



Brian Post <brianpost@gmail.com>

septic as built plan on Deer Run in Jackson, NH

Burr Phillips <burr@c-solutions-llc.com>

Mon, Nov 18, 2013 at 9:05 AM

To: Brian Post <brianpost@gmail.com>

Cc: Julie Atwell <townadmin@jackson-nh.org>, Andy Chalmers <andy@chalmersbuildingservices.com>

Hi Brian,

I was thinking along the same lines as you which is why I contacted the ZBA chairperson to see if there was any understood tolerance. Unfortunately, he said no and that you would need to apply for a Waiver of Equitable Dimension from the ZBA as we had discussed. Zoning issues are something that neither I, nor the selectmen, have authority to waive since those regs are specifically voted on by the people of the town. The ZBA (zoning board) is the only body that can waive zoning issues. You may want a professional (like York Land Services or a land-use attorney) to assist you with the application since there are certain tests that must be met in order for the ZBA to approve such a waiver.

Attached is the denial letter that you will need in order to make an application to the ZBA.

One last note, while the building wall may be 0.79' inside the setback, the building eaves are also counted so that the encroachment is probably more.

Good luck. I'm sorry that there is no other way around this.

Burr H. D. Phillips, PE, CPESC

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From: Brian Post [mailto:brianpost@gmail.com]

Sent: Saturday, November 16, 2013 8:12 AM

To: csolutions@roadrunner.com

Cc: Kyra Salancy

Subject: septic as built plan on Deer Run in Jackson, NH

Hi Burr,

I'm emailing regarding our as built septic plan at 14 Deer Run in Jackson, NH. Thank you for your help so far and I apologize for taking up your time again, but this has obviously been a huge issue on our minds.

My wife, Kyra, and I are doing our best to construct a small high quality and energy efficient house in town that will be our primary residence when complete. The building encroaching 0.79 feet (plus eaves) into the setback was an unintentional mistake (we are first time home builders). We were not aware of this mistake until the as built plan was prepared this past week.

I completely understand that there are rules in town that need to be followed and administrative decisions need to follow the rules.

But considering that we can't move the house, I've just been wondering whether there's some type of decision that could be made to allow the septic process to go through.....taking into account it's in the public interest and our interest for an installed septic system to get inspected (hopefully passed) and backfilled before winter sets in.

Do you think it might be within your position as town engineer to allow the septic process to go forward, with say a contingency (if necessary) that we apply for a "waiver of dimensional requirements" as part of receiving a certificate of occupancy?

Please keep in mind I'm not writing this email to challenge anyone, just brainstorming about the situation and trying to make progress on our build before winter sets in. Thanks again for your time,

Brian

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Brian Post

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