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# TOWN OF MIDDLEBOROUGH REACHES SETTLEMENT OVER MBTA COMMUNITIES ACT LAWSUIT

MIDDLEBOROUGH — The Town of Middleborough is pleased to announce a settlement in its lawsuit concerning its compliance with the MBTA Communities Act (the Act), through an agreement that will allow Middleborough to retain local control in shaping the future housing needs of the Town.

🕒 MARCH 28, 2025



**CLIENT: TOWN OF MIDDLEBOROUGH  
MARK A. GERMAIN, SELECT BOARD CHAIR  
JAY MCGRAIL, TOWN MANAGER  
10 NICKERSON**

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Under the terms of the agreement reached on Wednesday, Middleborough will ask for Town Meeting approval to expand its current Chapter 40R Smart Growth Zoning Overlay District to create a new sub-district Clark area of Town. This will allow for additic

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for market-rate and affordable multi-unit housing near the MBTA Commuter Rail station.

In exchange, the Executive Office of Housing and Livable Communities (EOHLC) has agreed to accept the expanded 40R District in lieu of enacting a new MBTA Communities Zoning District. EOHLC has also declared that Middleborough is in interim compliance with the Act to allow the Town time to finalize this plan.

As a result of this agreement, Middleborough has withdrawn its lawsuit, but it has reserved the right to bring it back if Town Meeting does not approve the zoning map amendment and the parties cannot reach a new agreement.

The Town plans to ask Town Meeting to approve an amendment of the Town's Zoning Map to create a new 40R sub-district off East Clark Street. If enacted, properties in the new sub-district will be subject to the same requirements as properties in the other 40R sub-districts, including the requirement for site-plan review.

With the litigation aside, Town officials can focus on the important work of developing the zoning for the proposed sub-district, which will include a Planning Board public hearing and other opportunities for residents to learn about and provide input into the plan. This resolution will also ensure that the Town retains access to important state funding opportunities.

When Town Meeting voted last fall not to accept the creation of a new MBTA Communities zoning bylaw and district, Town officials listened to voters' concerns and set about to reach a resolution that would allow the Town to retain control over its zoning decisions and to create opportunities for affordable multi-family housing in ways that will meet the needs of the Town's economically diverse population.

"I want to thank the voters of Town Meeting for understanding the importance of maintaining local control

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and having faith in the Select Board, the Town Manager, and Director of Planning to find a solution to this matter,” Select Board Chair Mark Germain said. “We are pleased to find a compromise that works for the Town of Middleborough.”

“This is a huge win for Middleborough,” Town Manager Jay McGrail said. “We were able to work together to provide the state with the additional multi-family housing units it sought while preserving our Town’s ability to shape our own growth and development. I would like to thank our Director of Planning & Community Development Leeann Bradley and Town Council Gregg Corbo for helping us come to a creative solution that allowed us to resolve this dispute. I am also grateful to Lieutenant Governor Kim Driscoll, state Senator Kelly Dooner, and state Representatives Norman Orrall and Kathleen LaNatra. We wouldn’t have been able to resolve this matter without their assistance and guidance.”

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