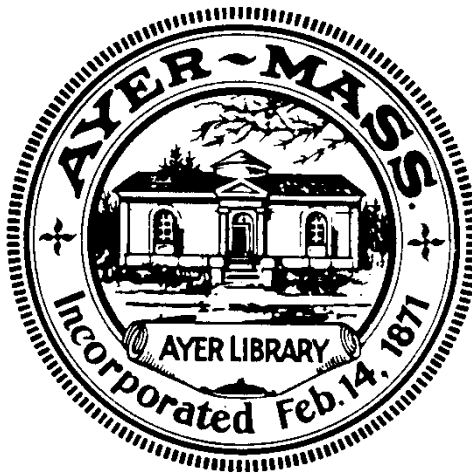


**STREET OPENING PERMIT  
REGULATIONS**

**TOWN OF AYER, MASSACHUSETTS**

**DEPARTMENT OF PUBLIC WORKS**

**February 18, 2021**



## **Table of Contents**

1.0	Intent and Administration
2.0	Definitions
3.0	Street Opening Permit Application
4.0	Fees
5.0	General Conditions
6.0	Street Opening Permit Conditions
7.0	Required Construction Procedures
Appendix A - Fees	
Appendix B – Insurance Requirements	

## 1.0 Intent and Administration

- 1.1. The purpose of this regulation for access to the public Right-of-Ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Design and construction standards are required to preserve the integrity, operational safety, and function of the public Right-of-Way.
- 1.2. An approved Street Opening Permit must be obtained prior to any excavation, occupancy or obstruction within the Town Right-of-Way. Examples of work that would require a permit of this type include, but are not limited to, utility installation and repair, curbing and sidewalk repair, pole, boring or guard rail fence installation.
- 1.3. The Superintendent of Public Works is the principle Town official responsible for the administration of the Right-of-Ways, Street Opening and Driveway / Access Permits, and these Regulations. The Superintendent may delegate any or all of the duties hereunder.
- 1.4. Excavation on State Highway, under MassDOT jurisdiction requires permitting through MassDOT. The Permittee shall obtain said approvals and permits and submit with the application.

## 2.0 Definitions

- 2.1. For the purpose of understanding the Regulations, all words shall have their standard meanings. These words are more particularly defined as follows.
  - Alteration: any change of existing conditions.
  - Applicant: any individual, firm, corporation, partnership, or agency, public or private that has filed a Permit Application.
  - Application: Street Opening Permit Application.
  - AAB : Architectural Access Board, a regulatory agency within the Massachusetts Office of Public Safety. Its legislative mandate states that it shall develop and enforce regulations designed to make public buildings accessible to, as well as functional and safe for use by persons with disabilities.
  - ADA: Americans with Disabilities Act and all the requirements set forth therein.
  - Berm: a shoulder curb on rural and urban highways which do not have continuous curb and require control of drainage; directs water to closed drainage system, prevents sloughing of the pavement edge, and provides additional lateral support
  - Circular Driveway: a residential driveway with two (2) access openings across or through the same frontage.
  - Select Board: elected body of officials that direct policy decisions of the Town through the office of the Town Manager.
  - Drainage System: the network of culverts, manholes, catch basins, ditches, pipes, swales, gutters, and other man-made and natural courses for controlling stormwater runoff from Town Roads.
  - Commercial: relating to any property use other than residential use as defined in this section. Lots with seven or more dwelling units, lots with mixed use, and lots with

- commercial and/or industrial uses shall be “Commercial” lots for the purpose of this regulation.
- Construction Within the Right-of-Way: the alteration of any structure, creation of any new structure, excavation, installation or modification of utilities or subsurface structures, or physical modification within the Right-of-Way.
  - Corner Clearance: distance from roadway intersections to the nearest driveway entrance
  - Curb: a raised device used extensively on urban streets and highways controls drainage, restricts vehicles to the pavement area and defines points of access to abutting properties
  - Curb Cut: the phrase used to refer to the width of the opening to the street.
  - Dig Safe shall mean the current existing underground facility damage prevention system established by Massachusetts State statute to provide for safe underground excavation.
  - DPW: Department of Public Works.
  - Driveway shall mean the portion of a street from the private property to provide vehicular access, parking, and/or storage from the private property to the Town roadway. Driveway Types:
    - Residential: a driveway leading to a Residential use as defined in this section.
    - Commercial: any driveway leading to a Commercial use as defined in this section.
  - Emergency — an event that may threaten public health or safety, including but not limited to, third party damaged or mechanical failure resulting in water or gas facility systems leaking, damaged / plugged or leaking sewer or storm drain facility systems, damage resulting in customer service outage to underground electrical and communication facility systems or downed overhead pole structures.
  - Encroach:
    - The placing, depositing, or parking of any ladder, staging, scaffolding, rigging, tower, fence, wall, material, equipment, machinery, dumpster, container, refuse, debris or any other such object, article or thing used in connection with, or arising out of, any building, construction, demolition or other similar work. Encroach shall also include the placing, depositing, or parking of any trailer, truck or like vehicle adjacent to or in close proximity to aforementioned work, and which is being so used for such purposes.
    - An intrusion or use caused by the draining or pumping of water in any manner that may in any way obstruct, impede, or endanger public use or travel, or could cause any icy condition which in any way may obstruct, impede or endanger public use or travel or the Town drainage system.
    - The placing of any booth, stall, stand, display, goods or merchandise for sale, vending machine, billboard, sign, advertising instrument or apparatus, or any other such object, article or thing;

- The placing or erecting of any shed building, tower, pole, pole line, pipe, wall, fence or any other such structure or object.
- The placing of steel plates not properly fastened, not properly ramped, or not properly recessed and fastened.
- Excavation: Action of digging up, drilling, auguring, tunneling, milling, reclaiming, or cable and pipe driving. Excavation does not include the tilling of soil, gardening, or displacement of earth, rock or other material, including the establishment, construction, resurfacing, repaving or reconstruction of any sidewalk and/or driveway approach,
- Jackie's Law: The Commonwealth of Massachusetts General Law Title XIV: Chapter 82A Excavation and Trench Safety.
- MassDOT : The Massachusetts Department of Transportation.
- Permit: Street Opening or Driveway / Accessway Permit,
- Permittee: Recipient of a Street Opening Permit, including property owner, all contractors and subcontractors working on the project.
- Protected Street: A street that has been resurfaced or rehabilitated within the past (5) five years
- Right-of-Way: the land acquired for or devoted to roadway and municipal purposes that includes the total width of the Right-of-Way as shown on survey plans for the Town of Ayer.
- Roadway: a means of vehicular access to a Town road or Town Road Right-of-Way that serves more than one single or individual family dwelling, duplex unit, multifamily unit or commercial establishment.
- Setback: the lateral perpendicular distance between the Right-of-Way line and a roadside building, gasoline pump, curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the Town Road Right-of- Way.
- Sidewalk: any public area within a Town Right-of-Way (including driveways) that is available to pedestrian traffic

### **3.0 Street Opening Permit Application**

- 3.1. Street Opening Permit Application shall be obtained from the office of the DPW or on-line at [www.ayer.ma.us](http://www.ayer.ma.us) except as otherwise provided in this Regulation.
- 3.2. When submitting the permit application, include:
  - Completed application
  - Application fees (See Appendix A)
  - A Certificate of General Liability Insurance
  - Dig-Safe number
  - Trench Permit Application (if applicable)
  - Starting and completion dates

- Detailed scaled drawing showing the limits of excavation, dimensions, curb lines, sidewalks and adjacent utilities.
  - Property owner and contractor signatures on the application.
- 3.3. The permit fee is required with each Permit and is due at the time of application submittal. The application fee shall be as stated in Appendix A of these Regulations. If the permit is denied, the fee will be refunded.
  - 3.4. A performance bond in the sum of \$5,000 is required for each Street Opening Permit granted that requires a Street Opening Permit for excavation. All bonds shall be in full effect for a period of one (1) year from the date of application. A performance bond will not be required for Street Opening permits related to obstructions in the Right-of-Way.
  - 3.5. Traffic management plan is required for all arterial/collector streets. The Applicant will be required to submit a traffic control plan prior to the issuance of a permit. Police detail is required on all arterial/collector streets. Efforts shall be made to maintain normal traffic flow. All road closures shall be communicated to the Police Chief within 24-hours of their expected closure. Any changes to proposed road closure plans shall be communicated to the Police Chief as soon as possible as they occur.
  - 3.6. If a road has been resurfaced within the last five (5) years (protected street), the permit may be denied for work impacting the new surface or may be approved with specific conditions.
  - 3.7. Permits for routine street openings are issued only between April 1st and November 15th.
  - 3.8. The Permit is valid for 60 days from date of issue. This Permit may be renewed at no cost by requesting an extension in writing, including a statement that conditions have not changed since the time of the original submission. The applicant shall file a request for an extension prior to the expiration of the permit. If the permit is allowed to expire without timely renewal the applicant shall reapply for a new Permit and pay the applicable fee
  - 3.9. In order to obtain a permit, the applicant must be current on all of its financial obligations to the Town. In addition, a permit may be withheld or denied if the applicant, owner or contractor are currently in violation of any other town permits.
  - 3.10. After the applicant has submitted the required materials and received confirmation that the submission was received by the DPW, the application will be reviewed by the DPW within 10 business days. After 10 business days, if the no action is taken, contractors may proceed with work but still are subject to following all of the regulations in this document.
  - 3.11. During the review process, the applicant shall, at his own expense, provide any additional information relevant to the proposed access required by the DPW. Any new material submitted after the initial submission date shall restart the review period.
  - 3.12. As a result of the review, the application will be approved as submitted with standard condition, approved with additional conditions, or denied as submitted. The decision will be mailed / emailed no later than 10 business days after the submission date.
  - 3.13. Once the permit is issued, the applicant may commence construction after giving 48 hours notice to the DPW, Police Department and Fire Department. The applicant is responsible for obtaining all other required permits or approvals before commencing construction.

- 3.14. The Superintendent may suspend a Permit for violation of Permit condition(s) after a written notification to the applicant by certified mail or hand delivery. The applicant has ten (10) days to rectify any work in violation of the Permit requirements. Failure to comply or to respond within the specified time period may result in the revocation of the Permit.
- 3.15. An Applicant aggrieved by the decision of the Town may appeal to the Town Manager. The appeal shall be in writing and submitted to the Town Manager within ten (10) business days of date of the decision.
- 3.16. Emergency permits will be issued only when an emergency situation arises. When a utility emergency is declared, the Permittee shall notify the DPW citing the location and reason for the emergency. Within 48 hours the DPW will expect a standard Permit application to be filled out and filed. Failure to comply with the rules for emergency excavation shall be in violation of these Regulations. Emergencies shall be worked on continuously until the repairs are complete and the disturbed pavement restored to grade level with hot mix asphalt.

## **4.0 Fees**

- 4.1. No application for a Street Opening Permit shall be accepted from any person, firm, corporation, or other entity without a fee payment. Federal, State and Municipal entities are exempt from fee payments, but permit must still be applied for.
- 4.2. Fees shall be as stated in Appendix A.
- 4.3. Payment shall be in the form of a check, money order payable to the Town of Ayer or credit card.
- 4.4. Fees will be refunded if the permit is not approved.

## **5.0 General Conditions**

- 5.1. The permittee shall observe the bylaws, regulations and specifications adopted by the Town of Ayer to govern the work covered by this permit. Failure may result in revocation of this permit.
- 5.2. All materials and work shall be in accordance with the Town of Ayer Subdivision Regulations and DPW Construction Standards.
- 5.3. Drainlayers / Water Installers License - All persons and / or companies that plan to install or modify water, sewer, and drain infrastructure (exterior to a structure) must first obtain a Drainlayers or Water Installers License in Accordance with Town Regulations.
- 5.4. Notice shall be given by the permittee to the DPW, Police and Fire Departments 48 hours in advance of work.
- 5.5. A copy of the permit shall be kept at the work site and shall be available to Town officials upon request.
- 5.6. No work shall result in the concentration and discharge of surface or subsurface water including any mechanical dewatering activity into public or abutting property. All federal, state and local Stormwater Regulations apply.

- 5.7. It is the permittee's responsibility to obtain all applicable federal, state, and local permits prior to commencement of any work on Town owned land.
- 5.8. No newly constructed or reconstructed pavement less than five (5) years old (protected street) will be permitted to cut except in cases of emergency. If a protected street requires excavation due to an emergency, the trench shall be properly compacted and pavement restoration requires placing of binder course pavement to the thickness of the existing pavement, cold planing and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed. The joints shall be sealed with emulsion seal and sand cover. There shall be a smooth transition from existing pavement to new pavement.
- 5.9. No construction activity, unless approved by the DPW or authorized representative, shall be performed at times not allowed under Town work hour regulations.
- 5.10. No materials shall be stored in the area of paved roadway and sidewalk outside of working hours. Any materials or equipment stored within other areas of the Town's Right-of-Way shall be protected with lights and barricades.
- 5.11. When, for reasons of safety, it is necessary for work to be completed outside of working hours, the contractor shall be notified to take immediate corrective action. If the contractor cannot be contacted or if he/she fails to do the work, the DPW shall take corrective action and bill the contractor.
- 5.12. Notice of Violation - Any person found to be violating any provision of these Regulations shall be served by the Town with written notice stating the nature of the violation and provided with a ten (10) day time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct all violations. The Select Board have designated the Superintendent to enforce these regulations. The Town will issue a "Notice of Violation" whenever it determines that:
  - a. Street Opening Work is proceeding without a valid permit.
  - b. A contractor is in non-compliance with the Rules and Regulations set forth by the Department of Public Safety.
  - c. Construction is proceeding in a manner that jeopardizes public safety.
  - d. Construction is occurring in violation of these Regulations and/or any other applicable approved specification or details.
  - e. There is damage to the surrounding roadway, public property, and/or utilities resulting from the work.
  - f. There are debris and/or soils in the roadway resulting from the work.
  - g. Work is not completed, including necessary testing and or documentation.
- 5.13. Fines- The Superintendent may impose a \$300.00 fine per day against any Permittee who violates the requirements contained herein until the violation is rectified and accepted by the Superintendent. The Permittee may appeal the fine to the Select Board. The appeal must be made in writing within 10 business days of issuance.
- 5.14. Any person violating any of the provisions of these Regulations shall become liable to the Town for any expense, loss or damage incurred by the Town by reason of such violations.

- 5.15. Excavations During Winter-No person or utility shall be granted a Street Opening Permit or open any street or sidewalk from the time of November 15th of each year to April 1st of the following year unless the Superintendent determines that weather conditions are likely to be favorable, or unless an emergency or special condition exists and permission is obtained in writing from the Town.
- 5.16. Emergency Action -Nothing in this Regulation shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe which may be a threat to life or property, or for making emergency repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities for the spot locations.
- 5.17. Warranty of Work -The Permittee shall for a period of one (1) year thereafter, be fully liable for all defects in materials and workmanship relating to the permitted work and shall promptly repair or replace the same upon notice of the Superintendent and to the satisfaction thereof.
- 5.18. Pavement repairs guaranteed by each Permittee shall meet all of the following conditions in order to remain in conformance with these Regulations.
- h. The entire area shall be free from de-lamination of the approved surface material.
  - i. No distortion of one-half inch or greater shall exist over more than five percent (5%) of the total surface area of the repair.
  - j. No cracks of one-quarter inch or greater shall exist in the surface or edges of the repair totaling more than five percent (5%) of the repair perimeter.

Non-conformance with any of the above conditions shall constitute a breach of guarantee and subject the Permittee to remedial actions as required by the Superintendent.

## **6.0 Street Opening Permit Conditions**

- 6.1. Inspections - The Permittee shall notify the DPW when an inspection is required and coordinate the timing of such inspection. The Permittee shall notify the DPW for an inspection at each of the following events:
- a. Prior to the start of trench excavation operations,
  - b. Prior to trench backfilling operations,
  - c. Following completion of temporary patch placement
  - d. Prior to removal of temporary patch for installation of permanent patch
  - e. Following final paving preparation (i.e. after saw cutting and grading, but prior to placing asphalt) and
  - f. Following completion of permanent patch placement.
  - g. The Superintendent may also make additional inspections from the events listed above if deemed necessary to enforce these Regulations. In the event that any dispute exists as to the amount, nature, or scope of the work under this Regulation, the decision and judgment of the Superintendent shall be final and binding unless appealed to or stayed by a court of competent jurisdiction.

- 6.2. Working Hours - Except in emergency situations, Street Opening Work shall occur between the hours of 7 AM and 5 PM. The Permittee must give notice of the intended Street Opening Work forty eight (48) hours in advance to the Superintendent, and the Police Chief, and if required, arrange for and pay for the police detail to be present throughout the period of time that the Street Opening Work is to be conducted.
- 6.3. Dig-Safe- Prior to beginning any Street Opening Work, the Permittee shall contact DIGSAFE at telephone number 1-888-DIG-SAFE to have all underground utilities located. The assigned DIGSAFE number shall be listed on the street opening permit application.
- 6.4. Existing Utilities - Before starting any excavation, the Permittee must confer with all utilities to obtain information from each as to the horizontal and vertical locations of the existing utilities and other conditions that may affect the excavation. The Permittee shall not interfere with any existing utility without the written consent of the Superintendent and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by the Permittee. The Permittee shall inform itself as to the existence and location of all underground utilities to protect the same against damage.
- 6.5. Protection of Existing Lines and Structures - The Permittee shall adequately support and protect by timbers, sheeting, etc. all pipes, conduits, poles, wires, cables or other appurtenances which may be in any way affected by the excavation work and shall do everything necessary to support, sustain and protect them under, over, along or across such work areas. The excavation shall be performed and conducted in such a manner that it shall not interfere with access to fire stations, fire hydrants, water gates, underground vaults, catch basins or any other public structure.
- 6.6. The roadway surface shall be kept clean of debris at all times, and shall be thoroughly cleaned upon the completion of any work at the end of every shift.
- 6.7. Adjoining Property -The Permittee shall at all times and at its own expense, preserve and protect from injury any adjoining property by providing proper foundations and shall take such other precautions as may be necessary for this purpose. The Permittee shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas without first obtaining permission from the Superintendent.
- 6.8. Damaged Trees -In the event a tree is either accidentally destroyed by the Permittee or is authorized for removal by the Superintendent, the Permittee shall remove the tree, stump and debris from the work site, and replace the tree with an identical species with a minimum caliper of three (3) inches in the identical location.
- 6.9. Pedestrian Crossings, Open Trenches -The Permittee shall, where possible, maintain safe crossings for two lanes of vehicle traffic at all public intersections as well as safe crossings for pedestrians. If any excavation is made across a Public Way, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. If the Public Way is not wide enough to hold the excavated material for temporary storage, the material shall be immediately removed from the location at the Permittee's expense.

- 6.10. Traffic -The Permittee shall take appropriate measures to assure that safe traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining property and to the general public. Unless the requirement for a police detail is waived by the Police Chief, the Permittee shall engage a police detail to maintain traffic control and public safety at the project site. Warning signs shall be placed a sufficient distance from the project site in order to alert all traffic coming in both directions. Cones or other approved devices shall be placed to channel traffic. Warning signs, lights, and such other precautions shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways (latest edition)". Construction materials and equipment on the site shall be limited in quantity and in the space they occupy so that they do not improperly hinder and block traffic. A traffic management plan must be submitted along with the street opening permit applications on arterial / collector roads or where construction may have significant impacts.
- 6.11. Gutters and Basins - The Permittee shall keep all gutters free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.
- 6.12. Excavated Material - The Permittee, at their own expense, shall remove all excess excavated material, surplus water, muck, silt or other run-off pumped or removed from excavations from the site.
- 6.13. Temporary Repairs - At the end of each workday, all trenches must be plated if repair work is not completed and/or backfilled, compacted and temporarily patched. No open un-plated trenches are permitted overnight and work in plated trenches must be continually prosecuted to completion to minimize the time trenches are plated.
- 6.14. Noise -The Permittee shall perform the work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours of 7 p.m. to 7 a.m. the Permittee shall not use, unless otherwise specifically permitted, in writing, by the Superintendent any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.
- 6.15. Debris and Litter -All debris and litter remaining from the Street Opening Work site shall be removed by the Permittee in a timely manner.
- 6.16. Restoration of Pavement Markings - All permanent pavement markings (crosswalks, center lines, etc.) which are damaged during Street Opening Work shall be restored in kind by and at the expense of the Permittee
- 6.17. Lawn Surfaces and Plantings - All lawn surfaces which are disturbed during Street Opening Work shall be replaced with sod or six (6) inches of screened loam, lime fertilized and re-seeded with commercial quality lawn seed. Any areas containing plantings shall be restored to their original condition with the same or similar plantings.
- 6.18. Erosion Control -The Permittee shall be responsible for all erosion control and for obtaining any necessary permits from the Conservation Commission. The Permittee shall protect

drainage structures from siltation by whatever means required including but not limited to the installation of hay bales and/or filter fabric. In the event that a drainage structure becomes damaged from siltation as a result of the Street Opening Work, the Permittee shall clean the structure at their own expense before completing the temporary patch.

## **7.0 Required Construction Procedures**

- 7.1. Materials and Construction Standards - All Street Opening Work and materials used therein must conform to the most recently published edition of the Town of Ayer, DPW Construction Standards. Construction methods and material requirements that are not found in the DPW's Construction Standards, shall be in accordance with Massachusetts Highway Department (MHD) Standard Specifications and all current supplemental specifications, federal OSHA requirements, the American Disability Act and the Architectural Access Board Regulations. Exceptions to these requirements may be made at the discretion of the Superintendent at the time the Street Opening Work is in progress.
- 7.2. Excavation - Existing pavement shall be saw cut in neat, true lines along the area requiring excavation for repair, replacement or new installations. When opening occurs within two (2) feet of the curb and/or edge of the hardened surface, the paved area between the excavation and the curb and/or edge must also be removed. The hardened pavement shall be saw cut back a minimum of twelve (12) inches from all sides of the initial excavation to the depth of the original pavement structure, exposing the undisturbed gravel sub-base. Unstable pavement shall be removed over cave-outs and breaks and the subgrade treated as the main trench. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench. Excavations shall be made in open cut. Trenches and excavations shall be braced and sheathed in accordance with the requirements of the Occupational Safety and Health Act (OSHA). Sections of bituminous or cement concrete sidewalks shall be removed to the nearest scoreline or approved cut edge. The contractor is solely responsible for the health and safety of all employees, subcontractors, motorists, pedestrians and the general public with regard to excavation and trench work.
- 7.3. Backfilling and Compaction - Excavations shall be backfilled with approved granular backfill material or CDF. Regardless of the material to be used for excavation and/or trench backfilling operations, the Permittee shall be solely responsible for following the specifications, guidelines and regulations for backfilling and compaction as described in the following subsections.
  - a. Approved Granular Backfill Material - Approved backfill material shall consist of either Gravel Borrow meeting Massachusetts Highway Department (MHD) specification M1.03.0, Type "B" or Processed Gravel for Subbase meeting MHD specification M1.03.1.
  - b. Placement and Compaction of Approved Granular Backfill Material -Excavations that are to be backfilled with either Gravel Borrow or Processed Gravel for Subbase shall be placed and compacted in maximum 6-inch thick lifts. Each lift shall be properly compacted using approved vibratory equipment to achieve a minimum compaction percentage of 95% of the maximum dry density of the soil as determined

by ASTM 1557 D. Pavement subbase, base and surface shall be installed to the minimum depths and prepared as indicated in the DPW Construction Standards when excavations are backfilled with these granular materials.

- c. The Town may require the Permittee to provide third party compaction testing and observation of backfilling procedures by a professionally qualified geotechnical consultant at the Permittee's expense. The compaction testing shall consist of at least one density test per six (6") inch lift placed per 100 square feet of trench
  - d. Potential Re-Use of Excavated On-site Soils - The excavated on-site soils generated during the Street Opening Work may be reused as approved granular backfill material provided the soils meet the MHD specifications for Gravel Borrow or Processed Gravel for Subbase as described above. Excavated material that is proposed for reuse shall have a grain-size analysis test performed by a third party geotechnical laboratory, at the expense of the Permittee, for conformance to MHD specifications. Material that does not meet MHD specifications shall not be reused as approved backfill material and shall be removed from the work site at the expense of the Permittee. Excavated material that is approved for backfill shall be placed, compacted and tested as described above.
  - e. Controlled Density Fill (CDF) - Controlled Density Fill (CDF) is to be used for Street Opening Work where required as a permit condition. CDF shall contain a minimum of 250 pounds of class F fly ash or high air (25% plus), be self-leveling and quick setting. CDF shall meet MHD specification M4.08.0 and shall fall into the category of either Type 1E or 2E. CDF is to be batched at a ready mix plant and is to be used at a high or very high slump (9" to 12"). If CDF is used as approved backfill material, it shall fill the excavation to immediately below the asphalt grade or to the minimum required by the DPW Construction Standards, whichever is greater. If an excavation is backfilled with CDF in accordance with this Regulation, then a temporary patch need not be installed, but a permanent patch may be installed immediately. If the CDF used for backfill is not quick setting, then the Permittee shall cover the excavation with heavy duty steel plates adequate to carry heavy traffic and wait twenty-four hours for the CDF to cure prior to applying the permanent patch.
- 7.4. Regardless of the type of Street Opening Work being or to be performed, the Superintendent has the right to alter the Regulations stated within this section to meet the needs of the Town.
- 7.5. Temporary Patches -The Permittee shall install a temporary patch when excavations have been backfilled with Gravel Borrow or Processed Gravel for Subbase. The temporary patch shall remain in place for a minimum of 30 days and shall not exceed a maximum of 90 days starting at the time the temporary patch was installed. Temporary patch shall consist of bituminous concrete plant-mixed hot asphalt and shall be installed to the thickness of the existing asphalt at a minimum. Temporary patches shall be maintained by the Permittee so that the surrounding area remains a single smooth unbroken plane.
- 7.6. Steel Plates - Steel plates may be used when temporary patching or permanent paving cannot be the same day excavation occurs. No excavation shall remain open unattended. All excavations and trenches shall be backfilled or steel plated prior to the cessation of work on

every day unless otherwise directed by the DPW. Two-way traffic must be maintained at all times.

It is the responsibility of the Permittee to perform a daily monitor of all active plate(s) or unattended plate(s) location(s), and where necessary take appropriate measures should plate(s) shift or move, exposing part of or all the excavation creating a public safety hazard.

If steel plates are used to protect an excavation they shall be of sufficient thickness to resist bending, vibration, loud banging etc. under traffic loads. All steel plates must be securely anchored to prevent movement.

All steel plates must meet ASTM A 36 steel (minimum), having a thickness sufficient for supporting the intended traffic load with a maximum allowable deflection of (3/4") three-quarter inch. Steel plates must completely cover the open trench and have a minimum overlap on adjacent shoulder areas of (18") eighteen inches. Sandy gravelly soils with large angles of repose may require larger plated shoulder areas.

All plates will be recessed to the adjacent pavement surface or secured by other approved method. If plates are NOT recessed the plate must be ramped with a (2') two-foot width of hot mix asphalt or modified cold patch in the travel direction and a (1') one-foot ramp in the non-traveled direction. All modified cold patch shall be blotted with a stone dust to prevent tracking.

- 7.7. Permanent Patches - Except when installed over Controlled Density Fill (CDF), permanent patches shall be installed not less than thirty (30) days from the date of installation of the temporary patch. The Permittee shall contact the Superintendent 30 days following the installation of the temporary patch for an inspection to determine if final settlement of the trench has occurred. The Superintendent will notify the Permittee within seven (7) days of the inspection whether permanent patch can be installed.

The temporary patch installed shall be completely removed and replaced with hot mix asphalt base, binder and top courses as described and shown in the DPW Construction Standards. If additional saw cutting is required, it shall be done in neat straight lines. Any broken or irregular edges of existing pavement shall be saw cut away in straight lines leaving a sound vertical face at least twelve (12) inches back from all edges of the existing pavement. All abutting edges of the existing pavement shall be painted with an asphalt emulsion immediately prior to the placement of the permanent patch. The Permittee shall remove and dispose, at their own expense, all excavated material and thoroughly compact the surface of the subbase.

- 7.8. Newly Paved Roads -No newly constructed or reconstructed pavement less than five (5) years old will be cut into except in cases of emergency. If a newly constructed or reconstructed roadway requires excavation due to an emergency, the trench shall be filled with quick setting Controlled Density Fill. After excavation work has been completed as specified in this regulation and the DPW's Construction Standards, the Permittee shall restore the paved area as specified by the Superintendent. The pavement restoration requires cold planing and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed. For example, if the lot has a frontage of 50-feet, the area to be cold planed and overlay is 50-feet by the entire width of roadway. The joints shall be sealed with

emulsion seal and sand cover. There shall be a smooth transition from existing pavement to new pavement.

- 7.9. Shoulders -Suitable excavated material shall be placed in maximum six (6) inch thick lifts. Each lift shall be properly compacted. Shoulders shall be re-constructed to their existing condition and either loamed with six (6) inches of loam, limed, fertilized and seeded with roadside grass mix or covered with four (4) inches of wood chips as directed by the Superintendent.
- 7.10. Sidewalks - Any excavation in a concrete or bituminous concrete sidewalk shall require that the entire sidewalk area containing the trench be replaced. Any concrete sidewalk section that is excavated or damaged by the excavation must be replaced in its entirety. Gravel Borrow or Processed Gravel for Subbase meeting MHD specifications or suitable excavated material shall be placed in maximum six (6) inch thick lifts and be properly compacted using approved vibratory equipment. All sidewalk areas will be installed by the Permittee in conformance with the ADA and the AAB Regulations currently in effect. Bituminous concrete and concrete sidewalks shall also be constructed as described and indicated in the DPW Construction Standards.
- 7.11. Curb and Berm -Any curbing or berm which is damaged or removed as part of the Street Opening Work shall be properly replaced in kind. The use of cast-in-place concrete curbing is prohibited. All salvageable granite curb that is removed from the Public Way and is excess is the property of the Town and shall be delivered to the DPW by the Permittee.
- 7.12. Wheelchair Ramps -Existing wheelchair ramps which are damaged or removed under Street Opening Work shall be reconstructed in kind and in conformance with the ADA and the AAB Regulations that are currently in effect.

## APPENDIX A – PERMIT FEES

**Trench Permit** (Jackie's Law): by contractor \$100

### Permit Fees:

#### **Street Openings and Excavations within Public Right-of-Way (ROW)**

100 sq. ft. or less	\$100
Greater than 100 sq. ft.	\$200

#### **Non-Excavation or Public ROW Obstruction** (i.e., debris containers, equipment and other obstructions)

Per Day	\$10
Per Month	\$200

#### **Driveways/Aprons**

New; Reconstruction, Alteration, Enlargement or work of any kind within Public Way

Residential	\$50
Commercial	\$150

Resurfacing Existing Driveway (no excavations, alterations, or changes within public way)	\$25
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#### **Corings** (drilling, boring or coring in street)

Up to 5 Corings	\$35
6 Corings or More	\$50

#### **New Pavement - Open Road**

0 – 12 Months Old	\$2,500
13 – 24 Months Old	\$2,000
25 – 36 Months Old	\$1,500
37 – 48 Months Old	\$1,000
49 – 60 Months Old	\$500
61 Months or Older	Standard Permit Fee

#### **Refundable Security Deposit** (per project)

Excavation	\$5,000
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## APPENDIX B – INSURANCE REQUIREMENTS

Before any person, utility, corporation, or company is granted a Street Opening or Driveway / Accessway permit to work in a public way in the Town of Ayer, the Permittee must first submit insurance under which the Town of Ayer shall be named as an additional insured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts. Town of Ayer's insurance requirements are as follows:

### **A. Worker's Compensation**

- a. Statutory State – Massachusetts
- b. Coverage Limit \$100,000 each employee
- c. Additional Endorsements
  - i. Voluntary Compensation

### **B. General Liability of (Comprehensive Form of Policy)**

- a. Limits of Liability
  - i. Bodily Injury and Property Damage – Combined Single Limit of \$1,000,000 with a \$2,000,000 Annual Aggregate Limit. The Town of Ayer should be named as "Additional Insured."
  - ii. Property Damage
- b. Arrangement of Coverage
  - i. Premises Operations
  - ii. Products – Completed Operations
  - iii. Owners & Contractors Protective
  - iv. Explosion, Collapse and Underground

### **C. Umbrella**

- i. Broad Form Comprehensive General Liability endorsement or equivalent (to include Broad Form Contractual, Personal Injury, Broad Form Property Damage, Incidental Malpractice, etc.)
- ii. Cross Liability

Limit of Liability: \$2,000,000 (minimum) occurrence, \$2,000,000/aggregate.  
The Town of Ayer shall be named as "Additional Insured."

### **D. Automobile Liability (Comprehensive Form of Policy)**

- a. Limits of Liability
  - i. Bodily Injury and Property Damage and Combined Single Limit of \$1,000,000. The Town of Ayer should be named as "Additional Insured."