

SUBJECT: Policy and procedures regarding the movement of buildings along public ways.

PURPOSE: To provide guidance for the thorough, transparent and efficient evaluation of proposed building moves.

AUTHORITY: MGL c.85, §18

RESPONSIBILITY: Board of Selectmen
Natural Resources Commission (as Tree Warden)
Department of Public Works (as Deputy Tree Warden)
Executive Director
Department Heads (as enumerated below)

POLICY:

1. In permitting the move of a building along a public way, the Board of Selectmen shall weigh the private interest of the applicant against the interest of the public, generally. In reaching its conclusion the Board shall consider, among other things, public safety, aesthetic impact along the route of the move, and what public value (if any) is either created or enhanced by the move.
2. The Town shall make every effort to clearly communicate to stakeholders the process by which an application for building moves will be granted, modified or denied and will provide an opportunity to receive public input.
3. All costs incurred by the Town to evaluate or assist with the execution of a building move shall be billed to, and paid by, the applicant. The Town will also require a sufficient security deposit from the applicant in order to further ensure that all costs have no tax impact.
4. The burden of any unanticipated costs associated with execution of the work plan approved by the Selectmen shall be born by the applicant.
5. Permission granted by the Board of Selectmen to move a building along a public way will be granted only in accordance with the parameters of an approved work plan. Any deviation from the work plan is not permitted and will expose the applicant to those penalties prescribed in statute.

PROCEDURE:

Step 1 – The applicant shall make written, dated Building Move Application to the Board of Selectmen on a form for such purpose (see attached).

Step 2 – The Executive Director of General Government shall send copies of the building move application to:

- a. Fire Chief
- b. Police Chief
- c. Natural Resources Director
- d. Building Inspector
- e. ZBA Administrator
- f. Public Works Director
- g. Municipal Light Plant Director
- h. Planning Director
- i. Mass Highway Department, or other state agencies

Step 3 – Each department head (or designee) listed under Step 2 shall, in the company of the applicant and the contractor(s) performing the move, walk the proposed route.

Step 4 – Department heads listed under Step 2 shall provide a report to the Executive Director with cost estimates and recommendations, noting any permits, parking, traffic signals, zoning relief, notification to State agencies, etc that may be required under that department's jurisdiction. The Selectmen's staff shall also review traffic issues and insurance requirements. Furthermore, in addition to the public hearing described in Step 7 below, there may be other public hearings required by other boards and committees.

With regard to trees, the Natural Resources Commission (or designee) shall:

- Identify those trees to be pruned, cut down or otherwise impacted by the move.
- Determine the effect of such pruning or removal on canopy over town streets.
- Identify trees that are standing in the public way or whose canopy is in the public way and determine if they are publicly or privately owned.
- Identify all other requirements of MGL Chapter 87 (i.e. the Public Shade Tree statute), where applicable
- Advise the Executive Director if there is a need for a Public Shade Tree Hearing, which may be held jointly with other boards.

With respect to either Public Shade Trees or private trees, the Department of Public Works may be engaged by the applicant to perform the required pruning or removal, but only after the Selectmen have granted permission for the move under Step 8 below.

Step 5 – The Executive Director shall compile the information gathered under Step 4 and forward it to the applicant. The applicant shall develop a work plan and submit it to the Executive Director. The work plan shall, at a minimum, include the following elements:

- a. Date/time of the move
- b. Insurance and bond/deposit (financial security), in an amount provided by the Executive Director, for unanticipated work necessary during the move.
- c. Alternative route (if necessary)

- d. A list of required permits and hearings, including but not limited to Public Shade Tree Hearing, telephone company, streetlights, cable TV, excavation, disposal of fill, etc. Any permits required by State agencies must be obtained separately.
- e. Timeline for the move that allows sufficient time for all necessary permitting.
- f. Identification of private trees to be pruned or removed.
- g. Proposal of amelioration for any harmful effect(s) the move may have on the Town and/or neighborhood(s).

Step 6 – The Executive Director, in consultation with relevant department staff, shall evaluate the work plan. The Executive Director shall make modifications to the applicant’s work plan, as needed, and recommend a work plan to the Board of Selectmen. The applicant will be notified in writing of any recommended modifications to the work plan.

Step 7 – The Board of Selectmen shall hold a public hearing on the Building Move Application. In calling the public hearing, residents on the route of the move and on alternate routes, if any, shall be notified, in writing, at least 10 calendar days in advance of the hearing. Following the hearing, the Board shall vote whether or not to approve the Building Move Application including suitable safeguards along a specified route, on a particular date, and at a specified time.

Step 8 – If the Board of Selectmen approves the Building Move Application, the Executive Director shall give written notice by letter to the applicant as required by statute (MGL c.85, §18). Copies of the notice will also be sent to all residents along the route of the move. The notice shall include the approved work plan, which specifies the date/time and any alternatives (e.g. “rain dates” etc.) permitted. The notice letter will be sent at least 7 calendar days in advance of the date of the move.

Informational Contact

Inquiries related to these procedures should be directed to the Senior Deputy Director.

EFFECTIVE DATE:

This Procedure supersedes any existing procedures related to building moves to the extent that exclusion of any prior directives does not place the Town or any employees thereof in conflict with Town Bylaws or Massachusetts General Laws.

This procedure will become effective on the date of approval.

Approved,

Date

Hans Larsen
Executive Director

12. Will telephone lines and/or streetlights be affected?

If so, has permission been requested?

13. Will Cable TV transmission lines be affected?

If so, has permission been applied for?

14. What demolition, excavation, or disposal of fill within the Town of Wellesley may be required?
(Specify the location for the discarded fill, demolition material and other waste).

Signature

Date

9-23-09 DRAFT