



# TOWN OF WESTFORD

## PUBLIC WORKS

### PERMIT TO EXCAVATE A PUBLIC WAY

DATE OF APPLICATION \_\_\_\_\_

REASON FOR OPENING: Gas \_\_\_ Telephone \_\_\_ Electric \_\_\_ Sewer \_\_\_ Water \_\_\_ Other \_\_\_

APPLICANT: \_\_\_\_\_

Name	Business Address	Telephone
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Home Phone	Beeper #	Cell Phone
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Issue Date (Proposed Start)	Completion Date
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Street name (Opening)	Location on Street of Opening
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Purpose of Cut & Excavation	Approx. Size of Cut (Lin. Ft.)
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Responsible Parties Name	Home Address
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**PERMITS WILL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. All work shall be done in accordance with the provisions of the Town of Westford Standards for Street and Sidewalk Excavations amended and approved by the Board of Selectmen.
2. Compliance with Massachusetts General Laws, Chapter 82, Section 40.
3. The Highway Superintendent and the Chief of Police must be notified 48 hours prior to excavation start, and also 48 hours prior to resurfacing of opening.
4. Emergency street openings will be authorized by the Highway Superintendent. The Chief of Police is to be notified on Emergency Street openings.
5. Permittee will be required to maintain street openings in accordance with the provisions of the Town Permit.
6. Highway Superintendent must be notified upon completion of work to enable final inspection check procedures.
7. The provisions of the permit may be changed to meet existing conditions where Public Safety and convenience require it in the opinion of the Highway Superintendent.
8. Inspection services shall be required as determined by the Highway Superintendent. Coordination and payment for inspectional services shall be the responsibility of the Permittee. Final approval of the Permit shall be subject to payment in full.

9. I agree to the above conditions: \_\_\_\_\_ Responsible Party Signature: \_\_\_\_\_

**PERMIT GRANTED**    DATE \_\_\_\_\_

**APPROVED BY:** \_\_\_\_\_

Highway Superintendent

\$50 Fee Submitted/Check # \_\_\_\_\_

Emergency # on File

FINAL INSPECTION: \_\_\_\_\_

Received Copy of Specifications

Bond on File     Certificate of Insurance on File     Dig Safe # \_\_\_\_\_

***WARNING: PERMITS FOR STREET OPENINGS WILL BE REFUSED TO ANYONE WHEREIN THE APPLICANT HAS FAILED TO COMPLY WITH ANY AND ALL REQUIREMENTS OF PRIOR PERMITS ISSUED.***

Highway Department ▪ Engineering Department ▪ 28 North Street, Westford, MA 01886  
Tel. (978) 692-5520 ▪ (978) 692-5517 ▪ (978) 692-5537 ▪ Fax (978) 399-2726

**TOWN OF WESTFORD**  
**STANDARDS FOR STREET AND SIDEWALK**  
**EXCAVATIONS**

**SECTION 1. PERMIT**

- 1.1 No person or individual, corporation or other type of entity shall open a trench in, or disturb the surface of, any existing street or way, or any proposed way or street in a proposed subdivision, for any of the following purposes, but not restricted thereto, of installing, repairing, and/or maintaining any duct, conduit, sleeve, pipe or other structure to be used for distribution or transmission of wastewater or sewage, surface or storm water, potable water, brook or water course, gas, oil or any of its by-products in any form, electrical power or service, telephone or telegraph service, until a permit therefor is granted by the Highway Superintendent or his designee. This permit does not apply to the placing or replacing of poles.
- 1.2 Permits will be issued only in accordance with this permit to the owners of the utility or the utility company by whom the utility installation is wanted, or others as described in paragraph 1.1, or to their duly authorized agents only. All work covered by permit shall commence within one (1) month of date of issuance of permit and be pursued diligently until completed. Time of completion shall be stated in permit and upon expiration of said time a new permit will have to be issued under conditions and terms as required by this permit and its amendments in effect at the renewal date. For the purpose of this permit a CATV company or corporation shall be considered a utility.
- 1.3 The owners of the utility and/or utility company or others, as described in paragraph 1.1, shall exercise this permit subject to all the rules and regulations made from time to time by the Massachusetts Highway Department, Department of Public Works, and Department of Public Utilities, and nothing in this permit be construed as authorizing any installations or maintenance therefor except in strict conformity with all federal, state, and municipal laws, ordinances, by-laws, and regulations.
- 1.4 No work shall begin or continue in any street or way unless the permit legally and duly issued, or a duplicate copy, be on the site of the work and shall be shown to any Police Officer or other authorized municipal person upon request thereby. A legally and duly issued permit shall be a permit which states the name and business address, business phone numbers and emergency phone numbers of the applicant, a specific date of issuance, a specific date of completion, and general description of the work to be done that is signed by the Highway Superintendent.
- 1.5 All applications for any permit shall be in quadruplicate. All applications and work to be done under any permit issued must meet with the approval of the Highway Superintendent.
- 1.6 If, during the progress of the work to be done, under the initial permit, any existing duct, conduit, sleeve, pipe or other structure used for the distribution or transmission of wastewater or sewage, surface or storm water, potable water, brook or water course,

gas, oil or any of its by-products in any form, electrical power or service, telephone or telegraph service is encountered and must be relocated and/or modified in any way so that the work will function properly and as intended upon completion, a separate legally and duly issued permit must be obtained for each proposed relocation and/or modification.

- 1.7 All applications for any permit shall be accompanied by a certified check payable to the Town of Westford in the amount of \$50.00 for each permit. If work is to be done on more than one (1) way or street, a separate legally and duly issued permit must be obtained for each way or street. Permits required under paragraph 1.6 and the first renewal of any legally and duly issued permit are not subject to the application fee as provided for in this paragraph. Failure of work to commence within one (1) month of the date of issuance automatically voids the permit and will result in forfeiture of ten percent (10%) of the application fee to the Town of Westford.
- 1.8 All outstanding permits, issued by the Highway Superintendent, or any other Town governmental board, committee, or body which had and/or had authorization to issue permits to open a trench in, or disturb the surface of, any existing and/or proposed way or street, that have not been exercised, either in whole or in part, prior to this permit being adopted by the Town shall be void.
- 1.9.1 All construction work performed shall be performed by a contractor licensed by the Highway Superintendent.
- 1.9.2 Contractors licensed to perform work shall carry Comprehensive Public Liability Insurance with the minimum limits as follows:
  - a) Bodily Injuries - \$100,000 per person \$300,000 aggregate
  - b) Property Damage - \$100,000 per occurrence

Contractor shall deliver a current Certificate of Insurance, naming the Town of Westford as a beneficiary, to the Highway Superintendent before performing work under this Article and shall post a \$5,000 performance bond with the Town securing work to be performed within the public right-of-way. On projects where the Highway Superintendent determines that the cost of construction, is \$5,000 or greater, the contractor shall post a performance bond payable to the Town securing 100% of the construction cost. The bond will be reviewed for release after one (1) year and upon approval of the work by the Highway Superintendent.

- 1.9.3 Violations of the provisions shall result in the revocation, by the Superintendent, of the contractor's license to perform work in the Town of Westford.

## **SECTION 2. PLANS, SURVEYS, MEASUREMENTS AND CONTROL**

2.1 Unless specifically waived by the Highway Superintendent, all applications for a permit under this permit shall be accompanied with the following:

2.1.1 A separate sheet 24" x 36" in size for each street or way to be included within proposed work, said sheet to show a plan view, with north point, and profile of the street or way at a horizontal scale of forty (40) feet to an inch and a vertical scale of four (4) feet to an inch, with existing center line grades, in fine solid lines with existing elevations, derived from actual field survey, at fifty (50) foot stations shown by figures. Said plan view of the proposed work and installation shall show location of the work in reference to existing utilities and structures, i.e., sanitary sewers and drains, water mains, any locatable utility installations, and their appurtenances, easements property and street right-of-way lines, bounds, and/or property markers, and other necessary physical features such as curb lines, sidewalks, water gates, gas gates, utility poles, and trees of diameter greater than six (6) inches.

Said profile of the proposed work and installation shall show location of work in reference to existing utilities and structures, i.e., sanitary sewers, storm sewers and drains, water mains, any locatable utility installations, and their appurtenances. Both plan view and profile shall extend at least two hundred fifty (250) feet beyond the end limits of the proposed work and installation. All information pertaining to existing lines and utilities to be shown in fine lines, all proposed work to be shown in heavy lines. The plan view shall be on the upper portion of the sheet and the profile on the lower portion of the sheet.

2.1.2 Offset lines and/or ties from locatable or relocatable points must be shown, e.g. bound points and property lines.

2.1.3 Cross sections and/or details of proposed conduits, structures, etc. must be shown. Details and dimensions of outsized structures including manholes and vaults must be shown. All outsized structures including manholes and vaults must be shown. All cross sections and details must be drawn to scale on a separate sheet, 24" x 36" in size.

2.1.4 All vertical control shall be based on the Town of Westford datum.

2.1.5 All horizontal control shall be based on the Town of Westford Coordinate System.

2.1.6 Construction standards as hereinafter detailed must be visually detailed and/or inscribed on the plan view and/or profile.

2.1.7 Each sheet shall be a one and one-half (1 1/2) inch border on the left and one-half (1/2) inch border along the remainder of the sheet. The lower right hand corner of each sheet shall contain the name of the street or way, type of proposed utility installation, name and address of applicant for permit, date, scale, name and address of surveyor, name and address of engineer, and sheet number in a block 4" x 6" in size. If the proposed work and installation involves more than five thousand (5,000) linear feet of street or way, a title sheet, 24" x 36" in size, shall be the first sheet of the plans with a locus plan of the work at a scale of two thousand (2,000) feet to an inch.

2.1.8 Names of all abutters to the street or way proposed for the work shall be shown on each plan as they appear in the most recent tax list.

- 2.1.9 Each sheet of the Plans shall be signed and stamped by a Registered Land Surveyor and Registered Professional Engineer with seals of registration for the Commonwealth of Massachusetts. Those portions of the plan representing engineering design shall be prepared by a Registered Professional Engineer.
- 2.1.10 A letter size locus plan of the work at a scale of two thousand (2,000) feet to an inch, in quadruplicate, must accompany the permit application.
- 2.1.11 Eight (8) prints, dark line on white background, of sheets shall be submitted with the applications.
- 2.1.12 When required by the Highway Superintendent, "as-built" plans showing locations of all installed and affected utilities shall be prepared in the same format as outlined in this section
- 2.2 If deemed necessary by the Highway Superintendent, or his duly authorized representative, a baseline or centerline of construction for both vertical and horizontal control of the work will be established prior to construction by a Registered Land Surveyor. This baseline or centerline will be shown on final construction plans. No variation from the baseline or centerline of construction to be made unless written permission is given by the Highway Superintendent, or his duly authorized representative. All plans are to be submitted to the Highway Superintendent for review prior to issuance of permit.
- 2.3 When proposed location of installation is in the sidewalk area or in any other location where accuracy of bounds, points, property markers, etc., may be jeopardized, the Highway Superintendent shall require that a Registered Land Surveyor locate and properly reference tie all such points prior to construction. Upon completion of all construction, the bounds, bound points, property markers, etc., will then be checked against the reference ties and any variation of said points will be duly recorded by the Registered Land Surveyor. A legible copy of all field notes and ties recorded by the Registered Land Surveyor, upon completion of his work, become the property of the Highway Superintendent. Original field notes are to be available for examination by duly authorized, representatives of the Highway Superintendent upon request.

### **SECTION 3. NOTIFICATION OF COMMENCEMENT**

Written notification of one (1) week prior to commencing construction will be required. This notification shall be sent to the Highway Superintendent 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.

### **SECTION 4. WORK HOURS**

- 4.1 All work to be performed hereunder shall be done between the hours of 7:30 A.M. and 4:30 P.M. provided, that different work hours for the performance of such work may be

agreed upon or required for good cause by the Highway Superintendent and said requirement shall be stated in writing at the time of issuance of the permit.

- 4.2 No Saturday, Sunday or legal holiday work will be allowed unless an emergency or accommodation situation arises, and permission is given by the Highway Superintendent. Said permission may be granted orally; however, a written confirmation that such permission has been granted shall be made by the Highway Superintendent as soon as practicable thereafter.
- 4.3 In regard to Saturday, Sunday or legal holiday work the Highway Superintendent shall determine whether an emergency or accommodation situation exists. Emergency is an unforeseen combination of circumstances which calls for immediate action, a pressing necessity. Emergency calls shall be made to the Westford Police Department to contact the Highway Superintendent.
- 4.4 No excavation, trenching, etc., shall be allowed in any street or way, accepted or unaccepted or proposed way or street, between November 15<sup>th</sup> and April 15<sup>th</sup>, except in the case of an emergency, which shall be determined by the Highway Superintendent.

### **SECTION 5. PHOTOGRAPHS**

- 5.1 If required by the Highway Superintendent, sufficient number of photographs must be taken prior to the excavation to serve as reference to insure restoration of designated areas to their former condition.
- 5.2 The required photographs within the work limits shall be taken prior to the commencement of the work, and shall be of size, type, quality and number as determined by the Highway Superintendent.
- 5.3 All expenses incurred by the requirements of this Section shall be borne by the permittee.

### **SECTION 6. INSPECTOR**

- 6.1 A full time inspector shall be assigned to each trench opening or excavation site in any way or street, accepted or unaccepted, or proposed way or street, as determined by the Highway Superintendent.
- 6.2 The inspector's duties will be as determined by the Highway Superintendent. In general, the inspector will be the Town's agent who will ensure compliance of the work with the provisions of this permit.
- 6.3 The inspector will file daily written reports with the Highway Superintendent, or his designee, and will be responsible for reporting any violations of the provisions of this permit in said daily written reports.
- 6.4 Safety and the use of proper construction methods and/or techniques are not the responsibility of the inspector.
- 6.5 Failure of the Highway Superintendent to assign an inspector to a trench opening or excavation site, in any way or street, accepted or unaccepted, or proposed way or street, does not, in any way relieve the permittee of responsibility of full compliance with the provision of this permit.

- 6.6 The fee and incidental expenses of the inspector shall be borne by the permittee and payable, by check or money order, to the Town of Westford. Final approval will not be granted until all fees and expenses are paid in full.
- 6.7 The permittee is solely responsible for notifying the Highway Superintendent in writing of any scheduled testing of any work under permit at least forty-eight (48) continuous hours prior to the time of the scheduled test. Failure of the permittee to do so could result, if deemed necessary by the Highway Superintendent, in the retesting of those portions of the work for which the testing was unobserved by the Highway Superintendent or his duly authorized representative.

## **SECTION 7. SAFETY**

- 7.1 The permittee shall so prosecute his work that traffic, both pedestrian and vehicular, will be maintained over and through the work with a maximum of safety and convenience.
- 7.2 Every opening made in a street or way, accepted or unaccepted, or proposed street or way, shall be enclosed with sufficient barriers, sufficiently lighted all night, and posted with necessary signs to guard the public against all accidents, from the beginning to the completion of the work. All traffic control shall be in accordance with the U.S. Department of Transportation Manual of Uniform Traffic Control Devices. The responsibility of maintaining sufficient safety features around the work is solely that of the permittee, and in no way the responsibility of the Town of Westford.
- 7.3 Uniformed police shall be present to maintain two-way traffic in the roadway during the hours which work is being done under the permit.
  - 7.3.1 At least one (1) week prior to commencing construction the permittee shall give written notification with all pertinent information regarding the work to the Police Chief so that the Police Chief may prepare a roster of the Police Officers assigned to the excavation site.
  - 7.3.2 If in, his opinion and judgement, the Police Chief deems necessary the assigning of more than one (1) Police Officer to the excavation site, he may do so in the best interest of public safety.
  - 7.3.3 The permittee may request a waiver of the requirement for uniformed Police at the excavation site, in writing to the Police Chief, who must evaluate the request for a waiver and reply to the permittee in writing within five (5) days of receipt of request for waiver.
    - 7.3.3.1 If the Police Chief grants the waiver, and at some future time during the progress of the work the Police Chief visits the excavation site and deems necessary that a uniformed Police Officer be present to maintain two-way traffic in the roadway, the Police Chief may immediately rescind, suspend or modify this waiver.
    - 7.3.3.2 A request for a waiver does not relieve the permittee in any of the responsibility of having uniformed Police at the excavation site until said waiver has been granted in writing by the Police Chief.
  - 7.3.4 The fee and incidental expenses of the uniformed Police assigned to the excavation site shall be borne by the permittee and payable by check or money order, to the Town of Westford.

- 7.4 Pavement, fire hydrants, catch basins, and sidewalk areas shall be kept reasonably clear of excavated materials. Pedestrians must be able to walk by or a boardwalk must be constructed over any excavation authorized hereunder.
- 7.5 Proper access at all times should be maintained to both public and private property, with all driveways and streets to be open at night. In cases where necessity deems a roadway trench be kept open overnight, express written permission from the Highway Superintendent and written notification to the Police and Fire Departments will be necessary.
- 7.6 Any snow or ice condition that may occur during construction must be properly controlled through sanding and/or salting or plowing to points two hundred fifty (250) feet beyond either end limits of the construction area, unless otherwise decided by the Highway Superintendent or his duly authorized representative.
- 7.7 The permittee shall be responsible for instructing all employees in the principles of first aid and safety and in the specific operational procedure necessary to prevent accidents. The permittee shall provide for the availability and maintenance of adequate first aid supplies at the excavation site at all times.

## **SECTION 8. CONSTRUCTION STANDARDS**

- 8.1 Grassed areas. Any grassed areas, where entered and disturbed, either public or private, shall be properly compacted as hereinafter described and loamed to a minimum depth of six (6) inches, seeded and fertilized. The permittee is responsible for maintaining these areas until a satisfactory crop of grass has been grown to the satisfaction of the Highway Superintendent. The seed shall be sown only between the periods from April 15<sup>th</sup> to June 1<sup>st</sup> and from August 15<sup>th</sup> to October 15<sup>th</sup> or as directed by the Highway Superintendent.
- 8.2 Trees. The issuance of the permit does not authorize the trimming or removal of any trees or shrubs. The necessary removal of any tree shall be under the supervision of the Tree Warden or his duly authorized representative. Hand digging shall be required around the roots of trees and shrubs.
- 8.3 Fences. Any fence requiring removal for satisfactory prosecution of the work shall be removed and then reset by the permittee. The materials removed shall be utilized in the fence reset except, where necessary, new posts and bases shall be furnished by the permittee. Any materials damaged or lost during or subsequent to the removal shall be replaced by the permittee at his own expense. All new materials required shall be equal in quality and design to the materials in the present fences.
- 8.4 Saw cutting of pavement. Where required by the Highway Superintendent the roadway and or sidewalk pavement are to be saw cut to neat, true lines as directed. All newly resurfaced roadways shall be saw cut. Such cutting shall be to a depth below the pavement as to prevent tearing of the surface when the excavation is begun.
- 8.5 Maximum trench opening. 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 more than twenty (20) feet of trench to be left open overnight without written permission of the Highway Superintendent.



- 8.6 Roadway dust control. At the end of each day's work the street shall be left clean and dust free. The permittee shall furnish and apply calcium chloride as a dust control material at all locations where directed by the Highway Superintendent or his duly authorized representative. Calcium chloride shall be uniformly applied either by hand methods or by approved spreading devices at a rate of no more than one (1) pound per square yard.
- 8.7 Unsuitable material. All excavator material is to be discarded unless otherwise suitable, and if not suitable, to be replaced with the following material acceptable to the Highway Superintendent or equivalent; namely, 1/2" to 3/4" crushed processed gravel for the bed and also above the item placed in the excavation, for a depth not less than six (6) inches below the bottommost portion of the item and for a depth not less than six (6) inches above the topmost portion of the item, to be standard. Any excavated materials not required or not suitable for backfilling shall be removed from the site of the work and disposed of by the permittee. The permittee will not be allowed to store excess excavated material on the public highways.

All excavated material which is not to be used in a reasonable amount of time, as determined by the Highway Superintendent or his duly authorized representative for backfilling, shall be hauled away and stored, until such time as the material is to be used for backfilling, by the permittee.

- 8.8 Disposal of discarded materials. The permittee shall be held responsible for all discarded materials, rubbish and debris that are dumped or fall within the limits of the project. Such materials shall be removed from the site and disposed of at the permittee's expense.
- 8.9 Backfill materials. The backfill material used shall be of a quality satisfactory to the Highway Superintendent and shall be free from large or frozen lumps of wood, organic matter and other extraneous material and shall contain no boulders or broken ledge greater than one-half (1/2) cubic yard. All stones, boulders, or broken ledge greater than one (1) cubic foot in size must be a minimum one and one-half (1 1/2) feet above the topmost portion of the item placed in the excavation and a minimum of two (2) feet below the pavement surface grade. Flowable fill may be required at the decision of the Highway Superintendent.
- 8.10 Sheeting. Lumber sheeting shall be installed where trench excavation would 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 of water or 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 Highway Superintendent. 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.
- 8.11 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.

8.12 Grading rolling and finishing.

8.12.1 The word "approved" as appearing in Section 8 shall mean conforming to Massachusetts Highway Department specifications, as amended.

8.12.2 The trench in the street must be filled and temporarily resurfaced on the same day it is opened unless otherwise directed by the Highway Superintendent or his designee. The trench shall be backfilled with approved excavated materials to within nineteen and one-half (19 1/2) inches of the top. Eighteen (18) inches shall consist of approved gravel (Mass. Highway Spec. M 1.03.0 type b) and the remaining one and one-half (1 1/2) inches shall consist of temporary bituminous surface. Road surface shall be pre-cut to avoid damaging surfaces surrounding the trench. If the temporary road surface is not placed the first day, then as soon as directed by the Highway Superintendent, the gravel sub-base shall be excavated to the required grade in order to place one and one-half (1 1/2) inches of temporary bituminous surface. The temporary pavement 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 temporary 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. Temporary resurfacing must be a minimum of one and one-half (1 1/2) inches compacted thickness and may consist of either so-called "cold patch" or plant mixed hot-asphalt aggregate, all as produced in accordance with the standard specifications of the Massachusetts Highway Department. The bituminous concrete surface shall not be placed any earlier than 30 days or later than 90 days from the date of completion of the temporary surface with approval from the Highway Superintendent. The temporary sub-base shall be excavated to the grade required by this permit prior to placement of the bituminous concrete surface.

8.13 Restoration of permanent paving. The permittee shall remove and dispose of, in accordance with acceptable construction standards, all excavated material before proceeding with the remainder of the work and shall thoroughly compact the surface of the sub-base. Any broken or irregular edges of existing pavements shall be cut away in straight lines as directed by the Highway Superintendent, leaving a solid vertical face. The bituminous concrete base and top shall be laid and rolled in two (2) courses. The binder (base course) shall not be less than the existing roadway base course and shall not be less than two and one-half (2 1/2) inches in depth and the top course shall be one and one-half (1 1/2) inches in depth. The minimum total thickness of both courses, measured after rolling, shall be four (4) inches. The base course of the permanent pavement shall be placed and carefully raked to minimum surface and thoroughly rolled to the required thickness. Before placing the base course of the permanent pavement, the edge of the original bituminous surfacing shall receive an application of approved asphalt emulsion so that the new pavement material may be properly bonded to the existing pavement. All seams shall be sealed with an approved emulsified liquid asphalt and sand. The top course of the permanent paving shall be placed to a grade that will match the existing bituminous surface after rolling. The permanent paving shall not overlap the existing pavement and shall not have to be applied with a mechanical spreader unless otherwise directed by the Highway Superintendent. The permittee shall furnish, place, grade, and compact bituminous concrete pavement of Class I Type I-1 as shown and specified in the latest Massachusetts Highway Department Standard Specification for Highways and Bridges. Unless otherwise approved by the Highway Superintendent, a full width overlay will be required if more than thirty (30) feet of trench is cut in the roadway or greater than 50% of the roadway pavement width is disturbed

and in the case of all water and sewer line installations. In these cases, pavement overlay shall consist of one and one-half (1 1/2) inches of dense graded bituminous concrete and shall extend at least thirty (30) feet beyond the street opening. Excavations shall be made in open cut. Tunneling will be allowed by special permission of the Superintendent. All excavations and trenches shall be braced and sheathed when necessary as required by OSHA specifications. Street openings shall be maintained by the permittee for a period of two (2) years from the date of completion. No additional permits shall be issued to the permittee or contractor who has any outstanding street openings that have not been properly maintained. After new full width permanent surface is laid, street surface openings shall be prohibited for a period of three (3) years for major and minor arterial roads and two (2) years for collector and local roads, except in cases where a variance is obtained pursuant to Section 14 of this permit. The list of streets as classified by the Highway Superintendent shall be kept on file at the Highway Department. All permanent pavement markings, including but not limited to crosswalks, traffic and center lines that are obliterated or damaged during construction shall be repainted by or under the direction of the Highway Superintendent at the expense of the permittee.

- 8.14 Reinforced concrete pavement replacement. If reinforced concrete pavement is encountered during the work, it shall be replaced in accordance with acceptable construction standards or as directed by the Highway Superintendent.
- 8.15 Bituminous concrete sidewalk replacement. 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 compacted processed gravel sub-base shall then be placed. Forms shall be installed where deemed necessary to assist in securing proper alignment and adequate compaction of the base and surface courses. Bituminous concrete Type I shall then be laid in two (2) courses to a depth of three (3) inches, each course consisting of one and one-half (1 1/2) inches. The walk shall have a pitch of three sixteenths (3/16) of an inch per foot of width to provide for proper drainage toward the gutter. The surface of each course shall be rolled with a self-propelled tandem roller weighing not less than one and one-half (1 1/2) tons and not more than five (5) tons. In places not accessible to a power roller, compaction shall be obtained by means of hand tampers weighing not less than fifty (50) pounds and having a tamping face not exceeding one hundred (100) square inches.
- 8.16 Concrete sidewalk replacement. Cement concrete sidewalks shall be repaired by making a new concrete block or blocks through the trench passes. Pre-formed expansion joints, when deemed necessary, will be installed against buildings, walls, steps, foundations or existing concrete blocks. The new cement concrete square shall consist of Air Entrained Class "A" (3,500 p.s.i.) mix. All concrete must be cured by covering with material in accordance with acceptable construction standards or as directed by the Highway Superintendent. All walks shall be laid over a minimum of twelve (12) inches of well compacted gravel. Cement concrete shall be treated with silicone or linseed oil sealer for salt damage prevention.
- 8.17 Bituminous concrete berm. The construction requirements, dimensions and cross sections of bituminous concrete berm shall be as directed by the Highway Superintendent.

- 8.18 Curb. When work is performed adjacent to granite curbing, extreme care is to be taken to insure that curbing remains undisturbed both horizontally and vertically. Curbing which has been chipped, marred or cracked during construction shall be replaced when so directed by the Highway Superintendent. Disturbed curbing shall be reset to line and grade by accepted methods. The permittee shall be held responsible for any settlement or horizontal movement of granite curb due to washout or trench settlement after completion of construction for a period of time acceptable to the Highway Superintendent.
- 8.19 Time limit for sidewalk paving. 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.
- 8.20 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 Highway Superintendent. The construction and/or reconstruction of any Town of Westford catch basin or manhole shall be in accordance with the Town of Westford standards.

## **SECTION 9. 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 10. LIABILITY**

The issuance of the permit to an individual utility or the utility company and/or its agents, or others as described in Section 1, paragraph 1.1 of this permit, shall constitute an agreement with the Town of Westford whereby the utility or utility and/or its agents, and individual, or others shall indemnify, and save harmless the Town of Westford 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 Town of Westford, by reason of entering said street and/or ways on account of occupancy of said premises, and shall further be required to provide insurance therefor unless otherwise determined by the Highway Superintendent.

## **SECTION 11. ENFORCEMENT PROVISIONS: ORDERS**

- 11.1 If an examination of the work reveals that it does not comply with or violates the provisions of this permit, the Highway Superintendent 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.
- 11.2 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 Highway Superintendent may rescind, suspend or modify, through the imposition of conditions, the permit.

- 11.3 Every order issued to enforce the provisions of this permit shall be in writing and shall be served on the permittee and its duly authorized supervisor at the work site and/or all persons responsible for the violation of this permit.
- 11.4 Every order issued to enforce the provisions of this permit shall include a statement of the violation or defect, shall allot a reasonable time for any action necessary to effect compliance, and may suggest action which, if taken, will effect compliance with this permit.

## **SECTION 12. HEARINGS**

- 12.1 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 Highway Superintendent 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.
- 12.2 Upon receipt of written application, the Highway Superintendent, or his designee shall establish a time and place for such hearing and inform the petitioner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the application was filed.
- 12.3 At the hearing the petitioner shall be given the opportunity to be heard and to show why the order or variance should be modified or withdrawn.
- 12.4 After the hearing, the Highway Superintendent shall sustain, modify or withdraw the order or variance and may rescind, suspend or modify through the imposition of conditions, the permit, and shall inform the petitioner in writing of the decision.
- 12.5 Every notice, order and other record prepared by the Highway Superintendent or his designee in connection with the hearing shall be entered as a matter of public record in the office of the Highway Superintendent.

## **SECTION 13. PENALTY**

- 13.1 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 Town of Westford a sum of fifty (\$50.00) dollars for each violation.
- 13.2 Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate violation of this permit.

## **SECTION 14. VARIANCE**

- 14.1 The Highway Superintendent upon his own initiative or upon application to him by any individual, utility or others as described in Section 1, paragraph 1.1, after due notice and public hearing, may vary any provisions of this permit as they deem necessary with

respect to any particular case when, in their opinion, the enforcement thereof would do manifest injustice or cause due hardship, provided that his decision shall not conflict with the spirit of this permit. The burden of proof of the manifest injustice or causes of hardship shall be the responsibility of the applicant.

- 14.2 Variances, when granted, shall be in writing and shall be effective for not more than one (1) year. Notice of the grant of a variance shall be filed with the Town Clerk within ten (10) days after the variance has been granted.

#### **SECTION 15. 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 16. MUNICIPAL DEPARTMENT**

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

#### **SECTION 17. INCONSISTENCIES**

All provisions of the by-laws of the Town of Westford, as amended which are not inconsistent with this permit, shall continue in effect.

#### **SECTION 18. DISCHARGE OF WATER ON STREETS**

No water shall be intentionally discharged onto or into any public ways or sidewalks of the Town so as to cause a dangerous and/or defective condition.