

HOPKINTON ZONING BOARD OF ADJUSTMENT
MINUTES
DECEMBER 7, 2010

Acting Chairman Toni Gray opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, December 7, 2010, at 7:00 PM in the Town Hall. Members present: Dan Rinden, Charles Koontz, Gregory McLeod and David Brock.

Note: The Zoning Board of Adjustment's Rules of Procedure was provided to the applicants during the application process and additional copies were available at the meeting for the general public.

I. Application(s).

ZBA#2010-16 Deborah Robie on behalf of NH Sheep & Wool Growers' Association Wayne Welch on behalf of the NH Sheep and Wool Growers' Association addressed the Board to request a Special Use Permit to hold the 35th and 36th Annual Sheep & Wool Festival at the Hopkinton Fair Grounds on May 14 and 15, 2011 and tentatively on May 12 and 13, 2012. The property is located at 392 Kearsarge Avenue in the R-1 district, Tax Map 222, Lot 61. The application was submitted in accordance with section 3.8 of the Hopkinton Zoning Ordinance.

The NH Sheep and Wool Growers' Association (NHSWGA) is a charitable organization that promotes the sheep industry through workshops and educational programs. Its' major fundraiser is the Annual Sheep and Wool Festival which has taken place for a number of years at the Hopkinton Fairgrounds. "The festival is a family oriented celebration of sheep, family life and the world of natural fibers. Spinners, weavers, knitters and artisans will showcase their skills. Educational programs will be held for those interested in raising fiber animals. Livestock will include sheep, llamas, alpacas, angora goats, rabbits and working dogs. The Morrill Family Farm Museum and Hopkinton State Fair Sugar House may be open for the festival. Festival hours will be from 9 AM to 4 PM, daily. Exhibitors, staff and the public will access the fairgrounds via Green and Blue gates."

Mr. Welch reviewed the criteria for a Special Exception as outlined in Section XV of the 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 NHSWGA under subsection 3.8.6 Non-Fair Uses Permitted by Special Exception."

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

"There are no known or expected hazards. The Hopkinton Fire Chief and Police Chief have been notified of the event in accordance with subsections 3.8.4.1 and 3.8.4.2."

3. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, 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.

“There are no 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 traffic will enter the fairgrounds through Blue and Green gates. The traffic is not anticipated to increase to a level of safety hazard. An average daily attendance is between 1500 and 2500 people per day.”

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

“There are no known or expected demands.”

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

“There are no known or expected changes to storm water runoff.”

7. An appropriate location for the proposed use.

“This is an appropriate location for this event as it is permitted in subsection 3.8.6 as a Non-Fair Use Permitted by Special Exception.”

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.

“There are no adverse affects known or expected.”

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

“The event is organized by volunteers from the NHSWGA for the public’s education and enjoyment. Many of the activities are specially geared towards youth participants.”

Mr. McLeod was uncomfortable granting approval for a future event without being able to anticipate future changes in the Zoning Ordinance. The Board unanimously agreed. In response, Mr. Welch agreed that only granting approval for the 2011 year only would be a non-issue for the NHSWGA. He understood that the Association would need to reapply for the 2012 event.

There was no one wishing to provide public testimony.

Mr. McLeod, seconded by Mr. Rinden, moved approval of the 2011 NH Sheep and Wool Festival to be held at the Hopkinton Fairgrounds. With five members voting, all five voted in favor (Koontz, Rinden, McLeod, Brock and Gray). The Applicant successfully addressed the standards to be granted a Special Exception and Special Use Permit as set forth in sections III and XV of the Zoning Ordinance.

ZBA#2010-17 Darragh Madden Mr. Madden addressed the Board to request a Special Exception to change the non-conforming use of property located at 659 Currier Road from Lett Manufacturing to Irish Electric. The property is owned by the William F. Lett, Jr. Trust and is located in the R-4 district, Tax Map 258, Lot 21. The application was submitted in accordance with section 5.3.1 of the Hopkinton Zoning Ordinance.

Mr. Madden reviewed the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance.

1. Standards provided by this Ordinance for the particular use permitted by special exception.

“The Ordinance provides for the change from one non-conforming use to another non-conforming use according to sub-section 5.3.1.”

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

“Irish Electric is an electrical contracting business. There will be no hazard to the public on account of fire, explosion or toxic materials.”

3. No detriment to property values in the vicinity or change in the essential characteristics of a residential neighborhood on account of the location or scale of buildings and other structures, 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.

“The only changes to the building and other structures will be to improve the appearance of the property. Our use is for office space and storage of electrical material.”

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

“This is not a retail operation. There will be no substantial increase in traffic.”

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

“Irish Electric will not cause any excessive demand on municipal services. The property has its own water and sewer systems.”

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

“Irish Electric is not making any structural changes to the property; therefore, the runoff should not change.”

7. An appropriate location for the proposed use.

“The proposed location is ideal for this growing business.”

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.

“Irish Electric will not adversely affect the health and safety of the neighborhood.”

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

“Irish Electric believes that the granting of the special exception is in the public interest and in the spirit of the ordinance.”

Mr. Brock asked Mr. Madden to explain to further why he believes that the proposal is in the public interest and spirit of the ordinance. In response, Mr. Madden stated that he plans to renovate the interior of the building thereby increasing the property value. Furthermore, approving the change in use will allow him to move his business back to Hopkinton which is where he and his family currently live.

Currently, Mr. Madden has five licensed electricians and three apprentices working for him. The employees are out in the field during the day and during the evening they take the company vehicles home with them. He anticipates there being a plow truck, trailer and on occasion a company vehicle being parked at the property. Hours of operation are generally from 7 AM to 3:30 PM. Deliveries will be received on occasion by way of a small box truck.

There was no one wishing to provide public testimony.

The Board briefly discussed the change in non-conforming use with Mr. McLeod expressing concern that Lett Manufacturing may have abandoned the use of the property sometime ago. While there may still be machines and other associated equipment at the property, the Board believed that it to a “fine line” to consider storage of equipment the continuation of the operations of the business. Should the Board decide that the use had been abandoned, Mr. Madden would need to apply for a Variance.

Mr. Brock, seconded by Mr. McLeod, moved approval of the application based on the information presented to the Board and absent any objections. With five members voting, all five voted in favor (Koontz, Rinden, McLeod, Brock and Gray). The Applicant successfully addressed the standards to be granted a Special Exception as set forth in section XV of the Zoning Ordinance.

II. Minutes and Notice of Decision October 5, 2010.

Motion made by Mr. Koontz, seconded by Mr. Rinden, to accept the Minutes and Notice of Decision of October 5, 2010. With five members voting, three voted in favor (Koontz, Rinden and Gray) and two voted in abstention (McLeod and Brock) due to the fact that they were not present at the October meeting.

III. Adjournment.

With no other business, Mrs. Gray declared the meeting adjourned at 7:35 PM. Motion carried unanimously.

Karen L. Robertson
Planning/Zoning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply to the Zoning Board of Adjustment 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.