

# REGULATIONS FOR EXCAVATIONS IN TOWN STREETS AND RIGHTS-OF-WAY

## PERMIT REQUIREMENTS

An excavation permit shall be obtained from the Town of Newington's Board of Selectmen prior to disturbing, excavating or opening the ground or pavement in any street, highway, sidewalk or greenbelt within a Town of Newington's public right-of-way, or on Town property. For projects that open or disturb multiple streets, rights-of-way, et cetera, a separate permit shall be required for each road opening or disturbance.

Application for an excavation permit shall be made on the form provided by the Board of Selectmen and shall be submitted to the building inspector no later than fourteen (14) days prior to the proposed excavation commencement date.

A fee of \$100.00 must accompany each application for a permit.

The application must include a plan for the area of excavation and adjacent properties showing existing surface and subsurface conditions including the placement of existing utilities, structures, street layouts, trees, or other vital structures within the public right-of-way or on private properties that may be affected by the work. The Applicant shall provide a diagram or plan showing the proposed cross-section of the proposed installation and restoration, which shall conform to the Town's restoration standards.

## INSURANCE

The applicant for a permit shall provide the Board of Selectmen with a certificate of insurance, naming the Town of Newington as additionally insured, providing the following coverage:

- Comprehensive General Liability Insurance with limits of not less than \$1,000,000 per occurrence for bodily injury, \$500,000 per occurrence for property damage, \$2,000,000 general aggregate, \$50,000.00 fire damage (any one fire) and \$5,000.00 for medical expenses (any one person).
- Automobile Liability Insurance with limits not less than \$1,000,000 per occurrence for bodily injury, and \$500,000 per occurrence for property damage.
- Worker's Compensation Insurance including Employer's Liability Insurance with limits of \$100,000 for each accident.

The applicant agrees to indemnify and save harmless the Town of Newington, NH from all claims and damage or injury whatsoever, that may arise from the encumbrance, obstruction or use of the street, highway, sidewalk or greenbelt within the Town's right-of-way. The applicant shall be responsible for all damage that may occur on account of said encumbrance, obstruction or use of the street or right-of-way. The Town of Newington in no case assumes any responsibility or liability by reason of granting this permit.

## FINANCIAL GUARANTEE

The applicant shall provide the Board of Selectmen an irrevocable letter of credit written on a New Hampshire bank or a cash deposit for a period of twenty-four (24) months from the date of completion. The financial guarantee shall be a minimum of \$5,000 (except that the Board of Selectmen may require a multiple of that amount depending upon the location and scope of the

excavation) guaranteeing the condition of the excavation and the fulfillment of the provisions, instructions and regulations prescribed herein. The financial guarantee must clearly identify the location of the excavation and the expiration date of the guarantee. The financial guarantee shall state that if the financial guarantee is drawn upon for repair or restoration by the Town, the guarantee shall be extended in an amount determined by the Town Engineer for a period of 12-24 months to guarantee the repair work, in a sum set by the Town Engineer after the completion of the repair/restoration work. Similarly, if the Applicant undertakes to repair previously completed restoration work at the Town's direction, the financial guarantee shall be extended for a period of 12-24 months as determined by the Town Engineer.

The financial security is intended to guarantee that the roadway will be restored to its condition prior to excavation. Determination of whether a restoration meets this standard shall be at the sole discretion of the Board of Selectmen.

The requirement for a financial guarantee may be waived by the Board of Selectmen.

### EMERGENCIES

Nothing in these regulations shall be construed to prevent the making of such excavations as may be necessary for the preservation of life and property; or for the location of trouble in conduit or pipe; or for making repairs; provided that the public utility or contractor making the excavation shall apply to the Town for such permit on the first working day after such work is commenced. All other sections of these regulations will still apply.

### CONSTRUCTION AND RESTORATION REQUIREMENTS

1. All work authorized by an excavation permit shall be performed Monday through Friday, 7 a.m. – 5 p.m. from April 15<sup>th</sup> through November 15<sup>th</sup> unless the applicant obtains written permission from the Board of Selectmen to do work at another time. Such permission shall be granted only in the case of an emergency, in the event the work authorized by the permit is to be performed in a high traffic and congested area, or if in the best interest of the Town.
2. The permit holder shall comply with current DIG-SAFE requirements as specified by NH state law.
3. Where it is necessary to cut and remove pavement, curb, sidewalk and/or other surface improvements, the material shall be cut and removed by means of equipment and tools suitable to the type of material to be removed, and in a manner that results in a minimum amount of damage to adjacent improvements. NOTE: The saw cuts shall be required for all roadway excavations, and shall be a minimum of two (2) feet from the edge of the excavation. The first cut shall be for construction and the second shall be for the permanent patch.
4. A minimum of one lane of traffic shall be provided on streets at all times. No opening or excavation in any street shall extend beyond the centerline of the roadway before being backfilled and the surface of the roadway made passable to traffic.
5. All trenches shall be backfilled with suitable material in a thickness and material as specified by the Town of Newington's Construction Specifications for Residential Roadways, or Construction Specifications for Non-Residential Roadways, whichever is applicable. Connector Roadways such as, but not limited to, Little Bay, Fox Point, Nimble Hill, Old Post, Newington, McIntyre Roads and Patterson Lane shall be considered Non-Residential Roadways for purposes of these restoration standards.

6. Any excavation authorized by the permit shall be backfilled, compacted and temporarily patched at the completion of work. In no case shall an open excavation be left overnight. All temporary patches shall be of an acceptable hot patch material depending on the location of the opening. The contractor shall maintain effective 24/7 dust control measures in accordance with best management practices.
7. The surface of the street shall be permanently restored as soon as possible after completion of the work for which the permit has been given. No permanent street restoration will be allowed between November 15 and April 15. The permit holder will be responsible for a permanent patch that meets the specifications of the Town of Newington for a period of two (2) years from the date of final inspection. Final restoration shall occur no sooner than one (1) year after permanent installation to the required standards. If at any time during this 24 month period the excavation requires any additional work (repair of settlement, loaming, seeding, etc.), the permit holder will be responsible to complete this work in a timely manner which work shall be completed no less than fifteen (15) days following written notification by the Town. The Town of Newington reserves the right to repair any excavation at the expense of the permit holder if public safety dictates. Such work shall extend the financial guarantee for 12-24 months as determined by the Town Engineer in its sole discretion.
8. Any sidewalk affected shall be restored with a minimum of 6 inches of compacted crushed gravel placed beneath the pavement material. The pavement material shall be matched in kind, except that hot top shall be at least 2 inches thick and 3000 psi concrete a minimum of 4 inches thick.
9. Any existing grassland or landscaped area that is disturbed shall be restored with the stockpiled, original loam stored on site, with a minimum of 6 inches of compacted screened loam, fertilized, with a matching seed and mulched. No original loam shall be taken off site.
10. The permit holder will furnish the Town with an as-built plan certified by a registered land surveyor or licensed professional engineer in PDF and CAD format for all underground installations.

#### PROTECTION OF STREETS

1. In an effort to protect the Town's investment in infrastructure, excavations in newly constructed, reconstructed, rehabilitated, or overlaid with pavement within the public right-of-way or on Town Property may be prohibited at the discretion of the Board of Selectmen.
2. Contractor shall be responsible for the degradation or damage to any and all roads, rights-of-way that are used for project travel arising from heavy loads. The permit applicant shall post a suitable road repair performance guarantee in a form and amount acceptable to the Selectmen and the permit holder shall bear the expense of the Town's geotechnical consultant conducting a before and after road survey (photos shall be date stamped) so that any road damage can be assessed and repaired. Projects with anticipated heavy loads traveling on Town roads shall provide with the permit application projected heavy load travel routes and the number of trips anticipated during the project.

#### TRAFFIC CONTROL

1. The permit holder is required to take all appropriate measures to assure that during performance of the excavation work, so far as practical, normal traffic conditions including vehicular, bicycle, and pedestrian traffic shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining properties and to the general public.
2. It shall be the responsibility of the permit holder to provide all necessary cones, barricades, flashing lights, signs, qualified uniform police officers and flaggers. Requests for

uniform police officers shall be made at least 24 hours prior to the commencement time of a traffic control assignment.


3. Maintenance of traffic shall be accomplished by the use of flaggers or qualified uniformed police officers wherever construction restricts the flow of traffic on frequently traveled roads, or as required to direct traffic through or around the work or as ordered.
4. When the work area encroaches upon a sidewalk, walkway or crosswalk area, protective barriers, together with warning and guidance devices and signs, must be utilized so that the passageway is safe and well defined.
5. If acceptable traffic control is not maintained, as determined by the Board of Selectmen, the Police Chief or their designee, in their sole discretion, the contractor may be required to suspend work that interferes with traffic.

INSPECTION

Proper inspection by the Town Engineer or his designee shall be required in conjunction with all street excavation permits. The permit holder shall call for inspections as directed by the Town Engineer. The expense of inspections shall be borne by the permit holder, who shall post an estimated inspection expense at the time of permit issue.

Amended: July 20, 2017

Newington Board of Selectmen

  
Jan Stuart, Chair

  
Michael Marconi

  
Timothy "Ted" Connors