



**TOWN OF WAREHAM**  
54 Marion Road  
Wareham, Massachusetts 02571

Permit # T16-\_\_\_\_\_

Permit Fees

- \$200.00 Commercial  
 \$75.00 Residential

Pursuant to G.L. c. 82A sec.1 and 520 CMR 7.00 et seq. (as amended)

THIS PERMIT APPLICATION MUST BE FULLY COMPLETED PRIOR TO TOWN REVIEW

<b>AUTHORIZED APPLICANT (PERMIT HOLDER):</b>	
Name: _____	Phone: _____
Street Address: _____	Cell: _____
City/Town: _____ State: _____	Circle if Applicant Is: Property owner    Excavator    Competent Person
<b>PROPERTY OWNER(S):</b>	
Name: _____	Phone: _____
Street Address: _____	Cell: _____
City/Town: _____ State: _____	
<b>EXCAVATION COMPANY</b>	
Name: _____	Phone: _____
Street Address: _____	Cell: _____
City/Town: _____ State: _____	
<b>EXCAVATOR (PERSON PERFORMING WORK)</b>	
Name: _____	Phone: _____ Cell: _____
Street Address: _____	MA Hoisting License #: _____
City/Town: _____ State: _____	License Grade #: _____
	Expiration Date: _____
<b>COMPETENT PERSON ( AS DEFINED BY 520 CMR 7.02):</b>	
Name: _____	Phone: _____
Street Address: _____	Cell: _____
City/Town: _____ State: _____	
<b>PROPOSED TRENCH:</b>	
Street Address: _____	Proposed Trench Operation Start Date _____
Dig Safe # _____	Proposed Trench Operation Finish Date _____
Please describe the exact location of the proposed trench and its purpose (including a description of what is (or is intended) to be laid in proposed trench (ex; pipes/cable lines etc.) Please attach another sheet if additional space is needed.	

**INSURANCE INFORMATION FOR AUTHORIZED APPLICANT/OR CONTRACTOR**

Name and contact information of Insurer \_\_\_\_\_

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

A COPY OF THE CERTIFICATE OF INSURANCE MUST BE ATTACHED BEFORE THE APPLICATION CAN BE REVIEWED AS PR 520 CMR 14.03.3.B

BY SIGNING THIS PERMIT APPLICATION, THE APPLICANT, AND OWNER 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, G.L. c. 82A, 520 CMR 7.00 et seq., AND ANY APPLICABLE MUNICIPAL ORDINANCES, BY-LAWS 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 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 THE CONFORMITY WITH THE CONDITIONS ATTACHED HERETO AND THE LAWS AND REGULATIONS GOVERNING SUCH WORK.

THE UNDERSIGNED APPLICANT AND OWNER AGREE JOINTLY AND SEVERALLY TO REIMBURSE THE MUNICIPALITY FOR ANY AND ALL COSTS AND EXPENSES INCURRED BY THE MUNICIPALITY IN CONNECTION WITH ENFORCING 520 CMR 14.05.8.B.

THE UNDERSIGNED APPLICANT AND OWNER AGREE 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.

APPLICANT SIGNATURE:

\_\_\_\_\_ DATE \_\_\_\_\_

OWNER'S SIGNATURE (IF DIFFERENT)

\_\_\_\_\_ DATE \_\_\_\_\_

Did you receive the yellow trench regulation summary sheet? (Please check if received)

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

PERMIT APPROVED BY: \_\_\_\_\_  
TOWN ENGINEER

DATE ISSUED \_\_\_\_\_

PERMIT EXPIRES \_\_\_\_\_

CONDITIONS OF APPROVAL \_\_\_\_\_

\_\_\_\_\_

**Conditions and requirements pursuant to G.L. 82A and 520 CMR 14.00 et seq, (as amended)**

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

1. No trench may be excavated unless the requirements of section 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 with the underground plant damage prevention 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 first making every reasonable effort to eliminate any recognized safety hazard that may exist as a result of leaving said open trench unattended. Excavators should consult regulations promulgated by the Department for 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 said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
3. 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”.
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 understand the regulation 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 standard promulgated by the Occupational Safety and Health Administration on excavations; 29 CFR 192.650 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 requirements of sections 40-40D of Chapter 82A.
6. This permit shall be posted in plain view on the site of the trench.

For additional information, please visit the Department of Public Safety’s website at: [www.mass.gov/dps](http://www.mass.gov/dps)

## Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L. c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L. c82A, go to [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 codified in Section 14.00 of title 520 of the Code of Massachusetts Regulations.

The regulation requires 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.

In addition to the permitting requirements mandated by statute, 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 covered, barricaded or backfilled. Covers must be road plates at ¾” thick or equivalent; barricades must be fences at least 6’ high with no openings greater than 4” between vertical supports or opening greater than 4” may be protected by solid guards or suitable materials, including plywood or wood planks; 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-inspected and authorized to re-open provided, however, the excavators shall have the right to appeal an immediate shutdown. Re-inspection must occur within two (2) business days of written notifications by the excavator to the Permitting Authority that it has complied with all repairs/corrections ordered. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

### SUGGESTED CHECKLIST FOR APPLICATION

- Worker’s Compensation Certificate
- Insurance Binder from Insurance Company
- Photo Identification of Permit Holder
- Photo Identification of Person Performing Excavation
- Dig Safe Number
- All monies due to the Town must be paid (Certificate of Good Standing)