

## Preserving Rural Character: The Agriculture Connection

*“Agricultural activities are a beneficial and worthwhile feature of the New Hampshire landscape and shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers;”*

**RSA 672:1, III-b  
Zoning and Planning  
Declaration of Purpose**

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Preserving rural character is a top priority for virtually every small New Hampshire town. Larger communities put a similarly high priority on revitalizing their downtown. The whole state, including the legislature, is seeking ways to curb sprawl. All three of these important goals aim to preserve and enhance the quality of life in the Granite State – and all three are closely related.

Despite this strong desire to hold onto the rural character of their communities, many residents are frustrated and feel they are losing the battle. Part of the problem is that planning, zoning, and other local tax and government policies too often work against the stated master plan goals of preserving rural character and open space. Master plan committees, planning boards, zoning boards of adjustment, conservation commissions, and boards of selectmen or city councils may not see how some of their land use policies and regulations can lead to land use patterns that convert rural character into sprawl. Where we site schools and public buildings, and the locations of roads, sewer, water, and other infrastructure, can all have unintended consequences.

Implementing master plan goals to promote rural character, in the words of one seasoned planning board member, “is not a painless process.” Preserving rural character requires conserving open space and historic places. The planning, zoning, and tax policies required to achieve that goal may be controversial. A growing number of New England communities are realizing that one way to preserve rural character and heritage is to take a stronger role in stabilizing and fostering active, productive family farms.

Agriculture is an important element in open-space land use in New Hampshire. *This Technical Bulletin aims to help communities understand the connection between preserving rural character and a prosperous agricultural sector.* Like other small business operators, farmers need to be able to make money to support their families, and pay their property taxes. Farm profitability means owners of farm land can keep their farm and woodlands undeveloped. When farmers go out of business, or sell their farm to move to an area with less development pressure, the whole community is affected by the potential conversion of the land.

Communities that encourage agricultural and forest-based business activities go a long way toward preserving rural character and open space, the hallmark of New Hampshire’s quality of life. The first section of this *Technical Bulletin* explains the business of agriculture in New Hampshire, including its role in the local and state economy and in stewardship of our natural resources and scenic landscape. For communities that have decided rural character and local agriculture is important to their identity and future

well-being, the second section suggests ways local governments can be more farm-friendly and more effectively achieve their master plan goals.

Agriculture is a cornerstone of New Hampshire's rural landscape and communities. Yet the New Hampshire Coalition for Sustaining Agriculture – made up of government agricultural agencies, farmers and farm organizations, the NH Office of State Planning and Division of Historical Resources, state and local environmental and wildlife conservation organizations, and others — found that farmers struggle with local regulatory pressures and unfriendly attitudes toward farm enterprises. The public yearns for rural quality of life, but may not understand the realities of working farms and woodlots — of the productive, resource-based rural economy, as opposed to the consumptive uses of land and natural resources found in a typical suburban community.



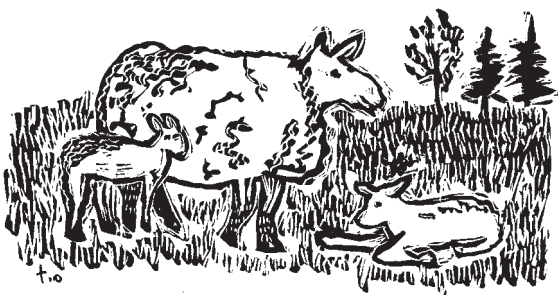
## WHAT IS RURAL CHARACTER?

New Hampshire's rural character is part of the state's bedrock appeal for residents and visitors. Our postcard scenery of white-spired villages, rolling farmland, wooded hills, mountains, and shorelines define the rural image of the Granite State. Use of the word *character* is no coincidence, for the phrase rural character suggests much more than visual images. When communities frame master plans around preserving rural character, people are seeking to hold onto and promote traditional rural or small-town values of family, community, independence, responsibility, self-government, conservation, entrepreneurship, and strong work ethic in a fast-changing world.

### Pretty and Gritty

Everyone wants the calendar-photography scenes of rural character, but along with the pretty side of rural character comes a gritty side. Farms are businesses that may have some commercial and industrial aspects. Trucks deliver supplies, haul crops from field to barn, and produce to market. Along with peaceful cows or woolly sheep grazing in the meadows, odors may emanate from stored silage feeds, and from storing and applying manure in accordance with environmental standards. Best management practices (BMPs) help keep odors and flies to a minimum. UNH Cooperative Extension and the USDA Natural Resources Conservation Service offer technical assistance to farmers and communities to ensure BMPs are followed. The NH Department of Agriculture, Markets and Food investigates and handles complaints.

The seasonally changing beauty of apple orchards usually involves some spraying of pesticides to produce profitable yields of fruit of the quality demanded by consumers. Orchardists employ best management practices and modern techniques to reduce pesticide applications and negative environmental impacts.



Neighbors may be annoyed by the early morning noise of equipment, especially if they are unaware that the reason the fruit grower applies sprays in the calm of early morning is to avoid pesticide drift.

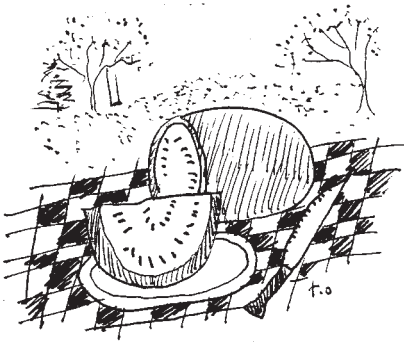
Like other business owners, most farmers in business today take pride in their farms, and work hard to maintain a neat, clean farmstead. Still, a working farm requires equipment and supplies stored on site. Farm businesses that sell directly to the public from the farm are especially likely to invest in maintaining attractive and appealing farmsteads, but farmstands also involve a certain amount of traffic and signage.



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## ENVIRONMENTAL AND SOCIAL BENEFITS

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Communities and neighbors who are tolerant and understand the gritty side of agriculture reap many benefits. Open land that farming maintains does more than provide soothing views. Farm and forest lands work to absorb and filter water, protecting ground and surface water quality; provide habitat and travel corridors for wildlife; and often provide recreational and educational opportunities to the community. Local farms provide fresh, quality food to the community and the region, linking producers and consumers in ways that can not be achieved when food travels over a thousand miles to the local supermarket. Our working farm and forest landscape not only helps attract tourists, it helps attract and retain businesses such as the growing number of software and high-tech firms that want New Hampshire's quality of life.



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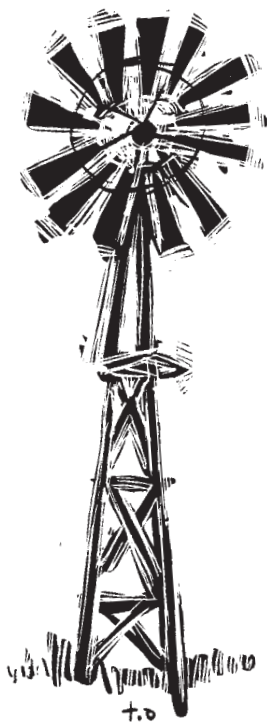
## ECONOMIC VALUE OF OPEN SPACE

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Several studies have shown the high economic value contributed by land in open space. Each acre of open-space land (not built up, excavated, or developed) provides \$1,500 of economic benefit to the state and community, according to "The Economic Impact of Open Space In New Hampshire," a 1999 study by Resource Systems Group, Inc., for the Society for Protection of NH Forests.

Dr. Colin High, lead author of the study, reports activities dependent on open space generate \$8.2 billion directly and indirectly each year — over 25% of gross state product. The report identifies open space as the direct underpinning of the economic sectors of agriculture, forestry, tourism and recreation, and vacation homes. Together these industries provide over 100,000 jobs and nearly \$900 million in state and local tax revenue.

According to the report, these estimates are conservative because they do not include the contribution of open space in attracting and retaining businesses and retirees, or the higher values of property located in the vicinity of open space. The report concludes that "The magnitude of the contribution of open space to the state economy demonstrates how important open space is to the



well-being of the people of New Hampshire and why open space should be a continuing issue of public policy concern.”

The Boston Federal Reserve Bank’s Spring 1997 Regional Review warns that the market economy does not sufficiently reward and sustain the open space benefits provided by working farms and woodlands. Titled “Farming In The Shadow Of Suburbia,” the article argues that agriculture’s importance to New England is far greater than just providing food and other products. “Open space and an attractive countryside are highly valued by nonfarm neighbors – in fact, these benefits increase as the population around to enjoy them grows. But they will be underprovided by the private market,” the article states. As population grows, open lands maintained by working agriculture become dearer. But precisely because the visual and environmental benefits accrue to all — while the farmer bears all the costs — the market economy will not protect farms.

That is why there is substantial public support for programs that tax farmland at lower rates, or pay farmers for their development rights, the article notes, offering the public policy rationale for New Hampshire programs like Current Use taxation, the Northeast Dairy Compact, and other programs to protect farm and forest land.

Land in agricultural use – whether growing corn in the field or poinsettias in greenhouses – makes minimal demands on community services. Studies conducted in eight New Hampshire communities (and over 50 communities nationwide) show that lands in agriculture and other open-space uses pay more in taxes than the costs to the community to provide the services needed by those lands. The opposite is true for residential land. The same studies have found that residential properties do not generate enough in taxes to pay for the services required by those properties. (See *Costs of Community Services* studies of New Hampshire towns and cities, or *The Dollars and Sense of Open Space* to see how farms and forests benefit town and school budgets.)

Open Space is an important economic indicator, according to the Business & Industry Association of New Hampshire’s *1998 Economic Opportunity Index*.

Open space is important to the state’s character and quality of life, and to the state’s economy.

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*The BIA identifies two positive economic opportunity indicators for open space:*

- 1) increasing acreage in ‘Current Use’ tax status, and*
- 2) permanently protecting more acres of conservation lands of all kinds.*

*The BIA report notes that the “working landscape used for farming and forestry” contributes to economic opportunity while maintaining open space valued by residents.*

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## COMMON FRICTION POINTS

Municipal officials and farmers from around the state report common areas of friction or misunderstanding. Much of this friction arises from lack of understanding of the needs of agricultural enterprises, and how agriculture differs from other businesses. Rural activities other than farming and forestry, such as small, backyard livestock holdings can also cause friction. (See *UNH Cooperative Extension Guide-lines for Space and Housing of Farm Animals*.) Common friction points include:

- *Accessory dwelling units.* Farmers' needs for people on-site to care for animals and plants may conflict with zoning regulations limiting the number of residences allowable on a site. Nearly all New Hampshire farm businesses are family-owned and operated. Owners – often more than one family or generation– frequently live at the farm. Farmers also often provide housing for employees so they can help with night births or animals escaping from fences, and to provide affordable housing for both year-round and seasonal workers.
- *Greenhouses.* Greenhouse crops are the fastest growing segment of New Hampshire agriculture, but local restrictions on erecting greenhouses and excessive tax assessments can burden growers. Many different types of greenhouses are used by growers for one or all stages of plant production. Greenhouses range from temporary, low-cost, portable structures to extremely high-tech, computerized, environmentally controlled growing spaces. Greenhouses can be important to both specialized and diversified farm enterprises that grow vegetables, fruits, and/or flowers and plants. Crops are produced in agricultural enterprise greenhouses, and may also be sold directly from the greenhouse. This is distinguished from a commercial florist greenhouse which displays and sells product purchased elsewhere.
- *Roadside stands and farm markets.* Retail sales are increasingly important to the viability of New Hampshire farms, and also foster links between community, consumers, and farmers. Local boards need to understand how farmstands and on-farm markets differ from supermarkets. They should apply maximum flexibility possible to protect farm land and other natural resources, as well as the farmer's ability to earn profits on his or her produce, while protecting the public safety.
- *Farmers Markets.* Local farmers markets, usually held in public spaces, provide a festive flavor of rural traditions and create opportunities for members of the community to gather and to support local farmers and craftspeople. Farmers markets can serve as incubators of new, small farming enterprises. They can also generate conflict over rules, fees, and parking. A visible, convenient location is critical to farmers market success. Flexibility, communication, and awareness of the narrow profit margins in agriculture will help communities encourage successful farmers markets.







- *Sign ordinances.* Farmers and growers need to advertise the availability of produce for sale. Sign specifications dictated in sign ordinances intended for commercial businesses are often inappropriate for most farm businesses. Many farm products are seasonal in nature, making temporary signage essential.

- *Sideline enterprises and home-based occupations.* In many communities attempts to restrict or prohibit home-based occupations or mixed uses through zoning regulations conflicts with the traditional rural economy, and with farmers' needs to supplement income through agriculture-related sideline businesses. Farms may be supported in part by on-farm processing of value-added farm products (eg, making jams from fruit, wreaths from dried herbs and flowers). Providing farm-related services and retail sales from a stand, the farmhouse door, or barnyard are part of many farm enterprises. Managed woodlots and harvesting of timber or cordwood is another aspect of many diversified farm operations. Sideline home-based businesses and cottage industries (eg, light manufacturing of supplies or equipment used in agricultural production in an old barn, or other alternative uses of farm buildings) have an important role in supporting farm families so they can maintain their farm and its open space. Such mixed uses are typical of the traditional rural economy and New England village.

- *Nuisance issues.* Most farms enjoy good relations with their neighbors. However, conflicts can arise over odors, manure spreading and handling, pesticide use, flies, noise, truck traffic, and slow-moving farm equipment on the roads, especially when residential development grows in close proximity to working farms. Requiring new development to include buffering from nearby agricultural operations can help prevent conflicts. Farm operations are well regulated by state and federal laws to protect public health and safety. Farmers who use pesticides in their weed, insect, or disease management programs must comply with stringent state and federal certification and record-keeping requirements. Those employing nonfamily labor must meet EPA's Worker Protection Standards. New Hampshire's Right-To-Farm Law (RSA 432:33) protects farmers who operate in accordance with recognized best management practice from nuisance complaints.

- *Resolving conflicts.* Most farmers in business today are conscientious and take pride in their farms. Calm communication, perhaps facilitated by local officials, can often resolve conflicts and help farmers and neighbors adjust to each other's needs. When neighborly discussion is not sufficient, communities can get help from several agencies. UNH Cooperative Extension, USDA Natural Resources Conservation Service, and Conservation Districts offer assistance to both towns and farmers in every county. The NH Department of Agriculture, Markets and Food responds to complaints about agricultural operations, and maintains guidance on agricultural best management practices. The NH Department of Environmental Services regulates land application of sludge.





## SIX MYTHS ABOUT NH AGRICULTURE



### ***Myth #1: Agriculture is a dying industry in New Hampshire.***

**Fact:** Agriculture is alive and well in New Hampshire!

Agriculture in New Hampshire is a diverse and dynamic industry, which includes full-time, family-owned dairy farms, fruit and vegetable farms, and greenhouse and nursery businesses, plus a growing number of smaller, part-time or start-up farms which raise fruits, vegetables, and flowers for retail sale at the farm, and/or livestock including beef cattle, sheep, dairy goats, horses, poultry, pigs, deer, and llamas. The 1997 Census of Agriculture recorded 2,937 farms in New Hampshire, an increase since the last census in 1992. Retail sales are the real growth area, with 690 farms reporting direct sales to consumers, totaling almost \$8.7 million. Macroeconomic trends of consolidation and global trade cause tougher competition for farms in New Hampshire, where soils, geography, and land values are not suited to the large-scale commodity agriculture found in other regions. Almost 96% of New Hampshire farms are classified as 'small farms' by USDA's definition of sales below \$250,000.

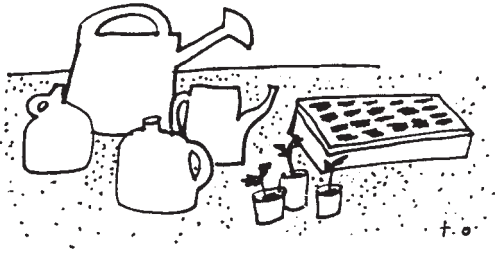
### ***Myth #2: Dairy farming is a dying industry in New Hampshire.***

**Fact:** Dairy farming retains its position as the most important agricultural enterprise in New Hampshire, with 1998 milk sales of \$53.5 million. Dairy farm numbers reflect national and regional trends of restructuring and consolidation, with dramatic decline everywhere except in a few western states which have seen rapid growth. Although New Hampshire's dairy farms have decreased in numbers, they have grown in size and productivity, maintaining stable levels of total milk production. New Hampshire's dairy industry is progressive, maintaining the highest productivity per cow of any state east of the Rockies for most of the 1990s, and providing quality breeding stock to domestic and export markets. Dairying supports the largest share of open agricultural lands in the state, with much farmland used for growing feed for dairy herds. Many former dairy farmers and other farmers are also part of the dairy economy because they grow feed or raise young cattle for dairy farms.

### ***Myth #3: A typical New Hampshire farm is a dairy farm with a red barn, silos, and cows.***

**Fact:** Agriculture in New Hampshire is now so diverse that it is no longer possible to identify a 'typical' farm. As dairy farm numbers have declined, the number of new agricultural enterprises, particularly horticultural, has grown. In 1998 the top three categories for New Hampshire farm receipts were milk with 35.4%, greenhouse and nursery 29.2%, and fruits and vegetables 16.1%.





***Myth #4: Greenhouse horticulture and ornamental horticulture are not farming.***

**Fact:** Growing or producing plants, including those used for ornamental or aesthetic purposes, is a growing part of agriculture in New England, especially in more developed or populated areas. More farmers are using greenhouses – often inexpensive, ‘portable’ structures – as tools to extend the growing season for high-value crops such as tomatoes, peppers, and strawberries. Greenhouses are often part of diversified farms that grow and offer a variety of fruits, vegetables, flowers, and herbs to local customers. Greenhouse and ornamental horticulture enterprises have grown to meet the demand from the expanding population of more affluent consumers. New Hampshire sales of greenhouse and nursery products totaled \$45 million according to the 1997 Census of Agriculture, up dramatically in just five years.



***Myth #5: Farming is not compatible with urban development and growth.***

**Fact:** Urban growth and development are seriously encroaching on farmland in many areas around the nation. Yet our growing population still needs to eat food produced on farms. Studies by the American Farmland Trust show the highest value agricultural production occurs close to population centers in urban or near-urban counties. As population grows, and land prices escalate, farms evolve to meet market conditions. Higher-value, perishable products like milk, fruits and vegetables, and ornamental plants are produced close to population centers. Residents of urban and suburban areas where agriculture is most threatened are regaining an appreciation for fresh, locally grown products. Concerns about livability and humanizing urban areas are leading to new interest in ‘urban agriculture.’ Cities are bringing farmers markets into downtowns, and starting community and rooftop gardens. Communities are helping needy urban families, including immigrant groups with rural backgrounds, to produce some of their own food and start small agricultural enterprises.

***Myth #6: Large-lot zoning will protect agriculture and preserve rural character.***

**Fact:** Large-lot zoning wastes land by carving large parcels of productive land into large house-lots and spreading development over a larger area. It does not save large blocks of open land that are so valuable for cultivation and for habitat. As communities become more developed, surviving parcels of farmland which may not comprise ‘a farm’ increase in value to local farm enterprises that need more land, or for start-up farming opportunities. Access to additional land can be critical to the viability of farm businesses in high-cost land areas like much of New Hampshire. Development patterns that direct development away from productive farmland (onto lower quality soils or sites, or in a clustered village pattern) are more supportive of



agriculture by leaving larger open areas with the best soils for farming. These development patterns also help conserve and protect other natural resources.



## FARMING ON THE URBAN EDGE

NH Counties Make the “Top 20 List” of Most Threatened High-Value Farmland Regions!

More than half the nation’s agricultural production in dollar value comes from urban-edge counties, where farmland and farming are most threatened. Studies by the American Farmland Trust (AFT) show that the highest-value and more perishable foods are produced closest to population centers. In the United States, 87% of fruits, 86% of vegetables, 79% of milk and dairy products, 47% of grains and cereals, and 45% of meat, poultry and fish is produced in urban-influenced counties.

New Hampshire’s prime farming areas are both nationally significant and vulnerable to development, according to the American Farmland Trust. *Rockingham, Hillsborough and Merrimack counties* are part of the southern New England region ranked #10 on AFT’s list of Most Threatened High-Value Farmland Regions, and parts of *Cheshire, Sullivan and Grafton counties* are included in the #19-ranked Connecticut River Valley.

HOW TO  
PRESERVE  
RURAL  
CHARACTER



AND  
FOSTER  
LOCAL  
FARMS



## MASTER PLAN FOR FARM FRIENDLY COMMUNITIES

The master plan is the tool communities use to set broad goals and ideals for the town, and guide land use and business activities including agriculture and forestry and development. The master plan process is an opportunity to express community vision and values. The best master plans are developed through broad and inclusive community participation. Regional Planning



Commissions, the Office of State Planning, and UNH Cooperative Extension county staff offer programs such as community design charrettes and community profiles to assist towns in achieving broad participation. Communities that choose to preserve rural character and encourage agricultural activity will want to ensure that their master plan, zoning, subdivision regulations, site-plan review, and historic district provisions are designed to achieve these results.

The master plan – as the foundation of the municipal regulatory framework — can play a pivotal role in insuring the continuing viability of a community’s agricultural tradition. A master plan clearly stating the extent and importance of agricultural enterprises to the town is valuable in its own right, and can be more useful in the event of a legal challenge to local land use regulations. Implementing supportable ordinances and regulations requires sound background data. *Soils mapping, agricultural profiles, and cost of community services studies* are all recommended information tools. As many of these as possible should be included, usually as addenda, in the master plan.

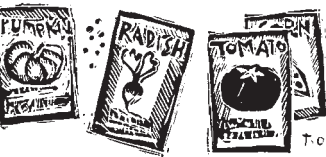
- A town-wide **soils map** indicating the presence of soils designated as ‘prime farmland’ and ‘farmland of statewide significance’ provides basic information to include in the master plan. These soils designations are determined by the USDA Natural Resources Conservation Service (NRCS), and indicate the areas within a community that are uniquely suited to agriculture. Municipal planners can use this map to consider existing and future land use policy in relation to agriculture and natural resources. Contact the Regional Planning Commission or county NRCS office for assistance.
- A community-based **agricultural profile** identifies current farming activities within a community, as well as future potential. The profile is a citizen-led process to inventory existing agricultural activity, active and inactive farmlands, and assess public and farmer attitudes toward agricultural enterprises. Contact the county office of UNH Cooperative Extension for information and assistance.
- **Cost of community services studies** (COCS) compare municipal income and expense by land use type (typically residential, open space, and commercial/industrial). The methodology developed by the American Farmland Trust has been applied in over 50 communities in 15 states. The eight studies completed in New Hampshire all showed that open land pays more in taxes than it costs in community services, even at the lower Current Use tax rate. Towns may benefit from reviewing the results of the New Hampshire COCSs, or from conducting one of their own. Contact the New Hampshire Wildlife Federation (603-224-5953), SPACE (Statewide Program of Action to Conserve Our Environment, 603-224-3306), or UNH Cooperative Extension for more information about these studies.

The master plan’s policy statements about land use should meld the community vision and values with the concrete information

from the soils map, agricultural profile, and COCSs. Since policy statements form the basis for regulations, they should relate specifically to community goals.

The master plan should clearly state the community's desire to encourage and protect the town's agricultural heritage and resources as a viable and necessary aspect of the community's present and future existence: as a basis for its rural, scenic, and aesthetic character; for its contributions to maintaining and conserving open space and natural resources; and its impact on the town's cultural, economic and environmental stability.

If the community seeks to preserve rural character, here are some examples of goals, policy statements, and actions to encourage agriculture.

Community Goal:	Implementation Strategies:
<p data-bbox="250 825 570 953"><b><i>Maintain and expand agricultural enterprises as part of the community's economy.</i></b></p>  <p>The image shows three seed packets standing upright. The leftmost packet is labeled 'PUMPKIN' and features a drawing of a pumpkin. The middle packet is labeled 'RADISH' and features a drawing of a radish. The rightmost packet is labeled 'TOMATO' and features a drawing of a tomato. The packets are slightly overlapping and have a vintage, hand-drawn aesthetic.</p>	<ol style="list-style-type: none"><li data-bbox="672 825 1455 1312">1. Remove impediments to agriculture in the zoning ordinance through measures to:<ol style="list-style-type: none"><li data-bbox="699 898 1455 993">A) Encourage new agricultural activity anywhere within the community unless a specific health or safety hazard can be documented.</li><li data-bbox="699 1003 1382 1098">B) Provide flexibility in zoning, subdivision, and site plan review regulations for agricultural uses and/or related activities.</li><li data-bbox="699 1108 1455 1203">C) Permit a wide range of farm-based enterprises by removing impediments to home-based business or other subordinate or accessory farm activity.</li><li data-bbox="699 1213 1455 1312">D) Encourage agriculture-related businesses to locate in the community, for example those supporting farms such as equipment, feed and seed, and other supply and service providers.</li></ol></li><li data-bbox="672 1365 1455 1486">2. Permit and encourage the continued use of land for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, and animal and poultry husbandry, in areas currently under such use.</li><li data-bbox="672 1497 1382 1535">3. Give agriculture priority over other uses in suitable areas.</li><li data-bbox="672 1545 1463 1703">4. Establish a Right-to-Farm ordinance recognizing agriculture as a valuable part of the community's culture, landscape, history, and economy, and providing notice that while farming can cause noise, dust, or odors, these are not nuisances if best management practices are being applied.</li><li data-bbox="672 1713 1455 1810">5. Promote and support the establishment of a farmers' market in a commercially attractive location to help create new markets for locally grown agricultural products.</li></ol>

***Protect or preserve the land base for agriculture in the community.***

1. Encourage traditional village pattern and cluster development designed to preserve usable amounts of open, farmable land.
2. Support renewed funding of the state's program to preserve important agricultural land through the purchase of development rights or conservation easements and seek support from other communities in the region.
3. Encourage listing of suitable land in the Current Use Tax program.
4. Place conservation easements restricting development, but not limiting agricultural uses, on farm land which becomes town property, before it is resold.
5. Seek private and public funding to purchase development rights on key agricultural lands as part of open-space protection efforts.

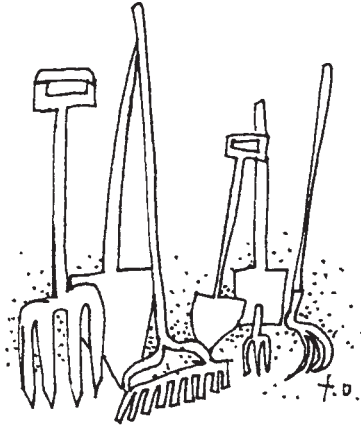
***Create a farm-friendly regulatory and community environment.***

1. Exempt agriculture, or at least clearly differentiate subdivision and site-review requirements for agricultural enterprises from those regulating commercial, industrial and residential development.
2. Allow greater flexibility in subdivision design to enable coexistence of agricultural endeavors and other land uses.
3. Review the town's entire regulatory framework to minimize barriers to agricultural and related enterprises.
4. Buffer new non-agricultural development from existing or potential farm locations to prevent or minimize negative interactions.
5. Have the conservation commission and/or the planning board ask all resident farmers and agricultural property-owners how the community can enhance the viability of agriculture in town, and make recommendations to the community accordingly.
6. Review the town zoning ordinance and investigate possible alternatives to further protect important farmland and recommend changes as appropriate.
7. Encourage designation of historic barns and agricultural sites to qualify for more flexible code provisions; encourage and facilitate reuse of historic barns and agricultural structures; and minimize tax burdens on old and historic agricultural buildings.
8. Monitor municipal actions for impact to agriculture.
9. Support agricultural education programs and events.



## **FARM-FRIENDLY ZONING**

The zoning ordinance is the most direct regulatory tool for carrying out master plan goals and policies. A zoning ordinance that does not recognize the needs and complexities of contemporary agriculture puts the community at risk of losing farms to



development – and losing the economic, environmental, and rural values contributed by farming.

If zoning regulations are applied to agriculture, at a minimum the ordinance needs to apply flexibility to issues related to farming. Towns and cities can support agriculture's vital importance to the overall health of the community by adopting a mutual-gains, problem-solving approach to any conflicts between agriculture and zoning regulations that may arise. Municipal planners should include people actively involved in agriculture from the beginning in developing or revising ordinances to ensure flexibility, and elimination of barriers or burdens to farming enterprises. A process for ordinance preparation should include the following:

1. *Identification of significant farmland soils within the community.* Even if there are currently no active farms in town, prime agricultural lands in an undeveloped condition are a distinctive natural resource worthy of conserving for future farming activity, as well as for aesthetic and environmental benefits to the community.

2. *Participation by the local agricultural community,* including UNH Cooperative Extension staff. Local farmers and others involved in agriculture know how farming is affected by existing ordinances and regulations, and are the local experts on the needs and concerns unique to farming that should be considered when developing a zoning ordinance.

3. *A comprehensive agricultural profile for the town,* perhaps region-wide. This study identifies existing and potential agricultural resources, and helps establish the base of understanding and support for zoning measures. Identify historic farms and agricultural buildings in this inventory.

4. *A concerted public outreach program to inform the public* about the benefits of agricultural activity to the community, the ways in which the community can support and encourage farming, and the specific public good expected to result from zoning measures that promote agricultural viability.

Zoning ordinances require a high degree of flexibility to address the many issues associated with the diversity of contemporary agriculture. Among the more important:

***Establish a clear definition of agricultural activities and what constitutes an agricultural use.*** The definition of agriculture should be broad and inclusive to reflect the diversity of New Hampshire agriculture and allow for continuing changes in response to changing markets. The state's definition under RSA 21:34a provides a good starting place.

***Allow agricultural activities throughout town.*** Farms can operate close to residences or commercial establishments, providing rural relief and softening the impacts of development. Limiting farming only to business districts or residential-agricultural zones is counter-productive.

***Recognize that farming enterprises include agricultural accessory uses, from machinery sheds to housing, and on-site farm-related business, such as farmstands or processing facilities.*** Zoning



regulation should be sensitive to the needs of farm businesses. Farming frequently involves activities which add value to the commodity being produced or which support the management of the farm. Some farm operations require employee housing on-site, year-round (e.g., dairy) or seasonally (e.g., orchards).

**Establish a Right-to-Farm principle.** New England towns are beginning to take a stronger role in fostering and stabilizing active, productive family farms. A growing number of towns actively support local farmers under pressure from neighbors who don't like the noise or smell of farming operations. Require developers of properties adjacent to actively farmed land to establish buffers to help prevent conflicts. Inform potential abutters that the farm has the right to carry out farm-related operations and will not be considered a nuisance if best management practices are used.

Large-lot zoning was long viewed as a tool for preserving open space and agricultural land, but it results in fragmentation of the land resource and reduces opportunity for agricultural enterprises. See Myth #6 in Six Myths About New Hampshire Agriculture (page 9). Open space/cluster and traditional village development patterns can help preserve open lands.



## SUBDIVISION AND SITE PLAN REVIEW REGULATIONS



**Subdivision regulations** guide the division of large parcels of land into smaller units. Unlike the zoning ordinance which requires approval by town voters, subdivision regulations are developed and adopted by the planning board. The process of subdivision can have the greatest impact on the landscape of any actions undertaken by local government. In most cases only highway design and construction has more impact on the character of the community.

Some alternatives to the standard, large-lot subdivisions are open space/cluster or mixed use development patterns. Authorized as innovative zoning techniques (see RSA 674:21), these types of development can help keep good land available for farming. However, the local land use boards must carefully review these regulations to ensure that these regulations preserve large, usable parcels that can be farmed. Allowing more intense commercial, industrial, or residential development in one area in exchange for permanent protection of a large, farmable parcel can also preserve farmland. For those communities that want to encourage agriculture, there are situations when agricultural uses can be exempted from subdivision regulations, such as land divided for agricultural use, housing for farm workers, development of buildings for farm-related uses, etc.

**Site plan review** is the regulatory tool New Hampshire communities use to guide non-residential and multi-family residential development to conform with local design preferences. The legislative body of a town that has zoning and subdivision regulations



can authorize the planning board to adopt site plan review regulations. These regulations can be damaging and even prohibitive to farm businesses. Towns that are serious about preserving rural character and promoting farming should consider exempting farms from site plan review regulation.

Site plan review regulations adopted without consideration for the unique characteristics and needs of agriculture risk discouraging farming and preventing farmers from making changes and improvements needed to remain economically viable. Site plan review regulations need to consider farming's differences from other commercial activities, including financial constraints, seasonality, farm location, size and type of agriculture, and the increasing importance of direct marketing. Site plan review regulations for farm businesses can be modified to reflect these differences. For example, parking needs for seasonal farm retail activities should not be subject to the same regulations as parking for a mall.

The increasing technical sophistication of local site plan review regulations places excessive burdens on the agricultural community. Many New Hampshire cities and towns, especially in the southern part of the state, require a plan prepared by an engineer to satisfy local site plan review regulations. This requirement alone can cost \$2,500 to \$5,000 or more, financially prohibitive for a farmer who needs better housing for heifers or a farmstand to sell sweet corn and tomatoes.

The planning board in a community that wants to encourage agriculture can take several steps to prevent burdensome regulatory costs. State law (RSA 674:43) allows a local legislative body or the planning board to establish threshold limits below which site plan review is not required. Many farmstand and other farm uses are legitimate examples of the kinds of commercial activity that could be exempt from the local regulatory review process. These uses may exist for short periods of time related to crop production cycles; make minimal on-site alterations or improvements; generate low traffic numbers; and/or involve small numbers of employees. All of these are sound reasons for excluding such activity from the requirements of site plan review.

Communities uncomfortable with complete exemption of farms from this local review process could establish a reduced or modified site plan review process. For example, site sketches prepared by the applicant rather than by an engineer or licensed land surveyor could be accepted, keeping local regulators informed of new on-site activity without the high costs of traditional commercial site development.

**Modern farm systems, including manure management systems, can be very complex and specialized. Planning boards can get the expert information and advice they need to understand and evaluate these plans properly from UNH Cooperative Extension, USDA Natural Resources Conservation Service, or conservation districts.**



Signage (sometimes regulated in the zoning ordinance) is often a difficult issue for planning boards regardless of land use type. Farm enterprises often have specific needs. Sign regulations that do not allow off-site placement and temporary signage for agricultural businesses can be highly detrimental to farm viability.

Regulatory flexibility is also needed for hours of operation afforded farming activities – including Sundays and holidays. In a business dependent on weather and short growing and harvest seasons, working long days at certain times can make or break a crop. Agriculture-friendly communities will ensure their local site plan review regulations provide critically needed flexibility for farm businesses.



## COMMUNITIES ARE DETERMINING THEIR FUTURE

The New Hampshire Office of State Planning projects continuing population growth for the state. Continuing development will put more pressure on farms, driving up their costs and increasing complaints from new neighbors. Continuing population growth and development do not have to ring the death knell for agriculture. Indeed, farmland and farming will become all the more valued and valuable as more of the state becomes urbanized. Large and small communities can make a real difference in shaping the future landscape and character of community and state by encouraging agriculture now.

Strategies that can help include:

- Local and state tax relief policies and programs that recognize the economic realities of new and old farm buildings and land, and help preserve open space maintained by farmers;
- Creative marketing programs to make people aware of the value and availability of local products;
- Support for active farming practices against complaints, and of state and local right-to-farm laws that protect farmers against nuisance lawsuits;
- State, federal, and local programs to conserve farmland by purchase of conservation easements and development rights.

Cities and towns that want to preserve some rural character and heritage can play a key role in helping New Hampshire farms stabilize and prosper in the midst of the challenges brought by growth and development. This part of our New Hampshire heritage can have a vibrant future if today's citizens are careful stewards of their communities' natural and cultural legacies.

