



TOWN OF RAYMOND

Planning Board Agenda
October 15, 2020 at 7:00 p.m.
App. # 2020-009
Electronic Zoom Meeting

Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. **

1. Public Meeting

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, this Board is authorized to meet electronically. The public has access to contemporaneously listen and participate in this meeting through the website address: <https://zoom.us/j/99429059850> or by dialing the following phone 312- 626- 6799 or 646- 558- 8656 The required meeting ID is 994 2905 9850.

We are encouraging residents who wish to speak during Public input or have questions under the Citizens questions portion of the agenda to submit them via email to communication@raymondnh.gov by 10/15/2020 at noon.

For problems, please call 603-895-6405 or email at: communication@raymondnh.gov. The virtual meeting will also be simulcast for viewing purposes only on Raymond Community Television Channel 22 and streamed live at: <https://raymondtv.viebit.com/>

- a) **Application #2020-009:** An application for a Lot Line Adjustment has been submitted by Dennis D. McKenney on behalf of Walter J. Paige Jr. for property identified as Raymond Tax Map 4 Lot 54, located at 128 Chester Road Raymond NH, 03077 within Zone B and property identified as Raymond Tax Map 4 Lot 56, located at 128 Chester Road Raymond NH, 03077 within Zone A. The applicant is proposing to move an existing property line of two pre-existing lots, they will be taking +/- 0.1 acres from Lot 56 making it +/-7.2 acres and adding it to Lot 54 making it +/-0.5 acres.
- b) **Agriculture Zoning Amendment Discussion Continued...**

2. Approval of Minutes

- 10/01/2020

3. Public Comment

* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason it will be held at a time TBD.



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4. Other Business

- Kendra CIP appointment
- Staff Updates
- Board Member Updates
- Any other business brought before the board
- **Adjournment (NO LATER THAN 10:00 P.M.)**

Planning Board Meetings	Application Deadlines
October 15 th	September 17 th
November 5 th	October 1 st
November 19 th	October 15 th
December 3 rd	November 5 th
December 17 th	November 19 th
January 7 th , 2021	December 3 rd , 2020
January 21 st , 2021	December 17 th , 2020

* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen’s Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason it will be held at a time TBD.



PB App #2020-009

Lot Line Adjustment for Walter Paige



Map # 4 Lot # 54 & 56

Application for Lot Line Adjustment

Town of Raymond, NH

Project Name: WALTER PAIGE JR & REALTY TRUST 128 CHESTER ROAD

Location: 128 CHESTER ROAD

Project Description: LOT LINE ADJUSTMENT

Zone: C1 & E Total Number of Lots: -2-

Applicant/Agent Information:

Name: DENNIS D. MCKENNEY, LLS #691

Phone: 603-533-0283 Fax: 603-588-2638

Company: NEFCO

Address: 569 N BENNINGTON RD, BENNINGTON NH 03442

By signing this application, you are agreeing to all rules and regulations of the Town of Raymond, and are agreeing to allow agents of the Town of Raymond to conduct inspections of your property during normal business hours to ensure compliance with all Raymond Zoning and Subdivision Regulations while your application is under consideration and during any construction and operational phases after approval is granted.

Signed*: D. D. McKenny Date: 9/9/20

*Requires notarized letter of permission

Owner Information: 128 CHESTER RD REALTY TRUST

Name: WALTER J. PAIGE, JR / INDIVIDUALLY & AS TRUSTEE

Phone: _____ Fax: _____

Company: _____

Address: _____

* Signed: _____ Date: _____

Designers of Record: (Provide Name & License Number for each)

Engineer: _____

Surveyor: DENNIS D. MCKENNEY, RPA LLS #691

Soil Scientist: _____

Landscape Architect: _____

Fire Protection Engineer: _____

Other(s): _____

FEES: \$75.00 Application Fee

For Office Use Only:

Date Application Received: _____ Total Fees Collected w/Application: _____

Abutters List Received: _____ Plans & Checklist Received: _____



Map # 4 Lot # 54 & 56

Applicant Name WALTER J. PAIGE, JR Date 9/9/20

INDIVIDUALLY & AS TRUSTEE,
128 CHESTER ROAD REALTY TRUST

Lot Line Adjustment Checklist

Town of Raymond, NH

The items on this page are considered to be the minimum requirements for a lot line adjustment or technical subdivision, where no new lots are being created. The Planning Board reserves the right, however, to request additional information if, in its judgment, the data are necessary in order to make an informed decision.

SUBMITTED WAIVED

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Name of subdivision; name and address of subdivider |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Name, license number and seal of surveyor or other persons preparing the plan |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Names and addresses of all abutters and all holders of conservation, preservation, or agricultural preservation easements (on the plat or on separate sheet) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. North arrow, scale, and date of plan |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 5. Signature block for Planning Board endorsement |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 6. Locus plan, showing zoning designations |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 7. Boundary survey and location of permanent markers |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Location of property lines, lot areas in square feet and acres; lots numbered according to Town tax map system |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Location and amount of frontage on public right-of-way; names, classification of abutting streets |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 10. Location of building setback lines |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Location of existing buildings and other structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Location of existing driveways |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 13. Location and description of any existing or proposed easements or public dedication |

Letter of Authorization

September 10, 2020

Town of Raymond , NH

Zoning Board-Board of Selectmen-Planning Board

128 Chester Rd.

Raymond, NH 03077

Map 004-00-056-000

Map 004-00-054-00

To whom it may concern, Town of Raymond , NH

By this letter I authorize/permit Dennis D. McKenney of New England Forestry Consultants , Inc. and his representatives to act as our agent for The Town of Raymond NH on my behalf to discuss all aspects of a lot line adjustment between Tax map 004/00/056 and Tax map 004/00/054. Both of which I own.



9-10-20

Walter Paige Jr.

Date

State of New Hampshire

County of Rockingham

Personally appeared the above named Walter Paige Jr. , before me this

10th day of September, 2020 known to be the persons whose name is subscribed to the foregoing instrument and acknowledged that executed the same for the purposes therein contained.



[Signature]

Notary/Justice of the Peace

My Commission Expires: April 5, 2022

Walter Paige Jr. Trustee

9-10-20

Walter Paige Jr. Trustee

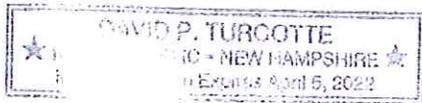
Date

State of New Hampshire

County of Rockingham

Personally appeared the above named Walter Paige Jr. Trustee of the 128 Chester Road Realty Trust , before me this

10th day of September, 2020 known to be the persons whose name is subscribed to the foregoing instrument and acknowledged that executed the same for the purposes therein contained.



[Signature]

Notary/Justice of the Peace

My Commission Expires: April 5, 2022

Property Card: CHESTER ROAD
Town of Raymond, NH



Parcel Information	
Parcel ID: 004-000-055-000 Vision ID: 205 Owner: MOORE, BRYAN S Co-Owner: LAURIE B MOORE Mailing Address: 115 HANSON ROAD CHESTER, NH 03036	Map: 004 Lot: -055 Use Description: FARM Zone: B Land Area in Acres: 10
Sale History	Assessed Value
Book/Page: 2894 / 1074 Sale Date: 10/9/1991 Sale Price: \$0	Land: \$4,000 Buildings: \$0 Extra Bldg Features: \$0 Outbuildings: (\$4,000) Total: \$4,000

Building Details: Building # 1		
NO PHOTO AVAILABLE	Model: Vacant	Int Wall Desc 1:
	Living Area: 0	Int Wall Desc 2:
	Appr. Year Built: 0	Ext Wall Desc 1:
	Style:	Ext Wall Desc 2:
	Stories:	Roof Cover:
	Occupancy:	Roof Structure:
	No. Total Rooms:	Heat Type:
	No. Bedrooms:	Heat Fuel:
No. Baths:	A/C Type:	
No. Half Baths:		

2894/1074-1991
L/B RAYMOND & CHESTER
14 ACRES

NEW ENGLAND FORESTRY CONSULTANTS, INC.
DENNIS D. MCKENNEY
FORESTER & LAND SURVEYOR
569 NORTH BENNINGTON ROAD
BENNINGTON NH 03442-4505
(603) 589-2638



www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



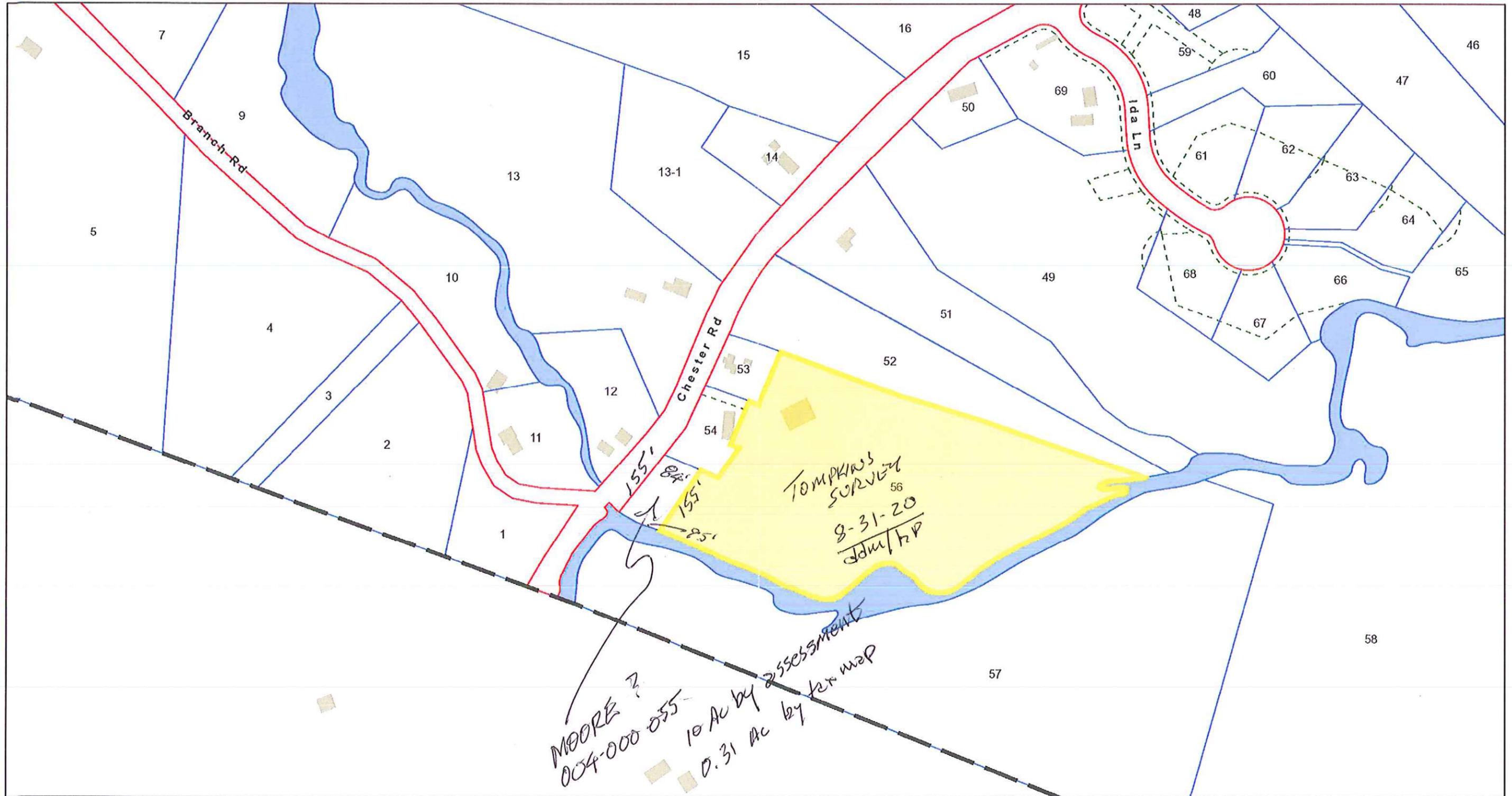
NEW ENGLAND FORESTRY CONSULTANTS, INC.
 DENNIS D. MCKENNEY
 FORESTER & LAND SURVEYOR
 569 NORTH BENNINGTON ROAD
 BENNINGTON NH 03442-4505
 (603) 588-2638

Raymond, NH

1 inch = 200 Feet



September 1, 2020



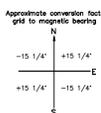
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

The paper copy has a surveyor's stamp

Reserved for Registry Use



Units: US Survey Feet
Datum: NAD83 (Conus)
New Hampshire Coordinate System Grid North
Coordinate System: US State Plane 1983
Coordinate Zone: New Hampshire 2800



- LEGEND**
- Granite Bound or Post (found)
 - Iron Pipe/Pin/Drill Hole/Rebar
 - ☒ Swamp
 - Stone wall
 - X—X—X Barbed wire fence
 - Well Dug/Drilled
 - Utility Pole
 - retaining wall
 - brook
 - △ traverse point, 3/8" x 10" spike set
 - 100.00' tract boundary (to be eliminated)
 - ★ triple blazed white pine
 - rebar set

Approved for Recording
Raymond Planning Board

Date	Chairman
Date	Secretary

- NOTES**
- This plan is based on a theodolite/EDMI and Trimble Pathfinder Pro XR GPS receiver survey conducted August 31, 2020 by Dennis D. McKenney, LLS and Hunter Payer of NEFCO, Bennington, NH. Error of closure for the traverse exceeds 1:23,620.
 - All deed and plan references are Rockingham County Registry of Deeds, 10 Route 125, Brentwood, NH. Probate references, if any, are NH 10th Circuit Court, 10 Route 125, Brentwood, NH.
 - Size and description of found monuments recorded in field notes
 - Monuments shown as Rebar (set) are 3/4" x 40" rebar driven solid with 10" +/- exposed and topped with a plastic cap stamped "DDM LLS 691."
 - Abutters shown hereon are as of September 9, 2020.
 - Centerline of the Exeter River mapped by Trimble GPS receiver on 9/8/2020 via kayak.
 - NH State Route 102 is a Class I public highway.
 - Zoning information provided by Raymond Department of Community Development. All setbacks for Zone A are 25'; Zone B are 30'.
 - The area being annexed to Lot 54 will be subject to easements for buried utility lines, buried water lines and a right of way benefiting Lot 56.

PREPARED FOR
Mark Tompkins
85 1/2 Chester Road
Derry, NH 03038

Inset: 1" = 50'

Parcel ID: 004-00-054-000
Walter J. Paige, Jr.
128 Chester Road
Raymond, NH 03077
Volume 5591 Page 1705--2015
(see 1643/133--1962, part of 1024/154--1943)
(see 2002/268--1969, part of 1024/154--1943)
After Lot Line Adjustment
0.5 Acres ±
22,130 Sq.ft. ±

Parcel ID: 004-00-013-000
Sharon & Paul F. Ayer, Jr.
127 Chester Road
Raymond, NH 03077
Volume 6091 Page 845--2020
Plan: D-32,167

Parcel ID: 004-00-012-000
Patrick J. Valleria, Jr.
129 Chester Road
Raymond, NH 03077
Volume 6044 Page 1103--2019
Plan: D-32,167

Parcel ID: 004-00-011-000
Joseph Fiore
1 Branch Road
Raymond, NH 03077
Volume 5789 Page 2663--2017

Parcel ID: 004-00-001-000
Edward H. Chatterton
49 Harmon Street
Lynn, MA 01905

Parcel ID: 004-00-055-000
Laurie B & Bryan S. Moore
115 Hanson Road
Chester, NH 03036
Volume 2894 Page 1074--1991

Parcel ID: 004-00-053-000
Debra G. & Robert P. Brackett
154 State Route 27
Raymond, NH 03077
Volume 5627 Page 2431--2015
(see 1035/265--1945, part of 1024/154--1943)

Parcel ID: 004-00-056-000
128 Chester Road Realty Trust
128 Chester Road
Raymond, NH 03077
Volume 3085 Page 1212--1994
(remainder of 1024/154--1943)
After Lot Line Adjustment
7.2 Acres ±
311,850 Sq.ft. ±

Parcel ID: 004-00-052-000
Beatrice A. Perry
124 Chester Road
Raymond, NH 03077
Volume 4942 Page 2505--2008
Plan: D-26,569

The Town of Raymond Tax Map displays Parcel ID: 004-000-005 in this location. Further, town records identify the deed at Volume 2894 Page 1074 as the owner's source of title. However, this deed describes a 14 acre tract of land with buildings in Chester and Raymond. My research of records at the Rockingham County Registry of Deeds failed to uncover any conveyance of land consistent with the location of this parcel (055) between 1943 and September 9, 2020. Absent the discovery of an unrecorded deed or bequest via will, this area is a part of Parcel ID: 004-00-056-000, see Volume 1024 Page 154--1943. DDM, LLS 691

TAX MAP REFERENCE (128 Chester Road Realty Trust)

Parcel ID: 004-00-056-000

OWNER OF RECORD
128 Chester Road Realty Trust
Walter J. Paige, Jr., Trustee
128 Chester Road
Raymond, NH 03077

TITLE REFERENCE
Volume 3085 Page 1212--1994

PLAN REFERENCE none
ZONING A--w/o town water

TAX MAP REFERENCE (Walter J. Paige, Jr.)

Parcel ID: 004-00-054-000

OWNER OF RECORD
Walter J. Paige, Jr.
128 Chester Road
Raymond, NH 03077

TITLE REFERENCE
Volume 5591 Page 1705--2015

PLAN REFERENCE none
ZONING B

Details of Lot Line Adjustment

Lot Number	Before / After Adjustment	
	Frontage, ft	Acres, +/-
054	171.00/171.00	0.4/0.5
056	156 ±/156 ±	7.3/7.2
Total	x	7.7/7.7

Lot Line Adjustment Plan
Adjoining Properties of
Walter J. Paige, Jr. and
128 Chester Road Realty Trust
128 Chester Road/NH Route 102
Raymond, New Hampshire
Scale: 1" = 50' (1" = 15.24 meters)
September 10, 2020

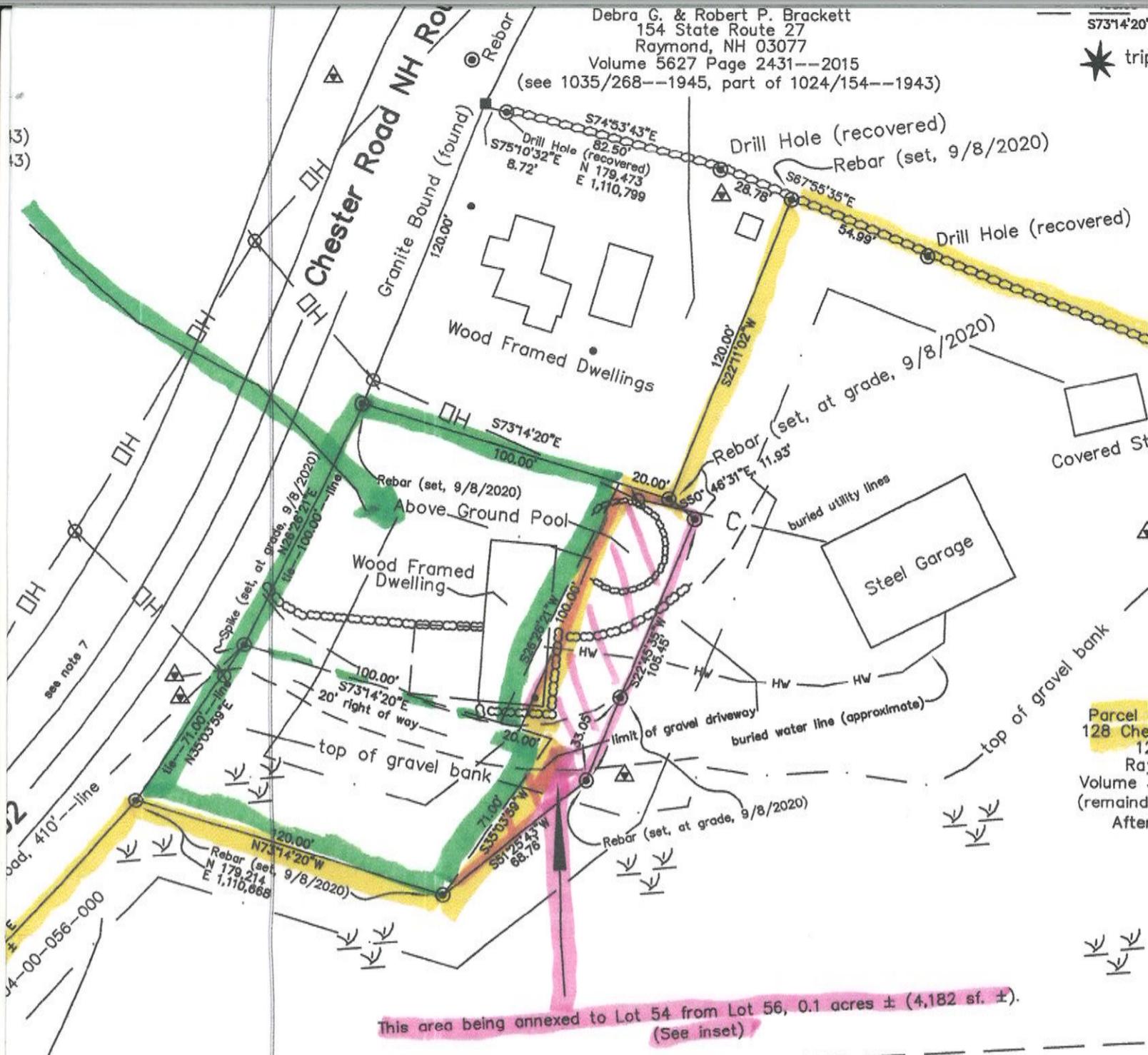
Prepared by
Dennis D. McKenney, LLS NH #691
New England Forestry Consultants, Inc
569 North Bennington Road
Bennington, NH 03442-4505
603-588-2638 Voice and Fax
E-mail: dmckenney@foresters.com

I hereby certify that this map and survey has been made under my supervision. The date of the survey was August 31, 2019. All monuments set on or before 9/8/2020

Date _____ Surveyor, LLS #691

Debra G. & Robert P. Brackett
 154 State Route 27
 Raymond, NH 03077
 Volume 5627 Page 2431--2015
 (see 1035/268--1945, part of 1024/154--1943)

S73°14'20"
 * trip



This area being annexed to Lot 54 from Lot 56, 0.1 acres ± (4,182 sf. ±).
 (See inset)

Parcel ID: 004-00-056-000

Parcel ID: 004-00-055-000
 Laurie B & Bryan S. Moore
 115 Hanson Road
 Chester, NH 03036
 Volume 2894 Page 1074--1991

displays Parcel ID: 004-000-005 in this location.
 he deed at Volume 2894 Page 1074
 However, this deed describes a 14 acre
 Chester and Raymond. My reserach of records
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 this parcel (055) between 1943 and September 9, 2020.
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 ee Volume 1024 Page 154--1943. DDM, LLS 691

TAX MAP REFERENCE (128 Chester Road Realty Trust)

Parcel ID: 004-00-056-000

OWNER OF RECORD

WALTER PAIGE LLA

9/15/20 - WDM

Raymond NH Planning Board Waiver Request Form

Applicable to Site Plan Review and Subdivision Regulations

Project Name & Application Number:

Regulation, Article & Section from which a waiver is being sought:

LOT LINE ADJUSTMENT APPLICATION LINE 6 —

LOCUS PLAN

Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest is secured, provided that:

Please respond to the criteria below:

- a. Explain how the granting of the waiver will not be detrimental to public safety, health, or welfare or injurious to other adjacent property;

DETAILS SHOWN ON THE PLAN ARE SUFFICIENT TO ALLOW ONE TO LOCATE THE PROPERTY RELATIVE TO OTHER PROPERTIES IN RAYMOND & SERVES IN LIEU OF A DEDICATED LOCUS MAP

- b. Explain how granting this waiver shall not have the effect of nullifying the intent and purpose of these regulations, the Zoning Ordinance, Master Plan or Official Zoning Map;

GRANTING THE WAIVER EFFECTIVELY ACKNOWLEDGES THAT THE DETAILS ON THE PLAN CAN SUBSTITUTE FOR A DEDICATED LOCUS MAP

In granting waivers, the Planning Board may require such conditions as will, in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.

A petition for waiver shall be submitted by the applicant at the time when the application is filed for consideration by the Planning Board. All petitions shall be made in writing using the Town's Waiver Request Form. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

Any granted waivers must be noted on the final approved plan.

\\srv03\appdata\public\Community Development Dept\FORMS Updated September 21, 2017

AGENT FOR W. PAIGE, JR
WDM
9/15/20
LLS #691

VIA EMAIL TO SG@TOWN OF RAYMOND



Raymond Current Agriculture Ordinance

ARTICLE 10: AMENDMENTS

10.1 **Amendments:** This Ordinance may be amended with the provisions of [NH RSA 674](#) as it is or may be amended.

ARTICLE 11: SAVINGS CLAUSE

11.1 **Savings Clause:** The invalidity of any provision of this Ordinance shall not affect the validity of any other provision of this Ordinance.

ARTICLE 12: EFFECTIVE DATE

12.1 **Effective Date:** This Ordinance shall become effective immediately upon its passage.

ARTICLE 13: DEFINITIONS

13.1 **Definitions:** For terms for which no definition is provided, Raymond's Ordinances and Regulations may reference The New Illustrated Book of Development Definitions by Moskowitz and Lindbloom, published by the Center for Urban Policy and research, dated 1993 and as may be amended. For the purposes of this Ordinance, the present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupied" include the words "intended," "designated," or "arranged" to be used or occupied; and certain terms or words shall be interpreted as follows:

13.1.1. **ABANDONED:** Abandonment means the stated intention or otherwise apparent action of an owner to discontinue a non-conforming use of a structure or lot.

13.1.2. **ACCESSORY BUILDING:** A building or structure, detached from but located on the same lot, which is customarily incidental and subordinate to the principal building. Accessory buildings shall not contain bedrooms. (3/2017)

13.1.3. **ADULT BUSINESS ESTABLISHMENT: (03/1999)** Means any business open to the public, including, but not limited to, any bookstore, video store, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, theater, sexual encounter center or another business which derives revenue from the sale, rental or viewing of live performances or representations in any form involving displays or materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in [NH RSA 571-B:1](#), et. seq., and which devotes more than twenty percent (20%) of the total display, shelf, rack, table, stand or floor area for live performances or representations in any form of displays or material which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in [NH RSA 571-B:1](#), et. seq.

13.1.4. **AGRICULTURAL USE: (03/1990)** The use of land for the purpose of cultivating the soil, producing farm, forest or horticultural crops/dairy and/or raising livestock, poultry or other farm animals.

- 13.1.4.1. **COMMERCIAL AGRICULTURE:** Agricultural use of land for the principal purpose of sale either on or off the premises, including any sale facilities located on the premises. A single family detached dwelling is a permitted accessory use.
- 13.1.4.2. **NON-COMMERCIAL AGRICULTURE:** Agricultural use of land accessory to a residential use where the lot size exceeds two acres.
- 13.1.4.3. **PRODUCE STAND:** A structure used solely for the sale of produce/vegetables accessory to a non-commercial agricultural use of land where the floor area of the structure does not exceed 150 square feet.
- 13.1.5. **AUTOMOTIVE OR SIMILAR SALES FACILITY:** (03/1992) A building and/or lot used principally for the sale, display or rental of new or used automobiles or other similarly sized vehicles, with or without an accessory use for the repair or reconditioning of such vehicles.
- 13.1.6. **AUTOMOTIVE REPAIR SHOP:** (03/1992) A building and/or lot where automobiles or other similarly sized vehicles are serviced and repaired. No unregistered vehicles shall be allowed on site as per the NH [RSA 236:111](#) et. seq.
- 13.1.7. **AUTOMOTIVE SERVICE STATION:** (03/1992) A building and/or lot where gasoline, oil, grease, batteries, tires and automotive accessories are sold at retail, minor servicing and repairs are made and cold drinks, candy, tobacco and similar goods may be sold.
- 13.1.8. **BED AND BREAKFAST INN:** (03/1993) A residential dwelling unit or a portion thereof where short term lodging and meals, incidental to lodging, are provided. The operator of the Inn shall live on the premises.
- 13.1.9. **BOARD:** The Town of Raymond Zoning Board of Adjustment.
- 13.1.10. **BOARDING OR ROOMING HOUSE:** A building principally containing Boarding Units.
- 13.1.11. **BOARDING UNIT:** Residence of one or more persons not living as a single housekeeping unit and not having individual cooking facilities.
- 13.1.12. **BUILDING:** Any structure that has a roof on it and is intended or used for the shelter, housing or enclosure of persons, animals or property.
- 13.1.13. **CAMPER:** Any type of readily transportable shelter which was designed and/or is commonly used for camping, including but not limited to: motor homes, pickup truck mounted shelters and towed trailer-type shelters, to include hard and soft body trailers, which do not qualify as Manufactured Housing as defined in this section.
- 13.1.14. **CAMPING AREA:** Any parcel of land which contains three (3) or more separate lots or sites and/or contains permanent buildings or other structures commonly used for camping including accessory buildings and, if necessary, privately owned and maintained roads to provide access thereto; contains lots or sites which are rented, leased or otherwise let, for the placement of tents, campers, or other normally accepted camping shelters thereon for the purpose of camping; occupancy thereof is for not more than nine (9) months of the year; meets or exceeds all of the current requirements of the State of New Hampshire for that type of camping area.

ARTICLE 14: ALLOWED USES TABLE

14.1 Allowed Uses Table

14.1.1. LEGEND: P = Permitted

P500 = Permitted 500 feet from property line abutting NH Route 102

SE = Permitted by Special Exception

A = Permitted as Ancillary Use (MUBCOD)

X = Not Permitted

Type of Use	Zone A	Zone B	Zone C.1	Zone C.2	Zone C.3 - West	Zone C.3 - East	Zone D	MUBCOD	Sewer Overlay District	
									Zone C.1	Zone D
ACCESSORY USES (i.e. with and incidental to a principle use, including but not limited to Factory Outlet Sales)	X	X	X	X	X	X	P	X	P	P
ADULT BUSINESS ESTABLISHMENT	X	X	SE	X	X	X	X	X	X	X
AGRICULTURAL USE										
COMMERCIAL AGRICULTURE	SE	P	SE	P	P	P	X	X	X	X
NON-COMMERCIAL, FORESTRY ONLY	P	P	P	P	P	P	P	X	X	X
NON-COMMERCIAL, NOT INCLUDING PRODUCE STANDS	P	P	P	P	P	P	P	X	X	X
PRODUCE STAND (see definition under Agricultural Use)	SE 14.2.2	SE 14.2.2	P	P	P	P	X	X	X	X
AUTOMOTIVE SERVICE STATION	X	X	P	X	X	X	X	X	P	P



RSA's

RSA's from Wayne Welch's letter regarding Agriculture Zoning
Amendments

RSA 21:34-a
RSA 672:1 III (a,b,c,d,e)
RSA 674:32 (a,b,c)
RSA 673:1
RSA 674:44 (e,f,g)

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 21

STATUTORY CONSTRUCTION

Section 21:34-a

21:34-a Farm, Agriculture, Farming. –

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming operations or 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; 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 the operations or activities named in paragraph II(a) or (b) of this section or any combination of such individual operations or activities.

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

(a)(1) The cultivation, conservation, or tillage of the soil.

(2) The storage and use of or 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 or application of agricultural chemicals.

(4) The husbandry of livestock which shall include but not be limited to all beef or dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), or reindeer (*Rangifer tarandus*).

(5) The husbandry, boarding, training, or riding instruction of equines.

(6) The husbandry and harvesting aquaculture products including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing.

(7) The husbandry of poultry or game birds or production of eggs.

(8) The husbandry of bees or production of honey.

(9) The husbandry of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, or harvesting of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence.

(b) Any practice or activity on the farm incident to, ancillary 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) Marketing or selling at wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally from the production of the farm, including, but not limited to items listed in subparagraph (a), whether on-site or off-site, provided that marketing such products is not specifically prohibited by local regulations. For the purposes of this section marketing shall include agritourism, which means attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment,

education which shall be instruction or learning about the farm's operations, or active involvement in the activities of 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.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

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. Management 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, or appropriate agencies of the United States Department of Agriculture.

V. The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

VI. [Repealed.]

Source. 1961, 140:1. 1977, 95:1. 1979, 60:1. 1985, 6:1. 1997, 250:1. 1999, 191:2. 2005, 107:1. 2006, 11:5; 326:1. 2007, 157:1. 2008, 8:1, eff. July 4, 2008. 2014, 97:2, eff. Aug. 10, 2014. 2016, 267:1, 6, eff. June 16, 2016. 2019, 338:1-3, eff. Sept. 5, 2019.

TITLE LXIV PLANNING AND ZONING

CHAPTER 672 GENERAL PROVISIONS

Purpose

Section 672:1

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. Therefore, the installation of solar, wind, or other renewable energy systems or the building of structures that facilitate the collection of renewable energy shall not be unreasonably limited by use of municipal zoning powers or by the unreasonable interpretation of such powers except where necessary to protect the public health, safety, and welfare;

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. Agritourism, as defined in RSA 21:34-a, is undertaken by farmers to contribute to both the economic viability and the long-term sustainability of the primary agricultural activities of New Hampshire farms. Agricultural activities and agritourism 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-a, III-b, III-c, and III-e, "unreasonable interpretation" includes the failure of local land use authorities to recognize that agriculture and agritourism operations or activities as defined in RSA 21:34-a, forestry, renewable energy systems, 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 shall not be prohibited or unreasonably 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. 2002, 73:1. 2008, 299:3, eff. Jan. 1, 2010; 357:2, 3, eff. July 11, 2009. 2016, 267:2, 3, eff. June 16, 2016. 2019, 338:4, eff. Sept. 5, 2019.

TITLE LXIV PLANNING AND ZONING

CHAPTER 673 LOCAL LAND USE BOARDS

Establishment of Boards

Section 673:1

673:1 Establishment of Local Land Use Boards. –

- I. Any local legislative body may establish a planning board, the members of which shall be residents of the municipality.
- II. Any local legislative body may establish any or all of the following: a heritage commission, a historic district commission, an agricultural commission, and a housing commission.
- III. Any local legislative body may provide for the appointment of an inspector of buildings. The local legislative body may fix the compensation for any inspector who is so appointed.
- IV. Every zoning ordinance adopted by a local legislative body shall include provisions for the establishment of a zoning board of adjustment. Members of the zoning board of adjustment shall be either elected or appointed, subject to the provisions of RSA 673:3.
- V. Every building code adopted by a local legislative body shall include provisions for the establishment of the position of a building inspector, who shall issue building permits, and for the establishment of a building code board of appeals. If no provision is made to establish a separate building code board of appeals, the ordinance shall designate the zoning board of adjustment to act as the building code board of appeals. If there is no zoning board of adjustment, the board of selectmen shall serve as the building code board of appeals.

Source. 1983, 447:1. 1992, 64:5. 2007, 266:2. 2008, 391:2. 2009, 286:1, eff. Jan. 1, 2010.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Agricultural Uses of Land

Section 674:32-a

674:32-a Presumption. – In accordance with RSA 672:1, III-d, whenever agricultural operations or activities as defined in RSA 21:34-a are not explicitly addressed with respect to any zoning district or location, such operations or activities shall be deemed to be permitted there, as either a primary or accessory use, so long as conducted in accordance with best management practices guidelines adopted by the commissioner of the department of agriculture, markets, and food and with applicable federal and state laws, regulations, and rules.

Source. 2000, 279:3, eff. July 1, 2001. 2019, 338:5, eff. Sept. 5, 2019.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Agricultural Uses of Land

Section 674:32-b

674:32-b Existing Agricultural Uses and Activities. –

Any agricultural use or activity which exists pursuant to RSA 674:32-a may without restriction be expanded, altered to meet changing technology or markets, or changed to another agricultural use or activity, as set forth in RSA 21:34-a, so long as any such expansion, alteration, or change complies with all federal and state laws, regulations, and rules, including agricultural best management practices guidelines adopted by the commissioner of the department of agriculture, markets, and food; subject, however, to the following limitations:

I. Any new establishment, re-establishment after abandonment, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, site plan review, or other local land use board approval in accordance with the provisions of RSA 674:32-c, II and III.

II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use or activity involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, site plan review, or other local land use board approval in accordance with the provisions of RSA 674:32-c, II and III, and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a.

Source. 2000, 279:3, eff. July 1, 2001. 2016, 86:1, eff. July 18, 2016; 267:4, eff. June 16, 2016; 267:7, eff. July 18, 2016 at 12:01 a.m. 2018, 56:1, eff. July 15, 2018. 2019, 338:6, eff. Sept. 5, 2019.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Agricultural Uses of Land

Section 674:32-c

674:32-c Other General Provisions. –

- I. The tilling of soil and the growing and harvesting of crops and horticultural commodities, as a primary or accessory use, shall not be prohibited in any district.
- II. Nothing in this subdivision, or in RSA 674:32-b, shall exempt new, re-established, or expanded agricultural operations or activities from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use or activity allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use or activity, in accordance with the provisions of RSA 672:1, III-b, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use or activity, unless such waiver would have a demonstrated adverse effect on public health or safety, or on the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use or activity.
- III. Nothing in this subdivision shall apply to any aspect of an agricultural operation determined to be injurious to public health or safety under RSA 147. Nothing in this subdivision shall be deemed to modify or limit the duties and authority of the department of environmental services under RSA 485 or RSA 485-A or the commissioner of the department of agriculture, markets, and food under title XL.
- IV. Nothing in this subdivision shall be deemed to affect the regulation of sludge or septage.

Source. 2000, 279:3, eff. July 1, 2001. 2019, 338:7, eff. Sept. 5, 2019.

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Site Plans

Section 674:44

674:44 Site Plan Review Regulations. –

I. Before the planning board exercises its powers under RSA 674:43, it shall adopt site plan review regulations according to the procedures required by RSA 675:6.

II. The site plan review regulations which the planning board adopts may:

(a) Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:

- (1) Inadequate drainage or conditions conducive to flooding of the property or that of another;
- (2) Inadequate protection for the quality of groundwater;
- (3) Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
- (4) Inadequate provision for fire safety, prevention, and control.

(b) Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.

(c) Provide for open spaces and green spaces of adequate proportions.

(d) Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;

(e) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;

(f) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval;

(g) Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health;

(h) Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity;

(i) Require innovative land use controls on lands when supported by the master plan; and

(j) Require preliminary review of site plans.

(k) As a condition of site plan approval, require that the applicant protect or document archeological resources in areas of archeological sensitivity that have been identified in the master plan in accordance with RSA 674:2, III(h).

III. The site plan review regulations which the planning board adopts shall:

(a) Provide the procedures which the board shall follow in reviewing site plans;

(b) Define the purposes of site plan review;

(c) Specify the general standards and requirements with which the proposed development shall comply, including appropriate reference to accepted codes and standards for construction;

(d) Include provisions for guarantees of performance, including bonds or other security; and

(e) Include provision for waiver of any portion of the regulations. The basis for any waiver granted by the planning board shall be recorded in the minutes of the board. The planning board may only grant a waiver if the board finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to

the spirit and intent of the regulations; or

(2) Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

IV. The site plan review regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practice of the planning board:

(a) May provide for the conditional approval of the plat before such improvements and installations have been constructed, but any such conditional approval shall not be entered upon that plat.

(b) Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the site plan review regulations. The planning board shall have the discretion to prescribe the type and amount of the bond or other security, require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or other type of security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

V. The planning board may, as part of its site plan review regulations, require an applicant to pay all costs for notification of abutters and may provide for the assessment of reasonable fees to cover the board's administrative expenses and costs of special investigation and the review of documents and other matters which may be required by particular applications.

Source. 1983, 447:1. 1985, 103:21. 1986, 200:3. 1987, 256:3. 2004, 71:5. 2005, 33:2. 2009, 292:2. 2013, 76:3, eff. Jan. 1, 2014.



Space Guidelines

UNH Cooperative Extension: Housing and Space Guidelines for
Livestock



Housing and Space Guidelines for Livestock

As New Hampshire becomes more urban, the potential for conflict between the farming and non-farming communities increases. By using **best management practices*, farmers can greatly reduce or eliminate problems arising from odors and flies, pesticide drift, contamination of surface and ground waters, and damage to neighboring crops. Following best management practices can help eliminate problems that arise between farming activities and other land uses in urban environments.

Farming activities may involve full-time, part-time or backyard farmers. Existing commercial farms, as defined by RSA 21:34-a, are protected by the Right to Farm Law; RSA chapter 432. This allows for properly managed agricultural enterprises to continue operating in residential areas.

Housing

Most farm animals need some kind of shelter to escape the elements. Most people think winter is the most important time to provide shelter but an animal's natural coat can allow them to tolerate much colder temperatures than people can. Summer heat can by far, be harder on animals than winter if shade is not available to them either by trees or structures if they are out on pasture, or lack of ventilation in a barn or building. Many livestock animals like pigs and rabbits, do not sweat, so heat stroke can quickly set in. A simple, three-sided shelter with an open front will meet the needs of many farm animals on pasture and is often the building of choice to raise healthy livestock. When designing a three-sided animal shelter, make sure the open side faces south, away from prevailing winds. Locate the structure on an elevated, well-drained site and keep winter access in mind for feeding and water handling.

UNH Cooperative Extension Programs

	Community and Economic Development
	Food and Agriculture ✓
	Natural Resources
	Youth and Family



*Refer to the "Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire" for specific guidelines on proper animal waste handling and barnyard management. Online: <https://www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf> or call the New Hampshire Department of Agriculture, Markets & Food, at 603-271-3551.

There are several factors to consider when planning adequate livestock shelter in cold weather:

- **Air quality:** Animal shelters should be open, providing natural ventilation, or enclosed, using fans and proper air inlets around the ceiling perimeter to provide good air circulation. Tight buildings result in a buildup of respiration gases, and animal odors, which can irritate the animal's lungs and cause pneumonia. *Dangerous ammonia levels*¹ can also build up and lead to suffocation death of animals and their caretakers.
- **Drafts:** Animals can stand cold temperatures, but you should protect them from drafts. Constructing panels in front of an open building can reduce drafts. Consider drafts at animal height, not person height. When animals are allowed to run loose in a pen instead of being hitched, they will search for the most comfortable spots as needed.
- **Dry bedding area:** Animals will be far more comfortable in the cold if they have clean, dry bedding. A thick, dry bed provides insulation from the cold ground and decreases the amount of energy the animal has to expend to keep warm. Shelter from the snow and rain allows an animal's coat to remain dry, which provides maximum insulating value.
- **Fresh water**²: All animals need water to survive. Under cold conditions, provide fresh water often or use freeze-proof watering devices. Animals will drink more when water is 50°F.
- **Adequate food:** Animals can endure severe cold temperatures if they eat enough food (energy) to maintain their energy reserves (body fat). Animals need energy for growth and maintenance. Extra energy is expended to keep warm. Therefore, they will require additional amounts of good quality feed during cold weather. For herbivores, free choice hay in hay racks should be supplied in addition to a purchased feed.

Space

Refer to the table on the next page for estimates on the space needs of various animals for exercise yards and pasture. If zero pasturing is practiced, you will have to provide adequate purchased feed, have an exercise yard and develop a sound plan for manure management.

If you do provide pasture, the number of animals it will support per acre depends on soil fertility and environmental considerations. These conditions vary widely across the state. *Rotational grazing*³— the practice of sectioning off a piece of a pasture with electric fencing and confining animals in that section, then repositioning the fence and moving animals to another section depending on grass growth— prevents pastures from being overgrazed, helps prevent internal parasite loads, and will support more animals than a set stock system.

The following table lists the suggested minimum space required, housing types and fencing needs of various farm species, along with the number of animals that will meet the food, fiber, recreation and other needs of an average family farmstead. This is a rough guide. For more information and guidance, contact your local County Field Specialist.

¹ *Dangerous ammonia levels:* [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex8271/\\$file/086-6.pdf](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex8271/$file/086-6.pdf)

² *Individual water requirements:* <http://www.ag.ndsu.edu/pubs/ansci/livestoc/as1763.pdf>

³ *Rotational Grazing Guide:* <https://extension.psu.edu/four-steps-to-rotational-grazing>

Suggested Space and Housing Guidelines for Fully Mature Farm Animals

Animal	Horse	Beef Cow	Dairy Cow	Dairy Goat	Pig	Sheep	Hen	Broiler	Turkey
Unit	1 horse	1 cow	1 cow	1 goat	1 pig	1 sheep	1 hen	1 broiler	1 turkey
Enclosed Housing Area/Animal	- Tie stalls 45 sq. ft.; 5' x 9' - Box stall 12' x 8' or 10' by 10'	75-100 sq. ft.	75-100 sq. ft.	20-25 sq. ft.	48 sq. ft. with exercise yard; 100 sq. ft. without exercise yard	20-25 sq. ft.	3-4 sq. ft.	3-4 sq. ft.	6 sq. ft.
Exercise Yard Area/Animal	200 sq. ft.	100-125 sq. ft.	100-125 sq. ft.	50 sq. ft.	200 sq. ft.	50 sq. ft.	10 sq. ft.	-----	20 sq. ft.
Pasture Area/Animal	1-2 acres	1-2 acres	1-2 acres	0.2-0.3 acres	12-14 sows/acre/rotational pasture	0.2-0.3 acres	-----	-----	100 sq. ft.
Type of Housing and Boundary Setback	Enclosed ventilated barn or open 3-sided barn. Setback 50 ft.	Open front 3-sided barn. Setback 50 ft.	Open front 3-sided barn, free-stall or enclosed stanchion barn. Setback 50 ft.	Enclosed barn with removable side panels or windows. Setback 50 ft.	Enclosed barn, huts, shed, hutches or lean-to. Setback 50 ft.	Open front 3-sided shed. Setback 50 ft.	Enclosed barn. Setback 50 ft.	Enclosed barn. Setback 50 ft.	Enclosed barn. Setback 50 ft.
Fencing	-Electric -Wooden rail -Woven wire	-Barbed wire -Electric -Woven wire	-Barbed wire -Electric -Woven wire	-Electric -Woven wire	-Electric -Plank rail	-Electric -Woven wire	-Chicken wire	-----	-Chicken wire
Family Needs	1 horse per family member	1/2 - 1 beef animal/year; raise 2 animals/yr to provide continuous supply	1-2 cows	2-3 goats	2 pigs per yr.	6 sheep	6 hens	24 broilers	12 turkeys

Note to municipal planners: The minimum space and housing guidelines in the chart apply to both commercial farms and backyard operations. However, you should not apply the numbers of animals suggested in the “Family Needs” category to commercial farms when drafting ordinances regulating agriculture in your community.



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About the Authors

Original fact sheet written by David Seavey and John Porter, Extension Educators, June 2009. Updated by Dot Perkins, Field Specialist, Dairy Forages and Livestock Team, December 2017.

For More Information

State Office

Taylor Hall
59 College Rd.
Durham, NH 03824
<http://extension.unh.edu>

Education Center and Information Line

answers@unh.edu
1-877-EXT-GROW
(1-877-398-4769)
9 a.m. to 2 p.m. M–F
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LOCAL REGULATION OF AGRICULTURE TOOLKIT



INTRODUCTION

The New Hampshire Coalition for Sustaining Agriculture is pleased to present the Local Regulation of Agriculture Toolkit, developed with grant funds provided by Farm Credit East Northeast AgEnhancement. We have created the Toolkit for farmers and municipal decision makers to guide development of local farm friendly regulatory environments in which agricultural enterprises can operate successfully, and the traditions of New Hampshire's working landscape of farms and forests can continue.

The Toolkit includes:

- a checklist for assessing the farm friendliness of local regulations and policies;
- a flowchart of state laws governing farming and agricultural activities;
- a glossary of terms, and discussion on the relationship between state laws and town laws;
- a resource list of agencies, organizations, and publications for farmers and municipalities to address conflicts and pro-actively develop farm-friendly regulatory environments.

The New Hampshire Coalition for Sustaining Agriculture is grateful to the following people for their assistance with the development of the Toolkit:

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Bob Haefner, Hudson, NH
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Robert Johnson, NH Farm Bureau
Wayne Mann, Grand View Farm, Canterbury, NH
Amy Manzelli, Esq., BCM Environmental and Land Law
Gail McWilliam Jellie, NH Dept. of Agriculture, Markets and Food
Lorraine Merrill, NH Dept. of Agriculture, Markets and Food
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Matt Strassberg, Environmental Mediation Center
Theresa Walker, Town of Durham Agricultural Commission

IS YOUR TOWN FARM FRIENDLY?

2nd Edition

A checklist for municipal planning for agriculture

Farms are thriving and expanding across New Hampshire in new and exciting ways as farmers capitalize on consumer interest in fresh, locally grown and produced food. Farm stands, community gardens, community-supported agriculture, and summer and winter farmers' markets provide access to New Hampshire grown agricultural products year round, creating opportunities for farmers to build their businesses.

To support this economic development, municipalities can do more to ensure farms are successful. Agricultural land use is often overlooked in local plans and regulations, with emphasis given to residential and commercial activity, transportation networks, and recreation. As a result, farmers can be hindered by uncertainty regarding how state and local regulations are applied to their operations. Municipal plans, regulations and policies that are flexible and clearly promote and support farming can help ensure New Hampshire's traditional working landscape of farms and forests can continue to work in the future.

This checklist, originally developed by the New Hampshire Coalition for Sustaining Agriculture in 2001, has been updated to reflect municipal interest in creating economically and environmentally sustainable and resilient communities that recognize the importance of a local and regional food supply, as well as the recognition by local officials that agricultural land in all of our communities provides more than food and forest products and rural character that supports tourism, but also jobs, greater food security, water supply protection, flood storage, and wildlife habitat.

Practical Land Use Ordinances and Regulations

Does your town:

Have a detailed section on agriculture in the Town Master Plan?

The Master Plan is the vision of the type of land uses that are encouraged, protected, or excluded within a town. To support farms and farming, the Master Plan should include a section dedicated to agricultural resources, including an inventory of current agricultural activity, an analysis of the impacts of existing regulations on farming, and goals and recommendations to support agriculture.

Allow agricultural uses in most zones?

Farms are interwoven throughout our communities, operating in areas zoned for residential, commercial, and industrial activity. Farms are often hybrids of all these different kinds of land uses, and ordinances and regulations should provide flexibility for the dynamic nature of farming.

Use the State's definition of agriculture, detailed in NH RSA 21:34-a?

The State of New Hampshire has an official definition of a farm, agriculture, and farming – it's all included in NH RSA 21:34-a. Local adoption of this definition provides consistency with the State's definition and the many references to agriculture in State laws and programs.

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, lighting, and signage 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.

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 fruit, cut flowers, and vegetable operations, as well as Christmas tree farm businesses, can't be viable in a town that treats farms like other retailers. Do your town 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, including community gardens?

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 land could accommodate community gardens. Land set aside for open space can remain as productive agricultural and at the same time contribute to the ecological health and scenic quality of the area, instead of growing up with brush, which is often invasive species.

Allow off-site signs to attract and direct farm stand customers?

Farm stands, farmers' markets, and pick-your-own operations are often seasonal businesses that need to capture potential sales at harvest time. Signs that give directions to the farm stand and farmers' markets and let customers know what's available (such as strawberries, corn, apples) are vitally important.

Allow uses related to agriculture?

Remember, it's not just the farmland that makes farming possible: businesses related to agriculture (veterinarians, equipment and supply dealers, custom farm service providers, feed milling and delivery, etc.) have to be close enough to serve farmers' needs.

Reference Best Management Practices (BMPs) for agriculture in regulations?

Most local officials may be unfamiliar with the "Manual of Best Management Practices (BMPs) For Agriculture in New Hampshire", developed by the NH Department of Agriculture, Markets, and Food, and UNH Cooperative Extension. Local ordinances can require adherence to the guidelines in the Manual for a variety of agricultural practices. www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf

Fair Enforcement of Local Regulations

Does your town:

Have a consistent policy approach for local land use procedures that deal with agriculture?

Planning Boards, Zoning Boards, Heritage Commissions, 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 habitat, water quality protection, natural resource preservation, and preservation of rural character. Establish a policy presumption that agriculture is of beneficial use to your town, and fairness will follow.

Have a good idea of how much agriculture there is in town?

Complete an inventory of farms and other agricultural activity in town to demonstrate the economic, cultural, and resource stewardship value of agriculture in your town. People often carry the misperception 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 stand or pick-your-own operations by right?

Zoning ordinances that provide flexibility for certain agricultural operations can be critical to farm success. Write flexibility into ordinances or regulations that may apply to agricultural land uses so the intent is clearly to promote such use, and not to deny the uses 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 rules and exceptions. Flexibility written into the ordinances and regulations can prevent many denials of the sort where "the rules don't fit".

Allow farms stands to resell 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 due to damaging weather or pests. The rational basis for allowing a farm stand shouldn't be only how much is grown on the farm, but what benefit the farm provides to the town from the open space, wildlife habitat, water supply protection, and natural resource preservation it accomplishes. NH RSA 21:34-a,III states, 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.

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, plant nurseries, or greenhouses are more intensive in land use, but still carry valuable elements of rural character that benefit the town.

Address flexibility in building and safety codes for agricultural structures?

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.

Understanding and Encouraging Farming

Does your town:

Have an Agricultural Commission?

As prescribed by NH RSA 674:44-e, municipalities may establish an Agricultural Commission in order to advise town boards and staff and advocate for the interests and needs of agriculture in the community. Citizens can use an Agricultural Commission to ensure the concerns and interests of farmers are better understood in local decision-making, essentially providing farmers with a seat at the table. An Agricultural Commission has no regulatory or enforcement powers but can play an important role in educating the public on matters relating to farming and agriculture.

Consider farmland a natural resource and encourage conservation easements, discretionary easements, and purchase of farmland?

There are other ways for resource protection besides easement or outright purchase of farmland. But once a town has considered easements, the costs and 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.

Use conservation easement language that specifically allows agricultural activities and enables flexibility for farming to continue and evolve on the property?

Often in our desire to preserve the open space associated with undeveloped farmland we draft conservation easement language that restricts activities normally associated with the working landscape, such as haying, tilling, and the raising of livestock. If the intent of a conservation easement is to preserve farmland, it is important that the easement language enable farming.

Have any visible demonstration of the value of agriculture?

Does your town have an annual 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’s “right to farm” law, RSA 432:32-35, Nuisance Liability of Agriculture Operations?

Local control is an important tradition for New Hampshire towns. The State Right to Farm law provides a backstop for 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 (BMPs) that may alleviate nuisance complaints. University of New Hampshire’s Cooperative Extension has developed BMPs for various agricultural practices based on sound scientific research.

www.nhpublaw.org/nh.law.about/law/100

Have farmers serving on local land use Planning and Zoning Boards, Conservation Commissions, and Heritage Commissions?

There are few better ways to incorporate agricultural concerns into local land use ordinances, regulations, and decisions 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 positive impact 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.

Encourage farmers to use the Soil Potential Index (SPI) calculations to reduce Current Use tax burdens?

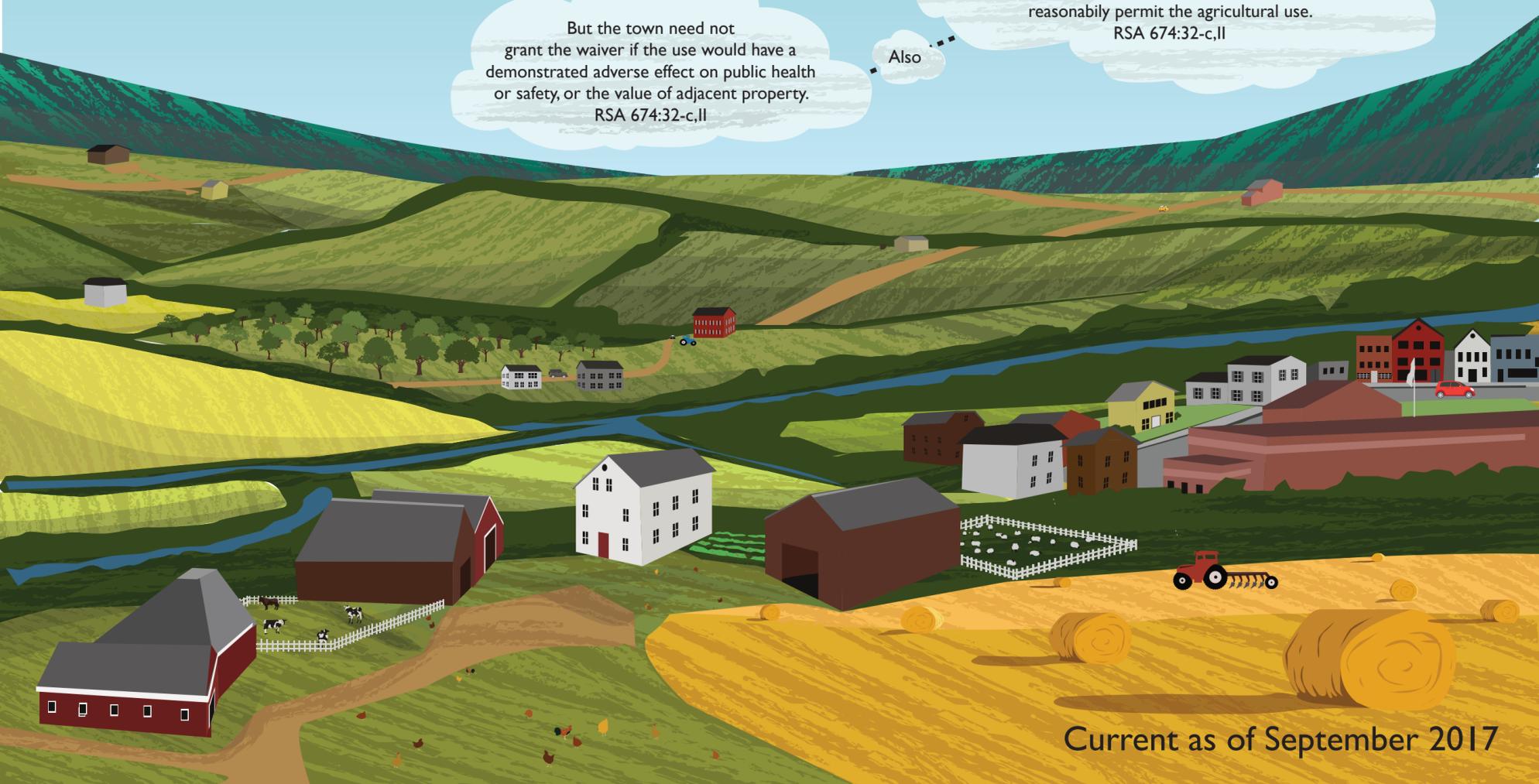
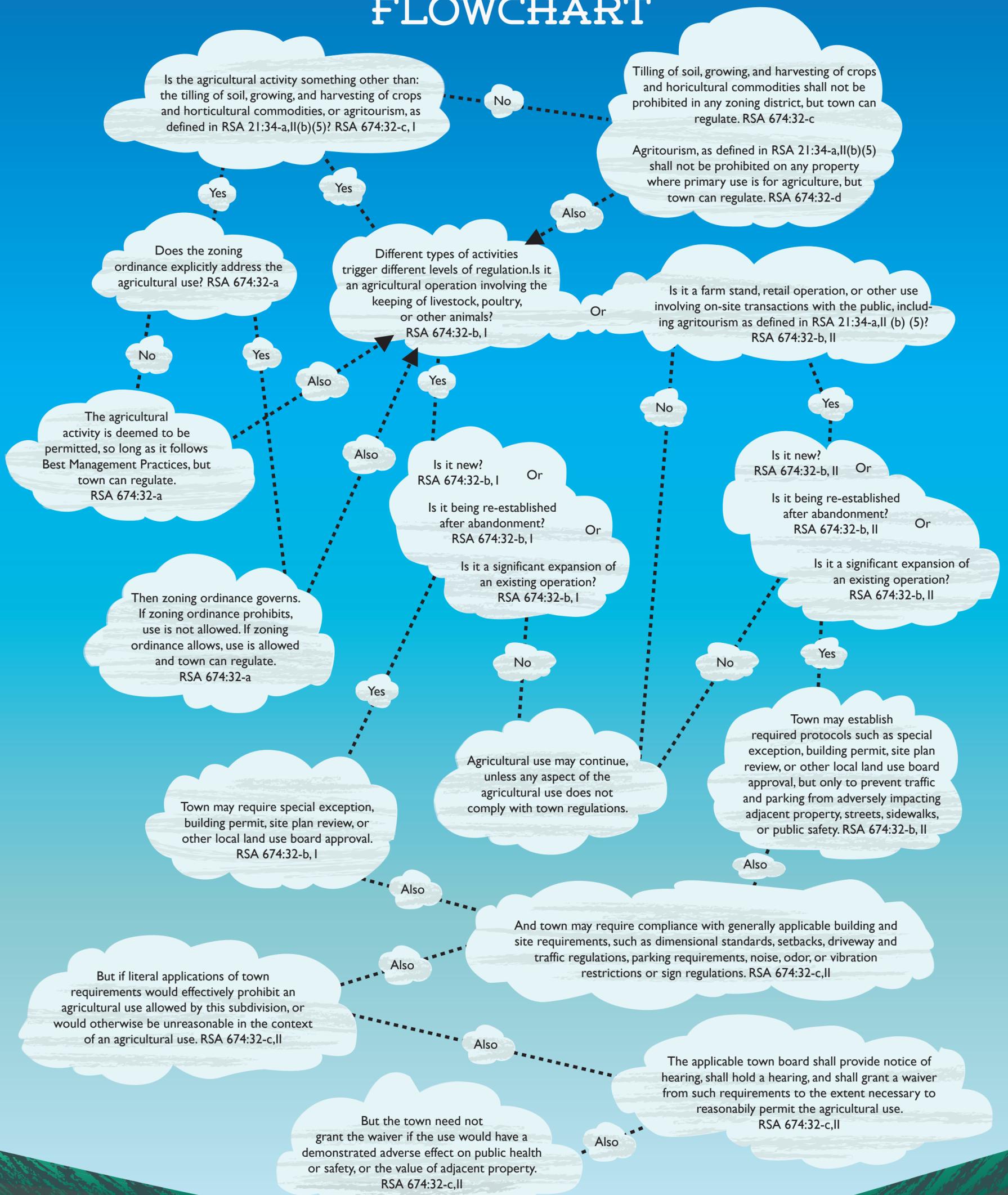
Using Soil Potential Index (SPI) information may reduce the Current Use assessment on less productive agricultural land. By reducing the tax burden on the agricultural land, towns can encourage the maintenance of open space at a relatively low cost.

www.revenue.nh.gov/mun-prop/property/documents/spi-info.pdf

Know where to go to get advice and assistance on farm questions?

Make the connection to resources such as the NH Department of Agriculture, Markets and Food (industry regulator, statewide perspective); University of New Hampshire Cooperative Extension (technical questions, Best Management Practices); New Hampshire Farm Bureau (non-governmental farm lobby, broad experience).

LOCAL REGULATION OF AGRICULTURE FLOWCHART



FLOWCHART COMPANION

▣ Purpose of RSA 674:32-a through c: ▣

These sections of RSA 674:32 became law in 2001 as a result of House Bill 97 from 1999. Their purpose is to clarify “that farming and agriculture, as defined in RSA 21:34-a, shall not be unreasonably limited by the use of municipal planning and zoning powers.” This purpose should guide interpretation and use of these laws.

As a backdrop to the laws discussed here, note that RSA 672:1, III-b declares that: “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. Agritourism, as defined in RSA 21:34-a, is undertaken by farmers to contribute to both the economic viability and the long-term sustainability of the primary agricultural activities of New Hampshire farms. Agricultural activities and agritourism shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers.”

Also note that RSA 674:17, I(i) includes as one of the purposes of zoning ordinances “to encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings.”

Permissive or Mandatory: It is very important to note that the laws use both the words “shall” and “may.” For example, in certain circumstances, municipalities “may require special exception” or other approval processes. RSA 674:32-b, I-II. This means the municipality has discretion; it may decide to impose such requirements or it may decide to not impose them. So, when certain triggering activities occur, such as “significant expansion” of certain agricultural operations (RSA 674:32-b, I-II), the municipality has discretion to opt to regulate the farm or opt to not regulate the farm. In other sections of the law, the word “shall” is used. For example, the applicable town board “shall grant a waiver” from certain municipal requirements in certain circumstances. When these circumstances are present, the municipality has no discretion; it has to grant the waiver because the law says it “shall.” In light of the mandatory requirement to grant waivers in certain circumstances, when deciding whether to opt to impose requirements or opt to not impose requirements, it is prudent for municipalities to consider whether opting to impose requirements is likely to trigger the requirement to waive certain or all of those requirements.

Animal Cruelty: Municipalities can receive complaints and inquiries from the general public about animals at farms, sometimes with concerns that animals are being abused or neglected. Municipalities should refer these concerns to the police because animal cruelty is part of the Criminal Code. In particular, RSA 644:8 defines animal cruelty and sets forth the penalties for it. The police work with the state veterinarian to investigate such concerns pursuant to RSA 436:8. The municipal land use laws governing the municipal regulation of agriculture, RSA 674:32, are not designed to address concerns of animal cruelty or neglect. The local police, not the zoning officer or the building inspector, can then decide whether to involve the Division of Animal Industry, which is part of the N.H. Department of Agriculture, Markets & Food.

Manure: Municipalities can also receive complaints and inquiries from the general public about manure or other waste at farms. Municipalities should refer these concerns to the NH Department of Agriculture, Markets and Food. NH RSA 431.33 requires the Department to respond to complaints involving the mismanagement of manure, agricultural compost, and commercial fertilizer. Municipal ordinances regarding agriculture can reference the “Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire” to provide guidelines on manure management.

www.agriculture.nh.gov/publications-forms/documents/bmp-manual.pdf

Proof: At the end of RSA 674:32-c, II, there are a lot of hoops to potentially jump through. This raises the question: who has to prove the criteria to jump through the hoops?

First, if a municipality has opted to impose certain requirements, the municipality shall waive any requirement if its literal application would effectively prohibit or unreasonably limit an agricultural use. For this part of the law, the person advocating that the waiver that shall be granted, typically a farmer or a farmer’s representative, should be the one to put forward the evidence to show that the requirement would either prohibit or be an unreasonable limit on an agricultural use. If the person seeking the waiver puts forward sufficient (a preponderance) credible evidence and no one challenges that, the municipality shall grant the waiver.

The next part of the analysis requires determining whether the waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property. If so, the municipality is not required to grant the waiver. For this part of the law, the one advocating such demonstrated adverse effect should be the one to put forward the evidence to show that. Typically, this would be a neighbor opposed to the agricultural use in question.

However, for both of these parts of the law, if the municipality desired to, it may hire its own experts and otherwise put forward its own evidence.

Right to Farm: Like every other state, New Hampshire provides a certain amount of protection against lawsuits based in nuisance. In essence, certain farms are immune to lawsuits for nuisance. This does not prevent a farmer from being sued. Instead, it provides a defense and legal grounds for getting rid of a lawsuit early on instead of having to go all the way through to having a trial. RSA 432:33 provides the protections as follows: “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.” Note that the protection does not apply if the farm is newer than one year, if the farm was a nuisance when it began, or if the farm is not in compliance with health and safety laws of RSA 147:1 or RSA 147:2.

Slaughter: Slaughtering of animals is subject to extensive federal and state regulatory requirements that are beyond the scope of this toolkit. However, we provide here a brief summary.

Anyone in New Hampshire engaged in raising, slaughtering, and distribution of livestock or poultry for sale must comply with the federal laws. The Federal Meat Inspection Act (FMIA) applies to animals considered to be livestock, which are cattle, sheep, swine, goats, horses, mules, and other equines. 21 U.S.C. § 601. A different statute—the Poultry Products Inspection Act—applies to poultry, which includes

any domesticated bird whether alive or dead. 21 U.S.C. § 453(e). New Hampshire does not have its own meat or poultry inspection program, and therefore the federal inspection requirements apply to New Hampshire regardless of whether the meat or poultry will be sold within or outside of New Hampshire. See 9 C.F.R. § 331.2.

Generally, before livestock or poultry products may be sold to the public, the animals must first be inspected, unless an exemption applies. This entails transporting the animals to a USDA-inspected facility where the animals are inspected, slaughtered, processed, and tagged. Following slaughter, meat and poultry products must be appropriately labeled and handled according to federal safe-handling precautions. 21 U.S.C. § 604. Exemptions from the Federal Meat Inspection Act and the Poultry Products Inspection Act may be available for personal slaughter; custom slaughter; certain meat processing in retail stores and restaurants; certain on-premises or off-premises poultry for in-state distribution; and small enterprises, each of which is specifically defined in federal law. If a federal exemption applies, New Hampshire law then exempts certain poultry and rabbit processing. RSA 143-A:15; 143-A:16.

GLOSSARY OF TERMS*

Abandon or Abandonment

There is no statutory definition of abandonment for purposes of laws concerning agricultural use. Absent a state definition, the definition provided in the applicable municipal ordinance will govern. Generally these ordinances will define that abandonment as an event that occurs when there is a stated intention or otherwise apparent action to discontinue an agricultural operation, such as by the removal of characteristic equipment or furnishing used in the performance of the operation, without its replacement by similar equipment or furnishings, or the replacement of the operation with a different non-agricultural operation. Cf. Town of Auburn, New Hampshire, Zoning Ordinance, § 2.02 (Mar. 2014) (discussing definition of abandonment in the analogous context of non-conforming uses).

Absent a municipal definition, the meaning is less clear. New Hampshire state law provides that an undefined word shall be given its “common and approved usage.”* Beyond this, the case law suggests that abandonment occurs “upon the concurrence of two factors: (1) an intention to abandon or relinquish the use, and (2) some overt act or failure to act which carries the implication that the owner neither claims nor retains any interest in the use.” *Lawlow v. Town of Salem*, 116 N.H. 61, 62 (1976). The decisive test is “whether the circumstances surrounding such cessation of use are indicative of an intention to abandon the use and the vested rights therein.” *Id.*

Agriculture

The words “agriculture” and “farming” mean all operations of a farm, including:

(a)

(1) The cultivation, conservation, and tillage of the soil.

(2) The storage, 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 all beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus 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.

- (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, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, 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, compost, 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, of any products from the farm, on-site and off-site, where not prohibited by local regulations. Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of 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.
 - (7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).
 - (8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.
- Agritourism [“][A]gritourism[”]. . . means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm. RSA 2:34-a, II(b)(5).

Agritourism

Agritourism is defined within the preceding definition of agriculture, which means it is a form of agriculture. Within the preceding definition of agriculture, agritourism is defined as follows: [“][A]gritourism[”]. . . means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm. RSA 2:34-a, II(b)(5).

Farming

See “Agriculture.” RSA 21:34-a, II.

Farm

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 the 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. RSA 21:34-a,I.

Farm Stands

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. RSA 21:34-a, III

Livestock

“Livestock” shall include beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules, or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*). RSA 427:38, III.

Local Land Use Board

“Local land use board” means a planning board, historic district commission, inspector of buildings, building code board of appeals, zoning board of adjustment, or other board or commission authorized under RSA 673 established by a local legislative body. RSA 672:7.

Municipality

“Municipality” or “municipal” means, includes and relates to cities, towns, village districts, and counties in which there are located unincorporated towns or unorganized places. RSA 672:10.

Town

The word “town” shall extend and be applied to any place incorporated, or whose inhabitants are required to pay any tax, and shall mean that city, town, ward, or place in which the subject-matter referred to is situate, or in which the persons referred to are resident, unless from the context, a different intention is manifest. RSA 21:5.

The definitions contained in this Glossary of Terms are the verbatim statutory definitions of terms found in the Infographic that have a specific statutory definition under New Hampshire law. Beyond these specific definitions, “[w]ords and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such peculiar and appropriate meaning.” RSA 21:2. This means that the many words used in these laws that are not specifically defined, such as “significant” expansion, would have their “common” meaning, and unfortunately the common meaning is not entirely clear.

RESOURCES

Selected Publications

[Legal Guide for New Hampshire Agricultural Producers](#)

https://extension.unh.edu/resources/files/Resource007054_Rep10205.pdf

[Preserving Rural Character through Agriculture: A Resource Kit for Planners, NH Coalition for Sustaining Agriculture](#)

www.extension.unh.edu/resources/files/Resource000023_Rep23.pdf

Organizations

[American Farmland Trust NH](#)

162.242.222.244/programs/states/nh/default.asp

[American Tree Farm System](#)

www.treefarmssystem.org

[Biodynamic Farming and Gardening Association](#)

www.biodynamics.com

[Entrepreneur Agrarian Fund](#)

www.entrepreneuragrarian.com

[Environmental Mediation Center](#)

www.emcenter.org

[Equity Trust](#)

www.equitytrust.org

[Farm & Ranch Lands Protection Program \(FRPP\)](#)

www.nrcs.usda.gov/wps/portal/nrcs/main/nh/programs/easements/farmranch

[Granite State Graziers](#)

www.grazenh.com

[Green Start](#)

www.greenstartnh.org

[Land and Community Heritage Investment Program](#)

www.lchip.org

[Land for Good](#)

www.landforgood.org

[Land Trust Alliance](#)

www.landtrustalliance.org

Natural Resources Conservation Service (NRCS)

www.nrcs.usda.gov/wps/portal/nrcs/site/nh/home

National Young Farmers Coalition

www.youngfarmers.org

NH Association of Conservation Commissions

www.nhacc.org

NH Association of County Conservation Districts

www.nhacd.net

NH Association of Regional Planning Commissions

www.nharpc.org

NH Community Loan Fund

www.communityloanfund.org

NH Department of Agriculture, Markets & Food

www.agriculture.nh.gov

NH Farm Bureau Federation

www.nhfarmbureau.org

NH Food Alliance

www.nhfoodalliance.com

NH Land Trust Coalition

www.nhltc.com

NH Municipal Association

www.nhmunicipal.org

NH Office of Strategic Initiatives

www.nh.gov/osi

NH Preservation Alliance

www.nhpreservation.org

Northeast Farm Access

www.nefarmaccess.com

Northeast Organic Farming Association of NH

nofanh.org

Northeast Sustainable Agriculture Research & Education (SARE)

www.nesare.org

Sustainable Agriculture and Food Systems Funders

www.safsf.org

University of New Hampshire Cooperative Extension

www.extension.unh.edu



ZBA Agriculture Case

Agriculture Plan for a Raymond resident that went to the ZBA in 2017

FARM ANIMAL PLAN

TO COME UP WITH A WAY TO ASSIST WITH SMELL AND VERMIN

1. I HAVE ALREADY PUT 4 (TOMCAT)VERMIN TRAPS WITH BAIT ALL AROUND ANIMAL AREA
2. THESE WILL BE CHECKED AND RE BAITED WEEKLY
3. ALL GRAIN WILL BE KEPT IN THE BARN SHED IN PLASTIC CANS WITH SEALED LIDS
4. THE BARN FOR COWS AND CHICKEN ARE CLEANED WEEKLY
5. THE PIG PEN IS CLEANED WEEKLY
6. STRAW IW USED FOR BEDDIENG IN ALL ANIMAL PENS
7. THESE FARM ANIMALS ARE FEED GRAIN AND HAY ONLY
8. THE PIG PEN WILL BE MOVED TO OTHER SIDE OF PROPERTY AND WILL BE BUILT BY DESIGN I HAVE FOUND ON A FARM SITE THAT WILL MAKE THE SMELL DIMINISHED UP TO 75%
9. I HAVE PRINTED OUT THIS DESIGHN FOR YOUR REVIEW
10. THERE WILL BE 1 COW,1 CALF,15 CHICKENS YEAR ROUND
11. 2 PIGS,4 TURKEYS FROM APRIL TO SEPT

Education

I HAVE HAD CHIKENS ON PROPERTY FOR MORE THAN 4 YEARS WITH NO ISSUE

- WE STARTED THE COW AND PIGS LAST YEAR AS SOON AS WE SAW AN INCREASE IN VERMIN WE PUT THE BAIT HOUSES IN PLACE THIS CURED THE PROBLEM
- ALL SIZE OF PENS CAME OFF STATE FARM WEB SITE
- OUR PENS ARE 100% LARGER THAN STATE REQUIREMENTS

Experience

THIS EXPERIENCE FOR MY CHILDREN AND OUR FAMILY HEATH CAN NOT BE MEASURED

I DO WELCOME ANY FURTHER ADVISE

Natural Farming Hawaii

Scientifically Proven to Reduce Costs While Growing in Harmony with Nature

Odorless Pig Technology

A NEW ECONOMICAL WASTE MANAGEMENT SYSTEM FOR SMALL FAMILY SWINE FARMS IN HAWAII
 Michael DuPonte, University of Hawai'i at Mānoa, CTAHR, HNFAS, CES, Honolulu, HI
 Sim Mook Kang, Kang Farms, Mountain View, HI

This demonstration farm, a Janong Institute / University of Hawai'i CTAHR collaboration, is the first of its kind in the United States. It uses new waste management technology that addresses odor and nuisance fly mitigation for the local swine producer. The concepts center around the use of self-collected indigenous micro-organisms, a deep green waste litter system, strategic solar positioning, and natural ventilation for drying and cooling.

Self-collected micro-organisms = Customized waste management
No wash down, deep litter = No waste runoff, never needs cleaning
Pigs stay cool = Optimizes production and breeding
Natural ventilation = No odors or fly breeding

DEEP LITTER SYSTEM



Concrete floor
Hollow tile walls



Aeration tubing



Charcoal and cinder inlay



Green waste filling (logs) and
microbe inoculation

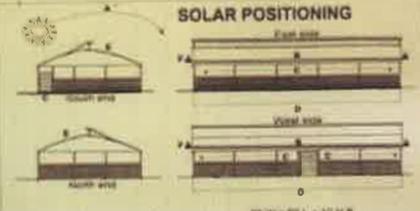


Collecting and drying green
waste



Pigs on sawdust and
green waste

SOLAR POSITIONING



30 W x 80 L x 10 H ft

HOUSING CONSTRUCTION COSTS

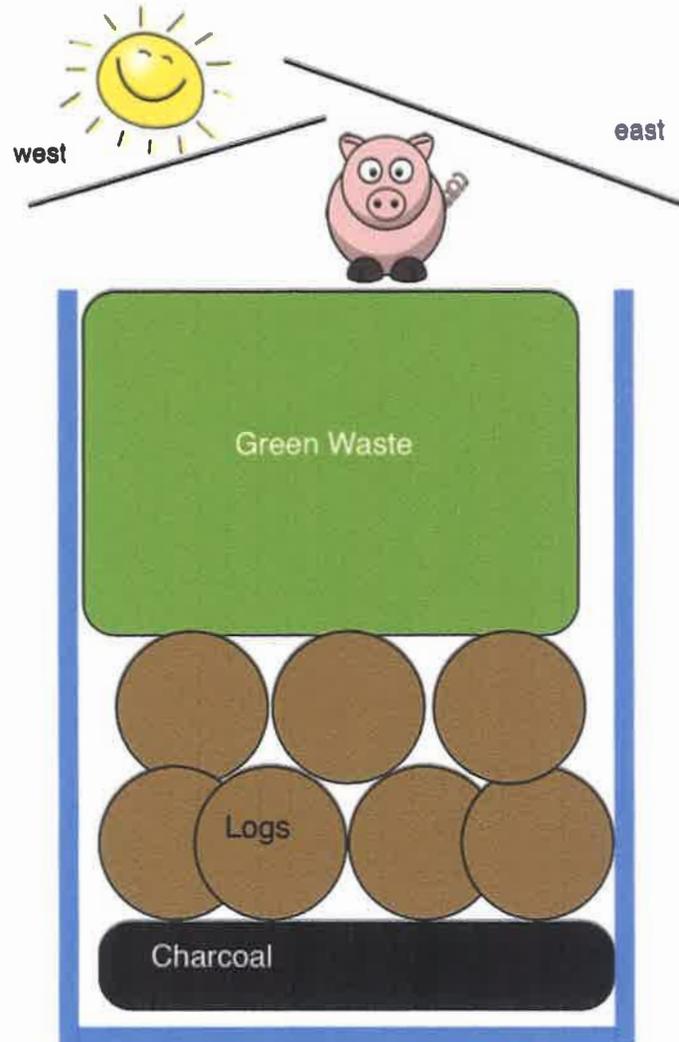
ITEM	DESCRIPTION	COST, \$
Planning and permits	Drinking and irrigation permits	1,000
	Trucking permit from County of Hawaii	400
	County permit for 1 year	3,000
	County permit for 2 years	5,000
	Vehicle parking	1,000
	Concrete, 40 cu yd @ \$170/yard (includes	6,800
	Rebar #4, 20 @ \$20 ea	400
	Post and rail, 2 x 4, 300 ft @ \$10/lineal	3,000
	Roof truss system, wood roof, 2 in @ \$10/line	2,000
	Insulation, R-30 @ \$7 ea	1,500
	Waste sheet piling	1,000
	Roofing, asphalt, 100 sq yds	400
	Flute metal, 7 @ \$100 ea	700
	Flashing, aluminum, 100 sq yds	600
	Water pipe, 3/4 in	3,000
	42 gal 40-gallon barrel @ \$10 ea	4,200
	Wallpaper, 100 sq yds	800
	Wall, 100 sq yds, 1/2 in sheetrock	1,000
	Plaster, 100 sq yds	1,000
	Steel reinforcement, 4 gal @ \$20/gal	80
	2 in x 4 in post @ \$10 ea, 100 ea	2,000
	42 mesh @ \$10	500
	PVC pipe, 1000 ft @ \$1 ea	1,000
	Insulation	300
	400 PVC @ \$25 ea	10,000
	Welder with price	3,000
	Water off pipe, 10 @ \$10	1,000
TOTAL		45,000
OPTIONAL		
	Surveillance camera and equipment	4,800
	Electric gate	1,000
	Automatic farrow ring and sanitation system	1,500
	Phone	500





The key to maintaining a no smell, no clean system is an inoculated deep litter floor that actively composts manure and safely processes toxins right under the pigs feet. The living floor keeps the pigs clean and healthy with no need to remove or worry about their manure. Pigs will naturally turn the flooring doing all the work for you.

Natural Farming “No Smell” Pig Technology



Building Requirements

1. Longer dimension oriented north to south
2. Opening in **top** and **east/west sides** of building to allow air to circulate naturally with heat of sun

Floor Materials

1. Plastic liner
2. 6 inches depth of Charcoal (not briquets)
3. 2 feet depth of logs greater than 4" diameter and at least 4' long
4. 2.5 feet depth of green waste such as chopped banana stalk or wood chips

For every 100 sqft

- inoculate with 2lb IMO#4
- activate with 3 Tbsp LAB and 3 Tbsp FPJ diluted in 1.5 gallons of water

Activate floor 2 weeks before introducing animals. If smell arises, re-activate. Protect from the rain and do not let floor get excessively wet.

click to enlarge

[The Natural Farming Concept: A New Economical Waste Management System for Small Family Swine Farms in Hawai'i: Most Frequently Asked Questions on the IDLS Piggery](http://naturalfarminghawaii.net/learn-natural-farming/odorless-pig-technology/)



Housing and Space Guidelines for Livestock

As New Hampshire becomes more urban, the potential for conflict between the farming and non-farming communities increases. By using best management practices*, farmers can greatly reduce or eliminate problems of odor and fly control, pesticide drift, contamination of surface and ground waters, and damage to neighboring crops. With best management practices in place, farming activities are compatible with other land uses in urban environments.

Farming activities may involve full-time, part-time or backyard farmers. Existing commercial farms are protected by the Right to Farm Law. This allows for properly managed agricultural enterprises to continue operating in residential areas.

Housing

Most farm animals need some shelter in the winter time, but their natural coats allow them to endure much colder temperatures than people can tolerate. When animal housing is designed for human comfort, it can actually be too warm and unhealthy for animals. Buildings with plugged air cracks and windows covered with double plastic are often poorly ventilated. This situation can result in a buildup of moisture and animal odors, creating an unhealthy environment.

A simple, three-sided shelter with an open front will meet the needs of many farm animals and is often the building of choice to raise healthy livestock. When designing a three-sided animal shelter, make sure the open side faces the south away from prevailing wind. Locate the structure on an elevated, well-drained site and make it accessible for feeding and materials handling.

There are several factors to consider when planning adequate livestock shelter in cold weather:

or enclosed, using fans and proper air inlets around the ceiling perimeter to provide ventilation. Tight buildings result in a buildup of respiration gases and animal odors, which can irritate the animals' lungs and cause pneumonia.

- **Drafts:** Animals can stand cold temperatures, but you should protect them from drafts. Constructing panels in front of an open building can reduce drafts. When animals are allowed to run loose in a pen, instead of being hitched, they will search for the most comfortable spots.
- **Bedding:** Animals will be comfortable in the cold if they have clean, dry bedding. A thick, dry bed provides insulation from the cold ground and decreases the amount of energy the animal has to expend to keep warm. Shelter from the snow and rain allows an animal's coat to remain dry, to provide maximum insulating value.

often or use freeze-proof watering devices.

- **Adequate food:** Animals can endure severe cold temperatures if they eat enough food to

additional amounts of good quality feed during cold weather to allow for the extra energy expended in keeping warm. Hay racks or feed bunks will properly dispense forages to reduce waste.

Space

Refer to the table on the next page for estimates on the space needs of various animals for exercise yards and pasture. You will not need a pasture as long as you provide adequate purchased feed, have an exercise yard and develop a sound plan for manure management.

If you do provide pasture, the number of animals it will support per acre depends on soil fertility and environmental considerations. *Rotational grazing* — the practice of sectioning off one section of a pasture with electric fencing and confining animals in that section, then repositioning the fence and moving animals to another section — prevents pastures from being overgrazed and will support more animals than one large unimproved pasture of equal size.

The following table lists the minimum space requirements, housing types and fencing needs of various farm species, along with the number of animals that will meet the food, fiber, recreation and other needs of an average family farmstead. Use it only as a rough guide.

(Note to municipal planners: The minimum space and housing guidelines in the chart apply to both commercial farms and backyard operations. However, you should not apply the numbers of animals suggested in the "Family Needs" category to commercial farms when drafting ordinances regulating agriculture in your community.)

*Refer to the "Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire" for specific guidelines on proper animal waste handling and barnyard management. To request a copy, call the New Hampshire Bureau of Markets at (603) 271-3685.

Fact sheet and table developed by David C. Seavey, Extension Agricultural Resources Educator and John C. Porter, Extension Dairy Specialist. Updated 6/2009, by John C. Porter, Extension Professor and Dairy Specialist, Emeritus.

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Suggested Space and Housing Guidelines for Fully Mature Farm Animals

Animal	Horse	Beef Cow	Dairy Cow	Dairy Goat	Pig	Sheep	Hen	Broiler	Turkey
Unit	1 horse	1 cow	1 cow	1 goat	1 pig	1 sheep	1 hen	1 broiler	1 turkey
Enclosed Housing Area/Animal	-Tie stalls 45 sq. ft.; 5' x 9' - Box stall 12' x 8' or 10' by 10'	75-100 sq. ft.	75-100 sq. ft.	20-25 sq. ft.	48 sq. ft. with exercise yard; 100 sq. ft. without exercise yard	20-25 sq. ft.	3-4 sq. ft.	3-4 sq. ft.	6 sq. ft.
Exercise Yard Area /Animal	200 sq. ft.	100-125 sq. ft.	100-125 sq. ft.	50 sq. ft.	200 sq. ft.	50 sq. ft.	10 sq. ft.	---	20 sq. ft.
Pasture Area /Animal	1-2 acres	1-2 acres	1-2 acres	0.2-0.3 acres	12-14 sows/acre/ rotational pasture	0.2-0.3 acres	-----	-----	100 sq. ft.
Type of Housing and Boundary Setback	Enclosed ventilated barn or open 3-sided barn Setback 50 ft.	Open front 3-sided barn Setback 50 ft.	Open front 3-sided barn, free-stall or enclosed stanchion barn Setback 50 ft.	Enclosed barn with removable side panels or windows Setback 50 ft.	Enclosed barn, huts, shed, hutches or lean-to Setback 50 ft.	Open front 3-sided shed Setback 50 ft.	Enclosed barn Setback 50 ft.	Enclosed barn Setback 50 ft.	Enclosed barn Setback 50 ft.
Fencing	Electric Wooden rail Woven wire	Barbed wire Electric Woven wire	Barbed wire Electric Woven wire	Electric Woven wire	Electric Plank rail	Electric Woven wire	Chicken wire	-----	Chicken wire
Family Needs	1 horse per family member	1/2 - 1 beef animal/year; raise 2 animals/yr to provide cont. supply	1-2 cows	2-3 goats	2 pigs per yr.	6 sheep	6 hens	24 broilers	12 turkeys



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Benefits of Having Animals in Your Backyard

Posted by Junel Ayala on Feb 11, 2016 07:44 PM EST



ATHENS, GA - JULY 1: Three cloned one-month-old piglets are shown at the University of Georgia July 1, 2002 in Athens, Georgia. ProLinia, Inc., an agricultural biotechnology genetics company, and the university produced the healthy cloned piglets, born over Memorial Day weekend, from the skin cells of a commercial hog. Smithfield Foods, the world's largest pork producer, has already partnered with ProLinia to implement cloning within a large-scale hog production operation as part of a technology development agreement. The

<http://www.realtytoday.com/articles/79451/20160211/benefits-having-animals-backyard.htm>

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agreement is nonexclusive and ProLInia plans to commercialize the technology with other large-scale producers. (Photo by Erik S. Lesser/Getty Images) (Photo : (Photo by Erik S. Lesser/Getty Images))



When a person experiences a painful situation, such as the death of a loved one or break-up, his or her emotional and physical well-being would likely be affected. In some cases, the intervention of experts is needed to help the person recover from such defeat or failure.

One of the many approaches of some specialists in the field of the emotional and psychological well-being of an individual is to use animals to help patients recover faster from their loss. And in one of the articles of Pet Education, it highlighted on how a person can be supported by an animal.

Psychological, Emotional, & Social Benefits of Animals

-Adjust to serious illness and death

Children often turn to their pet for comfort if a friend or family member dies or leaves the family. Grieving adults who did not have a close source of human support were also found to have less depression if they had a pet.

-Be less anxious and feel more safe

Pet owners tend to feel less afraid of being a victim of crime when walking with a dog or having a dog in the home.

-Relax and reduce everyday stress

Pets can help us relax and focus our attention away from our problems and worries. We do not even need physical contact to appreciate this. Watching fish in an aquarium, or the activity of birds can be very soothing. [Read full post...](#)



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A person wanting to have a pet at home can directly go to his nearest pet shop and look for the most suitable animal to be brought home. However, if you want to fulfill an inner desire of having a farm animal at the comfort of your home, you may also proceed with the alternative. In the following article of Realtor, it shared some tips on how to get farm animals in your own backyard.

Who hasn't fantasized about owning a farm? Of gathering fresh eggs amid the soft bleating of mottled goats... but then again, if getting up at the crack of dawn to bale hay or plow fields sounds a little too high-maintenance for your tastes, now you've got an alternative: You can rent a few farm animals instead. [Read full article...](#)

TAG: *Animals , domesticated animals , pet , benefits of pet*

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2/4/2017

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NH Law About... Right to Farm

Introduction to... Right to Farm

Posted: March 18, 2016

While there is a "right to farm" in New Hampshire, the phrase "right to farm" isn't found in the statutes. This is definitely one legal reference question where Google is your friend - as long as you're careful to choose sites that talk about New Hampshire law.

"Right to farm" is a popular name for the laws in every state that protect farmers and encourage agricultural activity. These laws are also sometimes called "anti-nuisance" laws. The National Agricultural Law Center says that right-to-farm laws "seek to protect qualifying farmers and ranchers from nuisance lawsuits filed by individuals who move into a rural area where normal farming operations exist, and who later use nuisance actions to attempt to stop those ongoing operations." One small section of New Hampshire's RSA 432: Soil Conservation and Farmland Preservation - §32 to §35: "Nuisance Liability of Agricultural Operations" - Is the "right to farm" statute for New Hampshire.

RSA 432's grant of immunity from liability for farmers is an exception to the general common law rule (common law means court cases, not statutes) of possible liability for activities which create nuisances. The general right to sue for public and private nuisance arises from a well-established body of common law which developed over many years in New Hampshire, as well as in every other state in the country. RSA 432:32 to 432:35 changed this common law in New Hampshire and gave those who work in "agricultural operations" (as defined by RSA 21:34-a) immunity from public or private nuisance suits under certain conditions. This statute is therefore invalidating the pre-existing New Hampshire common law on nuisance to the extent that it conflicts with this statute.

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This is a good example of why it's important to be complete and thorough when doing legal research. Cases (or statutes, or rules) can be only part of the story. If they're not careful, researchers may end up with incomplete and incorrect information. Starting with a good secondary source (or, reading "about" the law - see the links below) will tell researchers whether they need to look at cases, or statutes, or rules, or all three.

Researchers should check with local officials to see if there are any local ordinances which may also apply to the issue because RSA 147:1 gives health officers of a town authority to regulate the prevention and removal of nuisances.

For researchers wanting detailed legal analysis, suggestions for the future development of the law, and references to many relevant authorities, see the link to the Boston College Environmental Affairs Law Review article cited below.

Although there are no federal statutes or regulations directly relating to the states' "right to farm" movement, there are many federal, state and local laws and regulations that could potentially relate to a case under this statute, since RSA 432:34 says that "agricultural operations" are not negligent or improper when they conform to federal, state and local laws. A researcher might need to locate these authorities to demonstrate compliance with whatever laws apply to the agricultural operation.

The "Read About ..." section of this guide refers to resources about the law and will provide context and key terms. "Read the Law ..." links to selected laws and should be used as a jumping off point for further research. Please remember that this guide is for information purposes only and is not comprehensive. It is intended as a starting point for research, to illustrate the various sources of the law, and to provide guidance in their use. NH Law About ... is not a substitute for the services of an attorney.

Read about... Right to Farm

WEBSITES

New Hampshire Municipal Association. "Balancing Agricultural Use with Growth and Development: An Overview of New Hampshire Law" New Hampshire Town and City (June 2010) [GO>](#)

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New Hampshire Municipal Association. Local Regulation of Agricultural and Horticultural Operations: New Hampshire Town and City (March/April 2015). [GO>](#)

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New Hampshire Municipal Association. "Is Your Town Farm Friendly? A Checklist for Sustaining Rural Character" (March/April 2015) [GO>](#)

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New Hampshire Municipal Association. "What is an Agricultural Commission?" New Hampshire Town and City, (March/April, 2015) [GO>](#)

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Terence J. Centner, Governments and Unconstitutional Takings: When do Right-to-Farm Laws Go Too Far?, 33 B.C. Envtl. Aff. L. Rev. 87 2006)

Link verified on: October 3, 2016

State anti-nuisance laws, known as right-to-farm laws, burden neighboring property owners with nuisances. The purpose of the laws is to protect existing investments by offering an affirmative defense. Activities that are not a nuisance when commenced cannot become a nuisance due to changes in land uses by neighbors. While most state laws involve a lawful exercise of the state's police powers, a right-to-farm law may set forth protection against nuisances that is so great that it operates to effect a regulatory taking. [GO>](#)

Wikipedia. Nuisance [GO>](#)

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Nuisance Myths and Poultry Farming

Dr. Dan L. Cunningham
Department of Poultry Science

Introduction

Poultry production is the number one agricultural enterprise in Georgia, accounting for approximately 50 percent of the value of farm products produced. Modern poultry farming originated in north Georgia in the late 1940s and early 1950s, and has continued to grow and expand as consumer demand for poultry products has increased. To meet the demands for more poultry products, producers and poultry companies across Georgia have expanded their operations by building more production and processing facilities. At the same time, the state has experienced increased urbanization and loss of agricultural lands in many of its rural counties. As cities have become more crowded and expensive to live in, many people have moved to the country to satisfy their desire for a more serene lifestyle of “country living.”

Unfortunately, many of these individuals understand very little about commercial farming practices. They often tend to be intolerant of typical farming practices that occasionally produce dust, odors and insect pests as part of a normal farming enterprise. This unfortunate set of circumstances is leading to increased conflict between farmers and citizens who have had little prior exposure to agricultural operations. In some cases, poultry farmers are finding it difficult to operate or expand their operations with new production facilities.

As poultry farming has increased in Georgia, there has been a trend toward developing zoning regulations in many counties to manage these issues and provide a viable working environment and pleasant atmosphere

for everyone. A prudent, fact-based zoning ordinance benefits all citizens. A carefully planned and devised zoning ordinance means continued success of the family-owned farm, which provides a stable, consistent tax base for the community, while simultaneously providing protection for all the citizens. Those responsible for implementing zoning regulations want to be certain that their actions are supported by facts. Conversely, a poorly designed zoning ordinance can result in unfair treatment of some members of the community and can negatively impact the economy of that community. Zoning ordinances not based on facts may lead to unnecessary community conflict and litigation.

Many times, people opposed to poultry farming promote excessively restrictive ordinances. Their purpose is to prevent or make it exceedingly difficult to expand or build new poultry production facilities based on negative perceptions of this agricultural business. Often these negative perceptions are due to a lack of accurate knowledge of modern farming practices and/or a general intolerance of any inconveniences that might be caused by commercial livestock production.

In some cases, individuals will deliberately distort the facts by using information out of context that they feel will advance their cause. Many of the contentious debates related to the development of zoning ordinances have revolved around three common myths. These three poultry farming myths are emotionally charged and are usually presented in the most negative manner to sway undecided individuals in the community. These often used myths are listed and discussed below:

Myth # 1

Poultry farms will ruin the environment.

Opponents of poultry farming will often use this argument and contend that environmental pollution is a major problem associated with poultry farming. This is not only a distortion of the facts but is a serious misrepresentation of the truth. Poultry farms do produce manure nutrients as by-products of growing birds. These manure nutrients have the potential, like any fertilizer material, to cause water pollution problems if improperly handled.

In reality, these manure nutrients have substantial value as organic fertilizer and are most often applied to fields as a replacement for commercial fertilizers. Poultry litter has been applied to fields in Georgia for this purpose for more than 50 years with no evidence that this practice causes any significant water pollution problems. In fact, the growth of the poultry industry in north Georgia and the associated proper application of poultry manure to the soil are considered primary reasons for the reclamation of once seriously depleted soils in this area. Poultry litter, in addition to containing plant nutrients, returns organic matter to the soil, increasing its productivity and drought resistance.

There are some legitimate concerns about the potential of nitrogen and phosphorous nutrients from poultry litter to contaminate surface or ground waters if too much is applied. Because of these concerns, poultry growers are implementing nutrient management plans (NMPs) across Georgia to protect water quality. NMPs are site specific plans to help poultry producers manage litter generated from their operations to take maximum value of the fertilizer component while simultaneously protecting the environment. The NMP program being used by poultry farmers has been developed by the University of Georgia and approved by the Georgia Environmental Protection Division (EPD). This NMP program is considered a proactive and effective tool to ensure the continued protection of the state's environment. In some cases, large poultry farms are required to operate under a permit from the EPD in addition to implementing NMPs as part of the state's Confined Animal Feeding Operation Rule (CAFO). Georgia's EPD also has the authority and responsibility to intercede and regulate any farm in Georgia causing an environmental problem.

A properly managed poultry farm will not pollute or cause environmental problems for neighbors or the community and, in fact, it can be very beneficial in providing a valuable fertilizer source for land owners.

Myth # 2:

Poultry Farms Smell.

Uninformed individuals often think that poultry farms will smell so badly, no one can live near them. This is incorrect. The vast majority of poultry farms are family operated and, in many cases, the operators and their families live next to, or in close proximity to, the production houses.

Properly operated poultry houses emit minimal odor. This is due to advancements in ventilation and drinking systems for poultry production houses that keep them relatively dry and thus free of any significant odor. In fact, it is not unusual to approach a modern, well managed poultry house without experiencing any or only minimal odors. The drier conditions in the houses also ensures little or no fly production associated with growing chickens. Occasionally, wet conditions can develop in a poultry house as a result of improperly functioning drinking or ventilation systems, but these situations can generally be easily corrected with changes in management. These situations may occur more frequently with breeder and layer farms than with broiler farms because of the extended period of operation with birds in the houses.

It is impossible to operate a livestock farm without having some odor or fly production as a result of normal production practices. Poultry farms, like any other livestock operation, will on occasion have some odor and fly production, but with good management these occurrences are generally short-lived and provide only minor if any inconvenience to neighbors. The odors associated with poultry production primarily occur when the houses are cleaned out and the litter is spread as a fertilizer. Clean-out schedules for operations vary but are usually no more than once or twice a year. In some cases poultry producers will even go several years before removing the litter from the houses.

Stirring and applying litter during removal causes some odor. The odor from litter application is, however, temporary and lasts from only a few hours to a few days depending on weather conditions. Appropriate management practices for applying poultry litter can reduce the occurrence and impact of this minor annoyance but may not totally eliminate it.

Fly problems occurring as a result of a poultry production operations are most often associated with mortality disposal. These problems can generally be managed with attention to proper operation and maintenance of the mortality disposal systems used. Dead bird disposal is a process permitted by the Georgia Department of Agriculture, and growers are regularly inspected and required to operate these systems properly to maintain their permits.

Myth # 3:

The air exhausted from poultry houses will damage property and cause health concerns.

The adoption of the tunnel ventilation system for poultry houses, which places all of the exhaust fans at one end of the house and concentrates the exhausted air, has led to the perception that these fans can cause problems for neighbors. The purpose of the tunnel ventilation system is to bring more fresh air into the house and move it through at a faster rate to cool the birds. These systems have been very successful in reducing the negative effects of hot weather on the growth and mortality of birds. The exhausted air from tunnel ventilation fans, however, only extends about 50 feet from the houses before it is dispersed into the atmosphere. Providing reasonable set-back separations from property lines and dwellings will ensure that operating these ventilation systems will not adversely impact neighbors.

What are reasonable set-back distances for poultry houses? Years of experience in poultry producing counties can provide some help in answering this question. Some of our highest concentrations of poultry farms are located in counties in north Georgia. These same counties have also experienced very significant urbanization over the years. Many of these counties have adopted ordinances requiring set-backs for poultry houses of 200 feet from property lines and 500 feet from dwellings as part of their zoning regulations. These distances, in most cases, have provided more than reasonable protection for all parties involved while allowing small farmers the opportunity to operate poultry farms successfully. In addition to set-back measures, poultry farms can also use vegetative buffers and diversion fences near the exhaust fans to reduce air and dust movement when deemed necessary.

The issue of set-backs from property lines and dwellings for poultry houses is an important one. In many cases, opponents of poultry house construction have advocated the need for excessive and unreasonable set-back requirements to severely restrict or totally eliminate building because of the large amount of land needed to comply. For example, requiring a 1,500 foot set-back for construction of a poultry house would require more than 260 acres to site an average size broiler operation. A set-back of 4,000 feet would

require more than 1,600 acres to build houses. In many of Georgia's counties, 1,500 feet would eliminate more than 80 percent of the poultry production operations and could cause concentration of production with the largest, most wealthy landowners. Since air does not move far from the exhaust fans, and most of the odor associated with poultry production does not come from the production house but rather from the occasional application of the litter, 200-foot set-backs from property lines and 500-foot set-backs from dwellings for poultry houses provide reasonable protection for neighbors.

Some will claim that air from poultry houses is the cause of health problems for certain people living in close proximity to a poultry farm. No evidence indicates that poultry farms pose any specific health risk to people in general. Poultry farms have been operated for more than 50 years in Georgia by thousands of farm families. The fact that these families have not experienced any significant health issues attributable to these operations would suggest that poultry farming is no more of a health risk than any other type of farming.

Conclusion

Georgia is the number one poultry producing state in the nation with some 4,000 farms in operation. We have a long history of growing, processing and marketing poultry without causing environmental or nuisance problems. Many communities in Georgia have relied upon the stable, consistent tax base provided by poultry farms to build and support local infrastructure. Farmers depend on their land to make a living and historically have been good stewards of their property. Farming in general is much more beneficial to the environment than almost any aspect of urbanization, so protecting farmers from urban encroachment is important in protecting our environment as well as our food supply.

Farms generally represent "green spaces" that protect the environment and preserve the country atmosphere. Well-managed poultry farms operating with best management practices and within state regulations need not be a source of environmental or nuisance problems for a community. Providing reasonable zoning regulations in a community will allow farmers to participate in a very dynamic and economically beneficial business while also ensuring the ability of neighbors to peacefully coexist.

Learning *for* Life

Bulletin 1299

Reviewed February 2012

The University of Georgia and Ft. Valley State University, the U.S. Department of Agriculture and counties of the state cooperating. Cooperative Extension, the University of Georgia College of Agricultural and Environmental Sciences, offers educational programs, assistance and materials to all people without regard to race, color, national origin, age, gender or disability.

**An Equal Opportunity Employer/Affirmative Action Organization
Committed to a Diverse Work Force**

Keep Hormones and Antibiotics Off The Menu



KEEP HORMONES AND ANTIBIOTICS OFF THE MENU

October 1, 2013

Meat may seem to be a fundamentally natural product, but the beef, pork, chicken, turkey, and more that graces our tables typically comes from animals treated with hormones and other unappetizing substances.

Currently, six different steroidal hormones are approved by the FDA for use in "food animals." These are the natural hormones estradiol, progesterone, testosterone, and the synthetic hormones trenbolone acetate, progestin melengestrol acetate, and zeranol, all of which make animals grow faster and/or produce leaner meat for food. Dairy cattle are often treated with recombinant bovine growth hormone (rBGH) to increase milk production. Hormones are banned for use in poultry in the U.S. (but that doesn't stop chicken producers from marketing their birds as hormone-free!).

A WAKE-UP STORY

Watch the video and learn how to protect your family from everyday hazards!

GET ANSWERS

Not sure where to start or what to do next? Check out our helpful videos, e-books and other resources for **easy steps**.

BLOGGER NETWORK

Use the power of digital advocacy to help protect children. **Sign up** to become part of our blogger network!

Antibiotics are also routinely administered to animals raised for food. In some cases, these antibiotics protect animals from the unsanitary living conditions found in industrial feedlots. In other cases, these antibiotics can encourage weight gain or counter the effects of other treatments. Dairy cows given rBGH, for example, sometimes develop udder infections that then require antibiotic treatments.

An astonishing 80 percent of all antibiotics sold in the U.S. are used on livestock. Let that sink in. This rampant use is creating antibiotic-resistant "super bacteria." According to the Environmental Working Group, 87 percent of tested meat samples (turkey, pork, beef, and chicken) were contaminated by at least one species of antibiotic-resistant bacteria. Doesn't exactly make you hungry.

Beyond hormones and antibiotics, other drugs are given to animals to enhance growth rates and meat quality. The drug ractopamine, for example, is fed to pigs, turkeys, and cattle to make them produce larger quantities of leaner meat with less feed. Ractopamine is not approved for human use, but because it's added to feed in the weeks immediately prior to slaughter, traces of the drug remain in meat from treated animals.

Is your food free of antibiotics or growth hormones? The best way to ensure your meat is free of drugs, hormones, and antibiotic-resistant bacteria is to buy organic meat varieties, which by law cannot come from treated animals. Local farms with pastured animals may also be a safer meat source. Talk to your nearby producers to find out what treatments they administer or feed to animals farmed for meat. Farms that don't use any tend to be well worth whatever premium they may charge for their products.

READ MORE:

- [Avoid Nitrates and Nitrites in Food](#)
- [Avoid Synthetic Hormones in Food](#)

- **Make Safe, Healthy Meat Choices for You & Your Kids!**

517

46

FROM OUR FOUNDERS

After losing their only child, Colette, at the age of five, to a rare non-genetic form of Wilm's tumor, they founded **Healthy Child Healthy World** in 1991

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ROCKINGHAM COUNTY CONSERVATION DISTRICT

110 North Road, Brentwood, NH 03833-6614

Tel: 603-679-2790 • Fax: 603-679-2860

www.rockinghamccd.org

10 April 2017

Ernest M Cartier, Community Planning Director &
Town of Raymond Zoning Board
4 Epping Street
Raymond, NH 03077

RE:

Dear Mr. Cartier and Zoning Board

At your instruction, the Rockingham County Conservation District (RCCD) performed a review of the farm plan for ___ in relationship to the zoning variance requested by the site owners. The focus of the review was to evaluate the plan to in relation to efforts made to mitigate activities that could provide a nuisance or health hazard to the neighbors. A site visit was conducted on March 29, 2017 by Vicky Stafford and Michael Cuomo of RCCD. The RCCD evaluated several criteria for this plan.

Space requirements

1. Housing guidelines
 - Chickens: Based on UNH Cooperative Extension recommendations of 3-4 sq feet of housing per animal, 13 chickens would require 52 square feet. There is currently 108 square feet of enclosed housing for the chickens which exceeds the guidelines.
 - Beef Cows: 1 adult and one calf are considered 1.5 animal units. Based on UNH Cooperative Extension recommendations of 75-100sq feet of housing per animal, 1.5 beef cows requires 150 sq feet. There is currently 152 square feet of enclosed housing for the cows which meets the guidelines.
 - Pigs: Based on UNH Cooperative Extension recommendations of 100 sq feet of housing per animal, 2 pigs would require 200 square feet. The pig house in the new location will be 294 square feet, which exceeds the guidelines.

2. Size of Exercise Yard

UNH Cooperative Extension guidelines suggest 100-125sq feet per cow (1.5x125=187.50sqft), 200 sq feet per pig (2x200=400sqft), 10 sq ft per chicken (13x10=130), total sq feet = 717.50. The combined availability of an exercise yard is 1,606 in the heavy use area, which exceeds the guidelines. In addition, the owners sometimes allow additional space for the animals to roam in the owners grassed yard area, which exceeds the guidelines.

3. Housing setback to property boundary (Chicken and Cows)

UNH Cooperative Extension suggests that all animal housing facilities are set back 50 feet from the property boundary. There is 46 feet from the chicken and cow housings to the fence. This is close to meeting the guidelines.

4. Location of Pig Housing Facilities

The location of the housing facilities for the pigs in 2016 was against the property boundary. To address the neighbor concerns, odor, and the setback guidelines, the landowner has proposed a new location of the pig facility on the southeast corner of the property. The RCCD did not find any natural resource concerns with this location and is in support of this location for the pig housing. This location would meet with 50 foot setback guidelines, and minimize odor to the neighbors.

Manure

1. The total amount of manure on the site with 2 cows, 2 pigs and 13 chickens is estimated at approximately 30 tons per year.
2. The landowner have proposed using a new layered technology for the pig pen to remove odors and to compost the manure.
3. The landowners export the manure off the land as compost or use it in their own gardens. The RCCD is in agreement that this is an appropriate management of manure.

Rodent Concerns

1. Rodents were reported on the property in the 2016 growing season.
2. The landowners have implemented a locked shed for grain storage and have set up rodent traps around the shed.
3. The RCCD recommends that landowners use metal storage bins to store the grain. With the addition of storage bins for the grain, the RCCD finds the grain storage and trap implementation satisfactory rodent mitigation.

Soils

1. Soil drainage looks good. The RCCD did not find any issues with the current land use in relationship to soils and wet areas.

2. The soil appears to be well stabilized on most of the property. Soil is not stabilized in the paddock area, however “sacrifice areas” for livestock are unavoidable. The RCCD did not find any other concerns with erosion or sedimentation on the property.

The Variance

Determining whether or not a variance should be granted is subjective and can only be done by the ZBA. The RCCD is a neutral party that has attempted to evaluate and clarify facts related to the proposed activity in terms of our technical expertise related to natural resource use and impacts only. To assist the ZBA, we have organized our observations as we feel they relate to the variance criteria; however, the RCCD will not render an opinion as to whether or not the variance criteria have been met. In addition, it is likely the ZBA will need to consider other criteria in making its decision.

1. Granting a variance would not be contrary to the public interest.

Considerations:

- a. The family has addressed concerns from the neighbors about the farming activity, particularly regarding odors and vermin.
- b. RCCD finds that all generally accepted space guidelines have been met for this farming activity and this activity does not create any additional soil or resources concerns.

2. Granting a variance would be consistent with the spirit of the ordinance.

Considerations:

- a. A lot size of 2 acres is required in Zone B Residential/Agricultural District, however a detailed justification for this was not noted in the regulations, making it difficult to determine the spirit of the ordinance.
- b. The family has addressed concerns from the neighbors about the farming activity, particularly regarding odors and vermin.
- c. Zone C.1 Commercial District allows for commercial agriculture by special exception, and apparently without the acreage requirement of Zone B. This appears to indicate some alignment of the existing use with the spirit of the C.1 zoning.

3. Granting a variance would do substantial justice.

Determination of substantial justice is a subjective opinion that is best left up to the ZBA.

4. **Granting a variance would not diminish the values of the surrounding properties.**

The RCCD does not have technical expertise on land values but provides the following observation:

- a. The landowner has taken steps to mitigate impacts to other landowners as detailed in earlier sections of this report. This report details how the natural resources will not be degraded by this use.

5. **Owing to the special conditions of the property that distinguish it from other properties in the area, literal enforcement of the provisions would result in unnecessary hardship.**

Determination of unnecessary hardship is a subjective opinion that is best left up to the ZBA.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard A. Lord". The signature is stylized and cursive.

Leonard A. Lord, PhD, CWS, CSS
District Manager

1 Planning Board Draft Minutes
2 October 1, 2020
3 7:00 PM
4 Zoom meeting
5
6

7 **Planning Board Members Present:**

8 Jonathan Wood (Chairman)
9 Gretchen Gott
10 John Beauvilliers
11 Kendra Ferm
12 Paul Lynn (Alternate)
13 George Plante (Selectmen ex officio)
14 Brad Reed
15

16 **Planning Board Members Absent:**

17 Robert Wentworth
18

19 **Staff Present:**

20 Glenn Coppelman - Circuit rider
21 Christina McCarthy - Planning Technician
22 Stephanie Gardner - Planning Technician
23
24

25 Pledge of Allegiance
26

27 Mr. Wood: "We are here to start the discussion about the agricultural ordinance and to give
28 some perspective. Last winter before the last vote we had some citizens approach us about
29 changing the ordinance so that it would allow chickens. I put together a small spreadsheet of
30 how people could keep chickens in their residential area and it has been posted on the Town's
31 Facebook website, it has been posted on Kevin's Facebook website and we have had some
32 comments."
33

34 Ms. Gott: "We have received additional information and have a copy of the Durham Zoning
35 Ordinance."
36

37 Mr. Coppelman: "I believe that Stephanie also sent out something that Bob Wentworth provided
38 from Derry."
39

40 Mr. Wood: "When we are talking about small properties less than a quarter of an acre or if we
41 are talking about half acre to quarter acre, those are areas in town that are fairly dense
42 residential areas. So in order not to have a nuisance that is where this discussion came in. I
43 have a letter from Mrs. Gallas. Her comments had to do with manure management plan. (See
44 attachment #1). In my initial chicken discussion I put in the fact that they were free ranged or

45 enclosed. Where I have seen problems is when the chickens can get out and the neighbor's dog
46 comes over and eats them. The next piece is from Steve Brewer. He discussed the scope of
47 these existing issues with the animal control officer. The RSA appears to share enforcement
48 responsibilities between the zoning officer and the ACO and it may be appropriate to define
49 areas of dry upland. A two-acre parcel that is 60% wetland will confine the range of chickens,
50 etcetera to the dry 40%. He has another piece in there, proximity to the neighboring residents
51 should be a key consideration. Coops, enclosures should be located no closer than... and he
52 thinks that we should have some kind of setback, he said start with 100 feet. Location of manure
53 pile, distance to adjacent neighbors, distance to adjacent water bodies and wetlands. So there
54 is a consideration with regard to are we going to have problems with polluting wells or polluting
55 wetlands. And then roosters or other similar loud birds, fowl, could equal unwelcome noise
56 diminishing the "quiet enjoyment of one's property" if they reside within earshot. Can this be
57 authorized by a special permit process where the neighbors have an opportunity to voice an
58 objection? Right now it is being handled as a variance and the neighbors do get to voice
59 objections. Would it make sense to register a certain number of birds by type so the zoning
60 officer and ACO have a reference point? That was Steve's input. And Wayne Welch sent in a
61 letter (See attachment #2)." Another email was sent from Bobby Townsend (See attachment
62 #3).

63
64 Ms. Gardner: "Then there is Grace Collette's email too. (See attachment #4)"

65
66 Mr. Lynn: "I can understand people with the smaller lots with the chickens getting out. They do
67 tear up gardens and they can cause a little mayhem with waste on people's property. But you
68 would have to have a whole lot of chickens to make a whole lot of smell, I think, as far as their
69 waste goes. And roosters, they make a lot of noise but like that last email said we do not have a
70 noise ordinance as a whole, and there is quite a bit of loud noises in Town at all kinds of hours.
71 But I think raising chickens is a wonderful idea. It has my support and I think everyone should
72 be allowed to have a bird or two."

73
74 Mr. Wood: "I got from the chat box from Day Roy a panelist saying *Agriculture is about more*
75 *than chickens would any rules adopted apply to agricultural activities such as horses, pig, goats,*
76 *Lammas, I know we are talking about fowl but you are not proposing separate*
77 *recommendations for each of the various types of animals.* What we are doing is having a
78 community discussion."

79
80 Annie Vincent of 49 Epping Street: "We have a flock of 11 chickens, we are really just here to
81 listen in and hear where the conversation is going. We have 1 rooster right now it was a pullet in
82 June, so he has not made any noise yet but at some point, he is going to. We have an enclosed
83 coop built for them and a run. They are never loose."

84
85 Luke Vincent of 49 Epping Street: "I am Annie's Husband. We actually have 3.4 acres. We are
86 very much in support of continuing to promote agriculture in the Town of Raymond. We see it as
87 a positive benefit of people getting back to the land. Chickens in particular are very essential to
88 any small farm or homestead. As part of a continuous feedback into the land. Some facts about

89 chickens you may not know: chickens are omnivores and you can feed them all kinds of scraps.
90 I would hate to see Raymond make the choice that negatively impacts that for any resident. I
91 think that every resident should have the opportunity to take on a small flock of chickens. I know
92 there is a constant gripe in Town about trash. What we are paying for bags et cetera one way to
93 reduce the amount of waste we are putting back out into the trash system is to use agriculture to
94 take that one source of waste and reuse it in a different form. I have table scraps that I now turn
95 into eggs for my family. I noticed the Durham disclosure actually works for the Town of Durham,
96 but I noticed in the goat portion of that ordinance there was one about the slaughter of goats on
97 a property is prohibited and I wasn't sure where that came from, or why that applied to goats
98 and not other agriculture? The second thing was the 20,000 square feet and roosters? Roosters
99 play an important role in a flock. They are usually like the head of the flock. They determine the
100 pecking order. I would love to see some sort of program that allowed for roosters with the
101 permission of the resident around the chicken keeper.”

102
103 Patricia Bridgeo of 7 Old Fremont Road: “I have so many things, one thing is you are only
104 talking about chickens right now. I actually have questions about where it brings up goats. I
105 personally do not have an animal to raise and slaughter but if somebody was to raise goats I do
106 not understand why if somebody is raising goats that they could not consume them. Why don't
107 we talk more about education instead of legislation and regulation. There are people sitting here
108 that understand some of the basic animal husbandry. As an example chickens, when you buy
109 your baker's dozen in the spring you don't know if you are going to have hens or roosters. Do
110 we tell every family that once they grow and you have 10 roosters you need to get rid of them.
111 There are so many inherent problems with this. “

112
113 Mr. Wood: “Right now we don't have any legislation or regulations that govern this. So that is
114 why we are having this discussion. This is a discussion this is not necessarily rule making.”

115
116 Bill Magorty of 34 Epping Street: “I am here with my daughter Tiffany. We have 6 chickens and
117 two goats which we have a variance for. I fully understand controlling the number of animals
118 because you don't want too many but don't over complicate it. Free range chickens if they are
119 not going into other people's property and bothering them shouldn't be stopped. If you have
120 your coops off the ground, raised about 18 inches, it reduces the rodents. We don't raise
121 meat chickens but if it is your livestock and you are raising meat chickens; if you can gut a deer
122 during hunting season you should be able to take care of your own livestock.”

123
124 John Hamilton of 22 Lane Road: “I think the discussion is a great idea. Maybe we could take
125 chickens as poultry instead of livestock instead of having goats and horses and everything on
126 there. My property is an acre and a quarter, and I have raised chickens on smaller lots. I am not
127 a fan of roosters, but people do like them. I would really like to get chickens. I went to the code
128 enforcer who told me I couldn't have animals on my property because of my lot size and to go to
129 the zoning board to get special permission or an easement to have livestock on the property.”

130
131 Mr. Wood: “We are looking to relieve the zoning and the variance and the expense of going for
132 a variance for people in town but we want to have some minor restrictions. If you have a cow

133 you are going to need an acre. “

134

135 Mr. Reed: “My daughter Shanlee has chickens. They have some family health issues. About
136 half of the family got Lyme Disease and they started raising chickens for the eggs to have
137 something in house and it does take care of the tick and bug problems associated with living in
138 a rural area. They live in Sandown. It may behoove us at this point to get some people
139 interested in this subject to take care of the immediate needs if there is a way to do it without
140 reworking the entire zoning section. To allow people to have fowl. Is there a group of people
141 willing to get involved? “

142

143 Mr. Plante: “I have to agree with Brad and Wayne because if you read through the RSA it pretty
144 much covers everything that we have been talking about. Like Wayne says don’t reinvent the
145 wheel. “

146

147 Ms. Gott: “I would like to ask about what got us here in the first place. As far as I understand the
148 number of complaints about chickens to the code enforcement officer. Is that correct?

149

150 Mr. Wood: “I am not aware that it was a series of complaints. What I was aware of there were a
151 number of people who were keeping chickens and they were directed toward the Zoning Board
152 of Adjustment so they could have a variance so that they could keep chickens.”

153

154 Mrs. McCarthy: “What brought us to this point was two things. We have an ordinance that says
155 you can’t have livestock which is including chickens at this point on less than two acres. But you
156 have many people who would like to keep chickens whether it is 4, 6, or 8 chickens on their less
157 than two-acre lot. So we were sending many people through ZBA. So they would like to change
158 those ordinances to say if you are on a quarter of an acre you can have 4 chickens, if you are
159 on a half an acre you can have 6 chickens, whatever the case may be. The other thing that
160 people need to realize is that not everybody understands what best management practices are
161 and when it comes to keeping chicken feed people have to understand that they have to keep it
162 in a container that animals and vermin can’t get into. Because we were having a huge influx of a
163 rat problem that was happening on Epping Street. There was a huge influx of them last year. So
164 we could only tie it back to the fact that we have a lot more chicken keepers. I agree with what
165 everybody is saying but we need to make sure that people are keeping their chickens in their
166 own yards. Two, that they understand the best management practices for feed, so that they are
167 not attracting the rats and the mice and whatever else wants to eat the chicken feed. Things like
168 that. And then we had the citizens petition where they wanted to change it last year, but they
169 didn’t make the cut off. So they came in at the end of the year and they wanted to make some
170 changes to it. So all of that together brought us to this point right here.”

171

172 Mr. Wood: “I think what we need to do is each one of us needs to look at our agriculture zoning
173 ordinance and go at it with a pencil and see what needs to be changed and also to look at those
174 RSA’s that Wayne referenced. Stephanie if you could make sure that everybody gets a copy of
175 those as well as the specific agriculture ordinance, so that we can then start to look at where we
176 need to make changes in light of what we have heard this evening. Then come back next

177 meeting which is the 15th of October and suggest those changes at that point. We will continue
178 as a Zoom on the 15th.”

179
180 Ms. Gott: “The lot requirements that Bob sent from Derry do say livestock only on 1 or more
181 acres, no minimum lot for fowl.”

182
183 Mr. Lynn: “I think we are overcomplicating this. Jonathan, the chart you did is a good starting
184 point with what we need to do.”

185
186 Kevin Woods read two emails. The first one said “*could you elaborate on free range verses*
187 *enclosed? I have an outside yard for my chickens which is entirely enclosed with fencing around*
188 *the perimeter, over the top and a portion along the bottom, additionally the perimeter of the run*
189 *is surrounded by the vegetation for screening. Which particular category would this fall under?”*

190
191 Mr. Wood: “To me that would sound like it was enclosed.”

192
193 Kevin Woods: “I think you can see the second one on your screen: “*My name is Carl Belanger*
194 *at 1 Kathy Court. I have neighbors at 3 Kathy with many chickens, turkeys and ducks. The*
195 *chickens have certainly been a pain for us to say the least . The rooster is very loud, it does stay*
196 *on it's property never mind 4 feet from my house but the worst part is they get out and*
197 *practically live here. They tear up our flower beds. My wife like to naps on the weekends and*
198 *lately the rooster likes to come over and wake her up. We have had about 10 to 14 chickens*
199 *from our neighbors at a time on our property. We are not interested in dealing with them but we*
200 *would like them at least to stay on their property. I do believe they have less than 2 acres, 1.64*
201 *to be exact. I don't feel they have enough separation from my property to not be a burden. If the*
202 *problem persists I will be forced to call the authorities. We have been patient up to this point.”*

203
204 Mr. Wood: “Unless anyone has anything further, I think that wraps it up for our chicken
205 discussion and we will now move on to the next item on the agenda. Zoning amendments.”

206
207 Ms. Gardner: “The first one is the water quality one and it is just the lawyer made some edits. In
208 your packet you can see her email is attached. (See attachment #5) I just wanted to show you
209 what edits she made and see if you agreed with them.”

210
211 Mr. Wood: “If you zoom into the map you can see the delineated wetlands. The orange is where
212 the 75-foot setback is and the dotted line with the red dots is where the 100-foot setback is...”

213
214 “6.10.5.6 the owner shall provide proof of residence to the Assessor’s Office no later than
215 January 1st.

216 6.10.5.7 Accessory Dwelling Units (ADU) require the same level of inspection, (electric, health ,
217 plumbing , safety, et cetera.) for the Certificate of Occupancy for the primary residence prior to
218 occupation. Grandfathered ADUs, those ADUs created prior to March 22, 2021 shall have
219 inspection reports for the ADU’s improvements on file with the town upon transfer of the
220 property of ownership.”

221 Ms. Ferm: "I think that sounds reasonable,"
222
223 Mr. Wood: "Stephanie, you wanted to share your screen."
224
225 Ms. Gardner: "Do you see what it used to say? For section 4.9.6.2.6 Setbacks as defined in
226 section 15.3.2. for zone G have been met. And she did not see a reason to have that one."
227
228 Mr. Wood: "So she thinks that we should strike that."
229
230 The board agreed that the section should be deleted.
231
232 Mr. Wood: "This is a recommendation as I understand it."
233
234 Ms. Gardner: "For private roads the Board of Selectmen needs to get a Planning Board
235 recommendation so they can approve a building permit. There was an application for 13 Smith
236 Pond Road. The Planning Board needs to recommend it to the Board of Selectmen to approve
237 it."
238
239 Mr. Wood: "This is a subdivision that we granted back in 2016."
240
241 Ms. Gott disclosed that she knows the Pratt's and all the other people involved and it has no
242 bearing on her decision making.
243
244 Mr. Wood also disclosed it would have no bearing on his decision making because he is friends
245 with an abutter.
246
247 Mr. Reed also disclosed he is friends with an abutter, and it would have no bearing on his
248 decision making.
249
250 Mr. Wood: "If you would craft a letter of recommendation that I can sign for the Board."
251
252 **Motion:**
253 Mr. Wood made a motion to recommend to the Selectmen that they grant the building permit for
254 13 Smith Pond Road based on the agreement and release regarding the building permit for the
255 private road. Mr. Reed seconded the motion. A roll call vote was taken. The motion passed with
256 a vote of 5 in favor, 1 abstention, and 0 opposed.
257
258 Gretchen Gott - Yes
259 John Beauvilliers - AYE
260 Kendra Ferm - Yes
261 George Plante - Abstain
262 Brad Reed - Aye
263 Paul Lynn - Yes
264

265 **Approval of minutes:**

266

267 **Motion:**

268 Mr. Beauvilliers made a motion to accept the September 17, 2020 minutes as amended. Ms.

269 Ferm seconded the motion. A roll call vote was taken. The motion passed with a vote of 6 in

270 favor, 1 abstention, and 0 opposed.

271

272 Jonathan Wood - Yes

273 Gretchen Gott - Yes

274 John Beauvilliers - Yes

275 Kendra Ferm - Yes

276 George Plante - Abstain

277 Brad Reed - Yes

278 Paul Lynn - Yes

279

280 Ms. Ferm excused herself from the meeting.

281

282 **Other business:**

283

284 The board agreed to continue doing Zoom meetings.

285

286 **Staff updates:**

287

288 Ms. Gardner: "The first day to accept Citizen's Petitions is November 9, 2020 and the last day to

289 accept them is December 9, 2020. We talked to Laura about the Unified Development Plan and

290 she said we have to make a decision if we want to revoke it or not. It has to be noticed as a

291 public hearing."

292

293 Mr. Wood: "Back when Granite Meadows at exit 4 was developed in order to pull together an

294 area called the Sewer Overlay District they developed something called the Unified

295 Development Plan (UDP) and the UDP had within it uses within the zone. The UDP had things

296 in there like conference centers and retail land. It also had a significant amount of apartments,

297 as well as a very large distribution center. It was all predicated on the fact that they needed to

298 have sewers for 180 condos that were right across the street from the Fire Station. Since

299 Granite Meadows has subdivided that land that site plan is no longer in play. Also because they

300 did not renew that site plan it is no longer in play. I am not sure whether we are bound to revoke

301 it because we put a sunset date on the last time that we extended it. So then should we place a

302 public hearing on the agenda for the dissolution of the UDP and the revocation of the site plan

303 of Granite Meadows?"

304 "So Stephanie can you put that on our agenda?"

305

306 Ms. Gardner: "Laura asked us to send an update on the TIF District and she said there is

307 nothing in the statute about how to dissolve a TIF District. You should follow the same process

308 used to establish one. You will have to hold a hearing on the discussion at least 15 days prior to

309 the town meeting vote with notice including a description of the district posted in two places and
310 published at least 7 days prior to the hearing.”

311
312 Mr. Wood: “But this is going to have to be done at the Selectmen level not at the Planning Board
313 level.”

314
315 Ms. Gott: “And the TIF District was established by Town vote. By a warrant article so does that
316 mean it has to be dissolved by a warrant article?”

317
318 Mr. Coppelman: “Yes.”

319
320 **Board member updates:**

321
322 Mr. Plante: “We had a Board of Selectmen meeting Monday. Our October 5th meeting is going
323 to be the final hearing for the Bean Tavern and we will be voting whether or not to put that into
324 a warrant article. On Monday we voted to accept the Pay As You Throw Program that Joe and
325 Steve Brewer and everybody put together. It is going to get implemented after the permit thing
326 squared away.”

327
328 **Motion:**
329 Mr. Wood made a motion to adjourn. Mr. Reed seconded the motion. A roll call vote was taken.
330 The motion was approved unanimously with a vote of 6 in favor, 0 oppose, 0 abstentions.

331 Jonathan Wood - Yes
332 Gretchen Gott - Yes
333 John Beauvilliers - Yes
334 George Plante - Yes
335 Brad Reed - Yes
336 Paul Lynn - Yes

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338 Respectfully submitted,
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340 Jill A. Vadeboncoeur

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