

**TOWN OF CUMMINGTON**  
**BUILDING INSPECTION DEPARTMENT**  
**Community House P.O Box 128, Cummington, MA, 01026**  
**(413) 634-5354 Fax: (413) 634-5568**  
*Inspector of Buildings: Jim Cerone 413-834-0787*

Form  
4

**Swimming Pool  
Permit Application**

Permit #: \_\_\_\_\_  
Fee: \_\_\_\_\_

**Section 421.10 of Mass. Bldg. Code 6th Ed. governs private swimming pools (above & below ground), hot tubs, and spas.**

*Site Address* \_\_\_\_\_ *Map* \_\_\_\_\_ *Lot#* \_\_\_\_\_

*Owner's Name:* \_\_\_\_\_ *Owner's Mailing Address* \_\_\_\_\_

*Owner's telephone #: (H)( )* \_\_\_\_\_ *(W)( )* \_\_\_\_\_ *(Cell)( )* \_\_\_\_\_

*Contractor:* \_\_\_\_\_ *Contractor Address* \_\_\_\_\_

*Cont. Tele#* \_\_\_\_\_ *Fax* \_\_\_\_\_ *E-Mail* \_\_\_\_\_ *Town* \_\_\_\_\_

*License#* \_\_\_\_\_ ( acc'y structures) *H.I.C Reg.#* \_\_\_\_\_ ( Ing.Pools & acc'y structures)

*Estimated Cost:* \_\_\_\_\_

***Fee: Spa/Hot-tub/Above-ground = \$25 Inground = \$30***

***Instructions:***

1. Permit must be completed in full. Any questions left unanswered will necessitate the return of the application and will delay processing.
2. If there are any accessory structures to be built in conjunction with the pool structure (i.e., deck, pool house); please fill out Form 2 for accessory structures in addition to this application.
3. In accordance with Sec. 110.5 of the Mass. Bldg. Code, every application must be signed by the owner of the property, or, by authorized agent. If signed by the "agent", a copy of the signed contract must be attached to application.

The undersigned certifies that the above statements and all accompanying information are true to the best of their knowledge and belief. The owner of this structure and the undersigned agree to conform to all applicable laws of the town and state, and believe the work proposed to be in compliance with all zoning regulations and the Massachusetts State Building Code 780CMR. **SECTION 110.5 OF THE MASS. BLDG. CODE REQUIRES EVERY APPLICATION TO BE SIGNED BY THE OWNER OF THE PROPERTY, OR, BY AN AUTHORIZED AGENT. IF IT IS SIGNED BY AN AGENT, A CONTRACT SIGNED BY THE OWNER, OR LETTER OF AUTHORIZATION, MUST ACCOMPANY THE APPLICATION.**

\_\_\_\_\_ Date \_\_\_\_\_  
(Print Name of Owner or Authorized Agent) (Signature of Owner or Authorized Agent)

**CHECK THOSE WHICH APPLY TO YOUR PROJECT:**

- Residential
- Commercial
- In-ground pool Size \_\_\_\_\_ x \_\_\_\_\_
- Above-ground pool Dia \_\_\_\_\_ Wall Hgt \_\_\_\_\_
- Fence: Type \_\_\_\_\_ Height \_\_\_\_\_
- Gate
- Alarm system \_\_\_\_\_ power safety cover
- Barrier around ladder/steps
- Deck size \_\_\_\_\_ x \_\_\_\_\_
- Accessory structure (explain below, and include specifications at above right).

**Provide an informal plot plan in the square below - locating the existing/new structures & their distances from all property lines.**

Building will be how near:  Front Lot Line _____  Left Property Line _____  Right Property Line _____  Rear Property Line _____	L E F T	R I G H T
FRONT (Street or Road)		

Will any portion of the construction be taking place within a flood plain? \_\_\_\_\_

Any excavation to soil necessitates location of existing septic system. I confirm that I have located the septic system and no excavation will compromise it. \_\_\_\_\_ (owner's initials required)

Conservation Commission (required) \_\_\_\_\_ Date \_\_\_\_\_

Inspector of Buildings \_\_\_\_\_ Date \_\_\_\_\_

HOMEOWNER'S LICENSE EXEMPTION

This portion to be completed by homeowner assuming responsibility for proposed project; however, if erecting a modular home, the homeowner cannot assume responsibility. A contractor with a CSL is required to assume responsibility for the entire project.

DEFINITION OF HOMEOWNER:

"Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one or two-family dwelling, attached or detached structures accessory to such use, and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner." (Section 109.1.1)

The LICENSE EXEMPTION for a HOMEOWNER applies only for permitted work on owner-occupied one- and two-family dwellings/accessory structures, and farm structures. The exemption allows such homeowner to obtain building permits, perform construction, and engage individuals for hire who may not be registered or possess a construction supervisor's license, PROVIDED THAT THE OWNER ACTS AS SUPERVISOR; the homeowner is then FULLY RESPONSIBLE FOR THE PROJECT AND COMPLIANCE WITH STATE BLDG. CODE AND ALL APPLICABLE LAWS AND REGULATIONS.

Many homeowners who use the "Homeowner's Exemption" are unaware that they are assuming the responsibilities of a supervisor. This lack of awareness often results in serious problems, particularly when the homeowner hires unlicensed persons; in these cases, punitive action cannot be taken against the unlicensed person. The homeowner, acting as supervisor, is ultimately responsible for the project and compliance with the State Bldg. Code.

NOTICE TO HOMEOWNERS ENGAGING OTHERS FOR HIRE

MGL c.142A is a consumer protection law which requires Home Improvement Contractors to be registered with the State. A "Guaranty Fund" has been set up with funds collected from the registered H.I. Contractors which will be available to consumers who are aggrieved with a contract entered into with REGISTERED H.I. CONTRACTORS. This law requires that the reconstruction, alteration, renovation, repair, modernization, conversion, improvement, removal, demolition, or construction of an addition, to any owner-occupied building (containing up to four dwelling units), and to any related accessory structures, be done by registered Home Improvement Contractors, with certain exceptions.

NOTICE IS HEREBY GIVEN THAT OWNERS PULLING THEIR OWN PERMIT ON BEHALF OF A CONTRACTOR, OR WHO ENGAGE UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK, DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER MGL c.142A.

Notwithstanding the above notice, I hereby apply for a permit as the HOMEOWNER of the below listed property and by so doing will assume responsibility for compliance with all applicable codes, bylaws, rules and regulations.

HOMEOWNER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SITE ADDRESS \_\_\_\_\_  
street town

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\*

-OR-  
CONTRACTOR AFFIDAVIT

(To be completed by Registered Contractor) Pursuant to MGL C. 142A, Home Improvement Contractor Registration, I hereby apply for a permit as the AGENT of the afore-mentioned owner:

Contractor Name (as registered) (print) \_\_\_\_\_ Registration # \_\_\_\_\_

Signed under penalties of perjury: \_\_\_\_\_ Date \_\_\_\_\_

## Private Pool Enclosures

Summary of Mass Building Code regulations regarding enclosures of in, on, or above ground private swimming pools, hottubs, or spas. The Mass Building Code is a minimum requirement. Local Zoning Codes may be more restrictive.

### A) Barriers

- 1) The top of the barrier shall be at least 48" above finished ground level, measured from the outside of the pool.
- 2) Openings in the barrier shall not allow passage of a four-inch diameter sphere.
- 3) If the barrier is not solid or a chain link fence, refer to 780 CMR: 421.10.1(4-5).
- 4) If the barrier is a chain linked fence the maximum mesh size is 1 ¼ inch square, unless the fence has slats fastened at the top or bottom, in which case a maximum mesh size of 1 ¾" square is permitted. Diagonal chain link fences are allowed to have a maximum mesh size of 1 ¾" without slats.
- 5) Where a wall of dwelling serves as a barrier, refer to 780 CMR: 421.10.9.

### B) Access Gates

- 1) Gates must comply with regulations for barriers above.
- 2) Must be equipped to accommodate a locking device.
- 3) Shall open outwards (away from pool).
- 4) Shall be self-closing, and self-latching.
- 5) Release mechanism must be located 54" from the bottom of the gate. If not 6 applies.
- 6) Release mechanisms below 54" must be on the pool side of the gate, located at least 3" below the top of the gate. There must not be an opening in fence or gate within 18" of the release mechanism larger than ½".

### C) Ladders

Ladders accessing above ground pools must be enclosed according to the specifications for barriers and access gates, mentioned above. Even if a ladder is removable, it must be enclosed.

Revised: 7/10/06