

**Hopkinton Zoning Board of Adjustment**  
**Minutes**  
**March 1, 2005**

Chairman Janet Krzyzaniak opened the Hopkinton Zoning Board of Adjustment public hearing of Tuesday, March 1, 2005, at 7:00 PM in the Town Hall. Members present: Toni Gray, George Langwasser, and Charles Koontz.

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Chairman Krzyzaniak gave a brief outline of the Rules of Procedure that govern the hearing.

**I. Application.**

**TH05-1SP-3-1 David W. Jones, President of the Hopkinton State Fair—**

David Jones, President of the Hopkinton State Fair, addressed the Board to request a Special Use Permit to hold the 29<sup>th</sup> Annual Sheep & Wool Festival on May 14 and 15, 2005 with an estimated attendance of between 2,500 and 4,000 people per day. The event will take place on property owned by the Hopkinton State Fair Association, Inc., shown on Tax Map 222 as Lots 57.2, 59, 60, 61 & 79. The Festival is a celebration of sheep, farm life and the world of natural fibers. There will be spinners, weavers, knitters and artisans demonstrating their skills. Educational programs will be held for those interested in raising sheep. Livestock will include sheep, llamas, alpacas, angora goats, angora rabbits and working dogs. The Morrill Family Farm Museum, Hopkinton State Fair Sugarhouse and the Hopkinton State Fair Petting Farm will be open for those attending the Festival. The Festival hours are 9 AM until 4 PM daily. All exhibitors and staff will access the fairgrounds via Green Gate (Kearsarge Avenue) and Yellow Gate (Park Avenue). The public will access through Blue Gate Parking (Park Avenue).

Mr. Jones reviewed the requirements for Special Exception in accordance with Section 15.8.2 of the Hopkinton Zoning Ordinance.

- 1) Standards provided by this Ordinance for the particular use permitted by Special Exception.

“This request is being submitted on behalf of the New Hampshire Sheep & Wool Organization, herein after referred to as NHSW, under subsection 3.8.6 Non-Fair Uses permitted by Special Use Permit.”

- 2) No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

“No known hazard.”

- 3) No detriment to property values in the vicinity or change in the essential characteristics of the neighborhood on account of the location or scale of

buildings and other structure, parking areas, access ways, odor(s), smoke, gas, dust or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

“None known or expected.”

- 4) No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

“The public traffic will enter the fairgrounds through Blue Gate Parking off Route 103 and park their cars. Participants will enter the fairgrounds via the Green Gate, Kearsarge Avenue and Yellow Gate (Park Avenue). The traffic is not anticipated to increase substantially to the level of a safety hazard. For the record, actual attendance in 2003 was 2686 people, 2002 was 2374.”

- 5) No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

“There is no anticipated excessive demand on water, sewer, waste disposal or schools. Police and Fire and EMS Services will be reviewed under subsection 3.8.4.1 and costs for any services required under this review are the responsibility of and will be paid for by NHSW.”

- 6) No significant increase of storm water runoff onto adjacent property or streets.

“No increase known or expected.”

- 7) An appropriate location for the proposed use.

“This is an appropriate location for this event as permitted by subsection 3.8.6.”

- 8) Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

“The event is not expected to adversely affect the health and safety of the residents or other and is not expected to be detrimental to the use or development of adjacent properties. The history of the NHSW event has been very good. Over their history with us, NHSW management and their customers have been very cooperative with my staff, Hopkinton Fire and Police Department personnel.”

- 9) In the public interest and in the spirit of the Ordinance.

“The events are organized by the volunteer members of the NSW for the purpose of benefiting several non-profit organizations and charities.”

Mr. Jones discussed the intentions of the Hopkinton Fair Association to revise their contracts for non-fair events so to require non-fair events to adhere to services of the Hopkinton Police, Fire and EMS, including the payment of such services.

Mr. Koontz questioned whether there are any regulations that address the specific requirements when housing many animals in one place. Mr. Jones replied yes, explaining how the State of New Hampshire has a number of health requirements. For example, each animal must be vaccinated and permanently tagged with identification.

There was no one present wishing to provide public testimony.

Mr. Koontz, seconded by Mr. Langwasser, moved to vote on Application #TH05-1SP-3-1 as presented. Motion carried unanimously. With four members voting, all four (Gray, Langwasser, Koontz, and Krzyzaniak) voted in favor of approving the application as presented. The Applicant adequately addressed the standards set forth in paragraph 3.8.6, which included addressing the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

**TH05-2SP-3-2 David W. Jones, President of the Hopkinton State Fair—**

David Jones, President of the Hopkinton State Fair, addressed the Board to request a Special Use Permit to hold to hold the Amateur Radio and Computer Flea Market on May 6 and 7, 2005 and October 7 and 8, 2005 with an estimated attendance of between 2,000 and 3,000 people per day. The event will take place on property owned by the Hopkinton State Fair Association, Inc., shown on Tax Map 222 as Lots 57.2, 59, 60, 61 & 79. The event is operated in conjunction with the Simadi Shrine Club, a member of the New Hampshire's Bektash Temple. The net proceeds of the event benefit the Shriners' Burn Hospitals of Boston, Springfield and Montreal. The Morrill Family Farm Museum and the Hopkinton State Fair Sugarhouse will be open for those attending the event. All exhibitors and staff will access the fairgrounds via Green Gate (Kearsarge Avenue). The public will access through Gate A (Park Avenue).

Mr. Jones reviewed the requirements for Special Exception in accordance with Section 15.8.2 of the Hopkinton Zoning Ordinance.

1. Standards provided by this Ordinance for the particular use permitted by Special Exception.

“This request is being submitted on behalf of the Hosstraders HamFest Organization, herein after referred to as Hosstraders, under subsection 3.8.6 Non-Fair Uses permitted by Special Use Permit.”

2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

“No known hazard.”

3. No detriment to property values in the vicinity or change in the essential characteristics of the neighborhood on account of the location or scale of buildings and other structure, parking areas, access ways, odor(s), smoke, gas, dust or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

“None known or expected.”

4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

“The public traffic will enter the fairgrounds through Blue Gate Parking off Route 103 and park their cars. Participants will enter the fairgrounds via the Green Gate, Kearsarge Avenue. The traffic is not anticipated to increase substantially to the level of a safety hazard. For the record, actual attendance in 2003 was 2232 people, 2002 was 3013.”

5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

“There is no anticipated excessive demand on water, sewer, waste disposal or schools. Police and Fire and EMS Services will be reviewed under subsection 3.8.4.1 and costs for any services required under this review are the responsibility of and will be paid for by the Hosstraders.”

6. No significant increase of storm water runoff onto adjacent property or streets.

“No increase known or expected.”

7. An appropriate location for the proposed use.

“This is an appropriate location for this event as permitted by subsection 3.8.6.”

8. Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

“The event is not expected to adversely affect the health and safety of the residents or other and is not expected to be detrimental to the use or development of adjacent properties. The history of the Hosstraders event

has been very good. Over their history with us, Hosstraders management and their customers have been very cooperative with my staff, Hopkinton Fire and Police Department personnel.”

9. In the public interest and in the spirit of the Ordinance.

“The events are organized by the volunteer members of the Hosstraders for the purpose of benefiting several non-profit organizations and charities.”

There was no one present wishing to provide public testimony.

Mr. Langwasser, seconded by Mr. Koontz, moved to vote on Application TH05-2SP-3-2 as presented. Motion carried unanimously. With four members voting, all four (Gray, Langwasser, Koontz, and Krzyzaniak) voted in favor of approving the application as presented. The Applicant adequately addressed the standards set forth in paragraph 3.8.6, which included addressing the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

**TH05-3SP-3-3 David W. Jones, President of the Hopkinton State Fair—**

David Jones, Present of the Hopkinton State Fair, addressed the Board to request a Special Use Permit to hold the NHMRO Annual Motorcycle Flea Market on April 24, 2005 with an estimated attendance of between 1,000 and 2,000 people per day. The event will take place on property owned by the Hopkinton State Fair Association, Inc., shown on Tax Map 222 as Lots 57.2, 59, 60, 61 & 79. The New Hampshire Motorcycle Rights Organization (NHMRO) is a non-profit organization whose primary purpose is to promote educational awareness about motorcycle safety. The event set-up will begin the morning of April 23 with teardown completed on April 24. The traffic will be routed to the fairgrounds using Gate A from I-89, exit 7 and exiting via Gate H and Gate A, as was done in previous years. All exhibitors will enter and exit the fairgrounds through Gate G (Green).

Mr. Jones reviewed the requirements for Special Exception in accordance with Section 15.8.2 of the Hopkinton Zoning Ordinance.

1. Standards provided by this Ordinance for the particular use permitted by Special Exception.

“This request is being submitted on behalf of the New Hampshire Motorcycle Rights Organization, herein after referred to as NHMRO, under subsection 3.8.6 Non-Fair Uses permitted by Special Use Permit.”

2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

“No known hazard.”

3. No detriment to property values in the vicinity or change in the essential characteristics of the neighborhood on account of the location or scale of buildings and other structure, parking areas, access ways, odor(s), smoke, gas, dust or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

“None known or expected.”

4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

“The public traffic will enter the fairgrounds through Gate A off Route 103 and park their cars. Participants will enter the fairgrounds via the Green Gate, Kearsarge Avenue. The traffic is not anticipated to increase substantially to the level of a safety hazard. For the record, actual attendance in 2001 was 3,296 people.”

5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

“There is no anticipated excessive demand on water, sewer, waste disposal or schools. Police and Fire and EMS Services will be reviewed under subsection 3.8.4.1 and costs for any services required under this review are the responsibility of and will be paid for by the NHMRO.”

6. No significant increase of storm water runoff onto adjacent property or streets.

“No increase known or expected.”

7. An appropriate location for the proposed use.

“This is an appropriate location for this event as permitted by subsection 3.8.6.”

8. Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

“The event is not expected to adversely affect the health and safety of the residents or other and is not expected to be detrimental to the use or development of adjacent properties. The history of the NHMRO event has been very good. Over their history with us, NHMRO management and their customers have been very cooperative with my staff, Hopkinton Fire and Police Department personnel.”

9. In the public interest and in the spirit of the Ordinance.

“The events are organized by the volunteer members of the NHMRO for the purpose of benefiting several non-profit organizations and charities.”

Ed Hughes of the NHMRO addressed the Board explaining that there were approximately 2,000 people in attendance last year. The reduction in attendance was thought to be due to poor weather conditions.

Mr. Langwasser, seconded by Mr. Koontz, moved to vote on Application TH05-3SP-3-3 as presented. Motion carried unanimously. With four members voting, all four (Gray, Langwasser, Koontz, and Krzyzaniak) voted in favor of approving the application as presented. The Applicant adequately addressed the standards set forth in paragraph 3.8.6, which included addressing the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

**TH05-4SP-3-4 David W. Jones, President of the Hopkinton State Fair—**

David Jones, President of the Hopkinton Fair, re-addressed the Board to request a Special Use Permit to hold an event known as the NH Highland Games. The event is to be held from September 23 to September 25, 2005. The event has been in existence for 29 years. The event will be held on the fair grounds with parking in the existing parking lots. The actual attendance for 2004 was 21,681 which was a decrease of 6,298 from the previous year.

Mr. Jones reviewed the requirements for Special Exception in accordance with Section 15.8.2 of the Hopkinton Zoning Ordinance.

1. Standards provided by this Ordinance for the particular use permitted by Special Exception.

“This request is being submitted on behalf of the New Hampshire Highland Games, herein after referred to as NHHG, under subsection 3.8.6 Non-Fair Uses permitted by Special Use Permit.”

2. No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

“No known hazard.”

3. No detriment to property values in the vicinity or change in the essential characteristics of the neighborhood on account of the location or scale of buildings and other structure, parking areas, access ways, odor(s), smoke, gas, dust or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

“None known or expected.”

4. No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.

“The public traffic will enter the fairgrounds through the Blue Parking Gate, formerly Gate A, park their cars. Participants will enter the fairgrounds via the Green Gate, Kearsarge Avenue. The traffic is not anticipated to increase substantially to the level of a safety hazard.”

5. No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.

“There is no anticipated excessive demand on water, sewer, waste disposal or schools. Police and Fire and EMS Services will be reviewed under subsection 3.8.4.1 and costs for any services required under this review are the responsibility of and will be paid for by the NHHG.”

6. No significant increase of storm water runoff onto adjacent property or streets.

“No increase known or expected.”

7. An appropriate location for the proposed use.

“This is an appropriate location for this event as permitted by subsection 3.8.6.”

8. Not affect adversely the health and safety of the residents and others in the area and not be detrimental to the use or development of adjacent or neighboring properties.

“The event is not expected to adversely affect the health and safety of the residents or other and is not expected to be detrimental to the use or development of adjacent properties.”

9. In the public interest and in the spirit of the Ordinance.

“The New Hampshire Gathering of Scottish Clans, Inc., a New Hampshire 501c3 charitable non-profit organization, has requested the use of the Hopkinton State Fairgrounds for an event known as the New Hampshire Highland Games from September 24 – 26, 2005. This family event has been in existence for 29 years, held formerly in Lincoln, NH.”

“The purpose of the event is to foster, celebrate and advance the music, dance, athletics, traditions and heritage of the Scottish people and the Gaelic culture for future generations.”

Mr. Jones explained that the attendance at the Highland Games had decreased in 2004 from the previous year. It was believed that the decrease in attendance was due to weather and limited advertising; however, the number of people attending the event remained higher than the attendance at Loon

Mountain. Mr. Jones went to explain how the organizers of the event are considering holding a second event for one day in June. The event would take place in Concord or in the north region with the September event in Hopkinton being its principal event location.

Mr. Koontz questioned whether the whiskey tasting and beer tent will be held at the fairgrounds. Mr. Jones replied yes, explaining how that portion of the event is organized, requiring tickets in advance. The whiskey tasting is very educational. The beer tent is sponsored by NH distributors with the firefighters union or organization serving the beer, raising money for different charities. Again, Mr. Jones explained the process by which each of these events is controlled.

Mr. Jones then discussed the improvements made in the prior year's traffic congestion along I-89. Rather than trying to park all of the cars at the fairgrounds, the event organizers keep the traffic flowing with some vehicles parking on the fairgrounds and others being diverted to private parking places that are available outside of the fairgrounds. Additionally, the organizers work closely with the Police Department and NH Department of Transportation.

Mrs. Gray, seconded by Mr. Langwasser, moved to approve Application TH05-4SP-3-4 as presented. Motion carried unanimously. With four members voting, all four (Gray, Langwasser, Koontz, and Krzyzaniak) voted in favor of approving the application as presented. The Applicant adequately addressed the standards set forth in paragraph 3.8.6, which included addressing the criteria for a Special Exception set forth in paragraph 15.8.2 of the Zoning Ordinance.

## **II. Review of the Minutes and Notice of Decision of January 5, 2005.**

Mr. Koontz, seconded by Mrs. Gray, moved approval of the Minutes and Notice of Decision as presented. Motion carried unanimously.

## **III. Adjournment.**

Chairman Krzyzaniak declared the meeting adjourned at 7:45 PM. The next scheduled meeting of the Board is Tuesday, April 5, 2005, at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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Pursuant to New Hampshire RSA 674:2, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.

