

# REQUEST FOR PROPOSALS FOR SELECTION OF DEVELOPER

Southern Tier Property • Town of Oak Bluffs

June 25, 2021



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The Town of Oak Bluffs makes no representations or warranties, express or implied, as to the accuracy or completeness of the information provided in this RFP. This RFP, including all attachments and supplements is made subject to errors, additions, omissions, withdrawal without prior notice, and different interpretations of laws and regulations. The proposer assumes all risk in connection with the use of the information, and releases the Town of Oak Bluffs from any liability in connection with the use of the information provided by the Town of Oak Bluffs. Further, the Town of Oak Bluffs 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 leased in “AS-IS” condition.

# SECTION 1. Subject Property

## Introduction

The Town of Oak Bluffs, Massachusetts, a suburban island community located on Martha's Vineyard, is issuing this Request for Proposals ("the RFP") for the development of a town-owned property located on Edgartown-Vineyard Haven Road.

The Property is a single parcel with an area of approximately 7.8 acres. Owned by the Oak Bluffs Affordable Housing Trust, the site was highlighted in the 2017 Oak Bluffs Housing Production Plan as a potential site for affordable housing. Through MassHousing grant funding, the Town of Oak Bluffs hired RKG Associates, Inc. (RKG) and Weston and Sampson to complete an evaluation of the environmental and regulatory constraints, infrastructure needs, development scenarios, site plans, and a financial analysis to determine feasibility for housing on this site. The completed feasibility study can be found at: [https://www.oakbluffsma.gov/DocumentCenter/View/4534/2020-03-17\\_Oak-Bluffs-Feasibility-Study](https://www.oakbluffsma.gov/DocumentCenter/View/4534/2020-03-17_Oak-Bluffs-Feasibility-Study).

The Town, per MGL c. 30B §16, is soliciting proposals that can respond to the Town's objectives for the Property and provide the most advantageous development plan, as determined by the selection criteria defined in this RFP. The selected Developer will then enter into a Land Disposition Agreement with the Town for a long term lease of the Property. An abutting 24 acre area to the rear of the Property is the subject of a potential land swap with the Martha's Vineyard Land Trust, and development proposals must maintain access and provide for future infrastructure connections to this adjacent area.

The development of the Property is expected to occur over two phases, the first of which is expected to include 15 to 25 units, followed by a second phase of 25 to 40 units. The Town's objective is for the development of the property to increase local housing options, including low- and moderate-income and community housing. The subject Property is undeveloped with primarily forest land cover, and includes an area where Priority Habitats of Rare Species may be present. Wastewater treatment and discharge must be managed on site in accordance with municipal and Martha's Vineyard Commission policies. The Town also seeks proposals that demonstrate a commitment to sustainability and sensitivity to local design aesthetics.

The Town intends to negotiate the lease of the property to the selected proposer (the "Developer"), whereby the Developer shall be responsible for the construction, development, and management of the housing development and landscaped areas.

The lease of the Property is contingent on the satisfaction of the conditions that will be specified in a Land Development Agreement ("LDA") to be entered into by the Town and the Developer. **The Town will select a Developer with demonstrated experience and capacity to develop affordable housing, and with the most advantageous development concept that addresses the needs and goals of the Town of Oak Bluffs. Details regarding Developer capacity, the Property, and the development objectives are incorporated into this RFP. The Town encourages proposals from Women and Minority Business Enterprises.**

To respond to this RFP, submit three (3) bound hard copies and a USB flash drive with files in PDF format on or before 12:00pm on August 31, 2021, at which time and place the responses will be reviewed and recorded. If the Town Hall is closed on the date of the delivery deadline, the proposal opening will be postponed until noon on the next business day. No late proposals will be accepted.

Responses shall be marked "Southern Tier Property Development Proposal" and must include all required documents. Faxed or electronically mailed (e-mailed) proposals will be deemed non-responsive and will not be accepted.

The Town has determined that this RFP is subject to the Uniform Procurement Act, M.G.L. c. 30B. Therefore, the provisions of M.G.L. c. 30B are incorporated herein by reference.

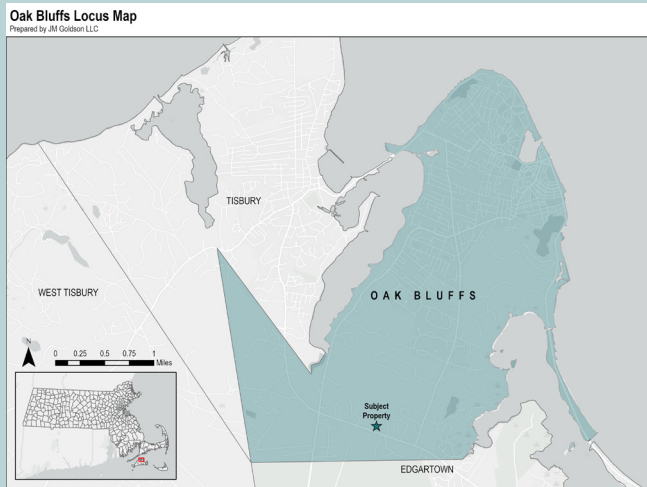
Responses to this RFP must include all required documents, completed and signed per the attached forms included in the bid package.

### Important Dates

- RFP available: June 25, 2021
- Pre-submission site visit: July 21, 2021
- RFP questions due: August 11, 2021
- Responses due: August 31, 2021
- Final interviews: September 2021



# OAK BLUFFS



**The Subject Property is located in the Southern Tier area of Oak Bluffs along Edgartown-Vineyard Haven Road, a corridor with institutional and residential development.**

## Development Phasing and Timing

The Town seeks to expedite the production of affordable and community housing units on the Property and has determined that development shall occur over two phases. Phase I is anticipated to occur over the next one to three years and include approximately 15 to 25 total housing units on the front portion of the Property. Wastewater is expected to be handled through a connection to the municipal sewer system, if possible, or an Innovative Alternative (I/A) Title 5 septic system. Phase II is expected to include an additional 25 to 40 housing units on the rear portion of the Property, with development expected to proceed as soon as possible following the completion of Phase I. A sewer connection or onsite wastewater treatment plant will be required for the second phase. Both phases shall be designed to ensure access and future infrastructure connections to the 24 acre area located north of the Property. Development of this separate property is contingent upon a proposed land swap agreement and would be arranged through a subsequent procurement process.

Once a preferred developer for the site has been selected by the Town, both parties will enter into a Land Disposition Agreement (LDA). The LDA will establish the parameters of the project as well as its terms and conditions. In all instances, the selected Developer should be responsible for performing due diligence, design, redeveloping the property per the proposal, securing zoning approvals, securing all permits, submitting regular progress reports to the Town, coordinating community dialogue, securing needed financing/subsidies, and adhering to the project schedule in order to ensure these new housing units are available as soon as possible.

## Town's Development Objectives for the Site

The following development objectives apply to the use and development of the property. These objectives must be addressed in the proposal and met in the subsequent development of the parcel.

The Town's Housing Production Plan (adopted 2017) and Master Plan (adopted March 2019) both identify the need to increase the availability of affordable and community housing in Oak Bluffs, as well as highlighting the potential of the subject Property as a site for housing development to help meet these local needs.

### CORRIDOR DEVELOPMENT

The Edgartown-Vineyard Haven Road corridor, although zoned for residential uses, has a concentration of institutional properties, including the regional high school, YMCA, and other community services. Development proposals should discuss how the use of the subject property will be cognizant of this dynamic corridor, ongoing traffic concerns, and other potential development on nearby properties, including the mixed-use 40B development proposal on an abutting site.

### BUILDING AND SITE

The location of the Property represents a transitional area between institutional land uses, lower density residential subdivisions, and protected open space. As such, proposals shall demonstrate how the architectural design and site layout will ensure that the new housing project will integrate with the neighborhood, minimize removal of existing vegetation, and provide adequate screening of the structures and parking areas. Consideration shall also be given to the enhanced aesthetics of any retaining walls that may be required. The site shall include outdoor space for residents and trails that provide community access to neighboring open space and trail networks.



## MIXED-INCOME HOUSING UNITS

The disposition of this property is for a public benefit, i.e., affordable rental housing for year-round low-income households earning up to 80 percent of Dukes County Area Median Income (AMI). No less than 15 percent of housing units should be designated as Community Housing supporting households earning between 81 percent and 150 percent of Dukes County AMI. No more than 15 percent of the complex is reserved for year-round market rate housing. The housing project shall include a mix of unit sizes and layouts, with at least 10 percent of the units including three bedrooms. The Town also seeks proposals that exceed minimum State accessibility requirements and provide housing options for elderly residents.

## SUSTAINABILITY AND NATURAL RESOURCE PROTECTION

Management of wastewater and protection of natural resources are priorities for the Town of Oak Bluffs, and proposals shall describe how the housing development will mitigate environmental impacts, including reducing nitrogen concentration in wastewater effluent. Developers must address the NHESP Priority Habitat designation on the Property (relevant species information can be made available confidentially upon request), adhere to applicable MVC Developments of Regional Impact (DRI) policies. The Property overlaps with the Lagoon Pond and Sengekontacket Pond watersheds, which are subject to nitrogen loading limits. Connection of the development to the municipal sewer system is preferred, but if not feasible, proposals must describe how the septic and wastewater treatment systems will comply with the MVC Water Quality Management Policy and the Oak Bluffs Comprehensive Wastewater Management Plan. Proposals that include on-site wastewater treatment are strongly encouraged to review watershed boundaries and Zone II wellhead protection areas when selecting the location for this infrastructure. Developers should also seek to maximize the energy efficiency of appliances and heating and cooling systems of the housing units.

## SUBSIDIZED HOUSING INVENTORY ELIGIBILITY

The building of the multi-unit structures on the property must maximize listing on the Chapter 40B Subsidized Housing Inventory and will remain protected by a perpetual use restriction approved by the Director of the Department of Housing and Community Development (DHCD) in accordance with M.G.L. c.184 § 31-33 or other equivalent state law. All housing units shall be rental and meet the requirements for 100 percent of the units to be included on the Subsidized Housing Inventory.



Example of a potential layout for the Subject Property  
(source: Town of Oak Bluffs Housing Feasibility Study, 2020)



# The Development Site

## Address / Parcel ID:

0 Edgartown-Vineyard Haven Rd. / 50 31 0

**Acreage:** +/- 7.8 acres (+/- 341,194 sq. ft.)

**Existing Improvements:** Municipal wastewater equipment in southwest corner of site (approximately 2,000 sq. ft.).

**Zoning District:** R3 Residential, Water Protection Overlay District, Wireless Communication District

**Owner:** Town of Oak Bluffs Affordable Housing Trust

## Abutting Parcels:

To the North:

- 448 Barnes Rd. (MV Land Trust open space)

To the East:

- 20 Gamba Rd. / 49 13 0 (private residential)
- 18 Gamba Rd. / 49 13 3 (private residential)
- 16 Gamba Rd. / 49 13 2 (private residential)
- 10 Gamba Rd., 77-79 Edgartown-Vineyard Haven Rd. 49 13 1, 49 14 0, 49 14 1 (private residential/light industrial)

To the South:

- Edgartown-Vineyard Haven Road right-of-way

To the West:

- 91 Edgartown-Vineyard Haven Rd. / 50 30 0 (Martha's Vineyard arena, skating rink)



Aerial view of Property (image source: Esri, Maxar)

## Key Development Constraints

- Priority Habitats of Rare Species may be present<sup>1</sup>
- Sewer connection or on-site wastewater treatment
- Located in Zone II Wellhead Protection Area (partial)



Parcel boundaries and abutters (sources: Town of Oak Bluffs, MassGIS, Esri, Maxar)

<sup>1</sup>relevant species information can be made available confidentially, please contact the Project Coordinator (see contact info on page 8)

# SECTION 2. Request for Proposals

## Terms of Lease

The Town anticipates entering into negotiations on the lease of the Property resulting in a Land Disposition Agreement (LDA). Lease payments will be waived to support the affordability of the development. The Property will be leased to the selected Developer for a period of 99 years. The terms of the lease are expected to be voted on as part of Town Meeting in XXXX 2021.

## Selection Process

A Selection Committee composed of representatives from Town boards and committees 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 Town staff and the Select Board.

Developers will have the opportunity to submit questions and attend a remote meeting about the Property and this RFP prior to submitting their proposal. Questions may include details about the Southern Tier property, zoning ordinances, and the objectives and evaluation criteria outlined in this RFP.

Submitted proposals will first be reviewed to determine compliance with the Minimum Threshold Criteria. All teams meeting the Minimum Threshold Criteria will then be rated using the Comparative Evaluation Criteria. Any team not meeting the Minimum Threshold Criteria will not be considered further. Responses that comply with the Minimum Threshold Criteria will then be assigned one of the following ratings for each of the Comparative Evaluation Criteria: Highly Advantageous, Advantageous, and Not Advantageous. Final scores for each proposal will be calculated based on the relative importance of the criteria, summarized in the Developer Selection Criteria section of this document, and will combine the ratings assigned by members of the Selection Committee.

One public Select Board meeting will be held following the evaluation process and before the final interview process. The meeting will allow members of the Oak Bluffs community to review the submissions, and collect feedback and recommendations related to the development proposals.

Developers that submit proposals with minor discrepancies related to the required contents and submission criteria may be asked to submit additional information at the Town's sole discretion. The Town reserves the right to reject any or all responses or to cancel this RFP if it is in the Town's best interest.

### **RULE FOR AWARD**

Following the public meeting and tabulation of the combined scores for the Comparative Evaluation Criteria, multiple developers may be selected for the next phase of evaluation. Selected developers will be invited to participate in an interview process led by the Town's Selection Committee. The interviews will be conducted as public meetings, with other Town boards, commissions, and staff invited to attend and provide input to the Select Board. Developers will be expected to participate in an interview process, during which they will be asked to provide a presentation and participate in a question and answer session to further evaluate their development proposal for the Southern Tier property. Following this process, the Town may choose to enter into negotiations with the developer that is determined to have the most advantageous proposal, as determined by the evaluation criteria and results of the interview process. The Town intends to submit the final Land Disposition Agreement for a vote at the next Town Meeting.



# Request for Proposals

The following are the terms and conditions of the Request for Proposals (RFP). The prospective Developer team responding to this RFP shall be led by a firm or individual who is proposing to enter into a real property transaction with the Town for the project. Responses must also identify members of the proposed team that would be responsible for creating the plan for the redevelopment. Team members may include urban designers, architects, landscape architects, legal counsel, and engineers. Designers must hold all required registrations in the Commonwealth of Massachusetts to perform the work proposed.

## Project Coordinator

Wendy Brough, Acting Town Administrator, will act as the project coordinator between the Developer and the Town. Inquiries and correspondence shall be directed to:

**Wendy Brough**  
56 School Street, Oak Bluffs, MA 02557  
Email: [wbrough@oakbluffsma.gov](mailto:wbrough@oakbluffsma.gov)

## RFP Availability

Copies of the RFP are available beginning on June 25, 2021. The RFP may only be obtained directly from the Town, so that any addenda and notices can be distributed to all interested parties.

## Questions and Answers

Questions must be submitted in writing only via mail or email, addressed to the Project Coordinator, and received no later than 12:00pm Eastern Time on August 11, 2021. Telephone or in-person questions will not be accepted. All answers and questions will be provided in writing by August 13, 2021 to all parties who have obtained copies of this RFP as addenda to the RFP.

## Pre-Submission Site Visit

There will be a pre-submission site visit on July 21, 2021 from 10:00am to 12:00pm. All interested parties are invited to attend. Representative(s) from the Town will be available to address any additional questions and provide a tour of the Property.

## Cost Liability and Revisions to the RFP

The Town assumes no responsibility and no liability for costs incurred relevant to the preparation of responses to this RFP by prospective Developer teams. In the event it becomes necessary to revise any part of this RFP, revisions will be provided to all who received the RFP. The Town shall bear no responsibility or liability due to copies of revisions lost in mailing or not delivered to a prospective Developer due to unforeseen circumstances.

## Response Date

In order to be considered for selection, signed responses to this RFP should arrive at the Town, directed to the attention of the Town Administrator on or before 12:00PM Eastern Time on August 31, 2021. Prospective Developers mailing responses should allow for normal mail delivery time to ensure timely receipt of their proposals.

No exceptions to this deadline will be made for weather, poor courier service, transportation problems, or any other reason, unless issued by formal addendum from the issuing authority. If the Town Hall is closed on the date of the delivery deadline, the proposal opening will be postponed until noon on the next business day. All submissions shall become the property of the Town.

In order to be considered for selection, prospective developers should submit a complete response to the RFP. **Submit three (3) bound hard copies and a USB flash drive with files in PDF format to the attention of the Town Administrator.** The prospective Developer shall make no other distribution of the responses. Responses shall be marked "Southern Tier Property Development Proposal" and must include all required documents. Faxed or electronically mailed (e-mailed) proposals will be deemed non-responsive and will not be accepted.

# SECTION 3. Submission Criteria

## Required Response Submission Content

Proposal submissions shall include a complete description of the Development Concept for the Southern Tier Property, indicating how the Developer team will address the Town's objectives for the Property, and documenting how the team's prior experience and proposed approach would be Highly Advantageous as defined by the Comparative Evaluation Criteria. The Town requires that each prospective Developer follow the guidelines for response format and content so that the evaluation and selection process can occur in an orderly, timely, and equitable manner.

The response must include the following items in the following order and identified by the number listed below:

### 1. THE DEVELOPER

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, architect, contractor, engineers, consultants, lenders, and investors.

Proposals must also include:

- a. The name, address, e-mail address, and telephone number of the proposer, the name of any representative authorized to act on their behalf, the name and contact information of the person to which all correspondence should be addressed, and the names and primary responsibilities of each individual on the development team.
- b. If the proposer is not an individual doing business under their name, a description of the firm and 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, please include a list of the organization's Board of Directors and areas of expertise they represent.
- c. The nature of the entity to enter into the Land Disposition Agreement for the Property, and the borrower and guarantors of debt, if any.
- d. Identification of all principals, partners, co-venturers or sub-developers participating in the transaction, and the nature and share of participants' ownership in the project.
- e. 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, the proposer shall describe the process for securing property management services.
- f. Identification of the development team, such as architects, engineers, landscape designers, contractor, and development consultants. Background information, including firm resumes and resumes for principals and employees expected to be assigned to the project, should be provided.
- g. A description demonstrating the extent to which the members of the development team have successfully worked together on development projects of a similar scope to the proposed development including completed projects of similar size, total cost, and affordability levels.
- h. For each similar project identified, provide project name, location, project type, start date, projected completion date and actual date of completion, total development costs and key project people. Also indicate the total number of units, number of affordable and accessible units, 1, 2, and 3 bedroom units, rental vs. condo, and whether they are currently managed by the developer.
- i. Information regarding any past, pending or threatened legal or administrative actions that could relate to the conduct of the Proposer, its principals, or any affiliates.
- j. Confirmation that no local, state or federal taxes are due and outstanding for the development team or any constituent thereof.
- k. Provision of references for three completed projects, with contact names, titles, and current telephone numbers, who can provide information concerning the Proposer's experience with similar projects.

## 2. DEVELOPMENT CONCEPT NARRATIVE

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

- a. Details on the proposed housing units, affordability levels, and accessibility, including the following information
  - A preliminary estimate of the total number of housing units to be provided
  - The type of housing to be provided; proportion of rental units and condominium units (if any)
  - The proposed distribution of housing units by floor area size and number of bedrooms
  - The distribution of income levels to be served, expressed as a percentage of the Dukes County AMI, including the percentage of housing units that will be priced at a market rate
  - The number of units that will be accessible to people with mobility impairments, and the number of units that will be accessible to people with hearing or visual impairments
- b. Discussion of the physical plan and architectural/town design character of the project and the various programmatic and physical elements of the development, including building scale, specifically total height and lot coverage. The following questions should be addressed in the proposal narrative and renderings
  - How will vehicle traffic enter, exit, and circulate within the site?
  - Where will walkways, trails, and shared outdoor space be located on the site?
  - How will the development be screened to help ensure the privacy of abutters?
  - What accommodations will be made to enable future development of the lot behind the Property?
  - How will the two phases of development be coordinated to ensure efficiency and minimize disruptions to tenants?
  - What provisions will be made to ensure accessibility of housing units and common areas, in compliance with state and federal requirements?
- c. Description of all environmental sustainability and climate change mitigation features (and the team's relevant experience) of the building design and operating systems, including
  - Measures to minimize impacts to existing habitat areas and maintain mature trees and vegetation
  - Description of the proposed systems for treating and discharging wastewater (and location relative to watersheds and Zone II areas - see map in Appendix), or connecting to the Town's sewer system, in each phase of the development and measures to ensure compliance with the MVC Water Quality Management Policy and the Oak Bluffs Comprehensive Wastewater Management Plan (note: see percolation test results in Appendix)
  - Experience of the development team implementing Innovative Alternative (I/A) septic systems and on-site water treatment facilities that mitigate nitrogen concentration in wastewater effluent (if applicable)
  - Description of proposed measures to promote energy efficiency and respond to other guidelines in the Martha's Vineyard Commission draft energy policy document
  - Additional non-energy sustainability considerations proposed as part of the development
- d. Construction staging plan and discussion of construction impacts for both phases of the project, including but not limited to how the project will be managed to limit impact on neighbors - in particular noise, dust, and traffic during the construction period
- e. Details on potential impacts on traffic associated with the proposed development, including mitigation measures, and proposals to improve pedestrian connectivity and access to the nearby bus stop and reduce vehicle reliance
  - Description and location of bicycle storage areas on site and near the bus stop
  - Details on trails and walkways that will provide access to the bus and nearby trail networks
- f. Project financing for both phases of development
  - Sources and uses of funds
  - Construction estimate
  - 20-year operating Pro-Forma
  - Pre-development budget
  - For Tax Credit projects: tax credit calculation
  - Evidence of developer's financial capacity to cover equity requirements
  - Pre-commitment letter(s) or letter(s) of interest from construction and permanent lenders and investors (if proposing to use low income housing tax credits)
- g. Outline of the proposed terms of the Land Disposition Agreement. The Town intends to waive lease payments as a subsidy to support the affordability of the development.



### **3. CONCEPTUAL DESIGN DRAWINGS**

The proposal must include 11"x17" plans (scale: 1"=100') including:

- a. Site plan that describes parking layout and numbers of parking spaces and building footprints
- b. Landscape plan including locations of shared outdoor space, walkways and trails, and elements to screen abutters
- c. Floor plans indicating location of affordable and market rate units
- d. Elevation view with material indications from Edgartown-Vineyard Haven Road
- e. Typical unit plans (for affordable and market-rate units, demonstrating level of comparability)
- f. Concept project images showing the appearance of the building from Edgartown-Vineyard Haven Road and the main driveway

### **4. MARKETING AND MANAGEMENT PLAN**

- a. Description of the target market, unit pricing (monthly rents) and the strategy for marketing and lottery process;
- b. A plan for the ongoing management of the development and any resident services that may be provided on site
- c. For each management agent and service provider, whether affiliated with the Proposer or a third-party, include details on management/service experience including property types, number of units, familiarity with subsidy programs, key staff, and any other information deemed relevant to demonstrating capability
- d. Lottery for Affordable Units: To ensure a fair and equitable selection process for the affordable rental units, a lottery shall be conducted for all of the affordable units. A marketing/lottery plan shall be required as part of the approval of the units as Local Action Units, and prior to building permit issuance. For the proposal, the Proposer shall indicate any other lotteries they have been involved in, their role and the outcomes.

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

- A clear understanding of tenant selection and fair housing requirements/laws
- A clear understanding of local preference opportunities and requirements, and how the lottery will address these
- Experience with state standards related to determining, documenting, and maintaining program and unit eligibility – i.e. qualified buyers/renters

### **5. ZONING AND PERMITTING**

- a. Provide an overview of the expected approach to seeking zoning and permitting approvals, including land use, zoning relief requests, and other potentially necessary development and environmental permits. Describe experience with the "Friendly 40B" process.

### **6. IMPLEMENTATION PLAN AND TIMETABLE**

- a. Provide a description of how the development concept will be implemented, including:
  - A project schedule detailing key benchmarks for pre-development (including estimated timeline for securing tax credits, if applicable), permitting, construction, marketing and project occupancy
  - An outline of required land use, environmental, operational and other governmental or regulatory approvals, including land use, zoning, development and environmental permits

### **7. REQUIRED FORMS (PROVIDED IN APPENDIX):**

- a. Certification of Tax Compliance, required under M.G.L. c. 62C, §49A, in which the proposer certifies that they have complied with all laws of the Commonwealth of Massachusetts relating to taxes
- b. Certificate of Non-Collusion, required under G.L. c. 30B, §10, in which the proposer states that this proposal is made in good faith without fraud or collusion or connection with any other person submitting a proposal signed and dated by the proposer
- c. Disclosure of Beneficial Interest Form, required under M.G.L. c. 7C, §38, in which the proposer identifies the parties who will have an interest in the Property and whether any such party is a state or local employee
- d. Certificate of Authority, in which the proposer, if an entity, identifies the names and addresses of the managers, directors, officers, and/or other parties authorized to act on behalf of the entity

# 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 then be evaluated by the comparative criteria described below. Proposers may be invited for an interview and will be evaluated by the Selection Committee. The Selection Committee reserves the right to select the proposal that best meets the needs of the community, and that may not be the proposal that achieves the highest score.

## MINIMUM THRESHOLD CRITERIA

1. Developer must provide all information described in the Required Response Submission Content and all required forms.
2. Development proposal must include 20 to 25 percent of housing units affordable to income eligible households and 100 percent of the units must be eligible to count on the Subsidized Housing Inventory.
3. Developer must demonstrate accommodation for potential future development on the adjacent 24-acre site to the rear of this property including sufficient infrastructure and access.
4. Developer must have a minimum of five years of experience in developing at least one development with affordable multi-family units in Massachusetts that are eligible for the state's Subsidized Housing Inventory.
5. Developer must have developed at least one affordable or mixed-income housing development on land purchased or leased from a municipality in the past ten years.
6. Developer must show a successful track record of projects of similar scope and scale as the proposal, including having completed projects of similar size, total cost, and affordability levels within the past ten years.
7. Developer must demonstrate financial capacity to cover at least two times the total pre-development budget.

## COMPARATIVE EVALUATION CRITERIA

Projects meeting the Minimum Threshold Criteria will then be judged on the following additional Comparative Evaluation Criteria, which will be considered according to their relative importance to the Town, as indicated in parentheses. Multipliers will be used (3X, 2X, 1X) to assign weight to the score for each criteria. Proposals will be rated by combining the results of these weighted Comparative Evaluation Criteria scores, as determined by the Selection Committee.

Evaluation Criteria	Highly Advantageous (+2)	Advantageous (+1)	Not Advantageous (0)
<b>1. Affordability:</b> Extent to which the project meets the Town's affordable housing objectives listed in this RFP. <b>Importance - 3x</b>	<ul style="list-style-type: none"> <li>Proposal includes more than 70 percent of total units as affordable housing units for households at or below 80 percent AMI.</li> <li>And includes more than 15 percent of total units as community housing units for households ranging from 81-150 percent AMI account.</li> <li>And affordable and community housing units are proportionally equivalent over each phase of development.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal includes between 50 and 70 percent of total units as affordable housing units for households at or below 80 percent AMI.</li> <li>And includes between 10 and 15 percent of total units as community housing units for households ranging from 81-150 percent AMI.</li> <li>And affordable and community housing units are proportionally equivalent over each phase of development.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal includes less than 50% of total units as affordable housing units for households at or below 80 percent AMI.</li> <li>Or includes less than 10 percent of total units as community housing units for households ranging from 81 to 150 percent AMI.</li> <li>Or affordable and community housing units are not proportionally equivalent over each phase of development.</li> </ul>
<b>2. Commitment to sustainability:</b> Proposal demonstrates capabilities to address wastewater treatment requirements, minimizes loss of existing vegetation and habitat, and commits to energy efficient housing units. <b>Importance - 3x</b>	<ul style="list-style-type: none"> <li>Proposal demonstrates extensive experience with wastewater treatment solutions in environmentally sensitive areas (or connection to the municipal sewer system).</li> <li>And site plans demonstrate efforts to maximize the preservation of vegetation and habitat areas.</li> <li>And housing units include high energy efficiency appliances and heating/cooling systems.</li> <li>And the proposal responds to guidelines in draft Martha's Vineyard Commission energy policy document.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal adequately addresses wastewater treatment requirements.</li> <li>And shows some commitment to preserving habitat and vegetation on site.</li> <li>And energy efficient appliances and heating/cooling systems are included in housing units.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal does not adequately address wastewater treatment.</li> <li>Or includes minimal or no preservation of existing vegetation and habitat areas.</li> <li>Or no information is provided on heating/cooling systems and appliances in units.</li> </ul>

<p><b>3. Sensitivity to site design and landscaping:</b> The extent to which the developer's proposed conceptual site plan and landscaping plan provides a transition and buffer to the surrounding land uses and is designed to sustainably manage stormwater runoff.</p> <p><b>Importance - 3x</b></p>	<ul style="list-style-type: none"> <li>Proposed conceptual plan excels in providing a high quality and attractive site design and landscaping plan that helps to improve the appearance of the neighborhood, provides screening for neighboring homes, and maintains access to nearby trails.</li> <li>And at least 10 percent of outdoor area is designed as an amenity for resident use (excluding any protected habitat area).</li> <li>And Low Impact Development techniques are incorporated to maximize infiltration and retention of stormwater.</li> </ul>	<ul style="list-style-type: none"> <li>Proposed conceptual site plan provides for adequate landscaping and site design sensitive to the existing neighborhood and maintains access to nearby trails.</li> <li>And outdoor space is provided for resident use, but the area is less than 10 percent of the site (excluding any protected habitat area).</li> </ul>	<ul style="list-style-type: none"> <li>The proposed concept provides a landscape and site plan which does not contain sufficient detail or creates some question in its detail as to how successfully the development will fit in with the established neighborhood or contribute to its surroundings.</li> <li>Or does not provide outdoor space for residents.</li> </ul>
<p><b>4. Building design and materials:</b> elevation drawings and conceptual diagrams demonstrate an understanding of local architecture and are appropriate in scale and style.</p> <p><b>Importance - 2x</b></p>	<p>The architectural design of the development clearly reinforces the traditional local design aesthetic in Oak Bluffs and on the Island.</p>	<p>The architectural design of the development somewhat demonstrates consideration of traditional local design aesthetic in Oak Bluffs and on the Island.</p>	<p>The proposed concept does not contain sufficient detail or creates some question in its detail as to how successfully the architectural design of the development considers the traditional local design aesthetic.</p>
<p><b>5. Development experience:</b> Extent to which the developer's experience exceeds the minimum criteria; the developer's prior track record in the construction of affordable housing should be described in detail.</p> <p><b>Importance - 2x</b></p>	<ul style="list-style-type: none"> <li>The Proposer has developed at least three affordable/mixed-income housing projects in the past five years that created units that are eligible for the state's Subsidized Housing Inventory</li> <li>And has demonstrated experience coordinating with municipalities for more than one housing development on municipally-owned land in the past ten years.</li> </ul>	<ul style="list-style-type: none"> <li>The Proposer has developed at least two affordable/mixed-income housing projects in the past five years that created units that are eligible for the state's Subsidized Housing Inventory</li> <li>And has demonstrated experience coordinating with municipalities one or more housing developments on municipally-owned land in the past ten years</li> </ul>	<p>The Proposer meets the minimum criteria for development experience (Minimum Threshold Criteria #4, #5, and #6)</p>
<p><b>6. Traffic, circulation, and parking:</b> Site plan and development concept narrative provide adequate details on traffic circulation within the site, layout of parking, and addresses concerns about traffic associated with the development.</p> <p><b>Importance - 2x</b></p>	<ul style="list-style-type: none"> <li>Proposed site layout and narrative demonstrates careful consideration of driveways and parking areas, and efforts to coordinate curb cuts with abutters.</li> <li>And developer provides details on projected changes in traffic and mitigation associated with the project.</li> </ul>	<ul style="list-style-type: none"> <li>Driveways and parking layout are clearly presented but does not demonstrate careful consideration of driveways and parking areas or efforts to coordinate curb cuts with abutters.</li> <li>Or traffic projections are discussed but lack sufficient detail or commitment to mitigation.</li> </ul>	<ul style="list-style-type: none"> <li>Proposal shows lack of detail or consideration of parking and driveway layout.</li> <li>Or traffic projections and mitigation plans are not adequately addressed.</li> </ul>
<p><b>7. Unit accessibility:</b> The development meets or exceeds Massachusetts Architectural Access Board (521 CMR) housing accessibility standards.</p> <p><b>Importance - 2x</b></p>	<p>The development includes accessible units that exceed the minimum 521 CMR standards.</p>	<p>N/A</p>	<p>Only the minimum 521 CMR standards are met for accessible units.</p>



<p><b>8. Evidence of ability to secure financing:</b> Extent to which the proposer's experience and track record suggest a high probability of obtaining financing; prior experience should be described in detail and accompanied by letters of recommendation from lenders.</p> <p><b>Importance - 2x</b></p>	<ul style="list-style-type: none"> <li>• Proposal includes evidence of the proposer's excellent working relationship with at least two lending institutions, e.g., letters of interest in the proposed project or letters of reference or recommendation from lenders that have worked with the proposer on past successful projects.</li> <li>• And evidence of securing state and federal affordable housing funds and tax incentives.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal includes evidence of the proposer's excellent working relationship with at least one lending institution, e.g., letters of interest in the proposed project or letters of reference or recommendation from lenders that have worked with the proposer on past successful projects.</li> <li>• And evidence of securing state and federal affordable housing funds or tax incentives.</li> </ul>	<ul style="list-style-type: none"> <li>• Letter(s) of interest or reference or recommendation do not demonstrate excellent working relationship with at least one lending institution.</li> <li>• Or no evidence of securing state and federal affordable housing funds or tax incentives.</li> </ul>
<p><b>9. Creativity to maximize available space:</b> Extent to which the developer can provide a thoughtful and well laid out interior design for living space.</p> <p><b>Importance - 1x</b></p>	<ul style="list-style-type: none"> <li>• The Proposer has developed sample unit plans that maximize available space to accommodate the living area for proposed occupants.</li> <li>• And includes substantial common indoor space for residents and/or community space.</li> </ul>	<ul style="list-style-type: none"> <li>• The Proposer has developed sample unit plans that only partly maximize available space to accommodate the living area for proposed occupants.</li> <li>• And includes only limited common areas for residents or community space.</li> </ul>	<ul style="list-style-type: none"> <li>• The Proposer depicts no consideration of a floor plan that maximizes available space to accommodate the living area for proposed occupants.</li> <li>• Or includes no common areas for residents or community space.</li> </ul>
<p><b>10. Alternative transportation:</b> Proposal includes details on covered bike storage and access to local bus service, including trail systems through abutting institutional properties</p> <p><b>Importance - 1x</b></p>	<ul style="list-style-type: none"> <li>• Development proposal provides onsite covered and secure bicycle storage for at least one bicycle per unit.</li> <li>• And provides covered bicycle storage for at least 20 bicycles at the bus station.</li> <li>• And site design includes sidewalks and coordination with neighboring properties to provide trail access to the nearby bus stop.</li> </ul>	<ul style="list-style-type: none"> <li>• Development proposal provides onsite covered and secure bicycle storage for at least 0.5 bicycles per unit.</li> <li>• And proposal includes bicycle storage for between 10 and 20 bicycles at the bus station.</li> <li>• And site design includes sidewalks to facilitate access to the nearby bus station but does not consider trail access.</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal does not include covered and secure bicycle storage for residents</li> <li>• Or does not include bicycle storage at the bus station.</li> <li>• Or access to nearby bus stop is not clearly defined or is completely absent from the proposal.</li> </ul>
<p><b>11. Management plan:</b> Proposal includes details on the property management approach, including services to support low-income residents.</p> <p><b>Importance - 1x</b></p>	<p>Development narrative includes a detailed and sound property management proposal, including resident services.</p>	<p>Development narrative includes a detailed property management proposal, but no resident services are provided or described.</p>	<p>Management approach is not detailed or is absent from the development narrative.</p>

# Proposal Submission Terms and Requirements

- a. To the extent permitted by law, the Town of Oak Bluffs reserves the right to reject any and all proposals in whole or in part, and to waive minor informalities, when at its sole discretion it is deemed to be in the best interests of the Town.
- b. Proposals that meet Minimum Threshold Criteria shall be evaluated based on responsiveness to the Comparative Evaluation 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.
- c. All proposals shall be submitted to the Town of Oak Bluffs, 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, and requests for extensions of time will not be granted. Proposers who mail proposals should allow sufficient time for receipt by the Town by the proposal deadline. Proposals received after the proposal deadline will be returned to the Proposer unopened.
- d. All proposals shall be signed in ink or electronically by the proposer. If the proposer is a corporation, the authority of the individual signing shall be endorsed upon, or attached to, the proposal and certified by the clerk of the corporation.
- e. All proposals submitted shall be binding upon the proposer for a minimum period of one hundred twenty (120) calendar days following the opening of proposals submitted to the Town. Proposals shall be securely kept and shall remain unopened until the proposal deadline and the opening of proposals.
- f. Proposals once submitted may, upon request of the proposer prior to the proposal deadline, be withdrawn or amended. If amended, resubmission of the proposal shall comply with all requirements of this RFP.
- g. Negligence on the part of the proposer in preparing the proposal confers no right of withdrawal 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 shall promptly notify the Town.
- h. If it becomes necessary to revise any part of this RFP, or if additional data are necessary to enable an exact interpretation of provisions, such addenda will be provided to all proposers who have requested this RFP. No addenda will be issued within the immediate three (3) business day period prior to the proposal deadline.
- i. 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 the 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. Proposers will be required to execute the "CERTIFICATE OF NON-COLLUSION" contained in the "Contract," which shall be filed with the Office of the Inspector General.
- j. All terms and provisions contained in the "LEGAL NOTICE" of this procurement (a copy of which is attached hereto) are incorporated by reference into this RFP.
- k. Proposers may add additional stipulations or otherwise qualify their proposals, but the Town shall retain the sole right to judge the importance of any such stipulation or qualification. If the Town determines that the stipulation or qualification is not in its best interest and/or is materially unacceptable, and if the proposer does not clearly indicate this to be an alternative for consideration, then the Town reserves the right to reject such proposal.
- l. Selection of a proposer's proposal will not create any rights on the proposer's part, including, without limitation, rights of enforcement, equity or reimbursement, until a Land Disposition Agreement and all related documents are approved by the Town and fully executed.
- m. 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 Developer 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.
- n. The Town reserves the right to modify any specifications and submission requirements associated with the proposal and the scope of the project.
- o. All proposals must be submitted on the forms provided or on attachments approved in advance by the Town.
- p. All information concerning materials, warranties, guarantees, complete plans, and complete specifications are due at the time of the proposal opening.

## SECTION 4. Appendices

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# Percolation Test Results

## Soil Percolation Test Results

**Schofield Barbini & Hoehn Inc.**

**Land Surveying • Civil Engineering**



12 Surveyor's Lane. Box 339  
Vineyard Haven, Mass.  
508-693-2781  
www.sbhinc.net  
dhoehn@sbhinc.net

MV 12130

September 28, 2020

Oak Bluffs Resident Homesite Committee  
PO Box 1941  
Oak Bluffs, MA 02557

Re: Soil testing - Oak Bluffs Assessor Parcel 50-31 - Edgartown - Vineyard Haven Road

Dear Mr. Crossland:

On September 28, 2020, Schofield, Barbini, and Hoehn, Inc. performed a soils investigation at the above referenced property. Four deep observation holes were excavated by backhoe and the following soil conditions were found:

Test Hole 1:	0"-5"	Loamy f-m SAND (topsoil)
	5"-29"	Sandy LOAM with Gravel to Stones
	29"-68"	(subsoil) Sandy LOAM to Silt LOAM
	68"-128"	(unsuitable) Loamy SAND with Gravel

Groundwater was not encountered at a depth of 128". A design percolation rate of two minutes per inch was determined for the material below 68".

Test Hole 2:	0"-5"	Loamy f-m SAND (topsoil)
	5"-26"	Sandy LOAM with Gravel (subsoil)
	26"-58"	Sandy LOAM to Silt LOAM
	58"-132"	(unsuitable) SAND with Gravel

Groundwater was not encountered at a depth of 132". A design percolation rate of two minutes per inch was determined for the material below 58".

MV 12130

Page 2

Test Hole 3:            0"-5"    Loamy f-m SAND (topsoil)  
                             5"-33"   Sandy LOAM (subsoil)  
                             33"-132" SAND with Gravel to Cobbles

Groundwater was not encountered at a depth of 132". A design percolation rate of two minutes per inch was determined for the material below 33".

Test Hole 2 :           0"-5"    Loamy f-m SAND (topsoil)  
                             5"-27"   Sandy LOAM with Gravel (subsoil)  
                             27"-72"   Sandy LOAM to Silt LOAM (unsuitable)  
                             72"-138"   SAND with Gravel

Groundwater was not encountered at a depth of 138". A design percolation rate of five minutes per inch was determined for the material below 72".

This investigation was witnessed by Megan Lancaster, agent for the Oak Bluffs Board of Health.

Based on this investigation and experience in the area, it is our opinion that the soils encountered are suitable for the construction of a waste water disposal facility on this property. If a disposal facility is design and constructed based on the soils found in Test Holes 1, 2, and 4, it is imperative that the design engineer inspect excavation of the facility at time of construction to insure that it is constructed below unsuitable materials or other appropriate measures are taken.

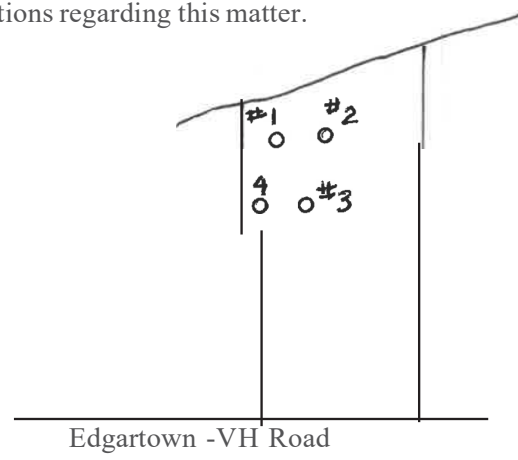
As plans for the property develop, additional soil testing may be warranted in order to allow for the most efficient system design.

Please feel free to contact me if you have any questions regarding this matter.

Sincerely,

*Original Signed*

Christopher P. Alley  
Project Manager



# Letter from Oak Bluffs Water District

OAK BLUFFS WATER DISTRICT  
PO Box 1297  
Oak Bluffs, Ma 02557  
PH: 508-693-5527 FX: 508-693-7014 E-MAIL: [obwater@comcast.net](mailto:obwater@comcast.net)

May 19, 2021

To Jenn Goldson, Consultant  
From: Michael Silvia, Superintendent  
Re: Southern Tier – Affordable Housing  
CC: Water Commissioners  
District Counsel

As I have a previous commitment, I will not be able to attend your Community Meeting #3 this evening but wanted to provide you with some input on behalf of the Oak Bluffs Water District.

First, the opportunities you, the Planning Board and others are providing for community comment is commendable and appreciated. The need for affordable housing is more critical now than ever for our Town. We will continue to do our best to be a partner in any such undertakings.

As you are aware, any significant increase in the number of housing units will require careful evaluation of its impact on a variety of services and infrastructure capacity. Key is the ability to provide ample, clean water, a responsibility our Water Commissioners and our entire staff take very seriously. Although I have been Superintendent for less than 6 months, I have been employed by the District for years and I have observed our staff working with consultants to plan for future needs of the Town much the same as the Town has done with your firm.

While most recognize that we would all benefit from one or more additional wells, and building a substantial number of new homes may make it even more essential, agreeing on a suitable location is rarely easy. As you likely know, the District commissioned a study of numerous potential sites all over town. Since a small part of the so-called Southern Woodlands parcel to the rear of the initial 8-acre parcel might make the most suitable site, we hope any future development plans will take that into consideration.

I look forward to working with you and any developers of both parcels to help assure that not only any residents of these affordable housing units, but all residents of Oak Bluffs have the water they need for domestic and business use and fire protection. I am convinced we can cooperate with your firm, the Planning Board and other Town departments to produce a result that meets everyone's needs. I await your call. Or contact me directly by e mail at [msilvia@oakbluffswater.com](mailto:msilvia@oakbluffswater.com)

## Letter from Oak Bluffs Planning Board



### **TOWN OF OAK BLUFFS PLANNING BOARD**

56 School Street  
P.O. Box 1327  
Oak Bluffs, MA 02557  
508-693-3554  
Ext. 215

Friday, June 4, 2021

Dear Michael Silvia, Superintendent and Raymond Moreis, Jr, Chair – Oak Bluffs Water District

I am in receipt of your May 19, 2021, letter of concern as it pertains to the proposed Southern Tier Property Housing Initiative. The Oak Bluffs Planning Board stands committed to working with all town departments and districts as it charts the paths forward for consideration by the people of Oak Bluffs. We look forward to your ongoing input.

Before commenting specifically on the above-mentioned housing initiative let me share a few comments from the May 6, 2016 Oak Bluffs Planning Board letter to Michael S. deBettencourt, then Chairman of the Oak Bluffs Board of Water Commissioners. This letter highlights our ongoing conversation and should give you some additional context.

On April 28, 2016, the Planning Board voted 4-0 to declare its position regarding potential new Town well siting.

- First, the Board is adamantly opposed to creating any new Zone II in residential areas.
- Second, and related, the Board strongly suggests further investigation of the possibility of siting the well in the State Forest.
- Finally, the Board feels it is critically important that the Water Commissioners develop a strong conservation and public awareness plan. This should be a priority before planning a new well.

The April 28, 2016 letter concludes by expressing that the Planning Board appreciates the Water District's attention to these issues, and looks forward to working with Water District in the future to find solutions to water supply and demand that meet the needs of the Town without causing undue harm to many of its residents and property owners.



There was quite a bit of local press coverage on the conversation of water supply and town planning. I have attached a Vineyard Gazette story dated 9.21.2017 along with the following link: [https://vineyardgazette.com/news/2017/09/21/oak-bluffs-water-district-eyes-future-need-new-well?fbclid=IwAR2E5eTVdOb-I-\\_pGNcThW5oT4aF3UkT8Hy1bSJzfCoXH0XININyvGNRvUM](https://vineyardgazette.com/news/2017/09/21/oak-bluffs-water-district-eyes-future-need-new-well?fbclid=IwAR2E5eTVdOb-I-_pGNcThW5oT4aF3UkT8Hy1bSJzfCoXH0XININyvGNRvUM)

As it pertains to the proposed housing initiative, certain aspect pertaining to the land in question should be understood by all.

- According to the Registry of Deeds, the 7acre parcel (Map 50, Parcel 31) adjacent to the Ice Arena is owned by the “Oak Bluffs Resident Homesite Committee, a Municipal Corporation”.
- Additionally, according to Assessor Map Parcel 42 -2, area = +/- 23.71 acres, commonly referred to as “the Doughnut Hole” is Oak Bluffs Resident Homesite Committee land.
- The Intermunicipal Agreement (attached) dated October 26<sup>th</sup>, 2004, between the Oak Bluffs Select Board and Land Bank Commission contains no statement of land use intended purpose.

We should all agree that the current town owned land in question is Resident Homesite land with that committee’s mission to be its intended use. That said, the Intermunicipal Agreement takes no position regarding intended land use for the resulting parcel due to the swap agreement.

Therefore, the Select Board will ultimately determine land use for the larger of the two resulting parcels. I suspect the Select Board will want to hear from all town departments and districts.

Sincerely,

Ewell Hopkins  
Chair – Oak Bluffs Planning Board

# Graphics from Housing Feasibility Study



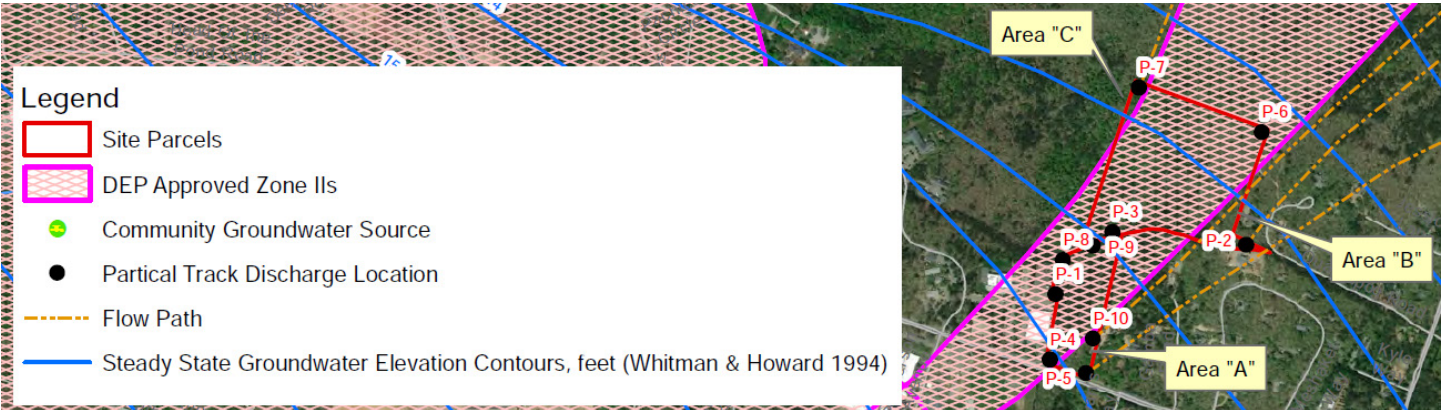
Example of a potential layout for the subject Property (source: Town of Oak Bluffs Housing Feasibility Study, 2020)

Development Program	
Residential Units	60
Affordability	100% Affordable
Total Development Cost	\$26,710,000
Wastewater Solution	Title 5 & Higher Level of Treatment
Infrastructure Cost (Wastewater)	\$3,750,000
Timeframe	5 Years

Development program for one potential layout (source: Town of Oak Bluffs Housing Feasibility Study, 2020)

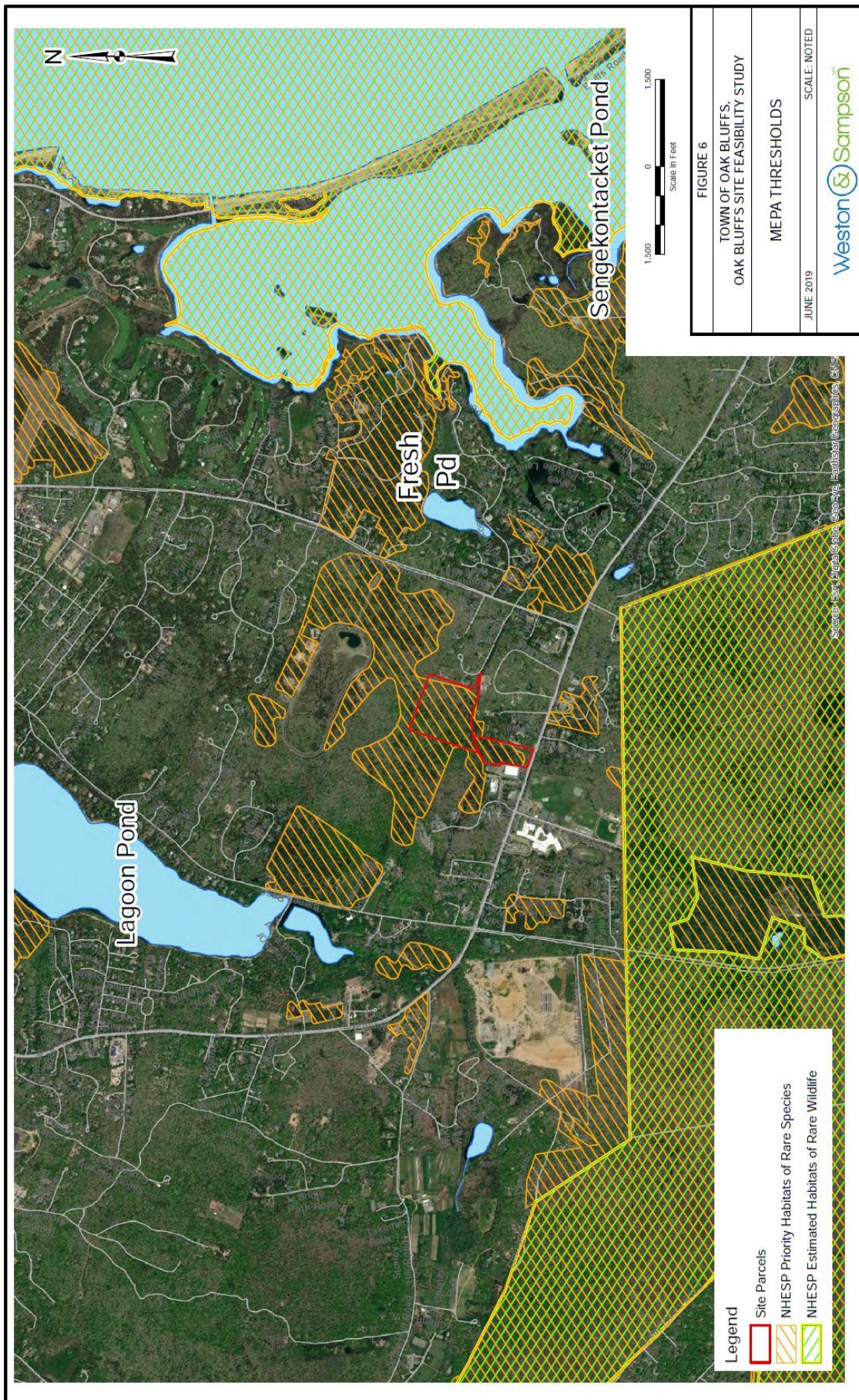


Example housing typology for Phase I of the development (source: Town of Oak Bluffs Housing Feasibility Study, 2020)



Site location relative to Zone II Wellhead Protection Areas (source: Town of Oak Bluffs Housing Feasibility Study, 2020)



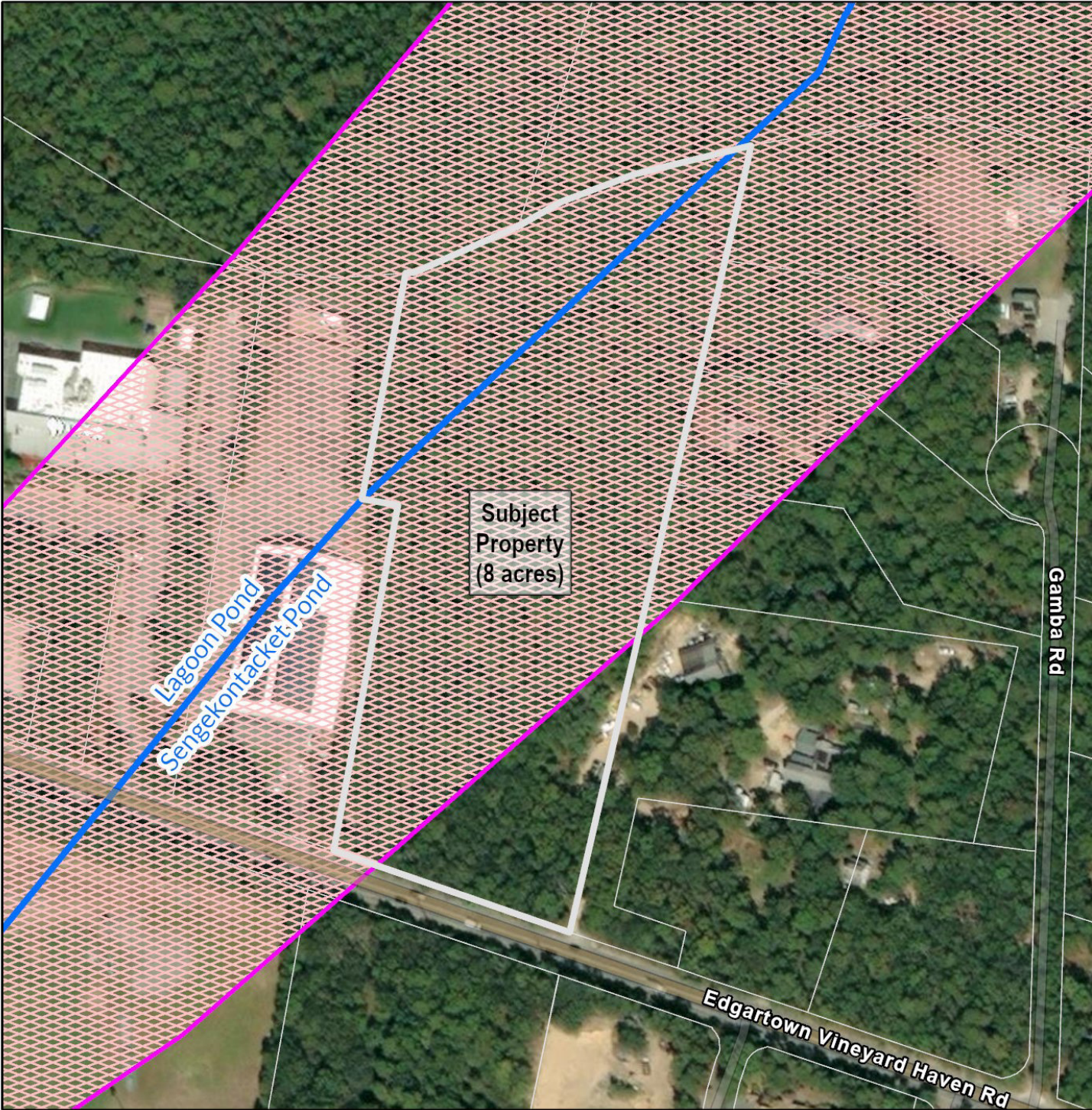


Site location relative to NHESP Priority Habitat Areas  
(source: Town of Oak Bluffs Housing Feasibility Study, 2020)



# Map of Water Resource Boundaries

Prepared by JM Goldson LLC



- Major Watershed Boundaries
- Zone II Wellhead Protection

Sources: MassGIS, MassDEP, Town of Oak Bluffs



## Required Forms

### NON-COLLUSION AFFIDAVIT OF BIDDER

State of \_\_\_\_\_

ss

County of \_\_\_\_\_

\_\_\_\_\_, being duly sworn, deposes  
and says that:

(1) He is (owner, partner, officer, representative or agent) of \_\_\_\_\_, the  
Bidder that has submitted the attached bid;

(2) He is fully informed respecting the preparation and contents of the attached bid and of all pertinent  
circumstances respecting such bid;

(3) Such bid is genuine and is not a collusive or sham bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees  
or parties in interest, including this affidavit, has in any way colluded, conspired connived or agreed  
directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham bid in  
connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or  
communication or conference with any other Bidder, firm or person to fix any overhead, profit or cost  
element of the bid price, or the bid price of any other Bidder; or to secure through any collusion,  
conspiracy, connivance or unlawful agreement any against the Town of Oak Bluffs or any other person  
interested in the proposed Contract;

(5) The price or prices quoted in the attached are fair and proper and are not tainted by an collusion,  
conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents,  
representatives, owners, employees, or parties in interest, including this affidavit.

Signed: \_\_\_\_\_

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

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

My Commission Expires: \_\_\_\_\_

CERTIFICATION OF COMPLIANCE WITH TAX LAWS OF  
COMMONWEALTH

I certify under the penalties of perjury that I, to my best knowledge and belief have filed all State tax returns and paid all State taxes required under law.

\_\_\_\_\_  
\*Signature of Individual or Corporate Name (Mandatory)

By: \_\_\_\_\_  
Corporate Officer (Mandatory, if Applicable)

\_\_\_\_\_  
\*\*Social Security Number (Voluntary) or Federal Identification Number

\* Approval of a Contract or other Agreement will not be granted unless this Certification Clause is signed by the applicant.

\*\* Your Social Security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a Contract or other Agreement issued, renewed, or extended. This request is made under the authority of Mass. General Laws c. 62C s. 49A.

**DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 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:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(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, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(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 (Check "NONE" if NONE):

☐ NONE

NAME:

POSITION:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

- (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.

\_\_\_\_\_  
PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

\_\_\_\_\_  
AUTHORIZED SIGNATURE of DISCLOSING PARTY      DATE (MM / DD / YYYY)

\_\_\_\_\_  
PRINT NAME & TITLE of AUTHORIZED SIGNER

**CERTIFICATE OF VOTE (required if Contractor is a Corporation)**

I, \_\_\_\_\_, hereby certify that I am duly qualified and Acting Secretary of  
\_\_\_\_\_ and I further certify that a meeting of the Directors of said  
Company, duly called and held on \_\_\_\_\_, at which all Directors were present  
and voting, the following vote was unanimously passed:

Voted to authorize and empower the person signing the Bid Certification Sheet on behalf of the  
Corporation. I further certify that the above vote is still in effect and has not been changed or  
modified in any respect.

BY: \_\_\_\_\_  
(Secretary of Corporation)

# Legal Notice