Tondreau, Conrad

November 8, 1979

Conrad Tondreau
Wade Road
Augusta, ME 04330

Subject: Variance to the Maine Plumbing Code, Part II, Tondreau property, Wade Road, Augusta

Dear Sir:

This is to acknowledge receipt of the following items:

A completed HHE-200 Form by Gerald Poulin, SE.; an incomplete HHE-215 Form signed by Gerald Poulin, SE., and Richard Baker, LPI. The above is accepted as a complete application for variance to the Maine Plumbing Code, Part II. A new subsurface disposal system cannot be installed on the subject property in full compliance with the Maine Plumbing Code, Part II, because of the installation of two, 66'x10' bed systems on category 9D soils with mottling at 6 inches and an impervious layer at 6 inches, the reasons for the variance request.

In cases where there is a request for a variance to the Code for other than an existing overboard discharge or the replacement of an existing malfunctioning system, the Code establishes criteria under section 3.6 State Variance which must be met before a variance can be granted. Section 3.6 reads as follows:

The Department may vary requirements of this code if ALL the following conditions are met:

(1) The system will serve an existing building or lot legally recorded prior to January 1, 1970.

(2) The variance request has the approval and endorsement of the municipality.

(3) The evaluator can document, because of lot size, location, topography, etc., the proposed system will adequately treat and dispose of the wastewater with no threat to public health and safety.

(4) Compliance with the code would cause unusual hardship or would not result in construction of the best practicable system. Undue hardship shall not include any condition that is the result of action taken by the applicant or prior owner.

After review of the information submitted this office finds we have no alternative but to disallow the requested variance due to noncompliance with Section 3.6 of the Maine Plumbing Code, Part II. This office will require that the applicant supply additional documentation concerning the four criteria listed above.

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In addition, the proposal to allow this as an experimental system is not in pliance with the Maine Plumbing Code, Part II. Section 3.8 of the Maine mbing Code, Experimental Systems, requires that a suitable backup area meeting e minimum requirements of the Maine Plumbing Code be available as a reserve rea in the event of a future malfunction of the experimental system. In addition, documentation on the data to be gathered by the experimental system is to be reviewed by this office prior to final approval of any experimental system.

This office would suggest that the applicant explore the 100 acre parcel to determine if a suitable area meeting the Plumbing Code can be found within a reasonable distance. If so, this could be utilized as a reserve area and the waiver request resubmitted as an experimental system. If resubmitted, the enclosed State Variance Form and HHE-200 form must be signed by the applicant.

If you have any further questions, please do not hesitate to call or write this office at 289-3826.

Very truly yours,

David P. Breau
Plans & Standards Review
Division of Health Engineering

DPB/lh
cc: Gerald Poulin, SE
Richard Baker, LPI
enc. 200 Form & State Variance Form