

**Sunny Dayz**  
**Cannabis Cultivation Campus**  
Greenfield Road  
Deerfield, Massachusetts

Prepared for: **SunnyDayz, Inc.**  
55 Locust Street  
Lynn, Massachusetts 01904  
(860) 656-4624

Prepared by:



679 Washington Street  
Suite #8-183  
South Attleboro, Massachusetts 02703  
(508) 838-1360

**March 2023**

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# NOI Application Forms

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- WPA Form 3
- Wetland Fee Transmittal Form
- Copy of Filing Fee Checks



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Deerfield

City/Town

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>0 Greenfield Road</u>	<u>Deerfield</u>	<u>01342</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>42d29m10.36</u>	<u>72d36m47.8s</u>	
d. Latitude	e. Longitude	
<u>159</u>	<u>7 and 14</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Kenneth</u>	<u>Bouquillon</u>	
a. First Name	b. Last Name	
<u>SunnyDayz, Inc.</u>		
c. Organization		
<u>55 Locust Street</u>		
d. Street Address		
<u>Lynn</u>	<u>MA</u>	<u>01904</u>
e. City/Town	f. State	g. Zip Code
<u>860-656-4624</u>	<u>kenb@sunnydayzcannabis.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

<u>Same</u>		
a. First Name	b. Last Name	
c. Organization		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>David</u>	<u>Pickart</u>	
a. First Name	b. Last Name	
<u>Ecological Resource Consultants, LLC</u>		
c. Company		
<u>679 Washington Street, Suite 8-183</u>		
d. Street Address		
<u>South Attleboro</u>	<u>MA</u>	<u>02703</u>
e. City/Town	f. State	g. Zip Code
<u>508-838-1360</u>	<u>dpickart@ecorescon.com</u>	
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$6,300.00</u>	<u>\$3,137.50</u>	<u>\$3,162.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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## A. General Information (continued)

6. General Project Description:

Construction of a Cannabis Cultivation Campus including 3 buildings, access drives, parking, utilities and a drainage system.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

310 CMR 10.53(3)(e) - Road Crossings and 310 CMR 10.53(3)(d) - Utility Lines

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Franklin

a. County

08032

c. Book

b. Certificate # (if registered land)

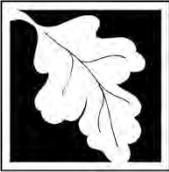
98

d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	3,550 1. square feet	4,760 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	Unnamed tributary to Bloody Brook 1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: 223,210  
square feet

4. Proposed alteration of the Riverfront Area:

<u>6,670</u>	<u>1,100</u>	<u>5,570</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

6. Was the lot where the activity is proposed created prior to August 1, 1996?  Yes  No

3.  Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete **Section B.2.f.** above.



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**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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### C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

#### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

15th Edition, 2021

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:

(a) within wetland Resource Area

\_\_\_\_\_ percentage/acreage

(b) outside Resource Area

\_\_\_\_\_ percentage/acreage

2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*

(a)  Project description (including description of impacts outside of wetland resource area & buffer zone)

(b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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### C. Other Applicable Standards and Requirements (cont'd)

- (c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1.  Project is exempt from MESA review.  
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2.  Separate MESA review ongoing.      a. NHESP Tracking #      b. Date submitted to NHESP

3.  Separate MESA review completed.  
Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and  
the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP’s Boston Office. For coastal towns in the Southeast Region, please contact MassDEP’s Southeast Regional Office.

- c.  Is this an aquaculture project?      d.  Yes     No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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### C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?  
a.  Yes  No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?  
a.  Yes  No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?  
a.  Yes  No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?  
a.  Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:  
1.  Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)  
2.  A portion of the site constitutes redevelopment  
3.  Proprietary BMPs are included in the Stormwater Management System.  
b.  No. Check why the project is exempt:  
1.  Single-family house  
2.  Emergency road repair  
3.  Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

### D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1.  USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2.  Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

Sunny Dayz Cannabis Cultivation Campus

a. Plan Title

VHB

b. Prepared By

January 13, 2023

d. Final Revision Date

Stormwater Report

f. Additional Plan or Document Title

J. Furman, PE

c. Signed and Stamped by

1"=40'

e. Scale

March 6, 2023

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

1.  Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

377591

2. Municipal Check Number

377525

4. State Check Number

Vanasse Hangen Brustlin, Inc.

6. Payor name on check: First Name

3/8/23

3. Check date

3/8/23

5. Check date

7. Payor name on check: Last Name



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## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

See following page for Applicant/Owner Signatures	
1. Signature of Applicant	2. Date
3.  Owner (if different)	4. Date
5. Signature of Representative (if any)	3/8/23
	6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

### For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



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\_\_\_\_\_  
MassDEP File Number

\_\_\_\_\_  
Document Transaction Number

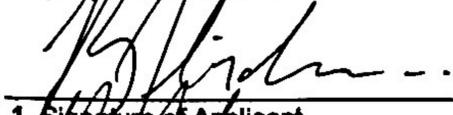
Deerfield

\_\_\_\_\_  
City/Town

## F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

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\_\_\_\_\_  
1. Signature of Applicant

3/6/2023  
\_\_\_\_\_  
2. Date

  
\_\_\_\_\_  
3. Signature of Property Owner (if different)

3/6/2023  
\_\_\_\_\_  
4. Date

\_\_\_\_\_  
5. Signature of Representative (if any)

\_\_\_\_\_  
6. Date

### For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

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### Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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 Bureau of Resource Protection - Wetlands  
**NOI Wetland Fee Transmittal Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**A. Applicant Information**

1. Location of Project:

0 Greenfield Road Deerfield  
 a. Street Address b. City/Town  
 \_\_\_\_\_  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Kenneth Bouquillon  
 a. First Name b. Last Name  
SunnyDayz, Inc.  
 c. Organization  
55 Locust Street  
 d. Mailing Address  
Lynn MA 01904  
 e. City/Town f. State g. Zip Code  
860-656-4624 kenb@sunndayzcannabis.com  
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

Same  
 a. First Name b. Last Name  
 \_\_\_\_\_  
 c. Organization  
 \_\_\_\_\_  
 d. Mailing Address  
 \_\_\_\_\_  
 e. City/Town f. State g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email Address

**B. Fees**

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

**Step 1/Type of Activity:** Describe each type of activity that will occur in wetland resource area and buffer zone.

**Step 2/Number of Activities:** Identify the number of each type of activity.

**Step 3/Individual Activity Fee:** Identify each activity fee from the six project categories listed in the instructions.

**Step 4/Subtotal Activity Fee:** Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

**Step 5/Total Project Fee:** Determine the total project fee by adding the subtotal amounts from Step 4.

**Step 6/Fee Payments:** To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



**VANASSE HANGEN BRUSTLIN, INC.**  
101 WALNUT STREET • PO BOX 9151  
WATERTOWN, MASSACHUSETTS 02471

CITIZENS BANK  
MASSACHUSETTS  
5-7017/2110

**377525**  
CHECK DATE

March 8, 2023

Three Thousand One Hundred Thirty Seven and 50/100

AMOUNT

Commonwealth of Massachusetts  
DEP-Department of Environmental Protection  
PO Box 4062  
Boston, MA 02211

\$3,137.50



AP  
AUTHORIZED SIGNATURE

**VANASSE HANGEN BRUSTLIN, INC.**  
101 WALNUT STREET • PO BOX 9151  
WATERTOWN, MASSACHUSETTS 02471

CITIZENS BANK  
MASSACHUSETTS  
5-7017/2110

**377591**  
CHECK DATE

March 8, 2023

Three Thousand One Hundred Sixty Two and 50/100

AMOUNT

Town of Deerfield  
Deerfield Municipal Offices  
8 Conway St  
South Deerfield, MA 10373

\$3,162.50

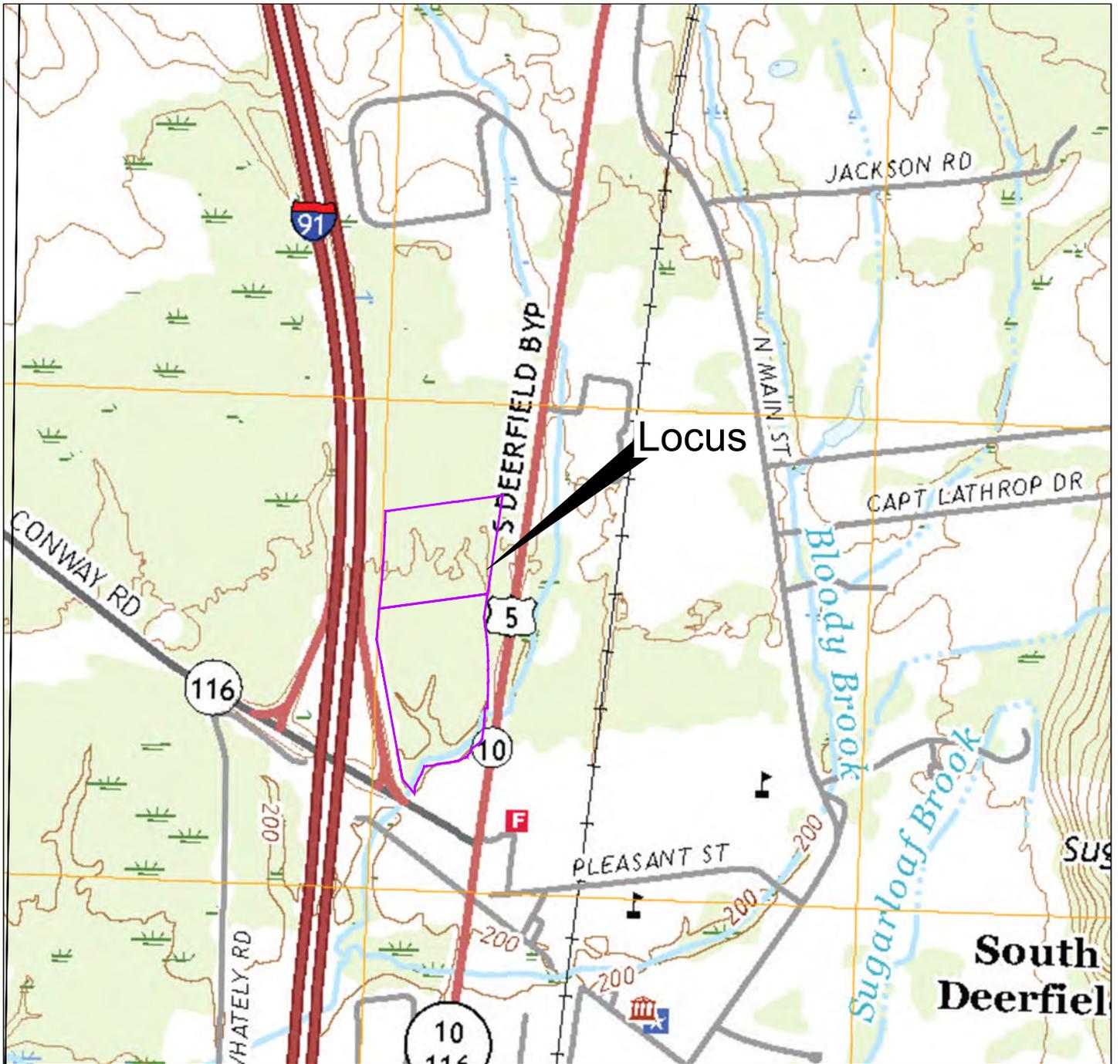


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AUTHORIZED SIGNATURE

# Figures

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- Figure 1 – Locus Map
- Figure 2 – Aerial
- Figure 3 – Flood Insurance Rate Map
- Figure 4 – Natural Heritage Atlas
- Figure 5 – Wetland Resource Area Impacts

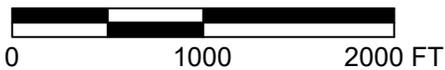


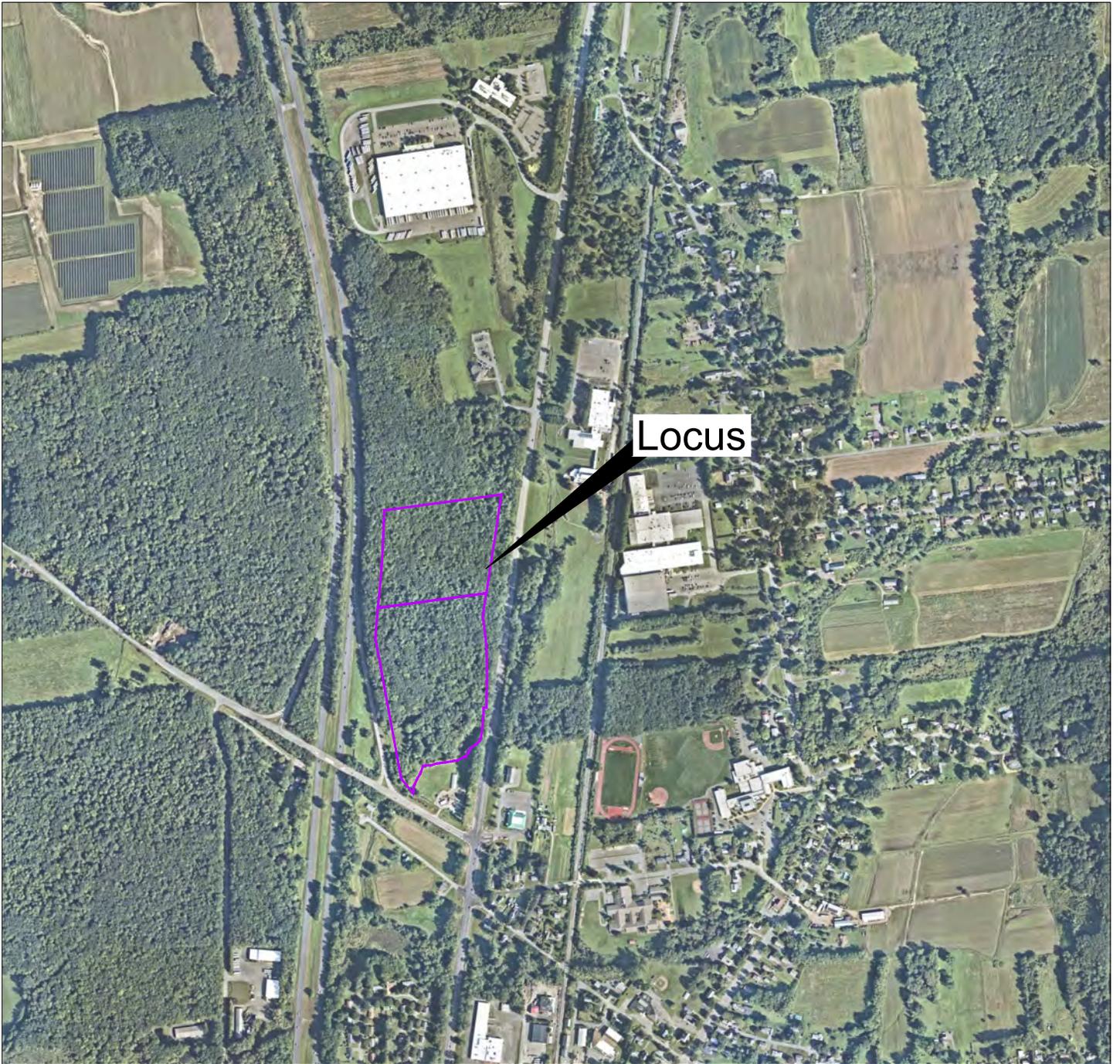
Source: USGS Mount Toby Quadrangle, 2021

Figure 1 - Locus Map  
Cannabis Cultivation Campus  
Deerfield, Massachusetts



Scale:



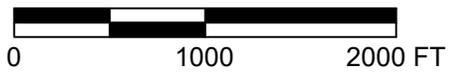


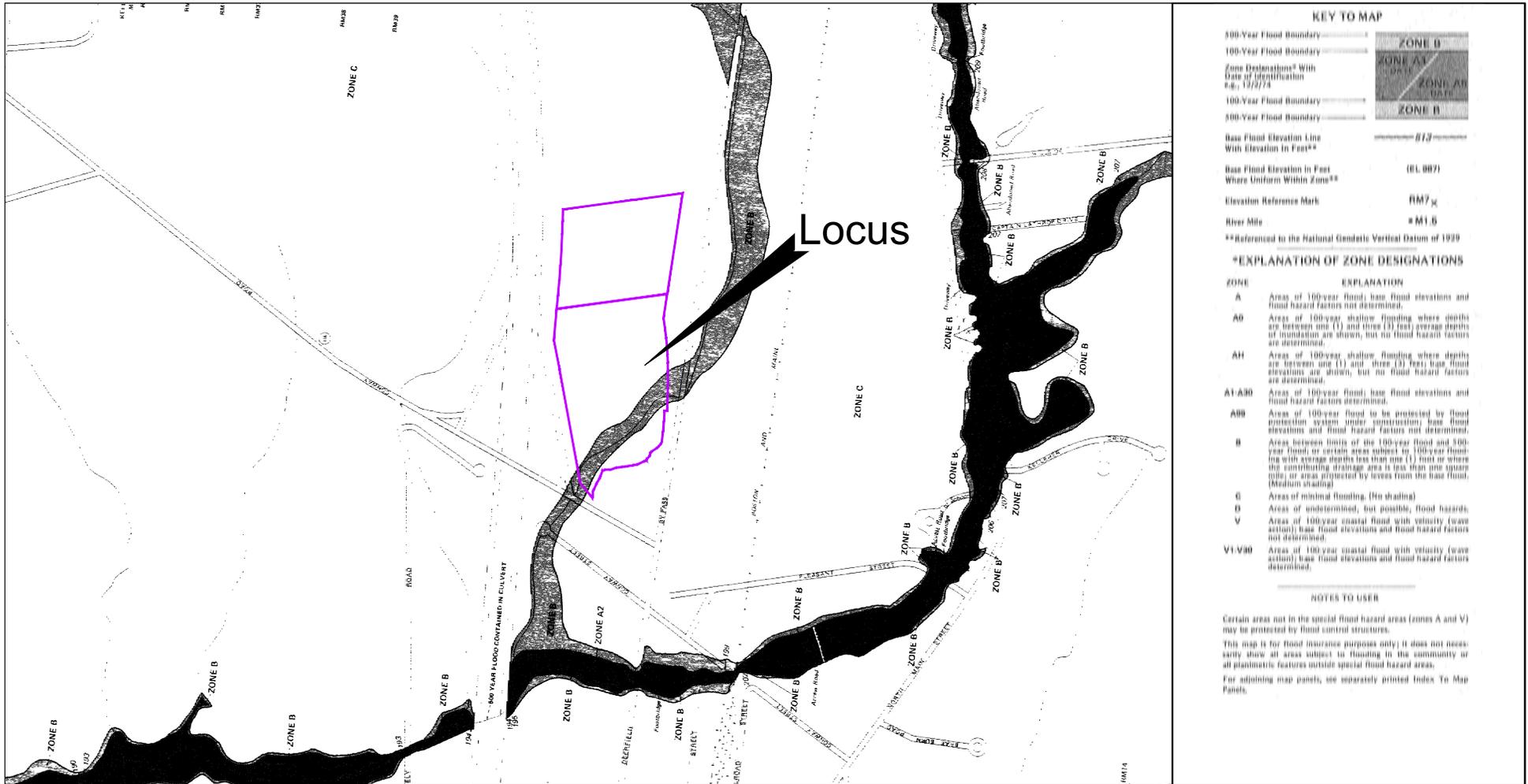
Source: Nearmap, 2022

Figure 2 - Aerial Overview  
Cannabis Cultivation Campus  
Deerfield, Massachusetts



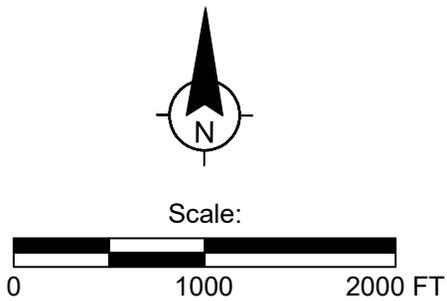
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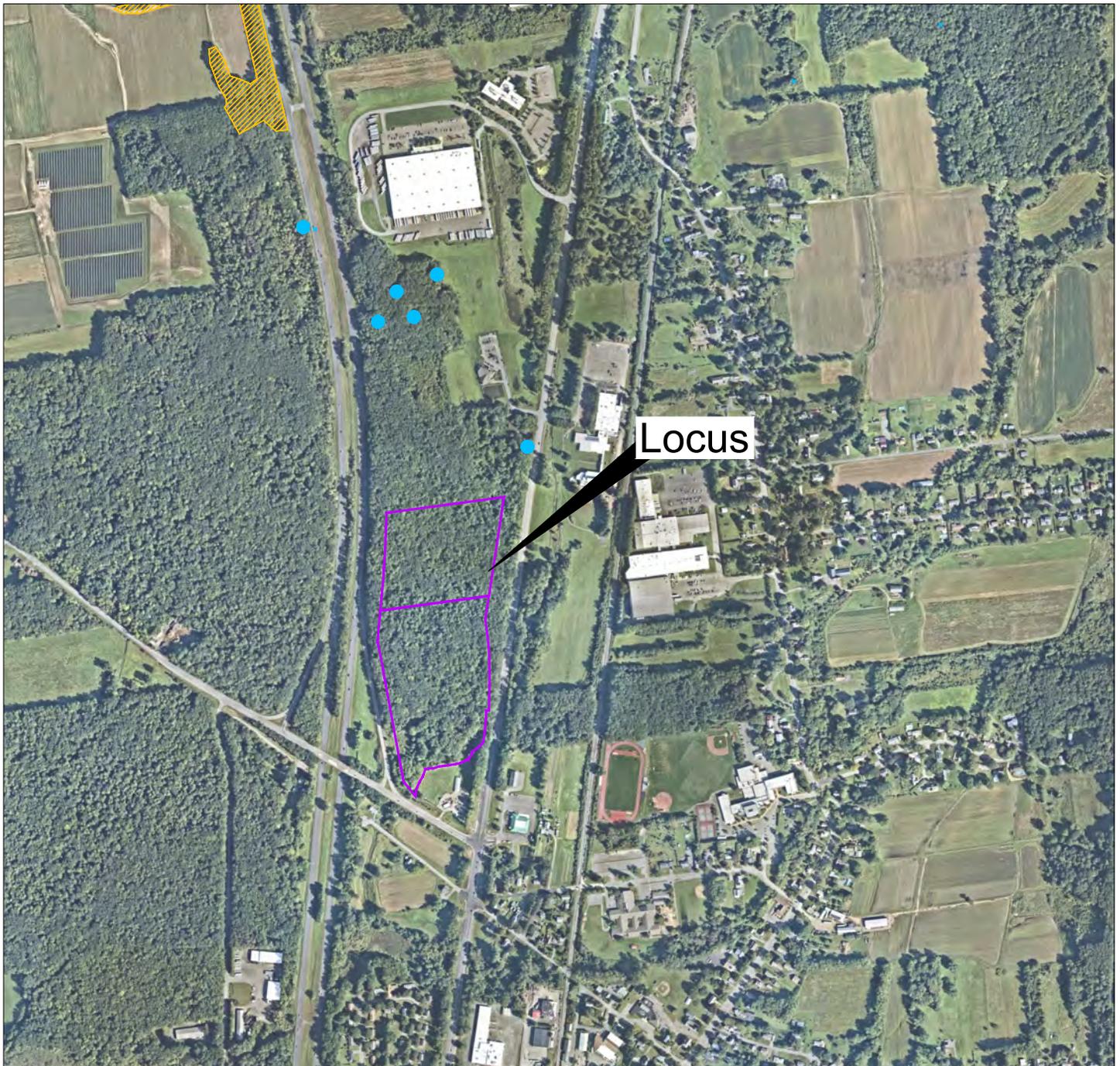




Source: FEMA, 1980

Figure 3 - Flood Insurance Rate Map Cannabis Cultivation Campus Deerfield, Massachusetts





Source: NHESP, 2021

-  Estimated Habitats of Rare Wildlife
-  Priority Habitats of Rare Species
-  Certified Vernal Pools
-  Potential Vernal Pools

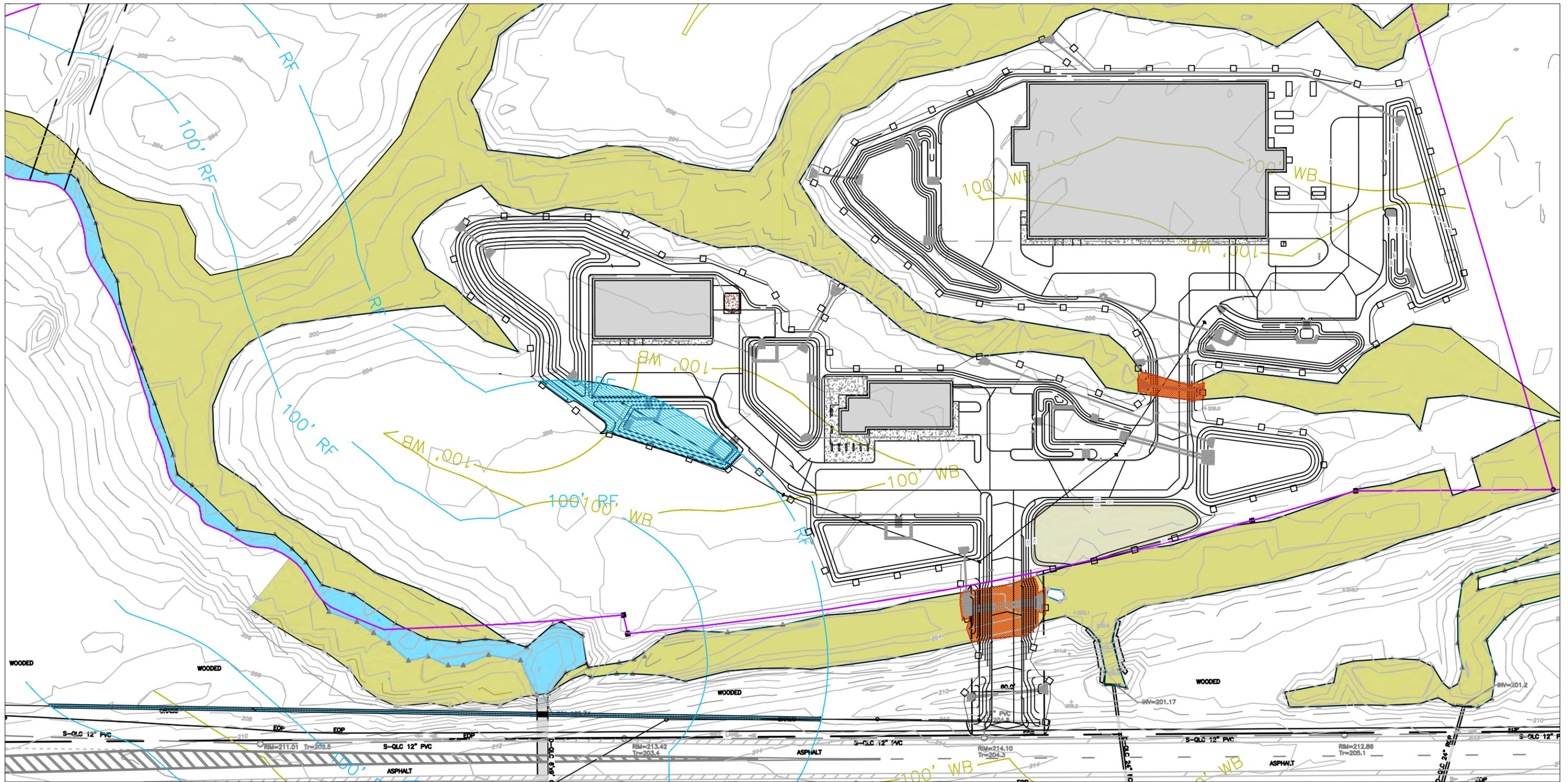


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Figure 4 - Natural Heritage Atlas  
Cannabis Cultivation Campus  
Deerfield, Massachusetts





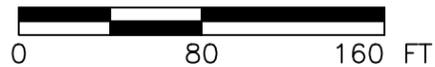
Existing Conditions: DGT, 2022  
 Project Layout: VHB, 2023

- Legend**
- Property Boundary
  - Land Under Waterways
  - Bordered Vegetated Wetland (BVW)
  - 100' RF 100' Riverfront Area
  - RF 200' Riverfront Area
  - Building
  - 100' WB 100' Buffer Zone
  - BVW Fill
  - Riverfront Area Alteration
  - BVW Replacement
  - Erosion Control Barrier

Figure 5 - Wetland Resource Area Impacts  
 Sunny Dayz Cannabis Cultivation Campus  
 eerial assachusetts 啮啮啮啮啮啮



Scale:



# Appendix A: NOI Application Narrative

- Introduction
- Site Characteristics
- Work Description
- Mitigation Measures
- Regulatory Compliance
- Summary

## Introduction

SunnyDayz, Inc. (hereinafter referred to as the applicant) proposes to construct a cannabis cultivation campus on undeveloped land (Map 150/Parcel 7 and Map 159/Parcel 14) located west of Greenfield Road (Routes 5/10). The project includes constructing three buildings, an entrance drive from Greenfield Road, circulation drives, parking areas and utilities. Portions of the project are proposed within the wetland resources regulated under the Massachusetts Wetlands Protection Act (WPA) and within the 100-foot buffer zone.

The project includes provisions to prevent construction-related impacts (by installing and maintaining a suite of comprehensive erosion/sedimentation controls) and protect the quality of adjacent water resources (through the installation of stormwater controls that provide water quality treatment). Compensation for unavoidable impacts to regulated wetlands (which are needed to obtain access to developable uplands) will be achieved through the construction of a wetland replacement area.

The remainder of this narrative describes the site/wetland resource areas, outlines elements of the proposed work, documents compliance with state wetland regulatory performance standards and presents measures to prevent construction-related impacts and compensate for work in wetlands.

## Site Characteristics

The site consists of two lots located west of Greenfield Road that cover a combined area of approximately 28.61 acres (Figure 1). The lots are bounded by a retail facility (River Farm Market), Interstate 91 and its northbound onramp, and a Conservation Area (owned by the Franklin Land Trust) to the south, west and north, respectively (Figure 2).

According to an Existing Conditions Plan prepared by DGT Associates (dated 8/24/22), elevation on the site ranges from 212 feet (NAVD 88) near the northwestern corner of the property to 195 feet (where a stream flows into a culvert beneath Conway Road). The site is generally flat lying (grades from 0 to 3 percent) but is dissected by a series of north-south trending swales. Steeper grades (8 to 15 percent) occur along the sides of the swales. A series of streams and bordering wetlands are located within the base of these swales. According to Flood Insurance Rate Map<sup>1</sup> (FIRM) of the area produced by the Federal Emergency Management Area (FEMA), the site is not subject to inundation during a 1 percent chance annual flood event (Figure 3). The low-lying area that abuts a perennial stream (located in the southern portion of the site) is identified as a Zone B. Zone B's are defined as areas subject to inundation during a 0.2 percent chance annual flood.

The site is undeveloped and consists of a mixture of deciduous and coniferous forest. According to the Massachusetts Natural Heritage Atlas<sup>2</sup> produced by the Natural Heritage & Endangered Species Program (NHESP), no Estimated Habitats of Rare Wildlife, Priority Habitats of Rare Species or Certified Vernal Pools occur on the property (Figure 4). According to the Atlas, no Certified Vernal Pools occur on the property. According to mapping completed by NHESP that is available from the Massachusetts Bureau of Geographic Information, no areas that could potentially provide vernal pool habitat are located on the site.

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1 FEMA, 1980. *Flood Insurance Rate Map, Town of Deerfield, Massachusetts, Franklin County*. Community Panel Number 250115 0006 B.

2 NHESP, 2021. *Massachusetts Natural Atlas, 15<sup>th</sup> Edition*.

According to the regional survey<sup>3</sup> produced by the U.S. Department of Agriculture (USDA), soils occurring on the site include Amostown fine sandy loam, Birdsall mucky peat, Raynham silt loam and Sudbury sandy loam. The moderately well-drained Amostown series develops from glaciofluvial outwash that overlies glaciolacustrine deposits. Birdsall and Raynham series are very poorly drained and typically occur in wetlands. The Sudbury series develops from glaciofluvial outwash and is moderately well-drained to somewhat poorly drained.

The limits of wetland resource areas on the property have been confirmed via an Order of Resource Area Delineation (ORAD) that was issued in December of 2022. A copy of the ORAD is provided in Appendix B of this submittal. State-regulated wetland resources on or immediately adjacent to the property that are regulated under the WPA include Land Under Waterways (LUW), Bank, Bordering Vegetated Wetlands (BVW) and Riverfront Area. A complete description of these resources is contained in the Abbreviated Notice of Resource Area Delineation (DGT Associates, 5/2022) that was filed for the site. The 200 foot-wide Riverfront Area extends from the mean annual high water line (MAHWL) of a perennial tributary to Bloody Brook.

The limits of state-regulated wetland resource areas on the property proximal to the proposed work are shown on Figure 5. The design plans (provided separately) also depict the extent of wetland resources on the property.

## Work Description

The cannabis cultivation campus includes a 3,304 square foot (sf) dispensary building, a 5,000 sf testing building and a 26,000 sf cultivation building. The facility will be accessed via a 24 foot-wide roadway main drive from Greenfield Road. Other aspects of the project include circulation drives, parking, subsurface and above-ground utility lines, and a drainage system. The drainage system includes nine detention basins equipped with sediment forebays and stormwater treatment units (Stormceptor<sup>®</sup> or approved alternated). Runoff from impervious surfaces will be directed through curb cuts and into the treatment units before overflowing into the basins. Related work includes tree clearing, earthwork (excavating, filling and grading), building construction, utility installation and loaming/seedling. The facility will be serviced by municipal water and sewer. Water (8-inch line) and 3-phase overhead electric will be extended to the property from the south along the grassed shoulder of Greenfield Road. Sewer will be extended into the site from the existing main located in Greenfield Road.

Aspects of the project that will entail work in wetland resource areas are described below and summarized in Table 1.

### **Work in Wetland Resource Areas**

The proposed project will entail limited alteration of BVWs and Riverfront Area. Work will also occur in the 100-foot buffer zone to BVW. As discussed in the Regulatory Compliance section of this narrative, some of work in wetland resource areas qualify as Limited Projects which are defined at Sections 310 CMR 10.53(3)(d) and (e) of the WPA regulations.

Construction of the main entrance drive for the facility and an access drive to the cultivation building will result in the filling of approximately 3,550 sf of BVW. These roads will cross through portions of the BVWs that do not border streams. The location of the main road from/to Greenfield Road (a state highway) was dictated by MassDOT. The drive to the cultivation building has been designed to cross the BVW at its narrowest point. Both

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<sup>3</sup> USDA Soil Conservation Service, 2022. *Web Soil Survey, Franklin County, Massachusetts.*

roadway crossings are the narrowest width allowed by the Deerfield Planning Board.

**Table 1: Resource Area Impacts**

<b>Resource Area</b>	<b>Amount</b>	<b>Activity</b>
Bordering Vegetated Wetland	3,550 sf	Main Access Crossing, Circulation Drive Crossing
100-200' Riverfront Area (Onsite)	4,740 sf	Parking and Detention Basins 1A and 1B
0-100' Riverfront Area (Offsite)	1,100 sf	Water Line, Electric Poles
100-200' Riverfront Area (Offsite)	830 sf	Water Line, Electric Poles

The project (and offsite utility connections) will entail approximately 6,670 sf of work in Riverfront Area. Onsite work proposed within Riverfront Area (4,740 sf total) associated with the project is limited to construction of Detention Basin 1A, grading associated with Detention Basin 2, and the southeast corner of a parking area for the testing building. All of this work will be more than 100 feet from the MAHWL of the perennial watercourse. Alteration of Riverfront Area for the parking area is approximately 330 sf. The remainder of the onsite work in Riverfront Area (4,410 sf) is associated with the detention basins.

Offsite work in Riverfront Area consists of installing a subsurface 8-inch water line and several utility poles for the 3-phase electrical connection. This work will alter 1,930 sf of Riverfront Area (1,000 sf of which is within 100 feet of the perennial watercourse) which presently consists of grassed shoulders that abut Greenfield Road. All disturbance associated with this work will be loamed and seeded upon the completion of work.

In addition to the direct alteration of wetland resource areas described above, approximately 3.7 acres of work is proposed within the 100-foot buffer zone to BVW. Wherever feasibly practicable, an undisturbed buffer of natural vegetation will be retained between limit of work and BVW boundaries. To limit the potential upland erosion, outfalls from the detention basins are to be located immediately upslope of the BVWs. The outfalls will be equipped with rip rap-lined plunge pools to limit scouring in the BVWs.

## Mitigation Measures

The proposed project includes a variety of measures to prevent construction related impacts, control and treat runoff generated from impervious surfaces, promote groundwater recharge and compensate for unavoidable impacts to wetland resource areas. A description of each of these measures is provided below.

### **Erosion/Sedimentation Control**

As shown on the design plans, an erosion control barrier (consisting of siltation fence, compost tubes, straw bales, or some combination thereof) will be installed along the limits of work in areas that drain toward wetland resources. The barrier will be inspected and maintained throughout the work period and until the project is complete and all areas of disturbance are stabilized. A stabilized construction entrance (anti-tracking pad) will be installed to prevent offsite tracking of sediment from vehicles exiting the work area.

In addition to the perimeter controls, inlet protection (Silt Sacks) will be placed beneath the grates of existing and newly installed catch basins. Erosion control blankets will be installed on steeper slopes to limit erosion prior to the establishment of a permanent vegetative cover. The anti-tracking pad will be kept in place until a binder course of pavement is established at the facility.

The design plans (submitted separately) provide specifications for each of the above-described erosion/sediment

control measures. The Stormwater Management Report (prepared by the design engineer) includes a Construction Period Pollution Prevention Plan and Erosion/Sedimentation Control Plan.

## **Stormwater Management**

The project will fully comply with all of the standards cited at Section 310 CMR 10.05(6)(k) through (q) of the WPA regulations. Runoff from paved surfaces of the roadway will be collected by and routed through a series of stormwater management best management practices (BMPs) that provide water quality treatment and/or promote groundwater recharge. Pre-treatment BMPs for the project include deep sump catch basins (equipped with hoods) and water quality treatment units.

Details/specifications for the stormwater management measures are provided in the design plans. The Stormwater Management Report outlines compliance with the stormwater management standards and identifies the required operation and maintenance procedures.

## **Wetland Replacement**

Compensation for the permanent impacts to BVW will be addressed through the construction of a wetland replacement area. The replacement area has been configured to provide 4,760 sf of BVW (1.3 times the proposed impacts) that is expected to develop into a wooded/scrub-shrub swamp. It has been designed in accordance with guidance developed by the Massachusetts Department of Environmental Protection (DEP)<sup>4</sup> and the U.S. Army Corps of Engineers<sup>5</sup> (USACE). Appendix D of this submittal provides a detailed plan for the replacement area and also includes a completed version of the DEP Replication Checklist.

A detailed assessment of the impacted BVWs was completed by environmental scientists with Ecological Resource Consultants, LLC (ERC) in August of 2022. Data collected during this visit included inventorying vegetation, characterizing soils, and determining depth to saturation/groundwater (via the examination of several shallow hand-dug borings). Other features noted during the assessment included determining the approximate coverage by woody debris and characterizing any microtopographic features (pits and mounds) present in the impact areas. This information was incorporated into the design of the replacement area to ensure that it will replace the lost functions and values that are afforded by the altered BVWs.

Based on observations made during the inspection, the impacted BVWs lie at an elevation of 206 feet and are underlain by a 6 to 8-inch thick layer of organic topsoil (mixture of organic detritus and fine sand/silt). A restrictive layer (compact silt and clay) occurs beneath the A/O horizon. Depth to saturation and free water were 3 and 6 inches, respectively. The floor of the impacted BVWs is characterized by slightly undulating topography (series of pits and mounds that are approximately 0.5 deep/high). No snags were noted in the impact areas but the floor of the BVWs were covered by coarse woody debris (approximately 15 percent overall coverage).

Based on the above, the water table in the proposed replacement area is expected to lie at an elevation of 205.5 feet. Similar conditions were observed in a nearby geotechnical boring. Accordingly, the finished elevation of the replacement area floor has been designed to range from 206.25 to 205.75 feet. Specifications for organic soil, woody plantings and seeding of the replacement area are noted on Figure D-1. Provisions for construction oversight, post-construction monitoring, and remedial measures (if needed) are contained in Appendix C of this submittal.

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<sup>4</sup> DEP, 2002. *Massachusetts Inland Wetland Replication Guidelines*.

<sup>5</sup> USACE, 2020. *New England District Compensatory Mitigation Standard Operating Procedures*.

## Regulatory Compliance

As discussed below, certain aspects of the proposed project (main access drive and utility extensions) appear to meet the criteria for authorization as Limited Projects. In deciding its discretion to authorize work as a Limited Project, a conservation commission must consider the magnitude of the alteration, significance of the project site to the interests protected by the WPA, the availability of reasonable alternatives, extent to which adverse impacts are minimized/avoided and the extent to which mitigation are provided. Details on the project site and proposed work that address these factors are presented below.

### **Magnitude of Impacts**

The proposed project entails direct alterations of BVWs and Riverfront Area. As currently designed, alteration of these resource areas is below the regulatory thresholds (less than 5,000 sf of BVW and less than 10 percent of Riverfront Area on the property) noted in the performance standards included in the WPA regulations. As discussed later, these alterations have been avoided/minimized to the maximum extent practicable.

### **Site Significance**

The onsite work in BVW and Riverfront Area associated with the project will occur within areas that are characterized by mixed deciduous-evergreen forest. Based on observations made during site inspections and a review of published information, the altered BVWs are presumed to be significant to protection of groundwater supply, prevention of pollution and protection of wildlife habitat. The onsite Riverfront Area that will be altered is considered to be significant to these interests as well. Wildlife habitat of the altered offsite Riverfront Area is significantly limited due to its proximity to a heavily travelled road.

### **Alternatives**

In order to be economically viable, the project should be located in close proximity to an interchange and in proximity to other successful commercial businesses. Additionally, the project should have direct access to a major roadway and should be suitably zoned. The project site meets these criteria and also has other characteristics (relatively flat topography, absence of shallow bedrock, etc.) that make it a desirable location for the proposed use. Access/egress from the project will be via Routes 5/10 which is a state highway that has limited access. The site abuts one of the few access points to Routes 5/10 that are allowed by MassDOT.

Available sites located to the north, east, south and west of the proposed project are either already developed or contain significant ecological resources including large wetland systems, multiple potential vernal pools and/or BioMap<sup>6</sup> Core Habitat (a large perched swamp vegetated with black gum, pin oak and swamp white oak). Additionally, other undeveloped sites in the vicinity of the proposed project contain significant amounts of farmland. Preservation of farmland has been identified as a primary goal in the current draft<sup>7</sup> of Deerfield's Open Space and Recreation Plan.

### **Avoidance/Minimization**

The proposed alterations of BVWs and Riverfront Area are needed to provide the project with essential elements (water, 3-phase electricity and parking), provide management of stormwater required to comply with the standards contained in 310 CMR 10.05(6)(k) through (q) and to access developable uplands on the property.

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6 MA Division of Fisheries and Wildlife and The Nature Conservancy, 2022. *BioMap: The Future of Conservation in Massachusetts*.

7 Deerfield Open Space & Recreation Committee, 2023. *Draft Deerfield Open Space and Recreation Plan*.

Considering the location of Riverfront Area and that the site is bisected by several wetland systems, work in BVW and Riverfront Area cannot be avoided. Despite these needs, the project has been designed to comply with the regulatory thresholds prescribed for work in Riverfront Area and BVW.

Efforts have been made to minimize these impacts to the extent practicable and/or locate them in portions of the resource areas that have already been altered. The utility extensions will be located within the existing grassed shoulder of Deerfield Road. The water line will be installed in a trench and will be backfilled/vegetatively stabilized upon the completion of work. Extension of the 3-phase overhead electric will only entail installation of three poles in Riverfront Area. This work will also occur with the existing grassed shoulder.

Onsite work in Riverfront Area consists of the construction of a detention basin and installation of a corner of the parking area for the testing building. This work has been extensively reconfigured from the original plans to minimize the amount of Riverfront Area alteration. Under the initial design, Detention Basin 1A was approximately 2 times larger and altered a significant portion of Riverfront Area. To address this concern, the size of the basin has been significantly reduced and an additional basin (1B) located outside of Riverfront Area was added. Because of a shallow depth to groundwater, the utilization of subsurface structures to manage stormwater generated from this portion of the site is not possible.

The location of the main access drive is dictated by access limitations imposed by MassDOT and cannot be shifted to an alternative location. The access drive to cultivation building has been configured to cross the BVW at its narrowest point. The crossings are located in areas where the BVWs do not border streams and thereby will not alter LUW or Bank. Both crossings will be abutted by 2:1 vegetatively stabilized slopes. This type of approach is more suitable for wildlife passage than rip-rapped slopes or vertical retaining walls. Culverts will be installed beneath the crossings so as not to impede flows during extreme rainfall events.

## **Mitigation**

As discussed later, work in Riverfront Area associated with the project is below regulatory thresholds and does not require compensation. Alteration of BVWs will be mitigated through the construction of the wetland replacement area that is described in the Mitigation Measures section and Appendix C of this filing. The replacement area design has been configured to provide approximately 1.3 times more area than the proposed impacts.

## **Compliance with Performance Standards**

Compliance with the performance standards for work in BVW and Riverfront Area is discussed below.

### Work in BVW

Demonstration of the project's compliance with the performance standards for work in BVW (310 CMR 10.55(4)(b)1 through 7) is provided below.

- 1) *The surface of the replacement area shall be equal to that amount of the area that will be lost.*  
Total alteration of BVW resulting from the project is 3,550 sf. The replacement area will provide 4,760 sf of BVW.
- 2) *Groundwater and surface elevation of the replacement area shall be similar to that of the lost area.*  
As discussed in the Mitigation Measures of this appendix, the floor of the replacement area has been designed to lie at the same elevation that occurs at the proposed crossings. Onsite hand dug holes and a nearby geotechnical boring indicate that suitable depths to saturation and groundwater will be encountered in the

replacement area.

- 3) *The overall horizontal configuration and location of the replacement area with respect to Bank shall be similar to that of the lost area.*

Crossings are proposed within portions of the BVW that do not border Bank.

- 4) *The replacement area shall have an unrestricted hydrologic connection to the same water body or waterway associated with the lost area.*

The impacted BVWs connect to the unnamed perennial tributary to Bloody Brook. The replacement area is located at the same elevation as the impact areas and will have hydrologic connection to this perennial watercourse.

- 5) *The replacement area shall be located in the same general area of the waterbody or reach of the waterway as the lost area.*

The proposed replacement area directly abuts the impacted wetland associated with the main access drive and is less than 100 feet away from the access drive crossing to the cultivation building.

- 6) *At least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species (within 2 growing seasons) and prior to said reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion.*

The wetland replacement area plan and accompanying narrative (Appendix C) include provisions to achieve these requirements.

- 7) *The replacement area shall be provided in a manner which is consistent with all other general performance standards for other resources.*

The proposed replacement area will not be located in any other resource areas protected by the WPA.

#### Work in Riverfront Area

An analysis of the project's compliance for work in Riverfront Area (310 CMR 10.58(4)(a) through (d)) is presented below.

- a) *Protection of Other Resource Areas*

The onsite and offsite alteration of Riverfront Area associated with the project will not alter any other resource areas protected by the WPA.

- b) *Protection of Rare Species*

No work will occur in any estimated habitats for rare species that have been established by the NHESP.

- c) *Practicable and Substantially Equivalent Economic Alternatives*

Demonstration that there are no practicable alternatives to the proposed work in Riverfront Area is demonstrated earlier in the Regulatory Compliance of this appendix.

- d) *No Significant Adverse Impact*

1. *The issuing authority may allow the alteration of up to 5,000 sf or 10% of the Riverfront Area within the lot, whichever is greater.*

Approximately 6,670 sf of work in onsite and offsite work in the Riverfront Area is associated with the project. This alteration is approximately 3 percent of the 223,210 sf of Riverfront Area on the site.

- a. *At a minimum, a 100 foot-wide area of undisturbed vegetation is provided.*  
The onsite work in Riverfront Area is located more than 100 feet away from the perennial watercourse. Work associated with the utility connections is proposed within 100 feet but can be allowed as a limited project.
- b. *Stormwater is managed in accordance with the standards developed by DEP.*  
The accompanying Stormwater Management Report (prepared by VHB) documents compliance with the stormwater management standards contained in the WPA regulations.
- c. *Proposed work does not impair the capacity of the Riverfront Area to provide important wildlife habitat functions.*  
The onsite work in Riverfront Area (4,740 sf) is below the 5,000 sf threshold WPA regulatory threshold and therefore does not require a wildlife habitat evaluation. As discussed earlier, the offsite work is proposed immediately adjacent to a heavily travelled road within an area that is regularly maintained (mowed).
- d. *Proposed work shall not impair groundwater or surface water quality by incorporating erosion/sedimentation controls and other measures to attenuate nonpoint source pollution.*  
The project includes provisions to implement a comprehensive suite of erosion/sedimentation controls and stormwater management measures (that attenuate nonpoint source pollution) will be constructed to treat drainage generated from impervious surfaces. The accompanying Stormwater Management Report (prepared by VHB) provides detailed specifications for these measures.

## Summary

SunnyDayz, Inc. proposes to construct a cannabis cultivation campus on undeveloped land west of Greenfield Road. The project includes constructing three buildings, an entrance drive from Greenfield Road, circulation drives, parking areas and utilities. Portions of the project are proposed within the wetland resources regulated under the Massachusetts Wetlands Protection Act (WPA) and within the 100-foot buffer zone.

The project entails work in onsite and offsite Riverfront Area and two access road crossings through BVW. Work in wetland resources has been avoided/minimized to the maximum practicable extent and has been configured to comply with regulatory performance standards and/or meet the criteria to qualify as limited projects.

The drainage system for the facility fully complies with the Stormwater Management Standards contained in the WPA regulations. Erosion/sedimentation controls are proposed to prevent adverse effects during the construction period. The project includes provisions to construct a wetland replacement to compensate for unavoidable losses of BVW.

The applicant and ERC respectfully request that the Commission find these commitments will offset the work in wetland resource areas and issue an Order of Conditions for the project as described herein and shown on the accompanying plans.

# Appendix B: Order of Resource Area Delineation

- Order of Resource Area Delineation



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 4B - Order of Resource Area Delineation**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

Provided by MassDEP:  
 MassDEP File #:142-0231  
 eDEP Transaction #:1458558  
 City/Town:DEERFIELD

**A. General Information**

1. Conservation Commission DEERFIELD

2. This Issuance is for (Check one):

- a.  Order of Resource Area Delineation
- b.  Amended Order of Resource Area Delineation

MARG. REF.  
 BOOK 8032  
 PAGE 98

3. Applicant Details

a. First Name	KENNETH	b. Last Name	BOUQUILLON
c. Organization	SUNNYDAYZ INC.		
d. Mailing Address	55 LOCUST STREET		
e. City/Town	LYNN	f. State	MA
		g. ZIP	01904

4. Property Owner (if different from applicant):

a. First Name	KENNETH	b. Last Name	BOUQUILLON
c. Organization	SUNNYDAYZ INC.		
d. Mailing Address	55 LOCUST STREET		
e. City/Town	LYNN	f. State	MA
		g. ZIP	01904

5. Project Location

a. Street Address	OFF GREENFIELD ROAD (MAP 159, PAR 14)		
b. City/Town	DEERFIELD	c. Zip	
d. Assessors Map/Plat#	159	e. Parcel/Lot#	14
f. Latitude	42.48577N	g. Longitude	72.61388W

6. Dates

a. Date ANRAD Filed 7/14/2022    b. Date Public Hearing Closed 11/24/2022    c. Date Of Issuance 12/14/2022

7. Final Approved Plans and Other Documents

Plan Title	Plan Prepared By	Plan Signed By	Plan Final Date	Plan Scale
TOPOGRAPHIC PLAN OF LAND IN DEERFIELD, MA FRANKLIN COUNTY	A JOHN LLOYD PLS		11/16/2022	

**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable)

a.  **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

- 1.  Bordering Vegetated Wetlands
- 2.  Other resource area(s), specifically
  - a. BANK AND RIVERFRONT AREA (INCLUDING THE PROPERTY IN THE STATE HIGHWAY RIGHT OF WAY)

b.  **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

- 1.  Bordering Vegetated Wetlands
- 2.  Other resource area(s), specifically

**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 4B - Order of Resource Area**  
**Delineation**

Provided by MassDEP:  
MassDEP File #:142-0231  
eDEP Transaction #:1458558  
City/Town:DEERFIELD

Massachusetts Wetlands Protection Act M.G.L. c. 131 S40

**E. Signatures**

- 1. Date of Original Order 12/14/2022
- 2. No. of Signatures required 4

Sean Libbey 12/13/22  
[Signature]  
Catherine M. Decker  
[Signature]

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, and the Amended Order will expire on the date of the Original Final Order unless extended in writing by the Department.

This Order is issued to the applicant and the property owner (if different) as follows:

- 3.  By hand delivery on \_\_\_\_\_
- 4.  By certified mail, return receipt requested on \_\_\_\_\_
- a. Date \_\_\_\_\_
- a. Date 12/15/2022

## Receipt



### Summary/Receipt

Your submission is complete. Thank you for using DEP's online reporting system. You can select "My eDEP" to see a list of your transactions.

DEP Transaction ID: 1458558  
Date and Time Submitted: 12/14/2022 4:15:25 PM  
Other Email :

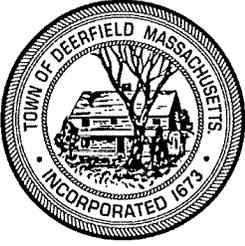
**Form Name:** WPA Form 4B - ORAD

Applicant Information  
Name: KENNETH BOUQUILLON  
Company: SUNNYDAYZ INC.  
Address: 55 LOCUST STREET, LYNN, MA, 01904

Project Location  
location: OFF GREENFIELD ROAD (MAP 159, PAR 14)  
DEERFIELD,  
Project Map: 159  
Project Lot: 14  
GISX: 72.61388  
GISY: 42.48577

Additional Forms Submitted

[My eDEP](#)



## ***TOWN OF DEERFIELD***

*Conservation Commission*  
8 Conway Street  
South Deerfield, MA 01373  
Voice: 413.665.1400  
Facsimile: 413.665.1411  
Web: [www.deerfieldma.us](http://www.deerfieldma.us)

December 14, 2022

Ken Bouquillon  
2 Deer Creek  
Oxford, CT. 06478

Dear Mr. Bouquillon:

Enclosed is your Order of Resource Area Delineation, MassDEP File #:142-0231, for the property identified on Assessor's map 159, parcel 14 off Greenfield Road in Deerfield.

Please be advised that your Order of Resource Area Delineation is not complete unless and until it is recorded with the Franklin County Registry of Deeds.

If there are no appeals within ten days of issuance, you **\*must\*** bring the enclosed, original, signed form to the Franklin County Registry of Deeds, located in the Franklin County Courthouse at 425 Main St., Greenfield, MA 01302, to have it recorded. Registry Telephone: 413-772-0329. Recording hours are Monday through Friday, 8:45 a.m. to 4:00 p.m.

Please bring or send proof of registration to the Inspection Services Administrative Assistant at the Deerfield Municipal Offices, 8 Conway Street, Deerfield, MA. Phone: 413 6655-1400 x108  
Email: [bldgasst@town.deerfield.ma.us](mailto:bldgasst@town.deerfield.ma.us)

Should you have any questions regarding this matter, do not hesitate to contact me at the number or email above.

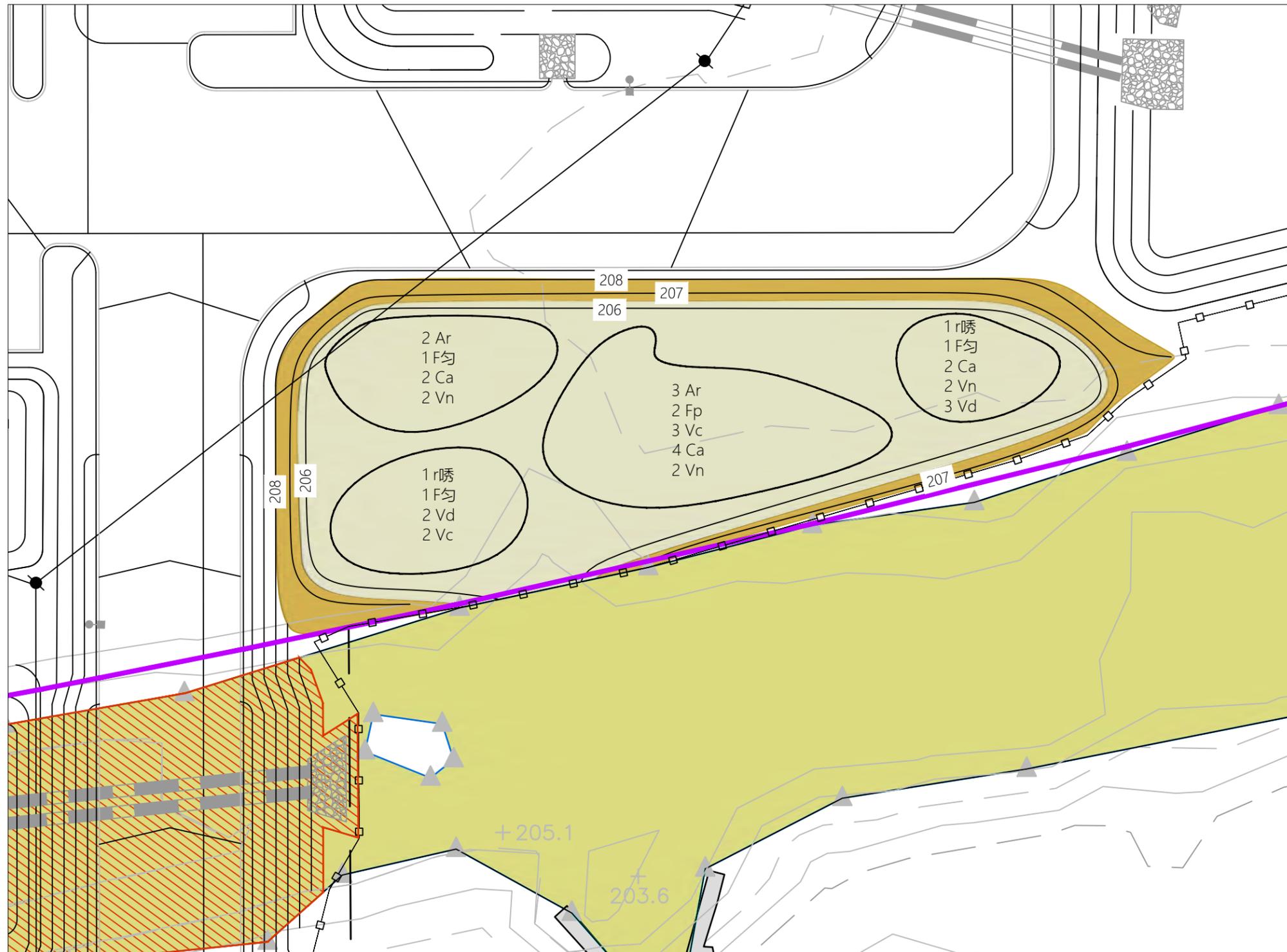
Sincerely,

Amy Hahn  
Administrative Assistant

enc: 1

# Appendix C: Wetland Replacement Area Information

- Figure C-1 – Wetland Replacement Plan
- DEP BVW Replication Checklist
- Wetland Replacement Area Narrative



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Legend

- Proert oundar
- 100' WB buffer zone
- ordering egetated etland
- elacement rea loor N etmi
- Sloes N oadside atri land
- 2 Ar ood Planting ed
- ision ontral arrier

General Notes

1. The placement area has been configured to provide a 5-foot wide buffer zone to be placed into a wooded/scrubshrub stand to provide habitat for native species.
2. Certain aspects of the site preparation and establishment of subgrades, organic soil placement, planting/seeding, and placement of wood debris must be completed under the direction of an environmental scientist with at least 5 years of experience in directing ecological restoration projects.
3. The floor of the placement area is to be excavated a minimum of 1 foot below finish grade or as determined by the environmental scientist. The floor shall be slightly undulating (1-2 feet) in a manner that creates a series of mounds and depressions.
4. Once the subgrade level/configuration is approved by the environmental scientist, an 8-inch thick layer of organic soil shall be spread over the floor and side slopes. The organic soil shall consist of a minimum volume of loam and leaf compost. The compost shall be free of seed stock.
5. The organic soil layer shall be lightly tamped and covered with wood debris placed in a manner that mimics natural conditions. The debris shall consist of branches and logs ranging from 1 to 6 inches in diameter that is in various stages of decomposition.
6. Planting/seeding shall commence immediately following the steps above. Planting/seeding shall occur in the period from March 1st to June 30th or September 1st to November 30th. The event planting/seeding must be delayed if the floor and side slopes shall be covered with a 2-inch thick layer of clean straw mulch.

Planting/Seeding Notes

7. The quantity/size of wood species to be planted in the floor of the placement area are identified below. Wood plantings shall be distributed randomly within the beds noted on the plan as directed by the environmental scientist. Shrubs/saplings shall be obtained from a nursery that specializes in plantings for ecological restoration projects.

Number	Scientific Name	Size
7	<i>Cercocarpus rubrum</i>	3-4 cal
5	<i>Rainieria ensifolia</i>	3-4 cal
	<i>Cornus amomum</i>	3-4 ht
5	<i>Asplenium nidus</i>	3-4 ht
5	<i>Asplenium platyneuron</i>	3-4 ht
5	<i>Asplenium adnigrum</i>	3-4 ht

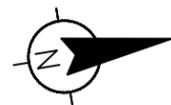
8. Seed mixes shall consist of the N etmi floor and N oadside atri land i slopes reduced by N etland. Plants native to the area shall be incorporated into a bonded fiber matrix and shall be hydraulically applied at the recommended rates (lb/er S for etmi, lb/er S for oadside atri).

Other

9. Modifications to this plan may require authorization from the Deerfield Conservation Commission.
10. The placement area to be monitored for 2 full growing seasons during mid spring and early fall. Percent survival of wood plantings, floor coverage by hydrophytes, and less than 5% coverage by invasive plants must be achieved before issuance of a certificate of compliance.
11. If necessary, remedial measures shall be developed and reseeded with the site if the above-cited success standards are not achieved. If remedial measures are implemented, the monitoring period of the placement area shall be extended accordingly.



Figure C-1  
Wetland Replacement Plan  
Sunny Dayz Cannabis Cultivation Campus  
Deerfield, Massachusetts  
Date: 3/5/2023



Scale:



## Appendix 3. Replication Checklist Sunny Dayz Cannabis Cultivation Campus

### A. Sequencing (See Section 1.3 for further guidance)

1. The Notice of Intent should include the following information:
  - Narrative on avoidance of wetland Impacts. *(Appendix A - Regulatory Compliance)*
  - Narrative and plans showing minimization of wetland impacts. *(Appendix A - Regulatory Compliance)*
  - Narrative/drawings of alternative replication designs to ensure success. *(n/a)*
  - Carefully designed replication plans with identified goals for unavoidable impacts. *(Appendix C)*

### B. Elements of a Complete Replication Plan (See Section 2.3 for further guidance)

1. The application should include the following general information:
  - Narrative description of the existing and proposed wetland; *(Appendix A - Mitigation Measures)*
  - A site location map (such as a USGS locus) of existing and proposed wetlands; *(Appendix B)*
  - A 1"=10' to 1" = 40' plan including easily identifiable landmarks (e.g. surveyed flag locations, benchmarks, or structures), contour lines at 1-foot intervals, and locations of soil test pits and vegetation plots. A Professional Land Surveyor (PLS) and/or a Registered Professional Engineer (PE) should stamp plans. *(Figure C-1)*
  - Grading should demonstrate elevation differences for different vegetation classes (forested, shrub, herbaceous, open water); *(n/a)*
  - Surface area calculations demonstrating a minimum 1:1 replacement to impact ratio (consider greater than 1:1 to ensure the success of at least 1:1). Do not count side slopes as part of the replication area; *(Appendix A - Mitigation Measures)*
  - Cross-sections of subsurface soil types, depths and locations, 100-year floodplain using both horizontal and vertical scale, existing and predicted high and low groundwater elevation, perched water conditions and other indicators of hydrology. Indicate cross-section locations on plan view; *(Figure C-1)*
2. Hydrology – The narrative and plans should include the following:
  - The expected seasonal depth, duration, and timing of both inundation and saturation must be established for the existing wetland and for each of the proposed vegetation class in the mitigation area. *(Appendix A - Mitigation Measures)*
  - Evidence of soil including free water in a soil test hole, soil color, saturated soil or oxidized rhizospheres. *(Appendix A - Mitigation Measures)*

Department of Environmental Protection  
Replication Guidelines – March 2002

In addition, the inputs and outputs in the water budget should be described. Ideally, replication areas should not depend on precipitation and sheet runoff flow only, but must have a seasonal source of groundwater and should have a surface water source as well. Perched wetlands may be established without these latter inputs, but monitoring wells or piezometers should demonstrate that runoff and precipitation inputs would exceed infiltration rates into the summer. *(Appendix A - Mitigation Measures)*

Demonstration that groundwater and surface water will have unrestricted hydraulic connections to the replication area; *(Figure C-1)*

Only the flood storage that the existing BVW provides should be designed in the replication areas;

3. Soils- the narratives and plans should include the following information:

Test pits of translocated soils including horizons, characteristics such as texture, organic matter, Munsell hue, value and chroma, consistence and evidence of hydrologic influence, e.g. mottles (frequency and color), gleying, and root depth; *(n/a)*

Replication areas should have a minimum of 6-12" of A- Horizon soil. If used, soil amendments for the A-Horizon consist of equal volumes of organic and mineral materials. No woodchips should be used, and organic material should be well or partially decomposed. *(Figure C-1)*

Enough A and B-Horizon material (or A over a suitable composition of the C horizon) should be provided to create a suitable rooting medium, and to approximate the conditions at the nearest undisturbed existing wetland. Consistency should be loose to friable and texture should be loamy sand to silt loam. *(Figure C-1)*

Although not required, use of Redox and pH Meters in the replication area and adjacent wetlands may aid in replication success. Seek guidance of a professional experienced in this testing. *(n/a)*

A detailed schedule for collection, stockpiling and placement of soils, including a discussion of techniques used to prevent the drying out and contamination of hydric soils. *(n/a)*

Confirmation that invasive species listed in Section 2.3.3 are not present in the vicinity of the soil to be translocated. *(n/a)*

If soil amendments will be brought from off-site, a description of the source, preparation and placement should be included. *(Figure C-1)*

Discussion of a method to ensure appropriate compaction levels and the final consistency and texture of mitigation soils, by horizon. *(Figure C-1)*

Survey of finished elevations during construction should be conducted frequently and a proposed schedule included. *(Appendix C)*

Discussion of post-construction soil characteristics such as horizons, depths, texture, organic matter, Munsell hue, value and chroma, consistence and evidence of hydrologic influence, e.g. mottles (frequency and color), gleying, percent gravel and rock, and root depth; *(Appendix C)*

4. Vegetation- narratives and plans should include the following information:

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Replication Guidelines – March 2002

- The dominant plants in each layer of the existing and proposed wetland and the relative cover and wetland indicator status for each vegetative layer proposed (herbaceous, shrub, sapling, tree and climbing woody vine); (*Figure C-1*)
- Transplantation techniques including maintenance of viability of seeds, rootstock and plants during transplantation. Shrubs should be planted 8-10” on center and trees should be planted 10-15’ on center unless otherwise recommended by a nursery or wetland professional. (*n/a*)
- Consideration should be given to leaving mature trees on hummocks for shading if they are facultative or wetter. (*n/a*)
- A detailed description of sources of off-site plant material, species list, and methods to be used for planting. (*Figure C-1*)
- Schedule for planting (at the beginning or end of the growing season - before the first frost). Check each species for ideal planting times. See Appendix 2 for growing seasons. (*Figure D-1*)
- Wetland vegetation expected after two growing seasons as well as predicted community after natural succession. (*Appendix C*)
- Contingency plan in case of mortality of vegetation, invasive species, complete failure, inadequate size, etc. (*Appendix C*)
- For larger projects micro topography should be shown in cross-sections including number of mounds and pools if proposed to replicate existing conditions. (*n/a*)

5. Wildlife Habitat

- Documentation of the *Estimated Habitat Map of State-Listed Rare Wetlands Wildlife* findings for the site should be included. (*n/a*)
- For projects impacting the wildlife habitat functions of BVW’s, wildlife habitat characteristics of the site, including vernal pools, should be described and replicated. Design should include diversity of vegetation structure and composition, and of hydrological conditions. Credentials of wildlife habitat specialist should be included. (*Appendix A - Mitigation Measures, Figure C-1*)

6. Stormwater Management

- Created wetlands for stormwater “best management practices” shall not be given credit as replication areas; (*Stormwater wetlands are not proposed for this project*)

7. Erosion Control- narratives and plans should include the following:

- An erosion control plan that details stabilization techniques during construction and a contingency plan for construction and post- construction periods. (*Appendix C*)
- A commitment to remove erosion control measures once the site is stabilized and following approval by the issuing authority. (*Appendix C*)
- Embankment slopes should be no greater than 2H: 1V unless structural stabilization. (*Figure C-1*)

**C. Considerations During Construction (See Section 3.0 for further guidance)**

- The erosion and sedimentation control plan must be implemented. *(Appendix C)*
- The wetlands and replication area should be reflagged prior to construction start date if the flags placed during permitting are not clearly visible. *(Appendix C)*
- A construction schedule listing the sequence of events for replication construction (preferably before work in the existing wetland); *(Appendix C)*
- A project monitor with a minimum 5 years experience should be identified; *(Appendix C)*

**D. Monitoring Plan (See Section 6.0 for further guidance)**

- A plan to monitor the construction and subsequent growth for at least two years or until the 75% criteria is met following construction should be included (See Appendix 3 for example checklist). Include contingency plan in the event that the replication area does not meet the 75% reestablishment standard. *(Appendix C)*
- Colored photographs from established reference points should be included with each monitoring report. *(Appendix C)*
- Plan must include inspection of embankments to ensure that they are stable, properly vegetated and constructed as designed. *(Appendix C)*

# Wetland Replacement Area Narrative

## **General Sequencing and Oversight**

Construction of the wetland replacement area shall begin prior to or concurrently with installation of the BVW roadway crossings. A general sequence of the replacement area construction is provided below.

- 1) Provide Deerfield Conservation Commission with credentials and contact information for the Environmental Scientist that will direct construction of the wetland replacement area.
- 2) Reflag BVW boundary at site of replacement area.
- 3) Clear existing vegetation from floor and side slopes of area (retain and stockpile suitable branches, limbs, etc. for use as woody debris).
- 4) Install erosion control barrier (staked compost tubes) along limit of work.
- 5) Begin excavation and grading of replacement area floor and side slopes. Subgrade elevation of the floor may be adjusted based on characteristics (depth to seasonal high water table, presence of restrictive layers, etc.) observed by the Environmental Scientist.
- 6) Once the subgrade configuration has been approved by the Environmental Scientist, contractor shall identify the source of the clean leaf compost that will be incorporated into the organic soil mixture. The scientist shall contact the source and verify that the compost does not contain any invasive species seed stock. Organic soils shall consist of a 1:1 mixture (by volume) of clean silt/fine sandy loam and clean leaf compost. The soil shall be spread over the floor and side slopes to a depth of at least 8 inches. These surfaces shall be lightly tamped.
- 7) The woody species identified on Figure C-1 shall be planted in hand-dug holes in locations/groupings identified by the Environmental Scientist. The woody plants shall be obtained from a nursery that specializes in plantings for ecological restoration projects. Planting shall occur in the periods from March 15<sup>th</sup> to June 15<sup>th</sup> or September 15<sup>th</sup> to November 1<sup>st</sup>. In the event that planting must be delayed until suitable growing conditions are present, the floor and side slopes of the replacement area shall be covered with a 1 inch-thick layer of clean straw mulch. Any substitutions from the planting list on Figure C-1 must be approved by the Environmental Scientist and/or the Deerfield Conservation Commission.
- 8) Woody debris shall be placed at locations identified by the Environmental Scientist. The debris shall consist of branches/limbs obtained from upland areas within the project limits. The debris shall range from 2 to 16 inches in diameter and shall be in varying stages of decomposition. Overall coverage of debris on the replacement area and side slopes shall be approximately 15 percent.
- 9) Once the above steps are complete and provided timing complies with the dates identified in Item 7, the floor and side slopes shall be seeded with the mixes identified on Figure D-1. The seeds shall be incorporated into a bonded fiber matrix and shall be applied hydraulically.
- 10) Erosion control barriers shall be maintained throughout the construction period and shall be maintained or repaired as needed. The barriers shall not be removed until authorized by the Environmental Scientist.

## **Monitoring**

Once construction is complete, the replacement area shall be monitored twice yearly for at least two complete growing seasons during the late spring (May 15<sup>th</sup> to June 20<sup>th</sup>) and early fall (September 20<sup>th</sup> to October 15<sup>th</sup>). Monitoring shall be completed by the Environmental Scientist who oversaw construction.

Data collected during the monitoring inspections and summarized in each report shall include the following:

- 1) Date, time, individuals present and weather conditions;
- 2) Condition/survival of woody plantings and percent overall herbaceous layer cover on the floor and side slopes;
- 3) Species composition, hydrologic class (OBL, FACW, etc.), native status and percent coverage of herbaceous plants within the floor and on the side slopes;
- 4) List, hydrologic class and percent cover of any volunteer species (not present in the seed mixes or not planted within the replacement area) that have become established in the area;
- 5) List and percent cover of any invasive species noted in the area;
- 6) Depth to saturation and the water table as evidenced by conditions observed in a hand-installed boring within the replacement area floor;
- 7) Extent/depth of any areas subject to inundation within the floor of the replacement area;
- 8) List/description of any remedial measures needed or performed; and
- 9) Identification of any areas subject to erosion.

Data collected during the monitoring inspections shall be summarized in a report/memo and provided to the Deerfield Conservation Commission no later than 2 weeks after each site visit. In addition to the information identified above, the report shall include photographs taken from fixed points within and adjacent to the wetland replication area.

## **Success Standards/Certificate of Compliance**

Prior to applying for a Certificate of Compliance, the wetland replication area must have achieved the following criteria:

- 1) At least 85 percent survival of the woody plantings (saplings and shrubs);
- 2) At least 75 percent overall herbaceous plant coverage on the replacement area floor and side-slopes;
- 3) Evidence that the replacement area experiences suitable hydrological conditions to support the development of hydric soils and a predominance of hydrophytic plants;
- 4) Within the floor, the composition of herbaceous plants (included volunteer plants) shall include a predominance of species that are classified as hydrophytes (Facultative or wetter); and

- 5) Less than 10 percent overall coverage by species identified as invasive, likely invasive or potentially invasive by the Massachusetts Invasive Plant Advisory Group.

The Certificate of Compliance request shall include an as-built plan (prepared by Professional Land Surveyor) that includes the limits of wetlands (as delineated by the Environmental Scientist) and topography (1 foot contour interval) of the floor and side slopes.

### **Remedial Measures**

During the course of construction and monitoring, situations could arise and/or become apparent that could affect the success of the wetland replacement area. These situations are described below along with potential solutions. Any proposed remedial measures will be reviewed with the Deerfield Conservation Commission prior to being implemented.

#### Unsuitable Hydrology

The Environmental Scientist will be present during initial earthwork and will assess whether any conditions are encountered that could negatively affect the long-term viability of the replacement area. Such conditions could include presence of restrictive layers, presence of bedrock, and unanticipated depths to groundwater and saturation. If this occurs, work will be temporarily halted and the Environmental Scientist will reconfigure elevations of the floor to better achieve the hydrologic parameters needed for the development of wetlands. Work will resume once the revised configuration has been reviewed and authorized by the Commission.

#### Plant Mortality/Lack of Suitable Ground Cover

If it becomes apparent that the replacement area is unlikely to achieve the success standards noted previously in this appendix, suitable measures such as installing more woody plantings, reseeding/mulching bare areas and/or selecting species that better tolerate onsite conditions will be developed by the Environmental Scientist and reviewed with the Commission. If appropriate, the monitoring period will be extended by one or more years to demonstrate that the measures are effective.

#### Invasive Plant Infestations

Any infestations of invasive plant species encountered during the monitoring inspections shall be eradicated by hand. In the event that these infestations recur and/or spread further, a plan to more aggressively treat invasive species shall be developed by the Environmental Scientist and shall be shared with the Conservation Commission. Remedies that could be implemented include chemical treatment (with a glyphosate), removal and replacement of the organic soil within the affected areas, and/or reseeding affected areas with species that could outcompete the invasive plants. If warranted, the monitoring period will be extended by one or more years to assess whether the remedial measures are effective.