



To: Mithila Chakraborty, Department of Housing  
From: Jordan Herpich, Environmental Analyst 1  
Telephone: 860-424-3708  
Email: Jordan.Herpich@ct.gov

Date: 10/19/2023

Subject: Scoping Notice for MLK Tyler, 16 Miller Street, New Haven, CT

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The Department of Energy and Environmental Protection (DEEP) has received the Notice of Scoping for the project sponsored by the Department of Housing (DOH) located at 16 Miller Street in New Haven. The project will support 56 new residential units at various income levels, a clubhouse community center, offices, a coffee shop, playground, and parking on 4.3 acres.

The following comments are submitted for your consideration. The first section contains information on DEEP's regulatory programs that may require permits for the project. There will be information linked to DEEP's website as well as contact information. The links and contact are there to help guide the applicant and sponsoring agency to determine if permits are required after the project moves closer to design and construction. These comments are meant to provide a high-level analysis of the area, since scoping notices tend to be at the beginning stages of a project with no set design plans. After the list of potential permits, there will be comments from various divisions that are meant for informational purposes and best management practices.

### **Permitting/ Regulatory Programs**

#### **Remediation**

Contact: Kevin Neary, Supervising Environmental Analyst, 860-424-3947 or [Kevin.Neary@ct.gov](mailto:Kevin.Neary@ct.gov).

The subject property at 16 Miller Street entered the Voluntary Remediation Program on April 25, 2023, and was acknowledged by DEEP on June 15, 2023. Along with the voluntary filing, a Remediation Action Plan was received. DEEP anticipates the site will be investigated and remediated to the Remediation Standard Regulations.

#### **Natural Diversity Database (NDDB)**

Contact: Robin Blum, Supervising Wildlife Biologist, 860-424-4137 or [Robin.Blum@ct.gov](mailto:Robin.Blum@ct.gov).

The NDDB Request for Review process was developed by DEEP to assist state agencies with the requirement that any activity authorized, funded, or performed by the state does not threaten the existence of endangered or threatened species. Applicants for state and local permits and grants may be required to consult with the NDDB as part of the application process. Species and habitat surveys may be required in order to assess risks and to determine appropriate mitigation measures.

[Maps](#) are available as a pre-screening tool to help determine if there could be an impact to known locations of state-listed species. Shaded areas ("blobs") on the maps show approximate locations of state- and federal-listed species and important natural communities. If a project falls within a shaded area, the applicant must submit a [Request for Natural Diversity Data Base State-listed Species Review](#). When viewing the NDDDB maps, please consider the entire area affected by a project, including any potential runoff or other disturbance. Locations outside of the mapped areas are not necessarily free of listed species; these locations may not have been surveyed and there may be potential impacts from disturbance in these locations.

A map review shows that the project site is within an NDDDB area. Applicants can submit their filings through a portal user account. Please review the [Instructions for Creating a New Account](#) located on the DEEP NDDDB website. Although the site was reviewed for NDDDB for soil remediation in the past, it was not reviewed for the current project that involves development. NDDDB will need to consider the species documented in the area in conjunction with the type of activity proposed. The applicant must submit a Request for Natural Diversity Data Base State-listed Species Review, as stated above.

### **Stormwater and Dewatering Wastewaters from Construction Activities General Permit**

Contact: Bureau of Materials Management and Compliance Assurance, Permitting and Enforcement Division: [DEEP.stormwaterstaff@ct.gov](mailto:DEEP.stormwaterstaff@ct.gov)

The General Permit for [Stormwater and Dewatering Wastewaters from Construction Activities](#) may be applicable depending on the size of the disturbance regardless of phasing. This general permit was created to address rainfall runoff (i.e., stormwater) from sites under construction in order to reduce or eliminate the discharge of sediment from the site during construction as well as addressing discharges of other stormwater pollutants from the site long term.

The construction stormwater general permit dictates separate compliance procedures for Locally Exempt projects (projects primarily conducted by government authorities) and Locally Approvable projects (projects primarily by private developers). This general permit applies to discharges of stormwater and dewatering wastewater from construction activities where the activity disturbs more than an acre. The requirements of the current general permit include registration to obtain permit coverage and development and implementation of a Stormwater Pollution Control Plan (SWPCP). The SWPCP contains requirements for the permittee to describe and manage their construction activity, including implementing erosion and sediment control measures as well as other control measures to reduce or eliminate the potential for the discharge of stormwater runoff pollutants (suspended solids and floatables such as oil and grease, trash, etc.) both during and after construction. A goal of 80 percent removal of the annual sediment load from the stormwater discharge shall be used in designing and installing post-construction stormwater management measures. Stormwater treatment systems must be designed to comply with the post-construction stormwater management performance requirements of the permit. These include post-construction performance standards requiring retention and/or infiltration of the runoff from the first inch of rain (the water quality volume or WQV) and incorporating control measures for runoff reduction and low impact development practices.

Projects that are exempt from local permitting that disturb over one acre must submit a registration form and Stormwater Pollution Control Plan (SWPCP) to the Department at least 60 or 90 days, as identified in the permit, prior to the initiation of construction. Locally Approvable construction projects with a total

disturbed area of one to five acres are not required to register with the Department provided the development plan has been approved by a municipal land use agency and adheres to local erosion and sediment control land use regulations and the CT Guidelines for Soil Erosion and Sediment Control. Locally Approvable construction projects with a total disturbed area of five or more acres must submit a registration form and SWPCP to the Department 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](mailto:DEEP.StormwaterStaff@ct.gov). The construction stormwater general permit registrations must be filed electronically through DEEP's [ezFile Portal](#). Additional information can be found on-line at: [Construction Stormwater GP](#).

### **Information/ Best Management Practices**

#### **Fisheries Division**

Contact: Bruce Williams, Senior Fisheries Biologist, Bureau of Natural Resources, [Bruce.Williams@ct.gov](mailto:Bruce.Williams@ct.gov), 860-447-4317.

The site is 330-feet from the West River. While there are no immediate fisheries concerns for the project, more information is needed regarding the project's plan to add or modify outfalls for stormwater drainage. Please provide the CT DEEP Fisheries Division with detailed plans regarding stormwater drainage. Additionally, attention should be made for best management practices in handling and treating stormwater.

#### **Watershed Management**

Contact: Emma Coffey, Environmental Analyst, Water Planning and Management Division, Bureau of Water Protection and Land Reuse, [Emma.Coffey@ct.gov](mailto:Emma.Coffey@ct.gov), 860-424-3344.

The proposed redevelopment lies just east of West River, across from Ella T Grasso Blvd. At this location, the West River is an estuary to the Long Island Sound, and is assessed as not supporting recreation, marine aquatic life, and shellfish. This project slightly increases impervious cover in this area. DEEP recommends the use of [low impact development techniques and green infrastructure](#) in the development to reduce the impact of polluted stormwater from reaching receiving surface waters, such as West River. DEEP has a [Watershed Management Plan for the West River](#) for information on the watershed.

#### **Air Management**

DEEP Bureau of Air Management typically recommends the use of newer off-road construction equipment that meets the latest EPA or California Air Resources Board (CARB) standards. If newer equipment cannot be used, equipment with the best available controls on diesel emissions including retrofitting with diesel oxidation catalysts or particulate filters in addition to the use of ultra-low sulfur fuel would be the second choice that can be effective in reducing exhaust emissions. The use of newer equipment that meets EPA standards would obviate the need for retrofits.

DEEP also recommends the use of newer on-road vehicles that meet either the latest EPA or California Air Resources Board (CARB) standards for construction projects. These on-road vehicles include dump trucks, fuel delivery trucks and other vehicles typically found at construction sites. On-road vehicles older than the 2007-model year typically should be retrofitted with diesel oxidation catalysts or diesel particulate filters for projects. Again, the use of newer vehicles that meet EPA standards would eliminate the need for retrofits.

Additionally, Section 22a-174-18(b)(3)(C) of the Regulations of Connecticut State Agencies (RCSA) limits the idling of mobile sources to 3 minutes. This regulation applies to most vehicles such as trucks and other diesel engine-powered vehicles commonly used on construction sites. Adhering to the regulation will reduce unnecessary idling at truck staging zones, delivery or truck dumping areas and further reduce on-road and construction equipment emissions. Use of posted signs indicating the three-minute idling limit is recommended. It should be noted that only DEEP can enforce Section 22a-174-18(b)(3)(C) of the RCSA. Therefore, it is recommended that the project sponsor include language similar to the anti-idling regulations in the contract specifications for construction to allow them to enforce idling restrictions at the project site without the involvement of DEEP.

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

## Chakraborty, Mithila

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**From:** Friends of West River Peace Garden <friendsofwestriverpeacegarden@gmail.com>  
**Sent:** Thursday, October 19, 2023 12:06 PM  
**To:** Chakraborty, Mithila  
**Subject:** Notice of Scoping re: 16 Miller Street, New Haven (MLK / Tyler)

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EXTERNAL EMAIL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Chakraborty,

We are writing with respect to the notice of scoping for 16 Miller Street in New Haven (a.k.a. MLK / Tyler) pursuant to the Connecticut Environmental Policy Act. Friends of the West River Peace Garden does not oppose the development of housing at this site by West River Housing Company LLC, and in fact we support it; however, there are several issues pertaining to this parcel that need to be evaluated in the context of project impacts on historic and natural resources and the requirements of CEPA. Two of those issues are summarized below.

### **\* Destruction of Mature Trees and Habitat Loss**

While the eastern portion of 16 Miller Street is largely barren, some of the largest trees anywhere in New Haven are, and have been, located near the western side of this parcel, roughly aligned with the historic footprint of Miller Street (which no longer physically exists in this area because of urban renewal), including half a dozen Siberian elms (*Ulmis Pumila*) and eastern cottonwoods (*Populus deltoides*) of 80+ feet in height and 6-8 feet diameter. One of these trees contained a recently abandoned bald eagle nest. (The nesting eagle pair that built this nest relocated approximately one half mile south to Evergreen Cemetery.) Also nesting in these trees was a large flock of monk parakeets, as well as other avifauna. Several of the largest trees, each containing several nests, were removed in spring 2023 as part of "environmental remediation" on the site. There are some concerns in the community that proper noticing protocols were not followed in the removal of these trees. The extent of negative impact on habitat and stormwater conditions is unclear. A few other large, mature trees remain on the property, some native and some non-native. These are seriously threatened by damage to their roots incurred during excavation and remediation work.

### **\* Impacts on West River Peace Garden**

Part of the block containing the parcel at 16 Miller Street includes the West River Peace Garden, which is a historic garden that grew out of a major international peace conference (International Association of Peace Messenger Cities) held in New Haven in 1990. The Peace Garden, approximately one acre, was established in the 1990s as a partnership between the West River neighborhood, the City of New Haven Peace Commission, and the United Nations. It is one of the few peace gardens in the world to be expressly authorized by the United Nations through a letter from the Office of the Secretary General. It contains, among other unique design elements, a rare ginkgo tree that is genetically descended from a specimen that survived the atomic bombing of Hiroshima, Japan on August 6, 1945. This rare tree was

planted by the City of New Haven Peace Commission and community partners to commemorate International Day of Peace in 2016. Between 2010 and 2019 an annual Peace Festival was held every September at the site of the Peace Garden because of its symbolic significance to the neighborhood.

Unfortunately in the 2010s the City allowed the garden and a "Welcome to New Haven: International Peace Messenger City" sign to fall victim to neglect, but since 2021 volunteers have begun to make extensive improvements at the Peace Garden in order to restore it to its historic place as an inspiring and distinctive western gateway to New Haven. It is now a pollinator garden, recognized as a contributing element to the bioregional "pollinator pathway," with extensive areas of milkweed and other native plant species that provide significant habitat to local fauna, particularly pollinator species. More than 20 butterfly species have been observed. Friends of the West River Peace Garden has worked closely with Menunkatuck Audubon Society and the West River Watershed Coalition on improving the natural habitat at the site, because of its proximity to the sensitive West River estuary (which is also a state-designated greenway).

The boundaries of the Peace Garden are inexact but it is roughly located on the westernmost 20% of the 4.42 acre "block" extending from Ella Grasso Boulevard to Tyler Street that includes 16 Miller. Thus Friends of the West River Peace Garden, established in 2021, has a direct interest in the disposition and development of the 16 Miller Street parcel. Some informal assurances have been made to our organization that the natural and historic resources of the Peace Garden are not threatened by development on 16 Miller Street but without any contractual assurances formalized in a land disposition or other agreement the potential negative impact is difficult to evaluate.

Thank you for your attention to this matter.

Sincerely Yours,

Aaron Goode  
Friends of the West River Peace Garden  
[westriverpeacegarden.org](http://westriverpeacegarden.org)