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February 21, 2025

Dear Madam Chairwoman, Planning Board and Planning Department,

I am writing to formally express my interest in being considered for the special subcommittee regarding the Transfer of Development Rights (TDR) in Dover. Given my longstanding engagement with this topic and my commitment to responsible and balanced growth in our community, I believe I could offer a valuable perspective to the committee's discussions.

IF APPOINTED, I WOULD:

As you may be aware, I have been vocal about the TDR program in the past, advocating for smart growth, and transparency for this whole process end-to-end. While I appreciate the opportunity to speak during the public forum, I find that the five-minute limit does not allow sufficient time to fairly and comprehensively address the complexities of the TDR. Due to the limited time provided, my focus has had to be strictly on my concerns and areas that the current TDR code could be improved. Sadly, that has caused some members of the board to view us as not in my back yard (NIMBY) people - this is simply not true.

As I've shared during prior meetings, I am not opposed to the TDR program or to growth in Dover. I believe the intent behind it was good and I fully recognize the need for responsible development to support our community's future. However, I believe it is essential that growth is managed in a balanced and strategic way—one that carefully considers infrastructure capacity, environmental impact, and the long-term character of our city. My goal is to ensure that development aligns with smart planning principles that benefit both current and future residents.

My goal is to also bring forward all the knowledge gained through months of Right to Know requests (RTK) and time spent digging into the current language, as well as my experience of being an abutter to a TDR development. Many of the items that the Director of the Planning Department included in her presentation on February 11th, were issues that I had brought to light either through my public forum speeches, or multiple communications with the Planning Department and City. While my engagement

has been passionate, my ultimate goal has always been to contribute constructively to the planning process and to ensure that all perspectives are carefully considered. Serving on this subcommittee would allow me to bring that same level of dedication in a collaborative and solution-oriented manner.

MY BACKGROUND OR INTERESTS:

When I'm not attending public meetings, I am a wife and mother of two young children. I am fulltime in the workforce and in my professional space, act as a strategic advisor and efficiency expert specializing in customer relationship management software (Salesforce), customer success, and organizational agility. I have extensive experience in business process strategy, program management, and operations. I'm highly adaptable, seek stakeholder collaboration, excel at aligning business goals to deliver scalable, impactful solutions. Additionally, I volunteer as a patient advocate for those with complex medical issues and disabilities. As someone who has lived with chronic pain for over three decades, and with invisible disabilities myself, I believe creating a more inclusive community is critical. Outside of that, I enjoy the outdoors, gardening, and cooking.

I appreciate the board's efforts in forming this subcommittee and recognize the importance of assembling a diverse group of individuals who bring a range of expertise and viewpoints. If given the opportunity, I would approach this role with an open mind, a willingness to listen, and a commitment to working toward outcomes that best serve the interests of Dover's residents.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Caitlin', with a long, sweeping horizontal stroke extending to the right.

Caitlin Wilkie
568 6th Street
Dover, NH 03820

To the Selection Committee:

I expect many people connected to City Planning at this point have heard my name because of Transfer of Development Rights (TDR). I have invested an enormous amount of my time into learning about TDR and spoke at six Planning Board meetings and City Council since the initial TDR project at 103 Court St came to light next to me. I am writing to explain my position and express my greatest desire to contribute to Dover by participating in the TDR subcommittee. There is nothing that I am more prepared for to serve Dover than this exact subcommittee. The single best thing about this TDR process has been raising my awareness of City government and the importance of volunteer boards, and I hope to find a long-term role with the City in the future. This is my community, my patients whom I serve every day, my friends, my neighbors, and my family.

Unfortunately, a strict 5-minute time limit as a member of the public means that I have had to make focused, specific statements to raise concerns. You can review my written submissions to see the level of detail I have dedicated to this, albeit formatted in opposition. I have opposed the TDR at 103 Court St in the 9-unit and 7-unit format, and for full transparency I still find the 5-unit plan that was approved problematic because it provides for no guarantee of a buffer. Since day one, my concern at 103 Court St was a road being built 20-feet from our bedroom and nursery serving this volume of activity. As a healthcare provider and former research scientist, I find a road with increased noise, light, and pollution is unacceptable 20-feet from us, and it was nothing my husband and I could have ever anticipated when we moved here. I only wish the Planning Board had included a conditional approval clause guaranteeing us a buffer and that the road wouldn't come back 20-feet from us with 103 Court St's approval, which is not what happened.

I want to express that I am in no way against all of TDR across Dover. However, I find that TDR needs significant revisions. My goal for TDR would be to avoid future residents having to live through rounds and rounds of TDR review where projects are proposed and then cut back and cut back again before parties are satisfied. Having lived through this myself, it is an incredibly frustrating and upsetting process for neighbors, I expect incredibly wasteful for developers, and a waste of time for City staff and the Planning Board.

Specifically, the two recent best examples are indeed 566 Sixth St and 103 Court St. Both projects started with significantly denser designs, were cut back, and then were cut back again before receiving Planning Board approval. If the TDR rules were more specific and clearer from the start, I believe we could have avoided the initial plans that have caused such distress across our city including a legal appeal and gone straight to what the Planning Board ultimately approved.

I see three main issues for the subcommittee to discuss. First, there is a difference between large TDR lots and small ones. The Back River Road project is enormously dense to provide workforce housing, but the lot is nearly 8 acres. This allowed for significant insulation for neighbors. Geographically, it is isolated by a ravine, river and a wood line. There are other similar examples of large, underused lots like old farms that have been developed under TDR very successfully. The development of a large lot is very different from the development of a small lot. I would need to discuss with a larger group, but I thoroughly believe that there should be different guidelines for

large lots than a small ones between existing neighbors in old, well-established neighborhoods, like 103 Court St and 566 Sixth St.

Second and related is the issue of buffers. The purpose of a buffer is to insulate neighbors from increased activity under TDR. The amount of buffer or insulation should be directly tied to the amount of increased activity and what would be reasonable in the zone normally. Knox Marsh Brook is another contentious TDR project. It is a larger lot, but the amount of increased density is enormous involving multiple four-story buildings, yet it offers about 30-feet of buffer to the neighbors. I have no solution here, but I find it understandable that a 30-foot buffer would not feel sufficient to the neighbors for this amount of increased activity.

The Planning Board discussed buffers for small lots in the context of 103 Court St on January 28th. They recognized that they have the right to require buffers under TDRs. Unfortunately, the current TDR language only specifies a 30-foot no-cut buffer. There is nothing that legally ensures any buffer is created otherwise, and the way 103 Court St was approved with a concept sketch and nothing in the conditional approvals, there remains nothing legally to hold the applicant to providing a good, vegetative buffer. There should be requirements per zoning district on exactly what a buffer means so that neighbors like me do not need to fight for protection from increased TDR activity. A 30-foot no-cut buffer obviously makes more sense in rural R-40 than in medium density R-12, but there needs to then be a clear expectation for abutters and developers on what needs to be provided for R-12, and further maybe that needs to vary based on the existing context even within a zone. I would need to discuss this with a group due to the complexity.

Finally, the third issue I see is the relative amount of density asked for in TDR on small lots. Here is an example of my research and thinking process:

At **306 Dover Point Rd** (R-20, approved TDR) units/lot for neighbors are: 302 1/1.90acres, 304 1/0.31, 306A 1/0.48, 306C 2units/0.38, 308 3/1.04, 306 1/1.60 = average **1.57 units/acre**

At **77-79 6th St** (RMU zone, with R-12 across the street, proposed project): 87-89 4units/0.29 acre, 81 1/0.14, 77-79 2/0.26, 6Horen 1/0.19, 7Horne 1/0.17, 1-3Horne 2/0.22, 20-22Horne 8/0.21, 78 2/0.15, 80 2/0.14, 82 1/0.16, 84 1/1.68, 86 1/0.14 = average **6.9 units/acre** (without 84 6th as an oddly large lot = **12.1 units/acre**)

At **566 Sixth St**, (R-40, all single-family houses, so all are 1 unit/lot): Lot sizes 566 1.37acre, 562 1.32, 568 0.92, 570 0.92, 571 1.00, 569 1.29, 565 0.84, 563 0.95, 561 0.95, 560 1.23 = average **0.93 units/acre**

At **103 Court St** (R-12, all single-family houses, so all are 1 unit/lot): Lot sizes 89 0.90acre, 91 0.86, 92 0.70, 100 0.38, 102 0.31, 104 0.32, 106 0.33, 108 0.37, Tranquility Way St 0.39, Tranquility Way St 0.41, Tranquility Way 0.36, 109 0.44, 103 1.25 = average **1.85 units/acre**

For the TDR proposals:

306 Dover Point: Final approval was 5 units, **200%** higher than the existing average density
77-79 6th: Not approved yet, proposal to double the lot is a **127%** increase versus the existing density

566 6th: First proposal was a **550%** increase, second proposal was **400%** increase, the final approved proposal was **235%** increase. Obviously, the 550 and 400% increases are above some threshold for R-40. The Board had no concerns with the final plan that was a 235% increase.

103 Court: First proposal was a **390%** increase, second proposal was a **300%** increase, final proposal was a **227%** increase.

One possible way to look at TDR proposals on small lots is by this type of relative density increase. This avoids the need for a subjective narrative at how a TDR might fit into a neighborhood, which I find incredibly problematic lately when narratives use false and misleading information. Perhaps a threshold for reasonable TDR development is somewhere around 200-250% increase versus the existing density, as this seems to be what the Planning Board has approved. I will need more information and discussion.

In conclusion, I understand that my position may seem overly opposed to TDR. However, I hope that the committee can see the value in the research I have already done and my perspective. Development is incredibly complicated to balance. I am a newcomer to the thought process, but I am eager and interested in participating. I want housing available for those like my grandparents who are very likely to downsize and move to Dover where their two sons live. I want housing available for my coworker, who was forced out of her apartment in Dover by a landlord who bought her building and decided to change the rules for her pets and forced her out, where she now commutes from Wolfeboro. Development needs to balance these needs with current residents' desires however, such as not wanting a road 20-feet from our bedrooms.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Peters" followed by a stylized flourish or initials.

April 9, 2025

To the TDR Workshop Committee ~

After reviewing the TDR portion of the zoning regulations and attending planning board meetings involving TDR projects, I have a few suggestions to try to make TDR fairer for abutters and neighbors and perhaps a little easier for citizens to understand.

- It should not matter if a development has lot lines or not. If it looks like a subdivision or open space subdivision and fits all other requirements for an open space subdivision, then it should be treated as a subdivision. Developers are using this now to get in under site plan rules when their intention is to sell off the units.
- A clear distinction between when to use a site plan versus a subdivision plan would be appreciated. Perhaps by type of development. For example, if you are adding x amount of single housing/ single-multi-housing on a lot, then it requires a subdivision plan regardless of method used to determine TDR units.
- The definition of Unsuitable Development Area should be expanded to include land that cannot be developed, due to some type of easement and law required buffer. Some lots have a considerable amount of land that can't be developed for reasons other than wetlands or steep grades, for example, utility easements or a law required buffer such as a cemetery buffers.
- What method is used to determine the number of TDR units should be immaterial. All TDR residential projects should follow the same regulations! The same is true for all TDR commercial projects.
- Since the 30' buffer seems to be a problem, then something else that is reasonable should be developed. Perhaps the buffer should be based on the type of development, amount of land to be disturbed, or the number of single standing units being proposed or if a project adds units in excess of the TDR units allowed then the buffer applies. At a bare minimum, I would suggest varying the width of the buffer so there is some buffer.
- It would be nice to have a question and answer period for abutters and citizens during the public hearing to make the process fairer. From what I have seen, the

concerns and questions from citizens and abutters are often overlooked when asked in the current format.

- Although the State of NH requires 10-days notice to abutters and neighbors, there is no reason that Dover can't do better and increase it to 14 days or more. As it is now, abutters and neighbors receive notices on a Saturday and can't ask any questions to better understand what is happening for a few days. TDR projects are major changes and neighbors need more time to understand what it all means.
- Developers should be required to provide a yield plan/ sketch or a plan/ sketch that follows regular zoning as well as the proposed TDR plan so the differences can clearly be seen. These plans should be made in good faith and not an exaggeration that would never seriously be considered.
- It would be nice if there was a way for TDR decisions to be appealed within the city.
- No funds from TDR units should go into the General Fund. All money raised through the purchase of TDR units should go directly to an account held for Conservation.

Thank you for your time.

Sincerely,

Dorna Hamer

18 Tuttle Lane

MEMORANDUM

To: Donna Benton, Director of Planning
TDR Subcommittee
From: Fergus Cullen
Date: June 2, 2025
Re: TDR ordinance changes

As the TDR subcommittee continues its review of Dover's TDR ordinance, I submit some comments and suggestions for the committee to consider.

- 1) The pathways for TDR applications need simplification, consolidation, and clarification. Industrial, residential, two different single-family methods, by purchase, and the catch-all "regardless" method – it's too many paths. Get this down to two or three at most.
- 2) If our practice is to allow one additional unit "by right" with no TDR fee because an existing unit can be converted into a duplex, we should codify that practice by adding a section saying so.
- 3) The question of whether existing or added units may be converted to duplexes or have ADUs in the future should be codified.
- 4) Throughout: Sections D and E make references to "sending" and "receiving" areas and geographically limiting references such as "east of the Spaulding Turnpike". These are anachronistic and should be deleted. Apply the ordinance to residential zones city-wide, subject to other conditions, and leave it at that.
- 5) Footnotes about duplexes in land use tables need to be reviewed for consistency with the TDR ordinance, and vice-versa; and for internal consistency. Pay specific attention to:
 - a) R-12, Footnote 6 and 7. Note 6 discusses 4,000 sq ft per unit for duplex conversion, but 7 suggests 9,000 for a new duplex – which suggests 18,000 sq foot lot minimums on lots intended to be 12,000 sq ft.
 - b) R-20, Footnote 6 and 7. Note 6 discusses 4,000 sq ft per unit for a duplex conversion, but 7 suggests 15,000 sq ft for a new duplex – which suggests 30,000 sq ft for on lots intended to be 20,000 sq ft.
 - c) R-40, Footnote 6. (Note absence of #7 on this table. This may need to be reconsidered.)
- 6) D(1) and F: Given that there has been no use, or effectively no use, of the industrial TDR district, are these sections necessary at all? Is there another way to continue to the intent – allow TDR in the IT and CM districts, subject to conditions?
- 7) E: Procedural requirements:
 - a) Consider adding a provision requiring the applicant to submit a project narrative addressing how the applicant meets the TDR criteria.
 - b) Consider adding a provision – perhaps more specific than the existing E(4)(a) – requiring a staff memo commenting on the application's consistency with the TDR ordinance.

- c) Consider creating a codified path for an informal PB “concept review,” in which an applicant could present a concept of a proposal for the purpose of receiving less formal, non-binding feedback from the board prior to submitting a formal application. While concept review may often happen at the staff level, or at TRC, it has been rare at the PB level. I’m thinking about the various iterations involving 131 Littleworth Road and 210 Tolend Road as examples where this mechanism could have helped.
- d) Consider whether to continue to allow TDR approval (i.e., determining the number of units allowed) and site plan approval (i.e., where those units will be placed) to occur as separate actions at separate times. I think the project at 512 Sixth Street illustrates the need for this question to be reviewed. If approved for TDR without a full site plan, the final site plan should be limited to not more than the number of units approved except via a new TDR application.
- e) Consider more precisely defining what level of site plan design and engineering is required with applications. I think there needs to be some balance here between not requiring an applicant to pay for full-blown engineering plans in advance of an approval, and giving the Planning Board more information about the overall development so they can make a decision about units in the context of the overall proposal. Perhaps there could be a threshold test: A plan resulting in three or fewer units, sketch plan is adequate; four or more, a site plan with some level of detail as to layout is required with the TDR application (to include a boundary survey and proposed layout with utilities sketches, but not to include things like stormwater or traffic or other advanced engineering studies).
- f) If there is going to a provision about requiring service by city water and sewer, clarify whether that service must be existing at the time of the application, or whether an applicant has the option of extending existing service, at the applicant’s expense, to achieve this. If a project is going to include new water/sewer lines (Wildcat Drive is an example), it seems reasonable to allow an applicant the option of extending a line to reach a property. Perhaps a distance limit could be placed on this option (e.g., 500 feet, with an opportunity to seek a relief for a longer run).

8) G, Residential Performance Standards:

- a) (1): In setting the price of purchased units, consider making this a two-year lookback instead of one, to reduce the impact of spiking; and soften the language to make this a guide to making a recommendation on rates, as opposed to the prescriptive language contained now.
- b) (3)(a) Consider eliminating (a) as a separate path or formula, and just allow the straight purchase route outlined in (b). I don’t understand the rationale why this distinction was made in the first place, but perhaps there is a good reason. If this (a) method is maintained, the committee needs to have some specific discussion about the calculations language to understand the rationale behind the existing language, and to inform potential changes here.
 - 1) If an open space subdivision can count undevelopable land as open space, why can’t a TDR project use undevelopable space in its calculations?

- 2) Why reduce the base lot by 15%? Isn't this redundant with (3)? Aren't roadway limits addressed by impervious surface limits? Consider eliminating these reductions, use one standard reduction, or develop a more rational formula.
- c) (3)(a)(ii) and (iii) Note this language using **exterior** dimensions needs to be checked for consistency with measuring interior dimensions. Clarification on this point is needed. (This question applies to all size limits, such as those for ADUs.) A row of townhouse condos would typically talk about interior dimensions, for example.
- d) (3)(a)(vi). Consider revising this section to clarify what circumstances make a proposed project a major subdivision vs a minor subdivision, and to define the different requirements for each path. There seems to be some subjectivity in how this is determined now. I'm thinking about the original concept design for 566 Sixth Street.
- e) (b)(ii) The "village theme" concept needs to be re-examined, looking at the few use cases. The rates need to be reconsidered. I believe projects at Grapevine Drive and Pointe Place are examples.
- f) (4) The language about no-cut, no-disturb buffers needs to be clarified to exclude frontage not covered by side set-backs. A retrospective look-back provision could be added (suggestion: two years) to prevent the removal of existing buffers in advance of an application, with a requirement that restoration take place if applicable.
- g) Consider whether condo associations, HOAs, or fee-simple legal structures need to be addressed in the ordinance.
- h) When duplex units are being proposed, consider relaxing requirements that duplexes look like single family homes, or create a path for relief from this. The 131 Sixth Street project – a new street that is duplex-only – is an example where this requirement seems unnecessary.