

STREET AND TRENCH OPENING PERMIT REGULATIONS



**Town of Belmont, MA
Department of Public Works
October 1, 2009**

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1. PURPOSE OF PERMITS

1.1 Street and Trench Opening Permit

- 1.1.1 Town public ways have been established and are maintained primarily for the purpose of the movement of vehicles and pedestrians. It is also desirable to allow persons and utility companies to utilize public ways for purposes other than transportation.
- 1.1.2 In compliance with the Town of Belmont General By-Laws Article 20, Sections 5 and 7, Street and Trench Opening Permitting controls the various uses of these public ways.
- 1.1.3 It is imperative that the Town preserve and maintain the investment of these assets by the protection and proper restoration of public ways, prevent recurring and dangerous interruptions to traffic and pedestrians, to avoid interference with future road construction, construction methods and to control the occupation of public ways. To accomplish these purposes it is necessary that strict control be maintained and standard procedures be followed for excavations, construction, maintenance and the occupation of public ways.
- 1.1.4 The Director of Public Works reserves the right to require a Street and Trench Opening Permit with reasonable requirements for any activity not contemplated by these regulations that in his/her opinion may damage or impact the safety and/or use of any public way.

1.2 Street Opening Permit

- 1.2.1 In compliance with the Town of Belmont general By-Laws, Article 20, Sections 5 and 7, a Street Opening Permit shall be required whenever a person excavates the public way.
- 1.2.2 If the Street Opening Permit requires a trench in excess of three (3) feet below grade a Trench Opening Permit may be combined with the Street Opening Permit.

1.3 Trench Opening Permit

- 1.3.1 In compliance with Massachusetts Chapter 82A and 520 CMR 14.00 a Trench Permit shall be issued for any excavation in any public way, public property, or privately owned land which is narrow in relation to its length, made below the surface ground in excess of three (3) feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than fifteen (15) feet.

1.4 Occupation of the Public Way

- 1.4.1 If any person occupies the public way by placing, including but not limited to, construction staging, heavy equipment or occupies the public way in any manner, which in the Director of Public Works opinion may create a public safety hazard or damage public property, the person is required to apply for a permit to occupy the public way.
- 1.4.2 Dumpsters are permitted and regulated by the Belmont Health Department and a permit is required by that Department.

- 1.4.3 Storage containers shall not be allowed on Public Ways except as permitted by a Street Opening Permit in conjunction with a construction project.

2. DEFINITIONS

- 2.1 **Applicant or Permittee** – shall mean the person assuming the responsibility for the work. Only the name appearing on the Certificate of Insurance under “Insured” will be considered to be the applicant.
- 2.2 **Board of Selectmen** – shall mean the Belmont Board of Selectmen.
- 2.3 **Controlled Density Fill (CDF)** – shall meet Massachusetts Highway Department Standard Specifications for Highway and Bridges M4.080 Type 2E, also called flowable fill, and is a mixture of Portland cement, fly ash, sand, water and is hand-tool excavatable.
- 2.4 **Curb Cut** – shall mean that portion of the gutter, curb, tree lawn and sidewalk over which vehicular or pedestrian access is allowed to the public way.
- 2.5 **Department of Public Works (DPW)** – shall mean the Belmont Department of Public Works.
- 2.6 **Department of Public Utilities (DPU)** – shall mean the MA Department of Public Utilities.
- 2.7 **Department of Telecommunications and Cable (DTC)** – shall mean the MA Department of Telecommunications and Cable.
- 2.8 **Director of Public Works** – shall mean the Belmont Director of Public Works or his/her designee.
- 2.9 **Dig Safe** – shall mean as defined in Massachusetts Chapter 82 Section 40 through 40 E, inclusive.
- 2.10 **Emergency** – shall mean a condition in which the safety of the public is in imminent danger, such as a threat to injury, health, life, property damage or where immediate correction is required to maintain or restore essential public utility service.
- 2.11 **Excavation** – shall mean any opening in the surface of a public way made in any manner whatsoever, except an opening in a lawful structure below the surface of a public way, the top of which is flush with the adjoining surface and so constructed as to permit frequent opening without injury or damage to the public way.
- 2.12 **Facility** – shall mean any pipe, pipeline tub, main, conduit, tunnel, duct, buried cable or wire, service, service box, trap, vent, manhole, vault, handhole, cleanout, meter, gauge, regulator, valve, riser box, conduit, wire, tower, pole, pole line, anchor, guy wire, cable, junction box, or any other material, structure, similar structures or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under, or over any public way.
- 2.13 **MBTA** – shall mean the Massachusetts Bay Transportation Authority.

- 2.14 **MHD** – shall mean the Massachusetts Highway Department.
- 2.15 **MUTCD** – shall mean the United States Department of Transportation, Federal Highway Administration, Manual for Uniform Traffic Control Devices.
- 2.16 **MWRA** – shall mean the Massachusetts Water Resources Authority.
- 2.17 **Occupation of the Public Way** – shall mean any activity other than the legal parking of vehicles and an excavation, as defined herein, that occupies the public way and can potentially create a public safety hazard and/or cause damage to the public way.
- 2.18 **OCD** – shall mean the Belmont Office of Community Development.
- 2.19 **Permit** – shall mean the Belmont Street and/or Trench Opening Permit.
- 2.20 **Person** – shall mean any person, firm partnership, association, corporation, company, or organization of any kind.
- 2.21 **Public Shade Tree** – shall be as defined by Massachusetts General Law Chapter 87 Section 1.
- 2.22 **Public Way** – shall mean any public right of way, street, sidewalk, place, island, delta, square, plaza or any other similar public property owned or controlled by the Town and dedicated to public use.
- 2.23 **Town** – shall mean the Town of Belmont, MA.
- 2.24 **Town Administrator** - shall mean the Belmont Town Administrator or his/her designee.
- 2.25 **Tree Lawn** – The portion of the public way between private property or the paved sidewalk and the roadway gutter.
- 2.26 **Belmont Standard Specifications** – shall mean the latest edition of the Town of Belmont Standard Specifications.
- 2.27 **Tree Warden** – shall mean the Town of Belmont Tree Warden or his/her designee.
- 2.28 **Utility** – shall mean any corporation, partnership or other organization or any individual engaged in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation by the Department of Public Utilities and the Department of Telecommunications and Cable. For the purposes of these regulations, a Utility shall also mean any person or entity engaged by or on behalf of a Utility to perform a street opening work.

3. APPLICATION FOR STREET AND / OR A TRENCH OPENING PERMIT

A permit application for review and approval must be filed with the Town of Belmont Department of Public Works (DPW) before any work or street occupation will be allowed to commence. Standard application forms for this permit may be obtained from the DPW office or on the Town of Belmont website (www.belmont-ma.gov). Each application form shall be completely filled in as required, signed, and delivered to the DPW with the appropriate fee. Until an application is complete and submitted with the appropriate fee it will not be considered. An explanation of the request with a diagram of the work, if necessary, shall be provided by the Applicant. Such diagrams shall clearly show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures, fire hydrants, utility poles by number and describing the complete character and extent of the work.

Massachusetts Chapter 82A (Excavation and Trench Safety) 520 CMR 14.00 requires that a Trench Permit be issued for any excavation which is narrow in relation to its length, made below the surface ground in excess of three (3) feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than fifteen (15) feet.

The Applicant will be required to comply with the Town of Belmont Standard Specifications. Projects involving sanitary sewer, storm drain services and curb cuts require written approval from the Office of Community Development prior to the issuance of a permit. Such approval shall be attached to the application.

In the event the Permittee discovers that additional work or repairs not designated in the original permit must be done in the same location, the Permittee must make written application to the DPW for a permit to authorize the additional work in the same manner as the original permit and the applicable fee will apply.

3.1 Submission of Plans and Specifications

When applications are made for permits involving work of major scope, as determined by the Director of Public Works, plans certified by a Registered Professional Engineer and specifications must be submitted in duplicate with the application form. They should be detailed so that the exact location of the various parts of the work, the risk of injury to road users, traffic plans and the probability of damage to trees, highway structures, and private property can be ascertained.

3.1.1 Applications from Public Utilities

Utilities shall comply with these regulations, to the extent permitted by law, and with all requirements of the Massachusetts Department of Public Utilities Standards 98 – 22 regarding all work on public ways and those requirements are incorporated herein by reference.

3.1.2 Application from Municipal Utilities and Other Persons

All other applicants shall comply with these regulations and the Belmont Standard Specifications and those specifications are incorporated herein by reference.

3.1.3 Specifications

In the event that a work method or material is not specified in these regulations or the Belmont Standard Specifications, the MHD Standard Specifications for Highway Bridges shall govern.

The Town reserves the right to determine the quality and acceptability of materials furnished and/or the means and methods of work performed. The Town also reserves the right to deviate from these specifications as necessary to obtain the best possible final project result in the opinion of the Director of Public Works.

4. EXPANDED REQUIREMENTS FOR PERMANENT RESTORATION OF SIDEWALKS AND ROADWAYS

- 4.1 Expanded pavement restoration is required when the construction project falls into any one or more of the following categories:
- The building of two or more dwelling units, attached or unattached, are next to each other
 - The project requires connection to utilities in a street that was rebuilt or resurfaced within the last five (5) years.
- 4.2 The requirements listed below are intended to insure proper restoration of the street and sidewalk once all work and utility connections are complete. In performing work for the project, it may be required to do some or all of the following:
- Provide additional bonding to insure that the work will be performed per these requirements. The contractor, not the owners, will be responsible for this bonding.
 - For the street, perform a curb to curb or curb to centerline, grind and overlay that encompasses all utility trenches.
 - Replace the paved sidewalk and adjacent areas to current specifications.
 - Replace and/or adjust the berm or curb where impacted by construction.
 - Use Controlled Density Fill for trench backfill.
 - Construct or reconstruct curb cut openings in accordance with the Belmont Standard Specifications.
 - Have a qualified company provide infrared treatment for the permanent utility patch.
 - Repair all street and sidewalk areas damaged during the course of the project's construction, even if outside the utility trench area.

5. Trench Permits

- 5.1 All applicants shall comply with the State of Massachusetts Chapter 82A Sections 1 – 5 and 520 CMR 14.00 and those requirements are incorporated herein by reference.

7. Dig Safe

- 7.1 All applicants shall comply with the State of Massachusetts Chapter 82 Sections 40 through 40E also known as "Dig Safe".

8. Other Laws and Regulations

- 8.1 It is the Permittees responsibility to comply with all applicable federal, state and local laws and regulations associated with the issuance of this permit and obtain all additional applicable permits prior to commencement of any work on the public way or Town owned land.

9. Massachusetts Bay Transportation Authority (MBTA) Bus Routes

- 9.1 All applications for permits on public ways that are used by the MBTA for bus routes shall address the safe, convenient passage of MBTA buses as part of the permit application. If bus routes or bus stops are significantly impacted by the proposed work the Permittee shall contact the MBTA (see Appendix A for contact information) and receive written approval with any reasonable appropriate safety and/or other measures to meet the requirements of the MBTA prior to the issuance of any permit. This written MBTA approval shall be submitted with the permit application.

10. Massachusetts Water Resources Authority (MWRA) Water Mains

- 10.1 The MWRA owns and maintains water mains on several public ways in Belmont. MWRA policy states that "Section 8(m) of Chapter 372 of the Acts of 1984 enables the MWRA to issue permits to other entities to build, construct, excavate or cross within an easement or other property interest held by the MWRA or in the immediate vicinity of a water or sewer main or other facility operated by the MWRA. 8(m) permits are issued to the persons or entities wishing to enter or encroach on a water or sewer easement held by the MWRA but conveying no interest in the property. An 8(m) permit can be revoked at the discretion of the MWRA."
- 10.2 Please see Appendix B for MWRA water main locations. Any work within four (4) feet of these MWRA water mains requires a permit from the MWRA prior to the issuance of a Street and Trench Opening Permit from the Town of Belmont. MWRA permit information is available at the Belmont DPW office or additional information is available on the MWRA website at www.mwra.state.ma.us.

11. Rejection of Application

- 11.1 When it appears that the work described in an application would not conform to Town regulations, is not in the public interest, would cause substantial or needless damage to the public way, create excessive noise, disturbances to traffic or dangerous conditions in any way not commensurate with the benefits to the Applicant and/or the Town, the request for permit will be denied. The Director of Public Works may also refuse to issue a permit to any person when, in his/her opinion, the work performed under a previous permit issued to the Applicant has not been properly executed or when said Applicant has failed to reimburse the Town for recoverable charges billed under terms governing any previous permit.

12. Application Permit Rejection Appeal

- 12.1 Any applicant that has had a permit application denied by the Director of Public Works may appeal the rejection to the Town Administrator. Appeals shall be in writing stating the basis for the appeal and shall include all pertinent documentation.

13. Bond Requirements

- 13.1 An applicant for a permit to work within Town shall furnish to the Town with the application, and prior to the issuance of a permit, a bond, cash or certified check in an amount and form as determined by the Director of Public Works.
- 13.2 The standard bond amount shall be a minimum of \$5,000 for a term of 5 years so that the Town will be protected against loss in the event of the failure of the permit holder to complete the work or reimburse the Town for restoration involving the work or encroachment authorized by the permit.
- 13.3 An annual blanket bond, in a form and amount acceptable to the Director of Public Works, may be deposited to avoid the inconvenience and expense of obtaining individual bonds for each permit requested. The bond shall be released to the permit holder upon the expiration of the trench guarantee period. **The guarantee period for all work shall be for a period of five (5) years, except for utilities, following the placement of the permanent patch. During the guarantee period the Permittee shall be responsible for the restoration, repair, and maintenance of all work performed under any permit.**
- 13.4 For large projects the Director of Public Works may require a bond in an amount that will protect the Town against loss commensurate with the proposed project and will be computed on the basis of the cost required to make proper restoration or repairs. On large projects that are controlled by any department of the Town a copy of the performance and/or payment bond to the Town under that contract will be acceptable as a bond for a Street and Trench Opening Permit provided the work is directly related to that Town project. A copy of all project bonds will be included with the permit application.
- 13.5 Exemptions to bond submission are made only to Town Departments, State and Federal governmental agencies and DPU and DTC regulated utility companies in good standing with the Town.
- 13.6 The Director of Public Works reserves the right to require bonding as may be necessary in his/her judgment to protect the Town from damage or loss.

14. Insurance Requirements

- 14.1 An applicant for a permit shall furnish to the Town with the application, and prior to the issuance of the permit, certificates of minimum insurance including automobile, property damage liability, bodily injury liability, and workers compensation insurance in the amounts determined by the Director of Public Works. The Town shall be named as "Additional Insured" and certificates shall contain a provision that the insurance company will notify the certificate holder, by registered mail, at least 15 days in advance of any cancellation or material change.

14.2 General Liability:

Each Occurrence – Combined Single Limit - \$1,000,000

Aggregate - \$2,000,000

Includes:

Comprehensive Form

Premises/Operations

Underground Explosion Collapse

Hazard

Products/Completed Operations

Independent Contractors

Broad Form Property Damage

Personal Injury

14.3 Automobile Liability:

Includes: Bodily Injury & \$1,000,000

All Owned Vehicles

Property Damage Combined

Hired Vehicles

Non-owned Vehicles

14.4 Workers Compensation & Employers Liability:

As required by the State of Massachusetts

14.5 On large projects that are controlled by any Town department a copy of the Insurance Certificate to the Town under that contract will be acceptable for a Street and Trench Opening Permit provided the work is directly related to that Town project. A copy of all Insurance Certificates will be included with the permit application.

14.6 Exemptions to filing the insurance endorsement are made only to Town Departments, State and Federal governmental agencies, DPU and DTC regulated utility companies in good standing with the Town.

15. **Permit Fees**

15.1 The Department of Public Works shall levy charges and fees as determined by the Board of Selectmen. All applicants shall be required to submit the applicable fee unless exempted by the Board of Selectmen or their designee. Utilities and Town Departments may make arrangements to be billed monthly for permit fees.

Current fees are:

Occupancy, Trench & Stop Permits <100 LF - \$200.00/Month

Permit Extensions - \$100.00/Month

Each Additional LF Over 100 LF- \$1.00/Each LF

30 Days Dumpster Permit (must get approval from Police Dept, & provide reflective barricades around dumpster) - \$100.00/Per Location

Dumpster Permit Extensions - \$50.00/Month

16. Issuance of Permit

- 16.1 A permit shall be issued upon completion of all requirements of the application for a permit, including but not limited to:
- a. Upon receipt of a bond and insurance as required.
 - b. Upon approved sewer, drain or curb cut approval from OCD, if required.
 - c. Upon payment of fees as required by these regulations.
 - d. Any additional requirements as determined by the Director of Public Works.
- 16.2 A permit form must be signed by the Director of Public Works before it becomes valid. Approved permits will be issued by the DPW five (5) full business days after the application for a permit has been accepted unless additional information is required. **The Permittee is forbidden to commence work until an approved permit is obtained and the Permittee has notified the DPW at least twenty four (24) hours in advance of the exact date and hour the proposed work is to begin.**
- 16.3 **The Permittee is required to notify the DPW within 24 hours of the permitted works' completion.**
- 16.4 Permits will be valid for thirty (30) calendar days unless otherwise authorized.

17. Emergency Repairs

- 17.1 Nothing in these regulations shall be construed to prevent the making of such emergency excavations as may be necessary provided that the person making such excavation shall apply to the Town for such permit on the first business day after such work is commenced.
- 17.2 Before any excavation work is started at any time, the person must first contact all utilities as required by Dig Safe.

18. Extension of Time

- 18.1 All required work shall be completed in a manner satisfactory to the Town before the expiration date shown on the permit except in cases where permanent repairs, such as loaming and seeding, must be made at a future date. If completion of the work is not possible during the permit period the Permittee shall submit a written request to the DPW stating the reason(s) for the permit extension or work suspension. The DPW will review the request and make a determination if the extension or work suspension is justifiable within two (2) business days and provide an updated permit.

19. Display of Permits

- 19.1 Except for an emergency repair as defined, a copy of the permit shall be at the work site at all times for inspection by Town, State or Federal official(s). To be valid the permit must show the effective and expiration dates and must be signed by the Director of Public Works.

20. Revocation of Permits

- 20.1 Any permit issued by the Town of Belmont is revocable immediately, to the extent permissible by law, upon written notification to the Permittee.

21. Indemnification

- 21.1 The Applicant agrees as a condition governing the issuance of a permit, that they will hold harmless the Town of Belmont, the Director of Public Works, Town employees and elected and appointed officials from any and all claims and actions whatsoever arising from the issuance of said permit.

22. Clearance for Vital Structures

- 22.1 The excavation work shall be performed and conducted so as not to unnecessarily interfere with access to Fire Stations, fire hydrants, fire escapes, the Police Station, water gates, underground vaults, valve access and housing structures, manholes, handholes, catch basins, traffic signal cables and loops and all other vital equipment as designated by the Town. The Town reserves the right to require the Permittee to notify the department or utility for affected building(s) and/or facility.

23. Protective Measures and Traffic Control

23.1 Safety to Traffic

- 23.1.1 It shall be the responsibility of the Permittee to make certain that the security of the traveling public is safeguarded. Unless specifically indicated in the permit or authorized by the Town, the public way shall not be obstructed and the storage of material shall not be allowed within the public way. The portions of the public way which are excavated or are otherwise unsafe for public travel shall be adequately protected at all times to ensure public safety. Such areas shall be marked from dusk until dawn by signs, barricades or traffic barrels with lighted flasher beacons and reflective tape or other warning devices as necessary and/or as approved by the DPW, and public access to any unattended trench shall be restricted by covers or barriers, as specified in 520 CMR 14.04(2). When portions of the traveled way are made dangerous for the public the Permittee must employ a sufficient number of uniformed police officers and/or other traffic control measures as determined by the Belmont Police Department to direct the pedestrian or vehicular traffic safely through these areas. The work shall, if reasonably possible, be planned to avoid such conditions.

23.2 Protective Measures and Routing of Traffic

- 23.2.1 The Permittee shall, in general, maintain safe crossing for two (2) lanes of vehicular traffic on all streets, street intersections as well as safe crossings for pedestrians at intervals of not more than three hundred (300) feet. Adequate crossings shall be maintained for vehicles and pedestrians when an excavation is made across any public way. When an excavation on any public way takes up more than one-third (1/3) of the

roadway, and is to remain open overnight, steel plating as defined below will be required to maintain a normal traffic flow.

23.2.2 The Permittee shall take appropriate measures to assure that during the performance of the work pedestrian and vehicular movements shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining properties and to the general public. When traffic conditions permit, the Director of Public Works may permit the closing of the public way to traffic for a period of time prescribed by him/her, if in his/her opinion, it is necessary. The written approval of the Director of Public Works (or by verbal approval in cases of emergency) may require that the Permittee give notification to affected public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In cases of an emergency on week nights, weekends, or holidays, the utility having such emergency shall contact the Belmont E-911 Communications Center (using the non-emergency phone number appended to these regulations) before closing a public way to traffic. Warning signs shall be placed far enough in advance of the work location to safely alert pedestrian and vehicular movement within the public way. All traffic control devices shall be placed to channel pedestrian and vehicular movement in accordance with the MUTCD and any additional requirements of the Town.

23.3 Detours

23.3.1 When, in the opinion of the Director of Public Works, a public way may be obstructed by the applicant's proposed operations to such an extent as to unduly restrict vehicular or pedestrian movement or make its use hazardous an alternate Town road route or detour, may be designated. All expenses incurred by the Permittee as a result of the establishment, use and restoration of said detour shall be the responsibility of the Permittee. All detours shall be approved in advance by the Belmont Police Traffic Division and the Permittee shall be responsible to notify the Belmont E-911 Communications Center, the Belmont School Department and MBTA (if necessary) of the route and expected time of the detour prior to issuance of the permit. The Permittee shall supply and maintain such signs at his/her expense as may be necessary to clearly mark the detour. Preliminary to detouring of traffic an inspection shall be made by the Permittee and a representative of the DPW to determine the adequacy of the signs for the detour. A second inspection shall be made by the same person when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be made by the Permittee to restore the conditions equal or better to those existing prior to the establishment of the detour.

23.3.2 The supply and maintenance of all signs and other protective measures as well as the scheduling and cost of all police details are the responsibility of the Permittee.

23.4 Temporary Steel Plating

23.4.1 No open trench shall be left unattended at any time.

23.4.2 A Permittee may temporarily place a structural steel plate(s) over an open trench with the prior approval of the Director of Public Works. All steel plate(s) must have a thickness sufficient to resist bending, vibration and support all legal traffic loads, be a minimum of $\frac{3}{4}$ inches thick and meet the American Society of Testing (ASTM) Materials standard of A36

/ A36M. It is the Permittees sole responsibility to ensure that the steel plate(s) are structurally adequate for their intended use. Steel plates must completely cover the open trench and have a minimum overlap, on each side, of two (2) feet for the entire length and width of the trench. The Permittee shall also secure the plate(s) with spikes or similar devices to prevent any movement of the plate(s) and use cold or hot asphalt patch material for smooth traffic transition over the steel plate(s). All steel plate(s) used to cover an unattended trench must be no less than $\frac{3}{4}$ inch thick, to comply with 520 CMR 14.04(2).

23.4.3 The Permittee is responsible for any plate movements and will be billed for all costs with an administrative fee if the Town is required to reset any moved or out of position plates. The Permittee is responsible for insuring that excessive noise is not caused by traffic traveling over the steel plate(s). Any location with a steel plate for more than five (5) days will be required to recess the plate so that it is flush with the surrounding surface.

23.4.4 Steel plates, in general, will not be allowed if winter weather is expected. In the event that placement of the steel plate(s) is unavoidable and allowed by the Director of Public Works the Permittee will, at all times, notify the DPW prior to the steel plate installation. The Permittee may be required to recess the plates and place warning devices on the plate(s) as necessary at the sole discretion of the Director of Public Works. The Permittee shall be solely responsible for any charges for additional warning devices deemed necessary in the opinion of the Director of Public Works and erected by the DPW.

23.4.5 The Permittee shall be solely responsibility for the liability associated with all steel plate use.

24. Relocation and Protection of Utilities

24.1 The Permittee shall not interfere with any existing facility without the consent of the Town or the owner of the facility.

24.2 The Permittee shall secure approval for the method of support and protection from the owner of any facility affected or in conflict with the work. At all times, the facility shall be supported and protected to the satisfaction of the owner of the facility.

24.3 In case that any facilities are damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a facility, the Permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the person or utility owning them and the expense of such repairs shall be charged to the Permittee by the owner. It is the intent of this paragraph that the Permittee shall assume all liability for damage to facilities and injury to persons. The only exception will be such instances where damage is exclusively due to the negligence of the owning company. The Town shall not be made a party to any action because of this paragraph. The Permittee shall inform himself as to the existence and location of all underground facilities and protect the same against damages as required by Dig Safe.

24.4 If it becomes necessary to relocate an existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the Permittee, unless prior approval is obtained and the cost of such work is borne entirely by the Permittee.

The cost of moving privately owned facilities shall require permission in advance and be similarly borne by the Permittee unless other arrangements are made with the owner of the facility.

- 24.5 All sanitary sewer, storm drain lines and their associated structures (manholes and catch basins) shall remain clean and free of all debris, soil and other material at all times. The Permittee shall take action to be sure that all catch basins are clean. The street gutter will remain clear at all times to allow for the free flow of water to minimize the possibility of flooding. Any cleaning necessary to restore the cleanliness of the sanitary sewer and storm drain utilities shall be at the sole expense of the Permittee. If it is necessary to clean these utilities by public or private forces after the permitted project is completed the Permittee will be billed for all expenses, including administrative fees, associated with said cleaning.

25. Protection of Public Property

- 25.1 The Permittee shall not remove, even temporarily, any Town-owned property which exists in the public way, including but not limited to, any trees, shrubs, traffic or other signs, signals, or loops, without first obtaining the consent of the appropriate Town Department or Town Official having control of such property. If removal is allowed, storage and replacement of the public property shall be at the sole expense of the Permittee. In the event of damage, the property shall be replaced or the Town compensated by the Permittee in a manner determined by the governing department.

26. Protection of Public Shade Trees

- 26.1 The Permittee shall be responsible to comply with the Massachusetts General Laws, Chapter 87 regarding the protection of Public Shade Trees.
- 26.2 In the course of any work within the drip line of any Public Shade Tree in which tree roots are exposed the Permittee shall contact the Tree Warden to inspect the work and determine if any action is required by the contractor to minimize the disturbance and/or damage to the tree(s). If in the Tree Warden's opinion any such action is necessary, the Permittee is required to take any and all actions as directed by the Tree Warden to prevent and minimize disturbance and/or damage to the tree(s).
- 26.3 The removal of tree branches, any part of a tree or whole trees without the permission of the Tree Warden is forbidden. At all times, special care is required to protect the bark of all Public Shade Trees from injury or damage and preventative measures, as determined by the Tree Warden, shall be required. Any action required to protect Public Shade Trees shall be at the sole expense of the permittee.
- 26.4 Any damage to public shade trees by the Permittee shall require restitution to the Town as determined by the Tree Warden.

27. Preservation of Monuments

- 27.1 Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench

mark within the Town, shall not be removed or disturbed without first obtaining written permission from the Office of Community Development. If any work results in a monument being moved, shifted or broken it must be reset as located by a Registered Land Surveyor at the Permittees expense in accordance with MHD Standard Specifications for Highway and Bridges Sections M9.04.08, 710.60, 710.61 and 710.62. Permission to remove or disturb such monuments, reference points, or bench marks shall be granted only when no alternate route for the proposed facility is available. If the OCD is satisfied that no alternate route is available, permission shall be granted only upon condition, by agreement in writing, that the person or utility applying for such permission shall pay all expenses incidental to the proper replacement of the monument to the satisfaction of the OCD.

28. Monitoring Wells

- 28.1 Monitoring wells located in the Public Way shall have an access cover permanently marked "Monitoring Well". Said cover shall be capable of handling H-20 traffic loading. The entire installation shall be maintained by the Permittee for the life of the well by the Permittee with the Street Opening Bond and Certificate of Insurance maintained in force for the entire duration of the well installation. When the well is no longer needed, the well shall be filled to the depth of pavement with Controlled Density Fill (CDF) and permanently paved as required by the Director of Public Works. Maintenance and guarantee of the temporary and permanent patch shall be the responsibility of the Permittee as required on related sections of these regulations.

29. Hours of Work, Sundays and Legal Holidays

- 29.1 No work, except in an emergency or by specific authorization, will be conducted on Saturdays, Sundays and legal holidays. Except in an emergency, all work will be performed on Monday through Friday between the hours of 7:00 AM and 8:00 PM.

30. Noise, Dust and Debris

- 30.1 Each Permittee shall comply with Article 23 of the General By-Laws of the Town titled "Belmont Noise By-Law" and, except in an emergency, perform all work between the hours of 7:00 AM and 8:00 PM Monday through Friday. All permitted work will be conducted in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring property.

31. Care of Excavated Material

- 31.1 All material excavated from trenches shall be piled and maintained in such manner as not to endanger pedestrians or users of the public way and so that as little inconvenience as possible is caused to those using the adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes or other areas of concern.

- 31.2 Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the Permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the Permittees responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

32. Temporary Roadway and Sidewalk Repairs

- 32.1 After the excavation has been backfilled and compacted, as specified in the Belmont Standard Specifications, a temporary surface repair shall be made prior to the end of the work day. Temporary asphalt paving shall be Class I Bituminous Concrete Type I-1 hot asphalt conforming to MHD Standard Specifications for Highway and Bridges and shall be placed in a minimum three (3) inch thick course in two (2) equal lifts. Each lift shall be compacted by power roller or vibratory plate compactor with the top course evenly matching the surrounding existing pavement so that it is compacted and smooth enough for pedestrian and vehicular traffic to pass over the area quietly and safely. The Permittee shall be responsible for maintaining the temporary paving for a minimum period of ninety (90) days after backfilling is completed and until the permanent paving is completed.
- 32.2 In cold weather during emergencies, if hot bituminous concrete is unavailable, temporary surface repairs may use either plant prepared or modified asphalt cold patch.
- 32.3 Non-paved surfaces shall be backfilled and compacted as specified and restored to the original grade evenly matching the surrounding surface. Restoration, as required, to the original condition of the work areas shall be the responsibility of the Permittee.
- 32.4 In the event that the maintenance of temporary repairs is unacceptable, the Permittee will be notified and is required to complete the improvement(s) within twenty-four (24) hours of said notification.

33. Town Right to Repair

- 33.1 Under any circumstances if the Permittee, upon notification, does not repair any trench or other hazard in the public way in a timely fashion, or if the work results in a public safety hazard, the Town reserves the right to take immediate action or make immediate repairs to protect the public. All costs, including administrative fees, associated with these actions will be the responsibility of the Permittee.

34. Prompt Completion of Work

- 34.1 After an excavation has commenced, the Permittee shall prosecute with diligence and expedition all work covered by the Street and Trench Opening Permit and shall promptly complete such work and as specified herein.

35. Curbing

- 35.1 No person shall damage, remove, transport, or cause misalignment of any granite, bituminous or other curbing or berm, including radius curb and catch basin guttermouths, for any reason whatsoever without first receiving permission from the Director of Public Works.
- 35.2 Any person damaging curbing or berm during the course of excavation, or for any other reason, shall be responsible for its replacement in kind at the Permittee's sole expense.

36. Excavation During Winter

- 36.1 No person shall be granted a permit to excavate or open any public way from November 15th of each year to April 1st of the next year unless a special condition exists and a permit is obtained from the Director of Public Works.
- 36.2 Any person wishing to obtain an excavation permit between the aforementioned dates shall first explain fully, in writing, the nature of the special condition on the permit application before the application is considered. Before any permit is granted it is critical that the Applicant demonstrate a compelling need for this work and that it is in the best interest of the Town.
- 36.3 If an emergency condition exists excavation and related work shall not be delayed by this section of these regulations.

37. Inspections

- 37.1 The Town shall make such inspections as are necessary in the enforcement of these regulations.

38. Testing of Work

- 38.1 The Director of Public Works has the right to order any test on any trench restoration in order to determine if the work has been completed in accordance with these regulations.
- 38.2 If the test(s) shows the restoration to be acceptable the testing cost will be borne by the Town. If the test shows the restoration to be unacceptable the Permittee must pay the cost of the testing in addition to making an acceptable project restoration.

39. Excavation on a Resurfaced Public Way

- 39.1 Whenever the Town has developed plans to resurface or reconstruct a public way the Town, or its representative, shall give written notice thereof to all abutting property owners, the applicable Town department(s) and to all public utilities which have or may reasonably plan to lay pipes, wires or other facilities in or under the public way. Upon receipt of such written notice such person shall coordinate the installation or repair of any such facilities with the Office of Community Development. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility shall

make a written application to the Town explaining fully the reasons for requesting such an extension of time. **At the expiration of the time fixed and after such street has been resurfaced or reconstructed, no permit shall be granted to open such street for a period of five (5) years, unless an emergency condition exists.**

- 39.2 If a permit is granted under an emergency condition, the Town may impose extraordinary conditions on the Permittee to preserve the integrity of the public way and to blend any permanent trench restoration with the existing pavement.

40. Penalty

- 40.1 Pursuant to Belmont General Bylaw Section 20.13, the penalty for violation of any provision of Belmont General By-Law Article 20.5 and 20.7 or of these Regulations shall be \$300.00 for each offense, with each day or part thereof on which the violation continues constituting a separate offense. Any police officer of the Town and the Department of Public Works Director are hereby authorized to enforce the provisions of Sections 20.5 and 20.7 and these Regulations by non-criminal disposition as provided in Chapter 40, Section 21D of the General Laws ("Section 21D").
- 40.2 In addition to the above penalty any person who violates, or continues to violate, any provision of these regulations shall be subject to revocation of any current Street and Trench Opening Permit and/or receive no future permits until such time as the Town is satisfied that the person shall complied with the terms of these regulations.

APPENDIX A

CONTACT LIST

Emergency Police, Fire and Ambulance – Telephone - 911

Dig Safe Notification – Telephone - 1-888-344-7233

Belmont Department of Public Works – Telephone - 617-993-2680

Office Hours: Monday 8 AM – 7 PM, Tuesday – Thursday 8 AM - 4 PM,
Friday 8 AM -12 PM

After Hours – call Belmont Communications at 617- 993-2501

Belmont Office of Community Development – Hours – 7:30 AM to 4:30 PM

Telephone 617-993-2650

Belmont Police Traffic Division – Hours -8:00 AM to 4:00 PM – Telephone - 617-993-2530

Belmont School Department – Hours 8:00 AM to 4:00 PM – 617-993-5430

Massachusetts Bay Transportation Authority (MBTA) Bus Route Notification –
Central Control – Telephone - 617-222-3926

Massachusetts Water Resources Authority (MWRA) - 8(m) Permit Information –
Telephone 617-305-5914

Massachusetts Water Resources Authority (MWRA) 24 hour Emergency Contact –
Telephone for Water – 617-305-5950 for Sewer – 617-305-5940

APPENDIX B

Massachusetts Water Resources Authority Water Main Locations

Trapelo Road from Mill Street to Pleasant Street

Pleasant Street

Common Street

Concord Avenue from Common Street to Leonard Street

Leonard Street

Clifton Street from Pleasant Street to Prospect Street

Prospect Street from Clifton Street to Park Avenue

Park Avenue from Prospect Street to Route 2

Alexander Avenue from Pleasant Street to Claflin Street