

TOWN OF MERRIMAC INSPECTIONAL SERVICES

2 School Street Merrimac, MA 01860
Ph. (978) 346-0525 Fax (978) 346-0522

Obtaining a Building Permit for a Residential (private) Swimming Pool

State Building Code 780CMR, 8th Edition; Amendments and in reference with IRC 2009 Chapter 42, the local Bylaw regulations control the swimming pool construction and installation process. A "private" swimming pool is an accessory to a R4 Use Group (a 1 +2 family dwelling), and is available for use only to the homeowner's family and guest. Public and Semi-public swimming pools require co-ordination with health agent, addressing zoning and accessibility regulations, and determining permit fees, not discussed herein.

Swimming pools may be **in-ground, above-ground or softside**. A Building Permit is required for any pool 24-inches or greater in depth, or having a surface area of 250 square feet or greater, or a pool of any depth equipped with a permanent water recirculating system or involves structural materials.

LOCATION IN YARD

Private swimming pools shall not encroach on the required setback distances of the zoning district. They must be located in the rear or side yard of the property, or in a location approved through a Variance or Special Permit determination by the Zoning Board of Appeals.

BARRIERS

The U.S. Consumer Product Safety Commission's publication number 362, titled "Safety Barrier Guidelines for Home Pools," explains pool safety guidelines. Massachusetts code regulations relating to enclosures for private swimming pools, spas and hot tubs are essentially similar to information contained in this handbook. Massachusetts Building Code requirements for enclosures can be found in **780CMR421.10 Enclosures for private swimming pools, spas and hot tubs**.

The pool installation process is not complete until necessary barriers and a self-closing/self-latching gate (lockable and swinging outward from pool) has been installed and approved by the Building Official.

780CMR421.1 0.1, Item 10 reads, *"Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a fixed or removable ladder or steps, the ladder or steps shall be surrounded by a barrier which meets the requirements of 780CMR421.10.1, Items 1 through 9. A removable ladder shall not constitute an acceptable alternative to enclosure requirements."* Note the last sentence where a removable ladder with a "no-climb" panel feature is NOT an acceptable enclosure alternative.

Pools may not be used until all inspections have been completed and the building permit formally "closed." The Applicant-of-Record, (to whose custody the building permit was released), is responsible for closing the Building Permit BEFORE allowing use of the pool. Where Building Code and/or Zoning Bylaw Violations occur, citations are issued to the Owner-of-Record of the property.

A NOTE ON SOFTSIDE INFLATABLE POOLS

Softside inflatable pools offer an affordable alternative to traditional above ground pools. However, softside pools present an immediate safety danger to young children. The soft climbable sides lack the necessary barrier protection required by law to prevent unauthorized access to the pool. The installation of additional barrier protection in the form of a fence and ladder enclosure is required for this type of swimming pool.

DRAINAGE SYSTEM

Swimming pools shall be equipped to be emptied completely of water and the discharge shall be designed in a manner that will not create a nuisance to an adjoining property. (780CMR 421.6.2)

APPLICATION SUBMITTAL PROCESS

- 1) A preliminary visual review of the property by the agent of the Merrimac Conservation Committee is the first step. There is no charge to the Applicant for this visit. If a formal Con-Com hearing is required, the agent will explain the process.
- 2) Merrimac Zoning Bylaw, Article 3.7 Plot Plan Accompanying Application.
Along with the building permit application, Applicant shall submit a plot plan, prepared and sealed by a registered professional engineer or land surveyor. The plot plan must be dimensioned, indicating the location of the main dwelling and any other structures, septic system and field area location, easements, and the proposed barrier location. Once perimeter bounds have been established by survey, they must remain in place until work begins. The plot plan shall include the following language and specify the appropriate zoning district:
"Through instrument survey, I have set marker stakes on this site to locate the proposed swimming pool and do hereby certify said bounds comply to the minimum required setback distances indicated in Merrimac Bylaw for the _____ zoning district. "
- 3) Your licensed electrician must obtain a separate wiring permit from Inspectional Services. Underground lines cannot be covered until they have been inspected.
- 4) Read and complete this swimming pool Building Permit Application, then submit it to Inspectional Services, along with a copy of the wiring permit, plot plan, copy of the pool contract and pool manufacturer's product specification sheet.
- 5) If a deck or other structure is to be constructed at the same time, two sets of dimensioned building plans for the work should also be included. The setback distances for the proposed work must be indicated on the above-mentioned plot plan
- 6) If you are the "Homeowner" doing the work, you must check the "Homeowner Waiver" box on the application. Otherwise, an HIC registration is required only for in-ground swimming pools (780CMR R6.1.6). However, if decks or another structure is part of any pool installation, both a Construction Supervisor License (CSL) and Home Improvement Contractor (HIC) registration are needed.
- 7) The Building Permit Job Weather card must be posted before the commencement of any work. All pool construction and installations are subject to inspections and must conform to Massachusetts State Building Code 780CMR, 6th edition and Merrimac Zoning Bylaw.

BUILDING PERMIT FEES FOR RESIDENTIAL SWIMMING POOLS AREAS FOLLOWS:

In-ground \$200.00;

Above-ground

\$125

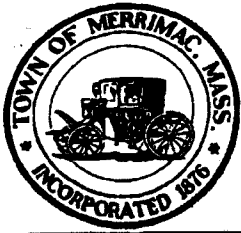
Softside (no water re-circulating system) \$40.00;

Softside (24-inch height or greater, with water re-circulating system) \$125.00;

Decks and/or other structures are extra;

Perimeter barrier fences and gates 6-feet high and less are not charged.

The U.S. Consumer Product Safety Commission's publication number 362, "Safety Barrier Guidelines for Home Pools" is a Public Domain Document available at Web Site- www.cpsc.gov



TOWN OF MERRIMAC, MASSACHUSETTS
INSPECTIONAL SERVICES DEPARTMENT

**BUILDING PERMIT APPLICATION FOR
PRIVATE SWIMMING POOL**

Building
Permit No.
Date of
Issue
Street
Address

SECTION 1 - SITE INFORMATION:

Property Address: _____

Assessors Map & Parcel Number:
Map: _____ Parcel Number: _____

Tax Collectors Office :
Taxes are current (M.G.L. c.40, § 57)

Zoning District:
 Village Center (VC) Village Residential (VR) Lake Attitash (LA)
 Suburban - Residential (SR) Office-Light Industrial (OI)
 Highway Services (HS) Agricultural-Residential (AR) (AR-BMO)
 Rural Highway (RH) Water Resource Protection District (WRPD)
 Floodplain District (FP) Rural Agricultural Preservation Overlay District (RA)

SECTION 2 - PROPERTY OWNERSHIP / AUTHORIZED AGENT:

Owner of Record:
Name (Print): _____ Telephone _____
Address _____ City, State, ZIP _____

Owner Authorization (to be completed when Owners agent or contractor applies for building permit):
As Owner of the subject property hereby authorize _____ to act on my behalf, in all matters relative to work authorized by this building permit application. (Print Contractor Name)
Signature of Owner _____ Date _____

SECTION 3 - CONSTRUCTION SERVICES FOR PROJECTS EXEMPT FROM 780 CMR § 116 (6th Ed.) CONSTRUCTION CONTROL:

Mass. CSL #: _____ Not Applicable Mass. HIC Reg. #: _____ Not Applicable Check if requesting a "Homeowner Waiver":

Name (Print): _____ Signature _____
Address _____ Telephone _____ Expiration Date _____
City, State, ZIP _____

SECTION 4 - INSURANCE AND HOME OWNER AFFIDAVITS:

Proof of Workers' Compensation Insurance or Workers' Compensation Insurance Affidavit must be completed and submitted with this application. Failure to provide either document will result in the denial of the issuance of the building permit (M.G.L. c. 152, § 25C(6)). Proof of Insurance Signed Affidavit Attached

As the Home Owner performing work for which a building permit is required, I request exemption from the Construction Supervisor License requirement, as provided in the State Building Code, 780 CMR.

As the Owner personally doing residential contractor work on my own home, I am exempt from the Home Improvement Contractor requirement, as provided in the State Building Code, 780 CMR.

SECTION 5 - PROVIDE A BRIEF DESCRIPTION OF PROPOSED WORK:

_____ Construction Type: _____ Use Group: _____

SECTION 6 - MERRIMAC BOARD OF HEALTH REVIEW AND AUTHORIZATION:

If on-site septic system, the Board of Health must review and approve proposed location of in-ground swimming pool. _____
Signature of Health Agent

SECTION 7 - OWNER/AUTHORIZED AGENT DECLARATION

As Owner/Authorized Agent, I hereby declare that the statements and information on the foregoing application are true and accurate, to the best of my knowledge and belief.
Signed under the pains and penalties of perjury. Signature of Owner/Agent _____ Date _____

BUILDING PERMIT FEE: \$ _____ APPROVED BY: _____ Bldg. Permit #: _____ Issue Date: _____

Form 101 Pg 3-13 © 04/04 P.H.



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 600 Washington Street, 7th Floor
 Boston, Mass. 02111

Workers' Compensation Insurance Affidavit: Building/Plumbing/Electrical Contractors

Applicant Information

Please PRINT legibly

name: _____

address: _____

city: _____ state: _____ zip: _____ phone #: _____

work site location (full address): _____

- I am a homeowner performing all work myself. Project Type: New Construction Remodel
 I am a sole proprietor and have no one working in any capacity. Building Addition
 I am an employer providing workers' compensation for my employees working on this job.

company name: _____

address: _____

city: _____ phone #: _____

insurance co. _____ policy # _____

- I am a sole proprietor, general contractor, or homeowner (circle one) and have hired the contractors listed below who have the following workers' compensation policies:

company name: _____

address: _____

city: _____ phone #: _____

insurance co. _____ policy # _____

company name: _____

address: _____

city: _____ phone #: _____

insurance co. _____ policy # _____

Attach additional sheets if necessary.
 Failure to secure coverage as required under Section 25A of MGL 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one year's imprisonment as well as civil penalties in the form of a STOP WORK ORDER and a fine of \$100.00 a day against me. I understand that a copy of this statement may be forwarded to the Office of Investigations of the DIA for coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature _____ Date _____

Print name _____ Phone # _____

official use only do not write in this area to be completed by city or town official

city or town: _____ permit/license # _____ Building Department
 Licensing Board
 Selectmen's Office
 Health Department
 Other _____

check if immediate response is required

contact person: _____ phone #: _____

(revised Sept. 2003)