

**TOWN OF DENNIS
DEPARTMENT OF PUBLIC WORKS**

**RULES AND REGULATIONS FOR
ROAD & TRENCH OPENING PERMIT**

Effective Date: March 1, 2009

Table of Contents

Section 1- Frequently Asked Questions	Pg 1
Section 2- General Requirements	Pg 2
Section 3- Construction Standards	Pg 3
Section 4- Miscellaneous	Pg 4
Appendix A: Road & Trench Opening Permit Application	
Appendix B: Insurance Requirement	
Appendix D: 520 CMR 14.00 Excavation & Trench Safety	
Appendix E: OSHA Regulation 1926 Subpart P- Excavation	

SECTION 1- FREQUENTLY ASKED QUESTIONS

Who needs a Road & Trench Opening PERMIT?

Any person, business or entity who intends to open, occupy, and/or obstruct any portion of a town owned public road for any construction purposes or any person, business or entity who intends to excavate a trench as pursuant to M.G.L. c. 82A s1 and 520 CMR 14 within any privately owned public road unless said action is required by an emergency.

What type of work requires a PERMIT?

Within a town owned public road, any significant alteration including, but not limited to construction or reconstruction of driveways, alteration of a sidewalk; excavation for test holes and borings; and the installation of utility lines, gates and risers requires a PERMIT.

Within a privately owned public road only an excavation of a trench greater than 3 feet deep and further defined by 520 CMR 14, requires a PERMIT.

What type of work does not require a PERMIT? Installing mailboxes with a typical post, sprinklers and minor grading of shoulders and landscaping that does not create a public safety hazard does not require a PERMIT.

Also, trench excavations performed on private property and privately owned roads that are “closed to the public” do not require a Road & Trench Opening PERMIT but may require a Trench Opening PERMIT issued by the Dennis Building Department.

Who is the authorized enforcement agency? *The Board of Selectmen of the Town of Dennis are authorized to administer these rules and regulations under M.G.L. 82A, S1. The Board has delegated the administering of the PERMIT procedure to the Dennis Town Engineer.*

How long is a Road & Trench Opening PERMIT valid?

Road Opening PERMITS are valid for 30 days from *approved construction start date*.

What constitutes an emergency?

An emergency is defined as a situation posing an immediate threat to public health or safety as determined by the Dennis Chief of Police, the Building Commissioner, and the Dennis DPW Superintendent or their designees.

SECTION 2- GENERAL REQUIREMENTS

No person or CONTRACTOR (herein after referred to as "CONTRACTOR") shall perform any construction type activity within a town public road without the approval of the Board of Selectmen through the Dennis Department of Public Works- Engineering Division (herein after referred to as TOWN). By requiring a Road & Trench Opening PERMIT (herein after referred to as PERMIT), the TOWN has the ability to review the proposed work prior to the work being performed. The CONTRACTOR shall provide adequate information of the proposed work by completing the PERMIT application (See Appendix A) and providing a detailed sketch or plan for review. Any application that involves work that may impact traffic may also require a traffic management plan.

The fee for each PERMIT application is \$50, made payable to the Town of Dennis.

Following receipt of a signed application and fee the TOWN shall act to approve, approve with modification or deny said application within 10 business days or forward said application to the Board of Selectmen for review at their next regularly scheduled meeting.

A PERMIT issued under these Rules and Regulations is valid for a period of 30 days from the date of approved construction start date.

A CONTRACTOR applying for a PERMIT that requires the cutting of road pavement shall post a Performance Bond or certified bank check to secure the work. The bond/check shall be for \$5,000 and be maintained for a period of three (3) months. The bond will be reviewed for release after the three (3) month period and upon approval of the work by the TOWN. For large projects, the amount of the bond may be increased at the discretion of the TOWN.

Local, State, and Federal government agencies and public utility companies are exempt from certain sections of these Rules and Regulations (see Section 4).

Typically, a PERMIT shall be issued for work taking place between April 1st and November 30th of any calendar year and the construction standards set forth in Section 3 shall apply. Depending on the location, and type of proposed work, the TOWN may place additional restrictions on work proposed to be performed from December 1st through March 31st,

Work shall be permitted from 7:00 AM to 4:00 PM on weekdays only. No work shall occur on Saturdays, Sundays or legal holidays except in the event of an emergency or special circumstances as determined by the TOWN.

The CONTRACTOR shall notify the TOWN in writing at least 48 hours prior to the commencement of work. The CONTRACTOR shall also provide an emergency contact person and phone number to be used during non-working hours.

The CONTRACTOR shall: protect adjoining property during excavation; remove from the site all excavated material not suitable as backfill; limit construction material on site; minimize dust impacts; and maintain all roadway and driveway access.

Existing Utilities

Prior to any excavation, the CONTRACTOR shall contact Dig Safe (1-800-DIG-SAFE) and the Dennis Water District to locate existing utilities within the limits of the proposed work. No excavation shall take place until Dig-Safe and the Water District have marked out existing utilities.

The CONTRACTOR shall be liable for repair of any damage to other utilities, either public or private, to the satisfaction of the TOWN. The CONTRACTOR shall not interfere with any existing utility other than the one permitted unless an agent of the entity owning that utility gives permission to do so.

Traffic Control

The CONTRACTOR shall take appropriate measures to ensure the safe and adequate flow of traffic (vehicular and pedestrian) through the work area. No public road shall be closed or impacted unless a plan has been reviewed and approved by the TOWN. The CONTRACTOR shall provide a Police detail at their own expense if deemed necessary by the TOWN or the Dennis Police Department. Warning signs and their placement shall be in accordance with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD) and no work shall commence until they are in place.

The Town may require a traffic plan for large projects or projects that impact high traffic areas.

SECTION 3- CONSTRUCTION STANDARDS:

By completing the Road Opening PERMIT application, the CONTRACTOR agrees to perform the work according to the requirements and standards described below.

Excavation and Backfill

Whenever excavation is required within a paved area, the pavement shall be cleanly saw cut, not jack hammered. Excavations shall be made in straight parallel lines; wandering or irregular cuts will not be allowed. The CONTRACTOR should snap chalk lines to ensure straight cuts. Excavated areas shall be cut as square as possible. The CONTRACTOR shall limit the length of open excavation to the amount of work that can be completed that day (typically not more than one hundred fifty (150) feet. Open excavations shall not be allowed to remain over night unless specifically approved by the TOWN in writing. In the event an excavated area is not backfilled, it shall be appropriately covered as approved by the Town and protected with appropriate illuminated warning devices.

All unsuitable material encountered during excavation shall be removed and disposed of off-site and replaced with approved gravel borrow at the CONTRACTOR's expense.

Excavated areas shall be carefully backfilled with layers of suitable gravel material compacted in a manner typical of current industry standards and approved by the TOWN. Suitable gravel material for backfilling shall be granular fill consisting of mineral soil substantially free from clay, organic materials, loam, wood, trash or other objectionable material which may be compressible or which cannot be properly compacted. It shall not contain stones larger than 3 inches, broken concrete, masonry rubble or other similar materials. It shall have physical properties such that it can be readily spread and compacted. It shall not contain any snow, ice or frozen soil.

The CONTRACTOR shall use equipment capable of compacting the backfill material to 95% of maximum density. If required or directed by the inspector, the CONTRACTOR shall use multiple types of compaction equipment to achieve the specified compaction (i.e. around structures as opposed to length of excavation). In no circumstance shall the use of the excavation equipment (i.e. Backhoe, excavator, etc.) be considered as the method for compaction.

The TOWN may require Controlled Density Fill (CDF) be used to backfill excavated areas on major roadways or areas of special concern where immediate compaction is required.

The CONTRACTOR shall arrange to have a town inspector present while an excavation is being backfilled to verify compaction. The CONTRACTOR shall provide twenty-four (24) hour notification to the Town as to when the inspection will be required.

Paving

When an excavation has been performed within a paved surface, replacement paving shall include a six (6) inch compacted layer of dense graded crushed stone and two courses (binder and top course) of bituminous pavement. The depth of the binder course of pavement shall be two and one half (2 ½) inches and the top course one and one half (1 ½) inches. All cut pavement edges shall be tacked prior to the placement of the bituminous courses. The finished pavement shall be rolled to be flush with the existing pavement; maintains the same grade and be free of irregularities. Shoulder areas shall be top dressed with 6" of organic loam, and hydroseeded. All disturbed areas shall be replaced to match original conditions.

SECTION 4- MISCELLANEOUS;

Scenic Roads: Certain roads in the Town of Dennis are Scenic Roads and protected under the provisions of MGL Chapter 405, Section 15C, and Town of Dennis Codes. A PERMIT on these roads will not be issued until compliance with said Codes have been met.

Property Damage

Liability for damage to public and private property abutting the construction and caused by the CONTRACTOR, his agents or servant shall be borne solely by the CONTRACTOR performing the work.

Liability

The issuance of the PERMIT to an individual utility or the utility company and/or its agents, or others as described in Section 1, paragraph 1.1 of this PERMIT, shall constitute an agreement with the TOWN whereby the utility or utility and/or its agents, and individual, or others shall indemnify, and save harmless the Town of Dennis against all claims for damages for injuries to persons or property, and against all costs, suits, expenses and losses occasioned by or arising from entering roads and/or ways and from occupancy and use of said roads and/or ways, and further agree to pay all costs and damages which may be recovered against the TOWN, by reason of entering said road and/or ways on account of occupancy of said premises, and shall further be required to provide insurance therefore unless otherwise determined by the TOWN.

Insurance

Following the issuance of a PERMIT but prior to the start of construction, the CONTRACTOR shall provide the TOWN with an insurance policy with the minimum amounts shown in Appendix B.

Enforcement and Penalties:

If an examination of the work reveals that it does not comply with or violates the provisions of the Road Opening PERMIT, the TOWN shall notify and order in writing, the CONTRACTOR and its duly authorized supervisor at the work site who shall take such appropriate measures as necessary to assure compliance with the provisions of this PERMIT. If a further examination of the work, not less than forty-eight (48) continuous hours after the issuance of orders, reveals that no positive action and/or appropriate measures are or were being taken by the CONTRACTOR or its duly authorized supervisor at the work site to assure compliance with the provisions of this PERMIT, the TOWN may rescind, suspend or modify, through the imposition of conditions, the PERMIT.

Any CONTRACTOR who violates or refuses to comply with any provision of this PERMIT and orders hereunder promulgated shall forfeit and pay to the use of the Town of Dennis a sum of fifty (\$50.00) dollars for each violation. Each day or portion of a day, that any violation is allowed to continue shall constitute a separate violation of this PERMIT

Severability

Each of these sections shall be construed as separate to the end that if any section or paragraph, sentence, clause or phrase thereof shall be held invalid for any reason, the remainder of that section and all other sections of this PERMIT shall continue in full force.

No work approved in the PERMIT is intended to replace or supersede any By-laws adopted by the Town of Dennis, or any State or Federal requirements, law, regulation or policy.

The Town reserves the right to alter the Construction Standards of this PERMIT as may be necessary due to unusual site conditions.

Exemptions:

The Dennis Department of Public Works and its agents are exempt from the PERMIT except in cases that meet the minimum requirements of M.G.L. c. 82A, 520 CMR 7.00.

All other local, State and Federal agencies shall be exempt from the fees and Performance Bonds associated with this PERMIT, but shall conform to all other aspects of this PERMIT.

Except for trench excavations applicable to M.G.L. 82A S1, public utilities such as National Grid, Nstar, Verizon, Comcast and the Dennis Water District or their heirs, may submit an application for an annual PERMIT to perform work typically associated with the utility. The application fee for an annual PERMIT is \$500. The requirements of the annual PERMIT, including insurance certification, are the same as the typical PERMIT described in these Rules & Regulations.

Once an annual PERMIT has been issued, the public utility is only required to notify the Town of location and type of work 48 hours in advance of the commencement of said work.

Under the annual PERMIT, the Town reserves the right to require a specific location be applied for individually because the proposed work; 1) exceeds the "normal" work typically performed by the utility; 2) is within a road that has been resurfaced with the last 5 years of the date of notice; or 3) the proposed work meets the requirements of trench excavation as defined by M.G.L. 82A, s1.

APPENDIX A
ROAD & TRENCH OPENING APPLICATIONS

TOWN OF DENNIS
Department of Public Works
Engineering
 Tel. (508) 760-6166
 Facsimile (508) 394-0263

ROAD & TRENCH OPENING PERMIT

PERMIT NO.	20__ - __
DATE ISSUED	
DATE EXPIRED	

CONTRACTOR INFORMATION

Company Name:	
Company Address:	
Phone Number:	
Emergency Contact Person:	
Emergency Contact Number (24/7):	
Competent Person (as defined by 520 CMR 7 (for trench work only):	
Hoisting License for Competent Person:	Expiration Date:

PROPOSED WORK

Location/Address of Proposed Work:	
Property Owner:	
Construction Start Date:	(Provide 48-Hour Notice to the TOWN)
Description of Work:	

A SKETCH OR PLAN CLEARLY SHOWING THE PROPOSED WORK SHALL BE SUBMITTED WITH THIS APPLICATION

INSURANCE INFORMATION

Name & Contact Information of Insurer:	
Insurance Certificate #:	Policy Expiration Date:

BY SIGNING THIS FORM, THE APPLICANT, OWNER, AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH, OR, BEFORE COMMENCEMENT OF THE WORK, WILL BECOME FAMILIAR WITH, ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED, INCLUDING OSHA REGULATIONS, G.L. c. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED OWNER AUTHORIZES THE APPLICANT TO APPLY FOR THE PERMIT AND THE EXCAVATOR TO UNDERTAKE SUCH WORK ON THE PROPERTY OF THE OWNER, AND ALSO, FOR THE DURATION OF CONSTRUCTION, AUTHORIZES PERSONS DULY APPOINTED BY THE MUNICIPALITY TO ENTER UPON THE PROPERTY TO MONITOR AND INSPECT THE WORK FOR CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERING SUCH WORK.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT OWNER OR EXCAVATOR HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE UNDERSIGNED APPLICANT, OWNER AND EXCAVATOR AGREE JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

APPLICANT SIGNATURE

_____ DATE _____

EXCAVATOR SIGNATURE (IF DIFFERENT)

_____ DATE _____

OWNER'S SIGNATURE (IF DIFFERENT)

_____ DATE: _____

(PERMIT VALID FOR 30 DAYS FROM APPROVAL DATE)

FOR TOWN USE ONLY- DO NOT WRITE IN THIS SECTION

PERMIT APPROVED BY:	DATE:
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ADDITIONAL CONDITIONS:

APPLICATION FEE PAID: YES ___ NO ___

ADDITIONAL CONDITIONS AND REQUIREMENTS FOR TRENCHING ACTIVITIES PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this PERMIT is invalid unless and until said requirements have been complied with by the excavator applying for the PERMIT including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this PERMIT must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this PERMIT, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the PERMIT application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. This PERMIT shall be posted in plain view on the site of the trench.

APPENDIX B- INSURANCE REQUIREMENTS

The TOWN requires that any CONTRACTOR performing construction work within a town layout shall provide the town with a Certificate of Insurance in the amounts specified below. **Please note that the Town must be identified as the "Additionally Insured"**. The CONTRACTOR should check with his insurance agent as the may be an additional charge for this.

Insurance

The following minimum insurance coverage shall be maintained by the CONTRACTOR for the duration of the work.

Comprehensive General Liability

Bodily Injury: \$500,000 Each Occurrence
 \$1,000,000 Aggregate

Property Damage: \$500,000 Each Occurrence
 \$1,000,000 Aggregate

Automobile Liability

Bodily Injury: \$500,000 Each Person
 \$1,000,000 Each Occurrence

Property Damage: \$500,000 Each Occurrence
 \$1,000,000 Aggregate

Umbrella Policy:

General Liability: \$1,000,000

**Product and Completed
Coverage Insurance:** \$1,000,000

Worker's Compensation: As required by Massachusetts General Laws

The Town further requires that all certificates name the Town as an "**Additionally Insured.**" With the exception of Worker's Compensation and Automobile Liability, the Town will not accept being named as "Certificate Holder" only.

Proof of Worker's Compensation Insurance coverage must also be provided.

All insurance policies shall provide a "hold harmless" clause which holds the Town of Dennis harmless from any liability associated with the acts of the insured or their employees.

All insurance policies shall provide the Town with 30 days notice of the cancellation of, non-renewal of, or any material change of the insurance policy. Certificates are to evidence this notice. Certificate wording to the effect that carriers will "endeavor to provide notice" or "failure to provide notice shall not impose liability or obligation" are not acceptable

The following statement shall appear on the certificate of insurance: "It is agreed that in the event of any material change in, cancellation of, or non-renewal of this policy, a thirty (30) day prior written notice shall be given to:"

Town of Dennis
Department of Public Works- Engineering Division
120 Theophilus Smith Road
South Dennis, MA 02660

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

TOWN OF DENNIS
Department of Public Works
Engineering
 Tel. (508) 760-6166
 Facsimile (508) 760-6233

ANNUAL ROAD & TRENCH OPENING PERMIT

PERMIT NO.	A2017 – 02 EVERSOURCE
DATE ISSUED	January 1, 2017
DATE EXPIRES	December 31, 2017

CONTRACTOR INFORMATION		
Company Name:		
Company Address:		
Phone Number:		
Emergency Contact Person:		
Emergency Contact Number (24/7):		

PROPOSED WORK	
Location/Address of Proposed Work: Town of Dennis, Publicly owned way.	
Property Owner: Town of Dennis	
Description of Work: Installation of utilities not meeting the minimum requirements of M.G.L. 82A, 520 CMR 7.00	

INSURANCE INFORMATION	
Name & Contact Information of Insurer:	
Insurance Certificate #:	Policy Expiration Date: December 31, 20__

BY SIGNING THIS FORM, THE APPLICANT, OWNER, AND EXCAVATOR ALL ACKNOWLEDGE AND CERTIFY THAT THEY ARE FAMILIAR WITH, OR, BEFORE COMMENCEMENT OF THE WORK, WILL BECOME FAMILIAR WITH, ALL LAWS AND REGULATIONS APPLICABLE TO WORK PROPOSED, INCLUDING OSHA REGULATIONS, G.L. c. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS AND REGULATIONS AND THEY COVENANT AND AGREE THAT ALL WORK DONE UNDER THE PERMIT ISSUED FOR SUCH WORK WILL COMPLY THEREWITH IN ALL RESPECTS AND WITH THE CONDITIONS SET FORTH BELOW.

THE UNDERSIGNED APPLICANT AGREES TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH THE VIOLATION OF THIS PERMIT AND THE WORK CONDUCTED THEREUNDER, INCLUDING BUT NOT LIMITED TO ENFORCING THE REQUIREMENTS OF STATE LAW AND CONDITIONS OF THIS PERMIT, INSPECTIONS MADE TO ASSURE COMPLIANCE THEREWITH, AND MEASURES TAKEN BY THE MUNICIPALITY TO PROTECT THE PUBLIC WHERE THE APPLICANT HAS FAILED TO COMPLY THEREWITH INCLUDING POLICE DETAILS AND OTHER REMEDIAL MEASURES DEEMED NECESSARY BY THE MUNICIPALITY.

THE UNDERSIGNED APPLICANT AGREES JOINTLY AND SEVERALLY TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE MUNICIPALITY AND ALL OF ITS AGENTS AND EMPLOYEES FROM ANY AND ALL LIABILITY, CAUSES OR ACTION, COSTS, AND EXPENSES RESULTING FROM OR ARISING OUT OF ANY INJURY, DEATH, LOSS, OR DAMAGE TO ANY PERSON OR PROPERTY DURING THE WORK CONDUCTED UNDER THIS PERMIT.

APPLICANT SIGNATURE

_____ DATE _____

TITLE

FOR TOWN USE ONLY- DO NOT WRITE IN THIS SECTION

PERMIT APPROVED BY:

DATE:

ADDITIONAL CONDITIONS:

APPLICATION FEE PAID: YES ___ NO ___

