



UNIVERSITY of NEW HAMPSHIRE
COOPERATIVE EXTENSION

How to Establish a Local Agricultural Commission



Tuesday, March 16, 2010

Rockingham County Complex
Brentwood, NH

- Nada Haddad, Extension Educator
Agricultural Resources
UNH Cooperative Extension
Rockingham County
- NH Coalition for Sustaining Agriculture

New Hampshire Agricultural Commissions



For Agriculture and the Community

NH Agriculture Commission: How it Originated



NH Coalition for Sustaining Agriculture

N. Haddad

NH Agriculture Commission: How it Originated



House Bill 293

allows municipalities to establish agricultural commissions

**RSA 674:44-e.
Agricultural
Commission**



New Hampshire Agriculture Today



New Hampshire Agricultural Commissions



NH Definition of Agriculture

RSA 21:34-a

Defines farms and farming activities.



RSA 21:34-a Farm, Agriculture, Farming.

All Entries ▾ New... ▾

1 2 3 4 5 6 7

TITLE I
THE STATE AND ITS GOVERNMENT

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, ~~sewage~~, 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 elephas canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephas*), 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 thereon.

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, 1941, 140:1, 1977, 95:1, 1979, 40:1, 1985, 6:1, eff. May 31, 1985, 1997, 250:1, eff. Aug. 18, 1997, 1999, 191:2, eff. Sept. 4, 1999, 2005, 107:1, eff. Aug. 14, 2005, 2006, 11:5, eff. March 3, 2006, 324:1, eff. Aug. 25, 2006, 2007, 157:1, eff. June 18, 2007, 2008, 8:1, eff. July 4, 2008.

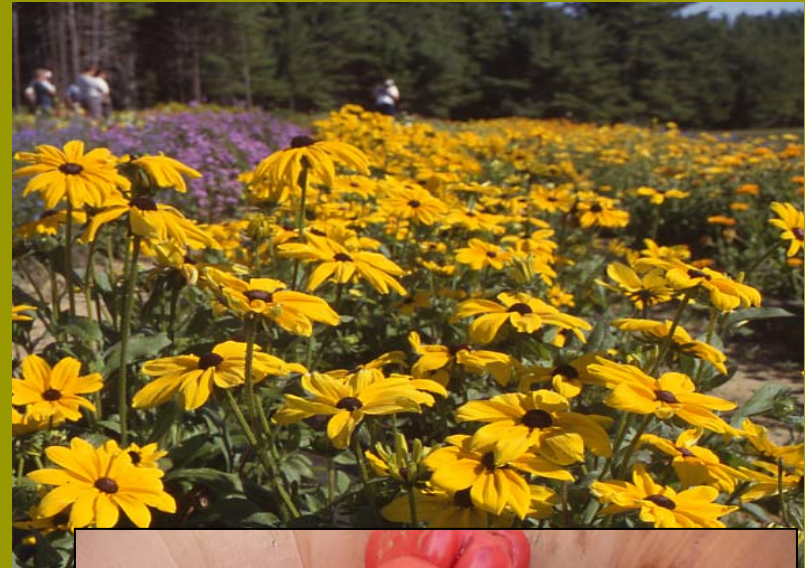
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VI. The term
"agritourism"

NH Agriculture Today

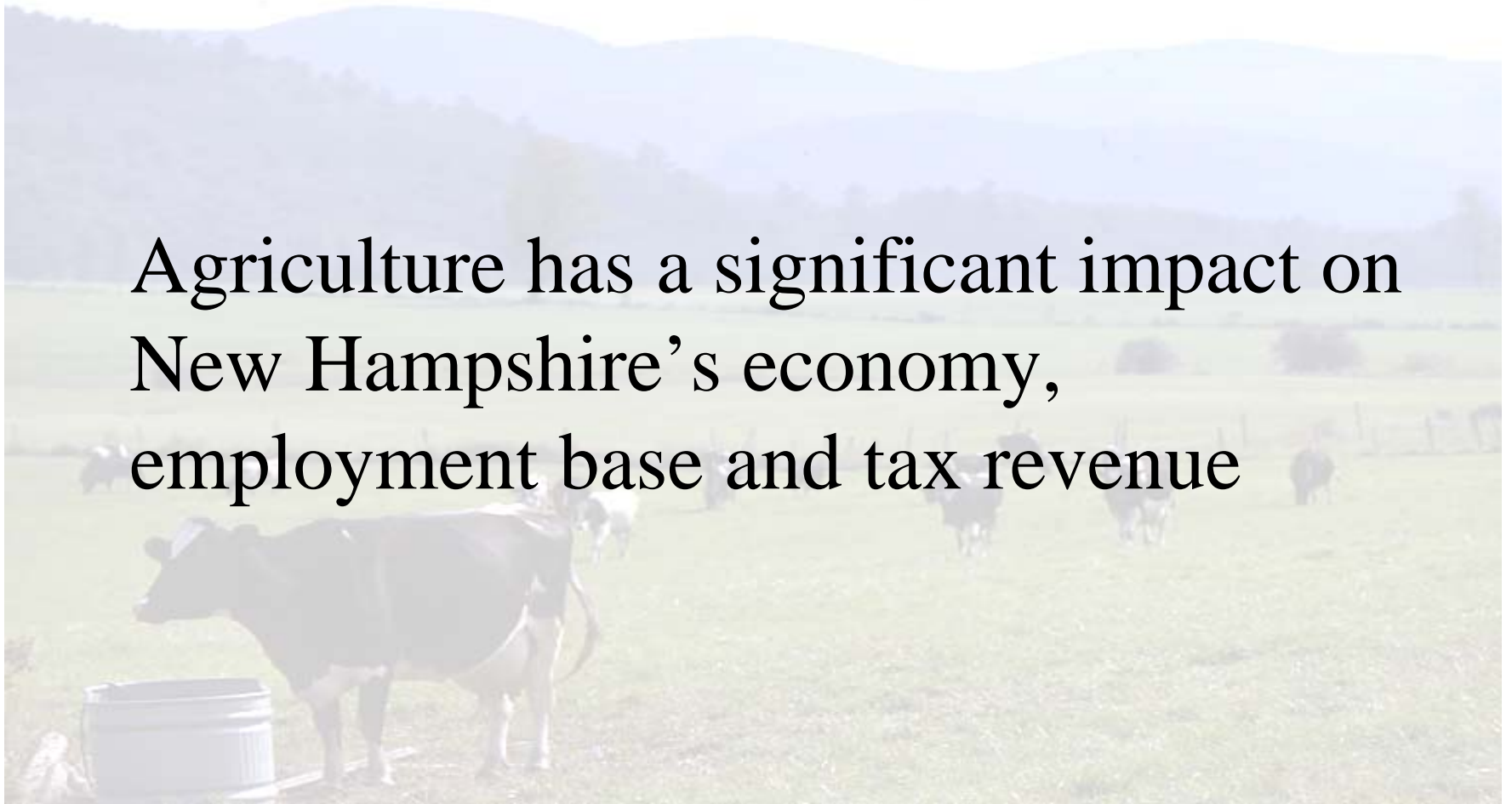
- Diversified industry
- Large number of small farms
- Ornamental horticulture is top industry sector



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Economic Impact of NH Agriculture

Agriculture has a significant impact on New Hampshire's economy, employment base and tax revenue



Economic Impact of NH Agriculture

\$935 million



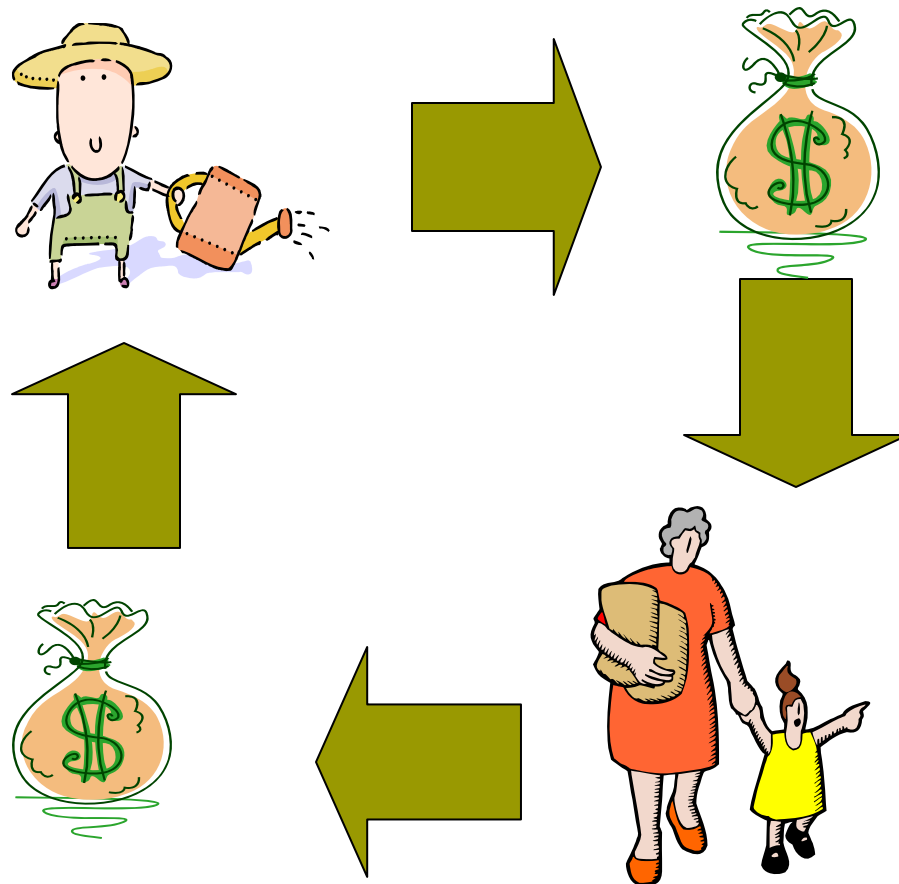
Economic Impact of NH Agriculture



11,606 jobs

\$43.8 million
Tax revenue

Economic Impact of NH Agriculture



Values of NH Agriculture

- Open space
- Rural character
- Scenic views
- Heritage
- Fresh food
- Food security
- Plants
- Unique farm experiences



What's new in NH Agriculture?

- Niche agriculture
- Direct sales
- Agri-tourism



Niche Agriculture

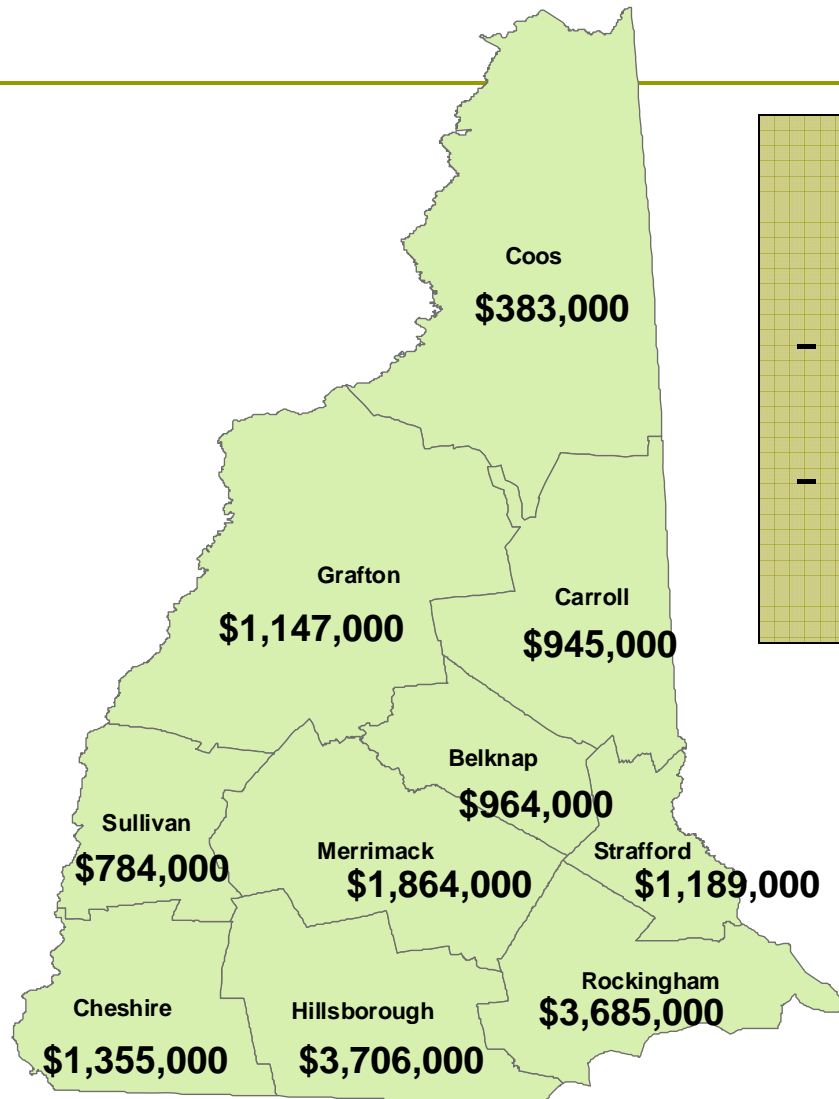
- ❑ Unique, unusual, uncommon
- ❑ Product, location, activity



Direct Sales

- Farm Stands
- Harvest Your Own
- Summer Farmers Markets
- Winter Farmer Markets
- Community Supported Agriculture (CSA's)
- Garden Centers,
greenhouse, plant
nurseries

Value of Direct Market Sales 2007 Census of Agriculture



US County Rankings

- Hillsborough County, 37th
- Rockingham County, 38th

NASS: http://www.nass.usda.gov/Statistics_by_State/index.asp

Trends: Farm to ...

■ Restaurants



■ Institutions





Eat Local

Urban Agriculture

Ethnic Markets

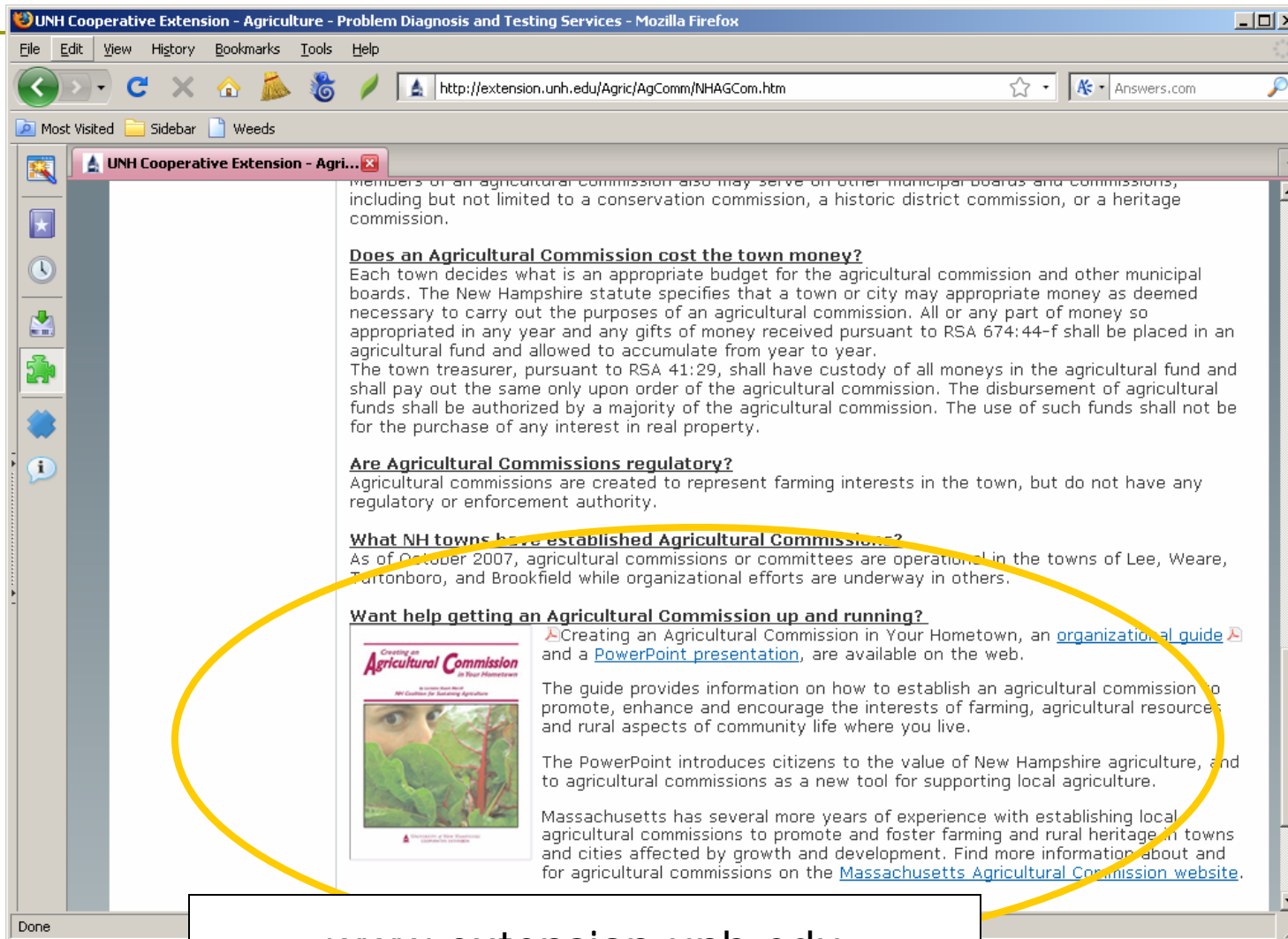


Agriculture is alive and well in
New Hampshire today...



Agricultural Commissions

New tool to enhance agriculture in the community



UNH Cooperative Extension - Agriculture - Problem Diagnosis and Testing Services - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://extension.unh.edu/Agri/AgComm/NHAGCom.htm

Most Visited Sidebar Weeds

UNH Cooperative Extension - Agri...

Members of an agricultural commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission, a historic district commission, or a heritage commission.

Does an Agricultural Commission cost the town money?

Each town decides what is an appropriate budget for the agricultural commission and other municipal boards. The New Hampshire statute specifies that a town or city may appropriate money as deemed necessary to carry out the purposes of an agricultural commission. All or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 674:44-f shall be placed in an agricultural fund and allowed to accumulate from year to year. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the agricultural fund and shall pay out the same only upon order of the agricultural commission. The disbursement of agricultural funds shall be authorized by a majority of the agricultural commission. The use of such funds shall not be for the purchase of any interest in real property.

Are Agricultural Commissions regulatory?

Agricultural commissions are created to represent farming interests in the town, but do not have any regulatory or enforcement authority.

What NH towns have established Agricultural Commissions?

As of October 2007, agricultural commissions or committees are operational in the towns of Lee, Weare, Tiltonboro, and Brookfield while organizational efforts are underway in others.

Want help getting an Agricultural Commission up and running?

Creating an Agricultural Commission in Your Hometown, an [organizational guide](#) and a [PowerPoint presentation](#), are available on the web.

The guide provides information on how to establish an agricultural commission to promote, enhance and encourage the interests of farming, agricultural resources and rural aspects of community life where you live.

The PowerPoint introduces citizens to the value of New Hampshire agriculture, and to agricultural commissions as a new tool for supporting local agriculture.

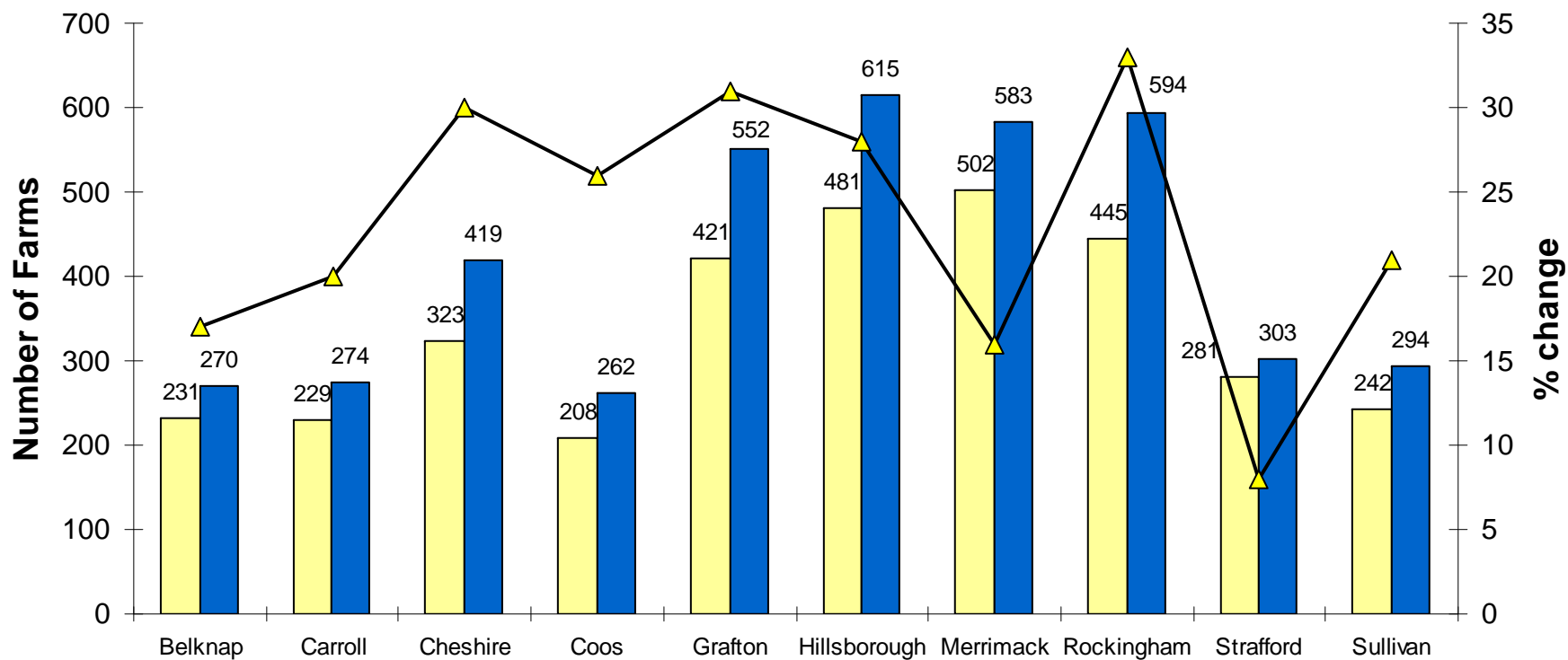
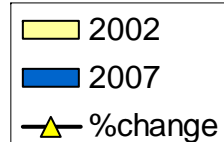
Massachusetts has several more years of experience with establishing local agricultural commissions to promote and foster farming and rural heritage in towns and cities affected by growth and development. Find more information about and for agricultural commissions on the [Massachusetts Agricultural Commission website](#).

Done

www.extension.unh.edu

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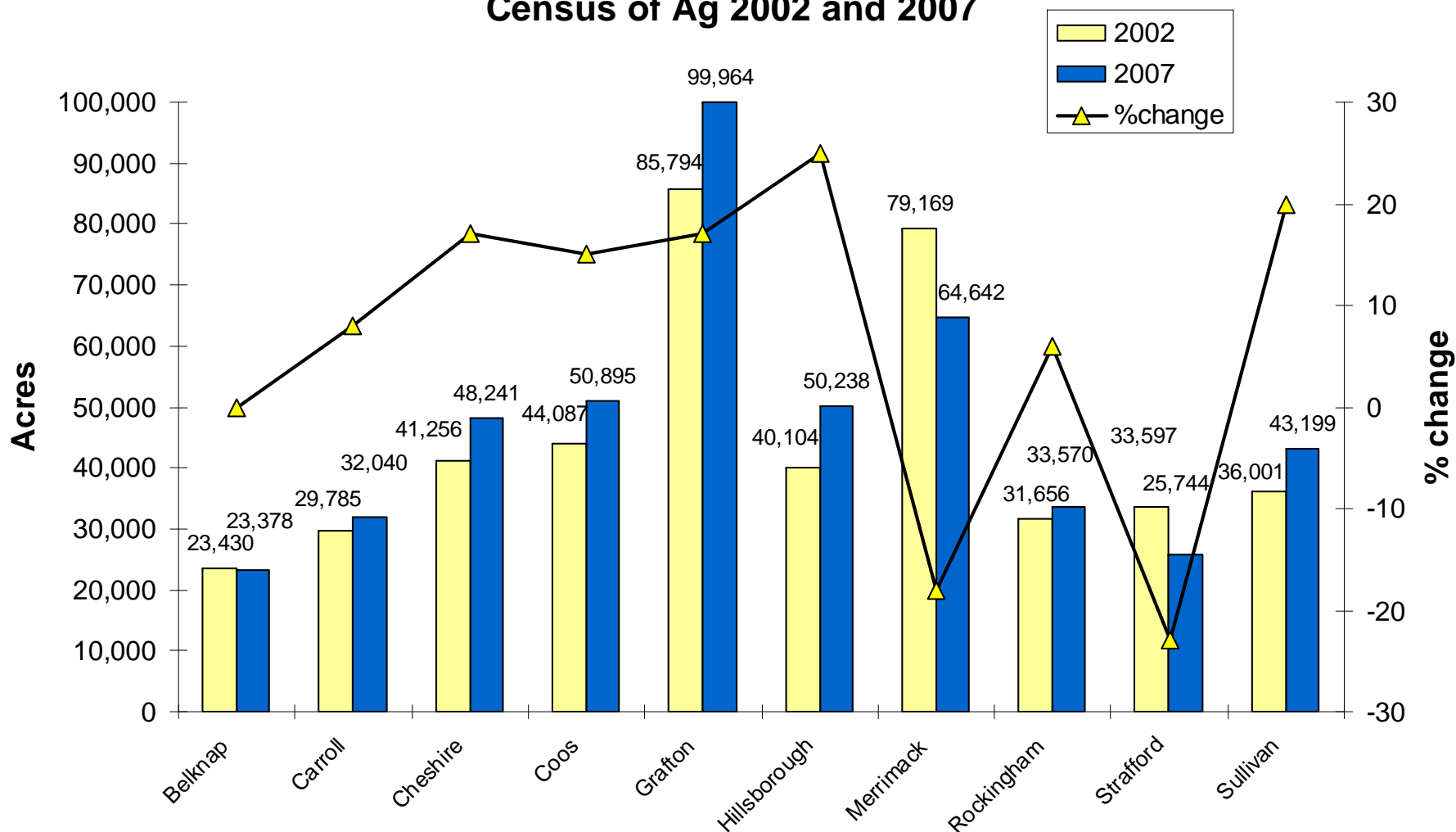
Number of Farms in New Hampshire Census of Ag 2002 and 2007



Source: 2007 Census of Agriculture

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Land in Farms Census of Ag 2002 and 2007



Source: 2007 Census of Agriculture

New Hampshire – State Profile

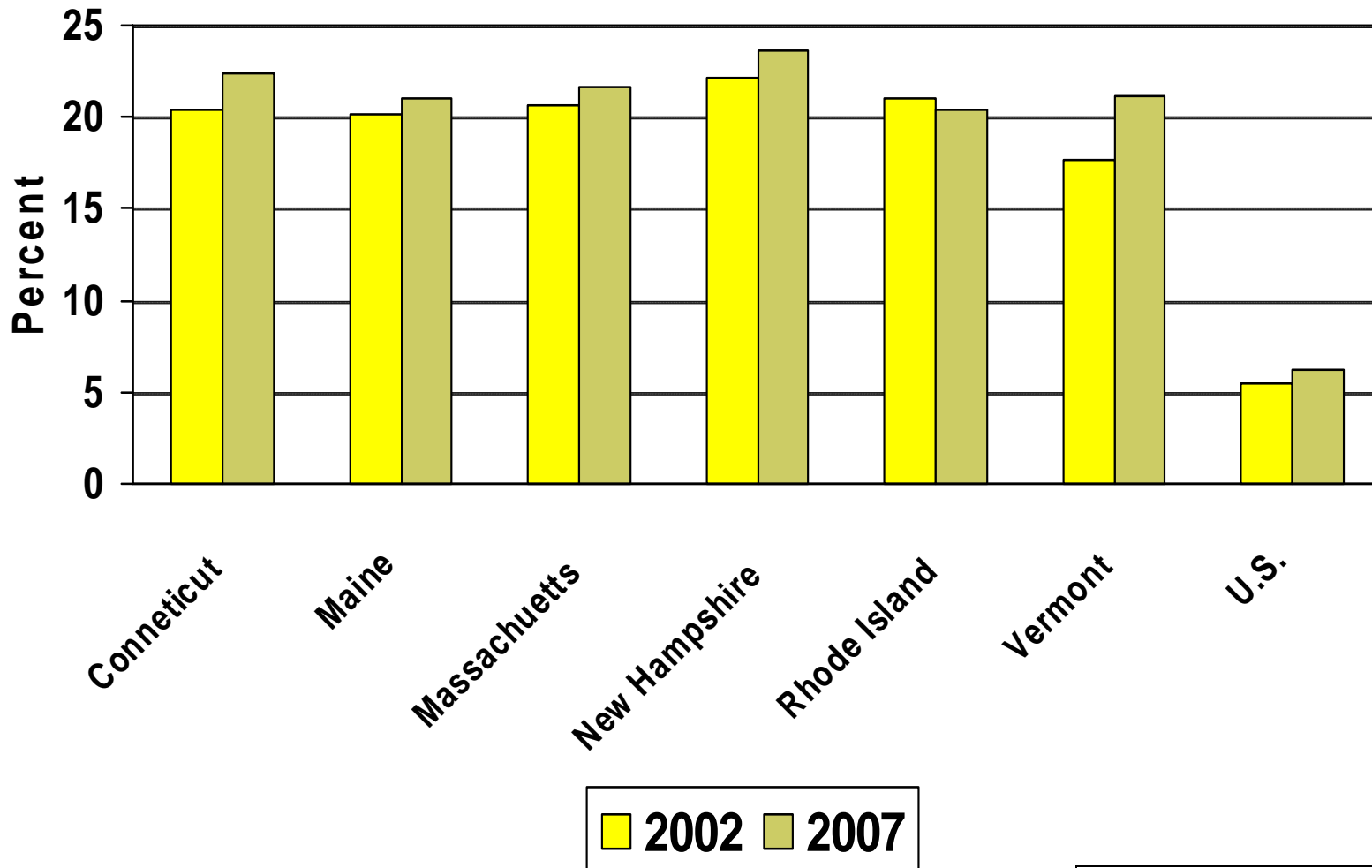
	2002	2007	% change
Number of Farms	3,363	4,166	24
Land in Farms	444,879 acres	471,911 acres	6
Average Size of Farm	132 acres	113 acres	-14

Source: 2007 Census of Agriculture

USDA/ National Agricultural Statistics Service, New England Field Office



Percentage of Farms with Direct Sales New England States and U.S., 2002 and 2007 Census of Agriculture

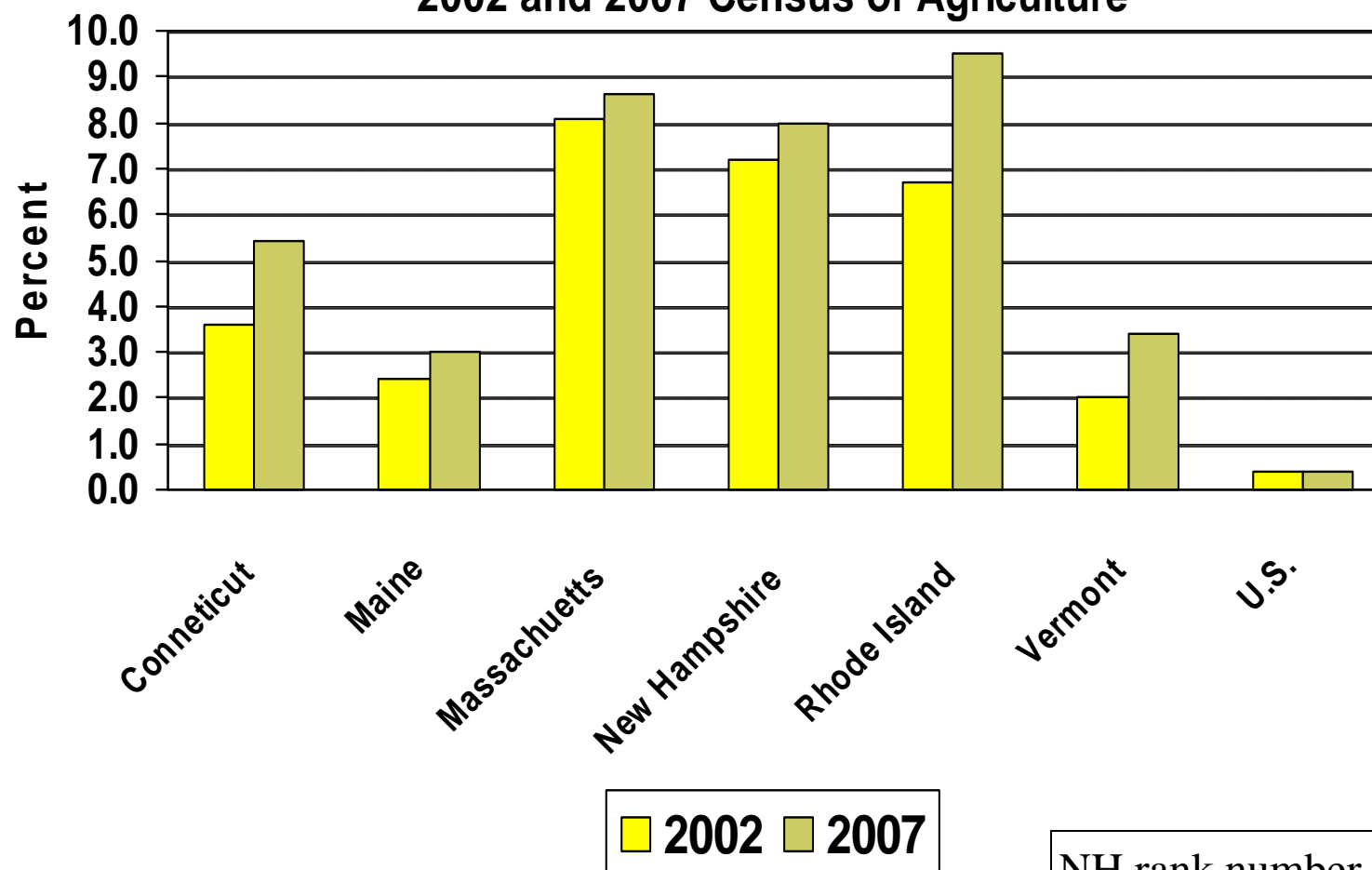


Source: 2007 Census of Agriculture

NH rank number 1 in nation



Percentage of Total Market Value of Agriculture Sales from Direct Sales, New England States and U.S. 2002 and 2007 Census of Agriculture



NH rank number 3 in nation

What is an Agricultural Commission?



A new voice for farmers and support for
agricultural businesses

What is an Agricultural Commission?



- Municipal committee
- Volunteers who care about agriculture in their town
- Forum for balancing rural character and growth

What is the Role of an Agricultural Commission?

- ❑ Advises town boards
- ❑ Focuses public attention on multiple values of agriculture
- ❑ Non-regulatory
- ❑ Optional
- ❑ Does what the town needs to support agriculture



How is an Agricultural Commission Created?

- ❑ By vote at Town Meeting
or
- ❑ By City or Town Council
or
- ❑ By the Board of
Selectmen





House Bill 293

allows municipalities to establish agricultural commissions

- **RSA 674:44-e. Agricultural Commission.** An agricultural commission may be established in accordance with RSA 673 for the proper recognition, promotion, enhancement, encouragement, use, management, and protection of agriculture and agricultural resources, tangible or intangible, that are valued for their economic, aesthetic, cultural, historic, or community significance within their natural, built, or cultural contexts. The word "agriculture" shall include the entirety of RSA 21:34-a, which is the definition of farm, agriculture, and farming.

RSA 674:44-f Powers. Agricultural commissions shall have advisory and review authority and other duties as follows:

I. Survey and inventory all agricultural resources

II. Conduct activities to recognize, promote, enhance, and encourage agriculture, agricultural resources, and agricultural-based economic opportunities.

III. Assist the planning board, as requested, in the development and review of those sections of the master plan which address agricultural resources.

IV. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting agricultural resources.

(continued)

(continued)

RSA 674:44-f Powers

V. Coordinate activities with appropriate service organizations and nonprofit groups.

VI. Publicize and report its activities.

VII. Hire consultants and contractors as needed

VIII. Receive gifts of money to assist in carrying out its purpose.

XI. Hold meetings and hearing necessary to carry out its duties.

RSA 674:44-g Appropriations Authorized.

Who Serves on an Agricultural Commission?



Appointees, mostly with direct connection to agriculture

Typical activities of an Agricultural Commission



- Conduct agricultural inventories
- Cost of community services studies
- Public education
- Farmland protection
- Encouraging farm enterprises
- Starting farmers markets
- Hosting farm festivals & tours

How do we start an Agricultural Commission in our town?



- ❑ Initiate a local conversation
- ❑ Review guide, “Agricultural Commissions for New Hampshire Communities”
- ❑ Build interest and enthusiasm

(Cont.)

How do we start an Agricultural Commission in our town?



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(Cont.)

How do we start an Agricultural Commission in our town? *(cont.)*

- ❑ Hold an exploratory and informational meeting
- ❑ Determine if an Agricultural Commission is right for your town
- ❑ Form steering committee



Steering Committee Tasks

- ❑ Create and submit warrant article or council motion
- ❑ Conduct public awareness campaign



What Happens Next?

- ❑ Municipality votes to create commission
- ❑ Commission members are appointed
- ❑ Commission starts work

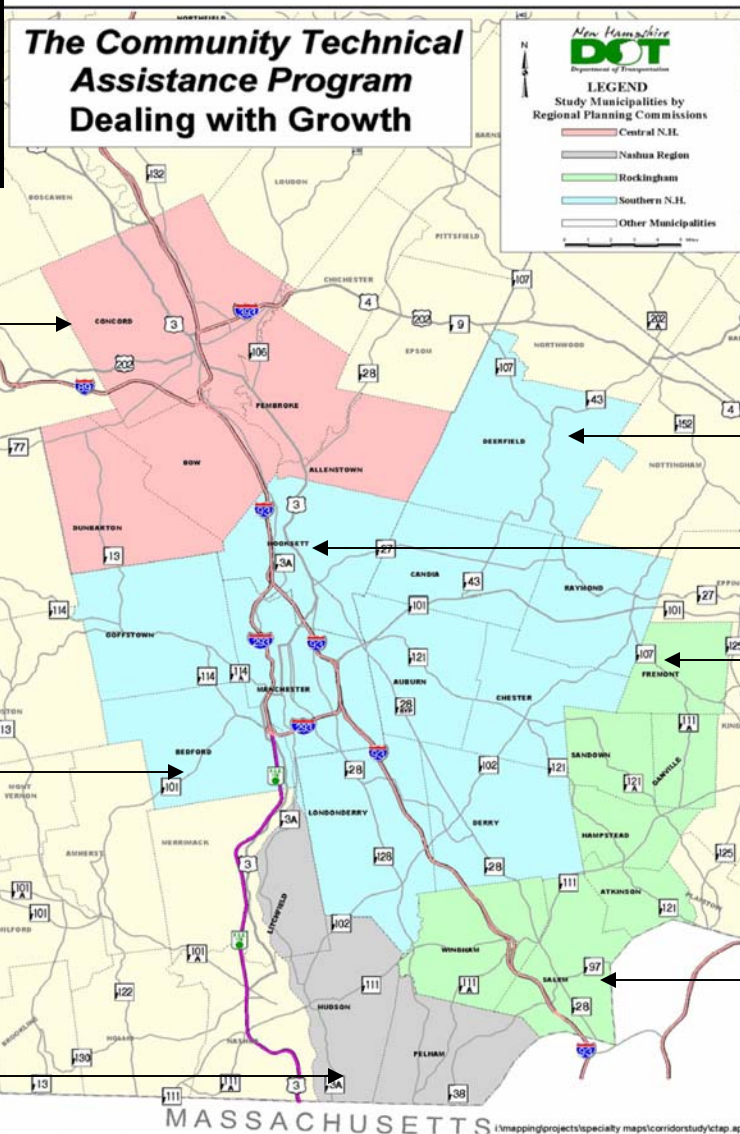




I-93 Community Technical Assistance Program

CTAP

New Hampshire Communities Planning Together



Concord

Deerfield

Hooksett

Fremont

Bedford

Salem

Hudson

Ag Comms in NH

- Boscawen
- Brookfield
- Canterbury
- Effingham
- Lee
- Loudon
- Marlow
- Merrimack
- North Hampton
- Sandwich
- Tuftonboro
- Weare
- Webster
- Wolfboro

Others

- Brentwood (dormant AG committee)
- Hollis (AG committee)

In Progress

1. ...
- 2....
- 3...

**Congratulations! You're on your way to
supporting agriculture in your community**



432:33 Immunity from Suit.

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

Agricultural Uses of Land

Section 674:32-b

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.

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 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.

Some Resources

UNH Cooperative Extension

www.extension.unh.edu

Nada.Haddad@UNH.edu

603-679-5616

Ag Comm Listserv

NH Department of Agriculture Markets & Food

www.agriculture.nh.gov

2007 Agriculture Census

www.agcensus.usda.gov