



**TOWN OF NORWELL
HIGHWAY DEPARTMENT**

Glenn Ferguson, Director
Town of Norwell
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Norwell, MA 02061
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TRENCH PERMIT APPLICATION

The Commonwealth of Massachusetts
Pursuant to G.L. c. 82A §1 and 520 CMR 14.00 et seq.
(as amended)

This Section For Official Use Only

Signature: _____

Or Permitting Authority

Permit Number: _____

1.3 Description, location and purpose of proposed trench:

Date Issued: _____

Dig Safe Number (required): _____

SECTION 1- SITE INFORMATION

1.1 Property Address:

Street Name _____

City/Town _____ Zip _____

1.2 Map Number _____ Lot/Parcel Number _____

Builder's Lot No _____ Block _____

1.4 Anticipated Date to Begin Trench Operation _____

1.5 Anticipated Date to Conclude Trench Operation _____

SECTION 2 - PROPERTY OWNERSHIP AND PERMIT HOLDER INFORMATION

2.1 Owner of Record:

Name: (Print) _____

Address _____

Signature _____

Phone _____

2.2 Excavator Permit Holder Information:

Name: (Print) _____ Address _____

Signature _____

Phone _____

2.3 Name and Contact Information of Insurer:

Company Name _____

Address _____

Insurance Certificate#: _____

Policy Expiration Date: _____

By signing this form, the applicant/excavator and owner, 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/excavator 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/excavator and owner 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/excavator and owner 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.

EXCAVATOR SIGNATURE _____ Date _____

OWNER'S SIGNATURE (IF DIFFERENT) _____ Date _____

For City/Town use -- Do not write in this section

PERMIT APPROVED BY _____ Date _____
Director of Public Works

PERMITTING AUTHORITY _____ Date _____
Building Commissioner /Inspector of Buildings

CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.82A AND 520 CMR 14.00 et seq. (as amended) By signing the application, the applicant/excavator understands and agrees to comply with the following:

1. No trench may be excavated unless the requirements of sections 40 through 400 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 760 of chapter 164 (DIG SAFE);
2. 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.
3. Persons engaging 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".
4. 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;
5. 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 CFR 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.

The permit shall be posted in plain view on the site of the trench.

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to www/mass.gov/dps

Pursuant to M.G.L. c. 82, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

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In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾” thick or equivalent; barricades must be fences at least 6’ high with no openings greater than 4” between vertical supports or openings greater than 4” may be protected by solid guards or suitable materials, including plywood or wood planks; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, the excavators shall have the right to appeal an immediate shutdown. Re inspection must occur within tow (2) business days of written notifications by the excavator to the Permitting Authority that it has complied with all repairs/corrections ordered. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

SUGGESTED CHECKLIST FOR APPLICATION

- Worker’s Compensation Certificate
- Insurance Binder from Insurance Company made out to the Town of Norwell
- Photo Identification of Permit Holder
- Photo Identification of Person Performing Excavation
- Dig Safe Number
- All monies due to the town must be paid (Certificate of Good Standing)

SPECIFICATIONS

TO DIG OR BREAK UP THE GROUND IN A PUBLIC WAY IN THE TOWN OF NORWELL, MA

1. All persons to whom permits are issued shall conform to the statutes, ordinances, by-laws or specifications herein contained for the rules (See Rules and Specification Governing Street Excavation & Dept. of Telecommunication and Energy (DTE) revised Mar 2017) of any department involved; that the permit may be revoked or suspended at any time by the Board of Selectmen; that the violation of any specifications thereof or of any conditions herein contained shall work an immediate revocation of this permit, such revocation to, be effective upon notice by the Highway Director, the Chief of Police or the Engineering Supervisor. (it shall be mandatory that the Contractor hire a Police Officer when, in the opinion of the Police Chief, if necessary.
2. The Applicant hereby certifies that they will indemnify and save harmless the Town of Norwell from any and all loss, damage, and expense it may sustain or be required to pay by reason of the work herein permitted, or by reason of any act or negligence on the part of the holder of this permit or theirs-its employees or agents, relating to such work, or by reason of any violation of any specification herein.
3. The holder of this permit shall place and maintain at the beginning of twilight through the whole of any night over or near the place so occupied or opened, obstructed or used, and over and near any gravel, dirt or other material whatsoever involved in their operation, a light or sufficient lights to protect travelers from injury; shall place and maintain a safe and convenient way for the use of foot travelers and vehicles around or over such place; shall not allow the placing of any advertising matter within the limits of the space occupied, without proper authorization.
4. The holder of this permit shall not disturb or interfere with any pipes, wires or drains, nor injure or damage any tree, shrub, growth, or part thereof, and shall furnish in their conduits accommodations for all wires belonging to or to be used by the Town of Norwell, free of charge, whenever requested to do so, and shall remove wires and conduits whenever directed and not until directed, and shall follow the directions of the Highway Director where excavation will, in his opinion, be likely to injure tree, shrub, growth or part thereof.
5. The holder of this permit shall clean and remove any refuse or rubbish when so directed in the immediate vicinity of their work; shall do the necessary watering or sprinkling to obviate dust and shall immediately back-fill any excavation upon the direction of the Highway Director of the Town of Norwell whose orders shall be final and conclusive.
6. The holder of this permit shall use this permit for no other purpose than the stated; shall place no material so as to interfere with flowage to catch basins, storm drains, sanitary sewers or removal of covers of the same, nor to interfere with any hydrant, pole, post or structure belonging to the Town of Norwell or any public service corporation, and shall protect such hydrants, poles, posts or structures from injury of defacement.
7. The holder of this permit shall tamp all back fill. Any cold patch used as a temporary measure shall be removed before final patch is applied. The edge of the excavation shall be evenly cut back six (6) inches on each side to form a bridge effect. All moratorium roads within the 5 year moratorium will require a Special Permit along with an additional fee (refer to page 1). Highway Director will determine if applicable. Within 5 year moratorium, asphalt layer must equal the existing thickness of asphalt and road patch must be infrared. The top of the excavation shall be finished with at least one (1) foot of gravel and at least 2.5 inches of base and 1.5 of top or equal former surface, whichever is greater.
8. Subsequent maintenance, if necessary, as determined by the Highway Director, to correct defects occurring within two (2) years after the completion of the work done under this permit, shall be ordered by the said Highway Director and paid for by the user of this permit; and the surface of all streets disturbed shall be restored to the satisfaction of the Highway Director of the Town of Norwell and payment therefore shall be made by the user of the permit.

By signing below, Applicant/Contractor acknowledges the requirement set forth by the Town and agrees to comply with these requirements.

Signature _____ Date _____
Applicant/Contractor