



**From:** Frank Benesh frank.h.benesh@icloud.com  
**Subject:** Re: Katherine and David McNeil appeal  
**Date:** September 10, 2025 at 2:50 PM  
**To:** Donald Ekberg ekberg@redbarnlegal.com

This is to document our phone conversation today where I agreed to your request for another 10 days to supplement and expand your pleading memo provided this morning and dated September 10, 2025, subject to ratification by the full Board of Adjustment.

Frank Benesh  
[frank.h.benesh@icloud.com](mailto:frank.h.benesh@icloud.com)  
Chairman of the Jackson ZBA

On Sep 10, 2025, at 12:48 PM, Donald Ekberg <ekberg@redbarnlegal.com> wrote:

Hello,

If it would be appropriate, Attorney Ekberg would like to speak with you when you have a moment.

If you would please call us at (603) 356-5421 or send your number to us, we will give you a call.

Thank you, Lisa

Lisa A. Vertigen, Paralegal to  
Donald M. Ekberg, Esq.  
Ekberg & Associates, PLLC  
102 Seavey Street  
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North Conway, NH 03860  
603-356-5421 ~ fax 356-7312  
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**From:** Frank Benesh <[frank\\_benesh@alum.mit.edu](mailto:frank_benesh@alum.mit.edu)>  
**Sent:** Tuesday, September 9, 2025 3:48 PM  
**To:** Donald Ekberg <[ekberg@redbarnlegal.com](mailto:ekberg@redbarnlegal.com)>  
**Cc:** Betsy Eaton <[adminassist@jackson-nh.org](mailto:adminassist@jackson-nh.org)>  
**Subject:** Katherine and David McNeil appeal

September 9, 2025  
Donald M. Ekberg, Esq.

Sir:

I am the chairman of the ZBA in the Town of Jackson. I am receipt of the appeal package your office provided to the town office today. I understand there are additional exhibits that you will soon deliver that are now in the possession of the builder.

The appeal form included in the submitted package states that the appeal concerns an August 12 2025 notice of an alleged violation of the zoning ordinance and the reason stated is "We followed all State and Local permitting regulations and requirements to construct our home and install our septic system, and our Builder received approval from the Building Inspector throughout".

Unless one or more documents were mistakenly omitted, the information submitted does not appear to explain precisely what is being appealed. One cannot tell if a misinterpretation of the zoning ordinance is alleged, that it is alleged that the ordinance has factually not been violated or does not apply, or perhaps estoppel is alleged. It is uncertain for now if the ZBA even has jurisdiction. A pleading or memo that documents the relevant factual and legal basis of the appeal will be required. Depending on what is alleged therein additional relevant documents such as copies of the building permit application, building permit, etc may be required. I am also somewhat skeptical that the August 12 violation notice is the only relevant document sent to the McNeils and suspect there are other relevant emails or letters to the McNeils from the Town Engineer or the Code Enforcement officer on this matter.

In view of the above, the appeal is not yet complete.

Please let me know when the additional documents and a pleading can be provided.

Frank Benesh  
Chairman, Town of Jackson Zoning Board of Adjustment  
[frank.h.benesh@icloud.com](mailto:frank.h.benesh@icloud.com)