

STATE OF CONNECTICUT  
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

**ENVIRONMENTAL ASSESSMENT CHECKLIST**

**Date:** 9/11/2017

**Municipality:** City of Derby

**Staff Contacts:** Binu Chandy

**Project Name:** Derby Downtown  
Redevelopment Project

**Funding Source:** DECD-UA (OPM)

**State Funds:** Currently \$5 million (Phase I)

**This assessment is being conducted in conformance to the generic Environmental Classification Document to determine Connecticut Environmental Policy Act (CEPA) obligations**

**Project Description:** Urban Act Grant funds (through the Dept. of Economic and Community Development -DECD) will be used for utility infrastructure, road and sidewalk construction and streetscaping associated with downtown redevelopment in the City of Derby. The construction efforts will be focused in the area south of Main Street/Route 34 (between the intersections with Route 8 westward to the Derby-Shelton Bridge). The utility improvements are part of implementation of the [Downtown Now!, Derby's Blueprint for Progress](#), a state-funded planning effort undertaken by the City. For more info on the proposed development plan, please visit the link to the presentation prepared for the [November 17 Public Meeting/Charette](#). The planning effort has sparked private investment interest in the Downtown area consistent with the "U" Street Master Plan," endorsed by the City of Derby's Planning and Zoning Commission. The uses proposed as part of the U Street Master Plan include residential, commercial, office, light industrial (advanced manufacturing), training, and mixed uses. The public infrastructure investment will leverage and support this potential private investment. It may be noted that the federally-funded (through the Connecticut Department of Transportation) project, Reconstruction of Route 34/Main St. (Project #36-184), currently in the design stages, is along the northern boundary of the Project Area.

**Regulations of Connecticut State Agencies (RCSA) Sec. 22a-1a-3 Determination of environmental significance (Direct/Indirect)**

- 1) *Impact on air and water quality or on ambient noise levels*

*Air* — The Department of Energy and Environmental Protection's (DEEP) Air Bureau recommends the City of Derby to consider laying the foundation for the addition of electric vehicle (EV) charging stations while in the planning process. Assuming a steady growth rate, a report by the Boston Consulting Group found that by 2020, 18% of cars in city regions will be electric vehicles. Other studies have shown that builders who have incorporated EV ready designs into their new construction projects have resulted in increased marketability of their developments and have found it to be more cost-effective

to include the costs in new construction versus retrofitting a completed project. More information can be found at DEEP’s website: [EVCConnecticut](#). The contact person for this program is Jennifer Reilly at 860-424-3123.

*Noise* — No negative impacts are anticipated.

*Water Quality* — As per the DEEP, the project site drains to segments of the Housatonic and Naugatuck Rivers on the western and eastern portions of the site. As identified in the [2016 Connecticut Integrated Water Quality Report](#) to Congress, both rivers are listed as “impaired waters” due to high levels of indicator bacteria (E. coli). The segment of the Housatonic River has been included on the Priority List of Waters for Action Plan Development, which includes total maximum daily load (TMDL) development by 2018. For the Naugatuck River, a [Total Maximum Daily Load Analysis for Recreation Uses of the Naugatuck River Regional Basin](#) was developed in 2008 to address the bacteria impairment affecting this and other segments of the river. Potential sources of E. coli may include stormwater, industrial discharges, illicit discharges and upstream sources. If there are current practices associated with the project site that are contributing to the recreation and aquatic life water quality impairment issues, then these sources should be addressed during the redevelopment process. In addition, redevelopment of this area should not create any new sources of bacteria or other pollutants that will contribute to and/or aggravate these existing water quality issues.

2) *Impact on a public water supply system or serious effects on groundwater, flooding, erosion, or sedimentation*

a) *Water Supply* — The Drinking Water Section of the Department of Public Health (DPH) has reviewed the above-mentioned project for potential impacts to any sources of public drinking water supply. This project does not appear to be in a public water supply source water area; therefore, the Drinking Water Section has no comments at this time.

If new water lines are installed and hydrostatic pressure testing is required, the City of Derby will need to register under the General Permit for the [Discharge of Hydrostatic Pressure Testing Wastewater](#) (Hydrostatic GP). The Hydrostatic GP will expire March 29, 2018. If the project occurs after that date it is expected that the Comprehensive General Permit for Discharges to Surface and Groundwater will be in place. Information is available through the Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division, 860-424-3025.

b) *Groundwater* — No negative impacts are anticipated.

*Flooding* — Under Connecticut General Statutes (CGS) Sections 25-68b through 25-68h, the Connecticut Flood Management Program requires certification or an exemption for all state actions within or affecting floodplains or natural or man-made storm drainage facilities. A floodplain is an area that has frequent or periodic flooding issues. For regulatory purposes, all areas within the limits of the 100-year floodplain as designated on the Flood Insurance Rate Maps (FIRM) published by the Federal

Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP) are considered as floodplains. For critical activities such as hospitals, housing/residences and schools the regulations are more stringent and include areas within the 500-year floodplain.

Majority of the site is within the 500-year flood zone on the community's Flood Insurance Rate Map (Zone X). However, the area is protected by a certified levee. Therefore, as long as the levee is certified, a Flood Management Certification is not required from DEEP. If the levee becomes decertified for any reason, then there is a potential for a change in the Flood Insurance Rate Map which would impact the requirement for a Flood Management Certification. DECD and or any other sponsoring state agency of any state action related to implementation of the Derby Downtown Master Plan (“U”Street Master Plan), will need to ensure that these requirements are met.

- 3) *Disruption or alteration of an historic, archeological, cultural or recreational building, object, district, site or surroundings —*

The State Historic Preservation Office (SHPO) has reviewed the proposed project and has concluded that the project does not appear to have the potential to impact significant historic resources. SHPO has signed a Memorandum of Agreement (MOA) with the Federal Highway Administration (FHWA) to resolve adverse effects resulting from the Reconstruction of State Route 34 (Main Street) Project. The SHPO has advised that any work near the former Paugussett mill building that could affect planned archaeological excavations at the site should be withheld until the investigations are complete.

SHPO has also advised that any development plans for the area embrace the city’s unique historic character of the former by incorporating historic elements especially that of the Paugussett Mill. More detailed recommendations can be found in the letter submitted by the SHPO to DECD on July 5, 2017.

- 4) *Effect on natural land resources and formations, including coastal and inland wetlands, and the maintenance of in-stream flows —*

In order to protect the Housatonic River adjacent to the site, strict erosion and sediment controls should be employed during construction. The Connecticut Guidelines for Soil Erosion and Sediment Control prepared by the Connecticut Council on Soil and Water Conservation in cooperation with DEEP is a recommended source of technical assistance in the selection and design of appropriate control measures. The 2002 revised edition is available online at [Erosion Control Guidelines](#).

DEEP recommends that the City consider opportunities to incorporate green infrastructure and/or low impact development (LID) features to the maximum extent feasible into its redevelopment plans. Key strategies for effective LID include: managing stormwater close to where precipitation falls; infiltrating, filtering, and storing as much stormwater as feasible; managing stormwater at multiple locations throughout the landscape; conserving and restoring natural vegetation and soils; preserving open space

and minimizing land disturbance; designing the site to minimize impervious surfaces; and providing for maintenance and education. Water quality and quantity benefits are maximized when multiple techniques are grouped together. Consequently, we typically recommend the utilization of one, or a combination, of the following measures:

- the use of pervious pavement or grid pavers (which are very compatible for parking lot and fire lane applications), or impervious pavement without curbs or with notched curbs to direct runoff to properly designed and installed infiltration areas,
- the use of vegetated swales, tree box filters, and/or infiltration islands to infiltrate and treat stormwater runoff (from building roofs, roads and parking lots),
- the minimization of access road widths and parking lot areas to the maximum extent possible to reduce the area of impervious surface,
- if soil conditions permit, the use of dry wells to manage runoff from the building roofs,
- the use of vegetated roofs (green roofs) to reduce the runoff from buildings,
- incorporation of proper physical barriers or operational procedures to prevent release of pollutants from special activity areas (e.g. loading docks, maintenance and service areas, dumpsters),
- the installation of rainwater harvesting systems to capture stormwater from building roofs for the purpose of reuse for irrigation

The Department has compiled a list of web resources with information about watershed management, green infrastructure and LID best management practices. It may be found on-line at: [LID Resources](#).

The City of Derby is an MS4 municipality and should review the modified “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” ([MS4 GP](#)), effective July 1, 2017. Among the relevant provisions in the GP, the project must demonstrate that there is no net increase in loading by the MS4 to the impaired water for the pollutant causing the impairment and that a legal mechanism for contractors to consider Low Impact Development and other runoff reduction site planning be established by MS4 municipalities for redevelopments.

- 5) *Effect on natural communities and upon critical species of animal or plant and their habitats: interference with the movement of any resident or migratory fish or wildlife species* — DEEP Wildlife Division maintains the Natural Diversity Database (NDDDB) maps. These maps represent the approximate locations of species listed by the State, pursuant to section 26-306 of the Connecticut General Statutes, as endangered, threatened or special concern. The maps are a pre-screening tool to identify potential impacts to state listed species. This project is located within one of these areas. The applicant may be required to submit a Request for Natural Diversity Data Base (NDDDB) State Listed Species Review Form (DEEP-APP-007) and all required attachments, including maps, to the NDDDB for further review. Additional information concerning NDDDB reviews and the request form may be found on-line at: [NDDDB Requests](#).

- 6) *Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to create extensive detrimental environmental impact*— No negative impacts are anticipated.
- 7) *Substantial aesthetic or visual effects* — No negative impact are anticipated.
- 8) *Inconsistency with the written and/or mapped policies of the statewide Plan of Conservation and Development and such other plans and policies developed or coordinated by the Office of Policy and Management or other agency* — Because this action involves improvement of real property in excess of \$200,000, it is subject to the consistency requirement of the State Conservation and Development Plan of 2013-2018 (Plan) and its Growth Management Principles (GMP) and corresponding policies. In particular, this type of Downtown/Transit-Oriented Development (TOD) project supports:
  - GMP #1 (Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure)
    - Focus on infill development and redevelopment opportunities in areas with existing infrastructure, such as in city or town centers, which are at an appropriate scale and density for the particular area
    - Promote the continued use or adaptive reuse of existing facilities and developed property, including brownfields in strategic locations
    - Promote supportive land uses around rail stations, airports and sea ports, and discourage uses that are not dependent upon, or complimentary to, the available infrastructure;
  - GMP #2 (Expand Housing Opportunities and Design Choices to Accommodate a Variety of Household Types and Needs)
    - Support local efforts to develop appropriate urban infill housing and neighborhood amenities to make better use of limited urban land;
    - Promote housing and/or affordable housing as part of mixed use and transit-oriented developments within walking distance to public transportation facilities;
    - Encourage and promote access to parks and recreational opportunities, including trails, greenways, community gardens and waterways, for affordable and mixed-income housing.
  - GMP#3, (Concentrate Development Around Transportation Nodes and Along Major Transportation Corridors to Support the Viability of Transportation Options)
    - Promote compact, pedestrian-oriented, mixed use development patterns around existing and planned public transportation stations and other viable locations within transportation corridors and village centers
    - Identify brownfields and other strategic sites that are (1) within one-half mile or walking distance of public transportation facilities

and/or (2) near other inter-modal transportation nodes and facilities, and consider them for designation as pre-approved development areas

In addition, the Plan requires that those projects deemed Growth Related be located in a Priority Funding Area. This project has been determined to be a Growth Related Project as defined in the Plan and is located in a Priority Funding Area and is therefore consistent with the Plan.

- 9) *Disruption or division of an established community or inconsistency with adopted municipal or regional plans*— No negative impacts are anticipated.
- 10) *Displacement or addition of substantial numbers of people* — The redevelopment project may add more people to the area. Since it is an urban setting, no negative impacts are anticipated. Proximity to the Derby-Shelton Metro North Railroad station will mitigate any potential impacts.
- 11) *Substantial increase in congestion (traffic, recreational, other)* — No negative impacts are anticipated. Pursuant to Sections 14-311 and 14-311c of the Connecticut General Statutes, major traffic generators (MTG) are regulated as to their traffic impact on the state highway system in Connecticut by the Office of the State Traffic Administration (OSTA). The Applicant will be applying for an OSTA certification from the Connecticut Department of Transportation.
- 12) *A substantial increase in the type or rate of energy use as a direct or indirect result of the action*— No adverse impacts are anticipated.
- 13) *The creation of a hazard to human health or safety* —

Due to the historic nature of the area, it is likely there are hazardous or solid waste related concerns. DEEP currently recommends the following procedure if contaminated soils are encountered during a utility construction project, and the property is not owned by the utility and the contamination was not created by the utility. The utility may reuse the contaminated soil in the same excavation within the same area of concern without prior approval by DEEP provided: 1) Any condition that would be a significant environmental hazard as defined in CGS Section 22a-6(u) is reported by the utility and that the location is identified on a map submitted to the DEEP Remediation Division; 2) Any excess contaminated material is disposed of in accordance with the solid and hazardous waste regulation as appropriate; and 3) The upper 1 foot of the excavation is filled with the clean fill material or paved. Any sampling required to make a determination as to whether a significant environmental hazard exists or how excess spoils will be disposed of is the responsibility of the entity (public or private) performing the excavation. For further information, contact the Remediation Division at 860-424-3366 The Connecticut Remediation Standard Regulations are available on-line at [Guidance for Utility Company Excavation](#).

The DPH has provided recommendations regarding health impacts related to lead,

asbestos, and radon in their letter dated June 12, 2017. For any demolition activity, a plan must be in place to address lead-based paint, asbestos and lead contaminated soils since the type of construction proposed could result in the disturbance of surfaces that may contain lead-based paint, asbestos and/or lead contaminated soils. DPH also recommends including radon resistant features for occupied spaces.

- 14) *Any other substantial impact on natural, cultural, recreational or scenic resources* — No negative impacts are anticipated. .

**Conclusion:** After examining potential environmental impacts and reviewing all comments received from the various resource agencies, CTDECD has concluded that the preparation of an Environmental Impact Evaluation will not be required for the Derby Downtown Redevelopment Project. However, the following mitigation measures, recommended by other agencies will be adopted to minimize any potential impacts that may arise during construction and implementation of the project.

**Recommendations received by various State agencies as a result of the Scoping Process:**

**DEEP**

The following is a summary of recommendations from DEEP to mitigate potential impacts. For more detailed recommendation and DEEP Contact Info, please refer to the Letter from DEEP, dated July 6, 2017.

1. If new water lines are installed and hydrostatic pressure testing is required prior to March 29, 2018, the City of Derby will need to register under the General Permit for the [Discharge of Hydrostatic Pressure Testing Wastewater](#) (Hydrostatic GP).
2. Strict erosion and sediment controls ([Erosion Control Guidelines](#)) should be employed during construction in order to protect the Housatonic River adjacent to the site.
3. Please see DEEP letter for recommendations regarding procedure protocol if contaminated soils are encountered during a utility construction project.
4. Since the project area falls within the NDDDB maps identifying locations of species listed by the State as endangered, threated or special concern, the City of Derby may be required to submit a Request for Natural Diversity Data Base (NDDDB) State Listed Species Review Form (DEEP-APP-007) and all required attachments, including maps, to the NDDDB for further review .
5. DEEP recommends that practices that contribute to the recreation and aquatic life water quality impairment issues of the Housatonic and Naugatuck Rivers should be addressed or avoided during the redevelopment process.
6. Where building renovation and site improvements are proposed, DEEP strongly recommends the use of low impact development (LID) practices for infiltration of stormwater on-site.
7. The City of Derby is an MS4 municipality and should review the modified “General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems” ([MS4 GP](#)), effective July 1, 2017.

## **DPH Environmental Section**

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## **SHPO**

The project does not appear to have the potential to impact significant historic resources. However, the SHPO has advised that any work near the former Paugussett mill building that could affect planned archaeological excavations at the site should be withheld until the investigations are complete. In addition, it has been advised that any development plans for the area embrace the city's unique historic character of the former by incorporating historic elements especially that of the Paugussett Mill. More detailed recommendations can be found in the letter submitted by the SHPO to DECD on July 5, 2017.