



Preserving
Rural
Character
Through
Agriculture

A Resource
Kit for
Planners

NEW HAMPSHIRE
COALITION FOR
SUSTAINING
AGRICULTURE

Preserving
Rural Character
through Agriculture

A RESOURCE KIT FOR PLANNERS

December 1, 2000

Dear Reader,

Preserving Rural Character Through Agriculture: A Resource Kit For Planners is intended to inspire you to take steps towards making your community more farm friendly—and as a consequence, to make an important contribution in preserving your community's rural character. No, we don't expect that you can or should do this alone. You'll need to connect with others in your town or city and with outside resource agencies. Therefore we encourage you to pass the Resource Kit along to as many people as possible, thereby building support for farm friendly regulatory changes. Before doing so, please feel free to make copies of articles for your personal use, for distribution at community meetings, to send to others, and so forth.

Regards outside support, the *Resource Directory* in the Kit contains a listing of agencies that can provide assistance; or you can contact me for a referral.

The publisher, the NH Coalition for Sustaining Agriculture, needs the help of readers to keep track of who has the *Resource Kit*, in order to send periodic updates and additional materials: this explains why the binder is considerably larger than necessary for the information it holds at this time. When the *Resource Kit* stops circulating in your town, please deliver it to your library (or planning board, or conservation commission), and have the librarian contact me with the registration number.

The Coalition would also appreciate your comments: Was the information helpful? How was information in the Resource Kit used?

Thank you,

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PS Resource Kit materials are being made available online at the UNH Cooperative Extension Web site: <http://coopext1.unh.edu/sustainable/farmfrnd.cfm>

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to future generations.

Videotape:
Preserving Rural Character Through Agriculture

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*



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

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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.



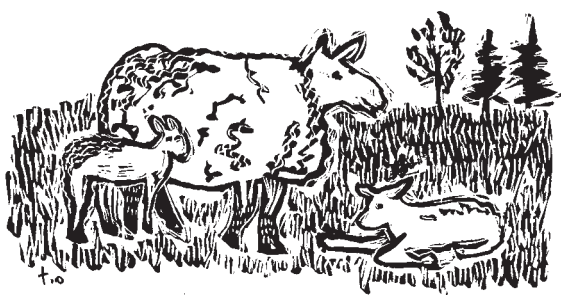
WHAT IS RURAL CHARACTER?

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.

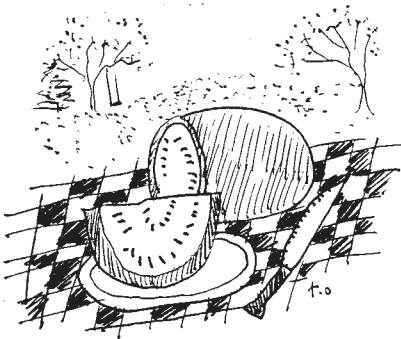


Neighbors may be annoyed by the early morning noise of equipment, especially if they are unaware that the reason the fruit grower applies sprays in the calm of early morning is to avoid pesticide drift.

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 farmsteads also involve a certain amount of traffic and signage.



ENVIRONMENTAL AND SOCIAL BENEFITS



Communities and neighbors who are tolerant and understanding of 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.

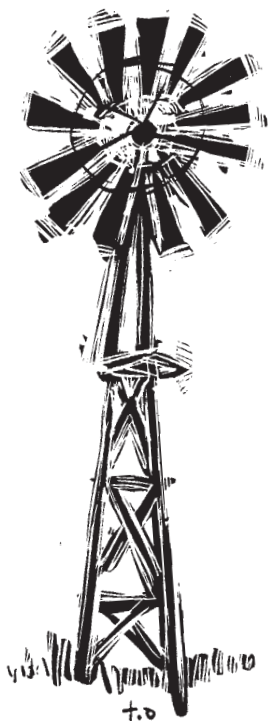


ECONOMIC VALUE OF OPEN SPACE

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.

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.*

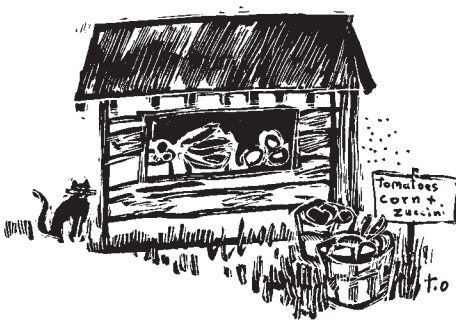
The BIA report notes that the “working landscape used for farming and forestry” contributes to economic opportunity while maintaining open space valued by residents.



COMMON FRICTION POINTS

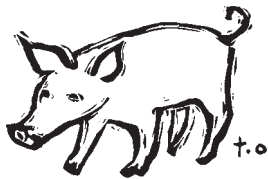
Municipal officials and farmers from around the state report common areas of friction or misunderstanding. Much of this friction arises from lack of understanding of the needs of agricultural enterprises, and how agriculture differs from other businesses. Rural activities other than farming and forestry, 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.

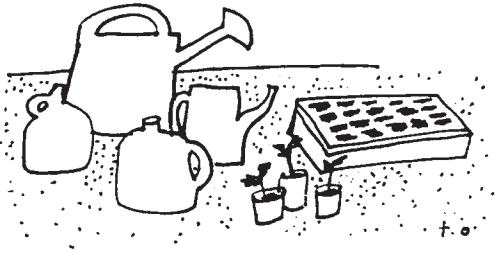
Myth #2: Dairy farming is a dying industry in New Hampshire.

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:

Maintain and expand agricultural enterprises as part of the community's economy.



Implementation Strategies:

1. Remove impediments to agriculture in the zoning ordinance through measures to:

- A) Encourage new agricultural activity anywhere within the community unless a specific health or safety hazard can be documented.
- B) Provide flexibility in zoning, subdivision, and site plan review regulations for agricultural uses and/or related activities.
- C) Permit a wide range of farm-based enterprises by removing impediments to home-based business or other subordinate or accessory farm activity.
- 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.

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.

3. Give agriculture priority over other uses in suitable areas.

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.

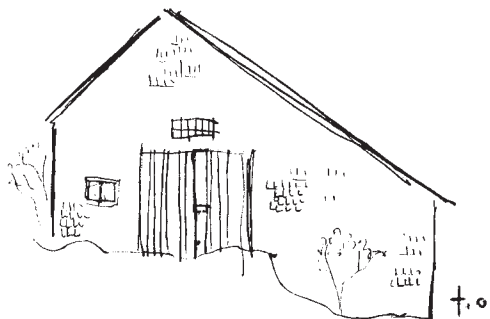
5. Promote and support the establishment of a farmers' market in a commercially attractive location to help create new markets for locally grown agricultural products.

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.

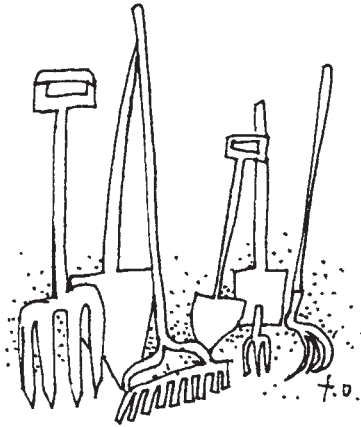
Create a farm-friendly regulatory and community environment.

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.



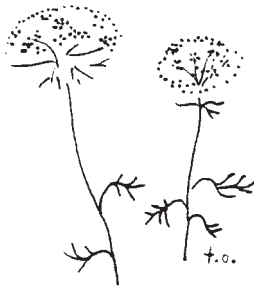
COMMUNITIES ARE DETERMINING THEIR FUTURE

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.

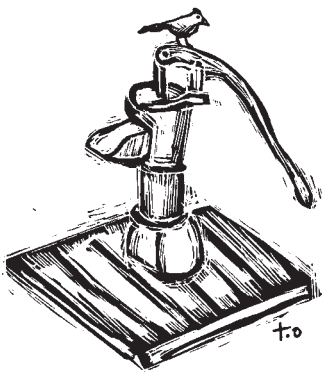
Cities and towns that want to preserve some rural character and heritage can play a key role in helping New Hampshire farms stabilize and prosper in the midst of the challenges brought by growth and development. This part of our New Hampshire heritage can have a vibrant future if today's citizens are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



Promoting Agriculture in Your Community

by Gary Matteson

*Gary Matteson grows
market flowers in Epsom
and is a director of
First Pioneer Farm Credit.*



ALL WE HAVEN'T GOT MAKES US APPRECIATE ALL THAT WE HAVE

An old Yankee once said that if North America had been settled from the west coast instead of from the east coast, New England would still be uninhabited. It is a lot easier to add up all the things that New Hampshire lacks than it is to list our developable natural resources. New Hampshire lacks the coal and iron ore deposits to build a steel industry. We never had the oil reserves of Texas, although once we almost got an oil refinery. New Hampshire doesn't have the precious mineral deposits that the Far West has, although we've been chipping away at the local granite for a couple hundred years. Our farm land has been described as a little bit of soil sprinkled between rocks, with a growing season so short that it sometimes seems better suited for icicles than plants.

Yet for all that New Hampshire lacks, it is rich in the sense of place called "quality of life." It is a paradox that while we have few exploitable natural resources, our scenery and surroundings have become our greatest natural asset. We love our rugged landscape and the cultural expression it has generated – the historic homes in which we live, the renovated brick mills in which we work, the stately schools and public buildings in which we conduct our civic affairs. New Hampshire has a certain look and feel that is good, and the effort to encourage the good and discourage the bad is an accepted element of our citizenship. Land use planning is our communities' most effective local tool for identifying and advocating the public good in elements of the physical environment, which make up our quality of life.



LAND USE TRADITIONS THAT BUILT TOWNS AND IDENTITY

Planning and zoning efforts are a recent intellectual template laid upon more than 350 years of New Hampshire history. Our forebears managed with rudimentary land use controls which, similar to subdivision regulations, laid out the town proprietors' claims into lots and ranges (the origin of the long stone walls marking "range roads"). A few more sophisticated land use laws saw general application, such as parcels set aside for ministers' houses and schools, and even requirements for all brick construction after devastating fires in formerly wooden cities like Portsmouth.

This inherited landscape containing both planned and unplanned uses is what we have to work with. If some of the land use we have been bequeathed is good and contributes to our quality of life, then it makes sense to try to understand how it got this way. Land use patterns in New Hampshire that were established in simpler centuries did not contemplate the current rate of growth nor the accumulation of population, housing, and commercial uses.

Much of the identity of New Hampshire rests in the unique combination of three factors: geographically based land use patterns, slowly accumulated capital stock (like buildings), and proximity of varied land uses (like the mixing of commercial and residential uses).

Unlike the wide-open spaces elsewhere in the United States, development in New Hampshire has been restricted by geography



until recent improvements in road and home building capabilities. From the air, the historic pattern of development in New Hampshire has been visibly constrained by our granite hills and flood prone valleys. Flying over the less populated parts of the state, the land use model of an earlier time is still evident: room for a town here where the valley widens, or there for a water powered mill site. And lots of farmland in between the towns to grow food and forage. One practical effect of geographically based land use is that the centers of most towns are just where they were a hundred (or two, or three hundred) years ago, even as recent growth has filled in the space between towns and crept up hillsides.

New Hampshire's capital stock of buildings, bridges, and roads that we have received from our predecessors owes as much to Yankee frugality as to economic indifference. We tend to have and keep old buildings and infrastructure because of a cultural bias for well crafted, durable construction – and then getting every last bit of value from that effort by knocking down buildings only just before they fall down. Many of the mill buildings scattered around the state exist only because it cost too much to tear them down after the shoe and textile industries moved out; economic indifference being the cheapest form of historic preservation. The result is a landscape of historic impressions that has often guided successive eras to tasteful restraint in the New England style.

The relative closeness of one town to another was often based on economic factors like the distance between suitable mill sites, or an easy day's walk from outlying farms into town. On a smaller scale, the proximity of land uses in a New Hampshire village is echoed in the layout of the typical extended ell farmstead. The residential farmhouse that stretches into barns through utilitarian carriage sheds, milk rooms, and workshops displays a combination of uses that would make a modern zoning compliance officer's head spin. And that's just the same concentrated, multi-purpose mixture that sprang up in old New Hampshire villages, too. The resulting jumble of dense, mixed-use development allows the built environment to maintain a human scale that fosters the "small town feel".



DEFINING RURAL CHARACTER

Land use based on geography, the long-standing built environment, and the village center/farmstead collection of closely mixed uses all contributed to the evolution of the identity we now call New Hampshire. These factors that once had so much to do with the making of the local identity are now greatly diminished in their influence. Construction methods can now literally move mountains to build homes and stores on land formerly marginalized by rough terrain, or the distance now crossed easily with automobiles. The long standing built environments of downtowns and main streets suffer from the competition of rapidly built strip malls and shopping centers. The car has redefined proximity, and closely mixed uses are now the exception to most zoning ordinances.

Not only are these historical influences that created the character of New Hampshire diminished in influence, they are often not recognized as guides to understanding why we value what we have. The appeal of a small town has been retained as a rural ideal.



However, as those small towns grow the cherished elements of character are diluted by the influx of people. They seek to enjoy the rural character that their new communities find harder and harder to remember, much less define by enacting local land use regulation to protect what is good about the town.

The population trend of deconcentration, where people are moving away from larger, more densely settled areas toward lightly settled places will only increase the dilution of small town character. This scattering of population in rural areas is enabled by economic and technological changes that allow small businesses to operate without the critical mass of associated enterprises traditionally found in urban locations. Telecommuting may provide some capability for business relocation in rural areas, but of more importance is the "Federal Express" effect. The capacity of any small manufacturing firm to assure "absolutely, positively overnight" shipping from the end of a dirt road will certainly mean more decentralized development in rural areas.



PLANNING TO KEEP RURAL CHARACTER

Master plans in many towns have a specifically stated goal of "maintaining rural character." Translating a theoretical policy statement from the Master Plan into concrete, enforceable Zoning Ordinances, Subdivision, or Site Plan Review Regulations is the Planning Board's job. Proposing to voters what rural character means in terms of local land use is a daunting task for any Planning Board, yet that is squarely where the responsibility lies.

Towns with few planning resources, part-time volunteer boards, or poorly pursued Master Plan goals may suffer more insidious insult to their rural character by losing it piecemeal. At public hearings on proposed local land use ordinances or regulations we are more likely to agree on what we don't want than what we do want. But keeping our quality of life means reaching agreement and identifying positive actions. Efforts to maintain rural character should not begin with a list of types of businesses or development to be kept out of town, because such a broadcast approach will likely have unintended consequences.

When New Hampshire towns and cities utilize local planning and zoning authority to design their future, a frequent omission is the means to identify and keep what the community deems to be good. By its nature and purpose, planning looks to the future. But how do we prevent our future-oriented plans from inadvertently harming what we now enjoy?

Planning and zoning regulation is an effective method to describe and then achieve a particular outcome for a community. Ideally, the process is meant to consider the effects of change, and then conserve those things judged important that add to the overall quality of community life. However, the potential unpleasant consequences of proposed land use changes are often brushed aside. We've all heard the dismissive phrases: "it's the price of progress", or "you can't stop development." We need to give more thought to what our towns will have to give up in the normal course of growth, rather than planning only for growth. Of course, the future will never get here; it's the prospect of a present that is worse than

the past that should give us pause.

It's nearly un-American to suggest that the loss of a scenic farmstead or cornfield is grounds to deny a new strip mall in town. But what if that sort of stark choice could be avoided? Maybe all we can see are the harsh alternatives because we are missing something in our current thinking about how to respond to development pressure. Since scenic farmsteads, open space, wildlife habitation, watershed protection, low density housing, local business, and lower town-wide taxes (due to less residential development) are the kinds of things that communities want, then why not enable farm-friendly local land use regulations – and let farm businesses provide a buffer to development by their presence.

Local regulations can encourage retention of land uses with characteristics desirable to the community by consciously designing farm friendly opportunities and outcomes. Towns can advocate a vibrant, thriving sector of the local economy that is compatible with the community desire to have scenic farmsteads. Prosperous farm businesses better resist the temptations of suburban sprawl than can fallow fields.

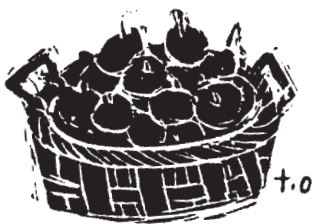


PUBLIC COMMITMENT AS A BASIS FOR MAINTAINING RURAL CHARACTER

There is no magic solution for drawing rural character out of local land use regulations. Adopting farm-friendly changes in local land use ordinances and regulations can provide immediate benefits, but may be too specific to deal with unanticipated future land use issues. Towns seeking to maintain a sense of rural character should recognize that long-term success requires a coherent public policy expressed in the Master Plan. The best procedure for activating the Master Plan phrase "maintain rural character" to create a well defined public policy will follow a different course in every town. The story of how one town achieved a high degree of farm friendliness illustrates some general principles that may apply to your town.

Londonderry is a southern New Hampshire town that faced the turmoil of growth in the past decade by recognizing what it had to lose. In the midst of fast-paced subdivision and even faster commercial development, citizens and planners used the Master Plan process to define which elements of rural character were valued. Specific locations that were held dear as community cornerstones by townspeople were identified, such as the apple orchards at the center of the town, and became the basis of an Open Space and Orchard Preservation plan. The process of identifying and collecting information about historic, environmental, and quality of life characteristics helped build a constituency that valued rural character.

A list of which land should be protected was prioritized, and this also served to identify the broadest coalition of groups that could be marshaled for support. The preservation of apple orchards near the center of Londonderry was a primary concern because of their visibility, their economic contribution to the town, the large land area involved, and the sense of historic value. Preservation techniques adapted from the American Farmland Trust Toolbox (see Appendix) were used to evaluate different preservation approaches.





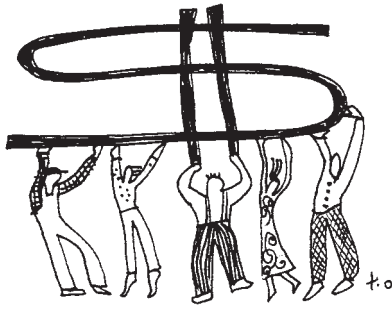
The first preservation effort was to designate the road running through the orchards as a Scenic and Cultural By-way. This deliberately limited the town's ability to improve the roadway for further development, and allowed the town to receive funds for purchasing related easements as well as promotion of the By-way with brochures. Such designation cost virtually nothing, and succeeded in increasing public attention to the desirability of protecting the orchards and surrounding land. The obvious question of "what makes that road so special?" provided the opportunity to tell the history and other reasons to value the orchard area. Generating support for the roadway to become a Scenic and Cultural By-way allowed the very human stories from local history to be made known to a much wider audience. The Open Space and Orchard Preservation program was titled the "Apple Way" for a succinct and descriptive promotional identity.

One of the apple orchards of primary preservation concern, Moose Hill Orchard, encompassed a meadow known as "The Old Flax Field." The unique history of "The Old Flax Field" played an important role in raising the perceived public value of the orchards along the Apple Way. At the time of the inauguration of George Washington, Londonderry was a leading grower of flax for linen. The Continental Congress gave the new President a gift of two linen shirts from Londonderry, made from flax likely grown in "The Old Flax Field."

Other bits of history were associated with the Apple Way by placing historical street signs that told a story, such as "Pillsbury Road, site of the first refrigerated apple storage in the US" or "The oldest extant Presbyterian congregation in New England" near the corner of Church Street. Highlighting the area's historical connections became a means to give citizens (including the many newcomers) a sense of place. Awareness of history was used to raise the significance of the land in the public perception, and subsequently parlayed by the town planners into two \$100,000 grants from the Federal Farmland Protection Program to help buy the development rights of "the Old Flax Field" along with the rest of Moose Hill Orchard. Small quantities of flax are still grown on the property for souvenirs, and help maintain the town's association with its agricultural past.

The success of preserving historic farmland led to *more* success! Public sentiment had been mobilized; goals had been set and met. The next hurdle was sustaining the effort. By forming an alliance with the Londonderry Conservation Commission, the Apple Way and farmland preservation effort was able to build support among voters for establishing a dedicated funding source. Under New Hampshire State law, the revenues collected by a town's Current Use Penalty Tax can be dedicated to the Conservation Commission. Utilizing their authority to receive and expend these funds, the Conservation Commission held public hearings to explain that land and development rights purchases of farmland along the Apple Way were consistent with open space preservation goals in the Master Plan. Collaborating to build public support for preservation priorities while establishing a dedicated funding source made a win-win-win situation (the winners being townspeople, agriculture and local government).

Like any good drama, after so much success the Londonderry



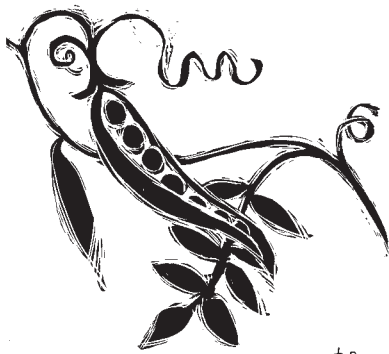
farmland preservation and Apple Way effort had to suffer a setback. When supporters went through the process to utilize a bond issue to fund land and development rights purchases the measure failed to get the required two-thirds majority. Instead of collapsing upon defeat, the enterprise was redirected to a citizens' initiative to get money set aside in a reserve fund. A non-lapsing five year reserve account was created specifically to match funds raised through gifts, grants, or Current Use Change Tax dollars. Within that 5-year time frame, supporters were able to bring in \$400,000 of outside funds to support Apple Way farmland preservation and Conservation Commission goals.

The essential part of winning such support was a study that revealed the cost of open space as compared to residential development. This scholarly analysis by a consulting firm showed the *cost* to the town of permitting open space apple orchards to become residential housing (similar studies have been done in many communities by Phil Auger of UNH Cooperative Extension). The case was made that buying development rights to the orchard lands would actually *save* the town money by avoiding expenditures on utilities, schools, and infrastructure which would result from residential development. This detailed economic impact analysis was convincing to voters' pocketbooks, and their rural consciousness. Other benefits gained by the town provided solid reasons to persuade voter approval.

Londonderry now enjoys permanent protection of a very visible portion of its farmland, along with historic and conservation resources. The Apple Way is a great story – so good that it's easy to dismiss its relevance to other, smaller towns. Here are some of the particulars that made for Londonderry's success:

- *start a town-wide discussion* to discover special places that define rural character;
- *use broad communication methods* (like direct mail and local newspapers) to reach the community;
- *reach consensus* through a group process to list top priorities for preservation;
- *put your facts and reasoning down on paper* in a convincing manner;
- *be familiar* with the "Cost of Open Space" methodology and how it applies to your town;
- *have a plan* for how to spend money before you get any money to spend;
- *present a logical, clear, unemotional argument* at Town Meeting, but expect to touch different people in different ways;
- *show how* preserving the rural quality of life will provide economic development opportunities;
- *establish public commitment* to Master Plan goals – don't leave the Master Plan on the shelf!

The conscious effort to maintain a rural quality of life is part of Londonderry's economic development plan for the future. By emphasizing the historic, deep-rooted quality of New Hampshire life, the Apple Way can be marketed as a tourist experience while contributing to the townspeople's sense of place. And because of the Apple Way, businesses such as a 60,000 square foot arts and crafts enterprise have moved in to capitalize on the visitors who



t.o

want to experience Londonderry's rural character.

Taking the concept of rural character into the future, Londonderry has established a business park with a twist. A 125 acre parcel has been designated an eco-park to promote sustainable, low impact business development that encourages companies to help preserve a portion of the town's historic economic base of agriculture.



ZONING WITH THE BEST OF INTENTIONS

There is no magic formula for turning the Master Plan maxim "maintain rural character" into a town that is a pastoral paradise. Londonderry set out to preserve and nurture a specific area with identifiable economic, cultural, and conservation benefits. That sort of planning, commitment, and success is easy to describe in a timeline of cause and effect. Failure to consider the effect of local land use regulation on rural character as a broad concept can lead to disheartening unintended consequences.

The story of Andy and Martina Howe of Gilford, NH is on a personal scale. Before the Howes sought to reconfigure their farmstand and retail greenhouse, they did some market research. A free tomato was the incentive to complete a survey about why customers came to Greens and Beans for fresh vegetables and plants. The results centered on the farm experience, the quaint atmosphere, and the character of the retail selling area.

With this consumer knowledge in hand, the Howes set out to relocate the farmstand's retail sales area into their 1830's barn from an attached ell outside the barn. Moving the sales room inside the barn would enhance the farm experience their customers were seeking because the Howes planned to highlight the historic barn's original hand-hewn timber frame and old barn boards. And besides, using the inside of the barn allowed more sales space to grow the business.

Andy Howe was no stranger to local regulations in Gilford, since he served as chairman of the Zoning Board of Appeals. In the course of getting the required permits for the project, the town's Building Inspector came to the site. Upon understanding their request to move the retail sales area from the attached ell to inside the old barn, the Building Inspector determined that the move constituted a change of use. He considered the inside of the barn structure "commercial use" since the public was invited into the building. That the existing sales area in the attached ell was part of the same structure didn't matter.

Rather than argue the reasoning behind the Building Inspector's determination, Andy focused on the practical question – what specific improvements to the barn would the "commercial" designation require? The Building Inspector described the standards of new construction relating to life safety codes, ceiling heights, fire-proof wallboard, and a host of other requirements that would obliterate the character of the old barn. Even though the use of the property and barn was not changing, the renovation and relocation of the sales area made the building "commercial use." And according to the regulations no waivers could be granted to the building

code unless the building was officially designated as historic.

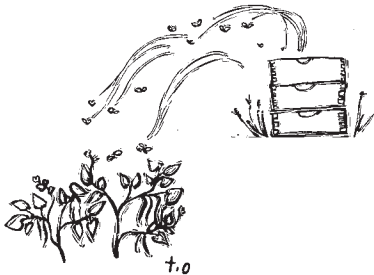
Searching for a way to keep the look and feel of the old barn, Andy went through the time consuming process of obtaining a historic designation from the State. This designation places other restrictions on what can be done to the barn, but would allow its use as...well...a barn. The Gilford Building Inspector was satisfied by a professional engineering assessment of the structural integrity of the barn, and agreed to waive the strict interpretation of the building code to allow the barn project to proceed. Then there was the question of the greenhouse.

The Building Inspector determined that the greenhouse was intended to be a retail sales area also, since the public would be allowed inside to select plants. This meant that to meet code, the structure had to be able to support a snow load of sixty pounds per square foot on its roof. Andy pointed out the rather unlikely event of people coming to buy plants for their gardens during any season when snow was expected, but to no avail. The greenhouse remains officially off-limits to the general public.

Andy Howe is reasonable, articulate, knowledgeable about local regulations (remember, he was chairman of the Zoning Board of Appeals), well respected as a local businessman, and well liked in Gilford. His farm business, Greens and Beans, has a history in the town, is so charming that it is nearly a tourist attraction, and has won awards from the local Chamber of Commerce. How would his problems with local regulation have worked out if he were less articulate, less aware, less involved, and didn't know how to work within the system?

There are changes to Gilford's local regulations that would have eased the situation at the Howes' Greens and Beans farm. Seasonal uses such as greenhouses could be subject to relaxed standards; the ability to waive requirements could be put into the hands of local building inspectors.

But even with all the adjustments, additions, tweaking, waiving, and excepting that could be done to any town's local ordinances and regulations there remains the one greatest obstacle: a town must consciously decide to be farm friendly. To maintain rural character, a town has to build a sense of value about farm businesses that will permeate and inform the actions and deliberations of all town Boards, Commissions, and officials. Farm friendly isn't just a slogan, it has to be energetically practiced in town land use, taxation, and regulatory actions as well as planning policy for the future.



IS YOUR TOWN FARM FRIENDLY?

A CHECKLIST FOR SUSTAINING RURAL CHARACTER

by Gary Matteson

Take the Test!

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

Does your town...

- *...have a detailed section on agriculture in the Town Master Plan?* The Master Plan is the big picture view of what land uses are encouraged, protected, or excluded within a town. Does your town's Master Plan refer to "maintaining rural character", but overlook agriculture as the primary component? Agriculture shouldn't be an afterthought!
- *...allow agricultural uses in more than one zoning district?* Agricultural businesses are not the same as other commercial development. Some towns confine agricultural businesses to the commercial zone only, while other towns prohibit such uses in the commercial zone! Farm enterprises are often hybrids of several different uses; ordinances and regulations should allow farm businesses flexibility.
- *...allow simpler design standards for Site Plan Review regulations on agricultural businesses limited to seasonal use?* Simpler standards for certain aspects of Site Plan Review regulations make sense for agricultural uses, such as parking requirements for seasonal retailing or events. When agricultural uses are limited in scope and impact, they need not be treated as if they were year-round permanent businesses. Does your town apply the same site design requirements to a seasonal farm stand as to a grocery store?
- *...allow flexibility in regulations to accommodate the unusual needs of agricultural businesses?* Both the land use impact and the off-site impact of a seasonal farm business is much less than that of a full-time business. Pick-your-own strawberries or Christmas tree farm businesses can't be viable in a town that treats farms like all other retailers. Do your town's regulations provide for reduced restrictions such as expanded hours of business operation, temporary signs, parking near pick-your-own fields, or on street parking?
- *...require buffer zones between farmland and residential uses?* The old saying "good fences make good neighbors" has a modern corollary that says "good buffer zones make new neighbors good neighbors." New development should not place the burden on existing farms to give up boundary land as a buffer zone between agricultural and residential uses. New residential development should provide for its own buffer zone and/or landscape plantings for screening when necessary.
- *...provide for the agricultural use of open space land created by innovative residential subdivisions?* Many towns have adopted innovative subdivision regulations like cluster housing, which provide for setting aside open space land within the subdivision. Ideally, such land should be the most valuable agricultural land, be big enough for commercial agricultural purposes, and specifically allow long term agricultural use to provide consistent resource management. Smaller plots of set aside land could accommodate community gardens. Land set aside for open space can stay productive agricultural land and at the same time contribute to the ecological health and scenic quality of the area -- instead of becoming grown over with brush.
- *...allow off-site signs to attract and direct farm stand customers?* Farm stands are often seasonal businesses that need to capture potential sales at harvest time. Signs that give directions to the farm stand and let customers know what's available (such as strawberries, corn, apples) are vitally important.
- *...allow accessory uses to agriculture?* Remember, it's not just the farmland that makes farming possible: businesses related to agriculture (veterinarians, equipment and supply dealers, custom farm providers, feed milling and delivery, etc.) have to be close enough to serve farmers' needs.

Take the Test!

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

Does your town...(continued)

- *...have a consistent policy approach for local land use procedures that deal with agriculture?* Planning Boards, Zoning Boards, and Conservation Commissions have different responsibilities, but a common regulatory outlook is possible. Update your Master Plan to express the value agriculture contributes to your town’s quality of life through open space, wildlife habitation, watershed purification and natural resource preservation. Establish a policy presumption that agriculture is of beneficial use in your town, and fairness will follow.
- *...have a good idea of how much agriculture there is in town?* Consider having a Town appointed committee formulate an Agricultural Profile to demonstrate the economic, cultural, and resource stewardship value of agriculture in your Town. People often carry the misconception that “there’s no agriculture in our town” if they don’t see cows and red barns. Agriculture in New Hampshire stretches from apples and bees to yaks and zinnias!
- *...allow roadside stands or pick-your-own operations by right?* Consider amending your Town’s zoning ordinance so that certain agricultural operations don’t need a Special Exception or Variance. Write flexibility into ordinances or regulations that may apply to agricultural land uses so the intent is clearly to promote such use, not to deny because the rules don’t fit the unique situations that frequently arise with agricultural businesses.
- *...use zoning definitions such as “agricultural accessory uses” in a broad and inclusive manner?* “Agricultural accessory uses” refers to everything from machinery sheds to housing for seasonal workers. Various agricultural businesses have very different needs that can test the balance of rule and exceptions. Flexibility written into the ordinances and regulations can prevent many denials of the sort where “the rules don’t fit”.
- *...allow farm stands to sell produce purchased elsewhere?* Many towns have rules that a certain percentage of farm stand produce be grown on the farm. The unintended consequence of such regulation is to penalize farm operators who have a crop failure! The rational basis for allowing a farm stand shouldn’t only be how much is grown on the farm, but what benefit the farm provides to the town from the open space, wildlife habitation, watershed purification and natural resource preservation it accomplishes.
- *...properly assess specialized agricultural structures?* Specialized structures such as silos, milking parlors, and permanent greenhouses depreciate in value over time. Providing assessors with depreciation schedules may enable more accurate valuations, which can lead to lower assessments. If your town frequently overvalues agricultural structures, this can have a chilling effect on all types of farm investment.
- *...allow non-traditional or retail-based farm businesses in an agricultural zoning district?* Agricultural businesses don’t all look alike. Trying to decide what constitutes an agricultural business can involve splitting hairs to make unfamiliar distinctions between what is “commercial” and what is “agricultural”. Ordinances defining agriculture based on state law may be accurate, yet need local interpretation. Your town should recognize that newer types of farm businesses such as horse arenas, landscape nurseries, or greenhouses are more intensive in land use, but still carry valuable elements of rural character that benefit the town.
- *...address agricultural structures in building and safety codes?* Building practices that are state of the art for a specialized use in agriculture may not fit the specifics of codes meant for housing or commercial structures. Bringing up to code agricultural buildings that are historic structures may destroy the very qualities that make them special.

Take the Test!

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

YES NO

Total Your Score!

Yes on 20-23

Yes on 16-19

Yes on 12-15

Yes on 8-11

Yes on 4-7

Yes on 0-3

Does your town...

- *...consider farmland a natural resource and encourage conservation easements, discretionary easements, and purchase of farmland?* Easements and outright purchases of farmland ensure preservation of the natural resource base for agriculture. Once a town has applied these techniques, the benefits of keeping farmland in private ownership can be more clearly appreciated. By understanding and allowing for the peculiarities of agricultural land use, towns can encourage working farms that contribute to the town's well-being at no cost to the taxpayers.
- *...have any visible demonstration of the value of agriculture?* Does your town have a county fair, an apple festival, or an Old Home Day parade? Making agriculture visible to the general public helps establish the economic, cultural, and resource stewardship value of having active farms in a town.
- *...respect the state Right to Farm law, which has specific exemptions for odor and noise?* Local control is an important tradition for New Hampshire towns. The state Right to Farm law provides a backstop to farmers if local officials overreach their regulatory authority. Conflicts between agriculture and other land uses can be reduced when town officials are informed about Best Management Practices (BMP's) that may alleviate nuisance complaints. University of New Hampshire's Cooperative Extension Service writes BMP's about various agricultural practices based on sound scientific research.
- *...encourage farmers to use the Soil Productivity Index (SPI) calculations to reduce Current Use tax burdens?* Using Soil Productivity Index (SPI) information may reduce the Current Use assessment on less productive agricultural land. By reducing the tax burden on agricultural land, towns can encourage the maintenance of open space at a relatively low cost.
- *...have farmers serving on local land use Planning and Zoning Boards, Conservation and Heritage Commissions?* There are few better ways to incorporate agricultural concerns into local land use ordinances and regulations than having farmers serve. Help your town's land use boards keep a broad perspective by asking "Have you thought of the consequences...?"
- *...have farmers serving on the local Economic Development Committee?* Agricultural businesses are frequently undervalued in terms of their effect on the community. Most of the economic activity generated by farms stays within the community. Negative impressions about the strength of New Hampshire agriculture may have a similar impact on the availability of credit to viable farm operations. Having successful farmers on Economic Development Committees can change these misperceptions.
- *...know where to go to get advice and assistance on farm questions?* Make the connection to resources such as the Department of Agriculture, Markets and Food (industry regulator, statewide perspective); UNH Cooperative Extension (technical questions, BMP's); New Hampshire Farm Bureau (non-governmental farm lobby, broad experience); Natural Resource Conservation Service (land and water resource management).

Your Results...

- Your town is exceptionally friendly and helpful to its farmers.
- Your town knows that farmers are good neighbors who provide lots of benefits to the quality of life, but you're not sure what to do to encourage them.
- Careful! Your town may be less farm friendly than you think...even inadvertently unfriendly.
- Time to get to work helping your fellow citizens understand the importance of protecting its agricultural base.
- Yours is not a farm friendly town, but there might still be hope. Seek help immediately from farmers, farm groups and related organizations!
- Ask yourself what you like about your town, and then what it would be like without any agriculture whatsoever. If there are any farmers left in town, take them out to dinner and ask them to help you turn over a new leaf.

Agriculture Friendly Planning Regulations

by Glenn Greenwood

Glenn Greenwood is the Assistant Director of the Rockingham Regional Planning Commission. The issues presented reflect the experience and expertise of a committee of farmers, agricultural professionals, land-use planners and planning board members who worked together to understand the basis of regulatory conflict and recommend strategies to prevent inadvertent adverse impacts on agriculture and community character.



PROTECTING NH'S AGRICULTURAL TRADITION: A REGULATORY FRAMEWORK

Agriculture has occupied such a central role in the history and economy of New Hampshire that it is impossible to envision the state without active farming enterprises. Many of the state's most valued attributes, its rural character, open fields and pastoral vistas, exist in large measure because farmers continue to work their lands. The most direct way to ensure that the state's agricultural tradition continues is for municipalities to acknowledge its importance and allow agriculture as a permitted use within all zoning districts. Municipalities that take this step help diffuse the common contention that agricultural enterprises are commercial uses and suitable only in commercial zones.

Towns and cities that want to encourage and support local agricultural enterprises as part of a strategy to maintain their rural character should undertake a thorough review of their regulatory framework to ensure agriculture friendly land use regulation. While not a complete listing, conflicts between community regulations and agriculture typically involve the issues listed in the matrix below and detailed in the discussion section which follows.

Issue	Regulatory Framework						
	Master Plan	Zoning	Sub-Division	Site Plan Review	Historic District	Building Code	Other
Signage	✓	✓		✓	✓		
Off-premise (seasonal and permanent)							
Seasonal (on and off-premise)							
On-premise (permanent)							
Agricultural Structures	✓	✓		✓	✓	✓	
Definitions							
Setbacks							
Type of Construction							
Height							
Use							
Seasonal or temporary							
Historic							
Density and location of structures							
Housing	✓	✓	✓	✓	✓	✓	
Temporary							
Permanent (employees)							
Extended Family							
Nuisance: Odor, noise, etc.	✓	✓					
Animal Density	✓	✓		✓			✓
Transportation	✓		✓	✓			✓
Slow-moving vehicles							
Access to property (seasonal/permanent)							
Culverts and ditches							
Parking	✓	✓		✓			✓
On-site (seasonal, permanent, size, design, etc.)							
On-street							
Paving							
On-farm Retail Sales	✓	✓		✓			
Agricultural Buffers	✓	✓	✓				
Prime Agriculture Lands	✓	✓	✓				
Cluster Development	✓	✓	✓	✓			

Land-use regulations designed principally to control commercial, industrial or residential uses frequently conflict with the operational needs of an agricultural enterprise. This is complicated by the diversity and extent of what constitutes agriculture. Municipalities should refer to and incorporate the state definition of agriculture (RSA 21:34a). See Definitions on p. 10.

SIGNAGE

Issue: Agricultural enterprises located off main roads depend on off-premise signage (seasonal or permanent depending on farm type) to direct consumers and suppliers to the farm, and on-premise signage (seasonal or permanent) to identify the operation. Signage pointing the way to an orchard or vegetable farm lends a rural sensibility to a community.

Recommendations: The Master Plan should be clear about the value of agriculture to the community, and that signage is a valuable asset for the economic success of many agricultural activities. Under the zoning ordinance the community could include an exemption for signage associated with agricultural activity, or reduced standards for such signage. In the ordinance there should be a clarification that seasonal and off-site signage is permitted.

AGRICULTURAL STRUCTURES

Issue: Any number of permanent and temporary structures are required to support the production and marketing components of the farm enterprise. Defined by the Internal Revenue Service as “single purpose agricultural structures”, these include (but aren’t limited to) : barns, silos, farm stands, greenhouses, stables, coolers, etc. The design criteria for these structures relate to the purpose served in the farm operation, which can be in conflict with site review regulations for commercial or industrial buildings. Examples include the height required for a silo or a slab foundation appropriate to a barn.

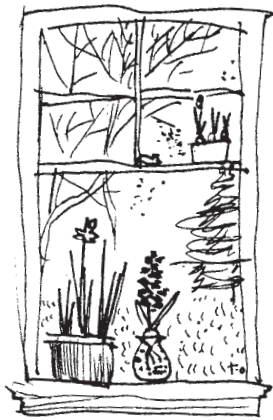
Recommendations: By definition (RSA 21:34-a) a farm is “any land or buildings or structures on or in which agriculture and farming operations are carried on...”. Local boards can grant a waiver from building and site requirements to the extent necessary to reasonably permit the agricultural use. The zoning ordinance could exempt agriculture from the provisions of lot coverage and dimension requirements. Agricultural structures, other than year-round retail operations, could be exempt from the site plan review process. Municipalities should understand the importance of code requirements for agricultural structures, but should not exceed national standards for these structures in their building codes. Adopting the state definition in the Master Plan and in land use regulations places these structures in their appropriate context.





HOUSING

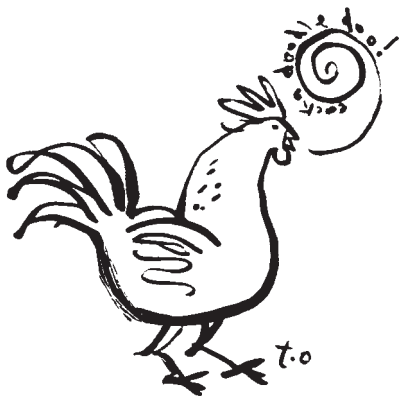
Issue: Housing is an integral component of an agricultural enterprise. Agricultural related housing takes several different forms and raises several different issues from the perspective of municipal government. Farms have historically been and continue to be most often operated by the members of a single extended family. This often results in the need for housing units in excess of the single dwelling unit allowed by most zoning ordinances. It is not unusual for a farm to enlist the labor of several generations of a family group. Communities should build flexibility into their ordinances to allow additional dwelling units utilized by families engaged in the specific agricultural endeavor involved.



In addition to family members there is a need for agricultural related housing for non-family employees. Full time farm employees are necessary on many agricultural operations and on-site housing is critical in light of the work schedule associated with farming activities. Many agricultural operations require temporary labor, (e.g. migrant workers) during certain times of the year. Low cost housing may be necessary, and this is most easily achieved on site. It is not difficult to see how these issues cause conflict with local housing provisions. Most local land use policies categorize any housing greater than a duplex as commercial operations and often use the local zoning power to regulate its location to commercial areas. It is also common for local regulations to require site plan review on any multi-family activity proposed within the community. This places a burden on the farm operator that is not the same as the typical commercial landlord activity for which the zoning was designed.

Recommendations: Housing is an "incident use" to an agricultural operation. By definition (RSA 21:34-a) farm buildings "shall include the residence or residences of owners, occupants, or employees located on such land." The town that wishes to encourage agricultural enterprises should take several steps with regard to farm-related housing to accomplish this. The master plan chapter on housing should include policy statements regarding agricultural housing. The plan should allow more than a single structure for the purposes of dwelling on agricultural properties. The clustering of farm dwellings should be encouraged. Non-related farm employees should be allowed to live in dwelling units provided on site. Alternative housing stock such as accessory units (sometimes called in-law apartments) should be allowed on agricultural properties. Next, the community should take the steps necessary to implement these master plan policies through *zoning, subdivision and site plan review regulations.*

Zoning should be made more flexible, so that restrictive ordinances allowing only single structures on any lot transition to clustering provisions for agricultural properties that permit farmstead clustering of dwelling units used by extended families and other farm employees. The community should adopt accessory unit provisions that allow the modification of existing structures to provide



additional independent living space. In coordination with community zoning amendments, the town should ensure that *subdivision regulations* that require sole dwelling unit lot configurations are relaxed to facilitate agricultural activities. The municipality should also take steps to amend any *site plan review regulations* that would place farm housing in the same land use category as standard multi-family operations (such as apartments and condominium developments) which typically require planning board review and approval.



NUISANCE (ODOR, NOISE, DUST, ETC.)

Issue: An agricultural enterprise is a working use of the landscape. Odor, noise, dust, etc., created by farm activities may be regarded by neighboring residences, schools or other uses as a nuisance.

Recommendations: State law (RSA 672:1, III-b) provides right-to-farm protection by stating that farming "shall not be unreasonably limited by use of municipal planning and zoning power." Best management practices developed by agriculture and natural resource professionals address public health and safety concerns. By referring to standards of performance embodied in best management practices, towns can identify when a nuisance is occurring on a farm. Further, RSA 432:33 provides that "no agricultural operation shall be found a public or private nuisance as a result of changed conditions in or around the locality of the agricultural operation, if such agricultural operation has been in operation for one year or more and if it was not a nuisance at the time it began operation."



TRANSPORTATION

Issue: Supporting a farming enterprise frequently requires the use of property (rented or owned) that is not contiguous with the farmstead. Separation of locations often results in the public road network being utilized by slow-moving farm equipment. This is one of the most important considerations with respect to the public perception of farms. The conflicts arising between farm-related use of the roads and the general public can in some instances be the only interaction the public-at-large has with local individuals engaged in agricultural endeavors – and unfortunately, this interaction is often negative. A community supportive of agricultural activity should take proactive steps to diffuse the antagonism that can develop between agriculture-related traffic and other public traffic on the local road network.

A second transportation-related issue involving agricultural activity is access to farm lands from local roads. The activities involved with maintaining a farm often require numerous access points to farm lands. Unlike the typical residential or commercial land use that is perfectly suited to single points of access, the farm enterprise often requires several outlets for any given piece of land.



Recommendations: These issues should be addressed in the transportation chapter of the local master plan. Policy statements should be developed that indicate the town's support of agricultural activity. The transportation chapter should provide an inventory of roads utilized by farmers and the town should consider erecting appropriate signage designating the roads frequently used by farm-related vehicles. These actions would accomplish two things. First, as a public relations tool, this would help raise the awareness of the general public as to the proximity of active agricultural uses; and more importantly, this signage would address the safety issues raised by the potential conflicts of agricultural and non-agricultural traffic.

The town's master plan should also include a policy statement acknowledging the potential need for several access points on agricultural lands. The town should prepare criteria to assist the local public safety personnel (police, road agent, planning boards responsible for reviewing potential curb cuts) as to when additional access points are warranted. Because additional curb cuts have the potential to degrade the safety and capacity of a roadway there should be adequate review to insure that the necessary farm-related access points are established in the most appropriate locations.



PARKING

Issue: Farm operations often require on-site retail activity to remain economically viable. This usually takes the form of farm stands or markets that sell a combination of farm products and associated goods. Attendant to such facilities is the need to provide adequate area for customer parking. The provision of parking facilities is one of the most highly regulated aspects of site design in many New Hampshire communities. Site review standards for parking design (pavement, number of spaces, etc.) are often inappropriate for seasonal pick-your-own or farm stand operations. By state definition (RSA21:34-aIII) "a farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner." Planning boards should recognize their ability to waive design standards for site plan review regulations.

Recommendations: The community master plan should refer to or incorporate the state definition of farming as a starting point in establishing the position of farming in the town. With this definition in place as a policy of the town, the regulatory framework should then be created that applies this philosophy to the landscape.

The zoning ordinance should provide farm enterprises with the flexibility to operate seasonal farm stands free of the regimented parking space ratios typical in local ordinances. For farm stands that are not temporary in nature, the municipality should

determine on a case by case basis if the ratios for parking and the design standards for parking lot construction are necessary for the proposed enterprise.

For pick-your-own operations it is likely that local parking lot design and construction standards are excessive. The local planning board should consider waiving these standards in favor of unpaved graded surfaces more characteristic of rural agricultural settings. It is also realistic for a community to allow on-street parking along rural roads to facilitate farm stand operations, but such an allowance should be done in conjunction with a review by local public safety officials to insure unobstructed passage remains along these roadways.



ANIMAL DENSITY

Issue: How many animals should be allowed on a particular property?

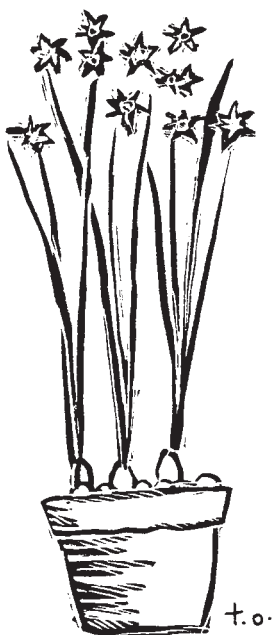
Recommendations: Animal density is determined by best management practices for manure handling, as specified by the NH Department of Agriculture, Food and Markets, UNH Cooperative Extension and the Natural Resources Conservation Service. Contact the NH Department of Agriculture, Markets & Food for a copy of the manual of best management practices for agriculture in New Hampshire: *Best Management Practices for the Handling of Agricultural Compost, Fertilizer and Manure*. See also "Guidelines for Space and Housing of Farm Animals" elsewhere in this Kit.



ON-FARM RETAIL SALES

Issue: The ability to sell products from the farm is an increasingly important element in farm profitability. Having the opportunity to buy products at the farm is an important reason why people like having farms in their community. To satisfy customer needs for variety and convenience and to better merchandise farm-grown products, items produced off the farm are often included in the retail mix. For example, a greenhouse might sell planters, potting soil and peat moss, an apple orchard might sell pumpkins and corn stalks, or a Christmas tree farm might sell crafts. By definition (RSA 21:34-a) agriculture in New Hampshire includes "the marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm." Conflicts with municipal regulations occur over hours of operation, parking lot design criteria, on-street parking, signage, farm produced and off-farm produced retail mix.

Recommendations: A farm friendly community will do everything possible to encourage on-farm retail sales. Flexibility in site plan review regulations can be used to exempt farm stands from inappropriate commercial regulation, or can allow a community to develop a tiered approach to the regulating of farm stands. Communities are encouraged to exempt seasonal farm stands from municipal



regulations other than proof of safe site access. Year round operations warrant review by the local authorities to address the safe operation of the site. However, the review should be modified to provide for reduced standards from those applied to commercial and industrial uses.



BUFFERS

Issue: When a non-agricultural use locates next to a farm, conflicts are bound to follow.

Recommendations: Planning Boards are advised to consider a buffering requirement on uses adjacent to a farm when reviewing plans for subdivisions.



PRIME AGRICULTURAL LANDS

Issue: Prime agricultural lands are a key natural resource.

Recommendations: Inventory the prime agricultural lands in the community as part of the master planning process. Adopt policies (e.g. economic development, transportation, housing, etc.) which protect prime agricultural lands from development and development pressures. This may discourage the subdivision and piecemeal development of these significant lands.



CLUSTER

Issue: Development of large parcels of land, which include agricultural lands.

Recommendations: When laying out a cluster subdivision, recognize agricultural land not only as open space, but as farmable land and ensure that it can in fact be farmed. Clustering could be required in some zones where the preservation of agricultural land is most important. Using the site plan review process, be aware that conflict is being created and plan for it through buffering, building placement and roadway access.



PLANNING AND ZONING STATUTES RELATED TO FARMING



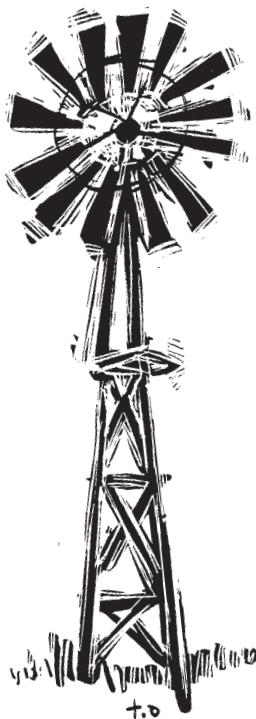
THE BASICS

Title 64 begins with Chapter 672, which lays out the basic premises of planning and zoning. The prose is descriptive and instructive as it deals with generalities rather than specifics. This section includes language (paragraph III-b) that says "Agricultural activities...shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers".

§ 672:1 Declaration of Purpose

The general court hereby finds and declares that:

- I. Planning, zoning and related regulations have been and should continue to be the responsibility of municipal government;
- II. Zoning, subdivision regulations and related regulations are a legislative tool that enables municipal government to meet more effectively the demands of evolving and growing communities;
- III. Proper regulations enhance the public health, safety and general welfare and encourage the appropriate and wise use of land;
- III-a. Proper regulations encourage energy efficient patterns of development, the use of solar energy, including adequate access to direct sunlight for solar energy uses, and the use of other renewable forms of energy, and energy conservation;
- III-b. Agriculture makes vital and significant contributions to the food supply, the economy, the environment and the aesthetic features of the state of New Hampshire, and the tradition of using the land resource for agricultural production is an essential factor in providing for the favorable quality of life in the state. Natural features, terrain and the pattern of geography of the state frequently place agricultural land in close proximity to other forms of development and commonly in small parcels. 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;
- III-c. Forestry, when practiced in accordance with accepted silvicultural principles, constitutes a beneficial and desirable use of New Hampshire's forest resource. Forestry contributes greatly to the economy of the state through a vital forest products industry; and to the health of the state's forest and wildlife resources through sustained forest productivity, and through improvement of wildlife habitats. New Hampshire's forests are an essential component of the landscape and add immeasurably to the quality of life for the state's citizens. Because New Hampshire is a heavily forested state, forestry activities, including the harvest and transport of forest products, are often carried out in close proximity to populated areas. Further, the harvesting of timber often



represents the only income that can be derived from property without resorting to development of the property for more intensive uses, and, pursuant to RSA 79-A:1, the state of New Hampshire has declared that it is in the public interest to encourage preservation of open space by conserving forest and other natural resources.

Therefore, forestry activities, including the harvest and transport of forest products, shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers;

III-d. For purposes of paragraphs III-b, III-c, and III-e, "unreasonable interpretation" includes the failure of local land use authorities to recognize that agriculture, forestry, and commercial and recreational fisheries, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them;

III-e. All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing, including so-called cluster development and the development of multi-family structures, should not be prohibited or discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers;

III-f. New Hampshire commercial and recreational fisheries make vital and significant contributions to the food supply, the economy, the environment, and the aesthetic features of the state of New Hampshire, and the tradition of using marine resources for fisheries production is an essential factor in providing for economic stability and a favorable quality of life in the state. Many traditional commercial and recreational fisheries in New Hampshire's rivers and estuarine systems are located in close proximity to coastal development. Such fisheries are a beneficial and worthwhile feature of the New Hampshire landscape and tradition and should not be discouraged or eliminated by use of municipal planning and zoning powers or the unreasonable interpretation of such powers.

IV. The citizens of a municipality should be actively involved in directing the growth of their community;

V. The state should provide a workable framework for the fair and reasonable treatment of individuals;

V-a. The care of up to 6 full-time preschool children and 3 part-time school age children in the home of a child care provider makes a vital and significant contribution to the state's economy and the well-being of New Hampshire families. The care provided through home-based day care closely parallels the activities of any home with young children. Family based care, traditionally relied upon by New Hampshire families, should not be discouraged or eliminated by use of municipal planning and zoning powers or the



unreasonable interpretation of such powers; and
VI. It is the policy of this state that competition and enterprise may be so displaced or limited by municipalities in the exercise of the powers and authority provided in this title as may be necessary to carry out the purposes of this title.

(Source. 1983, 447:1. 1985, 68:1; 335:3; 369:1. 1989, 42:1; 170:1. 1990, 174:1; 180:1, 2. 1991, 198:1, 2, eff. July 27, 1991.)



THE RIGHT TO FARM

The general limitations on municipal planning and zoning powers in the above Section 672:1 are extended in Section 432:33, which limits civil lawsuits by either public or private entities. This "Right to Farm" language protects against local or state government claims that a farm is a nuisance, with exception for enforcement of public health ordinances under the authority of the local health officer or rules made under the Department of Health and Human Services.

§ 432:33 Immunity from Suit. – No agricultural operation shall be found a public or private nuisance as a result of changed conditions in or around the locality of the agricultural operation, if such agricultural operation has been in operation for one year or more and if it was not a nuisance at the time it began operation. This section shall not apply when any aspect of the agricultural operation is determined to be injurious to public health or safety under RSA 147:1 or RSA 147:2.

(Source. 1985, 72:1, eff. July 1, 1985.)



THE NEW DEFINITION OF FARMING

Chapter 21 is the place to look in New Hampshire law for definitions of terms used elsewhere in the statutes. The following Section 21:34-a is the new definition created by action of the legislature in 1999. The intent of the legislature was to modernize the definition of farming and agriculture to more accurately reflect the scope of agriculture as practiced today. This new definition specifically describes many more activities which are now considered farming. It also expands farming to include practices related to farming, and specifies when a farm roadside stand becomes a commercial enterprise rather than part of a farm.

21:34-a Farm, Agriculture, Farming.

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production



and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

II. The words "agriculture" and "farming" mean all operations of a farm, including:

- (a)
 - (1) The cultivation, conservation, and tillage of the soil.
 - (2) The use of and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
 - (3) The use of and application of agricultural chemicals.
 - (4) The raising and sale of livestock, which shall include, but not be limited to, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elephus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).
 - (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
 - (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
 - (7) The raising, breeding, or sale of poultry or game birds.
 - (8) The raising of bees.
 - (9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
 - (10) The production of greenhouse crops.
 - (11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, or any other plant that can be legally grown and harvested extensively for profit or subsistence.
- (b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:
 - (1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.
 - (2) The transportation to the farm of supplies and materials.
 - (3) The transportation of farm workers.
 - (4) Forestry or lumbering operations.
 - (5) The marketing or selling at wholesale or retail, on-site and off-site, where permitted by local regulations, any products from the farm.
 - (6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

III. A farm roadside stand shall remain an agricultural operation and



not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

- IV. Practices on the farm shall include technologies recommended from time to time by the University of New Hampshire Cooperative Extension, the New Hampshire Department of Agriculture, Markets, and Food, and appropriate agencies of the United States Department of Agriculture.

(Approved: July 6, 1999)

(Effective Date: September 4, 1999)

Resource Directory

by Linda Ray Wilson

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Resources and Chair of the
Danbury Planning Board.*



Successfully preserving rural character through agriculture is a multi-faceted mission. It incorporates information and techniques from disciplines that local planners may not often draw upon: agriculture, forestry, land conservation, and historic preservation. This resource list is designed as a guide to useful materials, practical applications, and perspectives that explore old issues in new ways. It does not include many standard planning references, since users will already be familiar with them. Nor does this list attempt to incorporate the growing literature on “sprawl,” although much of the “sprawl” material is directly relevant, because that is already being collected and publicized elsewhere. Several entries in the Internet references do offer some links to “smart growth” and “sprawl” information.

This list does, however, include some entry-level map and census citations. For example, the agricultural schedules in the U.S. census data for 1850-1880 itemize every farm in New Hampshire by location, acreage, land usage, products and their values (including specialty items such as silk, wine, and cordwood), each resident by name, gender, age, and occupation, and the numbers and types of animals on the farm. The industrial schedules itemize local manufacturing enterprises, from the miniscule to the immense, in a similar fashion. The county wall maps of the 1850s and 1860s (by Chace, Fagan, Walling, and Woodford) and the Hurd atlas of 1892 show individual structures and their owners’ names, as well as transportation, civic, geographical, and some industrial features; the county wall maps also include vignettes of key buildings in each community. Late 19th century panoramic (bird’s-eye) views, although not drawn to scale, show a wealth of detailed information in a broad landscape context. Aerial photographs, some dating back to the 1930s, are literally a window to the past, and should be included in any research design for visual, documentary, or land use investigations; but because of the variety of the views and the number of repositories, it is not feasible to list the major collections here. Contemporary census data can be obtained from the United States Census Bureau Internet site, but to protect individual privacy, only anonymous summary-level statistics are available. Genealogical-type data (names, addresses, etc.) are withheld for a minimum of 72 years.

Five years ago, a manual like this one would have included page after page of lists: names, addresses, and telephone numbers of agencies, organizations, and individuals to contact for resources and referrals – and at least some of the listings would have been outdated almost from the moment of printing.

Thanks to the Internet, everything from contact names to complete (and downloadable) documents is now available instantly and accurately on-line, and need not be duplicated here. Instead, we have compiled a list of Web addresses to use. The shorter ones will bring up a program or agency, or resource and who’s who lists; but many longer, more specific addresses are also provided, to speed the search for specialized information, or data bases, or links that may not be readily apparent from the home page.

All of the addresses have been tested; but if you are unable to find the target, try a browser search by name or key words instead. Browser searches can be doubly productive: often they identify other unexpected but helpful items or addresses. Using more than one

search engine will identify many more resources than a single search alone. In the same way, as you seek out the electronic and print documents listed here, take time to read over the links and bibliographic citations, which are incorporated into this list by reference.

When using the Internet, bookmark and (preferably) print the pages and links as you bring them up (you can always delete unwanted items later). If something important does disappear, you can backtrack with the browser's "history" menu. And, if you don't have, or can't use, a computer yourself, don't feel deprived or excluded. Ask for help at the local library, or from friends, or neighbors, or co-workers. Persuading a child or teenager to be your personal search engine has multiple rewards: s/he gets to show off computer skills; you get the information you need; and you have a wonderful opportunity to help your helper understand why sustaining New Hampshire agriculture is so important.

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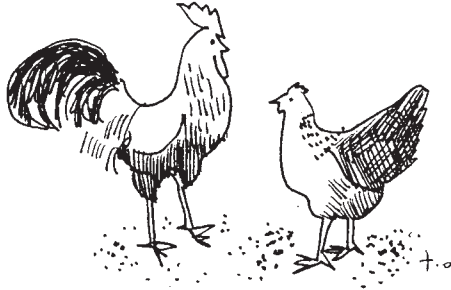
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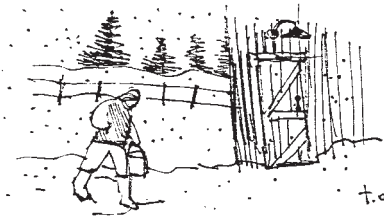
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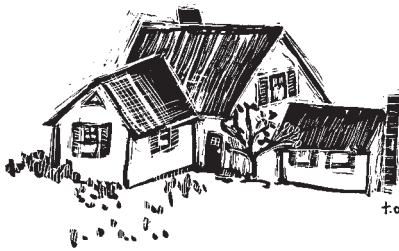
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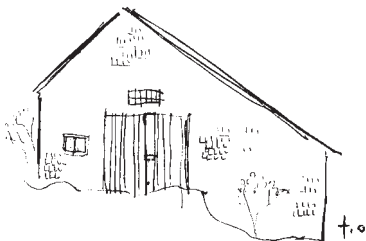
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A Vermont Heritage: Agricultural Buildings and Landscapes. Montpelier, VT: Vermont Division for Historic Preservation, n.d.



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Supportive Organizations without Internet Sites

Equity Trust, Inc.
539 Beach Pond Road
Voluntown CT 06384
860-376-6174 (phone/fax)

Iowa Barn Foundation
c/o Community Bank
P.O. Box 436
Nevada IA 50201

Selected Internet Sites

Links are listed in detail because many (including some that present the most useful technical information and reference materials) are not readily identifiable or accessible from the respective home pages.

Online Reference Sources – Federal

<<http://www.access.gpo.gov>> United States Government Printing Office

<<http://lcweb.loc.gov>> Library of Congress

<<http://thomas.loc.gov>> United States Congress

Online Reference Sources – State

<<http://www.nhmunicipal.org>> NH Municipal Association

<<http://www.state.nh.us>> *Webster* (NH state government online information & links)

<<http://199.92.250.14/rsa>> NH Revised Statutes Annotated online

<<http://199.92.250.14/gencourt>> New Hampshire General Court – links to legislative data bases

Agriculture – Federal

<<http://fedlaw.gsa.gov/legal2.htm>> FedLaw: Agriculture and Rural Development – data base

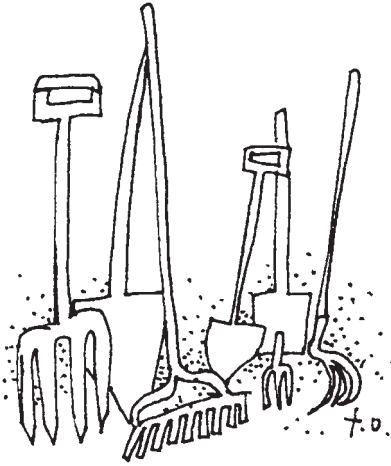
<<http://www.agnic.org>> (USDA) Agriculture Network Information Center – data base

<<http://www.agnic.org/diragis>> (USDA) Agriculture Network Information Center: Directories of Agriculture-related Internet Information Resources – data base

<<http://www.nalusda.gov>> (USDA) National Agricultural Library – data base

<<http://www.nass.usda.gov/nh>> (USDA) New England Agricultural Statistics Service

<<http://www.nass.usda.gov/sub-form.htm>> (USDA) New England



Agricultural Statistics Service: State Agricultural Statistics Reports - data base

<<http://www.nh.nrcs.usda.gov>> USDA Natural Resources Conservation Service – New Hampshire

<<http://www.sare.org/san>> (USDA) Sustainable Agriculture Network

<<http://www.usda.gov>> United States Department of Agriculture

Agriculture - State

<<http://ceinfo.unh.edu/aghome.htm>> UNH Cooperative Extension: Agricultural Resources

<<http://ceinfo.unh.edu/othsusag.htm>> UNH Cooperative Extension: Sustainable Agriculture Links

<<http://ceinfo.unh.edu/susagpub.htm>> UNH Cooperative Extension: (link to) The NH Coalition for Sustaining Agriculture

<<http://www.fb.com/nhfb>> NH Farm Bureau Federation

<<http://www.nhfarms.com>> New Hampshire Farms – events, information, links, resources

<<http://www.nhstories.org>> New Hampshire Stories, Inc.

<<http://www.state.nh.us/agric/aghome.html>> NH Department of Agriculture, Markets & Food

<<http://www.state.nh.us/agric/who.html>> NH Department of Agriculture, Markets & Food “Who’s Who in New Hampshire Agriculture”

Agriculture - General

<<http://1000ways.baka.com>> 1,000 Ways to Sustainable Farming

<<http://farm.fic.niu.edu/AFT>> American Farmland Trust – links to data bases, libraries, and other agricultural resources

<<http://ianrwww.unl.edu/ianr/csas>> University of Nebraska Lincoln Institute of Agriculture and Natural Resources: Center for Sustainable Agricultural Systems

<<http://metalab.unc.edu/farming-connection/index.html>> Sustainable Farming Connection – links

<<http://metalab.unc.edu/london>> InterGarden – global agriculture, permaculture and sustainability links

<<http://www.agriculture.com>> Successful Farming Agriculture Online

<<http://www.aspeninst.org/rural>> Aspen Institute Rural Economic Policy Program

<<http://www.cfra.org>> Center for Rural Affairs

<<http://www.cityfarmer.org>> City Farmer – links; resources for urban agriculture

<<http://www.eharvest.com>> eHARVEST.com – data base and links

<<http://www.fb.com>> American Farm Bureau: Voice of Agriculture

<<http://www.foodsecurity.org>> Community Food Security Coalition

<<http://www.hawiaa.org>> Henry A. Wallace Institute for Alternative Agriculture

<<http://www.icta.org>> International Center for Technology Assessment – links

<<http://www.ilsr.org/links/html>> Institute for Local Self Reliance (ISLR) - links

<<http://www.library.wisc.edu/libraries/Steenbock/electron/agdropin.html>> Steenbock Memorial Library University of Wisconsin Madison: Agricultural Resources on the Internet – data base

<<http://www.nfu.org/Links/links.cfm>> Farmers Union: Rural America's Voice - links

Agricultural Zoning / Farmland Protection

<<http://farm.fic.niu.edu/cae/scatter>> American Farmland Trust:

Living on the Edge: The Costs and Risks of Scatter Development

<<http://farm.fic.niu.edu/fic>> American Farmland Trust: Farmland Information Library – data base

<<http://farm.fic.niu.edu/fic/i-pubs.html#comm>> American Farmland Trust -- publications online (including state-by-state reports)

<<http://farm.fic.niu.edu/fic/laws/fpkeytab.html>> American Farmland Trust: State Farmland Protection Laws by Category – data base

<<http://farm.fic.niu.edu/fic/laws.html>> American Farmland Trust: State Farmland Protection Laws by State – data base

<<http://farm.fic.niu.edu/fic/lit.html>> American Farmland Trust: Farmland Protection Literature – data base

<<http://farm.fic.niu.edu/fic-ta/index.htm>> American Farmland Trust: Technical Assistance – data base

<<http://farm.fic.niu.edu/foe2/foetoc.html>> American Farmland Trust: Farming on the Edge – maps and reports

<<http://fedlaw.gsa.gov/legal2.htm>> FedLaw: Agriculture and Rural Development – data base

<<http://www.agnic.nal.usda.gov/agdb/farmprst.html>> Agnic: Farmland Protection Statutes – data base

<<http://www.cals.cornell.edu/dept/arme/extens/resource/farmprot.htm>> Cornell Cooperative Extension: Other Resources for Farmland Protection and Related Information – data base

<<http://www.evlt.org/biblio.htm>> Eagle Valley Land Trust – bibliography

<<http://www.farmland.org>> American Farmland Trust homepage

<<http://www.farmland.org/how/tools.htm>> American Farmland Trust: Introduction to Farmland Protection Tools and Techniques

<<http://www.nhq.nrcs.usda.gov/OPA/FB96OPA/FBillLnk.html>> Natural Resources Conservation Service USDA 1996 Farm Bill Conservation Provisions

<<http://www.saveland.org>> Jefferson Land Trust – land protection information and links

<<http://www.vlt.org/farmland.html>> Vermont Land Trust: Farmland Protection

<<http://www.yampa.com/Routt/CSU/CCALTinfo.html>> Colorado Cattlemen's Agricultural Land Trust: "Protecting Open Space by Preserving Agriculture"

Conservation & Forestry

<<http://metalab.unc.edu/farming-connection/agrofore/home.htm>> Sustainable Farming Connection: Agroforestry Menu

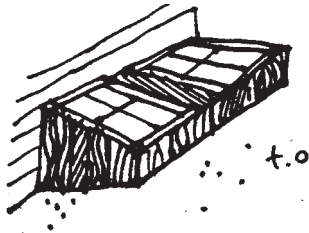
<<http://www.acfpforesters.com>> Association of Consulting Foresters of America, Inc.

<<http://www.fs.fed.us>> USDA Forest Service

<<http://www.metla.fi/info/vlib/Forestry>> WWW Virtual Library: Forestry – data base

<<http://www.nacdnet.org>> The National Association of Conservation Districts

<<http://www.nh.nrcs.usda.gov>> USDA Natural Resources





Conservation Service – New Hampshire
<<http://www.nhwf.org/links.html>> NH Wildlife Federation - links
<<http://www.northernforest.org>> The Northern Forest Center
<<http://www.spnhf.org>> Society for the Protection of NH Forests
<<http://www.state.nh.us/des/link-1.htm>> NH Department of Environmental Services – links
<<http://www.tpl.org/tpl>> Trust for Public Land
<<http://www.treefarmssystem.org>> American Tree Farm System
<<http://www.unl.edu/nac>> USDA National Agroforestry Center

Economics, Land Use & Planning

<<http://homepages.together.net/~nnecapa/excom/html>> Northern New England Chapter American Planning Association
<<http://www.ap.buffalo.edu/pairc>> Cyurbia.org: Internet Resources for the Built Environment – data base
<<http://www.crjc.org>> Connecticut River Joint Commissions
<<http://www.crjc.org/corridor-plan/plan-riverwide1.html>> Connecticut River Joint Commissions: Connecticut River Corridor Management Plan
<<http://www.cubekc.org>> Center for Understanding the Built Environment
<<http://www.lincolnst.edu/home/html>> Lincoln Institute of Land Policy
<<http://www.lta.org>> Land Trust Alliance
<<http://www.plannersweb.com>> Planning Commissioners Journal
<<http://www.planning.org>> American Planning Association
<<http://www.smartgrowth.org>> The Smart Growth Network
<<http://webster.state.nh.us/osp/nhresnet>> New Hampshire Office of State Planning “NH Resource Net” – local and state planning information
<<http://www.state.nh.us/osp/ospweb.htm>> New Hampshire Office of State Planning
<<http://www.susdev.org>> The Sustainable Development Institute
<<http://www.tpl.org/tpl>> The Trust for Public Land

Historic Barns & Agricultural Buildings

<<http://museum.cl.msu.edu/barn/resource/again/again/html>> Barn Again!
<<http://museum.cl.msu.edu/barn/resource/resource.html>> The Barn Journal: “Barn Resources” – links
<<http://www.ag.ohio-state.edu/~barn>> Barn Again! in Ohio – resources
<<http://www.agriculture.com/ba/biblio.html>> Barn Again! Bibliography
<<http://www.agriculture.com/ba/publ.html>> Barn Again! Store - publications and videos
<<http://www.uvm.edu/~vhnet/hpres/publ/barnb/bbtit.html>> Vermont Division for Historic Preservation and Vermont Housing and Conservation Board: *Taking Care of Your Old Barn*
<<http://www.uwex.edu/lgc/barns/barnlink.htm>> University of Wisconsin Extension: Wisconsin Barn Preservation Related Links

Historic Preservation

<<http://www.achp.gov>> Advisory Council on Historic Preservation
<<http://www.alhfam.org/alhfam.links.html>> Association for Living History, Farm and Agricultural Museums - links


<<http://www.cr.nps.gov>> The National Park Service: Links to the Past – links to historic preservation programs and resources
<<http://www.cr.nps.gov/whatwedo.htm>> National Park Service: Cultural Resource Programs – links
<<http://www2.cr.nps.gov/planpres.htm>> National Park Service: Heritage Preservation Services: Planning & Preservation
<<http://www2.cr.nps.gov/tps/index.htm>> National Park Service: Heritage Preservation Services: Technical Preservation Services for Historic Buildings – links to essential “how to” information
<<http://www.farmmuseum.org/about>> NH Farm Museum
<<http://www.ncptt.nps.gov/index2.stm>> National Center for Preservation Technology and Training
<<http://www.nps.gov/partners.html>> National Park Service: Working with Partners – links
<<http://www.nthp.org>> National Trust for Historic Preservation
<<http://www.state.nh.us/nhdhr>> New Hampshire Division of Historical Resources
<<http://www.traditional-building.com>> Clem Labine’s Traditional Building: The Professional’s Source for Historical Products


July 1999





Preserving Rural Character through Agriculture

A RESOURCE KIT FOR PLANNERS

 Farms make a \$450 million yearly contribution to New Hampshire's economy, while providing the scenic vistas and rural character that define the state. Farms embody our social and cultural heritage, satisfy our human need for open space, provide fresh local food, enhance our quality of life, and in a state with a strong tourism industry, farms bring visitors. But farms in New Hampshire, as elsewhere, are being threatened by development.

 To maintain rural character in New Hampshire is to sustain agriculture, both as a vital part of the visual landscape and as a viable profession. Despite a community's Master Plan mandate to maintain rural character, planners are often caught between preserving open space and encouraging development. Often there is a conflict between the town's goals and local government policies which inadvertently create barriers to agricultural enterprises. *Preserving Rural Character Through Agriculture: A Resource Kit for Planners* offers insights, tools and resources to prevent the unintended negative consequences of land use regulations and decisions on agriculture, along with specific suggestions for enhancing and supporting agriculture.

 This publication is a project of the New Hampshire Coalition for Sustaining Agriculture, a network of public and private organizations working to ensure that agriculture is a valued and vital part of the state's economy, environment and communities. The financial and staff contributions to this publication reflect the diversity of support for agriculture in New Hampshire.

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Printed by Squamscott Press of Stratham, NH. The Table of Contents and Tabs are printed on Neenah Environment, an agricultural paper recycled from 50% reclaimed sugar cane fiber, 30% post consumer waste and 20% preconsumer waste.

The Economic Impact of Open Space in New Hampshire (Executive Summary)

Colin High
Resource Systems Group, Inc.
January, 1999

The Society for the Protection of New Hampshire Forests requested Resource Systems Group to provide an independent analysis of the economic impacts of open space on the economy of the State of New Hampshire. The purpose of this assessment is to provide a factual basis for informing the public and conservation organizations about the value of open space to the New Hampshire economy. Open space is defined in this study as areas that are not built up, excavated, or developed. Wild areas, forests, tree farms, open productive agricultural land, grassland, pasture, wetlands, lakes, natural seashores, and the non-built up parts of state and municipal parks are all included. Open space does not need to be completely natural or pristine to be included under this definition. At present, approximately 89% of New Hampshire can be classified as open space.

Open space is a direct underpinning of four economic sectors: agriculture, forestry, tourism and recreation, and second homes used for vacations and recreation. For each sector, the availability of open space is a significant factor, and often the critical one, in determining the income, jobs, and taxes derived from those sectors. In addition, the study recognized that there were other important economic contributions to the state economy which cannot be quantified, including the value of open space in attracting and retaining business and industry and making New Hampshire an attractive place for retirement. This study collected data primarily from state and federal government sources, which were then used to evaluate and quantify the contribution of open space to the New Hampshire economy from each of the four sectors. An input/output economic model of New Hampshire was used to determine the indirect impacts of open space related economic activities. The economic impacts of open space are summarized in the following table.

Summary of the Economic Impacts Related to Open Space Activities in New Hampshire 1996/97							
	Gross Direct Income	Average % Attributed to Open Space	Attributed Direct Income	Attributed Direct Jobs	Attributed Direct & Indirect Income	Attributed Direct & Indirect Jobs	Attributed State & Local Tax Revenues
Agriculture Related	\$413,400,000	56%	\$230,900,000	3,669	\$376,915,800	5,467	\$30,907,096
Forest Related	\$1,198,214,000	100%	\$1,198,214,000	6,487	\$3,921,182,894	16,675	\$325,300,797
Tourism & Recreation	\$3,178,480,000	54%	\$1,732,261,600	41,661	\$3,067,152,265	64,002	\$249,417,502
Vacation Homes	\$478,783,000	100%	\$478,783,000	8,648	\$816,983,565	15,029	\$285,855,786
Total	\$5,268,877,000	69%	\$3,640,158,600	60,465	\$8,182,234,524	101,173	\$891,481,182

The results of the analysis show that open space based economic activities contributed \$8.2 billion per year to the New Hampshire economy in 1996/97. This amounts to over 25% of New Hampshire's gross state product. There were over 100,000 jobs, amounting to 16% of all civilian jobs, which were dependent on open space. The open space based economy is larger than the whole tourist industry and it is second only to manufacturing in terms of both income and employment. With an estimated \$891 million in state and local revenue

generated, the open space based economy provided over 35 % of the total state and local tax revenues in 1996/97. The 5,265,000 acres of open space in the state contributed an average of over \$1,500 per acre in total state income.

The major quantifiable components of the open space based economy are as follows:



1. Agriculture related activities have annual gross revenues of \$413 million. Of this total, \$231 million, or 56% of the total revenue, is dependent on open space as defined in this study. Greenhouse production, ornamental horticulture, landscaping and the processing of food that is produced primarily outside the state are not considered to be open space related. The total direct and indirect impact on the state economy from agriculture is \$377 million and this sector generates over 5,400 jobs.
2. Forestry based activities, including primary forest products, saw milling and paper manufacturing, generate almost \$1.2 billion in gross revenues, all of which is open space based. When the indirect impacts are added, the total direct and indirect contribution to the state economy is \$3.9 billion making it the largest contributing sector in terms of total income. The forest sector generates over 16,600 jobs.
3. Tourism and recreation spending by residents and visitors was almost \$3.2 billion in 1996/97, including associated eating, drinking, and accommodation. Of the \$3.2 billion it is estimated that 54% of the total expenditure, or \$1.7 billion, is based on open space related activities such as hunting, fishing, bird watching, hiking, skiing, and camping. When the indirect impacts are added, the total direct and indirect impact on the state economy is over \$3 billion and the sector generates over 64,000 jobs.
4. Second homes in New Hampshire that are primarily for vacation and recreational use generate \$479 million in annual spending, all of which is open space related. This includes property tax payments, utilities, construction, repair, and renovation but not the tourism or recreation related expenditures of the owners or renters, as these expenditures are included in the tourism and recreation sector. The total direct and indirect impact on the state economy is \$817 million and the sector generates over 15,000 jobs.

Overall, the estimates in this study are conservative because they do not include the contribution of open space in attracting and retaining businesses and retirees, or the increase in property values that may occur in proximity to open space. The four sectors that have been quantified together produce \$3.5 billion in direct expenditures and generate a total direct and indirect impact of \$8.2 billion. Of this total, about \$4.4 billion is generated by primary open space activity, such as agricultural crop production, timber production, and outdoor recreation. About \$3.8 billion is generated by secondary activities such as saw milling, paper manufacture, and agricultural food processing, based principally on New Hampshire-grown raw materials.

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.

This is the complete report:

BACKGROUND AND PURPOSE

The Society for the Protection of New Hampshire Forests requested Resources Systems Group to provide an independent analysis of the economic impacts of open space on the economy of the State of New Hampshire. The purpose of this assessment is to provide a factual basis for informing the public and conservation organizations about the value of open space to the New Hampshire economy.

Open space comes in many forms, from municipal parks to the great wilderness areas of the White Mountain National Forest and includes thousands of acres of productive farm and forest lands as well as wilderness and wildlife reserves. Some of this land is public or in conserved private ownership that is protected permanently from development. Some is in multiple use or is primarily used for the production of food or fiber. Whatever its primary designation, there is little doubt that open space is an important factor in the economic well being of the state, and that it is a defining characteristic of the place that resonates with both residents and visitors. The value of the open space is widely recognized both by those who wish to extend open space greater protection and those who wish to develop open space. Indeed, it is often the proximity to open space that makes New Hampshire such an attractive place for tourism, recreation, retirement, and for the location of industries whose owners and employees value the quality of life that open space provides.

The conflict between open space and development is not new. The factors of production (land, capital, and labor) that are necessary for economic development have always included open space as a natural resource to be used for production or development. In the late 19th century, with the

development of mass tourism and outdoor recreation, open space as a non-consumptive resource took on new meaning as tourism and recreation became an important part of the state's economy. Whenever a resource is used up, the production that is dependent upon it is in jeopardy, and that is true today of the industries that are directly or indirectly dependent on open space.

When resources are depleted, technology finds substitutes. In New England, wood fuel was replaced by coal and oil, as wood resources became scarce. Plastics and fiber composites replaced wood and metals and composite wood products are replacing sawed timber in home construction. Outdoor recreation and tourism could be replaced with indoor sports or urban culture based tourism. Similarly, forest products and open space based agriculture may to some extent be replaced by wood substitutes and industrial agriculture. Without expressing judgements on the relative values of these activities, there is little doubt that if New Hampshire were to see a decline in open space based economic activities the transition to substitutes would probably not be to New Hampshire's long term advantage. This is because while New Hampshire enjoys a natural advantage in open space based economic activities, it does not have an advantage in urban or cultural tourism, indoor recreation or in the oil based materials industries. Therefore, given the natural advantage that the state enjoys in open space based economic activity, it is important to understand and quantify the value that is created by open space resources.

The purpose of this study therefore is to attempt to provide a quantitative assessment of economic activities in the state that are based on open space, so that these economic values may be better understood in the

process of
public policy formation.

REVIEW OF THE METHODOLOGY FOR ECONOMIC VALUATION OF OPEN SPACE

The methodology for the economic valuation of open space can be considered as a special case of the more general problem of the valuation of natural resources which may have both market and non-market values and in addition include consumptive and non-consumptive uses.


Open space is defined here as areas that are not built up, excavated, or developed. Wild areas, forests, tree farms, open productive agricultural land, grassland, pasture, wetlands, lakes, natural seashores, and the non-built up parts of state and municipal parks are all included. Open space does not need to be completely natural or pristine to be included under this definition. Excavated areas, unless fully reclaimed, playing fields, landfills, waste lagoons, industrial agriculture and horticulture facilities, and greenhouses are excluded. For practical reasons, small areas of open space such as back yards, home gardens, and landscaping around commercial developments are also excluded. Under this definition, almost all open space could revert to the natural state if left alone.


The need for the measurement of the economic value of open space occurs because open space, like other non-consumptive natural resources, is not well represented in the market place. Some values such as standing timber, soil quality, and clean water may be factors in the sale price of private land. But the more general values such as the life supporting services of natural ecosystems and the value for outdoor recreation are often not reflected in selling prices or rents. This does not mean that they cannot be





Preserving Rural Character through Agriculture

A RESOURCE KIT FOR PLANNERS

 Farms make a \$450 million yearly contribution to New Hampshire's economy, while providing the scenic vistas and rural character that define the state. Farms embody our social and cultural heritage, satisfy our human need for open space, provide fresh local food, enhance our quality of life, and in a state with a strong tourism industry, farms bring visitors. But farms in New Hampshire, as elsewhere, are being threatened by development.

 To maintain rural character in New Hampshire is to sustain agriculture, both as a vital part of the visual landscape and as a viable profession. Despite a community's Master Plan mandate to maintain rural character, planners are often caught between preserving open space and encouraging development. Often there is a conflict between the town's goals and local government policies which inadvertently create barriers to agricultural enterprises. *Preserving Rural Character Through Agriculture: A Resource Kit for Planners* offers insights, tools and resources to prevent the unintended negative consequences of land use regulations and decisions on agriculture, along with specific suggestions for enhancing and supporting agriculture.

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