

MBTA Communities Act

August 26, 2025

County Court Information Session

Tonight's Agenda

1. MBTA Communities Act keys facts and definitions
2. What does Dover need to do to be MBTA compliant
3. Clearing up myths: MBTA Act vs. 40B
4. Dover's Overlay District selection process
5. Overview of the proposed Overlay District and Zoning Bylaw
6. Yes vs. No vote at Special Town Meeting
7. Upcoming Important Dates
8. Questions & Comments

FACTS about the MBTA Communities Act

- Applies to 177 communities served by the MBTA
- Obligations turn on the category of the town - Dover is considered a “small adjacent town”
- Requires zoning (not construction) for multi-family housing **by-right** near transit
- Local authorities maintain control to review and shape any potential future development in the overlay district.

More FACTS

- Fighting the law is costly and has been unsuccessful
- There is no “opt out” option – this requirement is not going away
- Non-compliance = loss of state grants + higher local taxes for residents

MBTA Compliance is state law — Dover must follow it

Definitions:

Overlay District	Under the MGL (Massachusetts General Laws), an overlay district (also known as an overlay zone) is a land use planning tool where a special "layer" is placed on top of existing base zoning districts. Overlay districts are often established to address specific planning objectives.
By-Right	“By-Right”: Development that may proceed without needing a special permit, variance, zoning amendment, waiver or other discretionary zoning approval. (Site Plan Review remains allowed)
Multi-family housing	“a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building” –MGL c. 40A §1A

The MBTA Communities Act does not:

- Require any multi-family housing be built in Dover.
- Override ANY of Dover's regulations, bylaws or rules.
- Remove the existing underlying Zoning in the Overlay District
- Require anyone who owns property in the overlay district to do anything
- Require the Town to design, create, pay for, or approve new infrastructure to accommodate any future multi-family development

The MBTA Communities Act does:

- Allow Dover (not developers) to decide where the Overlay District gets sited in town.
- Allow Dover to limit to ONE specific location in town.
- Protect local oversight of multi-family development in the overlay district

What does Dover need do to be MBTA compliant?

1. Update the zoning map to show the location of a Multi-Family Overlay District .
2. Add a zoning bylaw section that allows multi-family housing by-right in the overlay district.
3. Approve both changes with a simple majority at Special Town Meeting and submit application to the State by Dec. 31, 2025

MBTA Communities State Mandated Requirements for Dover

Minimum multi-family housing unit capacity in the overlay district:	102 units (5% of Dover's 2020 housing stock)
Average minimum gross density in the zoned area:	15 units per acre
District Size (Land area):	No minimum size required for Dover.
Location requirements:	None
Compliance Deadline:	December 31, 2025

Chapter 40B vs MBTA Communities Act

	Chapter 40B (Comprehensive Permit Law)	MBTA Communities Act
Purpose:	To increase affordable housing production. At least 20–25% of units must be affordable for low- to moderate-income households.	To increase housing supply, especially around transit.
Location Choice:	Developer-driven: a developer chooses land in Dover in any zoning district	Municipality-driven: Town chooses to create overlay district where multi-family housing is permissible
Comprehensive Permit (40B) vs By-Right Development:	Allows developers to override local bylaws, rules and regulations and streamlines all the permitting requirements for all Dover approvals into one permit in the hands of the Board of Appeals (ZBA).	No need for developers to obtain zoning relief or approvals. However, Site Plan Review is allowed and all local Board, Committee and Commission bylaws, rules and regulations are in full force.

How did Dover get here?

Step 1: Identifying Possible Locations for a MBTA Overlay District

1. Determine a single area where compliance can be met
2. Look at pre-existing developments
3. Look at undeveloped property where density would be less likely to disturb residential neighborhoods
4. Factor in proximity to transportation and town services
5. Consider State compliance criteria

Step 2: Determine Dimensional Requirements

Modelled after 185-42 Multi-Family Residence District (Approved ATM 1990)

Step 3: Test locations in the compliance Model

What did we learn?

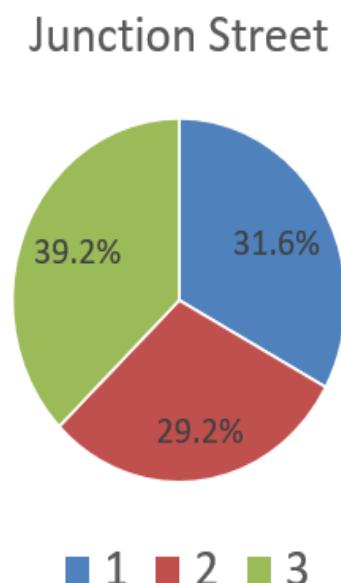
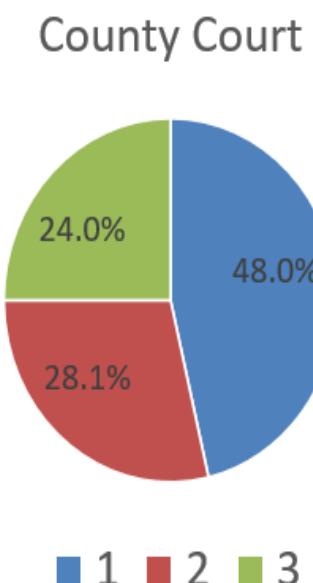
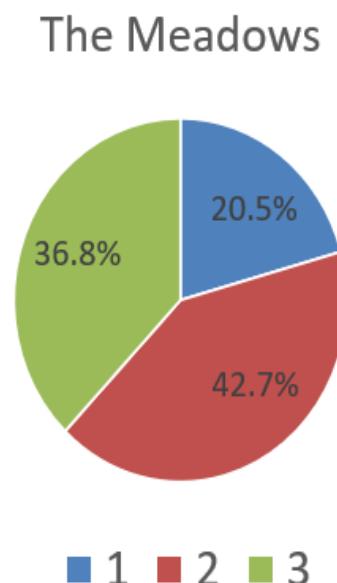
	District Area (no minimum required)	Modeled Unit Capacity (102 units required)	Dwelling Unit per Acre (15 required)	Does this location Comply?
County Court	10 acres	227	22.8	YES 
The Pastures at Dover	3.8 acres	81	22	NO 
Dover Farms	4.9 acres	11	2.3	NO 
Junction Street	17.2 acres	267	19.1	YES 
The Meadows	5.3 acres	122	22.8	YES 

Step 4: Community Education, Engagement and Location Selection Initiative

Establishment of dedicated MBTA Communities Act Website	Early 2024
Planning Board Meeting with Council on Aging	February 26, 2025
Certified Notice sent to All Potential Overlay Location Owners	February 28, 2025
Public ZOOM Information Sessions and Pop-Up Polling	March 25, 2025
	April 22, 2025
Community Survey	March and April 2025

(cont'd) Community Education, Engagement and Location Selection Initiative

The community survey results showed that County Court was the **most desirable** location for the MBTA Overlay District.



Proposed MBTA Communities Multi-Family Overlay District

Location: Tisdale Drive / County Court Condominium

Map: 25

Parcel: 6 (56 parcels total)

Area: ~10 acres



Not Included: Proposed Tisdale II c. 40B Land (Shown in Yellow)



Proposed New Zoning Bylaw - Chapter 185-50

- Developed with our consultant Horsley Whitten, the Town Planner and Town Legal Counsel.
- Used ideas from a wide variety of surrounding towns.
- Received a favorable pre-adoption review by the State.
- Currently under review by the Attorney General.

OVERALL GOAL

“As compliant as we must be and as protective of the rural nature of Dover as we can be”

Proposed New Zoning Bylaw - Chapter 185-50

❑ Modelled after existing multi-family zone from Bylaw § 185-42

❑ Dimensional Criteria

Minimum Lot Size	20,000 SF
Minimum Street Frontage	100 feet
Maximum Building Height	2.5 stories and 35 feet (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

Proposed New Zoning Bylaw - Chapter 185-50

- ❑ No Affordability Requirement
- ❑ Multi-Family Housing is allowed BY-RIGHT but subject to Site Plan Review
- ❑ Required Parking Spaces per Unit: 2 -2.5
- ❑ **REVISED DRAFT WILL INCLUDE A DENSITY CAP (max. 16/acre)**

What does your vote mean?

YES

If the article passes:

- The new zoning bylaw (185-50) and overlay district map are enacted in Dover
- Dover is compliant with the law
- Access to grant funding is maintained
- Legal peril (and costs to Dover taxpayers) is avoided

NO

If the article fails:

- Dover is not in compliance with the law
- Access to state grant funding is denied
- Legal jeopardy for the town (and legal costs for taxpayers)
- Planning Board resumes efforts to achieve compliance with the law

Important Upcoming Dates

September 8, 2025 Planning Board Public Hearing

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

December 31, 2025 submit complete MBTA compliance application package to the state.

Q & A

Please visit <https://doverma.gov/675/MBTA-Communities-Act>