



MERIDEN HARBOR BROOK BRIDGE REPLACEMENTS AND UTILITY
IMPROVEMENTS PROJECT
MERIDEN, CT

ADDENDUM NO. 1

LIST OF CONTENTS

- 1.) Pre-Bid Meeting Overview
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 - a. Pre-Bid Meeting Agenda Notes & Attendance Sheet
 - i. Pre-Bid Meeting Agenda inclusive with notes
 - ii. Pre-Bid Meeting Attendance Sheet
 - b. Revisions to Contract Documents
 - i. Project Manual Specifications

1. PRE-BID MEETING OVERVIEW

A Non-mandatory Pre-Bid Meeting for the Meriden Harbor Brook Bridge Replacements and Utility Improvements Project (City Project #B024-48) was held on Wednesday April 25, 2024 at 10:00 AM. A copy of the meeting agenda inclusive of any notes from the meeting, and an attendance list are provided in Attachment A. The Contractors Attendance list is based on those that signed-in at the meeting.

Questions asked by prospective bidders during the Pre-Bid Meeting are reflected in the subsequent section.

2. QUESTIONS AND ANSWERS FROM PROSPECTIVE BIDDERS

Q-1: The Agenda stated a 5% Bid Bond is required, however the legal notice states 10%, which is correct?

A-1: The Legal Notice is correct. A 10% Bid Bond is required. Purchasing will formally respond to this in Addendum 1.

Q-2: Do we know the proposed start date?

A-2: No formal start date has been established. The City is ready to move forward with the project and no delay is anticipated. Once there is a presumed low bidder, the start date will be a reasonable amount of time after all the required documents are reviewed.

Q-3: Does the 548 days calendar day contract include winter shutdown?

A-3: No formal winter shutdown is proposed. The Project Manual will allow the Contractor to work through the winter on non-weather dependent items. It is important to note that if a Contractor wants to work through the winter months, they need to request and communicate with the City, and coordinate their activities with the City. Most times, the City will permit the Contractor's request. This is a calendar day contract that is continuous for 548 Days.

Q-4 Will City police be required for traffic control?

A-4 The Contractor will be required to provide City Police to assist with traffic control on Hanover Street, to accomplish this, the Contractor shall coordinate with the Police Scheduling Officer and notify him that the work is for a City project. Charges for this project will be made to the Engineering Division police payment account.

Q-5 Will the wastewater bypass pump set need redundant pumps?

A-5 When needed, setting up a wastewater bypass will require advance coordination with City Wasterwater Division. This site generates a high volume of wastewater flow, and the City will expect to have redundant pumps on site in case there's a clog or breakdown to the bypass system. The secondary pump shall be on site and ready to function. Some of the wastewater flow will be redirected towards Cherry Street and the rest will be directed towards Butler Street.

Q-6 How rigid is the completion date?

A-6 In terms of liquidated damages, some aspects of the project are very weather dependent, so schedules in projects like this are pretty fluid. With respect to the completion date time, the date given as an end date is up for review and will be discussed as the project moves forward. It is important to communicate any issues with scheduling/delays as they are encountered. If this procedure is not followed and contract time is near running out and an unjustified time extension is requested, a time extension will not be granted. Only things out of the Contractor's control will be taken into consideration.

3. REVISIONS TO CONTRACT DOCUMENTS – SEE ATTACHMENT B

1.) Revisions to the Project Manual Specifications:

- A. Delete all Notices to Contractor.
- B. Insert 56 Pages: Starting with Section A Divider, Table of Contents for Special Provisions, Notice to Contractors, Permits
- C. Delete the original Section A Divider, Table of Contents for Special Provisions

Attachment A – Pre-Bid Meeting Materials

SIGN-IN SHEET FOR B024-48 Harbor Brook-Phase II
City of Meriden— April 24, 2024

	Company Name/Your Name	Address City/State	Phone	Fax	E-Mail Contact
9	Manafort Brothers CHRIS Hilleney	Plainville CT	860-839-1949		Chilleney@manafort.com
10	Arborio Corp. Josh Scherber	Cromwell, CT	860-529-7714		engr@arboriocorp.com
11	Larosa Construction CO. Inc. Carolina Disla	Meriden, CT	203-237-5409		lci@larosacc.com
12	John Lador City of Meriden	142 E. MAIN ST MERIDEN CT	203 630 4018		jlador@meridencity.gov
13	MARSHALL GASTON Fuss & O'NEILL	146 HARTFORD RD	860.424.2469		MARSHALL.GASTON@fando.com
14	KEITH GOODROW Fuss + O'NEILL	146 HARTFORD ROAD	860-783-4716		kgoodrow@fando.com
15	Don Whittmore Fuss + O'Neil	146 Hartford Rd.	(860) 752-9161		dwhittmore@fando.com
16	Sam Huffman Fuss + O'NEILL	146 Hartford Rd.	475-273-6030		Sam.huffman@fando.com

RAWE SUMMERY
CITY OF MERIDEN

203 630-4115

AGENDA WITH COMMENTS
**Meriden Harbor Brook Bridge Replacements and Utility
Improvements Project**
City Project #B024-48
Pre-Bid Meeting

Wednesday April 24, 2024
10:00 am
Meriden City Hall
142 East Main Street
Room 28

I. OPENING REMARKS

A. Introductions

1. Mr. Dummett, Meriden Purchasing Officer and directed attendees to sign in on the attendance sheet. He announced the project, and stated there are 548 calendar days available to complete the project.
2. The project team introduced themselves.
3. This is a Non-Mandatory Pre-bid Meeting for Meriden Harbor Brook Bridge Replacements and Utility Improvements Project.

A.B. Contract Document Procurement:

1. Electronic Copies of the Contract Documents may be obtained on the City of Meriden website (www.meridencct.gov/business/bids-rfps/), and on the State of Connecticut Department of Administrative Services website (<https://webprocure.proactiscloud.com>).
2. Addenda will be posted to the on the City of Meriden website (www.meridencct.gov/business/bids-rfps/), and on the State of Connecticut Department of Administrative Services website (<https://webprocure.proactiscloud.com>) and shall be accompanied by e-mail notification to every individual or firm on record as having received the Bid Documents. It shall be the sole responsibility of the Contractor to ascertain the existence of any and all addenda. Hard copies of addenda will not be mailed or faxed.
3. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda if any, obtained from sources other than the Issuing Office.

B.C. Project Owner:

1. City of Meriden

C. — Project Overview - The Meriden Harbor Brook Bridge Replacements and Utility Improvements Project.

1. [Keith Goodrow presented a high level overview of the project scope.](#)

II. PROJECT COORDINATION

- A. Existing Utilities Coordination
1. Eversource Energy
The Connecticut Light & Power Company dba Eversource Energy -
Electric Distribution
Mr. Michael R. Prentice,
Field Engineering Designer II-I
705 West Johnston Ave
Cheshire, CT 06410
Tel. (203) 271-4794
E-Mail: michael.prentice@eversource.com
 2. Frontier Communications
Mr. Marino A Limauro Jr.,
Telecommunications Specialist
Outside Network Engineering
4 Hamilton Street
New Haven, CT 06511
Tel. 203-771-3110
E-Mail: marino.a.limauro@ftr.com
 3. Yankee Gas
Yankee Gas Services Company dba Eversource Energy - Gas Distribution
Mr. Rob Pantalone,
Manager of Construction
107 Selden Street, Mail Stop: NUE2
Berlin, CT 06037
Tel. (203) 317-4401
E-Mail: robert.pantalone@eversource.com

[City of Meriden Water Division](#)

[117 Parker Avenue](#)

[Meriden, CT 06450](#)

[Tel \(203\) 630-4256](#)

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[City of Meriden Water Pollution Control Division](#)

[226 Evansville Ave.](#)

[Meriden, CT 06451](#)

[203-630-4261](#)

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[City of Meriden Division Traffic Signal/Street Light/Alarm Division](#)

[55 Michael Drive](#)

[Meriden, CT 06450](#)

[\(203\) 630-4253](#)

III. WORK RESTRICTIONS

- A. Work Hours
1. Schedule work activities between 7:00 AM and 6:00 PM, Monday through Friday and Saturday between 7:00 AM and 12:30 PM.
 2. For tie-in work, schedule work during times of low demand and flow between 10:00 PM and 5:00 AM, Monday through Friday. Coordinate with Owner and Engineer 2-weeks prior to work during these hours.
 3. Permit restrictions shall take precedence over standard work hours.
- B. MPT Restrictions
1. One vehicular access to the site must be kept open at all times. Refer to MPT plans, this refers to the bridges, and means one bridge must be in service at all times.
 2. The contractor is required to maintain the existing number of parking spaces on the project site at all times. Should it be necessary to block parking spaces during the course of construction, the number of parking spaces blocked are to be provided elsewhere on the site. The Contractor may make use of temporary parking areas, as indicated on the plans.
 3. The contractor shall maintain safe vehicular access through the site at all times. This may be achieved through the use of drums, cones, barricades, signs, and other vehicular traffic protection measures.
 4. MPT for privately owned areas is not graphically depicted on the project plans. The Contractor shall develop a Maintenance and Protection of Traffic Plan for privately owned site parking and accessways for the areas depicted on Sheet MPT-101 and as necessary to provide safe and timely pedestrian and vehicular access, for approval by the Engineer.
 5. Site security is of utmost importance. Temporary protective fence shall be installed to isolate the work area from pedestrian and vehicular traffic. Pedestrian access must be maintained at all times.

IV. NOTICES TO CONTRACTOR (Paraphrased)

- A. Environmental Investigations
1. Separate download file
 2. Phase III Environmental Site Assessment January 2021 - Revised November 2021
- B. Special Provisions
1. Project is following the CTDOT specification format, based upon Form 818, references to the State shall be interpreted as references to The City of Meriden, Bid Items ending with Capital A are special provisions that have been modified or created for use within this project.

A.C. City of Meriden Disclaimer

1. City of Meriden Request for Proposals and other information and documents which are obtained through the Internet, World Wide Web sites or other sources other than the City of Meriden's website are not to be construed to be official information for the purposes of proposals or conducting other business with the City.

B.D. Contract Time and Liquidated Damages

1. (548) calendar days will be allowed for completion of the work
2. If Liquidated Damages are assessed, the rate is (\$1,800.) per calendar day.

C.E. Noise Pollution

1. The Contractor shall take measures to control the noise intensity caused by his construction operations and equipment.

D.F. Procurement of Materials

1. Upon award, the Contractor shall proceed with shop drawings, working drawings, and upon approval, procurement of materials, and all other submittals required to complete the work in accordance with the contract documents.

E.G. General Conditions of Bidding Examination of Plans, Specifications, Special Provisions, & Site Work

1. The bidder is required to examine carefully the site of work and the Contract documents.
2. Estimated quantities are contained in the proposal, the City reserves the right to make adjustments to the quantities throughout the project.
3. Any bidder that discovers an error in the bid proposal or contract documents, including but not limited to the plans, must report that error in writing prior to the bid and within two (2) business days of discovering the error. A failure to do so may result in finding the contractor to be non-responsible as the low bidder.

F.H. Utility Generated Schedule

1. Project specific utility work schedule(s) will be provided to the City by the utility companies regarding their identified work on this project. These are currently being formalized and will be made available as soon as possible.

G.I. Existing Utilities

1. Existing utilities shall be maintained in service during construction. The Contractor shall verify the location of underground, structure mounted and overhead utilities. Construction work within the vicinity of utilities shall be performed in accordance with current safety regulations.

H.J. Utility Coordination & Relocation

1. Overhead, elevated and/or underground utility lines may be in conflict with required temporary or permanent construction or the equipment necessary to perform this required construction. While efforts will be

made by the City and utility owners to minimize conflicts, the contractor is advised to plan his construction methods for work adjacent to, above or underneath existing or relocated utilities.

I-K. Participating Utility Work

1. Utility work outside of the City right-of-way on private property that is required for the completion of the project will be considered Participating and will be incorporated into the project pay item for completion of the work.

J-L. Permits

1. We will discuss in Section V1 below.

K-M. Cherry Street Site Access

1. The Contractor is hereby notified that his primary access to the site development will be through the project constructed access from Chery Street. This will assist with separating tenant traffic from construction traffic. During the construction the Cherry Street access is to be realigned as indicated.
2. The Cherry Street access will also potentially provide additional emergency site access during times when the Butler Street and Hanover Street access points are non-operational.

IV.V. RECOMMENDED SCOPE OF OPERATIONS

The eight (8) major components, including sub-components where applicable, of this Contract are as defined as follows:

- Site Access and Utilities
- Construction Hanover Street Bridge and Utilities
- Open Hanover Street Bridge
- Construction Butler Street Bridge and Utilities Part 1
- Complete In-Channel Work at Butler Street Bridge
- Construction Butler Street Bridge and Utilities Part 2
- Restore Butler Street
- Restore Site

Bridge Structures

- Butler Street Bridge
- Hanover Street Bridge
 1. Micropile deep foundations
 2. Cast in Place/Prefabricated Substructures
 3. Precast/Prestressed beams w/ concrete deck
 4. Utility Crossings
 5. Construction Staging

Retaining Structures

1. Soil Strengthening
2. Prefabricated structures (DoubleWal basis of design)
3. Utility penetrations (storm)

Water Control

1. Cofferdams Left in Place

~~V~~.VI. PROJECT REGULATORY REQUIREMENTS

- A. ~~See Specification Section 008200—Project~~Project Regulatory Requirements. Includes the following:
1. Approval Letter Dated October 11, 2022 - Inlands Wetlands & Watercourse Commission – Town of Meriden
 2. 201101871—DIV, 201101872-WQC 401 Water Quality Certification – CT DEEP
 3. NAE-2007-02588 USACE Individual Permit – US Army Corps of Engineers (USACE)
 - 3.4. These permits are available and will be included in addendum 1.

~~VI~~.VII. BIDDER BRIEFING

- A. Bid Opening: **11:00 AM on May 23, 2024**, at the Meriden Purchasing Department, 142 East Main Street, Room 210, Meriden Connecticut 06450. Sealed Bids plainly marked “BID ENCLOSED” will be opened publicly and read aloud immediately after the specific closing time. No late submissions shall be accepted.
- B. Bid Form
1. The bid package consists of the following forms:
 - Bid Form
 - Non-Collusive Bid Statement / Affidavit
 - Bidder’s Qualification Statement
 - Form of Surety Guaranty
 - Bid Bond
- C. There are 3 Bid Alternates under Environmental Construction included as part of the bid documents for the project: Will be Authorized as needed base upon field conditions.
- Alternate #1 – Environmental Work Solidification
 - Alternate #2 – Treatment System Operation
 - Alternate #3 – Handling Contaminated Groundwater

These Alternates are included in the bid form under the Base Bid. The intent is to utilize these items if they are needed to address site conditions. These items will be authorized as needed during construction.

~~C.D.~~ Owner reserves the right to reject any or all Bids.

~~D.E.~~ Owner is exempt from Connecticut Sales and Use Taxes on material and equipment to be incorporated in the Work (Exemption No. **05-4149000**); do not include taxes in the Contract Price.

~~E.F.~~ Bonds and Insurance – Owner and Engineer shall be named as additional insureds under the Contractor's general liability policies.

~~F.G.~~ Performance Bond and Payment Bond bonds must be written on forms as provided in the Contract Documents.

~~G.H.~~ Substantial Completion date is **548 calendar days after Notice to Proceed**. Multiple crews may need to be mobilized to meet the schedule.

~~H.I.~~ Liquidated damages are **\$1,800** for each consecutive calendar day thereafter.

~~H.J.~~ State of CT Prevailing Wage Rates apply to this project– See Prevailing Wage Rates of Project Manual

1. Submit certification form to Dept. of Labor
2. Submit monthly payroll forms to the Inspector

~~J.K.~~ Testing: Engage a qualified testing agency to perform tests and inspections. The cost of testing services shall be borne by the Contractor.

~~K.L.~~ Permitting and fees: Contractor responsible for permitting fees (building permit, etc.).

~~L.M.~~ Contractor to obtain staging and laydown areas.

~~VII.VIII.~~ **BID SECURITY**

A. A Bid must be accompanied by Bid security made payable to the City of Meriden an amount of ~~five~~ **10%** percent of Bidder's maximum Bid price (determined by adding the base bid and all alternates) and in the form of a certified check, letter of credit, or a surety bond. If a surety bond is enclosed, it shall be written on the form included in the Bidding Documents, and the attorney-in-fact who executes the bond on behalf of the surety shall affix to the bond a certified and current copy of the Power of Attorney.

~~VIII.IX.~~ **ADDENDA BEING PREPARED**

B. Questions received less than **seven days** prior to the date of the bid opening may not be answered.

C. Prepare bid based on written information, not verbal information. Only questions answered by Addenda will be binding.



- D. Ensure all addenda have been incorporated into bid and certify receipt [within](#) bid package.
- E. Schedule
 1. Submit RFIs/questions in writing (email acceptable meridenpurchasing@meridenct.gov;) to Rawle Dummett by 5:00 PM on **May 10, 2024**.
 2. Final addenda will be issued by the end of the day **May 17, 2024**, via the City website.

~~IX.X.~~ **QUESTIONS AND ANSWERS**

~~X.XI.~~ **CLOSING**

Attachment B – Revisions to the Contract Documents

SECTION A
SPECIAL PROVISIONS

HARBOR BROOK
BRIDGE REPLACEMENT AND UTILITY IMPROVEMENTS
BUTLER STREET AND HANOVER STREET

CITY PROJECT NO. B02448

MERIDEN, CONNECTICUT

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Article 1.01.01	Definition of Terms and Permissible Abbreviations
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Article 1.08	Prosecution and Progress
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0601652A	Retaining Wall (Site No. 1)
0601653A	Retaining Wall (Site No. 1)
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1300061A	Water Main Support System
1301081A	6" Ductile Iron Pipe (Water Main)
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1500041.8A P	Electric Ductbank (4x2 Conc. Encased) Participating
1500046A P	Tel/Data Ductbank (2x1 Conc. Encased) Participating
1500046A	Tel/Data Ductbank (2x1 Conc. Encased) Non – Participating
1500175A	Electric Vault Non-Participating
1500176A	Tel/Data Vault Non-Participating

NOTICE TO CONTRACTOR - ENVIRONMENTAL INVESTIGATIONS

Environmental site investigations have been conducted that involved the sampling and laboratory analysis of soil, sediment, and groundwater collected from various locations and depths within the Project limits. Results of the environmental investigation indicated the following within the Project limits:

- Extractable petroleum hydrocarbons (ETPH), semi-volatile organic compounds (SVOCs), metals, and volatile organic compounds (VOCs) at concentrations exceeding the applicable Connecticut Department of Energy and Environmental Protection (DEEP) Remediation Standard Regulations (RSRs) numeric criteria in soil.
- ETPH, SVOCs, lead, pesticides, and VOCs in sediment. Some of the concentrations of these constituents may exceed the RSR numeric criteria.
- Surface water/groundwater impacted with VOCs, SVOCs, and metals at levels that prevent discharge without prior treatment in accordance with a DEEP discharge permit.

Based on the findings of the environmental investigations, five (5) Areas of Environmental Concern (AOECs) exist within the Project limits. The Contractor is hereby notified that Controlled Material (soil, sediment, surface water, groundwater) within the AOECs will require special management and/or disposal procedures.

With the exception of AOEC-01, AOEC-05, and AOEC-5A, all suitable Controlled Material excavated from the AOECs may be reused only from the AOEC from which it was excavated or as backfill above the water table at AOEC-05 or AOEC-5A after excavation of these AOECs occurs as shown on Sheets HM-101, HM-102. Soil excavated from AOEC-05 and AOEC-5A for construction shall be disposed of at an off-site permitted facility. Concentrations of VOCs and lead in soil excavated from AOEC-5A may exceed RCRA Regulated Thresholds and may need to be disposed of by a licensed hazardous waste transporter and disposed of at an EPA-permitted and Department-approved hazardous waste landfill within 90 days from the date of generation.

Controlled Material excavated from the soil AOECs that is to be reused may be temporarily stockpiled adjacent to the excavation for immediate reuse or transported to temporary stockpile location acceptable the Engineer. Only the volume of soil that is reasonably estimated to be reused within the AOEC may be stockpiled in this way. Controlled Material reused within a AOEC shall be reused in accordance with the following conditions: 1) such material is deemed to be structurally suitable for use as fill by the Engineer, 2) such material is not placed below the water table, and 3) such material is not placed in an area subject to erosion. Soil within the AOEC shall be reused on-site prior to the use of other soil minimizing the quantity of material requiring off-site disposal.

Excess Controlled Material from the soil and sediment AOECs that cannot be reused within its originating AOEC, AOEC-5 and 5A (following excavation of these AOECs as shown on Sheet HM-102 and CP-103) must be transported to a waste stockpile area (WSA) and placed within a designated storage bin for waste characterization. WSA locations are shown on the Project plans. The WSA's are to be used exclusively for temporary stockpiling of excavated materials from within the AOECs for determination of disposal classification. No other materials shall be stored within the WSA's. Any excavated material within the Project limits that contains free draining liquids shall be dewatered and handled in accordance with Item No. 0101130A – Environmental Work – Solidification, as may be necessary prior to off-site disposal.

In addition, “Low Level” AOECs (LLAOECs) exist with the Project limits, where the concentration of compounds detected are below the RSR numeric criteria. The presence of these compounds at these concentrations will not require material-handling measures beyond those required for normal construction operations. The presence of these compounds at these concentrations will require the disposition of soils excavated from these areas to be restricted as described herein. Material excavated from LLAOECs that cannot be reused from within the area of excavation shall be used as backfill above the water table at AOEC-05 and 5A following excavation of these AOECs as shown on Sheet HM-102 in accordance with Item No. 0202318A – Management of Reuseable Controlled Material.

The City of Meriden, as Generator, will provide an authorized representative to sign all manifests and waste profile documentation required by disposal facilities for disposal of polluted soil, sediment, and groundwater.

The DEEP groundwater classification beneath the project area is GB. Samples of surface water and groundwater were collected and submitted to the laboratory for analysis of constituents of concern. The results from this sampling should be considered representative of groundwater/surface water that might be handled and managed during construction.

Surface water and groundwater encountered at the AOECs may require containment and treatment prior to discharge, or off-site disposal at a treatment facility in accordance with Item No. 0101164A – Treatment System Operation and Item No. 0204213A – Handling Contaminated Groundwater.

Wastewater generated during dewatering activities may be contaminated and shall be discharged in accordance with the DEEP General Permit for Discharge of Remediation Wastewater. The Contractor shall contain wastewater and deploy best practical methods to control suspended solids prior to discharge. The discharge shall be monitored (visually and chemically) in accordance with the General Permit.

The Contractor will be required to implement appropriate health and safety measures for all construction activities to be performed within the AOECs. These measures shall include, but are not limited to, air monitoring, engineering controls, personal protective equipment and decontamination, equipment decontamination and personnel training. **WORKER HEALTH AND SAFETY PROTOCOLS WHICH ADDRESS POTENTIAL AND/OR ACTUAL RISK OF**

EXPOSURE TO SITE SPECIFIC HAZARDS IS SOLELY THE RESPONSIBILITY OF THE CONTRACTOR.

The Sections which shall be reviewed by the Contractor include, but are not limited to, the following:

- Item No. 0101000A - Environmental Health and Safety
- Item No. 0101117A - Controlled Materials Handling
- Item No. 0101109A – Hazardous Materials Excavation
- Item No. 0101126A – Disposal of Hazardous Waste
- Item No. 0101128A - Securing, Construction, and Dismantling of a Waste Stockpile and Treatment Area
- Item No. 0101130A - Environmental Work – Solidification
- Item No. 0101164A – Treatment System Operation
- Item No. 0202315A - Disposal of Controlled Materials
- Item No. 0202318A – Management Reusable Controlled Materials
- Item No. 0202640A – 2in GW Monitoring Well Abandonment
- Item No. 0204213A - Handling Contaminated Groundwater

An environmental consultant will be on site for excavation activities within the AOECs, to collect soil, sediment, and groundwater samples (as necessary), and to observe site conditions for the City.

Information pertaining to the results of the environmental investigations discussed can be found in the documents listed below and shall be available for review at the Public Works Department, 142 East Main Street, Meriden, Connecticut and digital download.

- Phase III Environmental Site Assessment Harbor Brook Channel Improvement Project Cooper Street Bridge to Amtrak Crossing, Meriden Connecticut, Fuss & O’Neill, Inc. November 2021.

The results contained in the environmental investigation reports listed show levels of various contaminants that the Contractor may encounter during construction. Actual levels found during construction may vary and such variations will not be considered a change in condition provided the material can still be disposed as non-hazardous at one or more of the disposal facilities listed in Item No. 0202315A - Disposal of Controlled Materials.

**Provided as separate
electronic file**

**Phase III Environmental Site Assessment
January 2021 - Revised November 2021**

NOTICE TO CONTRACTOR – SPECIAL PROVISIONS

All construction under this contract shall adhere to and comply with the Department of Transportation, Form 818, “Standard Specifications for Roads, Bridges, and Incidental Construction”, 2023, including the most recent supplements thereto unless otherwise specified in these provisions.

In Form 818, where the words “State of Connecticut”, “Department”, “ConnDOT”, or “CTDOT” appear, it shall be interpreted to mean “City of Meriden” as if inserted therein.

The requirements of these Special Provisions may not be included for separate measurement and payment. Costs associated in conjunction therewith will be considered incidental and included in the cost of the associated item which they pertain.

The reference within these specifications to “Section X.XX” refer to the sections identified on the Table of Contents Form 818.

The following Notices to Contractor and Special Provisions and Sections of Form 818 are hereby incorporated and made part of this contract.

NOTICE TO CONTRACTOR – CITY OF MERIDEN DISCLAIMER

City of Meriden Request for Proposals and other information and documents which are obtained through the Internet, World Wide Web sites or other sources other than the City of Meriden’s website are not to be construed to be official information for the purposes of proposals or conducting other business with the City.

It is the responsibility of each Firm and all other interested parties to obtain all proposal related information and documents from the City of Meriden’s website and/or official sources within the City.

Persons and/or entities which reproduce and/or make such information available by any means are not authorized by the City to do so and may be liable for claims resulting from the dissemination of unofficial, incomplete and/or inaccurate information.

NOTICE TO CONTRACTOR – CONTRACT TIME AND LIQUIDATED DAMAGES

Five Hundred Forty-eight (548) calendar days will be allowed for completion of the work, as stated in the Bid Form, on this Contract and the liquidated damages charge to apply will be One Thousand Eight Hundred Dollars (\$1,800.00) per calendar day if not completed by the completion date.

NOTICE TO CONTRACTOR – NOISE POLLUTION

The Contractor shall take measures to control the noise intensity caused by his construction operations and equipment, including but not limited to equipment used for drilling, pile driving, blasting, excavation, or hauling.

All methods and devices employed to minimize noise shall be subject to the continuing approval of the Engineer and in accordance with the City of Meriden.

NOTICE TO CONTRACTOR - PROCUREMENT OF MATERIALS

Upon award, the Contractor shall proceed with shop drawings, working drawings, and upon approval, procurement of materials, and all other submittals required to complete the work in accordance with the contract documents.

NOTICE TO CONTRACTOR - GENERAL CONDITIONS OF BIDDING EXAMINATION OF PLANS, SPECIFICATIONS, SPECIAL PROVISIONS & SITE OF WORK

The bidder is required to examine carefully the site of work and the Contract documents including proposal form, plans, special provisions, specifications, supplemental specifications, Contract forms and other Contract documents for the work contemplated, and shall request in writing prior to the bid any clarifications that it deems necessary to prepare its bid. It will be assumed that the bidder has judged for and satisfied itself as to the conditions to be encountered at the site, as to the completeness and requirements of the contract plans and specifications, as to the character, quality and quantities of the work to be performed and materials to be furnished for said work, and as to the requirements of the above contract documents, and in particular, but not limited to, what is required under each Contract item, or under the general cost of the work, or under another or more general Contract item in the absence of particular items. Therefore while clarifications regarding the Contract documents should be expected from time to time during prosecution of the work and unless these clarifications substantially change the scope of the work, in submitting its bid the bidder shall relinquish any claim to additional compensation or time based upon these clarifications of the Contract documents or a misunderstanding or lack of knowledge of the site conditions, the work required or the method of work required.

The subsurface information furnished is based on interpretation of investigations made only at the specific locations indicated, and no assurance is given that these conditions are necessarily typical of other locations or that they have remained unchanged since the field data were obtained. No assurance is given that the presence or absence of water in subsurface explorations at the time of these explorations will be representative of actual conditions at the time of construction. Such subsurface information as was obtained for use in the design of the Project is available on logs provided in the contract documents or will be made available for inspection upon written request

of the bidder. The contractor shall be solely responsible for all assumptions deductions, or conclusions it may make or derive from its examination of any subsurface information or document provided. The furnishing or making available such information does not provide or make any warranty or representation as to the actual conditions that may be encountered or actual quantities or distribution of quantities of work which will be required.

ESTIMATED QUANTITIES

The quantities shown on the proposal form or in the contract documents are approximate only and are given as a basis of evaluation for award of the contract. Provision of these quantities provides no implied guarantee that these quantities shall remain unchanged in the actual construction, and the contractor shall not plead misunderstanding or deception because of any variation (large or small) between estimated and final quantities. The City reserves the right to increase or decrease any or all of the quantities, or completely delete contract items, as shown on the proposal form or in the contract documents as it deems necessary to complete the contract project.

BIDDER'S OBLIGATIONS REGARDING DISCOVERY OF AN ERROR IN THE CONTRACT DOCUMENTS

Any bidder that discovers an error in the bid proposal or contract documents, including but not limited to the plans, must report that error in writing prior to the bid and within two (2) business days of discovering the error. A failure to do so may result in finding the contractor to be non-responsible as the low bidder.

NOTICE TO CONTRACTOR – UTILITY GENERATED SCHEDULE

Project specific utility work schedule(s) will be provided to the City by the utility companies regarding their identified work on this project. These are currently being formalized and will be made available as soon as possible.

The utility scheduling information is provided to assist the Contractor in scheduling its activities. However, the Department does not ensure its accuracy and Section 1.05.06 of the Standard Specifications still is in force.

The utility scheduling information shall be incorporated into the Contractor's pre-award schedule in accordance with the Department's Bidding and Award Manual and Section 1.05.08 of the Contract.

After award, the Contractor shall conduct a utility coordination meeting or meetings to obtain contemporaneous scheduling information from the utilities prior to submitting its bid alternate baseline schedule to the City in accordance with Section (1.05.08 – Schedules and Reports) of the Contract.

The Contractor shall incorporate the contemporaneous utility scheduling information into its

baseline schedule submittal. The baseline schedule shall include Contractor predecessor and successor activities to the utility work in such detail as acceptable to the Engineer.

NOTICE TO CONTRACTOR - EXISTING UTILITIES

Existing utilities shall be maintained during construction. The Contractor shall verify the location of underground, structure mounted and overhead utilities. Construction work within the vicinity of utilities shall be performed in accordance with current safety regulations.

The Contractor shall contact all utilities prior to starting construction.

The Contractor shall notify "Call Before You Dig", telephone: 1-800-922-4455 for the location of public utility underground facilities, in accordance with Section 16-345 of the Regulations of the Department of Public Utility Control.

Contractors are cautioned that it is their responsibility to verify locations, conditions, and field dimensions of all existing features, as actual conditions may differ from information shown on the plans or contained elsewhere in the specifications.

The Contractor shall notify the Engineer prior to the start of his work and shall be responsible for all coordination with the Department. The Contractor shall allow the Engineer complete access to the work.

The Contractor is hereby notified that utility work schedules will have to be accommodated prior to proceeding. The Contractor shall coordinate with the Utility Companies to accommodate his schedule with all utility company schedules. Any inconvenience or delay that may result from the utility company work shall be included in the contract proposal for the work.

All of the existing utility infrastructure must remain in service until the new facilities are acceptable to be put in service. The Contractor shall explore with the utilities this aspect of the project. This condition of serviceability applies to the work being done by the Contractor for the utilities and to work that is being done under the control of the utility.

The Contractor shall keep himself apprised of this work and coordinate activities with the various utilities.

NOTICE TO CONTRACTOR- UTILITY COORDINATION & RELOCATION

Overhead, elevated and/or underground utility lines may be in conflict with required temporary or permanent construction or the equipment necessary to perform this required construction. While efforts will be made by the City and utility owners to minimize conflicts, the contractor is advised to plan his construction methods for work adjacent to, above or underneath existing or relocated utilities. Unless otherwise and specifically noted on the plans or separate utility plans are included with the contract drawings, the contractor should have no expectation that any utility will be relocated either

temporarily or permanently outside the work area or to accommodate the contractor's construction schedule or methods of operations.

With the exception of utility work specifically included for payment in the contract, the coordination and planning of actual utility relocations, either permanent or temporary, are the joint responsibility of the contractor and individual utility owners. If relocation of utilities is required to accommodate the contractor's construction operations, the contractor is required to coordinate the location and timing of all utility relocations with the individual utility owners, and to plan and phase his construction operations accordingly. In addition to field meetings and correspondence, this coordination may include (but is not limited to) negotiations with utility owners regarding what relocations can be made, adjustments of planned construction operations and techniques, staking of locations, excavation and temporary grading, providing access to existing and future utility pole and/or conduit locations, or other physical work as required to allow for utility relocation work. The contractor shall engage in the necessary coordination of utility relocations and associated work at no additional cost to the project or owner, and shall have no right to additional compensation for costs associated with relocation of utilities, working in close proximity to existing or relocated utilities, staging and phasing of his work or for delays as a result of utility relocation work.

NOTICE TO CONTRACTOR- PARTICIPATING UTILITY WORK

Utility work within the City right-of-way will be considered as Non-Participating and Utility work will be performed by the Utilities outside of this Contract. The Contractor will track the items of work and coordinate with the various utilities to complete their work and this effort will be the Contractor's Non-Participating cost. Utility work outside of the City right-of-way on private property that is required for the completion of the project will be considered Participating and will be incorporated into the project pay item for completion of the work. As such, the Contractor will be responsible for all costs for this work. This includes his portion of the work and reimbursement to the various utilities (Gas, Electric and Communications etc.) for their work that is done.

~~NOTICE TO CONTRACTOR- PERMITS~~

~~The Contractor is hereby notified that all permit approvals (contained in these specifications) shall be made a part of this Contract, and that the Contractor shall be bound to comply with all requirements of such permits and permit applications as though the Contractor were the permittee.~~

NOTICE TO CONTRACTOR- Cherry Street Site Access

The Contractor is hereby notified that his primary access to the site development will be through the project constructed access from Chery Street. This will assist with separating tenant traffic from construction traffic. During the construction the Cherry Street access is to be realign as indicated.

The Cherry Street access will also potentially provide additional emergency site access during times when the Butler Street and Hanover Street access points are non-operational.

NOTICE TO CONTRACTOR- PERMITS

The Contractor is hereby notified that all permit approvals (contained in these specifications) shall be made a part of this Contract, and that the Contractor shall be bound to comply with all requirements of such permits and permit applications as though the Contractor were the permittee.

The following permits are in effect:

Permit	Expiration Date
Meriden Inland Wetlands and Watercourse Commission	October 11, 2027, the permit will expire if the activity is not authorized by October 11, 2025 unless renewed by the Commission
Connecticut Department of Energy and Environmental Protection – Natural Diversity Database Determination (#103077)	November 3, 2025
Connecticut Department of Energy and Environmental Protection – Water Quality Certification (WQC) (201101872) and Non-Consumptive Diversion Permit (201101871-DIV)	Extended to June 26, 2024 Work outside of this date will require a new WQC
Connecticut Department of Energy and Environmental Protection – General Construction Permit	Under Review
US Army Corps of Engineers 404 Individual Wetlands Permit (NAE-2007-2588)	Extended to December 31, 2024

[The individual permits noted above following this after this section.](#)



WATER QUALITY CERTIFICATION

WATER DIVERSION PERMIT

Permittee: City of Meriden
Engineering Department
142 East Main Street
Meriden, CT 06450

Attention: Robert J. Bass, DPW Director

Permit No.: DIV-201101871, WQC-201101872

Permit Type: Water Diversion and Water Quality Certificate

Town: Meriden

Waters: Harbor Brook, Sodom Brook, Jordan Brook, Clark Brook, and associated wetlands

Project: Harbor Brook Flood Control and Linear Trail Master Plan

Pursuant to Connecticut General Statutes Section 22a-368 the Commissioner of Energy and Environmental Protection (DEEP) hereby grants a permit to the City of Meriden, (the "permittee"), to divert waters of the State and pursuant to Section 401 of the Federal Clean Water Act (33 USC 1341) a Water Quality Certification is hereby issued to the permittee for activities including but not limited to the construction or operation of facilities, which may result in discharge into waters of the State in accordance with the application and plans which are part thereof filed with this Department on February 18, 2011 and described herein. The purpose of the project is to alleviate flooding along an approximately 3.44-mile long section of Harbor Brook within the City of Meriden and to construct a linear multi-use trail along the length of Harbor Brook (the "project"). This work is proposed in Harbor Brook between Hanover Pond and Baldwins Pond, Meriden, Connecticut (the "site").

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to excavate and discharge excavated and fill material to construct and operate a Flood Control and Linear project to create compensatory flood storage consistent with the one percent chance flood event to reduce flooding within the downtown City of Meriden, while ensuring there is no increase in peak flood flow downstream of Hanover Pond in Meriden, Connecticut. Approximately 10.15 acres of waterway and wetland impacts, of which 9.83

City of Meriden
Harbor Brook Flood Control and Linear Trail
DIV-201101871, WQC-201101872
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acres of impact are below the ordinary high water mark of Harbor Brook, Clark Brook, Jordan Brook, and Sodom Brook, and 0.32 acres of associated wetlands will be affected by the discharge. Approximately 46 acres of open space and forested wetland preservation will be included as mitigation for this project.

Said discharge(s) will comply with the applicable provisions of Section 301, 302, 303, 306 and 307 of said Act and will not violate Connecticut's Water Quality Standards.

This authorization does not comprise the licenses or approvals as may be required by Chapters 446i, 446j, and 446k of the Connecticut General Statutes.

All activities shall be constructed in accordance with said application materials and plans which are a part thereof entitled:

“HARBOR BROOK FLOOD CONTROL PROJECT AND LINEAR TRAIL PROJECT MERIDEN, CONNECTICUT 401 WATER QUALITY CERTIFICATE AND NON-CONSUMPTIVE DIVERSION PERMIT APPLICATION” dated February 2011 prepared by Milone & MacBroom, Inc.

“SUPPLEMENTAL APPLICATION MATERIALS HARBOR BROOK FLOOD CONTROL PROJECT”, dated March 2, 2012 prepared by Milone & Mac Broom, Inc.

“RESPONSE TO TECHNICAL COMMENTS HARBOR BROOK FLOOD CONTROL PROJECT”, dated April 2012, prepared by Milone and MacBroom, Inc.

“HARBOR BROOK FLOOD CONTROL AND LINEAR TRAIL PROJECT, HANOVER POND TO BALDWINS POND MERIDEN, CONNECTICUT”, dated February 2011 revised through April 18, 2012, prepared by Milone and MacBroom.

“FALCON PARK FLOOD STORAGE BASIN LONG-TERM MONITORING AND MAINTENANCE PLAN, HARBOR BROOK FLOOD CONTROL AND LINEAR TRAIL PROJECT, MERIDEN, CONNECTICUT”, dated April 18, 2012, revised through May 9, 2012, prepared by Milone and MacBroom.

As amended by plan sheets entitled:

“HARBOR BROOK FLOOD CONTROL & LINEAR TRAIL PROJECT, REGULATED ACTIVITIES, SHEET RA-10”, dated February 2011, revised through April 26, 2012, prepared by Milone and MacBroom.

“HARBOR BROOK FLOOD CONTROL & LINEAR TRAIL PROJECT, REGULATED

ACTIVITIES, SHEET RA-11”, dated February 2011, revised through April 26, 2012, prepared by Milone and MacBroom.

“HARBOR BROOK FLOOD CONTROL & LINEAR TRAIL PROJECT, REGULATED ACTIVITIES, SHEET RA-12”, dated February 2011, April 26, 2012, prepared by Milone and MacBroom.

“HARBOR BROOK FLOOD CONTROL & LINEAR TRAIL PROJECT, PROPOSED CONDITIONS AND S&E CONTROLS, SHEET PR-17”, dated February 2011, revised through May 9, 2012, prepared by Milone and MacBroom.

PERMITTEE'S FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF THIS PERMIT SHALL SUBJECT PERMITTEE AND PERMITTEE'S CONTRACTOR(S) TO ENFORCEMENT ACTIONS AND PENALTIES AS PROVIDED BY LAW.

This authorization is subject to the following conditions:

A. Conditions Precedent: No activities authorized herein, except for the specific activities described as “Conditions Precedent” below, shall be undertaken until the “Conditions Precedent” are completed in accordance with the sequence below and are fully operational:

1. The permittee shall receive approval from the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision (LOMR) to modify the 100 year design flood (base flood event) of the effective Flood Insurance Study (FIS). No work shall be allowed in the mapped FEMA floodplain prior to receipt of such LOMR approval. The LOMR must be consistent with the plans and application materials noted herein.
2. The permittee shall receive approval from FEMA for a Conditional Letter of Map Revision (CLOMR) as may be required for the increase in water surface elevation of more than one foot at the Falcon Park Flood Storage Basin, the confluence of Harbor Brook and Hanover Pond (cross-section B), and the Sewer Utility Bridge (cross section H). No work at these areas, including the weir structure, shall commence prior to receipt of such FEMA approval should such approval be required. The CLOMR must be consistent with the plans and application materials noted herein. The permittee shall copy DEEP on all FEMA correspondence.
3. The flood storage area at the Hub site as shown on plan Sheet PR-11 dated April 18, 2012 shall be designed and constructed to provide 53 acre feet of flood storage below elevation 130 based on the National Geodetic Vertical Datum of 1929. The area below elevation 130 shall be noted on the land records as reserved in perpetuity for flood control. The City of Meriden shall submit to DEEP a certified copy of the recording on the City’s Land Records.

4. The flood storage area at Falcon Park site as shown on plan Sheet PR-17 dated April 18, 2012 shall be designed and constructed to continuously maintain 21.8 acre feet of flood storage below elevation 180 based on the National Geodetic Vertical Datum of 1929. The area below elevation 180 shall be noted on the land records as reserved in perpetuity for flood control. The City of Meriden shall submit to DEEP a certified copy of the recording on the City's Land Records.
5. The permittee shall design and construct a low flow channel upstream of the weir located in Falcon's Park that has the same dimensions and is contiguous with the existing low flow channel currently in the Harbor Brook as shown on plan sheet PR-17 dated April 18, 2012.

B. Special Conditions:

- 1) **Phasing of Projects.** All construction shall be done in accordance with the approved phasing schedule as shown on plans entitled, "Harbor Brook Flood Control and Linear Trail, Hanover Pond to Baldwins Pond, Meriden CT" sheet PH-1 and PH-2, dated Feb 2011 and revised April 18, 2012, unless otherwise authorized in writing by DEEP under subsection e below; except that under all circumstances Special Condition subsections 1 a), b) and c) shall take precedence over the phasing schedule.
 - a) All "Conditions Precedent" shall be completed and fully operational before any other projects or phases are initiated.
 - b) The following mitigation projects shall be completed under Phase 1A including: 1) preservation of City Park and Brookside Park under Special Condition 22, 2) Dog Misery Swamp at Barr Road invasive plant species management and preservation under Special Condition 18, 3) Dog's Misery Swamp land and habitat preservation under Special Condition 22, and 4) Falcon Park wetland mitigation under Special Condition 20.
 - c) Daylighting of Harbor Brook through the Hub from East Main Street to Mill Street shall occur under Phase 1A.
 - d) The permittee shall design and construct transition areas between project elements built under different phases. Such transition areas and final grading shall be submitted to DEEP for approval under Special Condition 2.
 - e) The permittee shall submit any requests for modification of the phasing schedule to the Commissioner in writing and state with specificity the reasons thereof and provide any further information as may be requested to support such request. In making his decision to modify the phasing schedule, the Commissioner shall consider all relevant facts and circumstances including, but not limited to, the extent of work completed to date, the permittee's compliance with the terms and conditions of this permit and any change in environmental conditions or other information since the permit was issued except that

under no circumstances shall the permittee request a modification to the phasing schedule until all project elements under "Conditions Precedent" and Special Condition 1 a), 1 b) and 1 c) are completed.

- 2) **Review and Approval of Final Design.** All activities and phases of development authorized under the Harbor Brook Master Plan require the written approval of the Commissioner of the DEEP prior to undertaking the activity. The permittee shall provide the following plans and documentation to the department for review and approval at least 45 calendar days prior to construction:
- a) Two copies of full-scale construction drawings/plans on 24 inch by 36 inch plan sheets and an electronic PDF original depicting the following information as appropriate:
 - i) Signature and seal of a professional engineer licensed in the state of Connecticut;
 - ii) Existing and proposed grading;
 - iii) Existing and proposed wetland limits;
 - iv) Limits of fill;
 - v) Existing and proposed floodplain limits by elevation and boundary;
 - vi) Temporary grading as may be required to allow for transition between phases;
 - vii) Planting and site restoration details;
 - viii) Structural details;
 - ix) Stream profile;
 - x) Low flow channel dimensions and details;
 - xi) Scour countermeasures;
 - xii) Boring logs or other subsurface information suitable to support design;
 - xiii) Soil sampling records regarding soil and sediment quality;
 - xiv) Construction staging and laydown plans and details;
 - xv) Cross sections;
 - xvi) A plan sheet showing in graphic format the differences, if any, between the proposed design and the master plan;
 - xvii) Water handling plan and details;
 - xviii) Fisheries enhancements and instream habitat structures;
 - xix) Stormwater system improvements and stormwater quality structures; and

- xx) Sediment and erosion controls.
 - b) Computations and plans for stormwater drainage systems impacted by the project, including outlet protection and water quality components.
 - c) Flood Contingency plan for both construction and post construction.
 - d) Hydraulic report providing HEC-RAS model input and output files. The hydraulic report must be detailed enough to document consistency with the master plan and with NFIP and State of Connecticut Flood Management Act as appropriate. The hydraulic report and model shall include other hydraulic information and supportive data as necessary including but not limited to the following:
 - (i) Cross sections throughout the project where changes occur in discharge, slope, shape, and roughness; location at bridges, culverts or other control structures; and
 - (ii) Existing geometry reflecting current conditions and proposed geometry reflecting final design of hydraulic structures or controls.
 - e) Data summary sheet detailing how the proposed work compares to the master plan and which cross sections are affected.
 - f) A demonstration of compliance with FEMA National Flood Insurance Program (NFIP) standards.
 - g) Any other information as may be requested by the Commissioner.
- 3) **Project Coordinator.** The City shall hire a professional engineer licensed in the State of Connecticut to serve as an owner's representative or "Project Coordinator" in regards to permit compliance, phase implementation, and communication with DEEP. Such engineer shall coordinate a single comprehensive hydraulic model for each construction phase which shall be further updated to show post construction conditions and LOMR approval. The "Project Coordinator" shall coordinate all individual projects for review and approval by DEEP and provide documentation affirming the consistency of the design plans with the master plan.
- 4) **Flood Management Certificate Requirement.** Any state or federal money used to fund any phase or project associated with the Harbor Brook Flood Control project shall obtain Flood Management Certification (FMC) approval from the commissioner of DEEP. The certification shall demonstrate compliance with the requirements of Section 25-68d(b) of the Connecticut General Statutes (CGS) and Section 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA).
- a) The City of Meriden shall not commence any work authorized under this permit until the funding state agency as applicable receives a Flood Management Certification approval or an exemption from such approval from DEEP.

- b) Any Flood Management Certificate shall be submitted at least 90 days before anticipated project initiation.
 - c) A Flood Management Certificate application must be submitted to DEEP for review and approval regardless of any interagency agreements to the contrary.
- 5) **FEMA Map Revisions.** As each phase of the Harbor Brook Flood Control Project as approved pursuant to Special Condition #2 are undertaken, the City of Meriden shall submit a LOMR request to the Federal Emergency Management Agency (FEMA) within 30 days of completion of construction or within 30 days of suspension or discontinuation of construction for a period of 12 calendar months, whichever is shorter. Such LOMR request shall document post construction floodplain modifications. The LOMR must be consistent with this subject authorization and any subsequently revised and DEEP approved plans. Following completion of project implementation, the final LOMR shall request implementation of a floodway for the length of Harbor Brook from Hanover Pond to Baldwins Pond Dam.
- 6) **FEMA Approval for Water Surface Increases.** The permittee shall receive approval from FEMA for a CLOMR as may be required for any increase in water surface elevation of more than one foot. The CLOMR must be consistent with the plans and application materials noted herein. The permittee shall copy DEEP on all FEMA correspondence.
- 7) **Columbus Avenue Bridge.** The Columbus Avenue Bridge and overflow culvert are being constructed pursuant to DOT Project No. 79-212. As part of the DOT Project No. 79-212 the overflow culvert is being plated. Pursuant to the master plan, the plate at the overflow culvert is to be removed, a multi-use linear trail constructed throughout the segment, and significant channel regrading to create floodplain conveyance, thalweg, and side bank slopes. Prior to removing the plates or regrading the floodplain or channel, the permittee shall submit final design plans for approval in accordance with Special Condition #2.
- 8) **Remove, Elevate or Floodproof Structures within Floodplain.** All residential building/structures within the effective FEMA 100-year floodplain as approved by FEMA must be removed, elevated or floodproofed to the maximum extent practicable. Any home elevation shall elevate the finished first floor one foot above the 100 year flood elevation. Residential floodproofing must be in accordance with Section 110-19 B. (dry flood-proofing) or Section 110-19 C. (wet flood-proofing) of the City of Meriden's Floodplain Management Ordinance (Chapter 110). The permittee shall make all reasonable efforts to obtain homeowner permission and undertake floodproofing or elevation within nine (9) years of completing the "Conditions Precedent." The permittee shall notify DEEP when agreement with property owners to floodproof can not be reached and document all efforts to achieve floodproofing, elevation or removal of the structures from the floodplain. If the permittee assumes ownership of any such structure within the duration of this permit, the permittee shall remove the structure from the

floodplain. On or before January 30th of each calendar year for the duration of the permit, an annual report of all such efforts shall be submitted to the Commissioner, describing efforts made and progress achieved in floodproofing, elevating or eliminating all residential structures from the effective FEMA floodplain.

- 9) **Substantial Improvements to Structures in a Floodplain.** Substantial improvements to residential or non-residential structures located within the Harbor Brook 1% annual chance floodplain as defined on the City's adopted Flood Insurance Rate Maps must be in accordance with the requirements outlined in the City of Meriden's Floodplain Management Ordinance (Chapter 110). The definition for "substantial improvement" is included in Section 110-5 of the Ordinance.
- 10) **New Structures in Floodplain.** Any subsequent construction of structures within the effective mapped FEMA floodplain as may be revised by a LOMR shall be fully in compliance with all FEMA NFIP criteria and requirements.
- 11) **Modifications to Hub Site.** The flood storage area constructed at the Hub Site in accordance with "Conditions Precedent" shall be continuously and permanently maintained. The City may make changes as necessary to site grading, site features or developable pads along Pratt and State Streets provided that any changes to grading, additional fill, discharges or structures below elevation 130 based on the National Geodetic Vertical Datum of 1929 be compensated for at a minimum of 1 to 1 ratio of compensatory flood storage volume. Any such modifications to the HUB site and associated compensatory flood storage volume shall be reported to DEEP on or before January 30 of each year and shown on a revised plan grading sheet sealed by a Connecticut licensed land surveyor, the City and the Project Coordinator.
- 12) **Soil Erosion and Sediment Control.** All construction work shall incorporate best management practices to minimize soil erosion and sedimentation and conform to the "Connecticut Guidelines for Soil Erosion and Sediment Control", as amended.
- 13) **Engineering Design Criteria.** All activities authorized herein shall be designed in conformance with the following:
 - a) The permittee shall to the extent practicable design and construct all stormwater drainage systems impacted by this project in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended.
 - b) The permittee shall design all culvert, bridges, channels, stormwater drainage systems and outlets, and fisheries habitat enhancement features in accordance with CONNDOT Drainage Manual, as amended.
 - c) All instream fisheries features and bank stabilization measures shall be designed in accordance with CONNDOT Drainage Manual, as amended. The flood control and

hydraulic improvements shall take precedence over fisheries instream or bank stabilization measures.

- d) All temporary structures, cofferdams, and fill shall not impede the movement of flood flows and shall be removed at the completion of their use. The design of such temporary structure, cofferdams and fill shall be based on Appendix F of the CONNDOT Drainage Manual.
- e) All culverts, bridges, channels and stormwater facilities must be designed in compliance with the requirements of Section 25-68d(b) of the Connecticut General Statutes (CGS) and Section 25-68h-1 through 25-68h-3 of the Regulations of Connecticut State Agencies (RCSA).
- f) A low flow channel shall be constructed throughout the Harbor Brook Flood Control project area and shall be designed as a sinuous thalweg providing a minimum of nine inches of water depth during median August flows. The amount of sinuosity may vary based on field conditions.
- g) Each phase of the Harbor Brook Flood Control project shall demonstrate a smooth transition between prior and subsequent phases with regard to channel hydraulics and grading. Such transition shall extend upstream and downstream as necessary and as directed by DEEP to match the grades.
- h) Hydraulic models shall conform to the DEEP Inland Water Resources Division "Hydraulic Guidance Document."

14) **Flood Contingency Plan.**

- a) The permittee shall conduct work within or adjacent to watercourses during periods of low flow, whenever possible. The permittee shall comply with the Flood Contingency Plan prepared by Milone and MacBroom included in the application as Attachment I. Such plan shall be revised for each phase of construction and be kept on site at all times during construction. The permittee shall assure contractor compliance and adherence with the Flood Contingency Plan. The phase specific flood contingency plan shall address water handling and, establish requirements for removal of equipment and materials from the floodplain and securing the work site during periods when flood warnings have been issued or are anticipated for predicted major storm. The flood contingency plan shall also establish procedure for monitoring stream flow and predicted storm events, and establish triggers for initiating actions under the plan.
- b) The permittee shall develop and submit a post construction flood contingency plan for closure of the Hub Area during anticipated flooding events. Such plan shall be developed within 90 days of the Harbor Brook daylighting through the Hub area being completed. Such plan shall address posting of the flood area, assuring that structures and features are appropriately anchored and floodproofed, and avoiding flotsam and debris in the stream.

Such post construction flood contingency plan shall identify personnel responsible for securing the area and performing post flood inspections and, repairs and debris removal. The post construction flood contingency plan shall be updated as necessary.

15) **Posting of Areas Subject to Flooding.**

- a) The permittee shall post the Columbus Avenue high overflow culvert as subject to flooding prior to removal of the plate restrictions from the bridge and the trail segment being opened for use.
- b) Within 30 days of the Harbor Brook channel daylighting through the Hub, the permittee shall post the Downtown Hub Area as subject to flooding and make provisions to close the park when the area may be subject to flooding. Incidental items placed in the park (picnic tables, benches, trash receptacles) shall be firmly anchored to prevent it from floating away or remove items from the floodplain in the event of flooding.
- c) Such signs shall be inspected quarterly and repaired or replaced as necessary.

16) **Endangered Species Protection Plan.** The permittee shall implement the Box Turtle Management Plan, Section 4.0 of the Mitigation Report entitled, "Mitigation Report, 401 Water Quality Certification Permit and Diversion Permit applications for Harbor Brook Flood Control and Linear Project, Meriden, Connecticut" dated February 2011, revised March 2, 2012, and April 18, 2012, prepared by Milone and MacBroom, Inc. and shown on the plan sheet entitled, "Box Turtle Habitat- Hanover Pond to Coe Ave., Harbor Brook Flood Control Project & Linear Trail Project, Meriden, Connecticut, dated January 31, 2012, and revised through April 18, 2012.

17) **Invasive Plant Monitoring and Control.** The permittee shall commence the removal of invasive plant species as specified in Table 1-1 of Appendix A, of the Invasive Plant Species Monitoring and Control Plan within the Mitigation Report entitled, "Mitigation Report, 401 Water Quality Certification Permit and Diversion Permit applications for Harbor Brook Flood Control and Linear Project, Meriden, Connecticut", dated February 2011, revised March 2, 2012 and April 18, 2012, prepared by Milone and MacBroom Inc. within 2 years of the completion of each phase of the project. Monitoring and removal of invasive plant vegetation shall continue for a 5 year period thereafter.

18) **Dog Misery Swamp at Barr Road Invasive Plant Species Mitigation.** The permittee shall remove all invasive plant species within the Dog Misery Swamp at Barr Road wetland mitigation area within 12 months of initiating any work authorized pursuant to this permit and as shown on the plan sheet entitled, "Mitigation Plan- Dog Misery Swamp at Barr Road, Harbor Brook Flood Control & Linear Trail Project", dated April 18, 2012, prepared by Milone and MacBroom, and as shown on plan sheet No. 55, sheet MI-1. Furthermore, the permittee shall monitor and remove all invasive plant vegetation for a period of 5 five years after completion of

the wetland restoration.

- 19) **Brookside Park Riparian Buffer.** The permittee shall plant the riparian buffer along the Harbor Brook within Brookside Park within 24 months of initiating any work authorized pursuant to this permit and as shown on the plan sheet entitled, "Harbor Brook Flood Control and Linear Trail Project, Proposed Conditions and S&E Controls, Sheet PR-14", dated February 2011 and revised through April 18, 2012. The permittee shall monitor the Brookside Park flood wetland mitigation plantings for a period of five (5) years after planting and shall replant any wetland vegetation that does not survive each year.
- 20) **Falcon Park Wetland Mitigation and Storage Basin.**
- a) The permittee shall complete planting of wetland vegetation at Falcon Park at the density and listed numbers as described in the wetland mitigation report entitled, "Mitigation Report, 401 Water Quality Certification Permit and Diversion Permit applications for Harbor Brook Flood Control and Linear Project, Meriden, Connecticut" dated February 2011, revised March 2, 2012, prepared by Milone and MacBroom, Inc. and as shown on the plan sheet page 54, # PR-17 dated April 18, 2012 within 1 year of excavation and stabilization of the Falcon Park flood storage basin. The permittee shall monitor the Falcon Park flood storage basin for a period of five (5) years after planting and shall replant any wetland vegetation that does not survive each year to maintain the density, diversity and numbers as listed in the wetland mitigation report and plans as referenced above.
 - b) The permittee shall monitor and remove all invasive plant vegetation at Falcon Park flood storage basin listed in Table 1-1 of Appendix A, of the Invasive Plant Species Monitoring and Control Plan within the Mitigation Report entitled, "Mitigation Report, 401 Water Quality Certification Permit and Diversion Permit applications for Harbor Brook Flood Control and Linear Project, Meriden, Connecticut" dated February 2011, revised April 18, 2012, prepared by Milone and MacBroom, Inc. for a period of five (5) years after the storage volume and weir is constructed, and the wetland mitigation planting is completed.
 - c) The permittee shall monitor and periodically remove accumulated sediments from within the Falcon Park flood storage basin. Such evaluation and maintenance shall occur annually and after all flood events with a 10% annual chance of recurring. The permittee shall retain records documenting all monitoring, sediment removal or sediment control activities. Such record shall be submitted to DEEP at the Commissioner's request.
 - d) The permittee shall maintain the Falcon Park flood storage basin and shall replace any wetland vegetation lost during sediment removal to a condition that meets and/or exceeds the wetland vegetation plan permitted design consistent with plan sheet PR-17, "Proposed Conditions and S&E Controls, Harbor Brook Flood Control & Linear Trail Project", dated February 2011, revised March 2, 2012, revised April 18, 2012 prepared by Milone and MacBroom.

- e) The permittee shall maintain the weir and associated structure at Falcon Park flood storage basin in working order and provide maintenance or replacement as may be necessary. The permittee shall inspect the weir and associated structure annually and after all flood events with a 10% annual chance of recurring. The permittee shall retain records documenting all inspections, maintenance and repair activities for the Falcon park weir and associated structure. Such records shall be submitted to DEEP at the Commissioner's request.
- 21) **Annual Reporting.** The permittee shall submit to DEEP on or before January 30 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year that includes photo-documentation and an evaluation of the success of the wetland mitigation and invasive plant species measures that have been implemented for each phase of the project.
- 22) **Land Preservation.**
- a) **City Park.** The permittee shall include the City Park in the City of Meriden as mitigation preservation to be protected in perpetuity for open space and recreation. The permittee shall submit to DEEP a draft conservation/preservation easement/restriction and a boundary map for review and approval. The approved preservation easement/restriction shall be recorded on the City of Meriden Land Records within 12 months of the date of issuance of this permit. The permittee shall submit to DEEP a certified copy of the recording on the City's Land Records within 30 days of the filing.
 - b) **Brookside Park.** The permittee shall include the Brookside Park in the City of Meriden as mitigation preservation to be protected in perpetuity for open space and recreation. In addition; existing or created wetlands areas shall be preserved and protected from development. The permittee shall submit to DEEP a draft conservation/preservation easement/restriction and a boundary map for review and approval. The approved preservation easement/restriction shall be recorded on the City of Meriden Land Records within 12 months of the date of issuance of this permit. The permittee shall submit to DEEP a certified copy of the recording on the City's Land Records within 30 days of the filing.
 - c) **Dog's Misery Swamp.** The permittee shall include the Dog's Misery Swamp in the City of Meriden as mitigation preservation to be protected in perpetuity. The permittee shall submit to DEEP a draft conservation/preservation easement and a boundary map for review and approval. The approved preservation easement shall be recorded on the City of Meriden Land Records within 12 months of the date of issuance of this permit. The permittee shall submit to DEEP a certified copy of the recording on the City's Land Records within 30 days of the filing.
- 23) **Fisheries Enhancements.**
- a) The permittee shall construct the project consistent with the Fishery and Instream Feature Restoration Plan Summary, Table 2-6 of the mitigation report entitled, "Mitigation Report, 401 Water Quality Certification Permit and Diversion Permit applications for Harbor Brook

Flood Control and Linear Project, Meriden, Connecticut” dated February 2011, revised March 2, 2012, and April 18, 2012, prepared by Milone and MacBroom, Inc. and consistent with the plan sheets H1 and H2 entitled, “Fishery and Instream Feature Restoration Plan, Harbor Brook Flood Control and Linear Trail Project, Hanover Pond to Baldwins Pond”, dated February 2011, revised March 2, 2012, and April 18, 2012, prepared by Milone and MacBroom.

- b) The permittee shall meet with DEEP Inland Fisheries Division staff to develop a final instream fisheries enhancement plan for each reach of the Harbor Brook and shall submit the final instream fisheries enhancement plan sheet for each reach of the Harbor Brook to the DEEP Inland Fisheries Division and IWRD for review and approval 45 days prior to construction.
 - c) The permittee shall notify the DEEP Inland Fisheries Division two weeks prior to the placement of the instream fisheries enhancement structures and arrange for a DEEP Inland Fisheries biologist to be on site during the placement and construction of the instream fisheries enhancement structures.
- 24) **Time of Year Restrictions.** Any unconfined instream activities located within the following project reaches of the City of Meriden Harbor Brook, Hanover Pond to Coe Avenue Bridge and Broad Street to Baldwins Pond Dam shall be conducted during the time period of June 1 through September 30.
- 25) **Low Impact Development.** The permittee shall design the project to incorporate Low Impact Development practices to use upland buffer areas for the filtering of stormwater as an alternative to direct discharges into wetlands and waterbodies and shall incorporate the use of vegetated swales to encourage infiltration of storm water to the ground as well as to remove suspended solids, wherever feasible and practical.
- 26) **Contaminated Materials Disposal.** The permittee shall perform due diligence to assess whether there is a reasonable chance that contaminated soil or dredged sediments will be excavated or dredged. Contaminated soil or sediment means treated or untreated soil or sediment affected by a known or suspected release or discharge (current or historic) and determined or reasonably expected to contain substances exceeding Residential Direct Exposure Criteria or GA Pollutant Mobility Criteria, as these terms are defined in section 22a-133k-1 of the Regulations of Connecticut State Agencies. If contaminated soil or sediments are determined or reasonably expected to be present then the permittee shall characterize the material and implement proper plans for the on-site management, or disposal of such material consistent with regulatory requirements. The permittee shall retain for three years from completion of dredging or excavation documentation of the management of such material. Alternatively, the permittee may propose for the Commissioner’s approval that excess contaminated materials, as defined

above, be reused in accordance with applicable laws and regulations.

C. General Conditions:

1. **Notice to Commissioner upon Initiation and Completion of Authorized Activities.** No later than two weeks before initiating and two weeks after completing any phase or authorized activity, the permittee shall give written notice of same to the commissioner.
2. **De Minimis Changes/Alterations.** The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee apply for and receive a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
3. **Activities Not Specifically Authorized Constitute Violation.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.
4. **Maintenance of Facilities.** The permittee shall maintain any structures or facilities authorized by this permit in good working order.
5. **Reliance on Application.** In evaluating the permittee's applications, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. **Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.

7. **Compliance with Permit/Certificate.** All work and all activities authorized herein conducted by the permittee at the site shall be consistent with the terms and conditions of this authorization. Any regulated activities carried out at the site, including but not limited to, construction of any structure, excavation, fill, obstruction, or encroachment, that are not specifically identified and authorized herein shall constitute a violation of this authorization and may result in its modification, suspension, or revocation. In carrying out the activities authorized herein, the permittee shall not store equipment or construction material, or discharge any material including without limitation, fill, construction materials or debris in any wetland or watercourse on or off site unless specifically authorized by this permit/certificate. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions.
8. **Transfer of Authorization/Permit.** This authorization is not transferable without the prior written consent of the Commissioner.
9. **Best Management Practices.** In constructing or maintaining the activities authorized herein, the permittee shall employ best management practices, to control storm water discharges and erosion and sedimentation and to prevent pollution to wetlands or other waters of the state. Such practices to be implemented by the permittee at the site include, but are not necessarily limited to:
 - a. Prohibiting dumping of any quantity of oil, chemicals or other deleterious material on the ground;
 - b. Immediately informing the Commissioner's Oil and Chemical Spill Response Division at (860) 424-3338 (24 hours) of any adverse impact or hazard to the environment, including any discharges, spillage, or loss of oil or petroleum or chemical liquids or solids, which occurs or is likely to occur as the direct or indirect result of the activities authorized herein;
 - c. Separating staging areas at the site from the regulated areas by silt fences or straw/hay bales at all times;
 - d. Prohibiting storage of any fuel and refueling of equipment within twenty-five (25) feet from any wetland or watercourse;
 - e. Preventing pollution of wetlands and watercourses in accordance with the document "Connecticut Guidelines for Soil Erosion and Sediment Control" as revised. Said controls shall be inspected by the permittee for deficiencies at least once per week and immediately after each rainfall and at least daily during prolonged rainfall. The permittee shall correct any such deficiencies within 48 hours of said deficiencies being found;

- f. Stabilizing disturbed soils in a timely fashion to minimize erosion. If a grading operation at the site will be suspended for a period of thirty (30) or more consecutive days, the permittee shall, within the first seven (7) days of that suspension period, accomplish seeding and mulching or take such other appropriate measures to stabilize the soil involved in such grading operation. Within seven (7) days after establishing final grade in any grading operation at the site the permittee shall seed and mulch the soil involved in such grading operation or take such other appropriate measures to stabilize such soil until seeding and mulching can be accomplished.
- g. Prohibiting the storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, radioactive, or which could in the event of a flood be injurious to human, animal or plant life, below the elevation of the pre-construction effective LOMR -one hundred (100) year flood elevation. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

11. Recording and Reporting Violations. The permittee shall immediately inform the Commissioner and the U.S. Army Corps of Engineers' Permit Compliance Section of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein. The permittee shall, no later than 48 hours after the permittee learns of a violation of this certificate, report same in writing to the Commissioner. Such report shall contain the following information:

- (i) the provision(s) of this certificate that has been violated;
- (ii) the date and time the violation(s) was first observed and by whom;
- (iii) the cause of the violation(s), if known
- (iv) if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
- (v) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (vi) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (vii) the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with section 7 of this certificate.

12. Contractor Notification/Liability. The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of

construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this license.

13. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee, a responsible corporate officer of the permittee, a general partner of the permittee, or the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachment may be punishable as a criminal offense in accordance with Section 22a-376 under 53a-157 of the Connecticut General Statutes."

14. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director
Department of Energy and Environmental Protection
Bureau of Water Protection & Land Reuse
Inland Water Resources Division
79 Elm Street
Hartford, CT 06106-5127

Any document or notice required to be submitted to the DEEP Inland Fisheries Division under this permit, shall be directed to:

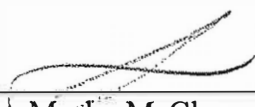
Director
Department of Energy and Environmental Protection
Bureau of Natural Resources
Inland Fisheries Division
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the

Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

15. Expiration of Permit. If the activities authorized herein are not completed by ten years after the date of the issuance of this permit and, if not previously revoked or specifically extended, this permit shall be null and void. Prior to expiration of this permit and upon the written request of the Permittee and without notice, the Commissioner may extend the expiration date of this permit for a period of up to two years, which period may be extended once for a like period, in order for the Permittee to complete activities authorized herein which have been substantially initiated but will not be completed by the expiration date of this permit. Any request to extend the expiration date of this permit shall state with particularity the reasons therefore. In making his decision to extend the expiration date of this permit, the Commissioner shall consider all relevant facts and circumstances including, but not limited to, the extent of work completed to date, the permittee's compliance with the terms and conditions of this permit and any change in environmental conditions or other information since the permit was issued. Any application to renew or reissue this permit shall be filed in accordance with the Section 22a-6j of the General Statutes and section 22a-3a-5(c) of the regulations of Connecticut State Agencies.

Issued by the Commissioner of Energy and Environmental Protection on 6/26/2012



Macky McCleary
Deputy Commissioner



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

July 2, 2012

Regulatory Division
CENAE-R
Permit Number: NAE-2007-2588

RECEIVED
JUL - 9 2012

City of Meriden, Department of Public Works
Attn: Robert Bass
142 East Main Street
Meriden, CT 06450

MILONE AND MACBROOM

Dear Mr. Bass:

Attached are two copies of a Department of the Army permit authorizing your project. **Please sign both copies of the permit and return one signed copy to this office at the address above.** Please enclose a check made payable to "FAO New England District", and return it with the signed permit copy. Please ensure your address and social security number, or tax identification number for businesses, are on the check. The authorized work cannot start until we receive a complete, signed copy of the permit.

You are required to complete and return the attached forms to this office:

1. Preliminary Jurisdictional Determination Form to be submitted along with your signed copy of the permit.
2. Work Start Notification Form at least two weeks before the anticipated work start date.
3. Compliance Certification Form within one month following the completion of the authorized work.
4. Mitigation Work Start Notification Form since your project involves mitigation.

This permit is a limited authorization containing a specific set of conditions. Please read the permit thoroughly to familiarize yourself with those conditions, **including any conditions contained on the attached state water quality certification.** If a contractor does the work for you, both you and the contractor are responsible for ensuring that the work is done in compliance with the permit's terms and conditions, as any violations could result in civil or criminal penalties.

Our verification of this project's wetland delineation under the Corps of Engineers Wetlands Delineation Manual, and its applicable supplement, is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

A combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form, and flow chart explaining the appeals process and your options, are attached to this letter. If you desire to appeal this proffered permit, you must submit a completed RFA form along with any supporting or clarifying information to Michael G. Vissichelli, Administrative Appeals Review Officer, North Atlantic Division, Corps of Engineers, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Contact information: (718) 765-7163 or michael.g.vissichelli@usace.army.mil.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP.

You may not appeal conditions contained in the State water quality certification or the CZM consistency determination under this program as they are automatically included in the Federal permit. Also note that the Department of the Army permit process does not supersede any other agency's jurisdiction.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <http://per2.nwp.usace.army.mil/survey.html>

If you have any questions regarding this correspondence, please contact Amy Bourne at (978) 318-8651, (800) 343-4789, or use (800) 363-4367 within Massachusetts.

Sincerely,



Robert J. DeSista
Chief, Permits and Enforcement Branch
Regulatory Division

Attachments

Copy Furnished:

✓ Milone & MacBroom Inc., Attn: Nicolle Burnham, 99 Realty Drive, Cheshire, CT 06410

Connecticut DEEP – IWRD, Attn: Sara Radacsi, 79 Elm Street, Hartford, Connecticut 06106

Applicant: City of Meriden File Number: NAE-2007-2588		Date: 7/2/12
Attached is:		See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization in care of "Regulatory Division." If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer, in care of the Chief, Regulatory Division, as specified in the last paragraph of the cover letter. Your objections must be received within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization in care of "Regulatory Division." If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: Michael G. Vissichelli, Administrative Appeals Review Officer, North Atlantic Division, Corps of Engineers, North Atlantic Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Contact info: (718) 765-7163 or michael.g.vissichelli@usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: Michael G. Vissichelli, Administrative Appeals Review Officer, North Atlantic Division, Corps of Engineers, Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Contact info: (718) 765-7163 or michael.g.vissichelli@usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer in care of: Michael G. Vissichelli, Administrative Appeals Review Officer, North Atlantic Division, Corps of Engineers, Fort Hamilton Military Community, Bldg. 301, General Lee Avenue, Brooklyn, NY 11252-6700. Contact info: (718) 765-7163 or michael.g.vissichelli@usace.army.mil. The Division Engineer must receive this form within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district at the address below for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

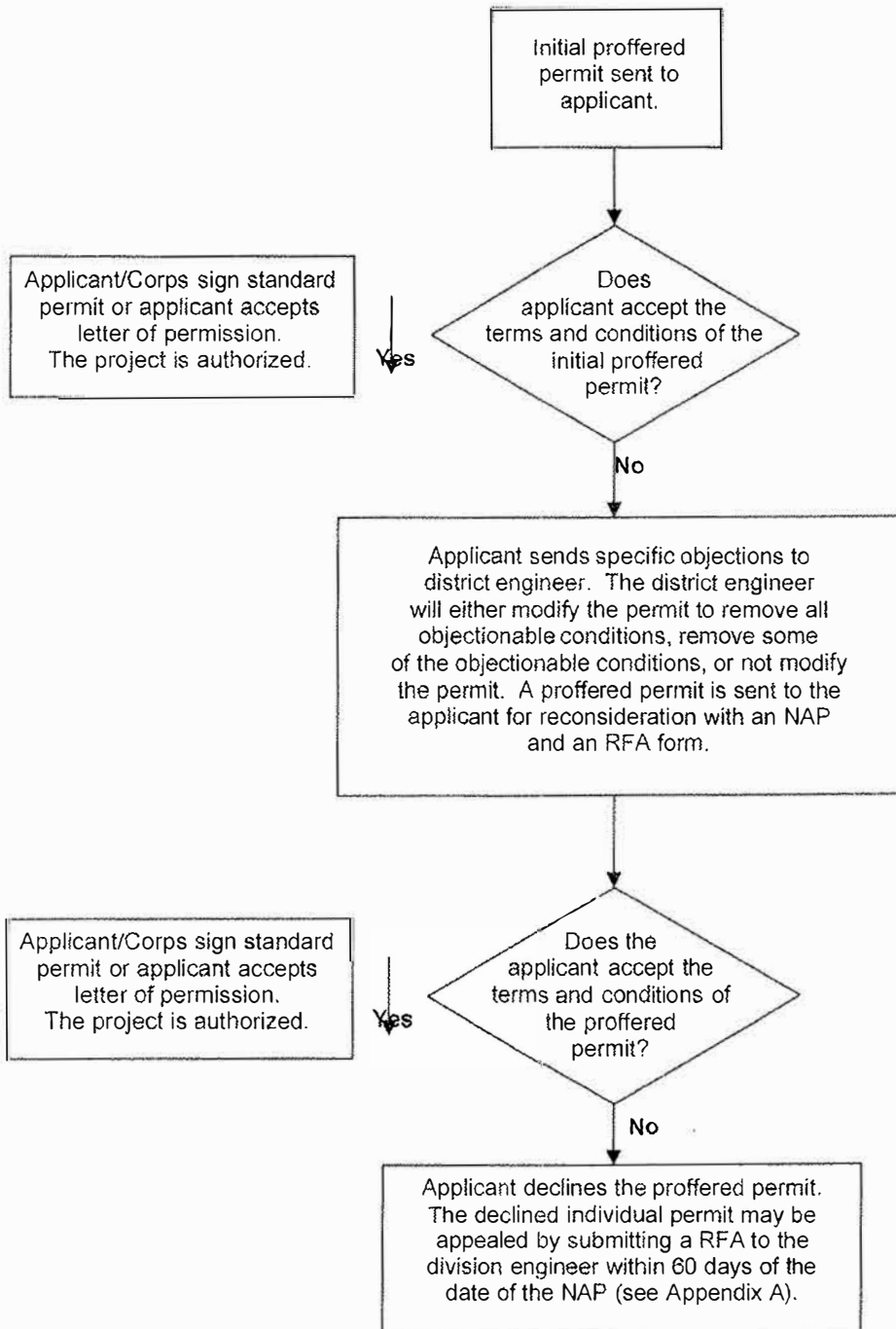
If you have questions regarding this decision and/or the appeal process you may contact Ms. Ruth Ladd at:

Chief, Policy Analysis/Technical Support Branch
Corps of Engineers
696 Virginia Road
Concord, MA 01742 or by calling (978) 318-8818

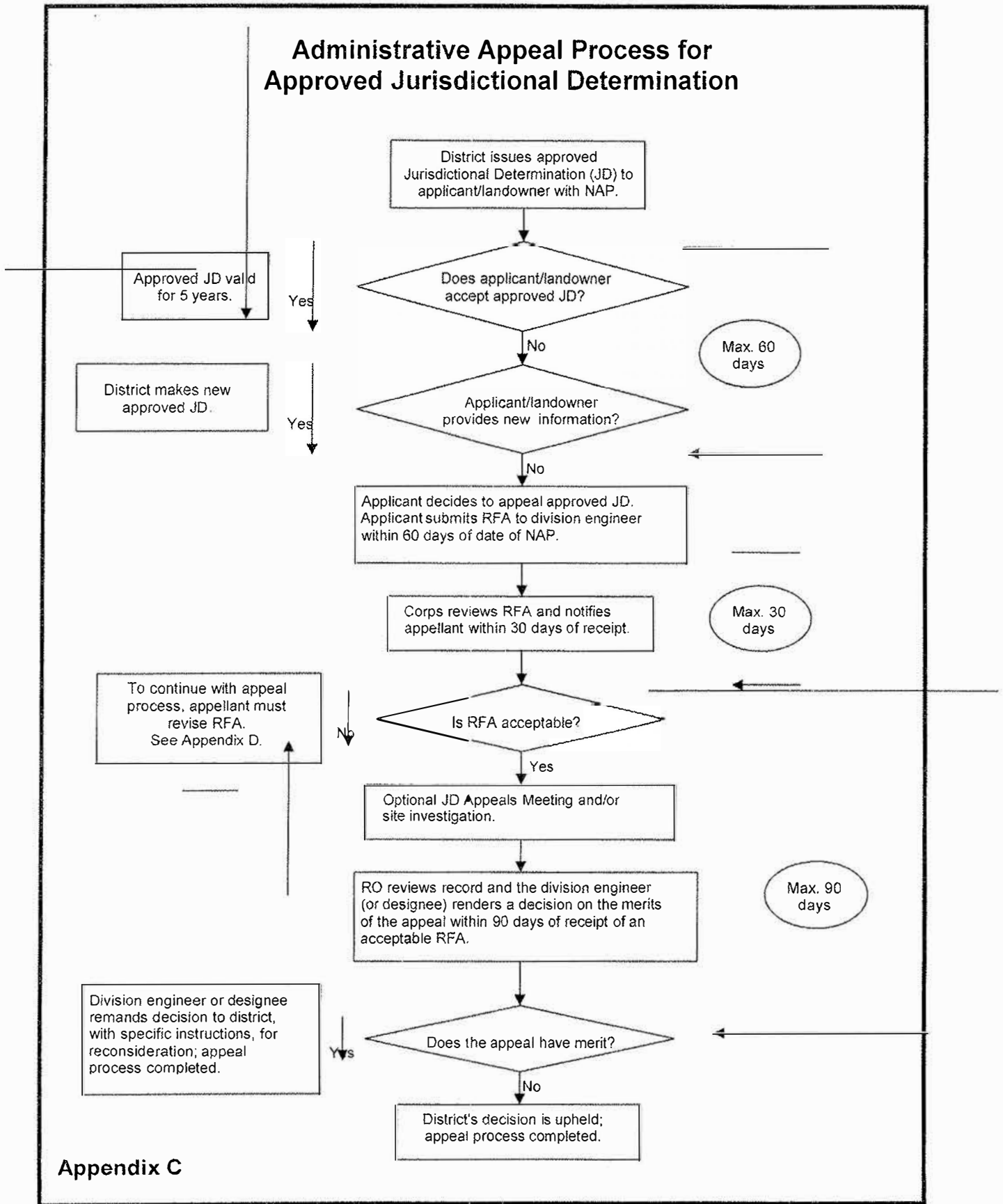
RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
Signature of appellant or agent.		

Applicant Options with Initial/Proffered Permit



Administrative Appeal Process for Approved Jurisdictional Determination



DEPARTMENT OF THE ARMY PERMIT

Permittee City of Meriden – Department of Public Works

Permit No. NAE-2007-2588

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Flood control project along approximately 3.4 miles of Harbor Brook, resulting in 8.83 acres of permanent impacts below the ordinary high water mark and 1,323 square feet of permanent impacts and 783 square feet of temporary impacts to federal wetlands. These permanent and temporary impacts will result from a range of activities including the filling of the existing channel between Sodom Brook and Harbor Brook; creation of floodplain shelves; regrading the stream bed channel and associated bank grading; reestablishment of a low-flow thalweg channel; accumulated sediment removal; bank stabilization with coir logging; placement of rip rap; multiple bridge removal and replacements to accommodate the new proposed base flow; removal of retaining walls; daylighting 3.2 acres of piped stream; culvert, manhole and outfall installation; energy dissipater, sediment trap, dewatering pump and access road construction; and construction of a linear multi-use trail along the entire length of Harbor Brook

In order to compensate for lost flood storage as a result of the project, the applicant proposes to construct a 1.2 acre floodwater storage basin by excavating approximately 1 acre of upland forest on the right bank of Harbor Brook at Falcon Park and installing a flow control system at the Westfield Road bridge; this will result in 0.14 acres of impacts (part of the total 8.83 acres) below the ordinary high water mark and provide 21.8 acre-feet of storage volume. In addition, the former HUB site on Pratt Street will provide 53 acre-feet of flood storage volume.

All work will be in accordance with the engineering drawing set entitled "HARBOR BROOK FLOOD CONTROL AND LINEAR TRAIL PROJECT" (68 sheets) and dated "February 2011 and revised through April 18, 2012" (cover sheet attached – remaining sheets located on a CD entitled "Revised Project Plans April 2012 Response to Comments")

Project Location:

Harbor Brook, Meriden, Ct
Latitude North: Beginning 41 32 50 End 41 31 25
Longitude West: Beginning 72 46 78 End 72 49 51

Permit Conditions:

General Conditions:

December 31 2022

1. The time limit for completing the work authorized ends on _____ . If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee shall ensure that a copy of this permit is at the work site (and the project office) authorized by this permit whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this permit. This shall be achieved by including the entire permit in the specifications for work. The term "entire permit" means this permit (including its drawings, plans, appendices and other attachments) and also includes permit modifications.

(Special conditions continued on Page 4)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. **Reliance on Applicant's Data:** The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. **Reevaluation of Permit Decision.** This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

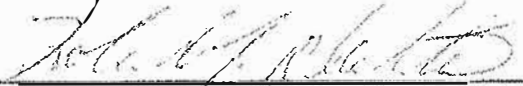
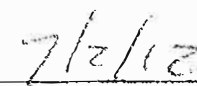
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. **Extensions.** General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

 (PERMITTEE) _____
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

 _____ 
(DATE)

**Chief, Permits & Enforcement Branch
 Regulatory Division
 For District Engineer**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

 (TRANSFEEE) _____
(DATE)

(Special conditions continued from Page 2)

If the permit is issued after the construction specifications, but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

2. The permittee shall complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.
3. Work permitted by the Corps of Engineers may not commence until the City of Meriden receives a Letter of Map Revision (LOMR) from FEMA to modify the 1% annual chance discharge of the effective Flood Insurance Study (FIS). In addition, this office must be in receipt of a copy of the LOMR before work may commence.
4. Additional FEMA authorizations must be secured before any work can commence in the lettered cross-section areas B (Proposed River Station 4+37) and H (Proposed River Station 40+22) associated with regulated activities RA-8 and RA-23 where there will be more than a one foot increase in water surface elevation, as described in the table entitled "Hydraulic Modeling Results" in the March 2, 2012 Supplemental Application Materials.
5. The project will be constructed in four phases – Phase IA to include the Falcon Park Storage Area, the HUB site stream daylighting and the Barr Road mitigation area including invasive species removal; IB to include Center Street Bridge, Columbus Avenue Bridge and Brookside Park plantings; and II and III to include the remainder of the regulated activities through the year 2021. The phasing schedule should adhere to the plan view drawings entitled "PROPOSED CONDITIONS PHASING", sheets PH-1 and PH-2, and dated April 18, 2012 (revised). No further work may commence until all Phase I activities are complete. Any proposed changes to the phasing schedule must be submitted to this office for review and permit modification.
6. Eight individual conservation easements will be recorded for parcel #s 0910-322B-007A-0000, 0910-322B-007B-0000, 0910-322B-0007-0004, 0910-322B-006Q-0000 (Barr Road), 0910-0322-0007-0000 (Dogs Misery Swamp), 1110-269H-0027-028A (Falcon Park Storage Area), 0305-0266-0008-0037 (Brookside Park) and 0508-0239-0001-0000 (City Park). Within 60 days of the date of permit issuance and prior to initiation of permitted work in aquatic resources, the permittee shall execute and record the preservation document with the Registry of Deeds for the Town of Meriden and the State of Connecticut. A copy of the executed and recorded document must then be sent to the Corps of Engineers (this office) within 120 days of the date the Corps approves it.
7. Any unconfined in-stream activities located within the following project reaches of the City of Meriden Harbor Brook shall only be conducted during the time period of June 1 through September 30: Hanover Pond to Coe Avenue Bridge and Broad Street to Baldwin Pond Dam.

8. The 21.8 acre foot flood storage basin and weir structure upstream of the first Westfield Road bridge at Falcon Park as depicted on the plan view drawing entitled "FALCON PARK WEIR STRUCTURE DETAILS", dated 4/18/12, and the flood storage area at the HUB site will be constructed before any permitted activities below the ordinary high water mark or in federal wetlands may commence.

9. A post-construction, as-built survey of the Falcon Park storage basin will be conducted and a copy will be submitted to this office at 696 Virginia Road, Concord, MA 07142.

10. The Falcon Park Storage Area and the HUB site must remain able to accommodate 21.8 acre-feet and 53 acre-feet of water during the 1% annual chance event in perpetuity. The storage basin will be monitored for a period of five years and the storage volume will be documented and submitted to this office. In the event that sediment has accumulated in the basin, rendering it unable to accommodate the 50%, 10% or 1% annual chance flood, maintenance excavation must be conducted within 30 days of the monitoring results submittal. Proof that the storage areas are fully functioning must be in the form of photo documentation, a brief narrative indicating the success or failure of the storage area and documentation of the existing bottom elevation of the basin as compared to the beginning bottom elevation immediately post-construction. These storage areas and their respective acre-feet of storage must be recorded on the land records. Documentation of such recordation needs to be submitted to this office before any regulated work commences.

11. The demolition, removal, planting and invasive species control activities depicted on the plan view drawing entitled "MITIGATION PLAN -- DOG MISERY SWAMP AT BARR ROAD" and dated February 2011, proposed on parcels 0910-322B-007B-0000, 0910-322B-007A-0000 and 0910-322B-0007-0004 must be completed per the above phased timeframe in special condition #5. Compensatory mitigation shall be completed before any other regulated activities commence.

12. Invasive species removal will be conducted at Barr Road as depicted on the plan view drawing entitled "MITIGATION PLAN -- DOG MISERY SWAMP AT BARR ROAD" and dated 4/18/2012 (revised). The Barr Road area and the Falcon Park flood storage area will be monitored for invasive species for a period of 5 years and monitoring reports will be provided for each year per Attachment L entitled "WETLAND INVASIVE PLANT SPECIES MONITORING AND CONTROL PLAN" and dated April 18, 2012 (revised) and Section 1 of the May 2012 submittal.

13. All work associated with the Falcon Park storage area shall be in accordance with Section 9 of the Supplemental Application Materials -- April 2012 from Milone & MacBroom, Inc.

14. All manipulated channel sections of Harbor Brook will have a natural substrate established post-construction that is of the same nature as the substrate before construction.

15. All bridges, culverts, channel and stormwater systems must be designed pursuant to the CT DOT Drainage Manual.

16. A pre-construction notification (PCN) will be provided to this office at least 30 days prior to the commencement of any bridge construction or removal. The PCN will include a narrative describing the work and the proposed impacts below the ordinary high water mark and in any federal wetlands. In addition, plan-view and cross-section drawings of the design of the bridge depicting any proposed impacts will be provided.

17. Structures identified in Section 12 of the Supplemental Application Materials – April 2012 from Milone & MacBroom, Inc. that will remain in the floodplain post-construction will be flood-proofed by the most appropriate method if the owner of the structure provides authorization to do so. A report indicating what structures were removed will be provided to this office after the completion of each of the four project phases.

18. Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, vegetated filter strips, geotextile siltfences, hay bales or other devices, shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. These measures shall be capable of preventing erosion, of collecting sediment, suspended, and floating materials, and of filtering fine sediment. These devices shall be removed upon completion of work and the disturbed areas shall be stabilized. The sediment collected by these devices shall be removed and placed at an upland location, in a manner that will prevent its later erosion into a waterway or wetland. All exposed soil and other fills shall be permanently stabilized at the earliest practicable date.

19. In order to fulfill the requirements of under Section 106 of the Historic Preservation Act the following must be completed before any work may occur at Falcon Park:

A) Additional documentation must be provided to the SHPO in a final archaeological reconnaissance report to “better establish the association of the former occupants of the former house with the recovered artifact assemblage” for site 80-5 (Falcon Park compensatory flood storage area) as stated in the June 29, 2012 letter to the Corps. This information is intended to “confirm [the site’s] tenant-farm status conclusively and perhaps learn the identity of the tenants who lived there” as stated in the letter dated February 27, 2012 from the SHPO to Archeological & Historical Services, Inc. No work may begin in this area until the final report is submitted to the SHPO, SHPO provides concurrence and a copy is submitted to this office.

B) A Phase II Intensive Archaeological Survey must be conducted for Site 80-8 and the results must be coordinated with this office and the SHPO before any authorized work may commence in the vicinity of the site.

C) Cooper Street Bridge, Amtrak over Harbor Brook Bridge, Meriden Electric Light Co. Plant, New Departure House, and Broad Street Bridges must undergo photographic documentation prior to their alteration or demolition. The photo documentation must be submitted to the SHPO and this office and the SHPO must provide agreement with the documentation before the structures may be altered or demolished.

HARBOR BROOK FLOOD CONTROL & LINEAR TRAIL PROJECT

HANOVER POND TO BALDWIN'S POND MERIDEN, CONNECTICUT

60% DESIGN / REGULATORY SUBMISSION SET
FOR PERMITTING ONLY. NOT FOR CONSTRUCTION.

FEB 2011

REVISED THROUGH: APRIL 18, 2012

FLOOD CONTROL IMPLEMENTATION AGENCY

Philip Ashron - CHAIRMAN
Dwight L. Needels
Walter Hylwa
Frank Lewandowski
George McGoldrick
Paul Miller
David White

CITY REPRESENTATIVES

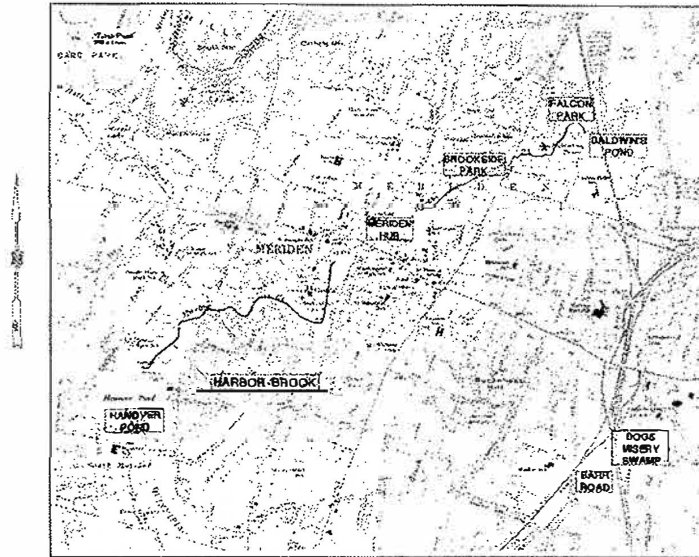
Michael Rohde
MAYOR

Matthew C. Dominello, Sr.
DEPUTY MAYOR

Lawrence J. Kendzior
CITY MANAGER

Mark Zebora
DIRECTOR OF PARKS, RECREATION AND PUBLIC BUILDINGS

Robert J. Bass, P.E.
DIRECTOR OF PUBLIC WORKS



PROJECT SITE VICINITY MAP:



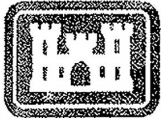
MMI# 1261-14-20

MILONE & MACBROOM
Engineering,
Landscape Architecture
and Environmental Science

96 Essex Drive
Cheshire, Connecticut 06038
(203) 261-1777 Fax (203) 252-9723
www.milone-macbroom.com

LIST OF DRAWINGS:

SHEET NO.	SHEET IN SET	DRAWING TITLE
	01	TITLE
Gn-1	02	GENERAL NOTES
RA-1 to RA-17	03-19	REGULATED ACTIVITIES
FP-1 to FP-2	20-21	1% ANNUAL CHANCE FLOODPLAIN MAPPING
PROF-1	22	PROFILE - HARBOR BROOK
PH-1 to PH-2	23-24	PROPOSED CONSTRUCTION PHASING
IN-EX-1 to IN-EX-2	25-26	INDEX - EXISTING CONDITIONS
EX-1 to EX-9	27-35	SITE PLAN - EXISTING CONDITIONS
IN-PR-1 to IN-PR-2	36-37	INDEX - PROPOSED CONDITIONS AND S&E CONTROL
PR-1 to PR-17	38-54	SITE PLAN - PROPOSED CONDITIONS AND S&E CONTROL
MI-1	55	MITIGATION PLAN - DOG MISERY SWAMP AT BARR ROAD
D-1	56	FLOODPLAIN WETLAND PLANTING PLAN
D-2 to D-3	57-58	FLOODPLAIN WETLAND AREAS - PLANTING SCHEDULES
D-4	59	TYPICAL CROSS SECTIONS
D-5	60	INSTREAM CHANNEL IMPROVEMENTS DETAILS
D-6	61	SEDIMENT AND EROSION CONTROL DETAILS
D-7	62	FALCON PARK CROSS SECTION AND LOW FLOW CHANNEL
H-1	63	FISHERY AND IN-STREAM FEATURE RESTORATION PLAN
H-2	64	FISHERY AND IN-STREAM FEATURE RESTORATION PLAN
H-3	65	TURTLE HABITAT MANAGEMENT PLAN



**US Army Corps
of Engineers** ®
New England District

**PRELIMINARY JURISDICTIONAL
DETERMINATION FORM**

BACKGROUND INFORMATION

1. Report completion date for Preliminary Jurisdictional Determination (JD):

May 15, 2012

2. Name and Address of Person Requesting Preliminary JD:

City of Meriden, Department of Public Works
142 East Main Street, Meriden, CT

3. District office, file name and number: NAE-2007-2588

4. Project location(s) and background information:

See attached table of waters and wetlands

State: CT County: New Haven City: Meriden
Coordinates of site (lat/long in degree decimal format):
Beginning Lat. 41 32 50 ° N, Long. 72 46 78 ° W
End Lat. 41 31 25 ° N, Long. 72 49 51 ° W
Universal Transverse Mercator: 18

Name of nearest waterbody: Harbor Brook

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 20,000 linear feet: 15 width (ft) and/or acres.

Cowardin Class: Riverine

Stream Flow: Perennial

Wetlands: 2 acres

Cowardin Class: Palustrine

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

5. Review performed for site evaluation (check all that apply):

Office (Desk) Determination. Date: December 2011

Field Determination. Date(s): February 2012

a. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

b. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

c. **Supporting Data. Data reviewed for Preliminary JD** - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant.

- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

 6/15/12
 NAME Date
 Regulatory Project Manager

 NAME Date
 COMPANY IF APPLICABLE

DELETE:
*Signature and date of
 Regulatory PM (Required)*

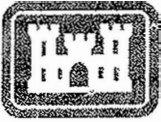
DELETE:
*Signature and date of person
 person requesting preliminary JD
 (Required, unless obtaining
 the signature is impracticable)*

WETLAND AND WATERS TABLE

Water #	Water Name	Cowardin	Type	Lat.	Long.	Estimate aquatic resource in review area		Class of aquatic resource
						SF	LF	
1	Harbor Brook	Riverine	Perennial	41 32 50	72 49 51		20,000	Non-Section 10 WOUS
2	Harbor Brook Wetlands	PFO	floodplain	41 31 28	72 49 46	~2 acres		Non-Section 10 wetland
						~2 acres	~20,000	

Notes:

1. Water ID can be either the applicant's or the Corps number.
2. Cowardin info can be found at:
R:\REGDOCS\Jurisdiction
R:\REGDOCS\Guidance & Useful Information
R:\General\Resource-Reference Materials\Cowardin
3. Only use LF if applicable (e.g., pipeline project)



**US Army Corps
of Engineers** ®
New England District

**INDIVIDUAL PERMIT
WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before work begins)

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Corps of Engineers Permit No. 2007-2588 was issued to the City of Meriden, Department of Public Works on July 2, 2012. This work is located in Harbor Brook between Baldwin Pond and Hanover Pond, Meriden, CT. The permit authorized the permittee to conduct a flood control project along approximately 3.4 miles of Harbor Brook, resulting in 8.83 acres of permanent impacts below the ordinary high water mark and 1,323 square feet of permanent impacts and 783 square feet of temporary impacts to federal wetlands.

The people (e.g., contractor) listed below will do the work, and they understand the permit's conditions and limitations.

PLEASE PRINT OR TYPE

Name of Person/Firm: _____

Business Address: _____

Telephone Numbers: () _____ () _____

Proposed Work Dates: Start: _____ Finish: _____

Permittee/Agent Signature: _____ **Date:** _____

Printed Name: _____ **Title:** _____

Date Permit Issued: _____ **Date Permit Expires:** _____

FOR USE BY THE CORPS OF ENGINEERS

PM: _____ **Submittals Required:** _____

Inspection Recommendation: _____



**US Army Corps
of Engineers**
New England District

**MITIGATION
WORK-START NOTIFICATION FORM**
(Minimum Notice: Two weeks before mitigation work begins)

 * MAIL TO: U.S. Army Corps of Engineers, New England District *
 * Policy Analysis/Technical Support Branch *
 * Regulatory Division *
 * 696 Virginia Road *
 * Concord, Massachusetts 01742-2751 *

Corps of Engineers Permit No. 2007-2588 was issued to the City of Meriden, Department of Public Works. This work is located in Harbor Brook between Baldwin Pond and Hanover Pond, Meriden, CT. The permit authorizes the permittee to conduct a flood control project along an approximately 3.4 mile reach of Harbor Brook.

The permit required compensatory mitigation including demolition and removal of two residential structures with driveways and associated roadway, planting of native vegetation and invasive species control measures at three parcels on Barr Road, Meriden, CT. These parcels plus two other parcels associated with Dog's Misery Swamp will be put into conservation easements to be preserved in perpetuity; total preservation area is 43 acres. In addition, riparian vegetation will be planted at Brookside Park.

Those listed below will perform the mitigation, including monitoring and remediation if required. They understand the requirements of the permit and the mitigation and monitoring plan.

PLEASE PRINT OR TYPE

	Environmental Consultant/Scientist	Mitigation Contractor
Name of Person/Firm:	_____	_____
Business Address:	_____	_____
	_____	_____
	_____	_____
Telephone Number:	() _____	() _____
Proposed Mitigation Work Dates:	Start _____	Finish _____
Permittee's Signature:	_____	Date: _____
Printed Name:	_____	Title: _____

Corps PM's: [Insert names of Permits & Enforcement Branch PM and ERS PM who reviewed the mitigation proposal. Delete this line if it does not fit on the page.]



**US Army Corps
of Engineers**
New England District

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE 2007-2588

Project Manager Bourne

Name of Permittee: City of Meriden, Department of Public Works

Permit Issuance Date: July 2, 2012

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

 * MAIL TO: U.S. Army Corps of Engineers, New England District *
 * Policy Analysis/Technical Support Branch *
 * Regulatory Division *
 * 696 Virginia Road *
 * Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

() _____
Telephone Number

() _____
Telephone Number



City of Meriden, Connecticut
Inland Wetlands and Watercourse Commission
City Hall
142 East Main Street
Meriden, Connecticut 06450
203-630-4081

October 11, 2022
Hand delivered

City of Meriden Public Works/Engineering Department
Attn: John Lawlor, Director
142 East Main St.
Meriden, CT 06450

RE: Application of City of Meriden - Harbor Brook Channel improvements and linear trail from the Amtrak Bridge to Cooper Street and associated bridge replacements altering 1.25 acres (1,825 linear feet) of watercourse and creating .45 acres of wetland.

Salutations,

At its Public Hearing of October 5, 2022 the Meriden Inland Wetlands and Watercourse Commission approved the application of City of Meriden – Harbor Brook Channel Improvements and linear trail from the Amtrak Bridge to Cooper Street and associated bridge replacements altering 1.25 acres (1,825 linear feet) of watercourse and creating .45 acres of wetland.

Should you have any questions, please contact this office.

Best regards,

Paul A. Dickson
Planning Director
Inland Wetland Agent

PD/dr

cc: Brian Ennis, Engineering Dept.
Fuss & O'Neill, Elsa Loehmann via email at eloehmann@fando.com