

TOWN OF STOW
PLANNING BOARD

Minutes of the April 1, 2015 Planning Board Meeting

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

Voting Associate Member: Margaret Costello

Lori Clark called the meeting to order at 7:00 pm

Planning Board Minutes of March 18, 2015

Ernie Dodd motioned to approve as written.

Steve Quinn seconded.

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

Member Updates

Mark Jones said he has been attending the space study committee meetings for the high school, which is about to issue a report available in about two to three weeks.

Planner's Report

Abutter Notification for Zoning Amendments

Mark Jones suggested adopting a policy to notify abutters regarding Zoning Bylaw Amendments. Karen Kelleher noted that Chapter 40A does not require abutter notification, adding that in the instance of the proposed petition, notification would involve all of the Golf Courses in Stow.

April 6th Meeting

- Spring Hill Estates - Draft Decision is ready for discussion and vote on April 6.
- Pine Bluffs Recreation – Karen Kelleher said she is working on the Draft Decision for discussion and vote on April 6.

April 8th Meeting

- Bose Corporation Special Permit Modification - Bose will also be filing a Special Permit Application for Lighting.
- Stow-a-way Inn Special Permit and Site Plan Approval

Highgrove Estates

Will be applying for the first Building Permit and will provide estimates for the Escrow account that must be established prior to issuance of building permit.

Athens Street

Karen Kelleher reported that Attorney Dionisi is scheduled to meet with the Board to discuss improvements to Athens Street. Karen Kelleher asked that he be prepared with the legal background on whether it is a road laid out under the subdivision control law and to what extent and who has rights.

Wedgewood Country Club

Karen Kelleher reported that the Board of Selectmen invited Joe Pittorino to their April 15 meeting to discuss the Petitions that were submitted after the 90-day notice as required by the Charter. The Planning Board's Public Hearing is scheduled for April 8. .

Assessor's Map Updates

Karen Kelleher said the Board of Assessor's will be requesting funds at the Annual Town Meeting to update their maps to reflect the updated floodplain boundaries.

Meetings

Karen Kelleher updated the Board on recent meetings attended by staff, including:

- Regional Housing Services meeting on March 30th to discuss year two work plan.
- SMAHT was also represented. SMAHT is also in discussions with Metro West Collaborative for assistance in updating Stow's Housing Production Plan.
- EDIC meeting on March 31st.
- Monthly Permit Team meeting.

Karen Kelleher said that staff continue to work on the Earth Removal and Noise Bylaws are receiving inquiries into the Quirk and EFMC properties off of Hudson Road.

Continuance of the Public Hearing for the Collings Foundation Inc. Site Plan Approval and Erosion Control Special Permit.

Lori Clark reopened the Public Hearing

Lori Clark read through the Public Hearing Guidelines and described the structure of the Public Hearing, including conduct for public comment.

Robert Collings Jr. – President of Collings Foundation Inc.

Robert Collings Jr. read into the record a description of the American Heritage Museum, noting the educational, scientific and historical purpose of the Foundation, including its qualification for the "icon" definition of the American Museum Association for the purposes of education.

Robert Collings Jr. described the applicant's interpretation of the Dover Amendment as it applies to the proposed museum, quoting language from a Regis College decision. Robert Collings Jr. emphasized that the courts have noted education as a broad and comprehensive term. Robert Collings Jr. said that the Collings Foundation Inc. is exactly, completely and significantly educational and they provided 2600 signatures as evidence, along with approximately 350 letters.

Robert Collings Jr. said that the proposed “American Heritage Museum” has three educational themes, including the fight for democracy including Civil War, WWI and WWII, the human impact of war, including information and stories on women in the military, and the third is technology and its evolution through wars of the twentieth century.

Robert Collings Jr. gave a presentation of the museum exhibit layout, describing the entrance through a vestibule, leading into the screening room which provides historical background. Participants then move onto the WWI trench and WWII exhibit. Participants then overlook the museum from the mezzanine, before descending stairs into historical exhibits of how the war developed. Robert Collings Jr. said the applicant has tried to emphasize the role of Massachusetts people in war history as part of the exhibits. The exhibits include history of wars all the way to the gulf war including a scud missile. Participants then go back upstairs where an archives library, artifact storage space and educational training room are located.

Robert Collings Jr. said that the tours feature educational components including trained docents, the use of a tablet tour that allows visitors to engage with touch screens to learn more about the exhibits and the three themes. Additionally, Robert Collings Jr. said the exhibits are planned to feature re-enactor presentations, expansion of tours and programs with innovative educational organizations, including the collection’s involvement in the Good Products, Bad Products program. Robert Collings Jr. delivered a letter from James Adams, Emeritus Professor at Stanford University, which Bob Collings Sr. read into the record. Bob Collings Sr. said that James L. Adams continues to teach the course and the Collings Foundation Inc. has been involved to incorporate some of the ideas and concepts into their program.

Bob Collings explained the Collings Foundation Inc.’s plans for Science, Technology, Engineering and Math (STEM) programming and integration of Science, Technology, Engineering, Arts and Math (STEAM) as well, which incorporates education concepts. Bob Collings Sr. read into the record an email from Richard Ortner, President of the Boston Conservatory, regarding the importance of STEM and STEAM programs.

Robert Collings Jr. described the planned expansion of the Foundation’s guest speaker program, library and research and education and research for the government and the use by the United Nations of the scud missiles for training. Robert Collings Jr. described educational awards bestowed on the Foundation by the US Air Force and an honoring at the Wings Program in New York City presented by the CEO of Flight Safety.

Bob Collings Sr. read into the record a letter from Bob Noll, CEO of Boston Productions Inc.

Planning Board Comment

Sue Carter, Planning Board consulting engineer with Places Associates noted that many of the issues she outlined in her first letter and again in the current letter to the Board may

not be as much of an issue when the Board has more information. Sue Carter said her main concerns center around the interaction of vehicles coming and going from the site and how they interact with spectators and pedestrians, including the lack of defined spectator locations, vendor locations, and pedestrian safety markings. Sue Carter said that a parking variance would also be required. Sue Carter noted that not enough information has been provided on how the other buildings on the site fit into the parking plans and larger site plans. Sue Carter noted that lighting may also be needed, especially for a long driveway where people could be leaving at times of dark and low light. In terms of drainage, Sue Carter said that most everything can be resolved, adding that the Board just needs to know how all the pieces interact. Sue Carter said that on the basis of the extent of educational programs described by the applicant, the projection of vehicles at the site is relatively low and is doubtful whether there is going to be enough parking if the museum is used by so many different people, utilizing different programs.

Bob Collings Sr. said that their numbers are based on speculation on the number of people that are going to attend the museum. Peak visitor times coincide with the three open houses and will likely be about ten times what they will typically see on weekends. Bob Collings Sr. said that parking capacity is served by three areas, including overflow areas at each end of the runway, totaling five hundred vehicles in the front parking area and a total of 1000 vehicles at the runway ends, totaling 1500 vehicles in all.

The Board provided comment on the landscape plans based on Sue Carter's comments. Ernie Dodd said the whole operation is behind trees and the parking requirements do not seem appropriate for this application. The access is mostly treed and has gone through the Hudson Planning Board and the landscaping is probably sufficient as it is. The Planning Board was in agreement on these points.

Steve O'Connell said the master planning aspects are some of the most important aspects that they are working on.

Town Counsel, Barbara Huggins, said she would like to address the Dover question as to what is an eligible entity. Barbara Huggins said that the Dover Amendment requires that the applicant be a non-profit educational corporation. Barbara Huggins noted that the Planning Board originally had insisted that the applicant be a corporation and the applicant is now presenting itself as such, and in order for the Board to make a finding, the Board should ask for documentation of the claim. Barbara Huggins said the case law shows a need for a finding that can be based on articles of organization or IRS 501 c3 documentation. Barbara Huggins said the case law does not provide grounds for the Board to look behind the documents as to the purpose of the corporation having been created. An educational corporation is a corporation whose articles permit it to engage in education and does not need to be the primary purpose of the corporation. The use however, is a different matter.

Barbara Huggins said that the town's consulting engineer has identified certain aspects of the plans that are not in compliance with the Planning Board Rules and Regulations, and/or

Zoning Bylaw. It appears from the discussion that there has been some movement in the amount of information being delivered to the Board, but there is still a substantial amount of information that has been left out and needs to be delivered to the Board for the Board to make a legally defensible decision.

Lori Clark clarified for the applicant that Sue Carter, of Places Associates, has said there needs to be more information regarding parking, landscaping, and other site circulation details.

Barbara Huggins added that there are outstanding questions regarding other permits and variances, all of the site improvements have yet to be shown, and the planning department and Sue Carter have done a good job inventorying the information.

Robert Collings Jr. said that the application contains the articles of incorporation and bylaws. Ernie Dodd noted that the Board would like to see the copy that was sent to the state. Steve Quinn said it can be done online. Barbara Huggins said that it appears that there seems to be some cutting off of the documents and they would need to see a complete copy. Robert Collings Jr. said that can be provided.

Lori Clark asked Town Counsel, Barbara Huggins to clarify for the Board whether the use of the museum or the use of the entire property is what the Board should be considering when discussing the application of Dover Amendment protection.

Barbara Huggins replied that the Board should be considering those uses and events that the applicant has inventoried, including all of the activities ongoing and continuing.

Len Golder said that Bob Collings Sr. has read some letters from reputable institutions and is wondering what role will they play in the ongoing operation of the museum? Will they be guest speakers? Will they be on the board of trustees? Will there be any continuing role?

Bob Collings Sr. said they have relationships with institutions of higher learning that they are planning to expand due to their expanding facilities. Following up with MIT and trying to incorporate their program into their programs is a goal. They will be more actively taking part in educational programs due to the expanding facilities. They do not have plans to add an additional trustee but it could happen.

What kind of educational aspects will the re-enactments have, asked Len Golder? Bob Collings Sr. said the re-enactors set up camps, are in period attire and are very informed, sharing their history. People who attend rave about the re-enactors, said Bob Collings Sr. He added that they are going to be using re-enactors to go into the school systems since many school systems don't have the budgets to go on field trips.

Robert Collings Jr. said in the future they are looking to use the facility and special exhibit space to have different themed weekends or to come up with new themes not currently stated. Robert Collings Jr. said there are going to be a lot of different themes inside the

building. Outside of the building, the Foundation may occasionally drive a vehicle, but would not necessarily be holding any additional reenactments.

Ernie Dodd passed out some copies of his prepared comments, which provide comments on the documentation that needs to be provided. Ernie Dodd stated that the Board needs deeds and record plans for the Hudson parcels, copies of Hudson Planning Board decisions and ZBA decisions and the owner of parcel in Hudson needs to sign the application. Ernie Dodd said that Robert Collings Jr. will need to sign, as well as Maynard Sand and Gravel. Ernie Dodd added that the Board needs a copy of the agreement between Collings Foundation Inc. and Maynard Sand and Gravel. Stephen O'Connell asked why the signature would be needed.

Town Counsel, Barbara Huggins said the application now includes the land in Hudson and it should be included in the application. All property owners in Stow and Hudson need to be an applicant for this permit of the affected parcels. Barbara Huggins said it is a necessary formality.

Ernie Dodd read from prepared notes attached as an addenda to these minutes, citing areas of the application that he believes require clarification. Bob Collings Sr. responded to a point regarding land in Chapter 61, noting that the Collings Foundation is going to be removing from that designation, the area that the building will be located on.

Ernie Dodd continued to read from his prepared notes, saying the big question is whether education is the primary purpose of the corporation.

Town Counsel, Barbara Huggins again clarified that the Corporation's articles of organization have to include an educational purpose. And it is the use, which must be primarily educational.

Bob Collings Sr. said if they have specific guidance from the Board it would be helpful.

Ernie Dodd read from his prepared comments, which are attached as addenda to these minutes.

Ernie Dodd read through a previous letter by Dan Barstow, regarding ten criteria to establish whether education is the primary purpose of an organization. Ernie Dodd would like the applicant to address the questions and believes they are fair.

Lori Clark said that what they are evaluating is the primary, dominant educational use of the facility and grounds entailed in site plan. Lori Clark said when the Board is asking about information on the corporation's educational purpose it is not the most relevant information needed. Lori Clark stressed that the Board must exclude activities and events not happening on the site, from its determination.

Town Counsel, Barbara Huggins said that Mr. Dodd's questions are appropriate in their regard to activities that are taking place on the property. Barbara Huggins read a quote from the Metrowest YMCA case.

Barbara Huggins said that although earlier she said case law does not support looking behind the corporate form, it is appropriate to ask that the entity that is applying is the one conducting the activities on the site.

Mark Jones said that one of his concerns is the constriction of the access across the wetland and he is concerned about pedestrians being on the bridge when two vehicles pass, especially in regards to the crowds.

Steve O'Connell said they are working on revising an overall circulation plan funneling participants to the west while the bulk of the traffic is happening to the east.

Mark Jones said he is concerned that there could be pedestrians walking along the access road. Steve O'Connell said that there will always be scenarios for accidents of various sorts. Emergency vehicles will have access to the original Barton Road entrance.

Mark Jones asked if two large vehicles can pass each other on the wetlands crossings. Steve O'Connell said that they would have to do so slowly. Mark Jones said that operationally he can foresee the case of multiple buses on the site due to the educational components.

Mark Jones asked if it has been worked out as to which entity will own the land and who will be conducting the events? Collings Foundation Inc. would be operating the events but the assets may not be transferred over, said Rob Collings Jr.

Steve Quinn said if the engineers can come to agreement on the traffic, he will not try to make any further comment. Steve Quinn said that there is a hammerhead lot that needs to be filed. Steve O'Connell said that the Hammerhead Lot Special Permit plan will need to have a public hearing and new abutter lists and integrate that public hearing into a continuance for this hearing.

Lori Clark asked to clarify.

Steve Quinn asked how many further functions would be added given the updated facilities. Robert Collings Jr. said that they have considered symposiums and vehicles traveling for display. Bob Collings Sr. said that they have been in contact with the Minutemen and there could be an additional event in respect to the Revolutionary War, although they have a small staff and are unsure of their capacity to do much more.

Steve Quinn asked about the phasing of the construction. Bob Collings Sr. said that first they would need to get the wetlands crossing done and they would like to do the majority of the roadwork within three months. Steve Quinn asked if the Building permit was tied to

access from the new road? Bob Collings Sr. said it could be part of the occupancy permit and it is in everyone's best interest to get the road in as soon as possible.

Steve Quinn clarified some of the Dover Amendment questions. Steve Quinn asked what would happen if the 501c3 was not granted. Ernie Dodd said it is basically just a formality and will likely be granted, although it can take a few months.

Steve Quinn asked how security would be handled to keep outsiders from driving in. Bob Collings Sr. said for a while they would need to route traffic to the Hudson access. Bob Collings Sr. said that in the winter months they will not be using the Hudson access while the museum is not being used. The personal driveway and staff will use the existing residential driveway.

Margaret Costello asked about the museum being closed in the winter and asked the applicant to comment on the expansion noted on pages 7-10 of a March 24th submission by the applicant and how that future educational expansion will be managed. Specifically, Margaret Costello noted that on page 10 there is talk of internship expansion. Margaret Costello said it is hard for her to understand how the Collings Foundation can expand their programming to the point they would like with the museum being closed for six months of the year.

Bob Collings Sr. said they will have staff at the museum twelve months of the year. It will not be open to the public. Internship programs can take place in the spring and summer. Margaret Costello said the expansion plans did not seem to jive with the modest open dates. Margaret Costello asked if they are projecting into the future as an expansive operation, and are they are hoping to add 10,000 visitors, as referenced in the March 24th document?

Steve Quinn said using the road from Hudson would likely be important all year long. Steve Quinn said that one of the critical aspects to the new application is utilizing the new access.

Ernie Dodd said that on page 9 of the March 24 submission, the applicant will assume the three most significant functions. Section E5 notes TCF open houses, which are summarized in the document.

Lori Clark said that six months out of the year the museum will be closed to the public. Does that mean that some of the activities will not be taking place or is it general admission that will not be taking place? Lori Clark asked if the applicant envisioned being open during the winter months?

Lori Clark said regarding Dover use questions, she would like more detail to help figure out if something is primary and dominant. How many people take part in each of these activities? Lori Clark said there is no case law or guidelines and so she is approaching the question as logically as possible. Can we get some estimations of how many people take part in each of the activities?

Bob Collings Sr. said it is all educational as they are a living history museum. Bob Collings Sr. said that in the minds of the people that are coming to the grounds, it is educational. Bob Collings Sr. said that the 20 or so events they hold, they consider all of them educational, as well as the docent conducted tours.

Lori Clark said that the educational piece is subjective and she does not know where the other members are at and she plans on making her own determination. Bob Collings said that education can be broad and subjective. Lori Clark said that while she may not deem every aspect primarily educational, she needs to understand from a volume standpoint how many are taking part.

Bob Collings Sr. said out of a total of 9-10 thousand visitors a year, approximately 9000 come to the three special events. There is no quiz. 1000 people come for school groups, car clubs or other activities where there is a docent conducted tour.

Lori Clark said some of the events seem to be more of a function. What would help her form her own subjective opinion would be to provide general volumes for each specific event. Bob Collings Sr. said that they have numbers for their events. In some events, they are more charity focused with a small educational component and those numbers would be provided.

Lori Clark said that for people who call and want to hold a function, are they paying to use the facility or making a donation? Robert Collings Jr. said it depends on whether it is a nonprofit or for-profit. Robert Collings Jr. said he can see what the Board is getting at and if the Collings Foundation were primarily a function hall he could understand, but the majority of participants are not there for cocktail style events.

Lori Clark read from Assistant Planner Jesse Steadman's memo saying that it is important to understand that the current permanent parking that is shown does not currently meet the bylaw.

Lori Clark asked if employee parking will be utilizing the museum spaces? The applicant said it would. Lori Clark read from the memo to provide clarification.

Regarding phasing, they would like to have information on what will be happening during construction as it may relate to events happening at the same time.

Steve Quinn said that he is thinking the educational component through and one scenario could be that the museum is approved with conditions and accessed through Hudson. The other scenario is that the application is denied and the museum does not get built and the status quo continues.

Lori Clark clarified that if the Board were to deny the application, whatever current use is taking place the applicant would likely continue, subject only to any enforcement action.

Margaret Costello asked if they were approved would they begin construction on the road first? Rob Collings Jr. said that there are no major deliveries until later in the project, such as steel. There would need to be minor equipment brought in through the Barton Road entrance, but the team would work their way primarily through Hudson until they get to the museum site. And then the construction equipment would be brought to the site. Steve Quinn confirmed that the concrete trucks would not be using Barton Road.

Len Golder asked how much does this museum depend on the reenactments. Robert Collings Jr. said that the re-enactments are integral to the operation of the Foundation, adding that the road will get the traffic issue out of the way.

Len Golder said there is the issue of current events and future events that will take place. Robert Collings Jr. said that not all events are open houses. There are guest speakers, driving of vehicles and having veterans on site, as well. Len Golder asked what is the objective of the permitted events and is it important to the museum? Robert Collings Jr. said that there will be no more permitted events and only one is a permitted event with explosives.

Public Comment

Dan Barstow said that he is in agreement with the educational significance of some of the Collings Foundation's prior activities, as described by Bob Collings Sr. through the citation of many awards which are highly relevant, yet took place prior to the Collings Foundation Incorporation. Dan Barstow said it is important for the Board to determine whether all past consideration is excluded or if it is considered as part of the new application. If past educational information is excluded, then any other citations that are submitted by an early entity should not be considered. Lori Clark believes that comments that they have received from the applicant would provide some of the detail that would shed light on Dan Barstow's comments.

Mike Cressman of 199 Barton Road said that his home is about 200 feet from the event grounds and the road will come to the same grade as his house. Mike Cressman asked whether the road needs to be brought up that high and what the large open area is going to be used for? There is a 6 foot high barrier but his family is still concerned about visual and noise concerns. The house will be in full view and six feet does not offer a lot of barrier. They would be interested in a landscaped barrier along the property, of at least 100 feet since the view is now wide open due to trees coming down. Parking on the large flat top viewing area would be a concern. If the road could be lowered it would be better. Mike Cressman said he is concerned about the event sizes, and given what they have talked about it, could be a major museum, and what is the limit in terms of size of the events? If it is closed during the winter how will the school kids be coming in? Mike Cressman added that the more landscaping they can provide, the better. Regarding lighting, they are curious what the night time lighting will be like?

Robert Collings Jr. said that the existing events take place to the southwest of the existing hangar.

Adam Wagman asked whether the dominant purpose of the entire site is educational? How many people are going to be attending the reenactments and how many are going to be coming to the museum? If the dominant use of the site is educational can 40% of activities be run without a permit? How can both entities be run by the same officers serving on two boards? Adam Wagman reminded the Board that dimensional requirements can still be placed on the museum regardless of Dover protections.

Peter Christmas said he would like more clarity on the intentions of the amphitheater, and information regarding noise and dust.

Bob Collings Sr. said the large flat area is being created to keep the earth on the site. The regulations regarding noise, smoke and the rest will be complied with.

Robert Collings Jr. said two noise studies have been submitted.

Peter Christmas questioned the validity of a noise study that is conducted two thousand feet from the source of the noise.

Bob Collings Sr. said that the noise studies were conducted on the lot line.

Ron Gerhard said that aircraft go over 110 decibels on Linda Cornell's lot line.

A resident, who did not state his name, said that arborvitae planted as a screen will help with the visual issues and the noise will also be mitigated. Arborvitae will solve the whole problem he said.

Lori Clark said that it is time to decide on a continuance date.

The Board and applicant agreed on April 29th at 7pm.

Ernie Dodd moved to continue the public hearing for the Collings Foundation Inc. Erosion Control Special Permit and Site Plan Approval to April 29th, at 7pm.

Steve Quinn seconded.

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

Meeting Adjourned.

Respectfully Submitted,

**Jesse Steadman
Assistant Planner**

