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March 17, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Ridgecrest Residential Development
PROJECT MUNICIPALITY : Haverhill
PROJECT WATERSHED : Merrimack River
EOEA NUMBER : 13586
PROJECT PROPONENT : Bradford Holdings, LLC
DATE NOTICED IN MONITOR : February 8, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent may prepare and submit the Final EIR (FEIR) for MEPA review.

Project Description

As described in the Environmental Notification Form (ENF) and the DEIR, the proposed project consists of construction of a 360-unit residential development, associated parking, accessory structures and utilities on a 113-acre site in Haverhill. The undeveloped site contains forested upland and approximately seven acres of wetlands, including a certified vernal pool. According to the Natural Heritage and Endangered Species Program (NHESP), the project site is located within a critical Supporting Watershed for the Greater Merrimack Core Habitat, a critical or exemplary habitat for aquatic species. The site is abutted by single family homes to the south, east and west and two large residential complexes to the north.

The development will include 33 buildings, accessory structures, parking, access roads and stormwater management infrastructure. Access to the site will be provided by an extension of Presidential Drive. Potential environmental impacts of the project are associated with alteration of approximately 44.8 acres of land, creation of 13.8 acres of new impervious surfaces,

alteration of 1,350 sf of wetlands, generation of approximately 88,750 gallons per day (gpd) of wastewater and generation of 1,908 new vehicle trips per day (tpd). Mitigation measures include establishment of a 46-acre Conservation Restriction (CR), a stormwater management system and improvements to existing roadway and wastewater infrastructure.

Jurisdiction

The project is subject to environmental review and mandatory preparation of an EIR pursuant to Section 11.03 (1)(a)(2) because it requires a state permit and will create more than 10 acres of new impervious surfaces. The project requires a Sewer Connection permit from the Department of Environmental Protection (DEP) and an Order of Conditions from the Haverhill Conservation Commission (and a Superseding Order of Conditions from DEP in the event that the Order is appealed). MEPA jurisdiction is limited to the subject matter of required permits. These include wetlands, drainage and wastewater.

The DEIR included a thorough description of the project and all project elements and construction phases including existing and proposed conditions plans. The DEIR also included a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site. The EIR analyzed and compared impacts of three alternatives for this site: the No Build, a 438-unit Alternative and the Preferred Alternative. The Preferred Alternative has been designed to minimize creation of impervious surfaces and wetlands impacts. The density of housing, the location of parking underneath the townhouses and the use of 24-foot roadways will minimize the amount of impervious surfaces created for the amount of housing provided.

The proponent has identified and quantified wetlands impacts and provided a stormwater management plan and drainage report in the DEIR and summarized its consistency with the DEP Stormwater Management Policy. Since the filing of the ENF, the proponent has taken steps to further minimize and mitigate impacts. The wetland crossing for construction of the access roads has been redesigned to span the resource area thereby minimizing permanent impacts to wetlands and the stormwater management system has been revised to avoid direct discharge to wetland areas.

A significant element of the proponent's effort to avoid, minimize and mitigate project impacts is the proposed preservation of 46 acres of land through a CR. As required, the DEIR describes the CR, quantifies the amount of protected land and identifies the protected area on the site plan. The DEIR indicates that the holder of the CR has not been identified; however, the establishment of the CR will be a requirement of the Order of Conditions. This measure will provide permanent protection for wetlands and a certified vernal pool.

The DEIR also includes required information on transportation and water supply. The proponent has committed to measures to minimize the project's impact on traffic and has proposed roadway improvements and a traffic calming plan to support safe pedestrian and bicycle use. The DEIR indicates that the Haverhill Wastewater Treatment facility will accept and manage the wastewater and has adequate capacity to manage additional wastewater flows.

The DEIR includes a discussion of construction phasing and commits to measures to avoid or eliminate these impacts, including noise, dust and air emissions. The proponent has indicated that the project will be constructed consistent with DEP's Solid Waste and Air Quality Control regulations.

Based on a review of the DEIR, a review of comments submitted on the project and consultation with public agencies, I find that the DEIR has addressed the issues within MEPA jurisdiction to a sufficient extent that the project may advance to the stage of an FEIR. The DEIR has provided a reasonably complete and stand-alone description and analysis of the project and its alternatives and has adequately addressed mitigation. Therefore, I will allow the proponent to submit a response to comments as the FEIR. The proponent must address the substantive comments received and revise its Section 61 Findings accordingly. This information is required before I can find that the proponent has met its obligations under MEPA to avoid, minimize or mitigate Damage to the Environment to the maximum feasible extent and before the state permitting agencies can meet their Section 61 obligations.

The FEIR should contain a copy of this Certificate and a copy of each comment received. The FEIR should respond to the comments received and include an update on wetlands permitting and development of wetlands mitigation. A notice will be published in the next Environmental Monitor (March 22, 2006) that the response to comments shall be filed, circulated and reviewed as an FEIR.

Wetlands and Stormwater

As noted previously, the proponent has made changes to the project to minimize impacts to wetlands. Permanent wetland alterations are limited to the construction of stormwater management improvements at the adjacent Forest Acres residential development. The Haverhill Conservation Commission is reviewing the Notices of Intent (NOI) for this project and its off-site mitigation. The proponent has indicated that the Order of Conditions will provide additional specificity regarding the CR and its holder and on-site wetlands replication (potentially consisting of repair/restoration of resource areas degraded by Off Road Vehicle (ORV) use). In addition, the Conservation Commission may require additional analysis of the stormwater management plan prior to issuing an Order. DEP has identified several issues that should be addressed as the stormwater management plan is developed further to ensure the design is consistent with the DEP Stormwater Management Policy. These include incorporating infiltration measures into the plan and ensuring that the side slopes of detention basins are no steeper than 3 horizontal to 1 vertical (3:1). Also, DEP identified the need for more details on the use of Stormceptors and other Best Management Practices (BMPs) and the need to identify specific BMPs on project plans.

Mitigation

As required, the DEIR included a separate chapter on mitigation and provided draft Section 61 Findings. The FEIR should include an updated Draft Section 61 Finding. The proponent has committed to the following mitigation measures:

- Permanent Conservation Restriction on 46 acres of the site (identified in Section 4, Drawing 1 entitled Open Space/Conservation Area Conceptual Delineation) including several wetland areas and a certified vernal pool.
- Use of retaining walls to minimize disturbance within wetland buffer zones.
- Use of a 3-sided pre-cast concrete arched bridge structure for the access road wetland crossing to avoid wetland resource areas. The entire structure will be, at a minimum, three feet outside of any wetland resource area.
- Roadways will be 24 feet wide and some parking will be located under townhouses to minimize creation of impervious surfaces.
- Construction, operation and maintenance of a stormwater management system consistent with DEP Stormwater Management Policy including: installation of a new catch basin system and drainage pipe network to collect surface water runoff from parking and roadway areas and distribute it to detention basins; use of additional BMPs including Stormceptors, deep sump hooded catch basins, street sweeping and rip-rap outlet protection and crushed stone velocity dissipaters; and grading improvements including grassed drainage swales and earthen berms to convey hillside runoff to the system.
- Correct existing flooding problems at adjacent Forest Acres residential development through improvements to the stormwater management system. These include: grading improvements, construction of grassed drainage swales, and installation of manholes, catch basins and pipe to convey runoff from wetlands and hills to existing drainage system; and assessment and repair (including replacement if necessary) of approximately 150 linear feet of existing pipe and associated catch basin downstream of Basin 11 at the eastern corner of the Forest Acres property.
- Use of erosion and sedimentation controls during construction as identified in Section 5.50.
- Upgrading of three segments of the Presidential Drive sewer main. Approximately 500 feet of 8-inch diameter pipe will be replaced with 12-inch diameter pipe.
- Replacement of Sherwood Drive water pump station or construction of a new water pump station on Presidential Drive.
- Re-analysis of existing and proposed systems when fire flow requirements and pumping station design parameters have been finalized.
- Signalization of and geometric improvements to South Main Street/Presidential Drive intersection.
- Traffic calming plan for Presidential Drive and Forest Acres Drive including: construction of traffic islands, speed humps, and bump outs; replacement of six crosswalks and installation of four new crosswalks along Presidential Drive, South Main Street and Forest Acres Drive; and pavement marking and traffic/parking control signs.
- Will encourage contractors to use measures that help minimize air pollution such as retrofitting construction equipment with particulate filters and oxidation catalysts and will consider a provision to reimburse contractors (in whole or in part) for using on-road low sulfur diesel.

I advise the proponent to continue its efforts to minimize environmental impacts as the project is developed. In particular, I encourage the proponent to make participation in the DEP Clean Air Construction Initiative a requirement, rather than an option, for contractors working on this project. Such a requirement will provide direct benefits to adjacent neighborhoods and construction workers by minimizing air pollution. Also, I encourage the proponent to consult

with EOEAs Division of Conservation Services if technical assistance is needed in developing the conservation restriction and identifying an appropriate holder of the CR.

Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Haverhill officials. A copy of the FEIR should be made available for review at the Haverhill Public Library.

March 17, 2006
Date


Stephen R. Pritchard

Comments Received:

08/12/05 Department of Environmental Protection (NERO)

SRP/CDB/cdb