

Rockport residents file lawsuit, allege plan to comply with MBTA zoning law is unconstitutional

By [Travis Andersen](#) Globe Staff, Updated April 29, 2024, 4:23 p.m.



Beachgoers soak in the sun on Long Beach in Rockport, Mass. In a federal lawsuit against the town, a group of Rockport residents claim a zoning plan would adversely impact housing values in that area. VINCENT ALBAN FOR THE BOSTON GLOBE

A group of Rockport residents filed a federal lawsuit against the town on Sunday, claiming that its zoning plan to comply with a new state housing law for communities served by the MBTA is not constitutional, according to court records.

The civil complaint, filed in US District Court in Boston, claims the zoning plan, which would allow multifamily housing in a designated part of town, will have an adverse impact on housing values in that area.

The residents want the court to declare that the proposal “inflicts upon the affected neighbors a withdrawing of the security of tighter zoning, primarily single-family zoning, and accompanying greenspace which influenced the purchase of their houses and maintenance of their homesteads,” according to the lawsuit.

By allowing denser housing in the area, the zoning change “undermines dramatically the expectation of the property owners in their parcel,” the residents claim. “The proposed district encompasses both higher and lower value houses, but on whole inflicts the cost of complying with MBTA Zoning on one of the less well-off areas of town.”

The town hadn’t responded to the suit as of Monday afternoon. The lawsuit was previously reported [by Universal Hub](#).

The lawsuit marks the latest opposition to the controversial law, which requires [177 municipalities served by the MBTA](#) to permit more multifamily housing in an effort to ease the state’s housing crunch. Last week, voters in Marshfield [rejected zoning changes](#) to comply with the law.

“The residents who attended Town Meeting are very much concerned about the welfare and well-being of the town and the adverse impacts of having to add over 400 new multifamily units on top of all of its significant efforts to create new low and moderate income housing,” Marshfield Town Counsel Robert W. Galvin said in a statement after the vote.

In February, voters in Milton [rejected proposed zoning changes](#) to comply with the law.

About 54 percent of voters opposed the referendum. State officials said the town stood to lose grant funding, and Attorney General Andrea Joy Campbell quickly sued over Milton’s failure to comply with the law.

A state Supreme Judicial Court justice [ruled in March that the full court will hear the lawsuit](#) later this year.

“I believe that this case raises novel questions of law which are of public importance, and which are time sensitive and likely to recur,” Justice Serge Georges Jr. wrote.

He scheduled oral arguments in October, not in May as Campbell's office had hoped. That means a final ruling may come during, or even after, the fall Town Meeting season, when some 130 municipalities are due to consider zoning that the law requires be completed by year's end. That could present huge logistical challenges, depending on how the court rules.

"Marshfield, like other municipalities categorized as 'commuter rail' and 'adjacent' towns under the MBTA Communities Law, has until the end of 2024 to come into compliance with the law," Campbell said last week in a statement. "I applaud Marshfield's officials for taking proactive steps toward compliance well before their deadline and encourage the town to consider another MBTA Communities zoning article at another town meeting prior to the end of the year."

State officials said 35 communities have already approved zoning bylaws meant to comply with the law, including Abington, Braintree, Dedham, Pembroke, Plymouth, Quincy, and Scituate.

Material from prior Globe stories was used in this report.

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