TOWN OF NATICK
MASSACHUSETTS

POLICY REGULATING STREET OPENING PERMITS

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ADOPTED

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TABLE OF CONTENTS

Page #	Section #	Title
3	1	Definitions
4	2	Street Opening License and Permit
5	3	Application Fee
6	4	Location Plan
6	5	Performance Guarantee
7	6	Insurance
10	7	Start of Work and Inspections
11	8	Compliance Testing
11	9	Emergency Action
12	10	Traffic Safety
12	11	Access to Vital Structures
12	12	Relocation and Protection of Utilities
13	13	Notification to Public Utility Companies
13	14	Dig Safe
13	15	Protection of Adjoining Property
14	16	Protective Measures
14	17	Excavated Material
15	18	Construction Materials and Equipment
15	19	Dust and Clean Up
15	20	Protection of Gutters and Basins
15	21	Hours of Operation
15	22	Trenches
16	23	Prompt Completion of Work
16	24	Breaking through Pavement
17	25	Backfilling
17	26	Temporary Pavement Resurfacing
17	27	Restoration of Permanent Paving
19	28	Cement Concrete Patch Paving
19	29	Restoration of Pavement Marking
19	30	Restoration of Grass Plots/Loam Strips
20	31	Extended Maintenance Fee – New Pavement
20	32	Enforcement and Penalties
22		Signature Page

Policy Regulating Street Opening Permits
Town of Natick, Massachusetts

This policy is promulgated by the Board of Selectmen pursuant to the authority granted under Article 3 Section 3-2 of the Town Charter and Article 10 of the General By-laws of the Town of Natick. The Board of Selectman, upon due notice, may promulgate policy and regulations for excavations within the limits of the public ways of the Town of Natick and may rule, regulate or specify particulars with respect to any such excavation.

The purpose of this policy is to establish reasonable standards to protect the safety of the public, to avoid interference or damage to town infrastructure, and to provide a uniform standard of construction for work within the public ways and lands under the control of the Town.

1.0 DEFINITIONS

a. Permittee, Applicant or Contractor shall mean any person, firm partnership, association, society, corporation, company or organization of any kind that is licensed to undertake street openings (excavations) in the Town of Natick.

b. Subcontractor shall mean any person, firm, partnership, association, society, corporation, company or organization of any kind, planning to undertake a street excavation and who is not the actual Street Opening Permit holder.

c. Director shall mean Director of Public Works of the Town of Natick.

d. Engineer shall mean the Town Engineer of the Town of Natick or his designee.

e. Street shall mean:

a. Any Town accepted Street (Public Way).
b. Any Way defined by the Town Clerk as "A Way Used and Maintained as a Public Way" (MGL: Chapter 41, Section 81L)

f. Guarantee Period – Each applicant is responsible for the satisfactory maintenance of the trench and/or work area for one year from the **date of acceptance of final required trench restoration.** If the contractor involved does not notify the Engineering Division regarding start of work and inspections as is required elsewhere in these Rules, he may be held responsible for the trench for a period exceeding one year.

Work covered under a permit issued herein is not considered "approved" for performance guarantee release purposes until such time as the one year "Guarantee Period" has expired.

g. Duration of Permit - Permits may be issued in a given year during the calendar period April 15th to November 1st. All excavation work and pavement restorations must be completed by November 15th of that same year. The permit is good for excavation **ONLY** during the calendar period in which it was

issued. If the rights granted in a particular permit are not exercised by November 15, the permit shall be null and void. No permit will be allowed to extend to the next calendar season.

h. Street Opening Moratorium – Shall mean the period of time during which openings of a street that have been constructed/resurfaced/reconstructed within the last 5 (five) years are prohibited except by specific approval by the Director. The moratorium period is calculated from January 1st of the following calendar year in which the roadwork was completed. Each year, and at the completion of a road construction project, the Department will update a list of roads considered under the street opening moratorium. Such list will be available at the Engineering Division's Office and the Community Development Department Office.

i. Emergency – Shall mean a condition or event that may threaten public health or safety, including but not limited to, third party damaged or mechanical failure resulting from 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, natural gas, or and communication facility systems or downed overhead pole structures.

j. Trench Permit - Shall mean that Permit required by the Massachusetts Department of Public Safety pursuant to MGL c.82A and CMR 7.00 (as amended).

k. Department – Shall mean the Town of Natick Department of Public Works.

l. Engineering Division – Shall mean the Engineering Division of the Natick Department of Public Works.

2.0 STREET OPENING LICENSE AND PERMIT

Effective January 1, 2018 no person shall make any excavation within a street or excavate a trench on public property prior to becoming licensed by the Town of Natick. Licenses may be issued by the Department in three (3) year cycles. A license fee of $75 will be required for initial licenses and renewals. Persons seeking a license shall provide a copy of their Massachusetts Hoisting License, proof of insurance as provided in Section 6.0, a completed license application form (including project experience and references), and shall have no outstanding permit violations. Examples of violations include but are not limited to, working without a valid street opening permit or trench permit, working in violation of the restrictions placed on permits, or performing work that does not meet Town specifications. Such person upon receipt of a license commits to having a competent person on the job site in accordance with 520 CMR 14.00. The Department shall require a signature committing the applicant to compliance with the requirements; valid contact information including email and 24-hour phone number. A list of licensed contractors will be made available to the public via the Town of Natick website and upon request to the Department. The list shall be updated annually.

No person shall make any excavation in a street as defined in Section 1.0d above without first obtaining a Street Opening Permit and if necessary a Trench Permit from the Engineering Division, for each specific excavation, except as otherwise may be provided in these regulations. In addition to obtaining this Permit from the Engineering Division, the applicant is responsible for obtaining any and all

permission from the private entities involved that own the rights in the way. Evidence of this permission will be required before a Permit will be issued. This evidence will be attached to and become part of the Permit, if it is approved.

Permits may be obtained from the Engineering Division, on a routine basis, between April 15th and November 1st, with all excavation work to be completed by November 15th. For work to be performed outside this time frame, permission must be obtained from the Director for each specific excavation before the Engineering Division can issue the Permit. Permits must be obtained a minimum 72 hours prior to the time when the street opening is to occur. As noted in Section 7.0 of these regulations, once a permit is received, the Engineering Division shall also be notified at least 24 hours prior to when the street opening is to take place.

Private Ways that are not maintained and publically accepted by the Town of Natick are not covered by these Rules and Regulations. All permission to excavate and occupy the private way must be obtained from the private parties involved.

The permit will be for each specific excavation only. No generic permits will be issued. Work must be performed within the time frame specified and agreed to by the applicant at the time of application. All time requirements specified and required elsewhere in this Policy must be met.

All work undertaken by the permit holder shall be done under the direction of the Engineer, at the sole expense of the permit holder in accordance with the latest edition of the Town of Natick Department of Public Works Construction Standards.

Permits must be kept at the job site during the work and must be shown, upon request, to any authorized Town personnel.

The permit applicant shall comply with the Federal Occupational Safety and Health Act., and any and all regulations promulgated by the Massachusetts Department of Public Safety pursuant to MGL c.82A and 520 CMR 7.00 (as amended).

3.0 APPLICATION FEE

At the time of application, all fees associated with the permit must be paid by the applicant. The fee schedule shall be as follows:

Up to 120 square feet of roadway affected	$250.00
Each additional 200 square feet of roadway affected	$60.00

This charge is in addition to any charges assessed by other town departments, boards or agencies as well as in addition to any charges that may be incurred from a Water and Sewer Permit or a Trench Permit that is also assessed by the Engineering Division.

There shall be no fees for work conducted by Town staff or by contractors performing or accommodating a Town construction project.

4.0 LOCATION PLAN

Scaled drawings, plans or a sketch location map detailing the proposed work (depending on the type of work to be performed) shall be filed with the Engineering Division before a Street Opening Permit is issued. A detailed sketch may be drawn on the Permit Application or be provided on separate sheets.

5.0 PERFORMANCE GUARANTEE

Before a Street Opening Permit is issued, the applicant shall file a certified bank check with the Department in the amount of five thousand dollars ($5,000). The certified bank check shall be payable to the Town of Natick. All certified bank checks will be deposited in the Street Opening Permit Account for the duration of the guarantee period. This performance guarantee is conditioned that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any street, highway, way or road in which said applicant, their employees or agents shall make such excavation.

The Director shall be authorized to draw upon the certified bank check account as may be necessary to cover the costs of the Town, including administrative costs, to perform work which a permittee has not satisfactorily performed or maintained. The Director shall be authorized to draw upon the certified bank check account after due notice, but only after the permittee has failed to perform said work and failed to pay outstanding expenses incurred by the Town.

No new Street Occupancy Permit shall be issued to a permittee until the full amount of the certified bank check is restored.

Exceptions to providing a certified bank check are made only to other governmental agencies of state and federal level and public utility companies.

The Department at its sole discretion may require a performance guarantee in an amount greater than that stated above, if in their consideration the scope of the work requires a larger amount. Additionally, the Director, may accept one $25,000.00 performance guarantee for multiple excavations if the total value of work does not exceed $25,000.00.

The amount of a performance guarantee in excess of the initial $5,000 certified bank check may be in the form of a satisfactory bond from a surety company authorized to do business in the Commonwealth of Massachusetts.

No Street Opening Permit shall be issued until a proper financial guarantee has been submitted and accepted.

The Department will not accept cancellation notices on bonds submitted by an applicant for a permit for which the Guarantee Period has not expired. Coverage must remain in full force for the entire Guarantee Period. It is the responsibility of the applicant to ensure coverage is maintained. The Town requires a Street Opening be covered by the performance guarantee for one full year from date the work is completed.

During the Guarantee Period the permit holder shall be responsible for the restoration, repair, and maintenance of its work. If the restored excavation fails, the permit holder may be required to completely re-excavate, refill, and repave any permanent restoration. If, at any time, during the Guarantee Period, it is discovered that the permanent restoration was not made in accordance with Town specifications, the permit holder shall be responsible for making proper restoration within a timeframe the Town requires. If the permit holder fails its obligations to repair and/or replace the failed permanent restoration, the Town shall be authorized to draw upon the Performance Guarantee.

In the event that the permittee does not successfully perform a permanent restoration to a street cut or excavation after due notice and upon the approval of the Director, the Town, shall perform the permanent restoration. The permittee shall pay to the Town the total cost of the work based upon the actual cost of the restoration as performed by the Town with an additional amount of 50% to cover indirect costs. No new permits for any excavation shall be issued to said permittee until full payment is made. The total payment due may be above and beyond the required minimum $5,000 certified bank check provided as a performance guarantee.

6.0 INSURANCE

The Contractors licensed to perform street openings shall obtain and provide proof of insurance to the Department.

Such insurance shall protect the Town of Natick, its agents, elected and appointed officials, commission members and employees against liability, loss or expense on the account of damaged property (including loss of use), injury to or death of any person or persons and for care and loss of services arising in any way out of or in connection with or resulting from the work or service performed on behalf of the Town of Natick. The Town of Natick shall be listed as Certificate Holder.

COMPENSATION AND EMPLOYER'S INSURANCE:
*(REQUIRED ONLY IF THE CONTRACTOR IS DOING WORK FOR THE TOWN)

The Contractor agrees to comply with Workers' Compensation Laws of the State and to maintain a Workers' Compensation and Employer's Liability Policy. This policy shall be endorsed to provide All States Coverage and Voluntary Compensation Coverage. The policy will also include coverage for United States Longshoreman's and Harbor workers' coverage. No Street Opening Permit shall be issued until a proper Certificate of Insurance has been submitted for the applicant and their subcontractors.

Worker's Compensation And Employer's Liability Statutory Limits	Each Accident	$500,000
	Disease – Policy Limit	$500,000
	Disease – Each Employee	$500,000

COMMERCIAL GENERAL LIABILITY INSURANCE:

The Contractor shall provide Commercial General Liability Insurance, Blanket Broad Form Contractual Liability, explosion, collapse or structural injury to property of others including underground utility

facilities, contractor's protective liability, if subcontracting is authorized, and products and completed operations for a minimum of one year after acceptance of the work. Renewal certificates shall be filed with the Department.

Bodily Injury and Property Damage	General Aggregate	$2,000,000
	Products – Comp/Op Agg.	$2,000,000
	Each Occurrence	$2,000,000
	Personal Injury	$1,000,000
	Fire Damage	$100,000
	Medical Payments	$10,000

OWNER'S PROTECTIVE LIABILITY INSURANCE:

The Contractor shall provide Owner's Protective Liability Insurance in the name of the Town of Natick, including Officers and employees of the Town of Natick, insuring against bodily injury and property damage liability for which they may become legally obligated to pay as damages sustained by any persons, caused by accident and arising out of operations performed for the named insured by independent contractors and general supervision thereof.

Bodily Injury and Property Damage: $ 2,000,000 (Minimum)

BUSINESS AUTOMOBILE POLICY:

The contractor shall provide Automobile Liability insurance which shall include coverage for all leased, owned, non-owned and hired vehicles

Combined Single Limit for Bodily Injury and Property Damage: $1,000,000

COVERAGE FOR HAZARDS:

Policies submitted to the Town must include coverage for explosion, collapse or underground hazards. XCU Exclusions must be "waived" or "included" and this must be so stated on the Certificate of Insurance

INSURANCE SUMMARY:

The Contractor may, at their option, provide the limit of liability as set out above by a combination of the above described policy forms, including an Umbrella or Excess liability Policy. The Excess or Umbrella must provide coverage on at least a following form basis.

It is a condition of this policy that the insurance policies waive any and all government immunity as a defense in any action brought against the insured or any other party.

The Contractor shall provide insurance to cover operating hazards during the period of placing the facility in operation and during testing, and until such times as the facilities are completed and accepted for operation by the Town and written notice of that fact has been issued by the Town.

Approval of the insurance by the Town shall not in any way relieve or decrease the liability of the Contractor hereunder. It is expressly understood that the Town does not in any way represent that the specified limits of liability or coverage or policy forms are sufficient or adequate to protect the interest or liabilities of the Contractor.

The Department shall be given at least 30 days written notice of cancellation, non-renewal, or material change of the required insurance coverage

All responsibility for payment of any sums resulting from any deductible provisions, or self-insured retention conditions of the policy or policies shall remain with the Contractor

The insuring company or agent shall deliver to the Department, certificates of all insurance required signed by an authorized representative of the insurance company and stating that all provisions of the specified insurance requirements are satisfied. The certificates shall be submitted directly to the Department for review and approval.

The Contractor shall not begin any work until the Town has reviewed and approved the insurance certificates and so notified the Contractor directly in writing. Any notice to proceed that is issued shall be subject to such approval by the Town.

ADDITIONAL INSURED:

The Town of Natick must be named as an additional insured and this must be so shown on the Certificate of Insurance.

GENERAL INDEMNITY:

The Contractor shall indemnify, defend and save harmless the Town of Natick, its appointed or elected officials, commission members, employees, agents and each of them for any and all suits, actions, legal or administrative proceeding, claims, demands, damages, liabilities, interest, attorneys fees, costs and expenses of whatsoever kind or nature, whether arising before or after final acceptance and in any manner directly or indirectly caused, occasioned or contributed to in whole or in part by reason of any act error or omission, fault or negligence whether active or passive by the Contractor, or any one acting under its direction, control of on its behalf in connection with or incident to its performance of the Contract.

Property Damage Liability shall include damage to property caused by explosives and blasting, or by vehicles or equipment, or on account of trenches or from any other cause. The Director may, in their sole discretion, require increased limits of insurance for property damage.

Utility companies that are self-insured must present a certificate or document proving their financial responsibility in at least the minimum limits as are herein described.

The applicant, their subcontractors and agents shall carry, at a minimum, the above insurance limits.

No Street Opening Permit shall be issued until a proper Certificate of Insurance has been submitted for the applicant, their subcontractors and agents.

If a Contractor carries an excess liability policy (an "umbrella" policy), the Department reserves the right to verify that the policy meets at least the minimum insurance requirements of these Rules and Regulations.

It is the responsibility of the applicant to ensure that their insurance coverage remains in full force for the entire Guarantee Period. If the policy submitted by an applicant expires before the expiration of the Guarantee Period, he must present the Department with a new Certificate of Insurance covering the remainder of the Guarantee Period.

The instrument must be so written so as to allow the Town of Natick to perform work deemed necessary by the Director to correct any deficiencies and all costs incurred by the Town may be applied against the Performance Bond if they are not recovered after billing to the Permittee. Public Utility Companies, State and Federal Agencies are exempt from this section. The Town will give the Permittee eight (8) hours notice to make the necessary repairs.

Insurance Certificates shall be provided in the name of the permit applicant only.

Any subsequent agreements between said applicant and a subcontractor engaged by him shall be considered a private matter, as the Town considers all issues having to do with obtaining the permit and performance of the work the responsibility of the permit holder.

The Director may at any time cancel or suspend permits and licenses for cause. Cancellation of insurance endorsement automatically cancels the permit.

Any Subcontractor (refer to Section 1) planning to undertake a Street Opening must, before such excavation commences, present the Department with insurance certificates and bonds in amounts identical to those specified elsewhere in these Regulations. Failure to do this may result in immediate shutdown of the work

It shall be the sole responsibility of the Permit Holder to submit the proper performance guarantees and insurance. Failure to do so may result in denial of a license and future permits.

7.0 START OF WORK AND INSPECTIONS

Work shall commence as near to the starting date, as specified in the permit, as possible. A twenty-four (24) hour notice to the Engineer prior to start of work is required, except in critical areas. In critical areas, a forty-eight (48) hour notice to the Engineer prior to start of work is required and a preconstruction meeting held with representatives from the Police Department and Engineering Division at a minimum. The permittee will provide a traffic management plan for review and approval.

Critical areas are considered to be street intersections, arterial routes and streets within the downtown shopping and business areas. Streets considered as arterial routes are:

West Central Street, East Central Street, Speen Street, Hartford Street, South Main Street, North Main Street, Eliot Street, Pond Street, Pine Street, Union Street, Pleasant Street, Marion Street, Bacon Street, Oak Street, Washington Avenue, Mill Street, Cottage Street, and Walnut Street.

All trenches, excavations, and utility installations for which a Street Opening Permit is required and for which one is granted, must be inspected by the Engineer before any part of the work is backfilled. It is the responsibility of the applicant to properly notify the Engineer and request the inspection. If the trench is not properly inspected, the Engineer reserves the right to require the applicant to re-excavate all or a portion of the work.

In addition to the requirements of the previous paragraph, the Contractor must also call the Engineering Division by 7:30 A.M. on the day the work is to begin in order to schedule inspections by Engineering Division personnel. Not properly notifying the Engineering Division as is herein described may result in the Contractor being held responsible for the trench for a period longer than one year. Such a failure may also result in further permits being delayed or denied.

Failure to start work by Permit expiration shall cause the permit to become null and void. A new permit application and permit fees shall be submitted to trigger application approval. Unless otherwise noted on the issued permit, permits are only valid for the duration of the current permit year.

8.0 COMPLIANCE TESTING

In general, where compliance to the requirements of this policy and its intent is in question, the Permittee, at their expense shall provide any and all proof of compliance to the Department. Acceptable proof shall be by, but not limited to, approved independent laboratory tests, approved independent field tests, shop drawings and certifications of compliance from manufacturers. Specific tests as required by regulations and specifications shall be performed.

9.0 EMERGENCY ACTION

Nothing in these rules 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, cable, or pipe, or other buried structure or appurtenance. The entity making such excavation shall apply to the Engineering Division for such a permit on the first working day after such emergency work is commenced.

The person engaged in emergency action shall notify the Engineering Division, Police Department, Dig Safe, and the Public Utility companies at the start of the emergency work.

10.0 TRAFFIC SAFETY

The Permittee shall take appropriate measures to ensure that during the performance of the excavation so far as is practicable, normal traffic conditions be maintained at all times, causing as little inconvenience as possible to the occupants of abutting property and to the general public

The Permittee, where possible, shall maintain safe crossings for two lanes of vehicular traffic at all public intersections, as well as safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavation is made across a public way, it shall be made in sections to ensure safe crossing for both vehicles and pedestrians. If the way is not wide enough to hold the excavated material for part-time storage and still allow safe passage of traffic, the material shall be immediately removed from the location.

The Traffic Safety Officer may permit the closing of streets and walks to all traffic for a period of time prescribed by him if, in their opinion, it becomes necessary. If a street is so closed, it is the applicant's responsibility to notify the ***Police, Fire*** and ***School*** Departments.

Warning signs shall be placed at sufficient distance from the construction operation to alert all traffic coming from both directions. Cones or other approved devices shall be placed to channel traffic, all in accordance with any requirements of the Traffic Safety Officer.

Warning signs, lights, and other precautions as may be necessary for the purpose, unless specified by the Town Engineer or Traffic Safety Officer shall conform to the latest requirements and practice of the Massachusetts Department of Public Works. All costs incurred, including those for traffic warning signs, barriers, flagman, policeman, etc. shall be fully borne by the Permittee.

All Street Openings may require the presence of a Police Officer or a certified Road Flagger to be on duty for traffic safety. If, in the determination of the Police Chief (or their designee), a Police detail officer or certified Road Flagger will not be necessary then the Permittee will be required to return to the Engineering Division a copy of the Street Opening Permit with the appropriate Police Department signatures stating a detail will not be required.

11.0 ACCESS TO VITAL STRUCTURES

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, catch basins, or any other vital public necessity as designated by the Engineer.

12.0 RELOCATION AND PROTECTION OF UTILITIES

The Permittee shall not interfere with any existing utility without the written consent of the Town Engineer and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost of such work borne by the permittee. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. The

permittee shall adequately support and protect (by timbers, sheeting, etc) all pipes, conduits, poles, wires, cables or other appurtenance *which* may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work area. In the event any of said pipes, conduits, poles, wires, cable or appurtenance be damaged (and for this purpose pipe coatings or outer encasements or similar type protective devices are to be considered as part of a sub-structure), such damage shall be repaired by the agency or persons owning them and the expense of such repairs borne by the permittee. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer gas pipe, electric conduit or other such similar type appurtenance.

13.0 NOTIFICATION TO PUBLIC UTILITY COMPANIES

The permittee shall in accordance with the General Laws of the Commonwealth of Massachusetts, currently in effect, give notice to public utility companies before making excavation in a public way.

14.0 DIG SAFE

A valid "Dig Safe" number shall be obtained for each application. No application will be accepted without it. It is the applicant's responsibility to comply with all Dig Safe rules, regulations and guidelines.

15.0 PROTECTION OF ADJOINING PROPERTY

The permittee shall at all times and at their own expense preserve and protect from injury any adjoining property by providing proper foundations, and by taking such other precautions as may be necessary for the purpose. The permittee shall, at their own expense, shore up and protect buildings, trees, walls, fences or other property likely to damage during the process of the excavation work and shall be responsible for all damage to public or private properly or highways resulting from its failure to properly protect and carry out said work. The permittee shall not remove, even temporarily, any trees or shrubs which exist in planting step areas without first obtaining the consent of the Town Engineer. The following policy will be adhered to in the case a tree is destroyed by the permittee or a tree is authorized for removal by the Town Engineer:

- All tree stumps and debris resulting from the work **shall** be removed from the location.

- A replacement shall be made by the permittee for each tree removed or destroyed with a minimum caliper of 2-1/2 inches or greater; the species and place of relocation to be designated by the Tree Warden planted in place and it must be balled and burlapped.

- The permittee shall deliver to the Town Engineer a bonafide order, placed with a recognized established nursery before installing the authorized trees. The order shall include in it a statement that the size and species required will be in accordance with "USA Standard for Nursery Stock" and that

planting will be done in accordance with the applicable provisions of "Massachusetts Department of Public Works Standard Specifications".

- **All protective work carried out or deemed necessary affecting buildings must be approved by the Building Inspector.**

- For roadside planting the following type trees will be acceptable subject to approval by the Tree Warden as to which specific species is best for the location where the tree is planted: Sugar Maple, Crimson King Maple, European linden or approved Equal.

- In certain areas of the Town, ornamental trees, such as Flowering Crab, European Mountain Ash, Japanese Flowering Cherry, Moraine Ash and Washington Hawthorne are acceptable as replacement trees. These trees are purchased by height and not by caliper and must be balled and burlapped.

- They must conform to the following minimum heights: 5'-6' Flowering Crabs and Flowering Cherries, and 6'-8', Moraine Ash, European Mountain Ash and Washington Hawthorne. In areas under utility wires, the tree replacement policy will be governed by both the Town Tree Warden and the Electric Company's standards at the time of the work being completed.

16.0 PROTECTIVE MEASURES

It shall be the duty of every person cutting or making any excavation in a street to place and maintain such barriers and devices necessary for the "Public Safety" as may be required by the Engineer immediately following said excavation,

Barriers shall meet the requirements of the Engineer and Traffic Safety Officer. Warning lights shall be flares, torches, lanterns, electric markers or flashers and used to indicate the hazard to traffic from sunset of each day to sunrise the next day. Lanterns shall have clear, red or ruby globes. Electric markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. The type of warning lights to be used in any particular location is subject to the approval of the Engineer and Traffic Safety Officer. Flares or lanterns should be used on all single or small excavation within pavement lines.

17.0 EXCAVATED MATERIAL

All material excavated shall be removed from the site, except in such cases as the material is deemed suitable for backfill by the Engineer. Any material excavated and deemed unsuitable for backfill shall be both removed and replaced with suitable material at the permittee's expense. It is the sole responsibility of the applicant to remove and dispose of all excess material at a legally approved site.

18.0 CONSTRUCTION MATERIALS AND EQUIPMENT

Construction materials and equipment on the site shall be limited in quantity and space occupying area so as to not unduly hinder and block the way.

19.0 DUST AND CLEAN-UP

As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The permittee shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day. All cleaning operations shall be accomplished at the expense of the permittee and shall be carried out to the satisfaction of the Engineer.

20.0 PROTECTION OF GUTTERS AND BASINS

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least 3' in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

The appropriate environmental protection methods should be employed to ensure that run-off from construction does not cause problems with the town storm drainage system. The appropriate combination of hay bales and erosion control barriers shall be incorporated onto the site. A catch basin filter bag shall be installed in catch basins downstream of the construction site (as directed by the Engineer) to prevent harmful silt and debris from entering the storm water inlet.

The permittee shall make provisions to take care of all surface water, mud, silt, residue or other run-off pumped or removed from excavations and shall be responsible for any damages resulting from their failure to so provide.

21.0 HOURS OF OPERATION

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary, inconveniences and annoyance to the general public and occupants of neighboring property. Work covered under the Street Opening Permit shall be restricted to 7:00am to 4:00pm, Monday through Friday unless prior approval is given by the Engineer or in cases of an emergency as defined in Section 1.0 i.

22.0 TRENCHES

The maximum length of open trench permissible at any time shall be in accordance with existing normal municipal standards or as may be specified by the Engineer. No greater length shall be open for pavement removal, excavation, construction, backfilling, patching and other operations without the written permission of the Engineer.

The permit applicant shall comply with the Federal Occupational Safety and Health Act., and any and all regulations promulgated by the Massachusetts Department of Public Safety pursuant to MGL c.82A and 520 CMR 7.00 (as amended).

No trench shall be left open over night unless specifically authorized by the Engineer. Proper protection (i.e. plates) must be employed on construction sites to ensure the appropriate protection during non-working hours.

23.0 PROMPT COMPLETION OF WORK

After an excavation is commenced, the permittee shall prosecute with diligence and expedition, all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition or as near as may be, so as not to obstruct the way or travel thereon more than is reasonably necessary.

24.0 BREAKING THROUGH PAVEMENT

The use of hydro-hammers or heavy duty pavement breakers for breaking pavement are prohibited on all streets unless written permission is granted by the Engineer for their use after due consideration of the location, the condition of the street and the depth of saw cutting required ahead of the use of the hammers.

Approved cutting of bituminous pavement surface ahead of excavation is required to confine pavement damage to the limits of the trench. Sections of bituminous or cement concrete sidewalks shall be removed to the nearest score-line or approved saw cut edge.

Unstable pavement shall be removed over cave-outs and over breaks and the sub-grade shall be treated as the main trench.

Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench. Cut-outs outside of the trench lines must be normal or aligned parallel to the center line of the trench

Generally excavations shall be made in open cut. Tunneling will be allowed by special permission of the Engineer.

Before the permittee starts any excavations, he must confer with the Gas, Telephone and Electric companies, Highway Division, Water and Sewer Division and the Engineering Division to obtain all information from each as to the depth of trench, location of all utilities, and other conditions as to where and how the excavation shall be made. All safeguards such as lanterns, barriers, and signs shall be maintained at all times by the permittee (licensed installer) while the work is in progress.

25.0 BACKFILLING

The trench in the street must be filled the same day it is opened unless the applicant is otherwise directed by the Engineer. The trench shall be backfilled to existing line and grade to accommodate the thickness of asphalt required. Refer to the Department of Public Works Construction Standards for details.

The permittee shall maintain the surface of the trench and shall promptly replace or fill with similar material any depression, dip, pothole or other defect that appears during the Guarantee Period.

Trenches shall be backfilled in 12" lifts from the bottom of the excavation. Each lift shall be thoroughly compacted by means of a vibratory or mechanical compactor before the next lift is laid in place. Bituminous concrete, cement concrete, sticks, logs, metal, loam, organic materials, etc. shall not be used as backfill. When, in the opinion of the Engineer, the excavated material is not available as backfill, it shall be removed from the site and the trench shall be backfilled with approved bank run gravel.

The Engineer may require the use of Excavatable Controlled Density Fill (Flowable Fill) during backfilling. Within the limits of the pavement, the trench shall be backfilled with Flowable Fill to an elevation of four (4) inches below the top of the paved surface. The adjacent material extending one (1) foot beyond each side of the trench shall be removed, to a depth of four (4) inches. The perimeter of the trench shall be saw cut to provide a clean vertical joint. The vertical faces of the adjoining pavement shall then be coated with a Rapid Setting Type 1 (RS-1) emulsion. The pavement shall be installed as specified in Section 27.0 (Restoration of Permanent Paving).

Puddling of the trench backfill material will not be allowed, unless prior authorization is obtained from the Engineer.

26.0 TEMPORARY PAVEMENT RESURFACING

If temporary resurfacing is to be placed due to location of work, time of year, or other applicable reason, the temporary pavement shall be plant mixed hot asphalt as produced in accordance with the Standard Specifications of the Massachusetts Highway Department and is to be a minimum of three inches thick.

As soon as is consistent with the final permanency of the work, or as required by the Engineer, the temporary pavement shall be excavated to the required grade in order to place the permanent bituminous concrete pavement.

27.0 RESTORATION OF PERMANENT PAVING

All permanent paving shall be done in accordance with the Town of Natick Department of Public Works Construction Standards and at the expense of the permittee.

The permittee shall remove and acceptably dispose of **all** excavated material before proceeding with the remainder of the work and shall thoroughly compact the surface of the sub-base. Any broken or irregular edges of existing pavements shall be cut away in straight lines as directed leaving a sound vertical face at least twelve inches back from the edge of the existing pavement.

The bituminous concrete base and top shall be laid and rolled in two courses. The binder (base course) shall be a minimum two and one half inches in depth and the top course shall be a minimum one and one half inches in depth. The base course of the permanent pavement shall be placed and carefully raked to a minimum surface and thoroughly rolled to the required thickness. Before placing the base course of the permanent pavement, the edge of the original bituminous surfacing shall receive an application of approved asphalt emulsion so that the new pavement material may be properly bonded to the old. The top course of the permanent paving shall be placed to a grade that will match the existing bituminous surface after rolling.

The permanent paving shall not overlap the existing pavement and will not have to be applied with a mechanical spreader unless otherwise directed.

The Permittee shall furnish, place, grade, and compact Bituminous Concrete Pavement of Class 1, Type I-1 as shown and specified in the latest Massachusetts Highway Department Standard Specifications for Highways and Bridges.

Under certain circumstances where trenches are considered extensive (multiple adjacent excavations) it shall be required, upon completion of patching trenches, to overlay the affected area for the full width of roadway and at least 30 ft. beyond the affected area with one and one half inch of dense graded bituminous concrete.

Curb to curb overlays 15 feet either side of the trench will be required for pavements which are less than five years old and for other pavements which are void of cracks, potholes, patches, and are in good condition, in the opinion of the Engineer. The Engineer shall, in all cases, have the sole discretion as to the restoration of the pavement.

If, upon excavation of the trench, it is discovered that existing pavements thickness is greater than the replacement thickness herein specified, the Engineer reserves the right to require the applicant to match the existing thickness when the trench is re-paved.

The Engineer may, at their discretion, require a roadway surface be given infrared treatment, if they determine it is warranted by the age or condition of the roadway surface.

All sidewalks dug through shall be carefully patched after backfilling a bituminous concrete sidewalk shall be squared off and patched with the same material and rolled so as to provide a continuous smooth surface. Cement concrete sidewalks shall be repaired by making a new concrete block or blocks through which the trench passes. Pre-formed expansion joints, when deemed necessary, will be installed against buildings, walls, steps, foundations or existing concrete blocks. The new cement concrete square shall be made of Air Entrained Class "A" (4000 psi.) mix or better and be matched in color with the remaining sidewalk as nearly as possible. All concrete must be cured by covering with material in accordance with the best known concrete curing procedures. All walks shall be laid over a minimum of 12 inches of well compacted gravel cement concrete and shall be treated with silicone or

linseed oil sealer for salt damage prevention. The permittee shall be responsible for repairing any damage done to public utilities (water, sewer, gas, electric, telephone, etc.) or to Town trees, shrubs, poles or signs which may be disturbed or damaged while doing the work or account thereof. The permittee shall be responsible for the maintenance of the street opening excavation trench for one year after the date of completing the installation except where such maintenance is made necessary by the act or neglect of another.

28.0 CEMENT CONCRETE PATCH PAVING

All restoration of cement patch paving areas shall be done at the expense of the permittee and must meet the specification of the Department of Public Works.

In instances when an open cut is permitted, provisions for patching will require wherever practical, that a six inch reinforced or precast concrete slab be laid over the backfilled trench extending one foot beyond either side of the edge of surface and allowing for a three inch Bituminous Concrete Type I-1 surface all as shown on the detail sheet Attachment 2 entitled "Typical Street Replacement Detail."

When approved, the concrete slab may be cast-in-place conforming to Massachusetts Standard Specifications for Class "F" Cement concrete and additionally, shall be High-Early Strength. The slab shall have steel reinforcing for tensile strength placed in accordance with good engineering practices. The permittee must place temporary heavy duty steel plating adequate to carry heavy traffic over the trench area until the concrete is sufficiently cured

Consideration may under certain limited conditions be given to the elimination of the concrete patch, allowing underground utility installations to be made where the permittee agrees to replace foundation and base material in kind, and to satisfactorily maintain a temporary (plant mixed hot-asphalt) bituminous concrete Type I-1 patch for a period of one year at which time a permanent patch with approved material shall be installed. In this case, a specific bond may be required to insure the continued maintenance of the temporary patch and the construction of the permanent patch at the end of the one year period.

29.0 RESTORATION OF PAVEMENT MARKING

All permanent paving markings (crosswalks, traffic center lines, etc.) that are obliterated or damaged during construction shall be repainted and replaced as directed by the Engineer at the expense of the permittee.

30.0 RESTORATION OF GRASS PLOTS/LOAM STRIPS

Upon completion of excavation, all grassed areas and loam strips within the Town way that have been disturbed, shall be restored with sod or loam and grass seed. The Guarantee Period also applies to these surfaces.

31.0 EXTENDED MAINTENANCE FEE – NEW PAVEMENT

Each year, and at the completion of a road construction upgrade or reconstruction project, the Engineering Division will update a list of roads considered to be under moratorium. The minimum period of the moratorium is for five (5) years. Such list will be available at the Engineering Division's Office.

Work that results in the breaking through of pavement, landscaping, or curbing within the Right of Way of a road under moratorium requires specific approval by the Director. In such cases where work is unavoidable the following standards (at a minimum) must be met;

- The trench shall be filled with Controlled Density Fill (CDF). The CDF must be batched at a concrete plant, must be flowable, require no vibrating, and the finished product must be excavatable without the use of power tools.
- Curb to curb mill and overlay coverage a minimum distance of fifteen (15) feet beyond edge of disturbance.
- The pavement joints shall be sealed with emulsion and sand cover. There shall be a smooth transition from existing to new pavement.
- The Director may prescribe additional restoration requirements as conditions warrant.

An Extended Maintenance Fee shall be charged for cuts in newly paved streets as follows:

New pavement, 12 months old or less	-	$5,000
13 months to 24 months old	-	$4,000
25 months to 36 months old	-	$3,000
37 months to 48 months old	-	$2,000
49 months to 60 months old	-	$1,000
61 months or older	-	No Extended Maintenance Fee

The Extended Maintenance Fee shall be in addition to standard permit fees.

32.0 ENFORCEMENT AND PENALITIES

Whoever violates any provision of these procedures may be penalized by a non-criminal complaint in the District Court pursuant to provisions of Massachusetts General Laws, Chapter 40, Section 21D and upon conviction thereof, shall be fined $100 for Street Permit violations. Each day such violation continues shall constitute a separate offense.

If the work, or any part thereof, mentioned in the preceding sections is unskillfully or improperly done (non-conformance with specifications), the Town shall cause the same to be skillfully and properly done and shall keep an account of the expenses thereof; and, in such cases, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by the Town with an additional 50% to cover indirect costs. The Town shall issue no further permits until payment is received. The total payment due may be above and beyond the required minimum $5,000 certified bank check provided as a performance guarantee.

Any person or utility who continues to violate any requirement of this policy shall receive no further permits and is subject to license revocation until such time as the Town is satisfied that the person or utility will comply with the terms of this Policy. A contractor license may be revoked or deemed non-renewable if it is deemed their craftsmanship or performance is non-compliant with this policy and the Department of Public Works Construction Standards.

Failure to obtain a valid permit or license prior to the start of construction or activity is subject to a "cease and desist order" and may be grounds for license revocation or rejection.

Policy Regulating
Street Opening Permits

ADOPTED
March 9, 1998

AMENDED
April 9, 2007
February 9, 2009
August 21, 2017

By: _____
Martha White
Town Administrator

BOARD OF SELECTMEN

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JONATHAN FREEDMAN – CHAIRMAN

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SUSAN G. SALAMOFF – VICE CHAIRMAN

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RICHARD P. JENNETT JR. - CLERK

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AMY K. MISTROT - MEMBER

_____
MICHAEL J. HICKEY, JR. - MEMBER

EFFECTIVE DATE: August 21, 2017