



# Town of Clinton

## TRENCH PERMIT

242 Church St. Clinton Ma. 01510  
Telephone# Office (978) 365-4128 FAX (978) 612-0202



Tony Zahariadis  
Building Commissioner  
Zoning Enforcement Officer

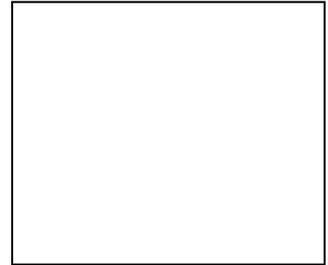
**This Section for Official use only**

Building Permit Number: \_\_\_\_\_

Amount of Permit \_\_\_\_\_

Signature of Building Official: \_\_\_\_\_

Date of Approval: \_\_\_\_\_ Expiration Date \_\_\_\_\_ Date Received \_\_\_\_\_



**1. Owners and Property Information** In accordance with MGL c. 82A, §2

Location of the trench: \_\_\_\_\_

Address of Property: \_\_\_\_\_ Assessors Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Owner of Record: \_\_\_\_\_ Date of Application: \_\_\_\_\_

Address of Owner: \_\_\_\_\_

Telephone Numbers Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

**2. Permit Holder Information**

Permit Holder Name: \_\_\_\_\_

Address of Permit Holder: \_\_\_\_\_

Telephone Numbers Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

**3. Excavators Information** Information must be updated as necessary due to any changes on complex projects

Excavators Name: \_\_\_\_\_

Address of Excavators: \_\_\_\_\_

Telephone Numbers Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

**4. Competent Person** As defined by 520 CMR 7.02

Competent Persons Name: \_\_\_\_\_

Address of Competent Person: \_\_\_\_\_

Telephone Numbers Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

**5. Person Performing Excavation**

Person Performing Excavation Name: \_\_\_\_\_

Address of Person Performing Excavation: \_\_\_\_\_

Telephone Numbers Home (\_\_\_\_) \_\_\_\_\_ Work (\_\_\_\_) \_\_\_\_\_ Cell (\_\_\_\_) \_\_\_\_\_

**6. Construction Services**

Licensed Construction Supervisor

Must supply copies of licenses

Name: \_\_\_\_\_ License Number: CS \_\_\_\_\_

Address \_\_\_\_\_ Date of Expiration: \_\_\_\_\_

Signature of Licensee: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

Telephone Numbers; Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Company Name: \_\_\_\_\_ Registration Number: \_\_\_\_\_

Company Address: \_\_\_\_\_ Date of Expiration: \_\_\_\_\_

Contractors Name: \_\_\_\_\_ Address: \_\_\_\_\_

Signature of Contractor: \_\_\_\_\_ Date of Signature: \_\_\_\_\_

Telephone Numbers; Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Massachusetts Hoisting License No \_\_\_\_\_ License Grade \_\_\_\_\_ Expiration Date \_\_\_\_\_

**7. Declaration Statement**

Signed under the Pains and Penalties of Perjury.

I, \_\_\_\_\_, as the Authorized Agent I hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and behalf.

Authorized Agents Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## INFORMATION AND INSTRUCTIONS

Massachusetts General Law Chapter 152 requires all employers to provide worker's 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 representative 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 sub-contractor(s), name(s), address (as) and phone number(s) along with their certificates(s) of Insurance, Limited Liability Companies (LLC) or Limited Liability Partnership (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 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 application in any given year, need only submit one affidavit indicating current policy information (if necessary) and under "Job Site Address" the applicant should write "all locations in Clinton, MA." 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 homeowner 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 Investigation 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)

8. Insurance



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: Builders/Contractors/Electricians/Plumbers

Applicant Information

Please Print Legibly

Name (Business/Organization/Individual):

Address:

City/State/Zip:

Phone #:

Are you an employer? Check the appropriate box:

- 1. I am 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.
3. I am homeowner doing all work myself.
4. I am a general contractor and I have hired the sub-contractors listed on the attached sheet.
5. We are a corporation and its officers have exercised their right of exemption per MGL c.152,§1(4), and we have no employees.

Type of project (required):

- 6. New construction
7. Remodeling
8. Demolition
9. Building addition
10. Electrical repairs or additions
11. Plumbing repairs or additions
12. Roof repairs
13. Other

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

†Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.

‡Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and their workers' comp. policy information

‡Contractors that check this box must attach an additional sheet showing the name of the sub-contractors and their workers' comp. policy information

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

Insurance Company Name:

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

Job Site Address: City/State/Zip:

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.

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 official.

Town of Clinton: Permit/License #

Issuing Authority (circle one):

- 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector 6. Other

Contact Person: Phone #:

## 9. Information Affidavit

### Conditions and Requirements Pursuant to G.L.C.82A and 520 CMR 7.00 et seq. (As Amended Pt 1)

#### **By signing the application, the applicant understands and agrees to comply with the following:**

*By signing this form, the applicant/excavator, all acknowledge and certify that they are familiar with or before commencement of the work, will become familiar with all laws and regulations applicable to work proposed, including OSHA regulations 29 CFR 1926.650, MGL. c.82A§3, 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.*

*The above signed agrees to reimburse the municipality for any and all costs and expenses incurred by the municipality in connection with this permit and the work conducted above. 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 has failed to comply therewith including police details and other remedial measures deemed necessary by the municipality.*

*The above signed agrees 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.*

*This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirement of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to the [www/mass.gov/DPS](http://www/mass.gov/DPS). Pursuant to M.G.L.c.82 Sec 1, the Department of Public Safety, jointly with the Division of Occupational safety, drafted regulations relative to trench safety. The regulation is confined in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation required all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within the municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.*

*The Town of Clinton has two departments issuing trench permits:*

*1 - The Building Department will issue permits for trenches on private property in conjunction with work that requires permits under their jurisdiction.*

*2 - The DPW will issue trench permits under utility permits, which cover work within the Town right-of-ways (ROW) as well as service connections to utilities located within the ROW.*

*In addition to the permitting requirements mandated by state, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches.*

*Accordingly, unattended trenches must be coved, barricaded or backfilled. Covers must be road plates at least 3/4" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.*

*The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shut down until re inspection is completed and authorized to re-open provided, however, those excavators shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative files issued by the Department of Public Safety for identified violations.*

*Continued*

Conditions and Requirements Pursuant to G.L.C.82A and 520 CMR 7.00 et seq. (As Amended Pt 2)

**By signing the application, the applicant understands and agrees to comply with the following:**

1. No trench may be excavated unless the requirements of sections 40 through 40D of Chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number Will the underground plant damage prevention system as said system is defined in Section 76D of Chapter 164 (DIG SAFE);
2. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended Without the first making every reasonable effort to eliminate any regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with the excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protection open trenches from accidental entry.
3. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration (OSHA) on excavations: 29CFR 1926.650 et.seq. Entitled Subpart P "Excavations".
4. 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 and this permit must be presented to said licensed operator before any excavation is commenced;
5. By applying for, accepting and signing this permit, the applicant hereby attests to the following: "( **1**) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (**2**) that he has read and understands the federal safety standards promulgated by OSHA on excavations: 29 CFR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (**3**) 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 the permit application. Complied with the requirement of sections 40-40D of Chapter 82A.
6. This permit shall be posted in plain view on the site of the trench.

Definitions

- **Competent Person-** A person or persons who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to people, and who has authorization to take prompt corrective measures to eliminate them. A competent person must be able to demonstrate that he or she has been trained in and are knowledgeable about: soil analysis, the use of protective systems and the requirements of this regulation.
- **Emergency-** An unforeseen condition in which the safety of the public is in imminent danger because of a threat to life or health or where immediate correction is required to maintain or restore essential public utility service.
- **Excavator** – Any entity including, but not limited to, a person, partnership, joint venture, trust, corporation, association, public utility, company or state or local government body or public agency which performs excavation operations including the excavation of trenches.
- **General Public** – All natural persons not engaged in the creation of a trench.
- **Permit Holder** –The excavator who is responsible for acquiring a permit from the Permitting Authority.
- **Permitting Authority** – A city, town, or public agency required to administer the provisions of 520 CMR. 14.03.
- **Public Agency**— A department, agency, board, commission, authority, or other instrumentality of the Commonwealth or political subdivision of the Commonwealth or two or more subdivisions thereof.
- **Serious Injury** - A personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function, or system, a compound fracture, or other significant injury that requires immediate admission and overnight hospitalization and observation by a licensed physician.
- **Trench** – An excavation which is narrow in relation to its length, made below the surface ground in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of the trench, as measured at the bottom, is no greater than 15 feet.
- **Unattended Trench** – A trench where, neither, the permit holder, excavator, nor any of the people who work in or at the trench are present.

**I HAVE READ AND UNDERSTAND AFOREMENTIONED TRENCH LAW Initial**

Authorized Agents Signature: \_\_\_\_\_ Date: \_\_\_\_\_