

TOWN OF NATICK MASSACHUSETTS

JEREMY MARSETTE, P.E.
DIRECTOR

MEMORANDUM

To: Jonathan Freedman, Chair Board of Selectmen
Martha White, Town Administrator

From: Jeremy Marsette, Director of Public Works *JTM*

Subject: Street Opening Permit Policy
Draft Policy Edits and Process Improvements

Date: June 21, 2017

The Department of Public Works has discussed and developed recommendations to help ensure that the Street Opening Permit Policy is working as smoothly as possible (the street cut moratorium was a primary focus, however we took this opportunity to review the entirety of the policy and program).

The following bullets summarize improvements made and in those that are in process.

- Initiated coordination with the IT Department to incorporate Street Opening Permits into the MuniCity Permit Software. This is the software used by the Building Department to issue building permits. This will help consolidate permit tracking. It's envisioned that the listing of moratorium streets would be included in MuniCity so that building permits and street opening permits would automatically be flagged if on one of these roadways. The use of this software will also help track financial guarantees, insurance certificates, and inspections. The attached email to the IT Department provides additional detail. Implementation with the software vendor has begun.
- In addition to the typical outreach the Department conducts in the lead up to roadway work, we include an informational door hanger that is delivered to all project abutters the year (or more) before a project is constructed. This door hanger coincides with the typical water/sewer service repairs that are conducted a year (minimum) in advance of roadway work. The door hanger provides a brief summary of the service repair work, roadway work, and information about the no-dig moratorium. A sample notice is attached for reference.
- The Department has added a current listing of moratorium roadways to the Engineering Division's website. <http://www.natickma.gov/262/Permits-Regulations> This information is also available at the Engineering Division's customer service counter and has been provided to the Building Department. A copy of the listing is attached for reference.

- We have created a simple one page (double sided tri-fold) educational pamphlet to summarizing the Street Opening Permit Policy and Program. This pamphlet will be made available to the Building Department for their use. It may be included with the building permit application package, posted on bulletin boards, and made available at Town service counters. A draft of the pamphlet is attached for reference. It will be finalized once the Board of Selectmen formally implements policy changes.
- We have coordinated with the Building Department to help educate them on what issues the Public Works Department may look for in the building permit review process particularly in regards to street openings. If a street opening is to be proposed (as in the case of a gas permit), it should be noted in the building permit application and on the plans.
- Jointly with the Town's Communications Officer/Web Master we have developed a capital projects web page/map on the Department's web site. <http://www.natickma.gov/1461/Projects> This includes not only current but future work. The map includes all of the department's projects (water, sewer, roadway, etc) including project locus, descriptions, schedule, and contact information. We will continue to refine and improve the map content and design.
- The Town's Five Year Roadway Improvements Plan, as endorsed by the Selectmen, is currently available on the Engineering Division's webpage. <http://www.natickma.gov/259/Engineering-Division> This plan is formally provided each year to all of the utility companies servicing Natick. It is intended and communicated with these companies that they should use the five year plan to coordinate their work and to use it to market potential customers. We will continue to reinforce this intent with the utility companies and work with them on any ideas in which we may leverage communications to project abutters.
- The Department has reviewed the Board of Selectmen's current Street Opening Permit Policy and recommends a number of improvements. Please find the attached edited policy with recommended edits tracked. The attached includes many edits to help improve, clarify, and update the policy to current standards.

Recommendations of noted included in the draft revisions:

- More detailed definition for Emergency Work.
- Included requirement for plan or sketch of work proposed.
- Clearly defined and outlined Guarantee Period for all pavement restorations.
- Minimum financial guarantee amount set at \$5,000. A \$25,000 guarantee may be provided for multiple permits (though no more than \$25,000 worth of work may be open at any given time)
- Definition for permit duration updated and clarified.
- Included requirements for compliance testing.
- Included reference to the Department of Public Works Construction Standards. These Standards have been developed and published since the last amendments to the Street Opening Permit Policy.
- To ease the frustration and acknowledge the value of new pavement, an "Extended Maintenance Fee" for roadway cuts in reconstructed pavement less than five years old is included. The younger the pavement, the higher the fee. It is proposed that applicants

must present and justify on a case by case basis cuts in new pavement to the satisfaction of the Town Engineer. If the cut is approved an Extended Maintenance Fee would be assessed. It is recommended that these fees and the standard permit fees placed in a revolving fund and the revenues used to supplement roadway resurfacing projects.

- The following items were not incorporated into the draft policy edits but may be items the Board of Selectmen wish to consider.
 - Several adjacent communities require contractors performing work in public roadways or on public infrastructure (water mains, sewer pipes, etc) to become licensed by the Town. The license helps ensure that qualified and competent contractors perform work in Town. A sample of this requirement is attached for reference.
 - Several adjacent communities include specific reference to policy enforcement, penalties, and fines. The Town of Natick's current Street Opening Permit Policy does not include specific reference to enforcement and fines. Examples of enforcement provisions are attached for reference.
 - The Town of Wellesley requires that Financial Guarantees be in the form of a certified bank check, they do not accept paper bonds. Should a pavement restoration fail it is more expedient and efficient to draw from a deposit than to seek remedy from a bank that has issued a paper bond. The Board may consider a requirement that the first \$5,000 of all financial guarantees be in the form of a certified bank check and that the balance may be a paper bond. A copy of Wellesley's requirements is attached for reference.
 - The Board may wish to update the basis for the standard permit fee. The current fee is based on linear feet of cut. Surface area may be a better measure of impact as most excavations are more rectangular than linear. For reference, the Town of Wellesley charges a permit application fee of \$100 and then charges an Inspection and Maintenance Fee of \$185 for openings less than 150 square feet. An additional \$35 is charged for each additional 150 square feet of disturbance.
 - If the linear foot basis for the permit fee is retained, the Board may wish to update the fee. The fees were last changed prior to 2009. Fees of \$300 for the first 30 linear feet of roadway affected and \$75 for each additional 50 linear feet would be similar to adjacent communities.
 - Most area communities have review and approval procedures for the construction of new or the reconstruction of existing driveways connecting to public ways. This review and approval is set by Board of Selectmen Policy or similar. The review and approval helps insure proper and safe design, helps minimize impact to Town infrastructure, and ensures proper surface drainage. Natick currently does not have such a policy. For large developments the Planning Board Site Plan Review process captures their driveway designs. However for projects that do not go through this process (single family homes, renovations to existing, etc.) there is no formal approval process. At the Board's pleasure we can bring forward a policy for consideration.

We look forward to working with the Board of Selectmen on these improvements. Please let us know if you require any additional information or if we may be of assistance.



PERMIT SOFTWARE MUNICIPALITY IMPLEMENTATION

MuniCity - Implement DPW/Engineering Permits

1 message

Jeremy Marsette <jmarsette@natickma.org>

Tue, Jun 6, 2017 at 12:42 PM

To: Kathy Lentini <klentini@natickma.org>

Cc: John Digiacoia <jdigiacoia@natickma.org>, Anthony Comeau <acomeau@natickma.org>, James Errickson <jerrickson@natickma.org>, Tom Hladick <thladick@natickma.org>

Kathy,

As a follow up to our conversation regarding Muncity and our desire to include permits issued by the Public Works Department below is a bit more detail on the "permits" that could be included. Please take a look and reach out to Muncity. We are happy to meet and discuss further.

Street Opening Permit

-Excavations/Cuts within the public way.

-Information included in the permit should include: Dig Safe Ticket Number, description of work to be performed, information on Financial Guarantee/Bond (\$5,000 min), information on Liability Insurance with Natick as additionally insured, date of permit application, date approved, date work anticipated to be started and completed, date of close out, name of applicant, contact information of applicant, location of street opening (street name and nearest street address), size of street opening (length and width), ability to attached scan copies of financial guarantee and insurance cert, -the approval process would be applied, review of permit, approved permit, initial work completed, 1 year inspection passed (then closed)

Trench Opening Permit

-all excavations the meet the criteria outlined in MGL c 82A Section 1

-Information in the permit should include: Dig Safe Ticket Number, description of work to be performed, date of permit application, date approved, dates work anticipated to be started and completed, name of applicant, contact information of applicant, property owner of record, location of trench excavation (street address and assessors id), estimated size of trench, information on Insurance (company name, phone, address, Insurance Certificate Number, policy expiration date) -the approval process would be applied, review of permit, approved permit, (no close out needed)

Sanitary Sewer Connection Permit

-all new and reconstructed sewer service connections

-Information included in the permit should include: description of work to be performed (repair, relay, new service), date of permit application, date approved, date work anticipated to be started and completed, date of close out, name of applicant, contact information of applicant, location of service connection (property address and assessor id), size of proposed service connection, estimate of sewer service flow rate, ability to attached scan copies of documents, Infiltration and Inflow Fee assessed

-the approval process would be applied, review of permit, approved permit, initial work completed, final inspection -approval process and close out should include both Engineering Division and Sewer Division

Water Connection Permit

-all new and reconstructed water service connections

-Information included in the permit should include: description of work to be performed (repair, relay, new service), date of permit application, date approved, date work anticipated to be started and completed, date of close out, name of applicant, contact information of applicant, location of service connection (property address and assessor id), size of proposed service connection, ability to attached scan copies of documents

-the approval process would be applied, review of permit, approved permit, initial work completed, final inspection -approval process and close out should include both Engineering Division and Water Division

Thanks,
Jeremy

--
Jeremy Marsette, PE
Director of Public Works
Town of Natick
75 West Street

SAMPLE ABOUTER NOTICE

IMPORTANT NOTICE

TO: NATICK RESIDENTS- CENTRE STREET, GIBBS STREET, WALNUT PARK ROAD, PAUL STREET AND MANOR AVE.

DATE: May 17, 2017

SUBJECT: Water Service Pipe Replacement
Future Roadway Paving Project

The Town of Natick, Department of Public Works will be replacing water service pipes in your neighborhood during the next few months. The pipes that will be replaced are the service lines that run from the water main in the street to the gate box (shut-off) near the edge of the street. The work will take place Monday thru Saturday. No work will be done on private property. If you have any questions regarding the water service work, please call 508-647-6557.

The water service replacement work is in preparation for the future roadway paving project for your neighborhood. The Five Year Roadway Improvement Plan adopted by the Board of Selectmen includes XXXX Streets for repaving in 2019. The latest Five Year Plan may be found at: <http://www.natickma.gov/259/Engineering-Division>

Please note that once your roadway is paved it will be subject to a five year moratorium on pavement cuts and trenches. During this five year period roadway openings may not be approved or may be subject to higher fees and restoration standards. In anticipation of this moratorium residents are urged to consider implementing any improvements that may involve pavement cuts (natural gas conversions, underground electric upgrades, etc.) in advance of the Town's planned roadway reconstruction work.

Additional information on the Town's Street Opening Permit program may be found at: <http://www.natickma.gov/262/Permits-Regulations>

*Anthony Comeau
Supervisor Water/Sewer Division*

*XXXX XXXX
Town Engineer*

*Jeremy Marsette, PE
Director of Public Works*

Natick Street Opening Moratorium Report

Year Paved	Street Name	Date Moratorium Expires
2012		
	Karen Lane	12/31/2017
	Katie Path	12/31/2017
	Oak Street	12/31/2017
	Winter Street	12/31/2017
2013		
	East Evergreen Rd (Farrant to Wentworth)	12/31/2018
	Erlandson Road	12/31/2018
	Farwell Street	12/31/2018
	Flynn Street	12/31/2018
	Grove Road	12/31/2018
	Jennings Pond Road	12/31/2018
	Laconia Road	12/31/2018
	Richmond Road	12/31/2018
	Rockland Street (South Main to Carsha)	12/31/2018
	Rutledge Rd (Wentworth to East Evergreen)	12/31/2018
	Shore Road (Grove Rd to Wellesley Town Line)	12/31/2018
	Stanley Street	12/31/2018
	Wedgewood Road	12/31/2018
	Wentworth Road	12/31/2018
	West Street (Windsor to Oakland)	12/31/2018
	Winslow Road	12/31/2018
2014		
	Apple Ridge Drive	12/31/2019
	Dwight Avenue (Farrant to Westlake)	12/31/2019
	Eisenhower Avenue	12/31/2019
	Farrant Road	12/31/2019
	Gordon Road	12/31/2019
	Halsey Way	12/31/2019
	Indian Ridge Road	12/31/2019
	Indian Ridge Way	12/31/2019
	Lantern Lane	12/31/2019
	Leighton Road	12/31/2019

Natick Street Opening Moratorium Report

Year Paved	Street Name	Date Moratorium Expires
	Lookout Farm Road	12/31/2019
	Macarthur Road	12/31/2019
	Marshall Road	12/31/2019
	Nimitz Circle	12/31/2019
	Patton Road	12/31/2019
	Pitts Street (Atherton to Cruve)	12/31/2019
	Rockland Street (Carsha to Everett)	12/31/2019
	Sheffield Road	12/31/2019
	Spring Valley Road	12/31/2019
	Summer Street (Spring to Washington)	12/31/2019
	Terrane Avenue	12/31/2019
	Waring Road (Westlake to Westlake)	12/31/2019
	Westlake Road	12/31/2019
	Wethersfield Road (Wedgewood to Irving)	12/31/2019
2015		
	Burning Tree Road	12/31/2020
	Cecil Road	12/31/2020
	Countryside Road	12/31/2020
	Everett Street (Rockland to Cottage)	12/31/2020
	General Greene Ave	12/31/2020
	Hammond Avenue	12/31/2020
	Hammond Road	12/31/2020
	Lanes End	12/31/2020
	Ledge Lane	12/31/2020
	Michael Terrace	12/31/2020
	Oak Knoll Road	12/31/2020
	Pine Street	12/31/2020
	Pleasant Street	12/31/2020
	Speen Street (Nouvelle Way to Framingham Line)	12/31/2020
	Stetson Road	12/31/2020
	Travis Road	12/31/2020
2016		
	Atherton Street	12/31/2021
	Bee Street	12/31/2021

Natick Street Opening Moratorium Report

Year Paved	Street Name	Date Moratorium Expires
	Brook Street	12/31/2021
	Farm Hill Road	12/31/2021
	Florence Street (Highland to Hillside)	12/31/2021
	Ingleside Road	12/31/2021
	Kelley Way	12/31/2021
	Lagrange Street (Lake to Washington)	12/31/2021
	Lake Street	12/31/2021
	Michigan Drive	12/31/2021
	Parson Way	12/31/2021
	Peterson Road	12/31/2021
	Pond Street (Campus Dr to Maple)	12/31/2021
	Pumpkin Pine Road	12/31/2021
	Tech Circle	12/31/2021

DRAFT 2 - SIDED TRIFOLD FLYER

Requirements for Obtaining a Street Opening Permit

- Apply for a permit from the Engineering Division
- Permits must be obtained 72 hours prior to street opening (except in the case of an emergency)
- Permits are issued between April 15th and November 1st
- Work must be completed by November 1st of the same year the permit was issued (exception requires prior approval from the Public Works Director)
- Submit a check made out to the Town of Natick in the amount of \$200 for the first 30 ft. of roadway affected, \$50 per additional 50 linear ft of roadway affected
- Dig Safe number for the specific work
- There must be a 72 hour waiting period (weekends and Holidays not included) after Dig Safe is notified
- A satisfactory bond of a surety from a company authorized to do business in Massachusetts in the sum of \$5,000 (minimum) conditioned substantially that the applicant shall faithfully and satisfactorily perform said work in all respects and replace/restore the roadway
- Provide liability insurance with the following:
 - ❖ \$2,000,000 liability
 - ❖ \$2,000,000 aggregate liability
 - ❖ The Town of Natick named as additional insured
 - ❖ The Town of Natick named as the certificate holder
- All work shall be done in accordance to the Town of Natick Policy Regulating Street Excavation adopted March 9, 1998 and amended April 9, 2007 on file in the Engineering Division at 75 West Street, Natick or found online at: www.natickma.gov/262/Premits-Regulations

Why Street Opening Permits Are Necessary?

- Reduces risk in damage to gas lines, telephone lines, water mains, streetlights or other utility lines risking lives and/or property
- Requires proper insurance coverage
- Ensure work is in accordance to Town of Natick's specifications, codes and requirements
- Help coordinate schedules among numerous agencies and individuals
- Provide a record in case problems are discovered after work is completed
- Ensure vehicular and pedestrian traffic is maintained and guarantee public safety

Permits Are Required For...

- Any type of excavation, trench and/or utility installation in a Town accepted street such as installing, repairing or replacing water services, sewer laterals or any type of underground utilities, etc. *(Water and sewer utilities shall be placed in separate trenches - ten feet apart - in accordance with MassDEP Guidelines)*
- Repairing or replacing any sidewalk
- Installing walkways
- Installing replacing or removing street curbing
- Installing and repairing driveway aprons
- Installing a new street, which will become officially dedicated to the town upon completion

FOR MORE INFORMATION

See Policy Regulating Street Opening Permits

Adopted March 9, 1998, Amended February 9, 2009



Town of Natick
Department of Public Works

Policy Regulating Street Opening Permits



QUESTIONS?

Department of Public Works
75 West St.
Natick, MA 01760

Main Number: 508-647-6550
Engineering: 508-647-6551

Website: natickma.gov
Under Government, click
Public Works



Town of Natick
Department of Public Works

Policy Regulating Street Opening Permits

Start of Work and Inspections

- In a non-critical area, a twenty-four (24) hour notice to the Town Engineer to start work is required
- In a critical area, a forty-eight (48) hour notice to the Town Engineer to start work is required
- Critical areas are defined as street intersections, arterial routes and streets within the downtown shopping and business areas
- Trenches, excavations and utility installation must be inspected before any party of the work is backfilled. If not properly inspected, the Engineering Division reserves the right to require the applicant to re-excavate all or part of the work
- Request for inspections must be made by 7:30 A.M. on the day the work begins

Emergency Provisions

- Nothing shall be construed to prevent excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit, cable or pipe
 - At the start of work, the Engineering Division, the Police Department, Dig Safe and the Public Utility companies must be notified
 - A permit must be applied for on the next working day after the emergency. Requirements for obtaining a street occupancy permit shall then be followed

SAFETY ALWAYS COMES FIRST

Safety Guidelines



Traffic Safety

- Appropriate measures shall be taken to ensure normal traffic flow
- Maintain safe crossing for two lanes of vehicular traffic at road intersections and safe crossing for pedestrians
- Warning signs shall be placed at sufficient distance from construction operation in accordance with requirements of the MUTCD and Police Safety Officer
- Police Details may be required. All costs incurred shall be the responsibility of the Permittee

Access to Vital Structures

Work shall be performed 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 facility



Dig Safe

A valid "Dig Safe" number shall be obtained

Relocation and Protection of Utilities

Any existing public or private utility shall not be interfered with without consent of the Town Engineer and owner of the utility

Notification to Public Utility Companies

In accordance with the General Laws of the Commonwealth, notice must be given to public utility companies before making excavation in a public way

Protection of Adjoining Property

- Proper excavation support and other precautions may be required to preserve and protect adjacent property
- Trees and/or shrubs that exist in planting step areas shall not be removed without first obtaining consent of the Town Engineer
- For roadside planting guidelines see approved list in the Policy Regulating Street Opening Permits, Adopted March 9, 1998, Amended February 9, 2009

General Information

Excavated Material

All material excavated shall be removed from the site, except in such cases as the material is deemed suitable for backfill

Construction Material and Equipment

Construction materials and equipment shall be limited in quantity and space occupying area as to not unduly hinder and block the roadway

Hours of Operation

Work shall be restricted to 7:00 AM to 4:00 PM Monday through Friday unless in case of emergency

Prompt Completion of Work

After excavation is commenced, work covered by the permit shall promptly be completed and conditions restored to the original condition

Restoration of Pavement Marking

Markings that are obliterated or damaged shall be repainted and replaced as directed by the Town Engineer

Protection of Gutters and Drainage 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

Appropriate environmental protection methods should be employed to ensure that run-off does not cause problems with town storm drainage system

Provisions shall be taken to care for all surface water, mud, silt, residue or other run-off pumped or removed

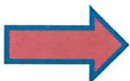
Dust and Clean-up

Precautions shall be taken to prevent and avoid dust. Roadways shall be cleaned each day

Temporary Pavement and Restoration of Permanent Paving

All work shall be done in accordance with the Department of Public Works Construction Standards.

www.natick.gov/1322/Construction-Standards



For More Information

SEE Policy Regulating Street Opening Permits adopted March 9, 1998 and amended April 9, 2007

**TOWN OF NATICK
DEPARTMENT OF PUBLIC WORKS
NATICK, MASSACHUSETTS 01760**

Jeremy Marsette, P.E., Director
Mark Coviello, Jr., P.E., Town Engineer
John Diagacomo, Asst. Town Engineer
508-647-6550

PERMIT NO.: _____
(For Town use only)

75 West Street
Natick, MA 01760
508-647-6550
Fax: 508-647-6560

STREET OPENING & TRENCH PERMIT REQUEST FORM

Inspections will not be approved if utility trenches found in the Public Way are not in compliance with the latest OSHA regulations: 29 CFR: 1926 Subpart P – Excavations. In addition, the Town may issue a Stop Work Order until the situation is properly addressed.

Applicant Information							
Name of Permit Holder:						Customer No.: <small>(For Town use only)</small>	
Street Address:				City/Town:		State:	ZIP:
Phone No.:		Cell Phone No.:		24-Hr Emergency Phone No.:			
Excavator Information							
Name of Excavator <small>(If different from Applicant):</small>				Phone No.:		Cell Phone No.:	
Street Address:				City/Town:		State:	ZIP:
MA. Hoisting License No.:				License Restrictions:		Expiration Date:	
Name of Competent Person <small>(As defined by 520 CMR 14.02-if different from Excavator):</small>				Phone No.:		Cell Phone No.:	
Street Address:				City/Town:		State:	ZIP:
Insurance Information							
Insurer Name:				Insurer Contact Information:		Policy Expiration Date <small>(Earliest Date):</small>	
Information for Proposed Trench							
Specific Location of Trench <small>(Please check all that apply):</small>					Trench Purpose/Description:		
Street	State Highway	Side of Road	Sidewalk	Tree Lawn	Driveway	Private	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Label Trench Type <small>(Example: Water, Gas, etc.)</small>					Type:	Type:	Type:
Trench Dimensions <small>(Include all)</small>					Depth		
					Length		
					Width		
Total Surface Area <small>(Length x Width)</small>							
Other Comments:						Grand Total Area of Surface Cut:	
Purpose of Permit <small>(Please check all that apply)</small>							
Non-Excavation <input type="checkbox"/> Obstruct Street or Sidewalk _____ <small>(Days to remain)</small> <input type="checkbox"/> Resurface Driveway/Apron <input type="checkbox"/> Other _____ Excavation <input type="checkbox"/> Cable <input type="checkbox"/> Electric <input type="checkbox"/> Water <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Reconstruct Driveway <input type="checkbox"/> Telephone <input type="checkbox"/> Other _____ Excavation Work On: <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Or Both				Draw or Attach Sketch of Proposed Excavation <div style="height: 150px; border: 1px solid black;"></div>			
Excavation Start Date:		Excavation End Date:					
DigSafe No.:				Project Address:			
Signatures <small>(Please read back of application before signing. The following acknowledge by signature below that they have read, understand and assume full responsibility for all the conditions of this permit application.)</small>							
Applicant's Signature:					Date:		<input type="checkbox"/> Check if Applicant is Excavator <input type="checkbox"/> Check if Applicant is Owner
Excavator's Signature:					Date:		
Owner's Signature <small>(If different) [For work on private property]:</small>					Date:		
Permit Approved By <small>(For Town use only - Do not write in this section):</small>					Date:		Permit Expiration Date:
Permit Fee Amount: _____							

TOWN OF NEEDHAM

EXCAVATION LICENSE

Person – any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town by-laws, administrative agency, public or quasipublic corporation or body, and any other legal entity, its legal representatives, agents or assigns.

Street – Entire width between the boundaries of every town owned public way or easement.

Street Permit – A permit issued by the Needham Department of Public Works to an Applicant for occupying, obstructing, or excavating within a street, easement, or public or private property.

Trench – An excavation which is narrow in relation to its length, made below the ground surface in excess of 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 15 feet.

Trench Permit – A street permit issued to perform trench excavation work.

Work – Opening, occupying, obstructing or excavating in a public way or excavating a trench on public or private property.

Work day – a period of time between 7:00 a.m. and 5:00 p.m. occurring on a day of the week, except Saturdays, Sundays and holidays observed by the Town of Needham Department of Public Works. The hours may be modified as indicated on the permit.

SECTION 3 APPLICATION FOR LICENSES AND PERMITS

SECTION 3.1 License Requirements

No person may occupy, obstruct, excavate within a street or excavate a trench on public or private property prior to becoming licensed by the Town of Needham. Licenses may be issued by the Department of Public Works in 3-year cycles. All existing licenses will expire on December 1, 2012, and thereafter applicants must seek a renewal of their license if they intend to continue to perform work in the Town. A license renewal fee of \$300 will be required for renewal. Persons seeking to renew their license shall provide a copy of their Massachusetts Hoisting License for licenses that allow for excavation in a public way or any trench on a private or public way, a completed license application form, a check in the amount of \$300 payable to the Town of Needham and shall have had no outstanding violations in the previous licensing period. Examples of violations include but are not limited to, working without a street permit or trench permit, working in violation of the restrictions of street permits such as after 5 PM or on weekends, or work that does not meet town specifications. Such person upon receipt of a license commits to having a competent person on site in accordance with 520 CMR 14.00

Needham Department of Public Works shall require a signature committing the applicant to compliance with the requirements; a valid e-mail address and 24 hour phone number. A list of licensed contractors will be made available to the public via the Town of Needham website and shall be updated on an annual basis.

SECTION 3.2 Street Permit Requirements

Bond and Insurance Requirements

The holder of the permit shall be insured by an insurance carrier licensed to operate in the Commonwealth of Massachusetts. The minimum acceptable insurance amounts are as follows:

Public/General Liability

Bodily Injury	\$100,000/person	\$500,000 single limit
Property Damage	\$300,000/accident	\$500,000 single limit

Depending on the amount, complexity and length of time that a proposed construction work is expected, the Director of Public Works may require an increase of the above minimum insurance limits prior to issuing a permit to the licensed person.

Prior to the issuance of a permit, the Applicant shall deposit, with the Town, a Surety Bond in an amount and form as shall be determined by the Director of Public Works. The amount of the Surety Bond may also be established separately for each permit so that the Town will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment authorized by the permit.

The amount of bond for Street Permits shall be computed on the basis of cost required to make proper restoration or repairs. Immediately upon approval of an application for a permit, the Director of Public Works or his designee shall advise the Applicant as to the amount of bond required. An annual blanket Surety Bond, acceptable to the Director of Public Works, may be deposited to avoid the inconvenience and expenses of obtaining individual bonds for each permit requested. The minimum annual bond amount shall be \$5000.

The bond shall be released to the permit holder upon the expiration of the guarantee period. The guarantee period shall be for a period of one year following the placement of the permanent patch (except in cases of work in a road under a moratorium see Section 13). During the guarantee period, the Applicant shall be responsible for the repair and restoration of the surface.

TOWN OF NEEDHAM

ENFORCEMENT / FINES

SECTION 11 ENFORCEMENT AND PENALTIES

Permit Procedures and Regulations. 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 or \$100 for Trench Excavation violations. Each day such violation continues shall constitute a separate offense.

If the work, or any part thereof, mentioned in the preceding sections shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof; and, in such cases, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town with an additional amount of 50% to cover indirect costs. The total cost is referred to herein as "recoverable charges". Thereafter, upon completion of the work and the determination of the costs thereof the Town shall issue no further permits to any person or utility until it shall receive payment of said costs.

Any person or utility who continues to violate any regulation of these procedures shall receive no further permits and is subject to license revocation until such time as the Town is satisfied that the person or utility shall comply with the terms of these Procedures and Regulations. A contractor license may be revoked or deemed non-renewable if the inspector deems their craftsmanship or performance sub standard to Needham DPW standards as determined by the Director of Public Works.

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.

SECTION 12 MORATORIUMS

Each year, and at the completion of a road construction upgrade or reconstruction project, the DPW will update a list of roads considered to be under a moratorium. The minimum period of the moratorium is for 5-years. Such list will be available at the DPW's Administration office.

Work that results in breaking through pavement, landscaping or curbing within the Right of Way of a road under a moratorium is prohibited except under special circumstances approved by the Town Engineer. In such cases where work is unavoidable the following minimum standards must be met.

TOWN OF WELLESLEY ENFORCEMENT AND FINES

(g) Coring or Shut Off Holes

Up to 5 Holes (corings)	\$15.00
6 Holes or Greater (corings)	\$35.00
Shut off Holes (each)	\$35.00

(h) There shall be no permit fee for that work being done by a contractor performing or accommodating a Town construction contract.

(i) Work performed by those public utilities subject to regulation under M.G.L. Chapter 164 shall be subject to "Application" fee only

SECTION VI - FINES AND PENALTIES

- A. Failure to obtain a permit as required in these regulations before commencing the work or, having obtained a permit, failure to comply with these regulations, shall be subject to a fine not exceeding \$50 for each offense. Each day in which violation continues shall constitute a separate offense. The Director reserves the right to suspend or revoke Street Occupancy Permits at any time. Three (3) documented incidents of poor quality of work or failure to comply with these regulations shall result in the suspension of the privilege to work within the public way for one (1) year. For purposes of these regulations, the Director shall be the enforcement officer.

SECTION VII - RIGHT TO HEARING

Any person accused of violating these rules or regulations shall be notified of the alleged violation, in writing, via certified mail, return receipt requested, which shall set forth a date and time at which a hearing will be held before the Director or his designee in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

Effective date:
April 1, 1988

AMENDED: November 1997
April 15, 2004
May 15, 2009

TOWN OF WELLESLEY FINANCIAL GUARANTEE

- c. Owners & Contractors Protective
- d. Explosion, Collapse, and Underground
- e. Broad Form Comprehensive General Liability
endorsement or equivalent (to include Broad Form Contractual, Personal Injury, Broad form Property Damage, Incidental Malpractice, etc)
- f. Cross Liability

AUTOMOBILE LIABILITY (Comprehensive Form of Policy)

- 1. Limits of Liability
 - a. Bodily Injury and Property Damage
and Combined Single Limit of \$1,000,000
The Town should be named as an "Additional Insured."
- 2. Arrangement of Coverage
 - a. Employer Non-Owned
 - b. Hired Car
 - c. All Owned or Leased Vehicles

UMBRELLA

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

All policies shall provide the Town of Wellesley 15 day's notice of cancellation, non-renewal, or material change. Certificates are to evidence notice. Certificate wording to the effect that carriers will "endeavor to" provide notice and failure to provide notice "shall not impose liability or obligation" are not acceptable.

Exemptions to filing insurance endorsement are made only to other governmental agencies of State and Federal level, and public utility companies.

D. Certified Bank Check

Before a Street Occupancy Permit is issued, the applicant shall file a certified bank check with the Department of Public Works in the amount of one thousand dollars (\$1,000) for driveway permits and five thousand dollars (\$5,000) for excavation permits. The certified bank check shall be payable to the Town of Wellesley - DPW. All certified bank checks will be deposited in a Street Occupancy Permit Account for a period of five (5) years (guarantee period) for said purpose, with the exception of those regarding driveway aprons, which shall be held for a period of two (2) years for said purpose.

The Director shall be authorized to draw upon the certified bank check account as may be necessary to cover the costs to the Town, including administrative costs, to perform work which a permittee has not satisfactorily performed or maintained said work. The Director shall be authorized to draw upon the certified bank check account without notice, but only after the permittee has failed to perform said work and failed to pay the invoice for the cost of the work

performed by the Town. The Director shall also draw upon the certified bank check account for unpaid invoices resulting from damages to public property.

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

The Director may require a certified check for a higher amount than one thousand dollars (\$1,000) for driveway permits and five thousand dollars (\$5,000) for excavation permits, for reasons such as previous failures to comply with Town rules and regulations, specifications, permit requirements or for large scale projects.

Exemptions to filing the certified bank check are made only to other governmental agencies of state and federal level and public utility companies.

E. Location Plan

Scaled drawings, plans or a sketch location map detailing the proposed work (depending on the type of permit applied for) shall be filed with the Director before an excavation permit is issued. A detailed sketch may be drawn on the Permit Request Form or on a separate sheet.

F. Revocation of Permits

The Director may at any time cancel or suspend permits. Cancellation or expiration of insurance endorsement shall result in automatic cancellation of permit. Failure to notify the Director prior to the start of work shall result in the cancellation of permit.

G. Start of Work

Failure to start work by dates given in permit shall cause the permit to become null and void. A new application fee will be required to begin work. A seventy-two (72) hour notice to the Director prior to starting work is required. Also, prior to the start of work, emergency phone numbers shall be supplied to the Director. No new work shall commence on Fridays.

H. Completion of Work

The permittee shall notify the Director within 24 hours of completion of the work performed under a given permit. Failure to notify the Director will result in no new permits being issued until any deficiencies in the work are remedied.

I. Urgent Work (Emergency)

If, in the judgment of the Director, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as urgent or emergency work, the Director shall have full power to order that a crew of workers and adequate