



# CITY OF LYNN

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INSPECTIONAL SERVICES DEPARTMENT

Room 103, Lynn City Hall, Lynn, MA 01901 Tel: (781) 598-4000 Fax: (781) 477-7031

## APPLICATION FOR TRENCH PERMIT

The Massachusetts State Building Code (8<sup>th</sup> edition) specifies the minimum building permit requirements. Applicants are advised to review and be familiar with these requirements in order to avoid common permit application problems. Applicants shall be aware that permits *shall not be issued* to properties owing outstanding property taxes, municipal fines or fees pursuant to local ordinance.

### FILING INSTRUCTIONS

1. Application forms must be fully completed, including all requested information, in clear, legible handwriting or electronically. Incomplete applications will result in delays in processing.
2. Applicants shall describe the work to be performed in plain English, with sufficient detail to notify the building official as to the applicant's plans with all necessary documentation attached. E.g. Insulation (res-check), Windows (u-factor), Siding (materials used), Roofing (materials, strip/# of existing layers).
3. Construction plans must be dimensioned, clearly drawn, and of sufficient detail to demonstrate the project's compliance with all relevant aspects of the Massachusetts State Building Code (8<sup>th</sup> ed.).
4. Applications shall be deemed complete upon receipt of the application form, construction documents (i.e. plans), specifications, fees and all related materials (e.g. Workman's Compensation Affidavit). The application review period shall run from the first date on which **all** required materials have been filed with the building official.
5. Applicants shall attach proof of authorization to applications for projects which require approval from another authority-granting agency such as the Conservation Commission, Zoning Board of Appeals, Planning Board or Board of Health.
6. Applicants shall provide a photocopy of their Construction Supervisor's License, Home Improvement Contractor's Registration, Worker's Compensation Affidavit and copy of current Certificate of Liability Insurance.

### PERMIT FEES

Effective August 21, 2017, the residential building (1&2 Family Dwellings) permit fee shall be calculated based upon the total projected building costs associated with the project as reflected in Section 4 of the building permit application at a rate of \$14 per \$1,000 of total projected cost. The minimum permit fee shall be \$50. **Short Form Building Permits do not include are NOT assessed a plan review fee (\$25).**



**City of Lynn Massachusetts**  
**Inspectional Services Department**  
**Massachusetts State Building Code, 780 CMR**  
**Trench Permit Application • \$25.00**

*Approval  
Stamp*

Building Permit Number: BP- _____	Project Number: JS- _____
Dig Safe Number: _____	

Building Official Signature _____	Date _____
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**SECTION 1: SITE INFORMATION**

<b>1.1 Property Address:</b> _____	<b>1.2 Assessors Map &amp; Parcel Numbers</b>
1.1a Is this an accepted street? yes _____ no _____	Map Number _____ Block Number _____ Lot Number _____
<b>1.3 Zoning Information:</b> _____	<b>1.4 Anticipated Start Date:</b> _____ <b>Anticipated Finish Date:</b> _____
Zoning District _____ Proposed Use _____ Ward _____	

**SECTION 2: PROPERTY OWNERSHIP<sup>1</sup>**

**2.1 Owner of Record:**

Name (Print) _____	City, State, Zip _____
No. and Street Name _____	Telephone _____ Owner's Signature _____

**2.2 Authorized Agent/Contractor (i.e. Excavator):**

Name (Print) _____	City, State, Zip _____	Telephone _____
Signature _____	Hoisting License No. _____	License Grade. _____ License Exp. Date _____

**2.3 Insurer's Name/Contact Information:**

Company Name _____	Address _____	City, State, Zip _____
Telephone _____	Insurance Certificate No. _____	Policy Exp. Date _____

**SECTION 4: WORKERS' COMPENSATION INSURANCE AFFIDVAIT**

Applicants must complete and submit a Workers' Compensation Affidavit with all permit applications. Failure to provide this affidavit shall result in denial of issuance of the Permit.

Signed Affidavit Attached: Yes  No

**SECTION 5: OWNER/AUTHORIZED AGENT DECLARATION**

BY SIGNING THIS FORM, THE APPLICANT/EXCAVATOR AND OWNER, 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/EXCAVATOR 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.

THE UNDERSIGNED APPLICANT/EXCAVATOR AND OWNER 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.

THE UNDERSIGNED APPLICANT/EXCAVATOR 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. .

**Signed under the Pains and Penalties of Perjury:**

\_\_\_\_\_  
EXCAVATOR'S SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
DATE

## **TRENCH PERMITS: CONDITIONS AND REQUIREMENTS PURSUANT TO G.L.C.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 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 with 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 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 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 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 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 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 the Occupational Safety and Health Administration on excavations: 29 CMR 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 requirements of sections 40-40D of chapter 82A.

**The permit shall be posted in plain view on the site of the trench.**

### 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.c.82A, go to [www.mass.gov/dps](http://www.mass.gov/dps)

Pursuant to M.G.L. c. 82, § 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-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within their 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.

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 least ¾" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports or openings 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 shutdown 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.