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April 28, 2006

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

PROJECT NAME : Forest Ridge Industrial Park
PROJECT MUNICIPALITY : Rowley
PROJECT WATERSHED : Parker River
EOEA NUMBER : 12144
PROJECT PROPONENT : Gateway II Trust of 1997
DATE NOTICED IN MONITOR : March 22, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted for 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 has addressed the substantive issues outlined in the scope and there are no substantive issues that remain to be addressed in a Final EIR. Therefore, I am allowing the DEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2).

The proponent initially filed an Environmental Notification Form (ENF) for the project in January 2000. A Certificate on the ENF, requiring no further MEPA review, was issued on February 25, 2000. The project reviewed at that time consisted of a seven lot industrial subdivision on approximately 24 acres of a 110-acre site. The proponent subsequently filed a Notice of Project Change (NPC) in October 2005 for an expansion of the development area and a change in use to include retail as well as industrial uses. The Certificate on the NPC, issued on November 30, 2005, require preparation of an EIR.

The project site is approximately 111.4-acre site (the proponent purchased adjacent parcels since the filing of the ENF) and the proposed project will result in approximately 36.6 acres of land alteration, including 17.3 acres of impervious area. The remaining acreage of the

project site, approximately 78 acres, will remain as undeveloped open space. A Conservation Restriction (CR) will ensure permanent protection of at least 33.6 acres of the project site. The project involves construction of approximately 340,500 square feet (sf) of buildings for industrial and retail use. The project is expected to generate an additional 3,604 new vehicle trips per day for a total trip generation of 5,240 vehicles per day. The number of parking spaces proposed for the project is 573 (an additional 289 "shadow" parking spaces are being reserved for potential future use). The proposed project involves alteration of 2,650 square feet (sf) of Bordering Vegetated Wetlands (BVW) and 12,100 sf of Bordering Land Subject to Flooding (BLSF). Water use for the project is estimated at 12,000 gallons per day (gpd) and wastewater generation is estimated at 10,330 gpd. The project involves construction of approximately 1.0 mile of new sewer main.

The project is undergoing MEPA review and requires preparation of a mandatory EIR in accordance with Section 11.03(1)(a)(2) of the MEPA regulations because it involves creation of ten acres or more of new impervious area and Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new vehicle trips per day. The project is also undergoing environmental review in accordance with Section 11.03(1)(b) because it involves alteration of 25 or more acres of land; Section 11.03(5)(b)(3)(c) because it involves construction of ½ or more miles of sewer mains.

The project requires a revised access permit from the MassHighway Department (MHD) and an Order of Conditions from the Town of Rowley Conservation Commission (and, on appeal only, a Superseding Order from DEP). The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to traffic, wetlands, land, and stormwater.

Alternatives and Sustainable Design

The proponent has considered a number of alternative development scenarios as further detailed in the DEIR. Based on the alternatives analysis, the project design has been changed to incorporate a reduction in retail space and parking, conversion of retail to industrial space, conversion of industrial space to basement warehouse space, and additional setbacks from the wetlands buffer zone. These changes have resulted in reduced parking needs and consequently a decrease in land alteration, impervious area and the number of stormwater detention basins.

I commend the proponent for its sustainable design efforts. The DEIR describes the proponent's efforts to incorporate Low Impact development (LID) techniques and other sustainable design measures in project planning. The proponent has hired a Leadership in Energy and Environmental Design (LEED) Accredited Professional Engineer and committed to incorporate sustainable design measures and achieve LEED credits where feasible for site design and proposed buildings. Measures proposed in the DEIR include:

- use of recycled materials and a materials recycling program;
- educating building occupants and owners on sustainable design;

- giving preference to subcontractors that use low-sulfur fuel and equipment that complies with MassDEP Diesel Retrofit Program;
- various design strategies to optimize energy performance of buildings;
- bio-retention areas and other LID measures;
- collection and use of stormwater for irrigation;
- reduced parking spaces to minimize impervious area.

Wastewater

The DEIR provides information to clarify site ownership and wastewater flows, and notes that a DEP Groundwater Discharge Permit will not be required for the project. The proponent has consulted with DEP since the NPC filing regarding wastewater issues and the comment letter from DEP concurs that no Department action is required.

Stormwater

The DEIR included a revised stormwater analysis and calculations for the proposed development, an inspection and maintenance plan and a snow removal plan. The DEIR also discusses how the proposed project will be designed to conform with DEP Stormwater Management Policy standards. As described in the DEIR, changes in project design have resulted in a decrease of approximately 3 acres of impervious area and a reduction of 3.7 acres in land clearing. These changes eliminated the need for two new stormwater detention basins that were proposed in the NPC. The proponent has improved the stormwater management system overall, and incorporated dry wells, bio-retention areas and cisterns that will help maintain the pre-development water balance after the proponent's lots are developed. I encourage the proponent to incorporate these techniques, where appropriate, on lots that will be managed by others.

As further detailed in the EOT comment letter, the DEIR drainage analysis indicates that most of the site drainage will be managed through the site stormwater management system with little or no impact to the state roadway and drainage system.

Wetlands

The DEIR describes on-site wetlands resources and provides information on wetlands replication and compliance with performance standards for work within resource areas. According to the DEIR, wetlands replication and compensatory storage has been completed as mitigation for impacts associated with the project that underwent MEPA review in 2000, and there will be no additional wetlands impacts associated with the proposed project expansion. As further detailed in the DEP comment letter, the Rowley Conservation Commission is currently reviewing a Notice of Intent (NOI) for work on lots 1-3 and Parcel B that will result in buffer zone alteration. Additional NOIs may be required for development of other lots on the project site.

As noted in the DEIR and DEP comment letter, on-site BVW and associated streams are tributary to Bacheldor Brook, which is a tributary to the Mill River, and considered as

Outstanding Resource Waters (ORW). The proponent has indicated a willingness to increase the 33.6-acre area designated for protection under a Conservation Restriction (CR). I commend the proponent for its efforts in this regard and encourage the proponent to protect additional wetlands resource areas under the proposed CR.

Transportation

The DEIR included a traffic study that conforms generally to the EOEA/EOT Guidelines for EIR/EIR Traffic Impact Assessments. Prior to filing the DEIR, the proponent met with the EOT Office of Transportation and MassHighway, and EOT is satisfied that the DEIR has adequately addressed its previous comments on the NPC for the project. The proponent has expanded the traffic study to include the intersections of Route 1 with Wethersfield Street and Central Street, and provided more detailed accident analyses. Based on the traffic study in the DEIR, most study intersections will operate at acceptable levels of service.

The DEIR includes a Transportation Demand Management (TDM) program to reduce the number of vehicle trips and provide pedestrian and bicycle facilities for patrons and employees. As part of the proposed TDM program, the proponent has committed to:

- appoint an Employee Transportation Coordinator who will implement a Commuter Services Program to encourage and promote alternative modes of travel;
- encourage tenants to implement flexible work schedules and a Rideshare program;
- work with MBTA to extend services from the nearby Rowley commuter station; and
- install bicycle racks on-site and provide sidewalks to promote pedestrian access.

Other transportation mitigation measures to which the proponent has committed include:

- upgrading and improving existing driveways;
- traffic signal warrant analysis for Newbury Turnpike/Forest Ridge Road intersection;
- improvements to the Newburyport Turnpike/Haverhill Street intersection (traffic signal modifications and road painting/signage for left-turn lane and through/right lane);
- pavement markings and signage for Newburyport Turnpike/Wethersfield Street intersection and along Central Street.

Construction

The proponent has committed to implement erosion and sedimentation controls during each phase of construction, which will include settling basins, temporary seeding, silt fence and haybales, and emergency stabilization measures. Other mitigation committed to in the DEIR includes noise minimization, ad dust and vehicle emission control measures. The proponent has committed to recycle construction materials and used recycled materials where feasible. The proponent has also committed to work with the Town of Rowley and/or MHD to establish acceptable construction vehicle access routes, and to enforce truck routes through provisions in contractor agreements.

Mitigation and Section 61 Findings

The DEIR included a chapter on mitigation and a draft Section 61 Findings for the MHD Access Permit. MHD should forward a copy of the final Section 61 Findings to the MEPA Office for the project record.

The proponent has committed to a range of mitigation measures including:

Stormwater Management: construction of infiltration basins and a bio-retention area and associated drainage system. The cost of the proposed system is estimated at \$1,100,000.

Wetlands: a combined wetland replacement/compensatory storage area encompassing 12,200 sf and providing 570 cubic yards of flood storage has been constructed, at a cost of approximately \$30,000.

Open Space and Conservation: 33.6 acres of land, which is valued at approximately \$300,000 will be placed under a Conservation Restriction (CR). The proponent is considering expanding this area to include additional wetlands.

Construction: Erosion and sedimentation controls and other construction mitigation measures, estimated at a cost of \$400,000.

Transportation: A comprehensive TDM program, intersection and driveway improvements, and traffic signal analyses, estimated at a cost of up to \$250,000.

The DEIR adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. I am allowing the DEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2).

April 28, 2006

DATE


Stephen R. Pritchard, Secretary

Comments received:

4/21/05 Department of Environmental Protection, Northeast Regional Office
4/21/06 Executive Office of Transportation, Office of Transportation Planning

SRP/AE/ae