

TOWN OF PELHAM
HIGHWAY DEPARTMENT
PERMIT TO WORK WITHIN PUBLIC RIGHT-OF-WAY

ARTICLE 1 AUTHORITY

Pursuant to the State of New Hampshire RSA 236:9 (Supp) and RSA 236:14 and the Town of Pelham Sub-Division Regulations, permission is requested to disturb the surface of _____

for the purpose of and a more exact location being _____

ARTICLE II GENERAL CONDITIONS

I agree to comply with the following provisions and instructions issued by the Town Administrator's Office or Highway Department during the process of work.

- A. In areas where pavement is to be excavated, it shall be cut and removed to produce clean, uniform, vertical edges without damage to remaining pavement. Any area of undermined remaining pavement, unintentionally occurring as a result of the work, shall be cut and removed to produce clean, uniform vertical edges on existing base material. Any pavement damaged to blasting shall be cut and removed to provide clean, uniform, vertical edges with no damage to undisturbed pavement.
- B. The contractor shall put in place sheeting as may be required to support the sides of the excavation and to prevent the movement of earth other than that intended to be disturbed for the excavation.
- C. All water pumped or drained for the work shall be disposed in a manner suitable to the P.H.D. and without damage to pavements, other surfaces or property.
- D. Where ledge is to be removed by blasting all laws of state and federal agencies shall be complied with along with any additional instruction of the Fire Chief. No blasting shall be performed without twenty-four (24) hours notice being given to the Fire chief, and the issuance of a blasting permit.
- E. All backfill material in excavations shall be compacted at near optimum moisture content, in layers not exceeding 12 inches in compacted thickness, using either pneumatic or vibratory compactors. The material shall be compacted to at least 98% of the maximum density of soil determined by current tests for Moisture-Density Relationships of Soils, ASTM, D1557, Method D.
- F. Backfill material shall be material excavated during the course of construction, but excluding pieces of pavement, frozen material, organic matter, topsoil, muck, peat or clay, rocks over six inches in the largest dimension. Class "A" crushed gravel (as described in NH Standard Specifications) equal to a depth of the existing gravel base course or 12 inches, whichever is greater, shall be placed in layers not exceeding 6 inches loose depth and thoroughly compacted.
Cold mix or cold patch shall be immediately placed in the trench area as temporary pavement. The cold patch shall be placed at a slightly higher grade than the adjacent pavement to allow for settlement; material shall be placed to a full depth of existing pavement or 3 ½ (three and one half) inches, whichever is greater. After suitable exposure of temporary patches to traffic compaction, permanent pavement shall be placed in accordance with ARTICLE IV of this permit.
- G. Daily telephone notification of work to the Pelham Highway Department (635-8526) will be required as will be the minimum notification of twenty-four (24) hours in advance of making the temporary pavement repairs, and the permanent pavement repairs.
- H. Hours of work, Monday through Friday, 8:00 a.m. to 7:00 p.m. unless otherwise noted under ARTICLE IV SPECIAL CONDITIONS. The Contractor will be responsible to notify all abutting property owners of his intentions daily in advance of his construction.

ARTICLE III TRAFFIC AND SAFETY

- A. The maximum length of trench to be open at one time shall be no more than 300 feet. Suitable ingress and egress to properties abutting the street shall be maintained at all times. Two-way traffic nights, weekends and holidays shall be maintained at all times.
- B. Traffic must be maintained during the performance of the work. It shall be protected by suitable barricades, standard warning signs, flags and cones during the day and proper lighting at night. Flag persons shall be provided whenever two-way traffic cannot be maintained, or at the request of the Highway Department or Police Department during any time that they deem them necessary.

ARTICLE IV SPECIAL CONDITIONS

- A. The contractor will be responsible for permanent pavement in accordance with State of New Hampshire DOT Standard Specification Section 401. Permanent patch will be with a minimum of 2" of Type B (New Hampshire Binder), and 1 ½" of Type F (wearing course), or the full depth of existing pavement, whichever is greater. Permanent pavement must be installed no later than thirty calendar days from date of temporary patch.
- B. Special Conditions and Fees:

ARTICLE V RESPONSIBILITY

The contractor agrees to save harmless the Town of Pelham from any and all claims arising from the construction of the work.

The contractor agrees to assume such additional cost as the Highway Department may incur by reason of failure to perform this work in the manner prescribed above.

Duration of responsibility will be two (2) years from completion of permanent repair.

Permission for the above described construction, maintenance and operation is granted, subject to the instruction, regulations and conditions of this agreement. The undersigned hereby acknowledges receipt of copy of above permit and agrees to comply with requirements.

Contractor must supply the Town with Four Copies of the signed permit to the Town Highway Agent.

Work to Begin _____
Date

Work to End _____
Date

Contractor Tel.# _____
Cell #

By: _____
Highway Agent Date

Authorized Agent Tel.# _____
Business

Date of Temporary Repairs

Date Tel.# _____
Evening

Inspected By

Date of Permanent Repairs

TOWN OF PELHAM

STREET EXCAVATION, GENERAL INSTRUCTIONS

1. A permit form, prepared in quadruplicate, is required for every excavation and must be accompanied by the required permit fee.
2. A set of plans showing the work to be performed must accompany each request for a permit.
3. The original copy of the approved application and permit form and an approved set of work plans (marked "approved") must be kept on the job at all times.
4. If work for which a permit has been issued does not commence within five (5) days from the date of the permit, the Street Excavation Permit becomes "void". The Permit may be extended by the Highway Department if a request for an extension is made prior to the permit becoming void. Once a permit has become void, it will be considered as if the permit was never issued, but the fee will not be refunded.
5. A late Permit, at a fee of one hundred fifty dollars (\$150.00) will be required if any excavation is begun without a Street Excavation Permit which is in effect at the time of the excavation. Emergency excavations or closing of town highways shall be done by obtaining an Emergency Permit from the Highway Agent.
6. Each applicant must obtain from the Highway Department a copy of the Specifications and Regulations governing street excavations in Pelham streets.
7. The Highway Agent is authorized to revoke any permit if he finds that the Town of Pelham Street excavation regulations and/or subdivision specifications are being violated.
8. Construction plans for major and minor underground installations submitted to the Highway Department for permits shall contain the following:

MAJOR UNDERGROUND INSTALLATIONS – These projects are defined as follows:

1. Those involving more than one conduit
2. Those involving electric conduits four (4) inches and larger
3. Electrical cable system of 34kv or higher
4. Gas main two (2) inches in diameter or larger
5. Water mains six (6) inches in diameter or larger
6. Sewer mains eight (8) inches in diameter or larger

The above may be defined as minor installations at the discretion of the Highway Agent depending upon the distance and area involved.

A. PLANS AND PROFILE REQUIREMENTS: Drawings should be 24" X 36" with horizontal scale of one (1) inch = 20 feet and vertical scale of one (1) inch = four (4) feet or two (2) feet, (whichever is best) and provide the following:

1. Locations of proposed construction
2. All existing facilities, right-of-ways and property lines
3. All construction details
4. Elevations for the entire length of the profile including:
 - a. existing roadway
 - b. proposed installation
 - c. existing facilities (depth)
5. Elevation datum shall be USC 7 GS

MINOR UNDERGROUND INSTALLATIONS: All proposed underground installations not described above as major installations.

A. PLAN REQUIREMENTS: Complete set of drawings shall be provided showing:

1. Locations of proposed construction
2. All existing facilities that the proposed construction would cross or parallel in public right-of-way
3. Dimensional ties to monument lines in streets and to property lines
4. A scale of one (1) inch = 20 feet is desired
5. Depth of proposed installations by notes on the permit drawings.

B. "As-Built" Drawings: "As-Built" drawings (mylar or spias) shall be provided if required by the Highway Department.

MATERIAL REPLACEMENT – Reference Pelham Subdivision Regulations for requirements.

9. Road Crossings (patchwork) will be at an angle so as to not interfere with snowplowing. See Highway Agent for specifications.
10. Pipe, equipment and supplies shall not be stored within the State's right-of-way. Pipe or materials shall not be laid out ahead of construction.
11. Equipment must be removed to a safe distance from the edge of pavement during the hours of weekends, holidays and darkness. Suitable barricades and snow fencing shall be erected to properly enclose the work areas when the Contractor is not working. Routine Highway Department maintenance operations shall not be hindered by the Contractor's activities.
12. Water shall not be pumped onto the highway pavement. The Contractor may be required to plow, salt, sand, or otherwise clear that portion of the Town road which becomes encumbered due to the Contractor's operations. State snow removal and maintenance operations shall not be impeded.
13. Any disturbed paved area shall receive a temporary hot patch the same day as the excavation occurred with the final restoration to be placed prior to the project completion date. This requirement may be waived by the Highway Agent.
14. Roadway signing and guardrail systems shall not be disturbed. If a sign or guard rail must be moved to allow construction, said sign and guardrail shall be replaced at the location of removal the same day of removal.
15. The contractor shall mark, with well maintained signs, barricades, warning and/or channelizing devices, all hazards within the limits of the project and connecting roads. All barricades, signs, warning and/or channelizing devices shall be moved, supplemented, changed or removed during the progress of the construction when they no longer apply to the existing situation. Uniformed traffic control officers shall be provided whenever traffic cannot be maintained and/or at the request of the Highway Agent during the time that he deems them necessary for the protection of the public. All SIGNS SHALL BE KEPT IN GOOD REPAIR AT ALL TIMES AND REPLACED AS REQUESTED BY THE HIGHWAY AGENT.
16. All permanent pavement costs (overlay, stripping, shimming) shall be the responsibility of the Town of Pelham. When permanent paving is performed, the fee will be adjusted by the actual number of square feet cut.
17. In cold weather, when it is impossible for the Town to place hot bituminous pavement, all trench maintenance shall be the responsibility of the contractor. Temporary pavement shall be maintained smooth, free from potholes and to required grade until permanent pavement can be placed in the spring.
18. If after permanent pavement is placed any further surface distortion occurs along trench lines, due to settlement or other causes attributable to construction, the contractor shall be financially responsible for restoration as required for a period of two years after permanent pavement is placed. All costs associated with correction work shall be assessed to the contractor.
19. Twenty-four hours prior to using this permit, please notify:

Jim Hoffman Highway Agent, Town of Pelham, 635-8526.

TRENCH PERMIT AGREEMENT

INDEMNIFICATION AND INSURANCE REQUIREMENTS:

PERMITEE hereby agrees to protect, defend, indemnify, and hold the Town of Pelham and its employees, agents, officers and servants free and harmless from any and all losses, claims, liens, demands and causes of action of every kind and character including but not limited to, the amounts of judgments, penalties, interests, courts costs, legal fees and all other expenses including claims, liens, debts, personal injuries including injuries sustained by employees of the Town, death or damages to property, including property of the Town, and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident to, in connection with or arising directly or indirectly out of this Permit Agreement. PERMITEE agrees to investigate, handle, respond to, provide defense for and defend any such claims, demands, or suits at the sole expense of the PERMITEE. PERMITEE also agrees to bear all other costs and expenses related thereto, even if the claim or claims alleged are groundless, false or fraudulent. This provision shall be effective without regard to whether such injuries, deaths or damages are caused by or attributable in whole or in part to the negligence of the Town of Pelham, its employees, agents, officers or servants.

PERMITEE agrees to maintain in full force and effect:

- A. Comprehensive General Liability insurance written on occurrence form, including completed operations coverage, personal injury liability coverage, broad form property damage liability coverage and contractual liability coverage insuring the agreements contained herein. The minimum limits of liability carried on such insurance shall be \$1,000,000 each occurrence and, where applicable, in the aggregate combined single limit for bodily injury and property damage liability; \$1,000,000 annual aggregate personal injury liability.
- B. Automobile liability insurance for owned, non-owned and hired vehicles. The minimum limit of liability carried on such insurance shall be \$1,000,000 each accident, combined single limit for bodily injury and property damage.
- C. Worker's Compensation insurance whether or not required by the New Hampshire Revised Statutes Annotated, 1955 as amended, with statutory coverage and including employer's for each accidental injury and, with respect to bodily injury by disease, \$100,000 each employee and \$500,000 per policy year.
- D. Any and all deductibles on the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of PERMITEE.
- E. Insurance companies utilized must be admitted to do business in New Hampshire or be on the Insurance Commissioner's list of approved non-admitted companies and shall have a rating of (A) or better in the current edition of Best's Key Rating guide.
- F. PERMITEE agrees to furnish certificate(s) of the above mentioned insurance to the Town of Pelham within fourteen (14) days in advance of each renewal date. Such certificates shall name the Town of Pelham and the Highway Department as an additional insured and shall state that in the event of cancellation or material change, written notice shall be given to the Town of Pelham and Highway Department at least thirty (30) days in advance of such cancellation or change.
- G. The purchase of the insurance required or the furnishing of the aforesaid certificate shall not be a satisfaction of PERMITEE'S indemnification responsibilities to the Town of Pelham and the Highway Department.
- H. Applicant must comply with all applicable local zoning and ordinances and regulations and shall also comply with local, state and federal laws or regulations.
- I. PERMITEE shall furnish a continuing Surety Bond in the amount of **\$5000,00** dollars guaranteeing the fulfillment of the provision, instructions and regulations prescribed above and later instructions issued by the Road Agent during the performance of the work and satisfactory maintenance of the disturbed areas for a period of two (2) years following the acceptance of the project by the Town.

Contractor's Signature

Date

Witness

Date

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Advance Pipeline Notification

Section 674:75

[RSA 674:75 effective January 1, 2023.]

674:75 Advance Pipeline Notification. –

- I. As used in this section, " natural gas transmission pipeline " means an interstate pipeline, as that term is defined in 15 U.S.C. Section 3301(15); and
- II. For a new residential or nonresidential development that is located in whole or in part within 1,000 feet of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the applicant shall notify the operator of the natural gas transmission pipeline of the planned development no later than the time of application for approval of the development, or 180 days prior to commencement of construction, whichever is earlier.
- III. The developer of the development shall provide on a form filed with the local land use board the following notice:
"All reasonable means were used to obtain information about natural gas transmission pipeline facilities in the area of the proposed development and pipeline operator(s) were contacted to verify the location of the pipeline and the pipeline easement. The developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator."
- IV. Within 60 days of the effective date of this section, a local land use board in a municipality that is within 1,000 feet of the center point of a natural gas transmission pipeline shall make National Pipeline Mapping System geospatial data available to developers from the Pipeline and Hazardous Materials Safety Administration within the United States Department of Transportation relative to the locations of pipelines.
- V. Upon receiving notice of a planned development in accordance with this section, a pipeline operator shall locate and mark the natural gas pipeline facilities and provide pipeline facility information to the developer by other means such as marking up design drawings and providing maps.
- VI. A building permit shall not be issued, and a building shall not be erected on a lot within the jurisdiction of a local land use board unless one of the following 3 criteria is met:
- (a) The developer has received written consent from the natural gas pipeline operator and has filed this consent with such regional planning commission;
- (b) The developer has not received written consent from the natural gas pipeline operator, but has filed with such local land use board written correspondence from the pipeline operator demonstrating that discussions and outreach have occurred; or
- (c) The developer has filed dated and written correspondence with such local land use board that demonstrates attempts to contact the natural gas pipeline operator and that no response has been received within 180 days of the filing.
- VII. This section applies only to counties and municipalities that are governed by a local land use board for purposes of approving residential and nonresidential developments.

Source. 2022, 75:2, eff. Jan. 1, 2023.