

DATE: OCTOBER 24, 2016  
TO: BOARD OF SELECTMEN  
FROM: NAN BALMER, TOWN ADMINISTRATOR  
RE: RIVERS EDGE: UPDATE

**RECOMMENDED ACTION:**

**DECIDE HOW THE BOARD WILL COMMUNICATE WITH THE DEVELOPER PRIOR TO AWARD AND ANY NEXT STEPS TO ADDRESS PRE-CONTRACT MATTERS.**

**BACKGROUND:**

On October 17<sup>th</sup>, the Board of Selectmen received the recommendation of the Rivers Edge Advisory Committee to award the contract for development of River's Edge to Wood Partners.

**PRE-CONTRACT MATTERS:**

**1. COMMUNICATION WITH THE DEVELOPER**

Jim Lambert, Director of the Boston office of Wood Partners contacted me to let me know Wood Partners is ready to move forward on the project and would be pleased to enter into contract with the Town through the Board of Selectmen. . Mr. Lambert asked for next steps including whether an initial meeting with the Board would be scheduled and designation of a point of contact / agent for the Town for the project.

**2. TIMETABLE:**

The Town's Request for Proposal for the River's Edge project was reviewed by Town Counsel and the RFP states on P. 2 of Exhibit 1.1: "This proposal will remain subject to acceptance by the Town of Wayland ("Town") for 180 days after the date of submission of proposals or such time as the Town and the RFP respondent may agree in writing." Proposals were received July 6<sup>th</sup>. The 180 day period ends January 6<sup>th</sup>.

As discussed last week, notice of award of the contract is followed by 30 days for execution of a Land Development Agreement and 90 days for the developer's due diligence. Clarification of the timetable will be made when legal counsel for this project is confirmed.

**3. LEGAL SERVICES:**

We received the attached proposal from Anderson Krieger to extend the firm's services as special counsel for this project. The Board may wish to pay these costs from the legal budget in FY 17 for Phases 1 and 2 of the proposal at a fixed fee of \$28,500 and include additional funding

of \$12,000 in FY 18 for Phase 3. The FY 17 legal budget would need to be carefully tracked with a request for Reserve Fund Transfer to Finance Committee if necessary. Additional analysis on the legal service budget will be requested of staff by Monday.

#### 4. PLANNING SERVICES / ECONOMIC ANALYSIS:

Attached is a proposal for up to \$5,500 from planning consultant Mark Fougere to update the 2013 economic analysis for the Rivers Edge project, given current conditions and costs and the developer's proposal. These services may be helpful to create a final economic impact analysis for Rivers Edge, including up to date information about the costs and benefits of the project. Mr. Fougere was one of two contractors recommended to do this work by Connery Associates who did the original study for the town in 2013. Funding would be sought through a Reserve fund Transfer request to the Finance committee.

#### 5. SCHOOL BUS PARKING

The School Superintendent reports as follows: Dave Warner for Warner Larson Landscape Architects made a presentation to the School Committee at their October 5th meeting regarding parking the buses at 207 Main Street. He described the parcel along with his plans to park 21 buses, 21 personal cars (for the drivers) and a trailer on the lot. The plans included earth work, paving, a grade change, and buffer zones -- along with a fence to minimize noise. At the same time, the Committee will be looking into alternative proposals. A new bus contract is also going out to bid which will include alternative proposals for in-district and out-of-district bus parking so that we have an updated estimate of the parking costs. With regard to zoning, the process may be similar to that used for the Carroll School. If the School Committee chooses to proceed under the Dover Amendment, the site plan review process has specific controls that favors the schools' development plan and limit zoning control by potentially removing the use of a discretionary zoning permit.

#### 6. TRANSFER STATION LAYDOWN AREA:

Attached is correspondence from the Chairman of the Board of Public Works in response to my formal request for the Board's plans to vacate the Rivers Edge site. The costs to develop the ¾ acre "triangle area" into a laydown area are estimated at \$250,000 and can be funded from \$300,000 in unspent funds from the DPW project.

#### 7. TRANSFER STATION ROAD WORK:

Under a 2013 Conservation Commission Order of Conditions and DEP superseding Order, the Town is required to do specific improvements to the Transfer Station access road. \$100,000 was appropriated for this project in FY 16. The project cannot be delayed further because, in order to build the River's Edge project, a water line must be installed in the road.

DPW submitted an FY 18 capital improvement project for \$2.3 million for work designed by Weston and Sampson to comply with the 2013 Order. The project includes new drainage, 5 critter crossings, demolition of the old salt shed, wetland reclamation and road resurfacing.

The Town Administrator recommends funding for this project as follows: 1) the \$1,124,000 remaining from the 2013 authorized borrowing for the new DPW which allowed improvements to the access road as an allowable use of the funds; 2) \$860,000 from remaining bond premium (the Finance Director recommends the bond premium be used for a single large project). Appropriation of the bond premium is subject Town Meeting action. 3) The balance of \$316,000 would be from a new appropriation.

#### 8. WATER LOOP

The construction of a "water loop" for the Rivers Edge project is required by the Water Department for the reasons below. The "water loop" may be a cost to both the developer and to the Town. Engineering alternatives are under consideration.

The Water Superintendent provides the following basis for requiring a water loop for Rivers Edge: The Mass DEP guidelines for Water Main Installation Section 9.3-6 states: "Dead Ends - Dead ends shall be minimized by looping of all mains whenever practical." Unless another engineering alternative is identified, a loop for the proposed Rivers Edge Project will be required by the Water Department because: 1) Water Quality: Without the water loop, water quality at the extremities of the water system can be compromised by high iron, rising disinfection by-product (Trihalomethanes and Haloacetic Acid) and rising Chlorate residuals and 2) Redundancy: Secondary feed or a water main loop is essential for providing potable drinking water and fire protection to the site if the proposed river crossing were to develop a leak. The Water Division is not equipped to repair a leak of this kind.