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August 4, 2022
GZA File No. 15.0167047.00

Deerfield Conservation Commission
8 Conway Street
South Deerfield, MA 01373

Re: DEP File 142-0232, Response to MassDEP Comments
Bundled Notice of Intent - Department of Public Works
Deerfield, MA

Dear Deerfield Conservation Commission:

On behalf of the Town of Deerfield – Department of Public Works (DPW, “Applicant”), GZA GeoEnvironmental, Inc. (GZA) offer the following responses to the MassDEP Western Regional Office comments dated August 3, 2022, regarding the proposed Bundled Notice of Intent for routine maintenance. Our response format includes the MassDEP’s comments first followed by **bold type** that indicates the GZA response on behalf of the DPW.

*MassDEP Comments and **GZA Responses***

[1] *The Department supports the use of Bundled Notices of Intent (BNOI) by DPWs as an efficient way for DPWs to identify routine work and conduct that work in a manner that complies with the regulations and is protective of the environment. Culvert replacement, however, is beyond the recommended scope of the BNOI for town municipalities. Replacement of stream crossings have the potential to generate significant adverse impacts to wetland Resource Areas. An “in kind” replacement of a culvert does not always comply with the regulations and culvert failure may be the result of an improperly sized culvert. Each site needs to be carefully designed for that specific site to maximize the benefits of the crossing and minimize the potential for adverse consequences resulting from the replacement or upgrade.*

Further, culvert replacement is not limited to review and permitting by the local conservation commissions under the Wetlands Protection Act, but in some cases must also be reviewed under the Massachusetts Department of Environmental Protection 401 Water Quality Certification regulations (314 CMR 9.00), the Natural Heritage and Endangered Species Program regulations and the U.S. Army Corps of Engineers General Permit or regulations. Individual abutter notice is also required for culvert replacement projects to satisfy the regulations and ensure the protection of abutters rights, including the right of participation.

MassDEP encourages the Town to identify culverts that are undersized or in need of replacement and upgrade them with crossings that meet the Massachusetts Stream Crossing Standards, but these projects should be submitted individually. The Town has previously engaged in planning focused on resiliency and climate change and culvert replacement planning is consistent with these efforts. Should the Town require assistance in determining the appropriate sizing of any culvert during its evaluation process, MassDEP can provide technical assistance to the Town. The Town should be aware that there are Municipal Vulnerability Preparedness grants available to towns in Massachusetts to begin the process of planning for climate change resiliency and implementing priority projects that might assist in this process, please see the link below for more information:



<https://www.mass.gov/municipal-vulnerability-preparedness-mvp-program>

GZA and the Applicant understand that proposed culvert replacements would require a separate Notice of Intent and will not include such projects on the annual lists of proposed work for the Commission’s review under the Bundled Notice of Intent process.

[2] The Applicant should submit project plans (plan view) which identify the location of proposed activities relative to the boundaries of the affected resource areas. The resource area boundaries should be shown and/or called out on the plans.

Prior to the onsite meeting to review the proposed work area, the Applicant will provide the Commission with a plan depicting the delineated resource area(s) and an erosion control plan. This plan can be reviewed in the field and modified as necessary.

Thank you for this opportunity to clarify the type of work and review process proposed under the Bundled Notice of Intent. We trust that our responses adequately address the comments submitted by MassDEP. We look forward to working with the Commission towards the issuance of an Order of Conditions.

Sincerely,
GZA GeoEnvironmental, Inc.

A handwritten signature in black ink, appearing to read "Adrienne Dunk".

Adrienne Dunk, WPIT
Assistant Project Manager

A handwritten signature in black ink, appearing to read "Daniel M. Nitzsche".

Daniel M. Nitzsche, CPESC, CESSWI, SE
Consultant / Reviewer

A handwritten signature in black ink, appearing to read "Stephen Lecco".

Stephen Lecco, AICP, CEP
Principal-in-Charge`

Cc: MassDEP-WERO
Kevin Scarborough – Town of Deerfield Highway Superintendent