



ZONING BOARD OF APPEALS

WILLIAM H. CULLINANE
 WILLIAM O. HEWETT
 FRANKLIN P. PARKER
 WILLIAM E. POLLETTA
 FRANCIS L. SWIFT
 HENRY H. THAYER

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 Administrative Secretary
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 235-1664

Petition of Louis R. Larsen and V. Margaret G. Larsen

Pursuant to due notice, at 8:10 p.m. on Thursday, September 8, 1977, the Zoning Board of Appeals held a public hearing in the hearing room on the second floor of the Town Hall to hear the petition of Louis R. Larsen and V. Margaret G. Larsen requesting a variance from the terms of Section XXIIB-D 4 of the Zoning By-law which would allow the erection of a fence four feet in height, rather than the required six feet, around the swimming pool to be installed on their premises at 87 Livingston Road. Said request was made under the provisions of Section XXIV of the Zoning By-law.

STATEMENT OF FACTS

The petitioners' property is in a 40,000 square foot minimum lot area zoning district. The Board has viewed the petitioners' lot and finds that it is in one of the less thickly settled parts of the Town and is for the most part surrounded by a fence or fences which appear to be about four feet in height. The petitioners propose to install the pool behind their house in a location not easily visible from Livingston Road.

DECISION

The Board finds that the sought-for variance may not be granted without substantial possible detriment to the public good and without substantially derogating from the intent and purpose of the Zoning By-law.

The six foot fence height requirement of Section XXIIB-D 4 is not a function of the number of unwary small children in an area, but of such children's ability to scale fences. The Board believes that the Town Meeting members who passed this six foot fence provision deemed such a height necessary to provide a reasonable assurance that small children not old enough to appreciate the hazards of a swimming pool would be kept out. It is not for the Board of Appeals to question that judgement.

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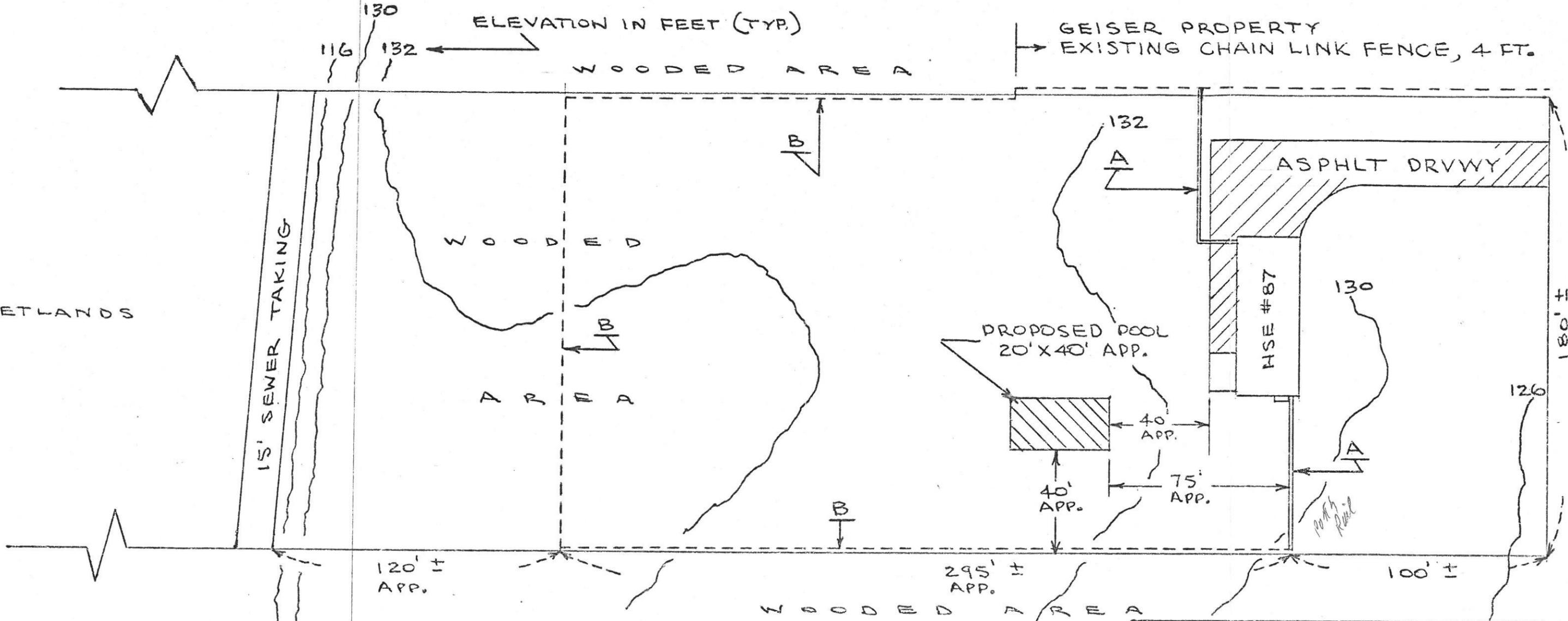
Accordingly, the petition is denied. All of the sitting Board members, namely - William F. Cullinane, William O. Hewett and Henry H. Thayer - voted to deny the variance sought by this petition.

William F. Cullinane
William F. Cullinane

William O. Hewett
William O. Hewett

Henry H. Thayer
Henry H. Thayer

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LEGEND

- A PROPOSED WOOD POST+RAIL WITH FENCING MATL. + SHRUBS, 4' HIGH
- B PROPOSED CHAIN LINK FENCING, 4' HIGH

REQUEST FOR SWIMMING POOL FENCING VARIANCE

LOUIS R. + V. MARGARET G. LARSEN
87 LIVINGSTON ROAD
WELLESLEY, MASS.

SKETCH JULY 5, 1977

SCALE: 1" = 40'