

At their meeting on December 16, 1991 in accordance with Massachusetts General Laws Chapter 111, Section 31, the Board of Health of the Town of Hamilton, voted to adopt the following regulation.

CHAPTER 1

Variance Procedures

The Board of Health may vary any section of its Health Rules and Regulations with respect to any particular case when, in its opinion: (1) the enforcement thereof would do manifest injustice; and, (2) the applicant has proved that the same degree of protection required under the Rules and Regulations can be achieved without strict application of the particular Section.

Every request for a Variance shall be made in writing and shall state the specific Variance sought and the reasons therefore. No Variance shall be granted except after the applicant has notified all abutters by certified mail at his expense at least ten (10) days before the Board of Health meeting at which the Variance will be on the agenda. The notification shall state the specific Variance sought and the reasons therefore.

The Board may impose conditions, safeguards and limitations, both of time and use to which the Variance pertains. If the rights authorized by a Variance are not exercised within one (1) year from the grant of such Variance, they shall lapse.

Any Variance granted by the Board of Health shall be in writing. Any denial of a Variance shall also be in writing and shall contain a brief statement of the reasons for the denial. A copy of the Variance shall be available to the public at all reasonable hours in the office of the Town Clerk or the office of the Board of Health while it is in effect.

Board of Health

*William E. Tanzer*

William E. Tanzer, Chairman

*Anthony J. Madera*

Anthony J. Madera, Second Member

*Richard A. Goehlert*

Richard A. Goehlert, Third Member