



Fence Permit Information

Definition

Fences shall be defined and regulated by their function and purpose such as boundary, privacy, decorative and safety fences as defined in § **235-4** of the Zoning Ordinance. All fences, with the exception of snow fences as defined in this section, shall require a building permit.

Permit Application Requirements

- Completed signed application.
- Payment: \$50.00
- Proof of contractor / installers insurance **OR** signed affidavit from homeowner.
- Copy of a survey map.

General Requirements

- All fences, with the exception of snow fences as defined in this section, shall require a building permit.
- All fencing must be constructed within property boundaries.
- Proposed fencing over Town easements within property boundaries are subject to approval from the Department of Public Works.
- Fencing shall be constructed of materials commercially available for fencing purposes and shall be uniform in appearance.
- The most finished side of a fence must face the adjoining property.
- Height of fencing is to be measured from the top of the fence to the ground directly beneath the fence.
 - (a) Fencing must follow the natural contour of the land.
 - (b) Commercially manufactured decorative caps located on top of the fence posts shall be excluded from the height measurement, but posts and caps shall not exceed 12 inches in height and width.
- Where a side yard of a lot abuts a rear yard of another lot, fencing may be permitted to be six feet high.
- No back-to-back boundary fences shall be permitted unless an abutting fence is owned by an adjacent property owner.

- Barbed wire and electrified fences shall be subject to Zoning Board of Appeals' approval prior to the issuance of a permit.
- Single strand wire fences or anchoring of any fence post by means of a guy wire or guy wires shall be prohibited.
- Fence height on vacant lots shall be limited to four feet in height. Such fencing shall not extend beyond the average front setback of adjoining dwellings on either side.
- For the purposes of regulating fencing, a lot which adjoins a limited access highway shall be regarded as interior lot and not as a through lot or corner lot.
- A 30-foot setback from the front and back property line shall be required for all "through lot" fencing. Through lot fencing shall be limited to a maximum height of four feet in height.

Height Restrictions, Types & Setbacks

Boundary fences

Four-foot-high side yard fencing shall be permitted from the front foundation line of the principal building to the rear lot line. Six-foot rear yard fencing shall be permitted from the rear foundation line of the principal building to the rear lot line. The front foundation line shall be defined as the portion of the principal building that is nearest the side and front lot lines as measured from each side of the structure. The rear foundation line shall be defined as the portion of the principal building that is nearest to the side, rear and front lot lines as measured from each side of the structure. Attached garages shall be included in such measurements. Stoops, steps, open and enclosed porches and similar entranceways and decks shall not be considered in the setback determination.

Nonresidential use on property

Fencing to be located on a property used for other than a single-family and two-family residence shall be subject to site plan approval by the Planning Board. Exceptions for repair or replacement of existing conforming fencing may be made by the Director, and/or his or her designee.

Height Restrictions, Types & Setbacks (cont.)

Privacy fencing – [Not located in or near boundary property boundary line]

Privacy fencing to screen a portion of a rear or side yard may be a maximum of eight feet. However this type of fence can only be located in the buildable area of a lot and cannot encroach into the required side and rear setbacks required for the primary structure.

Front yard decorative fencing.

1. Front yard fencing shall not exceed 42 inches in height.
2. Fencing must be of open-type construction (split rail, picket or the like). Solid and chain link type fencing shall not be allowed.
3. Such fencing shall be limited to a maximum total length of 32 linear feet and set back a minimum of three feet from the front property line to allow for safe visual clearances and sidewalk snow removal.

Corner lots

Rear and side street yard fencing on a corner lot shall be permitted to extend toward the street for purposes of boundary fencing, provided that a minimum setback of three feet from the property line which parallels the street is maintained. The height of fencing shall be as set forth above, with the narrower lot frontage treated as the front.

Snow fences

For the purposes of providing a wind block for drifting snow shall be permitted between November 1 and April 15. A three-foot setback from the front property line shall be required for all such fencing. Placement of such fencing shall not cause drifting snow on adjacent property or public sidewalks and streets.

Fences located on decks

A fence may be erected on a deck provided that said fence:

1. Is located in the rear yard.
2. Complies with setback regulations for the principal buildings.
3. Does not exceed six feet in height as measured from the top of the fence to the walking surface of the deck beneath the fence.

Deer protective fencing

No permit shall be required; however, the location, type and design of such fence shall be subject to review and approval by the Director.

Walls

1. Walls or retaining walls which are under 18 inches in height shall be exempt from the requirements of this section.
2. All retaining walls exceeding 18 inches in height designed to retain earth shall require a building permit and must comply with the following requirements.
3. Manufactured walls. The property owner must provide written proof to the Town's Building Department that the installer will construct such walls according to the manufacturer's specifications and accepts all liability in the event of failure.
4. A professional engineer's or registered architect's original seal and signature shall be required on drawings submitted for a building permit for nonmanufactured walls.
5. Walls, regardless of the location, shall be exempt from the height restrictions of fences as long they are designed to retain earth on property slopes. The grade cannot be changed to accommodate such walls and drainage courses must be considered during design so as to not affect adjoining property.
6. Walls which will affect the toe of a slope in a steep slope EPOD area and are greater than four feet in height shall be subject to an EPOD permit approval by the Planning Board prior to the issuance of a building permit.

Maintenance

1. Fences, walls and other similar construction must be maintained at all times in good and substantial condition. Dilapidated, rotted, rusted and broken fences and walls must be repaired, replaced or removed.
2. Metal fences subject to rust must be painted with a protective covering that is uniform in appearance.^[1]

[1]Editor's Note: Former § 130.63, dumping grounds, which immediately followed this section, was deleted 2-4-1997 by L.L. No. 1-1997