

April 14, 2025

Stow Planning Board and Select Board
380 Great Road
Stow, MA 01775-4534

Dear Planning Board and Select Board:

Re: Comments on Stow's Proposed 3A Multi-Family Overlay District

There has been much discussion about the Planning Board's approach to siting a 3A Multi-Family Zoning District in Stow. There is no doubt that Stow is expected to achieve compliance with all Section 3A requirements (3A of M.G.L. c. 40A), and I support the general intent of this initiative. There is much doubt, however, about the methodology and process used by the PB to find an appropriate location for this district. Below is an expanded version of a recent "Letter to the Editor" printed in the Stow Independent on April 2, 2025. Maybe it's of interest to some of you.

"Proposed 3A Multi-Family Zoning District – Not Ready for Prime Time"

Stow's Planning Board (PB) has proposed an ill-conceived "Multi-Family Overlay Zoning District" immediately east of the Lower Village Business District (LV-BD) between the cemetery and Maynard's town line. The East Lower Village (ELV) neighborhood has (as of now) been preliminary selected to fulfill Stow's entire multi-family housing obligation under Section 3A of the MBTA Communities Act.

This proposed district, currently zoned and reserved for single-family homes, would now allow for the development of 139 housing units "by right" on 9.3 acres of land (i.e., 15 units per acre). This could eventually result in the densest housing development ever allowed in our town (by more than a factor of 3). The 3A Act also prohibits Stow from requiring Special or Comprehensive Permits from overzealous developers, thus further eroding the rights and protections typically used by homeowners (and abutters) to help mitigate the negative impacts of unbridled development.

Although 3A housing is a town-wide obligation, the PB now appears to have decided that it is appropriate for one existing single-family neighborhood to shoulder Stow's entire 3A compliance burden. As with many residential neighborhoods in town, this area has already been reserved by "Stow's Zoning Bylaw" for "typical, single-family homes," and is, in fact, fully occupied and developed. Yet now, the town expects a small group of homeowners (in a single-family neighborhood) to forgo their peaceful, quiet, and rural way of life so the rest of Stow can remain untouched by Stow's 3A mandate.

1. A Failed Mission and Siting Process

The PB has, to date, made no sincere attempt to reach out, learn, understand, or discuss the negative impacts this overlay district would likely have on this neighborhood's way of life. No effort was made to seriously examine the potential environmental, economic, traffic, and safety impacts of a housing development of this magnitude at this location. In addition, the PB conducted no meaningful community outreach before making its decision. Most residents did not even learn their properties were targeted until reading about it in the Stow Independent on April 2, 2025. As of this writing, no PB member has even bothered to visit or tour the 3A district they've proposed. More concerning, it appears that traditional town norms involving equity, shared sacrifice, and protecting the rights of individual property owners have been tossed to the curb.

Stow has no legal obligations to put a 3A district on top of an already densely occupied neighborhood that has always been exclusively reserved for single-family homes. The statute clearly allows 3A districts to be located anywhere in Stow, including scattering them among multiple smaller locations in town. But for some odd reason, the PB did not consider locating this district in one of the many undeveloped, under-developed, or degraded properties within Stow; locations that would present little to no impact to existing homeowners living in single-family neighborhoods. The PB is well-aware of more suitable and equally compliant locations; however, it has not, to date, seriously considered or evaluated them. This is baffling; the PB should have done this, and they should do so now.

2. Family Neighborhoods Are Not Free-Use Tools to Help Solve LV-Business Problems

There is a mistaken (yet still widely held) belief that a 3A zone offers Stow a unique opportunity to help spur more desirable economic activity in the LV-Business District (LV-BD). It might even help us re-create a walkable “pseudo-version” of a New England-style village (that never existed beforehand). I can’t help but believe there’s more than a touch of magical thinking at work here. No economic impact studies or “on-the-ground” facts support these subjective and unsupported notions. As you might imagine, these beliefs are most often held by those living far removed from the LV-BD, who possess little or no understanding of how our business district interacts with surrounding residential neighborhoods. This is also belied by my 33+ years living in the greater LV area and closely observing the economic evolution of our retail district (including being actively involved in town affairs and multiple LV improvement initiatives).

As most of us now realize, improving LV-BD prosperity is primarily related to helping business enterprises obtain more access to water (at least on the south side of 117), and finding ways to attract more creative and imaginative developers, landlords, and retail businesses to the district. Some zoning tweaks (exclusively within the LV-BD) and even a few publicly financed physical enhancements might also be helpful. Please keep your focus on achieving compliance with our 3A housing obligations (as the law intended), and not on how the town might use 3A as a dubious and unproven tool to help solve extraneous LV-BD problems (at the expense of nearby single-family neighborhoods).

Those of us who live in the greater LV area are also Stow citizens. We bought properties and built homes in single-family zoned neighborhoods and had every expectation that their zoning would remain unchanged. We moved here to enjoy our lives, raise our families, and perhaps even retire in our current homes. And we expect the same rights and considerations that any other citizen or neighborhood in Stow expects. Picture the single-family neighborhood(s) many of you live in; then ponder how much you’d like being treated in this manner. Would you enjoy living in (or abutting) a neighborhood now rezoned to incentivize the building of 139 housing units on 9.3 acres (15 units per acre)? I think not.

3. Ill-Conceived Evaluation Criteria Leads to Poor Decision Making

The PB relied on an extraordinarily narrow and skewed set of evaluative criteria to help it screen for suitable 3A locations. For example, the PB decided (and documented) that it intended to exclude consideration of the following:

- All non-residential districts;
- Residential-zoned districts that have not yet been developed;
- Areas containing undeveloped open spaces that are not currently protected or restricted;
- Parcels that allegedly have historic and rural views (including golf courses);
- Commercial, Industrial, and Business-zoned districts (no matter how undeveloped, under-developed, or degraded they may be);
- Contractor yards and semi-blighted locations in the LV-BD and other areas in town; and
- Properties that are believed by some to contain sensitive natural resources.*

**Please note that the PB has also failed to acknowledge the East Lower Village has extensive natural and environmental resources worth protecting. This includes several ponds, multiple wetlands and vernal pools, a wildlife corridor (for deer, turkeys, bobcats, etc.) that connects directly to Maynard’s 45.6 acre “Summer Hill Conservation Area,” nesting habitats for turtles (e.g., painted turtles, box turtles, and snapping turtles), owls, deer, and even blue-spotted salamanders protected under the Massachusetts Endangered Species Act.*

The PB has now inexplicably decided to prioritize the preservation of the above-listed property categories over properties that have, heretofore, always been zoned as single-family neighborhoods. Even worse, during the PB's review of suitable 3A locations it ignored and failed to consider the most important criteria of all, i.e., *"first, do no harm."* The PB and other town officials have a professional and moral obligation and duty to eliminate (or minimize) harm to those most likely to be negatively impacted by its policy decisions. In my opinion, this would rightly include the importance of preserving the well-being of existing single-family neighborhoods, including the homeowners, taxpayers, and citizens who live there. Contrary to the PB's stated mission on its webpage, it has not done this.

Many neighboring towns (e.g., Acton, Maynard, Concord, Harvard, Sudbury, Littleton, Wayland, and Weston) have all, to a large extent, found ways to locate their 3A districts away from single-family residential areas. For example, Acton and Maynard located the lion's share of their 3A districts within underdeveloped (even blighted) Industrial, Commercial, and Business zones along Powder Mill Road. In conversations with colleagues in neighboring towns, it is clear they decided to do this to avoid disrupting existing single-family neighborhoods. But Stow's PB has not seriously entertained this type of option, and, in this sense, the PB's current 3A siting process has failed. I urge the PB (and town) to begin to rectify this oversight expeditiously.

4. Failure to Protect What Citizens Love Most About Stow

Finally, the PB has failed to protect the rights of all Stow citizens to enjoy the top four things that residents most love about Stow. According to Stow's Comprehensive Plan update initiative, these include:

- The *"abundance of nature,"*
- The *"strong sense of community,"*
- The *"rural setting,"* and
- The *"quietude and serenity of the area."*

Residents and abutters in the so-called East Lower Village possess similar sentiments, and they live and currently enjoy them in great abundance in their existing neighborhood(s). Why would the town, or anyone living in our town, be so insensitive as to expect one beautiful and proud residential neighborhood to potentially forgo those things that every other citizen loves about Stow? Especially, when there is no need or requirement to do so.

All Stow citizens seek ways to enjoy, maintain, and improve the quality of their lives. The proposed 3A Multi-Family Zoning District, as currently conceived, has the potential to deny us these dreams. I urge the PB (and town) to think deeper, broader, and with much more sensitivity to LV homeowners who, like me, feel unfairly targeted by this troublesome proposal. It does not have to be this way, and it shouldn't.

Sincerely yours,



Brian A. Martinson

Also posted on April 12, 2024, to the following Stow Facebook Groups:

Town of Stow, MA (unofficial) – Community Page | Facebook

Stow, MA – Information and Discussion (Town meetings, Elections, Etc.) | Facebook

Town of Stow, Massachusetts (UNOFFICIAL) | Facebook