

LOCAL REGULATION OF AGRICULTURE TOOLKIT



Presented by The NH Coalition for Sustaining Agriculture

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.

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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?

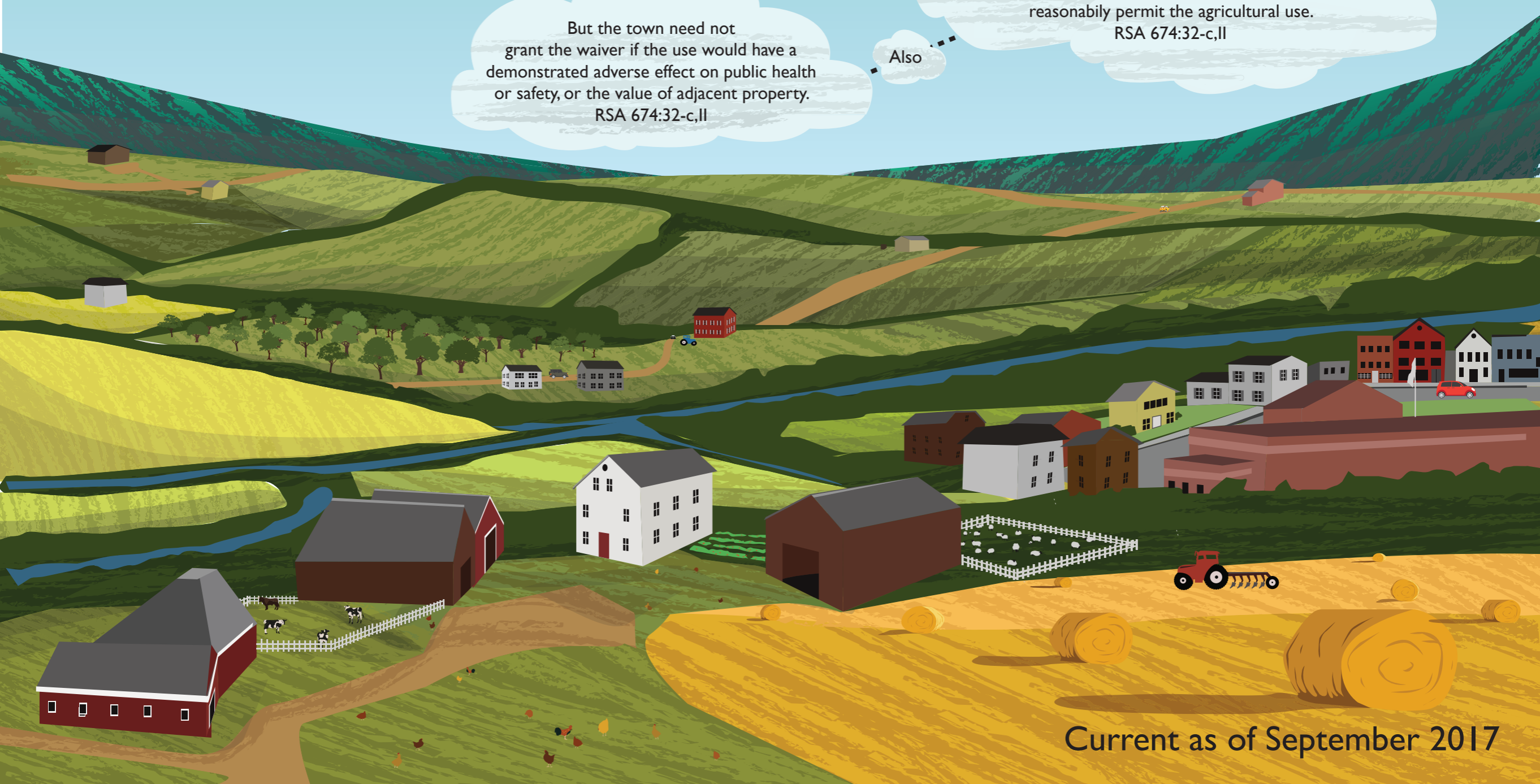
Using Soil Potential Index (SPI) information may reduce the Current Use assessment on less productive agricultural land. By reducing the tax burden on the agricultural land, towns can encourage the maintenance of open space at a relatively low cost.

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.

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- (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