ARTICLE 31. Limited Release of Restriction  
(Select Board)

To see if the Town will authorize the Select Board to release, on such terms and conditions as the Select Board deems appropriate, the restrictions held by the Town pursuant to the deed recorded with the Hampshire Registry of Deeds in Book 1405, Page 134, which limit the rights of the owner of the property located on the easterly side of University Drive and identified by the Assessors as Parcel 13B-33 to access University Drive, provided nothing herein shall affect the land and other rights granted to the Town thereunder.

WARRANT NARRATIVE

In 1963, Frederick, Helen, and James Kentfield of Hadley conveyed an approximately 100-foot wide by 2300-foot long parcel of land between Amity Street and Northampton Road to the Town of Amherst for purposes of a public way, which was accepted by the Town as a public way in 1965. Access to and from that public way was restricted to six points (as described in a Deed recorded in the Hampshire County Registry of Deeds at Book 1405, Page 134) as part of the conveyance and as accepted by the 1963 Annual Town Meeting. The restriction can be released by a majority vote of Town Meeting. It is likely such a restriction was included based upon the original purpose: according to the 1965 Annual Town Report, University Drive was to be a dual lane highway with a grass median strip, which the 2003 University Drive Corridor Study suggests is the reason for such a width (apparently to accommodate previous plans for a four-lane facility). University Drive actually consists of a two-lane roadway.

The Site (Parcel 13B-33 as appearing on the Town’s Assessor’s Map), the last remaining vacant and developable parcel of land on University Drive, has one point of access that it shares with its northerly abutter, Newmarket Center. The Amherst Conservation Commission approved a delineation of wetlands which evidences the wetlands spanning across the Site from east to west, effectively dividing the northerly access area from the southerly developable area. Access to the southerly area from the northerly access point would require a significant wetland and intermittent stream crossing.

A new access point from University Drive directly to the southerly portion of the Site would avoid that crossing and would be less impactful on wetlands. Both DPW and the Town Engineer have reviewed and have no issues with the new, additional access area to the southerly portion of the Site.
Notably, last year at the Annual Town Meeting, Town Meeting members approved a zoning map amendment for the Site from Office Park to Limited Business. The Site’s current assessed value is $3,200, as it has a tax classification lien under MGL Chapter 61A. In October of 2016 the Amherst Select Board voted to waive the Town’s option to purchase the Site; the Site, with this access, is to be converted to other, non-agricultural use. No applications have been submitted or are pending, and any future uses of the Site would need the appropriate municipal approvals. An approval to release the access restriction just for this Site (and not University Drive generally) would allow Site design to occur. Any development on the Site would result in an increase in assessed value and tax revenue, along with allowing for potential development of an appropriately located vacant parcel along University Drive. Failure or postponement of approval would result in a significant delay, if not abandonment, of any potential Site development.

For context, a map showing approximate locations of the existing (in red) access points and proposed (in blue) access point is included. The actual location of the access point to the southerly portion of the Site, if the Select Board actually approves such access should the limited release be approved by Town Meeting, would be determined in consultation with Town Departments and any actual, future intended development and Site design.
amherstma.gov/maps

University Drive Access Points

March 30, 2017

Horizontal Datum: MA Stateplane Coordinate System, Zone 4151, NAD83, Feet; Vertical Datum: NAVD88, FT
Planimetric & topographic basemap compiled at 1"=40' scale from April, 2009 Aerial Photography. Parcels compiled to match the basemap; revisions are ongoing.

The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition, regulatory interpretation, or property conveyance purposes. Utility structures & underground utility locations are approximate & require field verification.

The Town of Amherst makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of these data, & does not assume any liability associated with the use or misuse of these data.