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**Town of West Boylston  
Department of Streets and Parks  
35 Worcester Street  
West Boylston, Massachusetts 01583**

**Town of West Boylston**  
**Roadway Opening Permit Regulations**

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**West Boylston Streets and Parks Department**  
**2003**

**Rev: July 1, 2003**

**Town of West Boylston  
Roadway Opening Permit Regulations**

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## 1. Purpose

- 1.1 The purpose of these regulations is to improve the quality of community life by establishing a fair and reasonable method to protect the roadway infrastructure of the Town of West Boylston. It is the intent of these regulations to allow qualified contractors to work in the streets of the Town without compromising the safety, integrity or longevity of the Town's ways.
- 1.2 Compliance with these regulations is mandatory for all excavation within the Town of West Boylston's right-of-ways. Requests for waivers from any part of these regulations shall be made in writing to the Superintendent of Streets and Parks. Waivers will be considered on a per job basis only.
- 1.3 Additionally, the Town hereby includes the Massachusetts Highway Department, Standard Specifications For Highways and Bridges Divisions II and III entirely. Appropriate sections and definitions of Division I are also herein included.

## 2. Authority

- 2.1 These regulations have been adopted pursuant to MGL Chapters 40, 83, 165, and Article XII, Section 9 of the Town of West Boylston's General Bylaws.
- 2.2 In developing these regulations, the Town of West Boylston recognizes that utilities regulated by Chapter 164 of the Massachusetts General Laws are not subject to inspection and maintenance fees. The Town directs these utilities to the provisions for remedy under this and other chapters, and hereby serves notice that the Town will exercise all rights and privileges pertinent to the maintenance and protection of all ways within the Town of West Boylston. (164 Sections 70, 74, 75, 78 and 105a; 220CMR69.12 and 49CMR192). Any utility or corporation able to demonstrate and prove to the Town and/or Town Counsel, that they are subject to the duties and charges of a similar provision of the Massachusetts General Laws relative to the operation and construction of said utility shall be given a waiver to the relevant fees.

## 3. Definitions

- 3.1 Contractor – A person, company, corporation, partnership, firm, association, society, organization, District, Federal, State or local agency or department, commission, public or private utility or other legal entity.

- 3.2 Right-of-Way – Property between the street lines as defined by the street layout or the area within the traveled way.
- 3.3 Road – Any way highway, street, public or private, which is or has historically been maintained by the Town of West Boylston's Streets and Parks Department.
- 3.4 Excavate – Removal of any portion of an existing road, including, but not limited to, any pavement, curbing, sidewalks or grass areas within the street right-of-way.
- 3.5 Permit – Written permission from the administering agency, the Streets and Parks Department.
- 3.6 Superintendent – Superintendent of Streets and Parks for the Town of West Boylston, or his authorized representative.
- 3.7 Trench – Excavation usually made for installing, repairing or replacing a utility device, conduit, pipe structure or appurtenance.
- 3.8 Curb cut – Access to a public way from private property for the purpose of vehicular egress or wheelchair access.
- 3.9 Warranty – All work within a West Boylston right-of-way will be guaranteed by the contractor for a period of 2 years against surface deficiencies, settlements or any structural failure.
- 3.10 Work – Any surface treatment, surfacing, resurfacing, excavation or modification of a paved or graveled surface within the right-of-way.
- 3.11 Temporary Cover – Cold patch (24 hour maximum) Concrete Patch acceptable prior to April 30<sup>th</sup>.
- 3.12 Safety equipment – Cones, barrels, warning signs, barricades or other devices to provide adequate notification to motorists and pedestrians. The use and specification of such devices is defined in the Federal Highway Administration's "Manual for Uniform Traffic Control Devices."

## 4. Permit Requirements and Obligations

- 4.1 Permit process
  - 4.1.1 Permit Applications are available between the hours of 9:00 AM and 3:00 PM, in the Streets and Parks Department Office at 35 Worcester Street, West Boylston.
  - 4.1.2 Permits are required for work in any public right-of-ways including sidewalks and driveway construction or repair within the right-of-way.

- 4.1.3 The permit fee shall cover the cost of processing the permit application, record-keeping associated with the issuance of the permit, research of the road and its condition, inspection of the work area, inspections of the work while it is in progress and inspection of the required restoration of the work area. The fee consists of \$25 for administration and \$150 for all inspections up to 200 square yards. Should the excavation exceed 200 square yards, an additional fee of \$50 will be charged for each additional 100 square yards.
- 4.1.4 Completed applications for permits will be approved or denied within 3 business days of receiving all required bonds, insurance certificates, fees and Dig Safe information. The contractor shall also be responsible for notifying all non-participating utilities not covered by Dig Safe. The contractor may pick up the approved permit at the Streets and Parks Department between the hours of 9:00 AM and 3:00 PM, or at the contractor's request, the permit will be mailed to the contractor. The contractor shall make adequate provisions and allow sufficient time for the approval process.
- 4.1.5 The contractor shall not render any road impassable without the written permission of the West Boylston Police Department to determine if a police detail is necessary. Evidence of said determination by the West Boylston Police Department must be provided at the time of application.
- 4.1.6 The cost of all police details shall be the responsibility of the contractor. Prior to any road becoming impassable, the contractor shall notify all Police, Fire and Ambulance services that may be affected. The contractor shall sufficiently address the concerns of emergency personnel such that public safety is not compromised by the contractor's actions.
- 4.1.7 The contractor may commence work when he/she has the approved permit in hand and after receiving approval from the West Boylston Police Department. The approved permit shall be at the site of the work at all times.
- 4.1.8 The Streets and Parks Department shall provide inspection(s), as it deems necessary.

#### 4.2 Subsurface Utilities

- 4.2.1 Any utility company with facilities within the Town of West Boylston's right of way shall be obligated with the proper maintenance, repair and replacement of said facility. If the failure of any utility located within or outside the Town right of way causes damage to public or private property, the owner of said utility shall be responsible for the repair/restoration of any damage caused.

4.2.2 If the contractor damages or suspects an existing utility has been damaged directly or indirectly by the contractor's actions, the contractor shall notify the Department of Streets and Parks and the owner of the damaged utility. The contractor shall not continue work until authorized by the Superintendent of Streets and Parks.

4.2.3 The method of repair to a damaged utility must meet with the approval of the Superintendent of Streets and Parks and the owner of the utility. The method of repair will be decided on a case-by-case basis at the time of damage. In no case shall the method of repair compromise the structural integrity, capacity or longevity of the utility without the expressed written consent of Superintendent of Streets and Parks.

#### 4.3 Backfill of Excavation

4.3.1 The contractor shall backfill all excavations with the native material if suitable. If, in the opinion of the Superintendent of Streets and Parks, the native material is unsuitable, the contractor will bring in suitable fill at the cost of the contractor. All backfill material shall be compacted to not less than 92% and gravel shall be compacted to not less than 95% of the maximum dry density.

4.3.2 The Superintendent of Streets and Parks may require soil testing to determine gradation, compaction and other parameters relevant to the proper construction of the roadway. Should the Town require said testing, the expense shall be borne entirely by the contractor.

#### 4.4 Time for completion

4.4.1 The approved road-opening permit will be valid for a period of 60 days unless otherwise stipulated.

### 5 Winter Moratorium

5.1 No work will be allowed in the area of pavement between November 15, and April 1, except in case of emergency. Emergency work necessary for the protection of life or property may be conducted with the written approval of the Board of Selectmen or its designee. The Superintendent of Streets and Parks for good reason may allow excavation within the public roadway layout during the annual Winter Moratorium, subject to any additional or special excavation, backfill, compaction, paving, or site safety requirements required by the Superintendent of Streets and Parks.

- 5.2 See Emergency Work Section 10.

## 6. New Surface Moratorium

- 6.1 Excavation will not be allowed in right-of-ways that have been newly surfaced or resurfaced for a period of 5 years, except for emergency work (see Section 10). The Superintendent of Streets and Parks, for good reason, may allow excavation within the public roadway layout during a New Surface Moratorium.
- 6.2 In the event an excavation is allowed during the 5-year moratorium, the contractor shall conduct his work as directed by the Superintendent of Streets and Parks. The completed work shall provide a life expectancy comparable to the surrounding work. Possible special provisions to allow for proper stabilization and surfacing, including but are not limited to, the use of infrared technology on joints and Control Density Fill within the excavation.
- 6.3 Applicable procedures and testing results may be required by the Superintendent of Streets and Parks. Said testing shall be conducted by a testing agent or engineer approved by the Superintendent of Streets and Parks.
- 6.4 All work allowed must be bonded, guaranteed and maintained for a period of either not less than the remainder of the duration of the moratorium on the excavation on the road, or two years after the completion of the work, whichever is longer.

## 7. Bonding

- 7.1 The contractor shall provide a bond to be held by the Town for the duration of the warranty period. The bond shall be issued in such manner, as it may not be cancelled without the written approval of the Superintendent of Streets and Parks.

7.2 The amount of the bond shall be as defined in the following table:

FROM (IN SQUARE YARDS)	TO (IN SQUARE YARDS)	AMOUNT (IN DOLLARS)
0	500	\$ 5,000
500	1,000	\$ 10,000
1,000	2,000	\$ 20,000
Over 2,000		\$ 20,000 + \$5/sq. yd. Over 2000, or as approved by the Board of Selectmen

7.3 The West Boylston Water District, NSTAR, and other public utilities with subsurface utility infrastructure located within the public roadway layout, shall provide the Town with a performance bond annually in the amount of \$20,000 to indemnify the Water District and other public utilities, and their contractors for emergency repair and private property service installation repair work performed within the public roadway layout. The West Boylston Water District, NSTAR, and other public utilities shall comply with the requirements contained herein in Paragraph 7.1 and 7.2 and provide separate bonds for any new installation, upgrade, or reconstruction of utility distribution lines not associated with emergency repair, upgrade of existing private property service installation and new private property service repair or replacement, including, but not limited to: water system distribution line installation and replacement, natural gas distribution line, telecommunication trunk line, etc.

## 8. Insurance

- 8.1 The contractor shall provide Contractor's Public Liability Insurance providing a limit of not less than \$500,000 for all damages arising out of bodily injuries to or death of one person, and, subject to that limit for each person, a total limit of \$1,000,000 for all damages arising out of bodily injuries to or death of two or more persons in any one accident, and regular Contractor's Property Damage Liability providing for a limit of not less than \$500,000 for all damages arising out of injury to or destruction of property in any one accident, and, subject to that limit per accident, a total or aggregate limit of \$1,000,000 for all damages arising out of injury to or destruction of property during the policy period.
- 8.2 All insurance policies shall contain suitable stipulations providing for blasting operations if and when required.



## 9. Warranty of Work

- 9.1 To allow the most reasonable method to insure the quality of work, the contractor has three options available to adjust the duration of the warranty period and the responsibility of the contractor during the warranty period. The options are as follows:

9.1.1 Standard construction methods

- 9.1.1.1. Prior to execution of the work, the contractor shall saw cut the pavement over the area of proposed excavation. As requested by the Superintendent of Streets and Parks, the pavement and gravel base material shall become the property of the Town and be transported to a designated area at the contractor's expense. Should the Superintendent of Streets and Parks reject the material; the contractor shall remove the material from the site at the contractor's expense. At no time shall bituminous material be returned to the trench.
- 9.1.1.2. After excavation, the contractor shall backfill using the material removed from the trench. All material shall be compacted in 6-inch lifts with mechanical compaction equipment and/or the use of jetting (with the approval of the Superintendent of Streets and Parks). The method used to compact this material shall produce a rate of compaction of 92% of the maximum dry density of the material. This material should be placed to within 22 inches of the surrounding finished surface. Eighteen (18) inches of gravel shall be placed in 6-inch lifts and compacted to 95% of the maximum dry density of the material; this shall be followed by 2-½ inch of type 1 base and 1-½ inch of type 1 top. Both courses shall comply with the Massachusetts Standard Specifications For Highways and Bridges. In the event hot mix asphalt cannot be used in the repair; the contractor shall place 16 inches of gravel in 6-inch lifts and 6 inches of concrete patch that will be removed as soon as weather conditions allow. At which time the contractor shall complete the work in conformance with the above. With the approval of the Superintendent of Streets and Parks, the contractor may use a high performance cold patch (QPR). The contractor shall maintain the trench patch and maintain the required bond for 2 years after completion of the work.

9.1.2. Use of Control Density Fill

9.1.2.1 Instead of using standard backfill methods, the contractor may use Control Density Fill, as specified in Section M4.08.0 of the Massachusetts Standard Specifications For Highways and Bridges, to within 22 inches of the surrounding finished surface. Construction of the last 22 inches shall conform to Section 9.1.1. After the construction using Control Density Fill is approved by the Superintendent of Streets and Parks, and the work is completed and approved, the warranty period shall be waived and the bond released.

9.1.3 Payment of a Repair and Maintenance Fee

9.1.3.1. To reduce the warranty period defined in 9.1, the contractor may choose to pay a Repair and Maintenance Fee.

9.1.3.2. Within 12 months of receiving the Repair and Maintenance Fee, a Streets and Parks crew will re-excavate the contractor's work and restore the work as directed by the Superintendent of Streets and Parks. After the restoration by the Streets and Parks Department, the contractor will be released from further warranty.

During the construction, the contractor shall comply with the construction techniques described in Section 9.1.1 and elsewhere in this regulation, and shall maintain the work for a period of not more than 12 months, or until such time as the contractor's work is replaced by the Streets and Parks Department.

9.1.3.3. The cost of the Repair and Maintenance Fee shall be based on the current town bid prices for reclamation, preparation and paving of the area of the work plus 50% for depths of excavation up to 5 feet. Excavations over 5 feet in depth will require the cost of the Repair and Maintenance Fee be based on town bid prices for reclamation, preparation and paving of 200% of the area of the excavation. In lieu of bid prices, the Town may publish a standard rate schedule to be maintained on an annual basis by the Superintendent of Streets and Parks.

## 10. Emergencies

- 10.1. Work completed under the classification of Emergency, because of threat of personal injury or property damage, shall be allowed to commence prior to attaining the permit providing notification to the Public Safety Dispatch has been achieved. The contractor shall contact the Superintendent of Streets and Parks within 24 hours to apply for permit. Should the Superintendent of Streets and Parks find that the situation surrounding the work does not constitute an emergency, the contractor shall be assessed a fine of \$200.00 per day until such time as the work is complete and the permit fee paid.
- 10.2. See Sections 5 and 6.

## 11. Exceptions

- 11.1. The Town of West Boylston Streets and Parks Department is exempt from the application process. Fees and bonds may be reduced or waived for other public agencies at the discretion of the Board of Selectmen, however the application process and all construction specifications and warranty periods shall apply.

## 12. First Right of Refusal

- 12.1. The Town of West Boylston Streets and Parks Department shall have first right of refusal of all material excavated from town right-of-ways. This includes, but is not limited to: Town trees, granite curbing or edging, all pavement and gravel base removed from existing ways. At the direction of the Superintendent of Streets and Parks, all pavement and gravel shall be brought to an approved Town location and neatly stockpiled. Any material not claimed by the Town, or used in the backfill, shall be removed by the contractor at the contractor's expense.
- 12.2. The contractor shall insure that no hazardous material be delivered to the Town. Hazardous material delivered to the Town will be viewed as illegal dumping and removed at the contractor's expense to a suitable hazardous waste site.
- 12.3. With the exception of an in-place reclamation project, or the use of processed gravel or Recycled Asphalt Pavement, no excavated bituminous material shall be returned to the trench.
- 12.4. Unless the gravel base material has been removed per section 9.1.1.1, the contractor will stockpile (off the road) gravel found in the roadbed and place it in 6 inch compacted lifts, at the top of the trench as a base material whenever possible.

### 13. Curb Cut

- 13.1. Driveways opening shall be constructed in conformance with Article XII Section 8 of the Town of West Boylston By Laws.

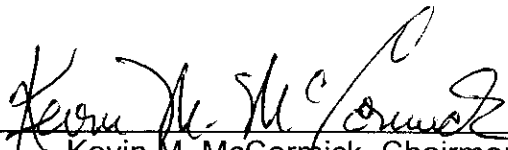
### 14. Additional Specifications

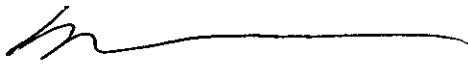
- 14.1. All pavement to be removed, including curbing and sidewalks, shall be saw cut prior to excavation.
- 14.2. Unless otherwise directed by the Superintendent of Streets and Parks, all excavated material shall be loaded directly into trucks, not stacked on the pavement or shoulder so as to minimize damage to the remaining pavement and existing shoulder, minimize dust, and facilitate the safe flow of traffic during construction.
- 14.3. Any water encountered during excavation shall be discharged into an approved sediment control system prior to release to the existing gutter, swale, or other drainage structure. It is the contractor's responsibility to get approval from the Board of Health, Conservation Commission and any other governmental body that may have jurisdiction.
- 14.4. Excavated material shall be used as backfill to minimize differential frost action in the road subgrade. Exceptions to this will be made when the excavated material is too wet to be used as backfill, or contains excessive unstable organic material. Application of this section shall be at the discretion of the Superintendent of Streets and Parks.
- 14.5. Unless the contractor is using the method described in Section 9.1.2, all backfill shall be compacted with equipment that is specifically designed for that purpose. Lifts of fill compacted with hand directed or operated equipment shall not exceed six inches in thickness. Lifts compacted with self propelled heavy equipment shall not exceed twelve inches in thickness.
- 14.6. Gravel subgrade shall match the thickness of the gravel existing adjacent to the excavation, but in no case shall it be less than eighteen inches in thickness.
- 14.7. All gravel used for road base material shall comply with standards set forth in the Massachusetts Highway Department, Standard Specifications For Highways and Bridges.

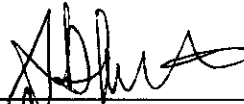
- 14.8. The placement of temporary pavement is required immediately after completion of backfill and compaction. Cold patch is not a suitable long-term temporary pavement and must be replaced within 24 hours with concrete patch or hot mix type 1 asphalt.
- 14.9. The existing pavement shall be cut back one foot prior to the placement of permanent pavement. The pavement shall be mechanically cut in lines perpendicular or parallel to the direction of travel or the street.
- 14.10. The edges of the existing pavement cut to receive permanent pavement shall have asphalt emulsion applied to the vertical surfaces prior to paving.
- 14.11. All permanent pavement shall conform to the Massachusetts Highway Department, Standard Specifications For Highways and Bridges specifications for Type 1 hot mix asphalt base and top as specified previously.
- 14.12. All temporary and permanent repairs to the right of ways shall be constructed to match existing grades, and graded to drain in the same manner as the original pavement or as directed by the Superintendent of Streets and Parks.
- 14.13. All work performed is subject to inspection by the Superintendent of Streets and Parks at all times. The schedule of inspection shall be at the discretion of the Superintendent of Streets and Parks. Excavations shall not be back-filled without prior notification of the Superintendent of Streets and Parks.
- 14.14. All Work within the right of way shall comply with current Federal and State Americans with Disabilities Act regulations (42USC section 1201 et seq.).
- 14.15. The contractor shall be responsible to observe all applicable OSHA Regulations.

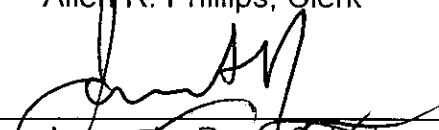
## 15. Violations of the Roadway Opening Permit Regulations

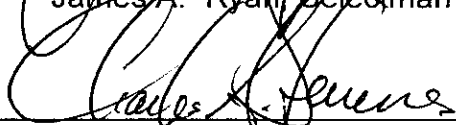
The Town of West Boylston, acting by and through its Superintendent of Streets and Parks, shall assess a fine of \$200.00 for violations of the Roadway Opening Permit Regulations contained herein, as from time to time amended by duly held action of the Board of Selectmen, each day on which any violation exists shall be deemed a separate offense. In the case of a contractor or a subcontractor acting on behalf of a private utility, public utility, district, municipal department, or private person or entity, the fine shall be assessed against the contractor or subcontractor performing the road opening activity.

  
Kevin M. McCormick, Chairman

  
Wayne M. LeBlanc, Vice Chairman

  
Allen R. Phillips, Clerk

  
James A. Ryan, Selectman

  
Charles A. Stevens, Selectman

Board of Selectmen  
Town of West Boylston

July 2, 2003



**Town of West Boylston**  
Streets & Parks Department  
35 Worcester Street  
West Boylston, Massachusetts 01583

**APPLICATION FOR PERMIT TO OPEN  
ROADWAYS AND/OR SIDEWALKS**

Date: \_\_\_\_\_

The undersigned, \_\_\_\_\_ of \_\_\_\_\_  
hereby submits this application for permission to open the pavement on / at \_\_\_\_\_  
for the purpose of \_\_\_\_\_.

Attach suitable sketch or drawing of proposed work area.

By means of my signature below I certify that I am familiar with the rules, regulations and ordinances of the Town of West Boylston and attest that I will do all work in conformance with said rules, regulations and ordinances.

No.
<b>DIG SAFE NUMBER</b>
Date:
<b>Approved Starting Date</b>

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

**CONTRACTOR'S INFORMATION**

\_\_\_\_\_  
**name**

\_\_\_\_\_  
**address**

\_\_\_\_\_  
**office telephone**

\_\_\_\_\_  
**pager/cell phone**

\_\_\_\_\_  
**mailing address**

\_\_\_\_\_  
**residential telephone number**

No excavation permits are to be issued after November 15<sup>th</sup> unless an emergency exists and the Superintendent of Streets and Parks, or his designated agent shall approve such emergency opening.

The applicant is directed to the TOWN OF WEST BOYLSTON Roadway Opening Permit Regulations for information regarding bonds, fees and inspections.

**APPLICATION FOR PERMIT TO OPEN ROADWAYS AND/OR SIDEWALKS**

(continued)

**West Boylston Police Dept.**

As an authorized Representative of the West Boylston Police Department, I certify that the applicant / contractor has made the Police Dept. aware of the intended work, and that private details are:

☐ Needed                      ☐ Not Needed

The applicant has paid \$ \_\_\_\_\_  
for \_\_\_\_\_ hours of detail.

**West Boylston Streets & Parks Dept.**

As an authorized Representative of the West Boylston Superintendent of Streets and Parks, I hereby authorize the applicant by way of his contractor to open the road in conformance with this form and the Roadway Opening Permit Regulations.

\_\_\_\_\_  
**Name / Title** for West Boylston Police Dept.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Name / Title** for West Boylston Streets & Parks Dept.

\_\_\_\_\_  
Date