



**BOARD OF SELECTMEN**  
**Meeting Agenda**  
**January 11, 2016**  
**Boxborough Community Center**  
**30 Middle Road**

**1. CALL TO ORDER, 7:00 PM**

**2. ANNOUNCEMENTS**

**3. APPOINTMENTS**

*[Times are estimated; if you are interested in a particular matter, please plan to arrive 15 minutes earlier]*

- a) Vocational Education Advisory Committee, 7:05 PM
- b) Citizens concerns

**4. MINUTES**

- a) Executive session, December 18, 2015
- b) Regular session, December 21, 2015
- c) Executive session, December 21, 2015
- d) Regular session, December 30, 2015

ACCEPT & POF  
ACCEPT & POF  
ACCEPT & POF  
ACCEPT & POF

**5. SELECTMEN REPORTS**

**6. OLD BUSINESS**

- a) Special Town Meeting – Close warrant  
*Move to close the warrant for the Special Town Meeting to be held on February 24, 2016*
- b) Draft RFP for the development of the 70-72 Stow Road as affordable housing – discussion regarding process, to be led by Selectman Les Fox

VOTE:

**7. NEW BUSINESS**

- a) Special Town Meeting/Annual Town Meeting, May 9, 2016  
*Move to call the annual town meeting, to begin on Monday, May 9, 2016, at 7 PM, to be held at the Blanchard Memorial School and if necessary, a special town meeting to be held within the annual town meeting*
- b) Massachusetts Municipal Association (MMA) and MIIA Annual Meetings, January 23, 2016  
*Move to authorize the Chairman of the Boxborough Board of Selectmen to designate Robert T. Stemple as the Town's voting delegate at the MMA and MIIA Annual Meetings to be held on January 23, 2016*

VOTE:

VOTE:

c) Alcoholic Beverages Control Commission - request re: temporary population estimate  
*Acting under authority granted in MGL ch138 §17 as amended, the Board of Selectmen estimates that there will be no temporary increase to the resident population of the Town of Boxborough as of July 10, 2016; the population will remain at approximately 5,000*

**VOTE:**

d) Reserve Fund Transfer – Town Hall Lift replacement  
*Move to approve the transfer of \$39,000 from the Reserve Fund to Town Hall – Capital Outlay, #001-192-5820-0000, for the purpose of replacing the Town Hall vertical platform lift*  
[FinCom approved the request on 1/4/16]

**VOTE:**

e) FY 2017 budget – initial glimpse

**8. CORRESPONDENCE**

**ACCEPT & POF**

- a) Internal Communications
- b) Minutes, Notices & Updates
- c) General Communications

**9. PRESS TIME**

**10. CONCERNS OF THE BOARD**

**11. ADJOURN**



**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**December 21, 2015**

**Approved:** \_\_\_\_\_

**PRESENT:** Susan Bak, Chair Pro Tem; Les Fox, Member; and Jim Gorman, Member

**ABSENT:** Vincent Amoroso and Robert Stemple

**ALSO PRESENT:** Selina Shaw, Town Administrator and Cheryl Mahoney, Department Assistant

Chair Pro Tem Bak called the meeting to order at 7:35 P.M. in the Boxborough Community Center.

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

**ANNOUNCEMENTS**

Chair Pro Tem Bak read the announcements.

**APPOINTMENTS**

- Gerard (Gerry) Noel was present as a candidate for appointment as the Inspector of Buildings/Code Administration Officer. Noel was introduced and he spoke to his current responsibilities in the Marlborough building dept., his licenses/ certifications and his background in construction. The selection process was discussed. Noel provided feedback to the Selectmen on various matters such as managing citizen's complaints (i.e. commercial operations' noise levels), town facilities' management & capital planning and the large 40B development currently underway. Further to the recommendation of the BICAO Search Team, Member Gorman moved to appoint Gerard Noel as the Inspector of Buildings/Code Administration Officer for an initial probationary term commencing January 4, 2016 through June 30, 2016. Seconded by Member Fox. **Approved 3-0.**
- Police Chief Warren Ryder was present to present Kevin Gordon as a candidate for appointment to the position of Full-time probationary Police Officer. Members of the police department and others were also present. Chief Ryder spoke to Gordon's background in law enforcement and qualifications including being EMT certified. Further to the recommendation of Police Chief Warren Ryder, Member Fox moved to appoint Kevin M. Gordon to the position of Full-time probationary Police Officer for a term commencing January 1, 2016 and ending on December 31, 2016. Seconded by Member Gorman. **Approved 3-0.**
- Member Fox introduced Patricia Higgins of the Acton-Boxborough United Way (ABUW). He provided an overview of the work involved in compiling the June 2015 ABUW Community Needs Assessment report that Ms. Higgins is presenting tonight. Higgins clarified that her PowerPoint presentation is an Executive Summary of their findings; however the complete study with appendixes is available. The steering group worked with the consultant, Carlisle Co. There was great participation from the respective Towns' stakeholders; excellent feedback from residents; interviews with experts and focus groups. She spoke to some of the trends identified in the study. Many respondents noted that they feel that there is a lack of communication/connection and a lack of access to human services information available to them. She spoke to the changing demographics within the A-B community. The percentage of extremely well educated and upper income residents is increasing. Conversely, one in five residents currently have a household income of \$50,000 or less. This "vulnerable population," is also increasing. She broke out some of the issues that this vulnerable population may be facing and how their increased need for services impacts both our schools and public safety resources. She also broke out their findings as they pertain to the specific age groups. For school-aged children, stress along with mental health related situations continues to be of significant concern. The school district is well aware of this and is trying to develop working solutions. Further discussion and investigation may be merited. There is a marked increase in second language learners and students participating in the free/reduced lunch program. Issues such as substance abuse and cyber bullying are also of concern. Opioid abuse, stress and the cost of living are concerns for the young adult population. Most senior citizens would like to "age-in-place" but eventually they may need assistance to maintain a safe/healthy living situation. The assessment group considered state and national data in this study but did not do a like-town comparison. Audience members also asked questions and provided input. The ABUW held a Forum on these findings and the overreaching

issue seems to be that residents are unaware that human services are available and that we need to communicate this information to residents. The ABUW is trying to strategically address the concerns identified in this assessment however; these issues are bigger than any one organization.

- Steele Farm Advisory Committee (SFAC) Chair Ed Whitcomb and member Bruce Hager were present to discuss proposed drainage repairs at Steele Farm. Whitcomb provided an overview of what has been done to maintain the farmhouse and discussed the proposed drainage for the house and its requisite engineering study. This drainage work should go a long way to decreasing water infiltration issues. This work could be done in phases. The SFAC would like to use the money in their revolving fund to pay for this study. Whitcomb advised that the SFAC is looking to maintain these buildings and in the long term, ultimately restore them. He noted that the Historical Society is exploring fundraising for improvement at the Steele Farm property. Possibly seeking CPC funds in the future was discussed. There was discussion about other potential projects and possible areas of concern. The Selectmen suggested that a project perspective and real numbers would be essential if they want people to support these efforts. The Selectmen concurred that covering the cost of this study from the SFAC revolving fund is a justified use of these funds. There was also discussion on the recent barn repairs and outstanding punch list items.
- There were no Citizens concerns.

#### MINUTES

- Member Gorman moved to accept the minutes for the Regular session of December 7, 2015, as revised. Seconded by Member Fox. **Approved 3-0.**
- Member Gorman moved to accept the minutes for the two Executive sessions of December 7, 2015 - Collective Bargaining (MassCops), and Real Estate, respectively as written. Seconded by Member Fox. **Approved 3-0.**

#### SELECTMEN REPORTS

- Member Fox reported that originally the Master Plan Update Comm. was supposed to be presenting tonight however their presentation has been deferred until January 25<sup>th</sup>.

He also reported that the various communications that he has been forwarding from the Energy Comm. was to give the Selectmen a forward view of possible action and/or funding items the EnCom may be pursuing.

- Member Bak reported that members of the Vocational Education Advisory Comm (VEAC) recently visited Assabet Technical High School and relayed that information obtained regarding the Assabet District including those communities in their district; student body data such as - In-district/Out-district number & percentages; SPED enrollment; and applications versus acceptance numbers. In-District students will be considered for acceptance before tuitioned students, however once accepted Out-of-District students are treated the same as any other student when choosing their major. She reported on Assabet's recently completed renovation project and program offerings. They were told the Assabet School Comm. is not interested in any other towns joining their District. Assabet's per pupil costs and tuitions are lower than Minuteman. She also discussed a Mass. Dept. of Ed. metric known as the "Accountability" factor.
- Member Gorman reported that the public safety facilities working group recently asked the architect to do some more work on the rough costs. Based on the information currently available, splitting the building could realize some reduction in the "relocation" soft costs, however it seems exceedingly unlikely that separate buildings would ultimately decrease our total cost, as there would be a significant increase in necessary space for the functions that would need to be duplicated in each building.

#### NEW BUSINESS

- Discussion was opened on holding a Special Town Meeting (STM) in February 2016; the proposed timeline and primary purpose - articles related to the Minuteman Regional School District. It is anticipated that this will be a short warrant, with just the Minuteman related articles concerning the Town's Withdrawal, Amending the District Agreement & possibly the building project bonding. There may also be an article for Town Hall repairs. The Selectmen discussed their date preferences; scheduling concerns and the need to educate the public on these matters prior to a STM. The Board tabled voting until Chair Amoroso could communicate the status the discussion he is currently participating in with other Minuteman District stakeholders on these matters.

- The Selectmen took up the acceptance of two properties to be held by the Conservation Commission:
  - The BCT has agreed to provide funds towards the purchase of the “Ashmore” parcel, off of Depot Road, with the remainder from the Conservation Trust Fund. Member Fox moved to approve the acceptance, for open space, passive recreation, and conservation and purposes, of the Quitclaim Deed from G. Michael Ashmore and Ann Evans Ashmore of the land off Depot Road, known as the Bulkley Lot, and shown as Lot 195 on Assessor’s Map 10, to the Town of Boxborough, acting by and through its Conservation Commission and to authorize the clerk to sign in the absence of the Chair. Seconded by Member Gorman. **Approved 3-0.**
  - The second property is a landlocked, corner parcel adjacent to the Stow Town line between the Transfer Station and I-495. Member Fox moved to approve the acceptance, for open space, passive recreation, and conservation and purposes, of the Quitclaim Deed from Robert D. Ludovico and Beverly D. Ludovico of the land off Codman Hill Road, and shown as Lot 004 on Assessor’s Map 17, to the Town of Boxborough, acting by and through its Conservation Commission and to authorize the clerk to sign in the absence of the Chair. Seconded by Member Gorman. **Approved 3-0.**
  
- The Selectmen took up the annual renewal of various business licenses:
  - Member Gorman moved to approve the liquor license renewal applications for Hotel Boxborough Lessee, LLC, d.b.a. Holiday Inn Boxborough Woods; Robert Hirsch, d.b.a. The Grapevine; and J & M Houghton, Inc., d.b.a. Boxborough Liquors for the year ending December 31, 2016. Seconded by Member Fox. **Approved 3-0.**
  - Member Fox moved to approve the Common Victualler license renewal applications for Hotel Boxborough Lessee, LLC; Harvard Sportsmen’s Club, Inc; Bumblebee Pitstop, LLC; Nashoba Valley Nursery Inc., d.b.a. Hayward Farms Ice Cream Parlor and Oscar’s Burritos Mexican Grill, Inc. as well as license applications for Live Entertainment, Sunday Entertainment, Innholder & Automatic Amusement Devices also for the Holiday Inn for the year ending December 31, 2016. Seconded by Member Gorman. **Approved 3-0.**
  - Member Gorman moved to approve the renewal applications for the Class II Used Vehicle Dealers’ Licenses for WIN Group, Inc., d.b.a. DRW Motorsports; Alpha Trading Services, Inc., d.b.a. AlphaCars; CBK Automotive Repair, Inc. and Asset Group of New England, LLC for the year ending January 1, 2017. Seconded by Member Fox. **Approved 3-0.**
  - Member Gorman moved to approve the renewal application for the Class I New Vehicle Dealer’s License for Alpha Trading Services, Inc., d.b.a. URAL of New England for the year ending January 1, 2017. Seconded by Member Fox. **Approved 3-0.**
  
- The Board reopened discussion on calling a Special Town Meeting in February 2016. TA Shaw related Chair Amoroso’s comments concerning the Minuteman discussions he is participating in. This working group supports deferring any action on the bonding article until the normal Annual Town Meeting cycle. Member Fox moved to call a special town meeting, to be held on Tuesday, February 16, 2016, at 7 PM, at the Blanchard Memorial School. Seconded by Member Gorman. **Approved 3-0.**
  
- The Board took up two Reserve Fund Transfer Requests -
  - Member Gorman moved to forward to the Finance Committee for approval the request to transfer \$560 from the Reserve Fund to account #001-122-5306-0000, Town Hall – Board of Selectmen – Consulting. Seconded by Member Fox. **Approved 3-0.**
  - Member Fox moved to forward to the Finance Committee for approval the request to transfer \$150 from the Reserve Fund to account #001-505-5711-0000, Animal Inspector – Travel. Seconded by Member Gorman. **Approved 3-0.**

#### **CORRESPONDENCE**

- It was noted that the letter from MassHousing issuing final approved of Jefferson at Beaverbrook project has been received. This permitting was started in 2007.

#### **EXECUTIVE SESSION**

- At 9:38 PM, Chair Pro Tem Bak moved to adjourn to executive session in the Town Administrator’s Office to discuss strategy with respect to collective bargaining (MassCOP Local 200 – Boxborough Police Officers) and to adjourn immediately thereafter. Seconded by Member Gorman. **Approved 3-0 by Roll Call Vote: Bak “aye”; Fox “aye”; and Gorman “aye.”** The Chair Pro Tem noted that open meeting may have a detrimental effect on the bargaining position of the Board.





**BOARD OF SELECTMEN**  
**Meeting Minutes**  
**December 30, 2015**

**Approved:** \_\_\_\_\_

**PRESENT:** Vincent Amoroso, Chair; Robert Stemple, Clerk; Les Fox, Member and Jim Gorman, Member

**ABSENT:** Susan Bak, Member

**ALSO PRESENT:** Selina Shaw, Town Administrator

The documents discussed herein have been included with the file copy of the agenda packet for the above referenced date and are hereby incorporated by reference.

**CALL TO ORDER**

Chair Amoroso convened the meeting at 9:03 A.M. in the Town Administrator's office at the Boxborough Town Hall.

**OLD BUSINESS**

Special/Annual Town Meeting

The selectmen discussed the primary purpose of the special town meeting, which will be to consider an amended regional agreement with the Minuteman Regional Vocational School District as well as possible withdrawal from the District. Chair Amoroso, who also serves as the Town's representative on the Minuteman Regional School Committee led the discussion and began by moving to rescind the vote taken on December 21, 2015 with respect to the calling of the February special town meeting and to call a special town meeting, to be held on February 24, 2016 (snow date February 25, 2016) at 7 PM, at the Blanchard Memorial School. Selectman Stemple seconded the motion which was **approved 4 – 0**.

Susan Bak had reported to the Chair that the costs of the alternatives (Nashoba Valley and Assabet Valley) seem beneficial with lower per pupil costs than Minuteman. Vince noted that the new amendments provide for a more streamlined process for withdrawal by member towns, elimination of the five-student minimum charged to member towns for capital costs, and requiring out-of-district communities to help pay for their share of capital costs of a new building.

The Chair took the action to ask Minuteman's Business Manager, Kevin Mahoney, to provide further cost information (total and per pupil costs) for Boxborough, comparing the FY 16 assessment with options for FY 17 assessment under certain scenarios: 1) if proposed amendments and funding for a new school building are rejected; 2) if proposed amendments are adopted, but funding for a new school is rejected; 3) if proposed amendments and funding for new school building are both approved, and all declaring towns, except Boxborough, elect to leave the District; and 4) if proposed amendments are rejected and funding for a new school building is approved.

The Board discussed whether it would be necessary to include an article on the warrant to allow Wayland to withdraw from the District. The selectmen generally agreed that this was unnecessary and would be moot if a new amended agreement were approved by the member towns. Selectman Stemple pointed out that according to the terms of the existing agreement, Boxborough has one year to act on Wayland's request to withdraw; therefore if it turns out that action is indeed necessary, it could wait until May's ATM.

**ADJOURN**

The meeting was adjourned at 9:50 AM.



6a



**TOWN OF BOXBOROUGH  
SPECIAL TOWN MEETING  
FEBRUARY 24, 2016  
LIST OF ARTICLES**

- 1. AMEND FY 16 OPERATING BUDGET (RESERVE FUND)**
  - 2. AMENDMENTS TO THE REGIONAL SCHOOL DISTRICT AGREEMENT OF THE MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT**
  - 3. WITHDRAWAL OF THE TOWN OF BOXBOROUGH FROM THE MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT**
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To either of the Constables of the Town of Boxborough, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Boxborough, who shall be qualified to vote in accord with the provisions of M.G.L. Chapter 51, Section 1, to meet at the Blanchard Memorial School, 493 Massachusetts Avenue, Boxborough, MA on Wednesday, February, 24, 2016 at 7:00 p.m. to act on Articles 1 through 3 of this Special Town Meeting Warrant.

**ARTICLE 1      AMEND FY 16 OPERATING BUDGET (RESERVE FUND)**

(Majority vote required)

To see if the Town will vote to transfer from Free Cash the sum of Fifty Thousand Dollars (\$50,000), more or less, to provide for the operations and expenses of the Town for the fiscal year beginning July 1, 2015 by amending the operating budget as voted under Annual Town Meeting Article 5 on May 11, 2015 by increasing the Reserve Fund, Department #132, as indicated below; or take any other action relative thereto.

Line Item #	Description	Appropriated at ATM 5/11/15	Proposed Increase/ <Decrease> Appropriation	Total FY 16 Allocation
132	Total Other – Reserve Fund	\$185,000	\$50,000	\$235,000

**The Finance Committee recommends (x-y).**

**The Board of Selectmen recommends (x-y).**

DRAFT

**ARTICLE 2      AMENDMENTS TO THE REGIONAL SCHOOL DISTRICT AGREEMENT OF THE  
MINUTEMAN REGIONAL VOCATIONAL SCHOOL DISTRICT**

(Majority vote required)

To see if the Town will vote, consistent with Section VII of the existing “Agreement With Respect to the of a Technical and Vocational Regional School District” for the Minuteman Regional Vocational School District, to accept the amendments to said Agreement which have been initiated and approved by a vote of the Regional School Committee on December 21, 2015, and which have been submitted as a restated “Regional Agreement” bearing the date of December 21, 2015 to the Board of Selectmen of each member town; or take any other action relative thereto.

**Summary**

Background: In March 2014, the Minuteman Regional School Committee approved a set of amendments to the Agreement, which were sent to all member towns for consideration at their 2014 annual town meetings. The motivation for the proposed amendments was the need to obtain the unanimous consent of the member towns in order to undertake the vital and long overdue capital campaign necessary to bring the existing, antiquated school structure into compliance with building codes. Ten member towns voted to approve, one town voted against, and five towns, including Boxborough, passed over the article. Because adoption of the Amended Agreement requires unanimous vote of the member towns, the School Committee presented the amendments to those six towns to consider again in 2015. Boxborough voted to pass over the article and the remaining five towns did likewise or did not take any further action.

It was clear that the proposed amended agreement would have to be further modified in order to achieve a unanimous vote of support. After a good deal of discussion among selectmen in the member towns, as well as members of the school committee, further revisions to the March 2014 draft were recommended and endorsed, and on December 21, 2015, the Minuteman Regional School Committee unanimously approved a new Regional Agreement, with additional revisions providing for a streamlined process for withdrawal by member towns, elimination of the five-student minimum charged to member towns for capital costs, and requiring out-of-district communities to help pay for their share of capital costs of a new building.

The full text of the amended Regional Agreement, on which you are being asked to vote, is available in both clean and red-line versions, at the Boxborough Town Clerk’s office, the Sargent Memorial Library and on-line, by clicking the town meeting links from the home page of the Boxborough web.

A summary of all the changes reflected in the draft December 21, 2015 Regional School District Agreement of the Minuteman Regional Vocational School District is available below:

**INSERT TABLE SHOWING CHANGES**

**The Board of Selectmen...**

**The Finance Committee...**

**The Acton-Boxborough Regional School Committee...**

**ARTICLE 3        WITHDRAWAL OF THE TOWN OF BOXBOROUGH FROM THE MINUTEMAN  
REGIONAL VOCATIONAL SCHOOL DISTRICT**

(Majority vote required)

To see if the Town will vote to withdraw from the Minuteman Regional School District effective July 1, 2017, contingent upon the acceptance, on or before March 1, 2016, by all of the current members of the Minuteman District, and the approval, on or before December 31, 2016, by the Commissioner of Education, of the Amended Regional Agreement dated December 21, 2015 which has been submitted to the member towns by the Minuteman Regional School Committee; or take any other action relative thereto.

DRAFT

Hereof, fail not deliver these warrants with your return of service thereon to the Town Clerk on or before February 10, 2016.

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Vincent M. Amoroso, Chairman  
Board of Selectmen

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Susan M. Bak, Clerk  
Board of Selectmen

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Leslie R. Fox  
Board of Selectmen

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James J. Gorman  
Board of Selectmen

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Robert T. Stemple  
Board of Selectmen





**STOW ROAD CONCEPT DEVELOPMENT COMMITTEE**

29 Middle Road, Boxborough, Massachusetts 01719

Phone: (978) 264-1723 · Fax: (978) 264-3127

[www.boxborough-ma.gov](http://www.boxborough-ma.gov)

January 6, 2016

Boxborough Board of Selectmen  
Town Hall  
29 Middle Road  
Boxborough, MA 01719

Dear Members of the Board of Selectmen:

Accompanying this letter please find the current draft Request for Proposals (RFP) for the development of the Stow Road property as affordable housing. This RFP is the culmination of work carried out by the Stow Road Concept Development Committee (SRCDC) and has been advanced to the current form by SRCDC co-chairs Al Murphy and Les Fox, in accordance with direction of the SRCDC. Substantial guidance and review has been provided by Susan Connelly of Mass Housing Partnership (MHP), Town Counsel, the Inspector General's office, Town Planner Adam Duchesneau, and Town Administrator Selina Shaw. Its development has followed the strategy and direction presented to the BOS in December 2013 and endorsed by the Selectmen at that time. The next major goal in the process is to finalize and issue the RFP. It has taken far longer than we anticipated or desired. This finalization has been impeded by a legal review that consumed more than three months.

Even at this stage, there are components that remain to be added. Some of these components are standard or pro forma. We request that the BoS direct the appropriate administrative personnel to prepare these components and add them to the RFP.

However, other components require the attention of a legal team that is focused on the development at Stow Road. For example, a land development agreement (LDA) must be developed. This key agreement will bind the successful respondent to develop the property in accordance with the intent of the RFP and protect the town's interests and equity. An example LDA will be provided with the issued RFP, but its final form will likely result from negotiation with the successful proponent. Due to the specialized nature of the transaction, we recommend that special counsel be considered for the development of the LDA, and to coordinate with Town Counsel as required. It is expected that most legal expenses will be paid by funds from the Boxborough Affordable Housing Trust.

At this point, the bulk of the RFP is complete. It expresses the intent of the project and provides a set of selection and evaluation criteria. It is time to ask all stakeholders to review the current draft, incorporate any essential new inputs and proceed to execution.

In order to move this process forward, we propose the following process:

1. Selina will distribute the RFP to the Housing Board, current and former members of the SRCDC, and other stakeholders.
2. An open discussion of the draft RFP will be scheduled to take place at a regular BOS meeting in the very near future. Al and Les will present an overview of the proposed RFP, go through the document, and answer any questions that may arise. The main goal of this step is to ensure that everyone understands the intent of the RFP and that it appears complete.
3. Pending incorporation of any final edits, the BOS will endorse the draft RFP to be transmitted to Town Counsel and/or Special Counsel for review.
4. We recommend that any further changes or edits to the RFP be carried out in a joint working meeting of the stakeholders with Susan Connelly, Town Counsel and Special Counsel present. This will expedite closure.
5. Finalize the RFP
6. In a joint meeting between administrative personnel and relevant Town boards, determine the organizations to which the RFP will be sent.
7. Issue the RFP.
8. The BOS will appoint an Evaluation Committee.

Please feel free to respond to either of us with questions or comments.

Sincerely,

Les Fox, Board of Selectmen  
Al Murphy, Chair, Housing Board  
Co-Chairs, SRCDC

**Town Of Boxborough**  
**Request for Proposals**

**To Purchase the**  
**Town's Property at 70-72 Stow Road for the Development of**  
**Affordable Housing**

**Town of Boxborough, Massachusetts**

**SEALED PROPOSALS WILL BE ACCEPTED AS FOLLOWS:**

**DATE:** \_\_\_\_\_, 201\_

**TIME:** 4:00 PM

**PLACE:** OFFICE OF THE TOWN ADMINISTRATOR  
BOXBOROUGH TOWN HALL  
29 MIDDLE ROAD  
BOXBOROUGH, MA 01719

**The Town of Boxborough  
29 Middle Road  
Boxborough, MA 01719**

## **REQUEST FOR PROPOSALS**

*To select a purchaser for the 70-72 Stow Road Property that will provide for the construction of new affordable, owner-occupied, homeownership dwelling units on the property.*

### **IMPORTANT DATES**

Pre-Proposal Meeting/Site Tour: Month XX, 2015

Proposal Submission Deadline: Month XX, 2015

Developer Selection: Month XX, 2015

#### **I. Invitation to Bid**

The Town of Boxborough (Town) is seeking proposals from qualified Proposers to purchase and develop with mixed-income homeownership housing approximately 14.85 acres of land owned by the Town at 70-72 Stow Road in Boxborough (the "Stow Road Property" or the "Property"). The Awarding Authority will be the Board of Selectmen.

In December 2010, the Town of Boxborough, a Massachusetts municipal corporation, acting by and through its Housing Board, and pursuant to the Housing Board Bylaw, purchased the Stow Road Property, which consisted of two parcels of land, from the Lyons Family Trust for \$850,000. With additional pre-development costs, the Town's total investment, or equity, in the property is approximately \$900,000. The property contains four structures, including a stone house. The funding of the purchase came from funds held in trust by the Boxborough Municipal Affordable Housing Trust Fund. Per the Town's Housing Trust Fund Bylaw, the Trust's purpose is to provide for the creation and preservation of affordable housing for low- and moderate-income households.

Boxborough is a rural community with approximately 5,000 residents and a strong housing market. In 2000, the Town adopted the Housing Board Bylaw that created the Boxborough Housing Board (BHB). The BHB is responsible for ensuring that the affordable housing goals are consistent with Boxborough's Housing Production Plan. In early 2011, after the purchase of the Stow Road Property, the BHB and Boxborough's Board of Selectmen (BoS) established the Stow Road Concept Development Committee (SRCDC). The SRCDC is a broadly based committee whose objective is to develop general specifications for the development of the property that reflect community preferences and are consistent with physical and legal constraints. In addition, in 2012 the BHB contracted for a housing needs assessment for Boxborough, the finished product of which can be found on the Town Website:

[http://www.boxborough-ma.gov/sites/boxboroughma/files/file/file/boxborough\\_housing\\_needs\\_assessment\\_may\\_15\\_2012\\_final.pdf](http://www.boxborough-ma.gov/sites/boxboroughma/files/file/file/boxborough_housing_needs_assessment_may_15_2012_final.pdf)

The SRCDC met regularly, gathered necessary information, conducted surveys of community members, examined physical constraints of the property, and sought guidance from the Massachusetts Housing Partnership (MHP). The SRCDC presented its recommendations to the BoS, which unanimously endorsed them.

The purpose of this Request for Proposals (RFP) is to select a developer with demonstrated experience and capacity sufficient to develop the Stow Road Property in a manner that best addresses the needs and goals of the community as developed by the SRCDC, endorsed by the BoS, and described in this RFP.

The selected developer will be expected to enter into a Land Development Agreement (LDA) with the Town, which shall be recorded simultaneously with the Deed to the developer and prior to the recording of any mortgages. The LDA shall govern the development of the Property, including, without limitation, a construction schedule, and set forth in detail the affordability requirements that will encumber the Property. The LDA shall be negotiated at the same time the parties negotiate the Purchase and Sale Agreement (P&S), and the LDA will be attached to the P&S as an exhibit. The LDA shall contain terms substantially similar to the terms set forth in Attachment M to this RFP.

An overview of the evaluation and procurement process is depicted in Figure 1 below. More detail is given below in the body of the RFP. The Town will establish an Evaluation Committee (EC) to examine and evaluate all responsive proposals according to a quantitative set of criteria described in this RFP. The Evaluation Committee will deliver its ranking of the Proposers to the BoS, who will act as the Awarding Authority. The BoS will review the recommendations of the EC, revise them if necessary, and define a final ranked list of Proposers. As Awarding Authority, they will then direct the Town's Chief Procurement Officer (CPO) to begin negotiations with the most highly ranked finalist for execution of a P&S and a LDA. Should negotiations with the top ranked finalist not be successfully concluded, the CPO shall report this to the BoS, and the BoS will decide to continue negotiating with the current Proposer, move to the next-highest-ranked Proposer, or abandon the process. The work of the EC and BoS will be carried out in public meetings.

The most advantageous proposal from a responsive and responsible Proposer, taking into consideration all evaluation criteria set forth in the RFP, will be selected.

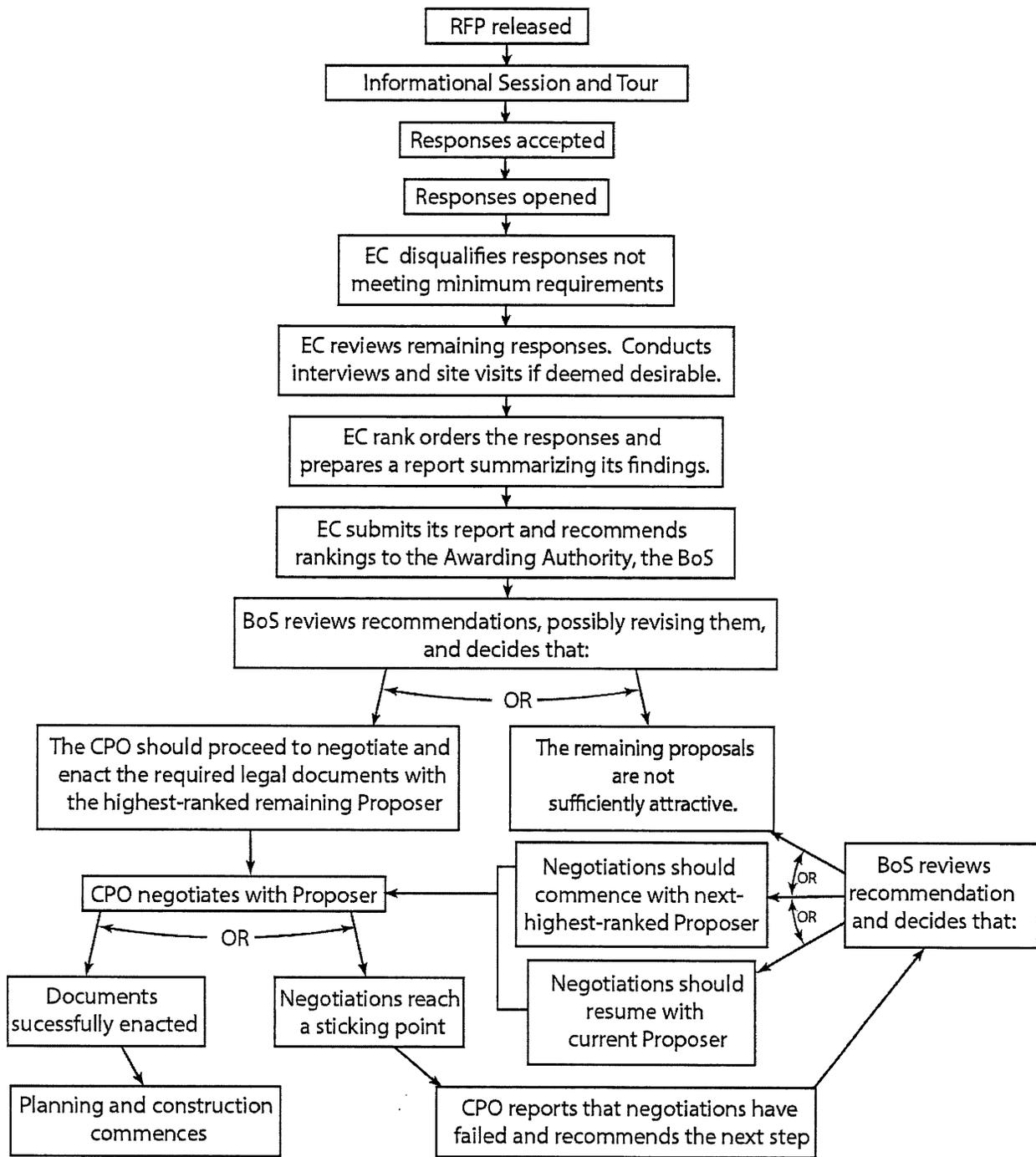


Figure 1. Overview of the evaluation and procurement process.

## II. Proposal Submission and Selection Process

The Town has determined that the disposition of the Stow Road Property for the purposes set forth herein is subject to the Uniform Procurement Act M.G.L. Chapter 30B. Therefore, the provisions of M.G.L. Chapter 30B are incorporated herein by reference. The Town’s Chief Procurement Officer is the Town Administrator, Selina Shaw at 978-264-1712 or [sshaw@boxborough-ma.gov](mailto:sshaw@boxborough-ma.gov).

Applicants may submit sealed proposals until 4:00 PM, Month XX, 2015, with a clearly marked original plus xxxx (X) copies, including an electronic copy on a CD or flash drive, to:

The Town of Boxborough  
Town Administrator  
29 Middle Road  
Boxborough, MA 01719  
*Stow Road Proposal*

Sealed proposals submitted after this time will not be accepted. Proposals shall be marked "Stow Road Proposal" and must include all required documents, completed and signed by a duly authorized signatory, including the following, to be considered a complete proposal:

1. Cover page labeled "Proposal to the Town of Boxborough for the Purchase and Development of 70-72 Stow Road", Proposer's name, contact person, and all contact information, including name, business and mailing address, phone number, fax number, and e-mail address (this should be the person who will be the primary contact person).
2. One (1) clearly marked original, in a three-ring binder, and xxxxx (X) copies of the proposal with required attachments.
3. An electronic version, in PDF, of the complete proposal submission on a CD or flash drive

**A. Terms and Conditions**

1. The Town reserves the right to reject any and all proposals in whole or in part, to cancel this Request for Proposals at any time, and to waive minor informalities when in its sole discretion it determines such action to be in the best interests of the Town.
2. Proposals that meet all submittal requirements shall be evaluated based on responsiveness to the criteria, terms and conditions contained in this RFP and its attachments. Failure to follow the instructions, meet the criteria, or agree to the terms and conditions contained in this RFP may be cause for rejection of the proposal as non-responsive.
3. All proposals shall be submitted to the Town, as and where set forth above, on or before the proposal deadline. Proposals and unsolicited amendments to proposals received by the Town after the proposal deadline will not be considered. Proposers who mail proposals should allow sufficient time for receipt by the Town by the proposal deadline. A Proposal received after the proposal deadline will be returned to the Proposer unopened.
4. All proposals shall be signed in ink by the Proposer. If the Proposer is a corporation or other entity, the authority of the individual signing shall be endorsed upon, or attached to, the proposal and certified by the clerk of the corporation or other entity.

5. All proposals submitted shall be binding upon the Proposer for a minimum period of 180 calendar days following the public opening of proposals.
6. Proposals submitted to the Town shall be securely kept and shall remain unopened until the proposals are opened publicly.
7. A Proposer may correct, modify, or withdraw a proposal by written notice received in the Boxborough Town Hall Planning Office prior to the proposal submission deadline. If amended, resubmission of the proposal shall comply with all requirements of this RFP. After the proposal submission deadline, a Proposer may not change any provision of the proposal.
8. Negligence on the part of the Proposer in preparing the proposal confers no right of withdrawal or modification after the proposal deadline. The Town does not assume any responsibility for errors, omissions, or misinterpretations, which may have resulted in whole or in part from the use of incomplete proposal documents. Any Proposer finding an ambiguity, inconsistency, or error before the proposal deadline shall promptly notify the Town.
9. If it becomes necessary to revise any part of this RFP, or if additional data are necessary to enable an exact interpretation of its provisions, such information in the form of an addendum will be provided to all Proposers who have requested this RFP. It is the responsibility of the Proposer to contact the Office of the Town Administrator prior to the submittal deadline to ensure that the Proposer has received all addenda issued by the Awarding Authority.
10. The Town reserves the right to request additional information from any and all proposers if it is deemed necessary in order to identify the most advantageous proposal, and may request Proposers to appear before the review committee or the Awarding Authority at a public meeting to make presentations or answer questions concerning their proposals.
11. By submitting a proposal in response to this RFP, the Proposer shall be deemed to have certified that no officer, agent, or employee of the Town has a direct or substantial financial interest in the procurement, that the proposal is submitted in good faith and exclusively on Proposer's own behalf, without fraud, collusion or connection of any kind with any other Proposer for the same work or with any undisclosed party. The Proposer will be required to execute the "Certificate of Non-Collusion" attached to this RFP.
12. All terms and provisions contained in the "LEGAL NOTICE" of this procurement published in the Central Register are incorporated by reference into this RFP.
13. It is understood, agreed upon and made a part hereof, and shall be a part of the contract, that the contract entered into between the Town and the successful Proposer shall not be assigned or assignable by way of sub-contract or otherwise, unless or until the Town shall have first assented thereto in writing.
14. All responses and accompanying documentation will become the property of the Town and are public records once the proposals are opened, as set forth in G.L. c.30B, §16(f), and G.L. c. 4, § 7(26)(g), the Public Records Law. Pursuant to that statute, all documents received by the Town are considered public records and are available for inspection and copying, except to the extent exempt by law. Proposers are advised that commercial or financial information provided to the

Town as a condition of receiving a contract or other benefit is not exempt material. G.L. c. 4, § 7(26)(g). The Town reserves the right to use any or all ideas, concepts, or configurations presented in a Proposer's proposal whether or not the proposal is selected

15. All inquiries shall be made via e-mail and directed to Town Planner Adam Duchesneau at [ADuchesneau@Boxborough-MA.gov](mailto:ADuchesneau@Boxborough-MA.gov) no later than 4:00 PM, Month XX, 2015, one week prior to the proposal due date. Inquiries shall include a subject line entitled: Stow Road RFP Inquiry. Any inquiries after such date will not be accepted. All inquiries and responses will be distributed to all persons on record with the Town Planner as having received the RFP. It is the responsibility of potential applicants to ensure that accurate contact information is on file with the Town Administrator, including name, business and mailing address, phone number, fax number, and e-mail address.

Proposals will be opened publicly at 10:00 AM on Month XX, 2015 at Town Hall, 29 Middle Road, Boxborough, MA.

Each responsive proposal will be evaluated according to the criteria set forth in Section VIII 'Developer Selection Criteria.'

The Town makes no representations or warranties, express or implied as to the accuracy and/or completeness of the information provided in this RFP. This RFP, including all attachments and supplements, is made subject to errors, additions, omissions, prior sale, lease or financing and withdrawal without prior notice, and changes to, additional, and different interpretations of laws and regulations.

**Proposers' Responsibility for Due Diligence:** Each Proposer must undertake its own review and analysis (due diligence) concerning the physical and environmental condition of the Property, applicable zoning and other land use laws, required permits and approvals, and other development, ownership, and legal considerations pertaining to the Property and any proposed use, and shall be responsible for applying for and obtaining any and all permits and approvals necessary or convenient for the Proposer's use of the Property. All costs and expenses of purchasing and developing the Property, including without limitation, all costs of permitting and improvements, shall be the sole responsibility of the successful Proposer.

### **III. Site Tour and Briefing**

Interested Proposers are encouraged to attend a pre-proposal briefing session and site tour on XX:XX AM on Month XX, 2015. Registration to attend the briefing session and site tour is required no later than 4:00 PM on Month XX, 2015. To register or for additional information, please contact Town Planner Adam Duchesneau at [ADuchesneau@Boxborough-MA.gov](mailto:ADuchesneau@Boxborough-MA.gov).

### **IV. Development Objectives**

The Town is seeking proposals that will provide for the development of an appropriate number of homes on the site. The Town is concerned with affordability both in the initial sales price of the homes and in the ongoing costs of homeownership for residents. The number of units and bedroom mix are up to the developer to determine, and

should be based on the site's capacity, good site planning and landscaping considerations, and the market and financial feasibility of a mixed-income, homeownership project. Energy efficiency and maintainability are desirable features.

## **A. Affordability**

### *1. Baseline Affordability*

At a minimum, the affordability requirements for the property must align with Chapter 40B (G.L. c.40B, §21), i.e., 25% of the units must be deed-restricted at a maximum of 80% of the Area Median Income (AMI). In addition, the Town seeks to provide as much mobility-friendly housing, workforce housing, and starter housing as possible. Proposals that include such housing in the baseline development proposal will be judged more favorably than those that do not.

The Town also wishes to provide housing that offers low maintenance costs. Such ongoing affordability can be influenced by design as well as methods and materials of construction bearing on energy efficiency, cost of maintenance of roofs, siding, windows, trim, etc., water supply and septic costs, and other factors.

### *2. Affordability Enhancements*

The Town is interested in furthering the affordability, but not at the risk of the long-term feasibility of the project. The income ranges that apply to other types of affordable housing, such as mobility-friendly housing for the handicapped and elderly, workforce housing, and starter homes that are affordable to younger residents, are probably higher than Chapter-40B incomes. Since the incomes of younger households and local employees are likely to be in the range of 80% to 120% AMI, they do not need subsidies as large as those of Chapter-40B affordable housing. On the other hand, the cost of most Boxborough homes is beyond their means. The Proposer shall include a clear analysis of the appropriate levels of affordability and the reasoning behind the proposed unit and income mix.

As discussed below, Proposers may present enhanced-affordability (both initial-cost and maintenance affordability) options in their responses that request an equity contribution by the Town in the form of a reduction in the land purchase price.

Scoring on the proposed affordability-equity trade-off options will be used along with other criteria in the evaluation matrix to select the best overall proposal. The options selected will be reflected in the LDA entered into between the Town and the selected respondent. Respondents should be clear and quantitative in their analysis so that the affordability-equity terms can be selected for incorporation in the LDA.

### *3. Land Cost / Equity*

The Town has expended approximately \$900,000 on the property thus far, comprising land-acquisition and pre-development costs. After investigating similar ownership Chapter-40B developments and reviewing some estimated development cost numbers, the Town concluded that an economically viable mixed-income development could fully absorb the town's equity investment of approximately \$900,000, returning all of it via the developer's full-price purchase of the land under a LDA. However, the Town is interested in proposals that would provide

affordability enhancements in exchange for a reduction of the purchase price of the land.

The Town seeks proposals that describe options that enhance affordability in two general areas: the initial cost of ownership and the ongoing cost of maintenance. As discussed above, the Town wishes to provide some units with levels of affordability that are broader than that of the units that are deed-restricted at a maximum of 80% AMI. This could include units that are deed restricted at higher affordability levels, as well as market-rate units that are designed to be affordable without deed restriction. Proposals with designs that result in lower-priced market-rate units will be ranked higher than those that do not, other things being equal.

The description of each enhanced-affordability option should include the nature and benefits of the option, the rationale for the proposed affordability choice, and the proposed reduction in land sales price, if any. All other things being equal, proposals presenting a range of affordability-equity trade-off options will be ranked higher than those that do not.

Enhancements in each of the two general areas are discussed below.

a) Initial Unit Cost

Based upon a recently completed housing-needs assessment, the Town has concluded that it needs mobility-friendly affordable housing for the elderly and handicapped. In addition, the Town needs starter homes that are affordable to younger residents and local employees. As discussed above, such homes will likely require modest subsidies so that they are affordable to these target groups.

Proposers should clearly state the additional cost of providing larger numbers of such homes, which could be offset by a proposed equity contribution from the Town. The description of each enhanced-affordability option should include the nature and benefits of the option, together with a pro-forma budget for the option that quantifies the additional costs of the option and the expected reduction (offset) of land purchase price.

b) Ongoing Costs of Ownership

In describing options that offer reduced ongoing costs of ownership, Proposers should quantify the cost of such options as clearly as possible, relating the annual expected ownership-cost benefit to any additional associated construction costs to be offset by a proposed equity contribution. For example, this description of ownership cost benefit could take the form of a simple pro-forma annual budget for a homeowner that compares the estimated energy and maintenance costs of the enhanced unit with those of the baseline unit. The additional capital costs of each option should be clearly described. As examples, the additional capital costs might be associated with 50-year vs 25-year roofing; highly durable, low maintenance siding; or better insulation.

## **B. Unit Types**

The development shall reflect the Boxborough community and provide housing for a range of family sizes, including older people who wish to down size from their current

homes. For this reason, the Town is interested in the inclusion of “mobility friendly” units that are designed to enable single-floor living. As examples, this could be housing with a single-level or multi-level housing with a bedroom on the ground level.

### **C. Building Design and Aesthetics**

The development’s architecture must be a stellar example of superior design and must reflect the local historical design vernacular, both interior and exterior. The Town is looking for creative use of the land and creative space design for the units. It has made a decision not to be prescriptive regarding the design requirements so that Proposers can exercise creativity with building design, site layout, and landscaping. The final appearance of the proposed development shall be harmonious with existing norms for single-family detached and attached dwellings in the Town, i.e., the development should look like it belongs in Boxborough. Proposers are encouraged to use their creativity and experience in the choice of materials and methods of construction that will minimize regular maintenance costs and are energy efficient. The overall project design will be judged as part of the Developer Selection Criteria described in Section VIII.

### **D. Energy Efficiency and Sustainability**

The Town is looking for proposals in which the building and site design decreases the homeowners’ ongoing cost of energy, water, and septic, and minimizes the project’s environmental impact. Details regarding sustainable design features should be incorporated into the project description.

### **E. Site**

Boxborough does not have town water or sewer, and Proposers must demonstrate their development experience with private well water and septic systems. Site feasibility and analysis work done by Goldsmith, Prest & Ringwall (GPR) is found in the attachments. Any representations by the Town in this RFP regarding the site and site conditions and utilities are intended to be informative but not exhaustive. It is the responsibility of the Proposer to perform their due diligence regarding site conditions. The Town will not be liable for any issues arising due to variations between information contained herein and actual site conditions and utilities.

Attachment I is a letter from the Boxborough Historical Commission requesting that an effort be made to “preserve the architectural features of the stone main house...” and that “...it is hoped some portion of the stone building could be incorporated into the future building plans.” The Town recognizes that there are site issues and financial considerations that Proposers must consider when assessing the existing stone house. Proposals shall address how they will respond to the Historical Commission’s letter.

Underground utilities must be used, and the site plan should be sensitive to mature trees and neighbors. The plan must include a sidewalk that connects to Massachusetts Avenue on the Town right-of-way along the street edge. The cost of the sidewalk should be separately itemized in the cost proposal. The sidewalk must also meet ADA standards and retain the stone wall that separates the property from Stow Road. Proposers should consider repairs and restoration of the stone wall in their site plan.

The design of the site should be thoughtful and efficient and should minimize impervious surfaces. Standards of low-impact development must be used. The design of the private well-water and waste-disposal system must be appropriate for the project

## **F. Project Permitting**

Proposals shall include a description of the permitting process that the developer plans to use and the relevant previous experience the developer has with this process. The Town is open to a 40B process under LIP or any other eligible subsidizing program.

## **V. Property Description**

**Please see:**

Attachment B: Recorded Quitclaim Deed for the Property

Attachment D: Existing Conditions Base Plan

Attachment F: GPR Reports

Attachment G: Capacity of Nearby Wells

Zoning: The property is currently zoned Agricultural/Residential

Utilities:

- a) Water            Well
- b) Wastewater    Septic
- c) Electric        Littleton Electric Light Department (muni)
- d) Natural Gas    National Grid
- e) Telephone     Comcast/Verizon
- f) Cable           Comcast/Verizon

## **VI. Proposal Submission Requirements**

### **A. Development Team**

The proposal must include a description of the development team, the individuals and organizations to be involved in the development, **in particular the project manager**, and their experience. The development team may include, without limitation, the developer, property manager, architects, contractors, designers, development consultants, engineers, consultants, landscape designers, lenders, and investors. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, should be provided. The development team's organizational structure and relationships must be described, identifying the individual(s) who will serve as the developer's primary and responsible point of contact for interaction with Town staff, boards and officials.

Proposals must also include:

- The name, address, e-mail address, and telephone number of the Proposer, the name of any representative authorized to act on his/her behalf, the name and contact

information of the contact to whom all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team.

- If the Proposer is not an individual doing business under his/her name, provide a description of the firm, status of the organization (e.g. whether a for profit, not-for-profit, or charitable institution, a general or limited partnership, a corporation, LLC, LLP, business association, or joint venture), and the jurisdictions in which it is registered to do business. If the Proposer is a non-profit, include a list of the organization's Board of Directors and areas of expertise they represent.
- The nature of the entity to enter into the sale of the property and the borrower and guarantors of debt, if any.
- Identification of all principals, partners, co-venturers, or sub-developers participating in the transaction, and the nature and share of participants' ownership in and compensation from the project.
- Discussion of whether the property developer will also be the property manager, and if this is not the case, the legal and financial relationship between the entities. If the developer will not be the property manager, or will transition property management duties to another entity, the Proposer shall describe the process for securing property management services.
- A summary of first, the developer's, and secondly, the development team's experience, collectively and individually, and with similar projects. Particular attention should be given to demonstrating experience with projects of a similar scale and complexity of **site conditions, design, and financing**, as well as location. Proposers should demonstrate the ability to perform as proposed and to complete the project in a competent and timely manner, including the ability to pursue and carry out design, permitting, financing, construction, and marketing/unit absorption.
- Bank credit-reference letters speaking to the Proposer's credit readiness to financially support the project.

The following format shall be used to submit the information for each project identified as relevant experience:

- Project name, location, project type, project scope, start date, projected completion date, actual date of completion, total development costs, and key project people.
- Narrative on why the project is similar and why your experience is relevant to the Stow Road project.
- Description of the organizational structure of the development team
- Information regarding any legal or administrative actions past, pending, or threatened from the project.
- Confirmation that no local, state, or federal taxes are due and outstanding for the development team or any constituent thereof from the project.
- Provision of references for all similar projects completed in the last 10 years, with contact names, title, and current telephone numbers who can provide information to the EC concerning the Proposer's experience with the similar projects.

## **B. Development Concept**

The proposal must include a detailed description of the development concept for the property and its improvements, including but not limited to:

- a) Number and size of units (square footage and number of bedrooms) and affordability levels. Include narrative as to why/how the mix of bedroom sizes and affordability was determined to ensure project financial feasibility and appropriateness for the marketplace.
- b) Water well and septic analysis and plan, explaining location decisions and impacts on unit mix, site design, and abutters.
- c) Preliminary site design.
- d) Discussion of the physical plan, architectural character of the project, and the various programmatic and physical elements of the development, including energy savings / green elements of the building and site designs.
- e) Construction staging plan and discussion of construction impacts, including but not limited to how the project will be managed to limit impact on neighbors, in particular noise and traffic, during the construction period.
- f) Project financing - provide a sources and uses pro forma and detail previous success in securing such funding. Describe in detail what, if any, local, state, or federal subsidy money will be sought to create affordability and the timeline for securing those sources.
- g) Price proposals for the land, as they apply to enhanced-affordability options. As part of the proposal review, the balance between additional affordability and the Proposer's land purchase price will be weighed; however, the price proposal will only be one factor in the award decision.
- h) Lender letters of interest.

## **C. Conceptual Design Drawings**

The proposal must include 11" x 17" plans including:

- a) Site Plan that describes parking layout and number of parking spaces, building footprints, including those on contiguous lots
- b) Landscape Plan with sufficient detail on how the plan addresses limiting the project impact on surrounding areas
- c) Proposer's approach to the provision of underground utilities may be shown on the Site Plan or on a separate plan
- d) Typical Unit Floor Plans
- e) Elevations with building material indications
- f) Color photographs of existing Boxborough dwellings that illustrate that the proposed development is consistent with community norms
- g) Illustrations and/or descriptions of finished materials and proposed color schemes

## **D. Sales and Management Plan**

- a) Description of the target market, e.g., pricing and the strategy for marketing and/or lottery process.
- b) Absorption Plan - Proposals shall be clear, thoughtful and realistic about sales and absorption plans. A market analysis for at least the baseline proposal should be included. Current lender pre-sale requirements shall be described as well. If the Proposer is working with a specific lender, those requirements must also be included.
- c) The proposal must include a plan for the transition from developer to long-term manager and a plan for the ongoing management of the development. In addition, if the Proposer is including a property manager as part of its team, all relevant information as outlined under 'The Developer' above must be included as well as details of projects where the Proposer and manager have worked together before.
- d) Lottery for Affordable Units: To ensure a fair and equitable selection process for the affordable units, a lottery shall be conducted for all of the affordable units. Proposals shall include a description of the lottery process including who will conduct the lottery. A lottery agent may be included as part of the development team. A marketing/lottery plan shall be required as part of the Development Agreement. For the proposal, the Proposer shall indicate other lotteries in which they have been involved, their role, and the outcomes.

At a minimum the selected Proposer and/or their Agent shall:

- indicate a clear understanding of fair housing requirements/laws;
- indicate a clear understanding of local preference opportunities and requirements, and how the lottery will address these;
- utilize appropriate state standards to determine program and unit eligibility - i.e. qualified homeowners;
- establish a criteria for homeowner selection and a fair and unbiased selection process including suggested local preference criteria in compliance with applicable regulations;
- be responsible for selecting properly qualified homeowners;
- maintain all necessary reports and certifications required under state and federal law.

## **E. Implementation Plan and Timetable**

The proposal must include a description of how the development concept will be implemented, including but not limited to:

- a) Detailed development schedule for all elements of the plan, including key milestones, financing benchmarks, zoning, and projected completion / occupancy timeframes.
- b) Outline of required land use, environmental, operational, and other governmental or regulatory approvals, including land use, zoning, development and environmental permits. The Proposer shall provide a schedule for securing

approvals as part of the proposal. The Proposer shall also note what zoning variances, special permits, or modifications are required.

c) Detailed sales absorption schedule.

#### **F. Bid Deposit.**

All proposals must include a bid/security deposit of \$1,000.00 towards the purchase price. The deposit shall be in the form of a bid bond or cash, or a certified check on, or a treasurer's or cashier's check issued by a responsible bank or trust company, payable to the Town of Boxborough. In the event the selected Proposer fails to enter into the P&S, the Town shall retain the deposit as liquidated damages. The bid/security deposit will be refunded to Proposers who are not selected. Upon execution of a P&S, the \$1,000 will be credited toward the 10% deposit required by this RFP and toward the purchase price.

#### **VII. Selection Process**

The Town, through an Evaluation Committee, will review and evaluate all proposals that have been received by the submission deadline based on the criteria outlined herein. Evaluation of the proposals will be based on the information provided in the Proposers submissions in accordance with the submission requirements of this RFP and any interviews, references, and additional information requested and/or gathered by the Evaluation Committee.

As part of the proposal review, the Evaluation Committee will consider the most advantageous realization(s) of baseline proposals and affordability enhancements that might be implemented from each proposal. The Proposer should include cost data that is sufficiently detailed to allow an estimation of the reduction in land price that is associated with each realization. It will be highly advantageous for each Proposer to suggest the most advantageous realizations or potential implementations under their proposal. Each potential implementation concept should specify any expected reduction in land purchase price. In each realization, the balance between the proposed affordability enhancements and reductions in the Proposer's land purchase price will be weighed.

The Evaluation Committee, after an initial review of proposals, may also request interviews with candidates, or a "shortlist" of candidates, before concluding the evaluation process. It may also participate in site visits, at its discretion.

While the financial aspects of a proposal are very important to the selection of a developer, the Evaluation Committee will consider all selection criteria and is not obligated to recommend the proposal with maximal land purchase price if other proposals satisfy the selection criteria and other requirements of this RFP as a whole.

The Evaluation Committee will provide its recommendations to the Board of Selectmen (BoS), who will act as the Awarding Authority. In an open public meeting the BoS will select the proposal that best meets the public purpose of balancing the development's affordability with the Town's equity contribution as determined by considering the Evaluation Committee's recommendation based on the Comparative Evaluation Criteria rankings, interviews, and proposed purchase price.

The Town will notify all Proposers in writing of its decision.

### **VIII. Developer Selection Criteria**

All proposals submitted by the due date will be evaluated for conformance with the below stated Minimum Threshold Criteria. Those proposals that meet the Minimum Threshold Criteria will be deemed responsive, and then be evaluated according to the Comparative Evaluation Criteria listed below. Proposers who are deemed to have a responsive and superior proposal may be invited for an interview. The results of the interviews will be used by the Evaluation Committee to generate a final recommendation to the BoS as Awarding Authority. The Awarding Authority will select the proposal which best meets the public purpose of balancing the development's affordability with the Town's equity contribution as determined by considering the recommendation of the Evaluation Committee and proposed purchase price.

#### **A. Minimum Threshold Criteria**

The following are **minimum criteria** for proposal consideration. Proposals that do not clearly and fully convey these minimum criteria will not be considered.

1. *Complete conformance with all submission requirements.*
  - a) Proposer must have a minimum of five (5) years of experience in development of affordable housing. Developer must have developed at least three affordable housing projects of similar scope, including minimal legal, design, development and financing experience with affordable home ownership.
  - b) Proposal must provide a thorough schedule for financing, design, approval, conveyance, construction, and marketing of units.
  - c) Proposer must show a successful track record of similar project development.
  - d) Proposer must show sufficient staff resources and availability to perform required services and be available to commence work within 90 days of purchase of the property.
  - e) Proposer must supply at least three references for comparable projects, and no major complaints for the residents of these projects must be encountered.
  - f) Proposer must complete and submit the required forms that are attached to this RFP:
    - Certificate of Authority
    - Certificate of Non-Collusion
    - Tax Compliance Certification
    - Disclosure Statement for Transaction with a Public Agency Concerning Real Property as required by M.G.L. c.7C, §38 (formerly M.G.L. c.7, §40J)
2. *Attainment of Minimum Requirements for the Characteristics of the Development*
  - a) In the proposed development, at least 25% of the units must be deed restricted at 80% AMI or less.
  - b) The design of the development must meet minimum state energy guidelines
  - c) The design must be congruous with local historical design patterns.

## B. Comparative Evaluation Criteria

In general, the proposal should address the objectives and concepts described above, with a mix of bedroom and income ranges, with and without deed restrictions, as appropriate, and reflect full knowledge and understanding of project constraints, in particular water and septic systems. Projects meeting the minimum threshold criteria above will be judged in several categories according to the comparative evaluation criteria described in this section. In this section, an overview of each evaluation category is provided together with descriptions of the criteria for judging a proposal Acceptable, Advantageous, or Highly Advantageous.

For convenience, Section XX (Appendix or Attachment?) provides a concatenation of each of the evaluation tables.

### 1. Affordability of Units

The extent to which the proposed development meets the affordability requirements and goals as described above will be considered. Both the initial cost and the ongoing maintenance costs are important criteria. The provision of affordable housing to households with incomes that are outside of the usual Chapter-40B range (80% of AMI) is also desirable. In addition, the quantity and quality of units that provide for lower cost of ownership through energy efficient designs and use of low-maintenance materials is important. Any Town equity contribution that is necessary should be clearly described, and ownership-cost reductions should be quantified with a cost/benefit analysis compared to a reference design. Energy efficiency, and sustainable materials, methods, and systems are desirable features.

Details are specified in Table I.

TABLE I  
AFFORDABILITY OF UNITS

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
25% of the development's units are deed restricted at 80% of AMI or less	In addition to the Acceptable Criteria, the development includes deed-restricted housing for 60% to 100% of AMI.	In addition to the Advantageous Criteria, the development includes market-rate housing for a range of incomes from 100% to 120% of AMI.
Meets DHCD minimum energy standards as described in pgs. 39-41 in 2014 QAP at <a href="http://www.mass.gov/dhcd">www.mass.gov/dhcd</a>	Achieves ownership cost reduction in the 10% to 20% range. Meets state's energy stretch code and is designed simply and thoroughly for optimum energy efficiency in design and construction.	In addition to the Advantageous Criteria, ownership cost reductions exceeding 20% are achieved by using innovative designs and methods. External funding sources are used to provide less dependence on town equity. Development utilizes green building techniques and materials in design and construction, approaching net-zero energy consumption.

2. Site Design:

The extent to which the site design creates density within the context of its surroundings, reflects the local historical design vernacular, and provides a sense of community while maintaining individual homeowner privacy will be considered. The site design must be thoughtful and efficient; minimize impervious surfaces and must use standards of low-impact development. The site design must provide adequate parking and the design of the septic and well-water systems must be appropriate for the project.

Details are specified in Table II.

TABLE II  
SITE DESIGN

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
Proposal meets basic design requirements of RFP, including energy saving components, low-impact development, and septic and water systems	In addition to the Acceptable Criteria, the proposal exceeds all design requirements of the RFP with thoughtful traffic flow, building siting, and low-impact septic, water, and development design	In addition to the Advantageous Criteria, the design respects adjacent properties, provides heightened attention to landscaping plan, grading and lighting, and helps with the restoration of vegetation and trees.

*3. Building and Unit Design*

The building and unit design should reflect the housing needs identified in this RFP, including single and multi-level mobility-friendly designs. Building exteriors should be of high quality, while remaining compatible with local vernacular and historical designs. Interior layouts should meet the needs of a variety of family-types and represent effective use of space. Finishes should reflect market price-point demands and support durability and low-maintenance for home owner.

Details are specified in Table III.

TABLE III  
BUILDING AND UNIT DESIGN

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
The design meets the basic elements of RFP requirements. Some number of mobility-friendly units proposed.	In addition to the Acceptable Criteria, the design has a greater proportion of mobility-friendly plans and creates a desirable neighborhood with attractive designs that reflect local historical designs and contain efficient interior layouts.	In addition to the Advantageous Criteria, the Proposal articulates a compelling development vision that is cost-effective and energy efficient. Mobility-friendly floor plans are equally suitable for either young or senior residents.

*4. Physical Feasibility*

The extent to which the Proposer demonstrates a clear understanding of the physical constraints of the site, such as water and septic issues, and thoughtfully addresses these issues will be considered. The proposed project must comply with requirements of this RFP and respond to site conditions. In particular, the site's water and septic issues

should be thoughtfully addressed. The design should minimize the ongoing maintenance cost of water and septic systems for all residents.

Details are specified in Table IV.

TABLE IV  
PHYSICAL FEASIBILITY

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
Proposal meets minimal requirements of RFP for provision of water and septic systems.	In addition to Acceptable Criteria, proposal provides for better site utilization or aesthetics - for example more housing units or common open space.	In addition to Advantageous Criteria, proposed design reduces ongoing ownership costs.

*5. Financial and Market Feasibility*

The extent to which the project is feasible financially (accounting for environmental, permitting issues, construction estimates, soft costs) and proposed resources are attainable will be considered. The proposed budgets should be based on current costs and market conditions and should demonstrate an understanding of development and operating costs for affordable housing. A good track record on the part of the Proposer in securing financing is desirable. Evidence of Proposer's ability to secure financing should be indicated by letter(s) from prospective lender(s), including the ability to provide the Town with a performance bond and a labor and materials payment bond each in the amount of 100% of the construction contract. The proposal should inadequately explain the leverage benefits of Town investment, including an adequate cost/benefit analysis.

The sales prices should be appropriate in relation to market. The marketing plan, including lottery and absorption of deed-restricted affordable units, should be realistic and feasible. The Affordable Fair Market Housing Plan shall also include post initial-sales protocol, including the Town's right of first refusal.

Details are specified in Table IV.

TABLE V  
FINANCIAL AND MARKET FEASIBILITY

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
Proposal demonstrates an understanding of realistic costs and budgets for development of affordable housing. However, no track record of securing financing is provided and leverage benefits of Town investment is not quantified.	Proposal has realistic development and operating budgets and provides evidence of success in securing necessary financing. Town funds are well leveraged with adequate cost/benefit to project provided.	In addition to the Advantageous Criteria, Proposal provides evidence of success in similar projects and proposed use of the town's equity subsidy achieves a high benefit-to-subsidy cost that is compelling. Leverages external grants or subsidies to minimize town's equity investment.

*6. Project Schedule and Regulations:*

The extent to which the schedule is realistic, adequately detailed, reflects current reality, and evidences a good understanding of the regulatory and permitting requirements will be considered. The Proposer should have a demonstrated ability to complete projects on time and within budget, including securing interim financing. The marketing and lottery plan should be clear and complete and should reflect fair housing requirements and local preference to the greatest degree allowed by law and permitting authorities.

The proposed schedule, including signing of the LDA, permitting, and construction, shall be part of the proposal. The agreed-upon schedule shall be part of the LDA>

Details are specified in Table VI.

TABLE VI  
PROJECT SCHEDULE AND REGULATIONS

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
<p>Proposal provides a realistic timeline for financing, design, approval, conveyance, construction and marketing of units. Proposer has demonstrated ability to complete projects on time and within budget.</p>	<p>In addition to the Acceptable Criteria, Proposer can secure regulatory approvals and proceed within fifteen months.</p>	<p>In addition to the Acceptable Criteria, Proposer can secure regulatory approvals and proceed within nine months</p>

*7. Developer Capacity and Strength of Team*

The extent to which the experience and capability of the proposed development team meets or exceeds the minimum criteria will be considered. Clear team structure, staffing and lines of responsibility should be provided. The developer’s prior track record in the construction of housing of a similar scale and type, in particular the environmental and other issues found in a rural setting, and the experience of the development team with regard to affordable housing development will be carefully examined. The development team’s ability to work with a community and address concerns effectively is also important.

A review of all other real estate owned and any bankruptcy within the past ten years by any member of the development team should be provided. A clear long-term management plan and transition from development phase should be provided. The overall quality of the proposal and submission will be taken as evidence of development team’s abilities.

Details are specified in Table VII.

TABLE VII  
DEVELOPER CAPACITY AND STRENGTH OF TEAM

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
Development team members have 5 years of experience in the development of at least three affordable housing projects of similar scope, including some legal, design, financing, and development experience with affordable homeownership housing.	Development team members have 5 to 8 years of experience in the development of more than three affordable housing projects of similar scope, including significant legal, design, financing, and development experience with affordable homeownership housing.	Development team have more than 8 years of experience in the development of more than five affordable housing projects of similar scope, including significant and substantial legal, design, financing, and development experience with affordable homeownership.

*8. Reference Checks and Site Visits*

The quality of the team’s reputation and references, particularly in terms of its regulatory track record, an ability to complete projects as proposed will be considered. The Evaluation Committee may choose to visit Proposers’ completed projects.

Details are specified in Table VIII.

TABLE VIII  
REFERENCES AND SITE VISIT

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
A minimum of three references, including references from all projects undertaken in the past ten years. Good references. Properties visited were in good condition. No major complaints from residents.	Strong references from projects that came in on time and within budget, and evidence good property-management structure. Properties visited were in good condition, site layout was efficient, buildings were well designed, Residents were largely happy.	Strong references reflecting timely completion, excellent budget control, excellent property-management structure, good relations with town staff and boards, and professionalism of developer. Properties visited were in great condition, site layout and landscaping excellent, great building design and use of energy efficient and durable materials. Residents were overjoyed.

9. Results of Interviews

The goal of the interviews will be to assess developer’s capacity and understanding of the project by the development team.

Details are specified in Table IX.

TABLE IX  
RESULTS OF INTERVIEWS

ACCEPTABLE	ADVANTAGEOUS	HIGHLY ADVANTAGEOUS
Proposer adequately explained and answered questions regarding proposal. Proposer demonstrated understanding of equity-affordability trade-off, but did not present any enhanced affordability options.	Proposer conveyed a strong understanding of project challenges and presented feasible solutions. Proposer demonstrated understanding of equity-affordability trade-off, and described specific realizations.	Proposer was able to use previous project examples to thoroughly support development plan and costs. Proposer demonstrated understanding of equity-affordability trade-off, with outstanding and impressive enhancements to lower pricing or ownership costs.

**IX. Legal Agreements**

In the execution of the Legal Agreements described in this section (Section IX), the Town reserves the right to negotiate with any and all Proposers. If the Town is unable to execute the required Legal Agreements with the selected Proposer after a reasonable period of time, the Town may proceed, with the approval of the Awarding Authority, to

the next highest ranked finalist, and ask that party to negotiate until the Legal Agreements are executed with a satisfactory applicant or the process is terminated by the Town.

After the selection the following will occur:

1. Within 30 days of selection or such later time that is acceptable to the Town, The Town and the selected developer will negotiate and enter into a P&S on terms substantially similar to the P&S attached hereto as Attachment N, and a LDA on terms substantially similar to the LDA attached hereto as Attachment M, which LDA will be attached to the P&S;
2. The P&S shall, among other things, specify the terms and conditions that must be satisfied before the Town will sell the Property to the successful Proposer, which include but are not limited to:
  - (a) The Town shall have obtained such authorization as is required by law for the sale of the Property;
  - (b) The designated developer shall have obtained any and all permits necessary to construct the mixed-income housing development, and any and all appeal periods having expired;
  - (c) The developer shall (i) provide the Town with firm project financing commitments, including, but not limited to public funding commitments, construction loan commitments, and/or permanent loan commitment from institutional lenders and/or public or quasi-public entities, on terms reasonably satisfactory to the Town, and showing that sufficient funds have been committed, in the Town's reasonable judgment, to design, construct, operate and maintain and operate the project; and/or (ii) simultaneously with the execution and delivery of the deed to the Property, the developer shall close on project financing, whereby the developer shall receive funds from institutional lenders and/or public or quasi-public entities sufficient, in the Town's reasonable judgment, to design, construct, operate and maintain the project;
  - (d) The developer shall prepare plans and specifications for the construction of the project and for any work done or improvements made on or to the Property, and show in detail the location, layout and size of the units, the design of the building(s), the landscaping, and all other improvements to be constructed on the Property. At least one hundred twenty (120) days prior to the closing date, Buyer shall submit the plans and specifications to the Town for its approval, not to be unreasonably withheld. In the event of disapproval, the Town shall give the developer an itemized statement of reasons for disapproval within sixty (60) days after the plans and specifications are submitted to the Town. The developer shall use reasonable efforts to cause such item to be appropriately revised as soon as possible after receipt of such notice of disapproval and resubmit the same to the Town for approval pursuant to this section. The developer and the Town agree to cooperate reasonably and in good faith with each

other to resolve any objections of the other to such items and/or requested modifications by the other. If no response is received from the Town within said sixty (60) day period, the plans and specifications shall be deemed approved by the Town; and

- (e) The parties shall execute and deliver the LDA at the closing and any and all other documents required to effectuate this conveyance, including, without limitation an Arson and Tax Delinquency Statement under G.L. c. 60, §77B.
3. The Town will convey the Property to the developer within sixty (60) days from the date on which the contingencies stated above are satisfied;
4. Immediately after the recording of the deed to the Property, and prior to the recording of any mortgages, liens or encumbrances, the parties shall execute and record the LDA.
5. The LDA to be entered into between the parties shall be substantially similar to the LDA attached hereto as Attachment M, including, without limitation, the following provisions:
  - (a) The developer shall, at its sole cost and expense, construct \_\_\_\_\_ units on the Property (the "Project"). The Project must commence in conformance with an agreed upon construction schedule for the Project, but in no event later than three (3) months from the date on which the deed from Seller to Buyer is recorded with the Registry and complete said construction within three (3) years from said date of recording or within such extended period as is set forth more particularly in the LDA;
  - (b) At least \_\_\_\_\_ percent (\_\_\_%) of the units in the Project or \_\_\_ of the units in the Project, whichever number is higher (or such higher number proposed by the developer, the "Affordable Units"), shall be used in perpetuity for housing for a household earning no more than eighty percent (80%) of the area median income for the \_\_\_\_\_ Statistical Area, as defined by the United States Department of Housing and Urban Development ("HUD"), adjusted for household size (the "Eligible Purchaser"), and the developer shall sell and/or rent the Affordable Units to Eligible Purchasers at a purchase price/rent, as the case may be, as set forth more particularly in the LDA (the "Maximum Initial Sales Price/Rent") within three (3) years from said date on which the deed to the Property is recorded, all as set forth more particularly in the LDA.
  - (c) The Developer shall, with the deed to the Property, record a Regulatory Agreement and/or an affordable housing restriction, enforceable by the Town in perpetuity, meeting the requirements of G.L. c. 184, §§ 31 and 32, and in form and substance acceptable to the Town and to DHCD under the Local Initiative Program ("LIP") for inclusion of the Affordable Units in the Town of Boxborough's subsidized housing inventory. The resale

and other restrictions contained in said Regulatory Agreement and/or affordable housing restriction shall also be deemed to be an "other restriction" held by a governmental body, as that term is used in G.L. c. 184, § 26 such that the restrictions contained therein shall be enforceable for its full term and not be limited in duration by any contrary rule or operation of law, and in any event shall be enforceable for at least ninety-nine (99) years;

- (d) The Developer shall make the Affordable Units available to Eligible Purchasers who are residents of the Town of Boxborough under a local preference program, to the extent permitted by law;
- (e) The Developer shall provide the Town with a performance bond and a labor and materials payment bond each in the amount of 100% of the construction contract;
- (f) The Developer shall not convey or transfer the Property or any portion thereof to any person or entity, other than the sale of the individual units, except as set forth in the LDA; and
- (g) The Developer shall engage the services of a monitoring agent acceptable to the Town and DHCD to market the Affordable Units and conduct a lottery to find Eligible Purchasers.

#### **X. Post Selection**

The name of the selected Proposer and the amount of the transaction will be submitted for publication in the state's Central Register.

If the Town determines that the public purpose of the project is best met by disposing of the property for less than fair market value, the Town will post a notice in the state's Central Register explaining the reasons for this decision and disclosing the difference between the property value and the price to be received. This notice will be published before the Town enters into any agreement with the developer.

**XI. Attachments**

**A. Form of Draft Deed Restriction for Land**

Susan will see if MHP has models for this. We may hire a special counsel to prepare the document.

**B. Recorded Quitclaim Deed for the Property**

Is it necessary to include this document in the RFP? If it is needed, the Town attorney can supply it.

**C. Universal Deed Rider for Individual Home Sales**

Susan will provide.

**D. Existing Conditions Base Plan**

Adam will provide.

**E. Site Survey**

Adam will provide.

**F. Goldsmith, Prest & Ringwall Reports**

Adam will provide.

## **G. Capacity of Nearby Wells**

Adam will provide.

## **H. Phase I Environmental**

Adam will provide.

I. Boxborough Historical Commission Letter dated November 19, 2012



## Historical Commission

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Boxborough Historical Commission  
29 Middle Road  
Boxborough, MA 01719

November 19, 2012

To: Stow Road Concept Development Committee

The Historical Commission thanks Al Murphy for appearing at our October meeting to improve our understanding of your mission regarding the property at 72 Stow Road.

I am attaching in an email a copy of the Historic Resources inventory sheet for the property. It includes some additional information on the property, its history and the stone building on it. We hope will be of some use.

At our October 17, 2012 meeting, the Commission voted the following:

"The Historical Commission requests that the Stow Road Concept Development Committee make effort to preserve the architectural features of the stone main house in their future development of the 72 Stow Road property. We find the stone building to be an example of unique architecture worthy of preservation."

As discussed, it is hoped some portion of the stone building could be incorporated into future building plans on the site.

Thank you for requesting the Commission's input on this matter.

For the Commission,

- Alan Rohwer, BHC Chair

**J. GIS Land-Use, Infrastructure, and Zoning Maps**

Adam will provide.

**K. Flood Insurance Rate Map of Site**

Adam will provide.

**L. Title Insurance Owner's Policy**

Does this document exist?

## **M. Land Development Agreement Outline**

Susan will look for an example.

**N. Draft Purchase & Sale Agreement**

Susan will look for examples.

**P. Certificate of Authority**

**CERTIFICATE OF AUTHORITY**

At a duly authorized meeting of the Board of Directors of

\_\_\_\_\_

(Name of Corporation)

held on \_\_\_\_\_ it was VOTED that:

(Date)

\_\_\_\_\_

(Name)

\_\_\_\_\_

(Officer)

of this corporation, be and he/she hereby is authorized to execute contracts, deeds and bonds in the name and on behalf of said corporation, and affix its corporate seal hereto; and such execution of any contract, deed or obligation in this corporation's name on its behalf by such \_\_\_\_\_ under seal of the company, shall be valid and binding upon this corporation.

(Officer)

A True Copy,

ATTEST: \_\_\_\_\_

TITLE: \_\_\_\_\_

PLACE OF BUSINESS: \_\_\_\_\_

\_\_\_\_\_

DATE OF THIS CERTIFICATE: \_\_\_\_\_

I hereby certify that I am the clerk of the \_\_\_\_\_ that \_\_\_\_\_ is the duly elected \_\_\_\_\_ of said corporation, and that the above vote has not been amended or rescinded and remains in full force and effect as of the date of this contract.

\_\_\_\_\_

(Clerk)

CORPORATE SEAL:

**Q. Certificate of Non-Collusion**

**Certificate of Non-Collusion**

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

\_\_\_\_\_  
Individual or Corporate Name of Proposer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Printed Name of Authorized Agent

**R. Tax Compliance Certification**

**TAX COMPLIANCE CERTIFICATION**

Pursuant to Chapter 62C of the Massachusetts General Laws, Section 49A(b), I, the undersigned, authorized signatory for the below named contractor/vendor, do hereby certify under the pains and penalties of perjury that said contractor has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(Print Name)

Title: \_\_\_\_\_

Contractor/Vendor: \_\_\_\_\_

**S. Disclosure Statement for Transaction with a Public Agency concerning Real Property**

**DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY  
M.G.L. c.7C, §38 (formerly M.G.L. c.7, §40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) Real Property:

(2) Type of Transaction, Agreement, or Document: Sale of property under a Land Development Agreement.

(3) Public Agency Participating in Transaction: Boxborough Housing Board.

(4) Disclosing Party's Name and Type of Entity (if not an individual):

\_\_\_\_\_.

(5) Role of Disclosing Party (Check appropriate role):

\_\_\_\_ Lessor/Landlord \_\_\_\_ Lessee/Tenant

\_\_\_\_ Seller/Grantor \_\_\_\_ Buyer/Grantee

\_\_\_\_ Other (Please describe): \_\_\_\_\_

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c.7C, §38, are hereby disclosed as follows (attach additional pages if necessary):

**DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY  
M.G.L. c.7C, §38 (formerly M.G.L. c.7, §40J)**

(6) CONT.

<u>NAME</u>	<u>RESIDENCE</u>
_____	_____
_____	_____
_____	_____
_____	_____

(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert "none" if none):

(8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

*No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms-length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such*

*organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.*

*Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.*

*The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.*

(9) This Disclosure Statement is hereby signed under penalties of perjury.

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Print Name of Disclosing Party (from Section 4, above)

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Authorized Signature of Disclosing Party

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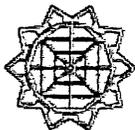
Date (mm / dd / yyyy)

---

Print Name & Title of Authorized Signer

**(Note: This Form must be included in the proposal submission)**





MASSACHUSETTS  
MUNICIPAL  
ASSOCIATION

ONE WINTHROP SQUARE, BOSTON, MA 02110  
617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

December 28, 2015

Received  
12-31-2015

Dear Municipal Executive,

The Massachusetts Municipal Association's Annual Business Meeting will take place during the MMA Annual Meeting and Trade Show. This year, the Business Meeting is scheduled from 10:15 to 11:50 a.m., on Saturday, January 23, 2016, in Ballroom A at the Hynes Convention Center in Boston.

This letter outlines the voting procedures at the Annual Business Meeting. Each MMA member city or town is entitled to ONE vote. In order to vote at the meeting, a local official must be:

- The Mayor in a member city or town, or the City Manager in a Council-Manager city;
- The Chair of the Board of Selectmen or the Chair of the Town Council in a member town;

If an official from one of these categories cannot attend the January 23rd business meeting, a councillor, selectman, or manager from that same MMA member city or town can vote in the person's place - but only with written authorization from the Mayor, City Manager, or Chair of the Board of Selectmen.

These voting requirements are clearly stated in the MMA bylaws as follows:

"The following individuals are hereby designated as voting delegates and shall vote on behalf of members eligible to vote at any meeting of the members: (i) in the case of a city (A) its chief executive or (B) a councillor [or mayor or councillor in a city with a council-manager form of government] designated in writing by such chief executive officer; (ii) in the case of a town, (A) the chairman of the Board of Selectmen, the chairman of the Town Council, or (B) another selectman or councillor designated in writing by such chairman, or (C) the manager designated in writing by such chairman."

Eligible voters must pick up a single vote card in order to cast votes at the MMA Annual Business Meeting. If you will be voting on behalf of your community (and you send in the enclosed form) a voting card will be in the packet that you will receive when you arrive at the meeting. If for some reason there is no voting card in your packet at the meeting, please visit the credentials table before the Annual Business Meeting begins on Saturday morning, January 23. Only one voting card will be issued per member community.

Those officials who cannot attend the Annual Business Meeting, and who designate someone else to take their place, must send in written authorization beforehand to the MMA, c/o Victoria Sclafani, One Winthrop Square, Boston, MA 02110. We must receive these designation forms by Friday, January 15, 2016 at the latest. Please remember to include your signature when filling out the enclosed form.

Thank you very much -- we look forward to seeing you in January at Annual Meeting!

Sincerely,

Geoffrey C. Beckwith  
Executive Director

Enclosure

**Massachusetts Municipal Association  
Annual Business Meeting  
Saturday, January 23, 2016**

**Credential Vote Form**

**Note:** Please fill out if you, as the eligible voting member, **cannot** attend the MMA Annual Business Meeting and wish to designate another person from your community to vote in your place.

X I cannot attend the MMA Annual Business Meeting on  
Saturday, January 23, 2016.

Name Vincent M. Amoroso

Signature \_\_\_\_\_

Municipality Boxborough

I authorize the following person (must be a mayor, selectman, councillor or city/town manager or administrator) to vote in my place:

Name \_\_\_\_\_

Title Selectman

**Please Return this Form by January 15, 2016 via mail, fax or email to:**

**Victoria Sclafani  
MMA  
One Winthrop Square  
Boston, MA 02110  
Fax: 617-695-1314  
Email: vsclafani@mma.org**

## REQUIREMENTS FOR VOTING

The requirements for voting are detailed in the by-laws of each organization. In summary:

Each member shall have one vote which may be cast only by its voting delegate. The following individuals are eligible voting delegates.

1. In the case of a city or a town with a city form of government, (a) its chief executive, or (b) a person designated in writing by such chief executive;
2. In the case of all other towns, (a) the Chairman of its Board of Selectmen, (b) another Selectman designated in writing by such Chairman, or (c) the Manager designated in writing by such Chairman.

Voting in person is required for the election of the Board of Directors. All voting will be by a vote of hands, unless a roll call is requested by three or more voting delegates.

The nominees receiving the greatest number of votes shall be deemed elected as directors and shall commence their terms at the conclusion of the meeting.

If you are a voting delegate and wish to nominate another person as a director, such nomination must be received in writing no later than January 11, 2016, twelve days prior to the Annual Meeting. Enclosed is a nomination form for this purpose.

**VOTING DELEGATE DESIGNATION FORM**

The voting delegate for the City/Town of Boxborough

is \_\_\_\_\_  
(Name) (Please Print)

\_\_\_\_\_

\*\*\*\*\*

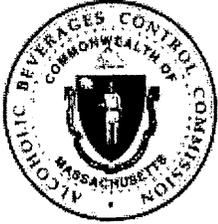
Please return this form by January 11, 2016 to:

Stanley J. Corcoran  
Executive Vice President  
Massachusetts Interlocal Insurance Association  
One Winthrop Square  
Boston, MA 02110

or FAX to:  
(617) 426-9546

7c

2016



CITY/TOWN:

DATE:

Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114

To the members of the Alcoholic Beverages Control Commission:

Acting under the authority contained in M.G.L. Ch. 138, §17, as amended the undersigned local licensing authority at a meeting held on:

Date of Meeting

estimated that the temporary increased resident population of:

City/Town

As of July 10, 2016 will be

Estimate Resident Population

This estimate was made and voted upon by the undersigned at a meeting called for the purpose, after due notice to each of the members of the time, place, and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief.

**THE ABOVE STATEMENTS ARE MADE UNDER THE PENALTIES OF PERJURY**

Very Truly Yours,  
Local Licensing Authorities

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS CERTIFICATION MUST BE SIGNED BY A MAJORITY OF THE MEMBERS OF THE LOCAL LICENSING AUTHORITIES.





# Reserve Fund Transfer Request

Date: 1/4/16

It is requested by the undersigned that a sum of \$ 39,000 be transferred from the Reserve Fund to:

UMAS Acct. # 001-192-5820-0000

(Fund # - Dept. # - Object - Detail)

Description (e.g. Selectmen's expenses) Town Hall - Capital Outlay

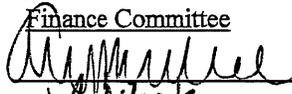
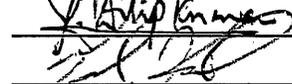
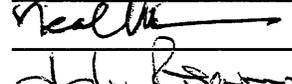
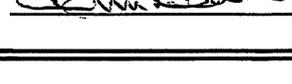
The balance in the line item as of 1/4/16 (Date) is \$ 0. An amount of \$ 0 was originally budgeted/appropriated. Additional funds are now requested for the reasons explained below. (Detailed explanation should include reasons for lack of funds, breakdown of known or estimated costs to be expended prior to June 30<sup>th</sup>, and any other pertinent information). Also, please list any previous requests for transfer during the fiscal year for this line item.

The request is being made for the purpose of replacing the vertical platform lift in the Town Hall vestibule. The existing lift, which was installed in 1990, has been the subject of recent failures, is currently non-operational, replacement parts are no longer available. Further information may be found on the attached communications from the Town Clerk and in correspondence from the Town Administrator to the Division of Capital Asset Management and Maintenance. We have had a quote from 101 Mobility to provide for a new unit at a cost of \$28,821. Additional work, which has been estimated at \$10,000 includes labor and materials to remove a wall, cut out brick underneath the existing unit, install adequate blocking, welding, electrical work as well as a structural engineer to test the concrete under the lift. This latter quote has been "high-balled" to provide for any contingencies (based on information provided by prior BICAO, TA had previously estimated a total not to exceed \$35,000; however, based on meeting with contractor and new BICAO, and their discussion with architect and lift vendor, it was noted that certain tasks may not have been considered).

This request is for extraordinary or unforeseen expense and has been voted upon and approved by the majority of board or commission members, or in the case of a department, by the department head and Town Administrator, as indicated by the signatures below. Please also indicate name of board or commission.

	<u>1/4/16</u>	(Signature)	Selina Shaw, Town Administrator	(Title)
_____	_____	(Signature)	_____	(Title)
_____	_____	(Signature)	_____	(Title)
_____	_____	(Signature)	_____	(Title)

On the dates listed below, it was voted by the Board of Selectmen/Finance Committee to transfer the sum of \$ \_\_\_\_\_ from the Reserve Fund to UMAS Acct. # \_\_\_\_\_ to be used for the purposes and in the amounts indicated above.

<u>Board of Selectmen</u>	Date:	<u>Finance Committee</u>	Date:
_____	_____		<u>1/4/16</u>
_____	_____		<u>1/4/16</u>
_____	_____		<u>1/4/16</u>
_____	_____		<u>1/4/16</u>

Copy to:	Initial Distribution Date Sent:	Notification of Finance Committee Action Date Sent:
Finance Committee	_____	_____
Department Head	_____	_____
Board of Selectmen	_____	_____
Town Administrator	_____	_____
Town Treasurer	_____	_____
Town Accountant	_____	_____



**Quote: Q151208002**

**QUOTE DATE**  
12/8/2015

**ATTENTION**  
Rebecca Edson

**101 Mobility**  
5221 Oleander Drive  
Wilmington, NC 28403  
Phone: (877) 350-2755  
Fax: (910) 350-8032

**101 Mobility Boston**  
289 Elm St. Ste.115  
Marlborough, MA 01752  
Phone: 508-449-9126  
Fax: 508-581-3136

Boxborough Town Hall  
29 Middle Road  
Boxborough, Massachusetts 01719

**TERMS**  
20/40/30/10

REF	DESCRIPTION	QUANTITY	PRICE	TOTAL
P1	V-1504 - SAVARIA-V-1504 750lb Capacity - VPL Enclosure Model - Door at bottom gate at top full enclosure with Plexi - options for savings on solid panels if needed. Standard painted Beige included. 3" pit required. 2 stops front to rear openings Constant Pressure 36 x 54 Non Ski Platform with 42 High side guards Includes manufactures 3 year warranty and full year labor warranty. GC work includes hoistway, support, venting and electrical - all to be detailed on the shop drawings.	1.00	\$20,146.00	\$20,146.00
S1	INSTALL- VPL - Vertical Platform Lift Installation Provide for vertical platform lift installation - Labor to install with Prevailing Wage	1.00	\$6,900.00	\$6,900.00
F1	Permit Fee Provide for DPS permit fee	1.00	\$500.00	\$500.00
F2	Inspection Fee Provide for Final Safety Test inspection with state elevator inspector per code	1.00	\$600.00	\$600.00
F4	Administration Fee Option for Architectural Stamped Drawing in order to process the VPL permit for installation	1.00	\$675.00	\$675.00

**Quote Total**  
**\$28,821.00**

Please contact us to approve this quote.

*Your First Course in Mobility Solutions*  
[www.101mobility.com](http://www.101mobility.com)





**Selina Shaw**

---

**From:** Selina Shaw <sshaw@boxborough-ma.gov>  
**Sent:** Sunday, January 03, 2016 3:23 PM  
**To:** Dilip Subramanyam  
**Cc:** John Rosamond; Neal Hesler; Vincent Amoroso; Bob Stemple  
**Subject:** Reserve Fund Transfer and STM  
**Attachments:** Waiver No. 2600 Boxborough Board of Selectman.pdf; Untitled attachment 00055.htm; 101\_mobility\_quote\_24949.pdf; Untitled attachment 00058.htm; STMTimeline\_022516.xls; Untitled attachment 00061.htm

**Importance:** High

Happy New Year, Dilip!

Just before the holidays, I received an emergency waiver of bidding requirements from the Division of Capital Asset Management and Maintenance (DCAMM) with respect to the replacement of the existing, non-functioning Town Hall lift. The scope of work will also require the removal of some bricks underneath the existing lift and the wall on which the notice board is hung ("the prep work"). I expect the total cost of the project to be no more than \$35,000. Tomorrow, I should be receiving the quote from the contractor for the prep work.

The Selectmen have indicated their support for forwarding a reserve fund transfer request to the FinCom and will formally vote on the matter at their next meeting on the 11th. I respectfully seek the Finance Committee's approval of the RFT, which I will prepare and send to you tomorrow once i have the quote for the prep work in hand. To wait until special town meeting will cause further delay to the project and inconvenience to the public (as well as to boards and committees who have had to relocate their meetings). There is some lead time necessary to place the order, which I hope can be done so that installation can be completed in time for the election. I am not available to attend your meeting tomorrow evening (taking my daughter to the airport for her return to London), but will be available during the day until 4-ish to answer any questions.

The special town meeting will not be held until February 24. I will be sending out a memo to all board and committee chairs, but you can have a preview now. The timeline is on a very fast track and I would like to include an item on the January 19th joint meeting for the BoS and FinCom to take final votes on warrant articles. There will be two for MM, one to approve an amended regional agreement and the second to consider withdrawal from the district (more on these later). I am also expecting that there will be an article to seek a transfer from the CPC historical resources reserves to supplement the funding approved at ATM in May for the Town Hall steps/railing and one to bolster the reserve fund, which has taken a hit for Town Hall emergencies :-(. I had been weighing the possibility of seeking the selectmen's support to place an article on the STM warrant for the combined position of Treasurer-Collector, but I think this could wait until May. And... I'd like your thoughts on the remaining HVAC system(s)...

Now I will check out the Patriots game for a bit. I am not hearing a lot of shrieks of delight.

Regards,  
Selina

Selina S. Shaw  
Town Administrator  
29 Middle Road  
Boxborough, MA 01719  
(978) 264-1700 general  
(978) 264-1712 direct  
(978) 264-3127 fax



## Selina Shaw

---

**From:** Elizabeth Markiewicz <emarkiewicz@boxborough-ma.gov>  
**Sent:** Thursday, December 03, 2015 2:10 PM  
**To:** fincom@boxborough-ma.gov; 'Bob Stemple'; James Gorman; 'Les Fox'; sbak@comcast.net; 'Vince Amoroso'  
**Cc:** 'Selina Shaw'; DLindberg@boxborough-ma.gov  
**Subject:** Town Hall Lift

Hi All,

I would like to suggest, respectively, that no more time be given to looking at repairing the wheelchair lift.

We have had two serious incidents where the lift failed while a person was in it. One individual was trapped halfway up for almost an hour. In the most recent incident, on November 16, the lift gave way while on the way up with a passenger. Luckily for both the passenger and the town, the safety system in the lift worked and the individuals were not injured.

I have spoken with a representative from Elevator Engineering who does the maintenance on the lift. The latest failure was caused by a broken drive belt and a broken drive nut. Both parts are not available. The manufacturer went out of business years ago. Elevator Engineering even tried to source parts from secondary sources but could not. Even if parts were available, the repairing the lift would require the demolition of the wall that the lift shares with the bathroom in order to access the area needing repair.

I've attached a table that summarized the issues and repairs from this past year.

Some further observations: The lift sees extensive use during elections, primarily by seniors. During the time I have been town clerk, I have found that the lift does not operate as it should even when it is working. During the 2008 and 2012 Presidential elections I had to station an election worker at the lift to make sure the door was shut after each ascent. The door is supposed to AUTOMATICALLY swing shut when someone exits the lift. This does not happen despite numerous attempts over the years by the elevator maintenance company to fix the issue. Unless the person closes the lift door firmly behind them, the door remains ajar. While ajar, the lift cannot be called back down for the next passenger.

Operating the lift is intimidating to people. The lift is extremely loud and makes grinding noises while ascending and descending. The passenger must keep the "on" button depressed for the lift to keep moving. If pressure is not kept on the button, the lift comes to a halt. The pressure needed to keep the button depressed is significant, particularly for the elderly.

I would love us to seriously consider what it would take to install an elevator instead of the wheelchair lift. It have greater functionality and hopefully fewer issues.

Regards,  
Liz

Elizabeth A. Markiewicz  
Town Clerk  
29 Middle Road  
Boxborough, MA 01719  
978-264-1727  
*Hours:*  
*Mon-Thurs: 9am-2pm*  
*Monday evenings: 6pm-8pm*

**Brief History of Wheelchair Lift Repairs in past year:**

<b>Date of Service</b>	<b>Cost</b>	<b>Problem</b>	<b>Fix</b>
12/4/2014	\$ 899.54	Lift stopped running with passenger halfway up Top floor door drifting open when not in use	Replaced traveling cable
2/12/2015	\$977.00	After annual inspection, inspector recommended replacing all three motor drive belts	Replaced all three motor drive belts
11/17/2015	\$725.00	Elevator failed with passenger in it at ground level Problem was a broken drive belt and a broken drive nut	Repair would require demolition of bathroom wall to gain access to area. Parts not available – company out of business.



**BOXBOROUGH BOARD OF SELECTMEN**  
29 Middle Road, Boxborough, Massachusetts 01719  
Phone: (978) 264-1712 • Fax: (978) 264-3127  
www.boxborough-ma.gov

Vincent M. Amoroso, Chair    Susan M. Bak, Clerk    Leslie R. Fox    James J. Gorman    Robert T. Stemple

December 18, 2015

BY EMAIL TO: emergencywaivers.dcammm@state.ma.us

Carol Gladstone, Commissioner  
Division of Capital Asset Management and Maintenance  
One Ashburton Place, 15th Floor  
Boston, MA 02108  
Attn: Office of the General Counsel

Re: Request for Emergency Waiver of Bid Requirements  
Town of Boxborough – Replace Vertical Platform Lift at Town Hall

Emergency Waiver of the Public bidding laws under MGL c. 149 sec. 44A (4) & 44J (5) is hereby granted on this 21st day of December 2015 \*

  
George M. Matthews, Esq.  
Deputy General Counsel  
Emergency Waiver No. 2600

*x obtain competitive quotes to the extent feasible.*

Dear Ms. Gladstone:

The Town of Boxborough hereby requests an emergency waiver of bidding requirements with respect to the replacement of the existing, non-functioning vertical platform lift at Boxborough Town Hall. The Town submits the following information in support of the waiver request, as stated in the DCAMM website guidance document:

1. The Town seeks a waiver from the bidding requirements of G.L. chapter 149, section 44A(4) and the advertising requirements of G.L. chapter 149, section 44J(6) with respect to the installation of a new vertical platform lift at Town Hall.
2. Over the past few months, the existing wheelchair lift has repeatedly become inoperable while passengers were inside the lift. The Town has made every effort after each incident to repair the issue in a timely fashion, but it has become clear that the maintenance performed following these incidents has been unable to produce a viable long term solution. The lift in its current condition is a serious safety risk to all elderly and handicapped citizens of the Town.
3. On November 16, 2015, the lift failed with a passenger inside; fortunately it failed on the ground floor and there were no resulting injuries in this case. Subsequent diagnosis of the issue has determined that the repairs necessary would require demolition of a wall, and the Town was later informed that the manufacturer no longer produces the parts necessary for said repair.
4. The scope of work necessary to preserve health, safety and handicap and elderly access to Town Hall includes the installation of a new vertical platform lift. This is the minimum scope of work necessary to alleviate the Town's emergency.
5. The lift provides access to the second floor of Town Hall, where approximately 12 meetings per week are held. The Town lacks the resources to relocate this number of meetings, as it will overburden the other Town facilities available. The time requirements for advertising under Chapter 149 will not suffice because of the immediate demand for Town meeting

- space that is adequately sized and appropriately accessible. Beyond the constant need for meeting space, Town Hall is the intended location for the presidential primary on March 1, 2016, and the requirements for advertising under Chapter 149 would jeopardize the Town's ability to provide voting access for the elderly and handicap.
6. On account of the immediate need for meeting space that is adequately sized and appropriately accessible, the Town needs the new lift installed as soon as possible. The Town has identified one contractor who can perform the work and who has provided a quote. The Town is currently working to identify and obtain quotes from two additional qualified contractors in parallel with pursuing this Waiver request in order to promote competition and ensure the Town receives a reasonable price.
  7. The approximate dollar value of installing new vertical lift is \$28,000.
  8. The Town understands that the provisions of the Prevailing Wage Law and statutory bonding requirements will apply to this work.

In its present condition, the vertical platform lift at Town Hall constitutes a real threat to public safety, and the lack of adequate, alternative Town meeting space has rendered this an emergency. Therefore, the Town requests that the waiver be granted.

Please contact me if you have any questions regarding the Town's request.

Thank you for your assistance.

Sincerely,



Selina S. Shaw  
Town Administrator

538029/03700/0001



**Suitable for virtually any architectural requirements including public spaces and home use**

**Ideal for indoor or outdoor applications from basic installations to large-scale, complex projects**

**Finish options including frameless glass for the ultimate in luxury for upscale commercial applications**

## Savaria® V-1504 Vertical Platform Lift

### VERSATILITY FOR ANY APPLICATION



The Savaria V-1504 vertical platform lift is built to carry a wheelchair and passenger safely up and down one or more levels.

Suitable for installations in public and commercial buildings, as well as private homes, this Savaria lift features an extremely versatile design that can be configured and customized to suit virtually any project requirements and aesthetic needs. From the rugged outdoors, to the most luxurious office tower lobbies, the Savaria V-1504 lift is ready to serve with its reliable performance, ease of use and range of finish options.



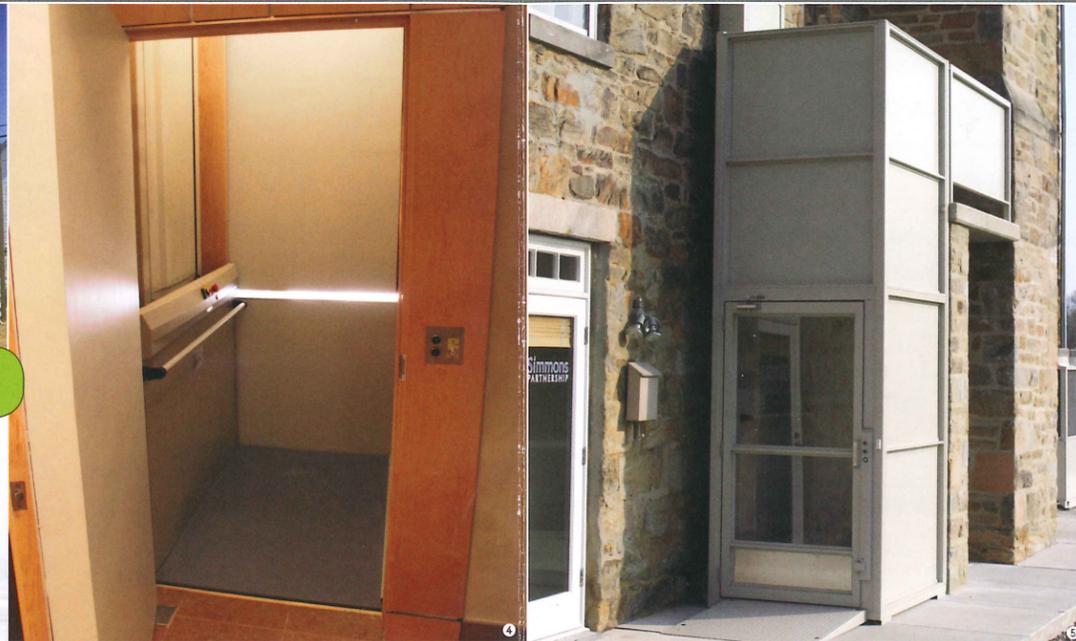
## SAVARIA® V-1504 VERTICAL PLATFORM LIFT

The Savaria V-1504 vertical platform lift is available in a range of base models, all with options and configurations available for customization to your needs. Please consult your local skilled Savaria dealer for complete details and local requirements for installation compliance.

### STANDARD (V-1504 STD)

Ideal for basic commercial applications and home use, this lift can be used indoors and outdoors to travel a standard 48" with 2 stops or optionally more distance and stops. The standard unit can be custom enclosed on site by your local installer, or built inside a hoistway.

Order the V-1504 in your choice of powder-coated finish from our standard color selections, or optionally in a custom color. Popular for use in schools, places of worship and other public spaces, the standard model can be outfitted with a range of options to suit the installation need.



### ALUMINUM/ACRYLIC MODEL (V-1504 ALPE)

This enclosed model uses aluminum and acrylic inserts and top dome with corrosion-resistant steel components, making it ideal for outdoor applications. Optionally, this model can be ordered with tempered or laminated glass panels. The active ventilation system keeps the inside comfortable and the gates and door can be motorized.

### LUXURY FRAMED (V-1504 LUX)

Framed in 304 stainless steel finish No. 4, with tempered or laminated glass inserts, this lift is a beautiful complement for lobby areas, offices and public buildings.

### PRESTIGE FRAMELESS (V-1504 PRESTIGE)

With half-inch structural tempered glass and no visible frame, this lift is the ultimate statement for creating barrier-free access in commercial applications.

Installation photos courtesy of:  
 1 Transitions Mobility & Elevator  
 2 Savaria Huizhou (China)  
 3 Elevators of Texas  
 4 Access Lifts & Service  
 5 Access Lifts & Service  
 6 Mobility Elevator & Lift

Every Savaria V-1504 model is driven by our reliable hydraulic system and can be configured just for your needs. The lift travels up and down a rail system enclosed in the lift tower. The tower is supported with attachment to an existing wall or through a constructed hoistway. Because the drive system is contained within the lift tower, no additional machine room is required for installation.

### SMOOTH HYDRAULIC 2:1 CHAIN DRIVE SYSTEM

The lift provides a high efficiency, reliable and comfortable ride.

### LARGE PLATFORM FOR EASY ACCESS

The standard platform is 36" by 54" (ADA compliant), and custom platforms are also available. The non-skid surface provides added safety.

### FLEXIBLE DESIGN

Configure up to 23' of travel distance\* with up to four stops, with a full range of entrance and exit configurations available.

### EXTENSIVE FINISH OPTIONS

Choose standard beige powder coat, select from the optional color finishes, or even request your own custom color. Enclose your lift with acrylic or glass panels.

### EMERGENCY BACK-UP SYSTEMS

In addition to a manual lowering system, the lift features a DC battery powered lowering system for use in the event of a power failure. Optionally, a battery back-up operating system can be added to allow full functionality of the lift for emergencies.

### EASY OPERATION

On-board controls operate the lift easily with constant pressure. Optional call/send stations can be added with or without key

access. Add an optional joystick, 60 mm buttons, or additional operating panel to add even more flexibility for user needs.

### MACHINE ROOMLESS

The Savaria V-1504 does not require a machine room to house the drive component, simplifying the installation process. Alternatively, the drive system can be located in a remote machine room for ultra-quiet operation.

*\*consult your authorized Savaria dealer for complete specifications applicable to your local code requirements*

# Savaria® V-1504 Vertical Platform Lift

## VERSATILITY FOR ANY APPLICATION

### OPTIONAL EQUIPMENT

Platform gate, top landing gate, upper/lower landing door, emergency light and alarm, motorized door, frame-mounted, wall-mounted, recessed or free-standing call stations, public building package, outdoor package, battery back-up system for up/down operation, fire-rated doors, wooden door, automatic swing door operator, doors with glass or acrylic inserts, interlock, weather resistant lock, telephone, ADA-hands free phone, folding seat and more.

### SPECIFICATIONS

Applications	Residential (indoor/outdoor), Commercial (indoor/outdoor), consult local dealer for details
Capacity	750 lb (340 kg)
Maximum travel distance	23' (7 m), 12' to 14' (3.65 to 4.26 m) in some jurisdictions
Platform sizes	36" x 54" (914 mm x 1371 mm) ADA-compliant, (customize up to 17.5 sq.ft./1.63 sq. m)
Nominal speed	20 ft/min (0.1 m/s)
Levels/stops	2 to 4 stops
Car access/configurations	Enter/exit same side, 90 degree exit, straight through enter/exit
Power supply	110 volt, 20 amp, single phase, 60 Hz
Drive system	2:1 roller chain, hydraulic
Motor pump	3 hp, gear-type
Controller	Relay logic
Emergency operation	Battery-operated lowering with automatic recharging system, plus remote access manual lowering valve optional battery backup
Rail construction	8' modular guide rail assembly with roller guide shoes
Side guards	42 1/8" (1070 mm), 80" (2032 mm) optional
Finish	Powder coated steel beige, optional and custom colors available
Warranty	36 months parts, ask for details

For drawings, detailed specifications and a complete list of options for your Savaria V-1504 vertical platform lift, consult your local authorized Savaria dealer. To locate a dealer near you, visit [savaria.com](http://savaria.com), or call us.

**Talk to a Savaria dealer about how the V-1504 vertical platform lift can give you the access you need.**



Authorized Savaria dealer:

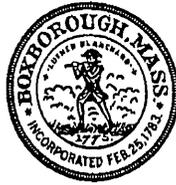
 **savaria**

[www.savaria.com](http://www.savaria.com)

2 Walker Drive, Brampton, ON L6T 5E1 Canada

tel: 800.661.5112 fax: 905.791.2222





**Internal Communications and Outgoing Communications  
For January 11, 2016**

1. Letter from MassHousing Comprehensive Permit Prgms. Mgr., Gregory Watson, dated December 17, 2015, to Selectmen Chair Vincent Amoroso, advising that MassHousing has issued its final "Cost Examination" report on the project known as to Craftsman Village at Elizabeth Brook [Report included] \*
2. Letter from TA Shaw, dated December 18, 2015, to Mass. Div. of Capital Asset Mgmt. & Maint. Commissioner, Carol Gladstone, requesting an Emergency Waiver of Bid Requirements regarding the replacement of the Vertical Platform Lift at Town Hall.#
3. Letter from Minuteman School Comm. Sec. David Horton, dated December 22, 2015, to Selectmen Chair Vince Amoroso, informing him that the School Comm. approved two votes related to proposed amendments to the Regional Agreement and holding a Special Town Meeting.
4. Letter from TA Shaw, dated December 10, 2015, to Mass. Exec. Office of Housing & Economic Development Sec., Jay Ash and Asst. Sec., Nam Pham confirming Boxborough's support of the 495/MetroWest Partnership.
5. Copy of coverletter from Town Counsel Thomas McEnaney, Kopelman & Paige, dated December 11, 2015, to Clerk of the Appellate Tax Board in the matter of Holiday Inn v. Board of Assessors [Boxborough] Docket No. F328545-15.
6. Notice of a *Permanent Solution Statement* pursuant to DEP process, from Clean Harbors Field Inspector, Jonathan Wylie, dated December 23, 2015, to the Board of Selectmen advising of actions taken regarding a release of hydraulic oil that was discovered on 10/30/15 at 1300 Mass. Ave. \*
7. Letter from Small Business Administration's (SBA) Mass. District Dir., Robert Nelson, dated December 28, 2015, to TA Shaw, reporting on the SBA's efforts to support Mass. small businesses during their FY 2015 [*Accompanied by the Mass. SBA 2015 Annual Report and their 2015 Small Business Resource Guide – which are in the For Review Slot*]
8. Letter from MMA Exec. Dir. Geoffrey Beckwith, dated December 28, 2015, to TA Shaw thanking her for Acton, Boxborough, Littleton, Maynard & Westford joint submission for the MMA's annual Kenneth Pickard Memorial Innovation Award contest; advising her of the results of the judging process and inviting her to join them in honoring the winners at the MMA Annual President's Reception on January 23, 2016.

\* Indicates that the item is included in the agenda packet as well as in the general notebook.

# Previously distributed





8e(1)

\*

Massachusetts Housing Finance Agency  
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091  
VP: 866.758.1435 | www.masshousing.com

December 17, 2015

Vincent Amoroso, Chairman  
Board of Selectmen  
Town Hall  
29 Middle Road  
Boxborough, MA 01719

Dear Chairman Amoroso:

Please find enclosed MassHousing's final report based on its analysis of Craftsman Village Boxborough LLC's cost examination (the "Cost Examination") dated June 30, 2015 and received by MassHousing on November 17, 2015 for the Craftsman Village at Elizabeth Brook development built pursuant to M.G.L. c. 40B. MassHousing has evaluated the Cost Examination pursuant to our responsibilities under the New England Fund Program.

MassHousing distributed a draft of our report regarding the Cost Examination on November 18, 2015. MassHousing received an email on December 15, 2015 from Adam L. Duchesneau, AICP, Town Planner, regarding our draft report on the Cost Examination. Thank you for arranging for the town's review of our report. MassHousing responded to Mr. Duchesneau's inquiries on December 15, 2015. Following our conversation, Mr. Duchesneau indicated that the Town of Boxborough has no further questions regarding our analysis, and as a result, our report is being issued in its final form and we are releasing the developer's financial surety.

Very truly yours,

Gregory P. Watson  
Manager, Comprehensive Permit Programs

Enclosure

cc: Mark O'Hagan, Craftsman Village Boxborough LLC  
George V. McKenna, CPA  
Tom Gorman, Chairman, Zoning Board of Appeals  
Ian Meyer, DHCD  
Jennifer Van Campen, Executive Director, Metro West Collaborative Development





**Report on MassHousing's Analysis  
of the Cost Examination  
Dated June 30, 2015  
and  
Received by MassHousing on November 17, 2015  
(An earlier version of the Cost Examination was received by MassHousing on  
August 17, 2015)**

**Submitted By  
Craftsman Village Boxborough LLC**

**Craftsman Village at Elizabeth Brook  
a M.G.L. Chapter 40B Development  
PE-326**

**Date of Report: November 18, 2015**

## Executive Summary

On November 17, 2015, MassHousing received an Independent Accountants' Report dated June 30, 2015 for the Craftsman Village at Elizabeth Brook housing development (the "Project") located in Boxborough, Massachusetts (the "Town"). In said Independent Accountants' Report, George V. McKenna, CPA (the "CPA") stated that they have examined the Schedule of Chapter 40B Maximum Allowable Profit from Sales and Total Chapter 40B Project Costs (the "Cost Examination") of Craftsman Village Boxborough LLC (the "Developer"), and that in their opinion the Cost Examination presents fairly, in all material respects, the Chapter 40B Maximum Allowable Profit from Sales and Total Chapter 40B Project Costs of the Developer as of December 31, 2014, in conformity with guidelines prescribed by the Department of Housing and Community Development ("DHCD") and MassHousing. An earlier version of the Cost Examination was submitted to MassHousing on August 17, 2015.

MassHousing, acting as the Subsidizing Agency (formerly, "Project Administrator") for this development, conducted an analysis of this Cost Examination to ensure that it was in compliance with applicable accounting standards, reporting standards, legal requirements and applicable Chapter 40B guidelines.

MassHousing has completed its analysis and has prepared this report (the "Report"). In the process, we have reached the following conclusion:

1. MassHousing believes that the Developer has not exceeded the maximum profit allowed to be earned on this development as indicated in the Regulatory Agreement.

The following schedule, more fully described in Appendix A, reflects the final profit calculation for project sales and costs:

<i>Description</i>	<i>Per Cost Examination</i>	<i>Proposed Adjustments</i>	<i>Ref.</i>	<i>Final Per MassHousing</i>
Total Project Sales/Revenue	\$ 1,843,612	\$ -		\$ 1,843,612
Project Costs:				
Site Acquisition	\$ 380,000	\$ -		\$ 380,000
Hard Costs	1,224,582	-		1,224,582
Soft Costs	196,512	-		196,512
Total Project Costs	\$ 1,801,094	\$ -		\$ 1,801,094
Computed Profit (Loss) from Sales/Revenue	\$ 42,518	\$ -		\$ 42,518
Profit (Loss) Percentage	2.36%			2.36%
Excess Profit Due to Municipality	\$ -			\$ -

### **Executive Summary (continued)**

We conclude that the Cost Examination is free of material mathematical errors, reflects project sales revenue from all units, reflects project costs that appear to be reasonable and/or consistent with then-existing policy, and reflects the number of units in the Project as agreed to in the Regulatory Agreement. The Notes to Schedules appear to cover the full scope and time frame of the Project.

In February 2008, DHCD issued Chapter 40B regulations at 760 CMR 56.00 (most recently amended April 2012) and the associated guidelines (most recently revised in December 2014). These regulations and guidelines (the "Guidelines") were in effect at the time MassHousing issued its final approval letter.

## **I. Overview**

According to the Cost Examination, Craftsman Village Boxborough LLC was formed on September 7, 2011. The Developer's primary purpose was to acquire, develop and sell 4 units of residential housing, including 1 unit (25% of the total) for qualifying income eligible individuals and households in Boxborough, Massachusetts.

On August 10, 2005, MassHousing issued a project eligibility letter evidencing fundability of the Project under both the "*Housing Starts*" and the "*New England Fund*" ("NEF") programs.

At that time, neither the "Local 40B Review and Decision Guidelines" (the "MHP Guidelines") dated November 2005 nor MassHousing's own Cost Examination Guidance ("MassHousing Guidance") dated August 2007 had been developed. Furthermore, DHCD had not yet promulgated its February 2008 M.G.L. Chapter 40B amended regulations at 760 CMR 56.00 or its associated guidelines (most recently revised in December 2014).

On June 9, 2009, the Middlesex Zoning Board of Appeals issued a Comprehensive Permit for the Project. A modification was issued on October 18, 2011.

On April 11, 2014, MassHousing issued a final approval letter, pursuant to 760 CMR 56.04(7), under the NEF program.

MassHousing and the Developer entered into a Regulatory Agreement dated as of the 24<sup>th</sup> day of March 2014 and recorded on July 1, 2014 at the Middlesex County Registry of Deeds in Book 63855, Page 257.

MassHousing and the Developer entered into a Monitoring Services Agreement (with regard to the 20% profit limitation) dated as of the 24<sup>th</sup> day of March 2014 and recorded as an exhibit to the Regulatory Agreement at said Deeds in Book 63855, Page 257 ("Monitoring Services Agreement").

MassHousing, Metro West Collaborative Development (the "Monitoring Agent") and the Developer entered into a Monitoring Services Agreement (with regard to the affordable units), recorded as an exhibit to the Regulatory Agreement at said Deeds in 63855, Page 257 ("Affordability Monitoring Services Agreement").

Pursuant to the Regulatory Agreement and the Monitoring Services Agreement, MassHousing has the responsibility to determine the Developer's compliance with the allowable profit limitation through approval of total development costs.

The Cost Examination states that substantial completion of the Project occurred in October 2014, when the last of the certificates of occupancy was obtained.

## II. Procedures

In connection with its responsibilities under the Regulatory Agreement and the Monitoring Services Agreement, MassHousing reviewed documentation and information related to Chapter 40B and specifically to the Project, including but not limited to the following:

- The Cost Examination, including Independent Accountant's Report, Schedule of Chapter 40B Maximum Allowable Profit from Sales and Total Project Costs, and Notes to Schedules<sup>1</sup>.
- Developer's Certificate dated June 30, 2015, from Mark C. O'Hagan on behalf of Craftsman Village Boxborough LLC.
- General Contractor's Certificate dated November 2, 2015, from Mark O'Hagan on behalf of MCO & Associates Inc.
- "Housing Starts Process and Guidelines."
- "Guidelines for Housing Programs in Which Funding is Provided Through a Non-Governmental Entity" (the "NEF Guidelines").
- The MHP Guidelines.
- MassHousing Guidance.
- The Guidelines.

In order to verify the contents of the Cost Examination, MassHousing obtained the "Developer's Certificate," referenced above. This certification, executed under seal and under the pains and penalties of perjury, serves as an additional safeguard in verifying the data set forth in the Cost Examination.

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<sup>1</sup> Throughout this report we use the term "Cost Examination" rather than "audit." For various technical reasons, a Chapter 40B cost examination report prepared by a CPA may not meet the requirements of the U.S. Auditing Standards established by the American Institute of Certified Public Accountants (AICPA). We note, however, that we require the CPA's report to be the result of an "attestation examination" and that under AICPA standards (i) the objective of an attestation examination parallels that of an audit, (ii) the required level of evidence which must be accumulated for an attestation examination parallels that of an audit, (iii) the professional requirements for performing an attestation examination parallel that of an audit, and, finally, (iv) an attestation examination is the equivalent of an audit in situations where the financial statements have been prepared based on a set of specific rules (here, the requirements of our detailed 40B Cost Certification Guidance) that do not constitute accounting principles generally accepted in the United States ("GAAP").

**III. Project Sales/Revenue**

MassHousing reviewed documentation for all 4 unit sales.

<u>Sales Revenue from all 4 units</u>	<u>Amount</u>
Affordable Unit Sales Per Cost Examination - 1 unit	\$ 187,500
Market Rate Unit Sales Per Cost Examination - 3 units	1,656,112
Total Sales Revenue Per Cost Examination	<u>\$ 1,843,612</u>

Our analysis included reviewing HUD-1 Settlement Statements for all unit sales at Craftsman Village at Elizabeth Brook. The unit sales price for the affordable unit was \$187,500. The average unit sales price for a market rate unit was \$552,037.

There are certain restrictions imposed on the resale of any affordable unit under Chapter 40B. It is the responsibility of the Monitoring Agent to review and approve on MassHousing's behalf the subsequent sale of all affordable units.

**IV. Related Party: Sale of Units**

According to the Developer's Certificate, signed under the pains and penalties of perjury, there were no sales made to a related party.

**V. Project Costs**

**A. Land**

The site consists of 4.15 acres of land located at 55 Cadman Hill Road in Boxborough, Massachusetts (the "Site").

The land value stated in the Cost Examination is \$380,000.

The Site was acquired for \$380,000 based on a Quitclaim Deed from Codman Hill Development, LLC to Craftsman Village Boxborough LLC dated April 9, 2012 and recorded on April 10, 2012 at said Deeds in Book 58860, Page 167.

In a letter to MassHousing, dated April 24, 2012, the Boxborough Board of Selectmen, having reviewed relevant materials regarding the land value and finding this acquisition value to be appropriate as the basis for valuation, requested (pursuant to Section IV.B.1 of the Guidelines) that MassHousing waive the requirement for an appraisal.

As a result, MassHousing has determined that the land value stated in the Cost Examination is appropriate.

**B. Hard Costs**

**1. RS Means**

When analyzing the Cost Examinations of Chapter 40B developments, one issue which MassHousing focuses on is whether construction costs were inflated in an effort to increase developer return. For this reason, the Guidelines provide, for purposes of establishing a “safe harbor” regarding hard construction costs, RS Means data.

RS Means is recognized as an independent cost authority in the home construction business. The RS Means “Cost Data” guides provide reasonably accurate cost information to help developers, contractors and others estimate costs for new construction when only a general description of size and amenities are available. For purposes of our review we used, for comparison purposes only, new home construction cost data from the RS Means Residential Cost Data Guide 2015, 24<sup>th</sup> Annual Edition (“RS Means”).

The Cost Examination results were compared to the RS Means 2015 Base Residential Cost per Square Foot, and the 9,750 total square footage of the Project was based upon information reported by the Developer. MassHousing estimates that the reported cost per square foot was \$89.55, which was approximately \$47.03 lower than the approximated RS Means residential construction cost.

Since the Guidelines allow for up to 110% of the RS Means residential construction cost per square foot as a safe harbor, the calculation below shows the reported cost per square foot as \$60.69 lower than the safe harbor cost per square foot. See calculations below.

Total Residential Construction	\$	873,109
Square Footage		9,750
Cost per Square Foot	\$	89.55

*Calculation*

RS Means Residential Construction Cost	\$	136.58
Allowable Percentage Factor		110%
Allowable Cost per Square Foot		150.24
Actual Cost per Square Foot		89.55
Difference	\$	60.69

As a result of our analysis, we determined that the calculated construction costs per square foot as reported in the Cost Examination did not exceed the RS Means residential construction cost, and also did not exceed the 110% safe harbor cost which would be allowed under MassHousing Guidance and the Guidelines.

## **2. Builder's Profit, Builder's Overhead and General Requirements**

According to the Developer's Certificate, signed under the pains and penalties of perjury, the Project utilized a related party general contractor, MCO & Associates Inc.

The Guidelines allow, for a related party general contractor, a builder's profit of 6% of construction costs, a builder's overhead of 2% of construction costs and general requirements of 6% of construction costs. It is acceptable for a particular line item to exceed the limit set forth above so long as the total of the three line items does not exceed 14%.

The total of builder's profit (\$64,285), builder's overhead (\$21,430) and general requirements (\$64,285) identified in the Cost Examination was \$150,000 (or 13.96% of construction costs).

As a result of our analysis, we determined that the total of the related party general contractor's costs charged to the Project was within the 14% overall limitation.

### **C. Soft Costs**

#### **1. Commissions/Advertising – Market Rate Units**

The brokerage commissions/advertising costs reported for market rate units in the Cost Examination were \$82,161 or 5% of total actual market sales revenue.

According to the Developer's Certificate, signed under the pains and penalties of perjury, the Project utilized MCO Realty Services, a related party brokerage firm, in connection with the sale of the market rate units.

The limit imposed by the Guidelines for related-party broker commissions is 5% and must include advertising costs.

As a result of our analysis, we determined that the brokerage commissions/advertising costs charged to the Project did not exceed the allowable limits set forth in the Guidelines.

#### **2. Commissions/Marketing/Lottery Costs – Affordable Units**

The commissions/marketing/lottery costs reported for affordable units in the Cost Examination were \$5,625 or 3% of actual affordable sales revenue.

The Guidelines state that the maximum allowable commissions/marketing/lottery costs for affordable units should be the greater of \$20,000 or 3% of the sum of the actual affordable unit sales prices.

As a result of our analysis, we determined that the commissions/marketing/lottery costs charged to the Project did not exceed the allowable limits set forth in the Guidelines.

MassHousing  
Review of Cost Examination Report  
Craftsman Village Boxborough LLC  
PE-326

## **Appendix A**

<u>Categories</u>	<u>Per Cost Examination</u>	<u>Adjustments</u>	<u>Adjusted Balance</u>
Project Sales/Revenue			
Market	\$ 1,656,112	\$ -	\$ 1,656,112
Affordable	187,500		187,500
Total Project Sales/Revenue	<u>\$ 1,843,612</u>	<u>\$ -</u>	<u>\$ 1,843,612</u>
Project Costs			
Site Acquisition - Land	<u>\$ 380,000</u>	<u>\$ -</u>	<u>\$ 380,000</u>
Hard Costs			
Residential construction	873,109		873,109
Site Preparation	192,369		192,369
Landscaping	9,104		9,104
Builder's Profit	64,285		64,285
Builder's Overhead	21,430		21,430
General Requirements	64,285		64,285
Total Hard Costs	<u>1,224,582</u>	<u>-</u>	<u>1,224,582</u>
Soft Costs			
Architectural & Engineering	14,352		14,352
Legal	9,951		9,951
Accounting	9,220		9,220
Real estate taxes	8,642		8,642
Insurance	3,175		3,175
Buyer Closing Costs Paid By Seller	13,741		13,741
Construction Loan Interest	33,467		33,467
Miscellaneous Soft Costs	178		178
Developer's Overhead	16,000		16,000
Lottery	5,625		5,625
Commissions/Advertising - Market	82,161		82,161
Total Soft Costs	<u>196,512</u>	<u>-</u>	<u>196,512</u>
Total Project Costs	<u>\$ 1,801,094</u>	<u>\$ -</u>	<u>\$ 1,801,094</u>
Computed Profit (Loss) from Sales/Revenue	<u>\$ 42,518</u>	<u>\$ -</u>	<u>\$ 42,518</u>
Profit (Loss) Percentage	<u>2.36%</u>		<u>2.36%</u>
Maximum allowable (20% of total project costs)	<u>\$ 360,219</u>		<u>\$ 360,219</u>



Clean Harbors  
42 Longwater Drive  
P.O. Box 9149  
Norwell, MA 02061-9149  
781.792.5000  
800.282.0058  
www.cleanharbors.com

December 23, 2015

Board of Selectmen  
Town of Boxborough  
29 Middle Road  
Boxborough, MA 01719

Re: Availability of Permanent Solution Statement  
1300 Commonwealth Avenue  
Boxborough, Massachusetts  
DEP Release Tracking Number: 2-19683

Dear Selectmen:

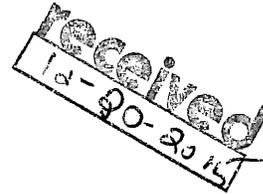
Clean Harbors Environmental Services, Inc. (CHES) is notifying your office of the availability of a Permanent Solution Statement (PSS), as required by Section 310 CMR 40.1403(3)(f) of the Massachusetts Contingency Plan. A PSS has been prepared for the above-referenced site, and has been submitted to the Massachusetts Department of Environmental Protection (DEP). The response actions have achieved a condition of No Significant Risk for unlimited current and future site use. A copy of the Release Notification Form (BWSC-103) is attached. The report conclusions are as follows:

On October 30, 2015, at approximately 12:45 AM, a 13 gallon release of hydraulic oil was discovered beneath a compactor located adjacent to business complex located at 1300 Massachusetts Avenue in Boxborough, Massachusetts. The release occurred when a hydraulic gauge line on a compactor, owned by Harvey, ruptured. The release impacted the concrete pad, beneath the compactor, and adjacent stone, mulch, soil, and leafy debris over an area measuring 24 feet long by nine feet wide. An Immediate Response Action (IRA) was conducted, consisting of the removal of staining on the underlying concrete pad and removal of impacted stone, mulch, soil, and leafy debris. The stain was removed and impacted media was removed, containerized, and transported offsite for disposal. Remaining EPH concentrations in the site soil are well below the most stringent Method 1 Risk Standards and are approaching background conditions. No groundwater was impacted by the release, it was determined that no threat to public drinking water exists due to the hydraulic release. As such, the response actions performed at the site have achieved a Permanent Solution and a level of No Significant Risk. Based on these results, the requirements for a Permanent Solution Statement with No Conditions have been met.

The Permanent Solution Statement can be downloaded from the DEP website at [http://public.dep.state.ma.us/wsc\\_viewer/main.aspx](http://public.dep.state.ma.us/wsc_viewer/main.aspx) and by entering the DEP Release Tracking Number referenced above. No action other than the receipt of this letter is necessary by your office.

*"People and Technology Creating a Better Environment"*

8a(6)



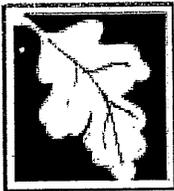
Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan J. Wylie', written in a cursive style.

Jonathan J. Wylie  
Field Inspector

Attachment – BWSC-103

cc: Boxborough Board of Health  
CHES file 1503489745



**RELEASE NOTIFICATION & NOTIFICATION  
RETRACTION FORM**

Release Tracking Number

2 - 19683

Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

**A. RELEASE OR THREAT OF RELEASE LOCATION:**

1. Release Name/Location Aid: BUSINESS COMPLEX  
2. Street Address: 1300 MASSACHUSETTS AVENUE  
3. City/Town: BOXBOROUGH 4. ZIP Code: \_\_\_\_\_  
5. Coordinates: a. Latitude: N 42.48444 b. Longitude: W 71.53611

**B. THIS FORM IS BEING USED TO:** (check one)

- 1. Submit a Release Notification
- 2. Submit a Revised Release Notification
- 3. Submit a Retraction of a Previously Reported Notification of a release or threat of release including supporting documentation required pursuant to 310 CMR 40.0335 (Section C is not required)

(All sections of this transmittal form must be filled out unless otherwise noted above)

**C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR):**

1. Date and time of Oral Notification, if applicable: 10/29/2015 Time: 01:10  AM  PM  
mm/dd/yyyy hh:mm  
2. Date and time you obtained knowledge of the Release or TOR: 10/29/2015 Time: 12:45  AM  PM  
mm/dd/yyyy hh:mm  
3. Date and time release or TOR occurred, if known: \_\_\_\_\_ Time: \_\_\_\_\_  AM  PM  
mm/dd/yyyy hh:mm

Check all Notification Thresholds that apply to the Release or Threat of Release:  
(for more information see 310 CMR 40.0310 - 40.0315)

- |   |   |   |
|---|---|---|
| 4. 2 HOUR REPORTING CONDITIONS  | 5. 72 HOUR REPORTING CONDITIONS   | 6. 120 DAY REPORTING CONDITIONS   |
| <input checked="" type="checkbox"/> a. Sudden Release                     | <input type="checkbox"/> a. Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/2 Inch (.04 feet) | <input type="checkbox"/> a. Release of Hazardous Material(s) to Soil or Groundwater Exceeding Reportable Concentration(s)                             |
| <input type="checkbox"/> b. Threat of Sudden Release                      | <input type="checkbox"/> b. Underground Storage Tank (UST) Release  | <input type="checkbox"/> b. Release of Oil to Soil Exceeding Reportable Concentration(s) and Affecting More than 2 Cubic Yards                        |
| <input type="checkbox"/> c. Oil Sheen on Surface Water                    | <input type="checkbox"/> c. Threat of UST Release   | <input type="checkbox"/> c. Release of Oil to Groundwater Exceeding Reportable Concentration(s)   |
| <input type="checkbox"/> d. Poses Imminent Hazard                         | <input type="checkbox"/> d. Release to Groundwater near Water Supply  | <input type="checkbox"/> d. Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/8 Inch (.01 feet) and Less than 1/2 Inch (.04 feet) |
| <input type="checkbox"/> e. Could Pose Imminent Hazard                    | <input type="checkbox"/> e. Substantial Release Migration   |   |
| <input type="checkbox"/> f. Release Detected in Private Well              |   |   |
| <input type="checkbox"/> g. Release to Storm Drain                        |   |   |
| <input type="checkbox"/> h. Sanitary Sewer Release (Imminent Hazard Only) |   |   |



**C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR): (cont.)**

7. List below the Oils (O) or Hazardous Materials (HM) that exceed their Reportable Concentration (RC) or Reportable Quantity (RQ) by the greatest amount.

Check here if an amount or concentration is unknown or less than detectable.

O or HM Released	CAS Number, if known	O or HM	Amount or Concentration	Units	RCs Exceeded, if Applicable (RCS-1, RCS-2, RCGW-1, RCGW-2)
HYDRAULIC OIL		O	13	GAL	N/A

Check here if a list of additional Oil and Hazardous Materials subject to reporting, or any other documentation relating to this notification is attached.

**D. PERSON REQUIRED TO NOTIFY:**

1. Check all that apply:  a. change in contact name  b. change of address  c. change in the person notifying

2. Name of Organization: EL HARVEY & SONS INC

3. Contact First Name: GERALD 4. Last Name: SJOGREN

5. Street: 68 HOPKINTON RD 6. Title: SAFETY DIRECTOR

7. City/Town: WESTBOROUGH 8. State: MA 9. ZIP Code: 015810000

10. Telephone: 508-836-3000 11. Ext.: \_\_\_\_\_ 12. Email: \_\_\_\_\_

13. Check here if attaching names and addresses of owners of properties affected by the Release or Threat of Release, other than an owner who is submitting this Release Notification (required).

**E. RELATIONSHIP OF PERSON TO RELEASE OR THREAT OF RELEASE:**  Check here to change relationship

1. RP or PRP  a. Owner  b. Operator  c. Generator  d. Transporter

e. Other RP or PRP Specify: NON-SPECIFIED PRP

2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

4. Any Other Person Otherwise Required to Notify Specify Relationship: \_\_\_\_\_



**F. CERTIFICATION OF PERSON REQUIRED TO NOTIFY:**

1. I, ANTHONY DELTUFO, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By : ANTHONY DELTUFO 3. Title: SAFETY DIRECTOR  
 Signature  
 4. For: EL HARVEY & SONS INC 5. Date : 12/23/2015  
 (Name of person or entity recorded in Section D) mm/dd/yyyy

6. Check here if the address of the person providing certification is different from address recorded in Section D.

7. Street: 42 LONGWATER DRIVE  
 8. City/Town: NORWELL 9. State: MA 10. ZIP Code: 020619149  
 11. Telephone: 781-792-5819 12. Ext.: \_\_\_\_\_ 13. Email: deltufot@cleanharbors.com

**YOU ARE SUBJECT TO ANNUAL COMPLIANCE ASSURANCE FEES FOR EACH BILLABLE YEAR FOR TIER CLASSIFIED DISPOSAL SITES. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.**

Date Stamp (DEP USE ONLY:)

Received by DEP on 12/23/2015 2:14:03 PM





**Minutes, Notices and Updates  
For January 11, 2016**

**Minutes**

1. Personnel Board minutes for the meeting held November 24, 2015
2. Zoning Board of Appeals minutes for the meeting held December 1, 2015
3. Conservation Commission minutes for the meetings held December 2, 2015 and December 16, 2015
4. Vocational Education Advisory Committee minutes for the meetings held December 2, 2015 and December 18, 2015

**Notices**

1. Notice of a Minuteman School Committee meeting held December 15, 2015
2. Notice of Vocational Education Advisory Committee meetings:
  - a. Held January 4, 2016
  - b. Held January 9, 2016
  - c. To be held January 11, 2016
3. Notice of ABR School Committee meetings:
  - a. Budget Subcommittee meeting held January 5, 2016
  - b. Workshop meeting held January 6, 2016
4. Notice of A-B Cultural Council meetings:
  - a. Film Series Subcommittee meeting held January 6, 2016
  - b. Regular meeting held January 12, 2016
5. Notice of a Finance Committee meeting January 11, 2016
6. Notice of a Library Trustees meeting to be held January 12, 2016
7. Notice of a Recreation Commission meeting to be held January 12, 2016
8. Notice of an Agricultural Commission meeting to be held January 12, 2016
9. Notice of an Energy Committee meeting to be held January 13, 2016
10. Notice of a Steele Farm Advisory Committee meeting to be held January 19, 2016

11. Legal Notice from the Conservation Commission for a Public Hearing held January 6, 2016 to consider a Notice of Intent filed by Seth Lajoie & Associates, Inc on behalf of BHR Development, LLC for the installation of a replacement septic system and construction of attached garage on the north side of the existing house at the property located at 171 Depot Road, Assessor's Map 05, Parcel 052.
  
12. Legal Notice from the Board of Appeals for a Public Hearing held January 5, 2016 to consider an application received from the Raymond Vorce Estate requesting a Variance from the required minimum upland lot area in section 5002 of the Boxborough Zoning Bylaw, at the property located at 164 Mass. Ave. and 23 Summer Road, Assessor's Map 15, Parcel 098 and Parcel 099, respectively.
  
13. Notice of the issuance of an Order of Conditions, [DEP File No.113-526], dated December 16, 2015, to the Estate of Wasil Chernak for the property located at 3 Old Harvard Road, Assessor's Map 13, Parcel 34.
  
14. Save the Date Notice from the MBTA Advisory Board meeting – January 11, 2016

8c



**General Correspondence  
For January 11, 2016**

1. National Grid's "Protecting Our Communities with Your Help" brochure
2. Auction Posting Update – Mortgagee's Sale/Public Auction for property at 242 Adams Place, Boxborough. Auction Postponed to Jan. 28, 2016 @ 1PM.
3. 495/MetroWest Partnership 2015 Annual Report
4. Sudbury Valley Trustee's December 2015 Newsletter *The Wren*
5. Comcast's Q3 2015 Mass. Ed. Newsletter *Comcast Connections*