



To: Mithila Chakraborty, Ph.D., Department of Housing
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Date: 9/6/2024

Subject: Scoping for Cheshire Highland, an apartment complex located on Highland Avenue, Cheshire.

The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the construction of Cheshire Highland, located at 1728 Highland Avenue in Cheshire. The construction will include 71 apartments across 7 buildings. The property is currently an undeveloped, wooded lot with frontage on Highland Avenue (Route 10). The project will utilize five of the 13.82 acres.

The following comments are submitted in response to the scoping requirements of the [Connecticut Environmental Policy Act](#). Scoping is the gathering and analysis of information that a state agency will use to establish the scope of environmental review of a proposed project. Scoping is done in the early planning stages of a project and DEEP is a commenting agency. Contact information is included as well as any necessary links to DEEP's webpages.

1. Effect on water quality, including surface water and groundwater.

*Melissa Fahnestock, Water Planning and Management Division,
Melissa.Fahnestock@ct.gov:*

The project area is located in the South Central Connecticut Regional Water Authority's North Cheshire Aquifer Protection Area as shown on the [Aquifer Protection Area Interactive Map](#). The proposed development and construction of 71 new residential apartments across 7 buildings is a land use that is not regulated by the Aquifer Protection Area Program. However, it is recommended that the developer is aware of the location in the aquifer protection area and implement Best Management Practices (BMPs), as well as take precautions to protect this sensitive drinking water area. BMPs from the [Connecticut's Aquifer Protection Area Program Municipal Manual](#) for "Temporary Construction Operations in Aquifer Protection Areas", "Disposal of Snow Accumulations from Roadways and Parking Lots", and "Controlling Stormwater in Parking Lots and Road Salt Storage", as well as other BMPs, can be found in the [Appendices of the Municipal Manual](#).

Additional stormwater management measures must be in place to prevent contaminated stormwater discharges/releases to the ground. Stormwater discharge and treatment measures should be applied that protect groundwater quality and encourage safe recharge of stormwater where it does not endanger groundwater quality. Additional management measures include preventing illicit discharges to stormwater discharged to the ground, providing necessary impervious pavement in high potential pollutant release areas such as intensive parking areas and roadways, and discharging paved surface runoff to aboveground type land treatment structures (such as surface drains, surface swales, depressed grass islands, detention/retention and infiltration basins and wet basins). These measures take advantage of natural treatment processes in soil and vegetation before discharge to the groundwater and promote natural aquifer recharge. Any catch basins that are installed should have deep sumps to trap sediments and hoods to trap oil and grease. Please see the Instructions for Developing a Stormwater Management Plan and Aquifer Protection Stormwater Management Plan Supplement in the "Guidance" section at the bottom of the [Aquifer Protection Area Businesses and Industry Information](#) page.

For future deicing activities in the parking areas, all deicing chemicals must be stored inside a building or under a roof with impervious pavement, protected from stormwater run-on and run-off. Outside storage of deicing chemicals is prohibited in an Aquifer Protection Area.

It is recommended that the developer create a map of the proposed project work area with the Aquifer Protection Area overlay and use this map in their planning, construction plans, permit applications, and any public outreach materials they use and distribute. The project map with the Aquifer Protection Area outline and the parcel boundary should be shared during their virtual public scoping meeting. For more maps and GIS shapefiles, go to <https://portal.ct.gov/DEEP/Aquifer-Protection-and-Groundwater/Aquifer-Protection/Aquifer-Protection-Area-Maps>.

*Melissa Mostowy, Water Planning and Management Division,
Melissa.Mostowy@ct.gov:*

The entirety of the Town of Cheshire is within the South Central Connecticut Regional Water Authority's service area, and it is unlikely that new sources for drinking water will need to be developed to serve the needs of the proposed project. Regardless of the public water supply availability, it is unlikely that the proposed demand will cause the system to exceed the usage of 50,000 gallons per day, the jurisdictional threshold for the Diversion Program.

Emma Coffey, Water Planning and Management Division, Emma.Coffey@ct.gov:

The proposed development is located west of the Quinnipiac River, a waterbody with a [Total Maximum Daily Load](#) (TMDL) for Escherichia coli (*E. coli*) bacteria. The TMDL

indicates stormwater runoff as a nonpoint source of bacteria in the Quinnipiac River. The [Quinnipiac River Watershed Based Plan](#) outlines runoff from parking lots and other impervious surfaces as a significant cause of water quality impairments in the Quinnipiac River Watershed. Under Goal 2 (Water Quality), Objective 2-4 states, “reduce the impacts of stormwater on hydrology and water quality through the use of Low Impact Development (LID) practices and Green Infrastructure approaches”. To reduce further impairment of this waterbody, DEEP recommends incorporating Objective 2-4 into this project via the use of Green Infrastructure and/or Low Impact Development throughout the development to reduce the impact of polluted stormwater from reaching receiving surface waters (see Table 3-3 “Green Infrastructure Practices” on page 34 of the Quinnipiac River Watershed Based Plan). To minimize the water quality impacts of the development, proper management measures for stormwater and sediment should be taken.

2. Effect on flooding, in-stream flows, erosion, or sedimentation.

Susan Jacobson, Land and Water Resources Division, Susan.Jacobson@ct.gov:

If proposed activities are being funded or conducted by a state agency AND are being conducted within a FEMA designated floodplain, the applicant should consult with the DEEP’s Land and Water Resources Division for information on how to comply with the States Flood Management Statutes and Regulations. For information on identifying if the site is in a flood zone, please see FEMA’s website: [FEMA Flood Map Service Center](#). For information on Flood Management Certification, please see DEEP’s website: [Flood Management Certification Fact Sheet](#).

3. Effect on natural communities and upon critical plant and animal species and their habitat; interference with the movement of any resident or migratory fish or wildlife species.

Robin Blum, NDDB Program, Wildlife Division, Robin.Blum@ct.gov:

Two Natural Diversity Data Base (NDDB) reviews were conducted for proposed single lot residential development at this site. Final Determinations included protection measures for Eastern box turtles (*Terrapene carolina*). The Final Determinations are valid for the project as described in the NDDB application until August 2025. Please note that comments from the NDDB Program are limited to plant and wildlife species that are listed as endangered, threatened, or special concern, and do not include non-listed plant and wildlife species.

4. Use of pesticides, toxic or hazardous materials or any other substance in such quantities as to cause unreasonable adverse effects on the environment.

No comments submitted at this time.

5. A substantial increase in the type or rate of energy use as a direct or indirect result of the action.

No comments submitted at this time.

6. Effect on air quality.

No comments submitted at this time.

7. Effect on existing land resources and landscapes, including coastal and inland wetlands.

No comments submitted at this time.

8. Adequacy of existing or proposed utilities and infrastructure.

No comments submitted at this time.

9. Effect on greenhouse gas emissions as a direct or indirect result of the action.

No comments submitted at this time.

10. Effect of a changing climate on the action, including any resiliency measures incorporated into the action.

No comments submitted at this time.

11. Additional Comments/ Concerns:

No comments submitted at this time.

List of permits:

Federal Section 404 Clean Water Act, Inland, Water Quality Certification (WQC)

Required for this project.

Based on the information provided, it cannot be determined if fill is proposed in Waters of the U.S. A state and federal wetland delineation will be required if fill is proposed in Waters of the U.S. Wetlands and Watercourses should be clearly field delineated by a qualified soil scientist. If work is being proposed in a wetland or watercourse (crossings, fill, structures, culverts etc.), contact the [Army Corps of Engineers](#) to determine if it is within their jurisdiction.

Not required.

State 401 Water Quality Permit

Required. (if a federal 404 WQC is required, a state 401 is also required because the programs are tied together)

Based on the information provided, it cannot be determined if fill is proposed in Waters of the U.S. A state and federal wetland delineation will be required if fill is proposed in Waters of the U.S. For a pre-application meeting, contact: Susan.jacobson@ct.gov

Not required.

General Permit for Stormwater and Dewatering Wastewaters from Construction Activities (Construction Stormwater GP). Note: Without detailed plans, several options might be checked, please review these options to determine which is applicable for the project.

The following permitting options are checked because there is not enough information to determine the exact acreage of disturbance. Once plans are solidified, the applicant can request a pre-application meeting with the Stormwater staff to clarify permitting needs.

If between one and five acres of disturbance and approved at the local level, not required to register with DEEP.

If five or more acres of disturbance and approved at the local level, must complete registration form and Stormwater Pollution Control Plan to DEEP at least 60 days prior to the initiation of construction. Registrations shall include a certification by the Qualified Professional who designed the project and a certification by a Qualified Professional or regional Conservation District who reviewed the SWPCP and deemed it consistent with the requirements of the general permit. In addition to measures such as erosion and sediment controls and post-construction stormwater management, the SWPCP must include a schedule for plan implementation and routine inspections. For further information, contact the division at 860-424-3025 or DEEP.StormwaterStaff@ct.gov

Projects exempt from local permitting (conducted by government authorities) disturbing over one acre must submit a registration form and Stormwater Pollution Control Plan to DEEP at least 60-90 days, as identified by the permit, prior to initiating construction.

The Construction Stormwater General Permit registrations must be filed electronically through [DEEP's ezFile Portal](#). Additional information can be found online at: [Construction Stormwater GP](#).

Thank you for the opportunity to review this project. These comments are based on the reviews provided by relevant staff and offices within DEEP during the designated comment period. They may not represent all applicable programs within DEEP. Feel free to contact me if you have any questions concerning these comments.

cc: Eric Hammerling, Office Director, DEEP/ERSI