



CITY OF NEWBURYPORT

DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950

ANTHONY J. FURNARI, DIRECTOR
WAYNE S. AMARAL, DEPUTY DIRECTOR

PHONE: 978-465-4464
FAX: 978-465-1623

Licensed Contractor Right of Way / Utility /Trench Permit Information

Any excavation in a sidewalk, street, grass strip or right of way, including easements requires ROW/ Utility / Trench permit. This includes but is not limited to water, sewer, gas, electric, paving, communications including cable and telephone. Construction of driveways, sidewalks, grass strips, driveways over the sidewalk, planting of trees also require a permit.

All work done in the City of Newburyport in the Right of Way (ROW) requires a Contractor licensed by the City of Newburyport Department of Public Services (DPS).

An annual fee of \$500 (non-refundable), \$5000 or \$10000 Bond (see Application), Insurance Certificate and references is required. This annual license allows you to work in the city for one year January 1 to December 31. No references are required for renewals unless requested by the DPS.

A ROW / Utility / Trench permit is required IN ADDITION to being licensed by the City of Newburyport

Any occupancy of the ROW, sidewalk, or street requires a permit by a licensed contractor. The \$500 fee is not required for ROW occupancy only. Any other work will require a \$500 annual fee and 3 municipal references

Permits are issued at the DPS Facility at 16A Perry Way in Newburyport.

<u>Licensed Contractor Annual Fee</u>	\$500
<u>Street Opening/Trench Permit</u>	\$100 excavation fee plus \$2.00/sq/ft.
<u>Sidewalk Permit</u>	\$100
<u>Curb Cut</u>	\$100 application review; owner performs work; DPS reviews work after completion
<u>ROW Occupancy</u>	\$50 per week
<u>Special events (trash handling, staging)</u>	\$45/hr/employee DPS determines the number of EEs needed

Fees for Water and Sewer vary depending on type of work

No Excavations are allowed between November 15th and April 1st.



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Application to become a
Licensed Contractor

Submit completed application to DPS at 16A Perry Way, Newburyport, MA

Name of Company: _____

Name of Owner: _____

Contact Person: _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone #: _____ Cell #: _____ Fax #: _____

Insurance Certificate #: _____ Policy Expiration Date: _____

Name and Contact Information of Insurer: _____

Bond # _____ Bond Expiration Date: _____

Type of Work Qualified for: (check all that apply)

- Water Service/Main Sewer Service/Main Drain Laying
Roadway (incl. curb cuts) Sidewalk Street Occupancy
Gas Electric Communications

Submit the Following with this completed Application:

- Certificate of Insurance incl. Worker's Compensation Insurance Affidavit (per M.G.L. .c152)
\$5000 Bond ORIGINAL ONLY (\$10,000 Bond for laying Wire or Conduit)
\$500 Check non-refundable payable to City of Newburyport (not required for ROW Occupancy)
Minimum 3 Municipal References within the last 5 years (Renewals do not require references)



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PERMIT APPLICATION FOR RIGHT OF WAY/UTILITY/TRENCH/ELECTRICAL ACCESS

BRING THIS COMPLETED APPLICATION TO DPS AT 16A PERRY WAY TO OBTAIN PERMIT

Project Street: _____ **Project Name (if different):** _____

Today's Date: _____ Length of Trench/Curb cut: _____ Dig Safe #: _____

Name of Applicant: _____ **Phone #:** _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Name of Excavator: _____ **Phone #:** _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone #: _____ MA Hoisting License #: _____ License Grade: _____ Exp. Date: _____

Name of Property Owner: _____ **Phone #:** _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Insurance Certificate #: _____ **Exp. Date:** _____ **Name of Insurer:** _____

Name of Competent Person (as defined by 520 CMR 7.02): _____

Description, location, and purpose of proposed work: *Please describe the location of the proposed work and its purpose. If applicable provide a description of what is intended to be laid (e.g. pipes/cable lines, etc.)*

Type of Permit: (check all that apply) Approved permits are valid for 30 days from approval date.

- Sidewalk ROW Opening / Fee \$100
- Street ROW Opening/Fee \$100 plus \$2.00/sq/ft
- ROW Occupancy (dumpster, staging)/Fee \$50 per wk.
- Sidewalk Partnership Replacement Program / No Fee
- Electricity Access Permit / Fee \$25 per day/\$300 per mo.
- Sewer Service (new, repair, replace) Fee varies
- Water Service (new, repair, replace) Fee varies
- Curb Cut/Fee \$100 per application-DPS reviews
- Special Events(trash/staging) \$45 per hr/employee

Additional Information: (if checked, must be approved/initialed by DPS)

- Road Detour / Road Closure
- Storage of Materials on Private Way
- Disrupting Resident Right of Way (must attain abutter list)

Water Dept. Signature & Date: _____

Highway Dept. Signature & Date
(Final Approval/Denial)

Sewer Dept. Signature & Date: _____

Special Comments/Conditions:

By signing this form, the applicant, owner, and excavator all acknowledge and certify that they are familiar with, or, before commencement of the work, will become familiar with, all laws and regulations applicable to work proposed, including OSHA regulations, G.L. C. 82a, 520 CMR 7.00 et seq., and any applicable municipal ordinances, by-laws and regulations and they covenant and agree that all work done under the permit issued for such work will comply therewith in all respects and with the conditions set forth below.

The undersigned owner authorizes the applicant to apply for the permit and the excavator to undertake such work on the property of the owner, and also, for the duration of construction, authorizes persons duly appointed by the municipality to enter upon the property to monitor and inspect the work for conformity with the conditions attached hereto and the laws and regulations governing such work.

The undersigned applicant, owner and excavator agree jointly and severally to reimburse the municipality for any and all costs and expenses incurred by the municipality in connection with this permit and the work conducted hereunder, including but not limited to enforcing the requirements of state law and conditions of this permit, inspections made to assure compliance therewith, and measures taken by the municipality to protect the public where the applicant owner or excavator has failed to comply therewith including police details and other remedial measures deemed necessary by the municipality.

The undersigned applicant, owner and excavator agree jointly and severally to defend, indemnify, and hold harmless the municipality and all of its agents and employees from any and all liability, causes or action, costs, and expenses resulting from or arising out of any injury, death, loss, or damage to any person or property during the work conducted under this permit. Conditions and Requirements Pursuant To G.L.C.82a And 520 CMR 7.00 Et Seq. (As Amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in section 76D of chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application, complied with the requirements of sections 40-40D of chapter 82A.
- vi. This permit shall be posted in plain view on the site of the trench.

For additional information please visit the Department of Public Safety's website at www.mass.gov/dps

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to www.mass.gov/dps. Pursuant to M.G.L. c. 82, § 1, the Department of Public Safety, jointly with the Division of Occupational Safety, drafted regulations relative to trench safety. The regulation is codified in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

In addition to the permitting requirements mandated by statute, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, that excavators shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

Summary of 1926 CFR Subpart P -OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard. For further information or a full copy of the standard go to www.osha.gov.

- **Trench Definition per the OSHA standard:**
 - An excavation made below the surface of the ground, narrow in relation to its length.
 - In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet.
- **Protective Systems** to prevent soil wall collapse are always required in trenches deeper than 5', and are also required in trenches less than 5' deep when the competent person determines that a hazard exists. Protection options include:
 - Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer's tabulated data, or designed by a registered professional engineer.
 - Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer's tabulated data, or a registered professional engineer.
 - Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.
 - A registered professional engineer must design protective systems for all excavations greater than 20' in depth.
- **Ladders** must be used in trenches deeper than 4'.
 - Ladders must be inside the trench with workers at all times, and located within 25' of unobstructed lateral travel for every worker in the trench.
 - Ladders must extend 3' above the top of the trench so workers can safely get onto and off of the ladder.
- **Inspections** of every trench worksite are required:
 - Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.
 - Inspections must be conducted by the competent person (see below).
- **Competent Person(s) is:**
 - Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and
 - Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.

- **Underground Utilities** must be:
 - Identified prior to opening the excavation (e.g., contact Digsafe).
 - Located by safe and acceptable means while excavating.
 - Protected, supported, or removed once exposed.
- **Spoils** must be kept back a minimum of 2' from the edge of the trench.
- **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.
- **Stability of Adjacent Structures:**
 - Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
 - Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.
- **Protection from water accumulation hazards:**
 - It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
 - If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.
- **Additional Requirements:**
 - For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
 - Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
 - Employees must wear high-visibility clothing in traffic work zones.
 - Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O₂ <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
 - Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
 - Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.

APPLICANT SIGNATURE

_____ **DATE:** _____

EXCAVATOR SIGNATURE (IF DIFFERENT)

_____ **DATE:** _____

OWNER'S SIGNATURE (IF DIFFERENT)

_____ **DATE:** _____

_____ **DATE:** _____

DEPUTY DIRECTORS SIGNATURE



CITY OF NEWBURYPORT
FOR NEW SEWER CONNECTIONS ONLY

DEPARTMENT OF PUBLIC SERVICES

Sewer Division Infiltration and Inflow (I/I) Reduction Program

ANTHONY J. FURNARI DIRECTOR

Name: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Amount of Discharge: _____(gpd)

Amount of low to be Removed: _____(gpd)

It is understood that the company and/or person named above has agreed to participate in the City of Newburyport's 3 for 1 I/I Reduction Program. It will be determined by the Superintendent of the Sewer Department how much and from where the flow reduction will be done. This work will be taken from a list of problem areas in the City.

The amount of discharge flow will be determined by the DEP/DWPC established criteria (314 CMR 7.15)

Signature of Applicant

Date

Signature of Authorized Sewer Representative

Date

TEL: 978-465-4463

TEL: 978-465-4464

FAX: 978-465-1623

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WWW.CITYOFNEWBURYPORT.COM



CITY OF NEWBURYPORT

FOR NEW SEWER CONNECTIONS ONLY

**Infiltration and Inflow (I/I) Reduction Program
Fee in Place of Work Agreement**

DEPARTMENT
OF
PUBLIC SERVICES

ANTHONY J. FURNARI
DIRECTOR

WAYNE S. ARMARAL
DEPUTY DIRECTOR /
DIRECTOR OF OPERATIONS

16A PERRY WAY
NEWBURYPORT, MA 01950

TEL: 978-465-4463
TEL: 978-465-4464
FAX: 978-465-1623

WWW.CITYOFNEWBURYPORT.COM

By Signing in the space provided below, the company and/or person named below has agreed to participate in the City of Newburyport's 3 for 1 I/I Reduction Program. In place of performing the work necessary to comply with the program, the undersigned has voluntarily agreed to pay the City of Newburyport Sewer Division a one time fee of \$3.00/gallon of new average daily wastewater flow to the system. It will be determined by the Superintendent of the Wastewater Treatment Facility how much flow the proposed development will discharge to the system. This flow will be based on DEP/DWPC established criteria (314 CMR 7.15). This fee will be put into an account by the Newburyport Sewer Division and this account will be used to finance I/I identification, elimination and rehabilitation efforts. It is further understood that by signing below, the person who has signed acknowledges he/she has the authority to sign this document. This document supersedes all other previously signed 2 for 1 I/I reduction letters.

Company/Owner Name: _____

Address: _____

City, State, Zip: _____

Phone #: _____

Amount of Discharge: _____(gpd)

Fee: _____ (@ \$3.00/gpd) Check #: _____

Signature of Applicant

Date

Signature of Authorized Sewer Representative

Date



CITY OF NEWBURYPORT

Right of Way (ROW) Permits, Trench Permits and Utility Permits FAQ

When is a Right of Way (ROW) Permit required? – ALL WORK on Public Property, including Street Excavation, Sidewalk excavation, repair or replacement, Driveway Paving, Occupying or obstructing a street, any work on any city property, any sewer, water or gas service, any utility work in the ROW, any drain work, any installation of trees, any work in the grass strip.

Can a homeowner obtain a ROW / Utility / Trench Permit? - No, only Contractors licensed by the City of Newburyport are allowed to obtain permits. Contractors must have the necessary bonding and insurance, as well as the adequate knowledge and experience to make connections to the municipal infrastructure. Proper bonding and insurance covers both the Town as well as property owner in the event of an accident and having an experience knowledgeable contractor assures that the job will be properly done.

How do I obtain a Newburyport Contractors License? - Utility Contractors Licenses are issued by the Department of Public Services. You must submit the following:

- Completed application
- \$500 non-refundable check (annually)
- list of at least 3 municipal references
- certificate of insurance (annually)
- Worker's Compensation Insurance (annually)
- \$5,000 bond or \$10,000 bond (annually; see Application for details)

Can a contractor be licensed for all types of work in the City? - A Licensed Contractor will be licensed according to their experience. References submitted must be relative to the work being licensed for.

What can a contractor be licensed for? – A contractor can be licensed for the following categories Water Utility, Sewer Utility, Drain, Roadway, Sidewalk, or ROW Occupancy, or any combination of the above

After I'm a Licensed Contractor do I need a permit? – Yes. After approval you must submit for a ROW/Utility/Trench permit for each project for any of the following work:

- Water or Sewer service repair/replacement/installation
- Drain repair/replacement/installation
- Any work in the public roadway
- Any work on or in the sidewalk
- Any work on any city property
- Any occupancy on the Right of Way (ROW)

Does driveway paving require a Permit? - Yes, if the paving will extend beyond the private property line, a driveway will require entry and possible excavation of the street/sidewalk and therefore a permit is required.

What do I need to put a Dumpster or staging on the Public Right of Way? – You must submit for and be approved as a Licensed Contractor and submit for a ROW Occupancy permit. The \$500 annual fee and 3 references will not be required for a ROW Occupancy only. Any other work will require the \$500 annual fee and the 3 municipal references.

DPS - Fees and Fines

Code			Approved - June 1 2013
	DPS WATER DIVISION		
	Customer Services:		
302	Emergency Call	After Hours: 2-staff @ 3-hour minimum (current 2-hour)	\$300.00
309	Water Off		\$30.00
309	Water Off/Meter Out		\$60.00
333	Water Off/Meter Out Plum Island		\$60.00
310	Water On		\$30.00
310	Water On/Meter In		\$60.00
334	Water On/Meter In Plum Island		\$60.00
307	Labor - Water	Per Person/Hour	\$50.00
324	Labor - Water	Overtime	\$60.00
327	Construction Crew	Per hour: crew w/equipment; 1-hour minimum; changed to 4-hour minimum	\$900.00
308	Water Service Installation	Construction Crew plus materials	Varies
344	Water Service Repair	Construction Crew plus materials	Varies
347	Parts & Materials	PI emergency on/off	Varies
348	Cut & Cap - Water	PI emergency on/off	\$300.00
349	Water Reconnect	PI emergency on/off	\$300.00
319	Transfer Fee - Water	Standard (residential/business)	\$50.00
	Transfer Fee - Water	Condo with Master Meter	\$25.00
	Penalty Fees:		
DMDW	Demand Fee - Water	Per Outstanding Bill	\$0.00
	Interest Charge (Per Annum Rate)	On Past Due Balances	14.0%
DMDW	Demand Fee - Water	Annual fee @ end of fiscal year	\$5.00
	Contractor Services:		
330	Hydrant Flow Test	Hydrant operation & oversight	\$100.00
305	Hydrant Charge	Permit fee per week & water use at current rate	\$200.00
328	Hydrant - water consumption	Current Rate	
317	Inspection	Add to Permit	\$50.00

DPS WATER DIVISION, continued			
	New Account Costs:		
329	Connection Fees	For New Service Connections	
		1-inch	\$1,400.00
		2-inch	\$4,270.00
		4-inch	\$7,140.00
		6-inch	\$10,000.00
		For Water Main Connections	
		8-inch (minimum size)	\$13,000.00
		12-inch	\$16,000.00
		16-inch	\$20,000.00
		Fire Suppression Service	No charge
318	Tap	1 or 2-inch	\$300.00
		4 or 6-inch	\$550.00
		8-inch	\$750.00
		Larger than 8-inch	\$1,000.00
306	Meter Charge	5/8-inch	\$270.00
		1-inch	\$400.00
		Larger than 1-inch (call for pricing)	Varies
	Miscellaneous Fees:		
303	Unauthorized Use Of Water Fine		
313	Public Water Use	Billed to City annually	\$5,000.00
316	Fire Suppression Charge	Non-residential yearly fee	\$300.00
316	Fire Suppression Charge	Residential yearly fee	\$150.00
326	Hydrant charge - Newbury	Fee Per Hydrant	\$65.00
325	Water Test		Varies
331	Meter Test	At customer's request	\$100.00
335	Valve Repair	Repair ball valve before meter	\$75.00
336	Tampering Fine	Per State Guidelines: Triple the amount of damages or \$1,000, whichever is greater	\$1,000.00
337	Replacement Parts	Cost of Material	Varies
338	Police Details	Service Repair or Installation	Varies
340	Service Tech		Varies
341	Water Restriction Violations Fine	1st violation	\$50.00
		2nd violation & each subsequent	\$100.00
343	NSF - Water	Returned Checks (Lockbox)	\$0.00

	DPS SEWER DIVISION		
	Penalty Fees:		
DMDS	Demand Fee - Sewer	Per Outstanding Bill	\$0.00
	Interest Charge (Per Annum Rate)	On Past Due Balances	14.0%
DMDS	Demand Fee - Sewer	Annual fee @ end of fiscal year	\$5.00
	Miscellaneous Fees:		
312	Ind. Pre-treatment	Annual fee	Varies
	Sewer Connection Fee	For New Connections	\$1,000.00
	I/I Fee	Per bedroom charge	\$330.00
342	NSF - Sewer	Returned Checks (Lockbox)	\$0.00
345	Cut & Cap - Sewer	PI emergency on/off	\$225.00
346	Sewer Reconnect	PI emergency on/off	\$225.00
	Low St Sewer Tributary Area Privilege Fee	Based on Capacity	Varies
323	Transfer Fee - Sewer	Standard (residential/business)	\$50.00
323	Transfer Fee - Sewer	Condo with Master Meter	\$25.00