



MEMORANDUM

To: Town of Deerfield Conservation Commission and Selectboard

From: Berkshire Design Group

Date: November 9, 2022

Project: NUPRO Industrial Project Development

Re: Notice of Intent – Peer Review Comments

BDG was hired by the Town of Deerfield to provide a third-party peer review of the documents and plans submitted with the Notice of Intent, Special Permit, Expedited Permit, and Site Plan Approval by SVE on behalf of NUPRO, LLC. The following comments summarize our findings and recommendations to the Town of Deerfield Conservation Commission.

Dear Members of the Conservation Commission,

At the request of the applicant, NUPRO, LLC, and the Town of Deerfield, Berkshire Design Group (BDG) was requested to provide a third-party peer review of documents and plans submitted as part of a Notice of Intent application for work proposed in resource areas under the jurisdiction of 310 CMR 10.00: Wetlands Protection Act, as well as for a Stormwater Permit, Special Permit, Expedited Permit, and Site Plan Approval, BDG reviewed the following documents and plans:

- 1) 000_NOI Title and Table of Contents
- 2) 001_NOI Letter to Conservation Commission
- 3) 002_WPA Form 3_8-22-22, Submitted by Mark Stadnicki SVE Associates, Dated August 22, 2022, eDEP Transaction ID: 1357391
- 4) 003_WPA Form 3 Fee Transmittal_8-22-22, EDEP Transaction #: 1357391
- 5) 004_Certified Abutters List_100 FT
- 6) 005_Project Narrative NOI_8-22-22
- 7) 006_Wetland Report_WWS Report
- 8) 007_USGS_Aerial Maps
- 9) 008_Signed_SWMP_8-22-22
- 10) 009_Signed Permit Set_8-26-22
- 11) 010_2022_Riverfront Impact Exhibit
- 12) 000_EPP Application Title and Table of Contents_9-1-22
- 13) 001_Signed EEP Application Letter
- 14) 002_Signed_EPP – Application 8-22-22 copy
- 15) 003_Certified Abutters List_300 FT
- 16) 004_Revised Project Narrative_9-6-22
- 17) 005_Project Statement_8-22-22

- 18) 006_Signed_SWMP_8-22-22
- 19) 007_Recorded Property Information
- 20) 008_Spec and Cut Sheets
- 21) 009_Signed Permit Set_8-26-22
- 22) 2022.09.28 – Published Notice EPD – Website-Bulletin Board rvsd
- 23) VHB Feasibility Study

After initial review and coordination, the applicant provided Berkshire Design with the following supplemental information (documents are attached for reference):

- 24) Wetland Delineation Report by Wendell Wetland Services, 7/24/2018
- 25) Soil Evaluation Report by SVE, 10/24/2022
- 26) Updated Permit Set by SVE, 11/2/22

A single revised sheet was provided to Berkshire Design with updated information on a proposed foundation drain:

- 27) Sheet 6 of 12 “Utility Plan” by SVE, 11/8/22

After review and assessment of the submitted plans and documents, BDG provides the following comments and recommendations:

Notice of Intent Review

1. In the Wetlands Report prepared by Wendell Wetlands Services, an area noted as “Wetland D” is noted that it was previously delineated and may need to be revised. The applicant provided Berkshire Design with a wetland report from Wendell Wetland Services (attached) that this area was a detention basin that was “clearly a man-made stormwater structure” and therefore not delineated. We recommend that the applicant identify this area on the plans and that the Commission determine whether this area is subject to jurisdiction.
2. The applicant uses a 2005 aerial image that shows the use of the area from previous pickle factory activities, to calculate existing degraded area within the inner and outer Riverfront Area. Although a strict view of the regulations would request that degraded area of existing conditions be taken from more recent aerial or survey of the site, the Commission should note that this site was previously reviewed by the Commission in 2015. An Order of Conditions, MassDEP File #: 142-0201, recorded in the Franklin County Registry of Deeds on 5/19/2015, Book: 6686, Page: 184, was issued and included a special condition that the altered areas throughout the Riverfront Area, which by a strict interpretation of the regulations may not be considered degraded, will be classified as degraded in future projects. “SC#1. Finding of fact – The stone under the area shown as future expansion will continue to be classified as degraded area.”
3. The Applicant does not explicitly respond to each of the conformance criteria outlined in the Riverfront Area redevelopment subsection, 310 CMR 10.58 (5) (a)-(h), however, after

reviewing the submitted documents and plans, BDG is providing the following comments to the Commission regarding the project's effort to address these criteria.

- (a) The proposed work is resulting in an overall improvement over existing conditions within the Riverfront area. The existing conditions contain approximately 154,399 square feet of degraded area; 67,034 square feet within the inner 100-foot, and 87,365, as noted on the submitted document titled, 2005 Wetlands Impacts. As noted on sheet 7/12 Landscape & Riverfront Improvement Plan, proposed degraded areas total 65,535 square feet: 17,930 square feet in the inner riverfront area, and 47,605 square feet in the outer riverfront area. This is an overall total reduction in degraded area by 88,864 square feet.
- (b) The applicant has provided stormwater management plans that comply with the state stormwater standards. See "Stormwater Review" below.
- (c) The proposed work is no closer than the existing conditions.
- (d) The proposed work is located toward the outer Riverfront Area boundary, where feasible. The proposed degraded area in the inner riverfront area, creates a reduction of 49,104 square feet compared to existing conditions, and a reduction of 37,760 square feet in the outer riverfront area compared to existing conditions. The result is an overall reduction in degraded area within the riverfront area.
- (e) In comparing sheet 7/12 and the 2005 Wetlands Impacts, it appears that no proposed work within the Riverfront Area is outside of the existing degraded area to develop new degraded area.
- (f) This section is not applicable. However, the applicant is proposing to install a series of native wood vegetation to develop a vegetated buffer between the proposed work and the stream within the inner riverfront area. If restoration activities were considered to be required, we would suggest that these plantings would provide a functional vegetated buffer, once established.
- (g) We find this is not applicable.
- (h) We find this is not applicable.

Stormwater Review

1. In the opinion of Berkshire Design, the proposed stormwater plan (as revised through 11/8/2022) complies with the Massachusetts Stormwater Standards.
2. The Conservation Commission may wish to include conditions of approval to ensure the system is built in accordance with the engineer's design and/or is maintained in accordance with the proposed operation and maintenance plan.

Special Permit, Expedited Permit, Site Plan Approval Application Review

1. Demolition work is proposed within the R-1 Parcel, but it is not clear if the Town has provided permission for this work within this parcel. Please clarify.

Traffic:

1. A projected traffic distribution diagram prepared by VHB in 2009 was reviewed. It is not clear as to whether this was referenced in the traffic numbers reported in the Project Statement, item F.) section e. Transportation Plan Approval. There was no narrative describing how the projected traffic numbers in the VHB diagram were derived. VHB's traffic numbers are significantly higher than those in the table Project Statement.
2. Although the traffic numbers in the table appear to be consistent with the reported number of employees, and it appears that the numbers were derived from equations taken out of the ITE manual, we recommend that the narrative state this more clearly for the record.
3. In the third paragraph under section e of the Project Statement, it states "expected traffic which appears to be consistent for the proposed use of the property." We recommend that the applicant provide a more detailed explanation of the basis for this statement.