



REQUEST FOR PROPOSALS

For the Disposition of Municipally Owned Property at

**108 WOODFALL ROAD
(ASSESSORS MAP 69, PARCEL 44)**

BELMONT, MASSACHUSETTS

JULY 31, 2013

PROPOSALS DUE BY 12:00 P.M. ON

THURSDAY, OCTOBER 31, 2013

Town of Belmont Board of Selectmen
Town Hall
455 Concord Avenue
Belmont, Massachusetts 02478

For Further Information, contact:

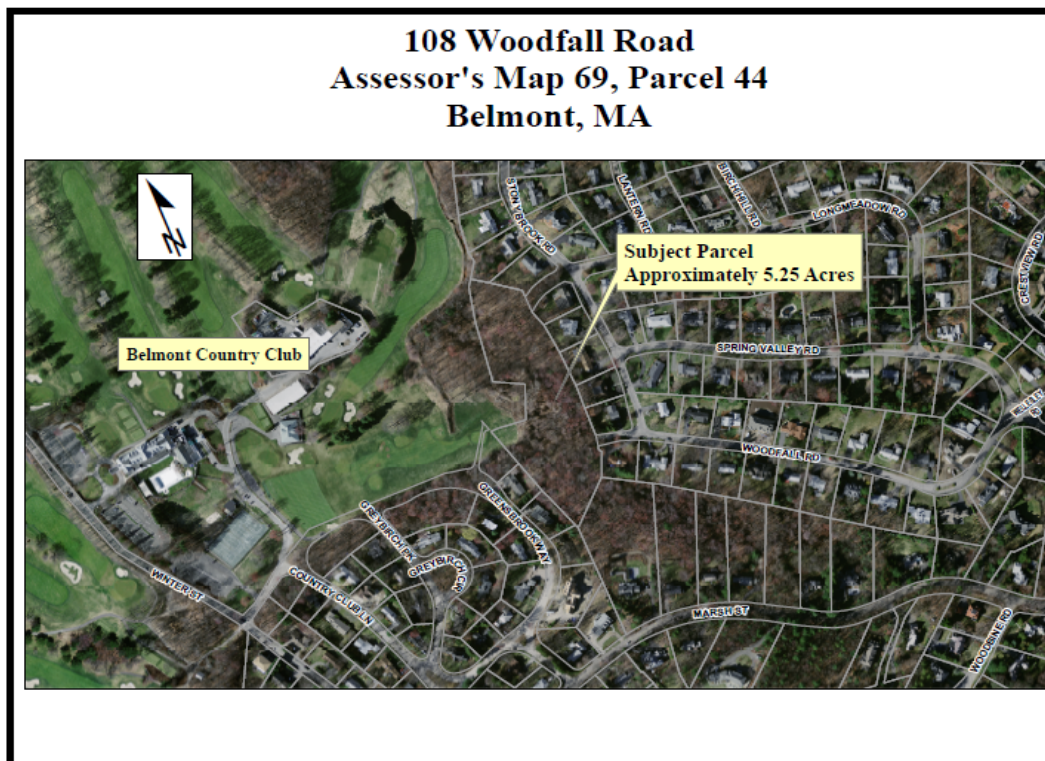
Glenn R. Clancy
Director of Community Development
617-993-2650
gclancy@belmont-ma.gov

I. GENERAL

The Town of Belmont is seeking proposals for the purchase and development of approximately 5.25 acres (229,000 square feet) of vacant land located in the general vicinity of Longmeadow and Woodfall Roads in the Town of Belmont. The parcel is located in a Single Residence A Zoning District, which allows single-family homes. The Town has filed and recorded an approved 4 lot subdivision plan along with a roadway layout for this property. This plan serves as the basis for the bid proposal (see Attachment A). Large scale plans are available for review in the Office of Community Development, 2nd Floor, Homer Municipal Building, 19 Moore Street. Development proposals for use of the entire parcel for one to four lots will be considered. Dimensional regulations are included in Attachment B.

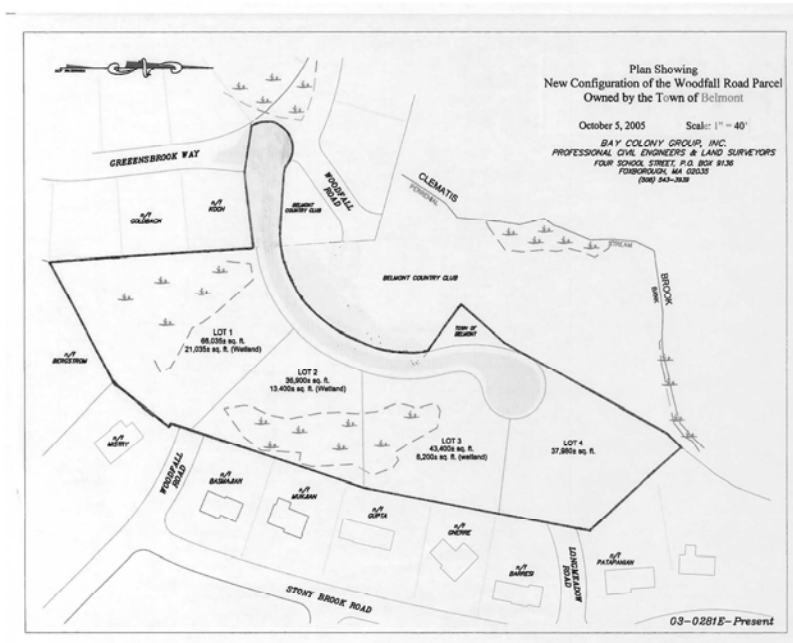
The subject Property will be sold as a single parcel. Proposals for use of the entire parcel as one building lot or up to four building lots will be considered. Bids for individual lots will not be entertained. The Town will transfer title to the Property in “as is” condition. Bidders shall confirm all dimensions, existing conditions, and all other relevant aspects of the Property.

Replies to this Request for Proposals (RFP) must be received in the Board of Selectmen’s Office, Town Hall, 455 Concord Avenue, Belmont, MA 02478 no later than 12:00 noon on Thursday, October 31, 2013 to be considered. Proposals should be labeled **Proposal for the Development of 108 Woodfall Road Property** and must contain the minimum submission requirements as contained within Section V of this RFP. Additionally, proposals should provide written responses (or other documentation) that demonstrates how the proposal meets the selection criteria found within Section VI of this RFP.



II. History

In 2005, the Belmont Town Meeting gave authority to the Board of Selectmen to dispose of surplus property known as ‘the Woodfall Road parcel’ as shown on Assessor’s Map 69, Parcel 44. Because the lot is landlocked,¹ the Town entered into negotiations with the Belmont Country Club for a land swap that would allow an extension of Greensbrook Way for access to the parcel. Those negotiations were completed with the new ‘Woodfall Road parcel’ now shaped more or less as shown below.



Following the agreement with the Belmont Country Club, the Town submitted a Notice of Intent to the Conservation Commission for development of a subdivision. The Conservation Commission approved the application subject to an Order of Conditions (file number 106-0065) (see Attachment C)²

In 2007, the Board of Survey approved a 4 lot subdivision with a roadway layout off of Greensbrook Way. The plan and roadway layout entitled “Definitive Plan of Land in

Belmont, MA “Greensbrook Way Extension” dated October 23, 2005, revised through December 13, 2006, prepared by Bay Colony Group, Inc. was recorded with the Middlesex South District Registry of Deeds as Plan No. 1186 of 2007, together with the roadway entitled “Greensbrook Way Extension” shown on said Plan (see Attachment A)³. The Board of Survey approval was extended and amended on September 24, 2012. A copy of the Board of Survey application and amendment including proposed and approved waivers are included as Attachment D. Prospective bidders are advised to familiarize themselves with the roadway requirements and approved waivers.

To date, the property has not been improved.

¹ Woodfall Road and Longmeadow Road which appear to terminate at the parcel boundary are private roads that do not allow public access. Greensbrook Way, to the West, terminates short of the parcel.

² This Order of Condition was extended to September 9, 2010 by the Conservation Commission and under the Permit Extension Act created by Section 173 of Chapter 240 of the Acts of 2010 and by Sections 74 and 75 of Chapter 238 of the Acts of 2012 extended through September 9, 2014.

³ See Certificate of Title No. 67291, Order of De-Registration recorded with Middlesex South District Registry of Deeds in Book 48671, Page 385 and Deed recorded with said Deeds in Book 50317, Page 323.

III. Property Description/Site Characteristics

Location and Site Information: The subject property is located in the northwestern area of the Town on Belmont Hill in a residential neighborhood adjacent to Belmont Country Club. Woodfall Road and Longmeadow Road, on the east, terminate at the property boundary, and are private roads that do not allow public access to the property. The irregular shaped property contains approximately 229,000 square feet and is elongated to the north and south. The land is relatively level at the grade of surrounding house lots and is adjacent to the Belmont Country Club. The property is largely wooded and contains two pockets of wetlands. (See Attachment A, sheet 2)¹

Greensbrook Way, south and west of the property, is a public road but terminates short of the property boundary. In 2007, as part of a land swap with the Belmont Country Club, the Town acquired a parcel of land connecting the terminus of Greensbrook Way with the subject parcel. Lots are generally 12,000 to 20,000 square feet in area on the Greensbrook Way side of the subject property. On the other side, lots are larger at 20,000 to 25,000 square feet. Prospective bidders are advised to do their own due diligence regarding the rights appurtenant to the parcel to use Greensbrook Way for vehicular access and for the installation of utilities sufficient to support the proposed use. The Town makes no representations or warranties concerning the scope of any such rights.

Control of Premises: Control of the parcel was transferred to the Board of Selectmen at the direction of the October 2005 Special Town Meeting for the purpose of disposing of the property. The parcel was acquired by the Town in 1930 with no restrictions on its future use.

Utilities: Public water, sewer, stormwater, gas, and electric utilities are accessible at the property. The Town will require easements to access and maintain all utility mains. (See Attachment E for approximate locations)

- Water, sewer, and stormwater drains travel across the property connecting the lower and upper portions of Woodfall Road.
- Gas lines are located in Greensbrook Way and Woodfall Road.
- Electric - Overhead electric lines are also located on the property. The Town will require installation of an underground electrical power system designed in cooperation with the Town's Municipal Light Department.

Environmental Review: The Property will be conveyed "as is." No 21E assessment has been performed at the Property. The Town is not aware of any potential environmental contamination at the property.

¹ Prospective bidders are cautioned to make their own determination as to the accuracy of the wetlands boundaries depicted on the 2005 map.

IV. Permitting and Other Requirements

Zoning: All proposals must conform to existing zoning regulations and shall include only development of single-family residential structures as allowed by-right with a minimum lot size of 25,000 square feet¹ and street frontage of 125 feet (see Attachment B). The density of any residential development of the property shall be limited to a maximum of four lots, though proposals for use of the entire parcel for one building lot or up to four building lots will be considered. Prospective bidders are advised that the property will be conveyed by the Town subject to a restriction limiting future use of the property to single family residential use consisting of no more than four lots (see section 4.02 of the Purchase and Sale Agreement included as Attachment F).

The Town will not entertain bids for uses allowed by special permit or any other form of zoning relief or that require a zoning amendment.

The May 2013 Special Town Meeting adopted revisions to the Town's Inclusionary Housing Zoning By-Law, Section 6.10. Under these revisions, the subject property will not be required to provide any affordable housing units. These revisions are under review by the Attorney General. Should these revisions not be approved, an addendum to this RFP will be issued.

Roadway: The successful bidder will be required to construct a roadway referred to as Greensbrook Way Extension, from the terminus of Greensbrook Way to the boundary of the lot (See Attachment A, sheet 3). Additionally, the successful bidder will be required to construct a roadway from Greensbrook Way Extension to service the proposed development. The successful bidder must also install utility appurtenances to provide access to utility services for the proposed development. All roadways must be constructed to Town specifications and will require issuance of a performance bond to the Town.²

Environmental: The property is subject to the Massachusetts Wetlands Protection Act and possibly the Rivers Protection Act. The Town will make available previous wetlands resource area studies but makes no guarantee of their accuracy. Prospective bidders are advised to conduct their own due diligence to determine boundaries of resource areas, appropriate buffers and applicability of various wetlands/environmental regulations. Conservation Commission Approval will be required for all proposed developments not conforming to the approved four-lot subdivision recorded by the Town.³ The successful bidder is required to apply for and receive said approvals.

The successful bidder shall make very effort to preserve as many trees on the site as practicable in an effort to maintain the current buffer with existing housing in the neighborhood.

¹ Due to the wetlands found on the lot, bidders should note that lot area definition specifies that at least 90% of the lot area required for compliance shall be exclusive of areas subject to protection under the Wetlands Protection Act.

² Any changes to the approved roadway layout will require new approvals from the Town's Board of Survey.

³ There is an existing Order of Conditions for the approved and recorded 4 lot subdivision. That Order of Conditions expires in September 2014.

Finally, the successful bidder is required to comply with the terms and provisions of the Declaration of Covenants and Restrictions between the Town and the Belmont Country Club dated September 10, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 50317, Page 329 (Declaration), and included as Attachment G. As such,

1. The successful bidder will pay to the Country Club approximately \$45,000.00 for the construction of a fence and the planting of a screen of trees to separate the Development Area and the golf course. This payment is based on a calculation in condition 1 of the Declaration and is in addition to the bid price for the land.
2. To satisfy condition 3 of the Declaration, the successful bidder will be required to place \$20,000 into an escrow account at the time of the transfer of the property. This \$20,000 shall be returned to the successful bidder at the issuance of the last Certificate of Occupancy should the Town find the screening satisfactory and not require additional screening at that time.

V. Submission Requirements:

Developers **must submit** the following information for a proposal to be considered acceptable. Proposals that do not provide all of this information will be deemed non-responsive and will be disqualified from further consideration. The Board of Selectmen or its designee(s) will review and evaluate all proposals for compliance with these Minimum Evaluation Criteria.

a) **Cover Letter** –

A cover letter signed by the lead developer marked **Proposal for the Development of 108 Woodfall Road Property**, acknowledging response to this Request for Proposals.

b) **Contact Information** -

Lead name, address and telephone number and company name of the development team. The development team includes all owners, partners and professional members (e.g. architects, engineers, etc.) that are responsible for proposal development, financing, design and construction of the proposed project.

Name, address and telephone number of the contact that is authorized to negotiate on behalf of the development team.

c) **Qualifications and Experience** -

A detailed outline identifying the qualifications and past experience of the development team in the real estate development business. Such showing shall include information regarding technical, financial, and administrative capability. More specifically, the information shall include identification of the project's key personnel, including resumes indicating the role and experience of each person; the proposed contractor and key subcontractors; other projects currently under development, and how the developer will accommodate the Belmont project into its work schedules to assure prompt completion of this project.

d) References -

Respondents will provide at least two written descriptions of comparable projects with which they have been involved. Descriptions of comparable projects developed and completed locally are especially desired. Descriptions should include the names, titles, and contact information of persons benefiting from the development (including but not limited to property owners, tenants, public officials) or other parties with relevant knowledge of the development. By submitting these names, the developer grants the Town permission to contact these people to discuss the developer's performance.

e) Price Proposal -

Proposed purchase price for the property including any conditions proposed by the developer.

f) Proposal Security -

At the time of submission of the proposal, the developer shall include Proposal Security in the form of a deposit of funds equal to \$25,000.00. Deposits shall be in the form of money order or certified check.

Upon the execution of a Purchase and Sales Agreement, the successful bidder shall pay a deposit of 10% of the purchase. The Proposal Security shall be applied to the deposit required. In the event of a default by the developer prior to the transfer of title, the Town shall retain the deposit as liquidated damages.

g) Sources of Funds -

Respondents shall identify sources of funds for the purchase and development of the Property; including identification of the developer's equity and/or identification of funding commitment(s) from other sources. Respondents shall include a pre-approval letter or similar commitment from financing sources indicating sufficient funding for completion of the proposed project.

h) Project Description and Conceptual Plans -

Respondents should provide the following information:

1. A clear, conceptual description of the entire development proposal.
2. Conceptual project plans including a site plan, renderings, and elevations from all sides of the proposed development.
3. Include a proposed development schedule.

i) Certification Statements -

The following Certification Statements must be completed and included with the proposal -

1. Disclosure of Beneficial Interest (Attachment H) – M.G.L., Chapter 7, Section 40J
2. Certificate of Tax Compliance (Attachment I) – M.G.L., Chapter 62C, Section 49A
3. Certificate of Non-Collusion (Attachment J)

VI. Selection Criteria

The **ranking of proposals and the selection of the developer** shall be completed by the Board of Selectmen and Town Administrator with the assistance of the Office of Community Development and shall be based on criteria and requirements including, but not limited to, the following:

Purchase Price: The Town wishes to attain the highest possible sales price for the property.

Fiscal Benefits: While the Town wishes to maximize revenue from the disposition of the property, it is also concerned about long term tax revenue and fiscal impacts. The Town will consider the degree to which each proposal maximizes annual net revenues to the Town by maximizing tax revenue and minimizing fiscal impacts.

Type of Use: The Town wishes to promote residential development that complements the existing residential nature of the area. Proposed Projects must demonstrate that potential impacts are in accordance with current development in the area or are minimally disruptive to the residential scale of abutting neighborhoods.

Wetlands Impact: The Town recognizes that the project area contains significant wetlands resources. To the extent possible the Town seeks proposals that will preserve these resources and minimally impact the stormwater retention capabilities of this parcel.

Buffer: The Town recognizes that the development of this property may have significant visual impacts on neighboring properties. To the extent possible the Town seeks proposals that will preserve as many trees as possible to act as a buffer.

The Board will make an award deemed to be in the best interests of the Town taking into consideration these selection criteria. Further, the Board may reject as unqualified any developer who has not successfully completed at least two residential developments of similar or greater scale and complexity, or who does not have satisfactory references.

VII. Logistics:

The Town has scheduled a pre-bid meeting on Thursday, September 5, 2013, at 1:00 PM in Room 13 of the Homer Municipal Building, 19 Moore Street. In addition, the Town will allow prospective bidders to access the property in four hour blocks for due diligence purposes. These purposes include but are not limited to: wetlands boundary verifications and site surveys. Contact the Office of Community Development (617-993-2650) to schedule site inspections. Prospective bidders must sign a waiver of liability form prior to conducting any survey or other work on the property.

VIII. Submission of Proposals:

Applicants should submit one (1) original and six (6) copies of their proposal by 12:00 noon, Thursday, October 31, 2013, to:

Attention: David Kale, Town Administrator
Town of Belmont, Board of Selectmen
Belmont Town Hall, 2nd Floor
455 Concord Avenue
Belmont, MA 02478

All packages submitted by the deadline will be time stamped and opened, in public, immediately following the 12:00 noon submission deadline. **No proposals submitted after this time will be accepted.**

IX. TERMS AND CONDITIONS

All proposals are subject to the terms, conditions, and specifications herein set forth.

- a) The Town of Belmont has determined that the award of this contract is subject to the Uniform Procurement Act. M.G.L. Chapter 30B, §16. Therefore, the provisions of M.G.L. Chapter 30B, §16 are incorporated herein by reference.
- b) The Town of Belmont makes no express or implied representations or warranties as to the accuracy and/or completeness of any of the information provided as part of the Request for Proposals, including information that is available upon request. This information is provided subject to errors, omissions, change of cost, lease or conditions, additional changes in and different interpretations of laws and regulations.
- c) The Town reserves the right to seek additional information or revised proposals from respondents at any time prior to selection of developer through written notice to all respondents.
- d) The Town reserves the right to change the selection process or schedule with written notice to all respondents as necessary.
- e) The Town reserves the right to suspend, withdraw, or amend this Request for Proposals at any time, without notice.
- f) The Town reserves the right to negotiate additional terms and conditions with its preferred proposer in a manner not prejudicial to fair competition.
- g) All materials submitted by the developer become the property of the Town. The Town is under no obligation to return any of the material submitted by a developer in response to this Request for Proposals.
- h) The Town reserves the right to reject, in its sole discretion, any proposal not submitted in conformance with this Request for Proposals and any amendments hereto, or to reject any and all proposals, in its sole discretion, for any reason. The Town further reserves the right to waive or decline to waive irregularities in any proposal when it determines that it is in the Town's best interest to do so.

- i) The developer agrees to purchase the property “AS IS” and agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases, or any other requirements to develop the property as proposed in this Request for Proposals.
- j) The developer will be required to sign and comply with a Purchase and Sales Agreement substantially in the form attached hereto as Attachment F hereto. Prospective developers are advised that the Town will convey the property subject to a deed restriction limiting future use of the property, including individual lots, to single-family residential consisting of no more than four lots (see section 4.02 of Attachment F).
- k) The developer must certify that no official or employee of the Town of Belmont, Massachusetts, has a pecuniary interest in this proposal or in the contract which the developer offers to execute or in expected profits to arise therefrom, unless there has been compliance with the provisions of M.G.L. Chapter 268A, Section 20, and that this proposal is made in good faith without fraud or collusion or connection with any other person submitting a proposal. The Town may reject any proposal from any prospective developer that would result in a violation of G.L. c. 268A by reason of the beneficial interest or unlawful participation of any current or past municipal employee.
- l) The developer shall not assign, transfer, sublet, convey, or otherwise dispose of any contract which results from this Request for Proposals, or its right, title, or interest therein, or its power to execute the same to any other person, firm, partnership, company, or corporation without the previous consent in writing of the Town. Should the developer attempt any of the above without written consent of the Town, the Town reserves the right to declare the developer in default and terminate the contract for cause.
- m) All contract amendments must be in writing and approved and signed by a Town of Belmont authorized official.
- n) The prospective developer must be current in taxes and all water and sewer liabilities on any and all real estate owned in the Town of Belmont.

All inquiries for additional information concerning this RFP should be in writing (email is acceptable) no later than Thursday, October 17, 2013 and directed to:

Attention: Glenn R. Clancy
Office of Community Development
Homer Municipal Building
19 Moore Street
Belmont, MA 02478
Phone - 617-993-2650
Fax – 617-993-2651
E-mail: gclancy@belmont-ma.gov

Copies of the response(s) to any such inquiry shall be provided to all persons who have requested a copy of the Request for Proposals at the address provided for this purpose and they shall be posted on the OCD website at www.belmont-ma.us.