

# ‘It’s an invasion.’ In towns across Eastern Mass., resistance grows against ambitious state housing law.

From Rockport to Wrentham, residents and town officials are vowing to push back on denser, transit-oriented housing

By [Andrew Brinker](#) Globe Staff, Updated March 3, 2024, 4:13 p.m.



Homes along the ocean in Rockport. VINCENT ALBAN FOR THE BOSTON GLOBE

ROCKPORT — On a brisk Wednesday a few weeks ago, residents filed into a meeting room on the second floor of the public library in this seaside town.

There were seafood industry workers, retirees, small business owners from all over Cape Ann, using words like “sovereignty,” “invasion,” and “blackmail.”

It sounded like the rumblings of a revolution. And in a sense it was: The meeting that night was another spark in the fast-growing resistance against the state’s ambitious new housing law,

which will require towns like Rockport to find room for waves of new apartments and condos by the end of this year. On the [heels of Milton's vote last month](#) to shoot down that town's version of the plan, those sparks are multiplying rapidly.

The law, known as the MBTA Communities Act, requires cities and towns served by transit to zone for more multifamily housing, in a bid by state lawmakers to tackle the region's deep housing crisis. But it does so by challenging the state's long, proud history of letting towns control their own zoning. And some residents are very unhappy.

"How close does this come to quid pro quo, extortion, or blackmail?" one man asked in that Rockport library. "And when can we send someone to jail?"

The pushback has been brewing on social media for the better part of a year, and in community meetings in public libraries and town hall basements all over Eastern Massachusetts, from Cape Ann to Wrentham, Winthrop to Holden, and it is boiling over now that Milton has defied the law.

Now officials in some towns are telling the state they simply will not comply, while residents in others are strategizing referendums of their own and organizing to take over Town Meetings and vote "No."

They see the effort as everyday people, the oft-ignored residents of Massachusetts' 351 cities and towns, taking on the powerful state government. And in some ways, it is a clash between a vision for the future of this state and the ideals of its past — a tradition of small-town self-government that predates even the American Revolution.

"Our Governor is totally out of touch with what the people want," Bellingham Select Board member Michael Hennessy wrote on Facebook recently. "You can vote NO on this matter. This is the state telling us that we need to develop more... and we need to push back."

That meeting in Rockport stretched on for hours, and at times broke into debates about whether the MBTA Communities Act is a state scheme to house migrants. (The law was passed in 2021, well before the state's shelter system was overwhelmed by an influx of migrants.) It featured a panel, including a lawyer named Michael Walsh, who in 2022 sued to overturn the act. The lawsuit is still pending.

Walsh talked at length about the rights of cities and towns, and how he thinks a law that influences local zoning is an egregious overstep by the state government.

“If you have your own sovereignty within your municipal boundaries, what business does the Legislature have telling you what to do?” he said. “If zoning is a local power, then they definitely can’t tell you how to use it, or when or where or how.”

The meeting was organized by a local political action committee, and word about it circulated on a Facebook page called [Don't Boston My Cape Ann](#), where posts range from conspiracy theories about the elimination of single-family homes to strategizing about how to defeat the MBTA Communities Act at the state level. The group is holding similar meetings in other Cape Ann communities, including Gloucester, where local officials are currently working on a plan that would meet the law’s requirements.

“It’s an invasion,” said one resident at that Rockport meeting. “Everybody needs to wake up and get to these meetings and shut it down.”

The mounting opposition presents a tricky situation for officials in towns like Rockport. Like many smaller communities in Massachusetts, it conducts much of its business through open Town Meetings. When zoning amendments came up for a vote last year, only about 300 of the town’s 7,000 residents voted. It wouldn’t take much, said Planning Board chair Jason Shaw, for an organized opposition group to block an MBTA Communities plan.

“If we don’t have enough thoughtful people who understand what’s really going on here, [a zoning proposal] will be defeated, because there will be people who just don’t want any change at all,” said Shaw, [who says Rockport needs more housing to maintain its economic vitality](#). “It is pretty easy to imagine a group getting 30 or 40 people to go to Town Meeting and vote, and kill this zoning.”



Rockport Planning Board chairman Jason Shaw at the town's Commuter Rail station. SUZANNE KREITER/GLOBE STAFF

There are housing advocacy groups on Cape Ann, like Housing for All Gloucester, that are working to bring out supporters too. But in close-in communities that debated their new zoning last year in order to meet an end-of-2023 deadline, including Milton, Newton, and Brookline, similar pro-housing groups struggled to combat opposition campaigns, leading to plans that were watered-down or — in Milton’s case — defeated outright. Some 130 cities and towns — many governed by Town Meeting — are in the “second wave” of towns due to craft their plans this year.

Resistance has spread well beyond Cape Ann. Town officials in several communities have taken votes in recent weeks to ask the state for exemptions, with the caveat that if they do not receive those exemptions, their next move may very well be outright defiance.

The Select Board in Wrentham, for example, [sent a letter to Governor Maura Healey this week](#) saying that if the town complied with the MBTA Communities Act, it would “lead to the destruction of the small-town New England charm we’ve come to love.” The letter requested a reduction of Wrentham’s requirements under the law.

The Healey administration has been denying such requests, but each time it does so, has repeatedly emphasized that it wants to work with local leaders to help them comply.

“The Healey-Driscoll Administration values our strong partnership with local cities and towns to move Massachusetts forward,” Housing Secretary Ed Augustus wrote recently in a letter to the Town Council in Winthrop.

But the tone has grown harsher recently. In Wrentham, Select Board members complained that the zoning is being “shoved down our throats.”

“There’s a lot of towns fighting this,” Select Board member Christopher Gallo said in a recent meeting. “Everyone that shakes their head and says, ‘We’re never going to win,’ refer back to ‘We the people.’ All it takes is a few communities to say, ‘No, we need to pump the brakes, this is not what our voters want.’”

And there are growing signs that some towns may be entertaining the idea of teaming up and resisting together.

A Wrentham Select Board member, for example, said at a recent meeting that she has met with leaders of Milton’s “No” campaign, as well as officials in other towns that are considering defiance. There is even a private Facebook group run by a Manchester Planning Board member for MBTA Communities opponents statewide to discuss happenings in different communities.

The Healey administration is attempting to get out in front of the rising resistance to the law. When [Attorney General Andrea Campbell sued Milton](#) last week, housing advocates said it sent a message to other communities that the MBTA Communities Act is a law, and that they have no choice but to comply.

And legal experts say Campbell has a strong case. While Massachusetts has long deferred to towns on zoning matters, the ultimate power over land use resides with the state, experts say, and there are several state laws that override local zoning control, including Chapter 40B, which allows developers to bypass land-use rules in towns that don’t meet state affordable housing standards.

But to some opponents, that lawsuit already serves as a rallying cry.



Attorney General Andrea Campbell has sued the Town of Milton after residents voted to overturn the town's MBTA Communities zoning plan. JESSICA RINALDI/GLOBE STAFF

“From a public policy standpoint, a lawsuit by the attorney general against the Town of Milton is an attack on democracy,” said Peter Lukes, the town administrator in Holden, a Worcester County town that last year was one of the first places that said it would not go along with the MBTA Communities Act, and [was sued by advocacy groups](#). (The lawsuit was dismissed on procedural grounds.) “Milton voters expressed themselves in a free and fair election.”

Few towns have seen more resistance than Winthrop, where residents have been filling Town Council meetings in recent weeks, promising to trigger a referendum or vote out council members if they support a new zoning plan. They’re circulating [“Winthrop says no”](#) graphics on social media, depicting wrecking balls demolishing single-family homes and cash-hungry developers displacing renters.

The Town Council, it seems, has received the message, [sending a letter to the Healey administration](#) asking to have Winthrop’s requirements under the law lessened. Last week, Augustus declined that request.

But many of the council members have spoken openly about defying the law, some as a matter of principle.

“I’m a no,” Town Council President James Letterie said at a recent meeting. “I’m a no at 800 units. I’m a no at one unit. Not because of the number of units, but because we’re being told what to do with our town. I think it’s unconstitutional.”

---

Andrew Brinker can be reached at [andrew.brinker@globe.com](mailto:andrew.brinker@globe.com). Follow him [@andrewnbrinker](https://twitter.com/andrewnbrinker).

[Show 705 comments](#)