

TOWN OF ACWORTH, NEW HAMPSHIRE
Zoning Board of Adjustment
Approved Meeting Minutes of April 22, 2026, at 1830 p.m.
Town Hall, 13 Town Hall Rd, Acworth, NH 03601
Public Hearing – Fowler Property Beryl Mountain Rd

ZBA COMMITTEE PRESENT: Jennifer Bland, Linda Christie, Carl, Henniger, Mary Hildreth, Ray Leclair,

Public: Lillie & Michael LeBlanc, Janet Slocum (Concom Co Chair), Stella Herpel, Luke Fowler, Claran Lavery, Michael Kosa, Ezra Fradkin,

Select Board: Kathi Bradt

CALL TO ORDER FOR MEETING: Linda Christie called the Hearing to order at 1829PM

Public Hearing – Indian Hollow Property

A public hearing was held regarding the Indian Hollow Property, owned by Luke Fowler, located at 6 Beryl Mountain Road, South Acworth, New Hampshire (Map 246, Lot 49), consisting of approximately 0.35 acres. The applicant is seeking a special exception to convert an existing workshop into a single-family residence.

Janet Slocum, Co-Chair of the Conservation Commission, stated that a letter she sent the previous evening clarified that there was no concern with the septic system and that earlier information received from the Department of Environmental Services (DES) was incorrect.

Michael LeBlanc expressed surprise at hearing that his septic system was allegedly located on another property and stated that this information was inaccurate, as his system is located entirely on his own property.

Kathi Bradt advised that the subject property lies within a Conservation Zone, which is established to protect water resources. She noted that septic systems are generally not allowed within Conservation Zones. This issue was discussed at length, including potential impacts of effluent on water quality. Stella Herpel reiterated that septic systems are not permitted in the Conservation Zone and that there must be no increase in effluent discharge. It was emphasized that if a septic system is allowed, adequate protections must be in place to safeguard water resources.

The Conservation Commission discussed the importance of establishing baseline water testing prior to approval. It was questioned whether a commercial use would generate less effluent than a residential use. DES has approved the septic system, and a percolation test was completed in the fall of 2025. The Conservation Commission recommended ongoing monitoring, including annual water testing for E. coli, as the property requires a shoreline permit.

Mr. Fowler stated that he has retained a registered architect to oversee the project. He explained that the work would remain within the existing building footprint, including the deck, and that only one dormer would be added, which would not increase the overall height of the structure.

<Person>Janet Slocum stated that the Conservation Commission would support the project provided that yearly inspections and annual water testing are required. She also raised concerns about future property owners potentially

adding water softeners or garbage disposals. It was determined that the ZBA would impose conditions that would run with the deed to ensure continued protection of the water resources should the property be sold.

Discussion then turned to the procedure in the event of a septic system failure. Jennifer Bland explained the process, noting that a similar situation occurred in Acworth in 2025. She stated that, in New Hampshire, a failed septic system is considered an immediate public health hazard and may result in enforcement action by local health officials or the New Hampshire Department of Environmental Services (NHDES), including the issuance of a Notice to Vacate.

Failed Septic System Vacate Order Process in New Hampshire includes:

- Investigation and detection by local health officials, building inspectors, or NHDES.
- Issuance of a Letter of Deficiency (LOD) identifying the failure and requiring corrective action.
- Immediate emergency measures, including pumping of the septic system.
- Issuance of a Cease and Desist Order or Notice to Vacate if a serious health risk exists.
- Repair or replacement of the system by a licensed professional, typically within 90 days of NHDES approval.
- Notification of all required state agencies.
- Lifting of the vacate order once repairs are completed.
- Ongoing water quality monitoring.

Jennifer Bland asked members of the public for their thoughts on the project. All neighboring property owners stated that they had no concerns and expressed support for the improvements.

Findings:

1. Is the proposed use ordinarily prohibited? **Yes.**
2. Is the use specifically allowed by special exception under the ordinance? **Yes.**
3. Are the ordinance conditions for granting the exception met? **Yes**, with additional conditions imposed to protect the property and water resources in the event of future transfer.

The Zoning Board of Adjustment determined that all concerns were adequately addressed through the approved Shoreline Permit, the DES septic approval, and the conditions imposed. Based on the evidence and testimony presented, the Board concluded that the special exception should be granted.

Jennifer Bland made a motion to approve the special exception with conditions. The motion was seconded by Ray LeClair and passed unanimously. The public hearing was closed at 18:13 p.m.

Next Meeting TBD @ 1900Hrs

Meeting Adjourned: 19:13PM Respectfully submitted, Jennifer Bland