



Orleans DPW & Natural Resources
40 Giddiah Hill Road
Orleans, MA 02653
(508) 240-3790 offices

Permit Number _____

Date received: _____

Fee Paid: _____

TRENCH & ROAD OPENING PERMIT
Pursuant to G.L. c. 82A §1 and 520 CMR 7.00 et seq.(as amended)

| | |
|-----------------------------------|------------------------------|
| Location: | Property Owners Name: |
| Map/Parcel: | Address: |
| Permit Holder (Excavator): | Applicant's Name: |
| Address | Address: |
| Telephone #: | Telephone #: |

| | |
|---|--------------------------------|
| Description, location and purpose of proposed trench: | |
| _____ | |
| _____ | |
| ***Insurance Certificate #: | Policy Expiration Date: |
| Name and Contact Information of Insurer: | |
| Dig Safe #: | |
| Name of Competent Person (as defined by 520 CMR 7.02)*: | |
| Excavators Massachusetts Hoisting License #: _____ License Grade: _____ | |
| License Expiration Date: | |

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

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

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

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

SEE BELOW FOR: DEFINITIONS*, REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 7.00 et seq. (as amended) AND PERMIT CONDITIONS**

APPLICANT SIGNATURE:** _____ **DATE** _____

EXCAVATOR SIGNATURE:** _____ **DATE** _____

OWNER'S SIGNATURE:** _____ **DATE** _____

TRENCH OFFICER: _____ **DATE** _____

****Permit Conditions:**

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

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. The permit shall be posted in plain view on the site of the trench.
- vii. Winter months: at times when the asphalt plant is closed, a substitute of 4" of concrete shall be poured in the trench to be cut out and repaired as soon as asphalt is available in the spring.
- viii. Care must be taken to obtain a uniform cut in the pavement, as well as using mechanical compactors to adequately compact the trench. When finished patching the cut, an asphalt tack must be used to bond the new bituminous concrete applied in two courses. A guarantee of the patch for one year against settlement is expected.
- ix. One police officer must be in attendance at all times while work is in progress. Necessary lights, barriers and signs must be installed. Care must be taken not to damage other underground structures in the area. All areas disturbed must be restored to their original condition.
- x. No work is to be done on weekends or Holidays.
- xi. When snow or ice conditions exist, the roadway must be kept well sanded to a point not less than 200 feet beyond the limits of the barriers and signs.
- xii. All said work is to be done to the satisfaction of and as directed by the Highway manager.
- xiii. No excavating equipment will be allowed to use its stabilizing legs on the hardened surface without wooden pads, in order to prevent damage to the pavement.
- xiv. No frozen materials shall be used to backfill trenches. All materials used in replacing disturbed areas shall correspond to the materials removed, except in the case of clay soil, for which clean fill shall be substituted.

- xv. This permit shall indemnify and save harmless the Town of Orleans and its department of Highways against all suits, claims or liabilities of every name and nature arising at anytime out of or in consequence of the acts of the permittee in the performance of the work covered by this permit and/or failure to comply with the terms and conditions of this permit, whether by themselves or their employees or subcontractors.
- xvi. Unless specifically authorized, no excavation or obstacle shall be placed so as to interfere with travel over said roadway unnecessarily. The traveling public shall be protected from damage or injury by providing appropriate barriers, signs and lighting and shall be clearly visible to the traveling public at all times.
- xvii. No work done under this permit shall in any way hinder or interfere with the drainage of water from the roadway. If it appears that said work that said work will hinder or interfere, the Highway manager must be notified before work shall continue.
- xviii. All cuts made to Town roads must be paved to meet the Highway Managers satisfaction within 30 days of the road opening.
- xix. Failure to comply with permit conditions could result in penalties and inability to obtain future permits.

*** Per Chapter 82 A Section 2 - A person making application for a trench excavation permit shall produce a certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim or provide evidence of self-insurance in equal amounts.

BEFORE WORK MAY BEGIN UNDER THIS PERMIT, THE GRANTEE(S) MUST CALL THE HIGHWAY MANAGER AT (508) 240-3700 x 470.

| For Town use -- Do not write in this section | | | |
|---|------------------|-------------|------------------------------|
| Department | <u>Signature</u> | <u>Date</u> | <u>Condition of approval</u> |
| Highway Department | | | |
| Tree Warden | | | |
| Police Department | | | |
| Water Department | | | |
| Building Commissioner | | | |

Approved: _____
Town Administrator **Date**