

**From:** Burr Phillips [burr@c-solutions-llc.com](mailto:burr@c-solutions-llc.com)  
**Subject:** RE: Jackson ZBA Meeting November 20 regarding appeal for 41 Switchback Way  
**Date:** November 5, 2013 at 5:39 PM  
**To:** Frank H Benesh [frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu), Andy Chalmers [andy@chalmersbuildingservices.com](mailto:andy@chalmersbuildingservices.com), Burr Phillips [csolutions@roadrunner.com](mailto:csolutions@roadrunner.com)  
**Cc:** Julie Atwell [townadmin@jackson-nh.org](mailto:townadmin@jackson-nh.org), Julie Hoyt [adminassist@jackson-nh.org](mailto:adminassist@jackson-nh.org)

Frank,

I will put the meeting on my calendar. A fundamental difference in how this is reviewed is whether the building has "five bedrooms" or five rooms with beds/bunks in them. My contention was that they were bunk rooms not residential bedrooms. For example, each guest-room in an inn has a bed in it, but that does not make it a residential bedroom house? Prior to the selectmen's meeting, Eric Thomas at NHDES told me that NHDES equates ski clubs to "bed and breakfasts" not residential dwellings. Bed and breakfasts (and ski clubs) are designed based on the number of overnight guests/people whereas residential dwellings are design based on the number of bedrooms.

In preparation for the meeting, it would be worthwhile to gather the following information:

- 1) The number of bunks/beds that the building contained at the time of the last site inspection. (I believe that Andy inspected it just prior to the recent purchase.)
- 2) The date when it became a ski club and the date the ski club was abandoned. (I believe that Selectmen Thompson has first-hand knowledge of a cook working there in the recent past. Note that some ski clubs do not have a cook; instead, club members as assigned one weekend per season to cook for everyone else. In other words, a ski club does not need a hired cook in order to be a ski club. The use of the building counts. Is a family living in the house or is it being used for ski lodging?)
- 3) The deed to Thorne Mountain Realty Trust. (I believe a copy of this is filed in the tax map/lot folders at the Selectmen's office.)
- 4) The approval, if any, for the existing "5-bedroom" septic system.
- 5) If possible, the applicant may wish to provide a letter from NHDES (or at least identify the person that they spoke with at NHDES) stating that they understood the situation and would approve such a system. I had spoken with Eric Thomas at NHDES, explaining the site history to best of my knowledge, and he indicated that they would not approve such a system. I will send NHDES an e-mail requesting a written opinion.

Feel free to share this with the applicant.

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**Sent:** Tuesday, November 05, 2013 3:51 PM  
**To:** Andy Chalmers; Burr Phillips  
**Cc:** Julie Atwell; Julie Hoyt  
**Subject:** Fwd: Jackson ZBA Meeting November 20 regarding appeal for 41 Switchback Way

Burr, we will probably require your attendance.

Begin forwarded message: