

## LOCAL NEWS

# Winthrop and Medway among the latest towns to chafe against the MBTA Communities Act

There's a rising wave of pushback in several towns and cities staring down a year-end deadline to zone for more multi-family housing.



An arctic view looking at the Winthrop shoreline toward Logan Airport and the City of Boston.  
*David L Ryan/Boston Globe Staff Photo, File*

By **Abby Patkin**

August 15, 2024



73

With **high transportation and living costs** driving Massachusetts residents out of state, the pressure is on to develop more multi-family housing in areas with access to Greater Boston's public transit.

And while proponents say the MBTA Communities Act will do just that, there's a **rising wave of pushback** in several towns and cities that are now staring down a year-end

deadline to expand their zoning.

Medway and Winthrop are some of the latest hot spots in the battle over the MBTA law, which requires 177 communities served by or located near the T to zone for more multi-family housing. Signed by former Gov. Charlie Baker in 2021, the law has faced resistance from some who say the zoning edict is too broad or amounts to state overreach.

“I think that it’s a one-size-fits-all approach that doesn’t allow the commonwealth to recognize the uniqueness of each community,” said state Rep. Jeffrey Turco, who represents Winthrop and has been a vocal critic of the law.

## **What does the MBTA Communities Act do?**

The MBTA Communities Act sets “unit capacity” targets for each community’s zoning — in other words, how many units could be built in a specific zone if the land were totally empty. Under a Dec. 31 deadline to submit compliance plans, Winthrop is charged with developing zoning to accommodate a theoretical 882 units, while Medway must zone for 750 units.

But as Turco pointed out, those figures are based on the amount of existing housing in each community and don’t necessarily take into account current density or resources.

**PREVIOUSLY:**



**What is the MBTA Communities Act? More towns move to block multi-family zoning.**

**Here's why readers say their town shouldn't comply with MBTA Communities Act**

**'It's an invasion.' In towns across Eastern Mass., resistance grows against ambitious state housing law.**

“I think it becomes an unfunded mandate on local government, on local schools,” Turco said in a phone interview, also contrasting the difference between towns like Winthrop and larger, wealthier communities west of Boston.

“It’s going to be the working class communities that suffer the repercussions of the density requirements, whereas the tonier communities won’t,” he said.

Meanwhile, **advocates and policymakers** say the law is another tool to help Massachusetts turn the tides in its worsening housing crisis. Dozens of communities **have already adopted zoning** intended for compliance with the MBTA law, per data from the state’s Executive Office of Housing and Livable Communities. In several other towns, voters have **shot down** zoning plans and sent local leaders **back to the drawing board**.

A “rapid transit community” with a 2023 deadline, Milton led the way for noncompliance when it passed a zoning plan last year, only to **overturn the changes** months later. The town now faces the loss of some state funding, and Attorney General Andrea Campbell **filed a lawsuit** against Milton over its noncompliance. The Supreme Judicial Court will hear the case in October.

Another legal battle is underway in Rockport, where a group of residents has **filed a federal lawsuit** to challenge the town’s attempt to comply with the law.

## **‘A hammer over the heads of working class communities’**

Opposition is raging in Winthrop, where residents have **petitioned** the Town Council, held demonstrations, organized a community forum, and even taken legal action in an attempt to block zoning changes under the MBTA law.

Back in January, 10 concerned residents formed the group “**Winthrop Says No to 3A**,” a reference to the applicable section of the state zoning act. Answering a series of questions via email, the residents said they worry that an increase in density could further strain the town’s finances and infrastructure and potentially choke the peninsula’s limited egresses.

The state has made several changes to the MBTA Communities Act guidelines since issuing draft requirements in 2021, and the concerned Winthrop residents argue that evolving guidelines pose a challenge for effective, long-term planning. On the flip side, state housing Secretary Edward Augustus told Winthrop's Town Council in a February **letter** that the changes "substantially reduced" the town's burden while providing Winthrop greater flexibility for siting its multi-family zoning.

But Turco said the advertised flexibility only applies if communities are already moving toward more density and more housing.

"It doesn't give flexibility for a community that says, 'The conditions on the ground for us don't call for more density, don't call for more units,'" he said. "And so there is no flexibility there. It's essentially a hammer over the heads of working class communities."



Passengers at the Framingham MBTA commuter rail stop. – Michele McDonald for *The Boston Globe*, File

---

In Medway, the town's Select Board sent a **letter** to Gov. Maura Healey and other state officials last month voicing the community's formal opposition to the law, as the ***Milford Daily News*** reported. Medway delayed a vote on zoning changes until its November Town Meeting in an effort to collect as much information as possible from

the state and other cities and towns opposing the law, Select Board member Dennis Crowley explained in a phone interview.

He said the community's concerns are mixed; some worry about a hypothetical wave of new residents flooding the town's schools, necessitating more emergency personnel, and possibly even putting Medway over capacity for water and sewer services.

Others worry about new zoning shaking up their neighborhood.

"It's one of those 'not in my backyard' syndrome kind of things," Crowley said. "And it's justified, because if it was in my area, I'd be raising the same issues myself."

## **What happens if cities and towns don't comply?**

Milton serves as something of a cautionary tale for what could happen if MBTA communities fail to hit their deadlines. Campbell issued an **advisory** clarifying that noncompliant communities may be subject to civil enforcement action and the loss of some state funding, possibly even risking liability under federal and state fair housing laws.

"A coalition of Democrats and Republicans passed the MBTA Communities Law, and it's my job to enforce it," Campbell said in a statement. "Compliance with the law is mandatory, and this law is an essential tool to address our housing crisis, which sadly is leading to more and more residents leaving Massachusetts."

She asserted that the law gives towns and cities "considerable discretion" when it comes to developing zoning that fits their community.

"It's nonsense to suggest this law is hurting working class residents when in fact it will help our public employees, teachers, nurses, and first responders stay and live in the community they choose," Campbell said.



Denny Swenson and John Keohane, volunteers from “Residents for Thoughtful Zoning,” walk through a Milton neighborhood in February and knock on doors ahead of a vote on MBTA Communities Act compliant zoning changes. – *Erin Clark/Boston Globe Staff, File*

While Turco said he never wants to see Winthrop or any other community lose out on state funding opportunities, he asserted that the “detrimental effect of making a developer’s bonanza in Winthrop will far outweigh the loss of grant money from the commonwealth.”

He suggested a better use of state resources might be the **East-West rail project**, which would beef up train service to Western Massachusetts and, advocates say, **offer feasible housing solutions** outside the Greater Boston area.

Like Turco, “Winthrop Says No to 3A” asserted that the cost of accommodating the MBTA law within the town’s 1.6 square miles “is simply more than we can bear as a community.”

The group also said that rather than levying penalties, the state should offer incentives to towns and cities that can handle MBTA Communities Act zoning changes and allow communities to opt out without the threat of litigation or funding loss.

“In the event Milton loses in October, we will appeal until we win,” the Winthrop residents said. “The law is unconstitutional, and we will not be bullied by the state. It is disheartening to be treated this way by the very people we elect and trust to represent us.”

## Boston.com Today

Sign up to receive the latest headlines in your inbox each morning.

Email Address



Sign up



**Want to leave a comment?**

[Create an Account](#)

**Or sign in to your account**

Be civil. Be kind.

[Read our full community guidelines.](#)

## Most Popular

