

OPINION

Misguided MBTA Communities Act is based on a myth

It sets a dangerous precedent for the state to further usurp local control.

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The Avalon Norwood apartment building, on land that town officials rezoned as part of their plan to comply with a new state housing law. JOHN TLUMACKI/GLOBE STAFF

All municipalities are not equal. The highly controversial [MBTA Communities Act](#) seems to not recognize this reality.

In its bid to create a “one-size-fits-all” statewide solution, Beacon Hill enacted misguided legislation that fails to address our state’s housing-cost crisis. Meanwhile, the law has stripped our cities and towns of much of their zoning autonomy, setting a dangerous precedent for the state to further usurp local control. It is a real concern for our communities. I should know. I’m a local official who has seen the danger, firsthand.

Perhaps one of the most revered rights municipalities across Massachusetts have is the ability to regulate zoning within their own communities. This makes sense, as those closest to the issue are often the most well informed to decide what works best. This has afforded communities the ability to strategically plan development that considers issues of density, infrastructure, and economic vitality. Many such communities, including my town of Wakefield, have done this with great success.

The MBTA Communities Act strips away that local authority from 177 cities and towns served by the T, forcing them to comply or face serious consequences.

The state has imposed a powerful mandate to create at least one high-density multifamily housing district near public transit, using a complex standardized formula. Developers can circumvent local zoning processes and generally overbuild small parcels under the current regulations. Failure of an “MBTA Community” to comply results in a city or town being cut off from an ever-growing list of state grant funding and facing a lawsuit from the attorney general.

Some communities have nevertheless rejected zoning districts, and Needham is due to vote Tuesday. As for Wakefield’s compliance, after three failed attempts at spring Town Meeting, a revised plan was begrudgingly adopted with a small majority at fall Town Meeting. This plan, while technically complying with the requirements of the law, was deliberately drawn in a way to minimize opportunity for future development.

Last week's [decision by the Supreme Judicial Court](#), where the law was put to the test by the town of Milton facing off against the attorney general's office, highlights some of the law's serious flaws. Although ultimately siding with the AG that compliance was mandatory, the court found the state failed to follow the proper public process prior to establishing guidelines as formal regulations under the law. If only the Legislature had done as much before hastily enacting the law.

The notion that any city or town that has an MBTA bus or train is an MBTA-centric community is simply a myth. Wakefield has an "MBTA Community" designation because of available commuter rail service. For \$14 round trip, you can travel to North Station in Boston. This is a nice option to have, but it by no means replaces cars in our town. Wakefield's draw is its central location at the intersection of highways: Interstate 93 and Interstate 95/Route 128. In contrast, the commuter rail serves a very limited function for a small segment of residents: mostly getting to and from a Boston office.

While some municipalities are indeed MBTA-centric, most of the designated "MBTA Communities" are more like Wakefield, where the MBTA may have a presence but certainly not a dominant one.

The significant resistance and consternation at town meetings and within civic groups across the affected communities stem from the uniform approach that does not respect the unique characteristics of each community.

And, most remarkably, the law would not necessarily create more affordable housing, which is the crisis we face as a Commonwealth. In fact, this law explicitly mandates that adopted zoning compliance cannot place affordable-housing requirements on developers. Rather, [this law will simply provide the opportunity](#) for market-rate housing to be built, thereby failing to actually address the real issue.

Leaving local zoning decisions in the hands of our communities is a longstanding practice that should be preserved, not stripped away. If the state is truly interested in solving the housing crisis, put away that "stick" of cutting off funding and threatening lawsuits.

Instead, bring out the “carrot” and incentivize us, financially and otherwise, to think creatively about ways we can better address housing affordability within our own communities, respecting our infrastructure and autonomy. Otherwise, if we stay on the current trajectory, there’s an obvious question any municipality is right to ask: What is the state going to take away from us next?

Ed Dombroski is a three-term Wakefield town councilor, formerly chairman and currently serving as vice chair. He is managing partner at the family law firm of Travers | Dombroski PC in Boston.

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