

# MEMORANDUM

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Date: October 28, 2016

To: Agritourism Subcommittee

From: Jack Mettee, AICP  
Mettee Planning Consultants

Re: Regulating Agritourism

Agritourism is one of the fastest growing sectors of New Hampshire's agricultural economy. Until recently, this activity was in regulatory limbo since the state, while defining the term agriculture for regulatory purposes, had not addressed the types of activities that could be permitted under the term agritourism. Typical activities that fall under this use are: activities that attract visitors to attend events, overnight stays, farm-to-table events, etc.

In the last legislative session, a bill was passed (SB 345) that addressed this situation by amending the definition of agriculture (defined in RSA 21:34-a) by adding agritourism. It defined agritourism and the amended statute reflects this change:

*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. (RSA 21:34-a, II (b) (5))*

This change now provides guidance to individual communities to incorporate agritourism as a legal activity. The challenge for local governments is to determine the most appropriate way in which to regulate or manage this activity. In attachment to this memo, a process is laid out as to how Madbury might proceed in this endeavor.

This process would require amending Madbury's land use regulations. The process could include the following:

- ❖ Adding a definition of agritourism to Article III, Definitions, in the Zoning Ordinance.
- ❖ Allowing agritourism by right in the Residential/Agricultural (RA) District or
- ❖ Allowing agritourism in the RA District with a provision that would require a Site Plan Review approval or
- ❖ Allowing agritourism in the RA District with a provision that would require both a Site Plan Review approval and a Conditional Use Permit. A Special Exception could also be considered, but in general the Planning Board has shied away from this regulatory approach.

In the attachment, each of these options is discussed.