PROPOSAL

To add the following as “Article XIIA Agriculture” to the Hancock Zoning Ordinance:

Article XIIA Agriculture
12A.1 Purpose
Within living memory, the Town of Hancock was a rural community of farms. Its residents commonly grew the food that they and their livestock consumed. Though times have changed, the residents of Hancock continue to value the rural aspects of the town. They wish to encourage the prosperity of the remaining farms and the establishment of new farms and agricultural activities. The purpose of this Article XIIA, “Agriculture” of the Hancock Zoning Ordinance is to promote agricultural activities in Town, while ensuring that these activities are suitable for the context in which they occur.

12A.2 Authority
This Article is based on the provisions and authority of New Hampshire:
RSA 21:34-a I-VI Farm, Agriculture, Farming
RSA 432:33 Right to Farm; Immunity from Suit
RSA 672:1 (III-b) Declaration and Purpose
RSA 672:1 (III-d) Declaration and Purpose
RSA 674:21 Innovative Land use Controls
RSA 674:26 Districting Under Interim Zoning Ordinance
RSA 674:32-a through c, Agricultural Uses of Land

12A.3 Definitions: As used in this Article 12A and related provisions, the following terms having the meanings indicated:
12A.3.1. “Agriculture” and “Agricultural Operation” mean any farming activity that involves the cultivation of plants or the raising of livestock – including animals or poultry as defined in RSA 21:34-a.
12A.3.2. “Farm Stand” means a temporary or permanent structure located on a property and used to display and sell agricultural products.
12A.3.3. “Farmers’ Market” means an event or series of events at which two (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.
12A.3.4. “Animal Density” means (i) the number of animals or poultry in an Animal Husbandry Operation divided by (ii) the number of acres
available to such animals or poultry. In determining the number of such acres, the Planning Board may deduct wetlands, wasteland or other areas unsuitable for such use.

12A.3.5. “Agricultural Product” means any agricultural commodity or product derived from crops grown under cultivated conditions or livestock and poultry raised for human or livestock consumption.

12A.3.6. “Plant Cultivation Operations” comprise:
   a. The cultivation, conservation, and tillage of the soil;
   b. The storage, use of, and spreading of fertilizer, lime, wood ash, sawdust, compost, animal manure, and, other lawful soil amendments;
   c. The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to forestry or lumbering operations; 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;
   d. Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

12A.3.7. “Animal Husbandry Operations” comprise:
   a. 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);
   b. The breeding, boarding, raising, training, riding instruction, and selling of equines;
   c. The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products;
   d. The raising, breeding, or sale of poultry, game birds and eggs;
   e. The raising of bees and the sale of honey;
   f. The raising, breeding, or sale of domesticated strains of fur-bearing animals.

12A.3.8 “Other Agricultural Operations” comprise:
a. The operation of roadside Farm Stands as provided in NH RSA § 333.
b. The operation of Farmer’s Markets
c. Any other practice on the farm (other than Plant Cultivation or Animal Husbandry) incident to, or in conjunction with such farming operations, including, but not restricted to:
   i. Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm;
   ii. The transportation to the farm of supplies and materials;
   iii. The transportation of farm workers;
   iv. The marketing or selling at wholesale or retail, on-site and off-site, any products from the farm;
   v. The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II (a)(4);
   vi. 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.

12A.4 General Requirements
12A.4.1. Public health, safety, and welfare
Nothing in this ordinance shall apply to or be deemed to permit any aspect of an Agricultural Operation determined to be injurious to public heath or safety under RSA 147. Nothing in this ordinance 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

12A.4.2. Restrictions and Lot Size Regulations
12A.4.2.1. Plant Cultivation Operations. All Plant Cultivation operations may be conducted on lots of any size provided that these Plant Cultivation Operations comply with provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture.”

12A.4.3. Animal Husbandry Operations
   a. Lots wholly in the Rural and Agricultural District and Lots of Five (5) Acres or More.
All Agricultural Operations, including Animal Husbandry and Other Agricultural Operations may be conducted (i) on lots wholly within the Rural and Agricultural District without regard to size of such lots and (ii) on Lots consisting of Five (5) acres or more in other Districts, provided that these Agricultural Operations comply with the provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture.

b. Lots of Less Than Five (5) Acres in Districts other than Rural and Agricultural District”

(1) Roosters. Regardless of the number of animals or poultry on a lot of less than Five (5) acres wholly or partly within a District other than the Rural and Agricultural District, husbandry of poultry that includes one (1) or more roosters shall require a Conditional Use Permit as provided under Article 16.2.0 Animal Husbandry Operations.

(2) Animal Husbandry Operations involving no more than four animals, no more than 12 poultry per lot, and no roosters may be conducted on lots consisting of less than Five (5) acres wholly or partly within a District other than the Rural and Agricultural District, provided that these Operations comply with the provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture.

(3) Conditional Use Permit Required for Certain Animal Husbandry Operations. Animal Husbandry Operations involving more than four animals per lot or more than 12 poultry per lot or one (1) or more roosters may be conducted on lots consisting of less than Five (5) acres wholly or partly within a District other than the Rural and Agricultural District provided that these Operations comply with the provisions of this ordinance and the New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture and provided further that the Planning Board approves a Conditional Use Permit for such Operations as provided in Article 16.2.0 of this Ordinance.

(4) Conditional Use Permit Required for Certain Other Agricultural Operations. Other Agricultural Operations may be conducted on lots consisting of less than Five (5) Acres wholly or partly within a District other than the Rural and Agricultural District provided that such Operations comply with the provisions of this ordinance and provided further that the Planning Board approves a Conditional Use
Permits for such Operations as provided in Article 16.2.0 of this Ordinance.

To add the following as Article 16.2.0 of the Hancock Zoning Ordinance relating to Conditional Use Permits

16.2.0 Agricultural Husbandry Operations; Other Agricultural Operations
The Planning Board may, upon application and hearing, grant a Conditional Use Permit to allow Animal Husbandry Operations or Other Agricultural Operations as provided in Article 12A if it finds that:

16.2.0.1 Agricultural Husbandry Operations: the type and extent of the Animal Husbandry Operations proposed for the property, including the quantity and type of animals and/or poultry, location of pens or shelters, location of manure storage and plan for manure disposal, comply with:
   16.2.0.1.1 statewide Best Management Practices for any relevant activities including:
     (a) best management practices for manure handling based on the New Hampshire Department of Agriculture manual entitled “Best Management Practices for Handling of Compost, Fertilizer and Manure,” or any successor publication;
     (b) best management practices for Animal Density based on The University of New Hampshire Cooperative Extension publication entitled “Guidelines for Space and Housing of Farm Animals,” by David C. Seavey and John C. Porter or any successor publication; and
     (c) general best management practices based on New Hampshire Department of Agriculture and Food & Markets: “Manual of Best Management Practices (BMPs) for Agriculture” and

16.0.2.1.2 plans in such detail as the Planning Board may require which demonstrate to the Board that the Animal Husbandry Operation or Other Agricultural Operation will not cause pollution, soil degradation, unreasonable odor, unreasonable noise or disturbance of the peace affecting neighbors or members of the public.

16.2.0.2 Other Agricultural Operations: the type and extent of such Other Agricultural Operations proposed for the property are:
16.2.0.2.1 otherwise permitted as a Home Occupation or Home Based Business or
16.2.0.2.2 are reasonably related to a permitted agricultural use and
16.2.0.2.3 in either such case, otherwise satisfy the General Requirements of a Conditional Use.

16.2.0.3 In order to facilitate periodic review of conditions, and for the avoidance of doubt, the Planning Board shall have authority to limit the duration of any permit to allow for periodic review of the Animal Husbandry Operations or Other Agricultural Operations.