

Recommendations for changes to the Town of Windham’s Subdivision and Site Plan Review Regulations relative to “farm-friendliness”

1) Subdivision Regulations - Section 300 “Definitions”

AGRICULTURE BUFFER AREAS (source, Town of Hebron, CT)

Buffers adjacent to actively farmed land shall be established in residential subdivisions. Said buffer areas, when required, shall be no less than fifty (50) feet in width and may be required up to a width of one hundred (100) feet as directed by the Planning Board, depending on the type of agriculture or farm use, the topography, existing vegetation and the proposed design and planting of such areas.

It shall be the responsibility of the developer, subject to approval by the Planning Board, to provide an effective barrier that will reasonably protect adjacent residential living areas. It shall be the responsibility of individual lot owners where such buffers are established on their lots, to maintain the buffer in accordance with the designed intent.

Such responsibility shall be specifically noted on the subdivision plan and in the deeds of affected lots. Where a buffer area is part of a common open space, the responsibility for maintenance will be assumed by a homeowners association or by other arrangement that is acceptable to the Planning Board.

In addition, the following statement shall be noted on the subdivision plan: “This property abuts or is in proximity to an active agricultural or farming operation which is a permitted zoning use. The policy of the Town of Windham is to encourage agricultural uses. Agricultural operations sometimes emit such things as noise, odor, dust or chemical spray drift that are unavoidable byproducts of such operations.”

If abutting actively farmed land comes under development, then these requirements are voided.

2) Subdivision Regulations – Section 606, Public Sites and Open Spaces and/or Zoning Ordinance – Section 611, Open Space Residential Overlay District (Source, NH’s Is Your Town Farm Friendly? checklist)

Many towns have adopted innovative subdivision regulations 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 set aside land could accommodate community gardens. Land set aside for open space can stay productive agricultural land and at the same time contribute to the ecological health and scenic quality of the – instead of becoming overgrown with brush.

3) Site Plan Review Regulations

(Source, des.nh.gov/organization/divisions/water/.../ilupt_chpt_1.7_ord_only.doc)

Agricultural structures, other than year-round retail operations, are different from commercial buildings and should be treated differently, and possibly exempted from review, in site plan review regulations. Defined by the Internal Revenue Service as “single purpose agricultural structure,” these include (but aren’t limited to): barns, silos, farm stands, greenhouses, stables, coolers, etc. The design criteria for these structures relate to the purpose served in the farm operation, which can frequently be in conflict with site review regulations for commercial or industrial buildings that are open to the general public.

4) Site Plan Review Regulations

(Source, NH’s “Is Your Town Farm Friendly?” checklist)

Allow simpler design standards for Site Plan Review regulations on agricultural businesses limited to seasonal use, such as parking 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.

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. For example, Pick-your-own operations or Christmas Tree Farm businesses can’t be viable in a town that treats farms like all other retailers. Consider allowing parking near pick-your-own fields, expanded hours of business operation during the harvest season, and temporary signs.