

MEPA Analyst: *Aisling Eglinton*
 Phone: 617-626- *X 1024*

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: Tom Berkowitz Trucking Site Assignment Modification		EOEA #: 14145
Street: 279 Douglas Road		
Municipality: Whitinsville	Watershed: Blackstone River	
Universal Transverse Mercator Coordinates:	Latitude: 278812.46	Longitude: 4665197.35 Zone 19
Status of project construction:	0	%complete
Proponent: Tom Berkowitz Trucking		
Street: 279 Douglas Road		
Municipality: Whitinsville	State: MA	Zip Code: 01880
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Melissa Parker		
Firm/Agency: Norfolk Ram Group, LLC	Street: 25 Birch Street, Bldg. B	
Municipality: Milford	State: MA	Zip Code: 01757
Phone:	Fax:	E-mail:

In 25 words or less, what is the project change? The project change involves . . . the designation of Meadow Pond as a river by the Northbridge Conservation Commission

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: December 10, 2007

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 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:

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Are you requesting that a Scope in a previously issued Certificate be rescinded?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	2.69	0	2.69
Acres of land altered	0	0	0
Acres of impervious area	1.5	0	1.5
Square feet of bordering vegetated wetlands alteration	0	0	0
Square feet of other wetland alteration	0	0	0
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	16000	0	16000
Number of housing units	0	0	0
Maximum height (in feet)	40	0	40
TRANSPORTATION			
Vehicle trips per day	4	0	4
Parking spaces	10	0	10
WATER/WASTEWATER			
Gallons/day (GPD) of water use	0	0	0
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	0	0	0
Length of water/sewer mains (in miles)	0	0	0

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).

(a) The project as most recently reviewed was 1) to increase the current site assigned area to encompass a larger area of the current property utilized for waste transfer purposes, 2) to increase the tonnage limit to 100 tons per day accounted 6 days per week (although the site will continue normal operations only 5.5 days per week); and 3) to increase the allowable waste to include construction and demolition debris.

(b) During the previous MEPA review, the status of Meadow Pond has not yet been determined in terms of the Riverfront Protection Act. As of a Conservation Commission ruling dated March 26, 2008, Meadow Pond has been determined to have riverine characteristics and therefore falls under the classification of a river in the terms of the Riverfront Protection Act. In the original Certificate on the ENF (dated January 9, 2008) there was a stipulation whereby if Meadow Pond was determined to fall under classification of a river, a Notice of Project Change would need to be submitted for further MEPA review.

(c) The material change shall not cause the expansion of the project or the generation of any further impacts during or after construction nor will it cause any delays in the project completion or change of the project site. This material change will, however, make it necessary for Tom Berkowitz Trucking to submit a Waiver in accordance with 310 CMR 16.40(6) of the facility specific site suitability requirement as set forth in 310 CMR 16.40(3)(d)(6). This section states that a site shall not be suitable if it is determined that the waste handling area would be within a Riverfront Area as defines by 310 CMR 10.00. The existing facility as currently permitted to operate through MA DEP is situated in a Riverfront Area (as Meadow Pond was recently determined to fit the classification of a river in accordance with the regulations) received a Site Assignment in 1997 to construct and operate the facility that exists today.


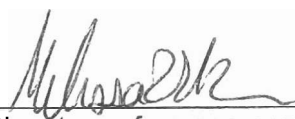
(d) This change does not require modification of the project as previously proposed. Douglas Road currently exists between the site and Meadow Pond. There are no impacts from Tom Berkowitz Trucking to Meadow Pond, nor will there be following this project.

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:

8/22/08		8	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

Thomas Berkowitz	Melissa Parker
Name (print or type)	Name (print or type)

Tom Berkowitz Trucking	Norfolk Ram Group
Firm/Agency	Firm/Agency

279 Douglas Road	25 Birch Street, Bldg B
Street	Street

Whitinsville, MA 01880	Milford, MA 01757
Municipality/State/Zip	Municipality/State/Zip

(508) 234-2920	(508) 478-1276
Phone	Phone