

HOUSING

Winthrop rejects MBTA Communities zoning plan

The move puts the town at risk of losing state grants



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Winthrop is the latest flashpoint in the battle over the MBTA Communities law.

WITH THE DECEMBER 31 MBTA Communities Act deadline fast approaching, the Winthrop town council has rejected the only viable zoning plan that would allow the community to comply with the law, which was passed to help alleviate the housing shortage plaguing Massachusetts.

The MBTA Communities law requires the 129 cities and towns served by the MBTA to approve new zoning for multi-family housing. Milton refused to comply in February through a town-wide vote after an intense local campaign against the state law. Attorney General Andrea Campbell took the town to court in the same month, asking the court to compel Milton to create a compliant zoning plan. Campbell had initially hoped that the Supreme Judicial Court would provide clarity well in advance of December 31, but the SJC didn't take the case up until October.

Now, many municipalities around the state are waiting for the SJC to weigh in. Campbell has indicated that she plans to sue any town or city that doesn't comply with the law and has [warned Winthrop](#) specifically.

In mid-November, Winthrop's town council rejected a zoning compliance plan its planning board unanimously recommended. The vote was close – 4 to 3 with one council member recusing himself because he works for the Massachusetts Department of Transportation and another abstaining from voting after putting forth a motion to table to vote until the SJC releases its decision on Milton. Theoretically, the council can ask the planning board to come up with another plan to vote on or choose to call a revote before the Dec. 31 deadline, but that possibility gets smaller with each passing day.

Jim Letterie, town council president, has said that he will vote no on any plan that aims to put Winthrop in compliance with the state law. “I don't think it's a good fit for Winthrop,” Letterie said in a phone interview. “My job is to listen to my constituents, and my constituents are overwhelmingly against compliance.”

State Rep. Jeffrey Turco, who represents Winthrop, has repeatedly criticized the law and said that municipalities have a right not to comply.

The chair of the town's planning board, Christopher Boyce, has said that the proposed zoning plan will have “[no real impact](#)” on the town because it creates the new districts in places that have enough existing multi-family housing units to comply with the law.

Winthrop Working Together, a local group dedicated to addressing climate change, transportation and other issues, is [urging](#) the town council to reconsider approving the zoning plan. Members of the group – which included Town Councilor Joe Aiello – have argued that it would be costly for the town to refuse to pass zoning ordinances in accordance with the MBTA Communities Law. The state has threatened to withhold a suite of state grants from municipalities that don't comply. There is also the possibility that Campbell will sue Winthrop as she did with Milton.

“We can say no, and we will get zero units and poke the state in the eye,” said Aiello, who chaired the MBTA Fiscal and Management Control Board that oversaw the T from 2015 to 2021. “I don't want to end up in court. I don't want to get shut out of dollars that need to come into our community.”

Diana Viens, the leader of a resident group that has been fighting compliance with state law in the town, applauded the council's decision to vote down the compliance plan.

“It was the right thing to do,” said Viens. “This is a densification law, and it's impossible for us to take on 3A and keep our citizens safe and maintain our quality of life and the character of our town,” she said, referring to the section of the state zoning code that the MBTA Communities Act is part of.

Falling out of compliance could mean that Winthrop doesn't get much-needed state dollars for a variety of projects, including those aimed at mitigating the effects of climate change. Flood mitigation is one area that Cassie Witthaus, a member of Winthrop Working Together, believes the town will need grant funding to address. Witthaus, a project

manager at a Chelsea affordable housing non-profit, The Neighborhood Developers, is also worried that losing state money while also potentially defending against a lawsuit from the attorney general will impact the town's ability to do things like makeup already existing budget shortfalls.

"There is a direct impact of the choices that we are making," she said. "They're deciding to say, 'no' just to be like, 'Hey, look at me. I'm standing up to the man.' That's going to cause more harm."

Winthrop is not alone in following Milton's example. There are around 30 communities that are set to not be compliant by the December 31 deadline including Dracut, Middleborough, and Wrentham. Like Milton, three communities – Needham, Shrewsbury, and Gloucester – have put an approved zoning plan up for a town-wide vote after their town councils passed approved zoning.

Gloucester **will not be in compliance** by the December 31 deadline. The city council passed a zoning plan in October that would have made the community compliant, but a group opposed to the law gathered enough signatures to suspend the zoning rules until residents can vote on them. If the residents vote down the zoning ordinance changes, the city would remain out of compliance. Gloucester's mayor has warned that the city stands to lose millions in state funding.

The Executive Office of Housing and Livable Communities, which is tasked with administering the state law, emphasized that many municipalities are actually working to comply with the MBTA Communities Act. More than 110 communities have passed multifamily zoning.

Alongside Winthrop and Gloucester, there are several other municipalities that will likely not be in compliance by the December 31 deadline.

Even when the SJC does issue its ruling, there is concern that the communities will still choose to not comply. Turco has said previously that he will encourage towns like Winthrop to continue to stand up against the law even if the SJC tells Milton that it has to comply.

Viens said that she and her group will continue to oppose the MBTA Communities Act even if the SJC rules in favor of the attorney general.

"The decision coming down would make it clearer for people that there will be a huge impact for us, but I don't think making the call based on information is actually where some of the town councilors are coming from on this," said Whitthaus, of Winthrop Working Together. "It feels like some folks have just decided to dig in on this, saying 'I'm standing up for the people, and I want to die on this hill.'"