

**Town of Wellesley
Board of Public Works
Department of Public Works
Engineering Division**



**UTILITY AND WORK IN PUBLIC WAY
RULES AND SPECIFICATIONS
REGULATING STREET AND TRENCH EXCAVATIONS,
OBSTRUCTIONS AND DRIVEWAY APRONS
APRIL 1, 1988**

AMENDED: November 1997
April 15, 2004
May 15, 2009
October 1, 2018

**REGULATIONS FOR
STREET EXCAVATIONS, STREET OR
SIDEWALK OBSTRUCTIONS AND DRIVEWAY APRONS**

Article 200

Pursuant to Town Bylaw 49.3 (Excavations In Streets and Sidewalks) and 49.11 (Obstructions In Streets and Sidewalks), the Board of Public Works hereby adopts the following regulations for street excavations, street or sidewalk obstructions and driveway aprons, as amended, effective April 1, 2009. These regulations are in six sections as follows:

- Section I - Definitions
- Section II - Street Excavations
- Section III - Street or Sidewalk Obstructions
- Section IV - Driveway/Aprons
- Section V - General
- Section VI - Fines and Penalties

SECTION I - DEFINITIONS

- a. Applicant - person-assuming responsibility for the work. Only the name appearing on the Certificate of Insurance under "insured" will be considered to be the applicant.
- b. Barricade - device or structure used to prevent access to a specific area.
- c. CDF (Control Density Fill) – material containing sand, fly ash, cement and water and used to backfill trenches and achieve 100% compaction.
- d. Competent Person - a person or persons who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to people, and who has authorization to take prompt corrective measures to eliminate them. A competent person must be able to demonstrate the he or she has been trained in and is knowledgeable about: soil analysis, the use of protections for the General Public and the requirements of these regulations.
- e. Critical Work Areas-Critical work areas are street intersections, arterial routes and streets within the Town shopping areas. Streets considered as ARTERIAL ROUTES are:

Benvenue Street	Hunnewell Street
Cedar Street	Linden Street
Central Street	Oakland Street
Cliff Road	Walnut Street
Forest Street	Washington Street
Glen Road	Wellesley Avenue
Great Plain Avenue	Weston Road
Grove Street	

The TOWN SHOPPING AREAS are:

Linden Street Shopping Area
Wellesley Square
Wellesley Fells Area
Wellesley Lower Falls
Wellesley Hills Square

- f. Curb line - the boundary line on either side of a roadway or paved portion of a street.
- g. Director - Director of Public Works of the Town of Wellesley, or his designee.
- h. Encroach - to intrude upon, above or beneath any public ways.
- i. Excavation - a cutting into the existing paved or grassed surface by any means whatsoever.
- j. New Applicant –an applicant who has never performed work in the Town of Wellesley having obtained a Street Occupancy Permit.
- k. Permittee - an applicant who has been issued a valid Street Occupancy Permit by the Director.
- l. Person - any person, firm, partnership, association, society, corporation, company, governmental agency or organization of any kind.
- m. Public Utility - any utility subject to the provisions and regulations of M.G.L. C. 164.
- n. Public Way - a street maintained and accepted as such by the Town of Wellesley.
- o. Roadway - that portion of a street improved, designed, or ordinarily used for vehicular traffic.
- p. Sidewalk - that paved portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.
- q. Street - the entire width between the boundary lines of every public way publicly maintained.
- r. Street Line - the boundary line on either side of a street.
- s. Town Construction Contract - a major Town project being constructed under direction and supervision of the Town Engineer.
- t. Tree Lawn - that unpaved portion (normally grassed, possibly with trees) of a street between the curb lines or the lateral lines of a roadway, and the adjacent property lines intended for pedestrian use.

- u. Trench - an excavation which is narrow in relation to its length, made below the ground's surface in excess of 3 feet below grade and the depth of which is, in general, greater than the width, but the width of a trench, as measured at the bottom is no greater than 15 feet.
- v. Unattended Trench - a trench where neither the permittee, nor any of the people who work in the trench are present.

SECTION II - STREET EXCAVATIONS

A. Permit Required

Prior to obtaining a Street Occupancy Permit, the applicant shall file a Permit Request Form, including a dig safe number and a sketch or plan of the proposed excavation, including existing conditions.

New applicants shall provide a copy of their Class C or B Hoist Engineer's License, a list of available equipment and references of similar work successfully completed in the past three (3) years for at least three (3) other municipalities in the Commonwealth of Massachusetts. Only bonded and insured contractors are allowed to obtain a Street Occupancy Permit.

No person shall cut any excavation in any public way without first obtaining a permit to do so from the Department of Public Works, except as otherwise provided in these regulations. If an excavation is made in the public way without obtaining a permit, a fine will be assessed, see Section VI Fines and Penalties. After obtaining a permit, the contractor will be allowed to complete the work. However, the contractor will be on a probationary period for the remainder of the current construction season or six (6) months, whichever is longer. Any excavation in the public way shall follow the construction procedures as specified in the Construction Requirements for the Installation and/or repair of Underground Facilities, Excavations and paving in the Public Way, amended March 2004. (See Appendix B)

Permits must be kept at the project site during the progress of the excavation and must be shown upon request to any authorized Town personnel. Failure to show permit will result in the immediate cessation of work. Permits must be renewed before the expiration date, generally thirty (30) days from the date the permit was issued. Contractors working with expired permits could result in a fine, see Section VI – Fines and Penalties.

No Street Occupancy Permit shall be issued between November 1 and April 1, except in cases of emergencies, as determined by the Director. Unless approved by the Director, work performed after November 15, the official closing of the Street Occupancy Permit program, will result in a fine; see Section VI – Fines and Penalties.

Trench excavations on private property shall be performed after obtaining a permit from the Department of Public Works Engineering Division pursuant to M.G.L. c.82A s.1 and 520 CMR 7.00 et seq. (as amended). The permit application fee for trench excavation work performed on

private property is \$150.00. All trench excavation work performed on private property shall be subject to the appropriate statutes and regulations of the Commonwealth of Massachusetts.

B. Preconstruction Meeting

Work performed on an arterial road will require a preconstruction meeting with the Director of Public Works. At a minimum, representatives of the Police Department and the Engineering Division will be required to attend this meeting. The permittee will provide a traffic management plan, which shall be approved by the Chief of Police.

C. Insurance

Before an excavation permit is issued, the applicant shall file with the Department of Public Works an insurance certificate, acceptable to said Department of Public Works, containing the following:

Insurance under which the Town shall be named as an insured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts, against the following risks in not less than the amounts as herein indicated:

WORKERS' COMPENSATION in accordance with the provisions of M.G.L. Chapter 152:

1. Statutory State - Massachusetts
2. Coverage Limit \$100,000 each employee
3. Additional Endorsements
 - a. Voluntary Compensation

GENERAL LIABILITY (Comprehensive Form of Policy)

1. Limits of Liability
 - a. Bodily Injury and Property Damage - Combined Single Limit of \$1,000,000 with a \$3,000,000 Annual Aggregate Limit. The Town should be named as "Additional Insured"
 - b. Property Damage
2. Arrangement of Coverage
 - a. Premises Operation
 - b. Products - Completed Operations
 - c. Owners & Contractors Protective
 - d. Explosion, Collapse, and Underground
 - e. Broad Form Comprehensive General Liability endorsement or equivalent (to include Broad Form Contractual, Personal Injury, Broad form Property Damage, Incidental Malpractice, etc)
 - f. Cross Liability

AUTOMOBILE LIABILITY (Comprehensive Form of Policy)

1. Limits of Liability

- a. Bodily Injury and Property Damage
and Combined Single Limit of \$1,000,000
The Town should be named as an "Additional Insured"

2. Arrangement of Coverage

- a. Employer Non-Owned
- b. Hired Car
- c. All Owned or Leased Vehicles

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Limit of Liability: \$2,000,000 (minimum) occurrence, \$2,000,000/aggregate. The Town should be named as Additional Insured.

All policies shall provide the Town of Wellesley 15 day's notice of cancellation, non-renewal, or material change. Certificates are to evidence notice. Certificate wording to the effect that carriers will "endeavor to" provide notice and failure to provide notice "shall not impose liability or obligation" are not acceptable.

Exemptions to filing insurance endorsement are made only to other governmental agencies of State and Federal level, and public utility companies.

D. Certified Bank Check

Before a Street Occupancy Permit is issued, the applicant shall file a certified bank check with the Department of Public Works in the amount of one thousand dollars (\$1,000) for driveway permits and five thousand dollars (\$5,000) for excavation permits. The certified bank check shall be payable to the Town of Wellesley - DPW. All certified bank checks will be deposited in a Street Occupancy Permit Account for a period of five (5) years (guarantee period) for said purpose, with the exception of those regarding driveway aprons, which shall be held for a period of two (2) years for said purpose.

The Director shall be authorized to draw upon the certified bank check account as may be necessary to cover the costs to the Town, including administrative costs, to perform work which a permittee has not satisfactorily performed or maintained said work. The Director shall be authorized to draw upon the certified bank check account without notice, but only after the permittee has failed to perform said work and failed to pay the invoice for the cost of the work performed by the Town. The Director shall also draw upon the certified bank check account for unpaid invoices resulting from damages to public property.

No new Street Occupancy Permits shall be issued to a permittee until the full amount of the certified bank check is restored.

The Director may require a certified check for a higher amount than one thousand dollars (\$1,000) for driveway permits and five thousand dollars (\$5,000) for excavation permits, for reasons such as previous failures to comply with Town rules and regulations, specifications, permit requirements or for large scale projects.

Exemptions to filing the certified bank check are made only to other governmental agencies of state and federal level and public utility companies.

E. Location Plan

Scaled drawings, plans or a sketch location map detailing the proposed work (depending on the type of permit applied for) shall be filed with the Director before an excavation permit is issued. A detailed sketch may be drawn on the Permit Request Form or on a separate sheet.

F. Revocation of Permits

The Director may at any time cancel or suspend permits. Cancellation or expiration of insurance endorsement shall result in automatic cancellation of permit. Failure to notify the Director prior to the start of work shall result in the cancellation of permit.

G. Start of Work

Failure to start work by dates given in permit shall cause the permit to become null and void. A new application fee will be required to begin work. A seventy-two (72) hour notice to the Director prior to starting work is required. Also, prior to the start of work, emergency phone numbers shall be supplied to the Director. No new work shall commence on Fridays.

H. Completion of Work

The permittee shall notify the Director within 24 hours of completion of the work performed under a given permit. Failure to notify the Director will result in no new permits being issued until any deficiencies in the work are remedied.

I. Urgent Work (Emergency)

If, in the judgment of the Director, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as urgent or emergency work, the Director shall have full power to order that a crew of workers and adequate equipment and materials be employed by the permittee sixteen (16) hours a day to the end that such excavation work may be completed as soon as possible.

J. Emergency Action

Nothing in these rules shall be construed to prevent the making of such excavations as may be

necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the Director for such a permit on the first business day after such work is commenced.

The person engaged in emergency action shall notify the Department of Public Works, the Police Department and the Fire Department at the start of the emergency work.

K. Routing of Traffic

The permittee shall take appropriate measures to assure that during the performance of the excavation so far as is practicable normal traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Chief of Police may permit the closing of streets and walks to all traffic for a period of time prescribed by him if in his opinion, it is necessary. If traffic conditions warrant, the permittee shall provide a police detail for adequate traffic control. When the Chief of Police deems it necessary, the permittee shall engage a police detail at the permittee's cost, to maintain traffic control and public safety of a project located within critical work areas. The use of a police detail does not eliminate the need for warning signs and traffic control devices.

Warning signs shall be placed a sufficient distance away from the construction operation to alert all traffic within the travel way. Cones or other approved devices shall be placed to channel traffic, all in accordance with the requirements of the Police Department or the Director. Work shall not be allowed to commence until these warning signs are in place.

Warning signs, lights, and such other precautions as may be necessary for these purposes, unless specified by the Director, shall conform to the requirements and practices of the Massachusetts Highway Department for their use in the performance of work upon streets and highways, and as provided in the "Manual on Uniform Traffic Control Devices for Streets and Highways", latest edition.

L. Access to Vital Structures

The excavation work shall be performed and conducted, and storage of equipment and material shall not interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, catch basins, sewer manholes and all other vital equipment as designated by the Director.

M. Protection of Traffic

The permittee shall maintain safe crossings for two lanes of vehicle traffic at all road intersections where possible and safe crossings for pedestrians at intervals of not more than three hundred feet. If any excavation is made across a public way, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. If the way is not wide enough to

hold the excavated material for part time storage, the material shall be immediately removed from the location. If any excavation will require a detour of vehicle or pedestrian traffic, the applicant shall prepare a traffic management plan indicating the required signage, lights and safety devices as may be necessary to implement thereafter and shall submit this plan to the Chief of Police for review and approval. Any excavation to be performed on an arterial road will require the submission of a traffic management plan. In cases of emergencies, compliance shall be as close to practicable as possible under the emergency conditions.

N. Relocation and Protection of Utilities

The permittee shall not interfere with any existing utility without the written consent of the Director and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner and the cost of such work borne by the permittee. The permittee shall verify the location of all underground utilities before excavation. The permittee shall adequately support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across such work area. Where a utility is damaged or suspected to be damaged, the utility company must be notified. No trench containing a damaged utility shall be backfilled unless authorized by that utility's appropriate representative.

In the event any of said pipes, conduits, poles, wires or apparatus be damaged, and for this purpose pipe coating and other encasement or devices are to be considered as part of a sub-structure, such damage shall be repaired by the utility or person owning them and the expense of such repairs borne by the permittee. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility.

O. Notification to Public Utility Companies

The permittee shall in accordance with the General Laws of the Commonwealth of Massachusetts, currently in effect, give notice to public utility companies before making an excavation.

Under the General Laws of the Commonwealth of Massachusetts, Chapter 82, Section 40 as amended, no one may excavate in the Commonwealth of Massachusetts except in an emergency without giving 72 hours notice, exclusive of Saturdays, Sundays, and legal holidays, to natural gas pipeline companies, public utility companies, cable television companies and municipal utility departments that supply gas, electricity, telephone or cable television service in or to the city or town where the excavation is to be made.

The utility companies have established a public utility underground plant damage prevention system called "Dig Safe" to receive the above mentioned notices of excavation which are then transmitted to member utilities. There is no cost to the excavator. The calls are received over toll free lines. The telephone number is 1-888-DIG-SAFE.

P. Protection of Adjoining Property

The permittee shall at all times and at his own expense preserve and protect from injury any adjoining property by providing proper support, and by taking such other precautions as may be necessary for the purpose. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. The permittee shall not remove, even temporarily, any trees or shrubs, which exist in the public way without first consulting with the Director.

Q. Protective Measures

It shall be the duty of every person cutting or making an excavation in a street to place and maintain all required signs and traffic devices. All signs and devices shall be in accordance with the Massachusetts Manual on Uniform Traffic Control Devices, latest edition. The number and location of all signs and devices shall be as deemed necessary by the Director for the safe and efficient performance of the work and the safety of the traveling public.

R. Excavated Material

All material excavated from trenches or excavations shall be removed from the site of the work except in such cases where the material is suitable for and permission has been granted by the Director to use it for the backfill. At no time shall the trench be backfilled without prior approval from the Director.

S. Construction Materials

Construction materials on the site shall be limited in quantity and space occupying area so as to not unduly hinder and block the use of the way. Flashing barricades shall be used to protect any materials left overnight, subject to the approval of the Director.

T. Dust and Clean-up

As the excavation work progresses, all ways shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris. The permittee shall take necessary precautions to prevent and avoid dust and to keep the ways clean each day. All clean-up operations shall be accomplished at the expense of the permittee and shall be carried out to the satisfaction of the Director.

U. Protection of Gutters

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line.

The permittee shall make provisions to take care of all surplus water; muck, silt, slicking, or other run-off pumped or removed from excavations and shall be responsible for any damage resulting from his failure to so provide.

V. Erosion and Sedimentation Control

The permittee shall prevent muck, silt, slicking, or other run-off pumped or removed from the excavations from obstructing stormwater flow into brooks, streams, canals, channels, ditches, culverts, catch basins and piping. Catch basin inserts, filtration bags, or siltation basins shall be used to trap silt. If the permittee damages or alters a drainage facility, he shall replace that facility in-kind. A copy of the erosion and sedimentation control plan shall be submitted with the permit application.

W. Noise

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours from 7:00 PM to 7:00 AM, he shall not use, except with the express written permission of the Chief of Police, or in case of emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. The permittee shall not work on Sunday, except with the express written permission of the Chief of Police, or in case of emergency.

X. Trenches

The maximum length of open trench permissible at any time shall not exceed one half the roadway width and shall be in accordance with existing ordinances or regulations or as may be specified by the Director and no greater length shall be open for pavement removal, excavation, construction, backfilling, patching and other operations without the written permission of the Director.

Y. Prompt Completion of Work

After an excavation is commenced, the permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the way to its original condition, so as not to obstruct the way or travel thereon more than is reasonably necessary.

Z. Breaking Through Pavement

- (a) The use of air/hydraulic pavement breaker for cutting/breaking pavement is approved. The Director after due consideration of the location, the condition and depth of the pavement may order that the limit edges of the proposed cutting of pavement shall be made with a cutting saw. In the case of portland cement concrete pavement, the cutting

saw shall be used. A cutting saw shall be used when excavation/trench length is 24 feet or greater. Diagonal cuts to pavement surfaces must be made using a cutting saw.

- (b) Approved cutting of portland cement concrete and bituminous pavement surface ahead of excavations is required to confine pavement damage to the limits of the trench.
- (c) Sections of sidewalks shall be removed to the nearest scoreline or approved saw cut edge.
- (d) Unstable pavement shall be removed over cave cuts and over breaks and the subgrade shall be treated as the main trench.
- (e) Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.
- (f) Cut-outs outside of the trench lines must be perpendicular or parallel to the trench line.
- (g) Excavations shall be made in open cut and no tunneling will be allowed except by special permission of the Director. Trenches and excavations shall be braced and sheathed when necessary.

AA. Backfilling

Excavated material shall not be used for backfill unless it consists of clean sand or gravel. Broken pavement, large stones, clay, roots and other debris shall not be used in the backfill.

Backfill material shall consist of sand, flowable fill, bank-run gravel or two-inch size processed gravel as approved by the Director.

Sand, flowable fill, or bank-run gravel may be used from the bottom of the trench to a point twelve inches below the surface of the pavement. Only flowable fill shall be used on arterial routes. Only gravel borrow or processed gravel is to be used in the top twelve inches of the excavation, maximum size of stone in gravel shall be two inches (2") in largest dimension - State Spec. M1.03.0, type C, latest edition.

If not using flowable fill, backfill material shall be placed in twelve (12) inch layers, power tamped and moistened when required to secure maximum compaction of the backfill and to reduce settlement.

A temporary hot patch ("QPR" or approved equal) must be placed on the surface of the fill and thoroughly compacted. Temporary paving shall closely follow backfilling operation.

Temporary pavement shall be Class I Bituminous Concrete Type I-1, two inches (2") thick as directed, conforming to Section 460 of the Massachusetts Standard Specifications for Highways and Bridges, current edition. The temporary pavement shall be maintained in a satisfactory

condition until the permanent pavement is placed.

BB. Restoration of Permanent Paving

All permanent paving shall be done by or under the direction of the Department of Public Works of the Town of Wellesley at the expense of the permittee in accordance with Town of Wellesley Department of Public Works specifications. The Director may temporarily refuse to issue permits for new excavations if the permittee is not making permanent restorations to existing openings in a timely and satisfactory manner. All seams (joints) between existing and new pavement shall be sealed with asphalt sealer and sand cover.

CC. Restoration Guaranty

Permittee shall put all pavements and sidewalks in as good repair as they were in when opened or disturbed and shall do so within twenty-four (24) hours. Any permittee making excavations in streets must guarantee their permanent restoration work for a period of five years from the date of acceptance of the permanent restoration by the Director. If the restored excavation fails, the permittee may be required to completely re-excavate, refill, and repave any permanent restoration that falls within the five (5)-year guarantee period. Permittees must guarantee their permanent restoration work for a period of five years from the date of acceptance of the permanent restoration by the Director.

If, at any time, during the guarantee period, it is discovered that the permanent restoration was not made in accordance with Town specifications, the permittee shall be responsible for making a proper restoration.

DD. Testing of Work

The Director has the right to order a test on any street restoration in order to determine if the work has been completed in accordance with Town specifications.

If the test shows the street restoration to be acceptable, the testing costs will be borne by the Town. If the test shows the street restoration to be unacceptable, the permittee must pay the cost of the testing in addition to making the proper restoration.

No further permits will be issued to said permittee until the invoice for the testing has been paid.

EE. Restoration by Town - Costs

In the event that the permittee is unable to successfully perform a permanent restoration to a street cut or excavation, upon the approval of the Director, the Town, shall perform the permanent restoration.

The permittee shall pay to the Town the total cost of the work based upon the actual cost of the

restoration as performed by the Town.

If any charge so made by the Town remains unpaid thirty (30) days after the invoice date, no new permits for any excavation shall be issued to said permittee until the payment is made. If payment is not made, the Director shall be authorized to draw upon the certified bank check account as may be necessary to pay for the costs incurred by the Town, including administrative costs, to perform work. No new Street Occupancy Permits shall be issued to a permittee until the full amount of the certified bank check is restored.

FF. Extended Maintenance Fee - New Pavement

- (a) No newly constructed or reconstructed pavement less than five (5) years old will be cut into except in cases of emergency, in which case an extended maintenance fee will be charged for cuts in newly paved streets as follows:

- New pavement, 12 months or less -(\$2,500.00)
- 13 months to 24 months old -(\$2,000.00)
- 25 months to 36 months old - \$1,500.00)
- 37 months (\$1,000.00)
- 49 months to 60 months old – (\$750.00)
- 61 months or older – standard permit fee

- (b) The extended maintenance fee shall be waived for public and private utilities in all cases where the Town has not provided a minimum advance notice of sixty (60) days of the street improvement work to them so that they can complete all necessary work prior to the street improvement. After receiving the advance notice, the permittee may request a sixty (60) day extension if extensive work is necessary.

- (c) If a newly constructed roadway requires excavation due to an emergency, the following items will be required:

The trench shall be filled with Controlled Density Fill (CDF). The CDF must be batched at a concrete plant, must be flowable, require no vibrating, and the finished product must be excavatable without the use of power tools.

After the excavation work has been completed in accordance with the Town's specifications, the permittee shall restore the paved area as specified by the Director. The pavement restoration requires cold planing and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed. For example, if the lot has a frontage of 50-feet, the area to be cold planed and overlay is 50-feet by the entire width of roadway. The joints shall be sealed with emulsion seal and sand cover. There shall be a smooth transition from existing pavement to new pavement.

SECTION III - STREET OR SIDEWALK OBSTRUCTIONS

Street Occupancy Permits – Non Excavation to place material, equipment, or obstruction in a public way.

A. Permit Required

No person shall use any portion of a public way to place material, equipment, or obstruction without prior approval from the Chief of Police and without first obtaining a permit to do so from the Board of Public Works, pursuant to Town Bylaw, Article 49, Police Regulations Section 49.11 which provides in full as follows: No person shall use any portion of any street which the Town is obliged to keep in repair for the purpose of placing building materials containers or rubbish or moving a building on either the sidewalk or roadway without a permit from the Board of Public Works. No person to whom such a permit is issued shall fail to comply with the conditions thereof. Application for such permit shall be made to the Board of Public Works. The Board of Public Works may by vote grant such permit to be in force for a period they may designate, not exceeding ninety (90) days, upon condition that during the whole of every night, from sunset until sunrise, warning lights shall be so placed as to warn travelers of the presence of the obstruction and upon such further conditions as the Board of Public Works may by vote determine. The Board of Public Works may require that a bond be furnished to secure the performance of the provisions of this section. A copy of said vote certified by the Secretary or Clerk of the Board of Public Works shall forthwith be transmitted to the Chief of Police.

B. Insurance

Insurance requirements shall be as defined in Section II - Street Excavations, B Insurance.

C. Bond

Non- Excavation Work (Driveway overlay, scaffolding, dumpster, etc.)

The issuance of a permit shall be conditional upon the permittee filing with the Department of Public Works a satisfactory bond of a Surety Company authorized to do business in the Commonwealth of Massachusetts or a certified bank check in the sum of one thousand dollars (\$1,000), conditioned substantially that the applicant shall faithfully perform said work in all respects.

The Director may require a bond or certified check of a higher amount than one thousand dollars (\$1,000) for reasons such as previous failures to comply with Town rules and regulations, specifications, permit requirements or for large-scale projects.

The Director may waive the requirement of a bond or certified check in cases where the work to be done under permit will not cause damage to pavement, sidewalks, curbing, or any other portion of the public way.

D. Moving Building - Payment

Before a permit is issued for moving a building over the public way, the applicant shall deposit with the Department of Public Works the required fee. This fee is to cover work to be done by the Department to accommodate the building move. The work includes a review of the move route by the Engineering, Highway, and Park and Tree Divisions together with the work to be performed in conjunction with the move itself.

The Director shall fix the fee dependent upon the amount of work required as determined by review of move route. The minimum fee will be three thousand dollars (\$3,000).

The work shall be accomplished at such times and in a way and manner as the Director may require. Each request for a permit to move a building shall be accompanied with written certification in accordance with the following:

General Law 85 Section 18 - Permission is required from the Board of Selectmen to move a building within a public way.

General Law 87 Section 3 - A permit from the Tree Warden and approval of the Board of Selectmen to cut, trim or remove any public shade tree

SECTION IV - DRIVEWAYS/APRONS

A. Permit Required

No person shall drive any vehicle over a curb, tree lawn or sidewalk for the purpose of providing access across such curb, tree lawn, or sidewalk or resurface a driveway without first obtaining a permit from the Director.

No person shall lower any curb or change the grade of any grass plot or sidewalk for the purpose of providing access; and no person shall construct, reconstruct, or enlarge a driveway apron without first obtaining a permit from the Director.

The issuance of permit shall be as defined in Section III Street or Sidewalk Obstructions, **A.** Permit Required, **B.** Insurance, and **C.** Bond.

Each request for a Street Occupancy Permit to construct, reconstruct or enlarge a driveway apron shall be accompanied by a detail plan showing the width and location of the driveway apron and curb cut. Each request to install, relocate or enlarge a driveway apron shall be accompanied by written certification of approval of the Board of Selectmen in accordance with Town of Wellesley Policy Driveway Aprons and Curb Cuts Policy (Adopted May 15, 1973).

SECTION V - GENERAL

A. Specifications for Work in a Public Way

For definitive construction specifications see: Town of Wellesley Department of Public Works, "Construction Requirements for the Installation and/or Repair of Underground Facilities and Paving in the Public Way", Dated April 1, 1988, as Amended.

B. Permit Fees

Applications for permits shall be made in writing to the Director, shall contain such information as he may require, and shall be accompanied by the following fees:

(a) <u>Application</u>	<u>Fee</u>
Permit Application Fee (All Permits) <u>Including trench excavations on private property</u>	\$150.00
(b) <u>Excavations</u>	
Inspection and Maintenance Fee for Street Openings for 150 sq. ft. or less	\$185.00
For each additional 150 sq. ft.	\$35.00
(c) <u>Non Excavating Street or Sidewalk Obstruction</u>	
Per Day	\$25.00
Per Month	\$200.00
(d) <u>Moving Building</u>	
Minimum Payment	\$3,000.00
(e) <u>Driveways/Aprons</u>	
New, Reconstruction or Enlargement	
Residential	\$65.00
Commercial	\$185.00
Resurface Existing Driveway	\$15.00 - Driveway \$135.00 - Annually
(f) <u>Coring or Shut Off Holes</u>	
Up to 5 Holes (corings)	\$15.00
6 Holes or Greater (corings)	\$35.00
Shut off Holes (each)	\$35.00

- (g) There shall be no permit fee for that work being done by a contractor performing or accommodating a Town construction contract.
- (h) Work performed by those public utilities subject to regulation under M.G.L. Chapter 164 shall be subject to "Application" fee only.

SECTION VI - FINES AND PENALTIES

- A. Failure to obtain a permit as required in these regulations before commencing the work or, having obtained a permit, failure to comply with these regulations, shall be subject to a fine not exceeding \$50 for each offense. Each day in which violation continues shall constitute a separate offense. The Director reserves the right to suspend or revoke Street Occupancy Permits at any time. Three (3) documented incidents of poor quality of work or failure to comply with these regulations shall result in the suspension of the privilege to work within the public way for one (1) year. For purposes of these regulations, the Director shall be the enforcement officer.

SECTION VII - RIGHT TO HEARING

Any person accused of violating these rules or regulations shall be notified of the alleged violation, in writing, via certified mail, return receipt requested, which shall set forth a date and time at which a hearing will be held before the Director or his designee in order to afford the person an opportunity to be heard in regard to the alleged violation, with or without counsel, as the person shall choose.

Effective date:
April 1, 1988

AMENDED: November 1997
April 15, 2004
May 15, 2009
October 1, 2018