



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

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

Via email: clisbon@doverma.gov

June 27, 2025

Carol Lisbon
Planning Board Chair
Town of Dover
5 Springdale Avenue
Dover, MA 02030

Re: Dover - Pre-Adoption Feedback for Compliance with Section 3A of the Zoning Act (Section 3A)

Dear Ms. Lisbon,

The Executive Office of Housing and Livable Communities (EOHLC) received a pre-adoption review application from the Town of Dover, requesting that EOHLC review the Town's proposed zoning district "MBTA Communities Multi-Family Overlay District" (District), based on the criteria set forth in G.L. c.40A and 760 CMR 72.00 (the Regulations).

EOHLC appreciates the work the Town has done to prepare for compliance with Section 3A. After careful review and analysis, EOHLC has the following technical feedback to aid the Town in achieving compliance. We hope the description of technical corrections will assist the Town in creating zoning that can be deemed compliant. The MBTA Communities program staff are available to discuss any technical details with you and your staff, should you so desire.

Dover is designated as an Adjacent Small Town with 2,046 existing housing units per the 2020 United States Decennial Census. The Town is required to have a district with a minimum multi-family unit capacity of 102 units and a gross density of 15 dwelling units per acre.

EOHLC identified the following issue, which may affect the District's compliance with Section 3A:

1. The District is subject to a special permit requirement found in § 185-38. *Material removal*. This section states: "[w]here the removal of soil, loam or gravel, as stated above in Subsection A(1)(a) and (2) exceeds 1,000 cubic yards, a Special Permit shall be obtained

from the Board of Appeals.” The Town could resolve this issue with a clarifying amendment is exempt multi-family housing in the District from this requirement, or by removing the special permit requirement.

2. The standards set forth in the site plan review section of zoning bylaw lean towards discretionary criteria which may affect as of right approvals for development proposals in the District. EOHLC cautions the Town against applying site plan review criteria in a discretionary manner that is inconsistent with G.L. c. 40A, Sections 1A and 3A.

For the foregoing reasons, EOHLC recommends that the Town address the issue above before applying for District Compliance.

Please note that this pre-adoption review is limited to specific issues identified at this stage of review and is based on materials provided by the Town of Dover. It does not constitute a representation that resolution of the noted issue would result in a compliant zoning district. EOHLC encourages the Town to review its existing zoning carefully to make sure there are no provisions that would affect the proposed District.

MBTA Communities staff at EOHLC will meet with you and your staff should you want to review the details of this letter. If you have questions or need further assistance regarding this determination, please contact MBTA Communities Compliance Coordinator Nathan Carlucci, at nathan.carlucci@mass.gov.

Sincerely,



Caroline “Chris” Kluchman
Director, Livable Communities Division

cc: Senator Becca Rausch, becca.rausch@masenate.gov
Representative Joshua Tarsky, Joshua.Tarsky@mahouse.gov
Michael Blanchard, Town of Dover, mblanchard@doverma.gov
Jeff Davis, Horsley Witten Group, jdavis@horsleywitten.com