



OFFICE OF THE  
LITTLETON BOARD OF APPEALS  
LITTLETON, MASSACHUSETTS 01460

TOWN OF LITTLETON  
RECEIVED  
JUL 23 2010  
Date L.L. 7/23/2010

Petitioner: Jim & Amy Scaramucci  
Case No.: 782A  
Date Filed: June 24, 2010

The Littleton Board of Appeals conducted a public hearing on July 15, 2010 at the Municipal Building, Shattuck Street, Littleton, MA on the Application of Jim & Amy Scaramucci for an approval of accepting the existing fence no greater than 25 feet from the edge of pool at 56 Spectacle Pond Road under the Code of the Town of Littleton, Section 152-1. Notice was given by publication on June 30 and July 7, 2010 in the Lowell Sun, a newspaper circulated in Littleton, and by mail to all abutters and parties in interest. Present and voting were: Sherrill Gould, Chair, William Farnsworth, John Cantino, Jeff Yates, and Cheryl Hollinger, Members. Present and not voting were Rod Stewart and Allan Bell, Alternates.

Jim Scaramucci presented the application which included the a deed for the property, copy of a Building Permit for "21 x 40 Inground Gunite Pool" with notation "Fence must be moved or variance from Section 152-1 secured", Certified Inspection Plan for Spectacle Pond Rd Littleton, dated 4/15/99, and an "Existing Fence" plan by Pools by Andrews, no date, and photos of fence sections around the property. Mr. Scaramucci explained that the fence was in existence before the construction of the pool. Portions of the fence will 39', 104' and 104' from the edge of the pool. The fence, once completed, will be in compliance with the requirements of the State Building Code for pools. There were no persons in attendance in opposition or support to this application.

#### FINDINGS

The Board made the following findings:

1. Section 152-1 is in the Code of the Town of Littleton, a general code, not a zoning bylaw. The code section states; "... such fence or structure shall not be more than twenty-five (25) feet from the outside edge of the pool apron, unless otherwise approved by the Zoning Board of Appeals."
2. There is no supporting documentation as to the reasoning of the requirement.
3. The fence and house will provide safety barriers to the pool as required under the building permit and State Building Code.

#### DECISION

The Board voted unanimously to GRANT APPROVAL to the fence to be more than 25 feet outside the edge of the pool apron.

Signed Jeffrey Yates  
Jeffrey Yates, Clerk

Date 23 July 2010