

# **SPECIFICATIONS FOR ROAD OPENINGS AND PATCHING**

## **IN THE TOWN OF CLINTON**

The following specifications shall pertain to all companies or individuals issued road-opening permits in the Town of Clinton. It shall be the responsibility of the recipients of road opening permits to perform all work in accordance with the following specifications.

### **A. GENERAL**

1. Recipients of road opening permits shall provide the Superintendent of Public Works, *prior to a permit being issued*, the name and phone number of the on-site supervisor for work to be performed under the subject permit to facilitate communications if problems arise. If pagers or cell phones are utilized, those numbers are to be provided to Superintendent of Public Works.

2. An application for permit must be filed with the Superintendent of Public Works before preliminary investigation will be made for permit issue. Standard application forms may be obtained at the Town of Clinton Department of Public Works office at 242 Church St in Clinton. Each application form shall be completely filled out, signed and delivered to the Department of Public Works Office. An explanation of the application and sketch shall be made either in the space provided on the application or a separate sheet which the applicant shall attach to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersection, pavement lines, sidewalks, trees, drainage structure, utility poles by number, and the character and extent of the work. **Please note, no applications will be processed without a dig safe number.**

3. Upon the completion of work performed under subject road opening permit, it shall be the responsibility of the recipient to maintain or replace all subsequent patching covered under subject permit as deemed necessary by the Superintendent of Public Works or their designee for a period of two (2) years *after final completion and acceptance of work*.

### **4. REJECTION OF APPLICATION**

The request for permit will be denied when it appears that the work called for in an application would not conform to Town regulations, cause substantial or needless damage to a highway, create excessive disturbances to traffic or create an exceptionally dangerous condition not commensurate with the benefits to the applicant. The applicant will be informed of such rejection and the reason(s) for rejection. The Superintendent of Public Works, or his designee, may refuse to issue a permit to any person, company, or utility when, in his opinion, work performed under a permit issued to the applicant has not been properly executed, or when said applicant has failed to reimburse the Town for recoverable charges billed under the terms governing the previous permit. The rejection of an application can be appealed to the Board of Selectmen for final decision.

If in the opinion of the Superintendent of Public Works, or his designee, the opening of a roadway would result in a hazardous situation, the application shall be amended to include utility pole jacking, boring or tunneling. Work shall be done by an experienced contractor.

5. **ISSUANCE OF PERMIT**

A permit must be signed by The Superintendent of Public Works or his designee before it becomes valid. Approved permits will be issued by the Department of Public Works after the application for permits, bonds, insurance and fees have been received in good order. The Permittee is forbidden to commence work until the above mentioned items have been complied with and the Permittee has notified the Superintendent of Public Works or his designee at least twenty-four (24) hours in advance of the date and hour they propose to begin work.

6. **EMERGENCY PERMITS**

Nothing in this manual shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property, or for the location of trouble in a conduit or pipe, or for making repairs, provided the person making such excavation shall apply to the Superintendent of Public Works for such permit on the first working day after such work is commenced. Before any excavation work is started, the person or utility excavating must contact all utilities and the Town for subsurface utility locations.

7. **PLANS AND SPECIFICATIONS**

When applications are made for permits involving works of major scope, complete plans and specifications must be submitted with the application. They should be detailed so that the exact location of the various parts of the work, the risk or injury to road users and the probability of damage to trees, highway structures and private property can be ascertained.

8. **REVOCAION OF PERMITS**

Any permit issued by the Superintendent of Public Works may be revoked by the Superintendent of Public Works or their designee at any time by giving notice to the Permittee. Work shall cease and the work area shall be safely secured until the situation is resolved to the satisfaction of the Superintendent of Public Works or their designee. The Permittee may file a written appeal to the Board of Selectmen who may overrule the decision of the Superintendent of Public Works and may reinstate the permit.

9. **DISPLAY OF PERMITS**

A copy of the permit shall be at the job site at all times for inspection by local police and public works personnel. To be valid, the permit must show the effective and expiration dates and be signed by the Superintendent of Public Works or his designee.

10. **EXTENSION OF TIME**

All work shall be completed in a manner satisfactory to the Superintendent of Public Works before the expiration date shown on the permit. In cases where permanent repairs, such as loaming and seeding, must be made at a future date the permit holder shall request of the Town an extension of time to complete the work. Extension of time may be granted upon written request by the Permittee stating the reason(s) for the request.

*Should work not be completed as per the applicant's request and a valid written extension has not been filed, fines shall accrue at a rate of \$50.00 per day.*

11. **INDEMNIFICATION**

The applicant agrees as a condition governing the issuance of a permit, that he will hold harmless the Town of Clinton, the Department of Public Works, and his agents and employees from any and all claims and actions whatsoever arising from the issuance of said permit.

12. **CLEARANCE FOR VITAL STRUCTURES**

The excavation work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, traffic signal cables and boxes, and any other vital areas of equipment designated by

the Town.

**13. DETOURS**

When, in the opinion of the Superintendent of Public Works or his designee, a Town road may be obstructed by the permit applicant's proposed operation to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a parallel town road bypass may be designated. All expenses incurred by the Permittee as a result of this bypass establishment, use and restoration of said detour shall be the entire responsibility of the Permittee. *A detour plan, printed on an 11" X 17" sheet shall be submitted with the application.* The Permittee shall notify the Police and Fire Departments of the layout and expected time of use of the detour. The Permittee shall supply and maintain such signs at their expense as may be necessary to clearly outline the detour.

Prior to detouring traffic over a road bypass, an inspection shall be made by the Permittee and a representative of the Town to determine the adequacy of the signs and the structural condition of the road(s) involved. A second inspection shall be made by the same persons when the detour is terminated so that there will be an agreement as to the extent of the repairs, if any, to be made by the Permittee to restore the condition equal to those existing prior to the establishment of the detour.

**14. PROTECTIVE MEASURES AND ROUTING OF TRAFFIC**

The Permittee shall, in general, maintain safe crossing for two lanes of vehicular traffic at all street intersections where possible, and safe crossings for pedestrians at the interval of not more than two hundred (200) feet. Adequate crossings shall be maintained for vehicles and pedestrians when an excavation is made across any public street, alley, or sidewalk. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk a passageway at least one-half (1/2) of the sidewalk width shall be maintained along such sidewalk line.

When an excavation on any major or minor arterial takes up more than one-third (1/3) of the roadway, and is to remain open overnight, steel bridging of sufficient strength will be required to maintain a normal traffic flow.

The Permittee shall take appropriate measures to assure that during the performance of the work, traffic conditions are as near normal as possible and shall be maintained at all times as to minimize inconvenience to the occupants of the adjoining properties and to the general public.

When traffic conditions permit, the Superintendent of Public Works or his designated representative with the approval of the Police and Fire Departments of the Town, may, with written approval (or by verbal agreement in cases of emergency), permit the closings of streets and alleys to all traffic for a period of time prescribed by him, if in his opinion, it is necessary. The written approval of the Superintendent of Public Works or his designee may require that the Permittee give notification to various public agencies and the general public. In such cases, such written approval shall not be valid until such notice is given. In cases of emergency on weeknights, weekends, or holidays, the facility owner having such an emergency shall contact the Police and Fire Departments by phone before closing the street to traffic.

**15. RELOCATION AND PROTECTION OF UTILITIES**

The Permittee shall not interfere with any existing facility without the written consent of the Town and the owner of the facility. If it becomes necessary to relocate the existing facility, this shall be done by its owner. No facility owned by the Town shall be moved to accommodate the Permittee, unless the cost of such work be borne entirely by the Permittee and approved in writing by the Superintendent of Public Works. The cost of moving privately owned facilities should be similarly borne by the Permittee unless it makes other arrangements with the person owning the facility. The Permittee shall support and protect by the use of timbers, all pipes, conduits, poles, wires, or other apparatus which may in any way be affected by the excavation work, and do everything necessary to support, sustain, and protect them under, over, along or across said excavation work. The Permittee shall secure approval of the method of support and protection from the owner of the facility. In case of any said pipes, conduits, poles, wires, or apparatus should be damaged, and for this purpose, pipe coating and other encasement or devices are to be considered part of the substructure, the Permittee shall promptly notify the owner thereof. The agency or person owning the facilities shall repair all damaged facilities, and the expense of such repairs shall be charged to the Permittee. It is the intent of this paragraph that the Permittee shall assume all liability for damage to facilities and injury to persons. The only exception will be such instances where damage is exclusively due to the negligence of the owning company. The Town shall not be made party to any action because of this paragraph.

The Permittee shall inform himself/herself as to the existence and location of all underground facilities and protect the same against damages, which shall include notifying "DIG-SAFE" and the Department of Public Works.

**16. PROTECTION OF PUBLIC PROPERTY**

The Permittee shall not remove, even temporarily, any trees or shrubs which exist in the street area without first obtaining the consent of the appropriate Town Department or Town Official having control of such property.

**17. CARE OF EXCAVATED MATERIAL**

All material excavated from trenches, and stockpiled adjacent to the trench or in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street and adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt and dust nuisance, toe boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the Town shall have the authority to require that the Permittee haul material to an offsite location and haul back to the trench site at the time of backfilling. Stockpiling of excavated materials shall be so located, or suitable precautions taken to insure that any erosion of the materials shall not result in the siltation of the stormwater drainage system, resource areas, buffer zones or waterways. The Permittee shall be liable for any flushing, cleaning or dredging resulting from failure to comply with this provision.

It shall be the Permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

**18. PROMPT COMPLETION OF WORK**

After an excavation has commenced, the Permittee shall proceed with diligence and expedite all excavation work covered by the excavation permit, and shall promptly complete such

work and restore the street as specified. The Permittee shall perform such restoration so as not to obstruct, impede, or create a safety hazard to either pedestrian or vehicular traffic.

19. **NOISE, DUST DEBRIS**

Each Permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring property. The Permittee shall take appropriate measures to reduce, to the fullest extent practical, noise, dust and unsightly debris between the hours of 5:00 PM and 7:00 AM.

He/She shall not use, except with the express written permission of the Town, or in the case of emergency as herein otherwise provided, any tool, appliance, or equipment producing noise of sufficient volume to disturb the sleep of the residents in the vicinity.

20. **PRESERVATION OF MONUMENTS**

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or precise survey reference point, or a permanent survey bench mark within the Town, shall not remove or disturb without first obtaining permission, in writing, from the Town to do so.

Permission to remove or disturb such monuments, reference points, or benchmarks shall be granted only when no alternate route for the proposed substructure or conduit is available. If the Town is satisfied that no alternative is available, permission shall be granted only upon condition, by agreement in writing, that the person or utility applying for such permission shall pay all expenses incidental to the proper replacement by the Town.

21. **BITUMINOUS/GRANITE CURBING**

Any person or utility damaging bituminous curbing during the course of excavation, or for any other reason, shall be charged for the repair or replacement of the bituminous curbing.

No person or utility shall remove, damage, haul away, or cause misalignment of any granite curbing, including radius curb and catch basin stones, for any reason whatsoever without first receiving written permission from the Town.

22. **INSPECTIONS**

The Superintendent of Public Works or his designee shall make such inspection as are reasonably necessary in the enforcement of these regulations. The Town shall have the authority to promulgate and cause to be enforced such additional rules and regulations as may be reasonably necessary. No excavation shall be backfilled until approval is given by The Superintendent of Public Works or his designee.

23. **EXCAVATION ON A RESURFACED STREET**

Whenever the town has developed plans to reconstruct a street, the Town, or its representative, shall give written notice to all abutting property owners, and to all public utilities which have, or may wish to lay, pipes, wires, or other facilities in or under road to be paved.

Upon receipt of such written notice, such person or utility shall have sixty (60) days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or utility for the installation shall make written application to the Town explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such a street has been reconstructed, no permit shall be granted to open such a street for a period of five (5) years, unless an emergency condition exists or the necessity for making such installation could not reasonably have been foreseen at the time

such notice was given. If a permit is granted, the Town may impose extraordinary conditions on the Permittee to preserve the structural condition of the pavement and to blend the permanent patch with existing pavement.

24. **WAIVER**

The Town of Clinton reserves the right to waive any or all regulation in the best interest of the Town on a case-by-case basis. The Superintendent of Public Works or his designee shall approve all waivers in writing.

**B. ROAD OPENINGS**

1. Existing pavement shall be mechanically cut or saw cut in a workmanlike manner to provide a neat, straight edge.
2. No road opening shall remain open during hours of darkness or when unattended. If work cannot be completed in a workday, the road opening shall have suitable road plates put in place. If road plates are unavailable, special permission must be received from the Superintendent of Public Works.
3. Traffic control and flashing barriers shall be provided and maintained at the work site at all times, in accordance with the applicable provisions of the Massachusetts Department of Public Works Manual of Uniform Traffic Control Devices.

If the contractor/applicant cannot be contacted and it becomes necessary for the Town to place or remove any warning devices or appurtenances from the project due to negligence by the applicant, or to place structure or otherwise act to protect Town property or residents from hazards resulting from work conducted at this site, all cost for this work will be assessed against the applicant.

4. If exploratory openings such as test pits, borings and cores are made; they shall be filled with hydraulic cement and capped. Concrete sidewalks will be filled and capped with Portland cement. Roadways will be capped with Type I, bituminous concrete.
5. Uniformed police officers will be required if deemed necessary for the proper traffic flow. Determination of need will be at the discretion of the Chief of Police (or designee). Cost to be borne solely by the Permittee.

**C. STRUCTURES**

1. All structures shall be of approved design and shall be installed in a good workmanlike manner.
2. All structures placed in the roadway shall be set one-half (1/2) an inch bellowed finished grade.
3. Mechanical means shall be used to provide proper compaction around structures placed in the roadway to avoid settlement of the structure and area around it.

## **D. BACKFILLING**

1. All backfill material shall be of suitable material containing no organic material or rocks larger than six (6) inches within twenty-four (24) inches of the surface. The Superintendent of Public Works may require the use of controlled density backfill in lieu of any other material.
2. All backfill material shall be compacted in a workmanlike manner in lifts of eight (8) to twelve (12) inches by mechanical compactors. The twenty-four (24) inches *immediately below the paved surface* shall consist of only new select gravel conforming to M1.03.0 of The Commonwealth of Massachusetts, Department of Public Works, Standard Specifications for Highways and Bridges (1995), plus any supplemental specifications issued since that time.

*No trench shall be backfilled until an authorized representative of the Department of Public Works has inspected it.*

After backfilling has been completed and sub grade reestablished, a four (4) inch bituminous concrete, Type I temporary patch shall be installed and maintained for a period of a least ninety (90) days. After ninety (90) days, a permanent patch shall be installed in accordance with Section E of these regulations.

3. All soils used for backfilling shall be within the acceptable range for optimum moisture content to allow for proper compaction. Soils above optimum moisture content must be stockpiled and dried out; or, removed and replaced with suitable soils.
4. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics, when in its opinion, backfill for any excavation is not being adequately compacted. Such test must show that backfill materials meet the minimum requirements as prescribed by the Town and are to include test for sieve, proctor and density. All expense for the test(s) shall be borne entirely by the permittee. *The Superintendent of Public Works will approve the testing laboratory prior to placement of any material.*

## **E. ROAD PATCHING**

1. Upon completion of the work and only after the required backfilling and compaction has been achieved in accordance with Section D above, road patching operations shall begin. In no event will openings be allowed to be left un-patched for more than forty-eight (48) hours without the expressed written approval of the Superintendent of Public Works.
2. All road patches shall be placed perpendicular or parallel to traffic flow. Angular patches across the roadway shall be permitted with the approval of the Superintendent of Public Works. All trenches shall be saw-cut to provide a vertical joint for patching.
3. Hot patch shall be used at all times except when seasonal conditions warrant the use of a

temporary cold patch.

4. If a temporary patch is used, the Superintendent of Public Works shall be notified and the recipient of the permit shall inform the Superintendent of Public Works as to when a permanent patch is to be placed. The recipient of the permit shall be responsible until the permanent patch is in place.

5. Patches shall be no less than four (4) inches thick or the thickness of the existing pavement, whichever is greater.

6. Patches shall be rolled and compacted to match the existing surface in a workmanlike manner and all abutting surfaces shall be sealed.

7. Patches will be maintained by the Grantee for a period of ninety (90) days at which time the patch will be finalized by the Infrared method of patching as directed by the Superintendent of Public Works. No infrared patching will be required on any pavement that is five (5) years old or greater.

8. All materials and construction methods must meet The Commonwealth of Massachusetts Department of Public Works Standard Specifications for Highways and Bridges (1995).

9. In the event of an overlay, the repainting of the traffic lines shall be the responsibility of the Grantee. The Superintendent of Public Works shall be notified prior to the painting of the new traffic markings.

10. The permittee should exercise extreme care to prevent the damage to major root systems of trees. In the event of damage to the roots, as determined by the Tree Warden, that is severe enough to cause the eventual death of a tree, the tree will be removed and replaced at the expense of the permittee.

11. Where manholes are to be placed in the hardened surface, all manhole covers shall be set in concrete collars to within *four* (4) inches of the existing surface. A patch of Class I Bituminous pavement Type I shall be placed over the concrete collar to a level with the pavement grade when satisfactorily compacted. All manhole, catch basin, sewer frames and grates shall be manufactured by LeBaron Foundry or approved equal.

12. With the exception of emergency work, no excavation shall be permitted from November 15 to April 1. Work within this period may be allowed at the discretion of the Superintendent of Public Works.

#### **F. FEES**

1. Application - \$25.00
2. Permit -- \$50.00 for the first 100 square feet of road opening and \$1.00 for each additional 10 square feet or portion thereof.

#### **G. BONDING / INSURANCE**

1. All grantees shall provide the Town upon application, as a minimum, certificate of

insurance for liability, property damage and bodily injury in the amount of \$1,000,000 CSL. The town of Clinton shall be named as an **additional insured** on all certificates. Evidence of statutory limits for worker's compensation shall be provided. Higher Limits may be required depending on project size and discretion of the Town of Clinton.

2. Prior to issuance of the permit, the applicant shall deposit with the town a Surety Bond in the amount and form as shall be determined by the Superintendent of Public Works, or his designee. The amount of Surety Bond shall be established separately for each permit in the event of the failure of the permit holder to complete the work or make required repairs or restoration for damages involving the work or encroachment authorized by the permit.

The amount of the bond shall be computed on the basis of cost required to make proper restoration or repairs to the work performed. Immediately upon approval of an application for permit, the Superintendent of Public Works or his designee shall advise the Applicant as to the amount of the bond required. A \$ 5,000 annual blanket Surety Bond may be supplied to avoid the inconvenience and expense of obtaining individual bond for each permit requested.

The bond shall be released to the permit holder upon expiration of the guarantee period. The guarantee period shall be for a period of two (2) years following the completion of the work. During the guarantee period the Permittee shall be responsible for the restoration, repair and maintenance of said work.

Should the proposed work in an existing public way be integral to the construction of a subdivision approved by the Planning Board, the applicant may, with the permission of the Department of Public Works and the Planning Board, pursuant to MGL Chapter 40, Section 81U, bond the off-site work in conjunction with the on-site work. This agreement will also include full-time inspectional services while work is on going in the existing public way.

March 29, 2006

BOARD OF SELECTMEN

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