



# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114-2524*

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

May 26, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME: BJ's Wholesale Club  
PROJECT MUNICIPALITY: Haverhill  
PROJECT WATERSHED: Merrimack  
BOEA NUMBER: 13780  
PROJECT PROPONENT: Coastal Partners, Inc.  
DATE NOTICED IN MONITOR: April 26, 2006

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

### Project Description

As described in the Expanded Environmental Notification Form (EENF), the project proposes the development of a 120,000 square foot (sf) BJ's Wholesale Club with 12 vehicle fueling positions and 470 parking spaces on a 14.1-acre site on Shelley Road in Haverhill, MA. An existing 176,000 sf building on the site will be demolished. Access to the proposed site will be provided by way of a full-access driveway that will intersect the north side of Shelley Road. Environmental impacts associated with the project result from an increase in impervious area on the site; the alteration of 1,940 sf of Bordering Vegetated Wetlands (BVW); the generation of 4,808 new daily vehicle trips; and the construction of 307 new parking spaces.

### Jurisdiction and Project Review

The project is undergoing environmental review and requires the preparation of an Environmental Impact Report pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it requires state permits and because the project will generate more than 3,000 new average daily trips on roadways providing access to a single location. The project requires an Indirect Highway Access Permit from the Massachusetts Highway Department (MHD); an Order of Conditions (OOC) from the Haverhill Conservation Commission (and therefore a Superceding Order of Conditions from the Department of Environmental Protection (DEP) if the local Order is appealed); Site Plan Review from the Haverhill Planning Board; and a Variance from the Haverhill Zoning Board of Appeals.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, jurisdiction extends to transportation, wetlands and stormwater.

### Request for a Single EIR

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF (EENF) with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. Based on a review of the EENF, I hereby find that the document meets the regulatory requirements and I am permitting the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations.

## **SCOPE**

### General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope. The Single EIR should include a copy of this Certificate and the attached comments. The Single EIR should include a thorough description of the project, including a detailed description of construction methods and phasing. The Single EIR should include a brief description of each state permit or agency action required or potentially required, and should demonstrate that the project will meet applicable performance standards. In accordance with Executive Order No. 385, "Planning for Growth" and Section 11.03 (3)(a) of the MEPA regulations, the Single EIR should discuss the consistency of the project with the local and regional growth management and open space plans. The proponent should also provide an update on the local permitting process for the project.

### Alternatives

The Single EIR requires a comprehensive alternatives analysis in order to ascertain which site layout minimizes overall impacts to land, open space, wetlands and traffic. The alternatives

analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the proponent plans to avoid, minimize or mitigate Damage to the Environment to the maximum extent feasible. In addition to the No-Build and the Preferred Alternative, the Single EIR should include a description of the alternative site designs that were considered during project planning that could minimize the impacts of the project on traffic and environmental resources. The Single EIR should fully explain any trade-offs inherent in the alternatives analysis, such as increased impacts on some resources to avoid impacts to other resources. The proponent should respond to DEP's request to consider additional measures to reduce the amount of impervious area on site in the alternatives analysis.

### Stormwater

The current site does not provide any stormwater management or water quality mitigation for paved parking area runoff into adjacent wetlands. The proposed project will result in an additional 2.2 acres of impervious area on site. In an effort to minimize impacts the proponent has applied for a variance from the City of Haverhill zoning regulation in order to reduce the number of parking spaces required for the project by 128. 307 new parking spaces are proposed on site, for a total of 470 spaces. According to the ENF, the project's stormwater management system will be designed to meet DEP requirements for a redevelopment project, and will include not increase peak runoff for the 2, 10 and 25-year storms.

The Single EIR should address the performance standards of DEP's Stormwater Management Policy (SMP) and the consistency of the project with the provisions of the NPDES General Permit from the EPA for stormwater discharges from construction sites. The Single EIR should include a discussion of best management practices employed to meet the DEP and NPDES requirements, and should include a draft of the Pollution Prevention Plan. The proposed project includes a fueling facility, where stormwater runoff needs to be controlled according to SMP Standard #5 for areas of higher potential pollutant load. In addition, a maintenance program for the drainage system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

DEP has noted records of hazardous materials being released to the soil and groundwater at the site (Release Tracking Numbers #3-14587 and #3-3743). The contaminated sites should be located on drainage plans submitted with the Single EIR. The proponent must ensure that stormwater infiltration avoids contaminated areas and avoids the potential for mobilization of any residual contaminants that may remain in the soils.

I encourage the proponent to consider Low Impact Development (LID) techniques in site design and storm water 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/>. The Single EIR should include a discussion of any LID measures that the proponent could incorporate into project design.

### Wetlands

Two Bordering Vegetated Wetland (BVW) areas are located to the north of the project, and currently collect untreated runoff from the existing parking lot, Route 125, and the Route 125 access road. According to the ENF, the project will result in the permanent filling of 1,940 sf of BVW for a portion of the parking lot. The project requires an Order of Conditions from the Haverhill Conservation Commission. Following comments from DEP, the Single EIR should describe and quantify the extent of wetland alteration for the project, and should explain how the project would comply with the performance standards in the MA wetlands regulations. The Single EIR should outline any changes to anticipated wetlands impacts that may result from ongoing consultation with the Haverhill Conservation Commission.

The proponent plans to mitigate impacts to BVW by providing wetlands replication at a ratio of 1:1. The proponent should note that DEP generally requires replication of BVW at a ratio of 2:1 to ensure that there is a margin of error for replacement of wetland resource areas. This issue should be addressed in the Single EIR. A detailed wetlands replication plan should be provided in the Single EIR which, at a minimum, should include: replication location(s); elevations; typical cross sections; test pits or soil boring logs; groundwater elevations; the hydrology of areas to be altered and replicated; list of wetlands plant species of areas to be altered and the proposed wetland replication species; planned construction sequence; and a discussion of the required performance standards and long-term monitoring.

The proponent has also noted in the EENF that it may provide restoration of an on site intermittent stream located in the wetland system which is suffering from extensive erosion. Further information on stream restoration should be provided in the Single EIR.

### Traffic

Based on Institute of Traffic Engineers (ITE) Land Use Codes 861 (Discount Club) and 944 (Gasoline/Service Station), the proposed project is anticipated to generate 4,808 new daily vehicle trips to the project site. Access to the site will be provided by way of a full-access driveway that will intersect to the north side of Shelley Road. A MHD Access Permit is required for the project.

The proponent has prepared a Traffic Impact and Access Study (TIAS) in accordance with Executive Office of Environmental Affairs/Executive Office of Transportation and Construction guidelines. The study was prepared in consultation with the City of Haverhill, MHD and the Merrimack Valley Planning Commission. The TIAS was submitted as part of the EENF. The TIAS shows that the proposed project results in a degradation of level-of-service at

the Route 125 Connector, Shelley Road Connector, and Riverview Street intersection; and at the Shelley Road Connector and Shelley Road intersection.

The proponent has proposed the following measures in the EENF to mitigate for impacts to traffic:

- The median break on the Shelley Road Connector will be closed;
- The Shelley Road Connector will be widened to provide an exclusive left-turn lane and shared left-turn through lane;
- An exclusive right-turn lane will be provided at Shelley Road;
- Shelley Road will be repaved and striped in the vicinity of the project site;
- Signal timing will be modified accordingly;
- A new widened section will be provided on the north side of the Route 125 Connector west leg to allow heavy vehicles to make U-turns; and
- New permanent signal poles and mast arms will be installed at the Route 125 Connector intersection with the Shelley Road Connector and Riverview Street

The Single EIR should include a commitment to implement the above referenced traffic mitigation measures and should describe the timing and cost of their implementation based on project phasing. The Single EIR should include conceptual plans for the proposed mitigation that are of sufficient detail to verify the feasibility of constructing such improvements, including lane widths and offsets, layout lines and jurisdictions and adjacent land uses.

The EENF also included a commitment to provide a Transportation Demand Management (TDM) program aimed at reducing site trip generation. Proposed TDM measures include an employee rideshare matching program, work shift hours, and direct deposit payment of salaries. The Single EIR should present a more comprehensive outline of TDM measures that identifies specific strategies that have been successful at reducing trip generation for similar retail establishments. In the Single EIR, the proponent should provide a clear commitment to implement and continuously fund any TDM measures.

#### Construction Period Impacts

The Single EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities, and propose feasible measures to avoid or eliminate these impacts. The proponent must comply with DEP's Solid Waste and Air Quality Control regulations. The proponent should implement measures to alleviate dust, noise and odor nuisance conditions which may occur during the construction activities. I encourage the proponent to work with DEP to implement construction-period diesel emission mitigation through its Diesel Retrofit Program.

#### Mitigation

The Single EIR should contain a separate chapter on mitigation measures. The chapter on mitigation should include a Draft Section 61 Finding for all state permits and a draft Letter of Commitment for use by MHD. The Draft Section 61 Finding and Letter of Commitment should

contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, the identification of the parties responsible for implementation of the mitigation, and a schedule for the implementation of the mitigation.

### Comments

The Single EIR should respond to the comments received to the extent that comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR.

### Circulation

The Single EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to commenters as listed below and to City of Haverhill officials. A copy of the Single EIR should be made available for review at the Haverhill Public Library.

May 26, 2006  
Date

  
Stephen R. Pritchard

### Comments received:

5/16/2006 Department of Environmental Protection, Northeast Regional Office  
5/17/2006 Executive Office of Transportation

SRP/BA/ba