

Government & Regulations

Residents of North Shore town sue state over MBTA zoning law



Appleton Farms spans Hamilton and Ipswich on the North Shore. Hamilton residents are suing the state, arguing that the small town's requirements for residential zoning are too strict.

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A dozen residents in the North Shore town of Hamilton has sued the state over the law that mandates municipalities to zone for denser housing development by right if they or a neighboring town has an MBTA station.

The residents argue that the MBTA Communities Act, as the 2021 law is known, wrongly requires the town of about 7,600 to zone for 50 acres that could eventually accommodate up to 731 housing units.

The lawsuit contends that Hamilton's requirement should be lower because the Hamilton/Wenham commuter rail station — part of the Newburyport/Rockport line — serves both neighboring towns. The station straddles the border between the two.

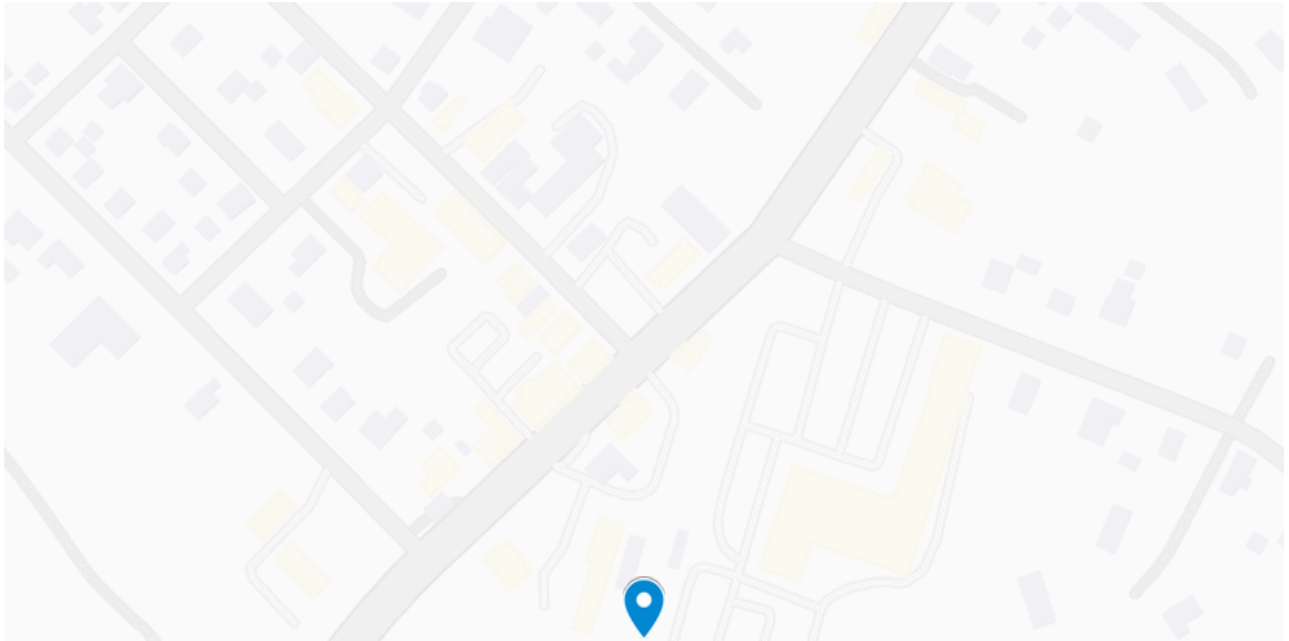
“With only a single MBTA station, both towns cannot be considered commuter rail communities,” the residents said, using [the term in state law](#) that describes cities and towns that host a commuter rail station.

The lawsuit says that Hamilton is further hampered by more than 100 acres that are exempt from zoning changes because it belongs to the Gordon-Conwell Theological Seminary. The residents want to be categorized as an "adjacent community" in the zoning law, as nearby towns Danvers and Middleton are.

Another argument, that the law imposes additional costs on towns that aren't reimbursed, appears to be similar to an argument made in Rockport. In that case, a suit in Lawrence Superior Court was dismissed last year.

Hamilton/Wenham MBTA station ☆

☐ This map was made with Google My Maps. [Create your own.](#)



The Hamilton lawsuit, filed in Suffolk Superior Court on April 30, will go before a judge specially assigned to MBTA Communities Act cases, Mark Gildea.

Attorney General Andrea Joy Campbell said in a statement: "I am grateful to the majority of communities that understand the importance of responsible zoning, and my office and I intend to successfully defend this law in court."

The state has gone to court before over the residential zoning law, which seeks to make it easier for developers to build more densely near MBTA subway and commuter rail stations.

In the most prominent case, Campbell [sued the town of Milton](#) after residents there [voted down a zoning plan](#) that would have complied with the law. In January, the state Supreme Judicial Court [upheld most aspects](#) of the MBTA

Communities law but also required the state to make formal regulations, not "guidelines" for communities to follow.

Needham voters also [rejected the zoning law](#) in a referendum in January. In all, 177 cities and towns in eastern and central Massachusetts are subject to the law.

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