

**TOWN OF MIDDLEBURY, CONNECTICUT
ORDINANCE CONCERNING
REQUIREMENTS FOR STREET OPENING/LATERAL TRENCHES
OR UTILITY SERVICE CUTS ON EXISTING TOWN STREETS & ROWs**

BE IT ORDAINED:

Street Opening Permit Requirements:

Any construction or excavation, mechanical or otherwise, within the Town Right-of-Way requires a Street Opening Permit.

The two exceptions to this are as follows:

1. Utility pole replacement in the same location; or
2. Installation of mailboxes utilizing a wood post, meeting the Post Office requirements.

Street Opening Permit Fees:

1. A standard permit application fee of \$100 will be charged per individual service lateral trench, excavation or for a main line utility repair work within the Town's right-of-way, up to 25 feet in length. All lateral service trenches included in the project shall be included under the permit but all must be depicted on the drawing submitted for the permit or additional fees will be charged.
2. Main line utility project work within the Town's right-of-way, over 25 feet in length shall be charged a permit fee of \$100 plus an inspection fee equal to 10% of the cost of all work performed within the Town's right-of-way. Inspection fee shall be based on cost estimates supplied by the Contractor and approved by the Board of Selectmen. This fee must be paid in full prior to issuance of a permit.

All excavations, mechanical or otherwise, require a Call-Before-You-Dig confirmation number. Permits are required for all work in the Town's right-of-way; permit fees will be only waived for work performed for the Town and certain other situations.

Permits are valid for one full year from the date of the permit however, winter work is not permitted. The full construction season is considered to be April 15 to October 15. At the discretion of the Board of Selectmen construction finish work may be allowed until asphalt plants are shut down for the season or startup work may be allowed before April 15.

A permit may be granted under emergency conditions for winter work when no other alternative exists. Note that a permit granted under emergency conditions for winter work will expire 10 days from date of issue if work has not begun.

The Contractor is responsible for himself/herself and for anyone working directly or indirectly under his/her supervision. In order to obtain a permit, Contractors performing work in the Town of Middlebury must have all of the following:

1. The permit application is to be filled out completely and signed.
2. Permit fee of \$100.00 is to be paid in full.
3. Inspection fee equal to 10% of the cost of the streets, drainage and other improvements within the Town's right-of-way, based on cost estimates approved by the Board of Selectmen is to be paid in full. (if applicable)

4. A valid Street Opening Performance Guarantee covering 100% of the cost of the work to be performed within the town's right-of-way for 2 years following the date of filing of said bond. NOTE - Some projects may require a higher bond amount as determined by the Board of Selectmen.
5. An engineered drawing depicting sufficient grades and computations, existing utilities, storm and sanitary sewers and the proposed work must be submitted although an accurate sketch may be accepted for minor work.
6. A clear, detailed scope of the proposed work, outlining all of the proposed work areas shall be included with the drawings.
7. A valid Certificate of Liability Insurance and Worker's Compensation Insurance, meeting Town of Middlebury requirements shall remain on file at the Middlebury Public Works Department office.
8. The Tax Collector's signature will be required on the top of the application page indicating all applicable taxes are paid up to date before a permit is issued.
9. A valid Call Before-You-Dig confirmation number.
10. Contractor must not be on list of contractors with trenches or patches needing repair.
11. If sewer or water work is planned, a valid signed WPCA or Water Company connection permit shall be required.
12. A Town fee of \$300.25 shall be prepaid to the Tax Collector for all connections to public water. See additional fees below:

Residential – single or double unit	\$300.25 per unit
Multifamily – more than 3 (senior discount 15%)	\$0.203 per sq. ft.
Commercial	\$0.203 per sq. ft.

Working Without a Permit:

With the exception of emergency work, no work requiring a permit will be allowed until a permit is obtained. In the event emergency work is required, a permit shall be obtained within 24 hours of performing the emergency work. Work performed without a permit will be shut down immediately.

Guidelines:

The following guidelines shall be implemented when any Street opening permit, lateral trench or utility service cut is approved within a Town of Middlebury right-of-way.

Road/Trench Repairs in Town Roads:

It is the intent of the Town that the existing Town roads shall be restored equal to or better than that in which they were prior to construction.

Paving requirements for road/trench repairs shall be as follows:

1. For roads that have been resurfaced within the last five (5) years, milling and paving of the entire roadway from curb to curb shall be required.

2. For roads that have been resurfaced more than five (5) years ago but ten (10) or less years ago or if any damage or pavement disturbance occurs to more than 1/3 of the road surface including the required pavement cutbacks, milling and paving of the entire roadway will be required. The pavement surrounding and including the excavation shall be milled to a depth of two (2) inches from edge of pavement to edge of pavement. When determining the starting and ending points for the milling, consideration will be given to existing pavement joints and intersection streets. The milled edges shall be vertically faced and not tapered. The entire milled area including the edges shall be swept clean and tack coated. Pavement for overlays shall be Class 2.
3. For roads that have been resurfaced more than ten (10) years ago or if there is any damage or pavement disturbance that occurs to more than 1/3 of the road surface including the required pavement cutbacks, milling and paving of ½ the roadway (the impacted lane) shall be required.
4. For roads that had been resurfaced more than ten (10) years ago and if the Contractor's work is completed without pavement disturbance or any damage to the remaining road surface (including, but not limited to track marks) and if the Contractor's work impacts less than 1/3 of the road surface width including the required pavement cutbacks, the Board of Selectmen may allow the Contractor to provide a Permanent Pavement Trench Repair instead of milling and paving.
5. Infrared technology may be required for Permanent Pavement Trench Repairs.
6. If any pavement markings are affected by the Contractor's work, they shall be replaced in-kind by a pre-approved pavement marking company at the expense of the Contractor.

Standard Road/Trench Repair Requirements

Pipe Line Projects:

Non-emergency pipe line projects will not be approved or allowed to continue construction during the winter months when asphalt plants are closed.

Payment in lieu of Final Pavement:

The Town of Middlebury may accept payment in lieu of final paving for large pipeline projects. The amount shall be agreed upon by the Town of Middlebury and the Contractor or Utility. The funds collected shall be put aside and used to repave the same road in the future. The Contractor shall provide an acceptable pavement base and trench pavement as approved by the Town of Middlebury. This does not in any way release the Contractor from their responsibility to maintain the trench pavement for a minimum period of 3 years following their final inspection.

Backfill:

The excavation shall be filled with suitable material and compacted in lifts not to exceed Twelve (12) inches, a minimum of 95% compaction must be achieved for each lift. Twenty four (24) inch lifts may be approved provided it is compacted by means of a hoe-pack to achieve a 95% modified proctor density. Each layer shall be carefully and thoroughly tamped with approved tools in such a manner as to prevent settlement after the backfill has been completed and to achieve a 95% modified proctor density. Emergency winter

work will require that all backfill be processed aggregate. If physical evidence suggests to the inspector that compaction of the backfilled trench is not suitable, compaction tests will be required to verify that proper compaction was achieved. The independent materials testing contractor will be selected by the Town and all costs for compaction tests will be borne by the Contractor. The Town may require an inspector to be on-site for larger projects. The additional cost of an inspector for larger jobs shall be borne by the Contractor. If settlement occurs, the Public Works Director may require test pits to determine the character of the backfill and process materials and order appropriate repairs to be made.

Saw Cutting:

The utility and/or contractor will be required to saw cut the pavement edges in a neat straight line to a depth necessary to remove the pavement to the sub base. Cut backs of 2 feet minimum around the entire excavation are required.

Temporary Trench Repair:

All excavations occurring during the construction season shall be plated or temporarily paved with hot mix asphalt (HMA) at the end of each day, unless pre-approved by the Town. Emphasis must be placed on the backfilling and compaction of the trench to avoid any future settlement. Temporary repairs shall include processed gravel to a depth as required to obtain 10 inches following permanent repair (also read Permanent Pavement Trench Repair). After compaction of process gravel, the excavated area shall be paved with 2.5 inches (after compacted) of bituminous concrete Class 1. Cold patch (if approved) shall be Class 5A, and shall only be allowed for emergency work during the asphalt plant winter shutdown when hot material is not available. Road plates are not allowed from November 15 to April 1. All compaction and paving shall be completed in accordance with the most recent edition of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

Permanent Pavement Trench Repair:

Following a settlement period minimally of 6 to 10 weeks, the final trench repair shall be completed. This process will include the removal of temporary pavement, the compaction of the base material and the placement of five (5) inches of bituminous concrete in two lifts (2.5 inches Class 1 and 2.5 inches of Class 2). Original pavement edges shall be saw cut to two neat, straight lines to a depth necessary to remove all pavement, cut backs of 2 feet minimum around the entire excavation is required. Full depth replacement is required for pavement removed during the excavation that exceeds 5". If the surrounding pavement exceeds 5" in depth the Contractor shall be required to make up the additional depth using Class 4 bituminous concrete installed in 3" lifts and compacted. Prior to paving, the Contractor shall verify that the 10" processed gravel layer is present. If the processed gravel layer is missing or is less than 10" deep, the contractor shall install the processed gravel layer to Town specifications and compact the area as required. Permanent paving is to be completed prior to the end of the construction season. The Contractor shall schedule paving early enough in the autumn to avoid delays due to weather or other conditions, which could affect the outcome of the paving. All compaction and paving shall be completed in accordance with the most recent edition of the State of Connecticut Department of

Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

Joints:

Pavement joints shall be sealed with an approved asphaltic material filling with a nozzle from the bottom up in accordance with the most recent edition of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

Safety:

The Contractor shall be responsible to follow all applicable OSHA Regulations.

Inspections:

All road work must be inspected. Inspections must be scheduled with the Public Works Department a minimum 48 hours in advance of the start of work. Cut back limits must be painted by the Contractor and approved by the Director of Public Works prior to the Permanent Trench Repair. Non-emergency work shall not occur before 7:00am or after 3:30 PM. All disturbed areas within the Town's Right-of-Ways shall be restored to the satisfaction of the Director of Public Works. Excavations performed without a permit or that have not been inspected are subject to a requirement that test pits be performed by the Contractor in the presence of the Director of Public Works or his designee, to verify proper installation of piping, structures and trench materials.

Traffic Control:

The Contractor shall prepare and execute a Temporary Traffic Control Plan, which conforms to the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), Part 6, Temporary Traffic Control, as published by the US Department of Transportation, Federal Highway Administration. The Temporary Traffic Control Plan shall be developed to provide safety for motorists, bicyclists, pedestrians, workers, enforcement/emergency officials, and equipment, and shall be understood by all responsible parties before the site is occupied. The Contractor understands:

1. The Town of Middlebury, through the Board of Selectmen or its designee, has final authority concerning the method of traffic control to be employed on the jobsite.
2. Uniformed police officers may be required for traffic control.
3. Roads shall not be closed unless prior permission is granted by the Town.
4. All Detours shall be pre-approved by the Police Department.
5. All lanes of traffic shall be opened at the end of each work day unless pre-approved by the Police Department.
6. Traffic control devices such as sign patterns, cones, lights and barriers shall be displayed as required in the Manual on Uniform Traffic Control Devices for Streets and Highways, most current edition.

Maintenance:

The Contractor is responsible to repair and maintain work within the ROW, including curbs, trenches and sidewalks for a minimum period of three (3) years. Work shall be free

from defects including cracking, heaving and/or sinking. Contractors must perform emergency maintenance within four (4) hours and minor maintenance within 24 hours of notification by the Public Works Department. Any work not completed within the time specified or work that does not meet Town of Middlebury requirements will be repaired by the Town of Middlebury at the Contractor's expense. A minimum fee of \$500 will be charged for any required work. Cold patch, when allowed shall be Class 5A. It is the Contractor's responsibility to notify the Town's Public Works Department for an inspection 24 hours prior to completing work covered by the permit. The Contractor's limit of responsibility for work can not be determined and proper credit will not be granted until the Public Works Department has been notified in writing of the permanent repair and the work has been inspected.

As-Built Information:

It is the contractor's/utility's responsibility to provide as-built construction information and mapping, data and/or information to appropriate authorities to ensure protection of underground utilities, sewers and drainage and the safety of the general public.

Curbs:

Curbing shall match the type of curbing existing in the immediate vicinity and shall be constructed as follows:

1. Bituminous concrete curbing shall be machine formed and shall be constructed on the pavement, with a standard cross section approved by the Director of Public Works and having a height matching the type of curbing existing in the immediate vicinity. The material shall conform to the requirements of Section 8.15, "Bituminous Concrete Lip Curbing", of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816. The surface of the pavement where the bituminous concrete curb is to be constructed shall have been cleared of all loose and foreign material, shall be perfectly dry and shall be coated with an RC-2 tack coat or other approved bitumen just before placing the material. The material shall be properly compacted to the required cross-section by use of a suitable machine specifically designed for that purpose. After completion of the curbing, traffic shall be kept at a safe distance for a period of not less than 24 hours and until the curbing has set sufficiently to prevent injury to the work.
2. Portland cement concrete curbs shall be precast, cast in place concrete or slip formed and constructed in a manner approved by the Director of Public Works. Curbs shall conform to Section 8.11, "Concrete Curbing", of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

Bituminous Concrete:

1. Bituminous Concrete Base (Binder) Course: On the prepared and approved processed aggregate base course hot mix bituminous concrete (asphalt) base course pavement shall be machine laid in maximum lifts not exceeding 2.5-inches in thickness. Bituminous Concrete Base (Binder) Course shall conform to Section M.04, Class 1, of the State of Connecticut Department of Transportation, Standard

Specifications for Roads, Bridges and Incidental Construction, Form 816. The placement methods shall conform to Section 4.06, Bituminous Concrete”, of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

2. Bituminous Concrete Base Surface (Wearing) Course: On the prepared and approved bituminous base course, hot mix bituminous concrete (asphalt) surface course pavement shall be machine laid in maximum lifts not exceeding 2.5-inches in thickness. Bituminous Concrete Base (Wearing) Course shall conform to Section M.04, Class 2, of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816. The placement methods shall conform to Section 4.06, “Bituminous Concrete”, of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

Bituminous Concrete Cold Patch:

Cold Patch shall only be allowed for emergency work during the asphalt plant winter shutdown when hot material is not available. Cold Patch Bituminous Concrete shall conform to Section M.04, Class 5A, of the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816. The placement methods shall conform to the State of Connecticut Department of Transportation, Standard Specifications for Roads, Bridges and Incidental Construction, Form 816.

Sidewalk Design and Construction:

All sidewalks and walkways shall conform to Town construction and design standards and shall be concrete and as required herein. All sidewalks shall include ramps at all pedestrian crosswalks for the handicapped in accordance the Connecticut General Statutes and constructed to the current standards of the Americans with Disabilities Act (ADA).

1. Sidewalks shall be a minimum of four (4) feet in width and shall be located within the street ROW. All sidewalks shall be laid on six (6) inch processed gravel base, watered and rolled to optimum moisture content and compacted prior to pouring.
2. The sidewalks shall be constructed of concrete (4) inches thick with 6x6-6/7 wire mesh reinforcement in the middle of the slab. The concrete shall have an ultimate 28 day compressive strength of 4,000 pounds per square inch and having expansion joints with pre-molded fillers spaced not more than 25 feet apart and with suitable weakened plain joints every five (5) feet. The walk shall have a cross slope of ¼ inch per foot, shall be poured in one pour and shall be finished with the use of a wood float.
3. Sidewalks shall continue through driveway aprons unless otherwise approved by the Public Works Commission. At driveways the thickness shall be increased to six (6) inches with an eight (8) inch base and a 6 x 6-6/6 wire mesh reinforcement shall be placed in the middle of the slab.

THIS ORDINANCE BECAME EFFECTIVE UPON ADOPTION BY THE BOARD OF SELECTMEN ON AUGUST 3, 2015.

