

BOARD OF ADJUSTMENT


-Rye, New Hampshire-

NOTICE OF DECISION

Applicant/Owner: Ocean View Trust, Timothy E. Sanborn, Trustee
Property: 753 Ocean Blvd, Tax Map 23.1, Lot 16
Application case: Case #38-2018
Date of decision: September 19, 2018
Decision: The Board denied the administrative appeal by a 5-0 vote.

The reasons for denial include:

- The Notice of Violation dated May 4, 2018 indicating septic system failure contained no error. The Appellant's septic system met the definition of failure under NH state law.
- The building inspector did not err in not defining septic system failure for the property owner. Such definition is not required and the building inspector did cite the section of the NH state law defining "Failure" (RSA 485-A:2 IV.)
- The email communication from the building inspector to the appellant dated August 7, 2018 further stating that "repair of the existing is not an option" contained no error. The appellant had not (and has not) demonstrated that his failed system could be repaired. That the outlet pipe was "cleaned out the best we could with Truck Vac" (Chris-Co) and "from what we were able to determine by running water through the cracked pipe, this system is still able to distribute water effectively" (Kent) are insufficient to indicate that the system can be repaired to meet state standards. No information was provided concerning the condition of the full system. No septic plan was provided. The property owner did not know the system's maintenance history nor has the system been maintained by the property owner.



Patricia Weathersby
Chairman