



## Board of Health Dumpster Regulations Variance Application

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The City of Lowell Code of Ordinances (§171-3) and Board of Health Regulations (Dumpster Regulations) requires by December 31, 2013, that all dumpsters be placed no less than five feet (5') from the lot lines (4.B), on a material impervious to water, and within an enclosure as tall or taller than the dumpster with latching gates (4.E).

The Regulation was designed to prevent public health hazards and nuisances resulting from dumpsters. Past issues have included dumpsters migrating from their designated location onto public ways and abutting properties, overflow and unauthorized dumping, seepage of liquids, inadequate odor containment, among other issues. The location and enclosure regulations are designed to mitigate these issues.

It is recognized that not all sites in Lowell are able to accommodate a proper enclosure. Further it is understood this requirement will create a one-time financial cost which for some permit holders may be prohibitive. As such, the Regulations allow for a variance from 4.B and 4.E.

Variance requests may be heard by the Board of Health or their designee. If the variance is to be decided by the Board of Health, the variance hearing will appear on the Board's regular meeting agenda, and posted or advertised in accordance with Massachusetts Open Meeting Laws. If the variance is decided by the Board's designee it will be done so administratively; no public hearing will be required.

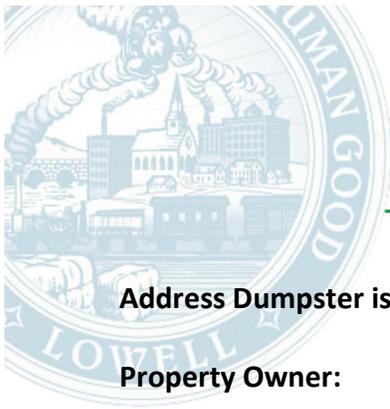
Decisions will be made on a case-by-case basis, using the information provided. The quality and detail of information provided may impact a decision, and therefore applicants are strongly encouraged to provide as much detail as possible.

The Board of Health or designee may make one of the following determinations on variance requests:

- Approve
- Approve with Conditions
- Deny
- Deny with Extension of Deadline to Comply

To request a variance, complete the application and submit with all required supporting documentation to the Division of Development Services. **Variance requests must be received no less than fourteen (14) calendar days prior to the next regularly scheduled Board of Health meeting.** Incomplete applications will be deferred until all required information is received.

For a copy of the Ordinance and Regulations visit [www.lowellma.gov](http://www.lowellma.gov). For specific questions, contact Development Services 978-674-4144.



**Board of Health  
Dumpster Regulations  
Variance Application**

**Address Dumpster is Located At:** \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

**Owner Address (if different):** \_\_\_\_\_

**Owner City, State, Zip (if different):** \_\_\_\_\_

**Owner Phone Number:** \_\_\_\_\_

**Applicant (if not Owner):** \_\_\_\_\_

**Applicant Address (if different):** \_\_\_\_\_

**Applicant City, State, Zip (if different):** \_\_\_\_\_

**Applicant Phone No:** \_\_\_\_\_ **Applicant Email:** \_\_\_\_\_

**Dumpster Service Company:** \_\_\_\_\_

**# of Dumpsters on Property:** \_\_\_\_\_ **Dumpster Size(s):** \_\_\_\_\_

**Dumpster Permit #s:** \_\_\_\_\_

**Service Schedule:**  Daily  Weekly  Bi-Weekly  Monthly  Other: \_\_\_\_\_

**Identify Relief Sought:**

Relief is requested from the following section(s) of the Dumpster Regulation (check all that apply):

- 4.B: Dumpster placed not less than five feet (5') from the lot line
- 4.E: Dumpster placed on a material impervious to water
- 4.E: Dumpster fully enclosed on all sides

**Identify Reason:**

Relief is requested due to the following (check all that apply):

- Physical Limitation of Property
- Financial Impact
- Other

### Supporting Documentation Requirements

#### *All Variance Requests*

- Copy of deed, purchase and sale, lease or other documentation that demonstrates the applicant’s relationship to the property.
- Existing plot plan, to-scale GIS printout, or site layout including location and dimension of buildings, walkways, driveways, parking spaces, loading areas, snow storage areas, and proposed or existing dumpster location. Plot plan or site layout shall also include approximate locations of buildings, structures, and walkways on the properties directly abutting the subject property. Photos may be included as supplement to the site layout or plan, but not in lieu of.
- Narrative addressing in detail why the variance is needed, and proposed alternatives to address:
  - Prevention of dumpster location interference with safety, convenience, or health of abutters and public spaces;
  - Prevention of dumpster being placed or migrating to a location other than the space designated on the dumpster permit application.
  - Containment of contents of dumpster and prevention of overflow, debris around dumpsters, seepage of liquids, odors, and other unhealthy or offensive public health hazards and nuisances.

#### *Additionally*

##### *For Relief Sought on Financial Impact Provide:*

- Two written quotes or bids for installation of necessary features to meet requirements of dumpster enclosure.

Additional information may be required or requested by the Board of Health and/or it’s designee.

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I certify that under the penalties of perjury, I am authorized to sign this application, and the statements contained within are true and accurate to the best of my knowledge.

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Signature

Date

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Print Name

Submit variance application and all supporting documentation to:

Division of Development Services  
Attn: Dumpster Regulation Variance  
Lowell City Hall  
375 Merrimack Street, 2<sup>nd</sup> Floor  
Lowell, MA 01852