

Board of Public Works “Rules and Specifications Regulating Street Excavations, Obstructions and Driveway Aprons” details permit requirements and application procedures.

Department of Public Works “Construction Requirements for the Installation and/or Repair of Underground Facilities and Paving in the Public Way” details definitive construction specifications.

Board of Selectman “Policy – Driveways and Curb Cuts” specifically governs policy and procedures for location or relocation of driveway aprons and curb cuts in the public right-of-way.

Board of Public Works – “Rules and Specifications, Regulating Street Excavations, Obstructions and Driveway Aprons” Section II – NN entitled “Extended Maintenance Fee – New Pavement” of Board of Public Works “Rules and Specifications Regulating Street Excavations, Obstructions and Driveway Aprons” requires a permit applicant to pay an extended maintenance fee when an excavation will be made in a newly constructed or newly resurfaced pavement. The Director of Public Works may waive the extended maintenance fee in special instances.

Section V – B entitled “Permit and Fees” of the Board of Public Works “Rules and Specifications Regulating Street Excavations, Obstructions and Driveway Aprons” details fees for filing applications, excavations, street or sidewalk obstructions and driveway aprons.

Extended Maintenance Fee – New Pavement

No newly constructed or reconstructed pavement less than sixty (60) months old will be cut into except in case of emergency, in which case an extended maintenance fee will be charged for cuts in newly paved streets.

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.

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).
- After excavation work has been completed in accordance with the Town’s specifications, the permittee shall restore the paved area by cold planing and overlay of all the roadway patches with 10 foot offsets from the farthest patch from curb to curb or curb to centerline as directed by the engineer.

PERMIT FEES

Application Fee (All Permits Private/Public) \$150

Excavations – Inspection & Maintenance Fee

150 sq. ft. or less	\$185
Each additional 150 sq. ft.	\$35

Non Excavating Street or Sidewalk Obstruction

Per Day	\$25
Per Month	\$200

Moving Building

Minimum Payment	\$3,000
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Driveways/Aprons

New, Reconstruction or Enlargement

Residential	\$65
Commercial	\$185

Resurfacing Existing Driveway

Each Driveway	\$15
Annual Permit	\$135

Coring or Shut Off Holes

Up to 5 Corings	\$15
6 Corings or Greater	\$35
Shut off holes (Each)	\$35

Extended Maintenance Fee – New Pavement

0 – 12 Months Old	\$2,500
13 – 24 Months Old	\$2,000
25 – 36 Months Old	\$1,500
37 – 48 Months Old	\$1,000
49 – 60 Months Old	\$750
61 Months or Older	Standard Permit Fee

There shall be no permit fee for that work being done by a contractor performing or accommodating a Town construction contract.

Penalties

Failure to obtain a Street Occupancy Permit as required in the regulations “*Utility and Work in Public Way Rules and Specifications Regulating Street and Trench Excavations, Obstructions and Driveway Aprons*” before commencing the work or, having obtained a permit, failure to comply with the regulations, shall be subject to a fine not exceeding \$50 for each offense. Each day in which the violation continues shall constitute a separate offense. The Director reserves the right to suspend or revoke Street Occupancy Permits at any time. Three documented incidents of poor quality work or failure to comply with these regulations shall result in the suspension of the privilege to work within the public way for one year.

PUBLIC/PRIVATE

TRENCH

EXCAVATIONS

&

WORK IN THE PUBLIC WAY



**Town of Wellesley
Department of Public Works
20 Municipal Way
Wellesley, Massachusetts 02481
(781) 235-7600 x 3319
www.wellesleyma.gov**

Prepared by: Town of Wellesley, DPW
Engineering Division

May 15, 2009
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They ensure that work is being done in accordance with all Town of Wellesley specifications, codes and requirements, thereby providing for proper restoration of public property.

They help coordinate schedules among numerous agencies and individuals so that they do not attempt to perform work at the same location at the same time.

Permits provide a record of who performed what kind of work and where (in case problems are discovered after work has been completed).

They ensure that vehicular and pedestrian traffic are adequately maintained or provide for in order to guarantee public safety.

Permits are required to prevent unauthorized access by the general public to unattended trenches (Jackie's Law).

Permits from the Board of Public Works are required for:

- Any type of excavation in the public right-of-way such as installing, repairing or replacing water services, sewer laterals or any type of underground utilities, etc. (*Water and sewer utilities shall be placed in separate trenches (ten feet apart) in accordance with Mass DEP Guidelines.*)
- Any subsurface excavation on private property greater than 3' in depth, and is 15' or less between soil walls as measured from the bottom.
- Repairing or replacing any sidewalk in the public right-of-way.
- Resurfacing, widening or closing in an existing driveway.
- Installing a new driveway or walkways.
- Installing, replacing or removing street curbing.
- Storing materials, dumpsters or equipment in the public right-of-way.
- Parking any heavy equipment such as cranes in a public street.
- Moving any oversized vehicles or overweight equipment or loads on public streets.
- Moving a building on public streets.
- Installing a new street, which will become officially dedicated to the town upon completion.
- Installing or placing planters or other decorative ornaments in the public right-of-way.

To obtain a Street Occupancy Permit, you must pay the permit fee and submit:

1) Excavation Work (Public Way)

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 paid to the order of the Town of Wellesley – DPW. All certified bank checks will be deposited in a Street Occupancy Permit Account for a period of two years for driveway permits and 5 years for excavation permits.

(2)

Non-Excavation Work (Public Way)

A satisfactory bond of a surety company authorized to do business in the Town of Wellesley in the sum of one thousand dollars (\$1000), condition substantially that the applicant shall faithfully perform said work in all respects, for non-excavating work that may result in damage to pavement, sidewalks, curbing or any other portion of the public way.

- 2) Insurance under which the Town shall be named as an assured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts. See copy of Town's Insurance Requirements.

A. Worker's Compensation

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

B. 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 \$2,000,000 Annual Aggregate Limit. The Town should be named as "Additional Insured."
 - b. Property Damage
2. Arrangement of Coverage
 - a. Premises Operations
 - 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

C. Umbrella

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

(3)

D. 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 "Additional Insured."
2. Arrangement of Coverage
 - a. Employer Non-Owned
 - b. Hired Car
 - c. All Owned or Leased Vehicles

(3)

All policies shall provide the Town of Wellesley fifteen (15) days 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.

- 3) Scaled drawings, plans of the property and the area of proposed work (depending on the type of permit applied for).
- 4) The appropriate fee for the type of work to be performed.
- 5) Erosion and sedimentation control plan at all excavation sites

To obtain a Trench Excavation Permit on Private Property, you must pay the permit fee and submit:

Certificate of insurance with general liability coverage of \$100,000 per person and \$300,000 per claim or provide evidence of self-insurance in equal amounts.

For additional information on Trench Excavation Permits, please visit the Department of Public Safety's website at www.mass.gov/dps.

Additional Requirements

Permit applicants planning on doing work in the Town of Wellesley for the first time will also be required to submit:

- a. At least 3 letterhead references
- b. Copy of their Class B or C Hoist Engineer's License
- c. List of available equipment.

References should be from various municipalities where the applicant has done similar work and successfully completed in the past three years. All existing contractors and excavators will be responsible to resubmit an updated copy of their hoisting license and certificate of insurance.

AC, transite, Orangeburg pipe materials are known to contain asbestos which is regulated by Federal Regulations, 40 CFR 763 Subpart G (EPA) – Asbestos Worker Protection, also called the "EPA Asbestos Worker Rule", 29 CFR 1926.1101 (OSHA) – Asbestos Standard for the Construction Industry (required by 40 CFR 763), Massachusetts Regulations, 310 CMR 7.15 (Mass. DEP) Asbestos (Air Pollution Control) and 453 CMR 6.00 (Mass. DLS) The Removal, Containment, or Encapsulation of Asbestos (Workers Health Protection), and which requires specialized training and licensing for handling and disposal. By signing this form, the applicant, owner and excavator acknowledge and certify that they are familiar with these requirements and that the work done under the permit will comply therewith.

General Information

All contractors must contact the Engineering Division a minimum of 72 hours before work begins (excluding weekends and holidays). When working within 25 feet of any public shade tree, the Park & Tree Division must be notified at 781-235-7600 ext. 3335.

(4)