



Braintree Town Council

ORDER NO: 074 14 - Renumbered 15 033 DATE FILED: OCTOBER 21, 2014
REQUEST OF: COUNCILOR RYAN

Councilor Ryan has submitted to the Braintree Town Council for consideration an amendment to General Ordinances, Chapter 12.08 – Excavation and Obstructions:

To see if the Town will vote to amend its General Ordinances, Chapter 12.08 - Excavation and Obstructions, by amending Section 12.08.010, Permit, for the purpose of adding a new paragraph D and paragraph E as printed in the attachment hereto.

Make the following change to the Town Ordinances, Section 12.08.010, ADD subsections D. and E., as follows:

12.08.010

D. Except as noted in Section E. below, no permit shall be granted within the moratorium period specified below for any non-emergency¹ excavation within the improved area.

Improvement	Description	longitudinal Trench	Transverse Trench (or transverse plus longitudinal totalling less than 150 feet.)
Reconstruction	New pavement over repaired or replaced granular base ²	10 years	5 years
Mill & Overlay	New pavement over milled existing pavement	10 years	5 years
Overlay	1-inch plus full lane width overlay of existing pavement ²	10 years	5 years
Shim with Microsurface, Chip Seal, Cape Seal, etc.	less than 1-inch full width surface treatment over paved shim along middle area of road	10 years	5 years
Microsurface, Chip Seal, Cape Seal, etc.	Less than 1-inch full width surface treatment over existing pavement	10 years	3 year
Other treatments	Not known at this time	TBD ³	TBD ³

E. The Town Council may grant a petition of National Grid or other gas company for a permit to excavate in an improved area under the moratorium and may require such mitigation and repairs as it sees fit, and it may require that surety be posted to secure the completion of the required mitigation and repairs.

The Mayor may grant a petition of others for a permit to excavate in an improved area under the moratorium for public safety related concerns, and may require such mitigation and repairs as he sees fit, and he may require that surety be posted to secure the completion of the required mitigation and repairs.

The minimum mitigation and surface repair requirement that should be expected for longitudinal excavation in an improved area in the first seven years of the moratorium is for full width curb to curb milling and re-paving for the full length of the excavation along the road plus another 25 feet at each end.⁴

The minimum mitigation and surface repair requirement that should be expected for a.) all transverse excavation or for b.) longitudinal excavation in the last three years of the moratorium is crown to curb milling and re-paving the extent of the excavation plus another 5 foot length each edge in the direction of traffic.⁴

All pavement markings shall be replaced in-kind. Curbs and sidewalks must be repaired or replaced, each to the satisfaction of the Highway Superintendent. Infrared treatment of seams may be required at the discretion of the Highway Superintendent.

¹ Emergency excavations for National Grid or other gas company shall consist of excavation to fix a "Grade 1" leak. For all others an emergency shall be as defined in Massachusetts' "DIG SAFE" law, MGL C.82 S 40 and 40A through 40E.

² Includes Improved sidewalks

³ To be determined by the Town Council as cases arise.

⁴ Length and/or width of repair may be varied at intersections and in other special circumstances.



Braintree Town Council

YEAS: Bowes, Clifford, Hume, Kokoros, O'Brien, Owens, Powers, Ryan

NAYS: NONE

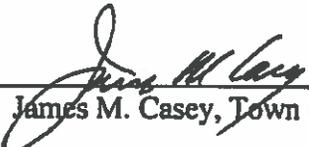
ABSENT: Mullaney

PASSED IN COUNCIL: AUGUST 11, 2015
PRESENTED TO MAYOR: AUGUST 12, 2015

A True Record, Attest:

8-17-15

Date Approved


James M. Casey, Town Clerk


Joseph C. Sullivan, Mayor