



**TOWN OF GREAT BARRINGTON**  
**APPLICATION FOR LICENSE TO OPEN/OBSTRUCT STREET/SIDEWALK**

**APPLICANT INFORMATION:**

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

24 HOUR CONTACT: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_

INSURANCE COMPANY: \_\_\_\_\_

ADDRESS & TEL. #: \_\_\_\_\_

INSURANCE CERTIFICATE ON FILE: YES \_\_\_\_\_ NO \_\_\_\_\_

**CONTRACTOR INFORMATION:** (if different than above)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

24 HOUR CONTACT: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_

INSURANCE COMPANY: \_\_\_\_\_

ADDRESS & TEL. #: \_\_\_\_\_

INSURANCE CERTIFICATE ON FILE: YES \_\_\_\_\_ NO \_\_\_\_\_

**STREET OPENING REQUEST:**

LOCATION OF WORK: \_\_\_\_\_

NATURE OF WORK: \_\_\_\_\_

START DATE: \_\_\_\_\_

DIG SAFE NUMBER: \_\_\_\_\_ DATE DIG SAFE NOTIFIED: \_\_\_\_\_

In applying for this License to Open/Obstruct a Street/Sidewalk, I hereby agree to comply with all such terms and conditions included in the attached Procedures for such process as adopted by the Board of Selectmen on January 17, 1995.

\_\_\_\_\_  
Applicant/Contractor Signature

\_\_\_\_\_  
Date

NOTE: THREE COPIES OF DRAWING OR SKETCH MUST BE ATTACHED  
Approved Trench Permit must also be attached

.....  
Trench Permit # \_\_\_\_\_

**TOWN USE ONLY**

POLICE DEPT. APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_ NUMBER OF OFFICERS REQ.: \_\_\_\_\_

DEPT. OF PUBLIC WORKS APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_ COMMENTS: \_\_\_\_\_

TOWN MANAGER APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_ PERMIT #: \_\_\_\_\_

INSURANCE CERT. ON FILE: APPLICANT: \_\_\_\_\_ CONTRACTOR: \_\_\_\_\_

FEE AMOUNT: \$50.00 \_\_\_\_\_

BOND AMOUNT: \_\_\_\_\_

TOWN OF GREAT BARRINGTON  
LICENSE TO OPEN/OBSTRUCT STREET/SIDEWALK

Procedures

In accordance with Section 153-1 of the Great Barrington Code, no person shall obstruct any sidewalk or street or any part thereof or break or dig the ground of the same without first obtaining a written license from the Selectmen.

The Board of Selectmen have determined that any license so issued shall be done in accordance with certain procedures and specifications. The Town Manager, upon receiving authorization from the Board of Selectmen, shall issue all such licenses on their behalf only after determining that an applicant has complied with the following specifications:

1. Licensees and contractors shall have insurance certificates on file with the Board of Selectmen.
2. Licensees and contractors shall have 24 hour phone numbers on file with the Department of Public Works (DPW) and Police Department.
3. Licensees and contractors shall be required to post a bond - \$5,000 the amount of which shall be determined by the Town Manager and DPW Superintendent and which shall be used by the Town should the licensee or contractor not comply with the specifications noted herein.
4. The licensee shall prepare plans showing the proposed location of the work for submission with the application. Said plans are subject to approval of the DPW Superintendent and Town Manager.
5. Pavement shall be uniformly cut along straight lines with sound vertical faces. Cutting shall be done with a jack hammer or a concrete saw.
6. Licensee shall determine the location of all underground utilities and drainage before beginning work. No excavation permits will be issued until all public utilities have been notified as required by the provisions of Section 40 of Chapter 82 of the Massachusetts General Laws. A Dig Safe Number will be required together with the date of Dig Safe notification.
7. Suitable material shall be used for backfill up to 2 feet below the surface of the existing pavement. The remainder of the excavation shall be backfilled with select material or gravel. No frozen material or particles with a diameter larger than 6 inches will be allowed in the backfill.

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8. Backfill shall be thoroughly compacted in layers not to exceed 8 inches.

9. No open trenches shall be allowed after working hours (7:00 A.M. to 4:00 P.M. Monday through Friday) without the written approval of both the Police Chief and the DPW Superintendent.

10. A two (2) inch thick top course of bituminous concrete, type I-1 shall be placed as a temporary pavement. The temporary pavement shall be maintained by the licensee or the licensee's contractor until it is replaced by permanent pavement.

11. Permanent pavement shall be installed within six (6) weeks after the temporary pavement was installed unless otherwise approved in writing by the DPW Superintendent. When starting permanent paving; the licensee shall notify, 24 hours in advance, the DPW Superintendent. The pavement shall be sawcut 6" outside the edge of the temporary patch, temporary pavement and a 4" depth of gravel removed, and the gravel recompact. The edge shall be thoroughly broomed and coated with an approved asphalt tack coat. A four (4) inch course of Type I-1 bituminous concrete binder shall be placed on the compacted surface. After the binder course has been compacted, a two (2) inch course of I-1 bituminous concrete top course shall be applied and rolled. (All noted bituminous concrete thicknesses are compacted depths) If the existing road has a concrete base or deeper pavement thickness, then it shall be replaced in kind. All permanent patches shall cracksealed.

12. Licensees shall be responsible for the maintenance of the pavement for a period of three (3) years after the permanent patch has been installed.

13. All damage caused to grass areas shall be loamed, seeded and mulched. All disturbed areas shall be restored to their original condition with like material.

14. All necessary signs, lights, and barriers shall be installed by the licensee in accordance with the 1988 Edition of the Manual on Uniform Traffic Control Devices.

15. Uniformed traffic police shall be provided at the expense of the licensee as requested by the Chief of Police.

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16. During construction, the licensee shall not unnecessarily obstruct the sidewalk or street. The licensee shall provide safe passage for the public and traffic flow.

17. If deemed necessary to remove a portion of sidewalk and such action has been approved by the DPW Superintendent, the licensee shall replace the sidewalk as soon as possible, but not longer than within three consecutive working days, for the safety of the public.

18. All work shall be done at the licensee's expense as directed by and to the satisfaction of the DPW Superintendent.

19. Licenses for street openings WILL NOT be approved for five (5) years on any road way that has been reconstructed or resurfaced, unless deemed to be an emergency and approved by the Town Manager and the DPW Superintendent.

20. All verbal permits for emergencies will be issued by the Town Manager or the DPW Superintendent. Proper paperwork must follow within five (5) working days containing all necessary information. Emergencies must be an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate attention. If an emergency occurs outside of normal working hours, the licensee shall notify the Police Department (528-0306), with specific information and a phone number where the licensee can be located.

21. The fee for each permit shall be a minimum of \$50.00 in the form of a check or money order made payable to the Town of Great Barrington for EACH street opening. Payment must accompany the application. In the case of extensive excavation or lengthy trenching a special fee may be assigned by the Town Manager.

22. Through traffic shall be maintained at all times unless noted on the license application. If at any time traffic becomes obstructed, the licensee must immediately contact the Police Department (528-0306).

23. The licensee shall indemnify and save harmless the Town of Great Barrington, its officers, agents and employees against all claims, suits or liability of every nature arising at any time out of or in consequence of the acts of the licensee in the performance of the work covered by this permit and/or failure to comply with the terms and conditions of this permit whether by itself or its employees or contractors.

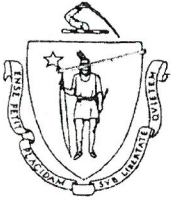
To apply for a  
**Trench Permit**  
please go online to:

[http://permiteyes.com/berkshire/user\\_login.asp](http://permiteyes.com/berkshire/user_login.asp)

and submit your  
application.

Thank you!





Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

# *The Commonwealth of Massachusetts*

## *Department of Public Safety*

&

## *Department of Labor, Division of Occupational Safety*

*Boston, Massachusetts 02108*

[www.mass.gov](http://www.mass.gov)

Kevin M. Burke  
Secretary  
Executive Office of Public Safety &  
Security

Suzanne M. Bump  
Secretary  
Executive Office of Labor &  
Workforce Development

Thomas G. Gatzunis, P.E.  
Commissioner  
Department of Public Safety

Laura M. Marlin  
Commissioner  
Division of Occupational Safety

## **Notice of New Regulation** **Excavation & Trench Safety Regulation** **520 CMR 14.00**

- This new PUBLIC SAFETY regulation is required by statute and is designed to prevent the general public from falling into an unattended trench and suffering an injury or fatality. This regulation be enforced starting 1/1/09.
- Under the new regulation, a **trench** is defined as a subsurface excavation greater than 3' in depth, and is 15 feet or less between soil walls as measured from the bottom.
- All regulated trenches must be **attended, 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 and all horizontal supports required to be located on the trench-side of the fencing.
- This applies to all construction-related trenches on public ways, public property, or private property.
- To ensure that all excavators are aware of and follow these new public safety regulations, a **permit** will be required prior to excavation of all regulated trenches.
- **All excavators** must obtain a trench permit for each trench site. The new trench permit will require information such as the name of excavator, the location of trench, a certificate of insurance, and the Dig Safe number.
- Under the regulation, municipalities must designate a **permitting authority** to issue the required permits for trenches on public ways or private property within the municipality. For state property, the relevant state authority will issue the permits.
- Municipalities may collect a reasonable **fee** to cover administrative costs of issuing permits.
- Permitting authorities are not required to conduct **inspections** of trenches for which they have issued permits. However, a permitting authority notified of a potential violation is authorized to take action, including an immediate shutdown, if violations of the new regulation are identified. Excavators may also be subject to administrative fines issued by the Department of Public Safety for violations.
- Municipal or state departments conducting excavations, such as a municipal water department or state highway authority, will be required to obtain a new trench permit.
- This new regulation in no way modifies or supersedes existing trench **worker safety** regulations. Workers in trenches must comply with the existing OSHA Excavation Standard, 29 CFR 1926, Subpart P. This new public safety regulation is entirely separate from and has no relationship to the existing trench worker safety standard.
- This is only a summary of the regulation. Please read the full regulation and obtain further information at [www.mass.gov/dps](http://www.mass.gov/dps).



*The Commonwealth of Massachusetts*  
*Department of Industrial Accidents*  
*Office of Investigations*  
*600 Washington Street*  
*Boston, MA 02111*  
*www.mass.gov/dia*

**Workers' Compensation Insurance Affidavit: General Businesses**

**Applicant Information**

**Please Print Legibly**

Business/Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Are you an employer? Check the appropriate box:**

1. ☐ I am a employer with \_\_\_\_\_ employees (full and/or part-time).\*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity.  
[No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

***I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.***

Insurance Company Name: \_\_\_\_\_

Insurer's Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Policy # or Self-ins. Lic. # \_\_\_\_\_ Expiration Date: \_\_\_\_\_

***Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).***

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

***I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.***

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone #: \_\_\_\_\_

***Official use only. Do not write in this area, to be completed by city or town official.***

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office  
6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an **employee** is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An **employer** is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that **"every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required."** Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

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## Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. **Also be sure to sign and date the affidavit.** The affidavit should be returned to the city or town that the application for the permit or license is being requested, **not** the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

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## City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

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The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents

### Office of Investigations

600 Washington Street

Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE

Fax # 617-727-7749

[www.mass.gov/dia](http://www.mass.gov/dia)