



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 26, 2026**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Doug Glennon (Vice Chair), Ken Mavrogeorge, Devon Dunn, George DeBoer, Tom Clark, Jeff Sanborn, Kyle Pimental, Richard Robison (Councilor), Melina Gambino (Alternate) (left early)

Members Not Present (excused): Tyler Allen (Alternate)

Staff Present: Donna Benton, Planning Director

G. Cruikshank (Chair) called the meeting to order at 7:00pm.

1. CITIZENS' FORUM

Citizens Forum Open

Zachary Zimish, 56 Back River Rd explained his property abuts a tiny home project at 54 Back River Rd and also shares a driveway. There is no screening or fencing between his property the project and he is concerned about that. He also asked about the occupancy rules – will they be sold off and owner occupied, rentals, short-term rentals, condos? Who will be maintaining the grounds- individual home owners?

He requested the project be continued until these questions can be answered.

Email: An abutter, who identified themselves as living at the subject property at Uncommon Dr, expressed concern that the proposed sale prices would make the homes unaffordable for current residents, and could lead to displacement. They argued for preventing the sale option or requiring affordability protections.

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- May 12, 2026 Regular Meeting Minutes

Motion: T. Clark moved to approve the regular meeting minutes of May 12, 2026 as submitted. Seconded by: D. Dunn. Vote: U/A

3. OLD BUSINESS

- A. 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) *[This item was continued from the May 12, 2026 Planning Board Meeting]*

Motion: G. DeBoer moved to remove the item from the table. Seconded by: D. Dunn. Vote: U/A

D. Benton explained that since the last regular meeting, and the Board's motion that the applicant use a NH licensed landscape architect to provide feedback on the situation and a restoration plan that would best restore the buffer, the applicant has submitted a memo with photos from Scott Strynar, a Landscape Architect registered in New Hampshire, on May 22nd, 2026.

After onsite review, Mr. Strynar provided the following recommendations:

- Attempt to keep an existing tree and adjacent stump about 15' west of the garage entrance, that the stump be ground 6" below finish grade and not be removed, that small stones be placed at the base of the tree;
- To remove an existing tree 15' further west due to "a conflict when backing out of the garage, as well as making room for the new replacement tree plantings;"
- To plant 3 White Spruce and 2 Red Sunset Maple trees among the remaining trees inside the buffer zone with a photo attached to indicate approximate planting location. He suggested the evergreens be planted at a size of 7-8' in height and the deciduous trees at 2.5-3" caliper d.b.h. along with directions on how to plant;



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- And he reviewed the 3 trees toward Sixth Street and confirmed they are dead and should be promptly removed.

In other no-cut, no-disturb buffers throughout the city, property owners have been permitted to remove any trees that pose a risk per a registered landscape architect or arborist without the need to replace.

Fergus Cullen, 152 Boxwood Ln., owner of the subject property, represented the project and explained the steps he has taken over the last few weeks at the board's request.

Public hearing re-opened.

Rory Wilkie, 568 Sixth St addressed the restoration plan proposed noting the plan does not certify that the trees listed to be planted will restore the no-cut buffer or remove the materials added into the area. The plan does not meet the intent, spirit or literal text of Mr. Clark's motion from May 12th.

He requested the board reject this submission, request a full restoration and rebuild plan and withhold the certificate of occupancy until the restoration is completed.

Caitlin Wilkie, 568 Sixth St noted the intent is not met and in fact, another live tree has been recommended to be cut down for ease of driveway placement. Fill and material introduced into the buffer zone has been ignored and not addressed in the plan submitted. How will this be removed and restored? She asked the board to request an amended proposal focused on a full restoration, not just a replacement of the trees taken.

Public hearing closed.

Mr. Cullen addressed comments and questions from the board relating to the fill/ construction materials on site and replacement tree details.

Board comments and discussion:

R. Robison reviewed the motion from last meeting and compared it to the restoration plan received and agreed the plan includes everything the board was asking for.

D. Dunn noted the plan seems less substantial than what the board was looking for, noting that no soil concerns were addressed.

D. Glennon noted the tree replacement recommendation seems appropriate and the soil/ infill should be addressed by the board by withholding the certificate of occupancy until restored.

D. Benton clarified for board members that drainage is inspected as part of the process to be sure no runoff leaves the property in an unauthorized way. She also clarified information about fines for these violations when asked.

K. Pimental confirmed with the applicant that the tree recommendations are available to be sourced.

He agrees the plan provided covers what the board asked for.

G. DeBoer agreed.

Mr. Cullen asked about the dead trees and also the other tree that he intends to save, but is unsure if he can. He posed removing the dead trees without having to replace in kind, and replacing the other tree in kind if he has to remove it. He asked for permission for these actions.

There is an additional tree outside the buffer the plan recommends removing and Mr. Cullen asked the board for clarification that he does not have to replace that tree.



CITY OF DOVER

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Meeting Type: Regular Meeting
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K. Pimental answered the questions posed noting the one outside the buffer should not need to be replaced, the dead trees would not need to be replaced, the tree on the buffer line that may stay or need to be come down later would need input from the board.

Discussion ensued with the applicant clarifying details of the tree on the buffer line and why it might need to come down due to the driveway positioning. He is agreeable to planting six trees now therefore if that tree comes down later, its replacement is already covered.

K. Mavrogeorge asked about the maintenance and growth plan for the 30-foot buffer.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board make findings regarding the applicant's compliance with the approved TDR subdivision plan and applicable zoning regulations, based on the original and supplemental materials, and determine if the subdivision can be considered in compliance if the submitted recommendations of Mr. Strynar are followed this spring.

Motion: D. Glennon moved to approve the proposal to remove three dead trees, implement the restoration plan as presented (plant 5 trees as listed), and plant an additional (6th) tree as surety in case the buffer-line/ driveway tree can't be saved. The applicant must speak with the City Arborist/ tree warden prior to removing that tree to confirm it should be removed. Additionally, the infill should be removed and the area loam and seeded prior to issuance of the certificate of occupancy. If the applicant takes all of these actions, the subdivision can be considered in compliance. Seconded by: G. DeBoer. Vote: U/A

4. NEW BUSINESS

A. Consideration and acceptance of a Conditional Use Permit for Aidan Ahern (Owners: Thomas and Aidan Ahern), Assessor's Map 30, Lot 45, zoned RM-U, located 63 Sixth Street. (Proposal is to repair the existing foundation, reconstruct an existing bulkhead, complete site improvements including regrading and the installation of a permeable patio, resulting in approximately 575 square feet of temporary impacts and 950 square feet of permanent impacts to the Conservation District.) *(COND-2026-0025)

D. Benton explained that the Applicant is proposing repairs to the existing single-family home, including foundation and bulkhead work, and site regrading in the identified area to address drainage concerns.

The project would result in about 575 square feet of temporary impacts and 950 square feet of permanent impacts within the Conservation District, as the work is within 50 feet of Berry Brook.

The Conservation Commission reviewed and endorsed the application at their May 11, 2026 meeting, with a condition that appropriate native plantings be added to the Berry Brook buffer area.

Aiden Ahern, owner represented the application and clarified the Conservation Commission gave a recommendation, not a condition. He explained the request to excavate the foundation due to water coming in. He is a mason and will be doing the work himself. He explained the remaining plans to redo and correct the bulkhead, add a patio and correct some grading issues in the yard.

He answered questions from the board related to foundation material, age of home, erosion control for the brook and impacts proposed.



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Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, May 26, 2026**
Meeting Time: **7:00 pm**

Motion: D. Glennon moved to accept the application and declared no regional impact. Seconded by: K. Pimental. 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.

Planning Staff feel that the applicant considered and met all of the criteria as specified in §170.27.C per their narrative. The proposed repair work stays within the existing footprint and is intended to address water infiltration and stabilization of the structure. The applicant is also proposing drainage improvements through regrading to reduce ponding and direct runoff away from the home.

Temporary erosion and sedimentation controls will be installed and maintained during construction, no state or federal permits are required for the work, and Conservation Commission endorsement was received with a recommendation of incorporating native plantings.

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

Subsequent Condition of Conditional Use Permit:

1. Incorporate location appropriate native plantings within the buffer area of Berry Brook. Add placards indicating conservation district buffer within +/- 10' and let it

The board discussed the conservation district buffer in proximity to waterways, community services inspections of erosion control on project locations and the best language for the condition relating to vegetation. The board discussed clearer language that captures the intent of the condition to create a natural wetlands buffer at the edge of the stream.

The board discussed options with the applicant for how to best improve/ create a buffer to the stream on his property.

Revised Condition:

Subsequent Condition of Conditional Use Permit:

1. Add placards indicating conservation district buffer within +/- 10' indicating no use or disturbance permitted and use a wetland seed mix within 5' of Berry Brook.

Motion: T. Clark moved to approve the Conditional Use Permit with the subsequent condition as revised tonight. Seconded by D. Dunn. Vote: U/A

- B. Consideration and acceptance of a Transfer of Development Rights for Maple Sugar Investments, LLC, Assessor's Map 30, Lot 15, zoned RM-U, located at 26 Maple Street. (Proposal is to purchase four (4) units through TDR.) *(TRAN-2026-0004)



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Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, May 26, 2026**
Meeting Time: **7:00 pm**

D. Benton explained that the Applicant is proposing to purchase four residential units through TDR, for a project total of eight residential units, as there is an existing four-unit structure on site.

The Planning Board conditionally approved a TDR application in December 2020, for the purchase of two additional residential units on site, with conditions to be met before plan signing. A 90-day extension to meet conditions was granted, extending the deadline to June 13, 2021. Because the conditions were not met and no further extension was requested before that time, the approval expired.

Review by the Technical Review Committee was not required for this application.

Dan Sheehan, owner, represented the application and explained the request to take down a barn and build four units which will add to the existing 4-unit building. He addressed parking and Berry Brook seeding and placards.

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

Public hearing opened.

Suzanne Peterson, 24 Maple St, noted the existing condition of the barn is terrible and it needs to be demolished. She expressed concerns about the new construction plans including issues with boundary lines, proposed parking, Berry Brook buffer impacts, drainage and erosion if the drive isn't paved, snow storage, and property ownership status with NH Secretary of State.

Email received from Rodney Grimsley and Suzanne Petersen at 24 Maple St., noted they support the removal of the existing barn but raised concerns about the property boundary shown on the plan, including potential encroachments. They also object to the proposed parking layout, potential impacts to Berry Brook, stormwater runoff issues, and requested snow storage be shown and NHDES Green SnowPro certified snow removal be required.

Public hearing closed.

The applicant addressed public comment:

- Standing with the NH Secretary of State
- Hasn't received survey yet
- Will use a certified plow company
- Believes there is ample parking
- Berry Brook
- Management Company will manage the property

The staff and board discussed the staff comments and that two units only rather than four is the recommendation.

K. Pimental, T. Clark, G. Cruikshank and D. Glennon agreed that no more than two additional units should be permitted.

Multiple board members expressed concern about the added parking needed for four additional units over impacting the property and the Brook.

The board members discussed at length their thoughts on how many TDR units should or shouldn't be approved and why.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
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Meeting Date: **Tuesday, May 26, 2026**
Meeting Time: **7:00 pm**

STAFF RECOMMENDATION – Transfer of Development Rights

§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.

Staff finds the proposal consistent with Master Plan goals by redeveloping in an already developed area and accurately reflects the mixed-use, varied-density context of the Maple Street neighborhood. However, the proposed eight units would result in a significantly higher density than surrounding properties, so staff favors a smaller increase, such as two additional units, to better match neighborhood patterns. The site meets zoning requirements and has access to municipal services, but future design changes must consider setbacks and potential impacts to the nearby Berry Brook, particularly within its 50-foot buffer.

For these reasons, staff recommends a reduction in the proposal to two units; however, staff appreciates the proposal to remove a dilapidated structure and acknowledges that this is an appropriate location for residential density given its current residential make up and walkability and proximity to key destinations in the area.

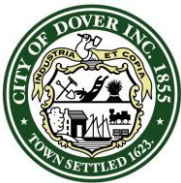
The Planning Department recommends the Planning Board make findings, and vote to grant the TDR request for up to two units with the following subsequent conditions:

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 within 24 months of TDR endorsement including but not limited to:
 - 1.1. A surveyed plan with conservation district, wetlands and wetland buffer indicated and the CWS stamp and signature;
 - 1.2. Owners' signatures;
 - 1.3. Correct locus plan sheet;
 - 1.4. Surveyed plan signed and stamped by a LLS;
 - 1.5. The following note: "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 two units for a maximum total of six units on the subject lot."
 - 1.6. Proof (i.e. reference plan) indicating "Wiggins" Paper Street was deeded back to abutters.
 - 1.7. Indicate 6 or more off-site parking spaces;
2. Payment of TDR fees;
3. Payment of water/sewer investment fees at time of request for service.
4. This density endorsement may be reduced by the Planning Board after reviewing the engineered site plan.

Motion: T. Clark moved to approve the Transfer of Development Rights for up to 2 units with the subsequent conditions set by staff. Seconded by D. Dunn. Vote: U/A

- C. Consideration and acceptance of a Site Plan Amendment for John & Maggie Randolph (Owners: 54 BRR LLC), Assessor's Map I, Lot 6, zoned R-12, located at Uncommon Drive. (Proposal is to request an amendment to the approved Site Plan, File No. P20-60 and development agreement) *(WAIV-2026-0014)



CITY OF DOVER

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D. Benton explained that the Applicant is proposing an amendment to the original approval language on the Site Plan and recorded Development Agreement to allow for the sale and transfer of ownership of up to 40% of the units through converting ownership structure into a condominium, provided that the “monthly cost” to the buyer at the time of sale remains at or below HUD Fair Market Rental rates.

The provided narrative currently proposes to meet the “monthly cost” requirement only at the time of purchase, but staff’s view and understanding of the TDR provision in the zoning ordinance and the TDR approval were clear the units were meant to be attainable in perpetuity.

Board members were provided background information in the staff memo on the original approval and the current request.

At this time, staff would recommend that the Planning Board hear the applicant’s presentation, consider the proposal, ask questions, and request any further information the Board needs to make an informed decision, such as the items outlined in the staff memo, and continue the item to a future meeting for further consideration.

John Randolph, owner, represented the application and explained the request to amend the approvals to allow the sale of up to 18 units of the project. He noted he would continue to maintain and manage the entire property and the units for sale would be offered first to the current tenants.

He addressed concerns from tenants and abutters noting short term rentals would not be permitted after the sale of a unit and he and his staff would continue to be on site as they are now.

He is still working through the financial formulas and restrictions to determine sale prices. He explained HUD rate increases since the start of the project and other increased costs such as interest rates and taxes.

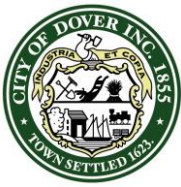
He believes home ownership will be great for the community. With HUD rental rates increasing, it will price some of the tenants out, but if they can lock in as soon as possible, it will be beneficial for them.

He addressed comments and questions from the board:

- Fencing, property lines with abutter who spoke earlier
- Which units are intended for sale
- HOA fees for the condo units
- Short term, long term rental options
- Various plans and intent of the owner for the units and property at large
- Rates, monthly payments for the home-owners – not to be higher than HUD rate
 - NH Housing Finance Authority recommended \$258,000
 - Owner looking at selling for \$240,000
 - 30-year mortgage at a fixed payment outside of tax increase
- Parking

The board agreed they want to see the intents of the owner and the HOA docs which should include rules about future improvements to the homes by homeowners, what exactly is included in the sale, allowable use or changes to the land or exterior of the homes, sale-resale terms and assessments.

Motion: T. Clark moved to continue the item to June 23 at 7pm in this room. Seconded by: D. Dunn.
Vote: U/A



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5. STAFF COMMENT

- Previous TRCs:
 - On May 21st: Site Plan proposal to construct a third floor at 12 Lincoln St. and add eight residential units.
- Upcoming TRCs:
 - On May 28th: Site Plan amendment proposal for parking layout changes to the approved light industrial project at 180 Crosby Rd.
 - On May 28th: Site Plan proposal for two duplexes and parking area at 96 Broadway.

6. MEMBER COMMENTS

- Planning Board Chair signed the following:
 - Development Agreement for Conditional Use Permits approved for a four-unit townhouse at 24 Winter St.
- Member comments
 - K. Mavrogeorge
 - Revisions to the TDR ordinance
 - Status update provided by D. Benton, draft language to be presented to the board potentially in June
 - Status update provided by D. Glennon
 - K. Pimental
 - Data center in Nottingham – meeting tomorrow

7. ADJOURNMENT

Motion: G. DeBoer moved to adjourn at 9:48 pm. Seconded by D. Glennon. Vote: U/A