



**TOWN OF WAYLAND**  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778

**MEMORANDUM**

To: Board of Selectmen  
From: Louise Miller, Town Administrator  
John Bugbee, Assistant Town Administrator  
Cc: Planning Board  
Sarkis Sarkisian, Town Planner  
Date: June 7, 2021  
Re: Summary of Oxbow Field Project / Status of Settlement Agreement / Trustees of 89 Oxbow

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There remain 4 outstanding issues with respect to the Oxbow Field Project, with 3 parties involved, the Town, the Trustees of 89 Oxbow (the neighbors), and the contractor.

The contractor has completed all work at this time. There was a question whether the contract terms had been satisfied. After investigation of the contract terms and change orders, we determined that the contract terms were fulfilled. At this time, we are prepared to close out the contract and release any further retainage.

However, there remain 4 outstanding issues with respect to the Planning Board Modified Site Plan for the project and the settlement agreement between the Planning Board, the Recreation Director, and the Trustees of 89 Oxbow.

1. Separate Field Entrance

- a. Under the Settlement Agreement, a separate entrance was required to the Oxbow Field rather than a shared entrance to the condominiums at 89 Oxbow. The Modified Site Plan for the project shows a gravel entrance, not a paved entrance. The entrance was paved. This was brought to the attention of the Planning Board. Rather than request that the entrance pavement be removed immediately, the Planning Board asked for an engineering review of the stormwater run-off from the newly paved entrance. The Planning Board, asked that the Town use the engineer selected by the Trustees of 89 Oxbow, Hancock Associates. Hancock Associates worked with John Bugbee, and a report was produced March 22, 2021.
- b. The Planning Board must now answer whether the report from Hancock Associates affects the Settlement Agreement and actions to be taken under the Agreement and the Modified Site Plan. If the Planning Board determines that the pavement will remain, then the Town will need to negotiate a change to that term of the settlement agreement.

2. Planting and Screening Plan

- a. The planting and screening plan was included in the Conservation Commission land disturbance permit. John Bugbee and Linda Hansen, Conservation Agent, reviewed the planting and screening plan and verified that the plantings were planted and that they were surviving. Certain plants were planted in a different location from the plan, because certain adjustments needed to be made for survivability. The Settlement Agreement gives discretion to the Town's architect in making the final decision on location of plants.

- b. There is no further action required under the Settlement Agreement. The Trustees of 89 Oxbow are disputing whether the plantings accurately reflect the spirit of the agreed upon plan. The Town may choose to add plantings and screening. It is not clear how this item will be resolved
3. ADA Accessible Walkway on Field
- a. The walkway is currently in non-compliance for ADA accessibility. After holding back retainage from the contractor for the project, it was determined that the contractor built the walkway according to plan and according to a change order between the contractor and the Town's consultant, which was approved by the Town. The retainage will be released.
  - b. We have retained Beta Group, an engineering firm, using funds from the Town Administrator's operating budget to develop an ADA compliance plan. Beta produced a preliminary report. At this time, there is no funding to implement the plan with an estimated cost of \$20,000. There may be funding available with year-end operating funds to complete the ADA compliance for the portion of the work that had been within the scope of the Oxbow field project.
  - c. There were additional issues brought up by the Trustees of 89 Oxbow regarding ADA accessibility of trails. These could be part of a capital project requested on behalf of the Board of Selectmen to be funded from CPA funds. This item can be reviewed at a later time.
4. Pedestrian and Traffic Study
- a. The settlement agreement requires that a pedestrian and traffic study be completed within 60 days of opening the field. Sarkis Sarkisian, Town Planner, obtained a proposal for the study from TEC, the engineering firm that completed the original pedestrian and traffic study.
  - b. The primary question with respect to the pedestrian and traffic study is timing. The study should be completed when the fields are in full use. The timing of acceptance of the Oxbow field, at the end of the COVID-19 public health emergency and the beginning of the summer may be problematic and underestimate traffic. A better time would be in the fall after the start of school and when fall sports are in session.

One additional question that has been raised is improvement to the drainage at the field. The drainage of the field is an item for a future capital project. The Town would require an engineering firm to look at how drainage could be improved and a capital plan.