

LAND USE PLAN - Addendum 02/08/15

Agricultural Business Enterprise Uses

New Hampshire RSA 672:1 III-b. *“The general court hereby finds and 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 and shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers.”*

Executive Summary

This addendum addresses the Master Plan support required under NH Statute RSA 674:21.II for the adoption of uses subject to an “Innovative Land Use Control” (Exhibit 1). In 2014, a group of Peterborough citizens submitted a Petition Ordinance (Exhibit 2) to allow “Diversified Agricultural Business Enterprise” uses by Conditional Use Permit, a form of innovative land use control. The Planning Board held a public hearing on the Petition Ordinance, as required by statute, and after taking public input, the Planning Board voted not to support the Ordinance because they felt it was vague, had technical flaws, and did not provide sufficient criteria to guide the Planning Board when making a decision on an application. The Board committed itself to working with the petitioners to revise the ordinance during the following year. Despite the lack of Planning Board support, the petition ordinance was adopted at Town Meeting in May 2014.

The Planning Board formed a subcommittee to develop an amendment to the adopted ordinance to address the technical and planning related issues identified during public hearings. The resulting amendment also proposes to employ the Conditional Use Permit as a mechanism to regulate Agricultural Business Enterprise uses. As such, support of the Master Plan is required for adoption of the Amendment.

This addendum is organized as follows:

- I. Background: A summary of agricultural trends in New Hampshire, including a growing trend toward diversification through uses similar to those contained in the petition ordinance.**
- II. Challenges of Agri-tourism**
- III. Agriculture in Peterborough**
- IV. Public Input: A summary of relevant public input gathered through public hearings, public workshops, and a recent vision survey.**
- V. Recommendation**

“New Hampshire agriculture is ever changing. Today's industry is quite diverse, encompassing many crop, livestock and specialty products. Agritourism has become an integral part of many farm operations and visits to New Hampshire by agriculture-related tourists has grown.” **NH Department Of Agriculture and Markets**

I. Background

The nature of agriculture in New Hampshire is evolving. While the number of acres in active farming has declined over the last five decades, the number of farms is now increasing. The farms themselves tend to be smaller and many are focusing on specialized crops. Others are looking to offer more diversified products and services and are engaging in higher value-added processing and production. One of the most important trends is the increasing focus on distribution directly to consumers through farmers markets, CSAs, farm stands, and other direct marketing techniques.

Many farmers are embracing the “buy local” movement and many are realizing the value of building strong relationships with their end customers. As this trend has gained momentum, farms are exploring new ways to connect directly with their customers by offering programs and services intended to draw customers to experience the farm environment.

Some farms seek to take advantage of the farm setting by hosting farm related events tied to seasonal farm products, offering farming demonstrations, open barn days, and agriculture-related educational workshops. Enhanced pick-your-own operations that include a hay ride out to the strawberry patch, a sleigh ride to the Christmas tree plantation, and coffee and cider donuts at the farm stand provide a family fun experience.

Some operations have added small playgrounds and animal petting areas, while others have provided picnic tables and sell ice cream on summer weekends. Some have created dining areas so they can host pancake breakfasts during maple season or a snack bar to sell farm grown hamburgers and farm made grilled sausages.

Still others have discovered the potential for converting an old barn into an event venue suitable for non-farm related events such as weddings, family reunions, business meetings and retreats, or musical concerts. Sometimes these venues are augmented by an in-house catering service, and some have created unique bed and breakfast experiences, a café as an extension of the farm store, or a full service farm to table restaurant serving up to three meals a day, seven days a week and licensed to sell alcohol.

These additions can greatly enhance the public’s experience of the farm, while providing critical additional revenues to help offset the loss of a crop in a given year, or help maintain the farms viability so that the land stays in agricultural production. There is also a risk that the uses will expand beyond the point where they enhance a farm operation and become the principal use of a property to the detriment of the farm operation and potentially to the surrounding neighborhood.

II. Agri-tourism

As these uses have evolved, towns have begun to question at what point uses transition from being a natural extension of agriculture to constituting a commercial use in a zoning district where such activities might not otherwise be permitted. Some towns have experienced entrepreneurial landowners wanting to open an event venue or a restaurant in a zoning district where these uses are not permitted by claiming that they will be part of an agricultural operation, regardless of whether a farm really exists. This is compounded by the fact that

many municipal zoning ordinances allow agriculture in all districts, with little or no oversight, and these zoning ordinances, as well as several sections within the statute, define “agriculture” by referencing the statutory definition in RSA 21-:34-a (Exhibit 3)

RSA 21-34-a. Farm, Agriculture, Farming includes definitions for “farm”, “agriculture and farming”, “farm roadside stands”, “farmers’ market” and “agri-tourism”, the latter broadly including many of the uses referenced in the Agricultural Business Enterprise petition ordinance. Unfortunately, by referencing the entire section, many landowners, towns and even departments within State government have interpreted the definition of agriculture as including agri-tourism. This is relevant because RSA 672:1.III-b treats agriculture preferentially by stating that agricultural activities “shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers.” RSA 674:32-a, b, and c (Exhibit 4) further reinforces this preferential treatment.

This may be of concern to municipalities in part because the definition of “agri-tourism” in the statute is somewhat vague, with language such as “attracting visitors to a working farm for the purpose of **eating a meal, making overnight stays, enjoyment of the farm environment**”, which might be subjected to broad interpretation. A recent superior court decision, which is not precedent setting, has concluding that “agri-tourism” is not part of the definition of agriculture; however, this decision has been appealed to the NH Supreme Court and further clarification will undoubtedly be forthcoming. Nonetheless, towns need to be clear in their zoning ordinances with respect to the specific uses that will be permitted and may find it advantageous to avoid the term “agri-tourism” as a general use description.

With respect to potential impacts to surrounding neighborhoods from agri-tourism related uses, it is important to realize that in many cases, the farm’s neighbors bought their properties before there was any notion that the farm could include an event venue hosting a wedding every weekend, events with outdoor bands, a full service restaurant with 100 seats, or cars parked up and down the narrow country lane. They may have been fully aware of the potential impacts associated with traditional agriculture, such as the early morning sounds of a tractor in the field, the earthy smell of tilled soil and livestock manure, or the 18 wheeled milk truck coming twice a day, but these rural sounds and experiences could have been anticipated before the neighbor made an investment in the property.

Agri-tourism has the potential to produce significant challenges for rural neighborhoods. Increased traffic, noise, outdoor lighting, parking along narrow country roads, and general degradation of the quiet country feeling of these cherished rural settings have all been cited as undesirable adverse impacts caused by the increasing intensity of these uses. If municipalities are going to permit these uses, they will need to develop reasonable ordinances and regulations that appropriately accommodate the desired uses while avoiding and mitigating any potentially significant adverse impacts. In doing so, consideration needs to be given to all of the variables that will affect the extent to which the impacts will occur. For example, if the farm is located on a State road which accommodates several thousand vehicle trips per day and there are no residential abutters within close proximity to the farm, then it might be reasonable to allow a farm to add an event venue that can accommodate up to 200 guests on a relatively frequent basis over the course of a year. However, if the farm is located in a residential area with limited access from a narrow town road, then it might be appropriate to more restrictively limit the number, size, frequency and hours of events.

The Planning Board must have the ability to evaluate each site and each proposed use based on the specific circumstances to determine what uses should reasonably be permitted, where they should be permitted, and what scale is reasonable given the site constraints. Local

ordinances and regulations need to be written to allow the Board flexibility, discretion, and guidance for decision-making, including establishing reasonable limits on activities and reasonable conditions for approval.

The following table provides examples of variable that could influence the extent to which the uses will cause adverse impacts when put into practice:

Variables	Example of Factors to Consider
The conditions and characteristics of the farm site	Topography; Presence of natural vegetation to buffer incompatible abutting uses; Proximity of abutters; Road characteristics such as width, volume, construction material, etc.
The nature and design of uses	The types of activities will be involved? Where will they be sited on the property in relation to abutting uses? Will they be indoors or outdoors? Will they generate noise? etc.
Scale of uses	Number of people attending; The duration of activities; Whether people will be coming and going over a long period of time; How often activities will take place over the course of a month or a year; etc.

III. Agriculture in Peterborough

Like most of New England, Peterborough has a significant agricultural heritage. Evidence of this heritage can be seen in stonewalls that run through forestlands, old barns on former farmsteads, remnant apple orchards, and open fields that once served as pasturelands. Many of the remaining open fields are still in some form of agricultural use such as hay production, grazing small flocks of livestock, equestrian use, and home gardens, and some are mowed annually to keep them open for wildlife or to maintain the scenic views that contribute to the rural feel of the town. A few commercial farms and equestrian facilities are located in town and several beginning farmers are looking to reclaim farmland that has been out of production.

At the same time there is a strong and growing community interest in local agriculture. The farmers’ market has found a home, a community garden has been established at the Community Center, and an Agricultural Commission was established in 2013. Groups of farmers in the region have begun hosting monthly farm dinners that are well attended by community members and there is a strong desire within the community to see local agriculture thrive.

The Peterborough Master Plan, in its current form, provides limited attention to agriculture and is silent on the appropriateness of the uses proposed in the petition ordinance. The most extensive reference to agriculture is found in Chapter 4 “Open Space, Section VIII. Agriculture” (Exhibit 5). This section briefly speaks to the importance of prime agricultural soils, the current state of agriculture in Peterborough, a review of the various benefits that agriculture provides to the community and trends in the state related to farmland protection. It should be noted that the Master Plan does emphasize the importance of Peterborough’s rural character, much of which is derived from historic agricultural uses.

Peterborough’s zoning ordinance includes the following definition of agriculture:

Section 245-4. (5) AGRICULTURE -- All operations involved with the growing of crops, the raising of animals, and any activities associated with marketing the products. For a complete definition, refer to RSA 21:34-a.

Prior to the adoption of the petition ordinance, Agricultural uses were addressed in the zoning ordinance in Sections 245-5 C and 245-8.A.2

Section 245-5 C. Agricultural Uses. Agriculture, as defined by RSA 21:34-a, when conducted for commercial purposes is permitted only in the Rural District subject to site plan review and approval by the Planning Board. Non-commercial agriculture, the tilling of soil and the growing and harvesting of crops and horticultural commodities as a primary or accessory use, or incidental sales of agricultural products, is permitted in all Districts subject to conformance with the standards of the Best Management Practices as set forth by the NH Department of Agriculture. (Note: notwithstanding the language above, “Farms and the selling of products therefrom” is a permitted use in the Commercial Park District

Section 245-8.A.2. In the Rural District, land may be used and buildings may be erected, altered, or used for general purpose farm and/or forestry, agriculture, garden or nursery and the selling of products therefrom.

Although the Zoning ordinance in Section 245-5C indicates that agriculture for commercial purposes is permitted only in the rural district subject to site plan review and approval by the Planning Board, the Peterborough Site Plan Regulations Chapter 233-3 (b) (1) indicates that “agricultural activities, including associated structures” do not require Site Plan review. In practice, the Planning Board has required site plan review for parking lots associated with Farm Stands.

IV. Public Input: A summary of relevant public input gathered through public hearings, public workshops, and a recent vision survey.

After the Petition Ordinance was submitted to the Town, the required public hearing was held on March 10, 2014. Without exception, the citizens that attended the public hearing voiced their support for the petition, although one speaker did express a reservation about allowing weddings at the end of a dead-end road. Several Planning Board members also articulated their support for the spirit and intent of the ordinance, but the Board voted not to support the petition because of various technical and planning related issues. The Board Chair did state the Planning Board would be willing to take up the subject of the Petition Ordinance and address the issues in time for the 2015 Town Meeting.

The most significant statement of public support for the intent of the petition ordinance occurred when the ordinance passed at Town Meeting in May 2014, even though the Planning Board did not support the ordinance. Following its adoption, the Planning Board formed a subcommittee to develop an amendment that would address the adopted ordinance’s deficiencies. The subcommittee included the Planning Board Chair and Vice Chair, a member of the Agricultural Commission, a farm supporter, and a member of the Conservation Commission.

In June 2014, the Planning Board convened a public workshop to gather public input to assist in the development of the amendment. Members and former members of various town boards and commissions were present including the Select Board, Conservation Commission, the Agricultural Commission, the Zoning Board of Adjustment, the Heritage Commission, and the Open Space Committee. A number of farmers and other residents were also present. During the workshop, participants broke into small groups to explore the various uses included in the original petition ordinance. Each group then reported results of the small group discussion to the larger group. The discussions provided valuable input for the subcommittee to consider.

In September 2014, a landowner submitted an application requesting a conditional use permit for uses under the new ordinance. Three public hearings and a site visit were held by the Planning

Board and both abutters and supporters of the application participated in the hearing process. The applicant worked with the Board to modify the proposal, agreeing to comply with all site and use design requirements requested by the Board. The Planning Board granted the Conditional Use Permit.

During the public hearing process, the Planning Board heard extensive testimony regarding the proposed uses and how they might impact abutters, the neighborhood, and the rural character. Concerns included issues of noise, the frequency of the uses, the number of people coming to the farm, traffic on the narrow dead-end road, parking, pedestrian safety for people who use the road for recreation, and fire safety. Chief among their concerns was loss of the rural feel of the neighborhood due to the increased activity and the potential for escalation of non-agricultural uses to a point where they would become the principal use. In the end, the abutters felt the potential impacts were not adequately address and subsequently appealed the validity of the ordinance and the Planning Board's decision to the NH Superior Court.

During the fall of 2014, the Master Plan Steering Committee initiated a town wide survey conducted as part of an update of the Master Plan Vision Chapter. The Survey included general questions about the importance of various characteristics of Peterborough and what community members want to see in the future. The survey included a number of sections related to various aspects of community life including economic vitality, natural resources, housing, and youth. Among these sections were several questions that spoke specifically to the importance of agriculture and the uses addressed in the ordinance.

Survey responses demonstrated strong community support for maintaining the attractive natural setting, rural character, and small town New England feel of Peterborough. Responses to three questions which specifically related to agriculture showed strong agreement that agriculture is an important part of the town's future economic vitality, on-farm production and sales of agricultural products should be encouraged, and commercial uses (B&B, farm-to-table cafe, farm events, weddings) on farms in the rural district should be allowed as long as farming remains the primary use. (Exhibit 6)

The Planning Board convened a public workshop in January 2015 to review an initial draft of an amended ordinance and associated Planning Board Regulations. Initial responses to the draft have been very favorable although several suggestions for improvement have been integrated into the draft.

V. Recommendation

Following the first public workshop, the Planning Board subcommittee developed the goals to guide the development of the ordinance. The goals are provided here to represent the recommendations that flow from the experiences gained through the public hearings and workshops, the experiences from considering an application, and the public support evident from the 2014 Town Meeting vote and the subsequent town-wide survey. These goals are:

- Allow uses that can help commercial farms be economically viable
- Given that the purpose is to support commercial farms, restrict the uses to commercial farms
- Clarify use definitions
- Make sure the non-agricultural uses do not become principal uses, make sure they remain subordinate and incidental to commercial agriculture
- Avoid regulatory burden for uses with limited impacts; for more intense use, provide reasonable and appropriate review

- Allow the Planning Board the flexibility and discretion needed to evaluate and refine different sites use characteristics, and designs, and to limit the scale and frequency of uses as needed to adequately protect abutters and neighborhoods from significant adverse impacts

The resulting draft amendment was written to reflect these goals. The following purpose statements are integrated in the proposed ordinance amendment with the intent of providing guidance to the Planning Board as it considers applications.

- Agricultural Business Enterprise Uses are intended to diversify a commercial farm's offerings and increase opportunities to generate on-farm revenues by encouraging members of the public to visit, engage with and utilize the farm's resource base. The purpose and benefits to the community of allowing these uses include: strengthening the economic viability of a farm; strengthening the public's connection to and understanding of local food production; educating the public about the benefits of farming to the community; and strengthening the community's local economy.
- As the additions of these types of Uses may have the potential to generate increased impacts that did not previously exist or could not have been anticipated by an existing residential neighbor to the farm, it is also in the community's interest to ensure that any Uses permitted are appropriate for the sites they are on and that if permitted, the Uses and the sites they are on are designed to: ensure public safety; protect neighborhood character; avoid any substantial nuisance to the neighbors; and, protect the quality of environmental resources. As a mechanism to help meet these goals, the Planning Board has the authority to establish reasonable limits to the uses and their size, scale, number of participants, frequency and hours of operation. The Planning Board also has the authority to establish such reasonable conditions as are necessary to carry out the spirit and intent of the ordinance.
- It is the intent of this ordinance that its application be limited to those properties where commercial farming is clearly intended to be the principal use of the property and that the combined scale of all proposed Agricultural Business Enterprise Uses are proportionately less significant than the overall scale of the combined Commercial Agriculture uses of the property. It is intended that these Uses are not, over time, permitted to become stand-alone uses or principal uses in relation to a commercial agriculture operation. To accomplish these goals, the Planning Board shall have latitude in exercising its discretion, when evaluating the individual circumstances of each applicant, proposal, and the characteristics of each site, to ensure that all approved proposals carry out the spirit and intent of the ordinance.
- It is the intent of this ordinance that applicants make all best efforts to meet with abutting landowners to discuss the proposed Uses, identify concerns, and seek consensus regarding Use designs (frequency, scale, scope, size, etc. of the proposed use) and site designs to address the identified concerns.

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Agricultural Business Enterprise Uses - Exhibits

Exhibit 1. New Hampshire Revised Statutes Annotated – Chapter 674 - Zoning

674:21 Innovative Land Use Controls. –

I. Innovative land use controls may include, but are not limited to:

- (a) Timing incentives.
- (b) Phased development.
- (c) Intensity and use incentive.
- (d) Transfer of density and development rights.
- (e) Planned unit development.
- (f) Cluster development.
- (g) Impact zoning.
- (h) Performance standards.
- (i) Flexible and discretionary zoning.
- (j) Environmental characteristics zoning.
- (k) Inclusionary zoning.
- (l) Accessory dwelling unit standards.
- (m) Impact fees.
- (n) Village plan alternative subdivision.
- (o) Integrated land development permit option

II. An innovative land use control adopted under RSA 674:16 may be required when supported by the master plan and shall contain within it the standards which shall guide the person or board which administers the ordinance. An innovative land use control ordinance may provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate. If the administration of the innovative provisions of the ordinance is not vested in the planning board, any proposal submitted under this section shall be reviewed by the planning board prior to final consideration by the administrator. In such a case, the planning board shall set forth its comments on the proposal in writing and the administrator shall, to the extent that the planning board's comments are not directly incorporated into its decision, set forth its findings and decisions on the planning board's comments.

III. Innovative land use controls must be adopted in accordance with RSA 675:1, II.

IV.. As used in this section:

(a) "Inclusionary zoning" means land use control regulations which provide a voluntary incentive or benefit to a property owner in order to induce the property owner to produce housing units which are affordable to persons or families of low and moderate income. Inclusionary zoning includes, but is not limited to, density bonuses, growth control exemptions, and a streamlined application process.

(b) "Accessory dwelling unit" means a second dwelling unit, attached or detached, which is permitted by a land use control regulation to be located on the same lot, plat, site, or other division of land as the permitted principal dwelling unit.

Source. 1983, 447:1. 1988, 149:1, 2. 1991, 283:1, 2. 1992, 42:1. 1994, 278:1. 2002, 236:1, 2. 2004, 71:1, 2; 199:2, 3. 2005, 61:1, 2, eff. July 22, 2005. 2008, 63:1, eff. July 20, 2008. 2012, 106:1, 2, eff. July 28, 2012. 2013, 270:5, 6, eff. Jan. 1, 2015.

Exhibit 2. PROPOSED 2014 AMENDMENTS TO THE ZONING ORDINANCE

Citizen Petition Amendment M – Add uses by Conditional Use Permit (Zoning Ordinance section to be amended is not defined)

PETITION TEXT:

To see if the Town will vote to add an allowed Conditional Use approval to the Agricultural Business Enterprise Zone:

The Planning Board does not support this petition amendment.

PROPOSED AMENDMENT TEXT

E. Conditional Uses.

1. Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following, subject to the process and criteria in Article IX of the Peterborough Site Plan Review Regulations. In the granting of any Permit, the Board may attach reasonable conditions, or waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will properly carry out the spirit and intent of the regulations.

a. Diversified Agricultural Business Enterprise:

- i. Allowed on Rural District and Agricultural Zoned parcels, or contiguous parcels under the same ownership or management, of 50 acres, or more.
- ii. An allowed use of a retail area not to exceed the size of any other existing building on the property.
- iii. An allowed use of a Farm to Table cafe and reception area with seating.
- iv. An allowed use for events such as, but not limited to, farm dinners, hayrides, foliage tours, wedding receptions, open houses, seasonal festivities, and other farm events, including, but not limited to those, referred to in RSA 21:34
- v. An allowed use of a bed and breakfast, farm-stay, or other nightly, weekly, seasonal, or other short term lodging.
- vi. All buildings and infrastructure used for retail and restaurant use, including parking areas, require a 100 foot setback from abutting properties or must be sufficiently screened by fencing, vegetative, or natural buffer.

Exhibit 3. New Hampshire Revised Statutes Annotated – Chapter 21 Statutory Construction

21:34-a Farm, Agriculture, Farming. –

I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

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

- (a)(1) The cultivation, conservation, and tillage of the soil.
 - (2) The 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, dairy cows and the production of milk, beef animals, swine, sheep, goats, as well as domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk (*Cervus elephus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).
 - (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
 - (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.
 - (7) The raising, breeding, or sale of poultry or game birds.
 - (8) The raising of bees.
 - (9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.
 - (10) The production of greenhouse crops.
 - (11)) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, 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, on-site and off-site, where permitted by local regulations, any products from the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(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. Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

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. The term "agritourism" means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation.

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.**

Exhibit 4. New Hampshire Revised Statutes Annotated

Section 672:32 Agricultural Uses of Land

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

Source. 2000, 279:3, eff. July 1, 2001.

674:32-b Existing Agricultural Uses. – Any agricultural use 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, 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 best management practices adopted by the commissioner of agriculture, markets, and food; subject, however, to the following limitations:

I. Any new establishment, re-establishment after disuse, or significant expansion of an operation involving the keeping of livestock, poultry, or other animals may be made subject to special exception, building permit, or other local land use board approval.

II. Any new establishment, re-establishment after disuse, or significant expansion of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to applicable special exception, building permit, or other local land use board approval and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

Source. 2000, 279:3, eff. July 1, 2001.

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 shall exempt new, re-established, or expanded agricultural operations 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 allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use, 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, unless such waiver would have a demonstrated adverse effect on public health or safety, or the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use.

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.

Exhibit 5. Master Plan Chapter 4 OPEN SPACE**VIII. Agriculture**

At the end of the segment on “Agriculture” in the 1987 Peterborough Town History, the writers posed the question: “What will Peterborough look like when the Town reaches its three-hundredth birthday in 2039? Will growth increase to such an extent that we will lose more farmland, or will the town keep these areas in a protected state?”

The USDA considers the category of Prime Farmland to be of major importance in meeting the nation’s short- and long-range needs for food and fiber. In western Hillsborough County only 3% of the land is considered Prime Farmland (determined by slope and soil type); however, hard work and historic use have resulted in productive farmland in Peterborough that will never show up on a soils map as prime agricultural.

Peterborough has only a few remaining working farms. These are mostly horse or cattle farms; one raises organic fruits and vegetables. Some farms, no longer active, still have fields managed for hay. Agriculture is on the rise in New Hampshire, but that growth is in the area of specialty crops.

In addition to their economic value, farms provide connection to Peterborough’s rural past; add diversity to the landscape including sweeping views to the horizon, and serve as important buffers between developed areas. Increasing attention is being paid in the State to preserving farmland as the state’s fair share of food and fiber production for the long-term. There are a variety of funding sources that help with farmland conservation, including the preservation of historic barns. Several towns in New Hampshire have purchased the development rights on farms and orchards, guaranteeing that they will remain farmland in perpetuity, and enabling the farming family to continue operations.

Exhibit 6. 2014 Vision Survey – Response Excerpts

How important are the following characteristics to making Peterborough a place where you will want to live during the next ten to twenty years?

Question	Total Responses	Weighted Average	(1) Very Important	(2) Somewhat Important	(3) No Opinion	(4) Somewhat Unimportant	(5) Not at all Important
Attractive natural setting, rural character	596	1.41	69%	25%	3%	3%	1%
Small New England town character	597	1.49	66%	26%	3%	4%	2%
Local farming activity/ access to local food	592	1.82	48%	35%	7%	6%	4%

How important is it to protect the following natural resources in Peterborough?

Question	Total Responses	Weighted Average	(1) Very Important	(2) Somewhat Important	(3) No Opinion	(4) Somewhat Unimportant	(5) Not at all Important
Agricultural lands for current or future food production	593	1.77	50%	34%	8%	6%	2%

To what extent do you feel the following are important for Peterborough’s future Economic Vitality?

Question	Total Responses	Weighted Average	(1) Very Important	(2) Somewhat Important	(3) No Opinion	(4) Somewhat Unimportant	(5) Not at all Important
Encourage on farm production and sale of local agricultural products.	570	1.89	45%	34%	11%	5%	4%
Allow commercial uses (B&B, farm to table cafe, farm events, weddings) on farms in the rural district as long as farming remains the primary use.	571	1.99	44%	32%	11%	6%	6%

Note: A lower weighted average = higher level of importance or agreement.