

<i>For Office Use Only</i>	
<i>Executive Office of Environmental Affairs</i>	
MEPA Analyst:	<i>Holly Johnson</i>
Phone: 617-626-	<i>X1023</i>

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: Rogerson Commons		EOEA #: 13124	
Street: Rogerson Crossing			
Municipality: Uxbridge		Watershed: Blackstone	
Universal Transverse Mercator Coordinates: 777998.9 E 4664896.1 N Zone 19		Latitude: 42°05'27.87" Longitude: 71°38'18.10"	
Status of project construction: 0 %complete			
Proponent: The Renaud Companies			
Street: 1279 Providence Road			
Municipality: Whitinsville		State: MA	Zip Code: 01588
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Mark Anderson			
Firm/Agency: Heritage Design Group		Street: 1 Main Street	
Municipality: Whitinsville		State: MA	Zip Code: 01588
Phone: 508-266-2066	Fax: 508-266-2067	E-mail: manderson@heritage-dg.com	

In 25 words or less, what is the project change? The project change involves . . .
 Removal of all proposed residential structures from the riverfront area and to increase the number of condominium units from 60 to 66.

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: published October 7, 2003

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date: 1/24/04) No (published date in Monitor)
 was a Final EIR filed? Yes (Date: 4/24/04) No (published date in Monitor)
 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: DEP Sewer Connection Permit (local review only required), Chapter 91 License, Local Order of Conditions

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Are you requesting that a Scope in a previously issued Certificate be rescinded?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
LAND			
Total site acreage	52.99 Ac.	-32.70 Ac.	20.29 Ac.
Acres of land altered	0.61 Ac.	+0.11 Ac.	0.72 Ac.
Acres of impervious area	5.03 Ac.	-1.15 Ac.	3.88 Ac.
Square feet of bordering vegetated wetlands alteration	160 sq. ft.	+106 sq. ft.	266 sq. ft.
Square feet of other wetland alteration	6,350 sf of BLSF 26,572 sf of riverfront area	-994 sf of BLSF +5,019 sf of riverfront area	5,356 sf of BLSF 31,591 sf of riverfront area
Acres of non-water dependent use of tidelands or waterways	0.03 Ac.	0	0.03 Ac.
STRUCTURES			
Gross square footage	100,200 sf	-6,200 sf	94,000 sf
Number of housing units	60	+6	66
Maximum height (in feet)	NA	NA	NA
TRANSPORTATION			
Vehicle trips per day	350-425	+25	450
Parking spaces	0	+10	10 (guest parking)
WATER/WASTEWATER			
Gallons/day (GPD) of water use	13,200 (domestic)	+1,320	14,520 (domestic)

GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	13,200	+1,320	14,520
Length of water/sewer mains (in miles)	0.428 mi	-0.063	0.365 mi

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:

Originally, the site did not contain any endangered species, however, the Mumford River became a priority habitat for a rare species when the maps were published in October, 2006. The rare species was identified as the "Triangle Floater" by Natural Heritage and is only located within the waterway of the Mumford River. The species is not an upland species at all. Upon working with Natural Heritage during the review of the Notice of Intent application, Natural Heritage issued a letter saying that the project "will not adversely affect" the resource area habitat of the rare species.

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).

The Rogerson Commons project as previously reviewed 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 parcel area to be developed includes a formerly mined area associated with a sand and gravel operation where the majority of the proposed development will occur. The ENF, filed with MEPA on September 30, 2003 and published in the Environmental Monitor on October 7, 2003, described the original project as a subdivision containing thirteen (13) individual lots each containing a condominium building containing between three (3) and seven (7) units. Access to the subdivision was via a

new bridge being constructed over the Mumford River extending beyond the end of pavement for the existing portion of Rogerson Crossing, therefore, requiring a Chapter 91 License from DEP. The existing granite foundations remain in place in the location of the original bridge spanning the Mumford River although the balance of the bridge no longer remains. The project also required an Order of Conditions from the Uxbridge Conservation Commission and a Sewer Extension Permit from DEP.

Following the submittal of the ENF, the Secretary issued an ENF Certificate with the determination that the preparation of an EIR was required. The scope of the EIR was to include: the preparation of an alternatives analysis for the subject parcel, a description of each state permit required for the project, the preparation of detailed analysis of each resource area covered by the Wetlands Protection Act, and an estimate of wastewater flows. The proponent subsequently filed a DEIR with the Department addressing each of the required items. Following the submittal, the Secretary issued a DEIR Certificate indicating that the DEIR “adequately and properly complies” with the MEPA Act. The proponent subsequently filed a FEIR with the Department addressing the remaining items. Again, the Secretary issued an FEIR Certificate indicating that the FEIR “adequately and properly complies” with the MEPA Act. Unfortunately, the abutters to the project appealed the Order of Conditions issued by the Uxbridge Conservation Commission and DEP issued a Superceding Order of Conditions - Denial.

The previously reviewed project was prepared under the opinion that the proposed project would be a redevelopment of the riverfront area, however, DEP ruled that the site did not meet all of the criteria referenced in 310 CMR 10.58 (5) (a) through (h). This regulation states that the issuing authority may allow work to develop a previously developed Riverfront Area, provided that the work improves existing conditions. It was the opinion of DEP that the proposed development, as reviewed by MEPA, was not an improvement over existing conditions.

In 2006, the town of Uxbridge created a new zoning bylaw for townhouse development projects. With this new bylaw, the applicant was able to revise the project to be in compliance with the Riverfront Area Rules & Regulations and yet still have a financially viable project. The revised project consists of a sixty six (66) unit residential condominium development on approximately twenty (20) acres located in the same area of the previously disturbed area associated with the sand and gravel removal operation.

The lot area comprising the new condominium development area has increased from 14 acres to 20 acres in order to comply with the area requirements of the new townhouse development bylaw. Although the lot area is larger, the land area containing the condominium development remains the same. In order to comply with the riverfront development standards, all of the condominium units have been removed from the riverfront area. The backyards of the condominiums abutting the riverfront area (along the north side of the development) contain only minimal reshaping of the existing previously disturbed land grades to allow for positive drainage away from the units. All of this minor reshaping is contained within the 100 – 200 foot riverfront area. Once the area is reshaped for positive drainage, the entire area, with the exception of thirty (30) feet off the backs of the units, will be planted with White Pine, White Oak, and Red Oak trees in order to restore the riverfront area to its original vegetation. The groundcover within this

area will consist of a wildflower and mulch combination. All of the work described is to be done within the previously developed area (the sand and gravel operation). The design plans for the condominium development do not contain any disturbance of the 0 – 100 foot riverfront area. In order to be in compliance with the Stormwater Management Policy, the stormwater management structure (infiltration basin) is located within the 100 – 200 foot riverfront area as allowed by the Policy. The infiltration basin has been designed to infiltrate one hundred percent of the stormwater collected by the basin, therefore, providing for a direct recharge of the Mumford River. The infiltration basin will also be planted with a New England Erosion Control / Restoration Mix which is a combination of native grasses and wildflowers designed to rapidly stabilize disturbed areas to prevent further erosion.

The proposed project will be developed in a cluster fashion. All units will contain 2 bedrooms and will range in size from 1,400 to 1,500 square feet. The proposed units will be 1 to 1½ stories in height and contain a two car attached garage. The site will be served by extended water and sewer connections from the Town of Uxbridge.

The roadway construction will include the bridge crossing over the Mumford River (the same design as previously reviewed). Construction of the proposed roadway will require a small finger like projection of a bordering vegetated wetland to be filled (266 square feet) as well as some bordering land subject to flooding. The new roadway alignment was slightly altered from the original layout (moved five feet in the northerly direction), therefore, creating a slight increase in wetland fill. Due to the small amount of wetland fill required, replication of the wetland is not being proposed, however, all areas of fill within the bordering land subject to flooding have been properly compensated for. As already discussed, the majority of the developed area is proposed to be within the area that was mined for sand and gravel in the past. Some of this previously disturbed area is within the riverfront area of the Mumford River. A small amount (0.71 ac.) of previously undeveloped riverfront area (on both the east and west sides of the Mumford River) will be disturbed to allow for the proposed access roadway to be constructed. However, 0.23 acres this area is an exempt disturbance (per the Wetland Protection Act) as it is associated with the compensatory storage for the bordering land subject to flooding fill. The revised development proposal has reduced the amount of impervious area from the original amount of 5.03 acres to the new area of 3.88 acres.

The proponent has already filed a Notice of Intent application with the Uxbridge Conservation Commission.

During the time lapse between filings with the Uxbridge Planning Board, Natural Heritage revised the mapping for the locations of endangered species. The Mumford River is now mapped as an area with endangered species. The endangered species is the Triangle Floater (*Alasmidonta undulata*), a freshwater mussel. As part of the Notice of Intent filing that has been made to the Uxbridge Conservation Commission, the Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review was completed and submitted to Natural Heritage. As part of the filing with Natural Heritage and in response to prior ENF/EIR comments, an “Open Space Restriction Area” has been incorporated into the design plans to encompass the undisturbed area along the south side of the project. Natural Heritage has since reviewed the application and submitted a letter stating that the project “will not result in a prohibited “take” of

state listed rare species”.

Significance of the changes:

Regarding the factors listed as 301 CMR 11.10(6):

- (a) *Expansion of the project.* The project is on the same site as previously reviewed. Although the acreage of the subdivided parcel has increased, the area with the proposed development remains the same. The number of condominium units within the project has increased from 60 units to 66 units, an increase of 10%.
- (b) *Generation of further impacts.* The previously reviewed plan contained a cul de sac at the end of the subdivision development whereas the new plan contains a cul de sac approximately one hundred fifty feet after crossing the bridge with a looped private roadway serving the condominium units. In order to accommodate a cul de sac in this location, the roadway was shifted five feet to the north, thereby increasing the bordering vegetated wetland fill amount by 106 square feet on the fingerlike projection. A retaining wall has been designed on each side of the roadway to reduce the environmental impact as much as possible.

Due to the change in layout, the amount of impervious area has decreased by 1.15 acres or 23% to 3.88 acres.

The amount of previously undeveloped riverfront area land has increased slightly from 0.61 acres to 0.72 acres. As already stated, the total acreage of disturbance is associated strictly with the construction of the access roadway (on both sides of the river) and compensatory storage area needed to offset the bordering land subject to flooding filling that was needed for the roadway construction. The condominium development itself does not disturb any area that was previously not disturbed.

Due to the lapse in time between filings, the river now contains an endangered species as referenced above, however, Natural Heritage has already stated that the project would not result in a “take”.

Due to the increase in the number of condominium units, the water consumption and wastewater generation volume has increased by 10% as well in following with the increase in units. In addition to the increase in utility services, the number of vehicle trips per day generated by the development will also increase by twenty five (25) vehicle trips.

- (c) *Change in expected date of commencement of the project...* Following the Superceding Order of Conditions Denial by DEP, the project has been redesigned to locate all of the residential structures outside of the riverfront area as already discussed. Due to the redesign, the approval process has been delayed. If all approvals are obtained, the proponent expects a Spring 2009 construction date and a Fall 2011 completion date.

- (d) *Change of the project site.* The project site remains the same.
- (e) *New application for a permit...* The Rogerson Commons project described in this NPC will require an sewer extension permit reviewed locally, a Chapter 91 License from DEP, as well as a Notice of Intent application to the Uxbridge Conservation Commission (therefore a Superceding Order of Conditions from DEP may be required). Previously, the Sewer Extension Permit was not filed with DEP, the Chapter 91 License was submitted to DEP, however, the review was not completed although the application remained open. Under the new design, the river crossing remains exactly the same as previously submitted. A new Notice of Intent application has already been filed with the Uxbridge Conservation Commission.
- (f) *For a project with net benefits to environmental quality and resources or public health, any change that prevents or materially delays realization of benefits.* This factor is not applicable.
- (g) *For a project involving a lapse of time, changes in the ambient environment or information concerning the ambient environment.* During the lapse of time between 2004 and 2008, Natural Heritage remapped the Mumford River for endangered species. When the project was previously reviewed, the river was not mapped for endangered species whereas it is now mapped for the “Triangle Floater”, a freshwater mussel. The current design plans have been submitted to Natural Heritage to be reviewed. Natural Heritage has submitted a letter that the proposed development would not result in a “take”.

Measures to Avoid, Minimize or Mitigate Environmental Impacts

Stormwater management BMP's for the project include deep sump hooded catch basins, street sweeping, stormwater detention and infiltration, sediment forebays, and the use of a Stormceptor unit prior to entering each basin area. It is expected that the project will meet the requirements of the Stormwater Management Policy as revised in January 2008.

Wetland impacts have been minimized as much as possible with the use of interlocking block retaining walls on both sides of the proposed roadway to minimize fill to the bordering vegetated wetland as much as possible.

Work within the 0 – 100 foot riverfront area has been avoided with the exception of the access roadway and mitigation for the fill to the bordering land subject to fill areas. All structures have been located outside of the 100 – 200 foot riverfront area with restoration being proposed within the previously disturbed areas to minimize erosion potential due to the sparse existing vegetation.

Pond #1 is designed to infiltrate all the stormwater flowing to the basin, thereby promoting recharge to the river basin and limit proposed stormwater runoff volumes.

A restoration planting plan has been designed for the compensatory storage area abutting the

Mumford River. The sloped area will be planted with a combination of trees and shrubs including: White Pine, Red Oak, White Oak, Hawthorne, Hazelnut, and Sweetfern. The groundcover under the plantings will consist of 2” wood mulch or stump grindings to hold the exposed slope in place thereby preventing erosion from taking place.

A restoration planting plan has also been designed for the area behind the condominium units on the north side of the project. This area is within the 100 – 200 foot riverfront setback area and was previously disturbed by the sand and gravel operation. The area will be planted with a mixture of White Pine, White Oak, and Red Oak trees with a wildflower and mulch combination for a groundcover.

An “Open Space Restriction Area” has been placed on the land area south of the proposed development to encompass the undisturbed land area between the proposed development and the property line of the subdivided parcel.

ATTACHMENTS & SIGNATURES

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

 <hr/> Date Signature of Responsible Officer or Proponent	 <hr/> Date Signature of person preparing NPC (if different from above)
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<u>Edward Renaud</u> Name (print or type)	<u>Cheryl Peterson, PE</u> Name (print or type)
<u>The Renaud Companies</u> Firm/Agency	<u>Heritage Design Group</u> Firm/Agency
<u>1279 Providence Road</u> Street	<u>1 Main Street</u> Street
<u>Whitinsville, MA 01588</u> Municipality/State/Zip	<u>Whitinsville, MA 01588</u> Municipality/State/Zip
<u>508-234-6896</u> Phone	<u>508-266-2066</u> Phone