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**TOWN OF MILLIS**  
**RULES AND SPECIFICATIONS**  
**REGULATING**  
**STREET EXCAVATING**

Town Administrator

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Board of Selectmen

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Adopted: The 13th day of April, 1992.

## TABLE OF CONTENTS

<u>Page</u>	<u>Title</u>
1	Definitions
1	Excavation Permit
2	Performance Bond
3	Insurance
4	Start of Work - Inspections
5	Emergency Action
5	Traffic Safety
6	Access to Vital Structures
6	Relocation and Protection of Utilities
7	Notification to Public Utility Companies
7	Dig Safe
7	Protection of Adjoining Property
8	Protective Measures
9	Excavated Material
9	Construction Materials and Equipment
9	Dust and Clean-up
9	Protection of Gutters and Basins
10	Prompt Completion of Work
10	Breaking Through Pavement
11	Backfilling
11	Temporary Pavement Resurfacing
11	Restoration of Permanent Paving
13	Cement Concrete Patch Paving
14	Restoration of Pavement Markings
14	Restoration of Grass Plots/Loam Strips
Attachments:	Permit to Work Within a Public Way
	Typical Street Replacement Detail
	Massachusetts General Laws, Chapter 370, Acts of 1963

**RULES AND SPECIFICATIONS  
REGULATING  
STREET EXCAVATING**

**TOWN ADMINISTRATOR  
TOWN OF MILLIS, MASSACHUSETTS**

In accordance with the regulations of the Board of Selectmen entitled "Street Excavations," adopted 4/13/92 by the Board of Selectmen, upon due notice, may from time to time amend and/or revise rules, regulations and specifications for excavations of digging within the limits of the public ways of the Town of Millis and may rule, regulate or specify particulars with respect to any excavator digging as aforesaid.

Definitions

1. Applicant shall mean any person, firm, partnership, association, society, corporation, company or organization of any kind that is licensed to undertake street excavation in the Town of Millis.
  - a. Town Administrator shall mean Town Administrator of the Town of Millis. He may from time to time delegate certain of these duties to designees who will act in the Town's behalf.
  - b. Street shall mean:
    1. Any Town accepted street (public way);
    2. Any way defined by the Town Clerk as "A Way Used and Maintained as a Public Way" (MGL 41, Section 81L).
  - c. Period of Responsibility - Each applicant is responsible for the satisfactory maintenance of the trench and/or work area for one year from the date of excavation. If the contractor involved does not notify the Engineering Department regarding start of work and inspections as required elsewhere in the Rules, he may be held responsible for the trench for a period exceeding one year.

EXCAVATION PERMIT

2. No person shall make any excavation in any Public Way as defined in Section 1.b.1. above without first obtaining a Street Opening Permit from the Town Administrator's office for each specific excavation except as otherwise may be provided in these regulations.

Street Opening Permits will not be granted for the installation of new or replacement utility mains, conduits or cables within Town Ways without prior approval from the Board of Selectmen. The applicant shall provide evidence to the Town Administrator's office that such approval has been granted by the Board of Selectmen prior to issuance of the Street Opening Permit.

No person shall make any excavation in any other Way defined in Section 1.b.1. above without first obtaining a Street Opening Permit from the Town Administrator's office for each specific excavation except as otherwise may be provided in these Regulations. In addition to obtaining this Permit from the Town Administrator's office, the applicant is responsible for obtaining any and all permission from the private entities involved that own the rights in the Way. Evidence of this permission will be required before a Town of Millis Permit will be issued. This evidence will be attached to and become part of the Permit, if it is approved.

Private Ways are not covered by these Rules and Regulations. All permission to excavate and occupy the Way must be obtained from the private parties involved.

The Permit will be for each specific excavation only. No generic permits will be issued. Work must be performed within the time frame specified and agreed to by the applicant at the time of application. All time requirements specified and required elsewhere in these Rules and Regulations (refer to Section 4. and 5., for example) must be set.

Permits must be kept at the job site during the work and must be shown upon request to any authorized Town personnel.

If a state Street Opening Permit is required due to the location of the proposed work, it must be obtained by the applicant prior to filing of the application for the town permit. Upon application for the town Street Opening Permit, the applicant will be required to file a copy of the approved state Street Opening Permit, which will be attached to and become part of the town permit if it is so approved.

3. At the time of the application, a \$50 minimum charge must be paid by the applicant. This charge is in addition to any charges assessed by any other department, board of agency.

#### PERFORMANCE BOND

4. A satisfactory bond of a surety company authorized to do business in the Commonwealth of Massachusetts in the sum of five thousand dollars (\$5,000.), conditioned substantially that the applicant shall guarantee the faithful and satisfactory performance of the work in all respects, and shall replace or restore that portion of any street, highway, way or road in which said applicant, his employees or agents shall make such excavation.

The Town Administrator, in his sole discretion, may require a bond in an amount greater than that stated above, if, in his consideration, the scope of the work requires a larger amount.

Bonds shall be "open ended" -- that is, they shall list a beginning effective date, but shall not specify a length or term of cov-

erage. Such "open ended" bonds shall generally be considered satisfactory coverage for more than one permit or excavation, provided that the Town is assured coverage for the total One Year of Responsibility.

If a contractor submits a bond that lists a specific term of one year, that bond shall be satisfactory for one permit or excavation only, since due to time delays between jobs, the Town would not be guaranteed coverage for the total One Year of Responsibility.

No Street Opening Permits shall be issued until a proper bond has been submitted and accepted.

The Town will not accept cancellation notices on bonds submitted by an applicant for a permit for which the One Year Period of Responsibility has not expired. Coverage must remain in full force for the total One Year Period. It is the responsibility of the applicant to ensure coverage is maintained.

#### INSURANCE

4. A Policy of Insurance in which the Town of Millis shall be named as an insured, issued by an insurance company authorized to issue such insurance in Massachusetts, including the following for such limits as are herein indicated, shall be issued to the Town prior to issuance of the Street Opening Permit:

#### General Liability

<u>Description</u>	<u>Each Occurrence and Aggregate</u>
Bodily Injury Liability	\$1,000,000
Property Damage Liability	(Included)

#### Automobile Liability

Bodily Injury Liability Each Person	\$1,000,000
Bodily Injury Liability Each Occurrence	(Included)
Property Damage Liability Each Occurrence	(Included)

#### Workers' Compensation

\$100,000 Each Accident  
\$500,000 Certificate Limit  
\$100,000 Bodily Injury, Disease, Each Employee

Property Damage Liability shall include damage to property caused by explosives and blasting, or by vehicles or equipment, or on account of trenches or from any other cause. The Town Administrator may, in his sole discretion, require increased limits of insurance for property damage.

Utility companies that are self-insured must present a certificate or document proving their financial responsibility in at least the minimum limits as are herein described.

The applicant, its subcontractors and agents shall carry, at a minimum, the above insurance limits.

No Street Opening Permit shall be issued until a proper Certificate of Insurance has been submitted for the applicant, its subcontractors and agents.

6. If a contractor carries an excess liability policy ("umbrella policy"), the Town Administrator reserves the right to verify that the policy meets at least the minimum insurance requirements of these Rules and Regulations.

It is the responsibility of the applicant to ensure that his insurance coverage remains in full force for the entire One Year Period of Responsibility. If the policy submitted by an applicant expires before the expiration of the One Year Period, he must present the Town Administrator with a new Certificate of Insurance covering the remainder of the One Year Period.

The instrument must be so written as to allow the Town of Millis to perform work deemed necessary by the Town Administrator to correct any deficiencies and all costs incurred by the Town may be applied against the Performance Bond if they are not recovered after billing to the applicant. Public utility companies, state and federal agencies are exempt from this section. The Town will give the applicant eight (8) hours' notice to make the necessary repairs.

The Town Administrator may at any time cancel or suspend permits (licenses) for cause. Cancellation of insurance endorsement automatically cancels permit.

#### START OF WORK - INSPECTIONS

7. Work shall start as near as possible to the starting date specified in the permit. A twenty-four (24) hour notice to the Department of Public Works prior to start of work is sufficient, except in critical areas. In critical areas, a forty-eight (48) hour notice to the Department of Public Works prior to start of work is required. (See Chapter 370, Acts of 1963, Public Utilities Notification.)

Critical areas are considered to be street intersections, arterial routes and streets within the Town shopping areas. Streets considered arterial routes are:

Main Street, Pleasant Street, Village Street, Dover Road, Norfolk Road, Plain Street, Exchange Street, Middlesex Street, Orchard Street.

8. All trenches, excavations and utility installations for which a Street Opening Permit is required and for which a permit is granted must be inspected by the Town Administrator or his designee before any part of the work is backfilled. It is the responsibility of the applicant to properly notify the Department of Public Works and request the inspection. If the trench is not properly inspected, the Department of Public Works reserves the right to require the applicant to re-excavate all or a portion of the trench.
9. In addition to the requirements of the previous paragraph, the contractor must also call the Department of Public Works by 8:30 a.m. on the day the work is to begin in order to schedule inspections by Department of Public Works personnel. Not properly notifying the Department of Public Works as is herein described may result in the contractor being held responsible for the trench for a period longer than one year. Such a failure may also result in further permits being delayed or denied.
10. If, in the judgement of the Town Administrator, traffic conditions, the safety or inconvenience of the traveling public, or the public interest requires that the excavation work be performed as emergency work, the Town Administrator shall have full power to order a crew of men and adequate facilities be employed by the applicant to the end that such excavation work may be completed as soon as possible.

#### EMERGENCY ACTION

11. Nothing in these rules 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, cable or pipe. For making such excavation, contractors shall apply to the Town Administrator for such a permit on the first working day after such emergency work is commenced.

The person engaged in emergency action shall notify the Department of Public Works and/or Police Department, Dig Safe and the public utility companies at the start of the emergency work.

#### TRAFFIC SAFETY

12. The applicant shall take appropriate measures to ensure that during the performance of the excavation, so far as is practicable, normal traffic conditions be maintained at all times, causing as little inconvenience as possible to the occupants of abutting property and to the general public.

The applicant, where possible, shall maintain safe crossing for two lanes of vehicular traffic at all public intersections, as well as safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across a

public way, it shall be made in sections to ensure safe crossing for both vehicles and pedestrians.

If the way is not wide enough to hold the excavated material for part-time storage and still allow safe passage of traffic, the material shall be immediately removed from the location.

The Chief of Police may permit the closing of streets and walks to all traffic for a period of time prescribed by him if, in his opinion, it becomes necessary. If a street is so closed, it is the applicant's responsibility to notify the Police, Fire and School Departments.

Warning signs shall be placed at sufficient distance from the construction operation to alert all traffic coming from both directions. Cones or other approved devices shall be placed to channel traffic, all in accordance with any requirements of the Chief of Police.

Warning signs, lights and other such precautions as may be necessary for the purpose, unless specified by the Town Administrator, shall conform to the latest requirements and practices of the Massachusetts Department of Public Works. All costs incurred, including those for traffic warning signs, barriers, flagmen, policemen, etc., shall be fully borne by the applicant.

Each applicant must obtain the signature of the Chief of Police or his designated alternate on permit application in the space provided. This signature will indicate that the Chief of Police has reviewed the permit application and has indicated in writing on the application whether or not the location of the proposed excavation requires a policeman be on duty for traffic safety. The applicant must understand that it is the Chief of Police and not the applicant himself who will request the presence of a uniformed officer.

#### ACCESS TO VITAL STRUCTURES

13. 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, catch basins, or any other vital public necessity as designated by the Town Administrator or his designee.

#### RELOCATION AND PROTECTION OF UTILITIES

14. The applicant shall not interfere with any existing utility without the written consent of the Town Administrator and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost of such work borne by the applicant. The applicant shall inform himself as to the existence and location of all underground utilities and protect the same against damage. The applicant shall adequately sup-

port and protect by timbers, sheeting, etc., all pipes, conduits, poles, wires, cables or other appurtenances 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 such work area. In the event any of said pipes, conduits, poles, wires, cables or appurtenances are damaged - and for this purpose, pipe coatings or outer encasements or similar type protective devices are to be considered as part of a substructure - such damage shall be repaired by the agency or persons owning them and the expense of such repairs borne by the applicant. The applicant shall be responsible for any damage done to any public or private property by reason of the breaking of any water, sewer or gas pipes, electric conduits or other such similar type appurtenances.

#### NOTIFICATION TO PUBLIC UTILITY COMPANIES

15. The applicant shall, in accordance with the General Laws of the Commonwealth of Massachusetts currently in effect, give notice to public utility companies before making excavation in a public way.

#### DIG SAFE

16. A valid "Dig Safe" number shall be obtained for each application. No application will be accepted without one.

It will be the applicant's responsibility to comply with all Dig Safe rules, regulations and guidelines.

#### PROTECTION OF ADJOINING PROPERTY

17. The applicant shall, at all times and at his own expense, preserve and protect from injury any adjoining property by providing proper foundations, and by taking such other precautions as may be necessary for the purpose. The applicant shall, at his own expense, shore up and protect buildings, trees, walls, fences or other property likely to be damaged during the process of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his failure to properly protect and carry out such work. The applicant shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas without first obtaining the consent of the Town Administrator or his designee (see Chapter 87, Section 5 - Cutting Trees).

The following policy will be adhered to in the case a tree is destroyed by the applicant or a tree is authorized for removal by the Town Administrator.

"All tree stumps and debris resulting from the work shall be removed from the location."

"A replacement shall be made by the applicant for each tree removed or destroyed with a minimum caliper of 2 1/2 inches or greater - the species and place of relocation to be designated by the Tree Warden - planted in place, and it must be balled and burlapped."

"The applicant shall deliver to the Town Administrator a bona fide order, placed with a recognized established nursery, before installing the authorized trees. The order shall include in it a statement that the size and species required will be in accordance with 'USA Standard for Nursery Stock,' and the planting will be done in accordance with the applicable provisions of Massachusetts Department of Public Works' Standard Specifications."

ALL PROTECTIVE WORK CARRIED OUT, OR DEEMED NECESSARY, AFFECTING BUILDINGS MUST BE APPROVED BY THE BUILDING INSPECTOR.

For roadside planting the following type trees will be acceptable subject to approval by the Tree Warden as to which specific species is best for the location where the tree is to be planted: Norway Maple, Sugar Maple, Crimson King Maple, European Linden or approved equal.

In certain areas of the Town, ornamental trees such as Flowering Crab, European Mountain Ash, Japanese Flowering Cherry, Moraine Ash and Washington Hawthorne are acceptable as replacement trees. These trees are purchased by height and not by caliper and must be balled and burlapped.

They must conform to the following minimum heights: 5'-6' Flowering Crabs and Flowering Cherries; 6'-8' Moraine Ash, European Mountain Ash and Washington Hawthorne. In areas under utility wires, the tree replacement policy will be governed by the latest Boston Edison Company edition of "Trees in Your Community."

#### PROTECTIVE MEASURES

18. It shall be the duty of every person cutting or making any excavation in a street to place and maintain such barriers and warning devices necessary for the "public safety" as may be required by the Town Administrator immediately following said excavation.

Barriers shall meet the requirements of the Town Administrator. Warning lights shall be flares, torches, lanterns, electric markers or flashers and shall be used to indicate the hazard to traffic from sunset of each day to sunrise the next day. Lanterns shall have clear, red or ruby globes. Electric markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. The type of warning lights to be used in any particular location is subject to the approval of the Town Administra-

tor. Flares or lanterns should be used on all single or small excavations within pavement lines.

#### EXCAVATED MATERIAL

19. All material excavated shall be removed from the site, except in such cases as the material is deemed suitable for backfill by the Town Administrator. Any material excavated and deemed unsuitable for backfill shall be both removed and replaced with suitable material at the applicant's expense. It is the sole responsibility of the applicant to remove and dispose of all excess material.

#### CONSTRUCTION MATERIALS AND EQUIPMENT

20. Construction materials and equipment on the site shall be limited in quantity and space occupying area so as to not unduly hinder and block the way.

#### DUST AND CLEAN-UP

21. As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The applicant shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day. All clean-up operations shall be accomplished at the expense of the applicant and shall be carried out to the satisfaction of the Town Administrator or his designee.

#### PROTECTION OF GUTTERS AND BASINS

22. The applicant shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least three feet in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.

The applicant shall make provisions to take care of all surface water, mud, silt, residue or other run-off pumped or removed from excavations and shall be responsible for any damages resulting from his failure to so provide.

Each applicant shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours from 8:00 p.m. to 7:00 a.m., he shall not use, except with the express written permission of the Town Administrator, or in the case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

PROMPT COMPLETION OF WORK

23. After an excavation is commenced, the applicant shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition or as near as may be, so as not to obstruct the way or travel thereon more than is reasonably necessary.

BREAKING THROUGH PAVEMENT

24. a. The use of hydro-hammers or heavy duty pavement breakers for breaking pavement is limited on all streets unless written permission is granted by the Town Administrator for their use after due consideration of the location, the condition of the street and the depth of saw cutting required ahead of the use of the hammers.
- b. Approved cutting of bituminous pavement surface ahead of excavations is required to confine pavement damage to the limits of the trench.
- c. Sections of bituminous or cement concrete sidewalks shall be removed to the nearest score-line or approved saw cut edge.
- d. Unstable pavement shall be removed over cave-outs and over breaks, and the subgrade shall be treated as the main trench.
- e. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.
- f. Cutouts outside of the trench lines must be normal or aligned parallel to the center of the trench.
- g. Generally excavations shall be made in open cut. Tunneling will be allowed by special permission of the Town Administrator. Trenches and excavations shall be braced and sheathed when necessary as required by OSHA specifications.
- h. Before the applicant starts any excavations, he must confer with the gas and telephone companies, Boston Edison Company (Chapter 370, Acts of 1963), Highway Division, Water and Sewer Division to obtain all information from each as to the depth of trench, location of all utilities, and other conditions as to where and how the excavation shall be made. All safeguards such as lanterns, barriers and signs shall be maintained at all times by the applicant (licensed installer) while the work is in progress.
- i. Street surface openings henceforth will be restricted for a period of "at least five (5) years" after a new "permanent surface" is laid, except in cases of extreme emergency. Since modern bituminous concrete surface materials remain in excellent condition for many years beyond the aforesaid range

and since such openings are the greatest single contributor to pavement deterioration, utility companies and contractors will be strictly limited in resorting to this method of excavating Town streets irrespective of surface age.

#### BACKFILLING

25. The trench in the street must be filled the same day it is opened unless the applicant is otherwise directed by the Town Administrator or his designee. The trench shall be backfilled to existing line and grade to accommodate the thickness of asphalt required. Refer to the Typical Street Replacement - Attachment A.

The applicant shall maintain the surface of the trench and shall promptly replace or fill with similar material any depression, dip, pothole or other defect that appears during the period of responsibility.

Trenches shall be backfilled in 12" lifts from the bottom of the excavation. Each lift shall be thoroughly compacted by means of a vibratory or mechanical compactor before the next lift is laid in place. Bituminous concrete, cement concrete, sticks, logs, metal, loam, organic materials, etc. shall not be used as backfill. When, in the opinion of the Town Administrator, the excavated material is not available as backfill, it shall be removed from the site and the trench shall be backfilled with approved bank run gravel.

Puddling of trenches will not be allowed.

#### TEMPORARY PAVEMENT RESURFACING

26. If temporary resurfacing is to be placed due to location of work, time of year, or other applicable reason, the temporary pavement shall be plant mixed hot asphalt as produced in accordance with the Standard Specifications of the Massachusetts Department of Public Works, and is to be a minimum of one and one-half inches thick. Temporary resurfacing that is to be left over the winter months shall be a minimum of three inches thick.

As soon as is consistent with the final permanency of the work, or as required by the Town Administrator, the temporary pavement shall be excavated to the required grade in order to place the permanent bituminous concrete pavement.

#### RESTORATION OF PERMANENT PAVING

27. All permanent paving shall be done in accordance with the specifications of the Town Administrator of the Town of Millis by and at the expense of the applicant.

The applicant shall remove and acceptably dispose of all excavated material before proceeding with the remainder of the work and shall thoroughly compact the surface of the sub-base. Any broken or irregular edges of existing pavements shall be cut away in straight lines as directed leaving a sound vertical face at least twelve inches back from the edge of the existing pavement.

The bituminous concrete base and top shall be laid and rolled in two courses. The binder (base course) shall be two inches in depth and the top course shall be one and one-half inches in depth. The base course of the permanent pavement shall be placed and carefully raked to a minimum surface and thoroughly rolled to the required thickness. Before placing the base course of the permanent pavement, the edge of the original bituminous surfacing shall receive an application of approved asphalt emulsion so that the new pavement material may be properly bonded to the old. The top course of the permanent paving shall be placed to a grade that will match the existing bituminous surface after rolling.

The permanent paving shall not overlap the existing pavement and will not have to be applied with a mechanical spreader unless otherwise directed.

The applicant shall furnish, place, grade and compact bituminous concrete pavement of Class I, Type I-I, as shown and specified in the latest Massachusetts Department of Public Works' Standard Specifications for Highways and Bridges.

Under certain circumstances where trenches are considered extensive, it may be required, upon completion of patching, to overlay the affected area for the full width of roadway and at least 30 feet beyond the affected area with one inch of dense graded bituminous concrete.

Curb to curb overlays 15 feet either side of the trench will be required for pavements which are less than five years old and for other pavements which are void of cracks, potholes, patches, and are in good condition, in the opinion of the Town Administrator. The Town Administrator shall, in all cases, have the sole discretion as to the restoration of the pavement.

If, upon excavation of the trench, it is discovered that the existing pavement's thickness is greater than the replacement thickness herein specified, the Town Administrator reserves the right to require the applicant to match the existing thickness when the trench is repaved.

The Town Administrator may, at his discretion, require a roadway surface be given infrared treatment, if he determines it is warranted by the age or condition of the roadway surface.

All sidewalks dug through shall be carefully patched after back-filling. A bituminous concrete sidewalk shall be squared off and patched with the same material and rolled so as to provide a con-

tinuous smooth surface. Cement concrete sidewalks shall be repaired by making a new concrete block or blocks through which the trench passes. Preformed expansion joints, when deemed necessary, will be installed against buildings, walls, steps, foundations or existing concrete blocks. The new cement concrete square shall be made of Air Entrained Class "A" (3500 lb.) mix or better and be matched in color with the remaining sidewalk as nearly as possible. All concrete must be cured by covering with material in accordance with the best known concrete curing procedures. All walks shall be laid over a minimum of twelve inches of well compacted gravel cement concrete and shall be treated with silicone or linseed oil sealer for salt damage prevention.

The applicant shall be responsible for repairing any damage unto public utilities (water, sewer, gas, electric, telephone, etc.) or to Town trees, shrubs, poles or signs which may be disturbed or damaged while doing the work or account thereof. The applicant shall be responsible for the maintenance of the street opening excavation trench for one year after the date of completing the installation except where such maintenance is made necessary by the act of neglect.

#### CEMENT CONCRETE PATCH PAVING

28. All restoration of cement patch paving areas shall be done at the expense of the applicant and must meet the specifications of the Town Administrator.

In instances when an open cut is permitted, provisions for patching will require, wherever practical, that a six inch reinforced or precast concrete slab be laid over the backfilled trench extending one foot beyond either side of the edge of surface and allowing for a three inch bituminous concrete Type I-I surface, as shown on Attachment I ("Typical Street Replacement Detail Cement Concrete Patch").

When approved, the concrete slab may be cast-in-place, conforming to the Massachusetts Standard Specifications for Class "F" Cement Concrete and, additionally, shall be High-Early Strength. The slab shall have steel reinforcing for tensile strength placed in accordance with good engineering practices. The applicant must place temporary heavy duty steel plating adequate to carry heavy traffic over the trench area until the concrete is sufficiently cured.

Consideration may, under certain limited circumstances, be given to the elimination of the concrete patch, allowing underground utility installations to be made where the applicant agrees to replace foundation and base material in kind, and to satisfactorily maintain a permanent (plant mixed hot asphalt) bituminous concrete Type I-I patch for a period of one year except, at which time, the original permanent patch is replaced with approved material. In this case, a specific bond may be required to insure the continued

maintenance of the permanent (temporary) patch, and the construction of the permanent patch at the end of the One Year Period.

RESTORATION OF PAVEMENT MARKING

30. All permanent paving markings (crosswalks, traffic center lines, etc.) that are obliterated or damaged during construction shall be repainted by or under the direction of the Town Administrator of the Town of Millis at the expense of the applicant.

RESTORATION OF GRASS PLOTS/LOAM STRIPS

31. Upon completion of excavation, all grassed areas and loam strips within the Town way that have been disturbed shall be restored with sod or loam and grass seed.

The One Year Period of Responsibility also applies to these surfaces.

THE FOLLOWING ATTACHMENTS ARE INCORPORATED AND MADE PART OF THESE RULES AND REGULATIONS.

**TOWN OF MILLIS  
PERMIT TO WORK WITHIN A PUBLIC WAY**

Date	Permit Number	Dig Safe Number	
Contractor's Name			
Street Address	Town	Zip Code	Telephone

**FOR EMERGENCY REPAIRS AFTER HOURS**

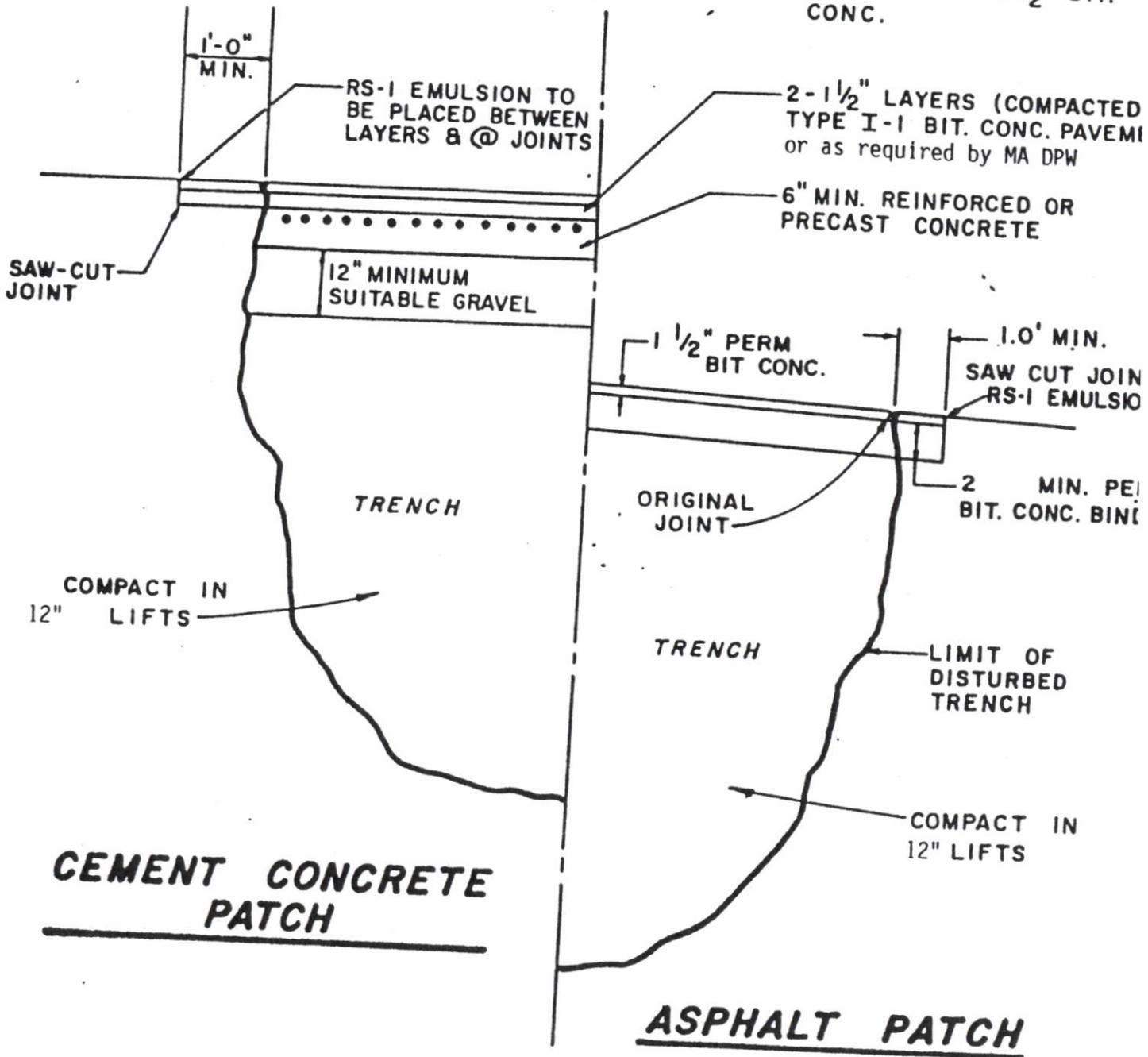
Name	Telephone Number
Location of Work	Nature of Work
Project Start/Finish Dates	Actual Start/Finish Dates
Police Detail Required? <input type="checkbox"/> Yes <input type="checkbox"/> No	Signature of Police Chief
Grant of Location Issued by the Board of Selectmen	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Permit Approved by Town Administrator	Date
Inspected By	Date

The applicant, whose signature appears above, indicates acceptance of the required compliance with the Rules and Specifications Regulating Street Excavating. A twenty-four (24) hour notice to the Department of Public Works before the start of said excavation is required.

PERMIT FEE: Fifty Dollars (\$50) per Street Opening, Payable to the Town of Millis.

# TYPICAL STREET REPLACEMENT DETAIL

NOTE: TEMPORARY PATCH TO BE MINIMUM 1 1/2" BIT. CONC.



NOTE: BACKFILL

BACKFILL WITH SELECTED EXCAVATED MATERIALS WITH NO STONE LARGER THAN 2 INCHES OR GRAVEL BORROW. BITUMINOUS-CONCRETE WILL NOT BE ALLOWED AS BACKFILL.

GENERAL LAWS  
COMMONWEALTH OF MASSACHUSETTS

Chapter 370 - Acts of 1963

An act relative to notices required to be given to public utility companies before excavations are made in public ways.

BE IT ENACTED, ETC., AS FOLLOWS:

Section 1

Chapter 82 of the General Laws is hereby amended by striking out Section 40, added by Chapter 316 of the Acts of 1959, and inserting in place thereof the following section - Section 40:

No person, other than a direct employee of the Commonwealth or any political subdivision thereof or of a Public Utility Company, as defined in Section 3 of Chapter 25, shall, except in an emergency, make an excavation in a public way unless at least forty-eight hours, exclusive of Saturdays, Sundays and legal holidays, before the proposed excavation is to be made, he has given notice in writing of such public utility companies as supply gas, electricity, water or telephone service in the City or Town in which such way is located. Such notice shall set forth the name of the street or route number of the way, and a reasonably accurate description of the location in which the excavation is to be made. Copies of such notice, together with a statement certifying that they have been mailed or delivered to such public utility companies as required by the preceding provisions of this section, shall be filed with the officer or board having charge of any such public way before a permit to excavate may be approved or issued, except in case of an emergency.

Where an excavation is to be made by a contractor as part of the work required by a contract with the Commonwealth or with any political subdivision thereof or other public agency, for the construction, reconstruction, relocation or improvement of a public way or for the installation of a railway track, conduit, sewer or water main, such contractor shall be deemed to have complied with the requirements of this section by giving one such notice setting forth the location and the approximate time required to perform the work involved to each of said companies.

Proper return notice shall be made by said companies designating location, if any, of pipes or conduits in that portion of the public way in which the excavation is to be made. Any such excavation shall be performed in such manner, and such reasonable precaution taken as to avoid damage to the pipes or conduits in use under the surface of said way.

Nothing contained in this section shall be construed to effect or impair local ordinances or bylaws requiring permits to be obtained

before excavating in a public way except that, notwithstanding any contrary provisions of local ordinances or bylaws, no permit to excavate in a public way shall be approved or issued by the officer or board having charge of any such way, except in any emergency, until such time as copies of such notices to public utility companies are filed by the applicant for a permit as required by this section.

Whoever violates any provisions of this section shall be punished by a fine of not more than fifty dollars for the first offense and not less than fifty dollars, nor more than one hundred dollars, for any subsequent offense.

### Section 2

Section 21 of Chapter 81 of the General Laws, as mostly recently amended by Chapter 219 of the Acts of 1954, is hereby further amended by adding at the end the following two sentences:

Except in case of an emergency, no permit for digging up or opening any State highway shall be approved or issued by the Department until copies of the notices to public utility companies required by Section 40 of Chapter 82 have been filed with the Department by the applicant for such permit. Except as provided herein, any person who digs up or makes an opening in a State highway without a permit or violates any other provisions of the Section shall be punished by a fine of not more than fifty dollars nor more than one hundred dollars for any subsequent offense.

### Section 3

Chapter 83 of the General Laws is hereby amended by striking out Section 8, as appearing in the Tercentenary Edition, and inserting in place thereof the following section - Section 8:

No person shall dig up or make an excavation in a public way for the laying, altering or repairing of a drain or sewer without obtaining a written permit from the board or officer having charge of the maintenance and repair of sewers in the Town in which such way is situated. Notwithstanding any contrary provision of any local ordinance or bylaw, no such permit shall, except in case of an emergency, be approved or issued by said board or officer until copies of the notices to public utility companies required by Section 40 of Chapter 82 have been filed with said board or officer by the applicant for such permit. Whoever violates any provision of this section shall be punished by a fine of not more than fifty dollars for the first offense and not less than fifty dollars, nor more than one hundred dollars, for any subsequent offense.

TOWN OF MILLIS

Adopted: The 13<sup>th</sup> day of April, 1992.

TOWN ADMINISTRATOR

Charles Aspinwall  
Charles Aspinwall

MILLIS BOARD OF SELECTMEN

Meriel N. Hardin  
Meriel N. Hardin, Chairman

Douglas C. Priest  
Douglas C. Priest, Vice Chairman

Gregg A. Guinta  
Gregg A. Guinta, Clerk

