

Street Opening & Occupancy Regulations

Pursuant to and by authority of Article IV, sections 1 and 2, of the By-Laws of the town of Weston, as amended, the Board of Selectmen hereby adopts the following Rules and Regulations with regard to excavation and use of public ways. The Select Board hereby revises the Street Opening & Occupancy Regulations of the Department of Public Works by changing Section V (New Pavement/Guaranteed Streets) and Section VI (Permit Fees) on June 14, 2021.

These regulations are in six sections as follows:

Section I - Definitions

Section II – Permit requirements

Section III- Excavation Regulations

Section IV – Specifications for Restoration of Permanent Pavement

Section V - New Pavement/Guaranteed Streets

Section VI - Permit Fees

SECTION I – DEFINITIONS

1. “Person shall mean any person, firm, partnership, association, corporation, company, agency or organization of any kind.
2. “Director” shall mean Director of Operations of the Department of the Public Works of the Town of Weston, or his designee.
3. “Excavation” shall mean the cutting into existing paved or unpaved surface by any means whatsoever.
4. “Obstruct” shall mean to restrict in part or block the access of a public way.
5. “Public Way” shall mean a way established by the Town or by other authority on behalf of the Town of Weston as such.
6. “Public Right of Way” shall mean the entire width of the easement acquired by the Town of Weston for use as a public way.
7. “Street” shall mean the entire paved width of a public way intended for vehicular use.
8. “Sidewalk” shall mean the entire paved portion of a public way intended for pedestrian use.
9. “Grass Berm” shall mean the unpaved area (normally grassed) between the curb or the lateral lines of a street and the sidewalk.
10. “Shoulder” shall mean the unpaved area (gravel or grassed) between the curb or lateral line of the way and the adjacent side line of the public way easement.

SECTION II – PERMIT REQUIREMENTS

Permit Required

No person shall make any excavation in any public way without first obtaining a permit to do so from the Department of Public Works, except as otherwise provided in these regulations.

No person shall obstruct or occupy any portion of a public way for the purpose of excavation or work within the limits of the way without first obtaining a permit to do so from the Department of Public Works, except as otherwise provided in these regulations.

Permits must be kept at the job site during the progress of the work or exaction and be shown to any authorized Town personnel.

Permits for use of a public way for a parade, group bicycle race, walks by organized groups, or gatherings of persons shall be issued by the Town Manager or in his absence by the Assistant Town Manager.

Insurance Required

Before a street opening/occupancy permit is issued, the applicant shall file with the Department of Public Works an acceptable insurance certificate, containing the following:

1. Insurance under which the Town of Weston shall be named insured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts.
2. Statutory and Public Liability insurance in the sum of not less than \$500,000/\$1,000,000 for bodily injury and Property Damage insurance in not less than \$1,000,000.

Other Requirements

Before a street opening permit for excavation or work in a public way is issued the applicant shall furnish to the Town of Weston the following:

1. A bond in the amount of \$10,000, issued by a surety company qualified to do business in the Commonwealth of Massachusetts, conditioned on compliance with all the terms of the permit.
2. Scaled drawings, plans or a tape location map of the property and area proposed work.
3. A **DIG SAFE NUMBER**. The applicant shall obtain this number and a start date from the “DIG SAFE” organization established by utility companies for underground plant damage protection.

NO PERMIT FOR EXCAVATION WILL BE ISSUED WITHOUT A DIG SAFE #

Exemption from the requirements for filing evidence of insurance required by a permit will be granted only to public utility companies which have bonds and insurance in place on a continuing basis.

SECTION III – EXCAVATION REGULATIONS

- a) Start of Work - A seventy two hour notice to the Department of Public Works prior to starting work is required.
- b) Emergency Work – Nothing in these regulations shall be construed to prevent the making of such excavation as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs provided that the person making such repairs shall apply to the Department of Public Works for a Street Opening permit on the first business day after such work has commenced.
- c) Routing of Traffic – The permittee shall take the appropriate measures to assure that normal traffic conditions be maintained at all times so far that it may be practical. He shall engage a police detail officer, at his cost to maintain traffic control and public safety during the progress of the excavation. However, the use of policemen does not eliminate the need for warning signs, barricades and traffic control devices.
- d) Work Zone Safety – Warning lights, signs and other such precautions shall conform to the requirements set forth in Section VI – Traffic Controls for Street and Highway Construction and Maintenance Operations of the “Manual on Uniform Traffic Control Devices”.
- e) Protection of Utilities – The permit holder shall inform himself as to the existence and location of all underground utilities and protect the same against damage. In the event that any pipes, conduits, structures or apparatus be damaged, such damage shall be repaired by the agency or person owning them and the expense of such repairs shall be borne by the permit holder.
- f) Protection of Adjoining Property – The permit holder shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper support, and by taking such other precautions as may be necessary for the purpose. He shall, at his expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his work. He shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas without first obtaining the consent of the Director and the Tree Warden.
- g) Protective Measures – It shall be the duty of every person cutting or making an excavation in a street to place and maintain off required signs and traffic devices. All signs and devices shall be in accordance with the Massachusetts Manual on Uniform Traffic Control Devices. The number and location of all signs and devices shall be as deemed necessary by the Director for the safe and efficient performance of the work and the safety of the traveling public.
- h) Excavated Material – All material excavated from the trenches or excavations shall be removed from the site of the work except in such cases where the material is suitable for and permission has been granted by the Director to use it for the backfill.
- i) Construction Material – Construction Materials on the site shall be limited in quantity and space occupying area so as to not unduly hinder and block the use of the way.
- j) Dust and Clean-up – As the excavation work progresses; all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The permit holder 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 permittee and shall be carried out to the satisfaction of the Director.
- k) Protection of Gutters and Basins – The permit holder shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable. The permit holder shall make provision to dispose, in accordance with approved engineering and environmental practice, of all surplus water, muck, silt, slickings, or other run-off pumped or removed from excavations and shall be responsible for any damage resulting from his failure to so provide.

l) Prompt Completion or Work – After an excavation is commenced, the permit holder shall prosecute with diligence and expedition all excavation work covered by the 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 of travel on the way more than is reasonably necessary to execute the required work.

m) Breaking Through Pavement – The use of air/hydraulic pavement breaker for the initial cutting/breaking of pavement is approved. The Director after due consideration of the location, the condition of the depth of the pavement may order that the limit edges of the proposed cutting of pavement shall be made with a cutting saw or cutting wheel. A cutting saw or cutting wheel shall be used in cross trenches or lateral excavation trenches greater than 50 feet in length. Approved cutting of bituminous pavement surface ahead of excavations is required to confine pavement damage to the limits of the trench. Sections of sidewalks shall be removed to the nearest scoreline or approved saw cut edge.

Unstable pavement shall be removed over cave cuts and over breaks and the subgrade shall be treated as the main trench. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench. Cut-outs outside the trench lines must be perpendicular or parallel to the trench line. Excavations shall be made in open cut and no tunneling will be allowed except by special permission of the Director. Trenches and excavations shall be braced and sheathed when necessary.

n) Back-filling – Excavated material shall not be used for back-fill unless it consists of clean sand and gravel. Broken pavement, large stones, clay, roots and other debris shall not be used in back-fill. Back-fill material shall consist of sand, bank-run gravel may be used from the bottom of the trench to a point twelve inches below the surface of the pavement. Only gravel borrow is to be used in the top twelve inches of the excavation, maximum size of a stone shall be 2 inches in largest dimension – State Spec. M1.03.0, type C. Back-fill material shall be placed in maximum twelve inch lifts and each lift compacted with a vibratory plate or steel compactor. Material may be moistened when required to secure maximum compaction of the backfill and to reduce settlement.

o) Temporary Patch – A temporary of Hot Mix Asphalt must be placed on the surface of the fill and thoroughly compacted. Temporary paving shall closely follow backfilling operation. Temporary pavement shall be Class I Bituminous Concrete Type I-1, conforming to section 460 of the Massachusetts Standard Specifications for Highway and Bridges. The trench must be suitably backfilled and compacted to the bottom of the existing asphalt base course or a minimum of 4” below the finish pavement, followed by the placement of (the greater of) a minimum 4” or matching thickness bituminous concrete binder course, spread and mechanically compacted in two lifts with a steel wheeled roller of sufficient mass to provide final smoothing of the wear course. The temporary pavement shall be maintained in a satisfactory condition until the permanent pavement is placed.

p) Restoration of Permanent Paving – All permanent paving shall be done under the direction of the Department of Public Works of the Town of Weston at the expense of the permit holder and shall be performed no earlier than one hundred twenty days after the completion of the temporary patch unless otherwise directed by the Department of Public Works.

SECTION IV- SPECIFICATIONS FOR RESTORATION OF PERMANENT PAVEMENT

a) Longitudinal trenches less than 200 feet in length and transverse trenches. At the discretion of the Director of Public Works, the permit holder shall remove by milling, a depth of 1 ½” of the temporary HMA patch and the existing asphalt within a minimum of 12” outside the original limits of the trench, followed by the placement of a coated glass fabric & emulsion interlay over the area of the pavement cut, including 24” outside the limits of the pavement cut, followed by a top course of Type I-1 Bituminous Concrete, spread (any trench greater than 3 feet in width must be mechanically spread) and compacted with a steel wheeled roller of sufficient mass to produce a final smoothing of the wear course.

b) Coated Glass Fabric and Cationic Emulsified Asphalt shall conform to sections M3.06.1 and M3.03.1, respectively, of the Massachusetts Standard Specifications for Highways and Bridges. The surface shall be coated with emulsion

followed by application of coated glass fabric, followed by a second coating of asphalt emulsion. Fabric shall be laid free of folds or wrinkles and shall be lapped 6” at joints.

c) Longitudinal trenches greater than 200 feet in length. At the discretion of the Director of Public Works, the permit holder shall:

a. Remove by milling 2” depth of the temporary HMA patch and the existing asphalt within a minimum of 12” outside the original limits of the trench, followed by the placement of Rubberized asphalt, Stress Absorbing Membrane Interlay over the entire milled area, conforming to Section 466 of the Massachusetts Standard Specifications for Highway and Bridges. Followed by the placement of a top course of Type I-1 bituminous concrete spread (any trench greater than 3 feet in width must be mechanically spread) and compacted with a steel wheeled roller of sufficient mass to produce final smoothing of the wear course.

Or;

b. Remove by milling, a depth of 1 ½” of the temporary patch and the existing asphalt within a minimum of 12” outside the original limits of the trench, followed by the application of an asphalt coated-synthetic reinforcing fabric interlay*, followed by the placement of a top course of Type I-1 bituminous concrete spread (any trench greater than 3 feet in width must be mechanically spread) and compacted with a steel wheeled roller of sufficient mass to produce final smoothing of a wear course.

***In accordance with attached specifications**

Restoration Guaranty – Any person excavating in a public way must guarantee the permanent restoration work for a period of two years from the date of the acceptance of the permanent restoration by the director. The permit holder may be required to completely re-excavate, refill, repave or repair by infra-red any permanent restoration that fails within the two-year guarantee period.

If, at any time it is discovered that the permanent restoration was not made in accordance with TOWN specifications, the permit holder shall be responsible for making a proper restoration.

SECTION V – NEW PAVEMENT/GAURANTEED STREETS

- a) When a newly paved road is cut into or otherwise excavated, the structural integrity of the road base is compromised, further degradation of the surface is likely to occur, and merely repairing or patching the limited area excavated, without milling and overlaying over a broader length of pavement, is often inferior and insufficient to restore a stretch of new pavement to its prior condition. Accordingly, the Town discourages, restricts, and conditions the excavation of new pavement as provided in this Section V.
- b) For purposes of this regulation, “new pavement” shall refer to any newly constructed, reconstructed, or asphalt overlaid pavement, and the numbered calendar year in which new pavement is deemed completed shall be that in which final repaving is completed, regardless of whether any portion of the repaving work was completed in a prior calendar year and regardless of what month in the numbered calendar year the final repaving occurred. The Director’s records and determination of the numbered calendar year in which any final repaving occurred shall be presumed correct.
- c) No new pavement shall be cut into or otherwise excavated prior to the third numbered calendar year after that in which such new pavement is completed, except in case of emergency. As an example, for new pavement completed anytime in 2021, such new pavement shall not be cut into or otherwise excavated at any time prior to 2024, except in case of emergency.

- d) For purposes of this Section V, emergencies are intended to include only true emergencies (generally meaning existing or impending public health or safety or similar emergencies), in which no person seeking or otherwise benefitting from the excavation of the new pavement was responsible for creating the emergency, knowingly or unknowingly. Where such an emergency exists, the additional fee provided below for excavating new pavement shall be waived. The determination of such emergencies shall be made by the Director or the Select Board.
- e) Where a public health or safety or similarly compelling emergency may warrant the excavation of new pavement, but a person seeking or benefitting from such excavation was responsible for creating the emergency, permission for such excavation may be granted and the additional fee otherwise provided below for excavating new pavement may be waived or reduced (or imposed in full), all as determined by the Select Board, in consultation with the Director.
- f) Any excavation of new pavement prior to the sixth numbered calendar year after that in which such new pavement was or is completed shall only be permitted subject to payment to the Town of the additional fee for excavating new pavement provided in Section VI below, unless otherwise waived or reduced as provided in this Section V. As an example, for new pavement completed anytime in 2021, such additional fee shall apply to any excavation prior to 2027, except as otherwise provided.
- g) In lieu of paying the additional fee for excavating new pavement, a permittee may be allowed or required to restore the paved area by milling, and asphalt overlaying the entire frontage of the property where the excavation occurs, from curb to curb and in a manner and scope as determined by the Director, where the permittee requests such or where the Director, in consultation with the Select Board, deems it necessary or advisable for the Town's best interests.

SECTION VI – PERMIT FEES

- a) For all street opening or excavation permits, prior to 2026, there shall be an application fee of \$150 for up to 150 square feet, plus an additional \$100 for each additional 150 square feet. Beginning in 2026, those amounts shall increase to \$200 and \$150, respectively.
- b) Beginning in 2021, for any excavation of new pavement prior to the sixth numbered calendar year after that in which such new pavement was or is completed, an additional fee shall be paid to the Town, unless otherwise waived or reduced as provided in Section V above, according to the following schedule:

Calendar Year of Final Repaving (e.g., 2021):	\$ 15,000*
First Calendar Year after Final Repaving (e.g., 2022):	\$ 15,000*
Second Calendar Year after Final Repaving (e.g., 2023):	\$ 15,000*
Third Calendar Year after Final Repaving (e.g., 2024):	\$ 15,000
Fourth Calendar Year after Final Repaving (e.g., 2025):	\$ 10,000
Fifth Calendar Year after Final Repaving (e.g., 2026):	\$ 5,000

*For the calendar year of repaving and the two following calendar years, there is a moratorium and roadway cutting will generally not be permitted, except in case of emergency, as provided in Section V above.

- c) Beginning in calendar year 2026, unless the fee schedule above is otherwise reviewed and revised by the Select Board, the \$15,000, \$10,000, and \$5,000 amounts above shall increase to \$18,000, \$12,000, and \$6,000, respectively, on account of anticipated inflation. These amounts should then be reviewed and possibly revised by the Select Board no later than 2030, ahead of the 2031 construction season.

PAVEMENT REINFORCING FABRIC

Scope of Work:

This work shall consist of applying a synthetic reinforcing fabric over the existing pavement surface in designated areas.

Materials:

- (a) The bituminous material for tack coating shall be AC-20 paving grade asphalt cement.
- (b) The reinforcing fabric shall be needle punched, non-woven polypropylene or polyester fabric having the following properties:

<u>Polypropylene</u>	<u>Typical</u>	<u>Minimum</u>
Weight, ounces per square yard	6.5	6.0
Tensile Strength, pounds (1)	157.0	140.0
Elongation-at-break % (1)	65.0	60.0
Mullen Burst Strength, psi (2)	375.0	320.0
Asphalt Retention, gallons per square yard (3)	-----	0.35
Width, inches	150	
Length per roll, yards	100	

<u>Polyester</u>	<u>Typical</u>	<u>Minimum</u>
Weight, ounces per square yard	6.0	6.0
Tensile Strength, pounds (1)	100	100
Elongation % Ave. Warp & Fill (1)	110	110
Mullen Burst Strength, pounds (4)	174	174
Asphalt Retention, gallons per square yard (5)	-----	0.35
Width, inches	150	150
Length per roll, yards	100	100
(1) ASTM D-1682-64		
(2) ASTM D-751		
(3) Phillips Fiber procedure		
(4) ASTM D-3786		
(5) Foss Manufacturing Procedure		
(6) American Engineering Procedure		

SCENIC ROADS IN WESTON

1. ASH STREET (north of reservoir bridge)
2. BOSTON POST ROAD
3. BROWN STREET
4. CHESTNUT STREET
5. CHURCH STREET
6. CONANT ROAD
7. CONCORD ROAD
8. CRESCENT STREET
9. FISKE LANE
10. GLEN ROAD
11. HIGHLAND STREET
12. HILL TOP ROAD
13. KINGSBURY LANE
14. LEXINGTON STREET
15. LINCOLN STREET
16. LORING ROAD
17. LOVE LANE
18. MAPLE ROAD
19. MERRIAM STREET
20. NEWTON STREET
21. NORTH AVENUE
22. OAK STREET
23. PIGEON HILL ROAD
24. PINE STREET
25. RIDGEWAY ROAD
26. RIPLEY ROAD
27. SCHOOL STREET
28. SILVER HILL ROAD
29. SOUTH AVENUE
30. SUDBURY ROAD
31. SUMMER STREET (including By-Pass)
32. VILES STREET
33. WARE STREET
34. WEBSTER ROAD
35. WELLESLEY STREET
36. WINTER STREET

NOTICE TO RESIDENT

DATE: _____

DEAR RESIDENT:

On _____, _____
(date) (permit holder)

plans to _____
(description of work)

in the Town of Weston.

Please contact _____
(contact name)

at _____, if you have any questions
(contact telephone number)

regarding this notice.

Cross Trench (Undermine)

Maximum Allowable Trench Width

Cover over Gas Main→	Less Than 2 feet	2 to 4 feet	4 feet & Greater
Nominal Pipe Diameter			
4 inches or less	Replace Section	3 feet	4 feet
6 inches	Replace Section	4 feet	6 feet
8 inches	Replace Section	5.5 feet	8 feet

The trench width shall be determined by the distance along the centerline of the exposed pipe

Parallel Trench (1:1)

All of the following conditions MUST be met to constitute an encroachment:

- 1) Cast iron pipe only
- 2) 8" or less in nominal diameter.
- 3) The cast iron pipe is adjacent to a parallel excavation more than 8' long.

Shallow Trench: If the above conditions are met, the cast iron pipe must be replaced if:

- 1) The pipe is exposed and undermined, OR
- 2) At least one half of the pipe diameter lies within the angle of influence AND the bottom of the excavation is below the water table, OR
- 3) At least one half of the pipe lies within the angle of influence AND the excavation is in soft clay.

Deep Trench: If the above conditions are met the cast iron must be replaced if:

- 1) The pipe lies within the angle of influence and the pipe is exposed and undermined, OR
- 2) The pipe lies within the angle of influence and any part of the pipe is within three feet of the excavation and sheeting that may have been used is not left in place OR
- 3) We determine that there is excessive ground movement or inadequate pipe support or other causes of strain that exceed 0.05% (500 microstrain) on the cast iron pipe.

High Pressure CI: If the above conditions are met, then the cast iron must be replaced if:

- 1) The pipe is exposed and undermined for greater than 8', OR
- 2) At least one-half of the pipe diameter lies within the angle of influence and sheeting that may have been used is not left in place.

Sample Drawing

