

TOWN OF STOW  
PLANNING BOARD

Minutes of the April 29, 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

**Public Hearing Continuance – Collings Foundation Inc. Erosion Control Special Permit and Site Plan Approval at 137 Barton Road**

Lori Clark read the Public Hearing Guidelines

Bob Collings Sr. explained that since the last hearing the Collings Foundation has responded to 200+ questions and provided a sidebar key in a submitted document shows where to find the various information in their submissions. Bob Collings Sr. said Steve O'Connell will speak to the site planning aspects.

Bob Collings Sr. read from a document titled Collings Foundation, Inc.'s Further Responses to Planning Board's Issues and Questions, originally received by the Planning Board on April 22, 2015. Bob Collings Sr. emphasized key points in the document, including:

- Collings Foundation Inc.'s recognition as a non-profit educational corporation with the Secretary of State
- Finding that the U.S. Treasury Department defines museum's as educational. Bob Collings Sr. stated that the Articles of Organization for the American Heritage Museum are in keeping with the definition of a museum and therefore is educational.
- Collings Foundation Inc. has provided copies of tax exempt filings from the IRS, which although have not been approved, the applicant is allowed to operate as a tax exempt organization until such a decision is reached by the IRS.
- Financial Aspects of the Collings Foundation Inc. including Form 990 PR have been submitted.
- Clarification on the educational uses taking place on Collings Foundation Inc. property. Bob Collings Sr. said portions of land proposed to be the site of the new museum will be removed from Chapter 61B.
- Detailed Information About Each of the Activities on the Site, including a description of different activities that take place on a yearly basis, and whether those activities include a museum visit. Bob Collings Sr. said it is the Collings Foundation Inc.' belief that those aspects that contain a museum visit are educational. Bob Collings Sr. said 8-9 thousand

attendees visit for the three main events. If they are museum events and they are educational, that makes the use primarily educational.

- A description of activities that will be expanded and enhanced through the addition of the American Heritage Museum.

Len Golder asked about the use of the word “sometimes” on the table of activities. Bob Collings Sr. said that at times they do not show off a vehicle for certain groups, and that it can vary from group to group.

Len Golder asked in terms of operation of historical artifacts, how many will include the operation of an airplane? Bob Collings Sr. said that in the father’s day event there would be two WWII aircraft, in the Race of the Century there are three WWII aircraft. Battle for the Airfield contains the same two historic airplanes flying for that event.

Len Golder asked which events have the operation of tanks? Bob Collings said there are typically five to six tanks used in the Battle for the Airfield. Ernie Dodd asked Bob Collings Sr. to clarify in his documents between the Collings Foundation Trust and Collings Foundation Inc. Bob Collings Sr. said that when they refer in documents to TCF, it is meant to reference the Trust. When they refer to TCI or Collings Foundation Inc., they mean Collings Foundation Incorporated.

**Presentation by Steve O’Connell – Applicant Engineer with Andrews Survey**

Steve O’Connell said that he is in receipt of the review letter by Sue Carter of Places Associate’s. He would like to go over some of the revisions that have been made in response to requests from the past hearing.

Steve O’Connell said they have added a site composite plan with breakdowns of acreages and ownership of parcels with a simple layout of the access road and building. He noted that they have added a note on the plan that 16A and U2 – 54 are subject to Special Permit for Hammerhead Lot Approval.

Steve O’Connell said a vehicular and pedestrian circulation plan should be helpful in understanding how events are operated. Steve O’Connell said the site is accessed along the access road and event visitors will park where they have historically parked. Directional arrows are included to explain how parking traffic is handled. White arrows show pedestrian arrows of movement. Pedestrians will exit the parking area to the west of the aisles and follow a gravel road to the museum and viewing area. The South entrance from Barton Road will have barricaded entrance with sign directing to 586 main street. The north driveway will not be barricaded but will have signage. There will be a moveable barricade for the south entrance during the events so emergency access can be ensured.

Steve O’Connell noted the areas that attendees can view the event, including where vendors are located and how the areas are demarcated. Nothing taking place to the south of the museum building, only where the events are shown on the plan, said Steve O’Connell. Steve O’Connell said the applicant is currently working on ADA compliance issues. Steve

O'Connell said it may not make sense to pave for ADA parking for events that take place only three times a year.

Steve O'Connell noted the location of an existing aircraft refueling area inspected by the fire chief, which has been working for the applicant for a long period of time. He noted that there are 47 total spaces on RAP surface with seven handicapped spots. Additionally they will be adding 23 additional spaces on a concrete pad south of the building, perhaps for employees. Overflow parking has been shown based on educational based fundraising activities, where 220 additional spaces can be located on the lawn to the northwest of the proposed museum. Steve O'Connell noted the location of the dedicated bus turnaround.

Steve O'Connell said that the large area of fill to the west of the proposed museum is there to accommodate excavations from the project site. It is a balance site. The fill is extended to the west of the building creating a plateau. Southeast of the proposed museum is another balance area. Steve O'Connell said the Conservation Commission is preparing a draft decision.

Regarding the right of way location, Steve O'Connell said that applicant is planning to maintain the existing right of way location, splitting the drainage basin it crosses in two and doing some slight grading of the driveway to ensure unobstructed access.

Margaret Costello asked if the right of way plan referenced is a plan that Linda Cornell has seen and OK'd? Steve O'Connell said it is a Land Court decision and they have physical evidence of its location and they have geometry from the plan. Steve O'Connell said that there are no relocations of the right of way and they will accommodate it by dividing the drainage basin.

Steve O'Connell said that discussions with abutter Mike Cressman have centered on widening the berm and adding a row of plantings. No Trespassing signs will be included. Steve O'Connell said it is the applicant's preference to keep the road where it is.

Steve O'Connell reported on drainage upgrades, noting the high capacity sandy soils will be conveyed by pipe to infiltration basins. He added that no water leaves basins in a 100 year storm event, and that the plans meet TSS removal requirements through sediment forebays and drop inlets.

Steve O'Connell said that the applicant can get a landscape architect on board to work out any issues regarding landscaping. Steve O'Connell said he believes the parking issues are well worked out. Ernie Dodd said that the applicant would have to go to the ZBA for variances regarding the various landscaping and parking requests but that he believes the Board could support the effort.

### **Sue Carter of Places Associates**

Sue Carter said she agrees that drainage and landscaping can be resolved. Sue Carter said her understanding of the project was helped by the circulation plans, but still has suggested

that the road could be lowered to reduce abutter impact. Areas that are in the limit of work could be spread with some loam to be utilized for excess fill.

Sue Carter said that the Board needs to provide guidance on the number of parking spaces proposed. If the bylaw were applied the applicant would need 352 spaces and they are offering 42 spaces. Sue Carter said it is unclear whether the parking is sufficient given the upcoming activities and events that the museum will bring. Sue Carter reminded the Board that the Zoning Bylaw has provisions for banking reserve spaces, as well as language allowing a covenant to be used that requires parking spaces to be built out. Sue Carter added that if the applicant develops reserve parking that could be paved and built out in the future, the drainage calculations will be needed to be upgraded now so the applicant does not have to come back to the Board to gain another approval but can rather upgrade the site according to previous plans if it is deemed necessary.

Lori Clark clarified that Sue Carter has noted that there are many more required spaces than proposed. Steve Quinn said rather than pre-engineering, would it not be a good idea to bring the issue back to the Board. What are some of the issues if the drainage is not figured out up front?

Sue Carter said that given the coarse sand and gravel soils, there are going to be a lot of vehicles that could drip on the grounds. Further, the fueling of different vehicles requires a strong spill prevention plan and whether or not a service that fuels the vehicles will be used should be discussed. Sue Carter said that the Board may want to require a more detailed plan. She said she is unsure of whether vehicles parking on the lawn could be causing a problem.

Sue Carter said if it is predesigned you may have to alter already operational basins and infiltration areas. If parking is needed down the line, the pre-planning is more cost effective. It could still be done through the planning Board at a later time. Ernie Dodd asked where a basin would go? Steve O'Connell said he would design an underground recharge system given the soil capacity to the west of the building. Steve Quinn asked if it would be reasonable to designate that area as a reserve area. Sue Carter said that preplanning for underground drainage makes sense to remain flexible.

Lori Clark asked what can be done about the vehicles from the events potentially dripping oil and fuel? Sue Carter said that having someone scout after an event and have a process to identify follow up may be enough to help bring the issue to light. It is more about follow up spill mitigation and prevention.

Regarding the location of the access road and buffering from abutter Mike Cressman, Ernie Dodd said there could be language to depress the road or add landscaping. Mark Jones asked if they had to move earth to lower the road where would that go?

Lori Clark asked the engineer to describe what the neighbor will be looking at. Steve O'Connell said that essentially they are trying to screen the events and property. Steve O'Connell said they can have a solid wall of trees or can have gaps for variation. Steve

O'Connell said the road is situated as such that the abutter will not be able to see vehicles. He may have some views of the building but they are expecting to save some taller, mature trees.

Sue Carter said that moving the berm or the road could have saved trees or provided more buffer for the abutter. It may be something to consider, she added. The Board discussed the merits and issues with moving the berm. The Board agreed that its goal is to minimize impact on the abutter.

Mike Cressman said he understands the problem with moving the road over, but every foot is helpful. Sue Carter said having a registered landscaped architect sign off on the plans will likely be necessary. Sue Carter said you can agree to have a certain amount of plantings and then decide on where those plants can be located later on so the applicant knows what to budget for plantings up front.

Mark Jones said regarding the battle for the airfield, how many vehicles show up to the event. Bob Collings Sr. said that the traffic engineers with Conley Associates estimated that 2.5 people per vehicle visit the events, which translates into about 1000 vehicles.

Margaret Costello said that she believes that there is room and the road can be moved. Steve O'Connell said they are looking to keep the grade down, adding that in order to limit the steepness of the driveway they needed to swing the road to the east. It could be as much as 2.5% steeper to cut down on that length said Steve O'Connell. Steve O'Connell added that an extra 60 feet may not be a benefit from a noise standpoint. Can the material moved for the road be used to widen the berm asked Lori Clark? Steve O'Connell said it could be done but he is not sure whether the benefit would be quantifiable.

Bob Collings Sr. asked how much they wanted to move the road to the east? Lori Clark said they need to balance the request with reasonable engineering challenges. Steve O'Connell said that perhaps 25 feet to the west would be doable. Steve Quinn said he wants to protect the abutter to the largest extent possible. Steve O'Connell said that if he is able to move the road without too much issue it may be better to move the berm and create a more natural barrier. Lori Clark clarified that if there is a balance between handling the steepness and fill with the abutter concerns. That would be her main concern, she said.

Mark Jones said that the applicant's memo said they are proposing to change the width to 20'. Mark Jones asked if the wetland crossing was going to be 20' as well? Steve O'Connell said it is currently designed at a 20' width. Sue Carter noted that there is still the ability for emergency vehicles to access a distressed vehicle at the crossing from two sides. Sue Carter said she believes the access is sufficient.

Steve Quinn asked if there was anything that would cause the hearing to be continued? Barbara Huggins said there appears to be several aspects of the plans that need to be revised, including the landscaping plans, and parking areas. Lori Clark said some things can be conditioned. Barbara Huggins said she believes it is good practice for the Board to view the landscaping plans, rather than defer them. The Board said that it could be

conditioned as part of granting the permit. Barbara Huggins said she believes it is at times good for the public to be able to view the plans that will be submitted, but if it is the Board's practice then that is OK as well.

Lori Clark asked for comment on exactly when the road will be open and when it will be closed, and can that be related to when the activities will be taking place?

Bob Collings Sr. said the museum will be open three days a week, six months out of the year. The road will not be plowed, and will have a gate and be locked. Lori Clark said although the museum will be closed, what other activities will take place? Bob Collings Sr. said it would be closed from November first to May first. Margaret Costello asked when items need to be transported what road would be used? Bob Collings Sr. said they never move machinery or vehicles in the dead of winter.

Bob Collings Sr. said the museum will be open 3 days a week six months of the year. Bob Collings Sr. said that school groups could come outside of those times for special events. Bob Collings Sr. said that they have never had an event outside of November and prior to May. Smaller groups could come perhaps between 40-50 people. However, they will not be plowing the road or be allowed to use de-icing chemicals or salt.

Lori Clark clarified that in times of no snow will the access be from Main Street? Steve O'Connell said yes.

Margaret Costello asked if any amphibious vehicles would be landing on water. Bob Collings Sr. said that the aircraft is landed only on land in Stow.

Bob Collings Sr. said they have two planes, the Wildcat and the T-6 that occasionally leave to go to airshows throughout the country perhaps three or four times per year.

Ernie Dodd asked about parcel ownership. Bob Collings Sr. said that U2-54 will go to Collings Foundation, 16B will have an easement provided and R25-13 is owned by Collings Foundation and the Hudson Parcel will be owned by the Collings Foundation Inc.

Barbara Huggins said that any land that is being used for the museum use is subject to the same Dover requirements. Any areas of land used for a Dover protected use must either be owned or leased by a Dover protected entity, said Barbara Huggins.

Lori Clark said that at the last hearing for Dover consideration the Board understood that they should look at the use on the parcels in totality to determine whether education is the primary use. But is that an all or nothing judgment, given that various activities are taking place? In the Board's deliberation, if there is question on certain uses that may not fit the educational criteria, how does that affect the overall decision, asked Lori Clark?

Barbar Huggins said it is not an all or nothing scenario. Barbara Huggins said that some aspects are protected and some are outside of the scope of Dover and not permitted as long as those uses are not permitted in the district in which they are located. In the Timothy

summer camp case, the property was Dover protected, but certain unreligious activities fell outside of the bounds of Dover protection, and the point was that if the use is not Dover protected it does not get automatically folded in because it exists on the parcel.

### **Public Comment**

*Peter Christmas of 122 Barton Road* said it appears that the Board is trying to find out how many flights take place. He would like the board to take into account the paid flights as well. He would also like the Board to look at the classic vehicles and older vehicles that are notorious for leaking oil and he would like the Board to address that through better reclamation efforts at spill sites rather than just walk through's of the property by staff. Fuel storage is also a major issue and he noted that the Fire Chief said that 55 gallon tanks were not considered legitimate by the Fire Chief. Refueling should be up to EPA standards.

Bob Collings Sr. said the Collings Foundation has a DOT certified trailer to haul fuel. The EMT and Fire Department are on site during the large events.

*Dan Barstow of 99 Pine Point Road* said that Bob Collings Sr. has presented that because it is a museum being proposed, everything is educational. However, it has also been noted that the use is closed half the year and is only open three days a week. Dan Barstow quoted Town Counsel regarding the educational use of museums. Dan Barstow paraphrased Town Counsel saying museums serve multiple purposes including education and entertainment. Dan Barstow said that two of the museum uses are curating and education of the public. But what is the primary purpose asked Dan Barstow? Dan Barstow said a car museum has educational components but is primarily curative in nature. The locational problems are derived from a wish to place the museum near their residence. Dan Barstow noted that the museum will be closed six months of the year during the times when school visits are at their height. If education is primary, Dan Barstow believes that the applicant would be constantly reflecting on how to make this educational use available to the most people during the longest periods of time.

Dan Barstow said that as the Board considers whether education is primary purpose, the three annual events do not make education the primary mission of the museum. The Board needs to look beyond the number of times they have said education and determine whether the museum use is an educational endeavor as its primary purpose.

Bob Collings Sr. said that the treasury department defines that museums are educational, and they are relying on the Treasury definition.

*Janet Belsky of 122 Barton Road* said that there are four metrics that provide insight into the primary and dominant purpose. Financial metrics are one. Janet Belsky said according to documents submitted by the Collings Foundation, operating and administration made up \$4.8 million, consisting of advertising, travel and other expenses. \$1.86 million was allocated to maintenance and supply of the antique collection. \$0 dollars were shown to be allocated to education. The Collings Foundation has a new website with 22 pages dedicated to collection, but no tab, page or section allocated to education. Janet Belsky said that between 2006 and 2013 the number of school visits has been dropping, from a high

of four groups touring in 2007 down to 1 in 2013. Janet Belsky added that in the year with the most visits only 213 of 10,000 attendees in 2007 were made up of school groups.

Janet Belsky said that Docent Conducted Tours were not added until 2013 when only 9 of 16 events included this designation. Janet Belsky said that all the information she has provided the Board is from documents from the Collings Foundation and it should be a reasonable expectation that a sizeable portion of its earnings go to education. It would be reasonable to believe the number of school groups would have increased over time, but it has declined. Janet Belsky said she believes the reason for this decline is that the Foundation has not made the effort for education or allocated the necessary funds for education.

Bob Collings Sr. said the primary work of the Collings Foundation, and that which has taken up much of the Foundation's operating expense, has been the Wings of Freedom Tour. Bob Collings said they reach school children throughout that tour and that is where their operating budget goes to. Bob Collings Sr. said that the Collings Foundation received a 2009 award in education from the Air Force. Bob Collings Sr. said they will be creating a separate website for Collings Foundation Inc.

Scott Gregory from 180 Barton Road said that he is speaking for several families. Scott Gregory read from correspondence delivered at the hearing. Scott Gregory said there is a distinction between education and knowledge, providing definitions of both and drawing distinctions. The American Heritage Museum is not what the Dover Amendment was originally designed for, nor what our neighborhood, lake and wetlands were designed to handle.

Janet Belsky said that the educational components of Wings of Freedom is irrelevant since it does not take place in Stow.

*Barbara Jones* said it is her understanding that Dover includes the appropriateness of the activity in the place which it is located. This is a residential zone and the height of a berm does nothing to protect the neighborhood.

*Jon Lage of 90 Hunter Avenue* said the Board has spent a lot of time discussing the design of the plans, but the primary question is whether the Dover Amendment is primarily educational. I did not hear the Board ask any questions regarding the educational use and its primary distinction said John Lage. The Board should focus on that question rather than the minute details of the plan.

Lori Clark said that the Board did spend time last hearing asking for proof of education and that the guidance means that the Board will have to go through all of that information and make a determination. Lori Clark said she asked for materials to help her make that determination for herself. Lori Clark said that the purpose of the public hearing is to collect all relevant information to the project and utilize that information after the close of the hearing to decide whether it is educational. Questioning the details of the plans is due diligence to ask about every aspect of the plans since there is no knowing the direction the



Board may ultimately vote. Analyzing information will be the most significant aspect of the hearing, including analyzing the details of all the engineering plans.

Bob Collings Sr. said that the Collings Foundation has been conducting these educational events since 1979.

Lori Clark said that the decision of the Dover qualification relates only to activities that are happening on the Stow properties in the application. Barbara Huggins added that any activity that the Collings Foundation has indicated that is part of the museum is part of what the Board should consider.

Lori Clark suggested that the Board continue. Steve O'Connell said it is ultimately up to the Board and there are minor issues that can be conditioned.

Ernie Dodd said in the past the Board typically conditions minor issues. Ernie Dodd said that the designs need to meet the needs of the abutter and minor details that need to be rectified will be in keeping with the Board's decision.

Lori Clark said that the Board can only take input during the public hearing while it is open and if the plans come in there will be no public comment that can be taken. Town Counsel strongly recommended against closing the hearing until the revisions are brought forward. Steve O'Connell said that only one abutter has commented on landscaping. Lori Clark said that given the high interest in the application it is the Planning Board's view that they make sure the public has a chance to see the revised plans.

Lori Clark said that there could be a membership challenge, given that one Board member will be giving up his seat. That member can be made a voting associate, which needs to take course for the Board to be full. The Board discussed the ramifications of potential Board split.

Bob Collings Sr. said that the road will be moved 25 feet and they will get a landscape architect. Why can't the Board condition aspects of the plan as in the past he asked?

Barbara Huggins said that the plan should go to the engineer and the public should be able to see the plans. As far as landscaping plans, the Board can place a condition on the plan although she would not recommend it. Barbara Huggins said that this is up to the Board and not the abutter. Lori Clark agreed that the plan for moving the road does need to be submitted. The landscape plan is the Board's responsibility to review but is more highly dependent on abutter input. Lori Clark said they ultimately do want to see the landscape plans. In the past they have tied approval to the resolution of the landscape plans said Lori Clark. Barbara Huggins said if they are looking for abutter input on the plans, that is more appropriate for a public hearing.

Barbara Huggins said it is important to have the full amount of members in attendance for the hearing. Barbara Huggins said it is inappropriate for the applicant to suggest that the Board is being penalized by needing to schedule a later hearing date.

The Planning Board agreed to continue the hearing date to June 4<sup>th</sup>. Lori Clark clarified that receiving the revised plan, having the engineer review and receiving public comment is necessary. Bob Collings Sr. said that one issue is that the road will not be finished prior to the three main events and winter construction. Bob Collings Sr. asked if it could be closed on a condition basis.

Lori Clark said it appears June 4<sup>th</sup> is the date.

Ernie Dodd moved to continue until June 4<sup>th</sup> until 7pm.  
Mark Jones seconded.

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

### **Discussion of Spring Hill Estates Subdivision Decision**

The Board reviewed the Spring Hill Estates subdivision decision.

Mark Jones motioned to approve the decision as amended.  
Len Golder Seconded.

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

**Meeting Adjourned**

**Respectfully Submitted,**

**Jesse Steadman**