

TOWN OF STOW  
PLANNING BOARD

Minutes of the July 9, 2014 Planning Board Meeting

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

Absent:

Non-Voting Associate Member: Kathy Sferra

Voting Associate Member: Margaret Costello

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

**Correspondence Update**

None.

**Discussion of Meeting Minutes**

**Planning Board Minutes of June 11, 2014**

*Ernie Dodd moved to accept the minutes as written.*

Len Golder seconded.

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

**Planning Board Minutes of June 18, 2014**

*Ernie Dodd moved to accept the minutes as written*

*Len Golder seconded.*

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

**Correspondence Updates:**

Jesse Steadman updated the Board on correspondence from Barbara Huggins Esq., Tom French, Bill Bosworth and Craig Martin.

Mark Jones said that it seems the Police Chief is asking for the Planning Board to ask Collings to abide by the rules and regulations. The Board asked Jesse Steadman to ask the Police Chief to provide some clarification.

**Member Updates**

None.

## **Planner's Report**

### **Voting Associate Member**

Jesse Steadman reported that Margaret Costello is very interested in the Voting Associate Member Position and understands that the voting associate member would sit in on the Collings Public Hearings. Assuming the Board will vote to appoint Margaret, Karen Kelleher has asked the Town Clerk to also attend the meeting to swear Margaret in so she may participate in the Collings Hearing.

### **T-Mobile – Gleasondale Mill**

Jesse Steadman reported that Mike Almada of TRM, representing T-Mobile, submitted revised plans showing a reduction in the standoff to 5" from the smokestack, as discussed at the meeting. A revised draft decision reflecting the plan revision is included in the Planning Board packets for review, approval and endorsement.

### **Adams Drive ANR Plan**

Jesse Steadman reported that John Anderson is looking for endorsement of the ANR Plan in order to convey the two ANR Lots (1 and 2). Jesse Steadman said he dropped off the ANR Plan today and will be filing a Hammerhead Lot Special Permit Application in the near future for lot 3.

### **S.2183 Telecommunications Legislature**

Jesse Steadman explained that S.2183 is proposed legislature drafted by the Telecommunications Industry. Karen Kelleher drafted a letter in opposition to the proposed legislature for the Board's consideration.

### **Wheeler Road Hammerhead Lot Special Permit**

Jesse Steadman said the stormwater plans and drainage report were received and forwarded to Sue Carter for review and the Applicant notified abutters of the continued hearing. Jesse Steadman said Sue Carter is reviewing the Plans but has not been able to provide a written report for the hearing. Jesse Steadman said that in a phone conversation with Sue Carter earlier in the day, she said the revised plans look good. The main item for the Board's consideration will be whether to condition that the rain gardens and other detention basins on site be protected via easement to ensure that they provide the intended function in the future.

### **Collings Foundation**

Jesse Steadman said the office has received many inquiries about the Collings Foundation Erosion Control Special Permit and Site Plan Approval. The key questions/concerns that have come up relate to whether or not the use is allowed in the Residential District and the adequacy of Barton Road handling the traffic.

Jesse Steadman reported that Karen Kelleher attended a meeting with Sue Carter of Places Associates, Steve O'Connell and Paul Hatnuk of Andrews Survey and Engineering, Jim Coul of JM Coul Inc., Bob Collings, Kathy Sferra to discuss comments in Sue Carter's review letter.

Jesse Steadman noted that Steve O'Connell will respond to both documents in writing adding that the office has learned that Bob Collings proposes to use the drive that is currently limited to egress traffic, as two-way traffic. This means the road will need to be widened and I'm sure we will most

likely have a group of neighbors concerned about additional traffic. Karen Kelleher encouraged Bob Collings to consider installing a landscape buffer to the house directly adjacent to the drive said Jesse Steadman. Karen Kelleher also discussed the fact that vehicles are maintained on the premises. Jesse Steadman reported that Sue Carter stated they should have a “spill kit” on site.

Jesse Steadman said Steve O’Connell noted he will not have revised plans ready for Sue’s review in advance of the meeting. So the plan for the hearing is for him to make a presentation and outline the plan updates he is working on, receive additional input from the Board and then continue to August 6. Jesse Steadman reported that Sue Carter will not be able to attend this evening’s hearing.

### **Cushing Subdivision**

Jesse Steadman said a Definitive Subdivision Plan will be filed for an August hearing date for Penny Cushing’s property, adding that the applicant asked if the Board would consider a request in reduction of the filing fee for a Definitive Plan. The Filing Fee is \$3,000.00 plus \$10.00 per linear foot of roadway. They are asking for a reduction in the \$10.00 per linear foot of roadway because they will not be constructing the roadway. Jesse Steadman said he would recommend that the Board grant the requested waiver as \$3,000.00 should be sufficient to cover the Town’s costs and the \$10.00 per linear foot of roadway would be an additional \$10,000.00. In addition to the \$3,000.00, the applicant is required to provide a fee deposit for a peer review by Places Associates.

### **UMass Graduate Student Project – Town Center**

Jesse Steadman reported that Staff will be meeting with Professor Mullin on Monday, July 14 to discuss a fall semester project for the Town Center to include:

Evaluation of

- Potential uses for 323 Great Road
- Reuse scenarios for the Fire station site
- Potential renovations to the Library
- Improvements (benches, landscaping, etc.) to Conservation Land at the Town Building.

### **Lower Village**

Jesse Steadman reported that the Governor signed the Heritage Lane bill opening the open space parcel to the exploration of a public water supply. Jesse Steadman said Karen Kelleher sent a note to Representative Hogan asking for assistance in obtaining a sample agreement between business owners to own and operate a public water supply. Jesse Steadman spoke with Kate Hogan regarding the DEP’s assistance in searching for relevant examples of Town lease arrangements for the operation of a private water supply on Town Land. She has been in contact with DEP and is awaiting word.

### **Lower Village Traffic Planning**

Jesse Steadman noted that consultants with Howard Stein/Hudson Assoc. will be meeting with Planning staff and Lower Village property owners next Monday to discuss proposed curb cuts and easement locations in Lower Village.

### **Hemenway Farm**

Jesse Steadman noted that MCO Housing Services forwarded the Local Initiative Program Application for the Hemenway Farm Affordable Units. A copy was forwarded to Stow Municipal Housing Trust for their review and comment before sending to the Selectmen for comment.

### **323 Great Road**

Jesse Steadman said the Town closed on the 323 Great Road Property. I spoke with Bob Mong of the Union Church and explained that we are currently evaluating potential uses and will be in contact about access when we have a better idea of the use.

### **GIS Analyst**

Jesse Steadman said he is pleased to report that Jill Kern was offered and accepted the position of GIS Analyst. Jill Kern has been volunteering 5 hours per week in the Planning Department since August of 2013 and will begin as a contract employee for 8 hours per week – generally Tuesdays and Thursdays from 11:30 am to 3:30 pm said Jesse Steadman.

### **Villages at Stow**

Jesse Steadman noted that the affordable deed restriction has not yet been recorded for 4 Baldwin Drive. Habitech's attorney requested that the closing attorney record the document and sent another reminder on July 1. Jesse Steadman said he also received a visit from a resident of the Villages at Stow, on behalf of the residents' "Transition Committee," which was formed to advocate for the transition of authority from Habitech to the Homeowners Association, which the resident said was supposed to be done after the last unit was sold. The resident said it does not seem that Habitech has been taking care of issues in the development in a timely manner and they are concerned about their apparent lack of transparency.

### **Highgrove Estates**

Karen Keller walked the Highgrove Estates site with Sue Carter of Places and Conservation Coordinator Kathy Sferra said Jesse Steadman. Jim Fenton was invited but didn't show up. Although there has been no construction activity, there is equipment and materials stockpiled at the site. There are no erosion control measures in place to protect the stockpiled loam, landscape debris, stumps, etc.). Also, existing erosion control measures in place have not been maintained. Places Associates contacted Jim Fenton to advise him of the need to put erosion control measures in place and will follow up with a site report.

### **92 Dunster Drive**

Jesse Steadman said the applicant seeking a variance to place a shed and generator in the open space setback on Dunster Drive has revised the plan to now consist of a generator fifteen feet from the rear property line. The applicant would like the Planning Board's thoughts on whether a fence is still necessary, now that the shed has been dropped from the area where the generator will be placed.

The Planning Board was curious if they even needed a variance, given that a generator does not fit the definition of a building. Steve Quinn said he had no problem eliminating the fence, since the generator would like only need to be run during inclement weather, when the possibility of the public using the open space would be low. Len Golder, believes that there may be some good aspects to keeping the fence.

## **Appointments**

### **T-Mobile Special Permit Modification**

**Present:** Mike Almada -

Mike Almada said the primary concern addressed in the modification update was the standoff of the antenna that he was originally told by engineers, could not be altered due to the taper of the chimney. The Planning Board believed that would create a greater appearance of size he said. Mike Almada said to resolve this concern engineers have devised a custom mount that allows them to reduce the extension to 5". Mike Almada said they should find not only a savings in the extension from the smokestack but a better appearance.

The Board agreed that would be a better solution and thanked Mike Almada for making the effort to improve the appearance.

The Board reviewed the draft Site Plan Approval Modification Decision noting there are four conditions.

Steve Quinn moved to accept the Site Plan Approval Modification Decision No. 1 for T-Mobile (*successor to Omnipoint*) at the Geasondale Mill Smokestack.

**Len Golder seconded.**

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

### **Appointment of Voting Associate Member**

**Present:** Margaret Costello

Linda Hathaway – Town Clerk

Jesse Steadman introduced Margaret Costello, explaining to the Board that she has been a great addition to the Gleasondale project, offering thoughtful and well respected input.

The Planning Board asked Margaret Costello why she was interested in becoming a Planning Board Associate Member. Margaret Costello said she has lived in Stow for nearly 25 years and thinks it is a beautiful town and would like to help maintain its character into the future. She added that the Gleasondale mill revitalization project was a very well run project and she was appreciative of the type of public engagement that made her and her neighbors in the Gleasondale area feel as if their concerns were heard.

*Ernie Dodd moved to appoint Margaret Costello as the Voting Associate Member for a one year term to expire June 30<sup>th</sup>, 2015.*

*Len Golder Seconded.*

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

Margaret Costello was sworn in as Voting Associate Member by Town Clerk Linda Hathaway at 7:02 PM. It was noted that it will be a one year appointment.

### **ANR Plan**

Jesse Steadman presented an Approval Not Required plan for the creation of two building lots, a proposed Hammerhead lot (subject to issuance of a Special Permit) and a non-buildable parcel at 38 Adams Drive, detailing his discussions with the applicant and the engineer up to this point. The Board reviewed the plan and did not feel comfortable with a vote to endorse the plan, without language explicitly stating that the remaining lot should have a note saying "Lot 3 is not to be considered a buildable lot." Jesse Steadman said he will contact the applicant and work to get a meeting scheduled for next Wednesday to endorse the plan.

### **Comment on S.2183 – Telecommunications Legislature**

The Board discussed Karen Kelleher's letter to the legislature regarding bill S.2183. Lori Clark suggested adding a statement that part of the process of maintaining Stow's rural character is creating sound bylaws and the Planning Board does not want any legislation to jeopardize that. Len Golder said that the controversy around creating the Wireless Overlay District bylaw would be minimized by this legislation. Lori Clark said a lot of thought went into the bylaw and how the town wants to maintain it's character, adding that there is already a mechanism (FCC) to get around zoning bylaws for telecommunications companies.

### **Planning Board Dinner**

The Board agreed to a September 11 date for the annual Planning Board dinner. A location will be decided in the interim.

### **Wheeler Road Hammerhead Lot Public Hearing Continuance**

*Present Scott Hayes – Foresite Engineering*

### **Lori Clark called the Meeting to order at 7:30pm.**

Lori Clark read the public hearing guidelines, noting that the hearing is not being audiotaped. Lori Clark noted that the Town Engineer was not able to make the hearing and get the required review letter into the Board, which means the Board will need to continue the hearing to be able to accept the Town Engineer's letter.

Scott Hayes described the Hammerhead Lot application at Wheeler Road which requires a Special Permit, as well as the Approval Not Required lot which does not required any special permit conditions. Scott Hayes said that the original erosion control measures were requested by the Town's consulting engineer to be improved and increased to be sure no erosion takes place. Scott Hayes said the delay in the plan was due to waiting for

architectural plans for the home to make a more precise erosion control plan. The plan was analyzed for 2, 10, 25 and 100 year storms. Additionally, said Scott Hayes, they added haybales instead of silt fence to further beef up the erosion control measures. They are also proposing swales and rain gardens which will catch the runoff from uphill from the home, around the foundation and from the rooftops. The proposed engineering will result in no net increase in rate or volume of runoff. Scott Hayes said the Septic contains a secondary erosion control barrier, including a stake straw waddle along the top for added protection. Due to the necessity of an erosion control special permit, they added a Stormwater Pollution Prevention Plan to provide operations and maintenance procedures for the construction; essentially preparing an application that could be submitted for a NPDES.

Lori Clark opened up the hearing for public comment.

Sharon Grace of Rindge New Hampshire said her mother lives in one of the homes downhill from the site. She asked what would happen if a spring is encountered. Scott Hayes said that the majority of the site is in fill rather than excavation, so he's not expecting there to be much digging into the existing grade. When they encounter a seep or spring said Scott Hayes, work ceases immediately and an engineer is contacted to discuss how to close it up.

Rick Goularte of 538 Great Road said extraordinary measures were taken to make this plan possible. Scott Hayes said this was difficult due to poor soils and steep slopes which causes them to go above and beyond the normal requirement.

Scott Hayes added that homeowners will need to keep up the vegetation and clean out basins of leaf litter. Scott Hayes said that the detention basins are required to be inspected annually and are of a fairly simple design.

Sharon Grace asked who is required to maintain the detention basins. Scott Hayes said the homeowner is responsible.

### **Planning Board comments**

Steve Quinn asked what the plan would look like if this was not a Hammerhead Lot. Scott Hayes said there would likely be no drainage done at all. Steve Quinn said that this drainage is much more elaborate than the typical single family house plan. This process provides adequate control of stormwater Steve Quinn said.

Ernie Dodd said that the Board depends on the engineer to make sure that the plan complies with the Town's bylaw and erosion control measures and has done a great job getting this plan to where it is. After the public indicated the issue of water at the site, Scott Hayes has been able to come up with a good plan. Ernie said that they will be continuing the hearing and requesting an easement on the rain gardens to ensure they are functioning properly down the line.

Lori Clark asked for any final comments on the project.

Scott Hayes said that this design has been reviewed by Sue Carter and has been tweaked to be even better.

The Board and applicant agreed to a continuation until August 6, at 6:30pm in Town Hall.

*Ernie Moved to continue the hearing until August 6, at 6:30pm in Stow Town Hall*

*Lenny Golder seconded.*

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

### **Collings Foundation Erosion Control Special Permit and Site Plan Approval Public Hearing**

*Present:*

Applicant – Robert Collings

Project Engineers: Steve O'Connell; Jim Coulle

Lori Clark called the meeting to order at 8:00pm. Lori Clark read the Public Hearing guidelines. The Public Hearing Guideline document is attached.

#### *Applicant Presentation*

Robert Collings explained the mission of the Collings Foundation is to educate and support veterans. The foundation is proposing a museum exhibition building to house historic military artifacts. Robert Collings displayed the museum rendering, the structure of which is 800 feet west of Barton road and sits 12' into the ground to soften its bulk and height.

Robert Collings read from a prepared set of notes saying that the Museum would be open from May 1<sup>st</sup> to October 31. Robert Collings noted that the heating system is not adequate for 12 month operation. Therefore the museum would be open weekends, Friday through Sunday, roughly 6 months/year. Robert Collings said there would be a limited number of scheduled private appointments will take place during the week.

Robert Collings reported that he has studied similar museums on the east coast, with attendance ranging from 3-6 thousand visitors per year, in order to gain information on average daily traffic. Robert Collings said that he is projecting 10 thousand visitors per year to the museum. He said about half that number already currently attend two open houses. The remainder is spread over 23 weekends or 200 per week.

Bob Collings reported that a traffic study by Conley Associates indicated 16 new vehicle trips being generated by the museum during the week, with an average of 2 new trips in the weekday PM period. During peak time on Saturday, 100 new vehicle trips would be created. Robert Collings said the capacity of Barton Road can easily accommodate the minor increases in traffic. He continued, saying the existing driveways provide adequate stopping distance. Over the Father's day open house, said Robert Collings, additional data was requested by the Planning Board. The data indicates 62% approach of visitors approach from the north and weather can have a significant effect on traffic. Robert



Collings said having the museum open more weekends could reduce peak traffic due to spreading out the demand.

Robert Collings said he appreciates that many are concerned about traffic and he said the Collings Foundation is open to suggestions on how to handle peak traffic, such as moving the collection of money up the driveway as was once suggested. Robert Collings noted that the Collings Foundation is also considering using the south egress as a two way access and egress. Robert Collings submitted a petition of 676 names and phone numbers in support of the Foundation's Goals.

Robert Collings said he has been hearing concern about commercial activities, but noted that other non-profit ventures partake in activities that also seem commercial.

Robert Collings said part of the project has included cleaning out a glacial pond near the proposed museum site. Robert Collings said that all of the debris has been removed and turned into a 140,000 gallon fire pond giving fire protection capacity to residents of Barton Road, especially those below 156 Barton Road. Robert Collings reported that Fire Chief Joe Landry said 83 houses on Barton Road have inadequate fire protection. Robert Collings said the fire pond has been approved and is waiting to be reviewed by the Fire Chief.

#### **Steve O'Connell – Andrew Survey and Engineering**

Steve O'Connell talked about the museum building and how it applies to the site plan approval and special permit for erosion control. Stormwater will be handled partly through an underground recharge system to the west of the building he said. Steve O'Connell said the other stormwater from the roof may be handled by a pipe to the pond, and/or an infiltration basin to the south. Steve O'Connell said they had a technical review meeting that worked through many of the town's consulting engineer comments.

Steve O'Connell said that incorporated into those revisions are questions regarding ownership of the parcels. He said the facility will be serviced by onsite septic system and a public water supply triggered by Massachusetts DEP, and as commented on by the Stow Board of Health. Electricity will be supplied from existing utilities. A new transformer will be installed near the existing building. Steve O'Connell said that landscaping for the site will be part of the revision.

Steve O'Connell said that based on Bob's presentation and technical aspects they would be happy to get information from the Board.

Lori Clark said that before public comment, Town Counsel, Barbara Huggins has been asked to do research on whether the proposed zoning use is protected under the Dover Amendment.

#### **Barbara Huggins – Town Counsel**

Barbara Huggins explained that she has been asked to review and address zoning issues as they pertain to this proposal. Barbara Huggins said that one requirement of site plan approval is that it complies with the zoning bylaw and allowable uses. The question before

the Board then, is whether the use proposed is a non-profit educational use. If the proposed use is found to be protected by the Dover Amendment, it is entitled to certain protections, including precluding its exclusion from a district. The burden is on the applicant to show this protection said Barbara Huggins. Barbara Huggins explained that there are two main requirements for finding a use as protected. First, said Barbara Huggins, the use must be a non-profit education corporation, and that can be found by reviewing articles of incorporation. Barbara Huggins explained that the Board should obtain information that the applicant is a non-profit educational organization. Barbara Huggins said there are no cases regarding museum uses in particular, but an educational use can be defined fairly broadly. For instance, she continued, a disabled adult facility was found to have an educational component, while a YMCA was not. Barbara Huggins said the Dover amendment protects only those uses of the land and structures that can reasonably be described as educationally significant. She noted that the educational use must be the primary purpose for which the land or structure is being used. The Board is guided by this law.

Barbara Huggins recommends that the board request information from the applicant to make informed decision whether this is a permitted Dover protected use. Barbara Huggins noted that each activity on the site should be judged against the test of educational significance to be allowed to take place on that site. Barbara Huggins said the Planning Board should gain info on the types of activities on the site and which would be Dover protected. The case law is clear that the board may make those distinctions she said.

Len Golder asked if a museum is already in place, and there is a proposal to create a new activity, should the board look at what is already in place on the site or the new proposal.

Barbara Huggins responded that the Board should address the application currently before it. The Board can determine the activities happening on the site and if it is found to not be Dover protected it would be an enforcement issue and therefore beyond the bounds of this hearing.

**Public comment:**

*Ron Gerhard of 222 Barton Road* asked what state Robert Collings is incorporated in? Ron Gerhard said he has done extensive research, and even though it seems he is a corporation with the Secretary of State, the federal ID number does not match for Massachusetts and there is no sales tax number or sales tax certificate. The Town should find out what state the Foundation is currently licensed in said Ron Gerhard.

Robert Collings said he is registered in Massachusetts, with a federal ID and Tax number. Robert Collings said he is registered as a trust and not a corporation.

*Tom French of 151 Barton Road* said Bob Collings has vastly underestimated the amount of traffic the new tank collection will generate. Tom French said that he has read in media articles that the former location of the tank collection was not the “best place in the world” for the public, and historians to view such equipment, implying that the Barton Road site

would be an improvement, he added. Tom French said the problem is that Barton road is only 10-20 feet wide and beyond that, the only plan of the road is from 1907, which does not show how wide it is. Tom French said that South of the egress the road is a private easement not a private way or public way. Tom French said that the board must find that the conditions of the permit adequately protect the abutting properties and town from detrimental uses. He said the road cannot handle the traffic and will be a detriment to amenities of the neighborhood. Many people walk and there are no sidewalks. This addition will make it unsafe, said Tom French. The law allows the PB to reject a proposal that is detrimental to the neighborhood. Tom French said he urges board to find that Barton road is not sufficient and to reject the use.

John Lance of Apple Blossom Lane said traffic has been backed up to Birch Hill Road and he has had times when he could not get home. Noting the petition that Bob entered into the record, John Lance said he would like a count on how many signatures are from Stow and does not think that those from outside of Stow should be considered.

John Lance said that according to income tax filings, Collings had income and assets above \$20 million with gross profit of \$92,000. Nearly 17 million went into other distributions and not paid taxes on, but rather kept by the Foundation. John Lance said this is not just an educational foundation but a commercial enterprise. John Lance said he thinks the Town needs to understand the scope of what they are dealing with. When this land is used for non-profit use, my property taxes go up said John Lance.

Robert Collings said in the 990 reporting form the donations are in the form of aircraft and vehicles and a substantial amount of revenue is tied up in those assets.

*Tim Hill of 94 Pine Point Road* said until this proposal he can deal with Collings operating on a couple of weekends per year, plus the apple picking traffic. On those weekends he said they do not let their kids go out on their bikes. He said it is OK for two weekends. But on weekends all summer long, he said, that would be too much. Tim Hill said he is unsure of the dam's structural integrity.

*Mike Schultz 220 Barton Road* said he bought a house on Barton Road, believing it be a quiet place and planned to raise kids. He said they moved here because they wanted to build a life in Stow on Barton Road. He said now though, when the guns go off his daughter begins to cry.

Janet Belsky of 122 Barton Road said that during the last event it took a neighbor fifteen minutes to go eight house lengths. Janet Belsky said that with such a bottle neck no emergency vehicles can get by. Janet Belsky said she has seen drivers swing into a neighbor's driveway where a children's safe zone is located. She claimed that other crashes have happened on the road and some people are unsafe on their own properties. Our children are at risk and somebody will eventually get hurt said Janet Belsky.

Kelly Smith of 216 Barton Road said she agrees with everything about the deficiencies in the road. Kelly Smith said it is basically a camp road. Kelly Smith asked how many cement

trucks for construction of the museum will there be and from which direction will they be coming from? Kelly Smith said she has seen a lot of flatbed trailers with big machinery. Kelly Smith said she used to work as public relations professional for Nuclear power plant decommissions in rural Towns like Stow. In those Towns, she said, they forced applicants to make commitments to repair roads and sure them up if was needed. Kelly Smith said that with the increased traffic, someone is going to need to pay for this. Can the Board require engineering studies to be sure that this project can go forward asked Kelly Smith.

Lori Clark said that the Planning Board can factor such requests into their decision.

Len Golder said if a project is approved, the next phase is construction, which is met with standards as well, in terms of hours of operation, etc. Len Golder said the Board can require as much expertise as necessary.

*Don Hawkes of Dawes Road* said that he is speaking as a resident of Lake Boon rather than as a Selectmen. He noted that on event weekends it becomes difficult to navigate Barton Road. Mr. Collings probably has some familiarity with the number of trucks it will take to pour the foundation and what the access will be? Mr. Collings said he has a licensed access toward Hudson. Would he permit that haul road as an access for the cement trucks asked Don Hawkes.

Robert Collings said he could not use the haul road since only a license to take material out not transport material in. He added that he would also need a permit from the Town of Hudson, which he currently does not have. Robert Collings said he estimates 3014 yards of concrete estimated for the project, which equates to about 300 trucks.

Gladys Beaudutte of 84 Hunter Avenue said people along Hunter Avenue in Hudson are just as affected as Stow residents. She said if this was kept to simply few weekends a year it would be OK, but this is going to add quite an impact on the community.

Shirley Birchfield of 200 Barton Road said a loss in property values due to this project will cause the town to lose revenue due to devaluation of residential properties.

Tiffany Bellagrini of Cortland Drive has family on Barton Road. Before decisions are made, she said, she wants to emphasize that Barton Road really is not a road and that two cars cannot pass at the same time. Ernie Dodd added that the road has never been fully paved and instead only patched. Tiffany Bellagrini asked if the Board is planning to hold a site visit that the majority of members is planning to attend?

Lori Clark said the Board will be planning on doing a site visit. Lori Clark said that the Board will pick a time that the majority of the Board can make and report back to the other's that cannot make it.

Roger Berkley of 53 Boone Road said that he personally lauds and applauds what the Foundation is doing. However, he currently abuts the maze at Honey Pot Hill. He said his driveway is in front of Honey Pot. Because of his location, Roger Berkley says his quality of

life due to traffic continues to deteriorate. Due to the Collings Foundation and the orchard he is at the center of the busiest and most densely populated part of the Town. Traffic and noise affect quality of life he said. Roger Berkley said it is just the wrong place for doing this type of work. With his connections he could put a museum up at Devens Military base instead.

Wes Fisher of 200 Barton Road said he hopes that the Board is looking at this project in terms of the Stow Master Plan and keeping the rural integrity of the Town. He said that when looking at the Master Plan it is inconceivable that this would be allowed.

*Kerry Brown of 86 Hunter Avenue in Hudson* said she hopes that the residents could get more than a glacial pond for fire control for a huge detriment to a long term hindrance in traffic and construction.

*Pete Rhodes of Sudbury Road* said he has lived in Stow for 43 years and is nervous about a truck with a big tank dumping it into lake boon due to a faulty dam. What if the dam starts to crumble he asked?

*Peter Christmas of 123 Barton Road* said that smoke from the gun powder hovers over the entire lake while they are shooting off their weapons. He noted that one of the examples noted by Robert Collings, the American Armored Foundation, is located on a state highway similar to route 62. Peter Christmas said that people drive through my driveway often to get through the traffic. This is not a safe location and it really needs to be seen by the Planning Board.

Leslie Wassmuth of 28 Worcestor Ave said her father was a veteran but this neighborhood is not the right place. She said that Barton Road is a lakeside community and not the right place to be having such events.

Jean Roemer of 6-3 Warren Road said there are a lot of people who have been scarred by war. Stow established monuments in the center of Town and are silent reminders. A lot of veterans have suffered traumatic shock and may not like to hear the sounds of warfare in the summer weekends.

*John Mcdowell of 80 Hunter Avenue* said he believes they have been given only average numbers for traffic scenarios. Are there worst case scenarios as well he asked. What are the high end numbers? Could the Foundation use a reservation system to limit traffic?

Robert Collings said there is a lot of data and perhaps the new traffic study will be what the resident is looking for.

*Jack Zettler of 52 Barton Road* said Mr. Collings claims his operation is educational but his main clients are old males. Robert Collings said in addition to programs with the Stow

School system and camps, in 2009 the Collings Foundation was recognized by the Air Force Association to for its “outstanding contribution to education.”

*Linda Cornell of 22 Barton Road* said she is impressed by the number of people opposed to this project. She said this proposal is an assault on a rural residential neighborhood and education is very clearly defined by the IRS - it must be a corporation to be offered zoning exemption. Linda Cornell said she hopes the Board will ask for more clarity from legal counsel.

Lori Clark said that the hearing will be continued due to public input.

Ernie Dodd clarified that the Planning Board has not discussed anything with one another regarding this proposal before today. Individual staff members have discussed the plans but not the board. At this time, the Board does not have a complete set of revised plans.

On the application, said Ernie Dodd, the use is stated as a museum, which is not an approved use under the bylaw. A non-profit educational use is allowed he added. The Board will need to see justification that the educational use is the primary and dominant purpose of the facility and a statement that all activities past present and future are educational, as well as participant counts for those activities.

Ernie Dodd said presently there are two uses that have never come to the Planning Board for Site Plan Approval. To be an approved use they must come before the board in the form of an application. When the Collings Foundation property was established the first museum needed a site plan to exist legally.

Ernie Dodd said that Barton road is essentially a cart path – windy and narrow with only one way traffic in places. Barton Road is not a Town road and only patched and maintained by the Town as a private way. How can it provide for convenient and safe vehicular and pedestrian movement? Ernie Dodd said he does not feel that the road can nor was never intended to support the proposed activities and level of use. At one point the residents were asked if they would like to have the Town take ownership of the road. The residents said no.

From the testimony given tonight, the residents say that offensive issues have become a problem. How does this application protect the abutting properties in the face of traffic, runoff and explosives? I do not see how those findings can be made said Ernie Dodd.

Ernie Dodd said the lack of required frontage is also a problem and the plan will need to be changed to address that.

Lori Clark has asked if there had been any consideration of alternative access. Steve O’Connell said that he would coordinate with Jesse Steadman and Karen Kelleher to get Sue Carter the plans in advance and have written responses to Sue’s comments, which will highlight bigger items.

**The Board discussed with the applicant and the applicant agreed to August 6<sup>th</sup> as a continuation date.**

Ernie Dodd moved to continue the hearing to August 6<sup>th</sup> at 8:30 in Stow Town Hall.

Len Golder Seconded.

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

**Adjourned. 9:30**