

# **CITY OF MARLBOROUGH**



## **DEPARTMENT OF PUBLIC WORKS**

### **RULES AND REGULATIONS FOR LICENSURE AND STREET OPENINGS**

**2008**

**Revised: January 1, 2008**

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## ***SECTION 1. PREFACE***

Those who open, occupy and/or obstruct the public way in the City of Marlborough are responsible for ensuring that these public ways are, at all times, safe to use by the residents, local businesses and travelers who depend upon this use in the course of their daily lives. Improper backfilling, poor patching, careless plating, unsightly debris remaining from incomplete projects and excavations into newly resurfaced or reconstructed streets all project to the public an image of indifference and wasteful spending. As the municipal agency responsible for the maintenance and safety of the public ways in the City of Marlborough, it is the obligation of the Department of Public Works to protect the interests of the public we serve. We therefore set forth the following rules and regulations as mandatory requirements for the issuance of a departmental permit to open, occupy and/or obstruct a public way.

## ***SECTION 2. FREQUENTLY ASKED QUESTIONS***

1. What is the difference between this guide and the rules and regulations?

This guide is an abbreviated version of the rules and regulations meant to be used as a quick reference to comply with the department's rules and regulations for street openings under Chapter 63 Section 6 of the Marlborough City Code.

2. What is the difference between a permit and a license?

A *license* pre-qualifies a contractor to perform certain types of work. A *permit* authorizes a licensed contractor to open, occupy, and/or obstruct a public way in a specific location, for a specific period of time.

3. Who needs a license?

A license is required for any contractor who intends to work on the City's various utility or roadway systems (in any location) or who intends to work on a connection to the City's utility or roadway system.

4. Who needs a permit?

Any licensed contractor who intends to open, occupy, and/or obstruct any portion of the public way other than for purposes of travel.

5. Why is a license required?

Licensure ensures that only those who are qualified will be performing the work on the City's utility and roadway infrastructure. This process protects the City's investment in these systems.

6. Why is a permit required?

A permit spells out specific requirements for performing work within the public way and it allows the City to track and insure where work is being performed. Ultimately, the process protects the City's investment in its infrastructure.

7. Under what authority does the City require licensure and permits?

Authority is derived from sections 63, 149, 161, 172, and 194 of the Code of the City of Marlborough (City Code).

8. How long is a license good for?

Licenses expire on **December 31st every year**; as such, licenses must be renewed annually.

9. Can my license be suspended or revoked?

Failure to conform to the City Code, permit requirements, and/or the current Rules and Regulations for Licensure and Street Openings may be cause for license suspension or revocation. Repeated violations can result in a permanent revocation of a license.

10. May I obtain a permit during the winter months?

Except in the case of an emergency, work under a permit may only occur between April 1<sup>st</sup> and November 30<sup>th</sup> of any given year.

11. What constitutes an emergency?

An emergency is defined as a situation determined by the Commissioner of Public Works to be posing an immediate threat to public health or safety.

### ***SECTION 3. LICENSE PROCESS***

1. Gather information needed.

Obtain the most recent set of “Department of Public Works Rules and Regulations for Licensure and Street Openings” governing these licensing/permits.

2. Submit formal request for licensure.

Request specific water, sewer, drain or roadway work licensure(s) formally by letter and include the following required documentation.

3. Insurance Requirements

Insurance under which the City shall be named as an additionally assured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts, against the following risks in not less than the amounts as herein indicated:

*Workman's Compensation (in accordance with the provisions of M.G.L. Chapter 152)*

A. Statutory State - Massachusetts

B. Coverage Limit \$100,000 each employee

C. Additional Endorsements

(a) Voluntary Compensation

(b) U.S. Longshoremen & Harborworkers Act endorsement

*General Liability (Comprehensive Form of Policy)*

A. Limits of Liability

(a) Bodily Injury - \$500,000.00 each occurrence and \$1,000,000.00 aggregate.

(b) Property Damage – - \$500,000.00 each occurrence and \$1,000,000.00 aggregate.

B. Arrangement of Coverage

(a) Premises Operation

(b) Products - Completed Operations

(c) Owners & Contractors Protective

(d) Explosion, Collapse, and Underground (if work involves blasting)

(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)*

A. Limits of Liability

(a) Bodily Injury -\$500,000.00 each person and \$1,000,000.00 each accident.

(b) Property Damage – \$500,000.00 each person and \$1,000,000.00 each accident

B. Arrangement of Coverage

(a) Employer Non-Owned

(b) Hired Car

(c) All Owned or Leased Vehicles

(d) Comprehensive form

*Umbrella Insurance (Limit of Liability)*

\$1,000,000 (minimum) as excess over General Liability, and Workers' Compensation Coverage B.

*Employer's Liability*

Employer's liability insurance shall be provided with a policy limit of \$500,000.00.

*General Policy Requirements*

A. Indemnification

All policies shall provide a hold harmless clause which holds the City of Marlborough harmless from any liability associated with the acts of the insured or their employees.

B. Notice of Cancellation

All policies shall provide the City of Marlborough **30** days notice to the Commissioner of Public Works 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

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:"

City of Marlborough  
Department of Public Works  
ATT: City Engineer  
Municipal Garage – 2<sup>nd</sup> Floor  
135 Neil Street  
Marlborough, MA 01752

C. Certificate Holder

The following shall be named as an additional insured on the certificate of insurance:

The City of Marlborough  
Marlborough, MA 01752

D. Submission

The Certificate of insurance shall be mailed to the attention of the Public Works at the address below:

City of Marlborough  
Department of Public Works  
ATT: City Engineer  
Municipal Garage – 2<sup>nd</sup> Floor  
135 Neil Street  
Marlborough, MA 01752

E. Exemptions

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

4. Bond Required

- A. The contractor shall post a 3 year \$5,000 Utility Layers Bond with the City securing work to be performed within the public right-of-way. The bond will be reviewed for release after three (3) years and upon approval of the work by the Commissioner of Public Works.
- B. The contractor shall post a 3 year \$5,000 Street Opening Bond/Performance Bond with the City (or greater if required by the City for larger projects) securing work to be performed within the City's right-of-way. The bond will be reviewed for release after three (3) years and upon approval of the work by the Commissioner of Public Works.

5. Workers Comp.

Submit a completed Workers Compensation Insurance Affidavit form required by the Commonwealth of Massachusetts (form is appendix D)

6. References

Submit three current (less than three months old) letters of recommendation (for each type of work in which you want to be licensed for) from other Municipalities where similar work has been performed. If applying within three years or less of a previous licensure by the City, and assuming no loss of license for cause then this requirement shall be waived unless so determined to be needed by the Commissioner of Public Works.

7. Violations

Failure to comply with all provisions of the department's rules and regulations for licensure and street openings shall be considered cause for revoking any license previously issued. The commissioner of public works shall have full authority to review matters regarding compliance with the above mentioned rules and regulations.

## 8. Exemptions

Exemptions to posting a performance bond are made only to other governmental agencies of the state and federal level and public utility companies

## 9. Payments

A \$50.00 fee will be required for each individual License acquired by the contractor. Payment must be made by form of check.

### ***SECTION 4. PERMIT PROCESS***

#### 1. Gather Information

Obtain all needed application forms and policies from the City.

#### 2. Application

Submit an application for the permit with a \$10 check payable to the City.

#### 3. Plans, surveys, measurements and control

Plans shall be provided showing the area of work involved. The plan shall show all information required by the City to assess the impacts of the project and determine the pertinent requirements. The following is required information to be shown on all permits, including but not limited to:

**ATTACH DRAWING OF PROPOSED WORK OR FURNISH A COPY OF DRAWING(S) SHOWING LOCATION AND EXTENT OF PROPOSED WORK. INDICATE RELATIONSHIP TO EXISTING ROADS, SIDEWALK, DRIVEWAYS, LIGHT POLES, HYDRANTS, UTILITY STRUCTURES, TREES, FENCES, TRAFFIC SIGNS, TRAFFIC LOOP DETECTORS, LINE PAINTINGS, CROSSWALKS, LEGENDS ETC.; ALSO RELATIONSHIP TO NEAREST INTERSECTION IF WITHIN 50 FT.; ALSO SHOW NORTH ARROW (OR ATTACH PLAN).**

#### 4. Traffic Control Management

For projects impacting the traveled way of the roadway the applicant shall submit and have approved by the City a traffic control plan showing how vehicular traffic shall be accommodated during the construction.

#### 5. Pedestrian Traffic Management

For projects impacting the pedestrian traveled way of the sidewalk the applicant shall submit and have approved by the City a pedestrian traffic/safety control plan showing how pedestrian traffic shall be accommodated during the construction.

## 6. Construction Schedule

For projects the City deems to be significant in size, the applicant shall provide a construction schedule indicating times of completion for critical project components for review and approval by the City before a permit is issued.

### ***SECTION 5. CONSTRUCTION***

#### 1. Notification of Commencement

Written notification by the permittee of one (1) week prior to commencing construction shall be required. This notification shall be sent to the Commissioner of Public Works and Police Chief and shall contain the name, address, and telephone number of the contractor or party which is to perform the work. The telephone number shall be for emergency calls which may arise when the contractor is absent from the work site.

#### 2. Work Hours

Work shall be permitted from 7:00 AM to 3:00 PM (with possibly minor closing up operations until 4:30 PM if allowed by the City). No work on Saturdays, Sundays or legal holidays shall be permitted except in the event of an emergency or special circumstances as determined by the Commissioner of Public Works.

Permits may be issued from April 1<sup>st</sup> through November 30<sup>th</sup> of any calendar year. No work shall be performed from December 1<sup>st</sup> through March 31<sup>st</sup>, except in cases of emergency approved by the Commissioner of Public Works or by a majority vote of the City Council. Please allow 72 hours (3 days) lead time from the date of application to the issuance of such permit.

#### 3. Inspection

A trench inspection report shall be submitted to the City for all projects involving trenching or roadway excavation operations. A form is provided in Appendix C. Inspection of the site shall be conducted by the City. Prior to commencing the work and to any backfilling activities the permittee shall notify the City of the need for an inspection.

For large projects (as determined by the Commissioner of Public Works) inspection of the work shall be conducted by a third party consultant paid for by the permittee. Furthermore, if determined by Commissioner to be needed, a licensed surveyor shall generate a base line control for both horizontal and vertical control of the site.

#### 4. As-builts

As-builts of the work performed shall be required on projects involving changes or new installations within the right of way. Large projects shall require as-built plans to be submitted to the Commissioner of public works for review and approval. All water and sewer location ties shall be turned into the Water and Sewer division by the licensed contractor on the day the job has been completed. A form is provided in Appendix B.

4. Safety

The permittee shall call DIG Safe (1-800-DIG-SAFE) 72 hours prior to any excavation and make sure all makings required have been made. The permittee shall take appropriate measures to ensure the safe flow of traffic (vehicular and pedestrian) through the work area. No Street shall be closed or traveled way impacted unless a plan has been reviewed and approved by the Commissioner of Public Works. The permittee shall provide as required by the Commissioner of Pubic Works or police department a police detail. Warning signs shall be placed according to Manual of Uniform Traffic Control Devices (MUTCD) standards and no work shall commence until they are in place. It is the responsibility of the permittee, to contact utility companies and other public organizations.

**THE DAY BEFORE ANY ROAD CLOSINGS, NOTIFICATIONS SHALL BE MADE TO:**

NSTAR Gas Service Company  
157 Cordaville Road  
Southborough, MA 01772  
(781) 441-8435

Verizon  
146 Leland Street  
Framingham, MA 01702  
(508) 820-3525

National Grid  
82 Florence Street  
Marlborough, MA 01752  
(508) 229-4570

ComCast / AT&T Broadband  
4 Lyberty Way  
Westford, MA 01886  
(617) 279-6374    *Emergency (888) 213-0420*

Department of Public Works  
Municipal Garage – 135 Neil Street  
Marlborough, MA 01752  
(508) 624-6910 ext. 7200

Marlborough Conservation Commission  
140 Main Street  
Marlborough, MA 01752  
(508) 460-3768

Marlborough Fire Alarm  
Central Fire Station  
(508) 485-2323

“DIG SAFE” Call Center  
1-800-322-4844

School Bus Contractor  
402 Hudson Street  
Marlborough, MA 01752  
(508) 481-5346

Ryder Student Transportation  
47 New York Avenue  
Framingham, MA 01701  
(508) 879-2500

Allied Waste Services  
385-A Dunstable Road  
Tyngsboro, MA 01879  
(508) 649-7564  
1-800-442-9006

Patriot Ambulance Service  
1-800-491-1112

School Department  
(508) 460-3554

Recreation Department  
*(Summer Only)*  
(508) 624-6925

Marlborough Police Department  
(508) 485-1212

## 5. Site Impacts

The permittee 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. The permittee shall protect adjoining property during excavation, remove excavated material not suitable as backfill, limit construction material on site, clean up the site regularly, minimize dust impacts and maintain all roadway and driveway access as much as possible especially at night.

## ***SECTION 6. STANDARDS***

### 1. Scenic Roads

Certain streets in the City of Marlborough are protected under the provisions of MGL Chapter 405, Section 15C, and City Council Order No. 92-4385A. Permits on those protected streets may issue only after compliance with the above laws have been ascertained.

### 2. Saw cutting of pavement.

Where required by the Commissioner of Public Works and prior to placement of permanent pavement, the Contractor shall sawcut, by means of a hydraulic saw, back one foot from the original trench limits. The trench shall be made squared or rectangular and the sawcut sidelines of the trench shall be straight and true for a minimum distance of 50 feet on trenches longer than fifty feet, and for the entire length of the trench on trenches less than fifty feet, leaving a sound vertical face for the entire depth of existing pavement. All material shall be removed to a depth of 5 inches.

### 3. Excavation.

The excavation is to be kept as neat as existing conditions permit and not more than one hundred fifty (150) feet to be left open at any time during working hours, or no trench left open overnight without written permission of the Commissioner of Public Works. Excavations shall be made in open cut and no tunneling will be allowed except by special permission of the Commissioner of Public Works. Trenches and excavations shall be braced and sheathed in accordance with sound engineering practice..

### 4. Sheeting.

Lumber sheeting shall be installed where trench excavation is likely to cause failure to adjacent pavement. Unless otherwise directed, sheeting shall be driven to such depth as to be two (2) feet below normal excavation. The sheeting shall be securely and satisfactorily braced to withstand all pressures to which it may be subjected and shall be sufficiently tight to prevent any flow material into the workspace. Upon completion of the work, sheeting shall be driven down or cut off eighteen (18) inches below pavement grade and left in place, or as directed by the Commissioner of Public Works. No sheeting may be left so as to create a possible hazard to the safety of the public, obstruction to flow of water, or a hindrance to traffic of any kind.

5. Plating

When steel trench plates are needed within the City right of way, all plates shall be carefully installed as deemed by the City Engineer. All plates must be fully secure with steel pins so to not move due to heavy traffic flows. All plates must have a smooth transition by means of bituminous concrete asphalt pavement around the entire steel plates.

6. Unsuitable material.

All unsuitable material, as determined by the City's inspector, is to be removed and disposed of off-site and replaced with approved gravel borrow. Any excavated materials not required or not suitable for backfilling shall be removed from the site of the work and properly disposed of by the permittee. The permittee will not be allowed to store excess excavated material within the City right of way.

7. Backfill materials.

Excavations in the street pavement areas shall be carefully backfilled with layers of suitable bank-run gravel. The 12 inches of bedding material around pipes shall be sand for water,  $\frac{3}{4}$  " crushed stone for sewer, gravel borrow for drain or as specified by the owner of the utility and approved by the City of Marlborough. Backfill material shall consist of Controlled Density Fill (CDF) for all major roadways of the City or as directed by the Commissioner of Public Works.

Suitable bank-run 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, 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.

Where required, CDF shall be placed to within a minimum of 5" from the top of the existing pavement or as directed by the City's inspector. CDF shall be Type 1E Very Flowable (excavatable) or Type 2E Flowable (excavatable) with a maximum strength of 200 PSI and 25-30% air. CDF (Type 1E and 2E) shall be excavatable using simple hand tools where required.

8. Compaction of backfill.

Backfill shall be uniformly distributed in successive layers, each layer being thoroughly compacted before the succeeding layer is placed. The entire width of the trench shall be mechanically or hand tamped in six (6) inch lifts, a minimum of two (2) feet above the utility installation, and mechanically tamped the remainder of the fill in lift depths not greater than two (2) feet. The top layer of backfill shall be twelve (12) inches of gravel compacted to 95% of maximum density.

## 9. Grading rolling and finishing.

Pavement placed shall be placed and raked to a uniform surface, rolled to the required thickness and to a grade that will match the existing bituminous road surface. The permittee shall maintain the surfacing and shall promptly fill with similar material any depressions and holes that may occur so as to keep the surfacing in a safe and satisfactory condition for traffic.

## 10. Temporary Pavement

A temporary pavement shall be placed on the surface of the fill and thoroughly compacted. A temporary pavement shall be Class I Bituminous Concrete Type I-1 three (3) inches thick (see Excavation Trench detail TR-8). "Cold Patch" may be allowed if approved by the Commissioner of Public Works due to adverse weather conditions. If plates are used they shall be ramped to match the existing pavement. Temporary paving or steel plating shall immediately follow the backfilling operation.

## 11. Permanent Paving

The final bituminous concrete surface shall not be placed any earlier than 65 days or no later than 90 days from the date of completion of the temporary surface without approval from the Commissioner of Public Works. The temporary pavement and sub-base shall be excavated to the grade required by this permit prior to placement of the final bituminous concrete surface. The binder (base course) shall not be less than the existing roadway base course and shall not be less than three and one-half (3 ½) inches in depth and the top course shall be one and one-half (1 ½) inches in depth. For large scale projects, beyond a simple trench excavation, pavement details and resurfacing requirements will be included as a special condition in the permit.

## 12. Concrete Sidewalk

All concrete sidewalk openings shall be repaired in FULL panels and be a minimum of four (4) inches thick (minimum of six (6) inches thick at driveway openings) the concrete shall be 4,000 P.S.I., between 5% and 8% by volume air voids, 3/4" max. agg. size with a broom finish. Sidewalk repaving and/or replacement must follow as close behind installation as conditions permit. Excessive lineal footage of sidewalk left unrepaired will not be allowed.

## 13. Bituminous Sidewalk

When work is performed in sidewalk areas, the entire sidewalk shall be replaced as follows. The entire trench area shall be thoroughly compacted to a point nine (9) inches below the finish grade. Six (6) inches of approved processed gravel sub-base (subgrade) shall then be placed and compacted. The gravel base will be shaped, graded and rolled to accurately meet the finish grade. In no case shall the surface be laid until the sub base has been inspected and approved by the City Engineer. Pavement shall be placed in two one and a half (1 ½) inches thick layers.

14. Bituminous concrete berm.

The mixture shall be placed and compacted with a machine. The dimensions and cross sections of proposed replacement of bituminous concrete curb shall be as shown on the City of Marlborough Standard Detail Sheets. Where bituminous concrete curbing is to be replaced, the roadway pavement shall be widened one foot (1) to provide a proper base for the curbing and shall be constructed on a six inch (6") gravel base

15. Granite Curbing.

Replaced granite curbing shall be type VA-4 Vertical (min 6"w x 6'l x 18"d) or SB sloped (min 3"w x 2'l x 12"d), curb shall be set on an approved gravel base. Trench excavation for curbing shall be excavated to a width of eighteen inches, the bottom of the trench shall be six inches (6") below the bottom of the proposed curbstone. The foundation for the curb shall consist of gravel spread upon the subgrade and after being thoroughly compacted by tamping, shall be not less than six inches (6") in depth upon the foundation.

16. Disturbing existing utilities.

The permittee shall exercise special care during excavation to avoid injury to underground structures such as water or gas mains, pipes, conduits, manholes, catch basins, etc. When necessary the permittee shall cooperate with representatives of public service companies in order to avoid damage to their structures by furnishing and erecting suitable supports, props, shoring and other means of protection. The permittee shall be liable for repair of any damage to such utilities, either public or private, to the satisfaction of the Commissioner of Public Works.

17. Blasting

When the use of explosives is necessary for the execution of the work, the Contractor shall take the utmost care not to endanger life and property. Whenever directed, the number and size of the charge shall be reduced. The method of storage and handling of the explosive and highly flammable materials shall conform to all state laws and regulations, as well as local requirements.

The Contractor is responsible for establishing pre-construction/blasting conditions which will include a pre-blast survey of all structures within 500 feet of the project limits. Care shall be taken to prevent injury to existing pipes or other structures and property above or below ground. Any damage caused as a result of the Contractor's work shall be the Contractor's responsibility.

Blasting operations are subject to the approval of the City of Marlborough Fire Chief. Explosive materials shall not be stored overnight, on site per the Marlborough Fire Department. The Contractor must provide blasting details at all sites where blasting is to occur. The details are to be staffed by the Fire Department. No direct payment. The permitting will be in accordance with 527 CMR 13.00, Massachusetts Fire Safety Code.

## ***SECTION 7. MATERIALS SPECIFICATIONS***

### Acceptable Water Materials

WATER PIPE Cement Lined Ductile Iron Pipe, Class 52

HYDRANTS Mueller Centurion 5½ feet bury, 4½ inch valve opening with 6 inch bell inlet and must open right

T.S. & G. Mechanical joint, valves must open right

GATE VALUES No rising stem, double disc, must open right

MAIN GATE BOXES C.I. slide type, no flange, or belled bottom and the word "water" stamped on cover

SERVICE BOXES 4½ feet to 5½ feet extension type, ¾ inch rod-cover with counter sunk 1 inch brass plug, open right

SADDLES Double strap, no-weld type

METERS 5/8 inch x 1/2 inch with remote and tail pieces

CURB STOPS Will be open right with stop and drain

SERVICES Will be Type "K" copper, minimum ¾ inch diameter

### Acceptable Sewer Materials

SEWER PIPE P.V.C. ASTM D3034 SDR 35, Cement Ductile Iron Pipe Class 52  
All forced sewer mains shall be Cement Ductile Iron Pipe Class 52 Sewer main 10' in depth shall be Cement Ductile Iron Pipe Class 52 Sewer mains 20' in depth see City Sewer Regulation

DROP INLETS All sewer drop inlets shall be internal to the sewer manhole which shall have an inside diameter of five (5) feet.

SERVICE PIPE Minimum size 6 inch P.V.C.

RINGS & COVERS LeLABORON LA268-0 (*or equal*), covers stamped "SEWER"; Mass. Standard. Locking covers shall be provided for all off-pavement manholes.

WARNING RIBBON A METALLIC WARNING RIBBON shall be placed immediately above and along the entire length of all NON-METALLIC SEWER PIPE.

## Acceptable Drain Materials

DRAIN PIPE Reinforced concrete pipe (Class IV or higher).

FRAME & GRATE LeBARON LF248 -2 (wt. 480 lbs) Mass. standard.

FRAME & COVER LeLABORON LA268-0 (*or equal*), covers stamped "DRAIN"; Mass. standard.

BRICK Red clay brick shall be used to raise all structures.

## **SECTION 8. CONSTRUCTION PERMITS**

### 1. Excavations Permit

All excavations in the public way must be permitted for inspection and maintenance. The excavation and all work associated with the work are required to meet the standards as set forth in section 5.0 "Construction" of these road opening regulations and shall be in accordance with applicable requirements of the Massachusetts Engineering Department, Standard Specifications for Engineering and Bridges, currently in effect.

### 2. Non Excavation Permits to place material, equipment, or obstruction in a public way.

No person shall use any portion of a public way without first obtaining a permit to do so from the Board of Public Works, pursuant to City of Marlborough Code Section 172-10 "Unnecessary Obstructions; Restoration"

No person shall use any portion of any street which the City is obliged to keep *in* repair for the purpose of placing building materials containers or rubbish or moving a building *on* either the sidewalk or roadway without a permit from the Board of Public Works. A permit to allow this use may be granted by the Commissioner of Public Works for a period not exceeding ninety (30) days, upon condition that during the whole of every night, from sunset until sunrise, warning lights shall be so placed as to warn travelers of the presence of the obstruction and upon such further conditions as the Commissioner of Public Works may determine is needed.

### 3. Driveway/Apron Permit

The driveway and apron permit inspection fees are as follows:

In order to maintain safety and welfare for all motor vehicle operators, pedestrians and the general public, the permittee shall following City ordinance regarding the construction of driveways. The Permittee shall provide to the City for the Commissioner of Public Works a plan to review and approve showing existing and proposed driveway width, drainage, profile, sight distance, distance from intersecting streets centerlines, street signs, granite bounds, stone markers, stone walls, granite curbs, granite inlet blocks, catch basin frame and grates, hydrants, utility poles, trees, guard-rails, fences and any other fixed objects.

4. Cored Holes at Pavement, Driveways and Sidewalks Permit

The Permittee shall fill any cored holes at his own expense. All core holes shall be identified and filled the same day they are cored. Suitable material for backfilling shall be placed in the cored hole and properly tamped prior to asphalt patching. The area of the asphalt patch shall be sealed with an asphalt seal and sand cover.

5. Cable Installation – Saw Cut Permit

A dry diamond saw shall be used to make the cut. The width of the opening will not exceed the cable width. The depth will not exceed 2 inches or extend below the last layer of asphalt and into the gravel. After the cut-is made an air compressor will be used to thoroughly clean the wireway in preparation for the cable, backer rod and armourcoat - (polyester fiber reinforced asphalt).

6. Moving Building Permit

The Commissioner of Public Works shall need to review the route and traffic issues this may cause. This may requires traffic plans, type of building being moved and or inspection by a independent inspector during the relocation.

7. Temporary Road Closing Permit

The application shall include a plan of the road and a letter as to why this roadway should be closed for the time needed. The plan shall indicate the limits of the closure, proposed signing to be placed during the closing, location of police if needed as directed by the police department and rerouting of traffic affected by this closure. Contractor shall be responsible for contacting appropriate utilities and emergency response (see Section 4 for contact information).

8. Drain Connection Permit

Residents are allowed to connect a private drain from their property to the City's drainage system, after engineering has checked the area and their request to be certain that the City system will take the drainage. The homeowner will be required to sign a release form provided by the City.

A plan showing the proposed drain location, pipe size and other pertinent details must be provided and attached to the drain permit. A review by a Licensed Professional Engineer shall certify that the increased drainage will not significantly impact the City's drainage system. The City drainage system shall not be currently deficient or made deficient by the drainpipe connection.

***SECTION 9. PROTECTED STREET LIST***

Road opening permits issued for the following roads require curb to curb resurfacing. No opening of roads on said list will be permitted on roads having been reconstructed or resurfaced within one (1) year of the date of completion. After one (1) year, the permittee will be

responsible for curb to curb *cold planing and resurfacing* for a limit as determined by the City Engineer or his/her designee and to include any ancillary work resulting from permitted work on these protected streets. The limits will be as determined in the permit conditions.

*Affected Streets*

2003

Donald Lynch Blvd. (Motel 8 entrance to Assabet River) & (North Bigelow Street to I-495 overpass)  
Marlton Drive  
Kane Drive

2004

Brooks Street  
Charles Street  
Felton Street (Elm Street to Memory Lane)  
Framingham Road (Route 85 to Walker Street)  
Garfield Street  
Mechanic Street (Elm Street to Main Street)  
Stevens Street (130 feet east of Perolman Drive to Hosmer Street)  
West Main Street (Beach Street to Granger Blvd.)

2005

Stevens Street (East Main Street to Union Street)

2006

Hillcrest Street  
Mechanic Street (Elm Street to Ash Street)  
Blaiswood Avenue  
Concord Road (Sudbury Street to Hemenway Street Ext.)  
Concord Road (Mosher Lane to pumping station by house #1100)

**No road opening permits shall be issued for the following 2007 roads:**

Broadmeadow Street (Farm Road to Parmenter Street)  
Dow Place  
Leonard Drive  
New Street  
Paquin Drive  
Weed Street  
Williams Street (Clover Hill Street to Southborough townline)

## ***SECTION 10. PRIVATE PROPERTY***

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

## ***SECTION 11. 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 City of Marlborough whereby the utility or utility and/or its agents, and individual, or others shall indemnify, and save harmless the City of Marlborough 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 streets and/or ways and from occupancy and use of said streets and/or ways, and further agree to pay all costs and damages which may be recovered against the City of Marlborough, by reason of entering said street and/or ways on account of occupancy of said premises, and shall further be required to provide insurance therefore unless otherwise determined by the Commissioner of Public Works.

## ***SECTION 12. ENFORCEMENT PROVISIONS***

If an examination of the work reveals that it does not comply with or violates the provisions of this permit, the Commissioner of Public Works shall notify and order in writing, the permittee 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 permittee or its duly authorized supervisor at the work site to assure compliance with the provisions of this permit, the Commissioner of Public Works may rescind, suspend or modify, through the imposition of conditions, the permit.

## ***SECTION 13. HEARINGS***

Any person to whom any order to comply with the provisions of this permit is issued or any person who objects to the issuance of a variance may request a hearing before the Commissioner of Public Works or his designee by filing a written application within ten (10) days of the receipt of the order or within ten (10) days of the filing of notice of the granting of the variance.

## ***SECTION 14. PENALTY***

Any permittee 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 City of Marlborough 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.

## ***SECTION 15. VARIANCE***

The Commissioner of Public Works upon his own initiative or upon application to him by any individual, utility or may vary any provisions of this permit as he or she deem necessary

with respect to any particular case when, in his or her opinion, the enforcement thereof would do manifest injustice or cause undue hardship, provided that his decision shall not conflict with the spirit of this permit. Variances, when granted, shall be in writing and shall be effective for not more than one (1) year.

***SECTION 16. 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.

***SECTION 17. MUNICIPAL DEPARTMENT***

Municipal Departments of the City of Marlborough shall be exempt from the fees associated with this permit, but shall conform to all other aspects of this permit.

***SECTION 18. INCONSISTENCIES***

All provisions of the ordinances of the City of Marlborough, as amended which are inconsistent with this permit, shall continue in effect.

**APPENDIX – A**



**CITY OF MARLBOROUGH**  
*Department of Public Works*

Municipal Garage  
135 Neil Street

Marlborough, Massachusetts 01752

Tel. (508) 624-6910 Facsimile (508) 624-7699 TDD (508) 460-3610

**APPLICATION FOR STREET OPENING PERMIT**

PAGE 1 OF 2

DIG SAFE NO. ....

CONTRACTOR'S NAME.....

ADDRESS.....

PHONE..... CONTACT PERSON.....

LOCATION OF PROPOSED WORK.....

TRENCH DIMENSIONS.....

DESCRIBE FULLY NATURE OF PROPOSED WORK.....

.....

.....

.....

DESIRED STARTING DATE..... COMPLETION DATE.....

PERMITTEE IS REQUIRED TO NOTIFY PERMITS OFFICE AT LEAST **24 HOURS** PRIOR TO THE EXACT DATE & HOUR  
WORK IS TO BEGIN

PERMIT FOR:  SEWER INSTALLATION  WATER INSTALLATION  DRAIN INSTALLATION  
 CURBCUT\*  UTILITY INSTALLATION  STREET OBSTRUCTION  STREET CLOSING

\* REQUIRES APPROVED SITE PLAN

**ATTACH DRAWING OF PROPOSED WORK OR FURNISH A COPY OF DRAWING(S) SHOWING LOCATION AND EXTENT OF PROPOSED WORK. INDICATE RELATIONSHIP TO EXISTING ROADS, SIDEWALK, DRIVEWAYS, LIGHT POLES, HYDRANTS, UTILITY STRUCTURES, TREES, FENCES, TRAFFIC SIGNS, TRAFFIC LOOP DETECTORS, LINE PAINTINGS, CROSSWALKS, LEGENDS ETC.; ALSO RELATIONSHIP TO NEAREST INTERSECTION IF WITHIN 50 FT.; ALSO SHOW NORTH ARROW (OR ATTACH PLAN).**

THIS IS TO CERTIFY THAT I HAVE READ AND ACCEPT THE RULES, REGULATIONS AND ORDINANCES OF THE CITY OF MARLBOROUGH THAT GOVERN STREET OPENINGS AND ATTEST THAT ALL WORK WILL BE DONE IN CONFORMANCE WITH SAID RULES, REGULATIONS AND ORDINANCES.

.....  
APPLICANT'S SIGNATURE

.....  
DATE OF APPLICATION

.....  
PRINT NAME

**PERMIT IS VALID FOR 30 DAYS FROM ISSUED DATE**

**APPENDIX – A**  
**CITY OF MARLBOROUGH**  
**APPLICATION FOR STREET OPENING PERMIT**

PAGE 2 OF 2

LOCATION OF PROPOSED WORK.....

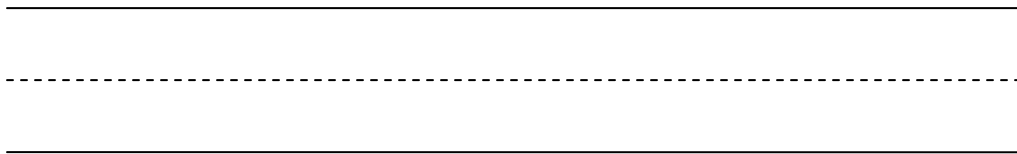
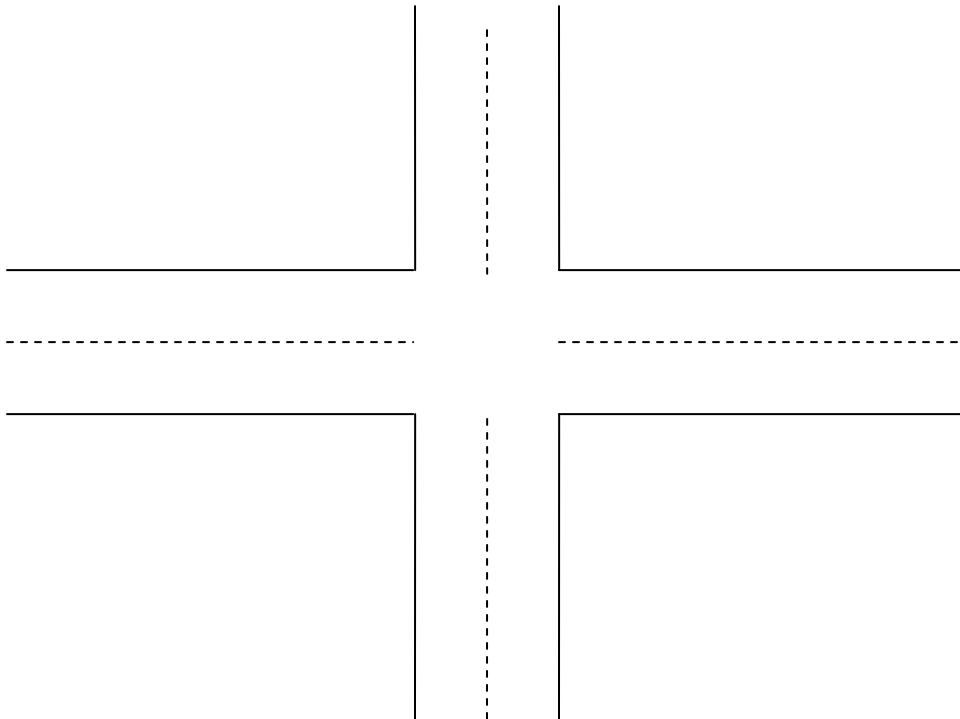
TRENCH DIMENSIONS.....

PERMIT FOR:  SEWER INSTALLATION  WATER INSTALLATION  DRAIN INSTALLATION  
 CURBCUT\*  UTILITY INSTALLATION  STREET OBSTRUCTION  STREET CLOSING

\* REQUIRES APPROVED SITE PLAN

**INDICATE RELATIONSHIP TO:**

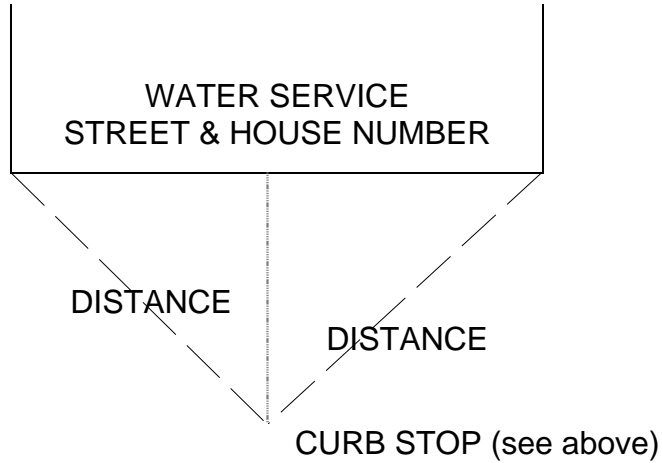
**EXISTING ROADS, SIDEWALK, DRIVEWAYS, LIGHT POLES, HYDRANTS, UTILITY STRUCTURES, TREES, FENCES, TRAFFIC SIGNS, TRAFFIC LOOP DETECTORS, LINE PAINTINGS, CROSSWALKS, LEGENDS ETC.; ALSO RELATIONSHIP TO NEAREST INTERSECTION IF WITHIN 50 FT.; ALSO SHOW NORTH ARROW (OR ATTACH PLAN).**



**APPENDIX - B**

TYPICAL WATER & SEWER LOCATION TIES

(Show three ties for each location including gates, bends, cleanouts, structures, etc)

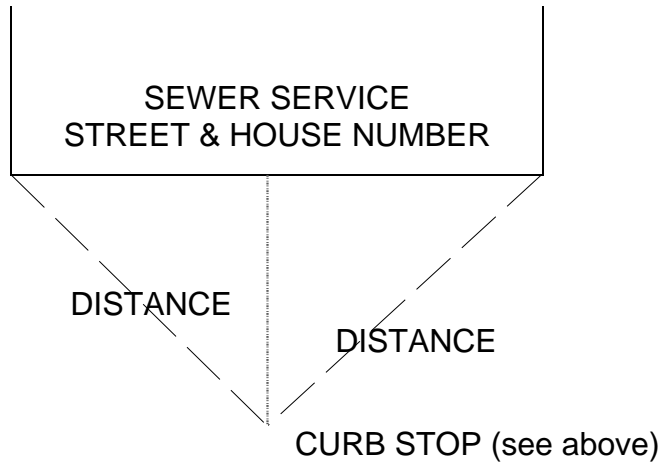


**TYPE AND SIZE OF PIPE:**.....

**DISTANCE HOUSE TO PROPERTY LINE:**.....

**DISTANCE PROPERTY TO MAIN:**.....

**FITTINGS USED:**.....



**TYPE AND SIZE OF PIPE:**.....

**DISTANCE HOUSE TO PROPERTY LINE:**.....

**DISTANCE PROPERTY TO MAIN:**.....

**FITTINGS USED:**.....

## APPENDIX - C

### TRENCH INSPECTION REPORT

Permit No.: \_\_\_\_\_  
(To be completed by City)

Location: \_\_\_\_\_  
(House number is Applicable)

Dimensions  
Length Width Depth

Reason for: (Emergency,  
Scheduled, Other)

--	--	--

Check One: Fixing existing \_\_\_ Creating New \_\_\_

Company/ Division: \_\_\_\_\_

Trenching Crew

Work Type	Foreman	Crew
Backfill		
Patch		
Paving		
Inspection		

Trench Process

Work	Date	Weather	Type
Trenching			Gas, Elec., Cable, Tel, Water, Sewer, Drain, Other
Backfilling			Gravel (on site)(off site), Sand, Crushed Stone, Flowable, Other
Patching			Gravel, Cold Patch, Other
Paving			Asphalt or Concrete (incl. depth)

Follow up Action

Action	Date	Responsible Person
Revisit Backfill		
Revisit Patch		
Revisit Paving		
None		

Comments: \_\_\_\_\_

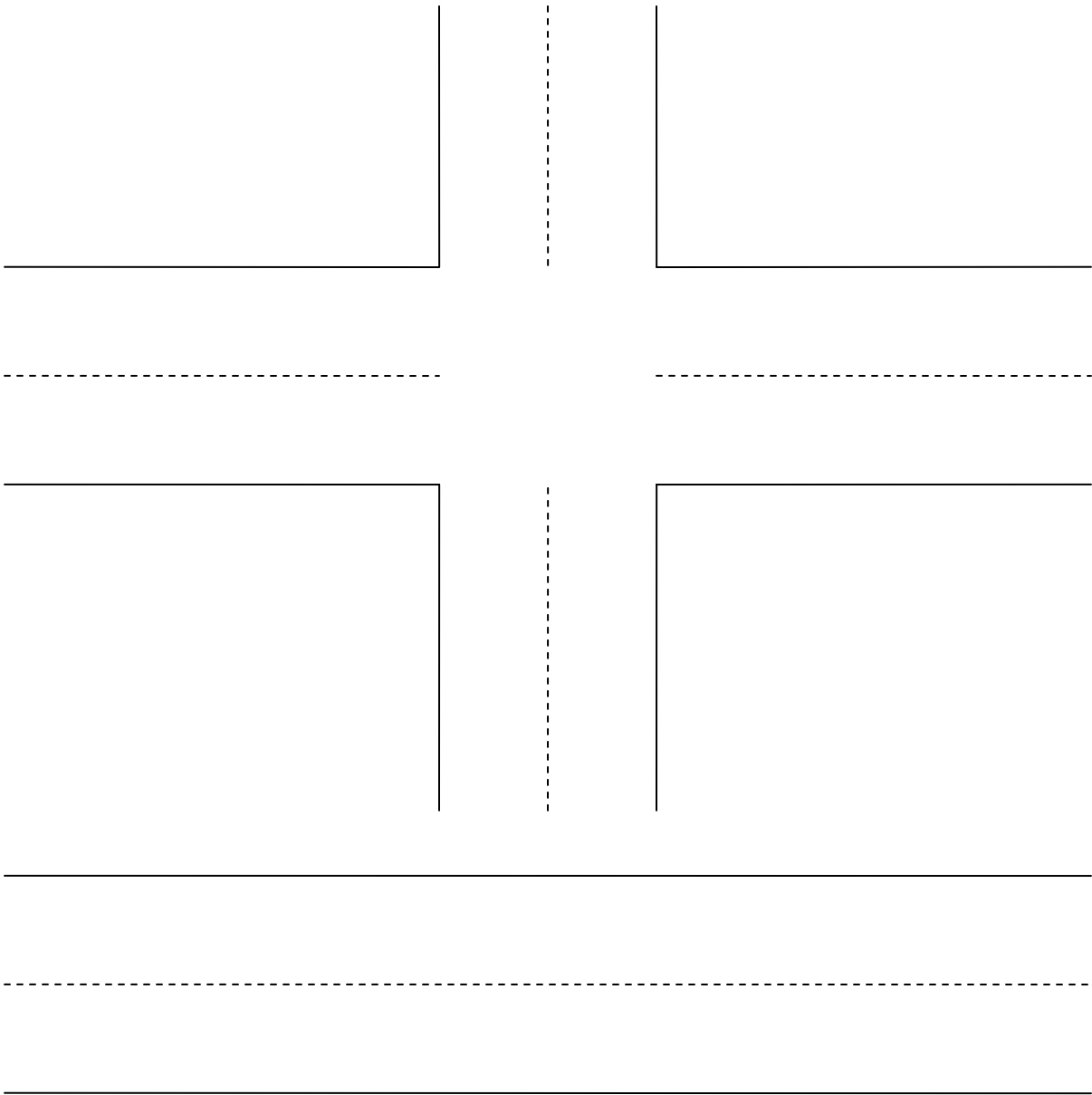
Note: approved permit and a copy of the current rules and regulations for licensure and street openings shall be available on site at all times during trenching.

**APPENDIX - C**

**TRENCH INSPECTION PLAN**

**(LABEL PIPES ACCORDINGLY AND WITH AS MUCH DETAIL AS POSSIBLE  
AND PROVIDE TIES TO WORK WHERE POSSIBLE)**

Pipe # 1: Material \_\_\_\_\_ Diameter \_\_\_\_\_ Length \_\_\_\_\_ Depth \_\_\_\_\_  
Pipe # 2: Material \_\_\_\_\_ Diameter \_\_\_\_\_ Length \_\_\_\_\_ Depth \_\_\_\_\_  
Pipe # 3: Material \_\_\_\_\_ Diameter \_\_\_\_\_ Length \_\_\_\_\_ Depth \_\_\_\_\_  
Pipe # 4: Material \_\_\_\_\_ Diameter \_\_\_\_\_ Length \_\_\_\_\_ Depth \_\_\_\_\_  
Pipe # 5: Material \_\_\_\_\_ Diameter \_\_\_\_\_ Length \_\_\_\_\_ Depth \_\_\_\_\_



## APPENDIX - D WORKERS COMPENSATION INSURANCE AFFIDAVIT



*The Commonwealth of Massachusetts*  
**Department of Industrial Accidents**  
**Office of Investigations**  
 600 Washington Street, 7<sup>th</sup> Floor  
 Boston, Mass. 02111

**Workers' Compensation Insurance Affidavit: Building/Plumbing/Electrical Contractors**  
 Please PRINT legibly

**Applicant information:**

name: \_\_\_\_\_  
 address: \_\_\_\_\_  
 city \_\_\_\_\_ state: \_\_\_\_\_ zip: \_\_\_\_\_ phone # \_\_\_\_\_

work site location (full address): \_\_\_\_\_

I am a homeowner performing all work myself. Project Type:  New Construction  Remodel  
 I am a sole proprietor and have no one working in any capacity.  Building Addition

I am an employer providing workers' compensation for my employees working on this job.

company name: \_\_\_\_\_

address: \_\_\_\_\_

city: \_\_\_\_\_ phone #: \_\_\_\_\_

insurance co. \_\_\_\_\_ policy # \_\_\_\_\_

I am a sole proprietor, **general contractor**, or **homeowner (circle one)** and have hired the contractors listed below who have the following workers' compensation policies:

company name: \_\_\_\_\_

address: \_\_\_\_\_

city: \_\_\_\_\_ phone #: \_\_\_\_\_

insurance co. \_\_\_\_\_ policy # \_\_\_\_\_

company name: \_\_\_\_\_

address: \_\_\_\_\_

city: \_\_\_\_\_ phone #: \_\_\_\_\_

insurance co. \_\_\_\_\_ policy # \_\_\_\_\_

**Attach additional sheet if necessary**  
 Failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one years' imprisonment as well as civil penalties in the form of a STOP WORK ORDER and a fine of \$100.00 a day against me. I understand that a copy of this statement may be forwarded to the Office of Investigations of the DIA for coverage verification.

*I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.*

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print name \_\_\_\_\_ Phone # \_\_\_\_\_

**official use only      do not write in this area to be completed by city or town official**

city or town: \_\_\_\_\_ permit/license # \_\_\_\_\_  Building Department  
 Licensing Board  
 Selectmen's Office  
 Health Department  
 Other \_\_\_\_\_

check if immediate response is required

contact person: \_\_\_\_\_ phone #: \_\_\_\_\_

(revised Sept. 2003)

## APPENDIX - D

### Information and Instructions

Massachusetts General Laws chapter 152 section 25 requires all employers to provide workers' compensation for their employees. As quoted from the "law", an *employee* is defined as every person in the service of another under any contract of hire, express or implied, oral or written.

An *employer* is defined as an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer.

MGL chapter 152 section 25 also states that **every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required.** Additionally, neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority.

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#### Applicants

Please fill in the workers' compensation affidavit completely, by checking the box that applies to your situation. Please supply company name, address and phone numbers along with a certificate of insurance as all affidavits may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the "law" or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below.

---

#### City or Towns

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. The affidavits may be returned to the Department by mail or FAX unless other arrangements have been made.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

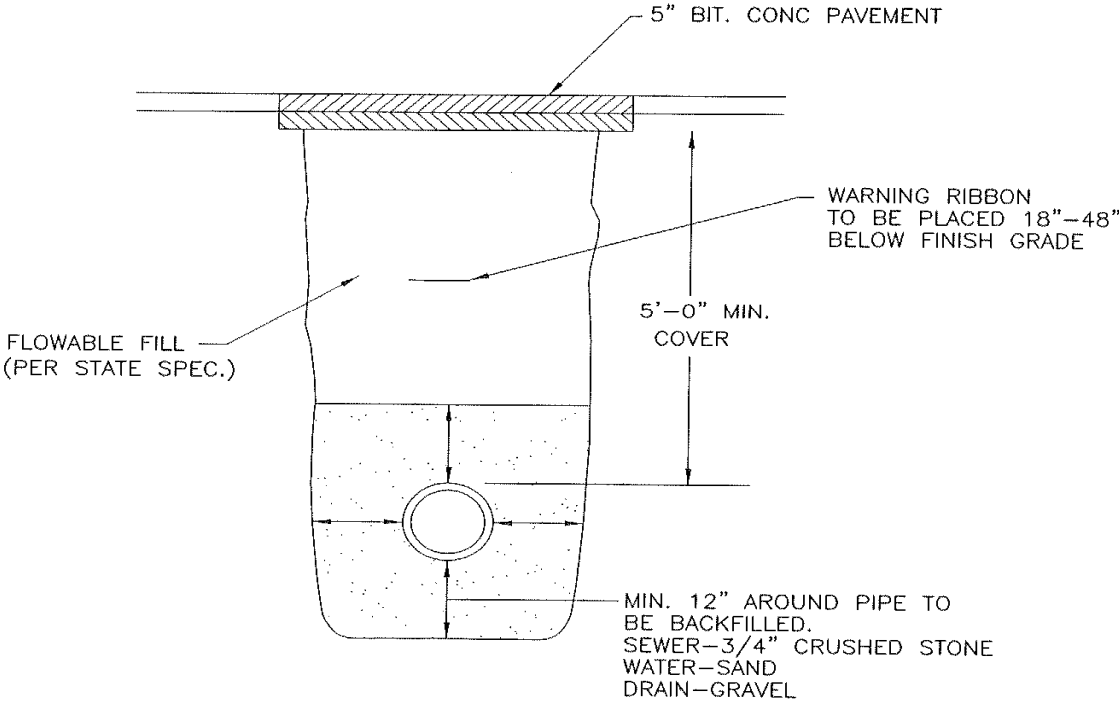
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The Department's address, telephone and fax number:

**The Commonwealth Of Massachusetts  
Department of Industrial Accidents  
Office of Investigations  
600 Washington Street, 7<sup>th</sup> Floor  
Boston, Ma. 02111  
fax #: (617) 727-7749  
phone #: (617) 727-4900 ext. 406**

**APPENDIX - E  
DETAILS**

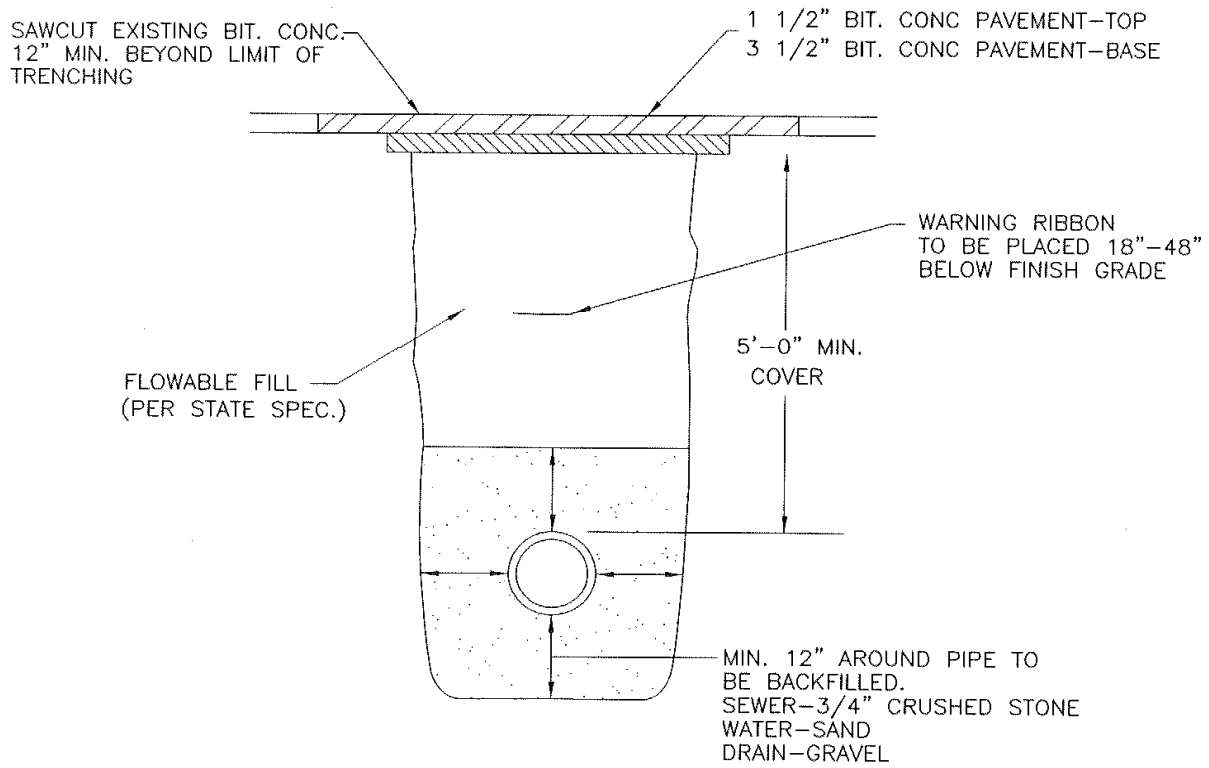
**TEMPORARY TRENCH**



\*NOT TO SCALE

# APPENDIX - E

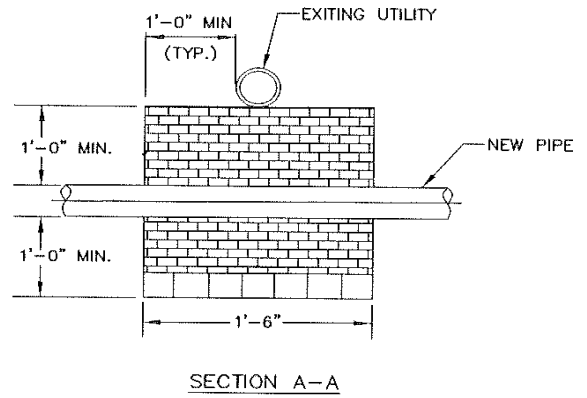
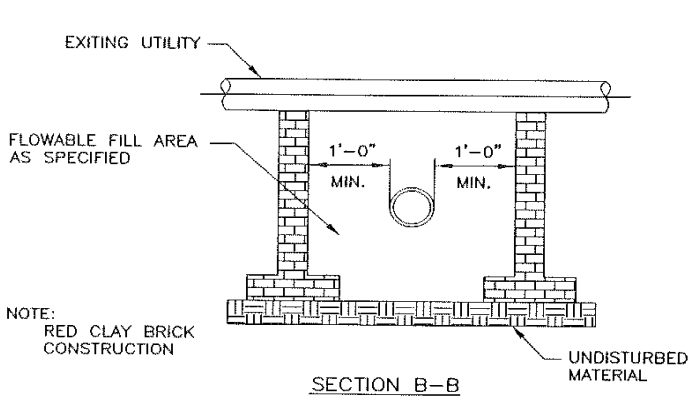
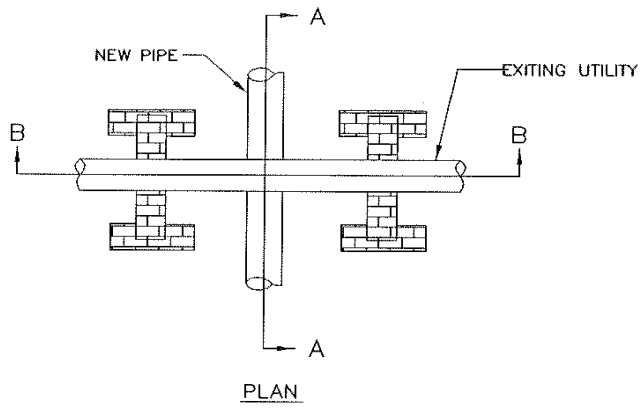
## PERMANENT TRENCH



\*NOT TO SCALE

# APPENDIX - E

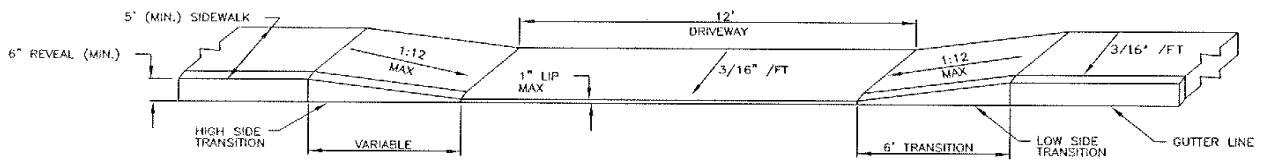
## TYPICAL UTILITY CROSSING



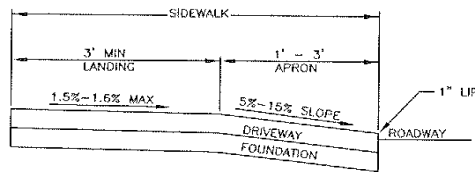
\*NOT TO SCALE

# APPENDIX - E

## TYPICAL SIDEWALK/DRIVEWAY



PROFILE GRADE		TRANSITION LENGTH Lth (FT.)
%	G	
0	0	6.0
1	.01	7.0
2	.02	8.0
3	.03	9.5
4	.04	11.5
5+	.05	15.0 MAX.



\*NOT TO SCALE