

**STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION  
ENVIRONMENTAL ASSESSMENT CHECKLIST**

**Date:** November 8, 2022

**Project Name:** Route 85 Improvements – South of Route 82 / State Project Number 85-146

**Municipality:** Montville and Salem

**Staff Contact:** Kevin Fleming

**This assessment is being conducted in conformance to the Connecticut Department of Transportation’s Environmental Classification Document (ECD) to determine Connecticut Environmental Policy Act (CEPA) obligations.**

**Project Description:**

The project description as presented in the CEPA scoping notice on February 22, 2022, is as follows:

The proposed improvements include widening shoulders, upgrading guiderail, addressing vertical geometry deficiencies, addressing isolated drainage, accommodating bypass and bicycles, and constructing new climbing lanes where appropriate. The proposed work also includes the relocation of approximately 2000 feet of Route 161 from its present location to be realigned opposite with a local road named Deer Run. The new intersection of Route 85, Route 161, and Deer Run is proposed to be a single lane roundabout. The existing intersection of Route 85 at Grassy Hill Road and Chesterfield Road will be expanded to incorporate improved turning radii, auxiliary turning lanes, and a new traffic signal. Two bridges are proposed to be replaced, Route 85 over Fraser Brook (Bridge No. 02538) and Route 85 over Latimer Brook (Bridge No. 01248), to meet the latest design standards and upgraded Route 85 geometry. The project is anticipated to be undertaken with 80 percent Federal funds and 20 percent State funds

Since this time, however, the scope of the project has been reduced. The previously proposed Route 161 realignment and the new roundabout at Route 85/Route 161/Deer Run have been removed due to heavy impacts to the quarry/rock-crushing facility. Additionally, there will be no construction of climbing lanes. CTDOT will continue moving forward with the rest of the proposed Route 85 improvements and the existing Route 85/Route 161 signalized intersection will be upgraded within its existing footprint.

This project was scoped in the *Environmental Monitor* on February 22, 2022, and the public comment period remained open until the close of business on March 30, 2022. CTDOT received comments from two State agencies – CTDEEP and OPM, and multiple comments from the public at the public scoping meeting and during comment period. The public comments received outside of the public meeting were generally requests to obtain additional project information. Comments received at the meeting, and CTDOT responses, are included in the attached report of meeting.

The proposed action is non-site specific, or encompasses multiple sites;

Current site ownership:

- N/A,  State;  Municipal,  Private,  
 Other: Please Explain.

Anticipated ownership upon project completion:

- N/A,  State;  Municipal,  Private,  
 Other: Please Explain.

### Locational Guide Map Criteria:

<http://ctmaps.maps.arcgis.com/apps/webappviewer/index.html?id=ba47efccdb304e02893b7b8e8cff556a>

Priority Funding Area factors:

- Designated as a Priority Funding Area, including  Balanced, or  Village PFA;
- Urban Area or Urban Cluster, as designated by the most recent US Census Data;
- Public Transit, defined as being within a ½ mile buffer surrounding existing or planned mass transit;
- Existing or planned sewer service from an adopted Wastewater Facility Plan;
- Existing or planned water service from an adopted Public Drinking Water Supply Plan;
- Existing local bus service provided 7 days a week.

Conservation Area factors:

- Core Forest Area(s), defined as greater than 250 acres based on the 2006 Land Cover Dataset;
- Existing or potential drinking water supply watershed(s);
- Aquifer Protection Area(s);
- Wetland Soils greater than 25 acres;
- Undeveloped Prime, Statewide Important and/or locally important agricultural soils greater than 25 acres;
- Storm Surge Inundation Zone(s);
- 100 year Flood Zone(s);
- Critical Habitat;
- Locally Important Conservation Area(s),
- Protected Land (list type): Enter text.
- Local, State, or National Historic District(s).

### **Regulations of Connecticut State Agencies (RCSA) Section 22a-1a-3 Determination of Environmental Significance (Direct/Indirect)**

#### **1. Impact on water quality, including surface water and groundwater**

**Water Quality** – No negative impacts are anticipated. All CTDOT projects must conform to the CTDOT Standard Specifications for Roads, Bridges, Facilities, and Incidental Construction Form 818. Section 1.10.03, Environmental Compliance, specifically deals with water pollution control and Best Management Practices (BMP). If required, a Water Quality Certificate from CTDEEP pursuant to Section 401 of the Clean Water Act will be obtained.

**Surface Water** – No negative impacts are anticipated.

**Stormwater** - No negative impacts are anticipated as Best Management Practices will be employed regarding stormwater management. Registration under CTDEEP's *General Permit for Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities* will be completed in required. Any CTDOT project that changes impervious area, stormwater drainage or drainage patterns pre to post construction shall meet the requirements of the CTDEEP's General Permit for the Discharge of Stormwater from Department of Transportation Separate Storm Sewer Systems (DOT MS4 Permit) and submit a CTDOT MS4 Designer Worksheet. Lake Konomac, which is a reservoir for the City of New London Water Department is located at the south limits of the project. CTDOT will coordinate closely with the owner to ensure appropriate treatment of stormwater will be incorporated into the design.

**Groundwater** – No negative impacts are anticipated. All CTDOT projects conform to the CTDOT Standards Specifications for Roads, Bridges, Facilities and Incidental Construction Form 818. Section 1.10.03, Environmental Compliance, specifically deals with water pollution control and Best Management Practices. As design progresses, a testing plan will be developed to assess soil and groundwater in any moderate- to high-risk areas within which intrusive construction activities are proposed. Remediation measures will be put in place to mitigate potential impacts if contaminated soils or groundwater is confirmed by the testing.

2. **Effect on a public water supply system** - No negative impacts are anticipated. The project is not located within a source of public drinking water.
3. **Effect on flooding, in-stream flows, erosion or sedimentation:**

**Flooding** – Although the project is located within a FEMA-mapped flood zone, no negative impacts are anticipated. Flood Management Certification will be obtained.

**In-stream flows** – No negative impacts are anticipated. Coordination with CTDEEP will continue.

**Erosion or Sedimentation** – No negative impacts are anticipated. All work will be consistent with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

4. **Disruption or alteration of an historic, archaeological, cultural, or recreational building, object, district, site or its surroundings** – No negative impacts are anticipated. After coordination with the CT State Historic Preservation Office (CTSHPO), qualified staff at CTDOT determined, in a letter dated July 22, 2022, that the project would result in No Adverse Effects to Historic Properties, Conditional upon the following stipulations:
  - a) To prevent potential impacts to the NEHFES Creamery and Synagogue Site, both shoring or stabilization of the creamery foundation prior to the start of work and vibratory monitoring throughout construction shall be employed. The former may include the installation of either cribbing or helical anchors within the creamery foundation itself, however, the final approach shall be selected following review and approval of a preservation plan by SHPO.
  - b) All historically notable stone walls and features identified in the 2020 Phase 1A Archaeological Assessment and Survey and Phase II Intensive Archaeological Surveys

shall be reconstructed with their original materials and in as close to their existing location at the conclusion of construction.

- c) The three historic stone turnpike mile markers located within the APE shall be removed and safely stored during construction and reset in as close to their existing location at the conclusion of construction.
  - d) The cellar hole associated with archaeological Site #121-11 shall be carefully backfilled per recommendation by the 2020 Phase 1A Archaeological Assessment and Survey and Phase II Intensive Archaeological Surveys.
  - e) Erosion control and slope stabilization measures shall be employed along the section of the Gilbert Cemetery abutting the APE per the 2020 Phase 1A Archaeological Assessment and Survey and Phase II Intensive Archaeological Surveys.
- 5. Effect on natural communities and upon critical species of animal or plant and their habitat; interference with the movement of any resident or migratory fish or wildlife species –** No negative impacts are anticipated. The project is located within a Natural Diversity Database (NDDDB) area, and CTDOT will submit a *Request for NDDDB State Listed Species Review Form* to CTDEEP for further review. CTDOT provided preliminary plans to CTDEEP Fisheries and in November 2021 DEEP Fisheries provided information on fish species, details for construction, and best management practices. The memos reference the time frame for unconfined instream work, the need for proper erosion and sedimentation control measures, channel configuration to include sufficient depth to allow fish passage at low flow, and restoration of riparian zones after construction. CTDOT will continue to coordinate CTDEEP as the project progresses and adhere to best management practices to ensure no negative impact to State listed species in the project area.
- 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. Should there be sites with known contamination issues in vicinity of the project, additional study will be performed within the project area and/or adjacent right-of-way. As design progresses, a testing plan will be developed to assess soil and groundwater in the moderate- to high-risk areas within which intrusive construction activities are proposed. Remediation measures will be put in place to mitigate potential impacts if contaminated soils or groundwater is confirmed by the testing. If needed, registration under the CT DEEP's *General Permit for Contaminated Soil and/or Sediment Management* (Staging & Transfer) will be obtained, and soil management will be conducted in accordance with the General Permit.
- 7. Substantial aesthetic or visual effects –** No negative impacts are anticipated.
- 8. Inconsistency with (a) the policies of the State Plan of Conservation and Development developed in accordance with Section 16a-30 of the CT General Statutes, (b) other relevant state agency plans, and (c) applicable regional or municipal land use plans –** This project is consistent with the Statewide Plan of Conservation and Development. CTDOT has adopted a programmatic approach for meeting the requirements of CGS Chapter 297 Section 16a-31(a) and Chapter 297 Section 16a-35(c) and 16a-35(d) for determining consistency of proposed actions with the Statewide Plan of Conservation and Development, as indicated in a memo from CTDOT to OPM. As indicated in that memo, CTDOT has characterized this project type under the category: "Renovations for Safety, No Significant Capacity improvements," an activity type

which is consistent with Growth Management Principle #1: “Redevelop and Revitalize Regional Centers and Areas with Existing or Currently Planned Physical Infrastructure”, and Growth Management Principle #5: “Protect and Ensure the Integrity of Environmental Assets Critical to Public Health and Safety”. This category of projects constitutes an exception to the definition of a Growth-Related Project as defined in Sec. 16a-35c, Item (2), Subsection (D), Sub-Subsection (i) “Projects for maintenance, repair, additions, or renovations to existing facilities”.

- 9. Disruption or division of an established community or inconsistency with adopted municipal and regional plans, including impacts on existing housing where sections 22a-1b(c) and 8-37t of the CGS require additional analysis** – No negative impacts are anticipated. This project is not in conflict with any municipal or regional plans. Furthermore, the project will not result in community division.
- 10. Displacement or addition of substantial numbers of people** – No negative impacts are anticipated. This project does not involve the displacement or addition of people.
- 11. Substantial increase in congestion (traffic, recreational, other)** – No negative impacts are anticipated. The project once complete will reduce congestion. If needed, CTDOT will coordinate with the Municipalities as the project progresses regarding any potential vehicular or pedestrian detours during construction.
- 12. A substantial increase in the type or rate of energy use as a direct or indirect result of this action** – No negative impacts are anticipated. No new construction of any buildings is proposed. The project is safety related and is not anticipated to result in any change to land use or traffic conditions that would impact energy use.
- 13. The creation of a hazard to human health or safety** – No negative impacts are anticipated. The project will be reviewed for the potential of having lead, asbestos, or other hazardous material constituents in existing infrastructure components. Testing will be performed on any suspect materials. Should the presence of hazardous materials be confirmed through the testing, specifications to properly handle and dispose the hazardous materials will be incorporated into the design to mitigate potential impacts to human health or safety. Therefore, significant impacts associated with hazardous materials or waste sites are not anticipated.
- 14. Effect on air quality** - No negative impacts are anticipated. The project is located within the boundaries of the portion of the state that has been classified as attainment for carbon monoxide (CO), attainment for PM 2.5, non-attainment for Ozone, and attainment for PM 10. A project level Air Quality Conformity Determination is not required, nor is an analysis or discussion of Mobile Source Air Toxics, as this project is exempt under the Clean Air Act. Any potential temporary impacts during construction can be avoided or limited by proper operation of construction equipment and adherence to regulations limiting idling of engines.
- 15. Effect on ambient noise levels** - No negative impacts are anticipated. Any noise impacts during construction will be temporary and will be minimized to the best extent practicable by compliance with CTDOT Standard Specifications for Roads, Bridges, Facilities and Incidental Construction Form 818 regarding construction noise pollution:

*“1.10.05 – Noise Pollution: The contractor shall take measures to control noise intensity caused by his construction operations and equipment, including but not limited to equipment used for drilling, pile driving, blasting, and excavating or hauling. All methods and devices employed to minimize noise shall be subject to continuing approval of the Engineer. The maximum allowable level of noise at the nearest residence or occupied building shall be 90 decibels on the “A” weighted scale (dB(A)). Any operation that exceeds this standard will cease until a different construction methodology is developed to allow work to proceed within the 90-dB(A) limit.”*

- 16. Effect on existing land resources and landscapes, including coastal and inland wetlands** –The project does involve impacts to wetlands and will require an Inland Wetland General Permit, 401 Water Quality Certification (CTDEEP), and a Pre-Construction Notification Permit from the United States Army Corps. Of Engineers (USACE). Coordination with CTDEEP and ACOE will ensure no more than minimal impacts to wetlands will result as a result of the proposed project.
- 17. Effect on agricultural resources** – No impacts.
- 18. Adequacy of existing or proposed utilities and infrastructure** – No negative impacts are anticipated.
- 19. Effect on greenhouse gas emissions as a direct or indirect result of the action** – No negative impacts are anticipated. Construction phase impacts on greenhouse gas emissions will be limited. Any potential temporary impacts during construction can be avoided or limited by adherence to regulations limiting idling of engines.
- 20. Effect of a changing climate on the action, including any resiliency measures incorporated into the action** – No negative impact is anticipated. The project is located outside of the coastal boundary and will not be exposed to climate change hazards.
- 21. Any other substantial effect on natural, cultural, recreational, or scenic resources-** No other substantial effects are anticipated.
- 22. Cumulative effects** – This project does not involve any cumulative effects that have the potential for significant effects on the environment.

**Conclusion:**

After examining any potential environmental impacts and reviewing all comments received, CTDOT has concluded that the preparation of an Environmental Impact Evaluation (EIE) will not be required for Route 85 Improvements – South of Route 82 / State Project Number 85-146. Publication of this document to the Environmental Monitor shall satisfy the agency’s responsibilities under Section 22a-1a-7 of the RCSA.

During the comment period, CTDOT received comments from two State agencies – CTDEEP, and the Office of Policy and Management (OPM). However, the portions of the project that concerned OPM are no longer a part of the project under the latest reduced scope. Additionally, CTDOT received comments from the public at the scoping meeting and during the scoping period. The comments received at the meeting (and CTDOT responses) are in the attached report of meeting. The comments from the public received during the scoping period were mainly requests for additional information. Below is a synopsis of the relevant comments received from the two State agencies. Comments are addressed in the appropriate sections above where needed.

## **Connecticut Department of Energy and Environmental Protection**

### **Fisheries Division**

CTDOT provided preliminary plans to CTDEEP Fisheries and in November 2021 DEEP Fisheries provided information on fish species, details for construction, and best management practices. The memos reference the time frame for unconfined instream work, the need for proper erosion and sedimentation control measures, channel configuration to include sufficient depth to allow fish passage at low flow, and restoration of riparian zones after construction. CTDOT/CTDEEP will continue coordination as the project progresses.

### **Natural Diversity Database**

The project is within a Natural Diversity Database Area. Please submit a formal application to the Wildlife Division prior to submitting permit applications for a detailed review of the species that may occur in the area.

### **Land and Water Resources Division**

If the reconnaissance of the site by a certified soil scientist identifies regulated areas, they should be clearly delineated. Any activity within federally regulated wetland areas or watercourses at the site may require a permit from the U.S. Army Corps of Engineers pursuant to section 404 of the Clean Water Act. Staff from the Land and Water Resources Division will be able to clarify if this project would qualify for Self-Verification or a Preconstruction Notification during the DOT's Project Management Meetings. If a permit is required from the U.S. Army Corps of Engineers, a Water Quality Certificate will also be required from DEEP pursuant to Section 401 of the Clean Water Act.

### **Stormwater General Permit**

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 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. 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.

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).

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.

#### **Air Management**

CTDEEP typically encourages the use of newer off-road construction equipment that meets the latest (EPA) or California Air Resources Board (CARB) standards. If that 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 encourages the use of newer on-road vehicles that meet either the latest EPA or 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 RCSA limits the idling of mobile sources to three (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 in order to allow them to enforce idling restrictions at the project site without the involvement of DEEP.



## **Connecticut Office of Policy and Management (OPM)**

First, OPM would like to highlight a potential concern regarding this portion of the scoping notice's project description:

*The proposed work includes the relocation of approximately 2,000 feet of Route 161 from its present location to be realigned opposite with a local road named Deer Run. The new intersection of Route 85, Route 161, and Deer Run is proposed to be a single lane roundabout.*

That aspect of the project would move the intersection of Routes 161 and 85 into or near drinking water watershed land of the nearby New London Department of Public Utilities Lake Konomoc reservoir. DOT's control of project construction and future highway operations can mitigate direct threats to the public water supply, but DOT should thoroughly consider the potential for that new orientation to induce development incompatible with that reservoir and that might threaten the current or future water supply. This is doubly important due to uncertainties about future precipitation patterns and other changes that might impact the quantity and quality of public water sources as well as future demands for that water. DPH faced comparable issues in the CEPA review of the nearby New London – East Lyme water system interconnection and DOT might review how those concerns were resolved via local agreements.

Finally, please clarify whether the DOT or the Town of Montville will assume responsibility for the bypassed section of road. If DOT plans to retain responsibility, the post-scoping document should provide the estimated additional cost to the DOT.

**Please note that OPM's comments pertain to a portion of the scoped project that have been since removed from the project and no longer apply.**









