



TOWN OF SUNAPEE

Regulations Governing Excavations in Town Highways, within the Towns Right of way and Streets

The Board of Selectmen of the Town of Sunapee, New Hampshire, pursuant to New Hampshire RSA 236:9, 10, and 11; RSA 41:11, and RSA 47:17 VII & VIII, hereby adopt the following regulations:

1. Except as provided in paragraph 2, it is unlawful to excavate and/or disturb the following components of any Town Highway or Street for any purpose what so ever, without written permission from the Board of Selectmen.
 - a) Existing roadway shoulders,
 - b) Existing drainage courses or components thereof,
 - c) Adjacent embankments or fill slopes,
 - d) Existing asphalt pavement, subgrade and subbase gravel materials that may be within the roadway cross-section,
 - e) Existing surfaces of any Town highway or street,
 - f) Existing Town-owned utilities that are within the Town's roadways, streets, or rights of way.

Any person seeking to conduct operations governed by this paragraph shall apply in writing to the Selectmen for a permit to do so.

2. In cases of an emergency where the public health or safety is endangered, such immediate action as may be necessary may be taken without permission of the Board of Selectmen. However, in such cases, the person directing or taking such action shall at once notify the Board of Selectmen or the Highway Director, of the nature of the emergency and the action taken

3. Permits granted by the Board of Selectmen shall be subject to the following conditions:

- a) Encumbrances or obstructions shall at all times be properly guarded, barricaded or fenced during the time the highway or street is encumbered or obstructed, and lights shall be maintained throughout the night so that all encumbrances or obstructions may be readily seen. If the highway is to be closed, it shall be properly signed and the Police and Fire Departments shall be notified of the location.
- b) Existing trees shall not be cut down, trimmed, or otherwise injured.
- c) Advertisements, notices, or signs shall not be displayed on or attached to any barricade or fence in any highway or street.
- d) The permit shall be kept with the individual in charge at the place where the work is being performed, and shall be produced for examination upon request of any town official.
- e) The highway or street being worked on or within shall be left in as good condition at the completion of the work from the date when the permit was granted, to the satisfaction of the Highway Director. The Highway Director reserves the right to restore the highway or cause the same to be restored under its direction, and the person to whom the permit is granted shall reimburse the Town for any and all liability and expense suffered by reason of such work.

Regulations Governing Excavations in Town Highways and Streets (continued)

- f) The permittee agrees to indemnify and save harmless the Town of Sunapee from any and all claims, loss, cost, damage, injury or expense that may arise from the encumbrance, obstruction, occupation, or use of the highway or street. The permittee shall be accountable for all damage that may occur on account of such encumbrance, obstruction, occupation, or use of the highway or street. The permittee further agrees to indemnify and save harmless the Town of Sunapee from any and all claims, loss, cost, expense, damage or injury that may arise from the obstruction or use of any public sewer or water facility in connection with the work performed under the permit. The Town of Sunapee in no case assumes any responsibility by reason of the permit.
- g) Such other reasonable conditions as may be required by the Board of Selectmen for the protection of the public health, safety, and welfare.

Where pipe is to be constructed within the cross-section of any highways or streets, the following conditions shall also apply:

- a) All pipe bedding material(s) shall be in accordance with the requirements set forth by the New Hampshire Department of Environmental Services (NHDES), the New Hampshire Department of Transportation (NHDOT), or any other agency having jurisdiction. As a minimum, all pipe bedding material shall consist of at least six inches of sand around water pipes, or #67 stone up to ¾" washed screened crushed stone around all sewer and drainage pipe. Pipe bedding shall be compacted in accordance with all applicable NHDES and/or NHDOT standards.
 - b) Backfill materials to be used above the pipe bedding or cushion shall be as follows:
 - o To the maximum extent possible, backfill shall be obtained from natural materials excavated and stockpiled at the worksite during the construction
 - o Backfill containing loam, clay, wood, trash, or other unsuitable materials which may be decomposable, compressible or which cannot be properly compacted shall not be used. Every effort shall be made to use material compatible to the existing material to minimize heaving and settling of the roadway throughout the year.
 - o Snow, ice or frozen soil shall be strictly excluded from backfill material.
 - o Backfill shall not contain stones or rock fragments greater than six inches in the longest dimension, granite blocks, broken concrete, masonry rubble, or other similar materials.
 - o Where the excavation is in a paved area, an area to be paved, or unpaved vehicular traveled way or the shoulder of a paved road, a suitable base equal to the existing base shall be installed, but in no case shall less than twelve inches of crushed gravel be provided.
 - o Backfill shall be placed in layers no thicker than twelve inches, and compacted before the next layer is placed.
 - c) Pavement restorations are to be as follows:
 - o All existing pavement edges shall be saw cut.
 - o All saw cut pavement edges shall have asphalt emulsion applied to them immediately prior to installing permanent pavement restorations.
 - o Three inches of bituminous concrete pavement shall be placed, consisting of a two-inch base course of ¾" binder and a one-inch wearing course of ½" top.
5. Should it be determined that wetlands will be affected, a permit application must be filed with and receive approval from the State of New Hampshire Department of Environmental Services (Wetlands Bureau).
 6. In addition to the foregoing conditions, the Selectmen may require an applicant to post bond, with sufficient sureties, to secure performance of conditions under which the permit is to be granted by the Board of Selectmen.
 7. A copy of this regulation shall be attached to each permit at the time of issuance and shall remain attached to the permit during the duration of work.
 8. Permits issued under this regulation may be revoked by the Selectmen at any time.