

TOWN OF LYNNFIELD
DEPARTMENT OF PUBLIC WORKS



RIGHT OF WAY
PERMIT MANUAL

TOWN OF LYNNFIELD

DEPARTMENT OF PUBLIC WORKS

PERMIT MANUAL INDEX

<u>PAGE</u>	<u>SUBJECT</u>
1	PURPOSE OF PERMITS
1	DEFINITIONS
	EXCAVATION
	PUBLIC PLACE
	SUBSTRUCTURE
2	DEFINITIONS CONTUNUED
	FACILITY
	PERSON
	UTILITY
	RECOVERABLE CHARGES
	NEWLY CONSTRUCTED, RECONSTRUCTED OR REPAVED STREETS
2	APPLICATION FOR PERMIT
3	PLANS AND SPECIFICATIONS
3	REJECTION OF APPLICATION
4	POND REQUIREMENTS
4	INSURANCE REQUIREMENTS
5	PERMIT FEES
6	ISSUANCE OF PERMIT
6	EMERGENCY PERMITS
7	PERMIT DISPLAY
7	REVOKING PERMITS
7	EXTENSION OF TIME
7	INDEMNIFICATION
8	RESPONSIBILITY FOR BOUNDARY LINES
8	CLEARANCE FOR VITAL STRUCTURAL
8	PROTECTIVE MEASURES & TRAFFIC CONTROL
9	DRAINAGE SYSTEMS TO BE KEPT OPENED
9	RELOCATION AND PROTECTION OF UTILITIES
10	PROTECTION OF ADJOINING PROPERTY
11	PROTECTION OF ADJOINING PROPERTY CONTINUED
12	CARE OF EXCAVATION MATERIAL
12	BREAKING THROUGH PAVEMENT
13	BACKFILLING OF EXCAVATIONS
13	REPAIR OF ROADWAY EXCAVATIONS
14	TRENCH REPAIR
15	DRIVEWAY OPENING
16	PROMPT COMPLETION OF WORK
16	NOISE, DUST, DEBRIS
16	PRESERVATION OF MONUMENTS
16	BITUMINOUS CURB
17	RESTORATION OF PAVEMENT MARKINGS
17	EXCAVATION DURING WINTER
17	INSPECTIONS
17	EXCAVATION OF A RESURFACED STREET
18	PENALTY
18	EXCAVATIONS IN GRASS AREAS
18	LOCATIONS OF POLES AND GUYS
19	BACKFILLING

TOWN OF LYNNFIELD
DEPARTMENT OF PUBLIC WORKS

REGULATIONS GOVERNING THE ISSUANCE OF PERMITS

I. PURPOSE OF PERMITS

Town Highways have been established and are maintained primarily for the purpose of movement of vehicles and pedestrians. It is also desirable to allow individuals and utility companies to utilize highway rights of way for purposes other than transportation. However, to prevent recurring, dangerous and annoying interruptions to traffic and pedestrians and to avoid interference with future road construction and to provide a uniform standard of construction and construction methods, it is necessary that strict control be maintained and standard procedure be followed for excavations, construction and maintenance of Town Highways.

II. DEFINITIONS

EXCAVATION

“Excavation” shall mean any opening in the surface of a public place made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

PUBLIC PLACE

“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 and dedicated to public use.

TOWN

“Town” shall mean the Town of Lynnfield and/or its Director of Public Works.

SUBSTRUCTURE

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

FACILITY

“Facility” shall mean any pipe, pipeline, tub, main, service, trap, vent, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable,

junction box, or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

PERSON

“Person” shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

UTILITY

“Utility” shall mean a private company, corporation, or quasimunicipal corporation under the direction and control of the Public Utilities Commissioner.

RECOVERABLE CHARGES

“Recoverable Charges” shall mean all cost directly or indirectly incurred by the Town.

NEWLY CONSTRUCTED, RECONSTRUCTED OR REPAVED STREETS

“Newly Constructed, reconstructed or repaved streets” shall mean any street, which has been newly constructed, reconstructed or repaved within the past five years.

III. APPLICATION FOR PERMIT

An application for permit must be filed with the Town of Lynnfield before preliminary investigation will be made for permit issue. Standard application forms for this permit may be secured from the Town Public Works Department. Each application form shall be completely filled in, signed and mailed or delivered to the Towns Public Works Department. An explanation of the application sketches shall be made either in the space provided on the application form or a separate sheet, in duplicate, which the applicant shall attach to the application. Such diagrams or sketches shall show the location of the work to be done in relation to the outstanding features of the road, such as property lines, intersections, pavement lines, sidewalks, trees, drainage structures and utility poles, by number, and the character and extent of work.

The applicant will be required to disclose the methods and materials proposed to be used on unusual or complex projects. In the event the Permittee discovers that additional work or repairs not designated in the original permit must be done in the same location, the Permittee must make application to the Town of Lynnfield for a permit to authorize the additional work in the same manner as the first permit.

The application shall contain an agreement of the applicant to guarantee for 2 years the work to be performed thereunder and to pay “recoverable charges” as defined hereunder should the applicant fail to properly perform its obligation under this Bylaw on these rules and regulations.

IV. PLANS AND SPECIFICATIONS

When applications are made for permits involving work of major scope, complete plans and specifications must be submitted in duplicate with the application form. They should be so detailed so that the exact location of the various parts of the work, the risk or injury to road users and the probability of damage to trees, highway structures and private property can be ascertained.

V. REJECTION OF APPLICATION

When it appears that the work called for in an application would cause substantial or needless damage to a highway, or create excessive disturbances to traffic, or exceptionally dangerous conditions not commensurate with the benefits to the applicant, the request for permit will be denied. The applicant will be informed of such rejection and the reason for the rejection. The Director of Public Works, or his designee, may refuse to issue a permit to any person, company or utility when, in his opinion, work performed under a permit theretofore issued to the applicant has not been properly executed, or when said applicant has failed to reimburse the Town for recoverable charges billed under terms governing the previous permit.

VI. BOND REQUIREMENTS

Prior to the issuance of a permit, the Applicant shall deposit, with the Town, a Surety Bond in an amount and form as shall be determined by the Director of Public Works. The amount of Surety Bond shall be established separately for each permit so that the Town will be protected against loss in the event of the failure of the permit holder to complete the work or make required repairs or restoration of damages involving the work or encroachment authorized by the permit.

The amount of bond shall be computed on the basis of cost required to make proper restoration or repairs. Immediately upon approval of an application for permit, the Director of Public Works shall advise the Applicant as to the amount of bond required. An annual blanket Surety Bond, acceptable to the Director of Public Works, may be deposited to avoid the inconvenience and expenses of obtaining individual bonds for each permit requested.

The bond shall be released to the permit holder upon the expiration of the guarantee period. The guarantee period shall be for a period of two years following the placement of the permanent patch. During the guarantee period, the

Permittee shall be responsible for the restoration, repair and maintenance of his work.

VII. INSURANCE REQUIREMENTS

An Applicant for a permit top work within Town highways or lands shall furnish to the Town, prior to the issuance of the permit, certificates of minimum insurance including automobile, property damage liability, bodily injury liability and workmen’s compensation, insurance in the amounts determined by the Director of Public Works. Insurance coverage shall be reviewed and updated periodically. These certificates shall contain a provision that the insurance company will notify the certificate holder, by registered mail, at least 15 days in advance of any cancellation or material change.

Workmen’s Compensation	Statutory	
	<u>Bodily Injury</u>	<u>Property Damage</u>
Comprehensive Automobile	\$100,000	\$50,000
	each person	each occurrence
Liability	\$300,000	\$50,000
	Each occurrence	
Comprehensive General Liability including blanket Contractual Liability and Completed Operations Coverage	\$300,000	\$50,000
	each occurrence	each occurrence

Should blasting be required, the limits, including automobile, will be as follows:

Workmen’s Compensation	Statutory	
	<u>Bodily Injury</u>	<u>Property Damage</u>
Comprehensive Automobile	\$500,000	\$500,000
	each person	each occurrence
	\$1,000,000	
	each occurrence	
Comprehensive General Liability including blanket Contractual Liability and Completed Operations Coverage	\$1,000,000	\$500,000
	each occurrence	each occurrence

Should blasting be required, all of the necessary permits for the use of explosives shall be obtained from the Fire Chief.

VIII. PERMIT FEES

There will be a \$50.00 permit fee for each accepted permit. At the time of application, in addition to the permit fee, a \$25.00 minimum inspection charge must be paid to cover the cost of street opening and backfilling inspection service that will be carried out by the Town. Utility companies may pay inspection charges herein defined on an annual basis.

The minimum \$25.00 application charge will cover all excavation up to and including fifty (50) lineal feet of actual excavation (measurement shall be made and determined

VIII. PERMIT FEES (continued)

by the final measured length of the trench or street excavation pavement patch as measured to the nearest two (2) feet. The applicant shall also pay for each additional one hundred (100) lineal feet, a fee of \$15.00 or \$1.50 per ten (10) lineal feet. This charge for excavation, after the initial fifty (50) feet, will be as follows: \$0.15 (15 cents) per lineal foot.

The applicant must pay the estimated fee at the time of his application (except as herein noted). Upon the completion of the final trench, excavation resurfacing, the Town will measure the actual length to the nearest two (2) feet to determine the final inspection fee. If the permittee has excavated less than he originally intended, then the Town will rebate the over estimated charges and if the permittee has excavated more than he originally intended, then he will pay to the Town the additional charges.

NOTE: (A) Utility companies ONLY may be billed upon the completion of the excavation.

(B) ALL payments are to be made to the Town of Lynnfield, Department of Public Works.

IX. ISSUANCE OF PERMIT

A permit shall be issued:

- a. after proper completion of all aspects of the application for permit.
- b. upon receipt of a Surety Bond and insurance in the correct amounts.
- c. Payment of fees as required by the Bylaw.

A permit form must be signed by the Director of Public Works, or his designee, before it becomes valid. Approved permits will be issued by the Selectmen's office within two (2) full working days after application for permit has been approved by the Selectmen. The Permittee is forbidden to commence work until the above mentioned items have been complied with and the Permittee has notified the Department of Public Works office at least twenty-four (24) hours in advance of the exact date and hour he proposes to begin work.

X. EMERGENCY PERMITS

When permission has been granted orally by the Town to perform emergency work, such as repair of broken gas or water mains, the person or company concerned must file a written application for a permit on the first working day following oral approval in a manner prescribed for non-emergency work. Thereupon, a written permit will be sent in confirmation of the oral permission as a permanent record of the transaction. Persons performing emergency work must have a Certificate of Insurance on file with the Town prior to performing any work within highway limits.

XI. PERMIT DISPLAY

A copy of the permit shall be available at the job site at all times for inspection by local police, public works personnel and other interested persons. To be valid, the permit must show the effective and expiration dates and must be signed by the Director of Public Works or his designee. This regulation will also apply to public utilities and their sub-contractors.

XII. REVOKING PERMITS

In the event of Permittees failure to strictly comply with these regulations and the Bylaws of the Town, any permit issued by the Town of Lynnfield is revocable effective immediately upon making written notification of the violation to the Permittee by ordinary mail, postage prepaid, addressed to the address of the Permittee shown on the application for permit.

XIII. EXTENSION OF TIME

All required work shall be completed in a manner satisfactory to the Town on or before the assigned date shown on the permit except in cases where permanent repairs, such as loaming and seeding, must be made at a future date. Otherwise, the permit holder shall request the Town to allow him an extension of time. Extension of time may be granted upon written request by the Permittee stating the reason(s) for the request. If extension is not requested or granted, a fine will be assessed by the Board of Selectmen of \$50.00 per day for each day.

XIV. INDEMNIFICATION

The applicant must agree as a condition governing the issuance of a permit that he will hold harmless the Town of Lynnfield, the Director and his agents and employees from any and all claims and actions whatsoever arising from the exercises of said permit.

XV. RESPONSIBLE FOR BOUNDARY LINES

Permit applicants shall retain their own land surveyors to establish the line or otherwise inform themselves of the demarcation between public lands and private holdings.

XVI. CLEARANCE FOR VITAL STRUCTURES

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.

XVII. PROTECTIVE MEASURES & TRAFFIC CONTROL

SAFETY TO TRAFFIC

It shall be the duty of the Permittee to make certain that the security of the traveling public is safeguard and its rights are not unreasonably curtailed. Unless specifically indicated in the permit or authorized by the Inspector, the traveled path shall not be obstructed. The portion of the Public Way which are torn up or which are used for storing materials, or are otherwise unsafe for public travel, shall be adequately protected at all times to avoid the possibility of accidents. Such areas shall be marked at night by flares, lanterns, lights, flasher beacons or other warning devices approved by the Director. When portions of the traveled way are made dangerous for the movement of vehicles or pedestrians, a sufficient number of uniformed police officers, flagmen or traffic men shall be employed by the Permittee to direct the traffic safely through the areas. The work shall, if possible, be planned to avoid such conditions.

DETOURS

When, in the opinion of the Director of Public Works, a Town highway may be obstructed by the permit applicant's proposed operations to such an extent as to unduly restrict vehicular traffic or make hazardous its use, a parallel Town road bypass may be designated by the Police Chief. All expenses incurred by the Permittee and by the Town as a result of this bypass establishment, use and restriction of said detour, shall be the entire responsibility of the Permittee. The Permittee shall notify the Police and Fire Departments of the layout and expected time of the use of the detour. The Permittee shall supply and maintain such signs at his expense as may be reasonably necessary to clearly outline the detour.

Preliminary to detouring of traffic over a road bypass, an inspection shall be made by the Permittee and a representative of the Town, the Director of Public Works or the Police Chief to determine the adequacy of the signs and the structural condition of the road involved. A second inspection shall be made by the same persons when the detour is terminated so that there will be an agreement as to the extent of repairs, if any, to be

made by the Permittee to restore the conditions equal to those existing prior to the establishment of the detour.

XVIII. DRAINAGE SYSTEMS TO BE KEPT OPEN

The work performed under permit shall be planned and carried out so that drainage systems of the highway are effective at all times. Any drainage arising from the failure of the Permittee to properly keep culverts, ditches, inlets, catch basins or any other drainage device from becoming obstructed, must be borne by him and the bond shall be held by the Town until such damages are paid.

XIX. RELOCATION AND PROTECTION OF UTILITIES

The Permittee shall not interfere with any existing facility without the written consent of the Town and/or 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 be borne entirely 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 the use of timbers, all piles, conduits, poles, wires or other apparatus which may in any way be necessary to support, sustain and protect them under, over, along or across said excavation work. The Permittee shall secure approval of the method of support and protection from the owner of the facility. In case any said 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 structure, 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 paragraph that the Permittee shall assume all liability for damage to facilities and injury to persons. The only exception will be such instances where damage is exclusively due to the negligence of the owning company. The Town shall not be made a party to any action because of this paragraph. The Permittee shall inform himself as to the existence and location of all underground facilities and protect the same against damages.

XX. PROTECTION OF ADJOINING PROPERTY

The Permittee shall at all times, and at his own expense, preserve and protect from injury and adjoining property by providing proper foundations and lateral support, and by taking such other precautions as may be necessary for the purpose. The Permittee shall, at his own expense, shore up and protect buildings*, trees, walls, fences or other property likely to damage during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. The Permittee shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas, without first

obtaining the consent of the Director of Public Works or his designee. (see Massachusetts General Laws, Chapter 87, Section 5 – Cutting Trees).

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

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

A replacement shall be made by the permittee for each tree removed or destroyed with a minimum caliper of 1-½ inches or greater; the species and place of relocation to be designated by the Tree Warden. It must be planted in place and it must be balled and bur lapped.

The permittee shall deliver to the Director of Public Works, a bonafide 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 **XX. PROTECTION OF ADJOINING PROPERTY(continued)** with “USA” Standard for Nursery Stock and that planting will be done in accordance with the applicable provisions of “Massachusetts Department of Public Works Standard Specifications”.

For roadside planting, the following type trees will be acceptable, subject to approval by the Director of Public Works 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 bur lapped.

They must conform to the following minimum heights: 5’ to 6’, Flowering Crabs and Flowering Cherries; and 6’ to 8’, Moraine Ash, European Mountain Ash and Washington Hawthorne.

Note* - all protective work carried out or deemed necessary for buildings must be approved by the Building Inspector.

XXI. CARE OF EXCAVATION MATERIAL

All material excavated from trenches, and files adjacent to the trench of, in any street, shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or users of the street, and so that as little inconvenience as possible is caused to those using the street adjoining properties. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, two boards or bins may be required by the Town to prevent the spreading of dirt into traffic lanes. 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 to a storage site and then rehaul it to the trench site at the time of backfilling.

It shall be the Permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

XXII. BREAKING THROUGH PAVEMENT

BREAKING THROUGH PAVEMENT ON PUBLIC WAY

- (a) all excavation on paved street surfaces shall be precut in a neat straight line with a pavement breaker or saw.
- (b) Heavy duty pavement breakers may be prohibited by the Town when the use endangers existing substructures or other property.

XXII. BREAKING THROUGH PAVEMENT

BREAKING THROUGH PAVEMENT ON PUBLIC WAY(continued)

- (c) Cutouts of the trench lines must be normal or parallel to the trench line.
- (d) Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.
- (e) Unstable pavement shall be removed over cave-ins and over breaks, and the subgrade shall be treated as the main trench.
- (f) The Permittee shall not be required to pay for repair of pavement damage existing prior to the excavation unless his 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.
- (g) When three (3) or more openings are made in sequence, fifteen (15) feet or less, center to center between each adjacent opening, the Permittee shall neatly cut and remove the area of pavement between these adjacent openings and shall patch it all as one trench.

BREAKING THROUGH PAVEMENT IN SIDEWALKS

All provisions of the above section shall apply to sidewalk excavation.

XXIII. BACKFILLING OF EXCAVATIONS

Fine dry material (free from lumps, stones, larger than three (3) inches in any diameter, and any frozen material selected from the spoil), shall be thoroughly compacted around and under the substructure to the upper level of the substructure. Backfill material shall be placed in lifts of eight (8) to ten (10) inches and thoroughly compacted by approved mechanical compactors. Within twenty-four (24) inches of the sub grade of the pavement, backfill shall be good, clean back run gravel compacted in lifts of eight (8) to ten (10) inches. The Town may require soil tests to be furnished by a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics, when in its opinion, backfill for any excavation is not being adequately compacted. In order for the resurfacing to be permitted, such tests must show that the backfill materials meet the minimum requirements as prescribed by the Town. All expense for such tests shall be borne entirely by the Permittee.

XXIV. REPAIR OF ROADWAY EXCAVATIONS

TEMPORARY REPAIRS

As soon as the excavation has been backfilled and tamped, the pavement shall be replaced temporarily by the Permittee. The temporary pavement shall consist of 4" of hot laid bituminous concrete Type I, when available at local batch plants, and placed in accordance with the Department of Public Works specifications. During the winter months when hot bituminous plant mix is not available, the temporary pavement shall consist of at least 4" of cold patch, bag patch or infrared hot mix.

No traffic is to pass over an area in which an excavation has been made until the temporary pavement has been placed.

In the event of non-acceptable maintenance of temporary repairs, the Permittee will be notified of such situations. Upon notification, the Permittee will make required improvements within twenty-four (24) hours. Failure to do so will result in Town making such improvements and charging the cost of the same as "recoverable charges" to Permittee. In emergency situations, the Town will make immediate repairs and the Permittee will be billed directly.

All temporary paving material shall conform closely to the level of the adjoining paved surface and shall be completed so that it is hard enough and smooth enough to be safe for pedestrian travel over it, as well as for vehicular traffic to pass safely over it at a legal rate of speed. The Permittee shall maintain the temporary paving for a period of ninety (90) days after backfilling is completed or as directed by the Department to conform with the schedule on Appendix A, and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving.

PERMANENT REPAIRS

Upon completion of the backfilling and temporary resurfacing of an excavation, the Permittee will be required to permanently resurface that portion of the street damaged by his excavation. The permanent resurfacing shall be done in a manner and specification prescribed by the Town, and subject to inspection by the Town and shall be completed within a period of one hundred twenty (120) days from the date of the temporary patch or as directed by the Department to conform with the schedule on Appendix A.

XXV. TRENCH REPAIR

The maximum length of open trench permissible, at any time, shall be two hundred (200) feet and no greater length shall be opened for pavement removal, excavation, construction, backfilling, patching or any other operation without the written permission of the Town.

XXVI. DRIVEWAY OPENING

The approval of a permit application for driveway construction shall be contingent on the following conditions:

- (a) that the driveway opening approved shall be used strictly to provide access to adjoining property and not for the purpose of parking or servicing vehicles within the Town right-of-way.
- (b) The driveway shall be constructed in accordance with standard details for driveway openings and standard specifications on file in the office of the Public Works and such changes as may be necessary to fit a particular condition.
- (c) Existing driveway openings fronting the property and which will not be in use, shall be reconstructed to a normal sidewalk and curb across section where such sidewalk and curb exists.
- (d) No more than one combination entrance and exit shall be allowed for any property the frontage of which is less than sixty (60) feet. Parcels having a frontage from one hundred fifty (150) feet to two hundred (200) feet, will be permitted two (2) entrances if a minimum of forty (40) feet is used as a channelizing island. Driveways leading to commercial establishments shall also have the approval of the Planning Board.
- (e) The driveway within the limits of the Town right-of-way shall slope towards the gutter as noted in Town standards.
- (f) Drainage ditches or gutters shall not be altered or impeded in any way. Where a driveway shall cross an open ditch, the Applicant shall provide suitable drainage structures as determined by the Director of Public Works.

- (g) When existing sidewalk or curbing has to be removed to construct a driveway, such sidewalk or curbing shall be removed for its full depth and to formed joints. The breaking and removal of parts of sidewalk slabs or parts of curbing will not be permitted. All curb cuts will be angled 45°±.
- (h) Under unusual circumstances, as directed by the Director of Public Works, the above regulations may be varied.

XXVII.PROMPT COMPLETION OF WORK

After an excavation has commenced, the Permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street as specified herein. The Permittee shall perform such restoration so as not to obstruct, impede or create a safety hazard to either pedestrian or vehicular traffic.

XXVII.NOISE, DUST DEBRIS

Each permittee 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 the neighboring property. The Permittee shall take appropriate measures to reduce, to the fullest extent practicable, noise, dust and unsightly debris between the hours of 7:00 p.m. and 7:00 a.m. He shall not use, except with the express written permission of the Town, or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of the neighboring property.

XXIX.PRESERVATION OF MUNUMENTS

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 without first obtaining permission, in writing, from the Town to do so. Insofar as the Town has the right 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 incidental to the proper replacement of the monument by the Town.

XXX. BITUMINOUS CURB

Any person or utility damaging bituminous concrete curbing during the course of excavation, or for any other reason, shall be charged for the repair or replacement of the bituminous concrete curbing.

XXXI. RESTORATION OF PAVEMENT MARKINGS

All permanent pavement markings (crosswalks, traffic center lines, etc.), that are obliterated or damaged during construction, shall be repainted or replaced by or under the direction of the Department of Public Works of the Town of Lynnfield, at the expense of the Permittee.

XXXII. EXCAVATION DURING WINTER

No person or utility shall be granted a permit to excavate or open any street or sidewalk from November 15th of each year to April 1st of the next year unless an emergency or special condition exists and permission is obtained in writing, from the Town. Any person or utility wishing to obtain an excavation permit between the aforementioned dates, shall first explain fully, in writing, the nature of the emergency situation to the Town before permission is granted. If a hazardous condition, which would endanger life and/or property exists, excavation work shall not be delayed by this section of the manual. However, a written explanation shall be delivered to the Town as soon as possible and an excavation permit obtained for the opening made.

XXXIII. INSPECTIONS

The Town shall make such inspections as are reasonable necessary in the enforcement of these regulations. The Town shall have the authority to promulgate and cause to be enforced such rules and regulation as may be reasonably necessary.

XXXIV. EXCAVATION ON A RESURFACED STREET

Whenever the Town has developed plans to reconstruct a street, the Town, or its representative, will give notice to the Town departments and to all public utilities which have, or may wish to lay pipes, wires or other facilities in or under the highway. Upon receipt of such notice, such person or utility shall have sixty (60) days in which to install or lay any such facility. If an extension of time is needed by a person or utility for the installation of such facilities, the person or such utility shall make a written application to the Town explaining fully the reasons for requesting such an extension of time. At the expiration of the time fixed and after such street has been reconstructed, no permit shall be granted to open such street for a period of five (5) years, unless in the judgment of the Director of Public Works an emergency condition exists or the necessity for making such installation could not reasonably have been foreseen at the time such notice was given. If a permit is granted, the Town may impose extraordinary conditions on the Permittee to preserve the structural condition of the pavement and to blend the permanent patch with the existing pavement.

XXXV. PENALTY

Any person, firm or corporation who violates any of the regulations of this manual, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than \$250.00 and not more than \$500.00. Each day such violation continues shall constitute a separate offense.

If the work, or any part thereof, mentioned in the preceding sections shall be unskillfully or improperly done, the Town shall cause the same to be skillfully and properly done and shall keep an account of the expense thereof; and, in such cases, such person or utility shall pay the Town an amount equal to the whole of said expense incurred by said Town with an additional amount of 50% to cover indirect costs. The total cost is referred to herein as “recoverable charges”. Thereafter, upon completion of the work and the determination of the costs thereof the Town shall issue no further permits to any person or utility until it shall receive payment of said costs.

Any person or utility who continues to violate any regulation of this manual shall receive no further permits until such time as the Town is satisfied that the person or utility shall comply with the terms of this manual.

XXXVI.EXCAVATION IN GRASS AREAS

Excavations in grass areas shall be backfilled and compacted in accordance with the Town Public Improvement Specifications.

XXXVII.LOCATION OF POLES AND GUYS

Whenever existing poles, lines, guys, braces or anchors are to be relocated or new poles, guys, braces or anchors set, the proposed location shall be designated by stakes placed at the site. The location of all poles, guys, braces or anchors shall be approved by the Town.

XXXVIII.BACKFILLING

Backfilling of excavations and repairs to existing improvements shall be in accordance to Town Public Improvements Specifications.

APPENDIX A

SCHEDULE OF PERMANENT PATCHING

<u>PERMIT ISSUED FROM</u>	<u>PERMANENTLY PATCHED BY</u>
April 1 – April 30	August 1
May 1 – May 31	September 1
June 1 – June 30	October 1
July 1 – July 31	November 1
August 1 – August 31	November 15
September 1 – September 30	November 15
October 1 – October 15	November 15
October 15 – December 30	May 15 of the following year

December 30 – April 1

May 15

APPENDIX B

TOWN OF LYNNFIELD

Specifications for Repairing Utility Patches and Trenches in Town Streets and Sidewalks.

GENERAL

The Permittee will be required to furnish all materials and will be responsible for the job to be done in a workmanlike manner. Before any work will be acceptable to the Town, all improvements must be placed in as good condition as, or better than, before the work was started, as determined by the Director of Public Works, or his representative.

SPECIFICATIONS FOR PATCHING BITUMINOUS CONCRETE ROADWAYS

BACKFILL: The material shall be a good quality as determined by the Inspector. The base shall consist of good, clean bank gravel equal in depth to the gravel excavated but not less than 18 inches (see drawing 1). All material shall be laid in 8 to 10 inch layers and thoroughly compacted by mechanical compactors.

TEMPORARY PATCH: The top surface of backfill shall be covered with four (4) inches of bituminous concrete Type I (Drawing I) immediately following completion of the backfill. The Permittee shall be required to maintain this patch for at least ninety (90) days or until the permanent patch is placed. The patch should be such that all vehicular and pedestrian traffic are able to pass over safely at a legal rate of speed.

PERMANENT PATCH: After the contractor has placed a temporary patch, he shall allow 90 days for settlement or as directed by the Director of Public Works before placing a permanent patch. The permanent patch shall be extended one foot on all sides of the temporary patch.