



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, March 10, 2026**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Doug Glennon (Vice Chair), Kyle Pimental, Ken Mavrogeorge, Tom Clark, Devon Dunn, Tyler Allen (Alternate), Eric Salovitch (Alternate), April Richer (Councilor)

Members Not Present (excused): Jeff Sanborn, George DeBoer, Melina Gambino (Alternate)

Staff Present: Donna Benton, Planning Director

G. Cruikshank (Chair) called the meeting to order at 7:00pm, noted that Eric Salovitch would be sitting for George DeBoer and Tyler Allen is sitting for Jeff Sanborn.

1. CITIZENS' FORUM

Citizens Forum Open

Hilary Hamer, 91 Court St informed the board and public what she has learned about the legal process for abutters aggrieved of a Planning Board decision.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- February 24, 2026 Regular Meeting Minutes

Motion: T. Clark moved to approve the regular meeting minutes of February 24, 2026 as submitted.

Seconded by: E. Salovitch. Vote: U/A

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)

D. Benton explained that the Applicant is proposing to purchase up to four residential units through TDR, for a project total of six residential units. There are 24 existing townhomes on the subject parcel and the existing density and layout on site were granted by two Variances in 2011.

In mixed-use or multi-family districts, the TDR base density is derived from the underlying zoning. Prior to the lot line adjustment onsite, (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 units.

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

Bob Stowell, TriTech Engineer represented the application and explained the original, existing project, the zones of the project, the proposal to add six more units to the project, and the TDR request before the board tonight for the extra units. If approved for the units, the project will go before the TRC, and a site plan will come back before the board.

He described the neighborhood and why these units will fit in.

Mr. Stowell addressed board comments relating to drainage and utilities, snow storage, size of the parcel and relation to the variance granted in 2011 for the original units.



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, March 10, 2026**
Meeting Time: **7:00 pm**

The board and staff discussed whether the original ZBA approval for units is in conflict with the request for TDR. Staff noted because of the lot line adjustment and the added 8,000 sq ft, the mixed zoning and the TDR mechanism for handling density requests, this seems the correct method of process. A legal opinion can be provided if necessary.

Motion: D. Glennon moved to accept the application and declared no regional impact. Seconded by: D. Dunn. Vote: 8-1 with Clark opposed

Public hearing opened.

No one spoke

Public hearing closed.

The Chair gave comments about the project noting initially it looked like a great location for the project, but after having looked at the site in person, it looks very tight to fit it in. The traffic and parking are concerning as well.

E. Salovitch expressed concerns about the project fitting on site, re-engineering of the drainage and lack of green space for the residents.

K. Pimental would like to continue the item until Counsel can review the matter and give a recommendation whether the request reverses the intent of the ZBA approval. He would like to see those original findings of fact.

T. Allen would be in favor of continuing the item.

Motion: K. Pimental moved to continue the item to the April 14th meeting at 7pm in this room in order to receive Counsel's opinion regarding whether it's legal to request the TDR for more units after the 2011 ZBA approvals for the original units and to gather and provide the findings of fact from that ZBA approval. Seconded by: D. Dunn. Vote: All in favor

- 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.)**

D. Benton explained that the Applicant is proposing to maintain an existing single-family dwelling and construct four new single-family homes for a total of five dwelling units.

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.

That TDR endorsement was appealed to the Housing Appeals Board and the Housing Appeals Board affirmed the Planning Board's decision, which is currently on appeal to the NH Supreme Court. 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 with the first being HAB. 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.



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, March 10, 2026**
Meeting Time: **7:00 pm**

As a reminder, 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.

In regards to the site plan application on tonight's agenda, 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.

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 City typically likes to see less impervious area if possible and based on this design and trying to provide as much distance to the abutting property, staff was comfortable with the waiver request.

Bob Stowell, TriTech Engineering represented the application and explained the steps of the process the project has been through thus far and noted the technical aspects have all been worked out.

Attorney John Bosen addressed points of opposition which have been raised along with the legal process underway.

Motion: D. Dunn moved to accept the application and declared no regional impact. Seconded by: K. Pimental. Vote: U/A

Public hearing opened.

Hilary Hamer, 91 Court St, abutter, addressed concerns about board member impartiality specifically requesting Chair Cruikshank and K. Mavrogeorge recuse themselves from this item to protect her due process rights.

She noted the points of the item before the Supreme Court for review and claimed the applicant has no vested interest while the item is under litigation. She further disagreed with site plan/ subdivision language and vehemently believes the 30-foot buffer is required. She gave explanations for these concerns.

Merlin Mason, 91 Court St, abutter is opposed to the project as it doesn't meet the City's ordinance for TDR in relation to the 30-foot no-cut buffer. He cited examples of projects to support his concerns.

Dorna Hamer, 18 Tuttle Ln focused on the safety hazard this project presents for 103 Court St and the community. She addressed parking, grading, bioretention feature and the safety concerns of all.

Email received from Kim Leshinski, address not given, wrote in opposition to the site plan stating that it does not align with the needs and wants of the Dover community.

Emails received from Hilary Hamer, 91 Court St.

Email received from Keith and Dorna Hamer, 18 Tuttle Ln.,

Public hearing closed.

The Chair believed she would be objective in the matter, but was willing to step aside if the board wished.

K. Mavrogeorge presented the same option.

Board members discussed the matter.



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, March 10, 2026**
Meeting Time: **7:00 pm**

The board members believed they would be impartial and preferred they stay on to hear the item.

The applicant addressed public comment:

- Bioretention area
- Storm water

Staff addressed public comment:

- Buffer is not required as the application is not a subdivision
- Staff is following the TDR ordinance

Board comments and questions addressed by staff and the applicant:

E. Salovitch- asked about condo docs/ HOA docs, detention pond dimensions and depths, driveway/ aisle way widths, lot coverage

K. Pimental- asked for clarification of what is in front of the Supreme Court

D. Glennon- asked about impervious surface review

T. Clark- asked for waiver clarifications

K. Mavrogeorge- driveway/ stormwater/ rain garden location adjustments, above/ underground treatment system, common vs individual recreation space, reasoning for not tearing down the existing home (addressed by owner Robert Baldwin), the existing vegetative state and how the landscape plan provided improves the vegetative buffer, what vegetation is included in the landscape plan, overall reasoning for decisions for the proposed plan presented tonight.

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 as the applicant is looking to decrease impervious surface and maintain as much distance to the abutter.

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 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’

Motion: K. Pimental moved to grant the waiver requests with the subsequent condition set by staff as it meets criteria for relief. Seconded by: D. Dunn.

K. Pimental noted T. Clark raised a good point with the waivers, but in this instance the request for narrower driveway is not directly tied to the increased density. It does make the project better.



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, March 10, 2026**
Meeting Time: **7:00 pm**

Vote: 6-2 with E. Salovitch and T. Clark opposed and A. Richer abstaining.

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 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;
 - 2.4. Indicate driveway off Court Street to be removed so plan sheets match
3. Submit condominium association documents to the Planning Department for review, ensuring that provisions for maintenance of the stormwater system, maintenance of landscaping and snow storage, 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 Conditions 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.
7. Supreme Court renders a decision on Case No.2025-0686

Subsequent Condition to Be Met Prior to Building Permit:

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

Subsequent Conditions to Be Met Prior to Occupancy:

9. Issuance of Certificate of Occupancy;
10. Surety or other form of security acceptable to the City is provided for any unfinished work;
11. 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.
12. Design Engineer meet with the condominium association to review maintenance responsibilities

Motion: K. Pimental moved to approve the Site Plan with the subsequent conditions set by staff and found the site plan review regulations of the City code have been met. Seconded by K. Mavrogeorge. Vote: 6-2 with E.Salovitch and T.Clark opposed and A. Richer abstaining.



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, March 10, 2026**
Meeting Time: **7:00 pm**

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. Benton explained that the Applicant is proposing to demolish a portion of the existing two-family structure in order to reconstruct a failing foundation and rebuild the structure as a single-family dwelling within the existing footprint. The proposed work will result in approximately 2,000 square feet of permanent impacts within the Conservation District.

The Conservation Commission reviewed the application and endorsed the proposal as presented on February 9, 2026.

E. Salovitch recused himself from the item.

Rick Chelman, TND Engineering represented the application and explained the request noting the impacts are already existing due to the location of the structure.

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

Public hearing opened.

Olivia Ozkurt, 13 Boston Harbor Rd, abutter expressed concerns about using the applicant proposing to utilize the private driveway as an access point which is in dispute. She itemized the safety concerns that have occurred with unknown drivers entering their driveway and at times their home. They were surprised to see the plan showing access to the subject property through their driveway and have not agreed to this. Their attorney is working to figure out what easements and rights exist between the properties.

Email received from Melissa and Halil Ozkurt, 13 Boston Harbor Rd., expressing concern about the driveway access for 13 Boston Harbor Rd. which currently shares access with 11 Boston Harbor Rd.

Public hearing closed.

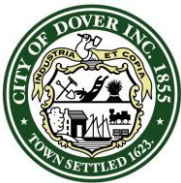
Staff addressed public comment noting they hope the issue gets resolved potentially through a lot line adjustment, but what is before the board tonight is the conservation impacts and that's what the board should address.

STAFF RECOMMENDATION – Conditional Use Permit, Conservation District

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 finds that the applicant has met all required criteria under §170.27.C. The proposal modifies an existing structure within the current footprint and will reduce impervious area by reconstructing the driveway with a pervious surface. Filter socks are included in the erosion and sedimentation control plan and will remain in place until the work is complete. NHDES permitting has been applied for, and the Conservation Commission has reviewed and endorsed the application.

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



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, March 10, 2026**
Meeting Time: **7:00 pm**

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.

Motion: D. Dunn moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by T. Allen. Vote: U/A

- 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)

D. Benton explained that the Applicant is proposing to demolish the two existing homes and reconfigure and rebuild two new single-family homes creating approximately 3,559 square feet of permanent impacts to 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 approved units have since been constructed.

The Conservation Commission reviewed the application and conditionally endorsed the proposal as presented on November 10, 2025.

John Diamond represented the application and explained the request to demolish two houses, build larger houses, but have less impact than the original homes. He noted NH DES approvals were received today.

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

Public hearing opened.

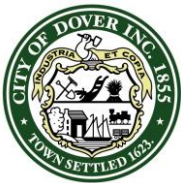
No one spoke

Public hearing closed.

STAFF RECOMMENDATION – Conditional Use Permit, Conservation District

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.

No wetland impacts are proposed and the proposed impacts to the Conservation District will be a reduction from the existing homes. The applicant is also 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 and recently approved. The applicant has also received a conditional endorsement by the Conservation Commission.



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, March 10, 2026**
Meeting Time: **7:00 pm**

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 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.

Motion: D. Dunn moved to approve the Conditional Use Permit with the subsequent conditions. Seconded by K. Mavrogeorge. Vote: U/A

5. STAFF COMMENT

- March 24th agenda visually looks hefty-pushing off site and subdivision amendments to April.
- The TDR subcommittee has been reviewing and wordsmithing proposed amendments. Should be seeing something in April or possibly May.
- An inspection regarding the buffer for a TDR project on 566 Sixth St. will occur next week.
- No prior TRCs since last Planning Board meeting.
- Transportation Chapter award of bid should occur on March 24th by the City Council.
- Upcoming TRCs:
 - On March 12th: Site Plan proposal to construct a mixed-use building at 28 Dover Point Rd. to include three commercial units on the first floor and four residential units on the second floor.
 - On March 19th: Review of conditionally approved TDR plan for 36 Forest St. This plan involves conversion of the existing single-family dwelling into a two-family dwelling and construction of a new two-family dwelling following TDR approval for the purchase of two units.

6. MEMBER COMMENTS

- Transportation Chapter Steering Committee member appointments:
 - City Council member as appointed by the Mayor
 - Devon Dunn to represent Planning Board
 - Kean McDermott to represent TAC
 - Bryant Hardwick
 - Mark Santoski
 - Tucker Adams
 - Otis Perry
 - K. Pimental noted due to a conflict of interest he cannot participate in or discuss the matter
- Planning Board Chair signed the following plans:
 - Signed Minor Subdivision for 80 Industrial Park.
 - Signed Minor Subdivision for 19 Watson Road.

7. ADJOURNMENT

Motion: K. Mavrogeorge moved to adjourn at 9:10 pm. Seconded by D. Dunn. Vote: U/A