

MBTA COMMUNITIES

PLANNING BOARD ALL BOARD AND COMMITTEE SESSION
AUGUST 18, 2025 – 7:00PM

PRESENTED BY: MELISSA M. SANTUCCIROZZI, TOWN PLANNER



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GOALS OF TONIGHT'S MEETING

1. OVERVIEW OF THE MBTA COMMUNITIES ZONING AMENDMENT THAT HAS BEEN FILED WITH THE BOARD OF SELECTMEN AND TOWN CLERK.
2. HIGHLIGHT MBTA COMMUNITIES KEY POINTS AND FACTS.
3. TIMELINE OF MBTA COMMUNITIES ACCOMPLISHMENTS, PROGRESS AND NEXT STEPS.
4. DISCUSSION ON RECOMMENDATIONS FROM ALL BOARDS, COMMITTEES AND COMMISSIONS.
5. PLEASE ATTEND THE SPECIAL TOWN MEETING AND BRING A FRIEND, NEIGHBOR OR FAMILY MEMBER.



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MBTA COMMUNITIES ZONING AMENDMENT FILED ON JULY 15, 2025

- A PROPOSED NEW ZONING BYLAW: SECTION 185-50
ENTITLED: BY-RIGHT MULTI-FAMILY OVERLAY DISTRICT

AND

- A PROPOSED NEW ZONING OVERLAY DISTRICT: MBTA
COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT



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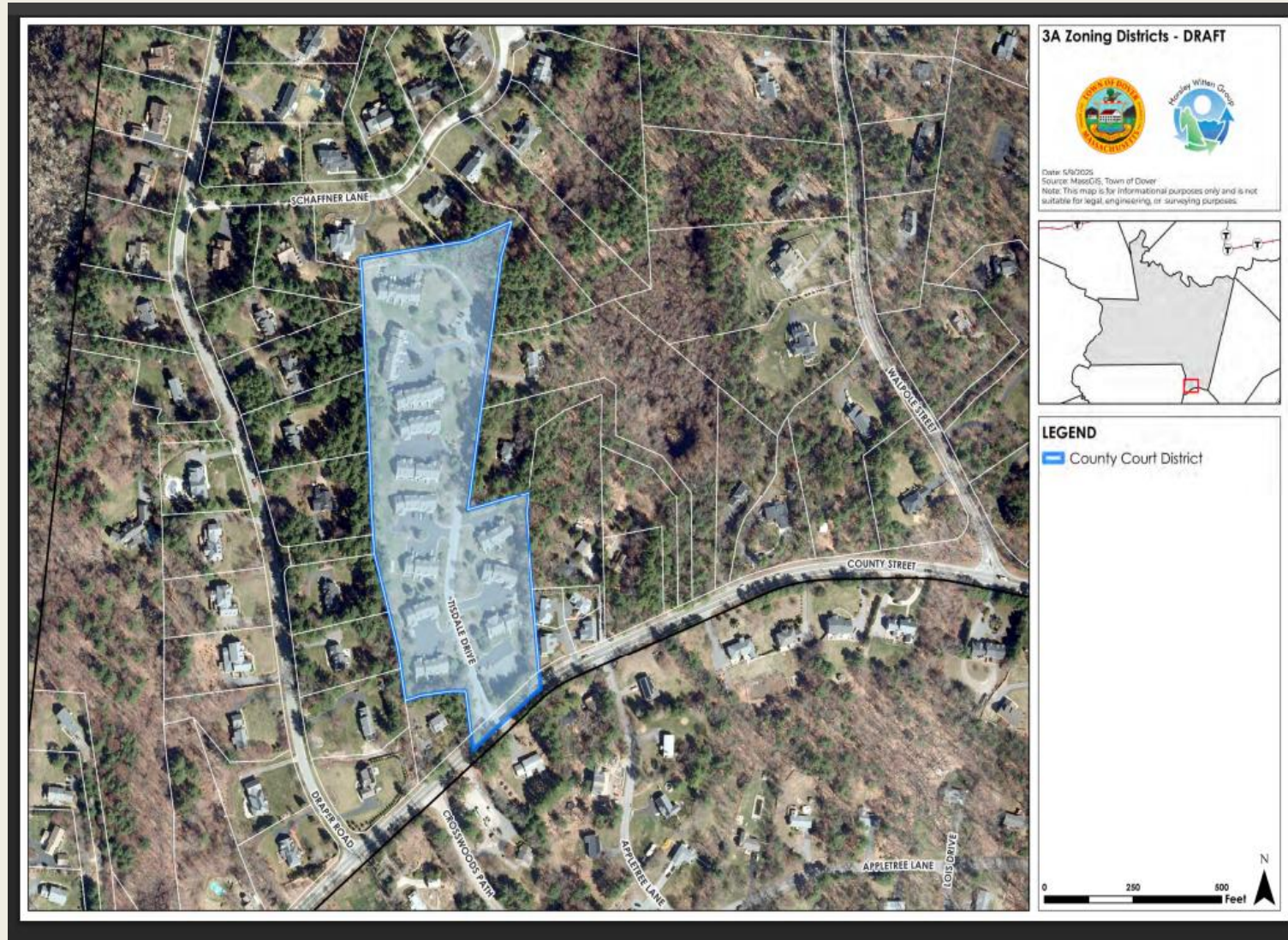
MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT MAP

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



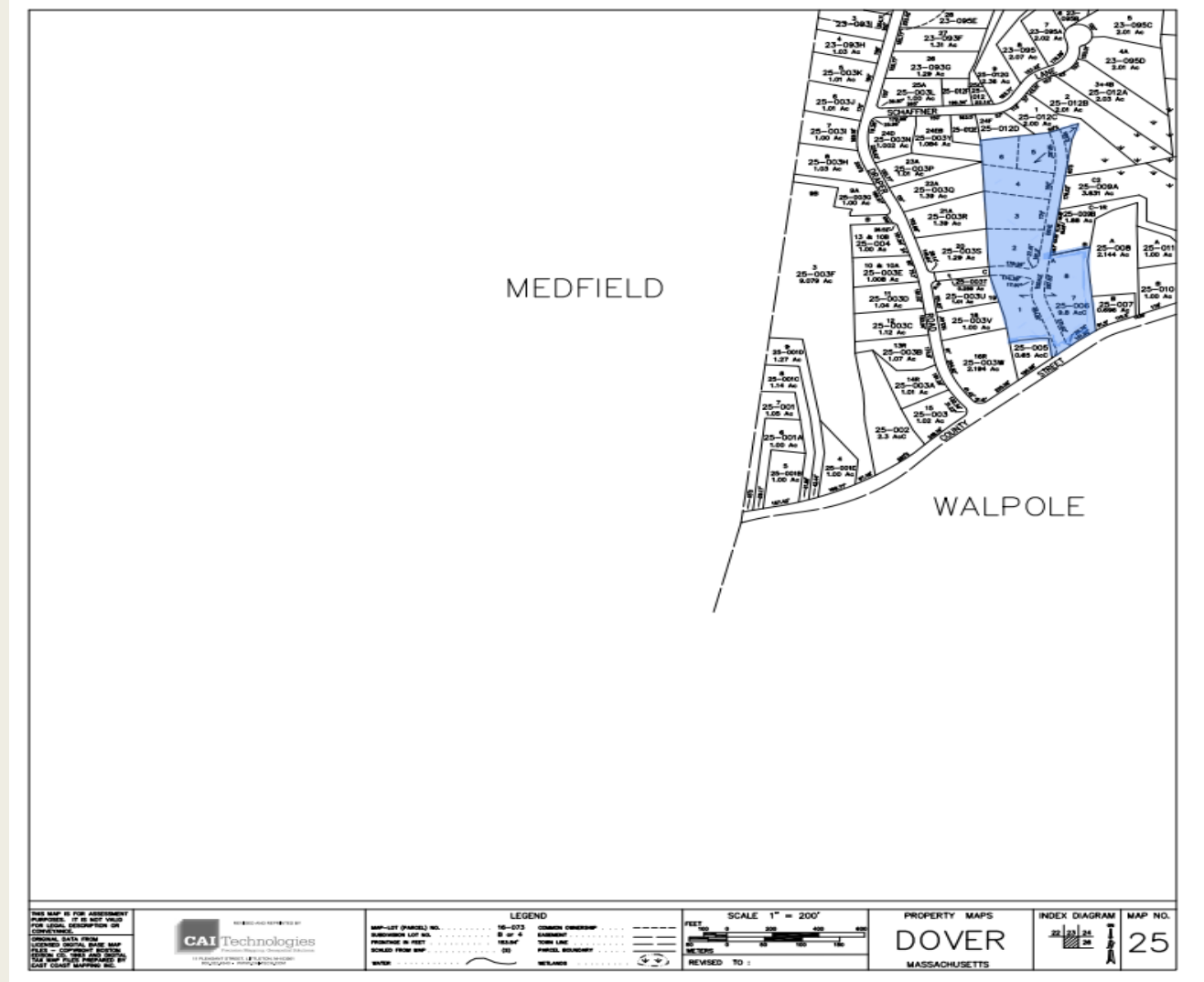
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MBTA COMMUNITIES

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 REQUIREMENT
- ☐ PARKING SPACES PER UNIT: 2 - 2.5
- ☐ **REVISED DRAFT WILL INCLUDE A DENSITY CAP (MAXIMUM 16 UNITS PER ACRE)**



MBTA COMMUNITIES

EOHLC COMPLIANCE MODEL

DOVER DISTRICT
CAPACITY REQUIREMENT
102 UNITS

COMPLIANCE MODEL
WITH NO DENSITY CAP
227 UNITS

COMPLIANCE MODEL
WITH DENSITY CAP OF
16 UNITS PER ACRE
159 UNITS



<u>ZONING INPUTS - DISTRICT 1</u>	COUNTY COURT TISDALE DRIVE
Model Inputs for Calculating Unit Yield	Input
Minimum Lot Size	20,000
Additional Lot Square Feet per Dwelling Unit	0
Open Space %	40%
Excluded Land Counted Toward Open Space	N
Parking Spaces per Dwelling Unit	2.50
Building Height	2.5
Maximum Lot Coverage %	25%
Floor Area Ratio	0.00
Zoning Restrictions that Cap Unit Counts	Input
Lot Area per Dwelling Unit	0
Maximum Dwelling Units per Acre	16.00
Cap on Maximum Dwelling Units per District	0.00

MBTA COMMUNITIES 40A 3A VS. 40B

CHAPTER 40B REQUIRES 20-25% OF THE HOUSING UNITS CONSTRUCTED TO BE AFFORDABLE TO HOUSEHOLDS EARNING 80% OR LESS OF THE AREA MEDIAN INCOME.

VS.

CHAPTER 40A SECTION 3A DOES NOT REQUIRE ANY HOUSING UNITS TO BE AFFORDABLE AT ANY INCOME LEVEL.

CHAPTER 40B ALLOWS DEVELOPERS TO CIRCUMVENT ALL LOCAL BYLAWS, RULES AND REGULATIONS AND PUTS ALL THE PERMITTING REQUIREMENTS FOR ALL OF DOVER IN THE HANDS OF THE ZONING BOARD OF APPEALS.

VS.

CHAPTER 40A SECTION 3A ALLOWS CITIES AND TOWNS TO WRITE THEIR OWN ZONING BYLAWS AND CREATE THEIR OWN ZONING OVERLAY DISTRICTS THAT DEVELOPERS MUST COMPLY WITH. ALL OTHER LOCAL BYLAWS, RULES AND REGULATIONS STAY IN PLACE AND ARE IN FULL FORCE. CONTROLS STAYS LOCAL!!!

APPROVAL OF A CHAPTER 40B APPLICATION ALLOWS A DEVELOPER TO OBTAIN A BUILDING PERMIT.

VS.

APPROVAL OF AN MBTA COMMUNITIES ZONING BYLAW AND ZONING OVERLAY DISTRICT SIMPLY AMENDS DOVER'S ZONING AND DOES NOT ISSUE ANYTHING THAT ENABLES THE ABILITY TO OBTAIN A BUILDING PERMIT OR CONSTRUCT ANY HOUSING UNITS WITHOUT FIRST OBTAINING ALL REQUIRED LOCAL BOARD, COMMITTEE AND COMMISSION APPROVALS.

IN SUMMARY MGL CHAPTER 40B FOCUSES ON AFFORDABLE HOUSING WITH SPECIFIC DEVELOPMENT MANDATES, MGL CHAPTER 40A SECTION 3A IS STRICTLY A ZONING REQUIREMENT. THEY ARE TWO COMPLETELY DIFFERENT HOUSING LAWS WITH VERY DIFFERENT OUTCOMES.



MBTA COMMUNITIES KEY POINTS

- **ALL** MBTA COMMUNITIES THAT HAVE PURSUED LITIGATION HAVE FAILED.
- THERE IS NO MANDATE TO BUILD MULTI-FAMILY HOUSING, WE ONLY NEED TO CREATE A ZONING BYLAW OVERLAY DISTRICT.
- 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.



MBTA COMMUNITIES GRANT IMPLICATIONS

- GRANT FUNDING ELIGIBILITY IS PARAMOUNT TO THE TOWN OF DOVER. THE GRANT PROGRAMS IMPACTED BY NON-COMPLIANCE WITH MBTA COMMUNITIES IS NOT A FIXED LIST AND IS SUBJECT TO CHANGE. IT'S A MOVING TARGET!!!!
- CHAPTER 90 FUNDING HAS BEEN ADDED TO THE LIST OF FUNDS THAT WILL CONSIDER MBTA COMPLIANCE. THE FY26 CHAPTER 90 ALLOCATION INCLUDING THE SUPPLEMENT FUNDS FOR THE TOWN OF DOVER IS APPROXIMATELY \$609,330.76.
- LOSING ACCESS TO THESE FUNDS WILL PUT A FINANCIAL STRAIN ON ALL TOWN DEPARTMENTS.

*RECENT EXAMPLE: MARBLEHEAD LOSES \$50K EARMARKED
FOR 250TH CELEBRATION DUE TO 3A NON-COMPLIANCE!!*



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.
- **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 AMENDMENT WITH BOARD OF SELECTMEN.
- **JULY 24, 2025:** PLANNING BOARD PRESENTS MBTA COMMUNITIES ZONING AMENDMENT TO THE BOARD OF SELECTMEN.
- **JULY 29, 2025:** THE BOARD OF SELECTMEN TRANSMITTED THE MBTA COMMUNITIES ZONING AMENDMENT TO THE PLANNING BOARD FOR REVIEW.



MBTA COMMUNITIES PROGRESS AND TASK TIMELINE TO SPECIAL TOWN MEETING

- **AUGUST 1, 2025:** SUBMISSION OF ZONING AMENDMENT TO ATTORNEY GENERAL'S OFFICE FOR PRE-ADOPTION REVIEW.
- **AUGUST 2025:** PREPARATION OF THE EXECUTIVE SUMMARY. *THANK YOU TO EVERYONE THAT HAS CONTRIBUTED TO THIS DOCUMENT TO DATE!*
- **TODAY AUGUST 18, 2025** PLANNING BOARD ALL BOARD AND COMMITTEE MEETING. THANK YOU TO EVERYONE WHO IS HERE TONIGHT!
- **WEEK OF AUGUST 18, 2025:** SUBMIT REVISED BYLAW LANGUAGE TO THE TOWN CLERK AND THE BOARD OF SELECTMEN TO ADDRESS COMMENTS FROM EOHLC AND AG.
- **AUGUST 26, 2025:** MEETING WITH COUNTY COURT/TISDALE DRIVE RESIDENTS.



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MBTA COMMUNITIES PROGRESS AND TASK TIMELINE TO SPECIAL TOWN MEETING

- **AUGUST AND SEPTEMBER 2025:**
ONGOING DEVELOP AND IMPLEMENT COMMUNICATIONS
- **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 TOWN MEETING APPROVED MATERIALS TO THE ATTORNEY GENERAL.
- **BY DECEMBER 31, 2025** SUBMIT COMPLETE MBTA COMPLIANCE APPLICATION PACKAGE TO EOHLC.



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MBTA COMMUNITIES HOW CAN YOU HELP?

PLEASE WORK WITH YOUR RESPECTIVE BOARDS, COMMITTEES AND COMMISSIONS TO VOTE TO PROVIDE A FAVORABLE RECOMMENDATION IN SUPPORT OF THE MBTA COMMUNITIES ZONING AMENDMENT. PLEASE EMAIL THIS TO THE TOWN PLANNER (MSANTUCCIROZZI@DOVERMA.GOV) BY SEPTEMBER 15, 2025.

THE PLANNING BOARD WILL PRESENT THE LIST OF SUPPORT AT THE SPECIAL TOWN MEETING.

THE BOARD OF SELECTMEN, CAPITAL BUDGET COMMITTEE AND THE WARRANT COMMITTEE MUST PREPARE A STATEMENT OF SUPPORT FOR INCLUSION IN THE EXECUTIVE SUMMARY. PLEASE SUBMIT THIS TO THE TOWN PLANNER (MSANTUCCIROZZI@DOVERMA.GOV) BY FRIDAY AUGUST 22, 2025.

SUGGESTED MOTION: THE (INSERT NAME) SUPPORTS THE MBTA COMMUNITIES ACT ZONING BYLAW AND OVERLAY DISTRICT ON FILE WITH THE TOWN CLERK AS MOST RECENTLY AMENDED AND URGES A YES VOTE AT THE SEPTEMBER 29, 2025 SPECIAL TOWN MEETING.



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MOST IMPORTANTLY: PLEASE HELP THE TOWN BY
PROMOTING AND ATTENDING THE
SPECIAL TOWN MEETING ON SEPTEMBER 29, 2025.

THANK YOU FOR YOUR SUPPORT



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QUESTIONS AND ANSWERS



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