



COOPER  
CARGILL  
CHANT  
ATTORNEYS AT LAW

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Selectmen's Office

August 7, 2025

**Via Hand Delivery**

TOWN OF JACKSON  
54 Main Street  
PO Box 268  
Jackson, NH 03846

Re: **Appeal from Administrative Decision**  
Our Client: Black Mountain Community Corporation  
CCC File No: 23242.003

To Whom It May Concern:

Enclosed please find the Appeal from an Administrative Decision of the alleged July 9, 2025 sign ordinance violation and accompany documents. Also enclosed is our firm check in the amount of \$75.00 for the appeal filing fee.

Thank you for your attention to this matter. If you should have any questions, please do not hesitate to call.

Very truly yours,

COOPER CARGILL CHANT, P.A.

Christopher T. Meier  
[cmeier@coopercargillchant.com](mailto:cmeier@coopercargillchant.com)

CTM/kjt  
Enclosure  
cc: Client

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**APPEAL FROM AN ADMINISTRATIVE DECISION**

Do not write in this space.
Case No. _____
Date Filed _____
_____ (signed - ZBA)

To: Zoning Board of Adjustment,  
Town of Jackson

Name of Applicant Black Mountain Community Corporation  
 Address PO Box 822, Jackson, NH 03846  
 Owner Same  
 (if same as applicant, write "same")  
 Location of Property 373 Black Mountain Road, Jackson, NH 03846  
 (street, number, sub-division and lot number)

NOTE: This application is not acceptable unless all required statements have been made. Additional information may be supplied on a separate sheet if the space provided is inadequate.


**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 July 9, 2025 Alleged Sign Ordinance Violation.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ number \_\_\_\_\_ date 07/09/2025  
 article 13.1, 13.3, 18.3 section \_\_\_\_\_ of the zoning ordinance in question: \_\_\_\_\_

<insert argument supporting appeal here>  
**See attached for argument supporting appeal.**

Applicant  Date 8/6/2025  
 (Signature)

STATE OF NEW HAMPSHIRE

CARROLL, SS

TOWN OF JACKSON

APPEAL OF ADMINISTRATIVE DECISION )  
IN RE: BLACK MOUNTAIN COMMUNITY CORPORATION )  
JULY 9, 2025 ALLEGED SIGN ORDINANCE VIOLATION )

**ADDENDUM TO**  
**APPEAL OF ADMINISTRATIVE DECISION**

NOW COMES Applicant, Black Mountain Community Corporation (“Applicant”), by and through its attorneys, COOPER CARGILL CHANT, P.A., and hereby files this Appeal of Administrative Decision, seeking review of the alleged Sign Ordinance Violation Notice dated July 9, 2025 (“Notice”). As reasons in support, the Applicant states as follows:

1. The Notice illegally and unlawfully assesses a fine without prior written notice. Under RSA 676:17, an alleged zoning ordinance violator is only subject to the civil penalty of \$275 “for each day that such violation is found to continue ... after the date on which the violator receives written notice from the municipality that the violator is in violation...” The first date that Applicant received written notice of the alleged violation was July 9, 2025 – and there is no evidence of violation thereafter. The assessment of a fine is therefore unlawful and contrary to the express language of RSA 676:17. See also *Town of Swanzey v. Liebler*, 140 N.H. 760, 763 (1996) (“While we agree that the defendant may not be excused for lack of knowledge of local building codes, he may not be fined with civil penalties under RSA 676:17 unless given reasonable “written notice” that he is in fact in violation of a town ordinance. ...”).
2. The Signs were “located so as not to create a hazard or danger to the public”, and were therefore in compliance with Section 13.1. As shown in the attached photographs, the

signs were located on the Veterans' Park triangle, a common location for temporary signage, and were up for less than a day. Ex. 1. When asked to move them, a representative of Applicant moved them across the street to reduce the alleged visual hazard. Ex. 2.

3. The Ordinance Specifically Allows Off-Premises Directional Signs for ski areas, under Section 13.3.3. The signs in question are clearly directional signs, do not exceed 64 square feet, and do not exceed 12 feet above ground. Moreover, it is unclear whether the Town has adopted a procedure for the recommendation or ratification of location of offpremises directional signs for ski areas.
4. The Ordinance does not apply to temporary signs. These signs were for an event and only intended to be in place for a day.
5. The Board's Application of the Ordinance is Inconsistent. As shown by Ex. 3, the Town allows other businesses to place temporary off-premises signs without receiving a violation notice, or asserting the need to go through a planning board and board of selectmen review for a temporary sign. The Town is bound by its own prior interpretation of Section 13 of the Zoning Ordinance, under the doctrine of municipal gloss and/or estoppel and/or the equal protection provisions of the New Hampshire and United States Constitutions.

WHEREFORE, for all these reasons, the Applicant, respectfully requests that this Board reverse and vacate the Board of Selectmen's violation notice, and relieve the Applicant of the imposed fine.

Respectfully submitted,

APPLICANT,  
**BLACK MOUNTAIN COMMUNITY  
CORPORATION,**

By its attorneys,

08/06/2025  
Date: \_\_\_\_\_



\_\_\_\_\_  
Christopher T. Meier (NH Bar # 17135)

John M. Crabbs, II (NH Bar #275043)

COOPER CARGILL CHANT, P.A.

2935 White Mountain Highway

North Conway, NH 03860

Telephone: 603-356-5439

[cmeier@ccclaw.com](mailto:cmeier@ccclaw.com)







EXHIBIT  
3

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