

FENCE VIEWER

The duties of the fence viewer are contained in Massachusetts General Laws, Chapter 49, Section 1-20, inclusive. This law pertains to the need for partition fences on property lines of adjoining improved parcels of land used for agricultural purposes (primarily the keeping of livestock). The appointed fence viewer for the Town reports no activity in such partition fences for the year 2002.

Although the Fence Viewer is now an archaic position, several general questions concerning fences are answered each year. Residents should keep the following facts in mind when planning to erect a fence:

1. Section 5.3.1 of the Town's Zoning Bylaw limits the height of walls and fences in yard setback areas to no more than eight feet.
2. Massachusetts General Law, Chapter 49, Section 21, determines when certain fences may be deemed a private nuisance and should be consulted when there is a question concerning a spite fence.
3. Section E39 of the Town Bylaws provides that when erecting a fence fronting on a public way the fence should not encroach within the public right of way without a written license from the Board of Selectmen. Assistance in determining the location of this right-of-way line is generally available from the Acton Engineering Department.
4. The installation of a fence does not normally require a building permit; however, erecting a fence in a Local Historic District (Acton Centre, South and West Villages) will usually require a Certificate of Appropriateness from the Acton Historic District Commission.

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Fence Viewer