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Mr. Neil Faiman, Chairperson
Zoning Board of Adjustment
Town of Wilton
42 Main Street
Wilton, NH 03086

Dear Chairperson Faiman and Board members,

On May 12th, 2026, the Wilton ZBA approved a Home Occupation request from Faby Gagne and Luc Sirois (Applicants) to conduct a fiber studio on their property. In the Notice of Decision it was noted that growing lavender, Christmas trees and raising cashmere goats were all deemed allowable uses under Wilton's zoning ordinance (Section 6.1 Permitted uses; All general farming and forestry activities).

Based upon the statutory provision of state law overseeing farming and agriculture uses in New Hampshire, a "right to farm state", it is my professional opinion that the all of Applicants proposed uses including the Fiber Arts Workshops & Dressage Arena Rentals constitutes a farming (agricultural) use of the property and is not a Home Occupation and therefore is allowed by right without any ZBA special exception approval required. Wilton has chosen not to regulate farming activities. This opinion is supported as follows:

1. New Hampshire's land use statutory provisions make it clear the farming and agriculture uses are vital to the State. Under Title LXIV, Planning and Zoning, Purpose, RSA 672:1 Declaration of Purpose states:

"The general court hereby finds and declares that:

III-b. 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;

III-d. For purposes of paragraphs III-a, III-b, III-c, and III-e, "unreasonable interpretation " includes the failure of local land use authorities to recognize that agriculture and **agritourism** operations or activities as defined in RSA 21:34-a, forestry, renewable energy systems, and commercial and recreational fisheries, when practiced in accordance with applicable laws and regulations, are traditional, fundamental and accessory uses of land throughout New Hampshire, and that a prohibition upon these uses cannot necessarily be inferred from the failure of an ordinance or regulation to address them;

In addition, RSA 674:17 Purposes of Zoning Ordinances states:

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

(i) 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;

2. Under Section 6.1 of the Wilton Zoning Ordinance, Permitted Uses in the General Residence and Agriculture District, b. states "All farming and forestry activities". Farming is not defined in the Wilton Zoning Ordinance but is clearly provided for under State Statutes which prevail as they are not addressed locally:

*Agricultural Uses of Land, Section 674:32-a Presumption. – In accordance with RSA 672:1, III-d, whenever agricultural operations or activities as defined in RSA 21:34-a are not explicitly addressed with respect to any zoning district or location, such operations or activities **shall be deemed to be permitted there, as either a primary or accessory use**, so long as conducted in accordance with best management practices guidelines adopted by the commissioner of the department of agriculture, markets, and food and with applicable federal and state laws, regulations, and rules.*

Given Wilton's Zoning Ordinance does not regulate farming uses in any way that are applicable to this Application, all of the proposed uses proposed by the Applicant are permitted by right and no Special Application is required. The proposed Fiber Workshop & the Dressage Arena are not a Home Occupation but are farm related use and are permitted by right.

3. All proposed uses associated with this matter, including the Fiber Arts Workshops and Dressage Arena Rentals, come under the State's definition of farming detailed in RSA 21:34-a, including:

21:34-a Farm, Agriculture, Farming. –

- I. The word "farm" means any land, buildings, or structures on or in which agriculture and farming operations or 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; 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 the operations or activities named in paragraph II(a) or (b) of this section or any combination of such individual operations or activities.
- II. The words "agriculture" and "farming" mean all operations or activities of a farm, including:
 - (4) The husbandry of livestock which shall include but not be limited to all beef or 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*), or reindeer (*Rangifer tarandus*).
 - (5) The husbandry, boarding, **training, or riding instruction of equines.**
 - (6) The husbandry and harvesting aquaculture products including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing.
 - (11) The production, cultivation, growing, or harvesting 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 or tree products, **Christmas trees grown** as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence.

(b) Any practice or activity on the farm incident to, ancillary 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.

(4) Forestry or lumbering operations.

(5) Marketing or selling at wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally from the production of the farm, including, but not limited to items listed in subparagraph (a), whether on-site or off-site, provided that marketing such products is not specifically prohibited by local regulations. For the purposes of this section marketing shall include **agritourism, which means attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm.**

4. Home Occupations cover many trades, dressmakers, plumbers, electricians and an accountant to name a few. The proposed Fiber Arts Workshop is NOT a Home Occupation as defined by the Wilton Zoning Ordinance as the fibers are not being sourced off the property but rather from the goats raised on the property, clearly an agricultural use. The goats will live on the subject site and will provide fiber for the proposed workshops, allowing participants to learn about cashmere production and goats. The whole operation is tied directly to agriculture.
5. Agritourism is an allowed use under the State's definition of farming, and the proposed Fiber Arts Workshops meets that definition. Agritourism means **attracting visitors to a farm to attend...activities and education, active involvement in farm activities**. The proposed Fiber Arts Workshops will attract visitors to the site to learn about goats, cashmere fiber production and other farm-related activities. In the board's discussions on farm uses, the ZBA failed to discuss Agritourism as an allowed use for this application.

Given the foregoing facts, it is our professional opinion that the proposed use is NOT a Home Occupation and does not require special exception approval from the ZBA. All of the proposed activities proposed by the Applicant fall under the State's definition of Farming/Agriculture including the Fiber Workshops and Dressage Arena Retals. Farming is a permitted use under the Wiltons Zoning Ordinance for this property.

Sincerely,

Mark J. Fougere

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