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SECRETARY

April 28, 2006

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

PROJECT NAME : Haverhill Commons  
PROJECT MUNICIPALITY : Haverhill  
PROJECT WATERSHED : Merrimack  
EOEA NUMBER : 13609  
PROJECT PROPONENT : Koffler/GID Haverhill, LLC  
DATE NOTICED IN MONITOR : March 22, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

**Background**

The 41.5-acre project site is located within the Haverhill Technology Park (EOEA #4761, June 1983), and was previously developed to include a 122,000 square feet (sf) office and research & development space, approximately 294 surface parking spaces, and related utilities and stormwater infrastructure. A Certificate on the Final EIR was issued in May 1985 finding that the project adequately and properly complied with the Massachusetts Environmental Policy Act. According to the proponent, the 122,000 sf office and research & development building has been vacant for 3 years.

**Project Description**

This project involves the demolition of the existing single story 122,000 sf office/research & development building, and the development of 298,400 sf of retail shopping space in two separate buildings (171,000 sf -- home improvement retail, 127,300 sf -- discount retail), on approximately 41 acres of property located in the Haverhill Technology Park on Computer Drive in Haverhill. The proposed retail development project includes the construction of 1,163 surface parking spaces, and related infrastructure including 4 stormwater detention basins.

Upon completion, approximately 14 acres (31%) of the project site will remain as landscaped buffer area located along the project's Computer Drive frontage, and between the project site and the abutting residential properties located on Mariah Ridge Road and North Broadway.

#### **Land Alteration/Alternatives:**

As currently designed, the project will result in the alteration of approximately 27.5 acres of a 41.5-acre site, and will create approximately 22 acres of impervious surface area. I continue to encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), visit <http://www.epa.gov/owow/nps/lid/>.

#### **Wetlands:**

The project will result in the alteration of approximately 1,400 sf of bordering vegetated wetlands (BVW). The proponent has committed to constructing approximately 3,200 sf of on-site wetlands mitigation (2.3:1) to be located immediately west of the proposed wetland fill area, and adjacent to existing BVW.

#### **Rare Species:**

According to comments received from the State's Natural Heritage & Endangered Species Program (NHESP), the project site contains priority habitat of rare species for the Spotted Turtle (*Clemmys guttata*). In consultation with NHESP, the proponent has incorporated a number of changes to the project design, subsequent to the issuance of the MEPA Certificate on the ENF, to minimize impacts to the Spotted Turtle habitat including; the construction of a permanent turtle barrier to protect turtles from vehicle traffic, and the construction and maintenance of a Spotted Turtle nesting habitat area located adjacent to existing wetlands in the eastern portion of the project site.

As described in the FEIR, the proponent has also incorporated changes to the parking area design, subsequent to the issuance of the MEPA Certificate on the DEIR, to reduce approximately 3,000 sf of disturbance within the wetland buffer and Spotted Turtle habitat areas of the project site. The proponent should continue to work closely with the Haverhill Conservation Commission and NHESP to ensure that impacts to wetland resource areas and rare species habitat are avoided, reduced, or minimized during project construction.

**Stormwater/Drainage:**

The proponent's stormwater management plan has been designed in accordance with DEP's Stormwater Management Guidelines, and incorporates a closed drainage system comprised of deep sump catch basins and drain manholes to convey stormwater generated from the proposed project to two open air detention basins, and a subsurface detention/infiltration basin, with outlets to wetland resource areas located along the western portion of the project site. The proposed stormwater management system was modified, subsequent to the issuance of the MEPA Certificate on the DEIR, to include the collection and conveyance of rooftop runoff from each of the two proposed buildings to an open air detention detention Basin #1 with forebay (Lowe's Home Improvement Store), and open air detention Basin #4 with water quality swale and forebay (Target). The proponent has also proposed to incorporate a water quality swale best management practice for treatment of stormwater runoff from a parking lot area located in the southwestern portion of the project site.

**Water Supply:**

The estimated total potable water supply demand, for the proposed retail development project (14,920 gallons per day (gpd)) will be served by the City of Haverhill and its West Meadow Hill water supply service area. The proponent has committed to incorporating water conservation technologies including; low flow (1.6-gallon) flush toilets and urinals, and .05 gallon/minute aerators on all lavatory faucets throughout the proposed retail development project.

**Wastewater:**

As described in the FEIR, the proposed project will generate approximately 14,920 gpd of new wastewater flow. In their comments, DEP has indicated that the project wastewater flow is below the threshold requirement (15,000 gpd) for a Sewer Connection Permit from DEP. The proponent has completed a water and sewer evaluation study to identify and confirm municipal water and sewer capacity within the project area, and to assist the City of Haverhill in any efforts to remove infiltration and inflow (I/I) in the project area.

The proponent has also committed to perform a television camera inspection of portions of the City's municipal sewer system located within Computer Drive, Research Drive, and 3,500 lf of cross-country sewer line from Research Drive/Route 97 intersection to Route 110.

### **Transportation:**

According to the comments received from the MHD, the FEIR included a traffic study that appears to conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. The retail development project will generate approximately 10,400 new vehicle trips per day, and will significantly impact traffic operations along the Route 97 corridor. The proponent has committed to a number of traffic improvements, listed below, to mitigate the project's impacts to traffic.

- Prepare design plans and permitting for the City of Haverhill's widening of Broadway (Route 97) from the Broadway/I-495 southbound ramps interchange west approximately 250' beyond the Broadway/Computer Drive intersection to Forest Street to provide a westbound left-turn lane and eastbound right-turn lane from Broadway to Computer Drive and the project's Computer Drive site entrance,
- Construct the widening of Computer Drive approximately 200' to create two southbound approach lanes,
- Installation of a new signalization at the Broadway/Computer Drive intersection,
- Installation of a new signalization at the Broadway/I-495 southbound ramps,
- Retiming improvements of existing signalization located at the Broadway/I-495 northbound ramps and proposed new signalization at the Broadway/I-495 southbound ramps and the Broadway/Computer Drive intersection,
- Design and implement of a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons, and
- Develop design and permitting plans for the City of Haverhill's proposed widening of Broadway.

### Right-of-Way Acquisition

The widening of Broadway at the Broadway/Computer Drive intersection will require a right-of-way acquisition from the Regan Ford auto dealership property owner (Regan Ford) to relocate an existing sidewalk, and construct right turning radius improvements into Computer Drive from Broadway westbound. The proponent has committed to a number of traffic improvements, listed below, to mitigate the project's rights-of-way takings.

- Relocation of Regan Ford's existing southern access drive further north along Computer Drive,
- Widening a portion of Computer Drive to construct a third lane to access Broadway, and

- Retiming of the proposed new signalization at the Broadway/Computer Drive intersection to accommodate Regan Ford's concerns for peak hour traffic.

I note the comments received from Regan Ford that highlight a number of unresolved issues related to the project's impacts to Computer Drive and the Regan Ford property. I anticipate that MHD's permit review process will ensure that the proponent completes the negotiation processes for all necessary project-related rights-of-way takings, and provides adequate mitigation for the project's off-site impacts.

#### Parking and Site Layout

Parking at the site is proposed to include approximately 1,163 on-site surface parking spaces, which is based on local zoning requirements, the proponents' needs, and the City of Haverhill's reluctance to support the proponent's request to further reduce or "land bank" surface parking spaces for the proposed project.

#### Transportation Demand Management (TDM) plan

As described in the FEIR, the proponent has proposed a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons. The proponent's proposed TDM plan incorporates a number of measures for reducing project generated vehicle trip generation including;

- the appointment of an Employee Transportation Coordinator (ETC) for each retail tenant;
- the implementation of an employee ride-matching program (carpooling and vanpooling) program;
- the implementation of a "Guaranteed Ride Home" program for employees;
- the use of staggered employee work hours;
- provide on-site MVTA (Route #9 and/or #15) transit amenities including bus shelters and bus stops, and posting of transit schedules on-site;
- the development of on-site amenities including employee direct deposit banking, and secured bicycle storage racks.

All Haverhill Commons tenants and businesses should be required to participate in the proposed TDM plan. The TDM plan should describe any monitoring necessary to ensure the success of the program. The FEIR should demonstrate the proponent's commitment to implement, monitor, and continuously fund the proposed TDM plan.

#### Transit

The proponent has continued to work closely with the Merrimack Valley Regional Transit Authority (MVRTA) to identify opportunities for expanding existing MVTA bus service (Routes #19 and #15) to service the proponent's proposed new on-site sheltered bus stops. The proponent should propose mitigation for proposed project impacts on existing bus services.

### Pedestrian and Bicycle Facilities

The proponent has proposed to provide a sidewalk along Computer Drive and along the proposed Haverhill Commons development driveways. I strongly encourage the proponent to consult with WalkBoston, and to continue to work closely with the City of Haverhill, Haverhill Technology Park business owners, Route 97 business owners, and MHD, to evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the Route 97 corridor, and the Haverhill Technology Park in response to the regional and local traffic concerns that may arise out of the proposed Haverhill Commons retail development project.

The proponent should consider participating in proposals by the City of Haverhill and MHD to provide additional traffic mitigation measures to reduce the impacts on estimated delay at adjacent intersections along the Route 97 corridor. I ask that the proponent commit to participate in any ongoing or proposed discussions and studies with the Merrimack Valley Planning Commission, Merrimack Valley Regional Transit Authority's (MVRTA), the City of Haverhill or MHD, which evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within this Route 97 corridor area.

### **Construction Period Impacts:**

The proponent has committed to requiring its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment that can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent has also committed to a Construction Period Traffic management Plan that will be implemented during project construction.

### **Mitigation/Section 61:**

In the FEIR, the proponent committed to implement the following mitigation measures:

- Provide wetland replication areas for impacts to wetland resources;
- Provide Spotted Turtle habitat enhancement areas for impacts to rare species habitat wetland resources;
- Provide Best Management Practices such as deep sump hooded catch basins, stormwater treatment units, water quality swales, and detention basins with sediment forebays to provide groundwater recharge in excess of those required by DEP; install a groundwater recharge system;

- Install a groundwater recharge system, drought tolerant landscaping design, and low-flow fixtures and toilets;
- Installation of a new traffic signalization at the Broadway/Computer Drive intersection, and the Broadway/I-495 southbound ramps,
- Provide traffic signal coordination for all existing and the proposed new traffic signals within the project area along Broadway and Computer Drive;
- Widen Computer Drive to three southbound approach lanes;
- Widen Broadway near Computer Drive intersection to provide 250 lf eastbound left-turn lane, and westbound left-turn lanes;
- Widen Broadway to four-lane roadway from Computer Drive to Forest Street (2,500 lf);
- Provide an on-site TDM program with two employee transportation coordinators. Encourage flextime, direct deposit of pay checks, and an automatic teller machine. Implement a ridesharing program. Provide preferential parking for ridesharing. Construct one or more on-site bus stops. Install bicycle racks on-site. Post signs directing motorists leaving the site to the various routes; and coordinate with Merrimack Valley Regional Transit Authority (MVRTA) to provide transit service to site.
- Provide a sidewalk along the project's frontage with Computer Drive to Broadway, and with connecting pedestrian paths through the shopping center; and
- Implement construction related mitigation measures; and
- Incorporate sustainable design measures into the project.

According to the proponent, these above mitigation measures will cost approximately \$3.6 million. The proponent should forward to the MEPA Office for the file an updated summary of all mitigation to which the proponent has committed, and an updated and revised draft Section 61 Findings for DEP and MHD permits. The Section 61 Findings for MHD should be in the form of a draft Letter of Commitment.

April 28, 2006  
Date

  
Stephen R. Pritchard, Secretary

Comments received:

04/20/06	Diane Silva
04/20/06	Executive Office of Transportation, Massachusetts Highway Department (MHD)
04/21/06	Department of Environmental Protection (DEP) - Boston
04/21/06	Johnson & Borenstein, LLC

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