

HOPKINTON ZONING BOARD OF ADJUSTMENT
MINUTES
MARCH 1, 2011

Acting Chairman Charles Koontz opened the Hopkinton Zoning Board of Adjustment meeting of Tuesday, March 1, 2011, at 7:00 PM in the Hopkinton Town Hall. Members present: Toni Gray, Harry Perkins and Gregory McLeod.

Mr. Koontz gave the applicants an opportunity to post-pone review of their applications due to the fact that there were only four members of the Board present. With only four members present should there be a tie vote the application would fail. In response, both applicants agreed to move forward and have their applications reviewed.

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

I. Application(s).

ZBA#2011-2 Kenny Churchill, Extreme Country Stampede Tour Kenny Churchill addressed the Board to request a Special Use Permit to hold a non-fair event at the Hopkinton Fairgrounds. The event is proposed for June 25th and 26th 2011, and will include food and merchant vendors, musicians, professional bull riding, a monster truck show and a free-style motor cross show. Anticipated attendance is between 1,500 – 2,000 people per day from 12 Noon to 9 PM. 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 subsection 3.8 of the Hopkinton Zoning Ordinance.

Mr. Churchill began explaining that he was once a professional bull rider and since retiring he has been organizing events in an effort to promote professional bull riding. For a number of years, he has organized the Rodeo World Cup. In an effort to increase family interest, he typically includes other brief shows at the event, such as monster trucks and free-style motor cross, as well as having small merchant and food vendors. The hours proposed are 12 Noon until 9 PM.

Mr. Churchill 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 request is being submitted under subsection 3.8.6, nonfair 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.

“The event has been reviewed by Police and Fire with requests for paramedics, fire fighters and a police officer at the event. Additionally, Food vendors will use propane for cooking.”

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.

“Traffic is expected to be gradually with an estimated attendance to be 1500 – 2000 people per day being this is the first time for the event.”

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. Again, Police and Fire services will be provided as this is the first time for this event."

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

"There are no changes proposed."

7. An appropriate location for the proposed use.

"This location is a great area for a fun entertaining family event."

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.

"This will be a great family, wholesome event that will also help bring revenue into surrounding towns. This also helps the relationship with the fair by possibly bringing the rodeo and country music to the 2011 fair."

Mr. Churchill discussed the timing of various activities that will take place during the event. For example, it is anticipated that the motor cross show will take place for approximately 25 minutes and will occur before the music portion of the event. The monster truck show will take place for approximately one hour with four trucks. This is anticipated to take place before the rodeo. All activities will be monitored from the time

of parking vehicles to entering the gate and directing the people to the shows. There were no safety concerns of the Fire Chief or Police Chief; however, as a precautionary measure services will be provided by the two departments.

Mrs. Gray inquired as to whether Mr. Churchill is prepared to pay the fee for life safety services, in advance of the event, as recommended by the Fire Chief. Mrs. Robertson noted that she had discussed the matter with the Town Administrator, who had agreed that the actual cost of services, including method of payment, should be determined by the Board of Selectmen as an administrative matter. Mr. Churchill was not aware of the Fire Chief's recommendation; however, he noted that he was willing to pay for services in advance, if necessary. Mrs. Robertson noted that she would have the Town Administrator follow-up with Mr. Churchill concerning payment.

Mr. Churchill discussed his experience with bull riding and its organization. He reviewed the various locations that the event is planned prior to coming to Hopkinton.

Mrs. Gray stated that the Applicant adequately presented his case for a Special Exception. Mr. Perkins concurred.

Motion made by Mrs. Gray, seconded by Mr. Perkins, to approve the application as presented. Motion carried unanimously (Gray, Koontz, Perkins, and McLeod). The applicant successfully addressed the standards to be granted a Special Use Permit and Special Exception as set forth in sections III and XV of the Hopkinton Zoning Ordinance.

ZBA#2011-3 James W. Corrigan James Corrigan and his daughter Elizabeth Corrigan addressed the Board to request a Special Exception to operate a home business creating, displaying, selling and educating people on the making of pottery and other art. The property is located at 826 Gould Hill Road in the R-2/R-4 districts, Tax Map 241, Lot 23. The application was submitted in accordance with Table of Uses 3.6.A.7 of the Hopkinton Zoning Ordinance.

Ms. Corrigan reviewed her extensive educational background in arts, explaining her interest in ceramics began at a young age.

Ms. Corrigan then 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 Home Business is permitted by Special Exception in accordance to Table of Uses 3.6.A.7 of the Zoning Ordinance.”

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

“The kiln has been installed per manufacturer's and supplier's recommendations and is surrounded by fire rated material. The one-quarter horse power motor

that operates the kiln ventilation system meets standards ventilation. The kiln, along with its location has been inspected and approved by the Building Inspector.”

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 is no detriment to abutters. The house and barn set back at least 600 feet from Gould Hill Road. The barn was originally constructed for six automobiles on two levels and is in keeping with the other structures on the property. All activity and machine use will occur within the barn with the exception of occasional displays of “yard-art sculptures”. However, the yard-art will not be visible from the street or neighboring properties.”

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

“There will be no creation of a traffic safety hazard or substantial increase in traffic that will burden the existing roadways. Any visitors or clients will be able to park adjacent to the barn with no visible notice to the neighborhood.”

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

"The activity proposed will not place any additional burden on municipal services. The property has its own well and septic. All materials that are not able to be re-utilized will be disposed off properly. There is no additional demand on fire protection as the installation of the small kiln has been approved by the Town and is already in use without any demands."

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

"There will be no exterior changes to the property as the barn and parking already exists."

7. An appropriate location for the proposed use.

"The intended use and supporting activities is limited in scope, is an addition to the culture of the community, and enhances the rural character of the neighborhood."

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.

"No detrimental affects on the health and safety of neighborhood as the areas surrounding the barn, including parking, currently exists is set back approximately 600 feet from Gould Hill Road. Most of the activity will take place within the barn; however, at times, there may be outdoor displays of "yard-art sculptures". All exterior displays will not be visible from surrounding properties or from the street."

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

"Use of the studio and gallery is to provide to the community a place to learn and to be exposed to a variety of art disciplines. Classes will be held to educate children and adults in the ceramic process. Appointments will be made by the general public to visit the studio."

There was no one present wishing to provide public testimony.

Mr. Koontz read for the record a letter from abutter Mary Leabeater in favor of the application.

Following brief discussion concerning the hours of operation, the Board agreed to permit Ms. Corrigan to work in her studio from 8 AM – 12 Midnight. The hours that the gallery and studio will be open to the public will be from 8 AM – 8 PM and by appointment.

Motion made by Mrs. Gray, seconded by Mr. Perkins, to approve the application as presented. Motion carried unanimously (Gray, Koontz, Perkins and McLeod). The applicant successfully addressed the standards to be granted a Special Exception as set forth in subsection 15.8.2 of the Hopkinton Zoning Ordinance.

II. Review of the Minutes of February 1, 2011 hearing.

Motion made by Mrs. Gray, seconded by Mr. McLeod, to accept the Minutes and Notice of Decision of February 1, 2011 as presented. With four members voting, three (Gray, McLeod and Koontz) voted in favor and one (Perkins) voted in abstention as he was not present at the February hearing.

III. Adjournment.

Mrs. Gray, seconded by Mr. McLeod, moved to adjourned at 7:45 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.

Minutes subject to review and approval.

