



Massachusetts Department of Environmental Protection

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Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:142-0226
 eDEP Transaction #:1348655
 City/Town:DEERFIELD

A. General Information

1. Conservation Commission	DEERFIELD		
2. Issuance	a. <input checked="" type="checkbox"/> OOC	b. <input type="checkbox"/> Amended OOC	
3. Applicant Details			
a. First Name	JOHN	b. Last Name	PACIOREK
c. Organization	TOWN OF DEERFIELD		
d. Mailing Address	8 CONWAY STREET		
e. City/Town	SOUTH DEERFIELD	f. State	MA
		g. Zip Code	01373
4. Property Owner			
a. First Name		b. Last Name	
c. Organization	TOWN OF DEERFIELD		
d. Mailing Address	8 CONWAY STREET		
e. City/Town	SOUTH DEERFIELD	f. State	MA
		g. Zip Code	01373
5. Project Location			
a. Street Address	0 NORTH MAIN STREET		
b. City/Town	DEERFIELD	c. Zip Code	01373
d. Assessors Map/Plat#	151	e. Parcel/Lot#	1
f. Latitude	42.48605N	g. Longitude	72.60744W
6. Property recorded at the Registry of Deed for:			
a. County	b. Certificate	c. Book	d. Page
FRANKLIN		7566	283
7. Dates			
a. Date NOI Filed :	2/8/2022	b. Date Public Hearing Closed:	7/7/2022
		c. Date Of Issuance:	
8. Final Approved Plans and Other Documents			
a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:
e. Scale:			
PROPOSED MUNICIPAL PARKS & FIELDS, NORTH MAIN STREET, SOUTH DEERFIELD, MA (33) SHEETS	PROTERRA DESIGN GROUP, LLC	JESSE MORENO, PE	05-09-2022
			SEE PLAN

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UNDERGROUND CONNECTION PIPE PLAN & BASIN BETWEEN FIELDS PLAN FROM PROTERRA PEER REVIEW RESPONSE LETTER DATED 05-17-22 (2 SHEETS)	PROTERRA DESIGN GROUP, LLC	JESSE MORENO, PE	05-17-2022	SEE PLAN
PROPOSED MUNICIPAL PARK & FIELDS NORTH MAIN STREET DEERFIELD, MA LANDSCAPE PLANS (SR-1, LS-1, LS-2, LS-3) (4 SHEET REVISION IN RESPONSE TO VERBAL PEER REVIEW COMMENTS FROM HEARING 05-25-22)	PROTERRA DESIGN GROUP, LLC	JESSE MORENO, PE	05-20-22	SEE PLAN
PROPOSED MUNICIPAL PARK & FIELDS NORTH MAIN STREET DEERFIELD, MA PHOTOMETRIC PLAN (PH-1) DATED 5-09-22 SUBMITTED ON 5-25-20 FOR REV G (1 SHEET REVISION IN RESPONSE TO VERBAL PEER REVIEW COMMENTS FROM HEARING 5-25-22)	PROTERRA DESIGN GROUP, LLC	JESSE MORENO, PE	05-25-22	SEE PLAN

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DEERFIELD
 MUNICIPAL PARK
 FIELDS
 SUPPLEMENTAL
 SKETCH PLAN
 SK-1&2 REG G
 CLARIFICATIONS
 (2 SHEET
 CLARIFICATION
 APPENDED TO
 GZA RESPONSE
 TO PEER REVIEW
 COMMENTS 2
 LETTER DATED 6-
 9-22)

PROTERRA DESIGN GROUP, LLC JESSE MORENO, PE 06-09-22 SEE PLAN

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

a. <input type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input checked="" type="checkbox"/> Private Water Supply	e. <input type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

- a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act , and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

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3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). _____ a. linear feet

Inland Resource Area Impacts:(For Approvals Only):				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	<u>38</u> a. linear feet	<u>38</u> b. linear feet	<u>38</u> c. linear feet	<u>38</u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>2770</u> a. square feet	<u>2770</u> b. square feet	<u>5000</u> c. square feet	<u>5000</u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	<u>0</u> c. square feet	<u>0</u> d. square feet	<u>0</u> e. square feet	<u>0</u> f. square feet
Sq ft between 100-200 ft	<u>3200</u> g. square feet	<u>3200</u> h. square feet	<u>1020</u> i. square feet	<u>1020</u> j. square feet

Coastal Resource Area Impacts:				
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			

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3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "142-0226"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging.

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Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
 - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
 - c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
 - d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.

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- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
 - f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
 - g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
 - h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
 - i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
 - j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
 - k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
 - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED DOCUMENT FOR CONDITIONS

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____

2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:

□ **Massachusetts Department of Environmental Protection**

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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Deerfield Conservation Commission

Special Conditions

DEP File# WE142-0226

Applicant The Town of Deerfield

Address 8 Conway St. S. Deerfield MA 01373

I. GENERAL:

1. In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, contact the Commission during business hours at (413) 665-1400 ext. 108.and/or bldgasst@town.deerfield.ma.us
2. The term “Applicant” as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.
3. In the event that this property/project is sold or conveyed, the new owner(s) shall meet with the Conservation Commission or its Agent prior to commencing or continuing any work permitted by this order.
4. The term “**Plans**” as used in the Order shall refer to the Plans entitled
 - Proposed Municipal Park & Fields North Main Street Deerfield, MA stamped, signed, and dated Rev G 5-9-22 (33 sheets)
 - Underground Connection Pipe Plan & Basin Between Fields Plan from ProTerra Peer Review Response Letter dated 5-17-22 (2 sheets)
 - Proposed Municipal Park & Fields North Main Street Deerfield, MA Landscape Plans (SR-1, LS-1, LS-2, LS-3) stamped, signed, and dated 5-20-22 (4 sheet revision in response to verbal peer review comments from hearing 5-25-22)
 - Proposed Municipal Park & Fields North Main Street Deerfield, MA Photometric Plan (PH-1) dated 5-09-22 submitted on 5-25-20 for Rev G (1 sheet revision in response to verbal peer review comments from hearing 5-25-22)
 - Deerfield Municipal Park Fields Supplemental Sketch Plan SK-1&2 Reg G Clarifications (2 sheet clarification appended to GZA Response to Peer Review Comments 2 letter dated 6-9-22)

as may be further revised in compliance with this Order of Conditions. The Commission also received and considered a variety of other plans and reports, all of which are included in the public record. The Order permits only the work as shown on these approved Plans.

5. Members of the Commission and/or its Agent shall have the right to enter and inspect the premises to evaluate and ensure compliance with these conditions and performance standards as stated in the Order, the Act, and/or local bylaws and regulations, and may require additional information, measurements, photographs, observations and/or materials or submittal of data or information deemed reasonably necessary by the Commission for that evaluation.
6. Unless otherwise specified in the Notice of Intent and/or accompanying plans, all plantings and seed mixes shall consist of native species only, shall emphasize the natural flora and be of proven value to local wildlife. All plantings and seeding shall be watered as necessary to ensure growth.

7. Erosion control measures shall not be removed and shall remain and be maintained intact until removal is approved by the Commission and/or its Agent. The sediment collected by these devices shall be removed and placed at an upland location and in a manner that will prevent its later erosion to any resource area.
8. At no time shall sediments be allowed to flow into or accumulate in any wetland or resource area on or off the property.
9. No fuel, oil, or other pollutants shall be stored in any resource area or the buffer zone thereto, unless specified in this Order.
10. All construction materials, earth stockpiles, landscaping materials, refuse, debris and/or stumps must be placed or stored outside all resource areas and associated buffer zones.
11. The Order shall be included with all construction-related documents. All contractors working at the site shall be made aware of the provisions contained within the Order and adhere to all Special Conditions herein. At all times, any site foreman, supervision engineer or construction manager shall have a copy of the Order at the site and shall direct compliance with the requirements of the Order. The Commission shall be notified if the contractor changes during the life of the order.
12. This document shall be included by reference in all contracts, plans and specifications dealing with the activity that is the subject of this Order, and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications.
13. Whether from on-site or off-site, any fill used in connection with this project shall be clean granular material essentially free of masonry, stumps, frozen clumps of earth, invasive species or materials, wood, tree branches, trash, and waste material.

II. PRIOR TO CONSTRUCTION:

14. **Prior to the initiation of any work**, the following documents, information, and materials shall be submitted to the Conservation Commission for review and approval. The Commission may obtain peer review of such plans and materials.
 - a) The Stormwater Pollution Prevention Plan (SWPPP), Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan (CPPPP), and any revisions to the Operation and Maintenance Plan.
 - b) Revised Plans corresponding to the conditions hereof to include the following.
 1. The detail for standard US Forest Service (USFS) Trail plans of hardened stone surfaces with gravel and timber log retainers, grid units filled with stone, or rock surfacing with geotextile fabric as shown in the USDA Forest Service Standard Trail Plan STD_913-004, 913-40-1, or 913-50-01, respectively.
 2. Locations, language, and size specifications for the installation of educational signage as referenced in item 39 of these conditions.
 3. The Landscape Plan shall include the proper caliber/diameter of trees as approved by the Planning Board.
 4. A note or depiction shall be added to the Plans that specifies that wetland creation areas and other initially constructed features shall be protected from sedimentation during construction.
 5. Note 10 on sheet ES-1 of the Plans be expanded to specify that concrete washout may not be discharged to any wetland resource areas.

15. **Prior to the initiation of any work**, the contractor, site foreman and/or construction manager shall submit a letter of understanding to the Commission stating that they have received, read, understand, and shall comply with the Order. Email submission is acceptable.
16. **Prior to the initiation of any work**, any and all erosion control measures shall be constructed and installed as shown on the approved Plans and related construction documents, including but not limited to the SWPPP, CPPPP, Operation and Maintenance Plan, and other construction related documents. The erosion control specifications provided in the Notice of Intent and shown on the Plans and construction related documents will be the minimum standards for this project. These erosion controls shall be maintained until the Commission or its agent agrees they are no longer needed or until the Certificate of Compliance is issued.
17. Immediately after installation of erosion controls, the Conservation Commission and/or its agent shall be contacted in order to conduct a follow-up inspection to ensure that erosion controls have been properly installed and the limits of work are clearly marked. Notification must be given at least 48 hours in advance to ensure a Commission representative can be scheduled to inspect. **No work shall begin until the Commission has inspected and approved all erosion controls or until 5 business days have elapsed after the Applicant has contacted the Commission as aforesaid.**
18. **Prior to the initiation of any work**, a pre-construction meeting shall be held (other than of an emergency nature) between the Commission and/or its Agent and the Applicant and its environmental consultant, contractor, site foreman or construction manager. The applicant shall notify the Commission in writing the week before the pre-construction meeting in order to arrange for a mutually agreed upon time and date.

III. **DURING CONSTRUCTION:**

19. Unless expressly allowed elsewhere in the Order, during any snow removal operations, snow shall not be piled or placed beyond the limit of work. Road salt shall not be used on any surfaces where surface drainage discharges into any wetland or buffer zone.
20. The contractor designee for completing the required monitoring and inspection forms required by the CPPPP and SWPPP shall submit a copy of these forms weekly to the Conservation Commission's designated agent or peer reviewer for their review.

IV. **EROSION AND SEDIMENT CONTROL REQUIREMENTS:**

21. Sedimentation and erosion control measures shall be established and placed as shown on the approved Plans.
22. All sedimentation and erosion controls shall be maintained in proper functioning condition until all disturbed areas have been stabilized with final vegetative cover or until the Commission or its Agent has determined that the control measures are no longer necessary. Structural failure of erosion and sedimentation controls required by the Order can constitute a violation of the Order and can result in enforcement actions and fines from the Commission and possibly other regulatory agencies.

23. An adequate stockpile of erosion control materials shall be kept on site at all times for routine and emergency replacement and shall include materials to repair or replace silt fences, straw bales, erosion control blankets, riprap, filter berms or other devices planned for use during construction.
24. Site grading and construction shall be scheduled to avoid periods of heavy rainfall and periods of high surface water. Once begun, grading and construction shall continue in an expeditious manner to minimize the opportunity for erosion.
25. All disturbed areas shall be graded, loamed and seeded prior to November 30th of each year during work conducted hereunder. No disturbed areas or stockpiled materials shall be left unprotected or without erosion control during the winter. If seeding is not an option, soils shall be stabilized through the use of erosion control blankets or other approved means.
26. It is the responsibility of the Applicant to ensure that erosion controls are inspected after every significant rainfall to assure that maximum control has been provided and to repair and replace them as necessary.
27. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion control measures shall be inspected at this time and maintained or reinforced, as necessary. All such devices shall be inspected, cleaned, or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall also be inspected to assure that the maximum control has been provided any entrapped silt shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland.

V. STORMWATER REQUIREMENTS

28. All stormwater structures and facilities shall be installed, built and maintained according to the specifications shown on Plans and supplemental documents as presented to the Commission, along with any requirements as may be included in the Deerfield Planning Board's Special Permit issued for this Project. ***This condition is ongoing and does not expire upon completion of this project or the issuance of a Certificate of Compliance.***
29. During construction street sweeping adjacent to the Project entrance shall occur as needed and/or when reasonably requested by the Commission or its Agent.

VI. ENVIRONMENTAL MONITOR REQUIREMENT:

30. **Prior to initiation of any work**, and throughout the life of the project, the Applicant shall designate and retain qualified wetlands specialists/environmental consultants for each element of this project. **No work shall begin until such consultant is approved by the Commission.** The Commission maintains the right to approve or disapprove any nominee based upon education, experience, and/or training.
31. **Prior to initiation of any work**, the name, work phone and cell phone number of such consultant(s) shall be provided to the Commission so that in the event of any emergency at the site this person can be contacted.

32. Such environmental consultant(s) shall directly and visually supervise on-site operations as necessary and oversee any emergency placement of controls and/or regulate inspection or replacement of erosion and sedimentation control devices, and any wetland replication if applicable. Said environmental consultant(s) shall keep a written log of compliance with the Order and shall make monthly written reports to the Commission or its Agent. Interim reports shall also be furnished upon request of the Commission or its Agent.
33. The Applicant and all other parties subject to the Order shall comply with all orders and instructions of the environmental monitor, including orders to cease all activity within the Commission's jurisdiction when non-compliance with the Order is observed. The Applicant and all other parties subject to the Order shall not resume activity until such time as the Commission has authorized the resumption of activity, which authorization may be written or verbal, direct or through the environmental monitor.

VII. WETLAND REPLICATION:

34. **Prior to the construction of the replication**, the Applicant shall furnish the name of the wetland consultant(s)/scientist(s) responsible to supervise and monitor the replication to the Commission for approval. The replication monitor shall have at least 5 years experience in wetlands, compliance with the Act, wetland replication, wetland hydrology and a working knowledge of botany. Such a person shall be retained to supervise and monitor construction of the wetland replication areas until the replication area meets the requirements of the Order. The Commission maintains the right to approve or disapprove any nominee based upon education, experience, and/or training.
35. Unless otherwise specified in the Order, the wetland replication shall be performed in accordance with the Notice of Intent, the Plans and any supplemental documents. The Commission reserves the right to require additional plantings to ensure achievement of 75% cover of wetland plant species within two full growing seasons, as specified in 310 CMR 10.55(4)(b).
36. The wetland consultant(s)/scientist(s) approved by the Commission or their approved designee shall monitor the status of the "replicated wetland" at least ONCE during the same growing season as the initial planting, and for TWO consecutive growing seasons after the initial planting. Monitoring shall include, at a minimum, the collection of all data required in pages 1 and 2 of "Wetland Determination Data Form-Northcentral and Northeast Region" [as found within US Army Corps of Engineers. 2012. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, ed. J. S. Wakeley, R. W. Lichvm, and C. V. Noble. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center (Version 2.0)]. All vascular plants within the "replicated wetland", as shown on the plan(s) of record, shall be identified to the species level. Scientific nomenclature shall follow The Vascular Plants of Massachusetts: A County Checklist Revision 1 (Melissa Dow Cullina, Bryan Connolly, Bruce Sorrie and Paul Somers 2011) or an equivalent acceptable to the Commission (as established in writing). At least two (2) "Wetland Determination Data Forms" shall be completed for two (2) distinct "Observation Plots" within the "replicated wetland". Each sampling event shall include hydrologic data garnered from "observation holes". These "observation holes" shall be at least twenty-four inches deep, as measured from the surface of the mineral soil horizon. Alternatively, and with the permission of the Commission, the replication monitor(s) or their designee can establish a shallow monitoring well, directly adjacent to the two (2) Observation Plots within the "replicated wetland". The shallow monitoring wells shall be constructed, installed, and operated in accordance with "Installing Monitoring Wells/Piezometers in Wetlands" [US Army Corps

of Engineers, Wetlands Regulatory Assistance Program, WRAP Technical Note ERDC TN-WRAP-00-02, July 2000]. During each sampling event, color photographs or color reproductions of photographs (digital photographs or color photocopies) shall be taken of each of the two (2) separate Observation Plots within the "replicated wetland", and of the observation holes established by this Condition. All data collected during each of the years specified in this Condition shall be submitted in a written report, a copy of which shall be submitted to the Commission on or before November 30th of each year, as specified by this Condition.

VIII. UPON COMPLETION OF CONSTRUCTION:

37. Only upon completion of the project when all soils are permanently stabilized and with approval by the Commission or its Agent shall all erosion controls be removed.
38. Upon completion of construction and final soil stabilization, the Applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):
 - A Completed Request for a Certificate of Compliance (WPA Form 8A).
 - *IF* the project has any stormwater structure(s) requiring routine cleaning and/or maintenance, the Applicant or current owner shall submit a signed agreement between the Applicant or current owner and a company who has been contracted to clean and maintain such structures on the project property.
 - As-Built plans signed and stamped by a registered professional engineer, architect, landscape architect or land surveyor and a written statement from such professional certifying substantial compliance with the Plans and describing what deviation, if any, exists from the Plans approved in the Order. This plan shall include at a minimum:
 - All wetland resource area boundaries with associated buffer zones and regulatory setback areas taken from the plan(s) approved in the Order;
 - Locations and elevations of all stormwater management conveyances, structures, and best management designs, including foundation drains, constructed under the Order within any wetland resource area or buffer zone;
 - Distances from any structures constructed under the Order to wetland resources.
 - A line delineating the limit of work - "work" includes any filling, excavating and/or disturbance of soils or vegetation approved under the Order;
 - Wetland resource replication areas constructed under the Order.

IX. CONDITIONS RECOMMENDED BY THE COMMISSION'S CONSULTANT:

39. Educational signage shall be installed as part of the proposed project. Signage is recommended to be utilized for fertilizer and herbicide treatment, wetland areas, pervious pavement/surfaces, and rain gardens. Signage should be designed to educate the public on LID design features, wetland resource areas, and to create awareness for those who maintain the fields. The final location and content of the signs shall be approved by the Commission or its Agent.
40. The final Plans shall depict an adequate snow storage area and include signage on-site as to its location for reference for plow crews.

41. A Stormwater Pollution Prevention Plan (SWPPP) be submitted prior to the start of construction. The Conservation Commission and its Agent shall be provided a copy of this document as well as all inspection reports in a timely manner that is sufficient to protect the interests under the Act. The Applicant shall be required to submit, for the Commission's and its Agents review, the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan (CPL) required by Standard 8 (310 CMR 10.05(6)(k)8) as recommended by DEP review comment #2 in their 2.28.2022 file number comments.
42. The rain gardens, stormwater basins and 15-feet into the properties tree line should be incorporated into an invasive species management plan for the first two (2) years following final construction and final stabilization vegetative cover is achieved, said plan to be included within the Project Plans. For a period of 2-years, monitoring of the stormwater system shall be conducted monthly during the growing season (i.e., April 15 to November 1). During these monitoring events, a qualified individual shall identify the approximate location and density of invasive plant species including, but not limited to, oriental bittersweet, multiflora rose, Tartarian honeysuckle, glossy buckthorn, etc. To support proper identification and reporting of these commonly invasive species, the monitor will carry USDA NRCS Plant Fact Sheets. Herbaceous invasive vegetation be pulled by hand when observed during the monthly observations. Woody vegetation should be cut by hand and flush to the ground level. It is the intention of this plan to avoid herbicide use within the stormwater system.
43. The majority of earthwork shall occur in the Summer or early Fall where seasonal groundwater would be lower and allow construction without excessive dewatering. Should high-groundwater be encountered during construction, construction dewatering may be performed as needed to maintain conditions suitable for the germination and establishment of vegetation in the rain gardens.
44. The Applicant shall elect a professional(s), to be approved by the Conservation Commission, with sufficient experience in determining groundwater elevations and qualified in stormwater engineering design to directly oversee the construction of the wetland replication areas and rain gardens to ensure proper design elevations and capacities are achieved. This shall include but not be limited to determining if constructed stormwater design capacities are in compliance with the design plans and regulatory requirements for stormwater management as well ensuring that plantings and seed mixes applied to these areas are viable. This professional in coordination with the Conservation Commission and its Agent may recommend, review, and approve modifications to the project design accordingly to ensure success of these design features.
45. It is intended that these conditions shall be read in combination with conditions imposed by the Deerfield Planning Board, as contained within the Site Plan Review and Stormwater decisions, dated May 25th 2022. To the extent that the conditions of this instrument cannot be harmonized with the conditions imposed by the Planning Board, the conditions hereof shall control.