



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WESTERN REGIONAL OFFICE  
 436 DWIGHT STREET, SPRINGFIELD, MA 01103 413-784-1100

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 Secretary

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 Lieutenant Governor

GARY MORAN  
 Commissioner

DATE: March 20, 2023

Municipality DEERFIELD  
 (city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant: SUNNYDAYZ, INC  
 Address: 55 LOCUST STREET  
 LYNN, MA 01904

Owner:  
 Address:

LOCUS: 0 GREENFIELD ROAD

**This project has been assigned the following file # : WE 142-0235**

**A FILE NUMBER ONLY INDICATES THAT THE APPLICATION CONTAINS THE MINIMAL SUBMITTAL REQUIREMENTS AND IS ADMINISTRATIVELY COMPLETE - NOT THAT THE INFORMATION IN THE APPLICATION IS ADEQUATE FOR ISSUANCE OF AN ORDER OF CONDITIONS.**

Although a file # is being issued, please note the following:

[1] The alternatives analysis does not appear to comply with 310 CMR 10.58(4)(c)2.c.i which requires that the alternatives encompass any other property in the town of Deerfield. The project does not appear to have fully evaluated all alternatives to the work in the Riverfront. Though the Riverfront Area alteration is mostly limited to stormwater features of the project, the regulations at 310 CMR 10.58(4)(d)1.a. states "structural stormwater management measures may be allowed only when there is no practicable alternative" and this required information was not provided. Also, isn't there Riverfront Area coming onto the property from Parcel 150-12 across the street in the area of the proposed BVW crossing? This needs to be determined.

[2] The applicant has not demonstrated that impacts to the Buffer Zone will not adversely impact the adjacent resource areas. An analysis of possible adverse impacts to the hydrology of adjoining BVW will be required, as well as a potential analysis of thermal impacts to any adjoining forested BVW. The applicant should provide a detailed assessment under 310 CMR 10.53(1) which in part states "... Conditions may include limitations on the scope and location of work in the Buffer Zone as necessary to avoid alteration of Resource Areas. The Issuing Authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the Resource Area and/or other measures commensurate with the scope and location of the work within the Buffer Zone to protect the interests of M.G.L. c. 131, § 40." The Commission has the legal ability to

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

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SUNNYDAYZ, INC  
 55 LOCUST STREET  
 LYNN, MA 01904

require a larger undisturbed area in the buffer zone in order to protect the Interests of the Act.

[3] The regulations at 310 CMR 10.05(6)(n) requires that proponents shall consider environmentally sensitive site design that incorporates low impact development techniques in addition to stormwater best management practices. Each LID technique on page 3 of 8 of the Stormwater Checklist must be reviewed, and why or why not each technique could or could not be used. The stormwater narrative must include this item. Guidance on compliance with the stormwater standards will be provided to the parties.

[4] The geotechnical report map showing soil boring locations were not taken in the area of the stormwater basins. The report focused on the proposed building locations. It does not appear that a competent soils professional states that the soils actually found on site are consistent with the NRCS Soil Survey. Also, the report notes that groundwater was typically found 2 to 3 feet below grade, which will likely place the bottom of the proposed basins within the groundwater. All stormwater BMP's must be designed, constructed, operated and maintained per the Stormwater Handbook, Volume 2, Chapter 2. The simplest thing to do is to cut and paste the relevant pages of the Handbook into the Stormwater Report and use that to describe compliance.

[5] Information on street sweeping and TSS removal credit is not adequate. Please review Volume 2 Chapter 1, Table SS1, for the required information to receive any TSS removal credit for street sweeping. A wet basin only receives 80% TSS credit (not more) as long as it has adequate pretreatment.

[6] The commission may want to carefully review stormwater standard 8. Though runoff calculations were included for pre-construction and post construction, the commission might consider requiring calculations be submitted during the construction phase of the project when you have the most likelihood of erosion and sediment control failures.

[7] The discharge from wet basin #3 appears to be located within BVW, which is not allowed. There must be a setback from the BVW.

If you have any questions regarding this letter, please contact: MARK STINSON @ (413)-961-9583

Cc: Deerfield Conservation Commission, 8 CONWAY STREET, Deerfield, MA, 01373

Representative: Ecological Resource Consultants, 679 Washington Street, Suite 8-183, SOUTH ATTLEBORO, MA, 02703

8. Regarding the proposed wetland crossings, per the April 2018 Massachusetts General Permit issued by the ACOE, and to assist in meeting the requirements in GCs 17 and 18, culverts or spans shall be placed at least every 50 feet with an opening at least 2-feet high and 3-feet wide at ground level where practicable. Closed bottom culverts shall be embedded at least 6 inches with a natural bottom. In the case of non-compliance, the permittee shall take necessary measures to correct wetland damage due to lack of hydraulic and ecological connectivity. Failure to do so will likely require additional permitting by the Army Corps of Engineers.
9. To help ensure that conservation commissions have sufficient expertise available to address specific issues regarding an applicant's filing, M.G.L. c. 44, section 53g gives Commissions authority to charge a fee for the employment of outside consultants that allow for the use of the fee to ensure that they have the necessary information for them to make a decision pursuant to the Wetlands Protection Act, M.G.L. c. 131, sec. 40 and 310 CMR 10.00.
10. The commission should review the wetland crossing in that it complies with the DEP interpretation on "limited project" driveway crossings. The guidance is attached.