



Boston  
Redevelopment  
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URBAN AGRICULTURE  
CITY OF BOSTON | MAYOR THOMAS M. MENINO

## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #1 – Public Questions and Comments

**Date:** June 3<sup>rd</sup>, 2013

**Location:** Suffolk University Law School

**Question or Feedback:** Who will be the regulatory agency in the long term to monitor the farms to ensure that imported soil has been tested and is clean?

**Response:** The Boston Public Health Commission (BPHC) will be responsible for overseeing compliance with the Soil Safety Protocol. The protocol required that the soil be tested prior to import and that it meet the outlined testing criteria. An analysis (proof of testing) must be provided in writing by the farmer, and BPHC will certify it meets the required standards. Certification that the testing meets the standards must be provided by BPHC to the City's Inspectional Services Department (ISD) **prior** to issuance of the Use and Occupancy permit for the farm.

**Question or Feedback:** It is hard to determine the sex of chickens. It is highly possible that people will end up with roosters. What will be done with roosters that are inadvertently purchased?

**Response:** Article 89 forbids roosters; Nuisance driven. In the event that roosters are inadvertently acquired, their keepers will have to figure out a humane way to get rid of roosters within city limits

**Question or Feedback:** What about putting them on the Harbor Islands. How to get chickens (or unwanted roosters) out on the Harbor Islands and elsewhere where ticks are a problem (they eat ticks).

**Response:** If Harbor Islands are federal land, they are not subject to local zoning. Article 89 (forbidden use for chickens) would not apply.

**Question or Feedback:** How are community gardens zoned? Is there a concern that community gardens will get squeezed out by commercial farms once they become an allowed use?

**Response:** They are zoned "OS-CG", or Open Space – Community Garden. Article 89 creates greater options for land but does not tie anyone's hands to a particular use. .

**Question or Feedback:** If an urban farm will be a neighbor in a residential district, how can abutters be sure that they will not use pesticides and GMO crop usage?

**Response:** By law, the City is not able to regulate pesticide use, the state does. It is in the best interest of the farmer to operate without harmful chemicals. It makes a better product that people are willing to buy.

**Question or Feedback:** But isn't there a way to incorporate a ban of pesticides and GMO crop usage into Article 89 so we can prevent the usage of these chemicals before it happens?

**Response:** This is an issue that can be voiced through the Comprehensive Farm Review comment process. Beekeepers are extremely concerned with the use of pesticides given the noted loss of beehive populations. Bees pollinate crops. It is not a good practice for smaller urban farms to use pesticides and other chemicals. This decision should be left up to the operator/farmer, and the hope is that they are knowledgeable and trained on how to avoid pesticide and chemical usage, and use other methods for bountiful production. It keeps the business successful, the less usage of chemicals and pesticides that there are. Moreover, the BRA is working on a Users Guide for Article 89, which is designed to make Article 89 readily accessible and understandable to the layperson. The User Guide will include references to best practices. While the City cannot regulate the use of pesticides, we can steer farmers toward non toxic options by referrals to best practices.

**Question or Feedback:** Will there be structural regulations for rooftop farms/greenhouses?

**Response:** Yes. While Article 89 only regulates the use of a rooftop farming operation, the operators will still have to comply with building and fire safety codes to make sure the structure can support the farming operation.

**Question or Feedback:** What do some of the numbers in the presentation really mean? What does a 10,000 sf farm look like compared to 5,000 sf, for example? What does 5% composting on an urban farm look like? Can we provide some of those images in subsequent presentations? Would be helpful. Appreciated the image of a 14,000 sf empty lot in the middle of a neighborhood in Dorchester.

**Question or Feedback:** 5% composting activity restriction seems low. Is that a tested number? How did it come about?

**Response:** The percentage was given considerable thought and was the subject of much discussion between existing farmers, BNAN, local compost experts and BRA staff. Based on a survey of farmers and BNAN's community gardens, the actual percentage of farms used for composting among farms surveyed was between approximately .5 percent and 2 percent. The 5% figure was selected because it provides some leeway to ensure that there is ample space for composting.

**Question or Feedback:** Importing soil for some of the smaller urban farms seems cost prohibitive. Want to make sure that testing native soil is an option. Not to mention that not all imported soil will be as clean as the native soil.

**Response:** Under the Soil Safety Protocol, farmers will have the option to test their own soil, but they would have to comply with Mass DEP's Massachusetts Contingency Plan (MCP) requirements.

**Question or Feedback:** Why couldn't farm stands be in the neighborhoods if we're trying to put food close to neighbors, decrease transportation costs, increase walking and biking, etc....

**Response:** We understand; these are all reasonable points and good arguments. However, zoning staff at the BRA feel that it is a slippery slope to start allowing retail uses in residential districts. The BRA doesn't want to start a precedent with farm stands in traditionally residential zoning districts where retail is not allowed by the underlying zoning.

**Question or Feedback:** Are there rules in the existing code regarding size and number restrictions on bees and hens? Can the size regulations be adjusted on a case by case basis? 9. How are hens and bees addressed on farms (not backyards)?

**Response:** Dimensions for coops and hives are not addressed in existing zoning. For older, "base code" zoning from 1965, which covers parts of South Boston and downtown areas, a

limit of 25 chickens is given. For the neighborhood zoning articles, there are no specified limits on the numbers of chickens allowed; however, in most cases, it is a forbidden use. Yes, once the neighborhoods come forward to petition to the BRA to change use regulations for the keeping of hens and bees, each neighborhood could have their own neighborhood-specific rules for the numbers of hens and hives allowed--although the BRA would hope that they would remain consistent from neighborhood to neighborhood, because enforcing different rules for multiple neighborhoods could be an administrative nightmare. Hens on farms are not addressed in Article 89. Hives on farms are addressed in Article 89 (max of 3 on any urban farm only if keeping of hens is already a conditional use in the underlying zoning).

**Question or Feedback:** What would be the fee structure for applying for an urban farm? The hope is that the fees would be reasonable enough that it wouldn't be cost prohibitive for a farmer to get started.

**Response:** This is so new to the city that we don't know yet. We would work to make the fees reasonable. We are working on a Users Guide, and this kind of information would be in it. We hope to have the Users Guide ready at the time of adoption of Article 89, but if not, we hope to have it completed by early 2014. The BRA will work with ISD to assess reasonable and affordable fees for urban farms and associated urban agriculture activities found in Article 89.

**Question or Feedback:** Testing imported soil will be cost prohibitive especially for low income and particularly for recent immigrant communities, many of whom were born and raised planting and raising animals to eat. If they wanted to start selling some of their products, they would have to test their soil, and that is cost prohibitive. Also, how has the BRA reached out to communities of color, and how do you plan to for future meetings? Did you talk about urban co-op farms and CSAs in drafting Article 89?

**Response:** Many members of the Working Group felt strongly about Article 89 addressing only commercial urban farms. While urban co-op farms and CSAs and community and so called "guerrilla gardening" are important, those activities will not be addressed in Article 89 at this time.

**Question or Feedback:** Would like to know the process for petitioning the BRA for a zoning amendment to change the use regulations for hens and bees.

**Response:** We have that process outlined in a handout and can be made available to you tonight.

**Question or Feedback:** If the BRA can make hydroponics allowed everywhere, why can't it do the same for chickens?

**Response:** Since hydroponics is not already addressed in existing zoning, it can be addressed in a blanket way across the city through Article 89, both in terms of use regulations and dimensions in Article 89. It is a clean slate, and can be applied citywide. Since the keeping of chickens and hens already exists as a use in the underlying zoning, Article 89 can not trump that existing neighborhood zoning due to an applicability clause in all of the existing zoning articles for the neighborhoods. The way the Zoning Code is structured means that this has to be a neighborhood by neighborhood decision, , thus the "petition process" to amend the neighborhood zoning articles exists.

**Question or Feedback:** Where do "guerrilla gardening" and "community gardening" fit into the conversation for Article 89? What creates opportunities for community farms? Can neighborhoods petition the city for conversion of land to OSCG?

**Response:** The Mayor's Working Group felt strongly that Article 89 focus on commercial farming activity. There was a concern about overreaching and over regulating non commercial agricultural activity. If some of these types of activities emerge and would benefit from being recognized in Article 89, we could amend the article later. Yes, neighborhoods can petition the BRA to change any zoning district from its current designation to another zoning district (i.e., residential to OS-CG for example). However, the onus would be on the community to demonstrate support for such a change, and a reasonable basis for doing it. Rezoning land to OS-CG commits the land exclusively to open space. Under Article 97 of State law, changing this would require a 2/3 vote of the legislation to change, so rezoning to an open space use is not taken lightly.



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## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #2 – Public Questions and Comments

**Date:** June 12<sup>th</sup>, 2013

**Neighborhoods:** Mission Hill and Roxbury

**Location:** Roxbury Community College (Student Center Cafeteria)

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**Question or Feedback:** How did the City arrive at the 10,000 sf threshold for Comprehensive Farm Review for ground level urban farms? My understanding was that most vacant lots around the city are about 11,000 sf. Isn't that right?

**Response:** There were a couple of issues that were considered in establishing this threshold. The most important was that, as a general rule, in order to be financially viable, a farm needs to be 10,000 sf or larger. It is unlikely that we will see many farms less than 10,000 sf, and those that we would see are likely to be very simple operations. We wanted to make the process of starting these smaller farms easier for farmers. The feeling was that farms over 10,000 begin to get more sophisticated and are likely to include tool sheds and season extending structures. It was felt that these more sophisticated operations should be reviewed for compatibility with the surrounding neighbourhood.

Based on a database of vacant land in the City, there are 640 parcels (totalling 674 acres) of privately-owned vacant land that are larger than 10,000 sf, and 717 parcels (totalling 564 acres) of publicly-owned vacant land that are larger than 10,000 sf. Of the publicly-owned vacant land, 54 parcels (totalling 28 acres) were evaluated and were identified as potentially suitable sites for farming.

**Question or Feedback:** Who will be the regulatory agency in the long term to monitor the farms to ensure that imported soil has been tested and is clean? Is the BRA going to advocate for inspectors to come out and make sure that soil has been tested? Can the geotextile barrier be punctured?

**Response:** As far as we are aware, by requiring that the soil be tested before it is brought onto the farm, the City of Boston is already going farther than any other City in the country. Moreover, most farmers test their soil yearly anyway to make sure that the soil is healthy and if it needs additional nutrients and fertilizers. Any new amendment or addition to the existing soil will have to be tested. As far as the potential puncturing of the geotextile barrier is concerned, our understanding is that it would take a catastrophic event to puncture the geotextile barrier. We would also emphasize that **not** all native soil is contaminated, and that by requiring these soil safety protocol, the City of Boston is exercising an abundance of caution. The fact that Boston is requiring a soil safety protocol is above and beyond what other cities are doing across the nation; it is a conservative and protective measure that assumes all soil is contaminated – even if it isn't.

**Question or Feedback:** Is there a mechanism in place to make sure that the imported soil is actually the soil that was tested and met the criteria of the soil safety protocol?

**Response:** The testing agency comes to the soil site and administers the test themselves. The soil that is tested is marked and cordoned off from the other soil before it is transported

to the farm. BPHC will review tests and recommend farms that pass to the ISD for permitting

**Question or Feedback:** What if there is a person who has a little bit of land and wants to make some extra cash on the side, but isn't well educated about this initiative and abuses the rights of the land (i.e., allows dogs and other animals roam around the farm, etc.). Would this new zoning support them getting established?

**Response:** Given the effort and costs involved in starting up a farm, the City thinks it is unlikely that someone who is not paying attention to the rules and requirements will attempt to start a farm. Even when a farm is allowed by right under Article 89, it is likely to require a variety of permits (such as a water permit) as well as Comprehensive Farm Review. It is very unlikely that anyone who takes on this level of responsibility if they were not serious and well informed.

**Question or Feedback:** What happens if the farms are not successful and they are left abandoned or unmaintained?

**Response:** There is a section of Article 89 that addresses abandonment (Section 89-13). It is standard language used by other articles of the Boston Zoning Code which addresses removal requirements of any structures or equipment and reestablishment of the site back to its prior state.

**Question or Feedback:** How will you ensure no alternate uses on a farm site, like animal breeding, for instance? Will anyone inspect mid-year?

**Response:** You're worried about domestic animals on farms? That kind of issue is complaint driven. If neighbours are concerned with a particular site, they can complain to the city.

**Question or Feedback:** Does Article 89 address mobile vending of fresh produce? Speaker knows of a family who drove a station wagon around town and sold produce and fruit out of it to communities who had poor access to fresh food.

**Response:** Article 89 would not address mobile vending of fresh produce, but there are other endeavors at the City that address mobile food vending—in particular, the food truck program.

**Question or Feedback:** For 750 sf of aquaculture, is that total volume or square footage?

**Response:** It would be the total amount of floor area taken up by aquaculture activities, whether they are tanks in an outdoor growing environment as part of an urban farm or backyard, or inside a structure that is 750 sf.

**Question or Feedback:** I cannot support Article 89 if it will open up the doors for large commercial farming operations that might use genetically modified seeds.

**Response:** The issue of GMO's has been in the press a lot recently. It turns out that such seed are generally associated with large agri-businesses and with crops (such as soybeans and corn) that are grown on a scale that will not be possible in Boston given the small size of vacant land in the City.

(Research later found that only a handful of crops such as soybeans, corn, alfalfa and sugar beets use GMO seeds; not the types of crops that would be planted in urban agriculture plots). Except in an instance where the farm land is owned by the City, The City would not be able legally to regulate the types of seeds that a private farm operation could use. If the City did own the land, it could potentially address that type of seed being used. For privately-owned land, zoning can not control the types of seeds used.

**Question or Feedback:** If I wanted to have a farm stand in a residential neighborhood, could I do it and how do I know where to get started?

**Response:** Under draft Article 89, a farm stand in a residential neighbourhood would be *conditional*, which means that the applicant would have to go before the Zoning Board of Appeal (ZBA) for a Conditional Use Permit.

**Question or Feedback:** How much does it cost to get started with a farming operation (cost of soil safety testing, equipment, and other start-up costs)? What percentage of land can be farmed in Boston? How do we know it's even possible to pursue a farming operation even when the zoning opens up possibility to do it?

**Response:** The resources that it takes to start a farm vary from farm to farm. For example, a farm that already has access to water will cost significantly less than one that does not. In terms of available land, the city has roughly 9,000 vacant parcels, about half of which are owned by public entities. As part of the zoning, staff did not perform an analysis of start up costs. There are many programs, both with the City and outside the City, which can assist farmers. This zoning is mostly about removing barriers to urban agriculture, but there are other barriers, such as cost, that zoning cannot address.

The City will be preparing a Users Guide for Article 89. This Users Guide will “walk” prospective farmers through what they need to know to start a farm with Article 89. The Users Guide will be available by the end of 2013.

**Question or Feedback:** Is the geotextile barrier made by a certain company?

**Response:** No. Many companies make it.

**Question or Feedback:** How are most farms structured? Are they profit or non-profit?

**Response:** Most ground-level farms are non-profit, although City Growers has several ground-level profit based farms, which rely heavily on the resources of community organizations, neighborhood associations, local residents and local markets. Most roof-level farms, due to their higher start-up costs, are for profit and sell produce directly to restaurants and residents.

**Question or Feedback:** Is more City-owned land going to become available for urban farms?

**Response:** Staff explained the two pilot farm projects on city owned land in South Dorchester, one on Tucker Street (Victory Programs) and another of Glenway Street (City Growers). Staff also explained the land disposition (RFP) process. Though no specific land disposition projects for farming are currently under way, it is certainly possible that the City will make more land available for urban farms.

**Question or Feedback:** How will water runoff from farms be addressed?

**Response:** Almost all farms are going to require review by an engineer from the Boston Water and Sewer Commission (BWSC). The extent of the review will be determined by the size of the farm, the topography, type of soil, existing water sources, and other factors.

**Question or Feedback:** What kind of rules are there if I buy land from the city to farm on, and then decide to build on it a couple years down the road?

**Response:** On privately owned land, zoning dictates what you can or can't build. Article 89 expands what you can do on your property; it does not limit the use to farming only. But if the land is City-owned, the City can decide what happens on it.

**Question or Feedback:** General question about whether to support Article 89 if all of the above questions raised in this evening's meeting are not answered.

**Response:** From other members of the public: Understand the concerns. There are a number of community members who want to see more farming in the city and who welcome Article 89. We also feel that over-planning and over-regulating can stifle farming and community initiative. .Therefore, we are opposed to too many regulations. We felt that community members themselves need to take responsibility for many of these issues; we should not leave everything up to excessive regulations.





## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #3 – Public Questions and Comments

**Date:** June 18<sup>th</sup>, 2013

**Neighborhood:** Jamaica Plain

**Location:** English High School Auditorium

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**Question or Feedback:** Does Article 89 identify locations for composting operations?

**Response:** Article 89 addresses standalone composting operations (what are referred to in zoning jargon is “composting as a primary use”), but these are only permitted in industrial zoning districts. However, Article 89 does allow composting on farm as long as it is intended to serve only the farming operations on site.

**Question or Feedback:** Does Article 89 allow farmers to compost materials brought in from off site?

**Response:** It’s actually not a question of whether Article 89 allows this; it is a question of whether the State (the party responsible for regulating all composting activity in the Commonwealth would allow it), and the answer is no.

**Question or Feedback:** Are faith based organizations exempt from Article 89?

**Response:** At the time of the neighbourhood meeting, staff indicated that we did not think faith based organizations were exempt from Article 89, but that we would confer with the BRA’s land use attorney to be sure. We did so, and faith based organizations are NOT exempt from Article 89.

**Question or Feedback:** What is the BRA process for allowing chickens?

**Response:** The process is described in a handout that is available on the BRA website at <http://tinyurl.com/BRARezoneUrbanAgriculture/>. Basically, the way the process will work is that the party or parties interested in a change in the use regulations for the keeping of hens and/or bees would do some homework and reach out to as many other community and neighbourhood groups and organizations as possible to identify and build support for the zoning change. Then, the party or parties would submit letters of support to the BRA along with their “petition” (a form document that needs to be completed and submitted to the Senior Zoning Planner) to the BRA requesting the zone change. If it was evident to the BRA that there was significant community support for the change, the BRA would attend up to two neighbourhood meetings to answer questions about the possible zone change. The final steps in the process would be two public hearings, one each before the BRA Board and Zoning Commission.

**Question or Feedback:** When it comes to making a decision, how will the BRA decide how many neighbourhood groups or organizations must support the project?

**Response:** We’ll give you an example: If there are ten known community organizations

In a neighborhood, and only one has written a letter in support of the change, this would be insufficient to prompt the BRA to pursue the change. On the other hand, if the majority of the 10 organizations wrote letters of support, this would be sufficient.

**Question or Feedback:** Will the BRA consider overlay district zoning for the keeping of hens and bees?

**Response:** Doubtful. Administratively, it would be difficult to administer requests on this scale.

**Question or Feedback:** I didn't know about the Mayor's Working Group meetings. How were they publicized?

**Response:** After doing extensive outreach for the Urban Agriculture Rezoning Kickoff and Visioning meeting in January 2012, including placing ads in over \_\_\_ newspapers throughout the City, the BRA amassed a list of over 700 interested persons who were regularly notified about each of the 17 Mayor's Working Group meetings.

**Question or Feedback:** Is there anything to that's being done to protect existing community gardens? What about private gardens?

**Response:** Most of the community gardens are already protected under existing zoning, the Open Space- Community Garden (OS-CG) subdistrict. Article 89 does not address private gardens.

**Question or Feedback:** Why is there hesitation to allow rooftop farms?

**Response:** Actually, Article 89 is quite permissive of rooftop farms in industrial, institutional and large scale commercial districts, where they would be *allowed* by right. Draft Article 89 would require rooftop farms be *conditional* in residential and small scale commercial districts because the BRA's experience in these types of zoning districts (which include many historic districts and Neighborhood Design Overlay Districts) is that neighbors are fairly sensitive about new structures and activities on rooftops.

**Question or Feedback:** Many produce vendors feel that Boston puts up too many hurdles for farmers markets (fees, red tape).

**Response:** Article 89 addresses only use issues related to farmers markets—that is, whether farmers markets are allowed, conditional or forbidden. Edith Murnane, Director of Food Initiatives in the Mayor's Office, stated that from a commercial standpoint the City wants to encourage farmers markets. Edith encouraged the speaker to talk to her after the meeting to discuss these issues further.

**Question or Feedback:** Why does Article 89 address the backyard keeping of hens and bees for personal use if Article 89 is about commercial farming?

**Response:** As we indicated during the presentation, Article 89 is primarily focused on commercial agriculture, but not exclusively.

**Question or Feedback:** Allowing 5% of the farm site for composting sounds like too little. Farms should be able to take in materials from off site. Chickens and bees are an essential part of any farm.

**Response:** The 5% limit is based on research of existing farms and community gardens in Boston. Among those surveyed, the area of the farm occupied by composting was between .6 and 2 percent. The Mayor's Working Group, including Boston farmers, felt that 5% provided plenty of leeway.

Many folks in Boston, including members of the Mayor's Working Group, that farm composting should be allowed to take in materials from off site. However, this is not something that Article 89 can regulate. Rather, this is a matter that is strictly under the purview of the Commonwealth of MA (Departments of Environmental Protection (MassDEP) and Agricultural Resources (MDAR)).

While there were many folks who support the backyard keeping of hens and bees, and some were supportive of the keeping of bees on farms (which Article 89 addresses), we haven't actually heard much, if any, demand for/interest in the keeping of hens on urban farms.

**Question or Feedback:** Can I start a commercial bee operation?

**Response:** Up to three bees would be permitted on a farm in zoning districts where the keeping of bees is currently conditional. Based on feedback so far, the greatest demand is for backyard beekeeping. We consulted with local beekeepers, who almost uniformly felt that 2 hives was a good number for backyard beekeeping. If and when the BRA is petitioned to change use regulations for the keeping of bees in a particular neighborhood, we can address commercial beekeeping then. Until then, the use regulations (that is, whether allowed, conditional or forbidden) for commercial beekeeping would be determined by underlying zoning.

**Question or Feedback:** I am concerned that enough composting won't be made possible, allowed, or fostered to make a successful urban farm.

**Response:** Article 89 only addresses one aspect of permitting composting in the City. In fact, the greatest regulatory control over composting is under the purview of the Commonwealth of Massachusetts. The City has been conferring with two State agencies responsible for regulating composting: MassDEP, which regulates solid waste disposal, and MDAR, which regulates composting on farms. Conversations are in progress, and the hope is that we will have an answer soon about which State regulatory framework will apply to urban farms in Boston.

As far as Article 89 is concerned, composting to support on site farming operations will be allowed on any farm. In terms of a standalone composting operation (an operation not associated with a farm), unless it is exempt under MassDEP regulations for small compost operations, it is subject to State regulation. Article 89 would only permit standalone composting operations in industrial zoning districts, and only as a conditional use.

**Question or Feedback:** Can you speak more about ground-level farming. I'm concerned about the effects of climate change on farming. If the native soil has been tested and proven to be fine for growing, why can't that be enough for any urban farm? It seems like the BRA is advocating for the raised bed method.

**Response:** Testing the native soil and remediating, if necessary, is still an option for any urban farm. However, the farmer just needs to be aware of the potential legal and economic implications of testing and finding contaminants; the farmer could be under significant legal and financial obligation to remediate if contaminants are found. In general, the more economical (but still safe) method for avoiding growing in contaminated soil is the raised bed method.

**Question or Feedback:** Conservation Law Foundation has been following draft Article 89 for many months now, and provided comments of discrepancies and ambiguity to Article 89, which they will supply in writing. Topics areas to be addressed by their comments include:

- a) Were the changes suggested at the last Mayor’s Working Group meeting incorporated in the most recent version of the Soil Safety Protocol?
- b) Article 89 suggests that Accessory Farmers Markets would be a conditional use where retail isn’t allowed in underlying zoning, while it also says that it Accessory Farmers Markets would be allowed where retail is forbidden (such as MFR. Need to fix the discrepancy;
- c) CFR seems to be too much of an obstacle for small business since there is no set list of evaluations and “consistency and compatibility with surrounding neighborhood” language is too subjective for any one Designer at the BRA. Also, draft Article 89 suggests that a farming operation would need to go back to the BRA for CFR just to build one additional farm structure. It’s too onerous and costly for farmers to go through it.

**Response:** Yes, The most recent version of the soil safety protocol reflects the final changes from BPHC. This is feedback that is very helpful for continuing to shape Article 89. We will take all of these under consideration.

**Question or Feedback:** Does someone who wants to start an orchard have to test the soil, or can they grow in native soil? Same question goes for perennial berry (raspberry) bushes as well.

**Response:** This is a good question, and it came up before in a Working Group meeting. Our recollection of that discussion is that trees have such deep roots that uptake of harmful elements to the fruit is not the problem that it is with roots growing in topsoil, but we can look into this.

**Question or Feedback:** I noticed that there is no connection between the size of a lot and the number of beehives allowed. Wouldn’t that be an appropriate way to set the maximum number of hives? Draft Article 89 could suggest that any lot could start with 2 hives, but with X amount of additional square feet, they could obtain X more hive(s).

**Response:** That is something that we grappled with. The maximum number of two for any sized lot (for backyard beekeeping) actually came from beekeepers themselves. We heard from local professional beekeepers that if one hive became unhealthy, having a second hive helped provide the bees from the unhealthy hive a refuge.

**Question or Feedback:** If you become adept at beekeeping and decide to start selling honey, how do you determine when it’s a commercial beekeeping operation?

**Response:** If you’re selling anything, you’re considered a commercial operation. In terms of commercial beekeeping, we never settled on that exact number of hives when a beekeeping operation is considered a commercial operation. We heard everything from 5 hives to 20 hives to hundreds of hives. In conferring with local experts on commercial keeping of hens and bees, it appeared very unlikely that large scale commercial operations (i.e., operations that would constitute a primary use) would ever occur in the City limits. Through the neighborhood specific petition process for the keeping of bees, the use regulations for bees could be amended to set commercial regulations and standards for hens and bees, which are not specifically addressed in Article 89 at this time.

**Question or Feedback:** Are you suggesting that some urban ag activities can fly under the radar?

**Response:** The main concern was that the City not overreach or over regulate.

**Question or Feedback:** Some of us are tired of flying under the radar. We want to be noticed and legitimized. Making it easy and cheap to pull permits for any urban agriculture activity

is the best solution for flying under the radar. We fly under the radar because it takes forever to get through ISD permitting and / or a ZBA appeal process.

**Response:** We understand. We, too, wish the zoning could be easily changed, but we are have to live with a code that is structured in such a way that that changes to the use regulations for the keeping of hens and bees would have to be made on a neighbourhood-by-neighborhood basis.

**Question or Feedback:** Where there is a neighborhood rezoning process for use regulations for the keeping of hens and bees, can the neighborhoods do something different than what is seen in Article 89 (specifically set different maximum numbers for hens / bees?).

**Response:** Yes, the neighborhood article can trump anything you see in Article 89. It can also set commercial regulations and standards for hens and bees, which are not specifically addressed in Article 89 at this time. That being said, we hasten to say that having widely varying dimensional and management regulations for the keeping of hens and bees around the City could be administratively difficult and confusing. Therefore, to the extent possible, we would prefer to have regulations that are consistent across zoning districts.



Article 89 Urban Agriculture Rezoning  
Neighborhood Meeting #5 – Public Questions and Comments

**Date:** July 1, 2013

**Neighborhood:** Dorchester

**Location:** Dorchester House

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**Question or Feedback:** Are there any large-scale farm projects currently looking to come to Boston?

**Response:** Lufa and Bright Farms are interested in establishing a rooftop greenhouse presence in Boston, and Higher Ground is currently installing Phase I (the initial temporary phase) of an open air rooftop farm at the Design Center.

**Question or Feedback:** So these organizations will come in and buy property?

**Response:** Roof level farms will be mostly leased.

**Question or Feedback:** What about ground level?

**Response:** So far most of the ground level farming operations in Boston are nonprofits, such as The Food Project and Victory Programs. Bright Farms is interested in developing ground level greenhouses in Boston. Lufa works on a CSA model where they harvest between 1,000 and 1,500 pounds of produce and delivers it on the same-day to 4,000 customers. They contend that ten roof level greenhouses of about 100,000 square feet each could serve all the fresh produce needs of the entire city of Montreal. There are several non-profit farms also doing a different kind of community-based operation.

Danielle Andrews from The Food Project is invited to describe the Food Project model, which includes low cost Community Supported Agriculture (CSA's) as well as training and education.

In terms of publicly-owned land, Fairmount Greenway and the Trust for Public Lands and others are engaging in conversation around the disposition process for publicly owned land. The idea is to make information about this land readily accessible to the public and hopefully kick start the process.

**Question or Feedback:** Who has standing in the chicken and bee petition process? Is it community groups? Business leaders?

**Response:** Dorchester will be difficult because it is so large and has so many organizations. But in order for this to work, it must start from the ground up. We want to hear that from you, the residents.

**Question or Feedback:** So all civic organizations will have to meet and agree to get this on their agendas, and all come to a consensus?

**Response:** We don't really expect all organizations to support this; what we would be looking for is that a majority supported it - it doesn't have to be all the organizations.

Tad then explains the difference between neighborhood zoning districts and use districts/zones. Within each neighborhood district (such as the Dorchester Neighborhood District), there are multiple subdistricts, such as Single Family Residential, Multi-Family Residential, Local Commercial, and Community Commercial. For purposes of keeping hens and bees, the use regulations can be modified so that the keeping of hens and bees is allowed or conditional in whichever subdistricts (Single Family Residential, Local Commercial) the neighborhood wished.

**Question or Feedback:** Is it up to the BRA to make final decisions about zoning changes? Not City Council or anyone else?

**Response:** Yes, it is up to the BRA Board and Zoning Commission. However, in weighing the merits of these decisions, the Board and Zoning Commission give strong consideration to community support.

**Question or Feedback:** It's been my experience that the hardest type of zoning district to get changed is residential, but that's what we'll want changed to allow for chickens.

**Response:** We recommend you get in touch with Legalize Chickens in Boston (LCIB), an organization that has been doing a lot of work around this topic already in J.P. and Roslindale.

**Question or Feedback:** I just wanted to commend you on the amount of work the BRA has done on this in the past year. It's clear that you have done your homework and are very prepared. I'm very impressed.

**Question or Feedback:** So, when it comes to chickens, you can't apply for zoning relief on a specific plot? Because I don't really see all of Dorchester getting together on this.

**Response:** Individual households can apply for zoning relief for their own properties; that is another option. This would require the consent of surrounding neighbors. Initially, this might actually be a more straightforward option for someone who was anxious to get started and did not want to wait for the neighborhood rezoning process to take place.

**Question or Feedback:** How do you define those neighbors then?

**Response:** Under the current code, abutters within a 300 foot radius are notified.

**Question or Feedback:** So under, Article 89 hydroponics would be allowed regardless of lot size? Because you can't do that without building a structure.

**Response:** As a primary use, hydroponics are allowed in industrial, commercial, and mixed use zoning districts, and is conditional in all other districts. As an accessory use, hydroponics facilities would be allowed in all zoning districts and subdistricts, as long as it occupies 25% or less of the lot.

**Question or Feedback:** So up to 25% of the lot is allowed in all zoning districts?

**Response:** Correct.

**Question or Feedback:** Just to be clear, chickens aren't allowed anywhere currently, but Article 89 would ease that?

**Response:** That's not quite right. Article 89 does not change the use regulations (i.e., where Allowed, Conditional or Forbidden) for the keeping of hens and bees. Pointing to the map showing where the keeping of animals and bees is Allowed, Conditional or Forbidden in the City under current zoning, Tad Read explained that

you live in a yellow district, where the keeping of chickens is conditional, Article 89 says 'here are the conditions'.

**Question or Feedback:** I'm a resident in a residential area and I would love to see some farm stands.

**Response:** There are some contradictions in the Article 89 pertaining to farm stands as the draft stands right now. We will be working on the language to resolve those contradictions.

**Question or Feedback:** Just a suggestion: there may need to be a 3rd category for CSA drop-off sites (in addition to farm stands and markets). Also, this is not clear about hens: six hens per what? Parcel? Family? Farm?

**Response:** Per lot. But the speaker has a point, and we (staff) need to check this. What about a multi-family lot? This needs clarification.

**Question or Feedback:** Have you been to West Roxbury yet to see if they want chickens? That area is not so built-up.

**Response:** We've gotten some feedback in other neighborhoods already that the maximum number of hives should be tied to lot size.

**Question or Feedback:** But it's not like that currently? Hen and bee limits should be tied to lot size.

**Question or Feedback:** Most of 89 is about commercial farming, but there isn't anything about commercial use for hens and bees?

**Response:** That's correct. However, if a neighborhood wanted their code to address that, they could. The existing code already addresses things like rabbits and goats.

**Question or Feedback:** Will there be accountability for people who want to have bees? Will they have to take a class?

**Response:** Yes, there will be a permit required and certain knowledge is a required part of that. For the keeping of bees, those educational requirements would be established by an organization of local beekeepers.

**Question or Feedback:** Is it clear in here that proposed rules apply to commercial keeping of hens and bees but not backyard residential?

**Response:** The commercial use would continue to be subject to existing code limiting operations to 25 chickens.

**Question or Feedback:** You might want to be explicit about the difference.

**Question or Feedback:** I'm interested in the rooftop requirements pertaining to structural codes. Article 89 would allow rooftop farms in most or all districts, but how does this affect structural appropriateness for roof level farms in those districts?

**Response:** Great question. All safety requirements will remain the same under Article 89 ISD still doesn't want anyone falling through a roof. This only changes zoning. Administrative permits would still be required for building & safety, fire, etc.

**Question or Feedback:** What is the typical cost of having a rooftop evaluated?

**Response:** You'd need a load analysis done. It's pretty straightforward. The plan review on average takes about 15 days.

**Question or Feedback:** I'm concerned about people using pesticides.

**Response:** The city doesn't regulate pesticide use; in fact, legally, the City cannot regulate pesticide use. That falls under the purview of the State.

**Question or Feedback:** But if you're a business, you're required to be licensed.



**Response:** Citizens can file complaints with the Pesticide Board if they're concerned with a neighbor's use of pesticides, and the Pesticide Board will send an inspector out to investigate. But zoning can't regulate pesticide use. Most farmers are using organic practices because they understand there is a strong market for organic products. It's unlikely that small scale farmers would use anything but organic practices. And given the limited amount of vacant land available in Boston—and especially the limited size of lots available—it is very difficult to imagine that any large scale agribusiness enterprise that used pesticides would locate a farm in Boston. (Paul Lock, MassDEP) Everyone should be aware there's a possibility of pesticide use, but it won't be any different than it is now. Whether a private home or business, any party can use pesticides now. An increase in farming in the City is unlikely to change this.



## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #4 – Public Questions and Comments

**Date:** June 26<sup>th</sup>, 2013

**Neighborhood:** Allston-Brighton

**Location:** BPL – Honan Branch Library

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**Question or Feedback:** Regarding aquaculture/hydroponics/aquaponics facilities <750 sf in residential neighborhoods, would these facilities also need BRA Design Review?

**Response:** No. We chose the threshold of 750 sf because that is the cut off for design review that we use for buildings in existing zoning language. We add that we are learning about a new hydroponics style of growing using up'cycled freight containers (8' x 40') that are no longer functional (diesel refrigeration units quit working after 3 years or so). While one of these containers is only 320 sf, we also recognize that a steel or corrugated steel container in any zoning districts except for industrial or manufacturing, without design review, would not be acceptable. So, while this a new and emerging activity, we may want to write an exception for freight farms in the hydroponics section of draft Article 89. Also mentioned was the need for building, safety and fire code conformance for any of these types of activities above and beyond zoning conformance to Article 89.

**Question or Feedback:** It appears that there are some neighborhoods where farming activity is more likely to move forward than in other neighborhoods. Is that a correct assumption?

**Response:** Yes. Where more land is available (i.e., Dorchester, Roxbury, Mattapan, Hyde Park), we might see ground level urban farming, while we might see roof level urban farming and greenhouses closer to the inner core of the City.

**Question or Feedback:** How does the current zoning code "treat" Allston-Brighton?

**Response:** The former stockyards are currently zoned with more permissivity to allow the keeping of hens and bees, as is land along Western Avenue (now owned by Harvard), Cambridge Street in Brighton. All of these areas are either industrial or commercially zoned.

**Question or Feedback:** What about the areas that are designated "green" on the BRA map showing where accessory keeping of hens and bees is allowed, conditionally allowed or forbidden? I have read online that the keeping of hens is allowed in some areas (mapped green areas). Is that correct?

**Response:** Yes, in the green areas, the accessory keeping of hens and bees is allowed by zoning; however, you still need to fill out a Live Fowl License (i.e., permit) from ISD – Health Division to get final permission. Even if you are in a zone where the accessory keeping of hens and bees is conditional or forbidden, you can go through the ZBA process with a public hearing and get approved – but you still need to conform to the requirements and obtain your Live Fowl License/Permit from ISD-Health.

**Question or Feedback:** Where can I get my soil in my backyard tested? I am a backyard gardener, but now my interest is piqued and I have some concerns about soil safety.

**Response:** UMASS Extension has a very reasonably priced and thorough process. Highly endorsed by members of the audience and City staff. City Staff also gave examples of where to purchase kits to make raised beds (Allendale Farm).

**Question or Feedback:** How deep does the soil need to be for raised beds.

**Response:** The depth of the soil for raised beds depends on what you are growing and the length of those roots. But it's typically between 12" – 18" in depth.

**Question or Feedback:** You mentioned the example of the farmer wanting to sell greens for restaurants and couldn't several years ago. How exactly will Article 89 improve conditions and streamline the process for these types of entrepreneurs?

**Response:** Under the current zoning, urban agriculture, specifically urban farming is not addressed, listed, defined. So the use is implicitly forbidden. Any forbidden use has to go through the Zoning Board of Appeal process, thus a public hearing and get neighbor support. It's a higher bar to reach than going for a conditional use with the Zoning Board of Appeal. It will take at least 6 months and some paperwork to obtain the conditional use permit or variance from a forbidden use. Now, if we allow urban farms outright all over the city, it will be much quicker for entrepreneurs/farmers to get started on their endeavor. Also worth mentioning is that any urban farm that is currently operating today with permits will be "grandfathered" in, and they would not be subject to Article 89 provisions unless they intend to expand.

**Question or Feedback:** In industrial zones, will farm stands be allowed?

**Response:** Yes. Farm stands will be allowed anywhere a retail use is allowed in the underlying zoning district. For example, if "retail" is an "A" in a "LI" (Local Industrial) zoning district, then a farm stand would also be allowed outright (would still require a permit from ISD for use of premise).

**Question or Feedback:** So, setting up a farm stand in front of your house would not be possible?

**Response:** If you are in a residential district, typically retail is not allowed outright; thus, no, a farm stand would not be allowed outright either. The person could go through the ZBA process for a conditional use permit. In many cases, neighbors will support the farm stand, and it's possible that it would get approved. The concern is introducing one retail use in a residential neighborhood. The precedent is set. Other retail uses may follow, bringing more parking needs, traffic, noise, etc...It's a slippery slope. However, Article 89 is not in its final form, so we are hearing comments that access to fresh food right within a neighborhood setting should be promoted not discouraged. So, we are open to changing this recommendation if it is possible.

**Question or Feedback:** What if you want to sell produce from your backyard at a Farmers' Market?

**Response:** If your land has received a permit for the use and occupancy from ISD as an Urban Farm, then it is no problem. If you did not go through the steps of Article 89 (soil safety, CFR, etc) to have your backyard permitted as an Urban Farm, then ISD – Health Division will likely not allow you to sell at a designated Farmers' Market. ISD – Health Division runs the current Farmers' Market program, which is very successful.

**Question or Feedback:** Can you sell from Community Gardens?

**Response:** Legally and fundamentally, no. For the most part, Community Gardens are on public land, and you can not get compensated for selling on public land. Also, the Community Garden program with (Boston Natural Areas Network) BNAN does not allow selling of the produce from established Community Gardens

**Question or Feedback:** Regarding vacant land owned by the City of Boston, is there a plan to use some of this land for urban agriculture?

**Response:** There isn't an immediate plan in place, but the City is looking at available land now and narrowing in on that land which meets specific criteria that would make a viable farm site. Hopefully, within the next 6 months, land may become available but as all land is disposed of by the City of Boston, it would be via a competitive bidding (RFP – Request for Proposals) process. Currently two pilot farms operating on Tucker Street and Glenway Street in Dorchester are operating on City land as part of an RFP (lease) process. The Mayor's Office of Food Initiatives (MOFI) continues to keep this high on the agenda. Several VISTA volunteers were hired to possibly assist with a mapping program that will make information about City-owned vacant land readily available for those interested in urban farming.

**Question or Feedback:** Are there structural concerns about farming on rooftops?

**Response:** Yes. Even though Article 89 is the zoning and would allow a certain rooftop operation in a certain zoning subdistrict, the rooftop farming operator would have to conform to other codes addressing safety such as the building code and the fire safety code. We have learned that ideal buildings for rooftop operations are concrete structures, or a heavily reinforced building with a concrete roof slab, that is, at a maximum, 3 stories tall. They are typically industrial or manufacturing type buildings or warehouses. We have heard that the best buildings for rooftop farming are "big, short, ugly, and old".

**Question or Feedback:** What about edible trees (nuts and berries) in Boston? Why aren't they included in parks?

**Response:** There are actually between 80-120 parcels of land around the City that have fruit or nut-bearing trees (one example is the Curley School in Jamaica Plain – they have fruit-bearing trees for picking). The MOFI is starting to map these areas, and the map will be available on the MOFI website. There is also a new "app" called "Fresh Food Boston" that asks for community and participatory mapping of fruit and nut trees when they are spotted across the City.

**Question or Feedback:** Are these areas clearly marked?

**Response:** Some are, but they will be mapped soon and made more obvious.

**Question or Feedback:** We need to push fruit and nut bearing trees in our landscaping instead of random trees. Is there an initiative to push for this (advocating for it)?

**Response:** Agreed. The "Boston Tree Party" (look for it online) has over 100 heirloom trees around the City. They are trying to have the conversation about hunger, health and stewardship. Earthworks Boston grew these edible landscapes but they closed 12-18 months ago and BNAN has taken over some of their locations.

**Question or Feedback:** Article 89 doesn't really address mushroom farming, does it?

**Response:** It does. The definition for "Urban Agriculture" - means the use of a Lot for the cultivation of food and/or horticultural crops, Composting, Aquaponics, Aquaculture and/or Hydroponics. Such use may include the Accessory Keeping of Animals or Bees where Allowed by Underlying Zoning, and on-site sales where retail uses are Allowed by Underlying Zoning. Mushroom farming would fit in there perfectly. Article 89 does not regulate the types of

crops that you would grow for sale. Article 89 also doesn't address GMO seeds, fertilizer or pesticide use. Zoning can not do that.

**Question or Feedback:** How can I get involved with all of the MOFI initiatives?

**Response:** While the MOFI website has room for improvement, all of our initiatives and meetings are at the MOFI website (including these Article 89 meetings). We also hold meetings with the Food Council. Next one is in September. All are invited. That meeting is on the MOFI website. BNAN is also a good group to get tied into – their website lists events and meetings as well.

**Question or Feedback:** What is the climate at the BRA around changing the use regulations for the backyard keeping of hens and bees?

**Response:** We are very open to entering this dialog with any neighborhood who has mobilized themselves enough to approach the BRA for the zoning amendment. It really depends on the neighborhood and if the climate there is open enough to pursue the change in use regulations. We are happy to facilitate that process in any neighborhood at the BRA. Some neighborhoods are more open than others on this topic.

**Question or Feedback:** What about activity (i.e., hens and beekeeping) that is currently illegal (i.e., permits have not been obtained)? Will there be a change in attitude now that Article 89 is moving forward?

**Response:** Not necessarily – but it will be easier to permit urban agricultural activities in many cases. The city is not looking to patrol every lot to see if it is conforming to zoning, namely Article 89 when it is enacted. Until Article 89 is in place, illegal activity that is operating without any nuisance or complaints is undetected. Conversely, if an illegal coop or hive is unmaintained and causing a nuisance to the neighborhood, an inspector has the right to ask the owner to remove them because the permit was not obtained.

**Question or Feedback:** Why do you suppose that people are not interested in having bees in the city? Are they uneducated on what their benefits are for pollination? Are they fearful?

**Response:** Definitely a little of both. Education is key.



## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #6 – Public Questions and Comments

**Date:** July 8th, 2013

**Neighborhoods:** East Boston

**Location:** Maverick Landing Community Room

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**Question or Feedback:** For owning chickens, what will the process be in the areas where the keeping of animals is a forbidden use under the existing zoning?

**Answer:** Article 89 would not apply. You would have to seek a variance through the Zoning Board of Appeals. Your prospects of obtaining a variance would be best if you could show support from your neighbors at the hearing of the Zoning Board of Appeals.

**Question or Feedback:** It seems that there are only a few residential areas in East Boston where the keeping of animals is a conditional use.

**Answer:** Actually, there are no residential areas in East Boston where the keeping of animals is a conditional use.

**Question or Feedback:** It just seems kind of arbitrary that there will be certain places people are living that aren't residentially zoned that are yellow areas where chickens will be automatically allowed?

**Answer:** Yes, there are commercial/mixed use areas where people are living, but the underlying zoning isn't residential. The keeping of animals would be a conditional use in those commercial/mixed areas in some cases. That would still require a hearing before the Zoning Board of Appeal, but the bar is still lower than for a variance. In other words, it's harder to gain ZBA approval for a forbidden use than for a conditional use.

**Question of Feedback:** So this will never happen in East Boston, is what you're saying?

**Answer:** No, that's not true. Once successful precedents for the keeping of hens get established in certain neighborhoods, we think it will be easier to gain approval in other neighborhoods. The best way to move this along in East Boston would be for the neighborhood to petition the BRA for a zoning amendment to the East Boston zoning article.

**Question or Feedback:** Right, but why not just change it? Why didn't the Mayor start with that?

**Answer:** There's a legal reason that has to do with the structure of the Zoning Code. There are 24 neighborhoods in the city and each of those neighborhoods has its own zoning article. And in each neighborhood zoning article is an applicability section that says if there's language in any other article of the Zoning Code that conflicts with language in the neighborhood article, the neighborhood article will trump. The only way to change the use regulations for the keeping of hens citywide is to change each neighborhood zoning article. In Boston, as a matter of policy, we don't make sweeping changes to neighborhood zoning articles without a community planning process. So there needs to be a neighborhood specific community process around it. The rest of the issues we're dealing, for the most part, within Article 89 (farms, rooftop farms, hydroponics), those aren't addressed in the existing codes, so we don't have a problem with making a wholesale change citywide. But since it is already addressed in the neighborhood articles, the keeping of animals and bees is different.

**Question or Feedback:** New York City is a far more complicated place and got this done so quickly. This byzantine process prevents people from addressing interesting ideas.

**Answer:** I think some people might put it another way and say that Boston places the decision making power with the neighborhoods. Also we do hear from people who would be opposed to the backyard keeping of animals allowed more permissively citywide. This is also going to require education about what is really involved in the keeping hens and bees, and we're just not there yet. We would encourage you to get together and send us a letter telling us you want this changed.

*Greg Murphy of Legalize Chickens in Boston (LCIB) encourages people to take their materials and join their email list. He stresses that neighborhoods need to get power groups together to organize and make it happen.*

Zoning amendments are very standard at the BRA. We make zoning amendments fairly routinely, so hopefully this could move very quickly. Neighborhoods need to get letters from community groups showing they support this and show this to the BRA.

**Question or Feedback:** How do you deal with the noise that can be caused by chickens?

**Answer:** First of all, it's roosters that make noise, and roosters would be forbidden under Article 89. Article 89 also contains a variety of dimensional regulations (setbacks, height limits, etc.) to make sure that hens make good neighbors. We also spent a lot of time thinking about what the maximum number of chickens should be.

**Question or Feedback:** So it's your belief this wouldn't impact the neighbors?

**Answer (from a member of the public):** Yes. In fact a barking dog would be more of a nuisance than chickens would be.

**Question or Feedback:** This is a fantastic idea. One thing I've always been curious about: how long ago did the original zoning for chickens happen?

**Answer:** In 1965, the entire City was zoned with what is called the Base Code. It addressed the keeping of animals, and in fact, is still in place in some parts of the downtown area in Boston. In the late 80's we started master planning in the neighborhoods with rezoning to follow up. We now have over 24 neighborhood zoning articles. In many cases, the Base Code, where it is still in place, is more permissive with the keeping of animals than the neighborhood codes which are more contemporary. There was zoning written in the 20's 30's or 40's (BRA has since checked, and zoning has been in place since the 1920's) and in certain parts of the city (such as downtown, Back Bay, Beacon Hill and South Boston) the has not been changed since 1965.

It's interesting because Allston Brighton was rezoned in the early 90's, but look how much green (indicating that the keeping of animals and bees is "allowable") is found there. It all depended on the point in time when it was rezoned and the receptivity of the neighborhood to the idea of keeping backyard animals. In some neighborhoods, there are green areas where they allow it; in other neighborhoods, there is no green. Do we have any prospective farmers in the audience?

*Sean Cooney describes his proposed shipping container hydroponic operation, growing a lot of produce with LED lighting. East Boston is the neighborhood he is most interested in currently.*

Does anyone have any site suggestions for Sean?

**Question or Feedback:** The Hess site!

**Sean:** The problem with that is most of it is owned by the BRA and it's located in the coastal management zone.

**Question or Feedback:** Did you talk about the designated port area? Would this supersede any of that?

**Answer:** There are use limitations on the Hess property that explicitly restrict agricultural uses. The Hess site is a Brownfield site. We've talked to MassDEP who has indicated that we could probably

get exceptions to those limitations because, for hydroponic farming, there would be no planting in the ground. The other issue is there would probably need to be some type of marine-related activity as part of the project. Placing a farm on the site is not impossible, but it presents some hurdles, and no, Article 89 could not supersede those hurdles.

**Question or Feedback (to Sean):** How much land are you looking for?

**Sean:** To start around 2,000 sf, maybe 3,000 sf. Not much. That should be the equivalent of growing roughly four or five acres of produce.

**Question or Feedback:** There are a lot of non-English speakers out there. Can you accept letters in Spanish or other languages?

**Answer:** Absolutely. Are you thinking of the keeping of hens and bees?

**Question or Feedback:** Hens in particular. A lot of people that live here have a history of keeping hens in their own countries.

**Question or Feedback:** Is a lot of your information translated already?

**Answer:** The flyers and newspaper ads are. We also offer translation services at our meetings, but so far only one request has come in.

**Question or Feedback:** At the J.P. meeting, Jenny Rushlow of the Community Law Foundation made a suggestion about making farm stands easier to happen in residential areas. Have you guys given any more thought to that?

**Answer:** We have. . And it makes perfect sense to us. But our zoning staff feels differently about that. Zoning staff feels that allowing a commercial use in residential zones establishes a precedent that would become a “slippery slope” for other commercial uses. Jenny Rushlow has sent her comments to the BRA and they’re very helpful. We’ll try again to work with our zoning staff.

**Question or Feedback:** So what is the internal debate about?

**Answer:** It’s the introduction of retail into a residential district.

**Question or Feedback:** But that’s so silly, because so much business activity already happens in people’s homes with home-based offices, technological advances, etc. Yes, a farm stand would be more public and visible, but retail is already happening there.

**Answer:** We will keep trying to work with the zoning staff. We understand the benefits of having a farm stand in a residential neighborhood and having comments at meetings like these are helpful.

**Question or Feedback:** Is this something that could be changed with a variance?

**Answer:** Actually, it wouldn’t require a variance. As it stands now, Article 89 would require a conditional use permit for a farm stand in a residential area. It’s something that would be a lot easier if it were made as-of-right.

**Question or Feedback:** In some towns, they allow what’s called ‘neighborhood groceries’ in residential areas. Does Boston have anything like that?

**Answer:** In some areas. It’s much harder to place retail in the single-family or even two-family areas, which are generally considered “sacred”. There’s a district here called MFR-LS that allows residential, but where you can also find corner stores and other local retail. The district and its name (multi-family / local service) inherently foster mixed use development. In that case retail is an allowed use in the underlying zoning. But it’s the single-family residential areas where you might find some larger urban farms because the lot sizes are bigger, and that’s where Article 89 proposes farm stands to go through the ZBA for a conditional use.

**Question or Feedback:** Is there any limit on how much soil there should be in raised beds?

**Answer:** It’s generally 12-18 inches, but it will depend on what you’re growing. As part of this process we’re developing a Users Guide for Article 89 that may address that. But depth is not actually part of Article 89. The Office of Food Initiatives is also developing a more robust website and providing this kind of information as part of implementing the long-term vision for urban agriculture in the City.





## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #7 – Public Questions and Comments

**Date:** July 10th, 2013

**Neighborhood:** Roslindale and West Roxbury

**Location:** Roche Community Center

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**Question or Feedback:** The response has been overwhelmingly positive and people are feeling like they want to do something to be supportive. What can we do to be supportive if we want to help get this going, and will the Mayoral election be an issue?

**Answer:** What you can do to be supportive is write letters of support to the Mayor's Office and BRA and come to the hearings before the BRA Board and Zoning Commission in October and November.

**Question or Feedback (Ernest Bennett):** This process is fantastic and this is something that the city absolutely needs. But one of the main concerns since day one is soil safety. Specifically, what happens if the geo-textile is compromised? In addition, there is no regulatory committee or organization being put in place to randomly inspect the farms and ensure that we are planting in clean soil. Can we at least advocate for some sort of organization that can randomly go to sites, test soil, and check out the produce, and truly ensure that we are consuming something that is safe.

**Audience response:** I'm puzzled that if the BRA is requiring that soil is being tested, and it passes muster as being clean, why is it that you're concerned that there will be contaminants in the food?

**EB:** I'm glad you asked that. The soil that is being tested is the soil being imported. And that only has to be tested one time folks, and it doesn't have to be tested again until you bring in new soil.

**Audience response:** Which happens regularly, because as we know, soil moves. You need to bring in fresh soil regularly, and it will need to be tested each time. And geo-textile doesn't just rip. I don't know if you've interfaced with geo-textile, but I have, and this stuff doesn't just rip, it's quite safe and used across the country. If anything, Boston is erring on the side of extreme caution, making it I would say somewhat more challenging to farmers, but far more soil safety protocol than many cities that are ahead of us on this urban agriculture curve.

**EB:** For instance if you have pets who could easily contaminate that new soil being imported, there's literally no regulatory organization in place to ensure that best practices are being followed. We have them in the food industry, why can't we have it with our urban farms? And it wouldn't cost that much money either. Is ISD trained to properly test soil and determine if a site is contaminated or not? At this time they're not. We just want to see some further checks and balances in place.

**Audience response:** But there are those best practices in place, every farmer has best practices in place before they set forth on their farming. Are you saying we shouldn't trust civilians? Should we have more policing of people and not trust farmers, because these farmers aren't in it for money; farming isn't a way to make a quick buck.

**EB:** I'm saying that I want the food that we're consuming to be as safe as it can be. That's it.

**Audience Response:** Something that would concern me is the methodology being used to grow food. There may be farms that choose not to grow organically, and that stuff is regulated by the State; it's not the BRA. I'm not sure what it is that you'd want the city to do?

**EB:** Literally to have someone doing random checks on the site to ensure it's safe. Once again, we just went through our budget process, and it wouldn't cost that much money, so what is the apprehension behind putting something like this in place? Just like the chickens; are we going to have someone going out and doing random checks on the farms to make sure that they're using clean soil?

**Audience Response:** Ernest, do you have any pets and does anyone come to your house and make sure that you're feeding them and taking care of them? Honestly, what worries me about what you're saying is that you want more obstacles to bringing food justice to the families who need it most. I am all for safety, but I'm not all for not trusting my fellow community members. I'm all for taking care of our children and our families, but I'm not all for making it prohibitive for the common person to be able to make the most of this type of city supported endeavour so that only people with time and money on their hands can take advantage of this. So I feel like there has to be some trusting people but also trusting the BRA and the State to make this work. If there are problems, they're not going to be ignored. I see an awful lot of mechanisms in place that create positive, safe farming protocol.

**EB:** We can agree to disagree. Having a food inspector, we have a \$2.6 billion budget here in the city, there's no way we can't make this a priority.

**Question or Feedback:** I'm looking at being a farmer in the city, and I welcome someone coming in to inspect, but I don't think this is a zoning issue. I think it should be lobbied with whoever does inspections in the city. It can't be part of the zoning code. You can't zone what I'm gonna grow and how I'm going to grow it. I think ISD should be doing that.

**Question or Feedback:** It concerned me that you're talking about chickens and health issues. According to this you can only keep six hens, and not for sale. I think that if you're getting into inspecting six hens, we may as well have Mayor Bloomberg in here telling us not to drink Coca-Cola.

**Question or Feedback:** Is a ground level farm allowed in any open space district?

**Answer:** No. Generally open space districts are publicly owned, and for a farm to start on publicly owned land would simply require a license agreement, so the zoning isn't necessary for those zoning districts.

**Question or Feedback:** So we wouldn't require zoning approval on State land? Even if it were city land?

**Answer:** Yes. If it's city land being used for the public good, it does not have to comply with local zoning.

**Question or Feedback:** I want to say more about soil safety. I feel like there's a heavy prejudice against our soil, and I'm wondering if it's being carried a little too far. The onus is much greater to prove that the soil that's here is safe to raise food in than soil that you bring in. And maybe there's good reason for that, but it doesn't seem fair to me. It seems that if you want to be paranoid about your soil, you should be equally paranoid about the stuff you bring in. I want a certain amount of soil safety guidelines, but not so much that it becomes impractical to obey. I don't know where that balance is, but we have to all understand that what we're engaged in here is something that's against big agribusiness. We're saying that if you make an effort to do things well on a small scale, than that's safe enough. And we believe in trying that here. We're taking a little risk, but hopefully not too much risk.

**Answer:** I think it's a tough issue. The BPHC that developed these protocols is hearing it from both sides. They're hearing that we're not going far enough, and hearing from others we're going too far. They're trying to strike a balance, and the protocol that's on the table tonight is that balance. Three months ago, when we sent out our first protocol, the farmers said "we're not supporting 89 until you strike that balance". They're now on board with that protocol. And this isn't to say you can't plant in native soil. You can, as long as you test it according to state protocol. And to re-iterate, this is just for commercial growing.

**Question or Feedback:** But even if you're selling it, there still needs to be a sense of scale. For a small farmer with 300 square feet, there's a pretty low level where if I have to jump through too many hoops it makes it absurd.

**Answer:** And we're hearing some of that feedback tonight. Some people think this goes too far, and some think it doesn't go far enough.

**Question or Feedback:** Has any of the soil testing data from the pilot farms been made public?

**Answer:** We have the data, and we are in the midst of putting it online. It's taking longer than we would like. If you're interested in seeing it now, we can get it to you. Also, not only will farmers be required to test what they bring in, but whenever they test, which most farmers do annually, we will require that they keep the tests on file.

**Question or Feedback:** Does that mean if I want to go my local farm I could ask to see their soil specs?

**Answer:** No, but if someone filed a complaint with the City, it could be accessed.

**Question or Feedback:** How much flexibility is there for building raised beds? At an acre scale, building wood-framed beds is daunting.

**Answer:** Yes, planting in wooden containers is not the only option. What most farmers here do is they create rows or piles of soil without the wooden frame, but on top of a barrier. There is certainly the leeway to do that.

**Question or Feedback:** What about fruit trees? What is the assumption about soil for those?

**Answer:** We just submitted that same question to BPHC. We don't know the answer yet, but we are definitely looking into it. We've had this question come up before in another neighborhood meeting.

**Question or Feedback:** If there is a property owned by the City of Boston that's an empty lot, if a farmer wants to farm on that lot, they'll receive a lease from the city?

**Answer:** We are in the midst of working with DND to look at what parcels throughout Boston might be accessible in this way. We're also speaking with other public agencies to find out what sort of disposition processes there are and how we can make those processes accessible to the average Boston resident.

**Question or Feedback:** What's the timeline to have that figured out?

**Answer:** We're hoping this will happen in the next six months, but there are larger conversations happening around other areas that will be ongoing.

**Question or Feedback:** How are you going to tax these operations?

**Answer:** The City has begun to look into this preliminarily, and it appears that to the extent that farms are commercial enterprises, they would likely be subject to taxation as commercial establishments.

**Question or Feedback:** If I set up an operation on an acre of roof, would that be attached to the value of the building, or if I get a piece of city owned land, then the rent takes care of the tax.

**Answer:** We've begun meeting with the city auditor as to how you tax agricultural enterprises, and what is the implication when it's not the only enterprise going on. It has been asked, and we're trying to figure that out.

**Question or Feedback:** I'd love to see a rooftop farm on Roche Brothers supermarket here in West Roxbury. Is there any chance of that happening, and what would be the steps we'd have to take to make that happen?

**Answer:** So the zoning is about removing barriers, and that's what this does by saying that roof level farming in a commercial district will be allowed as of right. There are structural issues in any building that have to be assessed by an engineer. But there are established roof top farmers from Boston, as well as from other parts of the country who are interested in setting up farms in Boston and looking at these issues. Green City Growers in Somerville just installed a rooftop farm on the Whole Foods in Lynnfield a couple weeks ago, so it could happen.

**Question or Feedback:** On the pilot sites, who's assuming responsibility, insurance liability, things of that nature?

**Answer:** DND would likely require the lessee to have liability insurance. They've been in this business of leasing property for quite some time and I'm sure they require that.

**Question or Feedback:** Are the height limitations for farm structures absolute? Would you need special approval to go above those limits?

**Answer:** It seems height limits in underlying zoning would apply once a farm structure went over the maximum heights set in draft Article 89, but we should double-check. Anytime you go over height limits, in general for buildings, it requires a variance from the ZBA. Do you have a concern that some of the height limits are too low?

**Question or Feedback:** I can envision things that are higher than that maybe in industrial areas, but in residential areas it probably makes sense.

**Answer:** If you have comments like that about any aspect of this, please let us know. Now is the time, it's still in draft form.

**Question or Feedback:** There are no guidelines that allow for chickens on rooftops. I'll write in about that.

**Question or Feedback:** I can conceive of someone proposing a ground level farm that is primarily greenhouse. How does that get addressed?

**Answer:** If it's not more than 25% of a lot, it's considered an accessory farm structure that is part of an urban farm. If it's more than 25% of the lot, it would be subject to applicable building and safety codes and requirements in that zone, along with zoning that would suggest that it is an urban farm.

**Question or Feedback:** The whole section on aquaculture struck me as bizarre. The whole idea of this as-of-right stuff on a residential property is just kind of peculiar, and I'm sure one could imagine all kinds of issues around water usage. I would urge you to not be totally cut and dried. I'd like to see more of a tradition where there is still a strong expectation of notifying neighbors. If someone were to suddenly turn their house into a big hydroponic facility in West Roxbury, your rules say they have the right and maybe that's appropriate, but I still think there should be a meeting before they do it.

**Answer:** Well it's only up to 750 square feet in residential areas, which is pretty small.

**Question or Feedback:** That's the size of the space I live in. If someone put that in their backyard next door to me, that would be a very strange thing to do!

**Answer:** That's exactly the kind of comment we're looking for right now. Does anyone else agree? Let us know.

**Question or Feedback:** Maybe I would wish for a formalized pilot process. Maybe you should write into your preamble that the first time anything is done in a neighborhood, that it gets special attention. Even though in the long run it will be as-of-right, nevertheless we're going to have a certain amount of test-piloting.

**Answer:** Do you feel the same way for farms too?

**Question or Feedback:** Well, farms are my thing, but yes. The local community should have their say too.

**Question or Feedback:** So if you're in a neighborhood like mine, zoned for two families, it's allowed in that whole neighborhood?

**Answer:** Yes, assuming there's vacant land.

**Question or Feedback:** Well we have big yards. Can my neighbor put a farm in her yard without any notification to abutters right now?

**Answer:** After 10,000 sf is when abutters get notified for CFR.

**Question or Feedback:** So the neighborhood isn't notified for anything under that. So people could come in and tear the joint up, plant whatever and make big compost heaps?

**Answer:** There are size limits to the compost heaps.

**Question or Feedback:** When you're living on top of each other, any compost heap is a big one.

**Answer:** What we've heard is that farms don't become scalable until about 10,000 sf.

**Question or Feedback:** The first one that goes in on a street like mine, there'll be a riot because people are afraid.

**Audience response:** I have a garden that's 15 feet wide by 50 feet long. It's well under the 10,000 sf limit, and if I wanted to start selling my produce to my neighbours, I could do that! I wouldn't have to notify anybody under these guidelines.

**Audience response:** Generally, commercial farming doesn't become profitable until at least 10,000 sf, so we're not gonna see a lot of this happening in a residential neighborhood.

**Question or Feedback:** So say its 5,000 sf and there are vehicle requirements and you need a truck to bring your stuff in and a tractor. Where will the parking requirements be reviewed?

**Answer:** The parking plan would have to be reviewed by the BTA.

**Question or Feedback:** As much as I'm in favor of food growing in all scales everywhere, I think its nuts to say you can turn a whole lot into food growing in a residential neighborhood. If you're going to do this, there should be a process with the neighbors.

**Answer:** The working group thought a lot about this issue, and felt again it's a matter of balance. Small scale urban farming is an operation with slim economic margins. It doesn't require a lot of machinery, noise, etc., and requiring a design review for all farms was just too onerous.

**Question or Feedback:** I wish you had something below CFR. What I want to focus on is the human process. It's really violating when you wake up one morning and something really weird is happening next door, and you didn't know anything about it. And they purposely didn't inform you because everyone thinks it's easier to ask forgiveness instead of permission.

**Answer:** One year ago Article 89 did suggest that CFR reviewed all farms, and the farmers pushed back and said it was too onerous. So we suggested 5,000 sf, and still got the push back.

**Question or Feedback:** I'm just saying if someone wants to grow food on a whole lot, they should meet their neighbours first and have coffee.

**Answer:** And I'd say that most of the farmers we've worked with do that anyway. They don't start their farm without consulting with neighbors first. Do you feel the same way about farms as you would a new building?

**Question or Feedback:** Personally, I think that for even a kitchen, for every major project a sign should go up. People shouldn't be shocked or surprised even if they have no right to stop it.

**Audience response:** I just want to offer the opposite perspective. In my neighborhood, across the street is a triple-decker with a large lot, and had a huge garden. When the owner left, it was gutted, the garden was torn out, and now it's a giant parking lot. I'd say give me a garden any day over a parking lot. We don't have a lot of choice over what our neighbors do. But what I think is going on here is offering the opportunity for people to do something that will improve the value and quality of our neighborhoods.

**Audience response:** I don't think growing vegetables in 5,000 sf is unusual. It should be what becomes usual.

**Question or Feedback:** I think it's a tough time with the mayor situation. I think it's wonderful that you're respecting zoning codes that have been put in place. I don't think a lot of thought went into West Roxbury not allowing bees and hens. I'd like to see a lot of leadership from the city, recommending revisions to the neighborhood zoning articles to facilitate the keeping of hens and bees.

**Answer:** The BRA is stating that we're not going out to neighborhoods and recommending changing use regulations for the keeping of hens and bees. What we're asking neighborhoods to do is decide for themselves that this is what they want, and then approach us.

**Question or Feedback:** I feel like you need to make it easy. You need five levels. Make it easy for us to pick one of five so we can have a simplified discussion.

**Answer:** We're hoping a neighborhood comes forward and helps us develop codes like that that we can use for other neighborhoods.

**Question or Feedback:** Just to build upon that, there's been a lot of work put towards creating guidelines that are adoptable and available to be tweaked, and that's what's in Article 89.



## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #9 – Public Questions and Comments

**Date:** July 17th, 2013

**Neighborhood:** Hyde Park and Mattapan

**Location:** Hyde Park Municipal Building Auditorium

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**Question or Feedback (Ernest Bennett):** This process is fantastic and this is something that the city absolutely needs. But one of the main concerns since day one is soil safety. Specifically, what happens if the geotextile barrier is compromised? In addition, there is no regulatory committee or organization being put in place to randomly inspect the farms and ensure that we are planting in clean soil. Can we at least advocate for some sort of organization that can randomly go to sites, test soil, and check out the produce, and truly ensure that we are consuming something that is safe?

**Answer:** Article 89 actually doesn't deal with soil safety, if you're referring to soil safety.

**EB:** I'm referring to farm safety. So not just soil, but the hens, etc. Just in general, will we have a kind of authority that can go in and check to make sure best practices are being followed?

**Answer:** In terms of hens or bees, animal control would inspect any hen operation that was reported to have problems. For example, if someone suspected that hens were not being kept in a sanitary way, Animal Control would be called in to inspect. In terms of soil safety, Leon's here from BPHC, and I'm sure he could answer any questions.

**EB:** So what you're saying is "no", we will not put a section in Article 89 that deals with any regulatory authority that would check farms to ensure that best practices are being followed?

**Answer:** Not at this time, no.

**EB:** No inspections. Ok.

**Question or Feedback:** Who does the testing of soil?

**Answer:** It will be tested by third party experts, and BPHC will review the results. It's not like the farmers get a soil testing kit and test the soil themselves. They have to take (or mail) the samples to a lab. The farmer takes samples from where he buys/gets the soil, and it's a composite sample of that pile. The soil safety protocol requires is one sample for every 500 cubic yards of soil must be tested.

**Question of Feedback:** And I'm assuming a commercial farmer would do that, but what if five neighbors get together and decide to farm 5,000 sf, are they also going to follow the guidelines?

**Answer:** Any farm where they're selling must follow the guidelines. (*Tad reads excerpt of soil safety protocol*)

**Question or Feedback:** Is there a minimum and maximum size of land that falls within CFR?

**Answer:** For ground level farms, as-of-right farms greater than 10,000 sf is the trigger for CFR. There is no maximum. For rooftop farms, the threshold is 5,000 sf because BRA Urban Design staff felt there could be a little more impact in terms of visibility. And all rooftop

greenhouses will be reviewed by our designers. But that's an administrative review, that's not a trip to the ZBA. It's just about making sure the farm fits in well with the neighborhood.

**Question or Feedback:** And that process is separate from the soil safety?

**Answer:** Correct. All commercial farms of any size must follow the soil safety protocol, in addition to CFR, if applicable.

**Question or Feedback:** Do I have to own the land to farm on it?

**Answer:** No. The land can be leased to a farmer or operation. This is often the case.

**Question or Feedback (Ernest Bennet):** Once soil is originally tested, you do not require that soil be tested again until new soil is brought in? If we don't have regulators doing random checks on these farms, and we have wild animals creating issues on these farms, until someone gets sick from the produce, no one is actually going to check these places out to make sure best practices are being followed. We'll just hope and pray that these farmers will do best practices, correct?

**Answer:** Maybe you can talk about what your concerns are with "wild animals"?

**EB:** Let's say that coyotes or rats are attracted to farms, their feces droppings are on the farm.

**Answer:** But doesn't this happen in the Mid-west too? There are wild animals on the farms there as well.

**EB:** Why is it that the city of Boston...The Mayor who appoints the BRA board, who has you folks here... this process has very little checks and balances to begin with, because everyone is appointed, so I'm assuming if the administration wants this to go through right now, it's going to be very difficult to stop it. My question is why won't we put something in place to have some kind of regulations to ensure best practices are being followed? We are talking about our food supply.

**Question or Feedback:** I'm more focused on the fact that here in New England we have some of the oldest housing stock in the country, and it's full of lead paint. And we've spoken about how expensive it is to remediate the soil. So if I own the land, and I'm leasing it to a commercial farmer, am I subject to those same guidelines?

**Answer:** Absolutely, the farm operator is responsible for complying with the soil safety protocol. The owner of the property may be liable on some level, but the real liability lies with the farmer who's selling the produce. Also, the soil safety protocol are legally binding. I'd also like to add that we've had extensive conversations with MassDEP, and these recommendations are in large part based on conversations about best practices. MassDEP will tell you that recontaminating soil is negligibly possible because we've done such a good job of removing contaminants from the environment over the past decade or so.

**Question or Feedback:** If these farms are selling produce, will they be required by ISD to get a health permit? They're going to farmers markets, will it fall under the farmers market permit? Will they be inspected that way?

**Answer:** The way that farms are allowed to participate in farmers markets is that they have to apply to be an "Urban Farm", and that farm has to be recognized by MDAR. It will have had to comply with all of these protocols (i.e., zoning, CFR, soil safety, etc) to be recognized as a farm by the City of Boston, and then the products of the farm can be accepted at the farmers market.

**EB:** Does that include a random check of the farm to be tested?

**Answer:** No it does not. There is no expectation that we would put any extra burden on a Boston-based farm than we would any other farm in Massachusetts. The DEP will tell you there's no reason to do that. In addition to that, we're requiring that every farmer keep files



on all their soil importations. Every farmer tests their soil annually anyway so that they can understand what nutrient additives they need in order for that soil to be the best and most productive that it can be. If you, at any point, come across a farm and see something that makes you feel uncomfortable, you can say 'I want someone to go out and check on the farmer'.

**Question or Feedback:** I'm part of Legalize Chickens in Boston, and I've been part of this process from the beginning, and I can say it's been overwhelmingly positive. Our concerns have been taken very seriously in the entire process, and there've been a lot of incredibly well-informed discussions. Secondly, about lead in the soil: geotextile fabric is going to protect you from that soil. It's very strong and sturdy. In terms of soil being contaminated, I think that's a bit of a fearful tactic to get people to worry about and question things, when we're trying to empower our communities. The people that will really need this could be marginalized out of it if we over-regulate and create too many charges and fees and regulations and hoops to jump through. Also, I trust the farmers in my community, I trust them to farm in the best ways they know how. These are not people who are going to be making profit, they have very slim margins; they do it for different reasons. Most of them are farming with good practices, but also soil moves. You have to replace it rather frequently, and that always needs to be tested when it comes in. Lead will not come up through the geo-textile; I trust my community farmers, and I trust my community members that if they see a problem with a farm we can get together and deal with it. I don't need more regulations doing that for me.

**Question or Feedback:** Can you clarify the difference between a community garden and a farm? Is it just the fact of selling? What if you're using it for educational purposes? Maybe you're giving away the produce.

**Answer:** That would be an educational facility. Since it's not commercial farming, it's not addressed by article 89

**Question or Feedback:** Where is it addressed?

**Answer:** If it's an educational facility it would be an institutional use.

**Question or Feedback:** And how does that get regulated?

**Answer:** It wouldn't need CFR, it wouldn't need to follow soil safety. ISD would look at it and make their own and final interpretation of what that use would be, and hopefully, it would be allowed by the zoning within the zoning district where it is being proposed. Also, the example of Boston Public Schools: of the 135 BPS, we have 125 that have outdoor gardens, and they're part of the educational framework.

**Question or Feedback:** Can you explain a little more about bees and hens? What if you go through CFR to grow vegetables, does that allow bees and hens also?

**Answer:** You'd need a separate permit to get either a hen coop or a bee hive on your urban farm. But we're encouraging neighborhoods who want to allow for the keeping of hens and/or bees to change underlying zoning to loosen up the underlying and existing use regulations for the accessory keeping of hens and bees. The BRA does not want to impose the keeping of hens and bees on the communities, nor are we able to do it legally as per the conflict provision I mentioned. But, if the neighborhoods want to band together and try to change the use regulations, they need to come to us first and we'll start a process to amend the underlying zoning. We will support and facilitate those meetings, but we're not imposing it on the neighborhoods.

**Question or Feedback:** I want to ask about restaurants. Do restaurants with a rooftop food garden have to get a permit as well?

**Answer:** Yes

**Question or Feedback:** What is the geo-textile made of?

**Answer:** There are specifications in the soil safety protocol. There are many different kinds and brands. You can buy many of them at Home Depot.

**Question or Feedback:** We tend to want to talk about everything, but we're here to talk about zoning. In terms of soil safety, we look to the state. It doesn't end at the BRA.

**Audience Response:** But we're talking about a community where people are potentially marginalized, so adding more regulation seems to me that it will be a negative, when I think that they should expect more.

**Audience Response:** No, you misheard me. What I'm saying is a lot of what you see here requires many steps and upfront costs. What I was saying is, coming from a social justice advocate place, I see urban agriculture as something hopeful and positive to create opportunities. What I meant is, those who can benefit the most from this type of food justice, I'd hate to see them marginalized out of this by high costs of these procedures, the bureaucracy. It exceeds many cities throughout the country that are already doing this. I didn't mean that we should lower the standards for different areas. Also, geotextile isn't just slapping down a piece of plastic, this is what farmers use all over the world! This is a high standard to set, and it's not in any way an easy way out. When I look at the cost of start up, there's already a lot of people who are going to be marginalized out of this process.

**EB:** We have a city with \$2.6 billion budget. I feel that we can afford to have some kind of regulatory authority to ensure that the farms are safe. Also, many folks in our food industry are lining up already. So I get confused when I hear that there's not going to be much profit made off of this. I think there is definitely a substantial amount of money that can be made off of this just off the local restaurant industry alone.

**Audience response:** Have you done any numbers? That's absolutely just talk!

**Audience response:** The purpose of this is to look at the zoning issues, and I think these other conversations should be had in other forums. No matter what is said here about these other issues, they're not the domain of the BRA zoning. I feel that it's only going to be a plus to have more local farmers getting involved. Smaller farmers tend to have better practices than larger agribusiness farms.

**Question or Feedback:** If I want to keep bees in Hyde Park, right now I have to go through the ZBA to get a variance, but you're saying it's possible to get all of Hyde Park to allow it?

**Answer:** Yes, it would be through a petition process that's described in this handout. We'd ask that the neighborhood council get a letter of support from a majority of the neighborhood organizations, come to the BRA and say "We have the support, we'd like to make this happen". And we'll help you facilitate meetings to talk about it, and there would be two public hearings at City Hall: one public hearing before the BRA Board, and a second public hearing before the Boston Zoning Commission before the change can be made.

**Question or Feedback:** What are the obstacles that neighborhoods run into when they try to do that?

**Answer:** The obstacles are the people in the neighborhood who are opposed to the keeping of hens and bees in backyards. People who aren't educated about the benefits of bees and hens, or all of the particulars. They may not understand that roosters would be forbidden. There's plenty of education that would be required.

**Question or Feedback:** Is there an organization that would be best to do that education?

**Answer:** You may want to coordinate with Legalize Chickens in Boston.

**Audience Response:** *Karen describes work of Legalize Chickens in Boston (LCB).*

**Answer:** If you're going to go through the Zoning Board of Appeals process for either a variance or conditional use permit to keep hens or bees (depends which zoning district you live in), we'd suggest you get to know the neighbors around your property well, educate them about your prospective coop or hive, and try to get their support. If you got their support, you'd have a much better chance at the ZBA.

**Question or Feedback:** How does the commercial use apply to other kinds of transactional exchanges such as bartering?

**Answer:** It's another "animal" (pardon the pun) that's not governed by Article 89 at this time.

**Question or Feedback:** What about community gardens?

**Answer:** Community gardens have their own regulations that don't allow for commerce, because it's a public open space use.

**Question or Feedback:** You can give things away, but you can't accept things for them?

**Answer:** Someone would have to call you on it. Article 89 will not regulate community gardens.

**Question or Feedback:** Is it possible for an individual to get a variance for bees?

**Answer:** Yes. It's a forbidden use, which makes it hard to get support for, but it's been done. Chances are, if you had neighbor support, you could be able to make it happen. But that's not a guarantee. Forbidden uses were put into the zoning because they are or were not promoted uses at the time that the zoning was written. The keeping of animals is not necessarily the same case, and things do change in time. However, categorically speaking, it is hard to garner support, for a forbidden use at the ZBA.

**Question or Feedback:** Is anyone working with BPS on rooftop farming?

**Answer:** That's a great question. There's a lot of gardening happening in the schools already, but mostly on the school's grounds. Rooftop gardening is not happening except maybe in one location (Quincy School). There are very rigorous guidelines as to how you would do it. It's definitely possible in the future. But it's less expensive to do something on the ground. BPS facilities are not subject to local zoning (i.e., Article 89) since they are public facilities.



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URBAN AGRICULTURE  
CITY OF BOSTON | MAYOR THOMAS M. MENINO

## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #10 – Public Questions and Comments

**Date:** July 24th, 2013

**Neighborhoods:** Back Bay, South End, Bay Village, Audubon Circle,  
Fenway, Kenmore, Longwood

**Location:** Copley Branch Boston Public Library, Raab Hall

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**Question or Feedback:** If a neighborhood petitioned the BRA to amend their neighborhood zoning article to allow for the keeping of animals and it passed, would Article 89 provisions for the keeping of hens and bees apply?

**Answer:** Yes, they could. It's possible that a particular neighbourhood might want to tailor the requirements to better suit conditions or aspirations in that neighborhood. But we would prefer, as much as possible, that the provisions of the Article 89 provisions be as consistent as possible across neighborhoods. The problem with neighborhoods having different standards is it would be difficult for the enforcement staff at ISD to keep all of the differing regulations for the keeping of hens and bees straight. We also realize that the average lot size varies by neighborhood, and some neighborhoods may want more or less chickens or bees.

**Question or Feedback:** How would a piece of land being used for a farm be assessed?

**Answer:** We are in the midst of having that conversation with the city. What will the local tax rate for local farm enterprises be? Is there a difference between primary and accessory use for tax purposes? There's no clear answer just yet but we are working on it.

**Question or Feedback:** How do you calculate the area of a rooftop farm? Is it just the growing area? Does it include storage?

**Answer:** Any activity related to farming operations would be included. HVAC or unused space wouldn't be.

**Question or Feedback:** How would we find out if the keeping of hens is already allowed in our neighborhood?

**Answer:** It's very easy. We can send you a map. You can contact me or your neighborhood planner at the BRA and we can look up the land use tables in the neighborhood zoning article. If you're interested in a particular property, we can also tell you what the zoning is for that property. *The map in the PowerPoint is pulled up and examined.*

**Question or Feedback:** When selling food, what sort of health regulations will you need to follow?

**Answer:** Wherever you're growing food for sale, this would need to be designated as a farm. It's designated by ISD and MDAR. You'd have to go through this entire process in order to get this designation (i.e., apply for the use at ISD, Comprehensive Farm Review if applicable, soil safety protocol, etc.) and then sell your product. So it's these guidelines that create the healthy environment. The state doesn't have other regulations; they have best practices you can follow, like Commonwealth Quality, a program you can apply for.

**Question or Feedback:** Will this initiative help change future building codes in anyway?

**Answer:** Like green buildings?

**Question or Feedback:** I just mean setbacks and things like that.

**Answer:** The buildings most likely to be affected by this would be by rooftop farming. Where building codes come into play is assessing whether or not a building could support farming on a roof. That wouldn't involve changing building codes; it would involve applying existing codes to a new kind of use on the roof and determining whether or not safety codes can be met. In terms of new buildings, where the codes might evolve would be to accommodate roof level farming into new buildings. I think that will be a new area, but we're a bit of a ways off from that.

**Question or Feedback:** What would be the final date for submitting written comments?

**Answer:** As soon as possible—by the first week in August. We're trying to get all of the recommended changes to the working group by August 22<sup>nd</sup>. Our last meeting is next week in South Boston (7/31/13), so we'll be wrapping up soon. We have all our meeting notes online, by the way, and we're taking a hard look at those now to determine if we will make changes to the existing draft Article 89, the way you see it tonight.

**Question or Feedback:** What constitutes a farm stand and would it technically be a farm stand if someone sold out of their house?

**Answer:** You could not sell out of your house without a permit for a farm stand when Article 89 goes into effect. The problem is that if the farm is in a residential neighborhood, as Article 89 is read now, farm stands are not allowed, because retail isn't allowed in the underlying zoning in residential neighborhoods. At several of the neighborhood meetings earlier on, we received pushback that that is too restrictive – and access to fresh food should be made available all over the city, including residential neighborhoods. So that's one item we're taking under consideration at this time. If retail is already allowed somewhere in the underlying zoning, the farm stand would be allowed according to Article 89. The feedback we're hearing is that for something as small as a farm stand, you shouldn't have to have a public hearing, but we'd have some people in the BRA's Zoning Department to convince of that.

**Question (by BRA Staff):** How do people feel about Article 89 or this process in general?

**Feedback:** I think this is great, this is really positive. Since farming isn't currently addressed in the zoning code, meaning it is forbidden, this is a great step!

**Question or Feedback:** Are you benchmarking with other cities who are also addressing urban agriculture in their local zoning, and taking their best practices into account?

**Answer:** Yes we are. For each section of Article 89, we had a research module (i.e., one on composting, one on hens, one on soil safety, etc...) and these lasted for two or three meetings. We brought in experts, really studied best practices of other cities. There's been a lot of thought that's gone into each topic that you see addressed as a section of Article 89. That being said, other cities are still experimenting and learning.

**Question or Feedback:** Is Boston doing anything more innovative or different than other cities?

**Answer:** Probably more restrictive with the keeping of hens and bees, because of the issues mentioned. And we're requiring the testing of imported soil. No other cities are doing that. We're in line with a lot of cities though. We think we've done a lot more public process and vetting than most cities.

**Question or Feedback:** Are there problems with landmark status conflicting with farming?

**Answer:** If you're in a historic neighborhood, you will have to go the Landmarks Commission, or maybe the Neighborhood Design Overlay District ("Landmarks Light" – as of right design review if you are in a BRA-designated Neighborhood Design Overlay District), you'd need some extra design review. If it's within 100 ft of a park, Parks Department would have to look at it; within 100 ft of water, Boston Conservation Commission would have to look at it. None of this is reflected in Article 89, but we're writing a Users' Guide on how to start a farm, and any additional layers of review, not needed for zoning, will be in there.



## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #8 – Public Questions and Comments

**Date:** July 15, 2013

**Neighborhood:** Dorchester (Meeting #2)

**Location:** Dorchester House

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**Question or Feedback:** I sat in on the meetings this past year, and as a citizen I really appreciate that there has been care taken to ensure that everyone's concerns have been heard. People's thoughts are always taken into consideration, and I'm really glad to see so many people here.

**Question or Feedback:** Article 89 addresses roof level greenhouses, but what about ground level greenhouses?

**Response:** Ground level greenhouses are less problematic because there are not generally concerns about adding to building height, weight load, fire safety, etc. Constructing a ground level greenhouse is generally easier to do. We need to confirm this, but I think any structure over 750 sf would require comprehensive farm review. If this is not clear in Article 89, we will make it clear.

**Question or Feedback:** What are the guidelines around constructing greenhouses?

**Response:** Specific requirements for ground level greenhouses are not outlined in Article 89 except that they will have a maximum height limit of 18'. In the guidelines, there is some language relating to transparency and materials, but these are guidelines and not requirements. We will double check to see if this is something that requires more attention in Article 89. In any case, like CFR, design review for structures is something that would take a matter of weeks, not months.

**Question or Feedback:** Does that mean that just the structure would require comprehensive farm review, or would the whole site trigger CFR?

**Response:** As it is written now, CFR would only be conducted for the whole site of the farm, not for any one particular structure. However, our intent has been that the BRA would review any structure that is larger than 750sf, as that is the design review standard for building set in place already with the BRA. If that is not clear in Article 89, we will make that language more clear. Either way, comprehensive farm review of a structure will just be an administrative review performed by staff that would take, at most, 45 days. Any structure would also require a permit from ISD to build so that it meets building and safety codes.

**Question or Feedback:** But it's a review of the whole project, not just the structure?

**Response:** We will only want to review the whole project if a ground level farm is greater than 0,000 sf or if a roof level farm is greater than 5,000 sf. We need to confirm this, but if a proposed ground level farm is less than 10,000 sf but includes a

structure over 750 sf, then BRA staff will perform design review on the structure itself, and ISD will review the structure to make sure it meets building and safety codes.

**Question or Feedback:** How did the 5% compost rule get arrived at? It seems restrictive.

**Response:** I'm glad you asked that; that question has come up in a number of meetings. This is how we did it: We surveyed a number of farms in Boston and asked farmers to tell us how much of the farm area is devoted to compost. What we got was a range from around 0.6% to 2% of the farm. Article 89 allows up to 5% in order to give farms fairly generous leeway while still controlling the amount of composting so that it does not get out of hand. The fear was that some farms might be tempted to turn the entire site into a composting site.

**Question or Feedback:** Why not use some sort of volume measurement, instead of farm area?

**Response:** We checked with several farmers and these farmers as well as members of the Mayor's Urban Agriculture Working Group felt comfortable that 5% provide sufficient space. However, if you were to consult with some experienced farmers and provide us with a different set of parameters based on volume, we would be glad to consider to that.

**Question or Feedback:** In terms of thresholds for triggering review, is that based on one farm site? What if you wanted to turn several small sites into one farm?

**Response:** The idea is that the farm impacts the immediate neighbors, so the intent is to focus on the size of any given farm site. But If I understand your question, you are describing a scenario where you have a single farmer with multiple sites, possibly in the same neighborhood. Unless the farm sites are contiguous to one another, each farm site would have to be reviewed based on its own size. Furthermore, if you expand any one farm site, CFR would be triggered if the expansion is greater than 10%.

**Question or Feedback:** What if you have a farm site on multiple lots? Is it treated as a single farm or multiple farms?

**Response:** See response to last question. There might also be a situation where you have a single property, but you are going to build the farm out in stages. What matters here is the ultimate size of the farm at a given location. If the ultimate farm envisioned is greater than 10,000 sf, than even if the separate stages are under 10,000 sf, each stage must be submitted for CFR.

**Question or Feedback:** Where are we at with the issue around farm stands? Right now it's very restrictive to be able to set up shop and get food to people where they need it most.

**Response:** Under Article 89, farm stands would be allowed wherever retail is allowed and would be conditional everywhere else. However, at several of the neighborhood meetings, we have been getting feedback that Article 89 should be more permissive in allowing farm stands. So based on public feedback, we're working with our zoning staff to potentially change this. The concern is it will spiral out of control, and while the intention in the beginning is to sell uncut produce, it's quite possible that value-added products would start being sold, then non-food items. But, we continue to discuss this with them.



**Question or Feedback:** It's curious because farmers markets are allowed by right as an accessory use on a whole variety of lots where retail is not allowed.

**Response:** We have heard this comment from others. The provision in draft Article 89 that would allow the accessory keeping of farmers' markets in residential districts may have to be removed for this reason. We realize that we have to address this inconsistency.

**Question or Feedback:** Although I'm not suggesting that Article 89 become more restrictive.

**Response:** We may have to revise the language on the farmers markets as an accessory use. But if you can put your comments in writing it would make the case for farmers markets even stronger. The more feedback we get on that, the better.

**Question or Feedback:** Who do we send it to?

**Response:** You can send it to us. We'll make sure it gets to the zoning staff.

**Question or Feedback:** I'm Everett from City Soil and Feed, and just wanted to say if anyone here has any questions about soil safety, City Soil is a great resource.

**Question or Feedback:** If your soil provider regularly tests their soil, and has documentation, are you required as an importer of their soil to test it again?

**Response:** If the tests used by the soil provider are the same as the tests required by the Soil Safety Protocol—that is, if it the test matches the City's testing requirements, I'd assume it would satisfy the protocol. But if, for example, they were only testing for lead, and the city protocol required testing for other items, the soil would still have to be tested for those other items.

**Question or Feedback:** So it might be possible for folks to get together and buy soil as a group and get it tested once and spread it around several sites?

**Response:** As long as it meets the soil safety protocol for what we need testing for, it shouldn't be a problem. The testing method used by the provider must also meet the minimum requirement of the Soil Safety Protocol of (1) composite soil sample per 500 cubic yards of soil that is representative of each source of imported material.

Also we would like to point out that Brian Glasscock of ISD has joined us this evening as well. ISD will be involved in reviewing farms from the very beginning and making sure they comply with soil safety protocol.

**Question or Feedback:** What's being done about farmers using pesticides and GMO's and organic practices? How can we ensure our neighbors are farming as clean as possible?

**Response:** It's our understanding that the crops that use GMO's (alfalfa, corn, soy) are not the crops that will be grown in the city. These are generally grown at a much larger scale than would be possible on the size of farms that are feasible in Boston. Also, the scale of farms in Boston is such that you won't be attracting big agribusiness. Also, as we pointed out during the presentation, Article 89 doesn't regulate the types of seeds being used, but with the scale and types of crops being grown here, it's very unlikely GMO's will be used. In terms of pesticides, if you are a neighbor concerned about pesticide use, a quick call to the DEP's Pesticide Board will result in a visit by Pesticide Board inspector to the farm. Pesticide use is

regulated by the State and not the city. It's no different than your neighbors using pesticides now.

**Question or Feedback:** Article 89 isn't designed to cover backyard or community gardens, assuming they're only for personal use. What if people want to grow to sell in those situations?

**Response:** BNAN is the organization in Boston that helps facilitate community gardens throughout the city. They felt strongly that the way things are working right now for community gardens under current zoning is just fine. They asked us not to include community gardens in Article 89. They already have their own zoning subdistrict OS-CG. If they're already selling produce, they're finding ways to do that, perhaps through a variance or licensing agreements. That could change over time—in other words, at some later point, if community gardens felt there was a benefit for community gardens to be addressed by Article 89, the article could be amended. However the current thinking is that BNAN wanted community gardens not to be addressed in Article 89.

**Question or Feedback:** I'm not asking so much about the regulation of the gardens themselves, but rather the ability of small scale people growing in their backyards to sell their produce.

**Response:** You'd need to be a registered farm. You'd need to go through the process outlined in Article 89, apply to ISD, and list your farm as a vendor. How that happens in community gardens is a little bit more complicated. .

**Question or Feedback:** If the lot was clearly residential, but you wanted to establish part of your lot as a farm as an accessory use, that would be allowed?

**Response:** Yes. But you would have to go through a process to get a permit to operate as farm, and it would be subject to all Article 89 requirements for a farm.

**Question or Feedback:** And if someone wanted to farm in several backyards?

**Response:** It would be subject to Article 89 and would require a permit to operate from ISD.

**Question or Feedback:** For each backyard?

**Response:** It may depend on whether they were contiguous or separate. Green City Growers uses a similar model. They build and maintain raised beds in different locations and sell a portion of the produce.

**Question or Feedback:** Will there be some way for people to start accessing the vacant land the city owns to farm?

**Response:** Answer number one is yes. We're investigating all the farmable, publicly owned vacant parcels in Boston, and how to engage the owning public agency in leasing or sales. The other conversation is really with DND because they are a large landowner, and we've started a conversation with them about what parcels may be good for farming. The third conversation is the one going on around the Fairmont-Indigo Greenway. What do they want to see happen throughout the neighborhoods, what do the neighborhoods want to see, is there a possibility that some of it may be used for urban agriculture. We're hoping to make this information as accessible as possible as quickly as possible.

**Question or Feedback:** Are announcements of these conversations going to come through your office?

**Response:** Yes, you could come to the Office of Food Initiatives website, and we have a variety of announcements there.

**Question or Feedback:** I just want to add that in Dorchester, there's a parcel on Balou Avenue that is being considered for urban agriculture right now.

**Question or Feedback:** Is there a point person we should get in touch with in the city if we have concerns about a farm?

**Response:** Each neighborhood has a BRA planner assigned to that neighborhood that would be aware of that particular project. There would also be someone from the Mayor's Office of Neighborhood Services (ONS) assigned for that neighborhood, so there would be two points of contact for each neighborhood.

**Question or Feedback:** What are the things ISD will be looking at when reviewing farms?

**Response:** Basically, compliance with the zoning article. Secondly, things like compost containers, pest control, if you're bringing lots of soil in, how will you get it onto the site. Other than that, if there are no structures, there really isn't much for ISD to look at. It's very minimal. Another thing we'll want is a copy of the soil test to ensure you're meeting the BPHC guidelines.



## Article 89 Urban Agriculture Rezoning Neighborhood Meeting #11 – Public Questions and Comments

**Date:** July 31th, 2013

**Neighborhoods:** South Boston

**Location:** Condon Elementary School

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**Question or Feedback:** Do you have a map that shows where chickens and bees are allowed here?

**Answer:** Yes, (Staff goes back to the slide and zooms in). In South Boston, for people who want hens and bees, this is good news. It is mostly a conditional use, not a forbidden use. If you want to know about a specific street we can look that up for you.

**Question or Feedback:** If I have a garden in my backyard, I could classify that as a farm?

**Answer:** It depends on what you're looking to do. If you are looking to sell, you would need to actually go through the soil safety process, apply to ISD (Inspectional Services Department), and go through the entire process of designating yourself a farm. You would have to essentially follow the rules that Article 89 sets forth to become an urban farm. That would allow you to sell produce at your local farmers market, if you wanted to do that. You could even sell on-site as long as retail is an allowed use in the underlying zoning.

**Question or Feedback:** I had no idea I was in a conditional zone for chickens, or I would have already had them. When I called the city and asked originally, they said 'no. I couldn't keep them'. So how do you go through this, and why not change the zoning so everyone can have chickens?

**Answer:** You would first have to apply at ISD for the use ("Accessory Keeping of Animals"). They will reject you based on it not being an allowed use. But this will start the ball rolling for your conditional use process. You will put in a queue to stand before the City's Zoning Board of Appeal (a 4-6 month wait). You would also have to apply at ISD – Health Division for a "live fowl license" (the permit) once your use is approved at the ZBA.

**Question or Feedback:** So how do we get to the changing the zoning issue?

**Answer:** There's a handout on the front table about what you can do as a neighborhood to amend your underlying zoning. Article 89 can't do that because of the conflict provision in the neighborhood zoning articles. But you can ask us to change it; you just have to get your neighborhood organized in support of it first.

**Question or Feedback:** You'd have to do that for fish too, right?

**Answer:** Yes

**Question or Feedback:** It seems like there's going to be a very small number of people interested in this, but those who are, are very interested. It might be very difficult to get neighbors to care. Is there any other way to go about that?

**Answer:** The way the zoning code is structured right now, the Mayor can't make a sweeping change of the use regulations for the keeping of animals citywide. We generally don't want to impose something on a neighborhood without a process. But, if you can mobilize other people, other groups who represent the neighborhood to support you, you will hopefully

have some luck. You may also want to join forces with Legalize Chickens in Boston (LCIB). We have that contact if you want it.

**Question or Feedback:** But if I just wanted fish for me, not to sell, is that forbidden?

**Answer:** Not necessarily. The sales part is what is forbidden.

**Question or Feedback:** On soil testing: how do I find out more about that process? Who guides me through the steps?

**Answer:** We're putting together a user's guide to Article 89 to help people through this process. The gatekeeper for all permits is ISD. While BPHC (Boston Public Health Commission) will have to see certification from the farm that the soil has been tested, the final sign off on use and permitting will be ISD. They will need to see the soil testing certification from BPHC. The soil testing process isn't too onerous or expensive. Contact UMass extension. Many backyard gardeners use UMass Extension to test their soil.

**Question or Feedback:** It's not just the testing, it's the whole process. How do I know when I call the city that I'll actually be able to do this and not get cut off by some rude person on the phone?

**Answer:** We do need to go through some education with other city departments on all aspects of Article 89, and we plan to do this as Article 89 is finalized and going into effect if not sooner.

**Question or Feedback:** Is there documentation about the CFR (Comprehensive Farm Review) process and criteria - and could the neighborhood approval process make it vulnerable to derailment?

**Answer:** The guidelines are pretty clear. We tailored the language to be very similar to the design review process (found in the neighborhood zoning articles) that we do for buildings. Also, if an urban farm is going through CFR, it's an allowed use, so that part is not going to change. What CFR does, is say that if you live within 300 feet of the site, you will get a letter that says you have two weeks to submit comments about the proposed urban farm, and as we review the proposal based on design and potential abutter nuisances, we'll take these concerns into account. But those letters will not stop the permitting process if the urban farm is an allowed use in that zoning district. It won't be a public hearing before the City's Zoning Board of Appeal (ZBA). It's the ability to shape the urban farm, not to say 'no'. It's also just an opportunity for the neighbors to be aware before the shovel goes into the ground.

**Question or Feedback:** I ask because I have concerns on both ends. We do want to make sure there is community input. To what degree would neighbors have the opportunity to make their concerns known?

**Answer:** The concerns we're targeting are concerns about operations, location of farm activities such as composting, location of farm structures, proper screening of some activities, any signage, and those kinds of things. It's not the ability to stop the project.

**Question or Feedback:** What if you're trying to grow in a certain way; you need light in a certain space, for example. Is someone with some agricultural knowledge reviewing this?

**Answer:** Well sure, there's a dialogue between the farmer and person reviewing it, and the person reviewing it is a landscape architect, so they understand plants, vegetation, growing. We know that the first few farm plans that we're reviewing will have a learning curve to some extent. Also, the Design team at the BRA has been integral in shaping the CFR section of Article 89. While the Working Group and public have also been integral in shaping it, the Design team at the BRA also gives feedback on what the Working Group and public is asking. So, the folks reviewing the farm plans for CFR are also the ones who have been helping us author and shape the CFR section in Article 89 since the beginning.

**Question or Feedback:** I appreciate the work you all have been doing for the last year and a half. Some urban farmers have approached me about having access to the City's composting site for compost or the ability to send spent farm materials there. Is there discussion around this process once it gets to a level where the City is going to have a lot of material to compost? Is there forethought about that?

**Answer:** Article 89 contemplates two kinds of composting operations: one is a primary use, or main use. Article 89 only allows that in industrial zones, and only as a conditional use. For composting as an accessory use (up to 25% of a lot as defined in the zoning code today), Article 89 suggests that composting associated with a farm should make up no more than 5% of the farming site. We've been getting some pushback that 5% is not enough. We're open to that conversation.

**Question or Feedback:** So how did you get to 5%?

**Answer:** We asked local farmers to provide us with information about what land area on their farm was devoted to composting. The answers we got were anywhere from .16% to 1.5%. So we gave a lot of leeway by going up to 5%. If there are folks who feel it should be more than that, we'd just like to see the documentation about why it should be more than 5%.

**Question or Feedback:** Would there be a conditional process to bump it above 5%?

**Answer:** It's technically restricted. It would require a variance.

**Question or Feedback:** I'm just concerned that we're going to be potentially limiting this.

**Answer:** We're open to changing that cap of 5%. We just don't want an arbitrary number. We want to see some kind of documentation or analysis from other urban farms showing why it should be higher. The concern on the other end is this: producing and selling compost can be a very lucrative business. The concern is that a farmer might be tempted to turn more of the site into composting, which can become a nuisance if you don't know what you're doing. And that's a concern shared by people in the city, at the state, and some local people who know about this.

**Question or Feedback:** What has been the flavor of the meetings? Are people excited about this zoning initiative?

**Answer:** There has been a lot of excitement. The meetings have gone well. In some meetings, we got hung up on soil safety. People are disappointed that we're not changing the use regulations on hens and bees. We'd love to, but we're up against the conflict provision stated in all underlying zoning articles for the neighborhoods that have been rezoned from the 1965 Base Code. You can get in touch with Legalize Chickens in Boston if you're interested in participating in the movement to change use regulations for the accessory keeping of animals which will be separate from the adoption of Article 89 – LCIB is very active. But, overall, the meetings have gone well. We're on a good schedule to finish up.