

City of Worcester, Massachusetts
Planning Board

Albert LaValley,
Chair



Paul DePalo, Vice-Chair
Eleanor Gilmore, Clerk
Toni Molinari
Edward Moynihan

May 5, 2021

Mr. Nikolin Vangjeli, City Clerk
455 Main Street, Room 207
Worcester, Massachusetts 01608

RE: **MALDEN WOODS SUBDIVISION (AKA DANIELLE'S WAY AND THE EXTENSION OF WHIPPOORWILL DRIVE & CASTINE STREET) DEFINITIVE SUBDIVISION PLAN AMENDMENT PB-2021-010**

Dear Mr. Vangjeli:

On March 24, 2021, the Planning Board met remotely, pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place. The meeting was held remotely via WebEx with participation facilitated via computer (<https://cow.webex.com/meet/planningboardwebex>) and phone (415-655-0001, Access Code: 160 171 4991). Board members participating remotely for the hearing were Albert LaValley, Paul DePalo, Eleanor Gilmore, Toni Molinari, and Edward Moynihan.

At the remote meeting, the Planning Board voted 5-0 to **approve** a Definitive Subdivision Plan Amendment for the Malden Woods Subdivision (last amended on September 24, 2020) for property located at 0 Danielle's Way and 0 Whippoorwill Drive and owned by Whippoor, LLC. The plan, entitled "Malden Woods – Definitive Subdivision Plan Amendment & Definitive Site Plan," prepared by H.S & T. Group, Inc., dated April 19, 2018 and last revised November 12, 2020, was approved pursuant to MGL Chapter 41, Section 81W, and the City of Worcester Subdivision Regulations with the following **conditions of approval**:

1. Prior to endorsement of the final Subdivision Plan:
 - a. 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;

City of Worcester Planning Board
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- 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:
 - ii. Provide each phase on new sheet at 1:20 or 1:30 scale to improve readability.
 - iii. 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).
 - iv. Correct directional arrow to point north.
 - v. 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.
 - vi. 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).
 - t. Reflect the location for the 4-foot black-vinyl coated chain-link fence required to surround each detention basin.
- b. Provide one (1) original, stamped stormwater report and checklist reflecting the final revised plan design, 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 Whippoorwill 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 in accordance with City of Worcester Ordinances and Regulations. 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, 1.2.b. of the City of Worcester Subdivision Regulations, this approval shall automatically expire and rescind after 5 years (March 24, 2026) from the date of conditional approval (March 24, 2021), if all required improvements (i.e., construction of the way(s) and installation of municipal services) have not been completed.

The following **waivers** were granted by the Board 5-0:

Section IX – Design Standards:

- a. Section IX, C.9. To underground all utilities within Whippoorwill Drive;
- b. Section IX, E.1. Maximum Centerline Grade;
- c. Section IX, E.4, Maximum Grade.
- d. Section IX, G: Waiver of strict compliance with the requirements for fencing detention ponds, in order to permit a four (4) foot black vinyl-coated chain link fence around basins.

Section X – Required Improvements:

- e. Section X, D.5. Decrease required pavement width from 30 feet to 28 feet;
- f. Section X, E.1. Provide catch basins every 300 feet on Whippoorwill Drive;
- g. Section X, F.1. Sidewalks on both sides of street; waiver to allow sidewalks on the northerly side of Whippoorwill Drive and the easterly side of Danielle's way from Lot13A to Lot 12B;
- h. Section X, F.1. Typical Cross-Section relating to proposed sidewalk width and landscape strip orientation for Whippoorwill Drive.

Section VI.H-G – Plan Requirements:

- i. Section VI.H-G, G.12. To show all locations and outlines of existing buildings and site features within or adjacent to proposed subdivision;
- j. Section VI.H-G, G.6.1. To show all construction plan requirements on the erosion and sediment control plan.

Endorsement of the Definitive Subdivision Plan is contingent upon notice from the City Clerk of "No Appeal" from the action of the Board in approving this subdivision or if an appeal is taken, notice of the court either sustaining the approval or dismissing the appeal.

Applicant must guarantee the construction of ways, the installation of municipal services and the successful performance of all other conditions to the approval of the subdivision in the manner provided in the Subdivision Regulations, Section VII, as authorized by MGL Chapter 41, Section 81U.

Pursuant to City of Worcester Subdivision Regulations Section VI (I) (2), the conditional approval of this subdivision, consisting of 30 lots, shall automatically expire within five years from the date of this approval (March 24, 2021) on March 24, 2026 if all required improvements (i.e., construction of the way(s) and installation of municipal services) have not been completed.

The names typed below represent the intent to sign the foregoing document in accordance with MGL Chapter 110G §9. Duly authorized by Ch. 110G and recorded at Worcester Registry of Deeds in Book 62537, Page 328.

A majority of the City of Worcester Planning Board,

DocuSigned by:
Albert LaValley
ALBERT LAVALLEY

DATE 5/5/2021

PAUL DEPALO

DATE _____

DocuSigned by:
Eleanor Gilmore
ELEANOR GILMORE

DATE 5/5/2021

DocuSigned by:
Toni Molinari
TONI MOLINARI

DATE 5/5/2021

EDWARD MOYNIHAN

DATE _____

CC: Whippoor, LLC
Law Department
DPW&P