

TOWN OF DOVER

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EXECUTIVE SUMMARY SPECIAL TOWN MEETING

**September 29, 2025
7:00 PM**

**Dover-Sherborn Regional School
Alan Mudge Auditorium**



MBTA OVERLAY DISTRICT COUNTY COURT/TISDALE DRIVE

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MBTA COMMUNITIES ACT: WHAT RESIDENTS NEED TO KNOW

1. Compliance is required by state law — Dover must adopt it or be sued by the State.
2. Noncompliance = loss of state grants + higher local taxes for residents.
3. Fighting the law is costly and unsuccessful — nearly all the towns that tried have lost and incurred massive legal bills in the process.
4. There is no “opt out” option — if we don't adopt this overlay district zoning, we are ineligible for state grant funding, will be sued and end up having to comply anyway.
5. Unlike 40B developments, Dover’s local zoning, water, and septic rules still apply. Local boards, committees, departments and commissions maintain their regulatory authority to review and shape any potential future development in the overlay district.
6. Unlike 40B developments, there is only one area (the proposed district) that would allow multifamily housing.

Dover has learned from the 2.5 years of work within the town and by the experience of other towns subject to the MBTA Communities Act. Our overlay district zoning bylaw has been reviewed favorably by the Attorney General’s Office and the Executive Office of Housing and Livable Communities.

VOTING ALTERNATIVES

This Special Town Meeting has been called for a single purpose: to decide whether Dover voters will approve a new overlay zoning district that permits multi-family housing by right. This action is under Massachusetts General Laws Chapter 40A, Section 3A, commonly known as the MBTA Communities Act, which will be referred to as such in the document.

Article 1. (Planning Board) To see if the Town will vote to: (1) amend its the Zoning Map by adding the MBTA Communities Multi-Family Overlay District consisting of 9.957 acres on Tisdale Drive (also known as County Court), Assessor’s Map 25 Parcel 6 (comprised of 56 individual parcels), and as shown on a map on file with the Office of the Town Clerk; and (2) amend its Zoning Bylaw by adding a new Section 185-50 "By-Right MBTA Communities Multi-Family Overlay District," the text of which is on file with the Office of the Town Clerk; or take any other action relative thereto.

This Article requires a simple majority vote of the Special Town Meeting.

YES VOTE If the Town votes YES at the Special Town Meeting on September 29, 2025, then the New Zoning Bylaw Section 185-50 By-Right MBTA Communities Multi-Family Overlay District and Zoning Map with the Creation of a New MBTA Communities Multi-Family Zoning

Overlay District is approved locally, which enables the Town of Dover to submit for District Compliance with EOHLC by December 31, 2025.

NO VOTE If the Town votes NO at the Special Town Meeting on September 29, 2025, then the MBTA Communities Zoning Bylaw and Overlay District is **NOT** approved locally. This renders the Town of Dover noncompliant with the state mandate and it does not allow the Town of Dover to submit for District Compliance with EOHLC by December 31, 2025. Noncompliance with the MBTA Communities Act not only has a significant financial impact on Dover because it prohibits applications for many state and federal grant programs, but it also opens the door to costly litigation from the state. It is important to understand that the MBTA Communities Act compliance requirement doesn’t go away. The Town will still be required to demonstrate compliance to the State.

This Executive Summary is intended to provide background and context in place of the traditional Blue Book typically distributed ahead of a Town Meeting.

BACKGROUND

In January 2021, the Commonwealth enacted the MBTA Communities Act. This law mandates that 177 municipalities within the MBTA service area, including adjacent towns like Dover, establish zoning districts where multi-family housing is allowed by right. Dover is classified as an “adjacent small town” under this law. Therefore, the Town must adopt a zoning bylaw and overlay district that complies with the following state-mandated criteria:

Community	Community Category		2020 Housing Units	Minimum Multi-Family Unit Capacity
DOVER	Adjacent Small Town		2,046	102

To comply with the law, Dover must submit its District Compliance Application to the Executive Office of Housing and Livable Communities (EOHLC) by December 31, 2025.

DOVER’S MBTA COMMUNITIES ACT ENGAGEMENT PROCESS

Since early 2023, Dover has led a comprehensive and transparent public engagement process around the MBTA Communities Act. The Town has hosted numerous in-person and virtual public meetings, including presentations to the Council on Aging, Housing Task Force, and Board of Selectmen, as well as multiple Zoom information sessions, a Planning Board Public Hearing open to all residents on September 8 and a dedicated booth at Dover Days.

Beyond meetings, Dover has actively reached residents through a variety of communication channels — social media updates, newsletter articles, direct mailings, and a community-wide survey — ensuring that every household has had multiple opportunities to learn about and weigh in on the proposed zoning changes.

This multi-year effort reflects Dover’s strong commitment to inclusive dialogue, accessibility, and informed decision-making.

With a December 31, 2025, deadline, Dover has been able to take advantage of the work that has been done by other MBTA communities and track their legal activities and bylaw development. The draft bylaw and overlay district were submitted to the EOHLC and the Attorney General’s Office for pre-review and we received positive responses from both.

IMPORTANT FACTS ABOUT THE MBTA COMMUNITIES ACT

1. What Happens If The Zoning Amendment Fails at Town Meeting?

A failed vote results in noncompliance with the law. Such noncompliance would result in the loss of access to vital state funding for transportation, infrastructure, planning, and capital projects. Dover would be ineligible for major grant programs, including: Housing Choice Initiative; Local Capital Projects Fund; MassWorks; and HousingWorks.

Additionally, discretionary grants that consider MBTA compliance include: Community Planning Grants; Massachusetts Downtown Initiative; Urban Agenda; Rural and Small Town Development Fund; Brownfields Redevelopment Fund; Site Readiness Program; Underutilized Properties Program; Collaborative Workspace Program; Real Estate Services Technical Assistance; Commonwealth Places Programs; Land Use Planning Grants; Local Acquisitions for Natural Diversity (LAND) Grants; and Municipal Vulnerability Preparedness (MVP) Planning and Project Grants.

This list is not exhaustive, though. The Town has been notified that MBTA Communities’ compliance will also inform other funding decisions by EOED, EOHLC, the MBTA and other

state agencies that consider local housing policies when evaluating applications for grant programs or making other funding decisions.

Furthermore, on June 24, 2025, the Governor signed legislation that included language that factors in MBTA Communities' compliance when allocating "Chapter 90 Funds." These funds provide state funding for crucial transportation infrastructure, such as maintenance of roads and bridges. Dover's total FY26 Chapter 90 allocation is approximately \$0.6 million. Over the past 5 years, Dover has received over \$1.6 million in Chapter 90 Funds.

On average, over the past 5 years, the Town has received approximately \$1.3 million in infrastructure grants. Without these funds, Dover may need to raise taxes or cut services to maintain our infrastructure. Among those grants, Dover also risks forfeiting a \$13 million earmark for the Center Street Bridge replacement.

Legal consequences also loom: noncompliance will trigger litigation from the Commonwealth, with estimated legal defense costs of up to \$1 million. No municipality has successfully challenged the law. Almost every attempt by towns and citizens has failed in the State courts. Even if Dover later complies, it would not be prioritized for future grants.

Bottom line: Failure to pass a compliant MBTA zoning district means higher taxes, fewer services, and costly litigation where Dover is not likely to prevail. Compliance protects Dover's financial health and its residents.

2. Does Dover Have to Build 102 New Housing Units?

No. The MBTA Communities Act requires zoning that allows multi-family housing by right - it does not mandate construction. Any proposed housing would go through the normal process and must meet all the local rules and regulations of every Dover department, board, commission and committee before being granted a building permit. The proposed site is currently occupied by a 56-unit condominium. In order to develop, one must purchase and convert the entire condominium. Current residents are under no obligation to sell.

3. Is the MBTA Communities Act Like Chapter 40B?

No. The MBTA Communities Act is fundamentally different from Chapter 40B: These are distinct laws with different goals and mechanisms.

	Chapter 40B	MBTA Communities Act
Affordable Housing Requirement	20–25% of units must be affordable.	No affordability requirement.
Local Compliance	Developers can bypass all local regulations, bylaws and rules	Developers must follow all local regulations, bylaws and rules
Location Choice	Developer chooses the location	Town of Dover chooses the location
Permitting Authority	Zoning Board of Appeals	All applicable local boards, commissions and committees retain full permitting authority.
If Approved	Enables developer to obtain a Building Permit.	Zoning change only – building permit only after obtaining all necessary local approvals.

OVERVIEW OF DOVER’S PROPOSED MBTA ZONING AMENDMENT

SECTION 185-50 BY-RIGHT MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT:

- ☐ Multi-Family Housing is allowed BY-RIGHT but subject to Site Plan Review
- ☐ Basic Definitions related to this Section
- ☐ Dimensional Criteria:

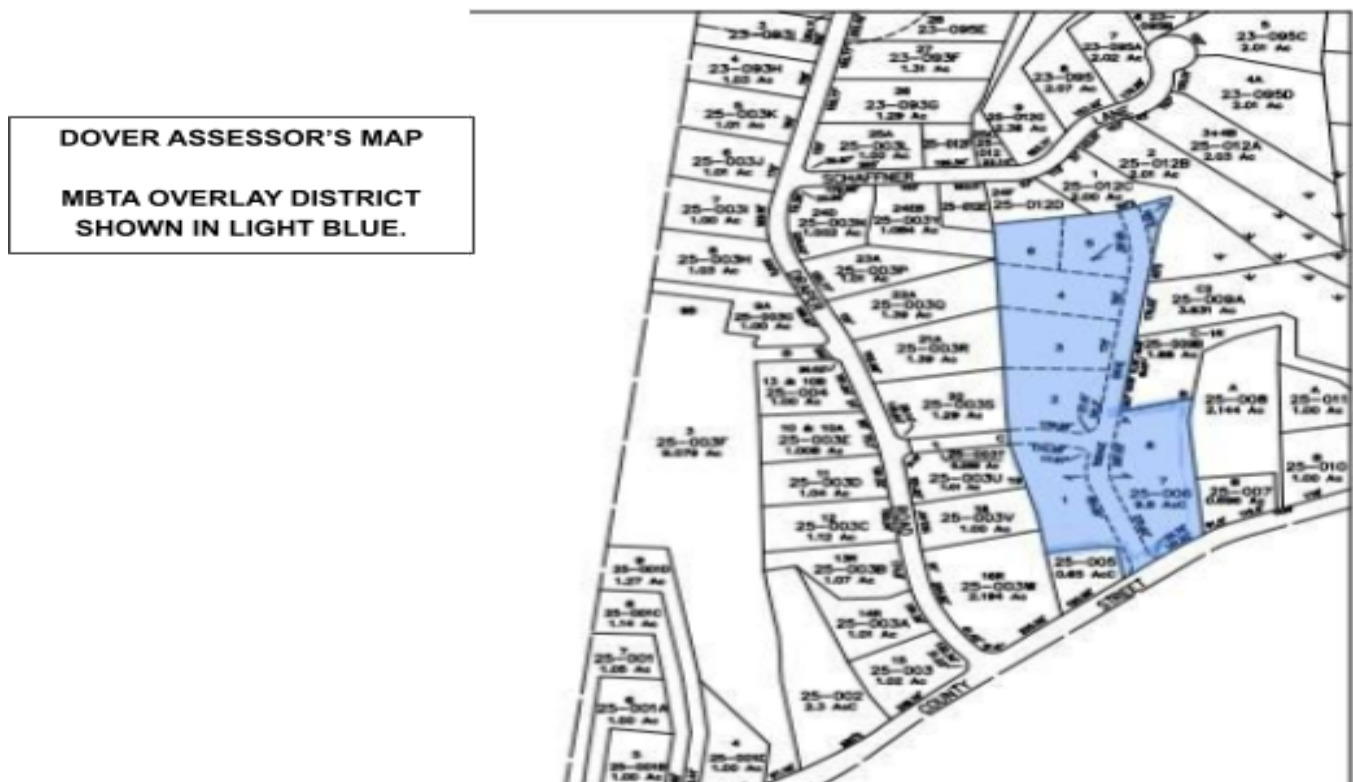
Minimum Lot Size	20,000 Square Feet
Minimum Street Frontage	100 Feet
Maximum Building Height	2.5 stories and 35 Feet (Heights to be determined from the average finished grade around the structure.)
Maximum Lot Coverage	25%

Separation of Buildings	32 Feet
Minimum Setback, Front	50 Feet
Minimum Setback, Side	50 Feet
Minimum Setback, Rear	50 Feet
Maximum Units per Acre	16

- ☐ No Affordable Housing Requirement
- ☐ Parking Spaces per Unit: 2 -2.5

ZONING MAP OVERLAY DISTRICT CREATION AMENDMENT

Location: Tisdale Drive (also known as County Court)
 Assessor's Map: 25
 Parcel: 6 (56 Parcels in Total, each Condominium Unit is a Parcel)
 Overlay District Area: 9.957 Acres



All reports, zoning overlay maps, information, meetings, full text of the zoning amendments and presentations related to MBTA Communities Overlay District are available on the Town of Dover website:

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

The Planning Board and Selectmen would like to thank those of you who have already participated in this important process. We strongly urge all of you to spend some time reviewing the materials and presentations and communicate with the Town Planner, Planning Board Chair and Vice Chair or any Members of the Board of Selectmen, should you have questions, concerns or comments.

The Dover Planning Board

Carol Lisbon, Chair

Jody Shue, Vice-Chair

Valerie Lin, Member

William Motley, Member

Katie Williams, Member

Message from the Dover Board of Selectmen:

The Board of Selectmen strongly recommends that the Town support compliance with the MBTA Communities Act. **Compliance with this law, like all laws, is not optional.**

Noncompliance will expose the Town to costly legal challenges and the loss of significant state grant funding, including infrastructure and public safety resources we rely upon.

It is important to emphasize what this law requires and what it does not:

- **This is a zoning mandate, not a building mandate.** The Town is required to create a zoning district that allows multi-family housing as of right. Whether, when, and how private development proceeds is entirely dependent on market conditions.
- **This is not an affordable housing law.** The MBTA Communities Act does not require the Town to include affordability requirements beyond what our own zoning bylaw already dictates.
- **Local control remains intact.** Any development under this zoning must comply with all of the Town's existing bylaws, permitting processes, and regulations. Unlike Chapter 40B projects, there are no waivers of local rules and no ability for developers to bypass Town standards.

By supporting compliance, the Town avoids costly litigation, protects vital grant funding, and maintains control over how development aligns with our community character and bylaws. Noncompliance, by contrast, is both financially and legally irresponsible. Based on what the State has outlined, the cost of noncompliance would include the loss of existing grants, future grants, legal fees and the loss of other funding. The loss of this funding could exceed \$20 million over the next 5 years, of which \$13 million represents the earmark for the Center Street

Bridge. It is important to recognize that a “no” vote would not eliminate Dover’s obligation; it would only delay the inevitable, as every municipality that has challenged the law has ultimately been required to comply.

THE BOARD OF SELECTMEN THEREFORE RECOMMENDS A “YES” VOTE IN FAVOR OF COMPLIANCE WITH THE MBTA COMMUNITIES ACT.

Message from the Dover Warrant Committee:

Passage of this Article will establish an “overlay” zoning district in Dover in which multi-family housing (housing with at least three units) is permitted by right as long as the development complies with other existing zoning bylaws for the district. Creation of this zoning district will place the Town in compliance with the requirements of the MBTA Communities Act (Section 3A of MGL c. 40A), an Act signed into law in January 2021. As an “adjacent small town” to MBTA services, Dover must comply with the Act by creating such an overlay district. Delay beyond 12/31/2025 in the creation of such an overlay district will expose the Town to substantial penalties imposed by the state. The state has indicated towns that delay compliance will be ineligible to apply for future state grants across a wide variety of funding sources, with penalties possibly persisting even after compliance is achieved. Defeat of this Bylaw may thus cause the Town to forfeit as much as \$20 million, over the next five years (including \$13 million for Center Street Bridge) in existing and future awards from the Commonwealth over the next three years.

In light of the many other stresses on Town finances, denial of access to these State funds will jeopardize the financial health of the Town. Importantly, passage of the Article will likely have no impact on Town services or finances. Dover will be in compliance simply by the creation of this zoning district – no multi-family housing has to be built for compliance to be achieved.

THE WARRANT COMMITTEE 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

Message from the Dover Capital Budget Committee:

The MBTA Communities Act. The Commonwealth of Massachusetts has adopted Section 3A of MGL c. 40A (MBTA ACT) requiring 177 cities and towns to comply with the terms of the MBTA ACT, establishing a zoning overlay district allowing for multifamily housing by right, subject to certain municipal by-laws and property rights by December 31, 2025;

Proposed Bylaws. After 3 years of review, planning, and many consultations with citizens in order to comply with the MBTA ACT, the Town of Dover Planning Board has determined an appropriate location to establish an overlay district in accordance with the MBTA ACT and has filed proposed by-laws, as amended, with the Town Clerk (the Bylaws);

Requirements. The MBTA Act and the Bylaws (1.) do require that any such development be built in accordance with Planning Board site plan review and other applicable Dover, state and federal laws, rules and regulations such as conservation, fire, water and septic; (2.) but do not require that any such housing be affordable, nor actually be built; and

Failure to Comply and Substantial Impact on the Capital Budget. Failure to comply under the MBTA Act may result in the Commonwealth's restriction of further grants to the Town, thereby having a significant impact upon the Town's capital budget, which, because of severe aging of infrastructure and equipment and increasing costs, is projected to be at record levels through 2031, cumulatively to be approximately \$20 million and as high as \$33 million, depending on road and bridge necessary repairs and rebuilding.

Therefore:

THE CAPITAL BUDGET COMMITTEE 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