



COOPER
CARGILL
CHANT

ARCHITECTS & ENGINEERS

April 22, 2013



APR 22 2013

Via Hand Delivery to Town Office

Zoning Board of Adjustment
Frank Benesh, Chair
Town of Jackson
PO Box 268
Jackson, NH 03846

RE: Application for Appeal from Administrative Decision
CCC File No: 16038.000

Dear Mr. Benesh:

Enclosed please find a completed Application for Appeal from Administrative Decision on behalf of H. David Evans, whose building permit was denied by Andrew Chalmers on March 26, 2013. Accompanying the Application are the following:

- Denial Letter dated March 26, 2013
- Copy of Building Permit including all attachments:
 - Trustee Certificate for signatory authorization
 - Building and Floor Plans (3 pages)
 - Septic Design approval (2 pages)
 - Easement Deed for driveway (2 pages)
 - Assessor's Card

Kindly provide us with a hearing date at your earliest possible convenience.

Very truly yours,

COOPER CARGILL CHANT, P.A.

Rebecca J. Oleson

roleson@coopercargillchant.com

Enclosure(s)

cc: client

Y:\CLIENT FILES\16038 - Evans\16038.000 - Appeal to ZBA\Correspondence\Benesh 04.22.13.docx



APPLICATION FOR APPEAL FROM ADMINISTRATIVE DECISION
BOARD OF ADJUSTMENT
PO Box 268, Jackson, N.H. 03846

Revised July 19, 2006

Do not write in space below:

Case No. _____ Date Filed _____

ZBA Signature _____ Public Hearing _____

Decision _____

Applicant Signature H. David Evans Date 4/22/13

TAX LOT NUMBER: Map R-16, Lot 12

Name of applicant: H. David Evans

Address 1934 Eaton Road, Center Conway, NH 03813

Owner H. David Evans & Gail E.H. Evans-Hatch, Co-Trustees of the Indenture of Trust of Edith P. Evans

Location of property Black Mountain Road, just above Dundee Road (Tax Map/Lot – R-16/12)
(street, number, sub-division)

Acres: 1.9 acres or Sq. Ft. _____

APPEAL FROM AN ADMINISTRATIVE DECISION

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed: Denial of Building Permit by Andrew C. Chalmers, pursuant to NH RSA 674.41 – failure to comply with the State’s requirement for the “street giving access to the lot.”

_____ NUMBER _____ DATE March 26, 2013

Section _____ of the Jackson zoning ordinance:

Is any Use of or Structure on the subject property currently Non-Conforming? YES X NO _____

If yes, explain in detail:

See attached explanation.

Does the subject property, including all existing or proposed buildings, signs, driveways, and septic systems meet Jackson Zoning Ordinance requirements and all applicable state regulations? YES X NO

If no, explain in detail:

ADDITIONAL INFORMATION: Summarize below any information from preliminary discussions with any state agency personnel in regard to the case. Attach copies of any correspondence from state agencies, or Jackson officials and boards pertaining to the property.

See copy of approved septic design plan attached hereto with the building permit application.

NOTE: This application is not acceptable unless all required statements have been made.

Attach a copy of the enforcement officer decision and all pertinent documents and correspondence.

Use additional attachments or separate sheet to provide answers to questions, if the space provided is inadequate.

IMPORTANT NOTICE - Board of Adjustment By-Laws state that information from the applicant and/or his representatives must be provided to the Board no less than 7 calendar days prior to the date of the public hearing.

If you have questions about this application, please review the application instructions and checklist and the ZBA information found on www.jacksonvillage.net under Boards and Commissions. In addition, you may contact the Chairman of the Board of Adjustment, PO Box 268, Jackson, NH 03846

Application for Appeal from Administrative Decision

Map R-16/Lot 12

H. David Evans, Trustee

Black Mountain Road, above Dundee Road

The denial letter of Andrew C. Chalmers dated March 26, 2013 incorrectly interpreted the meaning of the word "street" as it is set forth in NH RSA 674:41.

In his denial, Mr. Chalmers states that, "The 12' wide easement that was granted for this property doesn't meet compliance with the State's requirement for the 'street giving access to the lot.'" Mr. Chalmers is referring to an access easement across "a driveway as it presently exists" that was granted to the applicant by Easement Deed of Robert D. Davis and Beatrice R. Davis dated July 1, 2010, and attached hereto for your review. Under New Hampshire law, an easement "is incapable of existence separate and apart from [the property it serves], and is inheritable." *Cricklewood on the Bellamy Condominium Ass'n v. Cricklewood on the Bellamy Trust*, 147 NH 733, 737 (2002). The Easement Deed itself states that, "The easement rights herein granted shall be appurtenant to and forever benefit real property of the Grantee." As such, this easement is appurtenant to and part of the applicant's lot and will remain so in perpetuity. The easement area is part of the lot, and is not a separate street providing access to the Property.

Unfortunately RSA 674 does not contain a definition of "street." However, Section 3.34 of the Jackson Zoning Ordinance provides that a Street/Road means a "state highway, or a town highway, street, road, avenue, land (sic) and/or other way including a Private Roadway, which exists for vehicular travel, exclusive of a Driveway serving not more than two adjacent lots or sites." The easement area cannot be considered a Private Roadway, which can only be created pursuant to a Planning Board- approved subdivision. Section 3.10 of the Zoning Ordinance defines a Driveway as "an area located on a lot, tract or parcel of land, and built for access to a garage or off-street parking space, serving not more than two Dwelling Units." The access-way to the Property crosses the appurtenant easement area and cannot be utilized for any type of vehicular travel other than by private vehicles or service vehicles entering or leaving the Property. It therefore meets the definition of a "Driveway," not the definition of a "Street."

The Street, in this instance, is Black Mountain Road, which abuts the easement area. Pursuant to NH RSA 674:41, a building permit may be issued for the erection of a building if "the street giving access to the lot upon which such building is proposed to be placed... Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time." According to the Town of Jackson land records, Black Mountain Road is classified as a Class V town-maintained road, thereby fulfilling the requirements of NH RSA 674:41 for the issuance of a building permit.

Non-Conforming Lot

The Property falls within the definition of a Non-Conforming Lot pursuant to Section 3.24 of the Zoning Ordinance, which states that, "[A] 'Non-Conforming Lot' means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to



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110 PLEASANT STREET, BERLIN, NEW HAMPSHIRE 03570

conform to the present requirements of the zoning district.” In this instance, the Property does not currently meet the minimum “Frontage” requirement of Section 4.3.1.3 of the Zoning Ordinance. However, J. Harvey Evans, the father of the applicants, purchased the Property in its current configuration on October 8, 1959, over a decade before the “Town of Jackson, New Hampshire Planning Board” was adopted at the Town Meeting on March 9, 1971, and when the Zoning Ordinances were subsequently adopted on November 16, 1971. As a result, the Property is “grandfathered” and not required to meet the minimum frontage requirements.

In addition, the Zoning Ordinance specifically exempts the minimum lot frontage requirements from consideration for the issuance of a building permit on a Non-Conforming Lot. Section 2.3 of the Zoning Ordinance provides that a Non-Conforming Lot which does not meet minimum lot requirements of Section 6 of the Ordinance may still accommodate a two-bedroom home so long as there is an approved septic system and all requirements of Section 4 of the Ordinance are met, with the exception of Sections 4.3.1.3 and 4.3.2.4, which relate to minimum lot frontage.

In this instance, the Property meets the minimum lot requirements of Section 6 for a four-bedroom home, the applicants have obtained an approved four-bedroom septic plan, and all requirements of Section 4 of the Ordinance are met, with the exception of Section 4.3.1.3, which requires 200 feet of frontage on a public road. As mentioned above, the property does not now, nor has it ever, fronted a public road. However, it has deeded access across an easement area which connects the Property to Black Mountain Road. In a similar case, *Fifield Island, Inc. v. Town of Hampton*, 124 NH 828 (1984), the court reversed the Zoning Board of Adjustment’s decision to deny a building permit to construct a single family residence due to failure to meet road frontage requirements. The court found that the property was a “lot of record” prior to enactment of the zoning ordinance and therefore met the “grandfather clause” provisions of the ordinance. In *Fifield Island*, as in the instant case, the property was accessed across an easement area from an approved street located within the town.

Non-Conforming Use

The historical use of the Property falls within the definition of a “Non-Conforming Use” pursuant to Section 3.26 of the Zoning Ordinance, which states that “[A] ‘Non-Conforming Use’ means a use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.” As stated above, the Evans family has owned the property since 1959. They have used the Property as a seasonal residence since the early 1960’s, constructing a bunkhouse and a water pump house, constructing bridges across two streams and installing a driveway, installing a septic system and running electricity from Black Mountain Road to the Property. These activities took place a decade prior to the adoption of the Planning Board and Zoning Ordinance, and more than two decades prior to enactment of NH RSA 674:41, which Mr. Chalmers used as a basis for his denial of the building permit.

Section 2.2.4 of the Ordinance states that, “A Non-Conforming Use may be enlarged within the boundaries of the lot it occupied at the time this ordinance took effect, providing that the expansion conforms with all other aspects of the zoning ordinance.” As stated above, the



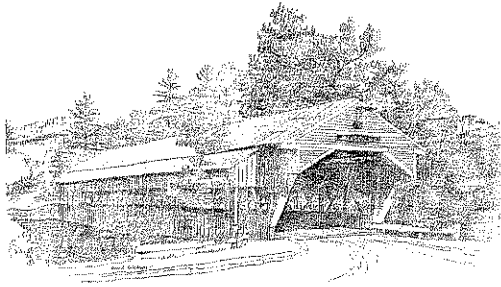
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110 PLEASANT STREET, BERLIN, NEW HAMPSHIRE 03570

proposed home meets all requirements of Section 4 of the Ordinance, with the exception of Section 4.3.1.3, relating to road frontage. And, again, as stated above, the Property is not required to meet road frontage requirements because it is a Non-Conforming Lot. The expansion of the existing use of the Property to include construction of the proposed four-bedroom home, therefore, meets the criteria of Section 2.2.4, and must be allowed.





TOWN OF JACKSON

OFFICE OF THE SELECTMEN

March 26, 2013

Mr. H. David Evans, Trustee
1934 Eaton Road
Center Conway NH 03813

Mr. Evans,

I recently received and reviewed a building permit application submitted by you for the construction of a single family home located at map R16 lot 12 on Black Mountain Road.

In review of NH State Statute, RSA 674.41, I find that the Town cannot issue a Building Permit for this parcel. The 12' wide easement that was granted for this property doesn't meet compliance with the State's requirement for the 'street giving access to the lot.'

In issuing the denial of a Building Permit this presents you with the opportunity to apply to, and seek relief through an application to, the Zoning Board of Adjustment.

If you decide to appeal my administrative decision the appeal to the ZBA must be submitted within thirty (30) days of this notice of denial.

You can contact Frank Benesh, the Chair of the Zoning Board of Adjustment through the Town Offices.

PO Box 268
Jackson NH 03846

He would be the person to obtain an application to that Board.

Respectively,

Andrew C. Chalmers
Building Inspector
Town of Jackson



RESIDENTIAL/COMMERCIAL BUILDING PERMIT APPLICATION
TOWN OF JACKSON

PO Box 268
Jackson, New Hampshire 03846
Phone: 603-383-4223 Fax: 603-383-6980

Date of Application March, 2013 Permit Number Issued _____
Map & Lot Number Route 16, Lot 12
Street Name and Number Black Mountain Road
Village District _____ or Rural Residential District XX (Check one)

Property Owner Information:

Name H. David Evans, Trustee Telephone #'s 603-452-5122
Mailing Address 1934 Eaton Road, Center Conway, NH 03813
Email Address 4hdevans@gmail.com

Contractor Information:

Name To be determined Telephone #'s _____
Mailing Address _____
Email Address _____

Reason for Permit:

Structure: New XX Addition _____ Alterations _____ Wind Generation Facility _____
Specify changes: _____

Intended Use: Residence

Dimensions of New Structure or Addition: See attached plans

Is this property or part of this property in Current Use? Yes _____ No XX Explain _____
See RSA Chapter 79-A Current Use Taxation. "Current use" is an assessment of land value for taxation purposes meant to encourage the preservation of open space. Land presently within "current use" cannot be part of the buildable area of the lot unless removed from current use.

Structure Setback Requirements: 50 feet from the edge of any road right-of-way (typically the edge of the road right of way and the front property line are one in the same), 25 feet from any abutter property line and 50' from the near bank of any year-round stream or body of water which is a property boundary. Setback requirements may also be affected by Section 5, River Conservation District, of the Zoning Ordinance. The village district has additional requirements that apply along route 16A and for frontage on a road right of way. Please refer to the Zoning Ordinance

Specify the setback distances: Facing the road 367' Back of property 350'

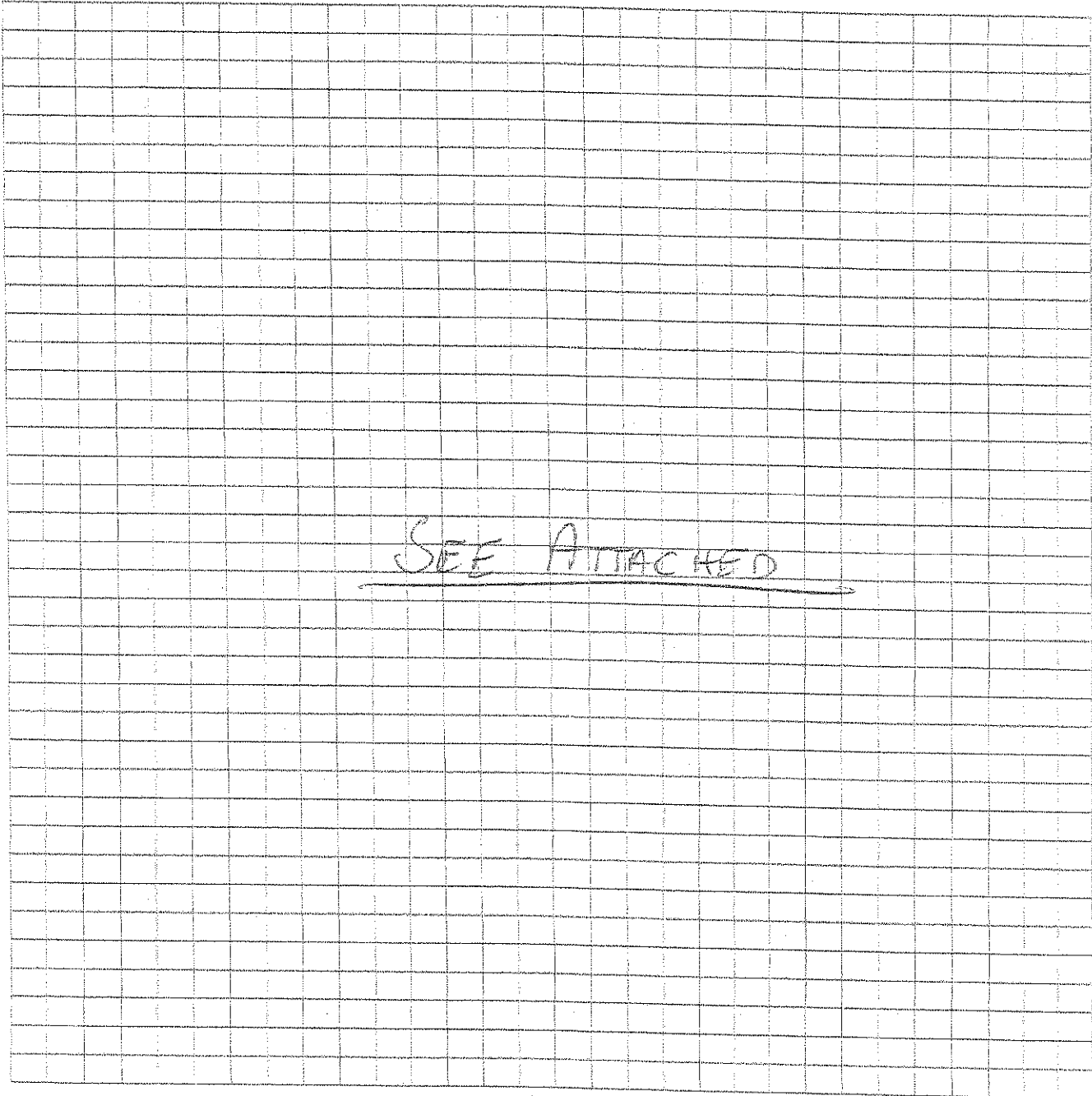
Side of property 137' to Dearborn Brook Other Side of Property 140' to Clay Pit Brook

Length of frontage on the street N/A. See attached driveway easement. Property has historically been used and taxed as a residential lot based on the driveway easement.

SITE PLAN DETAIL

In the space below draw the exact shape of your lot and mark the boundary distances: Show all present and proposed structures in their correct location on the lot.

1 SQUARE EQUALS TEN FEET



Special Flood Hazard

is this land in an area of Special Flood Hazard? YES _____ No XX

Please see Section 10 of the Jackson Zoning Ordinance for details on flood areas.

CONSTRUCTION TYPE: (applicable to proposed work on permit) Check all that apply.

Foundation:	Basement:	Insulation:
Concrete <u>X</u> (Slab)	Full <u>N/A</u> (Slab)	Blanket _____
Cem. Block _____	3/4 _____	Walls <u>X</u>
Stone _____	1/2 _____	Roof <u>X</u>
Piers _____	3/4 _____	Attic <u>X</u>

Exterior Walls:	Interior Finish:	Floors:
Clapboard <u>X</u>	Drywall <u>X</u>	Basement <u>N/A</u>
Wide Siding _____	Plaster _____	First Floor <u>wood/linoleum/tile</u>
Wood Shingles <u>X</u>	Paneling _____	Second Floor <u>carpet</u>
Stucco _____	Knotty Pine _____	Third Floor _____
Brick _____		
Vinyl Siding _____		

T-11 _____	Bedrooms:	Electric:
Log _____	number <u>4</u>	Type of Service <u>200 amp</u>

Heating:	Plumbing:	Out buildings: include size of building
Electric _____	# Full Baths <u>2</u> # 1/2 <u>1</u>	Garage _____
Hot Water <u>X</u>	Laundry Room <u>X</u>	Barn _____
Hot Air _____	Garbage Disposal <u>X</u>	Shed <u>existing (2)</u>
Fireplace _____	Kitchen Sinks # <u>2</u>	Deck _____
Wood Stove <u>X</u>	Other _____	Patio _____
Steam _____	No Water _____	Swimming Pool _____
No Heat _____		Other _____

PERMITS AND APPROVALS:

Site Disturbance: We will comply with the site disturbance ordinance.
 Type: Driveway _____ Excavation X Well X Septic X
 Blasting: Contractor Name None Phone _____
 License Number: _____ Proposed start date of project: 5/15/13

Driveway Permit:
 Copy of driveway permit is attached: Yes _____ No _____ Not Applicable existing driveway

Septic System:
 Note: New septic loads may not be added to any existing structure without an approved town and state septic system design.

Non-Conforming Lot Size: See Zoning Ordinance Section 6 for Minimum Lot Size requirements.

Septic Approval # CA 2010 10 1295 (NH Dept. of Environmental Services)

Additional Items of Note:

Water Testing & Wells: The state of New Hampshire encourages all owners to have new and existing wells tested.
Water: Dug Well _____ Drilled Well XX Community Well _____ Town Water _____
Water course if applicable: _____
Is this property located within the Jackson Water Precinct boundary? No
Is the property in compliance with the Jackson Water Precinct requirements? N/A
Please call Jackson Water Precinct 383-6539 for more information.

Well Radius:
For any lot, the entire well radius to the extent possible shall be located on this lot. If the well radius cannot be located entirely on the lot, it shall be located to the extent possible within the well radius of any abutting lot or within land which is non-buildable under state and local regulation. The purpose of this requirement is to protect water quality on all lots. An applicant shall be expected to release the town in connection with protective well radii in the same manner as the State of New Hampshire under RSA 485-A:30-b. This release shall be recorded at Carroll County Registry of Deeds. The well will be located at least 75' from the septic.

Streams & Rivers: Please refer to the Jackson Zoning Ordinance

Plumber: To be determined
License Number: _____

Electrician: To be determined
License Number: _____

Gas Fitter: To be determined
License Number: _____

RESIDENTIAL/COMMERCIAL BUILDING PERMIT FEES:

A Building Permit APPLICATION Must Be Submitted For ALL PROJECTS

Although a building permit is not required for Alterations within the footprint of an existing building or structure if the Alterations have an estimated value of less than \$10,000, a Building Permit Application must be submitted.

Note: When a permit is not required (circumstances outlined above) the Town of Jackson will not require or provide inspections of the work. Inspections may be required under the State of New Hampshire Building Code, RSA 155-A. It is the obligation of the contractor and / or owner to request inspections.

Alterations to an Existing Building or Structure Extending Outside the Existing Footprint:
A permit is required for alterations that extend outside the footprint of an existing building or structure (i.e. including but not limited to decks and attached sheds) valued at less than \$10,000.

Note: Alteration is specifically defined at Section 3.4 of the Jackson Zoning Ordinance. The definition reads: "Alteration" means any structural change to a building and change of present design or use where compatible and consistent with existing uses.

Permit Fees are required for all projects except Alterations under the circumstances described above.

Building Permit Fees will be determined by the Town's Building Inspector. The fees are calculated based upon gross area (total square feet of all floors) of the proposed work and type of construction. The gross SF is multiplied by the adjusted SF construction cost. The construction cost is determined by using regionally adjusted Building Valuation Data (BVD). The BVD is a national average construction cost for building

to the minimum standards of the Building Code. Building Valuation Data is updated twice a year by the International Code Council and is available for viewing at the Town Office.
All fees will be collected prior to the issuance of the Building Permit.

Example:

Type of construction: R-2 Residential, 1 and 2 family, V-B
Area: unfinished basement 1,200 SF x \$19.20 = \$23,040
1st floor 1,200 SF x \$130.43 = \$156,516
2nd floor 800 SF x \$130.43 = \$104,344
Total SF Construction Cost = \$283,900
\$283,900 (total construction cost) x .0025 (permit fee multiplier) = \$709.75

- 1 check for a non-refundable base fee to process the application, \$25 for value of less than \$10,000, and \$75 for value over \$10,000.
- 1 check for 0.0025 per dollar value for the estimated value of work requiring an inspection using the ICC Building Valuation Data.

Permit Application Non-Refundable Processing Fee \$25 _____ \$75 X
Permit Fee - estimated value of work \$ 458,070.16 x 0.0025 = \$1,145.18

Note: Project value is subject to review by the Town of Jackson based on the area of the project and estimated costs per square foot, giving consideration to the work to take place.

IN THE EVENT THAT A BUILDING PERMIT IS NOT ISSUED, THE APPLICATION FEE IS NON-REFUNDABLE.

Permitted work must be completed within one year from the date of issuance. Application for a renewal permit may be submitted. Permit renewal fees are \$25 for Projects with a permitted estimated value less than \$2,500 and \$75 for projects with a permitted value of \$2,500 & above.

Failure to secure an approved Building Permit may result in fines pursuant to RSA 676:17

I understand and accept that approval granted by the Town of Jackson, based upon information supplied herein, does not relieve me from having to comply with any Local Ordinances, State or Federal Laws.

I hereby certify that the information herein is true and the above project will be accomplished in accordance with the information submitted. I have read and understand the Town of Jackson Zoning Ordinance as it applies to this project and I understand the Board of Selectmen will act to enforce both the Zoning Ordinance and the State of New Hampshire Building Code.

Owner(s) Signature: H. David Evans Date: March 15 2013

Owner(s) Signature: _____ Date: _____

Owner(s) Signature: _____ Date: _____

Board of Selectmen Approval:

_____ Date of Approval _____

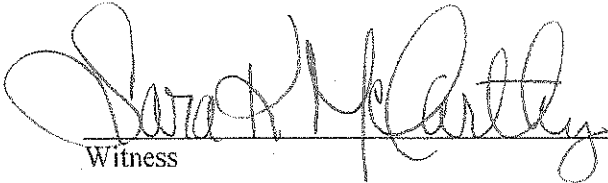
TRUSTEE CERTIFICATE
RSA 564-A:7(II)

KNOW ALL PERSONS BY THESE PRESENTS: That the undersigned, as Co-Trustees of the Edith P. Evans Trust of May 11, 1990, have authorized H. David Evans as Trustee to execute and deliver to the Town of Jackson an application for a building permit for the improvement of real property located on Black Mountain Road and commonly known as Town of Jackson Tax Map R 16, Lot 12, and the said H. David Evans has full and absolute power in said Declaration of Trust to sign and deliver said application for a building permit and to improve the said real property as shown within said application for a building permit.

In furtherance of the certification herein contained, the undersigned further say:

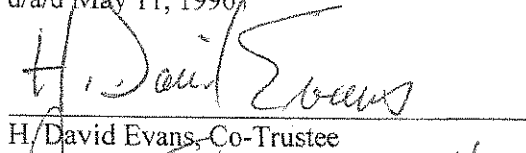
1. We are the Co-Trustees of said Trust and the Trust is presently in full force and effect and has not been altered or amended.
2. We have been authorized by the beneficiaries of the Trust to submit a building application to the Town of Jackson and to improve the said real property consistent with the terms of said application for a building permit.


IN WITNESS WHEREOF, the undersigned have executed this Trustee Certificate on the day of March, 2013, as Co-Trustees of the Edith P. Evans Trust of May 11, 1990.


Witness

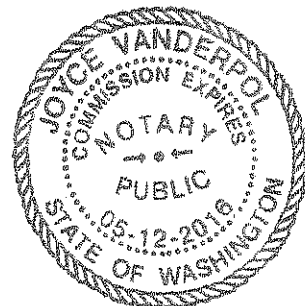

Witness

EDITH P. EVANS TRUST
u/a/d May 11, 1990,


H. David Evans, Co-Trustee


Gail E. H. Evans-Hatch, Co-Trustee

[ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGE]

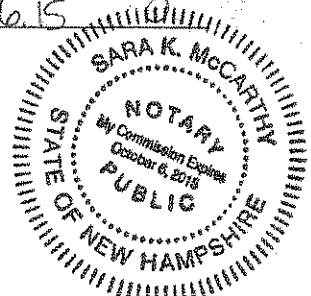


STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL, SS.

Personally appeared on this 15th day of March 2013, the above named H. David Evans and acknowledged the foregoing instrument as his voluntary act and deed as Co-Trustee of the Edith P. Evans Trust of May 11, 1990 on this 15th day of March, 2013

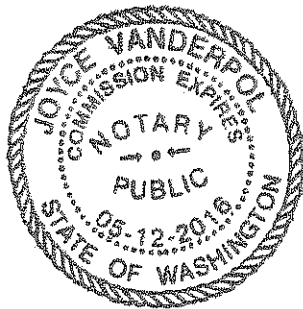
Sara McCarthy

Notary Public/Justice of the Peace
Printed Name: Sara McCarthy
My Comm. Expires: 10.6.15

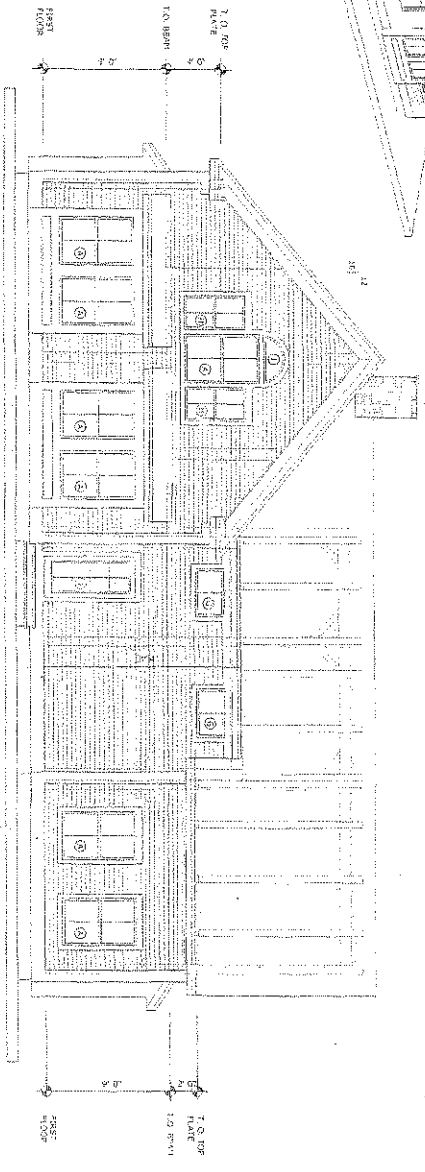
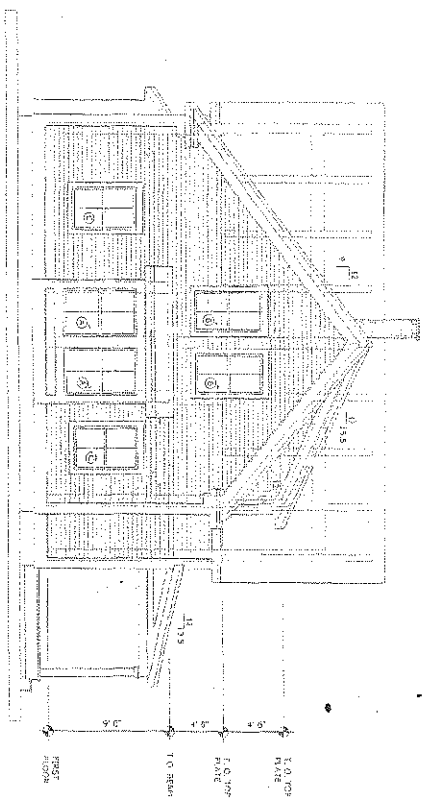
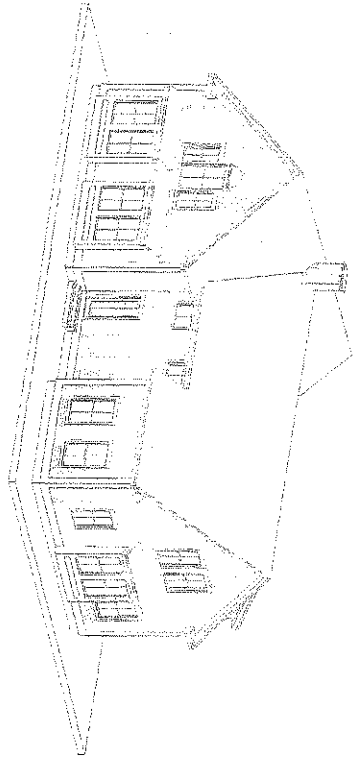
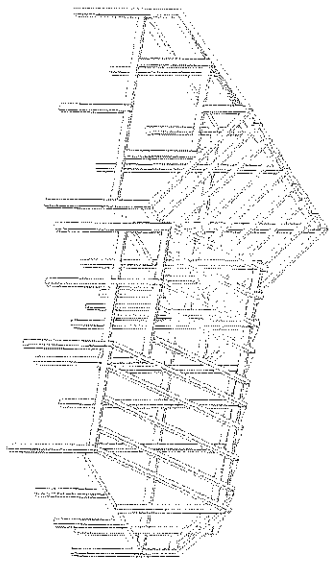


STATE OF Washington
COUNTY OF Whatcom, SS.

Personally appeared on this 4th day of March 2013, the above named Gail E.H. Evans-Hatch and acknowledged the foregoing instrument as her voluntary act and deed as Co-Trustee of the Edith P. Evans Trust of May 11, 1990 on this 4th day of March, 2013



Joyce Vanderpol
Notary Public/Justice of the Peace
Printed Name: JOYCE VANDERPOL
My Comm. Expires: 5/12/2016



CONTRACT SCHEDULE

NO.	DATE	DESCRIPTION
1	10/15/11	CONTRACT SIGNED
2	11/15/11	FOUNDATION
3	12/15/11	FRAMING
4	1/15/12	ROOFING
5	2/15/12	CLADDING
6	3/15/12	INTERIORS
7	4/15/12	MECHANICAL
8	5/15/12	ELECTRICAL
9	6/15/12	PAINTING
10	7/15/12	LANDSCAPE
11	8/15/12	FINAL CLEAN
12	9/15/12	FINAL INSPECTION
13	10/15/12	PROJECT COMPLETE

TRIM SCHEDULE

NO.	DATE	DESCRIPTION
1	10/15/11	TRIM SIGNED
2	11/15/11	TRIM
3	12/15/11	TRIM
4	1/15/12	TRIM
5	2/15/12	TRIM
6	3/15/12	TRIM
7	4/15/12	TRIM
8	5/15/12	TRIM
9	6/15/12	TRIM
10	7/15/12	TRIM
11	8/15/12	TRIM
12	9/15/12	TRIM
13	10/15/12	TRIM

RIGHT SIDE VIEW

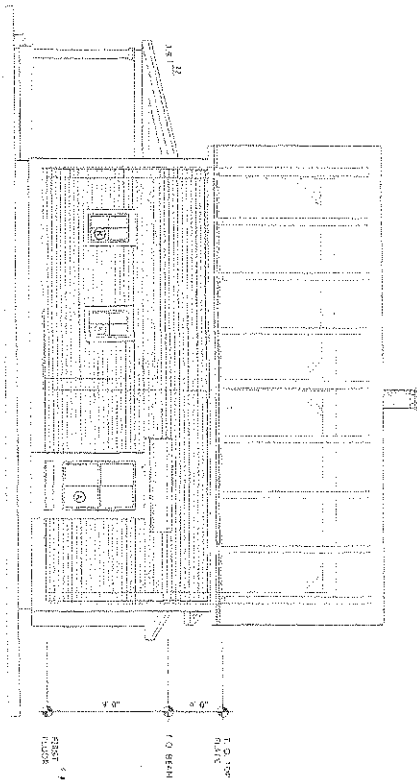
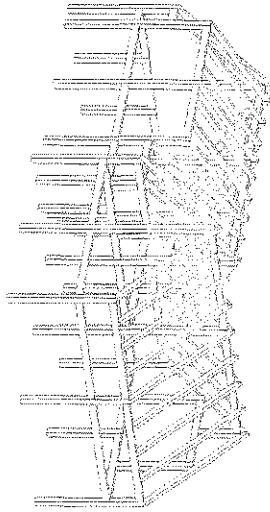
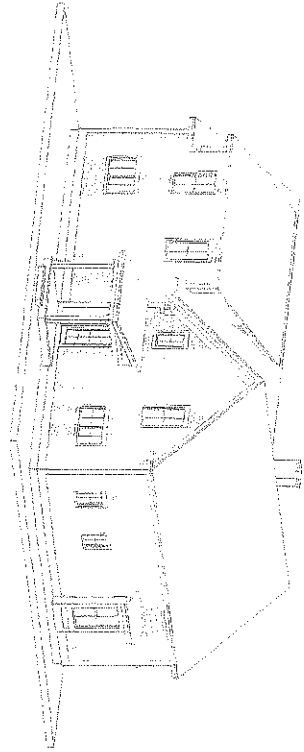
FRONT SIDE VIEW

1
OF 3

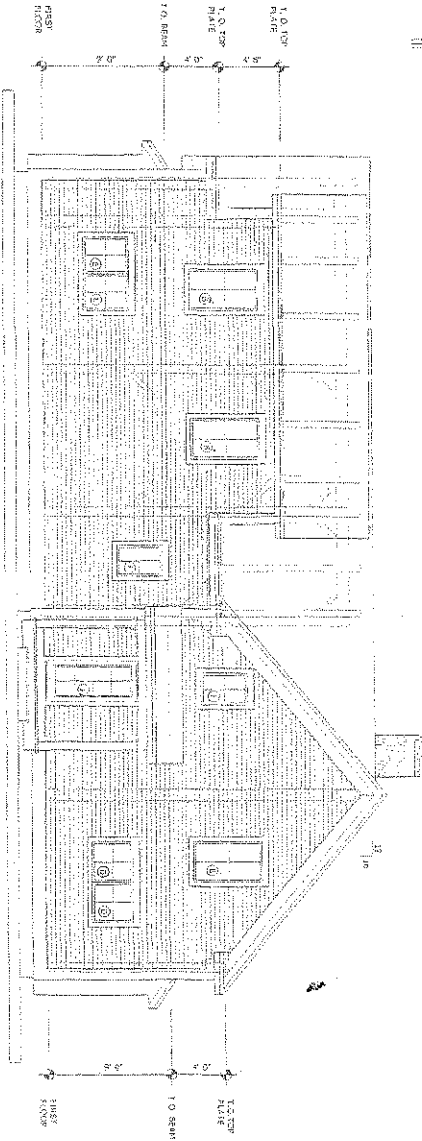
EVANS-HATCH RESIDENCE

DATE: 02 JAN 13
 TIME: 1:47 PM
 SCALE: 1/4" = 1'-0"





LEFT SIDE VIEW



REAR SIDE VIEW

MEMBER SCHEDULE

1	2x4	ROOF RAFTERS
2	2x4	ROOF TRUSSES
3	2x4	ROOF BRACES
4	2x4	ROOF COLLARS
5	2x4	ROOF BRACES
6	2x4	ROOF BRACES
7	2x4	ROOF BRACES
8	2x4	ROOF BRACES
9	2x4	ROOF BRACES
10	2x4	ROOF BRACES
11	2x4	ROOF BRACES
12	2x4	ROOF BRACES
13	2x4	ROOF BRACES
14	2x4	ROOF BRACES
15	2x4	ROOF BRACES
16	2x4	ROOF BRACES
17	2x4	ROOF BRACES
18	2x4	ROOF BRACES
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100	2x4	ROOF BRACES

ent; State & Town
ess area.

Some pockets of rotten rock throughout.

TOWN OF JACKSON DATE: 4/14/2010 WATER @: 55"
 ZONING ORDINANCE DEPTH OF ROOTS: 41"
 APPROVED
 APPROVED AS CORRECTED ESTIMATED SEASONAL HIGH WATER TABLE @: 31"
 NOT APPROVED, RESUBMIT SURFACE VEGETATION: Lawn

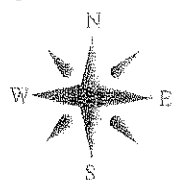
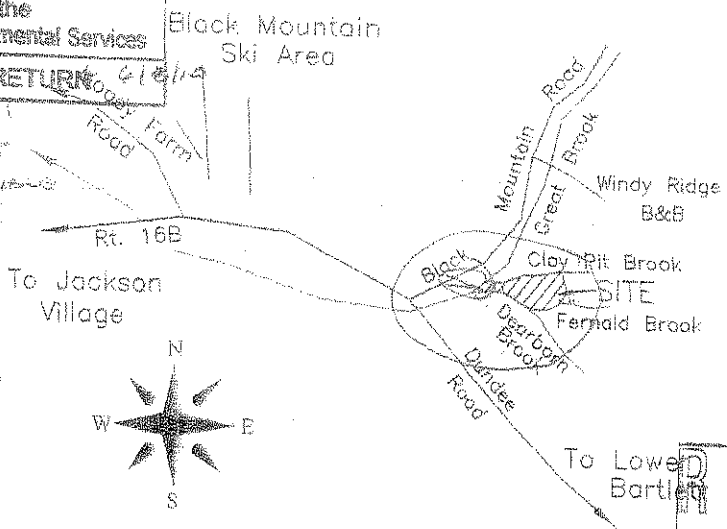
NOTE: Approval is for compliance with the Town of Jackson Zoning Ordinance and does not imply or guarantee approval by the New Hampshire Department of Environmental Services

REC'D. 6/18/10 CKD. 6/18/10 RETURN 6/18/10

- 1) RETRAIL TO BEAK IS 100'
- 2) FOR RSA 618.01, THIS LOT APPEARS NOT TO BE EXCLUDED FOR A SUBSURFACE PERMIT.

CA 2010 10 1295

APPROVED
 JUN 16 2010
 NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES



RECEIVED
 JUN 10 2010
 By Subsurface

LOCATION MAP (NOT TO SCALE)

SUBMITTED BY:
 Ammonoosuc Survey Co., Inc.
 PO BOX 1259
 Intervale, NH 03845
 PHONE #: (603) 356-5955

PROPOSED SEPTIC DISPOSAL FACILITIES FOR
 PROPERTY OF:
 David Evans & Gail Evans-Hatch
 9701 East Shiloh Street
 Tucson, AZ 85748-3225

DATE: 4/21/2010	REVISED: 5/28/2010
DRN. BY: APF	CHKD BY: RJT
TOWN OF JACKSON	
MAP R-16 / LOT 12	
VOL 1755 / PAGE 853	
DRAWING #: 10-10s	

SCALE: 1" = 20'

Old Brook

NEW HAMPSHIRE
 Designer of
 Subsurface Disposal
 Systems
 Robert J. Tafuto
 No. 1785
 State of New Hampshire
 Department of Environmental Services

APPROVAL FOR CONSTRUCTION

N.H. DEPARTMENT OF ENVIRONMENTAL SERVICES
 SUBSURFACE SYSTEMS BUREAU
 P.O. BOX 95, 28 HAZEN DRIVE, CONCORD, NH 03302-0095

CASH/10/1785

THE PLANS AND SPECIFICATIONS FOR SEWAGE OR WASTE DISPOSAL SYSTEM SUBMITTED FOR: _____ APPROVAL NO. _____

<p>OWNER: HEATHER EVANS 8701 E SHILON ST TUSCON AZ 85748</p> <p>COPY SENT TO: OFFICE OF DELICATMAN PO BOX 135 JACKSON NH 03641</p> <p>BY APPLICANT: PERMIT NO. 01785 ANTHONY OSCAR SURVEY CO INC PO BOX 1250 INTERVALLE NH 03845</p>	<p>Map No./Lot No.: PRE 87</p> <p>Subd. Appl. No.:</p> <p>Subd. Name: CATFISH</p> <p>County: FRANKLIN</p> <p>Registry Book No.: 800</p> <p>Registry Page No.:</p> <p>Probate Docket No.: 0 (If Applicable)</p> <p>Type of System: 4 BR 600 GPM JACKSON</p> <p>Town/City Location: JACKSON</p> <p>Street Location: BLACK MOUNTAIN ROAD</p> <div style="border: 1px solid black; padding: 5px; font-size: small;"> <p>Subsurface waste disposal systems must be operated and maintained in a manner so as to prevent nuisance or health hazard due to system failure (RSA 485-A:37)</p> <p>It is unlawful to discharge any hazardous chemicals or substances into subsurface waste disposal systems. Included are paints, thinners, gasoline and chlorinated hydrocarbon solvents such as TCE, sometimes used to clean failed septic systems and auto parts. (Env-Wr 1503.04)</p> </div>
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**ADVISE YOUR CONTRACTOR OF REQUIRED CHANGES
 IN PLANS AS INDICATED BY BELOW CONDITIONS**

1. ALTHOUGH THE SEPTIC SYSTEM AS APPROVED HEREIN MEETS ALL ENV-WR 1000 RULES AS SUBMITTED PLEASE BE ADVISED THAT CONSTRUCTION ON THIS LOT MAY INVOLVE DREDGING AND FILLING A JURISDICTIONAL WETLAND, AND IF SO, SHALL REQUIRE WETLANDS BUREAU APPROVAL PRIOR TO CONSTRUCTION.
2. SYSTEM MUST BE INSTALLED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
3. ALL ACTIVITIES SHALL BE IN ACCORDANCE WITH THE COMPREHENSIVE SHORELAND PROTECTION ACT (CSPA), RSA 485-B UNDER PERMIT 2010-01057.

ADDITIONAL OWNERS:
 GAIL EVANS - MATCH 8701 E SHILON ST TUSCON AZ 85748.

05/16/2010

DARRIN K KING

Approved this date: _____
 Date amended: _____

By: _____
 N.H. Department of Environmental Services Staff

REVISED 8/01

Amended by: _____ (OVER)

APPLICANT'S

DEPARTMENT OF REVENUE ADMINISTRATION

REAL ESTATE TRANSFER TAX

THOUSAND HUNDRED AND 40 DOLLARS

07/23/2010 **895354** \$ *****00

Doc # 0007624 Jul 23, 2010 2:55 PM

Car P. Aiton
Register of Deeds, Carroll County



SPACE ABOVE THIS LINE FOR RECORDING INFORMATION

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENCE that **Robert D. Davis and Beatrice R. Davis**, having a mailing address of RR1 Box 30, Jackson, New Hampshire (03846), for consideration paid, grant to **H. David Evans and Gail E.H. Evans-Hatch**, as Co-Trustees of the Indenture of Trust By Edith P. Evans dated March 11, 1990, having a mailing address of 9701 E. Shiloh Street, Tuscan, Arizona (85748), with QUITCLAIM COVENANTS a right and easement being more particularly described as follows:

That certain parcel of land located in the Town of Jackson, County of Carroll, State of New Hampshire The Grantees, their heirs, successors and assigns shall have the right to cross and re-cross a portion of the Grantor's land located on the northerly sideline of Black Mountain Road, so-called, said easement right to be located northerly of a bridge crossing Great Brook, so-called, and within the bounds a driveway as it presently exists. The Grantees, their heirs, successors and assigns shall have the right to improve said access easement provided, however, that the improved traveled surface of the access right shall not exceed twelve (12) feet in width. In addition to the foregoing access easement, the Grantees, their heirs, successors and assigns shall have the right to cross said easement area with aboveground and underground utilities of all manner and type customarily used to support a single family residence.

The easement rights herein granted shall be appurtenant to and forever benefit real property of the Grantee described in a deed of Edith P. Evans, dated July 7, 1992, and recorded with the Carroll County Registry of Deeds at Book 1755, Page 653.

MEANING AND INTENDING to describe and convey an easement encumbering and burdening, in perpetuity, a portion of that held y the Grantor's under deed dated January 11, 1990, and recorded with the Carroll County Registry of Deeds at Book 1434, Page 640.



COOPER CARGILL CHANT · ATTORNEYS AT LAW
2935 WHITE MOUNTAIN HIGHWAY, NORTH CONWAY, NEW HAMPSHIRE 03860
110 PLEASANT STREET, P.O. BOX 157, BERLIN, NH 03570

BK 2870 PG 097H

WITNESS their hands and seals this 13th day of June, 2010.

Witness

Robert D. Davis
Robert D. Davis

Witness

Beatrice R. Davis
Beatrice R. Davis

STATE OF NEW HAMPSHIRE
COUNTY OF CARROLL, SS

Personally appeared the above named, Robert D. Davis and Beatrice R. Davis and made oath that the foregoing is their voluntary act and deed this 13th day of June, 2010

Before me,

Seal:

Norman J. Head Jr.
Notary Public/Justice of the Peace

My Commission Exp. _____

Print/Type Name: NORMAN J. HEAD JR.

BK2870P60872



OWNER INFORMATION
 EVANS, EDITH P. & WILLIAM HAYS
 C/O WILLIAM C. HAYS, ESQ.
 13250 E. BONITA CANYON ROAD
 WILLCOX, AZ 85643

SALES HISTORY
 Date Book Page Type Price Grantor

LISTING HISTORY
 03/31/04 MVRL
NOTES
 EDITH P. EVANS TRUST. VAC. CLEARED. 8X12 SHED ON WHEELS-DNFU.
 XFOB 1&2 ATTHD.

EXTRA FEATURES VALUATION

Feature Type	Units	Length	Width	Size	Adj	Rate	Cond	Market Value	Notes
SHED WOOD	80	10	8		260	7.00	45	655	
EQUIPMENT SHED	80	10	8		260	8.00	45	749	
SHED WOOD	48	8	6		393	7.00	45	594	
								2,000	

PARCEL TOTAL
 Building: 2010 \$0
 Features: \$2,000
 Land: \$66,500
\$ 68,500

LAND VALUATION

Zone	RURAL RESIDENTIAL	Minimum Acreage:	1.00	Minimum Frontage:	50	Site:	Cond	Ad Valorem	SFI	R	Undeveloped	Notes
Land Type		Units	Base Rate	NC	Adj	Site	Rear	DWay	Topography			
IF RES		1,000 ac	75,000	E	100	100	100	100		85	63,800	0 N 63,800 UNDEVELOPED
IF RES		0,900 ac	x 3,000	X	99					100	2,700	0 N 2,700
		1,900 ac									66,500	

TOWN OF JACKSON
 MUNICIPAL SOFTWARE DEVELOPER