

TOWN OF PEPPERELL

STREET OPENING REGULATIONS

GENERAL:

1. As provided in Section 152-5 of the Code of the Town of Pepperell, any excavation in a public way will require a written Street Opening Permit, issued prior to commencement of work.
2. The Highway Superintendent shall be the receiving party for applications for Street Opening Permits, and shall be the issuing authority for same.
3. All applications for Street Opening Permits submitted to the Highway Superintendent must be accompanied by copies of the applicant's certificates of insurance for liability and Worker's Compensation.
4. The holder of the Permit and/or any agent or designee thereof shall indemnify and hold harmless the Town Pepperell against all claims for damages or injuries to persons or property, and against all costs, suits, expenses, and losses incurred by any person(s) or damage(s) to any property, arising from or related to any work performed pursuant to a Street Opening Permit.
5. Failure to obtain a Street Opening Permit prior to excavation in a public way, or failure to comply with the following regulations will make the Permit holder and/or his agents and designees subject to a penalty of \$250 for an initial offense, and \$500 for each subsequent offense within a calendar year thereafter.

REGULATIONS:

1. In all circumstances (except in the case of an emergency), the Highway Superintendent will issue a written Street Opening Permit, in response to a written application. Verbal applications will not be accepted, and verbal authorizations will not be given. "Emergencies" shall be defined as a breakdown or failure of underground facilities owned or maintained by a public utility.
2. Permits shall be issued only in the period April 1 to December 1 within any calendar year.
3. The Highway Superintendent may, at his or her sole discretion, require that the permitted party be bonded prior to initiating any excavation.

Adopted September, 2002

4. The permittee shall be responsible for provision, at no cost to the Town of Pepperell, of all necessary signs, cones, traffic warning signals, or other safety devices in such number and nature as may be required by the Highway Superintendent and/or the Chief of Police, or any agent thereof
5. Except as provided for "Emergency" circumstances, above, no permit shall be issued for excavation with a public way or any area of a public way which has been resurfaced within three (3) years preceding the date of application.
6. If an applicant feels that there are sufficient extenuating circumstances to justify, in any particular instance, an exception to the restriction established under section 5 above, a formal, written request detailing such circumstances may be submitted to the Highway Superintendent for consideration.
7. All work conducted in the public way pursuant to a valid Street Opening Permit shall be conducted in such a workmanlike manner, so as to minimize obstruction or impedance of traffic flow.
8. The Chief of Police may, at his sole discretion, require that a permitted project in a high-traffic or safety-sensitive area utilize one or more police officers, to be provided at the permittee's own expense, for traffic control or protection of public safety.
9. On each day that work is performed on a public way pursuant to a valid Street Opening Permit, the permittee must give notice to the Pepperell Communications Center prior to commencing work, and again at the end of the day, when the public way has been cleared of project-related obstruction.
10. Excavation areas in the traveled way shall be saw cut, in straight lines, to the full depth of the pavement. Excavation shall only transpire within those lines.
11. Backfilling shall be performed utilizing the material that was excavated, if acceptable to the Highway Superintendent. Backfill material shall be replaced in six-inch increments, each compacted to a 95% density. The top twelve inches (12") of backfill in any excavation shall be composed of gravel, with a stone size no greater than two inches (2"). A permanent patch shall be installed, to be composed of a minimum of three-and-one-half inches (3.5") of bituminous concrete, incorporating a two-inch (2") binder and a one-and-one-half inch (1.5") top.
12. The permittee is responsible for notification of Dig Safe and all other local utilities which are or might be affected by the proposed work.
13. Any excess earth material remaining after backfilling of the excavation shall be disposed of as directed by the Highway Superintendent, and at no cost to the Town of Pepperell.

Adopted September, 2002

14. Excavated material may only be placed on the traveled way if its location will not impede the flow of traffic on such way. If excavated materials are placed on the traveled way, the permittee will be responsible for providing a mechanical sweeper, which shall sweep the affected area of pavement after the excavation has been backfilled, on each and every day the project is in progress.
15. Any driveway, sidewalk, street intersection, shoulder, lawn, shrub, sign, or pavement marking disturbed or affected by any project conducted pursuant to a valid Street Opening Permit shall be restored, at no cost to the Town of Pepperell, to its location and/or condition existing prior to the commencement of work.
16. No tree, tree limb, brush, shrub, or similar vegetation shall be cut without the prior approval of the Tree Warden.
17. Catch basins, drainage pipes, manholes, and utility structures shall be protected during all work performed pursuant to a valid Street Opening Permit, and shall be adjusted to grade. Any damage to such structures resulting from work performed under the said permit shall be repaired, at no cost to the Town of Pepperell, to original working condition.
18. Unless previously agreed upon by the Highway Superintendent and/or the Chief of Police, no excavation or trench shall be allowed to remain open overnight in the public way, and no construction equipment shall be left parked overnight within the public way.
19. Traffic warning devices shall be provided by the permittee at no cost to the Town of Pepperell, and suitably placed to alert motorists to existing road conditions; said devices shall be maintained in place until such time as a temporary patch is installed. At no time shall there be more than 300 feet of excavated and/or backfilled trench without a temporary bituminous patch.
20. Prior to application of the final patch of bituminous concrete, the sides of the trench will be saw cut, eight inches (894) back on each side, in straight lines.
21. If, as agreed at the time of issuance of a Street Opening Permit, the entire width of the street wherein an excavation is to be made will be repaved upon completion of the project, such work will be performed by the machine method, with no less than one-and-one-half inches (1.5") of depth of bituminous concrete, which will not be applied within one (1) year of the original excavation.
22. The permittee will be responsible for the maintenance and repair of the original excavated area for a period of thirteen (13) months from the original excavation date, and may, at the sole discretion of the Highway Superintendent, be required to post a bond to ensure satisfactory performance in that regard.

23. Hours of operation for projects performed pursuant to a Street Opening Permit shall be weekdays, 7:00 AM to 5:00 PM. Work will be performed on Saturday, Sunday, or Holiday only in case of an 93Emergency94 (see above), or with the prior, written approval of Town authorities.

24. Same-day excavation will also require same-day bituminous patch with one and one half inches (1.594) of bituminous material, unless otherwise agreed by prior arrangement with the Highway Superintendent.

Adopted September, 2002