



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT
GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

October 10, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME: Rogerson Commons
PROJECT MUNICIPALITY: Uxbridge
PROJECT WATERSHED: Blackstone
EEA NUMBER: 13124
PROJECT PROPONENT: The Renaud Companies
DATE NOTICED IN MONITOR: September 10, 2008

Pursuant to the Massachusetts Environmental Policy Act (M. G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that the project **does not require** the preparation of an Environmental Impact Report (EIR).

Previously Reviewed Project

The previously reviewed project completed MEPA review in the form of a Final EIR (FEIR) on June 1, 2004. The project consisted of a sixty (60) unit residential condominium development on approximately 14 acres of a 53 acre parcel located off of Rogerson Crossing and adjacent to the Mumford River in Uxbridge. The development area included a formerly mined area associated with a sand and gravel operation. Access to the project was via a new bridge to be constructed over the Mumford River, connecting the new subdivision roadway to the existing Rogerson Crossing roadway.

Estimated project impacts associated with the previously reviewed project included the creation of 5.03 acres of new impervious area, 160 square feet (sf) of Bordering Vegetated Wetland (BVW) alteration, alteration of 6,350 sf of Bordering Land Subject to Flooding, direct impact to 26,572 sf of Riverfront Area, and 13,200 gallons per day (GPD) of water use and wastewater generation, respectively. The project required a Sewer Extension Permit and a Chapter 91 (c.91) License from the Massachusetts Department of Environmental Protection (MassDEP) and an Order of Conditions from the Uxbridge Conservation Commission. The Order of Conditions was appealed and MassDEP issued a Superseding Order of Conditions – Denial. MassDEP denied permit approval for the project under the Wetlands Protection Act because the project, as presented in the original MEPA filings, did not meet the criteria referenced in 310 CMR 10.58(5)(a) through (h) regarding work in the Riverfront Area.

Project Change Description

The project change consists of a reduction in environmental impacts associated with project plan modifications. In 2006, the Town of Uxbridge created a new bylaw for townhouse developments. In accordance with this new bylaw, the Proponent has modified the project to comply with the Riverfront Area Rules and Regulations. The revised project consists of a sixty-six (66) unit residential condominium development on subdivision lot twenty (20) acres in area. The area of impact is generally consistent with that previously reviewed by MEPA (i.e. 14 acres). All residential units have been removed from the Riverfront Area, with Riverfront Area impacts limited to drainage improvements and vegetation restoration efforts. The proposed bridge crossing will remain in the previously reviewed configuration, however the proposed roadway has been modified slightly to accommodate a short cul-de-sac and loop driveway, in lieu of the longer roadway reviewed in the FEIR.

Environmental impacts associated with the currently proposed project in comparison to the project previously reviewed include a decrease of 1.15 acres of impervious area, an increase of 106 sf of BVW alteration, a decrease of 994 sf of alteration to BLSF, an increase of 5,019 sf of Riverfront Alteration, and an increase of 1,320 gpd of water use and wastewater generation, respectively. According to the comment letter on the NPC submitted by the Natural Heritage and Endangered Species Program (NHESP), the NHESP determined in February 2008 that the project will not result in a “take” of state-listed species under the Massachusetts Endangered Species Act (MESA) and associated regulations. Furthermore, the project site will no longer be mapped as *Priority Habitat* in the 13th Edition of the Natural Heritage Atlas (effective October 1, 2008).

Measures to avoid, minimize or mitigate environmental impacts associated with the project include the use of Stormwater Management Best Management Practices (BMPs) such as deep sump hooded catch basins, street sweeping, stormwater detention and infiltration, sediment forebays and the use of a Stormceptor unit. The project must meet the requirements of the Stormwater Management Regulations as revised in January 2008. The Proponent has limited work within the 0 to 100 foot Riverfront Area to the placement of the access roadway and

mitigation for the fill to BLSF. Disturbances within the 100 to 200 foot Riverfront Area include the construction of an infiltration basin to recharge the Mumford River and the restoration of exposed slopes with a combination of trees, shrubs, groundcover and mulch.

Jurisdiction

The project was previously subject to MEPA review pursuant to Section 11.03(1)(b)(2) and 11.03(3)(b)(1)(e) of the MEPA regulations, because it would have required a State permit and resulted in the creation of five or more acres of impervious area and new fill in a velocity zone or regulatory floodway. The project as proposed in the NPC has reduced potential environmental impacts and no longer exceeds the threshold pertaining to creation of new impervious area. The project continues to require a c.91 License from MassDEP. Due to changes in the sewer extension regulations since the original project filing, the Proponent must obtain a sewer connection/extension permit through a local review in lieu of the former State permitting process. The project will continue to require an Order of Conditions from the Uxbridge Conservation Commission for wetland impacts associated with the modified project. The project must comply with the U.S. Environmental Protection Agency's (U.S. EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges.

Review of the NPC

The overall environmental impacts associated with this project have been mitigated in comparison to the previously reviewed project. While impacts associated with BVW alteration, Riverfront alteration, and water use and wastewater generation have increased in comparison to the FEIR, increases are minimal and are below mandatory EIR thresholds. The Proponent has proposed appropriate mitigation measures to offset potential environmental impacts including: compensatory flood storage, compliance with the MassDEP Stormwater Management Regulations, a Riverfront Area restoration plan, a 5.34-acre open space restriction area, and a reduction in impervious area.

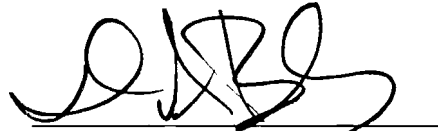
At the request of MassDEP, the Proponent must submit documentation from the Public Water System (PWS) servicing the project indicating that adequate hydraulic capacity exists to meet project demand while maintaining compliance with the PWS's Water Management Registration and/or Permit requirements. Additional consideration for requirements for fire flow, minimum distribution pressure, storage capacity, etc., should also be adequately addressed with the PWS. The Proponent is also reminded that in accordance with 314 CMR 7.00, a sewer extension certification should be filed with MassDEP within 60 days after commencement of use of the sewer extension.

Conclusion

Based on a review of the information provided in the NPC, and after consultation with the relevant public agencies, I find that the project as outlined in the NPC does not warrant the preparation of an EIR. No further MEPA review is required at this time. The Proponent is reminded that in accordance with stipulations outlined in the Certificate on the FEIR, a second NPC will be required if any development is proposed on site acreage beyond that reviewed in this NPC (i.e. on the remaining 32.70 acres). Such an NPC should analyze the impacts (cumulative) for all areas within MEPA jurisdiction. I remind the State permitting agencies that they may not take final agency action relative to permitting development beyond the 20 acres described in the NPC until full compliance with the MEPA regulations is demonstrated.

October 10, 2008

Date



Ian A. Bowles

Comments Received:

- 09/15/2008 Department of Conservation and Recreation – Flood Hazard Management Program
- 09/29/2008 Natural Heritage and Endangered Species Program
- 09/30/2008 Department of Environmental Protection - CERO

IAB/HSJ/hsj