

RE: ARTICLE 25 – From David Marley, Owner of 100 University Drive, Amherst

Dear Town Meeting Members,

My name is David Marley: I own 100 University Drive. One of the warrants you will be asked to vote on concerns the rezoning of Parcel 33 on University Drive from Office Park (OP) to Limited Business (B-L) This parcel immediately abuts and drains on and through my property. The driving force behind the rezoning, is one, the desire to create more tax revenue and two, to head off an assumed drop in affordable housing in Amherst. I will elaborate on these two points in a moment, but first a little history about the site. In the early 1980's, the office building at 100 University Drive was built. Parcel 33 was part of that ownership group. The office building at 100 University Drive was built, parking installed, and drainage for the site and Parcel 33 was interconnected. The long term idea being that if the owners ever expanded, they would build in the middle of Parcel 33 with direct access through the parking lot of 100 University Drive and out the existing driveway to University Drive.

Seven years ago, the then owners of 100 University Drive, looking to stay solvent, subdivided Parcel 33 and sold it to the existing owner. If you look at a map, or better yet come to the site and walk the land, you will find that Parcel 33 is almost entirely surrounded by water and or wetlands. Wetlands border the south, west, and part of the north boundaries (see attached "A"). The upper section of Parcel 33 to the North has an enormous detention basin with pertinent underground piping "nourishing" the above mentioned wet areas. This drainage system infrastructure supports the downhill side of Blue Hills Road and The Arbors. Due to deficiencies in the drainage structures beneath University Drive, the water continues to build up on the east side of University Drive; in particular right in front of Parcel 33 creating more wet areas. This statement is supported by the past town engineer, Mr. James Smith, and present Superintendent of the Dept. of Public Works, Guilford Mooring. As you can imagine, Parcel 33 has very limited access to University Drive and is a very wet site all year round. The site presently is used for farming and as a drainage corridor. In real estate terms, this is its highest and best use. This position is echoed by the Planning Board Minority Report, Article 25, University Drive rezoning (see attached "B"). Any development will only exacerbate the drainage situation along and below University Drive. Ultimately the town will have to "foot the bill". Surely any tax money realized could very easily be chewed up due to accelerated deterioration of the infrastructure or by excessive demand on the already inadequate infrastructure.

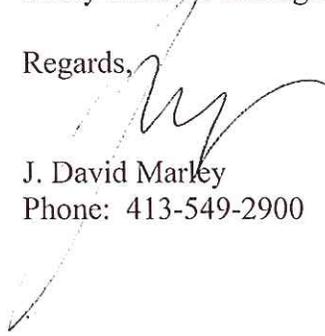
On to tax payers: The Arbors, The Center for Extended Care at Amherst, and the 100 University Drive office building pay almost \$200,000 a year combined in property taxes. We place no burdens on the Town's systems; no crime, no impact on schools, no impact on infrastructure, in fact we are the type of business owners that all Towns want to see. 100 University Drive has Cooley Dickinson/Amherst Medical Associates, the Daily Hampshire Gazette, and CT Valley Oral Surgeons as some of its tenants, to name a few. We support the town, we donate to the town. Why the Town of Amherst is so anxious to permanently and negatively impact this area by "wedging" this project in between our properties is inconceivable.

Affordable Housing: As a businessman, redeveloper and owner of a general contracting company based in Amherst for almost 30 years, I know personally that HUD and various housing authorities would rather keep existing affordable housing as affordable in that classification than build new units. Keeping existing affordable housing in place is significantly less expensive. For example, in Northampton three or four years ago you may recall the City of Northampton, Aspen Management, the owners of Meadow Brook Apartment Complex working to keep the complex affordable and not market rate. The end result worked well for both Aspen and the City of Northampton and most of all the tenants. Why hasn't the Town of Amherst approached the owners of Rolling Green about this concept? Using \$900,000 of Community Preservation Act money to spearhead the Town's endorsed project on Parcel 33 is not a good use of such limited funds (see attached "C", examples of HUD housing project in Boston).

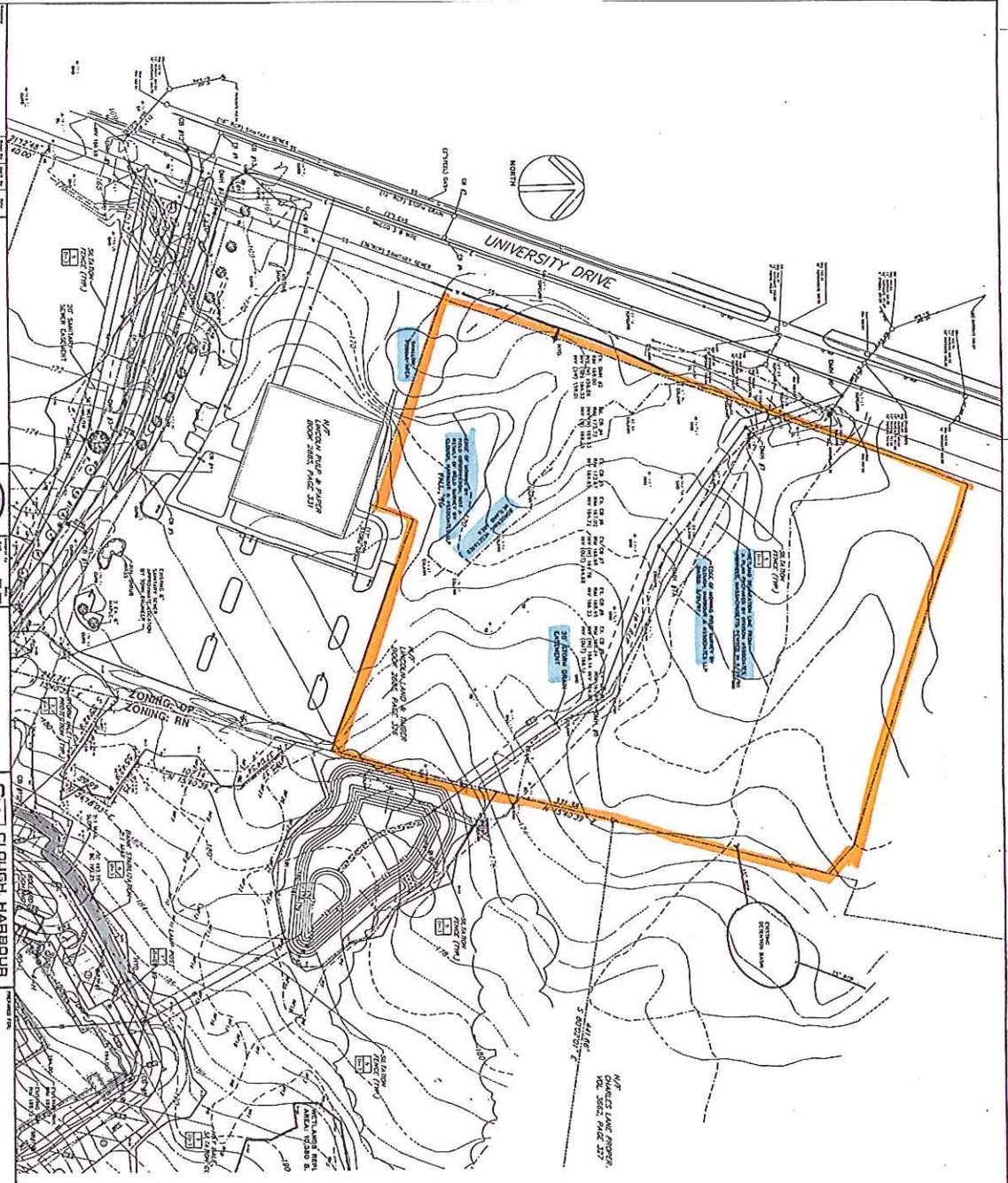
Lastly, the Town of Amherst paid for (2) corridor studies by consulting firms in 2003, and again in 2008. Both studies clearly point out the fact that University Drive has access related safety and congestion issues (pg 1, 2003 report by Dufresne-Henry, Inc.). Both studies clearly point out that the existing east side property's improvements are well designed and evenly spaced (pg 2, 2003 report by Dufresne-Henry, Inc.). Various maps show present and future "curb cuts" and improvements along University Drive. On none of these maps does it ever show a curb cut or improvement to Parcel 33. If the Town is hanging its hat on these two studies, as to the direction improvements and development of University Drive is heading, why isn't it using all of the information, instead of "bits and pieces"? I strongly suggest the Town looks at alternative more appropriate sites for this project, I know of two.

Parcel 33 is 5.79 acres, meets the 5-acre requirement of the Right-to-Farm laws, is being farmed, and has a small farmstand which has helped give University Drive a sense of community it sorely needs. Farming is the number one business activity. Let's leave well enough alone.

Regards,



J. David Marley
Phone: 413-549-2900



Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	1,234	1,234	1,234
2	1,234	1,234	1,234
3	1,234	1,234	1,234
4	1,234	1,234	1,234
5	1,234	1,234	1,234
6	1,234	1,234	1,234
7	1,234	1,234	1,234
8	1,234	1,234	1,234
9	1,234	1,234	1,234
10	1,234	1,234	1,234

THE ARBORS AT AMHERST



CHA
CLUBB HARBOR
 171
 01028 - P.O. BOX 828 - 413-744-2228
 301 W. Main St. - 01028

THE ARBORS AT AMHERST LIMITED PARTNERSHIP
 AMHERST, MASSACHUSETTS 01028

LANDSCAPE, LIGHTING AND EROSION
 CONTROL

SCALE: 1" = 40'
 SHEET NUMBER: L-3A

L-3A

- NOTES:**
1. GENERAL NOTES: ALL NOTES SHALL BE CONSIDERED TO BE PART OF THIS PLAN.
 2. EXISTING UTILITIES: ALL UTILITIES SHOWN ON THIS PLAN ARE AS SHOWN AND ARE NOT TO BE DELETED OR MOVED UNLESS OTHERWISE NOTED.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS (D.P.W.) SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS AND BRIDGES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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PLANNING BOARD MINORITY REPORT
ARTICLE 25: UNIVERSITY DRIVE REZONING

Our vote against recommending the rezoning of a section of University Drive from Office Park (OP) to Limited Business (BL) is based on significant concerns raised during the Planning Board public hearing describing the persistence of wetlands and drainage problems in the University Drive area. In its review of the proposed amendment, the Zoning Subcommittee considered whether the possible new uses that would become available for the parcel in question were appropriate, and we do not dispute that they would be compatible with both the existing use patterns in the area and the fundamental vision of the town's master plan. Furthermore, we would welcome both the increase in the town's tax base and the addition of affordable housing stock that have been suggested as possible results of the zoning change.

However, we believe that insufficient attention was paid to the question of how extensive the water problems in the area are and what might be the impact of building even on dry sections of the parcel. Testimony by abutters at the public hearing indicated that there is frequently standing water on the parcel to be rezoned and on adjacent parcels. According to the former town engineer, this is because the drainage system for the entire University Drive area is dysfunctional. If the zoning were changed, allowable building coverage would increase from 20% to 35% (subject to environmental regulations), or almost double what it is now, which may greatly exacerbate an already problematic situation. Before voting to allow an increase in coverage, we would like to know what percentage of the parcel is actually buildable and whether covering any of it at all would aggravate the water problems there.

We realize that wetlands protection regulations are likely to restrict the scope of any development that may be proposed for that parcel, but nevertheless we think an analysis of whether development is appropriate at all should be done before making a decision on rezoning it. Since the project that prompted the Board's interest in this amendment seems to be on the back burner, judging by the Fair Housing Partnership's withdrawal of a request for CPA funding, we believe it is not necessary to make a decision now. Instead, more time should be devoted to considering and responding to the concerns that have been raised.

Resource protection, in this case of existing wetland and de facto farmland, is an important objective of zoning. Town Meeting members must weigh protection of water resources and the property values of abutters versus development potential and benefits of BL zoning, and based on what we currently know we are not ready at this time to recommend rezoning.

Robert Crowner
David Webber
Denise-Renee Barberet

Victory for Georgetowne Tenants United!

Beacon signs five-year extension of Section 8 for Georgetowne I

March 29, 2010

GTU's Victory After a Year of Struggle!

Mass Alliance of HUD Tenants and Georgetowne Tenants

United have just learned some good news. After over a year of struggle including three rallies, countless meetings, and negotiating sessions with the Mayor and owner Howard Cohen, Beacon Properties has signed a five-year Section 8 extension for Georgetowne I, when they had initially filed a One Year Opt Out Notice and declined to commit to long term Section 8 renewal. This gives GTU breathing space to work out a permanent solution to keeping all of Georgetowne affordable for current and future lower income tenants. It is likely that Beacon will sign a similar extension for Georgetowne II when their contact comes up for renewal next year.

Prior to this news, and in response to tenant demands, Beacon had already agreed to a rent freeze at Georgetowne for 286 non-Section 8 tenants for 2010.

A new state law will extend this time by two additional years, which gives MAHT and GTU the time to work for passage of federal legislation that will keep Georgetowne affordable for the long term.

Next Big Issue for GTU: Conditions and Repairs

Mass Alliance of Hud Tenants

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Tenants United to Save Our Homes