

TOWN OF SUDBURY

REQUEST FOR PROPOSALS

For the

Disposition of Real Property
(Melone property)

North Road
Sudbury Parcel ID: C12-0100
Concord Parcel ID: 3419
Sudbury, MA 01776

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INTRODUCTION

The Town of Sudbury will receive sealed proposals for the purchase of 46.6 a. of land located at North Road, Sudbury, MA, as further described herein (the Property). The Request for Proposals ("RFP") packets shall be available electronically upon email request at rodriguesm@sudbury.ma.us.

A site visit will take place on Monday, May 21, 2018, commencing at the DPW Lobby, 275 Old Lancaster Road.

All proposals require a deposit in the form of a certified check or money order made payable to the Town of Sudbury in the amount of \$10,000 (Ten thousand dollars). Deposits of proposers not selected shall be refunded. All proposals must be in a sealed envelope or package clearly labeled and be submitted to the Town Manager's Office, Flynn Building, 278 Old Sudbury Road, no later than 2:00 P.M. on Monday, July 2, 2018. All proposals must be complete and in compliance with the submission requirements outlined in the Request for Proposals (RFP) and shall remain firm for 120 days after the proposal opening.

The Town of Sudbury reserves the right to reject any and all proposals that do not meet the requirements set forth in the RFP or that are not in the best interests of the Town or to cancel this disposition of real Property at any time.

SUBMISSION REQUIREMENTS

All proposals must be submitted in a sealed envelope and/or package clearly labeled with the following three items:

1. Title: PROPOSAL FOR DISPOSITION OF REAL PROPERTY
Sudbury, MA
Melone Property
North Road
MAP DESCRIPTION:
Sudbury Parcel ID C12-0100
Concord Parcel ID 3419

2. From: NAME AND ADDRESS OF PROPOSER

3. To: Town of Sudbury
Melissa Murphy-Rodrigues, Town Manager
278 Old Sudbury Road
Sudbury, MA 01776

The Submission Deadline is:

2:00 P.M. (Local time)
Monday, July 2, 2018
Town Manager's Office Flynn Building
278 Old Sudbury Road Sudbury, MA 01776

Timely delivery of a proposal at the location designated shall be the responsibility solely of the Proposer. Proposals received after this time will not be considered. The Town assumes no responsibility for delivery made or attempted to be made outside of regular business hours. The Town will not accept a bid delivered by telephonic, electronic or facsimile means.

All proposals must contain the following:

- A. Description of Proposer
- B. Address of Proposer
- C. Authorization to Submit Proposal (if applicable) (See Exhibit C)
- D. Certified Check for \$10,000 as deposit
- E. Written and Numerical Statement of Proposal Price
- F. Certificate of Non Collusion (See Exhibit A)
- G. MGL Chapter 62C sec 49A Cert of Tax Compliance (See Exhibit B)
- H. Certificate of Authority (See Exhibit D)
- I. Submission of Highest and Best Use Narrative & Price Proposal

CONTRACT TERMS AND CONDITIONS

The following terms and conditions will apply to the sale of the Property described within this Request for Proposals:

1. The sale of the Property is subject to review and recommendation by the Town Manager and by an evaluation committee consisting of Town officials. The sale of the Property is subject to the provisions of G.L. Chapter 30B and any/all other applicable state/local provisions. The Sudbury Board of Selectmen and a Sudbury Special Town Meeting must approve the disposition of the Property.
2. The selected Proposer must execute a Purchase and Sale Agreement with the Town of Sudbury within thirty days of notice by the Town of the award to the selected Buyer. The Town reserves the right to waive or extend this deadline as it sees fit.
3. The selected Proposers(s) must purchase the Property within sixty days, or as otherwise agreed, of the execution of the Purchase and Sale Agreement or within 10 days of receipt of permits whichever is later. An additional \$15,000 (fifteen thousand dollars) deposit must be submitted with the Purchase and Sales Agreement. The Town reserves the right to extend this deadline.
4. The selected Proposer agrees to buy the Property "AS IS" and agrees to be solely responsible for obtaining any and all permits, approvals, waivers, releases, or any other requirements necessary to use or develop the Property. The Proposer shall be solely responsible at its sole cost and expense for its own inspection of and due diligence on the Property.
5. No real estate broker's commission shall be paid by the Town. Any Proposer using the services of a real estate broker in connection with this RFP shall be solely responsible for the payment of any commission, fee or other expense to such broker. The Proposer shall indemnify and hold harmless the Town from any claims for such commission, fee or other expense of any real estate broker.

MUNICIPAL PROPERTY OVERVIEW

PROPERTY DESCRIPTION

The Melone property, **an approximately 46.6 acre parcel** on North Road (Rt. 117), which was the site of the town's gravel pit, and is directly adjacent to a parcel of land owned by the Sudbury Water District, on which is located a cellular communications tower and antennae. Of the site's total acreage, approximately 16.4 acres (35%) is located in the Town of Concord. **The site does have some wetlands, the bulk of which are located in the Town of Concord.** The site is irregular in shape, with two of its boundaries following the centerline of unnamed brooks. Nearly the entire site has been disturbed by gravel and sand mining operations conducted by the Town. The topography of the site is typical of a working pit, with a broad flat area in the center and areas of steep slopes are the perimeter of the site where grades must meet existing grades of the abutter's properties.

The Property is of a somewhat odd shape and a private residential property extends into the site. See plan entitled "Land in Sudbury & Concord, Mass." attached as Exhibit E. The Property is within Zone II of Sudbury and Concord Town wells. The site is currently zoned Research District. More information on the zoning can be found here: <https://s3-us-west-2.amazonaws.com/cdn.sudbury.ma.us/wp-content/uploads/sites/270/2017/08/2017-Zoning-Bylaw.pdf?version=376f3f3d1a5ede0767cbdd9f881f0929>

The Property has access to public water as part of the Sudbury Water District, electrical services through Eversource, and natural gas through National Grid. The Town does not provide sewage disposal.

More information on site conditions can be found: <https://sudbury.ma.us/pcd/melonetechnical-memorandum-2016/>

CONDITION OF PROPERTY

The Property for disposition is available "AS IS" and the Town of Sudbury will not make any improvements or changes to the Property as a condition of sale. Conveyance to the successful Proposer shall be subject to all restrictions and conditions of record, insofar as they may be in force and applicable to said Property and is subject to the Town of Sudbury Zoning Bylaw.

SITE INSPECTION/DUE DILIGENCE

A formal walk-through of the Property will take place on Monday, May 21, 2018, at 10:00 a.m. commencing at the DPW Lobby, 275 Old Lancaster Rd., Sudbury, followed by a pre-proposal conference for the consideration of questions from prospective Proposers.

The Town of Sudbury makes no representation or warranty, express or implied, as to the accuracy and completeness of the information in this RFP. The proposer assumes all risk in connection with the use of the information, and releases the Town from any liability in connection with the use of the information provided by the Town. Further, the Town makes no

representation or warranty with respect to the Property, including without limitation, the value, quality or character of the Property or its fitness or suitability for any particular use and/or the physical and environmental condition of the Property. The Property will be sold in “AS-IS” condition.

Each Proposer shall 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. 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.

M.G.L. CHAPTER 21E

The Town of Sudbury has not undertaken a full M.G.L. Chapter 21E study for the Property. The Property has been used as a municipal gravel pit. However, the Town does not warrant that any land parcel available for disposition is free and clear of any contamination as defined by Chapter 21E. Proposer will assume all costs and responsibilities for any contamination and will hold the Town harmless for any costs to remediate the Property of any contamination.

SUBDIVISION/PERMITS/APPROVALS

All costs and responsibilities for obtaining any necessary or desired subdivision approval, zoning, and/or site plan approval, and releases for any easements, covenants, or any other restrictions that may be present on the Property will be the responsibility of the Buyer including but not limited to any municipal, state or federal provisions.

PERMITTING CONTINGENCY

The selected Proposer’s obligation to consummate the purchase of the Property shall be contingent upon the Proposer obtaining all permits and other authorizations necessary in order to develop the Property as proposed (collectively, the “Permits”). Upon notification of being selected, the Proposer and the Town shall promptly negotiate in good faith a Land Development Agreement which includes, but is not limited to, a project development schedule that shall include a timeline for the developer to apply for and receive all Permits and to commence construction, and any other development and project requirements. In the event that the selected Proposer fails to meet the agreed upon deadlines (as may be extended by mutual agreement) to receive the Permits, the Town and the selected Proposer shall each have the right to terminate the Purchase and Sale Agreement for the Property. In the event of such termination, the Town shall have the right to select the next highest ranked proposer.

ZONING

Allowed uses will be according to the Town of Sudbury Zoning Bylaw. Any proposed use of the Property shall be in compliance with the applicable Zoning District or shall be approved by the Zoning Board of Appeals and/or Planning Board in conformance with Town bylaws. The

Property is zoned as part of the "Sudbury Research District".

QUESTIONS

Proposers may submit requests for clarification and any questions about information contained in this RFP in writing and addressed to: Town Manager's Office, Flynn Building, 278 Old Sudbury Road, Sudbury, MA 01776, or by email to rodriguesm@sudbury.ma.us. Proposers are requested to forward questions early in the procurement process and no later than June 4, 2018. The name, address, telephone number and e-mail address of the person requesting the information must be provided by the Proposer. Answers to all questions of a substantive nature shall be provided in writing to all proposers. The Town will issue an addendum to this RFP to address the written questions submitted by the aforementioned deadline. Only answers provided by the Town in writing may be relied upon by the proposers.

REQUESTS FOR ADDITIONAL INFORMATION

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 awarding authority at a public meeting to make presentations or answer questions concerning their proposals.

Minimum Evaluation Criteria

All Proposers must include the following components in their respective Proposals in order to be considered for review to meet the minimum criteria to be considered acceptable for this Property sale.

1. The Proposer must have experience in area of property development: any and all property development that the Proposer has been involved in over the past three years must be included, or the Proposer must be an established business owner with demonstrated ability to develop property and commercial space.
2. The Proposer must demonstrate and verify that it is in good financial standing by providing certified financial statements and/or previous audit and such other related verification as is required.
3. If the Proposer is an out-of-state corporation they must be licensed to do business in Massachusetts and have a resident agent documented in the proposal.
4. The Proposer must be able to close on the property as stated in Contract Terms and Conditions, paragraph 3.
5. The Proposer must have cash or pre-approval for full funding of the purchase price. Financing shall not be a contingency of the sale.

ADDENDUM II TO REQUEST FOR PROPOSALS
FOR THE DISPOSITION OF REAL PROPERTY
(MELONE PROPERTY)

PLEASE NOTE: This Addendum includes changes to the RFP document. All changes are reflected in the highlighted sections. No other changes have been made to the RFP.

COMPARATIVE EVALUATION CRITERIA

THE BEST USE NARRATIVE: The Town of Sudbury seeks a detailed narrative of the Proposer’s vision of the proposed use of this site, in particular utilizing municipal information, and the proposal that provides the highest tax revenue to the Town, the least impact on town services, and a proposal which includes compliance with the applicable zoning and other Town by-laws or a plan to achieve zoning relief. The Town of Sudbury held a Visioning Charette and an online survey regarding future uses for the Property. Details about the Charette and survey can be found on the town's website or at this link: <https://sudbury.ma.us/pcd/>. The Town’s bylaws can be found on the Town’s website. This narrative should not be more than five pages and should be accompanied by the appropriate attachments documenting in detail the Proposer’s plan for implementation and development of this Property.

Impacts that should be described in writing in detail by the Proposer that will be evaluated include but are not limited to: volume and type of traffic generated, noise levels, hours of operation, clear explanation and measurement of any environmental impacts on air, land and/or water, quality of life, and visual impacts.

The Town will include the following criteria in evaluating proposals. Each criteria response to be included in the narrative will be judged per criterion provided:

1. Description of the added economic enhancement and commercial/residential benefits to the Town of Sudbury, including anticipated tax revenue, and benefits to the surrounding business area; inclusion of a fiscal impact analysis is encouraged. (Up to 20 points)
2. Information regarding job descriptions for full-time, part-time or subcontracted staff and supervisory personnel, which may result in employment opportunities for the Town of Sudbury residents. (Up to 10 points)
3. Any improvements that the proposal would make to the quality of life of the residents of Sudbury. (Up to 20 points)
4. Demonstrated need for the proposed use in the Sudbury community. (Up to 15

points)

5. Proof of successful present or past performance working in the area of real estate development and/or facility development/operation. (Up to 10 points)

***Note:** The narrative will constitute 75% of the Town's decision in order to determine the most highly advantageous Proposer ranking:

- A. Highly Advantageous: Provides substantial expected benefits in accordance with Town's criteria with extensive supportive documentation regarding best use analysis.

Criteria 1 & 3) 20 points

Criteria 2 & 5) 10 points

Criteria 4) 15 points

- B. Advantageous: Provides significant expected benefits in accordance with the Town's criteria with appropriate supportive documentation regarding best use analysis.

Criteria 1 & 3) 15 points

Criteria 2 & 5) 7 points

Criteria 4) 10 points

- C. Acceptable: Provides some expected benefits in accordance with the Town's criteria with only limited supportive documentation regarding best use analysis.

Criteria 1 & 3) 10 points

Criteria 2 & 5) 4 points

Criteria 4) 5 points

- D. Disadvantageous: Provides few, if any benefits in accordance with the Town's criteria with minimal supportive documentation regarding best use analysis.

Criteria 1 & 3) 5 points

Criteria 2 & 5) 1 points

Criteria 4) 0 points

COMPARATIVE EVALUATION CRITERIA: PRICE PROPOSAL

The Proposer must submit a price or value proposal based on all of the information included in this application. The Town will weigh the price or value proposal on the following scale:

- A. Highly advantageous: Substantially highest price or value
25 points
- B. Advantageous: Significantly higher price or value within 50-75% of highest price
15 points
- C. Acceptable: Moderately higher price or value within 25-50% of highest price
10 points
- D. Disadvantageous: Lowest price or value
1 point

Rule for award:

The most advantageous proposal from a responsive and responsible proposer, taking into consideration price or value and all other evaluation criteria set forth in the Request for Proposals.

MISCELLANEOUS

AMENDMENTS/MODIFICATIONS TO PROPOSALS

The Proposer may, at any time prior to the deadline for submission of the Proposals, amend or modify their Proposal by submitting their amendment/modification to the address specified in the RFP, in a sealed envelope/package containing the amendment/modification and clearly marked with the following:

1. Title: PROPOSAL FOR DISPOSITION OF REAL PROPERTY (Amendment)
Sudbury, MA
Melone Property on North Road
Sudbury Parcel ID: C12-0100
Concord Parcel ID: 3419

2. From: NAME AND ADDRESS OF PROPOSER

3. To: Town of Sudbury
Melissa Murphy-Rodrigues, Town Manager
278 Old Sudbury Road
Sudbury, MA 01776

All proposals, including the price stated therein, submitted in response to this Request for Proposals must remain firm for **one hundred and twenty days** following the proposal opening.

WITHDRAWAL OF PROPOSALS

Any Proposer may withdraw its Proposal at any time prior to deadline established in this RFP. Any Proposer wishing to withdraw a Proposal must provide a written authorization and/or acknowledgment that they are withdrawing their Proposal and that the Town of Sudbury is held harmless from any responsibility as a result of the Proposal withdrawal.

REJECTION OF PROPOSALS

The Town reserves the right to reject any / or all Proposals that do not meet the submission requirements or evaluation criteria contained in the RFP or that are not in the best interests of the Town.

ADDENDA

Any changes to the terms for this RFP shall be made in the form of an Addendum to the RFP which will be forwarded to those who received a copy of the RFP by e-mail notification. The Town will not be notifying anyone who received a copy of the Request for Proposals from anyone other than the originator. If it is impossible to notify all parties who received an RFP

from the Town Manager's Office of an Addendum prior to the deadline for submission, the Town reserves the right to extend the deadline for submission through proper notice.

SITE VISIT

The Town will conduct a site visit on Monday, May 21, 2018 at 10:00 a.m.

SUMMARY OF RFP SCHEDULE

Activity	Date
Post in Central Register	March 14, 2018
Advertise in local newspaper	March 29, 2018 and April 12, 2018
Site Visit	May 21, 2018, 10:00 a.m.
Submission Deadline and Opening of Proposals	July 2, 2018, 2:00 p.m.

TOWN'S RIGHT TO REJECT PROPOSALS AND/OR CANCEL DISPOSITION

The Town of Sudbury reserves the right to reject any and all proposals that do not meet the requirements set forth in the RFP or that are not in the best interests of the Town or to cancel this disposition of real property.

EVALUATION AND DECISION MAKING PROCEDURES

The proposals will be opened publicly on Monday, July 2, 2018, 2:00 p.m., at the Flynn Building, Silva Conference Room, 278 Old Sudbury Road. The Board of Selectmen will review the proposals. Following the review, the most advantageous proposal will be recommended to a Special Town Meeting called for such purpose. After the review of the proposal recommendation and a compliance check in conjunction with other Departments, the Board of Selectmen may issue a Notice of Award to the successful proposer, subject to Town Special Meeting approval. The Town of Sudbury reserves the right to reject any and all proposals that do not meet the requirements set forth in the RFP or that are not in the best interests of the Town or to cancel this disposition of real property.

PRICE PROPOSAL FORM

In accordance with the information, terms and conditions attached hereto, I (We) hereby offer to purchase from the Town of Sudbury the property identified as:

**An approximate 46.6 acre parcel and building in the Town of Sudbury,
Melone Property on North Road
Sudbury, MA 01776
Sudbury Parcel ID: C12-0100
Concord Parcel ID: 3419**

For the sum of:

\$ _____

Offer Written: _____
Dollars

This proposal shall remain firm for **one hundred and twenty days** following the date of the proposal opening. Attached hereto is a certified check or money order drawn on a banking institution licensed in the Commonwealth of Massachusetts in an amount equal to \$10,000 (Ten Thousand Dollars) which shall serve as surety for the faithful performance of this disposition of Property from the Town of Sudbury. This sum shall be forfeited to the Town of Sudbury if selected Proposer does not execute a purchase and sale agreement as required herein. Bid deposits of parties not selected will be returned.

Signature of Proposer _____

Print Name _____

Address _____

City _____ State _____ Zip _____

Telephone # _____

E-mail address: _____

NOTE: If a partnership, corporation or limited liability company, list all partners, officers, members, etc. of the entity and include a sealed corporate vote to allow an individual to act on this matter.

Partnership / Corporation/ LLC Officers Names & Addresses

The Town of Sudbury reserves the right to reject any and all proposals or to cancel this disposition of real property if in its best interest to do so.

EXHIBIT A

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.

Signature of Individual, or Corporation Name

By: _____
Corporate Officer & Title (if applicable)

EXHIBIT B

TAX COMPLIANCE CERTIFICATE

Pursuant to General Laws Chapter 62C Section 49A, the undersigned certifies under the pains and penalties of perjury that _____ is in compliance with the laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature

Printed Name

Title

EXHIBIT C

CERTIFICATE AS TO CORPORATE PROPOSER

I _____, certify

that I am the _____ of the entity named

as Proposer in the within Proposal; that _____

who signed said Proposal on behalf of the Proposer was then _____

_____ of said entity; that I know his/her

signature and that his/her signature hereto is genuine and that said Proposal was duly

signed, sealed, and executed for and in behalf of said entity by authority of its

governing body.

(Corporate Seal)

Title

This Certificate must be completed where Proposer is a limited liability entity, and should be so completed by its Clerk or person authorized in the records of the entity to execute documents relating to real property. In the event that the Clerk is the person signing the Proposal on behalf of the Corporation, this Certificate must be completed by another Officer of the Corporation.

EXHIBIT D

Certificate of Authority

Give full names and residences of all persons and parties having a financial interest in the foregoing proposal:

(Notice: Give first and last name in full; in case of Corporation give names of President, Treasurer and Manager; and in case of limited liability entities or partnerships, give names of the individual members.)

NAMES	ADDRESSES	ZIP CODE
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_____	_____	
_____	_____	
_____	_____	

Provide the following information regarding the Proposer:

(1) If a Proprietorship

Name of Owner: _____

ADDRESS ZIP CODE TEL. # _____

Business: _____

Home: _____

(2) If a Partnership

Full names and address of all partners:

NAMES	ADDRESSES	ZIP CODE
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_____	_____	_____
_____	_____	_____
_____	_____	_____

BUSINESS ADDRESS	ZIP CODE	TEL. #
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_____	_____	_____
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(3) If a Corporation, Limited Liability Company, or other entity

Full Legal Name:

State of Incorporation:

Principal Place of Business:

ZIP _____

Qualified in Massachusetts:

Yes _____

No _____

Place of Business in Massachusetts:

ZIP CODE _____

TEL. # _____

(4) If a trust

Full Legal Name of Trust:

Date of Declaration of Trust and Recording Information:

Name of all Trustees:

NAMES

ADDRESSES

ZIP CODE

Authorized Signature of Proponent: _____

Title: _____

Date: _____

EXHIBIT E

Plan of “Land in Sudbury & Concord, Mass. Surveyed for Joseph & Maria Melone Trust”

Recorded: Middlesex South Registry of Deeds Book 21995 Page 172

565319/SUDB/0001

ADDENDUM TO REQUEST FOR PROPOSALS
FOR THE DISPOSITION OF REAL PROPERTY
(MELONE PROPERTY)

A. Change to Property Description:

The Request for Proposals indicates that the Property is comprised of approximately 46.6 acres. During the site visit on May 21, 2018, a question was posed regarding conservation restrictions. There are no recorded conservation restrictions. However, in researching this question, it was discovered that approximately 9.9 acres of the site was designated as conservation land, pursuant to a vote of Sudbury Town Meeting on or about April 7, 1998. Accordingly, the site available for sale pursuant to this Request for Proposals is approximately 36.7 acres, comprised of 20.3 acres located in the Town of Sudbury and 16.4 acres located in the Town of Concord. See Exhibit A (record of 1998 Annual Town Meeting, Article 10 vote) and Exhibit B (plan entitled, "Plan of Land in Sudbury and Concord, MA at the Town of Sudbury Gravel Pit Located off North Road, Sudbury, MA", prepared by Town of Sudbury Engineering Department, last revised 5/24/2018).

B. Responses to Questions Raised During May 21, 2018 Site Visit

1. What does the flag located by the Sudbury Water District tree line signify?
Response: Sudbury Water District property line (DPW Asst. Town Engineer)
2. What, if any, are the conservation or other restrictions on the Sudbury part of the property?
Response: Any restrictions would be the state and local wetland regulations. As noted above, approximately 9.9 acres of land to the southwest of the gravel pit has been designated as conservation land. (Conservation Coordinator.)
3. Why does the cleared area (used for gravel operations) stop where it does?
Response: The Town has no specific knowledge as to why the earth removal operations were discontinued.
4. If someone wanted to use the property without changing the slope or tree line, what would be the usable square footage?
Response: The Town has not surveyed the cleared area. Attachment B depicts the current edge of tree canopy.
5. What is the setback from the cell tower?
Response: The Town is unaware of any particular setback requirement from the cell tower on the Water District Property. Relevant zoning setbacks are contained in the Sudbury Zoning Bylaws: <https://s3-us-west-2.amazonaws.com/cdn.sudbury.ma.us/wp-content/uploads/sites/270/2017/08/2017-Zoning-Bylaw.pdf?version=376f3f3d1a5ede0767cbdd9f881f0929>.

6. Is the land Zone 1 or Zone 2?

Response: Zone I means the protective radius required around a public water supply well or Wellfield. For Public Water System wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet. Any land beyond this radius is Zone 2. Well # 5 is still considered an active source with MassDEP despite that the District has not pumped water from this source in over 10 years. (Vincent Roy, Sudbury Water District Director of Operations)
It is the Town's understanding that no portion of its Property is located within the Zone 1, but it has not commissioned a survey to confirm the extent of the Zone 1.

7. What plans does the Sudbury Water District have for their abutting parcel?

Response: Contact Vincent Roy, Sudbury Water District Director of Operations
(Tel. 978-443-6602)

Addressed answers/info offered:

1. Is it possible to make a second entry point into the property? Yes – road work will be required, but there is sufficient frontage.
2. Link to environmental reports and other information:
<https://sudbury.ma.us/pcd/2017/09/21/melone-gravel-pit-property-reuse-planning-2/>

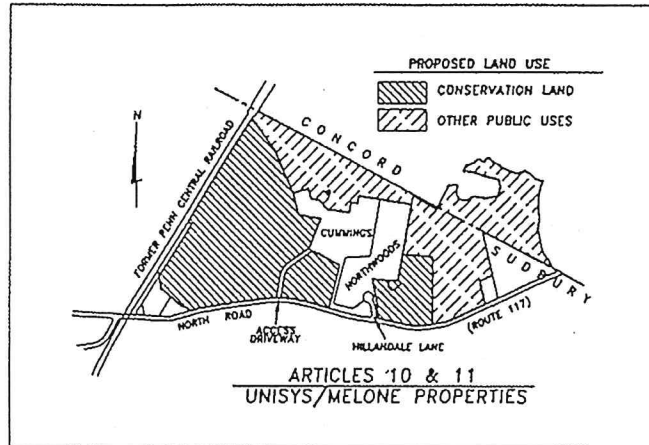
5/30/18

April 7, 1998

**ARTICLE 10. DESIGNATE PORTION OF FORMER UNISYS AND MELONE LANDS
AS CONSERVATION LAND**

To see if the Town will vote to designate a portion of the former Unisys and Melone properties (a part of which is now referred to as the "Frost Farm Public Trail Area") for Conservation purposes subject to Massachusetts General Laws Chapter 40, Section 8C; or act on anything relative thereto.

Submitted by the Conservation Commission.
(Two-thirds vote required)



CONSERVATION COMMISSION REPORT: This article requests that approximately 67 acres of the former Unisys and Melone properties be designated as Conservation Land.

The former Unisys property now owned by the Town totals 76 acres. Including the adjacent Melone property located in Sudbury and Concord, the Town owns a total of 120 contiguous acres in the northeast corner of Sudbury.

The Conservation Commission has been working to provide public access to a portion of this area since its acquisition in 1992. With a state grant a small parking area was constructed, trails were posted and several well-attended, successful walks were held. The Commission should not use its limited funds for the continued management, maintenance, public access development or trail brochures on property that is not Conservation Land.

The 67 acres the Conservation Commission is requesting total approximately 35 acres of wetland resource areas, including Bear Pond, 12 acres of slopes averaging 12%, 15 acres of a field surrounded by wetlands and 5 acres of land that will not support septic systems as bedrock is within four feet of the surface.

In summary, the Conservation Commission is asking that the mostly non-developable portion of the site be designated for conservation purposes to allow the Commission to fully develop the property for public access and enjoyment.

Debbie Dineen, Conservation Commission, *Moved that the Town designate as conservation land the areas shown on the sketch entitled "Plan of Land for Conservation Designation Frost Farm Public Trail," drawn by the Town of Sudbury Engineering Department, dates April 2, 1998, and shown as wetland resource area, buffer zone/resource area, bedrock within 4 feet of surface, surface slopes over 12%, and upland area, which shall not include the areas designated for other public uses or the white areas designated as Cummings and Northwoods.*

The Motion received a second.

April 7, 1998

Debbie Dineen was recognized in support of the motion. In 1992 and 1993 the Town purchased 120 acres on the Sudbury/Concord border. To date the only use of the property has been gravel excavation for the sale and use as land fill cover and limited public access on an unmaintained trail network. An opportunity now exists to open 55 acres of this site for public enjoyment and protect significant ecological landscape and wildlife habitat areas. We are asking for a land purchase but we are asking for no money. We have already purchased this and are well into paying the bond for it. The report in the Warrant refers to the designation of 67 acres while the plan on the screen shows only 55 acres. The Commission has reduced the amount of acreage to accommodate a request from the Housing Task Force. Should the Town decide to construct a senior residential community, the zoning bylaw as currently worded requires a minimum of 35 acres. The 12 acres removed from our request could become part of the required 50% open space in a senior residential community plan with easements in place to continue the trail network. The Commission recognizes that the Town has many land use priorities, therefore, we are asking that only the non-buildable areas of the site be designated as conservation land. These areas include wetland resource areas, including the 100-foot wetland buffer zone, areas with bedrock within four feet of the surface, a land-locked upland field, and areas with slopes over 12%. These areas are all shown and indicated on the map on the screen. Existing trails are through open meadows and forested upland with numerous rock outcroppings. Several vernal pools exist on the property. The most notable is Bear Pond, a glacial kettlehole with salamanders, peepers, wood frogs, tree frogs, visiting herons and kingfishers. Red-tailed, Broad-shouldered, and Northern Harrier hawks can be seen circling the meadows. A moonlight cross-country ski or evening walk will be accompanied by the calls of bard owls, great horned owls, whippoorwills and woodcock. In 1994 the Commission obtained a grant in the amount of \$2,350 to enhance public access to this area. Trail signs were made and an Eagle Scout candidate project was approved and completed. The project was the construction and placement of a footbridge over a stream to link two trail areas and the installation of a sign at the entrance on Route 117. With remaining funds in the grant and with the help of the Director of Public works, a small gravel parking area was created. Designation of the 55 acres of conservation land will give the land protection under Article 97 of the State's Constitution. Removal of the land from conservation designation will not only require the approval of Town Meeting but also of the State Legislature. The Conservation Commission would like to continue with plans to create a trailhead, develop trail maps, install signs directing the public to the parking area and manage and maintain the property for maximum public enjoyment while maintaining meaningful wildlife habitat including the existing agricultural fields. We hope to work with the developer of the Northlands Assisted Living Project to construct the first handicapped accessible trail on Town land.

To summarize, this land designation does not require the appropriation of any funds, the Town currently owns the property. The land that we are requesting is not the desirable areas for building and the trail system already exists on this property. All the Commission is asking is that we have the opportunity to enhance that trail system, to maintain it, and to develop trail brochures to make it easier and more enjoyable for people to use the land. A map of existing trails and how they connect to other parcels was shown

When we purchased this property in the early 1990s part of the presentation at that time included gravel removal on the site to help offset the cost. That program currently is in place, graveling has been done and on the sections of the property that the Commission is asking for the graveling has been completed. Final grading is in process. We are not asking for any land that would preclude the Town from gaining additional income from the gravel removal. I have a letter from the Director of Public works that states that all the graveling that needs to be done in that area has been done and he has no intention to do additional graveling in any of the areas that we are asking for. Slides illustrating the area were shown.

FINANCE COMMITTEE: Emil Ragonas, the Finance Committee takes no position on this article.

BOARD OF SELECTMEN: Larry Blacker, a year ago the Conservation Commission sought support in taking control of a portion of the Unisys property. The land was initially purchased to resolve a lawsuit with the hope that the Town could somehow recover some of their costs or otherwise utilize the land for town needs. This amended proposal satisfies all of the concerns and the Board of Selectmen support the article.

STRATEGIC PLANNING COMMITTEE: Peggy Fredrickson, 170 Haynes Road, the Strategic Planning Committee supports this article. It is part of an overall plan for that land and it is in the best interest of the Town.

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Hank Tober, Ames Road, felt that the developer of Northwood would take advantage of this conservation land to his own benefit.

Larry O'Brien, Planning Board. The Planning Board has voted unanimously to support Article 10 and the preservation of this land as a conservation area.

Dan Claff, Dutton Road, member of the Housing Task Force. They support this article, having worked out the boundaries of the properties with the Conservation Commission. It should also be noted that the Conservation Commission reduced their request by 12 acres so that there would be a 35-acre count. He assured the hall that the 12 acres would be kept in conservation state.

Ralph Tyler asked if we needed to go to the Town for a vote to change the purpose of the land. He also asked if procedure had been followed with the controlling Board.

Mr. Blacker responded that he did not have an answer to Mr. Tyler's first question. The answer to the second question is that that is what we are doing here. We are asking Town Meeting to authorize the transfer of a portion of this property from general municipal use to conservation use.

Mr. Tyler stated that he thought the Board of Selectmen had to have a formal vote that it is surplus to general municipal use.

Mr. Blacker responded that they do not have to do that for conservation.

Martha Coe, 14 Churchill Street, stated that the parcel was listed as 67 acres in the Warrant and there was no warning given that the status of the land was going to change in order to put a development on it.

Debbie Dineen, spoke to clarify Mr. Tyler's issue regarding the Selectmen declaring the land excess. She has met with Town Counsel on this question. They are not asking for the land to be transferred so there is no need to excess it first. They are requesting that it be designated by the Selectmen as conservation land.

She also addressed the issue of Article 11 and the SRC. Although the Conservation Commission worked with the Housing Task Force on developing an overall plan for the property, the articles are independent. Approval of Article 10 does not mean that you are approving anything to happen on the balance of the property.

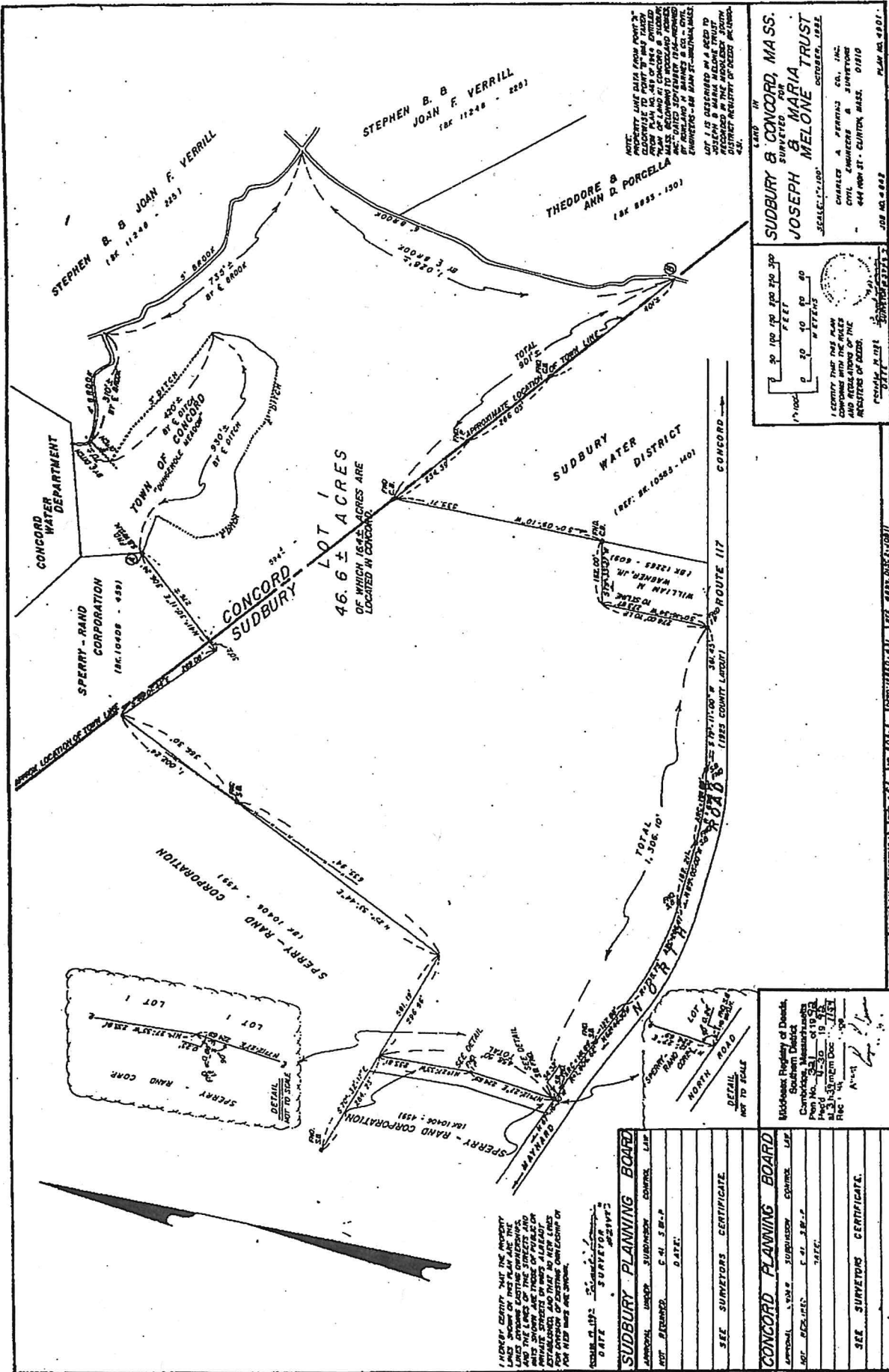
Henry Chandonait, 15 Stonebrook Road, spoke in support of the article.

The motion under Article 10 was **UNANIMOUSLY VOTED**.

The Moderator declared the meeting adjourned until 7:30 tomorrow evening.

The meeting was adjourned at 10:45 PM.

Attendance: 461

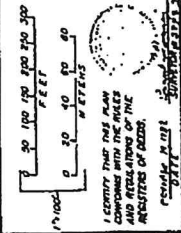


STEPHEN B. & JOAN F. VERRILL
 186 11248 - 2251

STEPHEN B. &
 JOAN F. VERRILL
 186 11248 - 2251

THEODORE &
 ANN D. PORCELLA
 186 8835 - 1501

MAP IN
 SUDBURY & CONCORD, MA SS.
 SURVEYED FOR
 JOSEPH & MARIA TRUST
 MELONE
 SCALE: 1" = 100'
 CHARLES A. SPERRY CO. INC.
 ENGINEERS & SURVEYORS
 444 PARK ST. - QUINCY, MASS. 01810
 OCTOBER, 1982
 JOB NO. 4482



CONCORD WATER DEPARTMENT

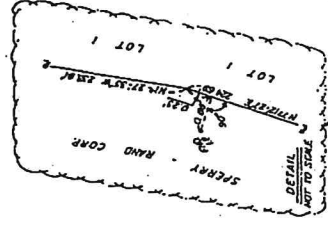
SPERRY-RAND CORPORATION
 186 10088 - 4391

CONCORD SUDBURY

LOT 1
 46.6 ± ACRES
 OF WHICH 16.4 ACRES ARE
 LOCATED IN CONCORD

SUDBURY WATER DISTRICT

ROUTE 117
 186 10583 - 1401



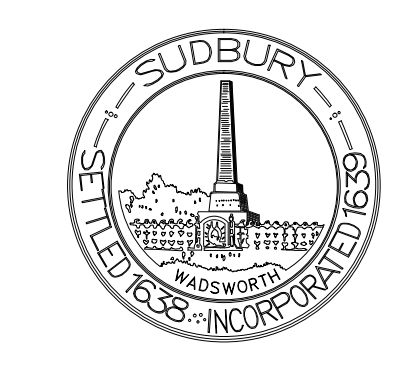
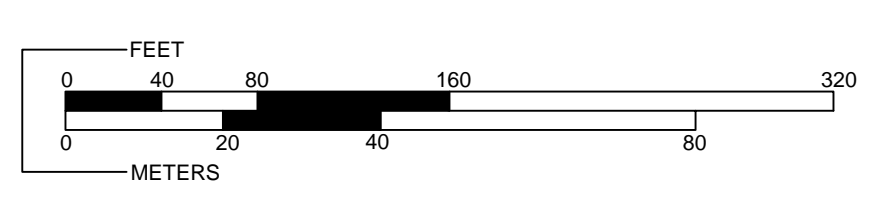
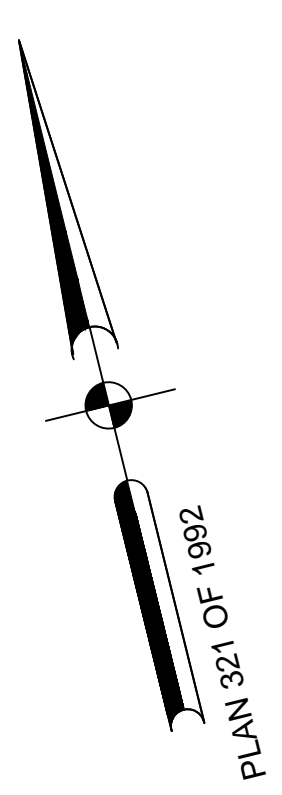
1. CHECK CERT. THAT THE PROPERTY
 LAND SHOWN ON THIS PLAN ARE THE
 LANDS OWNED BY THE CONCORD
 WATER DEPARTMENT AND SUDBURY
 WATER DISTRICT. THIS PLAN IS
 NOT TO BE USED FOR THE PURPOSE
 OF DIVISION OF EXISTING OR
 FOR NEW LANDS ARE SHOWN.

DATE: 10/1/82
 SURVEYOR: SPERRY

SUDBURY PLANNING BOARD	
APPROVAL	DATE
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE

Middlesex Registry of Deeds,
 Southern District
 Concord, Massachusetts
 Record No. 186-10088-4391
 PL 82-10088-4391
 REC 10/1/82

CONCORD PLANNING BOARD	
APPROVAL	DATE
DATE	DATE
DATE	DATE
DATE	DATE
DATE	DATE



PLAN OF LAND
 IN
 SUDBURY AND CONCORD, MA
 AT THE
 TOWN OF SUDBURY GRAVEL PIT
 LOCATED OFF NORTH ROAD SUDBURY, MA

TOWN OF SUDBURY ENGINEERING DEPARTMENT
 DATE: MARCH, 2012 SCALE: 1"=80FT.
 rev 11/20/2017 topo piles & volumes
 rev 5/24/2018 title