



# Town of Tyngsborough

Engineering Department

25 Bryants Lane

Tyngsborough, MA. 01879

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## Street Opening and Right-of-Way Obstruction Permit Application

### Permit Type: (check one)

Class 1: (Fee: \$50:00)    Class 2 (Fee: \$75.00)    Class 3: (Fee: \$100.00)

DIG SAFE #: \_\_\_\_\_

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

OWNER OR UTILITY COMPANY:

CONTRACTOR:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Person to Contact: \_\_\_\_\_

Person to Contact: \_\_\_\_\_

Telephone #: \_\_\_\_\_

Telephone #: \_\_\_\_\_

LOCATION OF WORK: \_\_\_\_\_

START AND END DATES: \_\_\_\_\_

DISTRICTION OF WORK: \_\_\_\_\_

TYPE OF SERVICE: \_\_\_\_\_

**IF THE DEPTH OF THE TRENCH IS MORE THAN 3 FEET, THEN A MANDATORY TRENCH PERMIT IS REQUIRED FROM THE BUILDING INSPECTOR. A COPY OF THE TRENCH PERMIT MUST BE PROVIDED WITH THIS PERMIT APPLICATION.**

LINEAR FEET: \_\_\_\_\_ WIDTH: \_\_\_\_\_ TRENCH PERMIT #: \_\_\_\_\_

**\*\*NOTE\*\***: PLEASE SUPPLY DRAWINGS OF WORK SITE.

\_\_\_ Bond on File

\_\_\_ Certificate of Liability Insurance on File

### Roadway Impact Fee (RIF)

Any work which involves the disturbance, including but not limited to the cut, puncture, or excavation of a paved roadway, a Roadway Impact Fee will be appropriately administered. The cost is a function of the area being disturbed and a unit cost of impact to the roadway network. (See equation below)

$$RIF = UC \times L \times W$$

U.C.= Unit cost to reconstruct the roadway, \$7.50

L= Length of excavation within paved roadway

W= Width of excavation within paved roadway

### GUIDELINES

- 1) **Class 1-** Any activities that involve obstructing or disturbing the public right-of-way. These activities include but are not limited to, placement of a dumpster, a storage pod, parked moving vans, cranes, tree removal equipment, etc.
- 2) **Class 2-** Any activities that include the replacement and/or installation of a new utility service (phone, electric, gas, water, sewer, etc), the abandonment of an existing utility service, and the relocation of overhead utilities to underground.
- 3) **Class 3-** Any activities that require a special permit from the Board of Selectmen under section 2.11.00 Regulation of Uses in the Town of Tyngsborough Zoning By-laws. These activities include but are not limited to, the relocation of utility mains and the installation of new utility mains and/or overhead wires.
- 4) **In accordance with Article 27 of the Town of Tyngsborough By-laws**, a permit is required by a person or individual, corporation or other type of entity that disturbs the surface of any existing street or way for any of the following, but not

limited to, purposes, of installing, repairing, and/or maintaining any duct, conduit, sleeve, pipe or other structure to be used for the distribution or transmission of wastewater or sewage, surface or storm water, potable water, brook or water course, gas, oil or any of its by-products in any form, electrical power or service, telephone or telegraph service.

- 5) The applicant shall be responsible for obtaining all other approvals and/or permits necessary to complete the work outlined in this application. Failure to obtain all necessary permits prior to work commencing, this permit will be void.

**PERMITS WILL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1) All work to be done in accordance with provisions of the Town of Tyngsborough Street Opening By-Laws and conform the **Town of Tyngsborough: Construction and Design Standard and Details.**
- 2) The permittee shall conform to all requirements of the laws of the Commonwealth and the Bylaws and regulations of the Town of Tyngsborough now and hereafter in force.
- 3) This permit may be revoked at any time.
- 4) All application fees are non-refundable.
- 5) Compliance with Massachusetts General Laws, Chapter 82, Section 40.
- 6) The Highway Department, Engineering Department, Chief of Police, Chief of Fire Department, Water Department and Sewer Department must be notified **48 hours prior to excavation start, and also on the day prior to resurfacing of opening.**
7. Emergency street openings will be authorized by the Highway Department and/or the Engineering Department. The Chief of Police is to be notified of Emergency street openings.
8. Town Engineer or their designee must be notified upon **completion of work** to enable final inspection procedures check.
9. No road shall be opened within the first five (5) years of resurfacing, or in the case of a new road, eight (8) years after completion, without the approval of the Board of Selectmen
10. The provisions of the permit may be changed to meet existing conditions where Public Safety and convenience require it in the opinion of the Town Engineer or their designee.
11. The permittee will be responsible for securing a Police Detail.
12. Except in the event of a situation posing an immediate threat to public safety or in the case of severe hardship, all work involving open cutting and/or construction within a public way shall be performed within the period from **April 1st to November 15th of any year. No work within the Town's right-of-way shall commence during the weekend (Saturday-Sunday) and holiday hours.**
13. The permit shall expire at the end of the construction period specified in #12 unless otherwise authorized in writing by the Town Engineer or his/her duly authorized agent. The permit shall become void upon expiration. For outstanding permits that require an extension, the permittee shall request an extension in writing to the Town Engineer. Approval shall be at the sole discretion of the Town Engineer. Following the approval of the extension, the decision will be made to require a new application and fee to be filed.
14. All excavations made and obstructions erected by the permittee shall be properly delineated with barrels and construction fence and the zone be properly marked with safety signage during the entire time that the right-of-way is occupied or obstructed. All safety devices shall conform to the current Manual on Uniform Traffic Control Devices and shall be placed as approved through the Traffic Management Plan supplied by the Permittee.
15. The permittee will restore that portion of the right-of-way to be opened, occupied, or obstructed under this permit to a condition equal to or better than that prior to disturbance and to the satisfaction of the Town. **Failure to do so will result in the suspension of future Permits until the deficiencies in the work are remedied.**
16. All work involving cutting a public street must be patched with Hot Mix Asphalt on the same day that the cut is performed unless otherwise approved by the Town. Any excavations that are to remain open during the work shall be covered with a steel plate secured at the edges by hot mix asphalt ramps.
17. Excavations made across public ways shall not extend more than half of the length of the paved travel way, nor shall the construction impact the safe and convenient passage of all pedestrians, vehicular traffic and emergency motor vehicles for the duration of the project.
18. The permittee will provide proof of liability insurance to indemnify and save harmless said Town of Tyngsborough from any and all loss, damage and expense which it may sustain by reason of any act of omission or commission suffered or done by the permittee hereunder.
19. The permittee will deliver up this permit to the Town Engineer or his/her duly authorized agent at any time upon demand on or before the expiration of the time fixed in this permit or any extension thereof for completing the work.
20. Before placing any obstruction in the street and before performing any work authorized by this permit, the permittee will execute and deliver to said Town of Tyngsborough a certified bank check or a bond in such amount and in such form and with such surety or sureties written by a surety company licensed to currently do business under the laws of the Commonwealth of Massachusetts as may be required by the Board of Selectmen for the faithful performance and observance of the requirements, terms and conditions of this permit. All work classifying as requiring a Class 1 or Class 2 permit or less than 1,500 square feet of disturbance will require a certified bank check or bond in the amount of \$5000.00. All work

classifying as requiring a Class 3 permit or work greater than 1,500 square feet will require further review of the scope of work by the Town Engineer to assess the bond amount accordingly.

21. All material excavated from trenches or excavations shall be removed from the site of work except if proper approval has been granted by an Engineering Department representative that the material can be used as backfill. At no time shall a trench be backfilled without an Engineering Department representative present.
22. If your application is denied due to a waiver not granted by the Town Engineer from a requirement, you may request in writing to appeal the said decision to the Board of Selectmen. This appeal shall be addressed to the Town Engineer. Contact this office for further instructions.
23. All work shall be inspected after one freeze-thaw cycle. Any defects identified by the Town shall be repaired by the Contractor at their expense. Failure to do so will result in suspension of future Permits until the repairs are made and approved by the Town.

### **Contractor/Excavator Certification**

The undersigned hereby certifies that he/she has read and examined this **application** and that the proposed work is accurately represented in the statements made in this **application**. I understand that no work shall be performed prior to the issuance of an **Approved Permit** and that all work shall be executed in accordance with the terms and conditions of said permit (and all other applicable laws and bylaws in effect on the date of issuance). I understand that deviations from the **approved permit plan** that have not been subsequently approved in writing by the authorizing Agency shall result in immediate revocation of the permit, issuance of fines and require restoration of disturbed area to pre-construction conditions.

SIGNATURE OF CONTRACTOR: \_\_\_\_\_ DATE: \_\_\_\_\_

### **Property Owner Certification**

I, \_\_\_\_\_, as Owner of the subject property hereby authorize \_\_\_\_\_ to act on my behalf, in all matters relative to work authorized by this Street Opening permit application. I understand that the permit application will not be accepted or the permit granted until all applicable fees are paid in full. No work shall be performed prior to the issuance of an Approved Permit.

I further certify that the Town of Tyngsborough will not be responsible for future maintenance, upkeep or repair of the area subject to the approved permit that is within the Town Right-of-Way.

SIGNATURE OF OWNER: \_\_\_\_\_ DATE: \_\_\_\_\_

### **48 HOUR NOTICE REQUIRED**

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