

# The Commonwealth of Massachusetts

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January 27, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE DRAFT 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	: December 21, 2005

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 (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). However, for the Final Environmental Impact Report (FEIR) to be found adequate, I am requiring the proponent to provide additional information in the FEIR specifically pertaining to alternatives, wetlands, and traffic. This information is necessary to ensure that the requirements of 301 CMR 11.07 are met, that the aspects and issues of the project have been clearly described, that a range of project alternatives have been fully analyzed, that the proponent has committed to a set of mitigation that will allow the state agencies to satisfy their Section 61 obligations, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency action.

### 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 295,000 sf of retail shopping space in two separate buildings (170,000 sf – home improvement retail, 125,000 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 2 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.

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (1)(b)(1) and (1)(a)(2) of the MEPA regulations, because the project requires state permits and will involve alteration of more than 25 acres (27.4 acres total) of land, and creation of more than 10 acres (15.8 acres) of new impervious surfaces. The project is also undergoing review and requires the preparation of an EIR pursuant to sections 11.03 (6)(a)(6) of the MEPA regulations, as the project requires an Access Permit from the Massachusetts Highway Department (MHD), and will generate more than 3,000 new vehicle trips per day (12,350 vtd total). The project will provide approximately 926 new additional surface parking spaces (1,220 spaces total). The project requires a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Haverhill Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The project may also require Fossil Fuel Emission Permit from DEP. Using the Institute of Traffic Engineers Trip Generation land use codes 862 and 815 for Home Improvement Superstore and Free Standing Discount Store, respectively, the proposed project is estimated to generate approximately 12,350 new vehicle trips on the average weekday. An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips.

**Land Alteration/Alternatives:**

As currently designed, the proposed 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. The FEIR should continue to investigate all feasible methods of further avoiding, reducing, or minimizing impacts to land, wetland resource areas, and rare species habitat, and traffic. Specifically, the FEIR should continue to explore opportunities for minimizing the amount of impervious surface area associated with the proposed Haverhill Commons retail development project, including the feasibility of reducing overall parking ratios.

I 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), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

**Wetlands:**

As described in the DEIR, the project as currently proposed, 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 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. The FEIR should respond to NHESP's comments, and should include additional information pertaining to the design, construction, maintenance, and monitoring of the proposed Spotted Turtle nesting habitat area and turtle barriers. The FEIR should continue to investigate all feasible project design alternatives for further avoiding, reducing, or minimizing impacts to wetland resource areas, and rare species habitat associated with the proposed Haverhill Commons retail development project.

**Stormwater/Drainage:**

According to the information provided in the DEIR, the proposed 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 FEIR should discuss the potential cumulative impacts of the proponent's proposed stormwater management plans to the project area's groundwater and stormwater balances. The FEIR should respond to DEP's comments, and should address the performance standards of DEP's Stormwater Management Policy, particularly as they relate to groundwater recharge, and removal of Total Suspended Solids (TSS). It should demonstrate that the design of the stormwater drainage system is consistent with this policy, or in the alternative, why the proponent is proposing a drainage system design not recommended by DEP. The proponent should use the DEP Stormwater Management Handbook when addressing this issue. The FEIR should explain how rooftop runoff will be controlled and recharged in order to retain as much as possible of the existing groundwater flows and drainage patterns. The FEIR should identify the proponent's proposed locations for snow removal and storage. According to DEP, the proponent's source control and pollution prevention plan should avoid plowing snow toward/in wetland resource areas. The drainage analysis should ensure that both on-site and off-site wetland resource areas are not impacted by changes in stormwater runoff patterns. I recommend that the proponent consider using a non sodium-based winter de-icing agent on parking areas and site drives.

As I have indicated elsewhere in this Certificate, I strongly encourage the proponent to continue to identify opportunities to refine the project site design to further reduce impervious surface area and the project's potential impacts to wetland and water resource areas located within and adjacent to the project site. The FEIR should provide a detailed discussion of the project constraints, identified in the DEIR, which prohibit the use of LID BMPs, including such LID measures as permeable surface parking materials and landscaped bioretention areas. I encourage the proponent to give further consideration to the use of rooftop gardens, swales, filter strips, depressed parking islands, and porous pavement throughout the project site.

**Water Supply:**

The potable water supply demand, 20,420 gallons per day (gpd) for the proposed retail development project will be served by the City of Haverhill and its West Meadow Hill water supply service area. According to statements made by the proponent at the MEPA site visit, this project's water supply will be served by the City of Haverhill. 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:**

In their comments, DEP has indicated that the wastewater flows (5,475 gpd) from the previous office/research & development facility, inactive for more than 3 years, cannot be used to offset the calculation of wastewater flows to be conveyed from the proposed project to the City of Haverhill's South Porter Street Wastewater Treatment Plant (WWTP). As a result, the proposed project will generate approximately 20,225 gpd of new wastewater flow, and will require a Sewer Connection Permit from DEP. According to the information provided in the DEIR, the City's WWTP has a design capacity of 18.1 mgd and currently operates with an average daily flow of 10.1 mgd.

The FEIR should outline the proponent's efforts to reduce water consumption and thereby reduce wastewater generation. I strongly encourage the proponent to assist the City of Haverhill in any efforts to remove infiltration and inflow (I/I) in the project area to ensure the availability of sufficient wastewater treatment capacity to service this project. The FEIR should include a detailed description of the proponent's commitments to remove I/I from the City's municipal sewer system. Based on the information and analysis provided in the FEIR, I reserve the right to require further analysis of the project's proposed methods of wastewater management, and any mitigation for wastewater impacts deemed necessary.

**Transportation:**

According to the comments received from the MHD, the DEIR 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. These new vehicle trips will significantly impact traffic operations along the Route 97 corridor, and will thus require a concerted effort by the proponent to reduce single employee and customer vehicle trips. The proponent has identified and 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,

- Design and implement of a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons.

In their comments, MHD has requested that the proponent commit to coordinate and interconnect the proponent's proposed two new signalizations to the City of Haverhill's future signalization of the Broadway/Forest Street intersection, and the existing signals located at the Broadway/I-495 northbound ramps intersection. The proponent has also committed to develop design and permitting plans for the City of Haverhill's proposed widening of Broadway. According to MHD, these plans should contain all construction documents (plans, specifications and cost estimates) required by EOT. The FEIR should include conceptual plans for the proposed Computer Drive roadway improvements, and should identify proposed lane widths, layout lines and right-of-way jurisdictions. The FEIR should respond to MHD's comments.

#### Right-of-Way Acquisition

As described in the DEIR, 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. According to comments received from Regan Ford, the proponent's proposed intersection improvements will also require a relocation of Regan Ford's existing driveway. MHD has requested that the proponent continue discussions with Regan Ford regarding these right-of-way issues, and include in the FEIR the satisfactory outcome of these discussions. I adopt these comments as my own, and ask that the proponent, the City of Haverhill, and MHD work with Regan Ford to resolve these right-of way issues.

#### 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 and the proponents' needs. The FEIR must identify the parking supply recommended by land use category by the Institute of Traffic Engineers (ITE) Parking Generation for comparative purposes. I am concerned that the project, as proposed, requires too many parking spaces (approximately 5 spaces per 1,000 gross lease area (gla) of retail space) when public transit and a strong Transportation Demand Management (TDM) program could reduce parking demand. I ask the proponent to seek permission from the City of Haverhill to build fewer parking spaces or provide a "land bank" of parking spaces to be utilized only if the development program needs them. The FEIR should discuss the impacts of excess parking upon the proposed TDM program, and the feasibility of a Preferred Alternative with fewer parking spaces.

#### Transportation Demand Management (TDM) plan

As described in the DEIR, 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);
- 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 should continue discussions with the Merrimack Valley Regional Transit Authority (MVRTA), and other transit providers, including local Council of Aging services, to identify opportunities for providing existing MVTA bus service (Routes #19 and #15) to the project site. EOT has requested that the proponent should incorporate transit amenities including bus shelters and bus within the project site or nearby. The FEIR should respond to EOT's comments. The FEIR should demonstrate the support of the MVTA for any proposed transit amenities. The FEIR should include an update of the proponent's discussions with MVTA and others for providing existing MVTA bus service to the project site. The proponent should propose mitigation for proposed project impacts on existing bus services.

#### Pedestrian and Bicycle Facilities

The FEIR should describe the internal vehicular and pedestrian circulation plan for the project site at the completion of the proposed project. The FEIR should show on a reasonable scaled map of the project site, where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage in a map of the area. The proponent should discuss the feasibility of providing 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.

**Construction Period Impacts:**

I ask that the proponent require 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 should also commit to specific TDM measures that can be implemented during construction.

**Mitigation/Section 61:**

The FEIR should include conceptual plans for any proposed improvements to stormwater management, wastewater management including I/I removal, and pedestrian access with sufficient detail to verify the feasibility of constructing such improvements. This chapter on mitigation should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

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.

**Comments:**


The FEIR should respond to the comments received to the extent that the comments are within MEPA jurisdiction. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The FEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.



**Circulation:**

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to officials from the City of Haverhill. A copy of the FEIR should be made available for public review at the Haverhill Public Library.

January 27, 2006  
Date

  
Stephen R. Pritchard, Secretary

**Comments received:**

01/20/06	Natural Heritage and Endangered Species Program (NHESP)
01/20/06	Executive Office of Transportation, Massachusetts Highway Department (MHD)
01/26/06	Department of Environmental Protection (DEP) - Boston
01/20/06	Johnson & Borenstein, LLC

EOEA #13609 DEIR  
SRP/NCZ/ncz