

**TOWN OF WAYLAND  
REQUEST FOR PROPOSALS  
RFP #16-12  
RIVER'S EDGE REAL ESTATE DISPOSITION**

**Addendum 2**

Issued 11/03/2015

This addendum provides updated documentation to the RFP, results of the site tour and questions and answers.

**UPDATED DOCUMENTATION**

**Updated Table of Contents.** Pages were mislabeled, and are corrected here.

**Updated Exhibits List,** with changes to the exhibits listed below:

**New Exhibit 4.7,** “Intermunicipal Agreement between the Towns of Wayland and Sudbury for Septage Disposal Facility Disposition” dated October 5, 2015 (the “Termination Agreement”).

Article I of the Termination Agreement provides in part that in the event that Wayland sells the Facility Land as therein described before August 1, 2017, specific provisions “shall take effect upon the closing or other finalization of said transaction.” Those requirements are incorporated herein by reference. Under the RFP, the Land Disposition Agreement will be modified to require that the Buyer under the Land Disposition shall be bound by and comply with these requirements and shall be responsible as the indemnitor for any and all indemnity obligations otherwise imposed by the Termination Agreement on the Town of Wayland. Article I.B of the Termination Agreement further provides in part that:

In the event that Wayland sells ... the Facility Land ... before August 1, 2017, upon the closing or other finalization of such transaction, the 1997 Agreement shall be terminated and superseded by the terms of this Agreement; the Septage Committee established pursuant to Section III of the 1997 Agreement shall be abolished and shall have no further duties or authority with respect to the Facility or the Facility Land; any rule or regulation governing use of the Facility or Facility Land which was adopted by the Septage Committee shall be rescinded.

Accordingly, the Termination Agreement allows for demolition of the Septage Facility which rests on Wayland land, earlier than the termination date otherwise provided for in the 1997 Agreement. Therefore the required demolition of the

Septage Facility can be commenced upon Closing pursuant to and in accordance with the Land Disposition Agreement.

As a result of the Termination Agreement, the following changes or clarifications are made to Section E.3 of the RFP:

- The expiration date of the 1997 Agreement is August 1, 2017.
- Because the Town of Sudbury is not responsible for the cost of the Demolition Work if the sale of the Property occurs before August 1, 2017, then the terms and provisions in Section E.3 of the RFP that refer to the Town of Sudbury's contribution to the costs of the Demolition Work shall not apply.
- Irrespective of when the sale of the Property occurs, the Successful RFP Respondent shall continue to be required to provide all information required by RFP Exhibit 1.2, the "Price Summary Form, Project Pro Forma, and Statement of Estimated Tax Revenues," including without limitation the Contractor's estimate of the cost of the Demolition Work; to account separately for the actual cost of the Demolition Work; and to pay the Town the Purchase Price and all appropriate adjustments as required by RFP Exhibit 1.2 and Land Disposition Agreement.

**New Exhibit 4.8**, - Title Insurance Commitment. This new exhibit is a title insurance commitment for the Property prepared by Bloomenthal & de Bastos LLC, which was ordered by the Town for the convenience of RFP Respondents. The Town makes no representations or warranties with respect to the accuracy or completeness of the information contained therein.

**Replacement Exhibit 6.7**, DEP Suggested Testing Parameters for Future Groundwater Discharge Permit. Prior memo has been re-issued by Wayland Board of Health to now clearly state that the testing protocol outlined in the memo is for future Groundwater Discharge Permit testing, not to be confused with any current required testing.

**Update to Exhibit 6.6**, Request for Presumptive Approval from Mass DEP. No adverse notice was received from Mass DEP within the required 45-day time period, therefore the request to allow the new River's Edge housing use with the existing Site Assignment has been presumptively approved.

## **RESULTS OF SITE TOUR**

A brief introduction was held on September 22, 2015 at Wayland Town Building followed by a tour of the site, approximately 1 mile away. All visuals were from the RFP, and all descriptions provided were consistent with the RFP, therefore further description is not included here. Key general points made:

The Schematic Site Plan is meant to be a visual tool. The building layout is just one example of one which would meet the guidelines. Please do not necessarily follow that

layout; tailor your design to meet your needs, and to provide the best design, within the standards of the RFP and design guidelines, for your project.

The site will be delivered as is. Selected developer is responsible for demolition and all site prep, as well as all permitting for its proposed development, not completed to date.

A separate tour for bidders and their contractors to inspect the interior of the septage facility took place on Friday, October 30, 2015 [See Addendum 1 issued on 10/19/2015].

### **QUESTIONS AND ANSWERS**

1. What is inside the septage facility?

**A:** Much of the interior septage equipment has been salvaged or removed. The structure itself is heavy concrete. A separate interior tour on October 30, 2015 took place to allow bidders to review existing conditions with their engineers/contractors. [See Addendum 1 issued on 10/19/2015].

2. Have you done any preliminary analysis on how many gallons per day can be achieved on this site?

**A:** Initial soil tests were performed, however no perk tests were completed, since specific locations and quantities will be dependent upon each developer's design. For historic perspective only, the existing Septage Facility processed approximately 24,000 gal/day (Phase I and Limited Phase II Environmental Report, Section 2.1.1, page 2-1)

3. What is the traffic capacity?

**A:** A traffic study was performed in 2013 for the originally proposed River's Edge project with 216 units with 2/3 age restricted units. The study concluded the proposed project did not significantly adversely affect existing traffic patterns at key nearby intersections, as compared to no-build conditions. Therefore the report concluded that "the traffic generated by the proposed residential development can be reasonably accommodated along the existing street system" and that the "minor increase in delay at the study area intersections resulting from the project does not warrant project-specific mitigation." See RFP Exhibit 10.2, page 26.

4. Will there be a traffic light here?

**A:** Route 20 in the mornings and evenings can be quite busy. Wayland is not requiring a traffic signal, however, this is MassDOT jurisdiction, since Route 20 is a state road. (The Town considered applying for a curb cut permit in advance for River's Edge, but elected not to proceed since traffic counts and design may be dependent on individual proposed designs.)

It should be noted that the new light at Russell's Garden Center and Town Center, one-half mile east, helps mitigate westbound traffic along the River's Edge stretch of Route 20. Beyond this, indications in recent years from the State are that the State is

discouraging new signals along Route 20. Sudbury has been asking repeatedly for a signal at Landham Road further west of the site, but to no avail.

5. Does the site flood, based on proximity to the Sudbury River?

**A:** The last time Wayland had a major flood in 2010, this site was not affected, although other sections of Route 20 further east, such as the riverfront near Russell's Garden Center, and the intersection of Routes 20 and 27, were under water. The site is elevated compared to its surroundings, is located outside the 100 year flood zone, and only the perimeter edges are even within the 500 year flood zone (See Phase I and Limited Phase II Environmental Report, Appendix B, Overview Map 3358084.25, PDF page 58 and 59).

6. Height of 58 feet is allowed at the back quadrant of the site – does this allow 5 stories of residential?

**A:** No. The 58' height is to allow a partially subsurface level of parking (allowing a cost-effective, naturally ventilated garage), with 4 floors of residential above – not a 5<sup>th</sup> level of residential.

7. The affordability guideline for River's Edge is less than 80% AMI. Is 79.99% your goal or do you have a goal for deeper affordability?

**A:** The RFP sets the bar to provide the most flexibility. By requiring a minimum 25% affordable with maximum 80% AMI, the RFP allows for those who want to propose more affordable housing, or affordable housing at lower AMI. During research for River's Edge, the Advisory Committee toured projects which had significantly higher affordability or lower AMI thresholds, which were very attractive projects that could potentially be excellent additions to the Wayland community.

Affordability is one of the key reasons that Wayland's zoning allows for 150-190 units. For example, market developers may be closer to the 150-160 band based on typical unit sizes, whereas affordable developers may be closer to the 180-190 band. So the RFP is meant to open the door to consider projects from 25% to 100% affordable and everything in between.

8. Affordable housing could affect construction schedule, true?

**A:** It could. As a result, the RFP specifically asks each Respondent to provide with its RFP Response a realistic proposed schedule and any exceptions the Respondent may have to the timeframe set forth in the Land Disposition Agreement and the possible extensions thereof. See Section E.8, Section G.2.f, and Exhibit 1.3. If a Respondent cannot meet the defined schedule, simply state that in your RFP response and provide your proposed schedule so the Town is aware of your proposed timing. Given the differences between types of projects, an expedited and achievable critical path time schedule may differ depending on the nature of the proposed project.

9. Do 10% of your units need to be three-bedroom units?

**A:** See Section B.15 Affordable Housing Requirements, and Exhibit 9.2. The Town of Wayland has a waiver from DHCD for River's Edge from the January 2014 DHCD

interagency agreement requiring a minimum of 10% of a project be built as 3-bedroom units. Therefore the only 3-bedroom units are those required per the River's Edge Zoning (Exhibit 3.1).

10. What is the status of the bike path? Any certain time frame? Has a connection from the site to the bike path been determined?

**A:** Currently funding is in place to complete the bike path in the current rail bed abutting Town Center from Route 126 to the Town Center/Russell's traffic light. Further, discussions are proceeding with Eversource for Eversource to improve the rail bed to continue the bike path from Town Center to the Waltham line, with the goal to complete within the next year. A subsequent step would be to complete the bike path from Town Center to the Sudbury line; timetable is pending. The entire right of way when improved will become part of the future planned 27-mile Mass Central Rail Trail from Waltham to Berlin.

A path from the River's Edge site to the bike path has not been finalized, however the Town owns the land on which any such bike path connection would be constructed. The Committee anticipates that, subject to any necessary permits and approvals, the Town would work with the chosen developer in an effort to establish this connection during the permitting and planning process, dependent on the chosen design.

11. Is it expected that the units would be put on the local subsidized housing inventory (SHI) by a local action petition?

**A:** Yes, the expectation is that the project will be developed under the LIP program and that 100% of the units will be added to the SHI. It is a local action application; not a 40B permit.

12. Is there any offsite mitigation payable to the town specified in the RFP?

**A:** No. Note the affordable housing must be on site, there is no availability of doing the affordable component offsite.

13. Did Wayland Historical Commission review the historic resources of the site?

**A:** Yes, the Wayland Historical Commission was one of the first groups consulted early on in the project planning. The Sudbury River has many Native American artifacts and resources, so it was a primary concern for the River's Edge site, since resources became an issue at the site of the Town's new DPW facility, constructed further north along the Sudbury River. The Historical Commission visited and researched the site and confirmed that the River's Edge site is very disturbed. See Exhibit 10.1. Therefore the site is not expected to have historical significance.

14. Where is the existing water line termination?

**A:** The existing water line is at the intersection of Route 20, Wayland Town Center and Russell's Garden Center, approximately 1/2 mile away. See Exhibit 8.1.

Initial studies (see Exhibit 8.2) have been completed from the Town's perspective which confirm that it is feasible for the Town of Wayland to provide the sufficient

water to the proposed development. The developer would be responsible for designing, permitting, furnishing, installing and connecting the new water line.

15. If there is no state funding available to bring water to the site, then is it a requirement of the successful developer to complete the line?

**A:** Yes. The Town tried to secure state funding for this water line in 2015, and intends to request this funding again for the upcoming fiscal year. For this reason, the RFP asks respondents to provide pricing to provide this water line. The baseline condition is that the developer must install this line. However if the Town is successful in securing the funding, the Town may elect to design and construct the Water Main Extension and the cost of the water line would be added to the successful bidder's site purchase price. See Exhibit 1.2.

16. Did Sudbury historically provide water to this site, and can they provide it for the new project?

**A:** Sudbury provided water for the septage facility; however the Sudbury Water District voted to not provide water for the River's Edge project. (Even if the District were able or willing to provide it, Sudbury's tie-in fees are considerable on a per unit basis, so it was not necessarily a significantly cost-effective alternative).

17. Did you get preliminary numbers on cost of water line if you do directional drilling?

**A:** The Advisory Committee did not get firm numbers from a contractor, just ballpark numbers from an engineer which are not suitable for respondents to rely on. The engineers were looking at the issue from the Town's perspective, rather than as a private developer, and also included additional scopes of work which are not relevant.

18. Are both Sudbury and Wayland landfills capped?

**A:** Information on Sudbury's and Wayland's closed landfills is available at <http://www.mass.gov/eea/docs/dep/recycle/solid/inactlf.pdf> (List of Inactive & Closed Landfills, September 2015).

19. Do you have topography on existing conditions?

**A:** Yes. The existing conditions plan in the RFP has topo, site boundaries, wetlands, existing conditions, all on a CAD plan for your designers. See Exhibit 8.1a.

20. Is the cell tower on the site?

**A:** No. The cell tower is on adjacent Sudbury property.

21. Is the septage plan leaching bed all on Wayland land? Has there been any discussion with Sudbury to reuse the existing leach field?

**A:** No, The existing field straddles Wayland and Sudbury land. Article I.A.5 of the Termination Agreement provides in part that, "Subject to such terms and conditions as the parties may agree to, Sudbury will grant to Wayland and/or any purchaser or lessor of the Facility Land a temporary license to allow access for purposes of demolition of the Facility and the removal of debris, including but not limited to the removal or capping of underground pipes which are used in conjunction with the

Facility but are located on Sudbury's land.” The Termination Agreement does not address reuse of the existing leach field and no land rights are in place on the Sudbury land to do so.

22. Is there any requirement to bury the existing electrical lines currently installed along Route 20 at the front of the site?

A: The RFP does not contain such a requirement.

23. 25% of the housing is supposed to be senior; 25% is supposed to be affordable. Are these cumulative, so that 50% of the housing is affected? Or are the percentages meant to be applied across the entire project?

A: No, the percentages are not cumulative and instead are intended to overlap, such that the affordability percentage must be distributed proportionally between the age restricted and non-age restricted units, and vice versa. As an example, say there are 160 total units, and 25% or 40 of the units are affordable. Of the 25% affordable units (40), then 25% or 6.25% of the total (10) would be age-restricted. Of the 75% market units (120), then 25% or 18.75% of the total (30) would be age-restricted. In sum, 40 of the units would be affordable; and 40 of the units would be age-restricted (some affordable and some market rate), complying with the overall 25% affordable and age-restricted criteria.

Respondents are free to propose higher percentages of each, however the relative percentages should continue to be distributed proportionally.

24. Is there a circumstance under which the Board of Selectmen would select a proposal that does not satisfy and would require zoning relief from the age-restriction requirement?

A: Without pre-judging how the Committee or the Selectmen would view a proposal that does not satisfy and would require zoning relief from the age-restriction requirement, the RFP includes, without limitation, the following options:

1. Given that a “minimum of twenty-five percent (25%) of all dwelling units shall be age restricted to a minimum of at least one occupant aged 55 or over,” it is possible that a bid that does not meet this requirement would be deemed materially non-compliant and rejected as non-responsive.
2. In the alternative, under RFP Comparative Evaluation Criterion G.2.e (Range of Housing Opportunities), an “**Unacceptable**” rating will be given to a proposal that in the judgment of the evaluators fails to meet the Affordability and Senior Housing Requirements and/or which fails to identify a proven strategy for 100% of the new rental housing units to be counted toward the Town’s Subsidized Housing Inventory.” (Emphasis original.) While, under RFP § G.2.h, a proposal which achieves “Highly Advantageous” and/or “Advantageous” rankings in several categories may not necessarily be disqualified simply because it received a “Passable/Not Advantageous” or an “Unacceptable” ranking in one or more other categories if, in the judgment of the evaluators, the proposal on the whole is

“Advantageous” or “Highly Advantageous” to the Town, RFP Respondents are cautioned that such an Unacceptable rating may adversely affect the overall relative ranking of the RFP Respondent’s proposal.

25. If the Board of Selectmen were to select a proposal that does not satisfy and would require zoning relief from the age-restriction requirement, what method or methods of zoning relief from the age-restriction requirement are available to the Successful RFP Respondent?

**A:** Each RFP Respondent must determine for itself the permits and approvals that would be required for its proposed project and provide with its response a list of each governmental permit and approval the RFP Respondent reasonably anticipates is required for the Project. (See RFP § F.15).

Note: The RFP anticipates that “there will be no comprehensive permit for the Project” (RFP § B.6), and “[i]f for whatever reason a comprehensive permit is required to ensure that 100% of the units in the Project are eligible for inclusion in the Town’s Subsidized Housing Inventory, ... the Successful RFP Respondent may file an application, but only with Board of Selectmen consent, in its sole discretion.” (RFP § B.15).

26. Is a private sewer plant required?

**A:** Refer to Sec. B. 9 of the RFP.

27. Can the proposed development guidelines be revised?

**A:** The Town has specified the zoning and density for the project in the RFP.

28. After reviewing the septage facility, will the facility be delivered 100% the same as seen during the septage facility site tour? There is certain salvage value in certain elements that affect the demolition budget. If anything (equipment, building materials, infrastructure, etc.) will be removed prior to conveyance, please identify.

**A:** All equipment and infrastructure that belong to the septage facility will be left intact. However, all items which are the property of the School Department that are being stored in the facility will be removed and returned to the schools. Those items may include but not be limited to desks, tables, cafeteria equipment and lighting fixtures.

29. Are there plans available for the septage facility?

**A:** The plans are available for review in the Facilities Department during regular office hours.