

MBTA COMMUNITIES ZONING AMENDMENTS

BOARD OF SELECTMEN MEETING - JULY 24, 2025

PRESENTED BY: MELISSA M. SANTUCCIROZZI, TOWN PLANNER



DOVER MA

MBTA COMMUNITIES ZONING AMENDMENTS FILED

- MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT ON JULY 15, 2025 THE PLANNING BOARD TRANSMITTED A ZONING BYLAW AND ZONING MAP AMENDMENT TO THE BOARD OF SELECTMEN
- A PROPOSED NEW ZONING BYLAW: SECTION 185-50 ENTITLED: BY-RIGHT MULTI-FAMILY OVERLAY DISTRICT
- A PROPOSED NEW ZONING OVERLAY DISTRICT: MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT



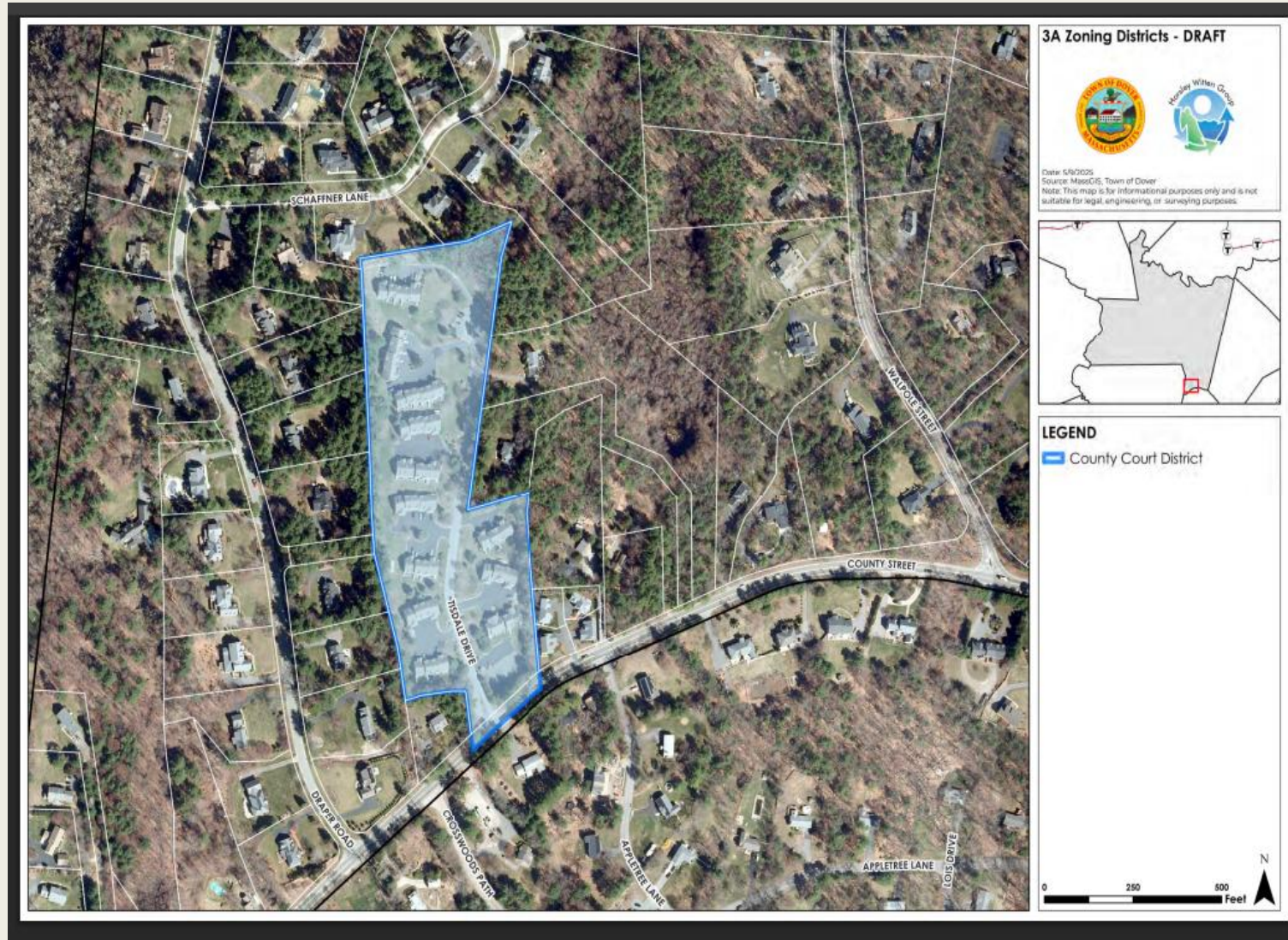
MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT MAP

LOCATION: TISDALE DRIVE aka
COUNTY COURT

MAP: 25

PARCEL: 6 (56 Parcels in Total)
DETAIL LIST PROVIDED WITH FILING

OVERLAY DISTRICT AREA:
9.957 Acres
PER COMPLIANCE MODEL



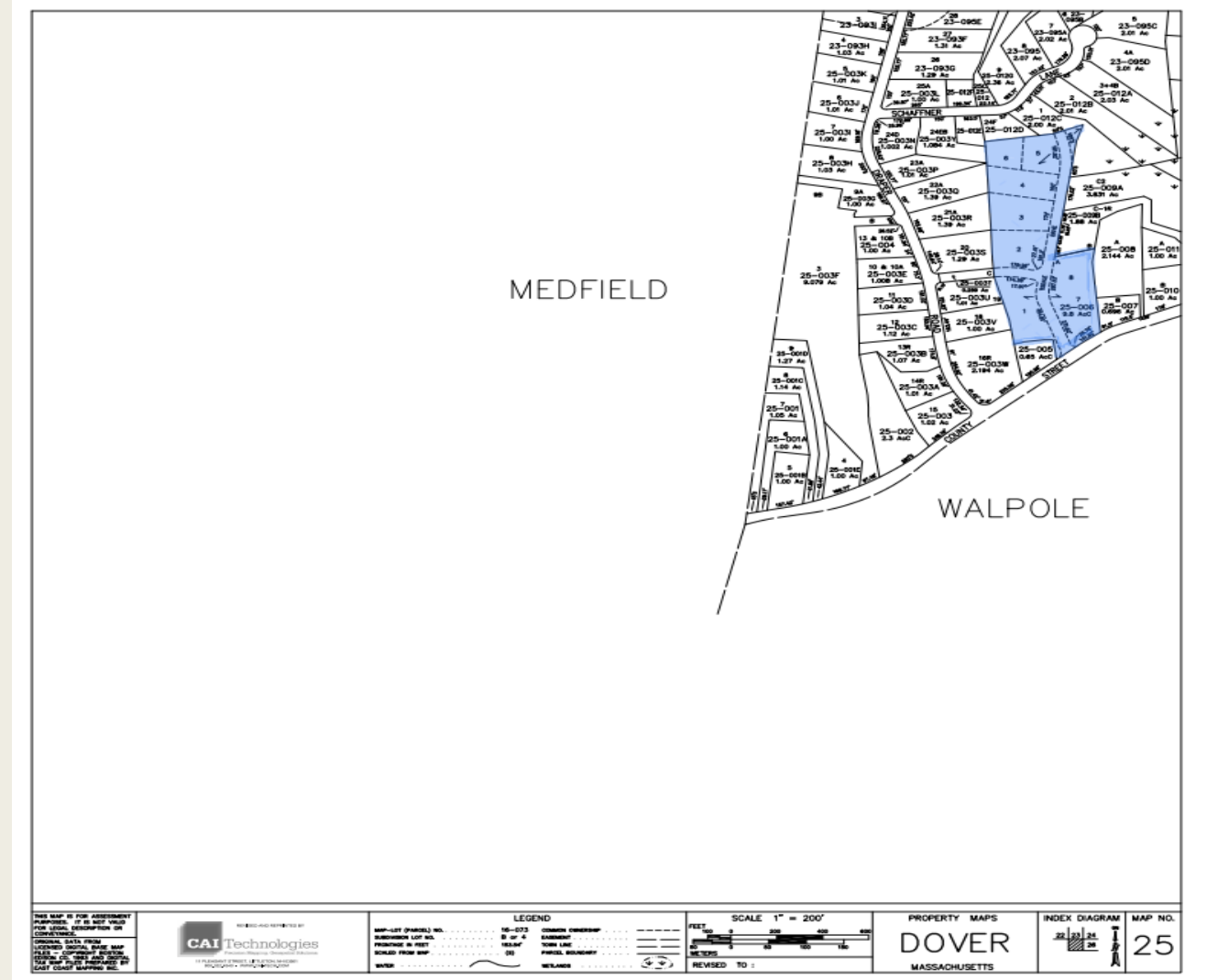
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MBTA COMMUNITIES

MULTI-FAMILY OVERLAY DISTRICT ZONING BYLAW

NEW SECTION: 185-50

HIGHLIGHTS OF THE NEW SECTION 185-50:

- ☐ MULTI-FAMILY HOUSING IS ALLOWED BY-RIGHT BUT SUBJECT TO SITE PLAN REVIEW
- ☐ BASIC DEFINITIONS RELATED TO THIS SECTION.
- ☐ DIMENSIONAL CRITERIA

Minimum Lot Size	20,000 SF
Minimum Street Frontage	100 feet
Maximum Building Height	2.5 stories and 35 feet (Heights to be determined from the average finished grade around the structure).
Maximum Lot Coverage	25%
Minimum Open Space	40%
Minimum Setback, Front	50 feet
Minimum Setback, Side	50 feet
Minimum Setback, Rear	50 feet

- ☐ NO AFFORDABILITY HOUSING REQUIREMENT
- ☐ PARKING SPACES PER UNIT: 2 -2.5



MBTA COMMUNITIES KEY POINTS

- ALL MBTA COMMUNITIES THAT HAVE PURSUED LITIGATION HAVE FAILED.
- THERE IS NO MANDATE TO BUILD MULTI-FAMILY HOUSING, WE JUST NEED TO CREATE A ZONING BYLAW OVERLAY DISTRICT.
- GRANT FUNDING ELIGIBILITY IS PARAMOUNT TO THE TOWN OF DOVER.
- NON-COMPLIANCE WITH THE MBTA COMMUNITIES ACT CAN LEAD TO COSTLY LITIGATION FROM THE STATE OF MASSACHUSETTS.
- THE PROPOSED ZONING BYLAW OVERLAY DISTRICT DOES NOT REQUIRE THE INCLUSION OF ANY AFFORDABLE HOUSING UNITS.
- UNLIKE CHAPTER 40B, THE MBTA COMMUNITIES ACT ENSURES THAT ALL DOVER REGULATIONS, BYLAWS AND INFRASTRUCTURE REQUIREMENTS REMAIN APPLICABLE AND ENFORCEABLE.



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MBTA COMMUNITIES PROGRESS AND TASK TIMELINE TO SPECIAL TOWN MEETING

- **JUNE 6, 2025:** SUPERIOR COURT DISMISSED 9 COMMUNITY COURT CASE CLAIMING CHAPTER 40A SECTION 3A WAS AN UNFUNDED MANDATE.

- **JUNE 27, 2025:** DOVER RECEIVED COMMENTS FROM EOHLC ON THE PRE-ADOPTION REVIEW.

1. ADVISED TO REMOVE SPECIAL PERMIT REQUIREMENT IN SECTION 185-38 MATERIALS REMOVAL WITHIN MBTA OVERLAY DISTRICT.

2. CAUTIONED ON APPLYING SITE PLAN REVIEW CRITERIA IN A DISCRETIONARY MANNER FOR MULTI-FAMILY DEVELOPMENT IN AN MBTA OVERLAY DISTRICT.

3. COUNTY COURT/TISDALE DRIVE IS AN ACCEPTABLE LOCATION.

TOWN PLANNER HAS DRAFTED LANGUAGE IN RESPONSE TO THE EOHLC COMMENTS AND WILL REVIEW WITH OUR CONSULTANT AND LEGAL COUNSEL, PRIOR TO ALL BOARD AND COMMITTEE MEETING.

- **JULY 2025:** CHRIS COSTELLO HAS MADE THE MBTA SECTION OF THE WEBSITE ACCESSIBLE ON THE MAIN PAGE IN THE TOWN NEWS SECTION.
- **JULY 15, 2025:** PLANNING BOARD FILED ZONING AMENDMENTS WITH BOARD OF SELECTMEN.
- **JULY 24, 2025:** PLANNING BOARD PRESENTS MBTA COMMUNITIES ZONING AMENDMENTS TO THE BOARD OF SELECTMEN.
- **BY JULY 29, 2025:** THE BOARD OF SELECTMEN MUST SUBMIT THE MBTA COMMUNITIES ZONING AMENDMENTS TO THE PLANNING BOARD FOR REVIEW.



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MBTA COMMUNITIES PROGRESS AND TASK TIMELINE TO SPECIAL TOWN MEETING

- **AUGUST 2025: PREPARATION OF THE EXECUTIVE SUMMARY.**

TOWN PLANNER WILL FOCUS ON MAILING LOGISTICS, BACKGROUND, ALTERNATIVES AND INCLUSION OF OTHER BOARD AND COMMITTEE RECOMMENDATIONS PROVIDED. THE BOS SHALL PROVIDE A PARAGRAPH ON THE FINANCIAL IMPLICATIONS OF NON-COMPLIANCE. STATEMENTS OF SUPPORT WILL BE INCLUDED FROM WARRANT COMMITTEE AND CAPITAL BUDGET COMMITTEE. ALONG WITH ARTICLE AND MOTION LANGUAGE SUPPORT FROM LEGAL COUNSEL.

- **AUGUST 2025: MEETING WITH COUNTY COURT/TISDALE DRIVE RESIDENTS.**
- **AUGUST 18, 2025 PLANNING BOARD ALL BOARD AND COMMITTEE MEETING.** ATTENDANCE AT THIS MEETING IS IMPORTANT AND WE NEED A STRONG SHOWING OF SUPPORT FOR THIS IMPORTANT TOWN REQUIREMENT .

- **AUGUST AND SEPTEMBER 2025: DEVELOP AND IMPLEMENT COMMUNICATIONS PLAN (THANK YOU TO CHRIS COSTELLO FOR HIS SUPPORT).**
- **SEPTEMBER 8, 2025 PLANNING BOARD PUBLIC HEARING. (LEGAL NOTICE PUBLISHED AUGUST 21 AND 28).**
- **SEPTEMBER 12, 2025 MAILING OF THE EXECUTIVE SUMMARY TO ALL HOUSEHOLDS IN DOVER.**
- **SEPTEMBER 13, 2025 DOVER DAY: MBTA INFORMATION TENT.**
- **SEPTEMBER 29, 2025 SPECIAL TOWN MEETING.**
- **BY OCTOBER 29, 2025 SUBMIT TO THE ATTORNEY GENERAL.**
- **BY DECEMBER 31, 2025 SUBMIT COMPLETE MBTA COMPLIANCE APPLICATION PACKAGE TO EOHLC.**



QUESTIONS?

THANK YOU



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