

TOWN OF LUNENBURG

POLICY

GOVERNING

DISTURBANCES OF NEWLY PAVED ROADS

I. POLICY STATEMENT

Trench cuts and other disturbances to pavement significantly compromise adjacent pavement quality, ride-ability and appearance, as well as accelerate deterioration by allowing water/ice to enter cracks. The purpose of these regulations is to preserve the integrity of newly paved roads, thereby promoting public safety, health and welfare for Lunenburg residents, as well to protect the Town's financial investments, including State Aid Chapter 90 Funding, Operational DPW Budget, Debt Exclusion voted upon by Town Residents, and Federal and State Funded Projects.

II. DEFINITIONS:

- A. Lateral Cuts: Used to cut into a pre-existing utility to allow for a single connection, may include full width (curb to curb) crossings.
- B. Longitudinal Cuts: These cuts run lengthwise in the roadway.

III. PROHIBITED CONDUCT

For a period of five (5) years from the date of completion of paving of a road in the Town of Lunenburg, no disturbances to such pavement shall be allowed.

IV. EXEMPTIONS

Notwithstanding the provisions of this policy, it is acknowledged that certain hardships may result from the total prohibition set forth in section III herein, which hardships may warrant an exemption. In such circumstances, a party may request an exemption from this policy as outlined herein.

It shall be unlawful for any person, firm or corporation to disturb road pavement in violation of this policy without a permit granting an exemption.

V. EXEMPTION PROCEDURE

Applicant shall complete a Street Improvement Permit Application, providing the following information:

1. Name, address, telephone number and name of contact person or persons of the organization applying for the permit.
2. Name, address, telephone number, and license # of contractor who will be performing the work.

3. Location of work site.
 4. Expected duration.
 5. Written statement documenting the need for an exemption, including but not limited to: (1) necessary repair to existing utilities; (2) new installation of necessary utilities; (3) facilitation of development of adjacent properties.
 6. Construction Plan in compliance with Section VII.
 7. Notice to all utility companies to encourage coordination of projects.
- B. Completed applications, together with an application fee may be returned to the DPW Director's Office for submission to the DPW Director.
- C. Review of such application may include but not be limited to: a plan review, construction inspection, and material testing.
- D. Within thirty (30) days of the submission of the application and fee, the DPW Director shall issue a written decision.
- E. The DPW Director may deny a permit if, in his/her opinion, the pavement disruption is unnecessary to rectify an unsafe condition, to develop property, or to rectify a demonstrated hardship. Said denial shall be in writing and set forth the reasons for said denial.
- F. A denial by the DPW Director may be appealed to Town Manager or his/her designee by filing a written statement within 21 days of the DPW Director's denial. Town Manager or his/her designee will issue a decision within 14 days.
- G. A denial by the Town Manager or his/her designee may be appealed to the Board of Selectmen by filing a written statement within 21 days of the Town Manager's denial. The Board of Selectmen will issue a decision within 14 days.
- H. A permit issued under this policy shall be valid for two (2) months from the date of issuance, unless otherwise approved in writing by the DPW Director.

V. FEES

A. Application Fee. The application fee for a Street Improvement Permit shall be in accordance with a fee schedule adopted by the Board of Selectmen.

B. Road Opening Permit. Applicant must also file for and obtain a Road Opening Permit.

C. Review Fees. The Applicant shall also be responsible for all fees associated with the review of the Application, including but not be limited to: plan review, construction inspection, and material testing

D. Town Expenses. The Applicant shall be responsible for all Town expenses related to the work as deemed necessary.

VI. CONSTRUCTION REQUIREMENTS

Approval of an exemption granted hereunder shall be further conditioned upon the following construction requirements:

A. Lateral Cuts shall require:

1. Pavement / Sub-surface rehabilitation: Replace a minimum of 5' from each side of the trench, or as determined by the Director.
2. Joints may be infra-red, shelved, or require liquid asphalt.
3. A maximum of 12" of processed gravel to be installed and compacted beneath the asphalt within the entire limit of the cut if sub-base is deemed unsuitable by the Director.
4. Repair to include a minimum of 4" of asphalt installed in 2" lifts and compacted (at each lift).

B. Longitudinal Cuts shall require:

1. A maximum of 12" of processed gravel to be installed and compacted beneath the asphalt within the entire limit of the cut if sub-base is deemed unsuitable by the Director.
2. Repair to include a minimum of 4" of asphalt installed in 2" lifts and compacted (at each lift).
3. The limits of pavement restoration will depend on the location of the trench line in relationship to travel lanes and/or parking as follows:
 - a) A single lane that is impacted shall have full pavement restoration for the entire width of the lane.
 - b) If multiple lanes are impacted, curb to curb shall be restored.
 - c) Impacted bike lanes or sidewalks shall be restored in their entirety, as approved by the DPW Director.

C. Methods of Repair:

The Director may impose conditions determined to ensure the rapid and complete restoration of the street and the surface paving. Repaving may include surface grinding, base and/or sub-base repairs. Restoration may extend beyond the limits of the trench. The permittee shall be required to replace the asphalt to the dimensions and method as outlined or as directed.

D. Construction Methods:

There are two basic methods of applying asphalt: application by machine and application by hand raking. Machine paving for large areas provides the best consistency and a more uniform thickness and, therefore, shall be required, provided however, the final determination of application method allowed shall be at the discretion of the Director.

VII. OTHER REQUIREMENTS

- A. Contractor's certificate of Insurance, naming the Town as an additional insured.
- B. Construction guarantee for the project, and the entire scope of work, for a period of one (1) year following completion, which shall be extended for a period of one (1) year from the date of any necessary repairs.

VIII. SEVERABILITY

If any provision, clause, sentence, paragraph or word of these Regulations or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this Policy are declared severable.

VIII. EFFECTIVE DATE

This policy was adopted by the Board of Selectmen at their meeting on September 5, 2017.