

Land use and zoning regulations fall under Chapter 40A of Massachusetts General Laws. You can view and search this chapter at: www.mass.gov.

The Zoning Board of Appeals serves two functions. First, they are empowered to issue decisions on site plan review, special permits, extensions and alterations of non-conforming lots and structures and variances. Second, they are the local authority where someone who feels aggrieved may appeal an enforcement order issued by the Zoning Enforcement Officer specifically when the order alleges a violation of the Hamilton Zoning By-Laws. The Board can also overturn a ruling or decision of the Zoning Enforcement Officer. Orders issued under the Massachusetts Building Code (780 CMR) may be appealed to a different board (State Building Code Appeals Board).

The Zoning Board may also issue a variance. This would allow a use that is ordinarily prohibited or a structure to be constructed, expanded or altered where the bylaw would otherwise prohibit such expansion or alteration.

Variances should only be granted where a hardship exists and only when the hardship is directly related to the land. Some examples are soil characteristics, shape or topography. If someone feels there is a financial hardship, it must also be related to the land in some manner.

The Hamilton Zoning Board of Appeals meets the first Wednesday of each month with some exceptions particularly during the summer or if there are no petitions filed.

All applications must be filed in the Building Inspector's office by 11:00 a.m. on Friday's; dates are subject to change.

Meetings are posted in Town Hall at least 48 hours prior to meeting.

The Hamilton Zoning Bylaw may be purchased with the zoning map at the Town Clerks' office. There is also a version on this website that may be viewed and downloaded.

Applications are available at Town Hall or on this website.

Please make sure to plan your projects with enough time for the Zoning Board process. The Zoning Board usually makes their decision the night of the hearing. There is nothing that prevents the Board from continuing the

hearing and voting at a later time. Once the decision is made by vote of the Board, the written decision is filed in the Town Clerks' Office. There is then a twenty (20) day appeal period after the decision is filed.

If no one appeals the decision (in court), special permits and variances must be recorded at the Salem Registry of Deeds. It does not become a legal instrument until it is filed and must be filed within one (1) year.

No building permit or use/occupancy certificate can be issued (if required) until the special permit or variance is recorded at the registry.

Questions about use of land or structures as well as procedural questions may be directed to Deb Paskowski at (978) 468-5585.