

**EXPLANATION PERTAINING TO  
APPLICATION FOR APPEAL FROM ADMINISTRATIVE DECISION  
FOR RALPH SCHOENNAGEL**

We are seeking to design and install a new system for a five bedroom home. The Town Engineer, Burr Phillips, has recommended only a two bedroom system for the parcel, which recommendation is supported by the Board of Selectmen. We believe the decision constitutes error, and we request a reversal to allow a five bedroom system to be designed and constructed to serve the existing five bedroom house.

The house and land at issue have been in existence since approximately the 1920s. The house has five (5) bedrooms, and under current zoning regulations is located on a substandard lot. The house has been utilized in the past as essentially a flop house for skiers. However, the new owner will be occupying the house as a single family residence once again.

The current septic system is in failure, and needs to be replaced. There is suspicion that effluent from this failed system may be making its way into the nearby river.

Mr. Phillips indicated NHDES will not approve a septic system for a five bedroom house on this lot. However, Ammonoosuc Survey has been in contact with NHDES, and because the septic system predates 1967 (when the State adopted septic system regulations), it will allow the existing five bedroom septic system to be repaired, which will in essence cause the existing failed system to be replaced in its entirety.

Mr. Phillips contends that the use of the structure as a flop house for skiers changed its use, and therefore to restore it to a single family dwelling constitutes a change in use, thereby requiring the structure to comply with current regulations. He indicates that due to the lot size, only a two bedroom system can be placed on the lot, despite the fact there's a five bedroom house already there.

The provision of the Jackson Zoning Ordinance cited by the Town is the following:

**“2.3 Non-Conforming Lots**

A Non-Conforming Lot, as defined herein, which does not satisfy the requirements of Section 6 of the Zoning Ordinance, relative to Minimum Lot Size by Soil Type, but which has received approval from the State of New Hampshire (DES) for a sub-surface septic system and leach field, shall be limited to the construction of a Dwelling Unit not to exceed two (2) bedrooms, provided that, with the exception of Sections 4.3.1.3 and 4.3.2.4,