

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

Date: 08/03/2022

Municipality DEERFIELD

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):

<p>Applicant TOWN OF DEERFIELD - DEPARTMENT OF PUBLIC WORKS</p> <p>Address 8 CONWAY STREET, DEERFIELD MA</p> <p>Locus VARIOUS SITES , DEERFIELD MA</p>	<p>Owner KEVIN SCARBOROUGH</p> <p>Address 8 CONWAY STREET, DEERFIELD MA 01373</p>
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This project has been assigned the following file # : **WE 142-0232**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

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

[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>

[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.

Regards,
for MassDEP,

(413)-755-2260

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