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# NIKE SITE REUSE ADVISORY COMMITTEE

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## PLAN - INTERIM REPORT



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## **Summary History of First Nike Site Committee and Town Meeting Vote to Acquire**

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### *General Background*

In December 2002, the Board of Selectmen was apprised that the Nike site was available as excess real property. Of the total approximately 13.65 acre site, approximately 13.16 acres are located in Wayland and the remaining approximately .49 acres are located in Lincoln.

The original Nike site consisted of 29.2 acres and was located off Oxbow Road in Wayland, contiguous to Lincoln and directly across the street from twelve houses owned by the U.S. Army. The land was acquired by the Federal government in 1953 for use as a missile site. In 1974, the Nike site was deactivated. A portion of the land sited in Lincoln was transferred to the Massachusetts Audubon Society and the balance of the land was transferred to the Massachusetts National Guard Maintenance Battalion. In 1986, approximately 15 acres located on the site's western perimeter were sold to a private developer and today is the site of a number of large homes on Williams Road and Kelley Lane. In 1989, the remaining land was transferred to the National Guard Medical Battalion. The site was officially closed in 1995.

In 2003, after receipt of the notification of availability of the site, the Board of Selectmen contacted the General Services Administration ("GSA") to express the Town's interest in acquiring the Wayland portion of the site for mixed use, i.e., passive and active recreation and housing. The GSA is the federal agency charged with managing and disposing of government property throughout the United States.

The GSA indicated a willingness to transfer the entire site to the Town for no consideration for passive and active recreational use only through the federal Lands to Parks Program. In addition, it indicated a willingness to transfer a portion of the site to the Town for housing purposes, but the Town would have to pay fair market value for the land used for such purpose. Under either option, the Town would have to incur the costs of removing debris from the site, demolishing the above-ground structures and dealing with the underground bunkers and missile silos.

### *Nike Site Advisory Committee ("NSAC")*

In June, 2003, the Board of Selectmen voted to form the NSAC to research the site and the Town's interests and to make a recommendation to the Board of Selectmen regarding potential acquisition and reuse if the recommendation was to acquire the property.

At a Special Town Meeting held in November 2003, the Board of Selectmen received approval to use \$35,000 to be provided by the Community Preservation Fund for environmental testing and other due diligence relating to the site and to evaluate the current state and potential costs to reuse the site.

Between June 2003 and February 2004, the NSAC met on a regular schedule to discuss the status of the site and the options for its reuse. During this period, public hearings were also held in order to give the public opportunity to comment on the evaluation process. The NSAC oversaw the hiring of two environmental consultants to evaluate the environmental condition of the site. With a few minor exceptions, e.g., asbestos containing material in one or more of the existing buildings, the site was determined to be free of environmental contaminants.

In February 2004, the NSAC issued its recommendations to the Board of Selectmen.

The NSAC recommended three options:

Option A - The Town acquire approximately 3.5 acres of the site for affordable housing and the remainder of the property for active and passive recreation. The committee also recommended that the funding for the acquisition of the housing lot and demolition costs related to the entire site come from the Community Preservation Fund;

Option B - The Town acquire the entire site initially for passive recreation with the potential to develop athletic fields in the future with funding for the demolition costs coming from the Community Preservation Fund; and

Option C - The Town support a petitioner's article to acquire the site through the Federal Lands to Parks program, with demolition funding provided in part with funds from the Community Preservation Fund and in part from private fund raising. Under this option, the site would be used only for passive recreation, i.e., no athletic fields.

Additional recommendations were included in the NSAC's report, a copy of which is available in the Appendix A.

Following the issuance of its report, the NSAC oversaw the work of a financial consultant that was hired through a grant to the Planning Board to run projections on the cost of constructing up to sixteen units of affordable housing on the site. The funds to pay for the consultant were provided by a grant received from the Massachusetts Housing Partnership in response to application made by the Planning Board.

#### *Board of Selectmen's Decision*

The Board decided to pursue Option A, i.e., acquisition of approximately 3.5 acres for the construction of up to sixteen units of housing, with a priority given to the development of affordable housing, and with the balance of the land to be used for passive and active recreation. The definition of affordability must be consistent with the affordability guidelines established by the Massachusetts Department of Housing and Community Development.

Subsequent negotiations with the GSA resulted in a reduction of the amount of land to be acquired for housing, i.e., 2.75 acres versus 3.5 acres. This reduction was needed to minimize the purchase price of such land. The final purchase price was set at \$400,000, which was subsequently reduced to \$395,000 to reflect the GSA's agreement to pay for a portion of the remaining environmental clean up.

#### *Town Meeting Action*

At a Special Town Meeting held on May 5, 2004, the Board of Selectmen's proposal to acquire the Nike site was approved by a vote of 287 in favor (71.22%) and 116 against (28.78%). A two-thirds majority was needed for passage of the motion. A copy of the motion made under STM Article 1 is contained in Appendix B.

Funding through the Community Preservation Fund for the acquisition of the housing lot and the costs to demolish the existing structures including removal of asbestos and lead paint materials was included in the vote on STM Article 1, Paragraph c and g. The stipulation on the use of CPA

funds to acquire the housing parcel and to prepare it for construction (removal of existing buildings) was that all of this parcel (Lot 2) must be used for affordable units only within the meaning of the Commonwealth's Affordability Guidelines; any funds used to purchase and prepare that part of the site not used for affordable housing must be reimbursed to the Community Preservation Fund.

## **Nike Site Reuse Advisory Committee Appointment and Charge**

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### *Formation of Nike Site Reuse Advisory Committee*

Following the 2004 Annual Town Meeting votes to acquire the Nike Site property the Selectmen began discussions of forming an advisory committee. In August 2004, the Board adopted the charge for the Nike Site Reuse Advisory Committee (NSRAC). Letters of interest for membership were received until October at which time the Selectmen appointed a committee of eleven (11) members. The charge was amended to account for 11 members rather than the original nine (9) due to interest expressed by 11 qualified residents. Ira Montague, chair of the original Nike Site Advisory Committee, was asked to convene the new committee. Members met three times before the end of 2004 beginning on November 18, 2004 to discuss administrative procedures of the NSRAC and to begin to outline the tasks necessary to carry out the charge including security of the site, identification of resources available to carry out the plan, funding, and the development of housing and park land.

### *Committee Charge*

The charge, Appendix C, contemplates two phases during which members of the NSRAC are asked to advise and assist the Selectmen on the development of the former Nike Site. Phase I is the planning phase in which the NSRAC is instructed to prepare a detailed work plan and budget that addresses six aspects of development of the former Nike Site:

- Secure the site;
- Remove existing structures including hazardous materials;
- Develop up to 16 housing units with a priority given to affordable units;
- Create a 50-foot conservation buffer around the perimeter of entire site;
- Construct a wheelchair accessible trail within the Conservation and Trail Land;
- Plan for long-term passive and active recreation use of Lot 1.

Phase II instructs the NSRAC to oversee the implementation and execution of the work plan after it is adopted by the Board of Selectmen. The Charge details the manner in which the work of the NSRAC should progress including:

- Engaging boards, commissions, and interested residents in the process;
- Reviewing materials and programs related to the Nike Site and the tasks of development;
- Reviewing options for each part of the project.

Phase I is to be completed by June 30, 2005. Phase II is to be completed by June 30, 2007.

## **Project Planning**

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Committee members have divided into three subgroups for the purposes of gathering information and recommending actions to the full NSRAC. The three sub committees, representing tasks necessary for the reuse project, and the NSRAC members working on each of the tasks are as follows:

- Design: Ira Montague, Connie Pitt, Gretchen Schuler, and Bill Sterling.
- Development & Finance: Brian O’Herlihy, Olga Pitel, and Becky Regan.
- Property Management: Paul Abramson, Brian Boggia, Mike Gitten, and Mike Staiti.

It was determined that as each task is explored a write-up of the process should include:  
a) Definition, b) Considerations, c) Alternatives and Costs, and d) Recommendations.

The Design group is exploring design options for the entire site including site plan, design of the parks land (Lot 1) and design of the housing.

The Development & Finance group is considering costs of the all parts of the development and exploring options for meeting the costs.

The Property Management group is managing security of the site, demolition of the structures, sign installation, and plan for Conservation and Trail Land.

## **Time Line**

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The timeline shows all the tasks that the NSRAC initially planned to carry out in February of 2005. It is adjustable and is used by the NSRAC to keep the project on track. The time line chart is included in Appendix D.

Our initial design tasks of holding neighborhood meetings, preparing site design concepts, landscape design of trails and other passive recreation areas and related civil engineering were scheduled to be complete by August 1, 2005. However, this goal was dependent on getting a PDF grant and design consultants paid to perform these tasks by May 14, 2005. Assuming the PDF grant will be awarded in the next 4-6weeks, we anticipate this goal will slide to early Fall.

The Development tasks of applying for an eligibility letter from the DHCD and ZBA Comprehensive permit application may be delayed by the additional time required to secure PDF assistance.

The Property Management goals of securing the site, erecting a conspicuous sign and issuing a demolition RFP have been accomplished ahead of schedule.

## Property Acquisition

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As described in the Historical Summary of the Nike Site acquisition the property was divided into two lots with two distinct uses. Each is shown on a Map which is Appendix E. The history of the acquisition of each of the two parcels follows.

### *Lot 1 Acquisition*

In a deed filed at the Middlesex Registry of Deeds on **May 6, 2005** at Book 45139 Page 113, the Town acquired approximately 10.71 acres of land from the National Park Service for no consideration other than its agreement to use and maintain the property, in perpetuity, exclusively for public park and recreation purposes. A copy of the deed is contained in Appendix F.

The property was acquired “as is” and “where is”, i.e., with existing above ground and below ground structures.

The transfer of the property to the Town was made subject to the following conditions:

- 1) It must be used and maintained, in perpetuity, exclusively for public park and recreation purposes and as set forth in the program of utilization and plan contained in the Town’s application (see Appendix G) as it may be amended from time to time, submitted to the National Park Service in connection with the acquisition of the property;
- 2) On or before **November 6, 2005** (see below), the Town must erect and maintain a permanent sign or marker near the entrance to Lot 1 stating “(t)his parkland was acquired through the FEDERAL LANDS TO PARKS PROGRAM of the United States Department of the Interior, National Park Service, for use by the general public.”

With the permission of the National Park Service and GSA, a temporary sign was affixed to the fence at the entrance to Lots 1 and 2 prior to the transfer of both properties to the Town. The National Park Service has agreed that this temporary sign will fulfill the obligation noted above, in the short run, until planning for the affordable housing to be constructed on Lot 2 and planning for the use of the parkland including the natural vegetated buffer and a wheelchair accessible trail is completed;

- 3) The property may not be sold except to another eligible governmental agency that the Secretary of the Interior agrees can assure the continued use and maintenance of the property for public park and recreation purposes;
- 4) Beginning on **May 6, 2007** and continuing **every two years** up to, and including, **May 6, 2025**, the Town must submit biennial reports to the Secretary of the Interior setting forth the use made of the property during the preceding two-year period along with “other pertinent data”; and
- 5) Miscellaneous other conditions and covenants relating to (i) compliance with various Federal statutes and executive orders, (ii) various environmental matters, (iii) revenues generated on the property, e.g., from concessions, (iv) rights of access for

the National Park Service, and (v) the right of reversion to the National Park Service in the event the Town breaches any of the conditions and covenants contained in the deed.

### *Lot 2 Acquisition*

In a deed filed at the Middlesex Registry of Deeds on **March 28, 2005** at Book 44886 Page 398, the Town acquired approximately 2.75 acres of land from the United States of America, acting through the Administrator of General Services (“GSA”), in consideration for a cash payment of \$395,000. A copy of the deed is contained in Appendix H.

The property was acquired “as is” and “where is”, i.e., with existing above ground and below ground structures.

The transfer of the property to the Town was made subject to the following conditions:

- 1) If, on or before **March 28, 2008**, the Town sells or enters into agreements to sell the property, either in a single transaction or series of transactions, the Town agrees that all proceeds received or to be received in excess of the Town’s “actual allowable costs” must be remitted to the GSA. In the event of a sale of less than the entire property, “actual allowable costs” will be apportioned to the property based on a fair and reasonable determination by the GSA.

“Actual allowable costs” shall include (i) the \$395,000 purchase price, (ii) the direct costs actually incurred and paid for improvements which serve only Lot 2, including road construction, storm and sanitary sewer construction, other public facilities or utility construction, building rehabilitation and demolition, landscaping, grading, and other site or public improvements, (iii) the direct costs actually incurred and paid for design and engineering services with respect to the improvements noted in (ii) above, and (iv) the finance charges actually incurred and paid in conjunction with loans obtained to meet any of the allowable costs noted above. None of these costs shall be allowed as an offset to the extent paid for with Federal grants or used as matching funds to secure Federal grants.

Beginning on **March 28, 2006 and continuing for each of the next two years**, the Town must submit an annual report to the GSA that includes the following information: (i) a statement indicating whether or not a resale has been made, (ii) a description of each portion of the property that has been resold, (iii) the sale price of each resold portion, (iv) the identity of each purchaser, (v) the proposed land use, and (vi) an enumeration of any allowable costs incurred and paid that would offset any realized profit.

- 2) Miscellaneous other conditions and covenants relating to (i) compliance with various Federal statutes and executive orders, and (ii) various environmental matters.

## **Securing Site**

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### *Prior to Acquisition*

Selectman Doug Leard, together with the Fire Chief, Police Chief and Highway Director, conducted a site visit to determine what type of safety and security issues needed to be dealt with upon the Town's acquisition of the site. A report of their findings was prepared and is included in Appendix I.

Included in their report were recommendations that (i) various breaches in the exterior fence surrounding the perimeter of the property be repaired, (ii) no trespassing signs be posted on the exterior fence at various locations, (iii) the bulkhead doors to the underground bunkers be secured, (iv) the visible holes in the silo bay doors be repaired or secured, and (v) the existing buildings be demolished or secured.

The GSA arranged to have the bulkhead doors to the underground bunkers secured with a locked chain and the visible holes in the silo bay doors repaired. Unfortunately, the chain on one of the bulkheads was cut prior to the Town's acquisition.

### *Subsequent to Acquisition*

The front gate is secured with a government issued lock. The key for this lock is in the possession of Executive Secretary Jeff Ritter or his assistant. Additional keys are in the possession of the Police and Fire Departments

The Highway Department, in consultation with the Police Chief and Town Counsel, created and installed a total of 13 no trespassing signs on the exterior fence surrounding the property

In addition, the Highway Department repaired the various breaches in the exterior fence by using sections of the interior fence in order to save money. It is expected that both fences will eventually be removed, so future repairs will likely be made in the same way.

Each bulkhead door must be outfitted with a lock and chain that cannot be removed unless one has the key. The Highway Department will obtain the appropriate locks and address this issue. Spot welding has been considered and is an alternative if chains and lock fail.

It is the NSRAC's intention to recommend the demolition of the existing above-ground structures once the existing asbestos has been removed and a bid for the demolition awarded pursuant to an RFP. The expectation is that such demolition of the above-ground structures will occur prior to December 31, 2005.

## **Demolition**

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### *Scope of Work*

Asbestos abatement and demolition of the existing structures located at the NIKE site including buildings, silo structures, fencing, paved areas and infrastructure to prepare the site for future construction and improvements.

### *Outstanding Issues*

1. Financial: The committee is gathering preliminary estimates from contractors to ascertain whether current funds are adequate for abatement and demolition. Currently, there is \$200,000 available for the cleanup and subsequent demolition of the site. Preliminary estimate of asbestos abatement of \$59,400 has been obtained from TMC Services of Bellingham this is similar to what consultants had estimated but may not reflect prevailing wage requirements. A formal Request for Proposal (Appendix J) has been released and bids are expected 6/24/05.
2. Silos: The two silos present the biggest challenge for the following reasons. 1) Total removal is not practicable. 2) Anything but total removal or reuse (e.g. for storage) requires a special Department of Environmental Protection (DEP) permit known as a Beneficial Use Determination Permit (BUD). 3) The concrete structures are very difficult/expensive to demolish, even partially, without extensive blasting. Preliminary estimate based on similar demolition of silos in Baltimore is \$233,000 per silo just to demolish the concrete.

The NSRAC will further explore the following options:

- a) The least cost option is to secure and weatherproof the silos and use them for Town storage. This option requires no lead or asbestos abatement and no B.U.D. permit. The only cost is the continued repair and maintenance of the existing silos and bunkers. Furthermore, it leaves the silos intact as historic artifacts of the Cold War Era. On the other hand, choosing this option does limit the future use of the ground surface of those areas for active recreation, such as playing fields. It may also leave the Town exposed to potential vandalism and related security and liability issues.
- b) Next in cost may be to jack hammer holes in the silo bottoms for drainage, fill the silos with appropriate debris from the site and/or other sources, remove metal doors and replace with concrete slabs on the fill to permanently seal the silos making entry impossible. Playing fields may be added over the top of the bunkers and silos by re-grading with soil from other parts of the site, importing topsoil and planting with seed. Additional funding may be required to complete this option
- c) Alternatively, we may leave the silos empty and cap the openings with concrete slabs on steel framing and metal deck. This will require new structural framing to support the new slabs. Playing fields in this option will also require filling over the top of existing concrete caps with borrow and topsoil. Additional funding may be required to complete this option

### *Recommendations*

1. Make a determination to commit to either option b or c and proceed with asbestos abatement: This work has to be done regardless of costs and preliminary estimates indicate that adequate funds are available to do this work.
2. Solicit bids for BUD permits: This permit, issued by DEP, is necessary to fill in or cap the silos and may take more than 3 months to obtain. An engineering firm with expertise in this process is needed to obtain this permit from the DEP. The Selectmen should

undertake this work to prevent delays later in the demolition process. The committee will also evaluate if the BUD should include the option of depositing painted concrete from above grade structures in the silos.

3. Obtain preliminary estimates of demolition work: This is needed to determine if additional funds will be needed to complete cleanup and demolition at the NIKE site. Bids will be solicited to obtain separate pricing for above grade structures/utilities, pavement and silos. This will support the decision to proceed with partial demolition to whatever extent that funds allow.
4. Proceed with demolition if funds are available. While the BUD permit is still outstanding, some of the debris (concrete) can be crushed and stock-piled on site until the permit to fill silos is received. However, it may be possible to use building demolition material as daily cover or shaping material at the landfill, allowing demolition and removal to proceed at once. The silo filling option can be exercised at any time later.

#### *Action Steps*

1. Contract with asbestos removal company.
2. Contract with Asbestos Project Monitor to support asbestos abatement work.
3. Hire engineering firm to obtain BUD permit.
4. Determine best means of handling silos and above grade building painted concrete debris. This may require a separate BUD process for handling above grade painted concrete debris.
5. Generate RFP for Demolition.

#### *Lead Paint Abatement*

It has been determined that there is no need for lead abatement for above grade structures. Necessary measures will include: demolition of lead-containing materials with general dust control (wetting) procedures and disposal of this material at an appropriate facility. It also will be necessary to confirm that the lead paint in the underground missile silos can be left in place. Mike Gitten, Committee member who is an environmental consultant and able to advise the Committee on these issues, believes that it will be less expensive to test and leave than to try to abate the lead-containing paint on silo walls. It may be possible to crush and use concrete from the other structures as silo-fill if the painted concrete is tested to confirm that this is appropriate.

#### **Nearby Off-Site Improvements - Oxbow Road**

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The Committee was apprised of the Road Commissioners' and Highway Department's plan to repave Oxbow Road during July, 2005. Due to town policy that prevents the disruption of a newly paved road for up to five years, the Committee recommended to the Selectmen that the water line and gas line be carried under the road to the edge of the Nike Site property prior to this planned repaving. Both the Water Department and Keyspan (the local gas company) have agreed to install the appropriate piping under Oxbow Road to the edge of the property that will be adequate to service up to 16 units of housing including a fire hydrant for the water pipe. The Highway Director will coordinate these two upgrades.

The NSRAC will continue to monitor the site to ensure that the utilities are available for construction of the site prior to the resurfacing of Oxbow Road.

It also has been brought to the attention of the NSRAC that the Road Commissioners may be able to finance the construction of sidewalks along Oxbow Road that could connect with sidewalks that will be part of any housing development plan for Lot 2. Neighborhood concerns are related to safety, traffic on Oxbow Road and the inability to walk in the area. A sidewalk along the north side of Oxbow Road running along the frontage of the Nike Site would provide a link between Williams Road sidewalks and access to the Bay Circuit Trail which runs behind the Nike Site. These connections would increase safety for walkers and bicyclists and would improve access to existing and planned trails. The NSRAC would support a neighborhood initiative to construct sidewalks within the Oxbow Road right-of-way.

## **Housing**

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### *Chapter 40B Process*

Chapter 40B of the Massachusetts General Laws is the Comprehensive Permit Law that was created to increase the supply of affordable housing by allowing a limited suspension of local regulations for projects in which at least 25% of the units are affordable to households who earn no more than 80% of the area median income (AMI). This state statute can be used by any developer seeking to build residential units in a community that has less than 10% of its housing stock meeting the 80% AMI test. Currently only 3.2% of Wayland's housing units meet this test. The AMI for a family of four in the Boston Metropolitan Area Wayland in FY 2005 is \$82,700. Thus 80% of the AMI for the same family of four persons is \$66,150. This is the maximum amount of income that a family can have to purchase an affordable unit in The Boston Metropolitan Area Wayland. A chart showing income limits and purchase prices for affordable housing is included in Appendix K.

### *Advantages of 40B Application for Town*

The NSRAC believes that the only way for this housing project of up to 16 units can be built is through the Chapter 40B process. However, the NSRAC anticipates that at some point we must decide whether to invite a mix of affordable units with market rate units. This decision is driven in part by funding availability and in part by planning philosophy. Once that decision is made, the Selectmen will issue a Request for Proposals (RFP) seeking a developer who would acquire the land and build the project that would conform to a predetermined set of regulations and guidelines. It is possible to invite both for-profit and non-profit developers to compete for the opportunity to develop the piece in the same RFP.

### *Chapter 40B Requirements*

The process of pursuing a 40B project begins with acquiring project eligibility and site approval from the Department of Housing and Community Development (DHCD). The Commonwealth's program for this process is called the Local Initiative Program (LIP). All units that are sold to persons who qualify as 80% AMI will count towards the 10% threshold, thus raising Wayland's number and percentage of affordable housing units. There is a local preference option which means that up to 70% of the units can be offered to persons who have a local connection. The definition of "local preference" will be recommended by the NSRAC at a later date.

Once the developer receives a letter from DHCD confirming Project Eligibility and Site Approval for the town-owned Lot 2, it will begin the Comprehensive Permit process by submitting an application to the Wayland Zoning Board of Appeals. The ZBA has three options in the decision it can make: to approve the Comprehensive Permit, to approve the permit with conditions, or deny a permit. Once the Comprehensive Permit has been approved and the appeals period has expired, the applicant can apply for a building permit.

### *Project Design*

The Project design is of paramount importance and will be an important issue in the success of achieving the milestones noted above, the success of the development once constructed, and the success of future projects in Wayland. There are several aspects of design that will be part of recommendations coming from the NSRAC including the site plan and the architectural design of the housing units for which there will be design guidelines.

The NSRAC will develop criteria to be used by the Selectmen in selecting the best developer for the housing on Lot 2 including such criteria as financial prudence, design compatible with the neighborhood character, and quality construction. Since the design and quality of construction will have the greatest impact on the neighborhood, the NSRAC believes significant weight should be given to these issues in order to preserve neighborhood character.

The NSRAC will develop design criteria or standards which will govern the way in which the property is developed, meaning that a developer would be required to build to those specifications. Design standards can address basics such as the number of bedrooms in the housing units or the square footage. Or standards can address materials of siding and roofing and details such as the pitch and style of roofs.

The following list outlines some of the design features to be addressed:

- A mix of duplexes, triplexes and quads in response to the market;
- Units to be in the 1,600 to 2,000 square foot range;
- A mix of 2 and 3 bedroom units, with as many 3-bedrooms as possible on the site;
- One wheelchair accessible unit;
- Style compatible with neighborhood character, with neighborhood input;
- Possible variety in design and orientation;
- Scale and design compatible with cluster development to maximize open space;
- Exterior materials in design standards for RFP with neighborhood input;
- Preference given to plan with porches;
- Preference given to plan with garages if garages do not result in a net loss of affordable housing units;
- Landscaping;
- Site lighting.

### *Financing of Housing*

Factors to be considered in determining the mix of affordable and market rate units or other variations of below market rate are related to financing and include:

- cost of development of units, with or without prevailing wage requirements;

- price of units,
- cost of land (6.25 percent of the CPA \$500,000 must be returned to the CPA fund for each unit that is not affordable)
- funding sources available for affordable units;
- time frame in which various funding sources would be available.

Some pro forma have been prepared using basic development costs. There are two basic ways in which to construct 16 units with a preference given to affordability and there are a number of other ways in between. The town can build 16 units – 8 affordable and 8 market rate units – with the market rate units carrying the costs of the affordable. The town could raise funds to close the gap between construction and sale prices to build 16 units of affordable housing. There are many other combinations which can be successful depending upon the answers to factors in the list above.

The NSRAC is committed to recommending the maximum number of affordable (80% AMI) units as possible. The NSRAC also is considering other combinations of affordability – units that are 110 % to 150% AMI may not meet state guidelines for affordability but may address needs of Wayland residents who do not qualify of the 80% AMI units but cannot purchase market rate housing in Wayland. Therefore, other combinations of affordable and less than market rate with state and federal funding have been considered.

State and federal prevailing wage laws may affect the construction costs. To date the NSRAC understands that the Davis-Bacon Act regarding prevailing wages is triggered when more than 11 units are constructed using any federal funds. These wages could increase the labor costs by 30% to 40%. However, it is important to note that labor is approximately 35% of the total development budget. In a 16-unit development, for every unit that is not sold for more than 100% of AMI, the town will have to reimburse the CPA fund approximately \$31,200. Therefore these variables must be weighed in order to make a final decision on the fundable mix.

Funding sources that may be available for construction of the affordable units (those at 80% AMI) include:

- HOME funds – Federal funds passed through State DHCD;
- AHTF – Affordable Housing Trust Fund through MHFA;
- Energy grants – Approximately \$3,000 per affordable unit.

The combination of these funds and the price for which affordable units are sold will help to provide the town with a break even cost of development of the affordable units.

#### *Development Options*

Development of the up to 16 units of housing with a priority given to affordable units can be accomplished in at least three ways.

- Option 1: The town can issue an RFP and sell/lease the land to a developer immediately and state certain performance standards. However, with more unknowns to resolve, a developer may build as few affordable units as possible and certain design standards may be harder to enforce due to the risk and high cost of development from beginning to end.

- Option 2: The town can retain ownership of the land and act as the developer. This option will require additional funding and the designation of a development entity to manage the process.
- Option 3: At least two other towns (Orleans and Northampton) prepared the 40B application, submitted to the Commonwealth followed by a town submittal to the ZBA for a Comprehensive Permit. With the 40B approval, the town can sell /long term lease the land for \$1 to a developer with a development agreement and performance standards. However, DHCD now indicates that a town may not take a project through 40B or the LIP process. It must be a developer.

To date the NSRAC was recommending Option 3. However, if the DHCD insists that a developer must apply for 40 B, then we must revert to Option 1.

### **Parkland Development**

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Article 1 of the Special Town Meeting in 2004, which passed by a 2/3 vote, included town approval to acquire approximately 10.7 acres of the former Nike Site for passive and or active recreation. Also, as part of this open space initiative a perimeter trail, most likely wheelchair-accessible, would be constructed to serve as a buffer around the entire property.

As landscaping would be a critical part of integrating any trail proposal with the housing and possible future active recreation initiatives, such as playing fields, we are using two models of similar conditions in Wayland to guide us in the design process. One is the Heard conservation area off of Pelham Island road and the second is the park at Alpine Road.

Both parks consist of open space surrounded by a perimeter trail. Heard conservation, though mostly vegetated by wild local growth, has selected areas of cultivated concord grapes, pear trees and a reconstructed orchard of apple and variety fruit trees maintained by volunteer residents and non-residents. The trails through Heard conservation area are also mowed and maintained by abutting residents exemplifying the community interest generated when an area like this is established.

The planting of various fruit trees will help feed and encourage wildlife and enable family participation in the form of trail and planting maintenance.

Wild grapes, blueberries, raspberries, clusters of crab apple and edible apple trees will beautify and naturalize any housing and recreation development and serve to outline and direct paths and trails, meditation areas, or rest spots.

We believe this simple but elegant concept can be easily installed and the natural appearance and growth potential will enhance and engage the neighborhood.

#### *Conservation and Trail Land*

The Town Meeting vote states that the wheelchair accessible trail is to be built within the 50 foot Conservation and Trail Land. There has been some discussion at the Committee meetings about the benefits of having the wheelchair accessible trail meander throughout the site – following level contour lines generally. This trail to be constructed of stone dust, not asphalt except at areas

of steeper slopes, may also connect with the Bay Circuit Trail. A recommendation to relocate the trail out of the 50 foot buffer will require contact with the Conservation Commission, neighborhood support, and Town Meeting confirmation. Construction of the trail looping through the site, connecting in two places with the Bay Circuit Trail, and using a man-made berm that could be made accessible to wheel chairs, will add interest and variety to the trail.

Furthermore removing the trail from portions of the buffer would also allow the buffer to be planted in a more densely vegetated condition, than a buffer with a trail running through it. The new development of housing will be most effectively screened from abutters and the public street with a dense clustering of evergreen material in the 50 foot buffer zone. Most importantly, pulling the wheelchair accessible trail away from the housing development site will eliminate a wheelchair accessible trail crossing of the new road providing access to the housing. The NSRA Committee concurs that a wheelchair crossing right at the entry to the site is a significant safety issue. To date it is known that at least one neighbor does not support this change.

### *Sign*

A requirement of the parkland development is to install a permanent sign which states:

"The National Park Service, U.S. Department of the Interior, donated this land to the Town of Wayland for public recreational use through the Federal Lands to Parks Program."

This sign will refer to Lot 1 and will be mounted inside the entrance to the property on a roadway or path that will lead to the interior of Lot 1. In order to meet the three-month deadline required by the contract with the National Park Service, a temporary sign was installed on the chain link fence at the front of the property prior to acquisition, while still owned by the federal government. Plans for the permanent sign to be installed once the development of any roadway, trail or path has occurred will be part of the overall plan for Lot 1. The design and materials will be completed after consultation with neighborhood groups. Compliance with the town's sign bylaw means that the permanent sign shall not exceed 40 square feet and must be set back from the property line by 15 feet.

### *Parking*

A parking area will be constructed on Lot 1. Presently there is asphalt paving near the front and east sides of this parcel. Some of this may be reused for a parking area for those using the trails.

## **Grants**

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Improvements of all parts of the former Nike Site – Lots 1 and 2 – will require funding assistance from many different sources. In the early stages of planning the NSRAC recommended application to two sources for assistance in site design. Committee members prepared the applications, the Selectmen edited and approved, and the proposals were sent on May 19, 2005.

### *Priority Development Fund*

The Priority Development Fund, administered by the Department of Housing and Community Development (DHCD) is to be used to assist communities to increase its affordable housing

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supply. Prior to submitting this application for funding the town had to submit its Housing Plan which was accepted by the Commonwealth in March, 2005, and the Commonwealth Capital Application. The latter document was submitted to DHCD on May 4, 2005 and the PDF application followed on May 19, 2005. The Town requested \$50,000 to be used for civil engineering expertise to prepare a site plan for the entire site, architectural schematics for the housing, landscape design for the wheelchair accessible trail, and assistance in preparing the Request for Proposal (RFP) for design and development of the housing on Lot 2. Additional information was requested by DHCD including a detailed budget. This was prepared and sent on June 14, 2005. The Town's PDF application is included in Appendix L.

#### *Fields Pond Foundation Grant*

The Fields Pond Foundation Grant was made to the private non-profit, Fields Pond Foundation, requesting \$7,500 to assist the town in preparing a site plan showing the 50 foot vegetated buffer around the entire property (Lots 1 and 2) and a trail, construction design of a wheelchair accessible trail, and design of the sign acknowledging the National Parks Service gift of the parkland (Lot 1) to the town. The application is included in Appendix M.

#### *Other*

It will be necessary to apply for more grants as the planning process evolves. Currently the NSRAC is investigating the Department of Conservation and Recreation (DCR) Trail Grant Program and the Massachusetts Technology Council's Green Building grants. Other known grants to pursue are a DHCD home ownership grant program, the MHFA Affordable Housing Trust, energy grants, and a Local Initiative Support Corporation (LISC) grant. If the PDF application is denied or reduced to an insufficient amount, there is up to \$80,000 per year of CPA funds set aside just for housing. In addition, money may be borrowed from the CPA fund to finance design services, on the premise that the developer will pay the loan back as part of the agreement to obtain the property.

In addition it is important that the Committee, on behalf of the town, monitor the progress of the Housing Bond Bill that must be passed by the State Legislature in this legislative session, which ends July 31, 2005.

### **Update on Use of Appropriated Fund**

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Town Meeting appropriated \$600,000 from the Community Preservation Fund to be used in connection with the acquisition and clean up of Lots 1 and 2. Of this amount, \$100,000 was earmarked for the clean up of Lot 1, and \$400,000 and \$100,000 were earmarked for the acquisition and clean up, respectively, of Lot 2.

To date, \$395,000 of the funds appropriated for the acquisition of Lot 2 has been expended. It is unlikely that the remaining \$5,000 will be able to be used for site clean up, but this issue needs to be discussed with the Community Preservation Committee.

To date, no portion of the funds appropriated for the clean up of Lots 1 and 2 has been committed or expended.

Early estimates for the asbestos abatement suggest that approximately \$60,000 to \$70,000 may be needed to complete this part of the program. An RFP for demolition of the above-ground structures will be completed in the next few weeks and should provide the basis for a firm estimate on these costs. The costs for dealing with the underground silos will depend on the final approach taken with respect to these structures. Some portion of these funds will likely be used to hire a consultant to assist in the DEP permitting process with respect to the silos.

The cost of the no trespassing signs and the labor to install them and repair the holes in the fences was absorbed by the Highway Department.

The Water Department appears to be willing to absorb the cost of installing the water line across Oxbow Road (both labor and materials), but this still needs to be confirmed. The gas company will be paying for the installation of the gas line across Oxbow Road. Both of these projects will be completed prior to the resurfacing of Oxbow Road.

## **Summary and Recommendations**

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### *Site Management*

Demolition of above ground structures:

- Issue RFP for asbestos abatement;
- Select contractor;
- Abate asbestos;
- Issue RFP to support BUD process;
- Test lead paint;
- Issue RFP for demolition of above-ground structures;
- Select contractor;
- Demolish above ground structures.
- Select method of demolishing, filling or re-using silos

### *Housing*

- Prepare design guidelines.
- Issue RFP for developers.
- Select a developer and transfer control of the land.
- Apply to DHCD for Project Eligibility and Site Approval letter.
- Apply to ZBA for Comprehensive Permit.

### *Park Land*

- Prepare site plan including conservation buffer and wheelchair accessible trail.

**APPENDICES – Available in Selectmen’s Office**

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**Appendix A – NSAC Final Report**

**Appendix B – STM 2004 Article 1**

**Appendix C – NSRAC Charge**

**Appendix D – Time Line**

**Appendix E – Map showing Lots 1 and 2**

**Appendix F – Deed for Lot 1**

**Appendix G – Application to NPS Land to Parks Program**

**Appendix H – Deed for Lot 2**

**Appendix I – Memo regarding Site Security Findings**

**Appendix J – Asbestos Abatement RFP**

**Appendix K – Income Limits and Purchase Prices**

**Appendix L – PDF Application**

**Appendix M – Fields Pond Foundation Application**

## **Funding Updates**

*PDF Request* On July 8, 2005 the Town learned that it has been awarded \$30,000 for professional services to accomplish site and building design and RFP development. The NSRAC will prepare an RFP to solicit professional services for this work. In addition the NSRAC recommends that the Community Preservation Committee is asked to support an article requesting gap funding of this design stage from the Community Preservation Fund. It is anticipated that the NSRAC will know by the end of September whether such funds will be needed and will be able to go forward with such an article at the anticipated Fall STM or ask to pass over such an article.

*Fields Pond Foundation Request* The NSRAC has been asked for more information, particularly to demonstrate how construction of the vegetated conservation buffer, the wheelchair accessible trail and the National Park Service sign will be funded. The NSRAC will attend to this once the RFP for the site plan of Lot 2 has been prepared.