



# TOWN OF FOXBOROUGH

## Inspections Department

40 South Street

Foxborough, MA 02035

Telephone: (508) 543-1206 / Facsimile: (508) 543-6278

### APPLICATION TO INSTALL SWIMMING POOL/HOT TUB/SPA

Permit Fee: Above Ground - \$40.00, In-ground - \$60.00

**Directions:** Fill out the application completely. Include a **certified plot plan** showing the location of the proposed pool\* with distances to the property lines clearly marked. The plan should show locations of fences, structures pertaining to the pool, septic system and walkways.

**\*Note:** The pool apron cannot be located any closer than 15 feet from the side and rear property lines and cannot be located in the front yard.

PROPERTY OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TEL. #: \_\_\_\_\_

LOCATION OF INSTALLATION: \_\_\_\_\_

NAME OF INSTALLER: \_\_\_\_\_ H.I.C. Reg: \_\_\_\_\_  
C.S.L.: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ TEL. #: \_\_\_\_\_

TYPE OF POOL: \_\_\_\_\_

LENGTH: \_\_\_\_\_ WIDTH: \_\_\_\_\_ DEPTH (MAX.): \_\_\_\_\_

WATER SOURCE: \_\_\_\_\_ DOES THE POOL HAVE A FILTER SYSTEM: \_\_\_\_\_

TYPE OF POOL ENCLOSURE: \_\_\_\_\_ HEIGHT: \_\_\_\_\_

APPLICANT/AUTHORIZED AGENT SIGNATURE: \_\_\_\_\_

Estimated Cost \_\_\_\_\_ DATE: \_\_\_\_\_

**Note: Electric Permit is required for any electrical work performed.**

### OFFICE USE ONLY

Board of Health Approval: \_\_\_\_\_  
Health Agent Date

Inspections Dept. Approval: \_\_\_\_\_  
Building Commissioner Date



The Commonwealth of Massachusetts  
 Department of Industrial Accidents  
 1 Congress Street, Suite 100  
 Boston, MA 02114-2017  
 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers.  
 TO BE FILED WITH THE PERMITTING AUTHORITY.

**Applicant Information**

Please Print Legibly

Name (Business/Organization/Individual): \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone #: \_\_\_\_\_

Are you an employer? Check the appropriate box:

1.  I am an employer with \_\_\_\_\_ employees (full and/or part-time).\*
2.  I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]
3.  I am a homeowner doing all work myself. [No workers' comp. insurance required.] †
4.  I am a homeowner and will be hiring contractors to conduct all work on my property. I will ensure that all contractors either have workers' compensation insurance or are sole proprietors with no employees.
5.  I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance. ‡
6.  We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

7.  New construction
8.  Remodeling
9.  Demolition
10.  Building addition
11.  Electrical repairs or additions
12.  Plumbing repairs or additions
13.  Roof repairs
14.  Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.  
 † Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.  
 ‡ Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

*I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.*

Insurance Company Name: \_\_\_\_\_

Policy # or Self-ins. Lic. #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Job Site Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under MGL c. 152, §25A is a criminal violation punishable by a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. A copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Phone #: \_\_\_\_\_

*Official use only. Do not write in this area, to be completed by city or town official.*

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health
2. Building Department
3. City/Town Clerk
4. Electrical Inspector
5. Plumbing Inspector
6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an *employee* is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An *employer* is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another who employs persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer."

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

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## Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply sub-contractor(s) name(s), address(es) and phone number(s) along with their certificate(s) of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. Also be sure to sign and date the affidavit. The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

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## City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary) and under "Job Site Address" the applicant should write "all locations in \_\_\_\_\_ (city or town)." A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

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The Department's address, telephone and fax number:

The Commonwealth of Massachusetts  
Department of Industrial Accidents  
1 Congress Street, Suite 100  
Boston, MA 02114-2017

Tel. # 617-727-4900 ext. 7406 or 1-877-MASSAFE

Fax # 617-727-7749

[www.mass.gov/dia](http://www.mass.gov/dia)

Suggested Affidavit for Home Improvement Contractor Permit Application

For Office Use Only  
Permit No. \_\_\_\_\_  
Date \_\_\_\_\_

**TOWN OF FOXBOROUGH**

**AFFIDAVIT**

**Home Improvement Contractor Law  
Supplement to Permit Application**

MGLc.142A requires that the "reconstruction, alteration, renovation, repair, modernization, conversion, improvement, demolition, or construction of an addition to any pre-existing owner-occupied building containing at least one but not more than four dwelling units...or to structures which are adjacent to such residence or building" be done by registered contractors, with certain exceptions along with other requirements

Type of Work: \_\_\_\_\_ Estimated Cost: \_\_\_\_\_

Address of Work: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Date of Permit Application: \_\_\_\_\_

Registration is not required for the following reason(s)

- |                                   |                                |
|-----------------------------------|--------------------------------|
| _____ Work excluded by law        | _____ Job under \$1,000        |
| _____ Building not owner-occupied | _____ Owner pulling own permit |
| _____ Other (specify _____)       |                                |

Notice is hereby given that:

**OWNER PULLING THEIR OWN PERMIT OR DEALING WITH UNREGISTERED CONTRACTORS FOR APPLICABLE HOME IMPROVEMENT WORK DO NOT HAVE ACCESS TO THE ARBITRATION PROGRAM OR GUARANTY FUND UNDER MGLc.142A.**

Signed under penalties of perjury:

I hereby apply for a permit as the agent of the owner:

_____	_____	_____
Date	Contractor Name	Registration No.

OR:

Notwithstanding the above notice, I hereby apply for a permit as the owner of the above property:

_____	_____
Date	Owner Name

## SECTION 305 BARRIER REQUIREMENTS

**305.1 General.** The provisions of this section shall apply to the design of barriers for all aquatic vessels. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such vessels. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exception: Portable residential spas and portable residential exercise spas.

**305.2 Outdoor Swimming Pools.** All outdoor aquatic vessels shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.8.

Exception: Spas or hot tubs with a lockable safety cover that complies with ASTM F1346.

**305.2.1 Barrier height and clearances.** The top of the barrier shall be at least 48 inches (1524 mm) above grade measured on the side of the barrier that faces away from the aquatic vessel around the entire perimeter of the vessel and for a distance of three (3) feet measured horizontally from the required barrier. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) from surfaces that are not solid, such as grass or gravel, and measured on the side of the barrier that faces away from the vessel. Where the top of the vessel structure is above grade, the barrier shall be at ground level or mounted on top of the vessel structure, and the maximum vertical clearance between the top of the vessel structure and the bottom of the barrier shall be 4 inches (102 mm). The maximum vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall be four (4) inches (102 mm) measured on the side of the required barrier which faces away from the vessel.

**305.2.2 Openings.** Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

**305.2.3 Solid barrier surfaces.** Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

305.2.4 Mesh restraining barrier/fence. Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh restraining fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.

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2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than four (4) inches (102 mm) from grade or decking.

3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than four (4) inches (102 mm) from grade or decking.

4. An attachment device shall attach each barrier section at a height not lower than 45 inches (1143 mm) above grade. Common attachment devices include, but are not limited to, devices that provide the security equal to or greater than that of a hook-and-eye-type latch incorporating a spring-actuated retaining lever such as a safety gate hook.

5. Where a hinged gate is used with a mesh barrier, the gate shall comply with Section 305.3.

6. Patio deck sleeves such as vertical post receptacles which are placed inside the patio surface shall be of a nonconductive material.

7. Mesh fences shall not be used on top of on ground residential pools.

305.2.5 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the aquatic vessel side of the fence. Spacing between

vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

305.2.6 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1.75 inches. Where the fence is provided with slats fastened at the top and bottom which reduces the openings, such openings shall be not more than 1.75 inches.

305.2.8 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be no more than 1.75 inches (44 mm).

305.2.9 Clear Zone. There shall be a clear zone of not less than 36 inches (914 mm) around the exterior of the barrier and around any permanent structures or equipment such as pumps, filters and heaters that can be used to climb the barrier.

305.2.10 Poolside Barrier Setbacks. The aquatic vessel side of the required barrier shall be not less than twenty (20) inches from the water's edge.

305.3 Gates. Access gates shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the vessel and shall be self-closing and have a self-latching device.

305.3.1 Utility or Service Gates. Gates not intended for pedestrian use, such as utility or service gates, shall remain locked when not in use.

305.3.2 Double or multiple gates. Double gates or multiple gates shall have at least one leaf secured in place and the adjacent leaf shall be secured with a self-latching device. The gate and barrier shall not have openings larger than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

305.3.3 Latches. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from grade, the release mechanism shall be located on the vessel side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall not have openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

305.4 Structure wall as a barrier. Where a wall of a dwelling or structure serves as part of the barrier, doors and operable windows with a sill height of less than 48 inches, that provide direct access to the aquatic vessel through the wall shall be equipped with an alarm that produces an audible warning when the door or its screen or window, is opened. The alarm shall be listed and labeled in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings or structures required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located not greater than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door. In addition, one or more of the following additional levels of protection shall be provided:

1. The aquatic vessel shall be equipped with a power safety cover that is listed and labeled in accordance with ASTM F1346.
2. The aquatic vessel shall be provided with an underwater alarm that is listed and labeled in accordance with ASTM F2208.
3. The aquatic vessel shall be provided with a laser or infrared alarm that is listed and labeled in accordance with ASTM F2208.
4. Other means of protection, such as self-closing doors with self-latching devices, which are approved, shall be accepted provided that the degree of protection afforded is not less than the protection afforded by Items 1, 2 or 3.

305.5 Pool structure as a barrier. Where an on ground residential pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, the following shall apply:



1. An onground pool wall, itself, shall be permitted to be the barrier where the pool structure is on grade and the wall is at least 48 inches (1219 mm) above grade for the entire perimeter of the pool and complies with the requirements of Section 305.3.

2. Where the means of access is a ladder or steps, the ladder or steps shall be capable of being secured, locked or removed to prevent access or the ladder or steps shall be surrounded by a barrier that meets the requirements of this section.

3. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

4. The barrier shall be installed in accordance with the manufacturer's instructions.

305.6 Natural barriers. In the case where the vessel area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the vessel.

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305.7 Natural topography. Natural topography that prevents direct access to the aquatic vessel area shall include but not be limited to mountains and natural rock formations. A natural barrier approved by the governing body shall be acceptable provided that the degree of protection is not less than the protection afforded by manufactured or constructed means.

305.8 Indoor swimming pools. Walls surrounding indoor aquatic vessels shall comply with Section 305