

**From:** Betsy Mathews [mailto:magistramathews@gmail.com]  
**Sent:** Tuesday, August 12, 2014 8:55 AM  
**To:** Brestrup, Christine  
**Subject:** Letter for Planning Board

Planning Board Members  
c/o Christine Brestrup, Senior Planner  
Town Hall, 4 Boltwood Walk  
Amherst, Mass 01002

As I was unable to speak to the board on 8/6 due to the limited public comment period I am submitting my concerns by letter.

I have added links below to recent articles (8/3/14 and 8/6/14) about landslides in India and the American Northwest. Although these locations are in different climate zones they recently experienced heavy rains and landslides resulting in the loss of life, the destruction of homes and the evacuation of neighborhoods. These events heighten my concern that in light of intensifying weather patterns the work required by the Retreat plan is a landslide waiting to happen.

The definitive site plan and the third party peer reviews indicate that extensive blasting, clearing and grubbing will be required to prepare the steep Cushman hillside for the proposed project. Although soils on the property are not deep I fear that the prolonged blasting and the removal of plant cover may leave the tract so unstable that after heavy rainfall parts of the shattered, denuded hillside may simply slide down into Henry Street. Given the site plan's noncompliance with numerous standards and regulations I have very little confidence that Landmark has done due diligence in its geotechnical survey or taken the safety and well being of Cushman residents into account. I urge the Planning Board and staff to safeguard the residents of Henry St by requiring a thorough analysis of the immediate and long term effects of the blasting and excavations on the stability of the slope.

Respectfully,  
Betsy K. Mathews  
August 11, 2014

<http://www.localnews8.com/news/home-crumbles-in-north-salt-lake-landslide/27315200>

<http://www.nytimes.com/2014/08/03/world/asia/otherworldly-downpour-preceded-landslide-in-india.html?module=Search&mabReward=relbias%3Aw%2C%7B%221%22%3A%22RI%3A8%22%7D>

<http://www.localnews8.com/news/after-violent-utah-landslide-a-community-on-edge/27337606>



September 5, 2014  
Houston, TX

To the Members of the Planning Board:

My wife and I have owned a house in Amherst since 1993. For several years we lived there year-round, and when we had to relocate because of employment we kept the house and have been using it as a summer home. We have retained a strong attachment to the town and very much enjoy returning each year.

Last month we attended the public Planning Board meeting about the proposed Retreat at Amherst. I believe that the skepticism that board members expressed about the many ill-considered details of this plan was fully warranted, and I was impressed with your diligence in questioning those details so carefully. Ultimately, however, it seems to me that the board has no choice but to reject the proposal outright, since it so blatantly violates both the spirit and the letter of Amherst's zoning bylaws.

The bylaws explicitly and unambiguously forbid the building of student housing in an RO district (3.326), so it is perplexing to me that you are even being asked to consider this project. As I understand it, the Landmark Corporation is trying to skirt this provision of the bylaws in two ways. First, they claim that the housing is available to anyone, not just students. This seems disingenuous, since they intend the project as student housing, they will be marketing the units exclusively to students, and they will be renting the units by the bedroom. If a stray family or couple were to end up living there (which is extremely unlikely) that would not change the fact that it is student housing.

Second, they describe the units, not as "social dormitories," but as "single-family dwellings." But the units clearly do not fit the definition of a single-family dwelling as that term is used in the zoning bylaws. It is true that a family is defined broadly enough in the bylaws so that it includes "a group of unrelated individuals, not to exceed 4," but these individuals must be "residing cooperatively in one dwelling unit" (12.162). Since Landmark intends to rent its units by the bedroom, the renters will not be living cooperatively, since they will not have shared responsibility for the entire unit. In fact, they will not necessarily know each other before they move in. It is absurd to call this a single-family dwelling. Imagine that my family decides to rent a unit at the Retreat. We would have to rent four separate bedrooms, one each for my wife, myself, and each of our two children. When our children grow up and move out, Landmark could rent their rooms to two other people. This does not in any way resemble a normal single-family dwelling. It clearly follows the model of a college dormitory or a rooming house.

In fact, the bylaws explicitly state that the arrangement Landmark is proposing is illegal. If four unrelated individuals are living together as a family, they cannot use their dwelling to take in "roomers" (12.162, 5.0100), but since the students at the Retreat would each be renting a bedroom, rather than the entire house, they would all be roomers. In fact, even in the case of a family related by blood, a single-family dwelling cannot be used to take in roomers unless it is owner-occupied (5.01010). The intent of this section is unambiguous. If I have an extra room in my home I am free to rent it out, to a student or to anyone else. But if I move out of my house I

cannot rent each of the bedrooms separately. A house that is rented by the room is not a single-family dwelling.

The Retreat also violates the letter and the spirit of the bylaw that allows for cluster development. The stated purpose of a cluster development is to allow "an alternative pattern of development . . . by which [certain] benefits are likely to be gained." Among these benefits are "land use harmonious with the natural features" and "protection of natural resources" (4.312, 4.316), as well as "compatibility with the character of the surrounding residential areas" (4.313). The information that was presented at last month's meeting made it clear that, rather than protect natural resources, this project will destroy the natural features of one of the more beautiful sites in Amherst, since it will require the blasting of 5,600 dump-truck loads of rock and the construction of 24- to 28-foot-high retaining walls. The degree to which the Retreat is incompatible with the character of Cushman is equally clear, and has been attested to by many of the letters you have received from the abutters and other neighbors: a quiet residential neighborhood consisting of single-family homes will be dramatically and irrevocably transformed by the intrusion of the largest off-campus student housing project in the town.

As stated in the zoning bylaws, the main purpose of residential zones in Amherst is "to stabilize and protect the essential characteristics of existing residential development, and to foster development that is compatible with the other natural and built characteristics of the area" (2.01). I believe that allowing Landmark to build the Retreat in Cushman would be completely antithetical to this purpose.

Sincerely,

David Ferris