



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 12, 2026**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Devon Dunn, George DeBoer, Tom Clark, Jeff Sanborn, Melina Gambino (Alternate), Richard Robison (Councilor)

Members Not Present (excused): Ken Mavrogeorge, Kyle Pimental, Tyler Allen (Alternate), Doug Glennon (Vice Chair)

Staff Present: Donna Benton, Planning Director

G. Cruikshank (Chair) called the meeting to order at 7:00pm, noted that Melina Gambino would be sitting in for Kyle Pimental and Devon Dunn is sitting in as Vice Chair.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Emails received from Chris Stevens, 14 Isaac Lucas Circle, in regards to the Lot Line Adjustment at Middle Road (LOTA-2026-0001) approved at the last regular Planning Board Meeting. He provided information on existing easements related to the Brickyard Homeowners Association and has concerns on allowed access for Lot M-91-C.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- April 28, 2026 Regular Meeting Minutes

Motion: T. Clark moved to approve the regular meeting minutes of April 28, 2026 as submitted. Seconded by: D. Dunn. Vote: U/A

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Plan Amendment for Weeks Lane LLC, Assessor's Map 39, Lot 4, zoned C, located at 29 Weeks Lane. (Proposal is to amend the site lighting as part of the approved Site Plan (File No. P04-39) to increase lighting within the ATM drive-through area.) *(WAIV-2026-0013)

D. Benton explained that the Applicant is proposing an amendment to the previously approved Site Plan (File No. P04-39) for a TD Bank, that includes the addition of an exterior ATM and increased site lighting around the ATM area.

The subject property at 29 Weeks Ln. is primarily located in Rollinsford but all proposed work is located in Dover.

One waiver is being proposed as part of this project related to allowed illumination levels for parking lot lighting.

Jeffrey Allen, Colliers Engineering and Design represented the application and explained the request for adding a 2nd ATM to the TD Bank. He noted the property location, added and removed concrete areas, added ATM under an existing canopy, added light under the canopy. He spoke in detail about the lighting levels and why they don't comply in one area.



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Motion: T. Clark moved to accept the application and declared no regional impact. Seconded by: D. Dunn.
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 support the waiver, finding it meets criterion (1) and remains consistent with the ordinance’s intent. While the proposal exceeds the standard lighting uniformity ratio, the higher lighting levels are justified to address safety and security concerns related to the ATM.

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 waiver:
§153-14E(2)(b), parking area lighting standards.

Motion: D. Dunn moved to approve the waiver with the subsequent condition set by staff. Seconded by G. DeBoer. Vote: U/A

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. This plan is consistent with those regulations. Therefore, the Planning Department recommends that the Planning Board make the necessary and supporting findings of fact, and vote to approve the Site Plan Amendment with the following subsequent conditions:

Subsequent Conditions to be Met Prior to Signing of Plans:

1. Receive any applicable review and approval by the Town of Rollinsford.
2. Provide physical and digital copies (including CAD) of revised plan sheets for final Planning Board signature which additionally shall include:
 - 2.1. Planning File #WAIV-2026-0013;
 - 2.2. Owners or designees signature(s);
 - 2.3. Professional stamps and signatures;
 - 2.4. Town/City boundary

Subsequent Condition to Be Met Prior to Construction:

3. 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;



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Subsequent Condition to Be Met Prior to Building Permit:

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

Subsequent Conditions to Be Met Prior to Occupancy:

5. Issuance of Certificate of Completion.
6. Surety or other form of security acceptable to the City is provided for any unfinished work;
7. 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 Amendment with the subsequent conditions set by staff. Seconded by J. Sanborn. Vote: U/A

- B. Public Hearing related to compliance with applicable regulations and conditions of approval for Minor Subdivision for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth Street. *(SUBM-2024-0005)

D. Benton explained that a compliance hearing has been advised for the approved Minor Subdivision at 566 Sixth St. This approval was for the subdivision of the subject property into three total lots and the related TDR approval was for five total residential units across the three lots.

As detailed in the staff memo and provided in the materials, discussion and investigation has been ongoing between the property owner, staff, and abutters about trees that were removed from the established 30-foot no-cut buffer along the northern property boundary of Map B, Lot 4-F-1.

On March 27, 2026, the Planning Department sent a notice of findings stating that five trees were found to be removed within the no-cut buffer area and following this notice, email discussion between the Planning Department, the property owner, and abutters has focused on tree species and planting locations. A consensus has not been reached and concerns remain regarding appropriate species, size, and location.

The Planning Board is now being asked to review and consider the situation and materials to make findings and give feedback for the species, size, and location of any trees to restore a 30-foot buffer and provide recommendations toward a reasonable resolution.

Fergus Cullen, 152 Boxwood Dr, owner of the subject property, represented the project and explained he is before the board to seek instruction about what they want him to do for buffer restoration on the property. He gave background on the project, what occurred during excavation of the site leading to the necessity of removing some trees. Once this was known, he informed Planning staff and promised to replace the trees one for one.

Eight trees were taken down, three outside the buffer and five inside or on the buffer line which need replacing. Regarding restorative placement, staff suggested reaching out to the abutter for feedback which he did and that information is included in the packet.

He is looking for instruction on the following:

- How many trees and shrubs to plant
 - He believes he owes 5, does the board agree?
- Where they should go
 - The abutter prefers in the back and 30' from the property line.
 - No problem in the back but he prefers closer to the property line rather than middle of back yard.
- What type



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- What size caliper and height
 - Planning staff has suggested arborvitae of a certain caliper which he cannot locate, but suggests giant arborvitae 5' tall which will continue to grow
- What to do if he needs to cut additional trees
 - There are 5 in question, 3 are dead and are small in caliper. He asks for board approval to take them down without a letter from arborist or need to replace. The remaining 2 may need to come down to do the driveway. One is outside the buffer and the other is in.

The applicant answered questions from the board relating to:

- Tree removal and replacement locations
- Reason for cutting the trees

Board and staff discussed how to address these issues in the future and what process applicants and board should take moving forward.

The applicant answered questions from the board relating to:

- Reason the size of the trench was so wide

D. Dunn and M. Gambino gave their opinions on the feedback being sought.

Public hearing opened.

Caitlin Wilkie, 568 Sixth St. has trouble believing the engineering team didn't know what they were doing when drafting the plans. Trees and stumps were removed prior to the expert coming in to make determinations. The abutters were not contacted by the applicant swiftly and efficiently by phone or email, rather by post mail dated the day before the deadline given by staff. Upon receiving the letter, she contacted the applicant by email twice to discuss a restoration plan and heard no response for two weeks.

100' canopy was lost when the oak, maple and pine trees were removed and replacing it with shrubs is not going to restore the loss or satisfy the intent of the ordinance.

The current state of the buffer has three issues:

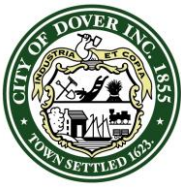
- soil integrity due to being filled with sand and gravel
- species failure- the arborvitae will not thrive here
- long term responsibility- the City's suggested replacement trees are not suitable replacements. The ordinance is only as effective as its enforcement.

She requests the following:

- a professional restoration plan submitted by a licensed landscape engineer showing the plantings and the removal of the non-compliant fill
- planting of hearty, salt-tolerant species compatible with the original species
- withholding of all certificates of occupancy until all the trees are in the ground and the buffer is restored.
- defined plan how the City will enforce the three-year surety requirement be upheld when the property is sold.

She answered questions from the board about preference for tree species stating hardwood with greenery which will match what was taken. All arborvitae in the area are dead.

Public hearing closed.



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Board discussion ensued:

T. Clark noted the board should not be making these kinds of decisions without any expertise. A professional should be hired to answer these questions and provide the restoration plan.

D. Dunn agreed, G. DeBoer agreed, M. Gambino agreed, G. Cruikshank agreed.

Board members were in favor of forming a stricter regulation or process to establish realistic boundary distances between foundations and no-cut buffers.

Mr. Cullen noted the site is currently a construction site, but it will be loamed and seeded. He also prefers a decision tonight and noted some of the recommendations from the professional might not be agreeable to the abutter, or available for purchase.

Board members disagreed with the applicant wanting the board to make a swift decision this evening. In addition, a condition of the approval was violated and needs to be rectified in the best way possible regardless of added timelines.

Staff noted the expectation that the recommendation would come back to the board for review of adequacy.

M. Gambino prefers not to hold up the applicant's certificate of occupancy, but believes this can be resolved for all parties without that provision.

J. Sanborn gave some information and opinions about trees in close proximity to foundations.

Board members discussed the additional trees mentioned tonight by the applicant.

Board members discussed whether they prefer an arborist or a licensed landscape architect to perform the review and give recommendations.

Board members discussed and agreed that the recommendation should be informed by the tree caliper regulations, but should also be free to recommend the best possible plan for success.

Motion: T. Clark moved the applicant use a NH licensed landscape architect to answer questions raised by Mr. Cullen this evening, to provide feedback about the status of the five additional trees mentioned tonight, provide the restoration plan that would best restore the buffer, and to continue the item to the May 26th meeting at 7pm in this room. Seconded by G. DeBoer. Vote: U/A

5. STAFF COMMENT

- The NHPA held their spring conference last Thursday in Laconia.
 - The City of Dover was awarded Project of the Year for the Waterfront Development.
- No Prior TRCs since the last meeting.
- Upcoming TRCs:
 - On May 14th: Site Plan proposal for renovations and site improvements to the existing industrial facility at 85 Industrial Park Rd.
 - On May 14th: Site Plan proposal for a change of use to convert around 36k square feet of commercial space into 27 residential units at the Cocheco Mills.
 - On May 14th: Site Plan proposal for an 84-unit hotel and two residential buildings totaling 66 units at 239 Knox Marsh Rd.
 - On May 21st: Site Plan proposal for the addition of a third floor to the residential building at 12 Lincoln St. and the addition of eight units (for a total of 19 units).
- May 19th waterfront tour



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6. MEMBER COMMENTS

- M. Gambino
 - Mentioned a previous violation of a condition for another project and asked about the restoration which was addressed by staff.
- Planning Board Chair signed the following:
 - Site Plan and Development Agreement for Marriott hotel at 47 Central Ave.
 - CUP plans for impacts for the Eversource Substation expansion at Cocheco Street.
 - CUP plans for impacts for the construction of single-family homes at 4 and 8 Zeland Drive.
 - Lot Line Adjustment at Middle Road for lots 91C and 91D.

7. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 8:33 pm. Seconded by D. Dunn. Vote: U/A