



Town of Wayland Massachusetts

River's Edge Advisory Committee ("REAC") Meeting Minutes for Meeting on Tuesday, November 25, 2014

Members

Attending: Anthony Boschetto Rebecca Stanizzi
Jerome Heller (Chair) William Steinberg
Daniel Hill William Sterling
Robert Morrison Michael Wegerbauer

Absent: Christine DiBona DiBona

Guests: Mark Lanza (Town Counsel)

Meeting was called to order at 7:02 PM.

Public Comment: None

Meeting Minutes: Minutes of October 31, 2014 by Dan Hill were approved as amended.
Motion Steinberg, second Heller, approved 8-0.

Anderson & Krieger Introduction and Scope of Services

Steve Anderson, Art Kreiger and David Wiener were introduced as new counsel for River's Edge. They reviewed the firm's overall expertise as well as those of the principals attending. A&K provided the following discussion outline which was followed during the meeting, therefore is included here as a framework for meeting minutes. >> ***Notes in bold italics reflect additional discussion during the meeting:***

ANDERSON & KRIEGER OUTLINE FOR WAYLAND RIVER'S EDGE ADVISORY COMMITTEE MEETING (11/25/14)

1. Introductions

- a. A&K
 - i. Attending tonight
 1. Steve Anderson (Project Manager; Municipal, and Environmental)
 2. Art Kreiger (Municipal and Environmental)
 3. David Wiener (Real Estate)
 - ii. Other team members
 1. Brian Grossman (Permitting)
 2. Nina Pickering Cook (Municipal and Procurement)

3. Stephanie Dubanowitz (Real Estate)
- b. Advisory Committee
 - i. Jerry Heller (Member at Large)
 - ii. Rob Morrison (Member at Large)
 - iii. Tony Boschetto (Board of Selectmen)
 - iv. William Steinberg (Finance Committee)
 - v. Michael Wegerbauer (Board of Public Works)
 - vi. Christine DiBona (Housing Partnership)
 - vii. Dan Hill (Planning Board)
 - viii. William Sterling (Council on Aging)
 - ix. Rebecca Stanizzi (Economic Development Committee)
 - c. Other Key Town Officials
 - i. Board of Selectmen
 - ii. Town Administrator Nan Balmer
 - iii. Town Counsel Mark Lanza
 - iv. Reminder: “Provision of Legal Services is facilitated via the Town Administrator and may only be requested by the Board of Selectmen in accordance with established Board of Selectmen policy”

2. Project Overview

- a. 2014 Annual Town Meeting approved
 - i. New zoning for multi-family rental housing
 - ii. Putting the parcels out to bid to qualified bidders for development
 - iii. Disposition by the BOS to successful bidder, by sale, lease or otherwise
- b. BOS, with input from Ad Com, will create the RFP for Disposition

3. Role of Special Counsel (Adapted from Wayland RFP)

- a. A&K will advise on matters such as:
 - i. The Disposition RFP package, bid logistics, and 30B compliance
 1. Legally cohesive and compliant
 2. Practical for a successful, multi-bidder process
 3. Protective of Town’s interests
 4. Encourages the highest possible value/attributes for the Town
 - ii. The Transaction Documents
 1. Development Agreement
 2. Land Disposition/Purchase and Sale Agreement (LDA) or Ground Lease Agreement
 3. Deed Restriction
 - iii. Applicable Law
 1. Real Estate Transaction Law
 2. Affordable Housing
 3. Fair Housing Act
 4. Environmental Law and Wetlands Issues
 5. Permitting
 6. G.L. c. 30B Procurement
 7. Municipal law
 8. Other legal regulatory issues affecting the project

- b. A&K will attend meetings as needed with
 - i. Board of Selectmen
 - ii. Other boards, committees, and commissions, as required
 - iii. Public meeting with bidders
 - iv. Town parties to review RFP
- c. A&K will provide ongoing advice
 - i. On the RFP process
 - ii. On Questions and Answers to be issued by Town
 - iii. On other matters identified by Town Administrator and BOS
- d. If elected by the Board of Selectmen, A&K will close the transaction on behalf of the Town in conjunction with Town Counsel.

4. **Project Background (To Be Provided by Ad Com)**

- a. Site conditions
 - i. Acreage (7.63 acres)
 - ii. Frontage (Boston Post Road)
 - iii. Developable Area
 - iv. Development Limitations
 - 1. Wetlands
 - 2. Setbacks
 - 3. Buffers
 - 4. Encumbrances?
 - 5. Abutting Sudbury landfill
 - v. Environmental Conditions
 - 1. RECs in Tighe & Bond Phase I and Limited Phase II (Oct. 2012)
 - a. Former USTs (Diesel, Fuel Oil, Ferric Chloride)
 - i. No new samples taken
 - b. Hazardous Waste Storage Shed
 - c. Methane along Sudbury Landfill
 - i. Recommends comprehensive supplemental soil gas investigation
 - ii. Mitigation/preventive measures for indoor air
 - d. Arsenic in excess of then existing GW-1 Standard
 - e. Soil Stockpiles
 - i. On-site reuse versus off-site disposal options
 - f. Wayland Firing Range
 - i. Manage soils as hazardous for leachable lead
 - 2. Data Gaps
 - a. Any more recent studies performed?
 - b. Existing study updated for [revisions to the MCP?](#)
 - >> A&K recommends that Wayland request an update from Tighe & Bond to the Phase I and partial Phase II to ensure compliance with June 2014 MCP updates. Lead and arsenic reporting levels have been loosened; other changes may or may not impact River's Edge.**
- b. Constituencies
 - i. Proponents
 - ii. Opponents

>> River's Edge is further along than typical projects, such that zoning for the site has already been completed by Town meeting vote; therefore much of the typical proponent/opponent dialogue has already been completed.

iii. Abutters/Parties in Interest

>> Mark Lanza outlined the termination of the Septage Facility agreement which is pending with the Town of Sudbury. Mr. Lanza also provided background that Sudbury unsuccessfully sued in Wayland in the past regarding traffic impacts from nearby Town Center (however Sudbury has had several 40B projects at/near Landham Road since, and with River's Edge traffic counts well below Town Center, so a repeat seems unlikely)

c. Project Characteristics

i. Sale with Restrictions versus Ground Lease

1. Effect on bidding
2. Prevailing wage issues

ii. Design Guidelines

1. Size, layout and style of buildings
2. Number of units (~~216~~ **150-190** per Connery analysis)
3. Project amenities

iii. Unit Mix

1. Affordable component (25%)
2. Senior Component (25%; 50%; 75%; 80%?)

>> Confirmed minimum 25% age restricted, therefore any project from 25% to 100% may be proposed

iv. SHI eligibility

d. Project time frame

>> Procedurally, BoPW must now officially declare its River's Edge land surplus and convey to BOS. M. Wegerbauer noted the appeal period for the ruling regarding the landfill access road is due to expire Dec 26; BoPW may elect to vote subject to, or wait until after this date to convey. J. Heller and R. Stanizzi to attend next BoPW meeting.

>> Part of the site was originally included in the site delineation of the landfill (further back on the access road) when it was originally permitted in the 1970's. As a result, as a technicality, this designation should be procedurally removed with Mass Dept of Health. This will be requested by BOS or BoPW as appropriate.

5. Town Goals and Priorities (To Be Provided by REAC)

a. Economics

- i. Sale price or rent stream
- ii. Tax revenue
- iii. Reimbursement of project costs

>> REAC confirmed that Wayland will ask bidders to break out the cost of demolition, for settlement/use with Sudbury

- b. Regulatory
 - i. Affordable Housing
 - ii. Seniors
 - iii. Local Preference
 - c. Project Design and Plan Approval
 - >> **Only Site Plan Approval only is required from the Planning Board; no Special Permit review)**
 - d. Retain site control
 - i. Perpetual restrictions
 - ii. Ground lease
 - >> **Environmental liabilities, 30B requirements and/or prevailing wage issues, etc will be reviewed by A&K as may be particular to a potential ground lease**
 - e. Limit developer exit strategies (e.g. future conversion to home ownership)
 - f. Other
6. **RFP Process and Criteria**
- a. Selection Criteria
 - i. Point system or other quantitative metrics
 - ii. Qualitative evaluation system
 - >> **The discussed intent of REAC is to fully outline the review criteria for bidders, but not necessarily weight the criteria in advance, to allow for flexibility of review of a potentially wide range of project types**
 - iii. Past performance and interview references
 - b. Bid Process
 - i. Drafting RFP and Transaction Documents
 - ii. Role of A&K and Town resources (e.g. Town Counsel, Economic Development Committee, Public Buildings Director)
 - iii. Rating bids/bidders against criteria
 - iv. Interviews with top-rated bidders,
 - v. Recommendation to BOS
 - c. Close on the transaction
7. **Action Items**
- a. Date for A&K to tour project site – **December 5, meet at 9:30 am**
 - b. Next meeting – **December 16, 7pm**
 - c. Legal questions to answer for next meeting
 - >> **A&K to provide draft documents and punchlist item list in advance of next meeting. Mark Lanza to forward background documents, including Nike site RFP and documents.**

Meeting was adjourned at 8:20 pm.

Minutes respectfully submitted by R. Stanizzi.