



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Via Email: mblanched@doverma.gov

January 27, 2025

Town Administrator Michael Blanchard
5 Springdale Avenue
2nd Floor
Dover, MA 02030

Re: Dover – Confirmation of Adjacent Small Town Status under G.L. c. 40A, Section 3A

Dear Town Administrator Blanchard:

This letter is intended to clarify Dover's current status and obligations related to compliance with the MBTA Communities Law. On January 8, 2025, the Supreme Judicial Court published its opinion in the case of *Attorney General v. Town of Milton*, confirming that the law is constitutional and valid, and that the Attorney General has the power to enforce it. The Court also held that EOHL must promulgate the law's implementing guidelines through the Administrative Procedures Act if they are to be enforceable. In response, EOHL filed emergency regulations with the Secretary of the Commonwealth on January 14, 2025, and plans to adopt permanent regulations after a public comment period. The regulations are filed as: 760 CMR 72.00 Multifamily Zoning Requirement for MBTA Communities. They can be viewed at mass.gov/mbtacommunities.

Dover is categorized as an Adjacent small town in the emergency regulations and is not required to submit a new Action Plan. The emergency regulations do not change any substantive zoning requirements from prior guidelines. Any work that Dover has done to develop compliant zoning is unaffected by the change to regulations. **Dover remains in interim compliance with Section 3A under 760 CMR 72.00 Multifamily Zoning Requirement for MBTA Communities until December 31, 2025.**

As an MBTA Community in interim compliance, Dover is eligible for funds from the Housing Choice Initiative, the Local Capital Projects Fund, the MassWorks infrastructure program, and the HousingWorks infrastructure program. Additionally, when Dover achieves district compliance it will be eligible for the [MBTA Communities Catalyst Fund](#) which was announced by Governor Healey in June 2024. Please note that all discretionary grant programs across the Healey-Driscoll Administration take compliance with the MBTA Communities Law into consideration when making funding decisions.

EOHLC will continue to provide updates related to compliance statuses under G.L. c. 40A, Section 3A as it promulgates and adopts permanent regulations. If you have questions or need further assistance regarding this information, please contact MBTA Communities Compliance Coordinator Nathan Carlucci at nathan.carlucci@mass.gov. Thank you for your continued collaboration implementing this important housing law.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward M. Augustus, Jr." The signature is fluid and cursive, with a large, stylized 'E' at the beginning.

Edward M. Augustus, Jr.
Secretary

cc: Senator Becca Rausch
Representative Joshua Tarsky
Jasmin Farinacci