

## **Guidelines for Town of Lenox Donations for Public Installations**

**Introduction:** The Town of Lenox from time to time receives requests to install benches, memorials, plantings and other installations on town-owned land. It is the intent of the Town to facilitate public and private gifts, bequests, and other contributions that enhance, beautify, improve, supplement, support or otherwise benefit the Town as determined by the Board of Selectmen. These guidelines have been put into place to facilitate an orderly and open process for handling such requests.

**Application Process:** An applicant proposing an installation on town-owned property must submit an application to the Selectmen through the Town Manager's Office. The application shall include the following information:

- a. The design of the installation including as applicable, a detailed site plan, elevation drawings, a perspective (3-D) rendering to scale, wording of any proposed plaque, and other information that the Selectmen may require;
- b. The proposed location of the installation with photographs of the existing site conditions;
- c. The proposed construction time-frame and completion date
- d. An explanation of how the proposed installation serves the public good and is consistent with the function of the proposed location

**Review Process:** The Board of Selectmen shall be responsible for granting approval of new installations on town property. Where another board or committee provides oversight of a particular property, the Selectmen shall seek the input of that board or committee before making a final decision on an application. The Selectmen will hold a minimum of two publicly noticed meetings before making a decision on granting approval to a new installation on public property.

All applications will be introduced at a regularly scheduled Selectmen's meeting on a preliminary basis duly noticed per the open meeting laws. At the public meeting, the applicant will be asked to present the proposed installation as well as an overview of all needed permits that will be needed for the installation to proceed. General public comments will be solicited at this and the subsequent final review to be held by the Selectmen at a later regularly scheduled meeting after proper public notice. The Selectmen may hold a site visit between the preliminary meeting and the final public meeting date.

**General Evaluation Criteria:** In reviewing proposed installations, the Selectmen shall come to a positive finding on each of the following criteria:

- a. Is the installation in keeping with the intended use of the area?
- b. Is the installation in full compliance with all applicable laws and regulations?
- c. Is the installation commemorating a place or historical event of national or local significance or a community association, business or group that has contributed significantly to Lenox or an individual, living or deceased, who is widely recognized and acclaimed by Lenox residents as having made an especially significant contribution to Lenox?

- d. Is the installation avoiding the promotion of a particular political cause or conveying a religious message?
- e. Is the installation proposed to be built to sufficient standards and of quality materials to last without being a maintenance and upkeep burden? If deemed necessary, is an endowment being provided for long-term upkeep?

In granting approval for an installation the Board of Selectmen may require the establishment of a perpetual care fund (endowment) for the on-going upkeep of the installation. Approved installations must be completed per the plans that were presented. Any deviation first requires seeking permission for an amendment to the approved application which requires a new application and review process. Prior to beginning a new installation, the applicant shall provide details regarding the installation's cost, who will be doing the installation, proof of their liability insurance and information on performance guarantees/warranty. Final as-built drawings are to be submitted to the Town upon completion of the project along with an affidavit that the project has been completed as proposed. The Town reserves the right to require changes to the project to ensure conformance with the approved plans. All funds must be in place, including any perpetual care funds, prior to commencement of the installation. All necessary permits must also be in place prior to commencement of the installation.

Once completed, the installation is a donation to the Town and the Town shall be the sole owner of the installation. The Town, through the Board of Selectmen, reserves the right to alter, relocate or remove any installation on Town property at its sole discretion. Some installations have limited life cycles. Such installations will be maintained only for the expected life cycle. The original donor will be given first preference for renewal of a particular installation. If the Town is unable to contact the donor or the donor chooses not to renew the installation, any commemorative plaque will be removed and the site will be offered to a new donor.

**Exceptions:** The Town of Lenox may, from time to time, approve enhancement projects which provide opportunities for interested parties to participate. Under these circumstances, the interested party would not be required to go through the standard review process as long as the overall project has gone through the process. For example, the Town may approve the installation of benches in a certain area of town and solicit donations for the individual benches. Individuals "purchasing" a bench under this approach would not be required to go through the approval process individually.

These guidelines are for the use of the Board of Selectmen. The Board may choose to amend these guidelines in the future at a duly warned Selectmen's meeting.