

Revised July 2015

**Note: fee is non-refundable**

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Permit / Application #: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Fee: \_\_\_\_\_



## *Town of Franklin*

HEALTH DEPARTMENT

355 East Central Street

Franklin, MA 02038-3026

508-520-4905

# TRENCH PERMIT

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Pursuant to G.L. c. 82A §1 and 520 CMR 14.00 et seq.(as amended) and Town Bylaw Article I, Chapter 155 §1-20

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Applicant Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Excavator Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Emergency (after hours) Phone: \_\_\_\_\_ Contact Name: \_\_\_\_\_

Other Contact Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Property Owner Name: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

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

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Anticipated date to begin trench operation: \_\_\_\_\_

Anticipated date to conclude trench operation: \_\_\_\_\_

Please describe the exact location of the proposed trench, the dimensions and its purpose. Include a description of what is (or is intended) to be laid in the proposed trench (ex: pipes, cable lines, etc). Please use the reverse side if additional space is needed.

Name of Insurer: \_\_\_\_\_

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

Insurance Certificate #: \_\_\_\_\_ Policy Expiration Date: \_\_\_\_\_

Dig Safe #: \_\_\_\_\_

Name of Competent Person (as defined by 29 CFR 1926.650(b) ): \_\_\_\_\_

Massachusetts Hoisting License #: \_\_\_\_\_ License Grade: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

By signing this form, the applicant, owner and excavator agree to the following statements:

- a) The applicant, owners, and excavator all acknowledge and certify that they are familiar with, or, before commencement of work, will become familiar with all laws and regulations applicable to work proposed, including OSHA regulations, G.L. c. 82A, 520 CMR 14.00 et seq. and any applicable municipal ordinances, bylaws 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.
- b) 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.
- c) 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 thereunder, 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.
- d) The undersigned applicant, owner and excavator agree to 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 to the maximum extent permitted by law.
- e) A trench shall not be excavated unless the requirements of sections 40 to 40D, inclusive, of chapter 82, and any accompanying regulations, have been met and this permit is invalid unless the 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 provided in section 76D of chapter 164.
- f) Trenches may pose a significant health and safety hazard. Pursuant to section 1 of chapter 82, an excavator shall not leave any open trench unattended without first making reasonable efforts to eliminate any recognized safety hazard that may exist as a result of leaving the 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 the Department to eliminate safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- g) Persons engaging 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."
- h) 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 146 and this permit shall be presented to the license operator before excavation is commenced.

- i) By applying for, accepting and signing this permit, the applicant hereby attests to the following: (i) that he has read and understands the regulations promulgated by the department of public safety with regard to construction related excavations and trench safety, (ii) that he has read and understands the federal safety standards promulgated by the Occupational Safety and Health Administration on excavations: 29 CFR 1926.650 et. seq., entitled Subpart P "Excavations", and (iii) 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 his permit application, complied with the requirements of sections 40 to 40D, inclusive, of chapter 82 and with the requirements set forth in this chapter.
- j) This permit shall be posted in plain view on the site of the trench.
- k) Trench permits are non-transferable.

\_\_\_\_\_  
Applicant Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Excavator Signature (if different)\_\_\_\_\_  
Date\_\_\_\_\_  
Owner Signature (if different)\_\_\_\_\_  
Date

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*For Health Department Administrative Use Only*

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Permit Received by Health Department Director\_\_\_\_\_  
Date\_\_\_\_\_  
Conditions of Approval:  
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\_\_\_\_\_  
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