



July 5, 2017

Ms. Binu Chandy  
Department of Economic and Community Development  
505 Hudson Street  
Hartford CT 06106

Subject: Derby Downtown Redevelopment Project  
Main Street (Route 34)  
Derby, Connecticut

Dear Ms. Chandy:

The State Historic Preservation Office (SHPO) has reviewed the referenced project in response to a Scoping Notice posted on the Environmental Monitor. SHPO understands that the City of Derby plans to use Urban Act Grant funds to enhance streetscapes and improve infrastructure along Main Street between its intersections with Route 8 to the east and the Derby-Shelton Bridge to the west. The Department of Economic and Community Development (DECD) will be managing the grant funds. As a result, the proposed activities are subject to review by this office pursuant to the Connecticut Environmental Policy Act (CEPA).

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 (State Project Number 0036-0184). A courtesy copy of the revised executed agreement document is attached to this letter for your convenience. The currently proposed improvements, as described on the Environmental Monitor, do not appear to have the potential to impact significant historic resources. However, because SHPO has a MOA with FHWA, this office requests that all parties are mindful of the stipulations agreed to in the document. In particular, Stipulation 3, archeological excavations at the site of the former Paugussett Mill building, has not been initiated. Therefore, any work that may impact this area should be withheld until these investigations are complete.

SHPO also has reviewed the development plans referenced in the Environmental Monitor posting. This office strongly encourages any proposed development to embrace the city's unique historic character. Although many of the historic buildings have been or will soon be removed along the southern side of Main Street, SHPO recommends incorporating the story of the Paugussett Mill or elements of the mill into public interpretation components of the redevelopment of the parcel. This could include preservation in place or salvage and adaptive re-use of raceways, architectural features, turbines, or gearings. As a result of the FHWA project, a nomination for listing the historic district on the north side of Main Street to the National Register of Historic Places also is being prepared. Although the nomination and potential listing of the historic district is an honorary recognition, the goal is to encourage historic preservation with specific opportunities including homeowner and commercial tax credit programs, as well as historic restoration fund grants. SHPO would be more than happy to assist residents and businesses with realizing these opportunities and embrace their roles as stewards of Derby's history.

State Historic Preservation Office

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Department of Economic and  
Community Development

State Historic Preservation Office

New construction along the south side of Main Street should be sympathetic to the historic character of its neighbors in style, mass, and design. This could be accomplished through a Village District overlay in the planning and zoning department. In addition to maintaining the city's character and identity, a substantial body of work regarding preservation demonstrates that it would benefit Derby's economy and property values. In this regard, SHPO would like to point out that rehabilitation of existing structures is considered to be the, "most powerful economic revitalization tools in the nation" by the National Main Street Center. Specifically with regard to urban environments, reuse creates a livability that attracts talented professionals. As the World Bank reported in the Urban Development Series titled the *Economics of Uniqueness*, "...heritage is a differentiator that attracts talent to cities." In other words, those cities that invested in historic assets also provided an enabling environment for job creation. People are drawn to old places to experience the unique beauty, inspirational awe, or nostalgic feel. These places spur our imagination and retain a sense of distinctiveness that does not exist in modern building forms.

This office appreciates the opportunity to review and comment upon this project. These comments are provided in accordance with the Connecticut Environmental Policy Act. For additional information, please contact me at (860) 256-2764 or [catherine.labadia@ct.gov](mailto:catherine.labadia@ct.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Catherine Labadia".

Catherine Labadia  
Deputy State Historic Preservation Officer

cc: Mandy Ranslow, Office of Environmental Planning, DOT

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**SECOND REVISED  
MEMORANDUM OF AGREEMENT**

Between The Federal Highway Administration and  
The Connecticut State Historic Preservation Office  
Regarding the Reconstruction of State Route 34 (Main Street)  
in the City of Derby, Connecticut

Federal Aid Project Number: HI00(001)  
State Project Number: 0036-0184

Submitted Pursuant to 36 CFR 800.6(a)

WHEREAS, the project consists of widening Route 34 from a two lane roadway to a four lane roadway with additional exclusive left turn lanes at assigned intersections to improve roadway capacity and the construction of various safety and operational improvements for pedestrians/motorists along Route 34 (Main Street) between Bridge Street and Ausonio Drive/Route 8 southbound ramp. Safety improvements include the construction of non-mountable granite stone curbing to define the travel way and to protect pedestrians, raised median islands with pedestrian refuge areas, pedestrian crosswalks, and bump-outs to protect parked cars and minimize the roadway distance for pedestrian crossings. The horizontal and vertical alignment of Route 34 will closely follow the existing one and the proposed horizontal curves will not be super-elevated. There will be minimal roadway cuts and fills for the north roadway section of Route 34 due to existing conditions and constraints, such as the proximity of existing structures on adjacent private property (PROJECT); and

WHEREAS, the Federal Highway Administration (FHWA), Connecticut State Historic Preservation Office (CTSHPO), and the Connecticut Department of Transportation (CTDOT) executed a Memorandum of Agreement (MOA) April 8, 2014; and

WHEREAS, the original MOA expired on April 8, 2017 without the fulfillment of the stipulations; and

WHEREAS, FHWA has consulted with CTSHPO and CTDOT on the subject Second Revised MOA; and

WHEREAS, the FHWA is assisting in funding of the PROJECT undertaken by the CTDOT; and

WHEREAS, the FHWA has determined that the Project is an undertaking with the potential to affect historic properties; and

WHEREAS, the FHWA has consulted with the CTSHPO pursuant to the 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470), and

WHEREAS, the FHWA has consulted with the Mashantucket Pequot and Mohegan Tribal Nations in Connecticut, and the Narragansett Tribal Nation in Rhode Island, each of which was represented by their respective Federal Tribal Historic Preservation Officer pursuant to the 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470), and

WHEREAS, the FHWA has determined that the proposed project will have an adverse effect upon historic properties included in, or eligible for inclusion in, the National Register of Historic Places. The structures designated as 128, 130, 134, 142-148, and 176-178 Main Street (Route 34) are contributing resources to a historic district determined eligible for listing in the National Register of Historic Places by FHWA and will be demolished for the proposed project; and

WHEREAS, CTDOT has participated in the consultation, and have been invited to concur in this MOA; and

WHEREAS, in a letter dated August 21, 2013, FHWA has invited the Mashantucket Pequot and Mohegan Tribal Nations in Connecticut and Narragansett Tribal Nation in Rhode Island to participate in consultations regarding the resolution of those adverse effects; and

WHEREAS, in letters dated September 5, 2013 and September 17, 2013, respectively, the Mashantucket Pequot and Mohegan Tribal Nations in Connecticut notified of its response s. The Narragansett Tribal Nation in Rhode Island was non-responsive; and

WHEREAS, in a letter dated August 19, 2013, FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and has invited the ACHP to participate in consultations regarding the resolution of those adverse effects; and

WHEREAS, in a letter dated September 17, 2013, ACHP notified the FHWA of its response; and

NOW, THEREFORE, the FHWA and CTSHPO agree that the PROJECT shall be implemented in accordance with the following stipulations in order to take into account the effects of the PROJECT on historic properties, including sites of potential archaeological significance:

## STIPULATIONS

The FHWA will ensure that the following measures are carried out within five (5) years of the date on which this Agreement is executed unless the deadline is extended in accordance with Section 9:

1. Prior to demolition-related activities, FHWA and/or CTDOT shall document building numbers 128, 130, 134, 142-148, and 176-178 Main Street to the professional standards of the CTSHPO. Documentation shall consist of narrative text, photographs and/or digital images, an index to photographs, and a photographic site plan. Final documentation shall be provided to the CTSHPO for permanent archiving and public accessibility.
2. The FHWA and/or CTDOT shall prepare a National Register of Historic Places nomination form for the remaining historic buildings which collectively constitute a historic district located between Elizabeth Street and Factory/Water Streets and shall submit that form to CTSHPO for review.



3. The FHWA and/or CTDOT shall excavate two trenches across the former head race/water culvert feature sections located within the Area of Potential Effects. The trenches will be excavated under the direction of a professional archaeologist to document the structure and configuration of the historic feature. At least one of the trenches will be placed at or near the former Paugussett Mill building to document any associated foundation remains or other intact features remaining from the demolition.
4. The FHWA and/or CTDOT shall provide to CTSHPO a concise narrative report of the archaeological trenching with appropriate photographs and historic context.
5. The FHWA and/or CTDOT shall deposit all artifacts, photographs, and field notes generated by project-related archaeological investigations with the Office of the State Archaeologist (OSA) at the University of Connecticut pursuant to Section 10-383 of the Connecticut General Statutes, as amended.

6. DISPUTE RESOLUTION:

Should the FHWA or the CTSHPO fail to agree on the terms of this Memorandum of Agreement, the FHWA shall request the Advisory Council on Historic Preservation (the Council) to join the consultation and provide the Council with the documentation set forth in 36 CFR 800.11(g).

- a. If the Council chooses not to participate in the consultation, the Council will notify the FHWA and proceed to comment in accordance with 36 CFR 800.7(c).
- b. If the Council decides to participate in the consultation, the FHWA shall consult with the CTSHPO, the Council, and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects.

7. AMENDMENTS:

If any signatory to this MOA believes that this MOA should be amended, that signatory may propose amendments to the other signatories, whereupon all signatories shall consult to consider the amendments pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8).

8. TERMINATION:

If the FHWA determines that it cannot implement the terms of this MOA, or if the CTSHPO determines that this MOA is not being properly implemented, either of these signatories may propose that this MOA be terminated. The signatory proposing termination shall notify the other parties to this MOA explaining the reasons for termination and affording the other parties at least thirty (30) days' notice to consult and seek alternatives to termination. At that time, the parties shall consult.

- a. Should such consultation fail, either the FHWA or the CTSHPO may terminate this MOA by so notifying the other parties.

- b. In the event of termination, the FHWA shall either consult in accordance with 36 CFR 800.6 to develop and execute a new MOA, or request the Council to comment pursuant to 36 CFR 800.7.

9. DURATION OF THE MOA

Unless terminated pursuant to the above stipulation entitled Termination, this MOA will continue in full force and effect for five (5) years from its date of execution or less if the FHWA, in consultation with the other signatories, determines that all of its terms have been satisfactorily fulfilled. Upon a determination by the FHWA that all the terms of this MOA have been satisfactorily fulfilled, *this* MOA will then terminate and have no further force or effect. The FHWA will promptly provide the other signatories with written notice of its determination and termination of the MOA. If the stipulations have not been fully satisfied within five (5) years, FHWA may request by written notice to SHPO an extension of the Agreement for up to two (2) additional years to allow for the completion of the stipulated actions. Such notice shall be submitted to SHPO no less than 30 days prior to the original expiration of the MOA and shall provide specific justification for the requested extension. SHPO shall have twenty-one (21) days to respond to such request in writing. A failure of SHPO to respond within the specified period shall constitute SHPO's assent for the requested Agreement extension.

10. Execution of this MOA by the FHWA and the CTSHPO, with concurrence by CTDOT and implementation of its terms, evidences that:

- a. FHWA has afforded the CTSHPO an opportunity to comment on the proposed undertaking and its effects on historic properties and potential sites of archaeological significance.
- b. FHWA has taken into account the effects of this undertaking on historic properties and potential sites of archaeological significance.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

for: By: Cecilia L Powell  
Amy Jackson-Grove  
Division Administrator

Date: 5/5/17

CONNECTICUT STATE HISTORIC PRESERVATION OFFICE

By: Catherina Labadia  
Catherine Labadia  
Deputy State Historic Preservation Officer

Date: 5/3/2017

CONCUR

STATE OF CONNECTICUT, DEPARTMENT OF TRANSPORTATION

By: Mark F. Carlino  
Mark F. Carlino  
Director, Policy and Planning

Date: 5/2/2017