

City of Worcester, Massachusetts

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Memorandum

To: Albert LaValley, Chair – Worcester Planning Board

From: Michelle M. Smith, Chief Planner
Stephen S. Rolle, PE, ACDO

CC: Planning Board Members

Date: Reissued September 14, 2020, **Revised September 23, 2020**

Re: **Malden Woods Subdivision (aka Danielle's Way and the Extension of Whippoorwill Drive & Castine Street) – Definitive Site Plan & Definitive Subdivision Plan Amendment**

Project Summary

Whippoor, LLC, seeks the following approvals:

- **Amendment to Definitive Subdivision Plan;** &
- **Definitive Site Plan** (required for all lots in a subdivision).

For a proposed subdivision to consist of approximately 30 lots for the construction of 15 single-family semi-detached (duplex) dwellings (total of 30 units) along with improvements to three roadways:

1. Construction of a new residential roadway known as Danielle's Way connecting Whippoorwill Drive to Castine Street (+/-900 feet);
2. The +/-150 foot extension and re-construction of Whippoorwill Drive (from Malden Street east +/-650 feet to the proposed Danielle's Way). *Note: connection involves a stream crossing and the installation of a bottomless box culvert*
3. The extension of Castine Street (from Dixfield Street west +/-300 feet).

The purpose of the proposed subdivision amendment is to:

- Remove lots 16 & 17 from the subdivision, as the lots are no longer owned by the subdivision owner/developer and were previously released from the restrictive covenant.
- Increase the number of proposed lots/units by six – changing the previously proposed single-family detached dwellings to single-family semi-detached (duplex) configuration (26 approved, 30 proposed). *Accounting for the loss of two lots, (lots 16 & 17) as noted above, the net increase in dwelling units/lots proposed is four for a total of 30 lots vs. 26 (originally approved).*
- Reflect new drainage infrastructure that complies with the current Stream Crossing Standards and Stormwater Standards, and also eliminates grading and paving, within close proximity to the wetlands to prevent impacts thereto during and/or after construction.
- Decrease the pavement width of the street from the required 30', per the Subdivision Rules & Regulations Standards, to 28' to decrease impervious area.
- Eliminate certain sidewalk segments in order to prevent encroachments toward the wetlands (continuity of the sidewalk network is maintained).
- Retroactively extend the sunset (i.e. automatic recession) date.

Planning Board

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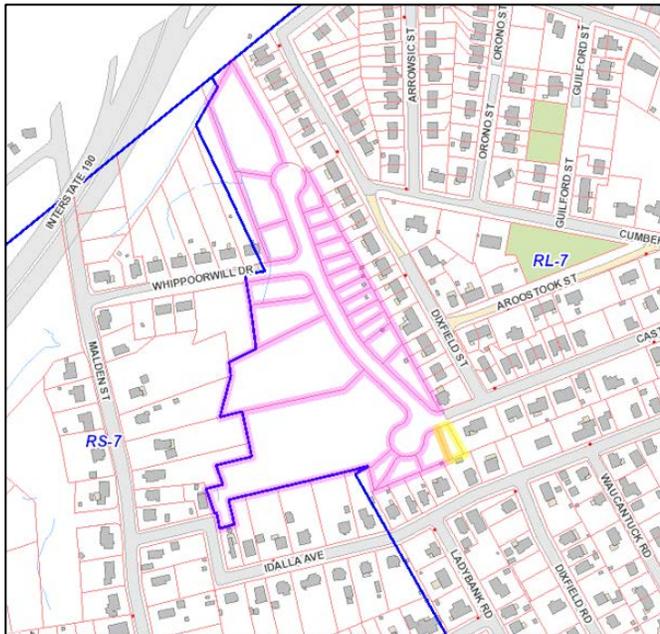
Website: www.worcesterma.gov/planning-regulatory



Location

The property is located near the Worcester/West Boylston line, just south of I-190 and is bounded by Malden Street and West Boylston Street. The property is currently forested with a large wetland network present along the southwestern side of the site.

The property is wholly located within an RL-7 (Residence, Limited) zoning district.



Recommendations

Definitive Subdivision Amendment

Staff recommends that the Board ask the applicant to confirm waivers requested. If approved, staff recommends that the Board establish a new sunset date 5 years from the date of approval and establish the following conditions of approval:

1. Prior to endorsement of the final Subdivision Plan:
 - a. Final revised plans shall be submitted to the Division of Planning & Regulatory Services addressing all conditions listed under the Plan Revisions section of these recommendations
 - b. Provide one copy of the final, stamped stormwater report and an updated operation and maintenance plan including specifications for each proposed stormwater system component to the Division of Planning & Regulatory Services.
 - c. Easements shall be obtained for street purposes (including the crossing) and any utilities and/or related infrastructure, including to provide access thereto, required to be installed with the potential to be conveyed to the City of Worcester.
 - d. Security, reflecting the new sunset date and the amended subdivision plans, shall be provided pursuant to MGL Ch. 81U & the City of Worcester Subdivision Regulations for all required municipal improvements.
2. Prior to any construction, a pre-construction conference shall be held and requisite notice shall be given to both the office of the Planning Board (c/o Division of Planning & Regulatory Services) and the Department of Public Works & Parks' – Engineering Division as required by Section X. A schedule of operations to include starting and completion dates for major development phases such as land clearing and grading, street, sidewalk and storm sewer installation and sediment control measures) shall be provided at this time in compliance with the requirement of Section H.6.4.
3. Construction phasing shall be consistent with the approved plans.

4. During all phases of construction, temporary turn-around measures shall be provided as needed in a location and condition acceptable to the Fire Department and consistent with the requirements of the Subdivision Regulations (IX. C.8.a).
5. Except for access necessary to construct stream crossing components, during Phases 1 & 2, construction vehicles shall access the site via Castine Street and shall not use Whippoorwill Drive.
6. During Phase 4 material shall be live-loaded, where possible, and all overnight stockpiling and equipment staging shall occur on Lot 9 or 10 to prevent disruption to Whippoorwill Drive residents.
7. All public safety features (guardrail, fencing, etc.) shall be installed to the satisfaction of the Commissioner of Inspectional Services or the Department of Public Works & Parks for a given project phase prior to the progression to the subsequent project phase. The applicant shall make good faith efforts (as reasonably demonstrated to the Department of Public Works and Parks) to install and to make operational streetlights prior to starting subsequent project phases.
8. Lots within Phase 2 & 3 (i.e. Lots # 5A, 5B, 6A, 6B, 7A, 7B, 8A & 8B) shall remain subject to a Restrictive Covenant, held as additional security and not to be built upon, until the construction of the wetland/stream crossing and related improvements are complete.
9. Prior to construction of Phase 3, a performance agreement secured by an approved monetary form shall be required in order to secure the full cost of the improvements proposed to reconstruct Whippowrill Drive (from Malden Street to Danielle's Way) within Phase 4. Said security shall be separate from any other form of security for the project.
10. Prior to issuance of a building permit for and/or commencement of construction for the crossing, one (1) to-scale properly stamped and sealed original wall and footing plans, with sections, prepared by a currently licensed Massachusetts Registered Professional Engineer shall be submitted to the Division of Planning and Regulatory Services. Said plan shall reconcile with the approved site layout plans on file.
11. Upon completion of construction, the developer shall petition to make public all of the effected streets, including Danielle's Way, the extension of Castine Street, and the extension of Whippoorwill Drive.
12. No single species of street tree shall constitute more than twenty-five percent of the total number of street trees shown on the approved plan in order to provide canopy resiliency. Trees shall be planted in compliance with Section X.J. Any stakes shall be removed after 1 year to prevent girdling.
13. Infrastructure shall be installed and maintained in compliance with the operations and maintenance plans on file with the Division of Planning & Regulatory Services.
14. Prior to and continuing during all construction activities, appropriate soil erosion and sedimentation control measures including hay bales and silt fences, shall be installed and maintained subject to the oversight and direction of the Commissioner of Inspectional Services.
15. All tree and stump removal shall be in accordance with the Asian Longhorned Beetle program requirements and all new trees and shrub plantings shall be Asian Longhorned Beetle and Emerald Ash Borer resistant.
16. No rock crushing or grinding operations shall be permitted onsite and the contractor shall take steps to limit unnecessary noise and comply with the City of Worcester's General Revised Ordinance Relative to Noise Control.
17. Noise Mitigation - All construction shall take place during normal working hours Monday–Friday between 7:00 AM and 5:00 PM. Construction activities shall comply with all state and municipal noise regulations. Equipment shall be well maintained and have functioning mufflers. All equipment shall comply with D.E.P.'s Anti Idling regulations to prevent unnecessary noise and air pollution while not in productive use.
18. Dust and Air Quality Control - To mitigate dust on the worksite, the contractors shall have on site water trucks, misters and chemical treatment such as calcium chloride during earth moving activities. In addition to these measures excavated soils shall be directly transferred to covered trucks, and not stockpiled as to contribute to dust from the work site.

19. Fuels, Waste Oil, and Hazardous Wastes - All work shall be conducted in an environmentally safe manner in accordance with all regulations for the management of fuels, waste oils and hazardous materials. All hazardous materials shall be transported, stored and handled in compliance with applicable state and federal regulations.
20. All work shall conform to the City of Worcester's Subdivision Rules and Regulations, Zoning Ordinance, Planning Board decision and conditions of approval, and to the standards contained in the City of Worcester, Department of Public Works & Parks, Engineering Division, Construction Management Section, STANDARD SPECIFICATIONS & DETAILS, most recent edition.
21. Subject to the Zoning Enforcement Officer's determination that the parcels comply with all the relevant provisions of the Zoning Ordinance.
22. Pursuant to Section VI, I.2.b. of the City of Worcester Subdivision Regulations, this approval shall automatically expire and rescind after 5 years from the date of conditional approval, if all required improvements (i.e., construction of the way(s) and installation of municipal services) have not been completed.

Subdivision Waivers

The applicant has not submitted any waiver requests. Based on a review by staff, the applicant should either request the following waivers from or revise the plans to comply with the requirements of the Subdivision Regulations. The list below is not necessarily all encompassing; it is incumbent on the applicant to identify and request necessary waivers.

Section IX – Design Standards:

C.9 To underground all utilities within Whippoorwill Drive.

Whippoorwill is an existing street with existing above ground power and telecomm lines; DPRS supports this waiver.

E.1 To exceed the maximum centerline grade for Whippoorwill Drive;

Whippoorwill is an existing street with profile that exceeds current standards; DPRS supports this waiver, but additional refers the Board to DPW for comments regarding suitability of the proposed profile.

E.4 To exceed maximum grades for the proposed leveling area of Whippoorwill Drive at Malden Street.

Whippoorwill is an existing street with profile that exceeds current standards; DPRS supports this waiver, but additional refers the Board to DPW for comments regarding suitability of the proposed profile.

Section X – Required Improvements:

D.5 To decrease the required pavement width from 30 feet to 28 feet.

Given the presence of a stream and wetlands, DPRS supports the reduction in width. Also refer to any applicable DPW comments.

E.1 To provide catch basins every 300 feet on Whippoorwill Drive.

Whippoorwill is an existing street with profile that exceeds current standards. Also refer to any applicable DPW comments.

F.1 To provide sidewalks on both sides of any proposed way (along the southerly side of Whippoorwill Drive and along the Westerly side of Danielle's Way from Lot 13A to Lot 12B).

Given that Whippoorwill is an existing street, and the presence of a stream and wetlands, DPRS supports the elimination of sidewalks on one side of the street provided that continuity is maintained. Also refer to any applicable DPW comments.

F.1 To comply with the typical cross-section relating to the proposed sidewalk width and landscape strip orientation, for Whippoorwill Drive.

Given that Whippoorwill is an existing street, DPRS supports the modified sidewalk cross section. Also refer to any applicable DPW comments.

Section VI.H-G – Plan Requirements:

G.12 To show the locations and outlines of all existing buildings and site features such as stone walls, fences, large trees (12” caliper) or wooded areas, rock ridges and outcroppings, swamps/ wetlands and water bodies within or adjacent to the proposed subdivision.

G. 6. 1. To show all construction plan requirements – including bounds/ monuments, proposed utilities, or proposed furnishings (i.e. hydrants, street lights, fences, etc.) – on the erosion and sediment control plan.

Staff supports this waiver to improve legibility of the erosion and sediment plans.

Section VI.I.2. – Planning Board Decision

B. To retroactively waive the automatic recession date and set a new sunset date of August 26, 2025.

Definitive Site Plan

If approved, staff recommends the following conditions:

1. Prior to the issuance of any Building Permit:
 - a. Final revised plans shall be submitted to the Division of Planning & Regulatory Services addressing all conditions listed under the Plan Revisions section of these recommendations.
 - b. Provide one copy of the final, stamped stormwater report and an updated operation and maintenance plan including specifications for each proposed stormwater system component to the Division of Planning & Regulatory Services.
2. All proposed plantings shall be of a non-Asian Longhorned Beetle or Emerald Ash Borer susceptible species.
3. Prior to and continuing during all construction activities, appropriate soil erosion and sedimentation control measures including hay bales and silt fences, shall be installed and maintained subject to the oversight and direction of the Commissioner of Inspectional Services.
4. For each structure, prior to issuance of a certificate of occupancy, a registered Professional Engineer, currently licensed to practice within the Commonwealth of Massachusetts, shall provide a written certification that the stormwater system has been constructed in substantial compliance with the approved plans and that the infrastructure functions as designed.
5. Provided that the project is constructed in substantial accordance with final revised plans, including architectural renderings, on file with the City of Worcester and in accordance with all applicable governmental codes.

Site Plan Waivers

The applicant should either request the following waivers or revise the plans accordingly:

1. Requirement to label trees in excess of 9” on the plan.

Plan Revisions

1. Provide two (2) copies of revised plans (1 stamped, full-sized complete plan set; 1 Mylar subdivision plan set for recording), and a PDF file of the same, to the Division of Planning & Regulatory Services incorporating the following:
 - a. Coordinate street sign locations with DPW&P and show on plan.
 - b. Adjust the proposed crosswalk location at Castine Street to be the west side of the intersection with Dixfield Street and extend the sidewalk on the south side of Castine to connect.
 - c. Revise easement areas (for all drainage infrastructure, access areas adjacent to any proposed walls associated with the Whippoorwill Drive right-of-way) to comply with requisite easement

widths in compliance with the Regulations (i.e. 20-25 feet), to encompass all proposed infrastructure components (e.g. basin sidewalls, etc.) and provide appropriate access thereto, and to show such infrastructure on easement diagrams sheets for clarity;

- i. Expand the easement around the northern basin such that it extends a minimum of 10 feet out from all infrastructure components including the sub-drain (north and east), the splash pad (south) and the side of the basin.
- d. Reposition directional (north) arrow on sheet 11 so the entire arrow is visible; reposition directional arrow on sheet 17 so that it is more visible; add a directional arrow to sheet 35.
- e. Provide a landscape plan showing existing vegetation to remain in compliance with Subdivision Rules Section X.J (Trees).
- f. Update drawings to correctly depict accessible curb ramps at all crosswalk locations, including proper orientation of aprons, adjacency of ramps to the curb line, and required landing areas behind ramps. Specify which ramp detail applies to specific locations.
- g. Update or supplement typical roadway cross sections to identify curbing material and depth and composition of base course and pavement layers for sidewalks in accordance with city standards.
- h. Provide driveway apron detail showing sidewalks continuing at-elevation through the driveway, with the driveway rising to the sidewalk elevation in accordance with city standards.
- i. Clarify the source of existing topographical information and what information is a result of a field survey (Sheets 4 and 5);
- j. Clarify location and design of stormwater outfall under the box culvert, including wall penetration and splash pad.
- k. Provide representative architectural elevations showing building height in feet and stories, and information regarding proposed exterior materials for *each style* of proposed structure.
- l. Provide details for all proposed construction materials associated with each lot, including fencing (required to surround the stormwater basins; must be black-vinyl coated if chain-link), surface treatments (e.g. patios), drainage system components, etc.
- m. Show locations of any fencing or other landscape furnishings proposed.
- n. Provide details for overflow from infiltration systems.
- o. Update phasing plan (sheets 30-33) to incorporate the following:
 - i. Provide each phase on new sheet at 1:20 or 1:30 scale to improve readability.
 - ii. Move labels and so that they don't obscure information within the area of interest (i.e. – move text to the exterior of the phasing boundary and use arrows to point to applicable area).
 - iii. Correct directional arrow to point north.
 - iv. Remove unnecessary layers/information from phasing sheets, such as metes and bounds, property dimension labels, 50' wetland buffer (NOTE: keep 15, 30, 100 ft. buffers), structures (NOTE: Keep lot lines and edge of roadway), and drainage easements.
 - v. Add the following information within each phase: temporary swale (both on key and on plans), limit of work for each phase, limit of erosion controls for each phase.
- p. Provide an erosion control plan for a "typical" lot to illustrate how tracking pad and erosion controls will generally be placed during the course of the project.
- q. Modify sheet 21 to show erosion controls at limit of work.
- r. Provide modified detail with double erosion control barrier around dewatering basin in sheet 25. The standard condition in the order will require use of a double barrier.
- s. Revise plans to reconcile the correct location of units 12 and 13 (sheets 7, 11, 12, 14, 16, & 19 and elsewhere as may be necessary).

Review of Definitive Subdivision Plan Amendment

Please refer to staff comments under “Subdivision Waivers” previously. In addition, staff offer the following comments on the subdivision plan amendment:

1. Staff recommends that the crosswalk on Castine Street be relocated further west to the intersection of Dixfield Street and Castine Street and extend the sidewalk on the southerly side of Castine Street to connect.
2. Staff recommends that construction staging, including construction of the box culvert stream crossing, take place to the greatest extent possible from the east side of the stream crossing, including placement of heavy equipment and stockpiling.
3. Has the applicant considered installation of any proposed screening (fencing or landscaping) or leaving any mature trees in place where possible, along the rear lot lines for the proposed house lots located on the eastern side of Danielle’s Way and along the southern side of Castine Street?
4. The northern detention basin requires an expanded easement in order to allow for long-term maintenance/repairs (minimum 10’ from the edge of the infrastructure).

Review of Definitive Site Plan

The following standards shall be used by the Planning Board in reviewing all applications for site plan review. These standards are intended to provide a frame of reference for the applicant in development of applications. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation. Applicants are encouraged to evaluate the extent to which the site plan, its immediate and general locus, and the City more generally can tolerate the development being proposed and adjust their proposals accordingly.

Staff comments are provided in *blue italics*.

1. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

Ensure sidewalks at curb cut locations are in compliance with City specifications.

Staff recommends relocating the Castine Street crosswalk as discussed above under Subdivision Plan comments.

Staff supports eliminating the west side sidewalk adjacent to wetland areas, as depicted on the revised plans.

2. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls.

Coordinate traffic signs locations with DPW&P.

Refer also to DPW&P comments.

3. Location, arrangement, appearance and sufficiency of off-street parking and loading.

Revised plans meet applicable zoning requirements, including front yard paving/parking limitations.

4. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.

Photometric plan is difficult to read due to print size and spacing of values, but appears to show adequate light levels on roadways with well controlled spillover.

5. Adequacy of stormwater and drainage facilities.

See comments regarding easement size and proximity to wetlands.

Refer to DPW&P Comments.

6. Adequacy of water supply and sewerage disposal facilities.

Clarify location and depth of the proposed waterline and/or any additional utilities to be located over/adjacent to the proposed stream crossing.

Refer to DPW&P Comments.

7. Adequacy, type and arrangement of trees, shrubs and other landscaping elements in accordance with the Landscaping Design Standards set forth in Article V, Section-5(C).

Clarify any vegetation to remain and provide specifications for locations and types of screening.

8. In the case of an apartment complex or other multiple dwelling, the adequacy of useable common property or open space.

None proposed.

9. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

No comments.

10. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.

Fire hydrants are proposed in front of lot 13A, 12A and 7A. Because these locations are difficult to identify on the plans, staff recommends that they additionally be labeled.

Refer to DPW&P and Fire Department comments.

11. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.

No comments.

12. Adequacy of erosion and sedimentation control measures to be utilized during and after construction.

Staff comments are summarized in the recommended conditions of approval.

13. Conformance and compatibility of the site plan design with structures listed in the most recent State Register of Historic Places.

No comments.

14. Adequacy and impact on the regional transportation system.

No comments.

15. Adequacy of plans and protective measures to ensure minimal risk of contamination to surface or ground water.

See comments regarding erosion control, phasing and sequencing.

16. Conformance of the site design with the purposes and intent of the Worcester Zoning Ordinance.

No comments.

Background

Zoning:

- In 2006 a zoning map amendment was approved, changing the zoning designation of the majority of the site from RS-7 to RL-7, however a number of lots were split-zoned and two lots remained constrained to RS-7 requirements for construction purposes.
- On September 3, 2019 a zoning map amendment was ordained to extend the RL-7 zoning district to wholly encompass the project area in order to allow the by-right development of semi-detached dwellings (duplexes) on all lots.

Subdivision:

- On November 17, 2004, the Planning Board approved a Definitive Subdivision for 26 lots known as Malden Woods (PB-2004-165). The subdivision is secured via a restrictive covenant. On February 24, 2010, the Board approved an amendment to extend the current sunset date to February 24, 2015 (PB-2009-087). The sunset date was automatically extended under the state permit extension act and remained valid through February 24, 2019 (prior to which this Amendment was filed with the Planning Board). Since the 2010 amendment, the previous owner sold two of the lots (lots 16 & 17) in violation of the Restrictive Covenant, but in 2015 the lots were ultimately released from the covenant by the Board.

Other Approvals

- The Conservation Commission is scheduled to next hear the Notice of Intent application for the same project at their September 21, 2020 meeting.
- An amendment to the restrictive covenant currently serving as the form of surety for the project will need to be executed prior to recording of the amended plan and new easement documents for infrastructure will need to be drawn up at the same time.

List of Exhibits

- Exhibit A: Definitive Site Plan Application; filed May 2018; prepared by HS&T Group.
- Exhibit B: Definitive Subdivision Application; filed May 2018; prepared by HS&T Group.
- Exhibit C: Definitive Subdivision Plan; dated April 19, 2019 and last revised August 18, 2020; prepared by HS&T Group.
- Exhibit D: Drainage Calculations; dated April 19, 2019 and last revised August 18, 2020; prepared by HS&T Group.
- Exhibit E: Fire Department Comments; last revised September 11, 2020.
- Exhibit F: DPW&P Comments; last revised September 9, 2020.
- Exhibit G: Inspectional Services Department Comments; received August 27, 2018.
- Exhibit H: E-mailed Resident Comments, various dates.

Constructive Grant Deadline: -

Abutter Notification Date: May 7, 2018; December 17, 2018; & January 13, 2020

T&G Publication Dates: May 9 & May 16, 2018; December 19 & December 26, 2018; & January 14, 2020 & January 22, 2020