

TOWN OF STOW
PLANNING BOARD

Minutes of the August 6, 2014 Planning Board Meeting

Planning Board Members Present: Lori Clark, Ernie Dodd, Mark Jones, Len Golder, Steve Quinn

Voting Associate Member: Margaret Costello

Non-Voting Associate Member:

Lori Clark called the meeting to order at 6:30pm

Wheeler Road Hammerhead Lot Special Permit and Site Plan Approval Continuation for Lot 2C Wheeler Road.

Present: Scott Hayes – Foresite Engineering

Scott Hayes explained the process for the continuation of the hearing, noting that one of the only outstanding issues for the Board to discuss is whether there should be an easement for a maintenance requirement of the rain gardens.

Karen Kelleher said that in the draft decision, the Board has proposed a maintenance agreement for the existing common driveway for the new homeowner. The Board agreed that an agreement for a common driveway should be maintained and attach a rider to the deed requiring the maintenance of the drainage basins. Scott Hayes said he will submit proposed language as a condition of the decision and it will be attached to the deed. Lori Clark said attaching the language to the deed will provide context to future homeowners who may not be otherwise aware of the drainage basin maintenance obligations. Scott Hayes said the maintenance is fairly simple annual work, consisting of cleaning out debris and checking for erosion in the rain gardens.

Tom Maher of 30 Whitney Road asked if the drainage issues had been addressed by the Town's consulting engineer. Lori Clark said that the engineer did issue a letter to the Board stating that the revised plans adequately address the all of her previous notes.

Steve Quinn moved to close the public hearing.

Mark Jones seconded the motion.

VOTED: (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn)

Review of Wheeler Road Hammerhead Lot and Erosion Control Special Permit and Site Plan Approval Decision

Mark Jones asked what would happen if there is erosion outside of the stormwater mitigation areas, what would the course of action be? Karen Kelleher said the Building Inspector could step in to enforce the bylaw stating that the rate or volume of runoff shall not be increased off of a site.

Ernie Dodd moved to approve the Decision of Lot 2A Wheeler Road Hammerhead Lot and Erosion Control Special Permit and Site Plan Approval.

Steve Quinn seconded.

VOTED: (5-0) Unanimously in favor.(Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn)

Discussion of Meeting Minutes

Minutes of July 9, 2014

Ernie Dodd moved to accept the minutes amended.

Steve Quinn Seconded.

VOTED (5-0) Unanimously in favor (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Minutes of July 16, 2014

Ernie Dodd moved to accept the minutes of July 16, 2014 as amended.

Len Golder seconded.

VOTED (5-0) Unanimously in favor.(Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn)

Planning Board Member Updates

None.

Planner's Report

Lower Village

Karen Kelleher informed the Board that the Lower Village Traffic and Design Forum is scheduled for August 13th. Karen Kelleher added that the Deerfield Lane legislation was signed by the Governor today.

Cushing Subdivision

Karen Kelleher noted that the Board has received a Definitive Subdivision Plan for 117 Walcott Street. The hearing is scheduled for August 20th.

Gleasondale Neighborhood Group

Karen Kelleher noted that planning staff met with a group of residents representing Gleasondale Village to discuss the process for creating trails as the Kane well site, plantings and other streetscape improvements to the Town owned school lot among other topics. Staff are planning to get the trails issue on the Board of Selectmen's agenda.

MAGIC Meeting

Karen Kelleher reported that she attended the MAGIC Meeting and included information in the Planning Board packet.

Adams Drive Hammerhead Lot Special Permit

Karen Kelleher reported that an Adams Drive Hammerhead Lot Special Permit is scheduled for September 10th.

Lori Clark said that she will be out the third week of September, and Lenny Golder said he will also be out of Town on the 24th September.

Randall Road Earth Removal Permit

Mark Jones said that the Selectmen should ask for revisions on the Earth Removal Permit. Margaret Costello asked if there was a possibility of requiring a retaining wall. Karen Kelleher said that the Planning Board could possibly make a recommendation to the Board of Selectmen.

Collings Foundation Erosion Control Special Permit and Site Plan Approval Continuation

Lori Clark opened the Public Hearing and read the public hearing guidelines. The Public Hearing Guideline document is attached.

Present: Robert Collings; Robert Collings Jr.
Jim Coull – J.M Coull Inc.
Steve O’Connell – Andrews Survey and Engineering

Bob Collings said he has responded to Planning Board requests in writing and will address the questions to the meeting participants. Bob Collings read from a prepared statement, quoting Wikipedia.com in explaining that the Dover Amendment exempts educational corporations from certain zoning restrictions and allows developers to build facilities that would be considered inappropriate by some in a community. Bob Collings said this language in Massachusetts General Law prompted the Planning Board to adopt Section 9.9 of the Stow Zoning in 1979 to reflect the 1975 Massachusetts General Law.

Bob Collings said the Collings Foundation is a trust created for charitable, scientific and educational uses among others. Bob Collings said the Foundation received its non-profit status in 1979 and has been treated, vetted and subject to periodic reviews as a non-profit educational foundation by the IRS, Department of Revenue and Attorney General’s office.

Bob Collings submitted to the record a petition of 450 names of people in support of the Collings Foundation’s goals and purposes and those who “endorse its educational living history events, including the proposed construction of a new museum facility in Stow, Massachusetts, for the education of military history and exhibition of military vehicles.”

Bob Collings said that he has submitted a Declaration of Trust as requested.

Regarding the structural integrity of Barton Road, Bob Collings said the Collings Foundation does not have any information regarding the integrity of the road but can assure that no construction vehicles will pass over the Sudbury Road bridge.

Regarding highest estimates for the number of vehicles that may be on site at one of the annual events, Bob Collings said that the 2011 reenactment had 2485 attendees with 994 vehicles and the 2006 Father's day event saw 2686 attendees and 1075 vehicle over a period of 9 hours. These were the largest events they have recorded.

Regarding on-site parking, Bob Collings said the site can hold 1735 vehicles, adding that Conley Associates has collected the traffic data requested by the Board. Bob Collings read from the Conley Associates memo.

Steve O'Connell with Andrew Survey and Engineering presented a response letter dated July 24th by Places Associates. Steve O'Connell said he would go through his response letter to the Planning Board's consulting engineer letter to notify the Board of the revisions.

Steve O'Connell read through the memo line by line.

Sue Carter, the Planning Board's consulting engineer with Places Associates said that the technical issues can largely be addressed due to the size of the property. However, there are judgment calls that need to be made by the planning board regarding the request for the landscape plan waiver and the non-profit educational status. Sue Carter said she would still like to see more information on the capacity of Barton Road and its structural integrity. Karen Kelleher asked if there were other traffic engineers that could look at the capacity and structural integrity of the road? Sue Carter replied that she has delivered a list of engineering firms to Planning Staff that would be capable of making those determinations.

Steve O'Connell said he is waiting for feedback from the Board before further revision to avoid too many changes prior to hearing.

Robert Collings said that the Planning Board asked about contamination due to explosives. Bob Collings said a permit is issued each time black powder is used and none of the special effects are in contact with the ground and therefore no contamination is possible.

Bob Collings said he and the Foundation have heard the concerns of the abutters and residents in the Lake Boon area and said that he is now under agreement to acquire a property in Hudson to alleviate the access and traffic issues along Barton Road. Bob Collings said that the new proposed access will be from Hudson's Main Street. The entrance and exit will come in through the Hudson main street, cross over a wetland and into the museum area said Bob Collings. All traffic is intended to be taken off of Barton Road in response to concerns and suggestions.

Public Comment

Tom Moses, Executive Assistant for Town of Hudson said he is a little concerned over the applicant's response and misrepresentation as to the current status of the alternate access. The Department Head's in Hudson had an informal meeting regarding the Earth Removal Permit and a meeting was scheduled for 10am this morning regarding this access issue but the applicant did not show up and therefore the Town of Hudson has no way of knowing what is needed by the different Departments.

Bob Collings said that Mr. Moses is correct and the agreement was not signed until 3:30pm this afternoon.

Scott Gregory 180 Barton road speaking for several residents said that Freedom's Way Heritage Association, which is charged with preserving heritage landscapes in the region, identifies the Lake Boon Neighborhood as one of five areas in Stow where preservation should be focused. This proposal is at odds with those preservation efforts. Scott Gregory said that there are three major issues at play – Private, precedent and principle.

Barton Road is a private way, said Scott Gregory, which is underbuilt, minimally maintained and patched with pavement. Even if the entrances to Collings were closed off, the road would still will not suffice. Scott Gregory said that even with an alternate access, where will through traffic go to? Where will signs be placed? Scott Gregory noted that any increased traffic on this road creates a hazard, adding that under the subdivision rules and regulations the lowest graded road is a rural road of an 18' foot width. A 15' foot width is common on Barton Road. The private way portion of Barton Road has 53 homes with over 100 vehicles making it overburdened by over twice as much as the least qualified town maintained street.

Regarding precedent, it has been mentioned in various media that the addition of the new collection is meant to attract national visitors. It begs the question of what is next, asked Scott Gregory. We cannot leave this as a sterile discussion of simply engineering and drainage, he said. On Sunday's there is a no wake period from 2-6 at Lake Boon. It is quite contrast to the disturbance created by the Collings events. How many more events will be added over the next several years? The first Collings museum was originally sold as a barn for Longhorn Scottish cattle. An approval of this proposal sets a harmful precedent in Stow.

What is the principle behind town laws asked Scott Gregory. It is integrity, he said. The Town charter is to enhance the integrity of Stow's character he said, adding that the zoning bylaws are meant to protect the health, safety, and welfare of residents. This proposal stands out as inconsistent and incompatible with those stated goals. Rob Collings Jr. is quoted as saying that it is "so much more impressive to hear the earth shake underneath your feet" in describing the operation of the tanks. This is our private way that impacts our way of life and the earth shaking is both literally and figuratively.

Janet Belsky of 122 Barton Road said that from the year 2000 to 2012, the 990 forms submitted by the Collings Foundation document that the foundation has recorded donations and charitable events that do not represent educational priorities. Janet Belsky explained that in the Collings Foundation Mission Statement, nowhere is the word education mentioned. Janet Belsky said she has heard that the museums purpose was passive, but Rob Collings said that they would be showcasing them as operational. Janet Belsky also noted the psychological effect on children subject to war sounds. She also claimed that the Veterans Association has said that war reenactments can trigger flashbacks.

Ron Gerhard of 222 Barton Road said that Bob Collings filed with the Attorney General as a Corporation but is really only a Trust. In 1979 the Board of Selectmen set the weight limit for Barton Road at 32K lbs. Ron Gerhard said that an 80,000 pound truck can reduce life of road by 40% if used regularly. He also noted that a right-of-way owned by Linda Cornell is not shown on the plans.

Hunter Cheney, of the Collings Foundation, said he has been with the organization for 7 years. Hunter Cheney said that there is a lot of misinformation and misunderstanding of what the Collings Foundation represents and what the history is. The Collings Foundation has been open 6 days a year since 1979 said Hunter Cheney. The first living history event is the Wings and Wheels event which showcases transportation innovations of the early 20th century. The American Elegance event engages people with the culture of 30's and 40's vehicles. The second biggest event, said Hunter Cheney, is the race of the century chronicling transportation improvements. The third event is a WWII reenactment and the veteran's roundtable. Hunter Cheney said that the Collings Foundation operates the world's most extensive historic aircraft tour seen by 3.5 million people. He said they are not bringing 700 tanks and not landing a B17 or B24's at the Foundation as part of this expansion. Hunter Cheney said that some neighbors who have never been to the Foundation have trouble understanding what is going on there. Hunter Cheney said the traffic on Barton Road is one of the most troublesome issues and they can only keep the museum open on summer weekends and for scheduled guided events.

Hunter Cheney continued that the objective of the foundation is to engage people with history through living history events. The Jaques Littlefield collection core has been donated to the Collings Foundation and about half of the equipment is already at the Collings Foundation. Our objective pertaining to war is that it is awful and terrible and to engage people to understand it. Hunter Cheney urged residents to come by and see the Foundation and talk with them.

Bob Collings clarified that the Collings Foundation is proposing to be open to the public six days, plus Friday through Sunday.

Adam Wagman of North Shore Drive summarized correspondence regarding the cross checking of petition names and numbers and found that of 511 signatures only three were from the Town of Stow. Given that information, Adam Wagman says he feels the petition is irrelevant. Adam Wagman said that a second item submitted says that since the

Foundation is involved in commercial activities the citizens are asking the Town to order a cease and desist of all further activities. Adam Wagman delivered the correspondence to the Town Planner.

Christian Demarken of West Boylston is a WWII survivor and thanks the Town of Stow for allowing the Collings Foundation to operate to date. The artifacts that the Collings Foundation is keeping are precious and the veterans of WWII always refer to the Collings Foundation equipment when they talk with schools he said. We do not want a war and they do not promote war but answer questions from the students.

Dan Barstow of 99 Pine Point Road said he was angered when he read the comment that the alternate traffic route would completely resolve the issue of traffic and it makes him question the integrity of the applicant. Dan Barstow said that the annual reports and master plan repeatedly say their intention is to maintain rural character and a war based park on Barton Road is neither the time or place for it.

Robert Collings Jr. said that he is frustrated with the comments from the residents at the meeting, noting that the Collings Foundation is not a war based theme park but an educational facility. Collings Foundation events are focused on the start of WWI and how the historic events led to further wars. If this educational service cannot be provided here then where, he asked? If not now when, he asked. This type of educational experience is absolutely essential said Rob Collings Jr. It is not a war theme park, but an educational facility. Rob Collings said he invites the public to come and see.

Gerry Gerard, of Grafton MA said he finds the shows to be soothing to his own PTSD. Gerry Gerard said he is a driver that brings the tanks in and out of the facility and has never found that there has been any damage from bringing the tanks in or out.

Peter Christmas 122 Barton Road said he has performed research of tax returns from the Collings Foundation. The proposal for a new road cannot be considered because nothing has been determined. The current traffic studies are not only misleading but contradictory, Peter Christmas said. The worst case scenarios of traffic volumes are not similar to the Conley Associates study. Even if the access is moved to Hudson he asked, what will stop people from coming down Barton Road?

Jean Roma of Barton Road said she has lived in Stow for a long time and went to the Collings Foundation and saw all of the no tank signs and noticed that the sign says River Hill Farm. At one point it was named River Hill Farm she said, prior to its evolution into a living history museum began. The events have gotten totally out of control she said. She said she was very disappointed to find teachers applied for a grant as she saw written in the Stow Independent. She asked if the are children taught about the controversy going on in the background.

Regarding the living history events, Jean Roma held up an article on Collings Foundation tank museum published in AAA article. Jean Roma said she is suspicious of the idea that the Collings Foundation is an educational facility. Jean Roma said she saw ads from

Collings on the Race of the Century and American Elegance. Jean Roma said she is not in favor.

Donald Hawkes of Dawes Road said that many may have speculated whether there would be an alternate access through Hudson, citing that the Town recently acquired a parcel of land on Great Road and has taken a long time through the sales process. Donald Hawkes reminded participants that executing an agreement and actually owning the land are entirely different things. The Town of Hudson still has to review the plans he said. Donald Hawkes said that traffic is not off the plate due to the new access. Furthermore, said Don Hawkes, he has not heard anyone at Collings refute the original intent of clearing land for cattle. Regarding intent, Donald Hawkes asked if accepting the stated intent of the new museum would only keep the increased impacts from continuing.

Amanda Atwell of 171 Barton Road said she is an Army Grad and appreciates museums that celebrate war artifacts. However, Amanda Atwell said she is not sure if the Collings Foundation's activities should be allowed within the bucolic residential areas of Stow. She said that the bylaw often mentions the rural smalltown nature of the town and purports to be sensitive to abutter impacts and needs. Amanda Atwell said that smoke, vibration, dust and noise shall not impact the abutters according to the zoning bylaw. Amanda Atwell asked whether the Foundation has offered to do a noise study. If the offer is made, said Amanda Atwell, it should be based on the October reenactment event. Amanda Atwell asked the Board to consider the noise ordinance in future rulings.

Pat Sorn of 174 Barton Road said she is speaking on behalf of Mike Shultz of Barton. She said because of the medical needs of his children he frequently needs to access emergency vehicles and inhibiting their travel is a great concern of theirs. Pat Sorn said that Mike Shultz asked that the Board consider upholding the ordinances for noise due the sensitivity of his children. Pat Sorn said that Mike Schultz never expected to have a firing range in his backyard.

Richard Morrain of Hopkinton MA said that he has worked in museums across the world. Richard Morrain said that the Jaques Littlefield collection is the finest military collection in the world. He said that the Collings Foundation's idea was not to store them away, but to invite people to see the collection and honor the veterans. Richard Morrain said that it is a moving experience was to see the tank that liberated his grandfather, adding another dimension into what the educational experience is.

Susan Layman 164 North Shore Drive said the issue at hand is not whether the Collings Foundation is providing a necessary experience or doing the right thing, the issue is that the Foundation operates in a residential area on a private way. The Collings Foundation activities would be a great idea if it was in a location suited to businesses. Even if the Hudson access goes forward said Susan Layman, it is inappropriate for a residential neighborhood.

Kathy Garvey of 116 Barton Road said as an educator she is aware of what constitutes education. Educational experiences involve curriculum, including learning standards and objectives, units, lessons and assignments, tests and assessments. This allows educators to evaluate and educational success through learning standards adopted at the state, local and national level, which teachers are expected to bring to standard. Kathy Garvey said she has reviewed copies of charitable events that take place at the Collings Foundation and calculates that between 0-15% per year, could be considered educational. The Center School program, which was referred to in a July 30th Stow Independent Letter to the Editor, said Kathy Garvey, appears to have stopped due to retirement of the teachers involved or their move into other careers. Kathy Garvey said this seems to be the only true educational experience that had taken place at the Collings Foundation.

Kathy Garvey said that frequently reoccurring tours include vehicle club tours. Kathy Garvey said that according to established case law, in order to meet the educational status of the Dover Amendment, education has to be the primary focus of the organization and cannot be grafted on as a component to an organization to be considered educational. The vast majority of events are entertainment and do not represent an educational use. Kathy Garvey said that perhaps they Collings Foundation is simply looking for a tax abatement.

David Wass Jr. of Wakefield MA said he has been involved in the Collings Foundation for 7 years photographing and recording their events. David Wass Jr. said The Wings of Freedom Tour is an amazing experience, especially when you see the veterans that came off the planes and the children that were able to talk with them about those experiences. David Wass said that when traveling from city to city, veterans fly free. David Wass said it costs around \$4600 an hour to operate one of the historic planes. Regarding the events at Collings Foundation, David Wass Jr. said that the battle reenactments are side events to the greater experience at the Collings Foundation. Bob Collings does a good job of narrating the history behind the battle, said David Wass Jr. The real important aspect is the Veterans roundtable after various battles. David Wass Jr. said that history is probably the most maligned subject in the curriculum, but the Collings Foundation and few others help to bridge the gap. Where else can you get this experience, asked David Wass Jr.? The Collings Foundation has always been an educational resource and he said he hopes that residents will support and add to the value of what the Collings Foundation is doing.

Gladys Beaudette of 84 Hunter Avenue in Hudson said that when the planes fly in and out the birds at feeders disappear due to the noise. She said if the haul road is approved, she and her husband, both with health issues, will not be able to live in their home or sell their home. Gladys Beaudettes said she is not against the Collings Foundation but the location.

Kelly Smith of 216 Barton Road said that her Father is a 92 year old WWI POW. Kelly Smith said she is not trying to deny the reliving and enjoyment of the collections. However, she said, money raised through the events could be used to build the facility somewhere else. Kelley Smith said that the access road discussion earlier this evening did not bring up the many cement trucks that would be needed for construction. Kelly Smith said that if the

safety of Barton Road is a key issue, she hopes that the Board will continue to factor that in during the construction of the museum if the alternate access is approved.

Bob Collings said as soon as approval is granted by Hudson they will start on the road construction.

Linda Cornell of 222 Barton Road said she pulled the original building permits that states the original purpose of the first large structure was to be a barn, but has now evolved into a hangar and a museum. Linda Cornell said there have also been questions regarding the ownership of the different parcels of land and what the original purpose of the land was. What was the original use, asked Linda Cornell?

Linda Cornell said that the vetting of non-profits mentioned by Bob Collings is misrepresented. The IRS does not vet organizations, she said, adding that the Secretary of State does not even know of the Collings Foundation. Linda Cornell said that the forms sent to the Attorney General have misrepresented the organization as a corporation for seven consecutive years. Linda Cornell said that the Collings Foundation operates in a residential zone but they are not proposing a residential building, so floor-area ratio's should apply. Linda Cornell said this not an educational use but an entertainment organization and since it is not a corporation, it is not entitled to protection under Dover amendment, said Linda Cornell.

Lee McNeill of 150 Barton Road noted the concerns about a traffic impact report and the structural integrity of the dam. Lee McNeill said that in the traffic study land use categories of museums are not used and should be included in the traffic analysis. Also, said Lee McNeill, safety issues of horizontal and vertical sight distance along Barton Road are silent in the report. Lee McNeill said the comments on Barton Road he offers in his correspondence have been vetted by a traffic engineer. Lee McNeill said the existing traffic impact report is heavily flawed and the Board should hire a peer reviewed traffic consultant to analyze the impact of this project.

Lee McNeill added that he has documented evidence of alligator cracking on the pavement of the dam, which is caused by an inadequate subgrade. Lee McNeill said that where the culvert is located, the road has settled two to three inches and caused guardrails to list to the left. At a bare minimum, said Lee McNeill, studies should be undertaken to assess a weight limit for the dam. Lee McNeill said the Board should deny the project.

Lori Clark opened discussion to the Board.

Len Golder asked what would be done to be shown that the Hudson route would be the sole access; what kind of noise would be occurring and what would the levels be? Len Golder asked how other towns with museums cited in Collings Foundation correspondence deal with the educational status of those museums? Karen Kelleher noted that it may be irrelevant due to the fact that the Dover amendment is only relevant to Massachusetts.

Ernie Dodd said that the Collings Foundation should hire a traffic engineer to do detailed analysis for weight and volume of traffic along Barton Road and the dam and the Planning Board should hire a peer reviewing traffic engineer. Ernie Dodd said it is not clear what parcels are represented.

Ernie Dodd noted that there is an existing use for the current activities at the Collings Foundation that has never been submitted. Ernie Dodd asked the applicant if they intend to submit an updated site plan to account for that use? There is a number of cases where easements will be required including septic system easements, snow storage, public water supply and access that will need to be shown on the plan.

Ernie Dodd said it seems there is more than adequate parking shown and the Planning Board will need to decide whether the waiver for the landscaping plan can be accepted. Regarding Stormwater, Ernie Dodd said there is a pre-existing and proposed plan for the runoff. It should be complete for the entire site.

Steve Quinn said that a museum is not currently allowed unless it meets requirements of Dover and he would rely on the advice of on Town Counsel to make that finding. Steve Quinn said it is up to the applicant to show that the requirements are met. Steve Quinn said Barton road is a difficult road to accomplish anything on, however, the potential for a different access could bring more information. Steve Quinn asked what the big event expansion plans were, in what ways will the use expand and when?

Lori Clark said that any additional comments from Town Counsel would be helpful to provide further comment. The Hudson alternative would require some additional information from the Town of Hudson to have more information. Lori Clark asked if it is going to be a static museum or are there occasions that the tanks will be running and used in events? If Barton Road is the access, then there needs to be a study as to the structural integrity.

Steve O'Connell said it would be prudent to wait to see how the Hudson alternative turns out before commissioning a traffic study. Steve O'Connell said that they will present new plans as they move forward, however, they will need a little more clarity on the educational component and will need to know sooner rather than later what the decision is. As far as providing plans for the entire site and the existing facilities, the applicant has had no intention of including that as part of the application.

Barbara Huggins said that the existing uses are more of an enforcement issue and she would advise that the Board keep those issues separate from this application. If it is believed that there is a zoning violation, it is typically pursued through the building inspector and ZBA.

Ernie Dodd said that he does not agree with Town Counsel on that point, noting that the use has evolved over time and when the applicant changed into a non-profit trust, he should have come forward with Site Plan Approval for that use. Ernie Dodd said it is difficult to consider a new Site Plan without looking into the past use.

Mark Jones said the fundamental question is whether this is a valid educational use and should be addressed before looking at the physical issues of the Site Plan Approval.

Len Golder reiterated how the applicant should provide information on how similar operations are viewed in other communities to get closer to an answer on the educational use.

Steve Quinn said that ideally Town Counsel could provide an answer to the educational use according to the Dover amendment based on the correspondence submitted.

Ernie Dodd said that if they are to approve the application, there is still an enforcement issue to be addressed.

Lori Clark said that based on Counsel's input it is currently an enforcement issue. Lori Clark asked Barbara if she had any other comments on the Dover discussion.

Barbara Huggins, Stow's Town Counsel, said that the board should make the decision applying the legal analysis of the last memo to the information submitted on the educational use. Barbara Huggins said that board and public have correctly focused on the education use. The word primary is an important part of the Dover Law and the idea of grafting an educational use on to an organization that is not primarily educational is an important concept to consider. On the other hand, the term "educational" has been interpreted broadly. I would encourage the board to take those points seriously to make the decision for themselves. Unfortunately, said Barbara Huggins, there is no case law that deals specifically with the type of project at hand. Barbara Huggins said that she can offer further guidance based on the correspondence submitted after she has had time to review it in full.

Bob Collings encouraged the Planning Board to provide further guidance and clarity on what items they would like the applicant to produce in order to meet the requirements.

Lori Clark said that there are other examples of exempted uses and that they may be helpful in making the decision. Lori Clark said we have received much documentation that needs to be absorbed, but they can send questions to staff and that information can be passed on to the applicant.

Barbara Huggins said that there is some weakness on the issue of whether the use is primarily educational. She is not saying that the case cannot be made, but she is not sure if that case has been made. The applicant should give it his best shot. Typically, said Barbara Huggins, an applicant would have counsel and the counsel would provide a response in a legal memo. Barbara Huggins said she thinks the Board can make the decision.

Lori Clark said that because it is not cut and dry, it is up to the applicant to determine if they feel what they provided is sufficient for the Board to make a decision as to the primary nature of the educational use.

Mark Jones asked Tom Moses what the process for approval of the alternative access would be? Tom Moses replied that professionals on staff would look at the plans to determine which approvals are necessary.

In preparation, Steve O'Connell said that Site Plan Approval would be needed from the Hudson Planning Board, for addition or change in driveways, parking, and other matters. There is an internal traffic committee that would likely need to review the proposal said Steve O'Connell.

Ernie Dodd moved to continue the Collings Foundation Erosion Control Special Permit and Site Plan Approval Public Hearing to 7:30pm on September 10, 2014.

Len Golder seconded the motion.

VOTED: (5-0) (Lori Clark, Ernie Dodd, Len Golder, Mark Jones, Steve Quinn).

Meeting Adjourned.