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BIDDER INFORMATION PACKAGE

HICKORY RIDGE COUNTRY CLUB
AMHERST, MA

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Disclaimer:

The information contained in this package is believed to be accurate but is not guaranteed. It is the sole responsibility of the bidders at this auction to conduct their own due diligence and make their own determinations. Neither the foreclosing lender, the auctioneer, nor counsel to such entities makes any representations or warranties with regard to the subject property.

MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the POWER OF SALE contained in a certain Mortgage given by **Hickory Ridge Realty, LLC** to **Banknorth, N.A.** dated April 30, 2003 and recorded with the Hampshire County Registry of Deeds at Book 7174, Page 155 of which Mortgage the undersigned is the present holder, for breach of the conditions of said Mortgage and for the purpose of foreclosing the same, all and singular the premises described in said Mortgage will be sold at Public Auction at **10:00 A.M. on Thursday, March 15, 2012**, on the Premises, located at **191 West Pomeroy Lane, Amherst, Hampshire County, Massachusetts.**

To wit:

The following tracts or parcels of land, with the buildings thereon, situate in the Southerly part of said Amherst, bounded and described as follows:

TRACT I: Beginning at a point on the Northerly side of the highway leading from West Street in Amherst to Hadley at the Hadley and Amherst Town Line, said highway being known as Pomeroy Lane;

Thence **NORTHERLY**, following said town line and across Fort River, a distance of about sixteen hundred forty (1640) feet to the corner of a fence at land now or formerly of Loomis Merrick;

Thence, **EASTERLY** along said fence and on said Merrick land about eight hundred ninety (890) feet;

Thence **NORTHERLY** on said fence and said Merrick land about three hundred thirty-eight (338) feet;

Thence **EASTERLY** on said fence and a lane or cattle-way and said Merrick land about two thousand seventy-four (2074) feet;

Thence **SOUTHERLY** on said Merrick land about four hundred nineteen (419) feet;

Thence **EASTERLY** on said Merrick land about three hundred eighty-three (383) feet to the Westerly bank of said River;

Thence along said bank to the Easterly end of a fence on said bank and on the line between the tract conveyed and land now or formerly of the estate of W.C. Merrick;

Thence **NORTHWESTERLY** in line of said fence;

Thence **WESTERLY** in line of said fence and land of said Merrick estate about twelve hundred seventeen (1217) feet to a large oak stump;

Thence **SOUTHEASTERLY** across said river, in line of said land of Merrick estate about eight hundred sixty-three (863) feet to the Northerly end of a fence;

Thence **SOUTHERLY** and on said fence about three hundred six (306) feet to the highway;

Thence **WESTERLY** on said highway, known as Pomeroy Lane, about two thousand thirty (2030) feet to the place of beginning;

Containing about 95-1/4 acres, more or less.

Granting also, the right of way from West Street, over land now or formerly of Loomis Merrick, as stated in deed of Carrie S. Merrick et als, dated April 29, 1909, recorded in Hampshire Registry of Deeds in Book 641, Page 557.

TRACT 2: Also another tract or parcel of land situated in said Amherst, on the Northerly side of the highway known as Pomeroy Lane, leading from West Street in Amherst to Hadley, and bounded and described as follows:

Beginning on the Northerly side of said highway, at an elm tree which is about three hundred seventy-five (375) feet Westerly from the intersection of said highway with said West Street;

Thence running NORTHERLY on land formerly of E.B. Merrick to an elm tree near a ditch on line of land formerly belonging to the estate of Loomis H. Merrick;

Thence running WESTERLY on line of land of the said Loomis H. Merrick's estate and the first tract herein described to an oak stump;

Thence running SOUTHERLY on line of the first tract herein described to the said highway leading from West Street in Amherst to Hadley;

Thence running EASTERLY on said highway, known as Pomeroy Land, to the place of beginning;

Containing about fifty (50) acres, be the same more or less.

TRACT 3: The following described tract or parcel of land situate on the westerly side of the middle of the Fort River in said Amherst, being more particularly bounded and described as follows:

Beginning at the southeast corner of the tract herein conveyed, said corner being a point in the middle of said River; and

Thence running WESTERLY, bounded southerly by land formerly of one Merrick and formerly of one Groff, now or formerly of Elizabeth M. Dandelske, to an elm tree in the ravine, said tree being marked with the letter L;

Thence turning and running in a NORTHERLY direction, bounded westerly by land now or formerly of Frank S. O'Brien and land of one Kellogg to a pin set in the ground at a fence corner and land of said Kellogg;

Thence in a NORTHEASTERLY direction, bounded northerly by land of said Kellogg and land now or formerly of one Prior to the middle of the above mentioned Fort River;

Thence SOUTHERLY and generally WESTERLY along the line of the middle of the said Fort River to the place of beginning.

Subject to all the rights of way which are mentioned in the deed from Frank S. O'Brien to Frank L. Vollinger and Florence M. Vollinger dated February 15, 1919, recorded in the Hampshire County Registry of Deeds Book 744, Page 257.

TRACT 4: Also a certain tract of land situate in said Amherst, bounded and described as follows:

Beginning at the northeast corner of the tract conveyed at land formerly of Nellie M. Miller and land of one Kellogg;

Thence WESTERLY along land of said Kellogg sixty (60) rods and eleven (11) feet;

Thence SOUTHERLY along land now or formerly of Peter Waskiewicz forty-one (41) rods nine (9) feet to land of one Groff;

Thence EASTERLY along land of said Groff fifty-one (51) rods five (50) feet to land formerly of said Nellie M. Miller;

Thence NORTHERLY along land formerly of said Miller forty-six (46) rods thirteen (13) feet to the point of beginning;

Containing fifteen (15) acres, more or less.

EXCEPTING and EXCLUDING out of the premises two parcels conveyed by deeds of Elizabeth M. Dandelske - one deed is to Norman L. Dandelske dated August 23, 1965, recorded in said Registry in Book 1469, Page 133; the other is to Robert H. Davis et ux., dated July 15, 1966, recorded in said Registry in Book 1489, Page 614.

SUBJECT to encumbrances which are mentioned in said deeds and to any other encumbrances which are on record. See, in particular, sewer easement taken by the Town of Amherst from Louis N. Dandelske et ux. by instrument dated June 8, 1960, recorded in said Registry in Book 1330, Page 181, followed by confirmatory deed of Louis M. Dandelske et ux. to the Town of Amherst, dated October 9, 1960, record in said Registry in Book 1338, Page 30. See also easement of Louis H. Dandelske to the Town of Amherst by instrument dated May 1, 1964, recorded in said Registry in Book 1442, Page 32, and plan of this easement recorded in said Registry in Plan Book 65, Page 82.

There is also included in this conveyance those parcels of land described in a certain boundary line agreement between Philip E. Goulet et als and Robert Albert Jacque et als, dated June 17, 1969 and recorded in the Hampshire County Registry of Deeds at Book 1553, Page 407. For further reference see Plan recorded in said Registry at Plan Book 74, Page 31.

EXCEPTING and EXCLUDING out of the premises, two (2) parcels conveyed by Deeds of Golf Associates, Incorporated to Wellington H. Wells, Homer G. Perkins and Donald A. Grant as they are Trustees of Hollister Realty Trust, which Deeds are recorded in the Hampshire County Registry of Deeds as follows: (1) Book 1589, Page 286, dated February 5, 1971; and (2) Book 1594, Page 236, dated May 4, 1971.

SUBJECT to a right of way and easement granted to the said Hollister Realty Trust in Book 1589, Page 286, to which further reference may be had.

SUBJECT to utility easements granted in favor of the Connecticut River Power Company, the Amherst Power Company and/or the Turners Falls Power Company, insofar as the same are still in force and effect.

SUBJECT to a taking for a sewer easement by the Town of Amherst in 1975 as more particularly set forth in document recorded in the Hampshire County Registry of Deeds at Book 1821, Page 172.

SUBJECT to variance/special permit for alterations granted by the Town of Amherst Zoning Board of Appeals as Decision No. 92-64, recorded in the Hampshire County Registry of Deeds at Book 4025, Page 341.

Being the same premises described in Deed dated April 21, 2003 from Golf Associates, Inc. to Hickory Ridge Realty, LLC recorded in the Hampshire County Registry of Deeds at Book 7174, Page 151.

Said premises will be sold subject to any and all valid superior or prior liens on the said premises, including liens, encumbrances, attachments, levies, unpaid taxes, mortgages, easements, rights-of-way, occupancies, leases, municipal charges or other defects of title, federal, state, district and municipal taxes, liens and assessments and rights of redemption under applicable law, and will be conveyed subject to any of the above and shall, notwithstanding this sale, constitute valid superior prior liens or encumbrances thereon after said sale. Further, in the event that the proceeds of this sale are not sufficient to pay all sums due to the Mortgagee, the Mortgagee reserves the right and power under said Mortgage to foreclose any and all other property mortgaged thereunder or under any other Mortgage or Security Agreement. Mortgagee reserves the right to bid at the auction.

Mortgagee reserves the right to adjourn the sale from time to time. In the event that the successful bidder at the foreclosure sale shall default in purchasing the premises according to the terms of this Notice of Sale and/or the terms of the Memorandum of Sale executed at the time of the foreclosure, the Mortgagee reserves the right, exercisable at its sole option, to sell the premises by foreclosure deed to the second highest bidder for an amount equal to such second highest bidder's highest bid, provided that such second highest bidder shall deposit with Mortgagee's attorney the amount of the required deposit as set forth herein and shall execute and deliver the Memorandum of Sale within five (5) business days after written notice of the default of the previous highest bidder, and title shall be conveyed to such second highest bidder within thirty (30) days of such written notice. In the event that such second highest bidder does not execute and deliver the Memorandum of Sale within such period of five (5) business days, or defaults in purchasing the premises according to the terms of a Memorandum of Sale, the Mortgagee

reserves the right, exercisable at its sole option, to sell the premises by foreclosure deed to itself for the amount of such second highest bid.

TERMS OF SALE shall include a down-payment in the amount of Fifty Thousand and 00/100 (\$50,000.00) Dollars upon the acceptance of the successful bidder's bid, payable in cash or by bank or by certified check. The successful bidder will be required to sign a Memorandum of Sale at the conclusion of the auction in the form provided by the Mortgagee. The Memorandum of Sale requires that the deposit be increased to ten (10%) percent of the purchase price within five (5) business days after the auction. The balance of the purchase price shall be due and payable within thirty (30) days of said sale; successful bidder to pay costs of transfer, including recording fees and documentary stamps.

This sale may be postponed or adjourned from time to time, if necessary, by the attorney for the Mortgagee at the scheduled time and place of sale. The description of the premises contained in said Mortgage shall control in the event of a typographical error in this publication.

Other terms to be announced at the sale.

Signed:
TD BANK, N.A.,
SUCCESSOR IN INTEREST TO
BANKNORTH, N.A.,
present holder of said Mortgage,
By Its Attorneys,
Thomas E. Pontes, Esquire
WYNN & WYNN, P.C.
90 New State Highway
Raynham, MA 02767
Tel. No. (508) 823-4567

State Tax Form 290
 Certificate: 2012397
 Issuance Date: 02/27/2012

MUNICIPAL LIEN CERTIFICATE
 TOWN OF AMHERST
 COMMONWEALTH OF MASSACHUSETTS

Requested by Wynn & Wynn, P.C.
 90 New State Highway
 Raynham, MA 02767

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 02/21/2012 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 19D-000-010

191 WEST POMEROY LN

HICKORY RIDGE REALTY LLC	Land area	:	149.87 AC
191 WEST POMEROY LN	Land Value	:	423,900
AMHERST MA 01002	Impr Value	:	714,000
	Land Use	:	0
	Exemptions	:	0
	Taxable Value:		1,137,900

Deed date: 05/01/2003 Book/Page: 7174/151
 Class: 3800-COMMERC.

FISCAL YEAR	2012	2011	2010
DESCRIPTION			
CPA SURCHARGE	\$336.93	\$301.72	\$327.98
COMMERCIAL REAL ESTATE	\$22,462.15	\$20,114.64	\$21,865.50
TOTAL BILLED:	\$22,799.08	\$20,416.36	\$22,193.48
Charges/Fees	\$.00	\$10.00	\$.00
Abatements/Exemptions	\$.00	\$.00	\$.00
Payments/Credits	-\$5,231.69	-\$20,426.36	-\$22,193.48
Interest to 02/27/2012	\$298.30	\$.00	\$.00
TOTAL BALANCE			
DUE TO 02/27/12:	\$11,697.84	\$.00	\$.00
TOTAL INTEREST PER DIEM:	\$4.3725		
OTHER UNPAID BALANCES:			
2012 UTILITY BILLING	\$270.91		

Real Estate taxes in the Town of Amherst are subject to the Community Preservation Surcharge under G.L. Chapter 44B. Real Estate Parcels in the Town of Amherst are subject to Supplemental Tax Assessments under G.L. Chapter 59 Section 2D. Utility charges through 1/9/12.


 Claire McGinnis
 TREASURER/COLLECTOR

THE SITE

The subject property consists of a single parcel that contains approximately 149.87 acres of land. The site at one time was an assemblage of four parcels but the Town of Amherst recognizes it as one parcel and identifies it on Map 19D as Parcel 10. We note that at one time the subject property contained more acreage but some of the land was sold off by the previous owners. Our conversation with the current owner and our research indicates that there has not been a site survey conducted for the subject property in the recent past. Therefore, we have relied on the land area as indicated on the plot plan and property card provided by the Town of Amherst.

The property is located on the north side of West Pomeroy Lane and contains approximately 1,970 linear feet of continuous frontage on West Pomeroy Lane. The parcel has an irregular shape and the topography has a gentle slope. The site has an elevation of about 200 feet above sea level along Pomeroy Lane then it slopes downward to about 150 feet along the Fort River and then slopes back up to 200 feet along the rear of the property. The land area has a number of wetland areas including a number of ponds and streams. The Fort River traverses the property in an east/west direction. The Fort River is the longest free-flowing tributary of the Connecticut River in Massachusetts. The Fort River provides "habitat" for residents of Amherst and Hadley as well several public recreation areas are situated along the river including swimming holes, the Groff Park playground, and the Norwottuck Rail Trail and bike path. The Plum Brook also runs off of the Fort River in the south east portion of the property.

The parcel is accessed via three curb cuts from West Pomeroy Lane. The westerly most curb cut leads to the main parking area located to the east of the main clubhouse. There is a small parking area along the front of the clubhouse building that provides parking for 10-15 vehicles. This area is horseshoe shaped with a landscaped island in the middle. The main parking lot contains approximately 90 lined spaces for a total of 105 spaces. The asphalt paving is in above average condition. The parking lot contains pole lighting and some landscaped islands. The middle curb cut also leads directly to the main parking lot and to an overflow parking lot along the West Pomeroy Lane frontage. The overflow lot is grassed and can provide parking for another 100 plus cars. The easterly most curb cut accesses a dirt road that leads to the maintenance buildings. We note the owner indicates that the overflow parking lot could be subdivided into a residential building lot. However, we feel that this area is essential to the operation of the course as the area is often utilized for additional parking and there are no other areas that can be utilized for replacement parking on the property. Therefore, we have not considered its value as a separate entity.

The course reportedly contains over 10,000 trees a number of them being Hickory trees for which the course received its name. The course did sustain some minimal damage during the October 2011 snow and ice storm which consisted of downed trees and limbs. The greens, fairways tee boxes or building structures were not damaged. The site is nicely landscaped as there are landscaped areas throughout the site including along the front of the clubhouse building. There is an enclosed dumpster pad within the main parking lot.

All of the improvements are serviced by public water, sewer gas, electric telephone and cable television. West Pomeroy Lane is paved, lighted and lined public roadways with storm drains. West Pomeroy Lane was re-graded and repaved in the spring of 2011.

THE COURSE

Hickory Ridge Country club was designed by renowned architects Jeffery Cornish and Bill Robinson. The course was constructed in the 1970's with the exception of the practice chipping area that was built in 2003. Vegetation growth on the property includes large mature trees where the site is not cleared for the golf course. Even in areas where the 18-hole golf course is in operation, there are trees of various sizes interspersed throughout, many of which serve as boundaries for the course or delineation markers for a number of fairways on the golf holes. There are also areas scattered throughout the course, which are benefited by decorative shrubbery and vegetated landscaping. Again, befitting a golf course, the grass growth on the greens and tee boxes is well manicured and maintained.

Other topographical features include the presence of several ornamental ponds, several small bridges and the Fort River. A description of the course is outlined below.

Greens: The greens are predominantly round shaped and the total land area allocated is approximately five acres as the subject course has some of the largest greens in the area. Around each green is an apron or collar that is cut at a greater height than the actual putting surface. Each green is equipped with pop-up sprinkler heads. Grass cover is Penncross Bent and all have been well maintained and are in overall good condition based on our recent inspection.

Tee Boxes: The tee boxes average approximately 7,300 square feet for a total of approximately three acres. The tees are predominately "push up" tees constructed of native soil with bent grass cover. The majority of the tees have natural drainage. The owner reduced the size of the tees by removing the Gold Tees settings and this cut down on maintenance and chemical costs.

Fairways: The fairways contain between 21 and 24 acres and consist of Bent/Poa grass. The course is generally open with large landing areas on most of the holes. The owner also cut down the size of the fairways by a few acres which also helped reduce maintenance costs and chemical costs.

Hazards: The difficulty rating of a course is influenced by the number of moderately sized, strategically placed fairway and greenside bunkers and its rolling terrain. The course is equipped with a total of 61 fairway and greenside bunkers. The bunkers contain Nardone 40 type sand. The sand traps were renovated within the last three years as they were reshaped and re-graded.

Cart Paths: Although some asphalt-paved paths are maintained in graded and/or high washout areas, hard pack pathways for golf carts flow through most portions of the course.

Irrigation: Irrigation is provided by a fully automated, single row Toro system with approximately 400 Toro heads spaced throughout the course. The system was upgraded in 2000 when two new 50 HP pumps were added. The sprinkler heads have been replaced periodically. The water is drawn from the Fort River, which feeds from the Connecticut River and water has always been plentiful. The pump system is housed in a small shed on the course by the 9th hole.

Drainage: Drainage is mostly natural. The soil conditions allow for adequate drainage with the assistance of some subterranean PVC piping, which diverts low-lying areas to the ponds. We note that the course previously had drainage problems on the 10th, 11th and 12th holes as the Fort River would back up due to issues with an abutting farm. Ownership installed new drainage in these areas in 2009, which has helped eliminate some of the problems. The owner indicated that he spent approximately \$190,000 in drainage work and reconditioned the sand traps over the last three plus years.

The course has approximately 100 acres of rough. The course also contains an approximate five acre driving range with grass hitting areas as well as 10 mat stations. In addition, there is a large putting green to the rear of the clubhouse and a practice bunker and chipping area between the clubhouse and the cart building.

Overall, the course has an interesting layout and design but is designed for the novice to intermediate golfer and has a slope rating that ranges from 122 to 130. The course can play to lengths of 6,427 yards (Blue Tees), 6,128 yards (White Tees), 5,817 yards (Green Tees) and 5,340 yards (Red Tees). The course maintains a course rating of 71.1 (Blue Tees), 69.7 (White Tees), 73.8 (Green Tees) and 71.1 (Red Tees) and appeals mostly to a golfer with a handicap of 20 or less. Below are the course hole, length and par from the courses' four sets of tees based on a recent scorecard.

Hole	Length	Par	Hole	Length	Par
1	500/490/485/373	5	10	380/370/355/350	4
2	375/350/429/324	4	11	451/436/430/365	5
3	325/315/305/300	4	12	410/390/319/314	4
4	380/360/310/260	4	13	340/320/305/300	4
5	201/180/177/172	3	14	352/340/320/315	4
6	510/490/404/399	5	15	144/138/120/115	3
7	345/304/295/215	4	16	481/472/475/470	5
8	174/155/135/130	3	17	180/170/160/155	3
9	435/418/370/365	4/5	18	444/430/423/418	4/5
Total Out	3,245/3,062/2,910/2,538	36/37	Total In	3,185/3,066/2,907/2,802	36/37

ZONING

According to the zoning map for the Town of Amherst the subject is split zoned as the area around the clubhouse and the parking lot as well as some of the frontage along West Pomeroy Lane is zoned Outlying Residence (R-O) while the majority of remaining land is zoned Flood Prone Conservancy (FPC). A very small portion of the rear acreage is zoned Neighborhood Residence (R-N). The purpose of the R-O District is to provide for lower density residential developments while the R-N District is to provide for medium density residential developments. The FPC District consists of areas by virtue of their relationship to components of natural hydrology of the Town of Amherst have substantial importance to the protection of life and property against the hazards of floods, erosion and pollution and in general are essential to the public health, safety and welfare. In both districts most commercial uses are not permitted. The dimensional requirements for each district are outlined below.

Zone	Minimum Lot Area	Minimum Frontage	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Max Lot Coverage	Max Building Coverage
R-N	20,000 SF	120'	20'	15'	15'	30%	20%
R-O	30,000 SF	150'	25'	25'	25'	25%	15%
FPC	80,000 SF	200'	40'	20'	20'	15%	10%

The uses allowed in the R-O and R-N Districts mainly consist of educational, residential and agricultural uses. The allowed uses in the FPC District include agricultural, conservation uses, non-profit educational, and places of worship. No residential or commercial uses are allowed in the FPC District and in both Districts an outdoor recreation use is allowed via Special Permit. Based on our conversation with a member of the Planning Department and our research, the subject use was originally granted a Special Permit in 1969 for the construction of the golf course accessory structures. There were two additional Special Permits issued to the subject property. One was issued in 1992 for the expansion of the clubhouse and the addition of the cart barn and the other was issued in 2004 when the owner officially made the subject a semi private course by opening the dining areas to the public. Any alterations to the subject property in the future would require a Special Permit. The subject is considered a legal and conforming use subject to the Special Permits.

LEGAL DESCRIPTION

The subject property is owned by Hickory Ridge Realty, LLC. Reference to the deed and legal description is recorded at the Hampshire County Registry of Deeds in Book 7174, Page 151, dated April 21, 2003. The subject was conveyed via a Warranty Deed from The Golf Associates, Inc. for a recorded consideration of \$2,552,350. We note that the actual sale price was \$3,550,000 according to the owner as the sale price was recorded at \$2,552,350 for tax purposes. The legal description notes several utility easements including a drainage easement and sewer easement that was granted to the northerly abutters when portions of the subject property were sold in 1971. The deed also references a right of way for the grantees use however, we do not have a plan depicting the land and it is impossible for us to determine where this right of way is located. However, we do not believe it to be onerous to the operation of the course as it has been in place for 40 years.

There have been no transfers of the property within the last three-year period. The owner indicated that he is actively marketing the property for sale and has been for a number of years. There is no set price and he is willing to listen to any offer. The property is not listed with a broker but had been on the market with a national company that sold golf course for a few years but the listing expired. Mr. Harper also indicated that he may hold an auction to try and sell the golf course but to our knowledge as of the date of this writing nothing was scheduled. A copy of the deed, easement and boundary agreement is included in the addendum to this report.

ASSESSED VALUE AND TAXES

According to the Amherst Assessor's office, the subject property was assessed as of January 1, 2011 for Fiscal Year 2012 as follows:

<u>Property</u>	<u>Use</u>	<u>Assessed Value</u>	<u>Tax Rate</u>	<u>RE Taxes</u>
Map 19D/Lot 10	147.87 Acres of Land	\$423,900	\$19.74	\$8,368
	Buildings & land with improvements	<u>\$714,000</u>	\$19.74	<u>\$14,094</u>
Totals		\$1,137,900	\$19.74	\$22,462

The Town also imposes a CPA tax equal to 1.5% of the total tax bill which equates to \$337 for a total tax obligation of \$22,799.

The \$423,900 assessed value for the 147.87 acres of land represents a value credit of 75% to the actual Market Value of the land dedicated to the golf course. The value credit was established under the auspices of the Chapter 61B-tax designation for all but two acres of the land. Essentially, the two acre portion represents the portion of the subject site that is improved by the dwellings, buildings and parking lots.

Chapter 61B was designed to preserve the Commonwealth's open space and promote recreational land uses. It offers significant tax benefits to those property owners willing to make a long-term commitment to preserving undeveloped land for outdoor activities. In exchange for these tax benefits, the municipality in which the land is located is given the right to recover some of the tax benefits if the land is removed from this particular classification. That municipality is also given the first option to purchase the property should the land be sold or used for non-open space/ recreational purposes. Whenever land is withdrawn or removed from Chapter 61B classification, an owner must also pay withdrawal penalty taxes.

According to the Amherst Assessor's the FY '12 personal property assessment for personal property was \$87,700. Applying the FY '12 tax rate of \$19.74 reveals personal property taxes of \$1,731.

Amherst's FY 2012 tax rate of \$19.74 represents an increase of 8.46% from the FY 2011 tax rate of \$18.20. We feel that a prudent investor or property owner would adjust for this increase when estimating future expenses.

THE IMPROVEMENTS

The subject property is primarily improved by a well kept 18 hole, par 72 golf course which was constructed in the early 1970's. It is improved by a number of separate buildings which include the main clubhouse/banquet facility, two maintenance building, a cart barn, driving range and practice facility. These improvements are discussed individually as follows.

Clubhouse/Banquet Facility

This building contains approximately 9,600 square feet of building area according to our physical measurements. The improvements are situated on two levels. The building is located just beyond the main entrance of the subject property and is visible from the roadway. The first floor (4,720 SF) contains the banquet facility, kitchen, dining room and two lavatories. The lower level (4,880 SF) of the building contains men's and women' locker rooms, the golf pro shop area, a small office, a bag storage area and a large mechanical/storage area. The building is built on a slope with the banquet and dining areas being at walkout level to the front and the locker rooms/pro shop being at walkout level to the rear. There is a 118' x 8' wide porch along the rear of the building, which overlooks the course. A portion of the porch system is open and another portion is screened in. The porch system also partially extends along the easterly wall of the building. There is a 40' x 30' patio located off of the banquet room that is utilized for outdoor functions. The patio area contains a wood railing, two fireplaces and an 10' x 8' storage shed that houses tables and chairs.

The building is of wood frame construction and contains poured concrete and masonry foundation walls with a concrete slab on the lower level. The roof is pitched and covered by asphalt shingles. The roof was replaced in 1999 and appears to be in good condition. The exterior walls consist of painted T-111 wood panels. There is a wood frame handicap ramp and a set of wooden stairs along the front entrance. The building also contains metal gutters and downspouts. The windows consist of a combination of double hung and fixed frame windows. The windows offer a panoramic view of the course from the banquet and dining facilities. The facility was reportedly built in 1970 with an addition in 1992, which we believe is when the porch system was added. The building has experienced periodic cosmetic updating over the years with the most recent updates in 2010 when the owner replaced the carpeting, painted the entire building and replaced all the furniture. There was no obvious deferred maintenance during our inspection.

The banquet facility has a reported capacity of 120 people. The general buildout includes drywall walls and exposed brick walls, a combination of carpeted and hardwood flooring and a drop tile ceiling with recessed eyeball lighting. There is a metal door at the end of the building, which leads to a concrete patio which is utilized for seasonal outdoor functions. The dining area has similar type improvements but also includes a bar area that seats 10-12 people. The dining area has a seating capacity of 60 people. There is a pedestrian entrance between the dining and banquet room and a separate entrance from the front foyer to each area as well. There is also direct access to the screened in porch area from the dining area. The kitchen is also located on this level and is improved with quarry tile flooring with a combination of drywall and drop tile ceilings with strip florescent lighting and Marlite covered walls. The kitchen contains typical kitchen equipment including grills/stoves, an exhaust hood, sinks, prep counters and a walk-in cooler.

There are men's and women's lavatories off the hallway from the entry foyer which is located to the front of building. The two lavatories contain typical improvements. There is a wood staircase from the dining area/19th hole that leads to the lower level.

The lower level is separated into five areas, including men's and women's locker rooms, golf pro shop, one office, a bag storage area and the mechanical/storage area.

The pro shop contains carpeted flooring, wood paneled walls and a drop tile ceiling with recessed florescent lighting. There is a golf bag storage area off of the pro shop, which contains poured concrete floors, a combination of masonry and drywall walls and a drop tile ceiling with recessed florescent lighting. There is a small office in the pro shop and another off of the bag storage area that is utilized by the owner.

At the eastern end of the lower level is the women's locker facility. This area contains a locker room, and a shower area. The locker room area contains carpeted flooring, concrete block and drywall walls and a drop tile ceiling with florescent lighting.

The men's locker room is located across the hall from the women's locker room and there is direct access to both locker rooms from the outside of the facility. This area contains approximately 150 lockers and the area is improved with carpeted flooring, painted concrete block walls, a drop tile ceiling and recessed fluorescent lighting. There is a separate handicap lavatory in this area.

Along the western end of the building there is the mechanical/storage room, which houses all of the mechanicals for the building. This area is located beneath the patio and is accessed via a 8' x 8' overhead door. The mechanicals include two gas fired, HVAC systems with Caravan boilers and a large holding tank for hot water as the heating systems also heat the hot water. There is an additional gas fired heating system in the bag storage area. Electricity is provided by a 400 ampere service and numerous sub panels. There are several air conditioning condensing units located along the front of the building as well as a small propane tank that is utilized in the summer months for grilling in the patio area. We were informed that the mechanical systems are all functional and in good working order. The remainder of the space is utilized for storage as the beverage cart is parked in this room and there are also two vending machines. These areas contain poured concrete walls, floors and ceilings with strip florescent lighting.

In general, the clubhouse is in average to above average condition as it has been well maintained.

Maintenance Buildings

There are two maintenance buildings that are located by the 9th hole and on the outskirts of the course. One building contains 4,000 square feet and is an older structure that was built in 1972 around the time the golf course was built. This building is Butler brand wood frame structure with a pitched roof that is used for the maintenance as well as for the storage of other machinery such as lawn mowers and trucks necessary in the operation of the golf club. The building is constructed on a concrete slab foundation and contains metal panel walls and ceilings. The building has two 10' x 10' sliding doors, one at each end of the building. The building is partitioned into two areas with the majority of the space is open, clear span warehouse type space with ceiling heights of approximately 14' at the eaves and 16' at the center. The ceilings area insulated and this area is illuminated by strip florescent lighting. The smaller of the two areas is utilized as a work shop repair area and is heated while the other area is not heated. This area has lower drywall ceilings with strip florescent lighting. This space is heated by an oil fired heating system as there is a 275 gallon above ground storage tank in this area. There is also a half bath in this area. In general this building is in fair condition for its age.

The second maintenance building is a Morton brand wood frame structure that contains approximately 2,700 square feet. This building was built in 1986 and contains metal panel walls and a pitched metal panel roof and is built over a slab foundation as well. The building contains two large sliding metal doors on either end. We were unable to inspect this structure as it was locked at the time of inspection. The building is reportedly not heated nor does it have electrical service.

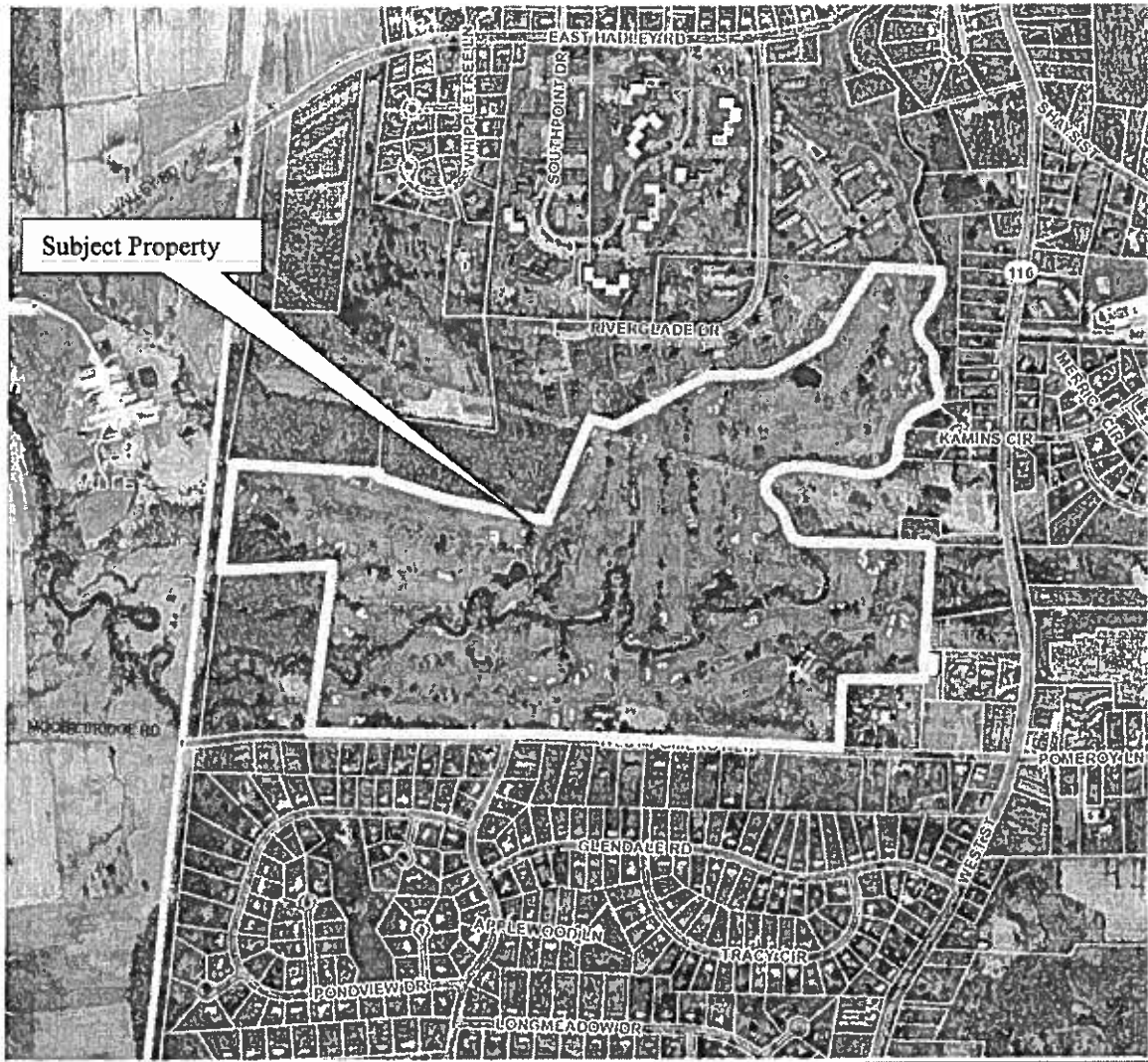
Cart Barn

The cart barn is a Morton brand wood frame structure that contains approximately 3,150 square feet. This building was built in 1995 and contains metal panel walls and a metal panel pitched roof and is built over a slab foundation. The building contains two large sliding metal doors on either end. The building is not heated but does have electrical service.

PLOT PAN



AERIAL PHOTOGRAPH



SPECIAL PERMIT

Bk: 08271 Pg: 27



Bk: 8271 Pg: 27 Doc: DECIS
Page: 1 of 15 05/23/2005 02:53 P

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted
To Hickory Ridge Realty, LLC, Douglas Harper, Manager

Address 190 West Pomeroy Lane
City or Town Amherst, MA 01002

Identify Land Affected: Map 19D Parcel 10 Zone R-O
By the Town of Amherst Zoning Board of Appeals affecting the rights of the owner
with respect to the use of the premises on

190 West Pomeroy Lane Amherst
Street City or Town

The record of title standing in the name of
Hickory Ridge Realty, LLC
Name of Owner

Whose address is 190 West Pomeroy Ln. Amherst, MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 1555 Page 5184 or
Hampshire Registry District of the Land Court, Certificate No. _____
Book _____, Page _____.

The decision of said Board is on file, with the papers, in ZBA FY2005-00011
In the office of the Town Clerk Anna Maciaszek

Certified this _____ day of _____

Board of Appeals
[Signature] Chairman
(Board of Appeals)
[Signature] Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

MARGINAL REFERENCE REQUESTED
BK 07174 PG 151

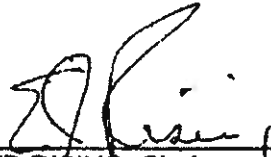
Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit to Hickory Ridge Reality, LLC to amend Condition #7 of ZBA Special Permit FY69-14 to allow the lounge and dining facilities to be operated as a restaurant open to the general public, under Sections 3.315 and 10.33 of the Zoning Bylaw, on the premises at 185-191 West Pomeroy Lane, (Map 19D/Parcel 10, R-O Zone), subject to following conditions.

1. The conditions of this Special Permit shall supersede all conditions from previous Special Permits.
2. Hours of operation for the restaurant and banquet room shall be from 11 AM to 12 midnight, seven days per week.
3. The number of employees shall be as reflected on the Management Plan, namely: 7-15 persons for the food and beverage operation, 2-3 for the golf shop, and 4-15 for the golf course maintenance staff.
4. Management of the restaurant and lounge shall be as shown on the Management Plan approved by the ZBA at a public meeting dated April 11, 2005 and on file in the zoning office.
5. Plans for proper management of trash and recycling shall be submitted to the Board for review and approval at a business meeting on May 26, 2005.
6. Six (6) copies of a site plan showing all site improvements, renovations, lighting, plantings, signs and overflow parking areas shall be submitted to the Board for review at a business meeting on May 26, 2005.
7. Photo metric data of existing lighting shall be submitted to the Board for review at the business meeting on May 26, 2005
8. Parking shall be prohibited directly in front of the clubhouse. In addition one space at the south-west corner of the island in front of the clubhouse and four (4) spaces along the entranceway shall be removed. These "No Parking" areas shall be marked on the pavement and with signs.
9. All new plantings shown on the site plan shall be installed and continuously maintained.
10. Any future changes in signs or lighting shall be presented to the ZBA for review at a business meeting.
11. The bridges over the Fort River shall continue to provide sufficient clearance above the water in order to permit passage of a manned canoe beneath the bridge structure.
12. All utility lines shall be placed underground.
13. The retail sale of goods in the clubhouse pro shop shall be limited to items associated with the principal use, the golf course, and other recreational services available on the land such as cross country skiing.
14. Any noise complaints from abutters concerning the overflow parking lot shall trigger the need to consider the addition of protective screening of the overflow lot along Pomeroy Lane to be brought to the Board as an amendment under the provisions of Condition #15.

15. Any proposed improvements or future changes to the uses of the property or any new construction shall be subject to review by the ZBA, and may require modification of the Special Permit.
16. The distribution and number of handicapped parking spaces shall conform to the Rules and Regulations of the Architectural Barriers Board, and shall include at least two (2) spaces at the north-west corner of the main parking lot.
17. Clubhouse employees shall park in the lower main parking lot. There shall be no employee parking on the upper level in front of the clubhouse.
18. If the number of functions described in the Management Plan increases by 25% or more, then an application for an amendment to this Special Permit shall be submitted to the ZBA.



TED RISING, Chair
Amherst Zoning Board of Appeals

4/29/05

DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant: Hickory Ridge Realty, LLC, Douglas J. Harper, Manager

Date Application filed with the Town Clerk: December 13, 2004

Nature of request: To amend Condition #7 of Special Permit FY1969-014 in order to permit the clubhouse cocktail lounge and dining facility to be operated as a restaurant open to the general public, under Sections 3.315 and 10.33 of the Zoning Bylaw.

Location of property: 191 West Pomeroy Lane, Amherst (Map 19D, Parcel 10, R-O/FPC Zone)

Legal notice: Published on January 12th and 19th, 2005 in the Daily Hampshire Gazette and sent to abutters on January 10, 2005.

Board members: Ted Rising, Joan Golowich, Susan Pynchon

Submissions: The applicant submitted:

- Plans of the two levels of the building showing the dining room, lounge, pro shop, etc of the clubhouse, drawn by Center Street Architects in 1992, Changes to the deck area since 1992 were noted.
- A management plan, picture of the clubhouse and sample menu, submitted in December 2004, and an amended plan submitted 4/11/05
- A partial narrative of the evolution of the clubhouse into a public restaurant, written by attorney C. Barry Waite, dated 1/14/05
- An e-mail written by Alden Johnson, former owner of Hickory Ridge, dated January 23, 2005. Mr. Johnson listed the types of public events held at the club through the years in addition to golf banquets, including 12+ different fund raisers for charitable purposes, support for 6 different student athletic programs, and over a dozen different types of regular events (weddings, political events, local businesses, etc.)
- A site plan of the clubhouse and parking lots, by Anderson Associates, dated Feb., 2005

Town staff submitted:

- An aerial map showing the golf course in relation to the neighborhood
- Notes from the Assistant Fire Chief, dated 1/26/05 and 4/11/05, concerning access for the Fire Department, and fire protection systems needed for the restaurant
- Memos from the zoning staff assistant, dated 1/25/05, 3/25/05 and 4/7/05, concerning zoning and parking requirements for a restaurant as an accessory use to the golf course.
- A site plan from the 1992 Special Permit. The differences between what was approved and what has evolved were noted.
- A 1993 decision from the Architectural Access Board stating that the clubhouse does not need additional accessible access to the porch added to the north side of the building.
- A copy of the annual liquor license issued to the Hickory Ridge Country Club, dated November, 2004. The hours of operation on the permit are 11:00 AM to 12:00 midnight.

A letter from Evelyn Bloom, 150 West Pomeroy Lane, was submitted at the January 27th hearing, stating that she was concerned about late night noise if the use of the lounge/restaurant expanded.

Site Visit: January 25, 2005

The Board met with Dan Doyle, part-owner of the golf course. The Board observed:

- The 1992 site plan of the parking and lighting and a comparison to existing conditions.
- The dining/function room, the adjacent outside deck and the lounge
- An enclosed porch adjacent to the lounge that was added since the 1992 plan
- The relation of the parking lot to the clubhouse and the golf course
- The two entrances, one accessible, the other not.
- Lighting, including the two flood lights in the parking area, and new signage at the main entrance

Public Hearing: January 27, 2005

Attorney Barry Waite spoke at the hearing. Golf course owners Doug and Kathy Harper also were present.

Mr. Waite said that no change is expected in the operation of the golf course or restaurant. There will be no addition to the building or expansion of the facilities. Dinners for the public will not be any more frequent than what exists at present. The owners merely want to validate with the Town what has been happening for years – i.e., that the restaurant is open to the public.

Mr. Waite gave a brief historical summary:

- In 1969 a group of local golfers, including Ted Johnson, Denny Stiles, Geoffry Cornish and Bill Robinson applied for a Special Permit for a 138-acre private golf club, with plans for other sports activities as well.
- The golf course was never private, he said; the club accepted outside players in order to make the business more financially viable.
- In 1992, the club applied to the ZBA in order to expand their facilities. The Board approved the parking plan submitted at the time.
- In 1992, Tom Brock, president of the country club association, indicated that the "golf course" was a public facility and included accessible parking in the plan.
- Alden Johnson's email stated that the club and restaurant has accepted outside functions for over 30 years.
- Hickory Ridge has been a good citizen of Amherst and has provided many services. For example, Mr. Johnson's email listed thirty-some outside functions that have occurred at the clubhouse over the years.

Mr. Harper stated that the club wants to rectify with the Town what should have been done earlier. In terms of restaurant hours for the public, Mr. Harper said that during the golf season, the restaurant and lounge usually are open at 11 AM and close at 9 PM. During the winter, the club serves lunch and dinner two nights per week. He did not indicate the hours for tournaments and other functions.

The Board expressed concern about the management and parking plans that had been submitted. That is:

- The number of special functions, hours of operation, live entertainment and number of employees used for special functions are not listed on the management plan,
- Recycling of paper, bottles and cans, etc. is not listed on the management plan as is required in the Board of Health refuse and recycling regulations
- The parking plan needs to be updated to reflect what is there and to follow the regulations of Section 7.11 of the Zoning By-Law. That is, landscaped islands should be provided for every 25 spaces.
- Outside lighting needs to be clearly marked on the site plan, particularly in the parking lot, as required by Section 7.103 of the Zoning By-Law. Additional lighting may be needed.
- Additional handicapped spaces, particularly at the lower level near the pro shop, may be needed.

The Board noted that parking does not seem adequate for the use on the site. Although the staff memo submitted to the Board indicated that 85 parking spaces are needed for the basic operations of the clubhouse alone, and current lot has 106 spaces, there still is a problem.

Board member Susan Pynchon observed that parking often occurs along Pomeroy Lane. Visibility is poor, and it can be quite dangerous for drivers along the street as well as for the patrons of Hickory Ridge. Mr. Harper stated that parking along Pomeroy may be more of a convenience than a necessity. Better enforcement by the club management is needed. Also, he would welcome the Town installing "No Parking" signs along Pomeroy Lane to help control the problem.

Mr. Harper stated that the club sponsors about 19-20 functions per year. Seven of their golf tournaments and other functions result in overflow parking. At that time, the extra lot, a grassy, non-paved area to the east of the paved lot, is used. Employees direct the patrons to the additional parking area at that time. Also, a golf cart is used to shuttle guests to and from the overflow parking areas during these times.

Evelyn Bloom, 150 West Pomeroy Lane, stated that she lives across the street from the parking lot. She said that Hickory Ridge is a "lovely neighbor", but sees problems if the use of the restaurant and bar is expanded. The late night patrons can be very noisy in the parking lot, she said. She said that she is in favor of clubs, but wants to limit late nighttime activity at this location.

ZBA Chair Ted Rising suggested that a landscape architect/engineer redesign the parking and lighting to make the area more safe and comfortable in the evening. Specifically, the Board would like plans with more definite information concerning the "no-parking" areas, signage, accessibility, lighting and landscaping. The applicant replied that he would be willing to submit such a plan.

Mr. Waite stated that in order to conform to the Bylaw landscaping and lighting requirements, the total number of parking spaces would be less, which would create more problems in peak times.

Bonnie Weeks, the Building Commissioner, said that the Board can waive some of the green areas, but that a redesign is needed. The Board does not have enough information at present in order to make clear findings for a decision with conditions.

The applicant stated that he would have a landscape engineer redesign the parking plan according to Bylaw specifications. Also he will obtain more information concerning the hours and number of the extra functions that will be shown on an updated management plan.

Joan Golowich moved to continue the hearing to March 24, 2005. Susan Pynchon seconded the motion. The Board voted unanimously to continue the hearing to March 24, 2005.

Public Hearing (cont.) March 24, March 30, April 11, 2005

March 24th - The petitioner developed a scheduling conflict. The hearing was continued to March 30, 2005.

March 30th - The parking and lighting plan had not been submitted for board/staff review, so the hearing was continued again to April 11, 2005.

At the April 11th hearing, Doug Harper, Kathy Harper and attorney Barry Waite were present.

ZBA Chair Ted Rising began by stating that he has asked the Board staff assistant to write a letter to the Select Board requesting that "No Parking" signs be installed along Pomeroy Lane. This will be the first of several steps to improve parking at the course. The petitioner agreed that this is needed.

Mr. Harper asked about the "no parking" recommendation on the south side of the island in front of the clubhouse. He would like to keep the spaces on the southerly side closest to Pomeroy Lane because of the elderly patrons who come to dine. The Fire Department memo of 4/11/05 recommended removing all parking at the entranceway (5 spaces) and around the island except for the handicapped accessible spaces, including the 4 spaces on the southerly side. The Planning Director recommended the same, except for removing just one space on the southerly side of the island- the southwestern one at the curve. The turning radius would then be adequate for all but the largest fire trucks to circle the island. Pumper and ladder trucks can back up if needed.

ZBA member Joan Golowich suggested that instead of eliminating the 4 southerly spaces, the island could be reduced in size in order to accommodate the turning radius needed for emergency vehicles. This would preserve the spaces close to the building for the elderly and help the handicapped parking as well.

Another suggestion was to move that parking closer to Pomeroy Lane and widen the driveway. Mr. Harper stated that the land along Pomeroy is too wet to move the parking any closer to the road.

Mr. Harper stated that he recently learned that the two main flood lights of the parking lot, one on the easterly end of the lot and the other along Pomeroy had not been working. The electric company is responsible, and has repaired them. Mr. Harper said that, in his opinion, lighting in the parking area is now quite good. As a result, the proposed pole lamp shown on the site plan, the north-westerly end of the main parking area may not be needed. He requested that it not be installed.

ZBA member Susan Pynchon said that she drives by the parking lot regularly, and will note whether the current lighting is adequate but unobtrusive to the neighbors at night.

Ms. Golowich noted that the existing lights, two on the clubhouse, and two at the easterly side of the lot, are all directed into the parking area. They should not negatively impact the neighbors.

Mr. Harper stated that they'll accept all other recommendations from the planning and fire departments. This includes:

- The elimination of parking at the entranceway and in front of the clubhouse,
- Landscaped islands at the ends of the rows of parking spaces, plus two additional islands in the middle of the long parking rows.
- Identification of the plantings, trees, shrubs and groundcover for the parking lot islands.
- All handicapped parking spaces will be sized, marked and signed as per ADA/AAB regulations.
- The photo-metrics for the existing and proposed site lights will be submitted to the Board.
- The elimination of the parking on the east side of the main entry drive near the clubhouse.
- Marking all the "No Parking" areas along the entry drive and in front of the clubhouse on the pavement and with signs. Enforcement of keeping these emergency access lanes open will be the responsibility of staff.

Mr. Rising wondered if the overflow parking area should be screened along Pomeroy Lane in order to protect the neighbors from headlights and noise at night. The petitioner responded that the overflow happens for tournaments during the day, and cars in the overflow lots are gone by early evening. Also, for overflow parking, golf carts take the people to and from their cars.

Mr. Rising noted that the Management Plan submitted by the petitioner estimated 34 golf outings and 30 dinner parties with 90 or more people attending. Since golf outings are limited to about five months of the year, it means that there are at least one or two events per week during the golfing season that need parking in the overflow lots.

The petitioner responded that he heard the Board's concern, and would take measures if a problem develops. To date there have been no complaints, and the petitioner wants to remain a good neighbor to the homes across the street.

The number of employees listed on the Management Plan was reviewed. Because of the variety of events possible on site, the number of employees varies quite a bit. For maintenance staff, the size varies from 4 to 15 persons, depending on the need and season. Parking for this staff is below at the maintenance shed, which has its own parking area. The restaurant staff varies from 7 to 15, depending on the event. This staff parks in the main lot, as does the pro shop staff (two or three persons.)

Mr. Rising noted that waste and recycling is not listed on the Management Plan. Mr. Harper said that he is currently reviewing several options. Trash/recycling management will be included as a condition of the permit.

The Board noted that lighting is still an unknown for the site. Mr. Waite assured the Board that photo metrics for the existing lighting will be provided.

In terms of signage, one sign exists, and the petitioner indicated that there will be no change to it. The Board indicated that there needs to be a light at the entranceway.

Mr. Waite assured the Board again that the use is not going to change on the site. It will remain as a golf course with the restaurant as an accessory use.

Susan Pynchon moved to close the evidentiary part of the hearing. Joan Golowich seconded the motion. The vote was unanimous.

Public Meeting:

The Board agreed that the Hickory Ridge golf course and dining facility has been a great benefit to the community. They also commended the petitioners for their willingness to upgrade their parking facility in order to conform to the parking and lighting requirements of the Zoning Bylaw.

The Board reviewed the conditions of the original Special Permits FY69-14 and FY1992-64. They determined that thirteen conditions of the previous permits are still relevant for this application. The Board noted that additional conditions will be needed to reflect the evolution in use of the facility over the last 15-20 years.

Findings:

Section 3.315 of the Bylaw allows, via a Special Permit, an outdoor recreational use with an accessory structure, in an R-O Zoning District. In addition, Section 10.33 of the Bylaw allows the ZBA to modify or amend a Special Permit after a public hearing has been held.

The Board finds under Section 10.38 of the Zoning Bylaw, Specific Findings, that:

10.380, 10.381 & 10.384 – A public restaurant, as an accessory to the golf course, is suitably located and compatible with the existing use of dining/lounge for the golf club members. Although located in a residential district, the parcel abuts a business village center zoning district that contains other eating facilities.

10.382 & 10.393 – The proposal will not constitute a nuisance due to noise, dust or light since most of the functions occurring in the clubhouse do not last late at night, the parking lot is paved, and the lighting does not face the abutting homes across the street. The structures and site features on site are well maintained.

10.383 - 10.387 – The proposal won't be an inconvenience or hazard to abutters, vehicles or pedestrians because parking and lighting improvements will be made via conditions of this permit. Parking along Pomeroy Lane and around the clubhouse will be omitted. The clubhouse has appropriate facilities; parking will be more compatible to dining and community functions.

10.388 – The proposal ensures adequate space for off-street loading and unloading of materials since the parking lot will now be more open around the building.

10.389 – The proposal provides adequate methods of disposal for refuse and recyclables since a fenced area is designated in the parking lot, and proper recycling will be required in the conditions of this permit.

10.390, 10.391 & 10.394– The proposal ensures protection from flood hazards and protects the unique and scenic features of the site. The Fort River runs through the property and has been dealt with properly by the maintenance staff for over 35 years.

10.392, 10.393 & 10.396 – The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. Moreover, the proposal provides protection by minimizing the intrusion of exterior lighting in the parking lot. All of these protections will be shown on the site plan submitted for review on 5/26/05.

10.396 – The proposal provides adequate recreational facilities - much open space for the golfers, walkers, and wintertime skiers.

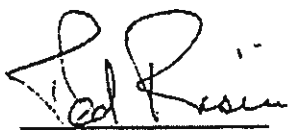
10.398 – The proposal is in harmony with the general purpose and intent of the Bylaw because a restaurant open to the public at this scenic location is a benefit to the community and

promotes the general welfare of residents throughout the area.

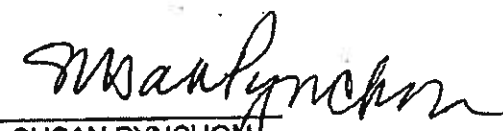
Zoning Board Decision:

Susan Pynchon moved to approve the petition with conditions. Joan Golowich seconded the motion.

For all of the reasons stated above, the Board VOTED UNANIMOUSLY to grant a Special Permit to Hickory Ridge Reality, LTD to amend Condition #7 of ZBA Special Permit FY69-14 to allow the lounge and dining facilities to be operated as a restaurant open to the general public, under Sections 3.315 and 10.33 of the Zoning Bylaw, on the premises at 185-191 West Pomeroy Lane, (Map 19D/Parcel 10, R-O/FPC Zone), subject to conditions.


TED RISING


JOAN GOLOWICH


SUSAN PYNCHON

FILED THIS 29th day of April, 2005 at 10:50 am.
in the office of the Amherst Town Clerk Anna M. Maciaszek

TWENTY-DAY APPEAL period expires, May 19th 2005.
NOTICE OF DECISION mailed this 3rd day of May, 2005
to the attached list of addresses by CAOUPU HOLSTETA, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2005,
in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Hickory Ridge Realty, LLC, Douglas Harper, Manager

To Amend Condition #7 of ZBA Special Permit FY1969-014 in order to permit the clubhouse cocktail lounge and dining facility to be operated as a restaurant open to the general public, under Sections 3.315 and 10.33 of the Zoning Bylaw

On the premises of Hickory Ridge Realty, LLC

At or on 190 West Pomeroy Lane, Amherst, MA
Map 19D, Parcel 10, R-O Zoning District

NOTICE of hearing as follows mailed (date) 1/10/05
to attached list of addresses and published in the Daily Hampshire Gazette
dated 1/12/05 & 1/19/05

LEGAL NOTICE

The Amherst Zoning Board of Appeals will meet on **THURSDAY, JANUARY 17, 2006**, at 7:30 PM. in the **TOWN ROOM OF THE AMHERST TOWN HALL**, to conduct the following public hearings:

ZBA FY 2005-00011 - Hickory Ridge Realty, LTD, seeks a Special Permit to amend Condition #7 of ZBA FY 69-00014 to permit the lounge and dining facility to be operated as a restaurant open to the general public, under Sections 3.315 and 10.33 of the Zoning Bylaw, on the premises at 185-191 West Pomeroy Lane (Map 19D, Parcel 10, R-O Zone).

ZINA TILLONA, CHAIR

ZBA FY2005-00013 - Michael Gold, seeks a Special Permit to renew ZBA FY 2002-00034, approval of two flag lots, under Sections 3.232 and 6.3 of the Zoning Bylaw, at 315 Potwine Lane (Map 23A, Parcel 21, R-O Zone).

ZBA FY2005-00014 - Amherst College Rental Property Office, seeks a Special Permit to convert a single family residence to a two-family residence per Section 3.3241 of the Zoning Bylaw on the premises at 58 Woodside Avenue (Map 14C, Parcel 27, R-G Zone).

ZBA FY 2005-00015 - Nancy Gonter Weld, seeks a Special Permit to convert a single family residence to a two-family residence as an extension of a non-conforming lot, under Sections 9.22 and 3.3241 of the Zoning Bylaw on the premises at 40 Pomeroy Court (Map 20C, Parcel 75, R-N Zone).

**TOM SIMPSON, CHAIR
AMHERST ZONING BOARD
OF APPEALS**

Jan. 12, 19

Hearing date and place 1/27, 3/24, 3/30, 4/11/05 Town Room, Amherst Town Hall

SITTING BOARD and VOTE TAKEN:

Ted Rising - YES; Joan Golowich - YES; Susan Pynchon - YES

DECISION: Application **granted** subject to the conditions stated in the permit.

Town of



AMHERST

Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

TOWN CLERK
(413) 256-4035
Email: townclerk@amherstma.gov

CERTIFICATE OF NO APPEAL

TO: Registrar of Deeds, Hampshire County
FROM: Anna M. Maciaszek, Town Clerk
RE: Amherst Zoning Board of Appeals Decision
DATE: May 20, 2005

This is to certify that there has been no appeal of the decision of the Amherst Zoning Board of Appeals on Application ZBA FY 2005 -00011.

The 20-day appeal period expired on May 19, 2005.

Attest:


Anna M. Maciaszek
Town Clerk

ATTEST: HAMPSHIRE,  REGISTER
MARIANNE L. DONOHUE



BK4025PG0341

023046

THE COMMONWEALTH OF MASSACHUSETTS
Amherst

BOARD OF APPEALS

AUGUST 7 19

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit
(General Law Chapter 40A, Section 12 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Center Street Architects
Owner or Applicant

Address 16 Center Street

City or Town Northampton, MA 01060

Map 19D, Parcel 10, NO. 2009
Identify Land Address

City Amherst Zone Board of Appeals affecting the
rights of the owner with respect to the use of premises on

185 West Pomeroy Lane Amherst, MA
Street City or Town

the record title standing in the name of

GOLF ASSOCIATES

whose address is 185 West Pomeroy Lane, Amherst, MA 01002
Street City or Town State

by a deed duly recorded in the Amherst County Registry of Deeds in Book

1555 Page 186, Registry District of the Land Court

Certificate No. Book Page

The decision of said Board is on file with the papers in Decision or Case No. 27A-FY-92-64
City

in the office of the Town Clerk CONNELIA D. COPE

Certified this 7 day of August, 1992

Board of Appeals:

Alvin Epstein Chairman
..... Clerk
Board of Appeals Board of Appeals

..... 19 at o'clock and minutes M.

Received and entered with the Register of Deeds in the County of

Book Page ATTIST

Register of Deeds

Notice to be recorded by Land Owner.

FORM 1024 (1988) & WARRANT, 1988. REVISED 11/1988

Town of

BK4025PG0342



AMHERST Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-1201

TOWN CLERK
(413) 254-0035

CERTIFICATE OF NO APPEAL

TO: Register of Deeds, Marianne L. Donohue
FROM: Margaret Z. Nartovics, Assistant Town Clerk
RE: Amherst Zoning Board of Appeals Decision

This is to certify that there has been no appeal of the decision
of the Amherst Zoning Board of Appeals on Application No. FY92-64.
The twenty (20) day appeal period expired on AUGUST 27, 1992.

Attest:

Margaret Z. Nartovics
Margaret Z. Nartovics
Assistant Town Clerk

BK4025PG0344

Page 1 of 1

Application No. ZBA FY 92-64

Z O N I N G P E R M I T

The Zoning Board of Appeals hereby grants a Special Permit to Center Street Architects to allow renovations and additions to the Hickory Ridge Country Club, (ZBA FY 69-14, Condition #2) on the premises located at 185 West Poseroy Lane (Map 19D, Parcel 10 Outlying Residence zone) with the following conditions.

1. The renovations and new construction shall be built according to the plan presented to the Board on June 25, 1992 and on file in this office, showing re-sited golf cart storage shed as drawn in by Peter Frothingham at the public hearing.
2. Parking shall be according to plan approved June 25, 1992, with the handicapped parking to include at least one (1) space near rear door.
3. Landscaping shall be according to the plan submitted to the Office of the Zoning Board of Appeals on July 8, 1992, and labelled "Generic Planting Plan".
4. The exterior colors of the renovations and new construction shall be as described in the Zoning Decision FY 92-64, attached.

Alice Epstein
ALICE EPSTEIN, CHAIR
AMHERST ZONING BOARD OF APPEALS

DECISION

Center Street Architects filed an application for a special permit with the Amherst Town Clerk on May 29, 1992, seeking renovations and additions to the Hickory Ridge Country Club. (ZBA FY 69-14, Condition #2) on the premises located at 185 West Poseroy Lane (Map 19D, Parcel 10 Outlying Residence zone.)

Legal notice was published in the Hampshire Gazette on June 3 and June 10, 1992 and notice was mailed to abutters on May 29, 1992. Board members Alice Epstein, Ed Sunderland and Hilda Golden visited the site on June 23, and sat for the public hearing on Thursday, June 25, 1992 in the Ethel Moore Gallery of the Bangs Community Center.

Prior to the hearing the petitioner submitted a site plan, floor plans and renderings of the proposed renovations and additions as required by the Rules and Regulations of the Zoning Board of Appeals.

The County Club is located on a scenic road in South Amherst in an area of single family homes. The 192 acre property is the site of a 138 acre, 18-hole public golf course and a club house.

In 1969 a special permit was approved granting (1) a special exception for the golf course, accessory structures and (2) a variance to construct an apartment complex north of the golf course. The apartments have not been constructed but the golf course has been in use for 20 years. The present request includes construction of a metal "Butler-type" building 42' x 75' for golf cart storage, located to the west of the clubhouse. Interior renovations to the clubhouse will provide handicapped accessibility, expanded locker rooms, offices, and storage. The new porch proposed for the north elevation will not be visible from the road.

At the public hearing Peter Brock, President of Hickory Ridge Golf Club, explained that Hickory Ridge is a public golf course and under the Americans with Disabilities Act, needs to become handicapped accessible. They would like to expand the physical structure at the same time and request an amendment to the existing special permit to do so.

Peter Frothingham, architect, presented renderings of the project and described the proposed cart storage building as 42 by 75 feet and 16 feet high at the peak. Doors will open at the north and south ends of the building.

BK4025PG0346

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Application No. ZBA FY 82-64

Prior to the hearing, the Board received a letter of objection dated June 23, 1992, from Barbara Schimmel, 200 West Pomeroy Lane, an abutter. Her concerns focused on the proposed golf cart shed's location and appearance. She indicated that the proposed location is opposite her driveway, front door and bedroom windows, and requested that it be re-sited to the west.

The Board agreed in concept to the renovations and construction of the storage building. The Board then urged Mrs. Schimmel and representatives of Hickory Ridge to negotiate as to siting of the storage building, its color, and building materials. The result of discussion between Mrs. Schimmel and Mr. Alden Johnson (Hickory Ridge representative) was to shift the building approximately 75 feet to the west of the original plan and to plan a mutually acceptable landscape plan, and maintain the metal siding and roof. They also agreed to select the building color from shade of brown or beige for roof and shades of tan, light yellow, or beige for the elevations.

The Board finds under Section 10.33, Modification, Amendment or Renewal, that the petitioner submitted a written application, a legally noticed public hearing was held, and the renovations and construction proposed are consistent with the purposes and intent of this Bylaw.

The Board also finds under Section 10.38, Specific Findings that:
The renovations and new golf storage cart are suitably located and compatible with existing uses (10.380 and .381) as the golf course has been operating without complaints on this site for twenty years and none of the operations will change with the renovations. The proposal protects adjoining premises against any detrimental or offensive uses (10.385) since the abutters and petitioners have agreed to relocate the storage shed, cooperate on the landscape plan, and select colors from those listed above. Handicapped accessibility and increased locker rooms and storage will not appreciably increase the number of golfers and members of the public who utilize the facility (10.383 and .387) therefore pedestrian and vehicular traffic will not be increased. Adequate parking is currently provided and the Zoning Board recommended adding handicapped parking spaces adjacent to the front entrance (10.386) increasing conformance with the Parking regulations of the bylaw.

BK 4025PG0347

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Application No. ZBA FY 92-64

For all of the reasons stated above, the Zoning Board of Appeals voted unanimously to grant a special permit to Center Street Architects to allow renovations and additions to the Hickory Ridge Country Club, (ZBA FY 89-14, Condition #2) on the premises located at 185 West Pomeroy Lane (Map 19D, Parcel 10 Outlying Residence zone) with conditions.

Alice Epstein
ALICE EPSTEIN

Ed Sunderland
ED SUNDERLAND

Hilda H. Golden
HILDA GOLDEN

FILED THIS 7th day of August, 1992 at 10:40 a.m. in the office of the Amherst Town Clerk, Cornelia D. Como

TWENTY-DAY APPEAL period expires August 27, 1992.

NOTICE OF DECISION mailed this 7th day of August, 1992, to the attached list of addresses by Lynda Faye, for the Board.

NOTICE OF PERMIT or Variance filed this day of , 19 , at the Hampshire County Registry of Deeds.

Hampshire ss. August 31 1992 at 1 o'clock and 38 minutes P.M., Rec'dent'dant
(MORNING) (DAY)
exam'd with Hampshire Reg. of Deeds, Book 4025 Page 341
Attest _____
SECRET

NOTICE OF PUBLIC AUCTION

TD Bank, N.A., as successor by merger to TD Banknorth, N.A., as successor by merger to Banknorth, N.A., the holder of certain personal property, by virtue of a Security Agreement dated April 30, 2003, by and between Hickory Ridge, LLC and Banknorth, N.A., proposes to sell some or all of the following personal property at Public Auction on **Thursday, March 15, 2012 at 10:30 A.M.** at the premises located at 191 West Pomeroy Lane, Amherst, Massachusetts:

See Attached Exhibit "A".

The winning bidder of the personal property sold at Auction in its entirety will be required to deposit with the Auctioneer \$25,000.00 in either cash or certified check. The winning bidder for any individual lots will be required to deposit with the Auctioneer an amount equal to 25% of the winning bid for an individual lot in either cash or certified check. Other terms to be announced at the time of sale.

This sale is being held pursuant to the rights and remedies granted to TD Bank, N.A., as successor by merger to TD Banknorth, N.A., as successor by merger to Banknorth, N.A. under the above-referenced Security Agreement and pursuant to Section 9-610 et. seq. of Chapter 106 of the Massachusetts General Laws.

TD BANK, N.A., as successor by merger to
TD Banknorth, N.A., as successor by merger
to Banknorth, N.A.

By its Attorneys,
WYNN & WYNN, P.C.
90 New State Highway
Raynham, MA 02767
Tel. (508) 823-4567

EXHIBIT "A"

All "Equipment" as that term is defined in the Uniform Commercial Code of Debtor, whether presently owned or hereafter acquired, and including, without limitation, machinery, furniture, furnishings, and fixtures, and any and all goods used or bought for use in or being used for use in the conduct of Debtor's business and all goods used or bought for use in Debtor's business which are not included within the definition of Inventory, and all accessions and additions thereto, replacements therefor;

All monies, securities and other property of the Debtor, and the proceeds thereof, now or hereafter held or received by or in transit to the Secured Party whether for safekeeping, custody, pledge, transmission, collection or otherwise, and also in and to any and all deposits, general or special, and credits of the Debtor with, and any and all claims of the Debtor against, the Secured Party now or at any time hereafter existing;

All "General Intangibles" as that term is defined in the Uniform Commercial Code whether presently owned or hereafter acquired, and including, without limitation, all choses in action, causes of action, and all other intangible personal property of the Debtor, including without limitation, corporate or other business records, inventions, designs, patents, patent application, trademarks, service marks, tradenames, trade secrets, goodwill, copyrights, registrations, licenses, **INCLUDING WITHOUT LIMITATION, ALL ALCOHOLIC COMMON VICTUALLER'S LICENSE ISSUED BY THE TOWN OF AMHERST**, all alcoholic beverages, non-alcoholic beverages, goods, merchandise, raw materials, goods in process, finished goods, and other tangible personal property held for sale or lease or furnished under contracts of service or used or consumed, franchises, customer lists, tax refund claims, credit files, computer programs, printouts and other computer materials and records, guaranty claims, security interests or other property held by or granted to Debtor to secure payment of any obligation of any obligor of Debtor and any and all of the rights of Debtor of whatever nature under any and all contracts, agreements, or leases (whether of real or personal property) to which the Debtor is or may become a party, including without limitation all of the rights of Debtor to enforce all of the provisions of and to obtain payments or other performance due under all contracts, agreements, or leases; and

All "Inventory" as that term is defined in the Uniform Commercial Code including, without limitation, any and all goods, merchandise or other personal property, wheresoever located and whether or not in transit, now owned or hereafter acquired by the Debtor, which is or may at any time be held for sale or lease, or furnished or to be furnished under any contract or service or held as raw materials, work in process, supplies or materials used or consumed in the Debtor's business, and all such property the sale or other disposition of which has given rise to Account, Chattel Paper, Documents, or Instruments and which has been returned to or repossessed or stopped in transit by the Debtor;

All "Documents" as that term is defined in the Uniform Commercial Code whether now existing or hereafter acquired or arising, and also including, without limitation, bills

of lading, dock warrants, dock receipts, warehouse receipts or orders for the delivery of goods, and any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the goods it covers;

All "Accounts", "Chattel Paper" and "Instrument" as those terms are defined in the Uniform Commercial Code whether now owned or hereafter acquired by Debtor; and

All products and proceeds of the foregoing, including, without limitation, proceeds of any insurance policies insuring any of the foregoing.

All products and proceeds of the foregoing, including, without limitation, proceeds of any insurance policies insuring any of the foregoing.

DEBTOR

HICKORY RIDGE, LLC
191 West Pomeroy Lane
Amherst, MA 01002

HICKORY RIDGE, LLC
28 Sheppard Road
Sagamore Beach, MA 02562

SECURED PARTY

TD Bank, N.A., as successor by
merger with TD Banknorth, N.A.,
successor by merger to Banknorth, N.A.
1441 Main Street
Springfield, MA

Attested Tom Dantes
From Linda Corstia
J & L Caterers @ Hickory
Ridge Country Club

Hickory Ridge Inventory

All square pole shelving
1 chest freezer in kitchen
Convection oven
Cheese melter
Stove
Fryolator
Kitchen grill
Ice cream freezer
2 Door freezer
1 Beer coolers
2 Draft units
Dish washer
Top of ice machine in kitchen bin belongs to J&L
Ice Machine in bar
4 Stainless steel tables 1- 3&1/2' 1- 6' with can opener
2- 4' with drawers
All furniture in dining room
Large desk in kitchen
Portable bar
All banquet room chairs
11 Banquet 60" rounds
4 8' Banquet tables under porch
13 Tables on porch...6 metal 8 wood
2 Tents...20x30 and 9x9
2 Televisions
All wall decorations

owned by Harper/Hickory

quantity	brand	model	misc info.
	1 Toro	Green Master GM 3000	kohler 16 hp
	2 Toro	Green Master GM 3000	kohler 14 hp
	2 Toro	Green Master GM 3050	
	1 Toro	Green Master GM 3000	
	6 Jacobsen	greens mowers - walking	
	1 Ryan	top dresser - walking	
	1	power roller	
	1 Toro	Grounds Master 52	out-front rotary
	1 Toro	Grounds Master 322D	w/ mdl 67 Olathe blower and 72" decl
	1	kerosene power washer	for equipment
	1 Daton	salamander heater	155 BTU
	1 Toro	Grounds Master 325 D	
	1 Case	580 C backhoe	
	3 Toro	grooming reels	triplex
	3 Toro	triplex reels	w/ groomer
	2 Toro	greens/tees reels	triplex
	1 Toro	MultiPro 1100	
	1	8 hp generator	
	2 Cushman	truckster 3 wheel	
	1 Club Car	Turf 1	
	2 Cushman	truckster 3 wheel	w/ core harvester
	1 Salisco	greens mower trailer	
	2 Club Car	golf cart w/ roof	
	1 TurfOne	carryall	w/ dump body
1 3/4 case	Endorse 1		
1 bag	Pentalhalon	DF	
3 bags	Fore	80WP	
7 bags	Cureland	EG	2.75lb per bag
1 case	Emerald	fungicide	
	1	Golf lift	
lot		mics hand tools	
	1 Toro	Sandpro 14 bunker rake	
	4 Toro	reel	
	23 Par A	ball washers	
	1 Lincoln	225amp stick welder	
lot		tees signs	
	1 Cushman	GA 60 tow behind erator	
	1 Kubota	L4200	
	1 Toro	2613 blower	3 point hitch
	1 Toro	Greens Erator	
	1 Toro	Reel Master 450 D	
	1 Toro	4000 D rotary	
	1 Meter Matric	tow behind bent drive top dresser	
	1 Toro	Sandpro bunker rake - parts	parts only
	2 Toro	triplex - parts	parts only
	3 Terra Broom	greens brush	
	1 Cushman	GA60 tow behind	
	1 Toro	ReelMaster 216D	
	1 Lehly	tow behind fertilizer spreader	
	1 Cushman	mount fertilizer spreader	
	1 Olathe	mdl 93 seeder	3 point hitch
	1 GMC	1965 dump truck	

7 bags	1 Rogers	720 sweeper	3 point hitch
8 bags	Dilox	6.2 insecticide	30 lb per bag
8 bags	Shaws	w/ Dimension 100 19-0-5	fertilizer
2 bags	Harrell's	21-2-20	
33 bags		13-39 fertilizer w/ TGR	
11 bags	Scotts	weed grass preventer	
11 bags	Scotts	weed control fertilizer w/ dicot	
lot		misc fertilizer / chemicals	
8 bags	Harrell's	28-8-18 w/ U maxx	
10 bags	Anderson	12-24-12 fertilizer	
	2	hand grinder	