



TOWN OF GROVELAND HIGHWAY DEPARTMENT



STREET AND SIDEWALK OPENING POLICY

UPDATED 10-28-2024

General Conditions

1. The permittee shall carefully and truly observe the rules of this policy to govern the work covered under the street opening permit. A street opening permit is required if you are excavating in the public right-of-way, including the street, sidewalk, curb, driveway apron, and/or town owned grass areas. Only permits for emergency work are allowed to be completed after the work has finished or while the work is being performed. Failure to abide by this policy may result in revocation of the permit and the prohibition of future permits.
2. All work shall be in accordance with the Highway Department's specifications and directives.
3. When requested by the Town, a notice shall be given by the permittee to the Highway Department, Police and Fire Departments 24 hours in advance of excavation.
4. A copy of the permit or permit reference number shall be kept at the work site and shall be available to Highway Department of Town officials upon request.
5. No work shall result in the concentration and discharge of surface or subsurface water including any mechanical dewatering activity into public or private property.
6. This permit is null and void unless Dig Safe is notified 72 Hours before the expected work is to be performed and a valid Dig Safe ticket number appears on the permit form.
7. It is the permittee's responsibility to provide bond and certification of insurance, indemnification of the Town of Groveland, traffic control plan, and waiver of claims as required prior to the issuance of a permit. Work resulting in violation of the Town of Groveland by-laws will be reconstructed to conformance.
8. It is the permittee's responsibility to obtain all other applicable federal, state, and local permits prior to commencement of any work on Town owned land.
9. Police details may not be approved for assignment to the job site unless all necessary permits are in place.

Specific Conditions

1. No construction activity shall begin before 7:00 a.m., nor shall it extend beyond 3:30 P.M., Monday through Friday, no construction activity on Saturday, Sunday and holidays, unless approved in writing by the Highway Department or their authorized representative or when work is considered an emergency.

2. No street shall be closed, nor detour established, without the approval of the Highway Department, Police and Fire Departments. Notice of intent for road closure and detour plans shall be submitted 10 days in advance of scheduled work except emergency repairs where at least one public safety official shall review and approve the detour plan prior to commencement of an emergency repair activity.
3. The contractor shall adhere to the Town of Groveland's Trench Repair Specifications for Roads and Sidewalks for temporary and final trench paving.
4. Permits for any non-emergency excavations are prohibited on any road that has been resurfaced within the past 5 years.
5. No materials shall be stored in the street and sidewalk outside of working hours. Any materials or equipment stored within other areas of the Town's right of way shall be protected with reflective tape, lights and barricades.
6. If there is an emergency on a job site in the public right-of-way outside of working hours, the contractor will be notified to take immediate corrective action. If the contractor cannot be contacted or if he/she fails to do the work, the Highway Department will take corrective action and bill the permittee.
7. Contractors shall protect elements of the Town of Groveland infrastructure and compact backfill to 95% of optimum density. If any infrastructure is damaged during the work, it shall be replaced or repaired by the permitted contractor immediately and Town of Groveland shall be notified before the repair.
8. Any disturbed property markers or bounds must be reestablished by a Licensed Land Surveyor at the expense of the permittee.
9. Roadway markings and line stripping shall be repainted after temporary and final paving.
10. Road signs removed or damaged shall be reset or replaced by the permittee.
11. All charges for necessary police details will be billed directly to the permittee.
12. Permits shall be issued only between **April 1st and November 15th** of each calendar year; except in cases of emergencies, where a repair to an existing underground utility is needed to restore service or prevent imminent danger to the public. In an emergency case the contractor will be expected to backfill and pave the trench by the end of each day. No steel plates will be allowed.

Regulations

1. Fees, Bonds and Insurance Requirements

- A. A non-refundable permit application fee of \$60.00 is required for all proposed street and sidewalk openings.

- B. Trench Permit is required for any proposed trench excavation in excess of three feet in depth, pursuant to Massachusetts General Law, Chapter 82A, Section 1 and 520 CMR 7.00 et seq. (as amended). A fee of \$60 is required for a Trench Permit.
- C. A Performance and Payment Bond in the amount of \$5,000.00 is required for each street opening permit granted. The Town of Groveland may allow a blanket bond commensurate with anticipated permit activity for routine excavators. Under no circumstances will this blanket bond be less than \$50,000. This bond will be released upon expiration of the guarantee period.
- D. Certificate of Insurance must be submitted with the permit and the Town of Groveland named as additionally insured. Minimum Comprehensive General Liability coverage must be as follows:

Bodily Injury	Minimum coverage
Each Person	\$ 500,000
Each Accident	\$ 1,000,000
 Property Damage	
Each Accident	\$ 500,000
Aggregate	\$ 2,000,000

- E. A permit will be required but no permit application fee shall be charged for work being done by a contractor performing or accommodating a Town construction contract. The contractor will still be held to the conditions and regulations under this Street and Sidewalk Opening Policy.
- F. Work performed by those public utilities subject to regulation under M.G.L. Chapter 164 shall be subject to the permit application fee.

2. Construction Procedures

- A. The pavement shall be pre-cut and may only be disturbed within the area requiring excavation for repair, replacement, or new installation. When the opening occurs within two (2) feet of the curb and/or edge of the hardened surface, the paved area between the excavation and the curb and/or edge must also be removed.
- B. In the backfill process, the backfill shall be composed of suitable material. Concrete should be used around all electric and telecommunication conduits in trenches. Controlled Density Fill 5 (CDF) or Flowable Fill (FF) may be required. Compaction (when CDF or FF is not in use) will be executed in six-inch layers. Each layer shall be 95% compacted by mechanical means. When the total surface area of an individual opening in bituminous concrete is less than nine (9) square feet, all backfill material(s) will be placed to within a minimum of six (6) inches of the pavement surface, or the thickness of the original pavement structure, whichever is greater. For individual openings with surface areas of nine (9) square feet and larger, the backfill material(s) will be installed to within four (4) inches of the pavement surface or the thickness of the existing structure, whichever is greater. "Pavement structure" will incorporate all previous paving materials used above the gravel subbase, including but not limited to bituminous concrete, cement concrete, cobblestone, or macadam.
- C. The hardened pavement shall then be cut back and removed six (6) to twelve (12) inches from all sides of the initial excavation to the depth of the original pavement structure, exposing the

undisturbed gravel subbase. Edges will be cut perpendicular to the surrounding surface and will have a clean vertical face, particularly in the corners. All utility structures shall be leveled to the adjacent surfaces. The cutback shall be in straight lines with 90-degree angles at the point(s) of intersection.

- D. In locations where trenchless utility installations are to be used instead of an open cut across a road or driveway, a directional drilling method, which includes a drilling and tracking system, as approved by the Highway Department, shall be employed. Pneumatic boring or “punching” method is prohibited, unless otherwise approved the Highway Department.
- E. All surplus and/or unacceptable excavated materials shall be removed from the job site immediately. The excavation site shall be always maintained in a clean and safe condition. Sidewalks and streets shall be cleaned and opened to traffic at the end of each working day, unless otherwise authorized. Access to properties is to be maintained. The removal and disposal of materials, including pavement, is the responsibility of the permittee. This shall be achieved in such a manner to minimize interference with pedestrian and vehicular traffic.
- F. The permittee shall be liable for the condition of the street and sidewalk openings, and protection thereof prior to the temporary repair, and will be held responsible for all damage due to any failure of barricades, barriers, warning signs, lights, or steel plates to properly protect the work from traffic, pedestrians, or other possible causes of damage. No barriers or barricades shall be placed in a manner that may prevent access for emergency response vehicles. At times other than while work is being performed, all open ditches shall be protected by uniform traffic control devices in conformance with the FHA Uniform Traffic Control Devices Manual and with the Massachusetts Work Zone Standards Guideline Manual. All excavations must be properly secured to ensure the safety of the traveling public.
- G. Temporary patching shall be performed in accordance with the Town’s Trench Repair Specifications for Roads and Sidewalks Specifications. Barricades and/or safety devices shall be immediately removed from the vicinity upon completion of the temporary bituminous patching application.
- H. Any improperly prepared excavations, including those left with unacceptable back-fill material or insufficient pavement depth, may be paved by the Town and charged to the refundable deposit of the permittee. The deposit shall immediately be replenished to the original amount. At a later date, the trench shall be re-excavated and prepared correctly by the permittee. Under these conditions, the permittee may also be subject to permit cancellation, inspection fees, fines, and loss of deposit and bond.
- I. All excavations will be required to settle and/or consolidate for a period of time in accordance with the Town’s Trench Repair Specifications for Roads and Sidewalks Specifications. The Highway Department reserves the right to address any subbase deficiency within, or adjacent to, the original excavated area with whatever measure deemed effective during this period. These corrective procedures will be the financial responsibility of the permittee.
- J. Any grass or open land (non-paved or non-cemented areas) that are excavated or disturbed must be returned to their prior existing conditions including loam and seed, plantings and/or trees. The permittee shall be responsible for a period of one (1) year from the date of the work for any sub surface settlement and the establishment of grass, plantings and/or conditions of trees.

- K. Immediately after the specified settling and/or consolidation period, all excavations shall be permanently restored in accordance with the Town's Trench Repair Specifications for Roads and Sidewalks Specifications. The following procedures shall be strictly adhered to:
- a. Temporary asphalt patches installed in cement concrete surfaces shall be reexcavated to the extremities of the square(s) in which the excavation is contained. The finished concrete shall be replaced to the depth, strength, and contour of the original structure as specified in the Trench Repair Specifications for Roads and Sidewalks Specifications, in which it is required that the entire concrete panel (to the extent of the joints) shall be replaced.
 - b. All other surfaces, including but not limited to asphalt, brick, grass, and wood, shall be replaced in a manner consistent with the original. The permittee shall also be responsible for all necessary appurtenant measures, including but not limited to complete surface reconstruction, curbing, resetting utility structures, "bar holes," compatible crack-filling, tack-coating, and infrared thermal integration of the pavement. All processes required shall be determined by a site inspection with an authorized representative of the Highway Department. All restoration procedures shall be the financial obligation of the permittee.
- L. The permittee shall be responsible for any settlement, subbase failure, and/or pavement cracks that develop in or adjacent to the original excavated area for a period of three (3) years from the date of the final accepted permanent repair, or, if Controlled Density Fill is used, for a period of one (1) year from the date of the final accepted permanent repair. Any surface disorder caused by settlement and/or subbase movement within the general area containing a street or sidewalk opening shall be addressed by the permitted contractor. All related corrective measures will be the responsibility to the permittee and the term of obligation will begin again.
- M. Persons who cause excavations to be opened without the permit required herein shall be subject to a \$5,000.00 fine and penalties as provided by this regulation and/or other applicable laws, including the revocation of existing permits and/or refusal of future permits.
- N. If deemed it necessary that work needs to be completed by the Town or a hired contractor for fill, subsurface repairs, surface restorations, bituminous concrete replacement and permanent repairs they shall be done in accordance with technical specifications of the Town of Groveland and billed directly to the permittee.

3. Administration

- A. The permittee and excavator are both, individually and severally, responsible for all actions taken under the above regulation and associated permit. If the permit application is signed by only one of these parties, that party accepts full responsibility and liability for both parties, but in no way limits the right of the Town of Groveland to enter litigation enjoining both parties.
- B. The Town of Groveland reserves the right to establish, change technical specifications and direct the permittee to perform work contrarily as needed.
- C. The Town of Groveland may from time to time make changes or exceptions to this regulation and retains sole jurisdiction in its interpretation and administration.

D. The permittee is subject to the public safety laws and rules and regulations under the jurisdiction of the Police and Fire Chiefs of the Town of Groveland.

4. Permit Agreement

The Permittee agrees to conform to the statutes, by-laws or any other related specifications of the Town of Groveland. The Street Opening Permit permittee agrees to conform to the conditions and regulations included the Town of Groveland's Street and Sidewalk Opening Policy. The permittee further agrees to indemnify and save harmless the Town of Groveland from any and all loss, damage and expense sustained by the reason and any act or omission by the permittee hereunder.

The Town has the right to refuse this or any permit to a contractor who fails to comply with the conditions set forth in Town of Groveland's Street and Sidewalk Opening Policy.