

Two more stories from media around the country have surfaced and are important for the Plan Commission to consider. In our report, we emphasized that the developer “Never Settles.” We see in Lawrence Massachusetts and in Amherst New York that the developer pushes hard to develop what they want and where they want. They refuse to listen to neighbors’ and municipal leaders’ concerns. If they don’t get approval, they sue.

The steering committee urge the Plan Commission either to require the developer to meet the recommendations of the Urban Design Commission, the Langdon Street neighborhood and over 2000 students not to approve the application in its current form.

Lawrence MA
Lawrence Journal-World

Court dismisses lawsuit over controversial Hub apartment project

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photo by: Core Spaces, Antunovich Associates

This conceptual rendering, dated Feb. 15, 2019, shows a revised design for the Hub apartment and retail building that developer Core Spaces had proposed for the corner of 11th and Massachusetts streets in downtown Lawrence.

A development group that sought to build a five-story apartment and retail building in downtown Lawrence appears to have abandoned its effort.

The development group and the property owners sued the City of the Lawrence last year after the City Commission rejected its project, but have recently agreed to dismiss the lawsuit. On Wednesday, attorneys representing the project and the city submitted a stipulation to dismiss the lawsuit with prejudice, meaning the case cannot be filed again.

Core Lawrence Massachusetts LLC, Allen Realty Inc. and Allen Press Inc. filed the lawsuit in Douglas County District Court in June, alleging that the City Commission's decision to reject the project was "unreasonable, arbitrary and capricious" and therefore unlawful, and asked the court to reverse the decision. Allen Realty Inc. and Allen Press Inc. own the site at 11th and Massachusetts streets that Core Lawrence sought to build on. The project was strongly opposed by many Lawrence residents, and the lawsuit states that the city "bowed to citizen pressure," which it claims was based on unsubstantiated fears and speculation unrelated to legal requirements.

The City of Lawrence subsequently denied the claims that the commission acted unlawfully when it rejected the proposal. In May, the commission unanimously denied a certificate of appropriateness to developer Core Spaces to build the apartment and retail complex, which was to be called the Hub, at the northeast corner of 11th and Massachusetts streets in downtown Lawrence and determined the project did not meet downtown design guidelines.

The stipulation for dismissal does not indicate why the developers and property owners have agreed to dismiss the lawsuit, stating only that all parties jointly stipulate to dismiss, with prejudice, all claims in this action. It goes on to state that each party will bear its own costs, fees and expenses, including attorney fees.

Attorneys for the parties did not immediately respond to messages from the Journal-World regarding why the development group and property owners agreed to dismiss the lawsuit and whether the development group had decided it no longer wanted to pursue the project.

The City Commission considered the Hub project after the developer appealed previous decisions made by the city's preservation board, the Historic Resources Commission, regarding the certificate of appropriateness and the downtown design guidelines. The certificate was required because the proposed site for the project was adjacent to three historic buildings: the English Lutheran Church, the Douglas County Courthouse and the former bank building that currently houses the Watkins Museum of History.

Both bodies denied the project based on several factors, most notably that its size and scale were not appropriate for downtown's historic district, which is mostly made up of one- and two-story structures, and were out of line with design guidelines.

The project's two buildings would have covered the equivalent of 16 original townsite lots and provided 610 bedrooms targeted to college students. More specifically, a five-story apartment and retail building would have stretched the width of the block between Massachusetts and New Hampshire streets, partially covering the alleyway. The secondary building would have been a three-level parking garage and mixed-use structure on the east side of New Hampshire Street.

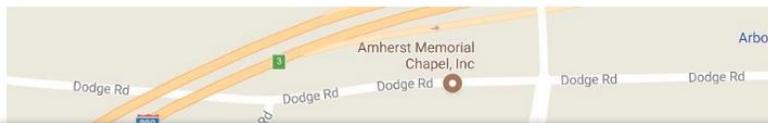
The Douglas County District Court docket for the case now indicates the lawsuit has been dismissed and terminated.

Amherst NY

Buffalo News

Developer sues Amherst over rejected \$50 million student housing project

By Stephen T. Watson Sep 7, 2017 0



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Tenants of nearby Bryant Woods Office Park objected to developer's plan for student housing. (Google map image)



An out-of-town developer is suing the Amherst Town Board over its rejection of a \$50 million student housing development.

Core Spaces wanted to build a 154-unit complex on North Forest Road, about one mile north of the University at Buffalo North Campus, but needed the Town Board to lift deed restrictions on the property and to issue a special use permit for the project.

The request had the backing of various town officials, and the Amherst Planning Board, but tenants of the nearby Bryant Woods Office Park objected to the

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The request had the backing of various town officials, and the Amherst Planning Board, but tenants of the nearby Bryant Woods Office Park objected to the developer's plans, saying the student housing would bring increased crime and nuisance problems to the area. The Town Board voted unanimously in July to turn down the developer's request.

Core Spaces, which has offices in Chicago and Austin, Texas, has developed upscale student housing throughout the country, but this would be the company's first project in the region. The company proposes constructing the Hub at Amherst, a four-story building on 6.4 acres at 2915, 2925 and 2949 North Forest Road, near Bryant Woods South.

The zoning on the parcels normally would allow student housing. But deed restrictions, dating back about 30 years, limit development to office facilities.

Core Spaces filed applications to lift the restrictions and for special use permits, saying the site could accommodate the project and the location was ideal for student housing.

The engineering department, building department and others signed off on the developer's requests, according to documents included in the Article 78 petition, Palumbo said in an interview that the board made a "totally political" decision to satisfy the demands of the business tenants, instead of following the law. Student housing can co-exist with offices, Palumbo said, and any police activity at the other student apartments takes place almost entirely inside the buildings.

The sides will appear in court as soon as Sept. 21. The town has until Sept. 16 to respond to the suit.

"Initially, our position is the board acted appropriately," said Stanley J. Sliwa, the town attorney.

Sliwa said he still is reviewing the petition, but he may raise a question of whether Core Spaces -- there technically are three related companies -- has standing to sue the town. Palumbo said that is a standard tack to take in an Article 78 case, and he's not concerned.
