



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Deerfield
City/Town

**WPA Form 1- Request for Determination of
Applicability**

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

A. General Information

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

1. Applicant:



John Cunningham

Name

jjc.private@gmail.com

E-Mail Address

45 Oakwood Circle

Mailing Address

Amherst

City/Town

MA

State

01002

Zip Code

6178510443

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the Conservation Commission Conservation Commission make the following determination(s). Check any that apply:

a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.

b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.

c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.

d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Deerfield, MA

Name of Municipality

e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

lot 2 of 198 North Main Street	Deerfield
Street Address	City/Town
140	16.1
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The 200 ft riverfront area on the street side of Bloody Brook on lot2 of 198 North Main St., including an infeststion of knotweed, existing sheds, and a former barn together with additional metal equipment/junk dispersed across that land

c. Plan and/or Map Reference(s):

masslandrecords plan book 148, page 67	2015
Title	Date
deed book 4335, page 302 (portionN	
Title	Date
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

1. Restoration of riverfront extending 100 ft streetside from the midline of Bloody Brook using multi-year herbicide applications and cutting to remove invasive knotweed per attached detailed plan;

2. Reclamation of existing built areas 100 ft streetward from the above will occur by demolition of three sheds and remnants of a barn, including three concrete pads as shown on the masslandrecords plot.

Removal of two compromised Catalpa trees and a third ltall one that is too close to the new house build, as well as removal of several healthy trees of various species and the intercolated shrubby growth that are clustered around the barn remnant and extending to an established lawn. A large oak tree beyond the 200 ft riverfront and within the front setback of the lot will also be removed.

3. Excavation and the addition of clean fill for a new house build.

Please see also the additional information on attached pages

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

Single family house on a lot recorded on or before 8/1/96

Single family house on a lot recorded after 8/1/96

Expansion of an existing structure on a lot recorded after 8/1/96

Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96

New agriculture or aquaculture project

Public project where funds were appropriated prior to 8/7/96

Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision

Residential subdivision; institutional, industrial, or commercial project

Municipal project

District, county, state, or federal government project

Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

- b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

see attached subdivision record from masslandrecords (book 148, page 67).

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Robert Decker III

Name

11 Kelleher Drive

Mailing Address

Deerfield

City/Town

MA

State

01002

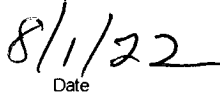
Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.



Signature of Applicant



Date

Signature of Representative (if any)

Date

Additional Information for C.2.a, Work Description

1. For the Restoration please see the attached detailed knotweed control plan formulated by Profesor Prostek of UMass Extension.

An arial map of the knotweed indfestation is attached.

A lot plan (book 148, page 67) depicting lot 2 is attached.

2. Demolition work and tree removal work will be done by Jeff Burniske of J Burniske Landscaping & Excavation/JDB Disposal of South Deerfield. Environmental protetcive measures placed at the limits of the work streetside to the Restoration area will be used to minimize soil erosion and ensure no impact on the Restoration or the Bloody Brook. Erosion and sedimentation controls will be installed prior to the commencement of demolition activities and will consist of a silt fence or mulch socks or other controls deemed appropriate by the Conservation Commission. These controls will be inspected and maintiained throughout the demolition and subsequent excavation/fill operations and then maintained until stabilization is achieved.
3. Excavation for a full basement and the addition of clean fill will be done by Karl's Excavating of Hadley, MA. The footprint will encompass 4900 sq ft., extending no deeper back from the street than the deepest corner of the removed barn concrete pad. Dimensional requirements for frontage, area, and all setbacks will be satisfied.

JAPANESE KNOTWEED MANAGEMENT PROGRAM

**Robert Decker III property at 198 North Main Street, South Deerfield,
MA 01373**

**prepared by Randy Prostak, UMass Extension Weed Specialist
following a site visit on July 25th
rprostak@umass.edu, cell 413-478-3009**

The management program below was developed for a sizable knotweed (JK) population on the Decker property at 198 North Main Street, South Deerfield, MA 01373. This management program was developed with the understanding that the area impacted by Japanese knotweed is jurisdictional under 310 CMR 10.00: Wetlands Protection Act Regulations. Japanese knotweed is classified as invasive by the Massachusetts Invasive Plant Advisory Group and its management should be considered a priority.

During the site visit it was observed that a few plants of two other invasives (tatarian honeysuckle, *Lonicera tatarica* and multiflora rose, *Rosa multiflora*) are present on the property near the Japanese knotweed. These other invasive plants should be treated when the Japanese knotweed is management time frame. In some area a weak stand of grass exists beneath the knotweed. An herbicide application to the knotweed will likely have little if any impact on these plants. These grasses should be encouraged as they will mitigate erosion once the knotweed is controlled.

Document outline

- I. Overview of JK management program
 - A. Application timing
 - B. Herbicides product selection
 - C. Application method
- II. Label language for suggested herbicides products
- III. Information related to 310 CMR 10.00: Wetlands Protection Act Regulations.

I. Overview of JK management program

A. Application timing: from the first sign of flower development through the first light frost, best timing in the Pioneer Valley would be during the last two weeks of August through the third week of September. A 2022 application during this time frame will likely provide greater than 90 percent control and a 2023 application during the same time frame will likely be needed as a touch up.

B. Herbicides product selection: while other herbicide will provide effective control of JK, the best choice with the most environmentally friendly profile is glyphosate. Not all formulations of glyphosate are labeled for use near water. Products that are labeled do not contain a surfactant know as POEA. POEA is known to be toxic to some aquatic organisms, therefore Roundup Pro, Roundup Ultra or Roundup Power Max would not be selected. Appropriate glyphosate products would include Rodeo, Roundup Custom for Aquatic and Terrestrial Use, AquaNeat Aquatic Herbicide and Glyphosate 5.4. See section II *Label language for suggested herbicides products*.

C. Application method: foliar spray to leaves just prior to leaf run-off, application on the edge of the man-made drainage ditch shall be minimized to prevent direct spray or leaf run-off from entering water in the ditch.

II. Label language for suggested herbicides products:

RODEO by Corteva, EPA Reg. No. 62719-324

Aquatic and Non-crop Sites: When applied under the conditions described, it controls or partially controls the labeled weeds growing in the following industrial, recreational, and public areas or other similar sites. Aquatic sites include all bodies of fresh and brackish water that may be flowing, nonflowing, or transient including lakes, rivers, streams, ponds, seeps, irrigation and drainage ditches, canals, reservoirs, estuaries and similar sites.

- There is no restriction on the use of treated water for irrigation, recreation, or domestic purposes.
- Do not apply this product within 1/2 mile upstream of an active potable water intake in flowing water (i.e., river stream, etc.), or within 1/2 mile of an active potable water intake in a standing body of water, such as a lake, pond, or reservoir.

ROUNDUP CUSTOM FOR AQUATIC AND TERRESTRIAL USE by Bayer, EPA Reg. No. 524-343

Aquatic Sites: This product may be used to control emerged weeds, brush, trees and vines in all flowing, non-flowing or transient bodies of fresh and brackish surface water. These bodies of water include lakes, rivers, streams, ponds, estuaries, rice levees, seeps, irrigation and drainage ditches, canals, reservoirs, wetlands and wastewater treatment facilities.

- When applying spray solutions of this product in or near aquatic sites, a nonionic surfactant that is labeled for use with herbicides and approved for direct application to bodies of water must be used.
- There is no restriction on the use of water for irrigation, recreation or domestic purposes following direct application of this product to emerged aquatic plants.
- Do not apply this product directly to water within 0.5 mile upstream of an active potable water intake in flowing water (i.e., river, stream, etc.) or within 0.5 mile of an active potable water intake in a standing body of water, such as a lake, pond or reservoir. To make aquatic applications around and within 0.5 mile of active potable water intakes, the water intake must be turned off for a minimum period of 48 hours after the application. This restriction does NOT apply to intermittent inadvertent overspray of water on terrestrial use sites.

AquaNeat Aquatic Herbicide by Nufarm, EPA Reg. No. 228-365

Label language almost identical to Rodeo and Roundup Custom for Aquatic and Terrestrial Use shown above.

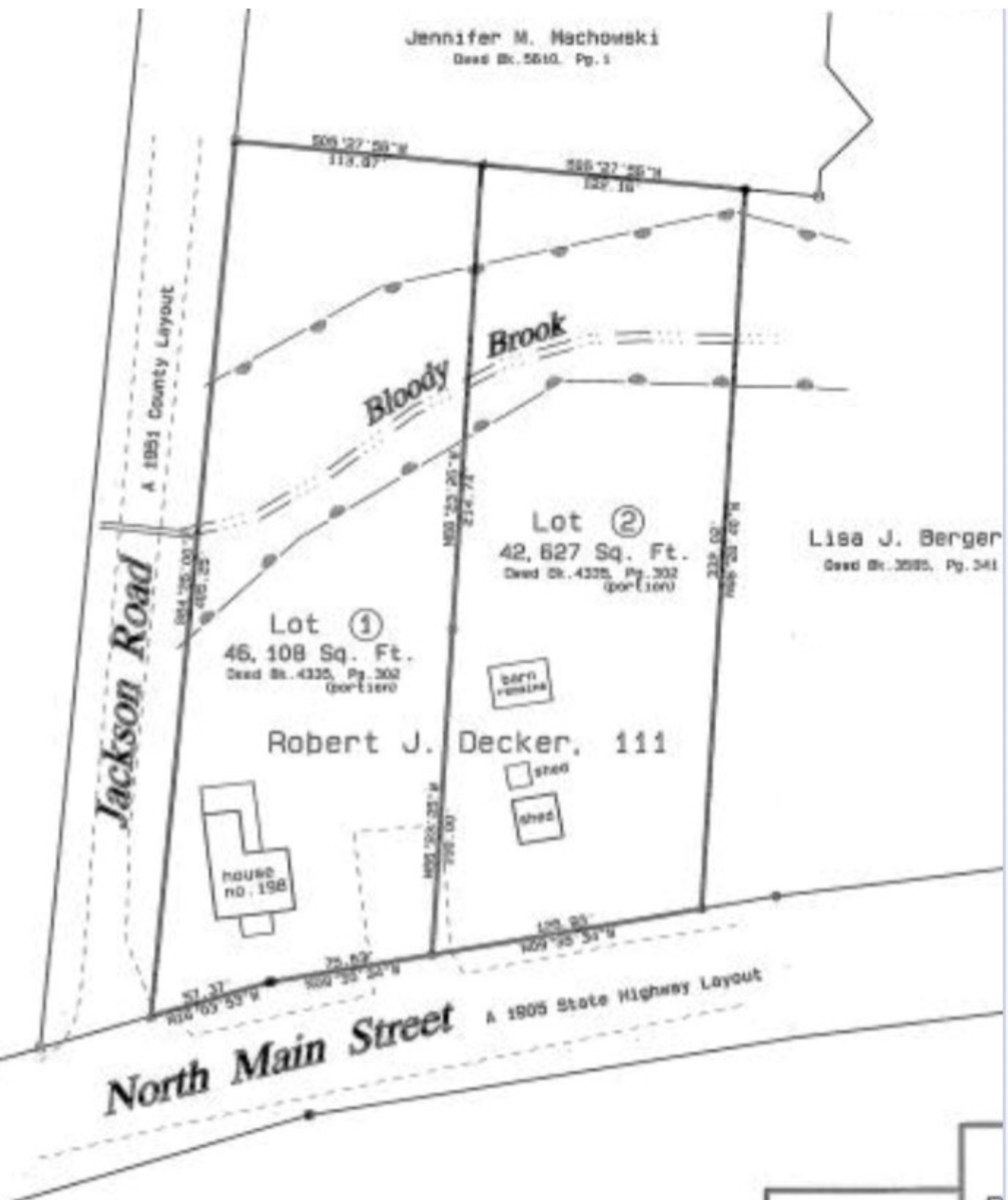
GLYPHOSATE 5.4 by Alligare, EPA Reg. No. 81927-8

Label language almost identical to Rodeo and Roundup Custom for Aquatic and terrestrial Use shown above.

III. Information related to 310 CMR 10.00 Wetlands Protection Act Regulations.

The following points should be considered when determining if the management of Japanese knotweed on the Decker property can be accomplished under an RDA or if a full NOI/COC is required.

- Glyphosate products selected are registered by the United States Environmental Protection Agency and the Massachusetts Department of Agricultural Resources for use in aquatic settings, both near and in water.
- Application method and spray technique will minimize glyphosate reaching open water.



Lisa J. Berger
Deed Bk. 3585, Pg. 341

I hereby report that this plan has been prepared in conformity with the rules and regulations of the Registrars of Deeds of the Commonwealth of Massachusetts.

Daniel R. Warner March 31, 2015
Professional Land Surveyor Date





AA

 edep.dep.mass.gov



son Road

Zone A4
(el 214 ft)

North Main Street

Zone A4
(el 210 ft)

Done

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