

MEPA Analyst: *Nick Zavolas*

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# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: <b>Brice-Lemon Estates</b>		EOEA #: <b>13019</b>	
Street: <b>Main Street</b>			
Municipality: <b>Rutland</b>		Watershed: <b>Ware</b>	
Universal Transverse Mercator Coordinates: <b>255240 E 4695030 N</b>		Latitude: <b>42.3708</b> Longitude: <b>71.9736</b>	
Status of project construction: <b>0%complete</b>			
Proponent: <b>C.B. Blair Development Corporation</b>			
Street: <b>87 Main Street</b>			
Municipality: <b>Rutland</b>		State: <b>MA</b>	Zip Code: <b>01543</b>
Name of Contact Person From Whom Copies of this NPC May Be Obtained: <b>Christopher M. Lucas</b>			
Firm/Agency: <b>Coler &amp; Colantonio, Inc.</b>		Street: <b>101 Accord Park Drive</b>	
Municipality: <b>Norwell</b>		State: <b>MA</b>	Zip Code: <b>02061</b>
Phone: <b>781-982-5473</b>	Fax: <b>781-982-5490</b>	E-mail: <b>clucas@col-col.com</b>	

In 25 words or less, what is the project change? The project change involves . . .  
**The subdivision and roadway layout have been redesigned and the adjacent property was purchased to be included as part of the subdivision.**

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **April 22, 2003**

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: 09/30/06 ) **NPC filed concurrently with DEIR**  
 was a Final EIR filed?  Yes (Date: )  No  
 was a Single EIR filed?  Yes (Date: )  No

Have other NPCs been filed?  Yes (Date(s): )  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to  
**"ATTACHMENTS & SIGNATURES"** on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

**See Project Change Description below.**

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))

Yes     No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?

Yes     No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes     No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage	96.21	+25.45	121.66
Acres of land altered	33	+9.09	42.09
Acres of impervious area	12.14	+6.85	18.99
Square feet of bordering vegetated wetlands alteration	4,950	+24	4,974
Square feet of other wetland alteration	5,911	-5,911	0
Acres of non-water dependent use of tidelands or waterways	0	0	0
<b>STRUCTURES</b>			
Gross square footage	2,000 (111,360)*	+44,585	155,945
Number of housing units	80	+32	112
Maximum height (in feet)	35	0	35
<b>TRANSPORTATION</b>			
Vehicle trips per day	800	+354	1154
Parking spaces	0	0	0
<b>WATER/WASTEWATER</b>			
Gallons/day (GPD) of water use	35,200	+14,080	49,280
GPD water withdrawal	0 (35,200)*	+14,080	49,280
GPD wastewater generation/ treatment	35,200	+14,080	49,280
Length of water/sewer mains (in miles)	1.46	+0.03	1.49

\*Note: The original ENF filed contained errors in the calculations indicated. Correct calculation is shown in ().

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes No  
If you answered 'Yes' to any of these 5 questions, explain below:

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

(a) a brief description of the project as most recently reviewed

(b) a description of material changes to the project as previously reviewed,

(c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and

(d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

**C.B. Blair Development Corporation proposes to construct a residential subdivision including 112 single-family house lots, subdivision roadways, utilities, and stormwater management facilities off Main Street in Rutland, Massachusetts. The property is approximately 121.66 acres in area and is bordered to the south by Main Street and to the north, west, and east by undeveloped mixed forested uplands and wetlands and previously agricultural land. Thayer Pond is located along the northeastern edge of the property. The EOE File Number for the Environmental Notification Form (ENF) filed in April of 2003 is 13019.**

**The original property reviewed by MEPA under the ENF was a 96-acre parcel. To reduce and minimize impacts to the resource areas on-site, the Proponent purchased an adjacent piece of land referred to as the Lemon property, bringing the total site acreage to approximately 121.66 acres. The changes the Proponent made include eliminating lots, significantly reducing the road infrastructure and placing conservation restrictions on all of the wetland areas as well as on a majority of the proposed open space to protect resource areas and the identified breeding habitat of the four-toed salamander, a state-listed species of concern. Other design modifications include the use of rounded berms (Cape Cod or equivalent) along roadways and installation of archways used to cross the wetland resource areas that are tall enough to allow for unimpeded sunlight**

exposure on the stream bank. Overall, the process resulted in a significant reduction in the scale of the development and an increase in the amount of forested upland area adjacent to wetland breeding habitat that will be permanently protected.

The proposed development will be tied into existing Town of Rutland sewer and water mains, thus there will be no water withdrawals on-site and no on-site septic systems. Also, the stormwater management system has been designed in accordance with the Department of Environmental Protection (DEP) Best Management Practices and includes deep sump catch basins, pre-treatment units and vegetated detention basins. Lot sizes and building envelopes have been relocated and reduced, and a conservation restriction will be placed on a majority of the proposed open space and forested upland and wetland habitat outside of the project layout. Three areas within the proposed conservation restriction easement have been selected for the development of wetland replication areas as mitigation for the proposed roadway crossings.

Other environmental impacts associated with this project include the reduction of direct and indirect impacts to the bordering vegetated wetlands on-site that are classified as Outstanding Resource Waters as Mill Brook is a tributary to the Ware River. Also, impacts to the stone walls associated with the General Rufus Putnam House and historic district listed on the National Register of Historic Places have been reduced to the greatest extent possible and will be mitigated during and after construction.

Due to the sensitive nature of the various resources associated with the construction of this project, several permits and/or approvals are required on the federal, state, and local level. A Programmatic General Permit (Category 2) is required under Section 404 of the Federal Clean Water Act for work within a project site located on the National Register of Historic Places. A National Pollution Discharge Elimination System General Permit is required for stormwater discharges to Outstanding Resource Waters. A request for a Variance of the Watershed Protection Act is required from the Department of Conservation and Recreation for work within a protected watershed. A Sewer Extension Permit is required for the connection of the subdivision sewer system into the town's wastewater system. A Conservation Management Permit is required for the construction of the wetland crossings due to the presence of four-toed salamanders on the project site. Clearance from the Massachusetts Historic Commission for work within a site located on the National Register of Historic Places is required. The construction of a subdivision and filling of wetlands classified as Outstanding Resource Waters require review under the 401 Water Quality Certification Regulations. An Order of Conditions from the Rutland Conservation Commission is also required for work within wetlands and buffer zones to the wetlands.

**An extensive Alternatives Analysis was conducted to investigate various build out conditions of the site and includes a “no action” alternative, a maximum “build-out” alternative, the build to minimize impacts to wetlands and streams, the build to minimize overall impacts to the land, and the preferred alternative. For each alternative, the on-site wastewater treatment, direct and indirect wetland alterations/impacts, amount of land altered, and the amount of earthwork involved in final grades were analyzed. The Project Narrative details the alternatives investigated, the resource areas on and around the site, the permits and approvals required by various agencies, and mitigation measures proposed to reduce impacts to resource areas.**