

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 – CC 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:

- a. The trench shall be filled with Controlled Density Fill (CDF).
- b. After excavation work has been completed in accordance with the Town’s specifications, the permittee shall restore the paved area by cold planning and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed.

**PERMIT FEES**

**Application Fee** (*All Permits Private/Public*) \$100

**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 \$3000

**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

**Saw Cut** \$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

**TOTALS**

Regular Excavation (*up to 150 sq. ft.*) \$285  
 Reconstruction Driveway/New Driveway (*Res.*) \$165  
 Resurface Driveway (*Res.*) \$115

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

**Penalties**

If an excavation is made in the public way without obtaining a permit, a \$1,000 fine will be assessed. After obtaining a permit, the applicant 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 6 months, whichever is longer.

**PUBLIC/PRIVATE  
 TRENCH  
 EXCAVATIONS  
 &  
 WORK IN THE PUBLIC  
 WAY**



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### Why permits are necessary?

Working in the right-of-way or private property without knowing the rules and regulations could result in damage to gas lines, telephone lines, television cables, streetlights or other utility lines risking both lives and property.

Permits require that individuals performing work in the right-of-way or private property be properly insured against personal injury and property damage.

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.

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### 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 deposit in a Street Occupancy Permit Account for a period of two years for driveway permits and 5 years for excavation permits.

#### 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."

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### 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

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, 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](http://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.

### 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.

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