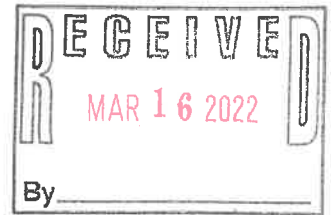


**CITY OF ROCHESTER
ZONING BOARD OF ADJUSTMENT**

CASE NUMBER: Z-2022-8



**ROCHESTER AGRICULTURAL AND MECHANICAL ASSOCIATION (RAMA)
APPEAL OF ADMINISTRATIVE DECISION**

**MOTION FOR REHEARING
PURSUANT TO NH RSA 677:2**

The undersigned respectfully requests that the Rochester Zoning Board of Adjustment rehear and reconsider its denial of a request for reversal of a determination by the Planning Department that a proposed Twisted Metal motor vehicle event to be held on May 7, 2022 is barred by the provisions of the Rochester Zoning Ordinance for the following reasons:

1. The conduct of non-fair events and activities at various times throughout the year has continued for many years without objection from the City.
2. The events are an integral part of the fair's use of the property and provides income as a hedge against inclement weather, travel costs and other variable factors which may adversely affect the paid admissions during the fair itself.
3. The conduct of special events also ensures that the fair directors will be able to pay taxes, insurance, repairs and other maintenance costs during the year.
4. The kinds of activities which have been conducted in the past include fireworks, yard sales, bake sales, car shows, swap meets, sports car rallies, egg drops, plant sales, rabies clinics, flea markets and demolition derbies, all without obtaining the necessary variances.
5. The enumerated events (and many other similar events) have been conducted for many years at various times without objection or interference from the City as evidenced by the attached list showing events spanning the period from 1999 to 2021. (*Exhibit A*)

6. The activities included on the attached list have been a continuing source of revenue for maintaining an annual fair and are a benefit to the general public and the City of Rochester and surrounding communities.
7. The activities which the City seeks to curtail have been traditionally utilized for the generation of funds to enable the directors to conduct an annual fair for many, many years, both before enactment of the amendment to the zoning ordinance in 2014 and after amendment of the ordinance.
8. To limit the use of the fairground to use only during the 6 or 7 days of the fair ignores the vested rights of the directors to use the fair property in the same fashion as used prior to and subsequent to adoption of the zoning ordinance revisions in 2014.

WHEREFORE the Rochester Agricultural and Mechanical Association "RAMA" respectfully requests that the Rochester Zoning Board of Adjustment:

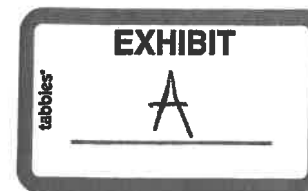
- A. Grant a rehearing pursuant to NH RSA 677:2;
- B. Upon Rehearing reconsider, revise and reverse its denial of RAMA's request for relief from the decision of the Rochester Planning Department's denying permission to conduct a Twisted Metal event.

Respectfully submitted
ROCHESTER AGRICULTURAL AND
MECHANICAL ASSOCIATION, d/b/a
ROCHESTER FAIR ASSOCIATION
By and through their Attorney
DONALD F. WHITTUM LAW OFFICE, PLLC

Dated: 3/14/2022

By: Donald F. Whittum
Donald F. Whittum, Esq., NH Bar #2736
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ROCHESTER, NH 03866-0862
(603) 335-3800

Rochester Fair Special Events



1999

Ben Campanele Motorcycle Race
(since 1992)
Carson & Barnes Circus
Club Victoire Company Function
(since 1990's)
Fireworks 4th of July (since 1977)
Weekly Fleamarket Auction

2000

Ben Campanele Motorcycle Race
Club Victoire Company Function
Fireworks 4th of July
Southern Maine Tractor Club
Weekly Fleamarket Auction

2001

Ben Campanele Motorcycle Race
Club Victoire Company Function
Fireworks 4th of July
Southern Maine Tractor Club
Weekly Fleamarket Auction

2002

Barrington Truck Show
Ben Campanele Motorcycle Race
Club Victoire Company Function
Fireworks 4th of July
Livestock Auction
Northeast Bull Riding
Southern Maine Tractor Club
Walker Brothers Circus
Weekly Fleamarket Auction

2003

Barrington Truck Show
Ben Campanele Motorcycle Race
Club Victoire Company Function
Fireworks 4th of July
Laconia Half Mile
Northeast Bull Riding
Southern Maine Tractor Club
Strafford County Conservation-
District Plant Sale
Weekly Fleamarket Auction

2004

Barrington Truck Show
Ben Campanele Motorcycle Race
Circus Hollywood
Club Victoire Company Function
Cub Scout Day Camp
Fireworks 4th of July
Medicine Bear Pow Wow
Northeast Bull Riding
Southern Maine Tractor Club
Weekly Fleamarket Auction
Wildfire Monster Mash

2005

Airstream Camper Festival
Ben Campanele Motorcycle Race
Fireworks 4th of July
Loaded Dice Motorcycle and Music
Southern Maine Tractor Club
Walker Brothers Circus
Wildfire Monster Mash

2006

All American Rodeo
Ben Campanele Motorcycle Race
Fireworks 4th of July
Wildfire Monster Mash

2007

Ben Campanele Motorcycle Race
Fireworks 4th of July
Half Moon Sober Festival
Street Rod Show
Wildfire Monster Mash

2008

Club Victoire Company Function
Fireworks 4th of July
Grandstand Flea Market
Half Moon Sober Festival

2009

Club Victoire Company Function
Fireworks 4th of July
Half Moon Sober Festival
Piccadilly Circus

2010

Airstream Camper Festival
Church Revival
Club Victoire Company Function
Egg Drop
Fireworks 4th of July
Lucky Seven Promotion Car Show
Lucky Seven Promotion-
Monster Truck Show

2010 Cont.

Motorcycle Ride and BBQ
Vermont Reggae Festival
Walker Brothers Circus

2011

Church Revival
Club Victoire Company Function
Fireworks 4th of July
NH Winery Association
Walker Brothers Circus

2012

Club Victoire Company Function
Fireworks 4th of July
Rochester Runners NH

2013

Club Victoire Company Function
DDA INC. Phone Book Distribution
Fireworks 4th of July
Motorcycle Ride and Band Event
SCCA Sports Car Club of America

2014

Bob Smith Concert (BBQ & Fireworks)
Club Victoire Company Function
Concerned Veterans for America
DDA INC. Phone Book Distribution
Egg Drop
Fireworks 4th of July
Renegade Challenge
Treasure Hunters Club

2015

Club Victoire Company Function
Parrot Head Festival-
of New England
Phantom BBQ
Sage Farm Antique Show
Town Square Yard Sale

2016

Freedom Run
New England Supercross
Phantom BBQ
Sage Farm Antiques

2017

Freedom Run
World's Largest Yard Sale

2018

RallyCross
World's Largest Yard Sale

2019

Egg Drop
RallyCross

2020

Twisted Metal 6/11/20
Entry Level Motor Sports 10/24/20

2021

Demo Derby
Enduro Derby
RallyCross
Swapmeet & Flea Market

2022