



# Town of Hopkinton

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## HOPKINTON ZONING BOARD OF ADJUSTMENT MINUTES SEPTEMBER 6, 2017

Members present: Chairman Daniel Rinden, Toni Gray, Charles Koontz, Gregory McLeod and Jessica Scheinman. Staff present: Planning Director Karen Robertson.

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

I. **Call to Order.** Chairman Rinden called the meeting to order at 5:30 PM in the Hopkinton Town Hall.

### II. Application(s).

**Special Exception (#2017-03) Rhapsody Farm, LLC on behalf of 1301 Bound Tree Road, LLC on property located at 1301 Bound Tree Road, Tax Map 204, Lot 002, R-3 District.** Commercial riding stable/equestrian facility in accordance with Zoning Ordinance Table of Uses 3.6.C.3.

Attorney Jeremy Eggleton of Orr & Reno addressed the Board on behalf Rhapsody Farm, LLC, 1301 Bound Tree Road, LLC and Margaret Kennedy, advising that the property consists of 36.3 acres of which approximately 20 acres are open fields that slope away from Bound Tree Road. There is a barn and outdoor show ring. Ms. Kennedy utilizes the barn for her personal horses and to paying customers. The horse shows take place in the outdoor ring, which can attract between 25-50 visitors per show. Ms. Kennedy has held shows each month, not knowing at the time she had scheduled the shows that a permit would be required.

Each show is advertised/marketed in a way that directs those attending the shows to travel the least impacted distance (Exit 7, Pleasant Pond Road to Bound Tree Road) to property. Once at the property, those attending park drive down Ms. Kennedy's driveway, which is approximately ¼ mile long to an open field where they park their vehicles/trailers. To ensure that dust along the ¼ mile drive is at a minimum, Ms. Kennedy puts down calcium.

Attorney Eggleton reviewed the location of the storage of animal waste and how it is removed from the property. He also discussed the use of the sound system at the announcing booth.

While it is Ms. Kennedy's goal to be able to, eventually, hold up to 50 shows per year, she realizes that the ultimate decision on the number of shows is that of the Board of Adjustment as part of the Special Exception.

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*Subject to review and approval.*

Attorney Eggleton briefly referenced Hopkinton's history of agricultural uses, including commercial dairy farms and orchards, and there need to adapt to the 21<sup>st</sup> Century while continuing the historical agricultural character of the community. He noted that, in reviewing Town records, the Ms. Kennedy's property had been used in the 1970's and 1980's as a commercial riding stable. He suggested that the proposed commercial riding stable will restore the preexisting use and be consistent with the historical uses of the property.

The R-3 (low density) zoning district permits equestrian facilities by Special Exception per Table of Uses 3.6.C.3 (commercial riding stables and trails) of the Zoning Ordinance. Attorney Eggleton noted that, currently, there are three other commercial riding stables in Hopkinton. One stable is located off Hatfield Road and the other two stables are located off Stumpfield Road. Both locations are in the R-4 (residential/agricultural) zoning district.

For the record, the Applicant's written response to the criteria for a Special Exception as outlined in Section XV of the Zoning Ordinance was as follows:

- 1) *Standards provided by this Ordinance for the particular use permitted by Special Exception.* "The proposed commercial riding stable is contemplated in the R-3 Zoning District, and it fulfills the broader goals of the Zoning Ordinance because it conserves nearly all of the ca. 36.3 acre lot as 'open space...[with] some agricultural use...without major disruption of the natural terrain, vegetation, watercourses or surface drainage.' It also meets the standards that follow."
- 2) *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.* "Hopkinton Fire Chief Jeff Yale has visited the site and reviewed it in light of the contemplated use. As set forth in the attached email, Exhibit 3, he agrees that the commercial riding stable presents no particular risk of potential fire, explosion or release of toxic materials. Manure from horse activity is gathered daily in a concrete, open air crib, and taken for agricultural use by a local farmer."
- 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.* "Licensed N.H. Real Estate agent Judith Hampe has represented clients in the sale and purchase of Hopkinton property for many decades. She has reviewed the location of the property and driven the roads in the area specifically for the purpose of evaluating this question. In her view, the proposed commercial riding stable will not adversely affect property values in the vicinity or change the essential characteristics of the neighborhood. Exhibit 4. The neighborhood is a rural, wooded road with sporadic housing, and a riding stable is the kind of amenity one might expect in such a neighborhood. If anything, Ms. Hampe believes that the commercial stable could enhance property values because it represents an attractive amenity. Exhibit 4. It is worth noting that allowing the commercial riding stable would make it less likely that the large acreage of the property will be subdivided and redeveloped into tract housing for Concord area commuters.

With respect to noise, the Applicant does expect to play music and use a sound system for announcing horse shows, and occasionally will use fireworks. The applicant has used fireworks in this location and has been in compliance – and will remain in

compliance – with the Fire Department’s restrictions, if any, with respect to fireworks.<sup>2</sup> Naturally, enforcement of any fireworks guideline is welcome and expected.

With regard to the sound system used by the Applicant for horse shows, licensed Acoustical Engineer Eric Reuter, investigated the site during a show and took observations using sound evaluation equipment. His full report is included as Exhibit 5. With the proper position of the sound system’s speakers, which the Applicant is in the process of implementing, the Applicant meets all noise requirements of the Zoning Ordinance. §5.5. This letter constitutes written confirmation of the Applicant’s intent to take all necessary steps to avoid producing objectionable noise. §5.5.4.

The Applicant notes that the summer camp on Clement Pond (Camp Ponderosa) has nightly sound system use, including for music, and occasional firework noise that is readily heard from her property and in the surrounding neighborhood. With regard to dust, the Applicant uses a calcium/magnesium overlay (typical for gravel roads) on the dirt road leading downhill from Bound Tree Road to the areas where visitors and guests may park. Those area are also almost entirely encircled by thick forest which prevents dust, sound and views from penetrating to neighboring properties.”

- 4) *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity.* “Chief Stephen Pecora of the Hopkinton Police Department has visited the site and been apprised of the potential for fathering of people at the property during the Applicant’s horse show events. He does not believe that the proposed use would create a traffic safety hazard, or a substantial increase in the level of traffic congestion in the vicinity. Exhibit 6. As he points out, access to the property by attendees of any of the Applicant’s horse shows would be primarily from the Warner, NH side of the property from Pleasant Pond Road, as that is the most direct access from Exit 7 of Interstate Route 89. Thus, attendees coming for a show would typically be on the roads of the Town of Hopkinton for only approximately  $\frac{3}{4}$  of a mile, and for the brief load in and load out times associated with a day-long horse show, this would not result in a substantial increase in traffic congestion. Exhibit 6.”
- 5) *No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection, and schools.* “Fire Chief Yale and Police Chief Pecora both confirm that the proposed use will not create an excessive demand on their respective departments’ services. Exhibit 3, Exhibit 6. Of course, on occasional show days when there are more people on the property than on typical weekday, there is always a risk that a gathering of people might increase the likelihood of some EMS response for medical or injury issues. Still, Chief Yale does not view that potential increase in the possibility of a call as being ‘excessive’. Regarding water, sewer and waste disposal, the site is not served by Town facilities and day-to-day operations will require no additional infrastructure other than the ordinary private septic and water services already existing. For show days, the Applicant uses removable porta potty-type toilet facilities, so there is no increase, temporary or permanent, in sewage outflow from the proposed use. With regard to schools, the proposed use does not present any increase in demand whatsoever.

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<sup>2</sup> On information and belief, the Town of Hopkinton Fire Department allows N.H. Class C Fireworks – those typically sold for personal use on a retail basis – and does not restrict their use as to time or location.”

Town Public Works Director Dan Blanchette did confirm that there is no traffic safety hazard from the proposed horse shows. Exhibit 7. He has concerns about the condition of the  $\frac{3}{4}$  mile of access road from the Warner line. This portion of the road (Pleasant Pond and Bound Tree) is gravel, and increased numbers of visitors may require additional grading than is currently applied to the stretch of road. He pointed out that his department is already substantially overburdened by the many demands of maintaining a largely rural road network. Although cold weather shows will have no impact on the roads (other than the need for salting and sanding), warm weather shows more than once per month may increase the need for grading on the  $\frac{3}{4}$  mile stretch from the Warner line to the Applicant's property. As a mitigation measure, he does suggest that the Applicant guide visitors to the property from Pleasant Pond Road, so that only  $\frac{3}{4}$  mile of Hopkinton roads are affected (and, in Warner, Pleasant Pond Road is paved). Furthermore, he suggests that the Applicant include specific slow driving instructions on public directions to the property. Finally, the load-in, load-out timing of show day visitation will limit actual traffic impact on the road to those specific, limited times of day.

Regarding Mr. Blanchette's comments, the Applicant – a lifetime citizen of Hopkinton whose family goes back generations – certainly appreciates the burdens on this Department. She is pleased to undertake any reasonable communication requirement to ensure that her guests follow all reasonable protocols for using the  $\frac{3}{4}$  stretch of gravel road accessing the property. However, the mere possibility that some additional grading may be required is not the standard in this case. The Zoning Ordinance specifically forbids an 'excessive' impact on Town services, and whether a given impact is 'excessive' is a matter of the Board's discretion. The Applicant submits that if the standard for a given use were whether *any* additional resources were required to accommodate the new use, then no new development would be possible. This is particularly the case for an amenity such as a commercial riding stable, which – under Mr. Blanchette's analysis, may never be permitted on a gravel road. That is not a reasonable reading of the Zoning Ordinance.

The Applicant is willing to accept a limitation on the number of public events or shows annually, but she hopes to strike the maximum balance between the needs of her business and livelihood and those of the Town with respect to road maintenance."

- 6) *No significant increase of storm water runoff onto adjacent property or streets.* "The attached report of Sean Sweeney, PE, of Headwaters Hydrology, Littleton, N.H., confirms that the Applicant's proposed use of the project will not result in any significant increase at all of storm water runoff onto adjacent property or streets. Exhibit 8. The Board should note at the outset that virtually no storm water runoff flows off the property in the direction of Bound Tree Road, as the horse stable is at the height of land, and the land drops relatively steeply downward from there, away from the road. The road, in other words, is at the very top of the property. None of the parking areas used by the Applicant for horses and trailers are above that grade. As Mr. Sweeney notes, the proposed use contemplates occasional parking by visiting guests and horse trailers in existing open fields, with no improvement or hardening of ground surfaces. There will be no alteration of the landscape, therefore, that would affect storm water runoff. The unimproved field surfaces will absorb storm water, and to the extent there is excess, it runs into the wooded portions of the property at the base of the field. In short, virtually

all the water that could be produced by a storm is successfully absorbed by the present configuration and that will not change with the proposed use. Exhibit 8.”

- 7) *An appropriate location for the proposed use.* “The proposed use is appropriate for this location because it is at the outer edge of the Town of Hopkinton, in a very rural, wooded part of Town. The property was used as a commercial stable historically, and most recently was a commercial farm. Its proposed use is in keeping with this history, and with the broad norms and goals of the Town Zoning Ordinance, including its goals of preserving agricultural uses and promoting agritourism. ZO §3.5.2, §2.1.A.4.”
- 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 proposed use restores and continues a previous longstanding uses on this property. Those uses, commercial agriculture and equestrian services, have no inherent adverse effects on health and safety of residents and others in the area and will not present any detriment to the use or development of adjacent or neighboring properties. If any such detriment were likely or even possible, it would have been observed by now, as the property was used as a commercial riding stable in the past, and most recently as a commercial farm. This is not to say that there will be no impacts whatsoever on neighbors or adjacent properties. They may hear the music or commentary from a horse show; they may – if close enough – catch the scent of the barnyard once in a while. But these are not unhealthy or unsafe things, and far from being detrimental, the presence of a commercial stable may actually make adjacent or neighboring properties more desirable. See Exhibit 4.”
- 9) *In the public interest and in the spirit of the ordinance.* “The Zoning Ordinance strikes the balance between the rural, agricultural Hopkinton of the last century and the wooded bedroom community it is becoming today. Uses like what the Applicant proposes are part of the fabric of Hopkinton’s past and its present. The Zoning Ordinance expressly promotes agriculture and agritourism, and contemplates commercial stables in the zoning district in question. Thus, the special exception is in the spirit of the Zoning Ordinance. Granting the special exception would be in the public interest because it offers a new amenity for the public, and increases the Town’s tax rolls by increasing the value of the property.”

Exhibits submitted as part of the application were as follows:

1. Site Plan/Survey
2. Photographs (10)
3. Fire Chief Jeff Yale (Email)
4. Broker Judith Hampe (Letter)
5. Eric Reuter, INCE Bd. Cert. of Reuter Associates, LLC (Report)
6. Police Chief Steve Pecora (Email)
7. Public Works Director Dan Blanchette (Email)
8. Sean Sweeney, P.E., CWS of Headwaters Hydrology, PLLC (Report)

Mr. Koontz inquired about the timing of removal of the manure. In response, Ms. Kennedy explained that farmers collect the horse manure for use on their farms. When to remove the manure is usually dependent upon the number of horses on the property in any given

time and the weather conditions. For example, the manure is usually removed from the site if rain is anticipated.

Ms. Scheinman inquired about the total number of horses that are usually at the property. Ms. Kennedy estimated between 10 – 15 horses with some being boarded and others for personal use or for sale.

Brief discussion ensued concerning the types and lengths of horse shows that will occur at the property, such as hunt seat, barrel racing and championship shows. Participants register at 8 AM with the events slowing down at approximately 5:30 PM. While there may be 50 horses at the show, those horses come in trailers that hold more than one horse. Typically, Ms. Kennedy is on-site during the shows, but if unavailable Ms. Kennedy has an employee that is present and is very familiar with managing the shows.

In response to a Board member's inquiry concerning traffic congestion, Ms. Kennedy stated that there was traffic backed-up, for a short time, on Bound Tree Road when the first horse show was held. There hasn't been an issue since then as most everyone that attends the shows now understands the logistics of parking. Again, Attorney Eggleton noted that Ms. Kennedy's driveway is approximately ¼ mile long; therefore, there is adequate space for vehicles to exit the street.

In response to Mrs. Gray's inquiry as to how the Applicant arrived at the proposed 50 horse shows requested in the application, Attorney Eggleton noted that his client is a young entrepreneur who has great hopes; however, she understands that the determination of the number of shows will be a decision of the Board. Ms. Kennedy concurred, noting that during the summer months, when kids are on vacation, she may hold a show during a week night.

Mrs. Gray inquired about the method by which Ms. Kennedy directs people to the property. In response, Ms. Kennedy explained how she has advertised/marketed the shows, via social media, web site, and pamphlets, so that traffic will travel I-89, Exit 7 to Pleasant Pond Road. She also places temporary directional signs along the route. The signs are placed at the various locations the evening before and removed immediately following the shows. Ms. Kennedy did note that she would not be able to prevent everyone from traveling that route; especially, if those attending that are coming from the direction of Keene. She assumed that they would most likely travel the shortest distance, which would be along Bound Tree Road.

Mr. McLeod assumed that the weather is a big factor when determining the number of shows that will take place. Ms. Kennedy agreed, stating that at the time of the third frost, or sooner, outside horse shows typically cease.

In response to Mr. Koontz's inquiry concerning a business plan, Ms. Kennedy noted that she has almost met her 5-year goals. What is now proposed is part of Ms. Kennedy's 10-year plan.

Ms. Scheinman inquired about the dust and its impact on properties in the area. Ms. Kennedy suggested that the dust created when traveling the ¾ mile of gravel road (Pleasant Pond Road) is no different from the dust created by campers that go to St. Methodios (Camp Merrimac Road) or Mile-A-Way Campground (Pine Street) by way of

those gravel roads. Ms. Kennedy agreed to work with the Public Works Director concerning the matter.

Chairman Rinden opened the public hearing portion of the meeting to request comments from those in attendance that were in favor of the application.

Abutter Roxanne Ellis, 1314 Bound Tree Road, spoke in favor of the application. She noted that 17 trailers traveled past by her home for the most recent show and that there was no traffic congestion.

Abutter Brian Hall, 1327 Bound Tree Road, spoke in favor of Ms. Kennedy's application. While on occasion Mr. Hall can smell the farm, he indicated that the smell is not profound.

Abutter Karen Kennedy, owner of Clement Pond LLC, spoke in favor of the proposal. Ms. Kennedy noted that most of the perimeter of the property is woodland.

Abutter Sheri Courser, 1340 Bound Tree Road, spoke in favor of Ms. Kennedy's application. Ms. Courser suggested that the road being gravel will always cause a problem with dust. She did not believe that the horse shows made a difference in the dust being created as when there is not a show the other vehicles traveling the road cause dust. She suggested that it is a maintenance issue that needs to be addressed with the Town.

Chairman Rinden requested comments from those in attendance that were in opposition.

Abutters Valerie and Ken Aubry, 1369 Bound Tree Road, spoke in opposition to the application. Ms. Aubry presented in writing their concerns and opinion about the proposal. In addressing the Board, the Aubrys explained how their property abuts Ms. Kennedy's property for approximately ¼ mile. She requested that the Board take no action on the proposal, so that they may have more time to review the application. According to Ms. Aubry, a week prior to the meeting they received the public notice but did not have an opportunity to review the application until the Saturday before the meeting.

Mr. and Mrs. Aubry advised of the previous owners, the Millers, who owned the Kennedy property in the 1970's and 1980's. During that time, the Millers had a small farm in which they boarded horses and offered hay rides. The Aubrys stated that there were no horse shows at the property; therefore, they suggested that what Ms. Kennedy is proposing is not a continuation of a previous use. Ms. Aubry suggested that the horse shows are commercial entertainment. She stated that the announcements and music from the loud speakers can be heard from within her home with the windows closed. This was very concerning to the Aubrys as they believed that the use of the loud speakers and the traffic caused by the shows has a negative impact on their property value.

Ms. Aubry brought to the Board's attention comments on Ms. Kennedy's Facebook Page advertising the venue as a space for large horse shows. Furthermore, Ms. Aubry suggested that Ms. Kennedy's recent comments in the Concord Monitor gave the impression that she is more focused on horse shows than providing boarding services.

The Aubrys took exception with Attorney Eggleton's "mischaracterization" of the activities that previously occurred at the property. Ms. Aubry reiterated that the Millers, who

previously owned the property, operated a very small farm in which they boarded a few horses and offered hay rides to the public.

Mr. Aubry informed the Board of a recent conversation that he had with a retired realtor who had indicated that a business will have a negative impact on their property value.

Mr. and Mrs. Aubry questioned why the noise wasn't measured from their home as it is downhill from the arena and adjacent to where the horse trailers are parked.

In conclusion, the Aubrys requested that the horse shows be prohibited or that the number and size of the horse shows be limited, and that the loud speakers be eliminated.

Mr. McLeod inquired with the Aubrys concerning the possibility that a sound buffer be installed between their properties. In response, Ms. Aubry indicated that the issue of traffic and the impact it has on the road will still need to be addressed. She suggested that due to the topography of their property (lower elevation) that it is not possible to alleviate the noise.

Chairman Rinden requested comments from those in attendance that were non-abutters.

Non-abutter Peter Debrusk, 1186 Bound Tree Road, spoke in opposition to the application. Mr. Debrusk concurred with the comments and concerns raised by the Aubrys; in particular, he agreed that the horse shows are not an agricultural use, but rather commercial entertainment. He, too, expressed concern with the noise from the loud speakers and the additional traffic along Bound Tree Road. He pointed out a conversation he had on August 24 with the sound engineer, who indicated that he had not measured the sound during a horse show.

Chairman Rinden inquired about the distance the Debrusk property is from the property in question. Mr. Debrusk estimated between 1,000 – 2,000 feet.

Non-abutter John Young, 1162 Bound Tree Road, provided the Board with a letter indicating he and his wife's concerns with the proposal. The letter mentions the Young's concern with the level of noise created during the horse shows as they can hear the announcements from their property.

Jeanne Kerr, 15 Pleasant Pond Road, explained that she is in a valley, across the street from the Aubrys. Now, instead of hearing the brook alongside her home, she hears the announcement and music from the loud speakers. Ms. Kerr expressed concern with the additional traffic and dust created. Directing traffic to Pleasant Pond Road means that the traffic will travel in front of Ms. Kerr's property.

MJ Debrusk, 1186 Bound Tree Road, addressed the Board in opposition to the application. She presented a letter in which she addressed the standards for a special exception and why she believed that the Applicant is unable to satisfy the standards.

David Smith, 173 Pleasant Pond Road, noted that he often walks Pleasant Pond Road and finds that those traveling with their horse trailers are very courteous and drive slower than others that typically travel the road.



Steve Lux, Clement Hill Road, explained how he had designed and installed Ms. Kennedy's sound system so that riders can hear when it is time for their event. One speaker is directed towards the Aubrys house, but can be moved. In comparison with the sound system at the Hopkinton Fairgrounds, Mr. Lux stated that Ms. Kennedy's system is clearer.

Josh Kerin, Bound Tree Road, spoke in favor of the application. Mr. Kerin believed that the facility will give residents a place to ride and enjoy horses.

Greg Sagris, Granite Valley, spoke in favor of the application. Mr. Sagris is excited to bring his family to the shows and believes it is good for Hopkinton to have a family event that residents can enjoy.

Marsha Evans, Stumpfield Road, spoke in favor of the application. Ms. Evans manages the 4-H Club that has used Ms. Kennedy's property for shows, such as Special Olympics. Ms. Evans discussed the expense of using the fairgrounds.

During this time, Chairman Rinden provided Ms. Kennedy and Attorney Eggleton an opportunity for rebuttal.

Attorney Eggleton stated that the Town did not indicate that a Variance is required as a "place of entertainment", but rather a Special Exception is required as a "commercial riding stable/riding trails". He then reiterated that, historically, agricultural activities have taken place at the property, and that horse shows are not an uncommon activity at commercial riding stables. In effort to explain that horse shows are not uncommon in Hopkinton, Attorney Eggleton made reference to an abutter's letter to the Board that indicated that there are other riding stables in Hopkinton that hold horse shows with or without a speaker system.

In response to an abutter's statement about being told by a realtor that their property value would depreciate, Attorney Eggleton indicated that statement is "hearsay". Attorney Eggleton reminded the Board that Ms. Kennedy presented a letter from Coldwell Banker – J. Hampe Associates indicating the benefits and positive impact horse facilities have had on the sale of homes in areas where these facilities are available.

Attorney Eggleton reiterated the fact that the Police Chief and Public Works Director had no concern with traffic safety because of the horse shows, and Ms. Kennedy's willingness to accept a limitation on the number of shows. Ms. Kennedy concurred, noting that if there is a limitation on the number of shows and it is determined, after some time, that there have been no issues, she will come back before the Board to request additional shows.

Ms. Schienman questioned the elevation difference from the Aubry house and the Kennedy property. Attorney Eggleton was unsure. Ms. Kennedy stated that when looking at the properties they appear to be at the same elevation.

Attorney Eggleton referred to horse shows as being similar to other agritourism activities that take place at farms, such as weddings. He suggested that if Ms. Kennedy is not able to balance the needs of her business and livelihood that she may need to develop her property to support the farm.

Ms. Gray asked for clarification as to the number of horse shows that Ms. Kennedy anticipates could take place within a period of nine (9) months. Ms. Kennedy estimated three (3) shows per month, again, depending upon weather conditions.

Mr. Koontz asked whether on average 27 shows a year would be acceptable. Mrs. Kennedy replied yes. Ms. Kennedy, again, stated that there may be a month that one (1) show is held and the next month four (4) shows are held, depending upon the weather.

Mr. McLeod inquired about the time frame of the “traditional season”. Ms. Kennedy responded, April – October. Mr. McLeod asked whether 27 shows from April – October would be acceptable. Ms. Kennedy replied yes.

Chairman Rinden provided the public with an opportunity to what had been said by the Applicant.

Valerie Aubry readdressed the Board taking exception to Attorney Eggleton’s reference to Ms. Aubry’s letter concerning horse shows at other horse facilities. Ms. Aubry noted that there is a significant difference in three (3) horse shows per year without a sound system versus 50 horse shows that are broadcasted over four (4) loud speakers. Again, Ms. Aubry strongly object to the noise associated with the horse shows. She also noted that her husband had spoken with the Director of Public Works, who indicated that he is opposed to the proposal.

Ms. Aubry, again, requested that the Board continue the application so that she would have an opportunity to review the application and consult with her own attorney.

Dan Blanchette, Director of Public Works, stated that he is neither for nor against the proposal. Still Mr. Blanchette was concerned with the impact that 50-60 vehicles, four (4) times a month, would have on the gravel roads. He suggested that 10-20 vehicles, up to four (4) times per month, would be acceptable. While Mr. Blanchette’s department works to keep the roads in a condition that they are suitable for travel, their resources are limited.

Ms. Schienman questioned whether Mr. Blanchette was concerned with the impact of the vehicles or the horse trailers. In response, Mr. Blanchette expressed concern with the weight of the trailers. Additionally, he stated that the impact of 20 vehicles versus 50-60 vehicles is a significant difference.

With no further comments from the public, Chairman Rinden declared the public hearing portion of the meeting closed.

Ms. Schienman wanted an opportunity to read the information submitted by the public. Mr. McLeod concurred, suggesting that the Board seek an opinion from counsel as the Ordinance does not clearly address the use of a commercial riding stable.

Mr. Koontz suggested that the Board continue the application, so to allow the Applicant an opportunity to work with the Aubrys in addressing their concerns.

During deliberation, Mrs. Gray stated that she wasn’t sure that there is a need for the sound system.

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Toni Gray, seconded by Greg McLeod, motioned to **CONTINUE** the application for Special Exception (**#2017-03**) to the next regular scheduled meeting (October 3, 2017, 5:30 PM, Hopkinton Town Hall), so that the Board will have an opportunity to review the information submitted by the public and to seek an opinion from counsel concerning “horse shows”. Motion carried in the affirmative (Gray, Koontz, McLeod, Schienman and Rinden).

***Note:** Chairman Rinden advised those in attendance that the public hearing portion of the meeting had been closed. The Board will not reopen public testimony or receive additional information, prior to or during the next meeting, except for the legal opinion from its counsel.*

### **III. Review of the Zoning Board of Adjustment Minutes and Notice of Decision of June 6, 2017.**

Toni Gray, seconded by Greg McLeod, motioned to **APPROVE** the Minutes and Notice of Decision of June 6, 2017 as presented. Motion carried in the affirmative.

### **IV. Adjournment.**

Toni Gray, seconded by Charles Koontz, motioned to **ADJOURN** the meeting at 8:05 PM. Motion carried in the affirmative. The next regular scheduled meeting of the Hopkinton Zoning Board of Adjustment is at 5:30 PM on Tuesday, October 3, 2017, at the Hopkinton Town Hall.

Karen Robertson  
Planning Director