

**Town of Mashpee
Board of Selectmen**

Policy No: 10

Specifications for Regulating Excavation/Construction within Public Ways

Section I. General Requirements

1. Preface

- a. Any public utility company, private contractor, builder or any person(s) who intends to break any street, berm, curb or sidewalk surface, construct a driveway, or excavate any shoulder within the limits of a Town way in the Town of Mashpee for any reason must first obtain a permit from the Mashpee Department of Public Works.
- b. This permit will be applied for at least forty-eight (48) hours before any form of excavation is started and within seventy-two (72) hours following the start of an emergency repair.
- c. A permit will be granted if the proposed work is in the best interest of the Town and its inhabitants. A driveway permit will be issued with a building permit given by the Building Inspector. This permit must be approved by the Director of Public Works. The granting of permits is conditioned by the applicants' willingness to abide by these regulations.
- d. Application forms for an excavation permit are available from the Building Inspector or the Department of Public Works. Completed forms must be returned to the Department of Public Works.
- e. Plans or sketches showing the proposed work require the approval of the Director of Public Works. This requirement is only for new work, and not for repairs to existing facilities.
- f. A curb cut permit for a project that generates more than 30 vehicle trips per day may require additional technical review beyond that which the Director of Public Works normally provides. The technical consultant will review the application and propose potential mitigating measures. The fee for the Consultant will be directly billed to the applicant and shall be considered part of the permit fee. The consulting fee shall not exceed \$5,000.00. This section is exclusive of a single-family residence.

2. Public Safety

- a. The permittee, from the time the work has started and until the completed work has been approved by the Director of Public Works, will be responsible for the safety of the public.
- b. All highways will be passable at all times, unless special permission has been granted by the Police Department and the Fire Department.
- c. When required by the nature of the work, lights and barricades will be erected at the expense of the permittee.
- d. If the Police Chief deems it necessary for public safety, the permittee will pay the expense of a police officer.
- e. Massachusetts General Law, Chapter 82, §40 requires that contractors/builders notify public utility companies in writing at least forty-eight (48) hours before any excavation in a public way.

Section II. Guidelines

1. General

- a. All excavations and other work within the limits of a Town way will be conducted in a manner which will not damage or disturb such features as stone walls, trees, fences, guardrails, etc.
- b. If the work requires disturbing a road bound or a property bound, the bound will be reset in its original location to the new grade of the shoulder or driveway, and its new location certified in writing by a registered land surveyor.
- c. The Tree Warden must be notified if the proposed work requires the removal of a tree, any part of which is within the public way.
- d. The cutting of road surfaces less than three (3) years old will not be permitted unless authorized by the Director of Public Works.
- e. Hay bales shall be placed and staked along all disturbed areas adjacent to a road and around any catch basin along the property frontage. These hay bales shall remain in place until the area has been stabilized with grass or other material.

2. Materials

All materials used for construction within a public way will be subject to approval by the Director of Public Works.

3. Driveway Entrances

- a. Driveway entrances onto Town ways shall be constructed according to the condition of the area and will be approved by the Director of Public Works.
- b. Driveways shall not be allowed to enter directly onto an intersection rounding. Furthermore, driveways shall be located a minimum of 200 feet from an intersection or the maximum distance possible if the property contains less than 200 feet of frontage.
- c. Driveway entrances will be located on the lot so as to permit maximum sight distance and safety.
- d. Driveway shall be located a minimum of 100 feet from other driveways or the maximum distance possible if the property contains less than 100 feet of frontage.
- e. One driveway entrance shall be permitted per property unless a second entrance can comply with the other conditions of this section.
- f. Prior to the start of any work on the lot, a 15-foot apron shall be provided along the width of the driveway entrance. Said apron shall be constructed to a depth of 8 inches using a densely blended hardener and shall be maintained until the final paved apron is provided. All access to the lot shall be over this apron, unless a separate temporary construction access is provided. Such a temporary construction access, if permitted, shall be provided in the same manner as stated above and shall be removed upon completion of construction.
- g. The driveway will be constructed so as to prevent surface water and material from running onto a public way.
- h. The driveway entrance crossing the Town layout will have a positive pitch to the street and will have a maximum of two (2) inches of bituminous concrete applied by the permittee.
- i. All driveway entrances shall be completed within one year of the issuance of the permit unless further extended by the Department of Public Works. Requests for extensions must be submitted in writing to the Department of Public Works a minimum of two weeks prior to the expiration of the permit.

4. **Trenches** (In streets, sidewalks, berms, curbs or driveway aprons only)

- a. All trenches opened within a Town road layout (specifically, in a street, sidewalk, berm, curb or driveway apron) will be opened wide enough to allow a mechanical tamper to compact material in layers no greater than eight (8) inches. Each layer will be compacted to a density equal to that of adjacent original material so that pavement can be replaced immediately. All cross trenches will be opened so that they can be properly filled and compacted before sunset with a temporary patch of asphalt applied.
- b. For trench cuts in sidewalks, berms, curbs or driveway aprons, the applicant may use the excavated material as backfill if it is declared suitable by the Director of Public Works or his designee. Backfill will be placed in successive layers of not more than eight (8) inches of compacted depth. If, in the opinion of the Director of Public Works, the excavated material is unsuitable, the applicant shall properly dispose of the rejected material at no cost to the Town. In its place, the applicant will bring in suitable fill material consisting of approved material as directed. After thorough tamping of the remaining material in the trench, the eight (8) inch layers of backfill will be thoroughly compacted by tamping with mechanical tampers. The final six (6) inches of backfill, in all cases, will be $\frac{3}{4}$ inch processed stone thoroughly tamped. The applicant shall then patch the trench and/or replace the curb or berm using the same material as that removed. The thickness of the patch, curb or berm shall be equal to the original.
- c. For trench cuts on arterial and primary collector roads, the applicant shall use controlled density fill (CDF) as backfill. A patch shall be provided over the trench using Class I bituminous concrete with a thickness equal to that of the original pavement. The top course shall have a thickness of $1\frac{1}{2}$ inches. No course shall be thicker than $2\frac{1}{2}$ inches. Keyed joints shall be cut for the base course of the patch. Infra-red treatment shall be provided on the top course joints.

Arterial and collector roads include: Route 151; Route 130; Great Neck Road South; Great Neck Road North; Great Oak Road; Red Brook Road; Quinaquissett Avenue; Cotuit Road; Hooppole Road; and Old Barnstable Road.

- d. For trench cuts on all other Town ways, the applicant shall use CDF or gravel as backfill, compacted as stated in (b) above. The final six (6) inches of backfill shall be $\frac{3}{4}$ inch densely blended stone. The applicant shall patch the trench using Class I bituminous concrete with a thickness equal to that of the original pavement. No course of pavement shall be thicker than $2\frac{1}{2}$ inches. Keyed joints shall be cut for the base course of the patch. Infra-red treatment shall be provided on the top course if the road surface is less than eight (8) years old or still under a betterment. Sealed joints shall be provided for other cuts.
- e. No trench shall be left opened overnight unless covered with a steel plate.

- f. If a temporary patch is required over a trench, the trench shall be first backfilled as outlined above. A minimum 1½-inch temporary patch course of bituminous concrete shall then be placed over the trench. This temporary patch shall be maintained until the permanent patch is provided. In no case shall a temporary patch be left in place more than four (4) months.
- g. All trench work shall be completed within two (2) months of the issuance of the permit, unless weather conditions prevent final paving. In these instances, all work shall be completed within six (6) months of the permit's issuance and a temporary patch shall be applied as outlined in (f) above and maintained until the final paving can be completed.
- h. The permittee shall be responsible for settleage for a one (1) year period from the date of final inspection.

5. Shoulders

- a. All road shoulders will be carefully returned to their original condition.
- b. Lawns will be rebuilt with a minimum of four (4) inches of loam fertilized, rolled and seeded.

6. Sidewalks

Sidewalks will conform to Section II.4, sub-paragraphs a,b,c, and of these specifications. The entire width of the sidewalk will be resurfaced.

Section III. Performance Bonds

General

- a. All excavation permits issued shall require a certified check in an amount recommended by the Director of Public Works, to be posted with the Town Treasurer as a guarantee to fulfill this agreement. Driveway entrance work will not require a performance bond.
- b. Street cuts over twenty-six (26) feet in length or significantly longer in scope than usual shall be bonded by a larger amount determined by the Superintendent of streets. The minimum bond shall be \$150.00. Utility companies or contractors having a continuous bond on file with the Town of Mashpee will not be required to obtain a separate bond. Any company having a continuous bond on file will so indicate on their permit application.

- c. When permanent patching, regrading and seeding and all work required by permit has been completed and approved by the Director of Public Works, the Town will refund to the applicant the amount of the bond posted.
- d. The Director of Public Works, in his/her judgment, may extend any time limit in these specifications if weather or other unforeseen conditions have hindered the proper completion of the work.

Section IV. Violations

General

- a. If the permitted work has not been completed prior to the expiration date specified on the permit, the Director of Public Works will notify the permittee that he has one week to complete the work. If the work is not completed within the time, the permittee will be notified his permit has expired. The Town of Mashpee will then complete the necessary work in any manner they deem appropriate and the costs of completing the work will be charged to the permittee. If he has posted a certified check, these costs will be deducted from the amount of this check. If the permittee has posted a bond, the bonding company will be notified of the non-completion of the work and the costs owed to the Town of Mashpee.
- b. If the permittee allows construction to exist that is in any way dangerous to the users of the street, sidewalk, shoulder, berm, curb or driveway apron, then the Director of Public Works will make arrangements to rectify the unsatisfactory condition and the cost will be charged to the permittee as outlined in paragraph a. above.
- c. Failure to obtain a permit prior to the start of any construction within a public way or failure to comply with any of the provisions contained herein shall be subject to a fine of not more than two hundred (\$200.00) dollars per day.

Section V. Fee Schedules

The Board of Selectmen voted to adopt the following fee schedules effective May 1, 1992.

Department of Public Works Curb Cut Permits

Residential Permits \$40.00 – each additional inspection being assessed an additional \$40.00.

Commercial Permits \$80.00 – each additional inspection being assessed an additional \$40.00.

*Adopted by the
Mashpee Board of Selectmen
December 11, 1989
Amended April 21, 1992
Amended February 8, 1993
Amended on August 18, 2003*