



## Town of Millbury *Department of Public Works*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 Tel. 508 / 865-9143 • Fax: 508 / 865-0843  
Keith Caruso \*DPW Supervisor

### SEWER COMMISSIONERS

Gary Nelson, Chairman

Lisa Allain, Vice Chairman

Happy Erickson, Clerk

### APPLICATION FOR DRAINLAYER'S LICENSE

(Application must be made in ink and in handwriting of applicant)

I, \_\_\_\_\_, do hereby make application for a license to engage in the business of drainlaying in Millbury.

1. Residence \_\_\_\_\_ Telephone \_\_\_\_\_

Email Address \_\_\_\_\_

2. Date \_\_\_\_\_

3. Present Occupation \_\_\_\_\_

4. How many years of experience have you had in the drainlaying business? \_\_\_\_\_

5. In what capacity? \_\_\_\_\_

6. Where did you learn the drainlaying business? Give names and addresses of employees.

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7. State in detail how you would lay a drain to a main sewer.

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APPROVED

Sewer Commissioners

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**MASSACHUSETTS DEPARTMENT OF REVENUE**  
**REVENUE ENFORCEMENT AND PROTECTION (REAP) ATTESTATION**

I certify under the penalties that I, to my best knowledge and belief,  
Have filed all state tax returns and paid all state taxes required under law.

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Signature of Individual or Corporate Name (Mandatory)

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By: Corporate Officer (Mandatory, if applicable)

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**\*\* Social Security # (Voluntary) or Federal Identification Number**

The license will not be issued unless this certification clause is signed by the applicant.

**\*\* Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filings or tax payment obligations. Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation. This request is made under the authority of M.G.L. Chapter 62Cs.**



*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:**

- |   |  |
|---|--|
| <p>1. <input type="checkbox"/> I am an employer with _____ employees (full and/or part-time).*</p> <p>2. <input type="checkbox"/> I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]</p> <p>3. <input type="checkbox"/> I am a homeowner doing all work myself. [No workers' comp. insurance required.]†</p> | <p>4. <input type="checkbox"/> I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.‡</p> <p>5. <input type="checkbox"/> We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]</p> |
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**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 attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

***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. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

***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 city or town official.***

City or Town: \_\_\_\_\_ 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 #: \_\_\_\_\_



# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' 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 representatives 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(es) and phone number(s) along with their certificate(s) of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (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 listed 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 applications 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 \_\_\_\_\_ (city or town)." 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 home owner 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 Investigations 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)

## TOWN OF MILLBURY

### MINIMUM INSURANCE REQUIREMENTS

Before you or any of your employees shall do any work under contract with the Town of Millbury, or before the issuance of any permits for activities in the Town of Millbury, you must have your insurance carrier complete and return a Certificate of Insurance indicating coverage as being in effect to the limits indicated below. The Certificate when returned must be in typed form, **FULLY COMPLETE**, as to the information requested, and signed by the authorized representative of the insurance carrier.

TYPE OF COVERAGE		LIMITS	
		Bodily Injury Each Occurrence	Property Damage Each Occurrence
*Public Liability, Personal Injury	Each Person \$250,000	\$500,000	\$100,000
Complete Operations Products	\$250,000	\$500,000	\$100,000
+Contractual	\$250,000	\$500,000	\$100,000
Independent Contractor	\$250,000	\$500,000	\$100,000
Automobile Liability	\$250,000	\$500,000	\$100,000
Workmen's Compensation	Statutory		

\*The Town of Millbury must be named as an additional insured under the Public Liability Policy.

Property damage including coverage for damage caused by collapse, explosion or underground hazards, if such coverage would ordinarily be excluded by reason of the classification and code numbers used to describe the insured operations. (Applies to any operations involving excavation, demolition, drilling, or handling of hazardous materials among others.)

+ Contractual Liability shall include all liability assumed by the insured under all written agreements or permits issued by or for the Town of Millbury.

Must provide the Town with a \$3,000 Drainlayers Bond. Must sign Hold Harmless Clause.



**TOWN OF MILLBURY**  
**SELECTMEN'S OFFICE**  
**MILLBURY, MASSACHUSETTS**

**HOLD HARMLESS:** The contractor further agrees to indemnify and save Harmless the Town of Millbury and its elective or appointive executive officers and commission members hereinafter referred to as the Town of Millbury from and against any and all claims, demands, actions, or defense costs, on account of personal injuries or death, or damages, injury or liability is contributed to by the negligence of the Town of Millbury or its employees or agents and whether due to imperfections in any materials furnished by the Town of Millbury or by the premises themselves or any equipment thereon, or from other causes whatsoever, except that the contractor shall have no liability for damages or the losses incident thereto caused by the sole negligence of the Town of Millbury.

**INSURANCE:** Prior to the start of any work required under this contract, the contractor agrees to furnish the Town of Millbury with a completed certificate of insurance of a form and in amounts and types of coverage as required by the Town of Millbury. Renewal certificates must be furnished at least ten (10) days prior to the expiration of any coverage's required hereunder.

DATE: \_\_\_\_\_

BY \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Title – Pres. Owner Partners)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone)

TOWN OF MILLBURY  
DRAIN LAYER LICENSE  
SUB-CONTRACTOR LIST

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

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We do not use sub-contractors: \_\_\_\_\_

The following is a list of sub-contractors: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Company Name: \_\_\_\_\_  
Contact Person: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

**APPLICATION FOR DAIN LAYERS LICENSE**

**TRENCH SAFETY ADDENDUM**

**To: Board of Sewer Commissioners  
Town of Millbury, MA**

**The undersigned, being the**

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City or Town)

\_\_\_\_\_  
(Telephone Number)

Certifies that I have read and understand the sewer use by-laws and rain layer's rules and regulations for the Town of Millbury. **I also certify that I have read and understand the Millbury Sewer Connection construction memorandum dated December 9, 2008 pertaining to Trench Safety regulations and Massachusetts Open Trench Safety Regulations.**

I further understand that any violation of these requirements shall be cause for revocation of this license.

Date & Signature: \_\_\_\_\_  
Owner/Owner Representative



## 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 right-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 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-inspected and authorized to re-open provided, however, that 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 fines issued by the Department of Public Safety for identified violations.



### Summary of 1926 CFR Subpart P -OSHA Excavation Standard

This is a worker protection standard, and is designed to protect employees who are working inside a trench. This summary was prepared by the Massachusetts Division of Occupational Safety and not OSHA for informational purposes only and does not constitute an official interpretation by OSHA of their regulations, and may not include all aspects of the standard. For further information or a full copy of the standard go to [www.osha.gov](http://www.osha.gov).

• **Trench Definition per the OSHA standard:**

- An excavation made below the surface of the ground, narrow in relation to its length.
- In general, the depth is greater than the width, but the width of the trench is not greater than fifteen feet

- **Protective Systems** to prevent soil wall collapse are always required in trenches deeper than 5', and are also required in trenches less than 5' deep when the competent person determines that a hazard exists. Protection options include:
  - Shoring. Shoring must be used in accordance with the OSHA Excavation standard appendices, the equipment manufacturer's tabulated data, or designed by a registered professional engineer.
  - Shielding (Trench Boxes). Trench boxes must be used in accordance with the equipment manufacturer's tabulated data, or a registered professional engineer.
  - Sloping or Benching. In Type C soils (what is most typically encountered) the excavation must extend horizontally 1 ½ feet for every foot of trench depth on both sides, 1 foot for Type B soils, and ¾ foot for Type A soils.
  - A registered professional engineer must design protective systems for all excavations greater than 20' in depth.

• **Ladders** must be used in trenches deeper than 4'.

- Ladders must be inside the trench with workers at all times, and located within 25' of unobstructed lateral travel for every worker in the trench.
- Ladders must extend 3' above the top of the trench so workers can safely get onto and off of the ladder.

• **Inspections** of every trench worksite are required:

- Prior to the start of each shift, and again when there is a change in conditions such as a rainstorm.
- Inspections must be conducted by the competent person (see below).

• **Competent Person(s) is:**

- Capable (i.e., trained and knowledgeable) in identifying existing and predictable hazards in the trench, and other working conditions which may pose a hazard to workers, and
- Authorized by management to take necessary corrective action to eliminate the hazards. Employees must be removed from hazardous areas until the hazard has been corrected.

• **Underground Utilities** must be:

- Identified prior to opening the excavation (e.g., contact Digsafe).
- Located by safe and acceptable means while excavating.
- Protected, supported, or removed once exposed.

• **Spoils** must be kept back a minimum of 2' from the edge of the trench.

• **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.

• **Stability of Adjacent Structures:**

- Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
- Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.

• **Protection from water accumulation hazards:**

- It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
- If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.

• **Additional Requirements:**

- For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
- Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
- Employees must wear high-visibility clothing in traffic work zones.
- Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O<sub>2</sub> <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
- Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
- Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.



## CONDITIONS AND REQUIREMENTS PURSUANT TO G.L. C. 82A AND 520 CMR 7.00 et seq. (as amended)

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

- i. No trench may be excavated unless the requirement 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);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 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 shall 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 safety hazards which may include covering, barricading or otherwise protecting open trenches from accidental entry.
- iii. Person 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., entitled Subpart P. "Excavations".
- iv. 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;
- v. 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 Administrative 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 bases of the permit application, complied with the requirements of sections 40-40D of chapter 82A
- vi. 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)





## Town of Millbury BUILDING DEPARTMENT

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527 Tel. 508 / 865-0438 • Fax: 508 / 865-0843

### **TRENCH:**

An excavation made below the surface of the ground, narrow in relation to its length.

In general, the **depth is greater than the width**, but the width of the trench is not greater than fifteen feet.

### **PUBLIC PROTECTION:**

Trenches must be **attended, 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; backfilling must be sufficient to eliminate the trench.

**UNATTENDED TRENCHES:** Any unattended trench shall be Posted by an attendant or police detail at the cost to the contractor, Until the contractor secures the trench.