVE EXPANSION**

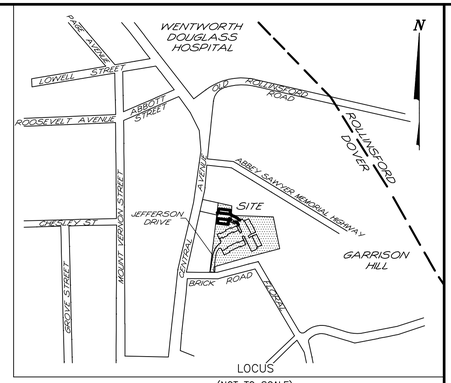
JEFFERSON DRIVE
DOVER, NEW HAMPSHIRE

NOVEMBER 18, 2025 JOB No. 23115

SHEET NO.

**SN-1**




TRITECH ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3630

## NOTES

1.) INTENT: TO FURTHER DEVELOP MAP 28 LOT 9C WITH 6 ADDITIONAL UNITS FOR A TOTAL OF 30 UNITS. THE ORIGINAL JEFFERSON DRIVE DEVELOPMENT WAS APPROVED IN 2011 WITH 24 UNITS IN ACCORDANCE WITH VARIANCES: Z 11-12 & Z 11-13 (MARCIA WENTWORTH REVOCABLE TRUST). IN 2023, 8,000 SQ.FT. OF LAND IN THE GATEWAY DISTRICT WAS PURCHASED FROM TAX MAP 28 LOT 10 IN ACCORDANCE WITH BOUNDARY LINE ADJUSTMENT PLANS RECORDED IN THE STRAFFORD COUNTY REGISTRY OF DEEDS #12993 & 12994. BASE DENSITY FOR THE ORIGINAL DEVELOPMENT WAS 24 UNITS. FOR THE NEW AREA PURCHASED IN THE GATEWAY DISTRICT, 2 MORE UNITS ARE ALLOWED FOR A TOTAL ALLOWABLE DENSITY OF 26 UNITS. THE REMAINING 4 UNRESTRICTED UNITS WILL BE PURCHASED VIA THE CITY OF DOVER TRANSFER OF DEVELOPMENT RIGHTS (TDR) ORDINANCE.

2.) CURRENT OWNER: MAP 28 LOT 9C
6 BRICK ROAD, LLC.
3 QUILL LANE, SUITE 107
BARRINGTON, N.H. 03825

AUTHORIZED SIGNATURE

3.) TAX MAP 28 LOT 9C.

4.) TOTAL LOT AREA: 125,944 SQ.FT. – 2.891 ACRES

5.) PROJECT DEED REFERENCE: BOOK 3986 PAGE 60 & BOOK 5140 PAGE 135

6.) PROJECT PLAN REFERENCE:

| | |
|---|---|
| LAND OF HENRY TASKER AND ERVING WENTWORTH CENTRAL AVE DOVER, N.H. W.S. WHEELER STATE OF NH OCT, 1930 SCRD 4-2-6 | SURVEY PLAN FOR THE SCHWARTZ PROPERTY IN DOVER, N.H. BRUCE L. POHOPEK JUNE 22, 1992 SCRD 32A-93 |
| SITE PLAN 745 CENTRAL AVE DOVER, N.H. LECLERC STOWELL ASSOCIATES 7-11-83 | EXISTING CONDITIONS PLAN THE ESTATE OF ANNIE O. GALT 753-755 CENTRAL AVENUE DOVER, N.H. TRITECH ENGINEERING CORP APRIL 19, 2004 |
| LIMITED SUBDIVISION JAMES E. WENTWORTH AND CHARLES E. & ELIZABETH C. TASKER DOVER, N.H. G.L. DAVIS & ASSOCIATES JULY 1984 SCRD PLAN #25-50 | BOUNDARY LINE ADJUSTMENT PLAN 6 BRICK ROAD AND THE SOJA-PARK BENNETT REVOCABLE TRUST OF 1994 CENTRAL AVENUE & BRICK ROAD DOVER, NEW HAMPSHIRE TRITECH ENGINEERING CORP AUGUST 22, 2023 SCRD 12994 & 3 |

7.) ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.

8.) ZONING: OFFICE
MIN. LOT SIZE: 10,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 12 FT
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %

GATEWAY
MIN. LOT SIZE: N/A
MIN. FRONTAGE: 60% MIN.
MIN. SETBACKS:
FRONT: 5' – 20'
SIDE: 10 FT
REAR: 15 FT
MAX. COVERAGE: 50 %

IN ADDITION TO THE OFFICE DISTRICT THIS PROPERTY FALLS WITHIN THE CONSERVATION OVERLAY DISTRICT

9.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 100,000, AND WAS ACCOMPLISHED USING A LEICA 703 TOTAL STATION, DURING THE MONTH OF JUNE, 2011.

10.) SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A – PANEL 0320E, MAP No. 33017C0330E, DATE: 9-30-2015).

11.) DURING THE MONTH OF OCTOBER, 2016 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE. WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO VERY POORLY DRAINED SOILS WERE FOUND.

12.) MAP 28 LOT 10 HAS THE RIGHT TO ACCESS ACROSS DRIVEWAY AS DESCRIBED IN BOOK 389 PAGE 238 AND THE RIGHT TO MAINTAIN SEWER LINE ACROSS MAP 28 LOT 11 AS DESCRIBED IN BOOK 389 PAGE 301. LAND DESCRIBED IN BOOK 1711 PAGE 521.

30 0 15 30 60 120
1"=30'

ISSUED FOR PLANNING BOARD REVIEW
February 17, 2025

REVISIONS
DATE: DESCRIPTION:
2-17-26 REVISED PER ZBA APPROVAL

KEITH HAMPSHIRE - PIONEER - ROBERT STOWELL No. 9803 - LICENSED - PROFESSIONAL ENGINEER

GENERAL SITE PLAN

# JEFFERSON DRIVE EXPANSION

JEFFERSON DRIVE
DOVER, NEW HAMPSHIRE
NOVEMBER 18, 2025 JOB No. 23115
SCALE: 1" = 30'

SHEET No.

SP-1

PROPOSED VINYL STOCKADE FENCE

BUILDING SETBACK

GATEWAY OFFICE

20' 24' 20'

34.1'

6 5 4

BUILDING "B"

F.F.=141.05

34'

15'

15'

R=8'

R=15'

32'

R=97'

R=3' R=5'

22'

R=5'

20'

BUILDING "A"

F.F.=141.05

3 2 1

34'

20' 24' 20'

3

R=3'

R=75'

JEFFERSON DRIVE

GATEWAY OFFICE

EXISTING BUILDING #1

UNIT #7

UNIT #6

UNIT #5

UNIT #4

UNIT #3

N

TRITECH ENGINEERING CORPORATION

10 0 5 10 20 40

1"=10'

TRITECH

ENGINEERING CORPORATION


755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603 742 8107
FAX 603 742 3630


ISSUED FOR PLANNING BOARD REVIEW
February 17, 2025

REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 2-17-26 | REVISED PER ZBA APPROVAL |

STATE OF NEW HAMPSHIRE - ROBERT J. STOWELL No. 9583 - PROFESSIONAL ENGINEER

SITE DEVELOPMENT PLAN

# JEFFERSON DRIVE EXPANSION

JEFFERSON DRIVE
DOVER, NEW HAMPSHIRE

NOVEMBER 18, 2025 JOB No. 23115

SCALE: 1" = 10'

SHEET No.

SP-2

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Meeting Date: | March 10, 2026 |

**INTENT:** Proposal is to maintain an existing single-family dwelling and construct four (4) new single-family homes for a total of five (5) dwelling units with two (2) of the new single family homes size-restricted to 1,400 square feet each. (*This item was continued from the January 27, 2026 Planning Board meeting.)*

*[A previous version of this item was reviewed by the Technical Review Committee on September 5, 2024, September 26, 2024, and November 14, 2024 and was also heard and tabled by the Planning Board on January 28, 2025]*

**AGENDA ITEM #:** 4-B

**FILE:** SITE-2024-0012

**APPLICANT/OWNER:** 5 Sherman Street, LLC

**LOCATION:** 103 Court St. (Assessor's Map 19, Lot 8)

**LOTS/UNITS PROPOSED:** Five (5) units including one (1) existing unit, two (2) additional units allowed per base density, and two (2) TDR units *(TDR approved previously on January 28, 2025)*

**ACREAGE**: ±1.20 ac.

**ZONING DISTRICT:** R-12

**EXISTING USE:** Residential

**PROPOSED USE:** Residential

**SURROUNDING USE:** Residential, Cemetery

**WAIVERS REQUESTED:** §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed.

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**CONSERVATION COMMISSION:** N/A

**TECHNICAL REVIEW COMMITTEE:** Reviewed on Nov. 13, 2025.

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for the January 27th meeting and then announced for the March 10th meeting

**ATTACHMENTS:** Application materials including site plan.

**Summary of Request and Background**

The applicant is proposing a residential project consisting of five (5) residential units. The proposal includes reconstruction of the existing single-family dwelling and the construction of four, single-family cottages, two of which would be size-restricted.

The Planning Board last heard and tabled this item at its January 28, 2025 regular meeting. At that same meeting, the Board conditionally approved the related TDR application (TRAN-2024-0011) for the purchase of up to two additional units, resulting in a total potential development of up to five residential units.

Two waivers are being proposed as part of this project related to the requirements for a drive aisle width of 22'-24', where an aisle width of 20' is being proposed.

The Technical Review Committee reviewed the application at their November 13, 2025 meeting. Part of the TRC discussion and review focused on updated application materials reflecting the revised site plan proposal, including a traffic impact memo, condominium association documents, water and sewer demand, and stormwater analysis. *(minutes attached)*

The Planning Board has received a request from an abutter to defer action on this proposal based on the pending Supreme court case (No. 2025-0686) which is a second appeal of the TDR conditional approval. However, review of a site plan application is permitted and required under State law and the Code of the City of Dover and the Supreme Court did not issue a stay. The Planning Board retains jurisdiction to review and act on applications before the Board and if this site plan is heard, the appellant would have another opportunity to appeal.

Any abutter(s) aggrieved by the Planning Board's grant of TDR relief in an earlier proceeding/application and the Housing Appeals Board's ("HAB") affirmance of same (which is currently on appeal to the New Hampshire Supreme Court) are free to request the Court(s) for relief such as issuing a stay, though to staff's knowledge no such request has been made by any abutter(s) to stay any the TDR approval or the HAB's affirmance of same. Additionally, as with all land use decisions subject to an appeal right (and appeal period), the applicant's decision to take any actions in reliance on the Planning Board's decision (including but not limited to incurring any permitting, design, construction, or any other costs) prior to the final resolution of any appeal (or expiration of any applicable appeal period) is at the applicant's own/sole risk of a subsequent unfavorable appeal decision reversing or vacating the Planning Board's decision in whole or in part.

**Summary of Waiver Requests:**

The applicant is seeking two waivers as part of this proposal. The waivers are from the following:

1. §153-14.D.6(a), relief requested from required parking lot design standard of 22' aisle width.
2. §153-14.D.6(b), relief requested from required two-way accessway

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Meeting Date: | March 10, 2026 |

width of 24'.

**Consistency with Land Use Regulations – Waivers/Relief**

§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rationale for the waivers meets criterion (2) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance as the applicant is looking to decrease impervious surface and maintain as much distance to the abutter.

**STAFF RECOMMENDATION - Waivers/Relief:**

The Planning Department recommends that the Planning Board accept the applications as complete, note they are not of regional impact, hold a public hearing, make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
   §153-14.D.6(a), required parking lot design standard of 22' aisle width.
   §153-14.D.6(b), required two-way accessway width of 24'.

**Consistency with Land Use Regulations – Site Plan**

§153-13 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

**STAFF RECOMMENDATION:**

The Planning Department recommends that the Planning Board makes the necessary and supporting findings of fact, and vote to approve the site plan with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. All conditions associated with TRAN-2024-0011 have been met (save for this site plan approval);
2. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
   2.1. Permit File #SITE-2024-0012;
   2.2. Owner's signatures;
   2.3. Professional stamps and signatures;
3. Submit condominium association documents to the Planning Department for review, ensuring that provisions for maintenance of the stormwater system, roadway, sidewalks, roof, and limited common areas are included, along with reserve and surety calculation;
   3.1. Condominium association documents should note that the stop sign, and any other development signage would be privately owned and maintained by the association;
   3.2. Condominium association costs should reflect a comparison between future fund values and present-value costs.
   3.3. Condominium association documents should include the size restriction for the TDR units.

**Subsequent Condition to Be Met Prior to Construction:**

4. A preconstruction meeting must be held with City staff;
5. City's standard site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;
6. The applicant shall provide documentation demonstrating that utility costs associated with work within the public right-of-way, to be installed as part of the City's Court Street Reconstruction project, have been received from the City.

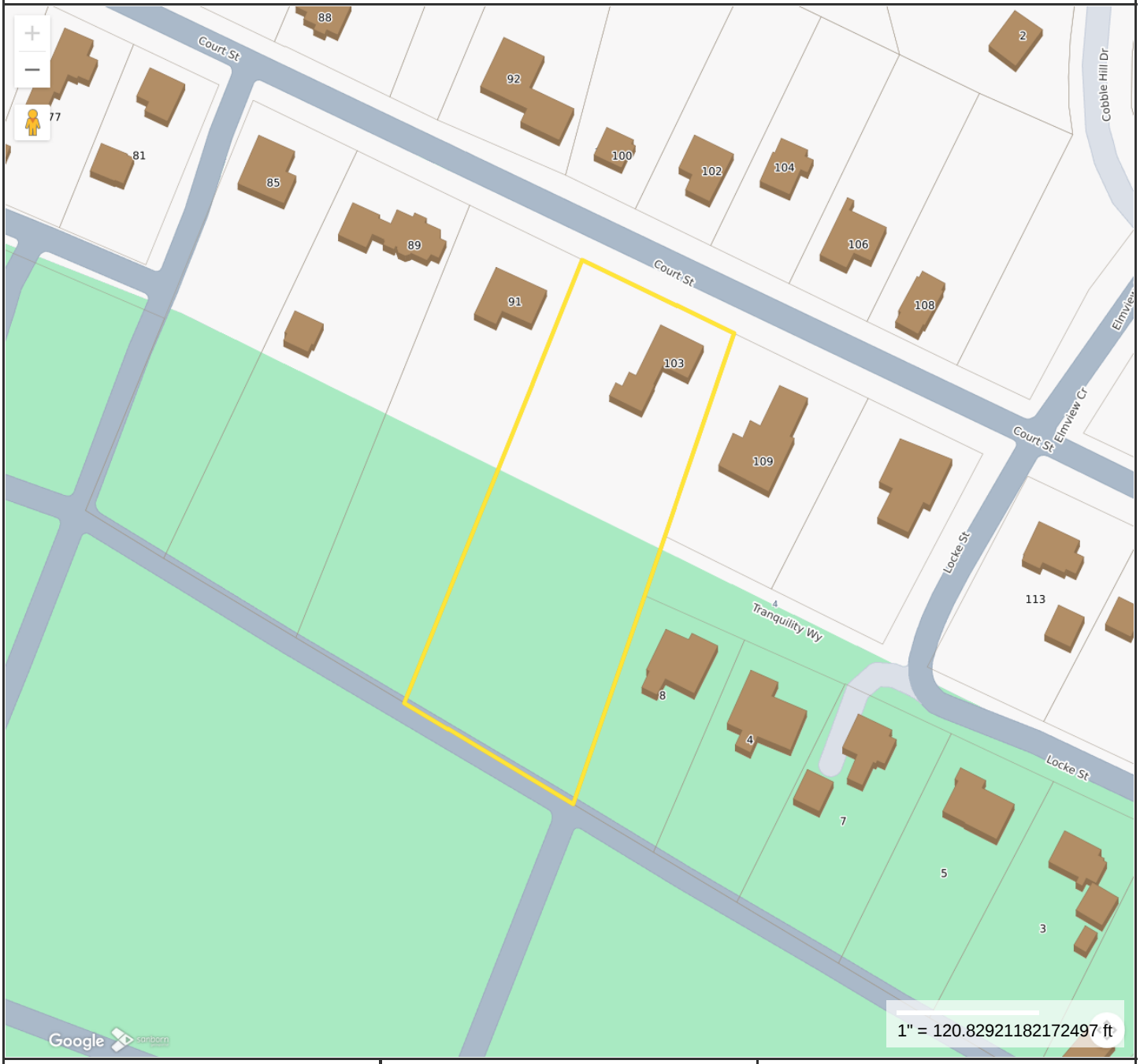
**Subsequent Condition to Be Met Prior to Building Permit:**

7. Payment of Water and Sewer Investment Fees, if applicable, at time of request of service;

**Subsequent Conditions to Be Met Prior to Occupancy:**

8. Issuance of Certificate of Occupancy;
9. Surety or other form of security acceptable to the City is provided for any unfinished work;
10. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

# SITE-2024-0012 103 COURT STREET




**Property Information**

| | |
|---|---|
| **Location** | 103 COURT ST |
| **Owner** | 5 SHERMAN STREET LLC |
| **Land Use** | 101R |
| **Zoning Code** | R-12 |
| **Property Id** | 19008-000000 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/30/2023
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

# PLAN SNAPSHOT REPORT SITE-2024-0012
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Plan Type:** | Site Plan - Major | **Project:** | | **App Date:** | 08/15/2024 |
| **Work Class:** | New Construction | **District:** | None | **Exp Date:** | NOT AVAILABLE |
| **Status:** | In Review | **Square Feet:** | 0.00 | **Completed:** | 01/13/2025 |
| **Valuation:** | $0.00 | **Assigned To:** | Blonigen, Rachel | **Approval Expire Date:** | 01/12/2030 |

**Description:** The applicant proposes utilizing the City of Dover Transfer of Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the existing home to remain, the construction of a duplex and the construction of four (4) new single-family homes for a total of seven (7) units. The TDR Base Density Calculation provide for Base Density of three (3) units, therefore, four (4) of these units will be obtained under the TDR regulations. The existing house is proposed to remain and will be an unrestricted unit. The (2) two units located in the duplex building will be dead restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The four (4) new single-family homes will be size restricted to a maximum of 1400 squarefeet of total living space per unit. The TDR application still requests relief from thirty (30) foot buffer requirement. The Landscape Design provides for new screening as mitigation for this relief.

| | | | | |
|---|---|---|---|---|
| **Parcel:** | 19008-000000 | Main | **Address:** 103 Court St<br>Dover, NH | Main |

**Zone:** R-12(Residential - Medium Density)

Engineer
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

Surveyor
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

Applicant
Robert Baldwin
242 CENTRAL AV
DOVER, 03820
Home: (603) 986-2373
Business: (603) 986-2373
Mobile: (603) 986-2373

Applicant
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

**Plan Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Total2 | 0 | Total3 | 0 | Total | 0 |
| Total5 | 0 | Total4 | 0 | Total6 | 7 |
| Total7 | 0 | Total9 | 0 | Total8 | 0 |
| Street Classification Type | Municipal | Recording Number | | Net Change in # Parking Spaces (+/-) | 16 |
| Water Service | Municipal | Sewer Service | Municipal | Deed Book | 5172 |
| Total Acres (GIS) | 1.19 | Deed Page | 55 | Total SQFT | 51836.4 |
| Deed Date | 03/15/2024 | Proposed Property Use | The applicant proposes utilizing the City of Dover Transfer Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the conversion of the existing home into a duplex, the construction of an additional duplex and the construction of five (5) new single-family homes for a total of nine (9) units. The TDR Base Density Calculation provide for a Base Density of three (3)units, therefore, six (6) of these units will be obtained under the TDR regulations. The four (4) units located in the two (2) duplex buildings will be deed restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The five (5) new single-family homes with be size restricted to maximum of 1400 square feet of total living space per unit. The TDR application also request relief from the thirty (30) foot buffer requirement and relief from the thirty (30) foot rear setback requirement. The Landscape Design provides for new screening as mitigation for this relief. | | |

# PLAN SNAPSHOT REPORT (SITE-2024-0012)

| | | | | | |
|---|---|---|---|---|---|
| Area of Parcel to be Developed (SQFT) | 52000 | Number of Parking Spaces Existing | 2 | Number of Parking Spaces Proposed | 18 |
| Number of Employees Total | 0 | Number of Employees in Max Shift | 0 | Distance to City Water | 20 |
| Distance to City Sewer | 20 | Type of Building to be Built | Wood Frame | Estimated Construction Value | 1600000.00 |
| Refuse Removal | Private | Is there an existing Conservation Easement? | No | Existing Conservation Easement Details | |
| Total of Impact Fees to be Assessed | 0.00 | TotalImpactFeeSDTOD | 0.00 | Sub Total Residential | 0.00 |
| TotalImpactFeeTHTOD | 0.00 | TotalImpactFee23FTOD | 0.00 | TotalImpactFeeA4TOD | 0.00 |
| TotalImpactFeeMHTOD | 0.00 | TotalImpactFeeADUTOD | 0.00 | TotalImpactFeeAONRTOD | 0.00 |
| TotalImpactFeeAR55TOD | 0.00 | TotalImpactFeeAR62TOD | 0.00 | TotalImpactFeeRIRCTOD | 0.00 |
| Sub Total Non-Residential | 0.00 | TotalImpactFeeOCSTOD | 0.00 | TotalImpactFeeITWCTOD | 0.00 |
| TotalImpactFeeNHALTOD | 0.00 | TotalImpactFeeOIUTOD | 0.00 | TotalImpactFeeAFAOTOD | 0.00 |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| Signature_Robert_Stowell_8/15/2024.jpg | 08/15/2024 11:52 | Stowell, Robert | | Uploaded via CSS |
| 2024.09.05_PlanningTechnicalReviewCommittee.Agenda.pdf | 08/27/2024 11:29 | Blonigen, Rachel | | TRC Agenda |
| 2024.09.26_PlanningTechnicalReviewCommittee.Agenda.pdf | 09/12/2024 16:14 | Blonigen, Rachel | | TRC Agenda |
| 2024.09.26_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 10/04/2024 12:06 | Blonigen, Rachel | | Approved TRC Minutes |
| 2024.11.14_PlanningTechnicalReviewCommittee.Agenda.pdf | 11/01/2024 11:51 | Blonigen, Rachel | | TRC Agenda |
| 2024.09.05_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/01/2024 11:54 | Blonigen, Rachel | | Approved TRC Minutes |
| 2024.11.14_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/22/2024 15:11 | Blonigen, Rachel | | Approved TRC Minutes |
| PB12-10-2024 SITE-2024-0012.pdf | 12/06/2024 11:12 | Blonigen, Rachel | | Staff Memo |
| 2024.12.10_PlanningBoard.Agenda.rev2.pdf | 12/20/2024 9:01 | Blonigen, Rachel | | PB Agenda |
| PB12-10-2024 SITE-2024-0012.pdf | 12/20/2024 9:01 | Blonigen, Rachel | | Staff Memo |
| Plan Detailed Report.pdf | 01/13/2025 16:12 | Service, EnerGov | Available Online | Attached by EnerGov's IO Automation Service (ATTACH: Attach copy of Notice of Decision) |
| 2025.01.11_PlanningBoard.SW.Agenda.pdf | 01/22/2025 14:41 | Blonigen, Rachel | | SW PB Agenda |
| 2025.01.11_PlanningBoard.Minutes.draft.pdf | 01/22/2025 14:42 | Blonigen, Rachel | | Draft PB Minutes |
| 100 Court Street Abutter 2025.01.17.pdf | 01/23/2025 11:48 | Blonigen, Rachel | | Abutter Email |
| H. Hamer submission 2025.01.14 PB meeting_0001.pdf | 01/23/2025 11:48 | Blonigen, Rachel | | Abutter Correspondence |
| PB01-28-2025 SITE-2024-0012.pdf | 01/24/2025 11:38 | Blonigen, Rachel | | Staff Memo |
| 2024.12.10_PlanningBoard.Minutes.pdf | 01/29/2025 16:50 | Blonigen, Rachel | | Final PB Minutes |
| 2025.01.28 PlanningBoard.Minutes.pdf | 03/18/2025 16:02 | Blonigen, Rachel | | Final PB Minutes |
| 2025.11.13_PlanningTechnicalReviewCommittee.Agenda.pdf | 10/27/2025 17:10 | Blonigen, Rachel | | TRC Agenda |
| 2025.11.13_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/17/2025 10:40 | Blonigen, Rachel | | Draft TRC Minutes |
| 2025.11.13_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/17/2025 10:46 | Blonigen, Rachel | | Draft TRC Minutes |

| | | | |
|---|---|---|---|
| 2025.11.13_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/20/2025 13:11 | Blonigen, Rachel | Approved TRC Minutes |

| Note | Created By | Date and Time Created |
|---|---|---|
| 1. Applicant Emailed TRC Agenda- RLB | Rachel Blonigen | 11/01/2024 12:01 |
| 2. Impervious Paved Area found in TRAN-2024-0011 | Rachel Blonigen | 11/07/2024 10:27 |
| 3. No abutter notices for 2nd PB meeting as this was continued from the previous PB meeting on 12/10/2024. | Rachel Blonigen | 01/15/2025 10:40 |
| 4. Workflow not working in Tyler- Clarify accessible charging and signage for TRC on 11/13/25 | Jim Maxfield | 11/13/2025 9:11 |
| 5. Resubmit for PB | Rachel Blonigen | 11/17/2025 10:44 |

| Invoice No. | Fee | | Fee Amount | Amount Paid |
|---|---|---|---|---|
| INV-00008987 | Planning General Application Fee | | $200.00 | $200.00 |
| | | Total for Invoice INV-00008987 | $200.00 | $200.00 |
| INV-00010224 | Planning Residential Fee | | $700.00 | $700.00 |
| | Planning Public Notice in Newspaper | | $120.00 | $120.00 |
| | | Total for Invoice INV-00010224 | $820.00 | $820.00 |
| | | **Grand Total for Plan** | **$1,020.00** | **$1,020.00** |

| Activity Type | Activity Number | Name | Workflow Action Name | User | Created On |
|---|---|---|---|---|---|
| Recommendation to Planning Board | RCMND-000093-2024 | | Planner Creates Staff Recommendations v.1.00 | Rachel Blonigen | 12/06/2024 |

**Activity Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Agenda Item | 4-H | Application Complete? | Yes | Summary Request & Background | INTENT: Project proposes the purchase of four (4) units through the Transfer of Development Rights (TDR) for a total of seven (7) units, where three (3) units are allowed by right, to include the renovation of the existing single-family home and the construction of a duplex and four (4) size-restricted, single-family cottages. AGENDA ITEM #: 4-H FILE: SITE-2024-0012 APPLICANT/OWNER: 5 Sherman Street, LLC LOCATION: 103 Court St. (Assessor's Map 19, Lot 8) LOTS/UNITS PROPOSED: Four (4) TDR units, Seven (7) units total (the TDR application being heard during this same meeting) ACREAGE: ±1.20 ac. ZONING DISTRICT: R-12 EXISTING USE: Residential PROPOSED USE: Residential SURROUNDING USE: Residential, Cemetery PERMITS: None WAIVERS REQUESTED: §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' |

is being proposed.
(Note the applicant is also requesting partial relief of the 30' buffer)
ZBA ACTION: None
CONSERVATION COMMISSION: N/A
TRC: Reviewed on 09/06/2024, 09/26/2024 and 11/14/2024
ATTACHMENTS: Application materials including site plan.

Summary of Request and Background
The applicant is proposing a residential project consisting of seven (7) residential units by purchasing four (4) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction of a duplex and four (4) size-restricted, single-family cottages.
The base density for the parcel was determined to be three units and the additional four units are to be ruled on at the same meeting by the Planning Board.
The Technical Review Committee reviewed the application at their September 6 and 26, 2024 and November 7, 2024. meetings. (minutes attached)
Consistency with Land Use Regulations – Site Plan
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

STAFF RECOMMENDATION- Site Plan:
The Planning Department understands changes to the plan may still be needed and could be subsequent conditions of approval or made before the Board votes on the TDR request. The Planning Department also recognizes the public comments received so far and recommends the Planning Board accept the application, open the public hearing, and provide the applicant any feedback based on the application, presentation, and public hearing and then table the item to a date certain.

| | | | | |
|---|---|---|---|---|
| Planning Board Decision | DEC-000004-2025 | Planning Board Decision v.1.00 | Rachel Blonigen | 01/13/2025 |

**Activity Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Documents | Provide one PDF, one CAD and two paper plan sets. | Planning Board Decision | Tabled | Planning Board Decision2 | Site and parcel walk-through scheduled for January 11, 2025. |

| | | | | |
|---|---|---|---|---|
| Recommendation to Planning Board | RCMND-000009-2025 | Planner Creates Staff Recommendations v.1.00 | Rachel Blonigen | 01/24/2025 |

**Activity Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Agenda Item | 4-C | Application Complete? | Yes | Summary Request & Background | INTENT: Project proposes the purchase of two (2) size-restricted (1,400 s.f.) units through the Transfer of Development Rights (TDR) for a total of five (5) units, where three (3) units are allowed by right via single-family base density calculation, to include the renovation of the existing single-family home and the construction of four (4) single-family cottages (two would be size restricted) along with parking, landscaping and utilities.<br>AGENDA ITEM #: 4-C<br>FILE: SITE-2024-0012<br>APPLICANT/OWNER: 5 Sherman Street, LLC<br>LOCATION: 103 Court St. (Assessor's Map 19, Lot 8)<br>LOTS/UNITS PROPOSED: Two (2) TDR units, Five (5) units total (the TDR application being heard during this same meeting)<br>ACREAGE: ±1.20 ac.<br>ZONING DISTRICT: R-12<br>EXISTING USE: Residential<br>PROPOSED USE: Residential<br>SURROUNDING USE: Residential, Cemetery<br>PERMITS: None<br>WAIVERS REQUESTED: §153-14.D.6(b), requiring an aisle width of 24', where an aisle width of 20' is being proposed.<br>ZBA ACTION: None<br>CONSERVATION COMMISSION: N/A<br>TRC: Reviewed on 09/06/2024, 09/26/2024 and 11/14/2024 (Subsequent TRC Review Required prior to Planning Board Review)<br>NOTICES: Abutter notices went out for the December meeting<br>ATTACHMENTS: Application materials including site plan.<br><br>Summary of Request and Background<br>The applicant is proposing a residential project consisting of five (5) |

residential units by purchasing two (2) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction four (4), single-family cottages, two of which would be size restricted.
The base density for the parcel was determined to be three units and the additional two (2) units are to be ruled on by this Board (TRAN-2024-0011)
The Technical Review Committee reviewed the application at their September 6 and 26, 2024 and November 7, 2024. Meetings, with a subsequent TRC review required due to substantial plan changes. (minutes previously attached for December meeting)
Consistency with Land Use Regulations – Site Plan
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. Staff feels based on the design and location of this project that site plan review by TRC and the Planning Board is still required even with the reduction to 4 new units. While this plan currently does not meet the requirements of a site plan, the applicant is seeking to continue this site review item to a future meeting so that the Technical Review Committee can review a full revised site plan set and revised stormwater plans and then come back for Planning Board review should the Planning Board vote on the TDR request.

STAFF RECOMMENDATION- Site Plan:
The Planning Department recognizes that the proposed plan has been scaled-back to reduce density and improve visual screening, per Planning Board and abutter request. The TDR application associated with this site plan, TRAN-2024-0011, is to be reviewed and possibly voted on this meeting, with the applicant seeking to continue this item to a future Planning Board meeting, pending the TDR application's approval. As such, staff recommends the Planning Board should continue the site plan item.

| Hearing Type | Location | Scheduled Date | Status | Subject |
|---|---|---|---|---|
| Planning Board Hearing v.1 | Council Chambers | 12/10/2024 | Complete | Site Review |
| Planning Board Hearing v.1 | Council Chambers | 01/28/2025 | Scheduled | Site Review |

**Comments:** Tabled

| Meeting Type | Location | Scheduled Date | Subject |
|---|---|---|---|
| Technical Review Committee Meeting v.1 | City Hall, Second Floor Conference Room | 09/05/2024 | Technical Review Committee Meeting |

**Comments:** Requires 2nd TRC

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Requires Re-submit | 08/27/2024 | 09/24/2024 | 09/06/2024 |

**Comments:** -Should duplex "B" units be relabeled as 3 & 4?
-The combination of architectural styles and use of the cottage court layout add visual interest to the site and maintain the look and feel of traditional New England development.
-Proximity of this site to RM-U zoning district mitigates the impacts of the extra density.

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 | No | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Semprini, Jillian | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Mavrogeorge, Kenneth | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Requires Re-submit | 08/27/2024 | 09/24/2024 | 09/06/2024 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 | No | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Requires Re-submit | 08/27/2024 | 09/05/2024 | 08/28/2024 |

**Comments:** Provide street name for the proposed priivate roadway

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 | No | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic | Police | Mitrushi, Alex | Approved | 11/17/2025 | 12/15/2025 | 11/17/2025 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic | Police | Speidel, Marn | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.2 | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Requires Re-submit | 09/12/2024 | 10/10/2024 | 09/26/2024 |

**Comments:** • The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claims. The following information would make it easier to evaluate compatible density vs. overdevelopment:
o Define the "surrounding area" for the purposes of evaluating density and visual character
o Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
o The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.
• Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
• Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.
• Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
• Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Mavrogeorge, Kenneth | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

**Comments:** Project: SITE-2024-0012
TRC Meeting: 2024.09.20
Reviewer: Kenneth Mavrogeorge, PE – City Engineer
Checked by: Engineering Staff
General Comment:
- Condo Docs are provided. Please revise to include maintenance of private sewer and water systems.
- HOA fee breakdown:
o Show cost of routine pavement maintenance (crack sealing, striping, etc.).
o Is $1800 per year in maintenance for catch basin cleanings and basin O&M too low?
o $15000 for fence repair in year 30 seems low.
SP-7:
- Drainage trench does not meet City standards. Stone bedding and backfill are required.
SP-11:
- Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.
SP-12:
- Sewer trench details need to show stone bedding and backfill above pipe to match the City standard.
TR-1:
- Fire truck movement into the site crosses over the curbing. Please revise.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Requires Re-submit | 09/12/2024 | 10/10/2024 | 11/01/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

**Comments:** Farm Gate Drive is an acceptable private Drive name

Fire Department Comments:
TRC Fire Department Comments: 103 Court St.
Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.
Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic | Police | Speidel, Marn | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.3 | Approved | 11/01/2024 | 11/14/2024 | 12/06/2024 | No | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Approved | 11/01/2024 | 11/29/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Mavrogeorge, Kenneth | Approved | 11/01/2024 | 11/14/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Approved | 11/01/2024 | 11/29/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Approved | 11/01/2024 | 11/14/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Approved | 11/01/2024 | 11/14/2024 | 11/05/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic | Police | Speidel, Marn | Approved | 11/01/2024 | 11/14/2024 | 11/18/2024 |

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 08/16/2024 9:52 | 12/06/2024 11:13 |
| Confirm application complete v.1 | Generic Action | | 08/16/2024 9:52 |
| Confirm application complete v.1 | Generic Action | | 10/27/2025 14:48 |
| Technical Review Committee Meeting Agenda v.1 | Task | 08/16/2024 9:52 | 08/27/2024 11:29 |
| Technical Review Committee Meeting Agenda v.1 | Task | 10/27/2025 14:47 | 11/17/2025 10:43 |
| Land Use Plan Technical Review v.1 | Receive Submittal | 08/27/2024 0:00 | 09/06/2024 13:17 |
| Land Use Plan Technical Review v.1 | Receive Submittal | 11/17/2025 0:00 | 11/17/2025 10:44 |
| Land Use Plan Technical Review v.2 | Receive Submittal | 09/12/2024 0:00 | 11/01/2024 11:37 |
| Land Use Plan Technical Review v.3 | Receive Submittal | 11/01/2024 0:00 | 12/06/2024 11:13 |
| Technical Review Committee Meeting v.1 | Hold Meeting | 08/27/2024 11:29 | 09/06/2024 13:17 |
| Technical Review Committee Meeting v.1 | Hold Meeting | 11/17/2025 10:43 | 11/17/2025 10:44 |
| **Planning Board v.1** | | 01/13/2025 16:12 | 11/17/2025 10:44 |

| | | | |
|---|---|---|---|
| Planning Board Agenda v.1 | Task | 01/13/2025 16:12 | 01/24/2025 11:34 |
| Planning Board Agenda v.1 | Task | 12/06/2024 11:13 | 12/06/2024 11:16 |
| Planning Board Agenda v.1 | Task | 01/06/2026 10:27 | |
| Invoice for Notices v.1 | Task | | |
| Invoice for Notices v.1 | Task | 01/24/2025 11:34 | 01/24/2025 11:35 |
| Invoice for Notices v.1 | Task | 12/06/2024 11:13 | 12/06/2024 11:16 |
| Send Notices v.1 | Task | 12/06/2024 11:14 | 12/06/2024 11:16 |
| Send Notices v.1 | Task | | 01/24/2025 11:35 |
| Send Notices v.1 | Task | | |
| Planner Creates Staff Recommendations v.1 | Plan Activity | | |
| Planner Creates Staff Recommendations v.1 | Plan Activity | 01/24/2025 11:35 | 01/24/2025 11:36 |
| Planner Creates Staff Recommendations v.1 | Plan Activity | 12/06/2024 11:15 | 12/06/2024 11:16 |
| Distribute Planning Board Materials v.1 | Task | 12/06/2024 11:16 | 12/06/2024 11:16 |
| Distribute Planning Board Materials v.1 | Task | 01/24/2025 11:36 | 01/24/2025 11:37 |
| Distribute Planning Board Materials v.1 | Task | | |
| Planning Board Hearing v.1 | Hold Hearing | 12/06/2024 11:16 | 01/13/2025 16:12 |
| Planning Board Hearing v.1 | Hold Hearing | 01/24/2025 11:37 | 06/24/2025 11:39 |
| Planning Board Hearing v.1 | Hold Hearing | | |
| ~~Planning Board Decision v.1~~ | Plan Activity | | 11/17/2025 10:44 |
| Planning Board Decision v.1 | Plan Activity | 01/13/2025 16:11 | 01/13/2025 16:12 |
| Planning Board Decision v.1 | Plan Activity | | |
| NOD Sent to Applicant v.1 | Create Report | | 01/13/2025 16:12 |
| ~~NOD Sent to Applicant v.1~~ | Create Report | | 11/17/2025 10:44 |
| NOD Sent to Applicant v.1 | Create Report | | |
| **Final Plan v.1** | | | |
| Land Use Plan Stamped and Signed v.1 | Generic Action | | |
| Recording v.1 | Task | | |
| Document Archival v.1 | Generic Action | | |
| Internal Notification of Plan Completion v.1 | Generic Action | | |
| Building Official Notifies Address v.1 | Generic Action | | |
| Pre-Con Meeting v.1 | Hold Meeting | | |
| **Create/Link to Records v.1** | | | |
| Create / Link to Permit - Building Major v.1 | Create Sub Permit | | |
| Create / Link to Permit - Site Work, Construction v.1 | Create Sub Permit | | |

**From:** robert@centralfallsrealty.com <robert@centralfallsrealty.com>
**Sent:** Tuesday, January 27, 2026 1:41 PM
**To:** Benton, Donna <d.benton@dover.nh.gov>
**Cc:** 'John K. Bosen' <jbosen@dtclawyers.com>; 'JOHN ONEILL' <johnoneill.nh@gmail.com>; 'Dave' <dave@centralfallsrealty.com>; 'Robert J. Stowell' <rjs@tritecheng.com>
**Subject:** 103 Court Street, Dover | Continuance Request

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

Director Benton,

Consider this email a formal request for a continuance on 103 Court Street, Dover to February 24th Planning Board Meeting. Our legal counsel has prior obligations for tonight's and the February 10th meeting but is available for the 24th.

Regards,

ROB

Robert Baldwin
C: (603) 986-2373
robert@centralfallsrealty.com
242 Central Avenue
Dover, NH, 03820

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

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**From:** robert@centralfallsrealty.com <robert@centralfallsrealty.com>
**Sent:** Tuesday, January 27, 2026 2:58 PM
**To:** Benton, Donna <d.benton@dover.nh.gov>
**Cc:** 'John K. Bosen' <jbosen@dtclawyers.com>; 'JOHN ONEILL' <johnoneill.nh@gmail.com>; 'Dave' <dave@centralfallsrealty.com>; 'Robert J. Stowell' <rjs@tritecheng.com>
**Subject:** 103 Court Street, Dover |Revised Continuance Request

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

Director Benton,

Consider this email a formal request to revise our continuance request on 103 Court Street, Dover to March 10th Planning Board Meeting.

Regards,

ROB

Robert Baldwin
C: (603) 986-2373
robert@centralfallsrealty.com
242 Central Avenue
Dover, NH, 03820

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

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**TRITECH**
**ENGINEERING CORPORATION**

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

January 6, 2026

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Technical Review Committee Response Letter
***103 COURT STREET***
Dover Tax Map 19 Lot 8
103 Court Street
Dover, New Hampshire
Job No. 24101
City of Dover Planning # Site-2024-0012

Dear Donna:

At their meeting on November 13, 2025, the Dover Technical Review Committee (TRC) offered the following comments. Our response to each of their comments are identified in blue text.

**PLANNING**

- Reminder: Water and sewer investment fees.

  ***The Applicant is aware of this requirement.***

- Revise and submit updated application materials like COA documents, reserve calculation, traffic impact memo, etc.

  ***Updated materials including site review application, site development plan set, color renderings and streetscape, traffic assessment memorandum, water and sewer demand and COA documents are enclosed.***

- Revise and submit updated waiver requests.

  ***The waiver request is enclosed.***

- Revise plan set to:
  - Change no parking fire lane pavement marking to appropriate signage.

    ***No parking fire land pavement markings have been revised to the appropriate signage. Note C-21 on Sheet Sp-2 references Detail on Sheet Sp-11.***

  - Add leader note about distance from cemetery meeting RSA 289:3.III.

    ***Note 14 on Sheet Sp-1 references the 25' setback from Pine Hill Cemetery meeting RSA 289:3.III.***

- Snow storage areas still seem a bit inadequate.

  ***There is 9,730 sq. ft. of proposed pavement. A total of 1,625 sq. ft. of snow storage is proposed which is more than the recommended 1 sq. ft. of storage per 10 sq. ft. of proposed pavement.***

Will existing plants be left as is in 25' cemetery setback area?

***Yes, the 25' cemetery setback will remain in an undisturbed condition per Sheet LA-1.***

- Do you have updated architectural renderings?

  ***Updated architectural renderings are attached.***

**ENGINEERING**

- SP-3 Applicant to confirm if 6" water main is sufficient for hydrant flow and domestic services. Applicant to coordinate water main installation with CS during Court Street Reconstruction.

  ***The 6" water main is adequate for the hydrant flow and the domestic flow for four new units is insignificant. The proposed units are not sprinkled. The Applicant will coordinate with CS during Court Street reconstruction per Water Note 5 and Sewer Note 1 on Sheet SP-3 and Drainage Note 1 on Sheet SP-5.***

- SP-3 Cottage #4 water shutoff not shown.

  ***The water shutoff for cottage #4 has been added to Sheet SP-3.***

- SP-3 drawing shows 6" tee between hydrant and Cottage #5. Clarify connection details.

  ***Water connection details have been clarified.***

- SP-3 note W-11 – Court St Reconstruction project to only replace 1" water service to curb stop at ROW at sidewalk. Any other water service work required will be responsibility of property owner.

  ***Note W-11 on Sheet SP-3 has been revised and Note W-12 has been added to clarify that the Court Street reconstruction project will only replace 1" water service to curb stop and water service work will be the responsibility of the property owner.***

- SP-3 note S-5 should reference SDR 35 PVC material.

  ***Note S-5 on Sheet SP-3 has been revised to clarify pipe material as PVC.***

- SP-4 P-13 pipe invert appears to daylight in YD#1. Clarify YD#1 design elevations and show section.

  ***Contour labels on Sheet SP-4 have been corrected and pipe P-13 does not daylight.***

- SP-4 YD#1 not shown in Drainage Structure Table.

  ***YD #1 has been added to the Drainage Structure Table on Sheet SP-4.***

- SP-5 Bio-Retention cross section is not a true cross section; location of OS#1 is inconsistent between plan and cross section. P-10 is also not shown in the cross section. Confirm structure naming; Bio #1, Bio #101, and OS #1.

  ***The Bioretention cross-section on sheet SP-5 has been revised to be consistent with plan view. P-10 has been added to the profile on Sheet C-1. Structure names have been revised to match.***

- Applicant to update City standard details with latest.

  ***All Dover standard details have been updated to the latest versions.***

- SP-10 Detail 10 missing material type and reinforcing details.

  ***The concrete pad Detail 10 on Sheet SP-10 has been revised to add the material type and reinforcing details.***

- SP-11 Internal Drop detail to show core and boot at inlet pipe.

  ***Note S-1 on Sheet Sp-3 references core and boot for the new invert.***

- SP-11 manhole invert must be rebuilt. Drop shall not drop onto shelf.

  ***Note S-1 on Sheet Sp-3 references the invert to be rebuilt and the drop does not drop onto the shelf.***

- Missing yard drain detail.

  ***ADS Nyloplast drain basin and grate details have been added as Detail 3 on Sheet SP-6.***

- TDR Narrative should be revised to account for 5 single family units being proposed. Narrative discusses adding a barn and addition of 9 units, 4 of which would be designated affordable housing, which may no longer be the case.

  ***The TDR request has been approved by the Planning Board. All other documents have been updated to the current unit count.***

- Water and Sewer demand shows duplex and prior design.

  ***Water and sewer demand has been revised for 4 cottage units.***

- Stormwater analysis – proposed analysis has not been updated for the revised site plan layout.

  ***The revised storm water analysis is enclosed.***

**INSPECTION SERVICES**

- Clarify accessible charging station and signage for new configuration.

  ***Accessible charging station and signage has been revised for the new configuration.***

**Project Submittal**

Attached please find the supporting documentation:

- Seven (7) Copies of this Technical Review Committee Submittal Letter.
- Seven (7) Copies of the Updated Site Review Application.
- One (1) Copy of the Full-Size Updated Site Development Plan set.
- Six (6) Copies of the Half Size Updated Site Development Plan set.
- Seven (7) Copies of the Updated Color Renderings and Streetscape.
- Seven (7) Copies of the Waiver Request (driveway width).
- Seven (7) Copies of the Updated Traffic Assessment Memorandum.
- Seven (7) Copies of the Updated Water & Sewer Demand.
- Seven (7) Copies of the Landscaping O & M Plan.
- Seven (7) Copies of the Updated Homeowners Association (COA) documents.
- Seven (7) Copies of the Trash Management Protocol.
- Two (2) Copies of the Stormwater Analysis

We look forward to meeting with the Planning Board at their January 27th meeting and discussing these revised development plans.

Please advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp

Enclosures

\\24101_TRC_RspnsLtr01-06-25.docx

# *City of Dover, New Hampshire*
# *SITE REVIEW APPLICATION*

[Revision Date: July 1, 2021]

| *Office Use Only* | Project #: | | Date Received: | |
|---|---|---|---|---|
| | Amount Paid: | | Time Received: | |

## APPLICANT AND OWNER INFORMATION

Name of Applicant: 5 Sherman Street, LLC Telephone #_____

Address of Applicant: 242 Central Ave. Dover, NH 03820

E-Mail Address: robert@centralfallsrealty.com

Name of Property Owner (*if different from applicant*): _____ Telephone #_____

Address of Property Owner: _____

## PROPERTY INFORMATION

Address of Property: 103 Court Street Dover, NH 03820

Assessor's Map # 19 Lot(s) # 8

Zoning District(s) R-12 Overlay District(s) N/A

Size of Parcel: 52,241 sq. ft. 1.199 ac. Property Deed: Book 5172 Page: 55

Existing Use of Property: Single Family Residence

## SITE PLAN INFORMATION

Describe Proposed Use: Existing single family and 4 detatched single family cottage units

Area of Parcel to be Developed: 52,000 sq. ft.

If Multi-family Residential: Number of Units 4 & Buildings Proposed 4

If lodging: Number of Units _____ & number of Buildings _____

Number of Parking Spaces: Existing 2 Proposed 11

Highway Access (check where applicable): X City Street ____ State Highway

Number of Employees Total: N/A In Maximum Shift: N/A

Disposition of Parcel:

Building Footprint Varies sq. ft.

Total Building Area Varies sq. ft.

Paved Area 9,370 sq. ft.

Building Setbacks:

Front Yard 15 ft.

Rear Yard 30 ft.

Side Yard: Right 15 ft. Left 15 ft.

City Water? X Yes ___ No How far is city water from the property? At Property

City Sewer? X Yes ___ No How far is city sewer from the property? At Property

**TRANSFER OF DEVELOPMENT RIGHTS INFORMATION**

**Type of TRANSFER OF DEVELOPMENT RIGHT REQUEST (Check All That Apply):**

□ Residential ☒ Residential (reduced size) □ Industrial | ☒ Purchase □ Land Preservation

**Relief sought (Check All That Apply):**

□ Lot Size □ Frontage □ Setback ☒ 30' Buffer ☒ Increase by 2 units

Describe Proposed Use or Activity that requires TDR; describe any impacts and document mitigation:

TDR was approved by the Dover Planning Board on January 28th 2025.

**BUILDING INFORMATION**

Type of Building to be Built: Wood Frame

Height of Building: Varies Finished Floor Elevation: Varies

Number of Seats (where applicable) N/A

Estimated value of construction: $900,000 Refuse removal: Public/Private (circle one)

**WAIVER REQUESTS**

Site Review Regulations section(s) to be waived: 153-14.D.6(a) & (c)

Justification for waiver request(s) (*attach additional sheets as needed*):

See attachment.

**SURVEYOR INFORMATION**

Name of Surveyor and Company (Licensed in N.H.) Robert Stowell; Tritech Engineering Corp.

Address 755 Central Ave. Dover, NH Telephone #: 603 742 8107

Professional License #: 884 E-mail address: rjs@tritecheng.com

**ENGINEER INFORMATION**

Name of Engineer and Company (Licensed in N.H.) Robert Stowell; Tritech Engineering Corp.

Address 755 Central Ave. Dover, NH Telephone #: 603 742 8107

Professional License #: 884 E-mail address: rjs@tritecheng.com

**ARCHITECT INFORMATION**

Name of Architect and Company (Licensed in N.H.) _____

Address _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

**LANDSCAPE ARCHITECT INFORMATION**

Name of Landscape Architect and Company (Licensed in N.H.) Romy N. Maurer; Terrain Planning & Design

Address 311 Kost Hill Rd. Hopkinton, NH 03229 Telephone #: 603 746 3512

Professional License #: 086 E-mail address: romy@terrainplanning.com

**SOIL SCIENTIST INFORMATION**

Name of Soil Scientist and Company (Licensed in N.H.) Michael Mariano; Highland Soil Services

Address 75 Prospect St. Somersworth, NH Telephone #: 609 692 4457

Professional License #: 76 E-mail address: highlandsoilservices@comcast.net

**CONSERVATION EASEMENT HOLDER**

Name of Easement Holder: _____ Telephone #_____

Address Easement Holder: _____

Docusign Envelope ID: 18053744-57D7-428D-A298-FAD5F12C0972


## SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. Furthermore, I/we submit that the existing conditions sheet of the plan represents the lot in question, and that no alteration of the site shall take place during Planning Board review up to and including the pre-construction meeting. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: _____ Date: _____

Signature of Applicant (*if different from owner*): _____ Date: _____

Signature of Agent: _____, PRESIDENT Date: 08/15/24

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: _____

## AUTHORIZATION TO COMPLETE THE PROJECT ON SUBJECT PROPERTY

I, and my successors, hereby the City of Dover or its assigns to enter my property for the purpose of completing the site work as required by the approved plan should the letter or credit or other surety be called. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: _____

Signature of Applicant (*if different from owner*): _____ Date: _____

## CERTIFICATION OF FEES

I, and my successors, hereby certify that I understand that the City of Dover collects impact fees, utility investment fees and inspection fees for projects developed in Dover. Said fees must be paid before a Certificate of Occupancy can be obtained for a structure, unless a different payment schedule is agreed to by the applicant and the City prior to approvals being issued by the Dover Planning Board. Additionally, should the property be in "Current Use" it will be subject to the Land Use Change Tax.

Signature of Property Owner: DocuSigned by: Robert Baldwin 05223773E15540A... Date: _____

Signature of Applicant (*if different from owner*): _____ Date: _____

## *CITY OF DOVER SITE REVIEW*
## *LIST OF ABUTTERS*

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

**Owner:**

| TAX MAP | LOT # | PROPERTY OWNER | MAILING ADDRESS |
|---|---|---|---|
| 19 | 8 | 5 Sherman Street, LLC | 242 Central Ave. Dover, NH 03820 |

**Applicant (if different from owner):**

| APPLICANT NAME | APPLICANT COMPANY | MAILING ADDRESS |
|---|---|---|
| Robert Baldwin | 5 Sherman Street, LLC | 242 Central Ave. Dover, NH 03820 |

**Surveyor and/or Engineer/Professional Agent:**

| NAME | COMPANY | MAILING ADDRESS |
|---|---|---|
| Robert J. Stowell | Tritech Engineering Corp. | 755 Central Ave. Dover, NH 03820 |
| Michael Mariano | Highland Soil Services | 75 Prospect St. Somersworth, NH 03878 |
| Romy N. Maurer | Terrain Planning & Design | 311 Kost Hill Rd. Hopkinton, NH 03229 |

**Conservation Easement Holder:**

| TAX MAP | LOT # | NAME OF EASEMENT HOLDER | MAILING ADDRESS |
|---|---|---|---|
| | | | |

# PLANNING BOARD FEE SCHEDULE/INVOICE

*(Revised July 24, 2023)*

Below are the fees associated with plan review and are subject to a nonrefundable application fee to cover administrative expenses. Please complete the information below and provide payment with your application submittal. **Plan review fees shall be paid prior to technical review committee (TRC) being scheduled.** For plans not requiring TRC review, **fees are due 21 days prior** to the Planning Board meeting. Staff will coordinate abutter/notice fees, which will be invoiced and must be paid 28 hours before the Planning Board meeting for an application to be heard. Fees shall be paid by cash or check made payable to "City of Dover".

**A. Plan Review Fees**

**1. Application fee for the following (SELECT ALL THAT APPLY):**

- ☐ SUBDIVISION Application fee $200.00 + $150.00 x # _____ new lots created = $_____
- ☐ LOT LINE ADJUSTMENT Application fee $200.00 + $100.00 X # ___ of lots involved = $_____
- ☐ TRANSFER OF DEVELOPMENT RIGHTS Application fee $200.00 = $_____
- ☒ SITE REVIEW – RESIDENTIAL Application fee $200.00+ $100.00 x # 4 per dwelling unit = $600.00
- ☐ SITE REVIEW – NON-RESIDENTIAL Application fee $200.00 + (not to exceed $10,000)
  - New construction $.15 sq. ft. x # _____ sq. ft.= $_____
  - Additions (new floor space) $.10 per sq. ft. x # _____sq. ft.= $_____
- ☐ MOTEL/HOTEL $35.00 x # ___ per lodging unit= $_____
- ☐ CHANGE OF USE Application fee $200.00 + (not to exceed $5,000)
  - Existing floor spaces $.10 per sq. ft. x # _____ sq. ft. = $_____
- ☐ CONDITIONAL USE PERMIT Application fee $200.00 x # _____ per Application = $_____
- ☐ GRAVEL PIT/ EXCAVATIONS
  - Application fee $50.00= $_____
  - Permit fee $75.00= $_____
- ☐ EXTENSIONS/AMENDMENTS/WAIVERS FOR AN APPROVED PLAN Application fee $200.00 = $_____
- ☐ REQUEST FOR REZONING Application fee $200.00 = $_____
- ☐ DRIVEWAY WAIVER Application fee $200.00 = $_____
- ☒ **TOTAL IMPERVIOUS PAVED AREA** (for new development, roadways or additions to existing parking lots, (not to exceed $10,000)) Application fee of $200.00 is N/A if it is part of a Site Review or Subdivision Plan. $200.00 + $.07 per sq. ft. x # 9,370 sq. ft. = $856

**SUBTOTAL PLAN REVIEW FEE = $1456**

**AND**

**B. Abutter Notification/Mailing Labels -** this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will review the list for accuracy and provide to us the engineer, architect, licensed land surveyor (LLS), licensed landscape architect (LLA) and/or soil scientist whose professional seal appears on the plan with names and addresses for notices.

- ☐ Applicant & Owner, engineer, architect, LLS, LLA and/or soil scientist
  - Certified letters fee # _____ of x $10.00= $_____
- ☐ Certified letters fee: # of abutters _____ X $10.00= $_____
- ☐ First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X $1.00= $_____
- ☐ Creating/Printing Abutter Labels in triplicate per sheet _____ x $10.00= $_____

**C. Foster's newspaper public notice fee $120.00 x # _____ applications =** $_____

**SUBTOTAL = $_____**

**TOTAL INVOICE AMOUNT = $_____**

**PLAN REVIEW FEE COLLECTED/PAID = $ _____**

**BALANCE DUE = $ _____**

**The amount due must be paid 28 hours prior to the Planning Board Meeting, to be heard.**

# *City of Dover, New Hampshire*
# *SITE PLAN REVIEW SUBMISSION CHECKLIST*

[Revision Date: June 4, 2019]

This site plan review checklist, as required by Chapter 153-6-B(2), should be completed by the applicant. It is intended to assist the applicant in the planning process of preparing a Site Plan Review application for Planning Board action. The size of the project will determine the types of information required for review, therefore, a **pre-application conference** with the Planning Department to determine the list of items that must be completed is strongly encouraged.

**The first step would be to appear before the Technical Review Committee, to apply, eight (8) folded copies of the site plan with scale of not less than 1"=50' or 1" =100' for larger site plans, need to be provided, along with payment of plan review fees.**

**Two weeks prior to Planning Board, three (3) full size and twelve (12) half size (11x17), folded, copies of the plan set and materials, including response to TRC comments, will be due. Abutter/Notice Fees will be invoiced and need to be paid 28 hours prior to the Planning Board meeting.**

*The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all site plan review requirements. Please refer to the Site Plan Review Regulations for full details.*

APPLICANT: 5 Sherman Street, LLC File Number: _____

PROJECT TITLE: 103 Court Street

PROPERTY LOCATION: 103 Court St. Dover, NH Tax Map: 19 Lot: 8

| | Where/How Provided | Reviewed |
|---|---|---|
| **1. Completed and signed Application form** | Attached | |
| **2. Plan Review Fees are provided** | Hand Delivered | |
| **3. Electronic copy of the engineered/surveyed plan layout** | Via Portal | |
| **4. Electronic copy of supplementary materials and application** | Via Portal | |
| **5. Traffic Impact Assessment and Analysis (Standard or Advanced)** | Attached | |
| **6. Waiver requests to the Site Plan Review Regulations, with written justification** | N/A | |
| **7. Conditional Use Permit applications** | N/A | |
| **8. A colored rendering of the streetscape that will be created along the existing public right-of-way** | Architectural Plans | |
| **9. A colored architectural plan showing all sides of buildings** | Architectural Plans | |
| **10. Folded copies of site plan w/scale of not less than 1"=50' or 1"=100' for larger site plans, for TRC. Plans shall contain the following items as appropriate:** | Attached | |
| Location map at appropriate scale | Sheet Ex-1 Locus Map | |
| Proposed Project name and title and Planning File # | Title Block | |
| Date, north arrow and scale | Shown | |
| Names of all abutting property owners | Shown | |
| Name and address of owners and/or applicants | Shown | |
| Signature & stamp of NH licensed land surveyor and/or engineer | Shown on Applicable Sheets | |
| Zoning District boundaries, including any special or overlay districts | Sheet SP-1 | |
| Location of Conservation District areas | N/A | |
| Location, names and widths of existing and proposed streets, including pavement widths, grades, curbs and crosswalks | Sheet SP-1 | |
| Location and widths of existing & proposed easements & right of ways | Sheet SP-1 | |
| Location and width of existing and proposed access/egress ways | Sheet SP-1 | |

| | Explain How Provided | Reviewed |
|---|---|---|
| Depict pedestrian walkways and accessible access | Sheet SP-1 | |
| Existing and proposed property lines with dimensions and bearings tied into Dover's Geographic Information System coordinate system | Shown All Plans | |
| Existing and proposed topographic information at two foot intervals | Shown All Plans | |
| Existing and proposed buildings and structure locations | Sheet SP-1 | |
| Minimum building setbacks or build to lines on all lots | Sheet SP-1 | |
| Location and size of existing and proposed electric, telephone, gas cable and other underground utilities | Sheet SP-3 | |
| Existing and proposed water lines and fire hydrants, including materials and capacity needed | Sheet SP-3 | |
| Location and materials of sanitary sewage facilities within project site and projected additional peak hour sewer load | Sheet L-3 | |
| Existing and proposed stormwater lines and facilities | Sheet L-1 & SP-5 | |
| Lighting plan depicting all existing and proposed exterior light fixtures and a lighting level analysis for parking lots | Sheet L-1 | |
| Location of Flood Hazard Zone | N/A | |
| Location of all bodies of water and watercourses | N/A | |
| Location of wetlands and buffers | N/A | |
| Neighborhood plan with aerial underlay showing how project relates to abutting uses within the plan set | Sheet T-2 | |
| Existing natural features and/or significant vegetation on property | Sheet EX-1 | |
| Depict existing contours up to 100 ft. beyond project limits | Sheet EX-1 | |
| Landscape plan depicting existing and proposed landscaping, prepared by a licensed Professional Landscape Architect | Sheet LA-1 | |
| Location of parking layout delineating spaces and arrangement; note addressing maximum required spaces | Sheet SP-1 | |
| Location, material and size of existing and proposed pavement area | Sheet SP-1 | |
| Location of proposed fire lanes | Sheet SP-2 | |
| Specify finished floor elevations of buildings | Sheet SP-4 | |
| Location of solid waste disposal facilities (dumpster, pad and screening, etc.), including required screening | N/A - Private Pickup | |
| Depict all service, storage, loading bays and utility areas | N/A | |
| All applicable Dover Common Site Plan notes | Sheet SN-1 | |
| **11. Additional Information if appropriate** | | |
| Stormwater Management Plan depicting the existing & proposed storm drainage system and engineered drainage analysis | Drainage Report | |
| Stormwater Management System Operation and Maintenance Plan | Stormwater Mgmt., Maintenance & Insp. Plan | |
| Letter to Serve from Public and Private Utilities | Pending | |
| Erosion and Sedimentation Control Plan | Drainage Report | |
| Landscape Operation and Maintenance Plan | Sheet LA-1 | |
| Proposed restrictive covenants or homeowners association documents | Pending | |
| Dates and permit numbers of all required state and federal permits | Pending | |
| If wetland buffer, indicate placards locations, as applicable | N/A | |
| Depict test boring locations, groundwater elevations and soil profiles and/or soils types call-outs | Sheet SSS-1 | |
| Location of proposed drive-in facilities | N/A | |
| Provide additional exhibits/technical data determined appropriate by the Planning Board or its staff as required | N/A | |

REVIEWED BY: _____ DATE_____ TRC DATE_____

**SITE-2024-0012** **103 COURT STREET**

| Property ID | Location | Owner 1 | Owner 2 | Owner Address 1 | City | State | Zip |
|---|---|---|---|---|---|---|---|
| 20112-A00000 | 100 COURT ST | O GRADY LISA | | 100 COURT STREET | DOVER | NH | 03820 |
| 20113-000000 | 104 COURT ST | CHANGING PLACES LLC | | 210 TOLEND RD | DOVER | NH | 03820 |
| 21001-000000 | 108 COURT ST | MILLER SYLVIA P & BRAULT NANCY A TTS | MILLER SYLVIA P REVOCABLE TRUST | 108 COURT STREET | DOVER | NH | 03820 |
| 19052-001000 | 131 CENTRAL AV | CITY OF DOVER | | 288 CENTRAL AVE | DOVER | NH | 03820 |
| 19007-001000 | 111 COURT ST | GOLDRICH BENJAMIN TRUSTEE | GOLDRICH BENJAMIN F REV TRUST | 111 COURT ST | DOVER | NH | 03820 |
| 19007-004000 | 8 TRANQUILITY WAY | RILEY JEANNETTE E | TORRENS KATHLEEN | 8 TRANQUILITY WAY | DOVER | NH | 03820 |
| 20113-001000 | 102 COURT ST | CARPENTER CONSTANCE ANN | | 102 COURT ST | DOVER | NH | 03820 |
| 19007-000000 | 109 COURT ST | MCENEANEY KEVIN | | 109 COURT ST | DOVER | NH | 03820 |
| 20096-000000 | 31 UNION ST | DOVER HOUSING AUTHORITY | | 62 WHITTIER STREET | DOVER | NH | 03820 |
| 19006-000000 | 7 LOCKE ST | GALKOWSKI PAIGE HARTMAN | | 7 LOCKE ST | DOVER | NH | 03820 |
| 20113-002000 | 106 COURT ST | WEIR ROBERT C & | WEIR DIANE | 106 COURT ST | DOVER | NH | 03820 |
| 19009-A00000 | 91 COURT ST | HAMER HILARY ANN | | 91 COURT ST | DOVER | NH | 03820 |
| 19009-000000 | 89 COURT ST | MAMIGONIAN CYNTHIA L | | 89 COURT ST | DOVER | NH | 03820 |
| 20112-000000 | 92 COURT ST | ERDMANN RICHARD | | 92 COURT ST | DOVER | NH | 03820 |
| 19008-000000 | 103 COURT ST | 5 SHERMAN STREET LLC | | 242 CENTRAL AVE | DOVER | NH | 03820 |
| | | TRITECH EINGINEERING CORP | ROBERT STOWELL | 755 CENTRAL AVE | DOVER | NH | 03820 |
| | | TERRAIN PLANNING & DESIGN | ROMY N MAURER | 311 KOST HILL ROAD | HOPKIN | NH | 03229 |
| | | HIGHLAND SOIL SERVICES | MICHAEL MARIANO | 75 PROSPECT STREE | SOMERS | NH | 03878 |

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | November 13, 2025 |

**INTENT:** Proposal is to maintain an existing single-family dwelling and construct four (4) new single-family homes for a total of five (5) dwelling units with two (2) of the new single family homes size-restricted to 1,400 square feet each.

*[A previous version of this item was reviewed by the Technical Review Committee on September 5, 2024, September 26, 2024, and November 14, 2024 and was also heard and tabled by the Planning Board on January 28, 2025]*

**UNITS PROPOSED:** Five (5) units including one (1) existing unit, two (2) additional units allowed per base density, and two (2) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jill Semprini, Engineering
Jim Maxfield, Inspection Services
Alex Mitrushi, Police Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, City Planner
Rob Baldwin, Applicant/Owner
John O'Neill, Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from November 6, 2025:**
T. Clark moved to approve the November 6, 2024 minutes. Seconded by J. Burdin. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- Reminder: Water and sewer investment fees
- Revise and submit updated application materials like COA documents, reserve calculation, traffic impact memo, etc.
- Revise and submit updated waiver requests.
- Revise plan set to:
  - Change no parking fire lane pavement marking to appropriate signage.
  - Add leader note about distance from cemetery meeting RSA 289:3.III.
- Snow storage areas still seem a bit inadequate.
- Will existing plants be left as is in 25' cemetery setback area?
- Do you have updated architectural renderings?

**Engineering:**

- SP-3 Applicant to confirm if 6" water main is sufficient for hydrant flow and domestic services. Applicant to coordinate water main installation with CS during Court Street Reconstruction.
- SP-3 Cottage #4 water shutoff not shown.
- SP-3 drawing shows 6" tee between hydrant and cottage #5. Clarify connection details.
- SP-3 note W-11 - Court St Reconstruction project to only replace 1" water service to curb stop at ROW at sidewalk. Any other water service work required will be responsibility of property owner.
- SP-3 note S-5 should reference SDR 35 PVC material.
- SP-4 P-13 pipe invert appears to daylight in YD#1. Clarify YD#1 design elevations and show section.
- SP-4 YD#1 not shown in Drainage Structure Table.

section. P-10 is also not shown in the cross section. Confirm structure naming; Bio #1, Bio #101, and OS#1.
- Applicant to update City standard details with latest.
- SP-10 Detail 10 missing material type and reinforcing details.
- SP-11 Internal Drop detail to show core and boot at inlet pipe
- SP-11 manhole invert must be rebuilt. Drop shall not drop onto shelf.
- Missing yard drain detail.
- TDR Narrative should be revised to account for 5 single family units being proposed. Narrative discusses adding a barn and addition of 9 units, 4 of which would be designated affordable housing, which may no longer be the case.
- Water and Sewer demand shows duplex and prior design.
- Stormwater analysis – proposed analysis has not been updated for the revised site plan layout.

**Police:**
- No comments.

**Inspection Services:**
- Clarify accessible charging station and signage for new configuration.

**Fire Department:**
- N/A

**Business Development:**
- The revised concept simplifies the site layout and appears to be more compatible with surrounding development.

**Planning Board:**
- N/A

**Next Steps:** Revise plans per comments above and resubmit for Planning Board.

**Meeting paused at:** 10:43 a.m.

TRITECH
ENGINEERING CORPORATION

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

January 6, 2026

PLANNING DEPARTMENT
RECEIVED
JAN 06 2026
DOVER, NEW HAMPSHIRE

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Technical Review Committee Response Letter
***103 COURT STREET***
Dover Tax Map 19 Lot 8
103 Court Street
Dover, New Hampshire
Job No. 24101
City of Dover Planning # Site-2024-0012

Dear Donna:

At their meeting on November 13, 2025, the Dover Technical Review Committee (TRC) offered the following comments. Our response to each of their comments are identified in blue text.

**PLANNING**

- Reminder: Water and sewer investment fees.

  ***The Applicant is aware of this requirement.***

- Revise and submit updated application materials like COA documents, reserve calculation, traffic impact memo, etc.

  ***Updated materials including site review application, site development plan set, color renderings and streetscape, traffic assessment memorandum, water and sewer demand and COA documents are enclosed.***

- Revise and submit updated waiver requests.

  ***The waiver request is enclosed.***

- Revise plan set to:
  - Change no parking fire lane pavement marking to appropriate signage.

    ***No parking fire land pavement markings have been revised to the appropriate signage. Note C-21 on Sheet Sp-2 references Detail on Sheet Sp-11.***

  - Add leader note about distance from cemetery meeting RSA 289:3.III.

    ***Note 14 on Sheet Sp-1 references the 25' setback from Pine Hill Cemetery meeting RSA 289:3.III.***

- Snow storage areas still seem a bit inadequate.

  ***There is 9,730 sq. ft. of proposed pavement. A total of 1,625 sq. ft. of snow storage is proposed which is more than the recommended 1 sq. ft. of storage per 10 sq. ft. of proposed pavement.***

Will existing plants be left as is in 25' cemetery setback area?

*Yes, the 25' cemetery setback will remain in an undisturbed condition per Sheet LA-1.*

- Do you have updated architectural renderings?

  *Updated architectural renderings are attached.*

**ENGINEERING**

- SP-3 Applicant to confirm if 6" water main is sufficient for hydrant flow and domestic services. Applicant to coordinate water main installation with CS during Court Street Reconstruction.

  *The 6" water main is adequate for the hydrant flow and the domestic flow for four new units is insignificant. The proposed units are not sprinkled. The Applicant will coordinate with CS during Court Street reconstruction per Water Note 5 and Sewer Note 1 on Sheet SP-3 and Drainage Note 1 on Sheet SP-5.*

- SP-3 Cottage #4 water shutoff not shown.

  *The water shutoff for cottage #4 has been added to Sheet SP-3.*

- SP-3 drawing shows 6" tee between hydrant and Cottage #5. Clarify connection details.

  *Water connection details have been clarified.*

- SP-3 note W-11 – Court St Reconstruction project to only replace 1" water service to curb stop at ROW at sidewalk. Any other water service work required will be responsibility of property owner.

  *Note W-11 on Sheet SP-3 has been revised and Note W-12 has been added to clarify that the Court Street reconstruction project will only replace 1" water service to curb stop and water service work will be the responsibility of the property owner.*

- SP-3 note S-5 should reference SDR 35 PVC material.

  *Note S-5 on Sheet SP-3 has been revised to clarify pipe material as PVC.*

- SP-4 P-13 pipe invert appears to daylight in YD#1. Clarify YD#1 design elevations and show section.

  *Contour labels on Sheet SP-4 have been corrected and pipe P-13 does not daylight.*

- SP-4 YD#1 not shown in Drainage Structure Table.

  *YD #1 has been added to the Drainage Structure Table on Sheet SP-4.*

- SP-5 Bio-Retention cross section is not a true cross section; location of OS#1 is inconsistent between plan and cross section. P-10 is also not shown in the cross section. Confirm structure naming; Bio #1, Bio #101, and OS #1.

  *The Bioretention cross-section on sheet SP-5 has been revised to be consistent with plan view. P-10 has been added to the profile on Sheet C-1. Structure names have been revised to match.*

- Applicant to update City standard details with latest.

  *All Dover standard details have been updated to the latest versions.*

- SP-10 Detail 10 missing material type and reinforcing details.

  *The concrete pad Detail 10 on Sheet SP-10 has been revised to add the material type and reinforcing details.*

- SP-11 Internal Drop detail to show core and boot at inlet pipe.

  *Note S-1 on Sheet Sp-3 references core and boot for the new invert.*

- SP-11 manhole invert must be rebuilt. Drop shall not drop onto shelf.

  ***Note S-1 on Sheet Sp-3 references the invert to be rebuilt and the drop does not drop onto the shelf.***

- Missing yard drain detail.

  ***ADS Nyloplast drain basin and grate details have been added as Detail 3 on Sheet SP-6.***

- TDR Narrative should be revised to account for 5 single family units being proposed. Narrative discusses adding a barn and addition of 9 units, 4 of which would be designated affordable housing, which may no longer be the case.

  ***The TDR request has been approved by the Planning Board. All other documents have been updated to the current unit count.***

- Water and Sewer demand shows duplex and prior design.

  ***Water and sewer demand has been revised for 4 cottage units.***

- Stormwater analysis – proposed analysis has not been updated for the revised site plan layout.

  ***The revised storm water analysis is enclosed.***

**INSPECTION SERVICES**

- Clarify accessible charging station and signage for new configuration.

  ***Accessible charging station and signage has been revised for the new configuration.***

**Project Submittal**

Attached please find the supporting documentation:

- Seven (7) Copies of this Technical Review Committee Submittal Letter.
- Seven (7) Copies of the Updated Site Review Application.
- One (1) Copy of the Full-Size Updated Site Development Plan set.
- Six (6) Copies of the Half Size Updated Site Development Plan set.
- Seven (7) Copies of the Updated Color Renderings and Streetscape.
- Seven (7) Copies of the Waiver Request (driveway width).
- Seven (7) Copies of the Updated Traffic Assessment Memorandum.
- Seven (7) Copies of the Updated Water & Sewer Demand.
- Seven (7) Copies of the Landscaping O & M Plan.
- Seven (7) Copies of the Updated Homeowners Association (COA) documents.
- Seven (7) Copies of the Trash Management Protocol.
- Two (2) Copies of the Stormwater Analysis

We look forward to meeting with the Planning Board at their January 27th meeting and discussing these revised development plans.

Please advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp
Enclosures
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CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | November 14, 2024 |

**INTENT:** Maintain an existing single-family home, construct an additional two-family dwelling and four (4) new single-family homes for a total of seven (7) dwelling units. *[This item was previously heard on September 5, 2024 and September 26, 2024]*

**UNITS PROPOSED:** Seven (7) units including one (1) existing unit, two (2) additional units allowed per base density, and four (4) TDR units

**AGENDA ITEM #:** 2

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Marn Speidel, Police Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from November 7, 2024:**
K. Mavrogeorge moved to approve the November 7, 2024 minutes. Seconded by P. Crouser. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- *Reminder: Water and sewer investment fees*
- *Provide City of Dover letter to serve when received.*
- Thank you for revising the design to provide more buffer with the exception of the pavement. Please label a bit more clearly on the plan. Thank you for providing a thorough narrative regarding the neighborhood context.
- If possible, please update portal application to current unit count request.
- Planning and City Attorney's staff will review HOA/condo documents.
- Thanks for providing reserve calculation.
- Revise wording for rear setback line.
- Add leader note about distance from cemetery meeting RSA 289:3.III.
- Snow storage areas still seem a bit inadequate.

**Engineering:**

- General Comment:
  - Update HOA documents to talk about private sewer and water maintenance and how that will be accounted for.
- SP-11:
  - Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.

**Police:**

- Update unit count on sheet SN-1.

**Inspection Services:**

- Previous comments addressed.

**Fire Department:**

- *Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.*
- *Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another. See attached.*

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | November 14, 2024 |

**Business Development:**

- Previous comments addressed.

**Planning Board:**

- No comments.

**Next Steps:** Revise plans per comments above and resubmit for Planning Board.

**Adjournment:** P. Crouser moved to adjourn the meeting at 11:26 a.m. Seconded by K. Mavrogeorge. Vote: U/A.

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 26, 2024 |

**INTENT:** Convert an existing home into a two-family dwelling, construct a second two-family dwelling, and construct an additional five (5) new single-family homes for a total of nine (9) dwelling units. *[This item was previously heard on Thursday, September 5, 2024]*

**UNITS PROPOSED:** Nine (9) units including one (1) existing unit and six (6) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Marn Speidel, Police Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from September 5, 2024:**
J.Burdin moved to approve the September 5, 2024 minutes. Seconded by K. Mavrogeorge. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- *Reminder: Water and sewer investment fees*
- *Provide City of Dover letter to serve when received.*
- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.
- *Internal parking aisleways w/ one entrance/exit must be 24' wide*
    - TRC response indicates a waiver has been submitted. Could not locate in materials.
- *Any additional screening planned behind cottage units?*
    - Visual buffer is needed behind cottage units in addition to existing fencing.
    - Provide more robust landscaping plan
- How do you ensure critters don't get into or attracted to the toters stored outside?
- Sight distance photo looking northwest should be taken from a ~1ft back. The photo seems to be taken from a spot where the front of the car would already be in the street.
- How do you ensure snow storage does not get pushed up again abutter's fence?
- The streetscape rendering doesn't seem to accurately show how tall the barn building is compared to the front dwelling.
- Show 25' cemetery line setback per RSA 289:3 III. No excavation can occur with that 25' buffer so stormwater and utilities will need to be adjusted.

**Engineering:**

- General Comment:
    - Condo Docs are provided. Please revise to include maintenance of private sewer and water systems.
    - HOA fee breakdown:
        - Show cost of routine pavement maintenance (crack sealing, striping, etc.).

  - Is $1800 per year in maintenance for catch basin cleanings and basin O&M too low?
  - $15000 for fence repair in year 30 seems low.
- SP-7:
  - Drainage trench does not meet City standards. Stone bedding and backfill are required.
- SP-11:
  - Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.
- SP-12:
  - Sewer trench details need to show stone bedding and backfill above pipe to match the City standard.
- TR-1:
  - Fire truck movement into the site crosses over the curbing. Please revise.

**Police:**

- Sheet SP-2, notes C-19 and C-20: do these 2 pads serve the entire lot? Access to C-19 appears mostly obstructed by adjacent parking space.
- Label the "designated collection area" per the Trash Management Protocol - particularly if out at Court Street - or indicate if toters would simply be collected straight from the storage pads.
- RE: Sheet LI-1, Lighting Note 2: regarding the reference to timers and 10pm shutoff, is there any site lighting that this pertains to? Wall packs seem likely to be controlled by individual unit owners; would this impact any lighting of community space and/or parking areas?

**Inspection Services:**

- Farm Gate Drive is an acceptable private drive name.

**Fire Department:**

- Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.
- Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another. See attached.

**Business Development:**

- The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claim. The following information would make it easier to evaluate compatible density vs. overdevelopment:
  - Define the "surrounding area" for the purposes of evaluating density and visual character
  - Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
  - The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.
- Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
- Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.
- Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
- Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

**Planning Board:**

- *No comments.*

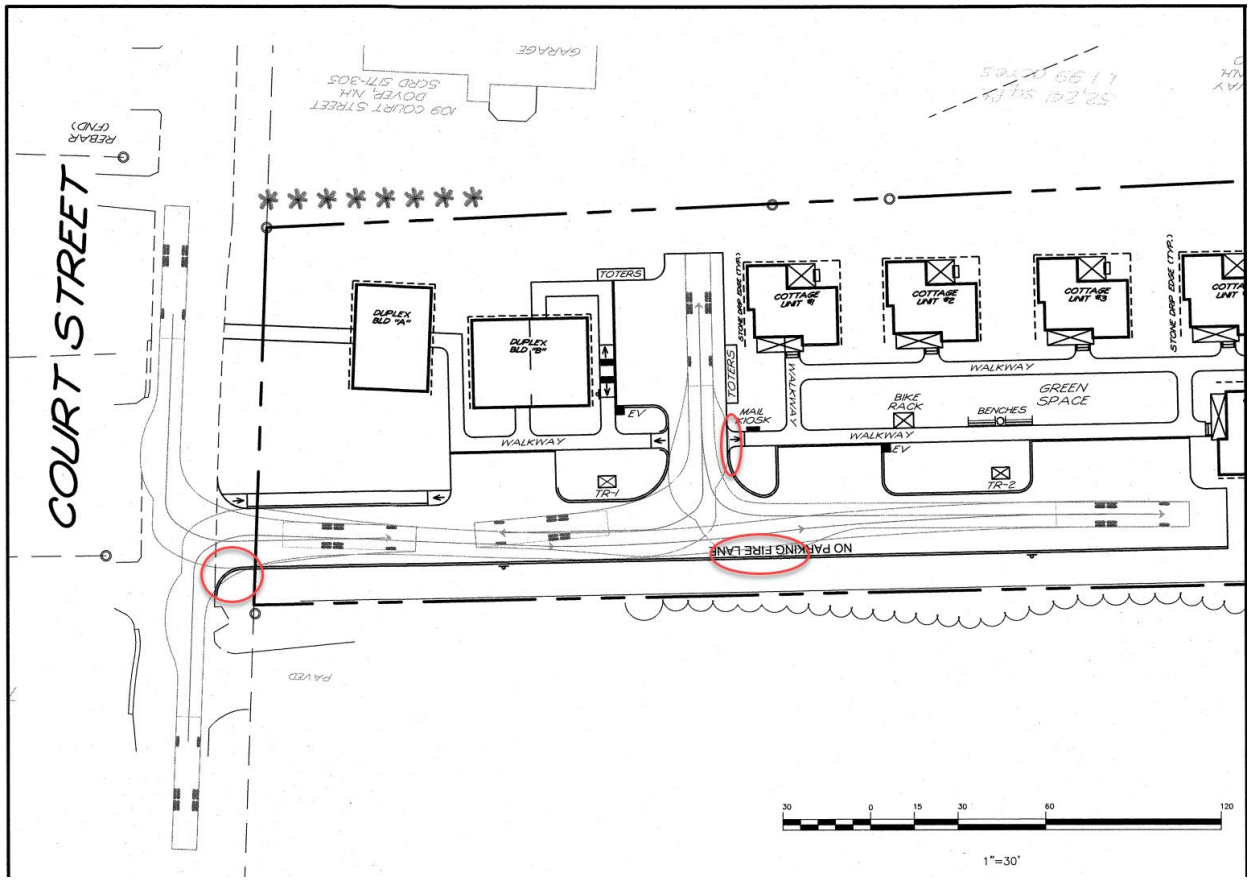
**Next Steps:** Revise plans per comments above and resubmit for subsequent TRC.

**Adjournment:** P. Crouser moved to adjourn the meeting at 11:25 a.m. Seconded by M. Speidel. Vote: U/A

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 26, 2024 |



CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 5, 2024 |

**INTENT:** Convert an existing home into a two-family dwelling, construct a second two-family dwelling, and construct an additional five (5) new single-family homes for a total of nine (9) dwelling units.

**UNITS PROPOSED:** Nine (9) units including one (1) existing unit and six (6) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Craig Chabot, Fire Department
James Burdin, Business Development

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from August 29, 2024:**
J. Burdin moved to approve the August 29, 2024 minutes. Seconded by K. Mavrogeorge. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- Reminder: Impact fees, Water and sewer investment fees
- Provide letters to serve when received.
- Provide HOA and
- Remove unit from the rear setback.
- Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.
- Setback measurements should be detailed on plan
- Active recreation and passive recreation is required.
- Floor plan of restricted units needed (probably only for TDR app at PB)
- Parking space dimensions need to be listed on plan
- Internal parking aisleways w/ one entrance/exit must be 24' wide
- R-12 zoning indicates duplexes should look like a one-family. Please provide justification for barn design.
- Provide detail for fencing shown on the landscape plan behind cottage units 3 & 4
- Any additional screening planned behind cottage units?
- Consider moving sewer line
- Replace "handicap" with "accessible"
- Update note 13 regarding Locke Street and Tranquility Way
- Indicate snow storage
- Revise note 30 to indicate no Saturday hours
- Bioretention area seems close to right of way
- Easement/license needed for walkway onto City property to cemetery
- Note congregate trash site as discussed and explain how odor and pests will be controlled.

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 5, 2024 |

**Engineering:**

- General Comment:
  - Applicant and contractor shall review the Dover Construction Guidelines prior to scheduling a Preconstruction meeting with City staff. The guidelines can be found on the City of Dover Website on the Engineering page. https://www.dover.nh.gov/Assets/government/city-operations/1form/community-services/engineering/engineering-documents/Construction%20Guidelines.pdf
  - Coordinate with Community Services (Engineering Department) for latest City Standard Details for utilities and curbing.
  - Add note that Design Engineer shall provide signed letter to City Engineer certifying that the stormwater management system has been installed in accordance with approved plans.
  - Recommend providing 1 sf of snow storage per 10 sf of pavement to be cleared. Verify snow storage meets or exceeds this recommendation or provide note to remove excess snow when storage areas are filled.
  - Sewer manhole covers shall be Liftmate R-1743-LM or approved equal with 90 deg hinge
  - The City recommends that the applicant source out ductile iron piping, which is the City preferred material, in advance commencing construction.
  - Change "handicap" references to "accessible" where applicable throughout documents.
  - ***Engineering requests a letter certifying the tie in locations or discharge points for all sump pumps and roof leaders for existing structures on the property.***
  - Check the finished floor elevation of the duplex immediately on Court Street.
  - Applicant shall review the section 153-14 of the Dover Code and clarify how the design meets each of the criteria of the City's requirements.
  - Sanitary Sewer shall be PVC pipe SDR35.
  - How will trash be managed for the property?
  - Recommend individual water shut offs be located outside of paved surfaces and in grass. All shut offs in City ROWs must be in grass at the edge of the ROW. If shut offs on the private road remain in the paved surface, a road box should be provided.
  - Provide confirmation that 400 foot of sight distance is provided in each direction as required by the Dover Code.
  - It is strongly recommended that the Applicant submit a detailed breakdown of proposed HOA costs for annual maintenance and replacement of private infrastructure including backup as to how the fees are estimated.
  - Provide drainage pipe material.
  - Landscaping may obstruct site distance. Please confirm trees at driveway exit will not obstruct site lines.
  - Show locations of electrical infrastructure (transformers, switch gear, and/or communication pedestals. Each of these will need to be screened.
  - Sewer main on eastern property line looks close to the PL. Can this be constructed without an easement from the abutter?
  - Applicant shall provide an easement to the City along the private drives within the property to allow for access and operation of the water infrastructure (hydrants and shut offs) to maintain water quality.
  - Each unit should have unique address (Building A has units 1 and 2… Building B has units 2 and 3).
- C-1:
  - Provide a minimum 6-inch water main down the private drive with a standard hydrant at the end.
- C-3:
  - Show a core and boot on existing sewer tie in.
  - Confirm that the proposed sewer main tie in is above or below the new City drainage proposed as part of the Court St Reconstruction. Coordinate with CS. City

preference is to have an internal drop SMH on private property.
  - Rebuild inverts in SMHs.
- SP-2:
  - Show location of EV charging station and accessible charging station.
  - Consolidate the utility trenches within City ROW and provide overlay of entire area of disturbance from curb to curb. *Note: The City is expected to reconstruct Court Street in 2025 and work in the road including pedestrian and utility areas should be coordinated with the City and their Engineer.*
- SP-4:
  - Please show the water connection(s) to Duplex A.
  - Clarify if two water and sewer services will be provided to Duplex A. If only one water line is proposed, only one meter will be provided by the City.
  - It appears that first 50+ feet of the driveway will be discharging water into the City ROW. Please add structures to ensure private water stays on private property.
  - Multiple pipes in the chart have slopes exceeding 17% with some as high as 50%. The locations of these pipes was not found.
  - All pipes are required a minimum of 3 feet of cover per the Dover code or a waiver must be requested.
  - Grading adjacent to the southern property line is very close. It appears a temporary construction easement will be required.
- SP-5:
  - Please confirm if the intent of the design is to have the bioretention soil mix up the side slopes of the basin. It seems excessive and could potentially wash out into the basin.

**Police:**

- Consider a street name for the proposed driveway, to facilitate assignment of addresses and public safety benefit.
- Was any consideration given to connecting to "Locke Street" right-of-way, or what appears to be referred to in City GIS records as Tranquility Way? (This is at the rear of proposed Cottage #1)
- Is it feasible to shorten the landscape bump-out in front of Cottage #2, and pull Cottage #5 to meet the rear setback without losing parking?
- Add sign at the end of proposed walkway before entrance to cemetery: "Dogs Not Allowed in Cemetery". Contact Facilities and Grounds Division of Community Services for sign specs and desired language.
- Sheet SN-1, Note 41: I realize this is a standard Dover note, but security system is not applicable for this project . Amend note to indicate this, to avoid future confusion over "multi-family dwelling" language.
- Sheet SP-2, Note C-9: pavement marking FIRE LANE stenciling is fine, but must be supplemented or replaced with at least 2 "No Parking Fire Lane" signs on the northerly side of driveway.

**Inspection Services:**

- Provide street name for the proposed private roadway.

**Fire Department:**

- Fire truck detail is appropriate.
- Fire hyrant to be installed at end of road.

**Business Development:**

- Should duplex "B" units be relabeled as 3 & 4?
- The combination of architectural styles and use of the cottage court layout add visual interest to the site and maintain the look and feel of traditional New England development.
- Proximity of this site to RM-U zoning district mitigates the impacts of the extra density.

**Planning Board:**

- No comments.

**Next Steps:** Revise plans per comments above and resubmit for second official TRC.

**Paused TRC at:** 11:11 a.m.

**TEPP LLC** TRANSPORTATION ENGINEERING, PLANNING, AND POLICY

93 Stiles Road, Suite 201, Salem, New Hampshire 03079 USA
800 Turnpike Street, Suite 300, North Andover, Massachusetts 01845 USA
Phone (603) 212-9133 and Fax (603) 226-4108
Email tepp@teppllc.com and Web www.teppllc.com

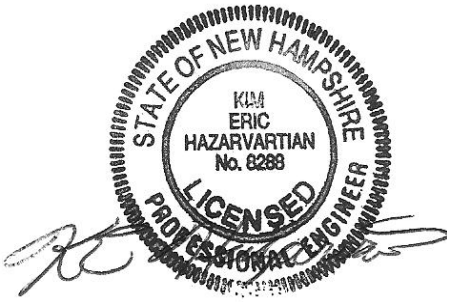
# MEMORANDUM

Ref: 1711

Subject: Traffic-Assessment Memorandum
103 Court Street
Dover, New Hampshire

From: Kim Eric Hazarvartian, Ph.D., P.E., PTOE
Principal
keh@teppllc.com

Date: December 16, 2025




## INTRODUCTION

Tritech Engineering Corporation has retained TEPP LLC to prepare this traffic-assessment memorandum (TAM). This TAM regards the proposed redevelopment at 103 Court Street in the City of Dover, New Hampshire.

This TAM includes:

- existing site description
- proposed project description
- road description
- public transit
- sight distances
- trip generation
- trip distribution/assignment
- potential traffic impacts

This TAM concludes that:

- relevant sight distances at the Court Street/proposed driveway intersection will be adequate
- the proposed project is not anticipated to add significant new traffic to the area

## EXISTING SITE DESCRIPTION

The site:

- is along the south side of Court Street
- has an area of about 1.19 acres
- includes one single-family-detached house
- has one driveway along the south side of Court Street
- is bounded on the north by Court Street
- is bounded on the south by a cemetery
- is bounded on the east and west by residential development

## PROPOSED PROJECT DESCRIPTION

The project will:

- retain the existing house
- remove the existing driveway
- add four cottage dwelling units
- provide a relocated driveway

## ROAD DESCRIPTION

Court Street:

- is an east-west collector street under the jurisdiction of the City of Dover
- provides connections, to and from the west with Central Avenue, an arterial street, and with central Dover
- provides connections, to and from the east, with Middle Road, a collector street, and with eastern and southern Dover
- has a horizontal alignment with minor-to-moderate curvature
- has a vertical alignment with minor grades
- has a speed limit of 30 miles per hour
- has asphalt-cement-concrete pavement in overall good condition
- has one travel lane per direction
- has pavement markings including double-yellow lines, separating traffic directions, and single-white edge lines
- near the site, has utility poles on the south side, including one pole with a luminaire along the site frontage

## PUBLIC TRANSIT

Scheduled public transit is not available within one-quarter mile of the project site.

## SIGHT DISTANCES

Tritech Engineering Corporation states that relevant sight distances at the Court Street/proposed driveway intersection will be over 400 feet in both directions along Court Street. These sight distances are appropriate.

## TRIP GENERATION

The Institute of Transportation Engineers (ITE) publishes trip-generation information in the authoritative *Trip Generation Manual*.[1] This information is based on empirical data for a variety of land uses including land use 210, single-family-detached housing, based on dwelling units.[2]

Table 1 shows changes in calculated weekday vehicle-trips due to the project as:

- daily, 45 (total of in and out)
- AM-street-peak hour, 3 (1 in and 2 out)
- PM-street-peak hour, 4 (2 in and 2 out)

**Table 1. Calculated trip generation.**

| | Weekday Vehicle-Trips[a] | | | | | | |
|---|---|---|---|---|---|---|---|
| | | AM-Street-Peak Hour | | | PM-Street-Peak Hour | | |
| | Daily | Total | In | Out | Total | In | Out |
| Detached (1 Dwelling Unit) | 9 | 1 | 0 | 1 | 1 | 1 | 0 |
| Detached (5 Delling Units) | 45 | 4 | 1 | 3 | 5 | 3 | 2 |
| Differences Due to Project | 36 | 3 | 1 | 2 | 4 | 2 | 2 |

[a] Based on ITE, *Trip Generation Manual*, land use 210, single-family-detached housing.

[1] ITE, *Trip Generation Manual*, 12th Edition (Washington DC, August 2025).

[2] ITE, *Trip Generation Manual*, Volume 3, pages 230 to 248.

## TRIP DISTRIBUTION/ASSIGNMENT

Calculated trip generation is so low that area traffic operations will not be sensitive to trip distribution/assignment. Trips will be split along Court Street to/from the east and west and further split beyond the eastern and western termini of Court Street.

## POTENTIAL TRAFFIC IMPACTS

ITE suggests that land developments generating at least 100 peak-hour vehicle trips, in the busier direction, are candidates for consideration of traffic impact analysis.[3] Tabulated peak-hour trip generation of the project is well below this national ITE threshold. The project is not anticipated to add significant new traffic to the area.

## CONCLUSION

This TAM concludes that.

- relevant sight distances at the Court Street/proposed driveway intersection will be adequate
- the proposed project is not anticipated to add significant new traffic to the area

[3] ITE, *Manual of Transportation Engineering Studies* (Prentice Hall: Englewood Cliffs, New Jersey, 2000), page 144.

# Water and Sewer Demand &
# Pipe Analysis Summary

for

## *FARM GATE DRIVE*

103 Court Street
Dover, New Hampshire
*December 2025*

## Water and Sewer Demand for Farm Gate Drive Dover, NH

**4 Proposed 3 Bedroom Cottages:**

4 Cottages X 3 Bedrooms each x 150 gal/day per BDR =

**1,800 gal/day**

**Estimated Design Flow =** **1,800 gal/day**

**This design flow rate is based on NHDES Env.Wq 1008.03 Table 1008-1 Unit Design Flow Figures*

## Infiltration

### Pipe Infiltration

300 gal. per inch diameter of pipe per mile per day

89 feet of 6" services
89 / 5,280 = 0.01686 miles
300 GDP x 6in x 0.01686mi = **30.3 gal/day** (services)

367 feet of new 8" sewer main
367 / 5,280 = 0.06951 miles
300 GDP x 8in x 0.06951mi = **166.8 gal/day**

TOTAL = **197.1 gal/day**

### Manholes Infiltration

1 GPD per vertical foot of manholes
2 new manholes x 10.96 vertical feet = **21.92 gal/day**

**Total From Infiltration = 219.0 gal/day**

**Total Estimated Flow =** **2,019 gallons/day**

# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

NARRATIVE

for

## *103 COURT STREET*

103 Court Street
Dover, New Hampshire
*August 2024*
*October 2024*
*October 2025*

*PREPARED FOR*

***5 SHERMAN STREET, LLC***

242 CENTRAL AVE
DOVER, NEW HAMPSHIRE 03820


*PREPARED BY*

***TRITECH ENGINEERING CORPORATION***

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

NARRATIVE

for

## *103 COURT STREET*

103 Court Street
Dover, New Hampshire
*August 2024*
*October 2024*
*October 2025*

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10. Post-Development Watershed Diagram
11. Post-Development Area & Soils Listings
12. Post-Development Drainage Node Summary (2 year storm)
13. Post-Development Drainage Node Summary (10 year storm)
14. Post-Development Drainage Node Summary (25 year storm)
15. Post-Development Drainage Node Summary (50 year storm)
16. Post-Development Drainage Full Computations (10 year storm)

# STORMWATER ANALYSIS

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**Erosion & Sediment Control Plan**

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103 Court Street
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# STORMWATER ANALYSIS

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## *103 COURT STREET*

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## *SECTION I*

## *NARRATIVE*

# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

NARRATIVE

for

## *103 COURT STREET*

103 Court Street
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## 1. PROJECT DESCRIPTION

The attached Site Plans are for 5 Sherman Street, LLC and show the development of an approximately 1.199-acre parcel with an existing single family house. This site is located on the Southern side of Court Street in Dover, New Hampshire. The site is identified on Dover Property as Map 19 Lot 8.

The development of this site will include the renovation of the single family existing house as well as the construction of 4 single family size restricted cottage homes. These homes will be constructed under the TDR ordinance. 3 base units and the purchase of 2 size restricted units. The development will include associated infrastructure such as an access road, all utilities, and stormwater management.

Included in the stormwater management system is the construction of a Bioretention Area. The Bioretention Area is shown on the construction plans and provide permanent stormwater quality and quantity treatment, prior to the stormwater exiting the site.

Proposed site development details are shown on the Site Plan and Construction Plans for 5 Sherman Street, LLC as prepared by Tritech Engineering Corporation. Site and Construction plans are based upon an actual on-ground survey performed by Tritech Engineering Corporation, and on-site Wetland & Site Specific Soil delineation performed by Highland Soil Services.

## 2. METHODOLOGY

This stormwater runoff analysis and drainage design was accomplished using SCS TR-20 Methodology a third party computer software program was used in the facilitation of this analysis. This software is HydroCAD Stormwater Modeling System Version 10.20-7a, by Applied Microcomputer Systems. Analysis and design were performed for the Two-Year, Ten-Year, Twenty-Five Year and Fifty Year Storm Events.

# STORMWATER ANALYSIS

and

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## *103 COURT STREET*

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## 3. STORMWATER HYDROLOGIC REVIEW

EXISTING CONDITIONS

Table A – Existing Conditions (2, 10, 25, and 50-year storm events)

| **Watershed** | **Pre Development Volume (af)** | **Pre-Development Peak Flows (cfs)** | | | |
|---|---|---|---|---|---|
| Analysis Point | **2-yr** | **2-yr** | **10-yr** | **25-yr** | **50-yr** |
| 1 | 0.111 | 0.90 | 2.17 | 3.27 | 4.37 |

DEVELOPED CONDITIONS

Table B – Developed Conditions (2, 10, 25, and 50-year storm events)

| **Watershed** | **Post Development Volume (af)** | **Post Development Peak Flows (cfs)** | | | |
|---|---|---|---|---|---|
| Analysis Point | **2-yr** | **2-yr** | **10-yr** | **25-yr** | **50-yr** |
| 1 | 0.167 | 0.80 | 2.13 | 3.06 | 4.21 |

HYDROLOGIC COMPARISON

Table C – Pre/Post Development Comparison (2, 10, 25, and 50-year storm events)

| **Watershed** | **Pre/Post Development Volume (af)** | **Pre/Post Development Peak Flows (cfs)** | | | |
|---|---|---|---|---|---|
| Analysis Point | **2-yr** | **2-yr** | **10-yr** | **25-yr** | **50-yr** |
| 1 | 0.111/**0.167** | 0.90/**0.80** | 2.17/**2.13** | 3.27/**3.06** | 4.37/**4.21** |

# STORMWATER ANALYSIS

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## *103 COURT STREET*

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### 4. STORMWATER RUNOFF QUALITY

Stormwater runoff from the site is collected in a system of open drainage swales, yard drains and catch basins, pretreated via deep sump catch basins and stormtech chambers, and treated, detained, and infiltrated via the Bioretention area.

### 5. CONCLUSIONS

Treatment of drainage occurs in deep sump catch basins, stormtech chambers and a Bioretention Practice. This Stormwater Management System effectively treats and detains the runoff from the Site Development, while maintaining the down gradient water quality through treatment.

The development of this project will result in no adverse impacts to downstream properties.

### 6. SOIL TYPES

Soils consist almost entirely of moderately well drained silty marine deposits. There is a small area of similar soils that are somewhat poorly drained in the NW corner and some well drained to somewhat excessively drained sandy outwash at the southerly property line. The existing house sets on a small leveled area of urban land.

### 7. RAINFALL DATA

As part of the 2007 Alteration of Terrain rules update, New Hampshire began using “extreme precipitation” in lieu of the previously accepted standard UDSA SCS rainfall distribution.

We have used the interactive web tool for extreme precipitation analysis published by Cornell University. On March 7, 2024, we submitted our site location (longitude 70.868° West, Latitude 43.187° North). A table with the resulting rainfall data is provided in the appendix.

# STORMWATER ANALYSIS

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for

## *103 COURT STREET*

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### 8. WETLANDS & SITE SPECIFIC SOILS MAP

Highland Soil Services, Michael Mariano, Certified Wetland #183 and Soil Scientist #76, conducted an onsite wetlands delineation investigation of the subject parcel. There are no wetlands located on the site. Highland Soil Services also completed a site-specific soil survey, the results of which are depicted on sheet SSS-1, D-1, & D-2

### 9. ADJACENT AREAS

The site is zoned R-12. The site is bounded to the north by Court Street, to the south by Pine Hill Cemetery and to the east and west by residential properties.

### 10. CRITICAL AREAS

Anywhere on the site that existing vegetation is to be removed will require immediate erosion control treatment.

### 11. EXISTING CONDITIONS

The site is currently a single family residential property.

# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

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### 12. EROSION AND SEDIMENT CONTROL PRACTICES

Erosion and sediment control practices will include the use of permanent grass ditches, vegetated filter strips, & Silt Soxx. All erosion control practices will be constructed and maintained according to the minimum standards and specifications contained in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire".

A. Erosion and Sediment Control Measures

1. The erosion control procedures shall conform to Section 645 of the "Standard Specifications for Road and Bridge Construction" of the NH DOT, and the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire.
2. During Construction and thereafter, erosion control measures are to be implemented as noted. The smallest practical area of land should be exposed at any one time during development.
3. During grading operations, install hay bale barriers at 50 foot intervals in drainage swales and at drain inlets where shown. Barriers are to be maintained and cleaned until disturbed areas are stabilized.
4. Any disturbed areas which are to be left temporarily, and which will be regarded later during construction shall be machine hay mulched and seeded with rye grass to prevent erosion.
5. Silt Soxx shall be periodically inspected during the life of the project and after each storm. All damaged Silt Soxx shall be repaired. Sediment deposits shall periodically be removed.
6. Avoid the use of future open spaces (loam and seed areas) wherever possible during the construction. Construction traffic shall use the roadbeds of future roads and parking areas.
7. Topsoil required for the establishment of vegetation shall be stock piled in amounts necessary to complete finished grading of all exposed areas.
8. Areas to be filled shall be cleared, grubbed, and stripped of topsoil to remove trees, vegetation, roots or other objectionable material. Stumps shall be disposed by grinding or fill in an approved facility.
9. All fills shall be placed and compacted to reduce erosion, slippage settlement, subsidence or other related problems.
10. All fill shall be placed and compacted in layers not to exceed 8 inches in thickness.

11. Frozen material or soft, mucky or highly compressible material shall not be incorporated into fills.
12. Fill material shall not be placed on a frozen foundation subgrade.
13. Disturbed areas shall be seeded immediately following finished grading.
14. At no time shall any disturbed area remain unstabilized for longer than thirty days. All areas where construction is not completed within thirty days of the initial disturbance shall be machine hay mulched and seeded with rye grass to prevent erosion.
15. Dewatering: Where groundwater is encountered during excavation, the contractor shall use a mechanical pump, pumping the water to a Dirt Bag™ or equivalent prior to discharge. Alternate systems must meet applicable sections of the 2017 CGP and NHDES requirements, and be approved by Tritech. Avoid allowing water to flow over disturbed or newly vegetated areas.

B. Vegetative Practice

1. All disturbed areas shall be loamed (4") and limed. Lime shall be thoroughly incorporated into the loam layer at a rate of 2 tons per acre.
2. Fertilizer shall be spread on the top layer of loam and worked into the surface. Fertilizer application rate shall be 500 pounds per acre of 10-20-20 fertilizers.
3. Seed shall be 48 lbs. per acre, SCS mixture "C".
   Immediately before seeding, the soil shall be lightly raked. One half the seed shall be sown in one direction and the other half at right angles to the original direction. It shall be lightly raked into the soil to a depth not over 1/4 inch and rolled with a hand roller weighing not over 100 pounds per linear foot of width.
4. Hay mulch shall be applied immediately after seeding at a rate of 1.5 to 2 tons per acre and shall be held in place using appropriate techniques from the Erosion and Sediment Control Handbook.
5. The surface shall be watered and kept moist with a fine spray as required, without washing away the soil, until the grass is well established. Any areas which are not satisfactorily covered with grass shall be reseeded, and all noxious weeds removed.

# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

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### 13. CONSTRUCTION SEQUENCE

A. Do not begin construction until all local, state and federal permits have been applied for and received.

B. Install Silt Soxx and hay bale barriers necessary to control erosion and prevent sediment contamination of wetlands prior to any earth moving activities.

C. Cut and remove all trees, shrubs, saplings, brush, vines and other debris and rubbish as required. Remove unsuitable materials as required.

D. Care shall be taken to preserve the infiltration capacity of the infiltrating soil. See the New Hampshire Stormwater Manual for additional information.

E. Construct Stormwater Bioretention Basin #1. Do not direct runoff to the practice until the practice and contributing areas are fully stabilized.

F. Construction of buildings, driveways, parking, & utilities.

G. Loam and seed disturbed areas in accordance with vegetative practice and general construction notes. Cut and fill slopes shall be seeded immediately after their construction.

H. Land leveling operations for buildings and other structures shall be completed along with off road storm sewer systems and utilities.

I. Maintain disturbed areas as necessary.

### 14. MAINTENANCE

During the period of construction and/or until long term vegetation is established:

A. Seeded areas will be fertilized and reseeded as necessary to insure vegetative establishment.

B. The ditches will be checked after each significant rainfall and cleaned of sediment as needed to retain flow capacity.

C. The ditches will be checked weekly and repaired when necessary until adequate vegetation is established.

D. The silt fence barriers will be checked regularly. Necessary repairs will be made to correct undermining or deterioration of the structures.

CITY OF DOVER

# SITE DEVELOPMENT DESIGN CRITERIA

## Site Review Regulations §153-14A – Stormwater Management

NARRATIVE

for

## *103 COURT STREET*

103 Court Street
Dover, New Hampshire
*August 2024*
*October 2024*
*October 2025*

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A. Stormwater management, erosion control and flood hazards.

(1) Purpose and objective. These regulations establish standards to manage the discharge of runoff to the City of Dover's municipal storm sewer system and water bodies, in a manner compliant with the requirements of state and federal law, including provisions of the federal stormwater management legislation for municipal separate storm sewer systems (MS4), as amended. These provisions and standards are implemented for the purpose of:

(a) Managing stormwater runoff to protect water quality and quantity.

**The projects stormwater analysis, design, plans and supporting documentation have been prepared in accordance with The City of Dover Site Review Regulations, the NH Stormwater Manual (December 2008) where incorporated by reference, the NHDES Alteration of Terrain regulations were incorporated by reference, the EPA NPDES Construction General Permit (2022 CGP) regulations were incorporated by reference and Accepted Engineering Practice.**

**The project design provides for storm attenuation, stormwater treatment and groundwater recharge in accordance with these regulations and standards.**

(b) Minimizing the contribution of a pollutant for which a water body is impaired to the maximum extent practicable (MEP).

**The project utilizes the appropriate BMPs to compensate for the pollutant that may be generated by new development to the maximum extent practicable.**

(c) Causing no discharge of runoff to an adjacent property in excess of runoff discharge in the existing developed or undeveloped condition.

**The proposed development post construction runoff does not exceed pre construction conditions. The proposed development directs all stormwater runoff to the City of Dover closed stormwater system.**

(d) Encouraging the use of low-impact development (LID) strategies.

**The project utilizes a bioretention practice for stormwater treatment as well as an infiltration practice for groundwater recharge.**

(2) Applicability of the stormwater standards.

(a) All projects requiring site plan or major subdivision approval shall be subject to the following set of stormwater standards according to the amount and type of disturbance. Applicability is as follows:

[1] The minimum protections and management standards shall apply to all projects.

**This narrative is prepared in conjunction with a Site Plan Review application for which the "new development standards" apply to the stormwater management and site design of the proposed development.**

[2] The stormwater management for new development standards shall apply to any project that results in a contiguous land disturbance of more than 20,000 square feet or creates more than 4,000 square feet of new impervious area.

**This narrative is prepared in conjunction with a Site Plan Review application for which the "new development standards" apply to the stormwater management and site design of the proposed development.**

[3] The stormwater management for redevelopment standards shall apply to any project that results in a contiguous land disturbance of more than 20,000 square feet or creates more than 4,000 square feet of new impervious area where the existing land use has been previously developed as commercial, industrial, institutional, governmental, recreational, or multifamily.

**The proposed project does not meet the standards for a "redevelopment" project.**

(b) All projects of such magnitude as to require a permit from the National Pollutant Discharge Elimination System (NPDES) Program or the New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) Program shall also comply with the standards of the Environmental Protection Agency (EPA) and/or NHDES permits and this section, whereas the stricter standards shall apply.

**As this project proposes disturbance of less than 100,000 square feet but more than one (1) acre it does not require a NH DES Alteration of Terrain (AoT) permit but will require the submittal of a Notice of Intent (NOI) application with the EPA as required by National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP).**

(3) Design standards.

(a) Minimum protections and management standards.

[1] Where applicable, all development must comply with the EPA Phase II Stormwater Rules and the City's MS4 permit, as amended.

**The project complies with the City's design and stormwater requirements.**

[2] Existing surface waters, including ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools), shall be protected by the minimum buffer setback as specified in Chapter 170, Zoning, § 170-27.1. Stormwater and erosion and sediment control best management practices (BMPs) shall be located outside the specified buffer zone unless otherwise approved by the Planning Board.

**The subject property does not contain surface waters, wetlands or associated buffer setback.**

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[3] Low-impact development (LID) site planning and design strategies shall be used to the MEP in order to reduce the generation of the stormwater runoff volume for both new and redevelopment projects. An owner/applicant must document why LID strategies are not appropriate if not used to manage stormwater.

**LID strategies were implemented to the maximum extent practicable. The project utilizes a bioretention practice for stormwater treatment as well as an infiltration practice for groundwater recharge.**

[4] All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications outlined in the New Hampshire Stormwater Management Manual Volume 2 (December 2008 or current revision) a copy of which can be found on The NHDES website.

**The project stormwater BMPs are designed in accordance with New Hampshire Stormwater Manual Volume 2 current version (December 2008 revision 1.0).**

[5] All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the NHDES, including but not limited to those involving underground storage tanks, aboveground storage tanks, hazardous waste, and best management practices for groundwater protection (Part Env Wq 401).

**The project does not propose the storage of the referenced materials onsite.**

[6] Salt and other deicing materials shall be stored under cover or located such that no direct discharges to receiving waters are possible. Snow storage areas shall be located such that no direct discharges to receiving waters are possible. See the NHDES guidance fact sheet on road salt and snow disposal.

**The project does not provide for the storage of deicing materials onsite.**

[7] The use of sodium-chloride-based materials for winter maintenance shall be the minimum necessary for safety. The use of sodium-chloride-based materials is discouraged within the groundwater protection districts.

**The project Stormwater Management, Maintenance & Inspection Plan requires the implementation of a salt minimization plan that also requires the owner or operator to track salt usage onsite through a quantity usage log.**

[8] Impervious surfaces for parking areas and roads shall be minimized to the extent possible.

**The project design has minimized the impervious areas to the maximum extent possible. The number of parking spaces, travel way widths and vehicle maneuvering areas have been minimized for this specific project/use.**

[9] Stormwater runoff from new impervious surfaces shall be directed to a best management practice for flow mitigation, treatment and/or infiltration.

**The project design utilizes a bioretention practice for stormwater treatment & flow mitigation as well as an infiltration practice for groundwater recharge & flow mitigation.**

(b) Stormwater management for new development.

[1] Runoff of impervious surfaces shall be treated to provide 80% removal of total suspended solids (TSS) and 50% removal of both total nitrogen and phosphorus. Removal rates shall be determined using approved manufacturer's pollutant removal efficiency analysis or the pollutant removal efficiencies outlined in the New Hampshire Stormwater Management Manual Volume 1, Appendix E (December 2008 or current revision), a copy of which is available from the NHDES website.

**The project design utilizes a bioretention practice for treatment of impervious areas. This bioretention practice system provides 90% removal of TSS and 65% removal of total nitrogen and phosphorous per the NH Stormwater Manual.**

[2] Rainfall amount shall be based on current extreme precipitation estimates obtained from the Northeast Regional Climate Center.

**The project stormwater analysis and design utilizes the NRCC extreme precipitation.**

[3] Measures shall be taken to control the post-development peak rate runoff so that it does not exceed predevelopment runoff for the two-, ten-, twenty-five- and fifty-year, twenty-four-hour storm events.

**The proposed design mitigates post development peak rate runoff of the two-year, ten-year, twenty-five-year and the fifty-year in a 24-Hour storm event.**

[4] Measures shall be taken to control the post-development surface water runoff volume so that it does not exceed predevelopment runoff for the two-, ten-, twenty-five- and fifty-year, twenty-four-hour storm events. For sites where infiltration/recharge is limited or not practicable, the owner/applicant must demonstrate that the project will not cause or contribute to flooding or functional impairments to streets, adjacent properties, and downstream properties.

**The site was evaluated for the inclusion of infiltration practices however the Boxford soil characteristics and depth to seasonal high-water tables, prevented incorporating infiltration practices for much of the site including the bioretention practice. The subject property does contain a limited amount of Windsor Soil at the upper limits of the project. The roof drains from Cottage #4 and the runoff from yard surrounding this unit are directed to an underground Stormtech system to maximize the infiltration where it is practical. The increase in volume is within the 0.1-acre foot NHDES allowance and will not cause functional impairments to the closed drainage system in Court Street.**

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[5] Infiltration rates for designing groundwater recharge practices shall be determined in accordance with Section Env-Wq 1504.14.

**On August 7, 2024 Tritech performed on-site infiltration testing using Geulph Permeameter in accordance with NHDES Analysis Method. The analysis of this data determined the $K_{sat}$ value to be used in the HydroCAD Stormwater Model.**

**We performed this testing at two locations on the property. One being located within Stormtech #2 adjacent to Test Pit #3 which determined a 9 in/hr. $K_{sat}$ value to be used in the HydroCAD stormwater model. The second test was performed adjacent to Test Pit #2. The results at this second location indicated that infiltration is not practical in the Boxford Soil.**

**The Infiltration in our analysis and design was limited the area of Windsor Soil adjacent to Pine Hill Cemetery.**

[6] Stormwater conveyance practices shall be sized appropriately to convey the ten-year, twenty-four-hour storm event without overtopping or causing flooding on the property.

**The project's Stormwater infrastructure is designed to convey a 50-year, 24-hour storm event without overtopping and does not cause flooding on the property. See Stormwater Analysis.**

[7] For large projects adding greater than or equal to 10 acres of impervious cover, or projects located in known areas of flooding concern, or specifically within areas with a 1% chance of being inundated by water in any given year, the owner/applicant shall submit a supplementary report that describes how the project will not increase the future flooding potential and complies with the AoT requirements pertaining to floodplain impacts as described in Section Env-Wq 1503.09, regardless of whether an AoT permit is required.

**The project does not add 10 acres or greater of impervious cover and is not located in a federally designated floodplain.**

[8] The design of the stormwater management systems shall take into account upstream and upgradient runoff that flows onto, over, or through the site to be developed or redeveloped and provide for this contribution of runoff.

**The project involves very little upstream or upgradient runoff, however, the project stormwater calculations, stormwater infrastructure design and site grading all accounted for this runoff.**

[9] Seasonal high-water table elevations must be accounted for in all BMP design criteria.

**A Site-Specific Soil Plan, Sheet SSS-1, is included in our Site Development Plan Set and Stormwater Analysis. This plan was prepared by Michael Mariano of Highland Soil Service. In conjunction with this plan preparation Mr. Mariano logged seven (7) test pits on the subject property. The ESHWT and overall soil types factor into the placement and design of the project BMPs.**

[10] Access for maintenance of stormwater facilities must be included as part of the design, where necessary. Access easements may be required.

**Stormwater facilities are included on site and the site will be solely owned by the applicant. Stormwater access easements are not required for this project.**

[11] Plantings in treatment areas shall be native grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve water - quality treatment.

**Sheets La-1 & La-2 were prepared by Romy Maurer a licensed Landscape Architect with Terrain Planning & Design, LLC. We have also provided a Landscape Operation & Maintenance Plan to ensure the functionality of the BMPs.**

(c) Stormwater management for redevelopment. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.

**The project does not meet requirements to be classified as redevelopment project, therefore this section in not applicable.**

[1] For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as new development projects, with the important distinction that the applicant can meet those requirements either on site or at an approved off-site location (i.e., off- site mitigation). The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on site to the MEP.

[2] For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed in accordance with one or more of the following techniques, listed in order of preference:

[a] Implement measures on site that result in mitigation and treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of LID; or

[b] Implement other LID techniques on site to the MEP to provide mitigation and treatment for at least 50% of the entire site area.

[3] The owner/applicant may utilize off-site mitigation to meet the redevelopment requirements when the following standards have been met.

[a] The owner/applicant shall demonstrate, to the satisfaction of the Planning Board, that on-site treatment has been implemented to the MEP.

[b] The owner/applicant shall find an approved, off-site location within the same watershed as the project site or within the drainage area of the same receiving water body.

[c] Off-site mitigation shall be equivalent to no less than the total area of pervious cover not treated on site.

[d] The owner/applicant shall submit a full design of the proposed off-site measures for review and approval.

[e] The owner/applicant must also demonstrate that there is no downstream drainage or flooding impact as a result of not providing on-site management.

(d) Erosion control standards during construction. The following standards shall be applied in project planning and shall be implemented prior to and during construction activity:

**The plan set includes temporary and permanent sediment and erosion control practice notes and details in support of meeting the erosion control standards.**

[1] All proposed measures shall meet, at a minimum, the design standards for best management practices set forth in the New Hampshire Stormwater Management Manual Volume 3 (December 2008 or current revision), a copy of which is available from the NHDES website.

**The sediment and erosion control details provided in the plan set are all designed in accordance with the NH Stormwater Manual.**

[2] When a project requires a stormwater permit from the EPA Construction General Permit (CGP) Program, copies of the stormwater pollution prevention plan (SWPPP) inspections shall be provided to the Community Services Department.

**As this project proposes disturbance of less than 100,000 square feet but more than one (1) acre it does not require a NHDES Alteration of Terrain (AoT) permit but will require the submittal of a Notice of Intent (NOI) application with the EPA as required by National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP).**

**SWPPP inspections will be prepared by a professional engineer registered in the State of New Hampshire or an individual under their direct supervision. The inspection reports shall be submitted to the Community Services Department.**

[3] Stripping of vegetation shall be done in a manner that minimizes soil erosion. Whenever practical, natural vegetation shall be retained, protected, or supplemented.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set indicates that the smallest practical area shall be disturbed during construction.**

[4] The area of land disturbance shall be kept to a minimum and be limited to an area only large enough to accommodate construction activities for a particular construction phase.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set indicates that the smallest practical area shall be disturbed during construction.**

[5] Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible, or measures to convey stormwater through the project area without causing erosion of sediment must be included. The integrity of downstream drainage systems shall be maintained.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set indicates that stormwater conveyance practices shall be stabilized prior to receiving stormwater runoff.**

[6] Appropriate erosion and sediment control measures shall be installed prior to any soil land disturbance and must be reviewed and approved by the Community Services Department.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set details the Construction Sequencing. Dover scheduling and inspections will be discussed with Community Services prior to the start of construction.**

[7] Perimeter site controls shall not be placed within wetland areas, stream channels or wetland buffers.

**This project does not propose any work in a wetland or a wetland buffer.**

[8] Disturbed soil areas shall be either temporarily or permanently stabilized. In areas where final grading has not occurred, temporary stabilization measures should be in place within seven calendar days for exposed soil areas that are within 100 feet of a surface water body or a wetland and no more than 14 calendar days for all other areas. Permanent stabilization should be in place within three calendar days following completion of final grading of exposed soil areas.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set identifies this requirement.**

[9] All temporary erosion and sediment control measures shall be maintained in functioning condition until final site stabilization is accomplished. A proposed BMP inspection schedule shall be included in the submittal.

**The project proposes disturbance more than one (1) acre and will require the submittal of a Notice of Intent (NOI) application with the EPA as required by National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP).**

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**SWPPP inspections will be prepared by a professional engineer registered in the State of New Hampshire or an individual under their direct supervision. The inspection reports shall be submitted to the Community Services Department.**

**The SWPPP Manual identifies the inspection schedule.**

[10] Additional temporary stabilization for the winter season consistent with NHDES guidelines shall be in place for disturbed areas that are not permanently stabilized by October 1, or at the discretion of the Community Services Department.

**The NHDES AoT winter construction notes are identified in The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set.**

[11] Special stabilization details shall be provided with the submission for any land disturbance on slopes equal to or steeper than 3:1.

**Slopes greater than 3:1 require erosion control matting and/or armoring. Sheet SP-4 notes and associated details are provided in the project plan set.**

[12] All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 calendar days unless conditions dictate otherwise.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set identifies this requirement.**

[13] For projects proposing to disturb and expose soils in areas of 10 acres or more at one time, a temporary (or permanent) sediment basin must be provided with storage for a calculated volume of runoff from a drainage area from a two-year, twenty-four-hour storm, or equivalent control measures, where attainable, until final stabilization of the site. Alternatively, the sediment basin can be sized to provide 3,600 cubic feet of storage per acre of drainage area until final stabilization of the site. In determining appropriate locations and number of sediment basins needed, the operators may consider such factors as erodibility of site soils, slope lengths, available area on site, construction period and other unique site considerations.

**The project does not propose the disturbance of greater than 10 acres of area. A Sediment Trap is not proposed.**

[14] Use of temporary sediment basins should avoid any additional vegetation clearing or site land disturbance not otherwise needed for post-construction. Sediment basin locations must be reviewed by the Community Services Department prior to construction and must consider the potential for off-site impacts, including public safety, especially as it relates to sediment movement and/or sediment basin failure, and alternative sediment controls must be used where site limitations preclude a safe design.

**A Sediment Trap is not proposed.**

(e) Installation and construction inspections. The owner/applicant shall be responsible for inspection requirements as follow:

[1] The Community Services Department or its designated agent shall have access to the site to complete routine inspections.

**The owner/applicant is aware of this requirement.**

[2] The Community Services Department shall be notified 24 hours prior to installation of a stormwater BMP in order to schedule an inspection. These inspections shall be completed during normal working hours.

**The owner/applicant is aware of the Community Services Department inspection scheduling requirements.**

[3] The Planning Board or Community Services Department may require the design engineer and/or an independent third party to provide inspection and oversight of the construction of the stormwater management facilities and erosion and sediment control measures at its discretion. Such oversight may be especially important for implementing techniques such as porous pavement or subsurface stormwater infiltration systems. The owner/applicant shall be responsible for all fees associated with third-party inspections.

**The owner/applicant is aware of this requirement.**

[4] All SWPPP inspections must be conducted by a qualified professional such as a professional engineer (PE), a certified professional in erosion and sediment control (CPESC), a certified erosion sediment and stormwater inspector (CESSWI), or a certified professional in stormwater quality (CPSWQ). Inspection reports shall be submitted to the Community Services Department.

**SWPPP inspections will be prepared by a professional engineer registered in the State of New Hampshire or an individual under their direct supervision. The inspection reports shall be submitted to the Community Services Department.**

[5] The owner is ultimately responsible for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the provisions of these regulations.

**The owner/applicant is aware of this requirement.**

(f) Stormwater management plan (SWMP) submittal requirements. At the discretion of the Planning Board or Community Services Department, a technical review by an independent third party may be required of any SWMP prepared under these regulations. Such a review shall be performed by a qualified professional consultant and the expense of which shall be the full responsibility of the owner/applicant.

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[1] For projects requiring minimum protection standards, a plan including the following information shall be submitted:

[a] Description of erosion and sediment control measures as well as sequence for final stabilization of the project site.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set describes this information.**

[b] Proposed changes in impervious cover areas and any changes in pre- and post-development drainage patterns.

**The proposed development post construction runoff does not exceed pre construction conditions. The proposed development directs all stormwater runoff to the City of Dover closed stormwater system.**

[c] Description of LID proposed measures.

**The project utilizes a bioretention practice for stormwater treatment as well as an infiltration practice for groundwater recharge.**

[2] For projects requiring new development or redevelopment standards, a drainage report that contains the following items shall be submitted:

[a] Description of construction period and earth movement schedule, including anticipated project start and completion dates, sequence and duration of grading and construction activities, sequence, and timing of installation and/or application of soil erosion and sediment control measures as well as sequence for final stabilization of the project site.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set describes this information.**

[b] Description of the on-site and adjacent wetlands, streams and other water resources, including methods used to identify these resources, and a description of any buffer setbacks that may apply, steep slopes, critical habitat, existing vegetation, areas with a 1% chance of being inundated by water in any given year, and whether any downstream water bodies are listed as impaired according to NHDES's most recent 303(d) list.

**The Stormwater Analysis includes the above requirements.**

[c] Soils information for proposed disturbed areas shall be delineated by a certified soil scientist. For all other areas that contribute runoff to the project site, soil types may be identified in accordance with Natural Resources Conservation Service (NRCS) countywide soil survey.

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**A Site-Specific Soil Plan, Sheet SSS-1, is included in our Site Development Plan Set and Stormwater Analysis. This plan was prepared by Michael Mariano of Highland Soil Service. In conjunction with this plan preparation Mr. Mariano logged seven (7) test pits on the subject property. The ESHWT and overall soil types factor into the placement and design of the project BMPs.**

[d] Description of existing drainage patterns, receiving water bodies or drainage infrastructure and soil types for recharge potential.

**The Stormwater Analysis includes the above requirements.**

[e] Watershed area limits, including any off-site and upstream areas contributing flow to shared drainage channels and/or infrastructure.

**The Stormwater Analysis includes the above requirements.**

[f] Description of proposed changes in impervious cover areas and any changes in pre- and post-development drainage patterns.

**The Stormwater Analysis includes the above requirements.**

[g] Methods and assumptions used to calculate pre- and post-development runoff volume, peak discharge, and discharge velocity for the specified design storm events.

**The Stormwater Analysis includes the above requirements.**

[h] Methods and assumptions used to calculate the pollutant load removal.

**The Stormwater Analysis includes the above requirements.**

[i] Description of LID measures that are proposed to limit the development footprint, preserve existing vegetation and mimic existing hydrology to the extent feasible.

**The project utilizes a bioretention practice for stormwater treatment as well as an infiltration practice for groundwater recharge.**

[j] If not used, provide rationale why LID measures are not practical for the site.

**LID measures have been incorporated in the design of the project.**

[k] Describe measures and calculations for proposed practices used to achieve no net increase in runoff volumes leaving the site.

**The Stormwater Analysis includes the above requirements.**

[l] Provide calculations for the infiltration or exfiltration system.

**The Stormwater Analysis includes the above requirements.**

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[m] If an increase in post-development runoff volume is anticipated due to limited applicability for LID measures and site constraints, provide an assessment and supporting calculations to demonstrate no adverse impacts to downstream infrastructure, adjacent properties, or aquatic habitat.

**The stormwater analysis indicates there will no increase in the post-development runoff volumes.**

[n] Descriptions, details, and design criteria and calculations for all structural, nonstructural, permanent, and temporary erosion and sedimentation control measures and BMPs. This information should include seeding mixtures and rates, types of sod, methods of seedbed preparation, expected seeding dates (or limitations on seeding time frames), type and rate of lime and fertilizer application, and type and quantity of mulching for temporary and permanent control facilities.

**The Site Development plan set includes the above requirements.**

[o] Where proposed changes are anticipated within mapped limits of the areas with a 1% chance of being inundated by water in any given year, provide hydrologic and hydraulic analysis to show no net increase in flood elevations.

**No changes are anticipated.**

[p] Proposed schedule for the inspection and maintenance of all erosion control measures on site prior to achieving final site stabilization.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set identifies this requirement.**

[q] Describe procedures for removing temporary erosion control measures and removal of accumulated sediment captured by such measures.

**The Erosion & Sediment Control Notes, Detail 12 on Sheet SP-9 in the project plan set identifies this requirement.**

[r] Any other specific study, calculation, or investigation as requested by the city.

**Additional information shall be provided as requested and may include traffic studies, structural designs, sewer designs, geotechnical reports, etc.**

[s] Describe procedures to limit and/or optimize the use of deicing materials and minimize off-site increases in chloride levels in adjacent surface water and groundwater.

**The Stormwater Management, Maintenance and Inspection Plan requires the implementation of a salt minimization plan that also requires the owner or operator to track salt usage onsite through a quantity usage log.**

[t] Provide a maintenance and inspection plan for post-construction monitoring of stormwater BMPs to ensure long-term performance and functionality, including details of who will be responsible for inspections and maintenance, proposed schedule, documentation, submittal procedures and contingency plans if future maintenance is required.

**A Stormwater Management, Maintenance and Inspection Plan (M&I) is included in the Stormwater Analysis provided as part of this submittal.**

[u] Provide copies of pertinent state and federal permits.

**Copies of permits will be provided to the City of Dover, as applicable.**

(g) Long-term operation and maintenance. The owner shall be responsible for continued inspection and maintenance requirements.

**A Stormwater Management, Maintenance and Inspection Plan (M&I) is included in the Stormwater Analysis provided as part of this submittal.**

[1] An operation and maintenance manual shall be created with the following information:

[a] The names of the responsible qualified professionals who will implement the required reporting, inspections, and maintenance activities.

**The Owner, Responsible Party, and the Management Company are identified in the Stormwater Management, Maintenance and Inspection Plan.**

[b] An inspection checklist, identifying item or BMP, inspection frequency, and components to be inspected. The list shall clearly outline performance thresholds and triggers for maintenance.

**Inspection requirements and maintenance thresholds are identified in the Stormwater Management, Maintenance and Inspection Plan.**

[c] Snow and ice removal shall be performed by a contractor certified by the "Green SnoPro" Program, or approved equivalent, following best management practices for the application of deicing materials.

**The Stormwater Management, Maintenance and Inspection Plan requires the use of a Green SnoPro contractor.**

[d] Deicing log to track amount and type of deicing material applied.

**The Stormwater Management, Maintenance and Inspection Plan requires the implementation of a salt minimization plan that also requires the owner or operator to track salt usage onsite through a quantity usage log.**

[e] A site plan clearly identifying the locations of all stormwater practices to be inspected and maintained.

**The Site Development Plan Set is included as part of the Stormwater Management, Maintenance and Inspection Plan.**

[f] Inspection and maintenance log to be submitted to the City of Dover Community Services Department on an annual basis. Documents shall be submitted no later than December 15 of each year.

**The Stormwater Management, Maintenance and Inspection Plan identifies this requirement.**

[2] The owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements and responsibilities described in the approved stormwater management plan. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers of the requirements for maintenance and reporting.

**The applicant is aware of this requirement.**

# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

NARRATIVE

for

## *103 COURT STREET*

103 Court Street
Dover, New Hampshire

*August 2024*
*October 2024*
*October 2025*

## *SECTION II*

## *COMPUTATIONS*

N

TRITECH
ENGINEERING CORPORATION

LEGEND

- 2FT GRADE CONTOUR
- 10FT GRADE CONTOUR
- SOILS BOUNDARY
- PROPERTY LINE
- SUBCAT BOUNDARY
- FLOW PATH
- (1) SUBCAT LABEL
- 1 ANALYSIS POINT
- TREE LINE
- 915B SITE-SPECIFIC SOIL TYPE LABEL
- ScA NRCS SOIL TYPE LABEL

30 0 15 30 60 120
1"=30'


TRITECH
ENGINEERING CORPORATION
735 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 749 9171
FAX 603 749 3830


REVISIONS
DATE: DESCRIPTION:

STATE OF NEW HAMPSHIRE - PROFESSIONAL ENGINEER
ROBERT STOWELL No. 9803 LICENSED

PRE-CONSTRUCTION DRAINAGE PLAN

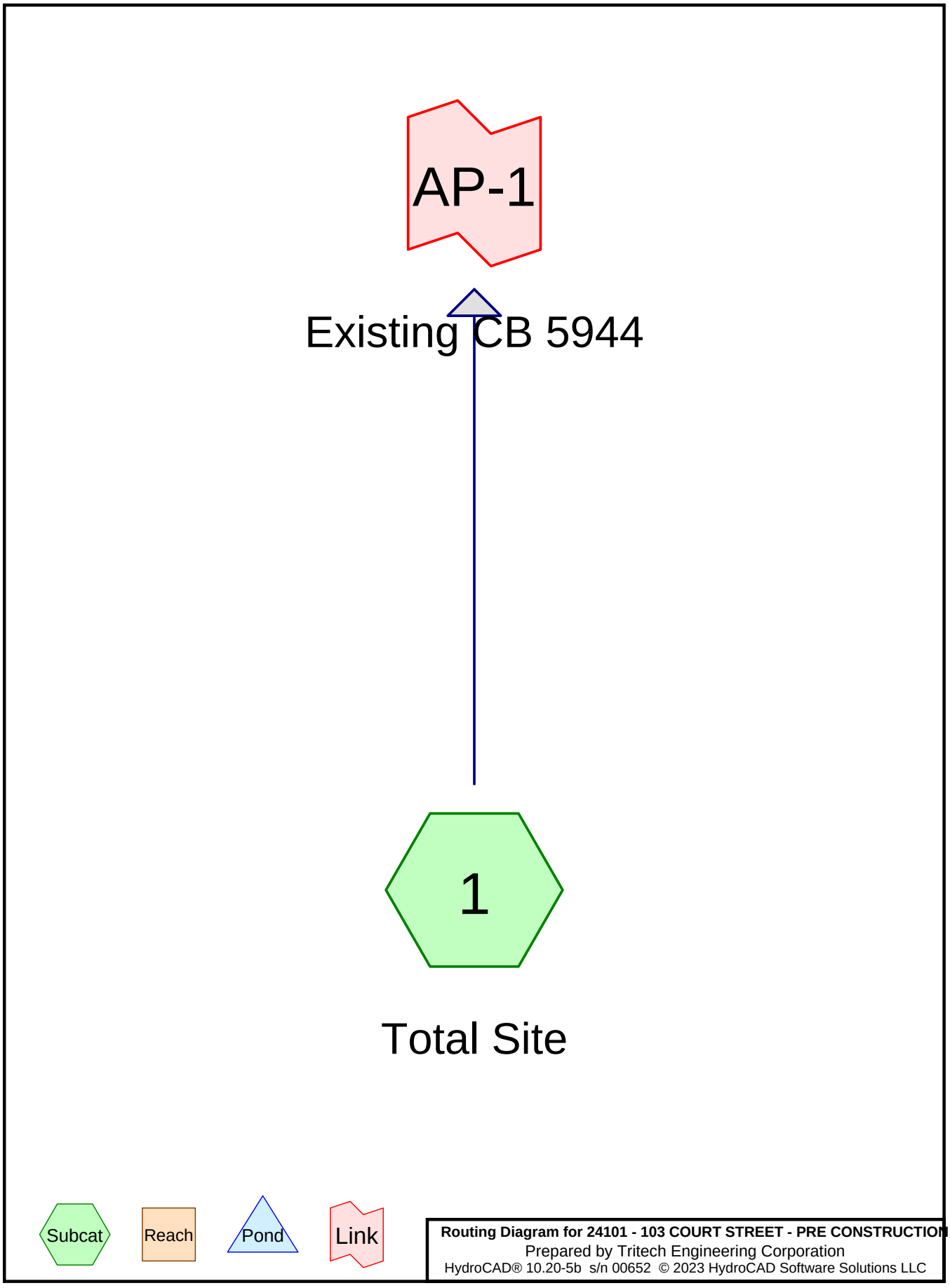
# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101
SCALE: 1" = 30'

SHEET No.

D-1


AP-1
Existing CB 5944
1
Total Site
Subcat
Reach
Pond
Link
Routing Diagram for 24101 - 103 COURT STREET - PRE CONSTRUCTION
Prepared by Tritech Engineering Corporation
HydroCAD® 10.20-5b s/n 00652 © 2023 HydroCAD Software Solutions LLC

## Area Listing (all nodes)

| Area (acres) | CN | Description (subcatchment-numbers) |
|---|---|---|
| 0.132 | 74 | >75% Grass cover, Good, HSG C (1) |
| 0.062 | 80 | >75% Grass cover, Good, HSG D (1) |
| 0.015 | 98 | Paved parking, HSG A (1) |
| 0.034 | 98 | Paved parking, HSG C (1) |
| 0.017 | 98 | Paved parking, HSG D (1) |
| 0.041 | 98 | Roofs, HSG C (1) |
| 0.060 | 30 | Woods, Good, HSG A (1) |
| 0.103 | 70 | Woods, Good, HSG C (1) |
| 0.044 | 77 | Woods, Good, HSG D (1) |
| 0.038 | 32 | Woods/grass comb., Good, HSG A (1) |
| 0.888 | 72 | Woods/grass comb., Good, HSG C (1) |
| 0.046 | 79 | Woods/grass comb., Good, HSG D (1) |
| **1.479** | **72** | **TOTAL AREA** |

## Soil Listing (all nodes)

| Area (acres) | Soil Group | Subcatchment Numbers |
|---|---|---|
| 0.112 | HSG A | 1 |
| 0.000 | HSG B | |
| 1.198 | HSG C | 1 |
| 0.169 | HSG D | 1 |
| 0.000 | Other | |
| **1.479** | | **TOTAL AREA** |

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 3
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1: Total Site** Runoff Area=64,430 sf 7.23% Impervious Runoff Depth=0.90"
Flow Length=435' Tc=23.3 min CN=72 Runoff=0.90 cfs 0.111 af

**Link AP-1: Existing CB 5944** Inflow=0.90 cfs 0.111 af
Primary=0.90 cfs 0.111 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.111 af Average Runoff Depth = 0.90"**
**92.77% Pervious = 1.372 ac 7.23% Impervious = 0.107 ac**

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 3
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1: Total Site** Runoff Area=64,430 sf 7.23% Impervious Runoff Depth=2.01"
Flow Length=435' Tc=23.3 min CN=72 Runoff=2.17 cfs 0.248 af

**Link AP-1: Existing CB 5944** Inflow=2.17 cfs 0.248 af
Primary=2.17 cfs 0.248 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.248 af Average Runoff Depth = 2.01"**
**92.77% Pervious = 1.372 ac 7.23% Impervious = 0.107 ac**

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 3
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1: Total Site** Runoff Area=64,430 sf 7.23% Impervious Runoff Depth=3.00"
Flow Length=435' Tc=23.3 min CN=72 Runoff=3.27 cfs 0.370 af

**Link AP-1: Existing CB 5944** Inflow=3.27 cfs 0.370 af
Primary=3.27 cfs 0.370 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.370 af Average Runoff Depth = 3.00"**
**92.77% Pervious = 1.372 ac 7.23% Impervious = 0.107 ac**

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 3
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 1: Total Site** Runoff Area=64,430 sf 7.23% Impervious Runoff Depth=3.99"
Flow Length=435' Tc=23.3 min CN=72 Runoff=4.37 cfs 0.492 af

**Link AP-1: Existing CB 5944** Inflow=4.37 cfs 0.492 af
Primary=4.37 cfs 0.492 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.492 af Average Runoff Depth = 3.99"**
**92.77% Pervious = 1.372 ac 7.23% Impervious = 0.107 ac**

## Summary for Subcatchment 1: Total Site

Runoff = 2.17 cfs @ 12.34 hrs, Volume= 0.248 af, Depth= 2.01"
Routed to Link AP-1 : Existing CB 5944

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 1,498 | 98 | Paved parking, HSG C |
| 1,780 | 98 | Roofs, HSG C |
| 4,497 | 70 | Woods, Good, HSG C |
| 38,680 | 72 | Woods/grass comb., Good, HSG C |
| 5,730 | 74 | >75% Grass cover, Good, HSG C |
| 1,645 | 32 | Woods/grass comb., Good, HSG A |
| 2,600 | 30 | Woods, Good, HSG A |
| 635 | 98 | Paved parking, HSG A |
| 745 | 98 | Paved parking, HSG D |
| 2,010 | 79 | Woods/grass comb., Good, HSG D |
| 2,705 | 80 | >75% Grass cover, Good, HSG D |
| 1,905 | 77 | Woods, Good, HSG D |
| 64,430 | 72 | Weighted Average |
| 59,772 | | 92.77% Pervious Area |
| 4,658 | | 7.23% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 0.1 | 5 | 0.0200 | 0.75 | | **Sheet Flow, Sheet Pave** Smooth surfaces n= 0.011 P2= 3.15" |
| 14.4 | 30 | 0.0200 | 0.03 | | **Sheet Flow, Sheet woods** Woods: Dense underbrush n= 0.800 P2= 3.15" |
| 5.7 | 65 | 0.0250 | 0.19 | | **Sheet Flow, sheet range** Range n= 0.130 P2= 3.15" |
| 1.9 | 245 | 0.0450 | 2.12 | | **Shallow Concentrated Flow, SC range** Nearly Bare & Untilled Kv= 10.0 fps |
| 1.2 | 90 | 0.0650 | 1.27 | | **Shallow Concentrated Flow, SC woods** Woodland Kv= 5.0 fps |
| 23.3 | 435 | Total | | | |

## Summary for Link AP-1: Existing CB 5944

Inflow Area = 1.479 ac, 7.23% Impervious, Inflow Depth = 2.01" for 10-YR SEACOAST event
Inflow = 2.17 cfs @ 12.34 hrs, Volume= 0.248 af
Primary = 2.17 cfs @ 12.34 hrs, Volume= 0.248 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs

COURT STREET

KEELTY STREET

LOCKE STREET

LOT #2

HOUSE

GARAGE

PAVED CEMETERY DRIVE

LEGEND

- 25FT GRANIT CONTOUR
- 10FT GRANIT CONTOUR
- SOILS BOUNDARY
- PROPERTY LINE
- SUBCAT BOUNDARY
- FLOW PATH
- (1) SUBCAT LABEL
- 1 ANALYSIS POINT
- TREE LINE
- 915B SITE-SPECIFIC SOIL TYPE LABEL
- ScA NRCS SOIL TYPE LABEL

30 0 15 30 60 120

1"=30'

N

TRITECH ENGINEERING CORPORATION


TRITECH
ENGINEERING CORPORATION
785 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8127
FAX 603 742 3630


REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-21-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |

STATE OF NEW HAMPSHIRE - ROBERT J. STOWELL No. 9963 - PROFESSIONAL ENGINEER

POST-CONSTRUCTION DRAINAGE PLAN

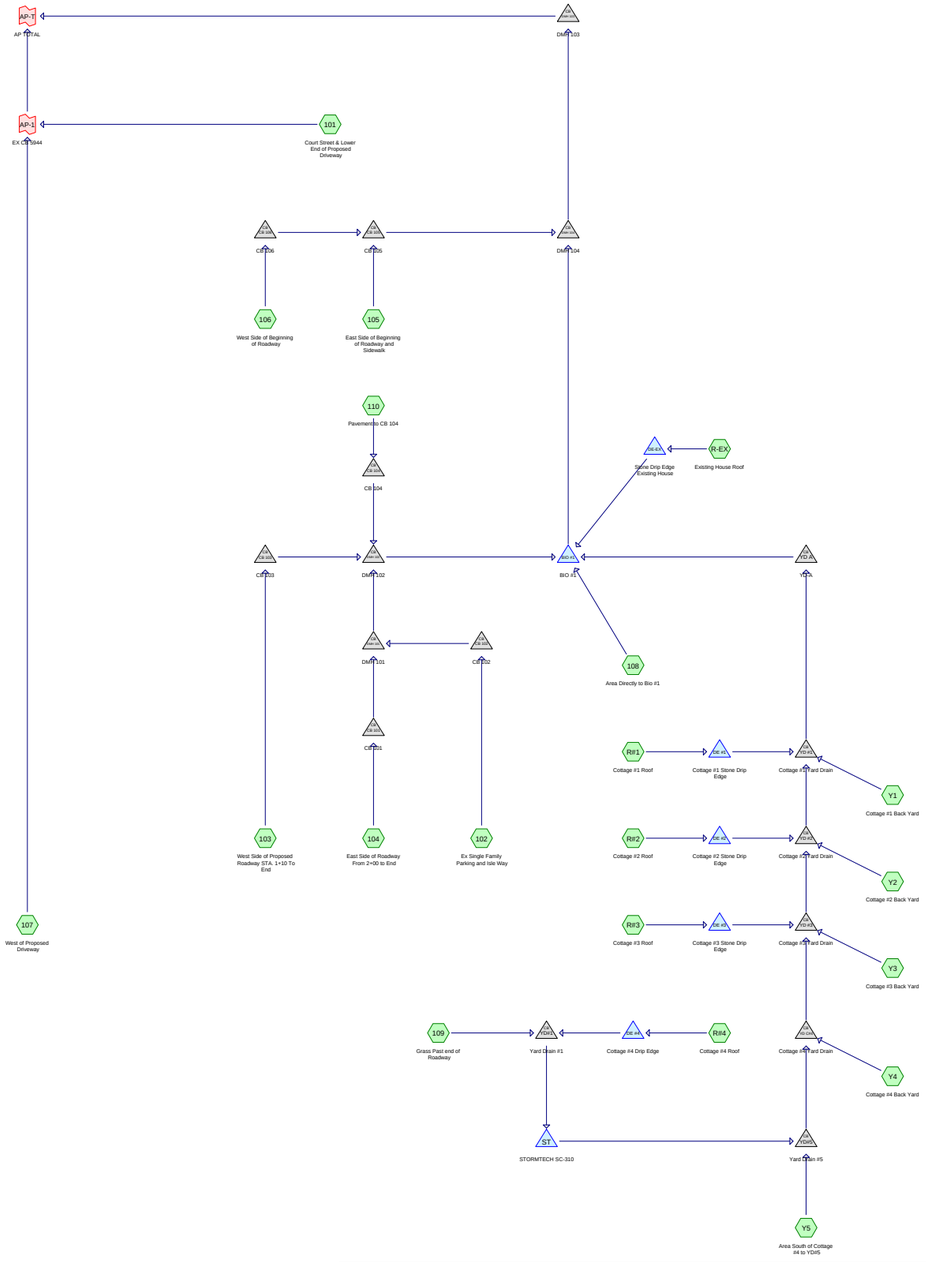
# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101

SHEET No. D-2

(P24-0012)




Subcat | Reach | Pond | Link

# Routing Diagram for Court St POST-CONSTRUCTION - REV. PER TRC

Prepared by Tritech Engineering Corporation

HydroCAD® 10.20-7a s/n 00652 © 2025 HydroCAD Software Solutions LLC

## Area Listing (all nodes)

| Area (acres) | CN | Description (subcatchment-numbers) |
|---|---|---|
| 0.026 | 39 | >75% Grass cover, Good, HSG A (107, 109, Y5) |
| 0.801 | 74 | >75% Grass cover, Good, HSG C (101, 102, 104, 107, 108, 109, 110, Y1, Y2, Y3, Y4, Y5) |
| 0.103 | 80 | >75% Grass cover, Good, HSG D (107) |
| 0.014 | 98 | Paved parking, HSG A (107, 109, Y5) |
| 0.260 | 98 | Paved parking, HSG C (101, 102, 103, 104, 105, 108, 109, 110) |
| 0.066 | 98 | Paved parking, HSG D (101, 103, 105, 106, 107, 110) |
| 0.096 | 98 | Roofs, HSG C (R#1, R#2, R#3, R#4, R-EX) |
| 0.020 | 32 | Woods/grass comb., Good, HSG A (107, Y5) |
| 0.039 | 72 | Woods/grass comb., Good, HSG C (107, Y5) |
| 0.052 | 57 | Woods/grass comb., Poor, HSG A (109) |
| 0.002 | 82 | Woods/grass comb., Poor, HSG C (109) |
| **1.479** | **80** | **TOTAL AREA** |

## Soil Listing (all nodes)

| Area (acres) | Soil Group | Subcatchment Numbers |
|---|---|---|
| 0.112 | HSG A | 107, 109, Y5 |
| 0.000 | HSG B | |
| 1.198 | HSG C | 101, 102, 103, 104, 105, 107, 108, 109, 110, R#1, R#2, R#3, R#4, R-EX, Y1, Y2, Y3, Y4, Y5 |
| 0.169 | HSG D | 101, 103, 105, 106, 107, 110 |
| 0.000 | Other | |
| **1.479** | | **TOTAL AREA** |

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 2
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 101: Court Street & Lower** Runoff Area=5,321 sf 47.47% Impervious Runoff Depth=1.72"
Tc=6.0 min CN=85 Runoff=0.25 cfs 0.017 af

**Subcatchment 102: Ex Single Family** Runoff Area=2,345 sf 69.85% Impervious Runoff Depth=2.21"
Tc=6.0 min CN=91 Runoff=0.14 cfs 0.010 af

**Subcatchment 103: West Side of Proposed** Runoff Area=2,255 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.16 cfs 0.013 af

**Subcatchment 104: East Side of Roadway** Runoff Area=5,343 sf 65.28% Impervious Runoff Depth=2.12"
Tc=6.0 min CN=90 Runoff=0.30 cfs 0.022 af

**Subcatchment 105: East Side of Beginning** Runoff Area=1,171 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.08 cfs 0.007 af

**Subcatchment 106: West Side of Beginning** Runoff Area=833 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.06 cfs 0.005 af

**Subcatchment 107: West of Proposed** Runoff Area=14,075 sf 1.49% Impervious Runoff Depth=1.06"
Flow Length=398' Tc=15.2 min CN=75 Runoff=0.29 cfs 0.029 af

**Subcatchment 108: Area Directly to Bio #1** Runoff Area=8,504 sf 2.00% Impervious Runoff Depth=1.00"
Tc=6.0 min CN=74 Runoff=0.22 cfs 0.016 af

**Subcatchment 109: Grass Past end of** Runoff Area=5,874 sf 8.60% Impervious Runoff Depth=0.62"
Tc=6.0 min CN=66 Runoff=0.08 cfs 0.007 af

**Subcatchment 110: Pavement to CB 104** Runoff Area=2,688 sf 71.35% Impervious Runoff Depth=2.21"
Tc=6.0 min CN=91 Runoff=0.16 cfs 0.011 af

**Subcatchment R#1: Cottage #1 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.06 cfs 0.005 af

**Subcatchment R#2: Cottage #2 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.06 cfs 0.005 af

**Subcatchment R#3: Cottage #3 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.06 cfs 0.005 af

**Subcatchment R#4: Cottage #4 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.06 cfs 0.005 af

**Subcatchment R-EX: Existing House Roof** Runoff Area=946 sf 100.00% Impervious Runoff Depth=2.92"
Tc=6.0 min CN=98 Runoff=0.07 cfs 0.005 af

**Subcatchment Y1: Cottage #1 Back Yard** Runoff Area=2,610 sf 0.00% Impervious Runoff Depth=1.00"
Tc=6.0 min CN=74 Runoff=0.07 cfs 0.005 af

**Subcatchment Y2: Cottage #2 Back Yard** Runoff Area=1,725 sf 0.00% Impervious Runoff Depth=1.00"
Tc=6.0 min CN=74 Runoff=0.04 cfs 0.003 af

**Subcatchment Y3: Cottage #3 Back Yard** Runoff Area=2,470 sf 0.00% Impervious Runoff Depth=1.00"
Tc=6.0 min CN=74 Runoff=0.06 cfs 0.005 af

**Subcatchment Y4: Cottage #4 Back Yard** Runoff Area=2,985 sf 0.00% Impervious Runoff Depth=1.00"
Tc=6.0 min CN=74 Runoff=0.08 cfs 0.006 af

**Subcatchment Y5: Area South of Cottage #4** Runoff Area=2,045 sf 7.09% Impervious Runoff Depth=0.32"
Tc=6.0 min CN=58 Runoff=0.01 cfs 0.001 af

**Pond BIO #1: BIO #1** Peak Elev=102.31' Storage=1,353 cf Inflow=1.36 cfs 0.110 af
Outflow=0.33 cfs 0.110 af

**Pond CB 101: CB 101** Peak Elev=105.87' Inflow=0.30 cfs 0.022 af
12.0" Round Culvert n=0.012 L=33.0' S=0.0394 '/' Outflow=0.30 cfs 0.022 af

**Pond CB 102: CB 102** Peak Elev=104.93' Inflow=0.14 cfs 0.010 af
12.0" Round Culvert n=0.012 L=13.0' S=0.0346 '/' Outflow=0.14 cfs 0.010 af

**Pond CB 103: CB 103** Peak Elev=102.66' Inflow=0.16 cfs 0.013 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0062 '/' Outflow=0.16 cfs 0.013 af

**Pond CB 104: CB 104** Peak Elev=102.65' Inflow=0.16 cfs 0.011 af
12.0" Round Culvert n=0.012 L=7.0' S=0.0143 '/' Outflow=0.16 cfs 0.011 af

**Pond CB 105: CB 105** Peak Elev=97.89' Inflow=0.14 cfs 0.011 af
12.0" Round Culvert n=0.012 L=17.0' S=0.0118 '/' Outflow=0.14 cfs 0.011 af

**Pond CB 106: CB 106** Peak Elev=98.12' Inflow=0.06 cfs 0.005 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0125 '/' Outflow=0.06 cfs 0.005 af

**Pond DE #1: Cottage #1 Stone Drip Edge** Peak Elev=109.87' Storage=20 cf Inflow=0.06 cfs 0.005 af
Outflow=0.03 cfs 0.004 af

**Pond DE #2: Cottage #2 Stone Drip Edge** Peak Elev=110.87' Storage=20 cf Inflow=0.06 cfs 0.005 af
Outflow=0.03 cfs 0.004 af

**Pond DE #3: Cottage #3 Stone Drip Edge** Peak Elev=112.37' Storage=20 cf Inflow=0.06 cfs 0.005 af
Outflow=0.03 cfs 0.004 af

**Pond DE #4: Cottage #4 Drip Edge** Peak Elev=114.87' Storage=20 cf Inflow=0.06 cfs 0.005 af
Outflow=0.03 cfs 0.004 af

**Pond DE-EX: Stone Drip Edge Existing House** Peak Elev=105.97' Storage=26 cf Inflow=0.07 cfs 0.005 af
Outflow=0.04 cfs 0.005 af

**Pond DMH 101: DMH 101** Peak Elev=104.53' Inflow=0.44 cfs 0.032 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0385 '/' Outflow=0.44 cfs 0.032 af

**Pond DMH 102: DMH 102** Peak Elev=102.62' Inflow=0.76 cfs 0.056 af
12.0" Round Culvert n=0.012 L=19.0' S=0.0053 '/' Outflow=0.76 cfs 0.056 af

**Pond DMH 103: DMH 103** Peak Elev=91.15' Inflow=0.38 cfs 0.121 af
18.0" Round Culvert n=0.013 L=85.0' S=0.0033 '/' Outflow=0.38 cfs 0.121 af

**Pond DMH 104: DMH 104** Peak Elev=97.70' Inflow=0.38 cfs 0.121 af
12.0" Round Culvert n=0.012 L=18.0' S=0.0222 '/' Outflow=0.38 cfs 0.121 af

**Pond ST: STORMTECH SC-310** Peak Elev=113.97' Storage=50 cf Inflow=0.11 cfs 0.011 af
Discarded=0.06 cfs 0.011 af Primary=0.00 cfs 0.000 af Outflow=0.06 cfs 0.011 af

**Pond YD #1: Cottage #1 Yard Drain** Peak Elev=107.20' Inflow=0.36 cfs 0.033 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0269 '/' Outflow=0.36 cfs 0.033 af

**Pond YD #2: Cottage #2 Yard Drain** Peak Elev=109.15' Inflow=0.26 cfs 0.024 af
12.0" Round Culvert n=0.012 L=45.0' S=0.0422 '/' Outflow=0.26 cfs 0.024 af

**Pond YD #3: Cottage #3 Yard Drain** Peak Elev=110.11' Inflow=0.18 cfs 0.016 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.18 cfs 0.016 af

**Pond YD A: YD-A** Peak Elev=105.70' Inflow=0.36 cfs 0.033 af
12.0" Round Culvert n=0.012 L=21.0' S=0.0667 '/' Outflow=0.36 cfs 0.033 af

**Pond YD C#4: Cottage #4 Yard Drain** Peak Elev=111.04' Inflow=0.08 cfs 0.007 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.08 cfs 0.007 af

**Pond YD#1: Yard Drain #1** Peak Elev=114.35' Inflow=0.11 cfs 0.011 af
6.0" Round Culvert n=0.012 L=25.0' S=0.0040 '/' Outflow=0.11 cfs 0.011 af

**Pond YD#5: Yard Drain #5** Peak Elev=112.94' Inflow=0.01 cfs 0.001 af
12.0" Round Culvert n=0.012 L=51.0' S=0.0373 '/' Outflow=0.01 cfs 0.001 af

**Link AP-1: EX CB 5944** Inflow=0.44 cfs 0.046 af
Primary=0.44 cfs 0.046 af

**Link AP-T: AP TOTAL** Inflow=0.80 cfs 0.167 af
Primary=0.80 cfs 0.167 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.180 af Average Runoff Depth = 1.46"**
**70.44% Pervious = 1.042 ac 29.56% Impervious = 0.437 ac**

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 2
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 101: Court Street & Lower** Runoff Area=5,321 sf 47.47% Impervious Runoff Depth=3.15"
Tc=6.0 min CN=85 Runoff=0.45 cfs 0.032 af

**Subcatchment 102: Ex Single Family** Runoff Area=2,345 sf 69.85% Impervious Runoff Depth=3.75"
Tc=6.0 min CN=91 Runoff=0.23 cfs 0.017 af

**Subcatchment 103: West Side of Proposed** Runoff Area=2,255 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.24 cfs 0.020 af

**Subcatchment 104: East Side of Roadway** Runoff Area=5,343 sf 65.28% Impervious Runoff Depth=3.65"
Tc=6.0 min CN=90 Runoff=0.51 cfs 0.037 af

**Subcatchment 105: East Side of Beginning** Runoff Area=1,171 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.010 af

**Subcatchment 106: West Side of Beginning** Runoff Area=833 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.09 cfs 0.007 af

**Subcatchment 107: West of Proposed** Runoff Area=14,075 sf 1.49% Impervious Runoff Depth=2.26"
Flow Length=398' Tc=15.2 min CN=75 Runoff=0.64 cfs 0.061 af

**Subcatchment 108: Area Directly to Bio #1** Runoff Area=8,504 sf 2.00% Impervious Runoff Depth=2.17"
Tc=6.0 min CN=74 Runoff=0.49 cfs 0.035 af

**Subcatchment 109: Grass Past end of** Runoff Area=5,874 sf 8.60% Impervious Runoff Depth=1.57"
Tc=6.0 min CN=66 Runoff=0.24 cfs 0.018 af

**Subcatchment 110: Pavement to CB 104** Runoff Area=2,688 sf 71.35% Impervious Runoff Depth=3.75"
Tc=6.0 min CN=91 Runoff=0.26 cfs 0.019 af

**Subcatchment R#1: Cottage #1 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.09 cfs 0.007 af

**Subcatchment R#2: Cottage #2 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.09 cfs 0.007 af

**Subcatchment R#3: Cottage #3 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.09 cfs 0.007 af

**Subcatchment R#4: Cottage #4 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.09 cfs 0.007 af

**Subcatchment R-EX: Existing House Roof** Runoff Area=946 sf 100.00% Impervious Runoff Depth=4.52"
Tc=6.0 min CN=98 Runoff=0.10 cfs 0.008 af

**Subcatchment Y1: Cottage #1 Back Yard** Runoff Area=2,610 sf 0.00% Impervious Runoff Depth=2.17"
Tc=6.0 min CN=74 Runoff=0.15 cfs 0.011 af

**Subcatchment Y2: Cottage #2 Back Yard** Runoff Area=1,725 sf 0.00% Impervious Runoff Depth=2.17"
Tc=6.0 min CN=74 Runoff=0.10 cfs 0.007 af

**Subcatchment Y3: Cottage #3 Back Yard** Runoff Area=2,470 sf 0.00% Impervious Runoff Depth=2.17"
Tc=6.0 min CN=74 Runoff=0.14 cfs 0.010 af

**Subcatchment Y4: Cottage #4 Back Yard** Runoff Area=2,985 sf 0.00% Impervious Runoff Depth=2.17"
Tc=6.0 min CN=74 Runoff=0.17 cfs 0.012 af

**Subcatchment Y5: Area South of Cottage #4** Runoff Area=2,045 sf 7.09% Impervious Runoff Depth=1.04"
Tc=6.0 min CN=58 Runoff=0.05 cfs 0.004 af

**Pond BIO #1: BIO #1** Peak Elev=102.94' Storage=1,993 cf Inflow=2.49 cfs 0.204 af
Outflow=1.19 cfs 0.204 af

**Pond CB 101: CB 101** Peak Elev=105.96' Inflow=0.51 cfs 0.037 af
12.0" Round Culvert n=0.012 L=33.0' S=0.0394 '/' Outflow=0.51 cfs 0.037 af

**Pond CB 102: CB 102** Peak Elev=104.98' Inflow=0.23 cfs 0.017 af
12.0" Round Culvert n=0.012 L=13.0' S=0.0346 '/' Outflow=0.23 cfs 0.017 af

**Pond CB 103: CB 103** Peak Elev=102.96' Inflow=0.24 cfs 0.020 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0062 '/' Outflow=0.24 cfs 0.020 af

**Pond CB 104: CB 104** Peak Elev=102.97' Inflow=0.26 cfs 0.019 af
12.0" Round Culvert n=0.012 L=7.0' S=0.0143 '/' Outflow=0.26 cfs 0.019 af

**Pond CB 105: CB 105** Peak Elev=98.01' Inflow=0.21 cfs 0.017 af
12.0" Round Culvert n=0.012 L=17.0' S=0.0118 '/' Outflow=0.21 cfs 0.017 af

**Pond CB 106: CB 106** Peak Elev=98.15' Inflow=0.09 cfs 0.007 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0125 '/' Outflow=0.09 cfs 0.007 af

**Pond DE #1: Cottage #1 Stone Drip Edge** Peak Elev=110.23' Storage=40 cf Inflow=0.09 cfs 0.007 af
Outflow=0.04 cfs 0.007 af

**Pond DE #2: Cottage #2 Stone Drip Edge** Peak Elev=111.23' Storage=40 cf Inflow=0.09 cfs 0.007 af
Outflow=0.04 cfs 0.007 af

**Pond DE #3: Cottage #3 Stone Drip Edge** Peak Elev=112.73' Storage=40 cf Inflow=0.09 cfs 0.007 af
Outflow=0.04 cfs 0.007 af

**Pond DE #4: Cottage #4 Drip Edge** Peak Elev=115.24' Storage=40 cf Inflow=0.09 cfs 0.007 af
Outflow=0.04 cfs 0.007 af

**Pond DE-EX: Stone Drip Edge Existing House** Peak Elev=106.46' Storage=52 cf Inflow=0.10 cfs 0.008 af
Outflow=0.04 cfs 0.008 af

**Pond DMH 101: DMH 101** Peak Elev=104.63' Inflow=0.73 cfs 0.054 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0385 '/' Outflow=0.73 cfs 0.054 af

**Pond DMH 102: DMH 102** Peak Elev=102.96' Inflow=1.24 cfs 0.093 af
12.0" Round Culvert n=0.012 L=19.0' S=0.0053 '/' Outflow=1.24 cfs 0.093 af

**Pond DMH 103: DMH 103** Peak Elev=91.44' Inflow=1.27 cfs 0.221 af
18.0" Round Culvert n=0.013 L=85.0' S=0.0033 '/' Outflow=1.27 cfs 0.221 af

**Pond DMH 104: DMH 104** Peak Elev=97.99' Inflow=1.27 cfs 0.221 af
12.0" Round Culvert n=0.012 L=18.0' S=0.0222 '/' Outflow=1.27 cfs 0.221 af

**Pond ST: STORMTECH SC-310** Peak Elev=114.66' Storage=172 cf Inflow=0.27 cfs 0.024 af
Discarded=0.07 cfs 0.023 af Primary=0.07 cfs 0.002 af Outflow=0.15 cfs 0.024 af

**Pond YD #1: Cottage #1 Yard Drain** Peak Elev=107.33' Inflow=0.73 cfs 0.067 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0269 '/' Outflow=0.73 cfs 0.067 af

**Pond YD #2: Cottage #2 Yard Drain** Peak Elev=109.27' Inflow=0.54 cfs 0.050 af
12.0" Round Culvert n=0.012 L=45.0' S=0.0422 '/' Outflow=0.54 cfs 0.050 af

**Pond YD #3: Cottage #3 Yard Drain** Peak Elev=110.21' Inflow=0.40 cfs 0.035 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.40 cfs 0.035 af

**Pond YD A: YD-A** Peak Elev=105.83' Inflow=0.73 cfs 0.067 af
12.0" Round Culvert n=0.012 L=21.0' S=0.0667 '/' Outflow=0.73 cfs 0.067 af

**Pond YD C#4: Cottage #4 Yard Drain** Peak Elev=111.13' Inflow=0.22 cfs 0.018 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.22 cfs 0.018 af

**Pond YD#1: Yard Drain #1** Peak Elev=114.69' Inflow=0.27 cfs 0.024 af
6.0" Round Culvert n=0.012 L=25.0' S=0.0040 '/' Outflow=0.27 cfs 0.024 af

**Pond YD#5: Yard Drain #5** Peak Elev=113.05' Inflow=0.10 cfs 0.006 af
12.0" Round Culvert n=0.012 L=51.0' S=0.0373 '/' Outflow=0.10 cfs 0.006 af

**Link AP-1: EX CB 5944** Inflow=0.92 cfs 0.093 af
Primary=0.92 cfs 0.093 af

**Link AP-T: AP TOTAL** Inflow=2.13 cfs 0.314 af
Primary=2.13 cfs 0.314 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.337 af Average Runoff Depth = 2.73"**
**70.44% Pervious = 1.042 ac 29.56% Impervious = 0.437 ac**

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 2
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 101: Court Street & Lower** Runoff Area=5,321 sf 47.47% Impervious Runoff Depth=4.31"
Tc=6.0 min CN=85 Runoff=0.61 cfs 0.044 af

**Subcatchment 102: Ex Single Family** Runoff Area=2,345 sf 69.85% Impervious Runoff Depth=4.97"
Tc=6.0 min CN=91 Runoff=0.30 cfs 0.022 af

**Subcatchment 103: West Side of Proposed** Runoff Area=2,255 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.30 cfs 0.025 af

**Subcatchment 104: East Side of Roadway** Runoff Area=5,343 sf 65.28% Impervious Runoff Depth=4.86"
Tc=6.0 min CN=90 Runoff=0.67 cfs 0.050 af

**Subcatchment 105: East Side of Beginning** Runoff Area=1,171 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.16 cfs 0.013 af

**Subcatchment 106: West Side of Beginning** Runoff Area=833 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.11 cfs 0.009 af

**Subcatchment 107: West of Proposed** Runoff Area=14,075 sf 1.49% Impervious Runoff Depth=3.29"
Flow Length=398' Tc=15.2 min CN=75 Runoff=0.94 cfs 0.089 af

**Subcatchment 108: Area Directly to Bio #1** Runoff Area=8,504 sf 2.00% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=74 Runoff=0.73 cfs 0.052 af

**Subcatchment 109: Grass Past end of** Runoff Area=5,874 sf 8.60% Impervious Runoff Depth=2.45"
Tc=6.0 min CN=66 Runoff=0.38 cfs 0.028 af

**Subcatchment 110: Pavement to CB 104** Runoff Area=2,688 sf 71.35% Impervious Runoff Depth=4.97"
Tc=6.0 min CN=91 Runoff=0.34 cfs 0.026 af

**Subcatchment R#1: Cottage #1 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.11 cfs 0.009 af

**Subcatchment R#2: Cottage #2 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.11 cfs 0.009 af

**Subcatchment R#3: Cottage #3 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.11 cfs 0.009 af

**Subcatchment R#4: Cottage #4 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.11 cfs 0.009 af

**Subcatchment R-EX: Existing House Roof** Runoff Area=946 sf 100.00% Impervious Runoff Depth=5.77"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.010 af

**Subcatchment Y1: Cottage #1 Back Yard** Runoff Area=2,610 sf 0.00% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=74 Runoff=0.22 cfs 0.016 af

**Subcatchment Y2: Cottage #2 Back Yard** Runoff Area=1,725 sf 0.00% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=74 Runoff=0.15 cfs 0.011 af

**Subcatchment Y3: Cottage #3 Back Yard** Runoff Area=2,470 sf 0.00% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=74 Runoff=0.21 cfs 0.015 af

**Subcatchment Y4: Cottage #4 Back Yard** Runoff Area=2,985 sf 0.00% Impervious Runoff Depth=3.19"
Tc=6.0 min CN=74 Runoff=0.26 cfs 0.018 af

**Subcatchment Y5: Area South of Cottage #4** Runoff Area=2,045 sf 7.09% Impervious Runoff Depth=1.76"
Tc=6.0 min CN=58 Runoff=0.09 cfs 0.007 af

**Pond BIO #1: BIO #1** Peak Elev=103.53' Storage=2,786 cf Inflow=3.50 cfs 0.285 af
Outflow=1.67 cfs 0.285 af

**Pond CB 101: CB 101** Peak Elev=106.01' Inflow=0.67 cfs 0.050 af
12.0" Round Culvert n=0.012 L=33.0' S=0.0394 '/' Outflow=0.67 cfs 0.050 af

**Pond CB 102: CB 102** Peak Elev=105.02' Inflow=0.30 cfs 0.022 af
12.0" Round Culvert n=0.012 L=13.0' S=0.0346 '/' Outflow=0.30 cfs 0.022 af

**Pond CB 103: CB 103** Peak Elev=103.56' Inflow=0.30 cfs 0.025 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0062 '/' Outflow=0.30 cfs 0.025 af

**Pond CB 104: CB 104** Peak Elev=103.56' Inflow=0.34 cfs 0.026 af
12.0" Round Culvert n=0.012 L=7.0' S=0.0143 '/' Outflow=0.34 cfs 0.026 af

**Pond CB 105: CB 105** Peak Elev=98.14' Inflow=0.27 cfs 0.022 af
12.0" Round Culvert n=0.012 L=17.0' S=0.0118 '/' Outflow=0.27 cfs 0.022 af

**Pond CB 106: CB 106** Peak Elev=98.21' Inflow=0.11 cfs 0.009 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0125 '/' Outflow=0.11 cfs 0.009 af

**Pond DE #1: Cottage #1 Stone Drip Edge** Peak Elev=110.60' Storage=60 cf Inflow=0.11 cfs 0.009 af
Outflow=0.04 cfs 0.009 af

**Pond DE #2: Cottage #2 Stone Drip Edge** Peak Elev=111.60' Storage=60 cf Inflow=0.11 cfs 0.009 af
Outflow=0.04 cfs 0.009 af

**Pond DE #3: Cottage #3 Stone Drip Edge** Peak Elev=113.10' Storage=60 cf Inflow=0.11 cfs 0.009 af
Outflow=0.04 cfs 0.009 af

**Pond DE #4: Cottage #4 Drip Edge** Peak Elev=115.60' Storage=60 cf Inflow=0.11 cfs 0.009 af
Outflow=0.04 cfs 0.009 af

**Pond DE-EX: Stone Drip Edge Existing House** Peak Elev=106.93' Storage=78 cf Inflow=0.13 cfs 0.010 af
Outflow=0.04 cfs 0.010 af

**Pond DMH 101: DMH 101** Peak Elev=104.70' Inflow=0.96 cfs 0.072 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0385 '/' Outflow=0.96 cfs 0.072 af

**Pond DMH 102: DMH 102** Peak Elev=103.56' Inflow=1.61 cfs 0.122 af
12.0" Round Culvert n=0.012 L=19.0' S=0.0053 '/' Outflow=1.61 cfs 0.122 af

**Pond DMH 103: DMH 103** Peak Elev=91.58' Inflow=1.78 cfs 0.307 af
18.0" Round Culvert n=0.013 L=85.0' S=0.0033 '/' Outflow=1.78 cfs 0.307 af

**Pond DMH 104: DMH 104** Peak Elev=98.13' Inflow=1.78 cfs 0.307 af
12.0" Round Culvert n=0.012 L=18.0' S=0.0222 '/' Outflow=1.78 cfs 0.307 af

**Pond ST: STORMTECH SC-310** Peak Elev=114.82' Storage=199 cf Inflow=0.42 cfs 0.036 af
Discarded=0.08 cfs 0.029 af Primary=0.26 cfs 0.007 af Outflow=0.34 cfs 0.036 af

**Pond YD #1: Cottage #1 Yard Drain** Peak Elev=107.47' Inflow=1.20 cfs 0.100 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0269 '/' Outflow=1.20 cfs 0.100 af

**Pond YD #2: Cottage #2 Yard Drain** Peak Elev=109.40' Inflow=0.95 cfs 0.075 af
12.0" Round Culvert n=0.012 L=45.0' S=0.0422 '/' Outflow=0.95 cfs 0.075 af

**Pond YD #3: Cottage #3 Yard Drain** Peak Elev=110.35' Inflow=0.78 cfs 0.056 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.78 cfs 0.056 af

**Pond YD A: YD-A** Peak Elev=105.97' Inflow=1.20 cfs 0.100 af
12.0" Round Culvert n=0.012 L=21.0' S=0.0667 '/' Outflow=1.20 cfs 0.100 af

**Pond YD C#4: Cottage #4 Yard Drain** Peak Elev=111.27' Inflow=0.55 cfs 0.032 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.55 cfs 0.032 af

**Pond YD#1: Yard Drain #1** Peak Elev=114.99' Inflow=0.42 cfs 0.036 af
6.0" Round Culvert n=0.012 L=25.0' S=0.0040 '/' Outflow=0.42 cfs 0.036 af

**Pond YD#5: Yard Drain #5** Peak Elev=113.18' Inflow=0.34 cfs 0.014 af
12.0" Round Culvert n=0.012 L=51.0' S=0.0373 '/' Outflow=0.34 cfs 0.014 af

**Link AP-1: EX CB 5944** Inflow=1.32 cfs 0.132 af
Primary=1.32 cfs 0.132 af

**Link AP-T: AP TOTAL** Inflow=3.06 cfs 0.439 af
Primary=3.06 cfs 0.439 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.469 af Average Runoff Depth = 3.81"**
**70.44% Pervious = 1.042 ac 29.56% Impervious = 0.437 ac**

Time span=0.00-28.00 hrs, dt=0.01 hrs, 2801 points x 2
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

**Subcatchment 101: Court Street & Lower** Runoff Area=5,321 sf 47.47% Impervious Runoff Depth=5.43"
Tc=6.0 min CN=85 Runoff=0.76 cfs 0.055 af

**Subcatchment 102: Ex Single Family** Runoff Area=2,345 sf 69.85% Impervious Runoff Depth=6.13"
Tc=6.0 min CN=91 Runoff=0.36 cfs 0.027 af

**Subcatchment 103: West Side of Proposed** Runoff Area=2,255 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.37 cfs 0.030 af

**Subcatchment 104: East Side of Roadway** Runoff Area=5,343 sf 65.28% Impervious Runoff Depth=6.01"
Tc=6.0 min CN=90 Runoff=0.81 cfs 0.061 af

**Subcatchment 105: East Side of Beginning** Runoff Area=1,171 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.19 cfs 0.016 af

**Subcatchment 106: West Side of Beginning** Runoff Area=833 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.011 af

**Subcatchment 107: West of Proposed** Runoff Area=14,075 sf 1.49% Impervious Runoff Depth=4.32"
Flow Length=398' Tc=15.2 min CN=75 Runoff=1.23 cfs 0.116 af

**Subcatchment 108: Area Directly to Bio #1** Runoff Area=8,504 sf 2.00% Impervious Runoff Depth=4.21"
Tc=6.0 min CN=74 Runoff=0.96 cfs 0.068 af

**Subcatchment 109: Grass Past end of** Runoff Area=5,874 sf 8.60% Impervious Runoff Depth=3.35"
Tc=6.0 min CN=66 Runoff=0.53 cfs 0.038 af

**Subcatchment 110: Pavement to CB 104** Runoff Area=2,688 sf 71.35% Impervious Runoff Depth=6.13"
Tc=6.0 min CN=91 Runoff=0.41 cfs 0.032 af

**Subcatchment R#1: Cottage #1 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.011 af

**Subcatchment R#2: Cottage #2 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.011 af

**Subcatchment R#3: Cottage #3 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.011 af

**Subcatchment R#4: Cottage #4 Roof** Runoff Area=810 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.13 cfs 0.011 af

**Subcatchment R-EX: Existing House Roof** Runoff Area=946 sf 100.00% Impervious Runoff Depth=6.95"
Tc=6.0 min CN=98 Runoff=0.15 cfs 0.013 af

**Subcatchment Y1: Cottage #1 Back Yard** Runoff Area=2,610 sf 0.00% Impervious Runoff Depth=4.21"
Tc=6.0 min CN=74 Runoff=0.30 cfs 0.021 af

**Subcatchment Y2: Cottage #2 Back Yard** Runoff Area=1,725 sf 0.00% Impervious Runoff Depth=4.21"
Tc=6.0 min CN=74 Runoff=0.20 cfs 0.014 af

**Subcatchment Y3: Cottage #3 Back Yard** Runoff Area=2,470 sf 0.00% Impervious Runoff Depth=4.21"
Tc=6.0 min CN=74 Runoff=0.28 cfs 0.020 af

**Subcatchment Y4: Cottage #4 Back Yard** Runoff Area=2,985 sf 0.00% Impervious Runoff Depth=4.21"
Tc=6.0 min CN=74 Runoff=0.34 cfs 0.024 af

**Subcatchment Y5: Area South of Cottage #4** Runoff Area=2,045 sf 7.09% Impervious Runoff Depth=2.54"
Tc=6.0 min CN=58 Runoff=0.13 cfs 0.010 af

**Pond BIO #1: BIO #1** Peak Elev=103.97' Storage=3,569 cf Inflow=4.71 cfs 0.365 af
Outflow=2.49 cfs 0.365 af

**Pond CB 101: CB 101** Peak Elev=106.06' Inflow=0.81 cfs 0.061 af
12.0" Round Culvert n=0.012 L=33.0' S=0.0394 '/' Outflow=0.81 cfs 0.061 af

**Pond CB 102: CB 102** Peak Elev=105.05' Inflow=0.36 cfs 0.027 af
12.0" Round Culvert n=0.012 L=13.0' S=0.0346 '/' Outflow=0.36 cfs 0.027 af

**Pond CB 103: CB 103** Peak Elev=104.03' Inflow=0.37 cfs 0.030 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0062 '/' Outflow=0.37 cfs 0.030 af

**Pond CB 104: CB 104** Peak Elev=104.03' Inflow=0.41 cfs 0.032 af
12.0" Round Culvert n=0.012 L=7.0' S=0.0143 '/' Outflow=0.41 cfs 0.032 af

**Pond CB 105: CB 105** Peak Elev=98.39' Inflow=0.32 cfs 0.027 af
12.0" Round Culvert n=0.012 L=17.0' S=0.0118 '/' Outflow=0.32 cfs 0.027 af

**Pond CB 106: CB 106** Peak Elev=98.39' Inflow=0.13 cfs 0.011 af
12.0" Round Culvert n=0.012 L=16.0' S=0.0125 '/' Outflow=0.13 cfs 0.011 af

**Pond DE #1: Cottage #1 Stone Drip Edge** Peak Elev=110.99' Storage=81 cf Inflow=0.13 cfs 0.011 af
Outflow=0.05 cfs 0.011 af

**Pond DE #2: Cottage #2 Stone Drip Edge** Peak Elev=111.99' Storage=81 cf Inflow=0.13 cfs 0.011 af
Outflow=0.05 cfs 0.011 af

**Pond DE #3: Cottage #3 Stone Drip Edge** Peak Elev=113.49' Storage=81 cf Inflow=0.13 cfs 0.011 af
Outflow=0.05 cfs 0.011 af

**Pond DE #4: Cottage #4 Drip Edge** Peak Elev=115.99' Storage=81 cf Inflow=0.13 cfs 0.011 af
Outflow=0.05 cfs 0.011 af

**Pond DE-EX: Stone Drip Edge Existing House** Peak Elev=107.40' Storage=103 cf Inflow=0.15 cfs 0.013 af
Outflow=0.05 cfs 0.012 af

**Pond DMH 101: DMH 101** Peak Elev=104.77' Inflow=1.17 cfs 0.089 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0385 '/' Outflow=1.17 cfs 0.089 af

**Pond DMH 102: DMH 102** Peak Elev=104.04' Inflow=1.95 cfs 0.150 af
12.0" Round Culvert n=0.012 L=19.0' S=0.0053 '/' Outflow=1.95 cfs 0.150 af

**Pond DMH 103: DMH 103** Peak Elev=91.77' Inflow=2.65 cfs 0.391 af
18.0" Round Culvert n=0.013 L=85.0' S=0.0033 '/' Outflow=2.65 cfs 0.391 af

**Pond DMH 104: DMH 104** Peak Elev=98.39' Inflow=2.65 cfs 0.391 af
12.0" Round Culvert n=0.012 L=18.0' S=0.0222 '/' Outflow=2.65 cfs 0.391 af

**Pond ST: STORMTECH SC-310** Peak Elev=114.97' Storage=221 cf Inflow=0.57 cfs 0.048 af
Discarded=0.08 cfs 0.035 af Primary=0.44 cfs 0.013 af Outflow=0.52 cfs 0.048 af

**Pond YD #1: Cottage #1 Yard Drain** Peak Elev=107.63' Inflow=1.77 cfs 0.133 af
12.0" Round Culvert n=0.012 L=52.0' S=0.0269 '/' Outflow=1.77 cfs 0.133 af

**Pond YD #2: Cottage #2 Yard Drain** Peak Elev=109.54' Inflow=1.44 cfs 0.102 af
12.0" Round Culvert n=0.012 L=45.0' S=0.0422 '/' Outflow=1.44 cfs 0.102 af

**Pond YD #3: Cottage #3 Yard Drain** Peak Elev=110.47' Inflow=1.20 cfs 0.077 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=1.20 cfs 0.077 af

**Pond YD A: YD-A** Peak Elev=106.13' Inflow=1.77 cfs 0.133 af
12.0" Round Culvert n=0.012 L=21.0' S=0.0667 '/' Outflow=1.77 cfs 0.133 af

**Pond YD C#4: Cottage #4 Yard Drain** Peak Elev=111.38' Inflow=0.89 cfs 0.047 af
12.0" Round Culvert n=0.012 L=49.0' S=0.0184 '/' Outflow=0.89 cfs 0.047 af

**Pond YD#1: Yard Drain #1** Peak Elev=115.35' Inflow=0.57 cfs 0.048 af
6.0" Round Culvert n=0.012 L=25.0' S=0.0040 '/' Outflow=0.57 cfs 0.048 af

**Pond YD#5: Yard Drain #5** Peak Elev=113.28' Inflow=0.57 cfs 0.023 af
12.0" Round Culvert n=0.012 L=51.0' S=0.0373 '/' Outflow=0.57 cfs 0.023 af

**Link AP-1: EX CB 5944** Inflow=1.71 cfs 0.172 af
Primary=1.71 cfs 0.172 af

**Link AP-T: AP TOTAL** Inflow=4.21 cfs 0.563 af
Primary=4.21 cfs 0.563 af

**Total Runoff Area = 1.479 ac Runoff Volume = 0.599 af Average Runoff Depth = 4.86"**
**70.44% Pervious = 1.042 ac 29.56% Impervious = 0.437 ac**

## Summary for Subcatchment 101: Court Street & Lower End of Proposed Driveway

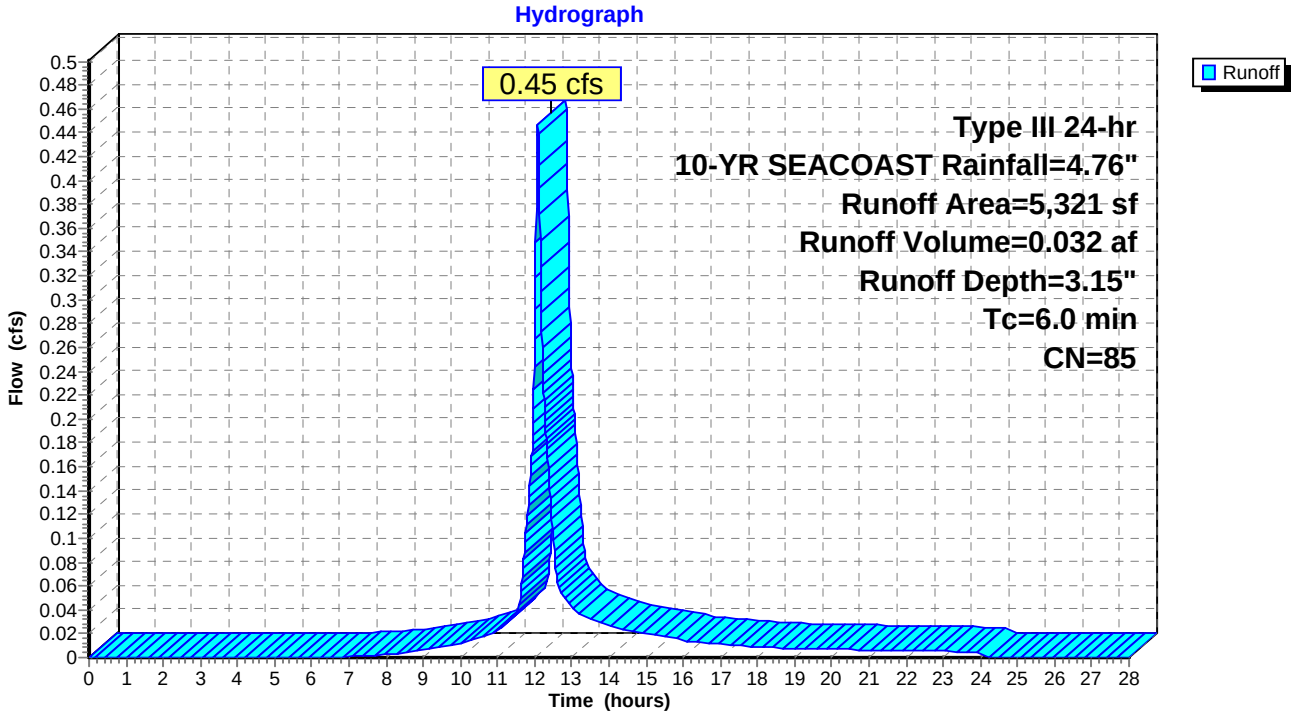
Runoff = 0.45 cfs @ 12.09 hrs, Volume= 0.032 af, Depth= 3.15"
Routed to Link AP-1 : EX CB 5944

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 2,795 | 74 | >75% Grass cover, Good, HSG C |
| 1,360 | 98 | Paved parking, HSG C |
| 1,166 | 98 | Paved parking, HSG D |
| 5,321 | 85 | Weighted Average |
| 2,795 | | 52.53% Pervious Area |
| 2,526 | | 47.47% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 101: Court Street & Lower End of Proposed Driveway



## Summary for Subcatchment 102: Ex Single Family Parking and Isle Way

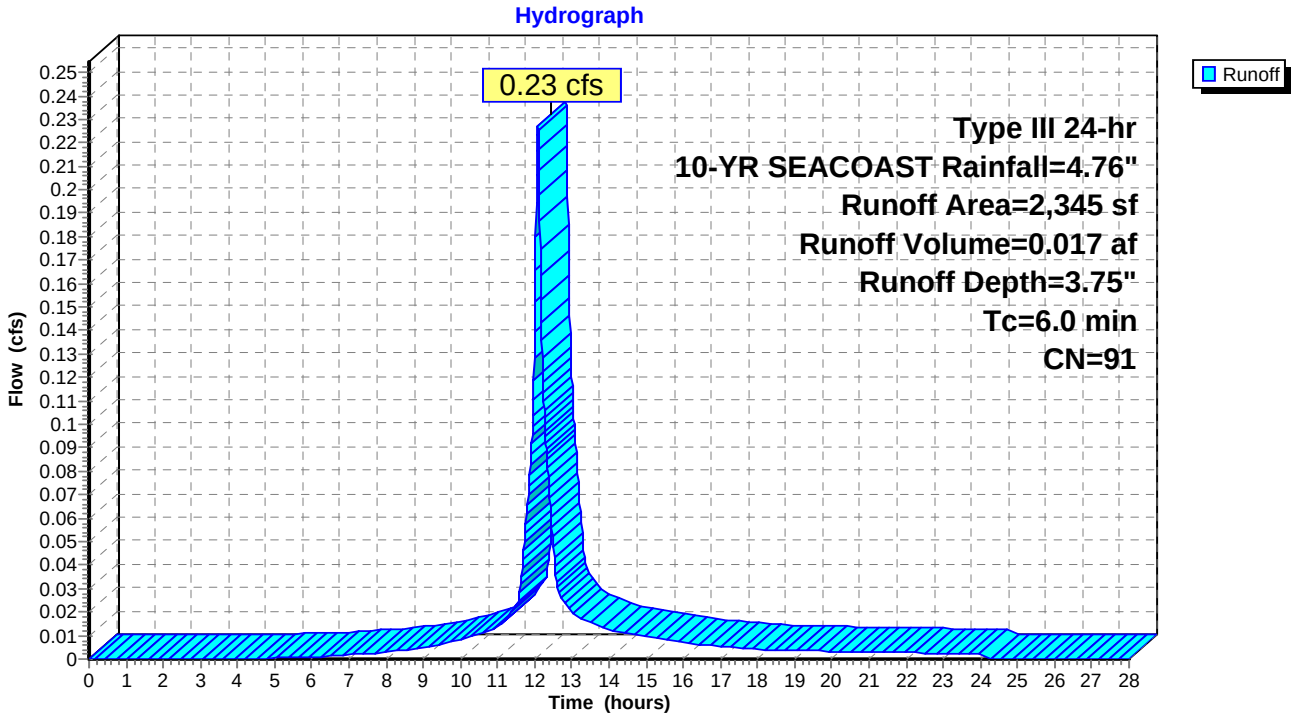
Runoff = 0.23 cfs @ 12.08 hrs, Volume= 0.017 af, Depth= 3.75"
Routed to Pond CB 102 : CB 102

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 707 | 74 | >75% Grass cover, Good, HSG C |
| 1,638 | 98 | Paved parking, HSG C |
| 2,345 | 91 | Weighted Average |
| 707 | | 30.15% Pervious Area |
| 1,638 | | 69.85% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 102: Ex Single Family Parking and Isle Way



## Summary for Subcatchment 103: West Side of Proposed Roadway STA. 1+10 To End

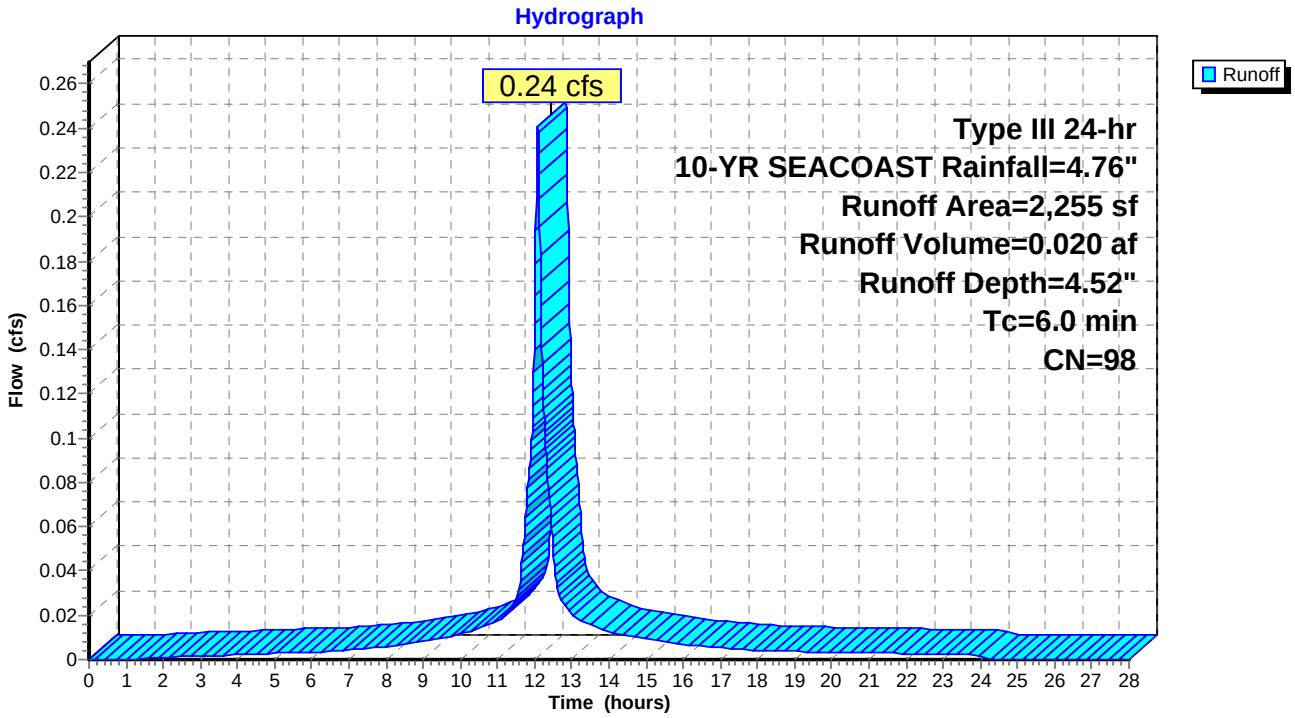
Runoff = 0.24 cfs @ 12.08 hrs, Volume= 0.020 af, Depth= 4.52"
Routed to Pond CB 103 : CB 103

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 318 | 98 | Paved parking, HSG D |
| 1,937 | 98 | Paved parking, HSG C |
| 2,255 | 98 | Weighted Average |
| 2,255 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 103: West Side of Proposed Roadway STA. 1+10 To End



## Summary for Subcatchment 104: East Side of Roadway From 2+00 to End

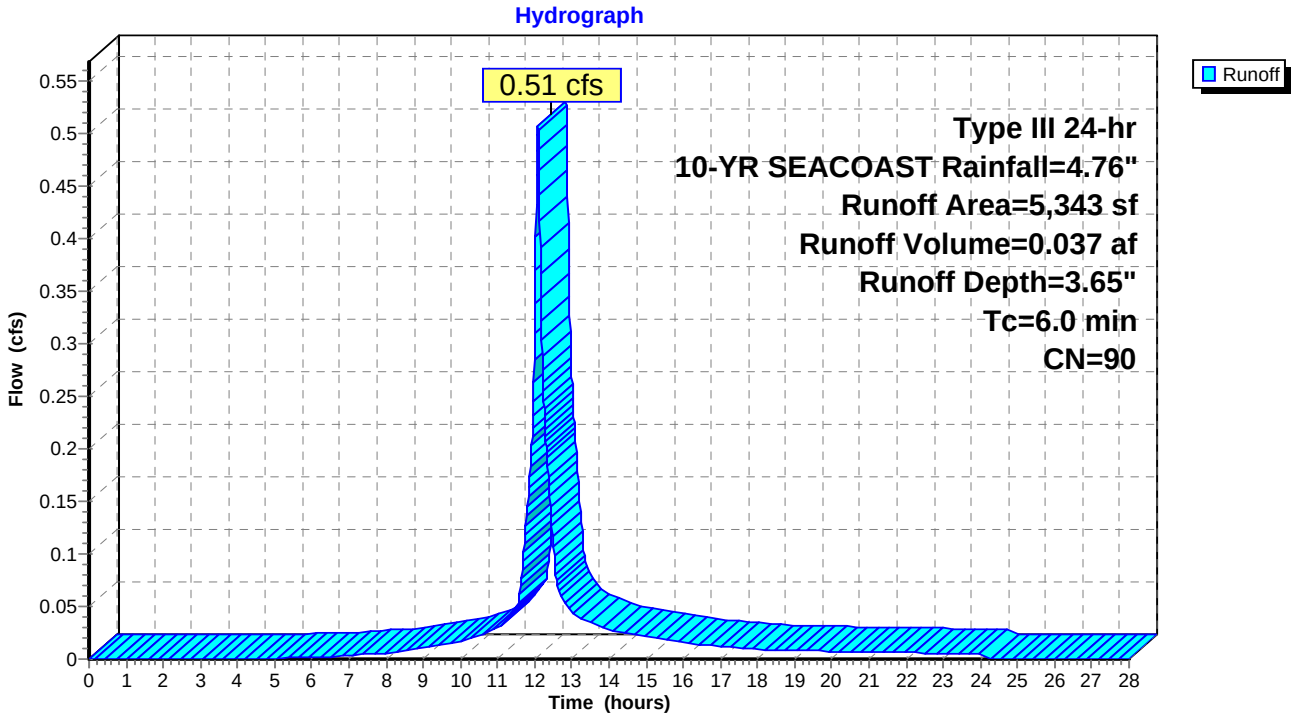
Runoff = 0.51 cfs @ 12.09 hrs, Volume= 0.037 af, Depth= 3.65"
Routed to Pond CB 101 : CB 101

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 1,855 | 74 | >75% Grass cover, Good, HSG C |
| 3,488 | 98 | Paved parking, HSG C |
| 5,343 | 90 | Weighted Average |
| 1,855 | | 34.72% Pervious Area |
| 3,488 | | 65.28% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 104: East Side of Roadway From 2+00 to End



## Summary for Subcatchment 105: East Side of Beginning of Roadway and Sidewalk

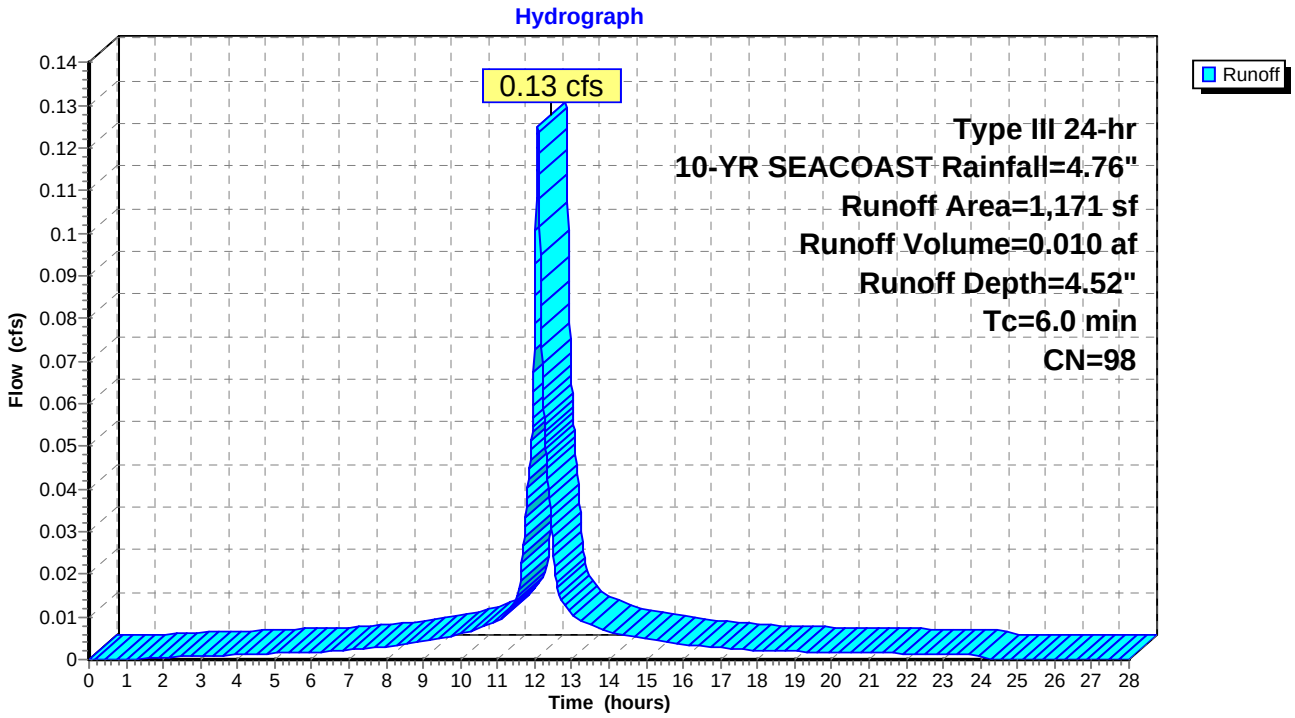
Runoff = 0.13 cfs @ 12.08 hrs, Volume= 0.010 af, Depth= 4.52"
Routed to Pond CB 105 : CB 105

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 271 | 98 | Paved parking, HSG D |
| 900 | 98 | Paved parking, HSG C |
| 1,171 | 98 | Weighted Average |
| 1,171 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

### Subcatchment 105: East Side of Beginning of Roadway and Sidewalk



## Summary for Subcatchment 106: West Side of Beginning of Roadway

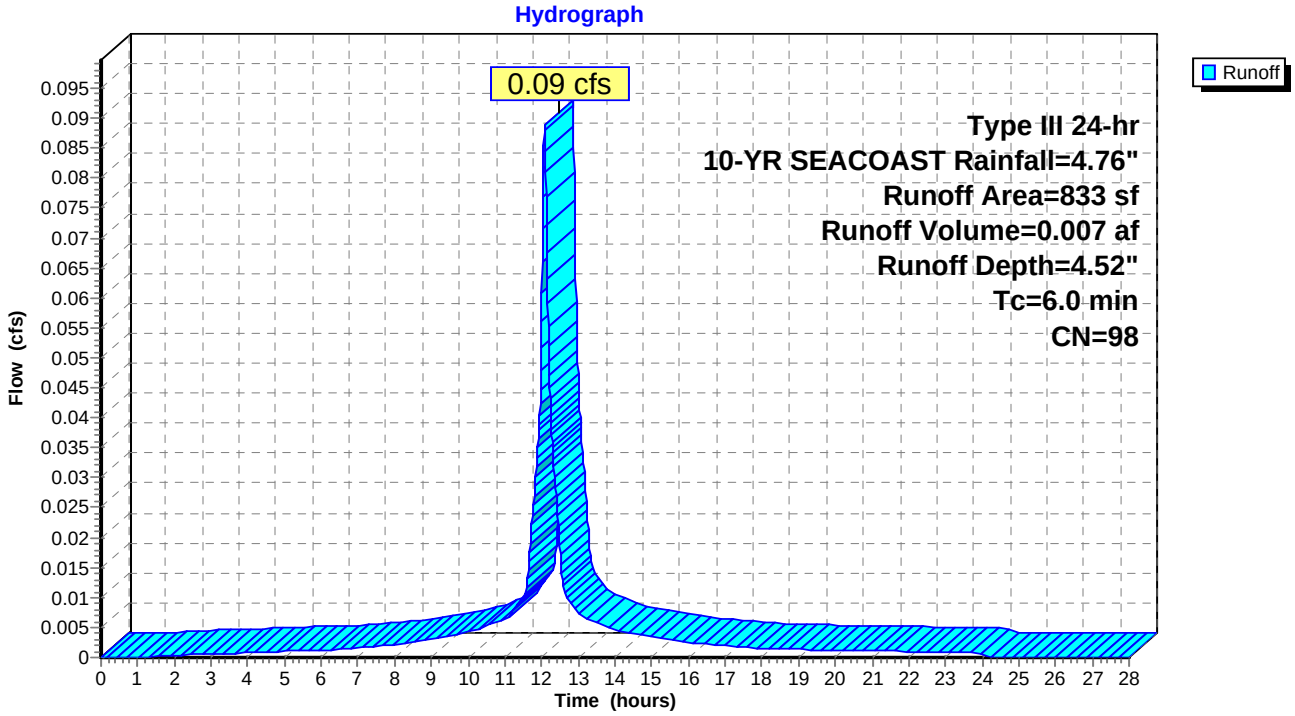
Runoff = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af, Depth= 4.52"
Routed to Pond CB 106 : CB 106

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 833 | 98 | Paved parking, HSG D |
| 833 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 106: West Side of Beginning of Roadway



## Summary for Subcatchment 107: West of Proposed Driveway

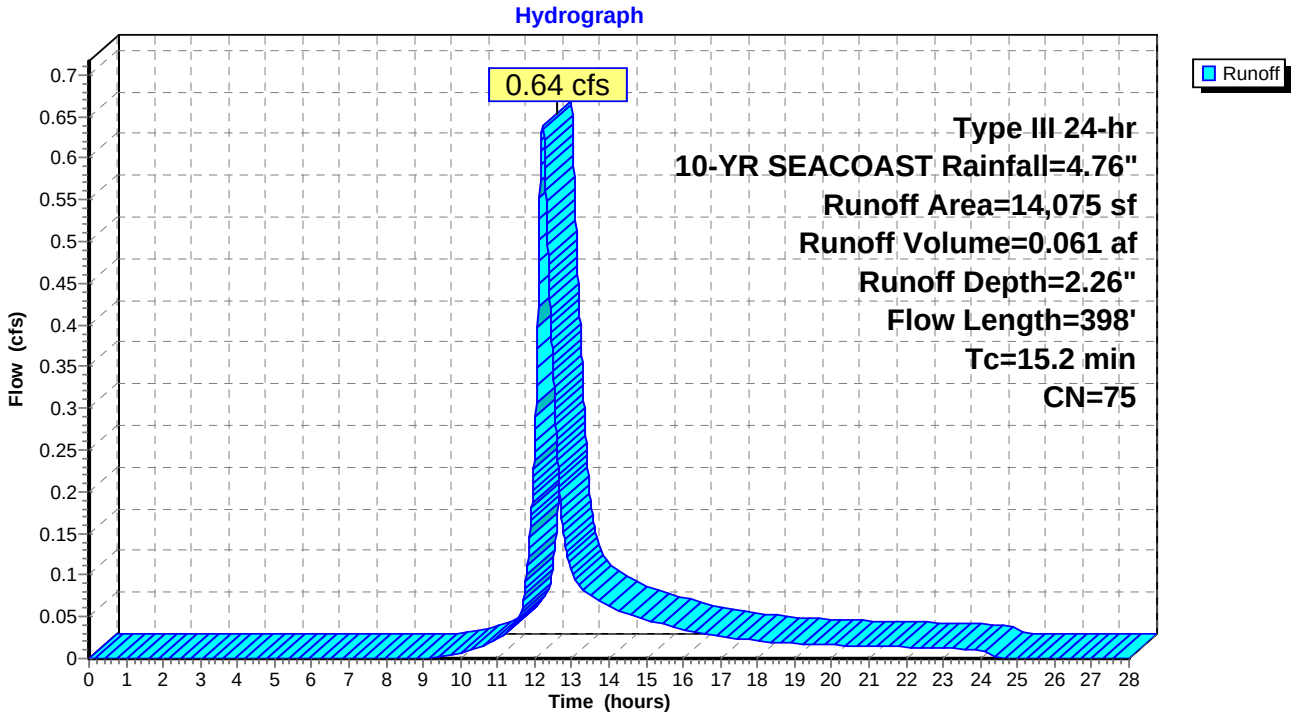
Runoff = 0.64 cfs @ 12.21 hrs, Volume= 0.061 af, Depth= 2.26"
Routed to Link AP-1 : EX CB 5944

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 105 | 98 | Paved parking, HSG A |
| 195 | 39 | >75% Grass cover, Good, HSG A |
| 253 | 32 | Woods/grass comb., Good, HSG A |
| 1,270 | 72 | Woods/grass comb., Good, HSG C |
| 7,670 | 74 | >75% Grass cover, Good, HSG C |
| 4,477 | 80 | >75% Grass cover, Good, HSG D |
| 105 | 98 | Paved parking, HSG D |
| 14,075 | 75 | Weighted Average |
| 13,865 | | 98.51% Pervious Area |
| 210 | | 1.49% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 0.2 | 8 | 0.0200 | 0.82 | | **Sheet Flow, Sheet Pave**<br>Smooth surfaces n= 0.011 P2= 3.15" |
| 10.9 | 35 | 0.0550 | 0.05 | | **Sheet Flow, Sheet Brush**<br>Woods: Dense underbrush n= 0.800 P2= 3.15" |
| 0.7 | 55 | 0.0350 | 1.31 | | **Shallow Concentrated Flow, SC Grass**<br>Short Grass Pasture Kv= 7.0 fps |
| 3.4 | 300 | 0.0450 | 1.48 | | **Shallow Concentrated Flow, SC Grass**<br>Short Grass Pasture Kv= 7.0 fps |
| 15.2 | 398 | Total | | | |

## Subcatchment 107: West of Proposed Driveway



## Summary for Subcatchment 108: Area Directly to Bio #1

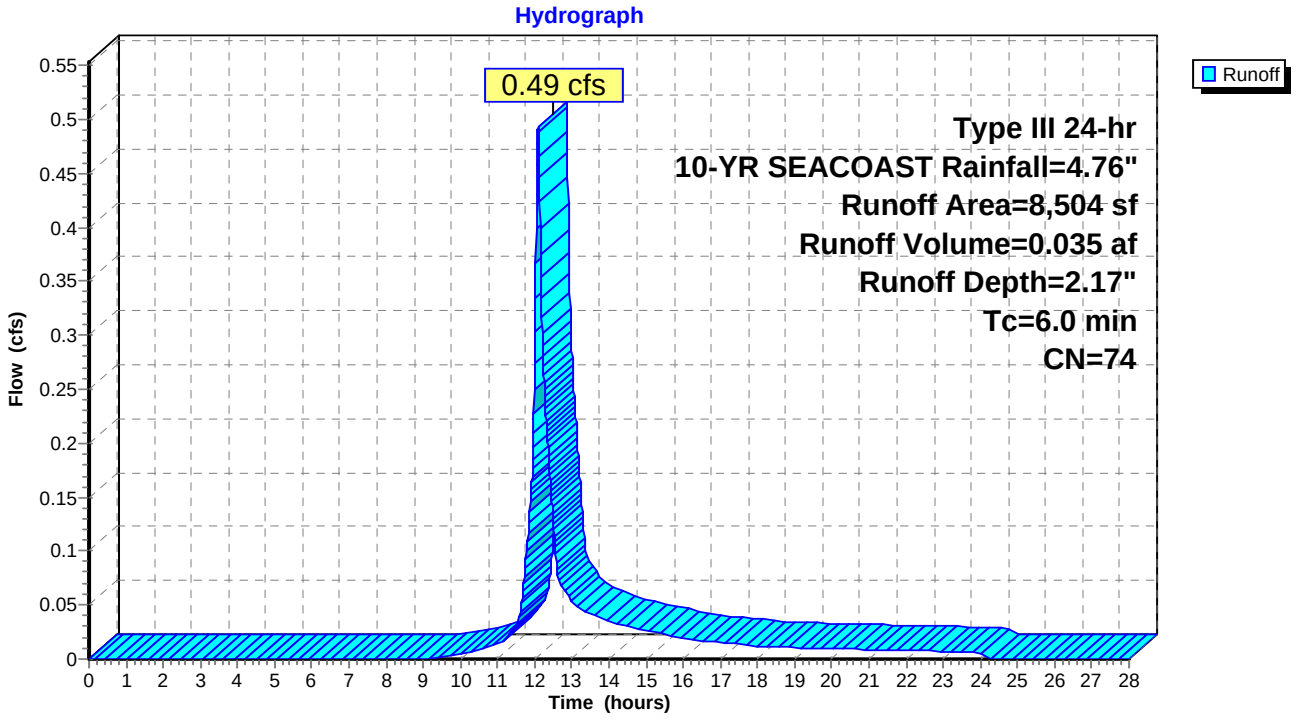
Runoff = 0.49 cfs @ 12.09 hrs, Volume= 0.035 af, Depth= 2.17"
Routed to Pond BIO #1 : BIO #1

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 170 | 98 | Paved parking, HSG C |
| 8,334 | 74 | >75% Grass cover, Good, HSG C |
| 8,504 | 74 | Weighted Average |
| 8,334 | | 98.00% Pervious Area |
| 170 | | 2.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 108: Area Directly to Bio #1



## Summary for Subcatchment 109: Grass Past end of Roadway

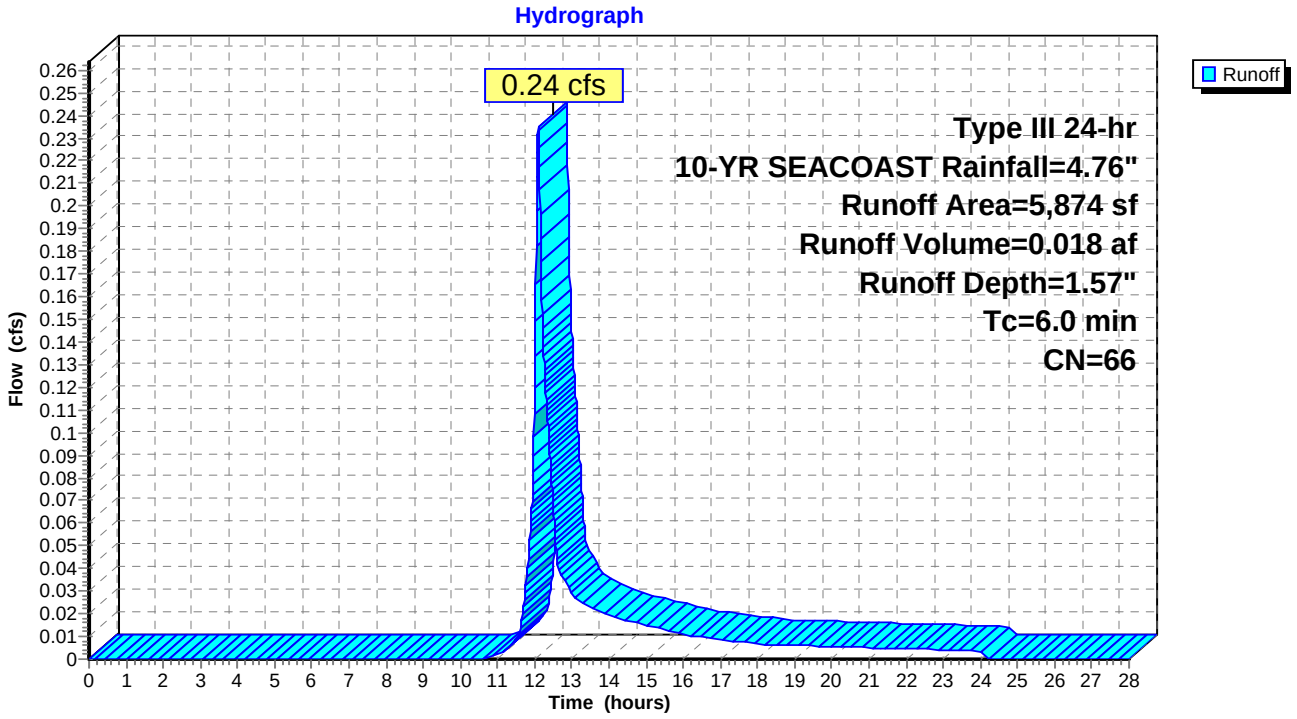
Runoff = 0.24 cfs @ 12.10 hrs, Volume= 0.018 af, Depth= 1.57"
Routed to Pond YD#1 : Yard Drain #1

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 380 | 98 | Paved parking, HSG A |
| 2,270 | 57 | Woods/grass comb., Poor, HSG A |
| 634 | 39 | >75% Grass cover, Good, HSG A |
| 2,390 | 74 | >75% Grass cover, Good, HSG C |
| 125 | 98 | Paved parking, HSG C |
| 75 | 82 | Woods/grass comb., Poor, HSG C |
| 5,874 | 66 | Weighted Average |
| 5,369 | | 91.40% Pervious Area |
| 505 | | 8.60% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 109: Grass Past end of Roadway



## Summary for Subcatchment 110: Pavement to CB 104

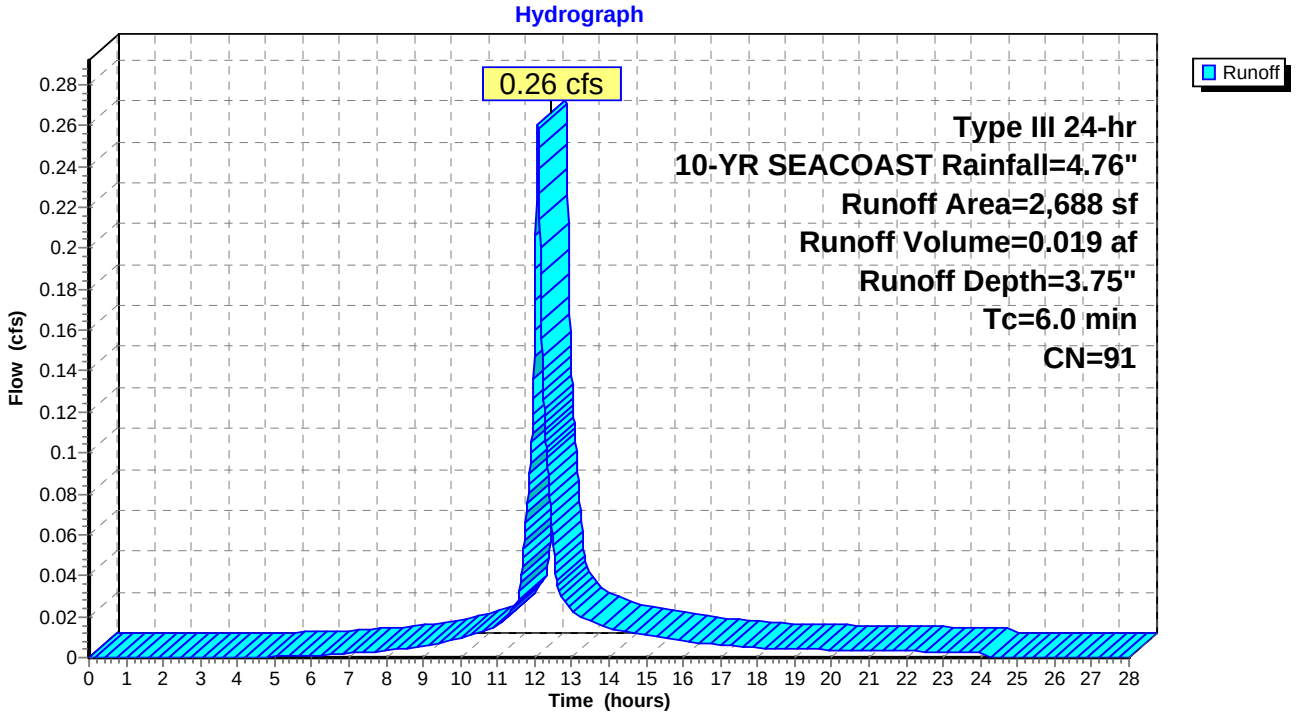
Runoff = 0.26 cfs @ 12.08 hrs, Volume= 0.019 af, Depth= 3.75"
Routed to Pond CB 104 : CB 104

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 202 | 98 | Paved parking, HSG D |
| 1,716 | 98 | Paved parking, HSG C |
| 770 | 74 | >75% Grass cover, Good, HSG C |
| 2,688 | 91 | Weighted Average |
| 770 | | 28.65% Pervious Area |
| 1,918 | | 71.35% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment 110: Pavement to CB 104



## Summary for Subcatchment R#1: Cottage #1 Roof

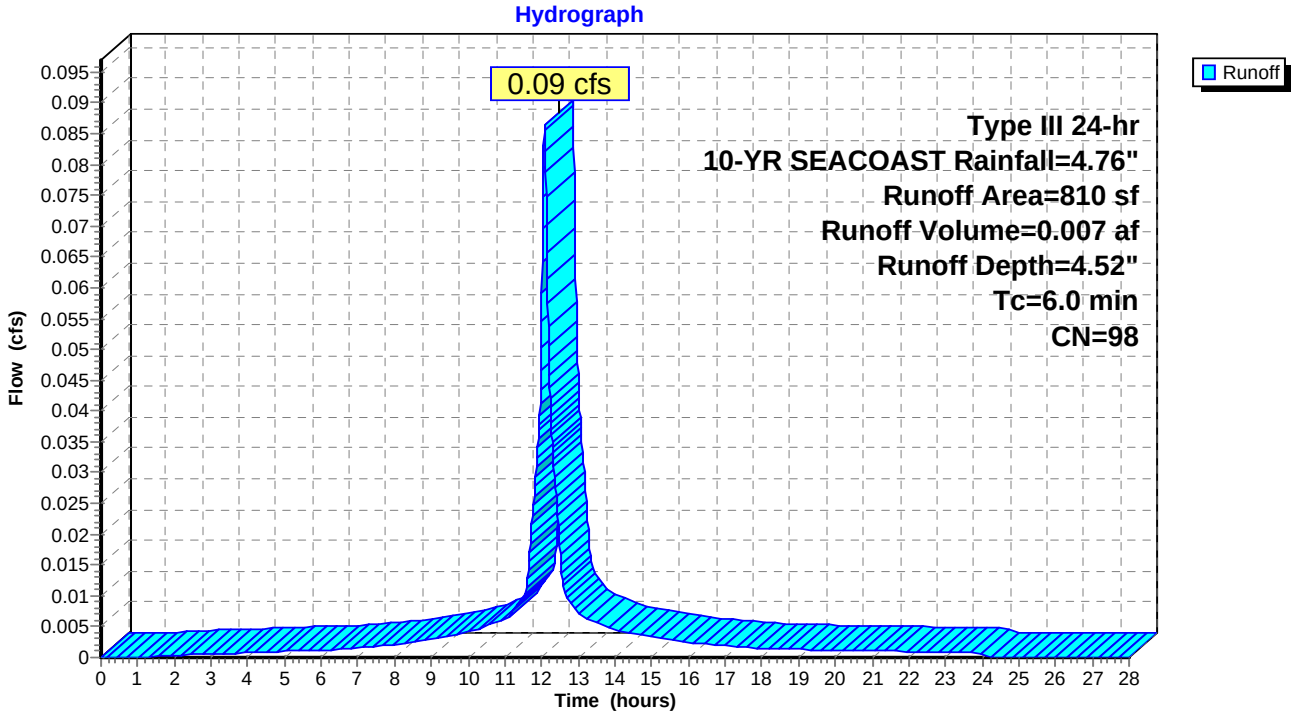
Runoff = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af, Depth= 4.52"
Routed to Pond DE #1 : Cottage #1 Stone Drip Edge

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 810 | 98 | Roofs, HSG C |
| 810 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment R#1: Cottage #1 Roof



## Summary for Subcatchment R#2: Cottage #2 Roof

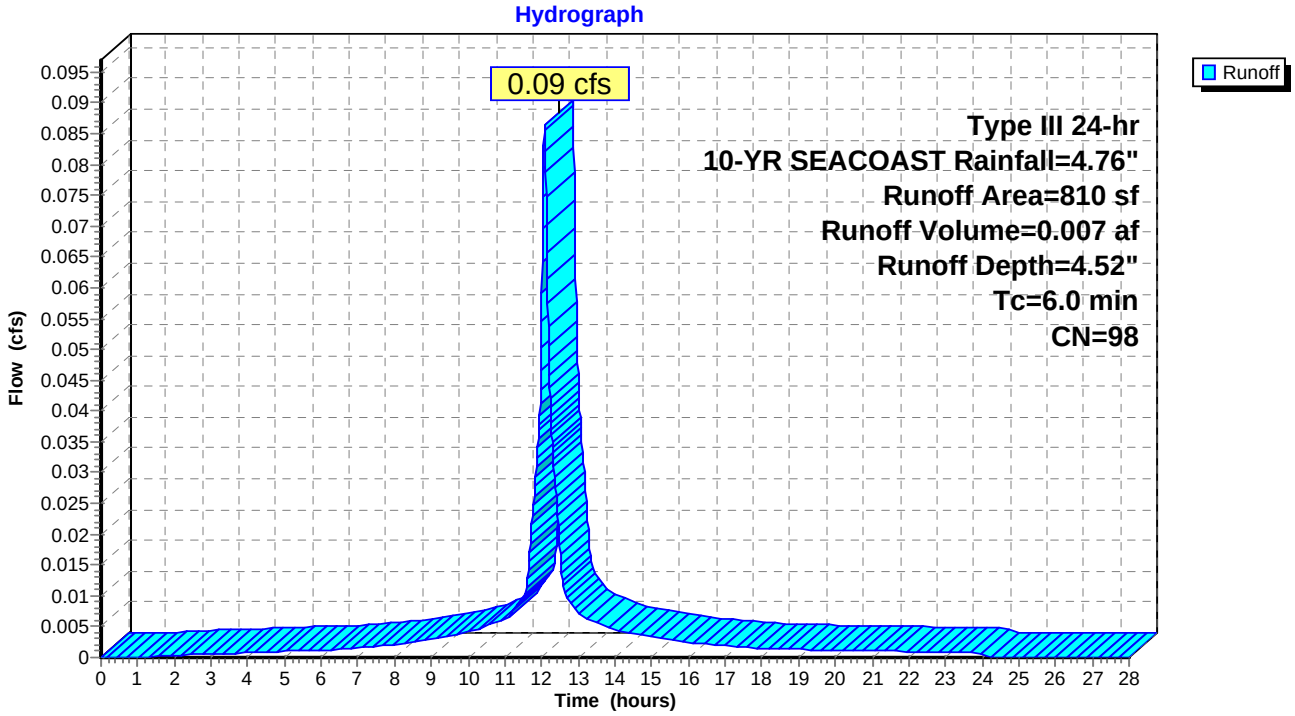
Runoff = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af, Depth= 4.52"
Routed to Pond DE #2 : Cottage #2 Stone Drip Edge

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 810 | 98 | Roofs, HSG C |
| 810 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment R#2: Cottage #2 Roof



## Summary for Subcatchment R#3: Cottage #3 Roof

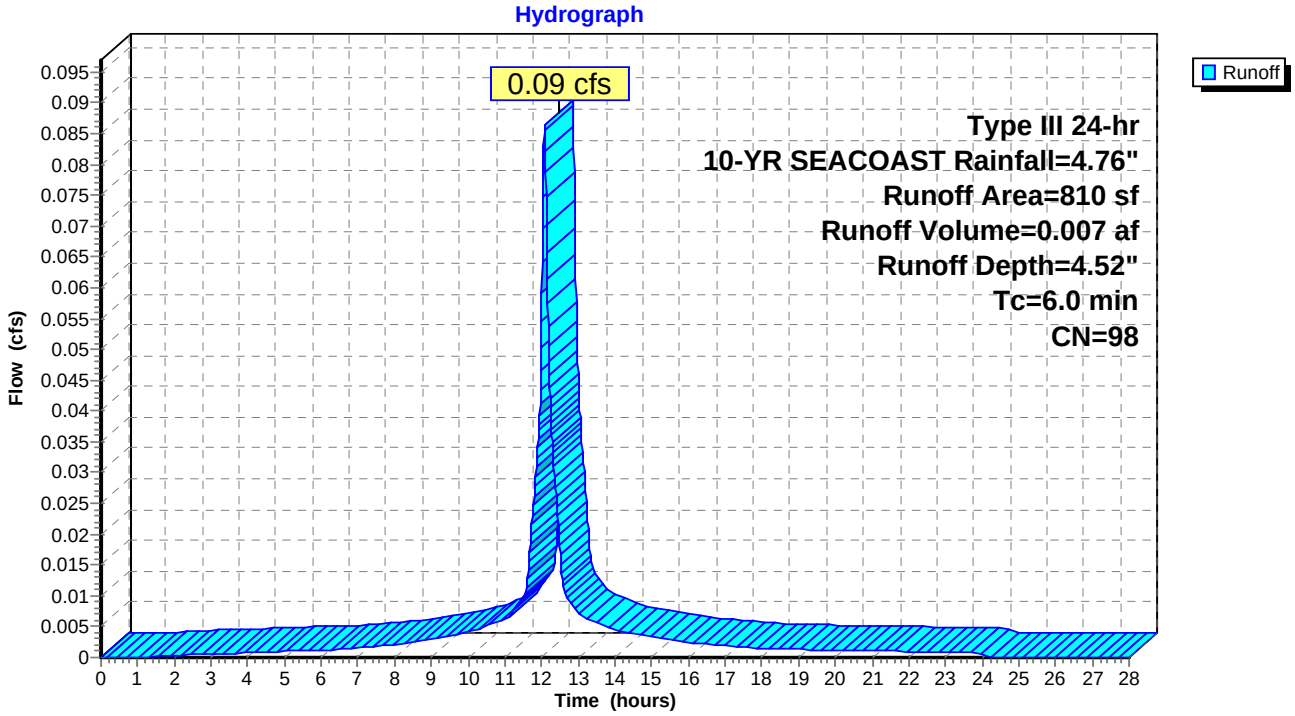
Runoff = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af, Depth= 4.52"
Routed to Pond DE #3 : Cottage #3 Stone Drip Edge

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 810 | 98 | Roofs, HSG C |
| 810 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment R#3: Cottage #3 Roof



## Summary for Subcatchment R#4: Cottage #4 Roof

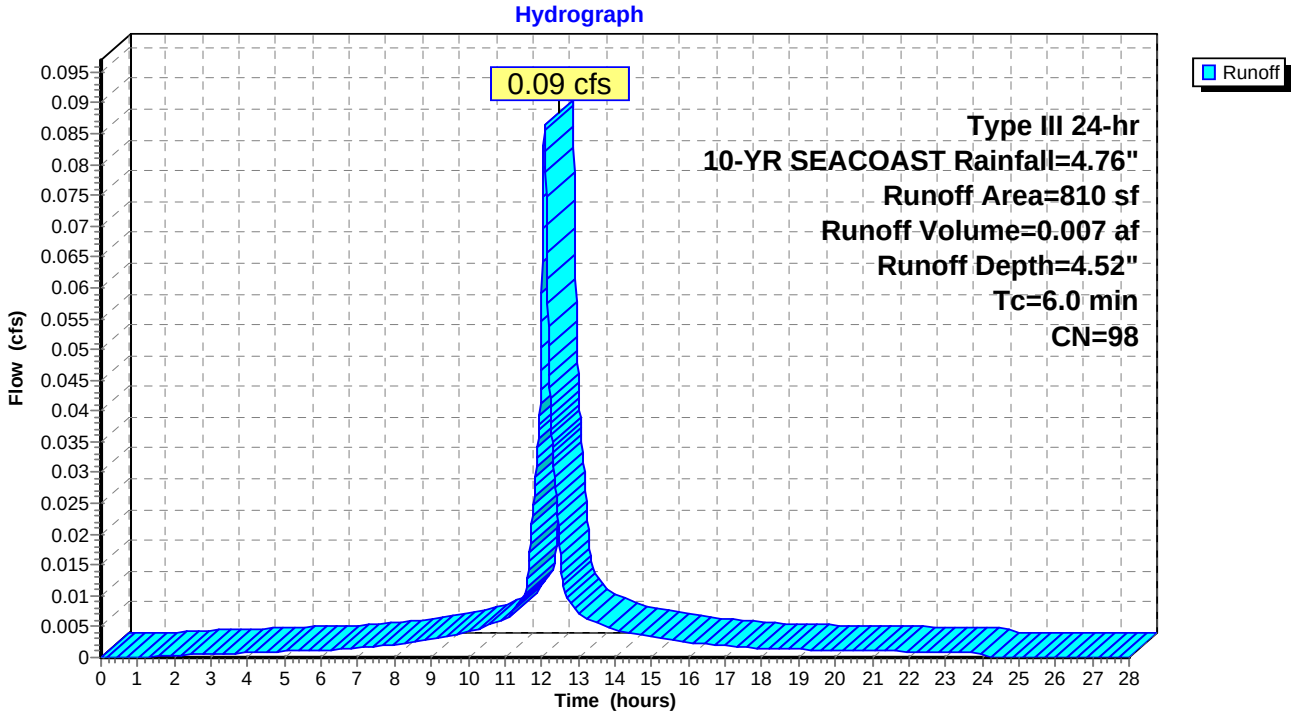
Runoff = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af, Depth= 4.52"
Routed to Pond DE #4 : Cottage #4 Drip Edge

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 810 | 98 | Roofs, HSG C |
| 810 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment R#4: Cottage #4 Roof



## Summary for Subcatchment R-EX: Existing House Roof

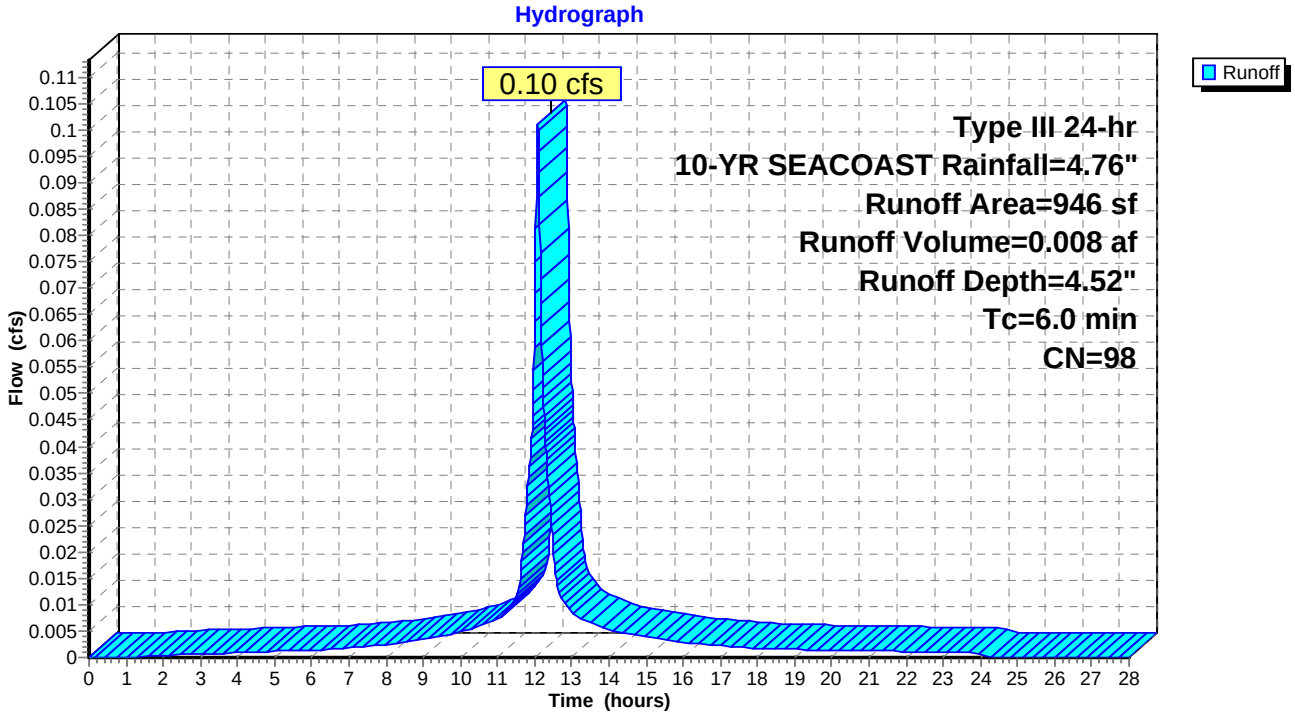
Runoff = 0.10 cfs @ 12.08 hrs, Volume= 0.008 af, Depth= 4.52"
Routed to Pond DE-EX : Stone Drip Edge Existing House

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 946 | 98 | Roofs, HSG C |
| 946 | | 100.00% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment R-EX: Existing House Roof



## Summary for Subcatchment Y1: Cottage #1 Back Yard

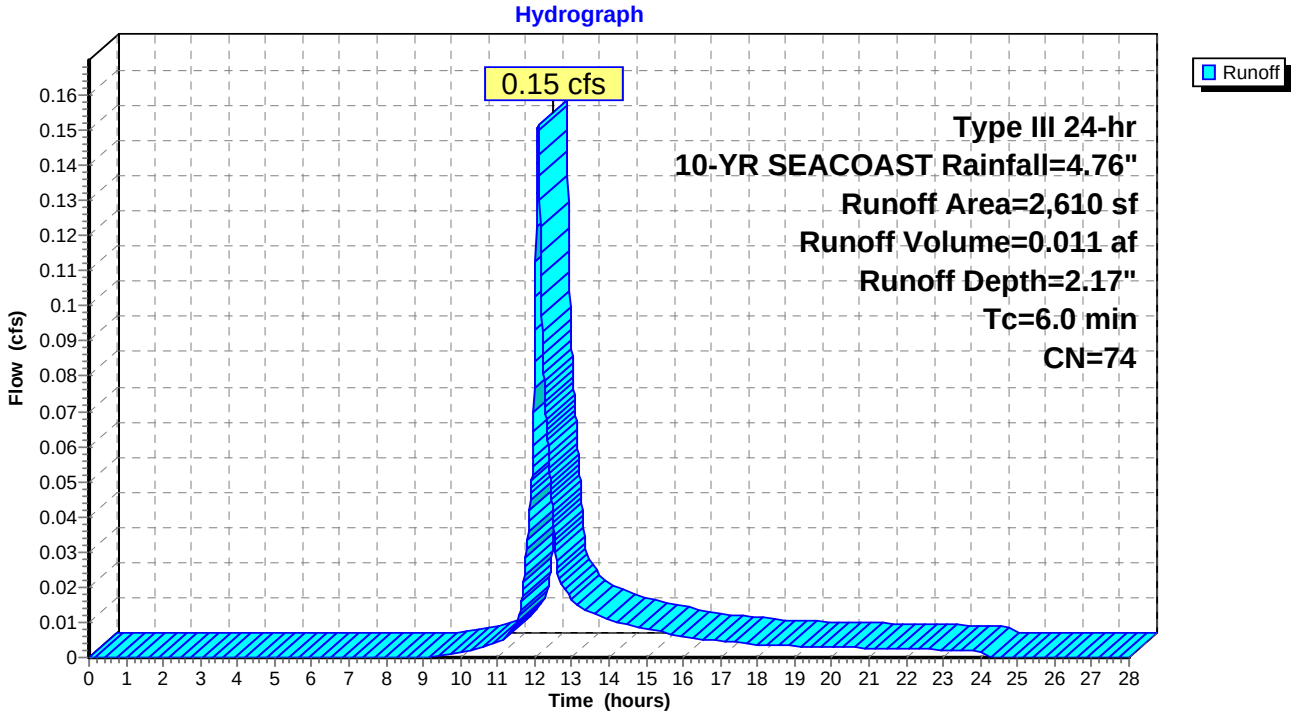
Runoff = 0.15 cfs @ 12.09 hrs, Volume= 0.011 af, Depth= 2.17"
Routed to Pond YD #1 : Cottage #1 Yard Drain

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 2,610 | 74 | >75% Grass cover, Good, HSG C |
| 2,610 | | 100.00% Pervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment Y1: Cottage #1 Back Yard



## Summary for Subcatchment Y2: Cottage #2 Back Yard

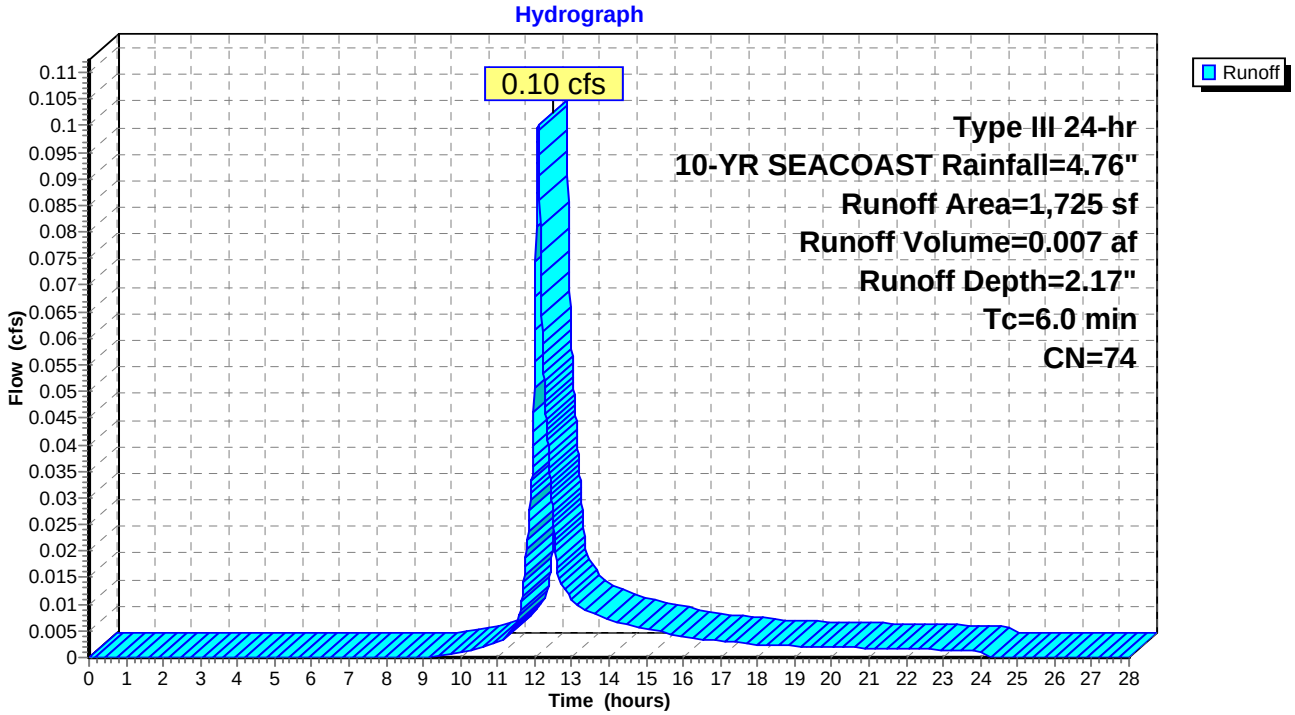
Runoff = 0.10 cfs @ 12.09 hrs, Volume= 0.007 af, Depth= 2.17"
Routed to Pond YD #2 : Cottage #2 Yard Drain

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 1,725 | 74 | >75% Grass cover, Good, HSG C |
| 1,725 | | 100.00% Pervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment Y2: Cottage #2 Back Yard



## Summary for Subcatchment Y3: Cottage #3 Back Yard

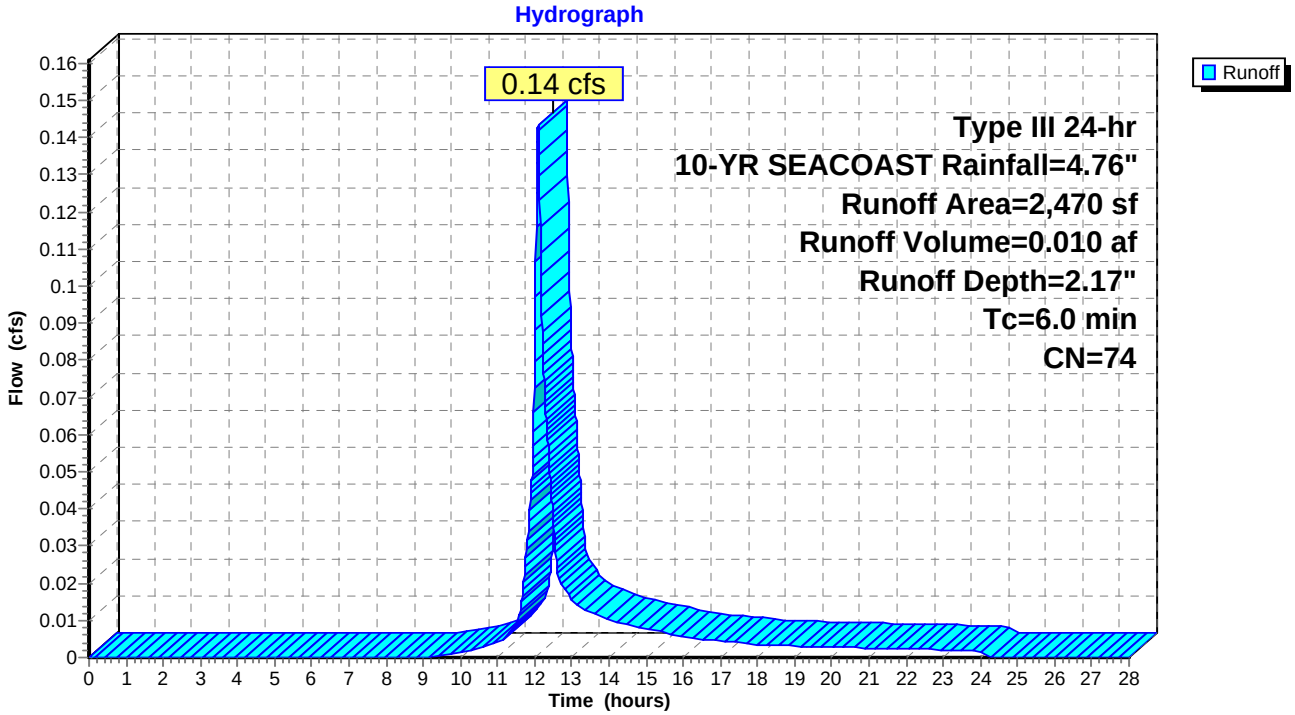
Runoff = 0.14 cfs @ 12.09 hrs, Volume= 0.010 af, Depth= 2.17"
Routed to Pond YD #3 : Cottage #3 Yard Drain

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 2,470 | 74 | >75% Grass cover, Good, HSG C |
| 2,470 | | 100.00% Pervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment Y3: Cottage #3 Back Yard



## Summary for Subcatchment Y4: Cottage #4 Back Yard

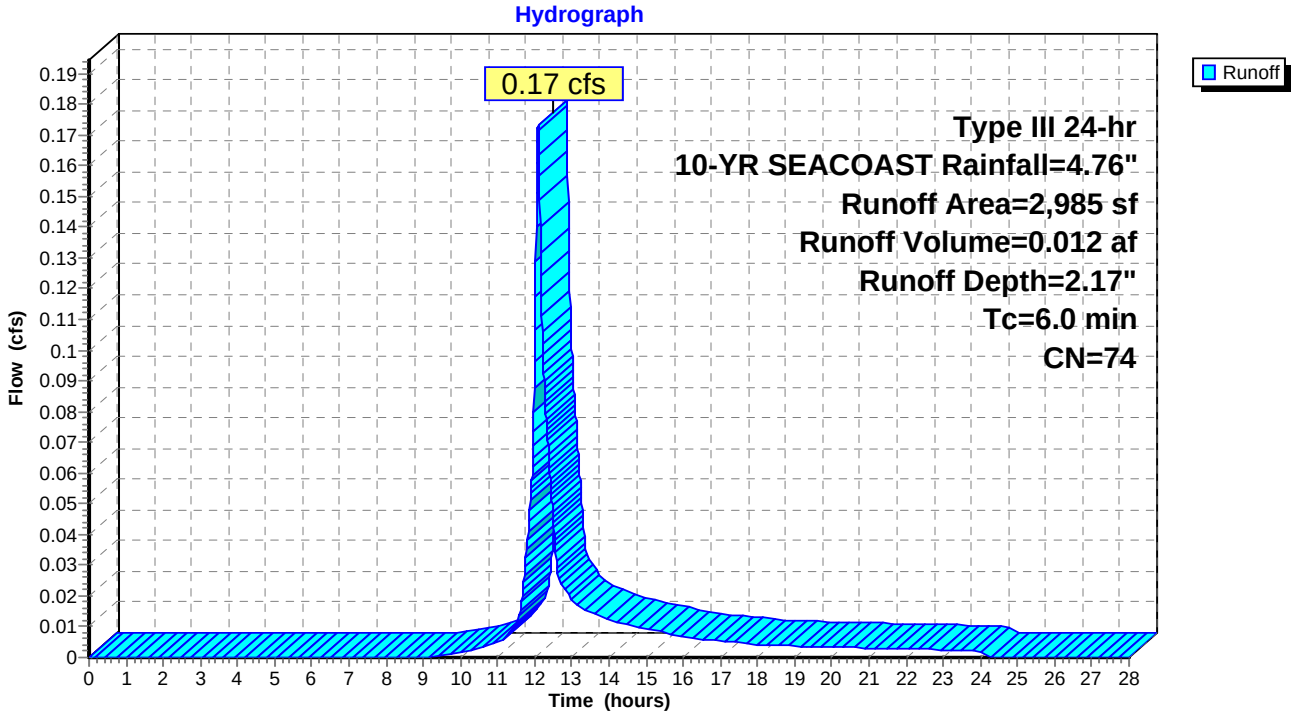
Runoff = 0.17 cfs @ 12.09 hrs, Volume= 0.012 af, Depth= 2.17"
Routed to Pond YD C#4 : Cottage #4 Yard Drain

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 2,985 | 74 | >75% Grass cover, Good, HSG C |
| 2,985 | | 100.00% Pervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment Y4: Cottage #4 Back Yard



## Summary for Subcatchment Y5: Area South of Cottage #4 to YD#5

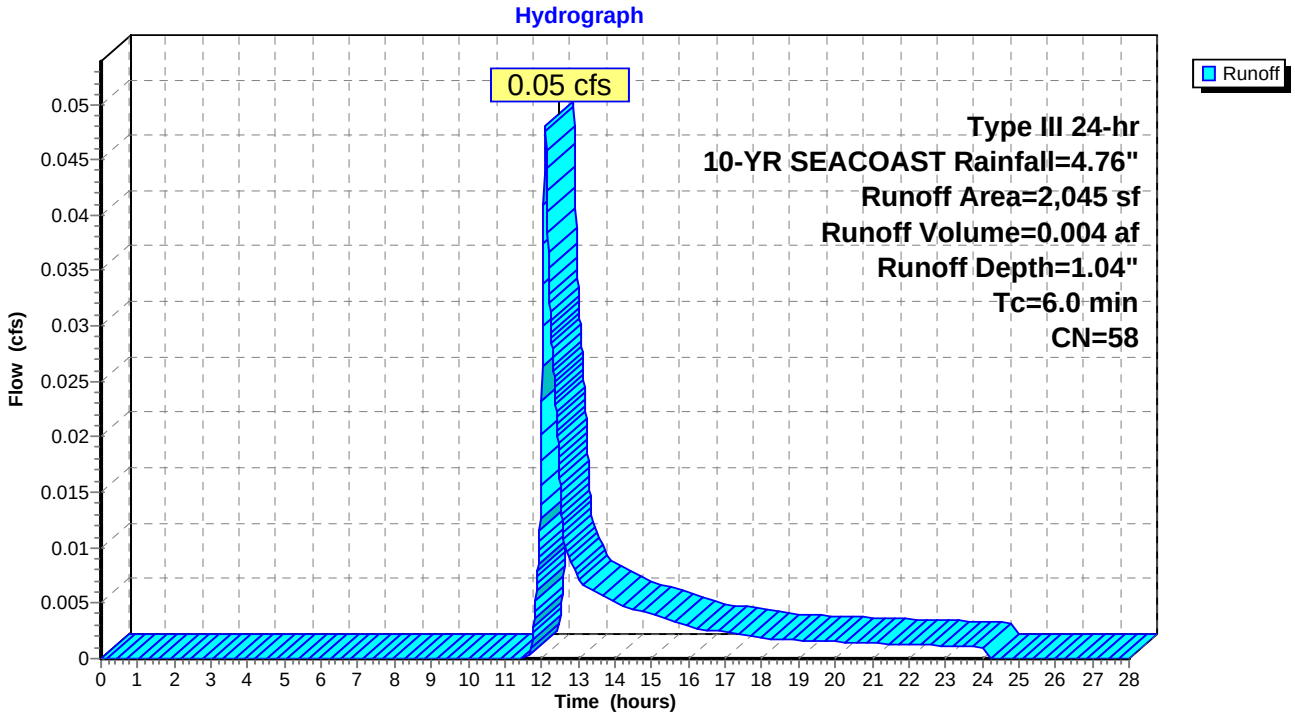
Runoff = 0.05 cfs @ 12.10 hrs, Volume= 0.004 af, Depth= 1.04"
Routed to Pond YD#5 : Yard Drain #5

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs
Type III 24-hr 10-YR SEACOAST Rainfall=4.76"

| Area (sf) | CN | Description |
|---|---|---|
| 300 | 39 | >75% Grass cover, Good, HSG A |
| 598 | 32 | Woods/grass comb., Good, HSG A |
| 145 | 98 | Paved parking, HSG A |
| 565 | 74 | >75% Grass cover, Good, HSG C |
| 437 | 72 | Woods/grass comb., Good, HSG C |
| 2,045 | 58 | Weighted Average |
| 1,900 | | 92.91% Pervious Area |
| 145 | | 7.09% Impervious Area |

| Tc (min) | Length (feet) | Slope (ft/ft) | Velocity (ft/sec) | Capacity (cfs) | Description |
|---|---|---|---|---|---|
| 6.0 | | | | | **Direct Entry, Min Tc** |

## Subcatchment Y5: Area South of Cottage #4 to YD#5



## Summary for Pond BIO #1: BIO #1

Inflow Area = 0.988 ac, 33.24% Impervious, Inflow Depth = 2.47" for 10-YR SEACOAST event
Inflow = 2.49 cfs @ 12.09 hrs, Volume= 0.204 af
Outflow = 1.19 cfs @ 12.32 hrs, Volume= 0.204 af, Atten= 52%, Lag= 14.1 min
Primary = 1.19 cfs @ 12.32 hrs, Volume= 0.204 af
Routed to Pond DMH 104 : DMH 104

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 102.94' @ 12.32 hrs Surf.Area= 1,128 sf Storage= 1,993 cf
Flood Elev= 104.00' Surf.Area= 2,015 sf Storage= 3,623 cf

Plug-Flow detention time= 35.1 min calculated for 0.204 af (100% of inflow)
Center-of-Mass det. time= 35.1 min ( 838.5 - 803.4 )

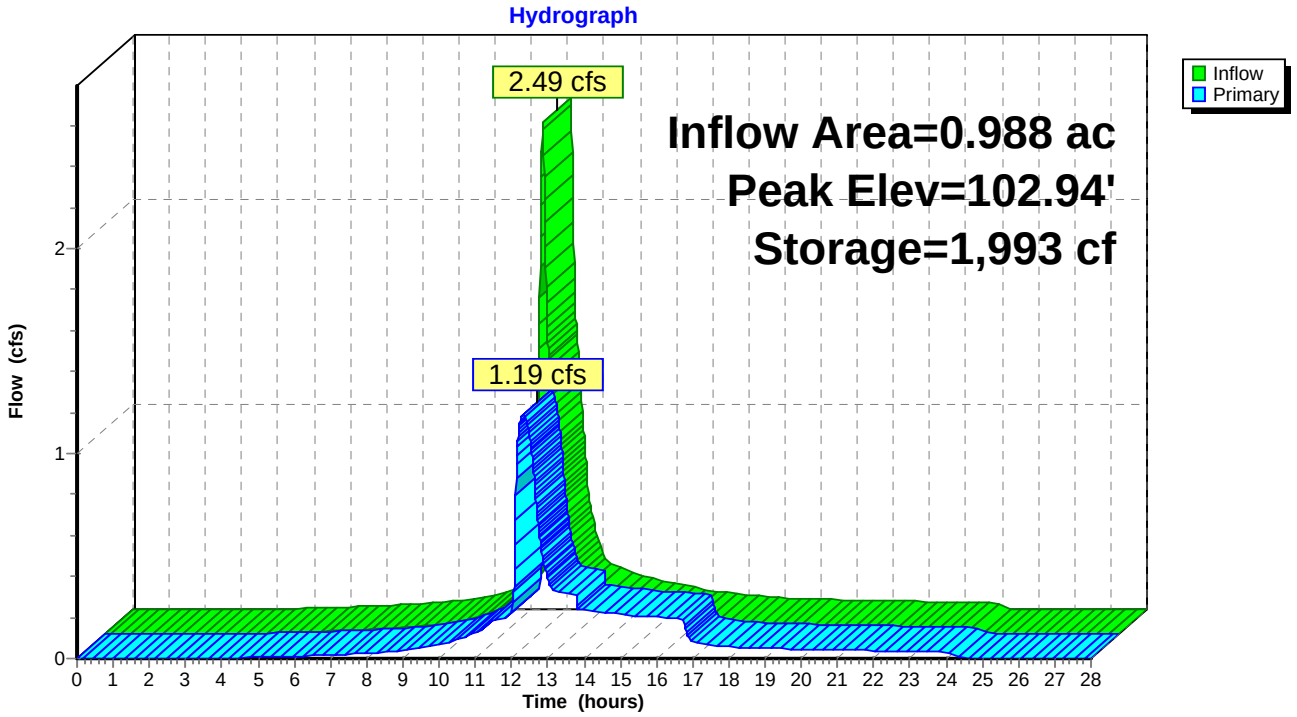
| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 99.24' | 3,623 cf | **Custom Stage Data (Conic)**Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 99.24 | 1,350 | 0.0 | 0 | 0 | 1,350 |
| 99.25 | 1,350 | 40.0 | 5 | 5 | 1,351 |
| 100.49 | 1,350 | 40.0 | 670 | 675 | 1,513 |
| 100.50 | 1,350 | 20.0 | 3 | 678 | 1,514 |
| 101.99 | 1,350 | 20.0 | 402 | 1,080 | 1,708 |
| 102.00 | 800 | 100.0 | 11 | 1,091 | 2,258 |
| 103.00 | 1,150 | 100.0 | 970 | 2,060 | 2,625 |
| 104.00 | 2,015 | 100.0 | 1,562 | 3,623 | 3,501 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 3 | 99.24' | **6.000 in/hr Exfiltration to Underdrain over Wetted area**<br>Phase-In= 0.10' |
| #2 | Device 3 | 103.95' | **0.5" x 4.5" Horiz. Orifice/Grate Overflow X 14.00 columns**<br>X 4 rows C= 0.600 Limited to weir flow at low heads |
| #3 | Primary | 99.20' | **12.0" Round 12" HDPE (P-8)**<br>L= 65.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 99.20' / 97.50' S= 0.0262 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |
| #4 | Device 3 | 102.30' | **9.0" W x 4.0" H Vert. Orifice in the side of OS #1** C= 0.600<br>Limited to weir flow at low heads |

**Primary OutFlow** Max=1.19 cfs @ 12.32 hrs HW=102.94' TW=97.99' (Dynamic Tailwater)
└**3=12" HDPE (P-8)** (Passes 1.19 cfs of 6.81 cfs potential flow)
├**1=Exfiltration to Underdrain** (Exfiltration Controls 0.36 cfs)
├**2=Orifice/Grate Overflow** ( Controls 0.00 cfs)
└**4=Orifice in the side of OS #1** (Orifice Controls 0.82 cfs @ 3.30 fps)

## Pond BIO #1: BIO #1



## Summary for Pond CB 101: CB 101

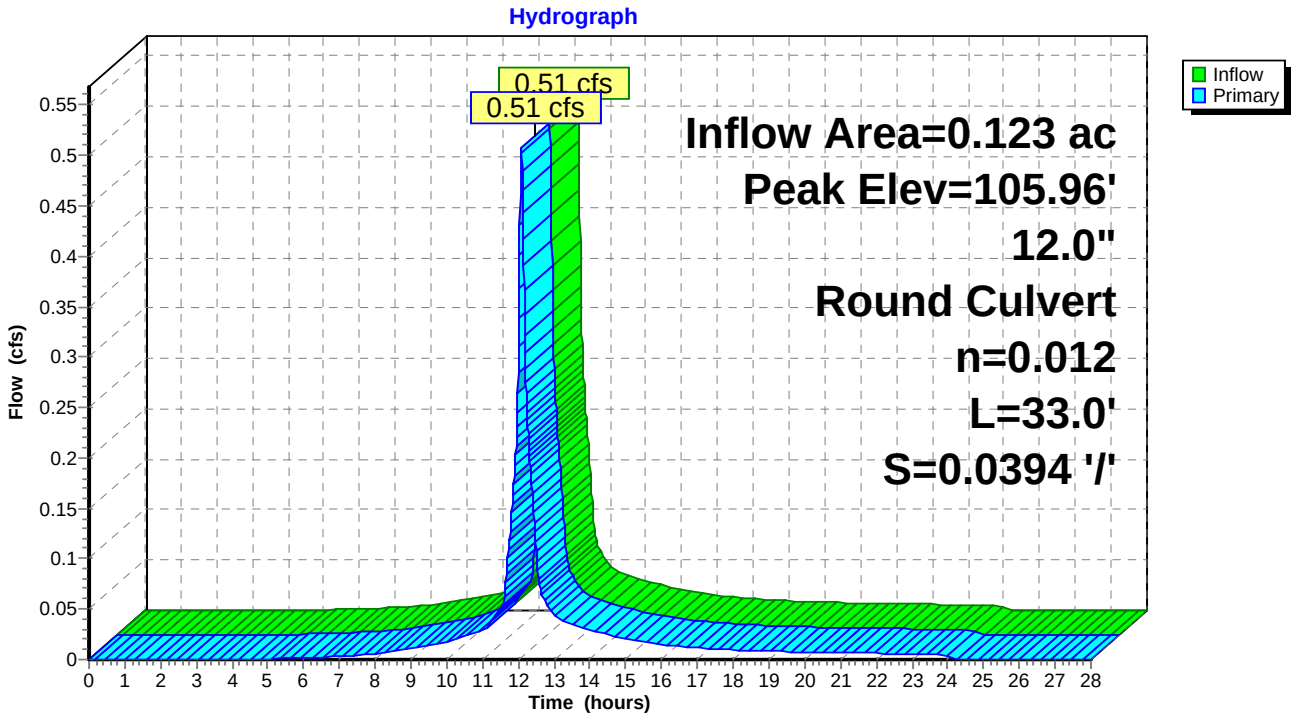
Inflow Area = 0.123 ac, 65.28% Impervious, Inflow Depth = 3.65" for 10-YR SEACOAST event
Inflow = 0.51 cfs @ 12.09 hrs, Volume= 0.037 af
Outflow = 0.51 cfs @ 12.09 hrs, Volume= 0.037 af, Atten= 0%, Lag= 0.0 min
Primary = 0.51 cfs @ 12.09 hrs, Volume= 0.037 af
Routed to Pond DMH 101 : DMH 101

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 105.96' @ 12.09 hrs
Flood Elev= 109.60'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 105.60' | **12.0" Round P-1**<br>L= 33.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 105.60' / 104.30' S= 0.0394 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.51 cfs @ 12.09 hrs HW=105.95' TW=104.63' (Dynamic Tailwater)
**1=P-1** (Inlet Controls 0.51 cfs @ 2.03 fps)

## Pond CB 101: CB 101



## Summary for Pond CB 102: CB 102

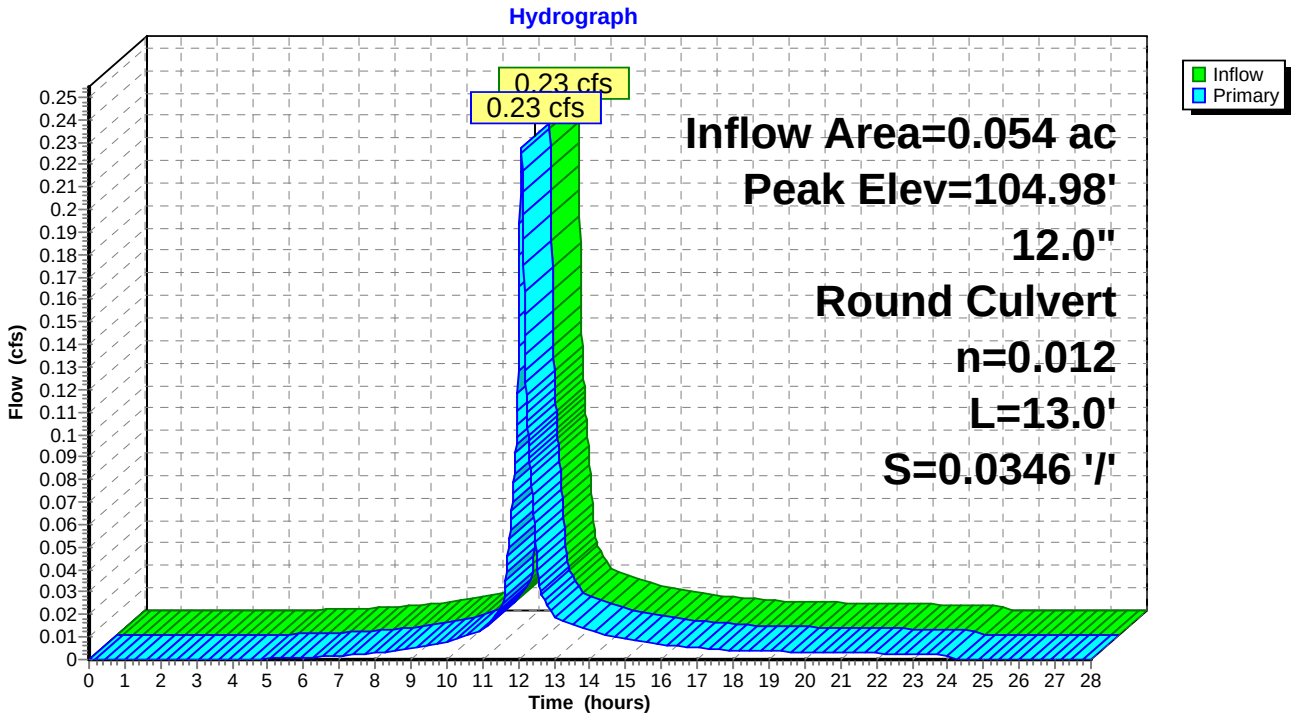
Inflow Area = 0.054 ac, 69.85% Impervious, Inflow Depth = 3.75" for 10-YR SEACOAST event
Inflow = 0.23 cfs @ 12.08 hrs, Volume= 0.017 af
Outflow = 0.23 cfs @ 12.08 hrs, Volume= 0.017 af, Atten= 0%, Lag= 0.0 min
Primary = 0.23 cfs @ 12.08 hrs, Volume= 0.017 af
Routed to Pond DMH 101 : DMH 101

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 104.98' @ 12.08 hrs
Flood Elev= 108.77'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 104.75' | **12.0" Round P-2**<br>L= 13.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 104.75' / 104.30' S= 0.0346 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.23 cfs @ 12.08 hrs HW=104.98' TW=104.63' (Dynamic Tailwater)
**1=P-2** (Inlet Controls 0.23 cfs @ 1.64 fps)

## Pond CB 102: CB 102



## Summary for Pond CB 103: CB 103

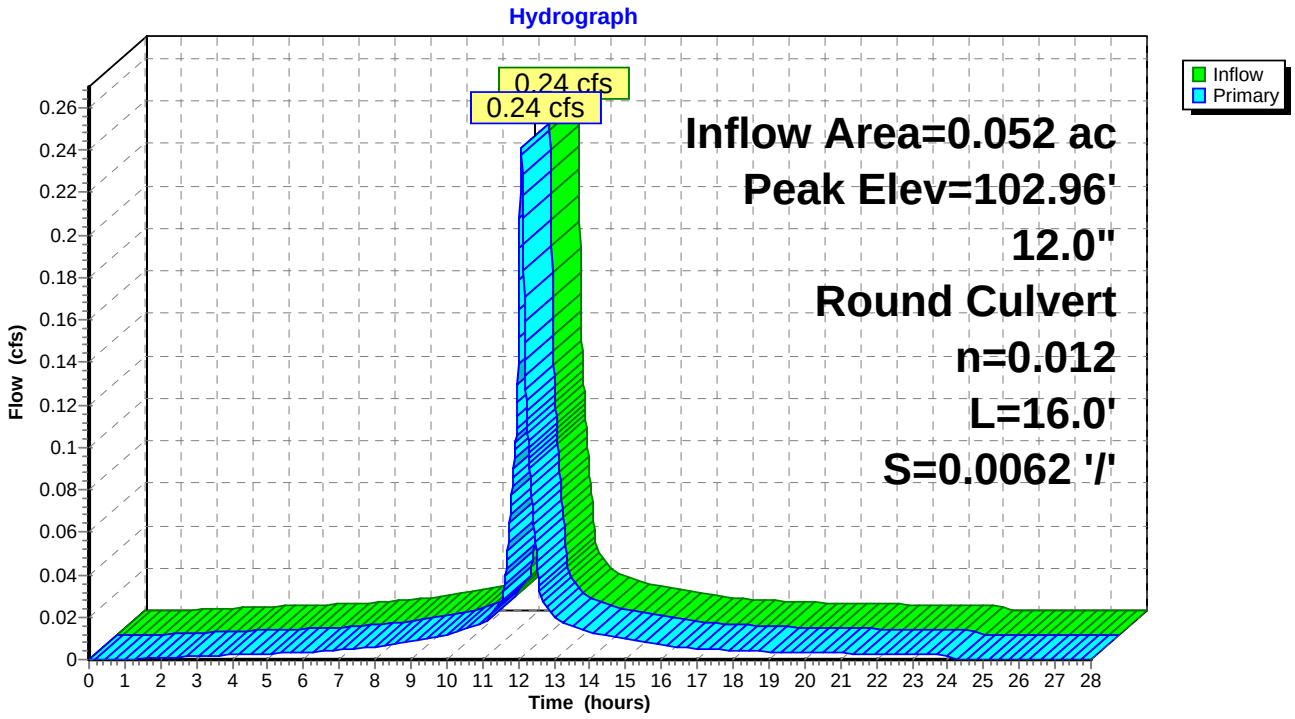
Inflow Area = 0.052 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.24 cfs @ 12.08 hrs, Volume= 0.020 af
Outflow = 0.24 cfs @ 12.08 hrs, Volume= 0.020 af, Atten= 0%, Lag= 0.0 min
Primary = 0.24 cfs @ 12.08 hrs, Volume= 0.020 af
Routed to Pond DMH 102 : DMH 102

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 102.96' @ 12.32 hrs
Flood Elev= 105.65'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 102.30' | **12.0" Round P-4**<br>L= 16.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 102.30' / 102.20' S= 0.0062 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.24 cfs @ 12.08 hrs HW=102.82' TW=102.80' (Dynamic Tailwater)
**1=P-4** (Outlet Controls 0.24 cfs @ 0.85 fps)

## Pond CB 103: CB 103



## Summary for Pond CB 104: CB 104

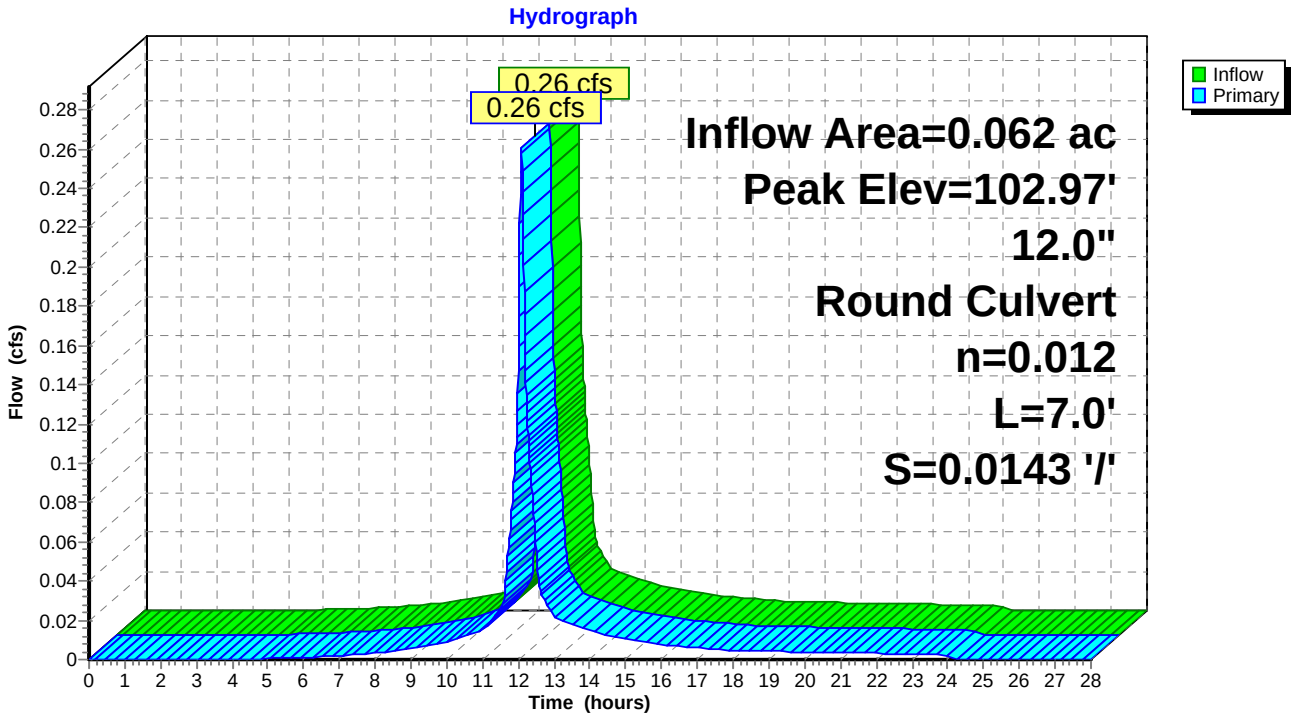
Inflow Area = 0.062 ac, 71.35% Impervious, Inflow Depth = 3.75" for 10-YR SEACOAST event
Inflow = 0.26 cfs @ 12.08 hrs, Volume= 0.019 af
Outflow = 0.26 cfs @ 12.08 hrs, Volume= 0.019 af, Atten= 0%, Lag= 0.0 min
Primary = 0.26 cfs @ 12.08 hrs, Volume= 0.019 af
Routed to Pond DMH 102 : DMH 102

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 102.97' @ 12.32 hrs
Flood Elev= 105.30'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 102.30' | **12.0" Round P-5**<br>L= 7.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 102.30' / 102.20' S= 0.0143 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.26 cfs @ 12.08 hrs HW=102.82' TW=102.80' (Dynamic Tailwater)
**1=P-5** (Outlet Controls 0.26 cfs @ 0.92 fps)

## Pond CB 104: CB 104



## Summary for Pond CB 105: CB 105

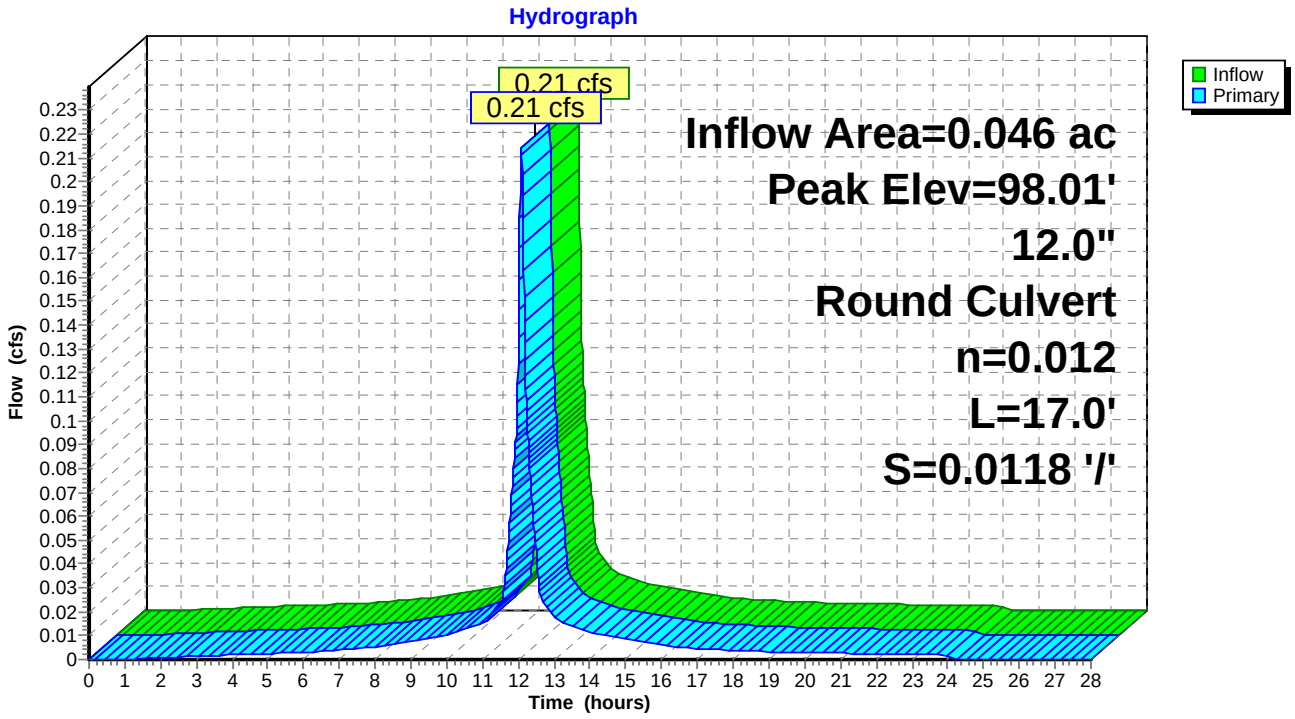
Inflow Area = 0.046 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.21 cfs @ 12.08 hrs, Volume= 0.017 af
Outflow = 0.21 cfs @ 12.08 hrs, Volume= 0.017 af, Atten= 0%, Lag= 0.0 min
Primary = 0.21 cfs @ 12.08 hrs, Volume= 0.017 af
Routed to Pond DMH 104 : DMH 104

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 98.01' @ 12.16 hrs
Flood Elev= 102.05'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 97.70' | **12.0" Round P-10**<br>L= 17.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 97.70' / 97.50' S= 0.0118 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.21 cfs @ 12.08 hrs HW=97.96' TW=97.79' (Dynamic Tailwater)
**1=P-10** (Outlet Controls 0.21 cfs @ 2.00 fps)

## Pond CB 105: CB 105



## Summary for Pond CB 106: CB 106

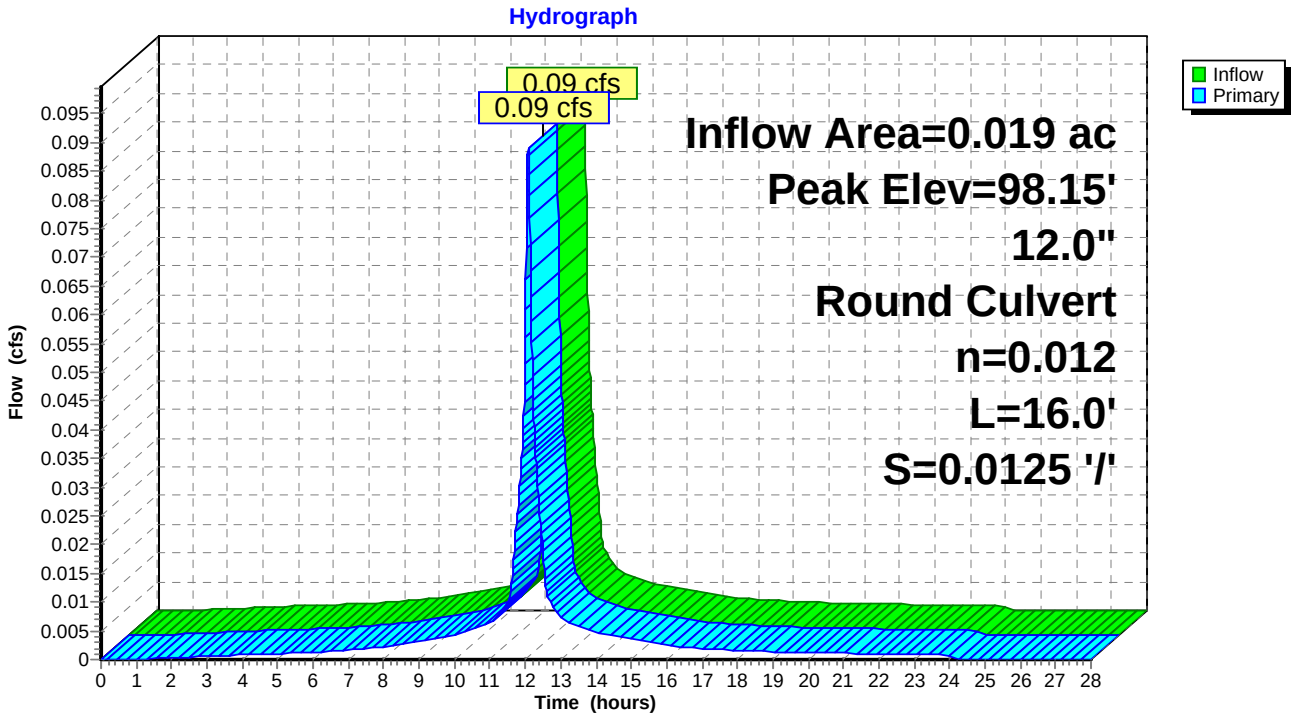
Inflow Area = 0.019 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af
Outflow = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af, Atten= 0%, Lag= 0.0 min
Primary = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af
Routed to Pond CB 105 : CB 105

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 98.15' @ 12.10 hrs
Flood Elev= 102.00'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 98.00' | **12.0" Round P-7**<br>L= 16.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 98.00' / 97.80' S= 0.0125 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.09 cfs @ 12.08 hrs HW=98.15' TW=97.96' (Dynamic Tailwater)
**1=P-7** (Outlet Controls 0.09 cfs @ 1.81 fps)

## Pond CB 106: CB 106



## Summary for Pond DE #1: Cottage #1 Stone Drip Edge

Inflow Area = 0.019 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af
Outflow = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af, Atten= 56%, Lag= 10.5 min
Primary = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af
Routed to Pond YD #1 : Cottage #1 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 110.23' @ 12.26 hrs Surf.Area= 135 sf Storage= 40 cf
Flood Elev= 111.50' Surf.Area= 135 sf Storage= 109 cf

Plug-Flow detention time= 32.9 min calculated for 0.007 af (98% of inflow)
Center-of-Mass det. time= 20.2 min ( 769.1 - 748.8 )

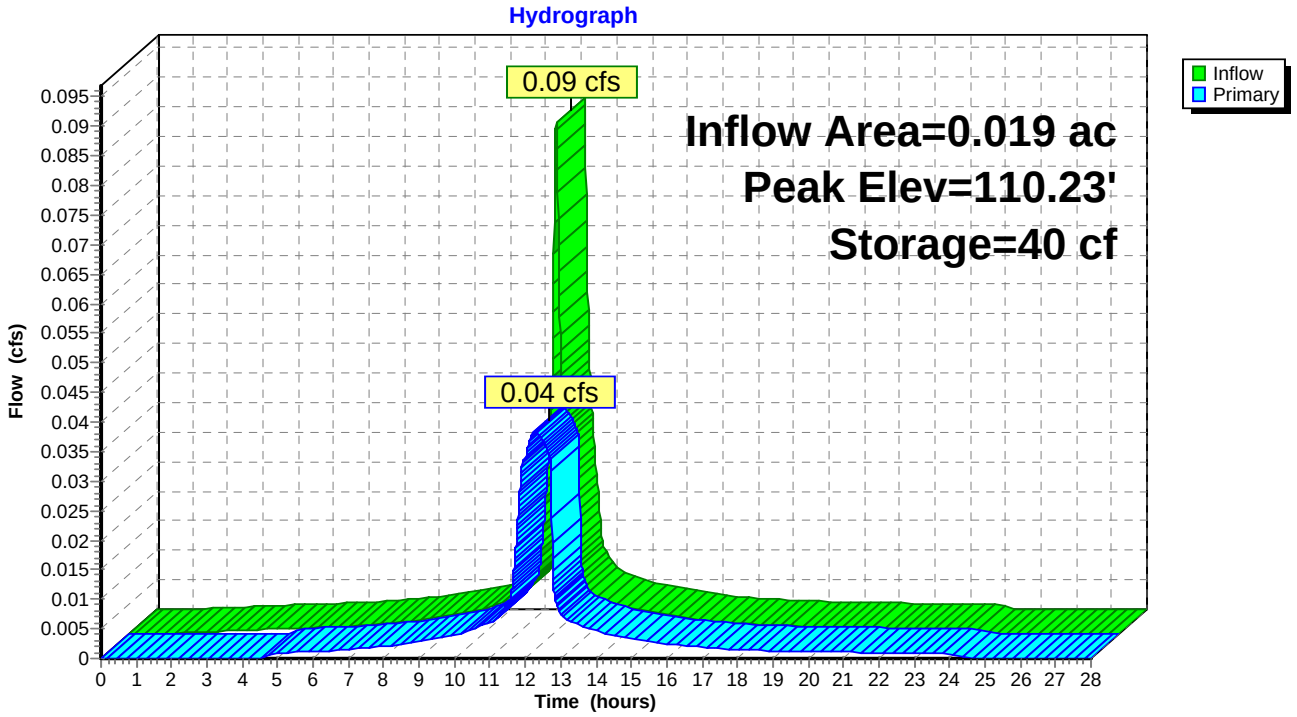
| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 109.49' | 110 cf | **Custom Stage Data (Conic)** Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 109.49 | 135 | 0.0 | 0 | 0 | 135 |
| 109.50 | 135 | 40.0 | 1 | 1 | 135 |
| 111.50 | 135 | 40.0 | 108 | 109 | 218 |
| 111.51 | 135 | 100.0 | 1 | 110 | 218 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 2 | 109.49' | **10.000 in/hr Exfiltration to UD over Wetted area** Phase-In= 0.10' |
| #2 | Primary | 109.60' | **6.0" Round 6" HDPE P-21**<br>L= 7.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 109.60' / 107.00' S= 0.3714 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Primary OutFlow** Max=0.04 cfs @ 12.26 hrs HW=110.23' TW=107.25' (Dynamic Tailwater)
↑└**2=6" HDPE P-21** (Passes 0.04 cfs of 0.59 cfs potential flow)
↑└**1=Exfiltration to UD** (Exfiltration Controls 0.04 cfs)

## Pond DE #1: Cottage #1 Stone Drip Edge



## Summary for Pond DE #2: Cottage #2 Stone Drip Edge

Inflow Area = 0.019 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af
Outflow = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af, Atten= 56%, Lag= 10.5 min
Primary = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af
Routed to Pond YD #2 : Cottage #2 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 111.23' @ 12.26 hrs Surf.Area= 135 sf Storage= 40 cf
Flood Elev= 112.50' Surf.Area= 135 sf Storage= 109 cf

Plug-Flow detention time= 32.9 min calculated for 0.007 af (98% of inflow)
Center-of-Mass det. time= 20.2 min ( 769.1 - 748.8 )

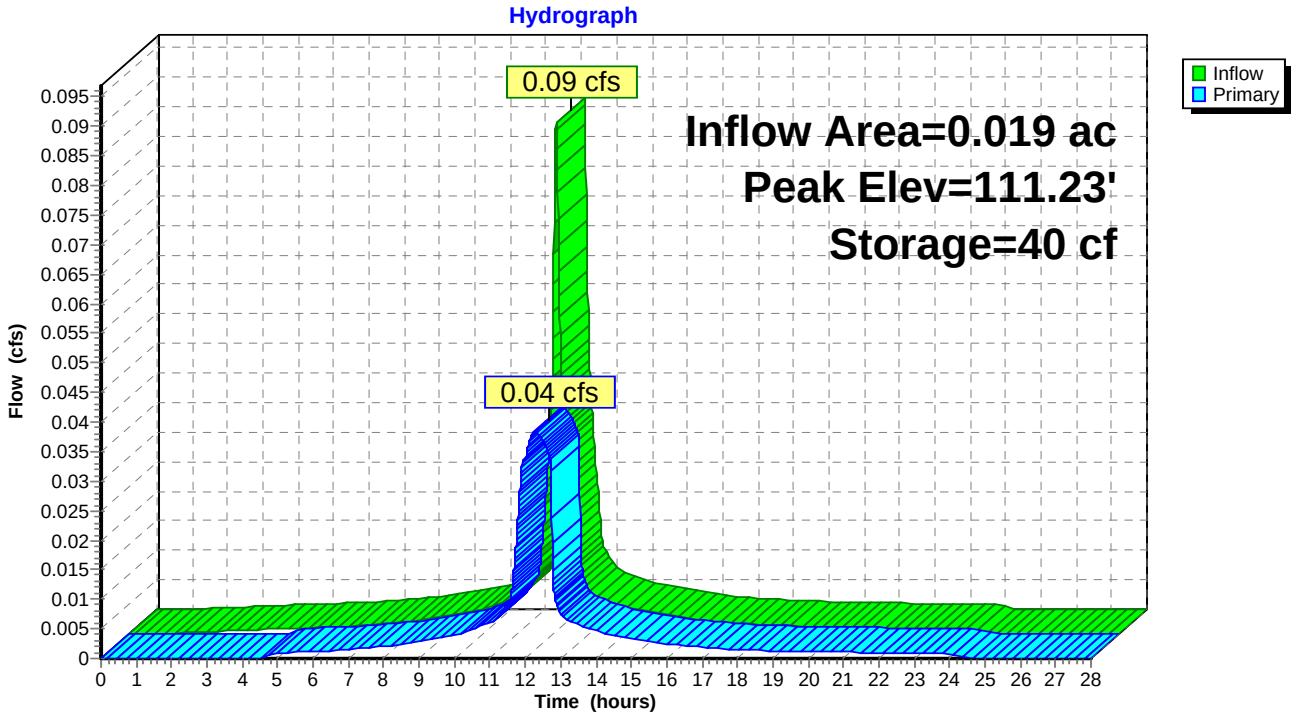
| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 110.49' | 110 cf | **Custom Stage Data (Conic)** Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 110.49 | 135 | 0.0 | 0 | 0 | 135 |
| 110.50 | 135 | 40.0 | 1 | 1 | 135 |
| 112.50 | 135 | 40.0 | 108 | 109 | 218 |
| 112.51 | 135 | 100.0 | 1 | 110 | 218 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 2 | 110.49' | **10.000 in/hr Exfiltration to UD over Wetted area** Phase-In= 0.10' |
| #2 | Primary | 110.60' | **6.0" Round 6" HDPE P-19**<br>L= 9.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 110.60' / 109.00' S= 0.1778 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Primary OutFlow** Max=0.04 cfs @ 12.26 hrs HW=111.23' TW=109.20' (Dynamic Tailwater)
└**2=6" HDPE P-19** (Passes 0.04 cfs of 0.59 cfs potential flow)
└**1=Exfiltration to UD** (Exfiltration Controls 0.04 cfs)

## Pond DE #2: Cottage #2 Stone Drip Edge



## Summary for Pond DE #3: Cottage #3 Stone Drip Edge

Inflow Area = 0.019 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af
Outflow = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af, Atten= 56%, Lag= 10.5 min
Primary = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af
Routed to Pond YD #3 : Cottage #3 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 112.73' @ 12.26 hrs Surf.Area= 135 sf Storage= 40 cf
Flood Elev= 114.00' Surf.Area= 135 sf Storage= 109 cf

Plug-Flow detention time= 32.9 min calculated for 0.007 af (98% of inflow)
Center-of-Mass det. time= 20.2 min ( 769.1 - 748.8 )

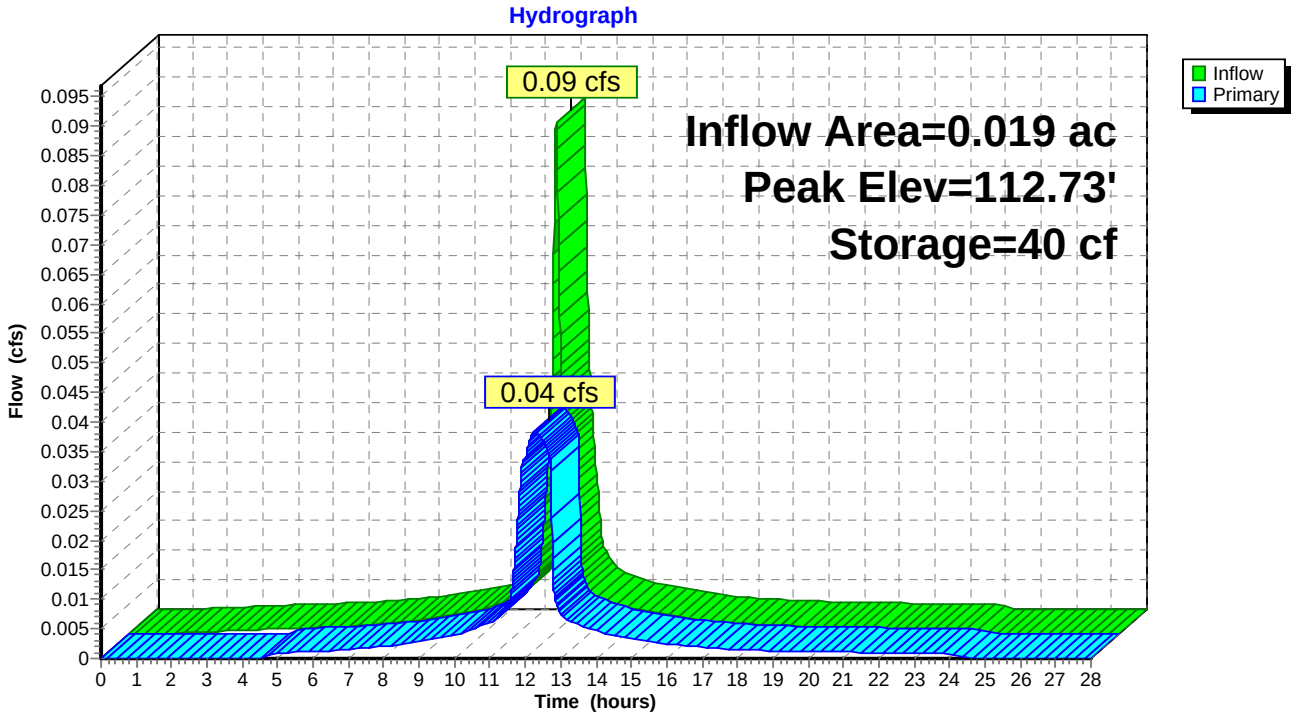
| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 111.99' | 110 cf | **Custom Stage Data (Conic)** Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 111.99 | 135 | 0.0 | 0 | 0 | 135 |
| 112.00 | 135 | 40.0 | 1 | 1 | 135 |
| 114.00 | 135 | 40.0 | 108 | 109 | 218 |
| 114.01 | 135 | 100.0 | 1 | 110 | 218 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 2 | 111.99' | **10.000 in/hr Exfiltration to UD over Wetted area** Phase-In= 0.10' |
| #2 | Primary | 112.10' | **6.0" Round 6" HDPE P-17**<br>L= 9.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 112.10' / 110.00' S= 0.2333 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Primary OutFlow** Max=0.04 cfs @ 12.26 hrs HW=112.73' TW=110.16' (Dynamic Tailwater)
↑└**2=6" HDPE P-17** (Passes 0.04 cfs of 0.59 cfs potential flow)
↑└**1=Exfiltration to UD** (Exfiltration Controls 0.04 cfs)

## Pond DE #3: Cottage #3 Stone Drip Edge



## Summary for Pond DE #4: Cottage #4 Drip Edge

Inflow Area = 0.019 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.09 cfs @ 12.08 hrs, Volume= 0.007 af
Outflow = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af, Atten= 56%, Lag= 10.5 min
Primary = 0.04 cfs @ 12.26 hrs, Volume= 0.007 af
Routed to Pond YD#1 : Yard Drain #1

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 115.24' @ 12.26 hrs Surf.Area= 135 sf Storage= 40 cf
Flood Elev= 116.50' Surf.Area= 135 sf Storage= 109 cf

Plug-Flow detention time= 33.2 min calculated for 0.007 af (98% of inflow)
Center-of-Mass det. time= 20.5 min ( 769.3 - 748.8 )

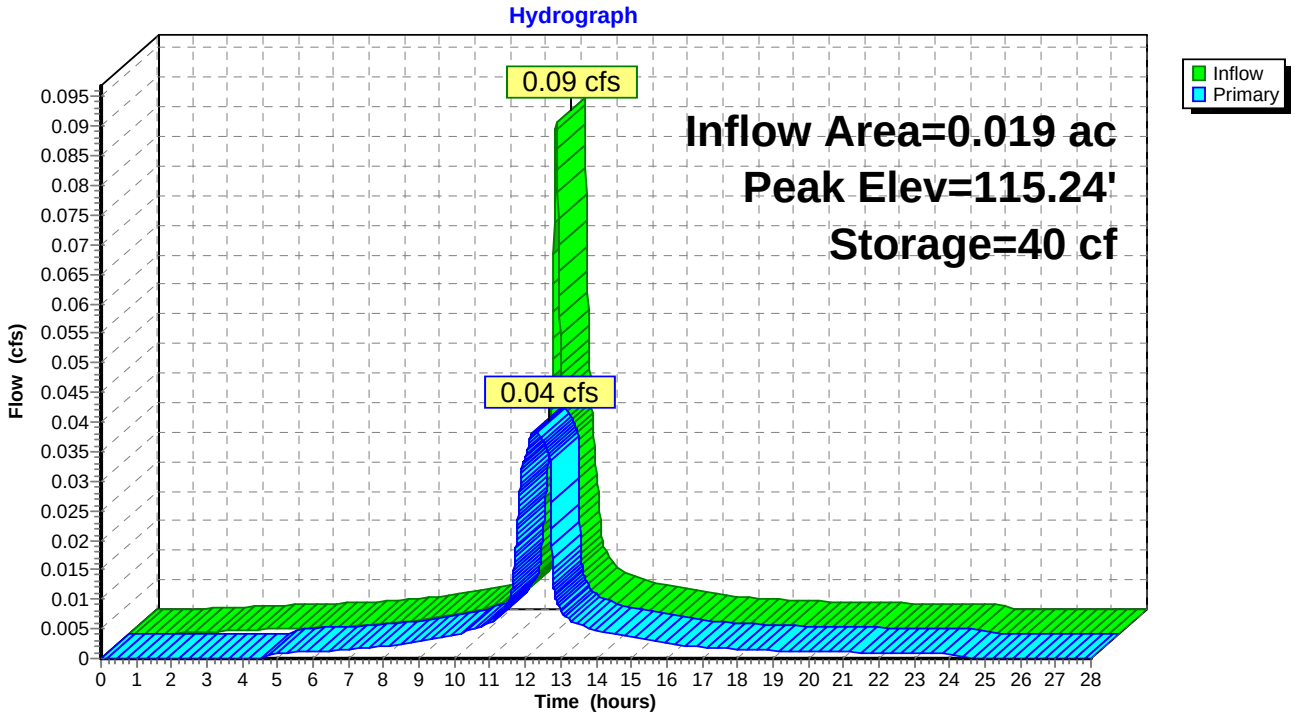
| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 114.49' | 110 cf | **Custom Stage Data (Conic)** Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 114.49 | 135 | 0.0 | 0 | 0 | 135 |
| 114.50 | 135 | 40.0 | 1 | 1 | 135 |
| 116.50 | 135 | 40.0 | 108 | 109 | 218 |
| 116.51 | 135 | 100.0 | 1 | 110 | 218 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 2 | 114.49' | **10.000 in/hr Exfiltration to UD over Wetted area** Phase-In= 0.10' |
| #2 | Primary | 114.60' | **6.0" Round 6" HDPE P-12**<br>L= 32.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 114.60' / 114.20' S= 0.0125 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Primary OutFlow** Max=0.04 cfs @ 12.26 hrs HW=115.24' TW=114.67' (Dynamic Tailwater)
↑└**2=6" HDPE P-12** (Passes 0.04 cfs of 0.59 cfs potential flow)
↑└**1=Exfiltration to UD** (Exfiltration Controls 0.04 cfs)

## Pond DE #4: Cottage #4 Drip Edge



## Summary for Pond DE-EX: Stone Drip Edge Existing House

Inflow Area = 0.022 ac,100.00% Impervious, Inflow Depth = 4.52" for 10-YR SEACOAST event
Inflow = 0.10 cfs @ 12.08 hrs, Volume= 0.008 af
Outflow = 0.04 cfs @ 12.29 hrs, Volume= 0.008 af, Atten= 60%, Lag= 12.6 min
Primary = 0.04 cfs @ 12.29 hrs, Volume= 0.008 af
Routed to Pond BIO 101 : BIO 101

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 106.46' @ 12.29 hrs Surf.Area= 135 sf Storage= 52 cf
Flood Elev= 107.60' Surf.Area= 135 sf Storage= 110 cf

Plug-Flow detention time= 30.6 min calculated for 0.008 af (98% of inflow)
Center-of-Mass det. time= 19.6 min ( 768.5 - 748.8 )

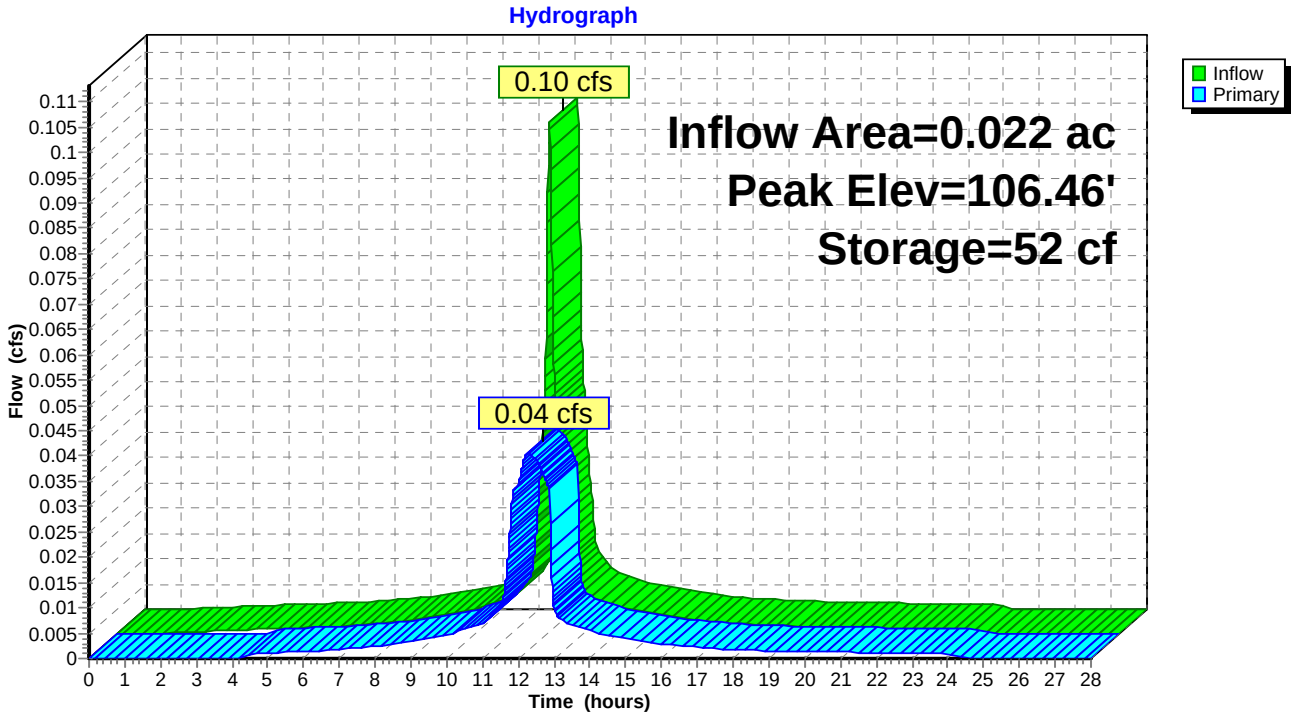
| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 105.49' | 110 cf | **Custom Stage Data (Conic)** Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 105.49 | 135 | 0.0 | 0 | 0 | 135 |
| 105.50 | 135 | 40.0 | 1 | 1 | 135 |
| 107.50 | 135 | 40.0 | 108 | 109 | 218 |
| 107.51 | 135 | 100.0 | 1 | 110 | 218 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 2 | 105.49' | **10.000 in/hr Exfiltration to UD over Wetted area** Phase-In= 0.10' |
| #2 | Primary | 105.60' | **6.0" Round 6" HDPE P-24**<br>L= 13.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 105.60' / 103.00' S= 0.2000 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Primary OutFlow** Max=0.04 cfs @ 12.29 hrs HW=106.46' TW=102.94' (Dynamic Tailwater)
↑—**2=6" HDPE P-24** (Passes 0.04 cfs of 0.74 cfs potential flow)
↑—**1=Exfiltration to UD** (Exfiltration Controls 0.04 cfs)

## Pond DE-EX: Stone Drip Edge Existing House



## Summary for Pond DMH 101: DMH 101

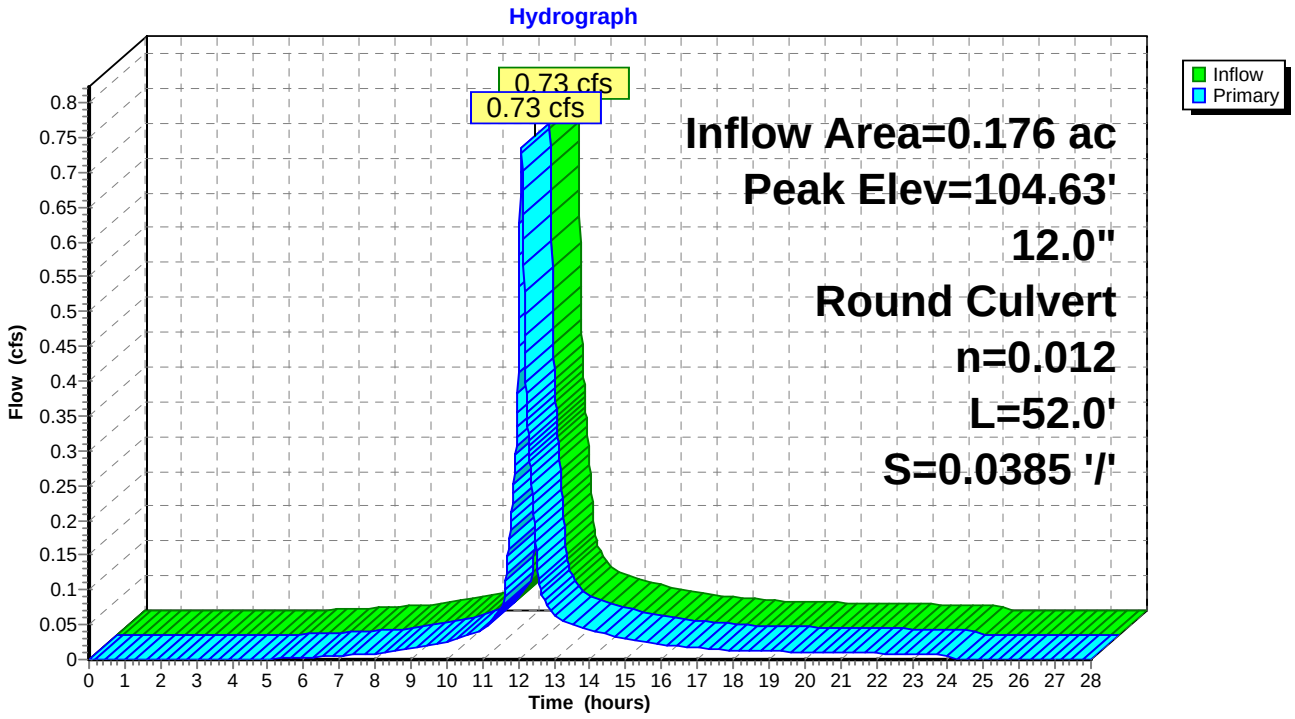
Inflow Area = 0.176 ac, 66.68% Impervious, Inflow Depth = 3.68" for 10-YR SEACOAST event
Inflow = 0.73 cfs @ 12.09 hrs, Volume= 0.054 af
Outflow = 0.73 cfs @ 12.09 hrs, Volume= 0.054 af, Atten= 0%, Lag= 0.0 min
Primary = 0.73 cfs @ 12.09 hrs, Volume= 0.054 af
Routed to Pond DMH 102 : DMH 102

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 104.63' @ 12.09 hrs
Flood Elev= 108.30'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 104.20' | **12.0" Round P-3**<br>L= 52.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 104.20' / 102.20' S= 0.0385 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.73 cfs @ 12.09 hrs HW=104.63' TW=102.80' (Dynamic Tailwater)
**1=P-3** (Inlet Controls 0.73 cfs @ 2.24 fps)

## Pond DMH 101: DMH 101



## Summary for Pond DMH 102: DMH 102

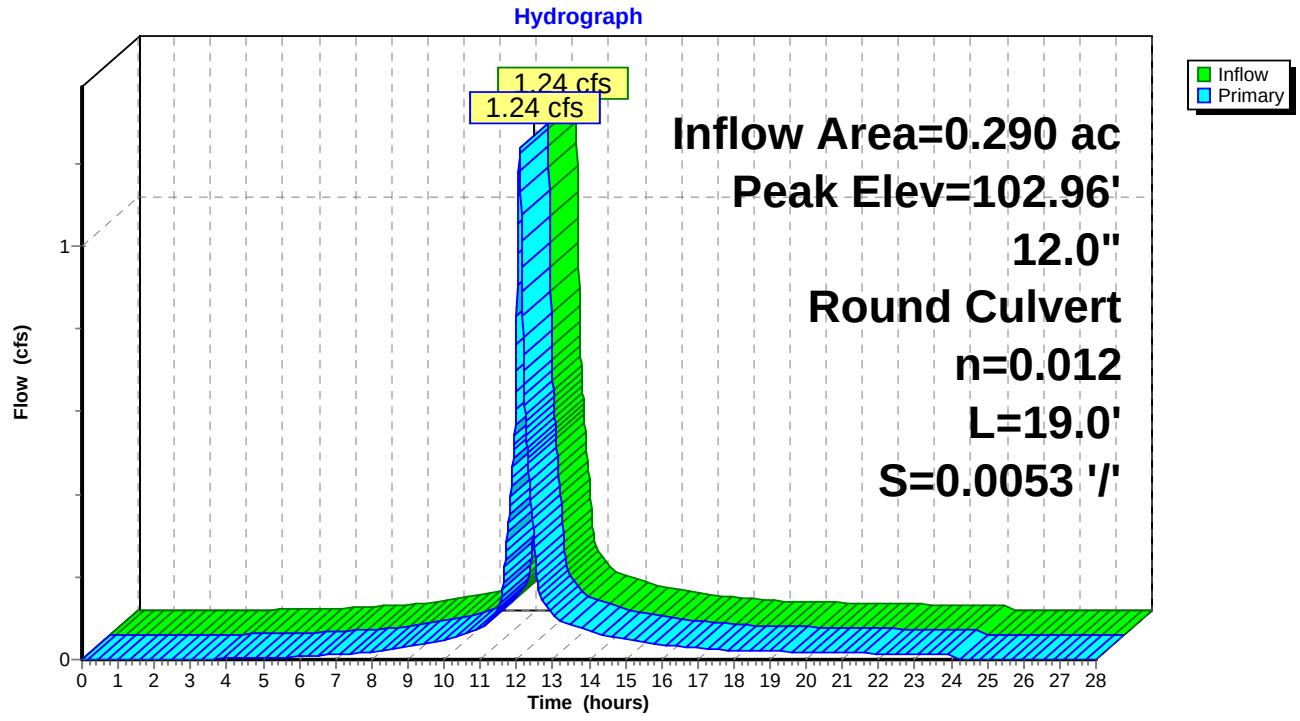
Inflow Area = 0.290 ac, 73.62% Impervious, Inflow Depth = 3.84" for 10-YR SEACOAST event
Inflow = 1.24 cfs @ 12.08 hrs, Volume= 0.093 af
Outflow = 1.24 cfs @ 12.08 hrs, Volume= 0.093 af, Atten= 0%, Lag= 0.0 min
Primary = 1.24 cfs @ 12.08 hrs, Volume= 0.093 af
Routed to Pond BIO 101 : BIO 101

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 102.96' @ 12.31 hrs
Flood Elev= 105.65'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 102.10' | **12.0" Round P-6**<br>L= 19.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 102.10' / 102.00' S= 0.0053 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=1.23 cfs @ 12.08 hrs HW=102.80' TW=102.38' (Dynamic Tailwater)
**1=P-6** (Barrel Controls 1.23 cfs @ 2.98 fps)

## Pond DMH 102: DMH 102



## Summary for Pond DMH 103: DMH 103

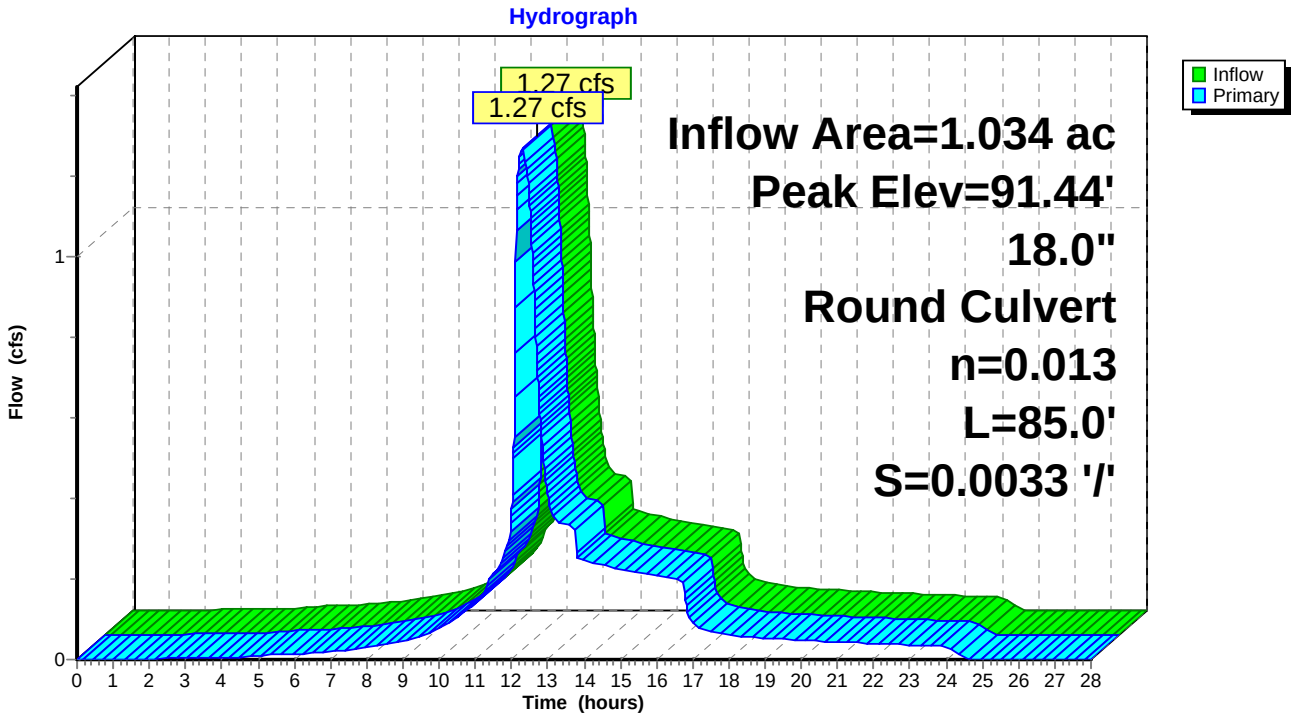
Inflow Area = 1.034 ac, 36.21% Impervious, Inflow Depth = 2.56" for 10-YR SEACOAST event
Inflow = 1.27 cfs @ 12.29 hrs, Volume= 0.221 af
Outflow = 1.27 cfs @ 12.29 hrs, Volume= 0.221 af, Atten= 0%, Lag= 0.0 min
Primary = 1.27 cfs @ 12.29 hrs, Volume= 0.221 af
Routed to Link AP-T : AP TOTAL

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 91.44' @ 12.29 hrs
Flood Elev= 102.50'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 90.80' | **18.0" Round Existing 18" Pipe**<br>L= 85.0' CMP, projecting, no headwall, Ke= 0.900<br>Inlet / Outlet Invert= 90.80' / 90.52' S= 0.0033 '/' Cc= 0.900<br>n= 0.013 Clay tile, Flow Area= 1.77 sf |

**Primary OutFlow** Max=1.27 cfs @ 12.29 hrs HW=91.44' TW=0.00' (Dynamic Tailwater)
**1=Existing 18" Pipe** (Barrel Controls 1.27 cfs @ 2.57 fps)

## Pond DMH 103: DMH 103



## Summary for Pond DMH 104: DMH 104

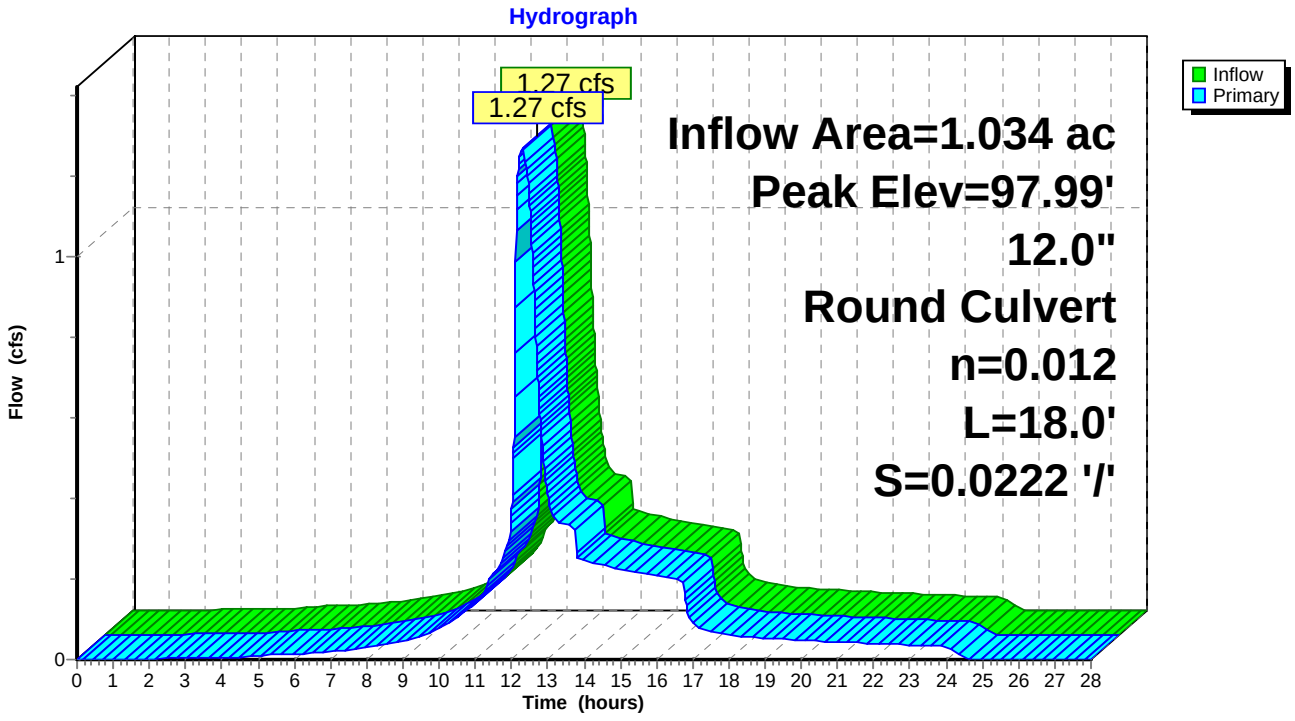
Inflow Area = 1.034 ac, 36.21% Impervious, Inflow Depth = 2.56" for 10-YR SEACOAST event
Inflow = 1.27 cfs @ 12.29 hrs, Volume= 0.221 af
Outflow = 1.27 cfs @ 12.29 hrs, Volume= 0.221 af, Atten= 0%, Lag= 0.0 min
Primary = 1.27 cfs @ 12.29 hrs, Volume= 0.221 af
Routed to Pond DMH 103 : DMH 103

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 97.99' @ 12.29 hrs
Flood Elev= 103.75'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 97.40' | **12.0" Round P-26**<br>L= 18.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 97.40' / 97.00' S= 0.0222 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=1.27 cfs @ 12.29 hrs HW=97.99' TW=91.44' (Dynamic Tailwater)
**1=P-26** (Inlet Controls 1.27 cfs @ 2.62 fps)

## Pond DMH 104: DMH 104



## Summary for Pond ST: STORMTECH SC-310

Inflow Area = 0.153 ac, 19.67% Impervious, Inflow Depth = 1.91" for 10-YR SEACOAST event
Inflow = 0.27 cfs @ 12.10 hrs, Volume= 0.024 af
Outflow = 0.15 cfs @ 12.33 hrs, Volume= 0.024 af, Atten= 46%, Lag= 14.1 min
Discarded = 0.07 cfs @ 12.33 hrs, Volume= 0.023 af
Primary = 0.07 cfs @ 12.33 hrs, Volume= 0.002 af
Routed to Pond YD#5 : Yard Drain #5

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 114.66' @ 12.33 hrs Surf.Area= 267 sf Storage= 172 cf
Flood Elev= 115.85' Surf.Area= 267 sf Storage= 320 cf

Plug-Flow detention time= 13.2 min calculated for 0.024 af (100% of inflow)
Center-of-Mass det. time= 13.2 min ( 848.6 - 835.4 )

| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1A | 113.50' | 202 cf | **8.42'W x 31.68'L x 2.33'H Field A**<br>622 cf Overall - 118 cf Embedded = 504 cf x 40.0% Voids |
| #2A | 114.00' | 118 cf | **ADS_StormTech SC-310 +Cap** x 8 Inside #1<br>Effective Size= 28.9"W x 16.0"H => 2.07 sf x 7.12'L = 14.7 cf<br>Overall Size= 34.0"W x 16.0"H x 7.56'L with 0.44' Overlap<br>8 Chambers in 2 Rows |
| | | 320 cf | Total Available Storage |

Storage Group A created with Chamber Wizard

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Discarded | 113.50' | **9.000 in/hr Exfiltration over Wetted area** Phase-In= 0.10' |
| #2 | Primary | 114.50' | **6.0" Round HDPE P-11**<br>L= 14.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 114.50' / 113.00' S= 0.1071 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Discarded OutFlow** Max=0.07 cfs @ 12.33 hrs HW=114.66' (Free Discharge)
↑**1=Exfiltration** (Exfiltration Controls 0.07 cfs)

**Primary OutFlow** Max=0.07 cfs @ 12.33 hrs HW=114.66' TW=113.05' (Dynamic Tailwater)
↑**2=HDPE P-11** (Inlet Controls 0.07 cfs @ 1.36 fps)

## Pond ST: STORMTECH SC-310 - Chamber Wizard Field A

**Chamber Model = ADS_StormTech SC-310 +Cap (ADS StormTech® SC-310 with cap length)**
Effective Size= 28.9"W x 16.0"H => 2.07 sf x 7.12'L = 14.7 cf
Overall Size= 34.0"W x 16.0"H x 7.56'L with 0.44' Overlap

34.0" Wide + 9.0" Spacing = 43.0" C-C Row Spacing

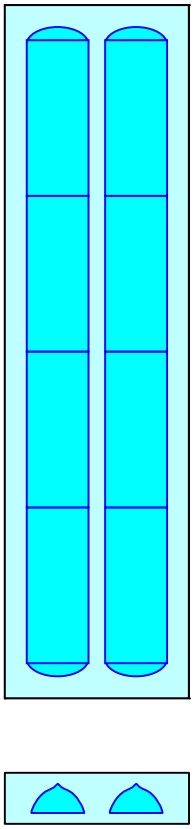
4 Chambers/Row x 7.12' Long +0.60' Cap Length x 2 = 29.68' Row Length +12.0" End Stone x 2 = 31.68' Base Length
2 Rows x 34.0" Wide + 9.0" Spacing x 1 + 12.0" Side Stone x 2 = 8.42' Base Width
6.0" Stone Base + 16.0" Chamber Height + 6.0" Stone Cover = 2.33' Field Height

8 Chambers x 14.7 cf = 117.9 cf Chamber Storage

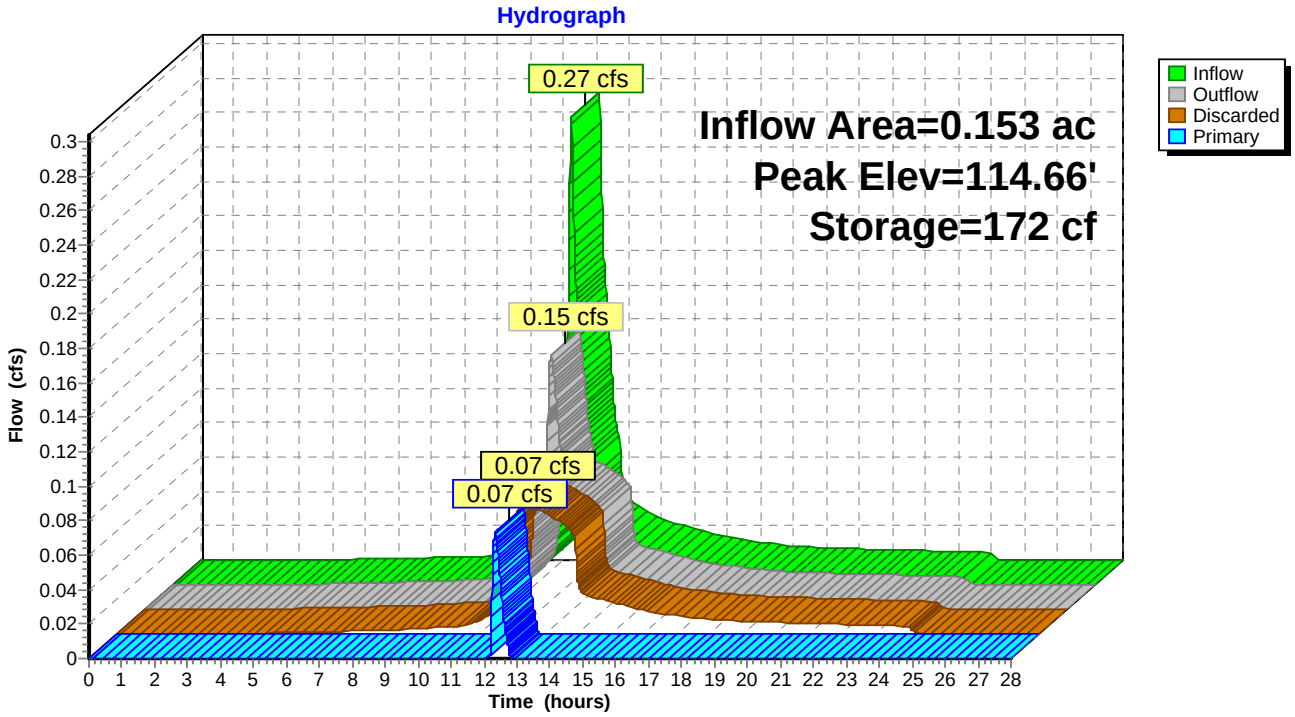
622.2 cf Field - 117.9 cf Chambers = 504.2 cf Stone x 40.0% Voids = 201.7 cf Stone Storage

Chamber Storage + Stone Storage = 319.6 cf = 0.007 af
Overall Storage Efficiency = 51.4%
Overall System Size = 31.68' x 8.42' x 2.33'

8 Chambers
23.0 cy Field
18.7 cy Stone



## Pond ST: STORMTECH SC-310



## Summary for Pond YD #1: Cottage #1 Yard Drain

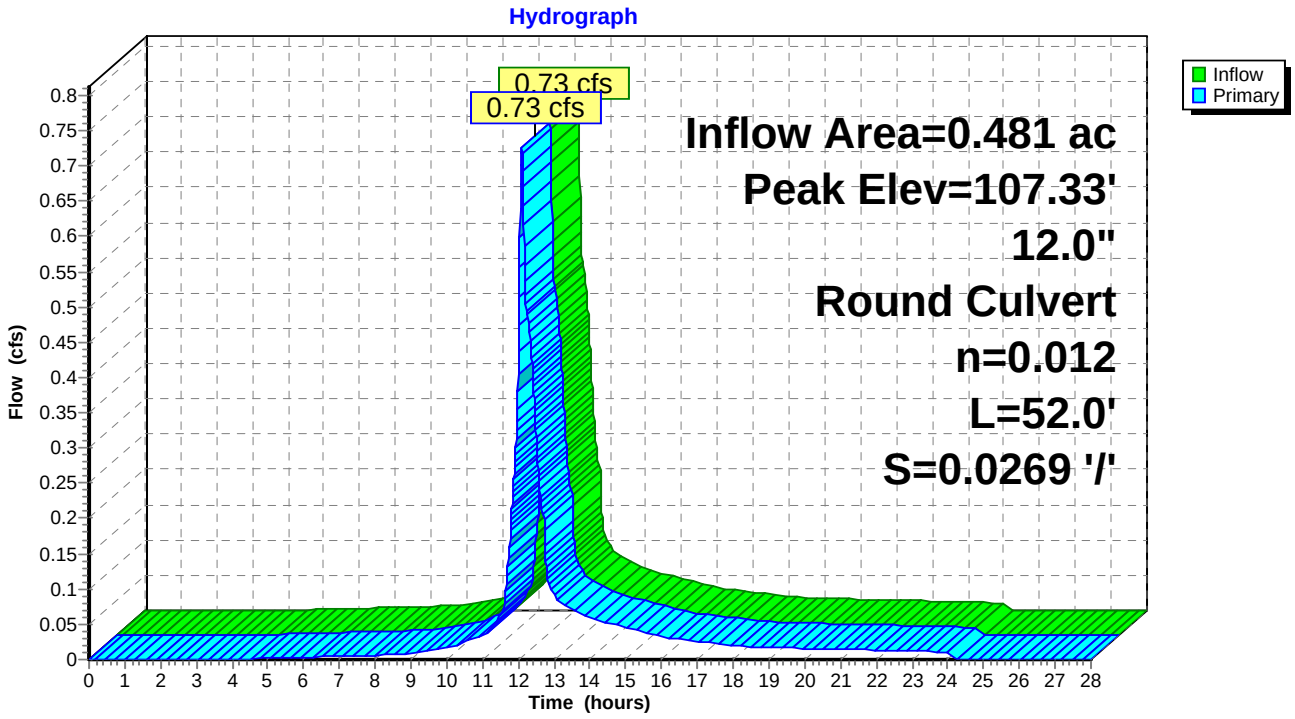
Inflow Area = 0.481 ac, 18.57% Impervious, Inflow Depth = 1.68" for 10-YR SEACOAST event
Inflow = 0.73 cfs @ 12.09 hrs, Volume= 0.067 af
Outflow = 0.73 cfs @ 12.09 hrs, Volume= 0.067 af, Atten= 0%, Lag= 0.0 min
Primary = 0.73 cfs @ 12.09 hrs, Volume= 0.067 af
Routed to Pond YD A : YD-A

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 107.33' @ 12.09 hrs
Flood Elev= 111.50'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 106.90' | **12.0" Round 12 " HDPE P-22**<br>L= 52.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 106.90' / 105.50' S= 0.0269 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.72 cfs @ 12.09 hrs HW=107.33' TW=105.83' (Dynamic Tailwater)
**1=12 " HDPE P-22** (Inlet Controls 0.72 cfs @ 2.24 fps)

## Pond YD #1: Cottage #1 Yard Drain



## Summary for Pond YD #2: Cottage #2 Yard Drain

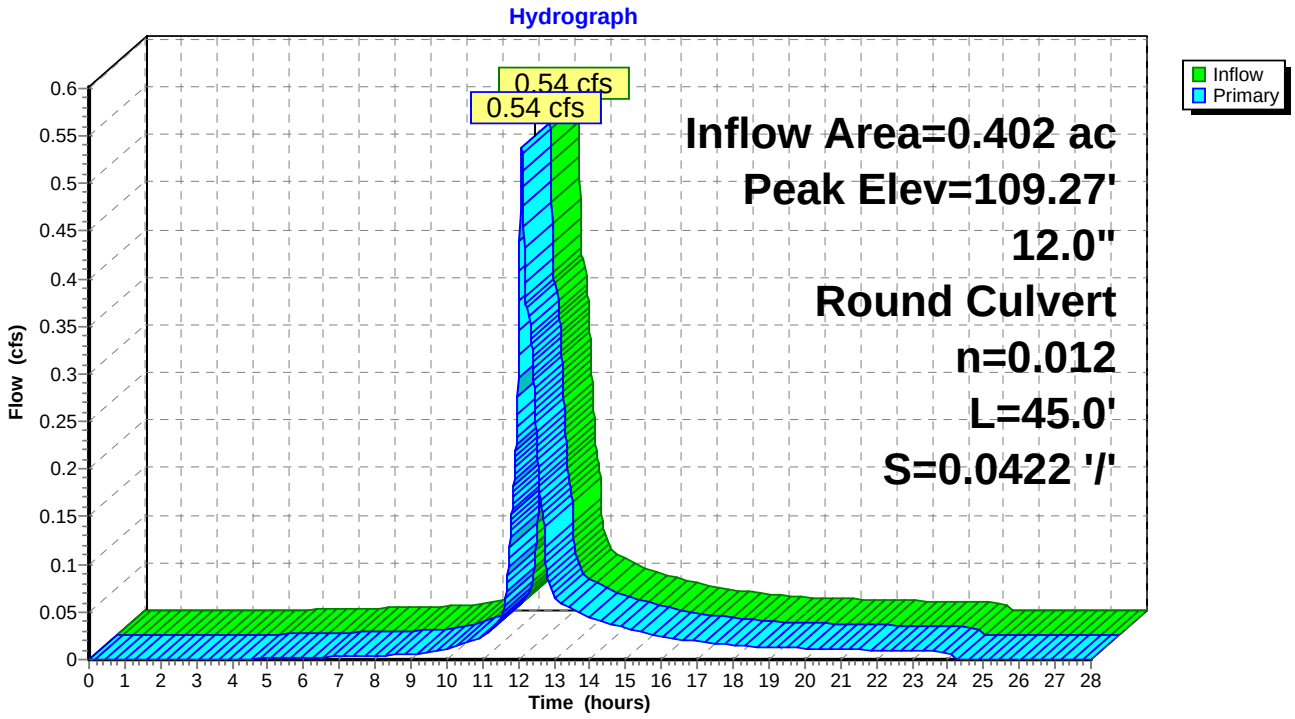
Inflow Area = 0.402 ac, 17.57% Impervious, Inflow Depth = 1.48" for 10-YR SEACOAST event
Inflow = 0.54 cfs @ 12.09 hrs, Volume= 0.050 af
Outflow = 0.54 cfs @ 12.09 hrs, Volume= 0.050 af, Atten= 0%, Lag= 0.0 min
Primary = 0.54 cfs @ 12.09 hrs, Volume= 0.050 af
Routed to Pond YD #1 : Cottage #1 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 109.27' @ 12.09 hrs
Flood Elev= 112.50'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 108.90' | **12.0" Round 12" HDPE P-20**<br>L= 45.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 108.90' / 107.00' S= 0.0422 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.54 cfs @ 12.09 hrs HW=109.27' TW=107.33' (Dynamic Tailwater)
└**1=12" HDPE P-20** (Inlet Controls 0.54 cfs @ 2.06 fps)

## Pond YD #2: Cottage #2 Yard Drain



## Summary for Pond YD #3: Cottage #3 Yard Drain

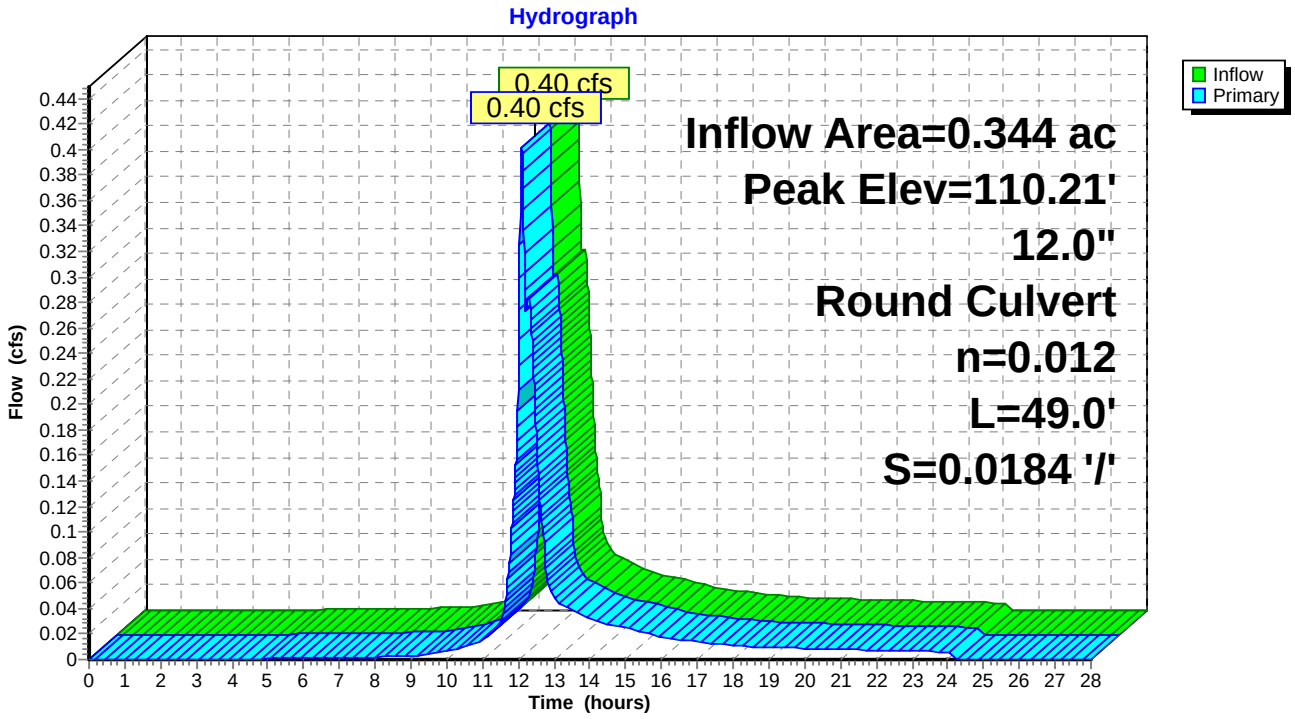
Inflow Area = 0.344 ac, 15.14% Impervious, Inflow Depth = 1.24" for 10-YR SEACOAST event
Inflow = 0.40 cfs @ 12.09 hrs, Volume= 0.035 af
Outflow = 0.40 cfs @ 12.09 hrs, Volume= 0.035 af, Atten= 0%, Lag= 0.0 min
Primary = 0.40 cfs @ 12.09 hrs, Volume= 0.035 af
Routed to Pond YD #2 : Cottage #2 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 110.21' @ 12.09 hrs
Flood Elev= 113.50'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 109.90' | **12.0" Round 12" HDPE P-18**<br>L= 49.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 109.90' / 109.00' S= 0.0184 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.40 cfs @ 12.09 hrs HW=110.21' TW=109.27' (Dynamic Tailwater)
**1=12" HDPE P-18** (Inlet Controls 0.40 cfs @ 1.90 fps)

## Pond YD #3: Cottage #3 Yard Drain



## Summary for Pond YD A: YD-A

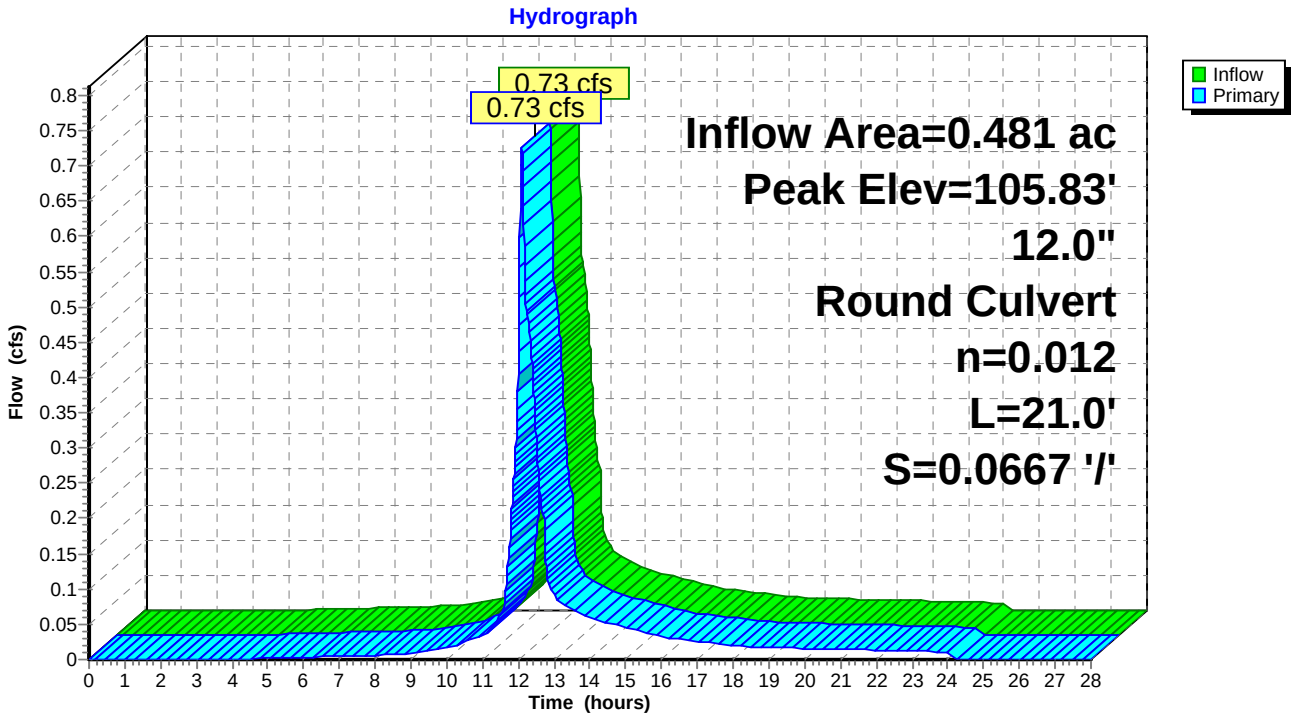
Inflow Area = 0.481 ac, 18.57% Impervious, Inflow Depth = 1.68" for 10-YR SEACOAST event
Inflow = 0.73 cfs @ 12.09 hrs, Volume= 0.067 af
Outflow = 0.73 cfs @ 12.09 hrs, Volume= 0.067 af, Atten= 0%, Lag= 0.0 min
Primary = 0.73 cfs @ 12.09 hrs, Volume= 0.067 af
Routed to Pond BIO 101 : BIO 101

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 105.83' @ 12.09 hrs
Flood Elev= 109.50'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 105.40' | **12.0" Round 12" HDPE P-25**<br>L= 21.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 105.40' / 104.00' S= 0.0667 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.72 cfs @ 12.09 hrs HW=105.83' TW=102.45' (Dynamic Tailwater)
└**1=12" HDPE P-25** (Inlet Controls 0.72 cfs @ 2.24 fps)

## Pond YD A: YD-A



## Summary for Pond YD C#4: Cottage #4 Yard Drain

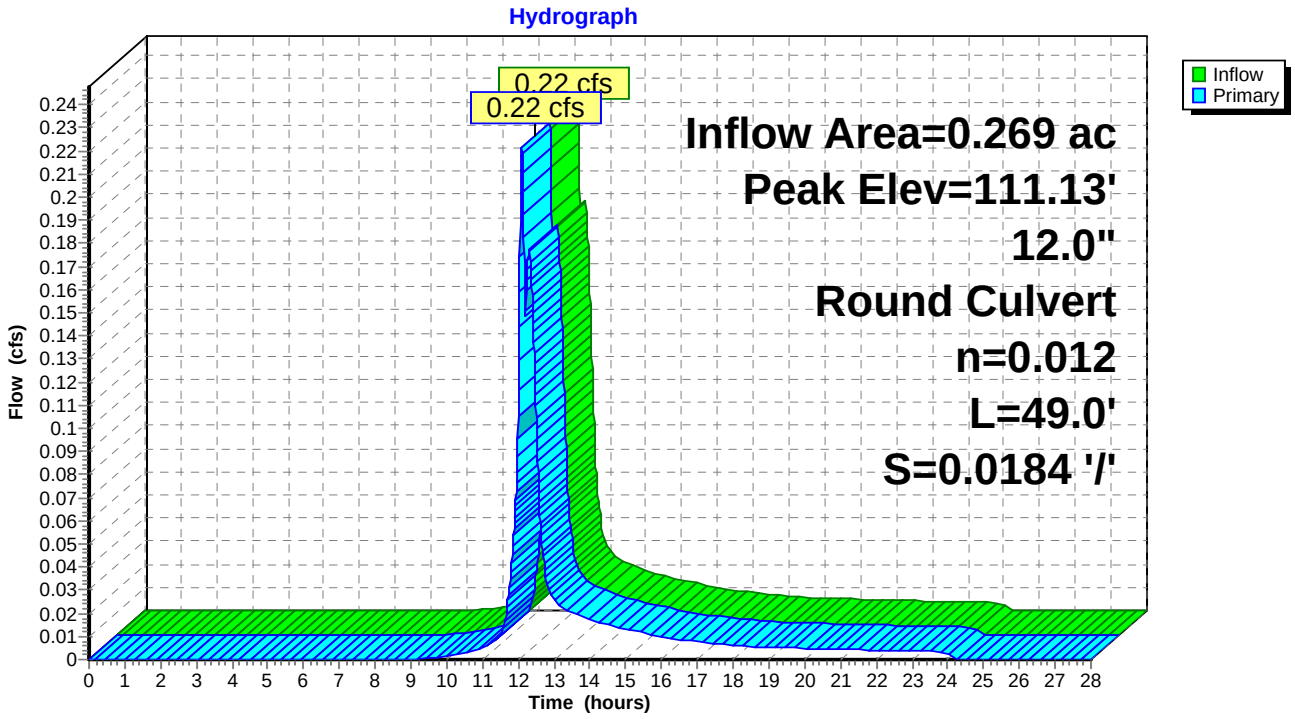
Inflow Area = 0.269 ac, 12.46% Impervious, Inflow Depth = 0.82" for 10-YR SEACOAST event
Inflow = 0.22 cfs @ 12.09 hrs, Volume= 0.018 af
Outflow = 0.22 cfs @ 12.09 hrs, Volume= 0.018 af, Atten= 0%, Lag= 0.0 min
Primary = 0.22 cfs @ 12.09 hrs, Volume= 0.018 af
Routed to Pond YD #3 : Cottage #3 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 111.13' @ 12.09 hrs
Flood Elev= 115.00'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 110.90' | **12.0" Round 12" HDPE P-16**<br>L= 49.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 110.90' / 110.00' S= 0.0184 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.22 cfs @ 12.09 hrs HW=111.13' TW=110.21' (Dynamic Tailwater)
**1=12" HDPE P-16** (Inlet Controls 0.22 cfs @ 1.63 fps)

## Pond YD C#4: Cottage #4 Yard Drain



## Summary for Pond YD#1: Yard Drain #1

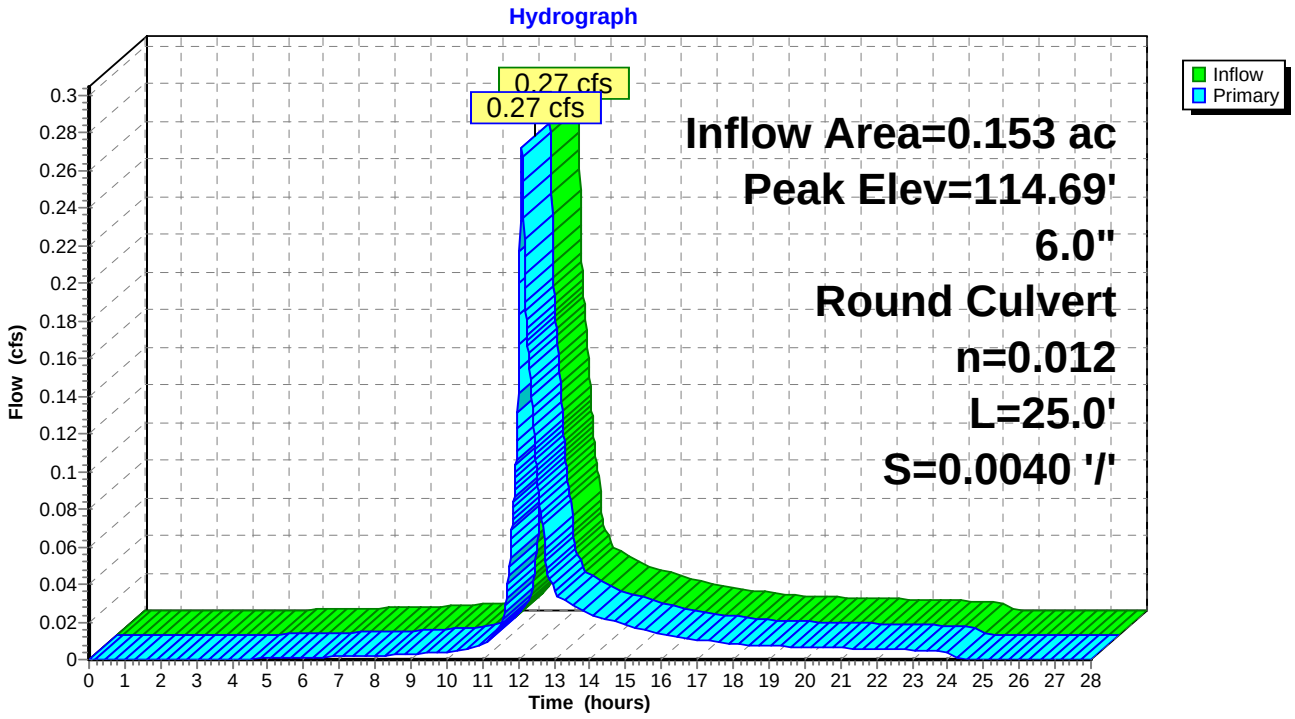
Inflow Area = 0.153 ac, 19.67% Impervious, Inflow Depth = 1.91" for 10-YR SEACOAST event
Inflow = 0.27 cfs @ 12.10 hrs, Volume= 0.024 af
Outflow = 0.27 cfs @ 12.10 hrs, Volume= 0.024 af, Atten= 0%, Lag= 0.0 min
Primary = 0.27 cfs @ 12.10 hrs, Volume= 0.024 af
Routed to Pond ST : STORMTECH SC-310

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 114.69' @ 12.31 hrs
Flood Elev= 115.75'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 114.10' | **6.0" Round 6" HDPE P-13**<br>L= 25.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 114.10' / 114.00' S= 0.0040 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.20 sf |

**Primary OutFlow** Max=0.27 cfs @ 12.10 hrs HW=114.51' TW=114.21' (Dynamic Tailwater)
**1=6" HDPE P-13** (Barrel Controls 0.27 cfs @ 2.11 fps)

## Pond YD#1: Yard Drain #1



## Summary for Pond YD#5: Yard Drain #5

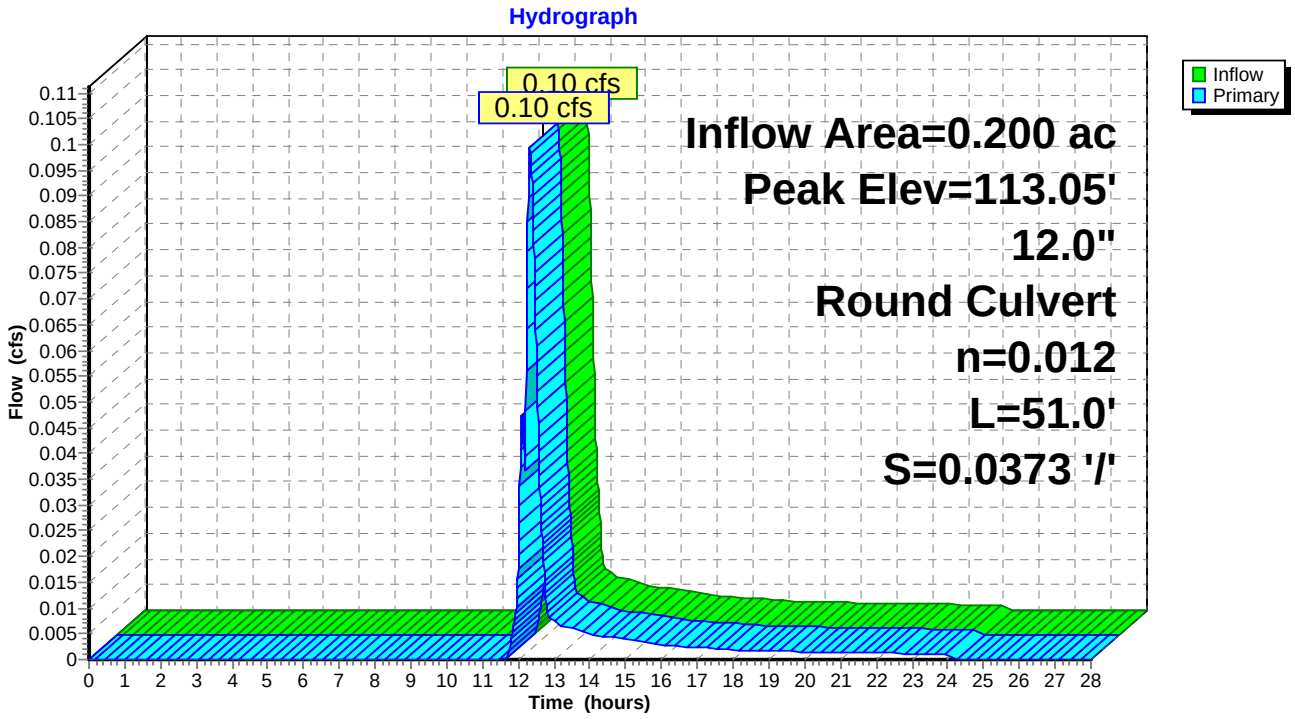
Inflow Area = 0.200 ac, 16.73% Impervious, Inflow Depth = 0.36" for 10-YR SEACOAST event
Inflow = 0.10 cfs @ 12.32 hrs, Volume= 0.006 af
Outflow = 0.10 cfs @ 12.32 hrs, Volume= 0.006 af, Atten= 0%, Lag= 0.0 min
Primary = 0.10 cfs @ 12.32 hrs, Volume= 0.006 af
Routed to Pond YD C#4 : Cottage #4 Yard Drain

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 113.05' @ 12.32 hrs
Flood Elev= 116.50'

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Primary | 112.90' | **12.0" Round 12" HDPE P-15**<br>L= 51.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 112.90' / 111.00' S= 0.0373 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |

**Primary OutFlow** Max=0.10 cfs @ 12.32 hrs HW=113.05' TW=111.10' (Dynamic Tailwater)
**1=12" HDPE P-15** (Inlet Controls 0.10 cfs @ 1.33 fps)

## Pond YD#5: Yard Drain #5

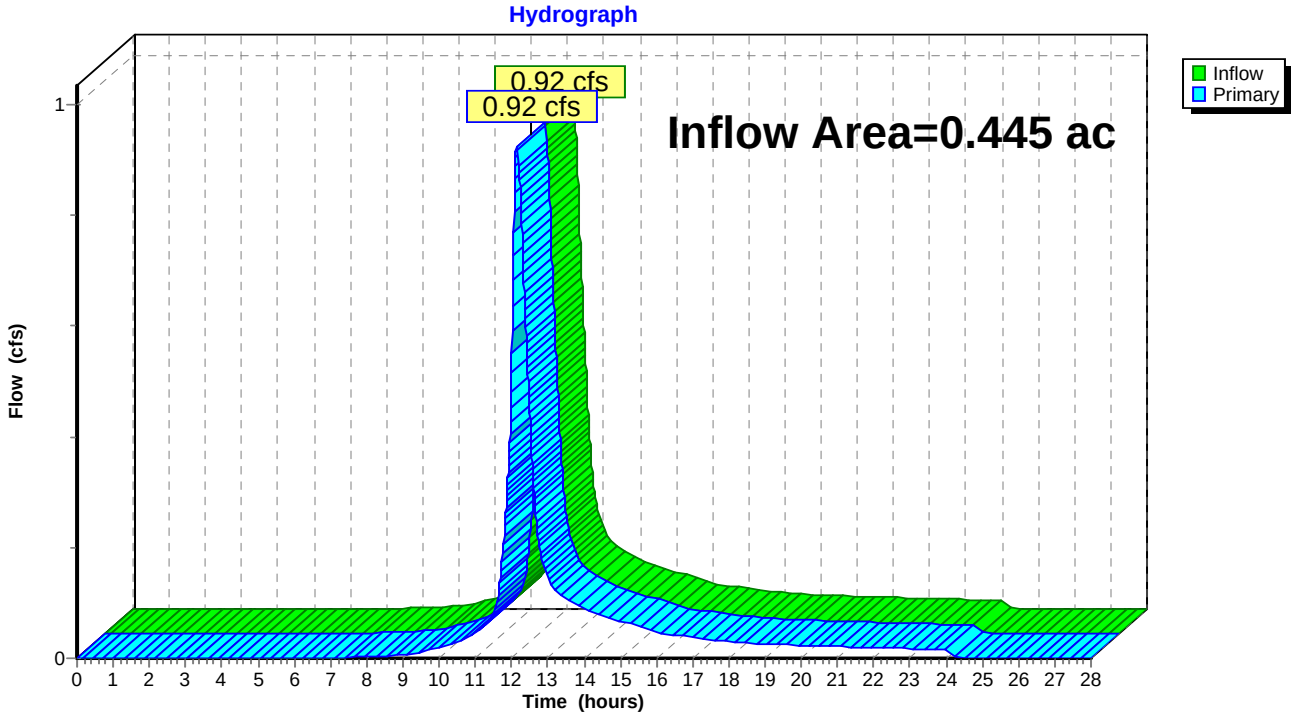


## Summary for Link AP-1: EX CB 5944

Inflow Area = 0.445 ac, 14.11% Impervious, Inflow Depth = 2.50" for 10-YR SEACOAST event
Inflow = 0.92 cfs @ 12.14 hrs, Volume= 0.093 af
Primary = 0.92 cfs @ 12.14 hrs, Volume= 0.093 af, Atten= 0%, Lag= 0.0 min
Routed to Link AP-T : AP TOTAL

Primary outflow = Inflow, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs

### Link AP-1: EX CB 5944

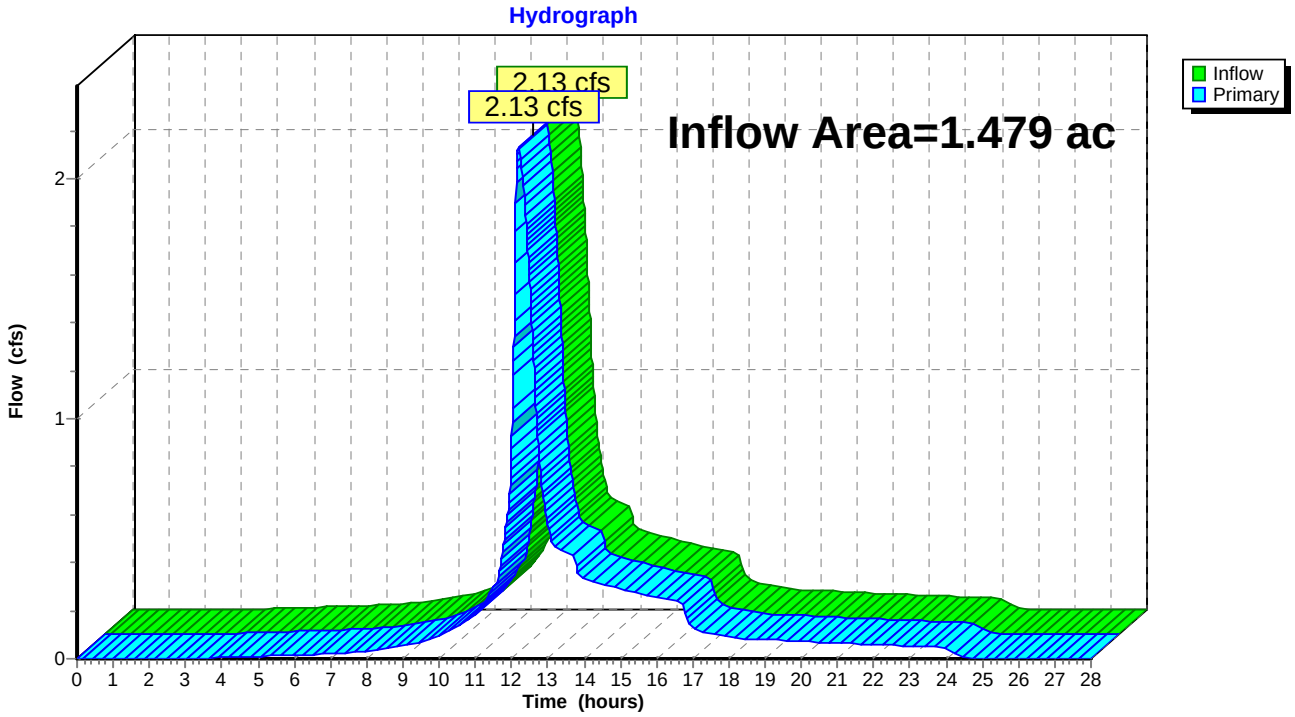


## Summary for Link AP-T: AP TOTAL

Inflow Area = 1.479 ac, 29.56% Impervious, Inflow Depth = 2.55" for 10-YR SEACOAST event
Inflow = 2.13 cfs @ 12.20 hrs, Volume= 0.314 af
Primary = 2.13 cfs @ 12.20 hrs, Volume= 0.314 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs

## Link AP-T: AP TOTAL



# STORMWATER ANALYSIS

and

**Erosion & Sediment Control Plan**

NARRATIVE

for

## *103 COURT STREET*

103 Court Street Dover, New Hampshire

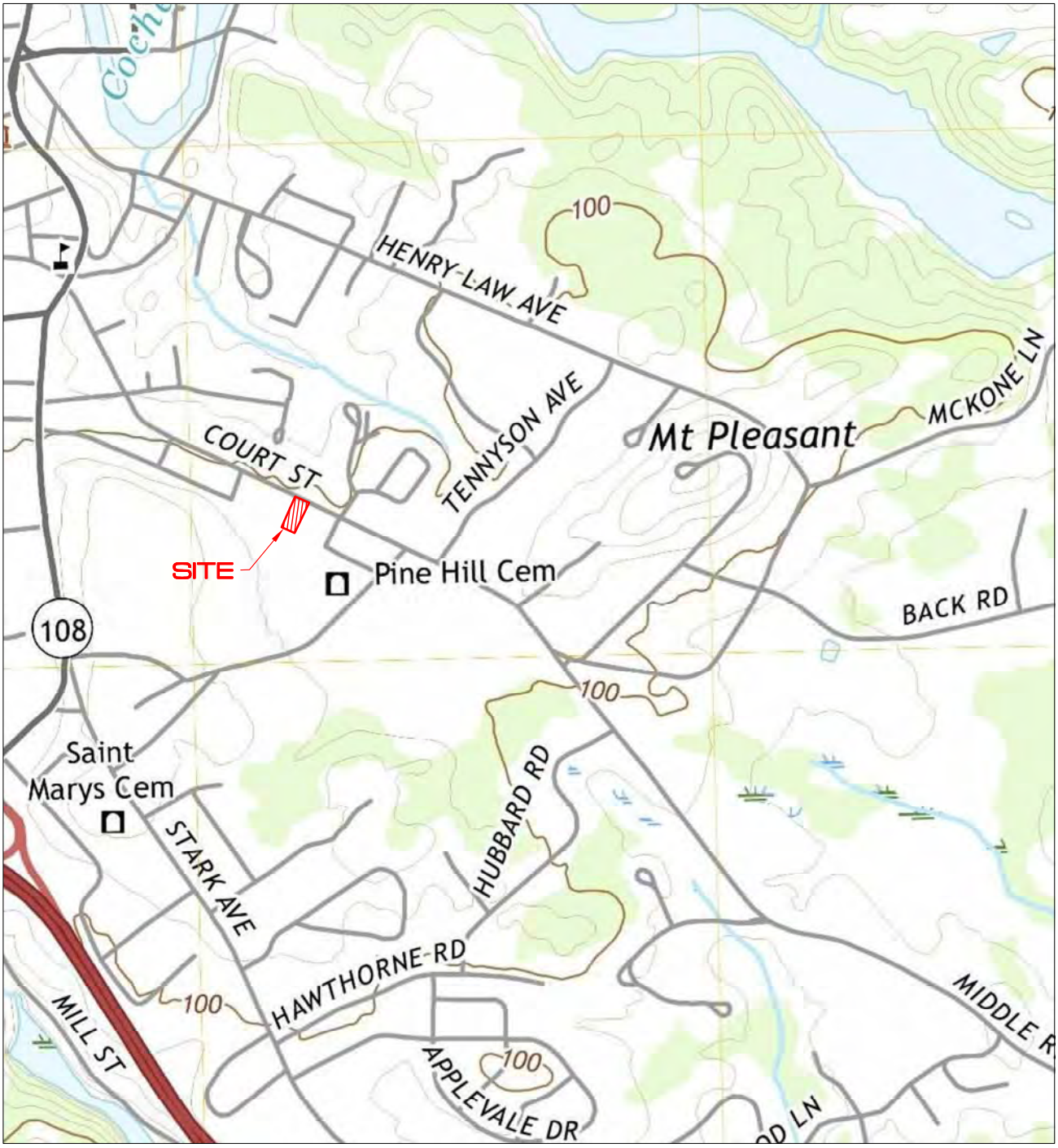
*August 2024*
*October 2024*
*October 2025*

## *SECTION III*

## *EXHIBITS*

NOTE:

THIS PLAN SHOWS PORTIONS OF THE U.S.G.S.: DOVER QUADRANGLE, NEW HAMPSHIRE 7.5 MINUTE SERIES 2021 MAP. SITE LOCATION IS APPROXIMATE.




SHEET NO.

LOCUS-1

USGS PLAN

5 SHERMAN STREET, LLC

103 COURT STREET

TAX MAP 18, LOT 9

DOVER, NEW HAMPSHIRE

APRIL 15, 2024 JOB No. 24101

SCALE: 1" : 1,000'


TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603 742 8107
FAX 603 742 3330

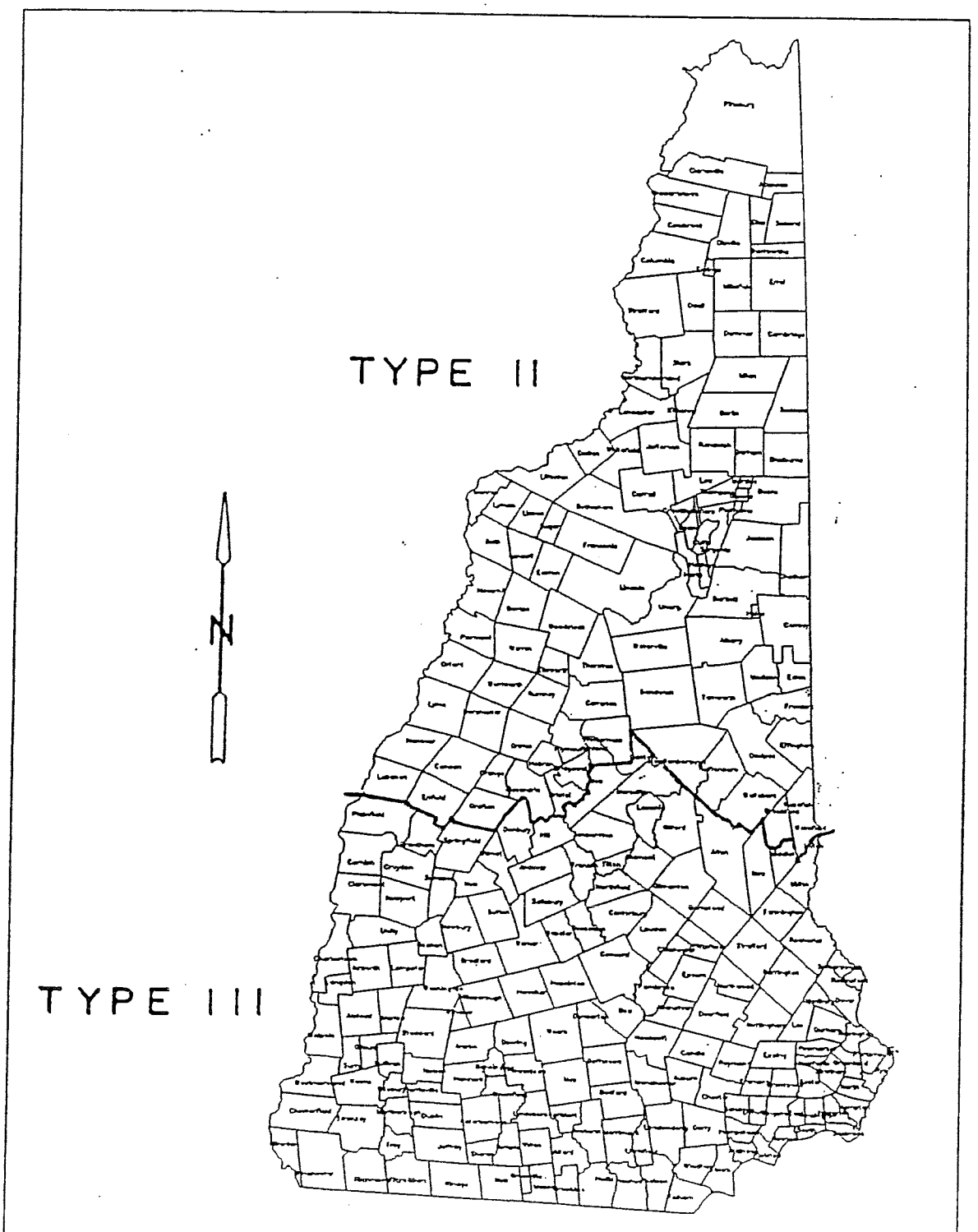



FIGURE 6-5 -- BOUNDARY FOR SCS RAINFALL DISTRIBUTION

Source: USDA Soil Conservation Service

# Extreme Precipitation Tables

## Northeast Regional Climate Center

*Data represents point estimates calculated from partial duration series. All precipitation amounts are displayed in inches.*

**Metadata for Point**

| | |
|---|---|
| **Smoothing** | Yes |
| **State** | New Hampshire |
| **Location** | New Hampshire, United States |
| **Latitude** | 43.187 degrees North |
| **Longitude** | 70.868 degrees West |
| **Elevation** | 30 feet |
| **Date/Time** | Thu Mar 07 2024 13:19:59 GMT-0500 (Eastern Standard Time) |

## Extreme Precipitation Estimates

| | 5min | 10min | 15min | 30min | 60min | 120min | | 1hr | 2hr | 3hr | 6hr | 12hr | 24hr | 48hr | | 1day | 2day | 4day | 7day | 10day | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1yr** | 0.26 | 0.40 | 0.50 | 0.65 | 0.81 | 1.03 | **1yr** | 0.70 | 0.98 | 1.20 | 1.55 | 2.00 | 2.61 | 2.87 | **1yr** | 2.31 | 2.76 | 3.16 | 3.89 | 4.45 | **1yr** |
| **2yr** | 0.32 | 0.49 | 0.61 | 0.81 | 1.01 | 1.29 | **2yr** | 0.88 | 1.17 | 1.50 | 1.91 | 2.45 | 3.15 | 3.51 | **2yr** | 2.79 | 3.37 | 3.87 | 4.60 | 5.24 | **2yr** |
| **5yr** | 0.37 | 0.57 | 0.72 | 0.96 | 1.23 | 1.58 | **5yr** | 1.06 | 1.44 | 1.85 | 2.39 | 3.08 | 3.98 | 4.50 | **5yr** | 3.53 | 4.32 | 4.94 | 5.81 | 6.57 | **5yr** |
| **10yr** | 0.40 | 0.63 | 0.80 | 1.09 | 1.42 | 1.85 | **10yr** | 1.22 | 1.69 | 2.18 | 2.83 | 3.67 | 4.76 | 5.43 | **10yr** | 4.21 | 5.22 | 5.96 | 6.94 | 7.81 | **10yr** |
| **25yr** | 0.46 | 0.74 | 0.94 | 1.30 | 1.72 | 2.27 | **25yr** | 1.49 | 2.09 | 2.70 | 3.53 | 4.61 | 6.01 | 6.96 | **25yr** | 5.32 | 6.69 | 7.62 | 8.78 | 9.81 | **25yr** |
| **50yr** | 0.52 | 0.83 | 1.06 | 1.49 | 2.00 | 2.67 | **50yr** | 1.73 | 2.46 | 3.19 | 4.19 | 5.50 | 7.19 | 8.41 | **50yr** | 6.36 | 8.08 | 9.19 | 10.49 | 11.66 | **50yr** |
| **100yr** | 0.58 | 0.94 | 1.21 | 1.71 | 2.32 | 3.13 | **100yr** | 2.01 | 2.89 | 3.75 | 4.97 | 6.54 | 8.59 | 10.16 | **100yr** | 7.60 | 9.77 | 11.09 | 12.55 | 13.87 | **100yr** |
| **200yr** | 0.64 | 1.05 | 1.36 | 1.96 | 2.70 | 3.68 | **200yr** | 2.33 | 3.40 | 4.43 | 5.90 | 7.80 | 10.27 | 12.28 | **200yr** | 9.09 | 11.81 | 13.37 | 15.00 | 16.51 | **200yr** |
| **500yr** | 0.76 | 1.25 | 1.62 | 2.36 | 3.31 | 4.54 | **500yr** | 2.85 | 4.22 | 5.51 | 7.38 | 9.83 | 13.02 | 15.78 | **500yr** | 11.52 | 15.17 | 17.15 | 19.02 | 20.79 | **500yr** |

## Lower Confidence Limits

| | 5min | 10min | 15min | 30min | 60min | 120min | | 1hr | 2hr | 3hr | 6hr | 12hr | 24hr | 48hr | | 1day | 2day | 4day | 7day | 10day | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1yr** | 0.24 | 0.37 | 0.45 | 0.60 | 0.74 | 0.89 | **1yr** | 0.64 | 0.87 | 0.92 | 1.26 | 1.58 | 2.14 | 2.45 | **1yr** | 1.90 | 2.36 | 2.87 | 3.34 | 4.02 | **1yr** |
| **2yr** | 0.31 | 0.49 | 0.60 | 0.81 | 1.00 | 1.18 | **2yr** | 0.86 | 1.16 | 1.36 | 1.83 | 2.36 | 3.04 | 3.40 | **2yr** | 2.69 | 3.27 | 3.75 | 4.47 | 5.05 | **2yr** |
| **5yr** | 0.35 | 0.54 | 0.67 | 0.91 | 1.16 | 1.40 | **5yr** | 1.00 | 1.37 | 1.61 | 2.15 | 2.77 | 3.72 | 4.13 | **5yr** | 3.29 | 3.97 | 4.62 | 5.41 | 6.12 | **5yr** |
| **10yr** | 0.38 | 0.59 | 0.73 | 1.02 | 1.31 | 1.60 | **10yr** | 1.13 | 1.56 | 1.81 | 2.44 | 3.12 | 4.27 | 4.78 | **10yr** | 3.78 | 4.60 | 5.32 | 6.25 | 7.02 | **10yr** |
| **25yr** | 0.44 | 0.66 | 0.82 | 1.18 | 1.55 | 1.91 | **25yr** | 1.34 | 1.87 | 2.11 | 2.84 | 3.64 | 4.91 | 5.79 | **25yr** | 4.35 | 5.57 | 6.49 | 7.55 | 8.42 | **25yr** |
| **50yr** | 0.48 | 0.73 | 0.91 | 1.31 | 1.76 | 2.18 | **50yr** | 1.52 | 2.14 | 2.35 | 3.19 | 4.09 | 5.60 | 6.67 | **50yr** | 4.96 | 6.42 | 7.53 | 8.71 | 9.67 | **50yr** |
| **100yr** | 0.53 | 0.81 | 1.01 | 1.46 | 2.01 | 2.50 | **100yr** | 1.73 | 2.45 | 2.63 | 3.57 | 4.56 | 6.37 | 7.69 | **100yr** | 5.64 | 7.39 | 8.74 | 10.06 | 11.07 | **100yr** |
| **200yr** | 0.59 | 0.89 | 1.13 | 1.64 | 2.28 | 2.86 | **200yr** | 1.97 | 2.80 | 2.93 | 3.99 | 5.08 | 7.24 | 8.86 | **200yr** | 6.41 | 8.52 | 10.13 | 11.61 | 12.71 | **200yr** |
| **500yr** | 0.69 | 1.03 | 1.32 | 1.92 | 2.73 | 3.44 | **500yr** | 2.36 | 3.37 | 3.40 | 4.62 | 5.89 | 8.54 | 10.67 | **500yr** | 7.56 | 10.26 | 12.31 | 14.06 | 15.19 | **500yr** |

## Upper Confidence Limits

| | 5min | 10min | 15min | 30min | 60min | 120min | | 1hr | 2hr | 3hr | 6hr | 12hr | 24hr | 48hr | | 1day | 2day | 4day | 7day | 10day | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **1yr** | 0.28 | 0.43 | 0.53 | 0.71 | 0.87 | 1.08 | **1yr** | 0.75 | 1.05 | 1.24 | 1.74 | 2.21 | 2.88 | 3.09 | **1yr** | 2.55 | 2.97 | 3.44 | 4.24 | 4.83 | **1yr** |
| **2yr** | 0.33 | 0.51 | 0.62 | 0.85 | 1.04 | 1.25 | **2yr** | 0.90 | 1.22 | 1.48 | 1.96 | 2.51 | 3.30 | 3.63 | **2yr** | 2.92 | 3.49 | 4.00 | 4.75 | 5.46 | **2yr** |
| **5yr** | 0.39 | 0.61 | 0.75 | 1.03 | 1.31 | 1.58 | **5yr** | 1.13 | 1.55 | 1.86 | 2.50 | 3.20 | 4.25 | 4.86 | **5yr** | 3.76 | 4.68 | 5.28 | 6.24 | 7.01 | **5yr** |
| **10yr** | 0.46 | 0.70 | 0.87 | 1.22 | 1.57 | 1.92 | **10yr** | 1.36 | 1.88 | 2.24 | 3.05 | 3.86 | 5.22 | 6.07 | **10yr** | 4.62 | 5.84 | 6.68 | 7.66 | 8.55 | **10yr** |
| **25yr** | 0.56 | 0.85 | 1.05 | 1.50 | 1.98 | 2.48 | **25yr** | 1.71 | 2.43 | 2.88 | 3.97 | 4.97 | 7.12 | 8.16 | **25yr** | 6.30 | 7.85 | 8.94 | 10.09 | 11.14 | **25yr** |
| **50yr** | 0.64 | 0.98 | 1.22 | 1.75 | 2.36 | 3.00 | **50yr** | 2.04 | 2.93 | 3.50 | 4.84 | 6.04 | 8.80 | 10.23 | **50yr** | 7.79 | 9.84 | 11.18 | 12.41 | 13.62 | **50yr** |
| **100yr** | 0.75 | 1.13 | 1.42 | 2.05 | 2.81 | 3.63 | **100yr** | 2.43 | 3.55 | 4.25 | 5.93 | 7.35 | 10.88 | 12.83 | **100yr** | 9.63 | 12.33 | 13.96 | 15.30 | 16.67 | **100yr** |
| **200yr** | 0.87 | 1.31 | 1.66 | 2.40 | 3.35 | 4.40 | **200yr** | 2.89 | 4.30 | 5.17 | 7.26 | 8.94 | 13.49 | 16.09 | **200yr** | 11.94 | 15.48 | 17.46 | 18.83 | 20.43 | **200yr** |
| **500yr** | 1.06 | 1.58 | 2.04 | 2.96 | 4.21 | 5.66 | **500yr** | 3.63 | 5.53 | 6.68 | 9.50 | 11.59 | 17.95 | 21.73 | **500yr** | 15.89 | 20.90 | 23.49 | 24.83 | 26.73 | **500yr** |

Powered by ACIS Northeast Regional Climate Center

# FILTRATION PRACTICE DESIGN CRITERIA
# (Env-Wq 1508.08)

**Type/Node Name:** **Court Street Bio #1**

*Enter the type of filtration practice (e.g., bioretention system) and the node name in the drainage analysis, if applicable.*

| | | | |
|---|---|---|---|
| Yes | | Check if you reviewed the restrictions on unlined systems outlined in Env-Wq 1508.08(a). | |
| 0.99 | ac | A = Area draining to the practice | |
| 0.33 | ac | $A_I$ = Impervious area draining to the practice | |
| 0.33 | decimal | I = Percent impervious area draining to the practice, in decimal form | |
| 0.35 | unitless | Rv = Runoff coefficient = 0.05 + (0.9 x I) | |
| 0.34 | ac-in | WQV= 1" x Rv x A | |
| 1,251 | cf | WQV conversion (ac-in x 43,560 sf/ac x 1ft/12") | |
| 313 | cf | 25% x WQV (check calc for sediment forebay volume) | |
| 938 | cf | 75% x WQV (check calc for surface sand filter volume) | |
| Hooded Sump CB | | Method of Pretreatment? (not required for clean or roof runoff) | |
| - | cf | $V_{SED}$ = Sediment forebay volume, if used for pretreatment | **≥ 25%WQV** |
| Calculate time to drain if system IS NOT underdrained: | | | |
| - | sf | $A_{SA}$ = Surface area of the practice | |
| - | iph | $Ksat_{DESIGN}$ = Design infiltration rate[1] | |
| | | If Ksat (prior to factor of safety) is < 0.50 iph, has an underdrain been provided? | |
| - | Yes/No | (Use the calculations below) | |
| - | hours | $T_{DRAIN}$ = Drain time = V / ($A_{SA}$ * $I_{DESIGN}$) | **≤ 72-hrs** |
| Calculate time to drain if system IS underdrained: | | | |
| 102.30 | ft | $E_{WQV}$ = Elevation of WQV (attach stage-storage table) | |
| 0.33 | cfs | $Q_{WQV}$ = Discharge at the $E_{WQV}$ (attach stage-discharge table) | |
| 2.11 | hours | $T_{DRAIN}$ = Drain time = 2WQV/$Q_{WQV}$ | **≤ 72-hrs** |
| 100.50 | feet | $E_{FC}$ = Elevation of the bottom of the filter course material[2] | |
| 99.30 | feet | $E_{UD}$ = Invert elevation of the underdrain (UD), if applicable | |
| 102.00 | feet | $E_{SHWT}$ = Elevation of SHWT (if none found, enter the lowest elevation of the test pit) | |
| 102.00 | feet | $E_{ROCK}$ = Elevation of bedrock (if none found, enter the lowest elevation of the test pit) | |
| 1.20 | feet | $D_{FC\ to\ UD}$ = Depth to UD from the bottom of the filter course | **≥ 1'** |
| (1.50) | feet | $D_{FC\ to\ ROCK}$ = Depth to bedrock from the bottom of the filter course | **≥ 1'** |
| (1.50) | feet | $D_{FC\ to\ SHWT}$ = Depth to SHWT from the bottom of the filter course | **≥ 1'** |
| 103.97 | ft | Peak elevation of the 50-year storm event (infiltration can be used in analysis) | |
| 104.00 | ft | Elevation of the top of the practice | |
| YES | | 50 peak elevation ≤ Elevation of the top of the practice | **← yes** |
| **If a surface sand filter or underground sand filter is proposed:** | | | |
| YES | ac | Drainage Area check. | **< 10 ac** |
| | cf | V = Volume of storage[3] (attach a stage-storage table) | **≥ 75%WQV** |
| | inches | $D_{FC}$ = Filter course thickness | **18", or 24" if within GPA** |
| Sheet | | Note what sheet in the plan set contains the filter course specification. | |
| | Yes/No | Access grate provided? | **← yes** |

| | | | |
|---|---|---|---|
| **If a bioretention area is proposed:** | | | |
| YES | ac | Drainage Area no larger than 5 ac? | **← yes** |
| 1,345 | cf | V = Volume of storage[3] (attach a stage-storage table) | **≥ WQV** |
| 18.0 | inches | $D_{FC}$ = Filter course thickness | **18", or 24" if within GPA** |
| Sheet | SP-5 | Note what sheet in the plan set contains the filter course specification | |
| 2.0 | :1 | Pond side slopes | **≥ 3:1** |
| Sheet | SP-5 | Note what sheet in the plan set contains the planting plans and surface cover | |
| **If porous pavement is proposed:** | | | |
| | | Type of pavement proposed (Concrete? Asphalt? Pavers? Etc.) | |
| | acres | $A_{SA}$ = Surface area of the pervious pavement | |
| | :1 | Ratio of the contributing area to the pervious surface area | **≤ 5:1** |
| | inches | $D_{FC}$ = Filter course thickness | **12", or 18" if within GPA mod. 304.1 (see spec)** |
| Sheet | | Note what sheet in the plan set contains the filter course spec. | |

1. Rate of the limiting layer (either the filter course or the underlying soil). $Ksat_{design}$ includes factor of safey. See Env-Wq 1504.14 for guidance on determining the infiltration rate.

2. See lines 34, 40 and 48 for required depths of filter media.

3. Volume without depending on infiltration. The volume includes the storage above the filter (but below the invert of the outlet stucture, if any), the filter media voids, and the pretreatment area. The storage above the filter media shall not include the volume above the outlet structure, if any.

Designer's Notes:

## Summary for Pond BIO #1: BIO #1

Inflow Area = 0.988 ac, 33.24% Impervious, Inflow Depth = 4.43" for 50-YR SEACOAST event
Inflow = 4.71 cfs @ 12.09 hrs, Volume= 0.365 af
Outflow = 2.49 cfs @ 12.25 hrs, Volume= 0.365 af, Atten= 47%, Lag= 9.2 min
Primary = 2.49 cfs @ 12.25 hrs, Volume= 0.365 af
Routed to Pond DMH 104 : DMH 104

Routing by Dyn-Stor-Ind method, Time Span= 0.00-28.00 hrs, dt= 0.01 hrs / 2
Peak Elev= 103.97' @ 12.25 hrs Surf.Area= 1,988 sf Storage= 3,569 cf
Flood Elev= 104.00' Surf.Area= 2,015 sf Storage= 3,623 cf

Plug-Flow detention time= 33.8 min calculated for 0.365 af (100% of inflow)
Center-of-Mass det. time= 33.8 min ( 825.0 - 791.1 )

| Volume | Invert | Avail.Storage | Storage Description |
|---|---|---|---|
| #1 | 99.24' | 3,623 cf | **Custom Stage Data (Conic)** Listed below (Recalc) |

| Elevation (feet) | Surf.Area (sq-ft) | Voids (%) | Inc.Store (cubic-feet) | Cum.Store (cubic-feet) | Wet.Area (sq-ft) |
|---|---|---|---|---|---|
| 99.24 | 1,350 | 0.0 | 0 | 0 | 1,350 |
| 99.25 | 1,350 | 40.0 | 5 | 5 | 1,351 |
| 100.49 | 1,350 | 40.0 | 670 | 675 | 1,513 |
| 100.50 | 1,350 | 20.0 | 3 | 678 | 1,514 |
| 101.99 | 1,350 | 20.0 | 402 | 1,080 | 1,708 |
| 102.00 | 800 | 100.0 | 11 | 1,091 | 2,258 |
| 103.00 | 1,150 | 100.0 | 970 | 2,060 | 2,625 |
| 104.00 | 2,015 | 100.0 | 1,562 | 3,623 | 3,501 |

| Device | Routing | Invert | Outlet Devices |
|---|---|---|---|
| #1 | Device 3 | 99.24' | **6.000 in/hr Exfiltration to Underdrain over Wetted area**<br>Phase-In= 0.10' |
| #2 | Device 3 | 103.95' | **0.5" x 4.5" Horiz. Orifice/Grate Overflow X 14.00 columns**<br>X 4 rows C= 0.600 Limited to weir flow at low heads |
| #3 | Primary | 99.20' | **12.0" Round 12" HDPE (P-8)**<br>L= 65.0' CPP, end-section conforming to fill, Ke= 0.500<br>Inlet / Outlet Invert= 99.20' / 97.50' S= 0.0262 '/' Cc= 0.900<br>n= 0.012 Corrugated PP, smooth interior, Flow Area= 0.79 sf |
| #4 | Device 3 | 102.30' | **9.0" W x 4.0" H Vert. Orifice in the side of OS #1** C= 0.600<br>Limited to weir flow at low heads |

**Primary OutFlow** Max=2.49 cfs @ 12.25 hrs HW=103.97' TW=98.38' (Dynamic Tailwater)
└─**3=12" HDPE (P-8)** (Passes 2.49 cfs of 7.82 cfs potential flow)
  ├─**1=Exfiltration to Underdrain** (Exfiltration Controls 0.48 cfs)
  ├─**2=Orifice/Grate Overflow** (Weir Controls 0.53 cfs @ 0.49 fps)
  └─**4=Orifice in the side of OS #1** (Orifice Controls 1.48 cfs @ 5.91 fps)

## Stage-Discharge for Pond BIO #1: BIO #1 (continued)

| Elevation (feet) | Primary (cfs) | Elevation (feet) | Primary (cfs) | Elevation (feet) | Primary (cfs) | Elevation (feet) | Primary (cfs) |
|---|---|---|---|---|---|---|---|
| 101.36 | 0.23 | 101.89 | 0.24 | 102.42 | 0.43 | 102.95 | 1.19 |
| 101.37 | 0.23 | 101.90 | 0.24 | 102.43 | 0.45 | 102.96 | 1.20 |
| 101.38 | 0.23 | 101.91 | 0.24 | 102.44 | 0.46 | 102.97 | 1.21 |
| 101.39 | 0.23 | 101.92 | 0.24 | 102.45 | 0.48 | 102.98 | 1.22 |
| 101.40 | 0.23 | 101.93 | 0.24 | 102.46 | 0.49 | 102.99 | 1.23 |
| 101.41 | 0.23 | 101.94 | 0.24 | 102.47 | 0.51 | 103.00 | 1.24 |
| 101.42 | 0.23 | 101.95 | 0.24 | 102.48 | 0.52 | 103.01 | 1.25 |
| 101.43 | 0.23 | 101.96 | 0.24 | 102.49 | 0.54 | 103.02 | 1.26 |
| 101.44 | 0.23 | 101.97 | 0.24 | 102.50 | 0.55 | 103.03 | 1.27 |
| 101.45 | 0.23 | 101.98 | 0.24 | 102.51 | 0.57 | 103.04 | 1.28 |
| 101.46 | 0.23 | 101.99 | 0.24 | 102.52 | 0.59 | 103.05 | 1.29 |
| 101.47 | 0.23 | 102.00 | 0.31 | 102.53 | 0.61 | 103.06 | 1.30 |
| 101.48 | 0.23 | 102.01 | 0.31 | 102.54 | 0.62 | 103.07 | 1.30 |
| 101.49 | 0.23 | 102.02 | 0.31 | 102.55 | 0.64 | 103.08 | 1.31 |
| 101.50 | 0.23 | 102.03 | 0.32 | 102.56 | 0.66 | 103.09 | 1.32 |
| 101.51 | 0.23 | 102.04 | 0.32 | 102.57 | 0.68 | 103.10 | 1.33 |
| 101.52 | 0.23 | 102.05 | 0.32 | 102.58 | 0.70 | 103.11 | 1.34 |
| 101.53 | 0.23 | 102.06 | 0.32 | 102.59 | 0.72 | 103.12 | 1.35 |
| 101.54 | 0.23 | 102.07 | 0.32 | 102.60 | 0.74 | 103.13 | 1.36 |
| 101.55 | 0.23 | 102.08 | 0.32 | 102.61 | 0.76 | 103.14 | 1.36 |
| 101.56 | 0.23 | 102.09 | 0.32 | 102.62 | 0.78 | 103.15 | 1.37 |
| 101.57 | 0.23 | 102.10 | 0.32 | 102.63 | 0.80 | 103.16 | 1.38 |
| 101.58 | 0.23 | 102.11 | 0.32 | 102.64 | 0.82 | 103.17 | 1.39 |
| 101.59 | 0.23 | 102.12 | 0.32 | 102.65 | 0.84 | 103.18 | 1.40 |
| 101.60 | 0.23 | 102.13 | 0.32 | 102.66 | 0.86 | 103.19 | 1.41 |
| 101.61 | 0.23 | 102.14 | 0.32 | 102.67 | 0.87 | 103.20 | 1.41 |
| 101.62 | 0.23 | 102.15 | 0.32 | 102.68 | 0.89 | 103.21 | 1.42 |
| 101.63 | 0.23 | 102.16 | 0.32 | 102.69 | 0.90 | 103.22 | 1.43 |
| 101.64 | 0.23 | 102.17 | 0.32 | 102.70 | 0.92 | 103.23 | 1.44 |
| 101.65 | 0.23 | 102.18 | 0.32 | 102.71 | 0.93 | 103.24 | 1.45 |
| 101.66 | 0.23 | 102.19 | 0.32 | 102.72 | 0.94 | 103.25 | 1.46 |
| 101.67 | 0.23 | 102.20 | 0.32 | 102.73 | 0.96 | 103.26 | 1.46 |
| 101.68 | 0.23 | 102.21 | 0.32 | 102.74 | 0.97 | 103.27 | 1.47 |
| 101.69 | 0.23 | 102.22 | 0.32 | 102.75 | 0.98 | 103.28 | 1.48 |
| 101.70 | 0.23 | 102.23 | 0.32 | 102.76 | 0.99 | 103.29 | 1.49 |
| 101.71 | 0.23 | 102.24 | 0.33 | 102.77 | 1.01 | 103.30 | 1.49 |
| 101.72 | 0.23 | 102.25 | 0.33 | 102.78 | 1.02 | 103.31 | 1.50 |
| 101.73 | 0.23 | 102.26 | 0.33 | 102.79 | 1.03 | 103.32 | 1.51 |
| 101.74 | 0.23 | 102.27 | 0.33 | 102.80 | 1.04 | 103.33 | 1.52 |
| 101.75 | 0.23 | 102.28 | 0.33 | 102.81 | 1.05 | 103.34 | 1.53 |
| 101.76 | 0.23 | 102.29 | 0.33 | 102.82 | 1.06 | 103.35 | 1.53 |
| 101.77 | 0.23 | 102.30 | 0.33 | 102.83 | 1.07 | 103.36 | 1.54 |
| 101.78 | 0.23 | 102.31 | 0.33 | 102.84 | 1.08 | 103.37 | 1.55 |
| 101.79 | 0.23 | 102.32 | 0.34 | 102.85 | 1.10 | 103.38 | 1.56 |
| 101.80 | 0.23 | 102.33 | 0.34 | 102.86 | 1.11 | 103.39 | 1.56 |
| 101.81 | 0.23 | 102.34 | 0.35 | 102.87 | 1.12 | 103.40 | 1.57 |
| 101.82 | 0.23 | 102.35 | 0.36 | 102.88 | 1.13 | 103.41 | 1.58 |
| 101.83 | 0.23 | 102.36 | 0.37 | 102.89 | 1.14 | 103.42 | 1.59 |
| 101.84 | 0.23 | 102.37 | 0.38 | 102.90 | 1.15 | 103.43 | 1.59 |
| 101.85 | 0.23 | 102.38 | 0.39 | 102.91 | 1.16 | 103.44 | 1.60 |
| 101.86 | 0.23 | 102.39 | 0.40 | 102.92 | 1.17 | 103.45 | 1.61 |
| 101.87 | 0.24 | 102.40 | 0.41 | 102.93 | 1.18 | 103.46 | 1.61 |
| 101.88 | 0.24 | 102.41 | 0.42 | 102.94 | 1.19 | 103.47 | 1.62 |

## Stage-Area-Storage for Pond BIO #1: BIO #1 (continued)

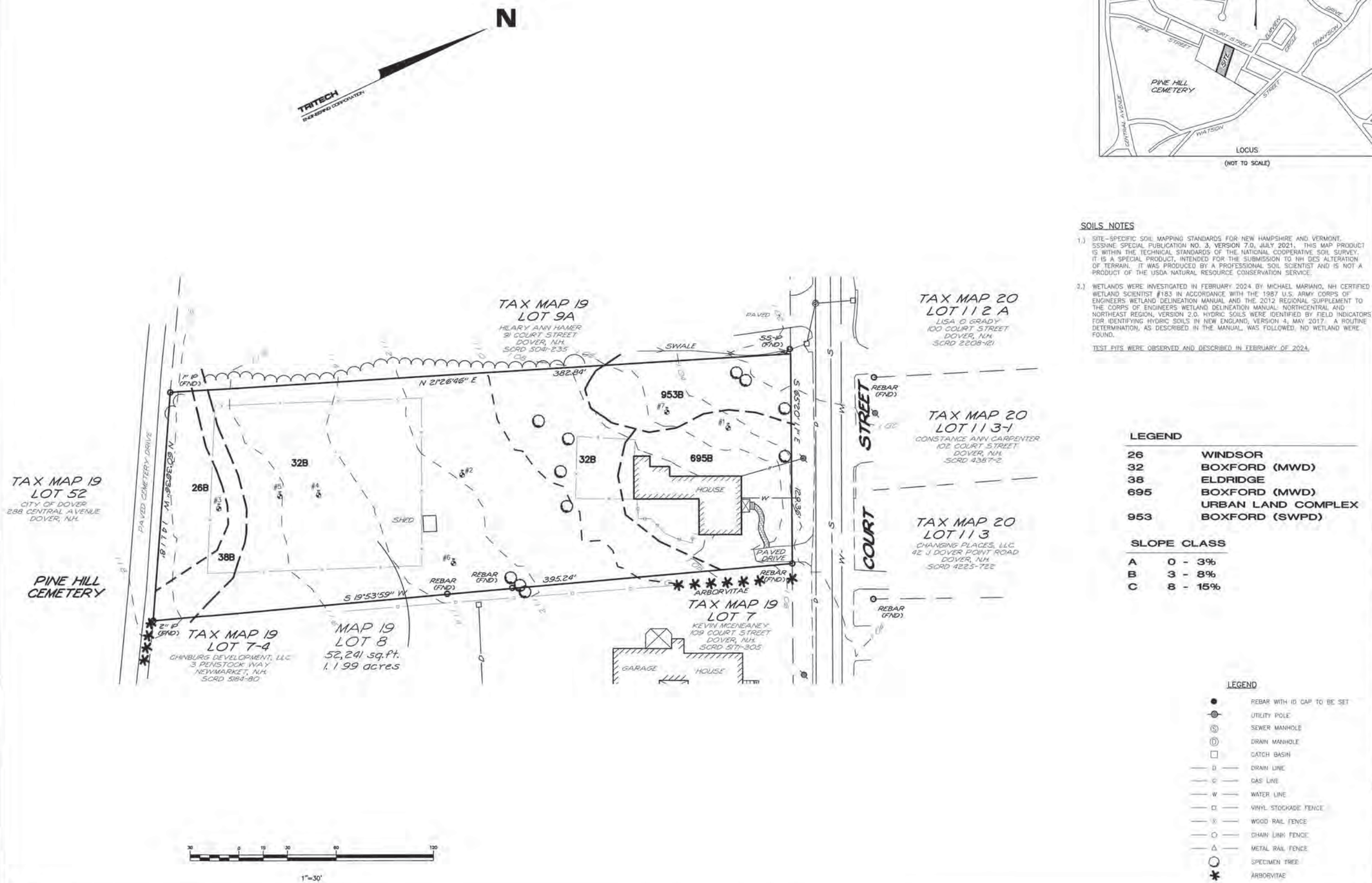
| Elevation (feet) | Surface (sq-ft) | Wetted (sq-ft) | Storage (cubic-feet) |
|---|---|---|---|
| 101.89 | 1,350 | 1,695 | 1,053 |
| 101.90 | 1,350 | 1,696 | 1,056 |
| 101.91 | 1,350 | 1,698 | 1,058 |
| 101.92 | 1,350 | 1,699 | 1,061 |
| 101.93 | 1,350 | 1,700 | 1,064 |
| 101.94 | 1,350 | 1,702 | 1,067 |
| 101.95 | 1,350 | 1,703 | 1,069 |
| 101.96 | 1,350 | 1,704 | 1,072 |
| 101.97 | 1,350 | 1,706 | 1,075 |
| 101.98 | 1,350 | 1,707 | 1,077 |
| 101.99 | 1,350 | 1,708 | 1,080 |
| 102.00 | 800 | 2,258 | 1,091 |
| 102.01 | 803 | 2,262 | 1,099 |
| 102.02 | 806 | 2,265 | 1,107 |
| 102.03 | 810 | 2,268 | 1,115 |
| 102.04 | 813 | 2,272 | 1,123 |
| 102.05 | 816 | 2,275 | 1,131 |
| 102.06 | 819 | 2,278 | 1,139 |
| 102.07 | 822 | 2,282 | 1,147 |
| 102.08 | 826 | 2,285 | 1,156 |
| 102.09 | 829 | 2,288 | 1,164 |
| 102.10 | 832 | 2,292 | 1,172 |
| 102.11 | 835 | 2,295 | 1,181 |
| 102.12 | 839 | 2,299 | 1,189 |
| 102.13 | 842 | 2,302 | 1,197 |
| 102.14 | 845 | 2,306 | 1,206 |
| 102.15 | 848 | 2,309 | 1,214 |
| 102.16 | 852 | 2,312 | 1,223 |
| 102.17 | 855 | 2,316 | 1,231 |
| 102.18 | 858 | 2,319 | 1,240 |
| 102.19 | 862 | 2,323 | 1,248 |
| 102.20 | 865 | 2,326 | 1,257 |
| 102.21 | 868 | 2,330 | 1,266 |
| 102.22 | 872 | 2,333 | 1,274 |
| 102.23 | 875 | 2,337 | 1,283 |
| 102.24 | 878 | 2,340 | 1,292 |
| 102.25 | 882 | 2,344 | 1,301 |
| 102.26 | 885 | 2,347 | 1,310 |
| 102.27 | 888 | 2,351 | 1,318 |
| 102.28 | 892 | 2,354 | 1,327 |
| 102.29 | 895 | 2,358 | 1,336 |
| 102.30 | 898 | 2,361 | 1,345 |
| 102.31 | 902 | 2,365 | 1,354 |
| 102.32 | 905 | 2,368 | 1,363 |
| 102.33 | 908 | 2,372 | 1,372 |
| 102.34 | 912 | 2,375 | 1,381 |
| 102.35 | 915 | 2,379 | 1,391 |
| 102.36 | 919 | 2,383 | 1,400 |
| 102.37 | 922 | 2,386 | 1,409 |
| 102.38 | 926 | 2,390 | 1,418 |
| 102.39 | 929 | 2,393 | 1,427 |
| 102.40 | 932 | 2,397 | 1,437 |
| 102.41 | 936 | 2,401 | 1,446 |

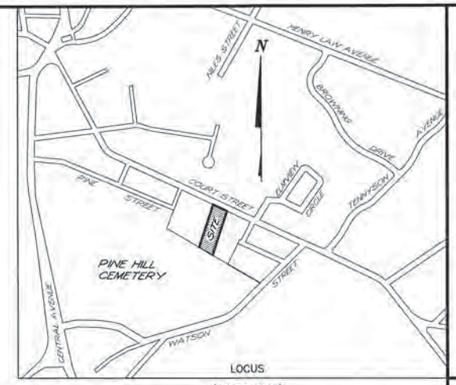
# GROUNDWATER RECHARGE VOLUME (GRV)
# (Env-Wq 1504.12)

| | | | |
|---|---|---|---|
| - | ac | Area of HSG A soil that was replaced by impervious cover | 0.40" |
| - | ac | Area of HSG B soil that was replaced by impervious cover | 0.25" |
| 0.28 | ac | Area of HSG C soil that was replaced by impervious cover | 0.10" |
| 0.05 | ac | Area of HSG D soil or impervious cover that was replaced by impervious cover | 0.0" |
| 0.09 | inches | Rd = Weighted groundwater recharge depth | |
| 0.0281 | ac-in | GRV = AI * Rd | |
| 102 | cf | GRV conversion (ac-in x 43,560 sf/ac x 1ft/12”) | |
| | ← Y/N | Is a stage-storage table attached showing that the GRV can be stored below the lowest invert of the outlet structure (if applicable)? Multiple stormwater control measures may be used to meet the GRV requirements. | |

**Provide calculations/discussion below showing that the project meets the groundwater recharge requirements (Env-Wq 1507.04):**

Infiltration from Stormtech = 145 cubic feet




LOCUS
(NOT TO SCALE)

SOILS NOTES

1.) SITE-SPECIFIC SOIL MAPPING STANDARDS FOR NEW HAMPSHIRE AND VERMONT, SSSNNE SPECIAL PUBLICATION NO. 3, VERSION 7.0, JULY 2021. THIS MAP PRODUCT IS WITHIN THE TECHNICAL STANDARDS OF THE NATIONAL COOPERATIVE SOIL SURVEY. IT IS A SPECIAL PRODUCT, INTENDED FOR THE SUBMISSION TO NH DES ALTERATION OF TERRAIN. IT WAS PRODUCED BY A PROFESSIONAL SOIL SCIENTIST AND IS NOT A PRODUCT OF THE USDA NATURAL RESOURCE CONSERVATION SERVICE.

2.) WETLANDS WERE INVESTIGATED IN FEBRUARY 2024 BY MICHAEL MARIANO, NH CERTIFIED WETLAND SCIENTIST #183 IN ACCORDANCE WITH THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0. HYDRIC SOILS WERE IDENTIFIED BY FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, MAY 2017. A ROUTINE DETERMINATION, AS DESCRIBED IN THE MANUAL, WAS FOLLOWED, NO WETLAND WERE FOUND.

TEST PITS WERE OBSERVED AND DESCRIBED IN FEBRUARY OF 2024.

LEGEND

| | |
|---|---|
| 26 | WINDSOR |
| 32 | BOXFORD (MWD) |
| 38 | ELDRIDGE |
| 695 | BOXFORD (MWD) URBAN LAND COMPLEX |
| 953 | BOXFORD (SWPD) |

SLOPE CLASS

| | |
|---|---|
| A | 0 - 3% |
| B | 3 - 8% |
| C | 8 - 15% |

LEGEND

- REBAR WITH ID CAP TO BE SET
- UTILITY POLE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- DRAIN LINE
- GAS LINE
- WATER LINE
- VINYL STOCKADE FENCE
- WOOD RAIL FENCE
- CHAIN LINK FENCE
- METAL RAIL FENCE
- SPECIMEN TREE
- ARBORVITAE


TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3830


REVISIONS
DATE: DESCRIPTION:

STATE OF NEW HAMPSHIRE · SOIL SCIENTIST · MICHAEL MARIANO No. 76 · CERTIFIED SOIL

SITE SPECIFIC SOILS PLAN

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024 JOB No. 24101
SCALE: 1" = 30'

SHEET No. SSS-1

(P24- )

# *SOIL REPORT*

March 19, 2024

Court St
Dover NH
Map 19 Lot 8

**Location:** 103 Court Street; 1.2 acre lot with southerly property line abutting Pine Hill Cemetery.

**Landscape:** Very gentle uniform slope from Pine Hill Cemetery to Court Street

**Wetlands:** There are no wetlands on the property. The area was observed in March 2024 by Michael Mariano, NH Certified Wetland Scientist #183.

**Soils:** Soils consist almost entirely of moderately well drained silty marine deposits. There is a small area of similar soils that are somewhat poorly drained in the NW corner and some well drained to somewhat excessively drained sandy outwash at the southerly property line. The house sets on a small leveled area of urban land.

**Purpose:** The site specific soil map was prepared for a proposed residential complex with city water and sewer.

**Methodology**: The soil map was prepared in accordance with the Site-Specific Soil Mapping Standards For New Hampshire and Vermont, July 2021 by the Society of Soil Scientists of Northern New England and standards established by the National Cooperative Soil Survey. The soil survey was prepared by Michael Mariano, NH Certified Soil Scientist #076.

A plan provided by Tritech Engineering, Dover NH at 1" = 30' with 2' contours was used as a base map. Existing monumentation, survey transects, and topographic features were used as control. Pits were dug by an excavator to classify soils at the series level. Pits were located Highland Soil Services.

Soil boundaries were observed throughout their length and their placement corresponds to changes in soil properties, land forms, and landscape positions. The identification of soils is based on the New Hampshire State-Wide Numerical Soils Legend.

**Map Unit Purity:**

**Consociations:** Map units will contain 75 percent or more of pedons that fit within the range of the taxon that provides the name for the map unit or are in a similar taxon. No one similar soil is greater than the named reference taxa. The total amount of dissimilar inclusions will not exceed 25 percent. No single dissimilar soil will make up more than 10 percent of the map unit. Limiting inclusions do not exceed 15 percent of the map unit. More intensive separation of dissimilar inclusions within a map unit can be made at the discretion of the Soil Scientist.

**Complexes:** Map units consist of areas of two or more kinds of soils that are in a regularly repeating pattern, so intricate that the two components cannot be delineated separately at the scale of mapping. The major components that provide the name for the map unit are sufficiently different in morphology or behavior that the unit cannot be named as a consociation. No single dissimilar soil will make up more than 10 percent of the map unit. Limiting inclusions do not exceed 15 percent of the map unit.

**Drainage Classes**: Soil series names added for soils on this property.

***Very Poorly Drained*:** There are no very poorly drained soils mapped on this property.

***Poorly Drained:*** There are no poorly drained soils mapped on this property.

***Somewhat Poorly Drained***: 953 Boxford, SPD. Water is removed slowly so that the soil is wet at a shallow depth for significant periods during the growing season. The occurrence of internal free water commonly is shallow to moderately deep and transitory to permanent. Wetness markedly restricts the growth of mesophytic crops unless artificial drainage is provided. The soils commonly have one or more of the following characteristics: low or very low saturated hydrologic conductivity, a high-water table or additional water from seepage.

Interpretive limits: Soils that have common distinct or prominent redoximorphic features, which are not relict features, at a depth less than 15 inches below the soil surface

***Moderately Well Drained:*** 32 Boxford, 38 Eldridge, 695 Boxford-Urban Land Complex. Water is removed from the soil somewhat slowly during some periods of the year. Internal free water occurrence commonly is moderately deep and transitory through permanent. The soils are wet for only a short time within the rooting depth during the growing season, but long enough that most mesophytes are affected. They commonly have a moderately low or lower saturated hydrologic conductivity in a layer within the upper 1 meter, periodically receive high rainfall, or both.

Interpretive limits: Soils that have distinct or prominent redoximorphic features, that are not relict features, between a depth of 15 inches and 40 inches below the soil surface.

***Well Drained:*** 26 Windsor. Water is removed from the soil readily but not rapidly. Internal free water occurrence commonly is deep or very deep; annual duration is not specified. Water is available to plants throughout most of the growing season. Wetness does not inhibit growth of roots for significant periods during most growing seasons. The soils are mainly deep to redoximorphic features that are related to wetness.

Interpretive limits: Soils that have textures in any horizon within the particle size control section of loamy very fine sand or finer, and have moderate permeability. Few, fine, distinct redox concentrations confined to ped faces, in a 2-inch zone immediately above the contact with firm or very firm dense basal till, (if occurring within 40 inches) is allowed within the interpretive limits of well drained.

***Excessively Drained*:** There are no excessively drained soils on the property

**Soil Map Legend**

| | |
|---|---|
| 26 | Windsor |
| 32 | Boxford, moderately well drained |
| 38 | Eldridge |
| 695 | Boxford (MWD) – Urban Land Complex |
| 953 | Boxford, somewhat poorly drained |

**Slope Classes**

| | |
|---|---|
| A | 0-3% |
| B | 3-8% |
| C | 8-15% |

This map product is within the technical standards of the National Cooperative Soil Survey and produced in accordance with the Society of Soil Scientists of Northern New England Publication Site-Specific Soil Mapping Standards For New Hampshire and Vermont, July 2021 It was produced by a professional soil scientist, and is not a product of the USDA Natural Resources Conservation Service. There is a map that accompanies this report.



## Boxford

NH Site Specific mapping symbol: 32, moderately well drained
953, somewhat poorly drained
695, in complex with Urban Land

### Setting

| | |
|---|---|
| Parent Material: | Silty marine sediments |
| Landform: | Convex plains, broad drainageways |
| Position on Landscape: | Uplands at lower elevations or in drainageways |
| Slope Range: | 3 to 8 percent |

### Composition and Soil Characteristics

| | |
|---|---|
| Drainage Class: | Moderately well drained; seasonal high water table at 15 to 40 inches. OR..somewhat poorly drained with seasonal high water table at 7-15” |
| Hydrologic Group: | C/D |
| Surface Runoff | Rapid |
| Permeability | Slow. Very slow in subsoil |
| Depth to Bedrock | > 40 inches |
| Hydric conditions | Possible in somewhat poorly drained areas |

### Inclusions within Mapping Unit

| | |
|---|---|
| Similar: | Scitico silt loam – poorly drained |
| Contrasting: | Eldridge – sandy surface over silty subsoil |

### Use and Management

With improvements and engineering practices, this soil is fairly well suited to development. Slow permeability and a seasonal high water table are the limiting factors. Position on the landscape allows engineering practices to overcome the limitations. Subsurface wastewater disposal is permitted. See test pit 2 (MWD) and test pit 7 (SPD)for a typical descriptions.
**Note:** Urban land is land that has been altered by human activity (levelling, filling, etc)

## Eldridge

NH Numerical Soil Legend: 38

### Setting

| | |
|---|---|
| Parent Material: | Glacial outwash over silty marine sediments |
| Landform: | Outwash plains |
| Position on Landscape: | Lower sideslopes |
| Slope Range: | 3-8 percent |

### Composition and Soil Characteristics

| | |
|---|---|
| Drainage Class: | Moderately well drained; seasonal high water table at 15 to 40 inches |
| Hydrologic Group: | C/D |
| Surface Runoff | Moderate |
| Permeability | Moderate – slow in silty subsoil |
| Depth to Bedrock | > 40 inches |
| Hydric conditions | No |

### Inclusions Within Mapping Unit

| | |
|---|---|
| Similar: | Deep phase with silty subsoil at >40”<br>Somewhat poorly drained Eldridge Variant |
| Contrasting: | Deerfield– sandy throughout |

### Use and Management

This soil is well suited to development. A seasonal high water table with clayey subsoil is the limiting factors.

## Windsor

NH Numerical Soil Legend: 26

### Setting

| | |
|---|---|
| Parent Material: | Glacial outwash |
| Landform: | Outwash plains |
| Position on Landscape: | Highest elevations |
| Slope Range: | 3 to 8 percent |

### Composition and Soil Characteristics

| | |
|---|---|
| Drainage Class: | Somewhat excessively drained; seasonal high water table at >40 inches |
| Hydrologic Group: | A |
| Surface Runoff | Moderate |
| Permeability | Rapid |
| Depth to Bedrock | > 40 inches |
| Hydric conditions | No |

### Inclusions Within Mapping Unit

| | |
|---|---|
| Similar: | Deerfield – moderately well drained |
| Contrasting: | Eldridge – clayey subsoil |

### Use and Management

This soil is well suited to development. Droughtiness is the limiting factor. See Test Pit 3 for a typical description.

# Test Pit Descriptions

103 Court St
Dover NH
Map 18 Lot 8
Described: 03-13-2024

**Test Pit 1**

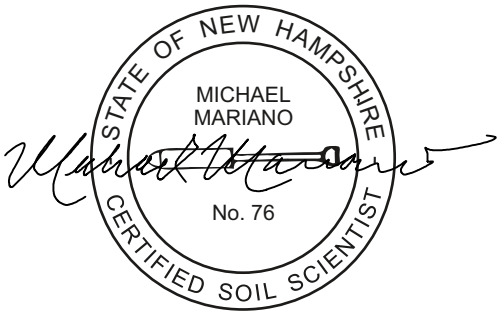
| | |
|---|---|
| 00 - 07” | Dark brown (10YR4/3) fine sandy loam fill; weak fine granular structure: moist, friable |
| 07 - 15” | Yellowish brown (10YR5/6) fine sandy loam fill; weak fine granular structure; moist, friable. |
| 15 - 21” | Dark brown (10YR3/4) fine sandy loam; weak fine granular structure; moist, friable<br>Original A horizon, buried |
| 21 - 25” | Yellowish brown (10YR5/6) silt loam; massive structure; moist, friable. |
| 25 – 28” | Yellowish brown (10YR5/6) silt loam; few redox depletions and concentrations; massive structure; moist, friable. |
| 28 - 37” | Olive gray (2.5Y5/2) silty clay loam; many redox concentrations in 7.5YR 5/6 and 4/6; strong medium blocky structure; moist, firm. |
| 37 – 60” | Olive gray (2.5Y5/2) silty clay; many redox concentrations in 7.5YR 5/6 and 4/6; strong medium blocky structure; moist, very firm. |

Series: Boxford
Estimated seasonal high water table: 25”
Observed water: 25”
Restrictive layer: 28”
Soil Hydrologic Group C

**Test Pit 2**

| | |
|---|---|
| 00 - 10” | Dark brown (10YR4/3) fine sandy loam; weak fine granular structure: moist, friable |
| 10 - 19” | Light olive brown (2.5Y5/4) very fine sandy loam; weak fine granular structure; moist, friable. |
| 19 - 27” | Light olive brown (2.5Y5/4) silt loam; few redox concentrations and depletions; massive structure; moist, friable. |
| 27 - 60” | Olive gray (2.5Y5/2) silty clay; common redox concentrations in 7.5YR and 10YR; few depletions in 10YR6/1; strong medium blocky structure; moist, very firm. |

Series: Boxford
Estimated seasonal high water table: 19”
Observed water: 23”
Restrictive layer: 27”
Soil Hydrologic Group C



# Test Pit Descriptions

103 Court St
Dover NH
Map 18 Lot 8
Described: 03-13-2024

**Test Pit 3**

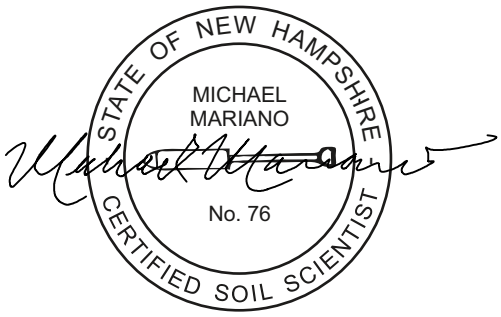
| | |
|---|---|
| 00 - 06” | Dark brown (10YR4/3) loamy sand; weak fine granular structure: moist, friable |
| 06 - 14” | Strong brown (7.5YR5/8) loamy fine sand; weak fine granular structure; moist, friable. |
| 14 - 46” | Yellowish brown (10YR5/6) loamy sand; massive structure; moist, friable. |
| 46 - 52” | Yellowish brown (10YR5/6) loamy fine sand; common redox concentrations in 7.5YR5/8; massive structure; moist, friable. |
| 52” – 66” | Olive gray (2.5Y5/2) loamy fine sand; common redox concentrations in 7.5YR5/8; massive structure; moist, friable. |

Series: Windsor
Estimated seasonal 46”
Observed water: none
Restrictive layer: none
Soil Hydrologic Group A

**Test Pit 4**

| | |
|---|---|
| 00 - 10” | Dark brown (10YR4/3) fine sandy loam; weak fine granular structure: moist, friable |
| 10 - 20” | Light olive brown (2.5Y5/4) silt loam; massive structure; moist, friable. |
| 20 - 34” | Light olive brown (2.5Y5/4) silt loam; few redox concentrations and depletions; massive structure; moist, friable. |
| 34 - 60” | Olive gray (2.5Y5/2) silty clay; common redox concentrations in 7.5YR and 10YR; few depletions in 10YR6/1; strong medium blocky structure; moist, very firm. |

Series: Boxford
Estimated seasonal high water table: 20”
Observed water: 24”
Restrictive layer: 34”
Soil Hydrologic Group C



# Test Pit Descriptions

103 Court St
Dover NH
Map 18 Lot 8
Described: 03-13-2024

**Test Pit 5**

| | |
|---|---|
| 00 - 08” | Dark brown (10YR4/3) fine sandy loam; weak fine granular structure: moist, friable |
| 08 - 18” | Light olive brown (2.5Y5/4) very fine sandy loam; weak fine granular structure; moist, friable. |
| 18 - 25” | Light olive brown (2.5Y5/4) silt loam; few redox concentrations and depletions; massive structure; moist, friable. |
| 25 - 60” | Olive gray (2.5Y5/2) silty clay; common redox concentrations in 7.5YR and 10YR; few depletions in 10YR6/1; strong medium blocky structure; moist, very firm. |

Series: Boxford
Estimated seasonal high water table: 18”
Observed water: 24”
Restrictive layer: 25”
Soil Hydrologic Group C

**Test Pit 6**

| | |
|---|---|
| 00 - 20” | Dark brown (10YR4/3) fine sandy loam; weak fine granular structure: moist, friable |
| 20 - 22” | Light olive brown (2.5Y5/4) very fine sandy loam; weak fine granular structure; moist, friable. |
| 22 - 26” | Light olive brown (2.5Y5/4) silt loam; few redox concentrations and depletions; massive structure; moist, friable. |
| 26 - 60” | Olive gray (2.5Y5/2) silty clay; common redox concentrations in 7.5YR and 10YR; few depletions in 10YR6/1; strong medium blocky structure; moist, very firm. |

Series: Boxford
Estimated seasonal high water table: 22”
Observed water: 25”
Restrictive layer: 26”
Soil Hydrologic Group C



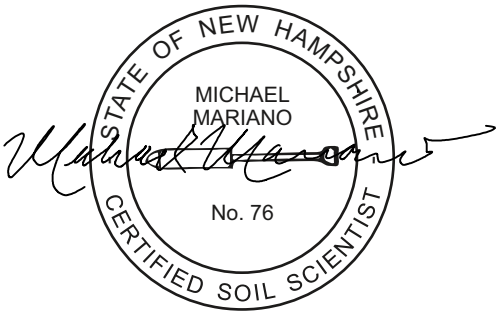
## Test Pit Descriptions

103 Court St
Dover NH
Map 18 Lot 8
Described: 03-13-2024

**Test Pit 7**

| | |
|---|---|
| 00 - 08” | Dark brown (10YR4/3) fine sandy loam; weak fine granular structure: moist, friable |
| 08 - 19” | Light olive brown (2.5Y5/4) silt loam; many redox depletions in 10YR6/1 and common redox concentrations in 7.5YR5/8; massive structure; moist, friable. |
| 19 - 54” | Olive gray (2.5Y5/2) silty clay; common redox concentrations in 7.5YR and 10YR; few depletions in 10YR6/1; strong medium blocky structure; moist, very firm |

Series: Boxford, somewhat poorly drained
Estimated seasonal high water table: 08”
Observed water: 08”
Restrictive layer: 19”
Soil Hydrologic Group D



**TRITECH**
**ENGINEERING CORPORATION**

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October 4, 2024

Mr. Kenneth Mavrogeorge, City Engineer
City of Dover
271 Mast Road
Dover, New Hampshire 03820

**Subject:** **Field Infiltration Testing & Results**
**103 Court Street**
103 Court Street
Dover, New Hampshire
Job No. 24101

Dear Ken,

This infiltration test is being performed in conjunction with the development of 103 Court Steet. This on-site testing was completed to determine the rate of infiltration to be used in the stormwater system design.

Tritech performed this testing using a Geulph Permeameter in accordance with NHDES Analysis Method. In addition to the summary below, we have provided the raw data and the spreadsheet used in analysis of the raw data and determine the $K_{sat}$ value to be used in the HydroCAD Stormwater Model.

We performed this testing at two locations on the property. One being located within proposed Stormtech #2 infiltration system (test pit #3) to determine the $K_{sat}$ value to be used in the HydroCAD stormwater model. The second test was performed at test pit #2, which is generally located in the middle of the project and within the Boxford type soil. This test was to provide data confirming the Boxford soil was not part of lot development.

Both tests were completed using the same methodology. The borehole was prepared into the receiving soil & above the water table using a 6 cm Dutch Sand Auger. The bore hole was then sized and squared using a 6 cm Bayonet Auger, then the bore hole was brushed with a 6 cm prep brush to remove any smearing from the sides of the hole that may have been left by the Bayonet Auger.

Attached please find the raw data summaries for each of the tests performed. The raw data was entered into the spreadsheet supplied by Soilmoisture Equipment Corp., the permeameter supplier.

Test Pit #2 Results:
$K_{sat}$ 0.017 in./min. or 1.02 in./hour

Test Pit #3 at Stormtech #2 Results:
$K_{sat}$ 0.300 in./min. or 18.0 in./hour

| Field Infiltration Testing Results | | | |
|---|---|---|---|
| Location | Material | Depth (in.) | $K_{sat}$ Rate (in./hr) |
| Test Pit #2 | Very fine sandy loam, weak fine granular structure, moist, friable | 17" | 1.02 |
| Test Pit #3 at Stormtech #2 | Loamy sand, massive structure, moist friable | 23" | 18.00 |

The results above are the direct value from the field testing and no safety factor has been applied.

Pease advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp
Enclosures
//24101infiltration.docx

Infiltration Testing
Site Plan Application

# 103 COURT STREET

103 Court Street
Tax Map 18, Lot 8
Dover, New Hampshire
Job No.: 24101

| | | | |
|---|---|---|---|
| Project Name: | 103 Court Steet | Test Performed By: Andrew J. Stowell | |
| Project Location: | 103 Court Steet, Dover | Test Date: August 7, 2024 | |
| Test Location: | At Test Pit #2 | Test Weather: 70 Degrees | |
| **Reservoir Constants** | | | |
| Combined Reservoirs (x) | 35.22 cm² | Well Depth = 15 cm | Depth of Well from Existing Grade: 17" |
| Inner Reservoir (y) = | 2.15 cm² | Well Radius = 3 cm | Soil Type: Boxford |

**Test #1**

**Water Level in Well = 15 cm**

| Time (Min) | Time Interval Δ*t* (min) | Water Level In Resevoir *h* (cm) | Water Level Change Δh (cm) | Rate of Water Change R1 (cm/min) |
|---|---|---|---|---|
| 0 | 0 | 38.5 | - | - |
| 2 | 2.0 | 42.0 | 3.5 | 1.75 |
| 4 | 2.0 | 45.7 | 3.7 | 1.85 |
| 6 | 2.0 | 49.0 | 3.3 | 1.65 |
| 8 | 2.0 | 52.4 | 3.4 | 1.70 |
| 10 | 2.0 | 55.7 | 3.3 | 1.65 |
| 12 | 2.0 | 59.0 | 3.3 | 1.65 |
| 14 | 2.0 | 62.3 | 3.3 | 1.65 |
| 16 | 2.0 | 65.5 | 3.2 | 1.60 |
| 18 | 2.0 | 68.6 | 3.1 | 1.55 |
| 20 | 2.0 | 71.9 | 3.3 | 1.65 |

Steady State Rate; Average 1.65 cm/min

Infiltration Testing
Site Plan Application

# 103 COURT STREET

103 Court Street
Tax Map 18, Lot 8
Dover, New Hampshire
Job No.: 24101

| | | | |
|---|---|---|---|
| Project Name: | 103 Court Steet | Test Performed By: Andrew J. Stowell | |
| Project Location: | 103 Court Steet, Dover | Test Date: August 7, 2024 | |
| Test Location: | At Test Pit #3 | Test Weather: 70 Degrees | |
| **Reservoir Constants** | | | |
| Combined Reservoirs (x) | 35.22 cm² | Well Depth = 15 cm | Depth of Well from Existing Grade: 23" |
| Inner Reservoir (y) = | 2.15 cm² | Well Radius = 3 cm | Soil Type: Windsor |

**Test #2**

**Water Level in Well = 5 cm**

| Time (Min) | Time Interval Δ*t* (min) | Water Level In Resevoir *h* (cm) | Water Level Change Δh (cm) | Rate of Water Change R1 (cm/min) |
|---|---|---|---|---|
| 0 | 0 | 5.5 | - | - |
| 1 | 1.0 | 13.5 | 8.0 | - |
| 2 | 1.0 | 21.0 | 7.5 | 7.50 |
| 3 | 1.0 | 28.4 | 7.5 | 7.50 |
| 4 | 1.0 | 36.0 | 7.4 | 7.40 |
| 5 | 1.0 | 43.0 | 7.6 | 7.60 |
| 6 | 1.0 | 50.3 | 7.0 | 7.00 |
| 7 | 1.0 | 57.5 | 7.3 | 7.30 |
| 8 | 1.0 | 64.7 | 7.2 | 7.20 |
| 9 | 1.0 | 72.0 | 7.2 | 7.20 |

Steady State Rate; Average 7.2 cm/min

# Guelph Permeameter Calculations

Input

Result

Support: ali@soilmoisture.com

## 103 COURT STEET - Infiltration Test at Test Pit #2

| | |
|---|---|
| Reservoir Type (enter "1" for Combined and "2" for Inner reservoir): | 1 |
| Enter water Head Height ("H" in cm): | 15 |
| Enter the Borehole Radius ("a" in cm): | 3 |
| Enter the soil texture-structure category (enter one of the below numbers): | 3 |

1. Compacted, Structure-less, clayey or silty materials such as landfill caps and liners, lacustrine or marine sediments, etc.
2. Soils which are both fine textured (clayey or silty) and unstructured; may also include some fine sands.
3. Most structured soils from clays through loams; also includes unstructured medium and fine sands. The category most frequently applicable for agricultural soils.
4. Coarse and gravely sands; may also include some highly structured soils with large and/or numerous cracks, macropors, etc

| | |
|---|---|
| Steady State Rate of Water Level Change ("R" in cm/min): | 1.6500 |

| | |
|---|---|
| Res Type | 35.22 |
| H | 15 |
| a | 3 |
| H/a | 5 |
| a* | 0.12 |
| C0.01 | 1.518 |
| C0.04 | 1.629 |
| C0.12 | 1.667 |
| C0.36 | 1.667 |
| C | 1.667 |
| R | 1.650 |
| Q | 0.969 |
| pi | 3.142 |

$\alpha^* =$ 0.12 $(cm^{-1})$

$C =$ 1.666893

$Q =$ 0.96855

| | | |
|---|---|---|
| $K_{fs} =$ | 7.19E-04 | cm/sec |
| | 4.31E-02 | cm/min |
| | 7.19E-06 | m/sec |
| | 1.70E-02 | inch/min |
| | 2.83E-04 | inch/sec |

$\Phi_m =$ 5.99E-03 $(cm^2/min)$

Calculation formulas related to shape factor ($C$). Where $H_1$ is the first water head height (cm), $H_2$ is the second water head height (cm), $a$ is borehole radius (cm) and $\alpha^*$ is microscopic capillary length factor which is decided according to the soil texture-structure category. For one-head method, only $C_1$ needs to be calculated while for two-head method, $C_1$ and $C_2$ are calculated (Zang et al., 1998).

| Soil Texture-Structure Category | $\alpha^*(cm^{-1})$ | Shape Factor |
|---|---|---|
| Compacted, Structure-less, clayey or silty materials such as landfill caps and liners, lacustrine or marine sediments, etc. | 0.01 | $C_1 = \left(\frac{H_1/a}{2.102 + 0.118(H_1/a)}\right)^{0.655}$ <br> $C_2 = \left(\frac{H_2/a}{2.102 + 0.118(H_2/a)}\right)^{0.655}$ |
| Soils which are both fine textured (clayey or silty) and unstructured; may also include some fine sands. | 0.04 | $C_1 = \left(\frac{H_1/a}{1.992 + 0.091(H_1/a)}\right)^{0.683}$ <br> $C_2 = \left(\frac{H_2/a}{1.992 + 0.091(H_2/a)}\right)^{0.683}$ |
| Most structured soils from clays through loams; also includes unstructured medium and fine sands. The category most frequently applicable for agricultural soils. | 0.12 | $C_1 = \left(\frac{H_1/a}{2.074 + 0.093(H_1/a)}\right)^{0.754}$ <br> $C_2 = \left(\frac{H_2/a}{2.074 + 0.093(H_2/a)}\right)^{0.754}$ |
| Coarse and gravely sands; may also include some highly structured soils with large and/or numerous cracks, macro pores, etc. | 0.36 | $C_1 = \left(\frac{H_1/a}{2.074 + 0.093(H_1/a)}\right)^{0.754}$ <br> $C_2 = \left(\frac{H_2/a}{2.074 + 0.093(H_2/a)}\right)^{0.754}$ |

Calculation formulas related to one-head and two-head methods. Where $R$ is steady-state rate of fall of water in reservoir (cm/s), $K_{fs}$ is Soil saturated hydraulic conductivity (cm/s), $\Phi_m$ is Soil matric flux potential ($cm^2/s$), $\alpha^*$ is Macroscopic capillary length parameter (from Table 2), $a$ is Borehole radius (cm), $H_1$ is the first head of water established in borehole (cm) , $H_2$ is the second head of water established in borehole (cm) and $C$is Shape factor (from Table 2).

| | | |
|---|---|---|
| One Head, Combined Reservoir | $Q_1 = \bar{R}_1 \times 35.22$ | $K_{fs} = \frac{C_1 \times Q_1}{2\pi H_1^2 + \pi a^2 C_1 + 2\pi\left(\frac{H_1}{\alpha^*}\right)}$ <br> $\Phi_m = \frac{C_1 \times Q_1}{(2\pi H_1^2 + \pi a^2 C_1)\alpha^* + 2\pi H_1}$ |
| One Head, Inner Reservoir | $Q_1 = \bar{R}_1 \times 2.16$ | |
| Two Head, Combined Reservoir | $Q_1 = \bar{R}_1 \times 35.22$ <br> $Q_2 = \bar{R}_2 \times 35.22$ | $G_1 = \frac{H_2 C_1}{\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $G_2 = \frac{H_1 C_2}{\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $K_{fs} = G_2Q_2 - G_1Q_1$ <br> $G_3 = \frac{(2H_2^2 + a^2C_2)C_1}{2\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $G_4 = \frac{(2H_1^2 + a^2C_1)C_2}{2\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $\Phi_m = G_3Q_1 - G_4Q_2$ |
| Two Head, Inner Reservoir | $Q_1 = \bar{R}_1 \times 2.16$ <br> $Q_2 = \bar{R}_2 \times 2.16$ | |

# Guelph Permeameter Calculations

Input

Result

Support: ali@soilmoisture.com

## 103 COURT STEET - Infiltration Test at Stormtech #2 (test pit #3)

| | |
|---|---|
| Reservoir Type (enter "1" for Combined and "2" for Inner reservoir): | 1 |
| Enter water Head Height ("H" in cm): | 5 |
| Enter the Borehole Radius ("a" in cm): | 3 |
| Enter the soil texture-structure category (enter one of the below numbers): | 4 |

1. Compacted, Structure-less, clayey or silty materials such as landfill caps and liners, lacustrine or marine sediments, etc.
2. Soils which are both fine textured (clayey or silty) and unstructured; may also include some fine sands.
3. Most structured soils from clays through loams; also includes unstructured medium and fine sands. The category most frequently applicable for agricultural soils.
4. Coarse and gravely sands; may also include some highly structured soils with large and/or numerous cracks, macropors, etc

| | |
|---|---|
| Steady State Rate of Water Level Change ("R" in cm/min): | 7.2000 |

| | |
|---|---|
| Res Type | 35.22 |
| H | 5 |
| a | 3 |
| H/a | 1.667 |
| a* | 0.36 |
| C0.01 | 0.809 |
| C0.04 | 0.842 |
| C0.12 | 0.803 |
| C0.36 | 0.803 |
| C | 0.803 |
| R | 7.200 |
| Q | 4.226 |
| pi | 3.142 |

| | | |
|---|---|---|
| $\alpha^* =$ | 0.36 | $(cm^{-1})$ |
| $C =$ | 0.803154 | |
| $Q =$ | 4.2264 | |
| $K_{fs} =$ | 1.27E-02 | cm/sec |
| | 7.63E-01 | cm/min |
| | 1.27E-04 | m/sec |
| | 3.00E-01 | inch/min |
| | 5.00E-03 | inch/sec |
| $\Phi_m =$ | 3.53E-02 | $(cm^2/min)$ |

Calculation formulas related to shape factor ($C$). Where $H_1$ is the first water head height (cm), $H_2$ is the second water head height (cm), $a$ is borehole radius (cm) and $\alpha^*$ is microscopic capillary length factor which is decided according to the soil texture-structure category. For one-head method, only $C_1$ needs to be calculated while for two-head method, $C_1$ and $C_2$ are calculated (Zang et al., 1998).

| Soil Texture-Structure Category | $\alpha^*(cm^{-1})$ | Shape Factor |
|---|---|---|
| Compacted, Structure-less, clayey or silty materials such as landfill caps and liners, lacustrine or marine sediments, etc. | 0.01 | $C_1 = \left(\frac{H_1/a}{2.102 + 0.118(H_1/a)}\right)^{0.655}$ <br> $C_2 = \left(\frac{H_2/a}{2.102 + 0.118(H_2/a)}\right)^{0.655}$ |
| Soils which are both fine textured (clayey or silty) and unstructured; may also include some fine sands. | 0.04 | $C_1 = \left(\frac{H_1/a}{1.992 + 0.091(H_1/a)}\right)^{0.683}$ <br> $C_2 = \left(\frac{H_2/a}{1.992 + 0.091(H_2/a)}\right)^{0.683}$ |
| Most structured soils from clays through loams; also includes unstructured medium and fine sands. The category most frequently applicable for agricultural soils. | 0.12 | $C_1 = \left(\frac{H_1/a}{2.074 + 0.093(H_1/a)}\right)^{0.754}$ <br> $C_2 = \left(\frac{H_2/a}{2.074 + 0.093(H_2/a)}\right)^{0.754}$ |
| Coarse and gravely sands; may also include some highly structured soils with large and/or numerous cracks, macro pores, etc. | 0.36 | $C_1 = \left(\frac{H_1/a}{2.074 + 0.093(H_1/a)}\right)^{0.754}$ <br> $C_2 = \left(\frac{H_2/a}{2.074 + 0.093(H_2/a)}\right)^{0.754}$ |

Calculation formulas related to one-head and two-head methods. Where $R$ is steady-state rate of fall of water in reservoir (cm/s), $K_{fs}$ is Soil saturated hydraulic conductivity (cm/s), $\Phi_m$ is Soil matric flux potential ($cm^2/s$), $\alpha^*$ is Macroscopic capillary length parameter (from Table 2), $a$ is Borehole radius (cm), $H_1$ is the first head of water established in borehole (cm) , $H_2$ is the second head of water established in borehole (cm) and $C$is Shape factor (from Table 2).

| | | |
|---|---|---|
| One Head, Combined Reservoir | $Q_1 = \bar{R}_1 \times 35.22$ | $K_{fs} = \frac{C_1 \times Q_1}{2\pi H_1^2 + \pi a^2 C_1 + 2\pi\left(\frac{H_1}{\alpha^*}\right)}$ <br> $\Phi_m = \frac{C_1 \times Q_1}{(2\pi H_1^2 + \pi a^2 C_1)\alpha^* + 2\pi H_1}$ |
| One Head, Inner Reservoir | $Q_1 = \bar{R}_1 \times 2.16$ | |
| Two Head, Combined Reservoir | $Q_1 = \bar{R}_1 \times 35.22$ <br> $Q_2 = \bar{R}_2 \times 35.22$ | $G_1 = \frac{H_2 C_1}{\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $G_2 = \frac{H_1 C_2}{\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $K_{fs} = G_2Q_2 - G_1Q_1$ <br> $G_3 = \frac{(2H_2^2 + a^2C_2)C_1}{2\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $G_4 = \frac{(2H_1^2 + a^2C_1)C_2}{2\pi(2H_1H_2(H_2 - H_1) + a^2(H_1C_2 - H_2C_1))}$ <br> $\Phi_m = G_3Q_1 - G_4Q_2$ |
| Two Head, Inner Reservoir | $Q_1 = \bar{R}_1 \times 2.16$ <br> $Q_2 = \bar{R}_2 \times 2.16$ | |

| Pollutant Removal Efficiencies for Best Management Practices for Use in Pollutant Loading Analysis | | | | Values Accepted for Loading Analyses | | |
|---|---|---|---|---|---|---|
| **BMP Type** | **BMP** | **Notes** | **Lit. Ref.** | **TSS** | **TN** | **TP** |
| Stormwater Ponds | Wet Pond | | B, F | 70% | 35% | 45% |
| | Wet Extended Detention Pond | | A, B | 80% | 55% | 68% |
| | Micropool Extended Detention Pond | TBA | | | | |
| | Multiple Pond System | TBA | | | | |
| | Pocket Pond | TBA | | | | |
| Stormwater Wetlands | Shallow Wetland | | A, B, F, I | 80% | 55% | 45% |
| | Extended Detention Wetland | | A, B, F, I | 80% | 55% | 45% |
| | Pond/Wetland System | TBA | | | | |
| | Gravel Wetland | | H | 95% | 85% | 64% |
| Infiltration Practices | Infiltration Trench (≥75 ft from surface water) | | B, D, I | 90% | 55% | 60% |
| | Infiltration Trench (<75 ft from surface water) | | B, D, I | 90% | 10% | 60% |
| | Infiltration Basin (≥75 ft from surface water) | | A, F, B, D, I | 90% | 60% | 65% |
| | Infiltration Basin (<75 ft from surface water) | | A, F, B, D, I | 90% | 10% | 65% |
| | Dry Wells | | | 90% | 55% | 60% |
| | Drip Edges | | | 90% | 55% | 60% |
| Filtering Practices | Aboveground or Underground Sand Filter that infiltrates WQV (≥75 ft from surface water) | | A, F, B, D, I | 90% | 60% | 65% |
| | Aboveground or Underground Sand Filter that infiltrates WQV (<75 ft from surface water) | | A, F, B, D, I | 90% | 10% | 65% |
| | Aboveground or Underground Sand Filter with underdrain | | A, I, F, G, H | 85% | 10% | 45% |
| | Tree Box Filter | TBA | | | | |
| | Bioretention System | | I, G, H | 90% | 65% | 65% |
| | Permeable Pavement that infiltrates WQV (≥75 ft from surface water) | | A, F, B, D, I | 90% | 60% | 65% |
| | Permeable Pavement that infiltrates WQV (<75 ft from surface water) | | A, F, B, D, I | 90% | 10% | 65% |
| | Permeable Pavement with underdrain | | Use TN and TP values for sand filter w/ underdrain and outlet pipe | 90% | 10% | 45% |

# TABLE B

# SOIL SERIES

| Soil Series | legend number | Ksat low - B in/hr | Ksat high - B in/hr | Ksat low - C in/hr | Ksat high - C in/hr | Hyd. Grp. | Group | Land Form | Temp. | Soil Textures | Spodosol ? | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abenaki | 501 | 0.6 | 2.0 | 6.00 | 99.0 | B | 2 | Outwash and Stream Terraces | frigid | loamy over sandy-skeletal | no | loamy over gravelly |
| Acton | 146 | 2.0 | 20.0 | 2.00 | 20.0 | B | 3 | Loose till, sandy textures | mesic | sandy-skeletal | no | cobbly loamy sand |
| Adams | 36 | 6.0 | 20.0 | 20.00 | 99.0 | A | 1 | Outwash and Stream Terraces | frigid | sandy | yes | |
| Agawam | 24 | 6.0 | 20.0 | 20.00 | 100.0 | B | 2 | Outwash and Stream Terraces | mesic | loamy over sandy | no | loamy over sand/gravel |
| Allagash | 127 | 0.6 | 2.0 | 6.00 | 20.0 | B | 2 | Outwash and Stream Terraces | frigid | loamy over sandy | yes | loamy over sandy |
| Au Gres | 516 | | | | | B | 5 | Outwash and Stream Terraces | frigid | sandy | yes | single grain, loose |
| Bangor | 572 | 0.6 | 2.0 | 0.60 | 2.0 | B | 2 | Friable till, silty, schist & phyllite | frigid | loamy | yes | silt loam |
| Becket | 56 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, sandy till | frigid | loamy | yes | gravelly sandy loam in Cd |
| Belgrade | 532 | 0.6 | 2.0 | 0.06 | 2.0 | B | 3 | Terraces and glacial lake plains | mesic | silty | no | strata of fine sand |
| Bemis | 224 | 0.6 | 0.2 | 0.00 | 0.2 | C | 5 | Firm, platy, loamy till | cryic | loamy | no | |
| Berkshire | 72 | 0.6 | 6.0 | 0.60 | 6.0 | B | 2 | Loose till, loamy textures | frigid | loamy | yes | fine sandy loam |
| Bernardston | 330 | 0.6 | 2.0 | 0.06 | 0.2 | C | 3 | Firm, platy, silty till, schist & phyllite | mesic | loamy | no | channery silt loam in Cd |
| Bice | 226 | 0.6 | 6.0 | 0.60 | 6.0 | B | 2 | Loose till, loamy textures | frigid | loamy | no | sandy loam |
| Biddeford | 234 | 0.0 | 0.2 | 0.00 | 0.2 | D | 6 | Silt and Clay Deposits | frigid | fine | no | organic over clay |
| Binghamville | 534 | 0.2 | 2.0 | 0.06 | 0.2 | D | 5 | Terraces and glacial lake plains | mesic | silty | no | |
| Boscawen | 220 | 6.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | frigid | sandy-skeletal | no | loamy cap |
| Boxford | 32 | 0.1 | 0.2 | 0.00 | 0.2 | C | 3 | Silt and Clay Deposits | mesic | fine | no | silty clay loam |
| Brayton | 240 | 0.6 | 2.0 | 0.06 | 0.6 | C | 5 | Firm, platy, silty till, schist & phyllite | frigid | loamy | no | |
| Buckland | 237 | 0.6 | 2.0 | 0.06 | 0.2 | C | 3 | Firm, platy, loamy till | frigid | loamy | no | loam in Cd |
| Bucksport | 895 | | | | | D | 6 | Organic Materials - Freshwater | frigid | sapric | no | deep organic |
| Burnham | 131 | 0.2 | 6.0 | 0.02 | 0.2 | D | 6 | Firm, platy, silty till, schist & phylitte | frigid | loamy | no | organic over silt |
| Buxton | 232 | 0.1 | 0.6 | 0.00 | 0.2 | C | 3 | Silt and Clay Deposits | frigid | fine | no | silty clay |
| Cabot | 589 | 0.6 | 2.0 | 0.06 | 0.2 | D | 5 | Firm, platy, silty till, schist & phyllite | frigid | loamy | no | |
| Caesar | 526 | 20.0 | 100.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | mesic | coarse sand | no | |
| Canaan | 663 | 2.0 | 20.0 | 2.00 | 20.0 | C | 4 | Weathered Bedrock Till | frigid | loamy-skeletal | yes | less than 20 in. deep |
| Canterbury | 166 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | no | loam in Cd |
| Canton | 42 | 2.0 | 6.0 | 6.00 | 20.0 | B | 2 | Loose till, sandy textures | mesic | loamy over sandy | no | loamy over loamy sand |
| Cardigan | 357 | 0.6 | 2.0 | 0.60 | 2.0 | B | 4 | Friable till, silty, schist & phyllite | mesic | loamy | no | 20 to 40 in. deep |
| Catden | 296 | | | | | A/D | 6 | Organic Materials - Freshwater | mesic | sapric | no | deep organic |
| Champlain | 35 | 6.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | frigid | gravelly sand | no | |
| Charles | 209 | 0.6 | 100.0 | 0.60 | 100.0 | C | 5 | Flood Plain (Bottom Land) | frigid | silty | no | |
| Charlton | 62 | 0.6 | 6.0 | 0.60 | 6.0 | B | 2 | Loose till, loamy textures | mesic | loamy | no | fine sandy loam |
| Chatfield | 89 | 0.6 | 6.0 | 0.60 | 6.0 | B | 4 | Loose till, bedrock | mesic | loamy | no | 20 to 40 in. deep |
| Chatfield Var. | 289 | 0.6 | 6.0 | 0.60 | 6.0 | B | 3 | Loose till, bedrock | mesic | loamy | no | mwd to swpd |
| Chesuncook | 126 | 0.6 | 2.0 | 0.02 | 0.2 | C | 3 | Firm, platy, silty till, schist & phyllite | frigid | loamy | yes | channery silt loam in Cd |
| Chichester | 442 | 0.6 | 2.0 | 2.00 | 6.0 | B | | Loose till, sandy textures | frigid | loamy over sandy | no | loamy over loamy sand |
| Chocorua | 395 | | | 6.00 | 20.0 | D | 6 | Organic Materials - Freshwater | frigid | sandy or sandy-skeletal | no | organic over sand |
| Cohas | 505 | 0.6 | 2.0 | 0.60 | 100.0 | C | 5 | Flood Plain (Bottom Land) | frigid | co. loamy over sandy (skeletal) | no | |
| Colonel | 927 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | yes | loam in Cd |
| Colton | 22 | 6.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | frigid | sandy-skeletal | yes | |
| Colton, gravelly | 21 | 6.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | frigid | sandy-skeletal | yes | gravelly surface |
| Croghan | 613 | 20.0 | 100.0 | 20.00 | 100.0 | B | 3 | Outwash and Stream Terraces | frigid | sandy | yes | single grain in C |
| Dartmouth | 132 | 0.6 | 2.0 | 0.06 | 0.6 | B | 3 | Terraces and glacial lake plains | mesic | silty | no | thin strata silty clay loam |
| Deerfield | 313 | 6.0 | 20.0 | 20.00 | 100.0 | B | 3 | Outwash and Stream Terraces | mesic | sandy | no | single grain in C |
| Dixfield | 378 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | yes | fine sandy loam in Cd |
| Dixmont | 578 | 0.6 | 2.0 | 0.60 | 2.0 | C | 3 | Friable till, silty, schist & phyllite | frigid | loamy | yes | silt loam, platy in C |
| Duane | 413 | 6.0 | 20.0 | 6.00 | 20.0 | B | 3 | Outwash and Stream Terraces | frigid | sandy-skeletal | yes | cemented (ortstein) |
| Dutchess | 366 | 0.6 | 2.0 | 0.60 | 2.0 | B | 2 | Friable till, silty, schist & phyllite | mesic | loamy | no | very channery |
| Eldridge | 38 | 6.0 | 20.0 | 0.06 | 0.6 | C | 3 | Sandy/loamy over silt/clay | mesic | sandy over loamy | no | |
| Elliottsville | 128 | 0.6 | 2.0 | 0.60 | 2.0 | B | 4 | Friable till, silty, schist & phyllite | frigid | loamy | yes | 20 to 40 in. deep |
| Elmridge | 238 | 2.0 | 6.0 | 0.00 | 0.2 | C | 3 | Sandy/loamy over silt/clay | mesic | loamy over clayey | no | |
| Elmwood | 338 | 2.0 | 6.0 | 0.00 | 0.2 | C | 3 | Sandy/loamy over silt/clay | frigid | loamy over clayey | no | |
| Finch | 116 | | | | | C | 3 | Outwash and Stream Terraces | frigid | sandy | yes | cemented (ortstein) |

| Soil Series | legend number | Ksat low - B in/hr | Ksat high - B in/hr | Ksat low - C in/hr | Ksat high - C in/hr | Hyd. Grp. | Group | Land Form | Temp. | Soil Textures | Spodosol ? | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fryeburg | 208 | 0.6 | 2.0 | 2.00 | 6.0 | B | 2 | Flood Plain (Bottom Land) | frigid | silty | no | very fine sandy loam |
| Gilmanton | 478 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | no | fine sandy loam in Cd |
| Glebe | 671 | 2.0 | 6.0 | 2.00 | 6.0 | C | 4 | Loose till, bedrock | cryic | loamy | yes | 20 to 40 in. deep |
| Gloucester | 11 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Sandy Till | mesic | sandy-skeletal | no | loamy cap |
| Glover | NA | 0.6 | 2.0 | 0.60 | 2 | D | 4 | Friable till, silty, schist & phyllite | frigid | loamy | no | less than 20 in. deep |
| Grange | 433 | 0.6 | 2.0 | 0.60 | 2.0 | C | 5 | Outwash and Stream Terraces | frigid | co. loamy over sandy (skeletal) | no | |
| Greenwood | 295 | | | | | A/D | 6 | Organic Materials - Freshwater | frigid | hemic | no | deep organic |
| Groveton | 27 | 0.6 | 2.0 | 0.60 | 6.0 | B | 2 | Outwash and Stream Terraces | frigid | loamy | yes | loamy over sandy |
| Hadley | 8 | 0.6 | 2.0 | 0.60 | 6.0 | B | 2 | Flood Plain (Bottom Land) | mesic | silty | no | strata of fine sand |
| Hadley | 108 | 0.6 | 2.0 | 0.60 | 6.0 | B | 2 | Flood Plain (Bottom Land) | mesic | silty | no | strata of fine sand, occ flooded |
| Hartland | 31 | 0.6 | 2.0 | 0.20 | 2.0 | B | 2 | Terraces and glacial lake plains | mesic | silty | no | very fine sandy loam |
| Haven | 410 | 0.6 | 2.0 | 20.00 | 100.0 | B | 2 | Outwash and Stream Terraces | mesic | loamy over sandy | no | loamy over sand/gravel |
| Henniker | 46 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, sandy till | frigid | loamy | no | loamy sand in Cd |
| Hermon | 55 | 2.0 | 20.0 | 6.00 | 20.0 | A | 1 | Sandy Till | frigid | sandy-skeletal | yes | loamy cap |
| Hinckley | 12 | 6.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | mesic | sandy-skeletal | no | |
| Hitchcock | 130 | 0.6 | 2.0 | 0.06 | 0.6 | B | 3 | Terraces and glacial lake plains | mesic | silty | no | silt loam to silt in C |
| Hogback | 91 | 2.0 | 6.0 | 2.00 | 6.0 | C | 4 | Loose till, bedrock | frigid | loamy | yes | less than 20 in. deep |
| Hollis | 86 | 0.6 | 6.0 | 0.60 | 6.0 | C/D | 4 | Loose till, bedrock | mesic | loamy | no | less than 20 in. deep |
| Hoosic | 510 | 2.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | mesic | sandy-skeletal | no | slate, loamy cap |
| Houghtonville | 795 | 0.6 | 6.0 | 0.60 | 6.0 | B | 2 | Loose till, loamy textures | frigid | loamy | yes | cobbly fine sandy loam |
| Howland | 566 | 0.6 | 2.0 | 0.06 | 0.2 | C | 3 | Firm, platy, silty till, schist & phyllite | frigid | loamy | yes | silt loam, platy in Cd |
| Ipswich | 397 | | | | | D | 6 | Tidal Flat | mesic | hemic/sapric | no | deep organic |
| Kearsarge | 359 | 0.6 | 2.0 | 0.60 | 2.0 | B | 4 | Friable till, silty, schist & phyllite | mesic | loamy | no | less than 20 in. deep |
| Kinsman | 614 | 6.0 | 20.0 | 6.00 | 20.0 | C | 5 | Outwash and Stream Terraces | frigid | sandy | yes | |
| Lanesboro | 228 | 0.6 | 2.0 | 0.06 | 0.2 | C | 3 | Firm, platy, silty till, schist & phyllite | frigid | loamy | no | channery silt loam in Cd |
| Leicester | 514 | 0.6 | 6.0 | 0.60 | 20.0 | C | 5 | Loose till, loamy textures | mesic | loamy | no | |
| Lim | 3 | 0.6 | 2.0 | 6.00 | 20.0 | C | 5 | Flood Plain (Bottom Land) | mesic | loamy | no | |
| Limerick | 109 | 0.6 | 2.0 | 0.60 | 2.0 | C | 5 | Flood Plain (Bottom Land) | mesic | silty | no | |
| Lombard | 259 | 0.6 | 6.0 | 2.00 | 20.0 | C/D | 2 | Weathered bedrock, phyllite | frigid | loamy | no | very channery |
| Lovewell | 307 | 0.6 | 2.0 | 0.60 | 2.0 | B | 3 | Flood Plain (Bottom Land) | frigid | silty | no | very fine sandy loam |
| Lyman | 92 | 2.0 | 6.0 | 2.00 | 6.0 | A/D | 4 | Loose till, bedrock | frigid | loamy | yes | less than 20 in. deep |
| Lyme | 246 | 0.6 | 6.0 | 0.60 | 6.0 | C | 5 | Loose till, sandy textures | frigid | loamy | no | |
| Machias | 520 | 2.0 | 6.0 | 6.00 | 20.0 | B | 3 | Outwash and Stream Terraces | frigid | sandy or sandy-skeletal | yes | strata sand/gravel in C |
| Macomber | 252 | 0.6 | 2.0 | 0.60 | 2.0 | C | 4 | Friable till, silty, schist & phyllite | frigid | loamy-skeletal | yes | 20 to 40 in. deep |
| Madawaska | 28 | 0.6 | 2.0 | 6.00 | 20.0 | B | 3 | Outwash and Stream Terraces | frigid | loamy over sandy | yes | sandy or sandy-skeletal |
| Madawaska, aquen | 48 | 0.6 | 2.0 | 6.00 | 20.0 | B | 3 | Outwash and Stream Terraces | frigid | loamy over sandy | yes | sandy or sandy-skeletal |
| Marlow | 76 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | yes | fine sandy loam in Cd |
| Masardis | 23 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Outwash and Stream Terraces | frigid | sandy-skeletal | yes | slate, loamy cap |
| Mashpee | 315 | 6.0 | 20.0 | 6.00 | 20.0 | B | 5 | Outwash and Stream Terraces | mesic | sandy | yes | |
| Matunuck | 797 | | | 20.00 | 100.0 | D | 6 | Tidal Flat | mesic | sandy | no | organic over sand |
| Maybid | 134 | 0.0 | 0.2 | 0.00 | 0.2 | D | 6 | Silt and Clay Deposits | mesic | fine | no | silt over clay |
| Meadowsedge | 894 | | | | | D | 6 | Organic Materials - Freshwater | frigid | peat | no | deep organic |
| Medomak | 406 | 0.6 | 2.0 | 0.60 | 2.0 | D | 6 | Flood Plain (Bottom Land) | frigid | silty | no | organic over silt |
| Melrose | 37 | 2.0 | 6.0 | 0.00 | 0.2 | C | 3 | Sandy/loamy over silt/clay | frigid | loamy over clayey | no | silty clay loam in C |
| Merrimac | 10 | 2.0 | 20.0 | 6.00 | 20.0 | A | 1 | Outwash and Stream Terraces | mesic | gravelly sand | no | loamy cap |
| Metacomet | 458 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, sandy till | frigid | loamy | no | loamy sand in Cd |
| Metallak | 404 | 6.0 | 100.0 | 6.00 | 100.0 | B | 3 | Flood Plain (Bottom Land) | frigid | loamy over sandy | no | sandy or sandy-skeletal |
| Millis | 39 | | | | | C | 3 | Firm, platy, sandy till | frigid | loamy | yes | loamy sand in Cd |
| Millsite | 251 | 0.6 | 6.0 | 0.60 | 6.0 | C | 4 | Loose till, bedrock | frigid | loamy | no | 20 to 40 in. deep |
| Monadnock | 142 | 0.6 | 2.0 | 2.00 | 6.0 | B | 2 | Loose till, sandy textures | frigid | oamy over sandy, sandy-skeleta | yes | gravelly loamy sand in C |
| Monarda | 569 | 0.2 | 2.0 | 0.02 | 0.2 | D | 5 | Firm, platy, silty till, schist & phyllite | frigid | loamy | no | |
| Monson | 133 | 0.6 | 2.0 | 0.60 | 2.0 | D | 4 | Friable till, silty, schist & phyllite | frigid | loamy | yes | less than 20 in. deep |
| Montauk | 44 | 0.6 | 6.0 | 0.06 | 0.6 | C | 3 | Firm, platy, sandy till | mesic | loamy | no | loamy sand in Cd |
| Moosilauke | 414 | 6.0 | 20.0 | 6.00 | 20.0 | C | 5 | Loose till, sandy textures | frigid | sandy | no | |

| Soil Series | legend number | Ksat low - B in/hr | Ksat high - B in/hr | Ksat low - C in/hr | Ksat high - C in/hr | Hyd. Grp. | Group | Land Form | Temp. | Soil Textures | Spodosol ? | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mundal | 610 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | yes | gravelly sandy loam in Cd |
| Natchaug | 496 | | | 0.20 | 2.0 | D | 6 | Organic Materials - Freshwater | mesic | loamy | no | organic over loam |
| Naumburg | 214 | 6.0 | 20.0 | 6.00 | 20.0 | C | 5 | Outwash and Stream Terraces | frigid | sandy | yes | |
| Newfields | 444 | 0.6 | 2.0 | 0.60 | 2.0 | B | 3 | Loose till, sandy textures | mesic | loamy over sandy | no | sandy or sandy-skeletal |
| Nicholville | 632 | 0.6 | 2.0 | 0.60 | 2.0 | C | 3 | Terraces and glacial lake plains | frigid | silty | yes | very fine sandy loam |
| Ninigret | 513 | 0.6 | 6.0 | 6.00 | 20.0 | B | 3 | Outwash and Stream Terraces | mesic | loamy over sandy | no | sandy or sandy-skeletal |
| Occum | 1 | 0.6 | 2.0 | 6.00 | 20.0 | B | 2 | Flood Plain (Bottom Land) | mesic | loamy | no | loamy over loamy sand |
| Ondawa | 101 | 0.6 | 6.0 | 6.00 | 20.0 | B | 2 | Flood Plain (Bottom Land) | frigid | loamy | no | loamy over loamy sand |
| Ondawa | 201 | 0.6 | 6.0 | 6.00 | 20.0 | B | 2 | Flood Plain (Bottom Land) | frigid | loamy | no | occ flood, loamy over l. sand |
| Ossipee | 495 | | | 0.20 | 2.0 | D | 6 | Organic Materials - Freshwater | frigid | loamy | no | organic over loam |
| Pawcatuck | 497 | | | 20.00 | 100.0 | D | 6 | Tidal Flat | mesic | sandy or sandy-skeletal | no | organic over sand |
| Paxton | 66 | 0.6 | 2.0 | 0.00 | 0.2 | C | 3 | Firm, platy, loamy till | mesic | loamy | no | |
| Peacham | 549 | 0.6 | 2.0 | 0.00 | 0.2 | D | 6 | Firm, platy, silty till, schist & phylitte | frigid | loamy | no | organic over loam |
| Pemi | 633 | 0.6 | 2.0 | 0.06 | 0.6 | C | 5 | Terraces and glacial lake plains | frigid | silty | no | |
| Pennichuck | 460 | 0.6 | 2.0 | 0.60 | 2.0 | B | 4 | Friable till, silty, schist & phyllite | mesic | loamy-skeletal | no | 20 to 40 in. deep |
| Peru | 78 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, loamy till | frigid | loamy | yes | |
| Pillsbury | 646 | 0.6 | 2.0 | 0.06 | 0.2 | C | 5 | Firm, platy, loamy till | frigid | silty | no | |
| Pipestone | 314 | | | | | B | 5 | Outwash and Stream Terraces | mesic | sandy | yes | |
| Pittstown | 334 | 0.6 | 2.0 | 0.06 | 0.2 | C | 3 | Firm, platy, silty till, schist & phyllite | mesic | loamy | no | channery silt loam in Cd |
| Plaisted | 563 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, silty till, schist & phyllite | frigid | loamy | yes | channery silt loam in Cd |
| Podunk | 104 | 0.6 | 6.0 | 6.00 | 20.0 | B | 3 | Flood Plain (Bottom Land) | frigid | loamy | no | loamy to coarse sand in C |
| Pondicherry | 992 | | | 6.00 | 20.0 | D | 6 | Organic Materials - Freshwater | frigid | sandy or sandy-skeletal | no | organic over sand |
| Poocham | 230 | 0.6 | 2.0 | 0.20 | 2.0 | B | 3 | Terraces and glacial lake plains | mesic | silty | no | silt loam in C |
| Pootatuck | 4 | 0.6 | 6.0 | 6.00 | 20.0 | B | 3 | Flood Plain (Bottom Land) | mesic | loamy | no | single grain in C |
| Quonset | 310 | 2.0 | 20.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | mesic | sandy-skeletal | no | shale |
| Rawsonville | 98 | 0.6 | 6.0 | 0.60 | 6.0 | C | 4 | Loose till, bedrock | frigid | loamy | yes | 20 to 40 in. deep |
| Raynham | 533 | 0.2 | 2.0 | 0.06 | 0.2 | C | 5 | Terraces and glacial lake plains | mesic | silty | no | |
| Raypol | 540 | 0.6 | 2.0 | 6.00 | 100.0 | D | 5 | Outwash and Stream Terraces | mesic | co. loamy over sandy (skeletal) | no | |
| Redstone | 665 | 2.0 | 6.0 | 6.00 | 20.0 | A | 1 | Weathered Bedrock Till | frigid | fragmental | yes | loamy cap |
| Ricker | 674 | 2.0 | 6.0 | 2.00 | 6.0 | A | 4 | rganic over bedrock (up to 4" of minera | cryic | fibric to hemic | no | well drained, less than 20 in. deep |
| Ridgebury | 656 | 0.6 | 6.0 | 0.00 | 0.2 | C | 5 | Firm, platy, loamy till | mesic | loamy | no | |
| Rippowam | 5 | 0.6 | 6.0 | 6.00 | 20.0 | C | 5 | Flood Plain (Bottom Land) | mesic | loamy | no | |
| Roundabout | 333 | 0.2 | 2.0 | 0.06 | 0.6 | C | 5 | Terraces and glacial lake plains | frigid | silty | no | silt loam in the C |
| Rumney | 105 | 0.6 | 6.0 | 6.00 | 20.0 | C | 5 | Flood Plain (Bottom Land) | frigid | loamy | no | |
| Saco | 6 | 0.6 | 2.0 | 6.00 | 20.0 | D | 6 | Flood Plain (Bottom Land) | mesic | silty | no | strata |
| Saddleback | 673 | 0.6 | 2.0 | 0.60 | 2.0 | C/D | 4 | Loose till, bedrock | cryic | loamy | yes | less than 20 in. deep |
| Salmon | 630 | 0.6 | 2.0 | 0.60 | 2.0 | B | 2 | Terraces and glacial lake plains | frigid | silty | yes | very fine sandy loam |
| Saugatuck | 16 | 0.06 | 0.2 | 6.00 | 20.0 | C | 5 | Outwash and Stream Terraces | mesic | sandy | yes | ortstein |
| Scantic | 233 | 0.0 | 0.2 | 0.00 | 0.2 | D | 5 | Silt and Clay Deposits | frigid | fine | no | |
| Scarboro | 115 | 6.0 | 20.0 | 6.00 | 20.0 | D | 6 | Outwash and Stream Terraces | mesic | sandy | no | organic over sand, non stony |
| Scio | 531 | 0.6 | 2.0 | 0.60 | 2.0 | B | 3 | Terraces and glacial lake plains | mesic | silty | no | gravelly sand in 2C |
| Scitico | 33 | 0.0 | 0.2 | 0.00 | 0.2 | C | 5 | Silt and Clay Deposits | mesic | fine | no | |
| Scituate | 448 | 0.6 | 2.0 | 0.06 | 0.2 | C | 3 | Firm, platy, sandy till | mesic | loamy | no | loamy sand in Cd |
| Searsport | 15 | 6.0 | 20.0 | 6.00 | 20.0 | D | 6 | Outwash and Stream Terraces | frigid | sandy | no | organic over sand |
| Shaker | 439 | 2.0 | 6.0 | 0.00 | 0.2 | C | 5 | Sandy/loamy over silt/clay | mesic | co. loamy over clayey | no | |
| Shapleigh | 136 | | | | | C/D | 4 | Sandy Till | mesic | sandy | yes | less than 20 in. deep |
| Sheepscot | 14 | 6.0 | 20.0 | 6.00 | 20.0 | B | 3 | Outwash and Stream Terraces | frigid | sandy-skeletal | yes | gravelly coarse sand |
| Sisk | 667 | 0.6 | 2.0 | 0.00 | 0.6 | C | 3 | Firm, platy, loamy till | cryic | loamy | yes | sandy loam in Cd |
| Skerry | 558 | 0.6 | 2.0 | 0.06 | 0.6 | C | 3 | Firm, platy, sandy till | frigid | loamy | yes | loamy sand in Cd |
| Squamscott | 538 | 6.0 | 20.0 | 0.06 | 0.6 | C | 5 | Sandy/loamy over silt/clay | mesic | sandy over loamy | yes | |
| Stetson | 523 | 0.6 | 6.0 | 6.00 | 20.0 | B | 2 | Outwash and Stream Terraces | frigid | sandy-skeletal | yes | loamy over gravelly |
| Stissing | 340 | 0.6 | 2.0 | 0.06 | 0.2 | C | 5 | Firm, platy, silty till, schist & phyllite | mesic | loamy | no | |
| Success | 154 | 2.0 | 6.0 | 6.00 | 20.0 | A | 1 | Sandy Till | frigid | sandy-skeletal | yes | cemented |
| Sudbury | 118 | 2.0 | 6.0 | 2.00 | 20.0 | B | 3 | Outwash and Stream Terraces | mesic | sandy | no | loam over gravelly sand |

| Soil Series | legend number | Ksat low - B in/hr | Ksat high - B in/hr | Ksat low - C in/hr | Ksat high - C in/hr | Hyd. Grp. | Group | Land Form | Temp. | Soil Textures | Spodosol ? | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Suffield | 536 | 0.6 | 2.0 | 0.00 | 0.2 | C | 3 | Sandy/loamy over silt/clay | mesic | silty over clayey | no | deep to clay C |
| Sunapee | 168 | 0.6 | 2.0 | 0.60 | 6.0 | B | 3 | Loose till, loamy textures | frigid | loamy | yes | |
| Sunapee var | 269 | 0.6 | 2.0 | 0.60 | 6.0 | B | 3 | Loose till, loamy textures | frigid | loamy | yes | frigid dystrudept |
| Suncook | 2 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Flood Plain (Bottomland) | mesic | sandy | no | occasionally flooded |
| Suncook | 402 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Flood Plain (Bottomland) | mesic | sandy | no | frequent flooding |
| Sunday | 102 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Flood Plain (Bottomland) | frigid | sandy | no | occasionally flooded |
| Sunday | 202 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Flood Plain (Bottomland) | frigid | sandy | no | frequently flooded |
| Surplus | 669 | 0.6 | 2.0 | 0.00 | 0.6 | C | 3 | Firm, platy, loamy till | cryic | loamy | yes | mwd, sandy loam in Cd |
| Sutton | 68 | 0.6 | 6.0 | 0.60 | 6.0 | B | 3 | Loose till, loamy textures | mesic | loamy | no | |
| Swanton | 438 | 2.0 | 6.0 | 0.00 | 0.2 | C | 5 | Sandy/loamy over silt/clay | frigid | co. loamy over clayey | no | |
| Telos | 123 | 0.6 | 2.0 | 0.02 | 0.2 | C | 3 | Firm, platy, silty till, schist & phyllite | frigid | loamy | yes | channery silt loam in Cd |
| Thorndike | 84 | 0.6 | 2.0 | 0.60 | 2.0 | C/D | 4 | Friable till, silty, schist & phyllite | frigid | loamy-skeletal | yes | less than 20 in. deep |
| Timakwa | 393 | | | 6.00 | 100.0 | D | 6 | Organic Materials - Freshwater | mesic | sandy or sandy-skeletal | no | organic over sand |
| Tunbridge | 99 | 0.6 | 6.0 | 0.60 | 6.0 | C | 4 | Loose till, bedrock | frigid | loamy | yes | 20 to 40 in. deep |
| Unadilla | 30 | 0.6 | 2.0 | 2.00 | 20.0 | B | 2 | Terraces and glacial lake plains | mesic | silty | no | silty over gravelly |
| Vassalboro | 150 | | | | | D | 6 | Organic Materials - Freshwater | frigid | peat | no | deep organic |
| Walpole | 546 | 2.0 | 6.0 | 6.00 | 20.0 | C | 5 | Outwash and Stream Terraces | mesic | sandy | no | |
| Wareham | 34 | 6.0 | 20.0 | 6.00 | 20.0 | C | 5 | Outwash and Stream Terraces | mesic | sandy | no | |
| Warwick | 210 | 2.0 | 6.0 | 20.00 | 100.0 | A | 1 | Outwash and Stream Terraces | mesic | loamy-skeletal | no | loamy over slate gravel |
| Waskish | 195 | | | | | D | 6 | Organic Materials - Freshwater | frigid | peat | no | deep organic |
| Waumbeck | 58 | 2.0 | 20.0 | 6.00 | 20.0 | B | 3 | Loose till, sandy textures | frigid | sandy-skeletal | yes | very cobbly loamy sand |
| Westbrook | 597 | | | 0.00 | 2.0 | D | 6 | Tidal Flat | mesic | loamy | no | organic over loam |
| Whitman | 49 | 0.0 | 0.2 | 0.00 | 0.2 | D | 6 | Firm, platy, loamy till | mesic | loamy | no | mucky loam |
| Windsor | 26 | 6.0 | 20.0 | 6.00 | 20.0 | A | 1 | Outwash and Stream Terraces | mesic | sandy | no | |
| Winnecook | 88 | 0.6 | 2.0 | 0.60 | 2.0 | C | 4 | Friable till, silty, schist & phyllite | frigid | loamy-skeletal | yes | 20 to 40 in. deep |
| Winooski | 9 | 0.6 | 6.0 | 0.60 | 6.0 | B | | Flood Plain (Bottom Land) | mesic | silty over loamy | no | |
| Winooski | 103 | 0.6 | 6.0 | 0.60 | 6.0 | B | 3 | Flood Plain (Bottom Land) | mesic | silty | no | very fine sandy loam |
| Wonsqueak | 995 | | | 0.20 | 2.0 | D | 6 | Organic Materials - Freshwater | frigid | loamy | no | organic over loam |
| Woodbridge | 29 | 0.6 | 2.0 | 0.00 | 0.6 | C | 3 | Firm, platy, loamy till | mesic | loamy | no | sandy loam in Cd |
| Woodstock | 93 | 2.0 | 6.0 | 2.00 | 6.0 | C/D | 4 | Loose till, bedrock | frigid | loamy | no | less than 20 in. deep |

no longer recognized
organic materials

## TABLE 6-4.1 -- RUNOFF CURVE NUMBERS (Average Watershed Condition)

| COVER DESCRIPTION<br>Cover type and hydrologic condition | Average percent impervious area[2] | CURVE NUMBERS FOR HYDROLOGIC SOIL GROUP<br>A | B | C | D |
|---|---|---|---|---|---|
| FULLY DEVELOPED URBAN AREAS[1] (Vegetation Established) | | | | | |
| Lawns, open spaces, parks, golf courses, cemeteries, etc. | | | | | |
| good condition; grass cover on 75% or more of the area | | 39 | 61 | 74 | 80 |
| fair condition; grass cover on 50% to 75% of the area | | 49 | 69 | 79 | 84 |
| poor condition; grass cover on 50% or less of the area | | 68 | 79 | 86 | 89 |
| Paved parking lots, roofs, driveways, etc. | | 98 | 98 | 98 | 98 |
| Streets and roads; | | | | | |
| paved with curbs and storm sewers | | 98 | 98 | 98 | 98 |
| gravel | | 76 | 85 | 89 | 91 |
| dirt | | 72 | 82 | 87 | 89 |
| paved with open ditches | | 83 | 89 | 92 | 93 |
| Commercial and business areas | 85 | 89 | 92 | 94 | 95 |
| Industrial districts | 72 | 81 | 88 | 91 | 93 |
| Row houses, town houses, and residential | | | | | |
| with lot sizes 1/8 acre or less | 65 | 77 | 85 | 90 | 92 |
| Residential | | | | | |
| Average lot size | | | | | |
| 1/4 acre | 38 | 61 | 75 | 83 | 87 |
| 1/3 acre | 30 | 57 | 72 | 81 | 86 |
| 1/2 acre | 25 | 54 | 70 | 80 | 85 |
| 1 acre | 20 | 51 | 68 | 79 | 84 |
| 2 acre | 12 | 46 | 65 | 77 | 82 |
| DEVELOPING URBAN AREAS[3] (No vegetation Established) | | | | | |
| Newly graded area | | 77 | 86 | 91 | 94 |

1. For land uses with impervious areas, curve numbers are computed assuming that 100% of runoff from impervious areas is directly connected to the drainage system. Pervious areas (lawn) are considered to be equivalent to lawns in good condition and the impervious areas have an RCN of 98.

2. Includes paved streets.

3. Use for the design of temporary measures during grading and construction. Impervious area percent for urban areas under development vary considerably. The user will determine the percent impervious. Then using the newly graded area RCN and Table 6-4, the composite RCN can be computed for any degree of development.

Source: USDA Soil Conservation Service

## TABLE 6-4.2 -- RUNOFF CURVE NUMBERS (Average Watershed Condition)

| COVER DESCRIPTION | | | CURVE NUMBERS FOR HYDROLOGIC SOIL GROUP | | | |
|---|---|---|---|---|---|---|
| Cover type and hydrologic condition | | Hydrologic condition[4] | A | B | C | D |
| **CULTIVATED AGRICULTURAL LAND** | | | | | | |
| Fallow | Bare soil | | 77 | 86 | 91 | 94 |
| | Crop residue cover (CR) | poor | 76 | 85 | 90 | 93 |
| | CR | good | 74 | 83 | 88 | 90 |
| Row crops | Straight row (SR) | poor | 72 | 81 | 88 | 91 |
| | SR | good | 67 | 78 | 85 | 89 |
| | SR & CR | poor | 71 | 80 | 87 | 90 |
| | SR & CR | good | 64 | 75 | 82 | 85 |
| | Contoured (C) | poor | 70 | 79 | 84 | 88 |
| | C | good | 65 | 75 | 82 | 86 |
| | C & CR | poor | 69 | 78 | 83 | 87 |
| | C & CR | good | 64 | 74 | 81 | 85 |
| | Contoured & Terraces (C&T) | poor | 66 | 74 | 80 | 82 |
| | C&T | good | 62 | 71 | 78 | 81 |
| | C&T & CR | poor | 65 | 73 | 79 | 81 |
| | C&T & CR | good | 61 | 70 | 77 | 80 |
| Small grain | SR | poor | 65 | 76 | 84 | 88 |
| | SR | good | 63 | 75 | 83 | 87 |
| | SR & CR | poor | 64 | 75 | 83 | 86 |
| | SR & CR | good | 60 | 72 | 80 | 84 |
| | C | poor | 63 | 74 | 82 | 85 |
| | C | good | 61 | 73 | 81 | 84 |
| | C & CR | poor | 62 | 73 | 81 | 84 |
| | C & CR | good | 60 | 72 | 80 | 83 |
| | C&T | poor | 61 | 72 | 79 | 82 |
| | C&T | good | 59 | 70 | 78 | 81 |
| | C&T & CR | poor | 60 | 71 | 78 | 81 |
| | C&T & CR | good | 58 | 69 | 77 | 80 |
| Close-seeded Legumes or Rotation Meadow[5] | SR | poor | 66 | 77 | 85 | 89 |
| | SR | good | 58 | 72 | 81 | 85 |
| | C | poor | 64 | 75 | 83 | 85 |
| | C | good | 55 | 69 | 78 | 83 |
| | C&T | poor | 63 | 73 | 80 | 83 |
| | C&T | good | 51 | 67 | 76 | 80 |

4. For conservation tillage poor hydrologic condition, 5 to 20 percent of the surface is covered with residue (less than 750 #/acre row crops or 300#/acre small grain).
   For conservation tillage good hydrologic condition, more than 20 percent of the surface is covered with residue (greater than 750 #/acre row crops or 300 #/acre small grain).
5. Close-drilled or broadcast.

Source: USDA Soil Conservation Service

## TABLE 6-4.3 -- RUNOFF CURVE NUMBERS (Average Watershed Condition)

| COVER DESCRIPTION<br>Cover type and hydrologic condition | Hydrologic condition[6] | CURVE NUMBERS FOR HYDROLOGIC SOIL GROUP<br>A | B | C | D |
|---|---|---|---|---|---|
| **NON-CULTIVATED AGRICULTURAL LAND** | | | | | |
| Pasture, grassland, or range - continuous forage for grazing | poor | 68 | 79 | 86 | 89 |
| | fair | 49 | 69 | 79 | 84 |
| | good | 39 | 61 | 74 | 80 |
| Meadow - continuous grass, protected from grazing and generally mowed for hay | --- | 30 | 58 | 71 | 78 |
| Woods-grass combination (orchard or tree farm) | poor | 57 | 73 | 82 | 86 |
| | fair | 43 | 65 | 76 | 82 |
| | good | 32 | 58 | 72 | 79 |
| Brush - brush-weed-grass mixture with brush the major element | poor | 48 | 67 | 77 | 83 |
| | fair | 35 | 56 | 70 | 77 |
| | good | 30 | 48 | 65 | 73 |
| Woods | poor | 45 | 66 | 77 | 83 |
| | fair | 36 | 60 | 73 | 79 |
| | good | 30 | 55 | 70 | 77 |
| Farmsteads - buildings, lanes, driveways, and surrounding lots | --- | 59 | 74 | 82 | 86 |

6. Poor hydrologic condition has less than 50 percent ground cover density.
Fair hydrologic condition has between 50 and 75 percent ground cover density.
Good hydrologic condition has more than 75 percent ground cover density.

Source: USDA Soil Conservation Service

VALUES OF THE ROUGHNESS COEFFICIENT n
(Boldface figures are values generally recommended in design)

| Type of channel and description | Minimum | Normal | Maximum |
|---|---|---|---|
| A. CLOSED CONDUITS FLOWING PARTLY FULL | | | |
| A-1. Metal | | | |
| *a.* Brass, smooth | 0.009 | **0.010** | 0.013 |
| *b.* Steel | | | |
| 1. Lockbar and welded | 0.010 | 0.012 | 0.014 |
| 2. Riveted and spiral | 0.013 | 0.016 | 0.017 |
| *c.* Cast iron | | | |
| 1. Coated | 0.010 | 0.013 | 0.014 |
| 2. Uncoated | 0.011 | 0.014 | 0.016 |
| *d.* Wrought iron | | | |
| 1. Black | 0.012 | 0.014 | 0.015 |
| 2. Galvanized | 0.013 | 0.016 | 0.017 |
| *e.* Corrugated metal | | | |
| 1. Subdrain | 0.017 | 0.019 | 0.021 |
| 2. Storm drain | 0.021 | **0.024** | 0.030 |
| A-2. Nonmetal | | | |
| *a.* Lucite | 0.008 | 0.009 | 0.010 |
| *b.* Glass | 0.009 | **0.010** | 0.013 |
| *c.* Cement | | | |
| 1. Neat, surface | 0.010 | 0.011 | 0.013 |
| 2. Mortar | 0.011 | 0.013 | 0.015 |
| *d.* Concrete | | | |
| 1. Culvert, straight and free of debris | 0.010 | 0.011 | 0.013 |
| 2. Culvert with bends, connections, and some debris | 0.011 | **0.013** | 0.014 |
| 3. Finished | 0.011 | 0.012 | 0.014 |
| 4. Sewer with manholes, inlet, etc., straight | 0.013 | 0.015 | 0.017 |
| 5. Unfinished, steel form | 0.012 | 0.013 | 0.014 |
| 6. Unfinished, smooth wood form | 0.012 | **0.014** | 0.016 |
| 7. Unfinished, rough wood form | 0.015 | 0.017 | 0.020 |
| *e.* Wood | | | |
| 1. Stave | 0.010 | 0.012 | 0.014 |
| 2. Laminated, treated | 0.015 | 0.017 | 0.020 |
| *f.* Clay | | | |
| 1. Common drainage tile | 0.011 | **0.013** | 0.017 |
| 2. Vitrified sewer | 0.011 | 0.014 | 0.017 |
| 3. Vitrified sewer with manholes, inlet, etc. | 0.013 | 0.015 | 0.017 |
| 4. Vitrified subdrain with open joint | 0.014 | 0.016 | **0.018** |
| *g.* Brickwork | | | |
| 1. Glazed | 0.011 | **0.013** | **0.015** |
| 2. Lined with cement mortar | 0.012 | 0.015 | 0.017 |
| *h.* Sanitary sewers coated with sewage slimes, with bends and connections | 0.012 | 0.013 | 0.016 |
| *i.* Paved invert, sewer, smooth bottom | 0.016 | 0.019 | 0.020 |
| *j.* Rubble masonry, cemented | 0.018 | 0.025 | 0.030 |

VALUES OF THE ROUGHNESS COEFFICIENT n (*continued*)

| Type of channel and description | Minimum | Normal | Maximum |
|---|---|---|---|
| B. LINED OR BUILT-UP CHANNELS | | | |
| B-1. Metal | | | |
| *a.* Smooth steel surface | | | |
| 1. Unpainted | 0.011 | **0.012** | 0.014 |
| 2. Painted | 0.012 | 0.013 | 0.017 |
| *b.* Corrugated | 0.021 | 0.025 | 0.030 |
| B-2. Nonmetal | | | |
| *a.* Cement | | | |
| 1. Neat, surface | 0.010 | 0.011 | 0.013 |
| 2. Mortar | 0.011 | 0.013 | 0.015 |
| *b.* Wood | | | |
| 1. Planed, untreated | 0.010 | 0.012 | 0.014 |
| 2. Planed, creosoted | 0.011 | 0.012 | 0.015 |
| 3. Unplaned | 0.011 | 0.013 | 0.015 |
| 4. Plank with battens | 0.012 | 0.015 | 0.018 |
| 5. Lined with roofing paper | 0.010 | 0.014 | 0.017 |
| *c.* Concrete | | | |
| 1. Trowel finish | 0.011 | **0.013** | 0.015 |
| 2. Float finish | 0.013 | 0.015 | 0.016 |
| 3. Finished, with gravel on bottom | 0.015 | 0.017 | 0.020 |
| 4. Unfinished | 0.014 | 0.017 | 0.020 |
| 5. Gunite, good section | 0.016 | 0.019 | 0.023 |
| 6. Gunite, wavy section | 0.018 | 0.022 | 0.025 |
| 7. On good excavated rock | 0.017 | 0.020 | |
| 8. On irregular excavated rock | 0.022 | 0.027 | |
| *d.* Concrete bottom float finished with sides of | | | |
| 1. Dressed stone in mortar | 0.015 | 0.017 | 0.020 |
| 2. Random stone in mortar | 0.017 | 0.020 | 0.024 |
| 3. Cement rubble masonry, plastered | 0.016 | 0.020 | 0.024 |
| 4. Cement rubble masonry | 0.020 | 0.025 | 0.030 |
| 5. Dry rubble or riprap | 0.020 | 0.030 | 0.035 |
| *e.* Gravel bottom with sides of | | | |
| 1. Formed concrete | 0.017 | 0.020 | 0.025 |
| 2. Random stone in mortar | 0.020 | 0.023 | 0.026 |
| 3. Dry rubble or riprap | 0.023 | 0.033 | 0.036 |
| *f.* Brick | | | |
| 1. Glazed | 0.011 | **0.013** | 0.015 |
| 2. In cement mortar | 0.012 | **0.015** | 0.018 |
| *g.* Masonry | | | |
| 1. Cemented rubble | 0.017 | 0.025 | 0.030 |
| 2. Dry rubble | 0.023 | 0.032 | 0.035 |
| *h.* Dressed ashlar | 0.013 | 0.015 | 0.017 |
| *i.* Asphalt | | | |
| 1. Smooth | 0.013 | 0.013 | |
| 2. Rough | 0.016 | 0.016 | |
| *j.* Vegetal lining | 0.030 | ..... | 0.500 |

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VALUES OF THE ROUGHNESS COEFFICIENT *n* (*continued*)

| Type of channel and description | Minimum | Normal | Maximum |
|---|---|---|---|
| C. EXCAVATED OR DREDGED | | | |
| *a.* Earth, straight and uniform | | | |
| 1. Clean, recently completed | 0.016 | 0.018 | 0.020 |
| 2. Clean, after weathering | 0.018 | 0.022 | 0.025 |
| 3. Gravel, uniform section, clean | 0.022 | 0.025 | 0.030 |
| 4. With short grass, few weeds | 0.022 | 0.027 | 0.033 |
| *b.* Earth, winding and sluggish | | | |
| 1. No vegetation | 0.023 | 0.025 | 0.030 |
| 2. Grass, some weeds | 0.025 | 0.030 | 0.033 |
| 3. Dense weeds or aquatic plants in deep channels | 0.030 | 0.035 | 0.040 |
| 4. Earth bottom and rubble sides | 0.028 | 0.030 | 0.035 |
| 5. Stony bottom and weedy banks | 0.025 | 0.035 | 0.040 |
| 6. Cobble bottom and clean sides | 0.030 | 0.040 | 0.050 |
| *c.* Dragline-excavated or dredged | | | |
| 1. No vegetation | 0.025 | 0.028 | 0.033 |
| 2. Light brush on banks | 0.035 | 0.050 | 0.060 |
| *d.* Rock cuts | | | |
| 1. Smooth and uniform | 0.025 | 0.035 | 0.040 |
| 2. Jagged and irregular | 0.035 | 0.040 | 0.050 |
| *e.* Channels not maintained, weeds and brush uncut | | | |
| 1. Dense weeds, high as flow depth | 0.050 | 0.080 | 0.120 |
| 2. Clean bottom, brush on sides | 0.040 | 0.050 | 0.080 |
| 3. Same, highest stage of flow | 0.045 | 0.070 | 0.110 |
| 4. Dense brush, high stage | 0.080 | 0.100 | 0.140 |
| D. NATURAL STREAMS | | | |
| D-1. Minor streams (top width at flood stage <100 ft) | | | |
| *a.* Streams on plain | | | |
| 1. Clean, straight, full stage, no rifts or deep pools | 0.025 | 0.030 | 0.033 |
| 2. Same as above, but more stones and weeds | 0.030 | 0.035 | 0.040 |
| 3. Clean, winding, some pools and shoals | 0.033 | 0.040 | 0.045 |
| 4. Same as above, but some weeds and stones | 0.035 | 0.045 | 0.050 |
| 5. Same as above, lower stages, more ineffective slopes and sections | 0.040 | 0.048 | 0.055 |
| 6. Same as 4, but more stones | 0.045 | 0.050 | 0.060 |
| 7. Sluggish reaches, weedy, deep pools | 0.050 | 0.070 | 0.080 |
| 8. Very weedy reaches, deep pools, or floodways with heavy stand of timber and underbrush | 0.075 | 0.100 | 0.150 |
| *b.* Mountain streams, no vegetation in channel, banks usually steep, trees and brush along banks submerged at high stages | | | |
| 1. Bottom: gravels, cobbles, and few boulders | 0.030 | 0.040 | 0.050 |
| 2. Bottom: cobbles with large boulders | 0.040 | 0.050 | 0.070 |
| D-2. Flood plains | | | |
| *a.* Pasture, no brush | | | |
| 1. Short grass | 0.025 | 0.030 | 0.035 |
| 2. High grass | 0.030 | 0.035 | 0.050 |
| *b.* Cultivated areas | | | |
| 1. No crop | 0.020 | 0.030 | 0.040 |
| 2. Mature row crops | 0.025 | 0.035 | 0.045 |
| 3. Mature field crops | 0.030 | 0.040 | 0.050 |
| *c.* Brush | | | |
| 1. Scattered brush, heavy weeds | 0.035 | 0.050 | 0.070 |
| 2. Light brush and trees, in winter | 0.035 | 0.050 | 0.060 |
| 3. Light brush and trees, in summer | 0.040 | 0.060 | 0.080 |
| 4. Medium to dense brush, in winter | 0.045 | 0.070 | 0.110 |
| 5. Medium to dense brush, in summer | 0.070 | 0.100 | 0.160 |
| *d.* Trees | | | |
| 1. Dense willows, summer, straight | 0.110 | 0.150 | 0.200 |
| 2. Cleared land with tree stumps, no sprouts | 0.030 | 0.040 | 0.050 |
| 3. Same as above, but with heavy growth of sprouts | 0.050 | 0.060 | 0.080 |
| 4. Heavy stand of timber, a few down trees, little undergrowth, flood stage below branches | 0.080 | 0.100 | 0.120 |
| 5. Same as above, but with flood stage reaching branches | 0.100 | 0.120 | 0.160 |
| D-3. Major streams (top width at flood stage >100 ft). The *n* value is less than that for minor streams of similar description, because banks offer less effective resistance. | | | |
| *a.* Regular section with no boulders or brush | 0.025 | ..... | 0.060 |
| *b.* Irregular and rough section | 0.035 | ..... | 0.100 |

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# Appendix D1: Broad-Crested Weir Coefficients for Sharp-Edged Crests

The following table lists *English* weir coefficients for broad crested weirs with a sharp-edged crest of various breadths. These coefficients are automatically entered into the lookup table for a broad crested weir whenever a crest breadth is entered as described on page 89. If breadth falls between two listed values, interpolated coefficients are automatically used. Breadths outside the listed range will use the first or last coefficient values without extrapolation. Values are automatically converted to the current input units as described on page 43.

| | Weir Breadth--(ft) | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Head | 0.50 | 0.75 | 1.00 | 1.50 | 2.00 | 2.50 | 3.00 | 4.00 | 5.00 | 10.0 | 15.0 |
| 0.2 | 2.80 | 2.75 | 2.69 | 2.62 | 2.54 | 2.48 | 2.44 | 2.38 | 2.34 | 2.49 | 2.68 |
| 0.4 | 2.92 | 2.80 | 2.72 | 2.64 | 2.61 | 2.60 | 2.58 | 2.54 | 2.50 | 2.56 | 2.70 |
| 0.6 | 3.08 | 2.89 | 2.75 | 2.64 | 2.61 | 2.60 | 2.68 | 2.69 | 2.70 | 2.70 | 2.70 |
| 0.8 | 3.30 | 3.04 | 2.85 | 2.68 | 2.60 | 2.60 | 2.67 | 2.68 | 2.68 | 2.69 | 2.64 |
| 1.0 | 3.32 | 3.14 | 2.98 | 2.75 | 2.66 | 2.64 | 2.65 | 2.67 | 2.68 | 2.68 | 2.63 |
| 1.2 | 3.32 | 3.20 | 3.08 | 2.86 | 2.70 | 2.65 | 2.64 | 2.67 | 2.66 | 2.69 | 2.64 |
| 1.4 | 3.32 | 3.26 | 3.20 | 2.92 | 2.77 | 2.68 | 2.64 | 2.65 | 2.65 | 2.67 | 2.64 |
| 1.6 | 3.32 | 3.29 | 3.28 | 3.07 | 2.89 | 2.75 | 2.68 | 2.66 | 2.65 | 2.64 | 2.63 |
| 1.8 | 3.32 | 3.32 | 3.31 | 3.07 | 2.88 | 2.74 | 2.68 | 2.66 | 2.65 | 2.64 | 2.63 |
| 2.0 | 3.32 | 3.31 | 3.30 | 3.03 | 2.85 | 2.76 | 2.72 | 2.68 | 2.65 | 2.64 | 2.63 |
| 2.5 | 3.32 | 3.32 | 3.31 | 3.28 | 3.07 | 2.89 | 2.81 | 2.72 | 2.67 | 2.64 | 2.63 |
| 3.0 | 3.32 | 3.32 | 3.32 | 3.32 | 3.20 | 3.05 | 2.92 | 2.73 | 2.66 | 2.64 | 2.63 |
| 3.5 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.19 | 2.97 | 2.76 | 2.68 | 2.64 | 2.63 |
| 4.0 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.07 | 2.79 | 2.70 | 2.64 | 2.63 |
| 4.5 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 2.88 | 2.74 | 2.64 | 2.63 |
| 5.0 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.07 | 2.79 | 2.64 | 2.63 |
| 5.5 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 3.32 | 2.88 | 2.64 | 2.63 |

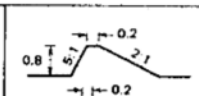
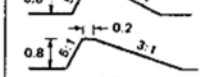
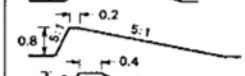
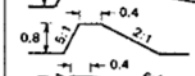
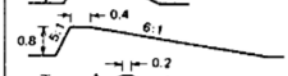
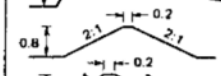
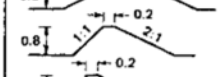
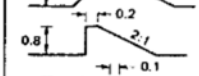
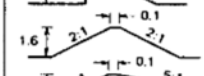
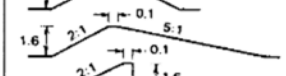
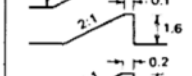
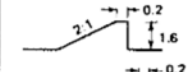
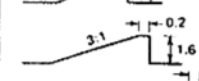
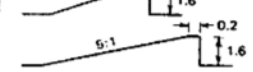
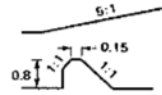
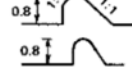
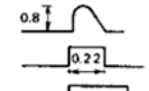
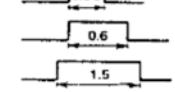
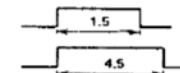
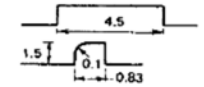
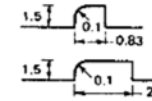
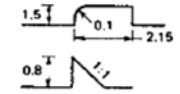
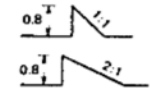
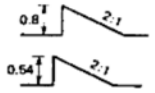
This table was derived from information in HANDBOOK OF HYDRAULICS by Brater and King, 1976.

# Appendix D2: Broad-Crested Weir Coefficients for Assorted Profiles

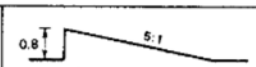
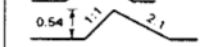
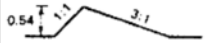
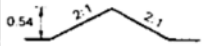
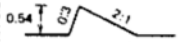
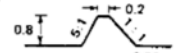
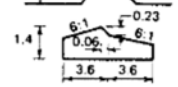
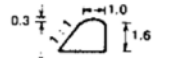
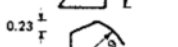
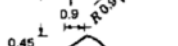
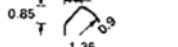
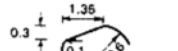
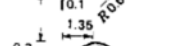
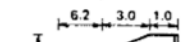
Coefficients for the following weirs may be entered automatically by specifying the appropriate Profile ID number on the HydroCAD weir screen.

Note: This table contains *metric* weir coefficients. To obtain English coefficients **multiply the values in this table by 1.811** as described on page 43.

**Discharge Coefficients for Broad-Crested Weirs**

| | Cross section | Upstream head *h* [m] | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | 0.15 | 0.30 | 0.45 | 0.60 | 0.75 | 0.90 | 1.20 | 1.50 |
| 1 |  | 1.61 | 1.86 | 1.98 | | | | | |
| 2 |  | 1.60 | 1.80 | 1.90 | | | | | |
| 3 |  | 1.58 | 1.75 | 1.79 | | | | | |
| 4 |  | 1.53 | 1.64 | 1.77 | | | | | |
| 5 |  | 1.54 | 1.62 | 1.69 | | | | | |
| 6 |  | 1.72 | 1.88 | 1.98 | | | | | |
| 7 |  | 1.65 | 1.88 | 2.00 | | | | | |
| 8 |  | 1.53 | 1.80 | 1.93 | | | | | |
| 9 |  | | | | 1.96 | 1.96 | 1.97 | 1.99 | 2.02 |
| 10 |  | | | | 1.94 | 1.92 | 1.89 | 1.92 | 1.97 |
| 11 |  | | 2.12 | 2.10 | 2.08 | 2.08 | 2.06 | 2.04 | 2.00 |
| 12 |  | | 1.88 | 1.96 | 2.01 | 2.04 | 2.05 | 2.05 | 2.05 |
| 13 |  | | | | 1.96 | 1.96 | 1.96 | 1.96 | 1.96 |
| 14 |  | | | | 1.86 | 1.86 | 1.86 | 1.86 | 1.86 |
| 15 |  | 1.81 | 2.00 | | | | | | |
| 16 |  | 2.10 | 2.35 | | | | | | |
| 17 |  | 1.57 | 1.73 | 1.80 | 1.82 | 1.83 | 1.83 | | |
| 18 |  | 1.44 | 1.46 | 1.55 | 1.56 | 1.69 | 1.76 | 1.84 | |
| 19 |  | 1.43 | 1.47 | 1.45 | 1.46 | 1.47 | 1.46 | 1.48 | 1.59 |
| 20 |  | 1.48 | 1.45 | 1.44 | 1.44 | | | | |
| 21 |  | | 1.56 | 1.60 | 1.65 | 1.70 | 1.74 | 1.84 | 1.92 |
| 22 |  | | 1.56 | 1.56 | 1.55 | 1.55 | 1.55 | 1.55 | 1.54 |
| 23 |  | 2.13 | 2.13 | 2.13 | | | | | |
| 24 |  | 1.93 | 1.94 | 1.94 | | | | | |
| 25 |  | 1.94 | 1.98 | 1.97 | | | | | |

*All dimensions are in meters. Tabulated values represent metric weir coefficients.

| | Cross section | Upstream head *h* [m] | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | 0.15 | 0.30 | 0.45 | 0.60 | 0.75 | 0.90 | 1.20 | 1.50 |
| 26 |  | 1.69 | 1.73 | 1.73 | | | | | |
| 27 |  | 2.28 | 2.25 | 2.06 | | | | | |
| 28 |  | 2.08 | 2.12 | 2.12 | | | | | |
| 29 |  | 1.92 | 1.93 | 1.92 | | | | | |
| 30 |  | 2.10 | 2.13 | 2.13 | | | | | |
| 31 |  | 2.03 | 2.03 | 2.01 | | | | | |
| 32 |  | 2.03 | 2.03 | 2.01 | | | | | |
| 33 |  | 1.65 | 1.94 | 2.10 | | | | | |
| 34 |  | | 1.72 | 1.76 | 1.76 | 1.76 | 1.76 | 1.76 | 1.76 |
| 35 |  | | | 1.87 | 1.84 | 1.81 | 1.82 | 1.82 | 1.85 |
| 36 |  | | 1.91 | 1.90 | 1.87 | 1.84 | 1.83 | 1.86 | 1.90 |
| 37 |  | | | | | 1.89 | 1.87 | 1.87 | 1.88 |
| 38 |  | | 1.81 | 1.81 | 1.82 | 1.86 | 1.90 | 1.97 | 2.01 |
| 39 |  | 1.13 | 1.82<br>1.89 | 1.83<br>1.90 | 1.85<br>1.88 | 1.87<br>1.88 | 1.88<br>1.90 | 1.95 | 2.06 |
| 40 |  | 1.76 | 1.86<br>1.92 | 1.90<br>1.98 | 1.93<br>2.06 | 1.96<br>2.04 | 1.97<br>2.04 | 2.03 | 2.11 |
| 41 |  | 1.72 | 1.90 | 2.00 | 2.06 | 2.10 | 2.13 | | |
| 42 |  | 1.78 | 1.84 | 1.89 | 1.93 | 1.97 | 2.00 | | |
| 43 |  | 1.75 | 1.81 | 1.85 | 1.88 | 1.90 | 1.92 | 1.95 | |
| 44 |  | 1.80 | 1.92 | 1.95 | 1.94 | 1.85 | 1.82 | | |
| 45 |  | 1.94 | 1.94 | 1.95 | 1.92 | 1.85 | 1.81 | 1.79 | |
| 46 |  | 1.72 | 1.72 | 1.70 | 1.72 | 1.76 | 1.79 | 1.85 | |
| 47 |  | 1.70 | 1.71 | 1.82 | | | | | |
| 48 |  | | 2.09 | | | | | | |

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# Appendix E: Culvert Entrance Loss Coefficients

The following table lists entrance loss coefficients for concrete, corrugated metal, and box culverts. These values are automatically provided by HydroCAD when the corresponding entrance description is selected for a given culvert.

Although comparable data is not available for corrugated plastic pipe, it is believed to be similar to corrugated metal, and the same entries are listed for "CPP" in the internal lookup table.

Entrance Loss Coefficients.

| Type of Structure and Design of Entrance | Coefficient, $k_e$ |
|---|---|
| **Pipe, Concrete** | |
| Projecting from fill, groove end | 0.2 |
| Projecting from fill, sq. cut end | 0.5 |
| Headwall or headwall and wingwalls | |
| Groove end of pipe | 0.2 |
| Square-edge | 0.5 |
| Rounded (radius = 1/12D) | 0.1 |
| Mitered to conform to fill slope | 0.7 |
| End-Section conforming to fill slope* | 0.5 |
| **Pipe, or Pipe-Arch, Corrugated Metal** | |
| Projecting from fill (no headwall) | 0.9 |
| Headwall or headwall end wingwalls | |
| Square-edge | 0.5 |
| Mitered to conform to fill slope | 0.7 |
| End-Section conforming to fill slope* | 0.5 |
| **Box, Reinforced Concrete** | |
| Headwall parallel to embankment (no wingwalls) | |
| Square-edged on 3 edges | 0.5 |
| Rounded on 3 edges to radius of 1/12 barrel dimension | 0.2 |
| Wingwalls at 30° to 75° to barrel | |
| Square-edged at crown | 0.4 |
| Crown edge rounded to radius of 1/12 barrel dimension | 0.2 |
| Wingwalls at 10° to 30° to barrel | |
| Square-edged at crown | 0.5 |
| Wingwalls parallel (extension of sides) | |
| Square-edged at crown | 0.7 |

*Note: "End Section conforming to fill slope", made of either metal or concrete, are the sections commonly available from manufacturers. From limited hydraulic tests they are equivalent in operation to a headwall in both inlet and outlet control. Some end sections, incorporating a closed taper have a superior hydraulic performance.

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# Appendix F: Sheet Flow Roughness Coefficients

HydroCAD provides the following table of roughness coefficients for use with the Sheet Flow procedure (see page 54). This information is taken directly from NEH Table 15-1, with slight abbreviation of the descriptions. If you decide to substitute other roughness coefficients, note that these values are specifically for sheet flow, and are generally larger than the regular Manning's numbers for comparable surfaces.

| Surface Description | n |
|---|---|
| Smooth surfaces | .011 |
| Fallow | .05 |
| Cultivated: Residue<=20% | .06 |
| Cultivated: Residue>20% | .17 |
| Grass: Short | .15 |
| Grass: Dense | .24 |
| Grass: Bermuda | .41 |
| Range | .13 |
| Woods: Light underbrush | .40 |
| Woods: Dense underbrush | .80 |

Note: These coefficients may also be appropriate when using a reach to model artificially created sheet flow (as from a level spreader) as long as the depth of flow is limited to approximately 1/10 foot.

# Appendix G: Velocity Factors

The Shallow Concentrated Flow procedure (a.k.a. Upland Method) uses a *velocity factor*, $K_V$, as listed below. The first two surfaces (paved and unpaved) are the basis for TR-55 Figure 3-1, and the factors were originally obtained from TR-55 Appendix F. The remaining surfaces were taken from NEH-4 Figure 15.2, with the factors derived from that chart. Subsequent revisions to NEH Part 630 provide *numerical* $K_V$ values which are in good agreement with the original chart, except for "Grassed Waterways", which appears to have changed from 15.0 to 16.13, making it the same as the TR-55 "Unpaved" condition. For compatibility with previous calculations, the HydroCAD lookup table continues to supply the original $K_V$ values as listed below. If different values are required for any reason, HydroCAD allows direct $K_V$ entry instead of using the lookup table. See page 55 for further details on Shallow Concentrated Flow.

| Surface Description | $K_V$ [ft/sec] | $K_V$ [m/sec] |
|---|---|---|
| Paved | 20.33 | 6.2 |
| Unpaved | 16.13 | 4.92 |
| Grassed Waterway | 15.0 | 4.57 |
| Nearly Bare & Untilled | 10.0 | 3.05 |
| Cultivated Straight Rows | 9.0 | 2.74 |
| Short Grass Pasture | 7.0 | 2.13 |
| Woodland | 5.0 | 1.52 |
| Forest w/Heavy Litter | 2.5 | 0.76 |

Some descriptions have been abbreviated. Velocity factors have the same units as a velocity, and may be converted between English and metric as described on page 43.

# H y d r o C A D ®

***Stormwater Modeling System***

Version 10

# Owner's Manual

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# 5 SHERMAN STREET, LLC

***Stormwater Management, Maintenance & Inspection Plan***

## 103 Court Street
## Dover, New Hampshire

August 2024
Revised October 2025

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Prepared for: 5 Sherman Street, LLC
242 Central Ave
Dover, New Hampshire 03820

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Prepared by: Tritech Engineering Corporation
755 Central Avenue
Dover, New Hampshire 03820

## ***Introduction***

Tritech Engineering Corporation has prepared the following Stormwater Management System Inspection & Maintenance Plan for 103 Court Street, located on southern side of Court Street, Dover, New Hampshire. The intent of this plan is to provide 5 Sherman Street, LLC with a list of procedures that document the inspection and maintenance requirements of the Stormwater Management System for this development.

The following inspection and maintenance program is necessary in order to keep the Stormwater Management System functioning properly. By following the enclosed procedures, 5 Sherman Street LLC, will be able to maintain the functional design of the Stormwater Management System and maximize its ability to remove sediment and other contaminants from site generated stormwater runoff.

5 Sherman Street LLC, or its successors, heirs and assigns, will be responsible for implementing the required inspections and reporting over the expected life of the system.

## ***Stormwater Management System Components***

The 103 Court Street Stormwater Management System is designed to mitigate both the quantity and quality of site-generated stormwater runoff. As a result, its design includes the following elements:

**Non-Structural BMP's**

Non-Structural best management practices (BMP's) are designed to minimize and/or remove contaminants before they enter the stormwater collection system. Several of these BMP's have been incorporated into the Stormwater Management System including pavement sweeping, reduced use of road salt, and litter/trash removal. These types of BMP's are a highly effective initial treatment measure for reducing stormwater pollutant loading.

**Closed Drainage Collection and Piping System**

The closed drainage system is designed to collect and convey stormwater runoff from the roofs and paved areas and infiltrate stormwater back into the water table. Stormwater is collected in a catch basins and yard drains before being routed to two stormtech chamber systems. Runoff is then routed to a Bioretention area for treatment and infiltration.

**Bioretention Basins**

Bioretention Basins collect stormwater from ground runoff, as well as roadway runoff after pretreatment in deep sump catch basins, and allow contaminants and sedimentation to be contained. Bio Retention Ponds allow rainwater to be infiltrated and recharge groundwater on the side, and treated excess water is allowed to exit pond through rectangular weir spillway.

**Stormtech Chambers**

See attached for operation and maintenance for stormtech chambers.

## ***Inspection & Maintenance Plan***

By implementing the following procedures, 5 Sherman Street, LLC will be able to maintain the functional design of the Stormwater Management System and maximize the system's ability to remove sediment and other contaminants from site generated stormwater runoff.

| | |
|---|---|
| Pavement Sweeping: | Sweep Pavement Area at least three times per year or more as necessary. Spring pavement sweeping shall be performed as early as possible. |
| Litter/Trash Removal: | Routinely inspect all dumpster locations for spillage and clean as necessary. |
| Deicing Agents: | It is recommended a certified Winter Operator (Green SnowPro) applies deicing agents. Use sand as the primary agent for parking lot safety during ice and snow conditions. Minimize the use of road salt (sodium chloride) during the winter. Use de-icing or anti-caking agents, added to enhance performance and application characteristics of sand mixtures, only as necessary and at minimum application rates. A deicing log (attached) must be maintained throughout the winter season. |
| Closed Drainage | Inspect all catch basins monthly for floatable objects and remove as required. |
| Bioretention Basins | Inspect detention basin twice annually for floatables and remove as required. Inspect detention basin, outlet structure, and outlets twice annually and remove accumulated sand and sediment.<br><br>At least once annually, the system should be inspected for drawdown time. If the bioretention system does not drain within 72 hours following a rainfall event, then a qualified professional should assess the condition of the facility to determine measures required to restore filtration function, including but not limited to removal of sediments, or reconstruction of the filter media.<br><br>At least once annually, vegetation should be inspected and maintained in a healthy condition, including pruning, removal and replacement of dead or diseased vegetation, and removal of invasive species. |
| Stormtech Chambers | At least once annually inspect Stormtech chambers for sediment accumulation. Remove sediment once it reaches a depth of 3 inches or more using jetvac and vacuum as needed, |
| Invasive Species: | During maintenance and inspection activities, check for the presence of invasive species and dispose of in accordance with the procedures contained herein. |

**Annual Report:** Submit an annual Inspection & Maintenance Report to the City of Dover's Planning Department by December 15th of each year. The report should include a summary of the system's maintenance requirements and repairs, and copies of the Inspection & Maintenance Log Sheets as well as the Deicing Log Sheets.

Each inspection shall include photographs of each the BMP being inspected

Additionally, Inspection and Maintenance Records must be provided to NHDES upon request.

## *Inspection & Maintenance Checklist/Log*

The following pages contain an Inspection & Maintenance Checklist and blank copy of the Stormwater Management System's Inspection & Maintenance Log. These forms are provided to 5 Sherman Street, LLC with the inspection and maintenance of the 103 Court Street Stormwater Management System.

## ***Disposal Methods for Non-Native Invasive Plants***

This table provides information concerning the disposal of removed invasive plant material. If the infestation is treated with herbicide and left in place, these guidelines don't apply. Don't bring invasives to a local transfer station, unless there is a designated area for their disposal, or they have been rendered non-viable. This listing includes wetland and upland plants from the New Hampshire Prohibited Invasive Species List. The disposal of aquatic plants is not addressed.

<table>
<tr><th>Woody Plants</th><th>Method of Reproducing</th><th>Methods of Disposal</th></tr>
<tr><td rowspan="2">Norway maple<br>(Acer platanoides)<br>European barberry<br>(Berberis vulgaris)<br>Japanese barberry<br>(Berberis thunbergii)<br>autumn olive<br>(Elaeagnus umbellata)<br>burning bush<br>(Euonymus alatus)<br>Morrow's honeysuckle<br>(Lonicera morrowii)<br>Tatarian honeysuckle<br>(Lonicera tatarica)<br>showy bush honeysuckle<br>(Lonicera x bella)<br>common buckthorn<br>(Rhamnus cathartica)<br>glossy buckthorn<br>(Frangula alnus)</td><td rowspan="2">Fruit and Seeds<br>  </td><td>Prior to fruit/seed ripening<br>Seedlings and small plants<br>▪ Pull or cut and leave on site with roots exposed. No special care needed.<br>Larger plants<br>▪ Use as firewood.<br>▪ Make a brush pile.<br>▪ Chip.<br>▪ Burn.</td></tr>
<tr><td>After fruit/seed is ripe<br>Don't remove from site.<br>▪ Burn.<br>▪ Make a covered brush pile.<br>▪ Chip once all fruit has dropped from branches.<br>▪ Leave resulting chips on site and monitor.</td></tr>
<tr><td rowspan="2">oriental bittersweet<br>(Celastrus orbiculatus)<br>multiflora rose<br>(Rosa multiflora)</td><td rowspan="2">Fruits, Seeds, Plant Fragments</td><td>Prior to fruit/seed ripening<br>Seedlings and small plants<br>▪ Pull or cut and leave on site with roots exposed. No special care needed.<br>Larger plants<br>▪ Make a brush pile.<br>▪ Burn.</td></tr>
<tr><td>After fruit/seed is ripe<br>Don't remove from site.<br>▪ Burn.<br>▪ Make a covered brush pile.<br>▪ Chip – only after material has fully dried (1 year) and all fruit has dropped from branches. Leave resulting chips on site and monitor.</td></tr>
</table>

<table>
<tr><th>Non-Woody Plants</th><th>Method of Reproducing</th><th>Methods of Disposal</th></tr>
<tr><td rowspan="2">garlic mustard<br>(Alliaria petiolata)<br>spotted knapweed<br>(Centaurea maculosa)<br>▪ Sap of related knapweed can cause skin irritation and tumors. Wear gloves when handling.<br>black swallow-wort<br>(Cynanchum nigrum)<br>▪ May cause skin rash. Wear gloves and long sleeves when handling.<br>pale swallow-wort<br>(Cynanchum rossicum)<br>giant hogweed<br>(Heracleum mantegazzianum)<br>▪ Can cause major skin rash. Wear gloves and long sleeves when handling.<br>dame’s rocket<br>(Hesperis matronalis)<br>perennial pepperweed<br>(Lepidium latifolium)<br>purple loosestrife<br>(Lythrum salicaria)<br>Japanese stilt grass<br>(Microstegium vimineum)<br>mile-a-minute weed<br>(Polygonum perfoliatum)</td><td rowspan="2">Fruits and Seeds<br>  </td><td>Prior to flowering<br>Depends on scale of infestation<br>Small infestation<br>▪ Pull or cut plant and leave on site with roots exposed.<br><br>Large infestation<br>▪ Pull or cut plant and pile. (You can pile onto or cover with plastic sheeting).<br>▪ Monitor. Remove any re-sprouting material.</td></tr>
<tr><td>During and following flowering<br>Do nothing until the following year or remove flowering heads and bag and let rot.<br><br>Small infestation<br>▪ Pull or cut plant and leave on site with roots exposed.<br><br>Large infestation<br>▪ Pull or cut plant and pile remaining material. (You can pile onto plastic or cover with plastic sheeting).<br>▪ Monitor. Remove any re-sprouting material.</td></tr>
<tr><td>common reed<br>(Phragmites australis)<br>Japanese knotweed<br>(Polygonum cuspidatum)<br>Bohemian knotweed<br>(Polygonum x bohemicum)</td><td>Fruits, Seeds, Plant Fragments<br>Primary means of spread in these species is by plant parts. Although all care should be given to preventing the dispersal of seed during control activities, the presence of seed doesn’t materially influence disposal activities.</td><td>Small infestation<br>▪ Bag all plant material and let rot.<br>▪ Never pile and use resulting material as compost.<br>▪ Burn.<br><br>Large infestation<br>▪ Remove material to unsuitable habitat (dry, hot and sunny or dry and shaded location) and scatter or pile.<br>▪ Monitor and remove any sprouting material.<br>▪ Pile, let dry, and burn.</td></tr>
</table>

*Stormwater Management System*

# Inspection & Maintenance Checklist

103 Court Street

| BMP/System Component | Minimum Inspection Frequency | Minimum Inspection Requirements | Maintenance/Cleanout Threshold |
|---|---|---|---|
| **Pavement Sweeping** | 1-2 times per year | Sweep or vacuum to prevent sediment tracking. | As required |
| **Litter/Trash Removal** | Routinely | Inspect outdoor waste receptacles areas for spillage. | Clean as required. |
| **Deicing Agents** | N/A | Contractor certified by "Green SnowPro" program to apply deicing agents. Use deicing log after every application. | Use sand as primary agent for parking lot safety during winter. |
| **Closed Drainage System** | | | |
| Catch Basins | 2 times per year<br><br>1 time per month | Check for sediment accumulation in sump and on sock.<br><br>Check for floatable contaminants. | ≥ 2 in. sediment depth.<br><br>≥ 3 in. floatable depth. |
| Drainage Pipes | 1 time per year | Check for sediment accumulation/clogging. | ≥ 2 in. sediment depth. |
| **Drainage Swales** | Per mowing | Maintain grass height of 3-4 inches. Remove sediment accumulation from bottom of swale. Remove accumulated trash and debris as needed. | Sediment accumulation reaches 25% of design volume. Grass height exceeds 4 inches. |
| **Stormtech Chambers** | 1 time per year | Check for sediment accumulation in chambers. | ≥ 3 in. sediment depth. |
| **Bioretention System** | 2 times per year | Check for sediment accumulation<br>Check for floatables<br>If system does not drain within 72 hours, actions must be taken to restore infiltration capabilities. | ≥ 2 in. sediment depth in bioretention.<br><br>≥ 3 in. floatable depth in bioretention. |
| **Annual Report** | 1 time per year | Submit Annual Report, including all Inspection & Maintenance Logs, to the Somersworth Planning Department. | N/A |

*Stormwater Management System*

# Inspection & Maintenance Log

103 Court Street

| BMP/System Component | Date Inspected | Inspector | Cleaning/Repair Needed (*List Items/Comments)* | Date of Cleaning/Repair | Performed By |
|---|---|---|---|---|---|
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*Stormwater Management System*

# Deicing Log

5 SHERMAN STREET, LLC

| Date | Amount Applied | Performed By | Date | Amount Applied | Performed By |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

# ***CERTIFICATE OF UNDERSTANDING***

## *Stormwater Management, Maintenance & Inspection Plan*

**Project:** 103 Court Street
Dover, New Hampshire
August 2024

**Owner:** 5 Sherman Street, LLC
242 Central Ave
Dover, New Hampshire 03820

**Engineer:** Tritech Engineering Corporation
755 Central Avenue
Dover, New Hampshire 03820

**Project Reference Plans:**

Site Development Plans for:
103 Court Street
Dover, New Hampshire
Dated August, 15 2024

Specifically:
T-1, T-2, EX-1, SSS-1, SN-1, C-1 through C-3, SP-1 through SP-12, Li-1, LA-1 & TR-1.

**Project Drainage Analysis References:**

Drainage Analysis, Erosion and Sedimentation Control, & Site Development Plan for:
103 Court Street
Dover, New Hampshire
Dated August 2024

Site Plan Review Approval was granted by the Somersworth Planning Board Pending

I, Robert Baldwin, the property owner, am familiar with the references above and understand this Stormwater Management, Maintenance, and Inspection Plan, and my responsibilities identified herein. If ownership of the property is transferred, the new property owner(s) shall become the responsible party(ies).

_____ _____

Robert Baldwin, Owner Date

# WAIVER REQUEST

**Site Review Regulations §153-14.D.6(a) &(c)**
**Parking Lot Design Standards**

for

## *103 COURT STREET*

103 Court Street
Dover, New Hampshire
*September 2024*
*Revised December 2025*

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In accordance with Site Review Regulations Article 153.21.A, Waiver, the applicant formally requests a waiver from Section 153-14.D.6 (a) & (c) regarding the parking lot design standards for aisle width.

The 103 COURT STREET development project consists of driveways for access & parking for the proposed 9-unit development. We have proposed 20-foot-wide travel ways / aisle ways where 153-14.D.6(a) requires an aisle width of 22 feet and 153-14.D.6(b) requires an aisle width of 24 feet.

153.21 Waivers

A. The PLANNING BOARD may waive specific provisions of this Chapter. The PLANNING BOARD may only grant a waiver if the PLANNING BOARD finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the APPLICANT and the waiver would not be contrary to the spirit and intent of the regulations; or

***The spirit and intent of the regulation is to provide safe access the residents and guest of the proposed project. We respectfully submit that the 20-foot-wide pavement width with an adjacent 5-foot-wide sidewalk will achieve this intent. Our Traffic-Assessment Memorandum calculated weekday vehicle-trips due to the project as:***

- ***daily, 45 (total of in and out)***
- ***AM-street-peak hour, 3 (1 in and 2 out)***
- ***PM-street-peak hour, 4 (2 in and 2 out)***

***A 20-foot-wide travel way is more than adequate for the 4 peak hour trip generated by the proposed development. American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Street, 7th Edition (Washington, DC, 2018) allows for Urban Local Street to have a lane width of Nine (9) feet. The project proposal is for a "Pocket Neighborhood" has an emphasis on pedestrians. We have provided sidewalks for internal walking as well as connection to the new sidewalks that will be constructed on Court Street next year.***

(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

***The spirit and intent of the regulation is to provide safe access the residents and guest of the proposed project. We respectfully submit that the 20-foot-wide pavement width with an adjacent 5-foot-wide sidewalk will achieve this intent. A 20-foot-wide travel way is more than adequate for the 4 peak hour trip generated by the proposed development. American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Street, 7th Edition (Washington, DC, 2018) allows for Urban Local Street to have a lane width of Nine (9) feet. The project proposal is for a "Pocket Neighborhood" has an emphasis on pedestrians. We have provided sidewalks for internal walking as well as connection to the new sidewalks that will be constructed on Court Street next year.***

# LANDSCAPE
# OPERATION & MAINTENANCE PLAN

for

## *103 COURT STREET*

103 Court Street
Dover, New Hampshire
*August 2024*

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**Weekly Tasks**

1. Mow and edge lawns if needed. Lawns to be cut to 3.5" height.
2. Prune back any shrubs overhanging curbs or sidewalks.
3. Prune back any groundcover overhanging curbs or sidewalks.
4. Remove litter and leaves from plants, planters, and parking lots.
5. Remove any broken or fallen branches from trees. Remove sucker growth from tree trunks.
6. Remove any weeds larger than 2 inches (5 cm) high or wide from planters. Weeds 2 inches (5 cm) and larger must be removed, not just killed.
7. Replace bark mulch which has been knocked or washed out of planters. Smooth mulch layer if it has been disturbed.
8. Replace decorative rock which has been knocked or washed out of drip strips. Smooth decorative rock surface if it has been disturbed.
9. Check plants for signs of stress, pests or disease. Request authorization to replace other dead or missing plants. Note: Maintenance contractor must request authorization to make replacements within one week of the damage becoming evident.
10. Sweep or blow clean all walkways, curbs, and gutters.
11. Treat for any signs of disease or pest infestation.
12. Complete any items required on the Monthly Checklist.
13. Hand water any plants that are dry and stressed.
14. Check the irrigation system (if there is a system). Make emergency repairs as needed or request authorization to make major repairs. Note: Maintenance contractor must request authorization for repairs within one week of the damage becoming evident.
15. Adjust the irrigation controllers for current water needs of plants.
16. **Gently prune shrubs at appropriate time of year based on species, for shape and form. DO NOT shear.**

**Yearly Tasks**

***Early Spring***

1. Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly to encourage strong growth.
2. Apply granular fertilizer to shrubs beds and lawns. Be sure to make application prior to a moderate rainfall in drip-irrigated planters so the rain will wash the fertilizer in.
3. Submit receipts to owner's authorized representative as proof of fertilizer purchase.
4. Trim any perennial foliage left in the fall for winter interest to within six inches of the ground.

5. Add new mulch to planters where the mulch depth has been reduced to less than 2 inches (5 cm) thick. Mulch depth shall not exceed 2". Additional mulch not required where shrubs or groundcover completely hide the soil surface from view.
6. Where there is irrigation and after threat of frost is gone, flush out irrigation systems as needed and check for proper operation of each valve zone.Clean or replace plugged sprinkler nozzles. Replace plugged drip emitters.
7. Replace irrigation controller program back-up batteries.

***June:***

No additional items

***July:***

No additional items

***August:***

No additional items

***September:***

1. Inventory all plant materials. Inventory shall include an exact count of all shrubs and trees, itemized by planter. Replace any dead or missing plants.

***October:***

1. Prepare irrigation system for winter. Make sure backflow preventer is well insulated or drained prior to first freeze. Blow out pipes using compressed air in areas where freezing could result in breakage.
2. Mow field areas.

***November:***

1. "WILT-PRUF" broadleaf evergreens when temperature permits.

***December:***

1. Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly to encourage strong growth.

# BACKYARD COTTAGE CONDOMINIUM ASSOCIATION BUDGET (5 Units)

### Yearly Operating Budget (Sample Year 1)

### Income

| Category | Annual Amount |
|---|---|
| Monthly HOA Fees (**5 units x $350 x 12**) | **$21,000.00** |
| **Total Income** | **$21,000.00** |

### Expenses

| Category | Annual Amount |
|---|---|
| **Maintenance & Operations** | |
| Landscaping (mowing, trimming, etc.) | $3,200.00 |
| Snow Removal | $5,200.00 |
| Trash Collection | $2,400.00 |
| Stormwater System Maintenance | $1,000.00 |
| Minor Repairs & Maintenance | $1,200.00 |
| Routine Pavement Maintenance (stripping, crack sealing, etc.) | $640.00 |
| Insurance (common areas) | $1,600.00 |
| Legal/Professional Services | $700.00 |
| Contingency / Miscellaneous | $500.00 |
| **Reserve Fund Contribution** | **$4,560.00** |
| **Total Expenses** | **$21,000.00** |

**Monthly per unit breakdown (at $350/month):**

- **Operations:** $274/month per unit (=$16,440/year total)
- **Reserves:** $76/month per unit (=$4,560/year total)

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# Reserve Fund for Infrastructure Replacement (unchanged target)

## Assumptions

- Major replacement at **Year 30**
- Estimated total replacement cost in Year 30: **$185,000.00**
- Reserve contributions increase **2% annually**
- No interest earnings assumed (conservative)

## Annual Reserve Contribution Schedule (2% Annual Increase)

| Year | Annual Contribution | Cumulative Reserve Fund Balance |
|---|---|---|
| 1 | $4,560.00 | $4,560.00 |
| 2 | $4,651.20 | $9,211.20 |
| 3 | $4,744.22 | $13,955.42 |
| 4 | $4,839.10 | $18,794.52 |
| 5 | $4,935.88 | $23,730.40 |
| 6 | $5,034.60 | $28,765.00 |
| 7 | $5,135.29 | $33,900.29 |
| 8 | $5,238.00 | $39,138.29 |
| 9 | $5,342.76 | $44,481.05 |
| 10 | $5,449.62 | $49,930.67 |
| 11 | $5,558.61 | $55,489.28 |
| 12 | $5,669.78 | $61,159.06 |
| 13 | $5,783.18 | $66,942.24 |
| 14 | $5,898.84 | $72,841.08 |
| 15 | $6,016.82 | $78,857.90 |
| 16 | $6,137.15 | $84,995.05 |
| 17 | $6,259.89 | $91,254.94 |
| 18 | $6,385.09 | $97,640.03 |
| 19 | $6,512.79 | $104,152.82 |
| 20 | $6,643.05 | $110,795.87 |
| 21 | $6,775.91 | $117,571.78 |
| 22 | $6,911.43 | $124,483.21 |
| 23 | $7,049.66 | $131,532.87 |
| 24 | $7,190.65 | $138,723.52 |
| 25 | $7,334.46 | $146,057.98 |
| 26 | $7,481.15 | $153,539.13 |
| 27 | $7,630.77 | $161,169.90 |
| 28 | $7,783.38 | $168,953.28 |

| Year | Annual Contribution | Cumulative Reserve Fund Balance |
|---|---|---|
| 29 | $7,939.05 | $176,892.33 |
| 30 | $8,097.85 | $184,990.43 |

**By Year 30, the reserve fund reaches approximately $184,990.43**.

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## Infrastructure Components at Year 30 (same assumptions)

1. Roofing for Duplexes and Common Buildings — **$40,000**
2. Roads and Pathways — **$50,000**
3. Stormwater Management Systems — **$30,000**
4. Major Landscaping Renovation — **$15,000**
5. Other Infrastructure (fencing, lighting, sidewalks, etc.) — **$50,000**
   **Total: $185,000**

**BYLAWS**

**OF**

**COURT STREET CONDOMINIUMS**
**103 Court Street, Dover, Strafford County**
**State of New Hampshire**

**UNIT OWNERS' ASSOCIATION**

## ARTICLE I

## INTRODUCTORY

1. Purpose. The administration of the Condominium shall be governed by these Bylaws, and all present and future holders of any interest in the Condominium shall be members of Court Street Condominiums Unit Owners' Association, which is a "condominium management association" organized and operated to provide for the acquisition, construction, management, maintenance, and care of "association property" as those terms are defined in Section 528 of the Internal Revenue Code. No part of the net earnings of said Association shall inure (other than by acquiring, constructing, or providing management, maintenance, and care of association property, other than by a rebate of excess membership dues, fees, or assessments pursuant to Article V, Section 1(c) hereof) to the benefit of any Unit Owner.

2. Definitions. Capitalized terms not otherwise defined herein or in the Declaration shall have the meanings specified in Section 3 of the Condominium Act.

3. Bylaws Applicability. The provisions of these Bylaws are applicable to the Property, and the use, occupancy, sale, lease, and other transfer thereof. All present and future Owners, tenants, future tenants, their guests, licensees, servants, agents, employees, and any other Person who shall use the facilities of the Condominium shall be subject to these Bylaws and to the Rules of the Condominium. The acceptance of a deed of conveyance or the entering into of a lease or the act of occupancy of a Unit or any other portion of the Condominium shall constitute an acknowledgment that such Owner, tenant, or

occupant has accepted and ratified these Bylaws, the provisions of the Declaration, and the Rules, and will comply with them.

4. Office. The office of the Condominium and of the Board of Directors shall be located at the Condominium or at such other place as may be designated from time to time by the Board of Directors.

## ARTICLE II

## UNIT OWNERS' ASSOCIATION

1. Composition. All of the Unit Owners, acting as a group in accordance with the Condominium Act, the Declaration, and these Bylaws, shall constitute "The Condominiums at Sterling Way Unit Owners' Association," or "Association" which shall have the responsibility of administering the Condominium, establishing the means and methods of collecting the assessments for Common Expenses, arranging for the management of the Condominium, and performing all of the acts that may be required to be performed by the Unit Owners' Association by the Condominium Act. Except as to those matters which the act, the Declaration, or these Bylaws specifically require to be performed by the vote of the Unit Owners, the administration of the Condominium shall be performed by the Board of Directors (as more particularly set forth in Article III).

2. Period of Control by Declarant. Notwithstanding any other provision of these Bylaws, pursuant to RSA 356-B:36 until the earlier of two (2) years after recordation of the Declaration or the date on which seventy-five (75%) percent of the Units (up to and including the 9 units, which is the maximum number of units which may be declared under the Declaration) have been conveyed by Declarant (the "Transition Date"), the Declarant shall have the power, in its sole discretion, to (a) appoint or remove any or all officers and directors of the Unit Owners' Association at any time, without cause, and (b) exercise any and all powers and responsibilities otherwise assigned by the condominium instruments or the Condominium Act to the Unit Owners' Association, its officers, or its Board of Directors. The Declarant may relinquish its power hereunder at any time by recording an appropriate statement at the Registry, in which event the date of such relinquishment shall be the "Transition Date." Except as provided herein, pursuant to RSA 356-B:40, IV, the period of the Declarant control terminates no later than the earliest of:

(a) Sixty days after conveyance of 60 percent of the units that may be created to Unit Owners other than a Declarant; or

(b) The date the Declarant, after giving notice in a record to Unit Owners, records an instrument voluntarily surrendering all rights to control activities of the Association.

Notwithstanding anything herein to the contrary, pursuant to RSA 356-B:40-V, not later than 60 days after the conveyance of ¼ of the units that may be created to Unit Owners other than a Declarant, at least one member and not less than 25 percent of the members of the Board of Directors shall be elected by Unit Owners other than the Declarant. Not later

than 60 days after conveyance of ½ of the units that may be created to Unit Owners other than a Declarant, not less than ½ of the members of the Board of Directors shall be elected by the Unit Owners other than the Declarant.

3. Voting. Each Unit shall be entitled to one vote in the Association. Since an Owner may be more than one (1) Person, if only one of such Persons is present at a meeting of the Association, that Person shall be entitled to cast the votes appertaining to that Unit. If more than one of such Persons is present, the vote appertaining to that Unit shall be cast only in accordance with the agreement of a majority of them, and such consent shall be conclusively presumed if any one of them purports to cast the vote appertaining to that Unit without protest being made forthwith by any of the others to the individual presiding over the meeting. As applied to a Person which is not a natural person, the word "Person" shall be deemed for the purposes of this Section to include, without limitation, any one (1) natural person having authority to execute deeds on behalf of such Person which is not a natural person and which is, either alone or in conjunction with another Person or Persons, an Owner. Except where a greater number is required by the Condominium Act, the Declaration, or these Bylaws, a majority vote is required to adopt decisions at any meeting of the Association and to elect Directors. If the Declarant owns or holds title to one (1) or more Units, the Declarant shall have the right at any meeting of the Association to cast the votes to which such Unit is entitled.

4. Place of Meeting. Meetings of the Unit Owners' Association shall be held at the principal office of the Condominium or at such other suitable place as may be designated by the Board of Directors and stated in the notice of the meeting.

5. Annual Meeting. The first annual meeting of the Unit Owners' Association shall be held on a date to be determined by the Declarant, which date shall be within one (1) year after the formation of the Association by the recordation of the Declaration and Bylaws at the Registry. Notice of such meeting shall be given in accordance with the provisions of Section 7 of this Article II. Thereafter, the annual meetings of the Association shall be held on the same date of each succeeding year, or on such other date within a thirty (30) day period prior to such date, as may be designated by the Board of Directors and reflected in the said notice. At such annual meetings following the Transition Date (as defined in Section 2 above), the Board of Directors shall be elected by ballot of the Owners in accordance with the requirements of Section 4 of Article III. The Association may also transact such other business as may properly come before it at such meetings.

6. Special Meetings. It shall be the duty of the President to call a special meeting of the Unit Owners' Association if so directed by resolution of the Board of Directors or upon a petition signed and presented to the Secretary by Owners having not less than thirty (30%) percent of the votes of all Owners. The notice of any special meeting shall state the time and place of such meeting and purpose thereof. No business shall be transacted at a special meeting except as stated in the notice.

7. Notice of Meeting. It shall be the duty of the Secretary to mail, by first class United States mail, or electronic mail, a notice of each annual meeting or special meeting of the Owners, at least twenty-one (21) days in advance of an annual meeting and at least seven (7) days in advance of a special meeting, stating the purpose thereof, as well as the time and place where it is to be held, to each Owner of record, at the address of their respective Units and at such other address as each Owner may have designated by notice in writing to the Secretary. The mailing of a notice of meeting in the manner provided in this Section shall be considered service of notice.

8. Voting Requirements. An Owner shall be deemed to be in good standing and entitled to vote at any annual meeting or at any special meeting of the Unit Owners' Association if, and only if, he shall have fully paid all assessments made or levied and due against him and his Unit by the Board of Directors as hereinafter provided, together with all interest, costs, attorney's fees, penalties, and other expenses, if any, properly chargeable to him and against his Unit, as of the third business day prior to the date fixed for such annual or special meeting. Notwithstanding the foregoing, any Owner may vote on any amendment to the condominium instruments, or on the question of terminating the condominium, regardless of whether his assessments are fully paid.

9. Proxies. The vote appertaining to any Unit may be cast pursuant to a proxy or proxies in accordance with the provisions of Section 39, IV of the Condominium Act. Where the Unit Owner is more than one (1) Person, the proxy must be executed by or on behalf of all such Persons.

10. Quorum. A quorum consists of fifty per cent (50 %) of the total votes in the Association. Valid proxies shall count toward the quorum requirement.

11. Order of Business. The order of business at all meetings of the Unit Owners' Association may be as follows: (a) roll call; (b) recitation of proof of notice of meetings; (c) reading of minutes of preceding meeting; (d) reports of officers; (e) report of Board of Directors; (f) report of committees; (g) election of Directors if applicable; (h) unfinished business; and (i) new business; any of which may be waived.

12. Conduct of Meeting. The President or his designate shall preside over all meetings of the Unit Owners' Association and the Secretary shall keep the Minutes of the meeting and record in a Record Book, all resolutions adopted by the meeting as well as all transactions occurring thereat.

13. Alternate Meeting Methods: Any meeting of the Association or of the Board of Directors may be by telephonic, video, or other conferencing process.

## ARTICLE III

## BOARD OF DIRECTORS

1. Powers and Duties. The affairs and business of the Condominium shall be managed by a Board of Directors (sometimes herein referred to as the "Board") which shall have all of the powers and duties necessary for the administration of the affairs of the Condominium and may do all such acts and things as are not prescribed to be exercised and done exclusively by the membership of the Unit Owners' Association by the Condominium Act or by these Bylaws. The Board of Directors shall have the power from time to time to adopt any Rules deemed necessary for the enjoyment of the Condominium provided that such Rules shall not be in conflict with the Condominium Act, the Declaration, or these Bylaws. The Board of Directors may delegate to one of its members the authority to act on behalf of the Board of Directors on all matters which might arise between meetings of the Board of Directors. In addition to the general duties imposed by these Bylaws, the Board of Directors shall have the power to and be responsible for the following:

(a) Preparing and adopting an annual budget, pursuant to RSA 356-B:40-C in which there shall be established the assessment of each Owner for the Common Expenses;

(b) Making assessments against Owners to defray the Common Expenses of the Condominium establishing the means and methods of collecting such assessments from the Owners, collecting said assessments from the Owners, collecting said assessments, depositing the proceeds thereof in a bank depository which it shall approve, and using the proceeds to carry out the administration of the Property;

(c) Providing for the operation, management, care, upkeep, replacement, and maintenance of all the Common Area and services of the Condominium;

(d) Designating, hiring, and dismissing the personnel necessary for the maintenance, operation, repair, and replacement of the Common Area, and providing services for the Property, and where appropriate, providing for the compensation of such personnel and for the purchase or use of equipment, supplies, and material to be used by such personnel in the performance of their duties, which supplies and equipment, if purchased, shall be deemed the common property of the Owners;

(e) Making and amending the Rules respecting the use and enjoyment of the Property and enforcing by legal means the provisions of the Condominium Act, the Declaration, these Bylaws, and such Rules, and bringing any proceedings which may be instituted on behalf of the Owners;

(f) Obtaining and carrying insurance against casualties and liabilities, as provided in Article VI of these Bylaws, and paying the premium cost thereof and making, or contracting for the making of, repairs, additions, and improvements to, or alterations of the Property and repairs to, and restoration of the Property, in accordance with the other provisions of these Bylaws, after damage or destruction by fire or other casualty;

(g) Opening bank accounts on behalf of the Association and designating signatories required therefore, and keeping books with detailed accounts of the receipts and expenditures affecting the Property, and the administration of the Condominium. The said books shall be available for examination by the Owners and their duly authorized agents or attorneys, at reasonable times and places. All books and records shall be kept in accordance with the generally accepted accounting principles. A copy of the annual financial statement shall be supplied to any first mortgagee of any Unit in the condominium who requests the same in writing to the Secretary.

(h) The Board of Directors shall have the irrevocable power, which it may delegate to the President or other officer, as attorney-in-fact on behalf of all of the Owners, their heirs, successors, and assigns to do the following things:

(i) To grant easements through the Common Area and to accept easements benefiting the Condominium or any portion thereof;

(j) To negotiate, settle, and litigate, including execution of any necessary documents, any proceeding by any governmental authority to condemn all or any portion of the Common Area, any dispute concerning title to all or any portion of the Common Area, and any other dispute which affects the Common Area;

(k) To execute any documents necessary to encumber all or any portion of the Common Area to secure any borrowing, providing that such borrowing is authorized pursuant to Article V, Sections 1(d) or 7, or Article VII, Section 2(b) hereof.

(l) To implement the operation and maintenance requirements for the stormwater infrastructure as set forth in the Stormwater Maintenance Program as approved by the Dover Planning Board.

(m) To do such other things and acts not inconsistent with the Condominium Act and with the Declaration which it may be authorized to do by a resolution of the Unit Owners' Association.

2. Managing Agent. The Board of Directors, in its discretion, may employ, or contract with, a professional manager or management firm ("Manager") for a fee or compensation established by the Board of Directors, to perform such duties and services as the Board of Directors shall authorize, including, but not limited to, the duties listed in Section 1 of this Article III. The Board of Directors may delegate to the Manager all of the powers granted to the Board of Directors by these Bylaws; provided that any actions by the Manager with respect to the powers set forth in Paragraphs (a), (b), (e), (g), and (h), of Section 1 of this Article III shall require the written consent of the Board of Directors. Any employment contract entered into before the Transition Date (as defined in Article II, Section 2 above) shall provide that the Association may terminate the contract at any time following the Transition Date, without cause and without penalty, upon no more than ninety (90) days written notice. The Managing Agent is subject to the requirements of RSA B:40-a.

3. Number of Directors and Initial Selection of Board. The Board of Directors shall be composed of three (3) persons. Until the Transition Date, all Directors shall be appointed by the Declarant and may be any natural persons. After the Transition Date, all elected Directors must be Owners or spouses of Owners, or, where a Person which is an Owner is not a natural person, a natural person having authority to execute deeds on behalf of such Person.

4. Election and Term of Office. Subject to Declarant's right to designate set forth herein, at the first annual meeting of the Unit Owners' Association, three (3) Directors shall be elected. The term of office of one (1) Director shall be fixed at one (1) year and the term of office of two (2) Directors shall be fixed at two (2) years. Subject to the provisions of Section 3 above, at the expiration of the initial term of office of each respective Director, each successor shall be elected at subsequent annual meetings of the Unit Owners' Association to serve a term of two (2) years. The Directors shall hold office until their respective successors have been elected and hold their first meeting. All elections shall be by majority vote.

5. Organizational Meeting. The first meeting of the members of the Board of Directors following the annual meeting of the Unit Owners' Association shall be held immediately afterward, and no notice shall be necessary in order to legally constitute such meeting, provided a majority of the whole Board shall be present thereat.

6. Regular Meeting. Regular meetings of the Board of Directors may be held without call or notice at such time and place as shall be determined, from time to time, by a majority of the Directors, provided that notice of the first regular meeting following any such determination shall be given to Directors not present when such determination is made. At least two (2) such meetings shall be held during each twelve (12) month period after the annual meeting of the Unit Owners' Association. When required, notice of meetings of the Board of Directors shall be given personally or by mail, telephone or electronic mail, at least five (5) business days prior to the day named for such meeting. No notice shall be required for a regular meeting held immediately after, and at the same place as, the annual meeting of the Association.

7. Special Meetings. Special meetings of the Board of Directors may be called by the President on five (5) business days notice to each Director, or, in the event of an emergency, upon such amount of notice as is practical in the situation. Such notice shall be given personally or by mail, telephone, or electronic mail, and such notice shall state the time, place, and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice on the written request of a majority of the Directors.

8. Waiver of Notice. Before or within ten (10) days after any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at

any meeting of the Board shall be a waiver of notice by him of the time and place thereof. If all the Directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

9. Board of Directors' Quorum. At all meetings of the Board of Directors, a majority of the Directors shall constitute a quorum for the transaction of business, and the acts of the majority of the Directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors, there be less than a quorum present, the majority of those present may adjourn the meeting to another time. At any such adjourned meeting, when resumed, any business which might have been transacted at the meeting as originally called may be transacted without further notice.

10. Vacancies. After the Transition Date, vacancies on the Board of Directors caused by any reason other than removal of a Director by a vote of the Unit Owners' Association shall be filled by vote of the majority of the remaining Directors, at a special meeting of the Board of Directors held for the purpose promptly after the occurrence of any such vacancy, even though the Directors present at such meeting may constitute less than a quorum of the Board; and each person so elected shall be a director for the remainder of the term of the Director so replaced; provided, however, that a vacancy in the position held by a Director designated by the Declarant, pursuant to a right of the Declarant to make such designation, shall be filled by the Declarant.

11. Removal of Directors. Pursuant to RSA 356-B:40-b, Unit Owners present in person or by proxy at any meeting of the Unit Owners at which a quorum is present, may remove any member of the Board of Directors and any Officer elected by the Unit Owners, with or without cause, if the number of votes cast in favor of removal exceeds the number of votes cast in opposition to removal, provided that:

(a.) A Member appointed by the Declarant may not be removed by a unit owner vote during the period of Declarant control.

(b.) The Unit Owners may not consider whether to remove a member of the Board of Directors or an Officer Elected by the Unit Owners at a meeting of the Unit Owners unless that subject listed in the notice of the meeting.

At any meeting at which a vote to remove a member of the Board of Directors or an officer is to be taken, the member or Officer being considered for removal shall have a reasonable opportunity to speak before the vote.

12. Compensation. No Director shall receive any compensation from the Condominium for acting as such.

13. Conduct of Meeting. The President, or, in his absence, a President Pro Tem elected by the Board, shall preside over all meetings of the Board of Directors and the Secretary shall keep the Minutes of the meetings of the Board of Directors, recording therein

all resolutions adopted by the Board of Directors and all transactions and proceedings occurring at such meetings, which Minutes shall be filed in the Record Book of the Association.

14. Fidelity Bonds. The Board of Directors shall require that all Directors, officers, agents (including the Manager), employees and volunteers of the Association handling or responsible for handling funds belonging to or administered by the Association furnish adequate fidelity bonds, pursuant to Article VI, Section 1(d). The premiums on such bonds shall constitute a Common Expense.

15. Report of Board of Directors. The Board of Directors shall present at each annual meeting, and when called for by vote of the Unit Owners' Association at any special meeting of the Association, a full and clear statement of the business and condition of the Condominium.

16. Dispensing with Vote. Any action of the Board of Directors required or permitted to be taken at any meeting may be taken without a meeting if all of the members of the Board of Directors shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the Minutes of the proceedings of the Board of Directors.

17. Liability of the Board of Directors. The members of the Board of Directors shall not be liable to the Owners for any mistake of judgment, negligence, or otherwise except for their own individual willful misconduct or bad faith or actions which are contrary to the provisions of the Condominium Act, the Declaration, or the Bylaws. The Owners shall indemnify and hold harmless each of the Directors from and against (a) all liability to others arising out of contracts made or action taken or omitted on behalf of the Owners unless any such contract shall have been made or action taken or omitted, in bad faith, due to willful misconduct, or contrary to the provisions of the Condominium Act, the Declaration or these Bylaws, and (b) against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement incurred by such Director in connection with any threatened, pending, or completed action, suit, or proceeding unless he acted in bad faith, was guilty of willful misconduct or acted contrary to such provisions. It is intended that the members of the Board of Directors shall have no personal liability (except as Owners) with respect to any contract made or action taken or omitted by them on behalf of the Owners, unless made, taken, or omitted in bad faith, due to willful misconduct or contrary to such provisions. It is also intended that the liability of any Owner arising out of any contract, action, or omission made by the Board of Directors or out of the aforesaid indemnity in favor of the members of the Board of Directors shall be limited to the same percentage of the total liability thereunder as his Unit's undivided percentage interest in the Common Area. Every written agreement made by the Board of Directors or by the Manager on behalf of the Owners shall, if obtainable, provide that the member of the Board of Directors or the Manager, as the case may be, are acting only as agents for the Owners and shall have no personal liability thereunder (except as Owners), and that each Owner's liability thereunder shall be limited to the same percentage of the total liability thereunder as his Unit's undivided percentage interest in the Common Area.

## ARTICLE IV

## OFFICERS

1. Designation. The principal officers of the Condominium shall be a President, a Secretary, and a Treasurer, all of whom shall be elected by the Board (subject to the provisions of Article II, Section 2). The Board may appoint such other officers as in its judgment may be necessary. With the exception of the President, no officer need be a member of the Board. The offices of Treasurer and Secretary may be held by the same person.

2. Election of Officers. Subject to the provisions of Article II, Section 2, the officers of the Unit Owners' Association shall be elected initially by the Board at a special meeting held on or near the date on which the Declaration is recorded at the Registry. Thereafter, the officers of the Condominium shall be elected annually by the Board at the organizational meeting of each new Board and shall hold office at the pleasure of the Board. Any vacancy in an office shall be filed by the Board at a regular meeting or special meeting called for such purpose.

3. Removal of Officers. Pursuant to RSA 356-B:40-b, Unit Owners present in person or by proxy at any meeting of the Unit Owners at which a quorum is present, may remove any member of the Board of Directors and any Officer elected by the Unit Owners, with or without cause, if the number of votes cast in favor of removal exceeds the number of votes cast in opposition to removal, provided that:

> A Member appointed by the Declarant may not be removed by a unit owner vote during the period of Declarant control.
>
> The Unit Owners may not consider whether to remove a member of the Board of Directors or an Officer Elected by the Unit Owners at a meeting of the Unit Owners unless that subject listed in the notice of the meeting.

At any meeting at which a vote to remove a member of the Board of Directors or an officer is to be taken, the member or Officer being considered for removal shall have a reasonable opportunity to speak before the vote.

4. President. The President shall be the Chief Executive Officer; he, or his designate, shall preside at meetings of the Unit Owners' Association and, if present, at meetings of the Board of Directors and shall be an ex officio member of all committees; he shall have general and active management of the business of the Condominium and shall see that all orders and resolutions of the Board are carried into effect. He shall have all of the general powers and duties which are usually vested in or incident to the office of President of a stock corporation organized under the laws of the State of New Hampshire.

5. Secretary. The Secretary shall attend all meetings of the Board of Directors and all meetings of the Unit Owners' Association, shall record the Minutes of all proceedings in the record book of the Condominium and shall perform like duties for committees when required. He shall keep the record book current and in his custody. He shall give, or cause to be given, notice of all meetings of the Unit Owners' Association, the Board, and the committees and shall perform such other duties as may be prescribed by the Board or President. The Secretary shall complete and keep current at the principal office of the Condominium (a) a complete list of the Owners and their last known post office address, and (b) copies of the Condominium instruments. These documents shall be open to inspection by all Owners and other persons lawfully entitled to inspect the same, at reasonable hours during regular business days.

6. Treasurer. The Treasurer shall have the custody of all funds and securities that are not under the control of the Manager, and, with the assistance of the Manager shall keep full and accurate records of receipts and disbursements, shall prepare all required financial data, and shall deposit all monies and other valuable effects in such depositories as may be designated by the Board. Such records shall include, without limitation, chronological listings of all assessments and Common Expenses on account of the Common Area and each Unit and the amounts paid and the amounts due on such assessments by each Owner. He shall disburse funds as ordered by the Board, where possible taking proper vouchers for such disbursements, and shall render to the President and Directors, at regular meetings of the Board, or whenever they may require it, an account of all his transactions as Treasurer and of the financial condition of the Condominium. Owners shall have the right to examine the books of the Association at reasonable times and places.

7. Agreements, Contracts, Deeds, Checks, Etc. All agreements, contracts, deeds, leases, checks, and other instruments of the Condominium for expenditures or obligations shall be executed by any officer of the Condominium or by such other person or persons as may be designated by the Board of Directors.

8. Compensation of Officers. No officer shall receive any compensation from the Condominium for acting as such.

9. Liability of Officers. The provisions of Article III, Section 17, with regard to liability and indemnification of Directors shall apply equally to officers of the Association.

## ARTICLE V

## OPERATION OF THE PROPERTY

1. Determination of Common Expenses and Assessments Against Owners.

(a) Fiscal Year. The fiscal year of the Condominium shall consist of the twelve (12) month period commencing on January 1 of each year and terminating on December 31

of the same year, except that the first fiscal year shall begin at the date of the organization and terminate on December 31. The fiscal year herein established shall be subject to change by the Board of Directors.

(b) Preparation and Approval of Budget. Each year the Board of Directors shall adopt a budget for the Condominium containing an estimate of the total amount which it considers necessary to pay the cost of maintenance, management, operation, repair, and replacement, and the cost of wages, materials, insurance premiums, services, supplies, and other expenses that may be declared to be Common Expenses by the Condominium Act, the Declaration, these Bylaws or a resolution of the Unit Owners' Association, which will be required during the ensuing fiscal year for the administration, operation, maintenance, and repair of the Property and the rendering to the Owners of all related services. Such budget shall also include such reasonable reserves as the Board of Directors considers necessary to provide, including those specified below. Not later than 30 days after adoption of a proposed budget, the board of directors shall provide to all the unit owners a summary of the budget, including any reserves, and a statement of the basis on which any reserves are calculated and funded. Simultaneously, the board shall set a date not less than 10 days or more than 60 days after providing the summary for a meeting of the unit owners to consider ratification of the budget. Unless at that meeting 2/3 of all unit owners or any larger number specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. If a proposed budget is rejected, the budget last ratified by the unit owners continues until the unit owners ratify a subsequent budget. The said budget shall constitute the basis for determining each Owner's contribution for the Common Expenses of the Condominium.

(c) Assessment and Payment of Common Expenses. The total amount of the estimated funds required for the operation of the Property set forth in the budget for the fiscal year adopted by the Board of Directors shall be assessed against each Owner of a completed Unit which has been sold and conveyed, or rented, by the Declarant, and shall be a lien against each Owner's Unit in accordance with the Condominium Act. The assessment shall be the same for each unit, regardless of size. On or before the first day of each fiscal year, and the first day of each of the succeeding eleven (11) months in such fiscal year, each Owner shall be obligated to pay to the Association one-twelfth (1/12th) of the assessment for such fiscal year made pursuant to the foregoing provisions. Within sixty (60) days after the end of each fiscal year, the Board of Directors shall supply to all Owners an itemized income and expense statement for the fiscal year. Any amount accumulated in excess of the amount required for actual expense and budgeted reserves shall, in the discretion of the Board of Directors, either be rebated to the Owners in accordance with each Owner's share of the overall expenses of the Unit Owners' Association by crediting same to the next successive monthly installments due from Owners under the then current fiscal year's budget, until exhausted, or shall be added to reserves. Any net shortage shall, if the Board of Directors deems it advisable, be added according to each Owner's votes in the Unit Owners' Association to the installments due in the succeeding six (6) months after the rendering of the accounting.

Declarant shall pay its full proportional fee for each Unit Declarant owns commencing with the month following the completion of the unit and the issuance of a certificate of occupancy for the unit.

(d) Reserves. The Board of Directors shall build up and maintain both an adequate operating fund and a separate reserve for replacement of the Common Area, which shall be funded by regular monthly payments, as provided for in subsection (c). At the end of the fiscal year, all funds accumulated during such year for reserve to cover replacement of Common Area shall be placed in a separate bank account, segregated from the general operating funds, and used only for such purposes. If for any reasons, including nonpayment of any owner's assessment, the reserves are inadequate, the Board of Directors may at any time levy a further assessment, which shall be assessed against the Owners, and which may be payable in a lump sum or in installments as the Board of Directors may determine. The Board of Directors shall serve notice of any such further assessments on all Owners by a statement in writing giving the amount and reasons therefore, and such further assessment shall, unless otherwise specified in the notice, become effective with the next monthly payment which is due more than ten (10) days after the delivery or mailing of such notice of further assessment. All Owners shall be obligated to pay the adjusted monthly amount or, if the additional assessment is not payable in installments, the amount of such assessments.

If all or any portion of such assessments are not available to the Board prior to the time that the amounts thereof are needed to provide payment of the authorized costs, the Board may borrow such amounts, on behalf of the Association, and may secure such borrowing by assignment of the liens relative thereto arising pursuant to Section 2 of Article XII of these Bylaws.

(e) Effect of Failure to Prepare or Adopt Budget. The failure or delay of the Board of Directors to prepare or adopt the annual budget for any fiscal year shall not constitute a waiver or release in any manner of an Owner's obligation to pay his allocable share of the Common Expenses as herein provided, whenever the same shall be determined, and in the absence of an annual budget or adjusted budget, each owner shall continue to pay the monthly charge at the then existing monthly rate established for the previous fiscal period until ten (10) days after a statement has been mailed or delivered, showing the monthly payment which is due under the new annual or adjusted budget.

2. Payment of Common Expenses. All Owners shall be obligated to pay the Common Expenses assessed by the Board of Directors pursuant to the provisions of Section 1 of this Article V. No Owner may exempt himself from liability for his contribution toward Common Expenses by waiver of the use or enjoyment of any of the Common Area or by abandonment of his Unit. No Owner shall be liable for the payment of any part of the Common Expenses assessed against his Unit subsequent to a sale, transfer, or other conveyance by him of such Unit. The purchaser of a Unit or other acquiring Owner by virtue of any transfer or other conveyance shall be jointly and severally liable with the transferring Owner for all unpaid assessments against the latter for his proportionate share of the Common Expenses up to the time of the conveyance, without prejudice to the acquiring

Owner's right to recover from the transferring Owner the amounts paid by the acquiring Owner.

The acquiring Owner shall be entitled to a recordable statement from the Board of Directors or the Manager setting forth the amount of the unpaid assessments against the transferring Owner and such acquiring Owner shall not be liable for, nor shall the Unit conveyed be subject to a lien for any unpaid assessments in excess of the amount therein set forth. Failure to furnish or make available such request within seven (7) days from receipt of such request shall extinguish the lien for unpaid assessments. Payment of a fee of the maximum allowable under the Condominium Act may be required as a prerequisite for issuance of such a statement.

If a mortgagee of a first mortgage of record or other purchaser of a Condominium Unit obtains title to the Condominium Unit as a result of foreclosure of a first mortgage, or through the enforcement of any other remedies provided for in the mortgage, or by virtue of a deed in lieu of foreclosure, such mortgagee or purchaser, its successors and assigns, shall not be liable for the payment of Common Expenses assessed prior to the acquisition of title to such Unit by mortgagee or purchaser pursuant to the aforesaid remedies, and the Unit shall not be subject to a lien for same. Such unpaid share of Common Expenses assessed prior to the acquisition of title to such Unit by such mortgagee or purchaser pursuant to the aforesaid remedies shall be collectible from all Owners, including the purchaser from a first mortgagee, in proportion to their respective votes in the Unit Owners' Association.

3. Collection of Assessments. The Board of Directors shall take prompt action to collect any assessments for Common Expenses due from any Owner which remain unpaid for more than sixty (60) days from the due date for payment thereof.

4. Uncollectible Assessments. Any assessments which are not collectible due to waiver or limitation imposed by the provisions of Section 2 above, or due to the provisions of Paragraph 5(b) of the Declaration relative to first mortgages, shall be collectible from all Owners, including the purchaser or first mortgagee, in proportion to their respective votes in the Association.

5. Payment of Real Estate Taxes. The real estate taxes due to the City of Dover for each individual Unit along with that Unit's Percentage of Interest in the Common Area shall be the responsibility of each individual Unit Owner and payable when due. Taxes for each Unit are not divisible between the Unit and the Common Area.

6. Maintenance and Repair.

(a) By the Board of Directors. Except as otherwise provided in paragraph (b) below, the Board of Directors operating on behalf of the Unit Owners Association shall be responsible for the maintenance, repair, and replacement (unless necessitated by the negligence, misuse, or neglect of an Owner, or of a person gaining access with said Owner's actual or implied consent, in which case such expense shall be specially assessed to such

Owner), of all the Common Area, whether located inside or outside of the Units, and whether presently existing or hereafter constructed, the cost of which shall be charged as a Common Expense to Owners of Units.

(b) Except for the portions of his Unit required to be maintained, repaired, and replaced by the Board, each Owner shall be responsible for the maintenance, repair, and replacement, at his own expense, of his Unit, and any part thereof. Each Owner shall be responsible for performing normal maintenance for any other Limited Common Area, if any, which is appurtenant to his Unit, including keeping it in clean and sanitary condition and free and clear of snow, ice and any accumulation of water, and shall make, at his own expense all repairs thereto, beyond normal maintenance, caused or necessitated by his negligence, misuse, or neglect. Each Owner shall perform his responsibility in such manner as shall not unreasonably disturb or interfere with the other Owners. Each Owner shall promptly report to the Board, or the Manager, any defects or need for repairs for which the Board is responsible.

(c) Manner of Repair and Replacement. All repairs and replacements shall be substantially similar to the original construction and installation and shall be of first-class quality. The method of approving payment vouchers for all repairs and replacement shall be determined by the Board of Directors.

7. Addition, Alterations, or Improvements by Board of Directors. Whenever in the judgment of the Board of Directors the Common Area shall require additions, alterations, or improvements costing in excess of Five Thousand ($5,000.00) Dollars during any period of twelve (12) consecutive months, and the making of such addition, alterations, or improvements shall have been approved by a Majority of the Owners, the Board of Directors shall proceed with such additions, alterations, or improvements and shall assess all Owners for the cost thereof as a Common Expense. Any additions, alterations, or improvements costing Five Thousand ($5,000.00) Dollars or less during any period of twelve (12) consecutive months may be made by the Board of Directors without the approval of the Owners and the cost thereof shall constitute part of the Common Expenses. Notwithstanding the foregoing, if in the opinion of not less than two-thirds (2/3) of the members of the Board of Directors such additions, alterations, or improvements are exclusively or substantially exclusively for the benefit of a limited number of Owners requesting the same, such requesting Owners shall be assessed therefore in such proportion as they jointly approve or, if they are unable to agree thereon, in such proportions as may be determined by the Board of Directors. No addition, alteration, or improvement shall be made without appropriate permits and approvals by the City of Dover or any of its governmental subdivisions.

If in any of the above cases all or any portion of such assessments are not available to the Board prior to the time that the amounts thereof are needed to provide payment of the authorized costs, the Board may borrow such amounts, on behalf of the Association, and may secure such borrowing by assignment of the liens relative thereto arising pursuant to Section 2 of Article XII of the Bylaws.

8. Additions, Alterations, or Improvements by Owners. No Owner shall make any structural addition, alteration, or improvement in or to his Unit, or to his Limited Common Area, without the prior written consent thereto of the Board. No Owner shall paint, decorate, or otherwise change the external appearance of his Unit, including the doors and windows, or of any exterior surface of the building, without the prior written consent thereto of the Board. The Board shall be obligated to answer any written request by an Owner for approval of such proposed structural addition, alteration, or improvement or such external change within thirty (30) days after such request, and its failure to do so within the stipulated time shall constitute a consent by the Board to the proposed addition, alteration, or improvement or change. The provisions of Section 6 shall not apply to Condominium Units owned by the Declarant until such Units have been initially conveyed by the Declarant.

9. Restrictions on Use of Units. To assist the Condominium in providing congenial occupancy and the protection of the value of the Units, it is necessary that the Board of Directors have the right and authority to exercise reasonable controls over the use of Units. Violation of the following enumerated prohibitions shall not be permitted, and the Board of Directors is hereby authorized to take all steps necessary to prevent or discontinue any violations thereof, all at the expense of the violator:

(a) No advertisements, signs, or posters of any kind shall be posted in or on the Property except as authorized by the Board, provided those authorized advertisements, signs or posters comply with the City of Dover Ordinance, Regulations, and Approvals. This restriction shall not apply to advertisements, signs, or posters utilized by the Declarant, or its agents, in selling or renting the Units.

(b) No clothing, laundry, rugs, or other objects shall be hung, shaken, or thrown from any window or exterior portion of a Unit or otherwise left or placed in such a way to be exposed to public view. All refuse and trash shall be placed in locations specifically designated by the Board, and no garbage or trash shall be permitted to remain in public view.

(c) No animal, other than common household pets with the consent of the Board, shall be kept or maintained on the Property, nor shall common household pets be kept, bred, or maintained for commercial purposes on the property. Pets shall not be permitted outside of Units unless they are accompanied by an adult person and carried or leashed. The Board of Directors may make further provisions in the Rules for the control and regulation of household pets in the Condominium. The Owner of a Unit where a pet is kept or maintained shall be responsible and may be assessed by the Board of Directors for all damages to the Property resulting from the maintenance of said pet, and any costs incurred by the Association in enforcing the Rules prescribed or to be prescribed by the Board of Directors for the control and regulation of pets in the Condominium and each such Owner shall be deemed to indemnify and hold the Board harmless against such loss or liability resulting from said pet.

(d) No nuisance shall be allowed on the Property, nor shall any use or practice be allowed which is a source of annoyance to its residents or which interferes with the peaceful possession or proper use of the Condominium by others. Without limiting the foregoing, no

Owner, tenant, occupant, or their guests shall play music or otherwise create noise anywhere within the Condominium, which disturbs any other Owner, tenant, or occupant.

(e) No Owner, tenant, or guest shall allow the installation of wiring for electrical or telephone use, television antennae, air conditioning unit, or other machine or equipment, which protrudes through the wall or the roof of any building or is otherwise visible on the exterior of a building except as presently installed or as authorized by the Board.

(f) No Unit or Common Area of the Condominium may be used for any unlawful, immoral, or improper purpose.

(g) Nothing shall be done in any Unit or on, or to the Common Area which may impair the structural integrity of the Property, or which would structurally change a building or improvements thereon except as provided in the Declaration or these Bylaws. Nothing shall be altered or constructed in or removed from the Common Area, except upon the written consent of the Board of Directors.

(h) Unless authorized by the Board of Directors, no Owner, tenant, or guest shall direct or engage any employee of the Condominium on any private business, nor shall he direct, supervise, or in any manner attempt to assert control over any such employee.

(i) No activity shall be done or maintained in any Unit or upon any Common Area which will increase the rate of insurance on any Unit or the Common Area or result in the cancellation of insurance thereon, unless such activity is first approved in writing by the Board of Directors. No waste shall be committed in the Common Area.

(j) In the use of the Units and the Common Area of the Condominium, Owners shall obey and abide by all valid laws, ordinances, and zoning and other governmental regulations affecting the same and all applicable Rules adopted by the Board. The Common Area shall be used only for the furnishing of the services and facilities for which they are reasonably suited and which are incident to the use and occupancy of the Units.

(k) Each Unit shall be entitled to maintain not more than two (2) vehicles within the Condominium. No service, repairs, or other maintenance shall be performed upon any such automobile or truck within any Common Area or Limited Common Area. Only regular vehicles, properly registered for highway use and driven by a licensed operator, shall be allowed to travel in the Condominium. No "all terrain" vehicles such as dirt bikes or snowmobiles, shall be operated within the Condominium or be considered regular vehicles. Light trucks with a cargo capacity of one ton or less shall be considered regular vehicles. Parking spaces shall not be used for storage, including storage of a bicycle or bicycles. Only "regular vehicles" shall be parked in the parking spaces.

(l) Owners shall be entitled to rent or lease their Unit under the terms of Article VIII, Section 2. The Board may adopt additional Rules, pursuant to Section 11 below, to govern the leasing of Units, including Rules requiring deposits to pay the cost of any damage

to the Condominium. The provisions of RSA 356-B:46-a are adopted as part of these By-Laws. If a unit owner fails to pay the common expenses assessed to his unit by the association within sixty (60) days of the date it was due, the association shall have the right to collect from any tenant renting the unit any rent then or thereafter due to the owner of the unit. The association shall apply such rent collected against the amount owed to it by the unit owner. Prior to taking any action under this paragraph, the association shall give written notice to the delinquent owner of its intent to collect the rent owed. Such notice shall be sent by both first class and certified mail, shall set forth the exact amount the association claims is due and owing by the unit owner, and shall indicate the intent of the association to collect such amount from rent, along with any other amounts which become due within the current fiscal year and which remain unpaid. A copy of this notice shall be provided to any first mortgagee of record on such unit who has previously requested in writing that the association notify it of any delinquency in the payment of amounts due to the association by the owner of such unit. The unit owner shall have thirty (30) days from the date of mailing of the notice to pay the amounts due, including collection costs, or to provide proof of the prior payment of the assessments due. No unit owner shall be entitled to withhold payment of assessments due, off-set against the same, or make any deduction therefrom without first obtaining a determination by a court of competent jurisdiction that the assessment was unlawful. If the owner fails to make a timely response to the notice, the association may notify and direct each tenant renting from such unit owner to pay all or a portion of the rent otherwise due to such owner to the association, such rent or portion of such rent to be in the amount the association claimed is due in the notice, or the full rent, whichever is less. The association shall have the continuing right to collect any rent otherwise payable by the tenant to the unit owner until the amounts due to the association are paid in full.

(m) Except as approved by the Association as an improvement to the Common Area for the benefit of all unit owners, no playground equipment, swing sets, sandboxes, basketball backboards, slides, or climbing towers shall be placed, installed or erected within any Common Area or elsewhere within the Condominium.

10. Rights of Access. An Owner shall grant a right of access to his Unit to the Board of Directors or the Manager, or to any other person authorized by the Board for the purpose of making inspections or for the purpose of correcting any condition originating in his Unit and threatening another Unit or Common Area, or for the purpose of performing installation, alterations, or repairs to the mechanical or electrical services or other Common Area in his Unit, provided that request for entry is at a time reasonably convenient to the Owner. In case of any emergency, such right of entry shall be immediate whether the Owner is present at the time or not.

11. Rules. The Board of Directors may adopt and amend Rules concerning the operation and use of the Units, Limited Common Area, and Common Area, and concerning all other matters within its authority, provided that such Rules are not contrary to or inconsistent with the Condominium Act, the Declaration or these Bylaws. Copies of the Rules shall be furnished by the Board of Directors to each Owner prior to the time when the same shall become effective. A vote of the majority of the Owners present in person or by

proxy at a meeting of the Association may overrule and declare void any rule adopted by the Board; provided that notice of the proposal to overrule shall be included in the notice of such meeting.

## ARTICLE VI

## INSURANCE

1. Insurance Required. The Board of Directors shall obtain (i) a master casualty policy affording fire and extended coverage on the units and the common area in an amount equal to the full replacement value of the units as well as any structures within the Common Area of the Condominium in the name of the Unit Owners' Association, for the use and the benefit of the individual Owners and their mortgagees; (ii) a master liability policy covering the Association, the Board, the Manager, and agents or employees of the foregoing with respect to the Condominium, and all Owners and other persons entitled to occupy any portion of the Condominium, including what is commonly known as "officers and directors liability" insurance coverage; (iii) fidelity bonds covering the Board, the Unit Owners' Association and any management agent; and (iv) such other policies as specified hereinbelow, which insurance shall be governed by the following provisions to the extent obtainable or possible.

(a) Fire insurance with standard extended coverage endorsement, vandalism, and malicious mischief endorsements insuring the units in the Condominium including without limitation all such portions of the interior of such buildings as are for insurance purposes normally deemed to constitute part of the building and customarily covered by such insurance such as heating and air conditioning and other service machinery, interior walls, all finished wall surfaces, ceiling and floor surfaces including any wall to wall floor coverings, bathroom and kitchen cabinets and fixtures, including appliances which are affixed to the buildings or sold as part of a Unit, heating and lighting fixtures, any other fixtures, equipment, or personal property inside a Unit sold as part of the Unit, and fixtures, building service equipment, and common personal property and supplies belonging to the Unit Owners' Association, but not improvements made by individual Owners which are not reported to the insurer, such insurance to be in an amount at least equal to the replacement value of the buildings including the Units and to be payable to the Board as Trustees for the Owners and their mortgagees as their respective interests may appear. The deductible amount under such insurance shall be no greater than the lesser of Ten Thousand ($10,000.00) Dollars or one (1%) percent of the policy face amount.

(b) Public liability insurance in such amounts as the Board may from time to time determine, but in no event shall the limits of liability be less than One Million Dollars ($1,000,000.00) Dollars for bodily injury and property damage per occurrence, insuring the Association and all individuals referred to in Section 1(ii) above, against any liability to anyone, and with cross liability coverage with respect to liability claims of any one insured thereunder against any other insured thereunder. This insurance, however, shall not insure against individual liability of an Owner or other person entitled to occupy a Unit for

negligence of such Owner or other person occurring within a Unit or within the Limited Common Area to which a Unit has exclusive use.

(c) A master or blanket policy of property insurance covering all the general common elements and limited common elements, including fixtures and building service equipment to the extent that they are part of the common element of the Condominium, as well as common personal property and supplies, and other common personal property belonging to the Owners' Association. Such coverage shall extend to any fixtures, equipment, or other property within the Units which are financed by a mortgage to be purchased by Federal National Mortgage Association (FNMA). The policy shall be in an amount equal to one hundred (100%) percent current replacement cost. The name of the insured under such policies shall be "Court Streete Condominiums Unit Owners' Association". The loss shall be payable to such Association as Trustee for each Unit Owner and each such Owner's mortgagee, if any. Each Unit Owner and such Owner's mortgagee, if any, shall be beneficiaries of the policy in the percentage of common ownership set forth in the Declaration.

(d) Blanket fidelity bonds for the Board, the Association, and any management agent, covering all persons who either handle or are responsible for funds, whether or not they received compensation for their services, in the amount of the greater of (i) the maximum funds that will be in the custody of the Association or management agent at any time, or (ii) the sum of three (3) months' assessments on all Units plus the Association's reserve fund.

(e) Workers' compensation insurance as required by law.

(f) Such other insurance as the Board may determine.

2. General Insurance Provisions.

(a) The Board shall deal with the insurer or insurance agents in connection with the adjusting of all claims covered by insurance policies provided for under Paragraph 1 above and shall review with the insurer or insurance agent, at least annually, the coverage under said policies, said review to include an appraisal of improvements within the Condominium, and shall make any necessary changes in the policy provided for under Paragraph 1(a) above (prior to the expiration date set forth in any agreed amount endorsement contained in said policy) in order to meet the coverage requirements of such Paragraph.

(b) The Board shall be required to make every effort to see that all policies of physical damage insurance provided for under Article VI, Section 1 above: (i) shall contain waivers of subrogation by the insurer as to claims against the Association, its employees and agents, members of the Board, the Manager, Owners, and their guests, licensees, tenants, employees, and members of their family who reside with them, except in cases of arson and fraud; (ii) shall contain a waiver of defense of invalidity or prejudice on account of the

conduct of any of the Owners over which the Association has "no control"; (iii) shall contain a waiver of defense of invalidity or prejudice by failure of the insured, or Owners collectively, to comply with any warranty or condition with regard to any portion of the Condominium over which the insured, or Owners, collectively, have no control; (iv) shall provide that such policies may not be cancelled or substantially modified without at least thirty (30) days written notice to all the insureds thereunder and all first mortgagees of Units in the Condominium; (v) shall provide that the insurance under said policies is primary insurance, and that in no event shall the insurance under said policies be brought into contribution with insurance purchased individually by Owners or their mortgagees; (vi) shall exclude policies obtained by individual Owners for consideration under any "no other insurance" clause; (vii) shall provide that until the expiration of thirty (30) days after the insurer gives notice in writing to the mortgagee of any Unit, the mortgagee's insurance coverage will not be affected or jeopardized by any act or conduct of the Owner of such Unit, the other Owners, Board of Directors, or any of their agents, employees, or household members, nor cancelled for nonpayment of premiums; (viii) shall contain Agreed Amount and Inflation Guard Endorsement, any available Construction Code Endorsement, and Steam Boiler and Machinery Coverage Endorsement; (ix) shall provide that any Insurance Trust Agreement will be recognized; (x) shall include in the "loss payable" clause the Association as Trustee for each Unit Owner and the holders of each Unit's mortgages and (xi) shall contain the standard mortgage clause naming each first mortgagee (or servicer) and "its successors and assigns", and FNMA or FHLMC, if applicable.

(c) The Board shall be required to make every effort to see that all policies of liability insurance provided for under Article VI, Section 1 above: (i) shall cover all common areas, public ways, and any other areas under the supervision of the Association, and any commercial spaces owned by the Association, even if leased to others; (ii) shall provide coverage for bodily injury and property damage resulting from the operation, maintenance, or use of the common Area; (iii) shall provide coverage for any legal liability resulting from lawsuits relating to employment contracts in which the Association is a party; (iv) shall, if they do not include "severability of interest" clauses, provide that no Unit Owner's claim will be denied because of negligent acts of the Association or other Unit Owners; and (v) shall provide that such policies may not be cancelled or substantially modified without at least thirty (30) days' written notice to all of the insureds thereunder and all first mortgagees of Units named in the policies.

(d) The Association's fidelity bond required above should name the Association as obligee. The management agent's required fidelity bond should name the Association as an additional obligee. Both bonds must provide that they may not be cancelled or substantially modified without at least thirty (30) days' written notice of all of the insureds thereunder and all first mortgagees of Units named in the policies.

3. Individual Policies.

(a) Any Owner and any mortgagee may obtain at its own expense additional insurance (including a "condominium unit-owner's endorsement") for improvements and

betterments to a Unit made or acquired at the expense of the Owner and not covered under the master casualty policy referred to in Article VI, Section 1(a) above. Such insurance should contain the same waiver of subrogation provision as that set forth in Section 2(b) of this Article VI. It is recommended that each Owner obtain, in addition to the insurance hereinabove provided to be obtained by the Board of Directors, a "Tenant Homeowner's Policy", or equivalent, to insure against the loss or damage to personal property used or incidental to the occupancy of the Unit, additional living expenses, vandalism, or malicious mischief, theft, personal liability, and the like.

No such policy shall be written so as to decrease the coverage under any of the policies obtained by the Board pursuant to Paragraph 1(a) above, and each Owner hereby assigns to the Board, as Trustee for the Owners and their mortgagees, the proceeds of any such policy to the extent that any such policy does in fact result in a decrease in such coverage, said proceeds to be applied pursuant to the terms hereof as if produced by such coverage. Copies of all such policies (except policies covering only personal property, owned or supplied by individual Owners) shall be filed with the Association.

Any such insurance should cover any loss, injury, or damage to persons or to any floor coverings, appliances, and other personal property not covered in the master policy and all improvements to his Unit which exceed a total value of One Thousand ($1,000.00) Dollars and which are not reported to the Board.

(b) Each Owner, prior to commencement of construction of such improvements, shall notify the Board of all improvements to his Unit (except personal property other than fixtures) which exceed a total value of One Thousand ($1,000.00) Dollars and upon receipt of such notice, the Board shall notify the insurer under any policy.

( c ) Any such insurance should cover any loss, injury, or damage to persons or to any floor coverings, appliances, and other personal property not covered in the master policy and all improvements to his Unit which exceed a total value of One Thousand ($1,000.00) Dollars and which are not reported to the Board.

(d) Each Owner, prior to commencement of construction of such improvements, shall notify the Board of all improvements to his Unit (except personal property other than fixtures) which exceed a total value of One Thousand ($1,000.00) Dollars and upon receipt of such notice, the Board shall notify the insurer under any policy.

4. Notice to Unit Owners. Excepting such policies as are obtained on behalf of the Association prior to the conveyance of the first Unit in the Condominium, when any policy of insurance has been obtained on behalf of the Association, written notice of the obtainment thereof and of any subsequent changes therein or in such initial policies, or termination thereof shall be promptly furnished to each Unit Owner by the Secretary of the Association. Such Notice shall be sent to all Unit Owners of record at the address of their respective Units and to such other addresses as any of them may have designated to the Secretary; such notice may be hand delivered by the Secretary or Manager.

## ARTICLE VII

## REPAIR AND RECONSTRUCTION AFTER FIRE OR OTHER CASUALTY

1. When Repair and Reconstruction are Required. Subject to the provisions of the Declaration, in the event of damage to or destruction of all or part of the Common Area as a result of fire or other casualty, the Board of Directors shall arrange for and supervise the prompt repair and restoration of the damaged or destroyed portion of the Common Area.

(b.) Procedure for Reconstruction and Repair.

(a) Immediately after a fire or other casualty causing damage to any part of the Common Area, the Board of Directors shall obtain reliable and detailed estimates of the cost of repairing and restoring the damage to a condition as good as that existing before such casualty. Such costs may also include professional fees and premiums for such bonds as the Board of Directors determines to be necessary. The Board shall contract such repair and reconstruction and in doing so shall exercise its sole discretion in selecting from among said estimates.

(b) If the proceeds of insurance are not sufficient to defray the said estimated costs of reconstruction and repair, or upon completion of reconstruction and repair, the funds for the payment of the costs thereof are insufficient, assessments in sufficient amounts to provide payment of such costs shall be made against the Owners in proportion to their respective votes in the Unit Owners' Association. If all or any portion of such assessments are not available to the Board prior to the time that the amounts thereof are needed to provide payment of such costs, the Board may borrow such amounts, on behalf of the Association, and may secure such borrowing by assignment of the liens relative thereto arising pursuant to Section 2 of Article XII of these Bylaws.

(c) Any such reconstruction or repair shall be substantially in accordance with the original plans and specifications under which the damaged building was originally constructed.

(d) Encroachments upon or in favor of Units which may be created as a result of such reconstruction or repair shall not constitute a claim or basis for any proceeding or action by the Owner upon whose property such encroachment exists, provided that such reconstruction is substantially in accordance with original plans and specifications under which the damaged building was originally constructed. Such encroachments shall be allowed to continue in existence for so long as the building (as reconstructed) shall stand.

3. Disbursement of Construction Funds.

(a) The net proceeds of insurance collected on account of a casualty and the funds collected by the Board of Directors from assessments against Owners on account of such casualty (or borrowed by the Board as provided in Article VII, Section 2(b) above) shall constitute a construction fund which shall be disbursed in payment of the cost of reconstruction and repair by the Board of Directors.

(b) The construction fund shall be paid by the Board of Directors in appropriate progress payments, to such contractors, suppliers, and personnel engaged in performing the work or supplying materials or services for the repair and reconstruction of the building as are designated by the Board of Directors.

(c) It shall be presumed that the first monies disbursed in payment of the cost of reconstruction and repair shall be from insurance proceeds; and if there is a balance in the construction fund after the payment of all of the cost of the reconstruction and repair for which the fund is established, such balance shall first be applied to any borrowing pursuant to Article VII, Section 2(b) above, and the remainder, if any, shall be distributed to the Owners to repay them for assessments, if any, pursuant to said Article VII, Section 2(b). Otherwise, any remainder shall be added to the reserve for contingencies and replacement of Common Area.

(d) When the damage is to both the Common Area and Units, the insurance proceeds shall, to the extent practical, be applied first to the cost of repairing the Common Area and the balance to the cost of repairing the Units.

## ARTICLE VIII

## SALES, LEASES, AND MORTGAGES OF UNITS

1. No Severance of Ownership. No Owner shall execute any deed, lease, mortgage, or instrument conveying or mortgaging the title to his Unit without including therein the undivided interest of such Unit in the Common Area, it being the intention hereof to prevent any severance of such combined ownership. Any such deed, lease, mortgage, or other instrument purporting to affect one or more of such interests, without including all such interests, shall be deemed and taken to include the interest or interests so omitted, even though the latter shall not be expressly mentioned or described therein. Except to the extent otherwise expressly provided by the Declaration, these Bylaws or the Condominium Act, the undivided interest in the Common Area allocated to any Unit shall not be altered, and any purported transfer, encumbrances, or other disposition of that interest without the Unit to which it appertains shall be void.

2. Leases. Leases must be in writing, shall be for a minimum term of thirty (30) days , and shall be subject to the requirements of the Condominium Declaration and Bylaws. A copy of the Declaration and Bylaws shall be available for review by tenants. Tenants shall

be provided with copies of any rules or regulations promulgated by the Board of Directors, and shall acknowledge their receipt and acceptance of the terms and conditions therein.

3. Payment of Assessments. No owner shall be permitted to convey, mortgage, sell, lease, give, or devise his Unit unless and until he (or his personal representative) shall have paid in full to the Board of Directors all unpaid Common Expenses theretofore assessed by the Board of Directors with respect to his Unit, and shall have satisfied all unpaid liens with respect to his Unit, except mortgages. Where this provision is satisfied at the time of execution of a mortgage, there shall be no requirement that it again be satisfied at the time of a subsequent foreclosure of such mortgage or deed in lieu of such foreclosure. In the event that the Unit is subject to outstanding assessment previously levied against such Unit, and the acquiring Owner or the transferring Owner requests a recordable statement pursuant to Section 2 of Article V, the statement shall expressly state any waiver of, or failure or refusal to exercise, the right of the Association to prevent the disposition of any Unit, in any case where such waiver, failure, or refusal may exist. Failure or refusal to furnish such a statement as provided in Section 2 shall not only constitute a waiver of such assessment, but also make the above-mentioned prohibition inapplicable to any such disposition of the Unit.

4. Resales. In the event of a resale of a Unit or any interest in a Unit by any persons other than the Declarant, the prospective Buyer shall have the right to obtain from the Association prior to the contract date of the disposition, the following:

(a) A recordable statement setting forth the amount of unpaid assessments currently levied against the Unit. Pursuant to RSA 356-B:46, VIII, the Association may charge Ten ($10.00) Dollars for the issuance of the statement, or the maximum as shall be allowed by statute, whichever is greater.

(b) A statement of any capital expenditures and major maintenance expenditures anticipated by the Association within the current or succeeding two (2) fiscal years.

(c) A statement of the status and amount of any reserve for the major maintenance or replacement fund and any portion of such fund earmarked for any specified project by the Board of Directors.

(d) A copy of the income statement and balance sheet of the Association for the last fiscal year for which such statement is available.

(e) A statement of the status of any pending suits or judgments in which the Association is a party defendant.

(f) A statement setting forth which insurance coverage is provided for all Unit Owners by the Association and what additional insurance coverage would normally be secured by each individual Unit Owner.

(g) A statement that any improvements or alterations made to the Unit, or the Limited Common Area assigned thereto, by the prior Unit Owner, are not known to be in violation of the condominium instruments.

(h) For statements (b) through (c), the Association may charge a total of Twenty Five ($25.00) Dollars for the issuance of the statements, or the maximum as shall be allowed by statute, whichever is greater.

## ARTICLE IX

## AMENDMENT OF BYLAWS

1. Amendments. Except as otherwise provided in the Condominium Act, the Declaration and herein, these Bylaws may be modified or amended by the procedure, and subject to the limitations set forth in Paragraph 4 of the Declaration. Notwithstanding the foregoing, so long as the Declarant is the Owner of one (1) or more Units, no amendment to the Bylaws or Rules may be adopted which could interfere with the construction, display, sale, lease, or other disposition of such Unit or Units.

2. Recording. A modification or amendment of these Bylaws shall become effective only when it has been duly evidenced in accordance with the provisions of Section 34, IV of the Condominium Act.

3. Conflicts. No modification or amendment of these Bylaws may be adopted which shall be inconsistent with the provisions of the Condominium Act or with the provisions of the Declaration. A modification or amendment once adopted and recorded as provided for herein shall then constitute part of the official Bylaws of the Condominium and all Owners shall be bound to abide by such modification or amendment.

4. Approval of Mortgagees. These Bylaws contain provisions concerning various rights, priorities, remedies, and interests of the mortgagees of Units. Such provisions in these Bylaws are to be construed as covenants for the protection of the mortgagees on which they may rely in making loans secured by mortgagees on the Units. Accordingly, all Eligible Mortgage Holders (as defined in Paragraph 5(a) of the Declaration) shall be given sixty (60) days' notice of all proposed amendments, and no amendment or modification of these Bylaws materially impairing or affecting the rights, priorities, remedies, or interest of such Eligible Mortgage Holders (including the use of a secondary mortgage market, i.e., the salability of mortgages to Mortgage Guaranty Insurance Corporation, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, etc.) shall be adopted without the prior written consent of at least fifty-one percent (51%) of such mortgagees (based upon votes appurtenant to Units subject to their mortgages).

## ARTICLE X

## MORTGAGES

1. Notice of Board. An Owner who mortgages his Condominium Unit shall notify the Board of the name and address of all mortgagees. The Board shall maintain suitable records pertaining to such mortgages.

2. Notice of Unpaid Assessments for Common Expense. The Board, whenever so requested in writing by a mortgagee of a Condominium Unit, shall promptly report any then unpaid assessments for Common Expenses due from, or any other default by, the Owner of the mortgaged Condominium Unit.

3. Notice of Default. No suit or other proceeding may be brought to foreclose the lien for any assessment levied pursuant to the Declaration or these Bylaws except after ten (10) days' written notice to the holder of the first mortgage on the Unit which is the subject matter of such suit or proceeding, provided that the Board has been given notice of such mortgage in the manner set forth above and in the Declaration.

## ARTICLE XI

## NOTICE

1. Manner of Notice. Except as otherwise provided in the Declaration and these Bylaws, all notice, demands, bills, statements, or other communications provided for or required under these Bylaws shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by U.S. Mail, return receipt requested, first class postage prepaid, or by electronic mail (i) if to an Owner, at the address of his Unit, and at such other address as the Owner may have designated by notice in writing to the Secretary, or (ii) if to the Unit Owners' Association, the Board of Directors or the Manager at the principal office of the Manager or at such other address as shall be designated by notice in writing to the Owner pursuant to this Section.

2. Waiver of Notice. Whenever any notice is required to be given under the provisions of the statutes, the Declaration or these Bylaws, a waiver thereof, in writing, signed by the person or persons entitled to such notice, whether signed before or after the time stated therein, shall be deemed equivalent thereof, unless such waiver is ineffective under the provisions of the Condominium Act.

## ARTICLE XII

## DEFAULT

1. Default. Each Owner shall be governed by, and shall comply with, all of the terms of the Condominium Act, the Declaration, these Bylaws and the Rules, and any amendments of the same. The Board shall give written notice to an Owner of any default by the Owner in the performance of any obligation under the Act, Declaration, Bylaws, or Rules. A default by an Owner shall entitle the Unit Owners' Association acting through the Board of Directors or the Manager, to the following relief:

(a) Legal Proceedings. Failure to comply with any of the terms of the Condominium Act, Declaration, these Bylaws or the Rules shall be grounds for relief, which may include, without limiting the same, an action to recover the sums due, for money damages, injunctive relief, foreclosure of the lien for payment of all assessments, any other relief provided for in these Bylaws, or any combination thereof, and any other relief afforded by a Court of competent jurisdiction, all of which relief may be sought by the Unit Owners' Association, the Board of Directors, the Manager, or if appropriate, by an aggrieved Owner.

(b) Additional Liability. Each Owner shall be liable for the expenses of all maintenance, repair, or replacement rendered necessary by his acts, neglect, or carelessness, or the act, neglect, or carelessness of any member of his family or his tenants, guests, employees, agents, or invitees, but only to the extent that such expense is not covered by the proceeds of insurance carried by the Association. Such liability shall include any increase in fire insurance rates occasioned by use, misuse, occupancy, or abandonment of any Unit or its appurtenances. Nothing contained herein, however, shall be construed as modifying any waiver by an insurance company of its rights of subrogation.

(c) Costs and Attorneys' Fees. In any proceeding arising out of any alleged default by an Owner, the prevailing party shall be entitled to recover the costs of the proceeding, and such reasonable attorneys' fees as may be determined by the Court.

(d) No Waiver of Rights. The failure of the Unit Owners' Association, the Board of Directors, or of an Owner to enforce any right, provision, covenant, or condition which may be granted by the Condominium Act, the Declaration, these Bylaws, or the Rules shall not constitute a waiver of the right of the Association, the Board of Directors, or any Owner to enforce such right, provision, covenant, or condition in the future. All rights, remedies, and privileges granted to the Association, Board of Directors, or any Owner pursuant to any term, provision, covenant, or condition of the Condominium Act, Declaration, these Bylaws, or the Rules shall be deemed to be cumulative, and the exercise of any one or more thereof shall not be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such privileges as may be granted to such party by the Condominium Act, Declaration, these Bylaws, or the Rules, or at law or in equity.

(e) Interest. In the event of a default by an Owner which continues for a period in excess of thirty (30) days, such Owner shall be obligated to pay interest on the amounts due at eighteen (18%) percent per annum, from the due date thereof. In addition, the Board of Directors shall have the authority to impose a late payment charge on such defaulting Owner in an amount not to exceed Twenty ($20.00) Dollars or six (6%) percent of any amount so overdue, whichever is greater.

(f) Abatement and Enjoinment of Violations by Owners. The violation of any Rule adopted by the Board of Directors, or the breach of any Bylaw contained herein, or the breach of any provision of the Declaration, shall give the Board of Directors or the Manager the right, in addition to any other rights set forth in these Bylaws: (a) to enter the Unit in which, or as to which, such violation or breach exists and summarily to abate and remove, at

the expense of the defaulting Owner, any structure, thing or condition that may exist therein contrary to the intent and meaning of provisions hereof, and the Board of Directors or Manager shall not thereby be deemed guilty in any manner of trespass (except that this subsection shall not apply to the alteration or demolition of any items of construction); (b) to enjoin, abate, or remedy by appropriate legal proceedings, either at law or in equity, the continuance of any such breach; or (c) to suspend or limit the right of the Owner committing the violation to use any part of the Common Area during he continuance of such violation.

2. Lien for Assessments.

(a) The total annual assessment of each Owner for the Common Expenses of any special assessment levied pursuant to these Bylaws, is hereby declared to be a lien levied against the Unit of such Owner as provided in the Condominium Act (including, without limitation, the priority provisions set forth in Section 46 thereof) which lien shall be effective when perfected in accordance with said Act.

(b) In any case, where an assessment against an Owner is payable in installments, upon a default by such Owner in the payment of any single installment, which continues for ten (10) days after written notice of such default has been sent to the Owner, the maturity of the remaining total of the unpaid installments of such assessments may be accelerated, at the option of the Board of Directors, and the then balance owing may be declared due and payable in full by the service of notice to such effect upon the defaulting Owner by the Board of Directors or Manager. The Association, in order to perfect such lien, shall file before the expiration of six (6) months from the time that the delinquent assessment (or installment, where such assessment is payable in installments) became due and payable, a memorandum in the Strafford County Registry of Deeds in the form and manner prescribed in the said Act.

( c ) The lien assessment shall include interest, costs, and attorneys' fees as provided in Section 1 of this Article XII and may be foreclosed in the manner provided by the laws of the State of New Hampshire for the foreclosure of power of sale mortgages (including, without limitation, RSA 479) or by suit brought in the name of the Board of Directors, acting on behalf of the Unit Owners' Association. During the pendency of such proceedings or suit, the Owner shall be required to pay a reasonable rental for any period prior to sale pursuant to any judgment or order of any court having jurisdiction over such sale.

(d) Suits to recover a money judgment for unpaid assessments shall be maintained without foreclosure or waiving the lien securing the same, and foreclosure shall be available without bringing suit to recover a money judgment.

## ARTICLE XIII

## COMPLIANCE, CONFLICT, AND MISCELDriveOUS PROVISIONS

1. Compliance. These Bylaws are set forth in compliance with the requirements of the Condominium Act.

2. Severability. These Bylaws are set forth to comply with the requirements of the State of New Hampshire. In case any of the Bylaws are in conflict with the provisions of any of its statutes, the provisions of the statutes will apply. If any provisions of these Bylaws or any section, sentence, clause, phrase, or word, or the application thereof in any circumstance is held invalid, the validity of the remainder of these Bylaws, shall not be affected thereby and to this end, the provisions hereof are declared to be severable.

3. Waiver. No provision of these Bylaws shall be deemed to have been abrogated or waived by reason of any failure or failures to enforce the same (except where a right is dependent upon notice to be given within a specified period), irrespective of the number of violations or breaches which may occur.

4. Captions. The captions contained in these Bylaws are for convenience only and are not part of these Bylaws and are not intended in any way to limit or enlarge the terms and provisions of these Bylaws.

5. Gender, Etc. Whenever in these Bylaws the context so requires, the singular number shall include the plural and the converse; and the use of any gender shall be deemed to include all genders.

EXECUTED by Declarant on this ____ day of May, 2024.

5 Sherman Street, LLC, Declarant, By

Knox Marsh Development, LLC

_____ By: _____
Witness DAVID PAOLINI, Member

_____ By: _____
Witness ROBERT BALDWIN, Member

Long
Sands Construction Holdings, LLC

_____ By: _____
Witness JOHN T. O'NEILL, as Trustee of the John T. O'Neill Revocable Trust, Member

_____ By: _____
Witness BRIAN R. O'NEILL, Member

_____ By: _____

Witness SCOTT J. O'NEILL, Member

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared DAVID PAOLINI, in his capacity as Member of Knox Marsh Development, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared ROBERT BALDWIN in his capacity as Member of Knox Marsh Development, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared JOHN T. O'NEILL, as Trustee of the John T. O'Neill Revocable Trust, in his capacity as Member of Long Sands Construction Holdings, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed as Trustee, on behalf of the company, before me,

_____
Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared BRIAN R. O'NEILL, as Member of Long Sands Construction Holdings, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared SCOTT J. O'NEILL, as Member of Long Sands Construction Holdings, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

**DECLARATION**

**OF**

**COURT STREET CONDOMINIUMS**
**103 Court Street, Dover, Strafford County**
**State of New Hampshire**

5 Sherman Street, LLC with an address of 242 Central Avenue, Dover, County of Strafford, State of New Hampshire (hereinafter, with its successors and assigns, who come to stand in the same relation to the Condominium as their predecessors, called the "Declarant"), hereby declare:

1. Submission of Property. The Declarant hereby submits the land located in Dover, New Hampshire, and more particularly described in Exhibit A, attached hereto (hereinafter referred to as the "Land"), together with the buildings, all improvements heretofore or hereafter constructed thereon, and all easements, rights, and appurtenances thereto described in said Exhibit A, all of which are owned by the Declarant, to the provisions of the Condominium Act of the State of New Hampshire, Chapter 356-B of the Revised Statutes Annotated, in order to create a plan of condominium ownership in such property. The units hereby submitted as of the date of the recording of this Declaration shall be units 1 through 7 and the common areas and facilities associated with those units.

2. Definitions. As provided in Section 12, I of the Condominium Act, capitalized terms not otherwise defined herein, or in the Bylaws recorded herewith, shall have the meanings specified in Section 3 of the Condominium Act. The following terms are expressly defined herein.

(a) "Bylaws" mean the Bylaws providing for the self-government of the Condominium, recorded herewith, as amended from time to time.

(b) "Common Area" means all parts of the Property other than the Units, as more fully set forth in Paragraph 3(e) of this Declaration, and includes any Limited Common Area.

(c) "Condominium" means the Court Street Condominiums established by this Declaration.

(d) "Condominium Act" means Chapter 356-B of the New Hampshire Revised Statutes Annotated, as amended.

(e) "Land" shall have the meaning set forth hereinabove.

(f) "Majority of the Owners" means the Owners of the Units to which more than fifty (50%) percent of the votes in the Unit Owners' Association appertain. Any specified percentage of the Owners means the Owners of Units to which the specified percentage of the votes in the Unit Owners' Association appertain. Each Unit shall have one vote regardless of the unit's percentage ownership in the Common Area.

(g) "Owner or Unit Owner" means any Person or Persons, who holds or hold fee simple title to a Unit. No mortgagee shall be deemed to be an Owner until such mortgagee has acquired such title pursuant to foreclosure or any procedure in lieu of foreclosure.

(h) "Percentage Interest" or "Undivided Percentage Interest" means the percentage undivided interest of each unit in the Common Area as set forth in Exhibit B attached hereto.

(i) "Property" means the land and buildings and all other improvements heretofore or hereafter constructed thereon, and all easements, rights, and appurtenances thereto, and all articles of personal property intended for common use in connection therewith, except as any of the foregoing may be limited in Exhibit A attached hereto.

(j) "Registry" means the Strafford County Registry of Deeds.

(k) "Rules" means those rules and regulations adopted from time to time by the Board of Directors of the Association relative to the use of the Condominium, provided they are not in conflict with the Condominium Act, the Declaration, or the Bylaws.

(l) "Site Plan and Floor Plans" or "Plan" means the plat of the entire property described in this Declaration, and all floor plans relative thereto, recorded simultaneously herewith or recorded subsequently.

(m) "Unit" means a unit as defined by the Condominium Act, which is bounded and described as shown on the Plans of the Condominium and as provided in Paragraph 3(d) hereof.

(n) "Unit Owners' Association", or "Court Street Condominiums Unit Owners' Association," or "Association" means all the Owners acting as a group in accordance with this Declaration and/or the Bylaws.

3. Statutory Requirements. The following information is provided pursuant to the provisions of Section 16 of the Condominium Act:

(a) Name. This condominium shall be known as "Court Street Condominiums."

(b) Location. This condominium is located at 103 Court Street, Dover, County of Strafford, State of New Hampshire.

(c) Description of Land. A legal description by metes and bounds of the Land submitted to the Condominium is contained in Exhibit A. The Land may be subject to easements for the benefit of adjacent developments.

(d) Description of Units.

(i) Buildings. This Condominium consists of a maximum of five (5) units. The Site Plan which depicts the condominium is recorded at the Strafford County Registry of Deeds as Plan #_____ and the Floor Plans are recorded as Plan # ____. The location and dimensions of the buildings are shown on the Site and Floor Plans.

(ii) Units. Each of the Units is hereby declared to be held in fee simple and may be retained, occupied, conveyed, transferred, encumbered, inherited, or devised in the same manner as any other parcel of real property independent of the other individual Units. Annexed hereto and made a part hereof as Exhibit B is a list of the Units, their respective identifying numbers or Unit designations, and the Undivided Percentage Interests in the Common Area appurtenant to each.

(iii) Each Owner shall own an equal, undivided interest in the Common Area. Subject to the provisions of this Declaration, each Owner may use the Common Area, excepting Limited Common Area, in accordance with the purposes for which it is intended, so long as he does not hinder or encroach upon the lawful rights of the other owners or otherwise violate the provisions hereof or of any Residency Regulations adopted pursuant to said provisions.

Notwithstanding the above provisions, the Declarant shall have and exercise the voting rights for any units which remain titled in the name of the Declarant, or which are proposed to be constructed in future phases regardless of whether those phases have been commenced or completed.

(iv) Unit Boundaries:

The boundaries of each Unit with respect to floors, ceilings, walls, doors, and windows thereof are as follows:

(A) Floors: The upper surface of the subflooring.

(B) Ceilings: The plane of the upper surface of the wallboard, plasterboard or plaster of which the ceilings are constructed.

( C) Interior Building Walls between Units: The plane of the surface facing such unit of the wall studs.

(D) Exterior Building Walls, Doors and Windows: As to exterior walls, the plane of the interior surface of the wall studs; as to doors providing access and egress to the unit, the plane of the exterior surface thereof; and as to windows and doors containing glass, the plane of the exterior surfaces of the window and panel frames.

Except as provided herein:

(1) Interior walls, floors or ceilings are designated as boundaries of a Unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finish flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the Unit and all other portions of the walls, floors, or ceilings are a part of the Common Area.

(2) If any chute, flue, duct, wire, conduit, bearing wall, bearing column, or any other fixture which lies partially within and partially outside the designated boundaries of a Unit, any portion thereof serving only that Unit is a Limited Common Area allocated solely to that Unit, and any portion thereof serving more than one Unit or any portion of the Common Area is a part of the Common Area.

(3) Subject to the provision of paragraph (2), all spaces, interior partitions, and other fixtures and improvements within the boundaries of a Unit are a part of the Unit.

(4) Any doorsteps, balconies, patios, and all exterior doors and windows or other fixtures designed to serve a single unit, but located outside the Unit's boundaries, are Limited Common Areas allocated exclusively to that Unit.

(e) Description of Common Area and Limited Common Area.

(i) Common Area. Common Area consists of the entire property other than the Units and includes, but not by way of limitation: the Land, the walks, private driveway. mail kiosk, landscaping, shrubbery and other plantings, and other land and interests in land included and described in Exhibit A hereto, sewage disposal, stormwater system including drainage features, electrical, telephone, and other utility systems serving the condominium to the extent said systems are located within the Property and are not owned by the supplier of the utility service (but not including any portions thereof servicing a single Unit and contained within a Unit); and the pipes, ducts, chutes, conduits, plumbing, wires, meters, meter housings, and other facilities for the furnishing of utility services or waste removal located within a Unit, which serve parts of the condominium other than the Unit within which they are located, and also those located within the yard areas, the roofs, foundations, bearing walls, bearing columns, and other structural portions of the buildings; the perimeter walls, ceilings, the floors bounding each Unit to the unfinished interior surfaces thereof and other walls which are not within a Unit; any other amenities constructed or to be constructed on the Land; and all other parts of the Condominium, including personal property acquired by the Association, necessary or convenient to its existence, maintenance and safety, or normally in common use, and including any easements serving the Property set forth in Exhibit A hereto.

(ii) Limited Common Area. Certain decks, patios, storage areas, and parking spaces are Limited Common Area, being reserved for the exclusive use of the Unit to which they are adjacent or assigned. Each unit shall have the use of two parking spaces. A handicap parking space may be used for non-handicap visitor parking. Designations of the aforementioned Limited Common Area or of any other Limited Common Area shall be shown on the Plans. Each Limited Common Area is owned in common by all of the Owners, but is restricted to the use and benefit of the Unit or Units which it services. No other structures within the limited common area (other than the residential unit, garage, and related decks, porches, driveways, and similar attachments) shall be constructed without the prior permission of the Board of Directors of the Association.

(iii) Use. The use of the Common Area shall be limited to the owners in residence and to their tenants in residence, and to their guests. The use of each Limited Common Area shall be further restricted to the Owner of the Unit to which it is appurtenant, to his tenants in residence, and to his guests. The use, including responsibilities for maintenance and repair, of the Common Area and Limited Common Area shall be governed by the Bylaws and by the Rules as adopted and amended from time to time by the Board of Directors of the Association.

(f) Reassignment of Limited Common Area. Limited Common Area may be reassigned pursuant to Section 19 of the Condominium Act. Pursuant to RSA 356-B:16, I (f), the Declarant reserves the right to designate additional limited common areas by amendment to this Declaration at any time prior to conveyance of any Unit.

(g) Allocation of Percentage Interests. All Units will have an equal Undivided Percentage Interest in the Common Area.

(h) Statement of Purpose and Restrictions on Use. The Condominium and each of the Units are primarily intended for residential use and the following provisions, together with the provisions of the Bylaws and the Rules, are in furtherance of this purpose:

(i) Residential Use; Limitation. Each Unit shall be occupied and used only for residential purposes by the Owner and his family, or by tenants and guests of the Owner, except for such limited professional use as the Association, upon application of the Owner, from time to time may authorize as not being incompatible with the residential character of the Condominium. This restriction shall not be construed to prohibit Owners from leasing their Units so long as the Lessees thereof occupy and use the leased premises in accordance with the provisions of this Declaration, and any rules and/or regulations adopted by the Board of Directors of the Association. Any lease shall be for a minimum term of not less than thirty (30) days.

(ii) Easement to Facilitate Completion and Sales. Declarant shall be deemed to be the Owner of any Units which have not been sold and conveyed. Declarant and its duly authorized agents, representatives, and assigns may make such reasonable use of the Condominium as may facilitate the sale and conveyance, including, without limiting the generality of the foregoing, the right to enter all Units and Common Area for construction purposes, and the right to store materials, the maintenance of a sales office and a rental office, the showing of property, and the displaying of signs. In addition, the Declarant and its duly authorized agents, representatives, and employees shall have the right to use any and all unsold and un-conveyed Unit or Units as sales offices and/or model units. Such Units shall be Units within the meaning of this Declaration and the Condominium Act, and not parts of the Common Area. The Declarant shall have the absolute right to convey or lease such Units. Further, the Declarant reserves the right to enter into certain agreements with other Unit Owners who may agree to lease their Units to the Declarant for use by the Declarant as model units and/or sales offices.

(iii) Easement for Structural Encroachments. None of the rights and obligations of the Owners created herein, or in any deed conveying a Condominium Unit from the Declarant to a purchaser thereof, shall be altered in any way by encroachments as a result of construction of any structures or due to settling or shifting of structures. There shall be valid easements for the maintenance of such encroachments so long as they shall exist; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Owners if said encroachment occurred due to the willful conduct of said Owner or Owners.

(iv) Occupancy Limitation. No Unit in any building shall be leased, sold, or occupied until the Owner thereof shall have received an occupancy permit for the Unit in accordance with the Zoning Ordinance and Building Code of the City of Dover.

(v) Pipes, Ducts, Cables, Wires, Conduits, Public Utility Lines, and Other Common Area Located Inside of Units, Support. Each Unit Owner shall have an easement in common with the Owners of all other Units to use all pipes, wires, ducts,

cables, conduits, public utility lines, and other Common Area located in any of the other Units and serving his Unit. Each Unit shall be subject to an easement in favor of the Owners of all other Units to use the pipes, ducts, cables, wires, conduits, public utility lines, and other common Area serving such other Units and located in such Unit. The duly authorized representative of the Association shall have a right of access to each Unit to inspect the same, to remove violations therefrom, and to maintain, repair, or replace the Common Area contained therein or elsewhere in the building. Every portion of a Unit which contributes to the structural support of a building shall be burdened with an easement of structural support for the benefit of all other Units and the Common Area.

(vi) Owners Subject to Declaration, Bylaws, and Rules and Regulations. All present or future Owners, tenants, and occupants of Units, or any other person who might use the facilities of the Property in any manner are subject to the provisions of this Declaration, the Bylaws, and the Rules. The acceptance or the entering into occupancy of any Unit shall constitute an agreement that the provisions of this Declaration, the Bylaws, and the Rules, as they may be lawfully amended from time to time, are accepted and ratified by such Owner, tenant, or occupant, and all of such provisions shall be deemed and taken to be enforceable servitudes and covenants running with the land and shall bind any person having at any time any interest or estate in such Units, as though such provisions were recited and stipulated at length in each and every deed of conveyance or lease thereof.

The Declaration, Bylaws, and Rules to be adopted by the Board of Directors of the Association, and the decisions and resolutions of the Association, or its representatives, as lawfully amended from time to time, all contain, or will contain certain restrictions as to use of the Units or other parts of the Condominium. Each Owner shall comply therewith and failure to comply with any such provisions, decision, or resolution shall be grounds for an action by the Association or any Unit Owner to recover sums due, for damages or for injunctive relief. All such actions in law or in equity by the Association shall be authorized by resolution of the Board of Directors, and the Association or Unit Owner shall be entitled to recover all reasonable costs and expenses of such actions, including attorneys' fees, as more particularly set forth in Article XII of the Bylaws.

(vii) Condominium Subject to Easements for Ingress and Egress and Use. Subject to the provisions of this Declaration, including, without limitation, Paragraph 4 hereof, the Bylaws and the Condominium Act, each Unit Owner shall have an easement in common with the Owners of all other Units for ingress and egress through, and use and enjoyment of, all Common Area. Each Unit shall be subject to an easement for ingress and egress through, and use and enjoyment of, all Common Area by persons lawfully using or entitled to the same.

(viii) Property Subject to Covenants, Easements, and Restrictions of Record. The submission of the Property is subject to all covenants, conditions, easements, and restrictions of record, including without limitation those which are set forth or referred to in Exhibit A.

(ix) Reservation of Utility Easements. The Declarant reserves on behalf of itself and the Association and their successors and assigns, perpetual easements over all Units and the Common Area for the installation, construction, reconstruction, maintenance, repair, operation, and inspection of all utility services necessary or desirable in connection with operation of the Condominium, including, without limitation, water, sewage disposal, telephone, heating and air conditioning, gas, cable television and electrical systems, all for the benefit of the respective Owners of the Condominium, which reservation includes the right to convey such easements directly to suppliers and/or distributors of such utility services.

(x) No Subdivision or Partition. No Unit may be divided or subdivided into a smaller Unit; no Unit or portion thereof shall be added to or incorporated into another Unit. The Common Area shall remain undivided and no Unit Owner or any other person shall bring any action for partition or division thereof; nor shall the Common Area be abandoned by act or omission, unless the Condominium shall be terminated pursuant to the Condominium Act.

(xi) No Harmful or Offensive Use of Condominium. No harmful or offensive use shall be made of any part of the Condominium and nothing shall be done therein which is or will become in the judgment of the Association an annoyance or nuisance to the other Unit Owners. No use shall be made of any part of the Condominium which will constitute a fire hazard, result in the cancellation of insurance on any part of the Condominium, or be in violation of any law, ordinance, or governmental regulation applicable thereto. No use shall be made of any part of the Condominium which would increase the rate of insurance on the Common Area without the prior written consent of the Association.

(xii) Determination of Action Following Casualty Damage. In the event of damage to any portion of the Condominium by fire or other casualty, the proceeds of the master casualty policy shall, pursuant to Section 43, III of the Condominium Act, be used to repair, replace, or restore the structure or Common Area damaged, unless the Unit Owners vote to terminate the Condominium pursuant to Section 34 of the Condominium Act. The Board of Directors of the Association are hereby irrevocably appointed the agent for each Owner of a Unit and for each mortgagee of a Unit and for each Owner of any other interest in the Condominium to adjust all claims arising under such policy, or otherwise resulting from such damage, and to execute and deliver releases upon the payment of claims; and proceeds of insurance shall be payable to COURT STREET Condominiums Unit Owners' Association, the Unit Owners, or any mortgagees as their interests may appear. The procedure for reconstruction and repair is set forth in Article VI of the Bylaws.

(xii) Garbage. Garbage, trash and refuse may be removed at suitable regular intervals as directed by the Board of Directors of the Association. No dumping or burning of garbage, trash or refuse shall be permitted on condominium property. No garbage, trash or refuse may be stored in such a manner that may cause same to be

transferred off-site by natural causes such as rain, wind, etc. All containers for garbage, trash and refuse shall be kept under cover from view or screened from view, except for a reasonable time before removal.

(xiv) Antennas. No unit owner shall erect, install, or maintain any outside television and/or radio antennas or satellite dish. Windmills are not permitted on any part of the condominium property. No unit may have solar panels individually. The Association may approve a common solar panel system for the benefit of all, or a portion of, units, if located in the Common Area.

(xv) Recreational Vehicles. Recreational vehicles including, but not limited to, boats, trailers, campers, motor homes, snowmobiles, all-terrain vehicles, etc. shall not be allowed on any part of the Condominium property.

(xvi) Exterior Lighting. No Unit Owner shall install any exterior lighting on any Unit or change the original exterior light fixtures installed by the Declarant.

(xvii) Size of Residence: Residential Units 2, 3, 4, and 5 are the units created through the transfer of development rights, and shall not be constructed or reconstructed with more than 1,400 square feet of total living area, excluding garages, basements, and porches, as long as they remain unfinished. Residences shall remain single-family. Pursuant to City of Dover Zoning Ordinance Section 170-27.2.G(iii) as amended.

(i) RSA 356-B:41 - Upkeep of Condominium - Warranty Against Structural Defects.

(i) Except to the extent otherwise provided by the condominium instruments, all powers and responsibilities with regard to maintenance, repair, renovation, restoration, and replacement of the condominium shall belong (a) to the individual unit owners' Association in the case of the common areas, and (b) to the individual unit owner in the case of any unit or any part thereof. Each unit owner shall afford to the unit owners' association and to any of its agents or employees such access through his unit as may be reasonably necessary to enable them to exercise and discharge their respective powers and responsibilities. But to the extent that damage is inflicted upon the common areas or any unit through which access is taken, the unit owner causing the same, or the unit owners' association if it has caused the same, shall be liable for the prompt repair thereof.

(ii) Notwithstanding any provision to the contrary, the declarant shall warrant or guarantee, against structural defects, each of the units for one (1) year from the date each is conveyed, and all of the common areas for one (1) year from the date of completion

of the common area. The one year referred to in the preceding sentence shall begin as to each of the common areas whenever the same has been completed or if later, (a) as to any common area within any additional land or portion thereof, at the time the first unit therein is conveyed. For the purposes of this paragraph, no unit shall be deemed conveyed unless conveyed to a bona fide purchaser. For the purposes of this paragraph, structural defects shall be those defects in components constituting any unit or common area which reduce the stability or safety of the part of the structure below accepted standards or restrict the normal intended use of all or part of the structure and which require repair, renovation, restoration or replacement. Nothing in this paragraph shall be construed to make the declarant responsible for any items of maintenance relating to the units or common areas.

4. Amendment of Declaration. Except as otherwise provided in the Condominium Act and in this Declaration and Bylaws, this Declaration and Bylaws may be amended by agreement of at least two- thirds of the Owners; provided, however, that (i) any such amendment shall be executed by such two-thirds of the Owners or by the President and Treasurer of the Association accompanied by a Certificate of Vote of the Clerk; (ii) evidence of such amendment shall be duly recorded at the Registry pursuant to Section 34, IV of the Condominium Act; (iii) so long as the Declarant owns one or more Units, no amendment to the Declaration shall be adopted that could interfere with the construction, sale, lease, or other disposition of such Unit(s); (iv) no such amendment shall be contrary to the provisions of the Condominium Act; (v) no such amendment shall affect any rights reserved to the Declarant herein or in the Bylaws without the written consent of the Declarant; (vi) any amendment of material nature as defined in Section 402.02 of FNMA Lending documents dated January 1, 1983, shall have been approved in writing by fifty-one (51%) percent of the mortgagee or mortgagees holding first mortgages on Units; and (vii) any such amendment shall not be contrary to any provisions of the City of Dover Zoning Ordinance and Building Code or Subdivision Regulations.

5. FNMA/FHLMC Compliance. Notwithstanding anything to the contrary elsewhere in the Condominium Instruments, the following provisions shall govern and be applicable insofar and for so long as the same are required in order to qualify mortgages of Units in the Condominium for sale to the Federal Home Loan Mortgage Corporation (FHLMC) or the Federal National Mortgage Association (FNMA) or the Federal Housing Administration (FHA) under the laws and regulations applicable thereto.

(a) Any holder, insurer, or guarantor of a first mortgage on a Unit in the Condominium shall, upon written request, be entitled to written notification from the Association of any of the following (holders of first mortgages who have submitted such written requests will be referred to as “Eligible Mortgage Holders”):

(i) A condemnation or loss which affects a material portion of the Property of such Unit on which such first mortgagee holds a first mortgage lien;

(ii) Any sixty (60) day delinquency in the payment of assessments or charges owed by a mortgagor of such Unit;

(iii) Any lapse, cancellation, or material modification of any insurance policy or fidelity bond maintained by the Association;

(iv) Any action for which the consent of Eligible Mortgage Holders is required pursuant to this Declaration;

(b) Any first mortgagee of a Unit in the Condominium who obtains title to the Unit pursuant to the remedies provided in the mortgage, or foreclosure of the mortgage, or deed (of assignment) in lieu of foreclosure, shall take the property free of any claims for unpaid assessments or charges against the mortgaged Unit which accrue prior to the acquisition of title of such Unit by the mortgagee.

(c) Unless at least fifty-one (5l%) percent of the Eligible Mortgage Holders (based upon votes appurtenant to Units subject to such mortgages) have given their prior written approval, the Owners and the Association shall not be entitled to: (i) by act or omission, seek to abandon or terminate the Condominium project; (ii) change the Percentage Interests or obligations of any Unit for purposes of (a) levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards or (b) determining the pro rata share of ownership of each Unit in the Common Area; (iii) partition or subdivide any Unit; (iv) by act or omission, seek to abandon, partition, subdivide, encumber, sell, or transfer, the Common Area (the granting of easements for public utilities or for other public purposes consistent with the intended use of the Common Area by the Declarant or the Association shall not be deemed a transfer within the meaning of this clause); (v) use hazard insurance proceeds for losses to the Property (whether to Units or to Common Area) for other than the repair, replacement, or reconstruction of such Property; or (vi) amend, modify, or otherwise change any material rights or obligations under this Declaration or the Bylaws. In the case of termination of the Condominium for any reason other than substantial destruction or condemnation, prior written approval of sixty-seven (67%) percent of Eligible Mortgage Holders shall be required.

(d) The Board of Directors of the Association shall assure that its books, records, and financial statements, as well as current copies of the Declaration, Bylaws, and Rules are available for inspection by Unit Owners or holders, insurers, or guarantors of first mortgages on Units during normal business hours or under other reasonable circumstances.

(e) An adequate operating fund and a reserve fund for maintenance, repairs, and replacements of any Common Area which must be replaced on a periodic basis shall be

established by the Association and shall be funded by regular monthly payments rather than by special assessments.

(f) No provision of this Declaration, the Bylaws, or the Rules shall be construed to grant to any Unit Owner, or to any other party, any priority over any rights of first mortgagees of the Condominium Units pursuant to their mortgages in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to, or a taking of, Units and/or the Common Area or any portions thereof.

(g) This Declaration and the Bylaws contain provisions concerning various rights, priorities, remedies, and interests of first mortgagees of Units. Such provisions are to be construed as covenants for the protection of such mortgagees on which they may rely in making loans secured by mortgages on the Units. Accordingly, any Owner who gives a first mortgage on his Unit shall notify the Association of the name and address of the first mortgagee of such Unit. All mortgagees with respect to which the Association has received such notice shall be given written notice of any damage or loss where the cost of restoring the Common Area exceeds Ten Thousand ($10,000.00) Dollars, and the first mortgagee of a Unit shall be given written notice of damage or loss to the Unit covered by its mortgage where the cost of restoration of such damage or loss exceeds One Thousand ($1,000.00) Dollars, the Association is made aware of such damage or loss, and notice of such mortgage has been supplied to the Association.

(h) If FHLMC or FNMA or FHA holds any interest in one or more mortgages of Units:

(i) The Association shall be required to obtain and maintain, to the extent obtainable, and permitted by applicable law, such insurance other than that which may be required by Article VI of the Bylaws, in such amounts and containing such terms, as may be required from time to time by FHLMC, FNMA, or FHA, including, but not limited to, dishonest acts on the part of the officers of the Association, employees, or volunteers responsible for handling the Association's funds. All such insurance shall provide that an adjustment of loss shall be made by the Association and if FHLMC, FNMA, or FHA holds any interest in one or more mortgages on Units, all such policies shall be in such amounts and contain such terms as may be required from time to time by whichever of FHLMC, FNMA, or FHA (or all) holds such interests.

(ii) Whenever any Unit and/or Common Area is damaged by fire or other hazard, the Association shall give notice to such persons as may be required by FHLMC or FNMA.

(iii) Any holder, insurer, or guarantor, or grantor of a first mortgage on any Unit shall be entitled to have the Association provide a copy of the audited financial statement for the immediate preceding fiscal year of the Association. If no such audited statement exists, the requesting party is entitled to have an audited statement prepared at its own expense, or at its option to receive a copy of any unaudited statement. Upon such

request, the Association must provide the financial statement to the requesting party within a reasonable time.

6. No Revocation or Partition. The Common Area shall remain undivided and no Unit Owner or any other Person shall bring any action for partition or division thereof, nor shall the Common Area be abandoned by act or omission, unless the Condominium is terminated pursuant to Section 34 of the Condominium Act.

7. Invalidity. It is the intention of the Declarant that the provisions of this Declaration are severable so that if any provision, condition, covenant, or restriction hereof shall be invalid or void under any applicable federal, state, or local law or ordinance, the remainder shall be unaffected thereby. In the event that any provision, condition, covenant, or restriction hereof is, at the time of recording this Declaration, void, voidable, or unenforceable as being contrary to any applicable law or ordinance, the Declarant, its successors and assigns, and all persons claiming by, through, or under this Declaration, covenant and agree that any future amendments or supplements to the said laws having the effect of removing said invalidity, voidability, or unenforceability, shall be deemed to apply retrospectively to this Declaration thereby operating to validate the provisions of this instrument which otherwise might be invalid, and it is covenanted and agreed that any such amendments and supplements to the said laws shall have the effect herein declared as fully as if they had been in effect at the time of this instrument.

8. Waiver. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same (except where a right is dependent upon notice to be given within a specified period), irrespective of the number of violations or breaches which may occur.

5 Sherman Street, LLC, Declarant, By

Knox Marsh Development, LLC

_____ By: _____
Witness DAVID PAOLINI, Member

_____ By: _____
Witness ROBERT BALDWIN, Member

Long Sands Construction Holdings, LLC

_____ By: _____

Witness

JOHN T. O'NEILL, as Trustee of the John T. O'Neill Revocable Trust, Member

_____
Witness

By: _____
BRIAN R. O'NEILL, Member

_____
Witness

By: _____
SCOTT J. O'NEILL, Member

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared DAVID PAOLINI, in his capacity as Member of Knox Marsh Development, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared ROBERT BALDWIN in his capacity as Member of Knox Marsh Development, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared JOHN T. O'NEILL, as Trustee of the John T. O'Neill Revocable Trust, in his capacity as Member of Long Sands Construction Holdings, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed as Trustee, on behalf of the company, before me,

_____
Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE

COUNTY OF STRAFFORD _____, 2024

Personally appeared BRIAN R. O'NEILL, as Member of Long Sands Construction Holdings, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD _____, 2024

Personally appeared SCOTT J. O'NEILL, as Member of Long Sands Construction Holdings, LLC and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of the company, before me,

Notary Public
My Commission Expires:

**TRASH MANAGEMENT PROTOCOL**
**BACKYARD COTTAGE CONDOMINIUM ASSOCIATION**

**Introduction**
The following protocol outlines the procedures and guidelines for trash management within the Backyard Cottage Condominium Association. Each unit will be provided with one designated trash bin (toter), and a private trash collection service will pick up the bins on a weekly basis. This protocol is intended to maintain cleanliness, ensure timely trash collection, and minimize disruption to residents while preventing critter-related issues.

---

**1. Trash Bins**

1. **Designated Bins**:
   Each unit will be provided with one trash bin. The bins are the property of the HOA and are to be used exclusively for the disposal of household waste.
2. **Bin Identification**:
   All bins will be clearly marked with unit numbers or addresses to ensure they remain associated with the correct unit. Unit owners are responsible for keeping their bins in good condition and free from graffiti or damage.
3. **Replacement of Bins**:
   If a trash bin is lost, stolen, or damaged beyond normal wear and tear, the unit owner must report this to the HOA. The HOA will coordinate with the trash collection service to provide a replacement bin. Any replacement cost due to negligence or improper care may be charged to the unit owner.

---

**2. Trash Pickup Schedule**

1. **Pickup Day**:
   The designated trash collection service will pick up trash bins once a week. The specific day of the week for pickup will be determined by the HOA and communicated to all unit owners.
2. **Time for Placement of Bins**:
   Bins should be placed at the curb or in the designated pickup area no earlier than 6:00 PM the evening before the scheduled collection day, and no later than 7:00 AM on the day of collection.
3. **Bin Retrieval**:
   After collection, bins must be returned to each unit's designated storage area by 8:00 PM on the day of pickup. Bins left on the curb or in common areas beyond this time may result in fines or penalties as outlined in the HOA rules.

---

**3. Trash Bin Storage and Placement**

1. **Designated Storage Areas**:
   When not in use, trash bins must be stored in each unit's designated storage area, or designated exterior area.

2. **Proper Placement for Pickup**:
   On pickup days, bins must be placed in the designated collection area (curb or driveway entrance) in a way that does not obstruct pedestrian pathways, driveways, or roadways. Ensure that lids are closed to prevent spillage.

3. **Overflow Trash**:
   Trash should fit within the bin with the lid closed. Overflow trash, extra bags, or large items placed beside the bin will not be collected unless special arrangements have been made with the trash collection service. Unit owners are responsible for arranging bulk trash pickup if needed.

---

**4. Preventing Critter Access to Trash Bins**

1. **Securing Lids**:
   To prevent critters such as raccoons, rodents, and other animals from accessing the trash, lids must be tightly secured after each use. Ensure the lid is closed completely, especially when bins are stored outside.

2. **Using Critter-Proof Bins or Latches**:
   If critter activity is an issue, the HOA may suggest or require the use of critter-proof bins or latches to secure the lids. Unit owners should consider purchasing clips or other mechanisms to make their bins more secure if necessary.

3. **Smell Reduction**:
   To reduce odors that may attract animals, trash should be placed in sealed bags before being put into the bin. Avoid placing food waste directly into the bin without being properly bagged.

4. **Location of Storage**:
   Bins stored outside should be placed in a location that is less visible or accessible to critters, such as a side yard or an enclosed area. If possible, bins should be kept in a garage or other secure structure.

---

**5. Acceptable and Non-Acceptable Waste**

1. **Acceptable Waste**:
   - General household waste.
   - Non-hazardous materials.
   - Bagged waste to prevent spillage.

2. **Non-Acceptable Waste**:
    - Hazardous materials (chemicals, batteries, paint, etc.).
    - Construction debris or large bulk items (e.g., furniture, appliances).
    - Yard waste or recyclables (if not covered by the trash collection service).
    - Sharp objects or medical waste not properly contained.

Unit owners must adhere to the guidelines provided by the trash collection service regarding the types of waste that are permitted for collection. Improper disposal of hazardous or restricted materials will result in fines and may lead to a suspension of trash services for the responsible unit.

# SITE DEVELOPMENT PLANS

# 103 COURT STREET

## 103 COURT STREET
## DOVER, NEW HAMPSHIRE

### LIST OF PLANS


T-1 - TITLE SHEET
T-2 - NEIGHBORHOOD PLAN
EX-1 - EXISTING CONDITIONS PLAN (1"=30')
SSS-1 - SITE SPECIFIC SOILS PLAN (1"=30')
SN-1 - STANDARD NOTES PLAN
C-1 - ROADWAY PLAN AND PROFILE (1"=20')
C-2 - ROADWAY PLAN AND PROFILE (1"=20')
C-3 - CROSS COUNTRY UTILITY PLAN (1"=20')
SP-1 - GENERAL SITE PLAN (1"=30')
SP-2 - SITE CONSTRUCTION PLAN (1"=20')
SP-3 - UTILITY PLAN (1"=20')
SP-4 - GRADING AND DRAINAGE PLAN (1"=20')
SP-5 - BIORETENSION DETAILS
SP-6 - STORMTECH PLAN
SP-7 - DRAINAGE DETAILS
SP-8 - CONSTRUCTION DETAILS
SP-9 - CONSTRUCTION DETAILS
SP-10 - CONSTRUCTION DETAILS
SP-11 - SEWER DETAILS
SP-12 - SEWER DETAILS
Li-1 - LIGHTING PLAN
La-1 - LANDSCAPE PLAN
La-2 - LANDSCAPE DETAILS
TR-1 - FIRE TRUCK TURNING PLAN



**OWNER / APPLICANT**
5 SHERMAN STREET, LLC.
242 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE

**CIVIL ENGINEER - SURVEYOR**
TRITECH ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE

**WETLAND & SOIL SCIENTIST**
HIGHLAND SOILS SERVICES
75 PROSPECT STREET
SOMERSWORTH, NEW HAMPSHIRE

**LANDSCAPE ARCHITECT**
TERRAIN
PLANNING & DESIGN LLC
31 KAST HILL ROAD
HOPKINTON, NEW HAMPSHIRE

**TRAFFIC ENGINEER**
TEPP, LLC.
93 STILES ROAD, SUITE 201
SALEM, NEW HAMPSHIRE



TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3830


ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

STATE OF NEW HAMPSHIRE - PROFESSIONAL ENGINEER - ROBERT STOWELL No. 9803

LICENSED LAND SURVEYOR - ROBERT STOWELL No. 891 - STATE OF NEW HAMPSHIRE

TITLE SHEET
**103 COURT STREET**
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 24101

SHEET No.
**T-1**

(P24-0012)




SHEET No.

T-2

NEIGHBORHOOD PLAN

# 103 COURT STREET

DOVER, NEW HAMPSHIRE

STRAFFORD COUNTY

OCTOBER 24, 2024 JOB No. 24101

SCALE: 1" = 60'

ISSUED FOR PLANNING BOARD REVIEW

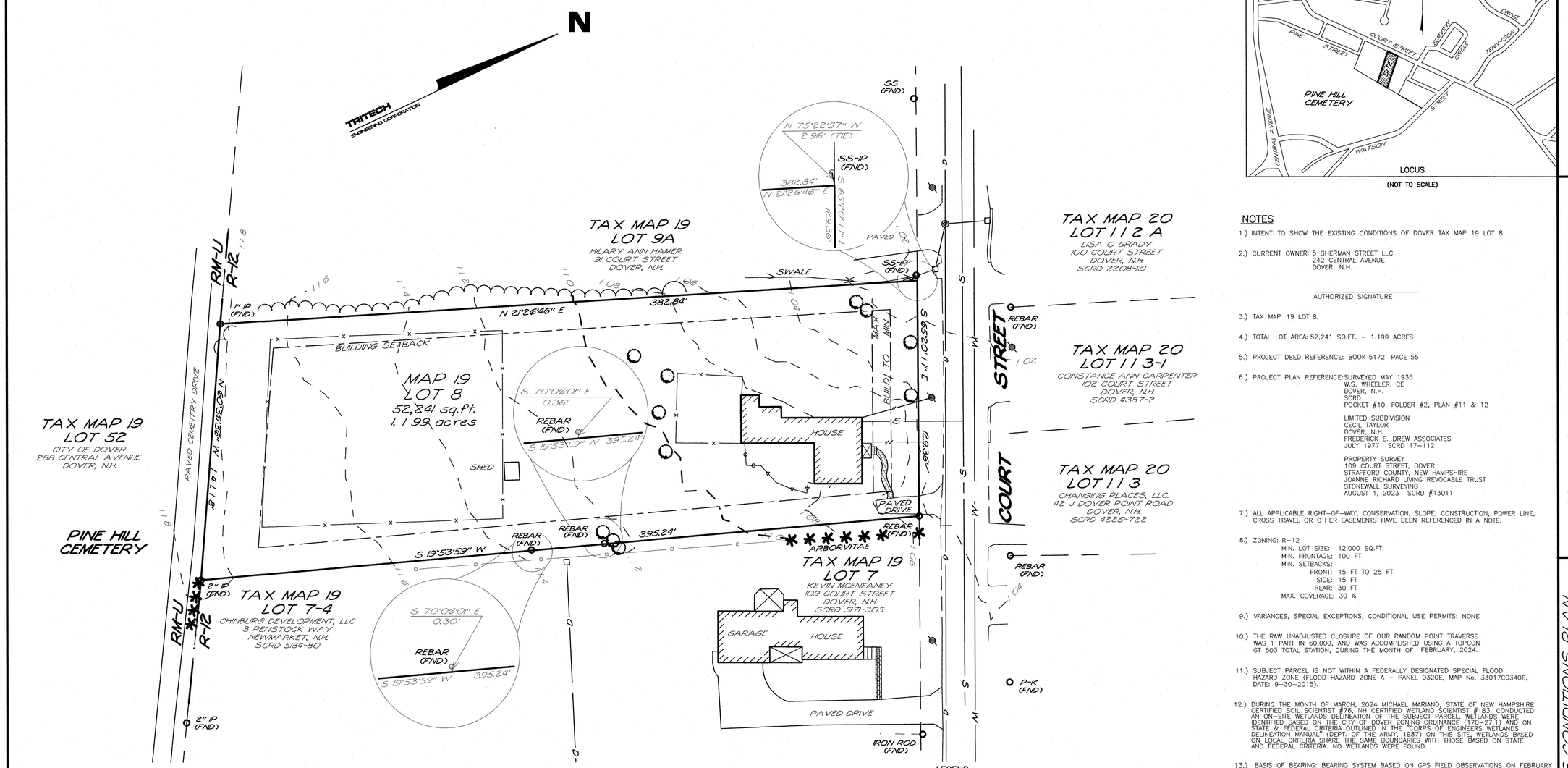
January 6, 2025

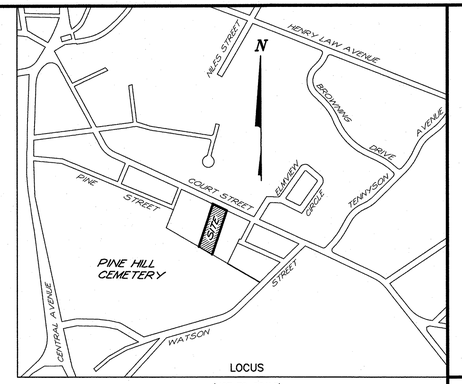
| REVISIONS | |
|---|---|
| DATE: | DESCRIPTION: |
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |

TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603 742 8107
FAX 603 742 3630





TRITECH
ENGINEERING CORPORATION
785 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3690


## NOTES

1.) INTENT: TO SHOW THE EXISTING CONDITIONS OF DOVER TAX MAP 19 LOT 8.

2.) CURRENT OWNER: 5 SHERMAN STREET LLC
242 CENTRAL AVENUE
DOVER, N.H.

AUTHORIZED SIGNATURE

3.) TAX MAP 19 LOT 8.

4.) TOTAL LOT AREA: 52,241 SQ.FT. – 1.199 ACRES

5.) PROJECT DEED REFERENCE: BOOK 5172 PAGE 55

6.) PROJECT PLAN REFERENCE: SURVEYED MAY 1935
W.S. WHEELER, CE
DOVER, N.H.
SCRD
POCKET #10, FOLDER #2, PLAN #11 & 12

LIMITED SUBDIVISION
CECIL TAYLOR
DOVER, N.H.
FREDERICK E. DREW ASSOCIATES
JULY 1977 SCRD 17-112

PROPERTY SURVEY
109 COURT STREET, DOVER
STRAFFORD COUNTY, NEW HAMPSHIRE
JOANNE RICHARD LIVING REVOCABLE TRUST
STONEWALL SURVEYING
AUGUST 1, 2023 SCRD #13011

7.) ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.

8.) ZONING: R-12
MIN. LOT SIZE: 12,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 15 FT TO 25 FT
SIDE: 15 FT
REAR: 30 FT
MAX. COVERAGE: 30 %

9.) VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS: NONE

10.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 60,000, AND WAS ACCOMPLISHED USING A TOPCON GT 503 TOTAL STATION, DURING THE MONTH OF FEBRUARY, 2024.

11.) SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A – PANEL 0320E, MAP No. 33017C0340E, DATE: 9-30-2015).

12.) DURING THE MONTH OF MARCH, 2024 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE. WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO WETLANDS WERE FOUND.

13.) BASIS OF BEARING: BEARING SYSTEM BASED ON GPS FIELD OBSERVATIONS ON FEBRUARY 16, 2024 USING TOPCON HIPER SR RECEIVERS AND OPUS CORRECTED ON FEBRUARY 19, 2024. DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC (2800 NH), (NAVD 88).

14.) LOCKE STREET (NOW KNOWN AS TRANQUILITY WAY) WAS CREATED BY "LAY OUT", BY THE DOVER CITY COUNSEL ON JULY 9, 1935 AND SHOWN ON SUBDIVISION PLAN BY W.S. WHEELER. THIS PART OF LOCKE STREET WAS NOT BUILT AND ABUTTING OWNERS OWN TO THE CENTER. NO FORMAL DISCONTINUANCE IS NEEDED PER LETTER OF THE CITY OF DOVER, DATED JUNE 12, 2001.

## LEGEND

- REBAR WITH ID CAP TO BE SET
- UTILITY POLE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- D — DRAIN LINE
- G — GAS LINE
- W — WATER LINE
- VINYL STOCKADE FENCE
- WOOD RAIL FENCE
- CHAIN LINK FENCE
- METAL RAIL FENCE
- SPECIMEN TREE
- ARBORVITAE

ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

| REVISIONS | |
|---|---|
| DATE: | DESCRIPTION: |
| 9-12-24 | REVISED PER TRC COMMENTS |

LICENSED LAND SURVEYOR
NO. 14
ROBERT P. STONEWALL
STATE OF NEW HAMPSHIRE

EXISTING CONDITIONS PLAN

**5 SHERMAN STREET LLC**

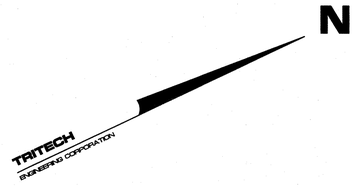
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

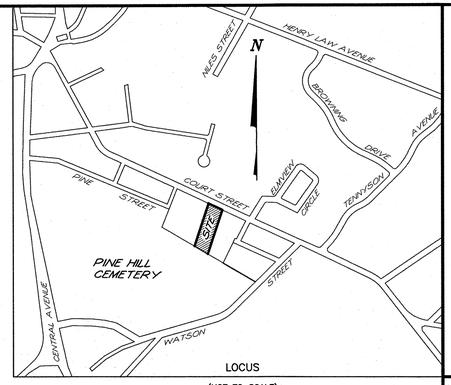
AUGUST 15, 2024 JOB No. 24101

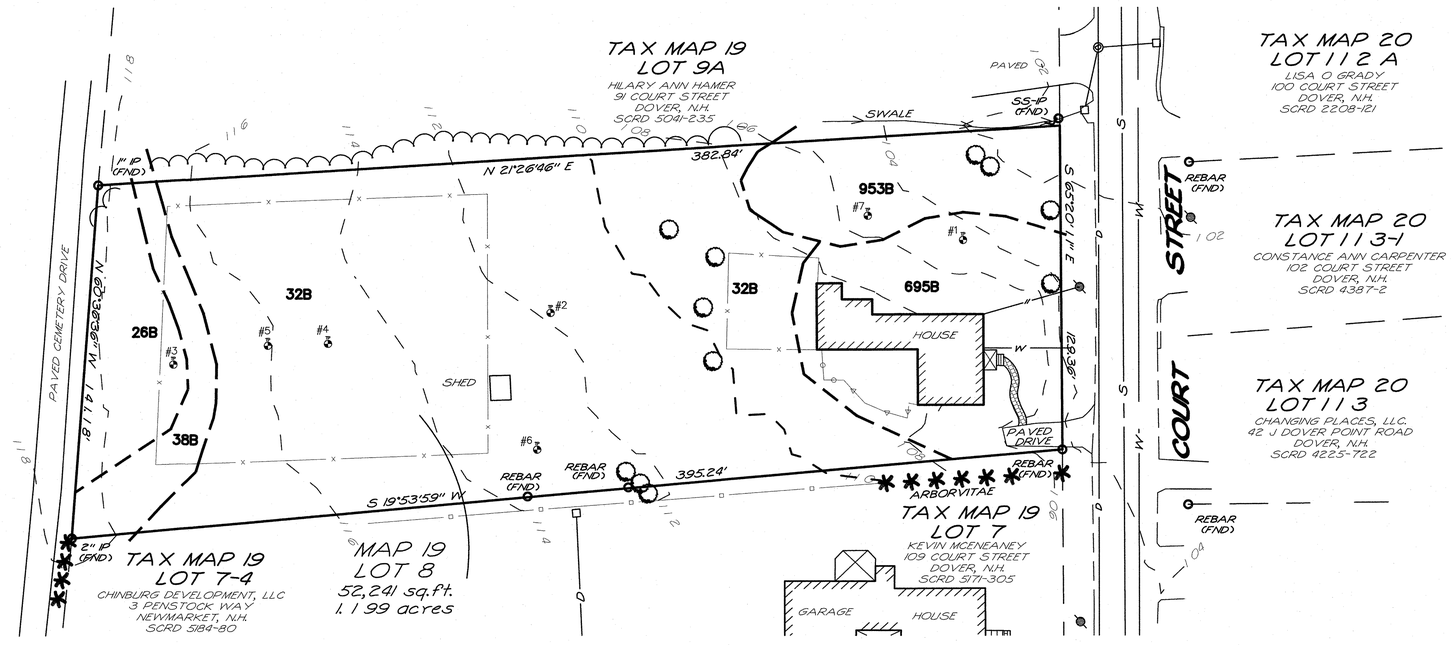
SCALE: 1" = 30'

SHEET No. **EX-1**

(P24-0012)




## SOILS NOTES

1.) SITE-SPECIFIC SOIL MAPPING STANDARDS FOR NEW HAMPSHIRE AND VERMONT. SSSNNE SPECIAL PUBLICATION NO. 3, VERSION 7.0, JULY 2021. THIS MAP PRODUCT IS WITHIN THE TECHNICAL STANDARDS OF THE NATIONAL COOPERATIVE SOIL SURVEY. IT IS A SPECIAL PRODUCT, INTENDED FOR THE SUBMISSION TO NH DES ALTERATION OF TERRAIN. IT WAS PRODUCED BY A PROFESSIONAL SOIL SCIENTIST AND IS NOT A PRODUCT OF THE USDA NATURAL RESOURCE CONSERVATION SERVICE.

2.) WETLANDS WERE INVESTIGATED IN FEBRUARY 2024 BY MICHAEL MARIANO, NH CERTIFIED WETLAND SCIENTIST #183 IN ACCORDANCE WITH THE 1987 U.S. ARMY CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE 2012 REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0. HYDRIC SOILS WERE IDENTIFIED BY FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4, MAY 2017. A ROUTINE DETERMINATION, AS DESCRIBED IN THE MANUAL, WAS FOLLOWED. NO WETLAND WERE FOUND.

TEST PITS WERE OBSERVED AND DESCRIBED IN FEBRUARY OF 2024.

## LEGEND

| | |
|---|---|
| 26 | WINDSOR |
| 32 | BOXFORD (MWD) |
| 38 | ELDRIDGE |
| 695 | BOXFORD (MWD) |
| | URBAN LAND COMPLEX |
| 953 | BOXFORD (SWPD) |

## SLOPE CLASS

| | |
|---|---|
| A | 0 - 3% |
| B | 3 - 8% |
| C | 8 - 15% |

LEGEND

- REBAR WITH ID CAP TO BE SET
- UTILITY POLE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- D — DRAIN LINE
- G — GAS LINE
- W — WATER LINE
- VINYL STOCKADE FENCE
- X — WOOD RAIL FENCE
- CHAIN LINK FENCE
- METAL RAIL FENCE
- SPECIMEN TREE
- ARBORVITAE

TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3830

ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS
DATE: DESCRIPTION:

NEW HAMPSHIRE - STATE OF - SOIL SCIENTIST - CERTIFIED
MICHAEL MARIANO
No. 76

SITE SPECIFIC SOILS PLAN
# 103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024 JOB No. 24101
SCALE: 1" = 30'

SHEET No.
SSS-1

(P24- )

## DOVER SITE PLAN REVIEW NOTES:

1. PLAN INTENT: TO FURTHER DEVELOP DOVER TAX MAP 19 LOT 8. THIS DEVELOPMENT WILL INCLUDE THE RENOVATION OF THE EXISTING SINGLE FAMILY HOUSE (1 BASE UNIT). THE DEVELOPMENT WILL ALSO INCLUDE THE CONSTRUCTION OF 4 SINGLE FAMILY SIZE RESTRICTED HOMES. TWO OF THESE HOMES WILL BE CONSTRUCTED UNDER THE TDR ORDINANCE. 2 BASE UNITS AND THE PURCHASE OF TWO SIZE RESTRICTED UNITS.

2. OWNERS OF RECORD: 5 SHERMAN STREET, LLC.
242 CENTRAL AVENUE
DOVER, N.H. 03820

3. THE PARCEL IS SHOWN AS:
LOT 8, MAP 19 OF THE CITY OF DOVER TAX ASSESSOR'S MAPS.

4. THE SUBJECT PARCEL CONTAINS 1.199 ACRES ( 52,241 SQ. FT.) OF LAND. 0 ACRES ARE CURRENTLY IN CURRENT USE.

5. TITLE REFERENCE FOR THE PROJECT PARCEL(S) IS THE STRAFFORD COUNTY REGISTRY OF DEEDS, BOOK NO. 5172, PAGE NO. 55.

6. REFERENCE PLANS:
SURVEYED MAY 1935, W.S. WHEELER, CE., DOVER, N.H., SCRD PO #10 FO #2 PLAN 11 & 12
LIMITED SUBDIVISION, CECIL TAYLOR, DOVER, N.H., FREDERICK E. DREW ASSOCIATES, JULY 1977, SCRD 17-112
PROPERTY SURVEY, 109 COURT STREET, DOVER, STRAFFORD COUNTY, NEW HAMPSHIRE, JOANNE RICHARD LIVING REVOCABLE TRUST, STONEWALL SURVEYING, AUGUST 1, 2023, SCRD #13011

7. ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL, OR OTHER EASEMENTS SHALL BE REFERENCED IN A NOTE AND SHOWN ON THE PLAN.

8. CURRENT ZONING DIMENSIONAL AND DENSITY REQUIREMENTS:

| | | |
|---|---|---|
| ZONING DISTRICT: | R-12 | |
| SUB-DISTRICT: | NONE | |
| ZONING OVERLAY DISTRICTS: | NONE | |
| DIMENSIONAL REQUIREMENTS: | | |
| | REQUIRED: | PROVIDED: |
| MINIMUM LOT SIZE: | 12,000 SQ. FT. | 12,000 SQ. FT. |
| MINIMUM LOT FRONTAGE: | 100 FT. | 100 FT. |
| MINIMUM YARD SETBACKS/BUILD-TO-LINES: | | |
| FRONT | 15 TO 25 FT. | 15 TO 25 FT. |
| SIDE | 15 FT. | 15 FT. |
| REAR | 30 FT. | 30 FT. |
| ABUT-A-STREET | 15 TO 25 FT. | 15 TO 25 FT. |
| MAXIMUM/MINIMUM LOT COVERAGE | 30% | 30 % |
| MINIMUM/MAXIMUM BLDG. HEIGHT | 35 FT. | 35 FT. |

9. OFF STREET PARKING REQUIREMENTS:

| | MAXIMUM: | PROVIDED: |
|---|---|---|
| PARKING DIMENSIONS: | 9'x18' | 9'x18' |
| AISLE DIMENSIONS: | 24' | 20' |
| MAXIMUM PARKING ALLOWED | 9 | 9 |
| ACCESSIBLE PARKING: | 1 | 1 |

10. SEE SHEET SP-1 FOR TDR BASE DENSITY CALCULATION THAT DETERMINE A BASE DENSITY OF 3 UNITS. THE PROJECT CONTAINS A TOTAL OF 5 UNITS. THE EXISTING HOUSE (1 UNIT). THE 4 NEW SINGLE FAMILY HOMES WILL BE SIZE RESTRICTED TO 1,400 SQ.FT. OF GROSS LIVING AREA PER UNIT. 2 OF THESE UNITS ARE BASE UNITS AND 2 UNITS WILL BE OBTAINED BY TDR.

11. VARIANCES OR SPECIAL EXCEPTIONS GRANTED BY THE ZONING BOARD OF ADJUSTMENT INCLUDING THE CASE NUMBER AND DATE OF DECISION AND ANY CONDITIONS ARE AS FOLLOWS: NONE GRANTED

12. CONDITIONAL USE PERMITS GRANTED BY THE PLANNING BOARD FOR THE PROPOSED USE OR STRUCTURE, INCLUDING THE CASE NUMBER AND DATE OF DECISION AND ANY CONDITIONS ARE AS FOLLOWS: NONE GRANTED

13. PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY TRITECH ENGINEERING CORPORATION IN FEBRUARY, 2024 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

14. AS-BUILT PLANS OF THE PROJECT SHALL BE SUBMITTED ON PAPER AND IN DIGITAL FORMAT AUTOCAD DWG, AUTOCAD DXF OR ESRI FORMAT TO THE CITY OF DOVER CITY ENGINEER'S OFFICE UPON COMPLETION OF PROJECT. AS-BUILT PLANS SHALL BE PREPARED AND CERTIFIED CORRECT BY A L.L.S. OR P.E. DIGITAL FILES SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.

15. SUBJECT PARCEL IS (IS NOT) LOCATED WITHIN A FEDERALLY DESIGNATED FLOOD HAZARD AREA (COMMUNITY PANEL NUMBER 33017C 0340E, EFFECTIVE DATE: SEPTEMBER 30, 2015.

16. TOPOGRAPHIC SURVEY PERFORMED BY TRITECH ENGINEERING CORPORATION DURING FEBRUARY 2024.

17. ELEVATIONS ARE BASED ON U.S.G.S. NVD 1988 DATUM.

18. WETLANDS WERE DELINEATED BY MICHAEL MARIANO, CERTIFIED WETLANDS SCIENTIST, CERTIFICATION NUMBER 183, IN ACCORDANCE WITH CHAPTER 170-27.1 OF THE ZONING ORDINANCE, IN MARCH, 2024. NO WETLANDS WERE OBSERVED.

19. THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION AND TELEPHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED.

20. THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND MUNICIPAL SEWER.

21. ALL CONSTRUCTION SHALL CONFORM WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" AND WITH THE CITY OF DOVER COMMUNITY SERVICES REGULATIONS AND STANDARD SPECIFICATION FOR CONSTRUCTION. THE MORE STRINGENT SPECIFICATION SHALL APPLY.

22. CONTRACTOR SHALL FOLLOW TO THE CONSTRUCTION SEQUENCING IDENTIFIED WITHIN THE PLANNING BOARD APPROVED PLAN SET. ANY DEVIATION FROM THAT SEQUENCING SHALL BE APPROVED BY THE CITY ENGINEER.

23. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY EARTH DISTURBANCE AND BE PROVIDED FOR CONSTRUCTION SEQUENCING INCLUDING TEMPORARY MEASURES.

24. CONTRACTOR SHALL FOLLOW THE PERMANENT STABILIZATION MEASURES SUCH AS LOAM SPREAD RATE FOR DISTURBED AREAS, RATES OF LIME, TYPE AND RATES FOR FERTILIZER, AND SEED AND MULCH MIXTURE WITH RATES OF APPLICATION AS NOTED WITHIN THE PLANNING BOARD APPROVED PLANS. ANY DEVIATION FROM THAT SEQUENCING SHALL BE APPROVED BY THE CITY ENGINEER.

25. THE LIMITS OF CONSTRUCTION DISTURBANCE THAT ARE LOCATED IN OR WITHIN THE 50 FT. OF CONSERVATION AND WETLAND DISTRICTS SHALL BE STAKED, FLAGGED AND CLEARLY IDENTIFIED PRIOR ANY EARTH DISTURBING ACTIVITY OCCURS.

26. ANY PERMANENT TREATMENT SWALES TO BE CONSTRUCTED SHALL HAVE SOD BOTTOMS.

27. A LETTER OF CREDIT FOR THE COST OF REVEGETATING ALL DISTURBED AREAS ON THE SITE SHALL BE SUBMITTED PRIOR TO COMMENCING EARTH DISTURBANCE.

28. A CITY ENGINEER APPROVED CONSTRUCTION SIGN SHALL BE INSTALLED PRIOR TO COMMENCING EARTH DISTURBANCE. SAID SIGNAGE MUST BE LOCATED AND APPROVED BY THE CITY ENGINEER OR PLANNING DIRECTOR.

29. A PRE-CONSTRUCTION CONFERENCE WITH THE DEVELOPER, THE DESIGN ENGINEER, THE EARTHWORK CONTRACTOR AND THE CITY ENGINEER SHALL OCCUR PRIOR TO ANY EARTH DISTURBING ACTIVITY.

30. HOURS OF SITE WORK MUST BE DOCUMENTED ON A SITE CONSTRUCTION SIGN ALONG WITH THE CONTACT INFORMATION FOR THE GENERAL CONTRACTOR. SITE CONSTRUCTION HOURS SHALL BE LIMITED TO MONDAY-FRIDAY 7 AM - 6 PM, NO SATURDAY OR SUNDAY. NO SITE WORK SHALL BE DONE ON FEDERAL HOLIDAYS.

31. BUILDING ADDRESSES, INCLUDING APT AND UNIT NUMBERS (IF APPLICABLE), SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.

32. THE PROPOSED USE FOR THE SITE IS SINGLE FAMILY RESIDENTIAL.

33. THE FOLLOWING FEDERAL AND STATE PERMITS HAVE BEEN ISSUED FOR THE SUBJECT PROPERTY: NONE

34. COMMERCIAL VEHICLE ROUTE DURING CONSTRUCTION SHALL CONFORM TO THE DOVER CITY CODE OR BE COORDINATED WITH THE COMMUNITY SERVICES DIRECTOR OR THEIR DESIGNEE.

35. ANY RETAINING WALL TALLER THAN FOUR FEET (4') REQUIRES ISSUANCE OF A BUILDING PERMIT FROM THE CITY OF DOVER INSPECTION SERVICES.

36. ANY FENCE TALLER THAN SEVEN FEET (7') REQUIRES THE ISSUANCE OF A BUILDING PERMIT FROM THE CITY OF DOVER INSPECTION SERVICES.

37. APPLICANT SHALL COMPLETE LAND USE DEVELOPMENT TRACKING FORM, MOST RECENTLY REVISED VERSION, UTILIZING THE ONLINE POLLUTION TRACKING AND ACCOUNTING PROJECT (PTAP) PORTAL PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY. HTTPS://EXTENSION.UNH.EDU/STORMWATER-CENTER/PTAP

38. THE OWNER OF RECORD SHALL RECORD, AT THE REGISTRY OF DEEDS, DOCUMENTATION SUFFICIENT TO PROVIDE NOTICE TO ALL PERSONS/ENTITIES THAT MAY ACQUIRE ANY PROPERTY SUBJECT TO THE REQUIREMENTS AND RESPONSIBILITIES DESCRIBED IN THE APPROVED STORMWATER MANAGEMENT PLAN. THE NOTICE SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS FOR RECORDING CONTAINED IN RSA 477 AND 478. THE NOTICE NEED NOT SET FORTH THE REQUIREMENTS AT LENGTH, SO LONG AS IT IS SUFFICIENT TO PROVIDE NOTICE TO PROSPECTIVE PURCHASERS TO THE REQUIREMENTS FOR MAINTENANCE AND REPORTING.

39. FIRE DEPARTMENT ACCESS ROAD(S) SHALL BE INSTALLED AND MAINTAINED, IN ACCORDANCE WITH ALL APPLICABLE CODES, TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS IN ALL WEATHER CONDITIONS AT ALL TIMES.

40. EXTERIOR LIGHTING SHALL BE CUT-OFF TYPE FIXTURES PER CHAPTER 153-14-E AND SHALL PROVIDE LIGHTING DIRECTED ON-SITE ONLY.

41. IF A BUSINESS ESTABLISHMENT OR MULTI-FAMILY DWELLING CONTAINED IN A NEW, ALTERED OR REPAIRED STRUCTURE, A SECURITY SYSTEM SHALL BE INSTALLED AS REQUIRED BY CHAPTER 45, ARTICLE I, SECTION 45-2 OF THE CODE OF THE CITY OF DOVER.

42. APPROVED BACKFLOW PREVENTERS SHALL BE PROVIDED FOR BOTH FIRE AND DOMESTIC WATER LINES.

43. THE (EXISTING OR PROPOSED) STRUCTURE SHALL BE SERVED BY A SPRINKLER SYSTEM, IF REQUIRED, BY CHAPTER 81- 30 OF THE CODE OF THE CITY OF DOVER AND THE ADOPTED STATE OF NH BUILDING AND FIRE CODES.

44. SPRINKLER CONNECTIONS MUST BE FLUSHED IN ACCORDANCE WITH NFPA 24 AND A CONTRACTOR'S MATERIAL AND TEST CERTIFICATE FOR UNDERGROUND PIPING FORM MUST BE COMPLETED AND APPROVED BY THE CITY OF DOVER INSPECTION SERVICES PRIOR TO CONNECTION OF THE BACKFLOW DEVICE.

45. FIRE DEPARTMENT CONNECTION(S) SHALL BE LOCATED ON THE STREET SIDE OF THE BUILDING PER NFPA 13. ACCESS TO THE FDC SHALL MAINTAIN A CLEAR AND UNOBSTRUCTED PATH AT ALL TIMES.

46. THE SITE LAYOUT IS DESIGNED IN COMPLIANCE WITH APPLICABLE ACCESSIBILITY REGULATIONS. THE PROPOSED STRUCTURE WILL BE ALSO BE DESIGNED IN ACCORDANCE WITH APPLICABLE ACCESSIBILITY REGULATIONS. (I.E. IBC, ANSI-117.1) AND NH RSA 155-A:5.

47. APPLICANT SHALL SUBMIT A LETTER CERTIFYING THE TIE IN LOCATIONS OR DISCHARGE POINTS FOR ALL SUMP PUMPS AND ROOF LEADERS FOR EXISTING STRUCTURES ON THE PROPERTY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

48. DESIGN ENGINEER OF RECORD OR SHALL PROVIDE SIGNED LETTER TO CITY ENGINEER CERTIFYING THAT THE STORMWATER MANAGEMENT SYSTEM HAS BEEN INSTALLED IN ACCORDANCE WITH APPROVED PLANS.

49. THE APPLICANT SHALL PROVIDE THE CITY OF DOVER AN EASEMENT TO ACCESS WATERLINE AND HYDRANTS TO MAINTAIN WATER QUALITY PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

## PLAN SET LEGEND

- WETLAND
- WETLAND BOUNDARY
- IRON PIPE
- UTILITY POLE
- TP — TEST PIT
- D — EXISTING STREET LIGHT
- G — EXISTING STONEWALL
- EXISTING 2 FT CONTOUR
- EXISTING 10 FT CONTOUR
- G — EXISTING GAS LINE
- W — EXISTING WATER LINE OR SERVICE
- EXISTING WATER SHUTOFF
- WV — EXISTING WATER GATE VALVE
- PROPOSED PROPERTY LINE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED EDGE OF GRAVEL
- 50 — PROPOSED CONTOUR
- PROPOSED HYDRANT
- W — PROPOSED END CAP WITH THRUST BLOCK
- PROPOSED WATER GATE VALVE
- WV — PROPOSED WATER SHUTOFF
- W — PROPOSED WATER LINE OR SERVICE
- PROPOSED VINYL STOCKADE FENCE
- U E&T — PROPOSED UNDERGROUND ELECTRIC & TELEPHONE
- PROPOSED OVERHEAD ELECTRIC & TELEPHONE
- PROPOSED ELECTRICAL TRANSFORMER
- PROPOSED ELECTRICAL JUNCTION BOX
- PROPOSED STREET LIGHT
- PROPOSED UTILITY POLE
- D — PROPOSED DRAIN LINE
- PROPOSED CATCH BASIN
- PROPOSED DRAIN MANHOLE
- UD — PROPOSED UNDERDRAIN
- PROPOSED FLARED END SECTION
- PROPOSED RIP RAP
- PROPOSED EASEMENT
- PROPOSED GUARDRAIL
- PROPOSED SILT FENCE OR SILT SOCK
- PROPOSED CONSTRUCTION FENCE
- PROPOSED SILT SOCK WITH ORANGE CONSTRUCTION FENCE OR ORANGE SILT FENCE
- PROPOSED STREET SIGN
- PROPOSED STOP SIGN
- PROPOSED STOP BAR
- PROPOSED STREET TREE
- PROPOSED TREELINE


TRITECH
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755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3690


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January 6, 2025

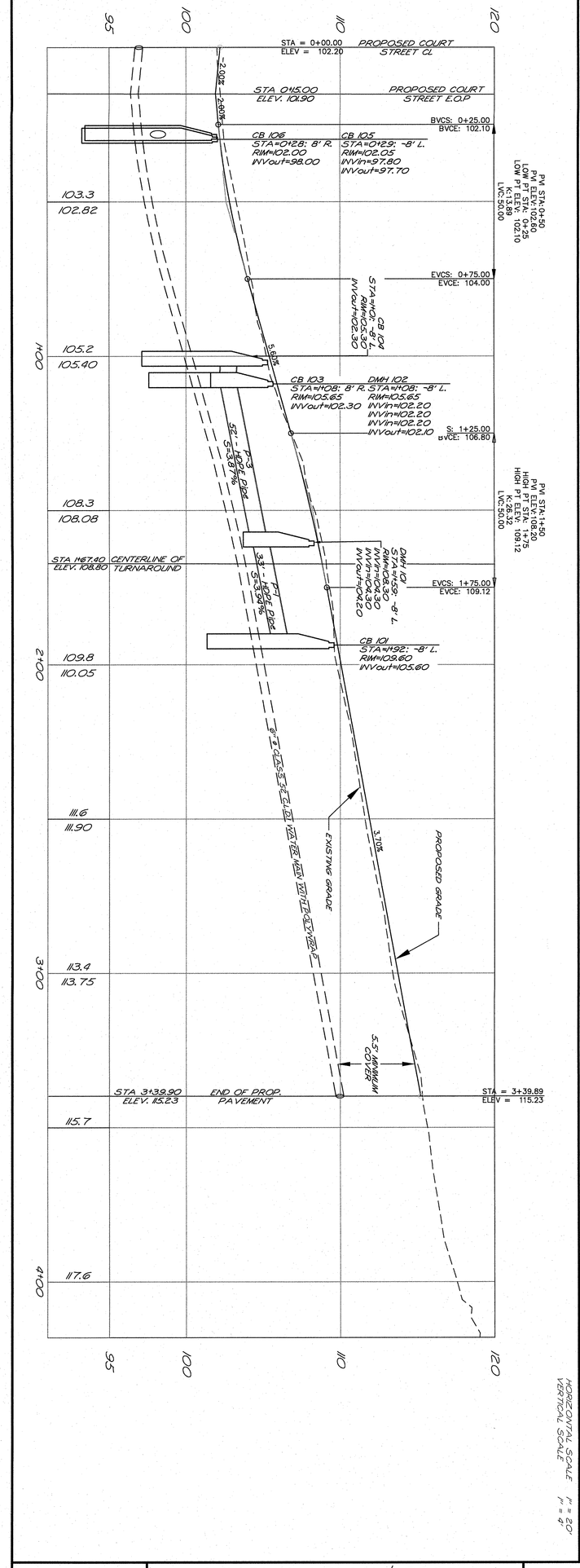
| REVISIONS | |
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| DATE: | DESCRIPTION: |
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |

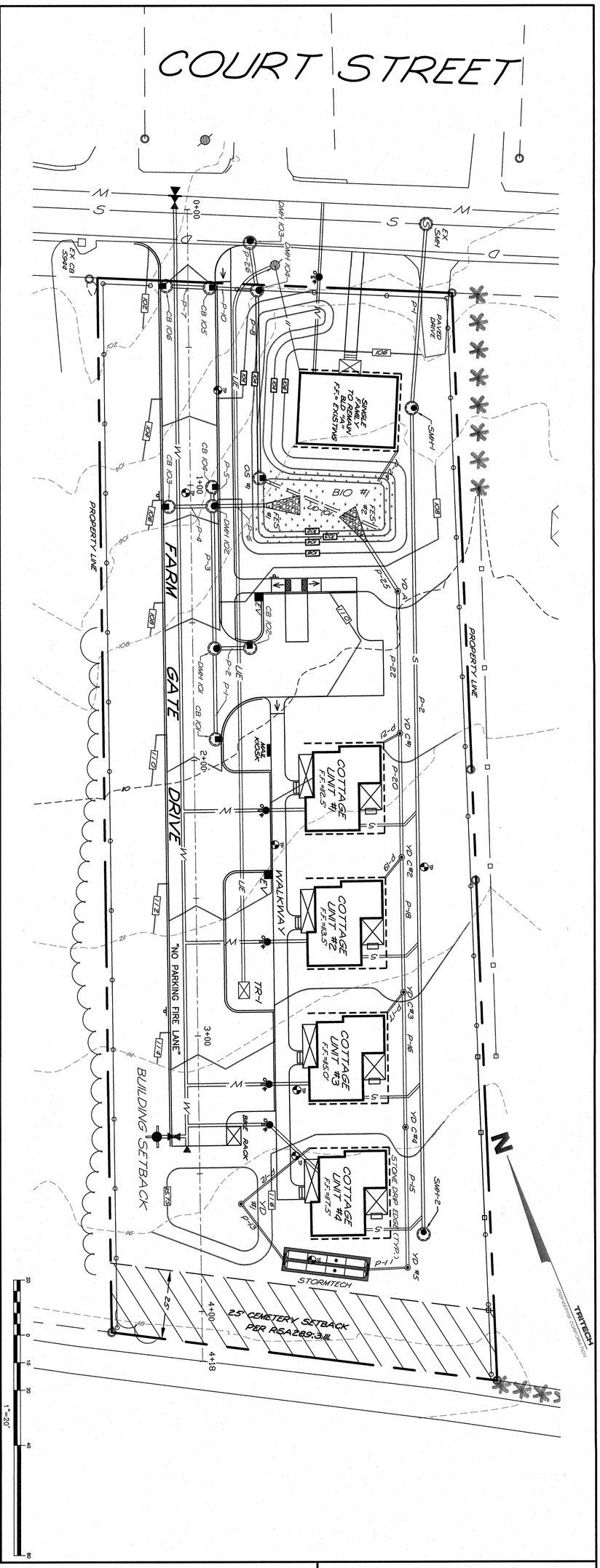
STATE OF NEW HAMPSHIRE - ROBERT J. STOCKWELL - No. 9803 - LICENSED LAND SURVEYOR - PROFESSIONAL ENGINEER

GENERAL NOTES PLAN
**103 COURT STREET**
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 24101

SHEET No.
**SN-1**

(P24-0012)




SHEET No.

C-1

ROADWAY PLAN & PROFILE

# 103 COURT STREET

103 COURT STREET

DOVER, NEW HAMPSHIRE

STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101

ISSUED FOR PLANNING BOARD REVIEW

January 6, 2025

STATE OF NEW HAMPSHIRE — ROBERT J. STOWELL No. 8903 — LICENSED PROFESSIONAL ENGINEER

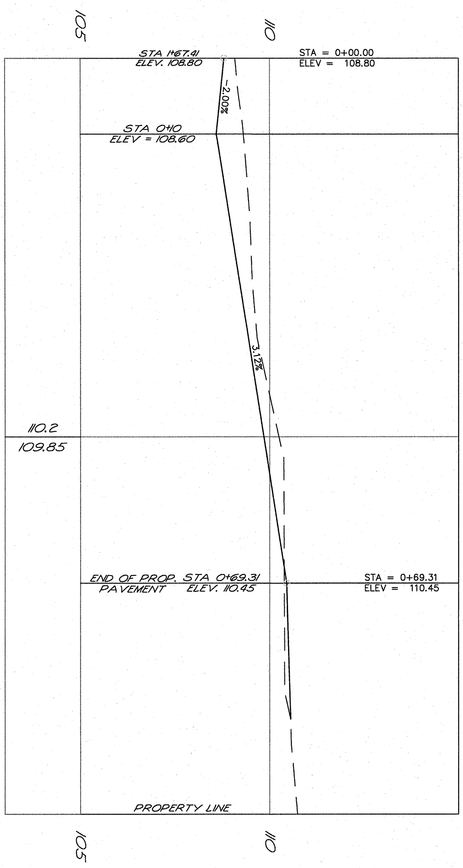
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| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

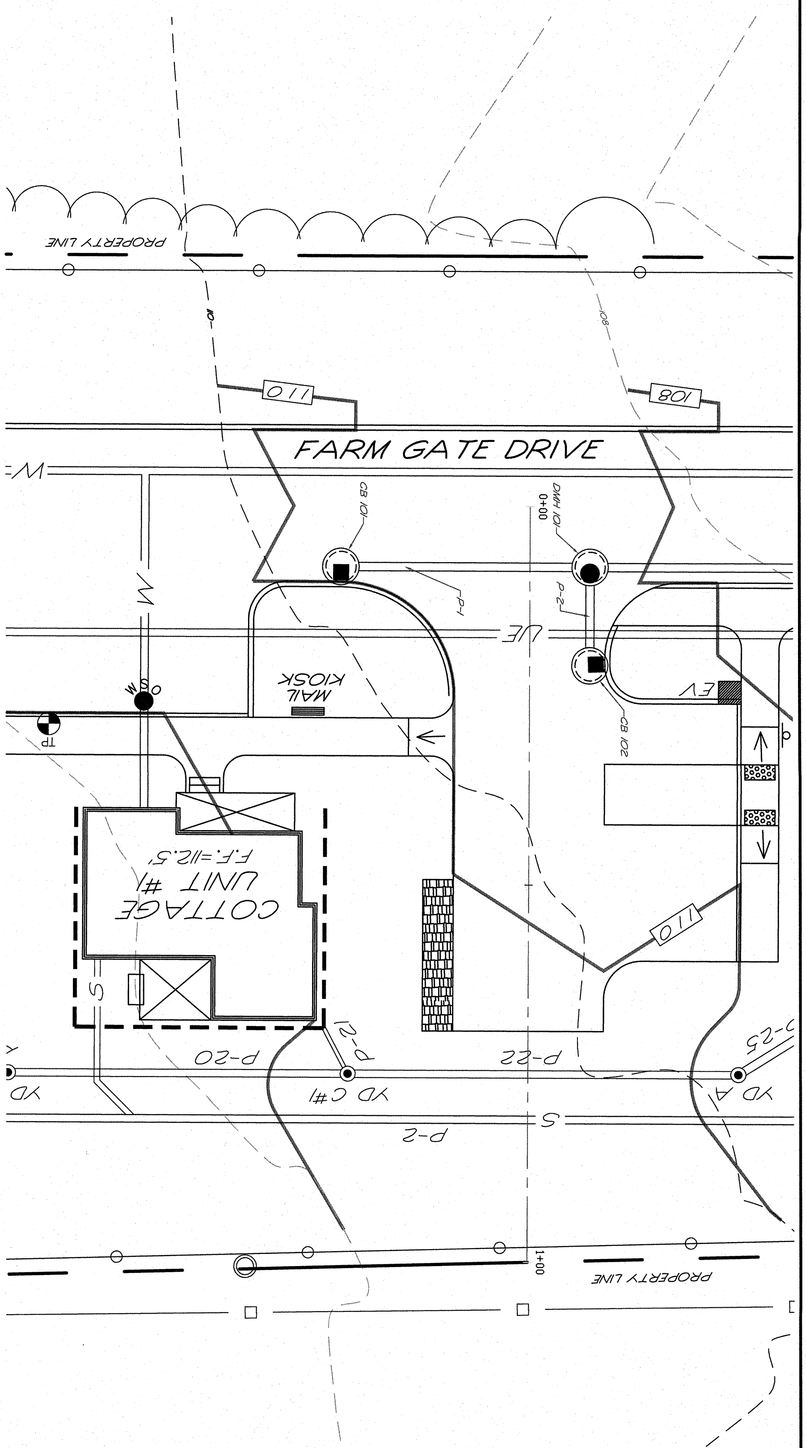

TRITECH ENGINEERING CORPORATION

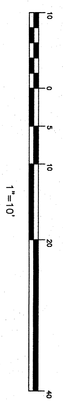
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603 742 8107
FAX 603 742 3830

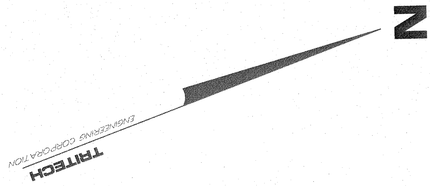

(P24-0012)




HORIZONTAL SCALE
VERTICAL SCALE
1" = 10'




SHEET No.

C-2

ROADWAY PLAN & PROFILE

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101

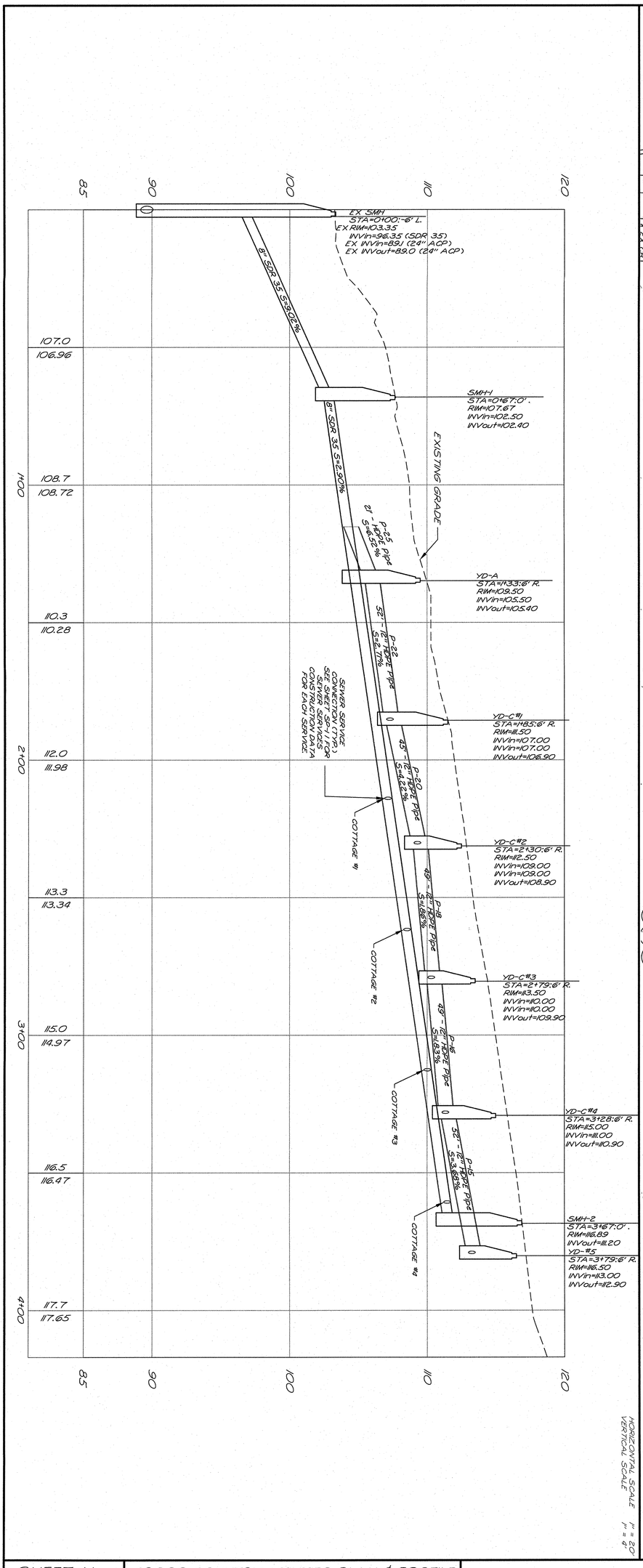
ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

STATE OF NEW HAMPSHIRE
ROBERT J. STOWELL
No. 9903
LICENSED PROFESSIONAL ENGINEER

| REVISIONS | |
|---|---|
| DATE: | DESCRIPTION: |
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-21-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |


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(24-002)




SHEET No.

**C-3**

CROSS COUNTRY UTILITIES PLAN & PROFILE

# 103 COURT STREET

103 COURT STREET

DOVER, NEW HAMPSHIRE

STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101

ISSUED FOR PLANNING BOARD REVIEW

January 6, 2025

STATE OF NEW HAMPSHIRE ROBERT J. STOWELL No. 9903 LICENSED PROFESSIONAL ENGINEER

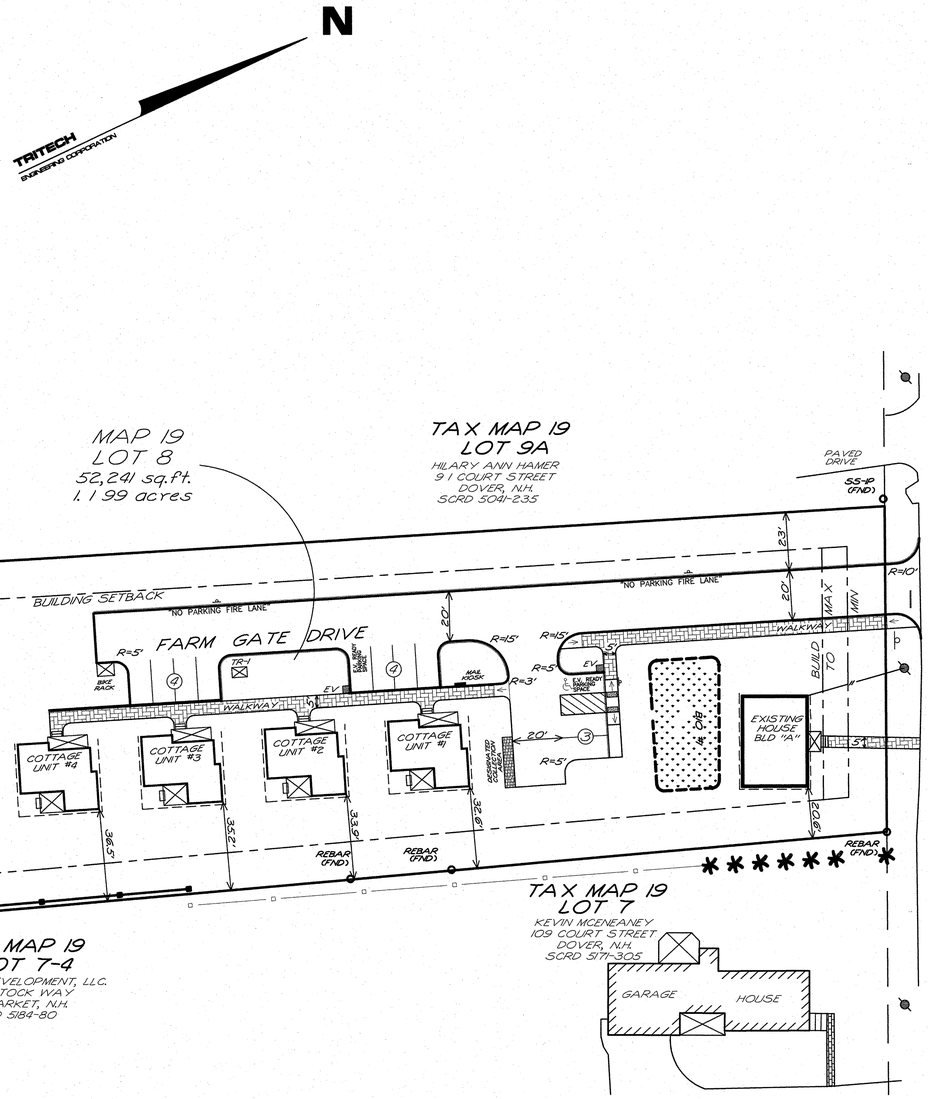
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| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

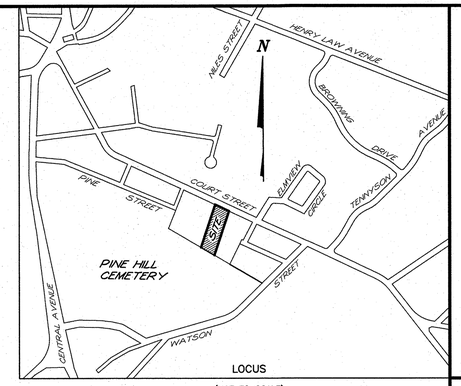

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(P24-0002)




LOCUS

(NOT TO SCALE)


TRITECH
ENGINEERING CORPORATION
735 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 749 8107
FAX 603 742 9630


ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 1-17-25 | REVISED PER PLANNING COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

ROBERT STOWELL No. 9803 - STATE OF NEW HAMPSHIRE - PROFESSIONAL LAND SURVEYOR

## NOTES

1.) INTENT: TO FURTHER DEVELOP TAX MAP 19 LOT 8. THIS DEVELOPMENT WILL INCLUDE THE RENOVATION OF THE EXISTING SINGLE FAMILY HOUSE (1 UNIT). THE DEVELOPMENT WILL ALSO INCLUDE THE CONSTRUCTION OF 4 SINGLE FAMILY SIZE RESTRICTED HOMES. THESE HOMES WILL BE CONSTRUCTED UNDER THE TDR ORDINANCE. 2 BASE UNIT AND THE PURCHASE OF 2 SIZE RESTRICTED UNITS.

2.) CURRENT OWNER: 5 SHERMAN STREET LLC
242 CENTRAL AVENUE
DOVER, N.H.

AUTHORIZED SIGNATURE

3.) TAX MAP 19 LOT 8.

4.) TOTAL LOT AREA: 52,241 SQ.FT. – 1.199 ACRES

5.) PROJECT DEED REFERENCE: BOOK 5172 PAGE 55

6.) PROJECT PLAN REFERENCE: SURVEYED MAY 1935
W.S. WHEELER, CE
DOVER, N.H.
SCRD
POCKET #10, FOLDER #2, PLAN #11 & 12

LIMITED SUBDIVISION
CECIL TAYLOR
DOVER, N.H.
FREDERICK E. DREW ASSOCIATES
JULY 1977 SCRD 17-112

PROPERTY SURVEY
109 COURT STREET, DOVER
STRAFFORD COUNTY, NEW HAMPSHIRE
JOANNE RICHARD LIVING REVOCABLE TRUST
STONEWALL SURVEYING
AUGUST 1, 2023 SCRD #13011

7.) ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.

8.) ZONING: R-12
MIN. LOT SIZE: 12,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 15 FT TO 25 FT
SIDE: 15 FT
REAR: 30 FT
MAX. COVERAGE: 30 %

9.) VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS: NONE

10.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 60,000, AND WAS ACCOMPLISHED USING A TOPCON GT 503 TOTAL STATION, DURING THE MONTH OF FEBRUARY, 2024.

11.) SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A – PANEL 0320E, MAP No. 33017C0340E, DATE: 9-30-2015).

12.) DURING THE MONTH OF MARCH, 2024 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE, WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO WETLANDS WERE FOUND.

13.) BASIS OF BEARING: BEARING SYSTEM BASED ON GPS FIELD OBSERVATIONS ON FEBRUARY 16, 2024 USING TOPCON HIPER SR RECEIVERS AND OPUS CORRECTED ON FEBRUARY 19, 2024. DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC (2800 NH), (NAVD 88).

14.) 25 FOOT SETBACK FROM PINE HILL CEMETERY (SEE RSA 289:3 III).

15.) TRANSFER DEVELOPMENT RIGHTS APPLICATION WAS APPROVED BY THE PLANNING BOARD ON JANUARY 28, 2025, CASE NUMBER TRAN-2024-0011.
CONDITIONS:
1. THIS SITE PLAN USES THE TRANSFER OF DEVELOPMENT RIGHTS ORDINANCE WHICH ALLOWS FOR RELIEF TO THE SETBACKS, LOT AREA, FRONTAGE, DENSITY AND INTENSITY OF THE DEVELOPMENT. THE BOARD GRANTED TDR RELIEF TO PURCHASE UP TO TWO UNITS FOR A MAXIMUM TOTAL OF FIVE UNITS ON THE SUBJECT LOT. THE EXISTING SINGLE-FAMILY UNIT AND THE PROPOSED SINGLE FAMILY DWELLINGS MAY NOT BE CONVERTED TO A TWO-FAMILY DWELLING WITHOUT FURTHER REVIEW AND APPROVAL BY THE PLANNING BOARD.
2. COTTAGE UNITS 3 & 4 WILL BE PURCHASED AS SIZE-RESTRICTED UNITS THROUGH THE TDR ORDINANCE AND A DEED RESTRICTION IS REQUIRED.

## TDR BASE DENSITY CALCULATIONS

| | | |
|---|---|---|
| TOTAL AREA | = | 52,241 SQ.FT. |
| LESS WETLANDS | = | <0> SQ.FT. |
| UPLAND AREA | = | 52,241 SQ.FT. |
| LESS ROAD ALLOCATION (15%) | = | <7,836> SQ.FT. |
| NET AREA | = | 44,405 SQ.FT. |
| LESS WETLAND FACTOR FOR 0% WETLANDS (85%) | | <6,661> SQ.FT. |
| AREA | = | 37,744 SQ.FT. |
| 12,000 SQ.FT. PER UNIT REQUIRED IN THE R-12 DISTRICT | ÷ | 12,000 |
| BASE TDR DENSITY | = | 3.14 UNITS |
| ROUNDED DOWN TO | = | 3 UNITS |

## LEGEND

- REBAR WITH ID CAP TO BE SET
- UTILITY POLE
- FENCE POST
- SEWER MANHOLE
- HYDRANT
- BUILDING ENTRANCE
- DECORATIVE "PORCH LIGHT"

GENERAL SITE PLAN

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 2410

SCALE: 1" = 30'

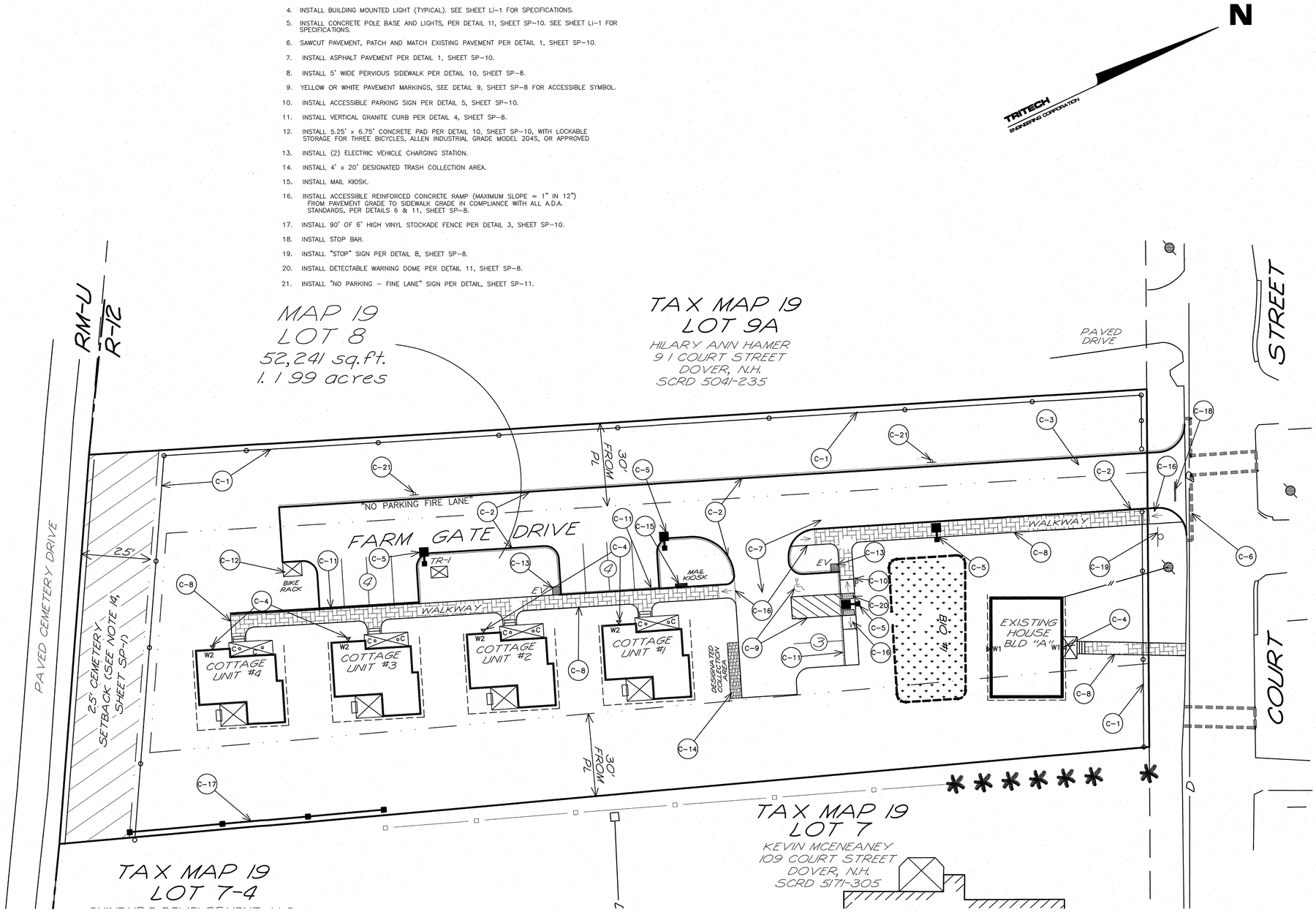
SHEET NO.

SP-1

(P24-0012)

## (C-1) CONSTRUCTION NOTES:

1. INSTALL EROSION CONTROL MEASURE. "SILT FENCE" PER DETAIL 1, SHEET SP-9 OR "SILT SOXX" PER DETAIL 9, SHEET SP-9 OR "EROSION CONTROL BERM" PER DETAIL 11, SHEET SP-9, MAY BE USED AT THE SITE WORK CONTRACTOR DISCRETION. PERIMETER CONTROLS MUST BE INSTALLED PRIOR TO EARTH MOVING OPERATIONS.
2. INSTALL SLOPED GRANITE CURB PER DETAIL 4, SHEET SP-8.
3. INSTALL STABILIZED CONSTRUCTION ENTRANCE PER DETAIL 5, SHEET SP-9.
4. INSTALL BUILDING MOUNTED LIGHT (TYPICAL). SEE SHEET Li-1 FOR SPECIFICATIONS.
5. INSTALL CONCRETE POLE BASE AND LIGHTS, PER DETAIL 11, SHEET SP-10. SEE SHEET Li-1 FOR SPECIFICATIONS.
6. SAWCUT PAVEMENT, PATCH AND MATCH EXISTING PAVEMENT PER DETAIL 1, SHEET SP-10.
7. INSTALL ASPHALT PAVEMENT PER DETAIL 1, SHEET SP-10.
8. INSTALL 5' WIDE PERVIOUS SIDEWALK PER DETAIL 10, SHEET SP-8.
9. YELLOW OR WHITE PAVEMENT MARKINGS, SEE DETAIL 9, SHEET SP-8 FOR ACCESSIBLE SYMBOL.
10. INSTALL ACCESSIBLE PARKING SIGN PER DETAIL 5, SHEET SP-10.
11. INSTALL VERTICAL GRANITE CURB PER DETAIL 4, SHEET SP-8.
12. INSTALL 5.25' x 6.75' CONCRETE PAD PER DETAIL 10, SHEET SP-10, WITH LOCKABLE STORAGE FOR THREE BICYCLES, ALLEN INDUSTRIAL GRADE MODEL 204S, OR APPROVED
13. INSTALL (2) ELECTRIC VEHICLE CHARGING STATION.
14. INSTALL 4' x 20' DESIGNATED TRASH COLLECTION AREA.
15. INSTALL MAIL KIOSK.
16. INSTALL ACCESSIBLE REINFORCED CONCRETE RAMP (MAXIMUM SLOPE = 1" IN 12") FROM PAVEMENT GRADE TO SIDEWALK GRADE IN COMPLIANCE WITH ALL A.D.A. STANDARDS, PER DETAILS 6 & 11, SHEET SP-8.
17. INSTALL 90' OF 6' HIGH VINYL STOCKADE FENCE PER DETAIL 3, SHEET SP-10.
18. INSTALL STOP BAR.
19. INSTALL "STOP" SIGN PER DETAIL 8, SHEET SP-8.
20. INSTALL DETECTABLE WARNING DOME PER DETAIL 11, SHEET SP-8.
21. INSTALL "NO PARKING – FINE LANE" SIGN PER DETAIL, SHEET SP-11.





TRITECH
ENGINEERING CORPORATION
735 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 749 9107
FAX 603 742 8530


ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 10-28-25 | REVISED PER TRA APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

STATE OF NEW HAMPSHIRE - 9353 - PROFESSIONAL ENGINEER - ROBERT J. STOWELL No. 9353 - LICENSED PROFESSIONAL ENGINEER

SITE DEVELOPMENT PLAN

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101
SCALE: 1" = 20'

SHEET No. SP-2

(P24-0012)

## W-1 WATER NOTES:

1. WATERLINE AND APPENDITURES, INSTALLATION, AND MATERIALS SHALL CONFORM WITH THE CITY OF DOVER, NH AND AMERICAN WATER WORKS STANDARDS. ALL VALVES SHALL REQUIRE RESTRAINED MECHANICAL JOINTS USING EITHER MEGA-LUG, GRIP RINGS, OR OTHER METHODS OF RESTRAIN ACCEPTABLE TO THE CITY OF DOVER WATER DEPARTMENT, IN ADDITION TO USE OF CONCRETE THRUST BLOCKS.
2. PRESSURE AND LEAKAGE TEST SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST STANDARDS OF AAWA. CHLORINATING AND FLUSHING SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST STANDARDS OF AAWA, STATE AND LOCAL REGULATIONS.
3. INSTALL END CAP WITH CONCRETE THRUST BLOCKS WHERE SHOWN PER DETAIL 7, SHEET SP-10
4. BACKFLOW PREVENTORS SHALL BE PROVIDED FOR ALL WATER LINES.
5. CONNECT TO EXISTING 6" C.I. WATER MAIN. INSTALL A STAINLESS STEEL TAPPING SLEEVE WITH 6" GATE VALVE AND THRUST BLOCK. COURT STREET WATER MAIN AND DRAINAGE SYSTEM ARE CURRENTLY UNDER CONSTRUCTION. CONTRACTOR SHALL COORDINATE WITH THE CITY CONTRACTOR.
6. INSTALL 345' – 6" CONCRETE LINED DUCTILE IRON CLASS 52 (C.L.D.I.) WATER MAIN WITH POLYWRAP. MINIMUM DEPTH OF COVER OVER PIPE = 5.5'.
7. INSTALL 1" PLASTIC WATER SERVICE FROM WATER MAIN TO BUILDING. CONNECT PER DETAIL 9, SHEET SP-10.
8. INSTALL 6" WATER GATE VALVE.
9. DOMESTIC WATER AND LANDSCAPING WATER SHALL BE METERED SEPARATELY.
10. INSTALL 6" HYDRANT PER DETAIL 2, SHEET SP-10.
11. EXISTING WATER MAIN TO BE REMOVED AND REPLACED. (BY OTHERS) PER "COURT STREET RECONSTRUCTION" DESIGN PLANS.
12. WATER SERVICE WORK WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

## S-1 SEWER NOTES:

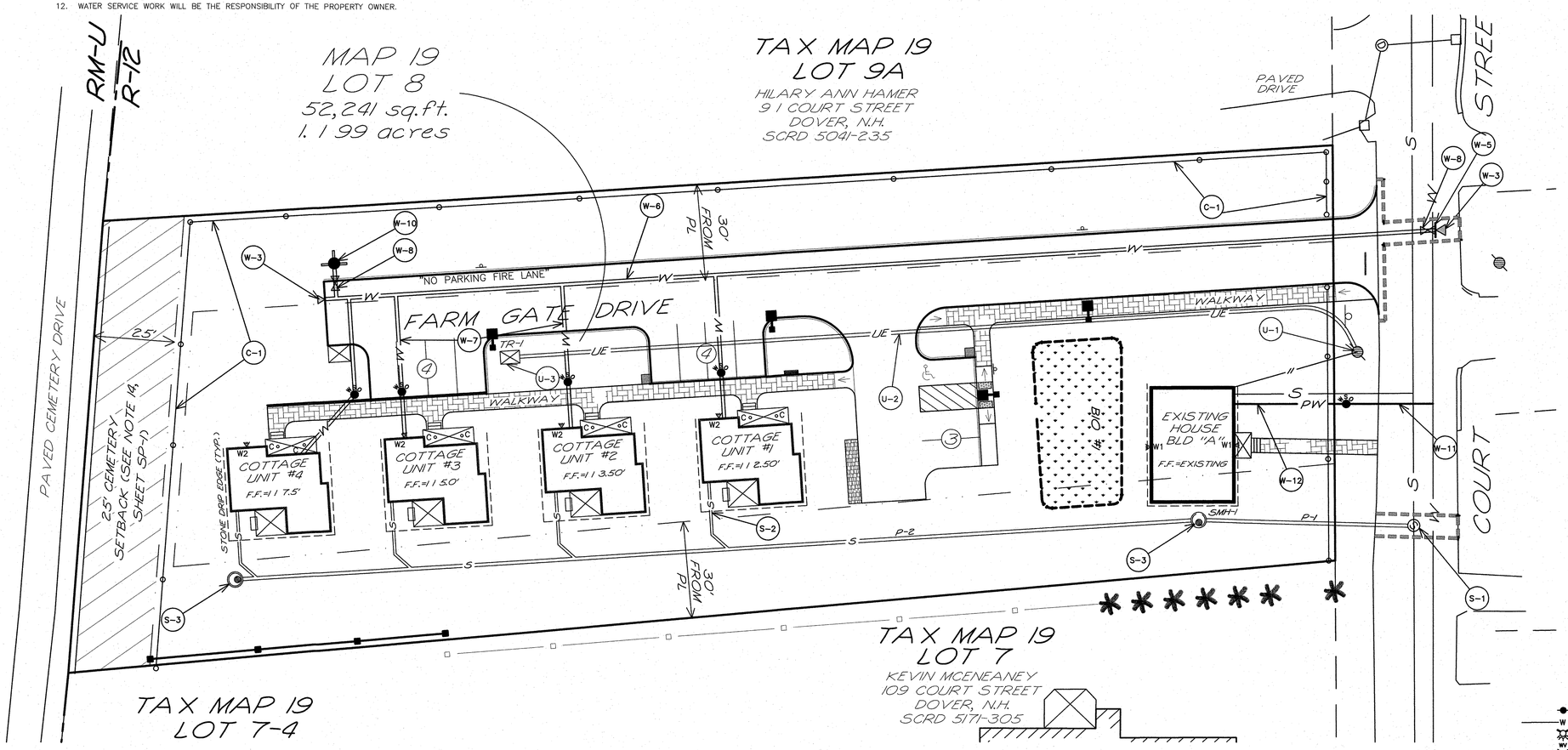
1. CONNECT TO EXISTING SMH #1239
   EXISTING RIM EL=103.35'
   INVERT IN EL=89.05' (24" ACP)'
   INVERT OUT EL=89.00' (24" ACP)
   CORE AND BOOT FOR NEW INVERT IN EL=96.35' (8" SDR 35)
   INSTALL INSIDE DROP INLET PER DETAIL DOVER STD. D-18 ON SHEET SP-11. REBRICK INVERT. DROP SHALL NOT DROP ONTO SHELF. COURT STREET WATER MAIN AND DRAINAGE SYSTEM ARE CURRENTLY UNDER CONSTRUCTION. CONTRACTOR SHALL COORDINATE WITH THE CITY CONTRACTOR.
2. INSTALL SEWER SERVICE FROM SEWER MAIN TO BUILDING.
3. INSTALL SMH AT LOCATIONS AND ELEVATIONS ON SHEET C-3. INSTALLATION TO BE IN ACCORDANCE WITH DETAIL SHEETS SP-11 & SP-12 INSTALL DROP INLET AS DIRECTED BY THE CITY OF DOVER
4. SEWER MANHOLE COVER SHALL BE NEENAH LIFTMATE R-1743-LM.
5. ALL SEWER PIPE SHALL BE SDR 35 PVC.

## U-1 UTILITY NOTES:

1. CONNECT TO EXISTING UTILITY POLE IN ACCORDANCE WITH EVERSOURCE STANDARDS & DETAIL 4, (TRENCH "A"), SHEET SP-10. (PRIMARY POWER)
2. INSTALL 265 FT OF UNDERGROUND CONDUIT IN ACCORDANCE WITH EVERSOURCE STANDARDS & DETAIL 4, (TRENCH "A"), SHEET SP-10 FROM EXISTING UTILITY POLE TO PROPOSED TRANSFORMER (TR-1). (PRIMARY POWER)
3. INSTALL TRANSFORMER (TR-1) IN ACCORDANCE WITH EVERSOURCE STANDARDS & DETAIL 4, (TRENCH "B"), SHEET SP-10.

N

TRITECH ENGINEERING CORPORATION




20 0 10 20 40 80
1"=20'

LEGEND

- EXISTING UTILITY POLE
- EXISTING WATER LINE
- EXISTING HYDRANT
- EXISTING WATER GATE VALVE
- PROPOSED CATCH BASIN (CB)
- PROPOSED 6" CLDI WATER MAIN
- PROPOSED UNDERGROUND ELECTRICAL, TELEPHONE & CATV.
- PROPOSED TRANSFORMER PAD
- PROPOSED DRAIN LINE
- PROPOSED WATER GATE VALVE
- PROPOSED THRUST BLOCK
- PROPOSED HYDRANT
- PROPOSED FINISH CONTOUR
- PROPOSED FINISH GRADE
- STOP SIGN & STOP BAR
- PROPOSED STONE DRIP EDGE


TRITECH
ENGINEERING CORPORATION
765 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 749 9107
FAX 603 742 9330


ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TRR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

STATE OF NEW HAMPSHIRE - ROBERT STOWELL No. 7903 - PROFESSIONAL ENGINEER

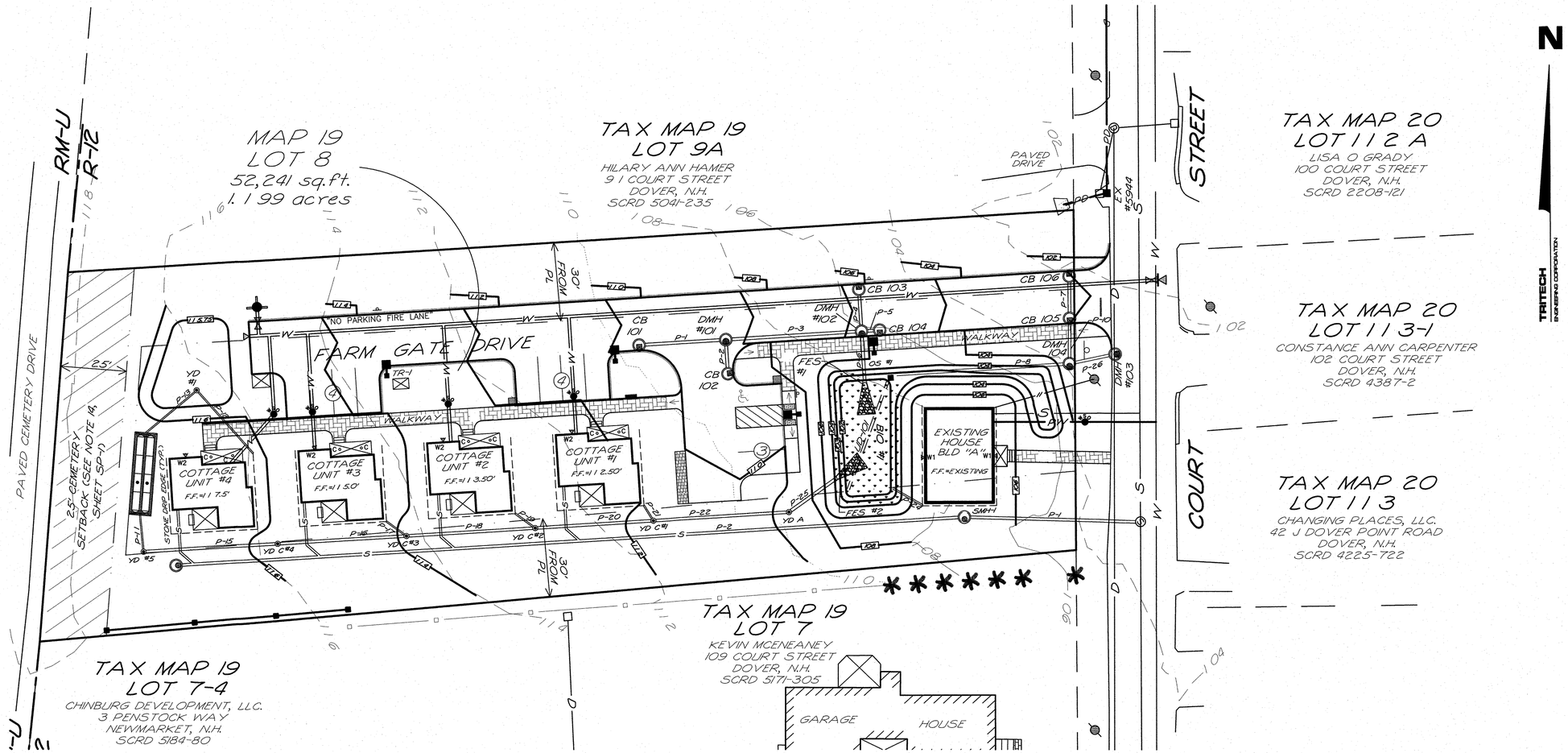
UTILITIES PLAN

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 2410
SCALE: 1" = 20'

SHEET No. SP-3

(P24-0012)




| DRAINAGE STRUCTURE TABLE | | | | | |
|---|---|---|---|---|---|
| STRUCTURE | RIM ELEV. | INVERT IN | INVERT OUT | SUMP | NOTES |
| CB 101 | 109.60 | | 105.60 | 101.60 | HOODED, DEEP SUMP, SEE |
| CB 102 | 108.77 | | 104.75 | 100.75 | DETAIL B, SHEET SP-7 |
| CB 103 | 105.65 | | 102.30 | 98.30 | |
| CB 104 | 105.30 | | 102.30 | 98.30 | |
| CB 105 | 102.05 | 97.80 (P-7) | 97.70 | 92.70 | |
| CB 106 | 102.00 | | 98.00 | 94.00 | |
| DMH 101 | 108.30 | 104.30 (P-1)<br>104.30 (P-2) | 104.20 | | |
| DMH 102 | 105.65 | 102.20 (P-4)<br>102.20 (P-3)<br>102.20 (P-5) | 102.10 | | |
| DMH 103 | EX. GRADE | 97.00 (P-8)<br>90.85 (EX 18" VCP) | 90.80<br>(EX 18" VCP) | | |
| OS #1 | 103.95 | 97.50 (P-10) | 97.40 | | |
| FES #1 | | 102.00 (P-8) | | | |
| FES #2 | | 104.00 (P-25) | | | |
| YD-A | 109.50 | 105.50 (P-22) | 105.40 | | NYLOPLAST YARD DRAIN |
| YD-C#1 | 111.50 | 107.00 (P-20)<br>107.00 (P-21) | 106.90 | | STRUCTURE WITH FRAME AND GRATE |
| YD-C#2 | 112.50 | 109.00 (P-18)<br>109.00 (P-19) | 108.90 | | |
| YD-C#3 | 113.50 | 110.00 (P-16)<br>110.00 (P-17) | 109.90 | | |
| YD-C#4 | 115.00 | 111.00 (P-15) | 110.90 | | |
| YD-#5 | 116.50 | 113.00 (P-11) | 112.90 | | |
| YD-#1 | 115.75 | 114.20 (P-12) | 114.10 | | |
| DMH 104 | 103.75 | 97.50 (P-8)<br>97.50 (P-10) | 97.40 | | |

| DRAIN PIPE TABLE | | | | | | | |
|---|---|---|---|---|---|---|---|
| PIPE | START | INV. | END | INV. | SIZE | L.F. | SLOPE |
| P-1 | CB 101 | 105.60 | DMH 101 | 104.30 | 12" | 33' | 3.94% |
| P-2 | CB 102 | 104.75 | DMH 101 | 104.30 | 12" | 13' | 3.46% |
| P-3 | DMH 101 | 104.20 | DMH 102 | 102.20 | 12" | 52' | 3.87% |
| P-4 | CB 103 | 102.30 | DMH 102 | 102.20 | 12" | 16' | 0.62% |
| P-5 | CB 104 | 102.30 | DMH 102 | 102.20 | 12" | 7' | 1.44% |
| P-6 | DMH 102 | 102.10 | FES #1 | 102.00 | 12" | 19' | 0.54% |
| P-7 | CB 106 | 98.00 | CB 105 | 97.80 | 12" | 16' | 1.25% |
| P-8 | OS #1(2) | 99.20 | DMH 103 | 97.50 | 12" | 65' | 2.62% |
| P-10 | CB 105 | 97.70 | DMH 104 | 97.50 | 12" | 17' | 1.18% |
| P-11 | STORMTECH | 114.50 | YD-#5 | 113.00 | 6" | 14' | 10.71% |
| P-12 | DE #4 | 114.60 | YD #1 | 114.20 | 6" | 32' | 1.25% |
| P-13 | YD #1 | 114.10 | STORMTECH | 114.00 | 6" | 25' | 0.40% |
| P-15 | YD-#5 | 112.90 | YD-C#4 | 111.00 | 12" | 52' | 3.68% |
| P-16 | YD-C#4 | 110.90 | YD-C#3 | 110.00 | 12" | 49' | 1.83% |
| P-17 | DE #3 | 112.10 | YD-C#3 | 110.00 | 6" | 9' | 2.3.33% |
| P-18 | YD-C#3 | 109.90 | YD-C#2 | 109.00 | 12" | 49' | 1.86% |
| P-19 | DE #2 | 110.60 | YD-C#2 | 109.00 | 6" | 9' | 17.78% |
| P-20 | YD-C#2 | 108.90 | YD-C #1 | 107.00 | 12" | 45' | 4.22% |
| P-21 | DE #1 | 109.60 | YD-C#1 | 107.00 | 6" | 7' | 37.14% |
| P-22 | YD-C#1 | 106.90 | YD-A | 105.50 | 12" | 52' | 2.71% |
| P-24 | DE EX | 105.60 | BIO #1 | 103.00 | 6" | 13' | 20.00% |
| P-25 | YD-A | 105.40 | BIO #1 | 104.00 | 12" | 21' | 6.52% |
| P-26 | DMH 104 | 97.40 | DMH 103 | 97.00 | 12" | 18' | 2.22% |

LEGEND

- EXISTING UTILITY POLE
- EXISTING WATER LINE
- EXISTING HYDRANT
- EXISTING WATER GATE VALVE
- PROPOSED CATCH BASIN (CB)
- PROPOSED 8" CLDI WATER MAIN
- PROPOSED UNDERGROUND ELECTRICAL, TELEPHONE & CATV.
- PROPOSED TRANSFORMER PAD
- PROPOSED DRAIN LINE
- PROPOSED WATER GATE VALVE
- PROPOSED THRUST BLOCK
- PROPOSED HYDRANT
- PROPOSED FINISH CONTOUR
- PROPOSED FINISH GRADE
- STOP SIGN & STOP BAR
- PROPOSED STONE DRIP EDGE

20 0 10 20 40 80

1"=20'

ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

TRITECH
ENGINEERING CORPORATION
795 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
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STATE OF NEW HAMPSHIRE – ROBERT J. STOWELL No. 9903 – LICENSED PROFESSIONAL ENGINEER

GRADING AND DRAINAGE PLAN

# 103 COURT STREET

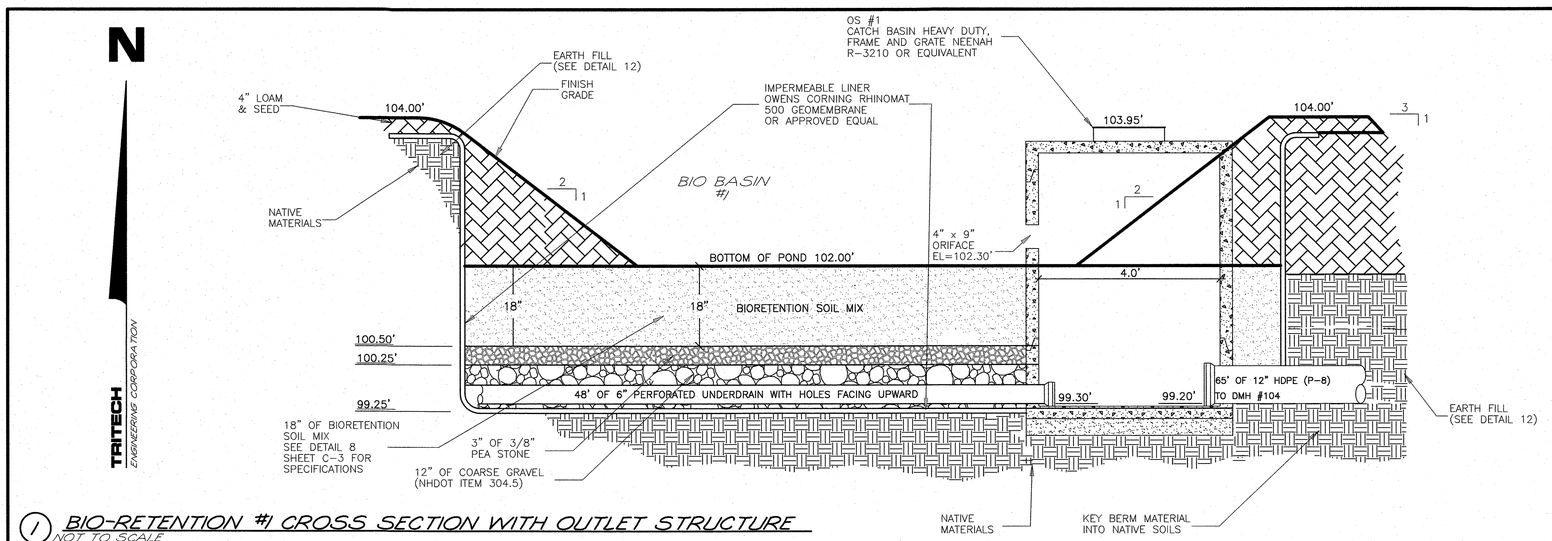
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101
SCALE: 1" = 20'

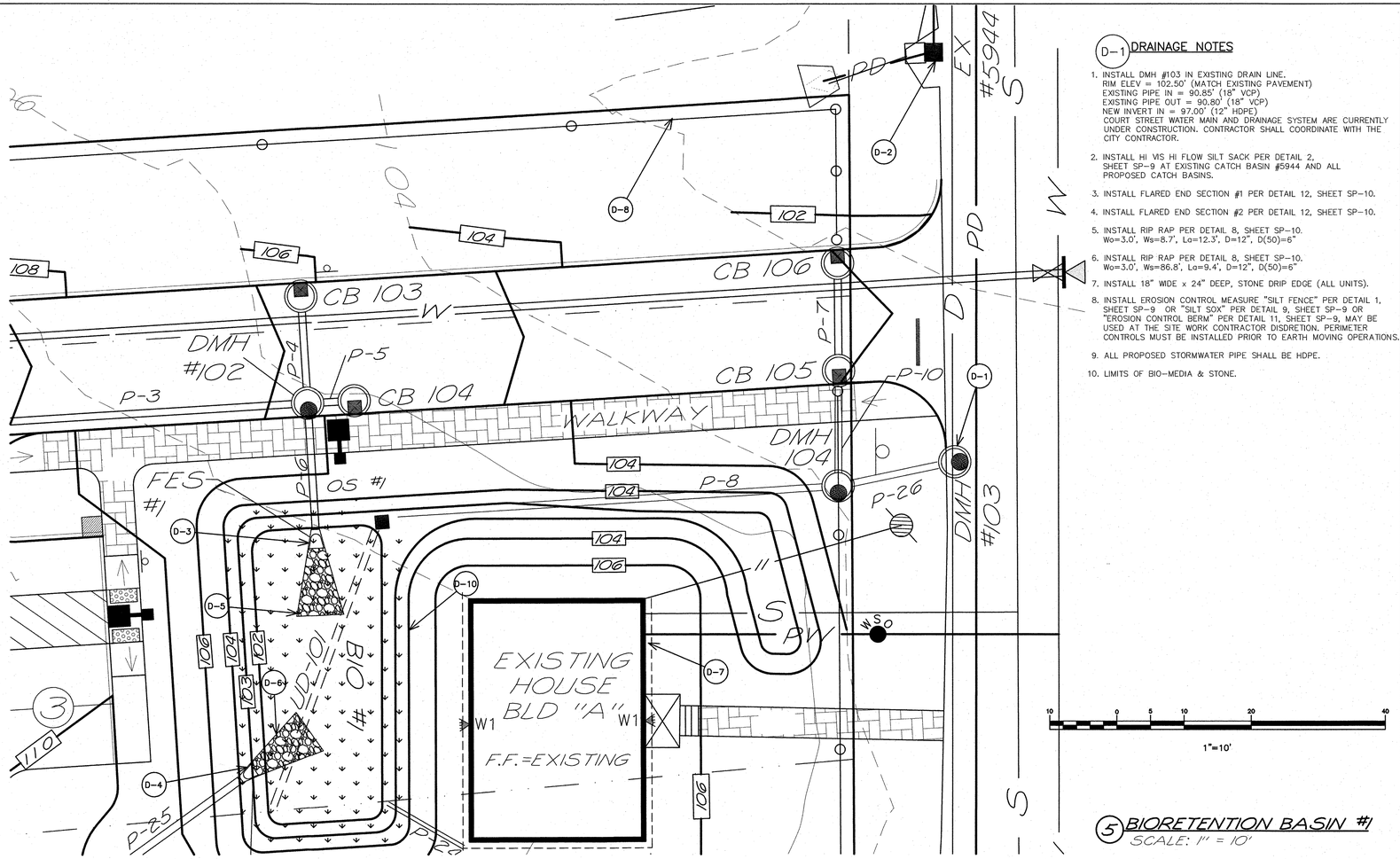
SHEET NO.

SP-4

(P23-0012)




1 BIO-RETENTION #1 CROSS SECTION WITH OUTLET STRUCTURE
NOT TO SCALE




5 BIORETENTION BASIN #1
SCALE: 1" = 10'

## D-1 DRAINAGE NOTES

1. INSTALL DMH #103 IN EXISTING DRAIN LINE.
   RIM ELEV = 102.50' (MATCH EXISTING PAVEMENT)
   EXISTING PIPE IN = 90.85' (18" VCP)
   EXISTING PIPE OUT = 90.80' (18" VCP)
   NEW INVERT IN = 97.00' (12" HDPE)
   COURT STREET WATER MAIN AND DRAINAGE SYSTEM ARE CURRENTLY UNDER CONSTRUCTION. CONTRACTOR SHALL COORDINATE WITH THE CITY CONTRACTOR.
2. INSTALL HI VIS HI FLOW SILT SACK PER DETAIL 2, SHEET SP-9 AT EXISTING CATCH BASIN #5944 AND ALL PROPOSED CATCH BASINS.
3. INSTALL FLARED END SECTION #1 PER DETAIL 12, SHEET SP-10.
4. INSTALL FLARED END SECTION #2 PER DETAIL 12, SHEET SP-10.
5. INSTALL RIP RAP PER DETAIL 8, SHEET SP-10.
   Wo=3.0', Ws=8.7', La=12.3', D=12", D(50)=6"
6. INSTALL RIP RAP PER DETAIL 8, SHEET SP-10.
   Wo=3.0', Ws=86.8', La=9.4', D=12", D(50)=6"
7. INSTALL 18" WIDE x 24" DEEP, STONE DRIP EDGE (ALL UNITS).
8. INSTALL EROSION CONTROL MEASURE "SILT FENCE" PER DETAIL 1, SHEET SP-9 OR "SILT SOX" PER DETAIL 9, SHEET SP-9 OR "EROSION CONTROL BERM" PER DETAIL 11, SHEET SP-9, MAY BE USED AT THE SITE WORK CONTRACTOR DISDRETION. PERIMETER CONTROLS MUST BE INSTALLED PRIOR TO EARTH MOVING OPERATIONS.
9. ALL PROPOSED STORMWATER PIPE SHALL BE HDPE.
10. LIMITS OF BIO-MEDIA & STONE.

10 0 5 10 20 40
1"=10'

## NEW ENGLAND WETLAND PLANTS INC.

NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DETENTION BASINS AND MOIST SITES

THE MIX MAY BE APPLIED BY HAND, BY MECHANICAL SPREADER, OR BY HYDRO-SEEDER. AFTER SOWING, LIGHTLY RAKE, ROLL, OR CULTIPACK TO INSURE GOOD SEED-TO-SOIL CONTACT. BEST RESULTS ARE OBTAINED WITH A SPRING OR LATE SUMMER SEEDING. LATE FALL AND WINTER DORMANT SEEDING REQUIRES AN INCREASE IN THE APPLICATION RATE. A LIGHT MULCHING OF CLEAN, WEED-FREE STRAW IS RECOMMENDED.

## NEW ENGLAND WETLAND PLANTS INC.

NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES

THE NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES MAY BE APPLIED BY HYDRO SEEDING, BY MECHANICAL SPREADER, OR ON SMALL SITES IT CAN BE SPREAD BY HAND. LIGHTLY RAKE, OR ROLL TO ENSURE PROPER SOIL-SEED CONTACT. BEST RESULTS ARE OBTAINED WITH A SPRING OR LATE SUMMER SEEDING. LATE SPRING THROUGH MID-SUMMER SEEDING WILL BENEFIT FROM A LIGHT MULCHING OF WEED-FREE STRAW TO CONSERVE MOISTURE. IF CONDITIONS ARE DRIER THAN USUAL, WATERING WILL BE REQUIRED. FERTILIZATION IS NOT REQUIRED UNLESS THE SOILS ARE PARTICULARLY INFERTILE. PREPARATION OF A CLEAN WEED FREE SEED BASE IS NECESSARY FOR OPTIMAL RESULTS.

ANYWHERE ON THE SITE THAT EXISTING VEGETATION IS TO BE REMOVED WILL REQUIRE IMMEDIATE EROSION CONTROL TREATMENT. SPECIAL CARE SHOULD BE TAKEN WHERE RUNOFF ENTERS WETLANDS. ALL STORM WATER AREAS SHALL BE STABILIZED PRIOR TO DIRECTING STORM WATER TO THEM; SPECIFICALLY ALL BIORETENTION BASINS AND ALL INFILTRATION AREAS.

SEEDING LEGEND

– 50/50 BLEND OF NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES AND NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DETENTION BASINS AND MOIST SITES.
BOTH MIXES FROM NEW ENGLAND WETLAND PLANTS INC.
APPLY: 35 LBS/ACRE : 1250 SQ FT/LB

– LIMITS OF BIORETENTION SOIL MIX

4 BIORETENTION SEEDING
NOT TO SCALE

1. PARTICLE SIZE DISTRIBUTION BY SEPARATES:
   a. EXCLUDE ANY MATERIAL >4.76MM – 0%
   b. VERY COARSE SAND/GRAVEL: GRAVEL (2.0 TO 4.76 mm) 5% MAXIMUM (% BY DRY WEIGHT)
   c. SAND (0.42 TO 2.0 mm) 60% MAX (% BY DRY WEIGHT)
   d. SILT (0.075 TO 0.42 mm) 20% MAXIMUM (% BY DRY WEIGHT)
   e. CLAY (LESS THAN 0.075mm) 5% MAXIMUM (% BY DRY WEIGHT)
   f. BARK MULCH (LESS THAN 5% PASSING #200) 15% MAX (% BY DRY WEIGHT)
   g. LOAM (LESS THAN 5% PASSING #200) 20% TO 40% (% BY DRY WEIGHT)

ACCEPTABLE PARTICLE SIZE DISTRIBUTION OF FINAL BIORETENTION SOIL MIX:

| SIEVE | % PASSING |
|---|---|
| #4 | 100 |
| #10 | 95 |
| #40 | 40 – 15 |
| #200 | 10 – 20 |
| <#200 | 0 – 5 |

2. FRAGMENT SIZE DISTRIBUTION:
   a. STICKS AND ROOTS: SHOULD BE MINIMIZED AND PREFERABLY LIMITED TO NOTHING LARGER THAN 4.76mm
   b. DEBRIS AND OTHER FOREIGN MATERIALS: SHOULD BE MINIMIZED
3. PERCENTAGE ORGANIC MATTER: MINIMUM 3% BY VOLUME AND MAXIMUM 8% BY VOLUME
4. SOIL REACTION: pH OF 6 TO 7
5. CEC OF TOTAL SOIL: MINIMUM 10 meq/100mL AT pH OF 7.0
6. BASIS-OF-DESIGN PRODUCT: SUBJECT TO COMPLIANCE WITH REQUIREMENTS INDICATED ON DRAWINGS
7. BASIC PROPERTIES: MANUFACTURED SOIL SHALL NOT CONTAIN THE FOLLOWING:
   a. UNACCEPTABLE MATERIALS: CONCRETE SLURRY, CONCRETE LAYERS OR CHUNKS, CEMENT, PLASTER, BUILDING DEBRIS, ASPHALT, BRICKS, OILS, GASOLINE, DIESEL FUEL, PAINT THINNER, TURPENTINE, TAR, ROOFING COMPOUND, ACID, SOLID WASTE, AND OTHER EXTRANEOUS MATERIALS THAT ARE HARMFUL TO PLANT GROWTH.
   b. UNSUITABLE MATERIALS: STONES, ROOTS, PLANTS, SOD, CLAY LUMPS, AND POCKETS OF COARSE SAND THAT EXCEED A COMBINED MAXIMUM OF 5% BY DRY WEIGHT OF THE MANUFACTURED SOIL.
   c. LARGE MATERIALS: STONES, CLODS, ROOTS, CLAY LUMPS, AND POCKETS OF COARSE SAND EXCEEDING 0.187 INCHES (4.76mm) IN ANY DIMENSION

ACCEPTABLE SOIL AMENDMENTS
A. NO COMPOST SHOULD BE USED IN THE PLANTING MIX
B. SPHAGNUM PEAT: PARTIALLY DECOMPOSED SPHAGNUM PEAT MOSS, FINELY DIVIDED OR OF GRANULAR TEXTURE WITH 100% PASSING THROUGH THE 1/2-INCH (13mm) SIEVE, A pH OF 3.4 TO 4.8
C. WOOD DERIVATIVES: SHREDDED WOOD, WOOD CHIPS, GROUND BARK, OR WOOD WASTE; OF UNIFORM TEXTURE AND FREE OF STONES, STICKS, SOIL, OR TOXIC MATERIALS.
D. MEDIA AMENDMENTS SUCH AS ZERO-VALENT IRON AND/OR DRINKING WATER TREATMENT RESIDUALS (ALUM) TO ENHANCE PHOSPHORUS SORPTION AS SPECIFIED BY ENGINEER.

8 BIORETENTION SOIL MIX
NOT TO SCALE

FILL MATERIAL SHOULD BE TAKEN FROM AN APPROVED, DESIGNATED BORROW AREA. IT SHOULD BE FREE OF ROOTS, STUMPS, WOOD, RUBBISH, STONES GREATER THAN 6 INCHES, AND FROZEN OR OTHER OBJECTIONABLE MATERIALS.

AREAS ON WHICH FILL IS TO BE PLACED SHOULD BE SCARIFIED BEFORE PLACEMENT. FILL MATERIAL SHOULD BE PLACED IN LAYERS A MAXIMUM OF 8 INCHES THICK (BEFORE COMPACTION), WHICH SHOULD BE CONTINUOUS OVER THE ENTIRE LENGTH OF THE FILL.

FILL MATERIAL SHOULD BE COMPACTED WITH APPROPRIATE COMPACTION EQUIPMENT SUCH AS SHEEPSFOOT, RUBBER-TIRED, OR VIBRATORY ROLLER.

A MINIMUM REQUIRED DENSITY IS 95% OF MAXIMUM DRY DENSITY WITH A MOISTURE CONTENT WITHIN 2% OF THE OPTIMUM. EACH LAYER OF THE FILL SHOULD BE COMPACTED AS NECESSARY TO OBTAIN MINIMUM DENSITY.

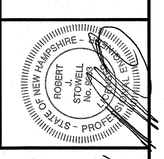
12 EARTH FILL
NOT TO SCALE


TRITECH
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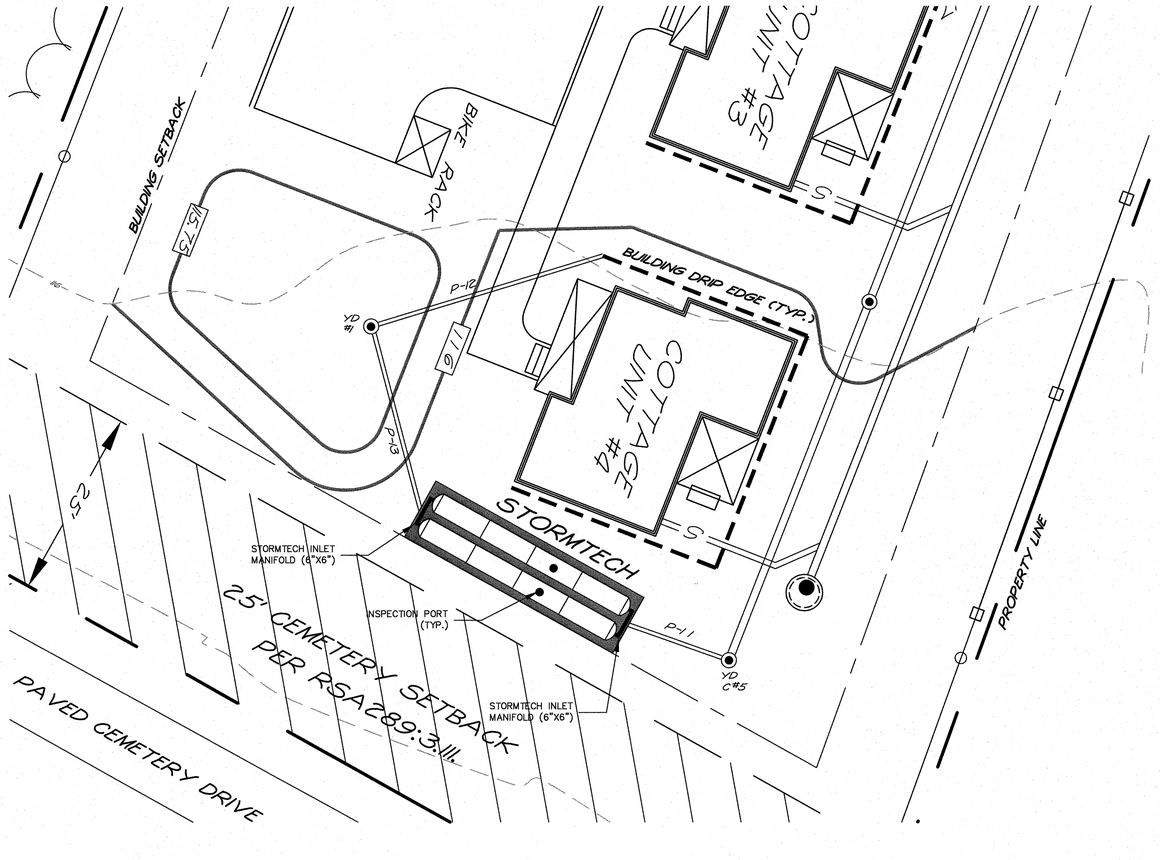

BIORETENTION DETAILS

# 103 COURT STREET

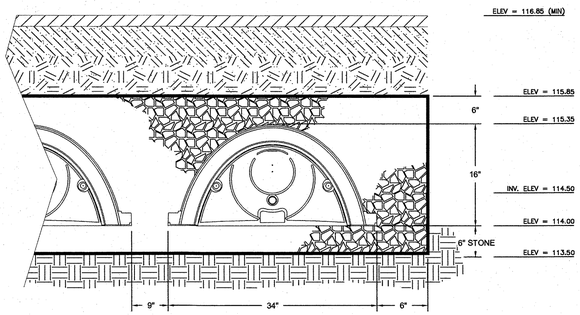
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 24101
SCALE: 1" = 20'

SHEET No.
SP-5

(P23-0012)




1 STORMTECH PLAN
1" = 10'



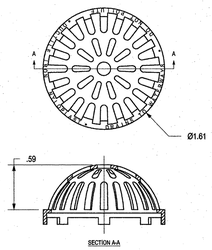

2 STORMTECH SECTION
NOT TO SCALE

SEE SHEET SP-7 FOR STORMTECH STANDARD DETAILS

ADS Nyloplast

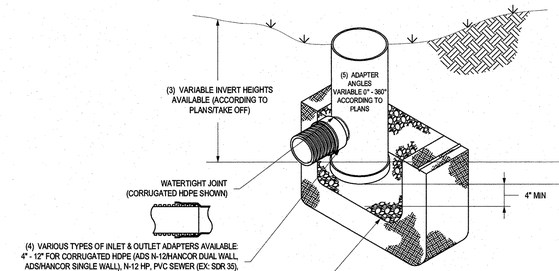
1299CGD

APPROX. DRAIN AREA = 82.87 SQ IN
APPROX. WEIGHT = 18.50 LBS




DIMENSIONS ARE FOR REFERENCE ONLY
ACTUAL DIMENSIONS MAY VARY
DIMENSIONS ARE IN INCHES
QUALITY: MATERIALS SHALL CONFORM TO ASTM A536 GRADE 70-50-05
PAINT: CASTINGS ARE FURNISHED WITH A BLACK PAINT
LOCKING DEVICE AVAILABLE UPON REQUEST

NYLOPLAST 12" DRAIN BASIN: 2812AG _ _ X




THE BACKFILL MATERIAL SHALL BE CRUSHED STONE OR OTHER GRANULAR MATERIAL MEETING THE REQUIREMENTS OF CLASS I, CLASS II, OR CLASS III MATERIAL AS DEFINED IN ASTM D2321. BEDDING & BACKFILL FOR SURFACE DRAINAGE INLETS SHALL BE PLACED & COMPACTED UNIFORMLY IN ACCORDANCE WITH ASTM D2321.

| GRATE OPTIONS | LOAD RATING | PART # | DRAWING # |
|---|---|---|---|
| PEDESTRIAN | MEETS H-10 | 1299CGP | 7001-110-202 |
| STANDARD | MEETS H-20 | 1299CGS | 7001-110-203 |
| SOLID COVER | MEETS H-20 | 1299CGC | 7001-110-204 |
| PEDESTRIAN BRONZE | N/A | 1299CGPB | 7001-110-205 |
| DOME | N/A | 1299CGD | 7001-110-206 |
| DROP IN GRATE | LIGHT DUTY | 12X18 | 7001-110-021 |

1 - GRATES/SOLID COVER SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05, WITH THE EXCEPTION OF THE BRONZE GRATE.
2 - FRAMES SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05
3 - DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS. RISERS ARE NEEDED FOR BASINS OVER 84" DUE TO SHIPPING RESTRICTIONS. SEE DRAWING NO. 7001-110-055
4 - DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE (ADS N-12/HANCOR DUAL WALL), N-12 HP, & PVC SEWER.
5 - ADAPTERS CAN BE MOUNTED ON ANY ANGLE 0° TO 360°. TO DETERMINE MINIMUM ANGLE BETWEEN ADAPTERS SEE DRAWING NO. 7001-110-012.

3 ADS NYLOPLAST DRAIN BASIN & GRATE DETAIL
NOT TO SCALE

TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
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ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

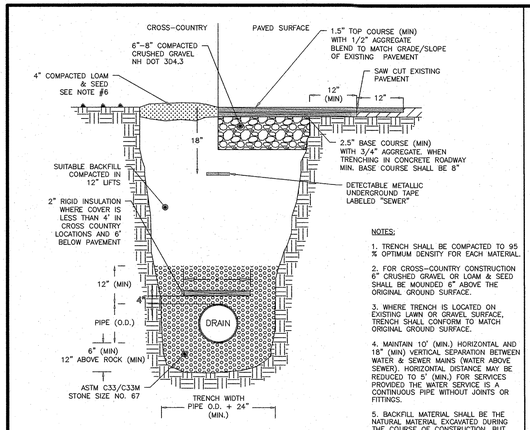
| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-21-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

ROBERT STOWELL No. 9303 - STATE OF NEW HAMPSHIRE - PROFESSIONAL ENGINEER

STORMTECH DETAIL SHEET
# 103 COURT STREET
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 24101

SHEET No. SP-6

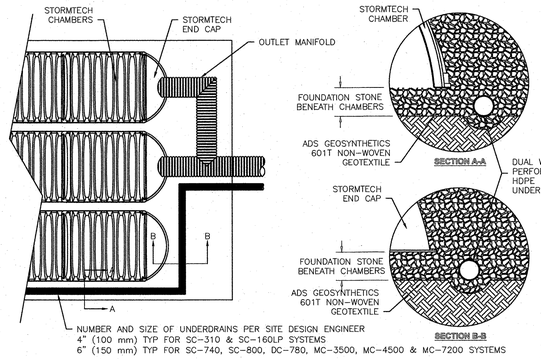
(P24-0012)




NOTES:

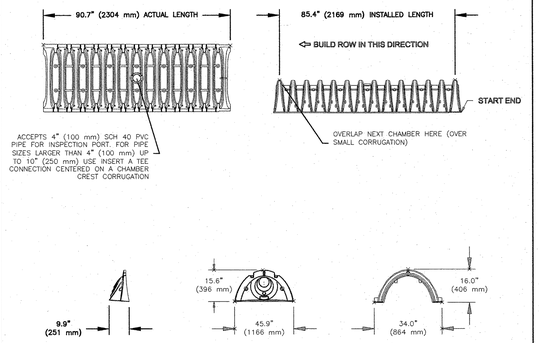
1. TRENCH SHALL BE COMPACTED TO 95 % OPTIMUM DENSITY FOR EACH MATERIAL.
2. FOR CROSS-COUNTRY CONSTRUCTION 6" CRUSHED GRAVEL OR LOAM & SEED SHALL BE MOUNDED 6" ABOVE THE ORIGINAL GROUND SURFACE.
3. WHERE TRENCH IS LOCATED ON EXISTING LAWN OR GRAVEL SURFACE, TRENCH SHALL CONFORM TO MATCH ORIGINAL GROUND SURFACE.
4. MAINTAIN 10' (MIN.) HORIZONTAL AND 18" (MIN) VERTICAL SEPARATION BETWEEN WATER & SEWER MAINS (WATER ABOVE SEWER). HORIZONTAL DISTANCE MAY BE REDUCED TO 5' (MIN.) FOR SERVICES PROVIDED THE WATER SERVICE IS A CONTINUOUS PIPE WITHOUT JOINTS OR FITTINGS.
5. BACKFILL MATERIAL SHALL BE THE NATURAL MATERIAL EXCAVATED DURING THE COURSE OF CONSTRUCTION, BUT SHALL EXCLUDE DEBRIS, PAVEMENT, ORGANIC MATTER, TOP SOIL, MUCK, PEAT AND ROCKS OVER 6" IN LARGEST DIMENSION
6. LOAM AND SEED SHOULD BE IN COMPLIANCE WITH NH DOT 641, 642, 643, 644 AND 645.

## 1 DOVER STD. D-3 Drainage Trench
NOT TO SCALE




NUMBER AND SIZE OF UNDERDRAINS PER SITE DESIGN ENGINEER
4" (100 mm) TYP FOR SC-310 & SC-160LP SYSTEMS
6" (150 mm) TYP FOR SC-740, SC-800, DC-780, MC-3500, MC-4500 & MC-7200 SYSTEMS

## 2 STORMTECH UNDERDRAIN DETAIL
NOT TO SCALE




NOMINAL CHAMBER SPECIFICATIONS
SIZE (W X H X INSTALLED LENGTH) 34.0" X 16.0" X 85.4" (864 mm X 406 mm X 2169 mm)
CHAMBER STORAGE 14.7 CUBIC FEET (0.42 m³)
MINIMUM INSTALLED STORAGE* 31.0 CUBIC FEET (0.88 m³)
WEIGHT 35.0 lbs. (16.8 kg)

*ASSUMES 6" (152 mm) ABOVE, BELOW, AND BETWEEN CHAMBERS

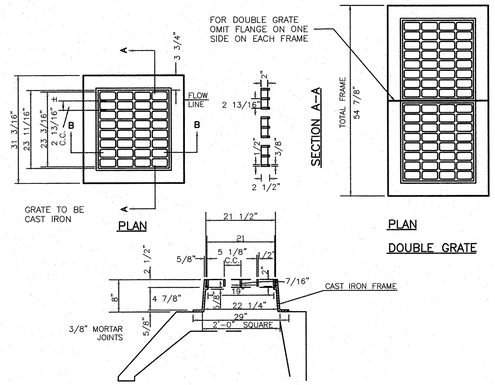
STUBS AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"
STUBS AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"

ALL STUBS, EXCEPT FOR THE SC310EPE12B ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2694.

* FOR THE SC310EPE12B THE 12" (300 mm) STUB LIES BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 0.25" (6 mm). BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SITS LEVEL.

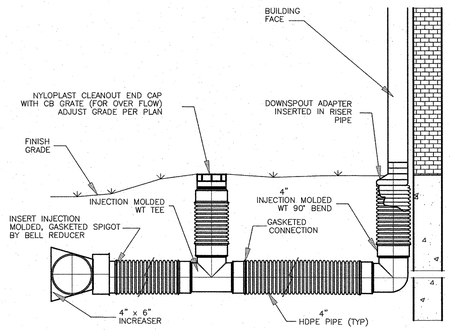
NOTE: ALL DIMENSIONS ARE NOMINAL

## 7 STORMTECH SC-310
NOT TO SCALE

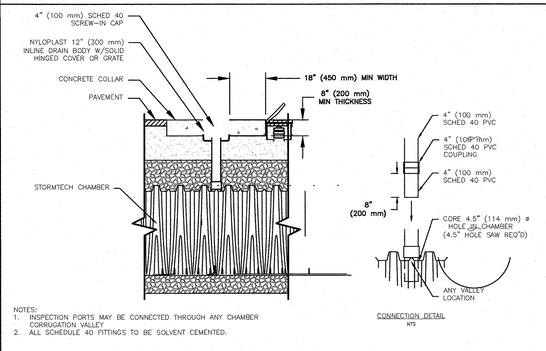



NOTES
1.) USE NEENAH R-3570
2.) FOR SHALLOW INVERTS, USE NEENAH R-3570-A

## 4 CATCH BASIN FRAME & GRATE
NOT TO SCALE

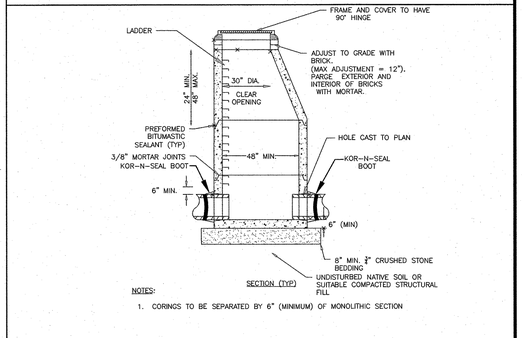



## 5 ROOF DRAIN W-TEE CLEANOUT
NOT TO SCALE




NOTES:
1. INSPECTION PORTS MAY BE CONNECTED THROUGH ANY CHAMBER CORRUGATION VALLEY
2. ALL SCHEDULE 40 FITTINGS TO BE SOLVENT CEMENTED.

## 6 STORMTECH-INSPECTION PORT
NOT TO SCALE

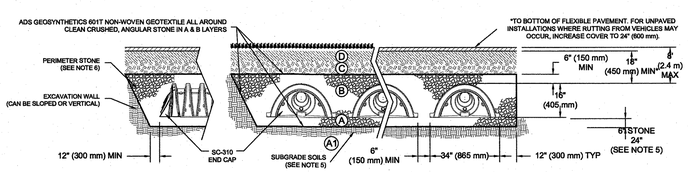



NOTES:
1. CORINGS TO BE SEPARATED BY 6" (MINIMUM) OF MONOLITHIC SECTION

## 8 DOVER STD. D-20 DRAIN MANHOLE
NOT TO SCALE

| | MATERIAL LOCATION | DESCRIPTION | AASHTO MATERIAL CLASSIFICATIONS | COMPACTION / DENSITY REQUIREMENT |
|---|---|---|---|---|
| D | FINAL FILL: FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER | ANY SOIL/ROCK MATERIALS, NATIVE SOILS. | N/A | PREPARE PER SITE DESIGN ENGINEER'S PLANS. |
| C | INITIAL FILL: FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. | GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE. | AASHTO M145* A-1, A-2-4, A-3 OR AASHTO M43* 3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10 | BEGIN COMPACTIONS AFTER 12" (300 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 lbs (53 kN). DYNAMIC FORCE NOT TO EXCEED 20,000 lbs (89 kN). |
| B | EMBEDMENT STONE: FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE. | CLEAN, CRUSHED, ANGULAR STONE, NOMINAL SIZE DISTRIBUTION BETWEEN 3/4-2 INCH (20-50 mm) | AASHTO M43* 3, 357, 4, 467, 5, 56, 57 | NO COMPACTION REQUIRED. |
| A | FOUNDATION STONE: FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER. | CLEAN, CRUSHED, ANGULAR STONE, NOMINAL SIZE DISTRIBUTION BETWEEN 3/4-2 INCH (20-50 mm) | AASHTO M43* 3, 357, 4, 467, 5, 56, 57 | PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. ** |

PLEASE NOTE:
1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.




## 9 STORMTECH ACCEPTABLE FILL MATERIALS
NOT TO SCALE

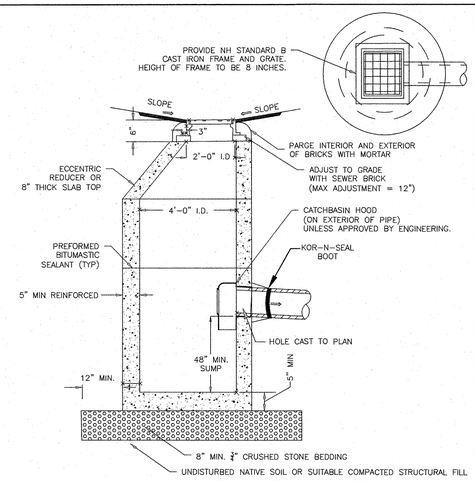
FILL SPECIFICATION A1

| COMPONENT MATERIAL | PERCENT BY VOLUME | GRADATION OF MATERIAL | |
|---|---|---|---|
| | | SIEVE No. | % PASSING BY WEIGHT |
| ASTM C-33 CONCRETE SAND | 50-55% | | |
| LOAMY SAND TOPSOIL | 20-30% | 200 | 15-25% |
| MODERATELY FINE SHREDDED BARK OR WOOD FIBER MULCH | 20-30% | 200 | <5% |

PROPOSED FILL UNDER INFILTRATION SYSTEM SHALL BE TESTED FOR INFILTRATION RATE PRIOR TO INSTALLATION BY THE LABORATORY METHOD DESCRIBED IN NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES Env-Wq 1504.14 (g). AFTER FILL IS PLACED BUT BEFORE THE PRACTICE IS INSTALLED, FILL SHALL BE TESTED BY FIELD MEASUREMENT METHOD DESCRIBED IN Env-Wq 1504.14 (b). A MINIMUM INFILTRATION RATE OF 4 INCHES PER HOUR MUST BE ACHIEVED IN BOTH TESTS.

## NOTES:

1. SC-310 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
2. SC-310 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
3. "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBODIMENT, AND FILL MATERIALS.
4. THE "SITE DESIGN ENGINEER" REFERS TO THE ENGINEER RESPONSIBLE FOR THE DESIGN AND LAYOUT OF THE STORMTECH CHAMBERS FOR THIS PROJECT.
5. SUBBASE SOIL SHALL BE AS FOLLOWS: A1 FILL SECTION.
6. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.




NOTES:
1. ENTIRE STRUCTURE SHALL BE H-20 LOAD RATED. PROVIDE MANUFACTURER REINFORCEMENT DETAILS TO THE CITY ENGINEER UPON REQUEST.
2. CONTRACTOR SHALL HAVE OPTION TO USE 6" OR 8" PRECAST GRADE RINGS TO ADJUST GRADE.

## 12 DOVER STD. D-19 CATCH BASIN
NOT TO SCALE


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DOVER, NEW HAMPSHIRE 03820
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ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

| REVISIONS DATE: | DESCRIPTION: |
|---|---|
| 8-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 12-9-25 | REVISED PER TRC COMMENTS |

ROBERT J. STOWELL No. 5803 LICENSED PROFESSIONAL ENGINEER - STATE OF NEW HAMPSHIRE

CONSTRUCTION DETAILS

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

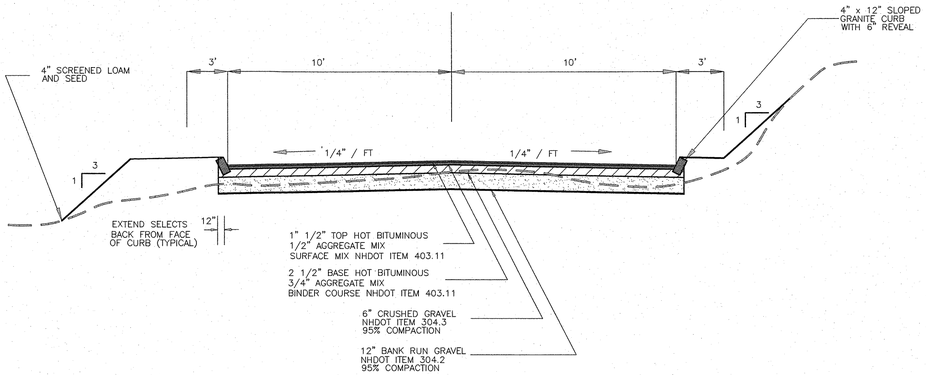
AUGUST 15, 2024

JOB No. 24101

SHEET No.

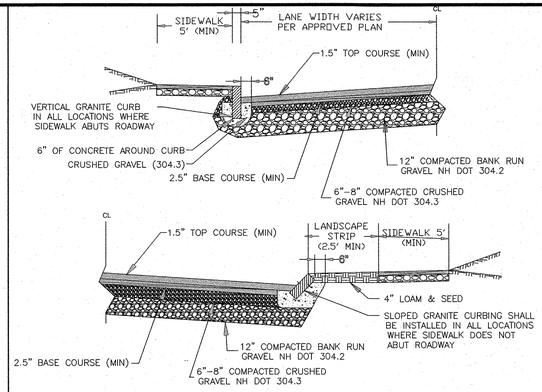
SP-7

(P24-0012)



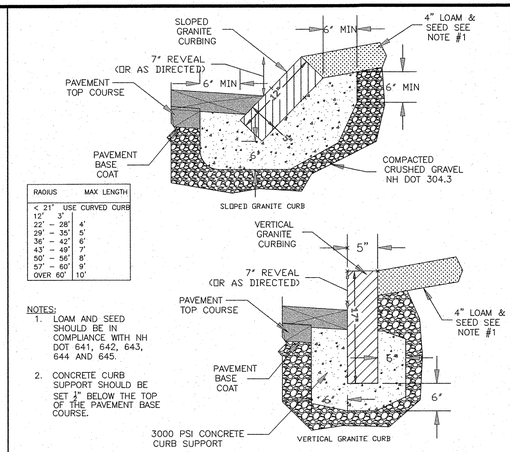

1. TACKIFIER TO BE APPLIED BETWEEN BINDER COURSE AND SURFACE COURSE, (BLACKLIDGE ULTRATACK OR EQUAL).
2. JOINT SEALANT TO BE APPLIED AT LANE JOINTS (SEALANT "C" PAVEMENT JOINT ADHESIVE).
3. SEE DOVER STANDARD DETAILS D-5 FOR ADDITIONAL INFO.
4. SEE DOVER STANDARD DETAILS D-8 FOR ADDITIONAL CURBING INFO.

## 1 TYPICAL DRIVEWAY CROSS SECTION
NOT TO SCALE




NOTES:
1. THIS DETAIL IS FOR GENERAL REVIEW PURPOSES ONLY, FINAL DESIGN SHALL BE BASED ON SPECIFIC SITE CONDITIONS AND APPROVED PLANS.
2. SIDEWALK LOCATION AND MATERIAL SHALL BE AS APPROVED BY THE CITY OF DOVER.

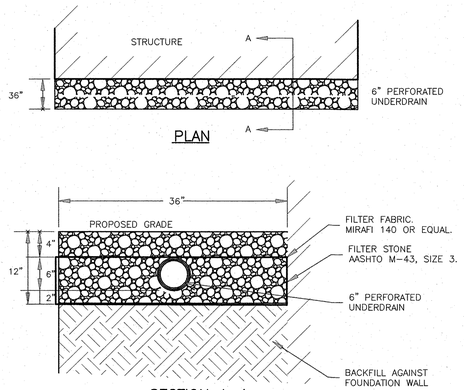
## 3 DOVER STD. D-5 Roadway Cross Section
NOT TO SCALE




| RADIUS | MAX LENGTH |
|---|---|
| < 21' | USE CURVED CURB |
| 12' - 21' | 3' |
| 22' - 28' | 4' |
| 29' - 35' | 5' |
| 36' - 42' | 6' |
| 43' - 49' | 7' |
| 50' - 56' | 8' |
| 57' - 60' | 9' |
| OVER 60' | 10' |

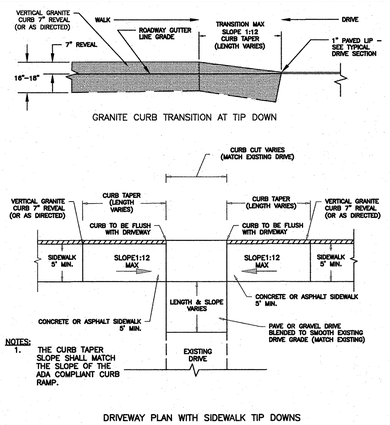
NOTES:
1. LOAM AND SEED SHOULD BE IN COMPLIANCE WITH NH DOT 641, 642, 643, 644 AND 645.
2. CONCRETE CURB SUPPORT SHOULD BE SET 1" BELOW THE TOP OF THE PAVEMENT BASE COURSE.

## 4 DOVER STD. D-8 Granite Curb
NOT TO SCALE




SECTION A-A

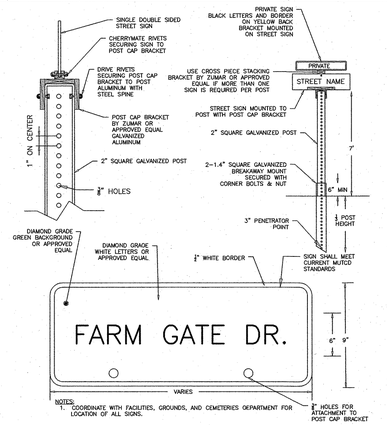
## 5 BUILDING DRIP EDGE
NOT TO SCALE




NOTES:
1. THE CURB TAPER SLOPE SHALL MATCH THE SLOPE OF THE ADA COMPLIANT CURB RAMP.

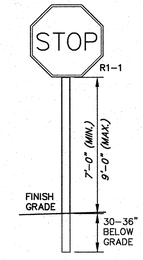
DRIVEWAY PLAN WITH SIDEWALK TIP DOWNS

## 6 DOVER STD. D-9 Sidewalk Tip Down At Driveway
NOT TO SCALE




NOTES:
1. COORDINATE WITH FACILITIES, GROUNDS, AND CEMETERIES DEPARTMENT FOR LOCATION OF ALL SIGNS.

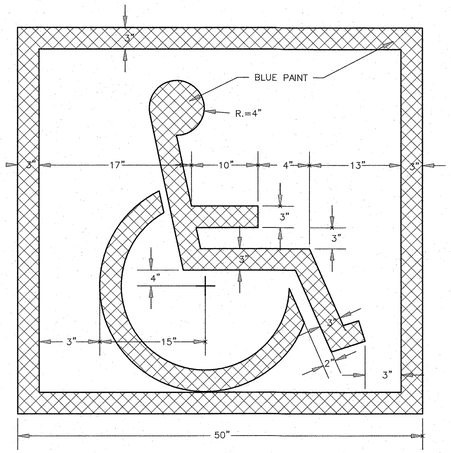
## 7 DOVER STD. D-1 Street Sign
NOT TO SCALE



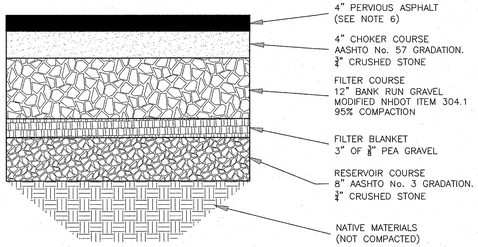

SEE SHEET SP-1 FOR LOCATION OF THIS SIGN.
(SET 2.0' HORIZONTALLY TO FACE OF CURBING OF THE STREET)

## TYPICAL SIGNS
NOT TO SCALE

## 8 STOP SIGN
NOT TO SCALE



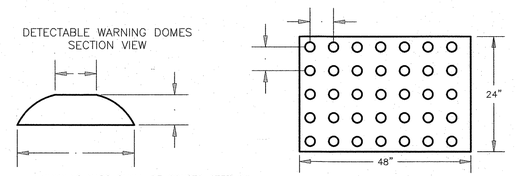

## 9 ACCESSIBLE SYMBOL DETAIL
NOT TO SCALE




GENERAL MATERIALS NOTES - APPLIES TO ALL DETAILS UNLESS NOTED.

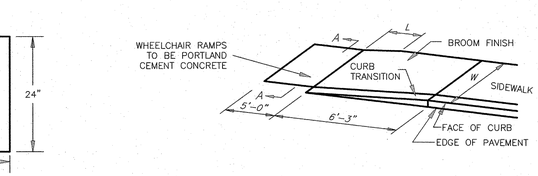
1.) MATERIALS AND CONSTRUCTION METHODS SHALL CONFORM TO THE STATE OF NEW HAMPSHIRE STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
2.) UNDERLYING MATERIALS SHALL NOT BE COMPACTED OR SUBJECTED TO EXCESSIVE CONSTRUCTION TRAFFIC PRIOR TO STONE BED PLACEMENT.
3.) CHOKER COURSE SHALL BE: SIEVE PERCENT PASSING (AASHTO No. 57) 1.5" 100%
1" 95 - 100%
.5" 25 - 60%
#4 0 - 10%
#8 0 - 5%
4.) FILTER COURSE SHALL BE: SIEVE PERCENT PASSING (MODIFIED NHDOT 304.1) 6" 100%
#4 25 - 70%
#200 0 - 6% (PREFERABLY LESS THAN 4" FINES)
5.) RESERVOIR COURSE SHALL BE: SIEVE PERCENT PASSING (AASHTO No. 3 ) 2.5" 100%
2" 90 - 100%
1.5" 35 - 70%
1" 0 - 15%
.5" 0 - 5%
6.) CONTRACTOR SHALL FOLLOW INSTALLATION AND QUALITY CONTROL/QUALITY ASSURANCE PROCEDURES, AND POROUS ASPHALT MIX DESIGN AND PRODUCTION IN "UNHSC DESIGN SPECIFICATIONS FOR POROUS ASPHALT PAVEMENT AND INFILTRATION BEDS"

## 10 TYPICAL POROUS PAVEMENT SECTION
NOT TO SCALE

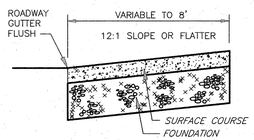



NOTES:
1. THE DIMENSIONS SHOWN AT ROADWAY EDGE ARE FIXED DISTANCES.
2. RAMP CROSS SECTION TO BE SAME AS ADJACENT SIDEWALK; I.E., DEPTH OF SURFACE AND FOUNDATION.
3. PORTLAND CEMENT CONCRETE RAMPS ARE TO BE TEXTURED BY BROOMING IN A DIRECTION PARALLEL TO THE LENGTH OF THE RAMP.
4. SIDEWALKS THAT CROSS DRIVEWAYS SHALL BE RAMPED TO MEET THE GRADE OF DRIVEWAY.
5. THESE DIMENSIONS ARE SUBJECT TO CHANGE IN THE FIELD IF EXISTING APPURTENANCES OR CONDITIONS WILL MAKE THE RAMP LOCATIONS IMPRACTICAL OR UNSAFE.
6. DETECTABLE WARNINGS TO BE INSTALLED 6" FROM EDGE OF RAMP.
7. DETECTABLE WARNINGS PADS SHALL BE CONSTRUCTED OF CAST IRON OR SIMILAR DURABLE MATERIAL APPROVED BY THE CITY OF DOVER.

## 11 WHEEL CHAIR RAMP
NOT TO SCALE




4. INSTALL ACCESSIBLE REINFORCED CONCRETE RAMP (MAXIMUM SLOPE = 1" IN 12") FROM PAVEMENT GRADE TO SIDEWALK GRADE IN COMPLIANCE WITH ALL A.D.A. STANDARDS, PER DETAIL 6, SHEET SP-5.




SECTION A-A

| W | L | S.Y. |
|---|---|---|
| 5'-0" | 2'-9"± | 6.3 |
| 6'-0" | 2'-0"± | 7.2 |
| 7'-0" | 1'-3"± | 8.0 |
| 8'-0" | 0'-0" | 8.1 |

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ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

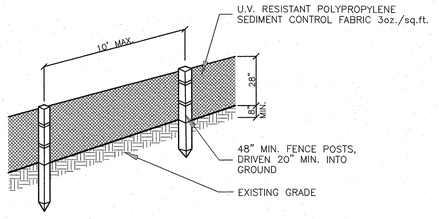
| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER IDP APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |

STATE OF NEW HAMPSHIRE - ROBERT J. STOWELL No. 9653 - PROFESSIONAL ENGINEER

CONSTRUCTION DETAILS
**103 COURT STREET**
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 24101

SHEET No.
**SP-8**

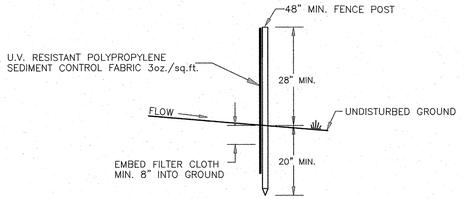
(P24-0012)




PERSPECTIVE VIEW

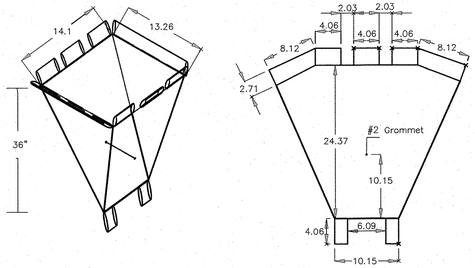
## NOTES

1. THE GEOTEXTILE FABRIC SHALL MEET THE DESIGN CRITERIA FOR BEST MANAGEMENT PRACTICE FOR SILT FENCES, OF THE "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE" PREPARED BY ROCKINGHAM COUNTY CONSERVATION DISTRICT, DATED AUGUST 1992.
2. THE FABRIC SHALL BE EMBEDDED A MINIMUM OF 8 INCHES INTO THE GROUND AND THE SOIL COMPACTED OVER THE EMBEDDED FABRIC.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY 6 INCHES, FOLDED AND STAPLED.
4. FENCE POSTS SHALL BE A MINIMUM OF 36 INCHES LONG AND DRIVEN A MINIMUM OF 20 INCHES INTO THE GROUND. WOOD POSTS SHALL BE OF SOUND QUALITY HARDWOOD AND SHALL HAVE A MINIMUM CROSS SECTIONAL AREA OF 3.0 SQ.IN..
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED TO PREVENT BULGES IN THE SILT FENCE DUE TO DEPOSITION OF SEDIMENT.
6. REMOVE BY HAND AND PROPERLY DISPOSE OF ALL SEDIMENT PRIOR TO REMOVING FENCE.




SECTION

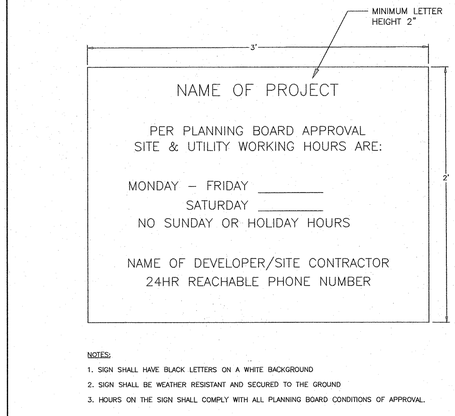
1 SILT FENCE
NOT TO SCALE




**Specifications:**

a) Fabric used should not be laminated.
b) Silt sack to have two #2 grommets, one on each of the two sides, 15" from the bottom of the silt sack.
c) Tie 1/4" wide yellow rope 19" long through the grommets on two sides of the silt sack.

2 Hi Vis Hi Flow Silt Sack
NOT TO SCALE

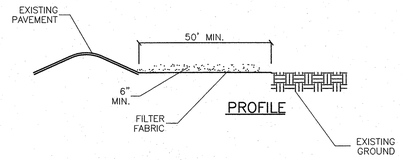



NOTES:

1. SIGN SHALL HAVE BLACK LETTERS ON A WHITE BACKGROUND
2. SIGN SHALL BE WEATHER RESISTANT AND SECURED TO THE GROUND
3. HOURS ON THE SIGN SHALL COMPLY WITH ALL PLANNING BOARD CONDITIONS OF APPROVAL.

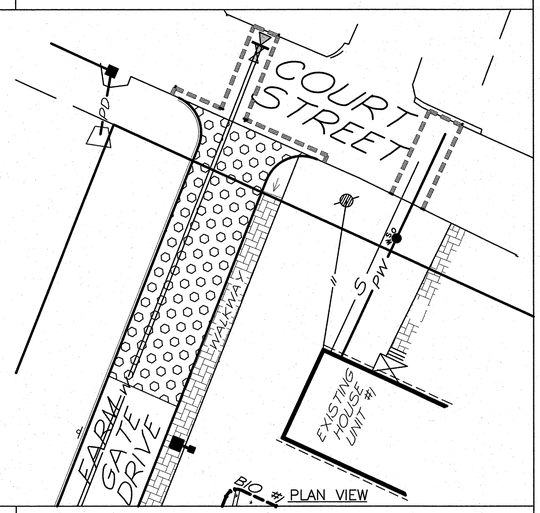
3 DOVER STD. D-2 Construction Sign
NOT TO SCALE

1. GRADE AND COMPACT ACCESS ROAD ENTRANCE AS NECESSARY PLACE FILTER FABRIC (MIRAFI OR EQUAL) AND PLACE 6" OF 1" – 2" STONE TO MATCH SLOPE OF EXISTING ROAD
2. PROVIDE NECESSARY SWALES OR DIVERSIONS TO MINIMIZE DIRECT FLOW OF WATER ONTO STONE AREA.
3. CONSTRUCTION ENTRANCE SHALL BE MAINTAINED AS NECESSARY TO REMOVE SILT FROM TIRES PRIOR TO ENTERING PUBLIC ROADS. A SMALL SWALE SHALL BE CONSTRUCTED ON THE DOWN GRADIENT SIDE TO TRAP ANY SILT WASHED FROM THE STONE.
4. HAYBALES OR SILT FENCE SHALL BE PLACED ON THE DOWN GRADIENT SIDE AS SHOWN ON THE EROSION CONTROL PLAN.




PROFILE

5 STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE




PLAN VIEW

1. THE PROJECT SHALL BE MANAGED TO MEET THE REQUIREMENTS AND INTENT OF RSA 430:53 AND AGR 3800 RELATIVE TO INVASIVE SPECIES.
2. FUGITIVE DUST SHALL BE CONTROLLED IN ACCORDANCE WITH ENV-A 1000.

### CRITICAL AREAS

Anywhere on the site that existing vegetation is to be removed will require immediate erosian cantral treatment. Special care shauld be taken where runaff enters wetlands. All starm water practices areas shall be stabilized priar ta directing storm water to them; specifically all biorentnian basins and all infiltration practices.

### EROSION AND SEDIMENT CONTROL PRACTICES

Erasian and sediment cantral practices will include the use af rip-rap, and silt fence check dams. All erasian and sediment contral practices will be canstructed and maintained according to the minimum standards and specifications contained in the "New Hampshire Stormwater Manual, Volume 2".

### A. Erosion and Sediment Control Measures

1. The erasian cantrol procedures shall canform to Sectian 645 of the "Standard Specifications for Road and Bridge Canstruction" af the NH DOT, and the "New Hampshire Starmwater Manual."
2. During Canstructian and thereafter, erasion cantral measures are ta be implemented as nated. The smallest practical area of land shauld be exposed at any one time during development. The amaunt af expased areas which ore temporarily stabilized without permanent stabilization shall be limited to 5 acres.
3. During grading operations, install stane check dams at 50 foot intervals in drainage swales and at drain inlets where shawn. Barriers are ta be maintained and cleaned until disturbed areas are stabilized.
4. Any disturbed areas which are ta be left temporarily, and which will be regraded later during construction shall be machine hay mulched and seeded with rye grass to prevent erosion.
5. Silt fences and ather erasion cantral measures shall be inspected weekly and after every 0.25" rainfall event during the life af the project. All damaged silt fences shall be repaired. Sediment deposits shall periadically be remaved.
6. Avaid the use at future apen spaces (loam and seed areas) wherever passible during the canstructian. Construction traffic shall use the raadbeds of future raads and parking areas.
7. Tapsoil required far the establishment af vegetatian shall be stock piled in amaunts necessary ta complete finished grading of all exposed areas.
8. Areas ta be filled shall be cleared, grubbed, and stripped af tapsoil to remave trees, vegetation, roots or ather objectionable material. Stumps shall be disposed by grinding or fill in an approved facility.
9. All fills shall be placed and campacted to reduce erasion, slippage settlement, subsidence or other related problems.
10. All fill shall be placed and campacted in layers not to exceed 8 inches in thickness.
11. Frozen material or saft, mucky ar highly compressible material shall nat be incorparated inta fills.
12. Fill material shall nat be placed an a frozen foundation subgrade.
13. Disturbed areas shall be seeded immediately following finished grading.
14. Limit af exposed area that is temporarily stabilized without permanent stabilizatian is 5 acres or less.
15. All areas nat stabilized by Nov. 1st must be protected by Erasion Cantral Blankets ar equivalent and mulched/seeded with winter rye ar aats.
16. All disturbed areas must be seed and mulched within 3 days af final grading, permanently stabilized within 15 days af final grading ar tempararily stabilized within 45 days of initial disturbance.
17. All ditches and swales are ta be stabilized priar to directing runaff to these features.
18. All cut and fill slopes shall be seeded immediately.
19. An area shall be considered stable if one of the following has accurred:
    a.) Base caurse gravels are installed in areas to be paved
    b.) A minimum af 85% vegetated growth has been established
    c.) A minimum af 3" of non-erasive material such as stone ar riprap has been installed
    d.) Erasian cantral blankets have been properly installed.

### B. Vegetative Practice

All graund areas opened up far canstructian will be regraded, loamed, seeded and mulched in the shartest practical time. All Temporary and Permanent Seeding must be applied priar to October 1st. Employ temporary erasion and sedimentation cantrol devices as detailed in this plan as necessary until adequate stabilizatian has been assured.

### A. Temporary Seeding & Hay Mulching

1. At na time shall any disturbed area remain unstabilized far langer than 30 days. All areas where canstructian is nat completed within 30 days af the initial disturbance shall receive temparary seeding measures.
2. Fertilizer shall be spread an the tap layer af loam and warked into the surface. Fertilizer application rate shall be 300 pounds per acre of 10-10-10 fertilizer.
3. Seed shall be Winter Rye, 112 LBS. per acre.
4. Remove stanes and trash that will interfere with seeding the area. Where feasible, till the sail ta a depth of abaut 3 inches to prepare a seedbed and mix fertilizer into the soil. The seedbed shauld be left in a firm and smaath canditian. The last tillage operation shauld be performed across the slape whenever practical.
5. If seeding between May 15th and August 15th, hay mulch shall be applied immediately after seeding at a rate of 1.5 to 2 tons per acre and shall be held in place using appropriate techniques from the Erasian and Sediment Cantral Handbaak.
6. The surface shall be watered and kept moist with a fine spray as required without washing away the soil, until the grass is well estoblished. Any areas which are not satisfactarily covered with grass shall be reseeded, and all naxious weeds are removed.

### B. Permanent Seeding & Hay Mulching

1. All disturbed areas shall be loamed (4") and limed. Lime shall be thoraughly incorparated into the loam layer at a rate of 2 tons per acre.
2. Fertilizer shall be spread an the top layer af loam and warked inta then surface. Fertilizer application rate shall be 500 pounds per acre of 10-20-20 fertilizer.
3. Seed shall be 48 lbs. per acre, SCS mixture "c" (20 lbs tall fescue, 20 lbs. creeping red fescue and 8 lbs. birds faat trefail = 48 lbs total.) The soil shall be lightly raked immediately before seeding. One half the seed shall be sawn in ane direction and the ather half at right angles to the original direction. It shall be lightly raked in to the soil to a depth not aver 1/4 inch and rolled with hand roller weighing nat aver 100 paints per linear faat to width.
4. Hay mulch shall be applied immediately after seeding at a rate of 1.5 to 2 tons per acre and shall be held in place using appropriate techniques from the Erasion and Sediment Cantral Handbaak. The surface shall be watered and kept moist with a fine spray as required, without washing away the soil, until the grass is well established. Any areas which are not satisfactarily covered with grass shall be reseeded, and all naxious weeds remaved.

### CONSTRUCTION SEQUENCE

1. Da not begin canstructian until all local, state and federal permits have been applied far and received.
2. Install silt fences filtrex sack as necessary to cantral erasion and prevent sediment contamination priar to any earth moving activities.
3. Cut and remave trees, shrubs, saplings, brush, vines and ather debris and rubbish as specified far construction.
4. Care shall be taken to preserve the infiltration capacity af the infiltrating soil. See the New Hampshire Stormwater Manual for additianal infarmation.
5. Construct stormwater Infiltration Proctice #1 and Bioretention Practice #1. Do not direct runaff to these practices until the practice and contributing areas are fully stabilized.
6. Building canstructian may begin.
7. Canstruct driveways, parking and utilities.
8. Loam and seed disturbed areas in accordance with vegetative practice and general canstructian notes. Cut and fill slopes shall be seeded immediately after their construction.
9. All areas receiving runoff, including but nat limited to the stormwater infiltration shall be stabilized priar to directing runaff to them.
10. All soils that are finish graded must be stabilized within 72 hours af disturbance.
11. Maintain disturbed areas as necessary.

### MAINTENANCE

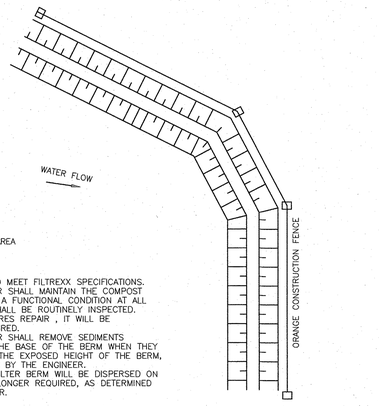
During the period af canstructian and/ar until lang term vegetatian is established:

1. Seeded areas will be fertilized and reseeded as necessary to insure vegetative establishment.
2. The side slopes will be checked after each significant rainfall.
3. The side slopes will be checked weekly and repaired when necessary until adequate vegetatian is established.
4. The silt fence barriers will be checked regularly. Necessary repairs will be made to correct undermining ar deterioration of the structures.

### WINTER CONSTRUCTION NOTES

1. All propased vegetated areas which da nat exhibit a minimum of 85% vegetatian growth by October 15th, ar which are disturbed after October 15th, shall be stabilized by seeding and installing erasian cantral blankets an slopes greater than 3:1, and seeding and placing 3 to 4 tans af mulch per acre, secured with anchored netting, elsewhere. The installatian af erasian cantral blankets ar mulch and netting shall nat accur aver accumulated snaw ar an frazen ground and shall be completed in advance of thaw or spring melts.
2. All ditches or swales which da not exhibit a minimum of 85% vegetatian growth by October 15th, or which are disturbed after October 15th, shall be stabilized tempararily with staale ar erasian control blankets appropriate far the design flaw conditions.
3. After November 15th, incomplete raad or parking surfaces, where wark has stapped far the winter season, shall be protected with a minimum af 3 inches af crushed gravel per NHDOT item 304.3.

12 EROSION AND SEDIMENT CONTROL NOTES

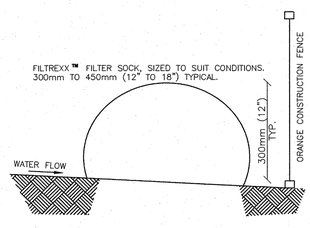



**NOTES**

1.) ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS.
2.) THE CONTRACTOR SHALL MAINTAIN THE COMPOST FILTER BERM IN A FUNCTIONAL CONDITION AT ALL TIMES AND IT SHALL BE ROUTINELY INSPECTED.
3.) WHERE IT REQUIRES REPAIR , IT WILL BE ROUTINELY REPAIRED.
4.) THE CONTRACTOR SHALL REMOVE SEDIMENTS COLLECTED AT THE BASE OF THE BERM WHEN THEY REACH 1/3 OF THE EXPOSED HEIGHT OF THE BERM, OR AS DIRECTED BY THE ENGINEER.
5.) THE COMPOST FILTER BERM WILL BE DISPERSED ON SITE WHEN NO LONGER REQUIRED, AS DETERMINED BY THE ENGINEER.

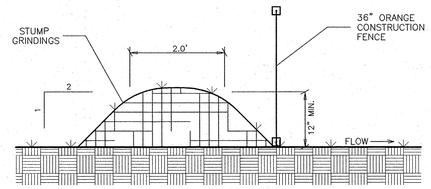
9 FILTREXX SOCK – SILT FENCE
NOT TO SCALE

TYPICAL BERM FOR MINIMAL GRADES SHOWN. FOR STEEPER GRADES, I.E. 2:1 SLOPES INCREASE BERM SIZE AS DETERMINED ON SITE BY ENGINEER.




FILTER COMPOST MATERIAL
AS PER SPECIFICATIONS.

1. BERMS SHALL BE USED IN AREAS WHERE EROSION WILL OCCUR ONLY IN THE FORM OF SHEET EROSION AND THERE WILL BE NO CONCENTRATION OF WATER IN A CHANNEL OR DRAINAGE WAY ABOVE THE BERM.
2. THE BERMS SHALL BE INSTALLED FOLLOWING THE CONTOUR OF THE LAND AS CLOSE AS POSSIBLE.
3. THE BERMS SHALL BE INSTALLED ON SLOPES OF LESS THAN 5%.
4. THE MIX SHALL HAVE AN ORGANIC PORTION BETWEEN 80 AND 100%, DRY MASS WEIGHT BASIS, AND BE FIBEROUS AND ELONGATED SUCH AS FROM SHREDDED BARK, STUMP GRINDINGS, COMPOSED BARK, OR EQUIVALENT MANUFACTURED PRODUCTS.
5. WOOD AND BARK CHIPS, GROUND CONSTRUCTION DEBRIS, OR REPROCESSED WOOD PRODUCTS SHALL NOT BE USED AS ORGANIC MATERIALS.
6. THE MIX SHALL NOT CONTAIN SILTS, CLAY OR FINE SANDS.
7. THE MIX SHALL HAVE A PARTICLE SIZE BY WEIGHT OF 70 TO 85% PASSING A 6-INCH SCREEN AND A MAXIMUM OF 85% PASSING THE 0.75-INCH SCREEN.

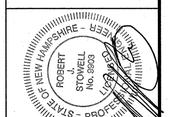



11 EROSION CONTROL MULCH BERM
NOT TO SCALE

TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3830

ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

| REVISIONS DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |
| 12-9-25 | REVISED PER TRC COMMENTS |




CONSTRUCTION DETAILS

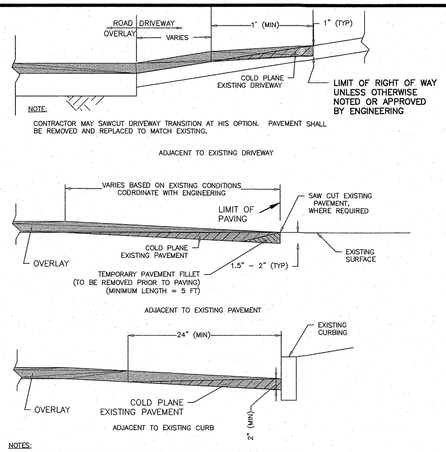
# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101

SHEET No. SP-9

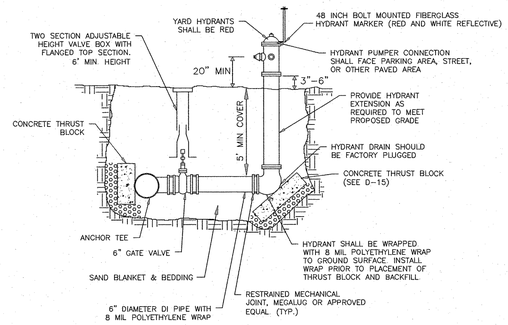
(P24-0012)




NOTES:

1. THE LENGTH OF THE TAPER MAY BE ADJUSTED AS ORDERED TO PROVIDE FOR VARYING FIELD CONDITIONS OR CHANGES IN SINGLE COURSE DEPTH

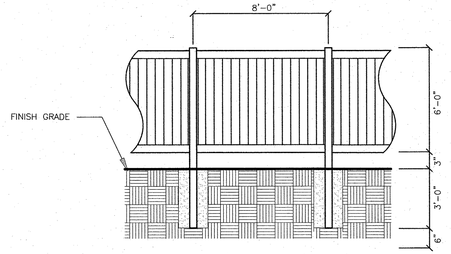
## 1 DOVER STD. D-12 Pavement Overlay Details
NOT TO SCALE




NOTES:

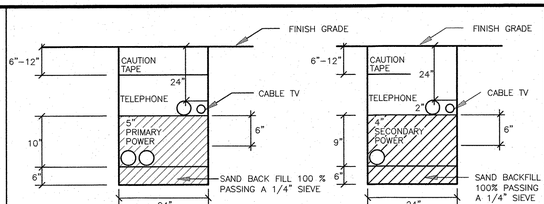
1. FIRE HYDRANTS SHALL BE FACTORY SEALED EDDY STYLE 2641.
2. HYDRANT SHALL BE PAINTED RED WITH EPOXY PAINT AS RECOMMENDED BY THE HYDRANT MANUFACTURER.
3. HYDRANT SHALL OPEN LEFT.
4. HYDRANT MARKER TO BE 3/8" FIBERGLASS RODS BY E-ZGUIDE PRODUCTS OR APPROVED EQUAL.
5. PIPE BEDDING AND BLANKET SHALL MEET THE STANDARD WATER TRENCH DETAIL D-4.

## 2 DOVER STD. D-14 FIRE HYDRANT
NOT TO SCALE




INSTALL 6' TALL VINYL FENCE
POSTS SHALL BE EMBEDDED 36" MINIMUM

## 3 VINYL STOCKADE FENCE DETAIL
NOT TO SCALE




## ELECTRICAL TRENCH "A"
NOT TO SCALE

## ELECTRICAL TRENCH "B"
NOT TO SCALE

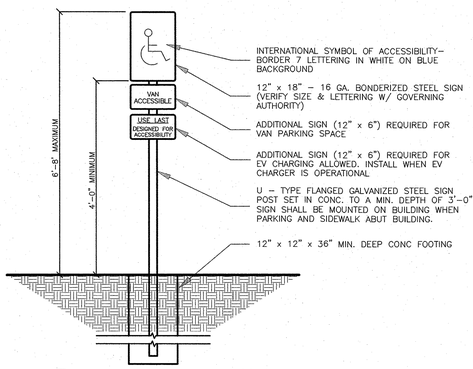
1.) TELEPHONE CONDUIT SHALL BE 3" SCHEDULE 40 PVC, WITH STEEL SWEEPS AT RISER POLE, 90° BENDS AND AT BUILDING.

2.) LEAVE PULL ROPE IN ALL CONDUITS FOR CABLE INSTALLATION.

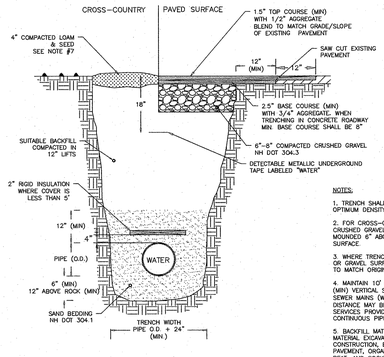
3.) FOR COMPLETE SPECIFICATION SEE "PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE CONSTRUCTION SPECIFICATIONS FOR UNDERGROUND CONDUIT SYSTEMS".

4.) CONTRACTOR SHOULD VERIFY THE NUMBER & SIZE OF CONDUIT WITH THE APPROPRIATE UTILITIES.

## 4 ELECTRICAL TRENCH
NOT TO SCALE



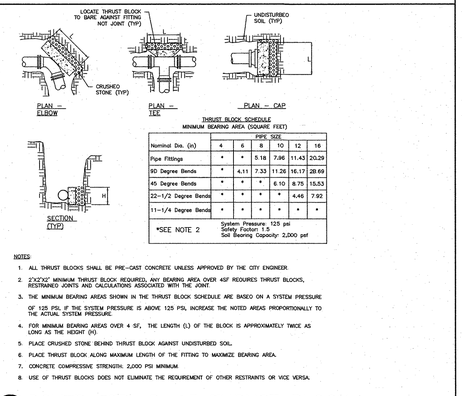

## 5 ACCESSIBLE-EV CHARGING SIGN
NOT TO SCALE




NOTES:

1. TRENCH SHALL BE COMPACTED TO 95% OPTIMUM DENSITY FOR EACH MATERIAL.
2. FOR CROSS-COUNTRY CONSTRUCTION 6" CRUSHED GRAVEL OR LOAM & SEED SHALL BE MOUNDED 6" ABOVE THE ORIGINAL GROUND SURFACE.
3. WHERE TRENCH IS LOCATED ON EXISTING LAWN OR GRAVEL SURFACE, TRENCH SHALL CONFORM TO MATCH ORIGINAL GROUND SURFACE.
4. MAINTAIN 10' (MIN.) HORIZONTAL AND 18" (MIN) VERTICAL SEPARATION BETWEEN WATER & SEWER MAINS (WATER ABOVE SEWER). HORIZONTAL DISTANCE MAY BE REDUCED TO 5' (MIN.) FOR SERVICES PROVIDED THE WATER SERVICE IS A CONTINUOUS PIPE WITHOUT JOINTS OR FITTINGS.
5. BACKFILL MATERIAL SHALL BE THE NATURAL MATERIAL EXCAVATED DURING THE COURSE OF CONSTRUCTION, BUT SHALL EXCLUDE: DEBRIS, PAVEMENT, ORGANIC MATTER, TOP SOIL, MUCK, PEAT, AND ROCKS OVER 6" IN LARGEST DIMENSION
6. PROVIDE MINIMUM 5' OF COVER. ENGINEERING APPROVAL REQUIRED FOR LESS THAN 5' OF COVER.
7. LOAM AND SEED SHOULD BE IN COMPLIANCE WITH NH DOT 641, 642, 643, 644 AND 645.

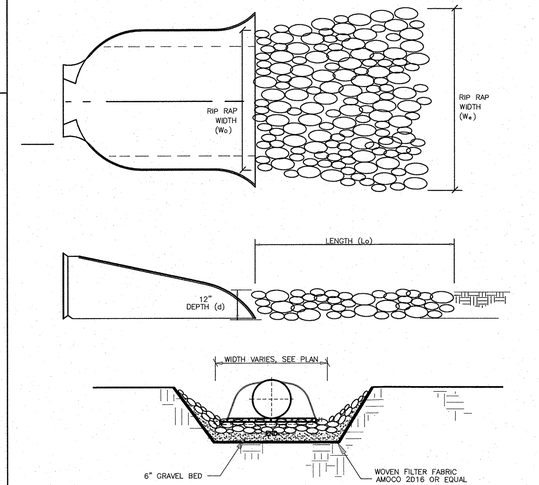
## 6 DOVER STD. D-4 Water Trench
NOT TO SCALE



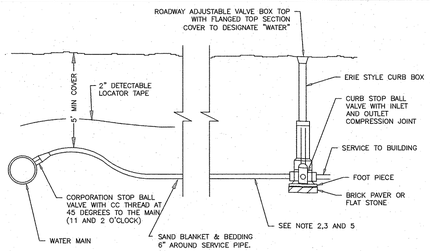

NOTES

1. ALL THRUST BLOCKS SHALL BE PRE-CAST CONCRETE UNLESS APPROVED BY THE CITY ENGINEER.
2. 2'X2'X0" MINIMUM THRUST BLOCK REQUIRED, ANY BEARING AREA OVER 4SF REQUIRES THRUST BLOCKS, RESTRAINED JOINTS AND CALCULATIONS ASSOCIATED WITH THE JOINT.
3. THE MINIMUM BEARING AREAS SHOWN IN THE THRUST BLOCK SCHEDULE ARE BASED ON A SYSTEM PRESSURE OF 125 PSI. IF THE SYSTEM PRESSURE IS ABOVE 125 PSI, INCREASE THE NOTED AREAS PROPORTIONALLY TO THE ACTUAL SYSTEM PRESSURE.
4. FOR MINIMUM BEARING AREAS OVER 4 SF, THE LENGTH (L) OF THE BLOCK IS APPROXIMATELY TWICE AS LONG AS THE HEIGHT (H).
5. PLACE CRUSHED STONE BEHIND THRUST BLOCK AGAINST UNDISTURBED SOIL.
6. PLACE THRUST BLOCK ALONG MAXIMUM LENGTH OF THE FITTING TO MAXIMIZE BEARING AREA.
7. CONCRETE COMPRESSIVE STRENGTH: 2,000 PSI MINIMUM.
8. USE OF THRUST BLOCKS DOES NOT ELIMINATE THE REQUIREMENT OF OTHER RESTRAINTS OR VICE VERSA.

## 7 DOVER STD. D-15 THRUST BLOCK
NOT TO SCALE



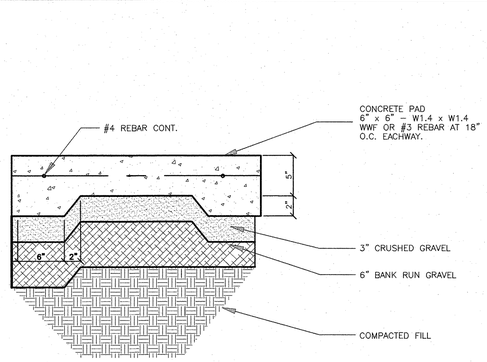

## 8 RIPRAP DETAIL
NOT TO SCALE



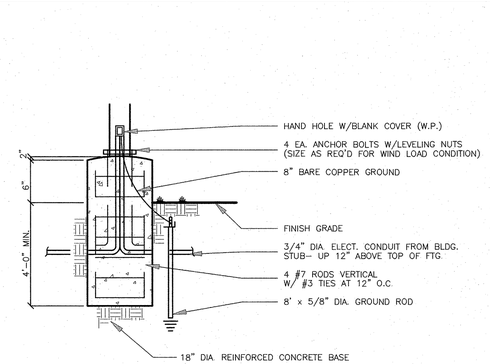

NOTES:

1. ALL WATER LINES 4" OR GREATER SHALL BE DUCTILE IRON WITH AN 8 MIL PDLYETHYLENE WRAP, INCLUDING TEE AND OTHER CONNECTIONS.
2. WATER SERVICE LINES SHALL BE COPPER TUBING (TYPE K) BETWEEN MAIN AND CURB STOP.
3. SERVICE BETWEEN CURB STOP AND BUILDING MAY BE (BLUE OR BLACK) CTS SDR 9 PLASTIC POLYETHYLENE RATED FOR 250 psi.
4. CAM-LOCK REQUIRED FOR CTS OR IPS, MJ ADAPTER REQUIRED FOR HDPE
5. ALL SERVICES SHALL BE 1". PROVIDE 1" TO 3/4" REDUCER COUPLING WHERE EXISTING SERVICES ARE 3/4", SUBSIDIARY.
6. APPROVED WATER SERVICE MATERIALS INCLUDE:
   - 3/4"- COPPER, CTS
   - 1"- COPPER, CTS
   - 2"- CTS, HDPE, IPS
7. ALL SADDLES USED AS SPECIFIED SHALL HAVE DOUBLE STAINLESS STEEL STRAPS.
8. TAPS TO BE MADE AT APPROX. 2:00 AND 10:00.

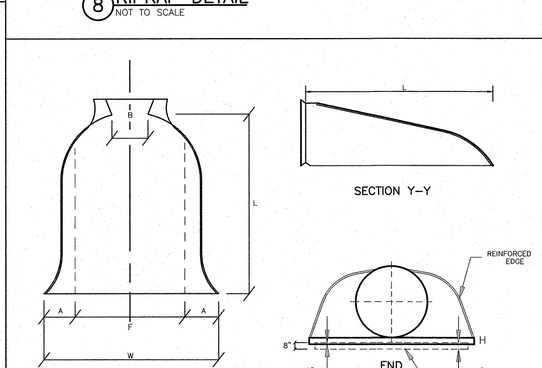
## 9 DOVER STD. D-13 WATER SERVICE CONNECTION
NOT TO SCALE




## 10 CONCRETE PAD DETAIL
NOT TO SCALE




## 11 SITE LIGHTING BASE
NOT TO SCALE




| DIA | A | B | H | F | L | W |
|---|---|---|---|---|---|---|
| 12" | 5" | 7" | 6" | 22" | 21" | 44" |

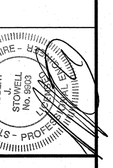
## 12 CMP FLARED END SECTION
NOT TO SCALE

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ISSUED FOR PLANNING BOARD REVIEW
January 6, 2025

REVISIONS

| DATE: | DESCRIPTION: |
|---|---|
| 9-12-24 | REVISED PER TRC COMMENTS |
| 12-9-25 | REVISED PER TRC COMMENTS |




CONSTRUCTION DETAILS

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

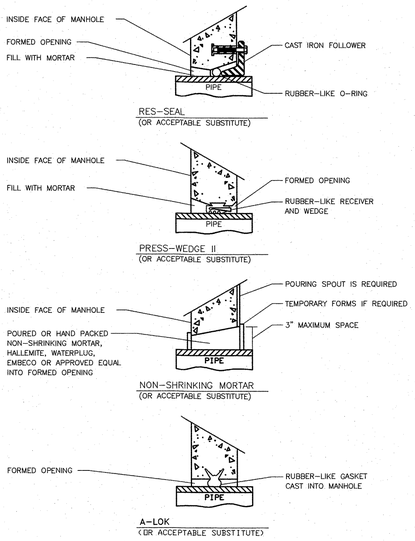
AUGUST 15, 2024

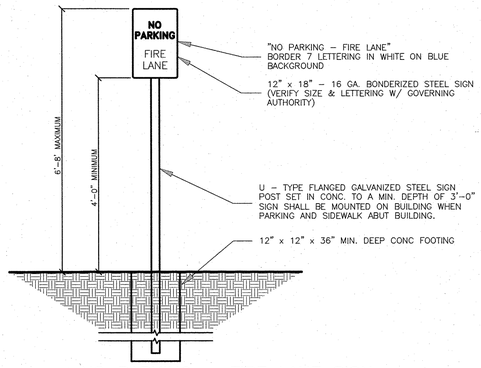
JOB No. 24101

SHEET NO.

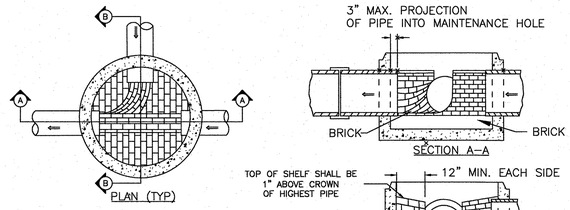
SP-10

(P24-0012)



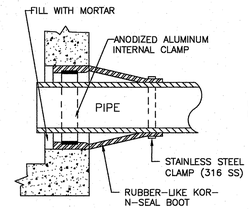




NO PARKING – FIRE LANE SIGN
NOT TO SCALE




NOTES:

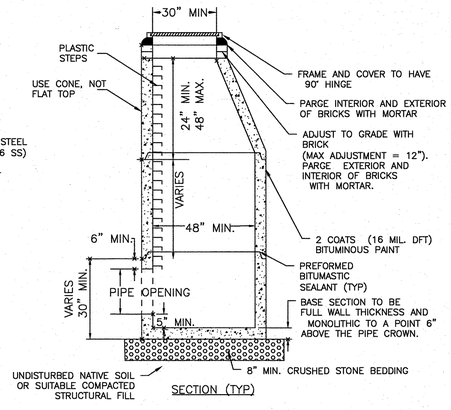
1. CORINGS TO BE SEPARATED BY 6" (MINIMUM) OF MONOLITHIC SECTION



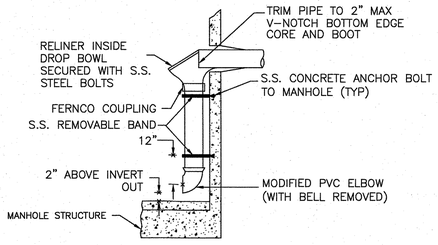

KOR-N-SEAL JOINT SLEEVE
(OR EQUAL)

NOTES:

1. ALL SEWER MAINTENANCE HOLES WITHIN CITY EASEMENTS OR RIGHT OF WAY SHALL HAVE LIFTMATE R-1743-LM COVERS OR APPROVED EQUAL.
2. SEWER MAINTENANCE HOLES NOT WITHIN CITY EASEMENTS OR RIGHT OF WAY SHALL BE SEALED TO PREVENT INFILTRATION.




DOVER STD. D-16 SEWER MAIN
NOT TO SCALE




INTERNAL DROP

NOTES:

1. INTERNAL DROPS ARE PROHIBITED UNLESS APPROVED BY THE CITY ENGINEER.
2. A MINIMUM 5 FT DIAMETER MANHOLE IS REQUIRED FOR AN INTERNAL DROP.
3. IF A DROP IS PROPOSED FOR AN EXISTING MANHOLE, THE BRICK SHELF SHALL BE REWORKED TO FORM A NEW CHANNEL. FOR NEW DROP CONNECTIONS. IF STRUCTURE IS LESS THAN 5 FT IN DIAMETER, A NEW PRECAST MANHOLE SHALL BE INSTALLED.
4. BRICK INVERT NOT SHOWN ON DETAIL.
5. EXTERNAL DROPS ARE NOT PERMITTED UNLESS AUTHORIZED IN WRITING BY COMMUNITY SERVICES.

DOVER STD. D-18 MH DROP INLET
NOT TO SCALE

## GENERAL NOTES

1) IT IS THE INTENTION THAT THE MANHOLE, INCLUDING ALL COMPONENT PARTS, HAVE ADEQUATE SPACE, STRENGTH AND LEAK PROOF QUALITIES CONSIDERED NECESSARY FOR THE INTENDED SERVICE. SPACE REQUIREMENTS AND CONFIGURATIONS, SHALL BE AS SHOWN ON THE DRAWING. MANHOLES SHALL BE AN ASSEMBLY OF PRECAST SECTIONS, WITH STEEL REINFORCEMENT, WITH ADEQUATE JOINTING, OR CONCRETE CAST MONOLITHICALLY IN PLACE WITH REINFORCEMENT. IN ANY APPROVED MANHOLE, THE COMPLETE STRUCTURE SHALL BE OF SUCH MATERIAL AND QUALITY AS TO WITHSTAND LOADS OF 8 TONS(H-20 LOADING) WITHOUT FAILURE AND PREVENT LEAKAGE IN EXCESS OF ONE GALLON PER DAY PER VERTICAL FOOT OF MANHOLE, CONTINUOUSLY FOR THE LIFE OF THE STRUCTURE. A PERIOD GENERALLY IN EXCESS OF 25 YEARS IS TO BE UNDERSTOOD IN BOTH CASES.

2) BARRELS AND CONE SECTIONS SHALL BE PRECAST REINFORCED CONCRETE, OR POURED IN PLACE REINFORCED CONCRETE.

3) PRECAST CONCRETE BARREL SECTIONS, CONES AND BASES SHALL CONFORM TO ASTM C478.

4) LEAKAGE TEST SHALL BE PERFORMED IN ACCORDANCE WITH THE SPECIFICATIONS.

5) INVERTS AND SHELVES: MANHOLES SHALL HAVE A BRICK PAVED OR PRECAST CONCRETE SHELF AND INVERT, CONSTRUCTED TO CONFORM TO THE SIZE OF THE PIPE AND FLOW. AT CHANGES IN DIRECTIONS, THE INVERTS SHALL BE LAID OUT IN CURVES OF THE LONGEST RADIUS POSSIBLE TANGENT TO THE CENTER LINE OF THE SEWER PIPES. SHELVES SHALL BE CONSTRUCTED TO THE ELEVATION OF THE HIGHEST PIPE CROWN AND SLOPE TO DRAIN TOWARD THE FLOWING THROUGH CHANNEL. UNDERLAYMENT OF INVERT AND SHELF SHALL CONSIST OF BRICK MASONRY OR PRECAST CONCRETE.

6) FRAMES AND COVERS: MANHOLES FRAMES AND COVERS SHALL BE OF HEAVY DUTY DESIGN AND PROVIDE A 30-INCH CLEAR OPENING. A 3-INCH (MINIMUM HEIGHT) WORD "SEWER" FOR SEWERS AND "DRAIN" FOR DRAINS SHALL BE PLAINLY CAST INTO THE CENTER OF EACH COVER

7) BEDDING: SCREENED GRAVEL AND/OR CRUSHED STONE FREE FROM CLAY, LOAM, ORGANIC MATTER AND MEETING ASTM C33, SIZE NUMBER 67.
100% PASSING 1 INCH SCREEN 0–10% PASSING #4 SIEVE
90–100% PASSING INCH SCREEN 0–5% PASSING #8 SIEVE
20–55% PASSING INCH SCREEN
WHERE ORDERED BY THE ENGINEER TO STABILIZE THE BASE, SCREENED GRAVEL OR CRUSHED STONE INCH TO 1 INCH SHALL BE USED.

8) FLEXIBLE JOINT: A FLEXIBLE JOINT SHALL BE PROVIDE WITHIN THE FOLLOWING DISTANCES: RCP & CI PIPE – ALL SIZES – 48"

9) SHALLOW MANHOLE: IN LIEU OF A CONE SECTION, WHEN MANHOLE DEPTH IS LESS THAN 6 FEET, A REINFORCED CONCRETE SLAB COVER MAY BE USED HAVING AN ECCENTRIC ENTRANCE OPENING AND CAPABLE OF SUPPORTING H-20 LOADS.

10) MANHOLE STEPS MAY BE PERMITTED UPON REQUEST BY THE OWNER AS SECONDARY ADDITIONAL SAFETY FEATURE SUPPLEMENTARY TO THE PRIMARY PORTABLE LADDER ENTRY AND WHEN INSTALLED UNDER THE FOLLOWING CONDITIONS:

1. THE STEPS SHALL BE MANUFACTURED OF PLASTIC COVERED STEEL. THEY SHALL BE SHAPED SO THEY CANNOT BE PULLED OUT OF THE CONCRETE WALL IN WHICH THEY ARE EMBEDDED.
2. THE STEPS SHALL BE EMBEDDED IN THE CONCRETE BY THE MANUFACTURER DURING MANUFACTURE OR IMMEDIATELY FOLLOWING REMOVAL OF FORMS. SECURING THE STEPS WITH MORTAR IN DRILLED OR CAST HOLES, WILL NOT BE ACCEPTABLE.
3. THE STEPS SHALL BE OF THE DROP TYPE WITH A DEPRESSED SECTION FOR HANDHOLD. APPROXIMATELY 14"X10" IN DIMENSION.

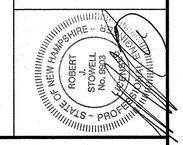
11) HORIZONTAL JOINTS BETWEEN SECTIONS OF PRECAST CONCRETE BARRELS SHALL BE OF A TYPE APPROVED BY THE ENGINEER, WHICH TYPE SHALL, IN GENERAL, DEPEND FOR WATERTIGHTNESS UPON AN ELASTOMERIC OR MASTIC-LIKE GASKET. APPROVED ELASTOMERIC SEALANTS ARE: RAM-NEK
KENT SEAL NO.2
EZ

12) PIPE TO MANHOLE JOINTS SHALL BE ONLY AS APPROVED BY THE ENGINEER AND IN GENERAL, WILL DEPEND FOR WATERTIGHTNESS UPON EITHER AN APPROVED NON-SHRINKING MORTAR OR ELASTOMERIC SEALANT.

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January 6, 2025

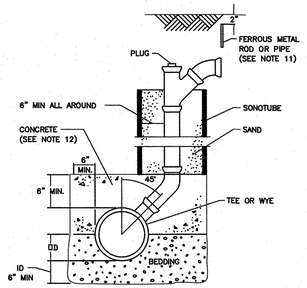
| REVISIONS | DESCRIPTION: |
|---|---|
| DATE: | |
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 12-9-25 | REVISED PER TRC COMMENTS |




SEWER DETAILS
**103 COURT STREET**
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 24101

SHEET No.
**SP-11**

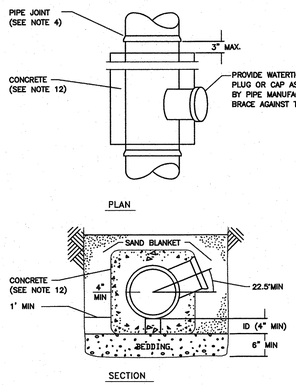
(P23-012)




NO BACKFILLING BEFORE CONCRETE HAS TAKEN INITIAL SET (7 HRS. MIN.). BACKFILLING TO BE BROUGHT UP EVENLY ON ALL SIDES.

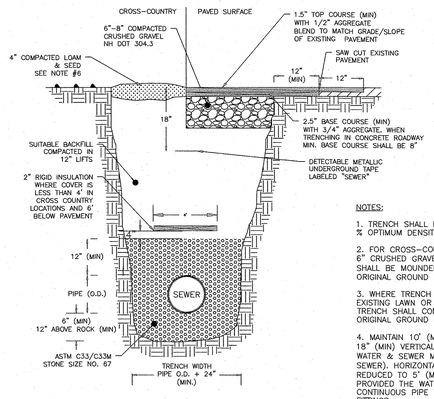
## CHIMNEY (SEE NOTE 13)

NOT TO SCALE




## CONCRETE FULL ENCASEMENT

NOT TO SCALE

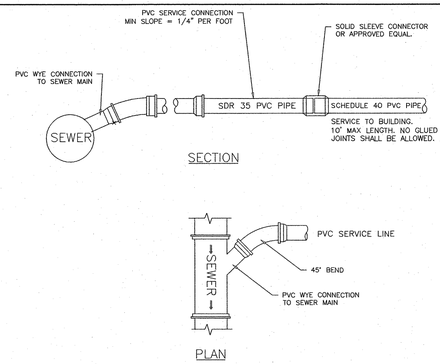



NOTES:

1. TRENCH SHALL BE COMPACTED TO 95 % OPTIMUM DENSITY FOR EACH MATERIAL.
2. FOR CROSS-COUNTRY CONSTRUCTION 6" CRUSHED GRAVEL OR LOAM & SEED SHALL BE MOUNDED 6" ABOVE THE ORIGINAL GROUND SURFACE.
3. WHERE TRENCH IS LOCATED ON EXISTING LAWN OR GRAVEL SURFACE, TRENCH SHALL CONFORM TO MATCH ORIGINAL GROUND SURFACE.
4. MAINTAIN 10' (MIN.) HORIZONTAL AND 18" (MIN) VERTICAL SEPARATION BETWEEN WATER & SEWER MAINS (WATER ABOVE SEWER). HORIZONTAL DISTANCE MAY BE REDUCED TO 5' (MIN.) FOR SERVICES PROVIDED THE WATER SERVICE IS A CONTINUOUS PIPE WITHOUT JOINTS OR FITTINGS.
5. BACKFILL MATERIAL SHALL BE THE NATURAL MATERIAL EXCAVATED DURING THE COURSE OF CONSTRUCTION, BUT SHALL EXCLUDE; DEBRIS, PAVEMENT, ORGANIC MATTER, TOP SOIL, MUCK, PEAT AND ROCKS OVER 6" IN LARGEST DIMENSION
6. LOAM AND SEED SHOULD BE IN COMPLIANCE WITH NH DOT 641, 642, 643, 644 AND 645.

## DOVER STD. D-3 Sewer Trench

NOT TO SCALE




NOTES:

1. TRENCHING AND BEDDING REQUIREMENTS PER CITY SEWER TRENCH DETAIL (D-3).
2. SERVICE LATERAL DIAMETER VARIES PER APPLICATION. REVIEW SIZE WITH CITY ENGINEER PRIOR TO INSTALLATION.
3. SDR 35 SHALL NOT EXTEND INTO THE BUILDING

## DOVER STD. D-17 SEWER SERVICE

NOT TO SCALE

## GENERAL NOTES

1) MINIMUM SIZE PIPE FOR HOUSE SERVICE SHALL BE FOUR INCHES.

2) PIPE AND JOINT MATERIALS:

A. PLASTIC SEWER PIPE

1. PIPE AND FITTINGS SHALL CONFORM TO THE FOLLOWING ASTM STANDARDS:

| ASTM STANDARDS | GENERIC PIPE MATERIAL | SIZES APPROVED |
|---|---|---|
| D3034 | *PVC (SOLID WALL) | 8" THROUGH 15" (SDR 35) |
| F679 | PVC (SOLID WALL) | 18" THROUGH 27" (T-1 & T-2) |
| F789 | PVC (SOLID WALL) | 4" THROUGH 18" (T-1 TO T-3) |
| F794 | PVC (RIBBED WALL) | 8" THROUGH 36" |
| D2680 | *ABS (COMPOSITES WALL) | 8" THROUGH 15" |

*PVC: POLY VINYL CHLORIDE
*ABS: ACRYLONITRILE-BUTADIENE-STYRENE

2. JOINTS SEALS FOR PVC PIPE SHALL BE OIL RESISTANT COMPRESSION RINGS OF ELASTOMERIC MATERIAL CONFORMING TO ASTM D-3212 AND SHALL BE PUSH-ON, BELL AND SPIGOT TYPE.

ABS TRUSS PIPE AND FITTINGS SHALL CONFORM TO ASTM D-2680, POLYMER COMPOUNDING SHALL BE TO ASTM D-1788 (CLASS 322).

JOINTS FOR ABS TRUSS PIPE SHALL BE CHEMICAL WELDED COUPLINGS TYPE SC IN ACCORDANCE WITH ASTM D-2680, FORMING A CHEMICAL WELDED JOINT.

B. DUCTILE-IRON PIPE, FITTINGS AND JOINTS.

1. DUCTILE IRON PIPE AND FITTINGS SHALL CONFORM TO THE FOLLOWING STANDARDS OF THE UNITED STATES OF AMERICA STANDARDS INSTITUTE:
A21.50 THICKNESS DESIGN OF DUCTILE IRON PIPE AND WITH ASTM A-536 DUCTILE IRON CASTINGS.
A21.51 DUCTILE IRON PIPE, CENTRIFUGALLY CAST IN METAL MOLDS OR SAND-LINED MOLDS FOR WATER OR OTHER LIQUIDS.

2. JOINTS SHALL BE OF THE MECHANICAL OR PUSH-ON TYPE. JOINTS AND GASKETS SHALL CONFORM TO:
A21.11 RUBBER GASKETS JOINTS FOR CAST IRON PRESSURE PIPE & FITTINGS

3) DAMAGED PIPE SHALL BE REJECTED AND REMOVED FROM THE JOB SITE.

4) JOINTS SHALL BE DEPENDENT UPON A NEOPRENE OR ELASTOMERIC GASKET FOR WATER-TIGHTNESS. ALL JOINTS SHALL BE PROPERLY MATCHED WITH THE PIPE MATERIALS USED. WHERE DIFFERING MATERIALS ARE TO BE CONNECTED, AS AT THE STREET SEWER WYE OR AT THE FOUNDATION WALL, APPROPRIATE MANUFACTURED ADAPTERS SHALL BE USED.

5) TEES AND WYES: WHERE A TEE OR WYE IS NOT AVAILABLE IN THE EXISTING STREET SEWER, AN APPROPRIATE CONNECTION SHALL BE MADE, FOLLOWING MANUFACTURERS' INSTRUCTIONS USING A BOLTED, CLAMPED OR EPOXY-CEMENTED SADDLE TAPPED INTO A SMOOTHLY DRILLED OR SAWN OPENING IN THE SEWER. THE PRACTICE OF BREAKING AN OPENING WITH A SLEDGE HAMMER, STUFFING CLOTH OR OTHER SUCH MATERIAL AROUND THE JOINT, OR APPLYING MORTAR TO HOLD THE CONNECTION, AND ANY OTHER SIMILAR CRUDE PRACTICES OR INEPT OR HASTY IMPROVISATIONS WILL NOT BE PERMITTED. THE CONNECTION SHALL BE CONCRETE ENCASED AS SHOWN IN THE DETAIL UP TO AND INCLUDING 15" DIAMETER.

6) HOUSE SEWER INSTALLATION: THE PIPE SHALL BE HANDLED, PLACED AND JOINTED IN ACCORDANCE WITH INSTALLATION GUIDES OF THE APPROPRIATE MANUFACTURER. IT SHALL BE CAREFULLY BEDDED ON A 4 INCH LAYER OF CRUSHED STONE AND/OR GRAVEL AS SPECIFIED IN NOTE 10. BEDDING AND RE-FILL FOR DEPTH OF 12 INCHES ABOVE THE TOP OF THE PIPE SHALL BE CAREFULLY AND THOROUGHLY TAMPED BY HAND OR WITH APPROPRIATE MECHANICAL DEVICES.

THE PIPE SHALL BE LAID AT A CONTINUOUS AND CONSTANT GRADE FROM THE STREET SEWER CONNECTION TO THE FOUNDATION AT A GRADE OF NOT LESS THAN INCH PER FOOT. PIPE JOINTS MUST BE MADE UNDER DRY CONDITIONS. IF WATER IS PRESENT, ALL NECESSARY STEPS SHALL BE TAKEN TO DEWATER THE TRENCH.

7) TESTING: THE COMPLETED HOUSE SEWER SHALL BE SUBJECTED TO A LEAKAGE TEST IN ANY OF THE FOLLOWING MANNERS: (PRIOR TO BACKFILLING)

A. AN OBSERVATION TEE SHALL BE INSTALLED AS SHOWN AND WHEN READY FOR TESTING, AN INFLATABLE BLADDER OR PLUG SHALL BE INSERTED JUST UPSTREAM FROM THE OPENING IN THE TEE. AFTER INFLATION, WATER SHALL BE INTRODUCED INTO THE SYSTEM ABOVE THE PLUG TO A HEIGHT OF 5 FEET ABOVE THE LEVEL OF THE PLUG.

B. THE PIPE SHALL BE LEFT EXPOSED AND LIBERALLY HOSED WITH WATER, TO SIMULATE, AS NEARLY AS POSSIBLE, WET TRENCH CONDITIONS OR, IF TRENCH IS WET, THE GROUND WATER SHALL BE PERMITTED TO RISE IN THE TRENCH OVER THE PIPE. INSPECTIONS FOR LEAKS SHALL BE MADE THROUGH THE CLEANOUT WITH A FLASHLIGHT.

C. DRY FLUORESCENE DYE SHALL BE SPRINKLED INTO THE TRENCH OVER THE PIPE. IF THE TRENCH IS DRY, THE PIPE SHALL BE LIBERALLY HOSED WITH WATER, OR IF THE TRENCH IS WET, GROUND WATER SHALL BE PERMITTED TO RISE IN THE TRENCH OVER THE PIPE. OBSERVATION FOR LEAKS SHALL BE MADE IN THE FIRST DOWN-STREAM MANHOLE.

LEAKAGE OBSERVED IN ANY ONE OF THE ABOVE ALTERNATE TESTS SHALL BE CAUSE FOR NON-ACCEPTANCE AND THE PIPE SHALL BE DUG-UP IF NECESSARY AND RE-LAID SO AS TO ASSURE WATER TIGHTNESS.

8) ILLEGAL CONNECTIONS: NOTHING BUT SANITARY WASTE FLOW FROM HOUSE TOILETS, SINKS, LAUNDRY ETC. SHALL BE PERMITTED. ROOF LEADERS, FOOTING DRAINS, SUMP PUMPS OR OTHER SIMILAR CONNECTIONS CARRYING RAIN WATER, DRAINAGE OR GROUND WATER SHALL NOT BE PERMITTED.

9) HOUSE WATER SERVICE SHALL NOT BE LAID IN SAME TRENCH AS SEWER SERVICE.

10) BEDDING: SCREENED GRAVEL AND/OR CRUSHED STONE FREE FROM CLAY, LOAM, ORGANIC MATERIAL AND MEETING ASTM C33-67.

| | |
|---|---|
| 100% PASSING | 1 INCH SCREEN |
| 90%-100% PASSING | 3/4 INCH SCREEN |
| 20%- 55% PASSING | 3/8 INCH SCREEN |
| 0%- 10% PASSING | #4 SIEVE |
| 0%- 5% PASSING | #8 SIEVE |

WHERE ORDERED BY THE ENGINEER TO STABILIZE THE TRENCH BASE, SCREENED GRAVEL OR CRUSHED STONE 1 1/2 INCH TO 1 1/2 INCH SHALL BE USED.

11) LOCATION: THE LOCATION OF THE TEE OR WYE SHALL BE RECORDED AND FILED IN THE MUNICIPAL RECORDS. IN ADDITION, A FERROUS METAL ROD OR PIPE SHALL BE PLACED OVER THE TEE OR WYE AS DESCRIBED IN THE TYPICAL "CHIMNEY" DETAIL, TO AID IN LOCATING THE BURIED PIPE WITH A DIP NEEDLE OR PIPEFINDER.

12) CONCRETE: CONCRETE SHALL CONFORM TO THE REQUIREMENTS FOR CLASS A (3000 PSI) CONCRETE OF THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION STANDARDS SPECIFICATIONS AS FOLLOWS:

CEMENT: 6.0 BAGS PER CUBIC YARD
WATER: 5.75 GALLONS PER BAG CEMENT
MAXIMUM SIZE OF AGGREGATE: 1 INCH

13) CHIMNEYS: IF VERTICAL DROP INTO SEWER IS GREATER THAN 4 FEET, A CHIMNEY SHALL BE CONSTRUCTED FOR THE HOUSE CONNECTION. CHIMNEY INSTALLATION AS RECOMMENDED BY THE PIPE MANUFACTURER MAY BE USED IF APPROVED BY THE ENGINEER.

14) MAINTAIN A 10' HORIZONTAL SEPARATION BETWEEN SEWER LINES AND WATER LINES, AND AN 18" VERTICAL SEPARATION AT SEWER AND WATER CROSSINGS, WITH WATER OVER SEWER.

15) GRAVITY SEWER PIPE TESTING SPECIFICATIONS PER ENV.WQ 704.06

GRAVITY SEWER PIPE TESTING

(A) ALL NEW GRAVITY SEWERS SHALL BE TESTED FOR WATER TIGHTNESS BY THE USE OF LOW-PRESSURE AIR TESTS.
(B) LOW-PRESSURE AIR TESTING SHALL BE IN CONFORMANCE WITH THE FOLLOWING TESTING STANDARDS IN EFFECT AT THE TIME IS CONDUCTED:
(1) ASTM F1417 "STANDARD TEST METHOD FOR INSTALLATION ACCEPTANCE OF PLASTIC GRAVITY SEWER LINES USING LOW-PRESSURE AIR", AVAILABLE AS NOTED IN APPENDIX D; OR
(2) UNI-BELL PVC PIPE ASSOCIATION UNI-B-6, "LOW-PRESSURE AIR TESTING OF INSTALLED SEWER PIPE", AVAILABLE AS NOTED IN APPENDIX D.
(C) ALL NEW GRAVITY SEWERS SHALL BE:
(1) CLEANED AND VISUALLY INSPECTED USING A LAMP TEST AND BY INTRODUCING WATER TO DETERMINE THAT THERE IS NO STANDING WATER IN THE SEWER; AND
(2) TRUE TO LINE AND GRADE FOLLOWING INSTALLATION AND PRIOR TO USE.
(D) ALL PLASTIC SEWER PIPE SHALL BE VISUALLY INSPECTED AND DEFLECTION TESTED NOT LESS THAN 30 DAYS NOR MORE THAN 90 DAYS FOLLOWING INSTALLATION.
(E) THE MAXIMUM ALLOWABLE DEFLECTION OF FLEXIBLE SEWER PIPE SHALL BE 5% PERCENT OF AVERAGE INSIDE DIAMETER. A RIGID BALL OR MANDREL WITH A DIAMETER OF AT LEAST 95% OF THE AVERAGE INSIDE PIPE DIAMETER SHALL BE USED FOR TESTING PIPE DEFLECTION. THE DEFLECTION TEST SHALL BE CONDUCTED WITHOUT MECHANICAL PULLING DEVISES.

## GENERAL NOTES

1) ORDERED EXCAVATION OF UNSUITABLE MATERIAL BELOW GRADE. REFILL WITH BEDDING MATERIAL. FOR TRENCH WIDTH SEE NOTE 7.

2) BEDDING: SCREENED GRAVEL AND/OR CRUSHED STONE FREE FROM CLAY, LOAM, ORGANIC MATTER AND MEETING ASTM C33 STONE SIZE NO. 67.

| | |
|---|---|
| 100% PASSING | 1 INCH SCREEN |
| 90%-100% PASSING | 3/4 INCH SCREEN |
| 20%- 55% PASSING | 3/8 INCH SCREEN |
| 0%- 10% PASSING | #4 SIEVE |
| 0%- 5% PASSING | #8 SIEVE |

WHERE ORDERED BY THE ENGINEER TO STABILIZE THE TRENCH BASE, GRADED SCREENED GRAVEL OR CRUSHED STONE 1/2 INCH TO 1 1/2 INCH SHALL BE USED.

3) SAND BLANKET: CLEAN SAND FREE FROM ORGANIC MATTER SO GRADED THAT 90%-100% PASSES A 1/2 INCH SIEVE AND NOT MORE THAT 15% WILL PASS A #200 SIEVE. BLANKET MAY BE OMITTED FOR DUCTILE IRON AND REINFORCED CONCRETE PIPE PROVIDED THAT NO STONE LARGER THAN 2 INCHES IS IN CONTACT WITH THE PIPE.

4) SUITABLE MATERIAL: IN ROADS, ROAD SHOULDERS, WALK-WAYS AND TRAVELED WAYS, SUITABLE MATERIAL FOR TRENCH BACKFILL SHALL BE THE NATURAL MATERIAL EXCAVATED DURING THE COURSE OF CONSTRUCTION, BUT SHALL EXCLUDE DEBRIS, PIECES OF PAVEMENT, ORGANIC MATTER, TOP SOIL, ALL WET OR SOFT MUCK, PEAT OR CLAY, ALL EXCAVATED LEDGE MATERIAL, AND ALL ROCKS OVER SIX INCHES IN LARGEST DIMENSION, OR ANY MATERIAL WHICH, AS DETERMINED BY THE ENGINEER, WILL NOT PROVIDE SUFFICIENT SUPPORT OR MAINTAIN THE COMPLETED CONSTRUCTION IN A STABLE CONDITION.

IN CROSS-COUNTRY CONSTRUCTION, SUITABLE MATERIAL SHALL BE AS DESCRIBED ABOVE, EXCEPT THAT THE ENGINEER MAY PERMIT THE USE OF TOP SOIL, LOAM, MUCK OR PEAT, IF HE IS SATISFIED THAT THE COMPLETED CONSTRUCTION WILL BE ENTIRELY STABLE AND PROVIDED THAT EASY ACCESS TO THE SEWER FOR MAINTENANCE AND POSSIBLY RECONSTRUCTION, WHEN NECESSARY WILL BE PRESERVED.

5) BASE COURSE, IF ORDERED BY THE ENGINEER, SHALL MEET THE REQUIREMENTS OF DIVISION 300 OF THE LATEST EDITION OF THE:
STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION
OF THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION.

6) WOOD SHEETING, IF REQUIRED. WHERE SHEETING IS PLACED ALONGSIDE THE PIPE AND EXTENDS BELOW MID-DIAMETER, IT SHALL BE CUT OFF AND LEFT IN PLACE TO AN ELEVATION NOT LESS THAN 1 FOOT ABOVE THE TOP OF THE PIPE. WHERE SHEETING IS ORDERED BY THE ENGINEER TO BE LEFT IN PLACE, IT SHALL BE CUT OFF AT LEAST 3 FEET BELOW FINISHED GRADE, BUT NOT LESS THAN 1 FOOT ABOVE THE TOP OF THE PIPE.

7) W= MAXIMUM ALLOWABLE TRENCH WIDTH TO A PLANE 12 INCHES ABOVE THE PIPE. FOR PIPES 15 INCHES NOMINAL DIAMETER OR LESS, W SHALL BE NO MORE THAN 36 INCHES, FOR PIPES GREATER THAN 15 INCHES NOMINAL DIAMETER, W SHALL BE 24 INCHES PLUS PIPE O.D. W SHALL ALSO BE THE PAYMENT WIDTH FOR LEDGE EXCAVATION AND FOR ORDERED EXCAVATION BELOW GRADE.

8) FOR CROSS COUNTRY CONSTRUCTION, BACKFILL OR FILL SHALL BE MOUNDED TO A HEIGHT OF 6 INCHES ABOVE THE ORIGINAL GROUND SURFACE.

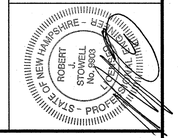
9) CONCRETE FOR ENCASEMENT SHALL CONFORM TO THE REQUIREMENTS FOR CLASS A (3000 LB) CONCRETE OF THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS AS FOLLOWS: CEMENT: 6.0 BAGS PER CUBIC YARD
WATER: 5.75 GALLONS PER BAG CEMENT
MAXIMUM SIZE OF AGGREGATE: 1 INCH

10) IF FULL ENCASEMENT IS UTILIZED, DEPTH OF CONCRETE BELOW PIPE SHALL BE 1/4 I.D. (4" MIN.) BLOCK SUPPORT SHALL BE SOLID CONCRETE BLOCKS.

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FAX 603 742 3830

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January 6, 2025

| REVISIONS DATE: | DESCRIPTION: |
|---|---|
| 8-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |
| 10-23-25 | REVISED PER TDR COMMENTS |
| 12-9-25 | REVISED PER TRC COMMENTS |




SEWER DETAILS

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

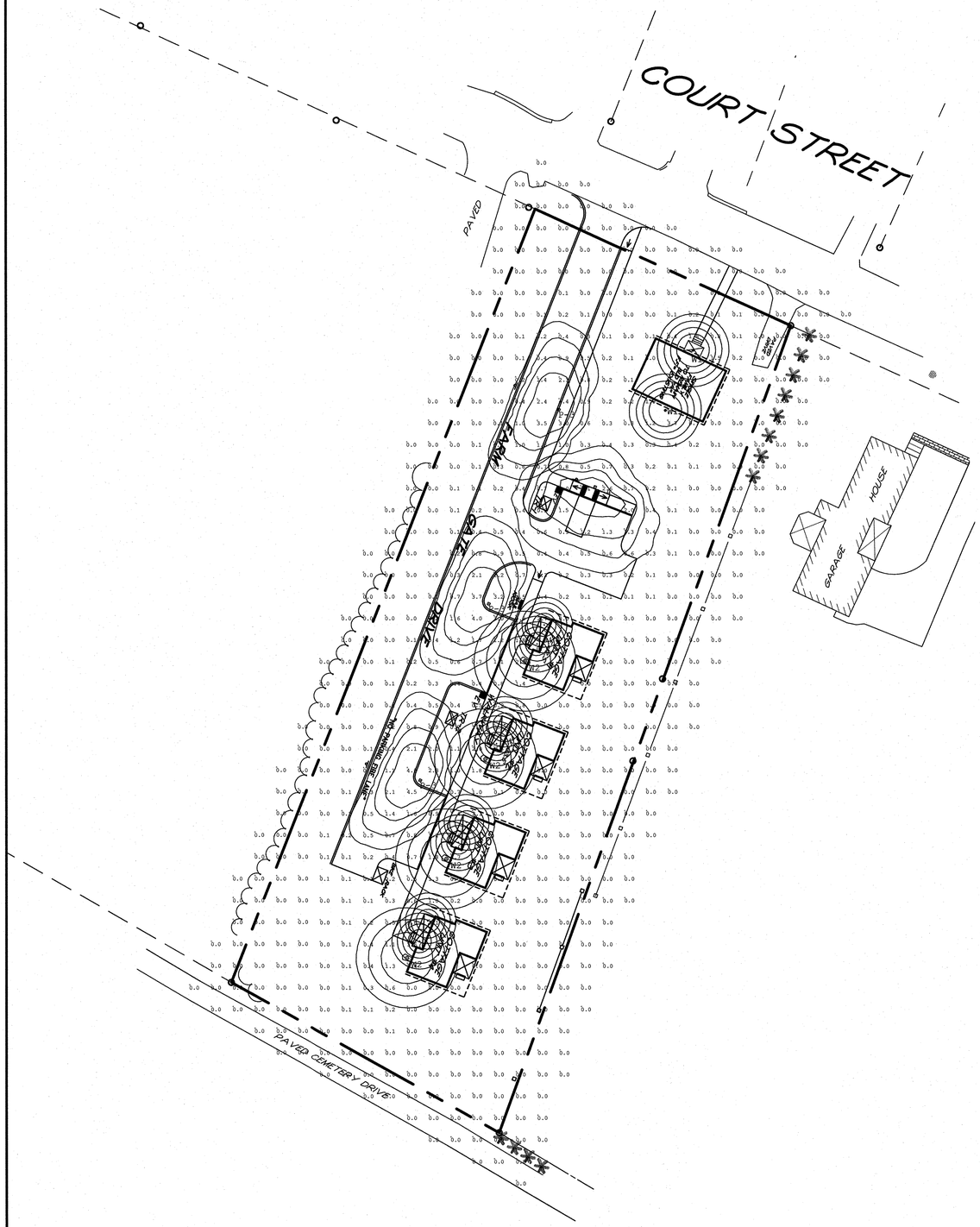
AUGUST 15, 2024

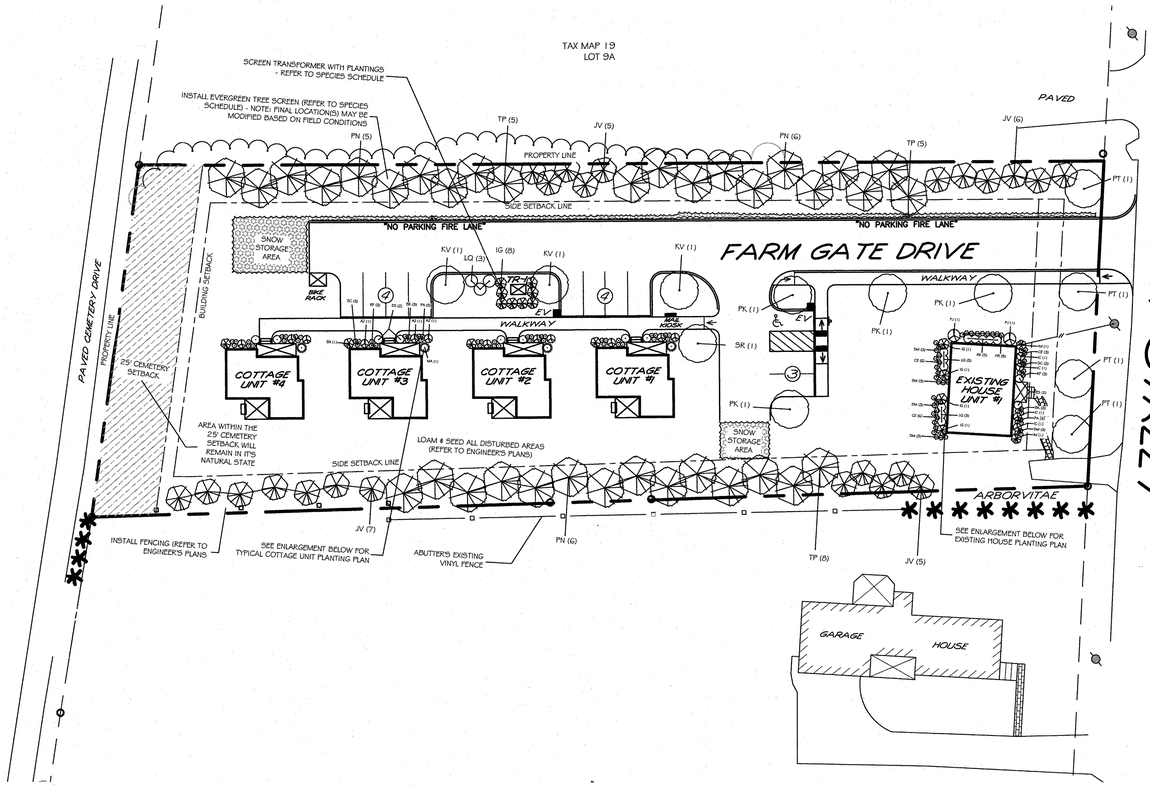
JOB No. 24101

SHEET No.

SP-12

(P23-0012)


COURT STREET
PAVED
EARTH
GATE
GATE
HOUSE
GARAGE
PAVED DRIVE
PAVED DRIVE
PAVER CEMETERY DRIVE
POST
POST
POST




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## PLANTING SCHEDULE

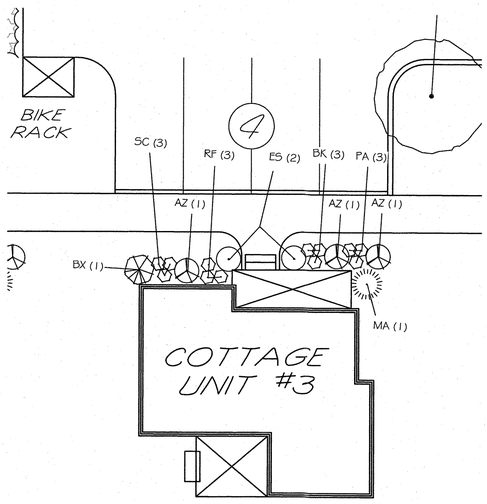
| | SIZE | SYMBOL | QTY |
|---|---|---|---|
| **TREES** | | | |
| *Juniperus virginiana* 'Emerald Sentinel' / Emerald Sentinal Eastern Red Cedar | 6-8' B&B | JV | 23 |
| *Pinus nigra* / Austrian Pine | 6-8' B&B | PN | 17 |
| *Prunus cerasifera* 'Krauter Vesuvius' / Krauter Vesuvius Flowering Plum | 3-3.5" CAL. | KV | 3 |
| *Prunus serrulata* 'Kwanzan' / Kwanzan Flowering Cherry | 3-3.5" CAL. | PK | 4 |
| *Platanus x acerifolia* 'Exclamation' / Exclamation Planetree | 3-3.5" CAL. | PT | 4 |
| *Syringa reticulata* 'Ivory Silk' / Ivory Silk Japanese Tree Lilac | 3-3.5" CAL. | SR | 1 |
| *Thuja plicata* 'Green Giant' / Green Giant Arborvitae | 6-8' B&B | TP | 18 |
| **SHRUBS** | | | |
| *Azalea* 'Bloom A Thon Double Pink' / Bloom A Thon Double Pink Azalea | 2-2.5' B&B | AZ | 12 |
| *Buxus* 'Green Mountain' / Green Mountain Boxwood | 2-2.5' B&B | BX | 4 |
| *Hydrangea macrophyla* 'Endless Summer' / Endless Summer Bigleaf Hydrangea | 24-36" | ES | 10 |
| *Hydrangea paniculata* 'Little Quick Fire' / Little Quick Fire Panicle Hydrangea | 24-36" | LQ | 9 |
| *Ilex crenata* 'Hetzii' / Hetzi Japanese Holly | 24-36" | IC | 4 |
| *Ilex glabra* 'Compacta' / Compact Inkberry | 2-2.5' B&B | IG | 12 |
| *Ilex meservae* 'Blue Maid' / Blue Maid Holly | 2-2.5' B&B | IM | 2 |
| *Pieris japonica* 'Compacta' / Compact Japanese Andromeda | 2.5'-3' B&B | PJ | 2 |
| *Rosa* 'Knockout Double' / Knockout Double Rose | 24-36" | RK | 5 |
| **GRASSES** | | | |
| *Miscanthus sinensis* 'Adagio' / Dwarf Maiden Grass | #3 | MA | 4 |
| **PERENNIALS** | | | |
| *Coreopsis* 'Enchanted Eve' / Enchanted Eve Tickseed | #1 | CE | 15 |
| *Echinacea* 'Butterfly Kisses' / Butterfly Kisses Coneflower | #1 | BK | 15 |
| *Hemerocallis* 'Happy Returns'/ Happy Returns Daylily | #1 | HR | 9 |
| *Pervoskia atriplicifolia* / Russian Sage | #1 | PA | 15 |
| *Rudbeckia flugida* 'Goldstrum' / Goldstrum Black-Eyed Susan | #1 | RF | 15 |
| *Salvia* 'Caradonna' / Caradonna Sage | #1 | SC | 15 |
| *Salvia* 'Marcus' / Marcus Sage | #1 | SM | 15 |

30 0 15 30 60 120
1"=30'

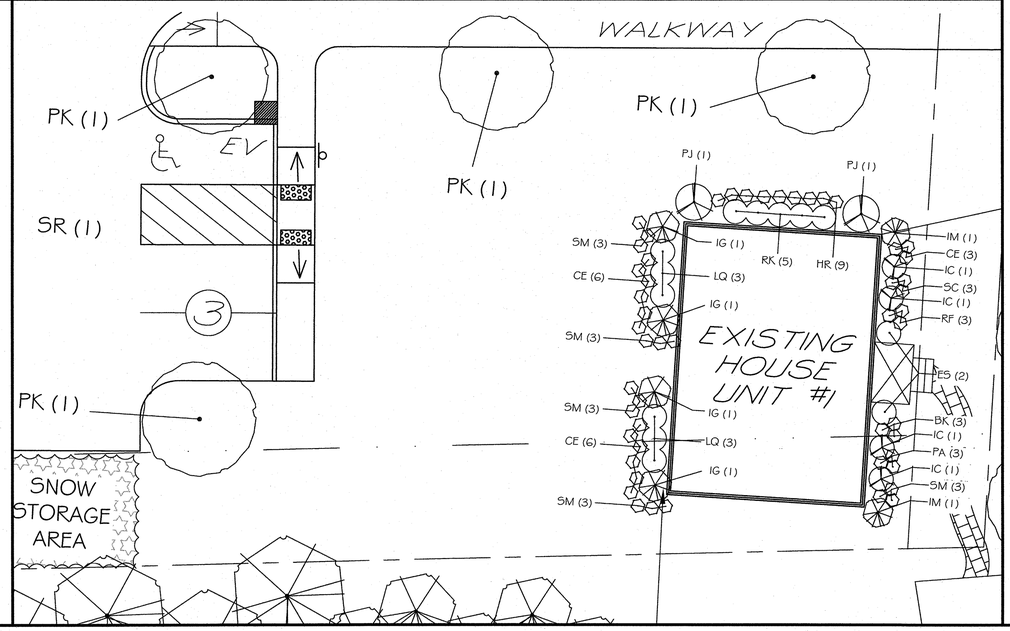
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| 10-21-24 | REVISED PER TRC COMMENTS |
| 1-21-25 | REVISED PER PLANNING BOARD COMMENTS |
| 10-23-25 | REVISED PER TDR APPROVAL |

## TYPICAL COTTAGE UNIT PLANTING PLAN - 1" = 10'




## EXISTING HOUSE PLANTING PLAN - 1" = 10'




LANDSCAPE CALCULATIONS:

INTERIOR PARKING LOT LANDSCAPING:
NOT REQUIRED FOR PARKING LOTS WITH 0-20 SPACES

STREETSCAPE LANDSCAPING:
REQUIRED: 1 STREET TREE / 35' LINEAR FEET OF ADJACENT ROADWAY
130 L.F. OF ADJACENT ROADWAY (COURT STREET) / 35 = 3.71 = 4 TREES REQUIRED
PROVIDED: 4 TREES PROPOSED ALONG COURT STREET

PLANTING NOTES

1. CONTRACTOR SHALL OBTAIN APPROVAL FROM LANDSCAPE ARCHITECT PRIOR TO PURCHASING AND/OR INSTALLING SUBSTITUTE PLANT MATERIAL PRIOR TO PURCHASE OF ANY SUBSTITUTE MATERIALS.
2. CONSTRUCTION ACCESS WILL BE AS DIRECTED BY LANDSCAPE ARCHITECT. CONTRACTOR IS RESPONSIBLE FOR RESTORATION OF ACCESS ROUTE AND ALL AREAS DISTURBED BY PLANTING OPERATIONS UPON COMPLETION OF CONSTRUCTION OPERATIONS, AT NO ADDITIONAL COST TO THE OWNER.
3. LAYOUT OF ALL PLANTING BEDS AND LOCATION OF PLANTS TO BE APPROVED BY LANDSCAPE ARCHITECT ON SITE PRIOR TO CONSTRUCTION AND INSTALLATION.
4. CONTRACTOR TO REMOVE ALL DEBRIS GENERATED BY PLANT INSTALLATION. DEBRIS TO BE DISPOSED OF IN A LEGAL MANNER.
5. ALL PLANT MATERIAL SHALL BE GUARANTEED TO BE IN GOOD, HEALTHY AND FLOURISHING CONDITION FOR TWO (2) YEARS FROM THE DATE OF FINAL INSTALLATION APPROVAL BY LANDSCAPE ARCHITECT. CONTRACTOR SHALL REPLACE, WITHOUT COST TO OWNER, AND AS SOON AS WEATHER CONDITIONS PERMIT, ALL DEAD AND NON-FLOURISHING PLANTS AS DETERMINED BY THE LANDSCAPE ARCHITECT. REPLACEMENT PLANTS SHALL BE BE GUARANTEED IDENTICALLY TO ORIGINAL PLANTS, TIME PERIOD COMMENCING FROM DATE OF REPLACEMENT PLANTING APPROVAL BY LANDSCAPE ARCHITECT.
6. ALL BEDS TO BE MULCHED WITH 4" DEPTH SHREDDED BARK MULCH UNLESS NOTED OTHERWISE.
7. CONTRACTOR TO PROVIDE NECESSARY TEMPORARY IRRIGATION IF NEEDED BASED ON TIME OF YEAR THE PROJECT IS IMPLEMENTED.
8. ALL LANDSCAPED AREAS SHALL RECEIVE REGULAR MAINTENANCE AND UPKEEP. SEVERELY INJURED, DISEASED, OR DEAD PLANT MATERIAL SHALL BE REPLACED IN KIND IN PERPETUITY (AVOID REPLACING LANDSCAPE MATERIALS IN THE PERIOD FROM NOVEMBER TO MARCH.)
9. BEST PRACTICES TO MINIMIZE ENVIRONMENTAL IMPACTS SUCH AS THE USE OF LOW PHOSPHOROUS FERTILIZER AND SLOW RELEASE NITROGEN, SHALL BE IMPLEMENTED.
10. IF OWNERSHIP OF A SITE IS CONVEYED TO A NEW PROPERTY OWNER, THE NEW OWNER SHALL BE RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING IN ACCORDANCE WITH THE APPROVED FINAL LANDSCAPING PLAN.

LANDSCAPE PLAN

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

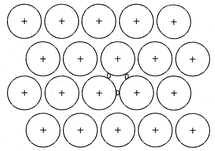
AUGUST 15, 2024

JOB No. 24101

SHEET No.

La-1

(P24-0012)

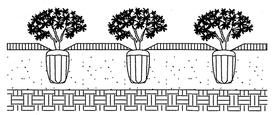


TYPICAL BED PLANT SPACING

NOTE:
D = DIMENSION OF PLANT SPACING (SHRUB OR GROUNDCOVER AS INDICATED ON PLANS)

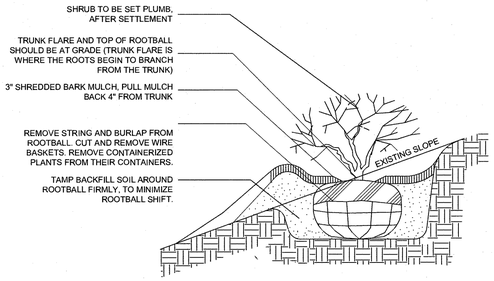
12" LOAM BACKFILL (CONTINUOUS THROUGHOUTBED AREA)

3" DEEP SHREDDED BARK MULCH



## 1 TYPICAL PERENNIAL PLANTING

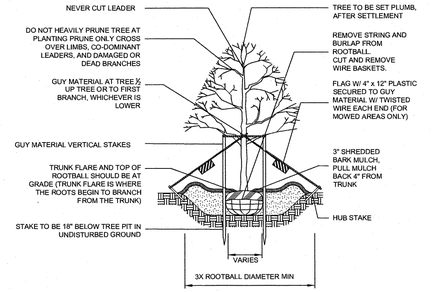
NO SCALE




NOTE:
1. DO NOT HEAVILY PRUNE SHRUB AT PLANTING, PRUNE ONLY CROSSOVER LIMBS AND DAMAGED OR DEAD BRANCHES.
2. BACKFILL WITH LOAM, AMEND AS REQUIRED BY LANDSCAPE ARCHITECT.
3. SHRUBS & GROUNDCOVER PLANTED ADJACENT TO CITY SIDEWALKS NEED TO BE PLACED SO THE PLANTS, AT THEIR MATURE HEIGHT & WIDTH, WILL NOT ENCROACH INTO THE CITY'S SIDEWALK.

## 2 TYPICAL SHRUB PLANTING

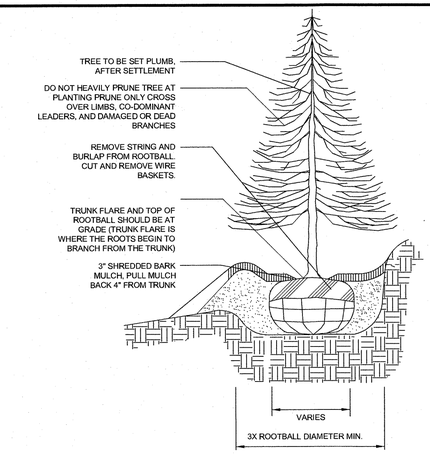
NO SCALE




NOTES:
1. GUYING AND STAKING TO BE DETERMINED IN THE FIELD BY THE LANDSCAPE ARCHITECT. LOCAL FIELD CONDITIONS AS WELL AS PLANT CHARACTERISTICS WILL DETERMINE THE NECESSITY OF GUYING AND STAKING.
2. TYPICALLY ONLY TREES WITH A 3" OR GREATER CALIPER NEED TO BE STAKED. TREES WITH LESS THAN A 3" CALIPER NEED TO BE STAKED ONLY AS REQUIRED BY LANDSCAPE ARCHITECT.
3. ONLY WRAP TREE TRUNKS AS REQUIRED BY LANDSCAPE ARCHITECT.
4. TREE SHALL BE SET PLUMB, AFTER SETTLEMENT.
5. LOAM FOR BACKFILLING SHALL BE AMENDED AS REQUIRED BY LANDSCAPE ARCHITECT.
6. CITY TREES PLANTED ON PRIVATE PROPERTY, ADJACENT TO A PUBLIC RIGHT-OF-WAY, NEED TO BE PLANTED A MINIMUM OF 5 FEET FROM THE EDGE OF THE CITY SIDEWALK.

## 3 DECIDIOUS TREE PLANTING

NO SCALE




NOTES:
1. DO NOT STAKE EVERGREEN TREES.
2. LOAM FOR BACKFILLING SHALL BE AMENDED AS REQUIRED BY LANDSCAPE ARCHITECT.
3. TAMP BACKFILL SOIL AROUND ROOTBALL FIRMLY TO MINIMIZE ROOTBALL SHIFT.

## 4 EVERGREEN TREE PLANTING

NO SCALE


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| 9-12-24 | REVISED PER TRC COMMENTS |


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LANDSCAPE DETAIL SHEET
**103 COURT STREET**
103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024 JOB No. 24101

SHEET No. La-2

(P24-0012)

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FIRE TRUCK TURN EXHIBITS

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

AUGUST 15, 2024 JOB No. 24101

SHEET No. TR-1

(P24-0012)



**5 SHERMAN STREET LLC**
103 COURT STREET, DOVER, NH 03820 | **COTTAGE CONCEPT**













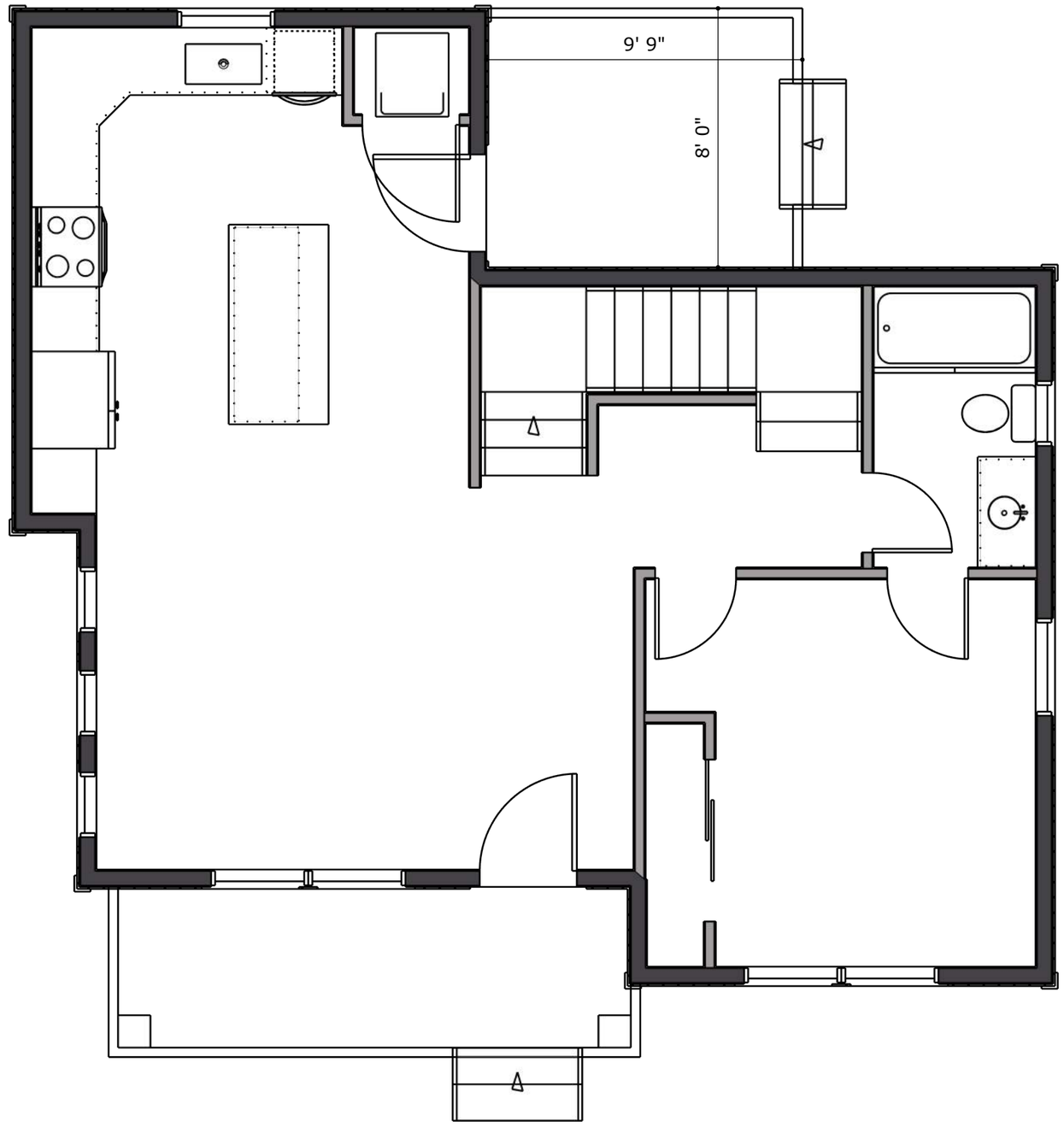


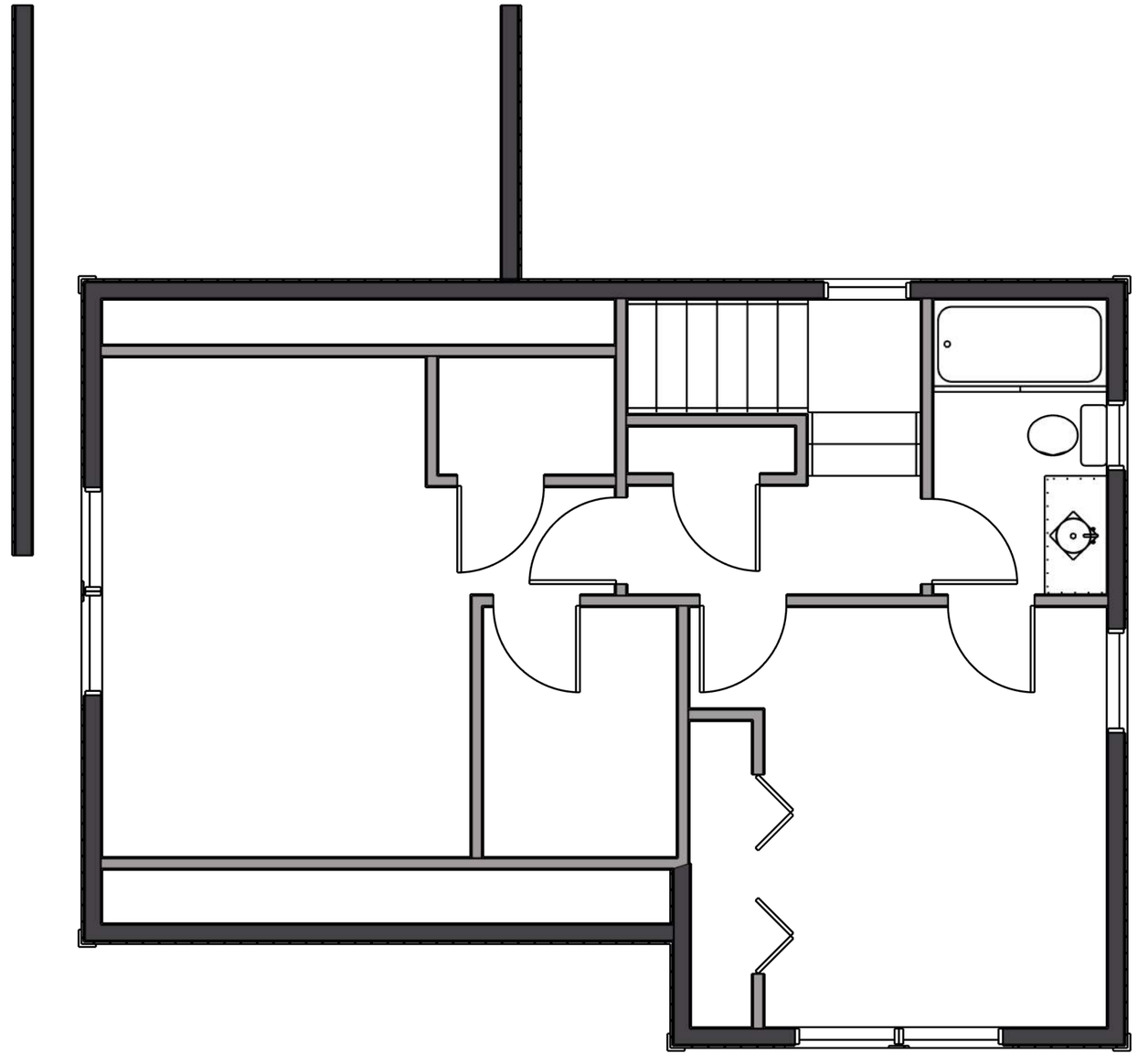



28'




30YR ARCHITECTURAL SHINGLES
PVC CORNER TRIM
BOARD AND BATTEN VINYL SIDING
BLACK WINDOWS
PVC DECK TRIM


9' 9"
8' 0"



**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Thursday, March 5, 2026 10:44 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Cc:** Perez, Jennifer <J.Perez@dover.nh.gov>
**Subject:** Attention 103 Court St: City's Liability Risk and Summary of Opposition

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

**Dear Members of the Planning Board,**

Please find the attached PDF containing a consolidated Summary of Opposition regarding the Site Plan application for 103 Court Street. This document serves as a critical update and roadmap of the administrative record following the continuance on January 27th, 2026.

I particularly want to highlight a significant **fiduciary and legal risk to the City that has not yet been addressed** (section IV: Vested Rights). To put it in plain terms:

- **Jurisdictional Uncertainty (The "House of Cards"):** The Site Plan is built entirely upon a TDR approval that is currently being challenged in the NH Supreme Court. If the Court reverses that TDR approval, this Site Plan becomes a "house of cards" with no foundation and is rendered void.
- **The "Vested Rights" Trap:** Approving the Site Plan creates a "self-inflicted" legal conflict for the City. If the Board approves the site plan, the developer may claim they have a "final green light" to spend money and break ground. Without a **Condition Precedent** explicitly linked to the Court's ruling, the Board is granting a *de facto* approval of the project, despite the pending NH Supreme Court appeal.
- **The City's Risk/Liability:** If the developer spends money based on the site plan approval, but the Supreme Court later rules the project is illegal, the City of Dover is stuck in the middle of a massive legal and financial mess. Under NH precedent, the developer can then sue the City for damages or "vested rights" lost if they are ordered to halt or reverse construction. See *AWL Power, Inc. v. City of Rochester (2002)* and *Lane v. City of Dover, (2024)*.

Approving a project while its very right to exist is being litigated is administratively premature. To protect Dover taxpayers from avoidable litigation and "self-created" liability, I respectfully urge the Board to **deny the site plan,** or at an absolute minimum, include a **Condition Precedent that stays the issuance of all permits and construction until the NH Supreme Court appeal is resolved**.

Sincerely,

Hilary Hamer, 91 Court St, Dover.

**Please see Attachment:** March_Hamer_Summary of Opposition_103 Court St.pdf

*Please include this email and attachment in the official project record before the Board for 103 Court St application.*
*This correspondence is being copied to the Office of the City Attorney to ensure the City's legal counsel is apprised of the jurisdictional and procedural objections raised herein for the administrative record.*

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

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# RE: 103 Court Street – Summary of Opposition to Site Plan Approval

**Dear Members of the Dover Planning Board:**

Since the original hearing was continued over a month ago, I am submitting this summary to highlight why proceeding with a Site Plan vote for 103 Court St is legally premature, administratively reckless, and a violation of established City precedent. **The Board should deny the Site Plan**.

Please recall that previous submissions – including the NH Supreme Court appeal filing, Dover's legislative history, internal project records, meeting minutes, and records from precedent TDR projects – remain part of the official record and provide the factual basis for the arguments summarized below.

## I. Violation of Judicial Efficiency and Due Process

The foundational TDR approval for 103 Court St is currently pending before the **NH Supreme Court**. The Board is being asked to approve a Site Plan that relies entirely on a TDR status that may soon be invalidated.

- **Risk of Conflicting Orders:** Approving this Site Plan creates a "house of cards" scenario. If the Supreme Court vacates the TDR approval, this Site Plan becomes legally void, rendering the site plan vote a reversible legal error and a waste of City resources.
- **De Facto Finality**: The current staff memo lacks a **Condition Precedent** linked to the Supreme Court's ruling. Without it, an approval functions as a final green light for building permits. Granting the right to break ground while the underlying zoning authority is litigated in the highest court is a violation of due process.
- **Administrative Waste**: The staff memo suggestion that "abutters can simply appeal again" is the antithesis of judicial efficiency. It forces unnecessary litigation costs upon Dover taxpayers and the parties to settle a matter already before the Supreme Court.

**Precedent of the Board's Own Actions**

Consistency is a requirement of land use boards. This Board has previously recognized that a TDR Site Plan/Subdivision cannot move forward if the underlying TDR is not settled:

- **The Cullen Precedent:** In October 2024, this Board correctly declined to vote on a subdivision application for Councilor Fergus Cullen's Sixth St. project after the associated TDR was denied.
- **Procedural Consistency:** The 103 Court St project is in an identical position. To vote on this Site Plan while the TDR is under high-court challenge is a departure from the Board's established procedural conduct.

## II. Failure to Provide the Mandated 30-Foot TDR Buffer

**The 103 Court St plan does not provide a 30-foot buffer and must be denied.** The Dover TDR ordinance explicitly requires a 30-foot no-cut, no-disturb perimeter buffer. The City's recent "rationalization" that this buffer applies only to TDR subdivisions – and not site plans – is a flawed interpretation that creates a substantial legal vulnerability for the City. This specific issue is already currently under review by the NH Supreme Court.

**The "Plain Language" Rule**

In *Harrington v. Town of Warner* (2005), the NH Supreme Court held that a board **cannot "add words that [the drafters] did not see fit to include.**" The TDR ordinance mandates the buffer for the "parent parcel." A "parent parcel" is the physical land receiving the TDR density. It exists regardless of whether the developer files a "site plan" or a "subdivision" and is the parcel receiving the increased density under TDR, which is the plot of 103 Court St.

- The ordinance contains **no language exempting site plans**.

**Regulatory Hierarchy**

The 30-foot buffer requirement (170-29-G-7) sits within the same regulatory section that allows the Board to reduce frontage and setbacks *universally* for all residential TDR projects.

- The Board utilizes the power to reduce frontage, increase density, and override district setbacks in this section for any residential TDR project.
- A project cannot "cherry-pick" some of the benefits of the TDR ordinance here while ignoring the mandated 30-foot buffer in that same section.
- By creating an exemption that doesn't exist in the text, the City is overstepping its legislative authority and effectively rewriting the ordinance to favor one applicant.

**Legislative History (The Timeline of Protection and Intent)**

The 30-foot buffer was not an afterthought in the TDR Code; it first preceded and then was intentionally strengthened alongside specifying the methods for site plans and subdivisions. The intent was to protect neighbors from increased TDR density, regardless of the application type.

| | |
|---|---|
| 2018 TDR update | • Replaced "Private land transfer" with "Single-family detached method" and added base yield formula. Replaced "land bank" with "Attached single-family, two-family, three-family and 4 or more" method. *No specification of site plan or subdivision type.*<br>• Added lines 170-29-G-4 to 8: Planning Board may (4) waive lot size, (5) use reduced setbacks and (6) reduce frontage. (7) project is required to "continuous visual buffer shall be created along the perimeter of the |

| | |
|---|---|
| | parent parcel. And (8) projects must have consistency with the master plan and not be incompatible with neighboring lots.<br><br>**No specification of Subdivision/Site Plan procedures.**<br><br>**Introduced "continuous visual buffer… of parent parcel" requirement.** |
| 2020 TDR update | • Revised two methods slightly and added specification of "subdivision" or "site plan."<br><br>• Reinforced the continuous visual buffer requirement by adding the "30-foot no cut, no disturb" language.<br><br>**Increased buffer protection by *specifying the intensity and depth of the buffer* without restricting its applicability, while simultaneously specifying the subdivision and site plan regulations for the two methods.** |
| 2023 TDR update | • Introduced "no additional relief" requirement in 170-29-G-8. Did not alter 170-29-G-3 or G-7 of the two methods or the buffer requirement.<br><br>**Restricted the Board's ability to grant further density/offset relief.** |

**Legislative Conclusion:** The buffer was never an "either/or" requirement. It was designed to mitigate increased density on the parent parcel, whether that parcel was being subdivided or developed via site plan.

**Administrative Consistency (Past Precedent)**

The City has consistently enforced this 30-foot buffer for TDR site plans in the past. To bypass it now for 103 Court St is inconsistent, and an "arbitrary and capricious" action.

**All the following TDR Site Plans were required to address the 30-foot buffer:**

- **51&65 Bellamy Rd**, approved 11/9/2021. 4-unit multifamily site plan
- **48 Whitter St,** approved 6/18/2021. 6-unit multifamily site plan
- **757 Central Ave**, approved 7/26/2022. Two multifamily buildings site plan
- **Cielo Drive,** approved 11/14/2024. 8 buildings with 56 townhomes site plan
- ***Littleworth Road*,** withdrawn under staff recommendations 5/22/2024 because staff concern not enough open space, "**outside of the required no-cut, no-disturb buffers**."

**The "180-Degree" Turn**

The project record confirms that City Staff – including the Zoning Administrator Paul Crouser and the Technical Review Committee (TRC) – originally informed the applicant that the buffer **was required.**

- The interpretation only changed after the applicant complained that the buffer made development of the lot "limited."
- **Legal Fact:** A developer's inability to fit a specific number of units on a lot does not grant the Planning Board authority to ignore the law, abandon established precedent, or rewrite the ordinance to suit a private interest.

## III. Incorrect Project Classification as a Site Plan

**103 Court St is incorrectly filed as a Site Plan and must be denied.** This is not merely a procedural technicality. Because all parties agree that TDR Subdivisions must meet the 30-foot buffer, the classification of the project determines the legality of the entire design. Furthermore, Subdivision regulations contain fundamentally different technical standards than Site Plan rules.

**Shifting Explanations (Moving the Goalposts)**

The Planning Department has shifted its legal reasoning for classifying this project as a "Site Plan" rather than a "Subdivision" Under the **McNamara Rule** (*McNamara v. Town of Hudson, 125 N.H. 792 (1984)*), the Board is bound by the record, which now shows a pattern of inconsistent "post-hoc rationalizations" designed to fit a desired outcome rather than follow the law.

- **First (Sep-Nov 2024):** 30-foot buffer is required across all project documents.
- **Novel Reason in January 2025:** The Planning Director stated the project is a site plan because it uses a condominium form of ownership rather than fee-simple lots, and therefore buffer not required.
- **Newest revised Reason (January 2026):** After evidence was presented that Dover's Open Space /Cluster subdivision regulations treat this format of development as subdivisions, the reasoning shifted in email on January 26, 2026 from the Planning Director to now claiming the project uses method (b) of the Residential TDR ordinance as the reason for 103 Court St being a "site plan."

**Legal Risk:** Shifting reasoning mid-stream is the hallmark of an "arbitrary and capricious" decision. Land use boards must apply regulations consistently, not retroactively justify a project after the original reasoning is debunked.

**Illegal Hybridization (Cherry-Picking the Ordinance)**

The City/applicant is attempting to now "mix and match" two distinct TDR methods to gain the maximum density and the lowest TDR fees while bypassing the most significant environmental protections. As follows, this project is **factually proceeding under Method (a), which mandates a subdivision**.

| **(a) Single-family detached method – Subdivision** Sections from the Code: | **(b) Single-family, two-family, three-family, and four or more method – Site Plan** | **Used in the 103 Court St Application** |
|---|---|---|
| [1] Defines a baseline yield formula | Does not specify any baseline yield; [1] Allows transfers through G(1) for cost per acre, or E(5) for land conservation | **Method (a)** - baseline yield calculation is used by the applicant and in the staff memo. |
| [2] Sets TDR fees based on unit size limits: <=600 sqft no fee, <=1,000 sqft 2 units/purchase, <=1,400 sqft 1 unit/purchase | Does not specify any size-restrictions; [2] Defines transfer equal to unit per acre purchased/preserved. | **Method (a)** - size-restricted units are specified and deed restrictions are a requirement. |
| [3] Limits unit sizes permanently which is to be specified in the deed [4] | Has no size and no deed restrictions. | **Method (a)** - as above. |
| [5] Subdivision application | [4] Site plan application. | **Claiming Method (b)** |

**The Conclusion:** The Board cannot "legislate from the bench" by allowing a developer to utilize the density math and reduced TDR fees from Method (a) while claiming the procedural classification of Method (b). If the developer uses Method (a) bonuses, they **must follow all of method (a)** rules - including the subdivision regulations and including the 30-foot buffer.

**Failure of Technical Review**

Because this project has been erroneously treated as a Site Plan, it has never been vetted against subdivision regulations.

- The current design fails basic subdivision standards (e.g., minimum spacing between buildings).
- Approving a "Site Plan" for a project that is legally and functionally a "Subdivision" constitutes a failure of the Board's duty to ensure technical compliance with the City's Zoning Ordinance.

## IV. Vested Rights and Protecting the City from "Self-Created Risk"

An approval of the Site Plan by the Board creates a potential – though legally hollow – claim of "vested rights" by the applicant. This puts the City of Dover at risk for further litigation if the developer spends money based on an approval that the Supreme Court later vacates.

- **Hold the City Harmless:** The Board must state for the record that any approval is contingent upon the Supreme Court's ruling. Any investment made by the developer prior to that ruling is a "**self-created risk**."
- **The Safest Course:** The most fiscally and legally responsible action for the Board is to **deny the application due to the prematurity** of the foundational TDR approval. A denial based on a pending high-court ruling is defensible; an approval that leads to a "house of cards" collapse is a waste of City resources.

## V. Late-Hour Continuances: An Unreasonable Burden

The applicant's request for a continuance on January 27th – submitted mere hours before the meeting – constitutes an unreasonable burden on the public's right to participate (RSA 676:4).

- **Dilatory Tactics:** Repetitive, last-minute continuances are a known strategy to exhaust public opposition and suppress attendance at future hearings.
- **Administrative Bad Faith:** Under **N.H. Admin. Code Asb 301.09**, a "lack of diligence" in proceeding constitutes bad faith. One legal notice was provided for January 27th. It is unreasonable to expect the public to track repeated, un-noticed continuances.
- **Request for Finding:** Should the applicant request another continuance, I ask the Board to make a formal finding that such tactics impair the public's opportunity for notice and participation under RSA 676:4.

# Conclusion

The Board is being asked to approve a Site Plan that:

1. **Violates the TDR 30-foot buffer** required of all TDR projects under the plain language of the ordinance, established precedent, project record, and in the legislative history.
2. **Illegally hybridizes TDR methods** to gain the density and fee bonuses under method (a) for subdivisions while attempting to use the filing type of method (b) as a site plan.
3. **Depends on a TDR approval currently being challenged in the NH Supreme Court**.

To avoid duplicate legal fees for Dover taxpayers and to ensure the integrity of the City's Zoning Ordinance, this **Board should deny the site plan**.

Sincerely, Hilary Hamer, 91 Court St.

***Addendum*** **–** Continuance Emails with timestamp from the Applicant, not presently in the public record for this project (as of this submission), received under NH 91-A Right to Know request:



103 Court Street, Dover | Continuance Request

Reply | Reply All | Forward | ...

R robert@centralfallsrealty.com
To Benton, Donna
Cc 'John K. Bosen'; 'JOHN ONEILL'; 'Dave'; 'Robert J. Stowell'

Tue 1/27/2026 1:41 PM

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

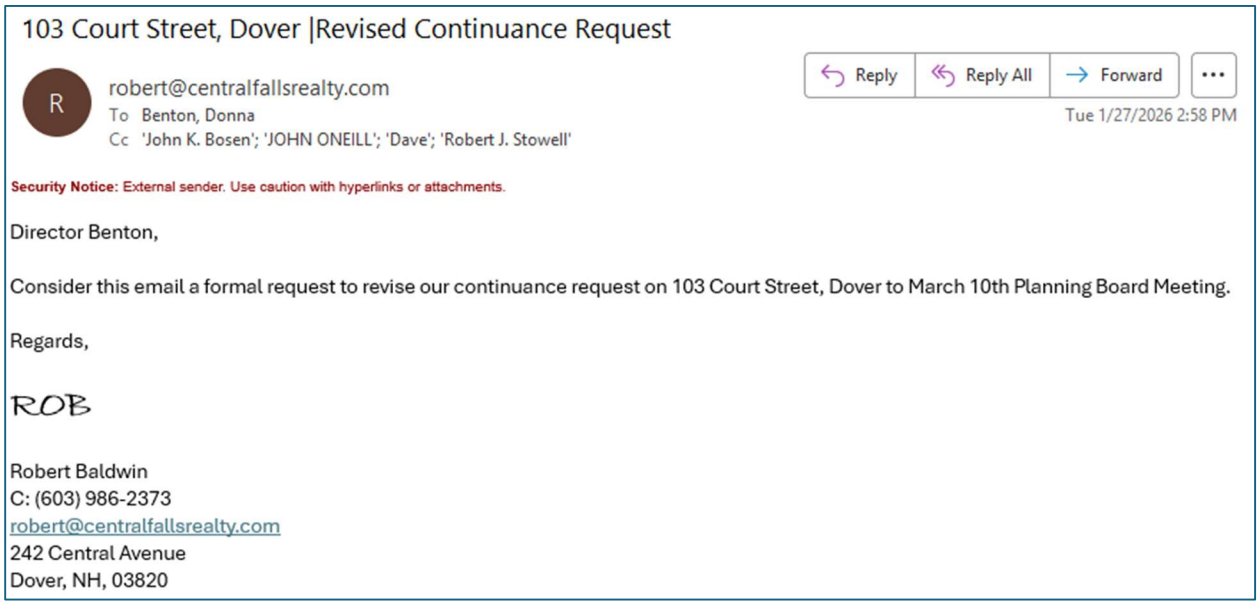
Director Benton,

Consider this email a formal request for a continuance on 103 Court Street, Dover to February 24th Planning Board Meeting. Our legal counsel has prior obligations for tonight's and the February 10th meeting but is available for the 24th.

Regards,

ROB

Robert Baldwin
C: (603) 986-2373
robert@centralfallsrealty.com
242 Central Avenue
Dover, NH, 03820



103 Court Street, Dover |Revised Continuance Request

Reply | Reply All | Forward | ...

R robert@centralfallsrealty.com
To Benton, Donna
Cc 'John K. Bosen'; 'JOHN ONEILL'; 'Dave'; 'Robert J. Stowell'

Tue 1/27/2026 2:58 PM

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

Director Benton,

Consider this email a formal request to revise our continuance request on 103 Court Street, Dover to March 10th Planning Board Meeting.

Regards,

ROB

Robert Baldwin
C: (603) 986-2373
robert@centralfallsrealty.com
242 Central Avenue
Dover, NH, 03820

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Thursday, January 22, 2026 9:14 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Cc:** Perez, Jennifer <J.Perez@dover.nh.gov>
**Subject:** Formal Objection: Jurisdictional Misclassification of 103 Court St, Request for Denial of Site Plan (Part 1 of 2)

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

**Please see Attachments:** January22_Hamer_MisclassifiedApplicationLetter.pdf
And attachments of Exhibits 1-8 in the following email (due to file size constraints)
*Please include this email and attachments in the official project record before the Board for 103 Court St application.*

Dear Dover Planning Board:

I am writing to formally request that the Board **deny the site plan application for 103 Court on the grounds of jurisdictional misclassification.** As detailed in the attachments, the proposed development of single-family residential units in a cluster arrangement constitutes a subdivision under NH RSA 672:14 and Dover Code §157-60, and specifically qualifies as an **Open Space Subdivision** under Dover Code §157-19, following the precedent set by the 210 Tolend Rd project.

Under Dover and New Hampshire laws, this residential project – consisting of single-family homes in a condominium format – legally must be processed as a **subdivision**, not a site plan. Site plans are reserved for nonresidential, multifamily or manufactured home developments. The "form of ownership" (fee-simple lots, or condominium association) is irrelevant to land-use jurisdiction. Because the design standards and legal requirements for subdivisions are fundamentally different from those of site plans, including a TDR subdivision 30-foot no-cut, no-disturb perimeter buffer, an outright denial is mandatory to ensure the project complies with all applicable zoning and subdivision laws.

## Proposed Findings of Fact / Reasons to Deny

The following findings support the conclusion that the application for 103 Court St is misclassified and must be denied:

1. **Inconsistent Application of Precedent:** The 103 Court St proposal consists of a condominium association of single-family houses on a single lot, a cluster subdivision configuration identical to the 210 Tolend Rd development. Because 210 Tolend Rd was legally reviewed and approved under subdivision regulations in May 2025, there is no legal basis for the Board to apply a different regulatory standard to 103 Court St based on its ownership format.
2. **Statutory Definition of Subdivision:** Under **NH RSA 672:14** and **Dover Code §157-60**, a subdivision includes the division of land into "sites or other divisions of land" for the purpose of sale, rent or lease. The 103 Court St project creates distinct residential

sites; the absence of "fee-simple" lot lines does not exempt the project from the statutory definition of a subdivision.

3. **Creation of "Sites" and "Other Divisions of Land":** The Board's reliance on the absence of "fee simple lots" is a misapplication of the law. The law does not limit subdivisions to the creation of traditional or fee-simple lots but explicitly includes the division of a parcel into "two or more lots, plats, sites, or other divisions of land." "Fee-simple" is a form of ownership; "Subdivision" is a land-use action based on the physical creation of residential sites.
4. **Irrelevance of "Condominium Conveyance":** The City's exemption of "condominium conveyance" from Planning Board approval refers only to the administrative recording of deeds. It does not provide a jurisdictional exception for the physical development of land, which must be classified based on its physical use and layout.
5. **Failure to Meet Site Plan Criteria:** Under **NH RSA 674:43** and **Dover Code §170-6**, Site Plan Review is limited to nonresidential or multifamily developments. 103 Court St is strictly residential and does not meet the Dover definition of multifamily (which requires more than four units per structure). Therefore, the Board lacks the statutory authority to review this project as a site plan.
6. **Open Space Subdivisions per City Code and Handbook**: The placement of multiple principal buildings on a single residential lot is strictly limited to nonresidential, multifamily, or open space subdivisions as defined in **Dover Code §157-Article IV**. 103 Court St is a type of open space subdivision, regardless of ownership format. The *Dover Developer's Handbook* explicitly confirms that an OSS "may include lot lines or may be free of lot lines, in a condominium-like format."
7. **TDR Procedural Mandate**: The application uses the "Single-family detached" formula under the **TDR Ordinance §170-29-G-3-a**. This code section mandates that any plan using this formula "**shall be considered a subdivision application**." The alternative method provides no valid formula for the non-multifamily R-12 zone. The Board cannot legally grant the density benefits of this first TDR formula while ignoring its procedural requirements of a subdivision.
8. **Established Policy and Board Precedent**: A majority of the current Board members previously voted to approve 210 Tolend Rd as an OSS in May 2025 – a project identical in condominium ownership and cluster format as 103 Court St. Furthermore, the Deputy City Manager has formally stated that "Condominiums in Dover are Open Space Subdivisions." Proceeding with 103 Court St as a site plan would represent a knowing departure from this established policy and the principle of regulatory consistency.

The submission of 103 Court St under site plan regulations rather than subdivision regulations is not a matter of semantics; it is a matter of **jurisdictional authority resulting in the unlawful waiver of non-discretionary residential performance standards,** in particular a 30-foot no-

cut, no-disturb TDR perimeter buffer. Because the project does not meet the statutory definition of a site plan, yet satisfies the legal criteria for a subdivision, and because the chosen TDR method explicitly requires a subdivision application, the Planning Board's approval of this application as a site plan would constitute a reversible error of law.

Respectfully submitted,
Hilary Hamer, 91 Court St, Dover.

*This correspondence is being copied to the Office of the City Attorney to ensure the City's legal counsel is apprised of the jurisdictional and procedural objections raised herein for the administrative record.*

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

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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.

To: Dover Planning Board
From: Hilary Hamer, 91 Court St, direct abutter
Date: January 22, 2026

**Subject: Request for Denial of Site Plan at 103 Court St for Misclassified Submission (Subdivision vs. Site Plan)**

Dear Members of the Dover Planning Board:

I am writing to formally request that the Board **deny the site plan application for 103 Court on the grounds that it is a misclassified submission**. Under Dover and New Hampshire laws, this residential project – consisting of single-family homes in a condominium format – legally constitutes a **subdivision**, not a site plan. Specifically, under Dover's regulations, this proposal qualifies as a **cluster subdivision** – a subcategory of the Open Space Subdivision (OSS) and equivalent in format to the project at 210 Tolend Rd approved in May 2025.

The misclassification of this project is a substantial procedural error. Because the design standards and legal protections for subdivisions are fundamentally different from those of site plans, an outright denial is mandatory to ensure the project complies with all applicable zoning and subdivision laws.

## I. Staff-Provided Reasoning

Planning Department staff have asserted that this project is a site plan rather than a subdivision due to being a condominium association, or "because they are proposing units instead of fee simple lots" (Exhibit 1, Exhibit 2):

D. Benton addressed public comment:

- She gave an explanation of the two sections of the TDR ordinance with different options and how they apply to this application.
- She explained a lot restoration for four lots at Locke St and Tranquility Way and the density options for those lots being more so than the current proposal.
- She discussed that some projects have the buffer and some do not. She appreciates the table provided by the resident, but it is not 100% accurate. Staff can review and comment.
- Why this proposal isn't a subdivision: In Dover, condominiums don't fall under subdivision. Dover subdivisions are focused on fee simple lot lines, rather than form of ownership.
- The 30' buffer is not required because they are proposing units instead of fee simple lots.

*Figure 1: Section from Exhibit 1, Planning Board Minutes from January 28, 2025*

Donna Benton, the city's director of planning and community development, responded the reason is because the 103 Court St. proposal is not a subdivision project. In the case of other projects, such as Cullen's proposal, a subdivision was requested. The 103 Court St. proposal is seeking units to develop condominiums, not housing lots, and therefore is not required to adhere to the 30-foot buffer.

*Figure 2: Section from Exhibit 2, Statement made to Foster's Daily Democrat Newspaper on January 30, 2025.*

The following record disputes this claim, asserting that the current application is both unlawful and procedurally improper. Note that at no point have any Board members directly approached this subject themselves, only City Staff. The question was explicitly raised by the public at the TDR approval meeting on January 28, 2025. The question remains for the site plan application under review now, even while the TDR approval remains **under appeal at the New Hampshire Supreme Court (Docket #2025-0686)** and specifically deals with this question.

## II. Contradiction with Statutory Definitions

The classification of 103 Court St as a site plan violates both the Dover City Code and NH state law. **103 Court St is a residential development involving the division of land into individual residential units for future sale, rent or lease. The nature of the division – whether by unit, fee-simple lot, or traditional lot – does not preclude it from the legal definition of a subdivision.** Furthermore, 103 Court St fails to meet the legal criteria for a site plan.

### A. The Legal Definition of a Subdivision

Under local and state law, any form of division of land for building development constitutes a subdivision – including division into lots, plats, sites, or "other divisions of land":

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**Dover, §157-60 Definitions: Subdivision:** The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A condominium conveyance, per RSA 356-B, shall not require Planning Board approval.

**NH RSA 672:14 Subdivision. –**
I. "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building

development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

II. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

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The creation of individual residential "units" at 103 Court St constitutes "other divisions of land" and automatically triggers the subdivision classification.

**B. On "Condominium Conveyance":** Dover's Code states that "*A condominium conveyance, per RSA 356-B, shall not require Planning Board approval.*" In land-use planning, "conveyance" strictly refers to the *administrative act* of transferring title to a unit – the legal "disposition" defined in **NH RSA 356-B:3, XIV.** This statement is a clerical exemption ensuring that individual unit deeds do not require a separate Board vote for every sale.

However, **NH RSA 672:14** explicitly includes "condominium conveyance" as a purpose for which a **Subdivision** is required. The physical creation of these units—defined as "sites" or "units" on a plan—is the act of subdividing land. Under **RSA 356-B:11**, a condominium is created only upon the recording of condominium instruments. Because the 103 Court St proposal creates residential units for future sale, it satisfies the state definition of a subdivision, and Dover's administrative exemption for the *conveyance* (the deed) does not waive the Board's jurisdiction over the *subdivision* (the plan).

The Board is not currently being asked to approve administrative deeds (the condominium conveyance); rather, it is being asked to approve the physical development plan for 103 Court St, which involves the division of land into distinct residential sites.

**C. Inapplicability of Site Plan Regulations**
Site plan review is a narrow authority reserved for specific types of development. The 103 Court St proposal fails to meet any of the three criteria required for a site plan:

1. **Nonresidential:** In contrast, this project is strictly residential.
2. **Manufactured Home Development:** This project consists of traditional construction single-family homes.
3. **Multifamily:** Dover Code §170-6 defines Multifamily as a dwelling containing more than four units. This project consists of individual single-family structures (and in one version, a duplex).

**Because the project is residential and not multifamily, the Planning Board lacks statutory authority under NH RSA 674:43 and Dover §170-6 to review it as a site plan.**

**Dover §170-6 Word usage and definitions: SITE DEVELOPMENT PLAN** — Professionally rendered drawings which delineate a proposed nonresidential, multifamily or manufactured home development. Said plan shall include property lines, location of buildings, means of ingress and egress, access to off-site parking and all provisions as outlined in this chapter and Chapter 153, Site Review Regulations, of the Code of the City of Dover.

**NH RSA 674:43 Power to Review Site Plans.** I. A municipality, having adopted a zoning ordinance as provided in RSA 674:16, and where the planning board has adopted subdivision regulations as provided in RSA 674:36, may by ordinance or resolution further authorize the planning board to require preliminary review of site plans and to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

Note that Dover defines a multifamily differently from NH, under §170-6 Word usage and definitions: "*DWELLING, MULTIFAMILY – A dwelling containing more than four dwelling units."*

The proposal at 103 Court St is inarguably residential and not multifamily. There is no justification for it to be reviewed under site plan regulations instead of subdivision regulations.

**D. Irrelevance of "Form of Ownership"**

The Board's reliance on the absence of "fee simple lots" is a misapplication of the law. **NH RSA 672:14** and **Dover Code §157-60** do not limit subdivisions to the creation of fee simple lots or any other specific type of division; they explicitly include the division of a lot into "two or more lots, plats, sites, or other divisions of land."

The 103 Court St proposal creates distinct residential "sites" or "units" intended for individual sale/rent/lease and exclusive use. Whether these sites are conveyed via a fee simple deed or a condominium declaration is an administrative detail of ownership; it does not change the physical reality that the land is being divided. The lack of traditional lots or fee simple lots does not exempt this project from subdivision jurisdiction.

**By processing 103 Court St as a site plan, the Board is applying the wrong set of design standards and bypassing the rigorous protections intended for residential subdivisions. This constitutes a reversible error of law.**

## III. Dover's Open Space Subdivisions – the Cluster Subdivision

Specifically in Dover, a residential development such as 103 Court St consisting of individual single-family houses as residential units under common ownership (such as a condominium association) has a unique subdivision classification, the **Open Space Subdivision (OSS)** (which is still a form of subdivision, and not a site plan).

### A. Open Space Subdivisions in Dover

Dover's zoning ordinance provides a specific mechanism for placing multiple principal buildings on a single lot for residential units such as 103 Court St proposal: the **Open Space Subdivision**.

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**Dover §170-6 Word usage and definitions: LOT** — A parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of-way and is occupied by, or is intended to be occupied by, one principal building and its accessory buildings or uses customarily incidental to it, together with such open spaces and yards as are required by this chapter. More than one principal building may be placed on a lot located in the Central Business or Gateway District. More than one principal building may also be placed on a lot in all other districts with Planning Board approval for nonresidential developments, multifamily dwelling developments, and open space subdivisions.

**Dover §170-6 Word usage and definitions: OPEN SPACE SUBDIVISION** – An alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, a similar number of single-family housing units may be arranged on lots of reduced dimensions.

**Dover §157 Land Subdivision Regulations, Article IV Open Space Subdivisions. 19 Concept and purpose.**

A. An open space subdivision (OSS) represents a form of residential development where, instead of subdividing an entire tract of land into lots of conventional size and arrangement, a similar number of single-family housing units, duplexes in an R-12 Zone, may, at the discretion of the Planning Board, be arranged on the land in a more innovative fashion which better fits the topography and natural attributes of the site. The remaining land in the tract which has not been built upon shall be set aside for municipal use or integrated among the housing units and reserved for usable common open space. Said open space shall be held in a form of ownership that will prevent it from being further subdivided or developed.

B. The purpose for establishing this article is to promote a development pattern that creates areas of usable and accessible open space; provides land for

municipal use; prevents disruption of natural topography and drainage systems; maintains the rural and open character of the undeveloped area of the City; protects historically significant buildings, resources, and/or landscapes; protects valuable wildlife areas; allows for attractive site design; and encourages a lesser and more practical utility and street network.

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In many ways, the OSS serves a similar intent as TDR in terms of supporting flexibility of development, except the absolute building density is limited by a yield plan based on a conventional subdivision, and there are strict overall dimensional requirements.

OSS allows for two formats for density allocation. 103 Court St falls under the **cluster subdivision** subtype:

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**§157-21-D. Density.** (1) Density allocation. The maximum number of dwelling units permitted in an open space subdivision shall be determined by a submitted yield plan. The resultant number shall not allow a higher density than that provided by a conventional subdivision on the same parcel. An open space subdivision may consist of the following:
(a) A subdivision of land into reduced sized individual house lots.
(b) Cluster subdivision. One parcel with individual detached single-family dwellings located in a cluster arrangement.

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The "cluster subdivision" matches the format of 103 Court St, being an arrangement of single-family houses on one lot in a residential capacity. Note that nothing in the OSS regulations indicates the exact form of ownership for created units, and thereby does not exclude traditional lots, fee-simple lots, nor individual units in a condominium format.

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**§157-21-G Project ownership.** The subject land may be owned, leased or controlled either by a single person, a corporation or by a group of individuals or corporations. An approved open space subdivision shall be binding on the project land and owner(s) and shall be so indicated on each individual deed.

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Further, the OSS regulations appear to be the source of the TDR 30-foot no-cut, no-disturb buffer (§170-29-G-7). One of the dimensional regulations is a minimum buffer distance, "minimum distance from external boundaries (feet)" which is 30-foot for R-12 (the smallest distance available). It is further specified in the OSS regulations, as in the TDR code, that this buffer is to be no-cut, no-disturb zone:

> ***§157-21-F(4)-(a):*** *"For the purposes of the external boundary buffers required above, the buffer areas shall be considered an undisturbed natural area for the purpose of shielding the development from abutting properties. The external boundary buffer shall be preserved or established to comply with the perimeter landscaping standards in § 157-35F."*

It follows that 103 Court St is a cluster subdivision of single-family houses on one lot in a residential capacity. The form of ownership as a condominium is consistent with the Open Space Subdivision requirements, does not trigger a site plan classification (as per statutory definitions), but the overall lot size, frontage and setbacks are waived in accordance with the TDR Ordinance §170-29-G-(4) through (6).

The Dover Developer's Handbook confirms the classification for 103 Court St's multiple principal buildings on one lot without lot lines as an open space subdivision. The Handbook explicitly defines Open Space Subdivisions as allowing for subdivisions which **"may be free of lot lines, in a condominium-like format"** (Figure 6). It further excludes single-family residential clusters from Site Plan Review (Figure 7).

> In Dover, a major subdivision may be developed as an open space subdivision. This format allows creativity and flexibility in layout and preserves open space by concentrating all of the units developed in a more clustered location on the original parcel. The subdivision may include lot lines or may be free of lot lines, in a condominium-like format. A roadway may be proposed as either public or private.

*Figure 3: Exhibit 5, page 12*

The Handbook's description of Site Plan Review excludes single-family residential clusters:

- New construction. Site Review and Planning Board approval will be required for development of land for:
  - Non-residential uses;
  - Multi-family dwellings of five (5) or more units; and
  - Construction of parking areas larger than 4,000 square feet.
  - Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development that would disturb one acre or more.
  - Any construction activities that require a conditional use permit for work to be located in or within fifty (50) feet of a wetland or Conservation District.

*Figure 4; Exhibit 5, page 12*

**B. Open Space Subdivision Example at 210 Tolend Road**

The Planning Board's approval of 210 Tolend Road in May 2025 stands in direct opposition to the Department's current stance on 103 Court St. Despite possessing identical land use characteristics to the 103 Court St proposal, it was processed under subdivision regulations.

- **Identical Ownership Structure:** Like 103 Court St proposal, the 210 Tolend Road project featured a cluster arrangement of single-family residential units on one lot under a condominium association. Meeting minutes explicitly describe it as a "development of 29 cluster units….. 29 residential units) as opposed to fee-simple lots (Figure 5, Exhibit 3). At no point in the entire approval is a "site plan" required for the cluster development, rather it is specifically noted under subdivision regulations (Figure 6).
- **Condominium Documentation Requirements:** The Board required "Condominium documents" for 210 Tolend Road, just as 103 Court St (Figure 6). This demonstrates that a condominium framework does not inherently mandate a site plan classification.
- **Consistent Physical Design:** A side-by-side comparison of the plans (Figure 7) confirms that both projects consist of single-family houses acting as units in a cluster arrangement on a single parcel of land.

**F.** Consideration and acceptance of Open Space Subdivision for Tritech Engineering Corp, (Owner: 210 Tolend Road, LLC), Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal is for an Open Space Subdivision that will create five lots, including one lot for the development of 29 cluster units, one lot with an existing single-family home, one buildable vacant lot, and two lots to be conserved as open space areas.) *(SUBD-2025-0001)

E. Bassegio explained that the applicant is proposing an Open Space Subdivision that will subdivide the property at 210 Tolend Rd., which abuts a built-out open space subdivision on Emerald Lane, to create four new lots for a total of five lots.

The parent parcel, Map F, Lot 3, is proposed to be approximately 26.30 acres, and the new proposed lots are as follows: Map F, Lot 3-1, approx. 3.06 acres, Map F, Lot 3-2, approx. 12.11 acres, Map F, Lot 3-2-OPN, approx. 11.48 acres, and Map F, Lot 3-OPN, approx. 2.76 acres.

The parent parcel (Map F, Lot 3) will retain the existing single-family home. Map F, Lot 3-1 will become a buildable lot within the R-40 Zoning District. The proposed parcels, Map F, Lot 3-OPN and Map F, Lot 3-2-OPN, have been identified as conserved open space.

Map F, Lot 3-2, is proposed as a development with 29 residential units that will be accessed by Emerald Lane. Following Planning Board approval on December 10, 2024, the allowable yield for the subdivision is 31 units.

*Figure 5: Excerpt from Exhibit 3, Planning Board meeting minutes for vote on subdivision at 210 Tolend Road. Note 210 Tolend Road language is specifically "units" (not fee-simple lots) and the last line, "the allowable yield for the subdivision is 31 units".*

**STAFF RECOMMENDATION- Open Space Subdivision**

The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Approval of COND-2025-0007;
2. Revised current use plan submitted to the City Assessor.
3. Condominium documents, including but not limited to reserve calculation, buffer and common space access and maintenance, Green SnowPro certification requirement, trail access and maintenance, and secondary groundwater protection measures, are reviewed and approved by the Director of Planning and Community Development with consultation by the City Attorney and City Engineer.

*Figure 6: Section from Exhibit 3, showing that 210 was reviewed under "§157-15 of the City of Dover's Land Subdivision Regulations" and that a subsequent condition was the requirement for "Condominium documents", which demonstrates that condominium form of ownership does not trigger site plans – this was a Subdivision.*

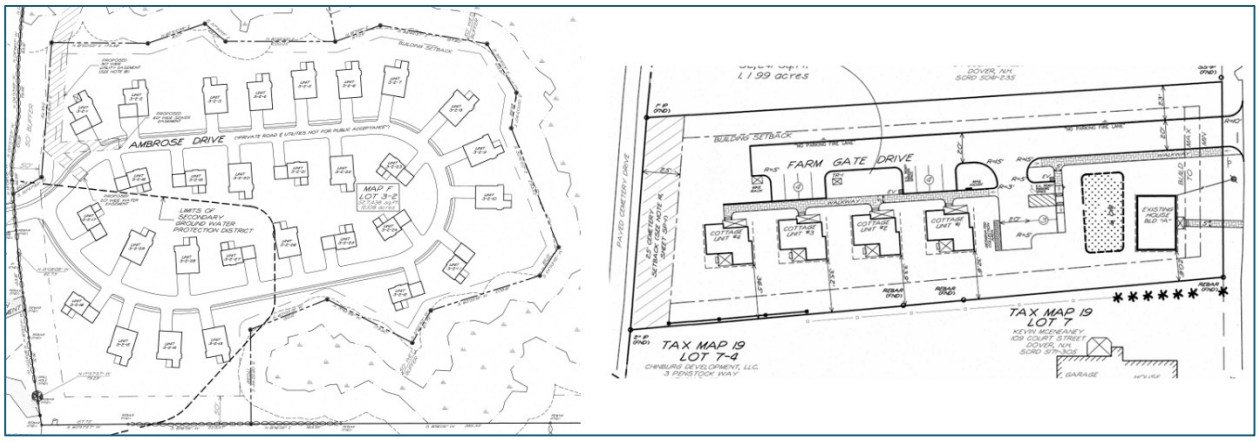



*Figure 7: Plan at 210 Tolend Road "Open Space Subdivision" from Exhibit 4, compared directly next to 103 Court St both showing single-family residential units arranged in a cluster on a single lot without lot lines.*

Despite having the same "unit-based" structure as 103 Court St and condominium form of ownership, the Board correctly processed and approved 210 Tolend Road as a subdivision, specifically an OSS. There is no mention of a site plan being required at any point and the subdivision regulations §157-15 are specifically identified as being the standard of review. **This proves that the form of ownership (condominium) and the cluster arrangement of individual units on one lot in Dover does not automatically trigger a site plan classification**. Instead, the physical format of the development proposal – as defined under NH and Dover laws – dictates the application type.

## IV. INCOMPATIBILITY WITH TDR ORDINANCE

The application of the TDR Ordinance at 103 Court indicates that it must be processed as a

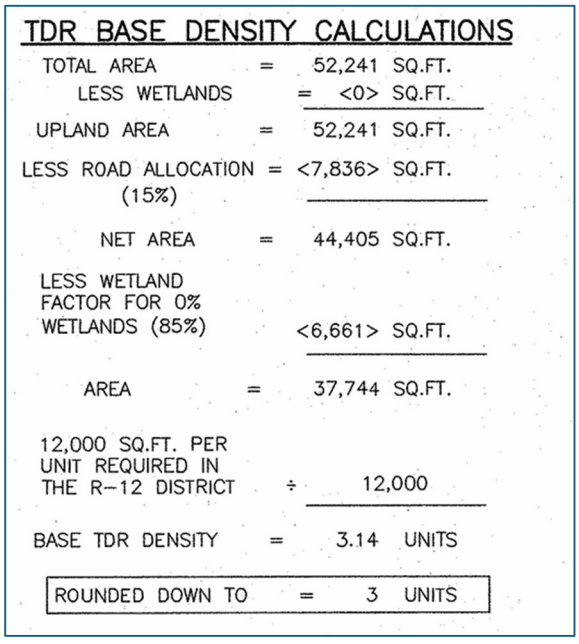
subdivision, and not a site plan. The application uses the TDR calculation from **§170-29-G-3-a,** which specifically mandates a subdivision application. The alternative site plan method §170-29-G-3-b is legally unavailable in this non-multifamily zone. By allowing a site plan to proceed while using the method (a) formula, the Board is creating a **'ghost method'** that does not exist in the City Code.

**A. The TDR Calculation Mandate**

Under Dover Code **§170-29-G Residential Performance Standards-3**, there are two mutually exclusive paths for applications:

> **1. Method (a) Single-family detached method:** This method uses a specific formula based on lot area. Crucially, §170-29-G-3-a-6 states "*The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations."*
>
> **2. Method (b) Single-family, two-family, three-family, and four or more method:** This method applies to mixed-use or multifamily zones, (line b-1-a) "*In mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.*" Under this path, projects are treated as site plan applications (line b-4).

The application for 103 Court St used the formula from (a) Single-family detached method. See page SP-1 (PDF page 9, figure 8) of the Site Plan Application, and Meeting Minutes, January 28, 2025 (Figure 9):



TDR BASE DENSITY CALCULATIONS

| | | |
|---|---|---|
| TOTAL AREA | = | 52,241 SQ.FT. |
| LESS WETLANDS | = | <0> SQ.FT. |
| UPLAND AREA | = | 52,241 SQ.FT. |
| LESS ROAD ALLOCATION (15%) | = | <7,836> SQ.FT. |
| NET AREA | = | 44,405 SQ.FT. |
| LESS WETLAND FACTOR FOR 0% WETLANDS (85%) | | <6,661> SQ.FT. |
| AREA | = | 37,744 SQ.FT. |
| 12,000 SQ.FT. PER UNIT REQUIRED IN THE R-12 DISTRICT | ÷ | 12,000 |
| BASE TDR DENSITY | = | 3.14 UNITS |
| ROUNDED DOWN TO | = | 3 UNITS |

*Figure 8: SP-1 of the application's Site Plan Application (PDF page 9) showing TDR Base Density Calculation using "Single-family detached" formula from the TDR Code.*

> The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that the applicant must apply single-family density for the creation of additional single-family homes. As the applicant is proposing single-family density, the single-family yield calculation has been used and has resulted in a base density calculation of three units. This, therefore, means that the remaining two sought units could be granted if the Planning Board votes to approve the use of TDR.

*Figure 9: Excerpt from Meeting Minutes, Exhibit 1, when staff identifies method (a)Single-Family formula being used at 103 Court St, "the single-family yield calculation has been used".*

Because 103 Court St is in a non-multifamily zone (R-12), method (b) is legally unavailable. The Board cannot unilaterally expand the scope of method (b) to include formulas reserved for method (a). Doing so contradicts the Code §170-29-G-3-b-4: "*the base density shall be derived from the underlying zoning, and not through a formula.*" As the New Hampshire Supreme Court held in **Harrington v. Town of Warner**, 152 N.H. 74, 79 (2005):

> *"Moreover, we will not guess what the drafters of the ordinance might have intended, or add words that they did not see fit to include."*

If Dover intended for the second method to be able to utilize the same formula as method a, or in some other way apply to non-multifamily zones, it would be spelled out.

**The Board cannot legally accept the benefits of the method (a) TDR calculation for base density while simultaneously ignoring its explicit procedural requirement that the project be reviewed as a subdivision.** The Planning Director failed to make the required determination of whether the project should follow "major or minor subdivision regulations," a step that is legally prerequisite to a valid submission.

**B. Zonal Consistency**

The structure of the TDR ordinance aligns with the **District Purpose Statements** in **§170-7 Establishment of Districts**. The code establishes a clear distinction between "conventional single-family" zones (TDR subdivision, method 'a' zones) and "multi-residential" or "Single-family, two-family, three- to four-or more" zones (TDR site plans, method 'b' zones) (Exhibit 6):

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> ***§170-7 Establishment of Districts B. District Purpose Statements. (1) Residential districts…***
> *(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space…*

*(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. ...*

*(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions….*

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**Conventional Single-Family Zones (R-40, R-20, R-12):** The Purpose Statements for these districts all specify that larger developments should be done as "open space subdivisions." This aligns with TDR method (a) "single-family detached" and its subdivision mandate.

**Multi-Residential Zones (RM-SU, RM-U):** These districts are designed for a "variety of housing types," including "multifamily dwellings." This aligns with TDR method (b), whose formula for base TDR density refers specifically to "mixed-use or multifamily zones" and allows for site plan applications. Note that statutorily, site plans are intended for multifamily projects. It also shares the same language of "single-family, two-family, three-family, and four or more."

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*(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City….*

*(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods*

*located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets….*

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**C. Conclusion of TDR Incompatibility**

The language of the TDR residential performance methods indicates that (a) "Single-family detached" is meant for the non-multifamily zones (Rural, Low and Medium-density) which are then treated as subdivisions under the TDR law, versus the second method (b) "Single-family, two-family, three-family, and four or more method" tracks with the multifamily zones (RM-SU and RM-U), as it uses the same language, which is further consistent with the TDR calculation method of (b), "*In mixed-use or multifamily zones, the base density shall be derived from the underlying zoning….*"

This application has utilized a TDR calculation method designed specifically for single-family residential zones and mandates a subdivision yet has filed under a site plan process designed for multifamily zones. **This "procedural hybrid" is a violation of the TDR Performance Standards and does not exist in the City Code.**

As stated in *Harrington v. Town of Warner,* the Board cannot "add words" or "guess" at intent to bridge these two incompatible methods. This inconsistency is more than a clerical error and represents a reversible error of law.

## V. Established Administrative Policy and Official Interpretation

The classification of condominium developments as Open Space Subdivisions in Dover is not merely a personal interpretation; it is the established position of Dover's City leadership and reflects the Board's own recent history.

**A. Formal Interpretation by the Deputy City Manager**

On April 7, 2025, during a TDR subcommittee meeting, Deputy City Manager Chris Parker provided a formal history of Dover's TDR program. He stated clearly and unequivocally:

> **"Condominiums in Dover are Open Space Subdivisions.**"

(Audio recording of meeting is online at Treeno - Docs or <https://publicrecords.dover.nh.gov/Tabs/Index/21359/public/1/deptnum/0/cab/Public_Meetings>).

This statement confirms that the City's administrative policy recognizes residential clusters – as proposed at 103 Court St – as subdivisions, not site plans, regardless of whether the developer utilizes "units" or "fee-simple lots."

**B. Administrative Consistency and Board Precedent**

It is critical to note that most of the Planning Board members have "actual knowledge" of this interpretation.

- **Subcommittee Presence:** Current Board members **Kyle Pimental** and **Douglas Glennon** serve on the TDR subcommittee and were present for Mr. Parker's formal statement.
- **Recent Voting Record:** Much of the current Board participated in the May 2025 vote to approve 210 Tolend Rd as an Open Space Subdivision, a project also utilizing a "unit" and condominium format. This includes **Chair Gina Cruikshank**, **Doug Glennon, Ken Mavrogeorge, George DeBoer, Fergus Cullen, Melina Gambino, Eric Salovitch** (Exhibit 3).

Proceeding with 103 Court St as a site plan would represent a significant departure from the City's own administrative policy, recent Board precedent, and statutory land-use definitions. To ensure regulatory consistency and the equal application of the law, the Board must apply the subdivision standard to 103 Court St.

## VI. Proposed Findings of Fact

The following findings support the conclusion that the application for 103 Court St is misclassified and must be denied:

1. **Inconsistent Application of Precedent:** The 103 Court St proposal consists of a condominium association of single-family houses on a single lot, a cluster subdivision configuration identical to the 210 Tolend Rd development. Because 210 Tolend Rd was legally reviewed and approved under subdivision regulations in May 2025, there is no legal basis for the Board to apply a different regulatory standard to 103 Court St based on its ownership format.
2. **Statutory Definition of Subdivision:** Under **NH RSA 672:14** and **Dover Code §157-60**, a subdivision includes the division of land into "sites or other divisions of land" for the purpose of sale, rent or lease. The 103 Court St project creates distinct residential sites; the absence of "fee-simple" lot lines does not exempt the project from the statutory definition of a subdivision.
3. **Creation of "Sites" and "Other Divisions of Land":** The Board's reliance on the absence of "fee simple lots" is a misapplication of the law. The law does not limit subdivisions to the creation of traditional or fee-simple lots but explicitly includes the division of a parcel into "two or more lots, plats, sites, or other divisions of land." "Fee-simple" is a form of ownership; "Subdivision" is a land-use action based on the physical creation of residential sites.
4. **Irrelevance of "Condominium Conveyance":** The City's exemption of "condominium conveyance" from Planning Board approval refers only to the administrative recording of deeds. It does not provide a jurisdictional exception for the physical development of land, which must be classified based on its physical use and layout.

5. **Failure to Meet Site Plan Criteria:** Under **NH RSA 674:43** and **Dover Code §170-6**, Site Plan Review is limited to nonresidential or multifamily developments. 103 Court St is strictly residential and does not meet the Dover definition of multifamily (which requires more than four units per structure). Therefore, the Board lacks the statutory authority to review this project as a site plan.
6. **Open Space Subdivisions per City Code and Handbook**: The placement of multiple principal buildings on a single residential lot is strictly limited to nonresidential, multifamily, or open space subdivisions as defined in **Dover Code §157-Article IV**. 103 Court St is a type of open space subdivision, regardless of ownership format. The **Dover Developer's Handbook** explicitly confirms that an OSS "may include lot lines or may be free of lot lines, in a condominium-like format."
7. **TDR Procedural Mandate**: The application uses the "Single-family detached" formula under the **TDR Ordinance §170-29-G-3-a**. This code section mandates that any plan using this formula "**shall be considered a subdivision application**." The alternative method provides no valid formula for the non-multifamily R-12 zone. The Board cannot legally grant the density benefits of this first TDR formula while ignoring its procedural requirements of a subdivision.
8. **Established Policy and Board Precedent**: A majority of the current Board members previously voted to approve 210 Tolend Rd as an OSS in May 2025 – a project identical in condominium ownership and cluster format as 103 Court St. Furthermore, the Deputy City Manager has formally stated that "Condominiums in Dover are Open Space Subdivisions." Proceeding with 103 Court St as a site plan would represent a knowing departure from this established policy and the principle of regulatory consistency.

## VII. Conclusion

The submission of 103 Court St under site plan regulations rather than subdivision regulations is not a matter of semantics; it is a matter of **jurisdictional authority**. Because the project does not meet the statutory criteria of a site plan, and because the chosen TDR method explicitly mandates a subdivision process, any approval under the current application would constitute a reversible error of law.

### Procedural Error and Substantial Harm

Reviewing a subdivision as a site plan is a **prejudicial error**. Site plan review focuses primarily on the *placement* of buildings, whereas subdivision review focuses on *the legal division of land*, the adequacy of infrastructure, and specific residential standards intended to protect the character of residential neighborhoods.

Further, the Board has made it clear that residential TDR subdivisions are required to meet a mandatory TDR 30-foot no-cut, no-disturb perimeter buffer, while suggesting that TDR site plans are not. The application of the incorrect regulatory framework results in the **unlawful**

**waiver of a non-discretionary environmental** protection, fundamentally altering the site's impact on abutting properties. The buffer would require fundamental alterations in road, building, and drainage placement. By applying the wrong regulatory framework, the Board would deprive the public of the specific statutory buffer, protections and rigorous design standards mandated for residential subdivisions.

**Requested Relief**

Based on the facts presented, an outright denial of the site plan application is mandatory. The applicant must resubmit under the correct subdivision regulations to ensure all design standards, public protections, and legal requirements are upheld. This request is made to preserve all legal rights and to ensure an accurate administrative record is established for any subsequent judicial review.

**VIII. Exhibit List** (submitted as separate attached PDF documents)

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

Respectfully submitted, Hilary Hamer, 91 Court Street, 1/22/2026

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Thursday, January 22, 2026 9:15 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Cc:** Perez, Jennifer <J.Perez@dover.nh.gov>
**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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Please consider conserving our natural resources before printing this e-mail and/or any attachments.

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# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, January 28, 2025** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Doug Glennon (Vice Chair), Ken Mavrogeorge, Kyle Pimental, Melina Gambino
**Members on Phone:** Fergus Cullen (Councilor)
**Members Not Present (excused)**: George DeBoer, Tom Clark, Mallory Strange (Alternate), Jeff Sanborn (Alternate)
**Staff Present:** Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7:00p.m. and noted that Councilor Cullen is participating in the meeting by telephone.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
Caitlin Wilkie, 568 Sixth St expressed concerns about the TDR program and education around the program. She described some clarifications she has received from staff and how she feels that contradicts the way TDR items have been handled at Planning Board level. If the staff and board are interpreting the code beyond its written language, then the language needs to be updated to maintain fairness and legality. She is also concerned about the TDR fees and how the funds have been used. She asked for transparency in this process. She asks the board members to take the time to fully understand the repercussions their decisions have on residents – especially with TDR.
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- January 11, 2025 Special Meeting Minutes and January 14, 2025 Regular Meeting Minutes

**Motion:** K. Mavrogeorge moved to approve the special meeting minutes of January 11, 2025 and regular meeting minutes of January 14, 2025. Seconded by: D. Glennon.
Roll Call Vote: Passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

## 3. OLD BUSINESS

## 4. NEW BUSINESS

**A.** Consideration and acceptance of a Lot Line Adjustment for Robert S. Mairs Revocable Trust, George Maglaras & Robert S, Mairs Trustee, & George Maglaras, Assessor's Map 24, Lots 141, 140 & 139, zoned CWD, located at 5, 11, and 31 Cocheco Street. *(LOTA-2024-0013)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 5 Cocheco St. (Map 24, Lot 141), 11 Cocheco St. (Map 24, Lot 140), and 31 Cocheco St. (Map 24, Lot 139).

F. Cullen disclosed that he has a professional relationship with Kevin McEneaney's firm who surveyed the property for this application, and he is a client of Mr. McEneaney's company. He does not have any financial, personal, or professional interest that would create a conflict of interest in relation to this application. His evaluation of this application is unbiased and impartial. If any member of the Planning Board objects to his participation with this application, he asked them to say so. (No one spoke)

This lot line adjustment dissolves lot 140 and adds ± 3,889 square feet to lot 139 and ±4,176 square feet to lot 141. Each lot's frontage and compliance with underlying zoning regulations (CBD-G and CWD) will remain post-adjustment.

As a Lot Line Adjustment, this application did not appear before the TRC.
Kevin McEneaney, McEneaney Survey, represented the application noted three abutting lots are proposed to adjust the lot lines. He listed the ownerships of the lots and noted though the total square footages of the two proposed lots will not be equal, they will each have equal frontages and waterfronts.

K. Pimental asked about the boundary of the zoning districts and how the adjustment of the lot line now puts one of the proposed lots in two different zoning districts.
D. Benton clarified that the rule is that the lot will have zoning regulations based on which district the majority of the lot encompasses, though the regulations allow for a change of zoning of moving the boundary 50' for that lot if necessary for a future use.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

**STAFF RECOMMENDATION – Lot Line Adjustment**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2024-0013
   1.2. The owner's signatures
   1.3. City Assessor confirms lot numbering.

**Motion:** M. Gambino moved to approve the Lot Line Adjustment with subsequent conditions set by staff as it meets criteria. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**B.** Consideration and acceptance of Transfer of Development Rights for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to purchase four (4) units through TDR.) *(TRAN-2024-0011)

**C.** Consideration and acceptance of Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to maintain an existing single-family dwelling, construct a two-family dwelling that is deed-restricted to Fair Market Rent, and construct four (4) new size-restricted single-family homes for a total of seven (7) dwelling units. *(SITE-2024-0012)

**Motion:** M. Gambino moved to remove this item from the table. Seconded by: D. Glennon.
Roll Call Vote: Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes

D. Benton explained that the applicant is proposing a residential project consisting of five residential units by purchasing two size restricted units through TDR. This item was before the board, accepted and tabled on December 10th, but the plan has been revised since then. The agenda reads as it does because this item was a continuance.

The proposal includes renovation of the existing single-family dwelling and the construction of four single-family "cottage" dwelling units. The duplex has been removed from the proposal and the applicant is requesting to purchase two units through TDR which will be size restricted to 1,400 sq ft.

A Site Visit was conducted on January 11, 2025, to allow staff, Planning Board members, and members of the public to review the site in person, observe existing conditions, and be able discuss how the proposed development aligns with the surrounding area and zoning requirements.

The applicant provided previous iterations of this proposal for increased units on the subject property. The applicant is now proposing a decrease in total units, an increase in perimeter screening, and a change to the site layout with the "cottage" units and access driveway being shifted further from the side property boundaries.

The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that the applicant must apply single-family density for the creation of additional single-family homes. As the applicant is proposing single-family density, the single-family yield calculation has been used and has resulted in a base density calculation of three units. This, therefore, means that the remaining two sought units could be granted if the Planning Board votes to approve the use of TDR.

Per the applicant's plan, the existing single-family home will be renovated and remain, and four single-family "cottage" dwelling units will be constructed. Two of the cottage units are proposed to be size-restricted to 1,400 square and purchased through TDR.

Because of the change of plans, the board can take action on the TDR request tonight but staff recommends the second item could be tabled so it can go to TRC.

Staff has reviewed the proposal and supplied a TDR memo to the applicant.

The Board has received comments tonight. Staff has tried to respond and reference the correct areas of the TDR code and try to ensure the public is informed.

Robert Baldwin, 5 Sherman St LLC represented the application and confirmed they are expecting to table the second request tonight to take the proposal to TRC.
He highlighted the changes to the plans: removed the duplex, straightened the driveway, noted the 25' cemetery setback, included a detailed landscape plan showing the screening, and fencing adjustments.
He described some other development options that they considered.

Board members asked clarifying questions of the applicant which were addressed. Topics included storm water, size restrictions (all four units are proposed restricted to 1,400 sf), ownership vs rental status.

The applicant reviewed the development options again while the plans were shown on the screen.

The TDR buffer was discussed and clarified that based on the plans presented and the section of the code they are developing under, the 30-foot buffer is not a requirement.

*Public Hearing Open*
Hilary Hamer, 91 Court St believes the 30-foot buffer does apply for this proposal and explained her reasoning and handed out a paper to the board members. She asked the board which residential performance standard applies to this project and why. She asked for an explanation for when the buffer does apply to residential TDRs. She believes this proposal is unlawful and unreasonable, that a buffer applies and has not been provided. She highlighted the state's definition of subdivision.

Merlin Mason, 91 Court St is concerned about the proposed increase to density, is in favor of the buffer, and he explained he and his wife want real neighbors in real homes.

Dorna Hamer, 18 Tuttle Ln is opposed to the project and is in favor the buffer. The parent lot is the existing lot. This density is out of place in this neighborhood. The TDR rules are vague, and this project should be put on hold until those can be clarified.

Keith Hamer, 18 Tuttle Ln is opposed to the project noting many of the neighbors and abutters have written to the office in opposition. If the board tables the item, he asks that the public hearing be tabled so it can be continued.

Caitlin Wilkie, 568 Sixth St is in opposition to the project. TDR is to be used to restrict density to appropriate locations and protect other areas. She agrees the buffer should apply. Proposed cottages have no consistency with the existing homes on the street. The proposal is also too dense for the neighborhood. She asked this proposal to be denied.

D. Benton noted emails were received from some who have already spoken tonight and summarized one from Lisa O'Grady of 100 Court St.
*Public Hearing Closed*

D. Benton addressed public comment:

- She gave an explanation of the two sections of the TDR ordinance with different options and how they apply to this application.
- She explained a lot restoration for four lots at Locke St and Tranquility Way and the density options for those lots being more so than the current proposal.
- She discussed that some projects have the buffer and some do not. She appreciates the table provided by the resident, but it is not 100% accurate. Staff can review and comment.
- Why this proposal isn't a subdivision: In Dover, condominiums don't fall under subdivision. Dover subdivisions are focused on fee simple lot lines, rather than form of ownership.
- The 30' buffer is not required because they are proposing units instead of fee simple lots.

Board members continued discussion about condominiums, 30-foot buffer applications to some types and not others, tightening up the zoning regulations as part of the review to require the buffer for consistency, allowed density by right, considering the reasons for a no-cut buffer and utilizing their ability to have applicants create buffers where they don't exist.

**STAFF RECOMMENDATION - TDR**
§170-29 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.29G(8) states:

*"Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:*

*(a) Is consistent with the Master Plan*

*(b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*

*(c) Is created on property served by public water and sanitary sewer.*

*(d) Any relief sought should not be caused by the additional density."*

Section §170-29 provides for additional density to be purchased through Transfer of Development Rights, provided that four criteria are met: The proposal is consistent with the Master Plan; is compatible with the land uses on neighboring lots; is created on property served by public water and sanitary sewer; and not seeking permitted relief caused by additional density. This application meets the criteria.

Specifically, the lot is served by water and sewer, and the Master Plan supports housing diversity and encourages creating housing in walkable neighborhoods which encourage community engagement. Regarding the requested density, it is in line with neighboring land uses and development. The proposal is for single-family homes, and there are single- and two-family homes in the immediate area. Currently, the parcel has a single unit, and by right, the unit could be converted to a two-family dwelling unit. The applicant is proposing five total residential units, or an increase of four units. On the adjacent parcel at 109 Court Street, that and the three lots that were created from it, all meet the zoning to allow two-family units. These four lots equate to a similar-sized area, (1.5 acres), and with no Planning Board review, eight units could be constructed by right where one unit exists today. In regards to TDR buffers, as 170-29.G(7) states, "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer," and the proposal is not indicating to subdivide or add new lot lines, staff's interpretation has been that the buffer is not required. However, staff has continually asked the applicant to add more green space and screening as possible and to ensure the 25' setback from the cemetery has been met. This revised plan meets those requests.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**

1. A Site Plan application is required to be submitted for review and consideration;
2. Payment of TDR fees;
3. Add note to plan: "This site plan uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase up to two units for a maximum total of five units on the subject lot. The existing single-family unit and the proposed single-family dwellings may not be converted to a two-family dwelling without further review and approval by the Planning Board;"
4. The applicant provide a revised narrative including the latest TDR request;

5. Add note indicating which units will be purchased as size-restricted units through the TDR ordinance and that a deed restriction is required.
6. The board may decrease the total unit count based on TRC review.

Comments by board members:
M. Gambino:
Noted she thinks the developer has shown good faith and adjusted the project to be more clearly aligned with concerns around the density. This is a 50% decrease in the number of requested TDR units from 4 to 2. This TDR project will support and promote the City's diversity of ages and income which is part of the master plan by building more attainable housing on this lot that might otherwise be allowed by right.

A public comment mentioned wanting to see somebody with a garden and the swing set in the backyard. The reality is that not everybody wants that in their yard and so there needs to be diversity of housing.

She referred to the discussion about the 30-foot buffer clouded this project for her and is now confident that staff gave the Board the right information and is looking forward to having further discussions about the TDR regulations.

This project is in a place where TDR is appropriate. She prefers to see the TDR here in the R-12 zone rather than the rural zone.

K. Pimental:
Diversity of housing is important and emphasized that not everyone wants the same single-family home on a certain sized lot. This project has gotten better with public, staff and Planning Board input.

K. Mavrogeorge:
The difference tonight is the Board is being asked to approve the number of units and table the plan so it can go to TRC. The plan is heading in the right direction, but additional work is needed. Any vote tonight on number of units does not approve any particular plan or development option.

**Motion:** K. Pimental moved to grant Transfer of Development Rights request based on the comments and conditions set by the Planning Department. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed 5-1 (Cruikshank- yes, Glennon- no, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**Motion:** M. Gambino moved to table the site plan. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

The Chair announced Items 4D, E, F, & G would be heard together.

**D.** Consideration and acceptance of a Minor Subdivision for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148, zoned HR, located at 114 Silver Street. (Proposal is to subdivide the parcel to make one (1) new lot for a total of two (2) lots.) *(SUBM-2024-0001)

**E.** Consideration and acceptance of a Conditional Use Permit for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148, zoned HR, located at 114

Foster's Daily Democrat

LOCAL

# Dover residents fight housing project, call for 'true family houses for neighbors like us'

**Sarah Donovan** Foster's Daily Democrat

Updated Jan. 30, 2025, 8:06 a.m. ET

**Key Points** AI-assisted summary

- A proposed housing development in Dover, New Hampshire, has sparked debate over the use of Transfer of Development Rights (TDR).
- The project at 103 Court St. has been reduced from nine to five units after neighbors raised concerns about density.
- The Dover Planning Board approved the TDR request, but the project will undergo further review by the Technical Review Committee.

DOVER — A housing proposal at 103 Court St., in the city's medium-density residential district, has sparked yet another debate over the use of Transfer of Development Rights.

The tool is used to created higher density housing than the city's zoning code typically allows. The TDR ordinance, instituted in Dover in 2018, simultaneously protects land with high conservation value, such as wetlands. Developers who accept size restrictions on the homes they are building are awarded "bonus units," meaning they can build more homes. They are charged a fee, with the money designated for Dover's Conservation Fund.

Members of Dover's Planning Department and City Council have said TDR has been successful in creating more housing and conserving land. But TDR projects have now become the epicenter of land-use debates in Dover, with opposition coming from neighboring property owners.

A proposal for four single family, cottage-style homes, and the renovation of an existing 1,700 square-foot single-family home at 103 Court St., was brought to the city's Planning Board for a third time Tuesday night. Robert Baldwin, manager for leasing and new construction at Central Falls Realty, presented the plan. It has been reduced in size since it was originally proposed in September.

The project initially intended to have a total of nine units comprised of two duplexes and five cottage-style single-family homes. One of the duplexes was to be created by renovating the existing single-family home on the property.

Since then, the project proposal has been shrunk to a total of five units. The plan now calls for four cottage-style homes and the renovation of the existing single-family home.

## Project opponent takes aim at TDR rules

Hilary Hamer, whose home abuts 103 Court St., has criticized the project and the use of TDR.

"On the one hand, TDR was created with the goal to strategically develop affordable housing like the Back River Road project, but at what point have policies like this in Dover crossed a line violating existing homeowner's rights?" Hamer wrote in an email to Foster's Daily Democrat. "Homeowners have a right to expect a certain consistency to their neighborhoods guaranteed by zoning laws. Dover is failing to maintain a balance of development and respecting current residents."

Hamer on Tuesday night asked the Planning Board to table the developer's request to obtain TDR units until a 30-foot "no disturb" buffer had been clarified. In this proposal, a 25-foot buffer has been applied at the back of the property by the cemetery, different than the 30-foot no disturb buffer required at City Councilor Fergus Cullen's multi-family housing proposal. Hamer questioned the reasoning.

"I asked the Planning Board when looking at this which residential performance standard applies, and why? What is different between this project and recent

projects at Sixth Street that did require a 30-foot buffer? The buffers intent is to protect us, the abutters, from increased density under TDR. Don't all abutters deserve this regardless of the specific amount called out?" said Hamer.

Donna Benton, the city's director of planning and community development, responded the reason is because the 103 Court St. proposal is not a subdivision project. In the case of other projects, such as Cullen's proposal, a subdivision was requested. The 103 Court St. proposal is seeking units to develop condominiums, not housing lots, and therefore is not required to adhere to the 30-foot buffer.

## 'Real neighbors' and 'true family houses' wanted, neighbor says

Merlin Mason, Hamer's husband, spoke against the project, too.

"I am here because no one yet has asked us what we want. Yes, we want less density and proper protection from excess TDR density for our family, but also, my wife and I want real neighbors, people who can truly own and make a home their own," Mason said. "Invest in it, modify it, have an outdoor swing set for their children. This project creates a restricted condominium-style row of identical crammed together (housing)."

He added, "The Planning Board has already provided more than 1,800 apartments and townhouses coming to Dover in the next couple years. Let's maintain an inventory of sustainable, true family houses for Dover neighbors like us to own."

**Dover development 2025:** Hundreds of housing units in these 4 projects

Caitlin Wilkie, an abutter to Cullen's housing proposal site at 566 Sixth St., spoke in opposition to the Court Street project, stating she was also concerned about the buffer.

Planning Board member Kyle Pimental agreed there should be clearer language regarding buffers in the TDR ordinance. Benton said at the next board meeting the TDR ordinance will be reviewed in depth to work through some of these questions.

"I think the development team was trying to listen to the public," said Benton in an interview Tuesday. "Generally speaking, I think everyone agrees we need more housing" while maintaining the feel of Dover.

## Planning Board awards TDR to 103 Court St. project

Baldwin said he's taken into consideration what the board has said, in addition to the public. The project has shrunk for multiple reasons, but feedback has been a part of the process. Increased shrubbery was added to act as an enhanced buffer.

Baldwin's TDR request passed in a 5-1 vote: Gina Cruikshank, Kyle Pimental, Ken Mavrogeorge, Fergus Cullen and Melina Gambino all voted in favor. Doug Glennon voted against it. Now that the TDR is approved, the site plan will be reviewed once again by Dover's Technical Review Committee.

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, May 13, 2025** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Doug Glennon (Vice-Chair), Ken Mavrogeorge, George DeBoer, Fergus Cullen (Councilor), Melina Gambino, Eric Salovitch (Alternate)
**Members Not Present (excused)**: Tom Clark, Kyle Pimental, Jeff Sanborn
**Staff Present:** Erin Bassegio, City Planner, Paul Crouser, Zoning Administrator

Gina Cruikshank (Chair) called the meeting to order at 7:00p.m. and noted that Tom Clark, Jeff Sanborn and Kyle Pimental are absent and notified staff they would not be present and welcomed Eric Salovitch to the Planning Board who was recently appointed as an Alternate. E. Salovitch will sit for K. Pimental tonight.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
Russ Warnock, 21 Whittier St, abutter to Silver St project on tonight's agenda, but is here to speak more broadly about the TDR program. He expressed that the balance of development verses residents is off.
The program needs reworking as it is not working as intended.
Also, the timeline is difficult for the abutters who are often unfamiliar with the program and how government works. The notification they receive about a project near them comes quite late in the process after developers have already met with and completed some steps with the staff.
*Citizens Forum Closed*

E. Bassegio noted the City is reviewing the TDR process and there is a subcommittee in place.

## 2. APPROVAL OF THE PRIOR MINUTES

- April 22, 2025 Regular Meeting Minutes

**Motion:** K. Mavrogeorge moved to approve the regular meeting minutes of April 22, 2025. Seconded by: D. Glennon. Vote: All in favor with E. Salovitch abstaining

## 3. OLD BUSINESS

## 4. NEW BUSINESS

**A.** Consideration for acceptance and a public hearing for an excavation permit by Owner: Stephen M. Brox Revocable Indenture of Trust (Applicant: Brox Industries, Inc.), Assessor's Map C, Lots 12-A, 13 & 14, zoned R-40, located on Glen Hill Road, Rochester Neck Road/Tolend Road. *(P25-01)

E. Bassegio explained that the Applicant has submitted excavation and reclamation plans for each of its three lots in Dover, along with an application for an excavation permit. This constitutes a renewal of the permit approved on May 9, 2023 (a biennial process). The subject property, (three lots in total), are located off of Glen Hill Road, Rochester Neck Road, and Tolend Road at both the Town of Barrington and City of Rochester municipal boundaries.
As in years past, regional impact was not found for this application.

Erik Stevenson, Brox Industries represented the application, introduced his team and was available for questions on the item.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION – Excavation Permit**
Chapter 170-29 of the Zoning Ordinance of the City Code governs the excavation of earth in the City of Dover pursuant to the authority granted by NH RSA 155-E, and requires that earth excavations obtain a permit, which is valid for two years.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact and vote to approve the Excavation Permit with the following subsequent conditions:

1. Confirmation from the City's Environmental Projects Manager that existing conditions are consistent with excavation plan.

Staff confirmed that condition two in the staff memo was already added to the submitted plan and does not need to be included as a condition of approval:

**Motion:** M. Gambino moved to approve the Excavation Permit, with Subsequent Condition, as it is consistent with the regulations. Seconded by F. Cullen Vote: U/A

**B.** Consideration for acceptance and a public hearing for an excavation permit by Branch Brook Holdings, LLC, Assessor's Map H, Lots 59, 60, 60A, 61 & 62, zoned IT, located on Mast Road. *(P25-02)

E. Bassegio explained that the applicant is requesting to continue to excavate materials from their long-standing gravel pit on Mast Road. The Applicant has submitted the required excavation and reclamation plans for its lots, along with an application for an excavation permit. This constitutes a renewal of the permit approved last May 9, 2023 (a biennial process).

The subject property, (5 lots in total), are located on Mast Road between Community Services and City-owned land, the Town of Madbury, and the Bellamy River. As in years past, regional impact was not found for this application.

Kevin McEneaney represented the application and explained the request and described the ongoing reclamation.

F. Cullen disclosed that he has a professional relationship with CivilWorks NE and McEneaney Survey Associates, and he is a client of these companies. He does not have any financial, personal, or professional interest that would create a conflict of interest in relation to this application. His evaluation of this application is unbiased and impartial. If any member of the Planning Board objects to his participation with this application, he asked them to say so. (No one spoke)

Mr. McEneaney addressed questions from the board relative to the lifespan of the pit.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION – Excavation Permit**
Chapter 170-29 of the Zoning Ordinance of the City Code governs the excavation of earth in the City of Dover pursuant to the authority granted by NH RSA 155-E, and requires that earth excavations obtain a permit, which is valid for two years.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact and vote to approve the Excavation Permit with the following subsequent conditions:

1. Confirmation from the City's Environmental Projects Manager that existing conditions are consistent with excavation plan.

Staff confirmed that condition two in the staff memo was already added to the submitted plan and does not need to be included as a condition of approval:

**Motion:** G. DeBoer moved to approve the Excavation Permit, with Subsequent Condition, as it is consistent with the regulations. Seconded by M. Gambino. Vote: U/A

**C.** Consideration and acceptance of a Lot Line Adjustment for Smith & Pospesil Land Surveying Company, LLC (Owners: Croisetiere Family Revocable Trust & Coldstream Properties, LLC) Assessor's Map I, Lots 129 & 132, zoned IT, located at 308 Durham Road Dover, NH and 314 Route 108 Madbury, NH. *(LOTA-2025-0004)

E. Bassegio explained that the applicant is proposing lot line adjustment to revise the lot lines between abutting properties located at 308 Durham Road in Dover (Map I, Lot 129) and the neighboring property, 314 Durham Road in Madbury (Map I, Lot 132) with the intent of adding approximately 2,449 square feet from the Madbury parcel (parcel no. I-132) to 308 Durham Rd. (parcel no. I-129).

The structure at 308 Durham Road currently crosses both the Dover/Madbury boundary and the property line and the lot is nonconforming. The lot will remain nonconforming in terms of the underlying IT District's dimensional regulations but the proposed adjustment aims to improve compliance and resolve the issue of the structure straddling the property line with neighboring Lot 132 in Madbury.

Tom Smith, Smith and Pospesil Land Surveying represented the application and explained the request. The request is a lot line adjustment due to the property line going through the existing structure.
He answered questions of the board relating to the two plans which will be recorded due to two different towns and two different parcel identifiers, reasons for non-conformity of the lot, reason for the initial error, and discussions of conditions of approval.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge. Vote: U/A

*Public hearing opened.*
Dave Greenshields, Coldstream Properties mentioned a discrepancy with the square footage.
*Public hearing closed.*

Mr. Smith noted the attorneys have signed off and the square footages are all set.

**STAFF RECOMMENDATION – Lot Line Adjustment**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations and though the lot and existing structure will remain nonconforming with underlying zoning, as a general principle, land use changes which increase conformity with underlying zoning are not only allowed, but actively encouraged.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**
1. Acceptance of corresponding Madbury Lot Line Adjustment by the Madbury Planning Board; and
2. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2025-0004
   1.2. The owner's signatures
3. Provide a physical copy of the final version of complete plan set that includes approved revision in Madbury.

**Motion:** F. Cullen moved to approve the Lot Line Adjustment with subsequent conditions set by staff as it meets criteria. Seconded by: G. DeBoer. Vote: U/A

**D.** Consideration and acceptance of Transfer of Development Rights for Berry Surveying and Engineering, (Owners: Richardson Estates of Dover, LLC and Mohamed & Lisa K. Hamcha), Assessor's Map 35, Lots 64 and 72, zoned R-12, located 141 Sixth Street and 5 Dowaliby Court. (Proposal is to purchase eight (8) units through TDR.) *(TRAN-2025-0003)

E. Bassegio explained that the applicant is proposing a residential project consisting of twenty units within ten two-family structures. Using the TDR density calculation, the applicant demonstrated that the subject property can support twelve units (six two-family structures). Therefore, the applicant is requesting an additional eight units through TDR.

The subject property lies within the Secondary Groundwater Protection District (SGPD). Per §170-33D(5), impervious surface coverage is limited to 20% within the SGPD and the applicant would be proposing 34.43% coverage. As proposed, the applicant would need to request a Conditional Use Permit to allow for the increase in impervious surface coverage beyond the permitted amount.

This proposal, if approved, would need to come back for TRC and Planning Board review as a Site Plan Application.

Christopher Berry, Berry Surveying and Engineering represented the application and explained the request. He noted the board previously approved the lot line adjustment. He explained the scientific processes completed thus far and noted tonight's application is solely the purchase of the TDR units.
He explained the calculations for density and the fairly new allowable use of duplexes in the zone.

The proposal is a 10-duplex condo style development. He described the road location and design, stormwater, walkability. The applicant held a neighborhood meeting on the project a few weeks ago and took input from the abutters. They have requested the applicant work with them on buffering.
The applicant provided a comprehensive plan set to aid the board visualize the proposal.
The applicant provided a yield plan for a standard subdivision in the zone so the board can compare the overall coverage of that design to the proposal. He noted the coverage is nearly identical between the plans, but they will find ways to reduce the coverage during the process.
A CUP will be required for secondary ground water. This would also be necessary for a standard subdivision on this lot. No other CUPs would be required.

The proposal calls for 10 structures to be built. Per regulations, each unit will look like a single-family home from the street, though be a duplex. The sizes and footprints of the structures vary.
He addressed the mixed parcels of the neighborhood.

Mr. Berry addressed questions from the board relating to side porch entrances/ setbacks, 1500-1900 sq ft range of each home, 3-bedroom style, parking and road width, and comparison size to 10 single-family homes.

**Motion:** D. Glennon moved to accept the application and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

*Public hearing opened.*
Marissa Soule, 4 Dowaliby Ct, abutter expressed concerns about the TDR density, compared the size of the proposed structures to her home, drainage- ponding and standing water at that location, lack of proposed stormwater management behind the four units that abut her property, proposed roadway leading to development access to the large, abutting lot. She requested a condition of approval that the HOA docs state the roadway cannot be extended to provide access for further development to the northern lot.
*Public hearing closed.*

Mr. Berry responded to public comment:

- Drainage
- Stormwater analysis will look at the wet area
- Access is not the intention, applicant will adjust limited common area for closest units and if future change is proposed, will need approval from those owners and all other owners.

M. Gambino commented that this is an appropriate lot for TDR use. It is close to downtown, compatible with the neighborhood and she is in favor of the 3-bedroom layout. She does have concerns about the increased wet areas.
Mr. Berry addressed concerns noting that once the plan is further down the process, mitigation will be proposed.

**STAFF RECOMMENDATION – Transfer of Development Rights**
Section §170-29 provides for additional density to be purchased through Transfer of Development Rights, provided that four criteria are met: The proposal is consistent with the Master Plan; is compatible with the land uses on neighboring lots; is created on property served by public water and sanitary sewer; and not seeking permitted relief caused by additional density. This application meets the criteria.

Section 170.29G(8) states:

*"Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:*

*(a) Is consistent with the Master Plan*

*(b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*

*(c) Is created on property served by public water and sanitary sewer.*

*(d) Any relief sought should not be caused by the additional density."*

Specifically, staff agrees that the proposal supports tenants of the Master Plan, including walkability, transit access, and intended stormwater compliance with local and state standards.

While the neighborhood consists primarily of single-family homes, two-family homes are allowed in the R-12 District if standards are met. The proposed density (1 unit per ~8,170 sq ft) is consistent with or lower than nearby properties and comparable with underlying zoning of 1 unit per 9,000 square feet for two-family dwellings.

The project will use municipal water and sewer. And finally, it is located in the Secondary Groundwater Protection District, which limits impervious coverage to 20%. The proposal exceeds this at 34.43%, requiring a Conditional Use Permit (CUP). The applicant provided a comparable concept design that shows a conventional single-family development within the R-12 District which also exceeded the permitted amount of cover at 34.31%, showing that a CUP would be required whether the project applies underlying zoning or utilizes TDR. Staff supports efforts to further reduce coverage in the final design.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**

1. A Site Plan application is required to be submitted for review and consideration;
   1.1. Per §170-33D(5), the proposed development plan must incorporate a stormwater drainage plan that provides for the retention and percolation within the secondary groundwater protection zone of all development-generated stormwater runoff from a ten-year storm.
2. A Conditional Use Permit application for applicable impacts is required to be submitted for review and consideration;
3. Payment of TDR fees;
4. Revise plan to include the following notes:
   4.1. "A hydrogeologic study may be required by the Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply per §170-33D(7)."
   4.2. "This site plan uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase up to eight units for a maximum total of twenty units on the subject lot."

The Chair agrees the location is good for the TDR proposal and is in favor of the design of the units.
F. Cullen noted the requirement for duplexes to look like single-family homes is understandable for existing roads, but wondered if it's necessary for a new road being created for the development.

E. Bassegio confirmed it is a requirement of the underlying zone for duplexes.

**Motion:** G. DeBoer moved to grant Transfer of Development Rights request based on the conditions set by the Planning Department. Seconded by: K. Mavrogeorge. Vote: 6-1 with E. Salovitch opposed.

The Vice-Chair announced Items 4E & F would be heard together.

**E.** Consideration and acceptance of a Conditional Use Permit for 210 Tolend Road, LLC, Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal seeks to allow 25% impervious surface coverage within the Secondary Groundwater Protection District, where up to 20% is allowed.) *(COND-2025-0007)

**F.** Consideration and acceptance of Open Space Subdivision for Tritech Engineering Corp, (Owner: 210 Tolend Road, LLC), Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal is for an Open Space Subdivision that will create five lots, including one lot for the development of 29 cluster units, one lot with an existing single-family home, one buildable vacant lot, and two lots to be conserved as open space areas.) *(SUBD-2025-0001)

E. Bassegio explained that the applicant is proposing an Open Space Subdivision that will subdivide the property at 210 Tolend Rd., which abuts a built-out open space subdivision on Emerald Lane, to create four new lots for a total of five lots.

The parent parcel, Map F, Lot 3, is proposed to be approximately 26.30 acres, and the new proposed lots are as follows: Map F, Lot 3-1, approx. 3.06 acres, Map F, Lot 3-2, approx. 12.11 acres, Map F, Lot 3-2-OPN, approx. 11.48 acres, and Map F, Lot 3-OPN, approx. 2.76 acres.

The parent parcel (Map F, Lot 3) will retain the existing single-family home. Map F, Lot 3-1 will become a buildable lot within the R-40 Zoning District. The proposed parcels, Map F, Lot 3-OPN and Map F, Lot 3-2-OPN, have been identified as conserved open space.

Map F, Lot 3-2, is proposed as a development with 29 residential units that will be accessed by Emerald Lane. Following Planning Board approval on December 10, 2024, the allowable yield for the subdivision is 31 units.

A portion of Map F, Lot 3-2, is within the Secondary Groundwater Protection District (SGPD). Within this area, the applicant proposes approximately 25% impervious surface coverage, where up to 20% is allowed per §170-33D(5). The applicant has also applied for a related Conditional Use Permit to allow the approximately 7,239 square feet of impervious surface coverage beyond the permitted amount.

Two (2) waivers are also being proposed as part of this project requesting relief from a minimum pavement width of 28' and undisturbed natural external boundary buffers.

The Technical Review Committee reviewed the application most recently at their March 27, 2025 meeting.

The Conservation Commission reviewed and endorsed the application at their April 14, 2025 meeting.

Bob Stowell, Tritech Engineering represented the application and explained the request and the feedback and changes made to the original proposal verses what they have designed and are proposing this evening. He described the location, the different lots and proposals for each lot.
He explained the reason the CUP is needed for groundwater protection district is due to moving the development away from Tolend road to preserve the rural character and wildlife areas as was the feedback

received. He explained the compensations made to the plan to address the ground water/ impervious surface coverage proposed.
He addressed the waivers sought for road width and exterior boundary buffers.

Mr. Stowell addressed details for the board relating to access, walking trail, fire department input during TRC, and proposed lots on an existing sewer easement (proposed easement for these lots in case City extends sewer lines).

**Motion:** F. Cullen moved to accept the application and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

*Public hearing opened.*
Robert Leopold, 165 Emerald Ln, Indian Ridge Development HOA board member noted the abutting Emerald Lane development had a promise of a walking trail that was never provided. The HOA board submitted a lengthy letter, but have not received any feedback from staff or board which is disappointing. They would like to receive a point-by-point response.
He highlighted a few of the concerns listed in the letter and explained details: stormwater runoff/ surface coverage waiver; children's safety at the tot lot (location).
He requested denial of the proposal, or if approved, to transfer the easement of the pond from their responsibility to the new Ambrose development. The pond is not on their land and treats the water that runs off the Ambrose development and City street.
They request a condition that a barrier be put in between the tot lot and connector road to keep the area safe.

Leon LaPierre, 159 Emerald Ln, Indian Ridge Development HOA board member highlighted additional concerns for the HOA. Easement rights assigned to the HOA can be reassigned. He gave details of previous issues due to water and noted the water will likely get worse and the burden should be moved to the appropriate development.

Email received from the Indian Ridge Homeowners Association Board of Directors. The HOA wrote in regards to the CUP application requesting 25% surface coverage within the Groundwater Protection District adjacent to their retention Pond No. 1. They reiterated concerns raised in previous communications about runoff and its impacts. They argued that the added impervious surfaces from the proposed development will worsen these issues and they are concerned that the HOA members will bear the cost of managing runoff from the proposed development and street. They proposed making the CUP conditional on the new HOA taking responsibility for managing the runoff of Pond No. 1.
*Public hearing closed.*

Mr. Stowell addressed public comment:

- Explanations and descriptions of Proposed Drainage/ NHDES AoT permit
- Tot lot barrier
- Other issues listed on the letter of concern
    - School bus/not age restricted units
    - Fire truck access
    - Site distance/ snow banks
    - Headlights
    - Condominium association will be created with condo docs

Board members asked additional questions which were addressed:

- Explanations to the public about how grading and stormwater maintenance is addressed by applicant engineers in the planning and designing process
- Credentials and BMP design
- Suggestions for applicant/ HOA to discuss bus stops with school/bus company
- Walking trail
- Biopond location discussion (John O'Neil addressed history, Emerald Ln phased plan and parcel location of pond)
- Additional drainage details
- Style description/rendering
- Landscape buffer vegetation

**STAFF RECOMONDATION- CUP §170-33E(4)**
The Groundwater Protection ordinance §170-33E(4) provides for Conditional Use Permits to allow relief from the ordinance if supported by expert technical documentation demonstrating consistency with the ordinance's purpose and intent, including submission of an environmental protection plan meeting NHDES Best Management Practices for Groundwater Protection, and provisions for routine monitoring and reporting. This application meets the criteria.

The applicant has shown compliance with the ordinance specifically that the Post Construction Drainage Plan and 10-Year Storm Drainage Analysis show that all stormwater runoff from a 10-year storm event will be retained and infiltrated within Bioretention Basin #4. The project follows Best Management Practices (BMPs) and requires an Alteration of Terrain Permit from NHDES. An annual Inspection and Maintenance Plan will be submitted to the City to meet ongoing monitoring and reporting requirements.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Conditional Use Permit with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**

1. Approval of SUBD-2025-0001.
2. Add note to plan that Secondary Groundwater Protection District requirements must be adhered to.
3. Add note to plan and condominium association documents that contractors maintaining winter maintenance activities hold Green SnowPro certification.

**Motion:** M. Gambino moved to approve Conditional Use Permit based on the conditions set by the Planning Department. Seconded by: K. Mavrogeorge. Vote: U/A

**STAFF RECOMMENDATION - Waivers/Relief:**
§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (2) and waiving such standards and requirements will properly carry out the spirit and intent of the regulations.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waiver with the following subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers in the specific areas of the development as identified on the final plat:
    - §157-32A, minimum pavement width of 28'.
    - §157-21F(4)(a), external boundary buffers must be undisturbed natural area.

**Motion:** F. Cullen moved to grant the waiver requests with the subsequent conditions set by staff as it meets criteria for relief. Seconded by: M. Gambino. Vote: U/A

**STAFF RECOMMENDATION- Open Space Subdivision**

The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Approval of COND-2025-0007;
2. Revised current use plan submitted to the City Assessor.
3. Condominium documents, including but not limited to reserve calculation, buffer and common space access and maintenance, Green SnowPro certification requirement, trail access and maintenance, and secondary groundwater protection measures, are reviewed and approved by the Director of Planning and Community Development with consultation by the City Attorney and City Engineer.
4. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
    - 4.1. Include the Planning File #SUBD-2025-0001;
    - 4.2. Confirm lot numbering with City Assessor;
    - 4.3. Signature and stamp of LLS on the final plans;
    - 4.4. The owners' signatures for recording at Strafford County Registry of Deeds.
    - 4.5. Note the passive recreation areas.
    - 4.6 Note that no additional street lighting beyond what is shown on the plan is proposed. Any additional exterior lighting will be limited to fixtures mounted on individual residential units.
    - 4.7 Move scale on SP-1 to allow a 2"x2" blank space in lower right corner for approval stamp.
    - 4.8 Label proposed location of walking trail on Map F, Lot 3-2-OPN.
    - 4.9 Note that a barrier will be installed at the City-owned playground area on Map F, Lot 15-0-TOT.
    - 4.10 Note that screening will be added along the connector road between Emerald Lane and Ambrose Drive.

**Subsequent Conditions to Be Met Prior to Construction:**

5. Conservation easements to be documented and recorded at SCRD or a development agreement between the Planning. Board and property owner be executed and recorded at SCRD outlining the conservation lots;
6. City's standard site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;
7. Wetland buffer placards are installed;

**Subsequent Conditions to Be Met Prior to Building Permit:**

8. Payment of Water and Sewer Investment Fees if applicable at time of request of service;
9. Satisfy any owed Land Use Change Tax obligations, or shall provide written documentation from the City Assessor confirming an alternative timeline has been reached to address any outstanding fees;

**Subsequent Conditions to Be Met Prior to Occupancy:**

10. Issuance of Certificate of Occupancy;
11. Surety or other form of security acceptable to the City is provided for any unfinished work;
12. Wetland buffer placards are still in place or replaced per the plan;
13. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.
14. Design engineer meets with condominium association/homeowners regarding maintenance required, secondary groundwater protection requirements, and buffer expectations.

Additional discussion and clarifications occurred relating to fencing/screening at tot lot, follow up for City ownership of the tot lot park, ownership of the connector section of road, new road will be private.

F. Cullen commented the board has seen multiple versions of this project and each one was quite different based on feedback received. The board needs to be mindful of the positive and negative consequences of delaying a project during these feedback and review sessions.

**Motion:** F. Cullen moved to grant the Open Space Subdivision with the subsequent conditions set by staff as it meets criteria for relief. Seconded by: M. Gambino. Vote: U/A

**5. STAFF COMMENT**

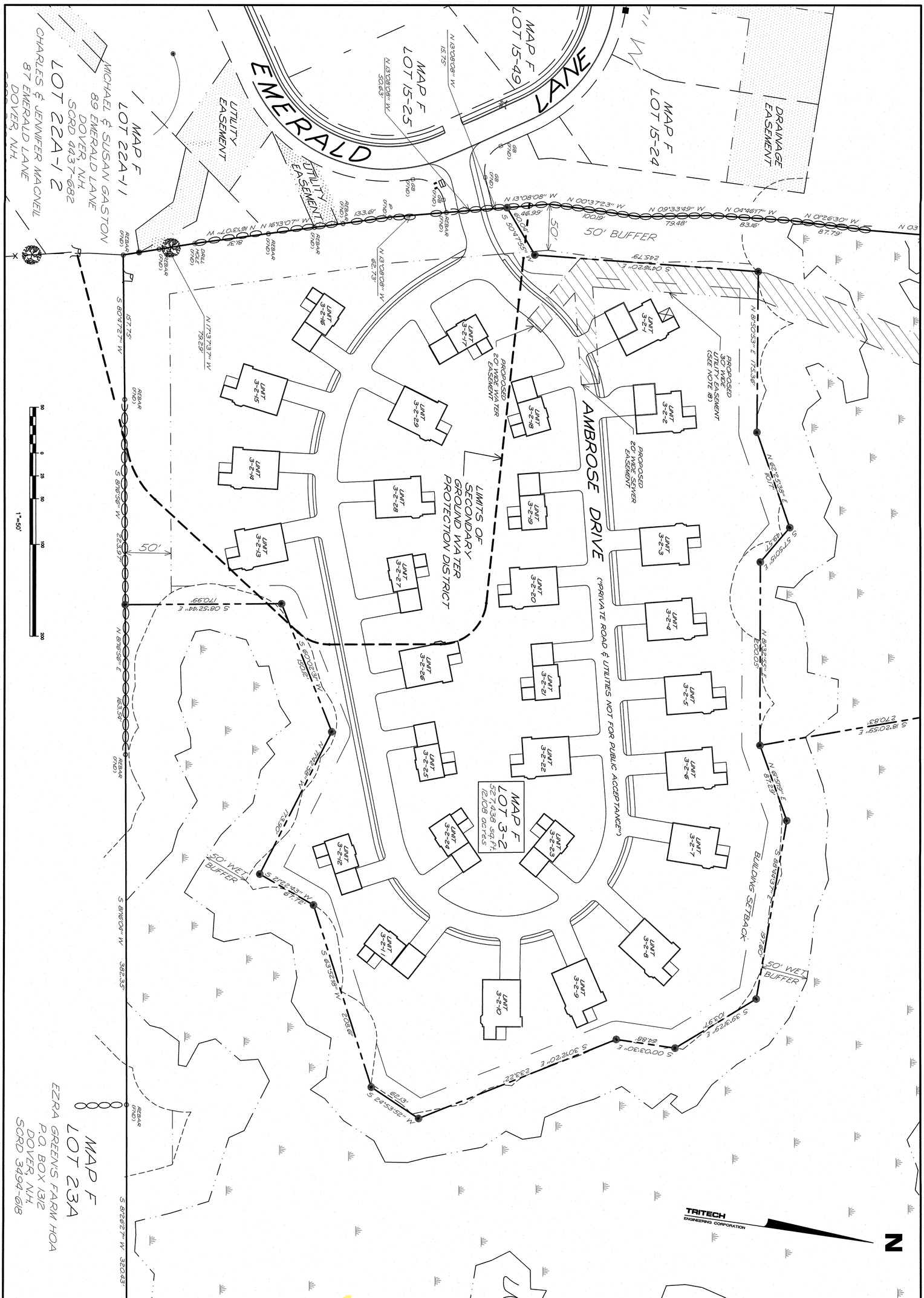
- Welcomed Eric Salovitch to the Planning Board who was recently appointed as an alternate.
- Stephen Anstey, Fire and Life Safety Inspector, started on May 5th.
- Abby Galloway-Burke, Housing Planner, is starting on May 19th.
- TRC items since last meeting:
    - April 24th- Site Plan, proposal on Mechanic Street to construct a five-story mixed-use structure with commercial space on the first floor.
    - May 8th- Site Plan, proposal on Crosby Road to construct a ground-mounted solar facility.
- One upcoming TRC item on May 15th:
    - Site Plan, proposal at 180 Crosby Rd. to construct a loading dock addition to an existing manufacturing facility, along with site improvements.

## 6. MEMBER COMMENTS

- E. Salovitch introduced himself
- M. Gambino
    - Chase bank completed quickly and looks good
    - McDonald's at 108 progress
        - No updated materials yet
    - TDR subcommittee update
        - D. Glennon noted the committee is still starting up. They had an organizational meeting and a brainstorming session to come up with a list of topics to be addressed. The plan for the next meeting is to start tackling the items.
        - Chair Cruikshank gave thoughts on the perception of TDR applications from abutters notices not being soon enough, but the first steps are to have the legal regulations followed which is why applicants meet with staff and go through TRC before the plan can be formed and provided to the Planning Board and abutters for review and comments.
- The Chair signed the following:
    - Development Agreement for residential development at 110 and 114 Silver Street and a Development Agreement for the minor subdivision and lot line adjustment for Waterside Land Holdings on Middle Road.
    - Lot Merger for properties at 2 and 4 Twombly St.
- K. Mavrogeorge expressed appreciation for Dover allowing the public to attend TRC meetings
    - Board members discussed the TDR items presented tonight
- G. DeBoer
    - Medical arts building at 15 Durham Rd. is a success
- E. Salovitch
    - Suggested abutters to TDR projects get more notice so they can have a professional review the matter if needed- something for the subcommittee to discuss
- K. Mavrogeorge
    - Suggested the subcommittee look at methods used by other municipalities – some have differing levels of review starting more bare-bones and working up over time
    - This Saturday 11-2 open house for Community Services

## 7. ADJOURNMENT

**Motion:** G. DeBoer to adjourn at 9:28 p.m. Seconded by D. Glennon. Vote: U/A




SHEET No.

**S-4**

OPEN SPACE SUBDIVISION PLAN

# AMBROSE WOODS

TAX MAP F LOT 3

210 TOLEND ROAD AND EMERALD LANE

DOVER, NEW HAMPSHIRE

MARCH 6, 2025 JOB No. 23118

SCALE: 1" = 50'

ISSUED FOR PLANNING BOARD REVIEW

April 22, 2025

STATE OF NEW HAMPSHIRE — No. 884 — ROBERT J. STOWELL — LICENSED LAND SURVEYOR

| REVISIONS | |
|---|---|
| DATE: | DESCRIPTION: |
| 4-10-25 | REVISED PER TRC COMMENTS |


TRITECH
ENGINEERING CORPORATION

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820

TELEPHONE 603 742 8107
FAX 603 742 3830


(SUBD-2025-0001)

CITY OF DOVER, NEW HAMPSHIRE

# Developers' Handbook

## Your Project = Our Project

DEVELOPERS' HANDBOOK

# Your Project = Our Project


*Department of Planning and Community Development*
**City of Dover, New Hampshire**
**288 Central Avenue; Dover, NH 03820**
**Phone 603.516.6008 • Fax 603.516.6049**
**http://www.dover.nh.gov/government/city-operations/planning/index**

**Facebook at www.facebook.com/pages/Dover-NH/City-of-Dover-NH-Planning/446789895351**



**Endorsed by the Planning Board: December 2009**
**Revised July 2018, May 2021, January 2022**
**Revised January 2023**

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**NOTE**

***This document should not be used for any purpose except as a reference manual. As such, persons using this document should not consider it to be a legal or binding covenant upon the City of Dover.***

***In every case, the Department of Planning and Community Development should be consulted prior to any development actions that may be taken based upon the contents of this handbook alone.***

***Finally, feedback is always appreciated. This handbook is designed to be a general introduction to the development process in Dover, and feedback from the end user will improve the book as well as the process. Please do not hesitate at any point in the process to provide questions, comments or suggestions.***

Section

1

# Goals and Objectives

*This section describes the intent of this handbook and introduces the resources available during development.*

Development in Dover is guided by principles rooted in its Master Plan. Specifically, the 2007 Land Use chapter provides guidance for context sensitive growth. This growth is sensible and well thought out. To assist property owners and developers with the development process, City staff has prepared this document. We have attempted to make this handbook easy to read and understand. It is designed to flow like a resource rather than a set of regulations. The guide outlines the process used in Dover, as well as the various boards, commissions and staff involved in the permit and review process for land development. By no means is this handbook a standalone document. Property owners, developers and their agents are encouraged to discuss any portion of the process with city staff to ensure that we are all working from the same page.

## Introduction

In Dover, land development reaches back almost 400 years. As time has progressed, the development patterns and process has continually evolved. The early settlers at Hilton Point did not need a building permit to erect their houses, nor did they worry about setbacks or minimum lot sizes. In fact they would be bewildered by those concepts. Dover's Planning and Development staff and volunteers recognize that while terms change and processes are created, a degree in planning or engineering should not be required to develop your property.

It is with that understanding that the City of Dover has developed this *Handbook*. It will lay out the process and help property owners and developers find their way. It is written in simple and concise terms, and should be useful whether this is your first lot line adjustment, or you are an experienced developer.

## Staff

The City of Dover operates with professional staff who review projects and advise volunteer boards and commissions. This staff is located throughout the city, but is connected in a variety of ways, and uses many methods to communicate and interact with our citizen clients.

**DEPARTMENTS AND LOCATIONS**

- Planning and Community Development | City Hall
- Business Development | City Hall
- Inspection Services | North End Fire Station (Sixth St)
- Community Services | Mast Road PW Facility

While staff may not all be located in one office, we work with developers as part of one team to shepherd a project from concept to certificate of occupancy.

**Planning and Community Development**

The Department of Planning and Community Development is located in the City Hall. The Department oversees planning, community development, zoning administration as well as parking and traffic review and permitting. The staff is available to assist in review and concept development, facilitate plan review and approval, as well as to inform residents and property owners on the project and to act as ombudsmen regarding development in Dover.

**Business Development**

The Dover Business and Industrial Development Authority (DBIDA), located in City Hall, is a commercial property owner's resource for navigating through the development process. Staff will walk a project through the process, advocating needs and assisting the developer with understanding local and state codes.

**Inspection Services**

Located on Sixth Street in the Fire and Rescue Headquarters, the City of Dover's Inspection Services office consists of building, electrical, plumbing/mechanical, health and life safety inspectors. These inspectors will review plans during the concept phase, as part of the technical review process; be involved with the pre-construction meeting, issue permits, and advise applicants during the construction of a building. Staff also reviews existing structures to advise on reuse opportunities.

**Community Services**

Located on Mast Road, and adjacent to Dover's recycling center is the Bouchard Public Works Facility. The Community Services department is a multi-faceted operation dealing with engineering, highways, utilities and oversight of environmental program components. Engineering staff will work with a developer to understand existing infrastructure and ensure that a developer has a cohesive understanding of at infrastructure. Additionally, utilities staff is available to discuss upgrades and alterations which might be needed for renovation/redevelopment work.

**PLANNING**

288 Central Avenue; Dover NH 03820

M –Th (8 am – 6 pm) F (8:30 – 4)

P: (603) 516-6008

www.dover.nh.gov/

Director: Donna P. Benton, AICP

**DBIDA**

288 Central Avenue; Dover NH 03820

M –Th (8 am – 6 pm) F (8:30 – 4)

P: (603) 516-6024

http://www.locateindovernh.com/

Deputy City Manager: Christopher G. Parker

**INSPECTION SERVICES**

262 Sixth Street; Dover, NH 03820

M – F (8 am – 4 pm)

P: (603) 516-6038

www.dover.nh.gov/

Building Official: James Maxfield

**COMMUNITY SERVICES**

271 Mast Road; Dover NH 03820

M – F (8 am – 4 pm)

P: (603) 516-6450

www.dover.nh.gov

Director: John B. Storer

# Boards, Commissions and Committees

**Conservation Commission:**

This is a seven (7) member citizen commission with responsibility for locally advising the Planning Board on the City's Conservation and Wetland's districts. Any development project that involves filling, dredging, removing or altering any wetland area (including buffer areas) will require involvement with the Commission. The City Planner serves as staff support for this commission. Minutes and Agendas are drafted by the Commission and are available through the Planning Office. **The Conservation Commission meets on the second Monday of the month at 5:30 pm in regular session.**

**Dover Business and Industrial Development Authority**

This is an eleven (11) member 503(c)3 non-profit corporation that manages economic development for the City of Dover and is funded by the City. DBIDA works to retain, expand, and assist Dover businesses of all sizes, and works to identify and attract relocation candidate businesses and new businesses to Dover

locations. It also acts as the manager of the City's business park, Enterprise Park. **DBIDA meets on the first Tuesday of the month at 4:00 pm in regular session.**

#### Dover Utilities Commission

The seven (7) member citizen Utilities Commission advises the Community Services Department on the development, maintenance, operation and expansion of the water supply and sanitary sewer system in the City of Dover. This advisory role includes policy, rate structure, public relations and matters of general public interest. Finally, the Commission reviews, sets investment fees for the utility systems, and considers abatement requests. **The Commission meets on the third Monday of the month at 6:00 pm at the Community Services building on Mast Road.**

#### Planning Board

This is a nine (9) member citizen appointed body which is charged with review and approval of site plans and subdivisions which occur in the City. The Assistant City Manager serves as the Board's representative on a day-to-day basis. Minutes and agendas are drafted in the Planning Office. **The Planning Board meets on the second and fourth Tuesday of the month in regular session at 7:00 pm.**

#### Technical Review Committee

This is a staff committee which works with an applicant, to review technical aspects of a plan before he/she appears before the Planning Board. The Assistant City Manager, Zoning Administrator, Fire Chief, Police Chief, Business Development Director, Community Service Director and Planning Board Chair are all represented at the meetings. The City Planner is the liaison for the Committee. Minutes and agendas are drafted in the Planning Office. **The TRC meets every Thursday at 10:30 am.** Plans for review must be submitted three weeks prior to a meeting.

#### Zoning Board of Adjustment:

This is a five (5) member citizen; appointed body, responsible for hearing all variance requests and special exception requests. The Zoning Administrator serves as the Board's staff liaison. Minutes and agendas are drafted in the Planning Office. **The Zoning Board of Adjustment meets on the third Thursday of the month at 7:00 pm in regular session.**

Section

2

# Plan Review Process

*This section describes the plan review process in Dover and is divided into three sections.*

Dover follows a process, outlined below, which is efficiently aimed at facilitating a transparent development process. Meetings are open to the public, and Planning Board meetings are conducted live on the City's local government access channel, television Channel 22. Staff works to keep abutters informed of development and encourages interaction between developers and their neighbors as much as possible during the process. At the same time, staff understands the needs for discreteness and will meet with property owners in a confidential manner throughout the process, recognizing that once a plan has been formally submitted, it is available to the public for review.

## Pre-Approval Phase

Applicants are expected to review the City's Land Use Regulations, including the applicable Site plan, Subdivision regulations and Zoning ordinance prior to preparing plans for Planning Board review. These regulations will guide the Planning Board and applicant through the approval process. Included in these regulations are information on permitted uses, dimensional restrictions, application procedures to be consistent with others and specific plan requirements. Copies are available from the Planning Department or City Clerk's office and online at https://ecode360.com/DO0878 .

#### Concept Review

A project may start the development approval process with a meeting with the Planning staff. Staff is available during normal business hours, and can host virtual meetings, or meet in person. The City Planner will meet with a developer to review a potential concept as needed and is happy to outline the process with a developer. At this initial concept meeting, the developer will get feedback on basic concepts and elements on the plan. Additionally, this meeting will identify if a special exception, variance or conditional use permit is required.

Commercial projects may begin their process by meeting with the Business Development Director or City Planner. There are special requirements and opportunities which might apply to non-residential projects and these can be discussed during the concept meeting.

For site plans and larger subdivision projects, a pre-application meeting with the Technical Review Committee is also available. This meeting provides an informal, no cost opportunity for anyone with a development idea to receive feedback. Staff will listen to ideas and offer feedback which might avoid a log jam further into the process. The Technical Review Committee meets Thursday mornings at 10:30 in City Hall. Planning staff must be aware of your desire to be on the agenda seven (7) days prior to the meeting.

### Technical review

Once a plan is ready to progress to the Planning Board, it may need a technical review by the City's professional staff. This review is necessary for site plans and most major subdivisions. The Technical Review process is a flexible and informal process. An applicant schedules the TRC meeting with the City Planner. These meetings are held once a week on Thursday mornings at 10:30. An applicant should submit online via https://permits.dover.nh.gov/and bring two (2) full size sets of plans, an 11x17 plan, and a completed application, and the review fee to the Planning Office to schedule the meeting, three weeks ahead of the desired meeting date.

| TRC MEMBERS (OR DESIGNEES) |
|---|
| Planning Board Chair (Citizen) |
| Community Services Director |
| Fire Chief |
| Police Chief |
| Zoning Administrator |
| Business Development Coordinator |
| Planning Director |

At the meeting, staff will bring a list of issues or concerns on a plan and review the list with the applicant. This list eventually becomes the basis for the conditions of approval necessary before a plan can be signed by the Planning Board Chair as being complete. These meetings are open to the public, but there is no public hearing involved. Depending on the scope and amount of changes required by the TRC, a second meeting may be required. It is advisable for large project developments to meet in concept TRC before submitting.

## Approval Phase

Prior to appearance before the Planning Board or Conservation Commission, all plans must meet the City's Zoning ordinance. This may require an appearance to the Zoning Board of Adjustment to start the process.

### Zoning Board of Adjustment Review

The ZBA is a quasi-judicial board which hears and votes on all requests for variances and special exceptions from the Zoning Ordinance. Additionally, the ZBA acts as the appeal board for interpretation of the zoning code. This appeal may be to any officer or Board of the City, which has made a zoning interpretation. The Zoning Board of Adjustment meets on the third Thursday of each month at 7:00 PM in the City Council Chambers of City Hall. Meetings are open to the public but are not televised.

| ZBA MEMBERS (5 REGULAR) |
|---|
| Zoning Board Chair |
| Zoning Board Vice Chair |
| 3 regular members |
| 3 alternates |
| • 3 year terms, which are staggered |
| • Council appoints citizen members |

Applications are due to the Planning office twenty-one (21) days prior to the scheduled meeting of the Board. Applications are available in the Planning Office, or online at www.dover.nh.gov, and includes a worksheet with the individual questions that need to be answered in front of the Board. The Zoning Administrator processes these applications, and acts as a point of contact with the ZBA. **Applicants should be aware that they will be charged a fee for processing the application, for notifying the abutters by certified mail, and to advertise the public hearing in the newspaper.**

During the hearing, the applicant will address the criteria for variance or special exception outlined in the application. The Board will decide whether to accept jurisdiction on an application, and then open a public hearing. During the public hearing, the public is invited to speak and express their opinions in regard to the proposed project and ask questions. The Board will act on the information that has been presented. In order for a finding in favor of the applicant, three (3) or more members of the Board need to vote in favor. If there are less than five (5) members present, the applicant may choose not to be heard that night. In the case of an appeal, the applicant shall present why they feel an error has been made.

Once a decision has been rendered, the applicant or an abutter may apply for a rehearing within thirty (30) days of the date of the hearing. A rehearing may be granted as part of the appeal. There are additional reasons that a rehearing may be warranted. If the Board approves the request, the rehearing will be scheduled at a subsequent meeting as a new case.

Within thirty (30) days after the decision of such a rehearing, the petitioner may appeal, by petition, to Superior Court.

After a petition has been granted by the ZBA, barring any requests for re-hearings or litigation from abutters, and upon waiting the thirty (30) day period, the next step is for the applicant to obtain the necessary building permits, and Planning Board approval, if necessary.

**Conservation Commission Review**

The Conservation Commission advises the Planning Board on all requests for environmental Conditional Use Permits. The Commission meets on the second Monday of each month at 5:30 PM in the City Council Chambers of City Hall. Meetings are open to the public but are not televised.

| CONSERVATION COM MEMBERS (5 REGULAR) |
|---|
| Commission Chair |
| Commission Vice Chair |
| 5 regular members |
| 2 alternates |
| • 3 year terms, which are staggered |
| • Council appoints citizen members |

Applications are due to the Conservation Commission Chair seven (7) days prior to the scheduled meeting of the Board. Applications are available in the Planning Office, or online at www.dover.nh.gov. Applications may be concurrent with site or subdivision applications, or may be submitted separately.

The Conservation Commission will review an application at its meeting and may or may not require a site walk. Additional meetings may be required for the Commission to fully understand and act on an application. The Commission acts as an advisory body and forwards recommendations for approval to the Planning Board for the ultimate decision. If Conservation Commission action is required, the Planning Board will not hear an application until the Conservation Commission it has completed its review.

**Planning Board Review**

The Planning Board meets on the second and fourth Tuesday of each month at 7:00 PM in the City Council Chambers of City Hall. Meetings are open to the public and televised. In addition to reviewing applications, Planning Board agendas include a Citizen's Forum agenda item where the public may speak to planning issues in the community. The Planning Board cannot act on a project that does not meet zoning requirements, so if an application needs ZBA approval, this must occur prior to Planning Board submission. In addition, any application that needs to be reviewed by the Conservation Commission, such as a Conditional Use Permit for wetlands and conservation district work, must meet with the Commission prior to Planning Board action.

| PB MEMBERS (9 REGULAR) |
|---|
| Planning Board Chair (Citizen) |
| Planning Board Vice Chair (Citizen) |
| City Council Representative |
| Administrative Official (City Engineer) |
| City Manager or designee (Citizen) |
| 4 regular members |
| 3 alternates |
| • 3 year terms, which are staggered |
| • Council appoints citizen members |

Applications must be submitted to the Planning Department at least twenty one (21) days prior to the meeting at which they are to be considered. If an application needs to be reviewed by the Technical Review Committee, this deadline may be increased by a month. Applications are available in the Planning Office, or online at www.dover.nh.gov. Five (5) hard copies and one PDF set of the plan must be submitted. **The applicants should be aware that they will be charged for processing the application, for notifying**

**the abutters by certified mail, and to cover the cost of advertising the public hearing in the newspaper.**

Once the plan is formally submitted and all fees paid, the plan is placed on an appropriate Planning Board meeting agenda. The PDF submittal of the project is placed, along with the application and TRC notes online with the agenda for the public to review. Additionally, staff notifies abutters with a comprehensive notice alerting the abutter of the intent of the project as well as other pertinent information.

The Planning Board normally reviews projects in one meeting. The Board will accept jurisdiction on an application and hold a public hearing, and deliberate. The Board is not required to act in one meeting and may table an item to hold a site walk or gather more information. The State of New Hampshire requires that once a plan is accepted by the Board, it must be acted upon within sixty five (65) days. If the decision cannot be made within sixty five (65) days, an applicant will be apprised and asked for an extension.

At the meeting, staff will introduce the application and apprise the Board of major issues, then the applicants' presents their plan and answers questions from the Board. The public is invited to speak during public hearings which are held for each new case. Abutters are invited to express their opinions in regard to the proposed project and ask questions. The applicant may have a designated agent represent the plan, such as an attorney, civil engineer, surveyor or other professional. Staff works with the applicant and/or agent to present the plan in an articulate manner. A laptop computer is available in the Council Chambers and is used to display the plan on televisions inside the Chambers and over Channel 22.

This process continues until the final hearing at which the Planning Board makes a decision to approve or disapprove the proposed project. As the project nears the approval stage, staff will draft a recommendation to the Board and create a list of preliminary conditions for approval. In order to ensure a smooth process, staff will communicate these conditions to the applicant as early as possible.

### Types of development

The Planning Board reviews the following types of development:

- Subdivision (see section 157 – 28 for application requirements)
    - Minor
    - Major
    - Open Space
- Lot Line Adjustments (see section 157 – 18 for application requirements)
- Site Plan (see section 153-13 for application requirements)
- Conditional Use Permit

The following pages will describe the above applications and the process for each one. There will be redundancy in the processes. Readers are encouraged to review the individual sections on the Planning Board and Zoning Board above.

#### Subdivision

A subdivision is the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. **A condominium conveyance, per RSA 356-B, shall not require Planning Board approval.**

There are two (2) types of subdivisions in Dover, major and minor subdivisions. A major subdivision is one (1) where a lot, tract or parcel of land is divided into four (4) or more separate parcels, or a subdivision which requires new streets, the extension of municipal facilities or the

creation of any public improvements. In many cases, a major subdivision must follow the regulations of an Open Space Subdivision.

A minor subdivision is the division or re-division of a lot, tract or parcel of land into three (3) or fewer parcels within a four (4) year time period, provided that there shall be no extension of streets or other significant improvements required; or, any subdivision that, in the judgment of the Planning Board, will present no significant engineering and/or planning difficulties.

In Dover, a major subdivision may be developed as an open space subdivision. This format allows creativity and flexibility in layout and preserves open space by concentrating all of the units developed in a more clustered location on the original parcel. The subdivision may include lot lines or may be free of lot lines, in a condominium-like format. A roadway may be proposed as either public or private.

**Lot Line Adjustment**

A lot line adjustment alters the size of two (2) or more lots, but does not create a new buildable lot. This may be done as part of an accompanying subdivision or may be a standalone project.

**Site Plan Review**

A site plan is a professionally rendered drawing which delineates the proposed development of a site. This plan is required for non-residential development, creation of multi-family residential structures, and for extensions of parking lots and alteration of an acre or more of land.

Below are listings of projects types which require site plan approval, prior to the issuance of a building permit:

- New construction. Site Review and Planning Board approval will be required for development of land for:
    - Non-residential uses;
    - Multi-family dwellings of five (5) or more units; and
    - Construction of parking areas larger than 4,000 square feet.
    - Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development that would disturb one acre or more.
    - Any construction activities that require a conditional use permit for work to be located in or within fifty (50) feet of a wetland or Conservation District.

- Expansions and/or additions. Technical Review Committee review will be required for the following expansion and/or additions to existing development:
    - Any increase of nonresidential development resulting in an expansion of gross floor area exceeding twenty-five hundred (2,500) square feet.
    - Any addition to a residential structure resulting in the creation of five (5) or more additional units.
    - Any accessory structures with floor areas exceeding fifteen hundred (1,500) square feet.
    - Any expansion of a parking area or paving of a gravel parking area larger than one thousand (1,000) square feet.
    - Any construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development that would disturb one acre or more.

- Any construction activities that result in a land disturbance of greater than or equal to one thousand (1,000) square feet if the activity is located in or within fifty (50) feet of a wetland or Conservation District.

- Change of use of Existing Structures. Site review will be required for a change in conforming use with a new use allowed in the zoning district in which the tract or structure is located. For the purposes of this subsection, the definition of a new USE shall not include any USES which have previously existed on the site since the adoption of the Dover Zoning Ordinance (July, 1948). The following criteria constitutes a change in use:
  - Development which causes a residential structure to be converted resulting in an increase of five (5) or more units.
  - Proposals that would change the USE of an existing structure containing twenty-five thousand (25,000) square feet or more of gross floor space. The proposed square footage shall be measured around the inside perimeter of the space to be changed, including all floors of a multi-floor structure. In the event that an existing structure is being subdivided and the new USE in only a section of the new space is known, the entire original space must be considered in the calculation.

Whether a plan is following the subdivision process or site plan review process, the Planning Board reserves the right to require additional information, such as a traffic impact study or drainage analysis. The costs associated with development and review of all studies is born by the applicant.

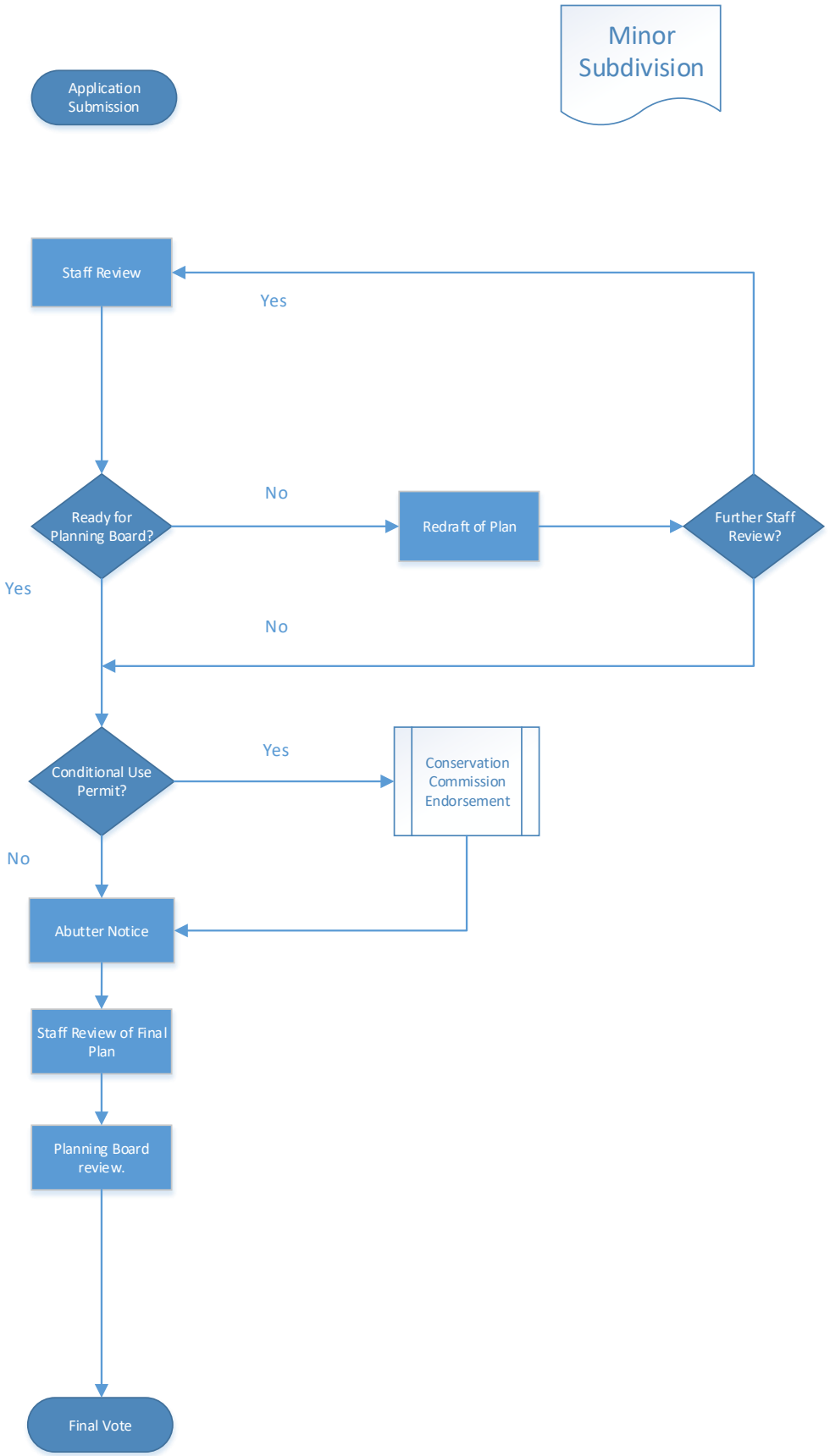
#### Conditional Use Permit

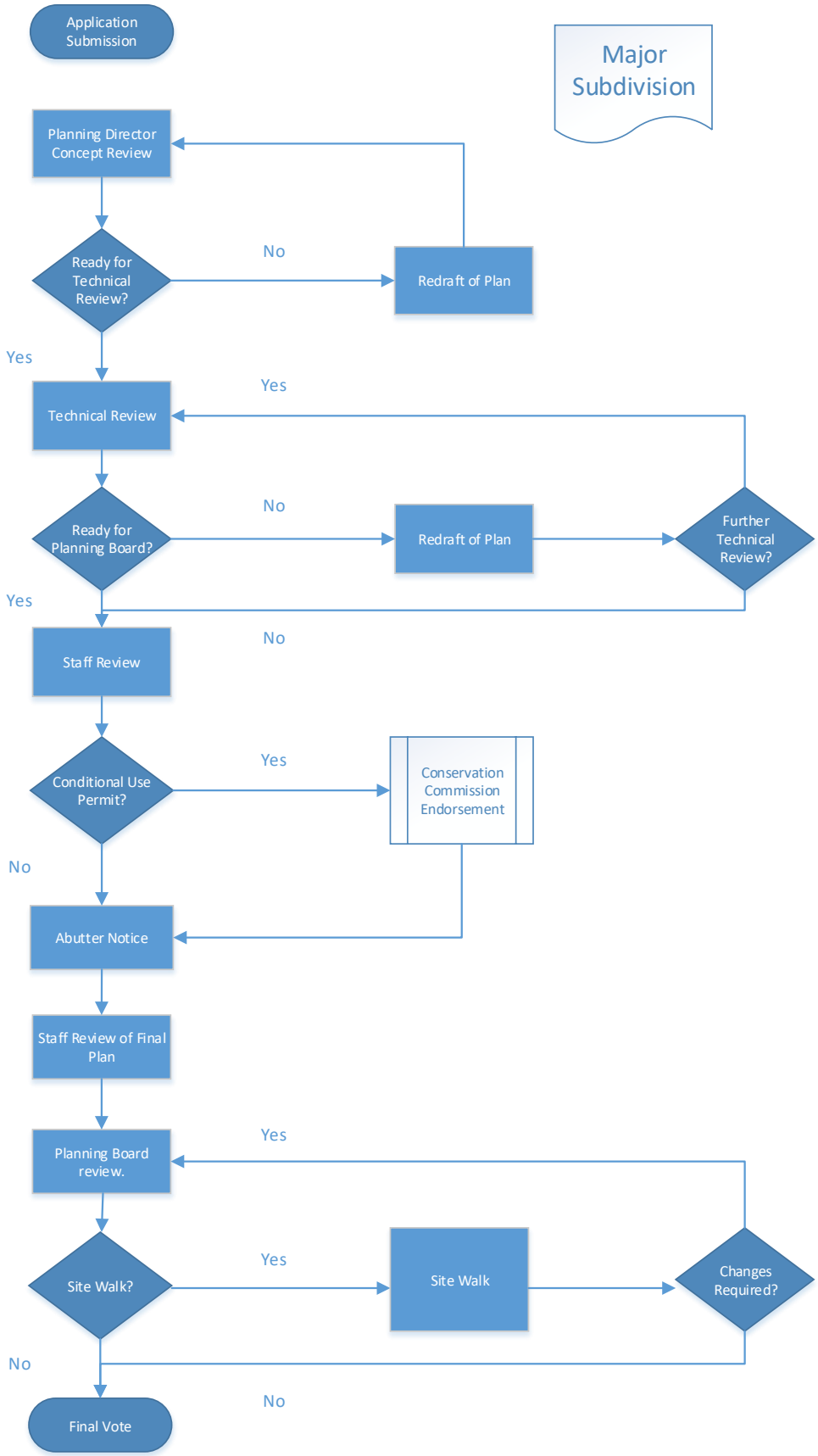
A conditional use permit is required for any alteration of wetlands, wetland buffers or work within the City's conservation district. Additionally, a conditional use permit could be issued for a larger development plan, as called for in the Residential Mixed Use Overlay District, for shared parking, or relief in the Central Business District. Environmental Conditional Use Permits are acted on by the Planning Board after the Conservation Commission has reviewed the applications.

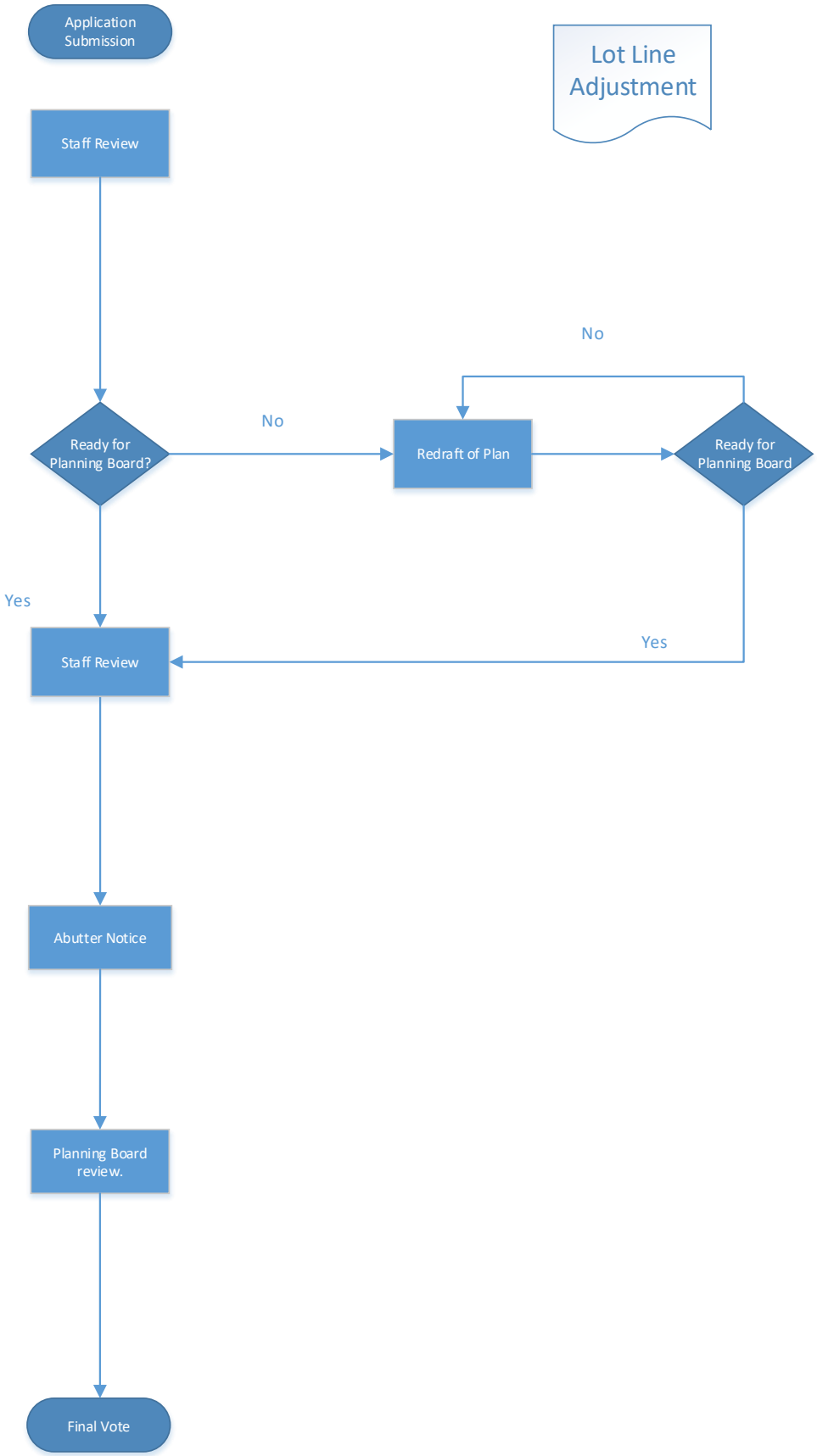
## Development Flow Charts

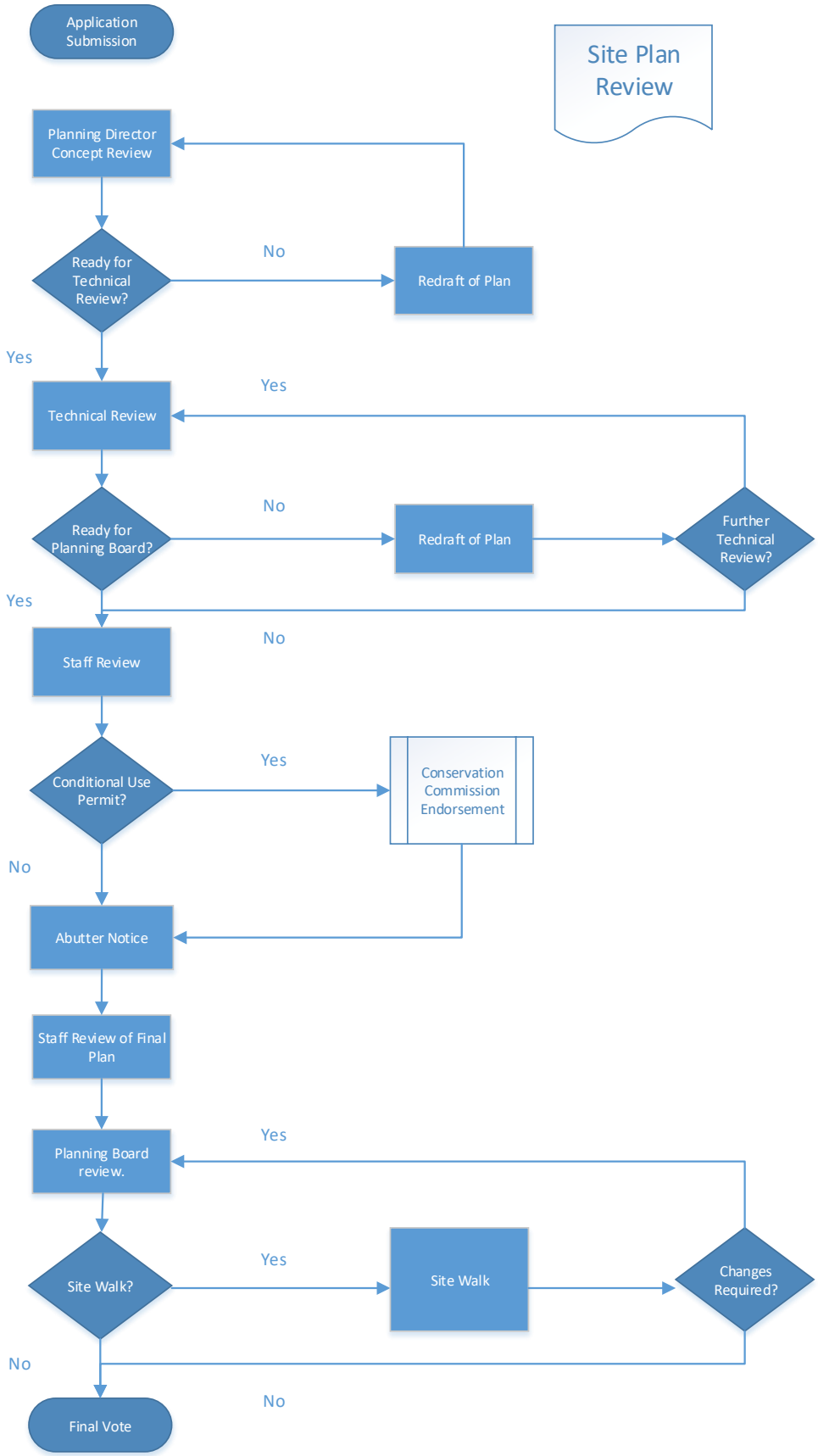
The following diagrams walk the applicant through the development review process.

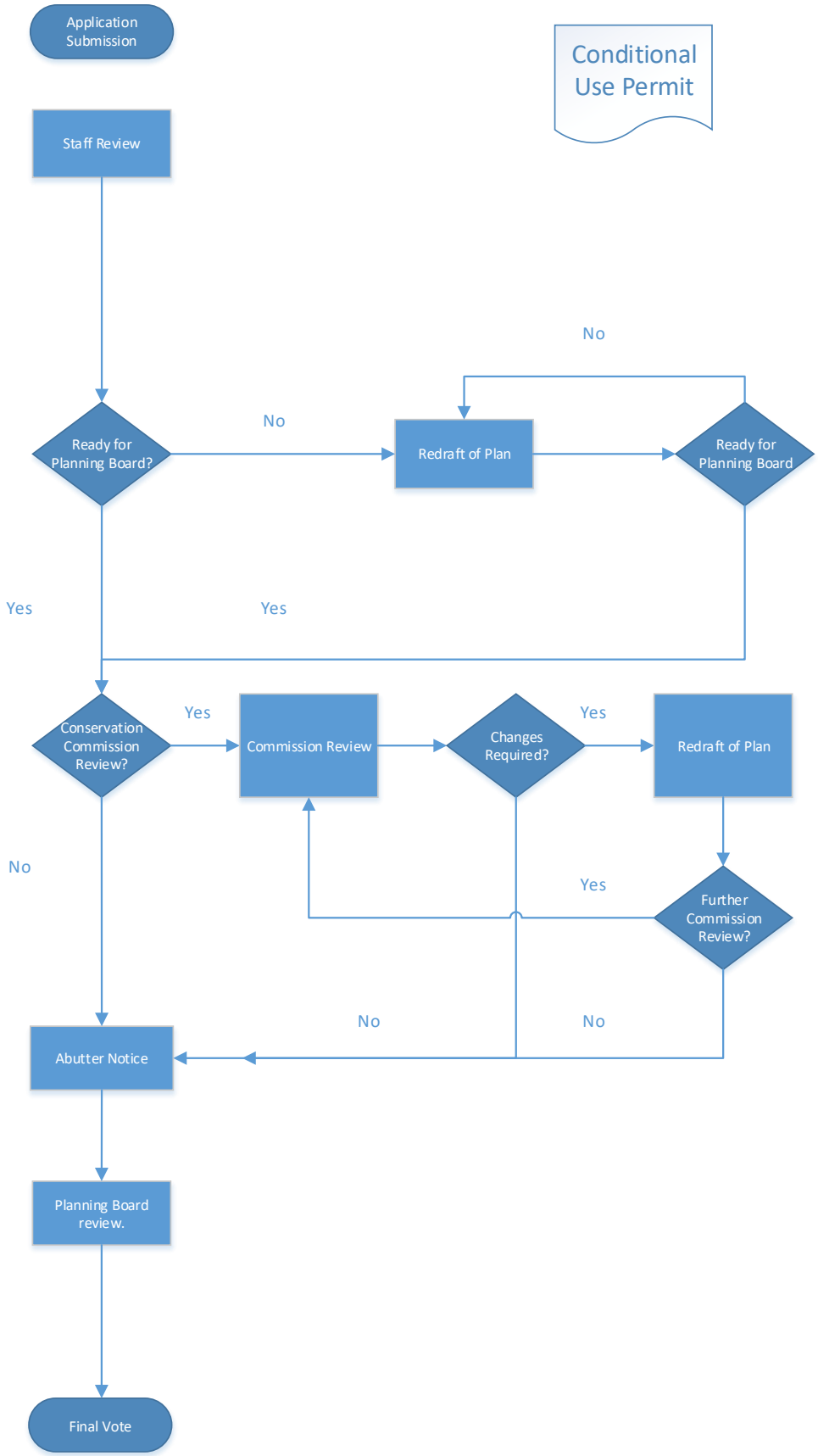
The step within a rectangle is a static step, while those steps within a diamond shape are ones which have more than one potential outcome. Lines connect the steps, but do not indicate a timeline. A project runs at its own pace, and staff will be open and upfront with an applicant at every step to ensure that the whole team understands where an application stands in the process.


Minor Subdivision
Application Submission
Staff Review
Yes
Ready for Planning Board?
No
Redraft of Plan
Further Staff Review?
Yes
No
Conditional Use Permit?
Yes
Conservation Commission Endorsement
No
Abutter Notice
Staff Review of Final Plan
Planning Board review.
Final Vote


Major Subdivision
Application Submission
Planning Director Concept Review
Ready for Technical Review?
No
Redraft of Plan
Yes
Technical Review
Yes
Ready for Planning Board?
No
Redraft of Plan
Further Technical Review?
Yes
Staff Review
No
Conditional Use Permit?
Yes
Conservation Commission Endorsement
No
Abutter Notice
Staff Review of Final Plan
Planning Board review.
Yes
Site Walk?
Yes
Site Walk
Changes Required?
No
Final Vote
No


Application Submission
Lot Line Adjustment
Staff Review
No
Ready for Planning Board?
No
Redraft of Plan
Ready for Planning Board
Yes
Yes
Staff Review
Abutter Notice
Planning Board review.
Final Vote


Site Plan Review
Application Submission
Planning Director Concept Review
Ready for Technical Review?
No
Redraft of Plan
Yes
Technical Review
Yes
Ready for Planning Board?
No
Redraft of Plan
Further Technical Review?
Yes
Staff Review
No
Conditional Use Permit?
Yes
Conservation Commission Endorsement
No
Abutter Notice
Staff Review of Final Plan
Planning Board review.
Yes
Site Walk?
Yes
Site Walk
Changes Required?
No
Final Vote
No


Application Submission
Conditional Use Permit
Staff Review
No
Ready for Planning Board?
No
Redraft of Plan
Ready for Planning Board
Yes
Yes
Conservation Commission Review?
Yes
Commission Review
Changes Required?
Yes
Redraft of Plan
No
Yes
Further Commission Review?
No
No
Abutter Notice
Planning Board review.
Final Vote

# Post Approval Phase

**Planning Board Applications**

Following action by the Planning Board, a Notice of Decision letter, which lists any conditions of approval or reasons for disapproval, is sent to each applicant. When Conditions of Approval are included, they are listed in one of four categories. If a plan is disapproved, applicants may resubmit the plan or appeal the decision to the Strafford County Superior Court, or Housing Standards Board. An abutter may appeal the approval to either venue as well.

| CATEGORIES OF CONDITIONS |
|---|
| Prior to signing of the plan |
| Prior to land disturbance |
| Prior to Building Permit |
| Prior to Certificate of Occupancy |

When a plan is approved, an applicant has ninety (90) days to meet the conditions required prior to the signing of the plan. The Assistant City Manager may extend this deadline by an additional ninety (90) days. The final step for the applicant is to apply for, and receive, permits from the Building and Engineering Divisions.

**Permitting – Pre-construction**

After a plan has been signed by the Planning Board chair, it moves into the development phase. This phase is administered through the Inspections Services Office and Community Services Department which will work with an applicant to understand timelines and milestones. These are initially laid out at a pre-construction meeting, which is held prior to the issuance of a building permit and/or any land clearing. The Engineering Office inspects all site work associated with a project and building activities are handled by the Inspection services office of the Fire Department.

| PERMITS |
|---|
| Building Construction/Addition |
| Demolition |
| Mechanical/Plumbing |
| Electrical |
| Certificate of Occupancy |
| Health |
| Public Assembly |
| Burn |
| Driveway |

One function of the pre-construction meeting will be the establishment of truck routes to be used by the applicant during the construction phase of a project. These routes will be set up based upon existing truck routes within the City of Dover, and may not be the shortest route. Factors such as road durability and local traffic patterns are reviewed to develop this truck route.

As part of the pre-construction process, an applicant will work with the City Engineer to develop a surety (cash or letter of credit) for all site improvements, and letter of credit for erosion and sediment control. Surety must be in place before a building permit will be issued, for lots within a subdivision, and before Certificate of Occupancy is issued for a site plan. The surety is returned when the project has been completed and the City Engineer is comfortable with the long term stability of the infrastructure. In addition, the applicant will work with the Community Services Department to develop an operations and maintenance plan for any planned roadways. This plan will include timelines for paving, snow plowing and garbage collection. A separate bond will be collected to cover costs for these services.

When an applicant is ready to submit a building permit, the permit is processed through the Inspection Services Office, and is accompanied by specific building plans, and fees. Additional permits are required for electrical, plumbing and mechanical work. Life safety inspections are also conducted from this office and may be coordinated as needed.

**Certificate of Occupancy**

After the conditions of approval have been met and final inspections of a structure have been held, the Building Official will issue a Certificate of Occupancy. The Building Official works with the other staff, as needed, to review the sign off sheet required for the Certificate of Occupancy.

# Other Elements

**Follow up**

The Certificate of Occupancy is issued for structures. Improvements to infrastructure must be approved by the Engineering office. The Engineering technician follows the site construction and works with the City Engineer to facilitate the development of a project's infrastructure. If a road is proposed to be turned over the City, the City Engineer will review and recommend acceptance to the City Council, which votes to accept the street as city maintained once a project is completed.

Some portions of a project's development do not require Planning Board approval. These include zoning verification, sign permits, or interpretation and driveway permits. In many cases staff has simple procedures in place for these applications.

**Sign Permits**

A sign permit is required prior to the installation of any sign within the City of Dover. Sign permits are available in the Planning Office and are approved by the Zoning Administrator. Once a permit has been issued, replacement of existing signs and support structures, where the area, location or materials are not being altered, do not require a permit, as long as such replacement conform to the regulations.

Site plan applicants may receive concurrent approval of site plans and sign permits during the Planning Board approval process.

**Impact Fees**

The City of Dover uses impact fees for new development, defined as the net increase of development to the community, for compensation to the City and the School District for the proportional share of capital facilities generated by the new development in the City of Dover. Any person who seeks a building permit for new development may be required to pay an impact fee in the manner set forth.

For projects appearing before the Planning Board, estimates of fees are brought to the TRC meeting, and fees themselves are assessed at the time of the Building Permit, and payable prior to the issuance of a Certificate of Occupancy. These fees are subject to review and change by the Planning Board, after a public hearing and notice.

| Type of Development | Recreation | Police | Fire | Schools | Total Impact Fee Assessments |
|---|---|---|---|---|---|
| **RESIDENTIAL PER UNIT** | | | | | |
| Single Detached | $1,326 | $325 | $615 | $6,629 | $8,895 |
| Townhouse | $1,138 | $309 | $548 | $2,125 | $4,120 |
| Two to Three Family | $1,154 | $357 | $583 | $4,346 | $6,440 |
| Apartments 4+ Units | $872 | $279 | $447 | $3,003 | $4,601 |
| Manufactured Housing | $1,227 | $402 | $635 | $4,338 | $6,602 |
| Accessory Dwelling Unit | $558 | $179 | $286 | $1,989 | $3,012 |

| | | | | | |
|---|---|---|---|---|---|
| Apartment over Non-Residential | $872 | $279 | $447 | $649 | $2,247 |
| Age restricted 55+ | $349 | $152 | $1,163 | Pro rata | $1,664 |
| Age Restricted 62+ or Congregate | $183 | $181 | $1,609 | $0 | $1,973 |
| **NON-RESIDENTIAL PER SQ. FT.** | | | | | |
| Retail, Including Restaurants, Clubs | | $0.71 | $0.87 | | $1.58 |
| Offices and Commercial Services | | $0.33 | $0.59 | | $0.92 |
| Industrial, Transportation, Whse, Comm. | no fee | $0.04 | $0.04 | no fee | $0.08 |
| Nursing Homes & Assisted Living | | $0.13 | $2.37 | | $2.50 |
| Other Institutional Uses | | $0.23 | $0.25 | | $0.48 |
| Average Fee (all other) | | $0.24 | $0.39 | | $.063 |

**Investment Fees**

The City of Dover has made a long term investment in its water and sanitary sewer systems. When projects are required to tie into that system they are expected to pay their fair share of that investment. An investment fee shall be charged for all applicants entering into and utilizing the Municipal Water and Sanitary Sewer System either directly or indirectly. Current fees are available through the Community Services Department. These fees are reviewed and revised annually by the Dover Utilities Commission. Payment of these fees is due at the time of connection to the system, which is before the issuance of a Certificate of Occupancy.

**Driveway Permit**

A driveway permit is required for any construction, reconstruction, alteration, surfacing or resurfacing of any driveway in a manner which affects the size, elevation or grade of such driveway. The Community Services Department must review and approve such construction or alteration and issue a written permit for such work. These permits are available from the Engineering Office and require a schematic of the work to be completed as well as a narrative.

Should the permit be denied, an appeal may be made to the Planning Board for the issuance of the permit.

**Private Roads**

The City of Dover does not require that roads be developed with the anticipation of becoming public right of ways. Any subdivision wishing to have a private roadway developed may do so, provided it meets criteria laid out in Chapter 157, Subdivision of Land. If a private roadway is created, deeds need to reflect this, as should the official subdivision plan. Finally, operation and maintenance plans for solid waste disposal and roadway concerns shall be submitted as part of the home owner's documentation. Private roads shall be developed and marketed with the knowledge that they will not be turned over to the City after completion. A "private" sign over the street name will be installed.

**Class VI Roads**

Class VI roads are not maintained, and the City has no liability for damages incurred in their use. Development of Class VI roads is governed by NH RSA 231, and may require improvements to the road, and approval by the City Council. During the development process staff will identify special requirements.

#### Work in a Public Right of Way

Any work that is to be performed within the City's Right of Way for an accepted City street **must** be coordinated with the Community Services Department. This includes driveways and public or private utility line installation.

#### State/Federal Permits

Other permits may be required if a project falls under the jurisdiction of state or federal agencies. The most common of these permits are environmental (including wetlands, EPA notice of intent, and Alteration of Terrain permits.) or transportation (including signal alignment or driveway permits on a State road). During the concept and approval process staff will work to identify those permits, and work with the applicant during the post-approval process to navigate the obtaining of those permits.

#### Customary Home Occupation Permits

An occupation carried on as a secondary use in a dwelling unit or accessory building by the occupant of such unit is allowed via a Customary Home Occupation permit. These permits are issued by the Zoning Administrator and are allowed in all Residential Districts. Applicants must comply with criteria laid out in Section 170-18. These criteria were developed with the idea of allowing flexibility of use, but also to protect abutters from uses which are objectionable or detrimental to the residential character of the neighborhood.

#### Accessory Dwelling Unit Permits

Accessory Dwelling Units are secondary dwelling units (a) attached and subordinate to a single family dwelling or (b) constructed above a detached garage that is accessory and subordinate to a single family dwelling. A permit is issued, annually, by the Zoning Administrator for these units after a review of criteria laid out in Section 170-24. Single family dwellings with Accessory Dwelling Units are not considered Duplex units, as the two units must remain under the ownership of a resident of the address. A second ADU may be permitted in certain districts, as long as the second unit meets the HUD Fair Market Rate restrictions for eternity and said restrictions are recorded at the Registry of Deeds.

#### Historic District

Dover does not have a Historic District for review of projects.

Section 3

# Resources

## Contacts

PLANNING AND COMMUNITY DEVELOPMENT CONTACTS

| City Planner | Zoning Administrator | Director of Planning and Community Development |
|---|---|---|
| TBD | Natasha Kypfer | Donna P. Benton, AICP |
| 603.516.6008 | 603.516.6008 | 603.516.6008 |
| @dover.nh.gov | n.kypfer@dover.nh.gov | d.benton@dover.nh.gov |

BUSINESS DEVELOPMENT AND INSPECTION SERVICES CONTACTS

| Business Development Specialist | Business Development Coordinator | Building Official |
|---|---|---|
| Reid Amy | James Burdin, AICP | James Maxfield |
| 603.516.1560 | 603.516.6045 | 603.516.6038 |
| r.amy@dover.nh.gov | j.burdin@dover.nh.gov | j.maxfield@dover.nh.gov |

COMMUNITY SERVICES CONTACTS

| City Engineer | Engineering Technician | Utilities Superintendent |
|---|---|---|
| Ken Mavrogeorge, PE | Jordan Chambers | Mike Nadeau |
| 603.516.6450 | 603.516.6450 | 603.516.6450 |
| d.white@dover.nh.gov | j.chambers@dover.nh.gov | m.nadeau@dover.nh.gov |

**Land Use Regulations**

| | |
|---|---|
| Site Review | Chapter 153 |
| Subdivision of Land | Chapter 157 |

**City Code Chapters**

| | |
|---|---|
| Building Construction | Chapter 57 |
| Building Wrecking and Demolition | Chapter 61 |
| Electrical Standards | Chapter 77 |
| Food Service Establishments | Chapter 85 |
| Housing Standards | Chapter 93 |
| Manufactured Home Parks | Chapter 101 |
| Plumbing | Chapter 113 |
| Scenic Roads | Chapter 117 |
| Sewer and Water Systems | Chapter 121 |
| Streets and Sidewalks | Chapter 125 |
| Vehicles and Traffic | Chapter 141 |
| Zoning | Chapter 170 |

The above code chapters are available at https://ecode360.com/DO0878 and in the various City offices.

**Standard Operating Procedures**

The following pages are step by step outlines of permits and processes that can occur during plan review or during development.

# Chapter 170. Zoning

## Article III. Districts and District Boundaries

### § 170-7. Establishment of districts.

[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

| | |
|---|---|
| R-40 | Rural Residential District |
| R-20 | Low-Density Residential District |
| R-12 | Medium-Density Residential District |
| RM-SU | Suburban Density Multi-Residential District |
| RM-U | Urban Density Multi-Residential District |
| HR | Heritage Residential District |

(2) Nonresidential.

| | |
|---|---|
| C | Commercial District |
| CM | Commercial Manufacturing |
| IT | Innovative Technology |

(3) Mixed-use.

| | |
|---|---|
| G | Gateway |
| H | Hospital |
| LBW | Little Bay Waterfront District |
| O | Office District |
| CBD | Central Business District |
| CWD | Cochecho Waterfront District |

(4) Overriding.

| | |
|---|---|
| CD | Conservation District |
| URD | Urban Renewal District |
| RRD | Riverfront Residential Overlay District |
| GWP | Groundwater Protection District |
| HWD | Hazardous Waste Landfill District |
| RCM | Residential-Commercial Mixed-Use |

| | |
|---|---|
| SRD | Scenic Road Overlay District |
| TDR | Transfer of Development Rights |
| TEL | Telecommunications Facilities |
| WPD | Wetland Protection District |

B. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.

(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

(f) Heritage Residential District (HR).

[1] These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

[2] The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

(2) Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(a) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

(b) Commercial Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

(c) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed-use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high-quality design is encouraged.

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multistory buildings, civic buildings, etc.). In Dover the primary Gateways (e.g., Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground-floor

commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two-family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate-care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

(f) Cochecho Waterfront District (CWD). The purpose of this mixed-use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.[1]

[1] *Editor's Note: See Art. **VIII**, Overriding Districts.*

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SUBD-2025-0001

| | |
|---|---|
| Application Type: | Open Space Subdivision |
| Applicant(s): | Tritech Engineering Corp. |
| Owner(s): | 210 Tolend Road, LLC |
| Location: | 210 Tolend Road (Assessor's Map F, Lot 3) |
| Date: | March 27, 2025 |

**INTENT:** Proposal is for an Open Space Subdivision that will create five lots, including one lot for the development of 29 cluster units, one lot with an existing single-family home, one buildable vacant lot, and two lots to be conserved as open space areas.

**LOTS/UNITS PROPOSED:** Five (5) lots, 29 units

**AGENDA ITEM #:** 1

**ACREAGE:** ±54.90 ac.

**ZONING DISTRICT:** R-40, Wetland Protection District, Partially in Secondary Groundwater Protection District

**EXISTING USE:** Residential, Vacant

**PROPOSED USE:** Residential, Conservation

**SURROUNDING USE:** Residential

**ZBA ACTION:** N/A

**PERMITS REQUESTED:**
NHDES Subdivision

**WAIVERS REQUESTED:** N/A

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Marn Speidel, Police Department
Ken Mavrogeorge, Engineering
Craig Chabot, Fire Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, City Planner
Robert Stowell, Tritech
Robert Baldwin, Applicant
Jenna Green, Applicant
Michael Green, Applicant
John Bosen, Attorney

**Approval of minutes from March 13, 2025:**
T. Clark moved to approve the March 13, 2025 minutes. Seconded by J. Burdin. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- Reminder water and sewer investment fees
- Reminder HOA documents to be submitted for review including reserve calculation
- Open space calculation & percentage of uplands needed
    - S-1 includes calculation and indicates 31 units, confirm for the 29 lots.
- Confirm lot numbers with City Assessor
- Any currently protected areas?
- Any park/rec space being proposed? Please indicate
- Need percentage of Secondary Groundwater Protection District impervious disturbances.
- Provide waiver justifications
- Revise plans to include:
    - Fix Lot 5 buffer value in yield plan
    - Add note that this road is intended to be private and outline what is needed to become public
    - File #SUBD-2025-0001
    - Include list of all state permitting needed
    - Snow removal areas?
    - Detail gravel portion of walking trail vs. cut.
    - Add note that walking trail will be maintained by HOA.
    - Confirm no Saturday, Sunday, or Federal Holiday site construction hours
    - Note state permit numbers
    - Sheet SN-1, Note 4- if applicable, add in acreage in current use
        - If in current use, updated current use map will need to be supplied to City Assessor

**Engineering:**

- General Comment:
    - The City requests a narrative that describes in detail how each of the criteria in Section 153-14 are met, with a major focus on stormwater management requirements. The applicant should specify where each item required can be found in the application or whether it is or is not applicable.

| | |
|---|---|
| Application Type: | Open Space Subdivision |
| Applicant(s): | Tritech Engineering Corp. |
| Owner(s): | 210 Tolend Road, LLC |
| Location: | 210 Tolend Road (Assessor's Map F, Lot 3) |
| Date: | March 27, 2025 |

  - Note that the City of Dover construction guidelines will be available soon.
- Sheet T-1 Title Sheet:
  - Sewer capacity assessment for Crosby Road pump station is required. Applicant is requested to contribute to the cost of the analysis.
- Sheet SN-1 Standard Notes:
  - City requests a utility easement for possible future water and sewer, to Tolend Rd.
- Sheet SP-1a General Site Plan:
  - Show walking path with hatch to denote limits of gravel.
- Sheet SP-2 General Utility Plan:
  - Move SMH 13 to private property,
  - Show invert elevations for SMH-12,
  - Applicant to state on each drawing depicting road: "Private Road & Utilities Not For Public Acceptance."
- Sheet SP-2a Utility Plan:
  - Note 3: specify anchor and foster adapters,
  - Note 6: specify copper from main to CB,
- Sheet SP-2c Utility Plan:
  - Show rip rap dimensions on all drawings depicting rip rap.
- Sheet SP-3a Grading and Drainage Plan:
  - Request utility easement for City to install future sewer and water to Tolend Rd.
- Sheet SP-9 Construction Details:
  - Add Drain Pipe Table and Structure Table to grading plan.
- Sheet SP-10 Construction Details:
  - Show width of rip rap aprons on plans.
- Sheet C-1e Cross-Country Sewer Profile:
  - Recommend lowering sewer to maximum extent possible to enable future sewer down Tolend Rd.
- Stormwater Analysis and Erosion & Sediment Control Plan
  - Pre and post construction areas to do match.

**Police:**

- What would be the implications of making this a public road? Discuss these factors now and add this to project narrative. Note that future residents will likely follow the lead of those on Emerald and insist on it being changed.
- Adjust parking signage 90 degrees along interior of circle to have signs be 2-sided, faced to be visible for approaching traffic in both directions.
- If project name is Ambrose Woods, consider street name "Ambrose Drive" instead of "Signature Drive".

**Inspection Services:**

- Private road suffix is required to be Drive.
- SP -2 did not appear to indicate transformer locations
- Could not locate Redi Block retaining wall detail.
- Relocate fire hydrant at development entrance to inside of the circle.
- SP-1a clarify the number and location of "No Parking Fire Lane" signs.

**Fire Department:**

- Relocate hydrant (W-2) directly across to the inside of the circle.

**Business Development:**

- The overall scale of development and layout of residential parcels appears generally consistent with existing residential development in this zone. The applicant is advised that the eastern boundary line of the parent lot abuts land in the Innovative Technology (IT) district, which permits a variety of commercial and industrial uses (though conserved lands somewhat limit future development potential).

**Planning Board:**

- Include waivers in application for requested relief.

**Next Steps:** Revise plans per comments above and resubmit for informal TRC.

**Adjournment:** T. Clark moved to adjourn the meeting at 11:00 a.m. Seconded by K. Mavrogeorge. Vote: U/A.

TRITECH
ENGINEERING CORPORATION

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

April 10, 2025

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Open Space Subdivision
Ambrose Woods
Dover Tax Map F Lot 3
210 Tolend Road
Dover, New Hampshire
Job No. 23118

Dear Donna:

At their meeting on March 27, 2025 the Dover Technical Review Committee (TRC) offered the following comments on the Open Space Subdivision for 210 Tolend Road, Inc. Our response to each of their comments is below in blue italicized text.

**PLANNING**

- Reminder water and sewer investment fees

  ***The applicant is aware of this requirement.***

- Reminder HOA documents to be submitted for review including reserve calculation

  ***The Condominium documents and budget will be provided under separate cover.***

- Open space calculation & percentage of uplands needed
  - S-1 includes calculation and indicates 31 units, confirm for the 29 lots

    ***The open space calculations on Sheet S-1 have been clarified. The overall project is for 31 Units. 29 of the units are included in the cluster development on Lot 3-2 and the other 2 units are the fee simple lots with frontage on Tolend Road. These two lots are created under open space regulations due to the reduced frontage. All of the open space calculation are based on 31 units.***

- Confirm lot numbers with City Assessor

  ***The lot numbers have been confirmed with the City Assessor.***

- Any currently protected areas?

  ***There are no protected areas on the site.***

- Any park/rec space being proposed? Please indicate

  ***We have proposed a walking trail & path to connect the development to the open space.***

- Need percentage of Secondary Groundwater Protection District impervious disturbances.

  ***The percentage of impervious disturbance in the Groundwater Protection District is 25% and will necessitate a Conditional Use permit. A CUP application has been submitted and we expect that this application will be heard at the Conservation Commission meeting on April 14th.***

- Provide waiver justifications

  ***Attached please find our two waiver requests and justifications.***

- Revise plans to include:
  - Fix Lot 5 buffer value in yield plan

    ***The buffer value for Lot 5 has been updated on the Yield Plan (Y-1).***

  - Add note that this road is intended to be private and outline what is needed to become public

    ***Ambrose Drive is proposed as a private road as part of a Cluster type development. We have added Note 17 on Sheet S-1 indicating this.***

  - File #SUBD-2025-0001

    ***The file number has been added to all plans.***

  - Include list of all state permitting needed

    ***Note 33 on Sheet SN-1 has been revised to include a list of the state permitting required for this project. Specifically; NHDES Alteration of Terrain and NHDES Sewer Discharge.***

  - Snow removal areas?

    ***Snow plowing will be consistent with typical roadway plowing. We have not included any designated snow storage areas.***

  - Detail gravel portion of walking trail vs. cut.

    ***Note 16 on Sheet SP-1a has been revised to specify the type of construction.***

  - Add note that walking trail will be maintained by HOA.

    ***This has been noted in Note 16 on Sheet SP-1a.***

  - Confirm no Saturday, Sunday, or Federal Holiday site construction hours

    ***The site construction hours have been revised as Note 30 on Sheet SN-1.***

  - Note state permit numbers

    ***State permit numbers will be added to Note 33 on Sheet SN-1 when obtained.***

  - Sheet SN-1, Note 4- if applicable, add in acreage in current use
    - If in current use, updated current use map will need to be supplied to City Assessor

    ***Note 4 on Sheet SN-1 has been updated to show 52.74 Ac in current use.***

**ENGINEERING**

- General Comment:
  - The city requests a narrative that describes in detail how each of the criteria in Section 153-14 are met, with a major focus on stormwater management requirements. The applicant should specify where each item required can be found in the application or whether it is or is not applicable.

    ***A stormwater narrative has been provided to the City Engineer.***

  - Note that the City of Dover construction guidelines will be available soon.

    ***We have modified these plans with the current guidelines.***

- Sheet T-1 Title Sheet:
  - Sewer capacity assessment for Crosby Road pump station is required. Applicant is requested to contribute to the cost of the analysis.

    ***The applicant has agreed to a $500.00 contribution for each of the 29 units that will have sewer flow to this pump station.***

- Sheet SN-1 Standard Notes:
  - City requests a utility easement for possible future water and sewer, to Tolend Rd.

    ***The applicant is agreeable to providing the requested easement. The proposed location has been added to the plans. Note 18 has been added to Sheet S-1.***

- Sheet SP-1a General Site Plan
  - Show walking path with hatch to denote limits of gravel.

    ***Note 16 on Sheet SP-1a has been revised.***

- Sheet SP-2 General Utility Plan
  - Move SMH 13 to private property

    ***SMH 13 has been relocated from the sewer easement to the subject property.***

  - Show invert elevations for SMH-12

    ***All inverts are shown on the roadway plan & profiles (Sheets C-1a thru C-1e).***

  - Applicant to state on each drawing depicting road: "Private Road & Utilities Not for Public Acceptance."

    ***This language has been added to all sheets.***

- Sheet SP-2a Utility Plan
  - Note 3: specify anchor and foster adapters

    ***Detail 2 on Sheet SP-11 and Water Note 3 on Sheet SP-2a have been revised to specify anchors and foster adapters.***

  - Note 6: specify copper from main to CB.

    ***Note 6 on Sheet SP-2a has been revised to reflect this.***

- Sheet SP-2c Utility Plan
  - Show rip rap dimensions on all drawings depicting rip rap.

    ***Dimensions of rip rap aprons have been added to Sheets SP-4 thru SP-6.***

- Sheet SP-3a Grading and Drainage Plan
  - Request utility easement for City to install future sewer and water to Tolend Rd

    ***The applicant is agreeable to providing the requested easement. The proposed location has been added to the plans. Note 18 has been added to Sheet S-1.***

- Sheet SP-9 Construction Details
  - Add Drain Pipe Table and Structure Table to grading plan.

    ***We have added a note to Sheets SP-3a thru SP-3d which identifies the location of the Drainage Pipe Schedule and Drainage Structure Schedule.***

- Sheet SP-10 Construction Details
  - Show width of rip rap aprons on plans

    ***Dimensions of rip rap aprons have been added to Sheets SP-4 thru SP-6.***

- Sheet C-1e Cross-Country Sewer Profile
  - Recommend lowering sewer to maximum extent possible to enable future sewer down Tolend Rd

    ***The applicant is agreeable to providing the requested easement. The proposed location has been added to the plans. Note 18 has been added to Sheet S-1. As the opportunity for the sewer extension via gravity flow is very low and cost would be excessive, we have not revised the elevations of our design.***

- Stormwater Analysis and Erosion & Sediment Control Plan
  - Pre and post construction areas to do match

    ***There was a 45 square foot discrepancy. This discrepancy has been corrected. This correction did not affect the results of the stormwater analysis.***

**POLICE DEPARTMENT**

- What would be the implications of making this a public road? Discuss these factors now and add this to project narrative. Note that future residents will likely follow the lead of those on Emerald and insist on it being changed.

  ***Ambrose Drive is proposed as a private road as part of a Cluster type development. We have added Note 17 on Sheet S-1 indicating this.***

- Adjust parking signage 90 degrees along interior of circle to have signs be 2-sided, faced to be visible for approaching traffic in both directions.

  ***Detail 9 on Sheet SP-7 has been revised to show parking signage has been rotated and made double sided to be visible for traffic approaching from both directions.***

- If project name is Ambrose Woods, consider street name "Ambrose Drive" instead of "Signature Drive"

  ***The street name has been changed to "Ambrose Drive".***

**INSPECTION SERVICES**

- Private road suffix is required to be Drive

  ***The street name has been changed to "Ambrose Drive".***

- SP-2 did not appear to indicate transformer locations

  ***Sheet SP-2 has been revised to show proposed transformer locations. Sheets La-1 & La-2 depict the typical transformer plantings.***

- Could not locate Redi Block retaining wall detail.

  ***A detail for the Redi Rock retaining wall has been added as Detail 9 on Sheet SP-12.***

- Relocate fire hydrant at development entrance to inside of the circle.

  ***The fire hydrant has been relocated as requested.***

- SP-1a clarify the number and location of "No Parking Fire Lane" signs.

  ***Note 18 on Sheet SP-1a has been updated to clarify the number and location of the "No Parking Fire Lane" signs.***

**FIRE DEPARTMENT**

- Relocate hydrant (W-2) directly across to the inside of the circle.

  ***The fire hydrant has been relocated as requested.***

**BUSINESS DEVELOPMENT**

- The overall scale of development and layout of residential parcels appears generally consistent with existing residential development in this zone. The applicant is advised that the eastern boundary line of the parent lot abuts land in the Innovative Technology (IT) district, which permits a variety of commercial and industrial uses (though conserved lands somewhat limit future development potential).

  ***The applicant agrees that the style and scale of the project are consistent with abutting properties. The applicant is aware of (IT) zoning of the abutting property.***

Enclosed please find;

- Four (4) Copies of this Response Letter.
- Four (4) Full Size Copies of the revised Plan Set.
- Four (4) Copies of the two (2) waiver requests.

We look forward to reviewing this Revised Plan Set with the Committee at their next available meeting.

Please advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp

Enclosures
\\21125-SRTC_&_Con_Com_Response_Lt

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April 22, 2025

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Ambrose Woods
Dover Tax F Map 3
210 Tolend Road & Emerald Drive
Dover, New Hampshire
Job No. 2118

Dear Donna:

**Project Narrative**

On behalf of the applicant / property owner 210 Tolend Road, LLC we are submitting an Application for Open Space Subdivision (OSS). The property is shown as City of Dover Tax Map F Lot 3 and is located at 210 Tolend Road and Emerald Lane. The property contains 55.698 acres of which approximately15.5 acres are wetlands and is located in the R-40 Zoning District.

On December 10, 2024, the Planning Board fully vetted the Yield Plan and requested the reduction in the total yield to 31 Units. The Yield Plan has been revised and is included in the submittal. The TRC has also reviewed this application and their comments with our responses are included herein.

The applicant proposes to develop Map F Lot 3 by utilizing the City of Dover Open Space Subdivision Regulations. Specifically, we propose to create 5 fee simple lots;

- Lot 3 contains the existing single-family home and is 26.295 acres.
- Lot 3-1 is proposed as an R-40 building lot and has 3.060 acres.
- Both Lots 3 & 3-1 will use the existing gravel driveway to access Tolend Road and will be serviced by municipal water and on-site septic.
- Lot 3-OPN is proposed as part of the City of Dover Open Space requirements. This lot will be jointly owned by lots 3 & 3-1 and protected under a conservation easement. This open space lot will only be for the benefit of Lots 3 & 3-1 and will allow for certain uses described in the HOA documents.
- Lot 3-2-OPN is proposed as the balance of the City of Dover Open Space requirement. This lot will be owned by the HOA and protected by a conservation easement. This lot will be for the benefit of all HOA members.
- Lot 3-2 will be developed with 29 cluster units and will include the construction of an 1816-foot roadway with associated infrastructure. This roadway will access Emerald Lane. This roadway is proposed as a private road and does not meet the City of Dover public roadway standards as shown.
- The proposed Open Space (3-OPN & 3-2-OPN) contains adequate Open Space for the development of 31 units (Lot 3, 3-1 & 29 Units on 3-2).

We are requesting a waiver to allow for a 24-foot roadway with no parking on one side of the road, where 28 feet is required. We are also requesting a waiver to the 50-foot perimeter buffer adjacent to the Ezra Green Open Space for the construction of drainage infrastructure.

The project also requires a Conditional Use Permit. Sheet CUP-1 depicts the limits of the Secondary Groundwater Protection District and the proposed impervious improvements proposed within the area. We have calculated the proposed impervious coverage with the Secondary Groundwater Protection District to be 25% where 20% is permitted without a Conditional Use Permit. The Conservation Commission voted to endorse this CUP at their meeting on April 14, 2025.

The applicant has worked with Planning staff, Planning Board and abutters to develop this very thoughtful and efficiently designed project. The project is proposed as an Open Space Subdivision. This is the City's preferred development style specifically for the environmental benefits associated with it. In addition, the project is designed with NO WETLAND OR WETLAND BUFFER IMPACTS.

We look forward to meeting with the Planning Board at their May 13th meeting and discussing this Open Space Subdivision as well as the Conditional Use Permit application.

OPEN SPACE SUBDIVISION

- 6 Copies of this Project Narrative.
- 6 Copies of the TRC Response Letter.
- 6 Copies of the Subdivision Application.
- 6 Copies of the Waiver Requests.
- 6 Copies of the Traffic Impact Analysis.
- 6 Copies of the Water & Sewer Demand Calculations.
- 6 Copies of the Landscape Operations & Maintenance Plan.
- 1 Copies full size of the Open Space Subdivision Plan set.
- 5 Copies half size (11x17) of the Open Space Subdivision Plan set.
- 6 Copies of the Site Development Design Criteria Narrative.

CONDITIONAL USE PERMIT (CUP) REQUEST

- 6 Copies of CUP Application Letter from 4/4/25.
- 6 Copies of the Conditional Use Permit Application.
- 6 Copies of the Conditional Use Permit Plan, Sheet CUP-1.
- 6 Copies of the Post Construction Drainage Plan, Sheet D-3a.
- 6 Copies of the Post Construction Drainage Analysis, 10-Year Storm Event.
- 6 Copies of the City of Dover, Development Review Model.

Please advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp
Attachments
\\23118_AmbrosePBSubmittal.docx

# Chapter 157. Land Subdivision Regulations

# Article IV. Open Space Subdivisions

## § 157-19. Concept and purpose.

[Amended 7-5-1988; 4-25-2000]

A. An open space subdivision (OSS) represents a form of residential development where, instead of subdividing an entire tract of land into lots of conventional size and arrangement, a similar number of single-family housing units, duplexes in an R-12 Zone, may, at the discretion of the Planning Board, be arranged on the land in a more innovative fashion which better fits the topography and natural attributes of the site. The remaining land in the tract which has not been built upon shall be set aside for municipal use or integrated among the housing units and reserved for usable common open space. Said open space shall be held in a form of ownership that will prevent it from being further subdivided or developed.

B. The purpose for establishing this article is to promote a development pattern that creates areas of usable and accessible open space; provides land for municipal use; prevents disruption of natural topography and drainage systems; maintains the rural and open character of the undeveloped area of the City; protects historically significant buildings, resources, and/or landscapes; protects valuable wildlife areas; allows for attractive site design; and encourages a lesser and more practical utility and street network.

## § 157-20. Approval procedure.

[Amended 7-5-1988; 2-10-2004]

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.

B. In specific cases, the Planning Board may vary the provisions contained herein, provided the modifications are consistent with the concept and purpose stated in § **157-19** above.

## § 157-21. General requirements.

[Amended 7-5-1988; 3-19-1991; 4-25-2000; 2-11-2003; 2-10-2004; 8-26-2008; 3-23-2010]

A. Location.

(1) Any major subdivision within an R-40 District shall be required to adhere to the following procedures for said development.

(2) Any proposed development in an R-20 or R-12 District that meets the minimum lot size requirement for an open space subdivision shall be required to adhere to the following procedures for said development.

B. Permitted uses shall be as follows:

(1) All uses permitted in the zoning district within which the open space subdivision is located.

(2) Open space, private or public, providing for both passive as well as active recreational facilities.

C. Minimum project area permitted for an open space subdivision shall be as follows:

| | Contiguous Acres Required | |
|---|---|---|
| **Zoning District** | **Residential Only (acres)** | **With Commercial (acres)** |
| R-40 | No minimum | 50 |
| R-20 | 15 | 50 |
| R-12 | 5 | 20 |

(1) Projects not meeting the minimum acreage requirements of an open space subdivision shall follow these additional requirements:

(a) A preliminary public hearing shall be conducted by the Planning Board prior to an applicant's formal submittal application for major subdivision approval. Prior to this preliminary public hearing, the applicant shall submit two different design review plans for general discussion, one yield plan showing a subdivision plan based on conventional regulations and a second plan design as an open space subdivision. At said preliminary public hearing, the applicant shall be responsible for demonstrating that the characteristics of his/her plan warrant consideration for development as an open space subdivision.

[1] The disposition of the public hearing shall be executed as per the procedure established in § **157-12**.

[2] Within 30 calendar days of the date of public hearing, the Planning Board shall render a determination as to whether the applicant can process his/her application as an open space subdivision or as a conventional subdivision.

(b) An impact statement shall be submitted which details the probable effects of the subdivision on the following aspects of concern to the City:

[1] Attendance at public schools;

[2] Increase in vehicular traffic;

[3] Changes in the number of legal residents;

[4] Increases in municipal costs;

[5] Load on public utilities or future demand for them;

[6] Public safety;

[7] Changes in tax revenue;

[8] Changes in surface drainage;

[9] Increased consumption of groundwater;

[10] Increased refuse disposal;

[11] Pollution of water or air;

[12] Land erosion or loss of tree cover;

[13] Disturbance to other aspects of the natural ecology;

[14] Blocking of views;

[15] Harmony with the character of surrounding development; and

[16] Location of utilities.

D. Density.

(1) Density allocation. The maximum number of dwelling units permitted in an open space subdivision shall be determined by a submitted yield plan. The resultant number shall not allow a higher density than that provided by a conventional subdivision on the same parcel. An open space subdivision may consist of the following:

(a) A subdivision of land into reduced sized individual house lots.

(b) Cluster subdivision. One parcel with individual detached single-family dwellings located in a cluster arrangement.

(2) Density bonus.

(a) If the proposed development is located in an R-40 or R-20 Zone and is greater than 50 acres, or is located within the R-12 Zone and is more than 20 acres, a nonresidential component shall be allowed, meeting the following the criteria:

[1] No more than 50% of the development site, including open space, shall be devoted to parking, streets, buildings, and accessory structures.

[2] Nonresidential uses allowed in the underlying district, as well as those listed below, shall be permitted as long as they are constructed to be compatible in scale and design with residential uses, be attractive and low-key (in terms of building design, signage, lighting, and treatment of parking), and have a strong pedestrian orientation with a building footprint of not to exceed 10,000 square feet.

[a] Neighborhood scale personal service establishments, such as convenience stores, craft store, drugstores, beauty shops, tailors, laundromats, and banking establishments.

[b] Professional offices.

[c] Medical care uses, including medical care office buildings.

[d] Adult day-care facilities.

[e] Sales office for the sale or rental of property.

[f] Restaurants without a drive-up window.

[g] Elderly assisted care may have a building footprint of not to exceed 20,000 square feet.

[3] Prohibited uses and designs. The following uses and designs are not permitted in an open space subdivision unless they are already allowed in the underlying zoning district under an existing permit or as existing nonconforming uses: commercial telecommunication towers/wireless communications facilities as a primary use, gravel pits, hospitals, or wholesaling.

[4] The commercial uses delineated above may be located in a flexible spatial environment, assuring compatibility with residential uses and with the overall

development design, provided that nonresidential uses do not exceed 33% of the net tract area of the open space subdivision. These limitations herein are maximums and should not be construed as by right permitted levels of development.

[5] No building shall exceed four stories in height (except for cupolas, dormers, building towers, and similar elements).

E. No structures or septic systems will be allowed to be built in the following areas: areas with a slope greater than 20%; areas within conservation districts; all flood hazard areas, unless floodproofing standards can be met through construction practices; and undevelopable wetlands as defined in Chapter **170**, Zoning.

F. Dimensional requirements.

| Zoning District | Minimum Lot Size for Subdivision Lots (square feet) | Minimum Frontage for Subdivision Lots (feet) | Minimum Buffer Along Frontage[1] (feet) |
|---|---|---|---|
| R-40 | 20,000 | 40 | 100 |
| R-20 | 12,000 | 30 | 100 |
| R-12 | 8,000 | 20 | 100 |

[1] Does not apply to an existing house on the lot, if part of the total lot yield. [Amended 5-24-2016]

| | Minimum Distance Around Individual Units in Clusters | | Minimum Building Setbacks for Subdivision Lots | |
|---|---|---|---|---|
| Zoning District | Street Sides of Units (feet) | Between Units (feet) | Abutting a Street (feet) | Abutting a Lot Line (feet) |
| R-40 | 20 | 30 | 20 | 20 |
| R-20 | 15 | 25 | 15 | 15 |
| R-12 | 10 | 20 | 10 | 10 |

(1) If a portion of a parcel of land is covered by a zoning district in which an open space subdivision is not permitted, this portion shall not be included in a proposed open space subdivision.

(2) If a parcel of land is covered by more than one of the R-40, R-20 or R-12 Zoning Districts, and more than 50% of the parcel lies in the more restrictive district, the more restrictive regulations shall apply to the entire parcel.

(3) Frontage requirements shall not apply to cluster subdivisions. Nevertheless, paved access suitable for emergency vehicles, and approved by the Planning Board, shall provide access from a City street or state highway to each of the units with the subdivision. All accessways shall be privately owned and comply with the private drive standards specified in Chapter **153**, Site Review Regulations, of the Code of the City of Dover.

(4) Notwithstanding the dimensional requirements outlined above, structures or dwelling units in a proposed open space subdivision must maintain the following minimum buffer distances from existing structures, dwelling units and external boundaries:

| Zoning District | Minimum Distance from Existing Structures or Dwelling Units (feet) | Minimum Distance from External Boundaries (feet) |
|---|---|---|
| R-40 | 100 | 50 |
| R-20 | 75 | 40 |
| R-12 | 50 | 30 |

(a) For the purposes of the external boundary buffers required above, the buffer areas shall be considered an undisturbed natural area for the purpose of shielding the development from abutting properties. The external boundary buffer shall be preserved or established to comply with the perimeter landscaping standards in § **157-35F**.
[Amended 12-18-2012]

G. Project ownership. The subject land may be owned, leased or controlled either by a single person, a corporation or by a group of individuals or corporations. An approved open space subdivision shall be binding on the project land and owner(s) and shall be so indicated on each individual deed.

H. Additional considerations. In addition to the information required to be presented on the preliminary and final plat layout (see §§ **157-27** and **157-28**), the following additional information shall be required:

(1) Dimensions and locations of all proposed common open spaces.

(2) The external dimensions of open space subdivision boundaries (see § **157-22**).

(3) Appropriate documents defining the deed restrictions and other provisions under which all common open spaces will be established.

(4) A fiscal analysis demonstrating that the submitted yield plan is realistic shall be required of the applicant. At a minimum the following items shall be included:

(a) Potential road costs.

(b) Potential utility costs.

(c) Potential miscellaneous costs (to include the cost of moving existing structures).

I. Community leach (septic) systems. An open space subdivision (OSS) may include a community or common leach system for the disposal of the effluent from household septic tanks. Such a system shall be installed by the subdivider and shall be installed under the following conditions:

(1) Community leach systems (CLS) may only be used in those areas of the appropriate zones served by the public water system of the City of Dover.

(2) All CLS shall meet the design requirements of the State of New Hampshire Department of Environmental Services and this chapter.
[Amended 1-14-2020]

(a) Each structure shall have its own septic tank sized according to the requirements of the New Hampshire Department of Environmental Services. Access to the septic tank cover should be provided by risers as necessary and location shown on the as-built plan submitted to the Dover City Engineer as described in Subsection **I(3)** below.

(b) Leach fields shall be located on land held in common by the property owners to be used exclusively for wastewater disposal. Each area designated for wastewater disposal shall be large enough to accommodate the required leach field and associated fill as well as an alternate reserve leach field, should replacement of the original field become necessary. The leach field and reserve field must have suitable soil according to the New Hampshire Department of Environmental Services rules for sewage disposal system design.

(c) All piping connecting septic tanks to leach systems and other mechanical equipment such as pumps, valves, etc., shall meet the standards of the State of New Hampshire and the City of Dover as detailed in § **157-41**. All such equipment used by more than one dwelling shall be placed in an easement which shall be deeded to the maintaining authority, and such authority shall have the right to access at any time for the purposes of maintaining the system. All construction under this article shall be explicitly subject to the provisions of Article **V** of this chapter.

(d) The developer and homeowners' association are required to provide each new resident in the development a copy of the New Hampshire Department of Environmental Services pamphlet "You and Your Septic System."

(3) Facility ownership. At the conclusion of the construction of all piping, equipment and leach fields, a complete set of as-built drawings of the systems will be filed with the City Engineer. The owners of the CLS shall also comply with the following requirement:

(a) Whether or not the developer has opted to establish a cooperative legal entity to own and manage the common space, such an entity shall be set up to own and manage the common leach system. The bylaws of such an entity shall be established in accordance with state law governing such organizations (RSA 479-A:1 to 479-A:23, inclusive, as amended) and shall include the provisions of Article **IV**, § **157-22E**, Requirements of a homeowners' association, by substituting the words "common leach system" for "common open space" in those regulations.

(4) Facility maintenance requirements. The following requirements shall be made part of any homeowners' association agreement:

(a) The owner of the common leach system shall maintain a service contract with a licensed septic system service and installation contractor to perform the required maintenance. Such a contract shall detail the periodic maintenance to be performed on the distribution/collection system, including leach fields, distribution boxes, pumps, and collection pipes, etc. The service contract shall provide for an annual report to the City Engineer by the licensed septic system installer detailing the condition of the system and any repairs made that year or anticipated at the time of the report. A copy of the service contract shall be delivered to the City Engineer for review at least 30 days before it goes into force.

(b) The owner of the common leach system shall collect from the users of the system an annual fee equal to the cost of repairs and an amount sufficient to establish a reasonable cost of replacement reserve. The fee should be assessed annually based upon the previous year's experience and the forthcoming service contract amount.

(c) The maintaining authority shall keep a record of each individual septic tank, showing its location and the frequency of its pumping. As a guide to maintenance, each tank should be pumped at least once in every five-year period and not more frequently than every two years.

(d) No structure shall be built on a leach field lot.

## § 157-22. Common open space.

[Amended 7-5-1988; 4-25-2000]

A. General common open space shall be set aside for the use and benefit of the residents in an open space subdivision or dedicated to a public or nonprofit organization. Generally, the open space shall be usable for recreation and integrated into the layout and design of the subdivision. The location and configuration of the open space shall be at the discretion of the Planning Board.

B. External boundaries. A buffer zone of 100 feet shall be provided along the perimeter of the subject tract that fronts existing public roadways, and a buffer zone equal to the external boundaries required by § **157-21F(4)** shall be provided along the perimeter of the subject tract that abuts all adjacent parcels. If said perimeter is predominantly open land, it shall be suitably landscaped at the discretion of the Planning Board. Should the Planning Board find that the unique topography and other site conditions warrant a certain degree of flexibility in the extent of the required buffer zone, a waiver of the affected portion of said buffer will be taken under consideration.
[Amended 12-18-2012]

C. Open space requirements.

(1) The common open space for an open space subdivision that contains subdivision lots shall be depicted on the subdivision plat as bounded by property lines and as being exclusive of house lots; streets, driveways and parking lots; stormwater collection ponds; land area dedicated to septic systems; and easements and rights-of-way for stormwater drainage ways, streets or utilities. The common open space for an open space subdivision that contains dwelling units in cluster arrangements on a single parcel shall be depicted on the subdivision plat as land area exclusive of dwelling units and accessory structures; streets, driveways and parking lots; areas required for minimum buffers around dwelling units; land area required for septic systems; area covered by easements or rights-of-way for stormwater drainage systems, streets or utilities; and stormwater collection ponds. The legal and spatial disposition of such open space is at the sole discretion of the Planning Board.

(2) The area of the open space shall equal or exceed the total allowed reduction in the lot sizes within the open space subdivision and shall be permanently dedicated as open space or for municipal use, as agreed upon. A minimum of 50% of the total open space land must be usable uplands and reasonably accessible to all property owners in the project.

(3) The open space shall be deeded to the City of Dover for municipal use or deeded to a nonprofit organization, or a deed restriction or easement shall be placed upon all common open space so that all said open space remains open space in perpetuity and shall never be developed or further subdivided. Acceptance of ownership of deeded open space is at the discretion of the City or nonprofit organization.

(4) Said deed restrictions and documents shall be placed on file with the City Clerk upon receipt of Planning Board subdivision approval and duly recorded at the Strafford County Registry of Deeds, where appropriate.

(5) The required common open space shall be owned and maintained by the developer until it is owned in one or more of the following ways:

(a) By the City of Dover, subject to acceptance by the City.

(b) By a private, nonprofit organization (such as the Nature Conservancy or Audubon Society) which has as its purpose the preservation of open space through ownership and control; provided, however, that the residents within the open space subdivision have access to the common open space for appropriate recreational uses.

(c) By a private, nonprofit corporation, association or other nonprofit legal entity, such as homeowners' association, established by the applicant for the benefit and enjoyment of the residents of the subdivision and over which said residents have control.

(6) No privately owned recreation structures shall be built in the open common space without the approval of the Planning Board.

(7) Current use limitation. The common land areas, open space areas and natural areas in an approved development are considered to be a part of the residential use of such development and shall not be considered to be open space land, farmland, wetlands, recreation land, floodplain or wild land within the meaning of RSA 79-A except where such consists of actively operated farmland.

D. In the event that an open space subdivision is to be owned by a cooperative legal entity, all common open space shall be governed in accordance with the requirements of the RSA 479-A:1 to 479-A:23, inclusive, as amended.
[Amended 2-26-2019]

E. Requirements of a homeowners' association.

(1) The financial and administrative obligations for future maintenance of common open space and other common facilities shall be clearly stated, adequate and enforceable by the City, at the association's expense, in the event of negligence.

(2) In the event that the homeowners' association established to own and maintain common open space or any successor organization shall fail to maintain the common open space/facilities in a reasonable order and condition, the Planning Board may serve written notice upon such organization and shall demand that any deficiencies of maintenance be cured in 30 days of receipt of said notice. In addition, a trustee shall be designated by the homeowners' association to ensure that proper care of said common open space is continued. The trustee's responsibilities shall include, but not be limited to, passive and active recreational areas, retention ponds, drainage easements and common septic disposal systems.

(3) In the event that the maintenance deficiencies have not been resolved within said prescribed time limits, the cost of maintenance by another party, other than the City of Dover, shall become a tax lien on the properties within the subdivision. Entry and maintenance of said common open space shall not exceed a period of one year.

(4) Before the expiration of said year, the Planning Board shall, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the common open space, call a public hearing upon 15 days' notice to such organization or to the residents and owners of the development, at which hearing such organization or the residents or owners of the development shall show cause why such maintenance by the third party shall not, at the election of the City, continue for a succeeding year.

(a) If the Planning Board determines that said organization is able to maintain said common open space in a reasonable condition, the City shall cease to have such space maintained at the end of the prescribed time limit.

(b) If the Planning Board determines that such organization is not able to maintain said common open space in a reasonable condition, the City may continue to have such land maintained by a third party for a succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the Planning Board in each such case shall constitute the final administrative decision subject to judicial review.

(5) The cost of such maintenance shall be assessed proportionately against the properties within the development that have a right of enjoyment of the common open space and shall become a tax lien on said properties. The City, at the time the third party enters upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the City Assessor and the Registrar of Deeds for Strafford County upon the properties affected by such lien within the development, and the same shall be discharged by the City upon payment as with other liens.

## Bassegio, Erin

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Tuesday, January 13, 2026 3:01 PM
**To:** Shanahan, Dennis; Joyal, Michael
**Cc:** Planning Board - All
**Subject:** Development Proposal at 103 Court St

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

Dear Mayor Shanahan and City Manager Joyal:
CC: Planning Board

I am writing to you regarding the proposed development at 103 Court Street. As you may already know, this project has been the subject of a lengthy legal process involving the Transfer of Development Rights (TDR).

I am reaching out today because I have become aware that the Planning Department is moving forward with the **Site Plan Review** phase of this project. I would like to respectfully request that the City consider staying these proceedings based on the following:

- **Active Supreme Court Appeal:** In December 2025, the New Hampshire Supreme Court officially accepted our appeal regarding the TDR approval.
- **Contingency Risks:** The Site Plan is inherently contingent upon the validity of the TDR. Proceeding with a Site Plan review while the foundational zoning/TDR approval is under judicial review creates a risk of inconsistent rulings and potential wasted administrative effort.
- **Administrative Efficiency:** If the Supreme Court vacates the TDR approval, any work done on the Site Plan in the interim will be rendered moot. It would be in the best interest of all parties—the City, the taxpayers, and the neighbors—to await the Court's decision before opening a second front of debate for a Site Plan.

Rather than continuing with the second approval phase for the Site Plan (which underwent Technical Review Committee (TRC) review earlier today), we believe a more prudent course of action would be to **pause local approvals** until the Supreme Court provides finality on the underlying TDR.

Would the City be willing to hold the Site Plan application in abeyance until the Supreme Court issues its ruling?

Thank you for your time and for your service to our city.

Sincerely,

Hilary Hamer, 91 Court St, Dover, NH

## Bassegio, Erin

**From:** Joyal, Michael
**Sent:** Wednesday, January 14, 2026 11:58 AM
**To:** Hilary Hamer; Shanahan, Dennis
**Cc:** Planning Board - All; Perez, Jennifer; Benton, Donna; Parker, Christopher
**Subject:** RE: Development Proposal at 103 Court St

Dr. Hamer:
Thank you for your email and request to defer action on the application for site plan review for 103 Court St.. The consideration of a site plan application is allowed for and required by State law and the Code of the City of Dover. The Planning Board retains jurisdiction in the review and approval of such matters and, I expect, will therefore adhere to the requirements established by law and local regulation. As the Planning Board has already been copied on your email, they are aware of your request. Neither the Mayor nor I have the authority to supersede the legitimate authority and determinations of the Planning Board and therefore will defer consideration of your request to their procedural requirements.

**J. Michael Joyal, Jr.**
**City Manager**
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169
e. m.joyal@dover.nh.gov
p: 603-516-6023

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http://www.dover.nh.gov

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**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Tuesday, January 13, 2026 3:01 PM
**To:** Shanahan, Dennis <D.Shanahan@dover.nh.gov>; Joyal, Michael <M.Joyal@dover.nh.gov>
**Cc:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** Development Proposal at 103 Court St

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

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Sincerely,

Hilary Hamer, 91 Court St, Dover, NH

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

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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.

## Bassegio, Erin

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Tuesday, January 13, 2026 5:36 PM
**To:** Planning Board - All
**Subject:** Follow-up Documents for Development Proposal at 103 Court St
**Attachments:** NH Supreme Court Docket of Accepted Cases December 2025.pdf; 2025.11.14.Supreme Court Appeal.pdf

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

Dear Planning Board and Department Staff:

As a follow-up and for the official project record at 103 Court St, please find attached to this email the NH Supreme Court docket notice from December 2025 (at https://www.courts.nh.gov/our-courts/supreme-court/cases-accepted ) listing our accepted Supreme Court appeal case and the actual appeal document filed by our attorney Kelly Dowd, Esq.

Regards,
H. Hamer, 91 Court St, Dover, NH

On Tue, Jan 13, 2026 at 3:00 PM Hilary Hamer <hilary.a.hamer@gmail.com> wrote:

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> CC: Planning Board
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Hilary Hamer, 91 Court St, Dover, NH

# New Hampshire Supreme Court
# Case Acceptance List
**Cases Accepted December 01, 2025 thru December 31, 2025**

| Case Number | Case Title | Acceptance Date | Lower Court/Agency |
|---|---|---|---|
| 2025-0568 | In re A.B.; In re A.T. | 12/10/2025 | 6th N.H. Circuit Court - Hillsborough Family Division |
| 2025-0582 | State of New Hampshire v. Edward Farley | 12/16/2025 | 10th N.H. Circuit Court - Portsmouth District Division |
| 2025-0598 | A.B. & a. v. R.B & a. | 12/17/2025 | Hillsborough County Superior Court North |
| 2025-0603 | State of New Hampshire v. Genaro Claussells-Vega | 12/03/2025 | Hillsborough County Superior Court North |
| 2025-0606 | R.D. v. V.C. | 12/15/2025 | 9th N.H. Circuit Court - Manchester Family Division |
| 2025-0633 | Appeal of Michael Fiorello | 12/09/2025 | New Hampshire Compensation Appeals Board |
| 2025-0637 | State of New Hampshire v. Lisa Marie Michel | 12/29/2025 | 9th N.H. Circuit Court - Goffstown District Division |
| 2025-0641 | In re Guardianship of S.T. | 12/03/2025 | 10th N.H. Circuit Court - Brentwood Family Division |
| 2025-0648 | In re Guardianship of S.L. | 12/30/2025 | 10th N.H. Circuit Court - Brentwood Probate Division |
| 2025-0650 | In the Matter of Amanda Rochette and Arron Rochette | 12/02/2025 | 9th N.H. Circuit Court - Manchester Family Division |
| 2025-0652 | State of New Hampshire v. Michael Chamberlain | 12/16/2025 | Grafton County Superior Court |
| 2025-0655 | In re X.M. | 12/11/2025 | 1st N.H. Circuit Court - Lancaster Family Division |
| 2025-0658 | State of New Hampshire v. Courtney Barrett | 12/26/2025 | Hillsborough County Superior Court North |
| 2025-0662 | In the Matter of Jeremiah Smith and Adrienne Beloin | 12/11/2025 | 10th N.H. Circuit Court - Brentwood Family Division |
| 2025-0664 | Appeal of New Hampshire Division of State Police | 12/19/2025 | New Hampshire Personnel Appeals Board |
| 2025-0665 | In the Matter of Cheryl Tsetsilas and Branden Tsetsilas | 12/05/2025 | 10th N.H. Circuit Court - Salem Family Division |


Report Generated : 01/07/2026

# New Hampshire Supreme Court
# Case Acceptance List
**Cases Accepted December 01, 2025 thru December 31, 2025**

| Case Number | Case Title | Acceptance Date | Lower Court/Agency |
|---|---|---|---|
| 2025-0668 | State of New Hampshire v. Joseph L. Everett | 12/12/2025 | 9th N.H. Circuit Court - Milford District Division |
| 2025-0670 | In re Guardianship of W.M. | 12/12/2025 | 7th N.H. Circuit Court - Rochester Family Division |
| 2025-0673 | In the Matter of Siobhan Charron and Jeremy Charron | 12/29/2025 | 8th N.H. Circuit Court - Jaffrey Family Division |
| 2025-0676 | K.B. v. J.B. | 12/15/2025 | 1st N.H. Circuit Court - Berlin Family Division |
| 2025-0679 | J.F. v. E.M. | 12/31/2025 | 9th N.H. Circuit Court - Goffstown District Division |
| 2025-0680 | In the Matter of Melissa Kelley and Rajashekhar Seelam | 12/03/2025 | 6th N.H. Circuit Court - Concord Family Division |
| 2025-0684 | In the Matter of Dustin Rogers and Andrea Rogers | 12/03/2025 | 6th N.H. Circuit Court - Hillsborough Family Division |
| 2025-0686 | Appeal of Hilary Hamer & a. | 12/19/2025 | New Hampshire Housing Appeals Board |
| 2025-0687 | M.M. v. A.M. | 12/04/2025 | 9th N.H. Circuit Court - Nashua Family Division |
| 2025-0689 | Nathan Fisher v. Galactic Estates | 12/09/2025 | 9th N.H. Circuit Court - Manchester District Division |
| 2025-0691 | Appeal of Parkland Medical Center/Hospital Corporation of America/Parallon | 12/19/2025 | New Hampshire Compensation Appeals Board |
| 2025-0694 | Portfolio Recovery Associates, LLC v. Anthony Merrill | 12/18/2025 | Rockingham County Superior Court |
| 2025-0701 | State of New Hampshire v. Troy William Turcotte, Jr. | 12/03/2025 | Strafford County Superior Court |
| 2025-0702 | Castle Donovan Three Real Estate, LLC v. Rose Meadow Acres, Inc. & a. | 12/30/2025 | Hillsborough County Superior Court North |
| 2025-0703 | State of New Hampshire v. Steven Simonds | 12/16/2025 | Merrimack County Superior Court |


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# New Hampshire Supreme Court
# Case Acceptance List
**Cases Accepted December 01, 2025 thru December 31, 2025**

| Case Number | Case Title | Acceptance Date | Lower Court/Agency |
|---|---|---|---|
| 2025-0705 | Francesca Tramboulakis & a. v. CM Resort, LLC & a. | 12/11/2025 | Carroll County Superior Court |
| 2025-0706 | In the Matter of Douglas Desautels and Eugenia Desautels | 12/11/2025 | 10th N.H. Circuit Court - Salem Family Division |
| 2025-0707 | National Lumber Massachusetts Business Trust v. Paxor Construction LLC & a. | 12/09/2025 | Hillsborough County Superior Court South |
| 2025-0710 | H.S. v. D.P. | 12/31/2025 | 9th N.H. Circuit Court - Manchester Family Division |
| 2025-0712 | In the Matter of Bandy Strawn and Michelle Lauer | 12/11/2025 | 3rd N.H. Circuit Court - Ossipee Family Division |
| 2025-0713 | In the Matter of Jacob Borgards and Kristen Arvanitis Gagne | 12/15/2025 | 9th N.H. Circuit Court - Manchester Family Division |
| 2025-0715 | In the Matter of Alexandra Broom and Grant Broom | 12/16/2025 | 10th N.H. Circuit Court - Candia Family Division |
| 2025-0717 | State of New Hampshire v. David George Demers | 12/16/2025 | Strafford County Superior Court |
| 2025-0721 | Thomas S. Wood & a. v. Town of Raymond | 12/29/2025 | Rockingham County Superior Court |
| 2025-0727 | In the Matter of Marisa Almeda and Scott Almeda | 12/15/2025 | 10th N.H. Circuit Court - Hampton Family Division |
| 2025-0729 | Cambridge Mutual Fire Insurance Company v. OM Investors, LLC | 12/17/2025 | Belknap County Superior Court |

# Addendum to Case Acceptance List – Issues on Appeal

## December 1, 2025 through December 31, 2025

The following summaries of the issues on appeal have been prepared by clerk's office staff for the convenience of the public. The Supreme Court has neither approved nor reviewed any of the summaries. The parties' filings and the applicable record — not these summaries — define and establish the issues that the Supreme Court will consider in a case. Please note that, in the interest of brevity, some issues in a listed case may have been combined or not summarized.

In these summaries, "Rule Type" refers to the particular Supreme Court Rule under which the case has been docketed. "Type" and "Subtype" refer to the case type and case subtype, as determined in accordance with the definitions in the State Court Guide to Statistical Reporting, a publication of the Court Statistics Project (a joint project of the National Center for State Courts and the Conference of State Court Administrators).

**2025-0568, In re A.B.; In re A.T. – Confidential**

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Termination of Parental Rights

Whether the trial court erred in finding that the parent failed to correct the conditions that led to the underlying finding of neglect when the parent engaged in all services offered, obtained their own services, and left a domestic violence relationship.

**2025-0582, State of New Hampshire v. Edward Farley**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Violation

Whether the trial court erred in convicting the defendant of violating a town ordinance.

**2025-0598, A.B. & a. v. R.B & a.**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Civil – Other

Whether the trial court erred in granting the restraining order in favor of the plaintiffs.

**2025-0603, State of New Hampshire v. Genaro Claussells-Vega**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Felony

Whether the trial court erred by not providing Gagne/Girard material to the defense following its in camera review.

**2025-0606, R.D. v. V.C.**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in declining to issue a domestic violence order of protection.

**2025-0633, Appeal of Michael Fiorello**

Rule Type: Rule 10 Administrative
Type: Administrative
Subtype: Worker's Compensation

Whether the Compensation Appeals Board improperly applied the substantial contribution test in this mixed-risk injury case.

**2025-0637, State of New Hampshire v. Lisa Marie Michel**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Misdemeanor

Whether the defendant was afforded adequate pretrial discovery. Whether the trial court erred in its sentencing decision in this DUI case.

**2025-0641, In re Guardianship of S.T.**

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Guardianship of Minor

Whether the trial court erred by dismissing the guardianship petition without holding a hearing.

**2025-0648, In re Guardianship of S.L. – Confidential**

Rule Type: Rule 7 Mandatory
Type: Probate
Subtype: Guardianship of Adult

Whether the trial court erred in its decision appointing a successor guardianship over the person.

**2025-0650, In the Matter of Amanda Rochette and Arron Rochette**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred in granting the parties a divorce based on irreconcilable differences and denying the wife's request for divorce on fault-based grounds pursuant to RSA 458:7, VII. Whether the trial court erred in equally dividing the marital estate when the husband failed to comply with discovery rules such that he provided no evidence of property value.

**2025-0652, State of New Hampshire v. Michael Chamberlain**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Felony

Whether the trial court erred when it denied the defendant's request for a self-defense jury instruction in relation to the simple assault charge. Whether the trial court erred when it denied the defendant's motion to suppress his statements made while in police custody.

**2025-0655, In re X.M. – Confidential**

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Abuse/Neglect

Whether the trial court erred by not dismissing the Claremont School District (District) as the legally liable school district under RSA 169-C:20 when the record demonstrates that the child was not a legal resident of the District, which exempts the District from liability for the child's special education program development, monitoring, and costs. Whether the trial court erred by not dismissing the District as the legally liable school district under RSA 169-C:20 when the record demonstrates that the child was court-placed in an out-of-district placement outside of New Hampshire, which exempts the District from special education liability because there is no receiving school district or sending school district as defined by RSA 193:27 and RSA 193:29.

**2025-0658, State of New Hampshire v. Courtney Barrett**

Rule Type: Rule 7 Discretionary
Type: Criminal
Subtype: Probation Violation

Whether the trial court unsustainably exercised its discretion and/or erred by raising sua sponte the issue of the court's knowledge about the defendant's connection with an unrelated 2015 criminal case pertaining to a different defendant, thereby considering facts not established in any of the present proceedings as a basis for its pretrial detention and sentencing decisions. Whether the trial court, in doing so, violated the defendant's due process and equal protection rights under the New Hampshire Constitution and the United States Constitution.

**2025-0662, In the Matter of Jeremiah Smith and Adrienne Beloin**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred in its establishment of the parenting plan.

**2025-0664, Appeal of New Hampshire Division of State Police**

Rule Type: Rule 10 Administrative
Type: Administrative
Subtype: Agency Other – Rule 10

Whether the Personnel Appeals Board's authority to order back pay for reinstated employees pursuant to RSA 21-I:58 (since repealed and replaced by RSA 273-D:3) includes payment of potential overtime pay that the employee expected and anticipated to have been able to earn during the period of separation.

**2025-0665, In the Matter of Cheryl Tsetsilas and Branden Tsetsilas**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred by awarding alimony and issuing financial orders without requiring the petitioner to file a sworn financial affidavit, despite the trial court's acknowledgment of the petitioner's lack of compliance. Whether the trial court misapplied RSA 458:16-a by failing to identify, classify, or divide known marital property, including a concealed bank account exceeding $82,000 and other undisclosed assets and third-party financial support.

**2025-0668, State of New Hampshire v. Joseph L. Everett**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Violation

Whether the trial court erred in convicting the defendant of motor-vehicle violations.

**2025-0670, In re Guardianship of W.M.**

Rule Type: Rule 7 Mandatory
Type: Juvenile
Subtype: Guardianship of Minor

Whether the trial court erred by denying the appellant's motions for modification and for a reunification plan without holding a hearing.

**2025-0673, In the Matter of Siobhan Charron and Jeremy Charron**

Rule Type: Rule 7 Discretionary
Type: Family
Subtype: Post-Divorce

Whether the trial court erred in limiting the petitioner's award of attorney's fees. Whether the trial court erred in declining to find the respondent in contempt for allegedly failing to pay uninsured medical expenses, child support, and attorney's fees.

**2025-0676, K.B. v. J.B.**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in finding that the plaintiff established good cause for the extension of the domestic violence order of protection.

**2025-0679, J.F. v. E.M.**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Civil Stalking

Whether the trial court erred by granting the plaintiff a civil stalking order of protection.

**2025-0680, In the Matter of Melissa Kelley and Rajashekhar Seelam**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred in making an unequal distribution of marital assets.

**2025-0684, In the Matter of Dustin Rogers and Andrea Rogers**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred by granting, in part, the respondent's motion in limine to exclude relevant evidence. Whether the trial court's findings and rulings on issues of alimony, the parenting plan, and the division of assets were against the weight of the evidence and/or the evidence was insufficient to support the findings and/or based on the erroneous exclusion of evidence.

**2025-0686, Appeal of Hilary Hamer & a.**

Rule Type: Rule 10 Administrative
Type: Administrative
Subtype: Municipal Board Decision

Whether the Housing Appeals Board erred in its interpretation of the City of Dover Zoning Ordinance "Transfer of Development Rights" § 170.29 G (3), which sets forth two methods for transfer of development rights, one involving a density formula, which is treated as a subdivision, and another based on underlying zoning, which is treated as a site plan, by allowing the developer to use the first method (i.e., the formula), but treating the application as a site plan as opposed to a subdivision.

**2025-0687, M.M. v. A.M.**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred in granting a domestic violence protective order based solely on hearsay testimony without corroborating physical or documentary evidence.

**2025-0689, Nathan Fisher v. Galactic Estates**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Landlord/Tenant – RSA 540-A

Whether the trial court erred in dismissing this RSA chapter 540-A landlord-tenant prohibited practices case on the basis that the plaintiff was not prepared to proceed to trial.

**2025-0691, Appeal of Parkland Medical Center/Hospital Corporation of America/Parallon**

Rule Type: Rule 10 Administrative
Type: Administrative
Subtype: Worker's Compensation

Whether, in this dispute over the reasonable value of medical services pursuant to RSA 281-A:24, the Compensation Appeals Board erred in determining that the amounts offered by the insuring entity were reasonable and that the amounts charged by the claimant's medical provider were not reasonable.

**2025-0694, Portfolio Recovery Associates, LLC v. Anthony Merrill**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in granting a directed verdict in favor of the plaintiff on the defendant's counterclaims in this collection action.

**2025-0701, State of New Hampshire v. Troy William Turcotte, Jr.**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Bail Issue

Whether the superior court erred by upholding the circuit court's preventative detention without issuing written finding of facts required by RSA 597:2 and Part 1, Article 15 of the New Hampshire Constitution. Whether preventative detention becomes unconstitutional when the underlying allegations are contradicted by a sworn recantation, no additional evidence of danger or risk of flight exists, and the court cancels a scheduled Richards hearing without rescheduling it while continuing detention.

**2025-0702, Castle Donovan Three Real Estate, LLC v. Rose Meadow Acres, Inc. & a.**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in crediting the tenant-defendant's affirmative defense of impossibility when the parties freely and expressly agreed pursuant to a lease agreement that "any failure by tenant to perform any of the agreements or covenants contained in the lease" could be cured via a process set forth in the agreement, thereby implicitly waiving any claim of impossibility that the defendant could otherwise assert.

**2025-0703, State of New Hampshire v. Steven Simonds**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Civil – Other

Whether the trial court erred in granting the State's petition for recommittal under RSA 651:8-b.

**2025-0705, Francesca Tramboulakis & a. v. CM Resort, LLC & a.**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred by concluding that the plaintiffs' claims against Cranmore Mountain Resort are barred by RSA 225-A:24 (the ski "immunity" statute). Whether the trial court erred by concluding that the plaintiffs' claims are barred by a contractual waiver of liability.

**2025-0706, In the Matter of Douglas Desautels and Eugenia Desautels**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court misapprehended or misapplied the factors relative to the distribution of marital assets as set forth in RSA 458:16-a. Whether the trial court erred by failing to consider evidence presented at the final hearing relating to RSA 458:16-a, II(b), (c), (m), and (o).

**2025-0707, National Lumber Massachusetts Business Trust v. Paxor Construction LLC & a.**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether a foreign business that becomes defunct prior to judgment, was administratively dissolved, and lost its certificate of authority prior to judgment can be replaced as the plaintiff by way of a post-judgment substitution with another foreign business that has not obtained a certificate of authority, when the case involved the transaction of business in New Hampshire. Whether the trial court erred by treating the language of RSA 293-A:15.02 as discretionary, when the statute provides that a foreign business transacting business in New Hampshire cannot prosecute a lawsuit without a certificate of authority and that a substituting party must obtain a certificate of authority.

**2025-0710, H.S. v. D.P.**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Domestic Violence

Whether the trial court erred by granting the plaintiff a domestic violence order of protection.

**2025-0712, In the Matter of Bandy Strawn and Michelle Lauer**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred by granting the respondent's motion for relocation, including whether the respondent met her burden of proving that the relocation is for a legitimate purpose and that the proposed location is reasonable in light of that purpose and whether relocation is in the best interest of the child.

**2025-0713, In the Matter of Jacob Borgards and Kristen Arvanitis Gagne**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Parenting Plan – unmarried parents

Whether the trial court erred by relying on an alleged domestic-violence incident as a factual basis for restricting a parent's parental rights and responsibilities when the underlying criminal charge had been dismissed prior to the final parenting hearing. Whether the trial court misapplied RSA 461-A:6, including the domestic-violence and best-interest factors, by basing its decision on unverified allegations rather than the actual record before the court.

**2025-0715, In the Matter of Alexandra Broom and Grant Broom**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court unsustainably exercised its discretion by departing from RSA 461-A:2's policy favoring approximately equal parenting time without making the specific, current findings required by RSA 461-A:6, relying instead on outdated work and military deployment history and generalized observations of bonding and demeanor, despite evidence of the respondent's present availability and ability to co-parent. Whether the trial court erred by granting the petitioner permanent, unilateral tie-breaking authority over all major decisions without making the specific findings required by RSA 461-A:5 and RSA 461-A:6 to rebut the presumption favoring joint decision-making responsibility.

**2025-0717, State of New Hampshire v. David George Demers**

Rule Type: Rule 7 Mandatory
Type: Criminal
Subtype: Misdemeanor

Whether the trial court in this DUI case erred by allowing the State to introduce hearsay evidence that referred to the defendant's driving. Whether the trial court erred by not dismissing the State's case for insufficient evidence that the defendant operated on a way.

**2025-0721, Thomas S. Wood & a. v. Town of Raymond**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred by finding that the plaintiffs failed to meet their burden of establishing unequivocal donative intent for public use in order to prove dedication of Audette Road by the abutting landowners.

**2025-0727, In the Matter of Marisa Almeda and Scott Almeda**

Rule Type: Rule 7 Mandatory
Type: Family
Subtype: Divorce Decree

Whether the trial court erred by awarding the petitioner all of the property that she inherited during and over the course of the parties' marriage.

**2025-0729, Cambridge Mutual Fire Insurance Company v. OM Investors, LLC**

Rule Type: Rule 7 Mandatory
Type: Civil
Subtype: Tort/Contract/Real Property

Whether the trial court erred in granting summary judgment to the insured, declaring that the subject insurance policy's "Communicable Disease Exclusion" did not preclude coverage for an underlying lawsuit alleging that the tort victim contracted Legionnaire's disease, notwithstanding that the policy's plain language says: "This insurance does not apply to 'bodily injury' . . . arising out of the actual or alleged transmission of a communicable disease."

**STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

No. 2025- _____

Hillary Hamer and Merlin Mason, Plaintiffs

v.

City of Dover, Defendant

5 Sherman Street, LLC, Intervenors

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PLAINTIFF'S NOTICE OF APPEAL

APPEAL PURSUANT TO
SUPREME COURT RULE 10

---

Kelly E. Dowd (#14890)
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## A. Names of the Parties and Counsel.

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## B. Questions Presented for Review.

1.) Did the City of Dover Planning Board and the Housing Appeals Board err in its interpretation of the plain meaning of the provision found at City of Dover Zoning Ordinance "Transfer of Development Rights" § 170.29 G "Residential Performance Standards" (7) requiring a 30-foot no-cut, no-disturbance on the perimeter of the property in finding it was only applicable to TDR applications treated as subdivisions?

2.) Did the City of Dover Planning Board and the Housing Appeals Board err in its interpretation of the plain meaning of the provisions found at City of Dover Zoning Ordinance "Transfer of Development Rights" § 170.29 G (3), which proscribes two methods for transfer of development rights, one involving a density formula which is treated as a subdivision, and one based on underlying zoning which is treated as a site plan, by allowing the developer to use the first method deploying the formula but treating the application as a site plan?

3.) Was Hamer and Mason's HAB appeal of the City of Dover's decision to grant the TDR application to construct four additional single family detached housing on a 1.2 acre lot in the Medium Density Residential District commenced, prolonged, required, or defended without any reasonable basis in the facts provable by evidence or any reasonable claim in the law as it is, or as it might arguably be held to be, justifying the award of attorneys' fees?

**C. Statement of the Case.**

On August 15, 2024, 5 Sherman Street LLC/Robert Baldwin filed a site plan application with the City of Dover seeking to redevelop a single-family residence on a 1.19 acre lot into nine units of housing, including two duplex units and five single-family dwellings. Addendum at 76-77; Certified Record 11-12. The lot in question has a street address of 103 Court Street, Dover, New Hampshire, and is demarcated as Map 19 Lot 8 in the City of Dover Tax Map. The property is in the Medium Density Residential (R-12) District. The Developer sought to utilize Dover's Transfer of Development Rights zoning provisions, which allows the purchase of lots and the transfer of development rights from those lots to other lots, along with waiver of density restrictions in the transferee lot.

City of Dover Zoning Ordinance "Transfer of Development Rights" § 170.29 G (3) sets forth two methods for transfer of development rights. Addendum at 31. § 170.29 G (3)(a) "Single-Family Detached Method" calls for the computation of base density using a formula at (3)(a)[1], and then a calculation of bonus density at (3)(a)[2]. According to § 170.29 G (3)(a)[6], plans using this method "shall be considered a subdivision application." In contrast, § 170.29 G (3)(b) "Single-family, two-family, three-family, and four or more method" articulates an alternative method. Using this method, "[i]n mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula." § 170.29 G (3)(b)[1][a]. This language tracks the language in the zoning ordinance for multifamily zones § 170.29 B.:

> (d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of

> moderate-density housing types, *including single-family, two-family, three- to four-family and multifamily dwellings*. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.
>
> (e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, *including single-family, two-family, and three- to four-family dwellings*. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities. [Emphasis supplied.]

Addendum at 25. Further, § 170.29 G (3)(b) provides no method for calculation of base density in non-mixed use and non-multifamily zones, entailing it is not an option in those zoning districts. This is consistent with the description of the residential districts, for example, medium density residential:

> Medium-Density Residential District (R-12). The purpose of this residential district is to *provide for conventional single-family neighborhoods on lots not less than 12,000*

> *square feet*. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities. § 170.29 B (c) [Emphasis supplied.]

Id. The non-multifamily districts make no reference to the availability of "single-family, two-family, three-family, and four or more" in the district. Under the zoning regulations, applications utilizing the second method are treated as site plans, unless otherwise determined by the Director of Planning and Community Development. § 170.29 G (3)(b)[4].

The Applicant's plan submission, and all revised plans, calculated the base density of the lot using the method at § 170.29 G (3) (a)[1], and the application was not in a multifamily or mixed use district which would permit calculation of the base density utilizing § 170.29 G (3)(b)[1][a]. Addendum at 77, 87; Certified Record at 187, 644.

On September 5, 2024, technical review minutes noted one unit was within the rear setback, and recommended redesign to meet visual buffer requirements by reducing the common area or the unit count. Addendum at 78-80; Certified Record at 249-251. The Applicant's response to technical review comments regarding the setback requirement on September 12, 2024 noted:

*"The property is approximately 135 feet wide and strict compliance with the 30-foot perimeter buffer would leave development of the property limited."* Addendum at 81; Certified Record at 264. A third review on September 26, 2024, reiterated those concerns for a third time, noting "still too many units and not enough buffer area." Addendum at 82-84; Certified Record at 325-7. The Technical Review Committee further noted "many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver." Addendum at 83; Certified Record at 326.

On October 24, 2024, the applicant submitted a revised plan calling for one duplex and four single family dwellings (in addition to the existing dwelling) for a total of seven (7) units. On November 14, 2024, City of Dover Technical Review noted "Thank you for revising the design to provide more buffer with the exception of the pavement." Addendum at 86; Certified Record at 554. The Planning Board Staff Memo of December 10, 2025 stated "[t]he application meets all provisions of the TDR Ordinance, with exception of the required 30' buffer which the applicant seeks partial relief from." Addendum at 88-89; Certified Record at 666; 691. On December 10, 2024, the City of Dover Planning Board voted to accept the revised plan and opened a public hearing on the application. Addendum at 130. Public testimony on the project was extensive and universally negative. Addendum at 130-131; Certified Record at 740-741. Further, Hamer and Mason contended that the application, employing the base density formula § 170.29 G (3)(a)[1] should be treated as a subdivision application pursuant to § 170.29 G (3)(a)[6]. Addendum at 90-107, 130; Certified Record at 715-732, 740. The

Planning Board proposed a site walk on January 11, 2025. The public hearing on the application was continued until January 28, 2025.

On January 21, 2025, the Applicant submitted a new, revised site plan which removed the proposed duplex and limited the proposal to the construction of four (4) additional single-family units. On January 28, 2025, the Planning Board voted to approve the TDR application but tabled the site application due to the last-minute change. Addendum at 143-146; Certified Record at 816-819. At this hearing, the Planning Department apparently changed its opinion on the buffer requirement, finding the application to be a site plan, not a subdivision, and therefore not subject to the buffer requirement. Addendum at 145; Certified Record 818. The Planning Board adopted the Planning Department's novel interpretation that the 30' buffer requirement did not apply because the application was a site plan, presumably pursuant to § 170.29 G (3)(b)[4], not a subdivision, and ignored the fact that § 170.29 G (3)(b) provided no means of calculating base density outside of a multifamily or mixed use district. Addendum at 146; Certified Record at 819. This determination also contradicted the prior comments of the City of Dover's own Technical Review Committee on December 10, 2024. Addendum at 88-89; Certified Record at 666; 691.

On February 27, 2025, Attorney Scott Hogan on behalf of Hilary Hamer and Merlin Mason, direct abutters, filed an appeal of the Planning Board Decision to grant the TDR to the application with the Housing Appeals Board. Issues presented to the Housing Appeals Board in the Appeal Application included: i.) the failure of the proposed development to comply with the 30' no cut, no disturb buffer, ii.) argument that the application should have been treated as

a subdivision, not a site plan, iii.) substantive errors of the Planning Board in considering the requirements for grant of a TDR, and iv.) procedural errors related to the last minute changes to the site plan which were never the subject of a vote by the Planning Board, nor made available to the Appellants prior to the January 28, 2025 hearing. Last, the appeal argued that the proposal was unreasonable and failed to protect abutters rights both with respect to the use and marketability of their property.

On May 2, 2025, the City of Dover filed an Answer with the Housing Appeals Board in response to the appeal of Hamer. On May 27, 2025, Hamer and Mason, the City of Dover and the Intervenor, 5 Sherman Street, LLC, filed memoranda with the Housing Appeals Board. On June 3, 2025, the Housing Appeals Board held a merits hearing on the Appeal. On August 5, 2025, the Housing Appeals Board issued an Order denying the appeal. With respect to the 30-foot buffer requirement in the TDR ordinance, the HAB stated:

> Regarding the Appellant's claim that a 30-foot buffer is required, the ordinance is clear that such buffer is required for subdivisions, but not for site plans. . .

Addendum at 39. The provision of the City of Dover Zoning Ordinance "Transfer of Development Rights" § 170.29 G "Residential Performance Standards" (7) referenced by the HAB states:

> (7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

Addendum at 36. With respect to the arguments that the TDR required a subdivision application, not a site plan given the

methodology used by the Applicant in computing the base density and bonus density, the HAB stated:

> While RSA 672:14, I clearly includes condominiums in its definition of "subdivision," the Dover City Code explicitly excludes them in § 157-60:
>
> The division of the lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, or building development. It includes resubdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A condominium conveyance, per RSA 356-8, shall not require Planning Board approval.

Addendum at 39. The HAB invoked its powers pursuant to RSA 679:5 to award attorneys' fees, indicating:

> This includes the authority to award attorneys' fees in a case in which the action is "commenced, prolonged, required, or defended without any reasonable basis in the facts provable by evidence or any reasonable claim in the law as it is, or as it might arguably be held to be." Kennan v. Fearon, 130 N.H. 494, 502, 543 A.2d 1379 (1988). The HAB notes that the Certified Record shows that the Appellants' participation in this case is based on strong resentment of the Project. . . in light of this, the HAB fails to see how any of the claims raised by the Appellants have any reasonable basis in fact or law. . . City of Dover's request for Attorneys' Fees is hereby granted to include 50% of the fees incurred in this case.

Addendum at 42. On September 4, 2025, Hamer and Mason filed a Motion for Reconsideration and/or Clarification with the Housing Appeals Board, as well as an Objection to Affidavit of Fees. Addendum at 52-57, 58-63. On September 10, 2025, the Housing Appeals Board suspended its decision on the merits to consider the motion and objections. Addendum at 74. On September 11, 2025, the Town filed an Objection to the Motion for Reconsideration. Addendum at 66-71. On October 30, 2025, the HAB issued an Order summarily denying the Motion for Reconsideration and/or Clarification, and this Appeal followed. Addendum at 75.

**D. Jurisdictional basis for the appeal.**

This appeal is brought consistent with the provisions of RSA 679:15 and RSA 541.

**E. A Substantial Basis Exists For a Difference of Opinion on the Questions.**

This case involves the interpretation of City of Dover's zoning ordinance governing the transfer of development rights for residential developments. Dover Zoning Ordinance "Transfer of Development Rights" § 170.29 G "Residential Performance Standards" provides for two alternative *methods* for transfer of development rights at § 170.29 G (3), for single-family detached housing as a subdivision plan and for multifamily development as a site plan. The "Single-Family Detached Method" at § 170.29 G (3)(a) calls for the computation of base density using a formula at (3)(a)[1], and then a calculation of bonus density at (3)(a)[2]. According to § 170.29 G (3)(a)[6], plans using this method "shall be considered a subdivision application." This was in fact the method used by the

applicant to compute base density and the bonus density from the transfer of development rights. Addendum at 77, 87; Certified Record at 187, 644. In contrast, § 170.29 G (3)(b) "Single-family, two-family, three-family, and four or more method" articulates an alternative method. Using this method, "[i]n mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula." § 170.29 G (3)(b)[1][a]. There are no provisions under this method for calculation of base density outside a mixed use or multifamily zoning district. § 170.29 G (3)(b)[1]. Under this second method, the application is treated as a site plan application. § 170.29 G (3)(b)[4]. The applicant was not able to use this second method because the property was not in a multifamily or mixed use zone, and the provisions contain no alternative means of calculating base density. Notwithstanding the apparent use of the first method at (3)(a)[1],, the Planning Board and the HAB determined that the application was a site plan pursuant to § 170.29 G (3)(b)[4], and not a subdivision application pursuant to § 170.29 G (3)(a)[6].

There is a substantial basis for a difference of opinion on this issue as rules of construction do not ordinarily call for the adding words that the drafters did not see fit to include. Here, the Planning Board in effect read into § 170.29 G (3)(b)[1] a nonexistent default density formula identical to § 170.29 G (3)(a)[1], and approved the TDR as a site plan application on the basis of a "ghost" density formula, when it is in fact evident that § 170.29 G (3)(a) is itself the default method when the applicant is not in a mixed use or multifamily district, and the result is a subdivision application pursuant to § 170.29 G (3)(a)[6].

In addition, regardless of whether the application should have been treated as a subdivision or a site plan, City of Dover Zoning Ordinance § 170.29 G (7) requires:

> (7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer. [Amended 7-22-2020 by Ord. No. 2020.07.08-007]

Rather than adopting the plain meaning of § 170.29 G (7), the Planning Board (as the HAB) added words to the ordinance limiting it to single-family detached projects treated as subdivision plans under the transfer of development rights ordinance § 170.29 G (3)(a), rather than as a general residential performance standard. In other words, the Planning Board created a "Condominium/Housing Association" loophole from the visual buffer requirement, wherein an exemption is made from the normal requirements so long as the resulting parcel is owned in common, despite the form of ownership having no rational relationship to the proposed use of the land. For example, in this case, the Applicant would not be able to obtain approvals for their plan if instead of a housing association they sought to subdivide and sell off individual parcels due to the buffer requirements, even though *the use of the land* would be identical. There is no rational basis for the City of Dover to misinterpret their zoning ordinance to incentivize and coerce developers into pursuing a scheme for the collectivization of ownership.

There is a substantial basis for a difference of opinion on this issue as rules of construction do not ordinarily call for the adding words that the drafters did not see fit to include. "Moreover, we will not guess what the drafters of the ordinance might have intended, or

add words that they did not see fit to include." Harrington v. Town of Warner, 152 N.H. 74, 79 (2005). This issue is of general importance both specifically to this application, and generally in the City of Dover because the Condominium/Housing Association loophole from the buffer requirement is resulting in ultra-dense housing in low and medium density neighborhoods, whereas the requirement would necessitate moderated density as well as a visual buffer to neighbors. It would also remove an incentive against individual ownership of property in favor of collectivization.

Last, and most important, Hamer and Mason pursued an appeal of the decision of the City of Dover Planning Board in good faith. There is a clear, reasonable claim in law that the Applicant should be seeking a subdivision application pursuant to § 170.29 G (3)(a)[6] when the Applicant utilized the formula at § 170.29 G (3)(a)[1] to compute the base density. There is a clear reasonable claim in law that the project is subject to the 30' no cut, no disturbance buffer at § 170.29 G (7). In fact, this was the position of the City of Dover's own Technical Review Committee up to and including December 10, 2024. Addendum at 89; Certified Record at 691. Further, the fact that Hamer and Mason expressed animosity to a proposal to take a single-family residence neighboring them on a 1.2 acre lot and convert it into five single-family dwellings is not a basis to award attorneys' fees. Hamer and Mason own property in the so-called Medium Density Residential District, and the proposed project is not consistent with the density restrictions in that district in the absence of recourse to the TDR provisions. Hamer and Mason pay taxes to the City, and are entitled to concerns about both their quality of life and the future marketability of their property as a result of this project. Further, their position on the applicability of

the 30' buffer accords with the position of the City of Dover Technical Review Committee up to and including December 10, 2024. There is a substantial basis for a difference of opinion on whether the HAB's award of attorneys' fees to the City of Dover is unlawful.

**F. Acceptance of the appeal would protect a party from substantial and irreparable injury.**

Acceptance of this Appeal would protect Hamer and Mason from having to unjustly pay attorneys' fees to the City of Dover when they in fact brought an appeal of the Planning Board in good faith. In addition, in finding that Hamer and Mason's appeal was brought in bad faith, the HAB has in effect found that Attorney Hogan, an experienced and respected practitioner of land use law, brought a frivolous appeal against the City of Dover Planning Board. This constitutes an attack on Attorney Hogan's professional reputation.

**G. The Case presents the opportunity to decide, modify or clarify an issue of general importance in the administration of justice.**

The City of Dover has adopted a zoning provision, transfer of development rights, which is being used selectively and substantially to increase housing densities in neighborhoods where such densities would typically not be permitted. In an ordinance which already provides for extraordinary densities, the City of Dover Planning Board has, in effect, created a loophole for projects involving collective ownership from even the minimal restrictions contained in the Transfer of Development Rights Ordinance. This loophole is without justification, has no rational basis in planning or zoning, and

discourages private ownership of property, and is contrary to the lawful administration of justice and local land use regulations.

In addition, the appeal presents an opportunity to address the regulations of attorneys. In this matter, Scott Hogan, Esq., on the behalf of abutters brought an appeal of a Planning Board Decision to the Housing Appeals Board raising legal issues regarding the interpretation of City of Dover's zoning ordinance and its application to this matter. The position taken by the abutters regarding the 30' buffer requirement is consistent with the former position of the City of Dover's Planning Staff Memo. Addendum at 88. Notwithstanding, the Housing Appeals Board determined that the appeal was not brought in good faith, lacked any legal merit, and awarded attorneys' fees. If attorneys and clients are going to be subject to sanctions of attorneys' fees to a municipality for making straightforward legal arguments over the interpretation of zoning provisions, especially when those *same interpretations* have been employed by the City previously in its own treatment of this very application, this Court needs to provide some kind of clarity regarding what kinds of textual arguments are verboten and subject to sanction.

**H. Statement of Issue Preservation.**

Every issue in this appeal has been presented to the Housing Appeals Board by properly filed pleading. All issues with the exception of the HAB award of attorneys' fees have been presented to the City of Dover Planning Board. Hamer and Mason raised the issue that the application should be treated as a subdivision and subject to the 30' no cut / no disturbance buffer requirement at multiple times before the Planning Board, individually, and later

through counsel. Addendum at 90-122, 130, 144; Certified Record at 715-732, 740, 774-788, 797-800, 817. These issues were presented to the Housing Appeals Board in Notice of Appeal ¶¶ 13-22, 32; Appellant's Memorandum of Law at 5-7; and Appellants' Motion for Reconsideration ¶¶ 12-18. With respect to the award of attorneys' fees by the HAB, this issue was addressed in Appellants' Motion for Reconsideration ¶¶ 21-24 and Appellants' Objection to Affidavit of Fees ¶¶ 1-12.

## I. Conclusion

**WHEREFORE** the Plaintiffs request based on the above-stated reasons that this Honorable Court:

A. Accept the Plaintiff's Rule 10 Appeal;
B. Direct the HAB to forward the Certified Record to this Court;
C. Schedule the submission of briefs and oral arguments in this case;
D. Such other and further relief as is equitable and just.

Dated: November 14, 2025

Respectfully Submitted,

Hillary Hamer
Merlin Mason, Plaintiffs

By their Attorneys:
Hockensmith & Dowd, P.C.

By: /s/Kelly E. Dowd_____
Kelly E. Dowd (#14890)
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## CERTIFICATION OF SERVICE

I hereby certify that copies of the foregoing Notice of Appeal was forwarded this day via first class mail to Attorney for the City of Dover, Laura Spector-Morgan, Esq., of Mitchell Municipal Group, P.A., 25 Beacon Street East Laconia, NH 03246, Attorney for the Intervenor, John K. Bosen. Esq., of Donahue, Tucker & Ciandella, PLLC, 111 Maplewood Ave., Suite D, Portsmouth, NH 03801, the Housing Appeals Board Attn: Clerk at Johnson Hall, 107 Pleasant Street, Concord NH 03301 and Office of the Attorney General, Attn: Civil Law Bureau, 1 Granite Place South, Concord NH 03301.

Dated: November 14, 2025 By: /s/Kelly E. Dowd
Kelly E. Dowd (#14890)

**STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

Hillary Hamer and Merlin Mason, Plaintiff

v.

City of Dover, Defendant

5 Sherman Street, LLC, Intervenors

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# PLAINTIFF'S ADDENDUM

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ARTICLE III
**Districts and District Boundaries**

**§ 170-7. Establishment of districts. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

| | |
|---|---|
| R-40 | Rural Residential District |
| R-20 | Low-Density Residential District |
| R-12 | Medium-Density Residential District |
| RM-SU | Suburban Density Multi-Residential District |
| RM-U | Urban Density Multi-Residential District |
| HR | Heritage Residential District |

(2) Nonresidential.

| | |
|---|---|
| C | Commercial District |
| CM | Commercial Manufacturing |
| IT | Innovative Technology |

(3) Mixed-use.

| | |
|---|---|
| G | Gateway |
| H | Hospital |
| LBW | Little Bay Waterfront District |
| O | Office District |
| CBD | Central Business District |
| CWD | Cochecho Waterfront District |

(4) Overriding.

| | |
|---|---|
| CD | Conservation District |
| URD | Urban Renewal District |
| RRD | Riverfront Residential Overlay District |
| GWP | Groundwater Protection District |
| HWD | Hazardous Waste Landfill District |
| RCM | Residential-Commercial Mixed-Use |

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| | |
|---|---|
| SRD | Scenic Road Overlay District |
| TDR | Transfer of Development Rights |
| TEL | Telecommunications Facilities |
| WPD | Wetland Protection District |

B. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.

(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located

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along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

(f) Heritage Residential District (HR).

[1] These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

[2] The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

(2) Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(a) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

(b) Commercial Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication,

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packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

(c) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed-use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high-quality design is encouraged.

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multistory buildings, civic buildings, etc.). In Dover the primary Gateways (e.g., Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two-family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes

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are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate-care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

(f) Cochecho Waterfront District (CWD). The purpose of this mixed-use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.[1]

## § 170-8. Zoning Map. [Amended 12-26-2016 by Ord. No. 2016.10.12-014; 9-11-2019 by Ord. No. 2019.08.28-012]

A. The location and boundaries of the zoning districts are hereby established as shown on a map

1. **Editor's Note: See Art. VIII, Overriding Districts.**

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titled "Zoning Map of the City of Dover, New Hampshire," dated September 11, 2019, which accompanies and is hereby declared to be part of this chapter.[2]

B. For the purposes of the delineation of the Central Business District (CBD), the location and boundaries of sub-districts are hereby established as shown on a map titled "Regulating Plan for the CBD Zone," dated September 11, 2019, which accompanies and is hereby declared to be part of this chapter.[3]

## § 170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be noted on the Zoning Map.

## § 170-10. Interpretation of district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a street, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a street, railroad, watercourse or other body of water shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

D. Where a boundary is indicated as intersecting the center line of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one lot and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district may apply to the remainder of said lot up to a distance of not more than 50 feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than 100 feet to any street line in the more restricted district.

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**2. Editor's Note: The Zoning Map is included as an attachment to this chapter.**

**3. Editor's Note: The Regulating Plan for the CBD Zone is on file in the office of the Planning and Community Development Department, where it may be examined during regular business hours.**

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## § 170-29. Transfer of development rights.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring development rights (TDR) within said districts.

B. Purpose and intent. Within the City of Dover, there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover, furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission which is active in protecting and preserving open space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

C. Applicability. Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this section may apply to the district(s) defined in Subsection D below.

D. Districts defined. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) The Industrial TDR District is hereby determined to be any IT or CM Zoning District as shown on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be open space and related setbacks as defined by the City of Dover Wetland Protection District, § 170-28, which are located in any IT or CM Zoning District. The "receiving area" is defined to be all remaining land in be any IT or CM Zoning District. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The Residential TDR District is hereby determined to be residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The "receiving area" is defined to be all non-R-40 or -R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

(a) If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural requirements.

(1) At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined Industrial TDR district may apply the performance standards specified in Subsection F below in return for the acquisition of land or development rights from the sending area within the same TDR district. The performance standards for the Residential TDR district are outlined in Subsection G

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below.

(2) A certified boundary survey of the associated land in the sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the receiving area. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) The owner of the subject open space within the sending area of the TDR district shall sign all application materials as a co-applicant of the development application. For residential application, proof of an agreement to sell development rights must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the open space associated with the plan may be submitted to the Planning Board for review at a regularly scheduled meeting. The Planning Board, within 30 days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections F and G below. Waivers shall be reviewed using the same criteria as are used for site plan waivers. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

(b) If the sketch plan requires an environmental conditional use permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated open space within the sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with Subsection H below. The designation of the land protection agency to hold the easement shall be approved by the Planning Board.

F. Industrial performance standards.

(1) Land within a sending area, when surveyed, approved by the Planning Board and preserved by easement or covenant as specified in Subsection E, above, may be counted for the open space requirement for a development site in a receiving area. The amount of land preserved in a sending area shall equal or exceed the open space requirement for the development site, but in no case be less than one acre. Notwithstanding,

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development sites within the IT and CM Zoning Districts shall maintain open space or landscaped area on at least 10% of the site. The design of the development site shall locate the open space or landscaped area to maximize the aesthetic value of the site. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(3) The minimum frontage requirement may be waived by the Planning Board for land subjected to the transfer of development rights, provided that paved access to all developed areas suitable for emergency vehicles is approved by the Planning Board.

(4) Setbacks for parking, paved areas, and buildings may be waived by the Planning Board and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, buildings shall be at least 150 feet from residential structures that exist on the date of enactment of the IT and CM Zoning Districts, and 75 feet from the lot line of a disagreeing residential abutter. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(5) The developer shall record covenants that address architectural considerations for structures, signage and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or open space around the perimeter of the site, near the proposed buildings, and within the parking lot that promotes the highest possible aesthetic quality of the development.

G. Residential performance standards. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

(2) Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

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[b] The base lot size is then reduced by 15% to account for roadway; this creates the net area.

[c] The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

| Percentage of Parcel That Is Unsuitable Development Area | Factor |
|---|---|
| 0% to < 10% | 0.85 |
| 10% to < 20% | 0.8 |
| 20% to < 30% | 0.75 |
| 30% | 0.7 |

[d] The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

[i] This base number is not required to be restricted by the requirements in Subsection G(3)(a)[3], unless the formula defined in Subsection G[2][a] is utilized. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[e] The development plan shall be laid out in a design that meets the requirements for block length and cul-de-sac length. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

[2] The transfer shall equate to one of the following calculations: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[a] For construction of units no larger than 600 square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

[b] For construction of units no larger than 1,000 square feet of total living area, two units per development right purchased shall be allowed.

[c] For construction of units no larger than 1,400 square feet of total living area, one unit per development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

[3] The units created through the transfer must be: **[Amended 7-22-2020 by Ord.**

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**No. 2020.07.08-007]**

[a] Limited to the square footage originally constructed.

[4] A note shall be placed on the approved plan, and any building permit shall note the adherence to this section of the Code.

[5] A note shall be placed in the property/unit deed citing the restrictions listed above.

[6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

(b) Single-family, two-family, three-family, and four or more method. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[1] The transfer may be through the purchase of development rights, as described in Subsection G(1), or through the protection of land via a permanent conservation easement as per Subsection E(5).

[a] In mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.

[b] If the additional unit(s) resulting from TDR is restricted so that the rent of said unit(s) conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

[2] The transfer shall equate to one unit per acre preserved or purchased. If the end result is a village-themed residential/nonresidential project, whereby 35% of the square footage being created is nonresidential, the transfer shall equate to one unit per 2,500 square feet preserved or purchased.

[3] Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet may create and transfer one unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the certificate of occupancy for the additional space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[a] If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

[4] 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.

(4) Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

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(5) Regardless of the method utilized, the setbacks shall be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

| Minimum Building Setbacks for Subdivision Lots | | |
|---|---|---|
| Abutting a Street | Abutting a Side Lot Line | Abutting a Rear Lot Line |
| 20 feet | 10 feet | 30 feet |

(6) Regardless of the method utilized, the minimum frontage requirement may be waived by the Planning Board, to no less than 40 feet. Paved access to all developed areas shall be suitable for emergency vehicles. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(8) Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) Is consistent with the Master Plan.

(b) Is compatible with the land uses on neighboring lots (e.g., a multifamily building fits in within a single-family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

(d) Any relief sought should not be caused by the additional density.[1]

1. **Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.**

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# THE STATE OF NEW HAMPSHIRE
# HOUSING APPEALS BOARD

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**Case Name:** Hilary Hamer and Merlin Mason v. City of Dover
**Case Number:** 2025-006-PBA

**Board Members Presiding:**
David J. Rogers, Esquire, Chairman
Edward L. Rogers, Professional Engineer, Licensed Land Surveyor, Member

# ORDER

This Order follows an appeal filed with the Housing Appeals Board ("HAB") by Hilary Hamer and Merlin Mason ("Appellants") relative to a decision of the City of Dover ("City") Planning Board to approve a site plan including Transfer of Development Rights ("TDR") for 5 Sherman Street, LLC ("Intervenor").

## FACTS

The Appellants own certain property located at 91 Court Street, also known as map 19 lot 9A in the R-12 zoning district. On August 15, 2024, the Intervenor submitted an application for a major site plan for nine (9) units utilizing the City's TDR ordinance for the property known as 103 Court Street, map 19, lot 9, lying easterly of and abutting Appellant's property (the "Project"). (Certified Record ("CR") at p. 001).

The Intervenor met with the City's Technical Review Committee ("TRC") on August 29, 2024, September 5, 2024 (CR 261), September 26, 2024 (CR 325), and again on November 14, 2024 (CR 554), making revisions to the plans and addressing the committee's comments.

On December 10, 2024, the Planning Board held a hearing for the Project which had been reduced from nine (9) units to seven (7) units. (CR 739). At this hearing, the Appellants, together with other residents of Court Street and members of the public, raised concerns about the Project. The Appellants sent an email to the Planning Board with details of their concerns. (CR 693). The Planning Board scheduled a site walk for January 11, 2025 and continued the hearing for the Project to January 28, 2025. (CR 742). On January 21, 2025, the Intervenor submitted revised plans to the Planning Board, reflecting comments from the December 10th

hearing. (CR 753).

On January 28, 2025, the Planning Board met to continue the hearing on the Project. (CR 815). The Appellants attended the meeting, continued to express concerns, and submitted a letter for the record detailing their concerns. (CR 774). The Planning Board voted 5-1 to approve the TDR for the Project with six (6) conditions. (CR 818).

On February 27, 2025, the Appellants filed this appeal with the Housing Appeals Board ("HAB"). A prehearing conference was held on May 13, 2025 and the hearing on the merits was held on June 3, 2025. This decision follows.

## LEGAL STANDARD OF REVIEW

The legal standards for review of a Planning Board decision under RSA 677:15 are well established. "The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review when there is an error of law or when the court is persuaded by the balance of probabilities, on the evidence before it, that said decision is unreasonable." RSA 677:15, V; Durant v. Town of Dunbarton, 121 N.H. 352, 357 (1981). The burden of establishing that a determination of a Planning Board was unlawful or unreasonable lies with the appealing party. K & P, Inc. v. Town of Plaistow, 133 N.H. 283, 292 (1990). See also, RSA 679:9.

## DISCUSSION

The Appellants raise multiple points on appeal. First, the Appellants argue that three (3) members of the Planning Board failed to meet the standard under RSA 673:14 (Disqualification of Member), regarding conflicts, the "juror standard," and prejudgment. The Appellants allege that prejudged, prejudiced opinions were presented well before the vote.

Second, the Appellants contend that the proposal was erroneously allowed as a TDR application and a Site Plan application when, in fact, the application should have been treated as a subdivision.

In addition, the Appellants argue that the application does not comply with City TDR Code 170-29-G-7, which defines the requirement for a perimeter buffer on the property.

The Appellants also imply that HAB Board Member Edward Rogers pre-judged the application, claiming that he stated in the prehearing conference that "there's a lot we don't need" in the Certified Record. (Appellants' Memorandum of Law at p. 4).

The Appellants also claim that the Intervenor has defaulted because it did not file an Answer or a Joinder to the City's Answer and, therefore, per Superior Court Rule 15, they should be defaulted.

The Appellants also argue that the Planning Board failed to establish that the application met the TDR requirements under 170-29-G-8-a, b and d regarding consistency with the Master Plan, narrative of neighborhood analysis, and relief not to be related to additional density, respectively.

Finally, the Appellants argue that there were substantive procedural errors with a completely revised last minute plan between the Planning Board meeting of December 10, 2024 and the continuance on January 28, 2025.

The City and the Intervenor argue that allegations of bias on Planning Board members must be raised at the earliest possible time. Since there is no indication in the record that the Appellants raised the concern of board member bias, it has not been preserved on appeal.

The City and Intervenor additionally put forth that the Planning Board correctly interpreted the Project to be a site plan and not a subdivision, per the City's TDR Code, §170-29. (City's Memorandum of Law at p. 7, Intervenor's Memorandum of Law at p. 9).

## ANALYSIS

While RSA 672:14, I clearly includes condominiums in its definition of "subdivision", the Dover City Code explicitly excludes them in §157-60:

> The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A condominium conveyance, per RSA 356-8, shall not require Planning Board approval.

The City of Dover "may, through adoption of an ordinance, choose to exercise less power than that granted by the state legislature." Dearborn v. Town of Milford, 120 N.H. 82, 84 (1980). Regarding the Appellants' claim that a 30-foot buffer is required, the ordinance is clear that such buffer is required for subdivisions, but not for site plans. Although other municipalities define subdivision differently and RSA 672:14 (I) includes condominiums in its definition of subdivision, for the sake of the procedures of the City of Dover, condominiums

are clearly not included, as noted in Dover City Code §157-60. Whether it was intended that site plans be treated differently than subdivisions is not a matter for this board to decide, as the Dover City Code is clear and unambiguous.

Regarding the Appellants' claim that the Planning Board failed to establish that the Project was consistent with the Master Plan as required by the Zoning Ordinance in 170-29-G-8-a, we find that there is ample information in the Certified Record upon which the Planning Board could have concluded that the project was consistent with the Master Plan, including:

> Staff and the Chair addressed TDR regulations and the TRC and Planning Board process in relation to this request…
>
> Specifically, the lot is served by water and sewer, and the Master Plan supports housing diversity and encourages creating housing in walkable neighborhoods which encourage community engagement. Regarding the requested density, it is in line with neighboring land uses and development. The proposal is for single-family homes, and there are single- and two-family homes in the immediate area. Currently, the parcel has a single unit, and by right, the unit could be converted to a two-family dwelling unit. The applicant is proposing five total residential units, or an increase of four units. On the adjacent parcel at 109 Court Street, that and the three lots that were created from it, all meet the zoning to allow two-family units. These four lots equate to a similar-sized area, (1.5 acres), and with no Planning Board review, eight units could be constructed by right where one unit exists today. In regards to TDR buffers, as 170-29.G(7) states, "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer," and the proposal is not indicating to subdivide or add new lot lines, staff's interpretation has been that the buffer is not required. However, staff has continually asked the applicant to add more green space and screening as possible and to ensure the 25' setback from the cemetery has been met. This revised plan meets those requests.

(CR 741, 818).

Regarding the Appellants' arguments that the Planning Board failed to establish that the application met the TDR requirements under 170-29-G-8-b, narrative of neighborhood analysis, the Appellants claim that the Planning Board's Notice of Decision is evidence of this failure as the Planning Board stated in its Notice of Decision a condition that "[t]he applicant provide a revised narrative including the latest TDR request." (CR 818). We disagree. Requesting a revised narrative as a condition of approval is reasonably expected to coincide with the revision of the plans as the Intervenor reduced the Project from nine (9) units to seven (7) units, then to five (5) units.

Turning to the Appellants' arguments that the Planning Board failed to establish that the application met the TDR requirements under 170-29-G-8-d, that relief is not to be related to additional density. As already noted, no relief for the 30-foot buffer was granted, as it was not required for a site plan - only for a subdivision. Even if one were to argue that the 30-foot buffer is required, we find no evidence in the record that the Project's lack of a 30-foot buffer is due to additional density.

The Appellants' aspersion that HAB Board Member Edward Rogers pre-judged the application willfully ignores the context of his remarks at the prehearing conference. The only materials available to the HAB at the time of the conference were the Complaint and the Certified Record. The Certified Record was in an unacceptable format as it lacked page numbers and a table of contents, and, at over 1,000 pages, we perceived it might be difficult for the City to correct it in time for the filing of memoranda of law prior to the merits hearing. Since none of the filings to date had suggested in any way that stormwater analysis was germane to the merits of the case, and with over 350 pages of the Certified Record devoted to stormwater analysis, Board Member Rogers asked if any of the parties would object to excluding it from the revised record. With the Appellants' objection, it was agreed to leave the stormwater materials in the Certified Record. The suggestion that this action amounts to pre-judging the application consequently holds no water.

The Appellants' claim of bias on the part of three (3) Planning Board Members was not raised at the earliest possible time and is, therefore, not properly preserved for this appeal. Although the Appellants stated in their letter of January 28, 2025 that "[t]here is strong evidence of prejudgment for this TDR project with a consistent strategy of rationalizing this project for acceptance before the full evidence is heard," (CR 774), no request was made for any members to recuse themselves in a timely manner.

To the extent that the Intervenor may have defaulted by not filing an Answer, the instant case remains for the HAB to decide, regardless of the Intervenor's legal status. Further, Superior Court Rule 15 contemplates an Intervenor that is distinct, definitionally, from an Intervenor before the HAB. Specifically, an Intervenor is defined under Hab Rule 102.14, and such status is automatic upon filing of an Appearance by the Intervenor or its representative. In the Superior Court, such status is only granted by the Superior Court upon filing of an Appearance and a pleading that explains their reason for seeking such status.

Only then may the court grant Intervenor status after review of the pleadings. Because the methodology for becoming an Intervenor before the HAB is prescribed by our statute, and duly applies in this case, the Appellants' proposed default of the Intervenor pursuant to Superior Court Rule 15 is misplaced. See, RSA 679:5, IV.

As to the Appellants' claim of procedural errors due to the omission in the Planning Board's motion to continue the time and place of the January 28, 2025 hearing, the Appellants were present and participated in the hearing. (CR 817). According to RSA 676:4, IV, procedural defects of this nature are not cause for reversal unless they "...create serious impairment of opportunity for notice and participation."

The revision of the application from seven (7) units to five (5) units during this time period is not unusual and certainly not illegal. Rather, it is the very intention of the public hearing process that an applicant may revise their plans in response to planning board and public feedback. Furthermore, the Appellants' letter to the Planning Board dated January 28, 2025, (CR 774), indicates that they were aware of revised plans provided to the City on January 21, 2025. As such, these project revisions did not hamper the Appellants' opportunity for participation.

Regarding the City's request for attorney's fees, the HAB is vested under RSA 679:5, II with "...the power to award all remedies available to the superior courts in similar cases...." This includes the authority to award attorney's fees in a case in which the action is "commenced, prolonged, required or defended without any reasonable basis in the facts provable by evidence, or any reasonable claim in the law as it is, or as it might arguably be held to be." Keenan v. Fearon, 130 N.H. 494, 502, 543 A.2d 1379 (1988). The HAB notes that the Certified Record shows that the Appellants' participation in this case is based on a strong resentment of the Project, making such statements as, "[n]o one asked what we want here," and

> I also want unrestricted neighbors. I want neighbors who can make a house their own, put in a swing set, plant a garden, decorate for Christmas – not a row of identical permanently restricted units crammed next to each other under a high-cost homeowners association. Let's provide actual sustainable real housing for neighbors.

(CR 778). The Appellants' complaints about the Project have failed to identify any action that the Planning Board took that was illegal or unreasonable. In light of this, the HAB fails to see how any of the claims raised by the Appellants have any reasonable basis in fact or law.

## ORDER

Based on the foregoing, upon a balancing of the probabilities, the Housing Appeals Board ORDERS as follows:

1. The decision of the City of Dover Planning Board approving the Intervenor's TDR application is AFFIRMED, consistent with this Order. The Appellants' Planning Board appeal at issue in this case is DENIED;
2. The City of Dover's request for Attorney's fees is hereby granted to include 50% of the fees incurred in this case. An Affidavit of Fees shall be submitted by the City, on or before August 18, 2025 for consideration by the Housing Appeals Board. Any objection to the Affidavit of Fees shall be submitted by the Appellants within ten (10) days of the City's submission; and
3. The parties' requests for findings of fact and rulings of law which are consistent with this Order are APPROVED; the balance are DENIED.

**HOUSING APPEALS BOARD**
**ALL MEMBERS CONCURRED**
**SO ORDERED:**

Elizabeth Menard

Date: August 5, 2025

Elizabeth M. Menard, Clerk

# *STATE OF NEW HAMPSHIRE*

HOUSING APPEALS BOARD

HILARY HAMER & MERLIN MASON

v.

CITY OF DOVER, NEW HAMPSHIRE
CITY OF DOVER PLANNING BOARD

Case Number 2025-006-PBA

## APPELLANTS' REQUESTS FOR FINDINGS OF FACT AND RULINGS OF LAW

NOW COME the above-named Appellants, Hilary Hamer and Merlin Mason ("Abutters" or "Appellants"), by and through their attorney, The Law Office of Scott E. Hogan, and submit their Requests for Findings of Fact and Rulings of Law in the above-referenced matter.[1]

## REQUESTS FOR FINDINGS OF FACT

1. The two versions of the proposal at 103 Court St presented to the Planning Board included only duplexes and single-family homes. (See CR pages 666 and 762.)

2. Relief from the "30' buffer" is a checkbox item under the Transfer of Development Rights portion of Dover's Development application form, without specification of site plan or subdivision project type. (See CR page 004).

3. All project documents up to and including files prepared for the December 10th, 2024 Planning Board meeting included notes about relief from the thirty-foot buffer requirement at 103 Court St including Application documents, Technical Review Committee minutes, City Snapshot report, abutter notices and the Staff Memo provided to the Planning Board. (See CR pages 001, 011, 203, 210, 249, 252, 261, 264, 325, 328, 330, 333, 336, 337, 556, 624, 677, 689, 691.)

4. Emails with City Staff and specific quotes from Technical Review Committee meetings submitted by abutter Hilary Hamer affirm the thirty-foot buffer applying at 103 Court St. (See CR pages 782-786.)

[1] At the May 13, 2025 Prehearing Conference the Board granted the Appellants' request to exceed 15 Requests.

5. Past TDR projects in Dover have applied the thirty-foot buffer or were granted relief from the buffer by vote of the Planning board regardless of subdivision or site plan project type. (See CR page 726-728, 791, 795).

6. Planning Board members Kyle Pimental and Ken Mavrogeorge said during deliberations on January 28th, 2025 that the thirty-foot buffer should apply to both TDR site plans and TDR subdivisions.

> Kyle Pimental: "*I think that the comments that have been raised in terms of whether or not the 30 foot buffer should be applied to a site plan versus subdivision.To me, I think I agree that they should be treated the same. I feel like this is almost kind of like a loophole, that the way in which this is defined is causing some ambiguity here. Where this is being treated differently*." (Video recording minute 45:40)
>
> Ken Mavrogeorge: *"...I do think it needs to be clarified and I would be in favor of them being treated the same.*" (Video recording minute 47:40).

7. The first statement that the thirty-foot buffer "did not apply" to 103 Court St appears in the Applicant's January 21, 2025 application letter, citing Planning Department staff. (CR page 755.)

8. Abutter Hilary Hamer submitted written comments prior to the January 28th, 2025 Planning Board meeting citing NH RSA 500-A:12 'juror standard' as not being met. Objections to prejudgment were also raised in the written letter of Attorney Scott Hogan on behalf of abutters Hilary Hamer and Merlin Mason prior to the January 28th, 2025 meeting. (See CR pages 775-776, 799.)

9. Notice to abutters by Certified Mail was only provided for the December 10th, 2024 Planning Board meeting. (See CR pages 679-681.)

10. Minutes for December 10th, 2024 Planning Board meeting reflect scheduling of the site walk on January 11th, 2025 and no further Planning Board meeting. (See CR page 742.)

11. Minutes for the January 11th, 2025 site walk include no mention of subsequent Planning Board meeting. (See CR page 752.)

12. Applicant material was filed on January 21st, 2025 seven days prior to the Planning Board meeting on January 28th, 2025 containing a different 5-unit plan. (See CR pages 755-758.)

13. There are only 4 pages submitted by the Applicant describing the 5-unit plan voted on by the Planning Board on January 28th, 2025. All prior material refers to a different plan involving more housing units. (See CR pages 755-758.)

14. Members who attended both January 28th and December 10th Planning Board meetings and not the January 11th Site Walk included Chair Gina Cruikshank and Kyle Pimental. (See CR pages 733, 752 and 814.)

15. Members who attended both January 11th site walk and January 28th Planning Board meeting but not December 10th Planning Board meeting included Fergus Cullen. (See CR pages 733, 752 and 814.)

16. Members who attended all three 103 Court St discussions including December 10th and January 28th meetings and the January 11th site walk included Ken Mavrogeorge, Melina Gambino, and Doug Glennon. (See CR pages 733, 752 and 814.)

**REQUESTS FOR CONCLUSIONS OF LAW**

1. NH State Law RSA 672:14 defines subdivisions to include condominium conveyance:

   **RSA 672:14 Subdivision. –**
   *I. "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.*
   *II. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.*
   *III. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.*
   *IV. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other local zoning, site plan, or regulatory authority over wireless communications facilities.*

2. City of Dover's definition of subdivision does not exclude condominiums, only states that Planning Board approval is not required for condominiums:

   **§157-60 Definitions**:
   *Subdivision: The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A condominium conveyance, per RSA 356-B, shall not require Planning Board approval.*

   *MAJOR: A division of a lot, tract or parcel of land into four or more separate parcels, or a subdivision which required new streets, the extension of municipal facilities or the creation of any public improvements (See Article II.)*

   *MINOR: A division or redivision of a lot, tract or parcel of land into three or fewer parcels within a four-year time period, provided that there shall be no extension of streets or other significant improvements required; or any subdivision that, in the judgement of the Planning Board, will present no significant engineering and/or planning difficulties. (See Article III.)*

3. NH State Law RSA 674:43 defines the Planning Board's power to review site plans for nonresidential uses or for multi-family units defined as containing more than 2 dwelling units:

   **RSA 674:43 Power to Review Site Plans.** [emphasis added]–
   *I. A municipality, having adopted a zoning ordinance as provided in RSA 674:16, and where the planning board has adopted subdivision regulations as provided in RSA 674:36, may by ordinance or resolution further authorize the planning board to require preliminary review of site plans and to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.*

4. City of Dover defines multi-family buildings differently from NH as including more than four dwelling units:

   **§170-6 Word usage and definitions**:
   *DWELLING, MULTIFAMILY – A dwelling containing more than four dwelling units.*

5. City of Dover Medium Density Residential (R-12) District does not allow multi-family buildings. (See Zoning Table, or CR page 952.)

6. City of Dover defines site development plan as nonresidential, multifamily or manufactured homes:

   **§170-6 Word usage and definitions** [emphasis added]:
   *SITE DEVELOPMENT PLAN — Professionally rendered drawings which delineate a proposed nonresidential, multifamily or manufactured home development. Said plan shall include property lines, location of buildings, means of ingress and egress, access to off-site parking and all provisions as outlined in this chapter and Chapter 153, Site Review Regulations, of the Code of the City of Dover. (CR page 846)*

7. City of Dover definition of a lot indicates that multiple buildings can be placed on one lot for nonresidential, multifamily developments or open space subdivisions:

   **§170-6 Word usage and definitions** [emphasis added]:
   *LOT — A parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of-way and is occupied by, or is intended to be occupied by, one principal building and its accessory buildings or uses customarily incidental to it, together with such open spaces and yards as are required by this chapter. More than one principal building may be placed on a lot located in the Central Business or Gateway District. More than one principal building may also be placed on a lot in all other districts with Planning Board approval for nonresidential developments, multifamily dwelling developments, and open space subdivisions.[Amended 7-22-2020 by Ord. No. 2020.07.08-007] (CR page 841)*

8. "Parent" is used to indicate the entirety of the TDR lot under the base density formula and under the buffer requirement, §170-29-G-3-a-1-a and §170-29-G(7). (CR pages 908 and 911.)

9. NH State Law RSA 673:14 describes disqualification standards for Planning Board members to follow the juror standards set by RSA 500-A:12 Examination standard for a juror:

   **RSA 500-A:12 Examination.** [emphasis added] –
   *I. Any juror may be required by the court, on motion of a party in the case to be tried, to answer upon oath if he:*
   *(a) Expects to gain or lose upon the disposition of the case;*
   *(b) Is related to either party;*
   *(c) Has advised or assisted either party;*
   *(d) Has directly or indirectly given his opinion or has formed an opinion;*
   *(e) Is employed by or employs any party in the case;*

*(f) Is prejudiced to any degree regarding the case; or*
*(g) Employs any of the counsel appearing in the case in any action then pending in the court.*

*II. If it appears that any juror is not indifferent, he shall be set aside on that trial.*

10. NH State Law RSA 676:4 describes the requirements for Planning Board procedures including requiring a specified regulation of what constitutes a complete application and notice requirements:

**RSA 676:4 Board's Procedures on Plats** [emphasis added] –
*(b) The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision. A completed application sufficient to invoke jurisdiction of the board shall be submitted to and accepted by the board only at a public meeting of the board, with notice as provided in subparagraph (d). An application shall not be considered incomplete solely because it is dependent upon the submission of an application to or the issuance of permits or approvals from other state or federal governmental bodies; however, the planning board may condition approval upon the receipt of such permits or approvals in accordance with subparagraph (i). The applicant shall file the application with the board or its agent at least 21 days prior to the meeting at which the application will be accepted, provided that the planning board may specify a shorter period of time in its rules of procedure. The application shall include the names and addresses of the applicant, all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and all abutters as indicated in the town records for incorporated towns or county records for unincorporated towns or unorganized places not more than 5 days before the day of filing. Abutters shall also be identified on any plat submitted to the board. The application shall also include the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board.*
*....*
*(d)(1) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by verified mail, as defined in RSA 21:53, of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication*

*as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.*

11. City of Dover Planning Board requirements for a completed application is described in §153-6 Application Requirements:

**§153-6 Application Requirements** [emphasis added] **–**

*B. A completed application sufficient to invoke jurisdiction of the Planning Board (or, for minor site plans, the Technical Review Committee) shall include the following elements:*
*(1) A completed application form, available at the Department of Planning and Community Development office and through the online portal.*
*(2) A completed site review checkoff list.*
*(3) A written narrative description of the proposed project, addressing its purpose, scope of operation, and impact on the immediate area of influence and the City in general (traffic, schools, utilities, land use compatibility, aesthetics, land and water resources, etc.).*
*(4) Ground/aerial photographs of the site and immediate area.*
*(5) Four copies of the site development plan as more fully described in Article IV of this chapter. Transmit a pdf of the site development plan via e-mail to dover-planning@dover.nh.gov. (Note: Only three copies of the preliminary plan need to be submitted initially for review by the Technical Review Committee. However, the applicant shall check with the Planning Department about number of copies that will be required for submission of the complete application to the Planning Board.)*
*(6) A list of owners, applicants, and professionals involved in the application. Additionally a fee for the City to create a list of abutting property owners that lie within 200 feet of the subject parcel. Information shall include name, mailing address, and Dover Tax Map and lot numbers for the applicant to review. The City will prepare verified mailings.*
*(7) A fee of an amount to be determined in accordance with the fee schedule contained in § 153-18 of this chapter.*
*C. The applicant shall file the application with the Planning Board office at least 21 days*

*prior to the Planning Board meeting, at which time the application will be accepted and a public hearing held.*
*(1) The applicant and abutters shall be notified of said public hearing by verified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least 10 days prior to the date of the meeting, by the city.*
*(2) Such public hearing shall be advertised in a newspaper of general distribution not less than 10 days prior to the said meeting.*

Respectfully submitted,
Hilary Hamer and Merlin Mason

By their attorney,
THE LAW OFFICE OF SCOTT E. HOGAN

DATE: May 27, 2025

/s/ *Scott E. Hogan, Esq.*

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# *STATE OF NEW HAMPSHIRE*

HOUSING APPEALS BOARD

HILARY HAMER & MERLIN MASON

v.

CITY OF DOVER, NEW HAMPSHIRE
CITY OF DOVER PLANNING BOARD

Case Number 2025-006-PBA

## APPELLANTS' MOTION FOR RECONSIDERATION AND CLARIFICATION

NOW COME the above-named Appellants, Hilary Hamer and Merlin Mason, by and through their attorney, The Law Office of Scott E. Hogan, and respectfully move the Housing Appeals Board (HAB) to reconsider and clarify its Order dated August 5, 2025.

Standard of Review

1. HAB 201.32 (Motions for Rehearing, Reconsideration or Clarification) states:

> "Rehearing motions shall state with specificity all points of law or fact the moving party contends the board overlooked, misapprehended, or requires clarification." HAB 201.32(b).
>
> "Rehearing motions shall only be granted, pursuant to RSA 541:3, upon a showing that the board overlooked or misapprehended the facts or the law and such error affected the board's decision. Rehearing motions shall not be granted for harmless errors that, if corrected, would not change the board's decision." HAB 201.32(e).

2. HAB 201.31 (Requests for Findings of Fact and Rulings of Law and Legal Memoranda and Decisions/Orders) states:

> "*Following the hearing, the board shall issue a decision or order with sufficient specificity to allow the parties to understand its basis*." HAB 201.31(d). (Emphasis added).

Presiding HAB Members

3. Appellants initially note that two of the three HAB members participated in the issuance of this Order, with one of the participating members being Member Rogers. Following the Prehearing Conference the Appellants raised an issue in their Memorandum of Law noting a possible appearance of pre-judgment regarding a statement by Member Rogers. (See Appellants' Memorandum, pp. 3-4).
4. In raising the issue Appellants made it clear that were not alleging any direct conflict, or asking for Member Roger's recusal. (see e.g.: "The Appellants note this issue not to allege any "impropriety or lack of impartiality" on any member of this HAB, but in response to comments made by a Board member at the Prehearing Conference while discussing issues regarding the Certified Record in this matter." Id. P.4)
5. In its Answer the City then characterized that statement as allegations, and the HAB Order, including Member Rogers stated, "The Appellants also imply that HAB Board Member Edward Rogers pre-judged the application…". Order p.3. And: "The Appellants' *aspersion* that HAB Board Member Edward Rogers pre-judged the application willfully ignores the context of his remarks at the prehearing conference." Id, p.5. (Emphasis added).
6. The HAB should clarify that at no time did the Appellants argue that Member Rogers had any direct conflict of interest, but did argue that comments suggesting that parts of the Certified Record weren't 'needed' did create an appearance of pre-judgment, as the record supports, and as argued in previous filings.

Appellants' Requests for Findings of Fact and Rulings of Law

7. HAB 201.31 (Requests for Findings of Fact and Rulings of Law and Legal Memoranda and Decisions/Orders) includes:

> "(b) Requests for findings and rulings shall consist of separately numbered paragraphs with only one finding or ruling per paragraph. Unless specifically allowed by the board, parties shall be limited to a combined total of 15 requests for findings of fact or rulings of law. Requests that contain multiple findings or rulings shall be marked "neither granted nor denied."[1]

and

> "(d) Following the hearing, the board shall issue a decision or order *with sufficient specificity to allow the parties to understand its basis*." (Emphasis added).

8. On May 27, 2025 Appellants submitted 16 Requests for Findings of Fact and 11 Requests for Rulings of Law.

9. The HAB's August 5 Order did not address, grant, or deny any of the 27 individual Requests, but instead in its conclusory final statement stated:

"The parties' requests for findings of fact and rulings of law which are consistent with this Order are APPROVED; the balance are DENIED." Order, p.6, ¶3.

10. Clearly this 'decision' does not have "sufficient specificity to allow the parties to understand its basis", per HAB 201.31(d), as no party could interpret what that vague language means as applied to the Appellants specific Requests as to Findings of Fact and separately Rulings of Law.

11. Appellants move the HAB to clarify its Order in this respect.

[1]At the Prehearing Conference Counsel for the Appellants requested and was granted permission to exceed the limit of 15 Requests.

Residential TDR proposals in Dover are Subdivisions, not Site Plans

12. As has been argued, Dover's TDR provisions make it clear that residential TDR's are subdivisions, not site plans:

> "**The plan shall be considered a subdivision application**. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations". TDR 170-29-G(3)a.6)."

13. There is no language that authorizes the Director to determine that a residential TDR can otherwise be a site plan.

14. Despite this, this development proposal for this property consists of a TDR application and a Site Review application.

15. The HAB and the City argue:

> "While RSA 672:14, I clearly includes condominiums in its definition of "subdivision", the Dover City Code explicitly excludes them in §157-60: The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. *A condominium conveyance, per RSA 356-8, shall not require Planning Board approval*.
>
> The City of Dover "may, through adoption of an ordinance, choose to exercise less power than that granted by the state legislature." Dearborn v. Town of Milford, 120 N.H. 82, 84 (1980)." (Emphasis added). Order, p.3

16. While the City may "choose to exercise less power than that granted by the state legislature", it may not choose to change the statutory definition provided in RSA 672:14, I.

17. Given that the project is clearly a residential TDR development, and thus subject to the Planning Board's subdivision regulations, which also require the mandatory 30 foot perimeter buffer, to protect existing abutting home-owners' daily use, enjoyment, value,

and future marketability of their properties, given the level of density proposed in this TDR application.

18. It's otherwise not "clear" that §157-60 "excludes them", as the reference there is to a "condominium conveyance", not an original review and approval of a condominium TDR application in the first instance.

The City's Improper Notice Did Not Give Any Notice to the Public as Required

19. In its Order the HAB stated:

> "Board's motion to continue the time and place of the January 28, 2025 hearing, the Appellants were present and participated in the hearing. (CR 817). According to RSA 676:4, IV, procedural defects of this nature are not cause for reversal unless they "...create serious impairment of opportunity for notice and participation." Order, p.6.

20. The HAB fails to recognize that the City's notice obligation is both to the abutting property owners *as well as to the public*. As acknowledged here, no such notice was provided to the public, which had actively participated in the review process throughout. This is reversible error.

Grant of Attorneys Fees

21. In its Order the HAB stated:

"The HAB notes that the Certified Record shows that the Appellants' participation in this case is based on a strong resentment of the Project…". Order, p.6

22. As is the right of every existing property-owner tax-payer, the Appellants have fully and in good faith participated in both the municipal review processes before the City and the appellate process with this Board. The arguments and the 'findings' of the parties and this

Board are without any basis in fact or law, and are otherwise without any basis to support the actual award of fees, or the Board's "50%" conclusion.

23. The Appellants hereby incorporate by reference the arguments made in their August 21, 2025 "Objection to Affidavit of Fees".

24. The Appellants move this Board to clarify its Order as to its basis for awarding fees, and its "50%" rationale, supported with legal and factual citations.

Conclusion

25. For all of the reasons stated above, the Appellants respectfully request this Board to reconsider and clarify its August 5, 2025 Order.

WHEREFORE, the Appellants pray that the Board will:

A. Grant this Motion for Reconsideration and Clarification; and

B. Grant such other relief as may be just and equitable.

Respectfully submitted,
Hilary Hamer and Merlin Mason

By their attorney,
THE LAW OFFICE OF SCOTT E. HOGAN

DATE: September 4, 2025

/s/ *Scott E. Hogan, Esq.*

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# *STATE OF NEW HAMPSHIRE*

HOUSING APPEALS BOARD

HILARY HAMER & MERLIN MASON

v.

CITY OF DOVER, NEW HAMPSHIRE
CITY OF DOVER PLANNING BOARD

Case Number 2025-006-PBA

## APPELLANTS' OBJECTION TO AFFIDAVIT OF FEES

NOW COME the above-named Appellants, Hilary Hamer and Merlin Mason, by and through their attorney, The Law Office of Scott E. Hogan, and submit their Objection to the City's August 11, 2025 Affidavit of Fees, pursuant to the HAB's August 5, 2025 Order[1].

Recent History

1. The City filed its Answer to this Appeal on May 2, 2025. In its Answer the City admitted various allegations of law and fact, and then City counsel requested that all of the City's attorneys fees be awarded, as the Appeal "lacks any basis in law or fact". City Answer, p.8, Request C.
2. In its Hearing Memorandum the City then modified its request for all of its fees, laying out four bases, and then stating that the Board:

   "…should award the City of Dover a portion of its attorneys' fees and costs incurred in defending this matter, as all but one of the claims raised by the petitioners lack any reasonable basis in New Hampshire law". p.13, ¶III.

[1] The Appellants file this Objection within 10 days of the City's Affidavit of Fees, per the HAB's August 5 Order. They will also be filing a full Motion for Reconsideration of that Order within the HAB's deadline, which will also include arguments regarding the HAB's award of 50% of the City's attorneys fees.

3. The City did not specify what "portion" of its fees should be awarded, and did not specify which "one" of the "petitioners' claims" had merit.

4. In its August 5, 2025 Order the HAB similarly did not specify what the basis was for then awarding "50%" of the City's fees.

Standard of Review

5. The City is correct in acknowledging:

> "The City is well aware that an award of attorneys' to a prevailing party is an exception to the general rule in New Hampshire that each party pay their own counsel fees, and also understands the well founded policy reasons for that general rule. See, e.g., Harkeem v. Adams, 117 N.H. 687, 618-19 (1977)." Hearing Memorandum, p.12, ¶D.

6. Statutory authority is also clear on this point:

> "Costs and attorney's fees *shall not be allowed against the party appealing from the decision of a local land use board unless it shall appear to the court that said party acted in bad faith or with malice in appealing to court*". RSA 677:20,II (Emphasis added).

7. And, the case cited by counsel for the City itself is clear on this point, where the New Hampshire Supreme Court stated:

> "Where litigation *is instituted or unnecessarily prolonged through a party's oppressive, vexatious, arbitrary, capricious or bad faith conduct*, an award of attorneys' fees to his opponent is within the court's power. St. Germain v. Adams, 117 N.H. 659, 662 (1977)." Keenan v. Fearon, 130 N.H. 494, 502 (1988). (Emphasis added).

8. Counsel for the City's *request is without any basis in fact or law to support the high allegations of the Appellants' "bad faith", "malice", "oppressive, vexatious, arbitrary,*

*capricious or bad faith conduct" necessary to either allege or sustain such baseless and potentially libelous claims.*[2]

9. Similarly the HAB's Order unlawfully granted "50%" of such fees without any explanation and without any basis in fact or law.
10. The Appellants are exercising their protected rights to preserve their daily use, enjoyment, value, and future marketability of their property. There is no basis that could be alleged or conceived or found to support any of the City's allegations of bad faith, as somehow supported by the HAB's recent Order.
11. And as the City and the HAB's allegations and findings reference both the Appellants directly, and their under-signed counsel, under-signed counsel would direct the parties' attention to the attached letter A.
12. As to the specifics of the Affidavit of Fees, the Appellants have no basis to contest any aspect of counsel's accounting of time. As stated above, they do have basis to contest the actual request itself, and the HAB's award of 50% fees, with no factual or legal basis of support, as will be submitted in their Motion for Reconsideration and Clarification.

[2] It should be noted, as will be argued in Appellants' Motion for Reconsideration and Clarification, that counsel for the Dover Planning Board in this matter has also been counsel for the same Planning Board, defending the same Board's previous denial of the often-referenced TDR proposal of Planning Board member Cullen, which is still pending before this HAB. In representing the Planning Board in that nearly identical matter, counsel for the City made no such allegations or request for fees.

Respectfully submitted,
Hilary Hamer and Merlin Mason

By their attorney,
THE LAW OFFICE OF SCOTT E. HOGAN

DATE: August 21, 2025

/s/ *Scott E. Hogan, Esq.*

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# *Peter J. Loughlin*

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April 4, 2017

To Whom It May Concern:

**Re: Scott Hogan, Esq.**

This letter is being written on behalf of Scott Hogan. Scott and I both focus our practices on municipal law and, as a result, I have had a good deal of contact with Scott over the more than 15 years that I have known him. I have attended Continuing Legal Education seminars where Scott has presented and have appeared on panels dealing with municipal law topics with Scott.

Most of my contact with Scott has come when he has been opposing counsel. Over the years, I have represented a number of different municipalities and private landowners in litigation in the Superior and Supreme Courts. On a number of occasions, Scott has represented abutters' groups who were challenging decisions of land use boards I was representing, or challenging approvals granted to my landowner clients. In every instance, Scott is prepared and tenacious in representing his clients' interests. At the same time, he is always fair and reasonable and always completely candid and honest. When Scott gives his word on any matter, you can be assured that he will keep that word.

Frequently, I have recommended Scott to individuals who have called me looking for legal representation in land use matters. I know that Scott will be fair and honest with the clients and do an excellent job on their behalf. I have recommended Scott even when I realized he could end up on the opposite side of a case since I know that, while he will fight very hard for his clients, the fight will focus on relevant issues and he will not waste the time and money of his clients or mine or the time of the Court on issues that are irrelevant or brought in bad faith or in a vexatious manner.

In short, Scott is an honest, bright, competent, thoughtful individual. I can recommend him for any position where integrity, honesty, analytical and public speaking skills and a strong work ethic are important.

Respectfully submitted,

Peter J. Loughlin

PJL/dea

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CHRISTOPHER W. PERRY

TELEPHONE (603) 524-3885

September 10, 2025

**VIA E-MAIL AND HAND DELIVERY (September 11, 2025)**

Elizabeth Menard, Clerk
NH Housing Appeals Board
Johnson Hall, Room 201
107 Pleasant Street
Concord, NH 03301

Re: Hilary Hamer and Merlin Manson v. City of Dover-Planning Board
Case No. 2025-006-PBA

Dear Clerk Menard:

I enclose for filing in the above captioned matter an original and three copies of the *City of Dover's Objection to Appellants' Motion for Reconsideration and Clarification.*

Thank you for your attention to this matter and please do not hesitate to contact me with any questions or concerns regarding the enclosed.

Sincerely,

Laura A. Spector-Morgan
laura@mitchellmunigroup.com

Enc.

cc: Jennifer Perez, Esquire, w/enc., via e-mail only
Scott E. Hogan, Esquire, w/enc. via e-mail only
John K. Bosen, Esquire, w/enc. via e-mail only

THE STATE OF NEW HAMPSHIRE
HOUSING APPEALS BOARD

Hilary Hamer and Merlin Mason

v.

City of Dover

Case No. 2025-006-PBA

**CITY OF DOVER'S OBJECTION TO APPELLANTS' MOTION FOR RECONSIDERATION AND CLARIFICATION**

NOW COMES the City of Dover, by and through its attorneys, Mitchell Municipal Group, P.A., and, in objecting to *Appellants' Motion for Reconsideration and Clarification*, states as follows:

1. Appellants continue their pattern of asserting irrelevant, factually baseless, and legally incorrect arguments in their *Motion for Reconsideration and Clarification*, and therefore, this *Motion* must be denied.

2. Appellants' first request asks this Board to clarify that Appellants never argued that Member Rogers had any direct conflict of interest, but instead that they argued that his comments regarding the Certified Record created an appearance of prejudgment.

3. As an initial matter, this issue was hardly central to any of this Board's findings, particularly on the merits of this appeal (though it may have been relevant to the award of attorneys' fees) and is completely unnecessary to raise in a motion for clarification.

4. Even if it were necessary to raise it at this point, the *Motion* provides incorrect information regarding the City's actions on Appellants' allegations on this issue, the City

having never made any characterization of Appellants' statements in its *Answer* (which was filed before the allegation was made in Appellants *Memorandum of Law*).

5. But more importantly, why did Appellants include a section entitled "Impartiality of HAB Members" in their *Memorandum of Law* if not to cast aspersion on Member Rogers impartiality or to use this issue later to try to attack this Board's decision?

6. There is nothing for this Board to clarify regarding the issue of Member Rogers' pre-judgment of this application. Its order is perfectly clear. The allegation that he pre-judged the application, or that there was any appearance that he pre-judged the application, "holds no water." Appellants' request for relief regarding this issue must be denied.

7. Appellants next allege that this Board erred by not specifically granting or denying their requests for findings of fact and rulings of law, and argue that by failing to do so, the Board's decision fails to provide sufficient specificity to allow the parties to understand its basis.

8. There is nothing in this Board's rules which require it to specifically grant or deny a party's requested findings of fact or rulings of law, and certainly, it is customary for superior court judges to issue orders using language identical to that used by the Board in this case.

9. Moreover, the Supreme Court has previously addressed, and rejected, an argument nearly identical to this one. In the case of Harrington v. Town of Warner, 152 N.H. 74 (2005), the abutters argued that the trial court failed to provide an adequate basis for its decision "because the court failed to rule on the proposed findings and

rulings and failed to address critical legal and factual issues in its narrative order." See id. at 85. The Supreme Court disagreed, holding:

> The trial court's order sets forth both sufficient findings of fact and essential rulings of law to support the ultimate decision. Although the trial court did not rule on the abutters' proposed findings and rulings, "the trial judge . . . need not respond expressly to every specific request filed by a party." Accordingly, the trial court did not fail to provide an adequate basis for appellate review of its decision.

Id. at 86. (internal citations and quotations omitted).

10. Likewise, here, this Board issued a seven page narrative Order addressing each claim raised by Appellants and explaining why, based on the Certified Record, those claims failed under examination. There is nothing for this Board to "clarify" in its Order in this respect.

11. Next, Appellants reiterate their failed argument that the application was required to be treated as a subdivision, instead of a site plan, and that doing otherwise, ignores the statutory definition set forth in RSA 672:14. Although they do not specifically so state, they apparently wish for this Board to reconsider its decision on this issue. They present no basis for doing so.

12. As the City has already stated several times, Section 170-29-G(3)a.6 of the Dover Zoning Ordinance applies to residential transfer of development rights projects that contain only single family homes. As originally submitted, the project at issue in this appeal involved 5 single family homes and two duplex structures, for a total of 9 units. That type of development is governed by Section 170-29-G(3)***b***, which requires that the plan be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

13. Moreover, because the project was proposed to be a condominium, and because the City of Dover does not include condominium conveyance in its definition of subdivision, see Dover City Code §157-60, neither subdivision approval nor a 30 foot buffer was required for the condominium conveyance. See Bussiere v. Roberge, 142 N.H. 905, 909 (199)(*quoting* Dearborn v. Town of Milford, 120 N.H. 82, 84 (1980)). The Board's finding on this issue was correct, and need not be reconsidered.

14. As to the Planning Board's alleged defective notice of the January 28, 2025 hearing, Appellants ask this Board to find that that notice was defective not as to the Appellants, but as to the public at large, and therefore (presumably) to reconsider its decision that any notice deficiency was not a basis for reversal because Appellants' ability to participate was not harmed by the alleged deficiency.

15. Of course, Appellants have no standing to raise it because they were not injured by it. See, e.g., Malnati v. State, 148 N.H. 94, 98 (2002)("Here, the plaintiffs suffered no injury due to the alleged deficiency in the notice procedure because they had actual notice. They therefore lack standing to challenge the notice provisions of RSA 228:60–a, V."). This argument therefore presents no basis for reconsideration either.

16. And finally, Appellants return to their favorite topic–attorneys fees–asking the Board to clarify, but not reconsider, its decision awarding the City 50% of the attorneys' fees it expended in defending, this matter, and arguing that despite the fact that they presented nothing but arguments, all but one of which were, clearly without any legal or factual merit, that they should not be required to reimburse the City for its attorneys' fees because they have the right to participate in the municipal review

process.

17. Appellants do have the right to participate in the municipal review process, and to raise legitimate concerns regarding that process, and any application that is submitted to a land use board. What they do not have the right to do is what they have done here–to stand up and make claims without presenting any facts, expert reports, or actual legal theory which supports their position that an application should be denied; and then to bring an appeal which has accomplished nothing beyond increasing the time and expense that the developer has been forced to expend to exercise *its* right to use its property in conformance with the law, and, by necessity, also required the City's taxpayers to incur attorneys' fees to defend.

18. The Board's award of 50% of its attorneys' fees to the City was a recognition of the Appellants' actions in this appeal, such as raising new claims for the first time in their *Memorandum of Law*; making vague claims regarding Member Rogers' alleged prejudgment of the case but not actually requesting his recusal; and attempting to use their *Objection to Affidavit of Fees* not as an opportunity to actually object to those fees (which they did not) but instead as yet another opportunity to argue that fees should never have been awarded in the first place.

19. This appeal was brought without a reasonable claim in New Hampshire law as it is or as it might arguably be held to be, and without a reasonable basis in the facts for the vast majority of the claims made in the appeal.[1]

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[1]Undersigned counsel has the utmost respect for Attorney Peter Loughlin. However, attaching a 2017 letter of recommendation from Attorney Loughlin to their *Objection to Affidavit of Fees* does not lend any additional credence to the arguments made therein.

20. Likewise, there is no reasonable claim in New Hampshire law or a reasonable basis in the facts for any of the arguments made in *Appellants' Motion for Reconsideration and Clarification*, nor have Appellants identified any issue that this Board has overlooked or misapprehended. The Motion must therefore be denied.

WHEREFORE, the City of Dover respectfully requests that this Honorable Board:

A. Deny *Appellants' Motion for Reconsideration and Clarification*; and

B. Grant such other and further relief as the Court deems just and necessary.

Respectfully submitted,

**CITY OF DOVER**

By Its Attorneys
**MITCHELL MUNICIPAL GROUP, P.A.**

Date: September 10, 2025 By: _____

Laura Spector-Morgan, Bar No. 13790
25 Beacon Street East
Laconia, New Hampshire 03246
(603) 524-3885
laura@mitchellmunigroup.com

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served via electronic mail to Jennifer Perez, Esquire, John K. Bosen, Esquire, and Scott E. Hogan, Esquire.

Date: September 10, 2025 _____
Laura Spector-Morgan

**STATE OF NEW HAMPSHIRE**

**HOUSING APPEALS BOARD**

**HILARY HAMER & MERLIN MASON**
**v.**
**CITY OF DOVER, NEW HAMPSHIRE,**
**THE CITY PLANNING BOARD and**
**5 SHERMAN STREET, LLC, AS INTERVENOR**

**Case No. 2025-006-PBA**

**JOINDER OF INTERVENOR IN OBJECTION OF CITY OF DOVER**

**NOW COMES**, the Intervenor, 5 Sherman Street, LLC, by and through its undersigned representative, and hereby joins in the Objection submitted by the City of Dover to the New Hampshire Housing Appeals Board in the above-captioned matter.

The Intervenor concurs with and adopts the factual representations, legal arguments, and relief sought in the City of Dover's Objection, and respectfully requests that the Housing Appeals Board give full consideration to the concerns raised therein.

Respectfully submitted,

5 SHERMAN STREET, LLC

By its attorneys,
DONAHUE, TUCKER & CIANDELLA, PLLC

Dated: September 11, 2025

By: /s/ John K. Bosen

John K. Bosen, NH Bar #8129
111 Maplewood Ave, Suite D
Portsmouth, NH 03801
(603) 778-0686 ext. 2578
Jbosen@dtclawyers.com

## CERTIFICATE OF SERVICE

I hereby certify that a copy of this Joinder of Intervenor in Objection of City of Dover has, on this date, been provided to Jennifer Perez, Esq., Scott E. Hogan, counsel for the Appellant, and Laura Spector-Morgan, Esq., counsel for the City of Dover, via email.

Dated: September 11, 2025

By: /s/ John K. Bosen

# THE STATE OF NEW HAMPSHIRE
# HOUSING APPEALS BOARD

Governor Gallen State Office Park
Johnson Hall, 107 Pleasant Street
Concord, New Hampshire 03301
Telephone: (603) 271-1198
TTY/TDD Relay: (800) 735-2964
Visit us at https://hab.nh.gov

**Case Name:** Hilary Hamer and Merlin Mason v. City of Dover
**Case Number:** 2025-006-PBA

**Board Members Presiding:**
David J. Rogers, Esquire, Chairman
Edward L. Rogers, Professional Engineer, Licensed Land Surveyor, Member

# INTERIM ORDER

On September 4, 2025, Hilary Hamer and Merlin Mason ("Appellants") filed their Motion for Reconsideration and Clarification in the above-captioned matter. Consistent with RSA 541:5, and until further Orders are issued, the Housing Appeals Board SUSPENDS its August 5, 2025 decision on the merits of subject appeal (Order No. 2025-069) to allow it time to conduct a full and complete review of the arguments contained in Appellants' rehearing motion and any Objections that may be filed thereto.

**HOUSING APPEALS BOARD**
**ALL MEMBERS CONCURRED**
**SO ORDERED.**

Elizabeth Menard

Date: September 10, 2025

Elizabeth M. Menard, Clerk

# THE STATE OF NEW HAMPSHIRE
# HOUSING APPEALS BOARD

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**Case Name:** Hilary Hamer and Merlin Mason v. City of Dover
**Case Number:** 2025-006-PBA

# ORDER

On September 4, 2025, Hilary Hamer and Merlin Mason ("Appellants") filed a rehearing motion in connection with the Housing Appeals Board's ("HAB") Decision of August 5, 2025 (Order No. 2025-069) issued in the above-captioned matter. On September 10 2025, the City of Dover filed its Objection to such motion. After review and due consideration of these arguments, the Housing Appeals Board RULES AS FOLLOWS:

The HAB will only grant a rehearing motion "upon a showing that the board overlooked or misapprehended the facts or the law and such error affected the board's decision." See Administrative Rule Hab 201.32(e). Nothing in the Appellants' rehearing motion identifies any facts as contained within the Certified Record or law that the HAB overlooked or misapprehended that affected the decision in the instant matter.

In light of the foregoing, the Housing Appeals Board hereby DENIES the Appellants' September 4, 2025 Appellants' Motion for Reconsideration and Clarification.

**HOUSING APPEALS BOARD**
**ALL MEMBERS CONCURRED**
**SO ORDERED.**

Elizabeth Menard

Date: October 30, 2025

Elizabeth M. Menard, Clerk

TRITECH
ENGINEERING CORPORATION

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

August 15, 2024

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Site Review & TDR Proposal
***103 Court Street***
Dover Tax Map 19 Lot 8
103 Court Street
Dover, New Hampshire
Job No. 24101

Dear Donna:

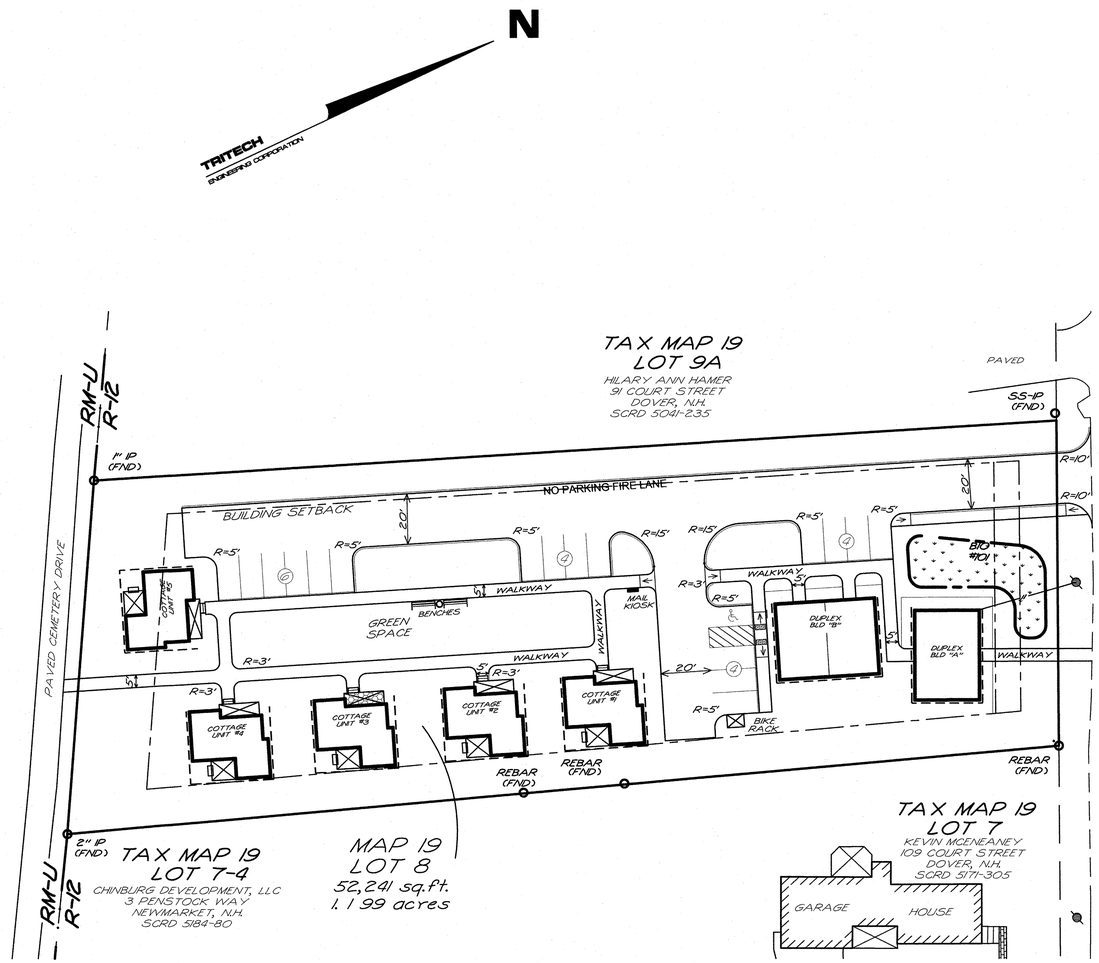
**Project Narrative**

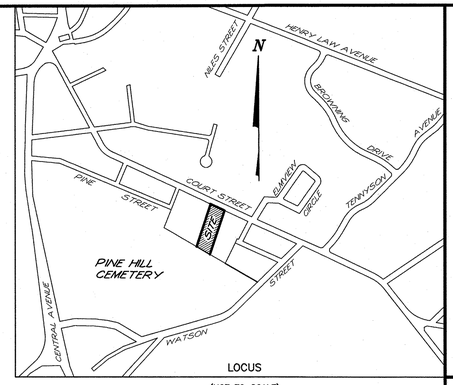
On behalf of our client, 5 Sherman Street LLC, we are submitting this Application for Transfer Development Rights (TDR) and Site Review Application for the development of 103 Court Street. The property is shown as City of Dover Tax Map 19 Lot 8, is located at 103 Court Street, currently contains a single-family home, is located in the R-12 Zoning District, contains 1.199 acres and is serviced by municipal water & sewer.

The applicant proposes utilizing the City of Dover Transfer Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the conversion of the existing home into a duplex, the construction of an additional duplex and the construction of five (5) new single-family homes for a total of nine (9) units. The TDR Base Density Calculation provide for a Base Density of three (3)units, therefore, six (6) of these units will be obtained under the TDR regulations. The four (4) units located in the two (2) duplex buildings will be deed restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The five (5) new single-family homes with be size restricted to maximum of 1400 square feet of total living space per unit. The TDR application also request relief from the thirty (30) foot buffer requirement and relief from the thirty (30) foot rear setback requirement. The Landscape Design provides for new screening as mitigation for this relief.

This development will include the construction of a 360-foot-long driveway beginning from Court Street and ending near the rear of property adjacent to the Pine Hill Cemetery. Municipal water & Sewer will be extended from Court Street to service the structures. Electric, Telephone & Cable TV along with Natural Gas will be installed underground for all new structures.

The Stormwater Analysis and Design detail the use of Stormtech underground chambers for flow mitigation, a bioretention basin for the Stormwater Treatment and Stormtech underground chambers for Groundwater Recharge. Ultimately, all the Stormwater Runoff is directed to Court Street closed drainage system.




LOCUS

(NOT TO SCALE)

## NOTES

1.) INTENT: TO FURTHER DEVELOP TAX MAP 19 LOT 8. THIS DEVELOPMENT WILL INCLUDE THE CONVERSION OF THE EXISTING SINGLE FAMILY HOUSE INTO A DUPLEX AS WELL AS THE CONSTRUCTION OF AN ADDITIONAL DUPLEX STRUCTURE, BOTH OF THESE DUPLEXES (4 UNITS) WILL BE HUD RENT RESTRICTED AND WILL BE OBTAINED UNDER THE TRANSFER DEVELOPMENT RIGHTS (TDR) ORDINANCE. THE DEVELOPMENT WILL INCLUDE THE CONSTRUCTION OF 5 SINGLE FAMILY SIZE RESTRICTED HOMES. THESE HOMES WILL BE CONSTRUCTED UNDER THE TDR ORDINANCE. 3 BASE UNIT AND THE PURCHASE OF 2 SIZE RESTRICTED UNITS.

2.) CURRENT OWNER: 5 SHERMAN STREET LLC
242 CENTRAL AVENUE
DOVER, N.H.

_____
AUTHORIZED SIGNATURE

3.) TAX MAP 19 LOT 8.

4.) TOTAL LOT AREA: 52,241 SQ.FT. – 1.199 ACRES

5.) PROJECT DEED REFERENCE: BOOK 5172 PAGE 55

6.) PROJECT PLAN REFERENCE: SURVEYED MAY 1935
W.S. WHEELER, CE
DOVER, N.H.
SCRD
POCKET #10, FOLDER #2, PLAN #11 & 12

LIMITED SUBDIVISION
CECIL TAYLOR
DOVER, N.H.
FREDERICK E. DREW ASSOCIATES
JULY 1977 SCRD 17–112

PROPERTY SURVEY
109 COURT STREET, DOVER
STRAFFORD COUNTY, NEW HAMPSHIRE
JOANNE RICHARD LIVING REVOCABLE TRUST
STONEWALL SURVEYING
AUGUST 1, 2023 SCRD #13011

7.) ALL APPLICABLE RIGHT–OF–WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.

8.) ZONING: R–12
MIN. LOT SIZE: 12,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 15 FT TO 25 FT
SIDE: 15 FT
REAR: 30 FT
MAX. COVERAGE: 30 %

9.) VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS: NONE

10.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 60,000, AND WAS ACCOMPLISHED USING A TOPCON GT 503 TOTAL STATION, DURING THE MONTH OF FEBRUARY, 2024.

11.) SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A – PANEL 0320E, MAP No. 33017C0340E, DATE: 9–30–2015).

12.) DURING THE MONTH OF MARCH, 2024 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON–SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170–27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE. WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO WETLANDS WERE FOUND.

13.) BASIS OF BEARING: BEARING SYSTEM BASED ON GPS FIELD OBSERVATIONS ON FEBRUARY 16, 2024 USING TOPCON HIPER SR RECEIVERS AND OPUS CORRECTED ON FEBRUARY 19, 2024. DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC (2800 NH), (NAVD 88).

## TDR BASE DENSITY CALCULATIONS

| | | |
|---|---|---|
| TOTAL AREA | = | 52,241 SQ.FT. |
| LESS WETLANDS | = | <0> SQ.FT. |
| UPLAND AREA | = | 52,241 SQ.FT. |
| LESS ROAD ALLOCATION (15%) | = | <7,836> SQ.FT. |
| NET AREA | = | 44,405 SQ.FT. |
| LESS WETLAND FACTOR FOR 0% WETLANDS (85%) | | <6,661> SQ.FT. |
| AREA | = | 37,744 SQ.FT. |
| 12,000 SQ.FT. PER UNIT REQUIRED IN THE R–12 DISTRICT | ÷ | 12,000 |
| BASE TDR DENSITY | = | 3.14 UNITS |
| ROUNDED DOWN TO | = | 3 UNITS |


TRITECH
ENGINEERING CORPORATION
785 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3930


**ISSUED FOR TRC REVIEW**
August 15, 2024

REVISIONS
DATE: DESCRIPTION:

NEW HAMPSHIRE – STATE OF – LICENSED PROFESSIONAL ENGINEER
ROBERT STONEWALL No. 9903

GENERAL SITE PLAN

# 103 COURT STREET

DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY
AUGUST 15, 2024
JOB No. 2410
SCALE: 1" = 30'

SHEET No.
**SP-1**

(P24- )

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 5, 2024 |

**INTENT:** Convert an existing home into a two-family dwelling, construct a second two-family dwelling, and construct an additional five (5) new single-family homes for a total of nine (9) dwelling units.

**UNITS PROPOSED:** Nine (9) units including one (1) existing unit and six (6) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Craig Chabot, Fire Department
James Burdin, Business Development

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from August 29, 2024:**
J. Burdin moved to approve the August 29, 2024 minutes. Seconded by K. Mavrogeorge. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- Reminder: Impact fees, Water and sewer investment fees
- Provide letters to serve when received.
- Provide HOA and
- Remove unit from the rear setback.
- Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.
- Setback measurements should be detailed on plan
- Active recreation and passive recreation is required.
- Floor plan of restricted units needed (probably only for TDR app at PB)
- Parking space dimensions need to be listed on plan
- Internal parking aisleways w/ one entrance/exit must be 24' wide
- R-12 zoning indicates duplexes should look like a one-family. Please provide justification for barn design.
- Provide detail for fencing shown on the landscape plan behind cottage units 3 & 4
- Any additional screening planned behind cottage units?
- Consider moving sewer line
- Replace "handicap" with "accessible"
- Update note 13 regarding Locke Street and Tranquility Way
- Indicate snow storage
- Revise note 30 to indicate no Saturday hours
- Bioretention area seems close to right of way
- Easement/license needed for walkway onto City property to cemetery
- Note congregate trash site as discussed and explain how odor and pests will be controlled.

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 5, 2024 |

**Engineering:**

- General Comment:
  - Applicant and contractor shall review the Dover Construction Guidelines prior to scheduling a Preconstruction meeting with City staff. The guidelines can be found on the City of Dover Website on the Engineering page. https://www.dover.nh.gov/Assets/government/city-operations/1form/community-services/engineering/engineering-documents/Construction%20Guidelines.pdf
  - Coordinate with Community Services (Engineering Department) for latest City Standard Details for utilities and curbing.
  - Add note that Design Engineer shall provide signed letter to City Engineer certifying that the stormwater management system has been installed in accordance with approved plans.
  - Recommend providing 1 sf of snow storage per 10 sf of pavement to be cleared. Verify snow storage meets or exceeds this recommendation or provide note to remove excess snow when storage areas are filled.
  - Sewer manhole covers shall be Liftmate R-1743-LM or approved equal with 90 deg hinge
  - The City recommends that the applicant source out ductile iron piping, which is the City preferred material, in advance commencing construction.
  - Change "handicap" references to "accessible" where applicable throughout documents.
  - ***Engineering requests a letter certifying the tie in locations or discharge points for all sump pumps and roof leaders for existing structures on the property.***
  - Check the finished floor elevation of the duplex immediately on Court Street.
  - Applicant shall review the section 153-14 of the Dover Code and clarify how the design meets each of the criteria of the City's requirements.
  - Sanitary Sewer shall be PVC pipe SDR35.
  - How will trash be managed for the property?
  - Recommend individual water shut offs be located outside of paved surfaces and in grass. All shut offs in City ROWs must be in grass at the edge of the ROW. If shut offs on the private road remain in the paved surface, a road box should be provided.
  - Provide confirmation that 400 foot of sight distance is provided in each direction as required by the Dover Code.
  - It is strongly recommended that the Applicant submit a detailed breakdown of proposed HOA costs for annual maintenance and replacement of private infrastructure including backup as to how the fees are estimated.
  - Provide drainage pipe material.
  - Landscaping may obstruct site distance. Please confirm trees at driveway exit will not obstruct site lines.
  - Show locations of electrical infrastructure (transformers, switch gear, and/or communication pedestals. Each of these will need to be screened.
  - Sewer main on eastern property line looks close to the PL. Can this be constructed without an easement from the abutter?
  - Applicant shall provide an easement to the City along the private drives within the property to allow for access and operation of the water infrastructure (hydrants and shut offs) to maintain water quality.
  - Each unit should have unique address (Building A has units 1 and 2… Building B has units 2 and 3).
- C-1:
  - Provide a minimum 6-inch water main down the private drive with a standard hydrant at the end.
- C-3:
  - Show a core and boot on existing sewer tie in.
  - Confirm that the proposed sewer main tie in is above or below the new City drainage proposed as part of the Court St Reconstruction. Coordinate with CS. City

preference is to have an internal drop SMH on private property.
  - Rebuild inverts in SMHs.
- SP-2:
  - Show location of EV charging station and accessible charging station.
  - Consolidate the utility trenches within City ROW and provide overlay of entire area of disturbance from curb to curb. *Note: The City is expected to reconstruct Court Street in 2025 and work in the road including pedestrian and utility areas should be coordinated with the City and their Engineer.*
- SP-4:
  - Please show the water connection(s) to Duplex A.
  - Clarify if two water and sewer services will be provided to Duplex A. If only one water line is proposed, only one meter will be provided by the City.
  - It appears that first 50+ feet of the driveway will be discharging water into the City ROW. Please add structures to ensure private water stays on private property.
  - Multiple pipes in the chart have slopes exceeding 17% with some as high as 50%. The locations of these pipes was not found.
  - All pipes are required a minimum of 3 feet of cover per the Dover code or a waiver must be requested.
  - Grading adjacent to the southern property line is very close. It appears a temporary construction easement will be required.
- SP-5:
  - Please confirm if the intent of the design is to have the bioretention soil mix up the side slopes of the basin. It seems excessive and could potentially wash out into the basin.

**Police:**

- Consider a street name for the proposed driveway, to facilitate assignment of addresses and public safety benefit.
- Was any consideration given to connecting to "Locke Street" right-of-way, or what appears to be referred to in City GIS records as Tranquility Way? (This is at the rear of proposed Cottage #1)
- Is it feasible to shorten the landscape bump-out in front of Cottage #2, and pull Cottage #5 to meet the rear setback without losing parking?
- Add sign at the end of proposed walkway before entrance to cemetery: "Dogs Not Allowed in Cemetery". Contact Facilities and Grounds Division of Community Services for sign specs and desired language.
- Sheet SN-1, Note 41: I realize this is a standard Dover note, but security system is not applicable for this project . Amend note to indicate this, to avoid future confusion over "multi-family dwelling" language.
- Sheet SP-2, Note C-9: pavement marking FIRE LANE stenciling is fine, but must be supplemented or replaced with at least 2 "No Parking Fire Lane" signs on the northerly side of driveway.

**Inspection Services:**

- Provide street name for the proposed private roadway.

**Fire Department:**

- Fire truck detail is appropriate.
- Fire hyrant to be installed at end of road.

**Business Development:**

- Should duplex "B" units be relabeled as 3 & 4?
- The combination of architectural styles and use of the cottage court layout add visual interest to the site and maintain the look and feel of traditional New England development.
- Proximity of this site to RM-U zoning district mitigates the impacts of the extra density.

**Planning Board:**

- No comments.

**Next Steps:** Revise plans per comments above and resubmit for second official TRC.

**Paused TRC at:** 11:11 a.m.

TRITECH
ENGINEERING CORPORATION

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

September 12, 2024

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Technical Review Committee Response Letter
***103 COURT STREET***
Dover Tax Map 19 Lot 8
103 Court Street
Dover, New Hampshire
Job No. 24101
City of Dover Planning # Site-2024-0012

Dear Donna:

At their meeting on August 29, 2024 the Dover Technical Review Committee (TRC) offered the following comments. Our response to each of their comments are identified in blue text.

**PLANNING**

- Reminder: Impact fees, Water and sewer investment fees.

  ***The Applicant is aware of this requirement.***

- Provide letters to serve when received.

  ***The City Engineer indicated at the TRC meeting that he was preparing a letter to serve regarding city services and the Planning Director indicated that, as the project is less than 10 units, an Eversource letter to serve is not required.***

- Provide HOA.

  ***The Applicant has prepared Home Owners Association (HOA) documents (see attached).***

- Remove unit from the rear setback.

  ***Cottage Unit #5 has been relocated to meet the rear setback requirement.***

- Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.

  ***Our TDR request has been revised to eliminate the relief from the R-12 setback requirement. The revised plan has reduced the common area to increase the distance from the proposed cottages to the easterly property. The property is approximately 135 feet wide and strict compliance with the 30-foot perimeter buffer would leave development of the property limited. We feel the proposed landscaping is adequate mitigation for the reduction in the buffer.***
  ***The Applicant has prepared a Transfer Development Rights Narrative (see attached).***

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 26, 2024 |

**INTENT:** Convert an existing home into a two-family dwelling, construct a second two-family dwelling, and construct an additional five (5) new single-family homes for a total of nine (9) dwelling units. *[This item was previously heard on Thursday, September 5, 2024]*

**UNITS PROPOSED:** Nine (9) units including one (1) existing unit and six (6) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Marn Speidel, Police Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from September 5, 2024:**
J.Burdin moved to approve the September 5, 2024 minutes. Seconded by K. Mavrogeorge. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- *Reminder: Water and sewer investment fees*
- *Provide City of Dover letter to serve when received.*
- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.
- *Internal parking aisleways w/ one entrance/exit must be 24' wide*
    - TRC response indicates a waiver has been submitted. Could not locate in materials.
- *Any additional screening planned behind cottage units?*
    - Visual buffer is needed behind cottage units in addition to existing fencing.
    - Provide more robust landscaping plan
- How do you ensure critters don't get into or attracted to the toters stored outside?
- Sight distance photo looking northwest should be taken from a ~1ft back. The photo seems to be taken from a spot where the front of the car would already be in the street.
- How do you ensure snow storage does not get pushed up again abutter's fence?
- The streetscape rendering doesn't seem to accurately show how tall the barn building is compared to the front dwelling.
- Show 25' cemetery line setback per RSA 289:3 III. No excavation can occur with that 25' buffer so stormwater and utilities will need to be adjusted.

**Engineering:**

- General Comment:
    - Condo Docs are provided. Please revise to include maintenance of private sewer and water systems.
    - HOA fee breakdown:
        - Show cost of routine pavement maintenance (crack sealing, striping, etc.).

  - Is $1800 per year in maintenance for catch basin cleanings and basin O&M too low?
  - $15000 for fence repair in year 30 seems low.
- SP-7:
  - Drainage trench does not meet City standards. Stone bedding and backfill are required.
- SP-11:
  - Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.
- SP-12:
  - Sewer trench details need to show stone bedding and backfill above pipe to match the City standard.
- TR-1:
  - Fire truck movement into the site crosses over the curbing. Please revise.

**Police:**

- Sheet SP-2, notes C-19 and C-20: do these 2 pads serve the entire lot? Access to C-19 appears mostly obstructed by adjacent parking space.
- Label the "designated collection area" per the Trash Management Protocol - particularly if out at Court Street - or indicate if toters would simply be collected straight from the storage pads.
- RE: Sheet LI-1, Lighting Note 2: regarding the reference to timers and 10pm shutoff, is there any site lighting that this pertains to? Wall packs seem likely to be controlled by individual unit owners; would this impact any lighting of community space and/or parking areas?

**Inspection Services:**

- Farm Gate Drive is an acceptable private drive name.

**Fire Department:**

- Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.
- Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another. See attached.

**Business Development:**

- The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claim. The following information would make it easier to evaluate compatible density vs. overdevelopment:
  - Define the "surrounding area" for the purposes of evaluating density and visual character
  - Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
  - The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.
- Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
- Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.
- Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
- Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

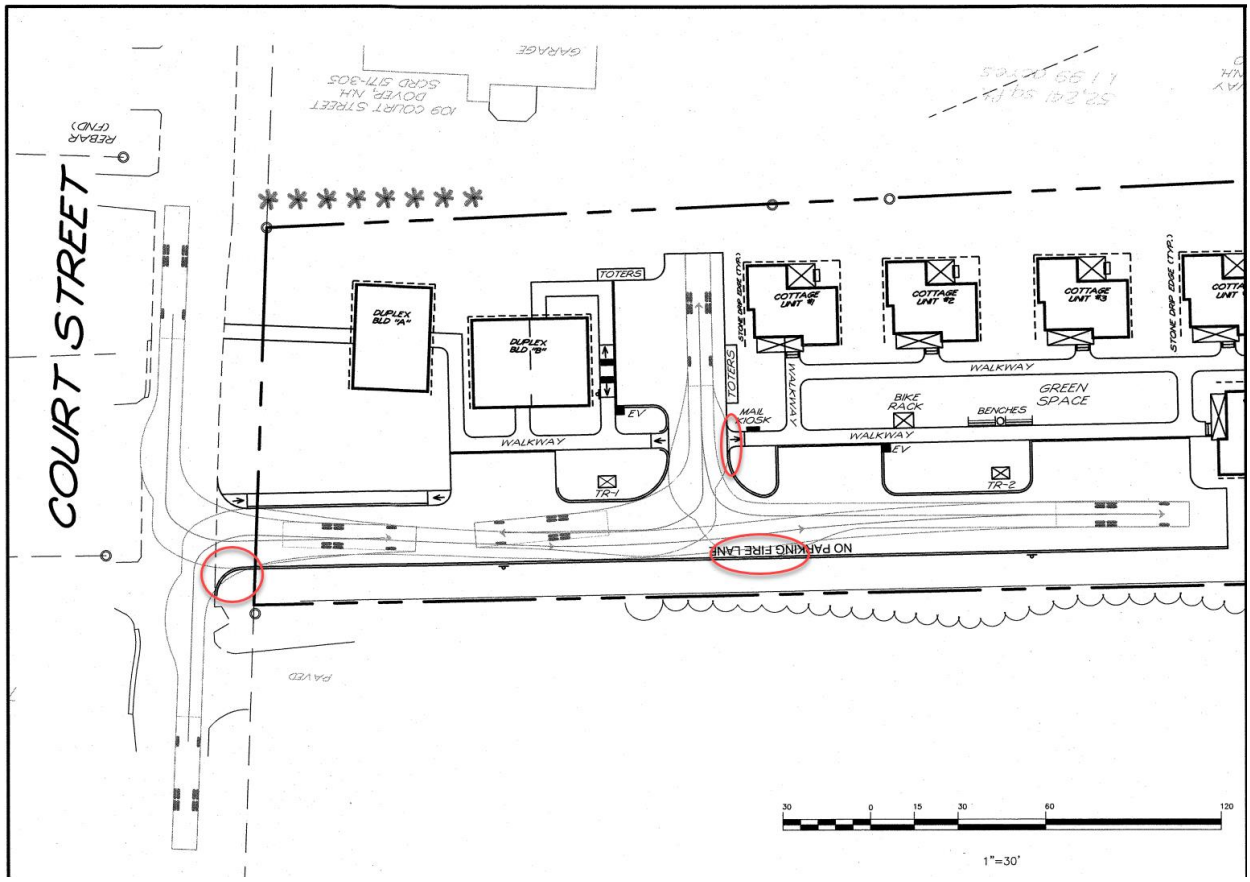
**Planning Board:**

- *No comments.*

**Next Steps:** Revise plans per comments above and resubmit for subsequent TRC.

**Adjournment:** P. Crouser moved to adjourn the meeting at 11:25 a.m. Seconded by M. Speidel. Vote: U/A

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 26, 2024 |



TRITECH
ENGINEERING CORPORATION

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

October 24, 2024

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Technical Review Committee Response Letter #2
***103 COURT STREET***
Dover Tax Map 19 Lot 8
103 Court Street
Dover, New Hampshire
Job No. 24101
City of Dover Planning # Site-2024-0012

Dear Donna:

At their meeting on September 26, 2024 the Dover Technical Review Committee (TRC) offered the following comments. Our response to each of their comments are identified in blue text.

**PLANNING**

- *Reminder: Water and sewer investment fees.*

  ***The Applicant is aware of this requirement.***

- *Provide City of Dover letter to serve when received.*

  ***The City Engineer indicated at the TRC meeting that he was preparing a letter to serve regarding city services.***

- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
  - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.

    ***The revised Site Plan provides a radical revision to the site layout. The unit count has been reduced by 2 units. The existing house will remain as a single-family home, which will utilize its existing utilities, trash collection and driveway. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. These units will remain HUD restricted. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

    ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | November 14, 2024 |

**INTENT:** Maintain an existing single-family home, construct an additional two-family dwelling and four (4) new single-family homes for a total of seven (7) dwelling units. *[This item was previously heard on September 5, 2024 and September 26, 2024]*

**UNITS PROPOSED:** Seven (7) units including one (1) existing unit, two (2) additional units allowed per base density, and four (4) TDR units

**AGENDA ITEM #:** 2

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Marn Speidel, Police Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from November 7, 2024:**
K. Mavrogeorge moved to approve the November 7, 2024 minutes. Seconded by P. Crouser. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- *Reminder: Water and sewer investment fees*
- *Provide City of Dover letter to serve when received.*
- Thank you for revising the design to provide more buffer with the exception of the pavement. Please label a bit more clearly on the plan. Thank you for providing a thorough narrative regarding the neighborhood context.
- If possible, please update portal application to current unit count request.
- Planning and City Attorney's staff will review HOA/condo documents.
- Thanks for providing reserve calculation.
- Revise wording for rear setback line.
- Add leader note about distance from cemetery meeting RSA 289:3.III.
- Snow storage areas still seem a bit inadequate.

**Engineering:**

- General Comment:
  - Update HOA documents to talk about private sewer and water maintenance and how that will be accounted for.
- SP-11:
  - Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.

**Police:**

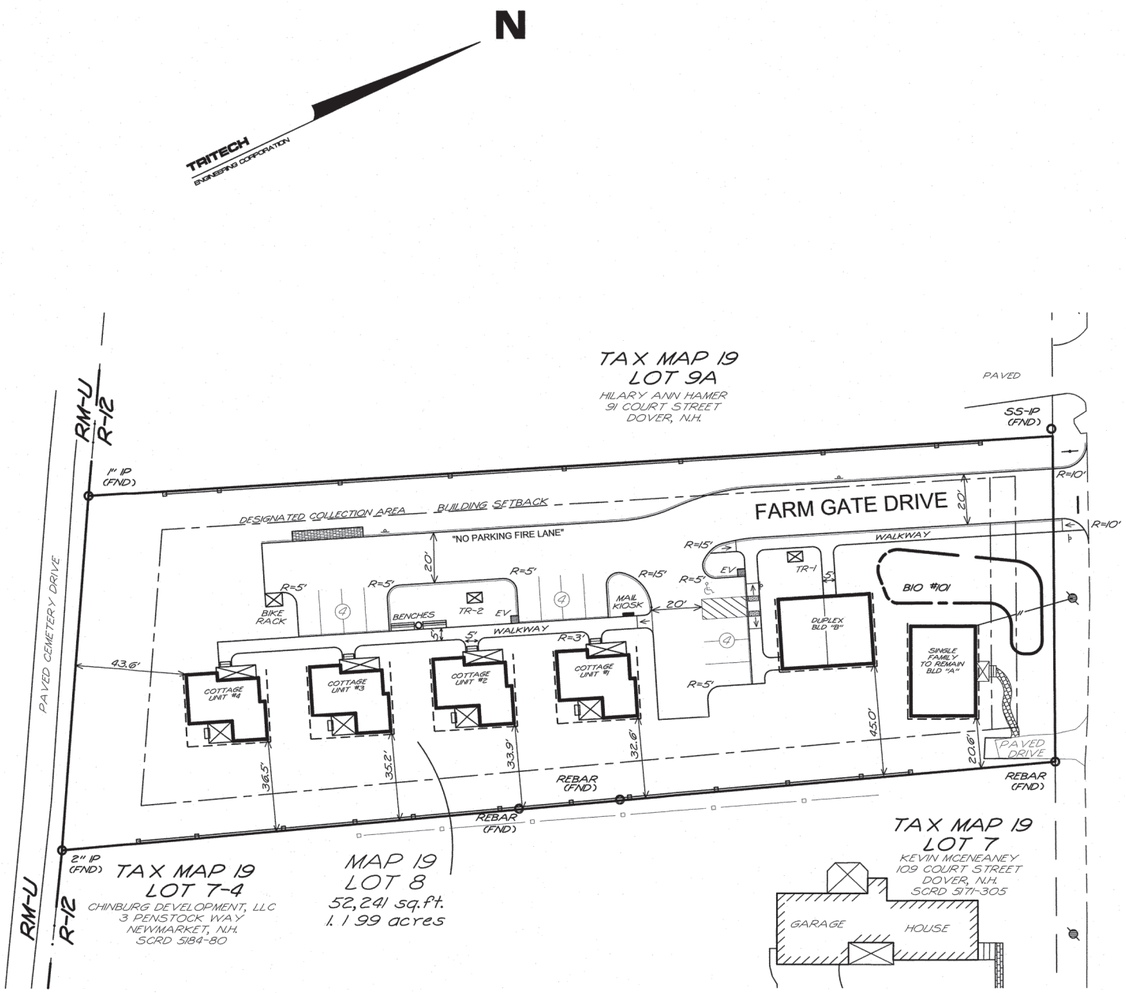
- Update unit count on sheet SN-1.

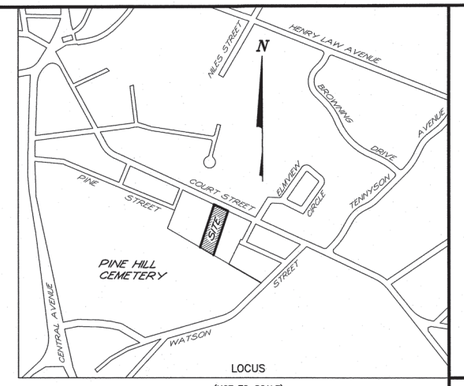
**Inspection Services:**

- Previous comments addressed.

**Fire Department:**

- *Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.*
- *Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another. See attached.*




LOCUS

(NOT TO SCALE)

## NOTES

1.) INTENT: TO FURTHER DEVELOP TAX MAP 19 LOT 8. THIS DEVELOPMENT WILL INCLUDE THE RENOVATION OF THE EXISTING SINGLE FAMILY HOUSE, AS WELL AS THE CONSTRUCTION OF AN ADDITIONAL DUPLEX STRUCTURE. THE DUPLEX (2 UNITS) WILL BE HUD RENT RESTRICTED AND WILL BE OBTAINED UNDER THE TRANSFER DEVELOPMENT RIGHTS (TDR) ORDINANCE. THE DEVELOPMENT WILL INCLUDE THE CONSTRUCTION OF 4 SINGLE FAMILY SIZE RESTRICTED HOMES. THESE HOMES WILL BE CONSTRUCTED UNDER THE TDR ORDINANCE. 2 BASE UNITS AND THE PURCHASE OF 2 SIZE RESTRICTED UNITS.

2.) CURRENT OWNER: 5 SHERMAN STREET LLC
242 CENTRAL AVENUE
DOVER, N.H.

AUTHORIZED SIGNATURE

3.) TAX MAP 19 LOT 8.

4.) TOTAL LOT AREA: 52,241 SQ.FT. – 1.199 ACRES

5.) PROJECT DEED REFERENCE: BOOK 5172 PAGE 55

6.) PROJECT PLAN REFERENCE: SURVEYED MAY 1935
W.S. WHEELER, CE
DOVER, N.H.
SCRD
POCKET #10, FOLDER #2, PLAN #11 & 12

LIMITED SUBDIVISION
CECIL TAYLOR
DOVER, N.H.
FREDERICK E. DREW ASSOCIATES
JULY 1977 SCRD 17-112

PROPERTY SURVEY
109 COURT STREET, DOVER
STRAFFORD COUNTY, NEW HAMPSHIRE
JOANNE RICHARD LIVING REVOCABLE TRUST
STONEWALL SURVEYING
AUGUST 1, 2023 SCRD #13011

7.) ALL APPLICABLE RIGHT-OF-WAY, CONSERVATION, SLOPE, CONSTRUCTION, POWER LINE, CROSS TRAVEL OR OTHER EASEMENTS HAVE BEEN REFERENCED IN A NOTE.

8.) ZONING: R-12
MIN. LOT SIZE: 12,000 SQ.FT.
MIN. FRONTAGE: 100 FT
MIN. SETBACKS:
FRONT: 15 FT TO 25 FT
SIDE: 15 FT
REAR: 30 FT
MAX. COVERAGE: 30 %

9.) VARIANCES, SPECIAL EXCEPTIONS, CONDITIONAL USE PERMITS: NONE

10.) THE RAW UNADJUSTED CLOSURE OF OUR RANDOM POINT TRAVERSE WAS 1 PART IN 60,000, AND WAS ACCOMPLISHED USING A TOPCON GT 503 TOTAL STATION, DURING THE MONTH OF FEBRUARY, 2024.

11.) SUBJECT PARCEL IS NOT WITHIN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD ZONE (FLOOD HAZARD ZONE A – PANEL 0320E, MAP No. 33017C0340E, DATE: 9-30-2015).

12.) DURING THE MONTH OF MARCH, 2024 MICHAEL MARIANO, STATE OF NEW HAMPSHIRE CERTIFIED SOIL SCIENTIST #76, NH CERTIFIED WETLAND SCIENTIST #183, CONDUCTED AN ON-SITE WETLANDS DELINEATION OF THE SUBJECT PARCEL. WETLANDS WERE IDENTIFIED BASED ON THE CITY OF DOVER ZONING ORDINANCE (170-27.1) AND ON STATE & FEDERAL CRITERIA OUTLINED IN THE "CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL" (DEPT. OF THE ARMY, 1987) ON THIS SITE, WETLANDS BASED ON LOCAL CRITERIA SHARE THE SAME BOUNDARIES WITH THOSE BASED ON STATE AND FEDERAL CRITERIA. NO WETLANDS WERE FOUND.

13.) BASIS OF BEARING: BEARING SYSTEM BASED ON GPS FIELD OBSERVATIONS ON FEBRUARY 16, 2024 USING TOPCON HIPER SR RECEIVERS AND OPUS CORRECTED ON FEBRUARY 19, 2024. DATUM BASED ON NEW HAMPSHIRE STATE PLANE COORDINATES SPC (2800 NH), (NAVD 88).

## TDR BASE DENSITY CALCULATIONS

| | | |
|---|---|---|
| TOTAL AREA | = | 52,241 SQ.FT. |
| LESS WETLANDS | = | <0> SQ.FT. |
| UPLAND AREA | = | 52,241 SQ.FT. |
| LESS ROAD ALLOCATION (15%) | = | <7,836> SQ.FT. |
| NET AREA | = | 44,405 SQ.FT. |
| LESS WETLAND FACTOR FOR 0% WETLANDS (85%) | | <6,661> SQ.FT. |
| AREA | = | 37,744 SQ.FT. |
| 12,000 SQ.FT. PER UNIT REQUIRED IN THE R-12 DISTRICT | ÷ | 12,000 |
| BASE TDR DENSITY | = | 3.14 UNITS |
| ROUNDED DOWN TO | = | 3 UNITS |

TRITECH
ENGINEERING CORPORATION
755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
TELEPHONE 603 742 8107
FAX 603 742 3890

ISSUED FOR TRC REVIEW
October 24, 2024

| REVISIONS | DESCRIPTION: |
|---|---|
| DATE: | |
| 9-12-24 | REVISED PER TRC COMMENTS |
| 10-24-24 | REVISED PER TRC COMMENTS |

ROBERT STOWELL No. 9803 LICENSED LAND SURVEYOR STATE OF NEW HAMPSHIRE PROFESSIONAL

GENERAL SITE PLAN

# 103 COURT STREET

103 COURT STREET
DOVER, NEW HAMPSHIRE
STRAFFORD COUNTY

SEPTEMBER 30, 2024 JOB No. 2410

SCALE: 1" = 30'

SHEET No.

SP-1



CR 644
(P24-0012)

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #TRAN-2024-0011

| | |
|---|---|
| Application Type: | Transfer of Development Rights |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Meeting Date: | December 10, 2024 |

**INTENT:** To request the purchase of four (4) units through the Transfer of Development Rights (TDR) for a total of seven (7) units, where three (3) units are allowed by right.

**AGENDA ITEM #:** 4-G

**APPLICANT/OWNER:** 5 Sherman Street, LLC

**LOCATION:** 103 Court St. (Assessor's Map 19, Lot 8)

**LOT/UNITS PROPOSED:** Four (4) TDR units, Seven (7) units total

**ACREAGE**: ±1.20 ac.

**ZONING DISTRICT:** R-12

**EXISTING/PROPOSED USE:** Residential

**SURROUNDING USE:** Residential, Cemetery

**ZBA ACTION:** None

**PERMITS:** None

**WAIVERS REQUESTED:** §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed.

(Note the applicant is also requesting partial relief of the 30' buffer)

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail.

**TRC:** 09/06/2024, 09/26/2024, 11/14/2024

**ATTACHMENTS:** Site Plan, TDR Application, Narrative

**Summary of Request and Background**

The applicant is proposing a residential project consisting of seven (7) residential units by purchasing four (4) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction of a duplex and four (4) size-restricted, single-family cottages.

The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that applicants must utilize the single-family yield plan method, or otherwise construct *only* duplexes if the two-family yield calculation is used. As the applicant proposes a mixture of unit counts, the single-family yield calculation is used, which given the subject lot's physical characteristics, results in a base density calculation of three (3) units. This, therefore, means that the remaining four (4) sought units could be granted if the Planning Board votes to approve the use of TDR.

Per the applicant's plan, both units within the duplex, although not required, are proposed to be restricted to the applicable HUD Fair Market Rental rate, with the four (4) cottages being size-restricted to no more than 1,400 s.f. The units purchased through TDR include the two duplex units, and two of the size-restricted cottages.

**Consistency with Land Use Regulations - TDR**

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets all provisions of the TDR Ordinance, with the exception of the required 30' buffer which the applicant seeks partial relief from. To elaborate, all newly proposed structures on the lot comply with the 30' buffer requirements. The applicant seeks relief for mild encroachment of driveway access pavement to the East of the parcel. Also noteworthy is the parcel's proximity to cemetery to the South, which, per state law, requires a mandatory 25' buffer which the applicant complies with.

Staff has reviewed the proposal and supplied a TDR memo to the applicant.

**STAFF RECOMMENDATION - TDR:**

The Planning Department understands changes to the plan may still be needed and could be subsequent conditions of approval or made before the Board votes on the TDR request. The Planning Department also recognizes the public comments received so far and recommends the Planning Board accept the application, open the public hearing, and provide the applicant any feedback based on the application, presentation, and public hearing and then table the item to a date certain.

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #TRAN-2024-0011

| | |
|---|---|
| Application Type: | Transfer of Development Rights |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
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| Meeting Date: | December 10, 2024 |

**INTENT:** To request the purchase of four (4) units through the Transfer of Development Rights (TDR) for a total of seven (7) units, where three (3) units are allowed by right.

**AGENDA ITEM #:** 4-G

**APPLICANT/OWNER:** 5 Sherman Street, LLC

**LOCATION:** 103 Court St. (Assessor's Map 19, Lot 8)

**LOT/UNITS PROPOSED:** Four (4) TDR units, Seven (7) units total

**ACREAGE**: ±1.20 ac.

**ZONING DISTRICT:** R-12

**EXISTING/PROPOSED USE:** Residential

**SURROUNDING USE:** Residential, Cemetery

**ZBA ACTION:** None

**PERMITS:** None

**WAIVERS REQUESTED:** §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed.

(Note the applicant is also requesting partial relief of the 30' buffer)

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail.

**TRC:** 09/06/2024, 09/26/2024, 11/14/2024

**ATTACHMENTS:** Site Plan, TDR Application, Narrative

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Per the applicant's plan, both units within the duplex, although not required, are proposed to be restricted to the applicable HUD Fair Market Rental rate, with the four (4) cottages being size-restricted to no more than 1,400 s.f. The units purchased through TDR include the two duplex units, and two of the size-restricted cottages.

**Consistency with Land Use Regulations - TDR**

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Staff has reviewed the proposal and supplied a TDR memo to the applicant.

**STAFF RECOMMENDATION - TDR:**

The Planning Department understands changes to the plan may still be needed and could be subsequent conditions of approval or made before the Board votes on the TDR request. The Planning Department also recognizes the public comments received so far and recommends the Planning Board accept the application, open the public hearing, and provide the applicant any feedback based on the application, presentation, and public hearing and then table the item to a date certain.

Hilary Hamer, OD, MA, MS
Abutter, 91 Court St
Dover, NH 03820
Tel: (603) 361-9428

City of Dover, Planning
288 Central Ave
Dover, NH 03820

Subject: 103 Court St, TDR Proposal

To the Planning Board:

I urge you to thoroughly review the following information before considering accepting the TDR proposal at 103 Court St. TDR serves a purpose, but as so many expressed at the 566 Sixth Street project hearing on October 22nd, is this the correct use of it? While there may be a housing shortage right now, is it fair to homeowners like me to approve TDR that permanently changes our streets while admitting it is not the intended use of TDR? TDR is not required for this lot to be developed.

Consider the implications of 103 Court St for Dover but also for yourselves. This site will open a floodgate to additional TDR proposals as the densest and smallest residential TDR ever, except for one little past site next to Walgreens off Central Ave. I urge you to look at Court St and then scan the Dover map and see just how many long, skinny lots like this there are across the city.

I especially urge you to look at the applicability of code G(7) regarding a buffer and G(8d). The lack of any semblance of a 30-foot buffer provides an easy reason to dismiss this project. Deny this project due to lack of the required buffer as well as the overreaching density request.

My husband and I have poured our hearts into this home since moving here in 2022. The idea of nine new units on the mostly wooded single-family lot next to us when it first came out in September was shocking. The slightly revised proposal still represents an enormous increase in density and would fundamentally change the character of our street. This is a unique area. We are next to the Pine Hill cemetery. It does not have an urban feel to it. Our backyard creates a lovely field continuous with two neighbors' backyards by the cemetery. Many people both recreate and reflect there, a lovely and peaceful historic space.

We understand the need for housing, but this type of overdevelopment in our neighborhood is not the solution. It is not compatible with the neighborhood. Develop the lot under normal zoning which allows for three units. Four more housing units using TDR will do nothing to fix the larger housing problems of this city.

Thank you,



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# TDR Density

## This is the densest proposed residential TDR to date, except for one previous site next to Walgreens.

Right-to-Know provided this list of approved and pending TDR projects since 2021 which I then researched to add the acres and final number of approved units:

***Approved TDR Projects***

| | | | | | |
|---|---|---|---|---|---|
| 8/4/21 | 51-65 Bellamy | R40 | 7.79 acres | 17 units | 2.2 units/acre |
| 8/4/21 | 725 Central | G | | | |
| 7/26/22 | 757 Central | G | | | |
| 5/20/22 | 16 Prospect | R12 | 1.56 acres | 3 units | 1.9 units/acre |
| 10/18/22 | Little Bay Road | LBW | | | |
| 6/30/23 | 5 Glenwood | R12 | 0.36 acres | 2 units | 5.6 units/acre |
| 10/27/23 | Cielo Drive | IT | | | |
| 12/23/23 | 105 Durham | R20 | 1.28 acres | 9 units | 4.1 units/acre |
| 3/26/24 | 30 Grapevine | C | | | |

I did not include further details for TDR examples located in non-residential zones, as surely these are not relevant to 103 Court St.

***Pending TDR Projects***

| | | | | | | |
|---|---|---|---|---|---|---|
| 6/27/22 | 77 Sixth | R12 | 0.26 acres | 4 units | No action? Abandoned? | |
| 3/8/23 | 41 Long Hill | R12 | 11 acres | 34 units | 3.1 units/acre | In TRC |
| 11/21/23 | 306 Dover Point | R20 | 1.64 acres | 5 units | 3.0 units/acre | |
| 5/2/24 | 512 Sixth | R12 | 1.87 acres | 5 units | 2.7 units/acre | |
| 5/22/24 | 131 Littleworth | R40 | Withdrew – not relevant | | | |
| 6/4/24 | 101 Back Rd | R40 | Village Theme – not relevant | | | |
| 6/6/24 | 566 Sixth | R40 | 1.35 acres | 5 units | 3.7 units/acre | Denied |
| 7/15/24 | 52 Old Rochester | C | | | | |
| 8/15/24 | 103 Court | R12 | 1.19 acres | 7 units | **5.9 units/acre** | |

This represents the densest residential TDR ever, and the second smallest TDR lot ever except for one located at 5 Glenwood Ave, a site next to Walgreens:



## This lot is small and sets an example by which almost any residential lot in Dover would be a candidate for TDR development.

Minimum frontage by residential zone:

R12: 100-feet
R20: 125-feet
R40: 150-feet

103 Court St frontage is 129.36 feet, and it is 141.18 feet in the rear. By this example, every single R40 lot, almost every R20 lot in town, and an awful lot of R12 are candidates for TDR. Dover is littered with long skinny lots like this in residential neighborhoods. This project is a floodgate for more TDR proposals.

# Neighborhood Analysis

## Arguing 103 is a transition between RMU and R12

From the developer: “The property borders the RMU zone along its 160-foot rear property line… This project respects the transition between the higher-density RMU zone and the medium-density residential R-12 zone”

Pine Hill Cemetery does border 103 Court St in the back. It is technically RMU zone. It is a cemetery. It will never be developed. This is not a transition.

## Detailed Analysis

### Existing Density and Building Coverage within 300-feet

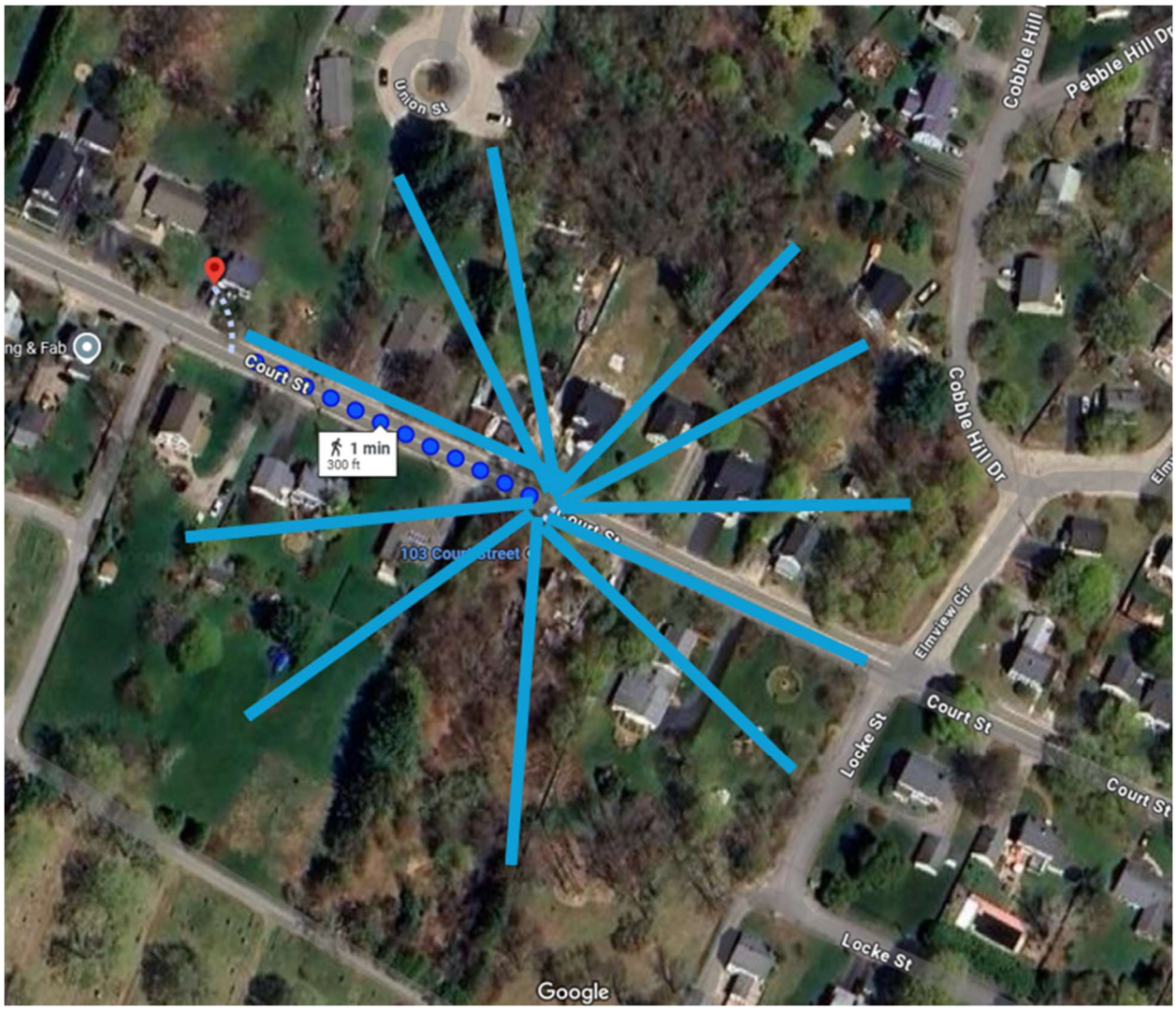



*Figure 1: 300-foot circle around the existing home on 103 Court St (the recommended range from TRC #2 9/26/24)*

In the 300’ circle centered on the current single-family home at 103 Court St, these are the residences:

| Address | Lot Size (acres) | Type | Existing Home ground floor (sqft) | Unit /Acre | Existing Building Coverage* |
|---|---|---|---|---|---|
| 85 Court St | 0.687 | 1 family | 1065 | 1.45 | 3.56% |
| 89 Court St | 0.904 | 1 family | 864 | 1.11 | 2.19% |
| 91 Court St | 0.865 | 1 family | 1008 | 1.16 | 2.67% |
| 103 Court St | 1.19 | 1 family | 936 | 0.84 | 1.81% |
| 109 Court St | 0.439 | 1 family | 741 | 2.28 | 3.87% |
| 111 Court St | 0.39 | 1 family | Unsure- new | 2.56 | |
| Tranquility Way | 0.36 | 1 family | Unsure- new | 2.78 | |
| Tranquility Way | 0.408 | 1 family | Unsure- new | 2.45 | |
| 108 Court St | 0.367 | 1 family | 580 | 2.72 | 3.63% |
| 106 Court St | 0.33 | 1 family | 918 | 3.03 | 6.39% |
| 104 Court St | 0.32 | 1 family | 576 | 3.13 | 4.13% |
| 102 Court St | 0.31 | 1 family | 737 | 3.23 | 5.46% |
| 100 Court St | 0.38 | 1 family | 480 | 2.63 | 2.90% |
| 92 Court St | 0.698 | 1 family | 768 | 1.43 | 2.53% |
| | | | **AVERAGE:** | **2.2 units/acre** | **3.56%** |

**I was unable to calculate proper lot coverage as I cannot readily access the impermeable area per lot. The houses along Court St are all located towards the front of the properties, so the impermeable areas (driveways) reflect the building sizes, so I feel this is still a very valid assessment to use.*

**Versus proposal at 103 Court St:**
Unit Density = 7 units/1.19 acres = 5.88 units/acre – **This is 2.7X higher than the average**

4 cottages at ~20x30’ + current single family (936sqft) + barn (estimate 1000sqft) = 8.36% building coverage – **This is 2.3X higher than the average**

## Presence of duplexes

There are no duplexes in a 300-foot radius of 103 Court St currently.

## Spacing of Existing Homes

*If a buffer is not enforced, then the cottages in the rear of the lot will be visible and should be therefore considered relative to their consistency to the neighborhood as well as the front buildings.*

Houses are an average of 36-feet spaced apart on the North of Court St and 40-feet from each other on the South of Court St in the immediate area. The proposal meanwhile places a row of identical cottages each spaced 20-feet apart.




*Figure 2: Developer diagram of existing houses.*

## Home Sizes and Diversity

The homes on Court St are diverse, built over many years. Every single house is unique. I will not include a photo of every home in the immediate area, but I invite you to travel down Court St. There is no example of a row of identical houses anywhere. Our homes also cover a wide range of sizes but are all larger than the ~20'x30' cottages proposed. These cottages are not visually consistent to the local street in size, nor in their spacing and uniformity.

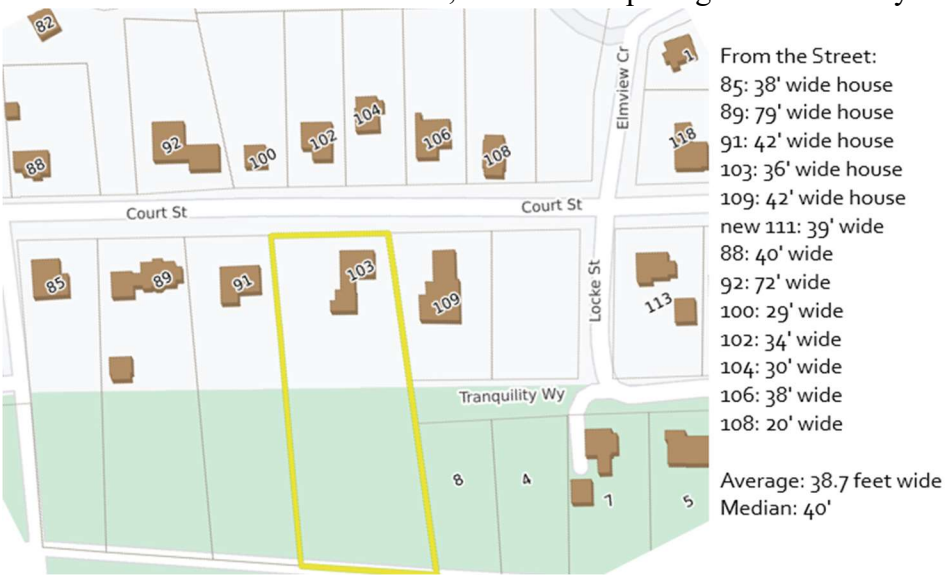



*Figure 3: All of the sizes of houses along Court St in immediate area from the street*

## The parcel “within 165’ has 59 units on 6 acres”

The developer alludes to a “parcel within 165’ has 59 units on 6 acres.” I assume they are referring to the property at the end of Union Street based on the maps. However, the corner of that parcel is 300-feet from 103 Court St. Furthermore, topographically this parcel exists at an entirely different elevation to Court St and is not even visible from the paved walkway that connects it to Court St.



*Figure 4: This is the view to that parcel from Court St*

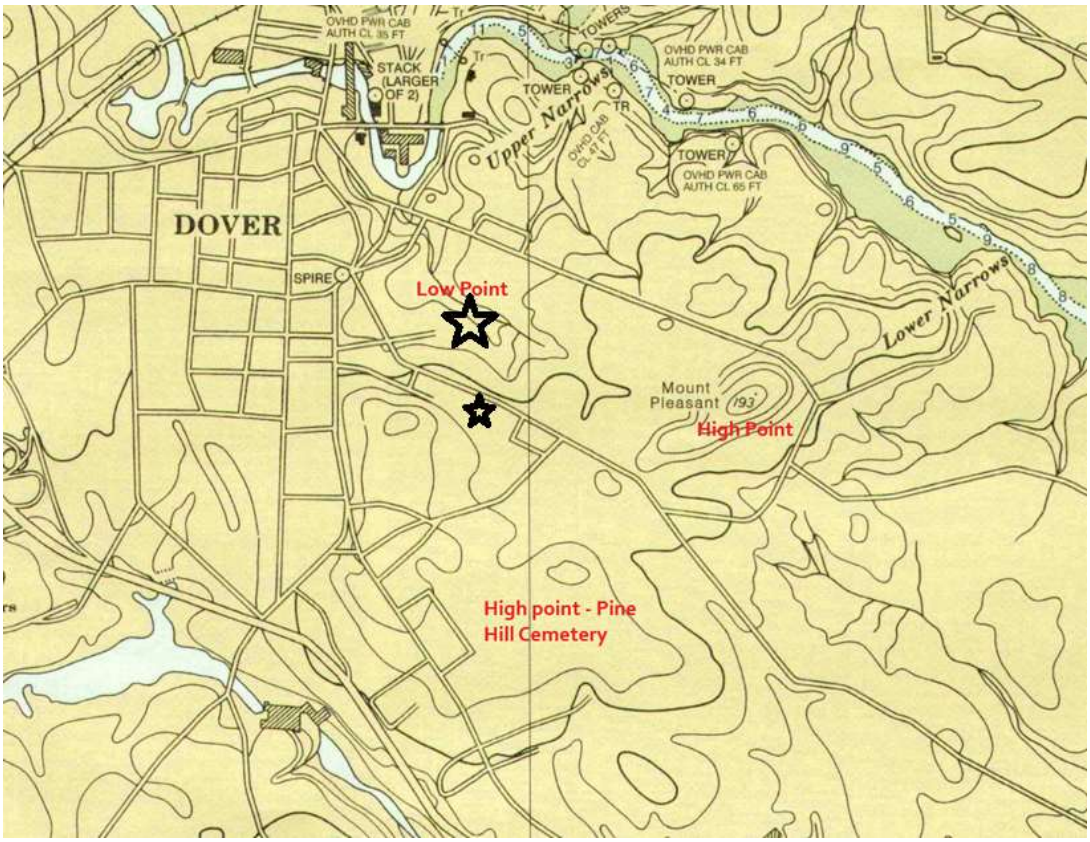


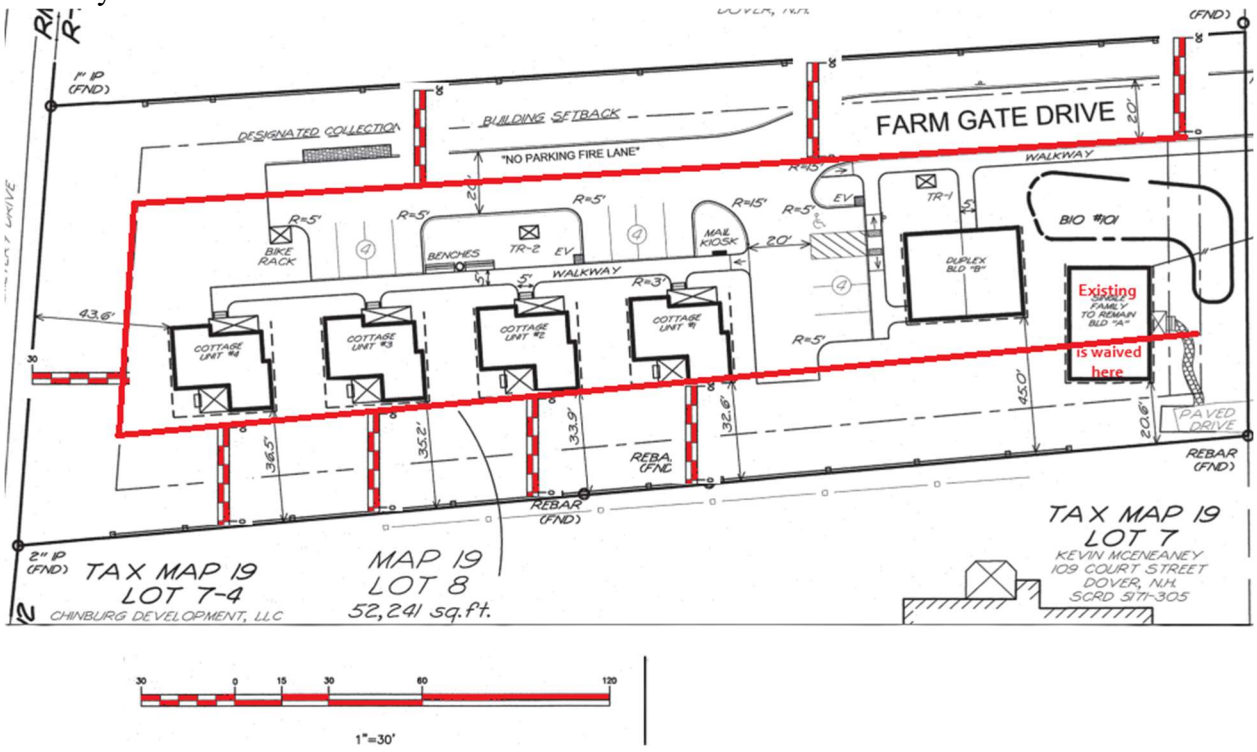

*Figure 5: USGS Survey Topographical Map of Dover showing the significantly lower topographical elevation to the Union St area residences relative to 103 Court St.*

# The Buffer Ordinance

*170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer."*

## There is no 30-foot no-cut, no-disturb buffer in the plan.

I apologize for my poor rendering skills. There was no buffer drawn onto the submitted plans, so I did my best:




On the 109 Court St side, the cottages are at 36.5-feet, 35.2-feet, 33.9-feet and 32.6-feet from the property line. This is obviously not providing any semblance of a 30-foot no-cut, no-disturb buffer. On the 91 Court St side, there is a paved road about 10 to 20-feet from the property line. Again, no semblance of a 30-foot no-cut, no-disturb buffer.

After initially seeing this project and reading the TDR code, my neighbors and I thought surely this TDR cannot move forward as there is clearly no room for the buffer. We watched the first and second TRC meetings closely and thought that would be it. The committee clearly indicated the proposal would have to meet the buffer requirement, and it was denied twice.

From the online recording under Meeting Minutes from 9/26/2024 second TRC at:
https://publicrecords.dover.nh.gov/Tabs/Index/21116/public/1/deptnum/0/cab/Public_Meetings

Transcribed with minute references:

- 1:30 Director Benton, "I know we chatted last time about trying to add more than the existing 10-foot visual buffer so if we can still look to make the 30 that is technically required."

- 7:17 Dir. Benton, "The issue is the TDR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density. So, we're just trying to make sure that you're meeting the buffer requirements.
    - [Developer asks for clarification]
- So the ordinance is clear that you can't be asking for relief if it's caused by the extra density. So you really shouldn't be getting extra density if you can't meet the buffer requirements, and the setbacks. So you may need to lose units or figure out a redesign."

The buffer comes up repeatedly in the meeting as a requirement. When the slightly modified proposal you are now viewing was approved at the third TRC meeting on November 14, 2024, it was an utter shock to myself and neighbors.

I inquired with my City Council representative for ward 3, Anthony Retrosi, on how this could possibly be happening. He procured this explanation from Director Benton on November 18, 2024:

> "*Hi Councilor Retrosi,*
> *Thanks for reaching out for more information. As you're likely aware the Transfer of Development Ordinance allows for housing density to occur in excess of the underlying zoning allowances providing the Planning Board grant the request. Ms. Hamer raises two main questions I want to address. The first being the 30' visual buffer on the parent parcel. The parcel is not seeking a subdivision and therefore "parent" is a key word. There have been other instances where the Planning Board has not required the 30' visual buffer depending on the site, proximity to urban core, lack of subdivision or new lot lines, etc.*
> *The other is the criteria of no additional relief being sought. This was added about 2 years ago to the Zoning Ordinance and the intention was in terms of wetland or wetland buffer impacts and not to parts of the TDR ordinance itself. The 30' buffer is a part of the TDR ordinance not underlying zoning like an environmental conditional use permit would be. Relief from wetlands impacts due to additional development is a different level of relief than providing or not providing a 30' visual buffer. Due to discussion during the TRC process, the applicant is proposing fencing and additional landscaping to try to meet the same intent and help screen the project from abutting properties.*
> *Certainly this zoning ordinance could use clearer word smithing which staff plans to discuss with the Planning Board during its annual goal setting in January.*
> *Please let me know if you or Ms. Hamer have any additional questions.*
> *Thanks,*
> *Donna Benton, AICP*
> *Director of Planning and Community Development*"

This is entirely inconsistent with every single part of the past TRC discussions and none of us can understand what changed between 9/26 and 11/18. It is extremely upsetting to see this complete reversal in language and utterly confusing.

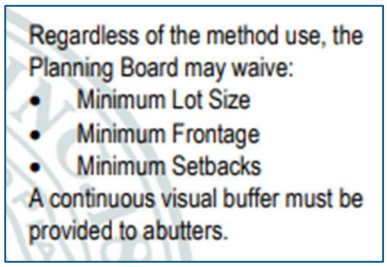
## The buffer applies under all interpretations of TDR code.

Imagine my and my neighbors' utter shock at these statements which are in contradiction with the TRC meetings, TDR code and prior discussions at Planning Board meetings relative to TDR. It's pretty obvious that ordinance G(7) located under the section of residential TDR code would apply to a residential TDR project. It makes sense because the buffer is to protect neighbors from the increased density that would never occur under regular zoning.

The parent parcel is the lot of 103 Court St. I have asked a licensed surveyor with frequent business in Dover, a zoning lawyer in Dover, civil engineers and others what they consider a "parent parcel" to be for TDR. The answer is unanimous that the "parent parcel" for the TDR application is the original lot.

Whether the TDR functions as a subdivision or a site plan is immaterial for residential TDR projects, as both fall under the hierarchy of the full section G. Look at (E)4 in the TDR code which states that a TDR proposal is subject to all of section F or all of section G. 103 Court St as a residential TDR application is subject under this language to all of section G, including the buffer.

*170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer."*

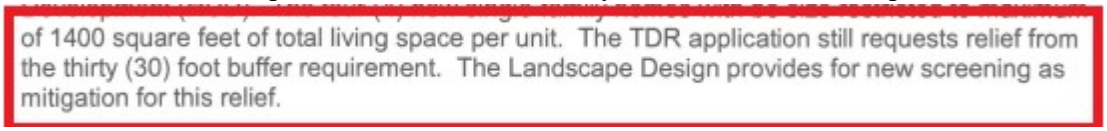

Regardless of the method use, the Planning Board may waive:
- Minimum Lot Size
- Minimum Frontage
- Minimum Setbacks

A continuous visual buffer must be provided to abutters.

Furthermore, the City of Dover Transfer of Development Rights Fact sheet for Residential Development Rights specifically promises a "continuous visual buffer" (to the left here) without any restriction to a subdivision or site plan format.

It does not spell out thirty feet of buffer. However, it clearly implies that a buffer is a requirement for all residential TDR projects. The "continuous visual buffer" and the 30-feet distance is specified in the full clause of G(7). There is no separation of a visual buffer and a 30-foot buffer in the written ordinance. You cannot say a visual buffer is a requirement here while not the 30-foot no cut, no disturb zone.

Additionally, in the Planning Board Submittal letter from the developer, the developer asks for relief from the "buffer requirement". Therefore, they understand it as a requirement.


of 1400 square feet of total living space per unit. The TDR application still requests relief from the thirty (30) foot buffer requirement. The Landscape Design provides for new screening as mitigation for this relief.

In the Plan Snapshot Report, the comments from the TRC committee include mentioning the "TDR 30' no-cut-no-disturb area":

**Comments:** • The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claims. The following information would make it easier to evaluate compatible density vs. overdevelopment:
o Define the "surrounding area" for the purposes of evaluating density and visual character
o Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
• Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
may improve both the architectural consistency and free up space to lessen buffer impacts.
• Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
• Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

The 30-foot no cut, no disturb buffer requirement does apply to 103 Court St, and all TDR for that matter, for the perimeter of the existing lot. Under section 8d, as Director Benton so clearly said at the 9/26 TRC meeting, this buffer cannot be waived to achieve the extra TDR density.

## There are no similar examples of residential TDR waiving the buffer in an R-12, R-20 or R-40 project.

Let's look at all the other residential TDR projects since 2021 and the very well-defined buffers on their plans.

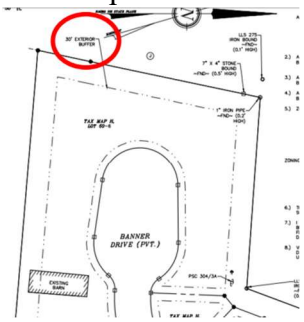



*Figure 6: Approved at 51-65 Bellamy Road*

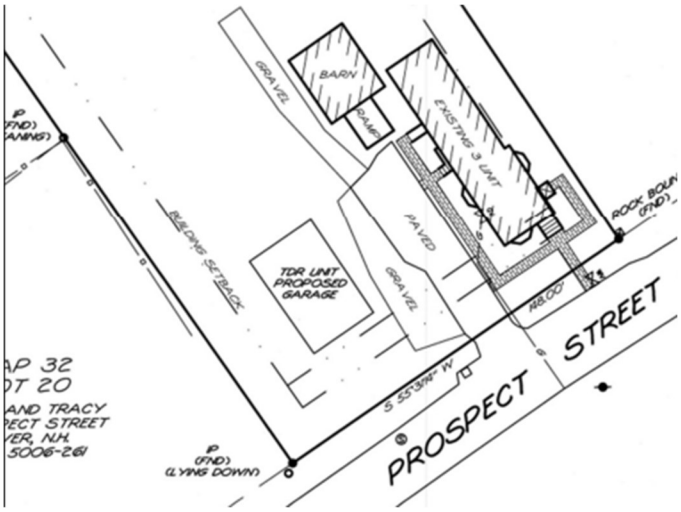



*Figure 7: Approved at 16 Prospect St - buffer not drawn, but clearly obeys 30-feet by scale on plan*

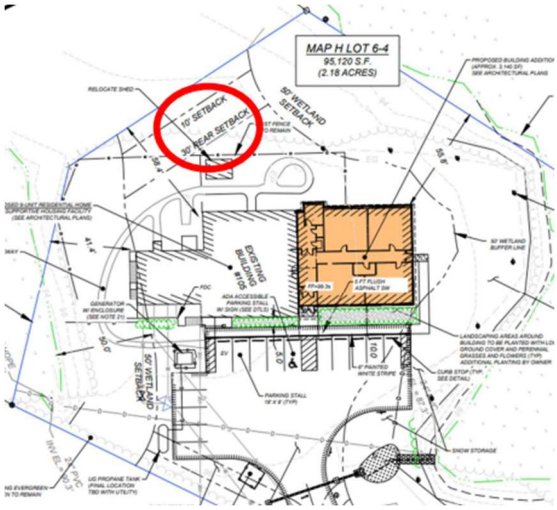



*Figure 8: Approved at 105 Durham Road*

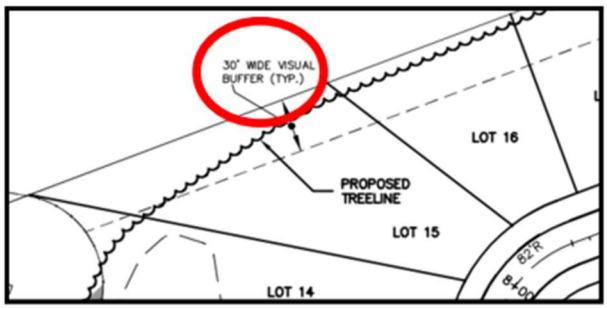



*Figure 9: Pending at 42 Long Hill Road*

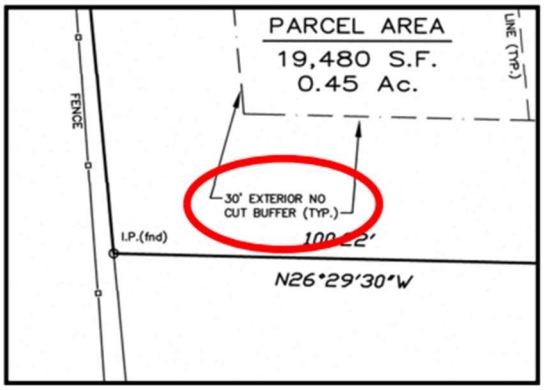



*Figure 10: Proposal at 566 Sixth St*

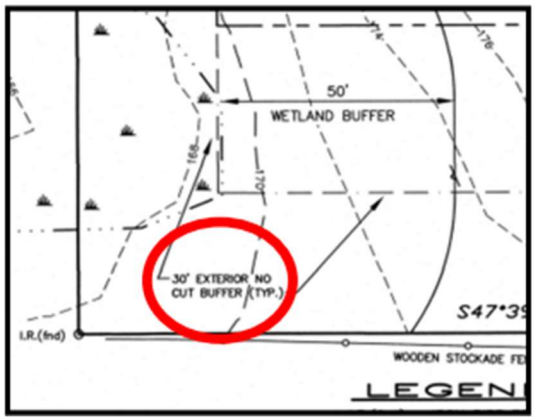



*Figure 11: Proposal at 512 Sixth St*

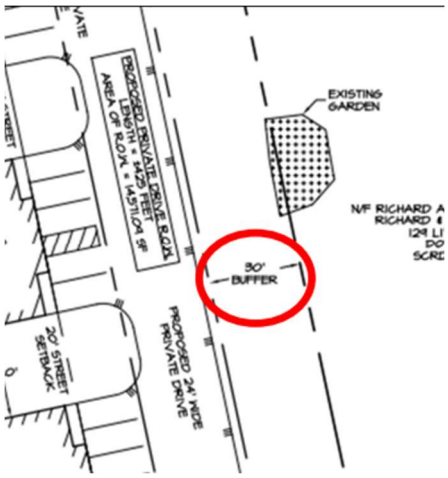



*Figure 12: Proposal at 131 Littleworth Road - even though they withdrew*

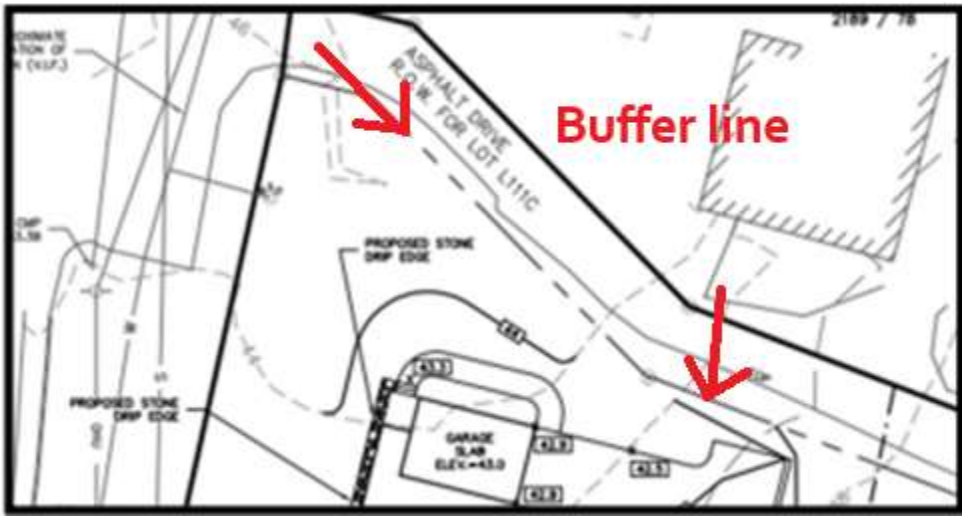



*Figure 13 306 Dover Point Rd, even though it's bordered by driveways to lower coastal lots, still maintained a buffer.*

*Acknowledging the single example of residential TDR without a buffer, for fairness.*

5 Glenwood Ave (a site next to Walgreens off Central Ave) is the one example that waived a buffer. It provided a very clear explanation and requested only one unit. It was also approved on 6/30/23, prior to the amendment creating 8d in the TDR ordinance which disallows buffer relief.

## There is no attempt at a valid argument for waiving a buffer at 103 Court St.

The project narrative literally includes no argument for waiving the buffer at all. It is not mentioned in the current material (as of 11/25/2024). The only comment from the developer is in the "TRC Response Letter #2":

- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.

      ***The revised Site Plan provides a radical revision to the site layout. The unit count has been reduced by 2 units. The existing house will remain as a single-family home, which will utilize its existing utilities, trash collection and driveway. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. These units will remain HUD restricted. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

      ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

As previously highlighted in my diagram, the cottages are not within 30-feet of the property line. However, a backyard is not a buffer. This also fails to acknowledge that the pavement on the other side of the lot is 10-feet from that property line.

Furthermore, what does the past aerial photography have to do with this? The lot is currently wooded. In fact, the current single-family home is barely visible from any view except from the front. Here's some photos from this November for you – when there's not even full leaves on the trees. There is currently a very good visual buffer surrounding the entirety of the 103 Court St lot.



*Figure 14: Small orange flag in the middle is rear property marker for 103 Court St. The house is just barely visible.*



*Figure 15: View of the 103 Court St from the West.*



*Figure 16: View of 103 Court St from Court St*



*Figure 17: View of 103 Court St from Locke St/Tranquility Way*

Landscaping has been proposed to provide a continuous visual buffer without a 30-foot no-cut, no-disturb zone. How is sufficiently dense landscaping going to screen this property from all of these angles within the 10-foot strip remaining unpaved on the East and in the 30-foot backyards on the West? As previously mentioned, if the cottages in the rear are visible at all, then they must be consistent with the neighborhood context which, as I argued, they are not.

## What about section 8d – is seeking relief for the buffer allowed?

*170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer."*

*170-27.2(G)8d reads, "Any relief sought should not be caused by the additional density."*

Transcribed from the online recording under Meeting Minutes from 9/26/2024 second TRC meeting for 103 Court St with minute references, again:

7:17 Director Benton, "The issue is the TDR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density. So, we're just trying to make sure that you're meeting the buffer requirements.

[Developer asks for clarification]

So the ordinance is clear that you can't be asking for relief if it's caused by the extra density. So you really shouldn't be getting extra density if you can't meet the buffer requirements, and the setbacks. So you may need to lose units or figure out a redesign."

If you agree that the buffer is a requirement, as I argue every single discussion and prior example demonstrates for TDR, then the buffer cannot be waived for 103 Court St just to get the extra TDR density under ordinance 8d.

## In conclusion, deny this project on the basis that it overreaches even under TDR, is not compatible with the existing neighborhood in density and appearance, and fails to meet the buffer requirement for TDR.

Hilary Hamer
Abutter, 91 Court St
Dover, NH 03820

Planning Board, City of Dover
Subject: 103 Court St, TDR Proposal

January 28th, 2025

I am writing to provide a summary of my concerns regarding the TDR proposal abutting my property at 103 Court St. My husband and I remain opposed to this development.

This letter comes late for your review. I was caught unaware having received no communications regarding the project since the site walk on January 11th when it was strongly implied that the project would not be on the January 28th agenda. We are aware of the newest version of the plan.

**A. The TDR 30-foot no-cut, no-disturb perimeter buffer applies to this residential TDR project, and it is still not provided.**

- The buffer was discussed clearly as a requirement at the first two Technical Review Committee meetings, and I have multiple emails with the Planning Department regarding the buffer at this project between September and October. There was never any statement that the buffer did not apply to this project until December 10th, and I have yet to see a reasonable explanation as to how the buffer could possibly not apply to this development.
  - **Director Benton, 9/26, TRC:** "Yeah, because the buffer is a requirement."
- At one point, one seemed to suggest that the buffer did not apply due to the type of project. However, 103 Court St is a subdivision under the TDR law, as well as under the Dover and New Hampshire definitions of a subdivision.
  - **TDR 170-29-G(3)a.6:** "The plan shall be considered a subdivision application." This statement in the TDR ordinance follows under the single-family detached method for calculating TDR base density specifically used for this project.
- While TDR allows the Board to reduce rear, street and side setbacks in a residential zone, authority is not granted to reduce the minimum distance between buildings for subdivisions. In R-12 under **151-21-F Dimensional Requirements**, the minimum distance between individual units is 20-feet. At the Site Walk, the applicant said that the distance between units was 14-feet, significantly less than this minimum.
- At another time, it was suggested that the problem with the buffer law is the definition of the parent parcel. The only use of "parent parcel" in the entirety of Dover code is in line G(7) defining the TDR buffer. "Parent lot" is used in G(3)a which defines the TDR base density formula used here. "Parent parcel" and "parent lot" clearly apply to the same thing,

which is the lot of 103 Court St. The 30-foot perimeter buffer applies to the lot of 103 Court St.

- **170-29-G(7):** "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer."
- **170-29-G(3)a.1-a:** "The square footage of the parent lot minus unsuitable areas is the base lot size."

**B. The Planning Board has no authority to waive a 30-foot buffer for this project.**

- **170-29-G(8)d:** "Any relief sought should not be caused by the additional density." There is no written statement that this requirement only pertains to wetlands or environmental concerns. If a buffer cannot be provided while fitting additional units under TDR, then the relief for a buffer is directly due to the additional density being created and not allowed.
- **Director Benton, 9/26, TRC audio recording:** "The issue is the TDR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density."

C. **TDR is discretionary.** It is up to the discretion of the Planning Board to ensure projects provide, under **NH State 674:36:**

- "(b) Provide for the harmonious development of the municipality and its environs;
- (d) Provide for open spaces of adequate proportions;
- (j) Include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity;"

- I do not find that this proposal meets these requirements in this location.

D. **There is strong evidence of prejudgement for this TDR project with a consistent strategy of rationalizing this project for acceptance before the full evidence is heard.**

- **NH RSA 500-A: 12** defines the 'Juror Standard' for which Planning Board are required to adhere. Per the NH Planning Board Handbook Appendix G page G-2, this standard calls for disqualification where a board member:

  (a) Expects to gain or lose upon the disposition of the case;
  (b) Is related to either party;
  (c) Has advised or assisted either party;
  (d) Has directly or indirectly given his opinion or has formed an opinion;
  (e) Is employed by or employs any party in the case;
  (f) Is prejudiced to any degree regarding the case; or
  (g) Employs any of the counsel appearing in the case in any action then pending in the court.
  II. If it appears that any juror is not indifferent, he shall be set aside on that trial.

- On October 22nd, 2024, Planning Board members discussed TDR in general and argued that TDR is necessary across all of Dover due to a NH housing shortage. I will add that the Planning Board has provided for over 1,800 new housing units coming to Dover already, and I find this argument invalid given the upcoming approved developments.
- At the December 10th, 2024 meeting, Planning Board Chair Cruikshank assured that there is "no rewriting or ignoring of regulations" (minute reference 2:19) before later stating that the city attorney would be asked to clarify the technicalities (minute reference 2:31). This initial assurance about lawful TDR here was premature to appropriate legal counsel particularly given the actual language of the buffer law as discussed above.
- At the January 11th, 2025 Site Walk, Planning Board member Ken Mavrogeorge repeatedly speculated that alternative developments on the lot would only be worse than the TDR proposal without having any actual knowledge of alternative options.
- The Planning Department has also flat-out written in the newest Staff Memo in the meeting packet that, "The proposal is consistent with the Master Plan; is compatible with the land uses on neighboring lots; … and not seeking permitted relief caused by additional density." This inappropriately precedes deliberations by the Planning Board and it is not the role of the Planning Department to advise, rather the Applicant's job to argue and the Planning Board to deliberate. Accepting the memo without critically reviewing the written ordinances and all evidence provided would be an utter failure in the Planning Board's legal duties.

**E. A 30-foot buffer could be provided for this project. The applicant chooses not to do so.**

- At the site walk on January 11th, the applicant said that a 30-foot buffer could be provided by changing the type of buildings.
- A 30-foot no-cut, no-disturb buffer provides a significant level of protection to neighbors for sound, visual, and pollution. I find that meeting this requirement using a different type of building is preferable for the protection of my family's privacy, safety and future use of our own property. I request that the Planning Board uphold the standard for TDR of a 30-foot no-cut, no-disturb perimeter buffer, even if it means changing the building type. Maintaining the 30-foot buffer would further provide for increased green space and wildlife habitat and reduce impermeable areas related to drainage.

**F. This project continues to ask for an enormous increase in density.**

- The correct base density for this lot creates up to 8 bedrooms. This proposal creates 15 bedrooms.
- The appropriate base density here, *confirmed by surveyor Kevin McEneaney*, is **2-units**. The current calculation used by the applicant includes the 25-foot cemetery buffer in the rear as developable land. Under NH state law, this land cannot be disturbed and should not be included in the calculation. [170-29-G(3)a.1-a: "The square footage of the parent lot minus unsuitable areas is the base lot size."] My calculation confirmed by surveyor Kevin

McEneaney (in addendum) shows that when removing the area of the cemetery buffer, the density yield is **two units**. That is how small this lot is.

- Under regular zoning, a duplex might provide 6 bedrooms. Two houses might provide 8 bedrooms. The TDR project here creates 15 bedrooms (each cottage has 3 bedrooms). Furthermore, a bedroom count fails to acknowledge the difference between two families living here and five families. More than five adults residing here is not the same as two families. This is why the 30-foot buffer is necessary, to protect us from increased activity.
- Without a deed restriction, the existing single-family home could still be converted into a duplex after this TDR project is built, creating further density. At a minimum, a deed restriction on the existing single-family home is required.

**G. This project is not compatible with the existing neighborhood.**

- This project does not fit into the existing neighborhood of 103 Court St. Refer to my previous detailed submission with maps and measurements within the neighborhood. There are no examples on this street of anything like this. Court St is characterized by diverse architecture and homes built over many different years in different styles.
- The RMU zone cited as providing transition here is Pine Hill Cemetery. A cemetery is not a transition between higher density residential and Court St. It is actually a very nice buffer between zones.

**H. This area is a significant wildlife corridor. Wildlife corridors are identified as a priority in the updated Open Space chapter of the Master Plan.**

- I have seen and taken photos of deer, foxes, coyotes, turkey and rabbits in my backyard. Neighbors and previous residents can also describe the wide variety of wildlife that traverse this side of Court St adjacent to the Pine Hill Cemetery.
- Such a large increase in human activity at 103 Court St will negatively affect the wildlife that traverse this area. This is a small remaining island for wildlife in this area of Dover.
- This area is far from being a location "with the least conservation value" to be overdeveloped utilizing TDR. Besides wildlife activity, Pine Hill Cemetery is of huge historic value to Dover and especially the portion of the cemetery adjacent to 103 Court St with gravestones dating back to the 1800s.

**I. There are significant drainage concerns for this project.**

- On my own property, in August of 2024 I had to install an underground dry well and have been changing the grading behind our home due to downward water flow from the hill of Pine Hill Cemetery backing up against our house.
- Court St has regular flooding along its length and while upcoming street improvements are planned, these improvements are not in place yet and additional impermeable space at 103 Court St will worsen the conditions for the entire street.

- If you do consider the upcoming Court St rebuild, our side of the street is losing ~12ft within the city Right-of-Way, further shrinking the 103 Court St lot. Again, the true base density here is at most two housing units, not three. The drainage plans we do have from the applicant place significant drainage in the area of Right-of-Way that is being used by the city in the road redesign as well, and without new plans we have no way of knowing if adequate drainage is truly possible.

**J. No one has asked what we want here.**

- We want a buffer to protect from the density increase. We want less density.
- I also want unrestricted neighbors. I want neighbors who can make a house their own, put in a swing set, plant a garden, decorate for Christmas – not a row of identical permanently restricted units crammed next to each other under a high-cost homeowners association. Let's provide actual sustainable real housing for neighbors.

As you can see, there are significant ongoing legal questions and problems here. I ask the Planning Board to seek their own legal counsel prior to any vote on this project in order to clarify that this proposal is a subdivision under the TDR language, and that the 30-foot buffer law does apply.

The applicant here was fully aware of the 30-foot buffer from day one. In the first and second Technical Review Committee meetings this was discussed. I spoke to him on the phone myself on November 9th, 2024. There has been no further invitation to discuss the designs here with myself or the community since. The applicant's very own past TDR project at 51 Bellamy Road not only provided a 30-foot buffer, but the submission letter reads; "As part of the site development, the applicant also creates an intensive landscape buffer on the sides of the subject parcel. This will provide a buffer between the development and abutting lots and will enhance the required 30' external TDR buffer." That parcel was 1.49 acres and resulted in only 4 total units under TDR.

Finally, I again ask you to consider the precedence that 103 Court St will set. We'll be making these arguments forever, for every long and skinny lot that exists in Dover. Look at Court St and scan the Dover map and see just how many lots like this there are across the city that could be targeted for more TDR developments under this precedence going forward. As I provided on January 14th, everything about TDR lately has been about precedence. I find this project is unacceptable on Court St but also in every single other existing residential neighborhood in Dover. If the buffer doesn't apply here, when does it apply for TDR?

Thank you,

## Addendum 1: Excerpts of the Relevant Dover Code

**G.** Residential performance standards.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009]

**(1)** Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

**(2)** Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

**(3)** A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

**(a)** Single-family detached method.

**[1]** An applicant shall develop a baseline yield for the lot to be developed through the following formula:
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

**[a]** The square footage of the parent lot minus unsuitable areas is the base lot size.

**[b]** The base lot size is then reduced by 15% to account for roadway; this creates the net area.

**[c]** The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

| Percentage of Parcel That Is Unsuitable Development Area | Factor |
|---|---|
| 0% to < 10% | 0.85 |
| 10% to < 20% | 0.8 |
| 20% to < 30% | 0.75 |
| 30% | 0.7 |

**TDR BASE DENSITY CALCULATIONS**

| | | |
|---|---|---|
| TOTAL AREA | = | 52,241 SQ.FT. |
| LESS WETLANDS | = | <0> SQ.FT. |
| UPLAND AREA | = | 52,241 SQ.FT. |
| LESS ROAD ALLOCATION (15%) | = | <7,836> SQ.FT. |
| NET AREA | = | 44,405 SQ.FT. |
| LESS WETLAND FACTOR FOR 0% WETLANDS (85%) | | <6,661> SQ.FT. |
| AREA | = | 37,744 SQ.FT. |
| 12,000 SQ.FT. PER UNIT REQUIRED IN THE R-12 DISTRICT | ÷ | 12,000 |
| BASE TDR DENSITY | = | 3.14 UNITS |
| ROUNDED DOWN TO | = | 3 UNITS |

**Left:** Base Density Calculation from Applicant. It is using the formula identified above.
**Below:** Removing the cemetery buffer as clearly *unsuitable* area results in only 2-unit yield.

**Kevin McEneaney** <kevin@surveynh.com> Thu, Dec 5, 2024, 2:00 PM
to me

Hilary
I calculated the 25' cemetery unusable land area to be slightly smaller than yours, because the side property lines are converging as you go towards Court Street. The net result is still under 3 units. I will send these calculations to Donna.

52,241 sf
- 3511 sf Cemetery unusable land

48,730 sf
- 7,310 sf Roads

41,420 sf
- 6,213 sf Wetlands

35,207 sf Base Developable Lot Area

Base area divided by 12,000 sf = 2.93 units Rounded to 2

[6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.
[Added 7-22-2020 by Ord. No. 2020.07.08-007]

Following in the same section, line 6 identifies that when this TDR calculation type is used, it results in a subdivision.

Additionally, you can see in this section the use of "parent lot" for TDR in the formula. As follows, the language for the buffer specifies the perimeter of the "parent parcel". Clearly the relevant area is the same as the "parent lot."

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(8) Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]

(a) Is consistent with the Master Plan.

(b) Is compatible with the land uses on neighboring lots (e.g., a multifamily building fits in within a single-family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

(d) Any relief sought should not be caused by the additional density.[1]

[1] *Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.*

You also will see here that there is no qualification that ordinance (8)d only applies to wetland or environmental concerns. It says any relief.

**Addendum 2: Communications Asserting Buffer at 103 Court St in September & October**

Here follows a series of my communications and transcribed portions of the Technical Review Committee meeting regarding this project since September.

There was no change in the type of submission and the site plan is almost identical between the original 9-unit plan and the subsequent 7-unit plan discussed on December 10th, besides the removal of one building. The same is true now for the 5-unit plan. The buffer is discussed and asserted as relevant to 103 Court St multiple times by the Planning Department.

# Email Thread 1:

## *Sent 9/5/2024:*

**Hilary Hamer** <hilary.a.hamer@gmail.com> Thu, Sep 5, 2024 at 9:12 PM
To: ZoningBoard-All@dover.nh.gov
Bcc: Dorna <dorna.hamer@gmail.com>, Merlin Money Mason <nilrem254@gmail.com>

Hello,

I am writing to formally request clarification to zoning code 170-27.2 F(4). "SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER."

My understanding in the context of the 103 Court St site would be that the existing single-family homes abutting at both 91 and 109 Court St as existing older residential structures would therefore require new construction to be located at least 150ft away if built under TDR code at 103 Court St, and not susceptible to waiving by the planning board as specifically written.

Furthermore, I understand that if either the owners of 91 or 109 Court St which abut the parent property at 103 Court St disagree with a proposed TDR building, then it must be set a minimum of 75ft away from either's entire property line. Otherwise, how is a disagreeing residential abutter defined? Again, as specifically written this is not susceptible to waiving by the planning board.

Additionally, I am writing to formally request the zoning board recognize and enforce the abutter right to continuous visual barrier for any considered TDR development. The zoning code 170-27.2 G(7) states, "A continuous visual buffer shall be created along the perimeter of the parent parcel." Continuous by definition would imply no gaps or interruptions. A 'tree screen' would hardly seem to meet this requirement and by definition a perimeter would include all sides of the parent lot. A reasonable interpretation might be a solid fence in the 7-8ft height which city guidelines allows for along each side and back of the property.

Thank you,

Hilary Hamer, OD, FAAO

(603) 361-9428

## *Reply Paul Crouser 9/6/2024:*

**Crouser, Paul** <P.Crouser@dover.nh.gov> Fri, Sep 6, 2024 at 11:05 AM
To: Hilary Hamer <hilary.a.hamer@gmail.com>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Hi Hilary,

Thanks for your email – I'd be happy to clarify a few things for you.

1. TDR projects are under the purview of the Planning Board, not the Zoning Board;
2. Procedurally, the project will take on the following order of operations;
   a. Review by the Technical Review Committee (we had our first meeting yesterday, 9/5/24, in which we made recommendations and requirements for the project to move forward, including the visual buffer which you expressed concern about. The TRC required the applicant to make plan revisions and return for a second TRC review, the date of which has yet to be determined.)
   b. Second TRC review
   c. Planning Board Review, which separates the project into two discreet review processes, which are:
      i. TDR Project Application compliance
      ii. Site Review compliance
   d. Preconstruction meeting

   Only when a-d are complete may the applicant begin construction on their project, and it is likely that the plan will be amended several times prior to that happening, both at the TRC and Planning Board level.

3. The section you referenced, Section 170-27.2(F)4 refers to Industrial TDR projects, not residential;
4. Under Residential TDR Standards, setback, frontage, and lot size requirements may be waived.
5. Regarding your suggestion about the fence as a visual buffer – staff agrees and made that exact same recommendation to the applicant, who is revising the plan to reflect a joint landscaping/fence buffer. The minutes for the TRC meeting have not yet been posted, but they will shortly (likely by end of business today), while the recordings and materials are available to view right now via this link: Treeno - Docs (nh.gov)

If you have any other questions, please let me know. I'd also be happy to have a phone conversation with you to clarify anything you wish.

Regards,

**Paul R. Crouser**
Zoning Administrator / Assistant City Planner
Planning & Community Development

City of Dover, NH

288 Central Avenue

Dover, NH 03820
e: P.Crouser@dover.nh.gov
p: 603.516.6007 | f: 603.516.6049

**No statement made by Paul Crouser that (G)7 30-foot buffer does not apply to 103 Court St.**

# Email Thread 2:

## *Sent 9/19/2024:*

**Hilary Hamer** <hilary.a.hamer@gmail.com> Thu, Sep 19, 2024 at 8:27 AM
To: "Crouser, Paul" <P.Crouser@dover.nh.gov>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>
Bcc: Dorna <dorna.hamer@gmail.com>, Merlin Money Mason <nilrem254@gmail.com>

Good morning,

Thank you for addressing my questions so far. I saw that an updated plan has been submitted for 103 Court St with a TRC meeting date of 9/26. I believe you explained that there is no opportunity for public questions at TRC meetings; is this correct, please? Is there a way to formally request the TRC answer a question by submitting in advance of the meeting? Would a formal letter be acknowledged or does an email suffice, such as this?

I want to inquire to the code 170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer." I am looking at the updated plan and do not see a 30-foot buffer adjacent to my property still. If I am to read the scale, there is approximately 10' between my property line and the road being created. This TDR places a road within 30' of my family's bedrooms. Now I see the proposal is specifically asking for relief from this 30-foot buffer. 170-27.2(G)8d reads, "Any relief sought should not be caused by the additional density." Now this was a more recent amendment it seems, but by this statement Dover cannot offer this relief for the 30-foot buffer just to make more units work in this lot. Part of the updated materials from the developer says "...strict compliance with the 30-foot perimeter buffer would leave development of the property limited." This exactly acknowledges that buffer relief is required to fit this extent of dense development on this lot. 170-27.2(G)8d states this relief is not allowed.

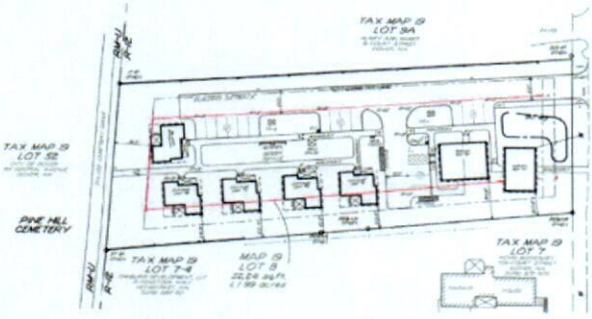
Thank you,
Hilary Hamer, OD, FAAO
cell: (603)361-9428

## No reply, sent morning of second TRC 9/26/2024:

**Hilary Hamer** <hilary.a.hamer@gmail.com> Thu, Sep 26, 2024 at 8:20 AM
To: "Crouser, Paul" <P.Crouser@dover.nh.gov>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Good morning,

I wanted to provide a diagram that shows (in red) where the 30-ft buffer should actually extend against the proposal being reviewed today:




*170-27.2(G): Any relief sought should not be caused by the additional density.*

Thank you,
Hilary Hamer, OD, FAAO
cell: (603)361-9428
[Quoted text hidden]

*Reply 9/302024 after second TRC:*

**Crouser, Paul** <P.Crouser@dover.nh.gov>
To: Hilary Hamer <hilary.a.hamer@gmail.com>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Mon, Sep 30, 2024 at 10:29 AM

Good morning, Hilary.

Apologies for the delay in response. I wanted to let you know that the Planning Department echoed your concerns regarding the 30' buffer to the Applicant during last week's TRC. Please note that the buffer has been waived in the past for existing structures which are part of the development, and while that is the case with the proposed project at 103 Court, we do recognize that the cottages in the rear of the development all violate the 30' buffer, and the Applicant was directed to bring the project into compliance with that specific regulation as the relief requested is from the density sought, as you pointed out.

If you have any other questions or concerns, please feel free to reach out.

Best,

**Paul R. Crouser**
Zoning Administrator / Assistant City Planner
Planning & Community Development

City of Dover, NH

288 Central Avenue

Dover, NH 03820
e: P.Crouser@dover.nh.gov
p: 603.516.6007 / f: 603.516.6049

**Paul Crouser acknowledges concern with applying 30-foot buffer to 103 Court St. Paul Crouser states relief requested is due to density sought.**

# TRC Meeting Recording 9/26/2024:

(By minute reference in audio recording)

1:30 Director Benton: "I know we chatted last time about trying to add more than the existing 10 foot visual buffer so if we can still look to make that **the 30 that is technically required**"

7:17 Director Benton [regarding (G)7] "the issue is the TDR ordinance is clear that **if you're asking for relief because of the extra density then you shouldn't be getting the extra density**

[Clarification request from Developer]

The issue is the TR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density. So we're just trying to make sure that you're meeting the buffer requirements and the setbacks. So you may need to lose units or figure out a redesign "

25:20 Director Benton: "**Yeah, because the buffer is a requirement.**"

# Email Thread 3, after revised proposal posted 10/24:

## *Sent 11/6/2024:*

**Hilary Hamer** <hilary.a.hamer@gmail.com>
To: "Crouser, Paul" <P.Crouser@dover.nh.gov>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Wed, Nov 6, 2024 at 8:00 AM

Good morning.

There is a broken link to a document for 103 Court St from 10.24 the file, "103 Court St TRC Response Ltr #2.pdf" - last link at:
https://publicrecords.dover.nh.gov/Files/Index/9833/public/1/deptnum/6/cab/Property_Information/Applications73758602
Hoping to please get access to this document.

I am also confused by contradicting statements about unit count in these new documents. The snapshot document still says 9 total units, but the site development plan says 7 units in some spots (looks like 7 in the drawings) but also says the existing single family will be a duplex still under the 'Intent' paragraph and statement 10 says 9 units. What is the new proposal actually for- two duplexes, four cottages (8 units)- or one single family (existing) with one duplex and four cottages (7 units), or somehow the 9 units still?

Where is the 30' no-cut, no-disturb perimeter buffer still? There is a setback line drawn on the plans but no representation of the 30' no-cut, no-disturb perimeter buffer.

It looks like there is now a second driveway in the plan for the existing single family house to have parking. How is the existing single family going to continue to have sufficient parking once Court St is reconstructed (losing about 10' within the city's right of way)? What is the new site parking plan for each unit exactly - again, very unclear as even the number of units contradicts throughout the documents. In the drawing it looks like 12 parking spots? Does a second driveway have appropriate sight distances or drainage- does not seem to be included in information.

The new narrative document also says there will be a shared "large outdoor fireplace". Where is this going (do not see it on the site plan)? The fire department has strict requirements for outdoor fires being located near any structures and dimensions of any fire pit so would really like to see where they are placing this and how it will comply with the fire codes. I personally have to have a permit for anything on my property. I question who will be responsible for an outdoor fire here/who will hold the permit and who is going to be ultimately responsible for the shared fireplace.

Thank you,
Hilary Hamer, OD, FAAO
cell: (603)361-9428

## *Reply 11/13/2024, morning of third TRC:*

**Crouser, Paul** <P.Crouser@dover.nh.gov>
To: Hilary Hamer <hilary.a.hamer@gmail.com>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>, "Bassegio, Erin" <E.Bassegio@dover.nh.gov>

Wed, Nov 13, 2024 at 5:23 PM

Hi Hillary,

Apologies for the broken link -- it has since been fixed but I've also attached the letter you referenced for your review/records.

As for the conflicting notes re: density – you are correct in that it is confusing. The snapshot report, as well as the "intent" note on the new plan set refer to the originally-sought density of 9 units (existing single-fam converted to a duplex, one new duplex, and five new single-fam cottages = 9).

The revised drawings are the correct density (7) – it would just appear as though the engineers drafting the plan failed to update relevant notes throughout the plan – all of which will be highlighted as issues during this Thursday's TRC.

Re: the 30' buffer – Staff will be asking them to better label it on the plan. All structures appear to adhere to the buffer requirements, although staff will be seeking clarification on the apparent pavement impacts to the 30' buffer to the west of the parcel.

Re: the driveway of the existing single-fam home – I had the same thought when this revision was submitted. It turns out that the driveway already exists and simply was not included on the original plan set because alternative parking for the existing structure was proposed, which has now been scrapped, necessitating showing parking for the existing single-fam home on the revised plan set. Regarding this driveway's compliance with sight distances and drainage, as the driveway is existing, there are no grounds for the City to require it to meet current standards.

As to the parking for the new structures, there are indeed 12 new spaces being proposed, with each unit being provided two parking spaces per, which is shown on the plan. I don't believe there is any plan to assign parking spaces for this project.

Finally, regarding the communal fireplace, I don't believe there are municipal rules governing open fires, rather, all such regulations are codified and enforced through the NH Division of Forests & Lands, through which burn permits are issued.

[Quoted text hidden]

[Quoted text hidden]

3. 103 Court Street TRC Response Ltr #2.pdf
3052K

**Paul Crouser states staff will clarify 30-foot buffer. There is no statement that 30-foot buffer does not apply for the updated project plan which was on the December 10th meeting agenda.**

G. Residential performance standards.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009]

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

(2) Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula:
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

[b] The base lot size is then reduced by 15% to account for roadway; this creates the net area.

[c] The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

| Percentage of Parcel That Is Unsuitable Development Area | Factor |
|---|---|
| 0% to < 10% | 0.85 |
| 10% to < 20% | 0.8 |
| 20% to < 30% | 0.75 |
| 30% | 0.7 |

**From Applicant Plan: Formula in this section**

TDR BASE DENSITY CALCULATIONS

| | | |
|---|---|---|
| TOTAL AREA | = | 52,241 SQ.FT. |
| LESS WETLANDS | = | <0> SQ.FT. |
| UPLAND AREA | = | 52,241 SQ.FT. |
| LESS ROAD ALLOCATION (15%) | = | <7,836> SQ.FT. |
| NET AREA | = | 44,405 SQ.FT. |
| LESS WETLAND FACTOR FOR 0% WETLANDS (85%) | | <6,661> SQ.FT. |
| AREA | = | 37,744 SQ.FT. |
| 12,000 SQ.FT. PER UNIT REQUIRED IN THE R-12 DISTRICT | ÷ | 12,000 |
| BASE TDR DENSITY | = | 3.14 UNITS |
| ROUNDED DOWN TO | = | 3 UNITS |

[d] The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

[i] This base number is not required to be restricted by the requirements in Subsection **G(3)(a)[3]**, unless the formula defined in Subsection G[2][a] is utilized.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[e] The development plan shall be laid out in a design that meets the requirements for block length and cul-de-sac length.
[Added 7-22-2020 by Ord. No. 2020.07.08-007]

[2] The transfer shall equate to one of the following calculations:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[a] For construction of units no larger than 600 square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

[b] For construction of units no larger than 1,000 square feet of total living area, two units per development right purchased shall be allowed.

[c] For construction of units no larger than 1,400 square feet of total living area, one unit per development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

[3] The units created through the transfer must be:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[a] Limited to the square footage originally constructed.

[4] A note shall be placed on the approved plan, and any building permit shall note the adherence to this section of the Code.

[5] A note shall be placed in the property/unit deed citing the restrictions listed above.

[6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.
[Added 7-22-2020 by Ord. No. 2020.07.08-007]



CR 787

G. Residential performance standards.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009]

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

(2) Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula:
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

**Parent Lot in the base density formula is clearly the same area identified in the Parent Parcel for the buffer.**
**(8)(d) 'No relief caused by additional density' has nothing to do with environmental or other wetland only concerns – *any* relief.**

(4) Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(5) Regardless of the method utilized, the setbacks shall be:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

| Minimum Building Setbacks for Subdivision Lots | | |
|---|---|---|
| Abutting a Street | Abutting a Side Lot Line | Abutting a Rear Lot Line |
| 20 feet | 10 feet | 30 feet |

(6) Regardless of the method utilized, the minimum frontage requirement may be waived by the Planning Board, to no less than 40 feet. Paved access to all developed areas shall be suitable for emergency vehicles.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(8) Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]

(a) Is consistent with the Master Plan.

(b) Is compatible with the land uses on neighboring lots (e.g., a multifamily building fits in within a single-family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

(d) Any relief sought should not be caused by the additional density.[1]

[1] *Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.*

# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, December 10, 2024** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Ken Mavrogeorge, Tom Clark, Melina Gambino, Doug Glennon, George DeBoer, Kyle Pimental, Dennis Shanahan (Deputy Mayor), and Jeff Sanborn (Alternate)
**Members Not Present (excused)**: Fergus Cullen (Councilor), Mallory Strange (Alternate)
**Staff Present:** Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7 p.m. and noted that Deputy Mayor Shanahan would be sitting in for Councilor Cullen, G. DeBoer will Vice Chair and J. Sanborn will sit for the vacant seat.

## 1. CITIZENS' FORUM

The Chair explained the Citizens' Forum process.
*Citizens Forum Opened*
Rory Wilkie, 566 Sixth St addressed his concerns and opinions about the TDR program.

Hilary Hamer, 91 Court St, asks for a redesign of the TDR language with stricter guidelines and adjustments to the timeline for public input to projects.

Ed Neister, 574 Sixth st commented on TDR and sent some examples to the Board ahead of time. He suggested an acre to acre comparison rather than a financial criteria.

D. Benton noted two emails were received from additional residents with concerns about the TDR program.

Eric Salovitch, 239 Long Hill Rd, Licensed Land Surveyor offered his services if the language of TDR is going to be rewritten.

Ken Durell, 508 Sixth St is concerned about TDR. He is against the proposal at 566 Sixth St.
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- November 12, 2024 Regular Meeting Minutes

**Motion:** D. Shanahan moved to approve the regular meeting minutes of November 12, 2024 as submitted. Seconded by: D. Glennon. Vote: U/A

## 3. OLD BUSINESS

None

## 4. NEW BUSINESS

A. Consideration and acceptance of a Site Plan for the City of Dover, Assessor's Map 9, Lot 57, zoned CBD-M, located at 73 Locust Street. (Proposal is for a 3,539 s.f. expansion to the library that includes accessibility improvements and a new elevator, stairway, and restrooms.) *(SITE-2024-0017)

D. Benton explained that the City of Dover, as the applicant, is proposing a ±3,539 square foot expansion to the south side of the Dover Public Library that includes accessibility improvements and a new elevator, stairway, and restrooms. A new entry vestibule from the parking lot will be constructed as part of this expansion and a new meeting room will be constructed on the top floor. These alterations and additions have been identified as needed improvements to better serve patrons at the library. Three waivers have also been requested as part of this proposal for relief from requirements for a landscape plan, neighborhood plan, and outdoor lighting plan.

The Technical Review Committee reviewed the application at their December 5, 2024 meeting.

K. Mavrogeorge recused himself from the item.

Eric Sanderson, City of Dover Facilities Manager, represented the application and explained the request. He answered questions from the Board relating to size of additional square footage added (3,500sf).

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Margarat Hanlan, 51 Augusta Way asked if any changes are proposed to the existing portion of the library.
*Public hearing closed.*

Mr. Sanderson addressed public comment:

- None of the woodwork will be removed- some will be refinished. The job is mostly a paint and patch job.

K. Pimental asked if there were any design considerations to maintain the Carnegie status.
Mr. Sanderon noted the original portion has not changed except for the elevator. They are trying to match the existing library exterior. The rear portion has a glass floor (currently covered by carpet) which is planned to have a portion uncovered.

**STAFF RECOMMENDATION - Waivers/Relief:**
§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (2) and waiving such standards and requirements will properly carry out the spirit and intent of the regulations.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waiver with the following non-binding subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
   §153-13.A (12) Landscape plan
   §153-13.A (16) Neighborhood plan
   §153-14.E Outdoor lighting plan

**Motion:** D. Glennon moved to grant the waiver requests with the subsequent conditions set by staff as it meets criteria for relief. Seconded by: D. Shanahan. Vote: U/A

**STAFF RECOMMENDATION- Site Plan:**
Chapter 153-13 outlines Site development plan requirements. This plan meets those standards outlined. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**
1. Add owner's signatures;
2. Add professional stamps and signature;
3. Submit final plans (including CAD) with owner's signature and all professional stamps and signatures;
4. Add note to display total number of parking spaces that will be removed;
5. Provide amended plans and response to Technical Review Committee comments.

**Subsequent Condition to be Met Prior to Construction:**
6. A site construction sign with the contact information for the general contractor be displayed in a location approved by the City Engineer or Planning Director;

**Subsequent Condition to Be Met Prior to Building Permit:**
7. Payment of Water and Sewer Investment Fees if applicable at time or request of service;

**Subsequent Conditions to Be Met Prior to Occupancy:**
8. Issuance of Certificate of Occupancy;
9. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

**Motion:** M. Gambino moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: D. Shanahan. Vote: U/A

B. Consideration and acceptance of a Lot Line Adjustment for Robert S. Mairs Revocable Trust, George Maglaras & Robert S, Mairs Trustee, & George Maglaras, Assessor's Map 24, Lots 141, 140 & 139, zoned CWD, located at 5, 11, and 31 Cocheco Street. *(LOTA-2024-0013)
*This item has requested a continuation to the January 28, 2024 Planning Board meeting.*

C. Consideration and acceptance of a Lot Line Adjustment for Northam Survey, LLC (Owners: Gasses Farm Revocable Trust 2009 and Portsmouth Christian Academy), Assessor's Map J, Lots 1 & 1-C, zoned R-40, located at 120 Garrison Road and 20 Seaborne Drive. *(LOTA-2024-0014)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 120 Garrison Rd. and 20 Seaborne Dr. adding approximately 11.4 acres to 20 Seaborne Dr. from 120 Garrison Rd. For both lots, frontage and compliance with the underlying R-40 zoning regulations will remain the same.

As a Lot Line Adjustment, this application did not appear before the TRC.

Eric Salovitch, Northam Survey represented the application and explained the request for the lot line revision. He explained the history of the lots through this process. He addressed some of the staff memo comments which will be fixed.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
One email was received from 65 Bellamy Woods asked if there were plans for building on the property which staff addressed with the resident.
*Public hearing closed.*

**STAFF RECOMMENDATION- Lot Line Adjustment:**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2024-0014
   1.2. The owner's signatures
   1.3. The LLS stamp and signature
   1.4. Move Planning Board approval area to lower right hand corner.

**Motion:** G. DeBoer moved to approve the Lot Line Adjustment with conditions as it is consistent with regulations. Seconded by J. Sanborn. Vote: U/A.

D. Consideration and acceptance of a Lot Line Adjustment for The Roberts Family Revocable Living Trust and Philip H. & Brenda L. Bennett, Assessor's Map I, Lots 74-G & 1-B, zoned R-12, located at 81 and 87 Garrison Road. *(LOTA-2024-0015)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 81 Garrison Rd. and 87 Garrison Rd. adding approximately 5,323 square feet to 81 Garrison Rd. from 87 Garrison Rd. For both lots, frontage and compliance with the underlying R-12 zoning regulations will remain the same.

As a Lot Line Adjustment, this application did not appear before the TRC.

Brenda Kolbow, TF Moran represented the application and explained the request for the lot line revision.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: T. Clark. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION- Lot Line Adjustment:**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2024-0015
   1.2. The owner's signatures
   1.3. The LLS stamp and signature
   1.4. Remove City of Dover signature box and replace with 2x2" blank area in lower right corner.

**Motion:** K. Pimental moved to approve the Lot Line Adjustment subject to conditions set forth by staff as it is consistent with regulations. Seconded by G. DeBoer. Vote: U/A

E. Consideration and acceptance of an Amendment to the Conditions of Approval for 54 BRR, LLC, Assessor's Map I, Lot 6, zoned R-12, located at 54 Back River Road. (Proposal is a request to waive the condition of impact fees associated with previously approved plans, P20-60) *(WAIV-2024-0020)

D. Benton explained that on March 9, 2021, the Board approved a TDR Site Plan (P20-60) for 44 single-family units, rent-restricted at the HUD Fair Market Rental Rate. The site has been under construction and many of the units occupied. The Applicant now requests the removal of Condition of Approval #9, to waive the remaining impact fees associated with the approved project or for another option satisfactory to the Planning Board whether it be a payment in lieu or a payment plan.

John Randolph, owner 54 Back River Rd LLC represented the application and explained the request for reduction or removal of impact fees. The applicant has paid $67,000 in fees for this project. The units are locked in as affordable housing in perpetuity. He gave additional financial information. There is a recreational path to the river that can be opened to the public and they request the recreational impact fees be waived. The project currently does not house any school-aged children and they ask the school impact fees be waived.

Mr. Randolph answered questions from the board clarifying there are $120,000 in fees still owed, all units have been built, applicant is not asking for a refund of fees paid, just waiving of unpaid fees and or extended time to pay. Additional financial information given. Clarification given about ownership status of the project.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Matthew Smith, 57 Back River Rd is concerned about setting a precedent and how it will affect residential taxes. He has never been in favor of this project and not in favor of the ongoing development in that area. He listed his concerns due to the overdevelopment.
*Public hearing closed.*

D. Benton explained a recent decision of the Planning Board related to setting the impact fees to $0 moving forward from July 1, 2024. This applicant doesn't meet that timeline, but is a unique project based on who and how the housing is served. She clarified for the board what it was they voted on regarding the impact fees when asked.

D. Shanahan gave comments in favor of the request and his reasons.
T. Clark noted for this project, the rent rates are capped and unable to be raised. He supports the request.
G. DeBoer noted we need to keep precedence in mind and clarify what our criteria is for these requests, which will be coming.
K. Mavrogeorge agreed to caution against precedence. Extending the timeline is the reasonable request in this instance. There are some impacts to the City, including Police and Fire and there do seem to be some children in that neighborhood.
J. Sanborn clarified the lack of impact fees does not fall to the taxpayers to cover. It is a waiving of a fee for a particular project with great positive impact.
K. Pimental noted this is a great project and model for others to look to. He agrees to extend the payments out over time rather than waiving them since it was approved several years before the impact fees were changed.

**Motion:** G. DeBoer moved to table the request indefinitely for the staff to work with the applicant to restructure a payment plan. Seconded by K. Mavrogeorge. Vote: 6-3 with Shanahan, Sanborn and Clark opposed.

F. Consideration and acceptance of a Conditional Use Permit for Michael & Shelby Brewer, Assessor's Map 32, Lot 36-F, zoned R-12, located at 77 Fourth Street. (Proposal is to construct a garage and modify the paved areas to have 1,467 ±s.f. of permanent impacts to the 50-foot wetland buffer and 756± s.f. of temporary buffer impacts.) *(COND-2024-0031)

D. Benton explained that the applicant is proposing modifications to the existing single-family dwelling that includes the construction of a deck, garage, and breezeway and modifications to the driveway pavement resulting in ±1,467 square feet of permanent impacts to the 50-foot wetland buffer and ±756 square feet of temporary buffer impacts. There are no direct wetland impacts.

The project was reviewed and endorsed by Conservation Commission at their meeting on December 9, 2024 with no conditions.

Kevin McEneaney, McEneaney Survey/CivilWorks represented the application and explained the request to add an ADU to the property and the building changes needed to incorporate that project.

**Motion**: D. Glennon moved to accept the application and declared no regional impact. Seconded by: T. Clark. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION- Conditional Use Permit**
The Wetlands Protection District ordinance §170.28.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-28.F per their narrative. The proposal minimizes wetland buffer impacts and avoids direct wetland impacts. The proposed project does not require state mitigation or NHDES review, and the project has been endorsed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with no conditions.

**Motion:** T. Clark moved to approve the Conditional Use Permit subject to conditions set forth by the Planning Director as it meets the standards outlined. Seconded by G. DeBoer. Vote: U/A

The Chair announced Items 4G & H would be heard together.

G. Consideration and acceptance of Transfer of Development Rights for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to purchase four (4) units through TDR.) *(TRAN-2024-0011)
H. Consideration and acceptance of Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to maintain an existing single-family dwelling, construct a two-family dwelling that is deed-restricted to Fair Market Rent, and construct four (4) new size-restricted single-family homes for a total of seven (7) dwelling units. *(SITE-2024-0012)

D. Benton explained that the applicant is proposing a residential project consisting of seven (7) residential units by purchasing four (4) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction of a duplex and four (4) size-restricted, single-family cottages.
The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that applicants must utilize the single-family yield plan method, or otherwise construct *only* duplexes if the two-family yield calculation is used. As the applicant proposes a mixture of unit counts, the single-family yield calculation is used, which given the subject lot's physical characteristics, results in a base density calculation of three (3) units. This, therefore, means that the remaining four (4) sought units could be granted if the Planning Board votes to approve the use of TDR.

Per the applicant's plan, both units within the duplex, although not required, are proposed to be restricted to the applicable HUD Fair Market Rental rate, with the four (4) cottages being size-restricted to no more than 1,400 s.f. The units purchased through TDR include the two duplex units, and two of the size restricted cottages.

The Technical Review Committee reviewed the application at their September 6 and 26, 2024 and November 7, 2024. meetings. *(minutes attached to the board packet)*

Robert Baldwin represented the application and explained the request explaining they are not looking for approvals tonight, but instead to hear the project and provide feedback so they can come up with an appropriate design.

He explained the existing situation and the proposed plan. Initially there were 9 units proposed which has been minimized through the TRC process.
He explained the restricted rent units proposed and some additional building details for the variety of units along with the layout for the buildings on the lot.
For the board, he clarified the buffer areas, setbacks, landscape and fence shielding.

K. Mavrogeorge gave some feedback on the site layout. M. Gambino and D. Benton clarified information about the additional development going onto the abutting lot.
Additional discussion with the applicant continued regarding drainage, driveway location, rent/sale options, density: allowed vs requested. Board members gave their opinions on the density request.

The applicant suggested a site walk and the board was in favor.

**Motion**: G. DeBoer moved to accept the applications and declared no regional impact. Seconded by: J. Sanborn. Vote: U/A

*Public hearing opened.*
Matthew Teece, 85 Court St mentioned a subdivision that occurred across the street at 102 and 106 Court st as well as another development. These were well thought out and single family units that fit with the neighborhood. This proposal brings concerns for him for density, water/impervious surfaces proposed, and having renters in the neighborhood.

Ed Neister, 574 Sixth St is concerned about losing the buffer zone if this passes, contractors getting TDRs by purchasing units, this parcel becoming a blight due to the density. Does not believe anyone would want to live there or next to this.

Rory Wilkie, 568 Sixth St spoke in opposition to the proposal due to density, lot size and buffers. Requests the applicant come back with a plan that meets the TDR regulations.

Merlin Mason, 91 Court St, expressed concerns about the proposal not meeting the 30' buffer abutting his lot.

Hilary Hamer, 91 Court St, expressed concerns about the proposal not meeting the 30' buffer abutting her lot. She played an audio clip from a TRC meeting on the project. She stated the property was not available to all buyers on the open market. Expressed concerns about this project getting this far in the process while not meeting the regulations, disagreed with the lot line measurements given, construction concerns about the old home vs the new construction, and abutting cemetery as inaccurate transition zone.

Dorna Hamer, 18 Tuttle Ln spoke in opposition to the proposal itemizing the restrictions to parcels abutting cemeteries. She noted this project should be subject to open space subdivision requirements. The plans presented are not complete and do not show buffers that should be adhered to. She requested the public hearing remain open tonight if applicable so additional comments can be received at the next meeting.

Kevin McEneaney, 109 Court St noted the key information being sought by abutters tonight relates to the 30-foot no cut, no disturb buffer. If that applies and there is no relief that can be sought because of the increased density, that's the key point the board should consider before moving forward. A fourth unit seems reasonable. He mentioned the rental, sales, and condominium options and consequences. He also requested the public hearing remain open for the next meeting.

Lisa O'Grady, 100 Court St described her parcel and the abutting subdivision that affected her (deeded easement from 102 Court St). Occupancy was granted without the conditions of the subdivision being met. She is additionally concerned about drainage which causes pooling on her parcel. The proposal will ruin the historical nature of the existing structure. She is against the proposed density.
*Public hearing tabled.*

D. Benton noted the emails received have been given to the board for review and can be addressed at the next public hearing.
She addressed public comment:

- No TDR fees are paid until after approval
- TRC had comments during that process which haven't been addressed yet as this is not before the board for approval tonight- only for feedback
- Staff has a list of requests that would still need to be addressed
- Staff knows of that have not needed the TDR buffer since they didn't create new lot lines. She can provide to the board if requested and projects that have gotten relief for the buffers.
- "no relief can be sought" language was added by a member of the planning board in relation to environmental CUPs or similar, not about the TDR buffer or requirements.
- She agrees there should be as much screening, back yard and buffer as possible, even if that results in a reduction of units. A site walk will be beneficial for that.
- TDR requests are reviewed individually, and do not set precedence for future requests on other parcels.
- Agrees with cemetery buffer concerns
- This would be a private road which not be plowed by the City.
- Staff and the Chair addressed TDR regulations and the TRC and Planning Board process in relation to this request.

The applicant addressed public comment:

- Comparisons to the development next door

Fair market vs HUD rate was clarified by staff.

The applicant addressed the comments regarding the 30-foot no-cut no-disturbance buffer noting his understanding is that any use would require the waiver from the 30-foot buffer, even the current use.
K. Mavrogeorge asked to see a yield plan showing the alternative described with three units on the lot allowable by right. The applicant described the alternative would look like a three-story townhouse with garage under and that's not what he hopes to put on this lot. He believes a lower scale project with increased screening and encroachment to the buffer is a preferred option.
K. Pimental asked if the 30-foot buffer even applies to this proposal if it is a site plan/ condo without lot lines. This is what Mr. McEneaney was asking. Staff agreed that in these instances, the City's position is that the buffer would not apply, though staff would like to see more screening.

The 25' boundary to the cemetery was not on the plans, but will be added as the project moves forward.

D. Benton explained further details about when the 30' buffer restriction has and has not been utilized in similar projects. D. Shanahan asked for additional clarification.

The board discussed a date and time for a site visit: Saturday January 11th, 2025 at 9am
The board would like the buffers, corners of the house, driveway location, 25' buffer from cemetery staked out for the site visit.

**Motion:** G. DeBoer moved to continue both items to January 28, 2025. Seconded by: K. Mavrogeorge. Vote U/A.

The Chair announced Items 4I & J would be heard together.

I. Consideration and acceptance of Transfer of Development Rights for Fergus and Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is to purchase two (2) non-restricted units through TDR for a total of three (3) units.) *(TRAN-2024-0015)

J. Consideration and acceptance of a Minor Subdivision for Fergus and Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is for a minor subdivision creating two (2) new lots for a total of three (3) lots.) *(SUBM-2024-0006)

D. Benton explained that the applicant is proposing a project for three residential units by purchasing two units through TDR. The proposal includes maintaining the existing single-family dwelling and the construction of two, single-family dwellings. The single-family dwellings are not proposed to be size- or HUD-restricted.

A Minor Subdivision is being proposed as part of this project (SUBM-2024-0006) to subdivide the existing lot into three lots. The proposed lots, (4-F, 4-F-1, and 4-F-2), are shown as each having approximately 0.45± acres. As the applicant is utilizing the TDR ordinance, relief for lot size, frontage, setbacks, density and intensity may be provided.

The applicant has made prior, differing requests for increased units on the subject property. These previous applications were reviewed by the Technical Review Committee. A review for this application by the Technical Review Committee was not conducted as it is not required for Minor Subdivisions.

Steve Haight, CivilWorks NE, represented the applications and explained the request for minor subdivision of the single lot into three lots- each of which will have a single-family home and maintain the 30-foot buffer along with meeting all setback restrictions in the R40 zone. Water and sewer will come off Sixth St. The proposed lots meet the character of the neighborhood. Each new home will have it's own driveway per the plans shown.

He answered questions from the board relating to square footages of homes.

**Motion:** T. Clark moved to accept the applications and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

*Public hearing opened.*
Hillary Hamer, 91 Court St, requested the Board deny any request by a property owner who has an open appeal on the same parcel such as this one. Tax revenue should not be a motivation for TDR approval as listed in the application. She does not believe the project is suitable for the parcel even with the deed restrictions to prevent the structures becoming duplexes. These two additional units are not needed based on the many additional units coming online that she listed. She doesn't agree that these TDR applications don't set precedence. She asked the board to comment on the open appeal.

Amelia Trapp, 14 Pierce St is in opposition to the proposal since it is a conflict of interest as the owner is a City Councilor on the Planning Board.

Ed Neister, 574 Sixth St is opposed to the project. The area is nice now for the abutters, but the proposal will ruin that. He is concerned about parking, density, too many families on one site, public officials should not trade on inside information. Additional concerns are the topography, potential for accidents, additional children and quality of life for the abutters.

Michaell Ortlieb, 560 Sixth St discussed the R-40 zone should be for single-family homes with optional ADU. This proposal doesn't belong in this zone.

Rory Wilkie, 568 Sixth St spoke for himself and his wife. He is a direct abutter and opposes the proposal. He speaks for others in the area. The application is only signed by one owner of the property, not both, so why is it before the Board. He believes this plan proposed is no different than the previous plan and that the applicant will add the duplexes without approvals. He discussed the appeal of the Planning Board decision of an initial denial of the applicant's plans. He requests a deed restriction be filed confirming the units will not be converted into duplexes for 20 years. He agreed with the Board's denial decision in October. These units will not be affordable. The lot has been clear cut before development was approved.

D. Benton itemized the emails received in opposition to the proposal. These are all part of the record.

The applicant addressed public comment:
Eli Leino, Attorney Bernstein Shur representative for the applicants

- Strick timelines for appeals must be followed
- This was determined at TRC to be too dense with 5 units, so they have come before the board with 3 units
- Not fair to say these proposed units aren't attainable, when the proposal for smaller units was filtered out through the process
- Tax revenue is not a criteria- the application meets the four TDR criteria- tax revenue is an added bonus
- Adding units is in line with the master plan
- Conflict of interest: a property owner who volunteers their time on City boards is allowed to come before the Planning Board.
- The dilapidated property could have been bought by anyone and has been renovated by the applicant.
- Traffic increase is minimal for two additional units
- Commented on the letter sent in by the Attorney

S. Haight, CivilWorks NE

- Confirmed the buffers
- This proposal minimizes parking and traffic issues
- Current intent is to sell the properties (each SFH and would need to come back to PB for any change to duplex)

Board members asked for clarification on the following and discussion ensued:
Smaller square footage for a more attainable home, additional plantings requested, style and square footage of the proposed homes, current proposal smaller square footage than first proposal, procedures relating to the outstanding appeal, both owners are aware of the proposal and will sign if approved.
*Public hearing closed.*

**STAFF RECOMMENDATION - TDR**
§170-28 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.28G(8) states:
*"Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:*
*(a) Is consistent with the Master Plan*
*(b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*
*(c) Is created on property served by public water and sanitary sewer.*
*(d) Any relief sought should not be caused by the additional density."*

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**
1. Conditional approval of SUBM-2024-0006;
2. Payment of TDR fees;
3. Add note to plat: "This subdivision uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase two units for a total of three units between the three proposed lots. The existing single-family unit and the proposed single-family dwellings may not be converted to a duplex without further review and approval by the Planning Board;"
4. The applicant provide a revised narrative included the latest TDR ordinance section and all four criteria.
5. Additional landscaping (ie 6' white spruce or similar) to be planted along northern and southern buffer.
6. Both owners sign the plat

**Motion:** K. Pimental moved to grant the Transfer of Development Rights request based on the comments and conditions set by the Planning Dept. Seconded by: K. Mavrogeorge. Vote: U/A

**STAFF RECOMMENDATION – Minor Subdivision**
The plan is consistent with §157-17 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Approval of TRAN-2024-0015;
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
   2.1. Signature and stamp of PE, LLS.
   2.2. The owners' signatures for recording at Strafford County Registry of Deeds
   2.3. Add where future treeline will be or if existing, show existing treeline and remove treeline currently shown on plan.
   2.4. Add note about no-cut buffer placards to be installed.
   2.5. Add note that no sump pumps or roof leaders will be tied to the public sewer.
   2.6. Revise sewer lines to be off Sixth Street for two new units.
   2.7. Add note about addressing as assigned by the Building Official.
   2.8. Revise lot numbering to what the City Assessor assigns.

**Subsequent Condition to be Met Prior to Water and Sewer Service Tie In:**

3. Payment of water and sewer investment fees.

**Subsequent Conditions to be Met Prior to Occupancy:**

4. Certificate of Occupancy.
5. Buffer placards shall be in place or if damaged during construction replaced.

**Motion:** M. Gambino moved to approve the Minor Subdivision with conditions detailed by staff as it meets the criteria of 157. Seconded by K. Mavrogeorge. Vote: U/A

K. Discussion and possible posting of a Citizens Petition for a Zoning Amendment to rezone a portion of Map K, lot 6 on Middle Road from R-40 to IT *(WAIV-2024-0021)

D. Benton explained that the applicant is proposing an amendment to the City's Zoning Ordinance, Chapter 170, to rezone a portion of his parcel located at 105 Middle Rd. The subject parcel is 66 acres in area, divided by Middle Road, with 48 acres to the north of Middle Road, and 18 acres to the south. The lot is currently zoned R-40 and contains no structures or dwelling units.

The applicant requests that the area of their lot to the south of Middle Road, (approximately 18 acres), be rezoned into the Innovative Technology (IT) District, asserting that given the lot's location within the City, that the uses within the IT are more consistent with the City's Master Plan than that of the R-40 zone and the area's abutting development.

The proposed rezoning area abuts the IT zone but is uniquely surrounded by residential development. The applicant references the Teresa Drive subdivision and the Pointe Place development as support for the rezoning request. However, staff notes that the current zoning already allows for additional residential development at 105 Middle Road. While Pointe Place is a mixed-use development, its commercial components are concentrated near Dover Point Road, a major thoroughfare, rather than within residential areas.

Staff is unclear about the applicant's intentions for rezoning to IT and has received opposition from abutting residents. Staff would not recommend the rezoning as proposed as it would leave a small portion of Teresa Drive's property outside the rezoning area. To include this portion, the applicant would need the Teresa

Drive property owner's consent and a revised Planning Board submission, along with new abutter notices at the applicant's expense.

Craig Williams, 154 Middle Rd represented the application. He explained the sizes of his lots and the history and current status of his lots and zoning changes made to his and surrounding parcels over the years. He described the uses of the abutting parcels. The request is to put the zoning back to the way it used to be. This will allow for mixed use housing in that area rather than larger homes with higher values.
The applicant and staff explained that if the board grants the request for rezoning of Mr. Williams' land, the City requests the sliver of land with Theresa Dr also be rezoned so it is not left on its own island.

The board and staff discussed the timeline of previous zoning changes and whether the change in 2008 went through a review process. Staff can look into that to see if there are meeting minutes or approval documents of record.
Mr. Williams answered questions from the board relating to his reason for this request: meets master plan goals, R-40 zone is not appropriate since it doesn't fit the neighborhood now and to build it out would support upscale homes at higher building costs. He is not a developer, he is a long-time resident who has accumulated land over many years and as a retirement plan would look to sell portions of the land for development of single family homes and/or townhouse style homes.

D. Shanahan commented there is some documentation to look into regarding the zoning change of 2008, and it would be helpful to have a conceptual plan brought forth by the resident petitioner so the board and the residents have a better understanding of the reasoning and plans.

*Public hearing opened.*
Doug Walsh, 12 Teresa Dr, on behalf of the association's board of directors of Preston Place. The owner has the right to develop the land, as long as planning, zoning and permitting restrictions are met. These abutters feel strongly that any development must be compatible with the existing uses of the abutters. He described the zoning changes and development which created the abutting residential neighborhood. The commercial aspects of this request do not have a place on 18 acres surrounded entirely by single family homes on three sides and Middle Road on the 4th. Most of the categories of IT do not belong here- which he listed several.

Richard Kirk, 8 Teresa Dr, described the surrounding housing communities to the parcel and how that should mean the parcel should have an R zoning designation, regardless of whether it's R-40 or R-12. If the parcel is developed, it should be single family housing to match the surrounding neighborhoods.

D. Benton listed the emails received to the office.
*Public hearing closed.*

**STAFF RECOMMENDATION- Rezoning Request**
The Planning Department recommends the Planning Board open the public hearing, make findings, and vote to recommend that Council not grant the rezoning request.

**Motion:** T. Clark moved to recommend to City Council to not grant the rezoning based on not enough information and a better comprehensive plan needed. Seconded by D. Glennon.

For the applicant, the board noted wanting more information about what is the need for the requested change? What is not allowed now, that would require the change? The City wants to avoid spot-zoning so

having more information will allow for thoughtful planning for any recommended zoning change. It was clarified that the applicant can still come back to staff / the board with more information.
Vote: 8-1 with G. DeBoer opposed. [Editor's note: Under Member Comments G.DeBoer noted he was confused by the motion and meant to vote differently].

The Chair announced Items 4L & M would be heard together.

L. Consideration and acceptance of a Conditional Use Permit for 210 Tolend Road, LLC, Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal is for a 32-lot subdivision that includes an open space subdivision yield plan that would cause 700± s.f. of wetland impact and 6,400± s.f. of impacts to the 50-foot wetland buffer. In order for the yield plan to be considered realistic to calculate the density for an Open Space Subdivision plat, a conceptual CUP is required.) *(COND-2024-0028)

M. Consideration and acceptance of a Waiver Request for 210 Tolend Road, LLC, Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal is to request a waiver from Section 157-32.J, for proposed cul-de-sac of approximately 1,750 feet where 1,000 feet is the maximum required for the yield plan for an Open Space Subdivision.) *(WAIV-2024-0019)

D. Benton explained that the applicant is proposing a conceptual Conditional Use Permit for 700± square feet of wetland impact and 6,400± square feet of impacts to the 50-foot wetland buffer. The proposal also includes a conceptual waiver for a cul-de-sac of approximately 1,750 feet where 1,000 feet is the maximum required for an Open Space Subdivision.

To determine allowable density for an Open Space Subdivision, a yield plan must be submitted and determined to be realistic and in compliance with regulations, this may include conceptual conditional use permits and waivers.

The conceptual application is related to a proposed yield plan to allow up to a 32-lot Open Space Subdivision. The wetland and wetland buffer impacts shown on the yield plan are related to a proposed crossing and would need to be reviewed again on subsequent applications related to this project.

The Conservation Commission reviewed and endorsed the application at their October 15, 2024 meeting.

The applicant provided a conceptual Open Space subdivision plat that the development team is considering in case the Board or public are interested. However, the plat has not been submitted for review yet by the Technical Review Committee, Conservation Commission, or Planning Board so full review would still be required for this project and plans may change based upon those reviews.

Bob Stowell, Tritech Engineering, represented the application and explained the request for an open space subdivision. The yield plan has been prepared and provided with the wetland crossing. He discussed the various development options and impacts for each option along with the waiver request for the length of cul-de-sac.
Once the yield plan is confirmed they can confirm the density calculation and move forward with the open space subdivision plan. The conceptual plan is provided.
This step is to solidify the yield. Next steps are: engineering design, TRC, Planning Board approval.

The applicant and board discussed the existing gravel road and how that affects the yield.

**Motion:** T. Clark moved to accept the applications and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Lee LaPierre, 159 Emerald Ln, President of Indian Woods HOA is confused by the differences between the yield plan and the conceptual plan. What is the actual proposal? And what was approved at Conservation Commission?

D. Benton noted an email came in from 201 Tolend Rd in support of the open space conceptual plan.

Mr. Stowell clarified that the yield plan is not the plan of what is to be built. It is used to establish the density of the project so that the subdivision plan can be developed.
*Public hearing closed.*

**STAFF RECOMMENDATION- Conditional Use Permit:**
The Wetlands Protection District ordinance §170.28.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-28.F per their narrative. The proposal minimizes wetland buffer impacts and direct wetland impacts. The proposed project does not require state mitigation, does not require NHDES review at this stage. The project was endorsed and reviewed by the Conservation Commission on October 15th.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote on the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

**Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**
1. Approval of WAIV-2024-0019.
2. Lot 13 is removed and the yield plan yields 31 total lots.

Staff clarified the reasoning for removal of lot 13.

**Motion:** D. Glennon moved to approve the Conditional Use Permit with the subsequent conditions as it's consistent with regulations. Seconded by T. Clark. Vote: U/A

**STAFF RECOMMENDATION- Waivers/Relief:**
The Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (1) and waiving such standards and requirements will properly carry out the spirit and intent of the regulations.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waiver with the following subsequent condition:

**Subsequent Condition to Be Met Prior to Issuance of a Waiver:**

1. Approval of COND-2024-0028

**Motion:** K. Pimental moved to grant the waiver request with the subsequent condition set by staff as it meets criteria for relief. Seconded by: G. DeBoer. Vote: U/A

## 5. STAFF COMMENTS

- D. Benton shared that the Board will be reviewing and considering for adoption the updated land use chapter master plan
- Seeking PB member for the Land Use Chapter Master Plan Steering Committee.
- Land Use All Boards Meet and Greet January 14th at 5:30pm.
- TRCs since last meeting:
  - (Nov. 21st) Review of site plan and TDR request for 1 Cold Springs Rd. Proposal is to construct eight single-family homes, a four-unit residential building, and maintain an existing single-family home for a total of 13 units. The project includes a TDR request to purchase the four multi-family units with HUD-restricted rental rates and the eight, 1,400 s.f. single family homes and a request for relief from TDR setbacks.
  - (Dec. 5th) Review of TDR proposal for 77 79 Sixth St. Proposal is to purchase two TDR units with intent to construct a new two-family residential structure and maintain an existing two-family structure.
  - (Dec. 5th) Review of two environmental CUPs for a project on Back Road that was previously reviewed by the Planning Board and referred for TRC review.
  - (Dec. 5th) Review of site plan for the Dover Public Library addition.
- Upcoming TRCs:
  - (Dec. 19th) Review of TDR site plan for 512 Sixth St. Proposal is to build five single-family dwellings that includes three units previously approved through TDR.
- Reminder that this is the only meeting in December so Happy Holidays to everyone.

## 6. MEMBER COMMENTS

- G. DeBoer
  - Noted he misunderstood the vote on the zoning change and would have voted differently. He did not want it to be approved, but just wanted the applicant to be given guidance on next steps which seems to be implied.
- D. Glennon
  - TDRs are causing confusion so might want to hold some workshops with public for education and feedback.
- J. Sanborn
  - The packet was too much for one meeting and it's a disservice to the public to make them have to be here so long.
- T. Clark
  - Planning Board Chair term
    - Her term is up in March 2025
- Discussion on the time commitment for the land use steering committee
- Chair signed the following:
  - Lot Line Adjustment for 141 Sixth St. and 5 Dowaliby Ct.

- Lot Line Adjustment for 5 and 7 McKenna St.
- Site Plan and CUP for the approved 4-unit dwelling on Locust Street.
- CUP Plan for 189 Spur Rd. for Conservation District impacts for a patio and retaining wall renovation.
- Site Plan and CUP for 105 Durham Rd. for the approved 9-unit group housing facility for adults with Intellectual Developmental Disabilities.

- Appointed the following to the Steering Committee for the Land Use Chapter update:
  - Krysta Gingue for Community Housing Needs Committee rep
  - Rick Lundborn for DBIDA rep
  - George DeBoer Planning Board Member
  - City Councilor (likely April Richer upon Council appointment)
  - A Conservation Commission member
  - Steve Brown

**7. ADJOURNMENT**

**Motion:** K. Mavrogeorge moved to adjourn at 11:51pm. Seconded by M. Gambino. Vote: U/A

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, January 28, 2025** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Doug Glennon (Vice Chair), Ken Mavrogeorge, Kyle Pimental, Melina Gambino
**Members on Phone:** Fergus Cullen (Councilor)
**Members Not Present (excused)**: George DeBoer, Tom Clark, Mallory Strange (Alternate), Jeff Sanborn (Alternate)
**Staff Present:** Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7:00p.m. and noted that Councilor Cullen is participating in the meeting by telephone.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
Caitlin Wilkie, 568 Sixth St expressed concerns about the TDR program and education around the program. She described some clarifications she has received from staff and how she feels that contradicts the way TDR items have been handled at Planning Board level. If the staff and board are interpreting the code beyond its written language, then the language needs to be updated to maintain fairness and legality. She is also concerned about the TDR fees and how the funds have been used. She asked for transparency in this process. She asks the board members to take the time to fully understand the repercussions their decisions have on residents – especially with TDR.
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- January 11, 2025 Special Meeting Minutes and January 14, 2025 Regular Meeting Minutes

**Motion:** K. Mavrogeorge moved to approve the special meeting minutes of January 11, 2025 and regular meeting minutes of January 14, 2025. Seconded by: D. Glennon.
Roll Call Vote: Passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

## 3. OLD BUSINESS

## 4. NEW BUSINESS

**A.** Consideration and acceptance of a Lot Line Adjustment for Robert S. Mairs Revocable Trust, George Maglaras & Robert S, Mairs Trustee, & George Maglaras, Assessor's Map 24, Lots 141, 140 & 139, zoned CWD, located at 5, 11, and 31 Cocheco Street. *(LOTA-2024-0013)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 5 Cocheco St. (Map 24, Lot 141), 11 Cocheco St. (Map 24, Lot 140), and 31 Cocheco St. (Map 24, Lot 139).

F. Cullen disclosed that he has a professional relationship with Kevin McEneaney's firm who surveyed the property for this application, and he is a client of Mr. McEneaney's company. He does not have any financial, personal, or professional interest that would create a conflict of interest in relation to this application. His evaluation of this application is unbiased and impartial. If any member of the Planning Board objects to his participation with this application, he asked them to say so. (No one spoke)

This lot line adjustment dissolves lot 140 and adds ± 3,889 square feet to lot 139 and ±4,176 square feet to lot 141. Each lot's frontage and compliance with underlying zoning regulations (CBD-G and CWD) will remain post-adjustment.

As a Lot Line Adjustment, this application did not appear before the TRC.
Kevin McEneaney, McEneaney Survey, represented the application noted three abutting lots are proposed to adjust the lot lines. He listed the ownerships of the lots and noted though the total square footages of the two proposed lots will not be equal, they will each have equal frontages and waterfronts.

K. Pimental asked about the boundary of the zoning districts and how the adjustment of the lot line now puts one of the proposed lots in two different zoning districts.
D. Benton clarified that the rule is that the lot will have zoning regulations based on which district the majority of the lot encompasses, though the regulations allow for a change of zoning of moving the boundary 50' for that lot if necessary for a future use.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

**STAFF RECOMMENDATION – Lot Line Adjustment**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2024-0013
   1.2. The owner's signatures
   1.3. City Assessor confirms lot numbering.

**Motion:** M. Gambino moved to approve the Lot Line Adjustment with subsequent conditions set by staff as it meets criteria. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**B.** Consideration and acceptance of Transfer of Development Rights for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to purchase four (4) units through TDR.) *(TRAN-2024-0011)

**C.** Consideration and acceptance of Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to maintain an existing single-family dwelling, construct a two-family dwelling that is deed-restricted to Fair Market Rent, and construct four (4) new size-restricted single-family homes for a total of seven (7) dwelling units. *(SITE-2024-0012)

**Motion:** M. Gambino moved to remove this item from the table. Seconded by: D. Glennon.
Roll Call Vote: Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes

D. Benton explained that the applicant is proposing a residential project consisting of five residential units by purchasing two size restricted units through TDR. This item was before the board, accepted and tabled on December 10th, but the plan has been revised since then. The agenda reads as it does because this item was a continuance.

The proposal includes renovation of the existing single-family dwelling and the construction of four single-family "cottage" dwelling units. The duplex has been removed from the proposal and the applicant is requesting to purchase two units through TDR which will be size restricted to 1,400 sq ft.

A Site Visit was conducted on January 11, 2025, to allow staff, Planning Board members, and members of the public to review the site in person, observe existing conditions, and be able discuss how the proposed development aligns with the surrounding area and zoning requirements.

The applicant provided previous iterations of this proposal for increased units on the subject property. The applicant is now proposing a decrease in total units, an increase in perimeter screening, and a change to the site layout with the "cottage" units and access driveway being shifted further from the side property boundaries.

The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that the applicant must apply single-family density for the creation of additional single-family homes. As the applicant is proposing single-family density, the single-family yield calculation has been used and has resulted in a base density calculation of three units. This, therefore, means that the remaining two sought units could be granted if the Planning Board votes to approve the use of TDR.

Per the applicant's plan, the existing single-family home will be renovated and remain, and four single-family "cottage" dwelling units will be constructed. Two of the cottage units are proposed to be size-restricted to 1,400 square and purchased through TDR.

Because of the change of plans, the board can take action on the TDR request tonight but staff recommends the second item could be tabled so it can go to TRC.

Staff has reviewed the proposal and supplied a TDR memo to the applicant.

The Board has received comments tonight. Staff has tried to respond and reference the correct areas of the TDR code and try to ensure the public is informed.

Robert Baldwin, 5 Sherman St LLC represented the application and confirmed they are expecting to table the second request tonight to take the proposal to TRC.
He highlighted the changes to the plans: removed the duplex, straightened the driveway, noted the 25' cemetery setback, included a detailed landscape plan showing the screening, and fencing adjustments.
He described some other development options that they considered.

Board members asked clarifying questions of the applicant which were addressed. Topics included storm water, size restrictions (all four units are proposed restricted to 1,400 sf), ownership vs rental status.

The applicant reviewed the development options again while the plans were shown on the screen.

The TDR buffer was discussed and clarified that based on the plans presented and the section of the code they are developing under, the 30-foot buffer is not a requirement.

*Public Hearing Open*
Hilary Hamer, 91 Court St believes the 30-foot buffer does apply for this proposal and explained her reasoning and handed out a paper to the board members. She asked the board which residential performance standard applies to this project and why. She asked for an explanation for when the buffer does apply to residential TDRs. She believes this proposal is unlawful and unreasonable, that a buffer applies and has not been provided. She highlighted the state's definition of subdivision.

Merlin Mason, 91 Court St is concerned about the proposed increase to density, is in favor of the buffer, and he explained he and his wife want real neighbors in real homes.

Dorna Hamer, 18 Tuttle Ln is opposed to the project and is in favor the buffer. The parent lot is the existing lot. This density is out of place in this neighborhood. The TDR rules are vague, and this project should be put on hold until those can be clarified.

Keith Hamer, 18 Tuttle Ln is opposed to the project noting many of the neighbors and abutters have written to the office in opposition. If the board tables the item, he asks that the public hearing be tabled so it can be continued.

Caitlin Wilkie, 568 Sixth St is in opposition to the project. TDR is to be used to restrict density to appropriate locations and protect other areas. She agrees the buffer should apply. Proposed cottages have no consistency with the existing homes on the street. The proposal is also too dense for the neighborhood. She asked this proposal to be denied.

D. Benton noted emails were received from some who have already spoken tonight and summarized one from Lisa O'Grady of 100 Court St.
*Public Hearing Closed*

D. Benton addressed public comment:

- She gave an explanation of the two sections of the TDR ordinance with different options and how they apply to this application.
- She explained a lot restoration for four lots at Locke St and Tranquility Way and the density options for those lots being more so than the current proposal.
- She discussed that some projects have the buffer and some do not. She appreciates the table provided by the resident, but it is not 100% accurate. Staff can review and comment.
- Why this proposal isn't a subdivision: In Dover, condominiums don't fall under subdivision. Dover subdivisions are focused on fee simple lot lines, rather than form of ownership.
- The 30' buffer is not required because they are proposing units instead of fee simple lots.

Board members continued discussion about condominiums, 30-foot buffer applications to some types and not others, tightening up the zoning regulations as part of the review to require the buffer for consistency, allowed density by right, considering the reasons for a no-cut buffer and utilizing their ability to have applicants create buffers where they don't exist.

**STAFF RECOMMENDATION - TDR**

§170-29 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.29G(8) states:

*"Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:*

*(a) Is consistent with the Master Plan*

*(b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*

*(c) Is created on property served by public water and sanitary sewer.*

*(d) Any relief sought should not be caused by the additional density."*

Section §170-29 provides for additional density to be purchased through Transfer of Development Rights, provided that four criteria are met: The proposal is consistent with the Master Plan; is compatible with the land uses on neighboring lots; is created on property served by public water and sanitary sewer; and not seeking permitted relief caused by additional density. This application meets the criteria.

Specifically, the lot is served by water and sewer, and the Master Plan supports housing diversity and encourages creating housing in walkable neighborhoods which encourage community engagement. Regarding the requested density, it is in line with neighboring land uses and development. The proposal is for single-family homes, and there are single- and two-family homes in the immediate area. Currently, the parcel has a single unit, and by right, the unit could be converted to a two-family dwelling unit. The applicant is proposing five total residential units, or an increase of four units. On the adjacent parcel at 109 Court Street, that and the three lots that were created from it, all meet the zoning to allow two-family units. These four lots equate to a similar-sized area, (1.5 acres), and with no Planning Board review, eight units could be constructed by right where one unit exists today. In regards to TDR buffers, as 170-29.G(7) states, "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer," and the proposal is not indicating to subdivide or add new lot lines, staff's interpretation has been that the buffer is not required. However, staff has continually asked the applicant to add more green space and screening as possible and to ensure the 25' setback from the cemetery has been met. This revised plan meets those requests.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**

1. A Site Plan application is required to be submitted for review and consideration;
2. Payment of TDR fees;
3. Add note to plan: "This site plan uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase up to two units for a maximum total of five units on the subject lot. The existing single-family unit and the proposed single-family dwellings may not be converted to a two-family dwelling without further review and approval by the Planning Board;"
4. The applicant provide a revised narrative including the latest TDR request;

5. Add note indicating which units will be purchased as size-restricted units through the TDR ordinance and that a deed restriction is required.
6. The board may decrease the total unit count based on TRC review.

Comments by board members:
M. Gambino:
Noted she thinks the developer has shown good faith and adjusted the project to be more clearly aligned with concerns around the density. This is a 50% decrease in the number of requested TDR units from 4 to 2. This TDR project will support and promote the City's diversity of ages and income which is part of the master plan by building more attainable housing on this lot that might otherwise be allowed by right.

A public comment mentioned wanting to see somebody with a garden and the swing set in the backyard. The reality is that not everybody wants that in their yard and so there needs to be diversity of housing.

She referred to the discussion about the 30-foot buffer clouded this project for her and is now confident that staff gave the Board the right information and is looking forward to having further discussions about the TDR regulations.

This project is in a place where TDR is appropriate. She prefers to see the TDR here in the R-12 zone rather than the rural zone.

K. Pimental:
Diversity of housing is important and emphasized that not everyone wants the same single-family home on a certain sized lot. This project has gotten better with public, staff and Planning Board input.

K. Mavrogeorge:
The difference tonight is the Board is being asked to approve the number of units and table the plan so it can go to TRC. The plan is heading in the right direction, but additional work is needed. Any vote tonight on number of units does not approve any particular plan or development option.

**Motion:** K. Pimental moved to grant Transfer of Development Rights request based on the comments and conditions set by the Planning Department. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed 5-1 (Cruikshank- yes, Glennon- no, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**Motion:** M. Gambino moved to table the site plan. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

The Chair announced Items 4D, E, F, & G would be heard together.

**D.** Consideration and acceptance of a Minor Subdivision for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148, zoned HR, located at 114 Silver Street. (Proposal is to subdivide the parcel to make one (1) new lot for a total of two (2) lots.) *(SUBM-2024-0001)

**E.** Consideration and acceptance of a Conditional Use Permit for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148, zoned HR, located at 114

Silver Street. (Proposal is to convert a single-family residential home to a 4-unit residential dwelling within the Heritage Residential Zoning District.) *(COND-2024-0011)

**F.** Consideration and acceptance of a Conditional Use Permit for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148-1, zoned HR, located at 114 Silver Street. (Proposal is to construct a new 4-unit, residential dwelling in the Heritage Residential Zoning District.) *(COND-2024-0012)

**G.** Consideration and acceptance of a Site Review for Allen & Major Associates, Inc., (Owners: 114 Silver Street Group, LLC), Assessor's Map 12, Lot 148 & 148-1 zoned HR, located at 114 Silver Street. (Proposal is to convert an existing single-family home into a 4-unit residential dwelling on the parent lot and to construct a 3-story, 4-unit residential dwelling on the proposed subdivided lot with eight (8) associated parking spaces for each building.) *(SITE-2024-0006)

D. Benton explained that the applicant is proposing to convert an existing single-family home into a 4-unit residential dwelling on one lot and to construct a 3-story, 4-unit residential dwelling on a proposed subdivided lot.

The existing residential structure and new residential structure have been designed to appear as single-family homes facing Silver Street. The applicant provided an architectural narrative to explain adherence to guidelines set forth in the Dover Historic Preservation Guide including traditional materials and detailing.

The access driveway for the project, currently on Silver Street, is proposed to be moved to Rutland Street. The proposal includes 16 total surface parking spaces behind the residential structures with perimeter landscaping and fencing.

Within the Heritage Residential (HR) Zoning District, any conversion or creation of a structure to a 3-4 family dwelling, must meet the required criteria of a Conditional Use Permit (CUP). Two related CUPs have been submitted as part of this project (COND-2024-0011 and COND-2024-0012).

The applicant has also submitted a related Minor Subdivision application that proposes a subdivision of the subject lot at 114 Silver St., creating one new lot for a total of two lots (Assessor's Map 12, Lots 148 & 148-1). Lot 148 will be approximately 11,650 square feet and Lot 148-1 will be approximately 10,690 square feet.

The Technical Review Committee reviewed the application at their July 18, 2024, September 5, 2024, October 31, 2024, and November 21, 2024 meetings.

Tom Toye, owner, Arthur Thomas Properties and Michael Malynowski, Allen and Major represented the application.
Mr. Toye noted he and his wife purchased the property a year ago with the intent to develop it as a multi-family. He explained the experience they have with development. The intent was to repurpose the barn, but that was not viable. They intend to keep the property and manage it as part of their portfolio which includes other properties within that neighborhood.
They have looked at many options before bringing this proposal to the board. They made an effort to work the project within the confines of the ordinance. They did not seek any variances or TDR.

Mr. Malynowski addressed the engineering and technical aspects of the project.

K. Mavrogeorge noted the Engineering staff is not in favor of the subdivision of the lots as new, separate sewer lines will be required for each lot. He asked that the applicant address the reasoning for the subdivision.

Mr. Malynowski clarified there will be two separate lines from Rutland. There will also be two separate water lines.

M. Gambino asked about the unit sizes and why two 500+ sq ft units are proposed rather than a large unit. Mr. Toye addressed the four 1-bedroom units in the existing structure and two 1-bedrooms and two 2-bedrooms in the new structure. Their research shows a need for small units.

**Motion**: K. Pimental moved to accept the four applications and declared no regional impact. Seconded by: K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

*Public hearing opened.*
Deborah Child, 8 Rutland St provided a letter last week. She has concerns about the cut out on Rutland St due to safety. Additional concerns about traffic, transient population living nearby, and the carriage house is historic and doesn't want it removed.

Liz Goldman, 44 Rutland St is in favor of density but this seems too much. She is concerned about the design being too 'cookie cutter'.

Patty Diengott, 35 Rutland St is concerned about the traffic on Rutland St particularly at that corner. Safety is a real concern there. It is a high density street where people go way too fast at that corner. There are multiple developments in progress in that area.

Bob Gelinas, 15 Rutland St noted the historical aspects of the City and the wonderful carriage house on the lot. He is concerned about the proposed curb cut on Rutland with the added traffic and safety impacts.

D. Benton listed the emails received to the office and summarized the concerns.
*Public hearing closed.*

D. Benton addressed public comment:

- Traffic study/ Technical Review Committee
- Right-out only from driveway option deemed unwarranted by Traffic Bureau and Police Dept
- As the City does not own the property, they have no say in what happens to the carriage house
- Described the iterations of plans and discussion the Planning staff has had with the applicant

Chair Cruikshank noted that property owners have rights and the Planning Board does not have the authority to tell a property owner they have to keep a building or not. They are allowed to do what they want with the property within the regulations.
She also noted the board follows the rules and regulations. Sometimes they may personally agree with the public comment, but have to act as a board member within the regulations.
She appreciates the applicant's efforts in the design. The buildings look different from each other and look like single-family homes.

Board members discussed the following;

- Carriage house options
- Guidance on traffic
    - Individual projects don't show an impact, but collectively they do
    - Is there any staff guidance that can inform the Board on a wider scope
        - Lengthy discussion/ information given by K. Mavrogeorge
- Historic area alongside necessity of diversity of housing

**STAFF RECOMMENDATION- Minor Subdivision**
The plan is consistent with §157-17 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
    1.1. The owner's signatures for recording at Strafford County Registry of Deeds;
    1.2. Include the Planning File #: SUBM-2024-0001;
    1.3. The stamp and signature of the LLS on the final plans;
    1.4. Confirm lot numbering with City Assessor.
2. Provide copies of easements between the two lots for access, and utilities.

**Motion:** K. Pimental moved to approve the Minor Subdivision with conditions detailed by staff as it meets the criteria of 157. Seconded by M. Gambino.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**STAFF RECOMMENDATION- Conditional Use Permit, HR District, Conversion of existing dwelling to accommodate not more than 4 units**
§170-20.B(1) of the Zoning Ordinance allows for Conditional Use approval for relief from the standards herein which may be granted by the Planning Board, (RSA 674:21 II), after proper public notice and public hearing provided that the proposed project complies with the following standards:

*Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:*

*a. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.*
*b. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.*
*c. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.*
*d. Parking areas shall be screened from the street and from abutting lots.*

*e. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.*

*f. For new construction, the building must be designed to look like a single-family dwelling. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a single-family dwelling or a 2-family dwelling, whichever is the current use. notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.*

The applicant assesses the average open space within 200' of the subject property to be 57.3%, which per the submitted Drainage Report and site plan pages C-102 & C-107, this CUP request complies with. Staff feels the parking requirements, (criteria B, C, & D), were met during TRC review, with the applicant providing the required number of spaces, adequate screening, and parking space setbacks as prescribed in criterion C. Setbacks, per the applicant's submitted plan, are compliant with criterion E, and the existing structure's appearance adheres to the aesthetic specifications detailed in criterion F.

Chapter 170-19.B.2 also lists three criterion for granting a non-environmental CUP for relief. Staff feels this proposal meets those criteria which include:

*a. The requested use shall be compatible with abutting uses and the surrounding neighborhood.*
*b. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*
*c. The requested use will not result in objectionable noise or odor which would constitute a nuisance.*

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**

1. Include sheet C107 from related site plan (SITE-2024-0006) in CUP plan set.
2. Amend sheet C107 to include site-specific open space calculations for both lots, post subdivision.
3. Work with the Planning Department to endorse a development agreement per Chapter 170-19.C and then record at SCRD. The development agreement shall include a contribution for the RRFB at Belknap St.

**Motion:** M. Gambino moved to approve the Conditional Use Permit with conditions as it's consistent with regulations. Seconded by K. Pimental.

Discussion about the regulation in the zoning ordinance of requiring two parking spaces per unit in the Heritage District. Staff will look into this. At the time it was added, it is what the residents of that district wanted, but public opinion might have changed since and it seems in opposition to what Dover is doing in other districts.

Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**STAFF RECOMMENDATION- Conditional Use Permit, HR District, Creation of a 3–4-unit dwelling**

§170-20.B(1) of the Zoning Ordinance allows for Conditional Use approval for relief from the standards herein which may be granted by the Planning Board, (RSA 674:21 II), after proper public notice and public hearing provided that the proposed project complies with the following standards:

*Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:*

*a. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.*

*b. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.*

*c. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.*

*d. Parking areas shall be screened from the street and from abutting lots.*

*e. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.*

*f. For new construction, the building must be designed to look like a single-family dwelling. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a single-family dwelling or a 2-family dwelling, whichever is the current use. notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.*

The applicant assesses the average open space within 200' of the subject property to be 57.3%, which per the submitted Drainage Report and site plan pages C-102 & C-107, this CUP request complies with. Parking requirements, (criteria B, C, & D), were met per TRC review, with the applicant providing the required number of spaces, adequate screening, and parking space setbacks as prescribed in criterion C. Setbacks, per the applicant's submitted plan, are compliant with criterion E, and the proposed, (revised from previous versions), architecture, in staff's opinion, meets the criterion F's requirements, and is consistent with neighboring historic architectural design.

Chapter 170-19.B.2 also lists three criterion for granting a non-environmental CUP for relief. Staff feels this proposal meets those criteria which include:

*a. The requested use shall be compatible with abutting uses and the surrounding neighborhood.*
*b. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.*
*c. The requested use will not result in objectionable noise or odor which would constitute a nuisance.*

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**

1. Include sheet C107 from related site plan (SITE-2024-0006) on CUP plan set.
2. Amend sheet C107 to include site-specific open space calculations for both lots, post subdivision.
3. Work with the Planning Department to endorse a development agreement per Chapter 170-19.C and

then record at SCRD. Said development agreement shall also include contribution to RRFP system at Belknap St.

**Motion:** M. Gambino moved to approve the Conditional Use Permit with conditions as it's consistent with regulations. Seconded by K. Mavrogeorge.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**STAFF RECOMMENDATION- Site Plan:**
Chapter 153-13 outlines Site development plan. This plan meets those standards outlined. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Approval of COND-2024-0011;
2. Approval of COND-2024-0012;
3. Approval of SUBM-2024-0001;
4. Confirm lot numbering with City Assessor.
5. Confirm building addressing with Building Official.
6. Draft utility and access easement to be reviewed by the Planning Department.
7. Sewer services for each building must be independent and to the satisfaction of the Community Services Department or a waiver must be approved through the Dover Utilities Commission.
8. Provide letter from pest control management professional regarding whether pest control management plan is needed per Chapter 153-10.G.
9. Provide physical and digital copies (including CAD) of complete plan set for final Planning Board signature which additionally shall include:
   9.1. Owner's signatures;
   9.2. Professional stamps and signatures;
   9.3. Amend sheet C107 to include site-specific open space calculations for both lots, post subdivision.
10. Add note to eliminate any conflicts between the proposed sanitary sewer and the stormwater system and confirm existing sewer line condition to the satisfaction of the Office of the City Engineer.

**Subsequent Condition to Be Met Prior to Construction:**

11. If pest management is needed per letter from pest management professional, then pre-baiting or any other recommendation occur.
12. City's standard site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director;

**Subsequent Condition to Be Met Prior to Building Permit:**

13. Payment of Water and Sewer Investment Fees if applicable at time or request of service;

**Subsequent Conditions to Be Met Prior to Occupancy:**

14. Issuance of Certificate of Occupancy;
15. Surety or other form of security acceptable to the City is provided for any unfinished work;
16. Contribution for RRFB has been paid to the City per Development agreement.
17. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

Discussion occurred on sewer lines in relation to the existing tree that is staying and the buffers.

**Motion:** M. Gambino moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: K. Pimental.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

**5. STAFF COMMENT**

- Director Benton announced that a discussion and training on TDR, ADUs and Planning Board roles has been scheduled for the next regular Planning Board meeting on Feb. 11, 2025.
- There have been no TRCs since the last meeting and no upcoming TRCs are scheduled.
- Land Use Chapter update kicked off last night with a steering committee meeting
- Community listening sessions for CDBG
- Thank you to Ryan Pope as Housing Navigator- he has taken a job with NH Housing
- Hiring a Housing Planner
- An email came in about McDonald's and was in the board packets

**6. MEMBER COMMENTS**

- The Chair signed the following:
    - Lot Line Adjustment for 3 and 59 Spur Rd.
    - Lot Line Adjustment for 120 Garrison Rd. and 20 Seaborne Dr.
    - Plans for Conservation District Conditional Use Permit for 167 Spur Rd.
- Appointed the following to the Steering Committee for the Land Use Chapter update:
    - Anna Boudreau, or representative of the Open Lands Committee (in place of a Conservation Commission member)

**7. ADJOURNMENT**

**Motion:** K. Mavrogeorge moved to adjourn at 9:08p.m. Seconded by M. Gambino.
Roll Call Vote: Motion passed unanimously (Cruikshank- yes, Glennon- yes, Pimental- yes, Mavrogeorge- yes, Gambino- yes, Cullen- yes)

DONNA P. BENTON, AICP
Director of Planning and
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# *City of Dover, New Hampshire*

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**NOTICE OF DECISION**

January 30, 2025

5 Sherman Street, LLC
242 Central Avenue
Dover, NH 03820

Re: Transfer of Development Rights for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to purchase four (4) units through TDR.) (TRAN-2024-0011)

Dear Mr. Baldwin;

Please be advised that on Tuesday, January 28, 2025 the Dover Planning Board voted to approve your request to purchase two (2) Transfer of Development Rights (TDR) units for a total of up to five (5) on site and found the criteria of 170-29 have been met. **The specific subsequent conditions are included with this letter.**

In addition to the subsequent conditions of approval, please provide the following to the Planning Office:

- □ Two (2) full size plans and One (1) 11" x 17" plan (plus any additional plans for the applicant or owner)
- □ One (1) PDF digital version of the plat

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Donna Benton, AICP
Director of Planning & Community Development

EC: Inspection Services Office
Engineering Office
Assessing Office
Tritech Engineering Corp.

| **Subsequent Conditions to be Met Prior to Granting TDR:** | **Submitted** | **Reviewed** |
|---|---|---|
| 1. A Site Plan application is required to be submitted for review and consideration; | ☐ | ☐ |
| 2. Payment of TDR fees; | ☐ | ☐ |
| 3. Add note to plan: "This site plan uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase up to two units for a maximum total of five units on the subject lot. The existing single-family unit and the proposed single-family dwellings may not be converted to a two-family dwelling without further review and approval by the Planning Board;" | ☐ | ☐ |
| 4. The applicant provide a revised narrative including the latest TDR request; | ☐ | ☐ |
| 5. Add note indicating which units will be purchased as size-restricted units though the TDR ordinance and that a deed restriction is required. | ☐ | ☐ |
| 6. The Board may decrease the total unit count based on TRC review. | ☐ | ☐ |

## Bassegio, Erin

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Thursday, January 15, 2026 8:44 AM
**To:** Planning Board - All
**Cc:** Parker, Christopher; Perez, Jennifer
**Subject:** 103 Court St: Request for Stay or Denial with Supreme Court Case Pending #2025-0686

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

To the Dover Planning Board:

I am writing to formally request that the Board **stay or deny** the site plan application for 103 Court St **pending resolution of the NH Supreme Court case (Docket #2025-0686)**. This case challenges the foundational TDR approval upon which this entire site plan is built.

If the Board cannot grant a stay - or if the applicant refuses to waive the 65-day review clock under RSA 676:4, I(f) - the Board's only safe harbor to protect the City's zoning integrity is an **outright denial on the grounds of prematurity**. At a minimum, any possible vote must include a robust condition of approval stating that the project shall not proceed until the final resolution of the Supreme Court appeal and a subsequent re-evaluation by this Board to ensure compliance.

*To the Board members*: **If the Supreme Court rules that the TDR approval is invalid, that a 30-foot buffer is required, or that the project must be legally considered as a subdivision and not a site plan, how will the Board enforce those mandates against a site plan you have already approved?** Proceeding now creates an unnecessary legal and administrative knot for the City and a "zombie approval" for the applicant.

The NH Supreme Court accepted this appeal on December 19, 2025 (Docket #2025-0686). (The appeal and official docket were sent to the Planning Board by email on January 13, 2026, and should therefore be already in the project record.) The key questions for the Court to resolve (on page 6 of the Appeal) strike at the very core of this application:

1. **The 30-foot No-Cut Buffer:** Did the City err in finding that the 30-foot "no-cut, no-disturb" perimeter buffer required by **§170.29 G(7)** was only applicable to TDR subdivisions?

2. **Procedural Classification:** Did the City err under **§170.29 G(3)** by allowing the applicant to use a density formula intended for a subdivision while treating the application as a site plan, in a non-multifamily zone?

If the Court rules that the buffer is required or the classification was wrong, this site plan is immediately non-compliant. The Planning Board's jurisdiction to approve this specific density is derived entirely from the TDR Ordinance. Since the scope of that authority is currently being litigated, **the Board lacks a stable legal platform upon which to grant an approval**. The application is **"unripe"** for a final decision.

**Proposed Findings of Fact / Reasons to Stay or Deny**

1. **Pending Judicial Review:** The Board finds that the New Hampshire Supreme Court has accepted an appeal (Docket # 2025-0686) on December 19, 2025 specifically challenging the Transfer of Development Rights (TDR) approval that serves as the legal basis for the current density and layout of the 103 Court St site plan.

2. **Dependency of Site Plan on TDR Validity:** The Board finds that the current site plan application relies on a specific interpretation of TDR Zoning Ordinance §170.29 G(3) regarding site plan versus subdivision classification. Should the Supreme Court determine the project was misclassified, the current application would be **fundamentally void**.

3. **Potential for Non-Conformity:** The Board finds that a central question of the NH Supreme Court appeal is the application of §170.29 G(7) regarding a 30-foot "no-cut, no-disturb" perimeter buffer. If the Court rules this buffer is required for all residential TDR projects, the site plan currently before the Board would be in **immediate violation** of the Zoning Ordinance.

4. **Administrative Efficiency and Judicial Economy:** The Board finds that granting conditional approval while a Supreme Court case is pending creates a risk of conflicting orders and a waste of municipal resources, as a ruling by the Court would necessitate a complete re-review of the present application.

5. **Preservation of the Status Quo:** The Board finds it in the public interest to stay the proceedings or deny until the "threshold legal questions" regarding the TDR standards are resolved by the NH Supreme Court, ensuring that any approved plan is fully compliant with the final judicial interpretation of the Dover Zoning Ordinance and avoiding the need for unduly repetitious hearings.

*Closing Thought*: **This Board cannot determine if a plan complies with the law when the very law it is based on is currently being defined by the Supreme Court.** While conditions of approval may be used, conditional approval is for minor technical fixes, not for foundational legal questions like a 30-foot buffer or project classification. Rulings on these points fundamentally change the 'footprint' of the project. You cannot 'condition' a change that requires moving buildings and roads or an entirely different set of approval criteria. That would require a brand-new review anyway.

*A Note on Board Discretion*: While a Supreme Court appeal does not create a *mandatory* stay, it is well-established that this Board possesses the **inherent discretionary authority** to continue a hearing or **deny an approval with appropriate findings**, such as the proposed findings of fact above. This is a request for the Board to exercise that judgment – not because you are legally compelled, but because it is the most prudent and responsible course of action for the City of Dover.

Furthermore, as the TDR Subcommittee is currently rewriting these regulations, a stay or denial absolutely allows for a future design that aligns with the improved standards the City is currently seeking. Approving a plan now that may be obsolete within months—either by Court order or by the City's own evolving standards—is an inefficient use of this Board's time and the public's trust.

Respectfully,
Hilary Hamer, 91 Court St

*Please include this Request for Stay and Proposed Findings of Fact in the Board's physical packet for any hearing regarding 103 Court St. We believe these threshold legal questions are a prerequisite to any Site Plan discussion and should be addressed by the Board and Staff prior to the merits of the application.*

**From:** Caitlin Wilkie <caitlin.ver@gmail.com>
**Sent:** Tuesday, January 27, 2026 2:35 PM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Cc:** Wilkie, Rory V <rory.wilkie@td.com>
**Subject:** Re: Agenda Item H for 103 Court Street

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

Good Afternoon,
My name is Caitlin Wilkie and I am reaching out on behalf of myself and my husband Rory Wilkie who live at 568 6th Street. This is not for the public forum, but item H, 103 Court St.

While there are substantive concerns regarding the impact of this development, I am writing today specifically to request that the City hold this application in abeyance. We urge the Board to stay all proceedings and decisions regarding this matter based on the following critical factors:

1. Pending Supreme Court Ruling - The legal foundation upon which this application relies is currently under direct review by the Supreme Court. Issuing an approval—or even continuing formal hearings—while the underlying law is in flux creates a high risk of legal instability. A stay is the only way to ensure that any eventual decision by this Board is consistent with the Court's mandate.
2. Prevention of Administrative Waste - Proceeding with the current application at this time represents a significant waste of City resources.
    1. Staff Time: City planners and engineers are being asked to dedicate exhaustive hours to a project that may be rendered legally moot by the Court's decision.
    2. Public Resources: It is a poor use of taxpayer-funded time to adjudicate a proposal built on a legal framework that is currently being contested at the highest level.
3. Alignment with Upcoming TDR Rules - As the City is currently finalizing the new Transfer of Development Rights (TDR) rules, it is in the best interest of all parties to wait for their implementation. We suggest that the City require a resubmission under these updated standards. This ensures the project aligns with the most current community goals and modern regulatory requirements, rather than a legacy system that is being phased out.

We respectfully request that the Board move to stay this application until the Supreme Court issues its ruling and the new TDR rules are officially adopted.

Thank You,
Caitlin Wilkie

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

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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.

## Bassegio, Erin

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Friday, January 23, 2026 9:11 AM
**To:** Planning Board - All
**Cc:** Perez, Jennifer
**Subject:** Urgent: 103 Court St, Denial without Prejudice for Prematurity, Buffer, (Part 1 of 4)
**Attachments:** January_Hamer_BufferLetter.pdf

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

Dear Planning Board:

I am writing to request that the Board **deny without prejudice** the site plan application for 103 Court St.

The City's recent staff memo suggests that because the Supreme Court has not yet issued a ruling on the TDR, the Board is "required" to move forward. This is a narrow and risky interpretation. Proceeding with an approval while the foundational TDR authority is under Supreme Court review creates a legal paradox: **If the Court strikes down the TDR, you have already *de facto* approved a project that has lost its legal basis.**

The City's proposed conditions of approval offer no protection against this. The conditions literally assume that the TDR is valid (see condition 1.); therefore, approving the site plan now "completes the circuit," potentially allowing the applicant to pull permits and break ground on a project that the Highest Court may soon declare illegal. **To proceed with an approval under these circumstances is a premature rush to judgment that completely ignores Due Process for the affected neighbors.**

I am asking for a "Denial Without Prejudice" based on Prematurity. This allows the application to return once the law is settled, without any prejudice toward the applicant. So much time, energy and emotion could be preserved here. A resubmittal after the Court has resolved the matter is non-problematic; an approval now is a gamble with our future.

We live here because of the community. We aren't asking for special treatment; simply asking for the "quid pro quo" buffer and regulatory protections that the Dover City Council promised us when they wrote the TDR ordinance.

As it stands now, I request the Board deny this project based on the following findings (full legal arguments attached):

1- **Legislative Intent:** The TDR buffer was added to the TDR code in 2018, before the procedural distinction between subdivision and site plan existed (2020). The intent was clearly a universal standard for all TDR, since the different "tracks" for subdivision and site plan didn't even exist yet.

2- **Plain Meaning:** The plain meaning of the buffer in the code is clear. It does not say anything to restrict the buffer to only *some* TDR projects. It is nonsensical that only *some* TDR projects get buffers when the impact on the immediate neighbors is the same regardless.

3- **Breach of the Good-Faith Agreement:** The official project record, staff communications, and public documents - including over 10 technical documents and emails from the Zoning Administrator -

all promised the buffer for this TDR project. Stripping it away now is an inconsistent and unfair action, especially while this exact matter is at the Highest Court for review.

4- **Precedent:** There is a long history of TDR site plans with the buffer enforced. The precedent is clear that the buffer applies: Whittier St, 757 Central Ave, Cielo Drive, Bellamy Rd, etc. There is no reasonable explanation why this TDR site should be the exception.

**It is within your discretionary authority to deny for prematurity while the Supreme Court is still pending, if not for the arguments I continue to provide.**

Respectfully,
Hilary Hamer, 91 Court St, Dover.

**Please see Attachments:** January_Hamer_BufferLetter.pdf
And attachments of Exhibits 1-35 in the following emails (due to file size constraints)
*Please include this email and attachments in the official project record before the Board for 103 Court St application. This correspondence is being copied to the Office of the City Attorney to ensure the City's legal counsel is apprised of the jurisdictional and procedural objections raised herein for the administrative record.*

To: Dover Planning Board
From: Hilary Hamer, 91 Court St
Date: January 23, 2026

**Subject: Formal Request for Denial: Site Plan Application for 103 Court St – Non-Compliance with Mandatory TDR Buffer (§170.29 G(7))**

Dear Dover Planning Board:

I am writing to formally request that the Board deny the site plan application for 103 Court St. The proposal fails to provide the **30-foot "no-cut, no-disturb" perimeter buffer** mandated by Dover Ordinance **§170.29 G(7)**.

Legislative history, the plain language of the Ordinance, and established City precedent all confirm that this buffer is a mandatory mitigation measure for Transfer of Development Rights (TDR) projects such as 103 Court St. The Board has consistently enforced this requirement or required a formal waiver for relief, as evidenced by the following preceding TDR Site Plans:

- **51&65 Bellamy Road:** Multifamily Site Plan with a 30-foot buffer (11/9/2021)
- **48 Whittier Street:** Multifamily Site Plan with formal waiver granted for 30' buffer relief (6/28/2022)
- **757 Central Ave:** Multifamily Site Plan with formal waiver granted for 30' buffer relief (7/26/2022)
- **Cielo Drive:** Condominium association of multifamily buildings site plan granted formal waiver for partial relief of 30' buffer where an adjacent site already maintained a buffer (11/14/2023)

*Note: Waivers were granted prior to the 2023 amendment §170-29-G-8-d, "Any relief sought should not be caused by the additional density," except in Cielo Drive where reasoning was not additional relief (adjacent lot already had buffer).*

**Evidence of Non-Compliance**

The proposed plan for 103 Court contains two primary violations of the mandatory 30-foot buffer:

- **Eastern boundary:** The proposed access road is located only **23 feet** from the property line, encroaching 7 feet into the "no-disturb" zone.
- **Western Boundary:** While new structures are sited at **32.6 to 36.5 feet**, standard construction practices will inevitably result in activity within the 30-foot "no-disturb" zone.

Without a formal waiver even considered, the Board cannot approve a plan that shows intentional disturbance within this protected area.

**Legal Statute**

The language of **§170.29 G(7)** is unambiguous:

> "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer."

The use of the word "shall" renders this a prerequisite for the density bonuses granted under the TDR program. As the NH Supreme Court held in *Harrington v. Town of Warner,* 152 N.H. 74, 79 (2005), the Board lacks authority to "add words" to an ordinance to create exemptions not present in the text. Since the code does not limit this buffer solely to subdivisions, the Board cannot administratively waive this requirement for a site plan without following the formal waiver process.

**Preservation of Rights and Administrative Record**

Please be advised that this jurisdictional issue is currently the subject of an appeal before the **New Hampshire Supreme Court (Docket #2025-0686).** While I maintain that this application is "unripe" for approval pending the Court's decision, I am submitting these legal citations and municipal precedents to preserve all legal rights and to ensure a complete administrative record.

This filing serves to formally refute claims that objections to this project lack a basis in fact. This record provides a robust factual and legal foundation for objection, intended for both the current proceedings and any subsequent judicial review.

## I. Inconsistency with the Legislative History of the TDR Code

The Transfer of Development Rights (TDR) Ordinance underwent several key amendments between 2018 and 2023 (Exhibit 1 2018, Exhibit 2 2020, Exhibit 3 current). The legislative evolution of the code over this time demonstrates that the buffer was intended as a universal requirement for all residential TDR projects. Because the buffer requirement predates the current procedural distinctions between subdivisions and site plans, it applies regardless of the application type.

### A. The 2018 Framework: A "continuous visual buffer …of the parent parcel" precedes subdivision and site plan specifications

In 2018, the TDR code was amended to replace the "Private land transfer" with the "Single Family Detachment method" for density purchase. A specific formula was introduced to calculate base density and the subsequent purchase cost for additional units. Critically, at this time, the Code made no procedural distinction between subdivisions and site plans (Figure 1, from Exhibit 1, page 5-6).

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.
(a) ~~Private land transfer~~ Single Family Detached method.

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula
   1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
   2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
   3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

| Percentage of Parcel that is wetlands | Factor |
|---|---|
| 0<10% | 0.85 |
| 10<20% | 0.8 |
| 20<30% | 0.75 |
| 30%< | .7 |

   4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.
      a. This base number is not required to be restricted by the requirements in subsection iii.

ii. The transfer shall equate to one of the following calculations:
   1. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
   2. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
      a. If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.

iii. The units created, through the transfer must be:
   1. Sold, and are not for rental purposes
   2. Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.

*Figure 1: From Exhihit 1, page 5 – 2018 Amendment introducing the "Single Family Detached" method for residential TDR (note underlined is 'new' in the amendment, versus strikethrough is removed). Neither subdivision nor site plan is specified at this time.*

A second “land bank” method was replaced with “Attached Single Family, Two family, three family and 4 or more method.” It included options for TDR through purchase of individual acres of Open Space in Dover, or purchase of conservation easement land. In the 2018 amendment, this method also included no specification of subdivision or site plan application type (Figure 2, Exhibit 1, page 6).

(b) ~~Land bank~~ Attached Single Family, Two family, three family and 4 or more method

(i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5). ~~For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.~~

(ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved or purchased. ~~Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission.~~

~~(iii) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.~~

*Figure 2: Second TDR method, amendment in 2018, Exhibit 1, page 6. Does not specify site plan (or subdivision).*

2018 also introduced amendments to the general Residential Performance Standards criteria which largely defines the Planning Board's authority, §170-29-G-4 through 8 (Figure 3, Exhibit 1, 6-7):

(4) ~~Regardless of the method utilized, the transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. A minimum of three (3) acres shall be purchased.~~ Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

| MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS | | MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS | |
|---|---|---|---|
| STREET Sides of Units | Between Units | Abutting A STREET | Abutting A LOT LINE |
| 20 feet | 20 feet | 20 feet | 10 feet |

(6) Regardless of the method utilized, the minimum LOT size requirement may be ~~waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.~~ FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

a. If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit

(7) ~~Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas~~ suitable for emergency vehicles is approved by the PLANNING BOARD. A continuous visual buffer shall be created along the perimeter of the parent parcel.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

*Figure 3: Exhibit 1, page 6-7, with the amendments to the general TDR powers of the Planning Board to reduce frontage, lot size, and setbacks, and adding the "continuous visual buffer along the perimeter of the parent parcel."*

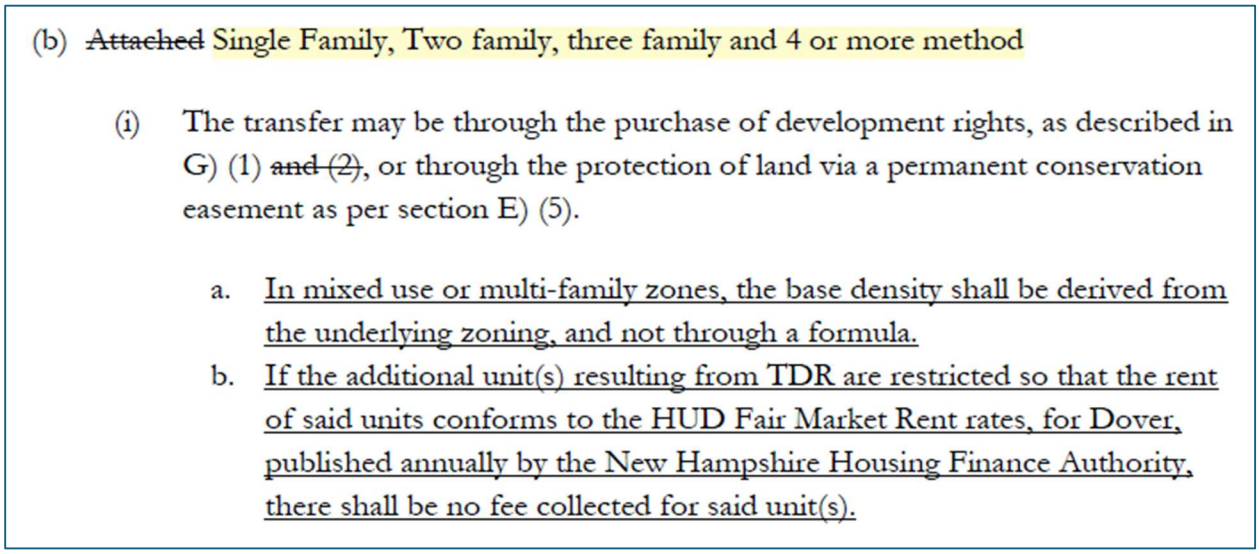
In 2018 is also when the TDR buffer was officially introduced, §170-29-G, "A continuous visual buffer shall be created along the perimeter of the parent parcel." At the time of this adoption, the Code provided no differentiation between subdivisions and site plans for TDR projects. Consequently, the legislative intent is unequivocal: the buffer was established as a universal requirement for all residential TDR developments operating under this section. The absence of

procedural distinctions in 2018 confirms that the buffer is a substantive condition of the TDR density bonus itself, rather than a variable requirement dependent on the type of application filed.

**B. The 2020 Amendment adding Subdivision and Site Plan**

It was not until 2020 that the TDR Code was further amended to introduce the specific procedural tracks for different development methods. Under these amendments, Method (a) "Single Family Detached"…. "shall be considered a subdivision application" (Exhibit 2, page 27). Conversely, method (b) "Single Family, Two Family, three family and 4 or more method" "shall be treated as a site plan application, unless otherwise determined by the Director of Planning….." (Exhibit 2, pages 27-28).

Further, method (b) "Single Family, Two family, three family and 4 or more method" was revised adding base density calculations for "mixed use or multi-family zones" (Figure 4). Notably, while these 2020 amendments created distinct administrative pathways (subdivision vs. site plan), they did not rescind or narrow the 2018 universal buffer mandate under §170-29-G-7. The 2020 changes were procedural in nature, intended to provide a framework for application review, and do not logically or legally supersede the pre-existing requirement for a continuous visual buffer on the parent parcel.



(b) ~~Attached~~ Single Family, Two family, three family and 4 or more method

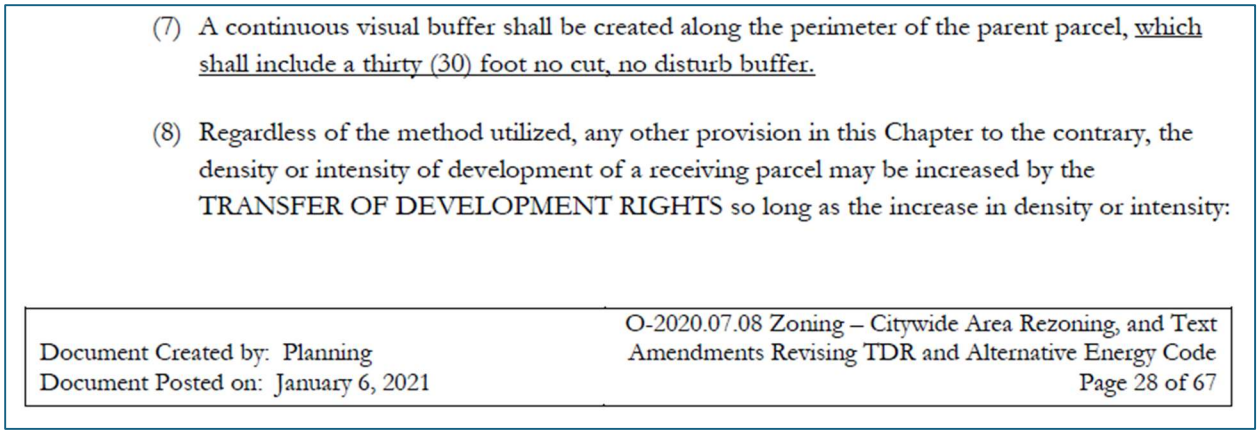
(i) The transfer may be through the purchase of development rights, as described in G) (1) ~~and (2)~~, or through the protection of land via a permanent conservation easement as per section E) (5).

a. In mixed use or multi-family zones, the base density shall be derived from the underlying zoning, and not through a formula.

b. If the additional unit(s) resulting from TDR are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

*Figure 4: From Exhibit 2, page 27. Amendment to introduce language about base density calculation under method (b) for mult-family and mixed use zones.*

The 2020 amendments further strengthened the environmental protections of the TDR Code. Specifically, the general buffer requirement under §170-29-G-7 was refined to mandate a "30-foot no cut, no disturb buffer." This continuity is telling: while the City saw fit to specify the *intensity* and *depth* of the buffer, it did not narrow the *applicability* of the requirement. By maintaining the "parent parcel" language predating the administrative methods, the legislative record confirms that this 30-foot protection remains a non-negotiable prerequisite for any project utilizing the TDR density bonus.



(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

Document Created by: Planning
Document Posted on: January 6, 2021

O-2020.07.08 Zoning – Citywide Area Rezoning, and Text Amendments Revising TDR and Alternative Energy Code
Page 28 of 67

*Figure 5: Exhibit 2, page 28. The "continuous visual buffer shall be created along the perimeter of the parent parcel" already existed, and the thirty feet was then amended to specify the exact buffer.*

**C. Legislative Intent**

The TDR perimeter buffer (§170-29-G-**7**) was introduced in 2018, well before the Code differentiated between TDR subdivisions and site plans. The historical use of the term "parent parcel" is dispositive; in 2018, the Code recognized no procedural "tracks." Therefore, the term "parent parcel" could only refer to the underlying lot receiving the density bonus.

There is no plausible interpretation where this requirement was intended to be restricted to a single TDR application type – whether subdivisions or site plans – as those distinctions did not exist in the TDR Code when the perimeter buffer mandate was enacted. To suggest otherwise would be to assign a retroactive narrowness to the law that the original drafters never codified.

**D. Conclusion of Legislative History**

The mandate of a TDR perimeter buffer fundamentally predates the later administrative specifications of "site plan" versus "subdivision" application tracks. The buffer was enacted as a **mandatory, universal mitigation measure** – a necessary *quid pro* quo to protect existing neighbors from the increased density inherent in any TDR project, regardless of its legal form.

Because the 2018 TDR framework applied these performance standards to the underlying "parent parcel" before any procedural distinctions were added in 2020, the Board lacks the authority to retroactively narrow the Ordinance's scope in favor of the developer. The 2020 addition of the "30-foot no-cut, no-disturb" language only further solidified these protections for abutters.

To exempt the 103 Court St TDR site plan from a provision authored to protect all abutters would be to ignore the clear legislative history and the plain intent of the TDR Ordinance. There is no legal or logical justification for the Planning Board to waive a provision that applies, by design, to all residential TDR development.

## II. Plain Meaning and the Harrington Standard

Under the **Harrington** Standard (and general principles of statutory construction), the words of an ordinance must be given their plain and ordinary meaning. The language of §170-29-G-7 is unambiguous and contains no restrictive qualifiers. The Ordinance does not state the buffer applies "only to subdivisions" or "only to projects with new lot lines." It applies broadly to the parcel of the residential TDR project.

### A. The Interoperability of "Parent Parcel" and "Parent Lot"

Any suggestion that the term "parent parcel" is intended to limit the buffer requirement solely to subdivisions is legally and linguistically groundless for two reasons (besides the aforementioned legislative history):

1. **Unique Usage:** The term "parent parcel" is never defined in the Dover Code's general definitions. In fact, its **only appearance** in the entire Code is within the TDR clause (G)7. Because the term is unique to this section, it cannot be imported from other contexts to imply a subdivision-only restriction that does not exist in the text.
2. **Internal Consistency:** The TDR ordinance itself uses "parent" as a descriptor for the underlying land. In §170-29-G-3-a, the Code defines the receiving lot as the "**parent lot**" for the purposes of calculating base density.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula:
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

[b] The base lot size is then reduced by 15% to account for roadway; this creates the net area.

[c] The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

*Figure 6: Excerpt from current Dover TDR Code, Exhibit 3.*

By using "parent lot" to determine density and "parent parcel" to define the buffer, the Code creates a symmetrical requirement: the land that *receives* the extra units (the parent) is the same land that *must provide* the buffer.

To interpret "parent parcel" as a subdivision-only term while "parent lot" defines the density calculation would create an internal contradiction that violates the standard of legislative

consistency. In this context, "parent lot" and "parent parcel" are functionally and legally interchangeable. Under the principle of ***In Pari Materia*** (statutes on the same subject must be interpreted together), the "parent" entity that provides the density is the same "parent" entity that must provide the buffer.

This is further evidenced by the specifics of this case:

- **Reliance on Formula of §170-29-G-3-a**: The application for 103 Court St explicitly utilizes this section to calculate its TDR units.
- **Planning Department Concurrence:** The Planning Department's own memo to the board (Jan 22, 2025) identifies the "single-family yield method" as the basis for this project's density (see *January22_Hamer_MisclassifiedApplicationLetter.pdf*, pp 10-11)

Because the application has relied on the status of the 103 Court St parcel as a "parent lot" to acquire additional density, it is legally and logically bound by the "parent parcel" buffer requirements contained within that same section.

**B. The "Shall" Mandate and Judicial Standard**

Section §170-29-G-7 utilizes the legal term "**shall**", which New Hampshire courts have long interpreted as a mandatory command, not a discretionary option. The Planning Board lacks the authority to unilaterally restrict the scope of this mandate or to "interpret" a meaning that contradicts the plain text.

As the New Hampshire Supreme Court held in **Harrington v. Town of Warner, 152 N.H. 74, 79 (2005):**

> *"Moreover, we will not guess what the drafters of the ordinance might have intended, or add words that they did not see fit to include."*

If the City of Dover intended for only a subset of residential TDR projects to provide a buffer, the Ordinance would have been drafted with that restrictive language. To "add words" now to excuse 103 Court St from this requirement would be a direct violation of the *Harrington* standard and would constitute a reversible error of law.

Furthermore, the Court in **Trottier v. City of Portsmouth**, 142 N.H. 275 (1997) reaffirmed this principle:

> *"We will focus on the **plain and ordinary meaning** of the terms used… if the language is plan and unambiguous, we need not look beyond the ordinance itself for further indications of legislative intent."*

The language of §170-29-G-7 is both plain and unambiguous. It mandates a buffer for the "parent parcel." Because the 103 Court St application relies on its status as a "parent" lot to secure increased density, it must follow the plain command of the ordinance. The Board must apply the law as written, not as the applicant wishes it had been drafted.

## III. Administrative Acknowledgement in the Project Record

The requirement for a 30-foot TDR buffer at 103 Court St is not a matter of subjective interpretation; it is an established fact acknowledged repeatedly by City staff throughout the official project record and in direct communications with the public.

### A. Consistent Findings by City Staff and Technical Review

From the initial Technical Review Committee (TRC) meetings in September through December 2024, City staff consistently identified the 30-foot buffer as a **mandatory requirement** that the current application fails to satisfy.

- **TRC Minutes (Sept 5 & 25, 2024):** Official minutes reflect repeated staff comments regarding the inadequacy of the provided buffer (Figures 7&8, Exhibits 4&5). These documents establish that the professional staff viewed the buffer as a prerequisite for approval.
- **Plan Snapshot & Staff Memos:** Internal tracking reports and formal memos explicitly cite the "required 30' perimeter buffer" (Figures 9&10, Exhibits 6&7).
- **Written Applicant Responses:** In formal letter reply to the City TRC comments, the applicant explicitly addressed the difficulty of "complying with the 30-foot buffer." The City and applicant did not argue then that it was inapplicable; they argued they had trouble meeting it.
- **Original TDR Application Form:** In the original TDR application form, the applicant checked the box for "**relief sought**" specifically regarding the buffer (Figure 11&12, Exhibits 8&9).

Under the doctrine of **Party Admission**, the City and the applicant have already conceded that the buffer applies to this project by repeatedly mentioning a waiver or relief for the buffer. An application cannot seek "relief" from a requirement they now claim does not exist. This constitutes a clear admission that the project is subject to §170-29-G-7.

If the Staff and application treated the buffer as a fact for four months, the Board should not suddenly treat it as a "question of interpretation" later.

**PLAN REVIEW:**
**Planning:**

- Reminder: Impact fees, Water and sewer investment fees
- Provide letters to serve when received.
- Provide HOA and
- Remove unit from the rear setback.
- Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.

*Figure 7: Excerpt from Exhibit 4, Technical Review Committee (TRC) minutes from September 5, 2024.*

**PLAN REVIEW:**
**Planning:**

- *Reminder: Water and sewer investment fees*
- *Provide City of Dover letter to serve when received.*
- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.

- Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.

*Figure 8: Excerpts from Exhibit 5, TRC minutes, September 26, 2024.*

**Description:** The applicant proposes utilizing the City of Dover Transfer of Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the existing home to remain, the construction of a duplex and the construction of four (4) new single-family homes for a total of seven (7) units. The TDR Base Density Calculation provide for Base Density of three (3) units, therefore, four (4) of these units will be obtained under the TDR regulations. The existing house is proposed to remain and will be an unrestricted unit. The (2) two units located in the duplex building will be dead restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The four (4) new single-family homes will be size restricted to a maximum of 1400 squarefeet of total living space per unit. The TDR application still requests relief from thirty (30) foot buffer requirement. The Landscape Design provides for new screening as mitigation for this relief.

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.2 | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Requires Re-submit | 09/12/2024 | 10/10/2024 | 09/26/2024 |

**Comments:** • The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claims. The following information would make it easier to evaluate compatible density vs. overdevelopment:
- o Define the "surrounding area" for the purposes of evaluating density and visual character
- o Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
- o The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.
- • Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
- • Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.
- • Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
- • Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

*Figure 9: Excerpts from Exhibit 6, City's 'Plan Snapshot Report' at 103 Court St.*

**Staff Recommendation**

While the applicant is seeking a waiver for the required 30' perimeter buffer, per the TDR ordinance, staff notes that this project is not proposing new lot lines but encourages the applicant to provide as much buffer and screening as possible to the neighbors. Staff would also like to see more assurance that the 25' cemetery buffer is maintained per RSA 289:3.

*Figure 10: From Exhibit 7, Staff Memo noting specifically the "required 30' perimeter buffer."*
***Note:*** *Here the City acknowledges the "required 30' perimeter buffer, per the TDR ordinance". However, the City simultaneously suggests – without statutory citation – that the absence of new lot lines may render this requirement inapplicable. By 'encouraging' a voluntary buffer in lieu of enforcing the "required" 30-foot standard, the City is attempting to substitute a mandatory performance standard with discretionary staff preferences, effectively bypassing the formal waiver process required by law.*

- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.

      ***The revised Site Plan provides a radical revision to the site layout. The unit count has been reduced by 2 units. The existing house will remain as a single-family home, which will utilize its existing utilities, trash collection and driveway. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. These units will remain HUD restricted. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

      ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

- Many structures/areas of disturbance are within the TDR 30' no- cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.

  ***The unit count has been reduced by 2 units. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

  ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

*Figure 11: Excerpts from Exhibit 8 - letter from Applicant responding to City Staff comments at TRC.*

The 30' Buffer is even indicated on the TDR application form from the city, and was checked off by the applicant in the original submission for "relief sought" (Figure 12, Exhibit 9):

**TRANSFER OF DEVELOPMENT RIGHTS INFORMATION**

Type of TRANSFER OF DEVELOPMENT RIGHT REQUEST (Check All That Apply):

☐ Residential ☒ Residential (reduced size) ☐ Industrial | ☒ Purchase ☐ Land Preservation

Relief sought (Check All That Apply):

☐ Lot Size ☐ Frontage ☐ Setback ☒ 30' Buffer ☒ Increase by 4 units

Describe Proposed Use or Activity that requires TDR; describe any impacts and document mitigation:

See Project Narrative

*Figure 12: Excerpt from Exhibit 9, the actual TDR application form indicating "30' Buffer" as a general checkbox item, not restricted to subdivision or site plan.*

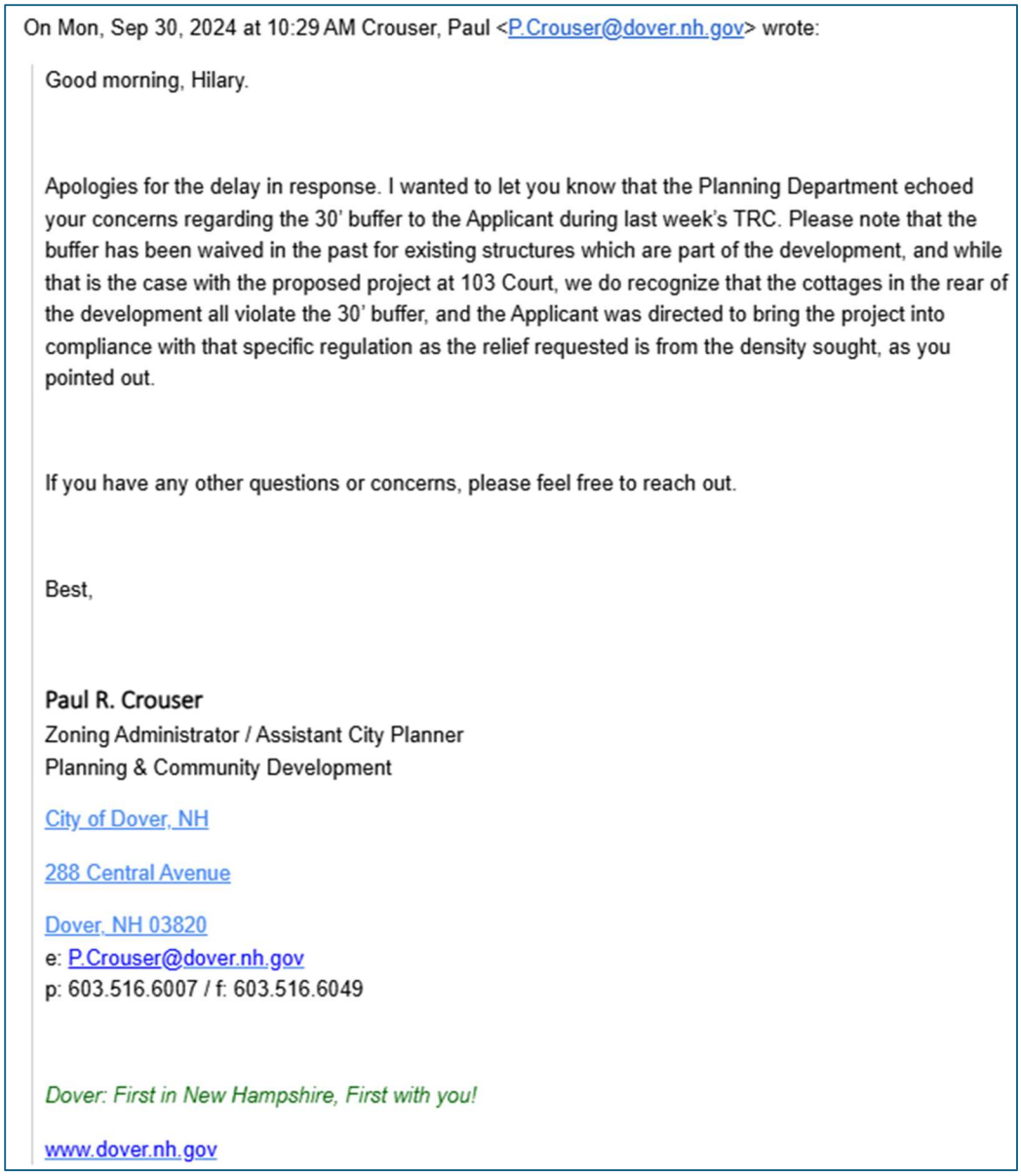
Furthermore, audio recordings from the TRC confirms that Planning Director Donna Benton explicitly linked the buffer to the 103 Court St project on September 29 stating:

*[1:30] "I know we chatted last time about trying to add more than the existing 10 foot visual buffer so if we can still look to make that the 30 that is technically required"*
*[7:17]"Yeah, because the buffer is a requirement…. The issue is the TDR ordinance is clear that if you're asking for relief because of the extra density then you shouldn't be getting the extra density."*
*[25:20] "Yeah, because the buffer is a requirement."*
See at: https://publicrecords.dover.nh.gov/Tabs/Index/21116/public/1/deptnum/0/cab/Public_Meetings

**B. Direct Confirmation to Abutters**

The Planning Department's stance was not merely internal; it was formally communicated to the public as an authoritative interpretation of the Code. In response to direct inquires from abutter Hilary Hamer, the Planning Department's Zoning Administrator Paul Crouser repeatedly confirmed the buffer's applicability to 103 Court St via email (Figure 13, more in attached Exhibit 10).

As the official charged with the administration and enforcement of the Zoning Ordinance, Mr. Crouser's confirmation creates a high threshold for any subsequent "re-interpretation." For the Board to reverse this position now would not only contradict the City's own expert but would also violate the public's right to rely on official municipal guidance.



On Mon, Sep 30, 2024 at 10:29 AM Crouser, Paul <P.Crouser@dover.nh.gov> wrote:

> Good morning, Hilary.
>
> Apologies for the delay in response. I wanted to let you know that the Planning Department echoed your concerns regarding the 30' buffer to the Applicant during last week's TRC. Please note that the buffer has been waived in the past for existing structures which are part of the development, and while that is the case with the proposed project at 103 Court, we do recognize that the cottages in the rear of the development all violate the 30' buffer, and the Applicant was directed to bring the project into compliance with that specific regulation as the relief requested is from the density sought, as you pointed out.
>
> If you have any other questions or concerns, please feel free to reach out.
>
> Best,
>
> **Paul R. Crouser**
> Zoning Administrator / Assistant City Planner
> Planning & Community Development
>
> City of Dover, NH
>
> 288 Central Avenue
>
> Dover, NH 03820
> e: P.Crouser@dover.nh.gov
> p: 603.516.6007 / f: 603.516.6049
>
> *Dover: First in New Hampshire, First with you!*
>
> www.dover.nh.gov

*Figure 13: Email excerpt from Exhibit 10. "we do recognize that the cottages in the rear of the development all violate the 30' buffer, and the Applicant was directed to bring the project into compliance with that specific regulation."*

### C. The Error of Relying on "Staff's Interpretation" Over Law

Following a consistent four-month trail of official documents indicating that the 30-foot TDR buffer is required, the narrative abruptly changed at the January 28, 2025, Planning Board meeting. Despite the prior record, the Board voted under the interpretation that the buffer was not required. This decision remains a central issue in ongoing litigation at the New Hampshire Supreme Court (Docket #2025-0686), and it remains a major question now for the site plan still.

Notably, in the official record of that meeting in January, the Board did not cite a legal statute or an amendment to justify this change; they relied solely on "**staff's interpretation**" (see Figure 14, from January 28, 2025 Planning Board meeting minutes):

right where one unit exists today. In regards to TDR buffers, as 170-29.G(7) states, "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer," and the proposal is not indicating to subdivide or add new lot lines, staff's interpretation has been that the buffer is not required. However, staff has continually asked the applicant to add more green

*Figure 14: From Meeting Minutes January 28, "In regard to TDR buffers.... staff's interpretation has been that the buffer is not required."*

This statement is factually contradicted by the preceding four months of documents and the Zoning Administrator's own emails. More importantly, it is **legally insufficient**. In New Hampshire land-use law, a Board's duty is to the Ordinance and the Law, not to the shifting opinions of City Staff.

1. **The Non-Delegable Duty of the Board**
   The NH Supreme Court held in ***Duffy v. City of Dover***, 149 N.H. 178 (2003) that the interpretation of an ordinance is a **question of law**, not a matter of administrative discretion. The Board has a non-delegable duty to apply the law as written. Because the TDR Ordinance states the project "shall create a perimeter buffer" and does *not* state "only for subdivisions," a staff member's "interpretation" cannot override the express mandate of the City Council's enacted law.
2. **The Limits of Administrative Weight**
   In ***Working Stiff Partners, LLC v. City of Portsmouth***, 172 N.H. 611 (2019), the court again clarified that while administrative interpretations can be considered, the court (and the Board) must ultimately follow the plain meaning of the words in the Ordinance.

The record proves that the City regarded the buffer as a requirement from September through December. The sudden "re-interpretation" in January 2025 lacks any statutory basis and represents an attempt to rewrite the TDR Code from the bench – an action that exceeds the Board's authority.

**D. The Doctrine of Administrative Estoppel**

The Planning Board is further constrained by the principle of **Administrative Estoppel**. For over four months – from the first TRC meeting through the January Site Walk – the City's professional staff, the Zoning Administrator, and the applicant's own filings consistently represented to the public that a 30-foot "no-cut" buffer was a mandatory component of this project.

The abutters and the general public have a right to rely on the written word of the Zoning Administrator and the official public record. As a matter of equity and law:

- **Induced Reliance:** The abutters relied on these official representations when evaluating the project's impact and preparing their testimony. By the time the "interpretation" was abruptly changed in January 2025, the public had been denied the opportunity to challenge the project under this new, narrower framework.

- **Prohibition Against Inconsistent Positions:** A municipality cannot affirm a requirement for months – inducing reliance from the neighbors – only to "pivot" to a contradictory interpretation at the final hour. This "bait-and-switch" regarding an environmental protection violates the basic tenets of due process and administrative fairness.

## IV. The Prohibition Against Relief: Density-Driven Hardship

While the record for 103 Court St mentions "possible relief" for the TDR 30-foot buffer, no waiver or relief has ever been formally considered or granted by the Planning Board. Consequently, the site plan remains in direct violation of the Ordinance.

More importantly, the Board is legally prohibited from granting such relief in this instance. **Dover Code §170-29-G-8(d)** establishes a clear restriction:

***"Any relief sought should not be caused by the additional density."***

As both the Planning Director and Zoning Administrator acknowledged on the record (in TRC and in email, Figure 13), the conflict with the 30-foot buffer at 103 Court St is **directly caused by the additional density being sought.** The volume of houses, parking, and necessary drainage infrastructure for this density cannot physically fit on the lot while simultaneously respecting a 30-foot "no-disturb" area.

### A. The Applicant's Admission of Cause

The applicant has explicitly admitted that their desire for increased density is the sole reason they cannot comply with the buffer. In their letter responding to the Technical Review Committee (TRC), the applicant stated (Figure 15), "Strict compliance with the 30-foot perimeter buffer would leave development of the property limited…":

- Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.

  *Our TDR request has been revised to eliminate the relief from the R-12 setback requirement. The revised plan has reduced the common area to increase the distance from the proposed cottages to the easterly property. The property is approximately 135 feet wide and strict compliance with the 30-foot perimeter buffer would leave development of the property limited. We feel the proposed landscaping is adequate mitigation for the reduction in the buffer.*
  *The Applicant has prepared a Transfer Development Rights Narrative (see attached).*

*Figure 15: Excerpt from Exhibit 9*

This statement is a formal admission that the need for relief is a direct consequence of the proposed density. A less dense development on this same property is entirely possible while

maintaining full compliance with the 30-foot buffer. By stating that the buffer "limits" development, the applicant confirms that the conflict is not caused by the land itself, but by the **amount of development** they are trying to force onto it.

**B. Conclusion of Law**

Under the ***Harrington*** standard, the Board cannot "add words" to the ordinance to bypass the restriction in §170-29-G-8(d). The Ordinance is clear: if the density causes the problem, relief cannot be granted.

Because the applicant has admitted that the buffer restricts their *desired* level of development (their density), the Board lacks the statutory authority to grant a waiver or relief. To grant the density bonus while simultaneously allowing encroachment into the mandatory mitigation buffer would be a violation of the Code and a reversible error of law.

## V. Public Representations and the Preservation of Public Trust

The City of Dover has made specific, public-facing representations regarding the protections afforded to neighborhoods adjacent to TDR projects. These official promises created a reasonable expectation of protection that the City is now attempting to discard.

**A. The Residential TDR Fact Sheet: A Universal Promise**

The City's own "Residential TDR Fact Sheet," which is widely circulated and hosted on the City's official website, explicitly cites the buffer as a foundational requirement of the program.

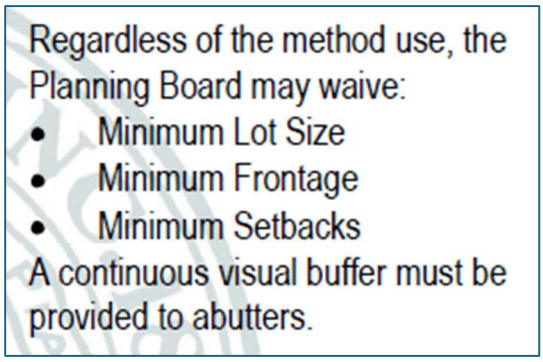



*Figure 16: Excerpt from Exhibit 11, Dover's Residential TDR Fact Sheet"*

The document notes that a "continuous visual buffer" is required for TDR projects, directly referencing **§170-29-G-7**. Critically, this public document contains no qualifiers, footnotes, or language suggesting that this requirement is restricted to *some* TDR projects. It presents the buffer as a universal standard for all TDR developments.

**B. Breach of Public Trust and Equitable Estoppel**

The circulation of this document raises a fundamental question of government accountability: Why has the City marketed the TDR program to its residents by promising a perimeter buffer as

a mitigation measure for density if it did not intend to provide that buffer to the neighbors of 103 Court St?

By promoting the TDR program as having a mandatory "continuous visual buffer", the City induced the public to accept higher-density zoning under the promise that neighborhood character would be preserved by a buffer zone. To deny this protection now – after the public has relied on these official representations – is more than a violation of the Ordinance's plain meaning; it is a breach of the public trust and a violation of the principle of **Equitable Estoppel**.

## VI. Failure of Regular Consistency: A Multi-Year Record of Precedent

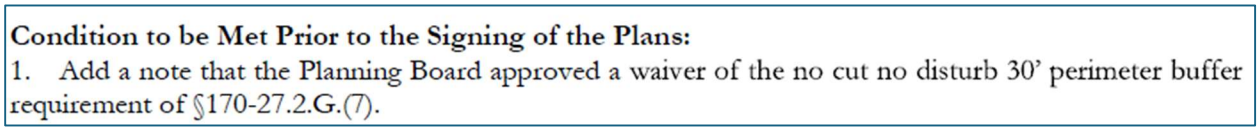
An interpretation that the TDR buffer does not apply to TDR site plans is a radical departure from years of established Board precedent. There is a lengthy and consistent record of residential TDR projects across Dover – both subdivision and multifamily site plans – where the Planning Board has uniformly applied the 30-foot TDR buffer.

### A. TDR Site Plans Requiring Buffers or Formal Waivers

The following multifamily projects were processed as TDR Site Plans, yet the Board explicitly acknowledged the 30-foot TDR buffer as a mandatory requirement either by enforcing it or requiring a formal waiver of relief (largely preceding §170-29-G-8(d) *no additional relief* clause). In the cases where the Board held formal votes to grant waivers, these votes would have been legally unnecessary and nonsensical if the buffer did not apply to site plans.

**51&65 Bellamy Road:** The proposal included "4-unit structures that look like single-family homes which are centered away from the housing on Bellamy Rd with a 30ft buffer along the property lines." By definition, in Dover a 4-unit is a multifamily, so this was reviewed as a site plan. Even so, **as a site plan, it required the 30ft perimeter buffer**. (Exhibit 12, pages 5-7) Current Board members Kyle Pimental and Tom Clark participated in the November 9, 2021 vote.

**48 Whittier Street:** A "six-unit multi-family residential building utilizing TDR to purchase 4 units." As a multi-family building, this was a site plan. The Planning Board for this project voted to formally waive the no-cut, no-disturb 30' perimeter butter. **A formal vote to waive the buffer at this site plan, demonstrates unequivocally that the buffer applies to site plans.** The waiver was granted before the TDR amendment §170-29-G-8(d): ""Any relief sought should not be caused by the additional density." Current Board members Gina Cruikshank, Fergus Cullen and Kyle Pimental participated on June 28th, 2022. (Exhibit 13, pages 6-8)



**Condition to be Met Prior to the Signing of the Plans:**
1. Add a note that the Planning Board approved a waiver of the no cut no disturb 30' perimeter buffer requirement of §170-27.2.G.(7).

*Figure 17: Excerpt from Exhibit 13 Meeting Minutes for the Multifamily TDR Site Plan at 48 Whittier Street.*

**757 Central Ave:** A large proposal for two-multifamily buildings and therefore a site plan. Like Whittier Street, a formal vote to grant "relief to the 30' buffer requirement" was granted, demonstrating that **the buffer applies to TDR site plans.** Again, this was before addition of §170-29-G-8(d): ""Any relief sought should not be caused by the additional density." Current Board members Gina Cruikshank, Ken Mavrogeorge, Dennis Shanahan and Kyle Pimental participated in the July 26, 2022 vote. (Exhibits 14, pages 7, Exhibit 15, 16).

The applicant is also requesting that as part of the TDR Request, the Planning Board grant relief to the 30' buffer requirement.

*Figure 18: Excerpt from Exhibit 15 for 757 Central Ave, Staff Memo.*

The project requires the following approvals:

- TDR Approval for the purchase of 3 units and the removal of the 30' buffer.
- Waiver to the requirement for site specific soils mapping and lighting uniformity ratio
- CUP for Frontage Build-Out
- Site Plan Approval.

*Figure 19: Excerpt from Exhibit 16, application letter.*

***Amendment "no additional relief":*** In July of 2023, the TDR ordinance is revised to add §170-29-G-8-d, "Any relief sought should not be caused by the additional density." (Exhibit 17)

**Cielo Drive:** A condominium association of 56 residential townhomes in a series of 8 buildings; treated as a multi-family site plan. The Planning Board granted a formal waiver for *partial relief* from the 30' TDR buffer. **As before, the waiver for this site plan proves that the TDR buffer applies to site plans**. This waiver did not conflict with §170-29-G-8-d because the reasoning given was not due to the additional density (Exhibits 18, 19 pages 4-7, 20):

**Summary of Waiver Requests:**
The applicant seeks a waiver of the no-cut, no-disturb 30' perimeter buffer requirement of §170-27.2.G.(7) in the area of the frontage along Cielo Drive (creating a streetscape) and the parking lot area which is adjacent to another small parking array off of Cielo Drive due to the characteristics and circumstances of the subject parcel related to the previously approved development. Parameter buffers of the original development on adjacent parcels (following subdivision) are still in place.

*Figure 20: Excerpt from Exhibit 18, discussing waiver of the 30' TDR buffer for the SITE PLAN at Cielo Drive.*

**Site Plan Waivers – Subsequent Conditions to Be Met Prior to the Signing of Plans:**

1.) Add a note that the Planning Board approved waivers for (1) Partial relief from no cut no disturb 30' perimeter buffer requirement of Chapter 170-27.2.G.(7) in the area of the frontage along Cielo Drive and the parking lot area which is adjacent to another small parking array off of Cielo Drive; (2) The road grade within 75' of an intersection standard of Chapter 157-32.G and found that the criteria of Chapter 153-21.A have been met. **This has been added to the Overview Site Plan at the end of the Waiver Request Table.**

*Figure 21: Excerpt from Exhibit 20, letter from applicant acknowledging condition of approval including waiver of the 30' buffer for the SITE PLAN.*

Current Board members Fergus Cullen and Kyle Pimental participated in the vote on November 14th, 2023. (Exhibit 19)

In New Hampshire, administrative agencies must act consistently. When a Board has a longstanding history of interpreting a rule a certain way – and has even forced other developers to seek formal waivers – it cannot "re-interpret" that rule for an application now. To exempt 103 Court St now due to being a TDR site plan – without a waiver and despite the density-driven conflict – represents an "arbitrary and capricious" application of the law.

**B. TDR Subdivisions Enforcing the 30-Foot Buffer**

The Board has been equally consistent in enforcing the 30-foot mandate for TDR subdivision projects:

**26 ½ Bellamy Road**: TDR Subdivision with plans including a labeled 30-foot no cut, no disturb buffer, with the exception of encroaching at the right of way. The Board specifically had to grant a waiver for encroachment on the buffer in the right of way. (Exhibits 21, 22 pages 4-7). Current Board members Gina Cruikshank and Kyle Pimental participated in the June 22nd, 2021 vote.

**Wildcat Drive (Sixth St):** A subdivision proposal for "11 single family lots plus 3 open space, non-buildable lots." Conditions to be met prior to occupancy included "Documentation that the HOA has been created and is in place." The plan provided either a 50' wetland buffer or a 30' TDR buffer around the perimeter. This was a type of open space subdivision. (Exhibits 12, pages 1-3, Exhibit 23, 24). Current Board members Kyle Pimental and Tom Clark participated in the November 9, 2021 vote.

**42 Long Hill Rd:** A TDR subdivision with the explicit condition "that the 30' buffer is shown on the plans." (Exhibit 25, pages 6-8). Current Board members Gina Cruikshank and Fergus Cullen participated on March 28th, 2023

**566 Sixth St:** TDR application from Board member Fergus Cullen for two duplexes and a single-family house was denied by Planning Board vote. The plan included a labeled 30' no-cut, no-disturb buffer and was assured in the presentation of the application. Later, this was reversed by the NH Housing Appeals Board, Case No. 2024-029-PBA, and then approved by new Planning Board vote. (Exhibits 26, 27 pages 10-12, 28, 29) Current Board members Gina Cruikshank, Kyle Pimental and Melina Gambino participated on October 22nd, 2024.

**C. The 2023 Amendment: The "No Relief" Standard**

In July of 2023, the TDR ordinance was revised to add §170-29-G-8-d, "*Any relief sought should not be caused by the additional density.*" This amendment, led by current board member Kyle Pimental, was intended to prevent "double dipping" – where a developer receives a density bonus (TDR) and then seeks relief from other zoning protections.

While projects prior to 2023 (Whittier St, Central Ave) could legally be granted waivers for the buffer even if due to additional density, 103 Court St cannot for the same reasons. Because the applicant at 103 Court St has admitted that compliance with the buffer would "limit development" (ie. reduce density), any waiver would be a direct violation of this 2023 amendment (Figure 15). The Board cannot grant the same relief it previously allowed in these older cases.

**D. More Recent Administrative Admission - Littleworth Rd**

The Planning Department has continued to enforce the 30-foot TDR buffer standard across projects in more recent reviews. **Littleworth Road** was a site plan proposal for a cluster arrangement of residential duplexes on a single lot as a condominium association, nearly identical in structure to 103 Court St. The Planning Staff issued a negative recommendation, citing insufficient space outside the "**required no-cut, no-disturb buffers**" (Figure 22, Exhibit 30, 31):

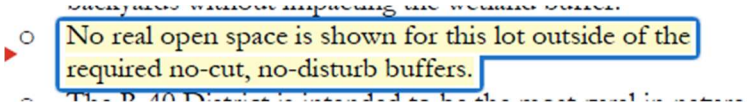



*Figure 22: Excerpt from Exhibit 30, Staff Memo for Littleworth Road with rejection noting required no-cut, no-disturb buffers for this site plan application.*

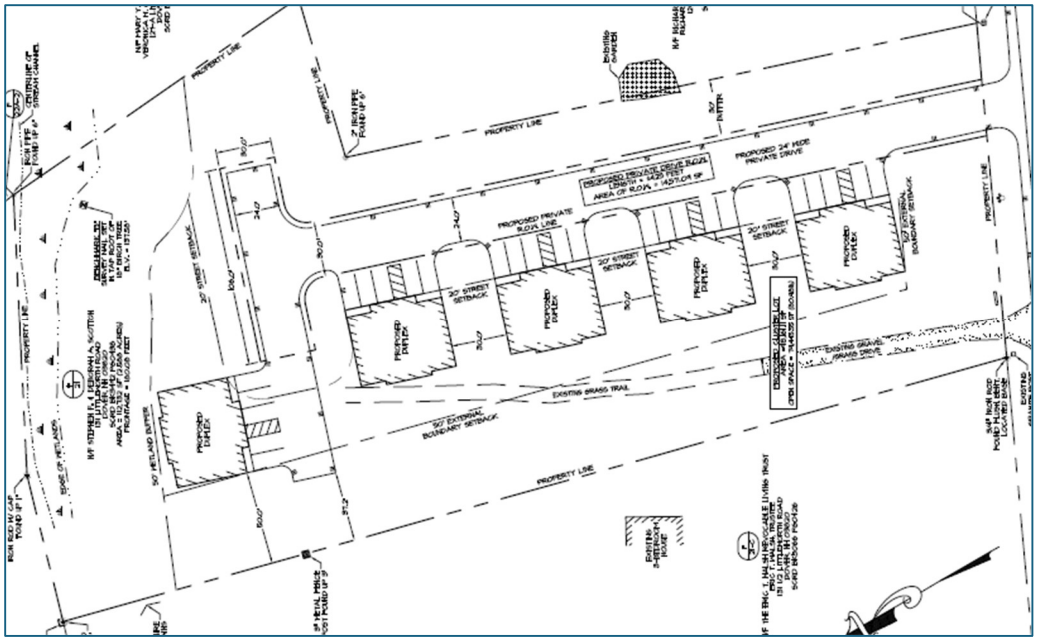



*Figure 23: Plan for Littleworth Road from Exhibit 31 showing the cluster arrangement of multiple residential duplex units on one lot, like 103 Court St.*

**E. Summary of Precedence**

The multi-year record of TDR administration in Dover is that the 30' TDR buffer has been required for both site plans and subdivisions. While waivers have been granted, a waiver has not even been formally considered by the Planning Board for 103 Court St, and conflicts with §170-29-G-8-d, "*Any relief sought should not be caused by the additional density.*" Regulatory consistency and the principle of **Equal Protection** demand that the TDR 30' buffer be considered at 103 Court St.

## VII. Technical Impossibility of the Current Site plan with Buffer

The proposal places an access road at 23 feet and building footprints at 32.6 feet from the property line. This makes physical compliance with a 30-foot "no-disturb" mandate physically impossible. A "no-disturb" buffer is not a simple setback; it is a protected zone where the soil, roots, and vegetation must remain untouched by mechanical activity.

**A. Encroachment of the Access Road**

The proposed access road is located 23 feet from the boundary line. This is a per se violation of § 170-29-G-7. Clearing land, grading a roadbed, and laying asphalt within 30 feet of the perimeter "disturbs" the buffer.

**B. The 2.6 foot "Buffer Gap" is Insufficient for Construction**

While the proposed new buildings are just outside 30 feet from the property boundary, the **limit of disturbance (LOD)** required to construct them will inevitably cross into the 30-foot no-disturb zone. Standard construction practices require:

- **Excavation and "Over-dig":** Foundations require a "bench" or "over-dig" area typically extending **5 to 10 feet** beyond the foundation wall to allow for waterproofing, drainage tiling, and safety sloping for workers. A building at 32.6 feet would require excavation as close as **22 feet** from the property line.
- **Grading and Drainage:** Site plans must demonstrate how water sheds away from buildings. Sloping the land from a 32.6 foot setback to a 0-foot property line requires grading activity that will fundamentally alter the soil and vegetation within the 30-foot buffer. **Sheet SP-2** confirms this, showing erosion control measures extending directly to the property boundary.
- **Scaffolding and Equipment:** The physical act of framing and siding a building requires scaffolding and "man-lifts" that require a level operating radius. It is a physical impossibility to construct a multi-story residence with only **2.6 feet** of clearance without heavy machinery compacting the soil within the "no-disturb" zone.

**C. Contradiction of the "Visual Buffer" Requirement**

The Ordinance further mandates a "**continuous visual buffer**". If the application intends to plant new trees to meet the "visual" requirement because existing vegetation is sparse, the act of planting – digging holes, bringing in equipment, and altering the grade – **violates the "no-disturb" provision**. Conversely, if they intend to keep existing trees, the "over-dig" for the foundations and roadbed will sever the root systems of those trees, leading to "hazard trees" that will eventually fail, destroying the visual buffer they were meant to provide.

## IX. Procedural Failures and the "Loophole" Admission

The public repeatedly exercised every available opportunity to raise concerns regarding the 30-foot buffer at 103 Court St (Exhibits 32, 33, 34 pages 7-10). Despite these efforts, there has been no legal clarity provided from the Board on the statutory language and history as presented. Ultimately, the Board's voted on the TDR in January 2025 relied on a self-described "loophole" – a decision now under review by the NH Supreme Court (**Docket #2025-0686**).

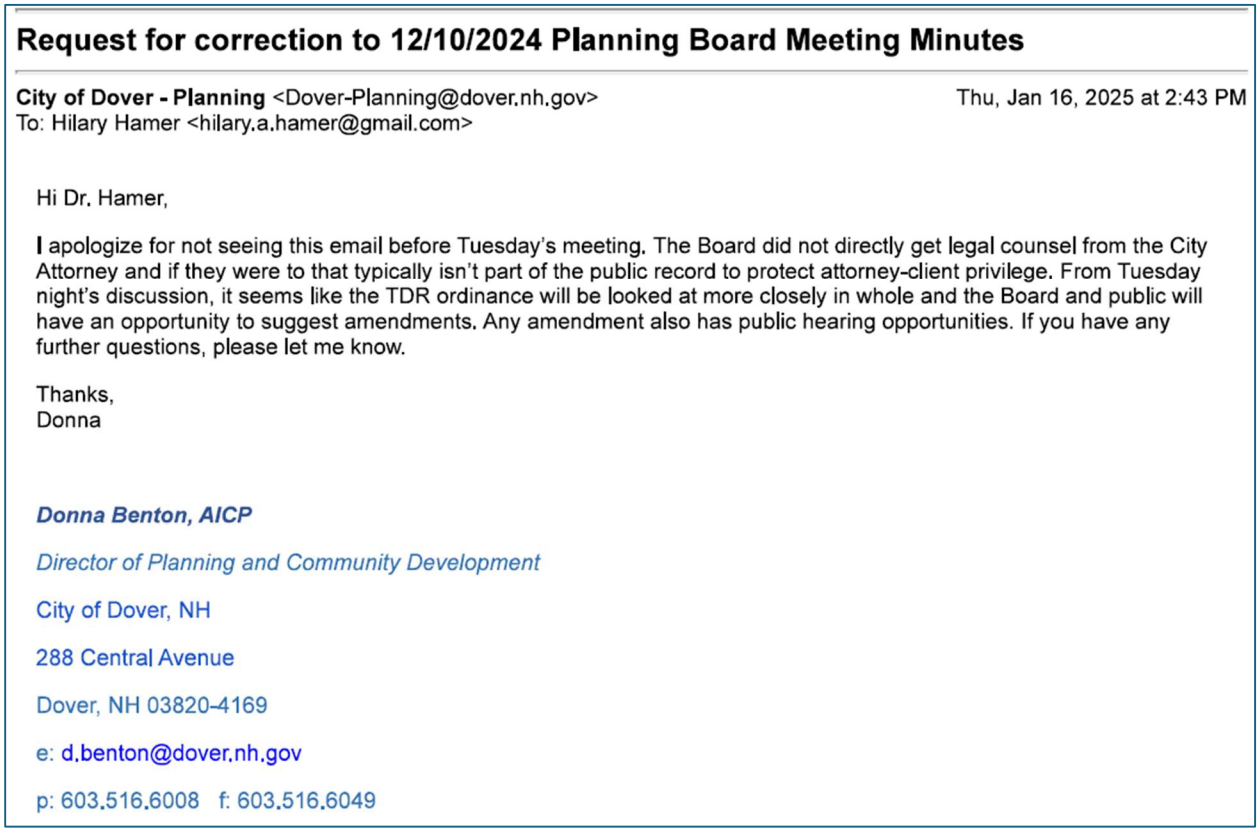
**A. Broken Assurances of Legal Review**

During the December 10, 2024 Planning Board meeting, Chair Cruikshank responded to public concerns by asserting there would be "no rewriting or ignoring of regulations" (minute reference 2:19). Crucially, the Chair stated (minute reference in the meeting recording 2:31):

*"I think we'll probably have the City Attorney weigh in and get further clarification [about the buffer]. If not by the site walk, by the next time we see it"*

Relying on this promise of legal oversight, abutters attended the January 11, 2025, site walk, where the **30-foot buffer was physically flagged with surveying tape** – further reinforcing the public's reasonable expectation that the buffer was a mandatory project component (request to mark the buffers is in the meeting minutes for 12/10, Exhibit 34, page 10). However, Planning

Director Donna Benton later confirmed that **no legal counsel was ever sought** before the January 28, 2025 meeting (Exhibit 35). This failure to seek legal review, while relying instead on "staff interpretation," is a violation of the Board's non-delegable duty to apply the law as written (***Duffy v. City of Dover***).



**Request for correction to 12/10/2024 Planning Board Meeting Minutes**

**City of Dover - Planning** <Dover-Planning@dover.nh.gov> Thu, Jan 16, 2025 at 2:43 PM
To: Hilary Hamer <hilary.a.hamer@gmail.com>

Hi Dr. Hamer,

I apologize for not seeing this email before Tuesday's meeting. The Board did not directly get legal counsel from the City Attorney and if they were to that typically isn't part of the public record to protect attorney-client privilege. From Tuesday night's discussion, it seems like the TDR ordinance will be looked at more closely in whole and the Board and public will have an opportunity to suggest amendments. Any amendment also has public hearing opportunities. If you have any further questions, please let me know.

Thanks,
Donna

***Donna Benton, AICP***

*Director of Planning and Community Development*

City of Dover, NH

288 Central Avenue

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p: 603.516.6008 f: 603.516.6049

*Figure 24: From Exhibit 35, email response from Planning Director indicating minutes would not be amended and no Legal Counsel was sought.*

**B. Admission of a "Loophole" vs. Plain Intent**

At the January 28, 2025, meeting, Board members explicitly admitted that treating site plans differently than subdivisions was a "loophole" that defied the intent of the TDR program:

> *Kyle Pimental [45:40]:* "…I think that the comments that have been raised in terms of whether or not the 30 foot buffer should be applied to a site plan versus subdivision. To me, I think I agree that they should be treated the same. I feel like this is almost kind of like a loophole, that the way in which this is defined is causing some ambiguity here. Where this is being treated differently. It's also, I think, opening the door for developers to see a way to not have to use the 30 foot buffer if they utilize this part of the regulations which I don't think was the intent. So I would advocate that when we take this up for our goal setting - is that we really consider treating these the same. I honestly

> really don't see why there should be a difference. …I don't necessarily see why utilizing a certain part of the regs. It seems like a loophole to me that I think we should tighten up that way. This is no longer a discussion that whether or not you want to utilize this piece or if you want to actually put them on their own lots regardless, it's gonna be a 30 foot buffer. If you're utilizing the TDR, you should have to do that."
>
> *Ken Mavrogeorge [47:40]:* "I do think it needs to be clarified and I would be in favor of them being treated the same. … I don't think it's possible to get a 30 foot no cut."

---

The Board's decision to approve the TDR while simultaneously acknowledging that the exclusion of the buffer was a "loophole" that defied "intent" constitutes an arbitrary and capricious application of the law. The statements indicate that both Board members here agree that TDR subdivisions and TDR site plans should be treated the same. There is no "loophole"; there is only an error in legal application that ignores the plain language and precedent presented herein. The Board now has a chance to rectify this error by denying the site plan for not providing the TDR buffer now.

**C. Lack of Ripeness and Pending Litigation**

As before noted, this matter is currently before the **New Hampshire Supreme Court (Docket #2025-0686)** to resolve this exact question of law, whether the Ordinance requires a 30-foot TDR buffer for *all* residential TDR projects or not. Proceeding with any decision on the site plan while the underlying TDR authority is under review by the state's highest court is premature and "unripe." A site plan denial on the grounds of prematurity, deferring to the High Court, is appropriate by itself, but further the evidence and record provided herein by itself justifies that the buffer is mandatory, not provided, and legally required. To approve a site plan based on a contested "loophole" while that very loophole is being litigated is a waste of resources and a further injury to the due process rights of the abutters. (*Note that the Supreme Court Appeal document was previously submitted to Planning Board record on January 13, 2026, and being a ~100 page PDF is not repetitively included as an Exhibit here, but is reflected in the Record*.)

## X. Direct Knowledge and Precedent of the Board

The record herein established that multiple current Board members participated in numerous TDR votes – for both site plans and subdivisions – where the TDR 30-foot buffer was applied. This demonstrates a clear, prior knowledge and understanding of the Ordinance and its intended application.

A refusal to apply the buffer at 103 Court St is not a "new" interpretation; it is a departure from the City's own administrative policy raised repeatedly by the Public. To proceed with an

approval vote for 103 Court St site plan now – despite the record of clear precedent, the broken promise of legal counsel, and the pending Supreme Court litigation – would be a failure of the Board's duty to apply the law consistently.

A Board that ignores its own precedent, legislative history, and the plain language of its ordinance – while admitting it is exploiting a "loophole" – executes an inconsistent application of the law and unreasonable departure from precedent.

## XI. PROPOSED FINDINGS OF FACT

The following findings support the conclusion that the application for 103 Court St is misclassified and must be denied:

**Proposed Findings of Fact / Reasons to Stay or Deny**

1. **Legislative Intent:** The 2018 TDR Ordinance established the buffer requirement for the "parent parcel" two years before the City introduced separate subdivision and site plan tracks. Because the buffer predates these procedural distinctions, the buffer must be intended as a universal mandate for all TDR projects.
2. **Plain Meaning and the Harrington Standard:** The Court has established that the Board may not "add words" to change the meaning of the Ordinance in ***Harrington v. Town of Warner***. Per ***Trottier v. City of Portsmouth***, the plain and ordinary meaning of the text must be upheld: the buffer applies to the TDR parcel receiving the density.
3. **Administrative Record of Applicability:** The official project record – including Technical Review Committee (TRC) minutes, staff memos, and direct email confirmation from the Zoning Administrator – repeatedly and explicitly identified the 30-foot buffer as a requirement for 103 Court St.
4. **The Board's Non-Delegable Duty:** Per ***Duffy v. City of Dover***, the interpretation of an ordinance is a question of the law, not a matter of administrative discretion. While staff's interpretations can be considered, also under ***Working Stiff Partners, LLC v. City of Portsmouth***, the Board must ultimately follow the plain meaning of the Ordinance, which states that a buffer shall be required.
5. **Failure to Seek Lawful Relief:** The Board has not formally considered or granted a waiver for relief from the 30-foot buffer. Consequently, the site plan as proposed is in direct violation of the Dover Code.
6. **Statutory Prohibition of Relief:** Under **§170-29-G-8-d**, relief cannot be granted for conflicts caused by additional TDR density. Staff statements and the applicant's own filings conceded that compliance with the buffer is only "limited" by their desired density level; therefore, the Board is legally prohibited from granting a waiver in this instance.
7. **Equitable Estoppel and Public Promise:** The project record, staff communications, and public City documents have induced reliance or trust that the buffer applies to this

residential TDR project. Denying this protection now constitutes a breach of public trust and a violation of equitable principles.

8. **Requirements for Regulatory Consistency:** The Board has historically enforced the 30-foot buffer on TDR site plans including Bellamy Rd, Whittier St, Central Ave and Cielo Drive. A consistent and equitable administration of the law demands 103 Court St be treated the same.
9. **Physical and Technical Impossibility:** The proposal at 103 Court St cannot be physically constructed without significant impact within a 30-foot buffer zone. A road at 23-feet and building "over-digs" at 32 feet ensure the destruction of the protected buffer zone.
10. **Functional Failure of Duty:** The Board has admitted on the record that the current application relies on a "loophole" that defies the intent of the TDR program. Proceeding with an approval based on a self-described loophole, contradicting the plain language of the Code and project precedent, while failing to seek the legal counsel promised to the public on December 10, 2024 is unreasonable and unlawful.

## XII. CONCLUSION

Based on the extensive record presented here that the site plan fails to provide the mandatory 30-foot buffer – and that the Board lacks the authority to grant relief for a density-driven conflict – the application must be **denied**.

We request the minimum *quid pro quo* of the TDR buffer be upheld. An increase in density of this magnitude fundamentally alters the immediate neighborhood. All residents are entitled to expect the City to uphold the basic tenets of zoning law established under **NH 674:36** which mandates the Board:

> (b) Provide for the **harmonious development** of the municipality and its environs;
> (d) Provide for **open spaces** of adequate proportions;
> (j) Include provisions which will tend to create conditions favorable to **health, safety, convenience, or prosperity**;

**Statement of Prejudice:** Not enforcing the buffer is a **prejudicial error**. The buffer directly impacts the actual *placement* of buildings, access road, drainage and utilities. By ignoring this mandate, the Board would deprive the public of specific statutory protection and cause permanent harm to the character and value of the abutting properties.

**Requested Relief:** An **outright denial of the site plan application** is required. The applicant must redesign the project to comply with the 30-foot "no-cut, no-disturb" buffer. This request is made to preserve all legal rights and to ensure an accurate administrative record is established for any subsequent judicial review.

**12. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-25 "Floodplain Development", by revising section D – "Standards and regulations", to read as follows:

"(c) Certification by a registered engineer or architect that the FLOOD PROOFING methods for any nonresidential STRUCTURE meet the FLOOD PROOFING criteria in subsection KL(2)."

**13. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 "Conservation District", by revising section D – "Procedures for Subdivision", to read as follows

"D. Procedures for subdivision. No subdivision of land shall be permitted which would create a LOT or parcel or leave as a remainder a LOT or parcel which does not have, outside the Conservation District, an area equal to the minimum LOT size required for the underlying zoning district, or one (1) acre, whichever is less. The ZONING BOARD OF ADJUSTMENT may grant an exception to this rule if unless such a LOT or parcel is to be permanently dedicated to OPEN SPACE or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be non-contiguous."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 "Conservation District", section E – "Other provisions", by deleting section (9) as follows and renumbering the subsequent sections:

"Land area contained within the Conservation District can be counted in determining the gross land area of a tract, LOT or parcel."

**14. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2 "Transfer of Development Rights" to read as follows

***"170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.*** **[Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25.]**

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

   Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

   (1) The Industrial TDR DISTRICT is hereby determined to be any I-4 or B-4 zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKs as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any I-4 or B-4 zoning district. The RECEIVING AREA is defined to be all remaining land in be any I-4 or B-4 zoning district.

   (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

      a. <u>If the units created are purchased, the receiving area may be any zoning district that allows residential development.</u>

E. Procedural Requirements.

(1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.

(2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA. ~~For residential application, proof of previous preservation by the City of Dover is required.~~

(3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections ~~G~~ F and ~~H~~ G below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and

B-4 zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.

(2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(4) SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.

(5) The developer shall record covenants that address architectural considerations for STRUCTUREs, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGs, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

(1) ~~A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.~~ Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.

(2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.
(a) ~~Private land transfer~~ Single Family Detached method.

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula
   1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
   2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
   3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

| Percentage of Parcel that is wetlands | Factor |
|---|---|
| 0<10% | 0.85 |
| 10<20% | 0.8 |
| 20<30% | 0.75 |
| 30%< | .7 |

   4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.
      a. This base number is not required to be restricted by the requirements in subsection iii.

ii. The transfer shall equate to one of the following calculations:
   1. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
   2. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
      a. If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.

iii. The units created, through the transfer must be:
   1. Sold, and are not for rental purposes
   2. Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.

~~(i) For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel of at least five (5) acres, and developable under the existing land use regulations.~~

~~(ii) Land within a SENDING AREA, when surveyed, endorsed by the Conservation Commission/Open Lands Committee, approved by the PLANNING BOARD and preserved by easement or covenant as specified in subsection E above, may be counted for the minimum lot size requirement for a development site in a RECEIVING AREA. The criteria used by Open Lands Committee to rank parcels shall be listed on the application.~~

(b) ~~Land bank~~ Attached Single Family, Two family, three family and 4 or more method

(i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5). ~~For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.~~

(ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved or purchased. ~~Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission.~~

~~(iii) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.~~

(4) ~~Regardless of the method utilized, the transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. A minimum of three (3) acres shall be purchased.~~ Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

| MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS | | MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS | |
|---|---|---|---|
| STREET Sides of Units | Between Units | Abutting A STREET | Abutting A LOT LINE |
| 20 feet | 20 feet | 20 feet | 10 feet |

(6) Regardless of the method utilized, the minimum ~~LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.~~ FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

a. If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit

(7) ~~Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.~~ A continuous visual buffer shall be created along the perimeter of the parent parcel.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

~~H. Conditional Uses.~~

~~(1) The PLANNING BOARD may grant conditional use permits to allow STREETs, roads, utilities, or other infrastructure improvements to cross wetlands within the RECEIVING AREA of the TDR DISTRICT, provided said infrastructure is essential to the productive use of land within the RECEIVING AREA of a TDR DISTRICT, and further provided that no possible location exists for said infrastructure in non-wetland areas."~~

EXHIBIT LIST (submitted as separate attached PDF documents)

1. 2018 TDR Amendments Document
2. 2020 TDR Amendments Document
3. Current Dover TDR Code
4. TRC Minutes September 2024
5. Second TRC Minutes September 2024
6. City Snapshot Report 103 Court St
7. December 2024 Staff Memo
8. Applicant Response to TRC
9. Original TDR Application Form
10. Emails with Zoning Administrator Paul Crouser
11. Dover Residential TDR Fact Sheet
12. November 2021 Minutes
13. June 2022 Minutes
14. July 2022 Minutes
15. Staff Memo for TDR Site Plan
16. TDR Site Plan Request for Waiver
17. 2023 TDR Amendment Document
18. Cielo Drive Staff Memo
19. November 2023 Minutes
20. Cielo Drive Letter
21. Staff Memo Bellamy Rd
22. Bellamy Meeting minutes
23. Wildcat Plan with Buffer
24. Wildcat Staff Comments
25. March 2023 Minutes
26. 566 Sixth St Plan with Buffer
27. October 2024 Minutes
28. Subdivision Approval at 566
29. Cullen's Appeal to HAB citing Buffer
30. Littleworth Rejection Memo
31. Littleworth Plan
32. Abutter Emails 1
33. Abutter Emails 2
34. December 2024 Minutes
35. Email Director Benton Re: Legal Counsel

Respectfully, Hilary Hamer, 91 Court St.

# CITY OF DOVER – ORDINANCE

CITY OF DOVER

Agenda Item: 12.A.3.

Ordinance Number: **O – 2020.07.08 – 007**
Ordinance Title: Zoning – Citywide Area Rezoning, and Text Amendments Revising TDR and Alternative Energy Code
Chapter: 170

The City of Dover Ordains:

## 1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to reflect changes to zoning, certain textual modifications, updates to provisions concerning transfers of development rights, and adoption of an alternative energy code, all as recommended and adopted by the Planning Board.

## 2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to add a new "Gateway" (G) district to subsection A (3) "Mixed Use".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to add a new subsection (f) and purpose statement to subsection B (3) to read as follows:

"(f) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (eg Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Central Business District" (CBD) "Downtown Gateway sub-district" to "Gateway" (G) District an area of approximately 109 acres located along Broadway from New York Street to Oak Street, Portland Avenue from Chapel Street to Atlantic Avenue and Central Avenue between Stark Avenue and Silver Street, and Ham Street to Abbey Sawyer Memorial Highway, consisting of Map 12 lots 1, 2, 3, 4, 5, 6, 20, 21 and 25, Map 15 lots 67, 68, 69, 70, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101,102,

103, 105, 106, 107, 111, 112, 112A, 113 and 113A Map 19 Lots 31, 32, 48, 49, 50 and 51 Map 20 lots 60, 61, 62, 63 and 64 Map 24 lots 1, 2J, 62, 64, 68, 68C, 69, 70, 71, 72, 73, 74, 75, 76, 77109, 110, 111, 111A, 114, 115, 115A, 115B, 116A, 128, 128-B, 129,129-1, 129-2, 130 and 131 Map 26 lots 6, 7A, 8, 9,10,11, 12 and 28A Map 27 Lots 53, 66, 67, 68, 68A, 69, 70, 71, 72, 73, 74, 75143, 144, 145, 147, 148, 149, 150, 169, 170, 171, 184, 185, 186, 203, 204, 205, 219, 222, 223, 224, 225, 226, 227, 273, 274, 275, 276, 277, 278, 286A, 291A, 291C, 291D and 292 Map 28 lots 7, 9A, 10, 11, 12, 12A, 13, 18, 18B and 19 Map 29 Lots 2, 3, 4, 9, 10, 11, 12, 16, 17, 19, 20 and 100 Map 30 lots 120, 120-1, 126, 127, 128, 129-1, 130, 131, 132, 133, 134, 135, 136, 137, 138 and 139 and the portion of Map 24 lot 115B that is within the Downtown Gateway District"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Office" (0) to "Gateway" (G) District an area of approximately .77 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 29 lots 1, 5, 6 and 7"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from Urban Density Multi-Residential District (RM-U) to "Gateway" (G) District an area of approximately .38 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 30 lots 141-B"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Restricted Industrial" (I-1) to "Gateway" (G) District an area of approximately 24 acres located along Locust Street and Rutland Street, consisting of Map 15 lots 35, 36, 37, 38, 39, 41, 42, 21, and 62 as well as the portion of Map 15 lots 40, 45 and 51 zoned I-1"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Restricted Industrial" (I-1) to "Gateway" (G) District an area of approximately 9.4 acres located along Oak Street, consisting of the portions of Map 24 lot 2-A and Map 26 lot 3-1 zoned I-1"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Thoroughfare Business" (B-3) to "Gateway" (G) District an area of approximately 21.9 acres located along Portland Avenue and Oak Street, consisting of Map 25 Lots 43, 43-A, 43-C, 43-D, 43-E, 43-F, 43-G, 43-H, 47, and 48 and the portion of Map 25 lots 43-B, 46 zoned B-3."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Office" (O) to "Gateway" (G) District an area of approximately 25 acres located along New Rochester Road, consisting of Map 39 lots 17, 18, 29, 26, 27, 28, 29, 36, 37, 38, 39, 49, 50, 51, 52, 63, 64, 69A, 69E, 69F, 69I, 69J, 69K, 99, 100, 101, and 106 and Map 40 lots 4, 5, 6, 13, 14, 15, 16, 35, 35-A, 36, 37 and 38 and the portions of Map 39 lots 34, 47, 53, 61, 66, 75, 102, 103, 104 and 105 and Map 40 lots 2, 7, 12, 38, 38B, 38F, 47 and 17 zoned O"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Neighborhood Business" (B-1) to "Gateway" (G) District an area of approximately 5.2 acres located along Dover Point Road and Old Dover Point Road, consisting of Map M lots 24, 24-A, 25, 26, 48, and 49."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Highway Business" (B-5) to "Gateway (G) District an area of approximately 30 acres located along Central Avenue, consisting of Map 15 lots 4, 19, 20 and 71 and Map 16 lots 1, 2, 3, 5, 6, 7, 8, 9, 10. 11. 13-A and 38 and Map 17 lots 76 and 76-E-1."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Gateway" (G) District an area of approximately 7.4 acres located along Durham Road, consisting of Map H lot 11, and Map I lot 7"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Gateway" (G) District an area of approximately 17.2 acres located along Cataract Avenue and Rutland Street, consisting of Map 13 lots 23, 24, 25, 26, 27, and Map 15 lots 14, 15, 16, 17, 18, 58, 59, 60, 61, 63, 65, 66A, 15-1, 66."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Suburban Density Multi-Residential" (RM-SU) to "Gateway" (G) District an area of approximately 7.9 acres located along Cataract Avenue and Rutland Street, consisting of Map 14 lots 14, 16, 17, 17-A, and Map 15 lotS 12, 13, 13-A, 13-B."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 "Central Business District Regulations" as a whole by replacing any instance of the term "Downtown Gateway Sub-district " with Gateway District"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Downtown Gateway" table and replace it with a "Gateway" table, in the same order as 170-7, to read as attached:

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 "Definitions", to amend the definition of "Lot" to read as attached:

> **LOT** means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) PRINCIPAL BUILDING and its accessory BUILDINGs or uses customarily incidental to it, together with such OPEN SPACEs and yards as are required by this Chapter. More than one (1) PRINCIPAL BUILDING may be placed on a LOT located in the Central Business or Gateway District. More than one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, MULTI-FAMILY DWELLING developments, and OPEN SPACE subdivisions.

**3. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Restricted Industrial" (I-1) district from subsection A (2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Restricted Industrial" (I-1) district from subsection B (2) (e) "Nonresidential", eliminating the purpose statements [1] and [2] and renumbering subsequent items to reflect the elimination.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from Restricted Industrial (I-1) to Urban Density Multi-Residential District (RM-U) District an area of approximately 4.2 acres located along Maple Street, consisting of Map 30 lots 19, 19-A and 19-B, and the portion of Map 30 lots 4 and 18 zoned I-1"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Restricted Industrial" (I-1) table in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by eliminating Section 170-19 "Flexible Uses in the I-1 District" in its entirety and replacing it with a "reserved" notation.

**4. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Hotel/Retail" (B-4) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200' and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Executive and Technology

Park" (ETP) District an area of approximately 14 acres located along Sixth Street, consisting of Map E lots 20, 20-D, 73, 73-A, and the portion of Map E lot 19 up to 400' from the Sixth Street centerline and Map E lots 19 and 19B."

**5. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Neighborhood Business" (B-1) district from subsection A (2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to remove the "Neighborhood Business" (B-1) district from subsection B (2) (a) "Nonresidential", eliminating the purpose statements and renumbering subsequent items to reflect the elimination.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Neighborhood Business" (B-1) to "Thoroughfare Business" (B-3) District an area of approximately .5 acres located along Weeks Lane, consisting of Map 39 lot 4 and Map 38 lot 38."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Thoroughfare Business" (B-3) District an area of approximately .4 acres located along Pinecrest Lane, consisting of Map 38 lots 38 Lots 41 and 42."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Neighborhood Business" (B-1) table in its entirety.

**6. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Rural Residential" (R-40) to "Hotel/Retail" (B-4) District an area of approximately 39 acres located along Durham Road and Mast Road, consisting of Map H lots 4-2, 4-B, 4-G, 4-L, 5 and 5A and Map I lot 22A, and the portion of Map I lot 22 that is 225' off the centerline of Mast Road and 194' off Durham Road."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Hotel/Retail" (B-4) District an area of approximately 3.4 acres located along Durham Road and Mast Road, consisting of Map I lots 20-E, 20-F, 20-G, 20-H, 21, and 20-J."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

7"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Suburban Density Multi-Residential" (RM-SU) District an area of approximately 2.3 acres located along Surrey Run, consisting of Map I lot 20I"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Rural Residential" (R-40) to "Office and Assembly" (I-4) District an area of approximately 29 acres located off Durham Road and Spruce Lane, consisting of a portion of Map I lot 27."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Office and Assembly" (I-4) District an area of approximately 45 acres located along Durham Road, consisting of Map I lots 22D, 24, 122, 123, 129, 131 and 132."

**7. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-12) to "Rural Restricted Industrial District" (I-2) District an area of approximately 101 acres located along Littleworth Road and Old Littleworth Road, consisting of Map H lots 25, 26, 26-1, 26A, 27, 28A, 28, 28-1, 29-A, 29-A-1, 29-A-2, 29-A-3, 29-A-4, 29-A-5, 30, 31and 31-A, and Map 11 lots 1 and 2A and the portion of Map G lot 5 zoned R-20"

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Rural Restricted Industrial District" (I-2) District an area of approximately 54 acres located along Knox Marsh Road, consisting of Map H lots 32, 32A-1, 32A-2, 33, 33A, 33B, 33-B, 33-C, 33-E and 34."

**8. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Rural Restricted Industrial" (I-2) District to "Commercial Manufacturing" (CM) District in subsection A(2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Rural Restricted Industrial" (I-2) District to "Commercial Manufacturing" (CM) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Rural Restricted Industrial" (I-2) table and replace it with the "Commercial Manufacturing" (CM) District, in the same order as 170-7, to read as attached:

**9. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Thoroughfare Business" (B-3) District to "Commercial" (C) District in subsection A (2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Thoroughfare Business" (B-3) District to "Commercial" (C) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Thoroughfare Business" (B-3) table and replace it with the "Commercial" (C) District, in the same order as 170-7, to read as attached:

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Highway Business" (B-5) to "Commercial" (C) District an area of approximately 30 acres located along •Indian Brook Drive, New Rochester Rd and Willand Pond Ave, consisting of Map 39 lots 9, 11, 11-B, 15, 16, 76, 79, 80, 81, 82, 83, 93, 94, 95, 96, 97 and 113-B."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Commercial" (C) District an area of approximately 108 acres located along Indian Brook Drive, Heather Lane and Sixth Street, consisting of Map D lots 16-A, 16-F, 16-G, 17, 17-B, 17-C , 17-D, 17-E, 17-F , 18, 18-10, and the portion of Map D lots 16 and 16-B that is within 400' of the centerline of Sixth Street."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Office and Assembly" (I-4) District an area of approximately 72.3 acres located along Sixth Street, consisting of Map D lots 5A and 15 and the portion of Map D lot 16 and 16-B that is further than 400' from the centerline of Sixth Street."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Commercial" (C) District an area of approximately 77 acres located along Knox Marsh Road, consisting of Map H lots 37, 37-A, 37-B, 37-C, 38, 38-A, 38-B, 39, 40-B, 40, 40-6, 40-C, 40-C-1, 40-D, 40-E, 40-F, 40-G, and the portion of Map H lot 35-D that is zoned B-4."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Hotel/Retail" (B-4) to "Commercial" (C) District an area of approximately 48 acres located along Durham Road and Mast Road, consisting of Map H lots 1, 1-B, 2, 2B, 3, 4N, 4-1 and 4-3."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Hotel/Retail" (B-4) and "Highway Business" (B-5) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Hotel/Retail" (B-4) and "Highway Business" (B-5) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Hotel/Retail" (B-4) table and "Highway Business" (B-5) table.

**10. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Office and Assembly" (I-4) District to "Innovative Technology" (IT) District in subsection A(2) "Nonresidential".

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to rename the "Office and Assembly" (I-4) District to "Innovative Technology" (IT) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the

"Office and Assembly" (I-4) table and replace it with the "Innovative Technology" (IT) District, in the same order as 170-7, to read as attached:

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Executive Technology Park" (ETP) to "Innovative Technology" (IT) District an area of approximately 406 acres located along Sixth Street, consisting of Map E lots 24, 24-1, 26-B, 27-1, 27-A, 27-B, 27-C, 17-D, 27-E, 28, 29, 31, 32, 32-1, 32-2, 32-4, 33, 70A and 70B."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Executive Technology Park" (ETP) to "Innovative Technology" (IT) District an area of approximately 102 acres located along Pointe Place, consisting of Map K lots 18A-10, 19, 19-1, 19-2, 19-3, 19-4, 19-5, 19-7 and Map M lots 4, and 4-OPN, and the portion of Map K lots 19-C, 19-B, 22, 23, 24, 25, 25-B zoned ETP."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Executive Technology Park" (ETP) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to eliminate the "Executive Technology Park" (ETP) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 "Applicability of tables of use and dimensional regulations by district", to remove the "Executive Technology Park" (ETP) District table.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-15 "Recreation Space and Separation between Use Requirements", to amend sub section F as follows:

"F. All screening and setback requirements pursuant to this section shall not be binding in the ~~ETP~~ IT or any Mixed Use Zoning District."

**11. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-21 "Small Wind Energy Systems" to update and amend as follows:

" 170-21. ~~SMALL WIND~~ Alternative ENERGY SYSTEMS.

A. Authority/Purpose:

This ~~SMALL WIND~~ Alternative ENERGY SYSTEMs ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate ~~SMALL WIND~~ Alternative ENERGY SYSTEMs in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for ~~SMALL WIND~~ Alternative ENERGY SYSTEMs to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

(1) Building Permit: ~~SMALL WIND~~ Alternative ENERGY SYSTEMs and met TOWERs are an ACCESSORY USE permitted in all zoning districts where STRUCTUREs of any sort are allowed. No ~~SMALL WIND~~ Alternative ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a BUILDING permit from the Building Inspector. A BUILDING permit shall be required for any physical MODIFICATION to an existing ~~SMALL WIND~~ Alternative ENERGY SYSTEM. Met TOWERs that receive a BUILDING permit shall be permitted on a temporary basis not to exceed three (3) years from the date the BUILDING permit was issued.

(2) Consumer Use. For the purposes of this Section, Alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

a. To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer be incidental and subordinate, and shall require Technical Review.

(3) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:

(a) Property lines and physical dimensions of the APPLICANT's property.

(b) Location, dimensions, and types of existing major STRUCTUREs on the property.

(c) Location of the proposed ~~SMALL WIND~~ Alternative ENERGY SYSTEM, including, foundations, guy anchors and associated equipment.

(d) TOWER foundation blueprints or drawings.

(e) TOWER blueprints or drawings.

(f) SETBACK requirements as outlined in this ordinance.

(g) The RIGHT-OF-WAY of any public road that is CONTIGUOUS with the property.

(h) Any overhead utility lines.

(i) SMALL WIND ENERGY SYSTEM:

i. Specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.

ii. SMALL WIND ENERGY SYSTEMs that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

iii. Sound level analysis prepared by the WIND GENERATOR manufacturer or qualified engineer.

iv. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

v. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

(j) Solar Panel Systems

i. Specifications, including manufacturer, model, type, nameplate generation capacity.

ii. Solar Panels that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.

iii. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code, as well as applicable Electric Code.

(k) List of ABUTTERs to the APPLICANT's property.

(4) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERs and the local governing body by certified mail upon application for a BUILDING permit to construct an ~~SMALL WIND~~ Alternative ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDING permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. SMALL WIND ENERGY SYSTEM Standards:

(1) The Building Inspector shall evaluate the application for compliance with the following standards;

(a) SETBACK: The SETBACK shall be calculated by multiplying the minimum SETBACK requirement number by the SYSTEM HEIGHT and measured from the center of the

TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

| Minimum SETBACK Requirements | | | |
|---|---|---|---|
| Occupied BUILDINGs on Participating Landowner Property | Occupied BUILDINGs on Abutting Property | Property Lines of Abutting Property and Utility Lines | Public Roads |
| 0 | 1.5 | 1.1 | 1.5 |

(i) SMALL WIND ENERGY SYSTEMs must meet all SETBACKs for principal STRUCTUREs for the zoning district in which the system is located.

(ii) Guy wires used to support the TOWER are exempt from the SMALL WIND ENERGY SYSTEM SETBACK requirements.

(b) TOWER: The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the SMALL WIND ENERGY SYSTEM. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

(c) Sound Level: The SMALL WIND ENERGY SYSTEM shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) SHADOW FLICKER: SMALL WIND ENERGY SYSTEMs shall be sited in a manner that does not result in significant SHADOW FLICKER impacts. Significant SHADOW FLICKER is defined as more than thirty (30) hours per year on abutting occupied BUILDINGs. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

(e) SIGNs: All SIGNs including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning SIGNs.

(f) Code Compliance: The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.

(g) Aviation: The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

(h) Visual Impacts: It is inherent that SMALL WIND ENERGY SYSTEMs may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

(i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, WIND GENERATOR design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

(ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

(iii) A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.

(i) Approved WIND GENERATORS: The manufacturer and model of the WIND GENERATOR to be used in the proposed SMALL WIND ENERGY SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

(j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the POWER GRID through NET METERING, it shall adhere to RSA 362-A:9.

(k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHT of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar Panel Standards

a. Lot Coverage: solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

b. Placement of solar systems:

i. The height of a roof mounted solar panel shall not be counted towards the maximum permitted height of the structure it is affixed to the zoning district.

ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.

iii. In no case shall a ground mounted unit exceed 20 feet in height.

iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

E. ~~D.~~ Abandonment:

(1) At such time that a SMALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTUREs.

(b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND ENERGY SYSTEM shall remove the WIND GENERATOR and TOWER at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner's expense.

F. ~~E.~~ Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONs are proposed to the SMALL WIND ENERGY SYSTEM.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 "Definitions" to add the following terms to read as follows:

"Alternative energy System means a system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves."

"Energy storage is the capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms."

"Geothermal energy means a system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator."

"Ground mounted solar means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times."

"Rooftop solar mean a photovoltaic system that generates electricity by capturing solar thermal energy and is mounted on the rooftop of a residential or commercial building or structure"

**12. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.2 "Transfer of Development Rights" to update and amend as follows:

"170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

   Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

   (1) The Industrial TDR DISTRICT is hereby determined to be any ~~I-4~~ IT or ~~B-4~~ CM zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKs as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any ~~I-4~~ IT or ~~B-4~~ CM zoning district. The RECEIVING AREA is defined to be all remaining land in be any ~~I-4~~ IT or ~~B-4~~ CM zoning district.

   (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9,

2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

a. If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural Requirements.

(1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.

(2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.

(3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan ~~shall~~ ~~may~~ be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

a. <u>The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing,</u>

shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

b. If the sketch plan requires an environmental Conditional Use Permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the ~~I-4~~ IT or ~~B-4~~ CM zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.

(2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(4) SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the ~~I-4~~ IT or ~~B-4~~ CM Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.

(5) The developer shall record covenants that address architectural considerations for STRUCTUREs, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGs, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.

(2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.

(a) Single Family Detached method

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula

1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

| Percentage of Parcel that is wetlands | Factor |
|---|---|
| 0<10% | 0.85 |
| 10<20% | 0.8 |
| 20<30% | 0.75 |
| 30%< | .7 |

4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.

    a. This base number is not required to be restricted by the requirements in subsection iii, unless the formula defined in item ii 1. is utilized.

5. The development plan shall be laid out in a design that meets the requirements for block length and cu de sac length.

ii. The transfer shall equate to one of the following calculations:

1. For construction of units no larger than six hundred (600) square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

2. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
3. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one ~~and a half~~ (1~~.5~~) unit per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

a. ~~If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.~~ Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

iii. The units created, through the transfer must be

1. ~~Sold, and are not for rental purposes~~
2. Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.

vi. The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.

(b) ~~Attached~~ Single Family, Two family, three family and 4 or more method

(i) The transfer may be through the purchase of development rights, as described in G) (1) ~~and (2)~~, or through the protection of land via a permanent conservation easement as per section E) (5).

a. In mixed use or multi-family zones, the base density shall be derived from the underlying zoning, and not through a formula.
b. If the additional unit(s) resulting from TDR are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

(ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/non-residential ~~commercial~~ project, whereby 35% of the square footage being created is non-residential the transfer shall equate to one (1) unit per 2,500 square feet ~~tenth (10th)~~ of an acre preserved or purchased.

(iii) Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.

(iv) 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.

(4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

| ~~MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS~~ | | MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS | | |
|---|---|---|---|---|
| ~~STREET Sides of Units~~ | ~~STREET Sides of Units~~ | Abutting A STREET | Abutting A SIDE LOT LINE | Abutting A REAR LOT LINE |
| ~~20 feet~~ | ~~20 feet~~ | 20 feet | 10 feet | 30 feet |

(6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, to no less than forty feet (40') ~~for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved~~ Paved access to all developed areas shall be suitable for emergency vehicles ~~is approved by the PLANNING BOARD~~.

(a) ~~If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit~~

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer.

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

(c) Is created on property served by public water and sanitary sewer

**13. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.2 "Residential-Commercial Mixed Use (RCM) Overlay" to update and amend as follows:

A. **"**Purpose and intent.

(1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing ~~for older persons~~ with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing ~~for older persons, as defined under RSA 354-A:15~~, outside the traditional residential developments.

B. Conditional use permit.

(1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The applicant shall submit a fiscal impact analysis as defined in § 157- 21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.

(2) Conditional use approval shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Location. The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT ~~B-4, I-4~~ or ~~ETP~~ R-40 zone which is greater than 50 acres and has the ability to connect into municipal water and sewer.

D. Permitted uses. The following uses are permitted:

(1) Principal uses.

(a) Housing ~~for older persons as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2) and the regulations adopted thereunder in the following settings:~~

(3) Single-family dwelling, including the use of manufactured housing.
(4) Two-family dwelling.
(5) Three- to four-family dwelling.
(6) Multifamily dwelling.
(7) Manufactured housing parks (permitted outright without a special exception).

B. Public and private utilities.

C. Nonresidential uses as allowed as follows:

(1) Any use allowed in the underlying zone ~~that is compatible with housing for older persons.~~
(2) Barber or beauty shop.
(3) Bank.
(4) Eating/drinking establishments (no drive-through service).
(5) Bed-and-breakfast.
(6) Office.
(7) Retail store.
(8) Theater.
(9) Adult day care.

(10) Nursing homes ~~(in areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 square feet of land; in areas serviced by City water and sewer utilities~~ at a density of one bedroom per 7,500 square feet of land).

(11) Congregate care facilities ~~(in areas not serviced by City water and sewer utilities at a density of one unit per 10,000 square feet of land; in areas serviced by City water and sewer utilities~~ at a density of one unit per 7,500 square feet of land).

(12) Other uses compatible with housing ~~for older persons~~ may be approved via Conditional Use, using the criteria in 170-20 B(2).

(13) Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) Accessory uses.

(a) Recreational facilities.

(b) "Community building," ~~(i)~~ defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.

(c) Maintenance buildings.

(d) Rental and sales offices.

E. Procedural concepts.

(1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development (outdoor display areas may be counted towards the minimum required floor area) residential uses must not exceed 45% of the total proposed floor area for the development. Nonresidential uses within projects located in the CM district must be 90% manufacturing and assembly in nature. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.

(2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § ~~155~~157-60) must be usable uplands and reasonably accessible to all property owners in the project. Any open space provided above 20% may be mixed wetlands and upland.

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § ~~155~~157-60) applied to the development lot and not individually to the internal dwelling lots.

(4) For residential development that includes single family homes over 1,001 square feet of total living area, ~~two-family,~~ three- to four-family or multifamily dwellings, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.

(5) For single-family residential homes 1,000 or less square feet of total living area, development, or two-family dwellings density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.

(6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:
   (a) Construction of structures;
   (b) Environmental remediation;
   (c) Site preparation or demolition;
   (d) Roadway utility or recreation and common area design and construction; and
   (e) Bonding or other security for site development.

(7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer, and included in the Conditional Use Approval.

(8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.

(9) Residential development plan guidelines.
   (a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from the Transfer of Development Rights Ordinance. Layouts may include individual lots or a cluster of units without lot lines.
   (b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses. ~~Units created through the TDR program are not required to be housing for the elderly, as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2).~~

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations,

(e) All manufactured houses shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.

(10) Nonresidential development plan guidelines.

(a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.

(b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

(1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.

(a) Minimum internal right-of-way.

(1) Maximum residential: 35 feet.

(2) Maximum nonresidential: 50 feet.

(b) Minimum pavement width.

(1) Minimum residential: 20 feet.

(2) Minimum nonresidential: 28 feet.

(3) Minimum sidewalk pavement width: five feet.

(4) Minimum bike/Segway®/golf cart path width: five feet.

(c) Minimum tangent length at intersections: 75 feet.

(d) Maximum street angle at intersections: 60°.
(e) Minimum center-line radius: 100 feet.
(f) Minimum tangent length between reverse curves: 50 feet.

(2) Dimensional requirements.
(a) Nonresidential/mixed-use buildings.
[1] Minimum structure setback from external lot line: 50 feet. Expanding existing nonresidential uses are not held to this setback.
[2] Minimum structure setback from external right-of-way: 50 feet.
[3] Maximum nonresidential building height: 55 feet.
[4] For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.
(b) Residential dwellings.
[1] Minimum structure and parking setback from external lot line: 50 feet.
[2] Minimum structure and parking setback from external row: 100 feet.
[3] Maximum residential building height: 35 feet.
[4] Minimum frontage on internal road: 40 feet.
[5] Minimum setbacks:
[a] Front yard setbacks: 20 feet.
[b] Distance between buildings: 24 feet.
(c) <u>There shall be no minimum lot size or frontage for internal lots created.</u>

(3) Parking.
(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.
(b) Overnight parking shall not be permitted on internal roadways.
(c) <u>Parking shall be utilized and available to all components of the Development Plan, through the recording of access and parking easements."</u>

**14. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-32 "Signs", to amend sub sections E-Q as follows:

Purpose. The purpose of this Section is to create a legal framework for SIGNAGE regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate business identification,

advertising and communication. While this Section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

A. Permitted SIGNs. No SIGN shall be permitted within the City of Dover, except in accordance with the provisions of this Section. See tables of Use and Dimensional Regulations by District for overview of permitted SIGNs.

B. Permit required. No SIGN, other than a residential nameplate or a SIGN exempted from the permitting requirements of this Section as described herein shall be erected or placed in the City of Dover without a SIGN permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGN meets all the regulations of this Section, after the submission of an application and a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGNs and support STRUCTUREs, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this Section.

C. General provisions. All SIGNs shall conform to the following regulations:

(1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNs as regulated in Subsection Q.

(2) All SIGNs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All SIGNs shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.

(5) The illumination of any SIGN shall be nonflashing; spot or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.

(a) FLASHING SIGNs are prohibited.

(b) Illuminance of the SIGN face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the SIGN face.

(ii) INTERNAL ILLUMINATION: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN's face.

(iii) DIRECT ILLUMINATION: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN's face.

(6) The top edge of a WALL SIGN shall be at least one (1) foot below the top of the wall or PARAPET wall. The top edge of a roof SIGN shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.[1]

(7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.

(8) Rotating SIGNs or beacons, waving pennants or whirling devices are prohibited.

(9) TEMPORARY SIGNs are prohibited, except as otherwise provided in Subsection Q.

(10) All SIGNs are prohibited within the public right- of-way, except as otherwise provided in this Section.

(11) The terms of this Section shall not apply to SIGNs being necessary for the public welfare and, as such, are required by the municipal, State, or Federal government.

(12) The material and construction of any SIGN or supporting elements shall be in accordance with the Building and Electrical Codes (in use by the City at the time of installation) and all other applicable City regulations.

(13) On a CORNER LOT, no FREESTANDING SIGN or support element shall be erected to materially impede vision between a HEIGHT of two and a half (2 ½) feet and eight (8) feet above curb grades in the same area bounded by the STREET lines of such CORNER

[1]See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter

LOT and a straight line joining points along said STREET lines thirty (30) feet from point of their intersection except as otherwise provided in this Section.

(14) Essential directional SIGNs not exceeding four (4) square feet in area are permitted indicating entrance and exit driveways. Said SIGNs shall not be subject to the permitting requirements of this Section.

(15) SIGNs not exceeding two (2) square feet in area are permitted in parking LOTs indicating aisles or reserved areas or spaces. Said SIGNs shall not be subject to the permitting requirements of this Section.

(16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:

(a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting requirements of this Section.

(b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.

(17) WALL SIGNs shall conform to the following additional regulations:

(a) No WALL SIGN shall be located in such a manner so as to extend above the next floor's window sill or descend below the top of the lower floor's lintel.[2]

(b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public STREET or municipal parking LOT, one (1) WALL SIGN shall be permitted upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.[3]

[2]See Figure 2 of the SIGN Diagrams, Part I, included at the end of this Chapter.
[3] See Figure 3 of the SIGN Diagrams, Part I, included at the end of this Chapter.

(c) In all nonresidential zoning districts, one (1) informational/directional WALL SIGN shall be permitted for each BUILDING entryway. Said SIGN shall not exceed four (4) square feet in area and shall not be illuminated. Said SIGN shall not be subject to the permitting requirements of this Section.

(18) All FREESTANDING SIGNs shall conform to the following regulations:

(a) No FREESTANDING SIGNs shall be located in an area designated for parking unless said SIGN is protected along all sides by curbing. A four (4) foot clear space is required along all approaches.[4]

(b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.

(19) All PROJECTING SIGNs shall conform to the following additional regulations:

(a) PROJECTING SIGNs shall be attached to the main wall of the BUILDING.

(b) PROJECTING SIGNs shall be prohibited from projecting over a STREET, alley or other PUBLIC SPACE beyond four (4) feet, eight (8) inches from a BUILDING facade or two-thirds (2/3) of the width of the SIDEWALK, whichever is less.[5]

(c) A clear space of not less than ten (10) feet shall be provided below all parts of a PROJECTING SIGN, except for residential nameplates.

(d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public STREET or municipal parking lot, one (1) PROJECTING SIGN shall be permitted upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.

(20) Awnings may be used in lieu of permitted WALL SIGNs provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

[4] See Figure 4 of the SIGN Diagrams, Part I, included at the end of this Chapter.
[5] See Figure 5 of the SIGN Diagrams, Part I, included at the end of this Chapter.

D. SIGNs permitted in residential districts. Any SIGN permitted in a Residential District shall conform to the following regulations (See tables for overview of permitted SIGNs):

(1) CUSTOMARY HOME OCCUPATION SIGNs shall identify only the name of each occupant and the STREET address. Said SIGN shall not exceed two (2) square feet and shall not be subject to the permit requirements of this Section.

(2) One (1) SIGN not to exceed sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFASTs.

(3) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.

(4) All nonresidential SIGNs may only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.

(6) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING

E. SIGNs permitted in CBD and CWD Districts. ~~No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m.~~ (See table for overview of permitted SIGNs.)

(1) WALL SIGNs[6]

(a) An additional one (1) square foot of SIGN AREA per one (1) foot of BUSINESS FRONTAGE shall be permitted, provided that the character of the SIGN conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

[6] See Figure 6 of the SIGN Diagrams, Part II, included at the end of this Chapter.

F. SIGNs permitted in ~~B-3~~ C district. (See table for overview of permitted SIGNs.)

(1) FREESTANDING SIGNs

(a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected upon each FRONTAGE, provided that the BUILDING complies with applicable SETBACKs.

(b) One (1) FREESTANDING SIGN shall be permitted for every principal entryway to a SHOPPING CENTER. Such SIGNAGE shall be a distance of five hundred (500) feet apart.

(c) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in HEIGHT, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, FREESTANDING SIGNs fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in HEIGHT.

(d) Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

~~G. SIGNs permitted in B-1 districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)~~

~~(1) PROJECTING SIGNs~~

~~(a) All PROJECTING SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.~~

H. SIGNs permitted in O and Gateway districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNs.)

(1) SIGNs shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.

I. SIGNs permitted in ~~I-1~~, ~~I-2~~, CM ~~I-4~~ district~~s~~. (See table for overview of permitted SIGNs.)

(1) FREESTANDING SIGNs

(a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected upon each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKs.

(b) Two (2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNs shall be permitted per approved industrial park, provided that the combined square footage of such SIGNs does not exceed five hundred (500) square feet in area, and that, if on a CORNER LOT, such SIGNs shall be set so as to not materially impede vision.

J. SIGNs permitted in ~~ETP~~ IT ~~and B-4 districts~~. (See table for overview of permitted SIGNs.)

(1) FREESTANDING SIGNs

(a) Where a development fronts on more than one (1) public STREET or roadway, one (1) FREESTANDING SIGN shall be permitted upon each FRONTAGE.

(b) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in HEIGHT, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, FREESTANDING SIGNs fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in HEIGHT.

(c) SIGN AREA shall not exceed sixty (60) square feet in area. Notwithstanding, a FREESTANDING SIGN fronting the Spaulding Turnpike shall not exceed one hundred (100) square feet in area.

~~K. SIGNs permitted in the B-5 District. (See table for overview of permitted SIGNs.)~~

~~(1) FREESTANDING SIGNs.~~

~~(a) Where a development fronts on more than one (1) public STREET, one (1) FREESTANDING SIGN shall be permitted upon each FRONTAGE.~~

~~Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road."~~

L. Political advertising SIGNs. Political advertising SIGNs are permitted per the political advertising SIGN provisions of State law.

M. Obsolete SIGNs. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months shall be deemed to have been abandoned, and the SIGN shall be considered obsolete. Such obsolete SIGNs are prohibited and shall be removed by the owner of the SIGN or owner of the premises. In the event that the said SIGN(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said STRUCTURE(s) and assess all costs and expenses incurred in said removal against the STRUCTURE's owners and/or the owner of the land upon which said STRUCTURE(s) is located.

N. Nonconforming SIGNs. A SIGN installed prior to the effective date of this Section which meets the applicable requirements of the zoning code then in effect but which is not in conformance with the provisions of this code, shall be deemed a permitted nonconforming SIGN. Such nonconforming SIGN shall, however, be subject to the following regulations:

(1) No nonconforming SIGN shall be ALTERed in any way in STRUCTURE or material, which makes the SIGN less in compliance with the requirements of this Section than it was before the ALTERATIONs.

(2) No nonconforming SIGN shall be relocated to a position making it less compliant with the requirements of this Section.

(3) Non-conforming FREESTANDING SIGNs and PROJECTING SIGNs may be replaced upon approval of a SIGN permit application, provided that the support STRUCTURE of the SIGN remains in place and the dimensions of the SIGN are the same or smaller. If any other nonconforming SIGN is replaced, it shall be replaced in total with a SIGN that is in conformance with the provisions of this Section.

(4) Should a nonconforming SIGN be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this Section.

O. Mill motif design criteria.

(1) Intent.

a. A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial BUILDING

stock. Influenced by the early 19th century mill development, SIGNAGE was closely integrated with the style and composition of the BUILDING, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering was dominant. PROJECTING SIGNs were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

b. The use of a mill motif SIGNAGE theme is an attempt to promote a style or architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all SIGNAGE should be guided by general design criteria.

(2) SIGN location.

(a) Every SIGN shall be required to be an integral part of its BUILDING.

SIGNs shall be located with respect to the basic architectural framework of the BUILDING, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a BUILDING's framework.

(3) SIGN composition.

(a) Lettering.

(i) No more than one (1) font shall be permitted per SIGN. More than one (1) size is permitted.

(ii) Letters may be attached to the BUILDING façade.

(iii) Light-colored letters on a dark background are required.

(iv) Lettering shall be located so as not to obstruct architectural detailing on the BUILDING face.

(v) Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

(vi) Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.

(vii) The size of the lettering shall be in proportion to both the SIGN configuration and the BUILDING.

(b) Color.

(i) No more than three (3) colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one (1) color.

(ii) Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.

(iii) The determination of SIGN color must relate to the degree of contrast between the SIGN lettering and SIGN background.

(c) Lighting.

(i) INTERNAL ILLUMINATION and DIRECT IILLUMINATION are prohibited.

(ii) Only shielded EXTERNAL ILLUMINATION shall be permitted if lighting is used.

(d) Materials.

(i) The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.

(ii) Wooden SIGNs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

(iii) PROJECTING SIGNs shall be supported by black, iron attachments to the BUILDING. Guy wires shall not be permitted as a principle SIGN support member.

(iv) No support for a PROJECTING SIGN shall extend above the cornice line of the BUILDING to which it is attached.

(2) Permit process

(a) The Zoning Administrator shall be responsible for the issuance of SIGN permits relative to mill motif accessory SIGNs. Application for said SIGNs shall include the following items:

(i) A scaled elevation drawing of the entire BUILDING façade(s).

(ii) Proposed SIGN clearly delineated on the elevation drawing.

(iii) Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

(iv) A photograph of the BUILDING.

(v) A sample color rendering of the intended SIGN.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT of the decision in writing.

P. Fees for the review of SIGNAGE are set annually and may be found in the City's Fee Schedule.

Q. TEMPORARY SIGNs. No TEMPORARY SIGN shall be erected or placed in the City of Dover without a TEMPORARY SIGN permit issued by the Planning Department, except as noted in Subsections (1)(b). The following regulations shall apply:

(1) TEMPORARY SIGNs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R) ~~and the NEIGHBORHOOD Business District (B-1)~~. Where permitted TEMPORARY SIGNS are subject to the following regulations:

(i) One-week TEMPORARY SIGN permits are valid for a consecutive seven (7) day period and may be obtained once every three (3) months, for a maximum of four (4) one-week TEMPORARY SIGNs per year. If the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.

(ii) The TEMPORARY SIGN shall be limited to twenty-four (24) square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner type TEMPORARY SIGNs are permitted only in the ~~B-3 and B-5~~ C Zoning Districts~~s~~.

(iii) The TEMPORARY SIGN shall be removed within twenty-four (24) hours after the end of the approved display period. If the TEMPORARY SIGN or banner is not removed within twenty-four (24) hours, the TEMPORARY SIGN or banner may be removed by the City of Dover.

(iv) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(b) TEMPORARY SIGNS Allowed Without a Permit. One (1) A-frame sandwich board TEMPORARY SIGN is permitted per LOT or tenant and does not require a permit, provided all of the following conditions are met:

(i) The TEMPORARY SIGN is not located on a City SIDEWALK or within a public right-of-way.

(ii) The maximum size of the TEMPORARY SIGN is eight (8) square feet.

(iii) The TEMPORARY SIGN must be placed directly in front of the BUILDING at a distance no greater than two (2) feet from the BUILDING and must not impede pedestrian or handicapped access to the business or adjacent businesses.

(c) TEMPORARY SIGNs Allowed With Annual Permit. One (1) TEMPORARY SIGN shall be permitted per each PRINCIPAL BUILDING. BUILDINGs with an excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional TEMPORARY SIGN per every additional one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.

(i) If the TEMPORARY SIGN is located on a City SIDEWALK or within a public right-of-way directly in front of the BUILDING, the requirements in Subsection Q.(1)(d) must be met.

(ii) The following additional regulations shall apply to TEMPORARY SIGNs located in the CBD-General District:

1. The structure of the TEMPORARY SIGN must consist of medium density overlay plywood, or a similar durable wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages, see below). The use of other materials is permitted if styled and composed to imitate wood or metal.

2. Any graphics, lettering, words, numbers, messages and/or symbols on the TEMPORARY SIGN shall be applied directly onto the surface of the SIGN and/or shall be made with SIGN plastic film.

3. The material for changeable messages shall be either chalk board or dry erase board. TEMPORARY SIGNs with moveable slide-in plastic letters are not permitted.

4. TEMPORARY SIGNs using stencils or spray paint are not permitted.

5. TEMPORARY SIGNs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.

(d) TEMPORARY SIGNs Located on a City SIDEWALK or Within a Public Right-of-Way. TEMPORARY SIGNs located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:

(i) A certificate of insurance in the amount of one hundred thousand ($100,000.00) dollars (bodily injury/property damage) shall be filed as part of the TEMPORARY SIGN permit application to ensure sufficient liability coverage of the APPLICANT.

(ii) A hold-harmless certification letter shall be filed as part of the temporary SIGN permit application to relieve the City of Dover from bodily injury and property damage liability.

(iii) TEMPORARY SIGNs shall only be displayed during business hours.

(iv) A five (5) foot, clear passageway must be maintained at all times.

(v) TEMPORARY SIGNs shall be located directly in front of the BUILDING or in front of the space within the BUILDING occupied by the TEMPORARY SIGN owner.

(2) Community SIGNS. With a permit, TEMPORARY SIGNs may be located in the public right of way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road provided that the following requirements are met:

(a) Community SIGNs shall be a-frame/sandwich board type and no larger than six (6) square feet in area and no greater than three (3) feet in height.

(b) No more than three (3) permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No APPLICANT will be issued a community SIGN permit for more than twelve (12) display periods per calendar year.

(d) Applications for community SIGN permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year's display schedule and payment of fees are submitted by the APPLICANT. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (APPLICANT or APPLICANT's landlord) and shall include:

(i) A certificate of insurance in the amount of one hundred thousand dollars ($100,000.00) (bodily injury/property damage) to ensure sufficient liability coverage of the APPLICANT.

(ii) A hold-harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community SIGN permit and shall be affixed to the lower right corner of the SIGN face.

**15. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-33 "Fence Review and Regulations", to amend sub section C as follows:

A. FENCE HEIGHTs. No person, or other entity shall erect or cause to be erected a FENCE exceeding four (4) feet in HEIGHT between the RIGHT OF WAY and either ten (10) feet from the RIGHT OF WAY or a line parallel with the front of the house closest to the RIGHT OF WAY, whichever is less. FENCES may be up to eight (8) feet in HEIGHT for the remainder of the lot. HEIGHT is measured from ground level.

B. FENCE design.

(1) The finished side of a FENCE shall face outward from the property on which the FENCE is located. The side of a FENCE containing the posts or poles and other bracing appurtenances shall face inward to the property being FENCED in or on which the FENCE is located. When erected on a property or LOT boundary line, all of the FENCE and any of its supporting STRUCTUREs or appurtenances shall be contained within the LOT or property of the person erecting said FENCE.

(2) On a CORNER LOT, no FENCE or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from the point to the intersection. For CORNER LOTs that are located on the inside curve of STREETs and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.

C. Exceptions. The provisions described in Subsection A shall not apply in ~~Industrial (I-2)~~ Commercial Manufacturing (CM), ~~Restricted Industrial (I-1), Thoroughfare Business (B-3)~~ Commercial (C), Central Business (CBD), Gateway (G), OFFICE (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding eight (8) feet."

**16. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 "Establishment of Districts", to replace as a whole, based upon the preceding amendments, follows:

**"**A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

| | |
|---|---|
| HR | Heritage Residential District |
| R-40 | Rural Residential District |
| R-20 | Low-Density Residential District |
| R-12 | Medium-Density Residential District |
| RM-SU | Suburban Density Multi-residential District |
| RM-U | Urban Density Multi-residential District |

(2) Nonresidential. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

| | |
|---|---|
| C | Commercial District |
| CM | Commercial Manufacturing |
| IT | Innovative Technology |

(3) Mixed-use.

| | |
|---|---|
| G | Gateway |
| H | Hospital |
| LBW | Little Bay Waterfront District |
| O | Office District |
| CBD | Central Business District |
| CWD | Cocheco Waterfront District |

(4) Overriding.

| | |
|---|---|
| CD | Conservation District |
| URD | Urban Renewal District |
| RRD | Riverfront Residential Overlay District |
| GWP | Groundwater Protection District |
| HWD | Hazardous Waste Landfill District |
| RCM | Residential-Commercial Mixed-Use |
| SRD | Scenic Road Overlay District |
| TDR | Transfer of Development Rights |
| TEL | Telecommunications Facilities |

WPD Wetland Protection District

D. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.

(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on- site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

(c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child- care facilities.

(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing

types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

(f) Heritage Residential District (HR).

(a) These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cocheco River, as well as other community professionals.

(b) The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

E. Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(1) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

(2) Commercial/Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

(3) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business

parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high- quality design is encouraged.

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (eg Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate- care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for its adjacent

neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

(f) Cocheco Waterfront District (CWD). The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cocheco River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.

~~A. Districts:~~

~~The City of Dover is hereby divided into the following districts:~~

~~Residential~~

~~HR Heritage Residential District~~

~~R-40 Rural Residential District~~

~~R-20 Low-Density Residential District~~

~~R-12 Medium-Density Residential District~~

~~RM-SU Suburban Density Multi-residential District~~

~~RM-U Urban Density Multi-residential District~~

~~Nonresidential~~

~~B-1 NEIGHBORHOOD Business District~~

~~B-3 Thoroughfare Business District~~

~~B-4 HOTEL/Retail District~~

~~B-5 Highway Business District~~

~~I-1 Restricted Industrial District~~

~~I-2 Rural Restricted Industrial District~~

~~I-4 Assembly and OFFICE~~

~~ETP Executive and Technology Park~~

~~Mixed -Use~~

~~H Hospital~~

~~LBW Little Bay Waterfront District~~

~~O OFFICE District~~

~~CBD Central Business District~~

~~CWD Cocheco Waterfront District~~

~~Overriding~~

~~CD Conservation District~~

~~URD Urban Renewal District~~

~~RRD Riverfront Residential Overlay District~~

~~GWP Groundwater Protection District~~

~~HWD Hazardous Waste Landfill District~~

~~RCM Residential-Commercial Mixed Use~~

~~SRD Scenic Road Overlay District~~

~~TDR TRANSFER OF DEVELOPMENT RIGHTS~~

~~TEL TELECOMMUNICATIONS FACILITIES~~

~~WPD Wetland Protection District~~

~~B. District Purpose Statements:~~

~~(1) RESIDENTIAL DISTRICTS~~

~~The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City NEIGHBORHOODs that are safe and promote harmonious development.~~

~~(a) Rural Residential District (R-40)~~

~~The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs in the more rural areas of the city. These areas have larger LOT sizes (1+ acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as OPEN SPACE developments with reduced LOT sizes allowed in return for the permanent preservation of OPEN SPACE. AGRICULTURE and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and CHILD CARE FACILITIES.~~

~~(b) Low-Density Residential District (R-20)~~

~~The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twenty thousand (20,000) square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least fifteen (15) acres can be done as OPEN SPACE subdivisions. AGRICULTURE and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and CHILD CARE FACILITIES.~~

~~(c) Medium-Density Residential District (R-12)~~

~~The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODs on LOTs not less than twelve thousand (12,000) square feet. The homes in this district are almost all served by municipal sewer and water. Many of the NEIGHBORHOODs surrounding the elementary schools are in this district and have a SIDEWALK system that is conducive to children walking to school. The development of parcels with at least five acres can be done as OPEN SPACE subdivisions. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and CHILD CARE FACILITIES.~~

~~(d) Suburban Density Multi-residential District (RM-SU)~~

~~The purpose of this residential district is to provide an environment suitable for a variety of moderate density housing types, including SINGLE-FAMILY, two family, 3-4 family and MULTI-FAMILY DWELLINGs. These districts are suburban NEIGHBORHOODs located along major roadways outside of the center of the city. The homes in this district are almost all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and CHILD CARE FACILITIES.~~

~~(e) Urban Density Multi-residential District (RM-U)~~

~~The purpose of this residential district is to provide an environment suitable for a variety of moderate/high density housing types, including SINGLE-FAMILY, two family, and 3-4 family dwellings. These districts are urban NEIGHBORHOODs located close to the downtown area and contain many historic homes that are built close to the SIDEWALKs and STREETs. The homes in this district are all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and CHILD CARE FACILITIES.~~

~~(f) Heritage Residential District (HR)~~

~~These primarily residential NEIGHBORHOODs surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial BUILDINGs as well. In both instances their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cocheeho River, as well as other community professionals.~~

~~The common theme through all of these designs is both the massing and the placement of these STRUCTUREs in a manner that is compatible with what had gone before. It is the intent that in this district new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing NEIGHBORHOOD.~~

~~(2) NONRESIDENTIAL DISTRICTS~~

~~The nonresidential districts are intended to provide suitable areas for commercial, service, retail, OFFICE and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.~~

~~(a) NEIGHBORHOOD Business District (B-1)~~

~~The purpose of this business district is to provide small sites for commercial use in or near dense residential NEIGHBORHOODs without having significant impact upon residential uses. The district encourages traditional small scale retail and service uses that are convenient for the nearby residents. Development is intended to be pedestrian-oriented and compatible with the scale of the residential uses.~~

~~(b) Thoroughfare Business District (B-3)~~

~~The purpose of this business district is to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The twenty thousand (20,000) square foot minimum LOT size encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, HOTELS, OFFICEs, banks, and theaters. Other commercial uses and MULTI-FAMILY DWELLINGs are allowed by special exception.~~

~~(c) HOTEL/Retail District (B-4)~~

~~The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development on a larger scale along major highways outside of the downtown. The minimum LOT size of five acres encourages larger commercial development. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, HOTELS, OFFICEs, banks, and theaters.~~

~~(d) Highway Business District (B-5)~~

~~The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum LOT size of twenty thousand (20,000) square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, VEHICLE REFUELING/RECHARGING STATION, automobile sales, HOTELs, OFFICEs, banks, and theaters.~~

~~(e) Restricted Industrial District (I-1)~~

~~The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older BUILDINGs that have historically been used for industrial and business uses. The smaller minimum LOT size of forty thousand (40,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, car sales, OFFICEs, and personal services. The close proximity of these areas to older residential NEIGHBORHOODs requires careful consideration of impacts on adjacent uses in other districts.~~

~~In 2009 the zoning for this district was amended to allow for the redevelopment of this industrial property in a more flexible and context sensitive method. The district encourages mixed residential and commercial uses that complement one another and create a sense of community between the mixed uses.~~

~~(f) Rural Restricted Industrial District (I-2)~~

~~The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location of one of the first industrial parks in the city, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum LOT size of twenty thousand (20,000) square feet also encourages business uses such as PUBLISHING, HOTELs, VEHICLE REFUELING/RECHARGING STATION, restaurants, car sales, OFFICEs, and personal services.~~

~~(g) Assembly and OFFICE (I-4)~~

~~The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, WAREHOUSING, WHOLESALING, PUBLISHING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newest industrial park developed by the city is located in this district. The minimum LOT size in this district is five acres, which encourages larger industrial users.~~

~~(h) Executive and Technology Park (ETP)~~

~~The purpose of this executive and technology district is to provide appropriate locations for large-scale high technology, research, professional OFFICE, and clean manufacturing uses that need large sites and high aesthetic standards. The general character of the district is intended to be a campus or park-like setting that encourages creative design and innovation is site planning and development, while protecting the natural resources. In this district the minimum LOT size is three acres and there is no FRONTAGE requirement, which encourages larger users in campus settings. Some of the city's largest employers are located in this district. This district includes special design standards for BUILDINGs, parking LOTs and landscaping.~~

~~(3) MIXED–USE DISTRICTS~~

~~The mixed use districts are intended to provide suitable areas for a mixture of urban NEIGHBORHOODs containing residential, commercial, service, retail, and OFFICE uses. The mixed use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.~~

~~(a) OFFICE District (O)~~

~~The purpose of this OFFICE district is to provide appropriate locations for a mixture of residential and OFFICEs uses along higher volume STREETs. The remaining large historic homes are no longer suitable for single family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side STREETs. Residential uses up to four DWELLING UNITS per STRUCTURE are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, NURSING HOMES and~~

~~CONGREGATE CARE FACILITIES. The density for residential uses is about eight units per acre and in new BUILDINGs residential is only allowed on the second floor or higher.~~

~~(b) Central Business District (CBD)~~

~~The purpose of this district is to provide the appropriate locations for context sensitive zoning. The form based code in this district is intended to foster a vital main STREET both for itself and for its adjacent NEIGHBORHOODs through a lively mix of uses—with shop fronts, SIDEWALK cafes, and other commercial uses at STREET level, overlooked by canopy shade trees, upper story residences and OFFICEs. The district has an increased emphasis on the form and placement of STRUCTUREs and a decreased emphasis on the function(s) contained within them.~~

~~(c) Cochecho Waterfront District (CWD)~~

~~The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum LOT size, FRONTAGE or SETBACK requirements and a density of forty three (43) DWELLING UNITS per acre. Several water related land uses are permitted in the district, including MARINAS, WATERBORNE PASSENGER TRANSPORTATION FACILITIES and WATER RELATED EDUCATION AND RESOURCE CENTERS. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.~~

~~(d) Hospital (H)~~

~~The purpose of the hospital district is to provide appropriate locations for hospitals and medical OFFICEs associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single and two family residential uses are permitted along with commercial uses such as OFFICEs, banks, funeral parlors, ASSEMBLY HALLs, and schools.~~

~~(e) Little Bay Waterfront (LBW)~~

~~The purpose of this mixed use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little~~

~~Bay. The small minimum LOT size encourages a mix of various sized commercial uses, with water related uses, such as MARINAS, specifically permitted. Single and two family homes are allowed in recognition of the historically residential use of the area. Three or four family dwellings are allowed only as part of a mixed use BUILDING. Businesses that take advantage of the unique location along Little Bay are encouraged.~~

~~(4) OVERRIDING DISTRICTS~~

~~The purpose of the overriding districts is to provide an additional layer of land use regulation or protection is certain sensitive areas of the city. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements review the text of each overriding district.~~"

**17. TAKES EFFECT**

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

To the extent this Ordinance amends a section of Chapter 170 that is also the subject of a companion ordinance amending Chapter 170 being filed and considered contemporaneously herewith, and there is any conflict or concurrent amendment to the same language, then as between the two sets of amendments this Ordinance shall control.

**REQUIRES A PUBLIC HEARING**

**AUTHORIZATION**

# CITY OF DOVER – ORDINANCE

CITY OF DOVER

Agenda Item: 12.A.3.

Ordinance Number: **O – 2020.07.08 – 007**
Ordinance Title: Zoning – Citywide Area Rezoning, and Text Amendments Revising TDR and Alternative Energy Code
Chapter: 170

| | | | |
|---|---|---|---|
| Approved as to Funding: | Daniel R. Lynch<br>Finance Director | Sponsored by: | Deputy Mayor Dennis Ciotti,<br>City Council Planning Board Representative |
| Approved as to Legal Form and Compliance: | Joshua M. Wyatt<br>City Attorney | | |
| Recorded by: | Susan Mistretta<br>City Clerk | | |

**DOCUMENT HISTORY:**

| | | | |
|---|---|---|---|
| First Reading Date: | 07/08/2020 | Public Hearing Date: | 07/22/2020 |
| Approved Date: | 07/22/2020 | Effective Date: | 07/29/2020 |

**DOCUMENT ACTIONS:**

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Manley.

Deputy Mayor Ciotti moved to make the first of three amendments as follows:

Amend amendment 2, on page 4 to include Map H lot 11 A.

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Gateway" (G) District an area of approximately 7.4 acres located along Durham Road, consisting of Map H lot 11, and Map I lot 7"

Should be amended as follows:

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "Gateway" (G) District an area of approximately ~~7.4~~7.73 acres located along Durham Road, consisting of Map H lot<u>s</u> 11 <u>and 11A</u>, and Map I lot 7"

Motion was seconded by Councilor O'Connor.
Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved to make the second of three amendments as follows:

Also Amend amendment 4 to on page 7 to clarify that the area is going from R-12 to Commercial:

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "Hotel/Retail" (B-4) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200' and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood."
To
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Medium Density Residential" (R-12) to "~~Hotel/Retail~~Commercial" (~~B-4~~C) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200' and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood."

Motion was seconded by Councilor Manley.
Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved to make the third of three amendments as follows:

Also Amend amendment 6 to on page 8/9 to clarify that the areas are going to Commercial:

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Rural Residential" (R-40) to "~~Hotel/Retail~~Commercial" (~~B-4~~C) District an area of approximately 39 acres located along Durham Road and Mast Road, consisting of Map H lots 4-2, 4-B, 4-G, 4-L, 5 and 5A and Map I lot 22A, and the portion of Map I lot 22 that is 225' off the centerline of Mast Road and 194' off Durham Road."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from "Low Density Residential" (R-20) to "~~Hotel/Retail~~Commercial" (~~B-4~~C) District an area of approximately 3.4 acres located along Durham Road and Mast Road, consisting of Map I lots 20-E, 20-F, 20-G, 20-H, 21, and 20-J."

Motion was seconded by Councilor O'Connor.
Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of the amended Resolution; seconded by
Roll Call Vote: 8/0.

# CITY OF DOVER – ORDINANCE

CITY OF DOVER

Agenda Item: 12.A.3.

Ordinance Number: **O – 2020.07.08 – 007**
Ordinance Title: Zoning – Citywide Area Rezoning, and Text Amendments Revising TDR and Alternative Energy Code
Chapter: 170

| **VOTING RECORD** Date of Vote: 07/22/2020 | YES | NO |
|---|---|---|
| Mayor Robert Carrier | X | |
| Councilor Michelle Muffett-Lipinski, Ward 1 | X | |
| Councilor Dennis Ciotti, Ward 2 | X | |
| Councilor Deborah Thibodeaux, Ward 3 | Absent | |
| Councilor Joshua Manley, Ward 4 | X | |
| Councilor Dennis Shanahan, Ward 5 | X | |
| Councilor Fergus Cullen, Ward 6 | X | |
| Councilor John O'Connor, At Large | X | |
| Councilor Lindsey Williams, At Large | X | |
| Total Votes: | 8 | 0 |
| Resolution does pass. | | |

## ORDINANCE BACKGROUND MATERIAL:

The amendments provided to the Council for ratification are derived from suggestions resulting from a subcommittee created by the Planning Board in 2018 to review opportunities to increase commercially zoned land. In addition, the City's Master Plan recommends the City adopt an Alternative Energy Code and the Planning Board created a subcommittee to review the Transfer of Development Right's Ordinance. After public hearings in April, May and June, the Planning Board adopted the amendments set forth in this ordinance on June 23, 2020, summarized in a reference table below.

It is requested that the City Council waive the notice by first class mail in accordance with Dover Code Chapter 170-53(G)(2).

Included as part of the background are the following documents:

- Updated Zoning Tables (Gateway, CM, C and IT)
- Memorandum from Christopher Parker to the Dover City Council dated July 2, 2020, containing the required report of findings;
- A copy of the letter mailed to each property owner in Dover.
- A copy of the "Rezoning 2020" presentation to the City Council with background information.
- A red-lined version of Chapter 170 showing the resulting effect of all amendments set forth in this Ordinance and a companion Ordinance being filed and considered contemporaneously with terms, syntax, and numbering changes.
- A matrix explaining where land is changing from one zone to another.

| Amendment # (as listed above) | Section | Summary | Why |
|---|---|---|---|
| 2 | 170-7, 8, 11, 12 | Create a new Gateway District | Create a zone with aesthetic and architectural requirements for entrances to Dover. |
| 3 | 170-7, 8, 12, 19 | Eliminate the Restricted Industrial district and associated sections. | District is out of line with current trends and context of surrounding areas. |
| 4 | 170-8, 11, 12 | Expand B-4 District on Indian Brook Drive, and ETP on Sixth Street | Expand Commercial Zoning |
| 5 | 170-7, 8, 12 | Eliminate B-1 District and rezone small R-12 on Week's Crossing | Expand Commercial Zoning |
| 6 | 170-8 | Rezone Mast and Durham Intersection to B-4 | Expand Commercial Zoning |
| 7 | 170-8 | Rezone Littleworth and Knox Marsh Roads to I-2 | Expand Commercial Zoning |
| 8 | 170-7, 12 | Replace I-2 with new Commercial Manufacturing district | Update commercial zoning with more modern uses |
| 9 | 170-7, 8, 12 | Merge B-4, B-5 and B-3 into new Commercial district | Update commercial zoning with more modern uses |
| 10 | 170-7, 8, 12, 15 | Merge I-4 and ETP into new Innovative Technology district | Update commercial zoning with more modern uses |
| 11 | 170-21, 6 | Expand Small Wind Energy Systems to include other Alt. Energy sources | Master Plan recommendation |
| 12 | 170-27.2 | Update Transfer of Development Rights | Clarify application process, add 600 sf units, and industrial units |
| 13 | 170-28.2 | Update RCM district | Remove age restrictions, update uses, and criteria |
| 14 | 170-32 | Update Sign Ordinance | To reflect district changes |
| 15 | 170-33 | Update Fence regulation exemptions | To reflect district changes |
| 16 | 170-7 | Replace listing of zones | To reflect district changes |

# Chapter 170. Zoning

## Article VIII. Overriding Districts

### § 170-29. Transfer of development rights.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring development rights (TDR) within said districts.

B. Purpose and intent. Within the City of Dover, there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover, furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission which is active in protecting and preserving open space.
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

C. Applicability. Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this section may apply to the district(s) defined in Subsection **D** below.

D. Districts defined.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012]

(1) The Industrial TDR District is hereby determined to be any IT or CM Zoning District as shown on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be open space and related setbacks as defined by the City of Dover Wetland Protection District, § **170-28**, which are located in any IT or CM Zoning District. The "receiving area" is defined to be all remaining land in be any IT or CM Zoning District.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(2) The Residential TDR District is hereby determined to be residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The "receiving area" is defined to be all non-R-40 or -R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

(a) If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural requirements.

(1) At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined Industrial TDR district may apply the performance standards

specified in Subsection **F** below in return for the acquisition of land or development rights from the sending area within the same TDR district. The performance standards for the Residential TDR district are outlined in Subsection **G** below.

(2) A certified boundary survey of the associated land in the sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the receiving area.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009]

(3) The owner of the subject open space within the sending area of the TDR district shall sign all application materials as a co-applicant of the development application. For residential application, proof of an agreement to sell development rights must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the open space associated with the plan may be submitted to the Planning Board for review at a regularly scheduled meeting. The Planning Board, within 30 days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections **F** and **G** below. Waivers shall be reviewed using the same criteria as are used for site plan waivers. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]

(a) The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

(b) If the sketch plan requires an environmental conditional use permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated open space within the sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with Subsection H below. The designation of the land protection agency to hold the easement shall be approved by the Planning Board.

F. Industrial performance standards.

(1) Land within a sending area, when surveyed, approved by the Planning Board and preserved by easement or covenant as specified in Subsection **E**, above, may be counted for the open space requirement for a development site in a receiving area. The amount of land preserved in a sending area shall equal or exceed the open space requirement for the development site, but in no case be less than one acre. Notwithstanding, development sites within the IT and CM Zoning Districts shall maintain open space or landscaped area on at least 10% of the site. The design of the development site shall locate the open space or landscaped area to maximize the aesthetic value of the site.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(2) The minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(3) The minimum frontage requirement may be waived by the Planning Board for land subjected to the transfer of development rights, provided that paved access to all developed areas suitable for emergency vehicles is approved by the Planning Board.

(4) Setbacks for parking, paved areas, and buildings may be waived by the Planning Board and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, buildings shall be at least 150 feet from residential structures that exist on the date of enactment of the IT and CM Zoning Districts, and 75 feet from the lot line of a disagreeing residential abutter.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(5) The developer shall record covenants that address architectural considerations for structures, signage and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or open space around the perimeter of the site, near the proposed buildings, and within the parking lot that promotes the highest possible aesthetic quality of the development.

G. Residential performance standards.
[Amended 8-22-2018 by Ord. No. 2018.08.08-009]

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

(2) Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula:
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

[b] The base lot size is then reduced by 15% to account for roadway; this creates the net area.

[c] The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

| Percentage of Parcel That Is Unsuitable Development Area | Factor |
|---|---|
| 0% to < 10% | 0.85 |
| 10% to < 20% | 0.8 |
| 20% to < 30% | 0.75 |
| 30% | 0.7 |

[d] The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

[i] This base number is not required to be restricted by the requirements in Subsection **G(3)(a)[3]**, unless the formula defined in Subsection G[2][a] is utilized.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[e] The development plan shall be laid out in a design that meets the requirements for block length and cul-de-sac length.
[Added 7-22-2020 by Ord. No. 2020.07.08-007]

[2] The transfer shall equate to one of the following calculations:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[a] For construction of units no larger than 600 square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

[b] For construction of units no larger than 1,000 square feet of total living area, two units per development right purchased shall be allowed.

[c] For construction of units no larger than 1,400 square feet of total living area, one unit per development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

[3] The units created through the transfer must be:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[a] Limited to the square footage originally constructed.

[4] A note shall be placed on the approved plan, and any building permit shall note the adherence to this section of the Code.

[5] A note shall be placed in the property/unit deed citing the restrictions listed above.

[6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.
[Added 7-22-2020 by Ord. No. 2020.07.08-007]

(b) Single-family, two-family, three-family, and four or more method.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

[1] The transfer may be through the purchase of development rights, as described in Subsection **G(1)**, or through the protection of land via a permanent conservation easement as per Subsection **E(5)**.

[a] In mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.

[b] If the additional unit(s) resulting from TDR is restricted so that the rent of said unit(s) conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

[2] The transfer shall equate to one unit per acre preserved or purchased. If the end result is a village-themed residential/nonresidential project, whereby 35% of the square footage being created is nonresidential, the transfer shall equate to one unit per 2,500 square feet preserved or purchased.

[3] Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet may create and transfer one unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the certificate of occupancy for the additional space.
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

[a] If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

[4] 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.

(4) Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(5) Regardless of the method utilized, the setbacks shall be:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

| Minimum Building Setbacks for Subdivision Lots | | |
|---|---|---|
| Abutting a Street | Abutting a Side Lot Line | Abutting a Rear Lot Line |
| 20 feet | 10 feet | 30 feet |

(6) Regardless of the method utilized, the minimum frontage requirement may be waived by the Planning Board, to no less than 40 feet. Paved access to all developed areas shall be suitable for emergency vehicles.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer.
[Amended 7-22-2020 by Ord. No. 2020.07.08-007]

(8) Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:
[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]

(a) Is consistent with the Master Plan.

(b) Is compatible with the land uses on neighboring lots (e.g., a multifamily building fits in within a single-family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

(d) Any relief sought should not be caused by the additional density.[1]

[1] *Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.*

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 5, 2024 |

**INTENT:** Convert an existing home into a two-family dwelling, construct a second two-family dwelling, and construct an additional five (5) new single-family homes for a total of nine (9) dwelling units.

**UNITS PROPOSED:** Nine (9) units including one (1) existing unit and six (6) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Craig Chabot, Fire Department
James Burdin, Business Development

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from August 29, 2024:**
J. Burdin moved to approve the August 29, 2024 minutes. Seconded by K. Mavrogeorge. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- Reminder: Impact fees, Water and sewer investment fees
- Provide letters to serve when received.
- Provide HOA and
- Remove unit from the rear setback.
- Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.
- Setback measurements should be detailed on plan
- Active recreation and passive recreation is required.
- Floor plan of restricted units needed (probably only for TDR app at PB)
- Parking space dimensions need to be listed on plan
- Internal parking aisleways w/ one entrance/exit must be 24' wide
- R-12 zoning indicates duplexes should look like a one-family. Please provide justification for barn design.
- Provide detail for fencing shown on the landscape plan behind cottage units 3 & 4
- Any additional screening planned behind cottage units?
- Consider moving sewer line
- Replace "handicap" with "accessible"
- Update note 13 regarding Locke Street and Tranquility Way
- Indicate snow storage
- Revise note 30 to indicate no Saturday hours
- Bioretention area seems close to right of way
- Easement/license needed for walkway onto City property to cemetery
- Note congregate trash site as discussed and explain how odor and pests will be controlled.

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 5, 2024 |

**Engineering:**

- General Comment:
  - Applicant and contractor shall review the Dover Construction Guidelines prior to scheduling a Preconstruction meeting with City staff. The guidelines can be found on the City of Dover Website on the Engineering page. https://www.dover.nh.gov/Assets/government/city-operations/1form/community-services/engineering/engineering-documents/Construction%20Guidelines.pdf
  - Coordinate with Community Services (Engineering Department) for latest City Standard Details for utilities and curbing.
  - Add note that Design Engineer shall provide signed letter to City Engineer certifying that the stormwater management system has been installed in accordance with approved plans.
  - Recommend providing 1 sf of snow storage per 10 sf of pavement to be cleared. Verify snow storage meets or exceeds this recommendation or provide note to remove excess snow when storage areas are filled.
  - Sewer manhole covers shall be Liftmate R-1743-LM or approved equal with 90 deg hinge
  - The City recommends that the applicant source out ductile iron piping, which is the City preferred material, in advance commencing construction.
  - Change "handicap" references to "accessible" where applicable throughout documents.
  - ***Engineering requests a letter certifying the tie in locations or discharge points for all sump pumps and roof leaders for existing structures on the property.***
  - Check the finished floor elevation of the duplex immediately on Court Street.
  - Applicant shall review the section 153-14 of the Dover Code and clarify how the design meets each of the criteria of the City's requirements.
  - Sanitary Sewer shall be PVC pipe SDR35.
  - How will trash be managed for the property?
  - Recommend individual water shut offs be located outside of paved surfaces and in grass. All shut offs in City ROWs must be in grass at the edge of the ROW. If shut offs on the private road remain in the paved surface, a road box should be provided.
  - Provide confirmation that 400 foot of sight distance is provided in each direction as required by the Dover Code.
  - It is strongly recommended that the Applicant submit a detailed breakdown of proposed HOA costs for annual maintenance and replacement of private infrastructure including backup as to how the fees are estimated.
  - Provide drainage pipe material.
  - Landscaping may obstruct site distance. Please confirm trees at driveway exit will not obstruct site lines.
  - Show locations of electrical infrastructure (transformers, switch gear, and/or communication pedestals. Each of these will need to be screened.
  - Sewer main on eastern property line looks close to the PL. Can this be constructed without an easement from the abutter?
  - Applicant shall provide an easement to the City along the private drives within the property to allow for access and operation of the water infrastructure (hydrants and shut offs) to maintain water quality.
  - Each unit should have unique address (Building A has units 1 and 2… Building B has units 2 and 3).
- C-1:
  - Provide a minimum 6-inch water main down the private drive with a standard hydrant at the end.
- C-3:
  - Show a core and boot on existing sewer tie in.
  - Confirm that the proposed sewer main tie in is above or below the new City drainage proposed as part of the Court St Reconstruction. Coordinate with CS. City

preference is to have an internal drop SMH on private property.
  - Rebuild inverts in SMHs.
- SP-2:
  - Show location of EV charging station and accessible charging station.
  - Consolidate the utility trenches within City ROW and provide overlay of entire area of disturbance from curb to curb. *Note: The City is expected to reconstruct Court Street in 2025 and work in the road including pedestrian and utility areas should be coordinated with the City and their Engineer.*
- SP-4:
  - Please show the water connection(s) to Duplex A.
  - Clarify if two water and sewer services will be provided to Duplex A. If only one water line is proposed, only one meter will be provided by the City.
  - It appears that first 50+ feet of the driveway will be discharging water into the City ROW. Please add structures to ensure private water stays on private property.
  - Multiple pipes in the chart have slopes exceeding 17% with some as high as 50%. The locations of these pipes was not found.
  - All pipes are required a minimum of 3 feet of cover per the Dover code or a waiver must be requested.
  - Grading adjacent to the southern property line is very close. It appears a temporary construction easement will be required.
- SP-5:
  - Please confirm if the intent of the design is to have the bioretention soil mix up the side slopes of the basin. It seems excessive and could potentially wash out into the basin.

**Police:**

- Consider a street name for the proposed driveway, to facilitate assignment of addresses and public safety benefit.
- Was any consideration given to connecting to "Locke Street" right-of-way, or what appears to be referred to in City GIS records as Tranquility Way? (This is at the rear of proposed Cottage #1)
- Is it feasible to shorten the landscape bump-out in front of Cottage #2, and pull Cottage #5 to meet the rear setback without losing parking?
- Add sign at the end of proposed walkway before entrance to cemetery: "Dogs Not Allowed in Cemetery". Contact Facilities and Grounds Division of Community Services for sign specs and desired language.
- Sheet SN-1, Note 41: I realize this is a standard Dover note, but security system is not applicable for this project . Amend note to indicate this, to avoid future confusion over "multi-family dwelling" language.
- Sheet SP-2, Note C-9: pavement marking FIRE LANE stenciling is fine, but must be supplemented or replaced with at least 2 "No Parking Fire Lane" signs on the northerly side of driveway.

**Inspection Services:**

- Provide street name for the proposed private roadway.

**Fire Department:**

- Fire truck detail is appropriate.
- Fire hyrant to be installed at end of road.

**Business Development:**

- Should duplex "B" units be relabeled as 3 & 4?
- The combination of architectural styles and use of the cottage court layout add visual interest to the site and maintain the look and feel of traditional New England development.
- Proximity of this site to RM-U zoning district mitigates the impacts of the extra density.

**Planning Board:**

- No comments.

**Next Steps:** Revise plans per comments above and resubmit for second official TRC.

**Paused TRC at:** 11:11 a.m.

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 26, 2024 |

**INTENT:** Convert an existing home into a two-family dwelling, construct a second two-family dwelling, and construct an additional five (5) new single-family homes for a total of nine (9) dwelling units. *[This item was previously heard on Thursday, September 5, 2024]*

**UNITS PROPOSED:** Nine (9) units including one (1) existing unit and six (6) TDR units

**AGENDA ITEM #:** 1

**ACREAGE:** 1.20± ac.

**ZONING DISTRICT:** R-12

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Cemetery

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Ken Mavrogeorge, Engineering
Marn Speidel, Police Department
James Burdin, Business Development
Tom Clark, Planning Board

**Others:**
Erin Bassegio, Assistant City Planner
Rob Baldwin, Applicant/Owner
Bob Stowell, Tritech Engineering

**Approval of minutes from September 5, 2024:**
J.Burdin moved to approve the September 5, 2024 minutes. Seconded by K. Mavrogeorge. Vote: U/A.

**PLAN REVIEW:**
**Planning:**

- *Reminder: Water and sewer investment fees*
- *Provide City of Dover letter to serve when received.*
- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.
- *Internal parking aisleways w/ one entrance/exit must be 24' wide*
    - TRC response indicates a waiver has been submitted. Could not locate in materials.
- *Any additional screening planned behind cottage units?*
    - Visual buffer is needed behind cottage units in addition to existing fencing.
    - Provide more robust landscaping plan
- How do you ensure critters don't get into or attracted to the toters stored outside?
- Sight distance photo looking northwest should be taken from a ~1ft back. The photo seems to be taken from a spot where the front of the car would already be in the street.
- How do you ensure snow storage does not get pushed up again abutter's fence?
- The streetscape rendering doesn't seem to accurately show how tall the barn building is compared to the front dwelling.
- Show 25' cemetery line setback per RSA 289:3 III. No excavation can occur with that 25' buffer so stormwater and utilities will need to be adjusted.

**Engineering:**

- General Comment:
    - Condo Docs are provided. Please revise to include maintenance of private sewer and water systems.
    - HOA fee breakdown:
        - Show cost of routine pavement maintenance (crack sealing, striping, etc.).

  - Is $1800 per year in maintenance for catch basin cleanings and basin O&M too low?
  - $15000 for fence repair in year 30 seems low.
- SP-7:
  - Drainage trench does not meet City standards. Stone bedding and backfill are required.
- SP-11:
  - Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.
- SP-12:
  - Sewer trench details need to show stone bedding and backfill above pipe to match the City standard.
- TR-1:
  - Fire truck movement into the site crosses over the curbing. Please revise.

**Police:**

- Sheet SP-2, notes C-19 and C-20: do these 2 pads serve the entire lot? Access to C-19 appears mostly obstructed by adjacent parking space.
- Label the "designated collection area" per the Trash Management Protocol - particularly if out at Court Street - or indicate if toters would simply be collected straight from the storage pads.
- RE: Sheet LI-1, Lighting Note 2: regarding the reference to timers and 10pm shutoff, is there any site lighting that this pertains to? Wall packs seem likely to be controlled by individual unit owners; would this impact any lighting of community space and/or parking areas?

**Inspection Services:**

- Farm Gate Drive is an acceptable private drive name.

**Fire Department:**

- Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.
- Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another. See attached.

**Business Development:**

- The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claim. The following information would make it easier to evaluate compatible density vs. overdevelopment:
  - Define the "surrounding area" for the purposes of evaluating density and visual character
  - Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
  - The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.
- Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
- Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.
- Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
- Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

**Planning Board:**

- *No comments.*

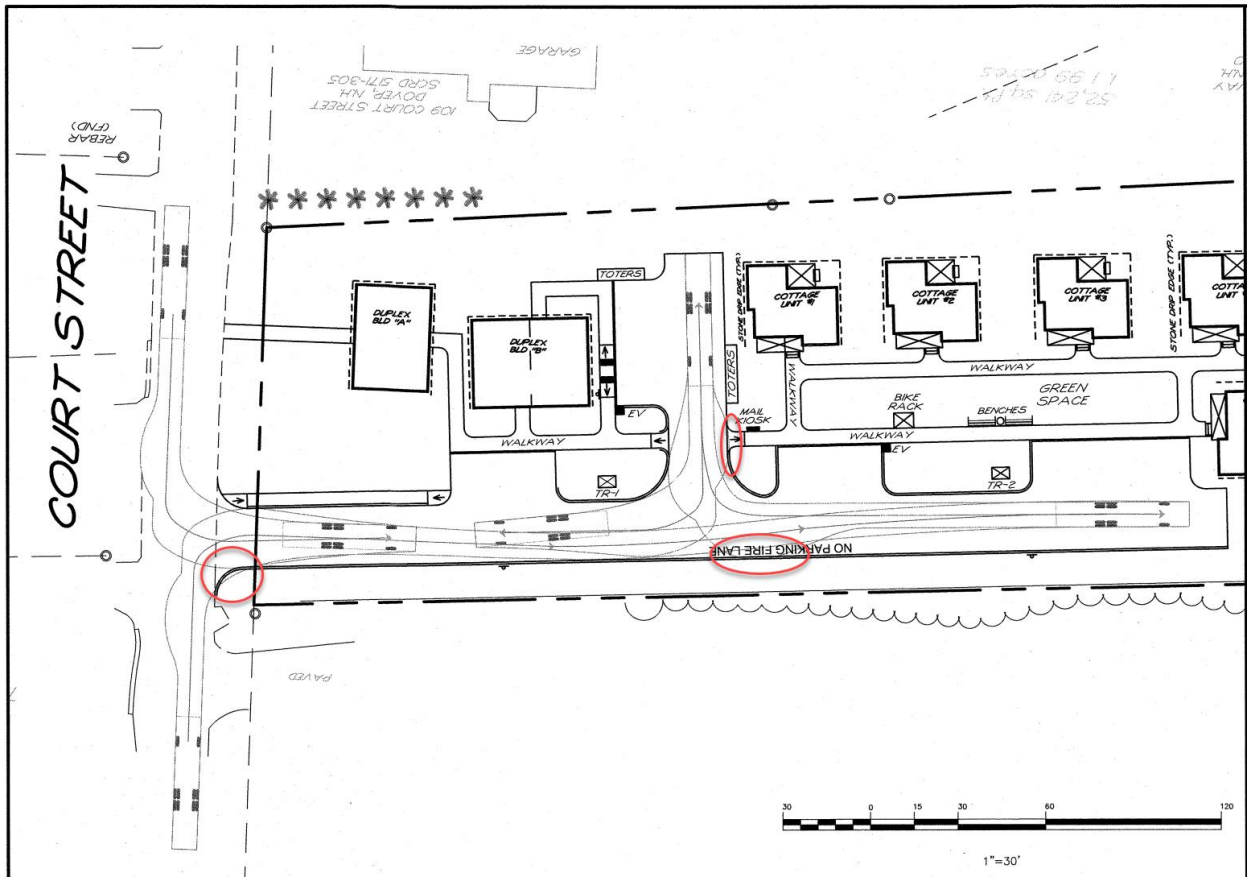
**Next Steps:** Revise plans per comments above and resubmit for subsequent TRC.

**Adjournment:** P. Crouser moved to adjourn the meeting at 11:25 a.m. Seconded by M. Speidel. Vote: U/A

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – SITE-2024-0012

| | |
|---|---|
| Application Type: | Site Review |
| Applicant(s): | 5 Sherman Street, LLC |
| Owner(s): | 5 Sherman Street, LLC |
| Location: | 103 Court St. (Assessor's Map 19, Lot 8) |
| Date: | September 26, 2024 |



# PLAN SNAPSHOT REPORT SITE-2024-0012
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Plan Type:** | Site Plan - Major | **Project:** | | **App Date:** | 08/15/2024 |
| **Work Class:** | New Construction | **District:** | None | **Exp Date:** | NOT AVAILABLE |
| **Status:** | In Review | **Square Feet:** | 0.00 | **Completed:** | 01/13/2025 |
| **Valuation:** | $0.00 | **Assigned To:** | Blonigen, Rachel | **Approval Expire Date:** | 01/12/2030 |

**Description:** The applicant proposes utilizing the City of Dover Transfer of Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the existing home to remain, the construction of a duplex and the construction of four (4) new single-family homes for a total of seven (7) units. The TDR Base Density Calculation provide for Base Density of three (3) units, therefore, four (4) of these units will be obtained under the TDR regulations. The existing house is proposed to remain and will be an unrestricted unit. The (2) two units located in the duplex building will be dead restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The four (4) new single-family homes will be size restricted to a maximum of 1400 squarefeet of total living space per unit. The TDR application still requests relief from thirty (30) foot buffer requirement. The Landscape Design provides for new screening as mitigation for this relief.

| | | | | | |
|---|---|---|---|---|---|
| **Parcel:** | 19008-000000 Main | **Address:** | 103 Court St<br>Dover, NH Main | **Zone:** | R-12(Residential - Medium Density) |

Engineer
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

Surveyor
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

Applicant
Tritech Engineering Corp.
755 Central Avenue
Dover, NH 03820
Business: (603) 742-8107

Applicant
Robert Baldwin
242 CENTRAL AV
DOVER, 03820
Home: (603) 986-2373
Business: (603) 986-2373
Mobile: (603) 986-2373

**Plan Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Total | 0 | Total2 | 0 | Total3 | 0 |
| Total4 | 0 | Total5 | 0 | Total6 | 7 |
| Total7 | 0 | Total8 | 0 | Total9 | 0 |
| Street Classification Type | Municipal | Net Change in # Parking Spaces (+/-) | 16 | Water Service | Municipal |
| Recording Number | | Sewer Service | Municipal | Total Acres (GIS) | 1.19 |
| Deed Book | 5172 | Total SQFT | 51836.4 | Deed Page | 55 |
| Deed Date | 03/15/2024 | Proposed Property Use | The applicant proposes utilizing the City of Dover Transfer Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the conversion of the existing home into a duplex, the construction of an additional duplex and the construction of five (5) new single-family homes for a total of nine (9) units. The TDR Base Density Calculation provide for a Base Density of three (3)units, therefore, six (6) of these units will be obtained under the TDR regulations. The four (4) units located in the two (2) duplex buildings will be deed restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The five (5) new single-family homes with be size restricted to maximum of 1400 square feet of total living space per unit. The TDR application also request relief from the thirty (30) foot buffer requirement and relief from the thirty (30) foot rear setback requirement. The Landscape Design provides for new screening as mitigation for this relief. | | |

# PLAN SNAPSHOT REPORT (SITE-2024-0012)

| | | | | | |
|---|---|---|---|---|---|
| Area of Parcel to be Developed (SQFT) | 52000 | Number of Parking Spaces Existing | 2 | Number of Parking Spaces Proposed | 18 |
| Number of Employees Total | 0 | Number of Employees in Max Shift | 0 | Distance to City Water | 20 |
| Distance to City Sewer | 20 | Type of Building to be Built | Wood Frame | Estimated Construction Value | 1600000.00 |
| Refuse Removal | Private | Is there an existing Conservation Easement? | No | Existing Conservation Easement Details | |
| TotalImpactFeeSDTOD | 0.00 | TotalImpactFeeTHTOD | 0.00 | TotalImpactFee23FTOD | 0.00 |
| TotalImpactFeeA4TOD | 0.00 | TotalImpactFeeMHTOD | 0.00 | TotalImpactFeeADUTOD | 0.00 |
| TotalImpactFeeAONRTOD | 0.00 | TotalImpactFeeAR55TOD | 0.00 | TotalImpactFeeAR62TOD | 0.00 |
| Sub Total Residential | 0.00 | TotalImpactFeeRIRCTOD | 0.00 | TotalImpactFeeOCSTOD | 0.00 |
| TotalImpactFeeITWCTOD | 0.00 | TotalImpactFeeNHALTOD | 0.00 | TotalImpactFeeOIUTOD | 0.00 |
| TotalImpactFeeAFAOTOD | 0.00 | Sub Total Non-Residential | 0.00 | Total of Impact Fees to be Assessed | 0.00 |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| Signature_Robert_Stowell_8/15/2024.jpg | 08/15/2024 11:52 | Stowell, Robert | | Uploaded via CSS |
| 2024.09.05_PlanningTechnicalReviewCommittee.Agenda.pdf | 08/27/2024 11:29 | Blonigen, Rachel | | TRC Agenda |
| 2024.09.26_PlanningTechnicalReviewCommittee.Agenda.pdf | 09/12/2024 16:14 | Blonigen, Rachel | | TRC Agenda |
| 2024.09.26_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 10/04/2024 12:06 | Blonigen, Rachel | | Approved TRC Minutes |
| 2024.11.14_PlanningTechnicalReviewCommittee.Agenda.pdf | 11/01/2024 11:51 | Blonigen, Rachel | | TRC Agenda |
| 2024.09.05_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/01/2024 11:54 | Blonigen, Rachel | | Approved TRC Minutes |
| 2024.11.14_PlanningTechnicalReviewCommittee.103Court_SITE-2024-0012.pdf | 11/22/2024 15:11 | Blonigen, Rachel | | Approved TRC Minutes |
| PB12-10-2024 SITE-2024-0012.pdf | 12/06/2024 11:12 | Blonigen, Rachel | | Staff Memo |
| 2024.12.10_PlanningBoard.Agenda.rev2.pdf | 12/20/2024 9:01 | Blonigen, Rachel | | PB Agenda |
| PB12-10-2024 SITE-2024-0012.pdf | 12/20/2024 9:01 | Blonigen, Rachel | | Staff Memo |
| Plan Detailed Report.pdf | 01/13/2025 16:12 | Service, EnerGov | Available Online | Attached by EnerGov's IO Automation Service (ATTACH: Attach copy of Notice of Decision) |
| 2025.01.11_PlanningBoard.SW.Agenda.pdf | 01/22/2025 14:41 | Blonigen, Rachel | | SW PB Agenda |
| 2025.01.11_PlanningBoard.Minutes.draft.pdf | 01/22/2025 14:42 | Blonigen, Rachel | | Draft PB Minutes |
| 100 Court Street Abutter 2025.01.17.pdf | 01/23/2025 11:48 | Blonigen, Rachel | | Abutter Email |
| H. Hamer submission 2025.01.14 PB meeting_0001.pdf | 01/23/2025 11:48 | Blonigen, Rachel | | Abutter Correspondence |
| PB01-28-2025 SITE-2024-0012.pdf | 01/24/2025 11:38 | Blonigen, Rachel | | Staff Memo |
| 2024.12.10_PlanningBoard.Minutes.pdf | 01/29/2025 16:50 | Blonigen, Rachel | | Final PB Minutes |
| 2025.01.28 PlanningBoard.Minutes.pdf | 03/18/2025 16:02 | Blonigen, Rachel | | Final PB Minutes |

| Note | Created By | Date and Time Created |
|---|---|---|
| 1. Applicant Emailed TRC Agenda- RLB | Rachel Blonigen | 11/01/2024 12:01 |
| 2. Impervious Paved Area found in TRAN-2024-0011 | Rachel Blonigen | 11/07/2024 10:27 |

| | | |
|---|---|---|
| 3. No abutter notices for 2nd PB meeting as this was continued from the previous PB meeting on 12/10/2024. | Rachel Blonigen | 01/15/2025 10:40 |

| Invoice No. | Fee | | Fee Amount | Amount Paid |
|---|---|---|---|---|
| INV-00008987 | Planning General Application Fee | | $200.00 | $200.00 |
| | | **Total for Invoice INV-00008987** | **$200.00** | **$200.00** |
| INV-00010224 | Planning Residential Fee | | $700.00 | $700.00 |
| | Planning Public Notice in Newspaper | | $120.00 | $120.00 |
| | | **Total for Invoice INV-00010224** | **$820.00** | **$820.00** |
| | | **Grand Total for Plan** | **$1,020.00** | **$1,020.00** |

| Activity Type | Activity Number | Name | Workflow Action Name | User | Created On |
|---|---|---|---|---|---|
| Recommendation to Planning Board | RCMND-000093-2024 | | Planner Creates Staff Recommendations v.1.00 | Rachel Blonigen | 12/06/2024 |

**Activity Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Agenda Item | 4-H | Application Complete? | Yes | Summary Request & Background | INTENT: Project proposes the purchase of four (4) units through the Transfer of Development Rights (TDR) for a total of seven (7) units, where three (3) units are allowed by right, to include the renovation of the existing single-family home and the construction of a duplex and four (4) size-restricted, single-family cottages.<br>AGENDA ITEM #: 4-H<br>FILE: SITE-2024-0012<br>APPLICANT/OWNER: 5 Sherman Street, LLC<br>LOCATION: 103 Court St. (Assessor's Map 19, Lot 8)<br>LOTS/UNITS PROPOSED: Four (4) TDR units, Seven (7) units total (the TDR application being heard during this same meeting)<br>ACREAGE: ±1.20 ac.<br>ZONING DISTRICT: R-12<br>EXISTING USE: Residential<br>PROPOSED USE: Residential<br>SURROUNDING USE: Residential, Cemetery<br>PERMITS: None<br>WAIVERS REQUESTED: §153-14.D.6(a) and §153-14.D.6(b), requiring an aisle width of 22' or 24', where an aisle width of 20' is being proposed. (Note the applicant is also requesting partial relief of the 30' buffer)<br>ZBA ACTION: None<br>CONSERVATION COMMISSION: N/A<br>TRC: Reviewed on 09/06/2024, 09/26/2024 and 11/14/2024<br>ATTACHMENTS: Application materials |

including site plan.

Summary of Request and Background
The applicant is proposing a residential project consisting of seven (7) residential units by purchasing four (4) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction of a duplex and four (4) size-restricted, single-family cottages.
The base density for the parcel was determined to be three units and the additional four units are to be ruled on at the same meeting by the Planning Board.
The Technical Review Committee reviewed the application at their September 6 and 26, 2024 and November 7, 2024. meetings. (minutes attached)
Consistency with Land Use Regulations – Site Plan
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

STAFF RECOMMENDATION- Site Plan:
The Planning Department understands changes to the plan may still be needed and could be subsequent conditions of approval or made before the Board votes on the TDR request.
The Planning Department also recognizes the public comments received so far and recommends the Planning Board accept the application, open the public hearing, and provide the applicant any feedback based on the application, presentation, and public hearing and then table the item to a date certain.

| | | | | |
|---|---|---|---|---|
| Planning Board Decision | DEC-000004-2025 | Planning Board Decision v.1.00 | Rachel Blonigen | 01/13/2025 |

**Activity Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Documents | Provide one PDF, one CAD and two paper plan sets. | Planning Board Decision | Tabled | Planning Board Decision2 | Site and parcel walk-through scheduled for January 11, 2025. |

| | | | | |
|---|---|---|---|---|
| Recommendation to Planning Board | RCMND-000009-2025 | Planner Creates Staff Recommendations v.1.00 | Rachel Blonigen | 01/24/2025 |

**Activity Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Agenda Item | 4-C | Application Complete? | Yes | Summary Request & Background | INTENT: Project proposes the purchase of two (2) size-restricted (1,400 s.f.) units through the Transfer of Development Rights (TDR) for a total of five (5) units, where three (3) units are allowed by right via single-family base density calculation, to include the renovation of the existing single-family home and the construction of four (4) single-family cottages (two would be size restricted) along with parking, landscaping and utilities.<br>AGENDA ITEM #: 4-C<br>FILE: SITE-2024-0012<br>APPLICANT/OWNER: 5 Sherman Street, LLC<br>LOCATION: 103 Court St. (Assessor's Map 19, Lot 8)<br>LOTS/UNITS PROPOSED: Two (2) TDR units, Five (5) units total (the TDR application being heard during this same meeting)<br>ACREAGE: ±1.20 ac.<br>ZONING DISTRICT: R-12<br>EXISTING USE: Residential<br>PROPOSED USE: Residential<br>SURROUNDING USE: Residential, Cemetery<br>PERMITS: None<br>WAIVERS REQUESTED: §153-14.D.6(b), requiring an aisle width of 24', where an aisle width of 20' is being proposed.<br>ZBA ACTION: None<br>CONSERVATION COMMISSION: N/A<br>TRC: Reviewed on 09/06/2024, 09/26/2024 and 11/14/2024 (Subsequent TRC Review Required prior to Planning Board Review)<br>NOTICES: Abutter notices went out for the December meeting<br>ATTACHMENTS: Application materials including site plan.<br><br>Summary of Request and Background<br>The applicant is proposing a residential project consisting of five (5) |

residential units by purchasing two (2) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction four (4), single-family cottages, two of which would be size restricted.
The base density for the parcel was determined to be three units and the additional two (2) units are to be ruled on by this Board (TRAN-2024-0011)
The Technical Review Committee reviewed the application at their September 6 and 26, 2024 and November 7, 2024. Meetings, with a subsequent TRC review required due to substantial plan changes. (minutes previously attached for December meeting)
Consistency with Land Use Regulations – Site Plan
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. Staff feels based on the design and location of this project that site plan review by TRC and the Planning Board is still required even with the reduction to 4 new units. While this plan currently does not meet the requirements of a site plan, the applicant is seeking to continue this site review item to a future meeting so that the Technical Review Committee can review a full revised site plan set and revised stormwater plans and then come back for Planning Board review should the Planning Board vote on the TDR request.

STAFF RECOMMENDATION- Site Plan:
The Planning Department recognizes that the proposed plan has been scaled-back to reduce density and improve visual screening, per Planning Board and abutter request. The TDR application associated with this site plan, TRAN-2024-0011, is to be reviewed and possibly voted on this meeting, with the applicant seeking to continue this item to a future Planning Board meeting, pending the TDR application's approval. As such, staff recommends the Planning Board should continue the site plan item.

| Hearing Type | Location | Scheduled Date | Status | Subject |
|---|---|---|---|---|
| Planning Board Hearing v.1 | Council Chambers | 12/10/2024 | Complete | Site Review |
| Planning Board Hearing v.1 | Council Chambers | 01/28/2025 | Scheduled | Site Review |

**Comments:** Tabled

| Meeting Type | Location | Scheduled Date | Subject |
|---|---|---|---|
| Technical Review Committee Meeting v.1 | City Hall, Second Floor Conference Room | 09/05/2024 | Technical Review Committee Meeting |

**Comments:** Requires 2nd TRC

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.1 | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Requires Re-submit | 08/27/2024 | 09/24/2024 | 09/06/2024 |

**Comments:** -Should duplex "B" units be relabeled as 3 & 4?
-The combination of architectural styles and use of the cottage court layout add visual interest to the site and maintain the look and feel of traditional New England development.
-Proximity of this site to RM-U zoning district mitigates the impacts of the extra density.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Mavrogeorge, Kenneth | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Requires Re-submit | 08/27/2024 | 09/24/2024 | 09/06/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Requires Re-submit | 08/27/2024 | 09/05/2024 | 08/28/2024 |

**Comments:** Provide street name for the proposed priivate roadway

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic Coordinator | Police | Speidel, Marn | Requires Re-submit | 08/27/2024 | 09/05/2024 | 09/06/2024 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.2 | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 | Yes | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Requires Re-submit | 09/12/2024 | 10/10/2024 | 09/26/2024 |

**Comments:** • The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claims. The following information would make it easier to evaluate compatible density vs. overdevelopment:
o Define the "surrounding area" for the purposes of evaluating density and visual character
o Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
o The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.
• Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
• Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.
• Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
• Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Mavrogeorge, Kenneth | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

**Comments:** Project: SITE-2024-0012
TRC Meeting: 2024.09.20
Reviewer: Kenneth Mavrogeorge, PE – City Engineer
Checked by: Engineering Staff
General Comment:
- Condo Docs are provided. Please revise to include maintenance of private sewer and water systems.
- HOA fee breakdown:
o Show cost of routine pavement maintenance (crack sealing, striping, etc.).
o Is $1800 per year in maintenance for catch basin cleanings and basin O&M too low?
o $15000 for fence repair in year 30 seems low.
SP-7:
- Drainage trench does not meet City standards. Stone bedding and backfill are required.
SP-11:
- Sewer manhole detail is not consistent with the City standard. City of Dover uses plastic steps in SMHs.
SP-12:
- Sewer trench details need to show stone bedding and backfill above pipe to match the City standard.
TR-1:
- Fire truck movement into the site crosses over the curbing. Please revise.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Requires Re-submit | 09/12/2024 | 10/10/2024 | 11/01/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

**Comments:** Farm Gate Drive is an acceptable private Drive name

Fire Department Comments:
TRC Fire Department Comments: 103 Court St.
Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6” main.
Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another.

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic Coordinator | Police | Speidel, Marn | Requires Re-submit | 09/12/2024 | 09/25/2024 | 11/01/2024 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Land Use Plan Technical Review v.3 | Approved | 11/01/2024 | 11/14/2024 | 12/06/2024 | No | Yes |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Business Development | Business Development | Burdin, James | Approved | 11/01/2024 | 11/29/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| City Engineer | Community Services - Engineering | Mavrogeorge, Kenneth | Approved | 11/01/2024 | 11/14/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Bassegio, Erin | Approved | 11/01/2024 | 11/29/2024 | 11/18/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Zoning Administrator | Planning | Crouser, Paul | Approved | 11/01/2024 | 11/14/2024 | 11/18/2024 |

# PLAN SNAPSHOT REPORT (SITE-2024-0012)

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| IS Building Official | Planning / Inspection Services | Maxfield, Jim | Approved | 11/01/2024 | 11/14/2024 | 11/05/2024 |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Traffic Coordinator | Police | Speidel, Marn | Approved | 11/01/2024 | 11/14/2024 | 11/18/2024 |

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 08/16/2024 9:52 | 12/06/2024 11:13 |
| Confirm application complete v.1 | Generic Action | | 08/16/2024 9:52 |
| Confirm application complete v.1 | Generic Action | | 10/27/2025 14:48 |
| Technical Review Committee Meeting Agenda v.1 | Task | 10/27/2025 14:47 | |
| Technical Review Committee Meeting Agenda v.1 | Task | 08/16/2024 9:52 | 08/27/2024 11:29 |
| Land Use Plan Technical Review v.1 | Receive Submittal | 08/27/2024 0:00 | 09/06/2024 13:17 |
| Land Use Plan Technical Review v.1 | Receive Submittal | | |
| Land Use Plan Technical Review v.2 | Receive Submittal | 09/12/2024 0:00 | 11/01/2024 11:37 |
| Land Use Plan Technical Review v.3 | Receive Submittal | 11/01/2024 0:00 | 12/06/2024 11:13 |
| Technical Review Committee Meeting v.1 | Hold Meeting | 08/27/2024 11:29 | 09/06/2024 13:17 |
| Technical Review Committee Meeting v.1 | Hold Meeting | | |
| **Planning Board v.1** | | 01/13/2025 16:12 | |
| Planning Board Agenda v.1 | Task | 01/13/2025 16:12 | 01/24/2025 11:34 |
| Planning Board Agenda v.1 | Task | 12/06/2024 11:13 | 12/06/2024 11:16 |
| Invoice for Notices v.1 | Task | 01/24/2025 11:34 | 01/24/2025 11:35 |
| Invoice for Notices v.1 | Task | 12/06/2024 11:13 | 12/06/2024 11:16 |
| Send Notices v.1 | Task | 12/06/2024 11:14 | 12/06/2024 11:16 |
| Send Notices v.1 | Task | | 01/24/2025 11:35 |
| Planner Creates Staff Recommendations v.1 | Plan Activity | 01/24/2025 11:35 | 01/24/2025 11:36 |
| Planner Creates Staff Recommendations v.1 | Plan Activity | 12/06/2024 11:15 | 12/06/2024 11:16 |
| Distribute Planning Board Materials v.1 | Task | 12/06/2024 11:16 | 12/06/2024 11:16 |
| Distribute Planning Board Materials v.1 | Task | 01/24/2025 11:36 | 01/24/2025 11:37 |
| Planning Board Hearing v.1 | Hold Hearing | 12/06/2024 11:16 | 01/13/2025 16:12 |
| Planning Board Hearing v.1 | Hold Hearing | 01/24/2025 11:37 | 06/24/2025 11:39 |
| Planning Board Decision v.1 | Plan Activity | | |
| Planning Board Decision v.1 | Plan Activity | 01/13/2025 16:11 | 01/13/2025 16:12 |
| NOD Sent to Applicant v.1 | Create Report | | 01/13/2025 16:12 |
| NOD Sent to Applicant v.1 | Create Report | | |
| **Final Plan v.1** | | | |
| Land Use Plan Stamped and Signed v.1 | Generic Action | | |
| Recording v.1 | Task | | |
| Document Archival v.1 | Generic Action | | |
| Internal Notification of Plan Completion v.1 | Generic Action | | |
| Building Official Notifies Address v.1 | Generic Action | | |
| Pre-Con Meeting v.1 | Hold Meeting | | |
| **Create/Link to Records v.1** | | | |
| Create / Link to Permit - Building Major v.1 | Create Sub Permit | | |
| Create / Link to Permit - Site Work, Construction v.1 | Create Sub Permit | | |

**To:** 5 Sherman Street, LLC, Applicant
**From:** Donna Benton, AICP
**Cc:** Tritech Engineering Corp.
**Date:** December 4, 2024
**Re:** TDR 103 Court Street

**ISSUE:**
In February 2020, the Board recommended amendments to the Transfer of Development Rights (TDR) Ordinance. In June 2020, the Planning Board approved the amendments and on July 22, 2020, the City Council ratified them. One element is the requirement for staff to draft a review statement on the need for a sketch plan. Since then the criteria for TDR has also been amended.

**INTENT:**
This memo will serve as part of the staff report.

**GOALS:**
Provide background on balancing development vs. conservation needs and current housing shortage, and describe the TDR applications in Dover.

## Background

On behalf of your client, you submitted a TDR plan for a project to purchase four (4) residential units, two (2) HUD-restricted units, and two (2) 1,400 s.f. size-restricted, single-family cottage units. The project also calls for the reconstruction of the existing single-family home on the subject parcel.

The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits TDR in the R-12, but specifies that the applicant must either use single-family density for the creation of additional single-family homes, or, if using two-family density, any TDR-purchased unit must be a duplex. Therefore, since the applicant seeks to construct a mixture thereof, it was determined by staff, per the applicant's yield plan, that three (3) units would be allowed by right, requiring that the remaining four units be purchased through TDR.

Staff performed this review based upon the information below, and is now providing the required staff report (Chapter 170-27.2 E.(4)a).

### Project Information

| | |
|---|---|
| Project: | 103 Court Street, TDR |
| Where: | 103 Court St. (Assessor's Map 19, Lot 8) |
| What: | Seven (7) units total. Four (4) of which are requested to be purchased through TDR, two (2) HUD-restricted units, and two (2) 1,400 s.f. size-restricted, single-family cottage units. The density calculation per R-12 specific zoning regulations, as stated above, was used to determine a base density calculation of three (3) units, requiring the purchase of the four (4) proposed units. |
| Acres: | ±1.20 acres (no change in acreage)<br>Assessor's Map 19, Lot 8 = 52,241± s.f. (1.20± ac.) |
| Zone: | R-12 |
| Public Water: | Lot is serviced by municipal water. |
| Public Sewer: | Lot is serviced by municipal sewer. |
| Units: | Seven (7) total units are proposed, staff considers three (3) of the units to be the base density as the applicant proposes a mixture of 2-family and single-family structures, therefore requiring the applicant to purchase four (4) TDR units. |
| CUP: | Not applicable to this proposal. |

### Staff Comment

When reviewing projects, review the context, discuss options with the applicant, and advise on the feasibility of requesting the purchase or exchange before or after designing a fully laid out plan.

**In reviewing this project, we note:**

- Traffic
  - Court Street is a moderate-traffic thoroughfare connecting Central Ave. to Back and Middle Roads.
- Layout/topography
  - There is currently an existing residence onsite.
  - The cumulative lot coverage of all proposed structures is approximately 15.3%, which is roughly half of the R-12's underlying maximum lot coverage requirement.

- Environmental
  - The property boundary is currently moderately wooded. Per the applicant's proposal, the majority of the existing trees will be removed, although per the plan, will include both fencing and a vegetative buffer around the lot's perimeter.
  - The R-12 District is characterized by its medium density, requiring a minimum lot size of 12,000 square feet, 100 feet of frontage, and a maximum underlying density of 2 units per lot, with varying lot size requirements for 2-family structures, depending on whether they're newly constructed, or converted from an existing single-family home.

**Staff Recommendation**

While the applicant is seeking a waiver for the required 30' perimeter buffer, per the TDR ordinance, staff notes that this project is not proposing new lot lines but encourages the applicant to provide as much buffer and screening as possible to the neighbors. Staff would also like to see more assurance that the 25' cemetery buffer is maintained per RSA 289:3.

**TRITECH**
**ENGINEERING CORPORATION**

755 Central Avenue
Dover, New Hampshire 03820

Telephone 603.742.8107
Facsimile 603.742.3830

October 24, 2024

Donna Benton, AICP
Director of Planning & Community Development
City of Dover, Planning Department
288 Central Avenue
Dover, New Hampshire 03820

Subject: Technical Review Committee Response Letter #2
***103 COURT STREET***
Dover Tax Map 19 Lot 8
103 Court Street
Dover, New Hampshire
Job No. 24101
City of Dover Planning # Site-2024-0012

Dear Donna:

At their meeting on September 26, 2024 the Dover Technical Review Committee (TRC) offered the following comments. Our response to each of their comments are identified in blue text.

**PLANNING**

- *Reminder: Water and sewer investment fees.*

  ***The Applicant is aware of this requirement.***

- *Provide City of Dover letter to serve when received.*

  ***The City Engineer indicated at the TRC meeting that he was preparing a letter to serve regarding city services.***

- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
  - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.

    ***The revised Site Plan provides a radical revision to the site layout. The unit count has been reduced by 2 units. The existing house will remain as a single-family home, which will utilize its existing utilities, trash collection and driveway. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. These units will remain HUD restricted. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

    ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

- *Internal parking aisleways w/ one entrance/exit must be 24' wide*
  - TRC response indicates a waiver has been submitted. Could not locate in materials.

    ***Attached please find our waiver request for relief to this requirement.***

- *Any additional screening planned behind cottage units?*
  - Visual buffer is needed behind cottage units in addition to existing fencing.

    ***The landscape plan has been revised with extra attention given to the area behind the cottages.***

  - Provide more robust landscaping plan.

    ***The landscape plan has been revised with significantly more plantings.***

- How do you ensure critters don't get into or attracted to the toters stored outside?

  ***The Applicant has updated the Trash Management Protocol (see attached).***

- Sight distance photo looking northwest should be taken from a ~1ft back. The photo seems to be taken from a spot where the front of the car would already be in the street.

  ***The sight distance photographs were taken slightly closer to the travel way than normal due to existing vegetation on the site. We are comfortable that the photographs correctly demonstrates the sight distance.***

- How do you ensure snow storage does not get pushed up against abutter's fence?

  ***This revised layout has moved the pavement / snow storage farther way from the lot line.***

- The streetscape rendering doesn't seem to accurately show how tall the barn building is compared to the front dwelling.

  ***The applicant has revised the streetscape to be consistent with the site design.***

- Show 25' cemetery line setback per RSA 289:3 III. No excavation can occur with that 25' buffer so stormwater and utilities will need to be adjusted.

  ***The revised layout complies with this statue. We have limited activity in this area to landscaping.***

**ENGINEERING**

- General Comment:
  - Condo Docs are provided. Please revise to include maintenance of private sewer and water systems.

    ***The Applicant has updated the Home Owners Association (HOA) documents (see attached) to address the private sewer and water systems maintenance.***

  - HOA fee breakdown:
    - Show cost of routine pavement maintenance (crack sealing, striping, etc.).

      ***The Applicant has updated the Home Owners Association (HOA) documents (see attached) to include these maintenance items.***

    - Is $1800 per year in maintenance for catch basin cleanings and basin O&M too low?

      ***The Applicant has updated the Home Owners Association (HOA) documents (see attached) which adjusts this value.***

- $15000 for fence repair in year 30 seems low.

  ***The Applicant has updated the Home Owners Association (HOA) documents (see attached) which adjusts this value.***

- SP-7:
  - Drainage trench does not meet City standards. Stone bedding and backfill are required.

    ***This detail has been revised as requested.***

- SP-11:
  - Sewer manhole detail is not consistent with the city standard. City of Dover uses plastic steps in SMHs.

    ***This detail has been revised as requested.***

- SP-12:
  - Sewer trench details need to show stone bedding and backfill above pipe to match the city standard.

    ***This detail has been revised as requested.***

- TR-1:
  - Fire truck movement into the site crosses over the curbing. Please revise.

    ***The revised layout address this concern.***

**POLICE**

- Sheet SP-2, notes C-19 and C-20: do these 2 pads serve the entire lot? Access to C-19 appears mostly obstructed by adjacent parking space.

  ***The toter pads have been combined and relocated the rear of the site.***

- Label the "designated collection area" per the Trash Management Protocol - particularly if out at Court Street - or indicate if toters would simply be collected straight from the storage pads.

  ***The toter pad has been identified on the plans as the "designated collection area".***

- RE: Sheet LI-1, Lighting Note 2: regarding the reference to timers and 10pm shutoff, is there any site lighting that this pertains to? Wall packs seem likely to be controlled by individual unit owners; would this impact any lighting of community space and/or parking areas?

  ***The lighting note has been revised to indicated that the pole lights only will be controlled by the timers / 10 pm shutoff.***

**INSPECTION SERVICES**

- Farm Gate Drive is an acceptable private drive name.

  ***The revised plan have noted Farm Gate Drive as the name of the proposed driveway.***

**FIRE DEPARTMENT**

- Yard hydrant is no longer an issue as it has been changed to a fire service hydrant on a 6" main.

  ***Addressed, thank you.***

- Truck 1 turning template is not within the confines of the curbed area in two locations and appears to get into a walkway in another. See attached.

  ***The revised layout address this concern.***

**BUSINESS DEVELOPMENT**

- The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claim. The following information would make it easier to evaluate compatible density vs. overdevelopment:
  - Define the "surrounding area" for the purposes of evaluating density and visual character

    ***The applicant has updated the TDR Narrative to address this comment (see attached).***

  - Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)

    ***The applicant has updated the TDR Narrative to address this comment (see attached).***

  - The narrative cites goals to increase housing supply, but has limited discussion of the Master Plan's vision for the future of this area in Dover.

    ***The applicant has updated the TDR Narrative to address this comment (see attached).***

- Many structures/areas of disturbance are within the TDR 30' no- cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.

  ***The unit count has been reduced by 2 units. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

  ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

- Is there an opportunity to adapt the rear wing of the existing house or build the new duplex within the same footprint? If that is a viable solution it may improve both the architectural consistency and free up space to lessen buffer impacts.

  ***The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east.***

- Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.

  ***The revised layout comply with this statue. We have limited activity in this area to landscaping.***

- Plan orientation is not consistent across all sheets (e.g., both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

  ***The site plans (designated as SP-) follow conventional drafting standard with North pointing up the page or to the right of the page.***
  ***The construction plans (designated as C-) follow conventional road design standard with the roadway stationing increasing form left to right.***

***UPDATED TDR REQUEST***

**The applicant proposes utilizing the City of Dover Transfer Development Rights (TDR) regulations to redevelop Map 19 Lot 8. The proposal calls for the existing home to remain, the construction of a duplex and the construction of four (4) new single-family homes for a total of seven (7) units. The TDR Base Density Calculation provide for a Base Density of three (3) units, therefore, four (4) of these units will be obtained under the TDR regulations. The existing house is proposed to remain and will be an unrestricted unit. The two (2) units located in the duplex building will be deed restricted to a Fair Market Rent (FMR) set by Housing Urban Development (HUD). The four (4) new single-family homes with be size restricted to maximum of 1400 square feet of total living space per unit. The TDR application still requests relief from the thirty (30) foot buffer requirement. The Landscape Design provides for new screening as mitigation for this relief.**

**PROJECT SUBMITTAL**

Attached please find the supporting documentation:

- Five (5) Copies of this TRC Response Letter.
- Five (5) Copies of the Revised Site Development Plan set.
- Five (5) Copies of the Revised Color Renderings and Streetscape.
- Five (5) Copies of the Waiver Request (driveway width).
- Five (5) Copies of the Updated Home Owners Association (HOA) documents.
- Five (5) Copies of the Updated Transfer Development Rights (TDR) Narrative.
- Five (5) Copies of the Updated Trash Management Protocol.
- One (1) Copy of the Revised Stromwater Analysis.

We look forward to meeting with the Technical Review Committee (TRC) at their next available meeting and discussing these revised development plans.

Please advise should you have any questions.

Very truly yours,
**TRITECH ENGINEERING CORP.**

Robert J. Stowell, P.E., L.L.S.
President

RJS / cmp
Enclosures
\\24101_CourtStSubmittalltr3.docx

# *City of Dover, New Hampshire*
# *SITE REVIEW APPLICATION*

[Revision Date: July 1, 2021]

| *Office Use Only* | Project #: | | Date Received: | |
|---|---|---|---|---|
| | Amount Paid: | | Time Received: | |

## APPLICANT AND OWNER INFORMATION

Name of Applicant: 5 Sherman Street, LLC Telephone #_____

Address of Applicant: 242 Central Ave. Dover, NH 03820

E-Mail Address: robert@centralfallsrealty.com

Name of Property Owner (*if different from applicant*): _____ Telephone #_____

Address of Property Owner: _____

## PROPERTY INFORMATION

Address of Property: 103 Court Street Dover, NH 03820

Assessor's Map # 19 Lot(s) # 8

Zoning District(s) R-12 Overlay District(s) N/A

Size of Parcel: 52,241 sq. ft. 1.199 ac. Property Deed: Book 5172 Page: 55

Existing Use of Property: Single Family Residence

## SITE PLAN INFORMATION

Describe Proposed Use: (2) Two Duplexes (4 Units) & 5 Single Family

Area of Parcel to be Developed: 52,000 sq. ft.

If Multi-family Residential: Number of Units 7 & Buildings Proposed 6

If lodging: Number of Units _____ & number of Buildings _____

Number of Parking Spaces: Existing 2 Proposed 14

Highway Access (check where applicable): X City Street ____ State Highway

Number of Employees Total: N/A In Maximum Shift: N/A

Disposition of Parcel:

Building Footprint Varies sq. ft.

Total Building Area Varies sq. ft.

Paved Area 11,000 sq. ft.

Building Setbacks:

Front Yard 15 ft.

Rear Yard 30 ft.

Side Yard: Right 15 ft. Left 15 ft.

City Water? X Yes ___ No How far is city water from the property? At Property

City Sewer? X Yes ___ No How far is city sewer from the property? At Property

**TRANSFER OF DEVELOPMENT RIGHTS INFORMATION**

**Type of TRANSFER OF DEVELOPMENT RIGHT REQUEST (Check All That Apply):**

□ Residential ☒ Residential (reduced size) □ Industrial | ☒ Purchase □ Land Preservation

**Relief sought (Check All That Apply):**

□ Lot Size □ Frontage □ Setback ☒ 30' Buffer ☒ Increase by 4 units

Describe Proposed Use or Activity that requires TDR; describe any impacts and document mitigation:

See Project Narrative

## BUILDING INFORMATION

Type of Building to be Built: Wood Frame

Height of Building: Varies Finished Floor Elevation: Varies

Number of Seats (where applicable) N/A

Estimated value of construction: $1,300,000 Refuse removal: Public/Private (circle one)

## WAIVER REQUESTS

Site Review Regulations section(s) to be waived: _____

Justification for waiver request(s) (*attach additional sheets as needed*):

**SURVEYOR INFORMATION**

Name of Surveyor and Company (Licensed in N.H.) Robert Stowell; Tritech Engineering Corp.

Address 755 Central Ave. Dover, NH Telephone #: 603 742 8107

Professional License #: 884 E-mail address: rjs@tritecheng.com

**ENGINEER INFORMATION**

Name of Engineer and Company (Licensed in N.H.) Robert Stowell; Tritech Engineering Corp.

Address 755 Central Ave. Dover, NH Telephone #: 603 742 8107

Professional License #: 884 E-mail address: rjs@tritecheng.com

**ARCHITECT INFORMATION**

Name of Architect and Company (Licensed in N.H.) _____

Address _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

**LANDSCAPE ARCHITECT INFORMATION**

Name of Landscape Architect and Company (Licensed in N.H.) Romy N. Maurer; Terrain Planning & Design

Address 311 Kost Hill Rd. Hopkinton, NH 03229 Telephone #: 603 746 3512

Professional License #: 086 E-mail address: romy@terrainplanning.com

**SOIL SCIENTIST INFORMATION**

Name of Soil Scientist and Company (Licensed in N.H.) Michael Mariano; Highland Soil Services

Address 75 Prospect St. Somersworth, NH Telephone #: 609 692 4457

Professional License #: 76 E-mail address: highlandsoilservices@comcast.net

**CONSERVATION EASEMENT HOLDER**

Name of Easement Holder: _____ Telephone #_____

Address Easement Holder: _____

## SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. Furthermore, I/we submit that the existing conditions sheet of the plan represents the lot in question, and that no alteration of the site shall take place during Planning Board review up to and including the pre-construction meeting. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: _____ Date: _____

Signature of Applicant (*if different from owner*): _____ Date: _____

Signature of Agent: _____, PRESIDENT Date: 08/15/24

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: _____

## AUTHORIZATION TO COMPLETE THE PROJECT ON SUBJECT PROPERTY

I, and my successors, hereby the City of Dover or its assigns to enter my property for the purpose of completing the site work as required by the approved plan should the letter or credit or other surety be called. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: _____ Date: _____

Signature of Applicant (*if different from owner*): _____ Date: _____

## CERTIFICATION OF FEES

I, and my successors, hereby certify that I understand that the City of Dover collects impact fees, utility investment fees and inspection fees for projects developed in Dover. Said fees must be paid before a Certificate of Occupancy can be obtained for a structure, unless a different payment schedule is agreed to by the applicant and the City prior to approvals being issued by the Dover Planning Board. Additionally, should the property be in "Current Use" it will be subject to the Land Use Change Tax.

Signature of Property Owner: _____ Date: _____

Signature of Applicant (*if different from owner*): _____ Date: _____

## *CITY OF DOVER SITE REVIEW*
## *LIST OF ABUTTERS*

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

**Owner:**

| TAX MAP | LOT # | PROPERTY OWNER | MAILING ADDRESS |
|---|---|---|---|
| 19 | 8 | 5 Sherman Street, LLC | 242 Central Ave. Dover, NH 03820 |

**Applicant (if different from owner):**

| APPLICANT NAME | APPLICANT COMPANY | MAILING ADDRESS |
|---|---|---|
| Robert Baldwin | 5 Sherman Street, LLC | 242 Central Ave. Dover, NH 03820 |

**Surveyor and/or Engineer/Professional Agent:**

| NAME | COMPANY | MAILING ADDRESS |
|---|---|---|
| Robert J. Stowell | Tritech Engineering Corp. | 755 Central Ave. Dover, NH 03820 |
| Michael Mariano | Highland Soil Services | 75 Prospect St. Somersworth, NH 03878 |
| Romy N. Maurer | Terrain Planning & Design | 311 Kost Hill Rd. Hopkinton, NH 03229 |

**Conservation Easement Holder:**

| TAX MAP | LOT # | NAME OF EASEMENT HOLDER | MAILING ADDRESS |
|---|---|---|---|
| | | | |

# PLANNING BOARD FEE SCHEDULE/INVOICE

*(Revised July 24, 2023)*

Below are the fees associated with plan review and are subject to a nonrefundable application fee to cover administrative expenses. Please complete the information below and provide payment with your application submittal. **Plan review fees shall be paid prior to technical review committee (TRC) being scheduled.** For plans not requiring TRC review, **fees are due 21 days prior** to the Planning Board meeting. Staff will coordinate abutter/notice fees, which will be invoiced and must be paid 28 hours before the Planning Board meeting for an application to be heard. Fees shall be paid by cash or check made payable to "City of Dover".

**A. Plan Review Fees**

**1. Application fee for the following (SELECT ALL THAT APPLY):**

- ☐ SUBDIVISION Application fee $200.00 + $150.00 x # _____ new lots created = $_____
- ☐ LOT LINE ADJUSTMENT Application fee $200.00 + $100.00 X # ___ of lots involved = $_____
- ☐ TRANSFER OF DEVELOPMENT RIGHTS Application fee $200.00 = $_____
- ☒ SITE REVIEW – RESIDENTIAL Application fee $200.00+ $100.00 x # 7 per dwelling unit = $900.00
- ☐ SITE REVIEW – NON-RESIDENTIAL Application fee $200.00 + (not to exceed $10,000)
  - New construction $.15 sq. ft. x # _____ sq. ft.= $_____
  - Additions (new floor space) $.10 per sq. ft. x # _____sq. ft.= $_____
- ☐ MOTEL/HOTEL $35.00 x # ___ per lodging unit= $_____
- ☐ CHANGE OF USE Application fee $200.00 + (not to exceed $5,000)
  - Existing floor spaces $.10 per sq. ft. x # _____ sq. ft. = $_____
- ☐ CONDITIONAL USE PERMIT Application fee $200.00 x # _____ per Application = $_____
- ☐ GRAVEL PIT/ EXCAVATIONS
  - Application fee $50.00= $_____
  - Permit fee $75.00= $_____
- ☐ EXTENSIONS/AMENDMENTS/WAIVERS FOR AN APPROVED PLAN Application fee $200.00 = $_____
- ☐ REQUEST FOR REZONING Application fee $200.00 = $_____
- ☐ DRIVEWAY WAIVER Application fee $200.00 = $_____
- ☒ **TOTAL IMPERVIOUS PAVED AREA** (for new development, roadways or additions to existing parking lots, (not to exceed $10,000)) Application fee of $200.00 is N/A if it is part of a Site Review or Subdivision Plan. $200.00 + $.07 per sq. ft. x # 11,000 sq. ft. = $770

**SUBTOTAL PLAN REVIEW FEE = $1670**

**AND**

**B. Abutter Notification/Mailing Labels -** this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will review the list for accuracy and provide to us the engineer, architect, licensed land surveyor (LLS), licensed landscape architect (LLA) and/or soil scientist whose professional seal appears on the plan with names and addresses for notices.

- ☐ Applicant & Owner, engineer, architect, LLS, LLA and/or soil scientist
  - Certified letters fee # _____ of x $10.00= $_____
- ☐ Certified letters fee: # of abutters _____ X $10.00= $_____
- ☐ First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters _____ X $1.00= $_____
- ☐ Creating/Printing Abutter Labels in triplicate per sheet _____ x $10.00= $_____

**C. Foster's newspaper public notice fee $120.00 x # _____ applications =** $_____

**SUBTOTAL = $_____**

**TOTAL INVOICE AMOUNT = $_____**

**PLAN REVIEW FEE COLLECTED/PAID = $ _____**

**BALANCE DUE = $ _____**

**The amount due must be paid 28 hours prior to the Planning Board Meeting, to be heard.**

# *City of Dover, New Hampshire*
# *SITE PLAN REVIEW SUBMISSION CHECKLIST*

[Revision Date: June 4, 2019]

This site plan review checklist, as required by Chapter 153-6-B(2), should be completed by the applicant. It is intended to assist the applicant in the planning process of preparing a Site Plan Review application for Planning Board action. The size of the project will determine the types of information required for review, therefore, a **pre-application conference** with the Planning Department to determine the list of items that must be completed is strongly encouraged.

**The first step would be to appear before the Technical Review Committee, to apply, eight (8) folded copies of the site plan with scale of not less than 1"=50' or 1" =100' for larger site plans, need to be provided, along with payment of plan review fees.**

**Two weeks prior to Planning Board, three (3) full size and twelve (12) half size (11x17), folded, copies of the plan set and materials, including response to TRC comments, will be due. Abutter/Notice Fees will be invoiced and need to be paid 28 hours prior to the Planning Board meeting.**

*The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all site plan review requirements. Please refer to the Site Plan Review Regulations for full details.*

APPLICANT: 5 Sherman Street, LLC File Number: _____

PROJECT TITLE: 103 Court Street

PROPERTY LOCATION: 103 Court St. Dover, NH Tax Map: 19 Lot: 8

| | Where/How Provided | Reviewed |
|---|---|---|
| **1. Completed and signed Application form** | Attached | |
| **2. Plan Review Fees are provided** | Hand Delivered | |
| **3. Electronic copy of the engineered/surveyed plan layout** | Via Portal | |
| **4. Electronic copy of supplementary materials and application** | Via Portal | |
| **5. Traffic Impact Assessment and Analysis (Standard or Advanced)** | Attached | |
| **6. Waiver requests to the Site Plan Review Regulations, with written justification** | N/A | |
| **7. Conditional Use Permit applications** | N/A | |
| **8. A colored rendering of the streetscape that will be created along the existing public right-of-way** | Architectural Plans | |
| **9. A colored architectural plan showing all sides of buildings** | Architectural Plans | |
| **10. Folded copies of site plan w/scale of not less than 1"=50' or 1"=100' for larger site plans, for TRC. Plans shall contain the following items as appropriate:** | Attached | |
| Location map at appropriate scale | Sheet Ex-1 Locus Map | |
| Proposed Project name and title and Planning File # | Title Block | |
| Date, north arrow and scale | Shown | |
| Names of all abutting property owners | Shown | |
| Name and address of owners and/or applicants | Shown | |
| Signature & stamp of NH licensed land surveyor and/or engineer | Shown on Applicable Sheets | |
| Zoning District boundaries, including any special or overlay districts | Sheet SP-1 | |
| Location of Conservation District areas | N/A | |
| Location, names and widths of existing and proposed streets, including pavement widths, grades, curbs and crosswalks | Sheet SP-1 | |
| Location and widths of existing & proposed easements & right of ways | Sheet SP-1 | |
| Location and width of existing and proposed access/egress ways | Sheet SP-1 | |

| | Explain How Provided | Reviewed |
|---|---|---|
| Depict pedestrian walkways and accessible access | Sheet SP-1 | |
| Existing and proposed property lines with dimensions and bearings tied into Dover's Geographic Information System coordinate system | Shown All Plans | |
| Existing and proposed topographic information at two foot intervals | Shown All Plans | |
| Existing and proposed buildings and structure locations | Sheet SP-1 | |
| Minimum building setbacks or build to lines on all lots | Sheet SP-1 | |
| Location and size of existing and proposed electric, telephone, gas cable and other underground utilities | Sheet SP-3 | |
| Existing and proposed water lines and fire hydrants, including materials and capacity needed | Sheet SP-3 | |
| Location and materials of sanitary sewage facilities within project site and projected additional peak hour sewer load | Sheet L-3 | |
| Existing and proposed stormwater lines and facilities | Sheet L-1 & SP-5 | |
| Lighting plan depicting all existing and proposed exterior light fixtures and a lighting level analysis for parking lots | Sheet L-1 | |
| Location of Flood Hazard Zone | N/A | |
| Location of all bodies of water and watercourses | N/A | |
| Location of wetlands and buffers | N/A | |
| Neighborhood plan with aerial underlay showing how project relates to abutting uses within the plan set | Sheet T-2 | |
| Existing natural features and/or significant vegetation on property | Sheet EX-1 | |
| Depict existing contours up to 100 ft. beyond project limits | Sheet EX-1 | |
| Landscape plan depicting existing and proposed landscaping, prepared by a licensed Professional Landscape Architect | Sheet LA-1 | |
| Location of parking layout delineating spaces and arrangement; note addressing maximum required spaces | Sheet SP-1 | |
| Location, material and size of existing and proposed pavement area | Sheet SP-1 | |
| Location of proposed fire lanes | Sheet SP-2 | |
| Specify finished floor elevations of buildings | Sheet SP-4 | |
| Location of solid waste disposal facilities (dumpster, pad and screening, etc.), including required screening | N/A - Private Pickup | |
| Depict all service, storage, loading bays and utility areas | N/A | |
| All applicable Dover Common Site Plan notes | Sheet SN-1 | |
| **11. Additional Information if appropriate** | | |
| Stormwater Management Plan depicting the existing & proposed storm drainage system and engineered drainage analysis | Drainage Report | |
| Stormwater Management System Operation and Maintenance Plan | Stormwater Mgmt., Maintenance & Insp. Plan | |
| Letter to Serve from Public and Private Utilities | Pending | |
| Erosion and Sedimentation Control Plan | Drainage Report | |
| Landscape Operation and Maintenance Plan | Sheet LA-1 | |
| Proposed restrictive covenants or homeowners association documents | Pending | |
| Dates and permit numbers of all required state and federal permits | Pending | |
| If wetland buffer, indicate placards locations, as applicable | N/A | |
| Depict test boring locations, groundwater elevations and soil profiles and/or soils types call-outs | Sheet SSS-1 | |
| Location of proposed drive-in facilities | N/A | |
| Provide additional exhibits/technical data determined appropriate by the Planning Board or its staff as required | N/A | |

REVIEWED BY: _____ DATE_____ TRC DATE_____

# Email Thread 1:

## *Sent 9/5/2024:*

**Hilary Hamer** <hilary.a.hamer@gmail.com> Thu, Sep 5, 2024 at 9:12 PM
To: ZoningBoard-All@dover.nh.gov
Bcc: Dorna <dorna.hamer@gmail.com>, Merlin Money Mason <nilrem254@gmail.com>

Hello,

I am writing to formally request clarification to zoning code 170-27.2 F(4): "SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER."

My understanding in the context of the 103 Court St site would be that the existing single-family homes abutting at both 91 and 109 Court St as existing older residential structures would therefore require new construction to be located at least 150ft away if built under TDR code at 103 Court St, and not susceptible to waiving by the planning board as specifically written.

Furthermore, I understand that if either the owners of 91 or 109 Court St which abut the parent property at 103 Court St disagree with a proposed TDR building, then it must be set a minimum of 75ft away from either's entire property line. Otherwise, how is a disagreeing residential abutter defined? Again, as specifically written this is not susceptible to waiving by the planning board.

Additionally, I am writing to formally request the zoning board recognize and enforce the abutter right to continuous visual barrier for any considered TDR development. The zoning code 170-27.2 G(7) states, "A continuous visual buffer shall be created along the perimeter of the parent parcel." Continuous by definition would imply no gaps or interruptions. A 'tree screen' would hardly seem to meet this requirement and by definition a perimeter would include all sides of the parent lot. A reasonable interpretation might be a solid fence in the 7-8ft height which city guidelines allows for along each side and back of the property.

Thank you,

Hilary Hamer, OD, FAAO

(603) 361-9428

## *Reply Paul Crouser 9/6/2024:*

**Crouser, Paul** <P.Crouser@dover.nh.gov> Fri, Sep 6, 2024 at 11:05 AM
To: Hilary Hamer <hilary.a.hamer@gmail.com>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Hi Hilary,

Thanks for your email – I'd be happy to clarify a few things for you.

1. TDR projects are under the purview of the Planning Board, not the Zoning Board;
2. Procedurally, the project will take on the following order of operations;
   a. Review by the Technical Review Committee (we had our first meeting yesterday, 9/5/24, in which we made recommendations and requirements for the project to move forward, including the visual buffer which you expressed concern about. The TRC required the applicant to make plan revisions and return for a second TRC review, the date of which has yet to be determined.)
   b. Second TRC review
   c. Planning Board Review, which separates the project into two discreet review processes, which are:
      i. TDR Project Application compliance
      ii. Site Review compliance
   d. Preconstruction meeting

   Only when a-d are complete may the applicant begin construction on their project, and it is likely that the plan will be amended several times prior to that happening, both at the TRC and Planning Board level.

3. The section you referenced, Section 170-27.2(F)4 refers to Industrial TDR projects, not residential;
4. Under Residential TDR Standards, setback, frontage, and lot size requirements may be waived
5. Regarding your suggestion about the fence as a visual buffer – staff agrees and made that exact same recommendation to the applicant, who is revising the plan to reflect a joint landscaping/fence buffer. The minutes for the TRC meeting have not yet been posted, but they will shortly (likely by end of business today), while the recordings and materials are available to view right now via this link: Treeno - Docs (nh.gov)

If you have any other questions, please let me know. I'd also be happy to have a phone conversation with you to clarify anything you wish.

Regards,

**Paul R. Crouser**
Zoning Administrator / Assistant City Planner
Planning & Community Development

City of Dover, NH

288 Central Avenue

Dover, NH 03820
e: P.Crouser@dover.nh.gov
p: 603.516.6007 / f: 603.516.6049

No statement made by Paul Crouser that (G)7 30-foot buffer does not apply to 103 Court St.

# Email Thread 2:

## *Sent 9/19/2024:*

**Hilary Hamer** <hilary.a.hamer@gmail.com> Thu, Sep 19, 2024 at 8:27 AM
To: "Crouser, Paul" <P.Crouser@dover.nh.gov>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>
Bcc: Dorna <dorna.hamer@gmail.com>, Merlin Money Mason <nilrem254@gmail.com>

Good morning,

Thank you for addressing my questions so far. I saw that an updated plan has been submitted for 103 Court St with a TRC meeting date of 9/26. I believe you explained that there is no opportunity for public questions at TRC meetings; is this correct, please? Is there a way to formally request the TRC answer a question by submitting in advance of the meeting? Would a formal letter be acknowledged or does an email suffice, such as this?

I want to inquire to the code 170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer." I am looking at the updated plan and do not see a 30-foot buffer adjacent to my property still. If I am to read the scale, there is approximately 10' between my property line and the road being created. This TDR places a road within 30' of my family's bedrooms. Now I see the proposal is specifically asking for relief from this 30-foot buffer. 170-27.2(G)8d reads, "Any relief sought should not be caused by the additional density." Now this was a more recent amendment it seems, but by this statement Dover cannot offer this relief for the 30-foot buffer just to make more units work in this lot. Part of the updated materials from the developer says "...strict compliance with the 30-foot perimeter buffer would leave development of the property limited." This exactly acknowledges that buffer relief is required to fit this extent of dense development on this lot. 170-27.2(G)8d states this relief is not allowed.

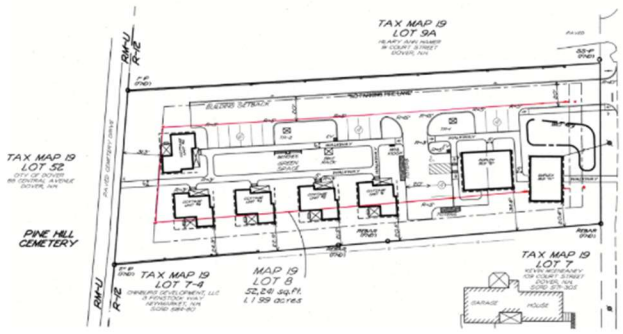
Thank you,
Hilary Hamer, OD, FAAO
cell: (603)361-9428

## No reply, sent morning of second TRC 9/26/2024:

**Hilary Hamer** <hilary.a.hamer@gmail.com> Thu, Sep 26, 2024 at 8:20 AM
To: "Crouser, Paul" <P.Crouser@dover.nh.gov>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Good morning,

I wanted to provide a diagram that shows (in red) where the 30-ft buffer should actually extend against the proposal being reviewed today:




*170-27.2(G): Any relief sought should not be caused by the additional density.*

Thank you,
Hilary Hamer, OD, FAAO
cell: (603)361-9428
[Quoted text hidden]

*Reply 9/302024 after second TRC:*

**Crouser, Paul** <P.Crouser@dover.nh.gov> Mon, Sep 30, 2024 at 10:29 AM
To: Hilary Hamer <hilary.a.hamer@gmail.com>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Good morning, Hilary.

Apologies for the delay in response. I wanted to let you know that the Planning Department echoed your concerns regarding the 30' buffer to the Applicant during last week's TRC. Please note that the buffer has been waived in the past for existing structures which are part of the development, and while that is the case with the proposed project at 103 Court, we do recognize that the cottages in the rear of the development all violate the 30' buffer, and the Applicant was directed to bring the project into compliance with that specific regulation as the relief requested is from the density sought, as you pointed out.

If you have any other questions or concerns, please feel free to reach out.

Best,

**Paul R. Crouser**
Zoning Administrator / Assistant City Planner
Planning & Community Development

City of Dover, NH

288 Central Avenue

Dover, NH 03820
e: P.Crouser@dover.nh.gov
p: 603.516.6007 / f: 603.516.6049

Paul Crouser acknowledges concern with applying 30-foot buffer to 103 Court St. Paul Crouser states relief requested is due to density sought.

# TRC Meeting Recording 9/26/2024:

(By minute reference in audio recording)

1:30 Director Benton: “I know we chatted last time about trying to add more than the existing 10 foot visual buffer so if we can still look to make that the 30 that is technically required”

7:17 Director Benton “the issue is the TDR ordinance is clear that if you're asking for relief because of the extra density then you shouldn't be getting the extra density

[Clarification request from Developer]

The issue is the TR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density. So we're just trying to make sure that you're meeting the buffer requirements and the setbacks. So you may need to lose units or figure out a redesign “

25:20 Director Benton: “Yeah, because the buffer is a requirement.”

# Email Thread 3, after revised proposal posted 10/24:

## *Sent 11/6/2024:*

**Hilary Hamer** <hilary.a.hamer@gmail.com> Wed, Nov 6, 2024 at 8:00 AM
To: "Crouser, Paul" <P.Crouser@dover.nh.gov>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>

Good morning,

There is a broken link to a document for 103 Court St from 10.24 the file, "103 Court St TRC Response Ltr #2.pdf" - last link at:
https://publicrecords.dover.nh.gov/Files/Index/9833/public/1/deptnum/6/cab/Property_Information/Applications73758602
Hoping to please get access to this document.

I am also confused by contradicting statements about unit count in these new documents. The snapshot document still says 9 total units, but the site development plan says 7 units in some spots (looks like 7 in the drawings) but also says the existing single family will be a duplex still under the 'Intent' paragraph and statement 10 says 9 units. What is the new proposal actually for- two duplexes, four cottages (8 units)- or one single family (existing) with one duplex and four cottages (7 units), or somehow the 9 units still?

Where is the 30' no-cut, no-disturb perimeter buffer still? There is a setback line drawn on the plans but no representation of the 30' no-cut, no-disturb perimeter buffer.

It looks like there is now a second driveway in the plan for the existing single family house to have parking. How is the existing single family going to continue to have sufficient parking once Court St is reconstructed (losing about 10' within the city's right of way)? What is the new site parking plan for each unit exactly - again, very unclear as even the number of units contradicts throughout the documents. In the drawing it looks like 12 parking spots? Does a second driveway have appropriate sight distances or drainage- does not seem to be included in information.

The new narrative document also says there will be a shared "large outdoor fireplace". Where is this going (do not see it on the site plan)? The fire department has strict requirements for outdoor fires being located near any structures and dimensions of any fire pit so would really like to see where they are placing this and how it will comply with the fire codes. I personally have to have a permit for anything on my property. I question who will be responsible for an outdoor fire here/who will hold the permit and who is going to be ultimately responsible for the shared fireplace.

Thank you,
Hilary Hamer, OD, FAAO
cell: (603)361-9428

## *Reply 11/13/2024, morning of third TRC:*

**Crouser, Paul** <P.Crouser@dover.nh.gov> Wed, Nov 13, 2024 at 5:23 PM
To: Hilary Hamer <hilary.a.hamer@gmail.com>
Cc: "Benton, Donna" <d.benton@dover.nh.gov>, "Bassegio, Erin" <E.Bassegio@dover.nh.gov>

Hi Hillary,

Apologies for the broken link -- it has since been fixed but I've also attached the letter you referenced for your review/records.

As for the conflicting notes re: density – you are correct in that it is confusing. The snapshot report, as well as the "intent" note on the new plan set refer to the originally-sought density of 9 units (existing single-fam converted to a duplex, one new duplex, and five new single-fam cottages = 9).

The revised drawings are the correct density (7) – it would just appear as though the engineers drafting the plan failed to update relevant notes throughout the plan – all of which will be highlighted as issues during this Thursday's TRC.

Re: the 30' buffer – Staff will be asking them to better label it on the plan. All structures appear to adhere to the buffer requirements, although staff will be seeking clarification on the apparent pavement impacts to the 30' buffer to the west of the parcel.

Re: the driveway of the existing single-fam home – I had the same thought when this revision was submitted. It turns out that the driveway already exists and simply was not included on the original plan set because alternative parking for the existing structure was proposed, which has now been scrapped, necessitating showing parking for the existing single-fam home on the revised plan set. Regarding this driveway's compliance with sight distances and drainage, as the driveway is existing, there are no grounds for the City to require it to meet current standards.

As to the parking for the new structures, there are indeed 12 new spaces being proposed, with each unit being provided two parking spaces per, which is shown on the plan. I don't believe there is any plan to assign parking spaces for this project.

Finally, regarding the communal fireplace, I don't believe there are municipal rules governing open fires, rather, all such regulations are codified and enforced through the NH Division of Forests & Lands, through which burn permits are issued.

[Quoted text hidden]

[Quoted text hidden]

**3. 103 Court Street TRC Response Ltr #2.pdf**
3052K

Paul Crouser states staff will clarify 30-foot buffer. There is no statement that 30-foot buffer does not apply for the updated project plan.

# Email Thread 4:

## Sent 11/15/2024 after third TRC:

**Hilary Hamer** <hilary.a.hamer@gmail.com> Fri, Nov 15, 2024 at 8:00 AM
To: t.retrosi@dover.nh.gov

Dear Councilor Retrosi,

I am writing to express my deep concern regarding the misuse of Transfer of Development Rights (TDR) in Dover, particularly the proposed development at 103 Court Street. As a resident of Ward 3, I am frustrated by the lack of enforcement of TDR regulations, especially given TDR already bypasses traditional zoning laws.

The 103 Court Street proposal blatantly disregards ordinance 170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer." The plan places a road within 10-feet of my property line, a clear violation of this buffer regulation. This TDR places a road within 30-feet of my family's bedrooms. Additionally, the developer's request for relief from the buffer requirement contradicts 170-27.2(G)8d, which states, "Any relief sought should not be caused by the additional density." This TDR project simply does not fit in this 129-foot-wide lot and undermines the purpose of zoning laws, which is to protect quality of life.

Despite failing two previous Technical Review Committees, this project has inexplicably advanced to the Planning Board. I am deeply concerned about the Planning Board being allowed to even consider a proposal that so blatantly violates the law.

I urge you to investigate this matter and advocate for strict enforcement of the TDR regulation. Watching this process has been incredibly stressful and is affecting my family's very wellbeing. This review process will now drag into the holidays. Your intervention could help expedite the process and prevent additional unnecessary stress for residents like myself.

Thank you for your time and attention to this matter.

Sincerely,
Hilary Hamer
91 Court Street
(603) 361-9428
Hilary.A.Hamer@gmail.com

## Reply 11/18/2024:

**Retrosi, Anthony** <A.Retrosi@dover.nh.gov> Mon, Nov 18, 2024 at 3:50 PM
To: Hilary Hamer <hilary.a.hamer@gmail.com>

Ms Hamer.

I reached out to planning board and Donna Benton, director of Planning and Community Development. Although I do not feel this is necessarily the answer you were hoping for- it is a start and I am confident that now that there are some complaints that the city will keep a closer eye on this project.

Tony

*Hi Councilor Retrosi,*
*Thanks for reaching out for more information. As you're likely aware the Transfer of Development Ordinance allows for housing density to occur in excess of the underlying zoning allowances providing the Planning Board grant the request. Ms. Hamer raises two main questions I want to address. The first being the 30' visual buffer on the parent parcel. The parcel is not seeking a subdivision and therefore "parent" is a key word. There have been other instances where the Planning Board has not required the 30' visual buffer depending on the site, proximity to urban core, lack of subdivision or new lot lines, etc.*
*The other is the criteria of no additional relief being sought. This was added about 2 years ago to the Zoning Ordinance and the intention was in terms of wetland or wetland buffer impacts and not to parts of the TDR ordinance itself. The 30' buffer is a part of the TDR ordinance not underlying zoning like an environmental conditional use permit would be. Relief from wetlands impacts due to additional development is a different level of relief than providing or not providing a 30' visual buffer. Due to discussion during the TRC process, the applicant is proposing fencing and additional landscaping to try to meet the same intent and help screen the project from abutting properties.*
*Certainly this zoning ordinance could use clearer word smithing which staff plans to discuss with the Planning Board during its annual goal setting in January.*
*Please let me know if you or Ms. Hamer have any additional questions.*
*Thanks,*
*Donna Benton, AICP*
*Director of Planning and Community Development*

Director Benton states 30-foot buffer does not apply to 103 Court St now. Director Benton states (G)8d (no additional relief sought) does not apply to buffers now.

City of Dover, Department of Planning And Community Development

# TRANSFER OF DEVELOPMENT RIGHTS

## Residential Development Rights

**ZONES AFFECTED:**

**Residential**

R-40

R-20

R-12

RM-U

RM-SU

HR

**Non-Residential**

C

CM

IT

**Mixed-Use**

O

LBW

RCM

CWD

**Fees**

600 sf: $0 per credit*
1,000 sf: $7,500 per credit
1,400 sf: $11,000 per credit
Other: $15,000 per credit**
Village: $788 per credit
*requires HUD rent rates
** multi may be $0 if HUD rent

**For More Information:**

*Department of Planning and Community Development*
288 Central Ave.
Dover, NH 03820
(603) 516-6008

### Introduction

In Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection.

The City of Dover furthermore, has a limited supply of land suitable for development. Included in Dover's zoning ordinance is an overriding district for transferring development rights (TDR). The purpose is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

### Conservation Option

A property owner can conserve land west of the Spaulding and send the development rights to any zone that allows residential uses east of the Spaulding Tpk.

### Purchase Option

A property owner may purchase one unit per credit, above the allowed density of a parcel. If the purchaser is willing to limit the size of the resulting single family detached homes, to 600, 1,000 or 1,400 sf, they get bonus units. The number of bonus units depends on if they are free market or rent restricted.

### Industrial Option

A property owner who constructs a commercial manufacturing facility get a one unit credit for each 2,000 sf of space constructed above 40,000 sf.

### Standards/Process

A property owner uses the formula (see call out) for single family detached units. All other's follow yield plan process, based upon density allowed in the zone. Units above the allowed density may be sold or rented.

Purchase Formula:

- SF of parent lot – Environ constraints: **BASE**
- BASE – * .85: **Net**
- Net * .85 [sliding]: **Developable Area**
- Developable Area/Min lot size: **base units**

Regardless of the method use, the Planning Board may waive:

- Minimum Lot Size
- Minimum Frontage
- Minimum Setbacks

A continuous visual buffer must be provided to abutters.

Any increases in density/intensity of development, on a receiving parcel, is allowed so long as the increase is:
*- Consistent with the Master Plan*
*- Not incompatible with the land uses on neighboring lots*

Proceeds from the sale of units are placed within the Conservation Fund and utilized for land preservation. These funds are utilized by the Open Lands Committee and the Conservation Commission to secure fee simple and easement protection.

## FACTS ABOUT DOVER'S TDR POLICY

- The TDR process is a discretionary process, and the Planning Board is not obligated to sell units.
- The residential TDR was created in 2003, and revised in 2009, 2018 and 2020.
- TDR promotes intensive development on land that is better suited for development, allows for preservation of more sensitive areas, and provides funding for future preservation.
- The preservation option has sending and receiving areas. They do not have to be in the same ownership.
- The credit purchase option reimburses the City for past land preservation costs, like a revolving loan.
- Since 2018, over $2,000,000 have been raised and placed within the Conservation fund.

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, November 9, 2021** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Dennis Ciotti (Councilor), Hayley Harmon (Vice Chair), Dave White, Kyle Pimental, Frank Torr, Tom Clark, Steph George (Alternate), Dave Landry, Mark Speidel, Erinn Reville (Alternate), Jackie Walker (Alternate)
**Members Not Present (excused)**: Gina Cruikshank (Chair)
**Members Not Present (un-excused)**: None
**Staff Present:** Donna Benton, City Planner

The Chair called the meeting to order at 7:02 p.m and noted he (M. Speidel) would sit as Chair for G. Cruikshank and E. Reville would sit for him.

## 1. CITIZENS' FORUM

*Citizens Forum Open.*
No One Spoke.
*Citizens Forum Closed.*

## 2. APPROVAL OF THE PRIOR MINUTES

October 26, 2021 Regular Meeting Minutes

**Motion:** F. Torr moved to approve the minutes as submitted. Seconded by D. White. Vote: U/A

## 3. OLD BUSINESS

## 4. NEW BUSINESS

The Chair noted items 4A and B will be heard together.

A. Consideration and acceptance of a Conditional Use Permit for Settlement on 6th, LLC., Assessor's Map B, Lot 5, zoned R-40, located on Sixth Street. (Proposal is for a 14 lot open space subdivision with a 900 foot long road and associated driveways and drainage facilities, creating 131 sq. ft. of temporary impact and 1,613 sq. ft. of permanent impact to a wetland and 12,394 sq.ft. of wetlands buffer impacts). *(P21-44)

B. Consideration and acceptance of a Subdivision/Site Plan using Transfer of Development Rights for Settlement on 6th LLC., Assessor's Map B, Lot 5, zoned R-40, located at Sixth Street. (Proposal is to construct a private roadway with access to a proposed 11 single family lots (including purchasing 1 using TDR) plus 3 open space, non-buildable lots) *(P21-43)

D. Benton noted that this is only the second TDR open space subdivision in the R-40 since the TDR ordinance was amended in 2018. Staff and the applicant reviewed concepts and were originally asking for additional TDR units. Based on those concepts and the environmental constraints, the request tonight has been reduced to only one unit. The Board will be asked to vote separately on the CUP, the TDR, and the Subdivision. The Board may have noticed in the packet a lot line adjustment plan and application. This will appear before the Board in December as it was an oversight on tonight's agenda and there is a recommended condition of approval. This application appeared before the TRC most recently on October 14, 2021 and was endorsed by the Conservation Commission on September 13, 2021.

Christopher Berry of Berry Surveying and Engineering represented the applications. Earlier this year they conducted an existing conditions plan of the site, and wetlands and soils were mapped. The plans have been revised since the initial concept reducing the number of units as well as the environmental impacts. The wetlands permit has been approved by DES and the Alteration of Terrain permit is in progress. A sewer discharge permit will also be required.

**Motion:** D. White moved to accept the applications and noted that this is not a development of regional impact. Seconded by D. Ciotti. Vote: U/A

*Public Hearing Opened*
No one spoke. No calls or emails were received.
*Public Hearing Closed*

C. Berry explained why a sewer hook up to Cottonwood is not feasible due to wetlands.

**STAFF RECOMMENDATION- CUP:**
The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.
This project is consistent with those standards, and staff recommends approval with the following conditions.

Staff understands that the applicant considered the criteria when designing the plan and has altered the plan since the initial concepts to be able to consider alternatives, avoid as much wetland and wetland buffer as reasonably possible and minimize impacts such as with the shared driveways, reduced buffers and lot areas utilizing the TDR ordinance. The applicant further explains their process and how the criteria have been met in the narrative attached to the CUP application.

**STAFF RECOMMENDATION:**
The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with the following conditions to be met prior to issuance of the CUP:

1. The Transfer of Development Rights request be approved.
2. Subdivision request be approved.
3. The applicant shall supply the Planning Department with a copy of the NHDES Wetland Impact Permit.

**Motion**: D. White moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by D. Ciotti. Vote: U/A.

**STAFF RECOMMENDATION- TDR:**
D. Benton noted that the plan is consistent with the TDR ordinance in Chapter 170-27.2.G and that the Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance has been met with the following conditions:

1. Payment of TDR fees.
2. Add a note to the plat that the Board found the criteria of Chapter 170-27.2.G(8) have been met.

**Motion**: F. Torr moved to approve the Transfer of Development Rights request to purchase one unit with conditions, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A.

**STAFF RECOMMENDATION- Subdivision**
The Planning Department recommends that the Planning Board vote to approve the subdivision with the following conditions:

**Conditions to Be Met Prior to Signing of Plans:**

1. The Planning Board approve
    a. The TDR application.
    b. The Conditional Use Permit.
    c. A lot line adjustment plan to remediate the existing encroachment.
2. The applicant shall provide
    a. A revised current use plan to the satisfaction of the City Assessor.
    b. The letter to serve from Eversource and City of Dover.
3. The Planning Director, in consultation with the City's General Legal Counsel, will review and approve the homeowners association to ensure private road, stormwater infrastructure maintenance, buffer and common space, conservation district maintenance, prior to converting ownership and maintenance obligations, and deed/easement requirements per Section 170.27.2.
4. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
    a. Add signature and stamp of CWS, LLS and PE
    b. Add owners' signatures for recording at Strafford County Registry of Deeds
    c. Add permit numbers

**Conditions to be Met Prior to Construction Activities:**

5. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.

**Conditions to be Met Prior to Building Permit:**

6. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

**Conditions to Be Met Prior to Occupancy:**

8. Issuance of the Certificate of Occupancy.
9. Any applicable easements shall be recorded.
10. Documentation that the HOA has been created and is in place.
11. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.
12. Prior to the last Certificate of Occupancy being issued, the Engineer of Record shall meet with the Association and review the as-builts for the project.
13. Land use change tax has been paid.

**Motion**: D. White moved to approve the Major Subdivision with conditions, as the request is consistent with the regulations. Seconded by D. Ciotti. Vote: U/A.

C. Consideration and acceptance of a Transfer of Development Request for Dover Coast, LLC., Assessor's Map 28, Lot 13 & 14, zoned Gateway G&O, located at 725 Central Ave and 4 Brick Road. (Proposal is to purchase 12 units). *(P21-54)

D. Benton noted that the applicant has been to TRC and has done quite a bit of progress on a full site plan, some of which is included in the packets by the nature of the request. The applicant is securing additional parking off site further down on Brick Road and still needs to come back to TRC with fully engineered plans for that parking lot. At this time, the Board is requested to vote on the Transfer of Development Rights request which is to purchase 12 units to total 15 units in the multi-family residential building with associated parking.

Arthur Guadano, AG Architects, PC represented the application to combine two lots and build a three-story plus walk-out basement 15-unit apartment building. They are seeking to purchase 12 TDR units. (14 2-bedroom units and one 1-bedroom unit) Parking will be met by 17 spaces behind the building and across Jefferson Dr will be purchased with 12 spaces there.

**Motion:** D. White moved to accept the application and noted that this is not a development of regional impact. Seconded by D. Landry.

T. Clark asked for clarification on the ownership of 4 Brick Rd. The property is currently in probate and the applicant has an agreement with the owner. They have a purchase and sale for 10 Brick Rd for the parking lot. T. Clark was concerned about acting on the application before the applicant owns the property.

D. Benton clarified that the applicant has to come back before the board with a full site plan. Tonight's vote is just for the maximum number of units. Everything will have to be in order when they come back for site plan approval.

Scott Silver, Dover Coast LLC confirmed there is a purchase and sale agreement in progress for 4 Brick Rd. The previous owners passed away from COVID and the property is going through probate with their children.
T. Clark withdrew his objection.
Vote: U/A

*Public Hearing Opened*
Peter Menounos, 720 Central Ave expressed concerns about the traffic.

No calls or emails were received.
*Public Hearing Closed*

T. Clark is concerned about the number of units requested. It's far above the number allowed by right.
D. Ciotti agreed with T. Clark and noted the proposed building is too large for the area. It is also a high-traffic area.
D. White believes this is a perfect location to use the TDR and for an infill project. If the applicant used only the existing lot, they could provide multiple units with one parking space per unit. By purchasing the additional lot, they are providing more housing as well as two parking spaces per unit. The location is close to downtown and services which make it ideal for a project with increased density.
K. Pimental is concerned about the number of units- not the size of the building. Traffic is a concern.
F. Torr agrees with D. White. The proposal is a massive improvement from what's there now. There were no traffic issues with the project that went in behind.
D. Landry noted the traffic issue is pre-existing, and should be looked at by the traffic commission. The density and size of the building are not an issue for him. It's not directly downtown, but it is close and walkable. The extra parking area is more than what's been offered on other projects.

E. Reville agreed with D. Ciotti and T. Clark that the proposal is too large of a building for the density. She is concerned approving this will set precedence to other properties. D. Ciotti noted each project is looked at individually. All other buildings in the area are two stories.
M. Speidel asked about snow removal and trash, building height, and affordable housing options for some units. Mr. Guadano addressed the questions.

**STAFF RECOMMENDATION:**
D. Benton noted that the plan is consistent with the TDR ordinance in Chapter 170-27.2.G and that the Planning Department recommends that the Planning vote to find the criteria of the TDR ordinance has been met with the following conditions:

**Conditions to Be Met Prior to Granting of the TDR:**

1. Payment of the TDR fee
2. Site Plan come back to the Planning Board for review and approval.
3. Lots 13 & 14 be merged.

D. Benton clarified for the Board the two options for the applicant in this zone are to either apply for affordable units or to request to purchase TDR units. TDR fees would be waived if they created HUD rent-restricted approved units.

Mr. Guadano responded to board member comments.

**Motion**: D. White moved to approve the TDR request and the purchase of up to 12 units with conditions, as the request is consistent with the regulations. Seconded by F. Torr.
E. Reville noted Dover is the fastest growing city in NH and we should start looking at building height as a way to incorporate more density.
Vote: 6-3 with D. Ciotti, K. Pimental and T. Clark opposed.

D. Consideration and acceptance of a TDR Request for Knox Marsh Development, LLC. (Owners: Knox Marsh Development and Gary and Kim Bates), Assessor's Map H, Lot 46 & 50, zoned R-40, located at 51 & 65 Bellamy Road. (Proposal is to purchase 22 units via TDR for a 31 total units). (P21-65)

D. Benton noted that this project has also come to TRC once but needs to return for a follow up TRC. Tonight's vote is to allow the applicant to purchase up to 22 units via TDR to total 31 units. The Board may recall that it approved a 4 unit subdivision on one of these subject lots so if the Board sees the number 18 referenced, that is the difference between what has currently been approved and what they are seeking tonight. The applicant would need to come back to the Planning Board for the lot merger and full site plan and if approved, at that time the previous approval would be considered null and void.

Christopher Berry, Berry Surveying and Engineering represented the application. Part of the project was approved by the board as a private road with 4 units. The abutters approached the applicant to work together on a larger project. He explained the methodology of how they laid out the project.

The original project was 4 units that matched the character of the neighborhood with small homes. They are now looking to extend that Sophie Dr project onto the Bates land and continue with additional single-family homes and 4-unit structures that look like single-family homes which are centered away from the housing on Bellamy Rd with a 30ft buffer along the property lines. There is an existing duplex on site which will be renovated and incorporated into the project. There is an existing barn on site which is proposed to be

converted into four units. The view from Bellamy Rd would remain the same with the duplex the only visible structure.

All single-family homes are proposed at 1,400 sq. ft. The applicant is looking to restrict 25% of the project for HUD housing rates. The applicant will work to provide housing to Dover residents prior to opening to the market.

K. Pimental asked if the rent restricted units will be so in perpetuity. Yes, they will be deed restricted.

**Motion:** D. White moved to accept the application and noted that this is not a development of regional impact. Seconded by H. Harmon. Vote: U/A

*Public Hearing Opened*
Helen Labrie, 55 Bellamy is concerned about traffic especially in relation to the high school traffic. She does think the development will be visible- especially to her as a direct abutter. She wondered what environmental impacts there might be for pollution and wildlife.
She works at Dover school district and the classrooms are already full.

Patrick Labrie, 55 Bellamy thanked the developer for sitting down with him to go over some concerns. He doesn't understand why Dover needs more development. Traffic is bad, the schools are full and he is concerned about infrastructure. Other towns should take over development. He expressed concerns about rain gardens and if they work to handle storm water.

Donald Chandler, 65A Bellamy Road is concerned about traffic especially from Sophie Dr. It's dangerous for the students to cross the road to get to the school and this subdivision will be attractive location for families to live. There should be a safer solution for kids crossing there.

D. Benton addressed some of the public comments. The traffic study has been submitted and is being reviewed at TRC.
C. Berry noted as the project goes through the TRC process, pedestrian enhancements can and should be addressed for that area since it is such a walkable area.

K. Pimental listed the current affordable market rental rates for the public.
T. Clark noted just because the TDR ordinance allows for the purchase of more units, doesn't mean we have to sell the additional units. We have to look at density. 31 units is too many units at this location.

One of the applicants spoke about affordability. He is glad the board member listed the rental amounts. These affordable units would qualify for single or two-income families who work as nurses, teachers, city employees. The way the project is affordable for the developer is to have more units so that they can make up the difference from offering affordable units.

*Public Hearing Closed*

**STAFF RECOMMENDATION:**
D. Benton noted the plan is consistent with Chapter 170-27.2 of the Zoning Ordinance which allows for developments to buy additional units through the process of Transfer of Development Rights and that the Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance

has been met, and the applicant may proceed with laying out up to 31 units on a Site Plan with the following conditions:

**Condition to Be Met Prior to Granting of the TDR:**

1. Payment of the TDR fee
2. Site Plan come back to the Planning Board for review and include notes about size restrictions
3. That 25% of the 31 units have the HUD rent rate and/or pricing restrictions

**Motion**: F. Torr moved to approve the TDR request and the purchase of up to 22 units with conditions, as the request is consistent with the regulations. Seconded by D. White. Vote: 6-3 with T. Clark, D. Ciotti and D. Landry opposed.

E. Consideration and acceptance of a Minor Subdivision for Dahn H. & Norma M. Tibbett, (Owner: Jahn H. & Susan G. Janetos), Assessor's Map N, Lot 13, zoned R-40, located at Oak Street. (1 new lot) *(P21-78)

D. Benton noted the applicant is requesting to subdivide lot N/13 into two lots. The lot would be serviced by public water and private septic. As a Minor Subdivision, this application did not appear before the TRC.

When staff received the minor subdivision plans and saw the existing barn was to remain as the only building on the lot, they reached out to the applicant requesting more information on the use of the barn and the lot. The applicant responded with the three letters dated September 30, 2021, October 18, 2021, and October 26, 2021. All have been supplied to the Board. Staff has heard that the owner will be present at the meeting to speak to the farm/haying use of the barn further. The Board can then determine if they have enough information to accept the application as complete to review.

The applicant originally requested the Board grant a waiver from the requirement to survey the lot boundary lines, including the proposed lot line, but is now willing to have that be a condition of approval. They also seek a waiver to not reference the US Geological Survey for topography, rather they use LIDAR. Finally, the property is within 100' of public sewer on Elmwood Avenue, and while no waiver was requested, it is required if they seek to use private subsurface septic systems. Staff notes the need for a waiver, but no explanation or request was provided for this until just before the meeting.

Kevin McEneaney, McEneaney Surveying, represented the application. The new lot will be 1.5 Ac and will have the barn on it. The other lot is 34.3 Ac. He confirmed they will do the survey and are only requesting the two waivers. The barn will be an agricultural use and won't have any occupancy need for sewer hook-up. He clarified the owners of N-13F.

Discussion occurred about water at the barn. There is no sewer, there is no well or city water supply on site. The barn will continue to function as it has for haying purposes.

The applicant addressed the question why they are subdividing this lot. Right now, the property is owned in joint ownership by four individuals. One person will retain the smaller lot and the larger lot will ideally be sold off to a separate buyer.

**Motion:** F. Torr moved to accept the application and noted that this is not a development of regional impact. Seconded by D. White. Vote: U/A

*Public Hearing Opened*

Jeff Andress, 2A Country Club Estates is an abutter and spoke in favor of the proposal. The barn is 100 years old and there is a better chance of the barn being preserved if this lot can be divided before the larger parcel is sold to a developer.

Ann Marie Day, 104 Gulf Road is an abutter and is in favor of the barn being subdivided out so it can be preserved.

George Heilshorn, 108 Gulf Rd is an abutter and noted the area is vibrant with habitat and a rich history. The barn is a memento of days gone by and it's an important piece to preserve.

*Public Hearing Closed*

D. Ciotti asked what the utility easement is for on the plan. Is that for servicing the 34-acre lot when it's developed?
Mr. McEneaney explained the easement is for access to the abutting lot 13-F. The board and applicant discussed future sewer access to the 34-acre lot. There are a few options, but it is not through that easement.
D. Ciotti is concerned that the easement is shown on the plan on the barn parcel, yet the applicant plans to keep the parcel in current use. Mr. McEneaney wasn't sure about the location of the easement and will need to check.

Jahn Janetos, applicant and owner of parcel 13-F clarified the easement is to service 13-F. The lot line should be at the southern end of the fence which puts the easement on the 34-acre lot.
That is not what shows on the plan, but it should be revised. The surveyor said he will make the adjustment.

Mr. McEneaney suggested the board make a condition of approval that the lot line be adjusted to keep the easement in the same location, but it will be on the larger parcel.
Since that will adjust the square footage of each parcel, the board suggested tabling the item for a new plan to be submitted.

**Motion:** D. White moved to table the application including waiver requests to December 14, 2021. Seconded by D. Ciotti. Vote: U/A.

## 5. STAFF COMMENTS

- D. Benton updated the Board on:
    - Staff attended the Northern New England planning conference. Some of D. Benton's and C.Parker's takeaways were included in the Planning e-newsletter.
    - Staff received a good amount of interest in both open Assistant City Planner positions and will begin interviewing next week.
    - the latest TRC: the waterfront development both CPI's mixed use project as well as the public right of way and park, both will be coming back for second TRCs. The TRC also reviewed a site plan for Q, LLC on Quality Way and 51 Bellamy Road that the Board reviewed the TDR for tonight.
    - Applications for CDBG projects are due at 4pm on the 19th and are available on the Community Development page on the Planning Department's website.

## 6. MEMBER COMMENTS

- The Chair signed the subdivision plans for 50 Education Way and revised for Venture Drive and Site Plans for Atlantic Broadband.

- D. Benton welcomed new Planning Board alternate, Jackie Walker.
- Tom Clark requested men take off their hats at the podium.
- E. Reville asked if TDR could be reviewed to cap a percentage of how many units can be purchased over what's allowed.
    - D. Landry noted this is the time of year for the board to think about what to focus on next year and that should be one of the items including whether the TDR is appropriate in the R40 zone.
    - K. Pimental noted he was more open to the project tonight which offered affordable rates. He wondered if we could look at the end of the year how much money has come in from TDR and what land acquisitions have been made with it.
    - D. Ciotti noted there is $1M in the TDR funds. Perhaps if applicants don't incorporate rent restricted units to their projects, those TDR funds could go towards funding a homeless shelter.
- K. Pimental suggested the board members look ahead at the Waterfront plans that will be coming before the board soon. Dennis and Kyle will not be able to sit for those Planning Board meetings since they are on the Waterfront Committee.
- M. Speidel noted NH just received funds for roads, bridges, and water infrastructure. He asked what share Dover can expect. D. Benton wasn't sure of the amount, but noted Dover has several projects ready and can apply for funding for multiple projects that should be good choices for those funds.

**7. ADJOURNMENT**

**Motion:** D. White moved to adjourn at 9:28p.m. Seconded by F. Torr. Vote: U/A

# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

| | |
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| Meeting Type: | Regular Meeting |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, June 28, 2022** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Mark Speidel, Ken Mavrogeorge, Frank Torr, Tom Clark, Fergus Cullen (Councilor), Kyle Pimental, and Erinn Kaspari
**Members Not Present (excused)**: Hayley Harmon (Vice Chair)
**Members Not Present (un-excused)**: Stephanie George (Alternate)

**Staff Present:** Donna Benton, Director of Planning and Development; Mike Asciola, City Planner

G. Cruikshank called the meeting to order at 7:00 p.m., noted items New Business B, C, and F will be continued to another meeting. And noted Erinn Kaspari will sit in for Vice Chair Harmon.

1. **CITIZENS' FORUM**
   *Citizens Forum Open*
   No one spoke
   *Citizens Forum Closed*

2. **APPROVAL OF THE PRIOR MINUTES**
   June 14, 2022 Regular Meeting Minutes
   **Motion:** F. Torr moved to approve the minutes as submitted. Seconded by T. Clark
   Vote: All in favor with Pimental abstaining

3. **OLD BUSINESS**
   **A.** Public hearing to consider amendments to Chapter 170 entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include changes to vehicle refueling and recharging stations and auto service stations, self-storage facilities criteria, rezoning of lots on Fisher St and Rutland St to HR, amending Gateway District Table of Use, replacing sub-grade with "fully below-grade", adding solar/green roof requirements to the C, CM, and IT Districts, and fixing an errant reference in the sign ordinance.

   D. Benton noted the board has been looking at these amendments since February and this is the second of three public hearings for public input.

   *Public hearing opened.*
   Elizabeth Bratter, 16 St John St commented about drive thru buffers and screening and green roof/solar requirements

   Christopher Parker, Deputy City Manager spoke on behalf of the Dover Business Industrial Development Authority and commented that they endorsed these amendments. They also suggest two changes regarding self-storage.

   **Motion:** T. Clark moved to table the public hearing to July 26th. Seconded by: M. Speidel. Vote: U/A

   *Public hearing tabled.*

4. **NEW BUSINESS**
   **A.** Consideration and possible adoption of the 2022 Community Infrastructure Chapter of the Master Plan.

   D. Benton described to the board the updated 2022 Community Infrastructure Master Plan Chapter draft and general process. She thanked the consultant, committee members, and city staff who helped put this

chapter together. She announced that Liz Kelly from Resilience Planning and Design was here with a brief presentation and to answer any questions.

**Motion:** F. Cullen voted to adopt the 2022 Facilities and Utilities Chapter of the Master Plan. Seconded by: T. Clark. Vote: U/A

**B.** Consideration and acceptance of a Minor Subdivision for Canney Brook Engineering and Consulting, CBF2 LLC., (Owners: Canney Brook Engineering and Consulting, CBF2 LLC. and Helen F. Preston Revocable Trust of 2009), Assessor's Map K, Lot 6, zoned R-40, located at 105 Middle Road and Back Road. (2 new lots) (P22-09)

**Motion:** T. Clark moved to continue this item to July 26, 2022. Seconded by: M. Speidel. Vote: U/A

**C.** Consideration and acceptance of a Conditional Use Permit for Unitil Granite State Transmission, Assessor's Map M, Lot 47-C, zoned R-12, located at Gerrish Road. (Proposal is to construct a pipeline inspection equipment station which will impact 3,500 s.f. of wetlands.) *(P22-36)

**Motion:** F. Torr moved to continue this item to August 23, 2022. Seconded by: M. Speidel. Vote: U/A

**D.** Consideration and acceptance of a Transfer of Development Rights for John P. Warren, Assessor's Map 32, Lot 21, zoned R-12 and located at 16 Prospect Street. (Proposal is to relocate current apartment in rear of house to above a newly constructed garage.) *(P22-40)

D. Benton introduced the proposed project to relocate an apartment in rear of an existing three (3) family residential structure to above a newly constructed detached garage. The applicant requests a TDR unit to allow the unit to be relocated. The request will not create an additional residential unit on the property. This application was not heard by the Technical Review Committee, as it was below the review threshold. Should the applicant wish to create an additional unit rather than move the unit, the Board would need to be clear on that vote tonight.

Jack Warren, owner, represented the application.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by T. Clark. Vote: U/A.

*Public hearing opened.*
Don Briand, abutter at Washington St supports the application, but is concerned about the displacement of rainwater onto his property due to the new garage.

Catherine Casey, abutter supports the application, but has concerns about parking on the property.
*Public hearing closed.*

D. Benton addressed public comment.
Mr. Warren addressed the parking and water concerns. K. Mavrogeorge suggested a condition of approval for engineering.

**Consistency with Land Use Regulations**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. The process allows the applicant to come to the Board with a plan indicating the TDR but does not trigger the need of full site plan review.

The proposed TDR creates no additional units and relocates an existing unit into a newly constructed an accessory structure.

**STAFF RECOMMENDATION:**
The Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance has been met with the following conditions:

**Conditions to Be Met Prior to Granting of the TDR:**

1. Proposed garage and TDR unit footprint may not exceed the existing multifamily building.
2. Record deed restriction for TDR unit at SCRD to the satisfaction of the Planning Director.
3. Revise plan and resubmit for Final Planning Board signature with:
   - 3.1. Add owner's signature
   - 3.2. Update title to TDR Plan
   - 3.3. Add TDR unit to "proposed" garage
   - 3.4. Add note to the plan that no additional dwelling units may added to the property without review and approval by the Planning Board or Zoning Board.
   - 3.5. One of the existing Certificate of Occupancy be relinquished or Planning Board agree to an extra unit and payment of the TDR fees is provided.
4. Prior to construction, coordinate with engineering office on drainage/stormwater

**Motion**: F. Torr moved to approve the TDR with the recommended conditions. Seconded by T. Clark. Vote: U/A

**E.** Consideration and acceptance of a Minor Lot Line Adjustment for Northam Survey LLC., (Owners: Carrie & Scott Vaughn and Gabriel P. & Brittany R. Edgar & Paul T. & Susan D. Edgar), Assessor's Map D, Lots 18A & 18P, zoned R-12, located at 101 & 103 Glenwood Avenue. (Between 2 lots) *(P22-42)

D. Benton explained the applicant is before the board requesting to complete a lot line adjustment between two lots, totaling in 3,000± s.f. The lots would still meet the minimum lot area post adjustment, as well as the required frontage. As a Lot Line Adjustment, this application did not appear before the TRC.

Eric Salovitch, Northam Survey, LLC represented the application explaining that the lot line between the two properties is curved and both owners agree to have it straightened out. One party is interested in selling, and this would make the boundaries clearer for the new owners.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by T. Clark. Vote: U/A.

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**Consistency with Land Use Regulations**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

**STAFF RECOMMENDATION:**
The Planning Department recommends the Planning Board to vote to approve the application with the following conditions:

**Conditions to Be Met Prior to Signing of Plans:**
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
    a. Planning File Number P22-42
    b. Add line of intent as a plan note (Common Note 1)
    c. Revise references to the satisfaction of the City Assessor
    d. Revise signature block to be 2" x 2" blank square
    e. The owner's signatures
    f. The LLS stamp and signature
    g. Indicate which lot the tree near new property line is on

As staff started verbally reading the conditions of approval (previously read into record by Surveyor Erik Salovitch), further discussion on the application ensued regarding two questions. Afterwards, the Chair understood there to be an intended motion by F.Torr, or an assumed motion, to approve the lot line adjustment subject to the staff conditions outlined above, seconded by T.Clark.

**Motion**: Motion to approve the Lot Line Adjustment with the recommended conditions. Seconded by T. Clark. Vote: U/A

**F.** Consideration and acceptance of a Transfer of Developments Rights Request for Scott & Heidi Drapeau & Anthony Sillitta, (Owners: Scott & Heidi Drapeau and Anthony Sillitta), Assessor's Map 35, Lot 1, zoned R-12, located at 77 Sixth Street. (Requesting to purchase 1 new lot) *(P22-43)

**Motion:** M. Speidel moved to continue this item to July 26, 2022. Seconded by: E. Kaspari. Vote: U/A

**G.** Consideration and acceptance of Conditional Use Permit for Jeffrey Loring, Assessor's Map 15, Lot 106, zoned Gateway, located at 132-134 Central Avenue. (Proposal is to remove existing garage and construct a 1-unit residential building behind the existing duplex whereas the front buildout is 54% whereas 60% is required, a side setback of 5' where 10 is required and front build to line of approximately 100' where 20' is required). *(P22-45)

D. Benton introduced the proposal to remove existing garage and construct a one (1) unit residential building behind the existing duplex whereas the front buildout is 54% whereas 60% is required, a side setback of 5' where 10' is required and front build to line of approximately 100' where 20' is required.

The property is within the Gateway Zoning District which has a density requirement of 4,000 sf.

Jeff Loring, owner, represented the application noting that the reasons not to add to the back of the duplex: keep the green space, work well for parking, and maintain the look of the lot. He mentioned a few of the conditions for approval and asked for some clarifications.

The board asked some clarifying questions which were answered.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by T. Clark. Vote: U/A.

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**Consistency with Land Use Regulations**
§170-20.B.(1) Zoning Ordinance allows for Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the standards of §170-20B.(1)(a)-(i).

Planning Staff believes this proposal is consistent with the §170-20.B.(1)(a)-(i) criteria as described in the applicant's narrative. The applicant's design supports the intent and goals of the Gateway District, to be a mixed use transitional neighborhood from less densely developed area to the urban core of the City.

**STAFF RECOMMENDATION:**
The Planning Department recommends the Planning vote to grant the Conditional Use Permit with the following conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to Issuance of Conditional Use Permit:**
1. A survey or plan performed by a NH licensed land surveyor and/or engineer be submitted to the satisfaction of the Planning Director to ensure compliance with dimensional regulations and granting of Conditional Use Permit.
2. A Development Agreement per Chapter 170-27.B.(3) be signed and recorded at the Strafford County Registry of Deeds.
3. Add rear setback dimension to plan.
4. Existing trees on subject property to remain in place unless determined to be diseased or a safety hazard by the City Arborist.
5. Define on the plan the walkway between parking area and structure.

M. Speidel expressed concerns about the side setback being less than 10'.

**Motion**: T. Clark moved to approve the Conditional Use Permit with the recommended conditions. Seconded by F. Cullen. Vote: 7-1 with Speidel opposed.

**H.** Consideration and acceptance of a Minor Subdivision for Fortuna North III, LLC. Assessor's Map D, Lot 17-F, zoned Commercial, and located at 343 Sixth Street. (1 new lot) *(P22-41)

D. Benton explained the applicant is proposing to subdivide Assessor's Map D Lot 17-F into two lots, resulting in the creation of one new lot. Both lots would be accessed from Sixth Street. The lots are

proposed to be serviced by municipal water and sewer. As a minor subdivision, this application did not appear before the TRC.

Kevin McEneaney represented the application.

T. Clark mentioned a previous condition to stake out a green orchid and asked for that condition to be added.

**Motion:** T. Clark moved to accept and declared no regional impact for the application. Seconded by F. Cullen. Vote: U/A.

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**Consistency with Land Use Regulations**
The plan is consistent with Chapter 157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

**STAFF RECOMMENDATION - Minor Subdivision:**
The Planning Department recommends that the Planning Board Planning Board vote approve the minor subdivision with the following conditions:

**Conditions to Be Met Prior to Signing of Plans:**
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
    1.1. The owner's signatures
    1.2. Include Planning File Number, P22-41
    1.3. Stamp and signature of the LLS
    1.4. Add signature block, 2" by 2" square
    1.5. Add note 10 that wetlands survey will need to occur before any development on new vacant lot.
    1.6. Stake out and note to plan indicating steel fence posts and wetland placards around green orchids.

**Motion**: T. Clark moved to approve the Minor Subdivision with the recommended conditions. Seconded by F. Torr. Vote: U/A

**I.** Consideration and acceptance of a Site Review for Dover Housing Authority Assessor's Map 33, Lot 1-A, zoned RM-U, located at 48 Whittier Street. (Proposal is to construct a six-unit multi-family residential building utilizing TDR to purchase 4 units.) *(P21-37)

D. Benton provided the Board with an overview of the proposal to construct a six (6)-unit multi-family residential building utilizing TDR to purchase four (4) units on a 0.37 acre vacant lot on Whittier Street in the Urban Density Multi Residential (RM-U) District. All proposed units will be HUD restricted units to increase the attainable housing stock within the City. TDR Fees will be waived due to the HUD rental restrictions option being chosen.

This application was most recently before the Technical Review Committee on May 27, 2021.

Christopher Berry, Berry Survey and Engineering, represented the application and explained the details of the project.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by T. Clark. Vote: U/A.

*Public hearing opened.*
Lynn Marie Reid, 1 Arcola St is concerned about traffic and pedestrian safety.
*Public hearing closed.*

D. Benton clarified there was a traffic study done during the TRC process. No improvements were determined necessary for this project.

**Consistency with Land Use Regulations**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. The process allows the applicant to come to the Board with a plan indicating the TDR but does not trigger the need of full site plan review.

The applicant seeks a waiver of the no cut no disturb 30' perimeter buffer requirement of §170-27.2.G.(7) due to the characteristics and circumstances of the subject parcel.

**STAFF RECOMMENDATION- Waiver:**
The Planning Department recommends that the Planning Board vote to grant the waiver with the following condition:

**Condition to be Met Prior to the Signing of the Plans:**
1. Add a note that the Planning Board approved a waiver of the no cut no disturb 30' perimeter buffer requirement of §170-27.2.G.(7).

**Motion**: F. Torr moved to grant the waiver and that §153-21 has been met. Seconded by: T. Clark. Vote: U/A.

**STAFF RECOMMENDATION - TDR:**
The Planning Department recommends that the Planning vote to find the criteria of the TDR ordinance has been met with the following conditions:

**Conditions to Be Met Prior to Granting of the TDR:**
1. Add note to the plan that no additional dwelling units may added to the property without Planning Board approval and note TDR restrictions.
2. Provide draft deed/leases noting TDR/HUD restrictions to the Planning Department.
3. Submit a development agreement to be reviewed in consultation with the Legal Department and recorded at the SCRD indicating the HUD rental restriction, income verification requirements, TDR restrictions.

**Motion:** F**.** Torr moved to approve the Transfer Development Rights application with the recommended conditions. Seconded by T. Clark. Vote: U/A

**STAFF RECOMMENDATION – Site Plan:**
The Planning Department recommends that the Planning Board vote to approve the Site Plan with the following conditions:

**Conditions to Be Met Prior to Signing of the Plans:**
1. Address the following concerns to the satisfaction of the City Engineer:
    1.1. Revise detail C5 to show the underdrain in relation to the porous pavement section;
    1.2. Consider reducing the amount of porous pavement on property by limiting porous pavement to parking spaces. Porous in areas of high vehicle movements (aisles and entrance) are not recommended;
    1.3. Provide a sign identifying porous asphalt is present and that there are restrictions on deicing materials on porous surfaces are noted in the inspection and maintenance plan that is provided;
    1.4. Provide a commitment to maintain stormwater and specifically the porous pavement that can be recorded at the registry of deeds; and
    1.5. According to the BMP worksheets, groundwater is expected to be into the filter media, applicant shall provide a liner below the porous pavement section or explain how the system will properly function as submitted.
2. Revise plan and resubmit for Final Planning Board signature and then recording at the SCRD with:
    2.1. Add owner's signature;
    2.2. Add architect stamp and signature to Architectural Plan Set;
    2.3. Add LLS signature to Sheet 2 of Site Plan Set; and
    2.4. Remove reference to Shoreland file no. 2021-02336 accepted 7/26/2021 as it is no longer applicable due to the use of pervious pavement.

**Conditions to Be Met Prior to Building Permit:**
3. Payment of the water/sewer fees at time or request of service.
4. Development agreement has been recorded.
5. Construction sign with hours of operation has been installed to the satisfaction of the City Engineer and Planning Director.

**Conditions to Be Met Prior to Occupancy:**
6. Issuance of Certificate of Occupancy.
7. Payment of Impact Fees as noted in the invoice attached to the Decision Letter.
8. Surety or other form of security acceptable to the City is provided for any unfinished work.

**Motion**: T. Clark moved to approve the Site Plan application with the recommended conditions. Seconded by F. Torr. Vote: U/A

The Vice Chair noted Items 4J, K, and L will be heard together.

**J.** Consideration and acceptance of a Conditional Use Permit for Equine Properties, LLC., Assessor's Map H, Lot 37A, zoned Commercial, located at 239 Knox Marsh Road. (Proposal is to allow 10,699 square feet of wetland buffer.) *(P21-05)

**K.** Consideration and acceptance of a Conditional Use Permit for Equine Properties, LLC., Assessor's Map H, Lot 37A, zoned Commercial, located at 239 Knox Marsh Road. (Proposal is 33.8% impervious cover in a Secondary Groundwater Protection Zone, where 20% is allowed.) *(P22-46)

**L.** Consideration and acceptance of a Site Review for Equine Properties, LLC., Assessor's Map H, Lot 37A, zoned Commercial, located at 239 Knox Marsh Road. (Proposal is to construct two(2) three-story mixed - use buildings with 26 residential units on the second and third stories and non-residential uses on the first story of each building, 12 single family residences, and a private roadway to provide access) *(P21-04)

D. Benton introduced the proposed project as a multi-family, mixed-use development consisting of two (2) three-story mixed-use buildings with 26 residential units on the second and third stories and non-residential uses on the first story of each building, 12 single family residences, and a private roadway to provide access in two phases. The development requires two (2) CUP requests for wetland buffer disturbance and additional impervious surface in the Secondary Groundwater Protection Zone. The development as proposed, requires the Board to grant waivers of §157-32.G, for 3% road grade within 75' of an intersection and §153-14.K.(1)(a), to require 70% of parking behind the principal buildings.

The applicant seeks a CUP for an impervious surface cover of 33.8% exceeding the 20% maximum requirement of the Groundwater Protection Secondary Zone. A second CUP for wetland buffer impact 10,394 sf of permanent buffer disturbance and 456 sf of temporary disturbance is also requested for the proposed development. All of this disturbance will be for the construction of the proposed road and relating grading through the buffer, as well as the construction of a gravel wetland for stormwater treatment.

The site is proposed to be serviced by municipal water and sewer. The plan appeared before the TRC on February 11, 2021, June 24, 2021, & February 24, 2022. The CUPs were endorsed by the Conservation Commission at their July 12, 2021 meeting.

Christopher Berry, Berry Survey and Engineering represented the application. He explained the single family home that used to be there has been demolished. The applicants had taken the plan to ZBA prior to the zoning change which now allows for much of what is proposed. They had received zoning board approval for the mixed-use buildings (which are now allowed by right) and also for the 12 additional units.
He described the details of the proposed project.

The board members asked some clarifying questions which were answered by Mr. Berry.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by M. Speidel. Vote: U/A.

*Public hearing opened.*
Richard Keyes 251 Knox Marsh Rd is an abutter and is concerned about traffic, wondered if the traffic study has occurred, and would like more information about lighting.

Brandon Kimble, 756 Knox Marsh Rd is concerned about traffic and the extra traffic anticipated as well as the added impervious surfaces being asked for. There is currently some pooling.

Mr. Berry addressed public comment regarding traffic. He asked the state to reduce the speed in that area. He encouraged the City to look into this. He also explained the proposed lighting and drainage for the site.
*Public hearing closed.*

**Summary of Waiver Requests:**
The applicant is requesting the Board grant a waiver from the §157-32.G requirement that the Board to allow -4% grad off Knox Marsh rather than 3% within 75' of an intersection. The applicant believes that although the proposed roadway has -4% road grade within 75' of the intersection, it will still be a safe intersection. The road is designed to transition from a -4% grade to a 2% grade. And they believe this will allow for a safe platform for vehicles to stop at. The -4% slope is a requirement of NHDOT and the applicant would be nonconforming to NHDOT regulations if held to the City's requirement set forth in §157-32.G.

The applicant is also requesting the Board grant a waiver from the §153-14.K.(1)(a) to require 70% of parking behind the principal buildings where 47% is being proposed. Due to the street facing location of the commercial uses access to the mixed-use buildings, parking is provided in the front for pedestrian access and safety.

**Consistency with Land Use Regulations – Waiver**
§153-21 of the Site Plan Review Regulations and §157-51 of the Land Subdivision Regulations both state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

**STAFF RECOMMENDATION- Waiver:**
Planning Staff finds the waiver requests are supported under criterion (1) above and the intent of the requirements are upheld.

**Motion**: T. Clark moved to grant the waivers and that §153-21 and §157-51 requirements have been met. Seconded by: F. Torr. Vote: U/A.

**Consistency with Land Use Regulations - CUP Wetlands**
The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Staff feels that the applicant reviewed options and due to existing site conditions, there were no additional design alternatives for the impacts, which have been minimized and mitigation actions taken to improve the impacted wetland buffer function. Staff believes this proposal conforms to the standards set forth in §170-27.1.F.(1) and is consistent with the CUP's intent and purpose.

**STAFF RECOMMENDATION - CUP Wetlands:**
The Planning Department recommends the Planning Board to vote to grant the Conditional Use Permit with the following conditions, as the plans meet the standards outlined:

**Condition to Be Met Prior to Signing of Plans:**
1. Site Plan (P21-04) and Conditional Use Permit (P22-46) be approved.

**Motion**: F. Torr moved to approve the Wetlands Protection District CUP application with the recommended condition. Seconded by K. Mavrogeorge. Vote: U/A

**Consistency with Land Use Regulations - CUP Secondary Groundwater Protection Zone:**
The Secondary Groundwater Protection Zoning Ordinance §170-28.3., provides for Conditional Use Permits approved by the Planning Board to allow certain land uses within the Groundwater Protection Primary and Secondary Zones and provide additional development performance standards.

Staff feels that the applicant reviewed options and due to existing site conditions related to hydrology and poor soil drainage and mitigation actions taken to improve the impacted hydrological function. Staff believes this proposal conforms to the standards set forth in §170-28.3. is consistent with the CUP's intent and purpose.

**STAFF RECOMMENDATION - CUP Secondary Groundwater Protection Zone:**
The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with the following conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to Signing of Plans:**
1. Site Plan (P21-04) and Conditional Use Permit (P21-05) be approved.
2. Applicant must resubmit and receive Conservation Commission endorsement of the current site plan as the impervious surface increased from 28.6% to 33.8%.
3. NHDES grant the waiver of the Water Recharge requirements of Env-Wq 1507.04(b)

**Condition to Be Met Prior to Issuance of a Building Permit:**
4. The applicant shall prepare the Development Review Model required by Chapter 170-28.3-G and submit it to the City Engineer for review and approval.

**Motion**: T. Clark moved to approve the Secondary Groundwater Protection Zone CUP application with the recommended conditions. Seconded by K. Pimental. Vote: U/A

**STAFF RECOMMENDATION – Site Plan:**
The Planning Department recommends the Planning Board vote to approve the Site Plan with the following conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to Signing of Plans:**
1. Conditional Use Permit (P21-05) and Conditional Use Permit (P22-46) be approved.
2. The applicant shall provide the Planning Department with a digital version of the final plan set.
3. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
4. The applicant shall enter into a development agreement with the City of Dover to provide a payment in lieu of construction of a sidewalk towards Progress Drive;
5. Notice of Restriction be filed regarding the living space square foot restriction;
6. Letter to serve from Eversource.
7. The applicant shall revise the plan set to:
   7.1. Add owners' signatures;
   7.2. Revise street name spelling;

7.3. Add all professional signatures and stamps for each submission;
7.4. Add permit numbers when received; and
7.5. Add snow storage details.

**Conditions to Be Met Prior to any Construction:**

8. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
9. The wetland buffer placards be installed every 30 feet;
10. Off-site traffic improvements to the satisfaction of the City Engineer and NHDOT in consultation with the TAC be added to the plan.

**Conditions to Be Met Prior to Issuance of a Building Permit:**

11. Payment of Water and Sewer Investment Fees;
12. The applicant shall provide payment for active and passive recreation. Active Rec fee will be $500 per unit. Passive Rec fee will be $500 per unit as well;

**Conditions to Be Met Prior to Occupancy:**

13. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision;
14. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction;
15. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work;
16. Issuance of the Certificate of Occupancy.

**Motion**: F. Cullen moved to approve the Secondary Site Plan application with the recommended conditions. Seconded by E. Kaspari. Vote: U/A

## 5. STAFF COMMENTS

- *TRCs since last meeting*:
  - Site Review using Transfer of Development Rights Knox Marsh Development LLC.'s 8 unit residential development, zoned G, located at 757 Central Avenue;
  - Site Review for City of Dover Recreation Skate Park
  - Site Review for Bonterra Farms accessory building, located at 31 Saddle Trail Drive.
- *Upcoming TRCs:*
  - Site Review for Dover Coast, LLC., located at 725 Central Ave & 4 Brick Road to construct a new 4 story apartment building with 13 units;
  - Site Review using Transfer of Development Rights for Heron Bay Partners, LLC located at Cielo Drive to construct 51 TDR age restricted (55+) units in seven (7) townhouse style multi-family buildings in place of the two previously approved congregate care buildings;
  - Site Review located at 6 Trask Drive to pave 5,400 sf of private driveway;
  - Site Review for Weave Filtration, LLC, located at Quality Way to construct a 23,125 sf building for manufacturing with office space. A CUP for wetland impact will also appear before the Planning Board; and
  - Site Review for Storage Barn, LLC, Assessor's Map D, Lot 12-2, zoned IT, located at Production Drive to construct five (5) storage buildings totaling 12,000 sf. A CUP for wetland impact will also appear before the Planning Board.

- RFP for Vision Chapter of the Master Plan is out, then we will be looking for a PB representative for that steering committee.
- Still looking for members to serve on a subcommittee regarding the Gateway District.
- We have received applications for the alternate vacancies and is expected to be filled soon. The Appointments Committee meeting on June 1st was cancelled and yet to be rescheduled.
- New permitting software will launch July 1st. Plans will be filed electronically.
- Congratulations to Jackson Kaspari who successfully defended his PhD dissertation yesterday.
- Congratulations to Mike Asciola for passing his AICP exam.

## 6. MEMBER COMMENTS

- T. Clark commented he prefers to receive the packets electronically, but they are many pages (500-1400) and difficult to maneuver through.
    - Board members gave added info on how to review separate batches of information by using the agenda links and meeting materials tab
    - Other board members agreed to have the traffic studies/ drainage research pulled out and accessible as a separate document.
- F. Torr commented:
    - encouraged other members of the board to make motions
    - round-about at Silver St is something the City should be proud of regarding maintenance
    - sign pollution: example = on 108 directional sign/ weight limit sign. Example = one on his road which is rusted out
        - K. Mavrogeorge noted a consultant just went through and assigned condition ratings to all signs. They have been photographed and located on GIS. They will be updated as needed.
- K. Pimental noted:
    - he wasn't sure where the crosswalk is that the woman mentioned, but that area is where the trails link up and it is very dangerous for pedestrians to cross
    - the Dover Download podcast is really great. He listened to all three episodes that are out.

## 7. ADJOURNMENT

**Motion:** F. Torr moved to adjourn at 9:07 pm. Seconded by M. Speidel. Vote: U/A

# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, July 26, 2022** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Ken Mavrogeorge, Frank Torr, Dennis Shanahan (Councilor), and Kyle Pimental
**Members Not Present (excused)**: Mark Speidel, Fergus Cullen (Councilor), Erinn Kaspari, Tom Clark,
**Members Not Present (un-excused)**:
**Staff Present:** Donna Benton, Director of Planning and Development; Mike Asciola, City Planner

G. Cruikshank called the meeting to order at 7:00 p.m.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

June 28, 2022 Regular Meeting Minutes
D. Benton explained that there was an intended motion and clear vote but no clear motion and second on the lot line adjustment on Glenwood at the last meeting. The Board could make a motion to amend the minutes as outlined that there was an intended motion by F. Torr and seconded by T. Clark.
F. Torr confirmed.
**Motion:** F. Torr moved to amend the minutes and approve as amended. Seconded by D. Shanahan.
Vote: U/A

## 3. OLD BUSINESS

**A.** Public hearing to consider amendments to Chapter 170 entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include changes to vehicle refueling and recharging stations and auto service stations, self-storage facilities criteria, rezoning of lots on Fisher St and Rutland St to HR, amending Gateway District Table of Use, replacing sub-grade with "fully below-grade", adding solar/green roof requirements to the C, CM, and IT Districts, and fixing an errant reference in the sign ordinance.

**Motion**: F. Torr moved to remove the item from the table. H. Harmon seconded. Vote: U/A

D. Benton noted the board has been looking at these amendments since February and this is the third of three public hearings for public input. Following public input, staff recommends the board forward these to Council.

*Public hearing opened.*
Laurie Smith, 36 Fisher St spoke in favor of expanding the Heritage district and to implement the height restrictions in that area. She proposed that parcel 15042 be added to the height restriction as well.
(it was clarified later in the meeting that the parcel in question is actually 15040A)

Chad Kageleiry, asked why his property is on the screen. Board and staff explained a citizen is requesting it be added to the Heritage district. He expressed he would not be in favor of that and made comments about the history of the property.

Letters of support were received from the following residents:

| | |
|---|---|
| Melissa Henerberry | 26 Fisher Street |
| James Henerberry | 26 Fisher Street |
| Katherine Cox & Jason Lucey | 101 Belknap St |

| | |
|---|---|
| Laurie Smith | 36 Fisher St |
| Peter Michaud & Paul Chung | 93 Belknap Street |
| Matthew B. Cox, Esq. | 255 Washington Street |
| Marisa Didio | 105 Belknap St. |
| Sandra Cohen-Holmes | 34 Fisher Street |
| Lauren Serafin | 54A Rutland St |

Mary and Carly Glovinski and Tyler Conaway 92 Belknap Street
Anthony McManus (provided in packets)
*Public hearing closed.*

D. Benton noted staff is not proposing any changes to the posted amendments as they would relate to the discussion thus far this evening but that staff is proposing changes to other amendments. D. Benton reviewed these changes to the amendments for the board including clarifying the same language regarding vehicle refueling and recharging stations, adding the IT district to the self-storage amendments and clarifying screening and parking requirements, and a few minor changes to verbiage in the Gateway amendments for further clarification for future interpretation.

**Motion:** D. Shanahan moved to amend the amendments. Seconded by: F. Torr.

K. Pimental asked if staff has considered forming a sub-committee to look at the property mentioned in public comment this evening. D. Benton noted it has been requested that a sub-committee be formed to look at all gateways and that no Planning Board members had volunteered when she had asked previously. D. Shanahan commented that lot is uniquely shaped and should be looked into from all points of view. Changes should not be made today- but having a sub-committee look into it seems right.
K. Pimental and G. Cruikshank volunteered to be on the sub-committee.

Vote: U/A

**Motion:** K. Mavrogeorge moved to vote to recommend the amendments to City Council. Seconded by: H. Harmon. Vote: U/A

## 4. NEW BUSINESS

**A.** Consideration and acceptance of a Minor Subdivision for Canney Brook Engineering and Consulting, CBF2 LLC., (Owners: Canney Brook Engineering and Consulting, CBF2 LLC. and Helen F. Preston Revocable Trust of 2009), Assessor's Map K, Lot 6, zoned R-40, located at 105 Middle Road and Back Road. (2 new lots) (P22-09)

K. Mavrogeorge and F. Torr would have recused themselves from this case.
Therefore, there was not a quorum available to hear the case. (No motion could be made without a quorum, but the Chair announced that the case is continued to August 23, 2022.

**B.** Consideration and acceptance of a Site Review for City of Dover Recreation, Assessor's Map 26, Lot 2, zoned RM-U, located at 150 Portland Avenue. (Proposal is to construct a 17,000 s.f. skate park in two phases.) RSA 674:54 Governmental Land Use applies. *(P22-25)

D.Benton introduced the proposal to develop a skate park at Guppy Park in the field adjacent to Oak St. and the park and ride. The proposal is to develop the 17,000 sq ft concrete structures in two phases to replace the

current skate park on River St. Additional improvements will include access paths, additional parking spaces, a gazebo, and stormwater management infrastructure.

She explained the Planning Board will review the entire proposal and may approve it as a whole, however, an additional plan review will be required prior to the construction of phase 2.

Bob Stowell, Tritech Engineering represented the application. The parking is in place. This proposal takes lawn area and converts it into the skate park. Mr. Stowell addressed drainage, walkways, lighting.
There are a couple of waiver requests for EV charging and landscaping as those are intended to be looked at as part of the full park and park and ride area rather than just the skate park portion. There is also a drainage waiver which deals with storm water runoff.

The Recreation Director commented that this project is 20 years in the making. He gave a few details about how the process has come to be.

F. Torr asked about parking details which Gary addressed.

K. Pimental had comments regarding pedestrian safety and arts commission mural/ graffiti art. Gary addressed the comments in response.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by K. Pimental. Vote: U/A.

*Public hearing opened.*
Andy Cochran, Salmon Falls Stoneware spoke to the railroad, and they are concerned about kids walking the tracks. This is unsafe. His building gets vandalized by graffiti. He requested a property value impact report. Money should be set aside to compensate for abutters needing to clean the vandalism.

Matt Johnson, 26 Sunset Dr spoke in favor of the new skate park. He has been trying to get this going for 17 years.

Nelson Wormstead, 17 Sunset Dr commented having a world class facility in the City is important. It will attract world-class level competitors. It could be a site where qualifying events are held for Olympic level competition.
*Public hearing closed.*

**Summary of Waiver Requests:**
The applicant is requesting the Board grant a waiver from §153-14.A.(3)(b)[3] "Measures shall be taken to control the post-development surface water runoff volume so that it does not exceed predevelopment runoff for the two-, ten-, twenty-five- and fifty year, twenty-four-hour storm events...", §153-14.D.(3) "Electric Vehicle Supply Equipment (EVSE) and dedicated charging spaces and from §153-14.G. "Landscaping".

The applicant is requesting these waivers due to the complex nature of the multi-use park and believes that such improvements should be part of the Guppy Park Master Plan with input from all park stakeholders. They believe that they should look to make these drainage, EVSE and landscaping improvements as part of a larger parking redesign that could be funded through possible outside grant sources in the near future and that the existing landscaping is adequate and meets the intent of the regulations.

**STAFF RECOMMENDATION-Waivers:**
§153-21 of the Site Plan Review Regulations the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:
(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

The Planning Department recommends the Planning Board vote to grant the waivers with the following non-binding conditions, as the plans meet the standards outlined.

**Condition to be Met Prior to the Signing of the Plans:**
1. Add a note to plan that the Planning Board approved waivers for §153-14.A.(3)(b)[3] "Measures shall be taken to control the post-development surface water runoff volume so that it does not exceed predevelopment runoff...", §153-14.D.(3) "Electric Vehicle Supply Equipment (EVSE) and dedicated charging spaces and from §153-14.G. "Landscaping" that the criteria for Chapter 153-21 have been met.

K. Pimental stressed that if we are putting EV requirements on private developments, the City also needs to adhere to them. D. Benton clarified the plan is to have them on site in a later phase, just not at this time.

**Motion**: F. Torr moved to grant the waiver and that §153-21 criteria has been met. Seconded by: K. Mavrogeorge. Vote: U/A.

**STAFF RECOMMENDATION-Site Plan:**
RSA 674:54 provides for Planning Board review of governmental land uses with nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations.

§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following non-binding conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to Signing of Plans:**
1. The applicant shall provide the Planning Department with a digital version of the final plan set.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. Provide copies of permits once received;
4. The applicant shall revise the plan set to:
   4.1. Add owner's signatures;
   4.2. Combine plan sets into one set;
   4.3. Add all professional signatures and stamps to final plans;
   4.4. Add note stating construction is permitted for phase 1 only;
   4.5. Add snow storage details.

**Conditions to Be Met Prior to any Construction:**
5. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.



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**Conditions to Be Met Prior to Occupancy:**
6. Issuance of the Certificate of Occupancy.

**Motion**: K. Pimental moved to approve the Site Plan application with the non-binding conditions. Seconded by K. Mavrogeorge. Vote: U/A

**C.** Consideration and acceptance of an amendment to a previously approved Site Review for Katz Development Corporation, Assessor's Map K, Lot 19-10, zoned IT and RCM overlay, and located at Pointe Place. (Proposal is to amend to one of the previously approved buildings to 24 residential units instead of 40 units and a building footprint of 14,575 sq. ft. instead of 16,770 sq. ft. from the original approved Site Plan.) *(P18-37A)

D. Benton introduced the proposal to amend to one of the previously approved buildings to 24 residential units instead of 40 units and a building footprint of 14,575 sq. ft. instead of 16,770 sq. ft. from the original approved Site Plan.

She explained the original project was approved by the Planning Board on September 25, 2018 (P18-37), as part of the Pointe Place Master Plan development and consisted of three buildings located on the south side of Pointe Place roadway. The buildings have access from the parking and sidewalks along Pointe Place, as well as from the parking lot and access drive that loops around the south side of the buildings. The three buildings are identified as buildings #3, #4, and #5 on the site approved plans. The westerly most Building #3 is completed and construction is continuing with the remaining portions of the site. This proposed amendment is for the westerly Building #5 only.

The site plan amendment is brought before the Board to allow an opportunity for a public hearing and the Board to review and vote on the amendment to the previous plan with slight alterations to the access and parking and architecture. The remaining conditions of approval for P18-37 would still apply. The Board should review the proposed materials with the applicant at the meeting.

FX Bruton, Bruton & Berube represented the application.
The proposal is a minor alteration to the plan. He handed out a document which explains the changes.

K. Pimental asked what is the reason for reducing the number of units with the need for housing so great.
Mr. Bruton explained this developer is more familiar and interested in building the newly proposed style of structure which he has built before.

**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by D. Shanahan. Vote: U/A.

*Public hearing opened.*
No one spoke
*Public hearing closed.*

Chair Cruikshank asked if the photo shown tonight is an exact rendering of the proposal.
Eric Katz, developer explained the new proposal is for condo ownership where the previous approval was for apartments. These units are a little bigger. This will be the 20th building of this style they have built and will be built as shown in the updated photo presented tonight.

**STAFF RECOMMENDATION:**
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.
The Planning Department recommends the Planning Board vote to approve the Site Plan amendment with the following conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to Signing of Plans:**
1. The applicant shall provide the Planning Department with a digital version of the final plan set.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. The applicant shall revise the plan set to:
   3.1. Add owner's signatures;
   3.2. Add 2" x 2" Planning Board approval block;
   3.3. Add all professional signatures and stamps for each submission;
   3.4. Add materials to building elevations.
   3.5. Replace architectural rendering with one less pixelated.
   3.6. Update landscape plan and building floor plans to match amended site plan including egresses, bike rack location, sidewalk connections, and lighting changes.
   3.7. Update grading plan to provide ADA compliant grades in accessible parking spaces and accessible routes
   3.8. Update utility plan to show connections to previously installed utilities.
   3.9. Note all previous conditions of approval for P18-37 are still in place.

**Motion**: F. Torr moved to approve the Site Plan Amendment with the recommended conditions. Seconded by H. Harmon. Vote: U/A

**D.** Consideration and acceptance of an amendment to a previously approved Site Review for Little Bay Development, LLC., Assessor's Map 8, Lot 9, zoned LBW, and located at 5 Little Bay Dr. (Proposal is to revise the building elevation of the marina building to increase the living area of the existing dwelling unit by increasing the building height from two (2) to three (3) stories.) *(P19-04B)

D. Benton explained the proposed amendment is to add an additional story to the mixed use building identified as 5 Little Bay Drive containing the retail use and accessory apartment unit. She further informed the board of the previously approved site plan (P19-04A) as a condominium development containing 25 units plus marina/marina office with one (1) accessory apartment and 27 parking spaces. This project was previously approved by the Planning Board for TDR (P18-41), then received site plan approval (P19-04), then amended to add 2 units (P18-41A), and then received approval relocate 2 units (P19-04A), and is now seeking to have the marina building with accessory apartment be 3 stories instead of 2 as previously presented to the Planning Board.

The site plan amendment was below the threshold for TRC review but was a significant enough of a change that staff wanted the Planning Board to hold a public hearing and vote.

Tim Noonan, managing partner for Little Bay Development LLC represented the application and was available for questions. The rest of the proposed and approved project includes 3-story buildings so this would mirror those designs. The footprint would not change- only the height. There is no opposition from the neighbors- in fact a letter of support was sent in by the neighbors.

Board members asked some clarifying questions which Mr. Noonan answered.



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**Motion:** F. Torr moved to accept and declared no regional impact for the application. Seconded by K. Mavrogeorge. Vote: U/A.
*Public hearing opened.*
D. Benton noted two emails which came into the office:

- Ann Shine and Kevin Callaghan in opposition to the added floor.
- The abutters (Blackwells) sent in a letter of support included in the packet

*Public hearing closed.*

**STAFF RECOMMENDATION:**
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. The proposed amendment does not add additional uses or units and is consistent with the regulations and prior Planning Board approvals.

The Planning Department recommends the Planning Board vote to approve the Site Plan amendment with the following conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to Signing of Plans:**
1. The applicant shall provide the Planning Department with a digital version of the final plan set.
2. The applicant shall revise the plan set to:
   2.1. Add owner's signatures;
   2.2. Add 2" x 2" Planning Board approval block to lower corner
   2.3. Add all applicable professional signatures and stamps;
   2.4. Add note that all previous conditions of approval still apply.

**Motion**: F. Torr moved to approve the Site Plan Amendment with the recommended conditions. Seconded by H. Harmon. Vote: U/A

F. Torr suggested newer board members go to the property to take a look if they weren't at the original site walk. There has been major improvement to the site.

The Vice Chair noted Items 4E & F will be heard together.

**E.** Consideration and acceptance of a Conditional Use Permit for Knox Marsh Development LLC., Assessor's Map 28, Lot 7, zoned G, located at 757 Central Avenue. (Proposal is to allow a frontage build-out of 57.5% where 60% is required.) *(P22-17)
**F.** Consideration and acceptance of a Site Review using Transfer of Development Rights for Knox Marsh Development LLC., Assessor's Map 28, Lot 7, zoned G, and located at 757 Central Avenue. (Proposal is to construct two (a 4-unit & a 2-unit) multi-family buildings on a site with an existing single-family home. Three (3) of the seven (7) proposed units are to be purchased through TDR.)*(P22-15)

D. Benton introduced the proposal seeking to further develop a 0.45 acre under developed lot containing a single family residence in the Gateway District by constructing a duplex and four unit townhouse building. The proposed development requires three (3) of the proposed units through the Transfer Development Rights (TDR) process for density purposes.

Vehicular site access will be off of Abbey Sawyer Memorial Drive. Streetscape and sidewalk improvements are proposed adjacent to Central Ave. A CUP (P22-17) is requested for frontage buildout along Central Ave and Abbey Sawyer Memorial Drive. The property is to be serviced by City Water and Sewer.

She also described the Conditional Use Permit sought by the applicant for frontage buildout in the Gateway District. She also stated the applicant is seeking two waivers for site specific soils and lighting uniformity ratio.

Christopher Berry, Berry Surveying and Engineering represented the applications. He explained the project including layout, stormwater and amenities ironed out through TRC process.

The buffer reduction request was explained and discussed with staff as to whether it's even needed for this project.

**Motion:** F. Torr moved to accept and declared no regional impact for the applications. Seconded by K. Pimental. Vote: U/A.

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**Summary of Waiver Requests:**
The applicant seeks the following waivers:

§153:14.A.(3)(f)[2][c] Site Specific Soils Map (SSSM) due to the existing development on the parcel and the relatively small site the applicant believes using a Natural Resources Conservation Services (NRCS) soil mapping dataset as a substitute to a SSSM will not adversely affect stormwater calculation accuracy.

§153:14.E.(2)(b) Lighting uniformity ratio (5:1) due to the size and the shape of the site the applicant believes in order to achieve this ratio, additional light fixtures would have to be added which they believe would adversely affect abutting residences and contrary to the intent of the lighting requirements.

**STAFF RECOMMENDATION-Waivers:**
Section 153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:
(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

The Planning Department recommends the Planning vote to grant the waivers with the following condition:

**Condition to be Met Prior to the Signing of the Plans:**
1. Add a note to plan that the Planning Board approved waivers for §153:14.E.(2)(b) Lighting uniformity ratio (5:1) and §153:14.A.(3)(f)[2][c] Site Specific Soils Map and that the criteria for Chapter 153-21 have been met.



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**Motion**: F. Torr moved to grant the waivers and that §153-21 requirements have been met. Seconded by: D. Shanahan. Vote: U/A.

**STAFF RECOMMENDATION-TDR:**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights.

The Planning Department recommends the Planning Board vote to grant the TDR request of purchasing 3 units by finding the criteria of the TDR ordinance has been met with the following conditions:

**Condition to be Met Prior to Granting of TDR:**
1. Payment of the TDR Fees

**Motion:** F. Torr moved to approve the Transfer Development Rights application with the recommended condition. Seconded by D. Shanahan. Vote: U/A

**STAFF RECOMMENDATION – Conditional Use Permit:**
§170-20.B(1) Zoning Ordinance allows for Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA §674:21 II) after proper public notice and public hearing provided that the proposed project complies certain standards.

Planning staff finds that the Conditional Use Permit request is reasonable due to the following:
- The existing development is non-conforming to many standards of the Gateway District and is not in the intended spirit of the district. The proposed development significantly improves zoning conformity.
- The proposed development supports the intent of the Gateway District and meets criteria set forth in §170-20.B(1).
- The proposed development significantly improves the streetscape along Central Ave.

The Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with the following conditions, as the plans meet the standards outlined.

**Conditions to Be Met Prior to Issuance of Conditional Use Permit:**
1. A Development Agreement per Chapter 170-27.B(3) be signed and recorded at the Strafford County Registry of Deeds.
2. The Site Plan (P22-15) shall be approved.

**Motion**: D. Shanahan moved to approve the CUP application with the recommended conditions. Seconded by K. Mavrogeorge. Vote: U/A

**STAFF RECOMMENDATION-Site Plan:**
The Planning Department recommends the Planning vote to approve the Site Plan with the following conditions, as the plans meet the standards outlined:
1. Conditional Use Permit (P22-17) be approved;
2. The applicant shall provide the Planning Department with a digital version of the final plan set;
3. Provide a CAD file to the satisfaction of the Asset Management Administrator;
4. The applicant shall revise the plan set to:

4.1. Add owners' signatures;
4.2. Revise indicated black chain link fence with slats to the satisfaction of the Planning Director;
4.3. Add note to plan regarding TDR being utilized and if any size restrictions are to be used;
4.4. Add CUP (P22-17) approval note.

5. Provide draft deeds, lease, or COA documents to the satisfaction of the Planning Director to be reviewed in consultation with the City Attorney. Said documents should discuss long term operation and maintenance, common areas, reserve amount, and TDR restrictions;
6. Provide letters to serve from utility providers;

**Condition to Be Met Prior to any Construction:**

7. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer and Planning Director.

**Conditions to Be Met Prior to Issuance of a Building Permit:**

8. Payment of Water & Sewer Investment Fees at the time of request for service;
9. The applicant shall provide payment for active and passive recreation.

**Conditions to Be Met Prior to Occupancy:**

10. Issuance of the Certificate of Occupancy.
11. The applicant shall pay impact fees according to the invoice attached to the Notice of Decision.
12. The Engineer of Record go over any operation and maintenance needs with owner at the time.

**Motion**: K. Mavrogeorge moved to approve the Site Plan application with the recommended conditions. Seconded by D. Shanahan. Vote: U/A

## 5. STAFF COMMENTS

- *TRCs since last meeting*:
  - Site Review for Storage Barn, LLC, located at Production Drive. (Proposal is to construct five (5) storage buildings totaling 12,000 sf). A CUP for wetland impact will also appear before the Planning Board. (P22-50);
  - Site Review for Michael Robinson, located at 6 Trask Drive. (Proposal is to pave 5,400 sf of private driveway)(P22-49); and
  - Site Review for Weave Filtration, LLC., (located at Quality Way. (Proposal is to construct a 23,125 sf building for manufacturing with office space). A CUP for wetland impact will also appear before the Planning Board. (P22-47).
- *Upcoming TRCs:*
  - Site Review for Knox Marsh Development LLC., zoned Gateway & R-12, located at 36 & 38 New Rochester Road. (Proposal is for construction of six single family homes behind the existing single-family homes for a total of 8 units);
  - Site Review for Tolwood Realty Group LLC, zoned CBD- Mixed Use, located at 53 Silver Street. (Proposal is for the construction of a residential building containing three (3) townhouse style units partially developed within a portion of the existing parking lot to the rear of the commercial office building.); and
  - Site Review for Storage Barn, LLC, (Owner: TSB Properties, LLC.) zoned IT, located at Production Drive. (Proposal is to construct five (5) storage buildings totaling 12,000 sf). CUPs for use and wetland impact will also appear before the Planning Board. (P22-50)
  - Site Review for Pope Memorial Humane Society on County Farm to add a pavilion.



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- Staff are finalizing the Steering Committee for the Vision Chapter of the Master Plan and hope to have those appointed in August by the Planning Board Chair.
- Staff have received applications for the alternate vacancies and they are expected to be filled soon.
- New permitting software launched July 1st. Plans will be filed electronically.
- The Planning Department Staff would also like to congratulate Erinn Reville Kaspari on her dissertation defense.
- The Planning Department Staff would also like to congratulate Mike Asciola on getting his AICP officially today.

## 6. MEMBER COMMENTS

- K. Pimental
    - Relay to DPW: trees hanging over are blocking the light at Oak St and Rt 4
    - NHMA has a webinar tomorrow on grants program as part of INVESTNH
- Chair read lot merger for Littleworth Road and signed it with consensus of the board
- Chair Cruikshank noted that S. George resigned from the Planning Board.

## 7. ADJOURNMENT

**Motion:** K. Pimental moved to adjourn at 8:29 pm. Seconded by M. K. Mavrogeorge. Vote: U/A

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CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #P22-15

| | |
|---|---|
| Application Type: | TDR Site Review |
| Applicant(s): | Knox Marsh Development LLC |
| Owner(s): | Knox Marsh Development LLC |
| Location: | 757 Central Avenue (Tax Map 28, Lot 7) |
| Meeting Date: | July 26, 2022 |

**INTENT:** To construct one (1) 4-unit multi-family and one (1) duplex buildings utilizing TDR (requesting three (3) units to be purchased) with parking under the structure as well as purchase the existing single-family home.

**AGENDA ITEM #:** 4-F

**UNITS PROPOSED:** 7 (4-plex & duplex) + existing SFR

**ACREAGE**: 0.45± acres

**ZONING DISTRICT:** Gateway, Conservation District Overlay (20% slope)

**EXISTING LAND USE:** Single family residence

**PROPOSED LAND USE:** Residential (Multi-family)

**SURROUNDING LAND USE:** - Residential, mixed use, commercial, vacant land, Wentworth-Douglass Hospital, Garrison Hill Park

**ZBA ACTION:** None

**PERMITS REQUIRED:** (P22-17) CUP for Frontage Build-out

**WAIVERS REQUESTED:**
-§153:14.A.(3)(f)[2][c] Site Specific Soils Map
-§153:14.E.(2)(b) Lighting uniformity ratio (5:1)

**TRC:** March 17, 2022 & June 16, 2022

**APPLICATION IS COMPLETE:** Yes

**ATTACHMENTS:** Application materials, Site & Architectural Plan Sets, Traffic analysis

**Summary of Request and Background**
The applicant is seeking to further develop a 0.45 acre under developed lot containing a single family residence in the Gateway District by constructing a duplex and four unit townhouse building. The proposed development requires three (3) of the proposed units through the Transfer Development Rights (TDR) process for density purposes.

Vehicular site access will be off of Abbey Sawyer Memorial Drive. Streetscape and sidewalk improvements are proposed adjacent to Central Ave. A CUP (P22-17) is requested for frontage buildout along Central Ave and Abbey Sawyer Memorial Drive. The property is to be serviced by City Water and Sewer.

**Summary of Waiver Requests:**
The applicant seeks the following waivers:

§153:14.A.(3)(f)[2][c] Site Specific Soils Map (SSSM) due to the existing development on the parcel and the relatively small site the applicant believes using a Natural Resources Conservation Services (NRCS) soil mapping dataset as a substitute to a SSSM will not adversely affect stormwater calculation accuracy.

§153:14.E.(2)(b) Lighting uniformity ratio (5:1) due to the size and the shape of the site the applicant believes in order to achieve this ratio, additional light fixtures would have to be added which they believe would adversely affect abutting residences and contrary to the intent of the lighting requirements.

The applicant is also requesting that as part of the TDR Request, the Planning Board grant relief to the 30' buffer requirement.

**Consistency with Land Use Regulations -TDR**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights.

**Consistency with Land Use Regulations – Waiver**
Section 153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:
(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (1) and waiving such standards and requirements is not contrary to the spirit or intent.

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #P22-15

| | |
|---|---|
| Application Type: | TDR Site Review |
| Applicant(s): | Knox Marsh Development LLC |
| Owner(s): | Knox Marsh Development LLC |
| Location: | 757 Central Avenue (Tax Map 28, Lot 7) |
| Meeting Date: | July 26, 2022 |

**Consistency with Land Use Regulations – Site Plan**
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

Planning staff believes the proposed development meets the intent and spirit of the Gateway District by providing dense infill development which improves the streetscape of Central Avenue close to the CBD and urban center. The design of the development manages the increased density purchased through TDR and is in harmony with the neighborhood. Site design requirements were met unless waivers or CUPs were sought.

**STAFF RECOMMENDATION-TDR:**
The Planning Department recommends the Planning Board accept the application, open the public hearing, and vote to grant the TDR request of purchasing 3 units by finding the criteria of the TDR ordinance has been met with the following conditions:

**Condition to be Met Prior to Granting of TDR:**
1. Payment of the TDR Fees

**STAFF RECOMMENDATION-Waivers:**
The Planning Department recommends the Planning vote to grant the waivers with the following condition:

**Condition to be Met Prior to the Signing of the Plans:**
1. Add a note to plan that the Planning Board approved waivers for §153:14.E.(2)(b) Lighting uniformity ratio (5:1) and §153:14.A.(3)(f)[2][c] Site Specific Soils Map and that the criteria for Chapter 153-21 have been met.

**STAFF RECOMMENDATION-Site Plan:**
The Planning Department recommends the Planning vote to approve the Site Plan with the following conditions, as the plans meet the standards outlined:

**Conditions to Be Met Prior to the Signing of Plans:**
1. Conditional Use Permit (P22-17) be approved;
2. The applicant shall provide the Planning Department with a digital version of the final plan set;
3. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction;
4. The applicant shall revise the plan set to:
   4.1. Add owners' signatures;
   4.2. Revise black chain link fence with slats to the satisfaction of the Planning Director;
   4.3. Add note to plan regarding TDR being utilized and if any size restrictions are to be used;
   4.4. Add CUP (P22-17) approval note.
5. Provide draft deeds, lease, or COA documents to the satisfaction of the Planning Director to be reviewed in consultation with the City Attorney. Said documents should discuss long term operation and maintenance, common areas, reserve amount, and TDR restrictions;
6. Provide letters to serve from utility providers;
7. Payment of the TDR fees.

**Condition to Be Met Prior to any Construction:**
8. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer and Planning Director.

**Conditions to Be Met Prior to Issuance of a Building Permit:**
9. Payment of Water & Sewer Investment Fees at the time of request for service;
10. The applicant shall provide payment for active and passive recreation.

**Conditions to Be Met Prior to Occupancy:**
11. Issuance of the Certificate of Occupancy.
12. The applicant shall pay impact fees according to the invoice attached to the Notice of Decision.
13. The Engineer of Record go over any operation and maintenance needs with owner at the time.

**BERRY SURVEYING & ENGINEERING**
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crberry@metrocast.net

February 22, 2022 / Rev: July 13, 2022

City of Dover
Attention: Donna Benton, Director of Planning and Community Development
288 Central Ave
Dover, NH 03820

Re: TDR Site Plan
Knox Marsh Development LLC
757 Central Ave
Tax Map 28, Lot 7
Dover File #P22-15

Dear Mrs. Benton,

On behalf of our client Knox Marsh Development LLC, Berry Surveying & Engineering (BS&E) is submitting a proposed TDR Site plan for 757 Central Ave.

**Background and General Narrative:**

Knox Marsh Development LLC, owns the parcel known as 757 Central Ave in Dover, NH (Tax Map 28, Lot 7). Berry Surveying & Engineering has conducted an on-site survey of the parcel which includes a topographic analysis as well as a wetlands analysis. No wetlands were found on site as determined by Deidra Benjamin CWS. The site contains an historical single-family structure, which is accessed from Central Ave., with two driveway curb cuts which loop around the rear of the site. The site sits on the corner of Abbey Sawyer Memorial Drive and contains 0.45 acres. On the south there exists an existing white vinyl fence which is owned by the abutting land owner. The north side of the site, abutting Abbey Sawyer, contains woodland as does the rear of the site. The rear of the site contains slopes that are greater than 20%, however the land mass on the site which contains the slope is less than 2,000 Sq.Ft. The site is located in the Gateway District. There are no other overlays which affect the project site.

**The Proposal:**

The Gateway District permits the establishment of residential housing in a multifamily format with a maximum density requirement of one unit for every 4,000 Sq.Ft., free of wetlands. To develop a site which conforms closely with frontage build-out

requirements, additional building and density is required above what is permitted in the underlying zone. The unit density that is permitted on site using the Gateway requirement is 4.9 residential units, which rounds to 4 units, with one of those units being the existing single-family home on site. The applicant is requesting to purchase 3 additional units through the Transfer of Development Rights (TDR) program. The purchase will allow for the construction of a 2 unit multi-family building, which will contain two bedroom units to be constructed along the frontage of Central Ave. The proposed architecture of this building was taken from many of the surrounding structures keeping with a colonial style streetscape. The additional 4 units will be used to construct a multi-family structure in a townhouse style format. The chosen building design works with the topography on site, allowing the building to be benched into the slope. This style building also provides for parking under the structure, which increases the availability for building coverage and reduces the need for at grade parking. The private driveway will be known as Goose Tail Drive.

The TDR request also proposes to remove the 30' buffer required by the TDR. In this case the buffer is not needed to abutting land owners whereas they are either remote to the site or commercial in nature.

Access to the site is modified through this design to remove both of the current driveways on Central Ave. in favor of one main access point off the low volume Abbey Sawyer Memorial Drive. The curbing and sidewalk panels will be replaced along Central Ave. at the former driveway locations, which will create a more congruent sidewalk at the front of the site, increasing the pedestrian safety in the area. Access to the existing structure will be taken from the rear parking area, however pedestrian accesses are created for both structures to the sidewalk along Central Ave. The area between the buildings is proposed to be landscaped and lighted to invite pedestrian use to the surrounding amenities.

Street scape is enhanced through the use of landscaping, hardscaping and typical urban amenities. The existing tree found along the southern boundary is proposed to remain and project design was careful to be as far from the root structure as practical. Bushes and ornamental grasses are used at the front of the site and at proposed walk areas to create an inviting entrance, while flower beds are used to fill in smaller areas so as to not over power the site with shrubbery. The rear of the site, due to the intensity of use, has less opportunity for larger landscaping features. It does, however, provide space for flower beds and lower bushes to soften the feel of the entrance areas, creating an inviting residential nature to the rear of the project.

Water utility and power utility is proposed to be taken from Abbey Sawyer Memorial Drive. Water utility is proposed to be a 6" CLDI line which is then run to a fire hydrant

at the end of Goose Tail Drive. A 2" fire line is run to the water closet for the townhouse for fire protection/will be sprinkled. Individual units receive a 1" water service with curb stop. Sewer is serviced via gravity to central Avenue. The proposed 2 unit building is currently 15' from the existing structure to remain. Central Ave and Abbey Sawyer Memorial Drive are considered fire lanes whereas the furthest corner from either roadway is 124'. The drive aisle is less than 150' in length so no turn around is required, though it is designed to be 20' in width for accessibility. "No Parking" signs are placed where appropriate. Dover T1 Fire Truck turning template into the site is provided within the plan set. There is a hydrant on the opposite corner of Old Rollinsford Road, which 370'+/- from the southerly corner of the project site.

Stormwater is collected in catch basins and a slot drain on site and routed to an underground sand filter for attenuation and treatment. Off site flow is routed around the buildings and around the sand filter and discharged directly to the municipal system. Existing flows from the site as well as some off-site flows enter the municipal system at the catch basins at the front of the project site.

The project requires the following approvals:

- TDR Approval for the purchase of 3 units and the removal of the 30' buffer.
- Waiver to the requirement for site specific soils mapping and lighting uniformity ratio
- CUP for Frontage Build-Out
- Site Plan Approval.

Respectfully Submitted,
BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President

**BERRY SURVEYING & ENGINEERING**
335 Second Crown Pt. Rd., Barrington, NH 03825
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**18. AMENDMENT**

Chapter 170 entitled "Zoning" is hereby amended by revising Section 170-27.2, "Transfer of Development Rights", to read as follows:

(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met: ~~A narrative shall be submitted indicating how the following criteria are met.~~

(a) Is consistent with the Master Plan

(b) Is compatible with the land uses on neighboring LOTs (e.g. a multifamily building fits in within a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.

(c) Is created on property served by public water and sanitary sewer.

(d) Any relief sought should not be caused by the additional density.

**19. AMENDMENT**

Chapter 170 entitled "Zoning" is hereby amended by revising Section 170-32, "Sign Review and Regulations", to read as follows:

C. General provisions. All SIGNs shall conform to the following regulations:

(1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNs as regulated in Subsection O.

(2) All SIGNs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All SIGNs shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.

(5) The illumination of any SIGN shall be nonflashing; spot or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.

(a) FLASHING SIGNs are prohibited.

(b) Illuminance of the SIGN face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the SIGN face.

(ii) INTERNAL ILLUMINATION: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN's face.

(iii) DIRECT ILLUMINATION: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN's face.

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #TRAN-2023-0004

| | |
|---|---|
| Application Type: | Transfer of Development Rights |
| Applicant(s): | Heron Bay Partners, LLC |
| Owner(s): | Heron Bay Partners, LLC |
| Location: | Cielo Drive (Assessor's Map H, Lot 4) |
| Meeting Date: | November 14, 2023 |

**INTENT:** Proposal is to develop 56 residential units in a townhouse development. TDR is requested for 20 of the 56 units. The units are intended to be age restricted at the request of the applicant but no TDR size or HUD restrictions.

**UNITS PROPOSED:** 56 Units (20 TDR)

**AGENDA ITEM #:** 4-D

**ACREAGE**: 9.6 ±acres

**ZONING DISTRICT:**
IT, RCM Overlay & Secondary Groundwater Protection

**EXISTING USE:** SFR and Duplex Residential Condominium Development with Club House

**PROPOSED USE:** Eight (8) building multi-family development

**SURROUNDING USE:** Retail, Residential, Industrial, Vacant, Utility Easement

**ZBA ACTION:** N/A

**ATTACHMENTS:** Application materials including site plan

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for this meeting

**PERMITS REQUIRED:**
NHDES AOT, Sewer Discharge, DWGB Permits; - Natural Heritage Bureau (NHB); - Department of Historical Resources (DHR); US EPA NOI & SWPPP;
PB - TDR Site Plan, Subdivision, & CUP Amendment

**TRC:** April 28 & June 30, 2022

**Summary of Request and Background**
The applicant is proposing to construct fifty-six (56) residential townhouse units in a series of eight (8) buildings. Twenty (20) of the units are to be achieved by acquiring Transfer Development Rights (TDR) which would not be restricted in size or HUD rates and therefore would require the full TDR fee. There was a previous request for 52 TDR units however the applicant has completed a new yield plan that indicates 20 units would need to be purchased through the TDR ordinance.

The proposal is a to amend a previously approved Site Plan Approval dated 12/20/2011 allowing a total of seventy-two (72) residential units (single family homes, duplexes, and triplexes) and seventy-two (72) congregate care units between two (2) buildings. To date sixty-nine (69) of the residential units have been constructed. The applicant is proposing an age restriction on the proposed units, however, there are no requirements or standards in the City's Site Plan Regulations that relate to age restricting the development.

The development will create a new private road (Windsor Dr.) which will be part of a private roadway system which connects to Durham Rd. and Mast Rd. It will be serviced by public water and sewer. Twenty-two stand-alone parking spaces are provided in two areas for visitors and guests.

This application was most recently before the Technical Review Committee on June 30, 2022 (minutes attached).

This site plan had been reviewed and approved by Planning Board but the approval expired so they are coming back for another review and vote.

**Summary of Waiver Requests:**
The applicant seeks a waiver of the no-cut, no-disturb 30' perimeter buffer requirement of §170-27.2.G.(7) in the area of the frontage along Cielo Drive (creating a streetscape) and the parking lot area which is adjacent to another small parking array off of Cielo Drive due to the characteristics and circumstances of the subject parcel related to the previously approved development. Parameter buffers of the original development on adjacent parcels (following subdivision) are still in place.

**Consistency with Land Use Regulations –Waiver/Relief**
Section 153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

and requirements is not contrary to the spirit or intent.

**STAFF RECOMMENDATION - Waivers/Relief:**
The Planning Department recommends that the Planning Board accept the application as complete, note it is not of regional impact, hold a public hearing, make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**
1. Add a note that the Planning Board approved waiver for the road grade within 75' of an intersection standard of §157-32.G and found that the criteria of Chapter 153-21.A have been met.

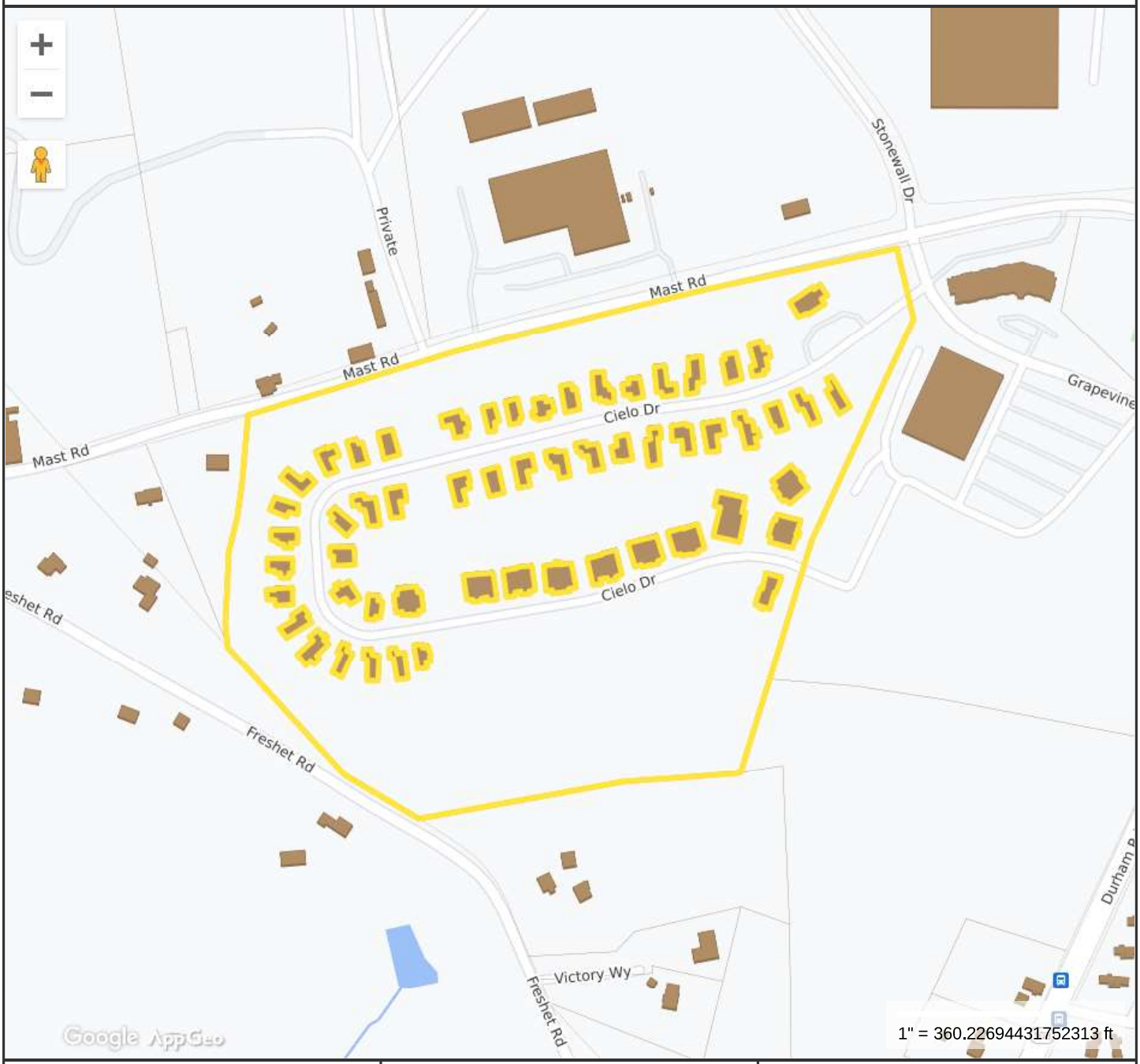
**Consistency with Land Use Regulations - TDR**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

**STAFF RECOMMENDATION - TDR:**
The Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Granting of the TDR:**
1. Approval of Site Plan (SITE-2023-00016) and approval of the one lot subdivision (SUBM-2023-0006);
2. Add note to the plan that no additional dwelling units may added to the property without Planning Board approval and note number of TDR units approved; and
3. Payment of TDR fees for each TDR unit approved.

Planning Staff believes the applicant's rational for the waiver meets both criterion and waiving such standards

# TRAN-2023-0004 Cielo Drive




**Property Information**

| | |
|---|---|
| **Property ID** | H0004-000000 |
| **Location** | CIELO DR |
| **Owner** | HERON BAY PARTNERS LLC |
| **Land Use** | 386 |
| **Zoning Code** | IT |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/30/2023
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, November 14, 2023** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Mark Speidel, Fergus Cullen (Councilor), Tom Clark, Erinn Kaspari, Kyle Pimental, Ken Mavrogeorge, and George DeBoer (Alternate)
**Members Not Present (excused)**: Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Jon Elliard, Melina Gambino (Alternate)
**Members Not Present (un-excused)**: None
**Staff Present:** Donna Benton, Director of Planning and Community Development

K. Pimental called the meeting to order at 7p.m, explained the citizens' forum process and noted that M. Speidel would Vice Chair and that G. DeBoer would sit in for Hayley Harmon.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- October 24, 2023 Regular Meeting Minutes

**Motion** F. Cullen moved to approve October 24, 2023 as amended. Seconded by: T. Clark. Vote: U/A

## 3. OLD BUSINESS

None

## 4. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Permit for A & H Welding Academy (Owner: Carlton Realty, LLC), Assessor's Map D, Lot 14-3B, zoned IT, located at 69 Venture Drive. (Proposal is the start-up of a welding school with ten (10) welding booths and a large classroom to teach students). *(COND-2023-0057)

D. Benton explained that the applicant is proposing to open a welding school at 69 Venture Drive. This type of use requires a Conditional Use Permit per the Zoning Ordinance which can be granted after two criteria have been met. However, as part of an Industrial Park and depending on the size of the change of use, additional review by Dover Business and Industrial Development Authority (DBIDA) and the Technical Review Committee (TRC) are suggested as precedent conditions of approval.

This application was not reviewed by the Technical Review Committee.

Adrian Hill, A&H Welding Academy represented the application and discussed the need for the CUP and that they meet the criteria of the school being a trade, vocational, career technical school and accredited by NH.
The course is a six-month course to teach the skill of welding. Various certifications are available to receive. Operating hours are 7am-3:30pm Monday through Friday.

Board members asked clarifying questions.
Mr. Hill clarified that they will be an approved trade school before they start, but in order to get accredited by the state, they have to run the school for two years.

F. Cullen commented that he believes the applicant meets the intent of the criteria and would not want the accreditation criteria to be a barrier towards the applicant's progress. M. Speidel agreed.

Jesse Anderson, A&H Welding Academy, noted they will be a licensed secondary trade school through NH immediately once the building is set up and inspected.

The applicants further clarified there will be four courses offered and 10 students per course.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: E. Kaspari. Vote: U/A

*Public hearing opened*
No one spoke
Letter from James Kenny, President of Sarnia Properties, 71 Venture Dr is not opposed to the school, but does not want the parking to affect his property.
*Public hearing closed.*
The applicants confirmed they have adequate parking on-site.

**STAFF RECOMMENDATION:**
The second page of the Innovative Technology (IT) Tables of Use provides the Conditional Use Permit Criteria for Educational Institution, Post Secondary:

A. The school is a trade/vocational/career technical school
B. The school is accredited by the State of New Hampshire

The Planning Department recommends that the Planning Board make findings, and vote to approve the Conditional Use Permit with the following precedent conditions:

**Precedent Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall:
   a. Provide overall site plan to show any site changes to parking, lighting, landscaping, stormwater, number of employees, number of students for review with by the Technical Review Committee.
   b. Get endorsement from Dover Business and Industrial Development Authority.
   c. Provide proof that the school is licensed by the State of New Hampshire.
   d. Impact fees are paid as applicable prior to occupancy.
   e. Water and Sewer Investment fees, as applicable, shall be paid prior to renovations.
   f. Provide proof of accreditation by the State of NH after two years of operation.

**Motion:** F. Cullen moved to approve the Conditional Use Permit with precedent conditions as it meets the criteria of type of school and on a path to accreditation. Seconded by: G. DeBoer. Vote: U/A

B. Consideration and acceptance of a Site Review for Horizons Engineering, Inc. (Owners: Hellenic Realty Partners, LLC), Assessor's Map 2, Lot 19, zoned CBD-G, located at 333 Central Avenue. (Proposal is to convert 3,155 sf on 2nd floor space into 2 residential units and retain 1,875 sf for commercial space). *(SITE-2023-0014)

D. Benton explained the applicant is the applicant had previous approval for a mixed-use project in the former Fosters Daily Democrat building. The previously approved plan (P18-04) was amended (building façade, minor site changes) on October 9, 2018 (P18-04A). To fulfill one of the conditions of approval for the amendment, the applicant needed to come back to the Planning Board for a compliance hearing regarding architectural changes to the façade of the building which was held on December 11, 2018 (P18-04B). Then another amendment to add 14 residential units was conditionally approved by the Planning

Board on July 23, 2019 (P18-04C). Now the applicant is looking to convert approximately 3,155 s.f. on the second floor into 2 residential units and retain approximately 1,875 s.f. for commercial space.
The applicant is back for another amendment to allow 2 additional residential units to be built.
This application was reviewed by the TRC on October 12, 2023 (minutes attached).

George Kostis, Hellenic Realty and Mike Sievert, Horizons Engineering, represented the application.
Their plan when they purchased the property in 2018 was to keep the historic building and with that comes challenges. The property topography is such that one side of the building's first floor lines up with the third floor on the other side. They have tried to lease the building, but the feedback from interested parties in the post-COVID world is that the space is too large, and could it be subdivided?
They are now proposing to subdivide in a way where the front half would be commercial and visible from the street and the back half would divide into apartments.

The applicant answered some clarifying questions from board members.

**Motion:** M. Speidel moved to accept the application and declared no regional impact. Seconded by: E. Kaspari. Vote: U/A

*Public hearing opened*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION:**
Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction or redevelopment of various types. This plan is consistent with those regulations.

The Planning Department recommends that the Planning Board make findings, and vote to approve the amendment to the site plan with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to the Signing of the Plans:**

1. All conditions of approval from the December 11, 2018 meeting be met and July 23, 2019 shall be met.
2. The applicant shall provide:
   a. A digital version of plan set
   b. Copy of lease for 3-4 additional parking spaces off-site at lot 23/21 or alternative
3. The applicant must revise final plan set to:
   a. Add the owner's signatures to the final plat
   b. Add PE and Architect signatures and stamps to final plan
   c. Replace planning file number with SITE-2023-0014

**Subsequent Condition to Be Met Prior to Issuance of a Building Permit:**

4. The amended building shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

**Subsequent Conditions to Be Met Prior to Occupancy:**

5. Issuance of a certificate of occupancy.
6. Impact fees shall be paid per the invoice.

7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

**Motion:** F. Cullen moved to approve the Site Plan Amendment with subsequent conditions as it meets land use regulations. Seconded by: K. Mavrogeorge. Vote: U/A

The Vice Chair noted that Items 4C, D, & E would be heard together.

C. Consideration and acceptance of a Minor Subdivision for Berry Surveying & Engineering (Owners: Heron Bay Partners, LLC), Assessor's Map H, Lot 4, zoned IT, located at Cielo Drive. (Proposal is to subdivide 1 lot into a total of 2 lots). *(SUBM-2023-0006)

D. Consideration and acceptance of a Transfer of Development Rights for Berry Surveying & Engineering (Owners: Heron Bay Partners, LLC), Assessor's Map H, Lot 4, zoned IT, located at Cielo Drive. (Proposal is to purchase 20 units through Transfer of Development Rights). *(TRAN-2023-0004)

E. Consideration and acceptance of a Site Review for Berry Surveying & Engineering (Owners: Heron Bay Partners, LLC), Assessor's Map H, Lot 4, zoned IT, located at Cielo Drive. (Proposal is for the construction of 56 townhouses along Cielo Drive). *(SITE-2023-0016)

D. Benton explained that the applicant is requesting to construct fifty-six (56) residential townhouse units in a series of eight (8) buildings. Twenty (20) of the units are to be achieved by acquiring Transfer Development Rights (TDR) which would not be restricted in size or HUD rates and therefore would require the full TDR fee. There was a previous request for 52 TDR units however the applicant has completed a new yield plan that indicates 20 units would need to be purchased through the TDR ordinance.

The proposal is to amend a previously approved Site Plan Approval dated 12/20/2011 allowing a total of seventy-two (72) residential units (single family homes, duplexes, and triplexes) and seventy-two (72) congregate care units between two (2) buildings. To date sixty-nine (69) of the residential units have been constructed. The applicant is proposing an age restriction on the proposed units, however, there are no requirements or standards in the City's Site Plan Regulations that relate to age restricting the development.

It will be serviced by public water and sewer. This application was most recently before the Technical Review Committee on June 30, 2022 (minutes attached).

The first item is to subdivide lot H/4 into two lots, resulting in the creation of one new lot. The new lot is to be accessed from Cielo Drive. The lots are proposed to be serviced by municipal water and sewer.

The Planning Board had conditionally approved this request in September 2022, but their approval expired so the applicant is back with the same subdivision request and site plan. The CUP is still active. There are two waiver requests as well that the applicant can go into more detail on.

Christopher Berry, Berry Surveying and Engineering represented the application. He confirmed this is the same project approved last year with no changes. The TDR fee was not paid in time, so the approvals have lapsed. Tonight, they seek reapproval of the same project previously presented and approved. The request for TDR units is less, but the total units remains the same.

**Motion:** T. Clark moved to accept all three applications and declared no regional impact. Seconded by: E. Kaspari. Vote: U/A.

*Public hearing opened*
A letter was received from Richard Dolbec, 47 Cielo Drive which outlined questions about the subdivision of the lots, age restriction and regulations, parking and crosswalks.
*Public hearing closed*

Mr. Berry noted they have met with Mr. Dolbec and resolved the questions he has.
He confirmed for the board it is still an age restricted development and the amenities will be separate from the existing development.

**STAFF RECOMMENDATION - Minor Subdivision:**
The plan is consistent with Chapter 157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the minor subdivision with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford Country Registry of Deeds, which additionally shall include:
    1.1. The owner's signatures
    1.2. Include the Planning File #SUBM-2023-0006
    1.3. The stamp and signature of the LLS on the final plans
    1.4. Confirm lot numbering with City Assessor

**Motion:** M. Speidel moved to approve the Minor Subdivision with subsequent conditions set by staff and amended by the Planning Board. Seconded by: T. Clark. Vote: U/A.

**STAFF RECOMMENDATION – Transfer of Development Rights Waivers:**
The applicant seeks a waiver of the no-cut, no-disturb 30' perimeter buffer requirement of §170-27.2.G.(7) in the area of the frontage along Cielo Drive (creating a streetscape) and the parking lot area which is adjacent to another small parking array off of Cielo Drive due to the characteristics and circumstances of the subject parcel related to the previously approved development. Parameter buffers of the original development on adjacent parcels (following subdivision) are still in place.

Section 153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**

1. Add a note that the Planning Board approved waiver and found that the criteria of Chapter 153-21.A have been met.

Mr. Berry clarified for the board the need for this waiver and where on the property it applies.

**Motion:** T. Clark moved to grant the waiver with subsequent conditions set by staff. Seconded by: F. Cullen. Vote: U/A.

**STAFF RECOMMENDATION-TDR:**

§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

**STAFF RECOMMENDATION - TDR:**

The Planning Department recommends that the Planning Board vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Granting of the TDR:**

1. Approval of Site Plan (SITE-2023-0016) and approval of the one lot subdivision (SUBM-2023-0006);
2. Add note to the plan that no additional dwelling units may added to the property without Planning Board approval and note number of TDR units approved; and
3. Payment of TDR fees for each TDR unit approved.

**Motion:** T. Clark moved to grant the Transfer of Development Rights request with subsequent conditions set by staff. Seconded by: E. Kaspari. Vote: U/A.

**STAFF RECOMMENDATION- SITE PLAN WAIVERS:**

A waiver of §157-32.G: Road grade within 75' of an intersection is being sought for a grade greater than 4% on a collector road. The applicant proposes a 5% grade where Windsor Dr. intersects Cielo Dr. The applicant's original amendment proposal featured a designed cul-de-sac, which was replaced by a loop road to satisfy TRC comments from several departments to provide two points of access into the development.

Section 153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rationale for the waivers meets both criterion and waiving such standards and requirements is not contrary to the spirit or intent.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**
1. Add a note that the Planning Board approved waiver for the road grade within 75' of an intersection standard of §157-32.G and found that the criteria of Chapter 153-21.A have been met.

**Motion:** F. Cullen moved to grant the waivers with subsequent conditions set by staff. Seconded by: T. Clark. Vote: U/A.

**STAFF RECOMMENDATION – Site Plan:**
§153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of the Plans:**
1. Final Approval of the revised CUP (P06-25G) and minor subdivision (SUBM-2023-0006);
2. Revise plan and resubmit for Final Planning Board signature with the following revisions:
   2.1. Add owner's signature;
   2.2. Add at least two windows to the ends of the townhouse buildings;
   2.3. Add architect stamp and signature to Architectural Plan Set; and

**Subsequent Condition to Be Met Prior to Construction:**
3. A site construction sign with the contact information for the general contractor must be displayed in a location approved by the City Engineer or Planning Director; and

**Subsequent Conditions to Be Met Prior to Building Permit:**
4. Payment of the water/sewer fees at time or request of service;
5. Development agreement has been recorded;

**Subsequent Conditions to Be Met Prior to Occupancy:**
6. Issuance of Certificate of Occupancy.
7. Payment of Impact Fees as noted in the invoice.
8. Surety or other form of security acceptable to the City is provided for any unfinished work.

Mr. Berry explained the payment timeline proposed by the applicant. D. Benton further explained the financing proposal and how it will be implemented. Board discussion ensued.

**Motion:** T. Clark moved to approve the site plan with subsequent conditions set by staff. Seconded by: F. Cullen. Vote: U/A.

**5. STAFF COMMENTS**

- CIP joint meeting will be at 7pm on the 29th
- Seacoast Workforce Housing Coalition Visionary Award recipient on the 30th.
- Housing Committee held its first meeting and will continue to meet monthly
- We have a conditional offer out to a Zoning Administrator candidate. Hopefully starting in a couple of weeks.
- TRCs since last meeting:

- Site Review for Stonefield Engineering & Design (Owners: Dover Retail Management, LLC & R W Realty Inc.), zoned Commercial, located at 1-3 Webb Place and Webb Place. (Proposal is for demolition of current building and constructing a 3,300-sf bank with a drive through ATM, (28) twenty-eight parking spaces. One (1) related Conditional Use Permit application would also appear before the Planning Board. (SITE-2023-0011 & COND-2023-0054)
- Site Review for Jared Lusk (Owners: Lionel R Jr & Kristina L Paradis), zoned IT and R-40, located at 180 Tolend Road. (Proposal is to construct and operate a 104' wireless telecommunications facility) (SITE-2023-0012)

- TRCs coming up:
  - Site Review for H.J. Stabile & Son, Inc, zoned G, located at Locust Street. (Proposal is to construct a Townhouse Condominium Complex of 22 units with associated parking & drainage. A Conditional Use Permit application would also appear before the Planning Board. (SITE-2023-0015)
  - Site Review for TF Moran (Owners 256-264 Central Avenue, LLC), zoned Central Business District, located at 256 & 264 Central Avenue. (Proposal is to replace gravel parking with 10,595 sf of paved parking related to their renovation of the buildings). (SITE-2023-0013)
  - Site Review for Knox Marsh Development, LLC, (Owner: Robert Baldwin), Assessor's Map 39, Lot 103, zoned Gateway, located at 34 New Rochester Road. (Proposal is to construct 6 duplex structures (12 units total) with the single-family dwelling to remain on the property). (SITE-2023-0007). [*This item was previously heard on October 12, 2023]*

**6. MEMBER COMMENTS**

- The amendment at the corner of Grove St (retaining wall) is ready for the Chair's signature.
- K. Pimental
  - Fosters building applicant noted 2,000 sq ft is optimal size for filling commercial space leases which is interesting. He wondered if the mixed used buildings which have remained vacant would benefit from subdividing the spaces.
- D.Benton answered questions about the Planning Board meeting schedule.

**7. ADJOURNMENT**

**Motion:** G. DeBoer moved to adjourn at 8:11pm. Seconded by K. Mavrogeorge. Vote: U/A

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City of Dover
Planning Office
Attn: Mrs. Donna Benton, Director of Planning and Community Development
288 Central Ave
Dover, NH 03820

November 29, 2023

Re: Notice of Decision Response
Berry Surveying & Engineering
Heron Bay Partners, LLC
Cielo Drive & Windsor Drive
Tax Map H, Lot 4
Dover File #SITE-2023-0016

Based on comments from the Conditions of Approval from November 14, 2023, we respectfully submit the following comments and revisions. Our comments are in **bold**.

## Site Plan Waivers – Subsequent Conditions to Be Met Prior to the Signing of Plans:

1.) Add a note that the Planning Board approved waivers for (1) Partial relief from no cut no disturb 30' perimeter buffer requirement of Chapter 170-27.2.G.(7) in the area of the frontage along Cielo Drive and the parking lot area which is adjacent to another small parking array off of Cielo Drive; (2) The road grade within 75' of an intersection standard of Chapter 157-32.G and found that the criteria of Chapter 153-21.A have been met.
**This has been added to the Overview Site Plan at the end of the Waiver Request Table.**

## Site Plan: Subsequent Conditions to be Met Prior to Signing of the Plans

1.) Final Approval of revised CUP (P06-25G) and minor subdivision (SUBM-2023-0006)
**The required approvals has been received at this time.**

2.) Revised plan and resubmit for Final Planning Board signature with the following revisions:
2.1) Add owners' signatures
**Please find owner's signature on the cover sheet and recording plans.**

2.2) Add at least two windows to the ends of the townhouse buildings
**Please find revised architectural renderings.**

2.3) Add architectural stamp and signature to the architectural plan set.
**Please find revised architectural renderings.**

Very truly yours,
BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President

Kenneth A. Berry, PE, LLS
VP – Technical Operations

**BERRY SURVEYING & ENGINEERING**
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(603) 332-2863 / (603) 335-4623 FAX
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CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #P21-25

| | |
|---|---|
| Application Type: | TDR Major Subdivision |
| Applicant(s): | Zeland Schwartz Revocable Trust |
| Owner(s): | Zeland Schwartz Revocable Trust |
| Location: | 26.5 Bellamy Road (Tax Map H, Lot 14D) |
| Meeting Date: | June 22, 2021 |

**INTENT:** To subdivide one lot into five and increase residential units from 3 to 5 via a TDR subdivision (two being existing residential structures).

**UNITS PROPOSED:** 3 new

**AGENDA ITEM #:** 4-C

**ACREAGE**: 3.71 acres

**ZONING DISTRICT:** R-20

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Bellamy River, Dover High School

**ZBA ACTION:** N/A

**ATTACHMENTS:** Application materials including subdivision plan, abutter list

**APP. COMPLETE:** Yes

**DECLARE REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for this meeting

**PERMITS REQUIRED:** -
NHDES Shoreland Permit
-CUPs for steep slope and 100' Conservation District

**WAIVERS REQUESTED:**
-Traffic Impact (157-10.D)
-Block Length and Dead end streets (157-31.F and 32.J)
-Road width (157-47.A)
-allow ROW within the 30' no cut/no disturb buffer

**Summary of Request and Background**
The applicant is requesting to subdivide one lot into 5 using Transfer of Development Rights. The lots would be 0.36 acres, 0.91 acres, 0.63 acres, 0.75 acres and 0.52 acres. The site is proposed to be serviced by municipal water and sewer.

As a Major Subdivision, this application appeared twice before the TRC, most recently on April 22, 2021 (minutes attached). The Conservation Commission endorsed the CUP application on June 14, 2021 with the condition that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules.

The applicant is requesting the Board grant a waiver to Section 157-10.D to waiver the full traffic impact analysis, Section 157-31.F/32.J Block Length of Dead-end Streets to allow approximately 397' instead of the required 500', Section 157-47.A to allow a road width of 20' instead of 24'and to allow the right of way to be within the 30' no cut no disturb buffer.

This is a TDR subdivision. The Board will need to take three votes.

**Consistency with Land Use Regulations**
The plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots.

Chapter 157-51 states a waiver may be granted if the Board finds that "(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or (2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations."
Staff believes criterion 2 has been met for this request.

**STAFF RECOMMENDATION- TDR:**
The Planning Department recommends that the Planning Board accept the TDR application for review, open the public hearing, and vote to grant the additional 2 units via Transfer of Development Rights with the following conditions:

1. Payment of TDR fees.
2. Add a note to the plat that the Board granted a waiver to Chapter 170-27.2.G(7) and 170-27.2.G(7)

**STAFF RECOMMENDATION- Waivers:**
The Planning Department recommends that the Planning Board accept the application for review, open the public hearing, and vote to grant the waivers with the following condition:

**Condition to Be Met Prior to Signing of Plans:**

1. Add a note to the plat that the Board granted a waiver to Chapter 157-10.D (traffic impact analysis), Chapter 157-31.F and 32.J (for road/block length), and Section 157-47.A (minimum road width) and that the

# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

| | |
|---|---|
| Meeting Type: | Regular Meeting, continued |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, June 22, 2021** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Steph George (Alternate), Mark Speidel (Alternate), Dave Landry, Jackson Kaspari, Dave White, Kyle Pimental, Hayley Harmon (Vice Chair), Erin Allgood (Alternate)
**Members Not Present (excused)**: Tom Clark, Frank Torr
**Members Not Present (un-excused)**: None
**Staff Present:** Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:00 p.m and noted Frank Torr and Tom Clark are absent, and Erin Allgood and Steph George will be sitting in. She also noted that the City of Dover has taken extra steps to ensure the physical location of this meeting conforms with all safety provisions during the pandemic, including social distancing, face coverings, and frequently sanitized facilities. Although qualified members of the public can participate in the meeting by speaking at the physical location, the public is encouraged to leave comments in advance by calling 516-MEET (6338), emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.

## 1. CITIZENS' FORUM

*Citizens Forum Open.*
None
*Citizens Forum Closed.*

## 2. APPROVAL OF THE PRIOR MINUTES

May 25, 2021 Regular Meeting Minutes

**Motion:** D. White moved to approve the minutes as submitted. Seconded by H. Harmon. Vote: U/A

## 3. OLD BUSINESS

A. Public hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include changes to the wetland protection district, floodplain ordinance, accessory structure definition, rezoning part of the R-40 to R-20 on Bellamy Road and Cold Springs Road, allowing all residential structures in the R-12, R-20, and R-40 districts to be converted into a duplex, increasing lot area required in the RM-U table for 3-4 family dwellings, revising exceptions to lot size, frontage and setback requirements using TDR, swimming pools, customary home occupations, allowing residential to make up any 20% of a building in the CBD, allowing an extra Accessory Dwelling unit if it meets HUD Fair Market rent rates, revising the RCM Overlay District, nonconforming structure setbacks, TDR regulations, changing definitions of nonconforming lot and conservation lot.*

C. Parker explained the process to develop these zoning amendments and reviewed the posted zoning amendments. He noted tonight is the first of three public hearings that will be held on this item to hear public comment. No Board action will be taken tonight.

D. Landry asked about the properties not fronting on Bellamy and where the access is. C. Parker explained. D. Ciotti asked if a particular lot is losing access and becoming landlocked and commented to make sure the parcel doesn't get left off the maps in the future. C. Parker noted the deed says they have access through Cold Springs off Bellamy.

D. Landry asked for clarification on amendment 10: more than one ADU. The density for the R40 zone is bothersome to him. C. Parker noted the amendment will affect any zone that allows residential.

K. Pimental asked if the second ADU is accepted by any other communities in NH and is there anything in place to prevent the additional ADUs from becoming condos (separate ownership).
C. Parker is not aware of any other community in NH looking to allow this. The ordinance restricts that the ADU can be a rental but cannot be a condo. The deed has to be restricted to ensure it stays with the land.

*Public Hearing Opened*
No calls were received. An email from Liz Brater, 77 Spur Road, and Kyle Dacruzer were received and forwarded on to the Board.
*Public Hearing Closed*

B. Public hearing to consider amendments to Chapter 153, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include electric vehicle charging readiness and stations, eliminating I-1, replacing I-2 with CM, replacing B-1 with G, replacing I-4 or ETP with IT, replacing B-3, B-4, or B-5 with C, revising certification section, location of parking lots section, revising Various Sections of the City section, and Physical Arrangements section to allow outdoor dining and display of goods.*

C. Parker explained the process that there will be one more public hearing on this item next month and the Board can take action at that next meeting if they want.

*Public Hearing Opened*
No calls were received. An email from Liz Brater, 77 Spur Road, was received with suggestion about Electric Vehicles.
*Public Hearing Closed*

C. Public hearing to consider amendments to Chapter 157, entitled "Land Subdivision Regulations" of the code of the City of Dover. Amendments include revising the Final Plat requirements, street layouts to a 30 ft easement, reference monument size, street markers and traffic signs to conform with MUTCD.*

C. Parker explained the process that there will be one more public hearing on this item next month and the Board can take action at that next meeting if they want.

*Public Hearing Opened*
No calls or emails were received.
*Public Hearing Closed*

## 4. NEW BUSINESS

**Motion:** K. Pimental moved to hear item E first. Seconded by J. Kaspari Vote: U/A

K. Pimental recused himself from item E because he works for the consulting firm Dover used. M. Speidel sat in.

E. Discussion of Complete Street Policy endorsed by the Transportation Advisory Committee

C. Parker noted the City created a Complete Street and Traffic Calming policy in 2014. As part of a resiliency grant the City and Strafford Regional Planning reviewed the policy after reviewing and creating the downtown street tree plan. The Transportation Advisory Commission reviewed and endorsed the policy in May and it is before the Board for endorsement.

C. Parker reviewed the proposed changes.
Colin Lentz, SRPC, was present to address technical questions.

D. Landry asked about regional projects and if the other cities have a similar document as this. C. Lentz noted Somersworth and Rochester agree with it and follow it, but might not have a document this specific.

J. Kaspari asked if once we start gathering data, target values will be placed on the metrics so we understand of our performance. The consultant did not go that far, but the City can look at that.

**Motion:** D. Landry moved to endorse the policy changes and encourage staff to use them as a guide in creating Capital Improvements Program projects. Seconded by H. Harmon. Vote: U/A

A. Consideration and acceptance of a waiver request for Stabile Townhomes at the Landing, LLC., Assessor's Map K, Lot 19, zoned IT & RCM, located at Pointe Place. (Proposal is for minor architectural adjustments). *(P20-32A)

C. Parker explained the amendment was a result of the developer wishing to change the basic look of the townhomes from "Craftsman Style" to "Farmhouse" to help differentiate the units from units on Artisan Way. The Board doesn't have jurisdiction over the color, but it does over the shingle style vs board and batten and the stonework on the columns.

This amendment was simple enough to not require review by the Technical Review Committee.

Eric Jackson, Stabile Homes, 1 Steeple Ln Amherst NH, presented the request.

D. Landry clarified that there are some units already built in the craftsman style.

**Motion:** D. Ciotti moved to accept the application and that it is not a development of regional impact. Seconded by D. White. Vote: U/A

*Public Hearing Opened*
Debbie Impietro, 53Artisan Way would like more screening between the buildings.
No calls or emails were received to the office
*Public Hearing Closed*

C. Parker noted the Planning Department finds that request is within the Board's purview under 153-4 of the Site Review Regulations of the City of Dover Code. Staff recommends the Planning Board vote to amend the original approval to allow for the proposed architectural features and materials provided in this application with the following conditions:

**Conditions to Be Met Prior to Amending the Plans:**

1. Four copies of the revised architectural design be submitted for review by staff and signature by the Planning Board Chair.

2. All other Conditions Prior to Building Permit and Occupancy from P20-32 must also be met.

**Motion:** D. Ciotti moved to approve the amendment. Seconded by D. White. Vote: U/A

The Vice Chair noted that items B and C would be heard together.

B. Consideration and acceptance of a Conditional Use Permit for Zeland Schwartz Revocable Trust, (Agent: Stephen Haight, Civilworks New England), Assessor's Map H, Lot 14D, zoned R-20, located at 26 ½ Bellamy Road. (Proposal is for a 5 lot subdivision with the construction of a 400 foot long road. The project proposes 23 s.f. impact to a 20% slope and 8,630 s.f of grading impact in the Conservation District adjacent to the Bellamy River). *(P21-27)

C. Consideration and acceptance of a Subdivision using Transfer of Development Rights for Zeland Schwartz Revocable Trust, Assessor's Map H, Lot 14D, zoned R-20, located at 26 ½ Bellamy Road. (Proposal is to buy 2 units through TDR and subdivide one lot into 5 with the existing house and converting accessory structure). *(P21-25)

C. Parker explained the applicant is requesting to subdivide one lot into 5 using Transfer of Development Rights. The lots would be 0.36 acres, 0.91 acres, 0.63 acres, 0.75 acres and 0.52 acres. Twenty-three square feet of impact is expected to the 20% slope/Conservation District area and 8,630 square feet of grading impact is expected in the Conservation District to the Bellamy River.

As a Major Subdivision, this application appeared twice before the TRC, most recently on April 22, 2021, and the project is served by municipal water and sewer.

The applicant is requesting the Board grant a waiver to Section 157-10.D to waiver the full traffic impact analysis, Section 157-31.F/32.J Block Length of Dead-end Streets to allow approximately 397' instead of the required 500', Section 157-47.A to allow a road width of 20' instead of 24'and to allow the right of way to be within the 30' no cut no disturb buffer.

The Conservation Commission endorsed the CUP application on June 14, 2021 with the condition that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules which is a recommended condition of approval for this CUP and the Site Plan.

There will be four votes tonight, CUP for steep slope impact, TDR, waivers, and subdivision.

Steve Haight and Jayce Gregwire, Civilworks New England reviewed the application and project.

J. Kaspari asked some clarifying questions regarding drainage and flooding which Mr. Gregwire and Mr. Haight answered.

K. Pimental asked if there is a chance of undercutting/ river erosion on the property. S. Haight explained there isn't an issue.

D. Landry asked about the shore land impact permit and impervious surfaces. Mr. Haight explained this plan addresses the shore land permit regulations.

D. Ciotti is concerned about the spacing of the walkway and the trees and the building. If it's paved, that will cause issues with the root system of the trees.

M. Speidel had a question about vegetation in front of unit 26 which makes turning around difficult. S. Haight noted that vegetation will be cut back.
The width of the road is only 20' and M. Speidel is concerned about fire access. S. Haight noted this is designed to handle a fire truck, there are hydrants and no parking signs.

Discussion occurred regarding the road width of 20' vs 24'.

**Motion:** D. White moved to accept the applications and noted that this is not a development of regional impact. Seconded by J. Kaspari. Vote: U/A

*Public Hearing Opened*
No calls or emails were received.
*Public Hearing Closed*

**STAFF RECOMMENDATION: CUP**
C. Parker noted the plan is consistent with the Conservation District ordinance which provides for Conditional Use Permits to allow impacts to conservation districts if standards related to demonstration of need, avoidance, minimization, and mitigation are met. The Planning Department recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:
**Conditions to Be Met Prior to Granting of the Conditional Use Permit:**

1. Provide copy of the NHDES Shoreland Permit to the Planning Department.
2. Revise plan set to add a note that that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules
3. Revise plan set to indicate the walkway from new driveway to existing home be pavers or permeable-not paved.

**Motion:** D. White moved to grant the Conditional Use Permit with Conditions, as it is consistent with the regulations. Seconded by E. Allgood. Vote: 8-1 with D. Landry opposed.

**STAFF RECOMMENDATION- TDR:**
C. Parker noted the proposal is consistent with Chapter 170-27.2 for the sale of units, if the proposed intensity and density is consistent with the neighborhood and master plan. The Planning Department recommends that the Planning Board vote to grant the additional 2 units via Transfer of Development Rights with the following conditions:

1. Payment of TDR fees.
2. Add a note to the plat that the Board granted a waiver to Chapter 170-27.2.G(7).

**Motion:** D. White moved to approve the sale of two units with conditions, as the request is consistent with the regulations. Seconded by J. Kaspari. Vote: 8-1 with D. Landry opposed.

**STAFF RECOMMENDATION- Waivers:**
C.Parker noted that Chapter 157-51 states a waiver may be granted if the Board finds that
"(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Staff believes criterion 2 has been met for this request, and recommends that the Planning Board vote to grant the waivers with the following condition:

**Condition to Be Met Prior to Signing of Plans:**

1. Add a note to the plat that the Board granted a waiver to Chapter 157-10.D (traffic impact analysis), Chapter 157-31.F and 32.J (for road/block length), and Section 157-47.A (minimum road width) and that the Board found the criteria of Chapter 157-51.A have been met.

**Motion:** D. White moved to approve the waiver with conditions, as the request is consistent with the regulations. Seconded by D. Landry. Vote: 8-1 with D. Ciotti opposed

**STAFF RECOMMENDATION- Subdivision**

C. Parker noted that the plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. The Planning Department recommends that the Planning Board vote to approve the subdivision with the following conditions:

**Conditions to Be Met Prior to Signing of Plans:**

1. The Planning Board approve
    a. The TDR application
    b. The Conditional Use Permit.
2. The applicant shall provide the Planning Department with:
    a. A digital version of the final plat.
    b. A CAD file to the satisfaction of the Asset Management Administrator.
    c. A Copy of a sample deed for lots 3 and 4 documenting that portions of the property within the 250' shoreline buffer, 100' conservation district, and the 100-year floodplain, and that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules
3. The Assistant City Manager in consultation with the City's General Legal Counsel will review and approve the homeowners association to ensure private road, stormwater infrastructure maintenance, buffer and common space, space, conservation district maintenance, prior to converting ownership and maintenance obligations, and deed/easement requirements per Section 170.27.2.
4. The applicant shall revise the plat to:
    a. Add signature and stamp of LLS and PE
    b. Add owners' signatures for recording at Strafford County Registry of Deeds
    c. Add a note that that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules.
    d. Show new water line from street be added rather than reuse existing water line to the satisfaction of the City Engineer.
    e. Add a note that the existing detached garage structure and the single family dwelling at 26 ½ Bellamy Road will require renumbering.

**Conditions to be Met Prior to Building Permit:**

5. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.
6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any

unfinished work.

7. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

**Conditions to Be Met Prior to Occupancy:**

8. Issuance of the Certificate of Occupancy.
9. Any applicable easements shall be recorded.
10. Documentation that the HOA has been created and is in place.
11. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.
12. Prior to the last Certificate of Occupancy being issued, the Engineer of Record shall meet with the Association and review the as-builts for the project.
13. Proof that the deeds to be recorded for lots 3 and 4 match the sample deeds provided.

**Motion:** D. White moved to approve the site plan, with Conditions, as it is consistent with the regulations. Seconded by K. Pimental. Vote: 8-1 with D. Landry opposed

D. Consideration and acceptance of an Extension Request for a previously approved Site Plan for Gulf Landing Properties, Assessor's Map 38, Lot 9-A-2, zoned C, and located at Central Avenue. (Proposal was to construct a three story medical rehabilitation facility). The Site Plan was approved by the Board, with conditions, on October 27, 2020. *(P19-85B)

C. Parker noted the applicant received conditional approval (for a second time) in December 2020. Due to financing, the applicant was not able to meet the initial 90 day period to meet conditions of approval or the extra 90 day administrative extension and is now requesting a second extension which requires Planning Board approval.

The administrative extension expired on June 13th. The request was made before that, so the Board is acting to extend the request until September 12, 2021.

The applicant is still proposing a medical withdrawal management facility on Central Ave near Dover Bowl. The secured building is proposed to have 64 beds and 24/7 staff.

James Hayden, Berry Survey and Engineering presented the request.

**Motion:** D. White moved to accept the applications and noted that this is not a development of regional impact. Seconded by D. Ciotti. Vote: U/A

*Public Hearing Opened*
No calls or emails were received.
*Public Hearing Closed*

C. Parker noted Chapter 153-8 of the Site Review Regulations of the City Code provides that the Planning Director may grant one 90-day administrative extension for Conditional Approvals. Any further extensions must be approved by the Planning Board. This request is consistent with those regulations.

The Planning Department recommends the Planning Board vote to approve the extension request, establishing a new date for completion of September 12, 2021.

**Motion:** D. White moved to grant the 90-day extension. Seconded by J. Kaspari. Vote: U/A

## 5. STAFF COMMENTS

- C. Parker updated the Board on:
  - the latest TRC: Old Courthouse Project, two adjacent projects on Dover Point Road
- FY 22 Budget includes a new position: Resiliency Coordinator. Position is posted and interviews will be the end of July.
- The bus tour did not happen as planned two weeks ago, but if the Board is interested it can be scheduled.

## 6. MEMBER COMMENTS

- G. Cruickshank noted she had signed plans for 379 Tolend Road
- K. Pimental asked why there are updates to the signs. One was hit so needs to be replaced.
- D. Ciotti received a complaint that a sign was put right in a resident's yard. He wondered if those affected were notified. C. Parker said they were notified, and no changes will be made in the first few months.
- D. Ciotti asked for an update with the City's talks with Severino. As far as C. Parker knows, all changes discussed have been made and there have been no additional complaints.
- D. Landry noted the SRPC annual meeting is coming up on Thursday June 24th and C. Parker will be speaking about pipelines for funding projects and how to use the funds.
- K. Pimental noted Mirage Studios on Union St is being recognized as the birthplace of Teenage Mutant Ninja Turtles
- K. Pimental noted a conversation occurred whether the NH Planners Association spring conference should be virtual or in-person

## 7. ADJOURNMENT

**Motion:** D. White made a motion to adjourn at 8:38 p.m. Seconded by H. Harmon.

N/F DODIER, SCOTT B. & SARAH J.
147 COTTONWOOD DRIVE
DOVER, NH 03820
*TAX MAP B, LOT 4-52*
S.C.R.D. BOOK 2303, PAGE 535
PLAN REF. #10 & #11

N/F WORKMAN, MARSHALL K. & CATHERINE A.
151 COTTONWOOD DRIVE
DOVER, NH 03820-6027
*TAX MAP B, LOT 4-51*
S.C.R.D. BOOK 3559, PAGE 166
PLAN REF. #10 & #11

MATCH POINT (TYP.)
3/4" REBAR W/ ID CAP ~SET~ (0.6' HIGH)
3/4" REBAR W/ ID CAP ~SET~ (0.5' HIGH)
24" PINE W/ BARBED WIRE ~HELD~
16" MAPLE W/ BARBED WIRE ~HELD~
1 1/2" IRON PIPE ~FND~ (2.0' HIGH)
S33°31'20"W 84.81'
S33°31'20"W 150.18'
S33°31'20"W 160.78'
S33°31'20"W 190.10'
S38°39'21"W 160.58'
S26°45'46"W 108.56'
30' EXTERIOR BUFFER

*TAX MAP B, LOT 5-10*
*26,736 Sq. Ft. 0.61 Ac.*
*CONTIGUOUS UPLAND AREA: 24,424 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 17,997 Sq. Ft.*

N40°17'43"W 151.01'
N1°11'45"W 82.50'
3/4" REBAR W/ ID CAP ~SET~ (0.8' HIGH)
N21°39'11"W 103.74'
164.16'
N34°45'44"E
R 225.00'
L 140.67'
S34°45'44"W 56.00'
GRANITE BOUND ~TBS~ (TYP.)
WILDCAT DRIVE (PVT.)
R =175.00
L =169.80
BUILDING SETBACK LINE (TYP.)
WATER LINE
R 225.00'
L 77.38'
S89°42'36"E 39.19'
24.92' N89°42'36"W
L =64.61'
R =60.00'
L =34.83'
R =25.00'
92.00' N89°42'36"W
259.92' N00°19'36"E
323.06' N00°19'36"E
20.0'
10.0'
10.0'
5.94' N89°42'36"W
R =60.00
L =28.37
R =60.00
L =59.89

*TAX MAP B, LOT 5-9*
*59,692 Sq. Ft., 1.16 Ac.*
*CONTIGUOUS UPLAND AREA: 31,064 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 17,889 Sq. Ft.*

*TAX MAP B, LOT 5-3*
*26,817 Sq. Ft., 0.62 Ac.*
*CONTIGUOUS UPLAND AREA: 24,226 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 14,979 Sq. Ft.*

*TAX MAP B, LOT 5-4*
*22,241 Sq. Ft., 0.51 Ac.*
*CONTIGUOUS UPLAND AREA: 22,241 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 22,241 Sq. Ft.*

*TAX MAP B, LOT 5-2*
*31,962 Sq. Ft., 0.73 Ac.*
*CONTIGUOUS UPLAND AREA: 24,539 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 12,845 Sq. Ft.*

*TAX MAP B, LOT 5-12*
*51,695 Sq. Ft.*
*1.18 Ac.*

*TAX MAP B, LOT 5-5*
*18,490 Sq. Ft., 0.42 Ac.*
*CONTIGUOUS UPLAND AREA: 18,490 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 18,490 Sq. Ft.*

*TAX MAP B, LOT 5-6*
*25,490 Sq. Ft., 0.58 Ac.*
*CONTIGUOUS UPLAND AREA: 23,285 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 19,439 Sq. Ft.*

*TAX MAP B, LOT 5-13*
*OPEN SPACE #2*
*68,695 Sq. Ft.*
*1.58 Ac.*
*(NON BUILDABLE LOT)*

*TAX MAP B, LOT 5-8*
*83,212 Sq. Ft., 1.91 Ac.*
*CONTIGUOUS UPLAND AREA: 59,168 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 42,354 Sq. Ft.*

*TAX MAP B, LOT 5-2*
*83,212 Sq. Ft.*
*1.91 Ac.*

*TAX MAP B, LOT 5-7*
*67,623 Sq. Ft., 1.55 Ac.*
*CONTIGUOUS UPLAND AREA: 62,986 Sq. Ft*
*CONTIGUOUS UPLAND AREA OUTSIDE WETLAND BUFFER: 46,938 Sq. Ft.*

EDGE OF POORLY DRAINED JURISDICTIONAL WETLANDS (TYP.) BY: FRAGGLE ROCK ENVIRONMENTAL DAMON BURT CWS#163
PROPOSED GRADING, DRAINAGE AND ACCESS EASEMENT #4 13,026 Sq. Ft.
PROPOSED GRADING, DRAINAGE AND ACCESS EASEMENT #3 16,903 Sq. Ft.
PROPOSED GRADING AND DRAINAGE EASEMENT #2 6,226 Sq. Ft.
PROPOSED GRADING AND ACCESS EASEMENT #5 1,478 Sq. Ft.
PROPOSED 30' TDR BUFFER
AREA OF TDR RELIEF 891 Sq.Ft.
50' WETLAND BUFFER (TYP.)
50.0'
420.80' N06°06'47"W
275.52' N15°28'40"W
N15°28'40"W 165.28'
S15°28'40"E 130.00'
S17°06'45"W 180.00'
S44°30'07"W 273.08'
130.09' S35°35'02"E
180.00' N13°34'23"E
60.36' N13°34'23"E
R =60.00' L =41.18'
R =60.00' L =43.71'
R =60.00' L =34.54'
3/4" REBAR W/ ID CAP ~SET~ (0.7' HIGH)
3/4" REBAR W/ ID CAP ~SET~ (0.5' HIGH)
3/4" REBAR W/ ID CAP ~SET~ (0.6' HIGH)
3/4" REBAR W/ ID CAP ~SET~ (0.3' HIGH)
BUILDING SETBACK LINE (TYP.)

N/F FARMHAVEN DEVELOPMENT ASSOCIATES, LLC
2 CHESTNUT AVE
DOVER, NH 03820
*TAX MAP B, LOT 21-33*
S.C.R.D. BOOK 4808, PAGE 822
PLAN REF. #8 & #9
130.62' N49°07'09"W
80.65' N43°35'33"W
74.70' N47°37'59"W
4.08' N39°41'26"W
36" PINE W/ BARBED WIRE ~HELD~
22" TREE W/ BARBED WIRE ~HELD~
DRILL HOLE ~SET~
88.09' N48°33'18"W
70.86' N45°09'35"W
DRILL HOLE ~SET~

N/F MERKLEY, MARY B.
98 COUNTY FARM ROAD
DOVER, NH 03820
*TAX MAP B, LOT 12*
S.C.R.D. BOOK 2160, PAGE 276
PLAN REF. #7

114.49' N 46°30'27" W

FRAGGLE ROCK ENVIRONMENTAL
DAMON BURT, CWS 163

STATE OF NEW HAMPSHIRE
DAMON E. BURT
No. 163
WETLAND SCIENTIST
1-21-22

SEE OVERVIEW PLAN FOR WETLAND NOTE

EDGE OF POORLY DRAINED JURISDICTIONAL WETLANDS (TYP.) BY: FRAGGLE ROCK ENVIRONMENTAL DAMON BURT CWS#163

1.69' N35°35'50"E
52.82' N32°29'17"E
119.56' N36°17'54"E
95.00' N35°35'50"E
67.75' N35°35'50"E
169.57' N36°32'23"E
62.74' N33°29'00"E
16.88' N46°49'04"W
DRILL HOLE ~SET~
2" ALUMINUM PIPE ~FND~ (2.2' HIGH) NOT HELD OFF STONE WALL
LLS 941 IRON BOUND ~FND~ (0.3' HIGH)
LLS 941 IRON BOUND ~FND~ (0.6' HIGH) NH GRID COORD. N: 266887.15 E: 1179766.76 ELEV.: 178.58

N/F SEAVER, PAUL J. & PENNY L.
30 COUNTY FARM CROSS ROAD
DOVER, NH 03820
*TAX MAP B, LOT 6-H*
S.C.R.D. BOOK 3500, PAGE 327
PLAN REF. #1-4

N/F TORR, ZACHARY J. & MEAGAN L.
62 COUNTY FARM CROSS ROAD
DOVER, NH 03820
*TAX MAP B, LOT 6-D*
S.C.R.D. BOOK 4471, PAGE 958
PLAN REF. #5

N/F SIGNH, RAGHBIR
15 OLIVE MEADOW LANE
DOVER, NH 03820
*TAX MAP B, LOT 6-C-OPN*
S.C.R.D. BOOK 4436, PAGE 810
PLAN REF. #5 & #6

*LEGEND:*
- 3/4" REBAR W/ ID CAP ~SET OR TBS~
- GRANITE BOUND ~TBS~
- 1/2" EASEMENT REBAR W/ ID CAP ~TBS~
- DRILL HOLE ~FND OR SET~
- IRON PIPE ~FND~
- IRON BOUND ~FND~
- UTILITY POLE
- TREE W/ BARBED WIRE
- STONE WALL
- PERIMETER BOUNDARY
- APPROX. ABUTTING LOT LINE
- POORLY DRAINED WETLAND LINE
- 50' WETLAND SETBACK
- BUILDING SETBACK LINE
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT LINE

TBS TO BE SET
FND FOUND
S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

GRAPHIC SCALE
40 0 20 40 80 160
( IN FEET )
1 inch = 40 ft.

N16°53'33"E MAGNETIC
NORTH PER PLANS

APPROVED
DATE 2/8/22
City of Dover, N.H.
PLANNING BOARD
CHAIRMAN / DIRECTOR
*APPROVED DOVER*

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER, N.H. – 1:10,000–
KENNETH A. BERRY L.L.S. 805 1-21-22 DATE

LOCATION PLAN
DOVER, NH
NOT TO SCALE
COUNTY FARM CROSS ROAD
LONG HILL ROAD
ROUTE 16
SINGH DRIVE
APPROX. LOCATION
WILDERWOOD LANE
SIXTH STREET
COUNTY FARM ROAD

*NOTES:*

OWNER: SETTLEMENT ON 6TH, LLC
4 HALL STREET
DOVER, NH 03820

OWNER SIGNATURE

APPLICANT: SETTLEMENT ON 6TH, LLC
4 HALL STREET
DOVER, NH 03820

1. TAX MAP B, LOT 5
2. LOT AREA: 836,616 Sq. Ft., 19.21 Ac.
3. S.C.R.D. BOOK 4861, PAGE 409
4. ZONING: RURAL RESIDENTIAL, R-40
   LOT SIZE: 40,000 Sq. Ft.
   MAX. LOT COVERAGE: 10%
   MINIMUM FRONTAGE: 150'
   FRONT SETBACK: 40'
   ABUT A STREET SETBACK: 40'
   SIDE SETBACK: 25'
   REAR SETBACK: 30'

   ZONING: TRANSFER OF DEVELOPMENT RIGHTS (TDR)
   LOT SIZE: N/A Sq. Ft.
   MAX. LOT COVERAGE: N/A
   MINIMUM FRONTAGE: 40'
   FRONT SETBACK: 20'
   ABUT A STREET SETBACK: 20'
   SIDE SETBACK: 10'
   REAR SETBACK: 30'
5. I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, THIS PARCEL DOES NOT FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY #330145, MAP #33017C0310E, DATED: SEPTEMBER 30, 2015.
6. VERTICAL DATUM BASED ON NAVD88 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83. COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
7. THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN FEBRUARY OF 2021, WITH AN ERROR OF CLOSURE BETTER THEN 1 PART IN 10,000.
8. THE INTENT OF THIS PLAN IS TO SHOW THE TDR SUBDIVISION PLAN OF TAX MAP B, LOT 5.
9. ALL LOTS WILL BE SERVICED BY MUNICIPAL WATER AND SEWER.
10. WILDCAT DRIVE IS PROPOSED TO BE PRIVATE. REFER TO THE HOA DOCUMENTS FOR ROAD & DRAINAGE RESPONSIBILITIES. 155-48B THERE ARE NO CITY SERVICES PROVIDED UNLESS THE ROADWAY CONFORMS WITH PUBLIC ROAD SPECIFICATIONS AND THE PLANNING BOARD HAS REVIEWED AND AGREED TO AMEND THE APPROVAL TO ALLOW A PUBLIC ROADWAY.
11. SEE OVERVIEW SUBDIVISION FOR PLAN REFERENCES AND ADDITIONAL NOTES.
12. THE BOARD HAS FOUND THAT THE CRITERIA OF CHAPTER 170-27-2.G(8) HAVE BEEN MET.

| # | REVISION | DATE | DESCRIPTION |
|---|---|---|---|
| #8 | | 1-21-22 | REVISED PER FINAL CONDITIONS OF APPROVAL SHOW BOUNDS SET & REVISIONS PER STAKEOUT |

DETAIL TDR SUBDIVISION PLAN WEST
LAND OF
SETTLEMENT ON 6TH, LLC
SIXTH STREET
DOVER, N.H.
*TAX MAP B, LOT 5*


BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863


SCALE : 1 IN. EQUALS 40 FT.
DATE : JUNE 10, 2021
FILE NO. : DB 2021-011

STATE OF NEW HAMPSHIRE No. 805 KENNETH A. BERRY LICENSED LAND SURVEYOR SIGNATURE

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #P21-43

| | |
|---|---|
| Application Type: | TDR Major Subdivision |
| Applicant(s): | Settlement on 6th, LLC |
| Owner(s): | Settlement on 6th, LLC |
| Location: | Sixth Street (Tax Map B, Lot 5) |
| Meeting Date: | November 9, 2021 |

**INTENT:** To subdivide one lot 14 including one utilizing Transfer of Development Rights, and three open space lots.

**UNITS PROPOSED:** 11 new

**AGENDA ITEM #:** 4-B

**ACREAGE**: 19.3 acres

**ZONING DISTRICT:** R-40

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential and vacant

**ZBA ACTION:** None

**ATTACHMENTS:** Application materials including subdivision plan

**APPLICATION COMPLETE:** Yes

**DECLARE REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters for this meeting

**PERMITS REQUIRED:** CUPs for wetland buffer, NHDES AOT, NHDES Wetland Impact Permit, NHDES Sewer Discharge Permit, US EPA NOI and SWPPP, NHB NHDHR

**WAIVERS REQUESTED:** None

**Summary of Request and Background**
The applicant is requesting to subdivide one lot into 14 (11 residential lots, 3 common open space lots). They also seek to use the Transfer of Development Rights to purchase 1 lot. The site is proposed to be serviced by municipal water and sewer.

As a Major Subdivision, this application appeared twice before the TRC, most recently on October 14, 2021 (minutes attached). Previous concepts including purchasing more units but based on the environmental constraints the current proposal is requesting only one TDR unit. The Conservation Commission endorsed the CUP application on September 13, 2021.

The TDR relief allows for a 30' perimeter buffer instead of 50' required in Open Space subdivisions. The applicant has applied that buffer to the plan.

This is a TDR subdivision. The Board will need to vote on the TDR request and the subdivision separately.

**Consistency with Land Use Regulations**
The plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots, and by following the TDR ordinance in Chapter 170-27.2.G.

**STAFF RECOMMENDATION- TDR:**
The Planning Department recommends that the Planning Board accept the applications for review, open the public hearing, and vote to grant the additional unit via Transfer of Development Rights with the following conditions:

1. Payment of TDR fees.
2. Add a note to the plat that the Board found the criteria of Chapter 170-27.2.G(8) have been met.

**STAFF RECOMMENDATION- Subdivision**
The Planning Department recommends that the Planning Board vote to approve the subdivision with the following conditions:

**Conditions to Be Met Prior to Signing of Plans:**

1. The Planning Board approve
    a. The TDR application.
    b. The Conditional Use Permit.
    c. A lot line adjustment plan to remediate the existing encroachment.
2. The applicant shall provide
    a. A revised current use plan to the satisfaction of the City Assessor.
    b. The letter to serve from Eversource and City of Dover.
3. The Planning Director, in consultation with the City's General Legal Counsel, will review and approve the homeowners association to ensure private road, stormwater infrastructure maintenance, buffer and common space, space, conservation district maintenance, prior to converting ownership and maintenance obligations, and deed/easement requirements per Section 170.27.2.

3. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
    a. Add signature and stamp of CWS, LLS and PE
    b. Add owners' signatures for recording at Strafford County Registry of Deeds
    c. Add permit numbers

**Conditions to be Met Prior to Construction Activities:**

4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.

**Conditions to be Met Prior to Building Permit:**

5. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.
6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

**Conditions to Be Met Prior to Occupancy:**

7. Issuance of the Certificate of Occupancy.
8. Any applicable easements shall be recorded.
9. Documentation that the HOA has been created and is in place.
10. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.
11. Prior to the last Certificate of Occupancy being issued, the Engineer of Record shall meet with the Association and review the as-builts for the project.
12. Land use change tax has been paid.

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, March 28, 2023** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Hayley Harmon (Vice Chair), Mark Speidel, Ken Mavrogeorge, Fergus Cullen (Councilor), Tom Clark, and George DeBoer (Alternate)
**Members Not Present (excused)**: Erinn Kaspari, Frank Torr, and Jon Elliard (Alternate), Kyle Pimental, Melina Gambino (Alternate)
**Members Not Present (un-excused)**:
**Staff Present:** Donna Benton, Director of Planning and Development

G. Cruikshank called the meeting to order at 7p.m. and noted that George DeBoer would sit for Frank Torr.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- February 14, 2023 Regular Meeting Minutes

**Motion:** M. Speidel moved to approve February 14, 2023 Regular Meeting Minutes. Seconded by: T. Clark. Vote: U/A

## 3. OLD BUSINESS

A. Consideration and possible vote on posting the proposed Amendments to Chapter 170 (Zoning). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page. *

F. Cullen recused himself from the item.

**Motion:** H. Harmon moved to remove this item from the table. Seconded by: K. Mavrogeorge. Vote: U/A

D. Benton mentioned the Board last reviewed these at their February meeting. Staff made some adjustments based off feedback from Mr. Packy Campbell and the Board with the intention of providing a compromise to providing mechanisms and more flexibility for solar trackers but still maintaining the charm, look, and feel to Dover. She reviewed the changes for the board.

*Public Hearing opened*
Packy Campbell, Bright Spot Solar appreciates the changes to the language and requested some additional changes:

- Amendment 2 language change relating to location of the solar in relation to the primary structure rather than setback distances
- Change/remove language: 'clearly visible'

He expounded on how he uses solar arrays on a couple of car washes he owns and the savings in cost and propane consumption.
*Public hearing closed*

D. Benton noted that this amendment will be valid for every property in the City. There are options for property owners to receive exceptions or relief on location of the panels through the Planning Board processes.

D. Benton addressed for board members some of the concerns brought up in public hearing comments.

**Motion:** T. Clark moved to post the amendments as submitted by staff. Seconded by: K. Mavrogeorge. Vote: U/A

**4. NEW BUSINESS**

A. Consideration and acceptance of a Lot Line Adjustment for Laurie S. Anderson and Andrew R. and Holly Welsh Smith, Assessor's Map 17, Lots 132 and 131, zoned R-12, located at 13 & 11 Hawthorn Road. *(LOTA-2023-0001)

Chair Cruikshank announced the applicant has withdrawn this application.

B. Consideration and acceptance of an Amendment of Site Review for American Durafilm Co., Inc. (Owner: AD Dover, LLC), Assessor's Map D, Lot 11-10, zoned (IT), located at 9 Innovation Way. (Proposal is to relocate a transformer pad and site landscaping, including a request for a waiver to not screen the transformer). *(WAIV-2023-0002)

D. Benton explained that certain site plan amendments that are made out in the field are large enough to need Planning Board approval. This application is for two parts, one is the request for the waiver to not screen a transformer and the second to approve the amendment to the approved site plan.

Jase Gregoire, CivilWorks, NE presented the application and explained the move of the transformer to a different location.

**Motion:** T. Clark voted to accept and declared no regional impact. H. Harmon seconded. Vote: U/A

*Public hearing opened*
None
*Public hearing closed*

**STAFF RECOMMENDATION-Waiver:**
Section 153-21 of the Site Plan Review Regulations states the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:
(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Staff was informed by the applicant that Eversource placed the transformer at that location and that due to sight distance concerns at the driveway, vegetation or other screening cannot be used as required. Staff typically would not support transformers or generators not being screened but in this case understands the applicant was not provided an option that would meet the regulations and that criterion 1 would be met.

The Planning Department recommends the Planning Board to vote to grant the waiver with the following subsequent condition:
**Subsequent Condition to be Met Prior to the Signing of the Plans:**
1. Add a note that the Planning Board approved waiver to Section 153-15.B(5) utility screening and have found the criteria of Chapter 153-21.A. have been met.

**Motion**: M. Speidel moved to grant the waiver as it met the criteria of Section 153-21. Seconded by T. Clark. Vote: U/A

**STAFF RECOMMENDATION-Amendment:**
The Planning Department recommends the Planning Board vote to grant the amendment with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to the Plans Being Signed:**

1. The applicant shall provide the Planning Department with:
    a. Electronic copy of the revised site plan including in PDF and DWG formats
    b. A note be added to the amended site plan sheet that all previous conditions of approval still apply.
    c. Two full size copies of the plan are submitted to the Planning Department and submitted on the online portal.

**Motion**: T. Clark moved to approve the amendment as it met the criteria of Section 153-21. Seconded by H. Harmon. Vote: U/A

**C.** Consideration and acceptance of an Amendment of Site Review for Macs Convenience Stores, LLC, Assessor's Map K, Lot 19-C, zoned R-12, C & IT, located at 30 Dover Point Road. (Proposal is to relocate landscaping and an additional transformer for EV charging). *(WAIV-2023-0003)

D. Benton explained that this is a similar amendment request that Eversource informed the applicant that a second transformer would be needed for the EV charging which is added to the as-built and that the applicant has bonded for the shrubs shown on the landscaping plan but is requesting to relocate one of the street trees so that it doesn't block the sign that was installed.

Steve Haight, CivilWorks, NE presented the application and explained the need for the changes.

**Motion:** T. Clark voted to accept and declared no regional impact. G. DeBoer seconded. Vote: U/A

*Public hearing opened*
None
*Public hearing closed*

**STAFF RECOMMENDATION-Amendment:**
The Planning Department recommends the Planning Board vote to grant the amendment with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to the Plans Being Signed:**

1. The applicant shall provide the Planning Department with:
    a. Electronic copy of the revised site plan including in PDF and DWG formats
    b. A note be added to the amended site plan sheet that all previous conditions of approval still apply.
    c. Provide shrubs around existing and proposed sign bases.
    d. Two full size copies of the plan are submitted to the Planning Department and submitted on the online portal.

**Motion**: T. Clark moved to approve the amendment as it met the criteria. Seconded by G. DeBoer. Vote: U/A

The Vice Chair announced items D-H will be heard together.

D. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map H, Lot 4, zoned IT, located near Cielo Drive. (Proposal is to perform maintenance work on the 345kV 307 Transmission Line involving a single utility structure replacement and optical ground wire replacement creating 773 sf of temporary impact to wetlands and 624 sf of temporary impact to the wetland buffer). *(COND-2023-0029)

E. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map K, Lots 2 & 4-C, zoned R-12 & CWD, located in an existing M183 utility ROW, between Henry Law Avenue & the Cocheco River. (Proposal is the replacement of 5 wooden utility poles with weathered steel structures creating 3,489 sf of temporary impact to wetlands and 12,100 sf of temporary impact to the wetland buffer). *(COND-2023-0030)

F. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map K, Lot 6 & Map M, Lot 4-OPN, zoned R-40 & IT, located at existing M183 ROW between Pointe Place and Middle Road. (Proposal is the replacement of 3 wooden utility poles with weathered steel structures creating 2,494 sf of temporary impact to wetlands and 6,915 sf of temporary impact to the wetland buffer). *(COND-2023-0031)

G. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map M, Lots 47,49, 138, 142, 143 & 163, zoned R-12, G & R-20, located at existing M183 ROW between Polly Ann Trailer Park, Dover Point Road & Toftree Lane. (Proposal is the replacement of 3 wooden utility poles with weathered steel structures creating 9,416 sf of temporary impact to wetlands and 9,835 sf of temporary impact to the wetland buffer. *(COND-2023-0032)

H. Consideration and acceptance of a Conditional Use Permit for Public Service Company of New Hampshire, (d/b/a Eversource Energy, c/o Kurt Nelson), Assessor's Map M, Lots 83-5, 10, 9, 6, 11,12 & 13, zoned R-40, located at 38, 39, 47 & 48 Overlook Drive, 8 Canney Lane, 34 & 44 Quaker Lane. (Proposal is the maintenance work on the 345KV 307 Transmission Line involving a single utility structure replacement and optical ground wire replacement creating 2,023 sf of temporary impact to wetlands and 12,847 sf of temporary impact to the wetland buffer). *(COND-2023-0033)

D. Benton explained that PSNH/Eversource requests to do some pole replacements and other improvements to their transmission lines. Staff has separated the items by area which will require separate votes, though the item can be heard together with one public hearing.

Matthew Carden, Eversource presented the applications. He explained for M. Speidel the use of helicopters. He clarified for G. DeBoer the size and scope of the replacement poles.

**Motion:** T. Clark voted to accept all applications and declared no regional impact. H. Harmon seconded. Vote: U/A

*Public hearing opened*
None
*Public hearing closed*

**STAFF RECOMMENDATION: CUP**
The Wetlands Protection District ordinance §170.27.1.F. provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Planning Staff feels that the applicant considered the criteria of practical alternative, avoidance, minimization, and mitigation and propose to create minimal wetland/wetland buffer disturbance on the site.

The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

**Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

   **Motion**: M. Speidel moved to approve the CUP as it met the criteria. Seconded by T. Clark. Vote: U/A

**STAFF RECOMMENDATION: CUP**
The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

**Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

   **Motion**: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by M. Speidel. Vote: U/A

**STAFF RECOMMENDATION: CUP**
The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

**Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

   **Motion**: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by M. Speidel. Vote: U/A

**STAFF RECOMMENDATION: CUP**
The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

**Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**
1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

   **Motion**: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by H. Harmon. Vote: U/A

**STAFF RECOMMENDATION: CUP**
The Planning Department recommends the Planning Board vote to approve the CUP with the following subsequent conditions:

**Subsequent Condition to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Activity Statutory Permit by Notification.

   **Motion**: T. Clark moved to approve the CUP subject to the condition set by the Planning Department as it met the criteria. Seconded by M. Speidel. Vote: U/A

I. Consideration and acceptance of Transfer of Development Rights Request for Diamond Capital, LLC, Assessor's Map D, Lot 10, zoned R-12, located at 42 Long Hill Road. (Requesting to purchase (6) six TDR units for a project up to 34 residential lots including the existing single family home). *(TRAN-2023-0001)

D. Benton explained the applicant was using the TDR ordinance to purchase 6 units. She explained that the applicant is changing their request from their original application as the City's ordinance does not have a provision for for-sale units so the applicant is now requesting 4 units to be the 1,400 s.f. size restricted rate and 2 to be full rate. This is the first step in the process and if approved, the applicant would still need to do full engineering and go through the TRC process and come back to the Planning Board for subdivision review.

FX Bruton, Bruton and Berube presented the item, explained the proposed development, highlighted the 1,400 s.f. restricted affordable units and addressed the criteria.

He answered for M. Speidel why only four of the six additional units are earmarked for affordable housing.

D. Benton and Mr. Bruton clarified that there is a change in the request from what is in the applicant's paperwork. Rather than requesting to restrict the sale price which does not work with the City's ordinance, the specified units will be size restricted to 1400 sq ft or less.

**Motion:** M. Speidel voted to accept the application and declared no regional impact. F. Cullen seconded. Vote: U/A

*Public hearing opened*
Danielle Ouimette, 21 Strafford Rd asked some questions about when the construction will begin, how long it's expected to take, and if there are any limits to construction hours. There are flags in the wooded area- is that part of this proposal?

Theresa and Robert Daneau, 23 Strafford Rd expressed concerns regarding the 50' wetland buffer, would the construction affect the wetland and therefore the existing homes, will there be a right of way request from Strafford Rd to the proposed site. They would request a buffer zone of trees or fence or wall at the property line and are also curious about the surveying in the area around their home- what is it for?

Lisa Stacy, 75 Long Hill Rd wondered if the units are age restricted or not and is concerned about the density and number of families/kids in schools if not restricted. Could the driveway of the development line up with the other street so it is safer? That is a school bus stop. She has concerns about water and is not in favor of this amount of density in this location.

D. Benton summarized emails that were received to the office:

- Jordan Plante, 92 Long Hill
- James Simard and Kathleen Kroll-Simard

*Public hearing closed*

Mr. Bruton addressed public comment and noted he spoke with his client about making all six additional units affordable housing and they are amenable to that.

- This proposal will be restricted to 55 and older.
- Some of the comments are more appropriate for the next level of approvals where they will address them.
- The wetlands will be a restricted area and will be discussed more in-depth at the site review level.

D. Benton clarified:

- Adding a condition that the 30' buffer is shown on the plans
- Traffic study will be addressed at future hearings
- Conditions of approval will include the changes mentioned today
- There is no project proposed that the City is aware of in the park
- The water question will be addressed as part of the City's review of the project.
- There is no right of way from Strafford being proposed.
- The term affordable keeps getting used but the applicant is looking at size restricting not the rental rate as other projects have proposed.

Kevin McEneaney, McEneaney Surveying represented the applicant and explained the flags are part of the work that is being researched for this project. It is common to need to go beyond the property line for some of the research that is done and to mark which areas are complete.

Regarding wetlands, the City has a requirement that signs are posted every 50' along the wetland buffer and that will be done. There will be no request for right of way from Strafford.

Steve Haight, CivilWorks Engineering responded regarding whether they've looked at doing a T intersection with Phillips St. They did look at it, but due to site distance and driveway access they didn't choose that option.

**STAFF RECOMMENDATION: TDR**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights.

The proposed TDR request in an impact sense creates six additional units after following the calculation provision in the TDR ordinance. The applicant is currently requesting 4 of those TDR units/lots would be size restricted to 1,400s.f. in perpetuity, and two of the TDR units/lots would pay the full TDR fee.

The Planning Department recommends the Planning Board make findings, and vote to grant the TDR request with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Granting of Transfer of Developments Right:**

1. Recognition by the applicant in writing that the applicant understands the Board voted to allow up to a maximum amount but that they have the ability to reduce that unit count after seeing more fully-engineered plans, waiver requests, or any other relief requested.
2. Payment of the TDR fees.
3. Revise the application narrative to meet the most recent request.
4. Future subdivision plat shall show the 30' visual buffer.

**Motion**: M. Speidel moved to approve the request subject to the conditions set by the Planning Department. Seconded by G. DeBoer. Vote: U/A

**Motion**: K. Mavrogeorge moved to recess the meeting. Seconded by H. Harmon. Vote: U/A
**Motion**: F. Cullens moved to return to the meeting. Seconded by G. DeBoer. Vote: U/A

J. Public hearing to consider amendments to Chapter 170, entitled "Zoning" of the code of the City of Dover. Amendments include re-titling, formatting, construction signs, ground mounted solar, rooftop solar, window sign definitions, CWD green roof requirements, clarifying Gateway lot coverage and screening requirements, dark sky compliance for general site lighting, moving and amending non-environmental conditional use permit criteria, wetland protection district purpose and intent, wetland CUP criteria, TDR waiver criteria, TDR criteria, window and development signs, amendment notice requirements, removing Educational Institution from CM table of uses, and reducing RCM threshold area to 20 acres*.

D. Benton walked through the posted zoning amendments and explained another public hearing would be scheduled and notified using the City wide mailing process.

*Public hearing opened*

Laurie Smith, 36 Fisher commented that last year when the board added height restrictions to the extended Heritage district that was great. She has been part of the committee to look at these issues in the City and expressed thanks to the board and staff for the time given.
She asked about screening requirements. She prefers the height restrictions include the rest of Fisher St as was suggested by the neighborhood. She would also like to increase setbacks. When large multi-level structures go in next to single story homes it will have quite an affect.

Jack Mettee, 56 Rutland agreed with Ms. Smith with regard to the height restriction for Fisher St. He referenced the design standards for site plan for Gateway district.

Matt Cox, 33 Fisher agreed with Mrs. Smith and Mr. Mettee noting this is some of the oldest part of town, but seems to have some of the least amount of restrictions. He would like to expand the provisions that are in the other gateway districts to the Fisher st area and protect the look of the area and the old homes.

Sandra Cohen-Holmes, 34 Fisher wondered why a four-story structure is allowed next door to these old homes.

Finola Cox, 33 Fisher agreed with Ms. Cohen-Holmes' question and wondered who benefits from it. Only the people coming to live in the units and the builders and workers- not the people who already live there.

Chad Kageleiry, 100 Dover Neck is the owner of the lot most people are speaking about. After years of study the City elected to change the zone to gateway which is much more benign than what it was: Industrial.
He noted that all of the residential owners who have spoken tonight purchased their homes while the zone was industrial. There is also no project planned yet- so the concerns are without merit. The planning process will vet the projects that want to come in.

D. Benton summarized emails that were received to the office:

- JK C Holmes, 34 Fisher St.
- Martha Wilson 8 Auburn St
- Liane Smith, 13 Fisher St.
- Sandra Cohen Holmes, 34 Fisher St.
- Marisa Didio, 105 Belknap
- Laurie Smith, 36 Fisher St.
- Carmel Casey 36A Fisher St.

*Public hearing tabled*

**Motion**: H. Harmon moved to table the public hearing. Seconded by M. Speidel. Vote: U/A

K. Public hearing to consider amendments to Chapter 153-A, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include amount of copies include site plan applicability, application requirements, and removing the 90 day extension for Planning Board action.*

D. Benton walked through the Site Plan amendments which were posted on February 14th and are mostly housekeeping in nature.

*Public Hearing Opened*
None

*Public Hearing Closed*

**Motion**: T. Clark moved to adopt the amendments as submitted. Seconded by H. Harmon. Vote: U/A

**5. STAFF COMMENTS**

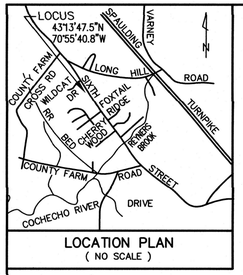
- Vision Chapter Sessions will continue and wrap up with a full day on April 18th so save the date and locations are being finalized.
- Unless anything is continued tonight, it is likely we won't meet on April 11.
- TRCs that have occurred:
  - Site Review for VC Dover Investment, LLC, Assessor's Map H, Lot 4-3-1, zoned Commercial, located at 30 Grapevine Drive. (Proposal is to build a new 15,040 sf (footprint), 4 story mixed use building next to the Hannaford's Grocery Store on Grapevine Drive.) (P22-72/SITE-2022-0017). *[This item was previously heard on November 17, 2022, January 5, 2023 & February 16, 2023]*
  - Open Space Subdivision for Chinburg Development, LLC, Assessor's Map N, Lot 13-1, zoned R-40, located at Oak Street & Gulf Road. (11 new lots.) (SUBD-2023-0001).
- TRCs coming up:
  - Site Review for Cooperative Alliance for Seacoast Transportation, (Assessor's Map H, Lot 35-C-4, located at 42 Sumner Drive. (Proposal is to build a 28,700 s.f vehicle storage building and 17,000 s.f. administration, operations and maintenance building.) (SITE-2023-0002).
  - Site Review for Crosshill Housing Associates, Limited Partnership, (Assessor's Map H, Lot 41-M, located at 1 Martha's Way. (Proposal is to add a 4,600 s.f. building with outdoor patio, walkways, and parking restriping to add ADA spaces.) (SITE-2023-0001).

**6. MEMBER COMMENTS**

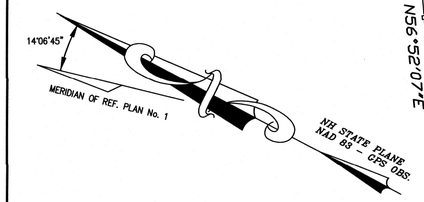
- The Chair signed plans for 7 West LLC the Medical Office Building at Exit 7.

**7. ADJOURNMENT**

**Motion:** M. Speidel moved to adjourn at 9:03pm. Seconded by G. DeBoer. Vote: U/A




LOCATION PLAN
( NO SCALE )




A / 67
NORMAN E. VANDINI
SHARON J. VANDINI
569 SIXTH STREET
DOVER, NH 03820
1452 / 241

A / 56
LEON A. DROUIN, TRUSTEE
LEON A. DROUIN REVOCABLE TRUST
565 SIXTH STREET
DOVER, NH 03820
4724 / 277

A / 66
RHONDA M. ZABIELSKI
MICHAEL P. ZABIELSKI
563 SIXTH STREET
DOVER, NH 03820
1895 / 740

OWNER SIGNATURES

SMH
RIM = 209.70'
INV. IN = 203.17' 6"PVC
INV. OUT = 203.02' 8"PVC
BRICK SHELF = 203.64'

SIXTH STREET
{PUBLIC; VARIABLE WIDTH R.O.W.}

S 8" PVC
W 12" CL DI
12" RCP
INV. = 205.94'
TBM
SPIKE IN UP
ELEV.209.08'
UP 58/32
UP 20/31.5
SMH
RIM = 209.81'
INV. IN = 198.47' 8"PVC NW
INV. IN = 201.57' 8"PVC SE
INV. OUT = 186.23' 10"PVC (SITE)
BRICK SHELF = 186.85'

S27°41'30"E 100.00'
S27°41'30"E 111.23'
S27°41'30"E 88.77'
I.R.(tbs)
(5')
30.00'

B / 4J
CAITLIN VERVILLE
RORY WILKIE
568 SIXTH STREET
DOVER, NH 03820
4613 / 638

PROPOSED DUPLEX
39' x 29'
1,184 S.F.
FOOTPRINT
10.5'
5.0'
29.0'
39.0'

1 STORY WOOD FRAME HOUSE
#566
F.F. = 213.9'
DRIVE UNDER GARAGE
F.F. = 204.2'
STONE RETAINING WALL
ASPHALT DRIVE
WALK
EXISTING ASPHALT DRIVE
73.02'

HOUSE
#568

PROPOSED PAVED DRIVEWAY
PROPOSED 30' WIDE UTILITY EASEMENT
30.14'
73.89'
70.87'
30.00'
S 27°31'40" E
95.87'
98.79'
N 27°31'40" W
PROPOSED 30' WIDE ACCESS EASEMENT
(73.32')
S57°03'29"W 200.87'
30.13'

N56°52'07"E 194.62'
FENCE
BUILDING SETBACK LINE (TYP.)
S59°52'07"W 196.73'
S62°36'50"W 197.77'
12" W
S 10" PVC

B / 4F
PARCEL AREA
19,942 S.F.
0.45 Ac.

B / 4F-1
PARCEL AREA
19,480 S.F.
0.45 Ac.

B / 4F-2
PARCEL AREA
19,580 S.F.
0.45 Ac.

30' EXTERIOR NO CUT BUFFER (TYP.)

I.P.(fnd)
100.22'
N26°29'30"W
I.R.(tbs)
91.55'
N26°29'30"W
I.R.(tbs)
108.23'
N26°29'30"W
I.P.(fnd)

B / 4R
JAMES P. GOWEN
SHARON GOWEN
562 SIXTH STREET
DOVER, NH 03820
988 / 448

SMH
RIM = 201.06'
INV. IN = 184.90' 10"PVC
INV. OUT = 184.90' 10"PVC
BRICK SHELF = 186.11'

B / 4-53
EMILY S. DAVIE
TIMOTHY W. MALLARD
141 COTTONWOOD DRIVE
DOVER, NH 03820
4221 / 508

## LEGEND

- I.P.(fnd) – IRON PIPE (FOUND)
- I.R.(tbs) ● – IRON ROD W/ I.D. CAP (TO BE SET)
- SMH – SEWER MANHOLE
- CB – CATCH BASIN
- DMH – DRAIN MANHOLE
- WV ⋈ – WATER GATE VALVE
- S.F. – SQUARE FEET
- Ac. – ACRE
- (TYP.) – TYPICAL
- ± – MORE OR LESS
- ø – DIAMETER
- S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
- UP 410/5 – UTILITY POLE W/ I.D. Nos.
- R.O.W. – RIGHT OF WAY
- INV. – INVERT
- PVC – POLYVINYL CHLORIDE
- CL DI – CEMENT LINED DUCTILE IRON
- ELEV. – ELEVATION
- 204 – – – – – CONTOUR LINE (2 FOOT INTERVAL)
- WSO – WATER SHUT OFF (CURB STOP)
- HYD. – FIRE HYDRANT
- W – WATER SERVICE LINE
- S – SEWER LINE
- S SMH – SEWER MANHOLE
- OHU – OVERHEAD UTILITIES

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| CNE 24081 | | REVISIONS | | |

| 24–2571 | TDR SUBDIV | 23–12 | 37–42 |
|---|---|---|---|
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

## REFERENCE PLANS:

1.) ALDEN WOODS SUBDIVISION, SIXTH STREET, DOVER, NEW HAMPSHIRE, SHEET 7 OF 26: SCALE: 1" = 60'; DATED: APRIL 27, 1998; BY: MCENEANEY SURVEY ASSOCIATES, INC.; RECORDED S.C.R.D. PLAN 54–34.

2.) SUBDIVISION OF LAND OF SCOTT L. WEEDEN, DOVER, NEW HAMPSHIRE; SCALE: 1" = 50'; DATED: FEB., 1975; BY: RICHARD P. TOWLE; RECORDED S.C.R.D. PLAN 43, POCKET 15, FOLDER 43.

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

## NOTES:

1.) OWNER OF RECORD:
FERGUS CULLEN
JENNIFER CULLEN
152 BOXWOOD LANE
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOLUME 5152, PAGE 7

2.) B / 4F – DENOTES TAX MAP AND PARCEL NUMBER.

3.) TOTAL PARCEL AREA = 59,002 S.F. / 1.35 Ac.

4.) THE INTENT OF THIS PLAN IS TO DEPICT A PROPOSED TDR SUBDIVISION CONSISTING OF THREE (3) LOTS, ONE LOT CONTAINING A SINGLE FAMILY DWELLING AND TWO LOTS CONTAINING DUPLEXES.

5.) ZONING DISTRICT: RURAL RESIDENTIAL (R40)

| DIMENSIONAL REQUIREMENTS: | |
|---|---|
| MINIMUM LOT SIZE | = 40,000 S.F. |
| MAXIMUM LOT COVERAGE | = 10 PERCENT |
| MINIMUM FRONTAGE | = 150 FEET |
| BUILDING SETBACK REQUIREMENTS: | |
| FRONT SETBACK | = 40 FEET |
| SIDE SETBACK | = 25 FEET |
| REAR SETBACK | = 30 FEET |
| MAXIMUM BUILDING HEIGHT | = 35 FEET |
| WETLAND BUFFER | = 50 FEET |

| TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS: | |
|---|---|
| ABUTTING A ROAD SETBACK | = 20 FEET |
| ABUTTING A LOT LINE SETBACK | = 10 FEET |
| STREET SIDES OF UNITS | = 20 FEET |
| ABUTTING STRUCTURES | = 20 FEET |
| NO CUT BUFFER FROM EXTERIOR LOT LINE | = 30 FEET |

6.) THE SUBJECT PARCEL IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS SHOWN ON FLOOD INSURANCE RATE MAP 33017C0310E, EFFECTIVE DATE 9/30/2015.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) AND VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED JANUARY 30, 2024.

8.) ALL EXISTING UTILITY LOCATIONS ARE APPROXIMATE AS SHOWN. THE CONTRACTOR SHALL VERIFY THEIR EXACT LOCATIONS WITH THE RESPECTIVE UTILITY OWNERS PRIOR TO ANY WORK BEING PERFORMED. CALL DIGSAFE AT 1–888–344–7233.

9.) THE SOIL TYPES ON THE SITE ARE:
WdB – WINDSOR LOAMY SAND, 3–8% SLOPES
THE SOURCE FOR THE SOIL TYPE DATA IS USDA SCS SOIL SURVEY OF STRAFFORD COUNTY DATED MARCH 1973 & USDA NRCS WEB SOIL SURVEY http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx

10.) NO WETLANDS WERE OBSERVED ON SITE BASED ON SITE INSPECTION PERFORMED DURING APRIL, 2024 BY BRUCE A. GILDAY, N.H.C.W.S. #088; N.H. C.S.S. #012 OF B A G LAND CONSULTANTS.

11.) TDR UNIT CALCULATIONS:
A) 59,002 S.F. – CONSERVATION (0 S.F.)= 59,002 S.F.
B) 59,002 * 0.85 = 50,150 S.F.
C) 50,150 * 0.85 = 42,628 S.F.
D) 42,628 / 40,000 BASE UNIT COUNT = 1 UNIT *
* EXISTING SINGLE FAMILY HOME HAS RIGHT TO CONVERT TO DUPLEX; (2) UNITS BY RIGHT.
E) REMAINING 3 UNITS TO BE PURCHASED, THUS ALLOWING FOR 5 UNITS.

12.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY AND MARCH, 2024 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

13.) PARCEL IS SERVICED BY MUNICIPAL SEWER AND WATER.



# TDR SUBDIVISION PLAN
PREPARED FOR
FERGUS & JENNIFER CULLEN
TAX MAP B, LOT No. 4F
566 SIXTH STREET
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

| DOVER PLANNING FILE No. | SUBM 2024– | |
|---|---|---|
| DRAWN BY: RJM | | FILE: MSA\2571\D\23–2571 |
| SCALE: 1" = 20' | | DATE: SEPT. 25, 2024 |

20 10 0 10 20 40 60 80

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 661 KEVIN M. McENEANEY SIGNATURE

McEneaney Survey Associates
of NEW ENGLAND
P.O. Box 1166 – 181 WATSON ROAD
DOVER, NH 03820 (603) 742–0911
SURVEYING – PLANNING – CONSULTING

9/26/2024 15:56:02 File: M:\2571\Drawings\23-2571.dwg Layout: 2571 SUBDIVISION

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, October 22, 2024** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Tom Clark, Ken Mavrogeorge, George DeBoer, Melina Gambino, Kyle Pimental, Dennis Shanahan (Councilor)
**Members Not Present (excused)**: Doug Glennon, Fergus Cullen (Councilor), Jeff Sanborn (Alternate), Mallory Strange (Alternate)
**Staff Present:** Donna Benton, Planning Director and Paul Crouser, Zoning Administrator

Gina Cruikshank (Chair) called the meeting to order at 7p.m. and noted Councilor Shanahan is sitting in for Councilor Cullen, M. Gambino is sitting for D. Glennon and K. Pimental is acting as Vice Chair.
Also, that Item B (Boston Harbor Rd) will not be heard tonight.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
Email from Eric Spurling was summarized by D. Benton. The email was on the subject of the intention and current status of the TDR process.
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- October 8, 2024 Regular Meeting Minutes

**Motion:** T. Clark moved to approve the regular meeting minutes of October 8, 2024 as submitted. Seconded by: G. DeBoer. Vote: U/A

## 3. OLD BUSINESS

## 4. NEW BUSINESS

A. Consideration and acceptance of a Site Plan amendment for Wooden Ruler, LLC Assessor's Map 6, Lot 40, zoned CBD-G, located at 42-44 Third Street. (Proposal is to amend design of the building and amend conditions regarding parking provided.) *(WAIV-2024-0012)

D. Benton explained that on November 8, 2022, the Board approved a Site Plan and Conditional Use Permit for a mixed-use building with commercial use on the first floor, 39 below grade parking spaces, and 58 residential units. The applicant now seeks to amend the architectural plans and modify Conditions of Approval 13 & 19 to allow for alternative parking arrangements.

In the previously approved plan (P22-60), the applicant proposed building a parking garage at 35 Third St. to handle overflow residential parking and a Condition of Approval (#13) required the issuance of a building permit for the garage. Now, the applicant seeks to change this by instead directing overflow residential parking to two surface lots at 35 Third St. and 5 Grove St.

The applicant provided a Parking Demonstration plan that indicates 18 units at 42-44 Third St. will be given a parking pass at 35 Third St., 16 units at 42-44 Third St. will be given a parking pass at 5 Grove St. and 24 units at 2 Grove St. will be given a parking pass at 1 Grove St.

The applicant also seeks approval to reduce the footprint of the building's third through fifth floors, making them smaller than the first two stories.

One waiver is being requested by the applicant, from Chapter 153-14(D)(4)(C) for off-site parking for the CBD-G District within the CBD-TOD District.

Christopher Berry, Berry Survey and Engineering represented the application and explained the request noting they have secured additional parking spaces off site, but request a waiver for residents to be able to park across the street at 5 Grove St.

The applicant also requests to reduce/ eliminate the impact fees due to the recent change to fees and because the project has not been started yet. The date of original approval was November 2022. The applicant is requesting a one year extension to the active and substantial development requirements which are about to run out.

Mr. Berry clarified for the board that the building at 42-44 will have a parking structure underneath, but they were planning to build a separate parking garage which is now not in the works; other parking areas proposed for usage are owned by the same applicant and the description of who parks where was given; explanation of parking for light manufacturing facility that came to the board recently; distribution process of parking spaces to the residents; architectural changes to the plan; crosswalk plans.

**Motion:** K. Pimental moved to accept the application and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION - Waivers/Relief:**
§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rationale for the waivers meets criterion (1) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waiver with the following subsequent condition:

**Subsequent Conditions of Approval Prior to Signing of the Plans:**

1. Provide a decorative fence, (e.g. wrought iron), along parking lots of 5 Grove St. and 35 Third St. to help screen the parking as a note on the plan;
2. Add a note that if ownership changes for lots 3/22, 31/12, 31/11, 06/40, that a parking easement must be recorded at the SCRD that shows same allocated amounts as the Parking Demonstration plan or a revised parking lease shall be submitted to the City of Dover's Planning Department indicating the same terms for parking per the revised plan set;
3. Add note to plan that Property owner shall maintain parking permit management system including files that may be reviewed by the City Staff at any time during business hours to ensure the number of permits given out do not exceed parking spaces per Parking Demonstration plan.

Mr. Berry confirmed for the board that the parking they are allotting for the project is currently owned by the applicant and is not being used.

**Motion:** K. Pimental moved to grant the waiver requests with the subsequent conditions set by staff as it meets criteria for relief. Seconded by: D. Shanahan. Vote: U/A

D. Benton noted the condition of approval regarding impact fees can be discussed by the board. The approval was in 2022, which is prior to the dates the board has set for relief of these fees. Since the applicant is before the board making the request, they can discuss and make determination.

Regarding the extension request, she noted the plans don't expire until 2027. The applicant stated if staff doesn't believe there is an issue with the expiration of the plans, they also don't.

The board discussed the request for elimination of the impact fees.
Chair Cruikshank and M. Gambino both noted split opinions on the matter as the project hasn't started, but the approval falls so far ahead of the date set by the board.
Several members such as M.Gamino, G.DeBoer, and D.Shanahan prefer to keep the fees in place as the approval was two years ago and demolition occurred a year ago.

**STAFF RECOMMENDATION- Site Plan Amendment:**
Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types, including amendments. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings and vote to approve the application with the following subsequent conditions as the plans meet the standards outlined:

**Subsequent Conditions of Approval Prior to Signing of the Plans:**

1. Same conditions of the original approval (P22-60) still apply, sans Conditions 13 & 19;
2. Parking lots A and B shall conform with:
   - 2.1. Parking Lot design standards per Chapter 153-14(D)(6);
   - 2.2. Parking Lot lighting standards per Chapter 153-14(E)(2);
   - 2.3. Parking Lot Interior landscaping per Chapter 153-14(G)(2);
3. Revise previously approved plan set to:
   - 3.1. Add revised permit plan package to previous approved plan with note indicating that that this revised plan package supersedes the previously approved plan package (P22-60);
   - 3.2. Add Parking Demonstration Plan to plan set described in condition #2;
   - 3.3. Add note that the parking lease agreement is in perpetuity or until an amendment is approved by the Planning Board;
   - 3.4. Add file number (WAIV-2024-0012);
   - 3.5. Note re: compliance with Chapter 153-14(D) (parking lot design), (E) (parking lighting), and (G) (parking landscaping);
   - 3.6. Add note that two (2) additional parking spaces in either Parking Lot A, B, or combination thereof, shall conform with ESVE readiness per Chapter 153-14(D)(3);
   - 3.7. Add notes regarding waiver granted and conditions of waiver to revised site plan package;
   - 3.8. Add note that any amendments to any of the lots (3/22, 31/12, 31/11, 06/40) will need to be reviewed by City Staff and in compliance with the Parking Demonstration Plan;

**Subsequent Conditions of Approval Prior to Occupancy:**

4. All other conditions per P22-60;
5. A parking lease or easement plan shall be recorded at SCRD prior to occupancy of first unit at 42-44 Third St aka Map 6, lot 40.

**Motion:** K. Pimental moved to approve the Site Plan Amendment with subsequent conditions set by staff as it meets criteria. Seconded by: T. Clark. Vote: U/A

The Chair announced Item 4B would not be heard as the applicant requested a continuance.

B. ~~Consideration and acceptance of a Transfer of Development Rights for True North Development, LLC, Assessor's Map 7, Lot 14, zoned R-20, located at 35 Boston Harbor Road. (Proposal is to purchase one (1) additional unit through TDR for a total of three (3) non-restricted units.) *(TRAN-2024-0013~~)
[*This item has requested a continuance.]*

**Motion:** D. Shanahan moved to continue this item to the November 12, 2024 meeting. Seconded by: T. Clark. Vote: U/A

The Vice Chair announced Items 4C & D would be heard together.

C. Consideration and acceptance of a Conditional Use Permit for 17-19 Summer Street Properties, LLC, Assessor's Map 12, Lot 35-1, zoned HR, located at Locust Street. (Proposal is to build a 2,400 s.f. four (4) unit building in the Heritage District.) *(COND-2024-0020)
D. Consideration and acceptance of a Site Review for 17-19 Summer Street Properties, LLC, Assessor's Map 12, Lot 35-1, zoned HR, located at Locust Street. (Proposal is to build a 2,400 s.f. residential building consisting of four (4), two-bedroom units, improved driveway access, parking, utilities and drainage improvements.) *(SITE-2024-0003)

D. Benton explained that the applicant is proposing the construction of an approximately 2,400 square foot, 2-½ story, four-unit structure on a vacant lot on Locust Street with associated parking and landscaping.

The applicant proposes access to the site through a shared 24' wide driveway located on the abutting property at 17-19 Summer St. The shared access will provide eight parking spots for the proposed 4-unit multi-family dwelling and four parking spots for the existing 4-unit building at 17-19 Summer St. Easements will be granted to allow for access and parking on the abutting lot.
The applicant is seeking one waiver as part of this proposal from §153.14.E (2)- Parking Lot Lighting, in order to reduce light spillover onto adjacent residential properties.

A Conditional Use Permit is being proposed as part of this project, (COND-2024-0020), to allow for the creation of a 4-unit dwelling structure within the Heritage Residential (HR) District.

The Zoning Board of Adjustment (ZBA) granted a Variance from §170-12, HR District 3-4 Family Dwelling Creation/Conversion CUP criterion C, where parking lots are required to be at least five feet from a side property line. The following ZBA actions were taken related to this request:

1. July 18, 2024, Variance granted in relief of parking lot setback CUP requirement.
2. August 15, 2024, Variance granted to correct scrivener's error in Variance granted on July 18, 2024.
3. September 10, 2024, Request for rehearing granted pursuant to Variance granted on August 15, 2024.
4. September 19, 2024, Appeals of three related administrative decisions denied.
5. October 17, 2024, Rehearing and approval of August 15, 2024 Variance.

The Technical Review Committee reviewed the application at their March 28, 2024 and May 9, 2024 meetings.

Steve Haight, CivilWorks represented the application and explained the request for CUP for a 4-unit structure with shared parking. TRC feedback was incorporated into the plans by reducing parking on site. The waiver is to reduce lighting. All of the parking is internal to the site and meets the regulation for safe onsite parking. Upgrades to the City include upgrades to the sidewalk in front, paved parking lot and removal of a dumpster. He explained the variance granted for parking within the 5' side setback because it is shared parking for both lots which are both owned by the applicant. The parking easements have been recorded.
He addressed drainage and utilities.

M. Gambino is concerned about traffic impact and asked for more information which Mr. Haight provided. She also expressed concerns about using a parcel in the Heritage District as a parking lot. That is not in keeping with the character of the neighborhood.
Mr. Haight showed on the map where the current parking is located.
He also addressed the existing trees on site and the intent with the trees.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Roy Tilsley attorney at Bernstein Shore represented Jeff and Maureen Sanborn of 30 Silver St, abutters opposed to the CUP request. A 2-unit building is allowed here by right, but 4 units require a CUP. There are six criteria that need to be met along with the 3 general CUP criteria.
Open space requirement: The existing parking lot will be expanded to accommodate 8 units. Requirement is to have equal amount of open space as the other lots in the Heritage district within 200 sq ft. How did the applicant calculate this? Where is that in the application? Is the rain garden part of the open space? Don't believe it should be counted. In order to get 35-1 into compliance, they are paving lot 35. That seems counter to the spirit of the district. The proper calculation is to determine the open space on each of these lots, then compare those to others to see if they are improving the lots or not.
The variance granted for the parking within 5' setback: The ZBA does not have the authority to issue a variance to CUP criteria. That lies with the Planning Board. Relief from ZBA should have been for a use variance not just a parking item.
Consistency with the neighborhood: Paving the lot to meet open space requirements is not compatible with the neighborhood. GIS mapping was shown of the number of units proposed on this lot and number of units of surrounding properties.
Do not believe they meet the CUP criteria.

Michael Rudolph, 713 1 Central Ave, former tenant of 19 Summer St from 2021-2023 expressed issues he had with the property owner such as clogged gutters leading to water damage; outdated and unreliable electrical system; fence disrepair. Repeated requests were not addressed. He questions the owner's commitment to maintain the historic integrity of the property and safety of their tenants.

Joe Hill, 148 Locust St read a statement expressing this project will reduce open space, encroach on the historic museum, create a 12-car parking lot which will exit onto Locust St. which is very busy and dangerous. The project is too large for this lot and should be reduced to a duplex. He encouraged the board to come to that area in the morning and at 3pm to witness the traffic issues.

Carl Paulson, 8 Hamilton St. read comments of Anthony McManus: the Heritage District is governed by the Planning Board and ZBA. The ordinance regulates proposed developments in the district be reviewed to protect the character and architectural heritage. The proposal for 8 units within a small lot plus parking is not consistent with the district.
He also noted he has his own concerns relating to economic policy and environmental management such as: impervious surfaces and runoff.

Sarah Stender, 38 Silver St. read a statement from Laurie Smith of 36 Fisher St in opposition to the proposal due to its location in the Heritage district, character of the neighborhood, lack of benefit to all parties: city, neighborhood and applicant.
Her own comments relate to traffic which is already terrible and this will make it worse. She doesn't believe there are enough proposed parking spaces for all the units proposed.

Sara Treacy, 148 Locust spoke about preserving historic buildings. She moved to Dover specifically for the 1810 home she bought. She commented about the tear down of a historic structure in 2014. The new structure is out of character and that led to creating the Heritage District. She itemized the timeline of that process and the regulations created. She asked the board to deny the proposed development.

Sarah Santiago, current resident of 19 Summer St. spoke in opposition to the proposal. The backyard of lot 35 will be turned into a parking lot but that doesn't seem to be considered since there is no proposed building scheduled for that lot. The three units at 17 Summer St. currently share four parking spaces on Summer St. which does not meet the 2 spaces per unit requirement. The four spaces in the yard are designated for the four units at 19 Summer St. On snow emergency or street cleaning one of the cars from 17 Summer needs to find space within the four 19 Summer St. spaces. 12 spaces isn't enough for 2 spaces per unit. There are seven dogs currently sharing that yard between all of the units and they will not have a fenced in area during construction. From the Traffic Advisory Committee, she noted there have been 30-40 accidents at the intersection since 2019 and about half had to be towed away from the scene. Adding eight cars will impact the traffic. In addition, landscaping is not always timely and the bushes become overgrown creating no site lines to exiting the property onto the street. There are other landscaping issues that haven't been addressed such as overgrown gutters and if this owner won't maintain what they already own, should they be granted additional properties to neglect.
*Public hearing closed.*

S. Haight addressed public comment:

- The variance was a request from the Planning Department to have that done
- Open space calculations were presented to the TRC
- The 4-unit proposal meets all CUP criteria such as setback, open space, one entrance
- Sharing parking to create a safer situation and get cars off the street
- They could propose 4 additional parking spaces, but removed those at the request of TRC and abutters
- Whether gravel or paved, still considered impervious surface
- Paved so that it can be maintained
- Applicant will repair fence if needed
- Will only cut down trees necessary and leave the rest
- Additional plantings are in the landscape plan
- There is no drainage treatment on site now. What's proposed is robust and will handle the drainage. The drainage proposal has been reviewed by staff.

- Agree that traffic on Locust street is an issue. This project will not solve or exacerbate it. Eight additional cars will not have any significant impact to the traffic there. The shared driveway will help maintain a safe flow of traffic onto the road from a central access point.
- Historic preservation: discussions with staff from the beginning of the planning process were clear about making sure it is similar to those in the neighborhood as best as possible as a new structure can
- Can't address dogs/ landscaping/ relationship with the owner

K. Mavrogeorge confirmed for the Chair he is comfortable with the proposed storm water design.

Mr. Haight addressed items for the board:

- There will be more pavement than gravel that currently exists

D. Benton addressed that the applicant went for a Variance because they could not meet one of the criteria of the CUP which is listed in the Zoning Ordinance and the relief mechanism would be a Variance.

Mr. Haight noted if the fence is on the applicant's property and needs repair or replacement, it can be a condition of approval and the applicant will handle it.

- Addressed how they meet all the requirements for CUP
    - Open space: criteria was read and explanation given
    - Off-street parking: quantity and no backing into the street
        - Parking spaces on Summer St will remain
        - On-site parking will incorporate into the proposal
            - Initially additional spots were proposed internally, but were negotiated out as part of TRC process and abutter feedback at TRC
        - Parking lot distances from lot lines: this was the purpose of the variance request. Parking easements have been recorded at the registry
        - Screening for parking: Internal so shielded from neighbors, vegetation will be maintained at front and rear.
        - Structure setbacks: meets all these requirements
        - New Construction must look like a single family: photos were shown of the proposed design.

Explanation given regarding likely no dimensional changes if this were proposed as a duplex. Would likely just be larger units and potentially same amount of parking to get the ones using Summer street into the lot.

Discussion about whether the ZBA has the right to grant a variance for a CUP criteria.
Mr. Haight agreed the applicant didn't think a variance was required, but requested one due to staff suggestion. In addition, a variance is not required if both parcels are in same ownership and easements have been recorded- which they have.
Additional discussion about parking continued for clarification.
D. Benton confirmed Planning Board does not have any role in the way a landlord communicates with tenants or maintains property, but can add conditions for any items that need completion such as the fence maintenance.

**STAFF RECOMMENDATION: Conditional Use Permit**
§170-20.B(1) of the Zoning Ordinance allows for Conditional Use approval for relief from the standards herein which may be granted by the Planning Board, (RSA 674:21 II), after proper public notice and public hearing provided that the proposed project complies with the following standards:

*Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:*

*A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.*

*B. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.*

*C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.*

*D. Parking areas shall be screened from the street and from abutting lots.*

*E. Structures shall be at least twenty (20) feet from a front property line, thirty (30) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.*

*F. For new construction, the building must be designed to look like a SINGLE FAMILY DWELLING. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a SINGLE FAMILY DWELLING or a 2 family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.*

Planning Staff feels that the applicant considered and met all of the criteria as specified in the HR District's requirements for the creation of a 3-4 Family Dwelling, with the exception of criterion C, which the Applicant appropriately obtained variance relief from based upon the applicant's narrative submitted.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit as the plans meet the standards outlined.

**Motion:** K. Pimental moved to approve the Conditional Use Permit as it's consistent with regulations. Seconded by K. Mavrogeorge. Vote: 4-3 with Gambino, Clark and DeBoer opposed

**STAFF RECOMMENDATION - Waivers/Relief:**

§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rationale for the waivers meets criterion (2) and waiving such standards and requirements is not contrary to the spirit or intent of the ordinance.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waivers with the following subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**

1. Add a note that the Planning Board approved a waiver for §153.14.E (2) to allow for less parking lot lighting than what is required, and that the Board found the criteria of Chapter 153-21 have been met.

**Motion:** K. Pimental moved to grant the waiver request with subsequent condition set by staff as it meets criteria 2 for relief. Seconded by: K. Mavrogeorge. Vote: 6-1 with T. Clark opposed

**STAFF RECOMMENDATION- Site Plan:**
Chapter 153-13 outlines Site development plan. This plan meets those standards outlined. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of the Plans:**

1. Add owner's signatures;
2. Add PE, LLS, and LLA stamp and signature;
3. Approval of CUP (COND-2024-0020);
4. Remove note referencing sought waiver for §153.14.B(3) from plans;
5. Submit final plans (including CAD) with owner's signature and all professional stamps and signatures;
6. Pest control specialist review the site and indicate whether pest control plan is needed. If determined that a pest control plan is needed, the plan must be followed per Chapter 153-10.G.
7. Add to plan a new fence consistent with the character of the heritage district i.e. wooden picket or equivalent extended throughout the entire rear property line.

**Subsequent Conditions to Be Met Prior to Construction:**

8. A site construction sign with the contact information for the general contractor and indication of level of noise, vibration expected, must be displayed in a location approved by the City Engineer or Planning Director;

**Subsequent Conditions to Be Met Prior to Building Permit:**

9. Payment of Water and Sewer Investment Fees if applicable at time or request of service.

**Subsequent Conditions to Be Met Prior to Occupancy:**

10. Issuance of Certificate of Occupancy;
11. Surety or other form of security acceptable to the City is provided for any unfinished work.
12. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.
13. Fencing along northern and eastern lot lines is in good standing and extended for the entire rear property line

**Motion:** K. Pimental moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: K. Mavrogeorge. Vote: 4-3 with Gambino, Clark and DeBoer opposed.

The Chair announced Items 4E & F would be heard together.

E. Consideration and acceptance of a Transfer of Development Rights for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is to purchase three (3) units through TDR for a total of five (5) units.) *(TRAN-2024-0014)

F. Consideration and acceptance of a Minor Subdivision for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is to subdivide one (1) lot into three (3) lots through TDR.) *(SUBM-2024-0005)

D. Benton explained that the applicant is proposing a total of five residential units by purchasing three size-restricted units through TDR. The proposal includes maintaining the existing single-family dwelling and the construction of two, two-family dwellings.

The existing lot, Assessor's Map B, Lot 4-F, contains one single-family dwelling. Today, the Zoning Ordinance would allow for the existing single-family dwelling to be converted into a two-family dwelling. Therefore, it was determined by staff that two units would be allowed by right.

A Minor Subdivision is also being proposed as part of this project, (SUBM-2024-0005), to subdivide the existing lot into three lots. The proposed lots 4-F, 4-F-1, and 4-F-2 would each have approximately 0.45± acres. As the applicant is utilizing the TDR ordinance, relief for lot size, frontage, setbacks, density, and intensity may be provided.

The applicant's original TDR request involved additional units and was treated as a site plan. The applicant took feedback from the Technical Review Committee (TRC) and revised the request to be a minor subdivision utilizing TDR by requesting to purchase three size-restricted units, therefore many of the previous TRC comments became non-applicable to a minor subdivision with four new units proposed.

The Technical Review Committee most recently reviewed the application at their October 17, 2024 meeting.

Steve Haight, CivilWorks represented the application and explained the request to construct two duplexes and subdivide them from the existing parcel leaving the existing structure in place. He described the lot sizes, one shared driveway and one separate driveway, utility location/access, single entrance on each duplex, and buffer around the parcel.

T. Clark noted there are several letters of opposition to the project which site conflict of interest and he wondered if the board should address that first. D. Benton noted the applicant is a Planning Board member, but is not sitting on the board tonight and has no vote in the matter. Any ethical concern should only relate to the board that is sitting tonight. TDR ordinance criteria is site-specific. There is no precedence being set due to other applications or TDR approvals. In addition, this application will not set any precedence for other TDR applications as each application should be reviewed individually within its own neighborhood and with its own merits. While she can't speak for all entities, the Planning Dept and TRC have utilized the same checklist for this application and have completed a review just as they do for all others and have treated this application and the applicant the same as any others.

Chair Cruikshank noted she intends to review the application based on its merit- whichever way she votes will not have any relation to the applicant.

Mr. Haight clarified staff determined two units are allowed on site by right. The applicant has given up that second unit towards the TDR request, so with this proposal they give up the right to a second unit on the original, existing lot.

Upon board request, D. Benton explained the TDR program and how it has more recently evolved, how the fees are determined and that the funds go to Conservation Fund. Open Lands Committee/Conservation Commission recommend and Council votes to purchase lands to conserve/ spend the funds on conservation efforts in addition to other costs associated with conservation land.
She clarified additional details of the TDR process for the board members.

K. Pimental commented on the criteria that TDR be consistent with the master plan is vague as there are conflicting guidelines within the master plan itself.

**Motion:** K. Pimental moved to accept the application and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

*Public hearing opened.*
Scott Hogan, land use attorney representing nine abutting property owners noted he was hired when the original proposal was established due to its density. Tobin Farwell, LLS was also involved and gave input which he included in his remarks noting the original proposal was seven times the normal density for the district. Additional concerns are for the abutters to have the ability to maintain their lives and marketability of their property in the R40 zone, the site has been clear cut and the perimeter buffer is not fully existing, impervious coverage seems to be too much. He noted the conflict of interest is not the applicant being on the board, but a member currently seeking use of TDR opining on other applications may cause a conflict.

Rory Wilkie, 568 Sixth St believes the TDR program is being taken advantage of in this instance. This proposal will overdevelop the site and negatively impact the rural character. He is concerned that the applicant is using the term attainable housing and speculated on the income needed to afford these units. The examples given by the applicant meet the requirements for being compatible to land use on neighboring lots which this proposal does not. He gave details about these examples. He believes it was a conflict for the applicant to vote on a recent application which he is now using in his narrative as a supporting example.

Caitlin Wilkie, 568 Sixth St spoke on behalf of herself, the Browns at 570 and the Vandinis at 569. The applications must meet the requirements of both the subdivision and the TDR. She does not believe they meet the requirements. The square footage will not meet the zoning regulations, and the 30-foot no-cut buffer has been violated. She requests a signed letter from certified wetlands scientist stating there is not wetland there to be affected. The proposed impervious surfaces are 20% which exceeds the regulations of 10% by 100%. Proposal does not meet the frontage requirements which will cause a safety concern. Her home's location is inaccurately depicted on the plan. She itemized concerns she has relative to close proximity of new structures to her property, safety, traffic, trash, parking, quality of life, and marketability. She also expressed her concerns about the conflicts of interest.

Leon Drouin, 565 Sixth St explained the way the street and lots used to be back when he bought the property in the 1970s. Now the trees are going and the traffic is very dangerous and goes way too fast. The TDR is supposed to have limited areas for dense housing- this isn't the right location- too much traffic and safety concerns for accidents. There are supposed to be 1-ac lots in that area- not partial acre lots.

Hilary Hamer, 91 Court St urged the board to deny the TDR request. She noted the reasons for zoning. When these are waived for TDR, the TDR regulations should be strictly enforced. She itemized several TDR-based projects implemented over the last few years and concerns she has about traffic, strain on the school system and developments being added into existing neighborhoods. She listed several ongoing projects and noted the total number of additional units coming online between them is about 500.

Michael Ortlieb, 560 Sixth St. noted there is a need for housing, but there are properties in Dover that are better suited for multi-family development. The R-40 zone is not the place for that. This proposal is not consistent with R-40 zoning. He agreed with concerns about tree removal, runoff and erosion.

Jim Gowen, 206 County Farm Cross Rf (grew up at 562 Sixth St. where his parents still live) that area is/was rural and that's why people purchased those properties. The value out in that area is in the land and the space and nature. The value of downtown property is in being close to restaurants and not having lawn to mow etc. He is also concerned about the applicant informing the contractor that approvals are all set after Tuesday and to be ready to break ground. Please keep the rural areas as they are.

Mike Krall, 30 Wildcat Dr, new development off Sixth St moved here for the mixed living of close to town, but not downtown. He is concerned about multiple recent projects seeming to cram additional housing units onto small lots.

Tim Mallard, 141 Cottonwood Dr noted the proposal will affect all of the neighbors. He doesn't think there would even be enough space for two additional single-family homes, never mind duplexes. He is concerned about parking and all the additional people.

D. Benton summarized emails received from:
Opposed:

- Kenneth and Donna Durell, 508 Sixth St.
- Tamara Hester, 571 Sixth St.
- Kellen Millard, 6 Back Rd
- Matt Moynihan, 10 Belknap St.
- Katherine Riley, 11 Governor Sawyer Ln
- Karen Booker, 5 Berkshire Ln
- Jorel Booker, 5 Berkshire Ln
- Alise Elliott, 251 7 Knox Marsh Rd
- Michael Lacourse, 591 Sixth St.
- Heidi White, 113 Durham Rd
- Ryan Crosby, Executive Director, Dover Housing Authority

In favor:

- Cory Stone, 22 Piscataqua Rd.

*Public hearing closed.*

Mr. Haight addressed public comment:

- Applicant is trying to meet the TDR requirements with his property
- The proposal has gone through a couple of iterations on density
- Applicant is aware of what the TDR is for and what it's meant to accomplish
- Site distance was reviewed. Yes, traffic is already bad on the road, this will not solve nor exacerbate
- 10% lot coverage is in reference to building coverage and these buildings are much less than 10%
- Applicant did clear the land, but is aware of the 30' buffer and has not cut into that area
- If plan is approved, placards will be installed indicating no cutting beyond that point
- Wetlands scientist did visit the site, the plan is accurate and the letter is in the packet.

Additional questions and discussion from the board relating to:

- Landscape plan (none required)
- Design and layout options of the homes
    - Discussion with K. Mavrogeorge – orientation of the homes on the lot

- K. Mavrogeorge suggested vegetation buffer be added in / restored on the corner of the private drive along Sixth St. (where there has been a garden)
- K. Pimental discussed with S. Haight and D. Benton the language of the ordinance
- D. Benton addressed the land use compatibility of the proposal
- Discrepancy of location of 568 Sixth St. on the plan can be double checked
- Reduced frontage and lot area request is part of the TDR proposal- no waivers being sought

T. Clark expressed concerns about the TDR usage and that five units is too much for this project. Single – family homes would make more sense to the area.
S. Haight commented about the median home now in Dover is probably $600,000 and there are no $300,000 starter homes anymore. By building a duplex, it costs a little less and can be rented or sold for less and be more realistic to be purchased by a wider range of folks.

The board discussed attainable/ affordable terminology used by Dover staff. The proposal is not to rent/sell for HUD rates, but to restrict the size to 1000 sq ft.

Additional clarification for the board from Mr. Haight:

- Descriptions of the duplex: layout (rooms) / footprint of duplexes vs existing home
- Are there restrictions on the attainability (deed-restriction)
    - D. Benton addressed the size restriction will be recorded in the deed and any building permits for expansion will be denied. There is currently no process to keep the a for sale price point within any particular range.
    - Clarified the two duplexes are size restricted. The existing single-family home could come back to the board at a future time with a proposal to add a unit.

K. Pimental noted there is no restriction within the TDR criteria that the units be affordable or attainable. It only plays a role in determining what the fees are and this applicant has not chosen that- they are doing a size restriction which lowers the fees.

K. Mavrogeorge noted the size difference between using the TDR and duplexes vs single-family houses. The buildings would be probably larger if they were single-family homes and could have rooms rented out.

K. Mavrogeorge and M. Gambino would like some vegetation/ buffer/ landscape plan.

D. Shanahan addressed the conflict of interest. He noted he would not be sitting here if he thought there was a conflict of interest. He has spoken legal counsel and discussed the matter. He does not believe there is a conflict of interest. If there is a public perception/ public relations issue, Councilor Cullen can address that. This proposal isn't the ideal use of TDR, but with housing units in such need, it's a good option, if not the best option. Ultimately this is the kind of thing we are going to need to do for the next several years to get out of the housing crisis.

G. DeBoer noted this project is pushing the boundaries. We are trying to have additional density and housing, but we also have this R-40 zone which needs to be protected to keep the variety and uniqueness of Dover as itemized in our master plan. Sixth St. is not the place for density- there's no sidewalks or services.

K. Pimental agreed, this comes down to density. Two units are allowed. they are asking for 5 total which is a 60% increase from what is allowed. It is up to this board.

D. Benton discussed with S. Haight additional options of subdividing the lots to come up with the additional four units.

Chair Cruikshank noted she likes the look of the proposed units and the smaller footprints. It's a tough balance to provide the additional housing we need. She would prefer three single-family homes.

It was clarified that the frontage for the proposal is right in line with the other property frontages on the street and any one of those homes has the legal right to turn the home into a duplex.

The board discussed whether a site walk is necessary and determined it's not.

**STAFF RECOMMENDATION - TDR**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.27.2.G(8) states:

*"Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:*

*(a) Is consistent with the Master Plan*

*(b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*

*(c) Is created on property served by public water and sanitary sewer.*

*(d) Any relief sought should not be caused by the additional density."*

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**

1. Approval of SUBM-2024-0005;
2. Payment of TDR fees;
3. Add note to plan: "This subdivision uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase 3 size restricted units for a total of 5 units between the three proposed lots."
4. Add note indicating which units will be size restricted and which size restriction will be used. (1,400 s.f. per the current design or amending floor plans to meet 1,000 s.f.);
5. Provide draft deed restriction to staff regarding size restricted units upon subdivision being recorded at SCRD.
6. Two new TDR lots should have four 6' tall (when planted) green giant arborvitaes along the corners of each lot or spread across the side of the private drive and a minimum of four between the left TDR lot and the existing home to the north in the buffer.

**Motion:** T. Clark moved to deny the Transfer of Development Rights request as it doesn't comply with the criteria in the zoning ordinance. Seconded by: G. DeBoer. Vote: 4-3 with Cruikshank, Shanahan and Mavrogeorge opposed. The TDR request is denied.

G. Public hearing and possible recommendation on the City's proposed Capital Improvements Plan (CIP) FY 2026-2031. The CIP can be found on the City website at www.dover.nh.gov and in the Library, City Clerk's office, and the Planning Department. *

D. Benton explained the CIP process and reminded the Board of the joint workshop held on the 16th. She recommended the board hold the public hearing and if they wish they can vote tonight that the CIP meets the intent of the master plan and recommend it to City Council.

*Public hearing opened*
No one spoke
*Public hearing closed.*

K. Pimental noted Dover's CIP is fantastic- easily understandable and clear.

**Motion:** T. Clark moved to recommend for City Council approval the City's proposed FY26-31 CIP as it is in line with the master plan. Seconded by: K. Mavrogeorge.

G. DeBoer asked clarifying questions about the library, Littleworth industrial park, and downtown pedestrian improvements. Staff provided answers.
Vote: U/A

## 5. STAFF COMMENTS

- Staff always encourages Board's education/development. One resource is the BEA Planning Board Handbook including a quiz members can take.
- NH Land Use Law Conference: Join your colleagues from around the state at the NHMA 2024 Land Use Law Conference from 9am to 3:15pm on Saturday, November 16th at Southern NH University, in Manchester NH.
- D. Benton shared that city staff received a draft of the updated Conservation and Open Space Chapter of the Master Plan. The project Steering Committee will be meeting on November 4th to review the draft and the Board will be considering and potentially approving the chapter at the December meeting.
- TRCs since last meeting:
  - (Oct. 17th) Review of TDR Subdivision for 566 Sixth Street. Proposal is to subdivide one lot into three lots and purchase three units through TDR, resulting in a total of five units across the three lots.
- Upcoming TRCs:
  - (Oct. 31st) Review of site plan for 114 Silver St. *(Third TRC meeting related to this project.)* Proposal is to convert the single-family home into a 4-unit multi-family dwelling on one lot and construct a 3-story, 4-unit multi-family dwelling on the other with eight associated parking stalls for each building.
  - (Nov. 7th) Review of site plan for Dover Housing Authority at 3 Green St. Proposal is to construct 22 parking spaces at the rear of the building where there are four parking spaces currently.

## 6. MEMBER COMMENTS

- G. DeBoer
  - Traffic studies and the overall impact of project on top of project

- K. Mavrogeorge noted we can ask for third party review of traffic studies if we need it
- D. Benton noted it is an item that TRC reviews carefully and there are occasions where changes are needed before completing technical review

- M. Gambino
  - This was a tough night of hearings and she appreciates how much time staff puts in before the board even hears these projects and then to go through everything again for the board is appreciated.

**7. ADJOURNMENT**

**Motion:** K. Mavrogeorge moved to adjourn at 11:11pm. Seconded by G. DeBoer Vote: U/A

DONNA P. BENTON, AICP
Director of Planning and
Community Development
d.benton@dover.nh.gov

288 Central Avenue
Dover, New Hampshire 03820-4169
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# City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**NOTICE OF DECISION**

June 2, 2025

Fergus & Jennifer Cullen
152 Boxwood Lane
Dover, NH 03820

Re: Minor Subdivision for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is to subdivide one (1) lot into three (3) lots through TDR.) (SUBM-2024-0005)

Dear Mr. & Mrs. Cullen,

Please be advised that on Tuesday, May 27, 2025 the Dover Planning Board voted to conditionally grant final approval of the above referenced plat and found the criteria of 157-16 have been met.

**The specific subsequent conditions are included with this letter.**

In addition to the conditions of approval, please provide the following to the Planning Office:

- ☐ Two (2) full size plans and one (1) 11'x17" plan (plus any additional copies for the applicant or owner);
- ☐ One (1) recordable paper copy of the plan:
- ☐ One (1) CAD file format of the plan; and
- ☐ One (1) PDF digital version of the plan

The plans must be submitted within ninety (90) days from Planning Board approval. Upon receipt, the Planning Board Chair will sign them approved. Any application which is not signed by the Planning Board Chair as complete, in accordance with the regulations, is deemed expired, and null and void.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

Donna P. Benton

Donna P. Benton, AICP
Director of Planning & Community Development

EC: Building Inspection Office
Engineering Office
Assessing Office
McEneaney Survey Associates
Civilworks New England

| **Subsequent Conditions to be Met Prior to Signing of the Plans:** | **Submitted** | **Reviewed** |
|---|---|---|
| 1. Approval of TRAN-2024-0014; | ☐ | ☐ |
| 2. Provide physical and digital copies (including CAD) of complete set which additionally shall include: | ☐ | |
| 2.1 Signature and stamp of PE, LLS, CWS, and LLA. | | |
| 2.2 The owners' signatures for recording at Strafford County Registry of Deeds. | | |
| 2.3 Provide draft driveway and roof maintenance agreements to the Director of Planning and Community Development. | | |
| 2.4 Add where future treeline will be or if existing, show existing treeline and removed treeline currently shown on plan. | | |
| 2.5 Add note about no-cut buffer placards to be installed. | | |
| 2.6 Add note that no sump pumps or roof leaders will be tied to the public sewer. | | |
| 2.7 Revise driveway to a minimum 14' width. | | |
| 2.8 Identify FDC if any are proposed. | | |
| 2.9 Revise sewer lines to be off Sixth Street. | | |
| 2.10 Provide individual water lines for each unit. | | |
| 2.11 Remove cleanout outside of building. | | |
| 2.12 Add note about addressing as assigned by the Building Official. | | |
| 3. The applicant withdraws the previously approved subdivision SUMB-2024-0006 | ☐ | ☐ |
| **Subsequent Conditions to be Met Prior to Water and Sewer Tie In:** | **Submitted** | **Reviewed** |
| 4. Payment of water and sewer investment fees. | ☐ | ☐ |
| **Subsequent Conditions to be Met Prior to Occupancy:** | **Submitted** | **Submitted** |
| 5. Certificate of Occupancy. | ☐ | ☐ |
| 6. Buffer placards shall be in place or if damaged during construction replaced. | ☐ | ☐ |

**STATE OF NEW HAMPSHIRE**

**HOUSING APPEALS BOARD**

FERGUS CULLEN & JENNIFER CULLEN
152 Boxwood Lane
Dover, NH 03820

v.

CITY OF DOVER, NEW HAMPSHIRE
CITY OF DOVER PLANNING BOARD
288 Central Avenue
Dover, NH 03820




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**APPEAL FROM DECISION OF THE CITY OF DOVER PLANNING BOARD PURSUANT TO RSA 679:5**

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Roy W. Tilsley, Jr., Esq. (NHBA #9400)
A. Eli Leino, Esq. (NHBA #269065)
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Counsel For:
Fergus Cullen & Jennifer Cullen

**A copy of this document will be sent to the City of Dover in accordance with RSA 679:6, I, Hab 201.04 (b), and Hab 201.13(a).**

**STATE OF NEW HAMPSHIRE**

**HOUSING APPEALS BOARD**

FERGUS CULLEN & JENNIFER CULLEN
152 Boxwood Lane
Dover, NH 03820

v.

CITY OF DOVER, NEW HAMPSHIRE
CITY OF DOVER PLANNING BOARD
288 Central Avenue
Dover, NH 03820

**APPEAL FROM DECISION OF THE CITY OF DOVER PLANNING BOARD PURSUANT TO RSA 679:5**

Petitioners Fergus Cullen and Jennifer Cullen (collectively, the "Applicant") appeal a decision of the City of Dover (the "City") Planning Board (the "Board") in accordance with RSA 679:5 and RSA 679:7 as follows:

## INTRODUCTION

The Applicant appeals the Board's unlawful and unreasonable denial of a Transfer of Development Rights ("TDR") application to allow the construction of two new, attainably priced duplexes on property owned by the Applicant. The City enacted the TDR ordinance to encourage "intensive [residential] development on the developable land possessing the least conservation value." The Dover Master Plan pronounces the City's goal of housing that is "affordable, and attainable to a variety of individuals, families, and households at a range of income levels." It states that "Well-designed development includes density" and that the City should "Encourage residential development at a moderate density on smaller lots served by municipal water and sewer. Many of these areas already have established neighborhoods." The Master Plan applies this

intention directly to the Planning Board, including among the Board's "Priorities for Change" "Attainable housing, keeping current residents while growing (economically, culturally, etc.) for future generations."

As an elected member of the Dover City Council and appointed member of the Planning Board, Mr. Cullen is acutely aware of these objectives. The TDR ordinance was created to encourage and incentivize projects exactly like the one he proposed. He submitted a TDR application compliant with the regulations and consistent with the goals spelled out in the Master Plan. Possibly motivated by not wanting to appear biased in favor of the Applicant given his public roles in the community, the Board held the Applicant to an unreasonable and unlawful standard it would not have held another applicant to and ultimately denied the application in a 4-3 decision that is not supported by the record.

**PARTIES AND PROPERTY**

1. Petitioners, Fergus Cullen and Jennifer Cullen, reside at 152 Boxwood Lane, Dover, New Hampshire. On or about November 29, 2023, they purchased 566 Sixth Street, Dover, New Hampshire (Dover Assessor's Map B, Lot 4-F) (the "Property") at auction. The Property is ±1.37 acres in the R-40 zoning district and is currently improved by a ±1,440 square foot single-family home built in 1957 and fully renovated by the Applicants.

2. The Respondent, the City of Dover, New Hampshire is, on information and belief, a New Hampshire municipality with a principal address at 288 Central Avenue, Dover, New Hampshire.

3. The Respondent, the City of Dover Planning Board is, on information and belief, a lawfully constituted land use board within the City of Dover with a principal address at 288 Central Avenue, Dover, New Hampshire.

## JURISDICTION

4. The Housing Appeals Board ("HAB") has jurisdiction over the instant appeal of the Planning Board decision pursuant to RSA 679:5 and RSA 679:7.

## FACTS

Transfer of Development Rights

5. By the authority granted under RSA 674:21, Section 170-27.2 of the Dover Code ("DC") creates overlay districts for the purpose of allowing increased density on lots with lower conservation value through a transfer of development rights ordinance. *See* DC § 170-27.2 (A). If the units created are to be purchased, the development area may be in any zoning district that allows residential development, including the R-40 district. *See* DC § 170-27.2-D(2)(a).

6. Following amendments in 2018 and 2020 designed to encourage the use of TDR, the Dover Planning Board has approved scores of TDR projects involving the creation of hundreds of new housing units. The Planning Board has approved several TDR projects in the R-40 zone, including three in close proximity to the Property. Approved TDR projects in R-40 include: 144 Mast Road; 51 & 65 Bellamy Road; 537 Sixth Street; 512 Sixth Street; and, Wildcat Drive.

7. Procedurally, the use of the TDR provisions allows the Planning Board to waive certain zoning requirements, including minimum lot size, frontage, and setbacks. *See generally*, DC § 170-27.2-F.

8. Section 170.27.2-G(8) states,

> "Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the Transfer of Development Rights so long as the increase in density or intensity:
>
> (a) Is consistent with the Master Plan
>
> (b) Is not incompatible with the land uses on neighboring lots (e.g. a multifamily building in a single-family neighborhood)
>
> (c) Is created on property served by public water and sanitary sewer.
>
> (d) Any relief sought should not be caused by the additional density."

*See also* Dover Planning Board Minutes, October 22, 2024, at 14.

9. Dover's TDR ordinance is designed to support the creation of more attainable housing by incentivizing smaller housing units. The TDR fee is reduced by 50 percent for units under 1,000 square feet, with the expectation that smaller units will cost less to rent or purchase than larger units. The Applicant's proposal responded to this incentive by designing two-bedroom, 1.5 bath units of less than 1,000 square feet intended to be priced at or below the median cost of new housing in Dover.

The Applicant's Proposal

10. On October 1, 2024, Civilworks New England, on behalf of the Applicant, submitted the proposal for a TDR minor subdivision and site plan at the Property for consideration by the Planning Board.

11. The existing lot contains one single-family home. The proposal would create two additional lots, each with a duplex, utilizing four TDR units. The result of the proposal would be three lots containing five total living units.

12. The Applicant sought to create housing units consistent with the City's goal of developing more "attainable" housing. The intended result of the proposal is new units priced at or below the median cost of new residential housing units in Dover.

13. Achieving attainable housing at the Property cannot be accomplished on this lot by building one or two single-family homes given contemporary site development and construction costs and current interest rates. To be financially viable, the resulting homes would need to be priced at the higher end of the market and would, therefore, not qualify as "attainable."

14. Additionally, the Applicant's TDR proposal would contribute $22,500.00 for land conservation in Dover as calculated by adding three more 1,000-square-foot size-restricted units

above what is allowed by right at the Property at a cost of $7,500 per credit. The TDR ordinance has raised millions of dollars to support the purchase of development rights and land conservation in Dover, as it was intended to do.

October 22, 2024 Planning Board Hearing and Denial

15. At the Board's October 22, 2024 hearing, it elected to consider the Applicant's request for a three-lot TDR minor subdivision and site plan, with each lot containing ±0.45 acres.

16. In the public hearing, abutters voiced the frequently-heard concerns about density, traffic, safety, affordable housing, tree cutting, keeping "the rural areas the way they are," and general preference that development occur someplace else. As part of their effort to oppose any development on the Property, and without any evidence, an abutter also charged the Applicant of vague conflicts of interest and ethics violations due to his public positions in the community.

17. No Board member expressed agreement with these charges. Chair Cruikshank noted the Applicant had recused himself from the meeting and stated she would "review the application based on its merits." Member Shanahan noted he had spoken to legal counsel about the possible conflict of interest and stated "He [Shanahan] would not be sitting here tonight if there was a conflict of interest."

18. The Applicant has the same property rights as any other individual and does not give them up by serving in volunteer public roles. Nevertheless, it appears members of the Board were so concerned about the possible appearance of giving this application favorable consideration due to the Applicant's public roles in the community that they failed to give the application a fair and impartial review, instead holding the application to an unreasonable standard.

19. The Board considered the staff recommendation which stated "§ 170-27.2 provides for additional density to be purchased through Transfer of Development Rights. **This application**

**meets the ordinance**." (Emphasis added). The recommendation concludes "The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met..." and listed certain conditions.

20. Dover, a city of 33,000 people, has a planning department staffed by full-time professionals. Projects often go through a Technical Review Committee ("TRC") process prior to reaching the Planning Board, as the Applicant's proposal did. As a result, projects have had a thorough vetting before they even reach the Planning Board. Projects that do not meet local ordinances are weeded out or amended until they do. The current Director of Planning has been in her position for three years. The only time her staff recommendation was rejected by the Board was this application.

21. Despite the staff recommendation and overwhelming evidence that the proposal meets the ordinance criteria, the Board nevertheless voted 4-3 to deny the application. Member Clark made the motion to deny, which was seconded by Member DeBoer. When the chair called the vote, at first only Clark and DeBoer voted in support of their motion to deny and the motion appeared to fail. When the chair called for those opposed to the motion to deny, three members (Cruikshank, Shanahan, and Mavrogeorge) voted against the motion to deny. At that point, the final two members Gambino and Pimental, who had not initially indicated support for or against the motion when the vote was called, stated they opposed the application and voted for the motion to deny. The motion to deny, which had appeared to fail 2-5, instead passed 4-3 in this unconventional and highly questionable procedural voting process. Following the denial of the TDR application, the Board elected not to vote on the subdivision application.

## CLAIM I

**The Planning Board acted unlawfully and unreasonably in denying the application because the Applicant met each of the relevant criteria for TDR approval.**

22. The Applicant incorporates by reference the allegations set forth in the preceding paragraphs.

23. The HAB may reverse or affirm, wholly or partly, or may modify the Planning Board's decision when there is an error of law or when the HAB is persuaded by the balance of probabilities, on the evidence before it, that the Planning Board's decision is unreasonable. *See Motorsports Holdings v. Town of Tamworth*, 160 N.H. 95, 99 (2010).

24. Here, the Applicant met each of the criteria enumerated in Section 170.27.2-G(8) necessary for receipt of the TDR approval, namely: the Application (a) Is consistent with the Master Plan; (b) Is not incompatible with the land uses on neighboring lots; (c) Is created on property served by public water and sanitary sewer; and, (d) Any relief sought should not be caused by the additional density.

25. With regard to criterion (a), the Applicant presented concrete evidence that the proposal complies with the Master Plan. In particular, the Master Plan calls for a range of affordable and attainable housing. The Applicant carefully balanced development rights, and even reduced project density between the TRC review and Planning Board submission, as a means of keeping the unit prices attainable. The submission was carefully designed and revised to comply with the City's Master Plan and to hold otherwise is unreasonable.

26. In comparing the proposed use with those in the area, the Applicant's proposal clearly complies with criterion (b). TDR is allowed in all residential zones, including R-40. Testimony was provided that, despite being in the present R-40 district, the neighboring lots are more in keeping with the smaller lots found in the R-20 or even R-12 zoning districts. Many of the

lots on upper Sixth Street have roughly 100 feet of frontage and are under one acre. Additionally, the Board has already granted TDR approvals on three nearby properties. The proposed mix of a single-family home and two duplexes does not conflict with the residential use of the neighborhood.

27. Criteria (c) and (d) are objective standards the Property complies with. The Property is served by public sewer and water, and (d) is not relevant to the Applicant because no waivers from the TDR regulation were requested.

28. Because the Applicant met each criteria, the Board's denial was unreasonable and unlawful.

29. Planning boards cannot base their decisions upon personal opinion or vague concerns. *See Ltd. Editions Props. V. Town of Hebron*, 162 N.H. 488, 497 (2011). Additionally, they cannot rely on *ad hoc* decision making or by over relying on the considerations of abutters. *See Trustees of Dartmouth College v. Town of Hanover*, 171 N.H. 497, 507 (2018).

30. In deliberating the vote, one member (DeBoer) voted to deny after reasoning the Board "is trying to have additional density and housing, but we also have this R-40 zone which needs to be protected." Clark cited his discomfort with the use of TDR in R-40 as the reason for his opposition. However, TDR is allowed in the R-40 zone. Another member who opposed the application (Pimental) cited his opinion that the application was not consistent with the Master Plan, but he failed to cite any specific basis to support his conclusion. These are examples of unlawful rationales employed by the Board's majority in denying an application it could not reasonably deny.

WHEREFORE, Fergus Cullen and Jennifer Cullen respectfully request that the Housing Appeals Board:

A. Find that the Planning Board's October 22, 2024 denial of the application was unlawful and/or unreasonable for one or more of the reasons set forth above;

B. Reverse the Planning Board's October 22, 2024 denial of the Application accordingly or, in the alternative, modify the Planning Board's decision and/or remand it to the Planning Board for further proceedings consistent with the above; and,

C. Grant such other and further relief as may be equitable and just.

Respectfully submitted,

Fergus Cullen & Jennifer Cullen

By their attorneys,
Bernstein, Shur, Sawyer & Nelson, P.A.

Dated: November 21, 2024

*/s/ Roy W. Tilsley, Jr.*

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CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #TRAN-2024-0007

| | |
|---|---|
| Application Type: | Transfer of Development Rights |
| Applicant(s): | Stephen R. & Deborah A. Scotton |
| Owner(s): | Stephen R. & Deborah A. Scotton |
| Location: | 131 Littleworth Road (Assessor's Map F, Lot 21) |
| Meeting Date: | June 11, 2024 |

**INTENT:** To request the purchase of additional units through the Transfer of Development Rights ordinance for nine (9) non-restricted TDR units to allow a total of ten (10) units on the site. A full site plan review would still be required by the Planning Board and Technical Review Committee.

**AGENDA ITEM #:** 4-H

**APPLICANT/OWNER:** Stephen R. & Deborah A. Scotton

**LOCATION:** 131 Littleworth Road (Assessor's Map F, Lot 21)

**UNITS PROPOSED:** Ten (10) units total (including nine (9) non-restricted TDR units)

**ACREAGE**: 2.59± acres

**ZONING DISTRICT:** R-40, Secondary Groundwater Protection District

**EXISTING USE:** Residential

**PROPOSED USE:** Residential

**SURROUNDING USE:** Residential

**ZBA ACTION:** N/A

**PERMITS:** N/A

**WAIVERS REQUESTED:** N/A

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail.

**TRC:** Required, as construction disturbance will occur within 50' of Wetland Protection District and will impact more than 1,000 sf.

**ATTACHMENTS:** Application materials including site plan

**Summary of Request and Background**
The applicant is proposing the demolition of all existing structures on the property and to create five (5) separate duplexes, totaling ten (10) units, nine (9) of which will be non-restricted, purchased through the Transfer of Development Rights ordinance.

Staff provided the applicant with a memo (attached) regarding their TDR on June 6, 2024 with information related to the environment, transportation, zoning, neighborhood context, etc. Staff does not think 10 units is feasible on this site and therefore would recommend two options:

1) Allow up to 3 single family homes
2) Convert exiting home to a duplex as allowed in the R-40 District.

**Consistency with Land Use Regulations - TDR**
§170-27.2 provides for additional density to be purchased through Transfer of Development Rights. Staff does not believe this meets the intent of the TDR ordinance.

**STAFF RECOMMENDATION - TDR:**
The Planning Department recommends the Planning Board accept the application, open the public hearing, make findings, and vote to allow no more than a total of 3 residential units with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Granting of the TDR:**

1. Add note to the plan that no additional dwelling units may added to the property without Planning Board approval and note number of TDR units approved;
2. The project must be reviewed by the Technical Review Committee; and
3. Payment of TDR fees for each TDR unit approved.

# TRAN-2024-0007 131 LITTLEWORTH ROAD




**Property Information**

| | |
|---|---|
| **Location** | 131 LITTLEWORTH RD |
| **Owner** | SCOTTON STEPHEN F & |
| **Land Use** | |
| **Zoning Code** | R-40 |
| **Property Id** | F0021-000000 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/30/2023
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

**To:** JJ McBride
**From:** Donna Benton, AICP
**Cc:** Steven and Deborah Scotton
Tony Fusco
Staff
**Date:** June 6, 2024
**Re:** TDR 131 Littleworth Rd

**ISSUE:**
In February 2020, the Board recommended amendments to the Transfer of Development Rights (TDR) Ordinance. In June 2020, the Planning Board approved the amendments and on July 22, 2020, the City Council ratified them. One element is the requirement for staff to draft a review statement on the need for a sketch plan. Since then the criteria for TDR has also been amended.

**INTENT:**
This memo will serve as part of the staff report.

**GOALS:**
Provide background on balancing development vs. conservation needs and current housing shortage, and describe the TDR applications in Dover.

## Background

On behalf of your client, you submitted a plan and application materials including a narrative for a project for 10 residential units (via 5 duplexes) by purchasing 9 through TDR. The project is located at 131 Littleworth Road.

Staff performed this review based upon the information below, and is now providing the required staff report (Chapter 170-27.2 E.(4)a).

### Project Information

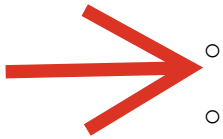
| | |
|---|---|
| Project: | 131 Littleworth TDR project |
| Where: | 131 Littleworth |
| What: | 9 units. Nine of which are requested to be purchased through TDR using the unrestricted option. The density calculation per Chapter 170-27.2.G(3)(a) was used to determine base calculation of 1 unit. |
| Acres: | 2.588 |
| Zone: | R-40 |
| Public Water: | On site |
| Public Sewer: | Would be extended ~525 ft. (no cost estimate was provided) |
| Units: | 10 total units are proposed, via 5 duplexes. New duplexes are only allowed by right if part of an open space subdivision with commercial component or if converting an existing unit. There are no other duplex units in the surrounding area. |
| CUP: | Not required per the submitted information |

### Staff Comment

When reviewing projects, review the context, discuss options with the applicant, and advise on the feasibility of requesting the purchase or exchange before or after designing a fully laid out plan. From our initial conversations, staff indicated 10 units seemed too high for this site.

**In reviewing this project, we note:**

- Traffic
  - Littleworth Road is a public arterial road connecting Dover and Barrington. Sight distance and traffic study should be discussed with the Technical Review Committee and Planning Board during site plan review if Planning Board votes favorably on TDR.
  - Traffic seems to travel faster than the posted speed limit and the 85th percentile of actual traffic data should be utilized when reviewing sight distance for the roadway.
  - This section of Littleworth Road is controlled by NHDOT, who would need to review and issue a driveway permit.
- Existing layout/topography
  - You are proposing an approximate 425' cul-de-sac which would require a waiver from Chapter 153 for block length.
  - The lot is currently using city water and you are proposing to extend sewer to the lot (approximately 525') to tie into. Has the applicant reviewed the feasibility of tying into the sewer line with Community Services?
- Environmental
  - The site is semi-wooded, has wetlands towards the rear which abuts conservation land owned by the Indian Ridge Homeowners Association.



- The duplex furthest from Littleworth Road is placed in a way that would make it difficult for future residents to use their backyards without impacting the wetland buffer.
- No real open space is shown for this lot outside of the required no-cut, no-disturb buffers.
- The R-40 District is intended to be the most rural in nature with 40,000 s.f. minimum lot sizes, longer frontage requirements, and open space subdivisions required for any major subdivision. This plan does not seem to meet the intent of the R-40 district or the TDR ordinance.

**Staff Recommendation**

Currently, the TDR unit cost is $15,000 per unit, which is reduced if the units are restricted by size or the HUD rental rates. To staff's knowledge, the applicant is not proposing to restrict the units in either size or rental rates. The application is proposing 9 units to unrestricted TDR units plus one unit by right.

Staff understands the need for additional housing units, but also understands the importance of the rural nature of the R-40 district as laid out in the Vision Chapter of the Master Plan:

> "*Dover maintains distinct areas that have defining land uses and characteristics, such as an urban, historic downtown center, residential neighborhoods, business districts, and rural residential, agricultural, and open lands.*"

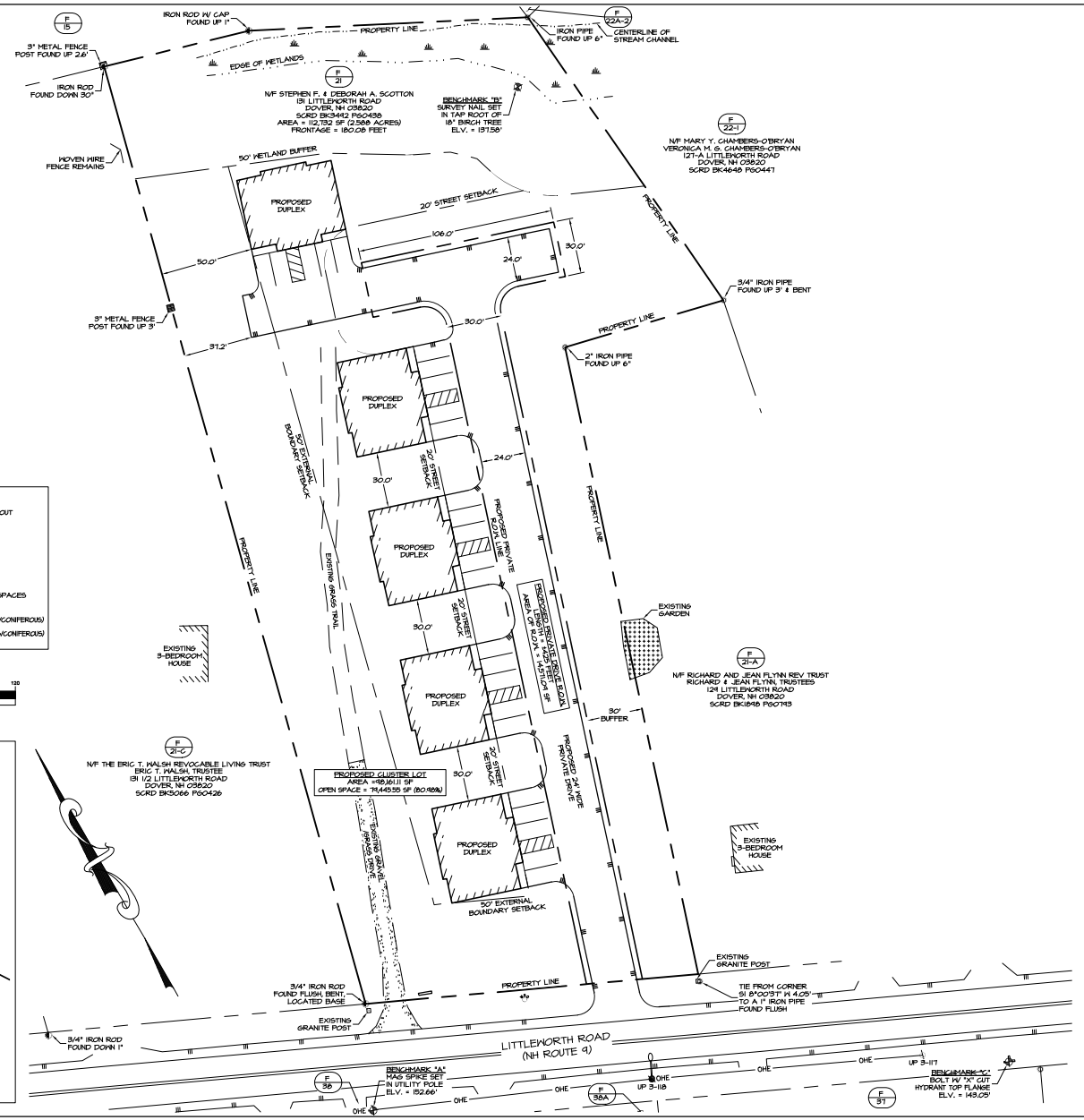
Staff would want to see open space as part of this plan if 10 units are being proposed. This would allow for the wetlands to be protected from any buffer encroachment and for open space to be able to be conserved adjacent to other conservation land.

Staff recommends these potential alternative options, that would increase housing on the subject parcel while being in line with the surrounding neighborhood and the R-40 district as a whole:

- Reducing the TDR request to include three single-family homes and include open space towards the rear of the lot.
- Converting the existing home, by right, to a two-family dwelling.

You are using your opportunity to bring this to Planning Board for TDR only, and then would need to come back for a full TRC site plan review and Planning Board review of the site plan again. The site plan application would require additional information such as a landscape plan, lighting plan, turning template, draft HOA documents, traffic study, stormwater management plan, etc.

Staff has concerns if the Planning Board allows for this TDR project, then several other Littleworth Road lots may have similar designs come forward which would greatly impact Littleworth Road and Dover's R-40 District.



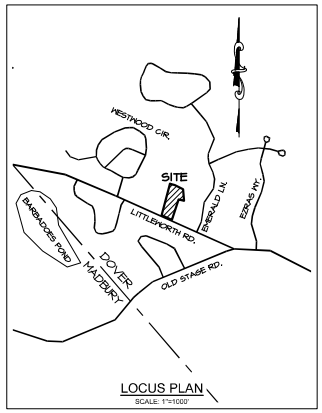

## LEGEND

- GRANITE POST
- IRON PIPE FOUND
- IRON ROD FOUND (TYP.)
- PROPERTY LINE
- WETLAND DELINEATION
- WETLAND SYMBOL
- SOIL DELINEATION
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED SPOT GRADE
- EDGE OF PAVEMENT (EOP)
- UNDERGROUND UTILITIES
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- SERVICE CLEANOUT
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- GAS LINE
- GAS VALVE
- SIGN
- # OF PARKING SPACES
- TREE LINE
- TREE (DECIDUOUS/CONIFEROUS)
- SHRUB (DECIDUOUS/CONIFEROUS)

## GRAPHIC SCALE

30 0 15 30 60 120

( IN FEET )
1 inch = 30 ft.




LOCUS PLAN
SCALE: 1"=1000'

## ADDITIONAL ABUTTERS:

F 15
N/F INDIAN RIDGE HOMEOWNERS' ASSOCIATION
42 J DOVER POINT ROAD
DOVER, NH 03820
SCRD BK4832 PG0309
SCRD BK4648 PG0447

F 22A-2
N/F SAMUEL J. MOKLER
28 EMERALD LANE
DOVER, NH 03820
SCRD BK4308 PG0796

F 37
N/F ROBERT GEORGE CLEMENT
92 LITTLEWORTH ROAD
DOVER, NH 03820
SCRD BK4016 PG0123

F 38
N/F KENAAN AL-DARRAJI
96 LITTLEWORTH ROAD
DOVER, NH 03820
SCRD BK4484 PG0898

F 38-A
N/F KEITH R. AUTIO
DIANNE E. AUTIO
94 LITTLEWORTH ROAD
DOVER, NH 03820
SCRD BK4852 PG0540

## REFERENCE PLANS:

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## TRANSFER OF DEVELOPMENT RIGHTS (TDR) CALCULATION:

- LOT AREA = 112,732 SF
- WETLAND AREA = 36,713 SF
- WETLAND PERCENTAGE = 36,713 SF / 112,732 SF = 33%
- BASE LOT SIZE = LOT AREA - ENVIRONMENTAL CONSTRAINTS = 112,732 SF - 36,713 SF = 109,059 SF
- NET AREA = BASE LOT SIZE X 0.85 = 109,059 SF X 0.85 = 92,700 SF
- DEVELOPABLE AREA = NET AREA X 0.85 = 78,795 SF
- MINIMUM LOT SIZE = 40,000 SF
- ALLOWABLE UNITS = 78,795 SF / 40,000 SF = 1.97 UNITS (YIELDS 1 UNIT)
- UNITS PROPOSED = 10 UNITS (REQUIRES TDR RELIEF FOR 9 ADDITIONAL UNITS)

## NOTES:

1. OWNER OF RECORD:
   TAX MAP F, LOT 21
   STEPHEN F. & DEBORAH A. SCOTTON
   131 LITTLEWORTH ROAD
   DOVER, NH 03820
   SCRD BOOK 3442 PAGE 438
2. THE INTENT OF THIS PLAN IS TO SHOW A PROPOSED CONDOMINIUM/CLUSTER SUBDIVISION DEPICTING FIVE (5) SEPARATE DUPLEXES ON DOVER, NH TAX MAP F, LOT 21. ADDITIONALLY, A +/-425-FOOT-LONG PAVED DRIVEWAY IS PROPOSED ALONG ASSOCIATED PARKING TO SERVICE THE DUPLEXES.
3. PARCEL IS ZONED "RURAL RESIDENTIAL (R-40)" PER THE CITY OF DOVER, NH ZONING DERIVED ONLINE VIA MAPGEO CURRENT TO JULY 10, 2023. PARCEL IS WITHIN THE "SECONDARY GROUNDWATER PROTECTION DISTRICT" PER THE "GROUNDWATER PROTECTION ZONES MAP" DATED APRIL 15, 2015.
4. PARCEL IS NOT IN A FLOOD HAZARD ZONE; REFERENCE FLOOD INSURANCE RATE MAP 33017C0510E, DATED SEPTEMBER 30, 2015.
5. THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED BY JAMES VERRA & ASSOCIATES, INC. IN MAY OF 2023 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSCT DATA COLLECTORS. HORIZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD88. UNITS = SURVEY FOOT. ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND PROCESSED BY OPUS.
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7. SOILS WERE DELINEATED VIA THE USDA-NRCS ONLINE WEB SOIL SURVEY RESEARCHED BY EMANUEL ENGINEERING, INC. ON OCTOBER 6, 2023.
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11. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
12. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
13. CITY OF DOVER CLUSTER SUBDIVISION DIMENSIONAL REQUIREMENTS PER DOVER CODE SUBDIVISION OF LAND CHAPTER 188 (RURAL RESIDENTIAL (R-40 ZONE)
    - MIN DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS (STREET SIDE OF UNIT) = 20'
    - MIN DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS (BETWEEN UNITS) = 30'
    - MINIMUM DISTANCE FROM EXISTING STRUCTURES OF SMELLING UNITS = 100'
    - MINIMUM DISTANCE FROM EXTERNAL BOUNDARIES = 50'
14. CITY OF DOVER SITE REVIEW REGULATIONS CHAPTER 141 – PRIVATE DRIVEWAY AND INTERNAL ROAD REQUIREMENTS FOR RESIDENTIAL UNITS (5-24)
    - RIGHT-OF-WAY = 50'
    - ROAD WIDTH = 24'
    - BASE COURSE = 18" BANK RUN GRAVEL
      4" CRUSHED GRAVEL
      2" ASPHALT TIGHT BINDER
      3' GRAVEL SHOULDER
    - PARKING REQUIREMENT = 2 SPACES PER UNIT (RESIDENTIAL (1 OR 2 UNITS))
    - PARKING PROVIDED = 2.5 SPACES PER UNIT
    - PARKING SPACE DIMENSIONS = 9'x18'

| ISS. | DATE: | DESCRIPTION OF ISSUE: | CHK. |
|---|---|---|---|
| 1 | MAY 7, 2024 | FOR APPROVAL | |

DRAWN: JJM | DESIGN: JJM
CHECKED: BDS | CHECKED: BDS

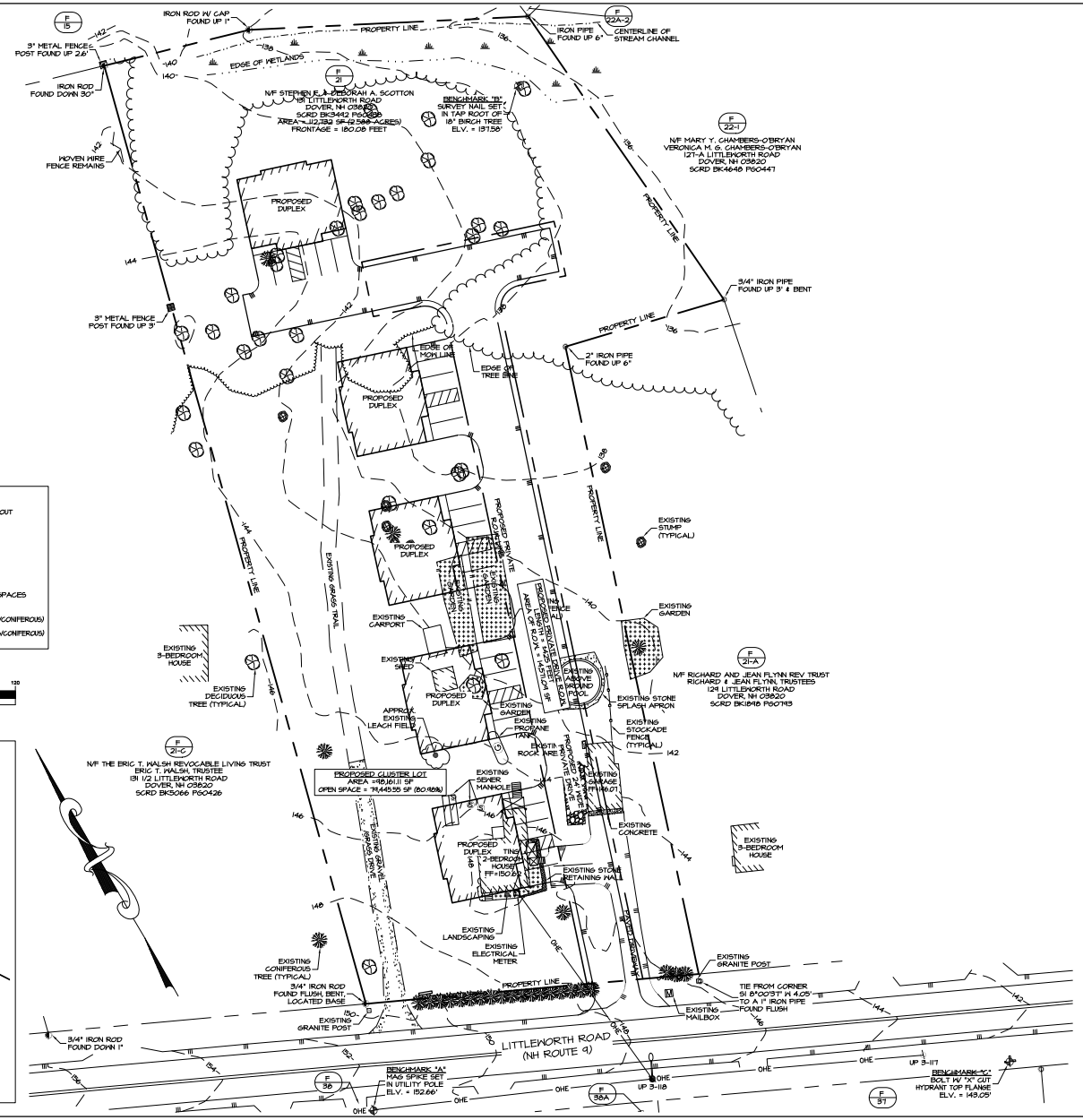
EMANUEL ENGINEERING
118 Portsmouth Avenue, A202
Stratham, NH 03885
P: 603-772-4400 F: 603-772-4487
www.emanuelengineering.com

CLIENT:
FOX CONSTRUCTION
196 NOTTINGHAM ROAD
DEERFIELD, NH 03037

SEAL:

TITLE:
# CONDO PLAN
FOR
STEPHEN F. &
DEBORAH A. SCOTTON
131 LITTLEWORTH ROAD (SITE)
DOVER, NH 03820

| PROJECT: | SCALE: | SHEET: |
|---|---|---|
| 24-1067 | 1"=30' | C2 |



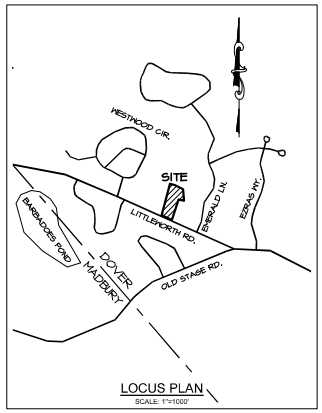

## LEGEND

- GRANITE POST
- IRON PIPE FOUND
- IRON ROD FOUND
- (TYP.) TYPICAL
- PROPERTY LINE
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## GRAPHIC SCALE

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( IN FEET )
1 inch = 30 ft.




LOCUS PLAN
SCALE: 1"=1000'

## ADDITIONAL ABUTTERS:

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SCRD BK4832 PG0309
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   DOVER, NH 03820
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| 1 | MAY 7, 2024 | FOR APPROVAL | |

DRAWN: JJM | DESIGN: JJM
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www.emanuelengineering.com

CLIENT:
FOX CONSTRUCTION
196 NOTTINGHAM ROAD
DEERFIELD, NH 03037

SEAL:

TITLE:
# CLUSTER OVERLAY
FOR
STEPHEN F. &
DEBORAH A. SCOTTON
131 LITTLEWORTH ROAD (SITE)
DOVER, NH 03820

| PROJECT: | SCALE: | SHEET: |
|---|---|---|
| 24-1067 | 1"=30' | C3 |

**From:** merlinmason <merlinmason@comcast.net>
**Sent:** Friday, December 6, 2024 8:00 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>; City of Dover - Planning <Dover-Planning@dover.nh.gov>
**Subject:** 103 Court St projects

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

To Dover Planning -

I request that you deny the TDR project at 103 Court St because it overreaches for TDR at triple the existing density, offers no consistency with the neighborhood, offers no buffer to neighbors, and also, perhaps most importantly, **it simply makes no sense for housing.** It does NOT provide 'missing middle' housing but instead creates a bizarre mix of HUD and restricted 'cottages' trapped under high HOA fees that will inevitably result in high turnover.

There is a very run-down single-family house at 103 Court St presently. The gutters have been falling off for years, and I expect there are serious structural issues from any external view. **Has anyone offered an honest inspection on the status of this home?** The TDR proposal leaves the existing single-family house as-is. There is no mention of any major improvements here. This unit - to become HUD - will cost the developer nothing in TDR fees. *Is the motivation to provide decent affordable housing, or to get a free TDR unit?*

In the future, how are major repairs to this falling-apart house going to be funded? When the window sills inevitably rot - given there are fabric curtains hanging out of the upper stories at all times already - how will this repair be funded? By the HOA - of course - which currently plans for up to $185,000 infrastructure replacement at year 30. Personally, I know new windows alone will cost about $40-50,000. The crack in the foundation of this old home? That's another $10k- and how's the heating system? Won't arguably almost all of the infrastructure costs sink into this one single HUD structure - since all of the other construction will be new? So all of the new properties will pay equal HOA fees to maintain this one HUD unit.... is that sustainable or desirable for the cottage owners?

Let's consider the condominium association budget of $333/unit - which is based on 7 units. Are the 3 HUD units going to be chipping in with the $500k cottages in the back equally? I'd like to understand how that works and where that money comes from - certainly not the tenants. Or are the HOA fees going to be really paid by the cottages - and therefore actually split four ways and starting at **$583/unit** monthly (assuredly to increase over time)?

This project has taken a single-family home at 103 Court St assessed at $422k - an attainable fixer-upper project to be sure - turns it into HUD which will burden the HOA with repairs and maintenance that is inevitable given its current state already - and throws onto the back of this property overcrowded $500k+ permanently restricted cottage homes that may be "attainable" at initial listing but then will trap residents under $333 monthly *or is it $583 monthly* HOA fees forever.

The developer narrative says "these cottages are designed to meet the needs of a diverse group of residents, including those looking to downsize, new families, and recently married couples." Has anyone asked a retired couple how they feel about $333/month HOA fees on social security income? Or a new family, or a recently married couple? As part of a recently married couple myself, I cannot imagine the

burden of a mortgage combined with this type of HOA fee. At least the mortgage is an investment, but the HOA fees are just money lost. This HOA fee covers what I do for my own property, and what my friends and coworkers do for theirs - it's part of the great challenge and joy of homeownership to maintain your own property.

What could be done using normal zoning without pushing the existing density under TDR? Maybe leave a $422k attainable fixer-upper in the existing single-family home, and add a second single-family home to the back of the lot, much like Chinburg did next door. The second home may be more expensive initially, but it would have no HOA and no restrictions so could actually be invested in and become a true family home.

My wife and I have friends and coworkers who have left Dover due to housing, but they don't qualify for HUD - they make too much money for HUD but not enough for $500+k new homes with HOA fees on top. They would have loved an opportunity for a $422k fixer-upper project that has been effectively removed from the market by this TDR project. This is the **"missing middle"** - not served by HOA-restricted $500k new constructions and not served by HUD. Are they able to buy a new $1mil home? Maybe not - but as someone else moves there, it opens up a smaller, less expensive home in town. And mortgages are investments - property eventually owned, not HOA money lost forever. What about the community created by neighbors' teenagers helping mow lawns, or hiring the guy down the street for that small job - not possible with a HOA.

On a final note, TDR has to be looked at in the context of the growth already underway in Dover as well as the troubles with existing infrastructure - we have over 1500 new units coming already in the large-scale developments across Dover. These alone provide over 10% growth for Dover. How much more growth do we need? Do we really need to push unwanted extra density into this neighborhood to get a few more units in here? Is our infrastructure really prepared for the extra TDR density on top of these new projects, when we've seen almost weekly water main breaks across town?

Regards,
Merlin Mason, 91 Court St

**From:** Rachel Cookson <rachel.e.cookson@gmail.com>
**Sent:** Tuesday, December 10, 2024 9:58 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** 103 Court street

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

Please reject the plans for 103 court street. Putting 2 duplexes and 5 mini homes on that tiny lot is absolutely insane. If you allow this you totally negate any zoning laws and my backyard could become a development. Stop the madness.

**From:** Amber Bebeau <arbocko@gmail.com>
**Sent:** Saturday, December 7, 2024 6:02 PM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** 103 Court Street

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

I am writing today to inform you of my disappointment in the potential development at 103 Court Street. I walk in this area daily and was already disappointed to see three oversized, overpriced houses being stuffed into a formerly one property lot.

Now I see that this new development next to it is not in line with local residences, defies the buffer law for neighbors, and knocks out nature in favor of a paved parking lot. It will no doubt retract from the peaceful beauty of the abutting cemetery, and continue to take away the natural habitat of the area.

This is a beautiful area of Dover, and I am dismayed to see it rapidly becoming another overdeveloped, nature-less area of an increasingly overdeveloped city.

Thank you,
Amber Bebeau
22 Samuel Hanson Ave.

**From:** Kerry <sankalpa0820@gmail.com>
**Sent:** Tuesday, December 10, 2024 1:19 PM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** 103 Court St

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

To whom it may concern,

The 30 foot buffer law must be applied. It is a TDR law. Under 30 feet is not consistent with our neighborhood.

Please don't turn Dover into Portsmouth. Dover is a wonderful city with charm and character.

Kerry Wolf
72 Court St

**From:** Kevin Hamer <kevin.hamer@gmail.com>
**Sent:** Sunday, December 1, 2024 9:44 PM
**To:** City of Dover - Planning <Dover-Planning@dover.nh.gov>
**Subject:** 103 Court St Proposal

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

I am a Dover resident (11 Birch Drive) and just voicing opposition to the proposal at 103 Court St. While I'm sympathetic to the need to grow and add housing, buying a dilapidated property at 450,000 and flipping it into 5 buildings / 7 units is excessive. I don't think the city would benefit from the proposed development. This kind of plan seem to be testing the waters on what Dover will tolerate - which no doubt is common nowadays. Please stand up for our town.

Thanks,
--Kevin

**From:** jrvachon-1@comcast.net <jrvachon-1@comcast.net>
**Sent:** Wednesday, November 27, 2024 2:44 PM
**To:** City of Dover - Planning <Dover-Planning@dover.nh.gov>
**Subject:** 103 Court St

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

Writing to express my concern over the proposed development at 103 Court St, which if I am understanding correctly, under TDR, would completely bypass the perimeter 30 -foot buffer law
.

Why should this be allowed?

If we're already bypassing zoning laws and using TDR, shouldn't strict adherence to the TDR regulations that are in place be paramount?

Sincerely, concerned taxpayer

James Vachon
12 Browning Drive
Dover

Dorna Hamer
18 Tuttle Ln
Dover, NH, 03820

City of Dover, Planning Board
288 Central Ave
Dover, NH 03820

Subject: 103 Court St. TDR/ Site Plan Proposal

Dear Planning Board Department and Members ~

I am writing to express my concerns regarding the proposed development at 103 Court Street. While I understand the desire for development in our city, I believe that the proposed project will have significant implications for the historic Pine Hill Cemetery and surrounding residential area. Pine Hill Cemetery is an important part of Dover's History as evidenced by the 'Voices from the Cemetery' annual event put on by the Woodman Museum. Gravestones in the area of 103 Court St. date to the mid-1800s and several prior owners of 103 Court Street are buried in this cemetery as well.

**NH RSA 289:3 - Cemetery Buffer**

From experience as a design engineer on a NH state project in Rochester involving a cemetery, I am aware that there is a state law requiring a 25-foot no dig/ no build buffer along cemetery property lines. I spoke with Paul Crouser in September about this buffer and was assured it would be enforced. However, there is no sign of the buffer on any of the plans submitted to date. The current plans also show activities that seem contrary to the law. I reached out to the State of NH to see if I could get clarification on what is and isn't allowed in this area. Please see the email below from a State of NH archeologist.

State law RSA 289:3, III clearly mandates a 25-foot no dig/ no build buffer zone along a cemetery's property lines on abutting property. This law pertains to all properties abutting cemeteries. It is crucial to adhere to this law to protect the sanctity of the cemetery and its historical significance as well as possible unknown burials.

The proposed development encroaches on the 25-foot no dig/ no build buffer zone along the cemetery where ground disturbance is prohibited by state law. Any activities like construction, excavation, stump removal, grubbing, and planting would disturb the ground. Since this development is not an essential service, no waiver for disturbing this area can be given by the planning board.

Cutting of vegetation above the ground may be allowed as long as the ground isn't disturbed. However, this will leave the site with NO visual buffer between it and the cemetery, negatively impacting the cemetery's environment and

aesthetics. Implementing the TDR requirement for a 30' no cut, no disturb buffer will go a long way in protecting the cemetery and this buffer area.

**Email concerning NH State law RSA 289:3, III**

**From:** Doperalski, Mark <Mark.W.Doperalski@dncr.nh.gov>
**Sent:** Wednesday, November 27, 2024 10:49 AM
**To:** [redacted]@gmail.com <[redacted]@gmail.com>
**Cc:** Wilson, Benjamin <benjamin.h.wilson@dncr.nh.gov>; Labash, Marika <Marika.S.Labash@dncr.nh.gov>; Miller, Nadine <Nadine.M.Miller@dncr.nh.gov>; Spoerl, Robert <robert.f.spoerl@dncr.nh.gov>
**Subject:** RE: Cemetery Buffer Zone

Hi Dorna,

You are correct regarding the state law, if the City of Dover has not established local zoning regulations concerning cemeteries that allow for construction within 25 feet of said burial resources, then as RSA 289:3, III states, "New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

So as the law states, the governing body of the municipality in concurrence with the cemetery trustees can waive that setback when the construction is deemed necessary for an essential service. In such a case we would still recommend that an archaeologist be on site to monitor the ground disturbing activities to ensure no unmarked burials are inadvertently disturbed. You could contact the City of Dover and check to see if they have deemed the tree clearing and development of this area as necessary for an essential service. If so, they may have issued a waiver for the project. Regarding your daughter and her husband, any work they propose to do on their property within 25' of the cemetery that would require ground disturbance would be prohibited without a waiver from the City.

Technically trees could be cut down without a waiver so long as they were cut down without disturbing the ground surface; however, the stumps would have to be left in place as their removal would obviously cause ground disturbance. Removal of the stumps, planting new trees, and other ground disturbing activities would require a waiver from the City of Dover.

I hope this helps answer your questions.

Sincerely,

Mark

---

Mark Doperalski
State Archaeologist
Division of Historical Resources
NH Department of Natural and Cultural Resources
172 Pembroke Road
Concord, NH 03301
www.nh.gov/nhdhr

**Additional Concerns Regarding the Cemetery Buffer:**

The mandatory cemetery buffer is missing from all site plans, despite multiple requests for its inclusion by the Planning Department. The alignment of the end of the proposed fence with the buffer's proposed location suggests this omission may be intentional. Additionally, the buffer zone is not referenced in the landscaping or condominium documents. While not required in the documents, including this information would be beneficial in a development with a potentially high turnover rate to ensure all parties are aware of the buffer zone.

The base density units for the TDR proposal should be calculated as 2 units, not the 3 units currently listed on Sheet SP-1 in the plan set. According to Dover Zoning Ordinance Ch 170-29, Sec G(3(a)[1][a], "The square footage of the parent lot minus unsuitable areas is the base lot size." The 25-foot cemetery buffer zone is considered unsuitable for development and therefore, is removed from the total area, similar to the treatment of wetlands or other undevelopable land.
The original parcel is 52,241sf based on the site plans. The buffer zone is approximately 3,525 sf. After further reductions of 15% for the roadway and 15% unsuitable areas, the developable area is 35,197 sf. Dividing that by the minimum lot size of 12,000 sf results in 2.9 units. Since rounding up is not permitted, the correct number of base density units is 2.

**Transfer of Development Rights**

The use of Transfer of Development Rights (TDR) for this lot raises concerns. This area of Dover is characterized by single-family homes on small parcels, interspersed with open spaces and mature trees and vegetation. It is a beautiful, unique residential area adjacent to the Historic Pine Hill Cemetery. Many residents have lived in this area for a long time, with the majority of homes over 50 years in age. Notably, the house at 103 Court Street was built in 1830, and the neighboring house dates back to 1790.

The proposed design significantly increases density by placing a 7- unit design with 6 buildings on a 1.2 - acre parcel, whereas zoning regulations would allow 3 units and up to 3 buildings. This more than doubles the density the zoning regulations allow and represents a sevenfold increase to the single-family home. The proposed density is excessive for this area. Although the developer has slightly reduced the project from the original 9-unit, 7-building proposal, the current proposal still relies on waiving the required 30-foot no-cut, no-build visual buffer to achieve its increased density. (Chapter 170-29, Section G(7))This buffer is intended to protect nearby homeowners and abutters (Pine Hill Cemetery) from the potential negative impacts of such development. Maintaining this buffer will offer additional protection to the cemetery and its required buffer zone.

A project of this scale, located in a residential area of single-family homes, should either have to adhere to all current TDR requirements, including the 30-foot no cut, no build buffer, or be denied any relief, as relief is clearly due to the increased density. (Chapter 170-29, Section G(8d).) Waivers and relief for development projects of this nature should be granted judiciously to ensure the best possible outcome for the community and to maintain the public trust in the process.

I strongly urge the Planning Board to:

- Enforce state law RSA 289:3, III, ensuring the 25-foot buffer zone is strictly maintained, consulting with state archaeologists, if necessary, to guarantee full compliance with all laws and regulations.
- Thoroughly evaluate the implications of utilizing TDR for this parcel including granting any waiver or relief when it is clearly due to the increase in density.
- Carefully review the proposed plans and documents for adherence to all regulations and laws and for accuracy including but not limited to the 25-foot no dig/ no build buffer zone. What else is missing or incorrect?

Preserving the unique character of this area and ensuring that any development respects its history and environment are paramount.

Sincerely,

Dorna W Hamer

Dorna W Hamer

**From:** Sean Hoeing <shoeing4003@gmail.com>
**Sent:** Friday, November 29, 2024 4:41 PM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** TDR Critical Review Request - 1 Cold Spring Road and 103 Court Street

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

Dear City of Dover Planning Board,
Today, I received a mailing informing me of TDR developments at 1 Cold Spring Road and 103 Court Street that disregard a law requiring a 30-foot perimeter buffer around the lot that is required in order to reduce the impact on neighbors. Please critically review these development proposals for TDR misuse. I am all for the development of affordable housing in Dover, but please also protect our environment. Bellamy Road is zoned R20 (low density residential zone) and 7 mini-homes plus 4 multifamily units would far exceed the intended use of this land. If approved, this appears to be an extreme deviation from the approved zoning.

Thank you for your service to the City of Dover.

Sean Hoeing
25 Lisa Beth Circle
Dover, NH
-

Sean Hoeing
603.969.7529
shoeing4003@gmail.com

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From: Cynthia Mamigonian <clkmamigonian@gmail.com>
Sent: Monday, December 2, 2024 1:06 PM
To: City of Dover - Planning <Dover-Planning@dover.nh.gov>
Subject: Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street.

Security Notice: External sender. Use caution with hyperlinks or attachments.
To Whom it May Concern:

I live at 89 Court Street and can not believe the town of Dover is trying to pass yet another non qualifying TDR zoning law.

There is absolutely nothing on Court Street that constitutes that parcel of land being a transition between RMU and Residential.

The proposed size of said "cottages" have no consistency with any surrounding neighborhoods.

The project proposed is 2.7x higher in density than current homes in a 300 ft radius. (That being the criterion recommended by the Planning Board.)

There is definitely not enough room for these 20x30' buildings and remain within the 30 foot "no-cut, no-disturb" buffer law.

Please don't let another developer "pay their way" into overlooking the TDR laws. If so, then the old saying is, "Build and they will come." And come, and come, and come. We will no longer be a medium density residential zone but a very packed Urban area.

Sincerely,
Cindy Mamigonian

**From:** merlinmason <merlinmason@comcast.net>
**Sent:** Friday, December 6, 2024 8:00 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>; City of Dover - Planning <Dover-Planning@dover.nh.gov>
**Subject:** 103 Court St projects

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

To Dover Planning -

I request that you deny the TDR project at 103 Court St because it overreaches for TDR at triple the existing density, offers no consistency with the neighborhood, offers no buffer to neighbors, and also, perhaps most importantly, **it simply makes no sense for housing.** It does NOT provide 'missing middle' housing but instead creates a bizarre mix of HUD and restricted 'cottages' trapped under high HOA fees that will inevitably result in high turnover.

There is a very run-down single-family house at 103 Court St presently. The gutters have been falling off for years, and I expect there are serious structural issues from any external view. **Has anyone offered an honest inspection on the status of this home?** The TDR proposal leaves the existing single-family house as-is. There is no mention of any major improvements here. This unit - to become HUD - will cost the developer nothing in TDR fees. *Is the motivation to provide decent affordable housing, or to get a free TDR unit?*

In the future, how are major repairs to this falling-apart house going to be funded? When the window sills inevitably rot - given there are fabric curtains hanging out of the upper stories at all times already - how will this repair be funded? By the HOA - of course - which currently plans for up to $185,000 infrastructure replacement at year 30. Personally, I know new windows alone will cost about $40-50,000. The crack in the foundation of this old home? That's another $10k- and how's the heating system? Won't arguably almost all of the infrastructure costs sink into this one single HUD structure - since all of the other construction will be new? So all of the new properties will pay equal HOA fees to maintain this one HUD unit.... is that sustainable or desirable for the cottage owners?

Let's consider the condominium association budget of $333/unit - which is based on 7 units. Are the 3 HUD units going to be chipping in with the $500k cottages in the back equally? I'd like to understand how that works and where that money comes from - certainly not the tenants. Or are the HOA fees going to be really paid by the cottages - and therefore actually split four ways and starting at **$583/unit** monthly (assuredly to increase over time)?

This project has taken a single-family home at 103 Court St assessed at $422k - an attainable fixer-upper project to be sure - turns it into HUD which will burden the HOA with repairs and maintenance that is inevitable given its current state already - and throws onto the back of this property overcrowded $500k+ permanently restricted cottage homes that may be "attainable" at initial listing but then will trap residents under $333 monthly *or is it $583 monthly* HOA fees forever.

The developer narrative says "these cottages are designed to meet the needs of a diverse group of residents, including those looking to downsize, new families, and recently married couples." Has anyone asked a retired couple how they feel about $333/month HOA fees on social security income? Or a new family, or a recently married couple? As part of a recently married couple myself, I cannot imagine the

burden of a mortgage combined with this type of HOA fee. At least the mortgage is an investment, but the HOA fees are just money lost. This HOA fee covers what I do for my own property, and what my friends and coworkers do for theirs - it's part of the great challenge and joy of homeownership to maintain your own property.

What could be done using normal zoning without pushing the existing density under TDR? Maybe leave a $422k attainable fixer-upper in the existing single-family home, and add a second single-family home to the back of the lot, much like Chinburg did next door. The second home may be more expensive initially, but it would have no HOA and no restrictions so could actually be invested in and become a true family home.

My wife and I have friends and coworkers who have left Dover due to housing, but they don't qualify for HUD - they make too much money for HUD but not enough for $500+k new homes with HOA fees on top. They would have loved an opportunity for a $422k fixer-upper project that has been effectively removed from the market by this TDR project. This is the "**missing middle**" - not served by HOA-restricted $500k new constructions and not served by HUD. Are they able to buy a new $1mil home? Maybe not - but as someone else moves there, it opens up a smaller, less expensive home in town. And mortgages are investments - property eventually owned, not HOA money lost forever. What about the community created by neighbors' teenagers helping mow lawns, or hiring the guy down the street for that small job - not possible with a HOA.

On a final note, TDR has to be looked at in the context of the growth already underway in Dover as well as the troubles with existing infrastructure - we have over 1500 new units coming already in the large-scale developments across Dover. These alone provide over 10% growth for Dover. How much more growth do we need? Do we really need to push unwanted extra density into this neighborhood to get a few more units in here? Is our infrastructure really prepared for the extra TDR density on top of these new projects, when we've seen almost weekly water main breaks across town?

Regards,
Merlin Mason, 91 Court St

**From:** Matt Prugger <mattprugger@gmail.com>
**Sent:** Thursday, December 5, 2024 9:38 AM
**To:** Planning Board - All
**Subject:** TDR for 103 Court street

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

Good Morning sir, ma'am;

I am reaching out to show my disapproval of the proposed construction on 103 Court Street. A development of this size on a lot this small is outrageous and unnecessary. That one lot will not be sustainable if a single family home transforms into a duplex with 5 additional mini-homes. This is not consistent with our neighborhood and this could spark a domino effect that leads to multiple lots transforming into this catastrophe. Only causing more congestion and overpopulation in the area. Also, there is a 30 foot buffer law that should be followed. If laws are being manipulated by some then why must the rest of us be governed by them? There has already been plenty of overdevelopment in Dover, especially on this street. I will not be in favor of more construction just for profit and not necessity. The proposed construction on 103 Court Street should be denied and TDR misuse should be critically reviewed by the planning board. This is coming from the owner and resident of 81 Court street.

Respectfully,

Matthew Prugger

**From:** Rob Weir <rob@robweir.com>
**Sent:** Thursday, December 5, 2024 2:15 PM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** Concerns regarding TDR at 103 Court St.

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

Dear Dover Planning Board,

I live here in Dover, at 106 Court St. It will probably not surprise you entirely to read that I have some concerns regarding the proposed TDR development at 103 Court St. which is coming to the Planning Board for your December 10th meeting.

I am aware that TDRs, in general, are currently a heated topic in our city, and I don't want to waste your time reciting generalities. Personally, I appreciate attempts to increase the housing stock in Dover. But, like most things, it is a balancing act.

The Zoning Ordinance at section 170-29 (B) talks about the purpose of the TDR as protecting lands that "possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic view sheds, historic landmarks, and linkages to other such areas," while promoting "intensive development on the developable land possessing the least conservation value."

I'd draw your attention to that last part. Although any land east of the Spaulding is called out in 170-29 (C) as defining the "receiving area," TDRs are still intended for that subset of land that has "the least conservation value."

OK, I'll be the first to admit that we're not Silver Street. But consider:

- The subject parcel itself, #103, is nearly 200 years old, built in 1830.
- The neighboring parcel, #109, the residence of the late Ray and Joanne Richard, was built in 1790, the year of Washington's first term as president.
- Abutting the rear is Pine Hill Cemetery, which you know is an absolute jewel and the site of many civic ceremonies. It was established in 1731.

So, far from having the "least conservation value," I'd argue that this part of Court St. more aligns with the values of parcels that should be protected as having, among other conservation values, "scenic view sheds, historic landmarks, and linkages to other such areas."

The applicant, in their narrative to support their 170-29 (G)(8)(b) claim that the proposed development is "compatible with the land uses on neighboring lots," observes that "The property borders the RMU zone along its rear 160-foot line, which allows higher density (one unit per 2,500 sq. ft.)." It should be noted that the RM-U parcel referred to there is, in fact, Pine Hill Cemetery. I think this fact hurts, more than helps, their argument.

I'll draw your attention as well to the precise language in 170-29 (G)(8)(b): "compatible with the land uses on neighboring lots." It does not say, "compatible with the furthest extent of what zoning allows on neighboring lots." It speaks of actual use. In fact, if you review the actual use of residences on Court St., both the RM-U portion and the RD-12 portion (where #103 is), you find that the street is almost entirely single family and duplexes.

By my count, of the 30 parcels in the RD-12 portion of Court St., all but two are single family. And within the RM-U portion (ignoring #11 which is an empty lot, sometimes used for gardening), there are 37 parcels, of which 30 of them (81%) are single family or duplexes. So, in terms of "land uses on neighboring lots," the proposed development is far out of character for Court Street, where land use, both in the RD-12 as well as in the RM-U portion, is almost entirely single family and duplexes (and an early eighteenth-century cemetery, previously mentioned).

I could go on, but I want to be respectful of your time. I'm hoping you will find these arguments at least somewhat persuasive and agree that the proposed development does not meet the purpose of a TDR, to increase density in areas that have "the least conservation value," nor is a development of this density "compatible with the land uses on neighboring lots."

Per 170-29 (C), "Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this section may apply to the district(s) defined in Subsection D below." Words matter. "Discretion" means discretion and "may" does not mean "shall." It is in your power to deny this TDR or at least send it back to the drawing board.

Regards,

Rob Weir, 106 Court St.




What will our neighborhood look like after 103 Court St is approved for 900% development, and then developers start on any of these other similar size lots? Green spaces will be eliminated. Traffic will increase. Parking will become a battle. Our "medium density" residential zone will be urban next. 1/3 of the lot will be paved. "Cottages" will be spaced 20ft apart.

**It's not about development.**
**It's about tripling the legal zoning density using TDR.**

And when TDR bypasses zoning laws, projects should strictly adhere to the remaining TDR regulations. Holding Dover accountable ensures that development is responsible and respects the character of our neighborhoods. A 30-foot buffer is a TDR law. 103 Court St is 129-feet wide, and the entire project relies on ignoring that law.

**What kind of example are we setting for our children if we allow the city to break its own rules?**

It's time to speak up and demand better.

Join a concerted effort to tell Dover enough now by writing the Planning Board before they vote on 103 Court St.

PlanningBoard-All@dover.nh.gov

**Let's ensure a sustainable future for Dover.**

Before December 10th

Hilary Hamer, OD, MA, MS
Abutter, 91 Court St
Dover, NH 03820
Tel: (603) 361-9428

City of Dover, Planning
288 Central Ave
Dover, NH 03820

Subject: 103 Court St, TDR Proposal

To the Planning Board:

I urge you to thoroughly review the following information before considering accepting the TDR proposal at 103 Court St. TDR serves a purpose, but as so many expressed at the 566 Sixth Street project hearing on October 22nd, is this the correct use of it? While there may be a housing shortage right now, is it fair to homeowners like me to approve TDR that permanently changes our streets while admitting it is not the intended use of TDR? TDR is not required for this lot to be developed.

Consider the implications of 103 Court St for Dover but also for yourselves. This site will open a floodgate to additional TDR proposals as the densest and smallest residential TDR ever, except for one little past site next to Walgreens off Central Ave. I urge you to look at Court St and then scan the Dover map and see just how many long, skinny lots like this there are across the city.

I especially urge you to look at the applicability of code G(7) regarding a buffer and G(8d). The lack of any semblance of a 30-foot buffer provides an easy reason to dismiss this project. Deny this project due to lack of the required buffer as well as the overreaching density request.

My husband and I have poured our hearts into this home since moving here in 2022. The idea of nine new units on the mostly wooded single-family lot next to us when it first came out in September was shocking. The slightly revised proposal still represents an enormous increase in density and would fundamentally change the character of our street. This is a unique area. We are next to the Pine Hill cemetery. It does not have an urban feel to it. Our backyard creates a lovely field continuous with two neighbors' backyards by the cemetery. Many people both recreate and reflect there, a lovely and peaceful historic space.

We understand the need for housing, but this type of overdevelopment in our neighborhood is not the solution. It is not compatible with the neighborhood. Develop the lot under normal zoning which allows for three units. Four more housing units using TDR will do nothing to fix the larger housing problems of this city.

Thank you,



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# TDR Density

## This is the densest proposed residential TDR to date, except for one previous site next to Walgreens.

Right-to-Know provided this list of approved and pending TDR projects since 2021 which I then researched to add the acres and final number of approved units:

***Approved TDR Projects***

| | | | | | |
|---|---|---|---|---|---|
| 8/4/21 | 51-65 Bellamy | R40 | 7.79 acres | 17 units | 2.2 units/acre |
| 8/4/21 | 725 Central | G | | | |
| 7/26/22 | 757 Central | G | | | |
| 5/20/22 | 16 Prospect | R12 | 1.56 acres | 3 units | 1.9 units/acre |
| 10/18/22 | Little Bay Road | LBW | | | |
| 6/30/23 | 5 Glenwood | R12 | 0.36 acres | 2 units | 5.6 units/acre |
| 10/27/23 | Cielo Drive | IT | | | |
| 12/23/23 | 105 Durham | R20 | 1.28 acres | 9 units | 4.1 units/acre |
| 3/26/24 | 30 Grapevine | C | | | |

I did not include further details for TDR examples located in non-residential zones, as surely these are not relevant to 103 Court St.

***Pending TDR Projects***

| | | | | | | |
|---|---|---|---|---|---|---|
| 6/27/22 | 77 Sixth | R12 | 0.26 acres | 4 units | No action? Abandoned? | |
| 3/8/23 | 41 Long Hill | R12 | 11 acres | 34 units | 3.1 units/acre | In TRC |
| 11/21/23 | 306 Dover Point | R20 | 1.64 acres | 5 units | 3.0 units/acre | |
| 5/2/24 | 512 Sixth | R12 | 1.87 acres | 5 units | 2.7 units/acre | |
| 5/22/24 | 131 Littleworth | R40 | Withdrew – not relevant | | | |
| 6/4/24 | 101 Back Rd | R40 | Village Theme – not relevant | | | |
| 6/6/24 | 566 Sixth | R40 | 1.35 acres | 5 units | 3.7 units/acre | Denied |
| 7/15/24 | 52 Old Rochester | C | | | | |
| 8/15/24 | 103 Court | R12 | 1.19 acres | 7 units | **5.9 units/acre** | |

This represents the densest residential TDR ever, and the second smallest TDR lot ever except for one located at 5 Glenwood Ave, a site next to Walgreens:



## This lot is small and sets an example by which almost any residential lot in Dover would be a candidate for TDR development.

Minimum frontage by residential zone:

- R12: 100-feet
- R20: 125-feet
- R40: 150-feet

103 Court St frontage is 129.36 feet, and it is 141.18 feet in the rear. By this example, every single R40 lot, almost every R20 lot in town, and an awful lot of R12 are candidates for TDR. Dover is littered with long skinny lots like this in residential neighborhoods. This project is a floodgate for more TDR proposals.

# Neighborhood Analysis

## Arguing 103 is a transition between RMU and R12

From the developer: "The property borders the RMU zone along its 160-foot rear property line… This project respects the transition between the higher-density RMU zone and the medium-density residential R-12 zone"

Pine Hill Cemetery does border 103 Court St in the back. It is technically RMU zone. It is a cemetery. It will never be developed. This is not a transition.

## Detailed Analysis

### Existing Density and Building Coverage within 300-feet

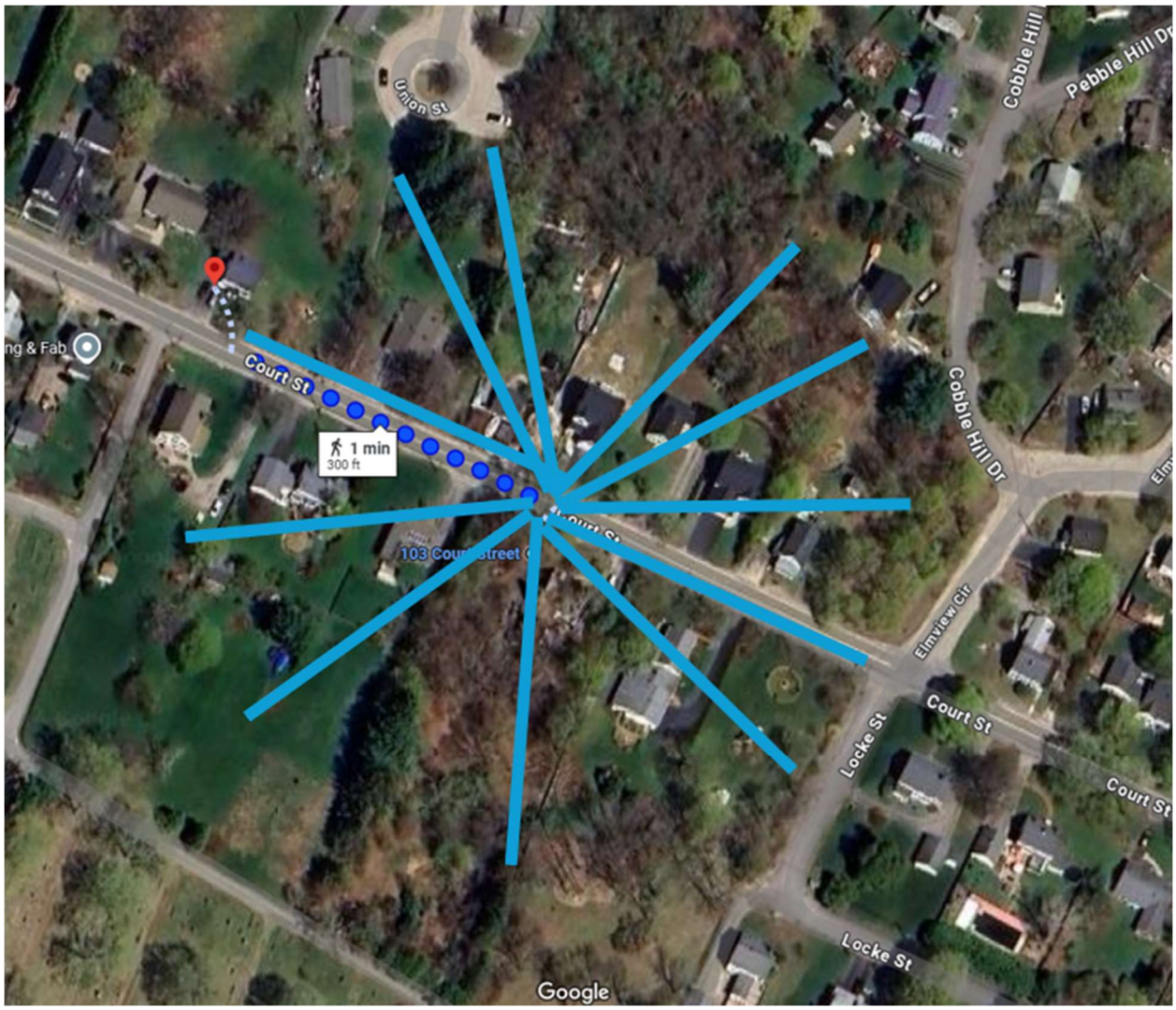



*Figure 1: 300-foot circle around the existing home on 103 Court St (the recommended range from TRC #2 9/26/24)*

In the 300’ circle centered on the current single-family home at 103 Court St, these are the residences:

| Address | Lot Size (acres) | Type | Existing Home ground floor (sqft) | Unit /Acre | Existing Building Coverage* |
|---|---|---|---|---|---|
| 85 Court St | 0.687 | 1 family | 1065 | 1.45 | 3.56% |
| 89 Court St | 0.904 | 1 family | 864 | 1.11 | 2.19% |
| 91 Court St | 0.865 | 1 family | 1008 | 1.16 | 2.67% |
| 103 Court St | 1.19 | 1 family | 936 | 0.84 | 1.81% |
| 109 Court St | 0.439 | 1 family | 741 | 2.28 | 3.87% |
| 111 Court St | 0.39 | 1 family | Unsure- new | 2.56 | |
| Tranquility Way | 0.36 | 1 family | Unsure- new | 2.78 | |
| Tranquility Way | 0.408 | 1 family | Unsure- new | 2.45 | |
| 108 Court St | 0.367 | 1 family | 580 | 2.72 | 3.63% |
| 106 Court St | 0.33 | 1 family | 918 | 3.03 | 6.39% |
| 104 Court St | 0.32 | 1 family | 576 | 3.13 | 4.13% |
| 102 Court St | 0.31 | 1 family | 737 | 3.23 | 5.46% |
| 100 Court St | 0.38 | 1 family | 480 | 2.63 | 2.90% |
| 92 Court St | 0.698 | 1 family | 768 | 1.43 | 2.53% |
| | | | **AVERAGE:** | **2.2 units/acre** | **3.56%** |

**I was unable to calculate proper lot coverage as I cannot readily access the impermeable area per lot. The houses along Court St are all located towards the front of the properties, so the impermeable areas (driveways) reflect the building sizes, so I feel this is still a very valid assessment to use.*

**Versus proposal at 103 Court St:**
Unit Density = 7 units/1.19 acres = 5.88 units/acre – **This is 2.7X higher than the average**

4 cottages at ~20x30’ + current single family (936sqft) + barn (estimate 1000sqft) = 8.36% building coverage – **This is 2.3X higher than the average**

## Presence of duplexes

There are no duplexes in a 300-foot radius of 103 Court St currently.

## Spacing of Existing Homes

*If a buffer is not enforced, then the cottages in the rear of the lot will be visible and should be therefore considered relative to their consistency to the neighborhood as well as the front buildings.*

Houses are an average of 36-feet spaced apart on the North of Court St and 40-feet from each other on the South of Court St in the immediate area. The proposal meanwhile places a row of identical cottages each spaced 20-feet apart.




*Figure 2: Developer diagram of existing houses.*

## Home Sizes and Diversity

The homes on Court St are diverse, built over many years. Every single house is unique. I will not include a photo of every home in the immediate area, but I invite you to travel down Court St. There is no example of a row of identical houses anywhere. Our homes also cover a wide range of sizes but are all larger than the ~20'x30' cottages proposed. These cottages are not visually consistent to the local street in size, nor in their spacing and uniformity.

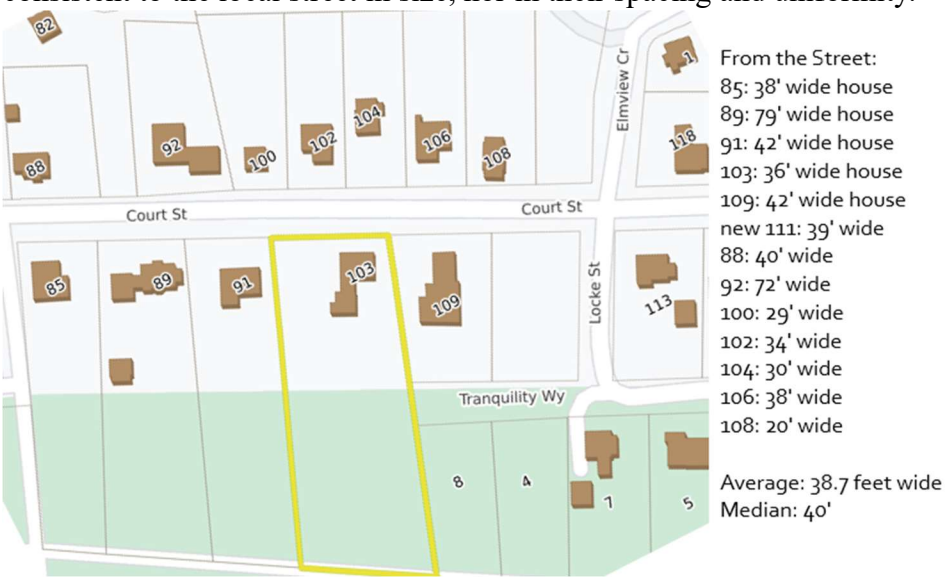



*Figure 3: All of the sizes of houses along Court St in immediate area from the street*

## The parcel “within 165’ has 59 units on 6 acres”

The developer alludes to a “parcel within 165’ has 59 units on 6 acres.” I assume they are referring to the property at the end of Union Street based on the maps. However, the corner of that parcel is 300-feet from 103 Court St. Furthermore, topographically this parcel exists at an entirely different elevation to Court St and is not even visible from the paved walkway that connects it to Court St.



*Figure 4: This is the view to that parcel from Court St*

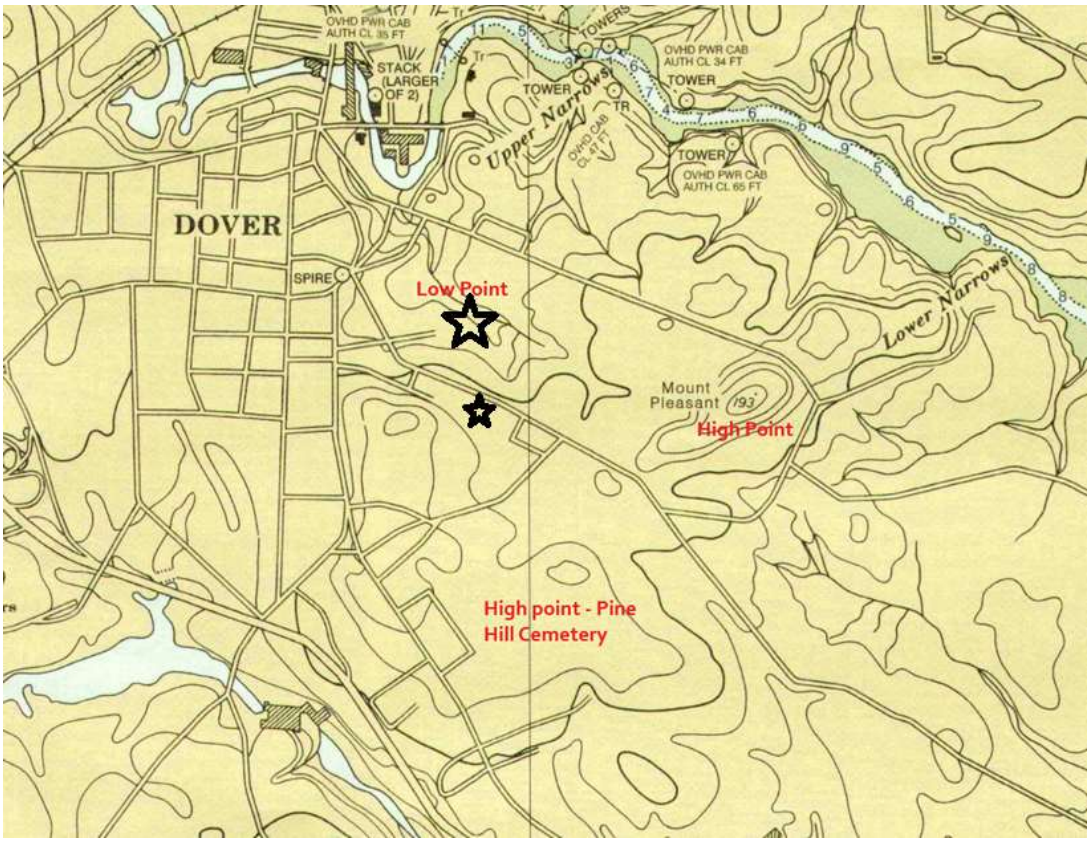


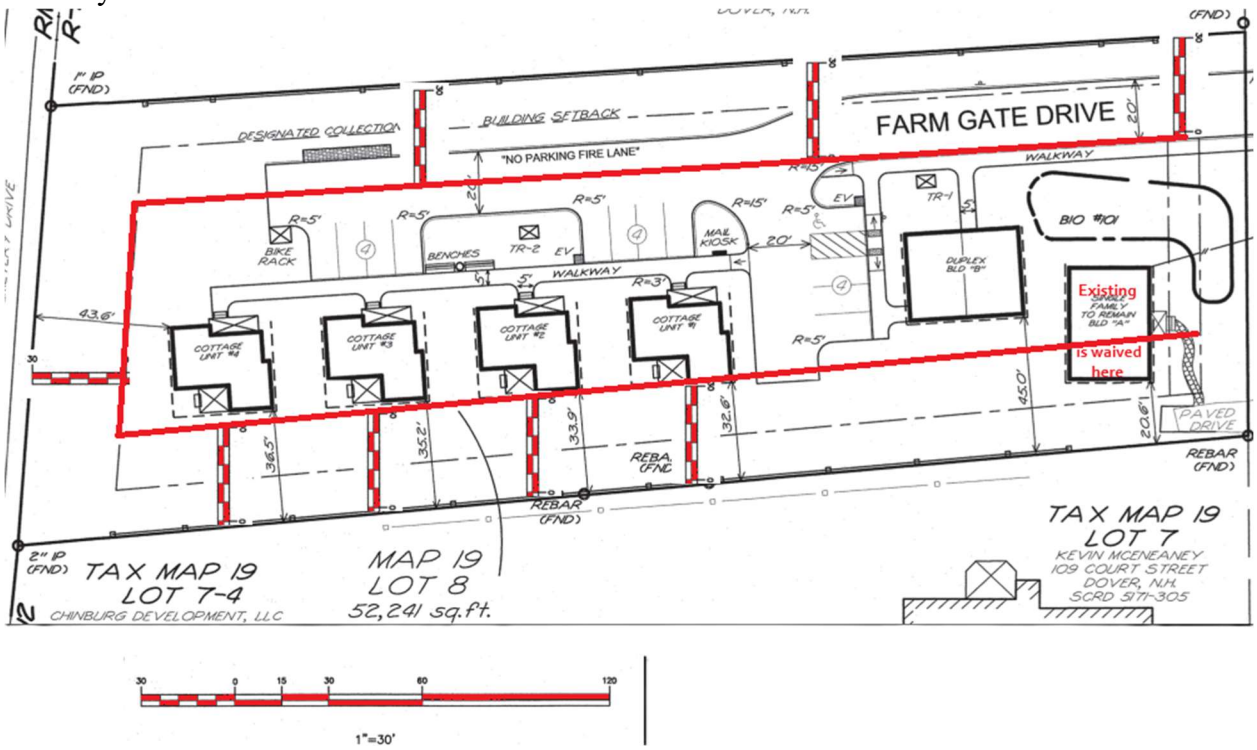

*Figure 5: USGS Survey Topographical Map of Dover showing the significantly lower topographical elevation to the Union St area residences relative to 103 Court St.*

# The Buffer Ordinance

*170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer."*

## There is no 30-foot no-cut, no-disturb buffer in the plan.

I apologize for my poor rendering skills. There was no buffer drawn onto the submitted plans, so I did my best:




On the 109 Court St side, the cottages are at 36.5-feet, 35.2-feet, 33.9-feet and 32.6-feet from the property line. This is obviously not providing any semblance of a 30-foot no-cut, no-disturb buffer. On the 91 Court St side, there is a paved road about 10 to 20-feet from the property line. Again, no semblance of a 30-foot no-cut, no-disturb buffer.

After initially seeing this project and reading the TDR code, my neighbors and I thought surely this TDR cannot move forward as there is clearly no room for the buffer. We watched the first and second TRC meetings closely and thought that would be it. The committee clearly indicated the proposal would have to meet the buffer requirement, and it was denied twice.

From the online recording under Meeting Minutes from 9/26/2024 second TRC at:
https://publicrecords.dover.nh.gov/Tabs/Index/21116/public/1/deptnum/0/cab/Public_Meetings

Transcribed with minute references:

- 1:30 Director Benton, "I know we chatted last time about trying to add more than the existing 10-foot visual buffer so if we can still look to make the 30 that is technically required."

- 7:17 Dir. Benton, "The issue is the TDR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density. So, we're just trying to make sure that you're meeting the buffer requirements.
    - [Developer asks for clarification]
- So the ordinance is clear that you can't be asking for relief if it's caused by the extra density. So you really shouldn't be getting extra density if you can't meet the buffer requirements, and the setbacks. So you may need to lose units or figure out a redesign."

The buffer comes up repeatedly in the meeting as a requirement. When the slightly modified proposal you are now viewing was approved at the third TRC meeting on November 14, 2024, it was an utter shock to myself and neighbors.

I inquired with my City Council representative for ward 3, Anthony Retrosi, on how this could possibly be happening. He procured this explanation from Director Benton on November 18, 2024:

> "*Hi Councilor Retrosi,*
> *Thanks for reaching out for more information. As you're likely aware the Transfer of Development Ordinance allows for housing density to occur in excess of the underlying zoning allowances providing the Planning Board grant the request. Ms. Hamer raises two main questions I want to address. The first being the 30' visual buffer on the parent parcel. The parcel is not seeking a subdivision and therefore "parent" is a key word. There have been other instances where the Planning Board has not required the 30' visual buffer depending on the site, proximity to urban core, lack of subdivision or new lot lines, etc.*
> *The other is the criteria of no additional relief being sought. This was added about 2 years ago to the Zoning Ordinance and the intention was in terms of wetland or wetland buffer impacts and not to parts of the TDR ordinance itself. The 30' buffer is a part of the TDR ordinance not underlying zoning like an environmental conditional use permit would be. Relief from wetlands impacts due to additional development is a different level of relief than providing or not providing a 30' visual buffer. Due to discussion during the TRC process, the applicant is proposing fencing and additional landscaping to try to meet the same intent and help screen the project from abutting properties.*
> *Certainly this zoning ordinance could use clearer word smithing which staff plans to discuss with the Planning Board during its annual goal setting in January.*
> *Please let me know if you or Ms. Hamer have any additional questions.*
> *Thanks,*
> *Donna Benton, AICP*
> *Director of Planning and Community Development*"

This is entirely inconsistent with every single part of the past TRC discussions and none of us can understand what changed between 9/26 and 11/18. It is extremely upsetting to see this complete reversal in language and utterly confusing.

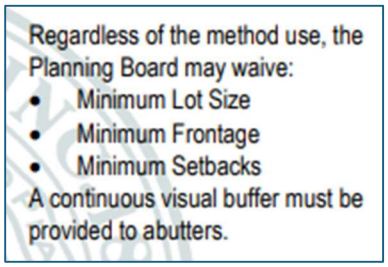
## The buffer applies under all interpretations of TDR code.

Imagine my and my neighbors' utter shock at these statements which are in contradiction with the TRC meetings, TDR code and prior discussions at Planning Board meetings relative to TDR. It's pretty obvious that ordinance G(7) located under the section of residential TDR code would apply to a residential TDR project. It makes sense because the buffer is to protect neighbors from the increased density that would never occur under regular zoning.

The parent parcel is the lot of 103 Court St. I have asked a licensed surveyor with frequent business in Dover, a zoning lawyer in Dover, civil engineers and others what they consider a "parent parcel" to be for TDR. The answer is unanimous that the "parent parcel" for the TDR application is the original lot.

Whether the TDR functions as a subdivision or a site plan is immaterial for residential TDR projects, as both fall under the hierarchy of the full section G. Look at (E)4 in the TDR code which states that a TDR proposal is subject to all of section F or all of section G. 103 Court St as a residential TDR application is subject under this language to all of section G, including the buffer.

*170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer."*

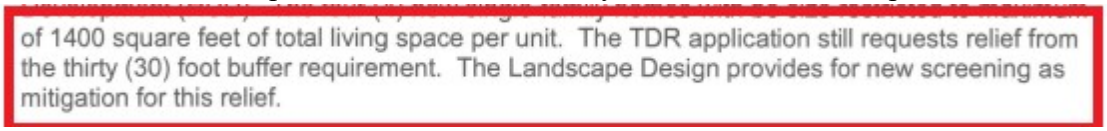

Regardless of the method use, the Planning Board may waive:
- Minimum Lot Size
- Minimum Frontage
- Minimum Setbacks

A continuous visual buffer must be provided to abutters.

Furthermore, the City of Dover Transfer of Development Rights Fact sheet for Residential Development Rights specifically promises a "continuous visual buffer" (to the left here) without any restriction to a subdivision or site plan format.

It does not spell out thirty feet of buffer. However, it clearly implies that a buffer is a requirement for all residential TDR projects. The "continuous visual buffer" and the 30-feet distance is specified in the full clause of G(7). There is no separation of a visual buffer and a 30-foot buffer in the written ordinance. You cannot say a visual buffer is a requirement here while not the 30-foot no cut, no disturb zone.

Additionally, in the Planning Board Submittal letter from the developer, the developer asks for relief from the "buffer requirement". Therefore, they understand it as a requirement.


of 1400 square feet of total living space per unit. The TDR application still requests relief from the thirty (30) foot buffer requirement. The Landscape Design provides for new screening as mitigation for this relief.

In the Plan Snapshot Report, the comments from the TRC committee include mentioning the "TDR 30' no-cut-no-disturb area":

**Comments:** • The narrative says that the design is context-sensitive with the neighborhood and consistent with the master plan, but doesn't provide much analysis to support the claims. The following information would make it easier to evaluate compatible density vs. overdevelopment:
o Define the "surrounding area" for the purposes of evaluating density and visual character
o Provide density comparisons between the proposed development and surrounding area (units/acre, building massing, lot coverage, presence of duplexes, prevailing setbacks and/or separation of buildings, etc.)
• Many structures/areas of disturbance are within the TDR 30' no-cut-no-disturb area/still do not appear to have a visual buffer in place. If requesting a waiver, data suggestions above would also be important for evaluating waiver.
may improve both the architectural consistency and free up space to lessen buffer impacts.
• Review RSA 289:3 III for compliance – "no new construction, excavation, or building" within 25' of the boundary of an established cemetery.
• Plan orientation is not consistent across all sheets (e.g. both Court Street and the Cemetery appear on plan left on different sheets) – it is confusing the way it flips.

The 30-foot no cut, no disturb buffer requirement does apply to 103 Court St, and all TDR for that matter, for the perimeter of the existing lot. Under section 8d, as Director Benton so clearly said at the 9/26 TRC meeting, this buffer cannot be waived to achieve the extra TDR density.

## There are no similar examples of residential TDR waiving the buffer in an R-12, R-20 or R-40 project.

Let's look at all the other residential TDR projects since 2021 and the very well-defined buffers on their plans.

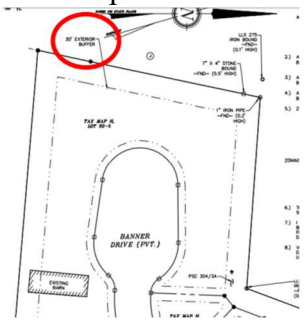



*Figure 6: Approved at 51-65 Bellamy Road*

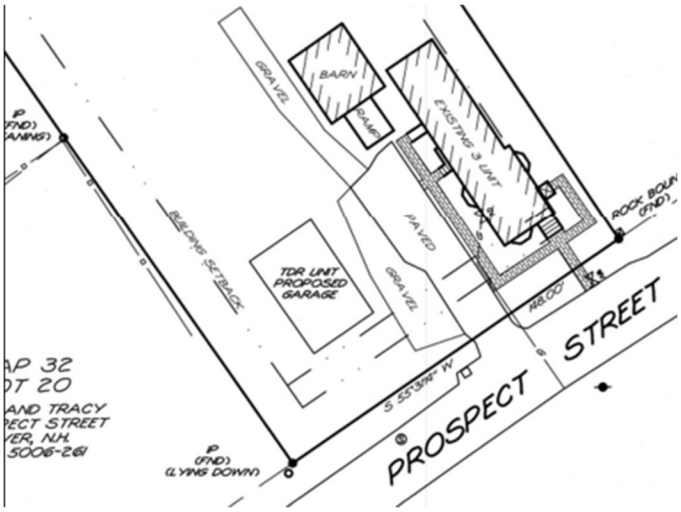



*Figure 7: Approved at 16 Prospect St - buffer not drawn, but clearly obeys 30-feet by scale on plan*

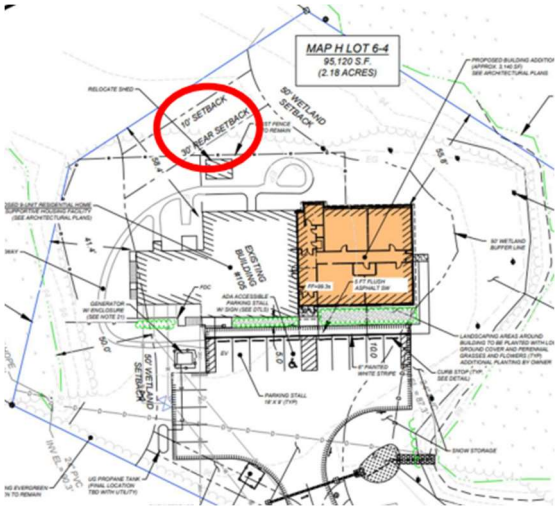



*Figure 8: Approved at 105 Durham Road*

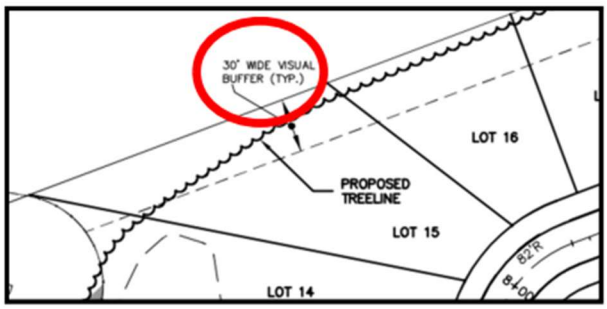



*Figure 9: Pending at 42 Long Hill Road*

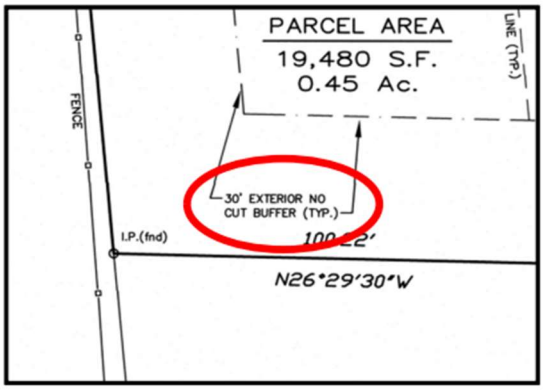



*Figure 10: Proposal at 566 Sixth St*

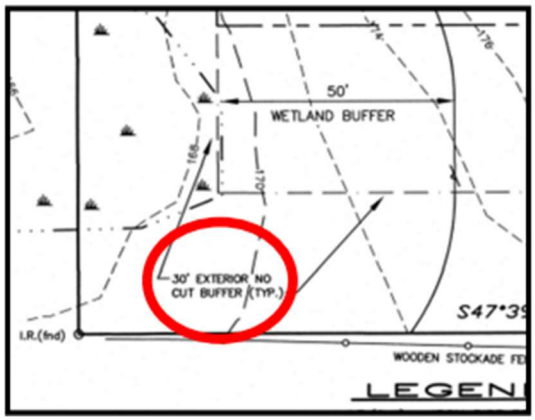



*Figure 11: Proposal at 512 Sixth St*

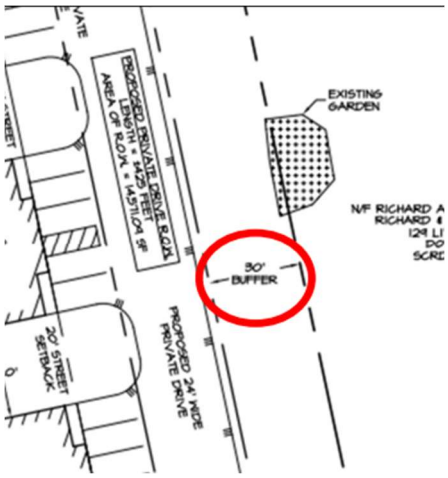



*Figure 12: Proposal at 131 Littleworth Road - even though they withdrew*

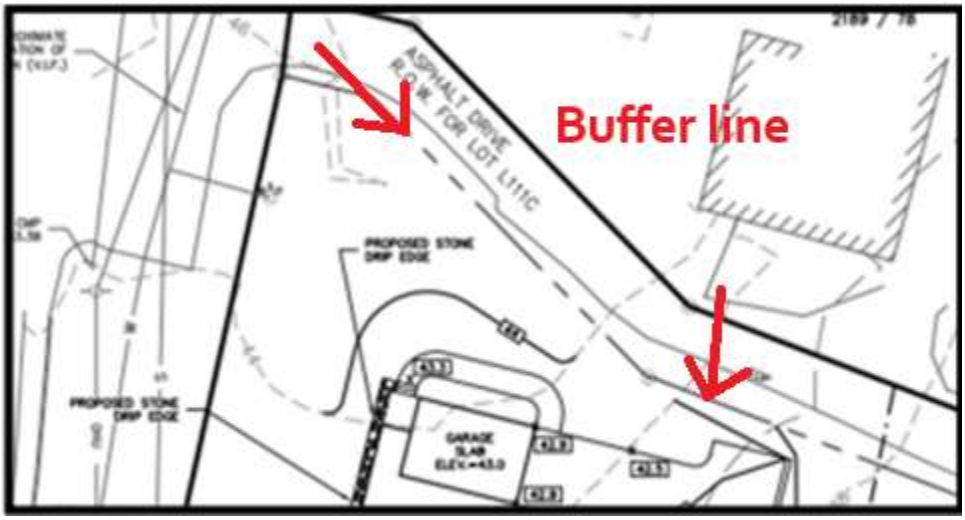



*Figure 13 306 Dover Point Rd, even though it's bordered by driveways to lower coastal lots, still maintained a buffer.*

*Acknowledging the single example of residential TDR without a buffer, for fairness.*

5 Glenwood Ave (a site next to Walgreens off Central Ave) is the one example that waived a buffer. It provided a very clear explanation and requested only one unit. It was also approved on 6/30/23, prior to the amendment creating 8d in the TDR ordinance which disallows buffer relief.

## There is no attempt at a valid argument for waiving a buffer at 103 Court St.

The project narrative literally includes no argument for waiving the buffer at all. It is not mentioned in the current material (as of 11/25/2024). The only comment from the developer is in the "TRC Response Letter #2":

- *Shrink common area or unit count to gain more than the 10' visual buffer. Narrative would be needed for TDR relief being sought from setback and buffer. However, seeing the density being sought is double what the base calculates out to be would indicate the buffers and setbacks should be met or unit request reduced.*
    - This comment has not been adequately addressed. Still seems to have too many units and not enough buffer area.

      ***The revised Site Plan provides a radical revision to the site layout. The unit count has been reduced by 2 units. The existing house will remain as a single-family home, which will utilize its existing utilities, trash collection and driveway. The new duplex has been moved slightly to more closely coincide with the existing barn foot print and will provide additional buffer to the east. These units will remain HUD restricted. Cottage #5 has been removed. The remaining cottages have been pushed to the west another 15 feet and completely out side of the 30-foot buffer.***

      ***The aerial photographs from the City of Dover GIS shows that in 2005, 2010 and as recently as 2018 much of the property was maintained as field and much of the growth on site does not provide effective screening. The proposal still requests a waiver from the 30-foot perimeter buffer which will allow for clearing of the existing undergrowth and the installation of stockade fence with an additional vegetative screen.***

As previously highlighted in my diagram, the cottages are not within 30-feet of the property line. However, a backyard is not a buffer. This also fails to acknowledge that the pavement on the other side of the lot is 10-feet from that property line.

Furthermore, what does the past aerial photography have to do with this? The lot is currently wooded. In fact, the current single-family home is barely visible from any view except from the front. Here's some photos from this November for you – when there's not even full leaves on the trees. There is currently a very good visual buffer surrounding the entirety of the 103 Court St lot.



*Figure 14: Small orange flag in the middle is rear property marker for 103 Court St. The house is just barely visible.*



*Figure 15: View of the 103 Court St from the West.*



*Figure 16: View of 103 Court St from Court St*



*Figure 17: View of 103 Court St from Locke St/Tranquility Way*

Landscaping has been proposed to provide a continuous visual buffer without a 30-foot no-cut, no-disturb zone. How is sufficiently dense landscaping going to screen this property from all of these angles within the 10-foot strip remaining unpaved on the East and in the 30-foot backyards on the West? As previously mentioned, if the cottages in the rear are visible at all, then they must be consistent with the neighborhood context which, as I argued, they are not.

## What about section 8d – is seeking relief for the buffer allowed?

*170-27.2(G)7: "A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer."*

*170-27.2(G)8d reads, "Any relief sought should not be caused by the additional density."*

Transcribed from the online recording under Meeting Minutes from 9/26/2024 second TRC meeting for 103 Court St with minute references, again:

7:17 Director Benton, "The issue is the TDR ordinance is clear that if you're asking for relief because of the extra density, then you shouldn't be getting the extra density. So, we're just trying to make sure that you're meeting the buffer requirements.

[Developer asks for clarification]

So the ordinance is clear that you can't be asking for relief if it's caused by the extra density. So you really shouldn't be getting extra density if you can't meet the buffer requirements, and the setbacks. So you may need to lose units or figure out a redesign."

If you agree that the buffer is a requirement, as I argue every single discussion and prior example demonstrates for TDR, then the buffer cannot be waived for 103 Court St just to get the extra TDR density under ordinance 8d.

## In conclusion, deny this project on the basis that it overreaches even under TDR, is not compatible with the existing neighborhood in density and appearance, and fails to meet the buffer requirement for TDR.

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, December 10, 2024** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Ken Mavrogeorge, Tom Clark, Melina Gambino, Doug Glennon, George DeBoer, Kyle Pimental, Dennis Shanahan (Deputy Mayor), and Jeff Sanborn (Alternate)
**Members Not Present (excused)**: Fergus Cullen (Councilor), Mallory Strange (Alternate)
**Staff Present:** Donna Benton, Planning Director

Gina Cruikshank (Chair) called the meeting to order at 7 p.m. and noted that Deputy Mayor Shanahan would be sitting in for Councilor Cullen, G. DeBoer will Vice Chair and J. Sanborn will sit for the vacant seat.

## 1. CITIZENS' FORUM

The Chair explained the Citizens' Forum process.
*Citizens Forum Opened*
Rory Wilkie, 566 Sixth St addressed his concerns and opinions about the TDR program.

Hilary Hamer, 91 Court St, asks for a redesign of the TDR language with stricter guidelines and adjustments to the timeline for public input to projects.

Ed Neister, 574 Sixth st commented on TDR and sent some examples to the Board ahead of time. He suggested an acre to acre comparison rather than a financial criteria.

D. Benton noted two emails were received from additional residents with concerns about the TDR program.

Eric Salovitch, 239 Long Hill Rd, Licensed Land Surveyor offered his services if the language of TDR is going to be rewritten.

Ken Durell, 508 Sixth St is concerned about TDR. He is against the proposal at 566 Sixth St.
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- November 12, 2024 Regular Meeting Minutes

**Motion:** D. Shanahan moved to approve the regular meeting minutes of November 12, 2024 as submitted. Seconded by: D. Glennon. Vote: U/A

## 3. OLD BUSINESS

None

## 4. NEW BUSINESS

A. Consideration and acceptance of a Site Plan for the City of Dover, Assessor's Map 9, Lot 57, zoned CBD-M, located at 73 Locust Street. (Proposal is for a 3,539 s.f. expansion to the library that includes accessibility improvements and a new elevator, stairway, and restrooms.) *(SITE-2024-0017)

D. Benton explained that the City of Dover, as the applicant, is proposing a ±3,539 square foot expansion to the south side of the Dover Public Library that includes accessibility improvements and a new elevator, stairway, and restrooms. A new entry vestibule from the parking lot will be constructed as part of this expansion and a new meeting room will be constructed on the top floor. These alterations and additions have been identified as needed improvements to better serve patrons at the library. Three waivers have also been requested as part of this proposal for relief from requirements for a landscape plan, neighborhood plan, and outdoor lighting plan.

The Technical Review Committee reviewed the application at their December 5, 2024 meeting.

K. Mavrogeorge recused himself from the item.

Eric Sanderson, City of Dover Facilities Manager, represented the application and explained the request. He answered questions from the Board relating to size of additional square footage added (3,500sf).

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Margarat Hanlan, 51 Augusta Way asked if any changes are proposed to the existing portion of the library.
*Public hearing closed.*

Mr. Sanderson addressed public comment:

- None of the woodwork will be removed- some will be refinished. The job is mostly a paint and patch job.

K. Pimental asked if there were any design considerations to maintain the Carnegie status.
Mr. Sanderon noted the original portion has not changed except for the elevator. They are trying to match the existing library exterior. The rear portion has a glass floor (currently covered by carpet) which is planned to have a portion uncovered.

**STAFF RECOMMENDATION - Waivers/Relief:**
§153-21 of the Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (2) and waiving such standards and requirements will properly carry out the spirit and intent of the regulations.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waiver with the following non-binding subsequent condition:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**

1. Add a note that the Planning Board found the criteria of Chapter 153-21 have been met and the Board approved the following waivers:
   §153-13.A (12) Landscape plan
   §153-13.A (16) Neighborhood plan
   §153-14.E Outdoor lighting plan

**Motion:** D. Glennon moved to grant the waiver requests with the subsequent conditions set by staff as it meets criteria for relief. Seconded by: D. Shanahan. Vote: U/A

**STAFF RECOMMENDATION- Site Plan:**
Chapter 153-13 outlines Site development plan requirements. This plan meets those standards outlined. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan with the following subsequent conditions:

**Subsequent Condition to be Met Prior to the Signing of the Plans:**
1. Add owner's signatures;
2. Add professional stamps and signature;
3. Submit final plans (including CAD) with owner's signature and all professional stamps and signatures;
4. Add note to display total number of parking spaces that will be removed;
5. Provide amended plans and response to Technical Review Committee comments.

**Subsequent Condition to be Met Prior to Construction:**
6. A site construction sign with the contact information for the general contractor be displayed in a location approved by the City Engineer or Planning Director;

**Subsequent Condition to Be Met Prior to Building Permit:**
7. Payment of Water and Sewer Investment Fees if applicable at time or request of service;

**Subsequent Conditions to Be Met Prior to Occupancy:**
8. Issuance of Certificate of Occupancy;
9. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

**Motion:** M. Gambino moved to approve the Site Plan with subsequent conditions set by staff as it meets criteria. Seconded by: D. Shanahan. Vote: U/A

B. Consideration and acceptance of a Lot Line Adjustment for Robert S. Mairs Revocable Trust, George Maglaras & Robert S, Mairs Trustee, & George Maglaras, Assessor's Map 24, Lots 141, 140 & 139, zoned CWD, located at 5, 11, and 31 Cocheco Street. *(LOTA-2024-0013)
*This item has requested a continuation to the January 28, 2024 Planning Board meeting.*

C. Consideration and acceptance of a Lot Line Adjustment for Northam Survey, LLC (Owners: Gasses Farm Revocable Trust 2009 and Portsmouth Christian Academy), Assessor's Map J, Lots 1 & 1-C, zoned R-40, located at 120 Garrison Road and 20 Seaborne Drive. *(LOTA-2024-0014)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 120 Garrison Rd. and 20 Seaborne Dr. adding approximately 11.4 acres to 20 Seaborne Dr. from 120 Garrison Rd. For both lots, frontage and compliance with the underlying R-40 zoning regulations will remain the same.

As a Lot Line Adjustment, this application did not appear before the TRC.

Eric Salovitch, Northam Survey represented the application and explained the request for the lot line revision. He explained the history of the lots through this process. He addressed some of the staff memo comments which will be fixed.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
One email was received from 65 Bellamy Woods asked if there were plans for building on the property which staff addressed with the resident.
*Public hearing closed.*

**STAFF RECOMMENDATION- Lot Line Adjustment:**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2024-0014
   1.2. The owner's signatures
   1.3. The LLS stamp and signature
   1.4. Move Planning Board approval area to lower right hand corner.

**Motion:** G. DeBoer moved to approve the Lot Line Adjustment with conditions as it is consistent with regulations. Seconded by J. Sanborn. Vote: U/A.

D. Consideration and acceptance of a Lot Line Adjustment for The Roberts Family Revocable Living Trust and Philip H. & Brenda L. Bennett, Assessor's Map I, Lots 74-G & 1-B, zoned R-12, located at 81 and 87 Garrison Road. *(LOTA-2024-0015)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the lot lines between abutting properties located at 81 Garrison Rd. and 87 Garrison Rd. adding approximately 5,323 square feet to 81 Garrison Rd. from 87 Garrison Rd. For both lots, frontage and compliance with the underlying R-12 zoning regulations will remain the same.

As a Lot Line Adjustment, this application did not appear before the TRC.

Brenda Kolbow, TF Moran represented the application and explained the request for the lot line revision.

**Motion:** M. Gambino moved to accept the application and declared no regional impact. Seconded by: T. Clark. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION- Lot Line Adjustment:**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**
1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   1.1. Planning File Number #LOTA-2024-0015
   1.2. The owner's signatures
   1.3. The LLS stamp and signature
   1.4. Remove City of Dover signature box and replace with 2x2" blank area in lower right corner.

**Motion:** K. Pimental moved to approve the Lot Line Adjustment subject to conditions set forth by staff as it is consistent with regulations. Seconded by G. DeBoer. Vote: U/A

E. Consideration and acceptance of an Amendment to the Conditions of Approval for 54 BRR, LLC, Assessor's Map I, Lot 6, zoned R-12, located at 54 Back River Road. (Proposal is a request to waive the condition of impact fees associated with previously approved plans, P20-60) *(WAIV-2024-0020)

D. Benton explained that on March 9, 2021, the Board approved a TDR Site Plan (P20-60) for 44 single-family units, rent-restricted at the HUD Fair Market Rental Rate. The site has been under construction and many of the units occupied. The Applicant now requests the removal of Condition of Approval #9, to waive the remaining impact fees associated with the approved project or for another option satisfactory to the Planning Board whether it be a payment in lieu or a payment plan.

John Randolph, owner 54 Back River Rd LLC represented the application and explained the request for reduction or removal of impact fees. The applicant has paid $67,000 in fees for this project. The units are locked in as affordable housing in perpetuity. He gave additional financial information. There is a recreational path to the river that can be opened to the public and they request the recreational impact fees be waived. The project currently does not house any school-aged children and they ask the school impact fees be waived.

Mr. Randolph answered questions from the board clarifying there are $120,000 in fees still owed, all units have been built, applicant is not asking for a refund of fees paid, just waiving of unpaid fees and or extended time to pay. Additional financial information given. Clarification given about ownership status of the project.

**Motion:** T. Clark moved to accept the application and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Matthew Smith, 57 Back River Rd is concerned about setting a precedent and how it will affect residential taxes. He has never been in favor of this project and not in favor of the ongoing development in that area. He listed his concerns due to the overdevelopment.
*Public hearing closed.*

D. Benton explained a recent decision of the Planning Board related to setting the impact fees to $0 moving forward from July 1, 2024. This applicant doesn't meet that timeline, but is a unique project based on who and how the housing is served. She clarified for the board what it was they voted on regarding the impact fees when asked.

D. Shanahan gave comments in favor of the request and his reasons.
T. Clark noted for this project, the rent rates are capped and unable to be raised. He supports the request.
G. DeBoer noted we need to keep precedence in mind and clarify what our criteria is for these requests, which will be coming.
K. Mavrogeorge agreed to caution against precedence. Extending the timeline is the reasonable request in this instance. There are some impacts to the City, including Police and Fire and there do seem to be some children in that neighborhood.
J. Sanborn clarified the lack of impact fees does not fall to the taxpayers to cover. It is a waiving of a fee for a particular project with great positive impact.
K. Pimental noted this is a great project and model for others to look to. He agrees to extend the payments out over time rather than waiving them since it was approved several years before the impact fees were changed.

**Motion:** G. DeBoer moved to table the request indefinitely for the staff to work with the applicant to restructure a payment plan. Seconded by K. Mavrogeorge. Vote: 6-3 with Shanahan, Sanborn and Clark opposed.

F. Consideration and acceptance of a Conditional Use Permit for Michael & Shelby Brewer, Assessor's Map 32, Lot 36-F, zoned R-12, located at 77 Fourth Street. (Proposal is to construct a garage and modify the paved areas to have 1,467 ±s.f. of permanent impacts to the 50-foot wetland buffer and 756± s.f. of temporary buffer impacts.) *(COND-2024-0031)

D. Benton explained that the applicant is proposing modifications to the existing single-family dwelling that includes the construction of a deck, garage, and breezeway and modifications to the driveway pavement resulting in ±1,467 square feet of permanent impacts to the 50-foot wetland buffer and ±756 square feet of temporary buffer impacts. There are no direct wetland impacts.

The project was reviewed and endorsed by Conservation Commission at their meeting on December 9, 2024 with no conditions.

Kevin McEneaney, McEneaney Survey/CivilWorks represented the application and explained the request to add an ADU to the property and the building changes needed to incorporate that project.

**Motion**: D. Glennon moved to accept the application and declared no regional impact. Seconded by: T. Clark. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION- Conditional Use Permit**
The Wetlands Protection District ordinance §170.28.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-28.F per their narrative. The proposal minimizes wetland buffer impacts and avoids direct wetland impacts. The proposed project does not require state mitigation or NHDES review, and the project has been endorsed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with no conditions.

**Motion:** T. Clark moved to approve the Conditional Use Permit subject to conditions set forth by the Planning Director as it meets the standards outlined. Seconded by G. DeBoer. Vote: U/A

The Chair announced Items 4G & H would be heard together.

G. Consideration and acceptance of Transfer of Development Rights for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to purchase four (4) units through TDR.) *(TRAN-2024-0011)
H. Consideration and acceptance of Site Review for 5 Sherman Street, LLC, Assessor's Map 19, Lot 8, zoned R-12, located at 103 Court Street. (Proposal is to maintain an existing single-family dwelling, construct a two-family dwelling that is deed-restricted to Fair Market Rent, and construct four (4) new size-restricted single-family homes for a total of seven (7) dwelling units. *(SITE-2024-0012)

D. Benton explained that the applicant is proposing a residential project consisting of seven (7) residential units by purchasing four (4) units through TDR. The proposal includes reconstruction of the existing single-family dwelling and the construction of a duplex and four (4) size-restricted, single-family cottages.
The existing lot, Assessor's Map 19, Lot 8, contains one single-family dwelling. The current Zoning Ordinance permits the use of the Transfer of Development Rights ordinance (TDR) in the R-12 zone, but specifies that applicants must utilize the single-family yield plan method, or otherwise construct *only* duplexes if the two-family yield calculation is used. As the applicant proposes a mixture of unit counts, the single-family yield calculation is used, which given the subject lot's physical characteristics, results in a base density calculation of three (3) units. This, therefore, means that the remaining four (4) sought units could be granted if the Planning Board votes to approve the use of TDR.

Per the applicant's plan, both units within the duplex, although not required, are proposed to be restricted to the applicable HUD Fair Market Rental rate, with the four (4) cottages being size-restricted to no more than 1,400 s.f. The units purchased through TDR include the two duplex units, and two of the size restricted cottages.

The Technical Review Committee reviewed the application at their September 6 and 26, 2024 and November 7, 2024. meetings. *(minutes attached to the board packet)*

Robert Baldwin represented the application and explained the request explaining they are not looking for approvals tonight, but instead to hear the project and provide feedback so they can come up with an appropriate design.

He explained the existing situation and the proposed plan. Initially there were 9 units proposed which has been minimized through the TRC process.
He explained the restricted rent units proposed and some additional building details for the variety of units along with the layout for the buildings on the lot.
For the board, he clarified the buffer areas, setbacks, landscape and fence shielding.

K. Mavrogeorge gave some feedback on the site layout. M. Gambino and D. Benton clarified information about the additional development going onto the abutting lot.
Additional discussion with the applicant continued regarding drainage, driveway location, rent/sale options, density: allowed vs requested. Board members gave their opinions on the density request.

The applicant suggested a site walk and the board was in favor.

**Motion**: G. DeBoer moved to accept the applications and declared no regional impact. Seconded by: J. Sanborn. Vote: U/A

*Public hearing opened.*
Matthew Teece, 85 Court St mentioned a subdivision that occurred across the street at 102 and 106 Court st as well as another development. These were well thought out and single family units that fit with the neighborhood. This proposal brings concerns for him for density, water/impervious surfaces proposed, and having renters in the neighborhood.

Ed Neister, 574 Sixth St is concerned about losing the buffer zone if this passes, contractors getting TDRs by purchasing units, this parcel becoming a blight due to the density. Does not believe anyone would want to live there or next to this.

Rory Wilkie, 568 Sixth St spoke in opposition to the proposal due to density, lot size and buffers. Requests the applicant come back with a plan that meets the TDR regulations.

Merlin Mason, 91 Court St, expressed concerns about the proposal not meeting the 30' buffer abutting his lot.

Hilary Hamer, 91 Court St, expressed concerns about the proposal not meeting the 30' buffer abutting her lot. She played an audio clip from a TRC meeting on the project. She stated the property was not available to all buyers on the open market. Expressed concerns about this project getting this far in the process while not meeting the regulations, disagreed with the lot line measurements given, construction concerns about the old home vs the new construction, and abutting cemetery as inaccurate transition zone.

Dorna Hamer, 18 Tuttle Ln spoke in opposition to the proposal itemizing the restrictions to parcels abutting cemeteries. She noted this project should be subject to open space subdivision requirements. The plans presented are not complete and do not show buffers that should be adhered to. She requested the public hearing remain open tonight if applicable so additional comments can be received at the next meeting.

Kevin McEneaney, 109 Court St noted the key information being sought by abutters tonight relates to the 30-foot no cut, no disturb buffer. If that applies and there is no relief that can be sought because of the increased density, that's the key point the board should consider before moving forward. A fourth unit seems reasonable. He mentioned the rental, sales, and condominium options and consequences. He also requested the public hearing remain open for the next meeting.

Lisa O'Grady, 100 Court St described her parcel and the abutting subdivision that affected her (deeded easement from 102 Court St). Occupancy was granted without the conditions of the subdivision being met. She is additionally concerned about drainage which causes pooling on her parcel. The proposal will ruin the historical nature of the existing structure. She is against the proposed density.
*Public hearing tabled.*

D. Benton noted the emails received have been given to the board for review and can be addressed at the next public hearing.
She addressed public comment:

- No TDR fees are paid until after approval
- TRC had comments during that process which haven't been addressed yet as this is not before the board for approval tonight- only for feedback
- Staff has a list of requests that would still need to be addressed
- Staff knows of that have not needed the TDR buffer since they didn't create new lot lines. She can provide to the board if requested and projects that have gotten relief for the buffers.
- "no relief can be sought" language was added by a member of the planning board in relation to environmental CUPs or similar, not about the TDR buffer or requirements.
- She agrees there should be as much screening, back yard and buffer as possible, even if that results in a reduction of units. A site walk will be beneficial for that.
- TDR requests are reviewed individually, and do not set precedence for future requests on other parcels.
- Agrees with cemetery buffer concerns
- This would be a private road which not be plowed by the City.
- Staff and the Chair addressed TDR regulations and the TRC and Planning Board process in relation to this request.

The applicant addressed public comment:

- Comparisons to the development next door

Fair market vs HUD rate was clarified by staff.

The applicant addressed the comments regarding the 30-foot no-cut no-disturbance buffer noting his understanding is that any use would require the waiver from the 30-foot buffer, even the current use.
K. Mavrogeorge asked to see a yield plan showing the alternative described with three units on the lot allowable by right. The applicant described the alternative would look like a three-story townhouse with garage under and that's not what he hopes to put on this lot. He believes a lower scale project with increased screening and encroachment to the buffer is a preferred option.
K. Pimental asked if the 30-foot buffer even applies to this proposal if it is a site plan/ condo without lot lines. This is what Mr. McEneaney was asking. Staff agreed that in these instances, the City's position is that the buffer would not apply, though staff would like to see more screening.

The 25' boundary to the cemetery was not on the plans, but will be added as the project moves forward.

D. Benton explained further details about when the 30' buffer restriction has and has not been utilized in similar projects. D. Shanahan asked for additional clarification.

The board discussed a date and time for a site visit: Saturday January 11th, 2025 at 9am
The board would like the buffers, corners of the house, driveway location, 25' buffer from cemetery staked out for the site visit.

**Motion:** G. DeBoer moved to continue both items to January 28, 2025. Seconded by: K. Mavrogeorge. Vote U/A.

The Chair announced Items 4I & J would be heard together.

I. Consideration and acceptance of Transfer of Development Rights for Fergus and Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is to purchase two (2) non-restricted units through TDR for a total of three (3) units.) *(TRAN-2024-0015)

J. Consideration and acceptance of a Minor Subdivision for Fergus and Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. (Proposal is for a minor subdivision creating two (2) new lots for a total of three (3) lots.) *(SUBM-2024-0006)

D. Benton explained that the applicant is proposing a project for three residential units by purchasing two units through TDR. The proposal includes maintaining the existing single-family dwelling and the construction of two, single-family dwellings. The single-family dwellings are not proposed to be size- or HUD-restricted.

A Minor Subdivision is being proposed as part of this project (SUBM-2024-0006) to subdivide the existing lot into three lots. The proposed lots, (4-F, 4-F-1, and 4-F-2), are shown as each having approximately 0.45± acres. As the applicant is utilizing the TDR ordinance, relief for lot size, frontage, setbacks, density and intensity may be provided.

The applicant has made prior, differing requests for increased units on the subject property. These previous applications were reviewed by the Technical Review Committee. A review for this application by the Technical Review Committee was not conducted as it is not required for Minor Subdivisions.

Steve Haight, CivilWorks NE, represented the applications and explained the request for minor subdivision of the single lot into three lots- each of which will have a single-family home and maintain the 30-foot buffer along with meeting all setback restrictions in the R40 zone. Water and sewer will come off Sixth St. The proposed lots meet the character of the neighborhood. Each new home will have it's own driveway per the plans shown.

He answered questions from the board relating to square footages of homes.

**Motion:** T. Clark moved to accept the applications and declared no regional impact. Seconded by: M. Gambino. Vote: U/A

*Public hearing opened.*
Hillary Hamer, 91 Court St, requested the Board deny any request by a property owner who has an open appeal on the same parcel such as this one. Tax revenue should not be a motivation for TDR approval as listed in the application. She does not believe the project is suitable for the parcel even with the deed restrictions to prevent the structures becoming duplexes. These two additional units are not needed based on the many additional units coming online that she listed. She doesn't agree that these TDR applications don't set precedence. She asked the board to comment on the open appeal.

Amelia Trapp, 14 Pierce St is in opposition to the proposal since it is a conflict of interest as the owner is a City Councilor on the Planning Board.

Ed Neister, 574 Sixth St is opposed to the project. The area is nice now for the abutters, but the proposal will ruin that. He is concerned about parking, density, too many families on one site, public officials should not trade on inside information. Additional concerns are the topography, potential for accidents, additional children and quality of life for the abutters.

Michaell Ortlieb, 560 Sixth St discussed the R-40 zone should be for single-family homes with optional ADU. This proposal doesn't belong in this zone.

Rory Wilkie, 568 Sixth St spoke for himself and his wife. He is a direct abutter and opposes the proposal. He speaks for others in the area. The application is only signed by one owner of the property, not both, so why is it before the Board. He believes this plan proposed is no different than the previous plan and that the applicant will add the duplexes without approvals. He discussed the appeal of the Planning Board decision of an initial denial of the applicant's plans. He requests a deed restriction be filed confirming the units will not be converted into duplexes for 20 years. He agreed with the Board's denial decision in October. These units will not be affordable. The lot has been clear cut before development was approved.

D. Benton itemized the emails received in opposition to the proposal. These are all part of the record.

The applicant addressed public comment:
Eli Leino, Attorney Bernstein Shur representative for the applicants

- Strick timelines for appeals must be followed
- This was determined at TRC to be too dense with 5 units, so they have come before the board with 3 units
- Not fair to say these proposed units aren't attainable, when the proposal for smaller units was filtered out through the process
- Tax revenue is not a criteria- the application meets the four TDR criteria- tax revenue is an added bonus
- Adding units is in line with the master plan
- Conflict of interest: a property owner who volunteers their time on City boards is allowed to come before the Planning Board.
- The dilapidated property could have been bought by anyone and has been renovated by the applicant.
- Traffic increase is minimal for two additional units
- Commented on the letter sent in by the Attorney

S. Haight, CivilWorks NE

- Confirmed the buffers
- This proposal minimizes parking and traffic issues
- Current intent is to sell the properties (each SFH and would need to come back to PB for any change to duplex)

Board members asked for clarification on the following and discussion ensued:
Smaller square footage for a more attainable home, additional plantings requested, style and square footage of the proposed homes, current proposal smaller square footage than first proposal, procedures relating to the outstanding appeal, both owners are aware of the proposal and will sign if approved.
*Public hearing closed.*

**STAFF RECOMMENDATION - TDR**
§170-28 provides for additional density to be purchased through Transfer of Development Rights. This application meets the ordinance.

Section 170.28G(8) states:

*"Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met:*

*(a) Is consistent with the Master Plan*

*(b) Is compatible with the land uses on neighboring LOTs (eg a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.*

*(c) Is created on property served by public water and sanitary sewer.*

*(d) Any relief sought should not be caused by the additional density."*

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to find the criteria of the TDR ordinance has been met with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Granting TDR:**

1. Conditional approval of SUBM-2024-0006;
2. Payment of TDR fees;
3. Add note to plat: "This subdivision uses the Transfer of Development Rights ordinance which allows for relief to the setbacks, lot area, frontage, density and intensity of the development. The Board granted TDR relief to purchase two units for a total of three units between the three proposed lots. The existing single-family unit and the proposed single-family dwellings may not be converted to a duplex without further review and approval by the Planning Board;"
4. The applicant provide a revised narrative included the latest TDR ordinance section and all four criteria.
5. Additional landscaping (ie 6' white spruce or similar) to be planted along northern and southern buffer.
6. Both owners sign the plat

**Motion:** K. Pimental moved to grant the Transfer of Development Rights request based on the comments and conditions set by the Planning Dept. Seconded by: K. Mavrogeorge. Vote: U/A

**STAFF RECOMMENDATION – Minor Subdivision**
The plan is consistent with §157-17 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Approval of TRAN-2024-0015;
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
   2.1. Signature and stamp of PE, LLS.
   2.2. The owners' signatures for recording at Strafford County Registry of Deeds
   2.3. Add where future treeline will be or if existing, show existing treeline and remove treeline currently shown on plan.
   2.4. Add note about no-cut buffer placards to be installed.
   2.5. Add note that no sump pumps or roof leaders will be tied to the public sewer.
   2.6. Revise sewer lines to be off Sixth Street for two new units.
   2.7. Add note about addressing as assigned by the Building Official.
   2.8. Revise lot numbering to what the City Assessor assigns.

**Subsequent Condition to be Met Prior to Water and Sewer Service Tie In:**

3. Payment of water and sewer investment fees.

**Subsequent Conditions to be Met Prior to Occupancy:**

4. Certificate of Occupancy.
5. Buffer placards shall be in place or if damaged during construction replaced.

**Motion:** M. Gambino moved to approve the Minor Subdivision with conditions detailed by staff as it meets the criteria of 157. Seconded by K. Mavrogeorge. Vote: U/A

K. Discussion and possible posting of a Citizens Petition for a Zoning Amendment to rezone a portion of Map K, lot 6 on Middle Road from R-40 to IT *(WAIV-2024-0021)

D. Benton explained that the applicant is proposing an amendment to the City's Zoning Ordinance, Chapter 170, to rezone a portion of his parcel located at 105 Middle Rd. The subject parcel is 66 acres in area, divided by Middle Road, with 48 acres to the north of Middle Road, and 18 acres to the south. The lot is currently zoned R-40 and contains no structures or dwelling units.

The applicant requests that the area of their lot to the south of Middle Road, (approximately 18 acres), be rezoned into the Innovative Technology (IT) District, asserting that given the lot's location within the City, that the uses within the IT are more consistent with the City's Master Plan than that of the R-40 zone and the area's abutting development.

The proposed rezoning area abuts the IT zone but is uniquely surrounded by residential development. The applicant references the Teresa Drive subdivision and the Pointe Place development as support for the rezoning request. However, staff notes that the current zoning already allows for additional residential development at 105 Middle Road. While Pointe Place is a mixed-use development, its commercial components are concentrated near Dover Point Road, a major thoroughfare, rather than within residential areas.

Staff is unclear about the applicant's intentions for rezoning to IT and has received opposition from abutting residents. Staff would not recommend the rezoning as proposed as it would leave a small portion of Teresa Drive's property outside the rezoning area. To include this portion, the applicant would need the Teresa

Drive property owner's consent and a revised Planning Board submission, along with new abutter notices at the applicant's expense.

Craig Williams, 154 Middle Rd represented the application. He explained the sizes of his lots and the history and current status of his lots and zoning changes made to his and surrounding parcels over the years. He described the uses of the abutting parcels. The request is to put the zoning back to the way it used to be. This will allow for mixed use housing in that area rather than larger homes with higher values.
The applicant and staff explained that if the board grants the request for rezoning of Mr. Williams' land, the City requests the sliver of land with Theresa Dr also be rezoned so it is not left on its own island.

The board and staff discussed the timeline of previous zoning changes and whether the change in 2008 went through a review process. Staff can look into that to see if there are meeting minutes or approval documents of record.
Mr. Williams answered questions from the board relating to his reason for this request: meets master plan goals, R-40 zone is not appropriate since it doesn't fit the neighborhood now and to build it out would support upscale homes at higher building costs. He is not a developer, he is a long-time resident who has accumulated land over many years and as a retirement plan would look to sell portions of the land for development of single family homes and/or townhouse style homes.

D. Shanahan commented there is some documentation to look into regarding the zoning change of 2008, and it would be helpful to have a conceptual plan brought forth by the resident petitioner so the board and the residents have a better understanding of the reasoning and plans.

*Public hearing opened.*
Doug Walsh, 12 Teresa Dr, on behalf of the association's board of directors of Preston Place. The owner has the right to develop the land, as long as planning, zoning and permitting restrictions are met. These abutters feel strongly that any development must be compatible with the existing uses of the abutters. He described the zoning changes and development which created the abutting residential neighborhood. The commercial aspects of this request do not have a place on 18 acres surrounded entirely by single family homes on three sides and Middle Road on the 4th. Most of the categories of IT do not belong here- which he listed several.

Richard Kirk, 8 Teresa Dr, described the surrounding housing communities to the parcel and how that should mean the parcel should have an R zoning designation, regardless of whether it's R-40 or R-12. If the parcel is developed, it should be single family housing to match the surrounding neighborhoods.

D. Benton listed the emails received to the office.
*Public hearing closed.*

**STAFF RECOMMENDATION- Rezoning Request**
The Planning Department recommends the Planning Board open the public hearing, make findings, and vote to recommend that Council not grant the rezoning request.

**Motion:** T. Clark moved to recommend to City Council to not grant the rezoning based on not enough information and a better comprehensive plan needed. Seconded by D. Glennon.

For the applicant, the board noted wanting more information about what is the need for the requested change? What is not allowed now, that would require the change? The City wants to avoid spot-zoning so

having more information will allow for thoughtful planning for any recommended zoning change. It was clarified that the applicant can still come back to staff / the board with more information.
Vote: 8-1 with G. DeBoer opposed. [Editor's note: Under Member Comments G.DeBoer noted he was confused by the motion and meant to vote differently].

The Chair announced Items 4L & M would be heard together.

L. Consideration and acceptance of a Conditional Use Permit for 210 Tolend Road, LLC, Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal is for a 32-lot subdivision that includes an open space subdivision yield plan that would cause 700± s.f. of wetland impact and 6,400± s.f. of impacts to the 50-foot wetland buffer. In order for the yield plan to be considered realistic to calculate the density for an Open Space Subdivision plat, a conceptual CUP is required.) *(COND-2024-0028)

M. Consideration and acceptance of a Waiver Request for 210 Tolend Road, LLC, Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal is to request a waiver from Section 157-32.J, for proposed cul-de-sac of approximately 1,750 feet where 1,000 feet is the maximum required for the yield plan for an Open Space Subdivision.) *(WAIV-2024-0019)

D. Benton explained that the applicant is proposing a conceptual Conditional Use Permit for 700± square feet of wetland impact and 6,400± square feet of impacts to the 50-foot wetland buffer. The proposal also includes a conceptual waiver for a cul-de-sac of approximately 1,750 feet where 1,000 feet is the maximum required for an Open Space Subdivision.

To determine allowable density for an Open Space Subdivision, a yield plan must be submitted and determined to be realistic and in compliance with regulations, this may include conceptual conditional use permits and waivers.

The conceptual application is related to a proposed yield plan to allow up to a 32-lot Open Space Subdivision. The wetland and wetland buffer impacts shown on the yield plan are related to a proposed crossing and would need to be reviewed again on subsequent applications related to this project.

The Conservation Commission reviewed and endorsed the application at their October 15, 2024 meeting.

The applicant provided a conceptual Open Space subdivision plat that the development team is considering in case the Board or public are interested. However, the plat has not been submitted for review yet by the Technical Review Committee, Conservation Commission, or Planning Board so full review would still be required for this project and plans may change based upon those reviews.

Bob Stowell, Tritech Engineering, represented the application and explained the request for an open space subdivision. The yield plan has been prepared and provided with the wetland crossing. He discussed the various development options and impacts for each option along with the waiver request for the length of cul-de-sac.
Once the yield plan is confirmed they can confirm the density calculation and move forward with the open space subdivision plan. The conceptual plan is provided.
This step is to solidify the yield. Next steps are: engineering design, TRC, Planning Board approval.

The applicant and board discussed the existing gravel road and how that affects the yield.

**Motion:** T. Clark moved to accept the applications and declared no regional impact. Seconded by: G. DeBoer. Vote: U/A

*Public hearing opened.*
Lee LaPierre, 159 Emerald Ln, President of Indian Woods HOA is confused by the differences between the yield plan and the conceptual plan. What is the actual proposal? And what was approved at Conservation Commission?

D. Benton noted an email came in from 201 Tolend Rd in support of the open space conceptual plan.

Mr. Stowell clarified that the yield plan is not the plan of what is to be built. It is used to establish the density of the project so that the subdivision plan can be developed.
*Public hearing closed.*

**STAFF RECOMMENDATION- Conditional Use Permit:**
The Wetlands Protection District ordinance §170.28.F provides for Conditional Use Permits to allow impacts to the Wetlands Protection District if standards related to demonstration that no practicable alternative is available, impact avoidance was considered, impacts were minimized, mitigation has been sought, and approval of the wetlands impact from NHDES Wetlands Bureau has been granted.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170-28.F per their narrative. The proposal minimizes wetland buffer impacts and direct wetland impacts. The proposed project does not require state mitigation, does not require NHDES review at this stage. The project was endorsed and reviewed by the Conservation Commission on October 15th.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and vote on the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

**Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**
1. Approval of WAIV-2024-0019.
2. Lot 13 is removed and the yield plan yields 31 total lots.

Staff clarified the reasoning for removal of lot 13.

**Motion:** D. Glennon moved to approve the Conditional Use Permit with the subsequent conditions as it's consistent with regulations. Seconded by T. Clark. Vote: U/A

**STAFF RECOMMENDATION- Waivers/Relief:**
The Site Plan Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations."

Planning Staff believes the applicant's rational for the waivers meets criterion (1) and waiving such standards and requirements will properly carry out the spirit and intent of the regulations.

The Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to grant the waiver with the following subsequent condition:

**Subsequent Condition to Be Met Prior to Issuance of a Waiver:**

1. Approval of COND-2024-0028

**Motion:** K. Pimental moved to grant the waiver request with the subsequent condition set by staff as it meets criteria for relief. Seconded by: G. DeBoer. Vote: U/A

## 5. STAFF COMMENTS

- D. Benton shared that the Board will be reviewing and considering for adoption the updated land use chapter master plan
- Seeking PB member for the Land Use Chapter Master Plan Steering Committee.
- Land Use All Boards Meet and Greet January 14th at 5:30pm.
- TRCs since last meeting:
  - (Nov. 21st) Review of site plan and TDR request for 1 Cold Springs Rd. Proposal is to construct eight single-family homes, a four-unit residential building, and maintain an existing single-family home for a total of 13 units. The project includes a TDR request to purchase the four multi-family units with HUD-restricted rental rates and the eight, 1,400 s.f. single family homes and a request for relief from TDR setbacks.
  - (Dec. 5th) Review of TDR proposal for 77 79 Sixth St. Proposal is to purchase two TDR units with intent to construct a new two-family residential structure and maintain an existing two-family structure.
  - (Dec. 5th) Review of two environmental CUPs for a project on Back Road that was previously reviewed by the Planning Board and referred for TRC review.
  - (Dec. 5th) Review of site plan for the Dover Public Library addition.
- Upcoming TRCs:
  - (Dec. 19th) Review of TDR site plan for 512 Sixth St. Proposal is to build five single-family dwellings that includes three units previously approved through TDR.
- Reminder that this is the only meeting in December so Happy Holidays to everyone.

## 6. MEMBER COMMENTS

- G. DeBoer
  - Noted he misunderstood the vote on the zoning change and would have voted differently. He did not want it to be approved, but just wanted the applicant to be given guidance on next steps which seems to be implied.
- D. Glennon
  - TDRs are causing confusion so might want to hold some workshops with public for education and feedback.
- J. Sanborn
  - The packet was too much for one meeting and it's a disservice to the public to make them have to be here so long.
- T. Clark
  - Planning Board Chair term
    - Her term is up in March 2025
- Discussion on the time commitment for the land use steering committee
- Chair signed the following:
  - Lot Line Adjustment for 141 Sixth St. and 5 Dowaliby Ct.

- Lot Line Adjustment for 5 and 7 McKenna St.
- Site Plan and CUP for the approved 4-unit dwelling on Locust Street.
- CUP Plan for 189 Spur Rd. for Conservation District impacts for a patio and retaining wall renovation.
- Site Plan and CUP for 105 Durham Rd. for the approved 9-unit group housing facility for adults with Intellectual Developmental Disabilities.

- Appointed the following to the Steering Committee for the Land Use Chapter update:
  - Krysta Gingue for Community Housing Needs Committee rep
  - Rick Lundborn for DBIDA rep
  - George DeBoer Planning Board Member
  - City Councilor (likely April Richer upon Council appointment)
  - A Conservation Commission member
  - Steve Brown

**7. ADJOURNMENT**

**Motion:** K. Mavrogeorge moved to adjourn at 11:51pm. Seconded by M. Gambino. Vote: U/A

Gmail Hilary Hamer <hilary.a.hamer@gmail.com>

# Request for correction to 12/10/2024 Planning Board Meeting Minutes

**City of Dover - Planning** <Dover-Planning@dover.nh.gov> Thu, Jan 16, 2025 at 2:43 PM
To: Hilary Hamer <hilary.a.hamer@gmail.com>

Hi Dr. Hamer,

I apologize for not seeing this email before Tuesday's meeting. The Board did not directly get legal counsel from the City Attorney and if they were to that typically isn't part of the public record to protect attorney-client privilege. From Tuesday night's discussion, it seems like the TDR ordinance will be looked at more closely in whole and the Board and public will have an opportunity to suggest amendments. Any amendment also has public hearing opportunities. If you have any further questions, please let me know.

Thanks,
Donna

***Donna Benton, AICP***

*Director of Planning and Community Development*

City of Dover, NH

288 Central Avenue

Dover, NH 03820-4169

e: d.benton@dover.nh.gov

p: 603.516.6008 f: 603.516.6049

*Dover: First in New Hampshire, First with you!*

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**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Monday, January 13, 2025 8:00 AM
**To:** City of Dover - Planning <Dover-Planning@dover.nh.gov>
**Subject:** Request for correction to 12/10/2024 Planning Board Meeting Minutes

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

Good morning,

Before the 12/10 Planning Board meeting minutes are finalized by vote tomorrow, I respectfully ask for an addition.

Before planning the site walk date for item 4G&H (103 Court St), Chair Gina Cruikshank said, "I think we'll probably have the city attorney weigh in and get further clarification [about the buffer]. If not by the site walk, by the next time we see it."

This felt like a very important statement for myself and neighbors, as an actionable promise to seek legal counsel. As such, I ask that it be included in the 12/10/2024 meeting minutes.

Thank you,

Dr. Hilary Hamer

91 Court St, Dover

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

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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.

**CITY OF DOVER ETHICS COMMISSION**
**RECOMMENDATIONS REGARDING ETHICS COMPLAINT OF**
**CAITLIN WILKIE AGAINST COUNCILOR FERGUS CULLEN**

On January 2, 2025, the Ethics Commission held a hearing in this matter pursuant to Section 21-12(E) of the Dover Ethics Code. The Ethics Commission provided all parties fourteen calendar days' notice pursuant to Section 21-12(F) of the Dover Ethics Code. Present at the hearing were the complainant, Caitlin Wilkie, and the respondent, City Councilor Fergus Cullen. The parties were afforded an opportunity to present evidence and argument in support of their respective positions pursuant to Section 21-12(H) of the Dover Ethics Code. The hearing was not subject to the rules of evidence. No evidence was excluded. The Commission deliberated the matter in public following the hearing. Commission members Allan Krans Sr. (Chair), Matthew Keane, Dr. James Fiesher, and Charles Carey were present. Member Marion Cheney was absent. Also present was Attorney Christopher D. Hawkins representing the Ethics Commission.

The Chair of the Commission inquired whether Ms. Wilkie or Councilor Cullen had any reason to believe any member of the Commission should not participate in the hearing. Neither Ms. Wilkie nor Councilor Cullen asked that any member of the Commission be recused. Chair Krans explained the hearing process and asked the parties if they had any preliminary questions. Neither party raised any questions about the process. The hearing was audio recorded pursuant to Section 21-13(I) of the Dover Ethics Code. At the conclusion of the hearing, Chair Allan Krans asked whether either party felt the proceeding had been unfair. Neither party raised any specific concern about the fairness of the process.

## COMPLAINT

On November 26, 2024, Caitlin Wilkie of 568 6th St. filed an Ethics Complaint against Councilor Fergus Cullen.

Ms. Wilkie raised three issues, which are briefly summarized below:

1. Whether Councilor Cullen, sitting as a member of the Planning Board, should have recused himself from participating in the discussion and vote of the Transfer of Development Rights ("TDR") and site plan application of DBS Holdings, LLC during a meeting on June 11, 2024. Ms. Wilkie alleges that by participating in that discussion, Councilor Cullen shed favorable light on a similar TDR and site plan application he had filed or intended to file for his own property adjacent to Ms. Wilkie's property on 6th St.

2. Whether Council Cullen should have used his position as a Councilor to defend his private business interests and rebut statements Ms. Wilkie made at the July 10, 2024, City Council meeting regarding the DBS Holdings matter. Ms. Wilkie also questioned whether Councilor Cullen acted improperly in seeking advice from the City Attorney regarding his obligations when "[a] private citizen wouldn't have been afforded that same right, and would need private legal counsel."

3 Whether Councilor Cullen should recuse himself from any vote as a Councilor allocating Conservation Funds to which he contributed TDR fees.

On December 4, 2024, the Commission determined the Complaint raised sufficient issues to merit a hearing. Fourteen calendar days' notice of the hearing was provided to all parties pursuant to Section 21-13(F) of the Dover Ethics Code.

## JURISDICTION

The Ethics Commission has jurisdiction over the complaint pursuant to section 21-12(A) of the Dover Ethics Code, which states in relevant part that the activities of all elected officers and members of all board, commissions, committees and subcommittees whose members are appointed by the City Council shall be within the scope of authority of the Ethics Commission. See Article II(i) of the Ethics Commission Operating Rules.

## SUMMARY OF RULINGS

Based upon the findings of fact outlined below, the Commission reached the following conclusions as to the issues raised by Ms. Wilkie pursuant to Section 21-13(J) of the Dover Ethics Code:

1. **Councilor Cullen's participation in the June 11, 2024, Planning Board hearing on the DBS Holdings TDR and Site Plan Matter.**

   ***Finding and Recommendation***: The Ethics Commission unanimously finds based on Clear and Convincing evidence that Councilor Fergus Cullen violated the ethical provisions of Dover Ethics Code 21-2 as an appointed officer when **"he took part in a decision concerning the business of this City…(when) he had a financial or other private interest, directly or indirectly, which is in conflict with his official duties"** as a Planning Board member subject to the juror standard by State law (RSA 673:14 and RSA 500-A:12(g)), Dover Ethics Code **21-5** by participating in official business of the City of Dover without disclosing the nature and extent of a private interest in a matter of official business in the City of Dover, and Dover Ethics Code **21-8** in holding an investment in a private transaction that created a conflict with his official duties.

   The rationale for actionable Findings of violations of Dover Code 21-2, 21-5 and 21-8 is the failure of Councilor Cullen to recuse in light of his business relationship with Kevin McEneaney and/or Civilworks NE at the Planning Board meeting of June 11, 2024. Mr. McEneany presented for DBS Holdings regarding development of 512 Sixth Street. The official duty of Councilor Cullen is defined by RSA 673:14 and RSA 500-A:12.

   Councilor Cullen's defense that the Ethics Commission cannot alter his private property rights is unpersuasive since none of the Findings and Recommendations address his rights to development. This report addresses Councilor Cullen's ethical obligations as a Planning Board member, not property rights.

Councilor Cullen also asserts that Dover is a small region of a small state and that knowing people is "inevitable." This assertion is also unpersuasive as a defense to his actions. Knowing people is inevitable; establishing business relationships with people is a **choice**. Attempting to perform a quasi-judicial function as a member of the Planning Board after establishing a business relationship with the representative of an applicant is a **choice** in violation of an official duty.

2. **Councilors Cullen's comments at the July 10, 2024, City Council meeting in response to Ms. Cullen's comments.**

***Finding and Recommendation***: The Ethics Commission unanimously finds based on Clear and Convincing evidence that Councilor violated the ethical provisions of Dover Ethics Code 21-3 by appearing on behalf of his private interests before the City Council during City Council Matters of Interest.

The Rationale for actionable Findings of violation of Dover Code 21-5 at the City Council meeting on July 10, 2024 results from Councilor Cullen discussing his private development at 566 Sixth Street. Nothing about the 566 Sixth Street project was before the Dover City Council. Private matters may only be discussed privately. The public option for Councilor Cullen was to file a statement with the City Clerk.

3. **Councilor Cullen's participation as a member of the City Council in the allocation of conservation funds derived from TDR applications.**

***Finding and Recommendation***: The Commission finds this issue is premature because there is no evidence Councilor Cullen has paid any TDR funds into the Conservation Fund nor voted on the allocation of conservation funds derived from such funds. Pursuant to Section 21-12(G) of the Dover Ethics Code, the Commission does not issue advisory opinions based upon hypothetical situations and offers no opinion at this time on whether such a vote would violate the Dover Ethics Code. Ms. Wilkie, or any other Dover resident, may file an ethics complaint in the future if they believe Councilor Cullen has violated the Dover Ethics Code with respect to such a vote, or with respect to any other issue they believe may violate the Dover Ethics Code.

The Rationale for dismissing the Complaint regarding the Conservation funds is no evidence was presented that Councilor Cullen had paid in, or voted on, the use of Conservation funds.

**BURDEN OF PROOF**

The Commission explained to the parties that the complainant bore the burden of proving a violation of the Dover Ethics Code or other applicable law by clear and convincing evidence. Dover Ethics Code 21-12(K).

Pursuant to Dover Ethics Code 21-12(L), clear and convincing evidence is an intermediate standard of proof that calls for more proof than that based on more probable than not but less proof that that based on beyond a reasonable doubt. It is defined as that evidence which establishes a factual conclusion to be highly probable, rather merely than more probable than not. It requires that the party having the burden of proof placed in the trier of fact an abiding conviction that the true or his or her factual contentions are highly probable; otherwise, he or she has failed to prove it.

**SCOPE OF INQUIRY**

Pursuant to Article V(I), the scope of the hearing included review of all pertinent sections of the City Charter and ordinances involving facts alleged in the Complaint, in addition to the provisions cited in the Complaint.

**CODE PROVISIONS AND STATUTES CONSIDERED (Emphasis added in yellow)**

**Dover Planning Board Code § 9-8(G)**

Disqualification. All members shall comply with relevant sections of the City Code of Ethics (Chapter 21) concerning conflicts and disqualification rules pursuant to RSA 673:14.

**Dover Ethics Code § 21-1**

APPOINTED OFFICER – Includes all positions appointed by the Mayor and Council or the City Manager, including appointment to the Housing Authority, but not employees.

**Dover Ethics Code § 21-2**

No elected or appointive officer or employee of the City shall take part in a decision concerning the business of this City or engage in any business or transaction in which he/she or a member of his/her family, directly or indirectly, has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer, nor shall he/she have any financial or other private interest, directly or indirectly, which is in conflict with the proper discharge of his/her official duties.

**Dover Ethics Code § 21-3. Representation of private interests before City agencies.**

No elected or appointed officer or employee shall appear on behalf of private interests before the City board, commission, committee, subcommittee or authority on which he/she serves. Councilors, however, may appear without compensation on behalf of constituents or in the performance of public or civic obligations.

**Dover Ethics Code § 21-5. Required disclosure by officers and employees; recusal**

A. An appointed officer or employee who, whether paid or unpaid, has a direct or indirect financial interest or other private interest in any legislation or matter of official business in the City of Dover and who participates in discussion before or gives official opinion to the Council, or otherwise participates in the official business of the City of Dover, shall

publicly disclose on the official record the nature and extent of such interest. Such disclosures shall be made orally prior to the legislation being discussed as part of a Council meeting agenda, or the officer or employee may elect to file a written specific conflict-of-interest disclosure statement with the City Clerk. The statement shall be read aloud into the record at a public meeting. In the case of a nonpublic session, the statement shall be read aloud at the next public meeting.

B. Appointed officers and employees with a conflict of interest shall recuse themselves from further participation in the matter. "Recusal "means to immediately remove themselves from discussion and voting. "Recusal" shall also mean the officer or employee is required to physically vacate his or her seat. During a nonpublic session, the appointed officer or employee shall remove himself or herself from the meeting room.

**Dover Ethics Code § 21-8. Investments in conflict with official duties.**

No elected or appointed officer or employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction which creates a conflict with his/her official duties.

**Dover Ethics Code 21-11 Ethics Commission established; purposes.**

A. There is hereby established an Ethics Commission consisting of five Commissioners who shall be Dover residents and appointed by the City Council. At least one Commissioner shall be a former City Councilor or former School Board member as provided in § C11-4 of the Dover City Charter. The purposes of the Ethics Commission are:

(1) To provide a forum to hear and accept complaints of violations of ethical standards of behavior for elected and appointed officers under the jurisdiction of the Ethics Commission.

(2) To encourage Dover elected and appointive officers and all members of boards, commissions, committees and subcommittees to act in the best interests of the City and perform their duties and responsibilities according to the ethical provisions of the City Charter and City ordinances.

(3) To require the disclosure of financial interests or other interests in matters affecting City business where the interests constitute a conflict of interest.

(4) To prohibit those holding public office and volunteer positions in our City from using their positions for personal gain and to foster the use of such positions only to advance public interests.

(5) To promote the integrity of City government.

**Dover Ethics Code § 21-12(A)**

The Ethics Commission shall operate in an advisory role to the City Council. The activities of all elected officers and members of all boards, commissions, committees and

subcommittees whose members are appointed by the City Council shall be within the scope of authority of the Ethics Commission. The Ethics Commission members shall also be subject to the jurisdiction of the Ethics Commission. If a member of the Ethics Commission is the subject of an ethics complaint, the member shall be replaced in all proceedings by an alternate member. The Ethics Commission shall not have jurisdiction over the City Manager or other employees of the City of Dover.

**Dover City Charter Provision 11-5**

In addition to the provisions of § C11-3 City Councilors and members of standing city commissions and boards may be removed from office by a vote of the City Council upon such a recommendation having been forwarded to the Council by the Ethics Commission.

**RSA 674:13 Disqualification of Member**

I. No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, historic district commission, agricultural commission, or housing commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

II. When uncertainty arises as to the application of paragraph I to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

III. If a member is disqualified or unable to act in any particular case pending before the board, the chairperson shall designate an alternate to act in the member's place, as provided in RSA 673:11.

**RSA 500-A:12 Examination**

I. Any juror may be required by the court, on motion of a party in the case to be tried, to answer upon oath if he:

(a) Expects to gain or lose upon the disposition of the case;
(b) Is related to either party;

(c) Has advised or assisted either party;
(d) Has directly or indirectly given his opinion or has formed an opinion;
(e) Is employed by or employs any party in the case;
(f) Is prejudiced to any degree regarding the case; or
(g) Employs any of the counsel appearing in the case in any action then pending in the court.

II. If it appears that any juror is not indifferent, he shall be set aside on that trial.

**EVIDENCE CONSIDERED**

The Ethics Commission considered only publicly available information with respect to this matter, as follows:

- The Complaint filed by Ms. Wilkie with attached exhibits.
- The Commission pre-marked Ms. Wilkie's Complaint as Exhibit 1, the June 11, 2024 Planning Board Meeting Minutes as Exhibit 2, the July 10, 2024 City Council Meeting Minutes as Exhibit 3, a letter from Councilor Cullen to his neighbors dated December 1, 2023 as Exhibit 4, and a letter from Councilor Cullen to his neighbors dated May 20, 2024 as Exhibit 5.
- The testimony and documentary evidence presented by the parties at the hearing. This includes 29 exhibits submitted by Councilor Cullen marked FC1-FC29. The Commission also viewed excerpts of the June 11, 2024 Planning Board meeting and July 10, 2024 City Council meeting presented by Councilor Cullen.
- Transcript of Ms. Wilkie's comments to the Planning Board on June 11, 2024. Exhibits FC19 and FC21.
- Transcript of Mr. Cullen's comments to the Planning Board on June 11, 2024. Exhibit FC20.
- Transcript of Ms. Wilkie's comments to the City Council on July 10, 2024. Exhibit FC23.
- Transcript of Mr. Cullen's comments to the City Council on July 10, 2024. Exhibit FC24.
- Transcript of Attorney Scott Hogan's comments to the Planning Board on October 22, 2024. Exhibit FC25.
- Letter dated January 15, 2025 from Councilor Cullen to the Ethics Commission.

**FINDINGS OF FACT**

1. Fergus Cullen ("Mr. Cullen") is a member of the City Council of the City of Dover.

2. Mr. Cullen was appointed by the City Council to serve as a member of the Planning Board.

3. On November 28, 2023, Fergus and Jennifer Cullen acquired the property known as 566 Sixth St. Book 5152, Page 7, Strafford County Registry of Deeds.

4. On or about December 1, 2023, Councilor Cullen delivered a letter to neighbors of his property at 566 Sixth St. stating that he expected to seek approval to add at least two or maybe more housing units to the 566 Sixth St. property. Testimony of Fergus Cullen. Exhibits 4 and FC5.

5. No later than April 24, 2024, Councilor Cullen retained Civilworks and McEneany Survey Associates to draft a TDR plan and Drainage and Landscape Plan with respect to his property at 566 Sixth St. Plans bearing those dates appear in the Planning Board file.

6. No later than April 26, 2024, Civilworks and McEneany Survey Associates drafted a TDR Open Space plan on behalf of DBS Holdings, LLC for the property at 512 Sixth St. A plan bearing that date appears in the Planning Board file for DBS Holdings, LLC.

7. The TDR plans for the DBS Holdings Project and the Cullen project at 566 Sixth St. are very similar.

8. On May 20, 2024, Councilor Cullen delivered a letter to neighbors of his property at 566 Sixth St. that included the TDR and site plan he intended to submit for the property. See Exhibits 5 and FC10.

9. Rory and Caitlin Wilkie own and reside at the property at 568 Sixth St., which borders 566 Sixth St. to the north. The Wilkies received copies of Councilor Cullen's letters of December 1, 2024 and May 20, 2024. Testimony of Caitlin Wilkie.

10. On May 24, 2024, DBS Holdings submitted a TDR plan and application for site plan review to the City of Dover Planning and Development Office for technical review. The application documents appear in the DBS Holdings File in the Planning Board file.

11. At 3:31 p.m. on June 6, 2024, Ms. Wilkie sent an email to the Dover Planning Board claiming Councilor Cullen had a conflict of interest with respect to the DBS Holdings application. Exhibit FC15.

12. At 7:30 p.m. on June 6, 2024, Councilor Cullen responded to Ms. Wilkie's email and copied the members of the Planning Board, City Manager Joyal, and City Attorney Josh Wyatt. Exhibit FC16.

13. By June 6, 2024, Councilor Cullen was aware that Ms. Wilkie was raising concerns about conflict of interest. Councilor Cullen testified that those concerns "raised alarm bells" with him and that he sought advice from Planning Board Chair Gail Cruikshank and City Attorney Josh Wyatt. Councilor Cullen testified he did not raise the issue with the Planning Board as a whole because he could not disclose the basis of the issue without risking compromising the impartiality of the Board.

14. On June 10, 2024, Mr. Cullen submitted a TDR plan and application for site plan review to the City of Dover Planning and Development Office for technical review. The application documents appear in the Cullen File in the Planning Board file.

15. Councilor Cullen testified that he could not recall whether he spoke with Mr. McEneany about the DBS Holdings application prior to the Planning Board meeting on June 11, 2024.

16. Sometime between June 6 and June 11, 2024, Councilor Cullen contacted Planning Board Chair Gail Cruikshank for advice on the conflict of interest issue and that she told him she did not believe there was a conflict. Councilor Cullen testified he did not disclose to Ms. Cruikshank that he was working with McEneaney Survey Associates on his application. Ms. Cruikshank testified that that disclosure would not have altered her opinion on the matter but she could not say whether the Board as a whole might have been concerned.

17. On June 11, 2024, Councilor Cullen called City Attorney Josh Wyatt to discuss potential conflict of interest issues. Councilor Cullen testified that Attorney Wyatt informed him that he had no conflict issue. Attorney Wyatt testified that he told Councilor Cullen he could offer him no legal advice but that he was aware of no caselaw that a City Councilor could not file a land use application and that Councilor Cullen should consult his own attorney. Attorney Wyatt testified he did not seek detailed information from Councilor Cullen as he did not intend to offer him legal advice. Councilor Cullen testified that he did not disclose to Attorney Wyatt that both he and DBS Holdings were working with McEneaney Survey Associates.

18. On June 11, 2024, the DBS Holdings application was heard by the Planning Board.

19. The minutes of the June 11, 2024, Planning Board hearing reflect that Kevin McEneany appeared on behalf of DBS Holdings and presented the TDR Plan on behalf of DBS Holdings.

20. Mr. Cullen attended the June 11, 2024, Planning Board meeting in his capacity as a member of the Board.

21. Caitlin Wilkie attended the June 11, 2024, hearing,

22. Ms. Wilkie objected to Mr. Cullen voting on the application on the basis of bias or appearance of bias and conflict or appearance of conflict. Ms. Wilkie stated there was an "incredible likeness" to what Mr. Cullen had submitted to the City last week as to his property at 566 Sixth St. Ms. Wilkie expressed concern that Mr. Cullen's vote in favor of the DBS Holding application would set an unfair precedent. Ms. Wilkie referenced a statutory procedure for the Board to vote with reference to Mr. Cullen's participation.

23. Mr. Cullen responded that he owned the property at 566 Sixth St. and would have an application coming before the Board in the coming weeks. Mr. Cullen stated that the Wilkies have concerns about that property and that it is their right to express concerns and that he would recuse himself when his application came before the Board. Mr. Cullen stated that the Wilkies' concerns were misdirected as to the DBS Holdings application. Mr. Cullen stated that he had no connection to DBS Holdings or its owners and had no conflict of interest with respect to the DBS Holdings application. Mr. Cullen referenced discussions he had with the City attorney.

24. The Commission finds that Mr. Cullen had no direct or indirect financial interest in DBS Holdings.

25. Mr. Cullen did not disclose during the June 11 hearing that he had a business relationship with McEneany Survey Associates.

26. No other member of the Planning Board commented directly on Ms. Wilkie's concerns.

27. No member of the Planning Board proposed a motion to recuse Mr. Cullen.

28. The DBS Holdings application was accepted and approved by the Planning Board on a vote of 4-2. Mr. Cullen voted in favor of the application.

29. On July 10, 2024, Ms. Wilkie appeared before the City Council and made a lengthy statement regarding Mr. Cullen's alleged conduct. The Commission listened to that statement in full. In sum, Ms. Wilkie expressed concerns regarding the merits of Mr. Cullen's TDR application and his alleged conflict of interest and the perception of conflict of interest. Ms. Wilkie stated that Mr. Cullen used the same engineering company as DBS Holdings and alleged that the DBS Holdings application was very

similar to Mr. Cullen's application. The Commission notes that Ms. Wilkie's written complaint largely echoes the issues raised in her verbal presentation.

30. Mr. Cullen responded to Ms. Wilkie's comments. The Commission listened to Mr. Cullen's statement in full. In sum, Mr. Cullen noted that chief among the City Council's goals was creating affordable housing. Mr. Cullen noted that he withheld information because he wanted to avoid discussing the matter with the other Planning Board members and his application had not been made, thus it would have been inappropriate to discuss his application with the Planning Board on June 11. Mr. Cullen noted that volunteer public officials do not give up all their rights as private citizens. Mr. Cullen acknowledged the need to follow all disclosure and recusal rules, that he had discussed the matter with the City attorney, and that he had followed the City attorney's guidance.

31. Mr. Cullen testified that he cited the Planning Board's approval of the DBS Holdings application as precedent in the revised site plan application for his property at 566 Sixth Street.

32. The Commission finds no evidence that Councilor Cullen has paid any TDR funds at this time nor any evidence that Councilor Cullen has voted on the allocation of any Conservation Funds paid by him.

**RECOMMENDATION**

Pursuant to Section 21-14(A) and (B)(2) of the Dover Ethics Code, the recommendation of the Ethics Committee for a remedy is removal of Councilor Cullen from the office of City Council representative to the Dover Planning Board. The rationale is removal will address the issue whether ethical violations will occur in the future.

This recommendation sanction was approved by the Commission 3-1, with member Keane dissenting. In all other respects, the Commission unanimously approved the findings and rulings herein.

Dated: 1/21/25

Allan Krans Sr., Chair

Dated: 1/24/2025

Charles Carey

Dated: 21 January 2025

James Fieseher

Dated: Jan 23 2025

Matthew Keane

-----Original Message-----
From: D Hamer <dorna.hamer@gmail.com>
Sent: Monday, March 9, 2026 7:59 AM
To: Planning Board - All <PlanningBoard-All@dover.nh.gov>
Subject: Letter concerning 103 Court St

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

Good Morning ~

Please see the attached letter regarding the site plan at 103 Court St.

Thank you.

Sincerely,

Keith and Dorna Hamer

18 Tuttle Lane

**To:** City of Dover Planning Board & Planning Department

**From:** Dorna and Keith Hamer, 18 Tuttle Lane

**Date:** March 8, 2026

**Subject:** Formal Opposition to Site Review Application: 103 Court Street

To the Members of the Planning Board:

We are writing to formally request that the Planning Board **deny** the Site Review application for 103 Court Street. This proposal contains fundamental jurisdictional errors, fails to meet non-discretionary city standards, and presents significant safety hazards.

**1. Preliminary Objection: Pending Supreme Court Appeal**

The underlying Transfer of Development Rights (TDR) approval for this site is currently under challenge in the **New Hampshire Supreme Court**. Since the validity of the entire site layout hinges on this TDR, any approval granted today would be premature. Should the Court invalidate the TDR, any decision made by this Board would be rendered legally void.

**2. Jurisdictional Error: Improper Application Classification**

The project has been procedurally misclassified as a "Site Plan." Under **Dover Code Chapter 170-29, Section G(3)**, the "Single-Family Detached" TDR method l**egally mandates** the project be processed as a **Subdivision**.

- **Explicit Method Selection:** The applicant and Planning Department chose to use the "Single-Family Detached" method under **Section G(3)(a)**. This is consistently documented across the applicant's submitted plans and documents and relevant Planning Department memos and documents, including the Planning Department's TDR conditional approval letter dated January 30, 2025. Key evidence confirming this choice includes the applicant's intent to purchase 2 TDR units for the purpose of developing units with specific size restrictions, a requirement that is explicitly associated with the provisions of Section G(3)(a) of the ordinance and not Section G(3)(b).
- **Inconsistent Regulatory Application:** The Planning Department and applicant applied all regulations of Section G(3)(a) except for the final regulation, **Section G(3)(a)(vi)**, which requires the application to be a subdivision application. The Planning Department used only the last clause in **Section G(3)(b)** to claim it as a site plan application. This "pick and choose" methodology is not supported by the Code. Regulations are meant to be followed as written, not pieced together to suit a specific outcome
- **Procedural Violation:** Picking and choosing distinct code sections to bypass mandatory requirements constitutes a procedural error of law.

**3. Non-Compliance with Mandatory Standards**

- **Omission of Mandatory Buffer:** Chapter 170-29, Section G(7) requires a **30-foot no-cut, no-disturb buffer** along the perimeter of the parent parcel. Based on the hierarchy of the code, this mandate is independent of Section G(3). It functions as an absolute requirement for every TDR application, regardless of whether the applicant files a site plan or a subdivision

application. There are no exceptions or qualifiers. This application fails to provide this mandatory 30-foot buffer and must be denied.

There has been a suggestion that the term "parent parcel" does not apply to the lot in question. However, the Dover Code uses circular definitions to show that these terms are synonyms. You can't have one without it being the other.

- **A Parcel** is defined as "a lot or tract of land." (See Ch 157, Art X, Terminology)
- **A Lot** is defined as "a parcel of land with road frontage and ingress/egress, intended for occupancy by principal and accessory buildings." (See Ch 170, Art II, Terminology)

Because the Code uses each word to define the other, any requirement that applies to a "parcel" must, by default, apply to a "lot."

In zoning and planning, the term **"Parent"** isn't a different *type* of land; it is a **status**.

- It refers to the **original tract** of land as it exists at the time of application.
- Whether the city calls it a "parent lot" as they do in TDR Method Section 3(a) or a "parent parcel" as they do in Section G(7), they are referring to the same starting land area.

Therefore, the **30-foot no-cut, no-disturb buffer** along the perimeter of the parent parcel is a requirement for this lot/ parcel according to Chapter 170-29, Section G(7).

Under the subdivision regulations, Ch 157-21 Section F(4), a 30-foot buffer from external boundaries is legally mandated to meet perimeter landscaping standards in the R-12 District as well. This buffer applies to this project.

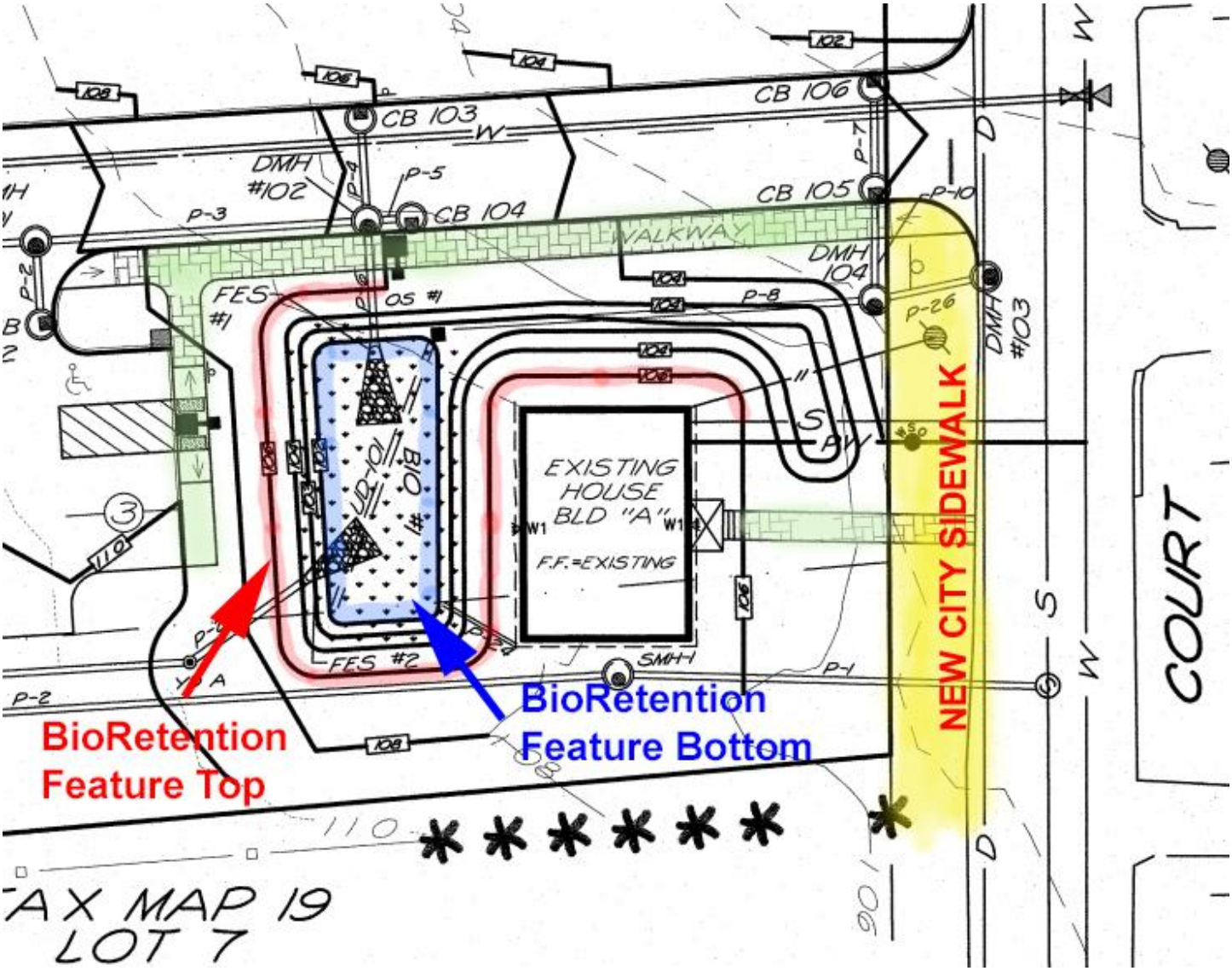
- **Ineligibility for Relief:** While waivers are allowed, under Chapter 170-29, Section G8(d), an applicant cannot seek relief from requirements—such as the 30-foot buffer—if the need for that relief is caused by the increase in additional density. The lack of a buffer in this proposal is a direct result of trying to fit too many units onto this specific lot. The applicant cannot create a density problem and then ask for a waiver to solve it. They must provide the 30-foot no-cut no-disturb buffer.

**4. Critical Safety and Design Flaws**

- **Residential Accessibility Concerns:** The current layout lacks direct access between the existing residence and the parking lot, effectively creating a "lock-out" scenario. Residents in the existing home, potentially elderly or children, are forced to exit private property and navigate the public sidewalk to move between their home and their vehicle, approximately 200 feet. This is a major oversight and creates a significant safety liability, especially during winter months when the public sidewalk may be icy or snow covered. See portion of applicant’s plan below.

  The placement of the bio-retention feature acts as a physical barrier. With a depth of 4 feet and 2:1 slopes (a 50% grade), this feature—along with the adjacent drainage swales—is largely unnavigable. There is no easy “fix” here.

Due to the grading around the bioretention feature and existing house, the plans will require a comprehensive engineering solution to ensure a safe, ADA-compliant, or at least a navigable walkway. Even with such modifications, the proposed design forces a travel distance of over 50 feet, which remains a significant inconvenience for daily residential activities.




Proposed layout around Existing Home with the Bio-Retention Feature.

- **Bio-Retention Feature and Site Impact:** The proposed bio-retention basin - measuring approximately 36 feet by 56 feet at the surface (Top) is positioned a mere 4 to 9 feet from the primary walkway and parking area. With a depth of 4 feet and steep 2:1 slopes, this feature renders a significant portion of the residential green space unusable and serves as a physical barrier between the parking lot and the home and other residences. (See plan above for location and details below.)

  Beyond the loss of functional yard space, the design introduces several long-term concerns:

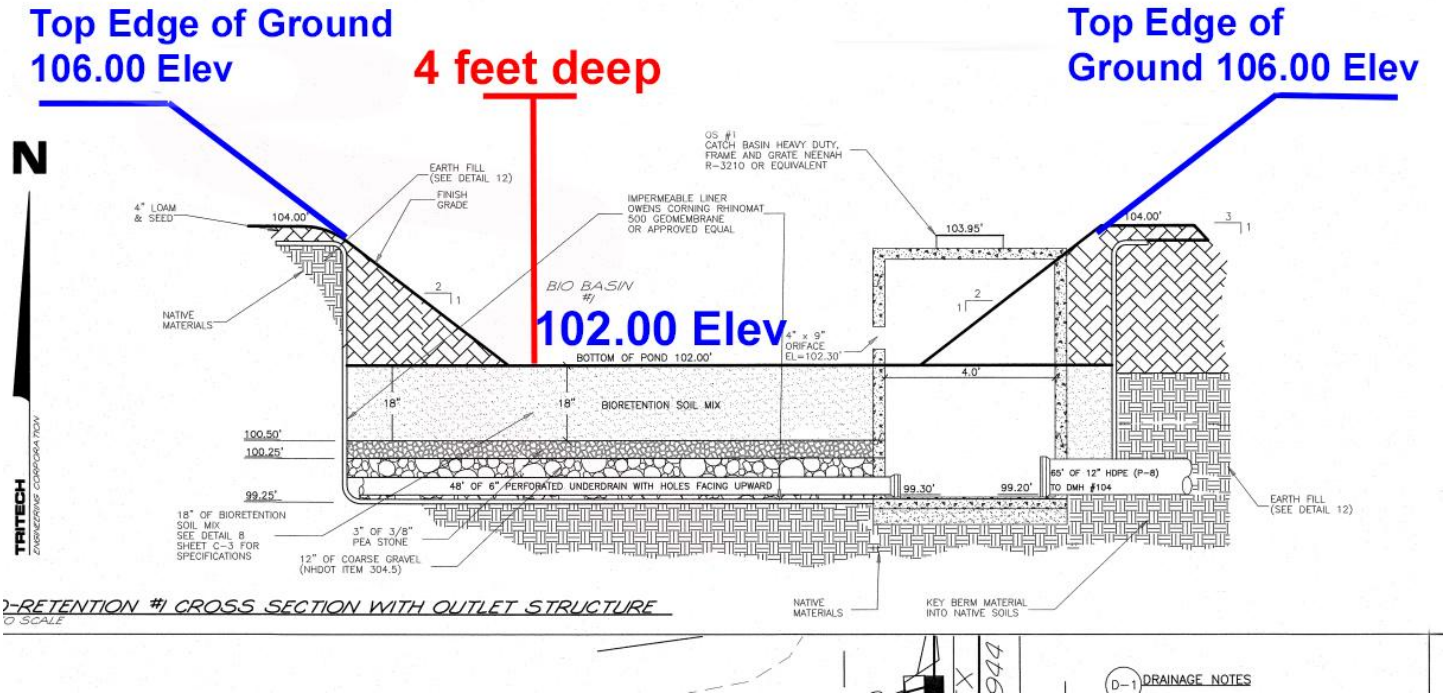
  - **Safety & Liability:** The 4-foot depth and steep grades, coupled with the lack of safety fencing, present a potential drowning hazard for children during high-runoff events. The

slopes are so steep (a 50% grade) that a child who falls in would struggle to climb out. A 4-foot deep pit with 2:1 slopes in a backyard is a physical hazard, regardless of how much water it holds.

- **Maintenance & Nuisance:** The 2:1 slopes are difficult to mow and maintain, as well as difficult to walk up and down. Additionally, the potential for standing water creates a breeding ground for mosquitoes in a residential setting where no such hazard currently exists.
- **Aesthetic & Use Compatibility:** While these "man-made wetlands" are common in highway or industrial contexts, they are poorly suited for small residential lots. This design does not align with the City of Dover's intent for residential site harmony, neighborhood character and connectivity.



Example of a bioretention drainage feature. The proposed feature on this project is rectangular.




Representation of what the cross section of the bioretention feature will look like based on the grading plans. The detail shows the hole at a depth of 2 feet. However, the grading plans show that the steep slopes continue beyond creating a hole that is 4 feet deep not the 2 feet suggested in the detail.

**5. Misleading Renderings**

The provided renderings are factually inaccurate and should be rejected as evidence of site suitability. They:

1. **Omit** the massive bio-retention feature, which is not only a potential hazard, but takes up an extensive portion of the green space available for recreation and acts as a physical barrier, cutting off any direct access between the existing home and parking lot and other residences.
2. **Ignore** the actual 6–7% topographical grade at the drive entrance and the 2:1 slopes between the drive and existing home.
3. **Include** an unauthorized walkway and driveway not found on the engineering plans. Putting the existing drive on the renderings gives the impression that the existing home has access it does not and have.
4. **Show** prohibited landscaping within the 25-foot "no-dig" Cemetery setback.

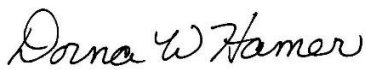
Considering the significant legal, procedural, and safety concerns detailed above, we respectfully urge the Planning Board to **deny** the Site Review application for 103 Court Street.

Approval of this project in its current form would ignore mandatory city standards and set a troubling precedent for the "pick and choose" application of the Dover Code. Specifically, the board must consider that:

- **Legal Validity:** The underlying TDR is currently under Supreme Court appeal, making any present approval premature and legally precarious.
- **Code Compliance:** The project fails to provide the mandatory 30-foot "no-cut, no-disturb" buffer required by Chapter 170-29 and improperly bypasses subdivision regulations.
- **Public Safety:** The design creates an unnavigable "lock-out" for residents of the existing home and introduces a hazardous, steep-sloped bioretention feature that acts as a physical barrier and a liability in a residential setting.

The City’s regulations are designed to ensure that development is harmonious, safe, and legally sound. This proposal fails on all three counts by placing too many units on a small lot. It is not the role of the Board to grant approval at the expense of neighbor safety and neighborhood character. We ask that you uphold the integrity of the Dover Code and deny this application.

Respectfully,





Dorna and Keith Hamer

18 Tuttle Lane

**From:** Hilary Hamer <hilary.a.hamer@gmail.com>
**Sent:** Sunday, March 8, 2026 9:35 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>
**Subject:** RE: 103 Court Street Site Plan – Response to Staff Memo dated 3/5/2026

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

Dear Members of the Planning Board,

In response to the staff memo dated March 5, 2026, we wish to clarify the procedural status of the TDR appeal.

Following consultation with legal counsel, it is our understanding that the Supreme Court does not have the jurisdiction to stay a pending site plan application while the underlying TDR is under appeal. Therefore, the "lack of request to stay" mentioned in the memo is a matter of jurisdictional limitation, not a lack of intent. We are required to file a subsequent appeal and request a stay from the Superior Court should the Board move to grant site plan approval while the underlying TDR remains a matter of active litigation.

We appreciate staff highlighting that any actions taken by the applicant in reliance on the TDR approval during this period are at their own **sole risk**. We believe it is in the city's best interest to acknowledge that the legal foundation for this site plan remains unsettled.

Regards,

H. Hamer, 91 Court St

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #COND-2026-0004

| | |
|---|---|
| Application Type: | Conditional Use Permit |
| Applicant(s): | TND Engineering |
| Owner(s): | Ahmed Ahmed |
| Location: | 11 Boston Harbor Road (Map 7, Lot 8) |
| Meeting Date: | March 10, 2026 |

**INTENT:** Proposal is for a Conditional Use Permit (CUP) to reconstruct an existing foundation and reconstruct the existing driveway to a pervious surface resulting in approximately 2,000 square feet of permanent impacts to the Conservation District.

**AGENDA ITEM #:** 4-C

**FILE:** COND-2026-0004

**OWNER:** Ahmed-Karim Revocable Trust

**APPLICANT:** TND Engineering

**LOCATION:** 11 Boston Harbor Road (Map 7, Lot 8)

**LOTS/UNITS PROPOSED:** N/A (no change)

**ACREAGE:** 0.35 ± ac.

**ZONING DISTRICT:** R-20, Conservation District

**EXISTING/PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Piscataqua River

**WAIVERS REQUESTED:** N/A

**ZBA ACTION:** N/A for proposal.

**PERMITS REQUIRED:** City of Dover CUP for proposed Conservation District impacts, NHDES Wetlands Pemit, NHDES Shoreland Permit

**CONSERVATION COMMISSION:** Reviewed and endorsed on February 9, 2026.

**TECHNICAL REVIEW COMMITTEE:** N/A

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters.

**REGIONAL IMPACT:** No

**APPLICATION IS COMPLETE:** Yes

**ATTACHMENTS:** Impact Plan, Application Materials.

**Summary of Request and Background:**

The applicant proposes to demolish a portion of the existing two-family structure in order to reconstruct a failing foundation and rebuild the dwelling within the existing footprint.

The proposed work will result in approximately 2,000 square feet of permanent impacts within the Conservation District and the proposed project will result in a slight decrease in impervious surface due to the driveway reconstruction with pervious materials.

Please note that the proposed garage and Accessory Dwelling Unit depicted on the plan are not part of this CUP application and will be subject to separate building permit review.

The Conservation Commission reviewed and endorsed the application at their February 9, 2026 meeting. *(minutes attached)*

**Consistency with Land Use Regulations – CUP 170.27.C**

The Conservation District ordinance §170.27.C provides for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170.27.C per their narrative. The proposal is to modify an existing structure, with construction occurring within the existing footprint. Impervious area will be reduced by reconstructing the existing driveway to a pervious surface. Filter socks are proposed as part of the soil erosion and sedimentation control plan and will be installed and maintained throughout the duration of the project until all work is complete. NHDES permitting for the proposed impacts has been applied for, and the Conservation Commission reviewed and endorsed the application.

**STAFF RECOMMENDATION:**

The Planning Department recommends that the Planning Board vote to accept the application and determine it not to have regional impact, open a public hearing, close the public hearing, make the necessary and supporting findings of fact, and vote to approve the Conditional Use Permit with the following subsequent conditions of approval:

**Subsequent Conditions to be Met Prior to Issuance of Conditional Use Permit:**

1. Submit a final site plan to the Planning Department that includes:
   1.1. Permit File #COND-2026-0004;
   1.2. Owner's signature;
2. Submit a copy of approved NHDES permitting when received.

# COND-2026-0004 11 BOSTON HARBOR ROAD




**Property Information**

| | |
|---|---|
| **Location** | 11 BOSTON HARBOR RD |
| **Owner** | AHMED AHMED R & KARIM VIDA TRUSTEES |
| **Land Use** | 104R |
| **Zoning Code** | R-20 |
| **Property Id** | 07008-000000 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/30/2023
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

# PERMIT SNAPSHOT REPORT COND-2026-0004
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Permit Type** | Conditional Use | **Project:** | | **App Date:** | 01/28/2026 |
| **Work Class:** | Environmental | **District:** | None | **Exp Date:** | NOT AVAILABLE |
| **Status:** | In Review | **Square Feet:** | 0.00 | **Completed:** | NOT COMPLETED |
| **Valuation:** | $0.00 | **Assigned To:** | Blonigen, Rachel | **Approval Expire Date:** | |

**Description:** Raze existing and reconstruct new dwelling on same footprint

| | | | | | |
|---|---|---|---|---|---|
| **Parcel:** | 07008-000000 Main | **Address:** | 11 Boston Harbor Rd Main<br>Dover, NH | **Zone:** | R-20(Residential - Low Density) |

| Owner | Plan Preparer | Applicant |
|---|---|---|
| Ahmed Ahmed | Rick Chellman | Rick Chellman |
| Home: (603) 817-8388 | 224 State Street | 224 State Street |
| Mobile: (603) 817-8388 | Portsmouth, NH 03801 | Portsmouth, NH 03801 |
| | Business: (603) 479-7195 | Business: (603) 479-7195 |
| | Mobile: (603) 479-7195 | Mobile: (603) 479-7195 |

**Permit Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Select Permit Type | Conservation District | General Purpose | New Construction | Project Zone | Residential |
| What is the parcel zoned? | R-20 | New Change in Impervious/Paved Area (sq ft) | -476 | Work | A portion of the existing duplex dwelling is in the conservation district. Some of that dwelling will be razed and the entire building reconstructed on the same footprint, but taller, and a new foundation will be installed. The foundation requires a State wetlands permit, which triggers this permit. |
| permitstatefed | State wetlands and shoreland permits- filed and pending. | | | | |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| Signature_Rick_Chellman_1/28/2026.jpg | 01/28/2026 16:34 | Chellman, Rick | | Uploaded via CSS |
| Permit Snapshot Report.pdf | 01/28/2026 16:35 | Service, EnerGov | | Attached by IO - ATTACH: Initial Permit Snapshot |
| 2026.03.10_PlanningBoard.Agenda.pdf | 02/24/2026 10:42 | Blonigen, Rachel | | PB Agenda |

| Note | Created By | Date and Time Created |
|---|---|---|
| 1. $200.00 credit applied from COND-2026-0009. Original invoice was $309.00. 309.00- 200.00=109.00 remaining balance | Rachel Blonigen | 02/25/2026 11:10 |

| Invoice No. | Fee | Fee Amount | Amount Paid |
|---|---|---|---|
| INV-2026000231 | Planning General Application Fee | $200.00 | $200.00 |
| | Total for Invoice INV-2026000231 | $200.00 | $200.00 |
| INV-2026000649 | Planning Legal Notice | $109.00 | $109.00 |
| | Total for Invoice INV-2026000649 | $109.00 | $109.00 |
| | **Grand Total for Permit** | **$309.00** | **$309.00** |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Conditional Use Review v.1 | Approved | 01/28/2026 | 02/09/2026 | | No | No |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|

# PERMIT SNAPSHOT REPORT (COND-2026-0004)

| | | | | | | |
|---|---|---|---|---|---|---|
| Planning | Planning | Edgecomb, Makayla | Approved | 01/28/2026 | 02/25/2026 | 02/17/2026 |

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 01/28/2026 0:00 | 02/17/2026 13:49 |
| Confirm application complete v.1 | Generic Action | | 01/28/2026 16:51 |
| Conditional Use Review v.1 | Receive Submittal | 01/28/2026 16:51 | 02/17/2026 13:49 |
| **Planning Board v.1** | | 02/17/2026 13:50 | |
| Planning Board Agenda v.1 | Task | 02/17/2026 13:50 | 02/24/2026 10:42 |
| Invoice for Notices v.1 | Task | 02/24/2026 10:42 | 02/26/2026 9:05 |
| Send Notices v.1 | Task | 02/26/2026 9:51 | |
| Planner Creates Staff Recommendations v.1 | Permit Activity | | |
| Distribute Planning Board Materials v.1 | Task | | |
| Planning Board Hearing v.1 | Hold Hearing | | |
| Planning Board Decision v.1 | Permit Activity | | |
| NOD Sent to Applicant v.1 | Create Report | | |
| **Issue Permit v.1** | | | |
| Verify Fees Prior to Permit v.1 | Generic Action | | |
| Issue and Review Permit v.1 | Generic Action | | |
| Print and Email Permit v.1 | Generic Action | | |
| Plans uploaded to Treeno v.1 | Generic Action | | |
| Internal Notification of Plan Completion v.1 | Generic Action | | |
| Recording v.1 | Task | | |

TND ENGINEERING
ZONING, TND, LAND PLANNING AND GENERAL CONSULTING

224 State Street
PORTSMOUTH, NH 03801
p. 603.479.7195
Email: Chellman@TNDEngineering.com

NH Dept of Environmental Services
Wetlands Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

January 18, 2026

Re: Wetlands permit Applications Ahmed-Karim Trust property

Enclosed herewith is the application package for the Ahmed-Karim property located at 11 Boston Harbor Road, tax map 7, parcel 8, in Dover. This property was one of the first built on in this area after the second World War and has had a dwelling and improved yard since approximately 1950.

**Project Description and Narrative**

The initial catalyst for this application was the foundation repair that is necessary for the front portion of the dwelling on this property. (see Figure 1).



**Figure 1: Photo taken 1.11.26 Showing Part of Broken Foundation**

The wetlands application portion of the work relates to this broken foundation and the front part of the existing dwelling, which is a 2-unit dwelling.

The front portion of the building, outlined in dashed yellow in Figure 2 is to be removed, a new foundation constructed in the same footprint, and new construction placed atop that foundation in accordance with plans prepared by Winter Holben Architects and approved by the City of Dover (City approvals are

pending). The gable end that appears above the dashed yellow line in Figure 2 is the neighbor's building.




**Figure 2: Showing portion of dwelling to be removed and replaced**

## New Hampshire Datacheck Review (DCT26-0035)

A NH Datacheck was submitted and a reply received on January 8, 2026 (attached). This reply showed there were potential impacts. In accordance with the request, additional photos and plans have been submitted and no further action is anticipated as the area concerned is beneath the foundation of an existing building, where a "growing season" does not properly apply.

## Wetlands and Forest

This property has been developed waterfront for more than 70 years. As may be seen in Figure 2, the front portions of the subject property are nearly fully developed with lawn and two small raised garden beds, and 3 significant mature maple trees. The canopy of those trees obscures the ground in many aerial photos, but personal discussions by the undersigned with the prior owners who owned the property since 1988 have confirmed the lawn and garden areas as pre-existing and legally developed on July 1, 2008, as required by RSA 483-B:9 V (vi). Therefore, these may be maintained by not enlarged.

To the rear of the property, the owners wish to relocate one of the dwelling units into a new structure that will be primarily beyond the 150' setback from the reference line (Figure 3).
The details of that part of the proposal and application are described in the shoreland permit application and plans.

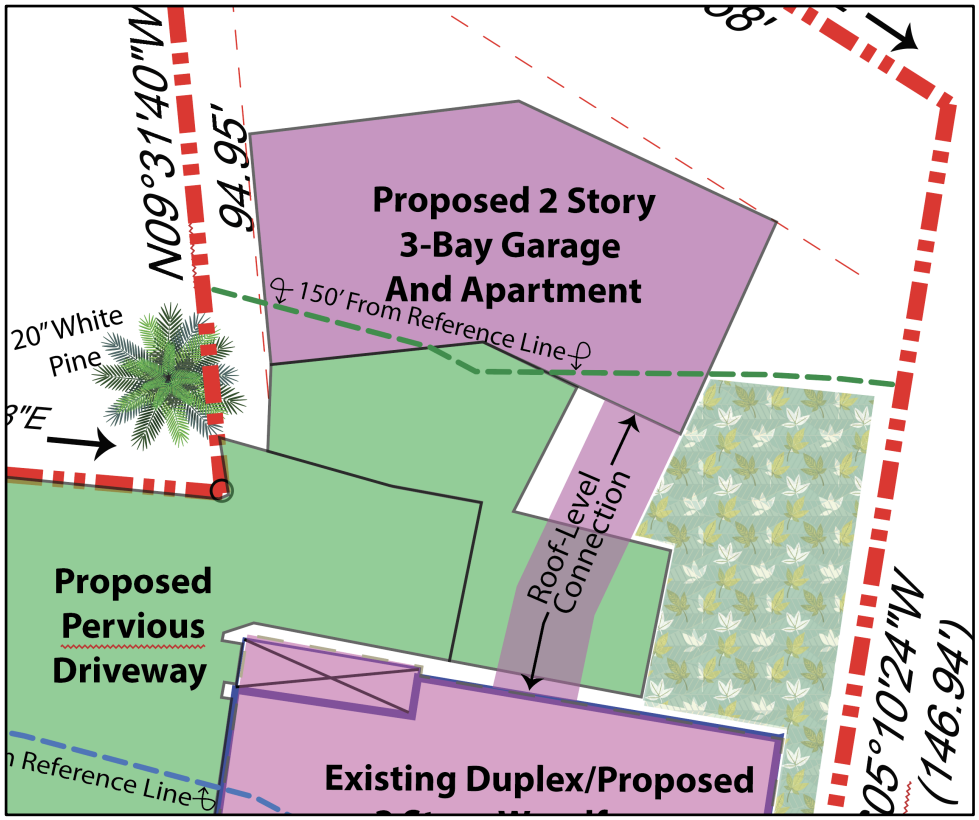



**Figure 3: Portion of Shoreland Application Plan**

The existing gravel driveway is proposed to be replaced with a pervious driveway, so the net impervious coverage will be reduced to under 20%.

## Local Jurisdiction

This property lies within the low density residential (R-20) district in the City of Dover and permits will be required from the City. Applications for those permits are being submitted concurrently with the State applications.

Sincerely,

Chester "Rick" Chellman, P.E., L.L.S.

# ATTACHMENTS

- Appointment of Agent with signature authorization
- Wetlands Application
- FEMA FIRM Mapping: “Firmette” and Blow-up showing site
- Coastal Viewer with 2’ topo and potential 2’ sea level rise
- Subject property Deed
- Site Location on USGS map
- Three-pages of photos showing front area
- NH Datacheck Bureau Review Letter
- NH Datacheck reply with photos & plan requested
- Reduced copy of wetlands plan with tax map and abutter info
- Abutter/City Clerk letters with Abutters names & addresses
- Copies of mailing return receipts
- Coastal Resource Worksheet

Separate (full size) Plan Set

- Boundary plan of subject property
- Shoreland application plan with proposal and details
- Wetlands application plan with Abutters names, addresses and locations on Tax Map extract

TND ENGINEERING
TRAFFIC, TND, TRANSPORTATION AND CONSULTING

# APPOINTMENT OF AGENT

To Whom This Concerns

January 7, 2026

Re: Tax Map 7, Parcel 8, Dover NH

I, Ahmed R. Ahmed, Trustee of the Ahmed-Karim Revocable Trust and owner of tax map 7, parcel 8 in Dover, NH hereby authorize Rick Chellman, P.E., L.L.S. of TND Engineering to act as my agent to represent me before the City of Dover and State of New Hampshire Department of Environmental Services and to sign any forms and applications on my behalf for any land use applications as may be required for land use approvals for said property.

Sincerely,

Ahmed R. Ahmed, Trustee

# EXPEDITED MINIMUM IMPACT (EXP) WETLANDS PERMIT APPLICATION

Water Division / Land Resources Management

Check the Status of your Application **RSA/Rule**: RSA 482-A/Env-Wt 100-900 (Env-Wt 310.01)

**APPLICANT'S NAME:** Ahmed-Karim Revocable Trust, Ahmed R. Ahmed, Trustee **TOWN NAME: Dover**

| | | | |
|---|---|---|---|
| Administrative Use Only | Administrative Use Only | Administrative Use Only | File No.: |
| | | | Check No.: |
| | | | Amount: |
| | | | Initials: |

**SECTION 1 - REQUIRED PLANNING FOR ALL PROJECTS (Env-Wt 306.05; Env-Wt 603.03; Env-Wt 603.05)**

Please use the Wetland Permit Planning Tool (WPPT), the Natural Heritage Bureau (NHB) DataCheck Tool, the Aquatic Restoration Mapper, or other sources to assist in identifying key features such as: Priority Resource Areas (PRAs), protected species or habitats, coastal areas, designated rivers, or designated prime wetlands.

| | |
|---|---|
| Does the property contain a PRA? If yes, provide the following information: | ○ Yes ◉ No |
| • Does the project qualify for an Impact Classification Adjustment (such as an NH Fish and Game Department (NHFG) and NHB agreement for a classification downgrade) or a Project-Type Exception (such as a Maintenance or Statutory Permit-by-Notification (SPN) project)? See Env-Wt 407.02 and Env-Wt 407.04). | ○ Yes ◉ No |
| • Protected species or habitat?<br>○ If yes, species or habitat name(s):<br>○ NHB Project ID #: DCT26-0035 (**Pending**- additional information submitted) | ○ Yes ○ No |
| • Bog? | ○ Yes ◉ No |
| • Floodplain wetland contiguous to a tier 3 or higher watercourse? | ○ Yes ◉ No |
| • Designated prime wetland or duly-established 100-foot buffer? | ○ Yes ◉ No |
| • Sand dune, tidal wetland, tidal water, or undeveloped tidal buffer zone? | ○ Yes ◉ No |
| Is the property within a Designated River corridor? If yes, provide the following information:<br>• Name of Local River Management Advisory Committee (LAC):<br>• A copy of the application was sent to the LAC on Month: ☐ Day ☐ Year: | ○ Yes ◉ No |
| For dredging projects, is the subject property contaminated?<br>• If yes, list contaminant(s): | ○ Yes ◉ No |
| Is there potential to impact impaired waters, class A waters, or outstanding resource waters? | ○ Yes ◉ No |
| For stream crossing projects, provide watershed size (see Wetland Permit Planning Tool or Stream Stats): | |

**SECTION 2 - ELIGIBILITY (Env-Wt 306.03; Env-Wt 310.01; Env-Wt 310.03)**

You must confirm that your project meets *all* of the following statements to qualify for the EXP process:

- The project qualifies as minimum impact project (Env-Wt 306.03).
- The project does not include activities that are prohibited under RSA 482-A (Env-Wt 306.03(a)).
- The project does not include any work in a jurisdictional area that was started without first obtaining the applicable approval (Env-Wt 306.03(b)).
- No work has been done on the subject property pursuant to another EXP or a Statutory Permit-by-Notification (SPN) within 12 months of the date this EXP will be issued. Alternatively, if any work has been done on the subject property pursuant to another EXP or a SPN within 12 months of the date this EXP will be issued, then you are submitting information, including a plan, with this application demonstrating that:
  - The work proposed in this EXP application is wholly unrelated to and separate from the work already done under the EXP or SPN; and
  - The work proposed in this EXP application, when combined with work that has been done under previously issued EXPs or SPNs within the last 12 months, does not constitute a project for which a Standard Permit is required (Env-Wt 310.03(a)).
- If the project is located in a PRA, it also qualifies for an impact classification adjustment under Env-Wt 407.02 or a project-type exception (PTE) under Env-Wt 407.04 (Env-Wt 310.01(d)(6)).

☒ My project meets all statements above. Proceed to Section 3.

☐ My project does not meet all of the statements above. **Your project does not qualify for the EXP process. Your project either is not permittable or requires a Standard Permit.**

**SECTION 3 - INFORMATION ON THE PROPOSED PROJECT (Env-Wt 310.01(c))**

Identify the rule(s)/provision(s) which make the project a minimum impact project. Refer to the project list below and the Expedited Minimum Impact (EXP) Project Classification Guidance Document.

☐ Aquatic Vegetation Control Projects (Env-Wt 510.08(a))
☐ Water Access Structure Construction Projects (Env-Wt 511.06(a))
☐ Beach Replenishment Projects (Env-Wt 511.07(a))
☐ Deck or Patio Repair Projects (Env-Wt 511.08(a))
☐ Breakwater Maintenance and Repair Projects (Env-Wt 512.07(b))
☐ Docking and Accessory Docking Structure Construction, Repair, and Replacement Projects (Env-Wt 513.24(a))
☐ Docking Structure Modification Projects (Env-Wt 513.25(a))
☐ Accessory Docking Structure Installation, Construction, Modification, Repair, and Replacement Projects (Env-Wt 513.26(a))
☐ Canopy Projects (Env-Wt 513.27(a))
☐ Bank/Shoreline Stabilization Construction Projects (Env-Wt 514.07(a))
☐ Dug-in Basins and Boathouse Construction or Modification Projects (Env-Wt 515.06(a), (b))
☐ Dug-in Basins and Boathouse Maintenance and Repair Projects (Env-Wt 515.07(a))
☐ Intake and Outflow Structure Construction, Maintenance and Repair Projects (Env-Wt 516.05; Env-Wt 516.06(b))
☐ Trail or Pathway Projects (Env-Wt 517.06(a); Env-Wt 517.06(d))
☐ Boardwalk Projects (Env-Wt 517.07(a); (Env-Wt 517.09)
☐ Dry Hydrants and Other Non-Docking Structure Projects (Env-Wt 518.07(a)(1), (b))
☐ Pond Construction, Maintenance, and Repair Projects (Env-Wt 519.08(a), (b); Env-Wt 519.09(a))
☐ Residential Utility Installation Projects (Env-Wt 521.06(a)(7))

- ☐ Non-tidal Dredging Projects (Env-Wt 523.04(a))
- ☐ Residential, Commercial, and Industrial Development Projects (Env-Wt 524.06(b))
- ☐ Restoration/Enhancement Projects (Env-Wt 525.05)
- ☐ Dam Construction, Reconstruction, or Replacement Projects (Env-Wt 526.06(a))
- ☐ Dam Modification, Repair, or Maintenance Projects (Env-Wt 526.07(a))
- ☐ Pubic Highway Projects (Env-Wt 527.06; Env-Wt 527.07)
- ☐ Coastal Projects (Env-Wt 600)
- ☐ Stream Crossing Projects (Env-Wt 903.01(e))
- ■ All Other Projects (Env-Wt 407.03)

Provide the project-specific information required by the rule(s)/provision(s). Refer to Chapters Env-Wt 400, Env-Wt 500, Env-Wt 600, and/or Env-Wt 900, as applicable, for project-specific application and design requirements. *Please see applicable standard Project Specific Worksheets for guidance.*

This project involves the replacement of a portion of an existing, primary structure (a duplex dwelling) that is within 100 feet of the highest observable tide line, and will only involve the minimum excavation of material to replace the existing broken foundation. There is no alternative location as the building has been in place since approximately 1949 and the subject portion is an essential part of the primary use of this property, which is residential.

In addition, the entire footprint to be rebuilt (work area) is 600 sq. ft. but the perimeter foundation itself (where excavation will occur to replace the foundation) is approx. 90' in length, so replacing the foundation will involve approximately 360 sq. ft. (90' X 4') of activity. Therefore, pursuant to 407.03, this project is a minimum impact project well under 3,000 sq. ft.

For projects located on waterbodies, provide the linear feet of shoreline frontage on the property: linear feet

(☐ Not applicable) 115'

Provide a brief description of the project and the purpose of the project, outlining the scope of work to be performed and whether impacts are temporary or permanent. *Do not* reply “See attached".

Project is to remove portion of existing duplex dwelling unit with broken foundation and to replace it with a new foundation and construction on that new foundation. The existing foundation footprint is not to be changed; this is an "in kind" "in place" repair and replacement of an existing condition. There is no activity proposed in or near water or wetland.
By separate application for a shoreland permit, different construction activity is proposed to the rear (landward) side of the existing duplex.

Identify the type of jurisdictional resources to be impacted and the area of impact in square feet and/or linear feet: The portion of the existing structure involved and its broken foundation are located within the tidal buffer zone. As noted above, the excavation will involve approximately 360 sq. ft. within the tidal buffer zone.

(☐ Not applicable)

**SECTION 4 - PROJECT LOCATION (Env-Wt 310.01(b))**

| | |
|---|---|
| ADDRESS: | 11 Boston Harbor Road |
| TOWN/CITY: | Dover |
| TAX MAP/LOT NUMBER: | Map 7, parcel 8 |
| US GEOLOGICAL SURVEY (USGS) TOPO MAP WATERBODY NAME: ☐ N/A | Dover East, NH ME Little Bay (Bellamy RIver) |
| LATITUDE/LONGITUDE in decimal degrees (to five decimal places): | ° North 43.12728° ° West 70.84327° |

**SECTION 5 - APPLICANT (DESIRED PERMIT HOLDER) INFORMATION (Env-Wt 310.01(a))**

If the applicant is a trust or a company, then the name of the trust or company should be written as the applicant's name.

| | | | |
|---|---|---|---|
| NAME: | Ahmed-Karim Revocable Trust, Ahmed R. Ahmed, Trustee | | |
| MAILING ADDRESS: | 11 Boston Harbor Road | | |
| TOWN/CITY: | Dover | STATE: NH | ZIP CODE: 03820 |
| PHONE: 603-817-8388 | EMAIL ADDRESS (OPTIONAL): Ahmedrahmed@gmail.com | | |

ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.

**SECTION 6 - AUTHORIZED AGENT INFORMATION (Env-Wt 310.01(a))**

If the agent is a company, then the name of the company should be written as the agent's name.

| | | | |
|---|---|---|---|
| NAME: | Rick Chellman | | |
| MAILING ADDRESS: | 224 State Street | | |
| TOWN/CITY: | Portsmouth | STATE: NH | ZIP CODE: 03801 |
| PHONE: 603-479-7195 | EMAIL ADDRESS (OPTIONAL): Chellman@TNDEngineering.com | | |

ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically.

| **SECTION 7 - PROPERTY OWNER INFORMATION, IF DIFFERENT FROM APPLICANT (Env-Wt 310.01(a))**<br>If the owner is a trust or a company, then the name of the trust or company should be written as the owner's name. | | | |
|---|---|---|---|
| NAME: Ahmed-Karim Revocable Trust, Ahmed R. Ahmed, Trustee | | | |
| MAILING ADDRESS: 11 Boston Harbor Road | | | |
| TOWN/CITY: DOver | | STATE: NH | ZIP CODE: 03820 |
| PHONE: 603-817-8388 | EMAIL ADDRESS (OPTIONAL): Ahmedrahmed@gmail.com | | |
| ELECTRONIC COMMUNICATION: By initialing here, I hereby authorize NHDES to communicate all matters relative to this application electronically. | | | |

| **SECTION 8 - APPLICATION FEE (RSA 482-A:3, I)** |
|---|
| [X] $400 for minimum impact projects. Please make your check or money order payable to: "Treasurer - State of NH". |

| **SECTION 9 - REQUIRED CERTIFICATIONS ( Env-Wt 310.01(d))** | |
|---|---|
| **Initial each box below to certify:** | |
| Initials: | The proposed project meets the conditions and limits of the applicable minimum impact project rule. |
| Initials: | All abutters have been notified. |
| Initials: | If the project is to repair or replace a docking structure, the docking structure is an existing legal structure. ([X] N/A) |
| Initials: | The proposal is the alternative with the least adverse impact to jurisdictional areas, as required by Env-Wt 310.01(d)(4). |
| Initials: | The project is not an after-the-fact application. |
| Initials: | The project is:<br>• Not located in a PRA, or<br>• Is located in a PRA but is subject to a classification adjustment under Env-Wt 407.02 or a project-type exception under Env-Wt 407.04. |
| Initials: | The applicant is aware of the limits of the EXP and understands and will comply with all conditions in the EXP and all applicable conditions in Env-Wt 307. |

| | |
|---|---|
| Initials: | To the best of the signer's knowledge and belief, all required notifications have been provided. |
| Initials: | The information submitted on or with the application is true, complete, and not misleading to the best of the signer's knowledge and belief. |
| Initials: | The signer understands that:<br>• The submission of false, incomplete, or misleading information constitutes grounds for NHDES to:<br>1. Deny the application.<br>2. Revoke any approval that is granted based on the information.<br>3. If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. |
| Initials: | If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing. |

**SECTION 10 - REQUIRED SIGNATURES (Env-Wt 310.01(d))**

| | | |
|---|---|---|
| SIGNATURE (OWNER)*: | PRINT NAME LEGIBLY: Ahmed R. Ahmed, Trustee by Agent | DATE: 1/15/26 |

*Note: If the applicant is not the owner of the property, each property owner also shall sign and date the application provided that property owner signatures shall not be required for transportation projects adjacent to existing rights-of-way where an easement will be obtained prior to the start of construction (Env-Wt 311.11(d)). Check the following box if your project meets this exception: ☐.

| | | |
|---|---|---|
| SIGNATURE (APPLICANT, IF DIFFERENT FROM OWNER): | PRINT NAME LEGIBLY: Rick Chellman | DATE: 1/15/26 |
| SIGNATURE (AGENT, IF APPLICABLE): | PRINT NAME LEGIBLY: Rick Chellman | DATE: 1/15/26 |

**SECTION 11 - CONSERVATION COMMISSION SIGNATURE (Env-Wt 310.01(h))****

The signed statement from the Conservation Commission may be submitted electronically.

The signature below certifies that the municipal Conservation Commission or, if there is no conservation commission, the local governing body, has reviewed this application and the municipality waives its right to intervene on the project, per RSA 482-A:11.

| | | |
|---|---|---|
| AUTHORIZED COMMISSION SIGNATURE: | PRINT NAME LEGIBLY: | DATE: |

| SECTION 12 - LOCAL RIVER MANAGEMENT ADVISORY COMMITTEE SIGNATURE (Env-Wt 310.01(i))** | | |
|---|---|---|
| The signature below certifies that the LAC waives its right to intervene per RSA 482-A:11:<br>(☐ N/A This project is **not** within a Designated River Corridor) | | |
| AUTHORIZED LAC REPRESENTATIVE SIGNATURE: | PRINT NAME LEGIBLY: | DATE: |

**Note: If the application is administratively complete, except for the signed statement from the Conservation Commission and/or LAC, the application will be processed under the application processing times established in RSA 482-A:3, XIV (Env-Wt 310.02(h)). The applicant may also indicate that they are applying for a minimum impact application under standard processing timelines.

| SECTION 14 - TOWN / CITY CLERK SIGNATURE (Env-Wt 310.01(f)) | |
|---|---|
| As required by RSA 482-A:3, I(a)(1), I hereby certify that the municipality has received four copies of the application, including all attachments. | |
| TOWN/CITY CLERK SIGNATURE: | PRINT NAME LEGIBLY: Jerrica VanSyoung-Brier |
| TOWN/CITY: Dover | DATE: 1/30/2024 |

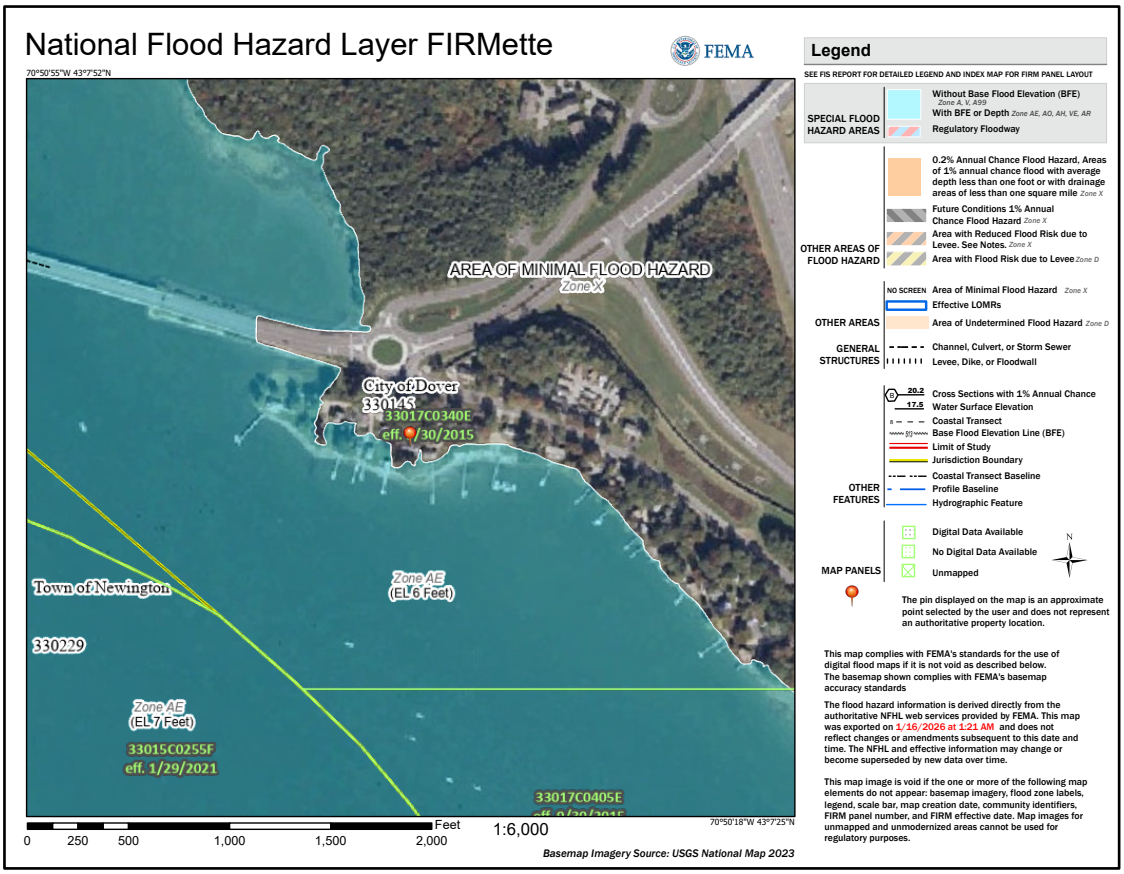
DIRECTIONS FOR TOWN/CITY CLERK:

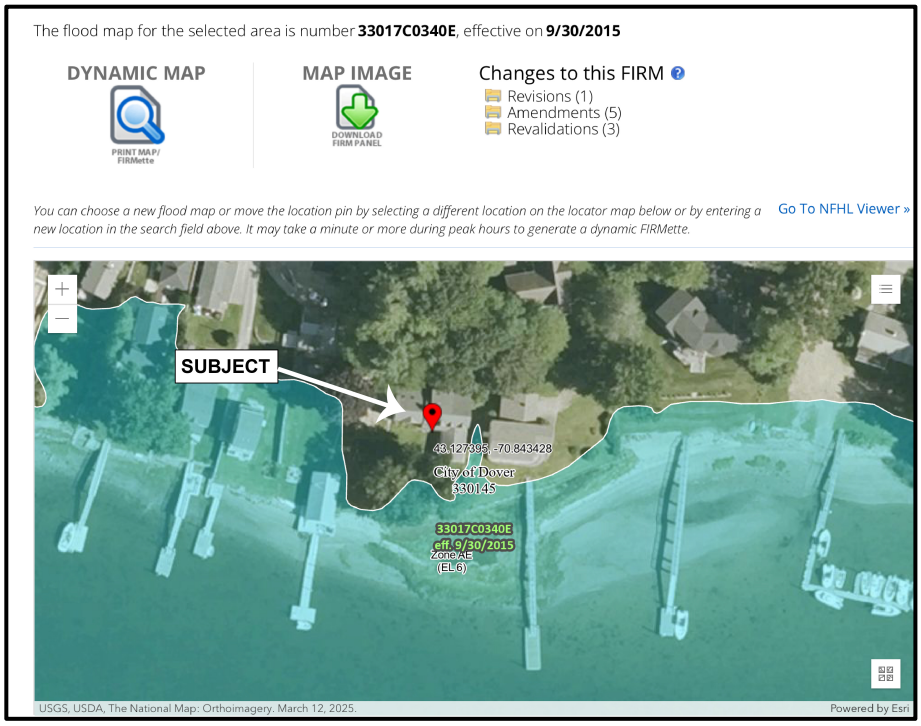
Per RSA 482-A:3, I(a)(1)

1. IMMEDIATELY sign the original application form and four copies in the signature space provided above.
2. Return the signed original application form and attachments to the applicant so that the applicant may submit the application form and attachments to NHDES by mail or hand delivery.
3. IMMEDIATELY distribute a copy of the application with one complete set of attachments to each of the following bodies: the municipal Conservation Commission, the local governing body (Board of Selectmen or Town/City Council), and the Planning Board.
4. Retain one copy of the application form and one complete set of attachments and make them reasonably accessible for public review.

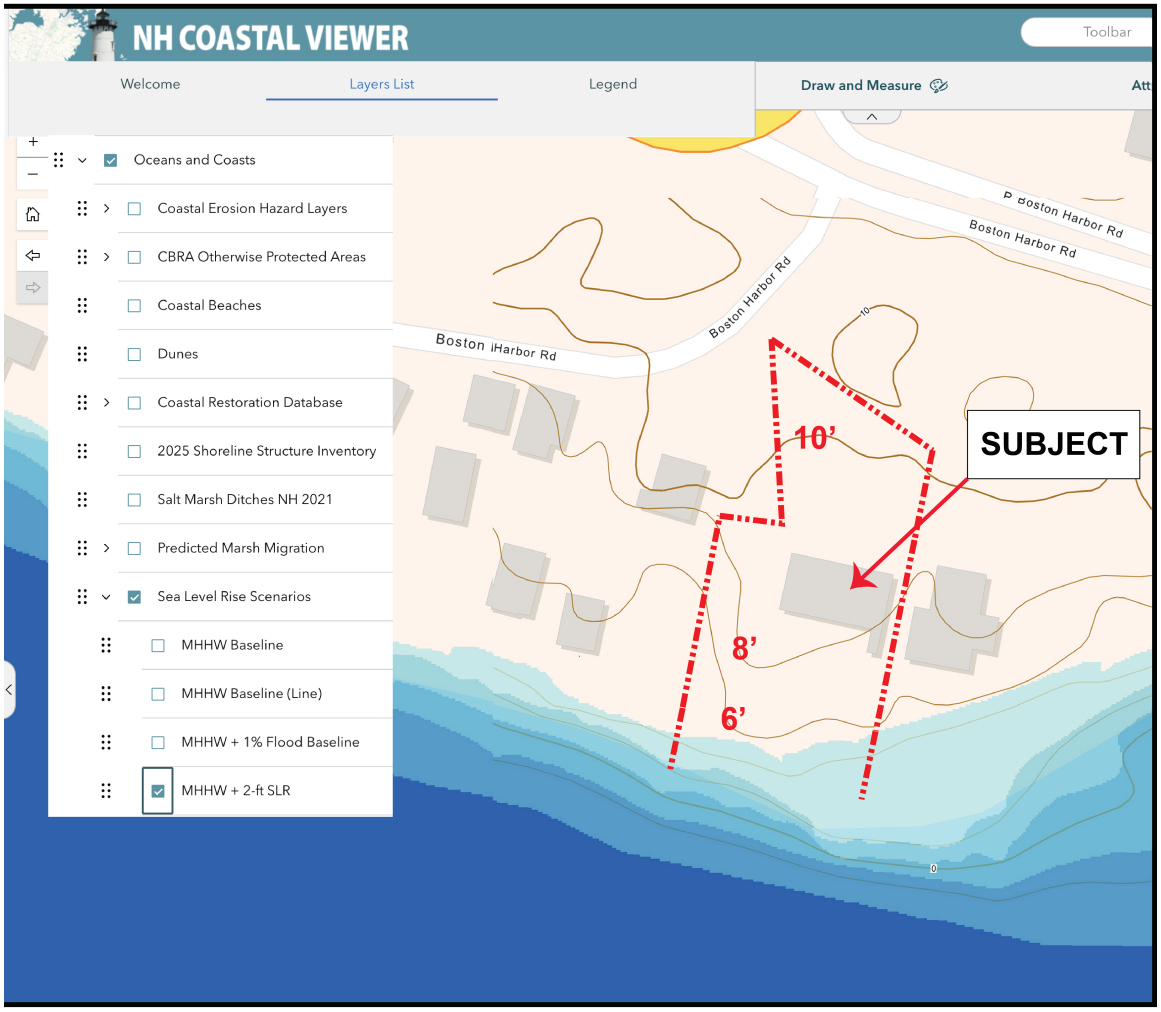
DIRECTIONS FOR APPLICANT:
Submit the single, original permit application form bearing the signature of the Town/City Clerk, additional materials, and the application fee to NHDES by mail or hand delivery at the address at the bottom of this page.

# FEMA FIRM MAPPING



## COASTAL VIEWER SHOWING SITE, 2’ TOPO and POTENTIAL 2’ SEA LEVEL RISE (SLR)




While a small expedited project, a Coastal Resource Worksheet is also attached for additional information and explanation. No work is proposed in or near waters, so no water depths, boundary projections into the water etc have been provided as they do not apply to this application.

Doc # 250013763 10/28/2025 09:32:35 AM
Book 5306 Page 400 Page 1 of 2
CATHERINE A. BERUBE
Register of Deeds, Strafford County
LCHIP STA234762 25.00

# *WARRANTY DEED*

***KNOW EVERYONE BY THESE PRESENTS, THAT,*** *Ahmed R. Ahmed and Vida Karim, a married couple, of 11 Boston Harbor Road, City of Dover, County of Strafford and State of New Hampshire, for no consideration paid, grants to Ahmed R. Ahmed and Vida Karim, Trustees of the Ahmed – Karim Revocable Trust, of 11 Boston Harbor Road, City of Dover, County of Strafford and State of New Hampshire, with* ***Warranty Covenants,***

*A certain tract or parcel of land, together with the buildings thereon, situate on the Southerly side of Boston Harbor Road, in Dover, in the County of Strafford and State of New Hampshire, being Parcel A and Lot 7-8 as shown on plan entitled "Boundary Adjustment Plan prepared for Hugh A. Vaughan & Betsy Leavitt-Vaughan, Dover, N.H., dated November 22, 1988 Thomas F. Moran, Inc.", recorded in the Strafford County Registry of Deeds as Plan 0037-0064 and being more particularly bounded and described as follows:*

*Beginning at a point on the northwesterly corner of Parcel A, said point being S 37° 26' 00" E a distance of 69.60 feet from a point on Boston Harbor Road and the northwesterly corner of land now or formerly of Cecile M. & Leslie E. Tibbetts shown on said Plan as Lot 7-28; thence turning and running N 45°10'16" E a distance of 100.60 along a proposed 10' right of way feet to point; thence turning and running S 21°40'00" E a distance of 46.94 feet to a point; thence continuing N 21° 40'00" E a distance of 100.00 feet to the low water mark; thence turning and running N 72° 41'56" W a distance of 100.00 to a point; thence turning and running N 21° 13'07" W a distance of 100.00 feet to and iron pin found; thence turning and running S 72° 40'00" E a distance of 32.18 feet: thence to a point; thence turning and running N 06° 57'00" E a distance of 94.80 feet to the point of beginning.*

*Also, all the right, title and interest in the right of way shown on plan entitled "Plan of Lot Cecile M. Tibbetts & Leslie E. Tibbetts Dover, New Hampshire" by G.L. Davis & Associates, dated September 1966 and recorded in the Strafford County Registry of Deeds in Book 974, Page 500 and as described in a Quitclaim Deed from Leslie E. Tibbetts and Cecile M. Tibbetts to Parker Tobin and vesta Tobin dated October 16, 1975 and recorded in the Strafford County Registry of Deeds in Book 974, Page 499.*

*Also, intending to convey to said Grantee said lot with all the riparian and water rights belonging thereto and immediately connected therewith. Also, conveyed to said Grantee, their heirs and assigns, the right to use in common with others entitled thereto such rights of way between said lot and the State of Highway as it now exists. Together with all riparian and water rights belonging thereto and immediately connected thereto.*

*Also, all the right, title and interest in the right of way reserved and described in a Warranty deed from Hugh A. Vaughan and Betsy Leavitt-Vaughan to A. Richard Twombley dated July 14, 1989 and recorded in the Strafford County Registry of Deeds in Book 1460, Page 116.*

*Said property being further described by instrument recorded in the Strafford County Registry of Deeds in Book 1426, Page 719.*

*Reference is made to title vested in Hugh A. Vaughan and Betsy Leavitt-Vaughan by virtue of a Warranty Deed from Leslie E. Tibbetts and Cecile M. Tibbetts dated December 14, 1988 and recorded in the Strafford County Registry of Deeds in Book 1426, Page 719; and Hugh A. Vaughan and Betsy A. Leavitt by virtue of a Quitclaim Deed from Hugh A. Vaughan dated June 15, 1987 and recorded in the Strafford County Registry of Deeds in Book 1320, Page 430.*

*Meaning and intending to describe and convey the same premises conveyed to the Grantors by Warranty Deed of Hugh A. Vaughan and Betsy A. Leavitt, a married couple, dated September 17, 2025, and recorded in the Strafford County Registry of Deeds at Book 5295, Page 67 on September 18, 2025.*

*Transfer tax exemption NH RSA 78-B:2 IX noncontractual transfer.*

***WITNESS** our hand and seal this day, October 23, 2025.*

*By:* _____
*Ahmed R. Ahmed*

_____
*Witness to both*

_____
*Vida Karim*

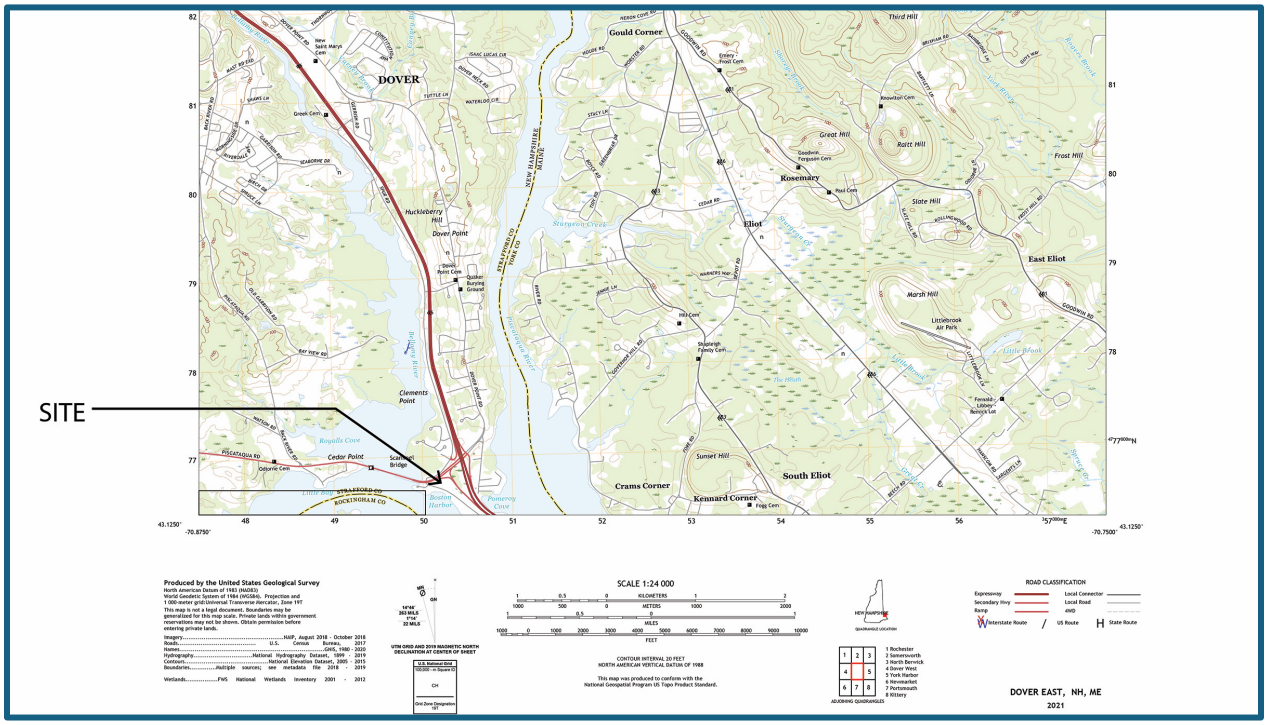
***STATE OF NEW HAMPSHIRE***
***COUNTY OF ROCKINGHAM*** *Dated: October 23, 2025*

***PERSONALLY APPEARED** the above named, Ahmed R. Ahmed and Vida Karim and gave oath that the foregoing instrument subscribed to by them is their free act and deed. Before Me;*

_____
*Jay Nadeau, Esq. / Justice of Peace*
*Commission Expires: 2/26/2030*



# USGS Locus Map



# TND ENGINEERING

Photos for Ahmed-Karim Revocable Trust, 11 Boston Harbor Rd., Dover NH

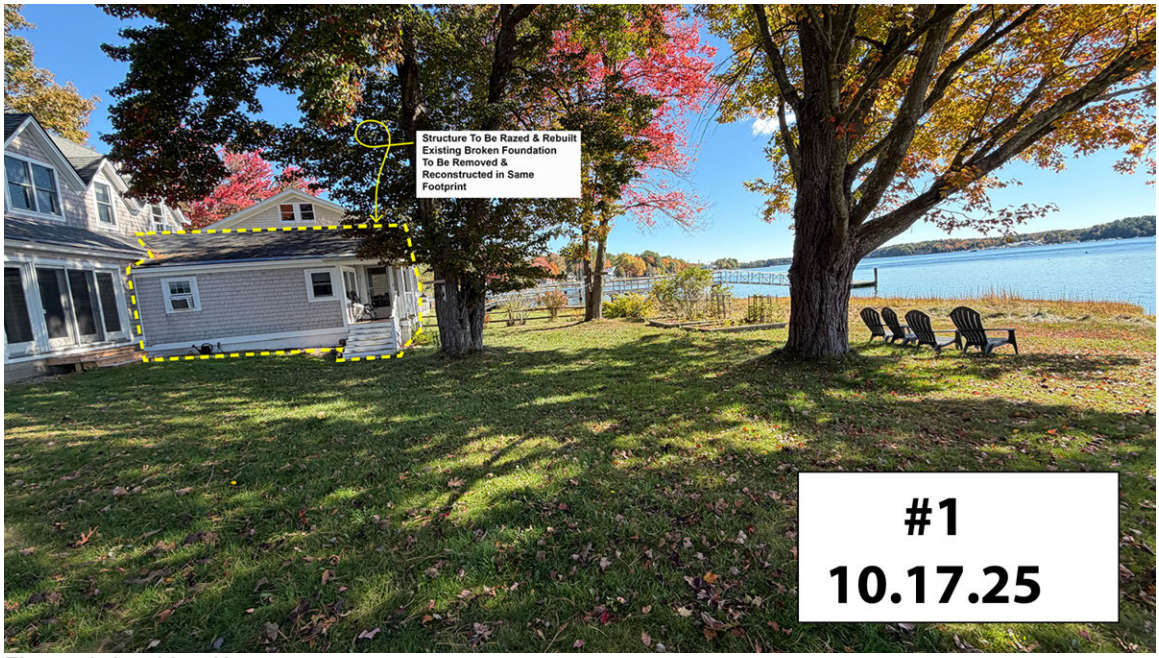



**Figure 1: Looking Nast**




**Figure 2: Looking North**

Photos for Ahmed-Karim Revocable Trust, 11 Boston Harbor Rd., Dover NH

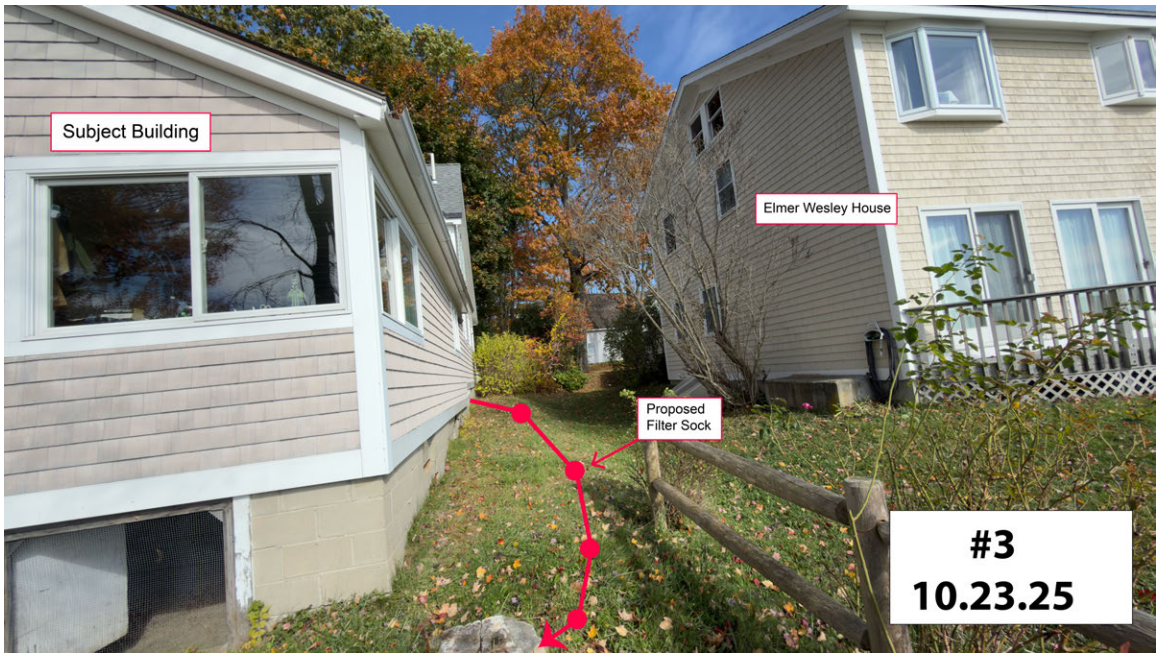



**Figure 3: Looking North at Sideline**



**Figure 4: Behind Existing Dwelling; Shed to be removed, looking East Photo 1.11.26**



**Figure 5: View to south; abutter's boathouse at right; photo 10.17.25**



**Figure 6: View to Northeast; Existing dwelling at right; shed to be removed; photo 1.11.26**

The State of New Hampshire
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**Robert R. Scott, Commissioner**

To: Rick Chellman, TND Engineering
224 State Street
Portsmouth, NH 03801
chellman@tndengineering.com

From: Ecological Review Section
New Hampshire Department of Environmental Services

cc: NHFG Review, David Simmons

Date: 01/08/2026 (valid until 01/08/2027)
Re: DataCheck Review by NHDES Ecological Review Section and NH Fish & Game
Permits: NHDES - Standard Dredge & Fill - Minimum; or Expedited

## DCT ID: DCT26-0035

Town: Dover
Location: 11 Boston Harbor Rd

**Project Description:** The front portion of an existing dwelling with a broken foundation is to be replaced in kind and in the same footprint with a new foundation and construction.

## Next Steps for Applicants:

The New Hampshire Department of Environmental Services (NHDES) Ecological Review Section has reviewed the provided mapped project area against available records of protected species, Exemplary Natural Communities (ENCs), and critical habitat. Based on the project mapping and submitted information it was determined that there are potential impacts. Please carefully read the comments below and consultation instructions on the following pages.

**Plant and Exemplary Natural Community Comments:** Please send proposed plans and representative photos during the growing season of the proposed impact areas (or at the very least take photos without snow cover).

**Wildlife and Critical Habitat Comments:** An ecological review is needed to further assess potential impacts to protected wildlife and critical habitat. Please refer to the Wildlife Ecological Review Instructions below for guidance on how to submit an ecological review request and information about when an ecological review is required vs recommended.

**Plant and Exemplary Natural Community Ecological Review Instructions**

Unless otherwise noted, an ecological review is required if plant and/or ENC records are included on this letter and:

a. The project is funded or carried out by a state agency; or
b. Such a review is required pursuant to the administrative rules of a state agency

If a project is not legally required to obtain an ecological review but this letter contains plant and/or ENC records, it is recommended to voluntarily proceed with an ecological review in order to ensure that project impacts do not result in a violation of RSA 217-A.

To request an ecological review for plants and/or ENCs:

1. Email (preferred), mail, or hand-deliver any materials requested in the "Plant and Exemplary Natural Community Comments" section above to:

   Department of Environmental Services
   Ecological Review Section
   P.O. Box 95
   29 Hazen Drive
   Concord, New Hampshire 03302-0095
   ecologicalreviews@des.nh.gov

2. Reference the DataCheck Tool identification number (DCT ID) included on the first page of this letter and include "Ecological Review Request" in the subject line of the request.

*For help with the plant/ENC ecological review process call 603-271-6261.*

**Wildlife and Critical Habitat Ecological Review Instructions**

*Requesting an Ecological Review by NHDES*

An ecological review for wildlife will be completed by the NHDES Ecological Review Section if a NHDES permit, authorization, or approval is needed. *If you do not need any NHDES permits, authorizations, or approvals then please see the section regarding NHFG reviews conducted by the NH Fish and Game Department (NHFG) below.*

Unless otherwise noted, an ecological review by NHDES is required if wildlife/critical habitat records are included on this letter and:

a. The project is funded or carried out by a state agency; or
b. Such a review is required pursuant to the administrative rules regarding the permit, approval, or written authorization pursuant to RSA 482-A, RSA 485-A, and RSA 236.

If a project requiring a NHDES permit, authorization, or approval is not legally required to obtain an ecological review, but this letter contains wildlife or critical habitat records, it is recommended to voluntarily proceed with an ecological review in order to ensure that project impacts do not result in a violation of RSA 212-A.

To request an ecological review for wildlife with DES:

1. Email (preferred), mail, or hand-deliver project information following the guidance of Fis1004.03(c) to:

   Department of Environmental Services
   Ecological Review Section
   P.O. Box 95
   29 Hazen Drive
   Concord, New Hampshire 03302-0095
   ecologicalreviews@des.nh.gov

2. Reference the DataCheck Tool identification number (DCT ID) included on the first page of this letter and include "Ecological Review Request" in the subject line of the request.

*For help with wildlife ecological review process call 603-271-0467 or visit the wildlife environmental review page for guideline materials including a suggested checklist of materials to provide for ecological review.*

**Wildlife and Critical Habitat Review Instructions (continued)**

*Requesting a Wildlife Review by NHFG*

Wildlife reviews to assess potential impacts to protected wildlife and critical habitat for any need outside of NHDES permits, authorizations, and approvals are completed by the New Hampshire Fish and Game Department, Nongame & Endangered Wildlife Program.

To request a wildlife review with NHFG:

1. Email (preferred), mail, or hand-deliver available project information to:

   New Hampshire Fish and Game Department
   Attn. Wildlife Division, Nongame Program
   11 Hazen Drive
   Concord, New Hampshire 03301
   nhfgreview@wildlife.nh.gov

2. Reference the DataCheck Tool identification number (DCT ID) included on the first page of this letter and include "Wildlife Review" in the subject line of the request.

*For help with the NHFG wildlife review process call 603-271-2461.*

**Federal Compliance**

This letter does not constitute compliance with the federal Endangered Species Act (ESA). There may be occurrences of federally listed species in New Hampshire that are not included in this letter. For ESA compliance, please visit the US Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (iPaC) website for an official list of federally listed species that may be present in your project area. If a federal agency is involved in your project through funding, permit or other authorization, coordinate your IPaC results with your point of contact at the agency for further ESA review. If there is no federal agency nexus to your project, and you determine through IPaC, habitat evaluations etc. that a project may cause take of a federally listed species, we recommend coordinating with the USFWS' New England Field Office (newengland@fws.gov or 603-223-2541).

**Ecological Review Database records:**
The following record(s) may be impacted by the proposed project. Please refer to this list when coordinating.

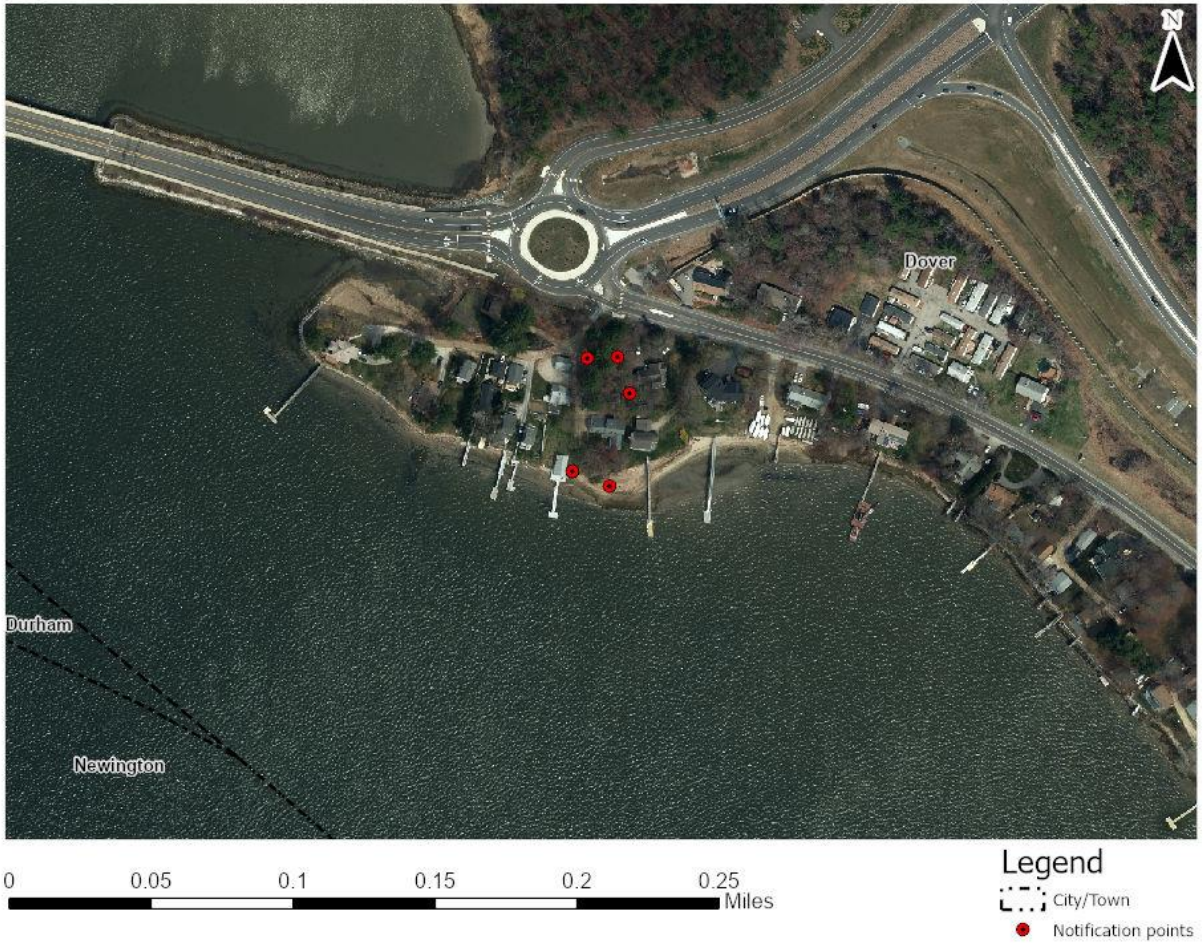
| Natural Community | State[1] | Federal | Notes |
|---|---|---|---|
| Sparsely vegetated intertidal system | -- | -- | Threats to these communities are primarily alterations to the hydrology of the wetland (such as alterations that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. |
| Subtidal system | -- | -- | Threats to these communities are primarily alterations to the hydrology of the wetland (such as alterations that might affect the sheet flow of tidal waters across the intertidal flat) and increased input of nutrients and pollutants in storm runoff. |

| Vertebrate species | State[1] | Federal | Notes |
|---|---|---|---|
| Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) | T | T | Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see above). |
| Cliff Swallow (*Petrochelidon pyrrhonota*) | T | -- | Contact the NH Fish & Game Dept (see above). |
| Common Tern (*Sterna hirundo*) | T | -- | Contact the NH Fish & Game Dept (see above). |
| Shortnose Sturgeon (*Acipenser brevirostrum*) | E | E | Contact the NH Fish & Game Dept and the US Fish & Wildlife Service (see above). |

[1]Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list.
An asterisk (*) indicates that the most recent report for that occurrence was 25 or more years ago.

**Disclaimer**:
DataCheck Tool screening only includes documented and verified occurrences of protected species and exemplary natural communities. The list of protected species and habitat on this letter does not guarantee these are the only protected species and habitat present at this location, only that their presence has not been documented and verified by state biologists and ecologists. As many areas have never been surveyed, or have only been surveyed for certain species, surveys are the best way to determine what resources are present on site.

**DCT26-0035**




www.des.nh.gov
29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • Fax: (603) 271-2867 • TDD Access: Relay NH 1-800-735-2964

TND ENGINEERING
ZONING, TND, LAND PLANNING AND GENERAL CONSULTING

224 State Street
PORTSMOUTH, NH 03801
p. 603.479.7195
Email: Chellman@TNDEngineering.com

NH Dept of Environmental Services
Ecological Review Section
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095
VIA Email: ecologicalreviews@des.nh.gov

January 17, 2026

Re: **Ecological Review Request: DCT26-0035**, Ahmed-Karim Trust property

As requested, here is supplemental information for the Ahmed-Karim property located at 11 Boston Harbor Road, tax map 7, parcel 8, in Dover. This property was one of the first built on in this area after the second World War and has had a dwelling and improved yard since approximately 1950.

**Project Description and Narrative**

The initial catalyst for this application was the foundation repair that is necessary for the front portion of the dwelling on this property. (see Figure 1).



**Figure 1: Photo taken 1.11.26 Showing Part of Broken Foundation**

The wetlands application portion of the work relates to this broken foundation and the front part of the existing dwelling, which is a 2-unit dwelling.

The front portion of the building, outlined in dashed yellow in Figure 1 on the attached additional photo pages is to be removed, a new foundation constructed in the same footprint, and new construction placed atop that foundation in

accordance with plans prepared by Winter Holben Architects and approved by the City of Dover (City approvals are pending). The gable end that appears above the dashed yellow line in Figure 2 is the neighbor's building.

In addition the wetlands application plan is attached as a reduced copy, showing the locations and directions fo the photos and other site details.

## Wetlands and Forest

This property has been developed waterfront for more than 70 years. As may be seen in Figure 2, the front portions of the subject property are nearly fully developed with lawn and two small raised garden beds, and 3 significant mature maple trees. The canopy of those trees obscures the ground in many aerial photos, but personal discussions by the undersigned with the prior owners who owned the property since 1988 have confirmed the lawn and garden areas as pre-existing and legally developed on July 1, 2008, as required by RSA 483-B:9 V (vi). Therefore, these may be maintained by not enlarged.

I trust this information will assist in your review, but I will of course address any additional concerns you may have.

Sincerely,

Chester "Rick" Chellman, P.E., L.L.S.

# TND ENGINEERING

Photos for Ahmed-Karim Revocable Trust, 11 Boston Harbor Rd., Dover NH

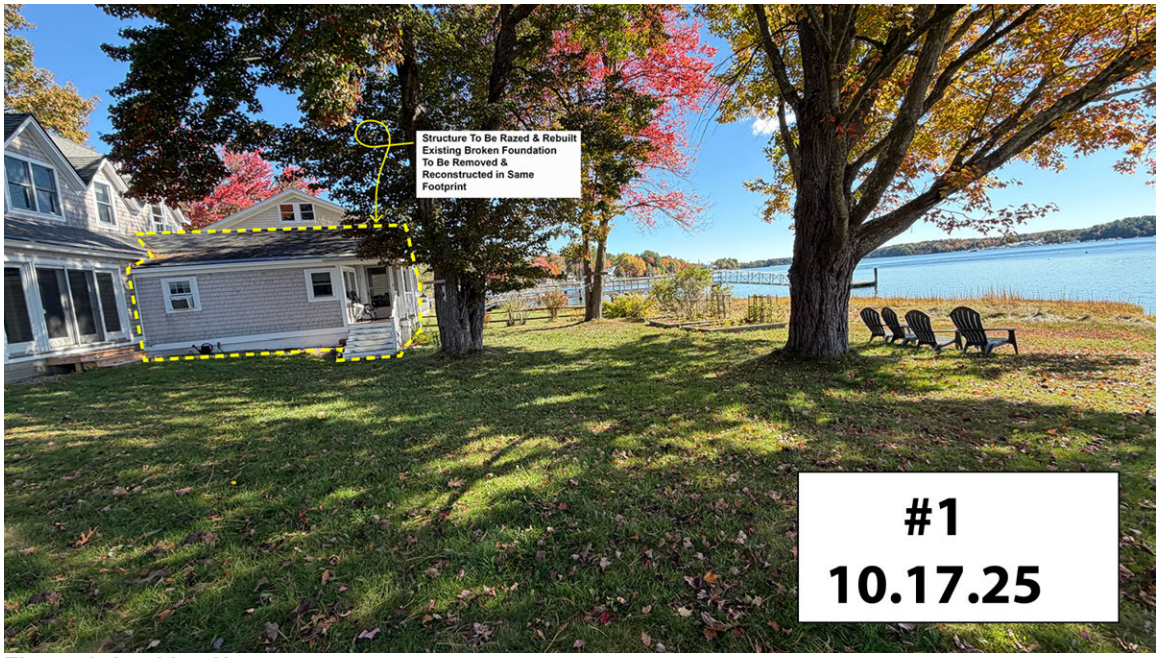



**Figure 1: Looking Nast**




**Figure 2: Looking North**

Photos for Ahmed-Karim Revocable Trust, 11 Boston Harbor Rd., Dover NH

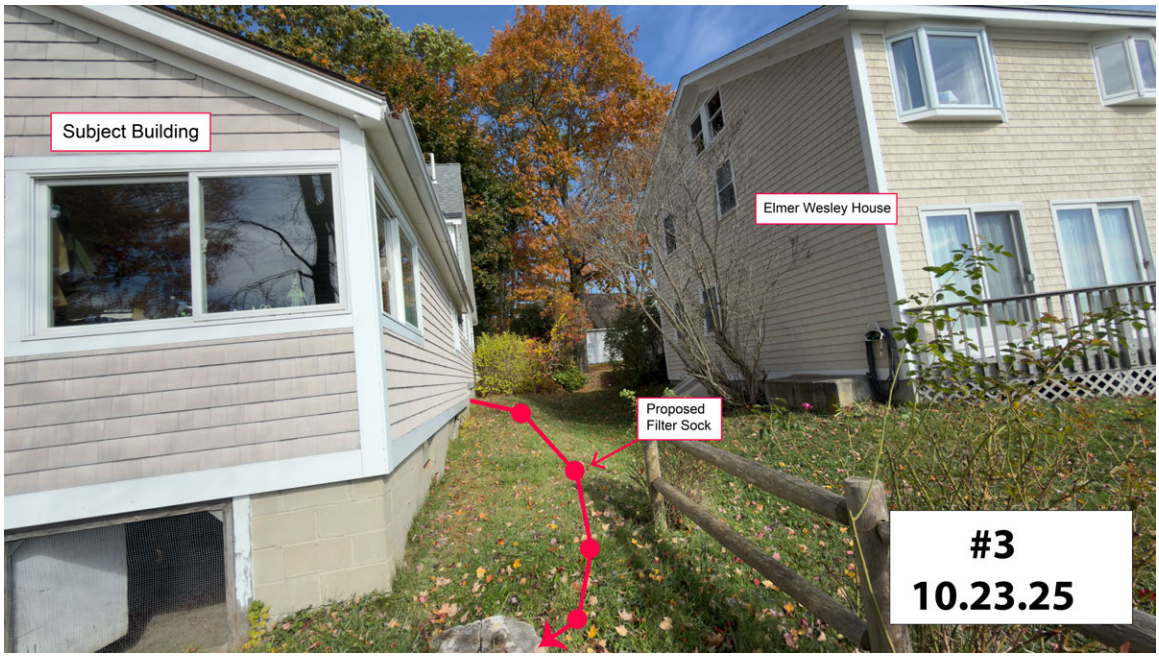
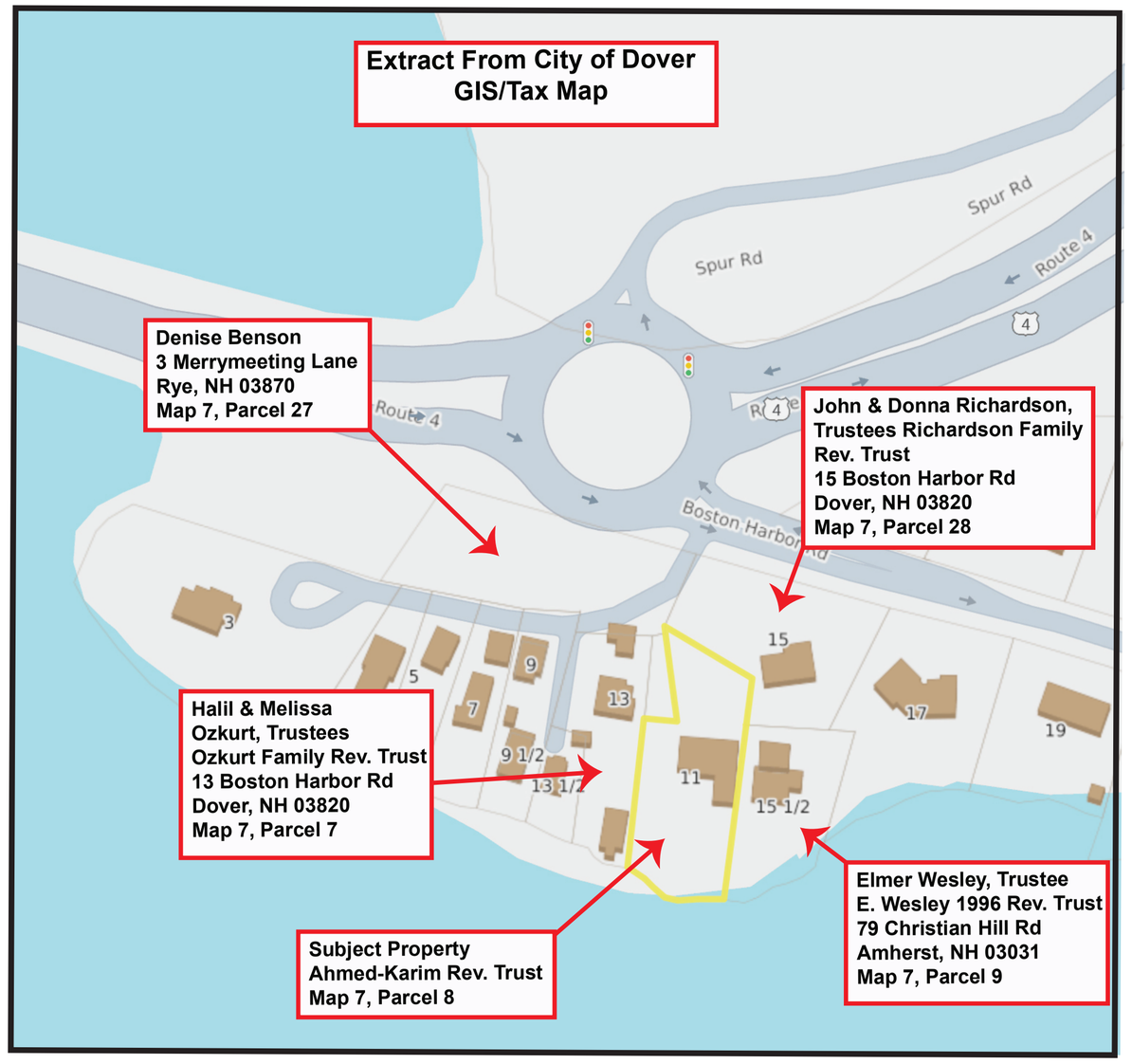
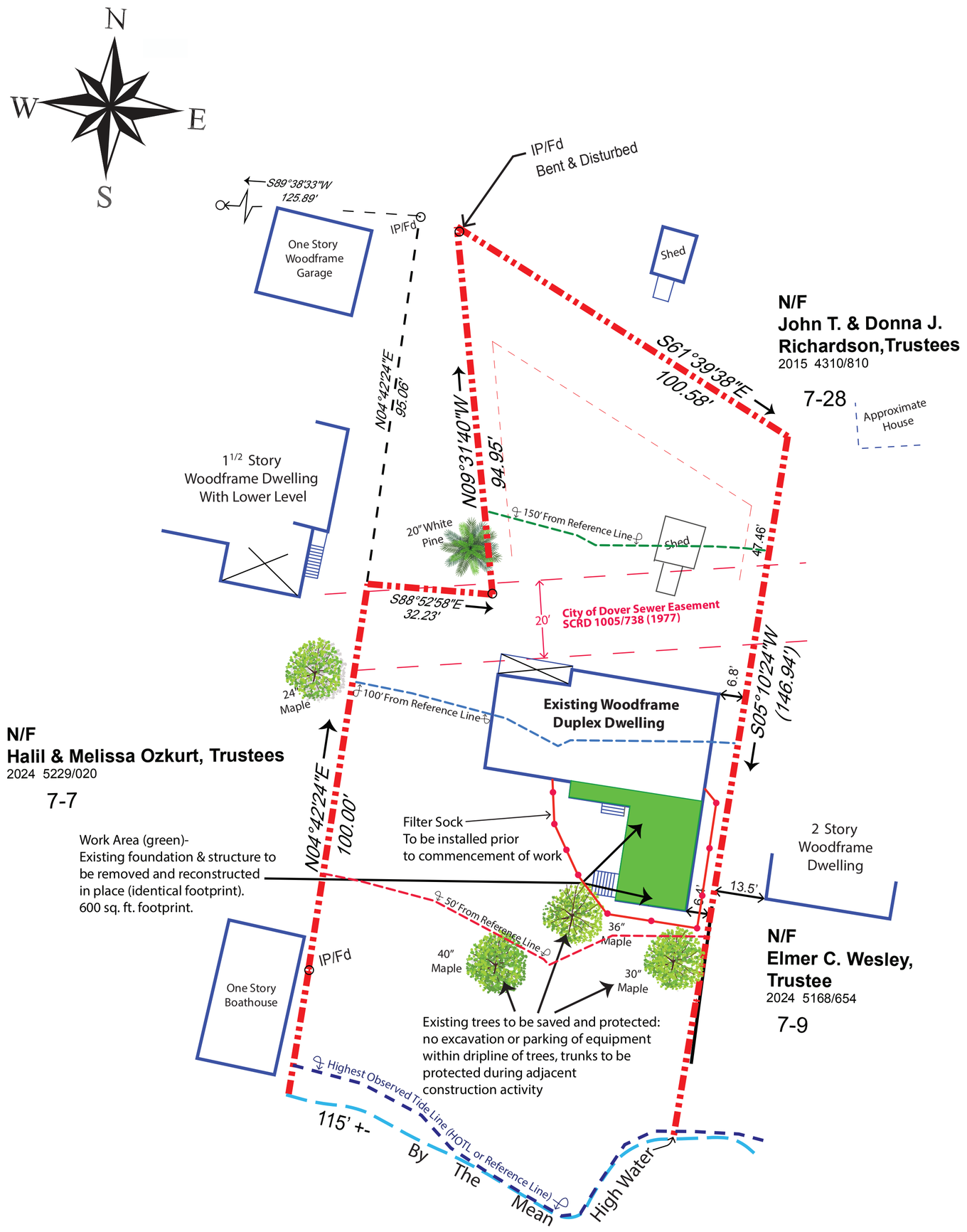



**Figure 3: Looking North at Sideline**

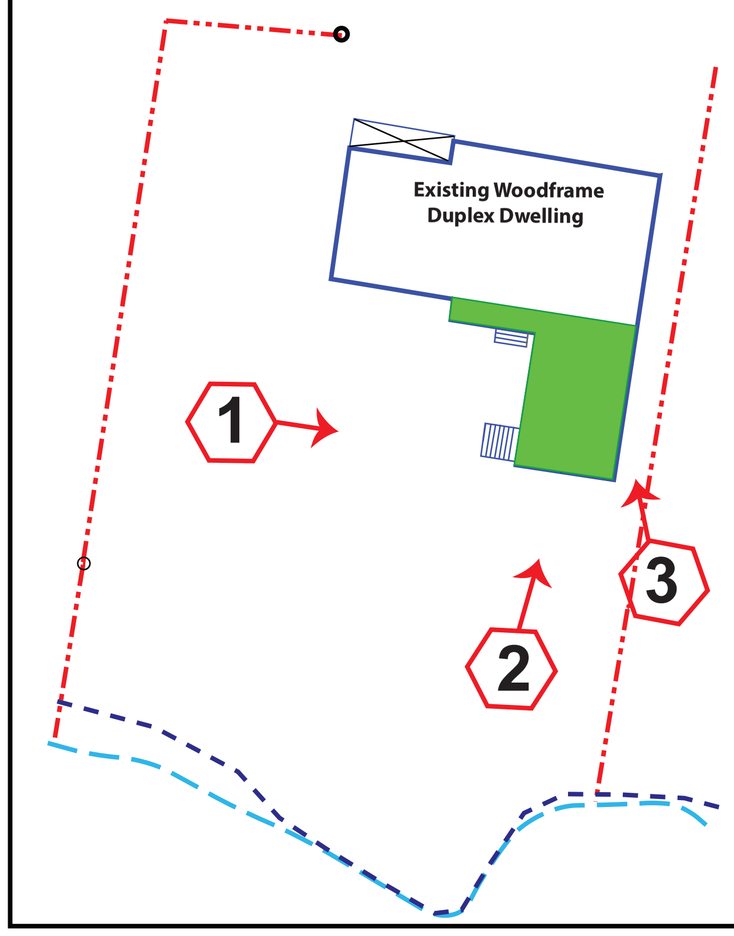



## Legend

- 50' Buffer: RSA 483-B
- 100' Buffer: RSA 483-B
- 150' Buffer: RSA 483-B
- City Setback Line
- Filter Sock
- Work Area

## Photo Location Key




**Proposal**:

This plan depicts a part of proposed overall site improvements including a new building with rooftop connector to be landward of the existing dwelling as shown on accompanying shoreland permit plans.

This plan is for the wetland permit associated with the removal and reconstruction of a portion of the existing dwelling on this property, which was first constructed circa 1950.

The reconstruction is to be in the same footprint as the existing foundation. New construction on the new foundation shall be in accord with plans by Winter Holben Architects.

TND

10' 20' 40'

Scale: 1" = 20'

**Scale Note**:
This plan has been prepared to print at 1"=20' only if printed on 24" x 36" paper; printing on other sizes of paper or viewing/zooming digitally will change the scale reference accordingly.

TND

Prepared By:
TND Engineering
224 State Street
Portsmouth, NH 03801
Rick Chellman, P.E., L.L.S.

## Certification:

This plan depicts proposed construction, including the removal of a portion of the existing dwelling with its damaged foundation. A new foundation and replacement structure is to be built on the same footprint, as proposed by the owners and designed by Winter Holben Architects. Additional site improvements are proposed to the landward side of the existing dwelling and are depicted on a shoreland permit application submitted contemporaneously with this application.
See architectural plans for additional details.

January 14, 2026

Chester "Rick" Chellman, L.L.S.

STATE OF NEW HAMPSHIRE — No. 541 — CHESTER E. CHELLMAN — LICENSED LAND SURVEYOR

# NHDES Wetlands Permit Plan For:

## Ahmed R. Ahmed & Vida Karim,

## Trustees of Ahmed-Karim Revocable Trust

Tax Map 7, Parcel 8
Dover, NH
Sheet 1 of 1

TND ENGINEERING
TRAFFIC, TND, TRANSPORTATION AND CONSULTING

224 State Street
PORTSMOUTH, NH 03801
p. 603.479-7195
Email: Chellman@TNDEngineering.com

**VIA Individual Certified Mail** January 16, 2026

Dover City Clerk
Dover City Hall
288 Central Ave.
Dover, NH 03820

Re: 11 Boston Harbor Road Applications

Dear City Clerk:

On behalf of the owners, I am submitting applications to the State of New Hampshire, Department of Environmental Services, for the renovation of the existing house (the front portion of which has a broken foundation) and a proposed garage apartment to the rear, which requires State approval. You are being notified as required by NH RSA 483-B:5.

Also being notified are all abutting landowner to 11 Boston Harbor Road, owned by Ahmed R. Ahmed and Vida Karim, Trustees of the Ahmed-Karim Revocable Trust; the property is also parcel 8 on Dover tax map 7.

A full set of plans will be filed with the City Clerk and they will also be available at the State offices in Concord. The file in Concord may be reviewed by scheduling a request to review by calling 603-271-2147. You may also contact me with any questions.

Sincerely,



Chester "Rick" Chellman, P.E., L.L.S.

# TND ENGINEERING

**TRAFFIC, TND, TRANSPORTATION AND CONSULTING**

224 State Street
PORTSMOUTH, NH 03801
p. 603.479-7195
Email: Chellman@TNDEngineering.com


**VIA Individual Certified Mail**

January 19, 2026

Denise Benson
3 Merrymeeting Lane
Rye, NH 03870

Elmer Wesley, Trustee
E. Wesley 1996 Rev. Trust
79 Christian Hill Rd
Amherst, NH 03031

Halil & Melissa Ozkurt, Trustees
Ozkurt Family Rev. Trust
13 Boston Harbor Rd
Dover, NH 03820

John & Donna Richardson, Trustees
Richardson Family Rev. Trust
15 Boston Harbor Rd
Dover, NH 03820

Re: 11 Boston Harbor Road Applications

Dear Abutter:

You are being notified as an abutting landowner to 11 Boston Harbor Road, owned by Ahmed R. Ahmed and Vida Karim, Trustees of the Ahmed-Karim Revocable Trust; the property is also parcel 8 on Dover tax map 7.

On behalf of the owners, I have submitted applications to the State of New Hampshire, Department of Environmental Services, for the renovation of the existing house (the front portion of which has a broken foundation) and a proposed garage apartment to the rear, which requires State approval. You are being notified as required by NH RSA 483-B:5.

A full set of plans will be filed with the City Clerk and they will also be available at the State offices in Concord. The file in Concord may be reviewed by scheduling a request to review by calling 603-271-2147. You may also contact me with any questions.

Sincerely,

Chester "Rick" Chellman, P.E., L.L.S.

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- Adult Signature Restricted Delivery $

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Street and Apt. No., or PO Box No. 19 Christian Hill Rd
City, State, ZIP+4® AMHERST NH 03031

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# COASTAL RESOURCE WORKSHEET

## Water Division/Land Resources Management
## Wetlands Bureau

Check the Status of your Application

**RSA/Rule:** RSA 482-A/ Env-Wt 600

**APPLICANT LAST NAME, FIRST NAME, M.I.: Ahmed-Karim Revocable Trust, Ahmed R. Ahmed, Trust**

This worksheet may be used to present the information required for projects in coastal areas, in addition to the information required for Lower-Scrutiny Approvals, Expedited Permits, and Standard Permits under Env-Wt 603.01.

Please refer to Env-Wt 605.03 for impacts requiring compensatory mitigation.

**SECTION 1 - REQUIRED INFORMATION (Env-Wt 603.02; Env-Wt 603.06; Env-Wt 603.09)**

The following information is required for projects in coastal areas.

Describe the purpose of the proposed project, including the overall goal of the project, the core project purpose consisting of a concise description of the facilities and work that could impact jurisdictional areas, and the intended project outcome. Specifically identify all natural resource assets in the area proposed to be impacted and include maps created through a data screening in accordance with Env-Wt 603.03 (refer to Section 2) and Env-Wt 603.04 (refer to Section 3) as attachments.

**Purpose is to rebuild in place a portion of an exsiting dwelling located within the 100' tidal buffer, but not in any waters. The excavation required to remove and replace the existing foundation is minimal (approx 360 sq. ft.) and will be done in the same footprint.**

**A concurrent shoreland permit application for new construction outside the tidal buffer is being submitted; this worksheet is for the front area described above.**

**603.03: No impacts to any shellfish or other habitats.**

**603.04: The project is not in any tidal wetlands or waters and will not impact either.**

For standard permit projects, provide:

☐ A Coastal Functional Assessment (CFA) report in accordance with Env-Wt 603.04 (refer to Section 3).

☐ A vulnerability assessment in accordance with Env-Wt 603.05 (refer to Section 4).

Explain all recommended methods and other considerations to protect the natural resource assets during and as a result of project construction in accordance with Env-Wt 311.07, Env-Wt 313, and Env-Wt 603.04.

**This project is entirely on upland above elevation 7 (see attached) the 100 year flood elevation based on FEMA is 6. A standard filter sock will surround the water side of the work area during construction to prevent sedimentation toward the water.**

Provide a narrative showing how the project meets the standard conditions in Env-Wt 307 and the approval criteria in Env-Wt 313.01.

**While within the coastal 100' buffer, this work will be conducted entirely on upland, more than 50' from the highest oberserved tide line.**

**Water quality will not be impacted and sedimentation will be prevented by use of a filter sock surrounding the work area. Temporary soil stockpiles will be inside the footprint of the existing foundation.**

**This project does not involve dredging but only minimal excavation in upland. Backfill shall be the original material except under replacement footings, which shall be clean crushed gravel.**

**On completion, the area excavated around the dwelling shall be reseeded with noninvasive seed to match the existing conditions.**

**No trees will be cut for the foundation and structure replacement and no wetlands will be impacted.**

Provide a project design narrative that includes the following:

☐ A discussion of how the proposed project:

- Uses best management practices and standard conditions in Env-Wt 307;
- Meets all avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- Meets approval criteria in Env-Wt 313.01;
- Meets evaluation criteria in Env-Wt 313.01(c);
- Meets CFA requirements in Env-Wt 603.04; and
- Considers sea-level rise and potential flooding evaluated pursuant to Env-Wt 603.05;

☐ A construction sequence, erosion/siltation control methods to be used, and a dewatering plan; and

☐ A discussion of how the completed project will be maintained and managed.

**Once completed, the project willa gain be a dwelling, but an upgraded and rebuilt one, in and on the same footprint as has existed for approximately 70 years. As such, it will be maintained as any conventional dwelling.**

**The grounds have an existing lawn area that has been in place for decades, that will be maintained but not enlarged and no trees will be cut.**

☒ Provide design plans that meet the requirements of Env-Wt 603.07 (refer to Section 5);

☐ Provide water depth supporting information required by Env-Wt 603.08 (refer to Section 6); and

☐ For any major project that proposes to construct a structure in tidal waters/wetlands or to extend an existing structure seaward, provide a statement from the Pease Development Authority Division of Ports and Harbors (DP&H) chief harbormaster, or designee, for the subject location relative to the proposed structure's impact on navigation. If the proposed structure might impede existing public passage along the subject shoreline on foot or by non-motorized watercraft, the applicant shall explain how the impediments have been minimized to the greatest extent practicable.

**SECTION 2 - DATA SCREENING (Env-Wt 603.03, in addition to Env-Wt 306.05)**

Please use the Wetland Permit Planning Tool, or any other database or source, to indicate the presence of:

☐ Existing salt marsh and salt marsh migration pathways;

☐ Eelgrass beds;

☐ Documented shellfish sites;

☒ Projected sea-level rise; and

☒ 100-year floodplain.

Conduct data screening as described to identify documented essential fish habitat, and tides and currents that may be impacted by the proposed project, by using the following links:

☐ National Oceanic and Atmospheric Administration (NOAA) Tides & Currents; and

☐ NOAA Essential Fish Habitat Mapper.

☐ Verify or correct the information collected from the data screenings by conducting an on-site assessment of the subject property in accordance with Env-Wt 406 and Env-Wt 603.04.

**SECTION 3 - COASTAL FUNCTIONAL ASSESSMENT/ AVOIDANCE AND MINIMIZATION (Env-Wt 603.04; Env-Wt 605.01; Env-Wt 605.02; Env-Wt 605.03)**

Projects in coastal areas shall:

☐ Not impair the navigation, recreation, or commerce of the general public; and

☐ Minimize alterations in prevailing currents.

An applicant for a permit for work in or adjacent to tidal waters/wetlands or the tidal buffer zone shall demonstrate that the following have been avoided or minimized as required by Env-Wt 313.04:

☐ Adverse impacts to beach or tidal flat sediment replenishment;

☐ Adverse impacts to the movement of sediments along a shore;

☐ Adverse impacts on a tidal wetland's ability to dissipate wave energy and storm surge; and

☐ Adverse impacts of project runoff on salinity levels in tidal environments.

For standard permit applications submitted for minor or major projects:

☐ Attach a CFA based on the data screening information and on-site evaluation required by Env-Wt 603.03. The CFA for tidal wetlands or tidal waters shall be:

- Performed by a qualified coastal professional; and
- Completed using one of the following methods:

  a. The US Army Corps of Engineers (USACE) Highway Methodology Workbook, dated 1993, together with the USACE New England District *Highway Methodology Workbook Supplement*, dated 1999; or

  b. An alternative scientifically-supported method with cited reference and the reasons for the alternative method substantiated.

For any project that would impact tidal wetlands, tidal waters, or associated sand dunes, the applicant shall:

☐ Use the results of the CFA to select the location of the proposed project having the least impact to tidal wetlands, tidal waters, or associated sand dunes;

☐ Design the proposed project to have the least impact to tidal wetlands, tidal waters, or associated sand dunes;

☐ Where impact to wetland and other coastal resource functions is unavoidable, limit the project impacts to the least valuable functions, avoiding and minimizing impact to the highest and most valuable functions; and

☐ Include on-site minimization measures and construction management practices to protect coastal resource areas.

Projects in coastal areas shall use results of this CFA to:

☐ Minimize adverse impacts to finfish, shellfish, crustacean, and wildlife;

☐ Minimize disturbances to groundwater and surface water flow;

☐ Avoid impacts that could adversely affect fish habitat, wildlife habitat, or both; and

☐ Avoid impacts that might cause erosion to shoreline properties.

**SECTION 4 - VULNERABILITY ASSESSMENT (Env-Wt 603.05)**

Refer to the New Hampshire Coastal Flood Risk Summary Part 1: Science and New Hampshire Coastal Flood Risk Summary Part II: Guidance for Using Scientific Projections or other best available science to:

Determine the time period over which the project is designed to serve.

In the range of 2080 to 2100, the sea level is projected to rise in amounts that are dependent on unknowns, resulting in a range of 2' to 4' as most likely. See attached Table A from NH Coastal Flood Risk Science and Technical Advisory Panel (2019). New Hampshire Coastal Flood Risk Summary Part: G

Identify the project's relative risk tolerance to flooding and potential damage or loss likely to result from flooding to buildings, infrastructure, salt marshes, sand dunes and other valuable coastal resource areas.

The grounds around this building range from elevation 7' to more than 9', with the living floor approximately at 10.5', wel above the projected sea level rise scenarios.  Flood risk tolerance is therefore high. FEMA maps the 100 year flood elevation at 6.

Reference the projected sea-level rise (SLR) scenario that most closely matches the end of the project design life and the project's tolerance to risk or loss.

As noted above, the 2' to 4' scenario which falls in the 2080 to 2100 year range most closely matches the projects- see attached table A from NH Coastal Flood Risk Science and Technical Advisory Panel (2019). New

Hampshire Coastal Flood Risk Summary Part: Guidance for Using Scientific Projections. Report Published by the University of New Hampshire

Identify areas of the proposed project site subject to flooding from SLR.

None of the subject area.

Identify areas currently located within the 100-year floodplain and subject to coastal flood risk.

As shown on attached plans- structures are not impacted on this property.

Describe how the project design will consider and address the selected SLR scenario within the project design life, including in the design plans.

No design changes or special conditions are required.

Where there are conflicts between the project's purpose and the vulnerability assessment results, schedule a pre-application meeting with the department to evaluate design alternatives, engineering approaches, and use of the best available science.

☐ Pre-application meeting date held:

**SECTION 5 - DESIGN PLANS (Env-Wt 603.07, in addition to Env-Wt 311)**

Submit design plans for the project in both plan and elevation views that clearly depict and identify all required elements.

The plan view shall depict the following:

☒ The engineering scale used, which shall be no larger than one inch equals 50 feet;

☐ The location of tidal datum lines depicted as lines with the associated elevation noted, based on North American Vertical Datum of 1988 (NAVD 88), derived from https://tidesandcurrents.noaa.gov/datum_options.html, as described in Section 6.

☐ An imaginary extension of property boundary lines into the waterbody and a 20-foot setback from those property line extensions;

☐ The location of all special aquatic sites at or within 100 feet of the subject property;

☒ Existing bank contours;

☒ The name and license number, if applicable, of each individual responsible for the plan, including:

a. The agent for tidal docking structures who determined elevations represented on plans; and

b. The qualified coastal professional who completed the CFA report and located the identified resources on the plan;

☒ The location and dimensions of all existing and proposed structures and landscape features on the property;

☒ Tidal datum(s) with associated elevations noted, based on NAVD 88; and

☐ Location of all special aquatic sites within 100-feet of the property.

The elevation view shall depict the following:

☒ The nature and slope of the shoreline;

☒ The location and dimensions of all proposed structures, including permanent piers, pilings, float stop structures, ramps, floats, and dolphins; and

☐ Water depths depicted as a line with associated elevation at highest observable tide, mean high tide, and mean low tide, and the date and tide height when the depths were measured. Refer to Section 6 for more instructions regarding water depth supporting information.

See specific design and plan requirements for certain types of coastal projects:

- Overwater structures (Env-Wt 606).
- Dredging activities (Env-Wt 607).
- Tidal beach maintenance (Env-Wt 608).
- Tidal shoreline stabilization (Env-Wt 609).
- Protected tidal zone (Env-Wt 610).
- Sand Dunes (Env-Wt 611).

**SECTION 6 - WATER DEPTH SUPPORTING INFORMATION REQUIRED (Env-Wt 603.08)**

Using current predicted NOAA tidal datum for the location, and tying field measurements to NAVD 88, field observations of at least three tide events, including at least one minus tide event, shall be located to document the range of the tide in the proposed location showing the following levels:

- ☐ Mean lower low water;
- ☐ Mean low water;
- ☐ Mean high water;
- ☐ Mean tide level;
- ☐ Mean higher high water;
- ☐ Highest observable tide line; and
- ☐ Predicted sea-level rise as identified in the vulnerability assessment in Env-Wt 603.05.

The following data shall be presented in the application project narrative to support how water depths were determined:

- ☐ The date, time of day, and weather conditions when water depths were recorded; and
- ☐ The name and license number of the licensed land surveyor who conducted the field measurements.

For tidal stream crossing projects, provide:

- ☐ Water depth information to show how the tier 4 stream crossing is designed to meet Env-Wt 904.07(c) and (d).

For repair, rehabilitation or replacement of tier 4 stream crossings:

- ☐ Demonstrate how the requirements of Env-Wt 904.09 are met.

**SECTION 7 - GENERAL CRITERIA FOR TIDAL BEACHES, TIDAL SHORELINE, AND SAND DUNES (Env-Wt 604.01)**

Any person proposing a project in or on a tidal beach, tidal shoreline, or sand dune, or any combination thereof, shall evaluate the proposed project based on:

- ☐ The standard conditions in Env-Wt 307;
- ☐ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;
- ☐ The approval criteria in Env-Wt 313.01;
- ☐ The evaluation criteria in Env-Wt 313.05;
- ☐ The project specific criteria in Env-Wt 600;
- ☐ The CFA required by Env-Wt 603.04; and
- ☐ The vulnerability assessment required by Env-Wt 603.05.

New permanent impacts to sand dunes that provide coastal storm surge protection for protected species or habitat shall not be allowed except:

- ☐ To protect public safety; and
- ☐ Only if constructed by a state agency, coastal resiliency project, or for a federal homeland security project.

Projects in or on a tidal beach, tidal shoreline, or sand dune shall support integrated shoreline management that:

- ☐ Optimizes the natural function of the shoreline, including protection or restoration of habitat, water quality, and self-sustaining stability to flooding and storm surge; and
- ☐ Protects upland infrastructure from coastal hazards with a preference for living shorelines over hardened shoreline practices.

**SECTION 8 - GENERAL CRITERIA FOR TIDAL BUFFER ZONES (Env-Wt 604.02)**

The 100-foot statutory limit on the extent of the tidal buffer zone shall be measured horizontally. Any person proposing a project in or on an undeveloped tidal buffer zone shall evaluate the proposed project based on:

☒ The standard conditions in Env-Wt 307;

☒ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;

☒ The approval criteria in Env-Wt 313.01;

☒ The evaluation criteria in Env-Wt 313.05;

☒ The project specific criteria in Env-Wt 600;

☒ The CFA required by Env-Wt 603.04; and

☒ The vulnerability assessment required by Env-Wt 603.05.

Projects in or on a tidal buffer zone shall preserve the self-sustaining ability of the buffer area to:

☒ Provide habitat values;

☒ Protect tidal environments from potential sources of pollution;

☒ Provide stability of the coastal shoreline; and

☒ Maintain existing buffers intact where the lot has disturbed area defined under RSA 483-B:4, IV.

**SECTION 9 - GENERAL CRITERIA FOR TIDAL WATERS/WETLANDS (Env-Wt 604.03)**

Except as allowed under Env-Wt 606, permanent new impacts to tidal wetlands shall be allowed only to protect public safety or homeland security. Evaluation of impacts to tidal wetlands and tidal waters shall be based on:

☐ The standard conditions in Env-Wt 307;

☐ The avoidance and minimization requirements in Env-Wt 311.07 and Env-Wt 313.03;

☐ The approval criteria in Env-Wt 313.01;

☐ The evaluation criteria in Env-Wt 313.05;

☐ The project specific criteria in Env-Wt 600;

☐ The CFA required by Env-Wt 603.04; and

☐ The vulnerability assessment required by Env-Wt 603.05.

Projects in tidal surface waters or tidal wetlands shall:

☐ Optimize the natural function of the tidal wetland, including protection or restoration of habitat, water quality, and self-sustaining stability to storm surge;

☐ Be designed with a preference for living shorelines over hardened stabilization practices; and

☐ Be limited to public infrastructure or restoration projects that are in the interest of the general public, including a road, a bridge, energy infrastructure, or a project that addresses predicted sea-level rise and coastal flood risk.

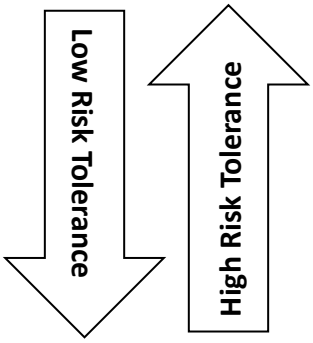
**SECTION 10 – GUIDANCE**

Your application must follow the New Hampshire Coastal Risk and Hazards Commission's Guiding Principles or other best available science. Below are some of these guidance principles:

- Incorporate science-based coastal flood risk projections into planning;
- Apply risk tolerance* to assessment, planning, design, and construction;
- Protect natural resources and public access;
- Create a bold vision, start immediately, and respond incrementally and opportunistically as projected coastal flood risks increase over time; and
- Consider the full suite of actions including effectiveness and consequences of actions.

*Risk tolerance is a project's willingness to accept a higher or lower probability of flooding impacts. The diagram below gives examples of project with lower and higher risk tolerance:

Critical infrastructures, historic sites, essential ecosystems, and high value assets typically have lower risk tolerance, and thus should be planned, designed, and constructed using higher coastal flood risk projections.




Sheds, pathways, and small docks typically have higher risk tolerance and thus may be planned, designed, and constructed using less protective coastal flood risk projections.

# CITY OF DOVER, NEW HAMPSHIRE
# PLANNING APPLICATION OWNER AUTHORIZATION

## OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Property Owner Name: Ahmed-Karim Revocable Trust

Signature(s) of Property Owner(s): _____ Date: 1/28/26

Signature of Applicant: _____ Date: 1/28/26
*if different from owner*

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity..

Property Owner Name: Ahmed R. Ahmed, Trustee

Signature(s) of Property Owner(s): _____ Date: 1/28/26

Signature of Applicant: _____ Date: 1/28/26
*if different from owner*

---

## IF SIGN PERMIT, SIGN PERMIT APPLICATION INFORMATION

If the sign permit applicant is not the property owner, this form must be completed and included as part of application submission.

I have read this application and state that, to the best of my knowledge, the information provided is true and that the proposed sign(s) will comply with all applicable regulations in Section 170-32 of the Zoning Ordinance of the City of Dover and shall conform to the submitted materials and designs. Furthermore, after 90 days, any application still waiting information will be denied.

Address of Sign Location: _____

Sign Permit Application Type:
(check one)

- ☐ Permanent Sign
- ☐ Temporary Sign
- ☐ Community Sign

TND ENGINEERING
TRAFFIC, TND, TRANSPORTATION AND CONSULTING

# APPOINTMENT OF AGENT

To Whom This Concerns

January 7, 2026

Re: Tax Map 7, Parcel 8, Dover NH

I, Ahmed R. Ahmed, Trustee of the Ahmed-Karim Revocable Trust and owner of tax map 7, parcel 8 in Dover, NH hereby authorize Rick Chellman, P.E., L.L.S. of TND Engineering to act as my agent to represent me before the City of Dover and State of New Hampshire Department of Environmental Services and to sign any forms and applications on my behalf for any land use applications as may be required for land use approvals for said property.

Sincerely,

Ahmed R. Ahmed, Trustee

**COND-2026-0004** **11 BOSTON HARBOR ROAD**

| Property ID | Location | Owner 1 | Owner 2 | Owner Address 1 | City | State | Zip |
|---|---|---|---|---|---|---|---|
| 07003-000000 | 5 BOSTON HARBOR RD | LEONARD MICHAEL K | WORTHINGTON LORAINE J | 5 BOSTON HARBOR ROAD | DOVER | NH | 03820 |
| 07010-000000 | 17 BOSTON HARBOR RD | FILION SCOTT M & RACHEL S CO-TRUSTEES | FILION FAMILY REVOCABLE TRUST 2019 | 17 BOSTON HARBOR RD | DOVER | NH | 03820 |
| 07004-000000 | 7 BOSTON HARBOR RD | BENSON DENISE | | 3 MERRYMEETING LN | RYE | NH | 03870 |
| 07005-000000 | 9 BOSTON HARBOR RD | BOSTON HARBOR CONDOMINIUM ASSOCIATION | | 9 1/2 BOSTON HARBOR RD | DOVER | NH | 03820 |
| 07025-000000 | 14 BOSTON HARBOR RD | MACMILLAN JAN K & SMITH GORDON SJ TRUSTE | MACMILLAN JAN K REVOCABLE LIVING TRUST | 14 BOSTON HARBOR RD | DOVER | NH | 03820 |
| 07028-000000 | 15 BOSTON HARBOR RD | RICHARDSON JOHN T & DONNA J TRUSTEES | RICHARDSON FAMILY REVOCABLE TRUST | 15 BOSTON HARBOR ROAD | DOVER | NH | 03820 |
| 07006-000000 | 13 BOSTON HARBOR RD | ROSSIGNOL SHERYL J & MARK B TRUSTEES | ROSSIGNOL FAMILY REVOCABLE TRUST 2016 | 13 1/2 BOSTON HARBOR RD | DOVER | NH | 03820 |
| 07007-000000 | 13 BOSTON HARBOR RD | OZKURT HALIL & MELISSA TRUSTEES | OZKURT FAMILY REVOCABLE TRUST 2024 | 13 BOSTON HARBOR RD | DOVER | NH | 03820-4645 |
| 07009-000000 | 15 BOSTON HARBOR RD | ELMER WESLEY C TRUSTEE | ELMER WESLEY C 1996 REVOCABLE TRUST | 79 CHRISTIAN HILL RD | AMHERST | NH | 03031 |
| 07005-000001 | 9 BOSTON HARBOR RD | CTFC PROPERTIES LLC | | 23 BOSTON HARBOR RD | DOVER | NH | 03820 |
| 07005-000002 | 9 BOSTON HARBOR RD | PHELPS ASHLEY | | 9 BOSTON HARBOR RD | DOVER | NH | 03820 |
| 07027-000000 | BOSTON HARBOR RD | BENSON DENISE | | 3 MERRYMEETING LN | RYE | NH | 03870 |
| 07008-000000 | 11 BOSTON HARBOR RD | AHMED AHMED R & KARIM VIDA TRUSTEES | AHMED-KARIM REVOCABLE TRUST | 11 BOSTON HARBOR RD | DOVER | NH | 03820 |
| | | TND ENGINEERING | RICK CHELLMAN | 224 STATE STREET | PORTSMO | NH | 03801 |

CITY OF DOVER

# DOVER CONSERVATION COMMISSION – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | City Council Conference Room - 288 Central Avenue, Dover, NH |
| Meeting Date: | Monday February 9, 2026 |
| Meeting Time: | **5:30 pm** |

**MEMBERS PRESENT:** Bill Hunt (Chair), Steve Fellows (Vice Chair), Robert Atwood (Secretary), Russ Warnock, Abigail Lyon
**Absent (Excused):** Brendan Mulhall (Alternate) Brianna Group (Alternate), Kristen Murphy
**Absent (Unexcused):**
**STAFF PRESENT:** Makayla Edgecomb, Assistant] City Planner/ Conservation Planner, Donna Benton, Director of Planning and Community Development, John Storer, Community Services Director
**OTHERS PRESENT:**

## 1. CALL TO ORDER AND ROLL CALL

The meeting was convened at 5:30 PM.

## 2. CITIZENS' FORUM

The Chair gave instructions for Citizens' forum
Eric Leaver, 42 Main st spoke about the Smith Well Lot and noted he supports taking down the No Trespassing signs. He utilizes the trails etc and noted the safety concerns with using the road to walk or bike in that area.

Kim Faustino, 7 Lakeview Dr handed out a packet of info to the board members and commented on how the Wildand Pond treatments are similar to cancer treatments. She showed some maps showing the increase of milfoil. She spoke about some expiring funding and encouraged funding the project and noted the pond needs work.

Cynthia Walter, Dover agreed that Willand pond needs attention and milfoil needs to be reduced. She encouraged the commission to recommend to City Council the least toxic approach to cleaning it up which is in line with the 2018 policy.

Aimee Dion, lives close to the pond and agrees that the NHDES recommendation is the best one for this specific pond. This will be a long-term project and the neighbors are willing to be involved in the progress.

Peter Schmidt, Ward 1 House of Representatives supports the City Council's urgent addressing of the milfoil in the pond though he is concerned about adding an herbicide to the pond. He asked the commission for their support in securing the funding and to investigate whether the use of herbicides is harmful or not.

Jackie Group recently moved to the pond area and is concerned about the issue but trusts the commission and the state that they know what's best.

## 3. APPROVAL OF THE PRIOR MEETING MINUTES- January 12, 2026

S. Fellows moved to approve the minutes of January 12th as submitted. A. Lyon seconded. Vote: All in favor

DRAFT

**4. OLD BUSINESS:**

**A.** Grant Conservation Fund Request for Staff Administration Cost

R. Warnock moved to take up this item at the end of the meeting. S. Fellows seconded. Vote: All in favor

**B.** Smith Well Lot

John Storer, Community Services Director noted M. Edgecomb has approached him with a request for access, but the department has not completed an internal recommendation yet. There is a balancing act to allow passive recreation and potential security issues. His staff will reach out to NH DES for their feedback whether to allow passive recreation there or what the issues might be. There might be a balancing act to delineate where the recreational areas are welcome and where it is off-limits which can be monitored by police.

Commission members noted currently the public is accessing the property. It's not a spot that is requesting to go from no access to access- there is already activity there.

**C.** Willand Pond Grant Recommendation to Council

M. Edgecomb gave the background information of this grant and what is before the commission tonight in advance of the City Council taking action this week.

Discussion ensued clarifying the various costs and grant amounts, procedures, next steps and funding deadlines.

R. Warnock suggested to recommend supporting the state's plan to address this issue. The City has not taken action to rectify this issue over many years and now measures are desperately needed. In addition, follow-up will be required and the City needs to budget for that over the coming years.

R. Warnock moved to accept the plan and encourage Council to accept the funding and continue to fund the plan through completion. Seconded by: S. Fellows. Vote: All in favor

**5. NEW BUSINESS**

**A.** City of Dover Conditional Use Permit for Ahmed Ahmed, Assessor's Map 7 Lot 8 zoned R-20 located at 11 Boston Harbor Road. Proposal is to raise part of the existing home to reconstruct the foundation, and to convert the existing driving to pervious pavers resulting in 2,000 s.f. of impacts to the Conservation District. (COND-2026-0004)

DRAFT

Rick Chellman, Survey Engineer with TND Engineering presented the item and explained the proposal and details.
He answered clarifying questions about the proposal for the commission members. Additional discussion included protecting the large trees on site.

R. Warnock moved to endorse the proposal as presented. Seconded by: A. Lyon. All in favor

**6. REPORT FROM THE CHAIR**

**A. Review of Correspondence Received from NH Department of Environmental Services**

M. Edgecomb noted no correspondence received.

**7. OTHER BUSINESS**

**A. Update from Forest Management Subcommittee**

- **a.** The grant was awarded and they discussed RFQ/RFP for arborist/ landscape architect to submit a plan for Ash tree removal and replacement downtown. Discussed whether a formal sub-committee needs to continue to handle the project, or whether a working group can work directly with Community Services staff.
  - **i.** John Storer noted his staff is happy to plant what is needed and prefer to be given a list / plan that includes the coming years. In addition, staff has now added a budget line item for trees so they can really focus on putting in about 20 trees per year. He clarified the steps for going to bid etc which will be handled by staff. The commission can supply M. Edgecomb the list of trees and areas they need to go. To aid with logistics and cost, each year's list should only include a few varieties of trees.
  - **ii.** The more information available to be included in the bid the better (tree types and mapped locations)
  - **iii.** Discussion continued about the Forest Management Subcommittee disbanding and creating a work group to monitor the tree plantings which would meet on an as-needed basis.

S. Fellows moved to sunset the Forest Management Subcommittee and implement a work group to manage the ongoing street tree planting project. Seconded by: R. Atwood. All in favor

**B. By laws and Handbook**

- **a.** M. Edgecomb is working with staff to get the handbook accessible through the website
  - i. A glossary has been requested to be included with often used acronyms defined
- **b.** M. Edgecomb has discussed the requested change to the make-up of members and alternate members with staff and it's in the works.

DRAFT

**4. OLD BUSINESS:**

**A.** Grant Conservation Fund Request for Staff Administration Cost
Staff provided a memo from the Finance Department showing the last five years of incoming and outgoing funds from the account as requested by the Commission at the last meeting.

Commission members discussed wanting the Council to have this position not filled 100% from the Conservation fund, but split with City funds.

Other Items
None

**9. ADJOURNMENT**

S. Fellows moved to adjourn. A. Lyon seconded. Vote: U/A
The meeting was adjourned at 7:07 PM.

DRAFT

# Shoreland Permit Application
## Water Division / Wetlands Bureau
## Land Resources Management Program

Check the status of your application

**RSA / Rule**: RSA 483-B, Env-Wq 1400

| Administrative Use Only | Administrative Use Only | Administrative Use Only | File No.: |
|---|---|---|---|
| | | | Check No.: |
| | | | Amount: |
| | | | Initials: |

This is a permit application to excavate, fill, construct new structures or remove structures within the protected shoreland.

**SECTION 1 - PROJECT DESCRIPTION (Env-Wq 1406.07)** *Please concisely describe your proposed project.*

To rebuild a portion of the existing duplex dwelling (addressed in a wetlands application) and to move one of the dwelling units to a new apartment/garage structure towards the rear of the property. The existing drive replaced, and the extension of the drive to the new structure to be constructed with, permeable/pervious pavers. This will reduce impervious coverage on this property.

**SECTION 2 - PROJECT LOCATION (Env-Wq 1406.07)**

| | | | |
|---|---|---|---|
| Address: 11 Boston Harbor Road | Town or city: Dover | State: NH | ZIP: 03820 |
| Waterbody name: Little Bay (Bellamy River) | Tax map / block / lot number: Map 7, lot 8 | | |

**SECTION 3 - PROPERTY OWNER AND DEED INFORMATION (Env-Wq 1406.07)**

*The legal name of each property owner must be as it appears on the deed of record. If the owner is a trust or a company, write the name of the trust or company as the owner's name.*

| | | | |
|---|---|---|---|
| Last name, first name, middle initial: Ahmed-Karim Revocable Trust, Ahmed R. Ahmed, Trustee | | | |
| Mailing address: 11 Boston Harbor Road | Town or city: Dover | State: NH | ZIP: 03820 |
| Phone: 603-817-8388 | Email, if available: Ahmedrahmed@gmail.com | | |
| Registry of deed county, book number, page number: Strafford County Book 5306 page 400 | | | |

**SECTION 4 - APPLICANT (DESIRED PERMIT HOLDER), IF DIFFERENT THAN OWNER (Env-Wq 1406.07)**

*If the applicant is a trust or a company, write the name of the trust or company as the applicant's name. If the applicant is the owner, please leave blank and check the following box:* ☐.

| | | | |
|---|---|---|---|
| Last name, first name, middle initial: Ahmed-Karim Revocable Trust, Ahmed R. Ahmed, Trustee | | | |
| Mailing address: 11 Boston Harbor Road | Town or city: Dover | State: NH | ZIP: 03820 |
| Phone: 603-817-8388 | Email, if available: Ahmedrahmed@gmail.com | | |

**SECTION 5 - CONTRACTOR OR AGENT (OPTIONAL)**

| | | | |
|---|---|---|---|
| Last name, first name, middle initial: Chellman, Rick | | | |
| Address: 224 State st | Town or city: Portsmouth | State: NH | ZIP: 03801 |
| Phone: 603.479.7195 | Email, if available: Chellman@Tndengineering.com | | |

**Section 6 - CRITERIA (Env-Wq 1406.07)** *Please check at least one of the following boxes.*

☐ This shoreland permit application requires neither a proposal to make the property more nearly conforming nor a request for a waiver of a minimum standard.

☒ This shoreland permit application includes a proposal to make the structures and/or the property more nearly conforming in accordance with RSA 483-B:11.

☐ This shoreland permit application includes a request for a waiver of the following minimum standard(s): RSA 483-B:9, V.

**SECTION 7 - RELATED PERMIT APPLICATIONS ASSOCIATED WITH THIS PROJECT (Env-Wq 1406.14)**

*Please indicate if you also require the following permits. If so, confirm the status of your permit application.*

| Permit Type | Permit Required | File Number | Permit Application Status |
|---|---|---|---|
| Alteration of Terrain per RSA 485-A:17 | ☐ Yes ☒ No | | ☐ Approved ☐ Pending ☐ Denied |
| Individual Sewerage Disposal per RSA 485-A:29 | ☐ Yes ☒ No | | ☐ Approved ☐ Pending ☐ Denied |
| Subdivision Approval per RSA 485-A:29 | ☐ Yes ☒ No | | ☐ Approved ☐ Pending ☐ Denied |
| Wetlands Permit per RSA 482-A | ☒ Yes ☐ No | | ☐ Approved ☒ Pending ☐ Denied |

**SECTION 8 - REFERENCE LINE ELEVATION (Env-Wq 1406.07)**

*Required for projects located within the protected shoreland. The reference line elevations for most lakes, ponds, and artificial impoundments greater than 10 acres in size are listed in the Consolidated List of Waterbodies Subject to the Shoreland Water Quality Protection Act. Please see RSA 483-B:4, XVII for the definition of reference line.*

Rreference line elevation (feet above sea level): Highest Observed Tide Line (Reference) approx 4.3'

**SECTION 9 - APPLICATION FEE AND SUBMITTAL (RSA 483-B:5-b, I(b); RSA 483-B:5-b, X)**

A nonrefundable permit application fee of $200 plus $0.20 per total square feet of impact for restoration of water quality improvement projects, or $400 plus $0.20 per total square feet of impact for all other projects is required at the time the application is submitted. *Applications for projects solely funded by municipal, county, state, or federal entities shall incur a permitting fee no greater than $3,750.*

Please upload, mail or hand deliver this application and all required attachments to the NHDES Wetlands Bureau. Missing information may delay your application and/or result in denial. If filing offline, please make checks payable to the Treasurer, State of New Hampshire.

| **SECTION 10 - CALCULATE TOTAL IMPACT AREA / PERMIT APPLICATION FEE (RSA 483-B:5-b, I(b); RSA 483-B:5-b, X)** | |
|---|---|
| *Calculate all areas proposed to be disturbed by regrading, excavating, filling, construction or structure removal. These may include but are not limited to new driveways, new structures, areas disturbed when installing septic systems and foundations, creating temporary access roads to drill a new well and regrading associated with landscaping activities.* | |
| Total proposed area impacted within the protected shoreland (A), in square feet: | |
| • For water quality restoration or improvement projects, multiply (A) by $0.20 and add $200. | |
| [(A) × $0.20] + $200 = (permit application fee*) = | |
| • For all other projects, multiply (A) by $0.20 and add $400. | |
| • [(A) × $0.20 + $400] = | |
| **SECTION 11 - REQUIRED CERTIFICATIONS (Env-Wq 1406.08; Env-Wq 1406.10(a))** *Please initial and sign below.* | |
| Initials: | The information provided is true, complete, and not misleading to my knowledge and belief. |
| Initials: | I understand that:<br>• Any permit or waiver granted based on false, incomplete, or misleading information shall be subject to revocation.<br>• I am subject to applicable penalties in RSA 641 for falsification in official matters.<br>• Obtaining a shoreland permit shall not exempt the work proposed from other state, local, or federal approvals. |
| Initials: | I have notified the governing body of the municipality or municipalities in which the property is located by certified mail, in accordance with Env-Wq 1406.13. |
| Initials: | I have notified all abutters** of the proposed impacts via certified mail, in accordance with Env-Wq 1406.13. |
| Initials: | ☐ This project is within one-quarter mile of a designated river, and I have provided the Local River Management Advisory Committee (LAC) with a copy of my complete application, including all supporting materials, via certified mail, in accordance with Env-Wq 1406.13.<br>☐ This project is *not* within one-quarter mile of a designated river. |
| Initials: | For any project proposing that the impervious area be at least 15% but not more than 20% within the protected shoreland, I certify that the impervious area is not more than 20%. ☐ N/A |

| **SECTION 12 - REQUIRED SIGNATURES (Env-Wq 1406.08)**<br>Both the property owner and applicant must sign. | | |
|---|---|---|
| Signature (owner): | Print name legibly:<br>Ahmed R. Ahmed, Trustee by Agent | Date:<br>1/15/26 |
| Signature (applicant, if different from owner): | Print name legibly:<br>Rick Chellman | Date:<br>1/15/26 |

*Projects solely funded by municipal, county, state, or federal entities shall incur a permit application fee no greater than $3,750.

**"Abutter" means any person who owns property immediately contiguous to the property on which the proposed work will take place, or who owns flowage rights on such property. The term does not include properties separated by a public road or located more than ¼ mile from the limits of the proposed work. If contiguous properties are owned by the person who is proposing the work, then the term includes the person owning the next contiguous property, subject to the ¼ mile limitation.

# SHORELAND PERMIT APPLICATION WORKSHEET

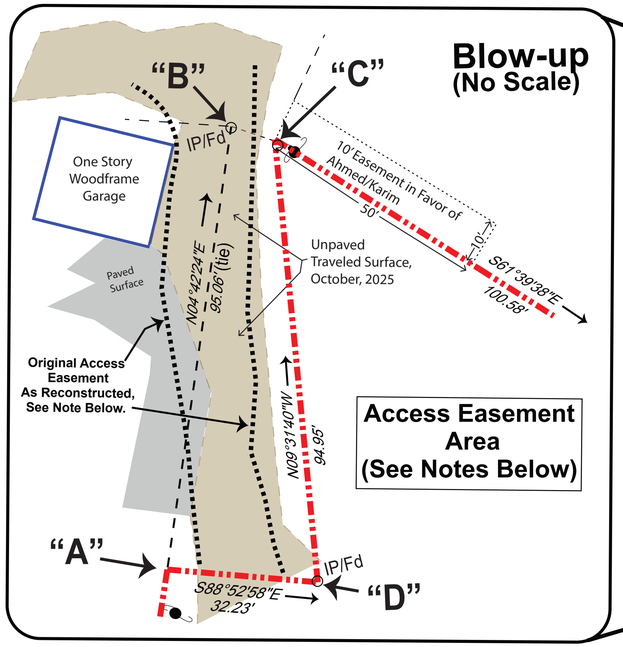
*Please include this worksheet with your permit application. Include a separate worksheet for each individual lot of record where impacts are proposed. "Pre-construction impervious surface area"[1] means all human-made impervious surfaces[2] currently present within the protected shoreland of a lot, whether to be removed or to remain after the project is completed. "Post-construction impervious area" means all impervious surfaces that will exist within the protected shoreland of a lot upon completion of the project, including both new and any remaining pre-construction impervious surfaces. All answers must be in square feet.*

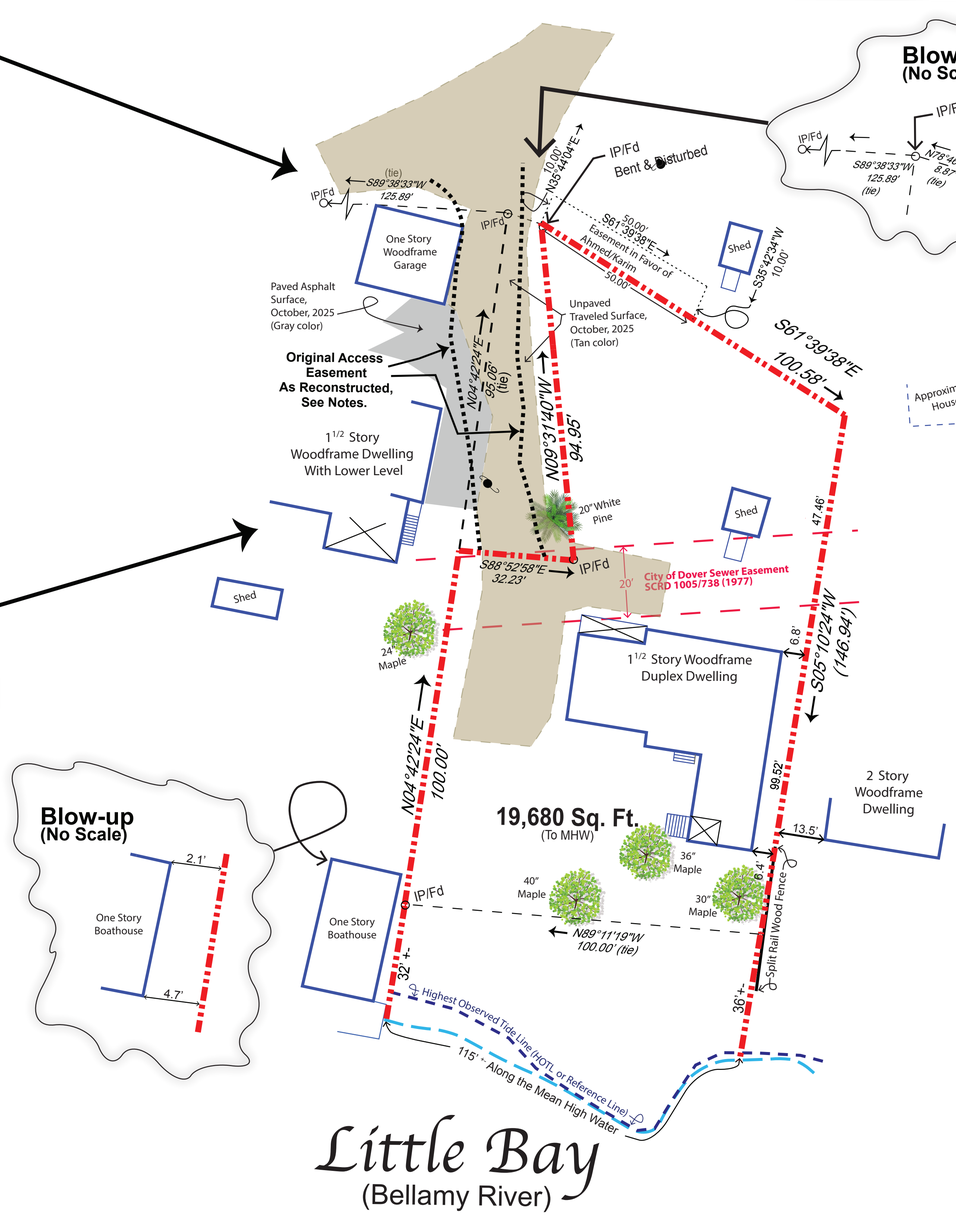
## CALCULATING IMPERVIOUS AREA

| CALCULATING THE IMPERVIOUS AREA OF A LOT WITHIN 250 FEET OF THE REFERENCE LINE (Env-Wq 1406.12) | | | |
|---|---|---|---|
| | **STRUCTURE DESCRIPTION** | **PRE-CONSTRUCTION IMPERVIOUS AREAS, IN SQUARE FEET** | **POST-CONSTRUCTION IMPERVIOUS AREAS, IN SQUARE FEET** |
| **PRIMARY STRUCTURE(S)** House and all attached decks and porches. | Duplex Dwelling | 2260 | 2260 |
| **ACCESSORY STRUCTURES** All other impervious surfaces excluding lawn furniture, well heads, and fences. Common accessory structures may include driveways, walkways, patios and sheds. | Shed | 164 | 0 |
| | Driveway | 1,864 | 0 |
| | Rear Dwelling | 0 | 1252 |
| | connection | 0 | 300 |
| | | | |
| | | | |
| | **TOTAL:** | **(A)** 4,288 | **(B)** 3,812 |
| Area of the lot located within 250 feet of reference line, in square feet: | | | **(C)** 19,355 |
| Percentage of lot covered by pre-construction impervious area within 250 feet of the reference line: *[divide (A) by (C) x 100]* | | | **(D) %** 22.2% |
| Percentage of lot to be covered by post-construction impervious area within 250 feet of the reference line upon completion of the project: *[divide (B) by (C) x 100]* | | | **(E) %** 19.7% |

[1] **"Impervious surface area"** as defined in Env-Wq 1402.13 means, for purposes of the impervious surface limitation specified in RSA 483-B:9, V(g), the total footprint of each impervious surface that is located within the protected shoreland.

[2] **"Impervious surface"** as defined in RSA 483-B:4, VII-b means any modified surface that cannot effectively absorb or infiltrate water. Examples may include roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways.




## Little Bay
(Bellamy River)

## ACCESS EASEMENT AREA NOTES

The front portion of the Ahmed-Karim property was the first parcel conveyed in 1933 from the parent property owned at that time by Mary B. McIntire (see Deed History).
This land was described in that first conveyance to include "the right to use in common with others entitled thereto such right or rights of way between said lot and the State Highway as now exist."
The easement area shown hereon was constructed based on a detailed review of references 3, 4, 5 and 9 and a best-fit reconstruction of what was in place in 1962 (the earliest aerial photo found). The original and subsequent conveyances also do not describe a width for this easement, only "as now exist".

The ownership of the area shown above from "A" to "B" then to "C" then to "D" and back to "A" (ABCD) is not described in the conveyances to Ahmed/Karim. This land is also not described in the conveyances, past or present, to Ozkurt.

In my opinion, the Ozkurt land is described as running to and along the westerly side of the original easement area as reconstructed, and does not include the easement area itself. Reference 4, however, shows the Ozkurt land as including up to the line from "A" to "B" as its easterly boundary.

The City of Dover GIS map does not show an owner for ABCD, but the City's tax map shows it as owned by Ozkurt,

The current ownership of ABCD has not been determined for the purposes of this survey, but regardless of the ownership of the fee, the Ahmed-Karim property, in my opinion, has senior access easement rights over that land or lands as shown both as originally conveyed in 1933 and by usage since regardless of ownership. Further, it is my opinion that the westlery limits of the easement are as established by the original conveyance, while the easterly limits have shifted east through decades of use to the easterly limits of the traveled way shown in tan color. Some of the easement area may also now have shared rights of use with Ozkurt through similar decades of use, but that has not been fully researched for this survey.

It is also noted that the deeds in the Ozkurt chain of title do not include easement rights to access that property from the ABCD side. It is nevertheless my understanding that some form of shared use of the easement area may have existed in recent years. The status of any such shared use, if any, has also not been determined for the purposes of this survey.

## DEED HISTORY

(Dover Property Map 7 Parcel 8)

**Ahmed R. Ahmed & Vida Karim, Trustees of Ahmed-Karim Revocable Trust**

2025 ↑ 5306/400
Ahmed Ramadan Ahmed & Vida Karim
2025 ↑ 5295/067
Hugh A. Vaughan & Betsy A. Leavitt

1987 | 1147/128
James A. & Olive A. Colby
1982 | 1084/338
Christopher D. Moore
1973 ↑ 933/285
1973 | 933/376
Maurice W. & Alice W. Varney
1952 | 604/253
Albert O. & Mary E. Barnard
1948 | 560/163
Maurice S. & Estella M. Tuttle
1933 | 454/187
Mary B. McIntire

1988 | 1426/719
Leslie E. & Cecile M. Tibbetts
1948 | 560/053
1947 | 548/274
1949 | 570/358
Alec Cohen

## REFERENCES


1) "Boundary Adjustment Plan prepared for Hugh A. Vaughan & Betsy Leavitt-Vaughan" Dated Nov. 22, 1988, by Thomas F. Moran, SCRD 37/64.
2) Strafford County Registry of Deeds ( SCRD Book/Page).
3) "Plan of Lot Cecile M. & Leslie E. Tibbetts" Dated Sept 1966, Revised 17 Sept 1975, By G. L. Davis & Assoc. SCRD 974/500.
4) "Existing Conditions & Demolition Plan" Ozkurt Residence, Dated January, 2024 By Ambit Engineering, Inc. Not recorded.
5) "Plan of Land prepared for Andre J. Messier III and Jennifer Messier" Dated July 23, 2014, SCRD 107/96.
7) "Plan of Easements-Tibbetts" Dated November 1976, by City of Dover Engineering Div. SCRD 1005/747.
8) "Plan of Easement-Colby" Dated November 1976, by City of Dover Engineering Div. SCRD 1005/741.
9) University of New Hampshire, Dimond Library Special Collections, Durham, NH NH Aerial Photographs Collection.


TND
10' 20' 40'

Scale: 1" = 20'

**Scale Note**:
This plan has been prepared to print at 1"=20' only if printed on 24" x 36" paper; printing on other sizes of paper or viewing/zooming digitally will change the scale reference accordingly.

October 29, 2025


TND

Prepared By:
TND Engineering
224 State Street
Portsmouth, NH 03801
Rick Chellman, P.E., L.L.S.


## Certifications:

This plan was prepared by me, Chester E. Chellman, to "urban" accuracy standards based on: a field survey conducted by me in October and November, 2025.
The metes and bounds and other information have been reconstructed based on information found in the References; deed and records research; digital overlays, and, on site inspections. See Notes for additional explanation and detail.
**NH RSA 676:18**
I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown.

October 29, 2025

Chester "Rick" Chellman, L.L.S.

STATE OF NEW HAMPSHIRE — No. 541 — CHESTER E. CHELLMAN — LICENSED LAND SURVEYOR — SIGNATURE

| DATE | REVISION |
|---|---|
| | |
| | |
| | |
| 1/09/26 | Deed history & Title updated to reflect Trust |
| 11/03/25 | Waterfront refined; HOTL mapped |
| 10/31/25 | Partial setbacks added |

# Plan of Land For:
# Ahmed R. Ahmed & Vida Karim,
## Trustees of Ahmed-Karim Revocable Trust

Tax Map 7, Parcel 8
Dover, NH

# Legend & Coverage Calculations

**Lot Area Inside 250' of Shore: 19,355 Sq. Ft.**

| **Pre-Construction Coverage:** | | **Post-Construction Coverage:** | |
|---|---|---|---|
| House + Steps | 2,260 Sq. Ft. | House + Steps | 2,260 Sq. Ft. |
| Shed | 164 Sq. Ft. | Shed (Removed) | 0 Sq. Ft. |
| Driveway | 1,864 Sq. Ft. | Driveway all Pervious | 0 Sq. Ft. |
| | | New garage apartment | 1,252 Sq. Ft. |
| | | New garage connection | 300 Sq. Ft. |
| Total Existing: | **4,288** Sq. Ft. | Total Proposed: | **3.812** Sq. Ft. |

**Pre-Construction Coverage**
**4,288 sq. ft. =22.2%**

**Post- Construction Coverage**
**3,812 sq. ft. = 19.7%**

**Existing "Natural Woodland" includes a large mature maple and a lawn and garden area that has been in place for decades, well before the year 2000. These may be maintained, but not expanded.**

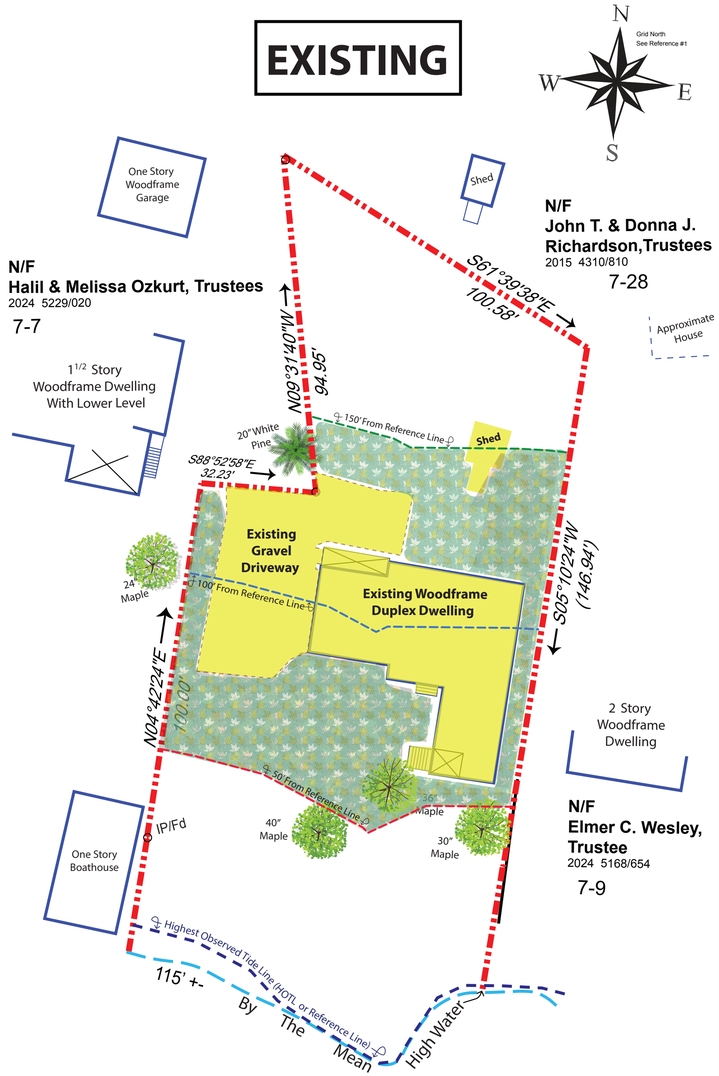
| | |
|---|---|
| **Total Area between 50' and 150' =** | **9,572 sq. ft.** |
| **25% of total area 50- to 150' (minimum to be preserved) =** | **2,393 sq. ft.** |
| **Existing "natural" (lawn pre 2017) state =** | **4,944 sq. ft.** |
| **Proposed post-construction preserved natural state =** | **3,788 sq. ft.** |
| **Proposed post-construction preserved natural state =** | **39.6%** |

- **Existing Coverage**
- **Proposed Coverage** (New, This Application)
- **Proposed Pervious** (New and Rebuilt)
- **Unaltered State Area ("Natural Woodland")**
- **50' Buffer: RSA 483-B**
- **100' Buffer: RSA 483-B**
- **150' Buffer: RSA 483-B**
- **City Setback Line**
- **Filter Sock**

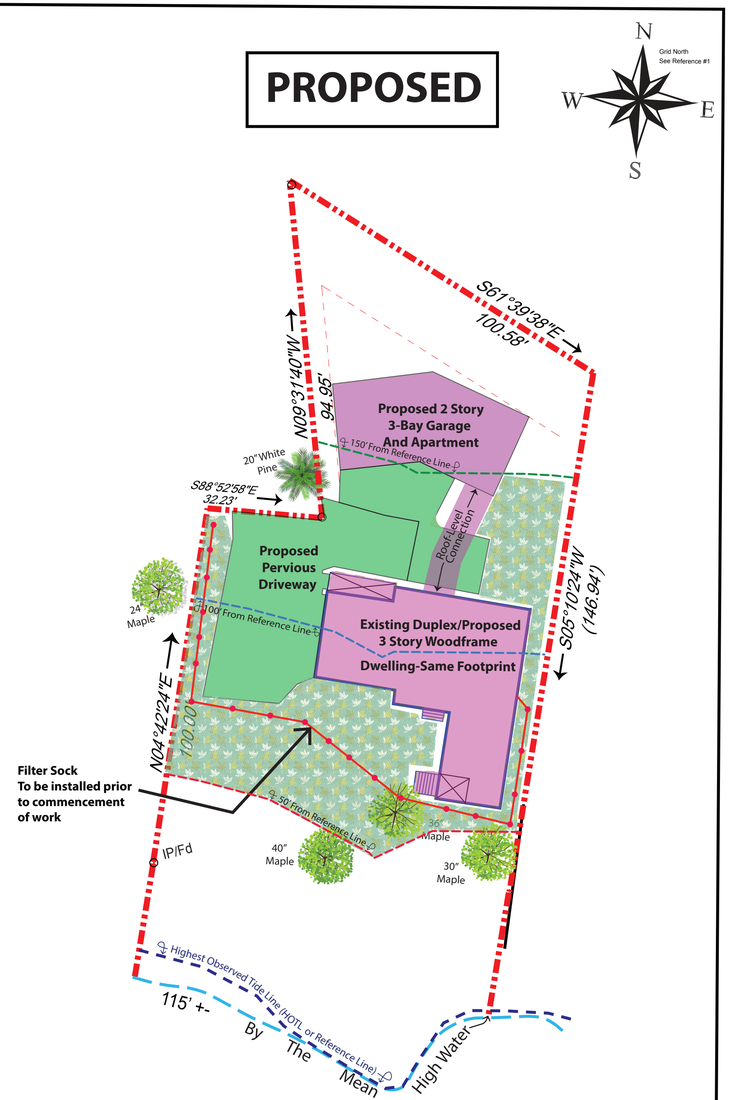
## REFERENCES


1) Plan of Land for Ahmed Ramadan Ahmed and Vida Karim, this office, dated October 29, 2025 and revised through 11/03/25.


## EXISTING




## PROPOSED




*Little Bay*
(Bellamy River)


*Little Bay*
(Bellamy River)



TND

Prepared By:
TND Engineering
224 State Street
Portsmouth, NH 03801
Rick Chellman, P.E., L.L.S.


TND
10' 20' 40'

Scale: 1" = 20'

**Scale Note**:
This plan has been prepared to print at 1"=20' only if printed on 24" x 36" paper; printing on other sizes of paper or viewing/zooming digitally will change the scale reference accordingly.

Certifications:
This plan depicts proposed construction, including repairs to the existing damaged foundation, as proposed by the owners and designed by Winter Holben Architects. See architectural plans for additional details.

January 13, 2026

Chester "Rick" Chellman, L.L.S.

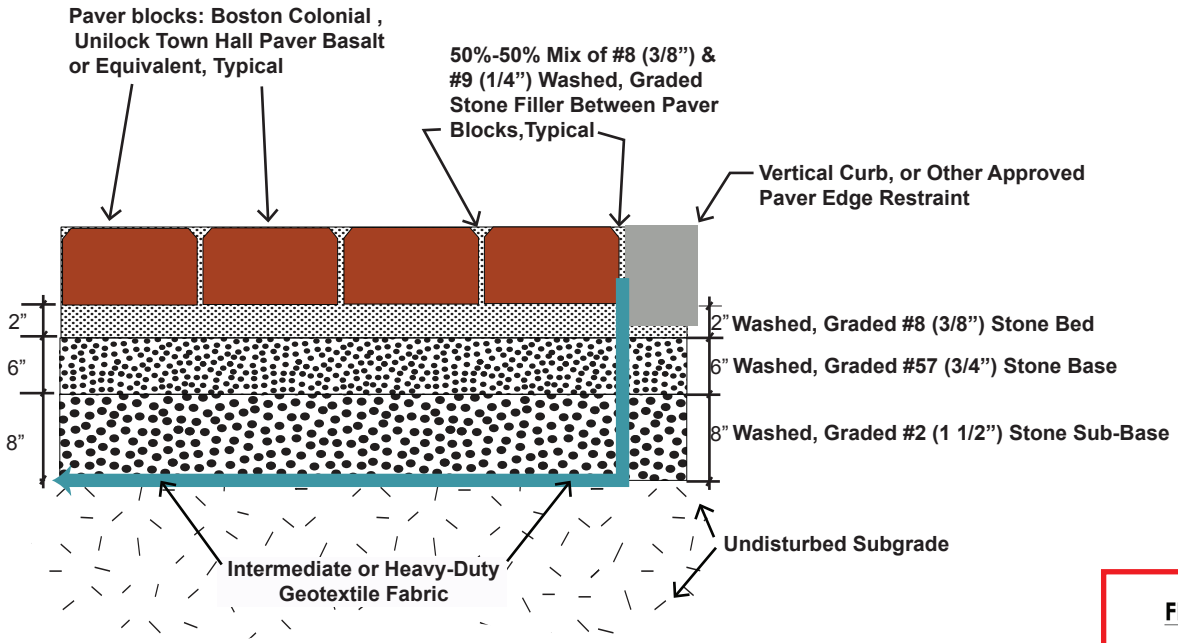
STATE OF NEW HAMPSHIRE — No. 541 — CHESTER E. CHELLMAN — SIGNATURE — LICENSED LAND SURVEYOR

NHDES Shoreland Permit Plan For:

**Ahmed R. Ahmed & Vida Karim,**
**Trustees of Ahmed-Karim Revocable Trust**

Tax Map 7, Parcel 8
Dover, NH
Sheet 1 of 2 (second sheet small)

# Permeable or Pervious Driveway Paver Details




**No Excavation Lower Than 24" From Existing Grade**

**NO SCALE**

# Permeable or Pervious Driveway Maintenance

To preserve and extend life of permeable paver system, follow the general maintenance schedule below:

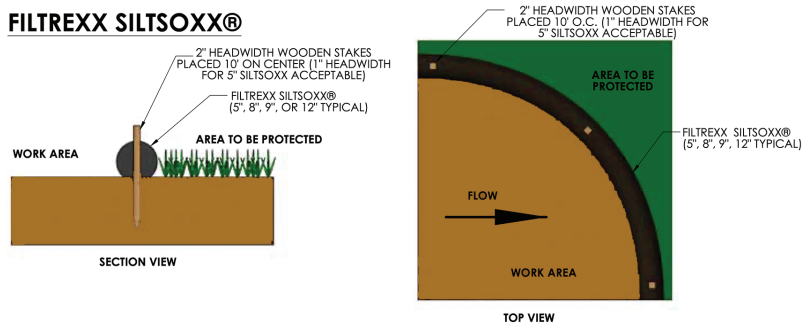
**WEEKLY**

Hand broom, blow and/or sweep grass, clippings pine needles and other debris from the paver surface

**MONTHLY**

Address any areas where a collection areas of dirt, topsoil, or other debris may be collecting and remove any crust covering the joint aggregate material with hand broom, then replenish joint aggregate material to "lip" of pavers.

# Filter Sock Details





Prepared By:
TND Engineering
224 State Street
Portsmouth, NH 03801
Rick Chellman, P.E., L.L.S.


NHDES Shoreland Permit Plan For:

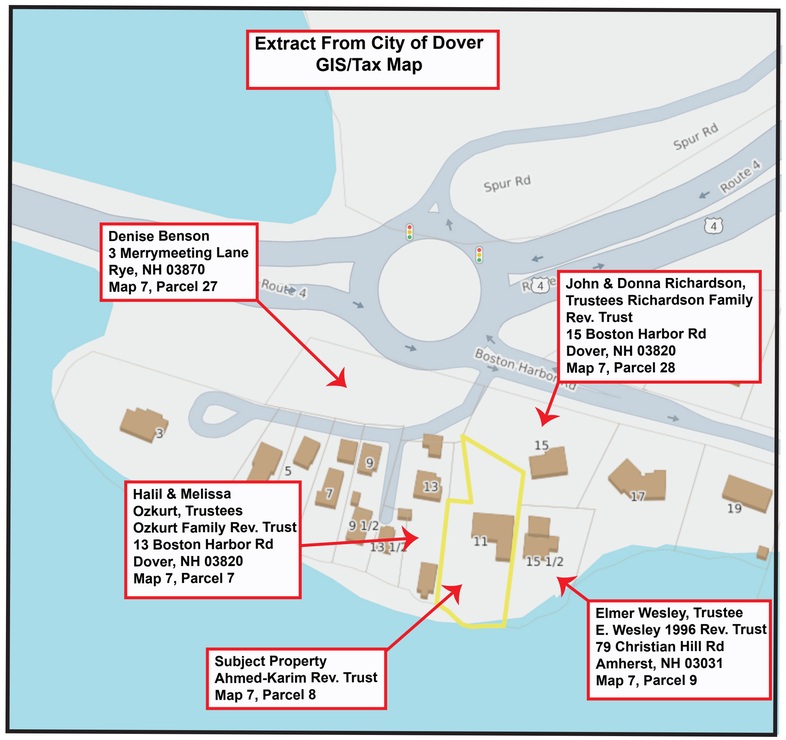
**Ahmed R. Ahmed & Vida Karim,**

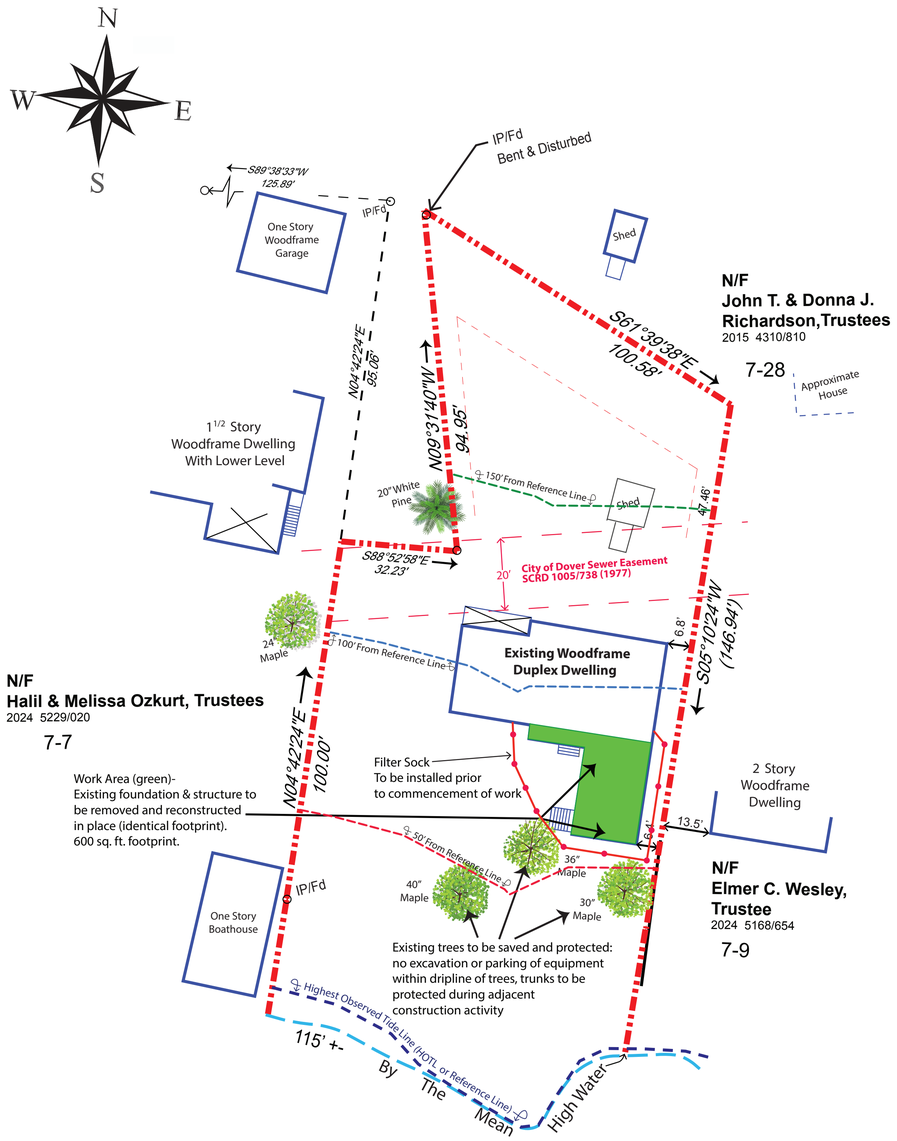
**Trustees of Ahmed-Karim Revocable Trust**

Tax Map 7, Parcel 8

Dover, NH

Sheet 2 of 2, Coverages

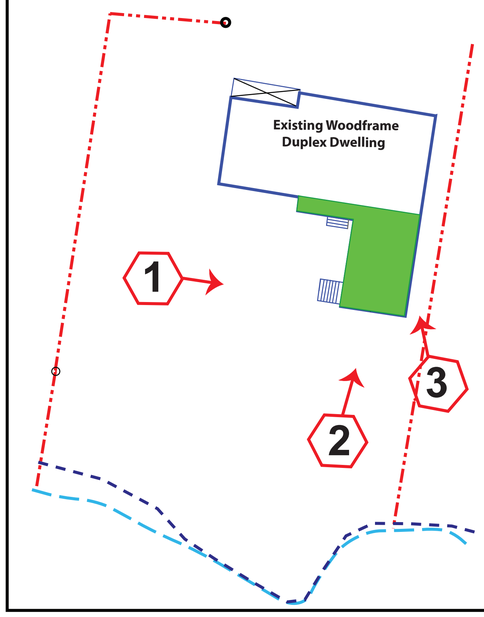



## Legend

- 50' Buffer: RSA 483-B
- 100' Buffer: RSA 483-B
- 150' Buffer: RSA 483-B
- City Setback Line
- Filter Sock
- Work Area

## Photo Location Key




**Proposal**:

This plan depicts a part of proposed overall site improvements including a new building with rooftop connector to be landward of the existing dwelling as shown on accompanying shoreland permit plans.

This plan is for the wetland permit associated with the removal and reconstruction of a portion of the existing dwelling on this property, which was first constructed circa 1950.

The reconstruction is to be in the same footprint as the existing foundation. New construction on the new foundation shall be in accord with plans by Winter Holben Architects.

TND

10' 20' 40'

Scale: 1" = 20'

**Scale Note**:
This plan has been prepared to print at 1"=20' only if printed on 24" x 36" paper; printing on other sizes of paper or viewing/zooming digitally will change the scale reference accordingly.

TND

Prepared By:
TND Engineering
224 State Street
Portsmouth, NH 03801
Rick Chellman, P.E., L.L.S.

## Certification:

This plan depicts proposed construction, including the removal of a portion of the existing dwelling with its damaged foundation. A new foundation and replacement structure is to be built on the same footprint, as proposed by the owners and designed by Winter Holben Architects. Additional site improvements are proposed to the landward side of the existing dwelling and are depicted on a shoreland permit application submitted contemporaneously with this application.
See architectural plans for additional details.

January 14, 2026

Chester "Rick" Chellman, L.L.S.

STATE OF NEW HAMPSHIRE — No. 541 — CHESTER E. CHELLMAN — LICENSED LAND SURVEYOR

# NHDES Wetlands Permit Plan For:

## Ahmed R. Ahmed & Vida Karim,

## Trustees of Ahmed-Karim Revocable Trust

Tax Map 7, Parcel 8
Dover, NH
Sheet 1 of 1

**From:** Melissa Ozkurt <mozkurt@rccl.com>
**Sent:** Sunday, March 8, 2026 4:21 PM
**To:** Planning <Planning@dover.nh.gov>
**Cc:** City of Dover - Planning <Dover-Planning@dover.nh.gov>; Josh Lanzetta <josh@brutonlaw.com>; Olivia Ozkurt <oliviaozkurt@gmail.com>; Izzy Ozkurt <isabelleozkurt@gmail.com>
**Subject:** Concerns regarding conditional use permit 2026.0004 - for 3/10 planning meeting

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

Dear Members of the Dover Planning Board,

We , Melissa & Halil Ozkurt are direct abutters to 11 Boston Harbor Road and have access concerns regarding their plan proposed.

Our primary concern is that the proposal appears to assume continued use of our private driveway for access to 11 Boston Harbor Road. However, that access is currently disputed and unresolved.

When we purchased 13 Boston Harbor Road in June 2020, the previous owner of 11 Boston Harbor Road asked if he could continue using our driveway as what he described as a "gentlemen's agreement" that he had with prior owners. As new neighbors, we allowed this temporarily in the interest of maintaining a good relationship, but we also made clear that once we built our home, we intended to have a private and secure driveway.

Since then, traffic using our driveway has steadily increased. We frequently have vehicles mistakenly driving down the driveway from the busy traffic circle, sometimes late at night, and we have even had individuals walk into our mudroom believing they were at the neighboring property. In addition our dog has been almost hit multiple times. These incidents have created ongoing safety and privacy concerns for our family.

Importantly, 11 Boston Harbor Road has a deeded right-of-way that appears to allow for the construction of an independent driveway. Despite this, the current plan relies on continued access across our property.

The proposed project would also significantly intensify the use of the property at 11 Boston Harbor RD. The house has already changed from a single-family residence to a duplex, increasing traffic, and the current proposal includes construction of a three-car garage with an approximately 1,200 square foot apartment above it. This would further increase traffic and reliance on our driveway, causing additional safety and security concerns.

At the same time, there is an ongoing legal dispute regarding whether any easement actually exists and whether continued use of our driveway is permissible.

Because this access issue remains unresolved, we respectfully believe the application should not rely on our driveway for access as currently proposed. At a minimum, we ask the Board to require the applicant to demonstrate independent legal access to their property, such as constructing a driveway using their existing deeded right-of-way.  By doing this, both us and neighbors would have a private, safe, and secure driveway.

We respectfully request that the Board not approve the plan as currently proposed while this access issue remains unresolved.

Thank you for your time and consideration,
Melissa & Halil Ozkurt
13 Boston Harbor RD
Dover, NH 03820

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #COND-2025-0024

| | |
|---|---|
| Application Type: | Conditional Use Permit |
| Applicant(s): | Raghbir Singh |
| Owner(s): | Raghbir Singh |
| Location: | 4 and 8 Zeland Drive (Assessor's Map H, Lot's 14D, 14D-1) |
| Meeting Date: | March 10, 2026 |

**INTENT:** Proposal is for a Conditional Use Permit (CUP) to demolish and rebuild two single-family homes creating approximately 3,559 square feet of permanent impacts to the Conservation District.

**AGENDA ITEM #:** 4-D

**FILE:** COND-2025-0024

**LOTS/UNITS PROPOSED:** Two single-family homes (replacing two single-family homes)

**OWNER/APPLICANT:** Singh Raghbir

**LOCATION:** 4 & 8 Zeland Dr. (Assessor's Map H, Lot 14-D-1 & 14-D)

**ACREAGE:**
4 Zeland Dr.: 0.36± acres
8 Zeland Dr.: 0.91± acres

**ZONING DISTRICT:** R-20, Conservation District

**EXISTING/PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Dover High School and Middle School, Bellamy River

**WAIVERS REQUESTED:** None.

**ZBA ACTION:** N/A for proposal.

**PERMITS REQUIRED:** City of Dover CUP for proposed impacts to the Conservation District, Amendment to the previously approved NHDES Shoreland Permit

**TECHNICAL REVIEW COMMITTEE:** N/A

**CONSERVATION COMMISSION:** Reviewed and endorsed on November 10, 2025 with the condition that the Homeowner's Association documents include a maintenance schedule for the pervious pavers provided by a reputable source.

**REGIONAL IMPACT:** No

**APPLICATION IS COMPLETE:** Yes

**ATTACHMENTS:** Impact plan, Application Materials.

**Summary of Request and Background:**
The applicant is proposing to demolish the two existing homes, and reconfiguring the two new building layouts. The proposed reconstructed homes at 4 and 8 Zeland Drive will have direct access from Zeland Drive with pervious pavers used for the driveways and walkways, eliminating the gravel accessways within the Conservation District.

The proposed reconstructed homes are being relocated further from the Bellamy River and removed from the NHDES 50' Shoreland Buffer.

The proposed units are part of a previously approved five-lot TDR subdivision. The two single-family homes under consideration were existing at the time of the original approval, while the three newly approved units have since been constructed.

The Conservation Commission reviewed and conditionally endorsed the application at their November 10, 2025 meeting. *(minutes attached)*

**Consistency with Land Use Regulations – CUP 170.27.C**
The Conservation District ordinance §170.27.C provides for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Planning Staff feels that the applicant considered and met all of the criteria as specified in §170.27.C per their narrative. No wetland impacts are proposed for either of the demolitions or rebuilds. The impacts being proposed to the Conservation District for the new single-family homes will be a reduction from the existing homes. Also, all accessways and structures are being removed from the 50' NHDES Shoreland Buffer. The applicant is proposing pervious pavers for the driveways and walkways and a soil erosion and sedimentation control plan has been submitted for review. An amendment to the applicant's previously approved NHDES Shoreland Permit has also been submitted for review. The original Shoreland Permit was approved in 2021 as part of the five-lot subdivision for Zeland Drive. The applicant has also received a conditional endorsement by the Conservation Commission.

*See reverse →*

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #COND-2025-0024

| | |
|---|---|
| Application Type: | Conditional Use Permit |
| Applicant(s): | Raghbir Singh |
| Owner(s): | Raghbir Singh |
| Location: | 4 and 8 Zeland Drive (Assessor's Map H, Lot's 14D, 14D-1) |
| Meeting Date: | March 10, 2026 |

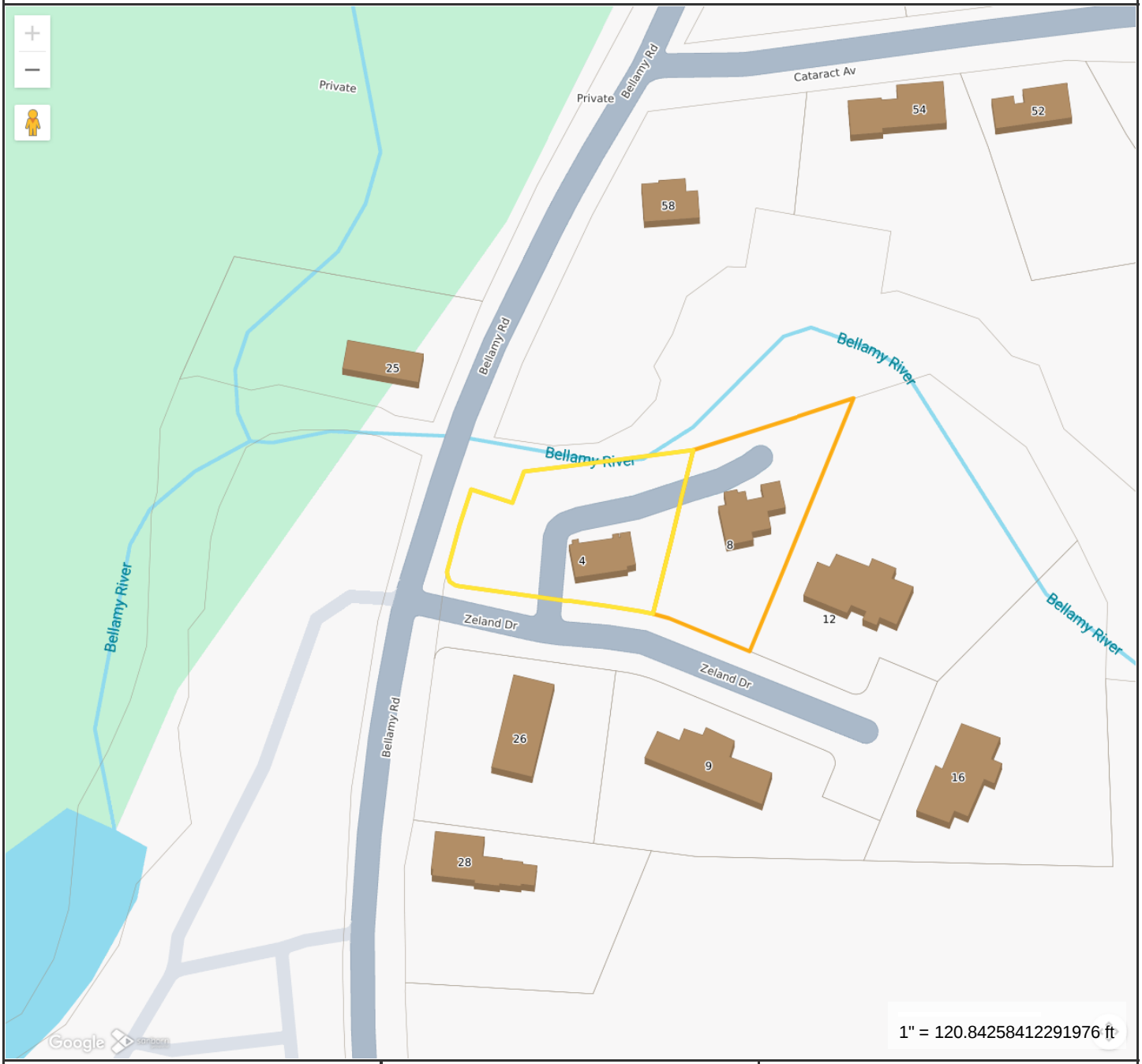
**STAFF RECOMMENDATION:**

The Planning Department recommends that the Planning Board vote to accept the application and determine it not to have regional impact, open a public hearing, close the public hearing, make the necessary and supporting findings of fact, and vote to approve the Conditional Use Permit with the following subsequent conditions of approval:

**Subsequent Conditions to be Met Prior to Issuance of Conditional Use Permit:**

1. Submit a final site plan to the Planning Department that includes:
   1.1. Permit File #COND-2025-0024;
   1.2. Owner's signature;
2. Submit a copy of approved NHDES permitting when received.
3. Submit revised Homeowners Association (HOA) documents, or an addendum, that includes language outlining best practices for the maintenance of pervious pavers.

# COND-2025-0024 4 & 8 ZELAND DRIVE




**Property Information**

| | |
|---|---|
| **Location** | 4 ZELAND DR |
| **Owner** | SINGH RAGHBIR |
| **Land Use** | 109V |
| **Zoning Code** | R-20 |
| **Property Id** | H0014-D00100 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/30/2023
Data updated Daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

# PERMIT SNAPSHOT REPORT COND-2025-0024
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Permit Type** | Conditional Use | **Project:** | | **App Date:** | 10/02/2025 |
| **Work Class:** | Environmental | **District:** | None | **Exp Date:** | NOT AVAILABLE |
| **Status:** | Fees Due | **Square Feet:** | 0.00 | **Completed:** | 11/13/2025 |
| **Valuation:** | $0.00 | **Assigned To:** | Blonigen, Rachel | **Approval Expire Date:** | |

**Description:** Demo 2 homes on 2 lots that currently sit in the conservation district then re-locate and re-build 2 new homes. House #1 will have a reduction in impervious area of 1,285 sf. House #2 will have a reduction in impervious area of 530 sf.

| **Parcel:** | | **Address:** | | **Zone:** |
|---|---|---|---|---|
| H0014-D00100 | | 4 Zeland Dr 8 Zeland Dr Dr<br>Dover, NH 03820 | Main | R-20(Residential - Low Density) |
| H0014-D00000 | Main | 4 Zeland Dr<br>Dover, 03820 | | |
| | | 8 Zeland Dr<br>Dover, 03820 | | |

Plan Preparer
Damon Burt
38 garland road
Strafford, NH 03884
Home: (603) 969-5574
Business: (603) 969-5574
Mobile: (603) 969-5574

Owner
Raghbir Singh
Home: (617) 899-3349
Mobile: (617) 899-3349

Plan Preparer
McEneaney Survey Associates
P.O. Box 1166
DOVER, NH 03821
Business: (603) 742-0911

Applicant
John Diamond
15 Olive Meadow Lane
Dover, NH 03820
Mobile: (603) 969-4071

**Permit Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Select Permit Type | Conservation District | General Purpose | New Construction | Project Zone | Residential |
| What is the parcel zoned? | R-20 | New Change in Impervious/Paved Area (sq ft) | -1815 | Work | Demo 2 homes on 2 lots that currenly sit in the conservation district then re-locate and re-build 2 new homes. House #1 will have a reduction in impervious area of 1,285 sf. House #2 will have a reduction in impervious area of 530 sf. |
| permitstatefed | NHDES Shoreland Permit #: 2021-00587 (in the process of being amended) | | | | |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| Signature_John_Diamond_10/2/2025.jpg | 10/02/2025 15:45 | Singh, Raghbir | | Uploaded via CSS |
| Permit Snapshot Report.pdf | 10/02/2025 15:46 | Service, EnerGov | | Attached by IO - ATTACH: Initial Permit Snapshot |
| 2025.10.14_ConservationCommission.Agenda.pdf | 10/06/2025 14:35 | Blonigen, Rachel | | ConCom Agenda |
| 2025.11.18_PlanningBoard.Agenda_Final.pdf | 11/03/2025 15:13 | Blonigen, Rachel | | PB Agenda |
| PB11-18-2025 COND-2025-0024.pdf | 11/13/2025 17:18 | Blonigen, Rachel | | Staff Memo |
| Withdrawl Request 2025.11.13.pdf | 11/13/2025 17:18 | Blonigen, Rachel | | Withdrawal Request |
| 2025.11.18 PlanningBoard.Minutes.pdf | 12/18/2025 15:57 | Blonigen, Rachel | | Final PB Minutes |

| Invoice No. | Fee | Fee Amount | Amount Paid |
|---|---|---|---|
| INV-2025014119 | Planning General Application Fee | $200.00 | $200.00 |
| | Total for Invoice INV-2025014119 | $200.00 | $200.00 |

# PERMIT SNAPSHOT REPORT (COND-2025-0024)

| | | | | |
|---|---|---|---|---|
| INV-2025014476 | Planning Legal Notice | | $120.00 | $120.00 |
| | Planning Creation / Printing of Abutter Labels | | $10.00 | $10.00 |
| | Planning Verified Mailing to Abutters | | $143.00 | $143.00 |
| | | **Total for Invoice INV-2025014476** | **$273.00** | **$273.00** |
| INV-2026000650 | Planning Creation / Printing of Abutter Labels | | $10.00 | $0.00 |
| | Planning Verified Mailing to Abutters | | $143.00 | $0.00 |
| | Planning Legal Notice | | $120.00 | $0.00 |
| | | **Total for Invoice INV-2026000650** | **$273.00** | **$0.00** |
| | | **Grand Total for Permit** | **$746.00** | **$473.00** |

| Activity Type | Activity Number | Name | Workflow Action Name | User | Created On |
|---|---|---|---|---|---|
| Recommendation to Planning Board (Permit) | | | Planner Creates Staff Recommendations v.1.00 | Rachel Blonigen | 11/12/2025 |

| Submittal Name | Status | Received Date | Due Date | Complete Date | Resubmit | Completed |
|---|---|---|---|---|---|---|
| Conditional Use Review v.1 | Approved | 10/02/2025 | 10/06/2025 | | No | No |

| Item Review Name | Department | Assigned User | Status | Assigned Date | Due Date | Completed Date |
|---|---|---|---|---|---|---|
| Planning | Planning | Edgecomb, Makayla | Approved | 10/02/2025 | 10/30/2025 | 11/12/2025 |

**Comments:** S. Fellow made a motion to approve the application as presented with the condition that a best practices maintenance plan be added into the HOA documents written by a professional on maintaining driveway pavers.
A. Lyon seconded
Vote: All in Favor

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 10/02/2025 16:23 | 11/12/2025 11:44 |
| Confirm application complete v.1 | Generic Action | | 10/02/2025 16:23 |
| Conditional Use Review v.1 | Receive Submittal | 10/02/2025 0:00 | 11/12/2025 11:44 |
| **Planning Board v.1** | | 02/17/2026 10:31 | |
| Planning Board Agenda v.1 | Task | 02/17/2026 10:31 | 02/24/2026 10:48 |
| Planning Board Agenda v.1 | Task | 11/12/2025 11:45 | 11/12/2025 11:46 |
| Invoice for Notices v.1 | Task | 11/12/2025 11:45 | 11/12/2025 11:46 |
| Invoice for Notices v.1 | Task | 02/24/2026 10:48 | 02/26/2026 9:53 |
| Send Notices v.1 | Task | 02/26/2026 9:53 | |
| Send Notices v.1 | Task | 11/12/2025 11:45 | 11/12/2025 11:46 |
| Planner Creates Staff Recommendations v.1 | Permit Activity | 11/12/2025 11:46 | 11/13/2025 17:19 |
| Planner Creates Staff Recommendations v.1 | Permit Activity | | |
| Distribute Planning Board Materials v.1 | Task | | |
| ~~Distribute Planning Board Materials v.1~~ | Task | | 11/13/2025 17:18 |
| ~~Planning Board Hearing v.1~~ | Hold Hearing | | 11/13/2025 17:18 |
| Planning Board Hearing v.1 | Hold Hearing | | |
| Planning Board Decision v.1 | Permit Activity | | |
| ~~Planning Board Decision v.1~~ | Permit Activity | | 11/13/2025 17:19 |
| ~~NOD Sent to Applicant v.1~~ | Create Report | | 11/13/2025 17:19 |
| NOD Sent to Applicant v.1 | Create Report | | |
| ~~**Issue Permit v.1**~~ | | | 11/13/2025 17:19 |
| ~~Verify Fees Prior to Permit v.1~~ | Generic Action | | 11/13/2025 17:19 |
| ~~Issue and Review Permit v.1~~ | Generic Action | | 11/13/2025 17:19 |
| ~~Print and Email Permit v.1~~ | Generic Action | | 11/13/2025 17:19 |
| ~~Plans uploaded to Treeno v.1~~ | Generic Action | | 11/13/2025 17:19 |
| ~~Internal Notification of Plan Completion v.1~~ | Generic Action | | 11/13/2025 17:19 |

| | | |
|---|---|---|
| ~~Recording v.1~~ | Task | 11/13/2025 17:19 |

# City of Dover, New Hampshire
# CONDITIONAL USE PERMIT APPLICATION

[Revision Date: October 19, 2020]

| Office Use Only | Project #: | | Date Received: | |
|---|---|---|---|---|
| | Amount Paid: | | Time Received: | |

**APPLICANT AND OWNER INFORMATION**

Name of Applicant: Raghbir Singh Telephone #

Address of Applicant: 15 OLIVE MEADOW LANE DOVER, NH. 03820

E-Mail Address: raghbirtamber@yahoo.com

Name of Property Owner (if different from applicant): Telephone #

Address of Property Owner:

**PROPERTY INFORMATION**

Assessor's Map # H Lot(s) # 14D-1 AND 14D-2

Address of Property: 4 AND 8 ZELAND DR DOVER, NH. 03820

Zoning District(s) R-20 Overlay District(s)

Existing Use of Property: RESIDENTIAL

**CONDITIONAL USE PERMIT INFORMATION**

**Type of Conditional Use Permit (Check All That Apply):**

- ☒ Conservation District
- ☐ RCM Use Overlay District
- ☐ Gateway District
- ☐ Groundwater Protection
- ☐ Off-Street Parking and Loading
- ☐ Alternative Treatment Center
- ☐ Wetland Protection District
- ☐ Central Business District
- ☐ Heritage Residential District

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

Demo 2 homes in the conservation district. - then, RE-Build 2 homes - house # 1 stays in the district - house # 2 will move much further from the river taking it from completly in the conservation district to approximately 50% out of the district.

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: NHDES Shoreline Permit #: 2021-00587 (in the process of being amended)

Name of Professional That Prepared Plans: Base Plan - McErneaney Survey; Fraggle Rock Environmental

Address McErneaney - 181 Watson Rd, Dover; Fraggle Rock

Telephone #: 603-742-0911; 603-969-5574

Professional License #: 661

E-mail address: SHAight@civilworks.com; frenvironmental@gmail.com

**SIGNATURES**

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: Kathleen Leigh Date: 10-2-2025

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: John J. Wiant Date: 10-2-2025

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Kathleen Leigh Date: 10-2-2025

# CITY OF DOVER, NEW HAMPSHIRE
# PLANNING APPLICATION OWNER AUTHORIZATION

## OWNER AUTHORIZATION

I/We hereby submit this application to the City of Dover / City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Property Owner Name: Raghbir Singh

Signature(s) of Property Owner(s): _____ Date: 2025-10-02

Signature of Applicant: _____ Date: 2025-10-02
*if different from owner*

## AUTHORIZATION TO ENTER SUBJECT PROPERTY

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity..

Property Owner Name: Raghbir Singh

Signature(s) of Property Owner(s): _____ Date: 2025-10-02

Signature of Applicant: _____ Date: 2025-10-02
*if different from owner*

---

## IF SIGN PERMIT, SIGN PERMIT APPLICATION INFORMATION

If the sign permit applicant is not the property owner, this form must be completed and included as part of application submission.

I have read this application and state that, to the best of my knowledge, the information provided is true and that the proposed sign(s) will comply with all applicable regulations in Section 170-32 of the Zoning Ordinance of the City of Dover and shall conform to the submitted materials and designs. Furthermore, after 90 days, any application still waiting information will be denied.

Address of Sign Location: _____

Sign Permit Application Type:
(check one)

- ☐ Permanent Sign
- ☐ Temporary Sign
- ☐ Community Sign

**COND-2025-0024** **4 & 8 ZELAND DRIVE**

| Property ID | Location | Owner 1 | Owner 2 | Owner Address 1 | City | State | Zip |
|---|---|---|---|---|---|---|---|
| H0013-000000 | 26 BELLAMY RD | PEICK MARGOT A | | 26 BELLAMY RD | DOVER | NH | 03820 |
| H0014-000000 | 54 CATARACT AV | MCCRUM J & THURBER D & PROULX ET AL TC & | PROULX MADELINE LIFE ESTATE | 54 CATARACT AVENUE | DOVER | NH | 03820 |
| H0017-000000 | BELLAMY RD | CITY OF DOVER | | 288 CENTRAL AVE | DOVER | NH | 03820 |
| H0014-A00000 | 58 CATARACT AV | TREFETHEN SEAMES | | 58 CATARACT AVE | DOVER | NH | 03820 |
| H0014-B00000 | 52 CATARACT AV | HENCK RICHARD S & KAREN L TTS | HENCK RICHARD S & KAREN L REV LIV TRUST | 52 CATARACT AV | DOVER | NH | 03820 |
| H0016-000000 | 25 BELLAMY RD | WAYNE CHRISTOPHER & | WAYNE CHRISTINA | 120 MILL ST | FRANKLIN | MA | 02038-5213 |
| H0014-D00300 | 16 ZELAND DR | PATEL SHAILESHKUMAR | PATEL DEVYANIBEN | 16 ZELAND DR | DOVER | NH | 03820 |
| H0013-A00000 | 28 BELLAMY RD | SIESS PETER | GILBERT ALLISON | 28 BELLAMY RD | DOVER | NH | 03820 |
| H0014-D00200 | 12 ZELAND DR | SINGH RAGHBIR | | 15 OLIVE MEADOW LANE | DOVER | NH | 03820 |
| H0014-D00400 | 9 ZELAND DR | SINGH RAGHBIR | | 15 OLIVE MEADOW LANE | DOVER | NH | 03820 |
| H0012-000000 | 25 ALUMNI DR | CITY OF DOVER | | 288 CENTRAL AVE | DOVER | NH | 03820 |
| H0014-D00000 | 8 ZELAND DR | SINGH RAGHBIR | | 15 OLIVE MEADOW LN | DOVER | NH | 03820 |
| H0014-D00100 | 4 ZELAND DR | SINGH RAGHBIR | | 15 OLIVE MEADOW LN | DOVER | NH | 03820 |
| | | MCENEANEY SURVEY ASSOCIATES | KEVIN MCENEANEY | PO BOX 1166 | DOVER | NH | 03820 |
| | | FRAGGLE ROCK ENVIRONMENTAL | DAMON BURT | 28 GARLAND ROAD | STRAFFOR | NH | 03884 |

CITY OF DOVER

# DOVER CONSERVATION COMMISSION – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | First Floor Conference Room, City Hall, 288 Central Ave. |
| Meeting Date: | **Monday November 10 2025** |
| Meeting Time: | **5:30 pm** |

**MEMBERS PRESENT:** Bill Hunt (Chair), Steve Fellows (Vice Chair), Abigail Lyon, Russ Warnock, Brendan Mulhall (Alternate)
**Absent (Excused):** Brianna Group (Alternate), Robert Atwood (Secretary), Kristen Murphy
**Absent (Unexcused):**
**STAFF PRESENT:** Makayla Edgecomb (Conservation Planner)
**OTHERS PRESENT:**

**1. CALL TO ORDER AND ROLL CALL**
The meeting was convened at 5:30 PM.

**2. CITIZEN'S FORUM**
Unknown speaker noted she was an original member of the Conservation Commission. She noted some of the top priorities and accomplishments from when she was on the Commission.
She noted particular no trespassing signs at a public park and asked the Commission to find out if a sign can be put up that says it's a public park open to the public. She is willing to raise the funds to pay for the signs if needed.

Commission members noted they discussed this item a while ago and agree there is confusion there with the signs that are posted.
Staff will check into the issue and follow up with the resident and the Commission.

**3. APPROVAL OF THE PRIOR MEETING MINUTES** – October 14, 2025
R. Warnock moved to approve the minutes of October 14, 2025. S. Fellows seconded. Vote: 4 in favor with 1 abstention

**4. OLD BUSINESS**
NONE

**5. NEW BUSINESS**
**A.** Review of Sixth St NHDES Wetlands Permit Application
Deputy Director of Community Services, K. Mavrogeorge presented the item and explained the project at the Sixth St bridge. The bridge is being redesigned and replaced as it has failed. In addition, part of the project is to remove old infrastructure. He explained the ownership issues and legal and logistical steps occurring as part of the process.

The Commission has the authority to review the permit and provide comments to the state DES.
Members asked clarifying question of staff which were addressed.
Members discussed having mitigation work done elsewhere when there isn't room on the project site rather than pay into the ARM fund.

K. Mavrogeorge addressed timing noting the earliest the permit would be issued is February and the earliest construction would start is late summer 2026. However, with lack of City Counsel and with the easements and federal aspects, it could take longer.

**B.** City of Dover Conditional Use Permit for Raghbir Singh, Assessor's Map H, Lots 14D-1, 14D-2, zoned R-20, located at 4 and 8 Zeland Drive. Proposal seeks to demolish two (2) existing homes and relocate and construct two (2) single-family homes creating approximately 3,559 square feet of permanent impacts and approximately 8,521 square feet of temporary impacts within the Conservation District. (COND-2025-0024)

John Diamond, agent for Mr. Singh presented the item and explained the proposed project to demolish two existing structures and build two new homes. He has applications in with NH DES.

The board discussed with the applicant the overall increase and/or decrease of impacts to impervious surfaces and conservation district.
Additional conversation occurred about trees previously removed on site and the state-issued mitigation required to restore some of that.
Discussion continued about the pervious pavers and how they will be maintained as they are located on individual properties.

S. Fellows moved to approve the application with the condition that the HOA documents include a maintenance schedule for the pervious pavers, provided by the environmental firm consulting on the plan, to guarantee continued function as impervious surface. A. Lyon seconded. Vote: U/A

**C.** City of Dover Conditional Use Permit for William and Lori Goldenthal, Assessor's Map N, Lot 8-1-8, zoned R-40, located off Saddle Trail Drive. Proposal is for the construction of a single-family home within the Conservation District due to the amount of impacts, approximately 10,997 square feet, within an area containing slopes greater than 20%. (COND-2025-0027)

Sam Hayden, Haley Ward represented the item explaining the slopes in the area, wetland setbacks, and proposed location of the home.

The applicant discussed and answered questions from the members relating to distance from buffers, NH DES permits, driveway access, water access, tree vegetation status upon completion of the project, and natural woodland buffer.

A. Lyon moved to approve the application as presented. S. Fellows seconded. Vote: U/A

**D.** City of Dover Conditional Use Permit for 914 Central Avenue, LLC, Assessor's Map 38, Lot 20, zoned Commercial, located at 914 Central Ave. Proposal is to redevelop the site and construct a childcare facility, resulting in an approximate 1% increase in impervious surface area from existing conditions, for a total of about 45% impervious coverage within the Secondary Groundwater Protection District. (COND-2025-0023)

Mike Menary, CivilWorks presented the item and explained and discussed the project drainage, storm water, landscaping, and impervious surfaces.

Commission members felt there was missing information relating to the impervious surface calculation and discussed tabling the item to the next meeting in order to receive the missing information.

A. Lyon moved to continue the application to the December meeting for the applicant to provide additional information regarding the impervious cover calculation and infiltration calculation for the play area. Please also include the landscape plan in the packet. S. Fellows seconded. Vote: All in favor

**6. REPORT FROM THE CHAIR**

**A.** Review of Correspondence Received from NH Department of Environmental Services
One NH DES request for more information for the high school athletic fields project

**7. OTHER BUSINESS**

**D**. Update from Forest Management Subcommittee
Staff reported some trees were taken down – discussion ensued
When will we meet with John Storer regarding plan for replanting
CIP plan regarding street trees

**A.** Technical Review Committee Designee and Alternate
This is available to a Commission member – let staff know if interested

**B.** Conservation Commission Memos
General consensus was in favor of receiving these
Review of what was included in the memos

**C.** Handbook and By Laws
Handbook is ready and By Laws are underway

Discussion occurred about open positions and alternate positions on the Commission.

**8. ADJOURNMENT**

S. Fellows moved to adjourn at 7:15pm. A. Lyon seconded. Vote: U/A

# City of Dover, New Hampshire Permit

# Permit # BLDM-2025-0267

| | |
|---|---|
| Parcel #: | H0014-D00100 |
| Parcel Address: | 4 ZELAND DR, Dover, NH |
| Owner: | Raghbir Singh |
| Applicant: | John Diamond |

| | |
|---|---|
| **Permit Class:** | **Building - Minor - Alteration / Addition** |
| Detail: | Demo entire building - permit is solely to Raze the structure- addition work will require additional permits |
| Issue Date: | July 16, 2025 |
| Terms of Expiration: | January 15, 2026 |

*Issued By:* *Jim Maxfield*
*Building Official*

Applicant agrees to follow details of approved application and sketch, along with all conditions. Applicant agrees all appropriate professional and business licensing in place and all applicable City, State and Federal laws are followed.

All permits require visible posting.

# City of Dover, New Hampshire Permit

# Permit # BLDM-2025-0268

| | |
|---|---|
| Parcel #: | H0014-D00000 |
| Parcel Address: | 8 ZELAND DR, Dover, NH |
| Owner: | Raghbir Singh |
| Applicant: | John Diamond |

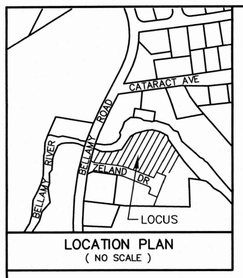
| | |
|---|---|
| **Permit Class:** | **Building - Minor - Alteration / Addition** |
| Detail: | Demo existing building - permit is solely to Raze the structure- addition work will require additional permits |
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*Issued By:* *Jim Maxfield*
*Building Official*

Applicant agrees to follow details of approved application and sketch, along with all conditions. Applicant agrees all appropriate professional and business licensing in place and all applicable City, State and Federal laws are followed.

All permits require visible posting.

6/24/2025 09:05:01 File: P:\25048 - Zeland Drive Dover NH Singh (Diamond)\Survey\Drawings\25048 LLADJ.dwg Layout: LOT LINE ADJUSTMENT




LOCATION PLAN
( NO SCALE )

NHDES SHORELAND PERMIT AMENDMENT
**PROPOSED CONDITIONS PLAN**
26.5 BELLAMY ROAD, DOVER, NH
10/1/2025

CREATED BY: DAMON E. BURT, (603) 969-5574,
FRAGGLE ROCK ENIVRONMENTAL

BASE PLAN: McENEANEY SURVEY ASSOCIATES
OWNER: RAGHBIR SINGH

H / 16
CHRISTOPHER WAYNE
CHRISTINA WAYNE
120 MILL STREET
FRANKLIN, MA 02038
4949 / 559

H / 14
JEANNE MCCRUM, ET.AL.
54 CATARACT AVENUE
DOVER, NH 03820
2668 / 596

H / 14A
SEAMES TREFETHEN
58 CATARACT AVENUE
DOVER, NH 03820
2810 / 448

H / 17
CITY OF DOVER
288 CENTRAL AVENUE
DOVER, NH 03820
539 / 459

H / 13
MARGOT A. PEICK
26 BELLAMY ROAD
DOVER, NH 03820
4918 / 182

LOT 5
H / 14D-4
RAGHBIR SINGH
15 OLIVE MEADOW LANE
DOVER, NH 03820
4950 / 115

LOT 4
H / 14D-3
SHAILESHKUMAR PATEL
DEVYANIBEN PATEL
16 ZELAND DRIVE
DOVER, NH 03820
5206 / 231

LOT 3
H / 14D-2

LOT 2
H / 14D
SEE NOTE 3

LOT 1
H / 14D-1

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #1"

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #2"

APPROXIMATE LIMITS OF SPECIAL FLOOD HAZARD AREA (SEE NOTE #6)

TBM
SPIKE IN UP
ELEV. = 73.36'

TBM
SPIKE IN UP
ELEV. = 75.24

BELLAMY RIVER
FLOW

BELLAMY ROAD
{PUBLIC - VARIABLE WIDTH R.O.W.}

ZELAND DRIVE
{PRIVATE; 50' WIDE R.O.W.}

CULVERT

ASPHALT CURB

GRAVEL DRIVE

CONCRETE PAVER DRIVEWAY

CONCRETE PAVER DRIVE

EXISTING FENCE

SLOPE EASEMENT REF: PLAN #2

DRAINAGE EASEMENT

DETENTION POND

WATER LINE EASEMENT

BUILDING SETBACK LINE (TYP.)

NEW LOT LINE

LOT LINE TO BE ABANDONED

PROPOSED PROPOSED DRIVEWAY

EXISTING WOOD FRAME HOUSE #8

PROPOSED EXISTING WOOD FRAME HOUSE #4 HOUSE #3

PROPOSED HOUSE #2

UNIT 1 EXISTING WOOD FRAME HOUSE #12

UNIT 2 EXISTING WOOD FRAME HOUSE #16

UNIT 3 EXISTING WOOD FRAME HOUSE #9

EXISTING WOOD FRAME HOUSE #28

SEE NOTE 3

REFERENCE LINE EDGE OF RIVER

100' DOVER CONSERVATION DISTRICT

50' SHORELAND BUFFER

50' WATERFRONT BUFFER

100' WATERFRONT BUFFER

250' WATERFRONT BUFFER

PROPERTY BOUNDARY

I.R.(tbs) N - 248849.28 E - 191525.35

I.R.(tbs) N - 248699.70 E - 1191699.38

I.R.(fnd)

I.P.(fnd)

G.B.(fnd)

N84°08'57"E 69.17'

N60°13'48"E 164.57'

S59°58'43"E 143.59'

S29°21'36"E 85.00'

N13°20'47"E 70.22'

S14°09'44"E 64.15'

N13°20'47"E 59.08'

N21°55'03"E 182.51'

S63°08'21"W 215.73'

N21°55'03"E 72.50'

S44°20'09"W 159.58'

N82°37'36"W 68.36'

N82°37'36"W 70.93'

N68°04'57"W 56.52'

N68°04'57"W 88.00'

N68°04'58"W 50.00'

| No. | Bearing | Distance |
|---|---|---|
| L1 | S21°55'02"W | 25.00' |
| L2 | S72°25'12"E | 35.00' |
| L3 | N18°42'18"E | 26.82' |
| L4 | N89°54'38"E | 33.32' |
| L5 | N79°08'37"E | 32.49' |

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|---|---|---|---|---|---|
| C1 | 90°00'01" | 10.00' | 15.71' | 14.14' | S66°55'03"W |
| C2 | 8°37'11" | 175.00' | 26.33' | 26.30' | N72°23'32"W |
| C3 | 96°35'13" | 10.00' | 16.86' | 14.93' | N34°20'00"W |
| C4 | 3°40'31" | 1042.00' | 66.84' | 66.83' | N15°47'52"E |
| C5 | 5°55'28" | 175.00' | 18.10' | 18.09' | N79°39'52"W |

TOTAL LOT (MAP H, LOT 14D): 3.7 Acres (161,230 SQ. FT.)
AREA WITHIN 250 FT OF SHORELAND: 3.47 Acres (151,000 SQ. FT.)

**EXISTING IMPERVIOUS AREA WITHIN SHORELAND: 25,527 (16.9%)**
HOUSE #4 & DRIVEWAY: 3,815 SQ. FT (TO BE RECONSTRUCTED)
HOUSE #8 & DRIVE: 4,330 SQ. FT. (TO BE RECONSTRUCTED)
UNIT 1 (HOUSE #12): 2,681 SQ. FT.
UNIT 2 (HOUSE #16) :2,681 SQ. FT.
UNIT3 (HOUSE #9): 2,670 SQ. FT. (WITHIN SHORELAND AREA: 1,200 SQ. FT.)
ROADWAY; 10,834 SQ. FT. (WITHIN SHORELAND AREA: 10,820 SQ. FT.)

**EXISTING PERVIOUS AREA: 2,220 SQ. FT.**
UNIT #1 PAVER DRIVEWAY: 1,140 SQ. FT.
UNIT #2 PAVER DRIVEWAY: 520 SQ. FT.
UNIT #3 PAVER DRIVEWAY: 800 SQ. FT. (WITHIN SHORELAND AREA: 560 SQ. FT.)

**PROPOSED IMPERVIOUS AREA WITHIN SHORELAND: 23,132 (15.32%)**
HOUSE #1: 2,500 SQ. FT.
HOUSE #2: 3,250 SQ. FT.
UNIT 1 (HOUSE #12): 2,681 SQ. FT.
UNIT 2 (HOUSE #16) :2,681 SQ. FT.
UNIT3 (HOUSE #9): 2,670 SQ. FT. (WITHIN SHORELAND AREA: 1,200 SQ. FT.)
ROADWAY; 10,834 SQ. FT. (WITHIN SHORELAND AREA: 10,820 SQ. FT.)

**EXISTING PERVIOUS AREA: 2,220 SQ. FT.**
UNIT #1 PAVER DRIVEWAY: 1,140 SQ. FT.
UNIT #2 PAVER DRIVEWAY: 520 SQ. FT.
UNIT #3 PAVER DRIVEWAY: 800 SQ. FT. (WITHIN SHORELAND AREA: 560 SQ. FT.)
DRIVEWAY #1: 1,085 SQ. FT.
DRIVEWAY #2: 950 SQ. FT.

TOTAL PROPOSED IMPACT WITHIN SHORELAND: 11,600 SQ. FT.

## LEGEND

S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-o- UP – UTILITY POLE
I.R.(tbs) – IRON ROD W/ I.D. CAP (TO BE SET)
I.P.(fnd) – IRON PIPE FOUND
I.R.(fnd) – IRON ROD FOUND
G.B.(fnd) – GRANITE BOUND FOUND
T – TRANSFORMER
– FIRE HYDRANT
TBM – TEMPORARY BENCHMARK

## REFERENCE PLANS:

1.) SUBDIVISION PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12476.

2.) EASEMENT PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12477.

3.) LOT LINE ADJUSTMENT PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST AND ZELAND SCHWARTZ, TAX MAP H, LOT Nos. 13 & 14D, 26 & 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 4, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12399.

4.) PROPOSED HIGHWAY LAYOUT BELLAMY ROAD/BELLAMY RIVER; SCALE: 1" = 40'; DATED: 1-13-67; BY: PUBLIC WORKS DEPT., DOVER, N.H.; RECORDED S.C.R.D. PLAN 3, POCKET 12, FOLDER 1.

## NOTES:

1.) OWNER OF RECORD:
H / 14D — RAGHBIR SINGH, 15 OLIVE MEADOW LANE, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOLUME 5253, PAGE 82
H / 14D-1
H / 14D-2 — RAGHBIR SINGH, 15 OLIVE MEADOW LANE, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOLUME 4950, PAGE 115

OWNER SIGNATURE

2.) H / 14D – DENOTES TAX MAP AND PARCEL NUMBER.

3.) THE INTENT OF THIS PLAN IS TO ADJUST THE LOT LINES BETWEEN THE SUBJECT PARCELS AS SHOWN; PARCEL (A) (1,015 S.F.) IS TO BE ADDED TO LOT H/14D-1; PARCEL (B) (14,160 S.F.) IS TO BE ADDED TO LOT H/14D-2.

| LOT | ORIGINAL AREA | NEW AREA |
|---|---|---|
| H/14D-1 | 15,864 S.F. (0.36 Ac.) | 16,879 S.F. (0.39 Ac.) |
| H/14D | 39,609 S.F. (0.91 Ac.) | 24,434 S.F. (0.56 Ac.) |
| H/14D-2 | 27,592 S.F. (0.63 Ac.) | 41,752 S.F. (0.96 Ac.) |

4.) ZONING DISTRICT:

LOW DENSITY RESIDENTIAL (R-20), APPROVED WITH TRANSFER DEVELOPMENT RIGHTS (TDR)
DIMENSIONAL REQUIREMENTS:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| MAXIMUM LOT COVERAGE | = 30 PERCENT |
| MINIMUM FRONTAGE | = 40 FEET |
| BUILDING SETBACK REQUIREMENTS: | |
| FRONT | = 20 FEET |
| SIDE SETBACK | = 10 FEET |
| REAR SETBACK | = 30 FEET |
| MAXIMUM BUILDING HEIGHT | = 35 FEET |

5.) THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER.

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1 PERCENT ANNUAL CHANCE FLOOD, ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 330145; MAP 33017C0320; SUFFIX E; EFFECTIVE DATE SEPTEMBER 30, 2015.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.
VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.

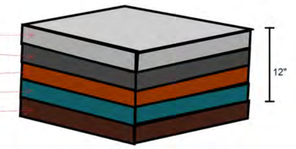
8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING DECEMBER 2020 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

9.) THE PARCELS ARE SUBJECT TO THE STATE OF NEW HAMPSHIRE SHORELINE WATER QUALITY PROTECTION ACT (SWQPA). THOSE AREAS WITHIN 250 FEET OF THE BELLAMY RIVER REFERENCE LINE.

10.) THE PARCELS ARE SUBJECT TO THE CITY OF DOVER CONSERVATION ZONES: AREAS WITHIN 100 FEET OF THE BELLAMY RIVER AND SLOPES GREATER THAN 20%.

11.) DAMON E. BURT, CERTIFIED WETLAND SCIENTIST, CWS #163, WALKED THE SITE ON MARCH 15, 2021 AND DETERMINED THAT THERE WERE NO WETLANDS PRESENT IN ACCORDANCE WITH CHAPTER 170-27.1 OF THE ZONING ORDINANCE.

**PROPOSED PERVIOUS DESIGN FOR PERVIOUS DRIVEWAYS**




INSTALLATION NOTES:DRIVEWAY AREA SHALL BE EXCAVATED TO THE SUBGRADE MATERIAL, LEVELED, AND FILLED WITH SUBBASE AND BASE MATERIAL. THEN AREA SHALL BE TOPPED WITH COARSE BEDDING AND PERVIOUS PAVERS.
MAINTENANCE NOTES: ALL PERVIOUS SURFACES SHALL BE CLEANED OF DEBRIS (SUCH AS LEAVES AND TWIGS EVERY SPRING AND FALL TO ALLOW MAXIMUM FILTRATION.

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

STATE OF NEW HAMPSHIRE — No. 661 — KEVIN M. McENEANEY — LICENSED LAND SURVEYOR — SIGNATURE

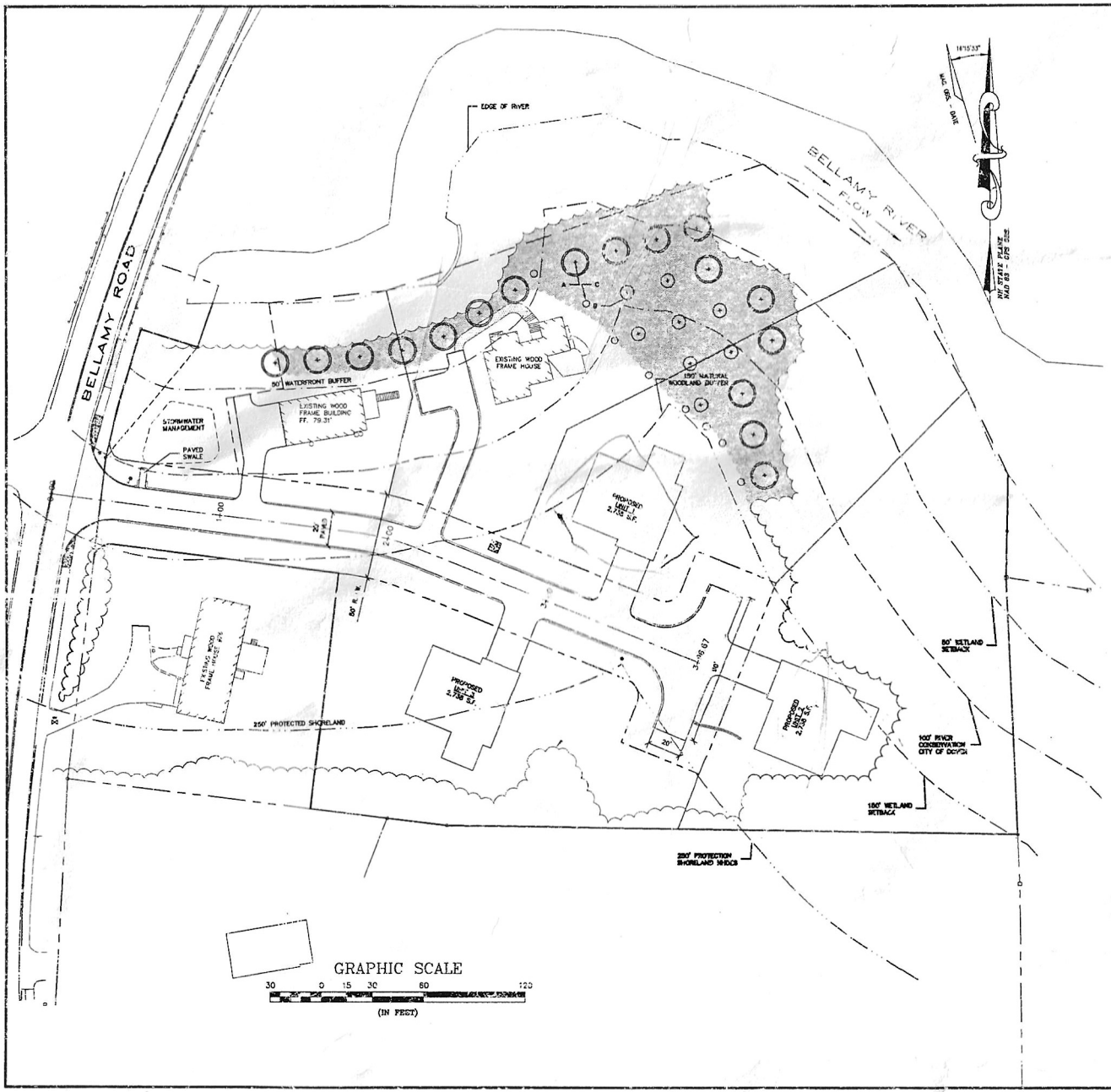
McEneaney Survey Associates of NEW ENGLAND
P.O. Box 1166 – 181 WATSON ROAD
DOVER, NH 03820 (603) 742-0911
SURVEYING – PLANNING – CONSULTING

# LOT LINE ADJUSTMENT PLAN
PREPARED FOR
RAGHBIR SINGH
TAX MAP H, LOT Nos. 14D-1, 14D & 14D-2
4, 8 & 12 ZELAND DRIVE
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** LOTA-2025-0005

| | |
|---|---|
| DRAWN BY: KJF | FILE: P:> 25048\S\D\25048LLADJ |
| SCALE: 1" = 30' | DATE: MAY 2, 2025 |

30 15 0 15 30 60 90 120




GENERAL NOTES

1. OWNER OF RECORD AND APPLICANT:
   ZELAND SCHWARTZ REVOCABLE TRUST
   ZELAND SCHWARTZ, TRUSTEE
   14 HUCKINS ROAD
   MADBURY, NEW HAMPSHIRE 03823
   S.C.R.D. VOLUM 4742, PAGE 911
2. [ H / 140 ] - DENOTES TAX MAP AND PARCEL NUMBER.
3. PARCEL AREA: 161,461 S.F.± / 3.71 Ac.±
4. ZONING DISTRICT IS R-20; TDR OVERLAY DISTRICT (170-27.2).

DIMENSIONAL REQUIREMENTS:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| MINIMUM LOT COVERAGE | = 30 PERCENT |
| MINIMUM FRONTAGE | = 125 FEET |
| BUILDING SETBACK REQUIREMENTS: | |
| FRONT BUILD TO LINE | = 20 FEET MINIMUM |
| | = 35 FEET MAXIMUM |
| SIDE SETBACK | = 20 FEET |
| REAR SETBACK | = 30 FEET |
| MAXIMUM BUILDING HEIGHT | = 35 FEET MAXIMUM |

6. THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER.
7. A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1 PERCENT ANNUAL CHANCE FLOOD, ZONE AE (BASE FLOOD ELEVATIONS DETERMINED); AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 330145; MAP NUMBER 33017C0320; SUFFIX E; DATE SEPTEMBER 30, 2015.
8. BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.
9. VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020. CONTOUR INTERVAL IS TWO FEET.
10. PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES, INC. DURING DECEMBER 2020 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.
11. THE IMPROVEMENTS AND UTILITIES SHOWN ARE FROM OBSERVATIONS MADE IN THE FIELD OR REFERENCE PLANS. LOCATIONS OF UNDERGROUND UTILITIES NOT MARKED ON THE SURFACE WERE NOT LOCATED. ALL VISIBLE UTILITIES ARE SHOWN.
12. PARCEL IS SUBJECT TO THE STATE OF NEW HAMPSHIRE SHORELINE WATER QUALITY PROTECTION ACT (SWQPA), THOSE AREAS WITHIN 250 FEET OF THE BELLAMY RIVER REFERENCE LINE.
13. THE PARCEL IS SUBJECT TO THE CITY OF DOVER CONSERVATION ZONE AREAS WITHIN THE 100 FEET OF THE BELLAMY RIVER AND SLOPES GREATER THAN 20%

PLAN OF INTENT:
1. THE INTENT OF THIS PLAN IS TO SHOW SITE IMPROVEMENTS ASSOCIATED WITH THE CONSTRUCTION OF 400' OF ROADWAY, DRAINAGE IMPROVEMENTS, AND UTILITIES FOR A 5 UNIT SINGLE FAMILY DETACHED CONDOMINIUM.

NOTES:
1. NHDES SHORELAND PERMIT APPLICATION: NHDES#2021-00587 APPROVED MARCH 19, 2021

LEGEND

| | |
|---|---|
| S.F. | SQUARE FEET |
| Ac. | ACRE |
| ± | MORE OR LESS |
| EOW | EDGE OF WET |
| x 74.00 | EXISTING SPOT GRADE |
| --94-- | EXISTING GRADE |
| | EXISTING TREELINE |
| | EDGE OF RIVER |
| | PROPOSED SILTSOCK |
| | PROPOSED BUILDING |
| | PROPOSED TREELINE |
| | PROPOSED RE-VEGETATED AREA |

REVEGATION SCHEDULE

| | |
|---|---|
| A (17) | 5-6' HIGH PINUS STROBUS |
| S (8) | #10 AMELANCHIER CANADENSIS |
| C (40) | #1 COMPTONIA PEREGRINA |

NOT FOR CONSTRUCTION OR PERMIT USE ONLY

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|

DATE: 2-3-21
SCALE: 1"=30'
DRAWN BY: JRG
DESIGN BY: JRG
APPROVED BY: CES
PROJECT NO: 2082
FILE: SITE

CIVILWORKS NEW ENGLAND
191 Wilson Road, PO Box 1181
Dover, New Hampshire 03821
603 749 0443

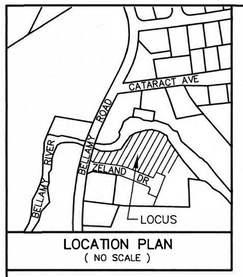
NHDES SHORELAND/RE-VEGETATION PLAN

ZELAND SCHWARTZ
REVOCABLE TRUST
14 HUCKINS ROAD
MADBURY, NH 03823

SCHWARTZ SUBDIVISION
26 ½ BELLAMY ROAD
DOVER, NH 03820

S-1

12/23/2025 14:09:58 File: P:\25048 - Zeland Drive Dover NH Singh (Diamond)\Survey\Drawings\25048 SHORELAND 2025.dwg Layout: PLAN




LOCATION PLAN
( NO SCALE )

## REFERENCE PLANS:

1.) SUBDIVISION PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12476.

2.) EASEMENT PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12477.

3.) LOT LINE ADJUSTMENT PLAN PREPARED FOR RAGHBIR SINGH, TAX MAP H, LOT Nos. 14D–1,. 14D & 14D–2, 4, 8 & 12 ZELAND DRIVE, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30', DATED: MAY 2, 2025, REVISED THROUGH JUNE 24, 2025; BY: THIS OFFICE; RECORDED S.C.R.D. PLAN 13554.

H / 16
CHRISTOPHER WAYNE
CHRISTINA WAYNE
120 MILL STREET
FRANKLIN, MA 02038
4949 / 559

H / 17
CITY OF DOVER
288 CENTRAL AVENUE
DOVER, NH 03820
539 / 459

H / 14A
SEAMES TREFETHEN
58 CATARACT AVENUE
DOVER, NH 03820
2810 / 448

H / 14
JEANNE MCCRUM, ET.AL.
54 CATARACT AVENUE
DOVER, NH 03820
2668 / 596

H / 14D–2
RAGHBIR SINGH
15 OLIVE MEADOW LANE
DOVER, NH 03820
4950 / 115

H / 13
MARGOT A. PEICK
26 BELLAMY ROAD
DOVER, NH 03820
4918 / 182

H / 14D–4
RAGHBIR SINGH
15 OLIVE MEADOW LANE
DOVER, NH 03820
4950 / 115

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #1"

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #2"

BELLAMY RIVER
FLOW

BELLAMY ROAD
{PUBLIC; VARIABLE WIDTH R.O.W.}

ZELAND DRIVE
{PRIVATE; 50' WIDE R.O.W.}

CULVERT

TBM
SPIKE IN UP
ELEV. = 75.24'

12"HDPE
INV. = 69.85'

ASPHALT SIDEWALK

CONCRETE TIP–DOWN

SLOPE EASEMENT REF. PLAN #2

LIMIT OF DRAINAGE EASEMENT

BIO–RETENTION POND

FOREBAY

15"HDPE FES
INV. = 73.76'

12"HDPE

CONCRETE RETAINING WALL

135'± ALONG RIVER

222'± ALONG RIVER

TREELINE (TYP)

EXISITING GRAVEL DRIVE

50' SHORELAND BUFFER

100' CONSERVATION ZONE

EXISTING WOOD FRAME HOUSE #8

EXISTING WOOD FRAME HOUSE #4

EXISTING GRAVEL DRIVE

PROPOSED HOUSE #4

PROPOSED HOUSE #8

PROPOSED HOUSE #12
EXISTING WOOD FRAME HOUSE #12

PROPSOED PERVIOUS DRIVEWAY

EXISTING LOAM PILE

S72°25'12"E 35.00'

N13°20'47"E 70.22'

N13°20'47"E 59.08'

S21°55'03"W 182.51'

S21°55'03"W 72.50'

N82°37'36"W 68.36'

N82°37'36"W 70.93'

N68°04'57"W 56.52'

C1 C2 C3 C4 L1

NH STATE PLANE
NAD 83 – GPS OBS.

| No. | Bearing | Distance |
|---|---|---|
| L1 | N18°42'18"E | 26.82' |

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|---|---|---|---|---|---|
| C1 | 8°37'11" | 175.00' | 26.33' | 26.30' | N72°23'32"W |
| C2 | 96°35'13" | 10.00' | 16.86' | 14.93' | N34°20'00"W |
| C3 | 3°40'31" | 1042.00' | 66.84' | 66.83' | N15°47'52"E |
| C4 | 5°55'28" | 175.00' | 18.10' | 18.09' | N79°39'52"W |

## LEGEND

S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-O- UP – UTILITY POLE
T – TRANSFORMER
– FIRE HYDRANT
TBM – TEMPORARY BENCHMARK
CCB – CAP COD BERM
SGC – SLOPED GRANITE CURB
HDPE – HIGH DENSITY POLYETHYLENE PIPE
FES – FLARED END SECTION OUTLET PIPE

FOR DETIALS ON TOTAL PROJECT IMPACT PLEASE SEE "PROPOSED CONDITIONS OVERVIEW" PLAN

## NOTES:

1.) OWNER OF RECORD:
H / 14D | H / 14D–1 — RAGHBIR SINGH, 15 OLIVE MEADOW LANE, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOLUME 5253, PAGE 82

2.) H / 14D – DENOTES TAX MAP AND PARCEL NUMBER.

3.) LOT AREAS
H/14D–1 = 16,879 S.F. (0.39 Ac.)
H/14D = 24,434 S.F. (0.56 Ac.)

3.) THE INTENT OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS OF THE PARCELS AS OF DECEMBER 15, 2025

4.) ZONING DISTRICT:

LOW DENSITY RESIDENTIAL (R–20), APPROVED WITH TRANSFER DEVELOPMENT RIGHTS (TDR)
DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE = 20,000 S.F.
MAXIMUM LOT COVERAGE = 30 PERCENT
MINIMUM FRONTAGE = 40 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT = 20 FEET
SIDE SETBACK = 10 FEET
REAR SETBACK = 30 FEET
MAXIMUM BUILDING HEIGHT = 35 FEET

5.) THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER.

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1 PERCENT ANNUAL CHANCE FLOOD, ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 330145; MAP 33017C0320; SUFFIX E; EFFECTIVE DATE SEPTEMBER 30, 2015.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.
VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING DECEMBER 2020 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

9.) THE PARCELS ARE SUBJECT TO THE STATE OF NEW HAMPSHIRE SHORELINE WATER QUALITY PROTECTION ACT (SWQPA). THOSE AREAS WITHIN 250 FEET OF THE BELLAMY RIVER REFERENCE LINE.

10.) THE PARCELS ARE SUBJECT TO THE CITY OF DOVER CONSERVATION ZONES: AREAS WITHIN 100 FEET OF THE BELLAMY RIVER AND SLOPES GREATER THAN 20%.

11.) DAMON E. BURT, CERTIFIED WETLAND SCIENTIST, CWS #163, WALKED THE SITE ON MARCH 15, 2021 AND DETERMINED THAT THERE WERE NO WETLANDS PRESENT IN ACCORDANCE WITH CHAPTER 170–27.1 OF THE ZONING ORDINANCE.

12.) H/14D–1 IS SUJECT TO A DRAINAGE & SLOPE EASEMENT AS SHOWN ON REFERENCE PLANS #2 & #3.

NHDES SHORELAND PERMIT AMENDMENT
**PROPOSED CONDITIONS**
**HOUSE #4, #8, AND #12 PLAN**
26.5 BELLAMY ROAD, DOVER, NH
2/4/2026

CREATED BY: DAMON E. BURT, (603) 969-5574,
FRAGGLE ROCK ENIVRONMENTAL
BASE PLAN: McENEANEY SURVEY ASSOCIATES
OWNER: RAGHBIR SINGH

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

# EXISTING CONDITIONS PLAN
PREPARED FOR
RAGHBIR SINGH
TAX MAP H, LOT Nos. 14D–1 & 14D
4 & 8 ZELAND DRIVE
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

| | |
|---|---|
| DRAWN BY: KJF | FILE: P\25048\S\D\SHORELAND |
| SCALE: 1" = 20' | DATE: DECEMBER 15, 2025 |

20 10 0 10 20 40 60 80

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| | | REVISIONS | | |

| | | | |
|---|---|---|---|
| 25048 | EC | 25–03 | 41 |
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

STATE OF NEW HAMPSHIRE — LICENSED LAND SURVEYOR — No. 661 KEVIN M. McENEANEY — SEAL/SIGNATURE

McENEANEY SURVEY ASSOCIATES of NEW ENGLAND
P.O. Box 1166 – 181 WATSON ROAD
DOVER, NH 03821 (603) 742–0911

SURVEYING – PLANNING – CONSULTING

# NHDES SHORELAND
# PERMIT AMENDMENT REQUEST

## 26.5 Bellamy Road
## Dover, NH 03820
## Tax Map H14, Lot D

## NHDES File #: 2021-00587

*Prepared for:*
Raghbir Singh
15 Olive Meadow Lane
Dover, NH 03820

*Prepared by:*
Damon E. Burt, CWS, CPESC
Briana B. Stringer, WSA
Fraggle Rock Environmental
38 Garland Road
Strafford, NH 03884

**February 4, 2026**

**Fraggle Rock Environmental**
**Damon E. Burt, CWS, CPESC**
**38 Garland Road, Strafford, NH 03884**
(603) 969-5574
FREnvironmental@gmail.com

February 4, 2026

To: Ryan Duquette, Shoreland Permitting Specialist
Department of Environmental Services
P.O. Box 95, Concord, NH 03302

From: Damon E. Burt, Fraggle Rock Environmental
38 Garland Road
Strafford, NH 03884

**Re: NHDES Shoreland Permit Amendment Request (Update)**
**NHDES File #2021-00587**
**26.5 Bellamy Road, Dover, NH 03820**
**Tax Map H14, Lot D**

Ryan,

Thank you for your initial review of the information submitted on September 26, 2025, regarding a request for an amendment to the Shoreland Permit for work at 26.5 Bellamy Road in Dover, NH (NHDES file # 2021-00587). Based on your request, an additional plan has been prepared to show all work proposed under the subject permit.

The original shoreland permit approved the construction of 3 new homes as part of a 5-lot subdivision (the subdivision contained 2 existing homes). This proposed amendment to the Shoreland permit involves the reconstruction of the two previously existing homes. The homes will be reconstructed farther away from the Bellamy River, will reduce impervious cover, and will reduce the total project impact area within the shoreland jurisdictional area.

The original permit approved 46,916 sq. ft. of impact and 17.5% impervious coverage within the shoreland jurisdictional area.

This amendment request proposes 42,383 sq. ft. of impact (and an additional 4,500 sq. ft. of temporary impact) and 15.20% impervious coverage within the shoreland jurisdictional area.

The total impact of the project is less than the original permit at 46,883 sq. ft. and proposes less impervious cover within the shoreland zone.

Please also note that a change of ownership to Raghbir Singh, of 15 Olive Meadow Lane, Dover, NH 03820, was requested and approved in June of 2023.

Thank you for your assistance.
Sincerely,

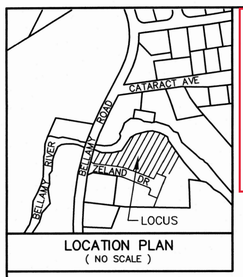
Damon E. Burt

Damon E. Burt
Fraggle Rock Environmental, LLC
NH Certified Wetland Scientist
Certified Professional in Erosion and Sediment Control

6/24/2025 09:05:01 File: P:\25048 - Zeland Drive Dover NH Singh (Diamond)\Survey\Drawings\25048 LLADJ.dwg Layout: LOT LINE ADJUSTMENT

NHDES SHORELAND PERMIT AMENDMENT
**PROPOSED CONDITIONS OVERIVEW AND SEDIMENTATION & EROSION CONTROL PLAN**
26.5 BELLAMY ROAD, DOVER, NH
10/3/2025
UPDATED 2/4/2026

CREATED BY: DAMON E. BURT, (603) 969-5574,
FRAGGLE ROCK ENIVRONMENTAL
BASE PLAN: McENEANEY SURVEY ASSOCIATES
OWNER: RAGHBIR SINGH




LOCATION PLAN
( NO SCALE )

H / 16
CHRISTOPHER WAYNE
CHRISTINA WAYNE
120 MILL STREET
FRANKLIN, MA 02038
4949 / 559

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #1"

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #2"

TWO ROWS OF EROSION CONTROL SHALL BE INSTALLED WITHIN 50 FEET OF WETLANDS/ REFERENCE LINE (SILT SOXX OR SIMILAR)

TBM
SPIKE IN UP
ELEV. = 73.36

H / 14A
SEAMES TREFETHEN
58 CATARACT AVENUE
DOVER, NH 03820
2810 / 448

H / 14
JEANNE MCCRUM, ET.AL.
54 CATARACT AVENUE
DOVER, NH 03820
2668 / 596

APPROXIMATE LIMITS OF SPECIAL FLOOD HAZARD AREA (SEE NOTE #6)

BELLAMY RIVER FLOW

CULVERT

TBM
SPIKE IN UP
ELEV. = 75.24

I.R.(tbs)
N – 248849.28
E – 191525.35

N84°08'57"E 69.17'

L1 L2 L3 L4 L5

N60°13'48"E 164.57'

S59°58'43"E 143.59'

S29°21'36"E 85.00'

REFERENCE LINE EDGE OF RIVER

N13°20'47"E 70.22'

S14°09'44"E 3.16'

LOT LINE TO BE ABANDONED

NEW LOT LINE

N21°55'03"E 182.51'

S63°08'21"W 215.73'

LOT LINE TO BE ABANDONED

A SEE NOTE 3

B SEE NOTE 3

GRAVEL DRIVE

EXISTING WOOD FRAME HOUSE #8

BUILDING SETBACK LINE (TYP.)

100' DOVER CONSERVATION DISTRICT

50' SHORELAND BUFFER

BELLAMY ROAD {PUBLIC - VARIABLE WIDTH R.O.W.}

SLOPE EASEMENT REF: PLAN #2

DRAINAGE EASEMENT

DETENTION POND

I.R.(tbs)

I.R.(fnd)

C1 C2 C3 C4 C5

68.36'

N82°37'36"W 78.78'

N82°37'36"W 70.93'

ZELAND DRIVE
{PRIVATE; 50' WIDE R.O.W.}

ASPHALT CURB

PROPOSED HOUSE #4

PROPOSED EXISTING WOOD FRAME HOUSE #4

24'x36' GARAGE

PROPOSED PERVIOUS DRIVEWAY

80.65

H / 14D-1
LOT 1

PROPOSED HOUSE #8

12'x8' DECK

20'x20' GARAGE

WATER LINE EASEMENT

LOT 2
H / 14D
SEE NOTE 3

PORCH

A68°04'57"W 56.52'

N68°04'57"W 88.00'

N21°55'03"E 72.50'

EXISTING WOOD FRAME HOUSE #12

PROPOSED HOUSE #12

CONCRETE PAVER DRIVE

89.35

H / 14D-2
LOT 3

S68°04'58"E 50.00'

S44°20'09"W 159.58'

I.R.(tbs)
N – 248699.70
E – 1191699.38

G.B.(fnd)

50' WATERFRONT BUFFER

100' WATERFRONT BUFFER

250' WATERFRONT BUFFER

PROPERTY BOUNDARY

EROSION CONTROL (SILT SOXX OR SIMILAR)

EXISTING FENCE

EXISTING WOOD FRAME HOUSE #28

H / 13
MARGOT A. PEICK
26 BELLAMY ROAD
DOVER, NH 03820
4918 / 182

PROPOSED HOUSE #9
UNIT 3
EXISTING WOOD FRAME HOUSE #9

PROPOSED PERVIOUS DRIVEWAY

89.15 89.25 89.85 89.95

LOT 5
H / 14D-4
RAGHBIR SINGH
15 OLIVE MEADOW LANE
DOVER, NH 03820
4950 / 115

UNIT 2
EXISTING WOOD FRAME HOUSE #16

PROPOSED HOUSE #16

LOT 4
H / 14D-3
SHAILESHKUMAR PATEL
DEVYANIBEN PATEL
16 ZELAND DRIVE
DOVER, NH 03820
5206 / 231

H / 17
CITY OF DOVER
288 CENTRAL AVENUE
DOVER, NH 03820
539 / 459

I.P.(fnd)

| No. | Bearing | Distance |
|---|---|---|
| L1 | S21°55'02"W | 25.00' |
| L2 | S72°25'12"E | 35.00' |
| L3 | N18°42'18"E | 26.82' |
| L4 | N89°54'38"E | 33.32' |
| L5 | N79°08'37"E | 32.49' |

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|---|---|---|---|---|---|
| C1 | 90°00'01" | 10.00' | 15.71' | 14.14' | S66°55'03"W |
| C2 | 8°37'11" | 175.00' | 26.33' | 26.30' | N72°23'32"W |
| C3 | 96°35'13" | 10.00' | 16.86' | 14.93' | N34°20'00"W |
| C4 | 3°40'31" | 1042.00' | 66.84' | 66.83' | N15°47'52"E |
| C5 | 5°55'28" | 175.00' | 18.10' | 18.09' | N79°39'52"W |

## LEGEND

S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-o- UP – UTILITY POLE
I.R.(tbs) – IRON ROD W/ I.D. CAP (TO BE SET)
I.P.(fnd) – IRON PIPE FOUND
I.R.(fnd) – IRON ROD FOUND
G.B.(fnd) – GRANITE BOUND FOUND
T – TRANSFORMER
– FIRE HYDRANT
TBM – TEMPORARY BENCHMARK

TOTAL LOT (MAP H, LOT 14D): 3.7 Acres (161,230 SQ. FT.)
AREA WITHIN 250 FT OF SHORELAND: 3.47 Acres (151,000 SQ. FT.)

**EXISTING IMPERVIOUS AREA WITHIN SHORELAND: 25,527 (16.9%)**
HOUSE #4 & DRIVEWAY: 3,815 SQ. FT (TO BE RECONSTRUCTED)
HOUSE #8 & DRIVEWAY: 4,330 SQ. FT. (TO BE RECONSTRUCTED)

**PROPOSED IMPERVIOUS AREA WITHIN SHORELAND: 22,950 (15.20%)**
HOUSE #4: 2,500 SQ. FT.
HOUSE #8: 3,250 SQ. FT.
HOUSE #12: 2,800 SQ. FT.
HOUSE #16: 2,350 SQ. FT.
HOUSE #9: 2,500 SQ. FT. (WITHIN SHORELAND AREA: 2,300 SQ. FT.)
ROADWAY; 9,750 SQ. FT.

**PROPOSED PERVIOUS AREA: 12,983 SQ. FT.**
DRIVEWAY #4: 1,085 SQ. FT.
DRIVEWAY #8: 950 SQ. FT.
DRIVEWAY #12: 2,200 SQ. FT.
DRIVEWAY #16: 1,050 SQ. FT.
DRIVEWAY #9: 1,250 SQ. FT.
DETENTION POND: 6,448 SQ. FT.

**PROPOSED TEMPORARY IMPACT FOR GRADING: 4,500 SQ. FT.**

**TOTAL PROPOSED IMPACT WITHIN SHORELAND: 46,883 SQ. FT.**

## REFERENCE PLANS:

1.) SUBDIVISION PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12476.

2.) EASEMENT PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12477.

3.) LOT LINE ADJUSTMENT PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST AND ZELAND SCHWARTZ, TAX MAP H, LOT Nos. 13 & 14D, 26 & 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 4, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12399.

4.) PROPOSED HIGHWAY LAYOUT BELLAMY ROAD/BELLAMY RIVER; SCALE: 1" = 40'; DATED: 1-13-67; BY: PUBLIC WORKS DEPT., DOVER, N.H.; RECORDED S.C.R.D. PLAN 3, POCKET 12, FOLDER 1.

## NOTES:

1.) OWNER OF RECORD:
H / 14D — RAGHBIR SINGH, 15 OLIVE MEADOW LANE, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOLUME 5253, PAGE 82
H / 14D-1 —
H / 14D-2 — RAGHBIR SINGH, 15 OLIVE MEADOW LANE, DOVER, NEW HAMPSHIRE 03820, S.C.R.D. VOLUME 4950, PAGE 115

OWNER SIGNATURE

2.) H / 14D – DENOTES TAX MAP AND PARCEL NUMBER.

3.) THE INTENT OF THIS PLAN IS TO ADJUST THE LOT LINES BETWEEN THE SUBJECT PARCELS AS SHOWN; PARCEL (A) (1,015 S.F.) IS TO BE ADDED TO LOT H/14D-1; PARCEL (B) (14,160 S.F.) IS TO BE ADDED TO LOT H/14D-2.

| LOT | ORIGINAL AREA | NEW AREA |
|---|---|---|
| H/14D-1 | 15,864 S.F. (0.36 Ac.) | 16,879 S.F. (0.39 Ac.) |
| H/14D | 39,609 S.F. (0.91 Ac.) | 24,434 S.F. (0.56 Ac.) |
| H/14D-2 | 27,592 S.F. (0.63 Ac.) | 41,752 S.F. (0.96 Ac.) |

4.) ZONING DISTRICT:

LOW DENSITY RESIDENTIAL (R-20), APPROVED WITH TRANSFER DEVELOPMENT RIGHTS (TDR)
DIMENSIONAL REQUIREMENTS:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| MAXIMUM LOT COVERAGE | = 30 PERCENT |
| MINIMUM FRONTAGE | = 40 FEET |
| BUILDING SETBACK REQUIREMENTS: | |
| FRONT | = 20 FEET |
| SIDE SETBACK | = 10 FEET |
| REAR SETBACK | = 30 FEET |
| MAXIMUM BUILDING HEIGHT | = 35 FEET |

5.) THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER.

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1 PERCENT ANNUAL CHANCE FLOOD, ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 330145; MAP 33017C0320; SUFFIX E; EFFECTIVE DATE SEPTEMBER 30, 2015.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.
VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING DECEMBER 2020 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

9.) THE PARCELS ARE SUBJECT TO THE STATE OF NEW HAMPSHIRE SHORELINE WATER QUALITY PROTECTION ACT (SWQPA). THOSE AREAS WITHIN 250 FEET OF THE BELLAMY RIVER REFERENCE LINE.

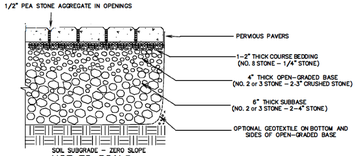
10.) THE PARCELS ARE SUBJECT TO THE CITY OF DOVER CONSERVATION ZONES: AREAS WITHIN 100 FEET OF THE BELLAMY RIVER AND SLOPES GREATER THAN 20%.

11.) DAMON E. BURT, CERTIFIED WETLAND SCIENTIST, CWS #163, WALKED THE SITE ON MARCH 15, 2021 AND DETERMINED THAT THERE WERE NO WETLANDS PRESENT IN ACCORDANCE WITH CHAPTER 170-27.1 OF THE ZONING ORDINANCE.

PERVIOUS AREA DETAIL:

MAINTENANCE GUIDE: EVERY FALL AND SPRING THE PERVIOUS AREA SHOULD BE CLEANED OF ANY DEBRIS SUCH AS LEAVES AND TWIGS AND OVERTURNED TO ALLOW MAXIMUM INFILTRATION.

INSTALLATION NOTES: PERVIOUS AREA WILL BE EXCAVATED TO SUBGRADE MATERIAL LEVELED AND FILLED WITH SUBBASE RESERVOIR MATERIAL. OPTIONAL GEOTEXTILE ON BOTTOM AND SIDES OF OPEN-GRADED BASE TO BE USED IF NECESSARY. THEN AREA TO BE TOPPED WITH OPEN-GRADED BASE THEN COURSE BEDDING AND TOP MATERIAL.




NOT TO SCALE

# LOT LINE ADJUSTMENT PLAN
PREPARED FOR
RAGHBIR SINGH
TAX MAP H, LOT Nos. 14D-1, 14D & 14D-2
4, 8 & 12 ZELAND DRIVE
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** LOTA-2025-0005

DRAWN BY: KJF | FILE: P:\> 25048\S\D\25048LLADJ
SCALE: 1" = 30' | DATE: MAY 2, 2025

30 15 0 15 30 60 90 120

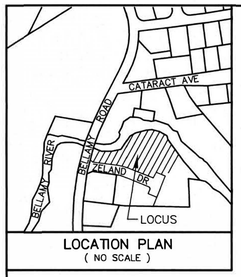
"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

STATE OF NEW HAMPSHIRE — No. 661 — KEVIN M. McENEANEY — LICENSED LAND SURVEYOR — SIGNATURE

McEneaney Survey Associates of NEW ENGLAND
P.O. Box 1166 – 181 WATSON ROAD
DOVER, NH 03820 (603) 742-0911

SURVEYING – PLANNING – CONSULTING

12/23/2025 14:09:58 File: P:\25048 - Zeland Drive Dover NH Singh (Diamond)\Survey\Drawings\25048 SHORELAND 2025.dwg Layout: PLAN




LOCATION PLAN
( NO SCALE )

## REFERENCE PLANS:

1.) SUBDIVISION PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12476.

2.) EASEMENT PLAN PREPARED FOR ZELAND SCHWARTZ REVOCABLE TRUST, TAX MAP H, LOT No. 14D, 26 1/2 BELLAMY ROAD, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30'; DATED: MARCH 5, 2021; BY THIS OFFICE; RECORDED S.C.R.D. PLAN 12477.

3.) LOT LINE ADJUSTMENT PLAN PREPARED FOR RAGHBIR SINGH, TAX MAP H, LOT Nos. 14D–1,. 14D & 14D–2, 4, 8 & 12 ZELAND DRIVE, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE; SCALE: 1" = 30', DATED: MAY 2, 2025, REVISED THROUGH JUNE 24, 2025; BY: THIS OFFICE; RECORDED S.C.R.D. PLAN 13554.

H / 16
CHRISTOPHER WAYNE
CHRISTINA WAYNE
120 MILL STREET
FRANKLIN, MA 02038
4949 / 559

H / 14A
SEAMES TREFETHEN
58 CATARACT AVENUE
DOVER, NH 03820
2810 / 448

H / 14
JEANNE MCCRUM, ET.AL.
54 CATARACT AVENUE
DOVER, NH 03820
2668 / 596

H / 17
CITY OF DOVER
288 CENTRAL AVENUE
DOVER, NH 03820
539 / 459

H / 14D–2
RAGHBIR SINGH
15 OLIVE MEADOW LANE
DOVER, NH 03820
4950 / 115

H / 13
MARGOT A. PEICK
26 BELLAMY ROAD
DOVER, NH 03820
4918 / 182

H / 14D–4
RAGHBIR SINGH
15 OLIVE MEADOW LANE
DOVER, NH 03820
4950 / 115

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #1"

EXISTING HOME TO BE REMOVED AND REBUILT AS SHOWN "PROPOSED HOUSE #2"

BELLAMY RIVER
FLOW

222'± ALONG RIVER

135'± ALONG RIVER

BELLAMY ROAD
{PUBLIC; VARIABLE WIDTH R.O.W.}

ZELAND DRIVE
{PRIVATE; 50' WIDE R.O.W.}

CULVERT

TBM
SPIKE IN UP
ELEV. = 75.24'

12"HDPE
INV. = 69.85'

ASPHALT SIDEWALK

CONCRETE TIP–DOWN

SLOPE EASEMENT REF. PLAN #2

LIMIT OF DRAINAGE EASEMENT

BIO–RETENTION POND

FOREBAY

15"HDPE FES
INV. = 73.76'

12"HDPE

CONCRETE RETAINING WALL

TREELINE (TYP)

EXISITING GRAVEL DRIVE

50' SHORELAND BUFFER

100' CONSERVATION ZONE

EXISTING WOOD FRAME HOUSE #8

EXISTING WOOD FRAME HOUSE #4

EXISTING GRAVEL DRIVE

PROPOSED HOUSE #4

PROPOSED HOUSE #8

PROPOSED HOUSE #12
EXISTING WOOD FRAME HOUSE #12

PROPSOED PERVIOUS DRIVEWAY

EXISTING LOAM PILE

S72°25'12"E 35.00'

N13°20'47"E 70.22'

182.51'
S21°55'03"W

N82°37'36"W 68.36'

N82°37'36"W 70.93'

N13°20'47"E 59.08'

72.50'
S21°55'03"W

N68°04'57"W 56.52'

C1
C2
C3
C4
L1

NH STATE PLANE
NAD 83 – GPS OBS.

| No. | Bearing | Distance |
|---|---|---|
| L1 | N18°42'18"E | 26.82' |

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|---|---|---|---|---|---|
| C1 | 8°37'11" | 175.00' | 26.33' | 26.30' | N72°23'32"W |
| C2 | 96°35'13" | 10.00' | 16.86' | 14.93' | N34°20'00"W |
| C3 | 3°40'31" | 1042.00' | 66.84' | 66.83' | N15°47'52"E |
| C4 | 5°55'28" | 175.00' | 18.10' | 18.09' | N79°39'52"W |

## LEGEND

S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-O- UP – UTILITY POLE
T – TRANSFORMER
– FIRE HYDRANT
TBM – TEMPORARY BENCHMARK
CCB – CAP COD BERM
SGC – SLOPED GRANITE CURB
HDPE – HIGH DENSITY POLYETHYLENE PIPE
FES – FLARED END SECTION OUTLET PIPE

FOR DETIALS ON TOTAL PROJECT IMPACT PLEASE SEE "PROPOSED CONDITIONS OVERVIEW" PLAN

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

## NOTES:

1.) OWNER OF RECORD:
H / 14D | RAGHBIR SINGH
H / 14D–1 | 15 OLIVE MEADOW LANE
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOLUME 5253, PAGE 82

2.) H / 14D – DENOTES TAX MAP AND PARCEL NUMBER.

3.) LOT AREAS
H/14D–1 = 16,879 S.F. (0.39 Ac.)
H/14D = 24,434 S.F. (0.56 Ac.)

3.) THE INTENT OF THIS PLAN IS TO DEPICT THE EXISTING CONDITIONS OF THE PARCELS AS OF DECEMBER 15, 2025

4.) ZONING DISTRICT:

LOW DENSITY RESIDENTIAL (R–20), APPROVED WITH TRANSFER DEVELOPMENT RIGHTS (TDR)
DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE = 20,000 S.F.
MAXIMUM LOT COVERAGE = 30 PERCENT
MINIMUM FRONTAGE = 40 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT = 20 FEET
SIDE SETBACK = 10 FEET
REAR SETBACK = 30 FEET
MAXIMUM BUILDING HEIGHT = 35 FEET

5.) THE SUBJECT PARCEL IS SERVED BY MUNICIPAL WATER AND SEWER.

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1 PERCENT ANNUAL CHANCE FLOOD, ZONE AE (BASE FLOOD ELEVATIONS DETERMINED) AS SHOWN ON FLOOD INSURANCE RATE MAP, COMMUNITY NUMBER 330145; MAP 33017C0320; SUFFIX E; EFFECTIVE DATE SEPTEMBER 30, 2015.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.
VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATION DATED DECEMBER 15, 2020.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING DECEMBER 2020 WITH AN ERROR NOT GREATER THAN 1 IN 10,000.

9.) THE PARCELS ARE SUBJECT TO THE STATE OF NEW HAMPSHIRE SHORELINE WATER QUALITY PROTECTION ACT (SWQPA). THOSE AREAS WITHIN 250 FEET OF THE BELLAMY RIVER REFERENCE LINE.

10.) THE PARCELS ARE SUBJECT TO THE CITY OF DOVER CONSERVATION ZONES: AREAS WITHIN 100 FEET OF THE BELLAMY RIVER AND SLOPES GREATER THAN 20%.

11.) DAMON E. BURT, CERTIFIED WETLAND SCIENTIST, CWS #163, WALKED THE SITE ON MARCH 15, 2021 AND DETERMINED THAT THERE WERE NO WETLANDS PRESENT IN ACCORDANCE WITH CHAPTER 170–27.1 OF THE ZONING ORDINANCE.

12.) H/14D–1 IS SUJECT TO A DRAINAGE & SLOPE EASEMENT AS SHOWN ON REFERENCE PLANS #2 & #3.

NHDES SHORELAND PERMIT AMENDMENT
**PROPOSED CONDITIONS**
**HOUSE #4, #8, AND #12 PLAN**
26.5 BELLAMY ROAD, DOVER, NH
2/4/2026

CREATED BY: DAMON E. BURT, (603) 969-5574,
FRAGGLE ROCK ENIVRONMENTAL
BASE PLAN: McENEANEY SURVEY ASSOCIATES
OWNER: RAGHBIR SINGH

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| | | REVISIONS | | |

| 25048 | EC | 25–03 | 41 |
|---|---|---|---|
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

# EXISTING CONDITIONS PLAN
PREPARED FOR
RAGHBIR SINGH
TAX MAP H, LOT Nos. 14D–1 & 14D
4 & 8 ZELAND DRIVE
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DRAWN BY: KJF | FILE: P\25048\S\D\SHORELAND
SCALE: 1" = 20' | DATE: DECEMBER 15, 2025

20 10 0 10 20 40 60 80

STATE OF NEW HAMPSHIRE — No. 661 — KEVIN M. McENEANEY — LICENSED LAND SURVEYOR — SIGNATURE

McENEANEY SURVEY ASSOCIATES of NEW ENGLAND
P.O. Box 1166 – 181 WATSON ROAD
DOVER, NH 03821 (603) 742–0911

SURVEYING – PLANNING – CONSULTING

NHDES SHORELAND PERMIT AMENDMENT

**SEDIMENTATION & EROSION CONTROL DETAIL PLAN**

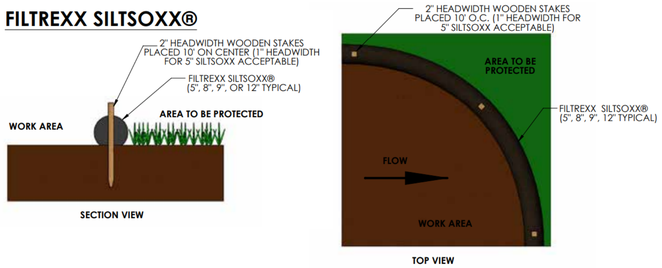
26.5 BELLAMY ROAD, DOVER, NH

2/4/2026

CREATED BY: DAMON E. BURT, (603) 969-5574,
FRAGGLE ROCK ENIVRONMENTAL

BASE PLAN: McENEANEY SURVEY ASSOCIATES
OWNER: RAGHBIR SINGH

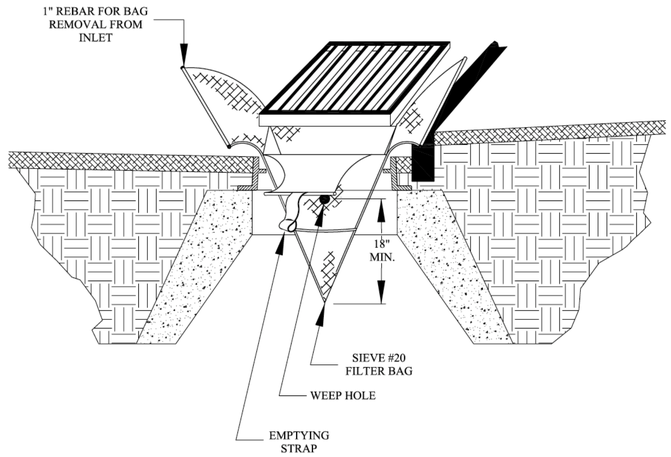
## EROSION CONTROL LOGS (SILTSOXX OR EQUIVALENT)




**TWO ROWS OF EROSION CONTROL IS REQUIRED WITHIN 50 FEET OF WETLANDS/WATERCOURSES.**

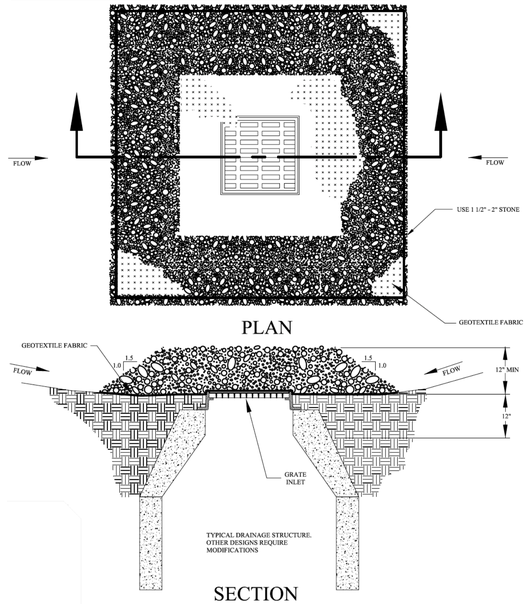
1. SILTSOXX (OR EQUIVALNET) TO BE INSTALLED DOWNSLOPE OF ANY DISTRUBED AREA TO PREVENT SEDIMENT FROM ENTERING WETLANDS/WATERCOURSES ADJACENT TO PROJECT AREAS.
2. SILTSOXX (OR EQUIVALENT) WILL BE PLACED IN LOCATIONS NOTED ON THE PLAN AND INSTALLED IN A MANNER AS DIRECTED BY THE ENGINEER/STORMWATER INSPECTOR OR THE MANUFACTURER (SEE ABOVE).
3. SILTSOXX (OR EQUIVALENT) CAN BE USED IN ENVIRONMENTALLY SENSTIVE AREAS. ESPECIALLY IN AREAS WHERE WILDLIFE MAY BE IMPEDED BY THE USE OF FENCES OR IF TRENCHING MAY DAMAGE ROOTS.
4. SILTSOXX (OR EQUIVALENT) ARE EFFECTIVE WHEN INSTALLED PERPENDICULAR TO SHEET FLOW OR LOT CONCENTRATED FLOW, AND IN AREAS WHERE SILT FENCE IS NORMALLY CONSIDERED APPROPRIATE.
5. STAKES SHOULD BE INSTALLED THROUGH THE MIDDLE OF THE CONTROL. IN THE EVENT THAT STAKING IS NOT POSSIBLE, SAND BAGS (OR EQUIVALENT) MAY BE USED TO STABILIZE SILTSOXX (OR EQUIVALENT). ON IMPERVIOUS SURFACES CONCRETE BLOCKS (OR EQUIVALENT) CAN BE PLACED BEHIND THE CONTROL TO HELP STABILIZE.
6. CAN BE APPLIED TO AREAS OF HIGH SHEET RUNOFF AND EROSION, ON SLOPES UP TO A 1:1 GRADE (SHOULD BE USED IN CONJUNCTION WITH SLOPE STABILIZATION/EROSION CONTROL TECHNOLOGY ON SLOPES > 4:1)
7. THE CONTRACTOR SHALL MAINTAIN THE CONTROL THROUGHOUT THE DURATION OF DISTURBANCE, AND WILL INSPECT THAT THE CONTROL IS IN A FUNCTIONING CONDITION REGULARLY.

## GRATE INLET PROTECTION (SEDIMENT FILTER BAG)




1. CONTROL MEASURE FILTERS SEDIMENT CONTENT OF STORMWATER RUNOFF ENTERING STORM DRAIN SYSTEMS.
2. WOVEN GEOTEXTILE SEDIMENT BAG HELD IN PLACE BE CATCH BASIN GRATE.
3. CEN BE USED IN PLACES NEAR CURBING AND PAVED AREAS.
4. EMPTYING STRAPS AND REMOVAL FLAP POCKETS COVERED WITH BACKFILL. USE LIFTING LOOPS TO LIFT SEDIMENT FILTER FROM CATCH BASIN. REMOVE WHEN NYLON RESTRAINT CORD IS NO LONGER VISIBLE.
5. EMPTY SEDIMENT FILTER BAG BY REMOVING GRATE AND FILTER BAG. PLACE CONTENTS IN DISPOSAL AREA, TURN INSIDE OUT, CLEAN, AND RINSE. RETURN TO ORIGINAL SHAPE AND REUSE. DO NOT STORE SEDIMENT FILTER BAG IN DIRECT SUNLIGHT.
6. INSPECT SEDIMENT FILTER BAG WEEKLY AND FOLLOWING RAIN EVENTS.
7. SEDIMENT DISPOSAL SHALL BE IN UPLAND AREA WITH LOW EROSION POTENTIAL AWAY FROM ENVIRONMENTALLY SENSITIVE AREAS AND WATERWAYS.

## GRATE INLET PROTECTION (STONE WITH GEOTEXTILE FABRIC)




1. CONTROL MEASURE ALLOWS WATER TO POND AND DRAIN PERMITTING SEDIMENTS TO SETTLE OUT OF RUNOFF WATER DURING CONSTRUCTION ACTIVITIES.
2. DEPTH OF STONE A MINIMUM OF 12 INCHES. WATER SHOULD NOT BE ALLOWED TO FLOW OVER STONE.
3. INSTALL STONE BARRIER IN SUMP CONDITION ONLY. SUMP CONDITION OCCURS IN LOW AREA THAT RECEIVES RUNOFF SURROUNDING LANDS.
4. DO NOT ALLOW DAMAGE TO OCCUR TO PAVEMENT DUE TO PONDING, I.E. SEEPAGE ONTO, ASPHALT, FREEZE/THAW CYCLES.
5. REPLACE OR RAKE STONE AS NECESSARY.