



TOWN OF MILTON
DEPARTMENT OF PUBLIC WORKS
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RIGHT OF WAY REGULATION

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DIVISION 1 GENERAL

Sec. 1-1. Intent and Purpose

The purpose of this is the regulation of the use of public Right of Ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Excavation and restoration standards are required to preserve the integrity, operational safety, and function of the public Right of Way. In no way does this supercede the provisions of the Cable Television Renewal License between the Town and its cable provider.

Sec. 1-2. Administration

The Director is the principal Town official responsible for the administration of the Right of Ways, Right of Way Permits, and the regulations related thereto. The Director may delegate any or all of the duties hereunder.

Sec. 1-3. Definitions

The following words and phrases, when used in this ordinance, shall have the meanings respectively ascribed to them:

Dig Safe shall mean the "Underground Protection of Facilities Act," commonly known as the Dig Safe law. Any excavation undertaken or authorized by this regulation shall comply with all requirements of M.G.L. c 82, Section 40. The excavator is solely responsible to notify all possible utilities with underground facilities at least seventy-two (72) hours, exclusive of Saturdays, Sundays and legal holidays, prior to the start of any excavation, trenching, or boring work. The excavator shall provide to the Town copies of each such written notice to utilities.

Director shall mean Public Works Director and/or designee.

Emergency shall mean any event which may threaten public health or safety, including, but not limited to, damaged, plugged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged underground electrical and communications facilities, or downed overhead pole structures.

Excavate shall mean to dig into or in any way remove or physically disturb or penetrate any part of a Right of Way.

Facility or **Facilities** shall mean any tangible asset in the Right of Way required to provide Utility Service.

Licensed Excavator shall mean any person who has been issued a license by the Commonwealth of Massachusetts Department of Public Safety to excavate in public places in the Town.

Newly Constructed, reconstructed or rehabilitated streets shall mean any street that has been newly constructed, reconstructed or rehabilitated within the past five- (5) years.

Permittee shall mean a person who has obtained a permit as required by this ordinance.

Person shall mean any natural Person, business association or other business entity including, but not limited to, a corporation, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Pole placement shall mean an excavation associated solely with a single placement or replacement of a utility pole.

Public place shall mean any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property owned or controlled by the Town/Town and dedicated to public use, and any dedicated-but-unaccepted street or way.

Rehabilitation shall mean that activity of work on any street which provides structural improvement having a minimum service life of fifteen (15) years with minor maintenance, which includes pavement overlay of one and one-half (1½) inches minimum depth, and partial or full depth reconstruction.

Right of Way shall mean the area on, below, or above a public roadway, highway, street, cartway, bicycle lane and public sidewalk in which the Town has an interest, including other dedicated Right of Ways for travel purposes and utility easements of the Town. A Right of Way does not include the airwaves above a Right of Way with regard to cellular or other non-wire telecommunications or broadcast service.

Substructure shall mean any pipe, conduit, duct, tunnel, manhole, vault, buried cable, or wire, utility system appurtenance, or any other similar structures located below the surface of any public place.

Town shall mean Town of Milton and/or its Public Works Department.

Utility shall mean a public utility, as defined in Massachusetts General Laws as it may be hereinafter amended and shall specifically include the non-regulated activities of such a utility.

Sec. 1-4. Protective Measures and Routing of Traffic

The Permittee shall contact the Police Department at (617) 698-1212 seventy-two (72) hours, or as early as reasonably practicable, in advance of starting construction activities. The Permittee is responsible for all expenses associated with Traffic Control as directed by the Police Department. In conjunction with the requirements of the Police Department, the Permittee shall meet the following as a minimum requirement:

- a) **Safe crossings** - The Permittee shall in general maintain safe crossings for two (2) lanes of vehicle traffic where possible and safe crossings for pedestrians at intervals of not more than two hundred (200) feet. If any excavation is made across any public street, alley or sidewalk, adequate crossings shall be maintained for vehicles and for pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least forty-eight inches (48") in width shall be maintained along such sidewalk line.
- b) **Barriers and warning devices** - It shall be the duty of every Permittee cutting or making an excavation in or upon any public place, to place and maintain barriers and warning devices necessary for safety of the general public. Traffic control near all excavations affecting vehicular, pedestrian and other traffic shall be subject to final review and approval of the Director. Barriers, warning signs, lights, etc., shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices" (MUTCD).
- c) **Normalization of traffic conditions** - The Permittee shall take appropriate to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public.
- d) **Closing of streets** - When traffic conditions permit, the Director, with the approval of the police department of the Town, may by written approval (or by verbal approval in the case of emergency), permit the closing of streets and alleys to all traffic for a period of time prescribed by him or her, if in his or her opinion it is necessary. The written approval of the Director may require that the Permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. In case of emergency work during non-business hours, the utility company having such emergency shall contact the Milton Police Department at 617-698-1212 before closing a street to traffic.
- e) **Special police protection for interference with school walking routes** - The Permittee shall hereby be informed that the Town has or may have a "school walk route map", and that the Director will require special police protection at locations where the Permittee, by his or her work, interferes with these designated school walk routes or crossing locations. Copies of school walk route maps for various locations in the Town may be obtained from the Director.

- f) **Interference with arterial streets** - Construction activities (unless an emergency condition exists) shall not interfere with the normal flow of traffic on arterial streets of the Town. A list of arterial streets shall be kept at the offices of the public works authority.

Sec. 1-5. 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 an 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 is borne by the Permittee. The cost of moving privately owned facilities shall be similarly borne by the Permittee unless it makes other arrangements with the person owning the facility. The Permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across the work. The Permittee shall secure approval of method of support and protection from the owner of the facility. In case any of the pipes, conduits, poles, wires or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, the Permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the Permittee. It is the intent of this section that the Permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the Permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The Town shall not be made a party to any action because of this section. The Permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage. 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 loops and all other vital equipment as designated by the Town and/or Dig-Safe.

Sec. 1-6. Abandonment of Structure

Whenever the use of a substructure is abandoned or becomes an unusable facility, except the abandonment of service lines designed to serve single properties, the person or utility owning, using, controlling, or having an interest therein, shall within one hundred eighty (180) days after such abandonment, file with the Town a statement in writing giving in detail the location of the substructure so abandoned. If such abandoned substructure is in the way, or subsequently becomes in the way, of an installation of the Town or any other public body, the owner of such substructure, after having been contacted by the excavator, shall establish if the substructure is abandoned and make the first cut or tap before allowing the substructure to be removed by the excavator.

When gas or other flammable service to buildings is discontinued, the existing service line for such service shall be terminated at a point outside the building.

Sec. 1-7. Protection of Public Property

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

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed 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 alternate route is available, permission shall be granted only upon condition, by an agreement in writing, that the person or utility applying for such permission shall pay all expenses incident to the proper replacement of this monument by the Town.

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

No person or utility shall remove, damage, haul away, or otherwise disturb any manhole and/or catch basin castings, frames, and/or covers owned by the Town without first receiving written permission from the Town. Any manhole and/or catch basin castings, frames and/or covers missing, damaged, or disturbed shall be repaired and/or replaced by the Town, and the cost will be charged to the Permittee.

Sec. 1-8. Prompt Completion of Work

After an excavation is commenced, the Permittee shall carry out with diligence and expedition all excavation work covered by the permit and shall promptly complete such work and restore the street or sidewalk as specified in this ordinance and the Rules & Regulations enacted by the Town. The Permittee shall perform such restoration work so as not to obstruct, impede or create a safety hazard to public travel. All excavations shall be covered or backfilled at the end of each workday. Covered shall mean steel plated over the entire trench plus 2' around the edges. The steel shall be of strength to hold vehicular and pedestrian traffic. Barriers approved by the Director must be installed if the excavation is to be plated.

Sec. 1-9. Emergency Work

When traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Town shall have the full power to order, at the time the permit is granted, that a crew and adequate facilities be employed by the Permittee beyond normal working hours, including up to twenty-four (24) hours a day, to the end that such excavation work may be completed as soon as possible.

Sec. 1-10. Emergency Action

Nothing in this ordinance 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 conduit or pipe which may be a threat to life or property, or for making emergency repairs, provided that the person making such excavation shall apply to the Town for such a 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 for on the spot locations.

Sec. 1-11. Noise, Dust and Debris

Each Permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the public and occupants of neighboring property. To the fullest extent practicable, the Permittee shall act to reduce noise, dust, and unsightly debris in the performance of the excavation work. Excavation work, including the use of any tool, appliance, or equipment, shall be performed between the hours of 7:00 a.m. and 5:00 p.m. only, exclusive of emergency work. Time waiver requests may be submitted to the Director for work outside of this time period and will be subject to neighborhood concerns. Excavation work shall not occur on Sundays, holidays or on major holiday weekends, unless expressly authorized by the public works Director or because of emergency need.

Sec. 1-12. Excavations During Winter

No person or utility shall be granted a street opening permit or open any street or sidewalk from the time of November 15th of each year to April 15th of the following year unless the Director determines that weather conditions are likely to be favorable, or unless an emergency or special condition exists and permission is obtained in writing from the Town. In the event of favorable weather conditions the Director may extend the deadline for fourteen (14) day intervals. Any person or utility wishing to obtain a street opening permit between these aforementioned dates shall first explain fully in writing the emergency situation or special condition existing to the Town before a permit may be granted. If an emergency condition which could endanger life or property exists, excavation work shall not be delayed by this section; however, a written explanation shall be delivered to the Town as soon as possible and a street opening permit obtained for the opening made. In the event that a permit is issued between the aforementioned dates for an excavation that is not due to an emergency condition, the Town reserves the right to charge a fee to cover reasonable expenses incidental to administration and enforcement of this provision.

For the purpose of this section, an emergency shall be defined as one of the following: damaged or leaking gas conduit systems, damaged, plugged or leaking water, sewer or storm drain conduit systems, damaged underground electrical and communications facilities, or downed overhead pole structures; all remaining excavations will be considered non-emergency situations and may only be authorized upon written documentation of special circumstances.

Sec. 1-13. Restoration of Streets and Sidewalks

All street and sidewalk restorations, including temporary and permanent work within any street shall be performed by and at the Permittees' sole expense and in accordance with these regulations. All repairs and restoration work shall be completed by the Permittee in a manner and to the extent deemed acceptable to the Director. Compliance with DTE 98-22 by utilities regulated by the Department of Telecommunications and Energy (DTE) shall be deemed acceptable by the Director.

Sec. 1-14. Warranty of Work

The Permittee shall, for a period of three (3) years thereafter, be fully liable for all defects in materials and workmanship relating to such replacement or realignment and shall promptly repair or replace the same upon notice of the public works authority and to the satisfaction thereof.

Pavement repairs guaranteed by each Permittee shall meet all of the following conditions in order to remain in conformance with these Regulations.

- a) **The entire area** shall be free from de-lamination of the approved surface material.

- b) **No distortion of one-half inch or greater** shall exist over more than five percent (5%) of the total surface area of the repair.
- c) **No cracks of one-quarter inch or greater** shall exist in the surface or edges of the repair totaling more than five percent (5%) of the repair perimeter.
- d) **The hot-mixed asphalt within the trench** shall not be completely flushed and bleeding.
- e) **Severe distortion conditions over one inch (1")** shall be considered tort liability and street defect conditions and shall necessitate that full repairs be completed within 24 hours of notification by the Town.

Non-conformance with any of the above conditions shall constitute a breach of guarantee and subject the Permittee to remedial actions as required by the Director. Compliance with DTE 98-22 by utilities regulated by DTE shall constitute compliance with this section.

Sec. 1-15. Liability of Town/Insurance

This regulation shall not be construed as imposing upon the Town or any official or employee any liability or responsibility for damages to any person injured by the performance of an excavation work for which a permit is required under this ordinance, nor shall the Town or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work. In the case of a dedicated-but-unaccepted street or way, this ordinance shall not be construed as authorizing any action which is inconsistent with any private rights in said street or way, nor shall the issuance of any permit hereunder be construed as an acceptance of said street or way by the Town for highway or any other purposes. For purposes of this section, every licensed excavator shall maintain at all times comprehensive general liability and property damage insurance coverage, or provide evidence of self insurance in equal amounts, in a suitable amount, not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, protecting himself, his agents and the Town from all such claims for damages or injuries and naming the Town as an additional insured. All such insurance shall include, without being limited to; endorsements for completed operations, special hazards so-called "XCU" hazards (explosion, collapse of buildings, blasting, undermining and damage to underground property, and shall be primary to any insurance or self-insurance of the Town. In addition, every licensed excavator shall maintain at all times automobile liability insurance with a combined single limit of \$1,000,000 covering owned, non-owned and hired vehicles. The provisions of this section may be satisfied by self insurance which complies with the foregoing requirements. Evidence of such coverage shall be a condition precedent to the issuance of any license hereunder and shall be submitted in a form satisfactory to the Town.

Sec. 1-16. Maintenance of Excavation Areas

If any part of any excavation, including the excavation, backfilling and repairs fails to conform with the standards of this chapter, the Town shall notify the Permittee and require the appropriate corrective actions to be undertaken. Permittee shall take corrective action within twenty-four (24) hours after the issuance of notice if the failure could trigger tort liability or liability for a street defect, as defined in Massachusetts General Laws. In all other instances, Permittee shall have a reasonable time as provided in section 1-21 to undertake corrective action. If the Permittee fails to respond within the required time period, the Town shall cause the necessary repairs to be accomplished, and shall keep an account of the expense thereof, and in such case the Permittee shall be billed an amount equal to the whole of the expense incurred by the Town. Bills rendered in accordance with this section shall be due and payable by the Permittee immediately upon receipt. The Town shall issue no further or new permits to the Permittee until full payment of the billed costs have been received.

If for any reason, the Town has to perform repair work to an excavation after the Permittee's guarantee period has started, that guarantee period shall start over again upon completion of the repairs.

Sec. 1-17. Inspections

The Town shall make such inspections as are reasonably necessary in the enforcement of this Regulation. The Director may order such actions as he deems necessary to ensure that this Regulation is not violated. In the event that any dispute exists as to the amount, nature, or scope of the work required under this Regulation, the decision and judgment of the Director will be final and binding unless appealed to or stayed by a court of competent jurisdiction.

Sec. 1-18. Testing Requirements

For the work shown on the permit application that requires the removal of 125 square feet or greater of asphalt cement, the Town will require the contractor to provide third party compaction testing at a frequency of 1 test per 125 square feet per each eight inch (8") loose lift during backfilling procedures at the contractors expense. The contractor is also responsible for all associated testing and expense required to perform compaction testing. If the contractor is removing 300 square feet or greater of asphalt cement then the testing frequency will be 1 test per 300 square feet per each eight inch (8") loose lift during backfilling procedures at the contractors expense. If the contractor uses controlled flow-able fill for backfilling, then testing is not required for compaction. Utilities regulated by the DTE, may perform compaction testing consistent with DTE 98-22, provided test results are submitted to the Town.

The contractor, during the progress of the work, shall perform compaction testing to determine the in-place density of the soil by one of the following standard methods of Test: Density of Soil and Soil Aggregate In-Place by Nuclear Methods (Shallow Depth), AASHTO T 238; Density of Soil In-Place by the Sand-Cone Method, AASHTO T 191; or Density of Soil In-Place by the Rubber-Balloon Method, T 205. The material shall be compacted to not less than 95 percent of the maximum dry density of the material as determined by the Standard AASHTO Test Designation T 99 compaction test Method C at optimum moisture content. If the material retained on the 4.75-millimeter sieve is 50% or more of the total sample this test shall not apply and the material shall be compacted to the satisfaction of the Engineer. The specific density of the material shall be maintained by determining the number of passes of a roller required to produce a constant and uniform density, after conducting a series of test s either using the sand/volume or the nuclear device. Any specific area that, after being compacted, does not pass the required testing, shall be removed, replaced, and re-compacted by the contractor without compensation from the Town.

Utilities regulated by the DTE may perform compaction testing which complies with DTE 98-22, provided that test results are submitted to the Town.

Sec. 1-19. Maintenance of Drawings

Every person or utility owning, using, controlling or having an interest in substructures under the surface of the public way or public property, used for the purpose of supplying or conveying gas, electricity, communications, impulse, water, steam, ammonia or oil in the Town, shall file with the Town a map or set of maps each drawn to a scale of not less than one (1") inch to forty (40') feet, showing in detail the plan, location, size, kind of installation, if known, and profile of all new or renewed substructures. These maps shall be provided to the Town no later than sixty (60) days after the completion date of construction in paper and/or in a digital file form acceptable to the Director. Utilities regulated by the DTE and the Town's cable television provider shall submit plans in the format customarily kept by the utility.

Sec. 1-20. Fees And Charges

Each street opening permit may be assessed two (2) fees; an administrative fee, an inspection fee.

- a) **Administrative Fee:** This fee shall reimburse the Town for the direct cost of labor and materials necessary to administer these regulations.
- b) **Inspection Fee:** This fee shall cover the Town's cost of inspecting the disturbed pavement area, excavation, backfilling and pavement restoration.

Fees shall be as enacted by the Board of Selectmen and are located in Appendix E. Fees may be waived if the following applies:

- a) **To prevent untimely delays** to construction activities within the limits of Town planned reconstruction areas, the Town shall waive street opening repair charges for utilities and individuals having work to do in such areas until the time reconstruction takes place.
- b) **The Director** may waive all permit fees in streets or sidewalk/driveway areas to contractors under contract to the Town.
- c) **The Director** may authorize special, waivers of permit fees if special conditions exist that can be supported by the director in writing.

Sec. 1-21. Violations

Any person or utility failing to comply with or violating any provision of this Regulation shall be served by the public works authority with written notice stating the nature of the failure or violation and providing a reasonable time limit for the necessary corrective actions. Such person or utility shall, within the period of time stated in such notice, permanently cease or correct all failures or violations.

In order to ensure public safety, the Public Works Department and/or Police Department shall have the right to verbally notify and require immediate corrective actions of any person or utility whose failure to comply with this Regulation could cause a safety hazard. Any person or utility who shall continue any failure or violation beyond the time limit required for compliance in any notice given pursuant to this Regulation shall be guilty of a violation of this Regulation.

Any person or utility violating any of the provisions of this Regulation shall be liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such violation. The Town may seek injunctive relief for the purposes of enforcing this Regulation or the rules. Any violation of this ordinance shall subject the permittee or party to a \$50.00 fine per day for each day that a violation continues.

Any Permittee or party who continues to violate any section of this Regulation and fails to correct violations in a timely manner shall receive no further permits and will be invoiced for permanent repairs until such time as the Town is satisfied that the permittee or party shall have corrected all violations in compliance with the terms of this Regulation.

The Town reserves the right to notify a permittee's insurance and/or bond carrier of repeated violations.

Sec. 1-22. Failure To Obtain A Permit

Any person or utility found to be conducting any excavation activity within the public right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A surcharge of two hundred fifty dollars (\$250.00) shall be required in addition to all applicable permit fees. In the event that emergency action is required, no surcharge shall be applicable if the provisions of Section 1-10 have been met.

Sec. 1-23. Appeals Process

Whenever a Person shall deem himself aggrieved by an order made by the Public Works Department or Director, the Person may file an appeal to the Town Administrator within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Town Administrator or a designee, and unless by their authority the subject order is revoked, such order shall remain in force and be forthwith complied with by the Person. In cases of applicability or interpretation of the rules, the Town Administrator may revoke such order made by the Public Works Department or Director.

In cases where compliance with such order made by the Public Works Department or Director would cause undue hardship, the Town Administrator may extend the time limit of such order, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions of this Regulation, subject always to the rule that the Town Administrator shall give due consideration to the purposes of this Regulation in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public right-of-way.

DIVISION 2 UTILITY LOCATION PERMIT

Sec. 2-1. Definitions

The following words and phases when used in this Regulation, shall have the meanings respectively ascribed to them:

- a) Application shall mean a written statement, requesting a location permit from the Board of Selectmen, describing the work proposed by the applicant.
- b) General Location or Permit Area shall mean that portion of the highway to be occupied or crossed by the proposed installation.
- c) Specific Location Plan shall mean a plan or sketch showing the location within the highway or the principal units of the proposed installation.

Sec. 2-2. Application

The application is designed for publication without plans. The statement in the application must provide:

- a) Description of the general location.
- b) Description of the proposed installation.
- c) Minimum depth below ground or height above ground.

Four copies of each application shall be submitted to the Board of Selectmen, Town Office Building, 525 Canton Avenue, Milton, Massachusetts 02186. Any number of general locations and proposed installations may be included in one application. However, each general location and the applicable proposed installation shall be stated separately.

Sec. 2-3. Plans

Unless otherwise noted general location maps (provided by the Utility Section), four (4) copies showing each or all general locations and specific location plans, four (4) copies for each specific location, shall be submitted with the application. An as-built plan and profile survey of the utility post construction to a scale of 40' = 1" on a 24" x 36" Mylar must be provided. A digitized electronic drawing file copy, in an approved format, on a 3-1/2" inch floppy disk or CD will be required for larger projects as determined by the Town.

Sec. 2-4. General Location

The purpose of the general location (or permit area) description is to fix the location along the highway, to identify the highway system and to determine the licensing authority. The location shall be established by reference to a town line, readily identified intersection, major stream crossing, railroad crossing, or bridge number. A general location map is required and shall be tied to the highway system. The map may be a photocopy of a portion of an accurate area map or sketch traced from such a map.

Sec. 2-5. Proposed Installation

Describe the immediate proposed installation and the ultimate reasonable replacement or addition, which may be anticipated without seeking a new permit. Indicate the size, type and purpose of pipes, poles, voltage and phase of electrical line, number of cables or strands, etc.

Mention hydrants, services, protective and supporting equipment and associated appurtenances or any other proposed utility not listed above. In urban or congested areas, the proposed installation should be in compliance with the existing Municipal Construction Standards. If not, the application should be accompanied with a statement indicating reasons for non-compliance.

Sec. 2-6. Specific Location Plan

The specific location plan or sketch shall show the location of the principal units of the installation. Longitudinal distances between control points, bends, manholes, poles, etc. shall be given. Offset distances from the highway centerline, edge of pavement, curb or other well-defined applicable reference shall be given. Offsets shall be to the centerline of underground installations. Offsets shall be in feet and inches to the near side of poles, hydrants, etc, which are less than 10 feet from the face of curb or outer edge of shoulder. The safety minimum offset for the location is acceptable for all poles, which will be at, or beyond that offset. Edge of traveled way or assumed Right of Way lines, and other pertinent highway features shall be indicated. A separate specific location plan shall be submitted for each proposed installation. No more than two highways should be shown on one sheet.

Sec. 2-7. Supporting Data

The application should contain or be accompanied by a statement indicating:

- a) That a copy of the application has been given to the municipal officers.
- b) The newspaper in which the application will be published.
- c) Any proposed joint use or ownership of the facility.
- d) Any existing facility or permit of the applicant at this location.

- e) Any existing facility of others with which the proposed installations may conflict.
- f) Person available to review proposed locations at the site. (NAME, ADDRESS, TELEPHONE NUMBER.)
- g) An as-built plan and profile survey of the Utility post construction to a scale of 40 = 1" on a 24" x 36" Mylar must be provided. A digitized electronic drawing file copy, in an approved format, on a 3-1/2" inch floppy disk or CD will be required for larger projects as determined by the Town.

Sec. 2-8. Publication

The applicant shall give public notice by publishing the text of the application once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. The publication shall include a statement equivalent to the following:

- a) **"Any person, firm, or corporation claiming to be adversely affected by this proposed location, shall file a written objection with the Town stating the cause of said objection within fourteen (14) days after the publication of this notice." Evidence of publication shall be submitted to the Town before a permit can be issued.**

Sec. 2-9. Bridges

If the installation is to be made on or close to a bridge, the application must be accompanied by plans showing the location, method of construction, clearances and other data pertinent to the safety and use of the bridge. This plan shall be reviewed and approved by a Massachusetts Registered Professional Engineer, or in the case of utilities regulated by the DTE, review and approval shall be as deemed appropriate by the DTE..

Sec. 2-10. Highway Construction

In order that an adequate permit may be issued for the location of utility plant relocated because of highway construction or retained within the limits of highway construction, the utility shall submit a statement in substantially the same form and substance as an application for a Location Permit with these exceptions or additions the same form and substance as an application for a Location Permit with these exceptions or additions.

- a) Reference shall be made to the highway construction project.
- b) The specific location plan shall show highway stations, except for project for which highway construction plans are not available.

- c) If highway construction is a federal aid project, the specific location plan shall show the normal edge of pavement, the curb or outside edge of shoulder, Right of Way line and other pertinent highway features.
- d) If highway construction is in an urban or congested area the Municipal Construction Standards shall be followed with exceptions only if an undue hardship may be created.

Sec. 2-11. Application

The Application shall be of sufficient detail to permit review without the need of a site visit.

Sec. 2-12. Permits

As far as practicable, the utility's description and specific location plan will be made a part of the permit.

Sec. 2-13. Work Not Requiring A Permit

A new location permit is not required for:

- a) Replacements, repairs or reconstruction in place.*
- b) Additions provided for in the original permit.
- c) Improvements provided for in the original permit.
- d) Services.
- e) Hydrants, transformer, street lights, valves, switches, etc. and associated equipment.
- f) The applicant is advised to read the law for conditions under which a Location Permit is not required.

*If the existing installation appears to impair the highway improvement or to interfere with the free and safe flow of traffic, and if anything more than a minor replacement or reconstruction is planned the utility should move its plant to a location that is in compliance with the current standards.

DIVISION 3 STREET OPENING PERMIT

Sec. 3-1. Required

No person or utility shall make any excavation, modify, or fill any excavation excluding previously permitted locations in any public place without first obtaining a permit to do so from the Town except as otherwise provided in this Regulation. Any excavation within the Town's streets, sidewalks, esplanades or other public Right of Way shall only be permitted in accordance with this Regulation. The granting of such a permit shall cover all required activities to conform to this Regulation.

Sec. 3-2. Application

Applicant. File applicant shall be the owner or the utility or, in the case of a service, the property owner being served.

- a) No street opening permit shall be issued unless a written application on a form provided by the Town for the issuance of a street opening permit is submitted to the Town. The written application shall contain such information as reasonably required by the Public Works Department and identified in these Regulations. The permit shall expire thirty (30) days from the date of issuance.
- b) In order to obtain a permit, the applicant must be current on all of its financial obligations to the Town.
- c) All applicants shall be required to post a two (2) year bond or appropriate security deposit in order to apply for any permits.

Sec. 3-3. General Conditions

Permits shall be granted only if the applicant has properly notified all utilities, contacted "Dig-Safe", and obtained an authorization number to proceed. Any conflicts with utilities shall be the sole responsibility of the applicant and shall be resolved to the utilities' satisfaction.

Sec. 3-4. Annual Work Program To Be Submitted By Utilities

Each year on or before March 31, each utility shall submit to the Public Works Department its planned work program for the ensuing year, which shall not include emergencies defined in Section 1-3 and normal house service lines. The annual work program of any utility may be amended, at any time, by the utility provided the Town is given the opportunity to discuss such amendments with the utility prior to final work scheduling. Further, the utility shall endeavor to avoid conflicts with work scheduled by the Town or other permittees of the Town. Thereafter, the Town shall have the right to deny permit applications for excavations not contained within each utility's respective planned work program (as amended), except for emergencies and house service lines.

Sec. 3-5. Duration

Excavation work must be started no later than thirty (30) days from the date of issue of the street opening permit. After the expiration of this thirty- (30) day period, such permit shall become null and void unless renewed by the Director. Permits can be extended up to a maximum of one year at the discretion of the Director.

Sec. 3-6. Fees and Charges

Fees and charges shall be as adopted by the Board of Selectmen.

Sec. 3-7. Bonds

Bonds or deposits shall be required of all applicants in order to guarantee their performance. Bonds shall be posted for a minimum of two (2) years and shall not exceed Twenty-five Thousand Dollars (\$25,000). The required bond value shall be equivalent to the estimated cost of the number of excavations performed in the previous season, or Twenty-five Thousand Dollars (\$25,000) whichever is less. Instead of a bond, an applicant may substitute a deposit, in the form of a certified check, equal to the anticipated cost of excavation repair for each application it seeks, as determined by the Milton Board of Selectmen. Deposits shall be refunded upon approved completion of all conditions of this Regulation.

DIVISION 4 DRIVEWAY/ENTRANCE PERMIT

Sec. 4-1. Purpose

This Division provides for the review of any entrance onto a public way for compliance with sound construction and design practices to ensure that traffic safety, drainage and public improvements are not adversely affected.

Sec. 4-2. Permit Required

- a) No driveway, entrance or approach or other improvement within the limits of the Right of Way for any public road may be constructed, altered or relocated except in accordance with an Entrance Permit issued by the Town upon application.
- b) The Board of Selectmen may establish the fee for such permit.
- c) The entrance permit shall be valid for a period of twelve months from the date of original issue.
- d) No entrance, approach or other improvement constructed on the Right of Way shall be relocated or its dimensions altered without an Entrance Permit from the Town.
- e) The Owner is responsible for future maintenance of the entrance within the limits of the Right of Way and shall maintain the entrance in accordance with the approved permit.

Sec. 4-3. Town Held Harmless

The applicant shall hold harmless the Town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of an Entrance Permit.

Sec. 4-4. Approval Criteria

Entrances should be designed and constructed to provide safe access to the public way. The applicant for a permit shall be the owner of the property being served. Any driveway or approach constructed by the Owner shall be for the bonafide purpose of securing access to the Owner's property and not for the purpose of parking or servicing vehicles on the road Right of Way.

Sight Distance Criteria:

- a) All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way or to maneuver safely and without interference with traffic.
- b) Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10') feet from the edge of shoulder line with the height of eye three and one-half (3.5') feet above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25') feet is first seen.
- c) Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

<i>Minimum Sight Distance (in feet)</i>	<i>Highway Speed (MPH)</i>
250	25
300	30
350	35
400	40
450	45
500	50

Geometry:

- a) The entrance shall be designed such that the grade within the Right of Way does not exceed 10%.
- b) For uncurbed public ways the entrance shall in general slope away from the road surface at a rate of not less than one quarter inch per foot, nor more than one inch per foot for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4) feet from the edge of pavement.
- c) The entrance should intersect the traveled way at a horizontal angle of 90 degrees but in no case shall the horizontal angle be less than 75 degrees.
- d) No part of the entrance shall extend beyond the property lot frontage for the lot being served.
- e) The entrance shall not be located close to an intersection and should be back at least 50 feet.

Drainage:

- a) Existing roadside drainage in gutter or ditch lines shall not be altered or impeded by the applicant. The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.

- b) Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
- c) Where a drainage culvert is required to maintain roadside drainage the Town must approve the pipe diameter/length and type pipe material prior to installation. In any case, the pipe size shall be at least 12 inches in diameter.

Construction:

- a) The Owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Right of Way.
- b) The entire portion of any entrance within the limits of the Right of Way shall be constructed with a minimum 12-inch well-graded processed gravel.
- c) If the entrance grade within the Right of Way exceeds five (5%) percent slope then the entrance shall have a paved surface within the limits of the Right of Way.

Curb and Sidewalk:

- a) When sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense. Any granite curb to be removed by the applicant will remain the property of the Town.
- b) Where curb exists, curb tip-downs shall be provided at each side of a new entrance.
- c) Where sidewalk is removed to accommodate a new entrance a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines.
- d) In general sidewalks shall meet the following:
 - The maximum sidewalk longitudinal transition slope is not to exceed 1 vertical to 12 horizontal.
 - The maximum sidewalk cross-slope is not to exceed 2%.
 - No abrupt changes in grade are permitted and the maximum curb reveal crossing a walkway is ½ inch or less.

**APPENDIX A
TECHNICAL STANDARDS**

TECHNICAL STANDARDS

Sec. 1-1. Technical Standards

Any person or utility having first obtained a street opening permit shall be fully responsible for restoring streets and their appurtenances (e.g. granite curb, under-drain, filter fabric, sewer and drainage structures, etc.) in complete compliance with the Town's Technical and Design Standards and Guidelines.

Sec. 1-2. Excavation Requirements

The following requirements shall apply to all excavations in the right of way:

- a) All work must be conducted in strict accordance with the latest regulations of OSHA for excavations.
- b) All excavations shall be performed in accordance with Town of Milton standards or in a manner as prescribed by the Director of Public Works for circumstances not covered by the standards.
- c) All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property.
- d) 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 the excavated material offsite.
- e) It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.
- f) Temporary or permanent sheeting must be used to support the sidewalls where necessary to prevent undermining of the pavement and/or maintenance of traffic or safety of personnel.
- g) The permittee shall make every effort to keep the amount of pavement damage to a minimum. All excavations in pavement shall meet the following at a minimum:
 - Pavement shall be cut in a rectangular shape to ensure proper repair.
 - Any pavement damage created by permittee's excavation shall be repaired by the permittee.
- h) All excavations on paved street surfaces shall be pre-cut in a neat straight line with pavement breakers or saws.
- i) Cutouts of the trench lines must be normal or parallel to the trench line. No irregular shapes will typically be allowed.
- j) Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.
- k) Unstable pavement shall be removed over cave-outs and over-breaks; and the sub-grade shall be treated as the main trench.
- l) The permittee shall not be required to repair pavement damage outside of the requirements of Section 4.04 existing prior to the excavation unless his or her cut

results in small floating sections that may be unstable, in which case, the permittee shall remove the unstable portion and the area shall be treated as part of the excavation.

- m) When two or more street openings are made under the same permit in sequence ten (10) feet or less (edge to edge) between each adjacent opening, the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall repair the entire area as one trench.
- n) Where additional excavations are made for the same client or utility which are within ten (10) feet (edge to edge) of previous excavations still under a guarantee period, the permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall repair the area between openings and the most recent opening as one trench.

Sec. 1-3. Backfill Requirements

The requirements of this Section are intended to maximize compaction and therefore minimize settling.

- a) All work must be conducted in strict accordance with the latest regulations of OSHA for excavations.
- b) All work must be protected from freezing.
- c) Whenever water is found standing in the excavation area, the water shall be removed by pump or other means before backfilling operations can commence.
- d) The Permittee shall perform backfilling of excavations as soon as practicable so that the least possible subsequent settling will occur. Before backfilling operations shall begin, the Permittee must notify the Director, allowing adequate time as determined by the Director for inspection.
- e) Bank-Run gravel material selected from the spoil, or delivered to the site, shall be spread in layers not exceeding eight inches (8") in loose depth and thoroughly compacted around and under the appropriate bedding material for any substructure, and used as backfill up to the bottom of the pavement structure sub-base/processed gravel.
- f) Where the excavated material is primarily clay, it shall be allowed for use as backfill only upon the express approval of the Director, with the intention of minimizing differential settling.
- g) All remaining excavated material shall be removed from the job site and disposed of, as the Permittee's responsibility, in such a manner that will minimize interference with pedestrian and vehicular traffic. No material shall be left within the right-of-way once the repair and/or installation is complete.
- h) The Town will allow, as an alternate, digable, pourable backfill, otherwise known as Controlled Density Fill (CDF), under the following conditions:
 - Only Type 1E and Type 2E, Excavatable, Flow able Fill will be allowed. These mixes are designed to have very flow able characteristics for filling small areas or hard to reach areas such as multiple duct trenches whereby compaction equipment maneuvering would be difficult.
 - This material is not to be used for bedding material or in situations that will

cause floating of the utility lines, or in the presence of cast iron or steel pipes.

- CDF placement in trenches must be fully barricaded or police protected for a minimum of three (3) hours after the pour or until a set is reached that will prevent a hazard to animals or humans.

Sec. 4.04 Restoration of Streets

- a) If excavation (or pavement damage) occurs at or within twenty-four (24) inches of the edge of pavement, the permittee shall be responsible for repair to the edge of pavement.
- b) Where two (2) or more street openings are made under the same permit in sequence seven (7) feet or less (edge to edge) between each adjacent opening, the permittee shall be responsible for repairing the entire area between openings measured from the first opening through to the last opening.
- c) Where additional excavations made for the same client or utility are within seven (7) feet (edge to edge) of previous excavations still subject to a guarantee, the permittee shall be responsible for repairing the area between openings.
- d) Upon the completion of proper backfilling, the Permittee shall construct temporary pavement. (See section 4.08 (G) for details of construction methods.)
- e) Before paving operations shall begin, the permittee must notify the Director, allowing adequate time as determined by the Director for inspection. Notification of the anticipated timing of all paving activity must be acknowledged by the Director; any notification delivered by facsimile machine must be preceded or followed up by a telephone conversation to assure its proper and timely receipt.
- f) Permittees shall endeavor to make notification by 9:00 AM of each workday that paving is anticipated. In the event of schedule changes or emergencies, the permittee is requested to provide a minimum of one-hour notification to assure inspection availability.
- g) All hot-mixed asphalt paving must first be approved by the Director or designee as to depth and materials.
- h) Should the circumstances of the trench backfilling require City personnel to be on-site after 4:00 PM, or on holidays, the permittee shall be required to pay for the cost of overtime (one and one-half hours, minimum, as required by current Union contracts).
- i) If a City inspector is not able to be on-site within 30 minutes of the acknowledged anticipated start time of paving activity, the permittee shall be allowed to commence paving in accordance with this Section.
- j) All temporary pavement shall be installed according to these specifications which include a minimum of three (3) inch thickness hot-mixed asphalt Grade B placed in two (2), one and one half (1 ½") inch compacted lifts.
- k) The temporary pavement shall meet the guarantee standard of Section 4. 10 for the applicable guarantee period of Section 4.09.
- l) Hot-mixed asphalt paving of trenches greater than one hundred (100') feet in length shall be paver applied unless otherwise authorized by the Director.
- m) The Permittee shall be responsible for the proper placement and maintenance of the

- temporary pavement and shall keep the temporary pavement level with the surface of the surrounding existing pavement and in proper repair and condition, within the tolerances provided in Section 4. 10, until the end of the guarantee period.
- n) Any street markings or traffic loops disturbed by the permittee shall be promptly replaced by the permittee.
 - o) It shall be the responsibility of the Permittee to perform the necessary restoration beyond the limits of the pavement which shall include but not be limited to restoration of lawns, esplanades, shrubs, gardens, curbing, sidewalks, under-drains, separations fabrics, fences, walls, etc.
 - p) Upon completion of the permanent repairs outside the limits of the pavement, the Permittee shall notify the Director of Public Works in writing that the permanent repairs or replacement has been completed, setting forth the date of completion. The Permittee shall, and has the duty and responsibility to, maintain the replacement area outside of the pavement for a period of five (5) years after completion.
 - q) Refilling of bar holes. Any person or utility making bar holes in the street or sidewalk of any public place shall immediately, upon completion of the work, fill these bar holes by the use of an approved asphalt plug, cold patch or hot mix.

Sec. 1-4. Permanent Pavement Restoration:

Permanent restorations shall not be allowed to commence until at least one (1) winter moratorium cycle has passed since the installation of approved temporary hot-mixed asphalt.

Sec. 1-5. Material Specification

- a) Bank-Run Gravel shall meet Massachusetts Standard Specification M1.03.0, Type C. Bank-run gravel shall be granular material well graded from fine to coarse with a maximum size less than 2 inches, obtained from approved natural deposits and unprocessed except for the removal of unacceptable material and stones larger than the maximum size permitted. It shall not contain vegetation, masses of roots or individual roots more than 12 inches long or more than ½ inch in diameter. It shall be substantially free from loam and other organic matter, clay and other fine or harmful substances.
- b) Processed Gravel shall meet Massachusetts Standard Specification M1.03.1. Processed gravel shall consist of hard, durable stone and coarse sand. Approved source material shall be processed by mechanical means. Material shall be well graded and stockpiled in such a manner to prevent segregation of particles. Material shall be free of loam, clay or other deleterious material.
- c) Processed Sand shall meet gradation requirements of Massachusetts Standard Specification M1.04.0 Type A. Processed sand shall consist of clean inert, hard, durable grains of quartz or other hard durable rock, free from loam or clay, surface coatings and deleterious materials. The allowable amount of material passing a No. 200 sieve shall not exceed 10 percent by weight.
- d) Crushed Stone shall meet the gradation requirements of Massachusetts Standard Specification M2.01.0. Crushed stone shall be screened and well graded in size and

shall consist of clean, hard, and durable particles of rock, free from dirt, vegetation or other objectionable matter, and free from soft, thin elongated, laminated or disintegrated pieces.

- e) Dense Graded Crushed Stone shall meet Massachusetts Standard Specification M2.01.7. The dense graded crushed stone shall be uniformly mixed and well graded in size. The crushed stone shall be uniformly mixed coarse and fine aggregates. Coarse aggregates shall consist of hard durable, particles or fragments of stone or gravel. Fine aggregates shall consist of natural or crushed stone. The composite material shall be free from clay, loam, or other deleterious material.
- f) RipRap shall meet Massachusetts Standard Specification M2.02.3.
- g) Binder Course shall meet Class I Bituminous Concrete Pavement, "Binder Course," of the Massachusetts Standard Specification M3.11.00.
- h) Wear Course shall meet Class I Bituminous Concrete Pavement, "Top Course," of the Massachusetts Standard Specification M3.11.00.
- i) Tack Coat shall be emulsified asphalt, grade RS-1 and shall conform to Massachusetts Standard Specifications M3.03.0.
- j) Welded Steel Wire Fabric shall be six inch by six inch (6" x 6") mesh with No. 10 wire and shall conform to the requirements of AASHTO designation M55, Welded Steel Wire fabric for Concrete Reinforcement. Substitution of welded wire fabric with FIBERMESH fibers (100% virgin polypropylene, collated, fibrillated fibers) at a rate of 1.5 lb. Per cubic yard of concrete will be allowed for non-structural reinforcement. Installation shall be per manufacturer's recommendations.
- k) Controlled Flowable Fill (CDF) shall meet Type 1E CDF or Type 2E CDF and shall be flowable and excavatable. Materials for CDF shall be proportioned to produce a thoroughly workable, plastic mixture resulting in a dense, watertight concrete. When CDF is used around metallic materials, the surfaces shall receive corrosion protection from the CDF or a mix containing zero amounts of fly ash shall be used. The Engineer shall approve corrosion protection. The CDF shall meet the following limitations:
 - Types 1E and 2E CDF shall have a maximum compressive strength of 100 psi at 28 days.
 - Types 1 and 2 CDF shall have a maximum compressive strength of 1000 psi at 28 days.
 - A field pancake test, in accordance with ACI 229R, shall be performed prior to CDF placement.
 - All Concrete shall contain air-entraining and water-reducing admixtures, designed and used in strict accordance with manufacturer's specifications and the approved concrete mix design.

Sec. 1-6. Winter Excavations

If work is conducted in the winter moratorium period, the following specifications shall apply:

- a) The temporary pavement repair shall be hot-mixed asphalt as specified unless hot-mix material is documented to not be available within a seventy-five (75) mile radius of the town.

- b) As an alternate the Permittee may use: (i) Modified Winter patching material as specified in Appendix A placed in one lift of three inches (3) compacted thickness. This material must then be removed within forty-five (45) days of the opening of local hot-mixed asphalt plants and replaced with three (3) inches compacted thickness of hot-mix asphalt as defined in Section 4.08 (G). The applicable guarantee period will begin when the hot-mixed asphalt repair is completed.
- c) No pavement shall be allowed of frozen materials unless it is expressly understood that complete trench reconstruction will be completed by the permittee during the following spring. In this case, the guarantee period begins after the Spring reconstruction by the permittee. In all cases of modified Winter patching material use, the permittee shall take all reasonable measures, including blotting the material, to prevent against vehicular or pedestrian tracking of the asphalt material.

Sec. 1-7. Methods of Construction

Workmanship:

- a) The Permittee is required to furnish all materials and will be required to utilize quality workmanship and construction techniques conducted in accordance with industry standards for the successful completion of the utility work, backfilling, appurtenant restorations and temporary pavement repair.
- b) The Permittee shall keep a competent foreman and sufficient competent employees to carry on the work with all proper speed and in accordance with the requirements of law and other public authorities and to the reasonable satisfaction of the Director.
- c) The Permittee shall conduct the work in such a manner not to unreasonably interfere with other work being done by the Town, by contract or otherwise. If deemed necessary by the Director, the work done under these specifications shall conform to the progress of said other work. The Permittee shall cooperate with the contractors or employees who may be doing work for the Town, and with public service corporations affected by the work in arranging for storage places, temporary support for structures, repairs, etc.
- d) All temporary repairs must be maintained by the Permittee until the end of the guarantee period or until permanent repair has been made, whichever first occurs.

Placement of Backfill Material

- a) The backfill material shall be spread and compacted in layers not exceeding eight inches (8") in loose depth.

Placement of Crushed Type D Gravel

- a) The aggregate pavement structure sub-base shall be spread and compacted in layers not exceeding eight (8") inches in depth. The crushed aggregate shall be compacted to not less than 95% of the maximum dry density of the material, ASTM D1557.
- b) The maximum dry density of the material to be used as subbase along with the corresponding moisture contents, in accordance with ASTM D1557, must be filed at the time of application to obtain the permit. Single source documentation will be acceptable for multiple permits in a season, provided that every stockpile utilized is

accounted for.

Placement of Processed Gravel

- a) The aggregate pavement structure base shall be compacted to not less than 95% of the maximum dry density of the base material, ASTM D1557, to the depth required by the City's Technical and Design Standards and Guidelines.
- b) The maximum dry density of the material to be used as base along with the corresponding moisture content, in accordance with ASTM D1557, must be filed at the time of application to obtain the permit. Single source documentation will be acceptable for multiple permits in a season, provided that every stockpile utilized is accounted for.

Temporary Asphalt Pavement

- a) All temporary pavement shall be installed according to these specifications which include a three (3) inch (minimum) thickness of Grade B hot-mixed asphalt placed in two or more, 1 1/2" compacted lifts. All materials, placement, compaction and workmanship shall be in accordance with the applicable provisions of the Main Department of Transportation Standard Specifications for this material.
- b) Each 1 1/2" layer of hot-mixed asphalt is to be compacted separately meeting the requirement of 92% minimum compaction of standard of standard laboratory maximum theoretical density for the specific material.
- c) Mechanical compactors will be permitted for repairs less than 10 square yards; repairs exceeding 10 square yards shall be rolled with an appropriately sized, power driven, steel-wheeled roller to obtain specification density.
- d) Hot-mixed asphalt materials shall be laid upon an approved clean, dry, compacted surface, spread and struck off to the established grade and elevation giving regard to the loss in depth between loose and compacted mixtures.
- e) Immediately after the bituminous mixture has been spread, struck off, and surface irregularities adjusted, it shall be thoroughly and uniformly compacted.
- f) The placing temperature of the hot-mixed asphalt mixture shall be between 325°F and 255°F . All compaction rolling shall be completed before the mixture cools below 185°F. This can be checked using a thermometer suitable for this type of work.
 - Temporary paving material shall be saw cut and neatly removed, or milled, as needed to comply with all provisions of this subsection.
 - Pavement structure base and sub-base should be checked for compliance with 95% compaction requirement, if the permittee elects or is required to remove the entire temporary paving material. If compaction is found to be less than 95%, trench must be re-compactd to meet specifications before paving will be allowed.
 - The surrounding pavement shall be milled a minimum of twelve inches (12") beyond the original excavation cut, and to a depth of one and one-half (1 1/2) inches, minimum.

Permanent Pavement Restoration

- a) The permanent pavement depths shall match the existing depths, or whichever is greater. The requirement to match existing depths shall be waived if the permittee is able to show good cause, including demonstrated performance.
- b) Each 1 1/2" layer of hot-mixed asphalt is to be compacted separately meeting the requirement of 92% minimum compaction of standard laboratory maximum theoretical density for the specific material.
- c) Mechanical compactors will be permitted for repairs less than 10 square yards; repairs exceeding 10 square yards shall be rolled with an appropriately sized, power driven, steel-wheeled roller to obtain specification density.
- d) Hot-mixed asphalt materials shall be laid upon an approved clean, dry, compacted surface, spread and struck off to the established grade and elevation giving regard to the loss in depth between loose and compacted mixtures.
- e) Immediately after the bituminous mixture has been spread, struck off, and surface irregularities adjusted, it shall be thoroughly and uniformly compacted.
- f) The placing temperature of the hot-mixed asphalt mixture shall be between
- g) 325°F and 255°F. All compaction rolling shall be completed before the mixture cools below 185°F. This can be checked using a thermometer suitable for this type of work.
- h) Permanent restoration shall be as shown on the typical street replacement detail.

"Tack" Coating

- a) All vertical surfaces of the existing hot-mixed asphalt pavement shall be tack coated with an approved asphalt emulsion by thoroughly swabbing or brushing the vertical edges to fully cover with the liquid material prior to pavement installation.

"Top" Joint Sealing

- a) All top surface joints between the pavement repair and the existing pavement are to be sealed with an asphaltic emulsion by swabbing or brushing a minimum three (3) inch width paint-like application over the joint to seal the surface air voids.

Depth of Substructures

- a) No person or utility shall, without written permission from the Town, install any substructure, except manholes, valve casings, culverts, and catch basins at a vertical distance less than:
 - Twenty-four (24) inches below the established flow line of the nearest gutter. If the flow line is not established, then the depth shall be at a minimum of twenty-four (24) inches below the surface of the nearest outermost edge of the traveled portion of the street.
 - The minimum depth of any substructure shall be twenty-four (24) inches below the established gutter grade when the substructure parallels the street.
 - The minimum depth of any substructure shall be twenty-four (24) inches below the established sidewalk or curb when such substructure is at a

- right angle to the street.
- b) The minimum depth of any substructure on any other public way shall be twenty-four (24) inches below the surface; provided, however, that the Town may permit a lesser depth in special cases.

Nothing in this section shall impose a duty upon the Permittee to maintain the specifications as required herein upon subsequent changes of grade in the surface unless the grade in the substructure interferes with the maintenance of or travel on a public street.

Sec. 1-8. Guarantee Period

All street excavation repairs shall be guaranteed to conform to the requirements of Section 4.10 for a minimum of three (3) years.

Sec. 1-9. Definition of Guaranteed Pavement Repair Condition

Pavement repairs guaranteed by each permittee shall meet all of the following conditions in order to remain in conformance with these Rules & Regulations.

- a) Severe [over one inch (1")] distortion conditions shall be considered Tort liability and street defect conditions and shall necessitate that full repairs be completed within twenty-four (24) hours of notification by the Town.

**APPENDIX B
UTILITY LOCATION PERMIT APPLICATION**

**APPENDIX C
GENERAL PERMIT APPLICATION**

**TOWN OF MILTON
General Permit Application**

PW - 0100

Date: _____

APPLICANT INFORMATION

PROJECT LOCATION: _____

Contact Person: NAME _____ PHONE _____

MAILING ADDRESS: _____

Property OWNER: NAME _____ PHONE _____

CONTRACTOR: NAME _____ PHONE _____

*ENGINEER / ARCHITECT: NAME _____ PHONE _____

* If developer is different from owner or contractor, both shall be listed. Name of engineer responsible for design shall also be listed.

AUTHORIZATION: In accepting this permit I/We agree to hold the Town of Milton harmless from loss, cost or damage of every name or nature arising wherefrom. I/We have read and agree to the applicable Town of Milton regulations pertaining to this application.
If owner is a corporation, there shall be attached a certificate authorizing the signatory to act on behalf of the said corporation. Said authorization shall carry the corporate seal and signature of the clerk of the corporation.

PROPERTY OWNERS SIGNATURE _____ DATE _____ CONTRACTOR'S SIGNATURE _____ DATE _____

<p>THIRTY DAY PERMIT (check All that apply)</p> <p>1. <input type="checkbox"/> Excavation in Right of Way</p> <p>2. <input type="checkbox"/> Driveway Entrance</p> <p>3. <input type="checkbox"/> Occupy Right of Way</p> <p>DIG SAFE # _____</p> <hr/> <p>Driveway Entrance Approval</p> <p>Planning _____</p> <p>Engineering _____</p> <p>Building _____</p>	<p>UTILITY CONNECTION PERMIT (check All that apply)</p> <p>**1. <input type="checkbox"/> Sewer: Size and pipe material (attach sewer application)</p> <p>_____</p> <p>GPD Discharge: _____</p> <p>**2. <input type="checkbox"/> Water: Size and pipe material</p> <p>Domestic Service: _____</p> <p>Lawn Service: _____</p> <p>Fire Service: _____</p> <p>GPD Discharge: _____</p> <p>**3. <input type="checkbox"/> Drain: Size and pipe material</p> <p>_____</p> <p>Type: Surface Roof</p> <p>GPD Discharge: _____</p>
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** Shop Drawings of proposed pipe and appurtenances i.e., Fire Hydrants, Gate Valves, Manholes and Catch Basins shall be attached and subject to approval. A utility plan stamped by a registered professional engineer and satisfactory to the Town Engineer shall also be attached.

Describe proposed work as a sketch below or attach plans to this application.

APPENDIX D
REQUIREMENTS FOR PROPOSED PLANS & ASBUILT PLANS

REQUIREMENTS FOR PROPOSED PLANS & ASBUILT PLANS

Sec. 1-1. Proposed Plans

The following specifications are minimum requirements for the proposed plan to be accepted:

- a) All elevations shall be given relative to Milton Town Base. The following elevations are required.
 - Invert of building sewer connection at the foundation wall and at the connection to the main sewer
 - Rims and inverts of town sewer manholes at each end of service connection to town sewer main
 - Basement floor and first floor of building
 - Topography of entire work area (home, sewer, water, etc.), proposed and existing contours
 - A firm benchmark will be shown on plan to check elevations
 - Plan and profile of sewer showing lengths, slopes, pipe material and diameter
- b) A sewage flow estimate is required (110 gallons per bedroom).
- c) Location of new water service and gate will be shown on plan.
- d) All town utilities will be shown on plan.
- e) Typical details of trench and structures.
- f) French drains and dry wells will be shown on plans.
- g) Pipe Material: An individual sewer service shall be a minimum of six (6) inches in diameter, pressure-fitted, type SDR, Polyvinylchloride (PVC) pipe or ductile iron (class 52). Fittings and pipes shall conform to ASTM standard specifications and Town specifications.
- h) The following shall be noted on the plans in the note section of the plans being submitted:
 - Minimum pitch is 1/4-inch (2 %) per foot for sewer service (max 8 %)
 - All sewer services shall run in a straight line, any change in direction requires a clean-out or manhole
 - There shall be a minimum of 4' of cover above sewer service or if minimum cover can not be used, pipe will be insulated
 - A clean out is required 10 feet outside of building. Pipe will be PVC schedule 40 or ductile iron within 10 feet of the building.
 - Eight inch and above mains will be independently pressure tested and manholes will be independently vacuum tested
 - Castings and covers will be town specification (LeBaron).
 - Doghouse manholes can **not** be used.
 - All pipes, joints and structures are watertight. No cement mortar joints will be permitted
 - Manholes will be cored for pipes

- Top of cesspool will be crushed and cesspool will be filled with gravel
 - Metallic tape will be used one foot above service
 - All chimney connections shall be encased in concrete
 - Water service is a minimum 10 feet from sewer
 - Any deviations from plan and specifications, drain layer will call professional engineer and Milton Engineering Department
- i) The following note shall be on plans in its entirety:
- "A preconstruction meeting with the Milton Engineering Department, design engineer and contractor will occur prior to construction of sanitary sewer."
 - "The Contractor shall not backfill any portion of the sewer trench until the pipe and manholes have been inspected and approved by the Milton Engineering Department or their designated representative."

Note ~ If the proposed site is within 100 feet of wetlands or within 200' of a perennial stream an Order of Conditions must be obtained from the Milton Conservation Commission and the wetlands boundary and buffer zone must be shown on the plan.

Sec. 1-2. Asbuilt Plan

The following specifications are minimum requirements for as-built plan to be accepted.

- a) Plan and profile of all sewer services (lengths, slopes, rims, inverts, etc.).
- b) Location of any manholes, water gates, utilities, cesspools, french drains, etc.
- c) Location of all new installations and material of manholes, wyes, 3-way tees, bends and other appurtenances.
- d) Swing ties shall be used for all sewer and water appurtenances (sewer clean outs, bends, water gates, etc.)
- e) Length to service connection from nearest manhole.
- f) Invert elevation of all sewer services at the manholes, house and clean outs.
- g) Depth of sewer service, clean outs and connections.
- h) Size and type of all pipes, manholes, etc.
- i) Show all utilities encountered. If damaged, show a detail on the repair.

Note ~ If any testing was required, all test results shall be submitted with the asbuilt plan.

APPENDIX E
DESCRIPTION OF PERMITS & FEES

Town of Milton
Department of Public Works
Description of Fees

General. It is the stated purpose of these fees to obtain from applicants full cost recovery. Processing applications, providing inspections and reviewing plans is a costly and labor intensive activity. The role of the Department of Public Works is to insure that permits are given lawfully, that the publicly owned infrastructure is protected and that all work in the public way is done in a safe and complete manner. The Department of Public works processes and issues the following types of permits:

- Street Opening/Excavation
- Sidewalk Opening/Excavation
- Curbing removal/cut
- Street or Sidewalk Occupancy
- Sewer Connection
- Drain Connection
- Water Connection

Application Fee. An application fee is charged for each permit issued by the Department. The fee is to cover the administrative cost of processing an application including clerical time, engineering review and field operations review. The application fee is due at the time of application and is not refundable. It is estimated that application review requires between two and eight hours of combined staff time to review.

Inspection Fee. An inspection fee is established to cover the cost of engineering and field personnel involved in the inspection of work within the public way. The Department of Public Works is responsible for insuring that work is done in accordance with specifications, which have been established to protect the Town's investment in a public works infrastructure. The inspection includes both field observations of the actual work as well as review of as built drawings by engineering personnel.

Connection Fee. A connection fee is charge to recoup the Town's capital investment in the provision of its infrastructure. New connections benefit from the investment by the users of the system in its capacity. The ability of a system to accommodate new users is at a cost to which the user/investors are entitled.