

URBAN AGRICULTURE WORKING GROUP

MEETING NOTES

NOVEMBER 9, 2010

1st Meeting of the Mayor's Urban Agriculture Working Group
Tuesday, November 9, 2010, 8:00 p.m.
Boston Redevelopment Authority, Room 937A

ATTENDEES

City/BRA Staff

Edith Murnane, Director of Food Initiatives, Mayor's Office
Tad Read, Senior Planner, BRA
Andria Post-Ergun, DND
Vladeck, Abi, Advisor to the Mayor

Working Group Members Present

Andrews, Danielle
Begelfer, David
Bickerstaff, Bruce
Foley, Roseanne
Hernandez, Camilo
Kinkead, Gareth
Layzer, Judith
Lloyd, Glynn
Leung, Alice
Mukherji, Nina
Ritchie, Bob
Sullivan, Sue
Spang, Larry
Warner, David
Wiest, Don

Working Group Members Absent

Suarez, Marco
Kogut, Melissa

Notes

The agenda and handouts for the meeting are attached. The meeting began at approximately 8:05 a.m.

Tad Read began with an overview of the City's urban agriculture rezoning initiative, discussing the two phases, including Phase I, the initial rezoning and land disposition of the DND parcels in Dorchester/Mattapan, followed by Phase II, a comprehensive citywide rezoning process. Phase I is expected to be complete by March, 2011, at which time Phase II will begin and continue through calendar year 2011. Tad also talked about the role of the Working Group, with one of their primary responsibilities being to review and trouble shoot recommendations developed by staff. Edith Murnane provided an overview of the Mayor's Food Initiatives, describing the following goals and five objectives:

Edith stated that the Mayor and City seek to establish an environment in which all of its citizens have direct access to locally produced fresh food, the ability to produce food for themselves, and access to education and knowledge about healthy eating. Objectives for the Mayor's Urban Agriculture Initiative include:

1. Increase access to affordable and healthy food, particularly in those communities that are currently underserved.
2. Promote greater economic opportunity and self-sufficiency, including increasing the capacity of Boston residents and business to grow and distribute local, healthy food;
3. Increase education and knowledge around healthy eating and food production, particularly among youth.
4. Increase partnerships with, and/or between, local and regional food producers
5. Increase healthy food supplies to local schools, organizations, institutions and corner stores.

Working Group members were then asked to introduce themselves, briefly describe their backgrounds and talk about what they felt they could bring to the Working Group. Each member did so.

A brief discussion about the objectives ensued. Some WG members raised the potential incompatibility between commercial profitability on the one hand and community benefit objectives (training, education, employment, etc.) on the other. It was suggested that to support the community benefits the City might need to subsidize some of the costs, particularly up front costs.

David Begelfer asked why the BRA was pursuing rezoning the parcels rather than a zoning overlay. Tad responded that the BRA had not considered a zoning overlay, but that he would explore that question.

David Begelfer also raised the question of whether zoning the DND land for “urban agriculture open space” might trigger Article 97 requirements upon rezoning back to residential use. Don Wiest said he thought the critical issue for triggering Article 97 was the City’s originally stated purpose was in acquiring the land. Tad indicated that BRA legal staff was already looking into the question.

Alice Leung asked about the apparent incompatibility between the time limit on farming the DND parcels (5 – 10 years) and the large investment farmers would make in preparing the land for farming. What happens after 5 or 10 years? In response, Edith and Andria explained that the term could be extended another 5 years, and that it was not improbable that the land leases could be further extended after 10 years, depending on the success of the endeavor.

David Begelfer inquired about liability issues and whether DND would have insurance requirements for DND properties. Andria answered that all proponents would be required to have standard liability insurance required for all DND land leases.

Don Weist asked whether the properties had been tested for soil contamination. Andria indicated that no testing would be done; instead, all properties would be required to have raised bed, with a protective membrane between the raised bed and existing soil.

Danielle Andrews expressed a concern about whether it was possible to grow basic food and still make a profit in this part of Dorchester/Mattapan, given that it was an environmental justice neighborhood with a large low income population. Judith Laizer responded that the solution lay in part in creating a farmers market in the neighborhood. Danielle raised a related concern that the sizes of the DND parcels in question were better suited to growing specialized foods (such as berries), which was a problem because specialized food would not satisfy the need for basic, affordable food in the neighborhood.

Sue Sullivan asked if the City would consider waiving a lease fee in order to support economic feasibility. Andria answered that, as currently proposed, the annual lease fee for each parcel would be \$1,200 but that the City was open to comments on this.

David Warner suggested that there was a need for the City/BRA to run through an exercise of modeling a hypothetical business plan for farming the DND properties in order to get a more grounded and realistic sense of the economics of farming. Without such an exercise, it would be impossible to realistically understand the economics of these sites or the possible need for subsidies.

Alice Leung wondered whether a commercial business plan would work; she offered that a hybrid commercial/not-for-profit approach might make more sense, in light of the community benefit objectives of the project.

In response to the back-and-forth conversation about the prospect of profitability, Don Weist suggested that the whole point of the project was to test the market; the City would use this pilot project to learn and adjust accordingly.

Glynn Lloyd suggested that each property needs to be a self-sustaining business enterprise, able to compete in the larger community business environment.

Danielle Andrews suggested that one way to serve the objective of providing affordable, healthy food directly to the neighborhood was to work with the corner store initiative.

Bob Ritchie made two suggestions for the City/BRA: 1) that we prepare a list of the State regulatory framework, including institutions and regulations, that would be apply to urban agriculture of this type; and, 2) the City needs to make the case for rezoning these specific parcels as opposed to specifying the defining characteristics that any parcel, regardless of ownership, must possess in order to be governed by the “urban agriculture” provisions of the zoning ordinance.

Abi Vladeck indicated her interest in fish farming and wondered if it might be possible to allow fish farming on a modest scale on these sites.

Camilo asked whether existing community gardens could also be rezoned to “urban agriculture open space”. Tad answered that it would be, as long as the land qualified as Vacant Public Land as defined in the Open Space Subdistricts section of the Zoning Code.

Nina Mukherji asked if the proposed zoning would allow worm composting; Tad said he would look into this.

There was a brief discussion among Working Group members about whether enclosed, season extending structures might need a heat source, and what the implications might be for feasibility and cost.

Glynn Lloyd said he felt that hoopouses should be explicitly addressed in the zoning language. He also stated that he thought the time and cost of permitting should be explicitly addressed.

Sue pointed out that the Town of Hingham has developed a successful farmer’s market model called Standards Farmers Market.

Edith thanked all the members for attending and indicated that the next meeting was likely to be in February. Tad indicated that information and updates about progress on the urban agriculture initiative will be sent to Working Group members in the meantime. The meeting adjourned at 10:00 a.m.

Attachments:

Meeting Agenda and Related Handouts



Working Group Meeting #2
Thursday, October 27, 2011, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Caitlin Cameron, Intern, BRA
Edit Murnane, Director of Food Initiatives, Mayor's Office
Tori Okner, Intern, Mayor's Office

Working Group Attendees:

Danielle Andrews, The Food Project
Don Wiest, Boston Public Market Association
David Warner, City Feed and Supply
Rosanne Foley, Dorchester Environmental Health Coalition
Nina Mukherji, Boston Park Advocates
Judy Layzer, MIT, Department of Urban Studies and Planning
Bill Gillmeister, Massachusetts Department of Agricultural Resources
Rose Arruda, Massachusetts Department of Agricultural Resources

Meeting Summary

Welcome and Introductions
Status of Pilot Urban Agriculture Project in South Dorchester
Launch of Phase II: Citywide Rezoning
Regular Working Group meeting day and time; next meeting
Other Issues

Handouts: Phase II Citywide Rezoning Scope of Work, Phase II Schedule

Update on Pilot Program (Edith and Tad):

Group was updated to the status of the Pilot Urban Agriculture Project in South Dorchester Announcement that proposed Urban Agriculture Overlay District Zoning will heard by the Zoning Commission on November 16, 2011 at 9:00am. Working Group members are encouraged to attend and testify in favor of the zoning (or recruit others to do so)

- *Tad*: We learned about some issues of particular concern to the community, such as soil safety, concerns about keeping of animals and bees.
 - o *Rosanne*: Community felt they had not been notified early enough in process and would have like to give more input on parcel selection. Councillor Yancey continues to bring up soil safety issues.
 - o *Don*: Commercial developers also do not test soil; this is generally only necessary if digging into the soil. The costs associated with this are very high and raised beds are a good solution.
- *Nina*: What is necessary for a zoning overlay that is not already allowed on the parcel as zoned residential?

- *Tad*: Although growing of vegetables is allowed on residential properties, the commercial use is not. Also, composting is not currently addressed by zoning; the keeping of animals is allowed as a conditional use in many parts of the City where the “base” zoning (zoning adopted prior to the 1960’s) is still in effect.
- *Tad*: Moving forward, the public process in South Dorchester made the City aware of two particular concerns in the community about the Pilot project:
 - 1) The community seeks involvement with the farm management
 - 2) The community desires community benefits from the farms (CSA’s bounty bucks, etc)

Launch of Phase II (Tad):

Timeline is arranged according to modules, working group meetings and public meetings

- A memo for each topic will be sent out before each Working Group meeting
- Once modules and recommendations are finalized there will be a series of approximately 10 public meetings, each located in different Boston neighborhoods
- Feedback from the community meetings will be brought back to the Working Group, and the recommendations will be revised based on these meetings.
- *Nina*: It sounds like the modules focus on issues and uses – how does this fit into zoning?
 - *Tad*: Zoning is across the whole city, not neighborhood specific
 - Working Group will help determine which urban agriculture uses will be appropriate for different zone districts in the city.
- *Judy*: What is the nature of the proposals we will be bringing to the community meetings? What is the purpose of the background information that we are researching?
 - *Tad*: The community meetings will serve as a venue to present the zoning recommendations. The background research is primarily for the benefit of the Working Group to make recommendations
 - *Rosanne*: Part of our research could include other community-based plans.
 - *Tad*: We are using the APA document as a resource which has examples of other approaches. Do Working Group members have recommendations or examples?
 - *Rosanne*: Specifically meant other examples in Boston which could inform group what other communities in Boston are already doing from a community planning perspective.
 - *Edith*: The East Boston Community Health Center could be one example
 - *Judy*: Examples don’t necessarily have to be agriculture related
 - *Tad*: Just to clarify, do you mean examples of community planning that the BRA is involved with? Or examples that have no city involvement?
 - *Rosanne*: Both.
- *David*: How informed were the City Councillors in the process for the pilot program? Where they invited into the process?
 - *Tad*: We began the process with meetings with Yancey and his staff. His staff have been invited to Working Group meetings. ONS will also be involved in the outreach and planning of the community meetings
- *Don*: Regarding the concerns with animals and beekeeping – believes the reaction will be different in different neighborhoods. Is there a possibility of targeted rezoning in some neighborhoods to act as an example to other neighborhoods?

- *Tad*: We may want to consider an approach that would allow neighborhoods to opt in or opt out. In the case of keeping animals and bees, perhaps different neighborhoods could choose how the zoning is applicable to them.
- *Tad*: *When* we have meetings in the neighborhoods, reactions to these issues will become more clear

Scoping:

- There is an internal process to produce research and preliminary recommendations.
- We are also consulting experts on each topic and would also like the experts to be available to answer questions from the Working Group on each module
 - *Bill*: MDAR has a lot of people in the department that could help from the expertise side of these issues
 - *Tad*: This would be especially helpful for public meetings if there is an expert who is comfortable addressing a group
 - *Rosanne*: at the community meetings in Dorchester, there is some questioning of “so-called” experts; this may be different for a city-wide meeting or meetings in other neighborhoods
 - *Tad*: What can we do to change that reaction?
 - *Judy*: I believe the “so-called” expert issue is epidemic to the country and not just neighborhoods like Dorchester. One approach is to ask the community “what can we do to show you?”
 - *Rosanne*: Could we develop a demonstration project for community to understand the soil contamination issues and how to safely grow? The city could get involved in an event like this.
 - *Judy*: make the building process public
 - *Edith*: the raised-bed raising for the pilot project could accomplish this
 - *Rose*: or use a block party model
- Working Group will generate recommendations based on research – these meetings are also open to the public
- Additionally, we would like the Working Group members’ recommendations for the city-wide meeting
 - Location: considering Faneuil Hall or Boston Public Library
- *Rosanne*: It would be cool to link the meeting with Thanksgiving as a food-related holiday
- *Edith*: In terms of locations related to food, the upstairs room in Faneuil Hall is a good space
 - *Bill*: we have used that space – the acoustics are a little off, but overall it works well
 - ONS will reach out to advertise the meeting
 - Date: we are looking at the week before Thanksgiving, Commission meeting is November 16th
- *Judy*: What is the purpose of this meeting?
 - *Tad*: The city-wide meeting is to let the community know about the content and the process, to inform them about the Working Group and expert input as well
 - *Judy*: I think we could look for ways of making it fun and engaging and not just an informational meeting

- *Suggestions included:* tables, local products grown and produced in the city (honey, produce), farmers and groups (Clark Cooper, Merino Farm, Food Project, Allendale Farm, Revision House, Garden Girl, winter farmers market), visuals of other successful urban farms (before and after, rooftop farms, other cities)
 - *Nina:* We could have a visioning session from community about their goals
 - Make the meeting participatory
 - *Rose:* It's important to not be dismissive – concerns can turn into real opposition with real effects on the outcome (Blue Hill as example). We can effectively offset Yancey and community concerns by meeting people where they are at.
 - One suggestion is to attend community meetings, get on the agenda and bring awareness and education about the issue and ways to get involved. This diffuses fears and concerns without going through the gatekeepers
 - *Rosanne:* neighbors and residents are not always supportive of the gatekeepers/community organizations, too
 - *Judy:* We also can't assume people understand how zoning works and what it is. It would make sense to begin the meeting with introductory information about the zoning and the process
 - *Don:* People are hesitant to be guinea pigs, or feel as though something is being tested on them. Use the momentum of the national movement to support the idea and show that it is not untested
 - *Nina:* Boston is also a leader in this area – first to make growing food a zoning issue (community garden districts); maintain the pioneering character of Boston in these areas
- *Tad:* Are there any further thoughts about the city-wide meeting?
 - *Rose:* I think the symbolism of the location is important.
 - *Tad:* How do people feel about Faneuil Hall? Or are there other locations that would be more appropriate?
 - *Judy:* Although Faneuil Hall was originally food-related, it's now seen as more upscale and touristy
 - *Rose:* I think BPL is pretty neutral
 - *Other suggestions:* Tufts Medical school with garden, RCC Roxbury
 - *Danielle:* Who are we making the meeting accessible to? If we are highlighting local products, then Faneuil Hall would exacerbate the upscale aspect because the local products are also more expensive.
 - *Edith:* One of the advantages to the government center area is that many T lines converge here making it the most transit-accessible
 - *Rosanne:* How many people are we expecting? About 130?
 - *Don:* Can city send details about city-wide meeting to Working Group members for outreach?
 - *Rosanne:* better to not use attachments in emails, send a link to the flyers, details
 - *Rose:* suggest outreach to BNN for education and outreach, also Howard Manley at the Boston Banner for publicity before the commission and city-wide meetings; local papers are well read. Linda Forey, Representative Rushey and Liz Malia as possible supporters
 - *Rose:* It would be good to have abutters and people of color at the meeting
 - *Tad:* the farmers are working with abutters

- *Rose*: Message should be for community to “help us” with this process rather than telling them how the process will work, setting the stage
- *Edith*: Looking at the timeline – is this schedule too ambitious?
 - *Tad*: The challenge for November is having both a commission meeting and the city-wide meeting in the same week

Working Group Meeting Logistics (Tad):

In terms of Working Group meetings moving forward, are Thursday mornings good for most members?

- General consensus that before or after work hours is best; mornings are preferable
- Next meeting date was set for Thursday, December 9th (later changed to Thursday, December 15th)
- *Rosanne*: Once more members are brought into the Working Group, will meetings be closed? Are we still looking for members?
 - The Working Group meetings themselves are open to the public.
 - If you have suggestions of people to invite into the Working Group, please let us know
- *Judy*: Should we have someone on the Working Group that is not supportive of urban agriculture?
 - *Rosanne*: This could diffuse the claims that the process is closed and that there is a lack of transparency. There is credence to being totally transparent and zoning is already a mysterious process. Dorchester is a special case – not sure how reactive other parts of the city will be.
- *Rose*: Regarding adding members to the Working Group – what neighborhoods are not currently being represented in this group and how do we do outreach?
 - Add outreach to Working Group meeting agenda
- *David*: Outreach to neighborhoods seems to be very important. Can we make this a more continual part of the process rather than just at the end?
 - *Suggestions*: updates at Working Group meeting about how community is being engaged, outreach to councilors, problem-solving around engaging community throughout the process rather than just community meetings (social media, etc.), getting input from our communities throughout the process?, Working Group members can help to publicize the public nature of the Working Group meetings

Other Issues (Tad):

- *Bill*: The Food Policy Council is having a meeting next week – it would be good if we could get on their agenda since they are dealing with some of the same issues.

Open Items and Questions

- Add “Outreach” to Working Group meeting agendas
- City-wide meeting agenda: visioning, opportunities for feedback on scope and process
- Send a blurb to Working Group members to send out (what city-wide meeting is about, why people should come)



Working Group Meeting #3
Thursday, January 5, 2012, 8:00am
Location: BRA 937, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Caitlin Cameron, Intern, BRA
Edit Murnane, Director of Food Initiatives, Mayor's Office

Working Group Attendees:

Steve Fraser, East Boston Neighborhood Health Center
Nina Mukherji, Boston Park Advocates
Rose Arruda, Massachusetts Department of Agricultural Resources
Jen Faigel, Real Estate Consultant
Joel Wool, Green Dorchester
C.M. Cato Louis, Mattapan Food & Fitness, Boston Collaborative for Food & Fitness
Glynn Lloyd, City Grower, City Fresh
Danielle Andrews, The Food Project (via phone)

Members of the Public Attendees:

Betsy Johnson, Boston Collaborative for Food & Fitness

Meeting Summary

Welcome and Introductions
Status of Pilot Urban Agriculture Project in South Dorchester
Planning and Preparation for Kickoff & Visioning Meeting
Public Comment
Regular Working Group meeting day and time; next meeting

Handouts: Draft Flyer for Kickoff Meeting, Open House Table information

Actionable Items are in bold

Update on Pilot Program (Edith and Tad):

Group was updated about the status of the Pilot Urban Agriculture Project in Dorchester. Tad announced that the proposed Urban Agriculture Overlay District Zoning was approved by the Zoning Commission on November 16, 2011.

- Moving forward:
 - o leases should be signed during the 1st quarter of 2012
 - o work to prepare sites will take place in March and April

Planning and Preparation for Kickoff & Visioning Meeting (Tad):

Review of Meeting Flyer

- o In response to feedback from last WG meeting, we propose the following:
 - Keynote speaker Will Allen – goal to make meeting engaging, exciting
 - Zoning 101 – goal to educate
 - Breakout Groups – goal to make meeting participatory, inclusive

- Open House with tables from 3 categories (food safety, access to fresh food, small scale farming)– goal to educate, make engaging
- *Glynn*: What is the purpose of this meeting? Is this part of a strategy for making the process smoother?
 - o *Tad*: The city-wide meeting is to let the community know about the content and the process of the rezoning, including informing them about the Working Group's role
 - o We felt the need to have a citywide kickoff meeting for the following reasons:
 - This process will be citywide, which is unique
 - We have agreed to take the WG recommendations, once they are developed, to each neighborhood
 - There is a strong desire to make the project community-friendly
 - As with any BRA planning project, we have to expect the unexpected, as we can't always anticipate of issues will arise
- *Jen*: What is the target audience?
 - o *Tad*: Advocates, neighborhood groups, community gardeners
 - o *Tad*: We are working with ONS to address the community groups, outreach
 - o *Glynn*: Community groups are key because much of the open land is in neighborhoods such as Dorchester, Mattapan. It is important to be clear what the meeting is about when doing outreach/advertising.
- *Glynn*: Showing ID may be an issue.
 - o *Rose*: There could be a pre-registration list for security ahead of time for those who might not have ID (youth, immigrants)
 - o *Tad*: How would we do the pre-registration?
 - *Rose*: Call in or RSVP online. BRA has agreed to add RSVP line to flyer/ad.
 - o Can the venue be changed? Why was this venue chosen?
 - *Tad*: Having a central location was important with access to the subway, and the symbolic nature of a central location
 - *Rose*: It is important to show in good faith why the location was chosen and that we are willing to accommodate people
- *Jen*: I have a concern about the boring nature of zoning – do not highlight the zoning part of the presentation in the advertising. Make the flyer more of a sales pitch.
 - o *Joel*: You could use anecdotes and examples from other cities to help people understand what zoning is
 - o *Nina*: There are some people who would be interested in the zoning aspect; perhaps don't cut that out completely
- *Rose*: I am envisioning that the meeting should have an emphasis on education.
- *Cato*: What is being done to accommodate interpretation/ different languages? And what is the visioning process?
 - o *Tad*: What are the languages that we would need translation for?
 - Portuguese, Spanish, Vietnamese, Chinese, African dialects, Creole (BRA will translate notice into 3 other most widely spoken languages: Spanish, Chinese and French Creole)
 - o *Tad*: There are limited resources to accommodate translation. Is it possible to get WG members and ONS to work on this for us? Perhaps there could be volunteer interpreters at breakout tables. Can anyone help with this?

- *Steve:* We (East Boston CHC) have equipment (headsets) for this. However, the translators need to be trained interpreters.
 - *Rose:* We could use the RSVP system to get a sense for what languages may be needed.
 - *Cato:* New Bostonians could help us to understand the language needs
 - *Tad:* What help can the WG provide in outreach?
 - *Rose:* there can be an email blast from the MDAR email lists. I would recommend both a digital email version and a Facebook/social media version
 - *Cato:* There is space on January 13th on my radio show (Advance Mattapan)
 - *Joel:* We have Dorchester lists and Community Centers
 - *Joel:* I would recommend adding BNAN to the Open House
 - *Rose:* Also, use "Demo" or "Demonstration" when talking about the Open House
 - *Glynn:* Fewer words on the flyer; Will Allen is a draw, emphasize this more; "Come Vision with Us!" in larger font
- *Cato:* Will there be food offered at this meeting?
 - *Nina:* Food can help to attract people
 - *Rose:* Yes, especially if people know they won't have to worry about getting dinner beforehand
 - *Tad:* There will be samples provided by Cuisine en Locale, however, there is some concern over how much food will actually be provided; BRA/City do not have resources to provide supper for attendees
- *Jen:* The big statement here is about education
- *Rose:* Put a picture of Will Allen on the flyer.
- *Glynn:* Possibly change the order of the schedule and start with the presentation about zoning.
- *Steve:* What is the real content of the meeting? "power of urban agriculture" doesn't mean anything. What is the final objective? Will Allen could be the one to tie in the zoning/animals, etc. component. Also, we should discuss what is *not possible* currently that zoning changes will be able to make possible.
- *Rose:* Frame conversation of how the evening is going to run, the topics to be discussed, the goals. How are we allowing for feedback? Possibly make the "Wrap Up" about public comment and feedback.
 - *Caitlin:* What about using comment cards so people can provide feedback without disrupting the meeting. This is also easier for people who do not feel comfortable speaking in front of others.
 - *Tad:* The breakout session/questions are intended to allow people to respond and give feedback
 - *Nina:* It is important to have the opportunity for individuals to give feedback.
 - *Cato:* I like the idea of using cards
- *Tad:* Are there WG members willing to be at the meeting to facilitate breakout sessions?
 - **All WG members volunteered to participate**
Steve Fraser, East Boston Neighborhood Health Center
Nina Mukherji, Boston Park Advocates
Rose Arruda, Massachusetts Department of Agricultural Resources
Jen Faigel, Real Estate Consultant

Joel Wool, Green Dorchester
C.M. Cato Louis, Mattapan Food & Fitness, Boston CFF
Glynn Lloyd, City Grower, City Fresh
Danielle Andrews, The Food Project

- BRA needs to send an email reminder about this.
- *Glynn*: What Will Allen says is important.
 - *Tad*: Yes, we will coordinate with him to make sure his presentation has a similar message
- *Tad*: Is there anything further on outreach that we need to cover?
 - *Nina*: Make sure to touch every neighborhood in some way. Is there a way to keep track of which people are being contacted so we do not duplicate?
 - *Tad*: It is fine to duplicate neighborhoods. It is more important to not leave anyone out so we will need to make sure every neighborhood is contacted by some group.
 - *Rose*: Social media is important but we also need non-electronic versions
 - BNAN, free banners in newspapers,
 - *Cato*: radio stations, calendars
 - *Glynn*: Meals on Wheels, Senior publications, Foley building
- *Cato*: Can we bring youth representation onto the WG?
 - *Tad*: Currently the WG meetings are open to the public. Youth and other members of the public can participate in that way.
- *Cato*: Will animals be included in language?
 - *Tad*: We will allow participants to mention animals, but we will not be mentioning that aspect in the presentation.
- *Cato*: What about child care? Will that be provided at this meeting?
 - *Tad*: Can someone here work on that? (The City/BRA cannot provide child care services for liability reasons.)
 - *Cato*: I will find a volunteer facilitator
- *Glynn*: Will this be the only city-wide meeting?
 - *Tad*: That depends on the feedback we receive during the process
 - *Tad*: There will be neighborhood meetings after the recommendations are drafted.
- *Tad*: Are there any volunteers from the WG to review the presentation?
 - Rose, Glynn, Steve, and Cato volunteered
 - **Send a copy to everyone on the WG list**
- *Glynn*: It is important that the rezoning process is explained during the course of the meeting and that people know what will happen after the kickoff meeting.
- *Cato*: How are we accommodating different styles of communication during the visioning process? Some people prefer to draw rather than write, for example.
 - *Caitlin*: We could provide butcher paper and markers at each table and participants can choose how they want to communicate. We could also keep these pieces of paper as documentation after the meeting.
- *Rose*: Is it possible to have a gallery of examples?
 - *Joel*: Groundwork Lawrence and Somerville should have examples
 - *Edith*: We could use the laminated photos from the canvassing process – have copies at each table?
 - *Steve*: Will Allen should also have visuals to provide

- *Rose*: We could have a Powerpoint/slideshow running on the screens during the Open House in the background
- *Betsy*: I have a Powerpoint that I created several years ago that would serve this purpose.

Public Comment:

- *Betsy*:
 - I recommend that you do not put the agenda on the flyer in order to stay flexible
 - Give people a chance to stay involved; announce at the meeting opportunities and ways for people to continue involvement in process
 - *Tad*: Examples would include WG which is open to the public, neighborhood meetings
 - *Jen*: Could we provide a resource list of opportunities?
 - For the Open House, why not bring in Allendale Farms which is more local than Stillman's
 - This is already happening in Boston: there should be pictures of what is actually happening around Boston and the history of urban agriculture in Boston
 - What other speakers are being considered if Will Allen can't speak? Let Betsy know if Will Allen can't do it; she can help find a speaker.
 - *Nina*: There could be a 5 minute presentation of urban agriculture history in Boston to show what is already happening here
 - *Tad*: Is Betsy willing to share the presentation that she has already put together for us to use at the kickoff meeting?
 - **Betsy and Glynn will share photographs/materials**
 - What other speakers are being considered if Will Allen can't speak? Let Betsy know if Will Allen can't do it; she can help find a speaker.
- *Steve*: What is the allocation of time during the breakout session?
 - *Betsy*: Add a question to the breakout session such as "How do you want to be involved in the process?"

Regular Working Group Meeting (Tad):

- *Tad*: Does this day and time still work for everyone?
 - All but Glynn and Cato
- *Tad*: Shall we meet monthly on the 1st Thursday of the month?
 - What about February? Shall we meet the week of the kickoff meeting?
 - Yes, there will be a meeting on Thursday, February 2nd at 8am at the BRA.
- *Tad*: Should we consider changing to 9am?
 - No, 8am remains

Other Issues (Tad):

- *Rose*: How are elected officials being involved?
 - *Edith*: A memo will go out to City Council
 - *Tad*: ONS notices also go to the elected officials in their respective neighborhoods.
 - Proposal to send notice to the state house, such as the Ag Committee

Open Items and Questions

- Child care at kickoff meeting
- Translation Services
- Will Allen confirmation
- WG is awaiting outreach materials to be distributed (week of 1/9/12)



Working Group Meeting #4
Thursday, February 2, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Caitlin Cameron, Intern, BRA
Edit Murnane, Director of Food Initiatives, Mayor's Office
Tori Okner, Intern, Mayor's Office

Working Group Attendees:

Danielle Andrews, The Food Project
Bruce Bickerstaff, Boston Farming Institute
Valerie Burns, Boston Natural Areas Network
C.M. Cato-Louis, Mattapan Food & Fitness, Boston Collaborative for Food & Fitness
Jen Faigel, Real Estate Consultant
Nicole Flynt-Thomas, Nuestra CDC
Rosanne Foley, Green Dorchester
Steve Fraser, East Boston Neighborhood Health Center
Trish Karter, Light Effect Farms
Larry Spang, Arrowstreet
Don Wiest, Boston Public Market Association

Rose Arruda, Massachusetts Department of Agricultural Resources

Members of the Public Attendees:

Leon David
Allison Houghton, Green City Growers
Betsy Johnson, Boston Collaborative for Food & Fitness
Gregory Murphy
Joel Wool, Green Dorchester
Zara Zsido, UNLP

Meeting Summary

Welcome and Introductions
De-Briefing from Kickoff & Visioning Meeting (January 30, 2012)
Discussion of Preliminary Zoning Recommendations concerning Module 1: Soil Safety,
Composting, Fertilizers & Pesticides
Public Comment

Handouts: Memorandum on Soil Safety, Pesticides & Composting; Spreadsheet of zoning from other cities

Actionable Items are in bold

De-Briefing from Kickoff & Visioning Meeting (Tad):

Request for feedback and reactions:

- *Valerie*: Great turnout; we could have used a bigger room.
- *Edith*: I spoke with Melina Schuler, the media person from the BRA about getting the video from the meeting on the website as well as the 3 questions so those who were not there can find out about what went on at the meeting.
 - o *Tad*: We did request that the video be put up on the website, however, this will take a few days for them to edit and put into segments. (Tad subsequently learned from City Cable TV that it would not be possible to post individual segments of the videotape online; instead, the video of the entire proceedings will be posted in a single segment.)
- *Trish*: What is the City's attitude about press coverage?
 - o *Tad*: In addition to our own press and the WG helping to get the word out, there was a lot of blogging about the event. We also had the advertisements for the meeting in 14 local papers. Actual press coverage at the meeting was disappointing; it appeared that some of the press attention became more focused on the memorial for former Mayor Kevin White.
- *Valerie*: The turnout was extraordinary – they had to turn people away
 - o *Tad*: Well, actually we did not turn anyone away in the end so we had about 270 people in the space.
- *Steve*: I felt that it was a very sophisticated group that was there. As a floater I heard a lot of good conversation and people were focused and got into the questions right away.
- *Rose*: In regards to the concern about pushback from people who were not able to attend or say that they didn't hear about it I think that posting the video will be great. I would suggest also posting a summary of what happened and next steps. If we look at which neighborhoods were most represented at the meeting we can identify key local outlets for the press as well. Can we do things like pitch the story to local papers like the Boston Banner and continue with multi-lingual outreach? It is important to continue the push for outreach now that we have a momentum to prevent issues down the road, especially when the community meetings are so late in the process.
 - o *Valerie*: I think it's terrific to do both print and offer translation services. The Boston Interpreters Collaborative can assist. It's really important to continue to connect with those communities.
- *Edith*: Something that was brought to me during the meeting is that we need to remember to look at this issue across all scales of farming from the individuals to group efforts.
- *Trish*: It wasn't clear what the city's view was on this process and Urban Agriculture – no mission statement.
 - o I also heard a comment about how we are not going to feed the city of Boston with this kind of action – how to make clear that there are multiple objectives. I don't think that people know this.
- *Dor*: Will Allen provided a strong endorsement of Urban Agriculture, but how do we channel that into what the city's doing?
- *Steve*: People were also questioning how committed the city is to this initiative or to what scale the city was going to make a commitment to Urban Agriculture.
 - o *Rose*: It can be a difficult either way because on the one hand you are seen as doing too little but it's dangerous to mandate too much..

- *Trish*: I think that the City should have a point of view in this case because there are health and safety concerns (it cannot be only about what people want to see).
- *Tad*: I want to respond to some of the suggestions that have been made.
 - We will be posting the proceedings from the January 30th meeting on the webpage
 - We will be analyzing the data that we collected from the sign-in sheets as well as the comments.
 - Our ability to translate is limited – we have to be strategic about when to do that.
 - There are 5 objectives for this initiative articulated on the website
 - We wanted to make sure this process is coming from the community and that there is sufficient opportunity for the community to feel included in the process
- *Steve*: Because the event was so successful it's too bad there was not more press coverage, and I would recommend that you do a press release.
- *Larry*: What were some of the common comments and trends from the visioning groups?
 - *Tad*: We have not, yet, gone through all the feedback we got but we will provide a summary once we have a chance to transcribe the notes.
- *Valerie*: Can we return to the idea of how frame this effort which should be based on several values about why do this. I think you will find that neighborhood residents will connect with those values. In other words, frame the discussion instead of offering a blank slate.
 - *Jen*: Yes, I second that comment.
- *Dan*: There was an article in the New York Times about Will Allen a couple of years ago that talked about him and what he is doing. Perhaps it would be good to post that to the webpage. On a further note, this meeting made me excited to be in Boston and to have such a dynamic speaker.

Discussion of Module 1 – Soil Safety, Pesticides and Composting:

Comments made below are in reference to the Memo circulated to the Working Group with zoning recommendations.

- *Tad*: Soil safety, pesticides and composting is the first topic because it is an important issue and it is a concern of the community which we saw during the pilot program.
- *Valerie*: In the community gardens we do remediate. There is a legal aspect of who owns the land and whether they are willing to allow testing to occur. In many cases, while contamination exists, it is not at extreme levels and can be remediated in-situ. Testing is really important and should be more extensive than the basic UMass extension testing. It can be a burden to remove all the soil for contamination reasons and to find and bring in new soil.
 - *Tad*: I would defer to Thomas Plant to address the specifics around soil testing and safety. However, what I can say is that there are no standardized measures for the full range of known, common contaminants, such as heavy metals.
 - *Valerie*: Perhaps there is a need for a separate working group to explore this particular issue and the options?
 - *Tori*: I think it is important to keep in mind what falls under the purview of zoning.

- *Valerie*: I think there needs to be a broader discussion first to frame the zoning discussion.
- *Don*: It is clear that the city is taking this tact because of the lack of standards for soil safety. Perhaps we can accommodate alternatives to raised beds in the process.
 - *Tad*: If you look at page 7 in the recommendations you will see the alternative options provided for.
- *Tad*: The topic of thresholds is important here. We will be working with the WG to determine what the appropriate thresholds should be to trigger these various requirements.
- *Valerie*: Can we use the word "tested" rather than "clean" soil?
 - *Jen*: The language we use can be a little scary – think about the perception of the public when we talk about this issue. The language used should make this process and these issues less mysterious and scary.
- *Larry*: As an architect who deals with zoning I am not sure how soil safety falls under the zoning code as opposed to the health code.
 - *Tad*: That is a great point. It is likely that there will be a licensing process with the Boston Public Health Commission (BPHC), which of course is a separate entity from the BRA. This licensing process will be developed concurrently with the zoning recommendations, but zoning ordinance may not directly include address this issue.
 - *Steve*: To the point of allowed use – is that what you are trying to capture?
- *Trish*: All the recommendations here are tactical but wondering if the city is being more strategic about the big picture. What is the WG scope?
 - *Tad*: The main role of the BRA and the WG is to facilitate agricultural activities in the City, since most are currently forbidden under the existing Zoning Code.
- *Tad*: At what point should the city Zoning Code regulate Urban Agriculture activities? That is, what are the appropriate thresholds? Size, scale, transactions of selling and donation? In the recommendations we propose 5,000 sf as a starting point for this conversation.
 - *Trish*: It is important that the new zoning does not undermine or affect community gardens
 - *Cato*: I take this threshold to be applicable for bulk donation, not individual use
 - *Valerie*: A fair amount of produce is donated from community gardens. We do test and have remediation procedures, however.
 - *Tori*: What is already existing in the Zoning Code that deals with community gardens? How do we handle the overlap of community gardens and UA?
 - *Tad*: Community Gardens are already covered by a specific zoning designation in the Zoning Code.
 - *Valerie*: We have a history of testing which can be built from during this process to help inform the UA process.
 - *Tad*: We didn't intend to bring community gardens into this discussion because it is already allowed. However, if the WG feels this should be included in the discussion we should determine that.
 - *Jen*: On this question – what is zoning versus permitting or licensing? Could we provide a flowchart of how the process would work? In terms of thresholds, I think the intention or use of the product should be one threshold. Size should not be the only factor which triggers the zoning. In that case, community gardens would meet the threshold.

- *Steve*: It seems that the point is to exempt personal consumption.
- *Rose*: How does ownership enter into this discussion?
 - *Tad*: In terms of zoning, ownership doesn't matter because we are talking about allowing activity according to zone, not property owner.
 - *Jen*: Again, I would be most concerned with the use of the property rather than the ownership.
- *Danielle*: I would push back, also on the donation aspect of the conversation. Including donation in the threshold definition would affect many small-scale groups.
- *Edith*: When it comes to food production there is a lot of discussion around traceability. That is one of the intentions behind this discussion in order to protect the public health and safety.
- *Caitlin*: It is important to keep in mind that other cities use definitions to address some of these categories.
 - *Tad*: Again, thresholds can be established in different ways
 - *Valerie*: "Farming" should be the definition or terminology used to distinguish these activities
 - *Tori*: We are looking at how other cities are defining this range and these thresholds which will be forthcoming in the next WG meeting.
 - *Valerie*: It's true that there is a whole range of Urban Agriculture uses and it seems like definitions might be the way to handle some of these questions.
- *Bruce*: Can Tad bring us the existing boundaries and regulations so we can frame the issue?
 - *Tad*: If you reference the memo these items are brought forward to the WG.
- *Tad*: Should we move on to pesticides? On the topic of pesticides and fertilizers, it is important to note that this is under state and federal purview and the city does not have a role or authority on this issue.
 - *Larry*: So, the city cannot make more restrictive regulations?
 - *Tad*: No, only in the case of being a property owner can the City determine pesticide use through a lease agreement.
 - *Valerie*: What kind of info or education can we provide to the public on this issue who may be concerned about adjacent issues?
 - *Rose*: There is a whole department at MDAR that is available to provide information to the public on this issue.
- *Trish*: Is there another product that can come out of this WG process?
 - *Tad*: Really we are meant to focus on what zoning can do but you may want to keep a running list of issues that the Mayor's Office may choose to address under the broader rubric of food policy at some point in the future.
 - *Rose*: Keep in mind that this is a democratic and open process and what we produce benefits from hearing about the public concerns.

Public Comment:

- *Greg Murphy*:
 - I am here primarily for the composting section of the discussion
 - Based on my personal experience in the composting industry, clean, tested soil is hard to come by. When I asked soil companies whether they tested for lead, the answer was often "no."

- It may be that raised beds are the best method, however, it may also pose limitations in terms of available soil and composting is probably the only and best way to produce the soil needed
 - The recommendations around this topic are currently extremely limiting
 - *Steve*: I want to second that comment
- *Zara Zsido*: Why does the BRA need this group to rezone for Urban Agriculture? Why not just do it?
- *Tad*: There are several reasons. First, in the past, in the distant past, the BRA made decisions without consulting with neighborhoods and the result was often not good—the West End being a good example. We now work with constituents and residents and this is also how the mayor wants us to work. Also, based on the experience we had with the pilot program, we realized that what seemed like a harmless proposal—farming—could face significant community concerns. Third, the BRA has found that the results of our work our better for having engaged with the community—that is, good ideas and recommendations arise through the public process that would not otherwise have arisen, and these have positive effects on the final product.
- *Joel Wool*: several points
 - I want to echo the point that having public meetings later in the process could become a problem if the momentum has died down by then.
 - Translation – it could be easy to translate some of the major points of the program at least into other languages
 - Make sure to consider the outcomes of the process and how the process will affect different kinds of groups – especially small businesses. In other words, don't make the process too cumbersome or burdensome.
- *Leon David*: If these meetings are going to be open to the public, can we have them in other venues?
 - Social justice issues were a common theme in the kickoff meeting, but will they be lost during a bureaucratic process?
- *Allison Houghton*: Are there soil testing capabilities other than UMass Extension that test for a broader range of contaminants?
 - *Valerie*: We use BU Public Health and UMass does have a full metal test that is more expensive and may require help with interpretation.
- *Betsy Johnson*: There are two missions here – zoning and an overall vision for Urban Agriculture. When is the overall mission of advancing Urban Agriculture in Boston going to be addressed? When and how?
- *Leon David*: It is important to spend time and focus on the mission in the community as you did in the kickoff meeting because otherwise the cultural differences and small issues will become larger over time and there will be more resistance from the community.

Other Issues:

- *Tad*: Does the WG want to spend some time developing a mission statement or goals?
 - *Rose*: Yes, but it should be a democratic process that group members contribute to.
 - *Trish*: Tad seems to have a good idea of what that may be and could write a mission statement for us but not spend time during the WG meetings to craft that.

- *Cato*: I believe that we should spend meeting time to finalize this mission statement and come to a consensus about it.
- *Tad*: At the next meeting we will include the feedback from the kickoff meeting – is that something that the WG wants to spend time on?
 - Consensus seems to be yes.

Open Items and Questions

- **Steve requested that a list of the WG members be sent out to the group (Caitlin)**
- **Mission Statement draft (Tad)**
- **Summary from Kickoff Meeting**
- **Post video and summary on webpage**
- **Post NY Times article or other information (such as a link to Growing Power) about Will Allen on project web page**

Topics for Future WG Meetings

- Question of whether to consider holding WG meetings in different locations to make them more accessible
- Question of whether to hold additional public meetings prior to the neighborhood meetings scheduled for when draft zoning recommendations are developed.
- Return at March meeting with experts on soil safety issue
- Agendize time at March WG meeting to discuss mission statement



Working Group Meeting #5
Thursday, March 8, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Caitlin Cameron, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Tori Okner, Intern, Mayor's Office

Working Group Attendees:

Joan Perkins, Sweet Sisters Artisanal Foods
Nina Mukherji, Real Food Challenge
Glynn Lloyd, City Growers
Danielle Andrews, The Food Project
Bruce Bickerstaff, Boston Farming Institute
Valerie Burns, Boston Natural Areas Network
C.M. Cato-Louis, Mattapan Food & Fitness, Boston Collaborative for Food & Fitness
Nicole Flynt-Thomas, Nuestra CDC
Steve Fraser, East Boston Neighborhood Health Center
Trish Karter, Light Effect Farms
Larry Spang, Arrowstreet

Rose Arruda, Massachusetts Department of Agricultural Resources

Members of the Public Attendees:

Gregory Murphy
Betsy Johnson, Boston Collaborative for Food and Fitness
Julie Brandlen, Massachusetts Audubon's Boston Nature Center
Sharon Persons
Muata King, Healthy Urban Initiative
Zara Zsido, UNRL
J. Lowe, Resident
Nora Hussey, Resident
Ernest Bennett, Office of Charles Yancey
Everett Hoffman, Compassion Compost
Jen Ede, Chefs Collaborative
Dan Farnkoff, Boston University
Michelle Moon, Rose Kennedy Greenway Conservation
Jessica Leete, Ager Group
Shani Fletcher, Revision Urban Farm
John Meaney, Director of Environment, ISD
John Stoddard, Higher Ground Farm

Meeting Summary

Review and Discussion of Kickoff and Visioning Meeting

- Public Comment

Discussion of How Citywide Urban Agriculture Rezoning Initiative Might be Modified Based on Public Comments Received

Discussion of Draft Working Group Mission Statement

Continued Discussion of Module 1

- Soil Safety

Discussion of Module 2: Growing of Produce; Structures

- Definitions
- Potential Thresholds for Different Sizes of Urban Farms
- Dimensional Regulations for Structures
- Other

Public Comment

Next Meeting: Revised Date & Time

Handouts: Kickoff and Visioning Meeting Public Comments Transcription; Summary of Public Comments from Kickoff and Visioning Meeting; Draft Working Group Mission Statement; Memorandum for Module 2 on Growing of Produce and Structures; Spreadsheet of zoning from other cities; Spreadsheet of zoning definitions

Actionable Items are in bold

Review of Kickoff & Visioning Meeting Notes (Tad):

Request for feedback and reactions:

- o *Tad*: Have we captured and summarized the sentiments of the meeting well? What may we have left out? There were a number of comments that were made not under the purview of zoning. These will be referred to the Mayor's Office of Food Initiatives. Some zoning related comments included adding vertical farming and winter farmers markets to the modules and for a greater web presence. We are open to suggestions around this last point especially. Finally, is there any shift or change that the BRA/City should make based on these public comments?
- o *Steve*: One sentiment that I heard at the meeting was the desire to speed up the process.
 - o *Tad*: How might we do that?
 - o *Steve*: Could this group (WG) meet more frequently?
 - o *Tad*: Already the turnaround time between meetings is tight, given the time required to summarize meeting notes, follow up on research requests, and prepare for the next meeting. Given limited staffing resources, increasing the frequency of meeting would not be possible.
- o *Valerie*: With the addition of Marie, I am glad there is another full time planner involved in this process.

Public Comment:

- o Animal husbandry is a broad topic and chickens seem to dominate the conversation from the meeting. I would like to emphasize including other animals in this discussion.

- *Nina*: Is there a way we can collaborate with other departments to make sure those comments not zoning related area addressed?
 - *Tad*: We do work with DND and others frequently and have internal conversations with departments that are directly involved with certain topics. Can you be more specific about what you mean?
 - *Valerie*: I think what you are getting at is how to connect the visioning with this process.
 - *Edith*: I will be meeting with DND directly after this meeting about how to incorporate the visioning and further implications of UA on their agency.
 - *Valerie*: Can you report back to the WG about what comes of that conversation?
 - *Edith*: When I know something relevant I will bring it to this group.
 - *Tad*: If members of the WG feel there were any issues that came up that are related to DND or another agency feel free to contact them directly, too.

Mission Statement:

- *Tad*: Based on the request from the last meeting, we drafted this statement and now we are asking for your feedback.
 - *Trish*: The statement is very appropriate in the specifics it lays out. Is it necessary for us to be agnostic/neutral or is it appropriate to state a broader intent of vision for the outcome?
 - *Tad*: Could you elaborate what you mean as a vision?
 - *Trish*: I mean an imagining of the future of Boston and what we can recommend to provide for what that future would look like. For example, where are we heading?
 - *Larry*: Do advocacy and education become part of this group's mission? Or should we really focus on the task of zoning and getting that done?
 - *Rose*: To what extent is the public comment supposed to guide our job or the BRA's here?
 - *Larry*: I can see it going either way; our mission could broaden the scope and bring in other agencies but could also stay within this group.
 - *Tad*: Our charge as BRA staff is to remove the zoning barriers in a responsible way, responsive to the public comment in most possible ways. Removing existing barriers is our staff role and charge. For the WG to go further it would require an additional conversation with the Mayor's office.
 - *Trish*: Removing barriers is a more proactive stance than what is reflected in the current statement. I would recommend adding that charge to this statement. In addition to removing barriers to enable this vision, if we are also advocating for this vision then we need to add a vision to the statement.
 - *Tad*: We could work with you to formulate that but it is up to the WG to decide.
 - *Nina*: If community does not want some of those barriers removed, what is our role as UA advocates? We should be considerate of both.

- *Glynn*: As a BRA/city-led issue we should focus on zoning. A greater visioning needs to happen but that's a separate process. "Access" is mentioned twice in the summary document which I think is significant to draw attention to.
- *Valerie*: While zoning is a barrier, it is not the only barrier. We need to be conscious of that.
- *Tad*: We are hoping the WG can help us with the educational and outreach aspect of this issue as advocates. Should we add a visionary statement to the mission statement?
- *Joan*: I would be interested to have each member draft a vision and see each individual WG member's perspective on UA.
- *Bruce*: Focus should be around zoning because it sets the tone and frames the issue. As a matter of priority, as a concluding piece we could set some of this vision and language but it does not need to happen now.
- *Trish*: I put this item forward so that we could be on the same page about what we are trying to accomplish and be focused on that.
- *Valerie*: The goals here are clear but the mission statement should be aspirational which is missing here. Could we add an aspiration to this document?

WG members agreed that BRA staff will draft a vision statement to be added to the mission statement and distributed among the WG members for review. Comments will be taken by individuals but not as a committee and individual comments can be sent to Tad Read.

Public Comment (5 minutes):

- I would like to echo the importance of a vision and mission statement but WG does not seem ready to "think big picture."
- Member from the public has had conversations with DND about this issue and would encourage that to continue to happen.
 - *Tad*: I will commit to having a conversation with DND about the vision behind UA.
- What would be the process for allowing animals? Would there be a licensing component to animals?
- Felt the charrette process used for Columbia Point was effective and would suggest using that same process here.

Continue Discussion on Module 1:

Thomas Plant from the Boston Public Health Commission joined the conversation.

- *Tom*: BPHC is involved in this process in several capacities 1) to review BRA recommendations from the memo 2) to consider why UA is important for public health and how to protect the public health 3) determine what the process will be for these soil safety protocols. Because of heavy metal contamination the best practices are to not use existing soil, use barriers, clean soil, and appropriate soil depth, and plant selection for this kind of system. Geotextile barriers are pervious and there are many kinds which are affordable and accessible. BPHC is still working with experts to determine what appropriate levels are for heavy metals and how often the soil and tissues should be tested. Right now we recommend the beginning and end of the season, both soil and plant tissues. Other considerations may be proximity of growing areas to lead painted

house foundations. Boston helped the EPA develop best practices around these questions and have been involved with these concerns for some time.

- *Valerie*: The concern is to provide a safe growing medium and produce. Community Gardens do have a protocol and test soils – this should be seen as an alternative to growing in backyards with contaminated soil. Standards we use are S-1, which are the highest standards, but we still need to test any material brought onto the site, not just rely on the supplier alone.
- *Tom*: The City is still working on this process, especially in regards to compost.
- *Valerie*: We want to make sure there is not a perception that Community Gardens are less safe or have lesser standards than UA.
- *Tad*: There is an internal process and expert judgment still needed to determine the responsibility for these requirements which will continue to happen throughout the process.
- *Trish*: I have a question about pesticide use – is it possible for the city to require a more organic process?
 - *Tad*: The city can only control pesticide use in instances where the City owns the property in question.
 - *Trish*: Can we at least recommend or create a vision for a more organic standard?
 - *Glynn*: I think it is important to consider how we are restricting farmers here.
- *Bruce*: What is the timing and turnaround on soil safety processes? From a business or commercial perspective I would be concerned about the delays associated with these regulations.
 - *Tom*: Most labs have a 48 hour turnaround and should not significantly affect the timing for a farmer. There is also sufficient capacity.
- *Nina*: Would these recommendations/ zoning apply to the whole city in all applications or just the urban farm definition? Also, how does soil safety apply to rooftops?
 - *Tad*: these regulations would apply to all types of farming in the City, including rooftop.
- *Nina*: Also, I would like to question the composting question about not bringing outside material on site.
- *Larry*: I question which of these recommendations are really a part of zoning and which are more a part of the health commission process. Soil safety is related to the health department not zoning.
 - *Tad*: We have raised this issue internally and we have not resolved that question; however, at this point because of the importance of this issue, we feel it is important to at least “flag” the issue in the Zoning Code. We do feel it is important enough to be referenced in zoning and direct one to the appropriate agency. The important thing is to flag the issue but not make it a part of zoning and ZBA process.
- *Nina*: What about those who want to sell what they grow in their backyards?
 - *Tad*: we will begin to discuss thresholds in the next section.
- *Tad*: To address the composting question: the intention is to prevent the site from becoming a compost facility. Use of materials from off site would still be allowed to make appropriate amendments to aid in the composting process. Concerns are for public safety and for maintaining the character of the surrounding neighborhood, especially if residential.

- *Tom:* Intensive composting could also create nuisance issues that could compromise the residential neighborhoods.
- *Cato:* This attitude is in conflict with Will Allen's message at the visioning meeting and is not conducive to that message of growing soil.
- *Larry:* Zoning should be applied here – perhaps different levels of activity allowed in different zoning districts.
- *Glynn:* We need to resolve this issue appropriately because soil is a large issue for urban farmers and is also a big cost.
- *Tom:* There is a concern for control around what materials are brought in and the safety of the compost itself.
- *Tad:* It sounds like we need to discuss further this conversation.

Discussion on Module 2: Growing of Produce; Structure:

Introduction of memo and GIS analysis

- *Tad:* We would like to begin thinking about thresholds and definitions.
- *Nina:* How do we craft language about backyard gardens? There are models of farming that takes place in backyards but still has a commercial process. Are there barriers now for people to sell from the backyards?
- *Steve:* What is the need for distinction between Small and Large Farms? Looking at the GIS analysis there will not be a lot of large farms.
- *Nina:* How do we enable more of these activities rather than prohibit activity?
- *Glynn:* Two possible thresholds could be sales/no sales and the USDA definition of farms at \$1,000 in value. Size could result from that kind of quantifiable threshold.
- *Nina:* Potentially we can deal with both kinds of thresholds.
- *Cato:* It seems that the variance between neighborhood lot sizes create complexity about finding a threshold. We have to consider how the threshold will affect different neighborhoods.
- *Valerie:* 8,000 to 12,000 sf is the typical size of a community garden in Boston to give perspective.
- *Trish:* Regarding this threshold, we are only thinking about on the ground, but what about rooftops and vertical?
 - *Tad:* That will be addressed in a later module.
- *Larry:* There is a comparable example in office spaces and regulation between zoning districts. Perhaps should consider lot coverage as a threshold.

Public Comment:

- *Ernest Bennett:* I have a question for Tom about geotextile barrier safety and responsibility for that safety.
 - *Thomas Plant:* Every year as part of the renewal process, the integrity will be reviewed with soil testing and part of the soil turning process (visual inspection). Farmers are responsible for the condition of the barrier and have to replace/maintain them.
- *Betsy Johnson:* If we have further comments, can we email them to Tad since we are running out of time?
 - *Tad:* Yes, that is fine.

- *Betsy Johnson:* Betsy announced that there is a Boston Compost Council meeting on March 29 and 3:00 pm. At the Boston Nature Center in Mattapan, and there is an Urban Agriculture Summit in Toronto from August 15-18 (www.urbanagsummit.com).
- *Greg:* I would urge WG to reconsider how they are thinking about composting because the current recommendation is too restrictive and there is great potential to build soil on site.
- *John Stoddard:* Is there an official position on air quality? Will that be addressed?
 - *Tad:* Staff will check with the State Department of Agriculture.
- *Shani Fletcher:* I would also advocate for neighborhood materials and restaurant materials for composting. Also, in the mission statement, there is a point about inclusion which I think is important.
- *Woman:* Does a community garden require a public hearing?
 - *Tad:* No, not when an allowed use
 - *Valerie:* All community gardens have the "Open Space – Community Garden" zoning designation; land owners voluntarily requested such zoning.
- *Woman:* Perhaps the question is about distribution rather than sales?
 - *Valerie:* It is the owners' responsibility to test and ensure safety of soil. Cost is an issue and we have not resolved this topic, yet.

Open Items and Questions

- **Draft Vision Statement to accompany Mission Statement (Tad)**
- **Research air quality issues for State Agriculture Department (staff)**
- **BRA to relay to DND summary of public comments from January 30th Kickoff and Visioning meeting and follow up to discuss any questions.**



Working Group Meeting #6 – MEETING NOTES

Wednesday, April 11, 2012, 8:00am

Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Caitlin Cameron, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Tori Okner, Intern, Mayor's Office

Working Group Attendees:

Danielle Andrews, The Food Project
Rose Arruda, Massachusetts Department of Agricultural Resources
Bruce Bickerstaff, Boston Farming Institute
Jen Faigel, Consultant Real Estate and Community Development
Steve Fraser, East Boston Neighborhood Health Center
Bill Gillmeister, Massachusetts Department of Agricultural Resources
Trish Karter, Light Effect Farms
Glynn Lloyd, City Growers
Nina Mukherji, Real Food Challenge
David Warner, City Feed and Supply
Gregory Watson, Commissioner, Massachusetts Department of Agricultural Resources
Don Weist, Boston Public Market Association

Members of the Public Attendees:

David Foss, Fuss & O'Neil
Greg Watson, MDAR
James Drusdale, Place Tailor
Kurt Tramosch, Weir Meadow Nursery
Mo King, HUI
Hehershe Busuego, Boston Foundation
Lawrence Borriner II, MIT Urban Planning
Kyle Sturgeon, Boston Architecture College
Sonny Washington, UGRGP, Inc.
Emily Broad Leib, Harvard Law School – Food Policy Clinic
Benjamin Wang, Babson MBA
Doreen Blades, US Eco Products Corp
Alicia Gomes, United Neighbors of Lower Roxbury

Sandra Fairbank, Fairbank Design
Zara Zsido, UNRL
John Meaney, Director of Environment, ISD
John Stoddard, Higher Ground Farm
Dan Farnkoff, Boston University

Meeting Agenda

Discussion of Supplemental Recommendations Concerning
Module 2: **Growing of Produce; Farm Structures**

- Definitions
- Potential Thresholds for Different Sizes of Urban Farms
- Presentation and Discussion Regarding Possible Concepts for **Rooftop Agriculture** (Module 3)
- Public Comment

Handouts: (a) Revised Draft Mission & Vision Statement (b) Supplemental Discussion and Recommendations Concerning **Module 2: Produce; Farm Structures** (c) Background Research and Preliminary Concepts for **Module 3: Rooftop Agriculture**

Review of Module 2: Produce; Farm Structures

Request for feedback and reactions:

- *Tad Read:* In order to make this urban agriculture rezoning work more manageable, we have broken it down into six research modules. Today we will circle back to some issues related to Module 2, Growing of Produce & Accessory Structures, and then move on to Module 3, Rooftop Agriculture. The next meeting will cover Hydroponics and Aquaculture.
- At the last WG meeting we had a discussion about definitions and thresholds, but some issues were left unresolved. We have some new ideas and would like your feedback. We have come up with a revised draft definition for “Urban Agriculture. Even though this definition includes a variety of activities, it doesn’t mean that each of these activities will be allowed by right on farms. We also included language in the revised definition referencing on-site sales; the point here is that on site sales would be allowed if the underlying zone allows retail uses. We will return the conversation of when/where we want to allow sales in residential zones. We have also included language that is intended to distinguish farms from gardens. We are not interested in regulating private, back yard gardens. Any initial thoughts, comments, concerns?
- Public Comment: Have you started to address different thresholds for farm, and scale?
- *Tad Read:* Yes, and we will be coming to that.
- Public Comment: As a chicken champion, I have to ask, will the keeping of chickens be addressed here? Or does it fall under the threshold since they may be for personal use, in one’s backyard?
- *Tad Read:* Yes, chickens will be addressed in Module 5. To clarify, that distinction for personal use refers to private backyard gardening.
- *Tad Read:* We have gone back and forth on the distinction between a garden and farm (gives examples of sizes). Honestly, there was no strong agreement on threshold size. We decided to focus on the size at which we think neighbors, primarily in residential districts, may be concerned. The thought is based on the fact that the average (mean) residential parcel size in the city is 5,000. We

decided to propose three categories of farms: Neighborhood Farm, Urban Farm, Small; and Urban Farm, Large. For the first, smallest category (Neighborhood Farm), we are talking about a farm is small enough that the activity on it is unlikely to fall under the radar and would not require a public hearing. We are assuming that the activity is limited to the growing of produce. Other activities, such as the keeping of animals or bees, would require a C.U.P. and subject to a public hearing. For the second category of farm (Urban Farm, Small), we think there might be sufficient intensity of activity that neighbors might be concerned and want some an opportunity for input. The third category of farm is the Urban Farm, Large. (Refers to Attachment A, Potential Framework for permitting urban farms, by farm size and generalized zoning activity and explains the general flavor of each zoning district.) What we are suggesting is that as the zoning district in which the farm is located becomes more intensive, the zoning approval process becomes more permissive. So, for example, an Urban Farm, Small would be *allowed* in all districts; an Urban Farm, Small would require a CUP in residential zones but would be allowed in commercial and industrial zones. An Urban Farm, Large require a CUP in residential zone but would be allowed by right in mixed use and commercial.

- *Commissioner Gregory Watson:* Are structures taken into consideration here?
- *Tad Read:* Yes, and depending on the type of structure, they might require special review.
- *Steve Fraser:* To me, the term “neighborhood farm” suggests it is being farmed by the neighborhood. Why not make it simpler and make it “small, medium, large”?
- *Nina Mukherji:* Will the term “farm” be controversial and make people more nervous than it needs to be?
- *Tad Read:* To use the term “garden” may confusing in a way that we don’t want it to be. *Glynn Lloyd:* What is the difference between a garden and a farm?
- *Tad Read:* The distinction is commercial use. I think it is important to say, again, that some activities may require special review.
- *Bruce Bickerstaff:* We need to push this definition, there are regulatory triggers that go into place and may not apply when you are talking about gardening.
- *Tad Read:* Yes, that’s right. That’s why we added the line that says we are not referring to personal gardening and personal use.
- *Trish Karter:* Does it matter that we are saying maintained by “an individual” when it could be a corporation? In terms of the comment on the terminology, I think we should call it a “farm” because it is a “farm.”
- *Tad Read:* We can look into that.
- *David Warner:* What about other alternatives? What about using the term “agriculture”, as opposed to “farm”.
- *Commissioner Gregory Watson:* I think the term “farm” facilitates an educational process. What we are trying to do here is enable working farms to take on the responsibility of contributing to the city food system, to create jobs.
- *Rose Aruda:* The word “farm” may be a trigger and create an automatic trigger for folks to react. I am on the side of caution and open to using another term.
- *Bruce Bickerstaff:* Could we consider “agriculture” as the larger tent and “farming” as a separate component?
- *Tad Read:* When you look at the proposed definitions for “Urban Agriculture” and “Urban Farm”, there is a cross referencing between them. To use the word “agriculture” instead of farm would create a circularity problem in the definitions.
- *David Warner:* I would be in favor of using “agriculture” consistently.
- *Commissioner Gregory Watson:* Agriculture to me suggests an activity. There is a distinction between an activity and a facility.

- *Tad Read:* The idea was to focus on uses (activities).
- *Jen Faigel:* I like farm, farm feels more like a step up from garden. Agriculture to me feels more industrial. The point is to encourage this and make it as easy as we can.
- *Tad Read:* Stick with farm, then?
- *Glynn Lloyd:* If we look to the definition, the word “urban” is missing.
- *Rose Aruda:* Again, looking at the definition, I think we want to have stronger language on the use of animal husbandry.
- *Bill Gillmeister:* I think between “farm” and “agriculture” anyone who is opposed will still react. I get a little considered about the use of the term “by right.” There is still a bit of review that has to happen here. If there is review process, it’s not really by right to get at animal husbandry and bee keeping. This is perfectly clear to me because I work with zoning, but it may not be clear to others.
- *Tad Read:* It may be a little misleading.
- *Jen Faigel:* What about replacing “by right” with “allowed”?
- *Bill Gillmeister:* Yes, allowed.
- *Commissioner Gregory Watson:* I agree, allowed.
- *Marie Mercurio:* That’s usually how zoning goes – “allowed.”
- *Nina Mukherji:* Can we return to the question of whether farm stands can be allowed in residential districts.
- *Tad Read:* We will be returning to that question as part of Module 6.
- *Danielle Andrews:* What was the decision to use the terms “small, medium, large”?
- *Glynn Lloyd:* I like that – I move we adopt it.
- *Tad Read:* Ok, so moved.

Community Gardens

- *Tad Read:* Valerie Burns was not able to be here today. She has worked on community gardens for 25 years or so and asked that we defer any final decisions until the next meeting when she will be here. As you know, there is an existing zoning district called, “Community Garden Open Space Subdistrict”.
- *Jen Faigel:* Are all community gardens located in the “Community Garden Open Space Subdistrict”?
- *Tad Read:* Most are. Many were rezoned after the subdistrict was created. The difference between the Community Garden Open Space Subdistrict and what we are talking about doing with the Urban Agriculture rezoning is that we are now talking about creating a new land use that would be possible to allow in a wide variety of zoning subdistricts. What we are trying to make the Zoning Code more flexible so that there can be circumstances where we can allow community gardens along with a variety of other possible uses. The existing Community Gardens Open Space Subdistrict only allows community gardens. By the way, we are not proposing doing away with the existing Community Gardens Open Space Subdistrict; this would remain unchanged. We are talking about creating an opportunity for the situation where someone may have a community garden, but if in five or ten years (or some other time period) wants to build a house on the property, the zoning would be flexible enough to allow the property owner to do so. Any further discussion?
- *Steve Fraser:* Does it make more sense to define a community garden in the context of urban agriculture? Do we want to say you can do any of the activities listed in the urban agriculture?
- *Bill Gillmeister:* I think that’s a great idea. At the state level, we are always trying to bring laws in line with definitions.
- *Tad Read:* We will consider that and take it up at the next meeting.

Module 3: Rooftop Agriculture

- Read:*
 ▪ *Tad* [Referring to images in PowerPoint presentation] There are two types of rooftop agriculture: Enclosed and open air. The average height of structures is about 18 feet, which is nearly two stories in height. They are also light generating.
- *Trish Karter:* You can get a much higher yield per square foot in a greenhouse. It's far denser than open air farming. You can produce nearly 10 times what you can produce open air agriculture.
- *Tad Read:* That is an important distinction, greenhouses are much higher intensity.
- *Trish Karter:* You can also grow different crops – vine crops and more tender crops. The higher the density and the greater the yield. It costs about \$100 per square foot to build a greenhouse, so you want to maximize the use of space.
- *Tad Read:* [Slide show] Reviews existing and proposed rooftop farms, mostly in Brooklyn New York but also in Boston. One is the future sight of BrightFarm hydroponic farm in Brooklyn which will be 100,000 square feet. Tad asks Danielle Andrews to talk about the Food Project's rooftop farm at Boston Medical Center.
- *Danielle Andrews:* We have actually withdrawn from that project. BNAN is going to start *working* with an organization to farm it.
- *Tad Read:* Public safety officials in the City have actually told us that they have a greater concern with open air structures than enclosed structures. With all rooftop agriculture, there issues of how much weight the roof can support. City building and safety officials are actually more concerned about safety issues with open air rooftop agriculture because there are risks associated with falling. From a zoning perspective, the greater concerns relate to height and visual impacts. For example, adding enclosed structures could be perceived as changing the architectural character of the building.
- *Commissioner Gregory Watson:* There are already instances of people complaining about the visibility of rooftop greenhouses.
- *Steve Fraser:* In NYC, they did green roofs on the Empire State building and that helped market higher floors.
- *Tad Read:* New York has a zoning proposal under review for roof top greenhouses. Under the zoning proposal, rooftop greenhouses in New York would be treated as "penthouses" under the zoning code and would be exempt from height and floor area ratio (FAR) limits. The additional height would not be considered part of the building height and would be exempt from the height restrictions. Certain conditions would apply, such as a maximum height of 25'; minimum setback from roof edge of 6', and other requirements.
- *Trish Karter:* New York's proposed 6' setback requirement for greenhouses is problematic. Greenhouses are supported by the frame of the building, not the membrane of the roof. In some cases, if you cannot locate the support elements of the greenhouse on the parapet, you might have to add an additional level of steel beams, which adds considerable cost. This is true particularly on smaller buildings. If you can't get to the parapet, you can't get enough space for a greenhouse to be economically viable.
- *Tad Read:* This is an important issue for the City to be thinking about. There may be situations in which a greenhouse will not be economically viable unless it can be situated on the parapet. In some cases there may be concerns in neighborhoods where there are Neighborhood Design Overlay District. What do people think?
- *Steve Fraser:* I suggest we allow it in residential areas. In terms of promoting urban farming, you would want to have them in residential structures so people can use them.
- *Edith Murnane:* I can imagine smaller operations using hoop houses on roofs. We should therefore look at any issues associated with temporary and accessory structures for rooftop agriculture.
- *Trish Karter:* I don't think we should look for the same level of transparency in hoop houses.

- *Bill Gillmeister:* You also want to consider safety and anchoring.
- *Tad Read:* From a zoning perspective, you run into issues when an activity has a visual impact. Cold frames are generally 3-4 feet and hoop houses are maybe 8-10 feet.
- *Trish Karter:* One of the issues that neighbors raised on a project we are working on was artificial lighting (to stimulate plant growth). In a greenhouse, there is artificial lighting. With hoop houses you generally aren't using artificial light. There would be a potential concern by neighbors about the hours of light in greenhouses. Some projects are using purple and/or blue light.
- *Steve Fraser:* Those concerns can be corrected with screens perhaps, like penthouses are.
- *Jen Faigel:* Is there an approach like in the building code, low-rise, mid-rise, high rise. Maybe there is a scale approach?
- *Trish Karter:* Generally speaking, you're not going to see greenhouses going on to structures that are higher than 3-4 stories because it gets too expensive to get that large a crane. In new buildings, perhaps. To be economic, you will see mid-size projects.
- *Jen Faigel:* If you think about scale, in a residential district, you're at a larger size (4-6 stories) and that may allow for different scales.
- *Bill Gillmeister:* Bringing the product down from the roof...how does that actually work?
- *Trish Karter:* In some buildings there is already a freight elevator. In others you may building a small, exterior elevator structure.
- *Steve Fraser:* From a zoning impact, I don't see problems allowing this broadly and then deferring to ISD.
- *Tad Read:* What he have done is drafted a list of issues that need to be examined and thought through, including safety, impacts on historic districts, visual impacts and other issues.
- *Public Comment:* What is the real potential for rooftop farming in Boston, and how could we figure that out?
- *Tad Read:* We could ask our Mapping Dept to help us with this by providing the square footage of building footprints by zoning subdistrict
- *Trish Karter:* We can look at the potential production and see whether we can oversupply the market. I'm sure the answer is no.
- *Rose Aruda:* I am thinking about people whom I know, and concerns about people falling off the roof. For the residential piece of this, is there residential zoning that makes it illegal?
- *Tad Read:* As the City roles out the zoning, we will make sure that safety issues are paramount.
- *Commissioner Gregory Watson:* Within that same perspective, will there be a distinction between "rooftop gardening" and "rooftop farming."
- *Tad Read:* Some of the same thresholds may apply – small, medium, and large – as with other forms of agriculture.
- *Public Comment:* OSHA protects workers and ISD already works to enforce that.

Mission & Vision Statement *Tad Read:* I suggest that we incorporate comments Edith had and then recirculate it to the working group.

- *Glynn Lloyd:* In terms of agenda items, where does soil and compost come back?
- *Tad Read:* There are two issues that we haven't resolved: (1) compost (2) soil safety testing. Hopefully we will address compost at the next meeting and soil safety later, it will require more time.

Public Comment

- *Comment:* I urge the group to distinguish between backyard gardening and the medium and large. If you give up neighborhood, it becomes a continuum. There is value in keeping a distinction.

- *Tad Read*: To clarify, a neighborhood farm is still for commercial use, not personal. All may require some level of regulation, depending on the activity.
- *Bill Gillmeister*: I think the bigger issue is the term “by right”.
- *Tad Read*: If you are just growing produce (not animals or beekeeping), than it wouldn’t require discretionary review (such as a C.U.P).
- *Marie Mercurio*: Except if you are doing on site sales in a single family, low density district.
- *Glynn Lloyd*: I think the size description makes sense.
- Comment: My question is in relation to community control. I could see individuals coming in from outside of the neighborhoods and buying property. Will there be any community control?
 - *Tad Read*: Yes (refers to the definition). Depending on lot size. Under 5,000 square feet would require no public hearing unless there were animals and beekeeping.
- Comment: There will be individuals who have economic ability to come into a neighborhood and buy land. Where is the community process?
 - *Edith Murnane*: There is no community process involved in the sale process when a private seller is selling to a private seller. There IS a public process when the City is selling public land and that is a very open process, there is a process in place for community participation.
 - *Marie Mercurio*: Anywhere there is a requirement for a C.U.P., there is a community process.
 - *Commissioner Gregory Watson*: Its probably worth playing out scenarios to look at extremes and consider putting checks and balances in place.
 - *Don Weist*: To put an economic gloss on it, it is tough to eek out a living as a farmer even when cost is low. For the most part, in urban areas, the cost of land will be prohibitive to large scale farms. Boston is very different economically from Detroit and has a very different profile. So it is unlikely allowing farming would prompt real estate speculation.
- *Jon Stoddard, Higher Ground Farm*: We are looking at open air farming. In terms of open air rooftop agriculture, the weight of growing systems varies from 12 to 80 lbs per square foot. There are also many environmental benefits that green roofs bring to communities. In terms of start up costs, 100,000 square foot space would cost about \$200,000 which is easier to enter into.
 - *Tad Read*: Just to be clear, The BRA is not debating between open air rooftop agriculture or greenhouses; we don’t prefer one or the other. However, there are just more zoning issues associated with rooftop greenhouses due to height and visual impacts.
- *Sonny Washington*: There is nothing on the size threshold chart that includes community gardens. There are community gardens of varying sizes and if someone looks at this matrix now, I think it is confusing.
 - *Tad Read*: We can amend that to clarify.
- Comment: Are off site sales distinguished between on site? Also, can there be a distinction between a portion of the lot and the entire lot? Finally, is a greenhouse required a structure that requires setbacks?
 - *Don Weist*: Fire safety is all a building code issue and would not be addressed by zoning.
 - *Tad Read*: We will be working with ISD to address all of those issues.
- *Emily Broad Leib*: There is definitely a tension between making urban agriculture easier and protecting neighborhoods Is there any way to survey the land and set a portion off for community participation?
 - *Jen Faigel*: When a project occurs on public land, a public process is ensured. In the Fairmount planning process, there has been a lot f discussion about what the public wants to see.

- *Glynn Lloyd*: There is a group I have pulled together is called the urban farming institute that is trying to enable communities participating and creating a vehicle for conserving land through urban agriculture.
- Comment: There are possible places where you can have more than 2 acres if you're looking at rooftops. For economic development, I think you would need to put incentives in place to encourage companies to install green roofs. Another issue is pesticides.
- *Tad Read*: Quickly, the City cannot regulate pesticide use; this is outside of the City's legal purview. Even if we wanted to, we cannot weigh in or regulate pesticide use. I also want to note that green roofs are a much broader concept than urban agriculture and green roofs are currently regulated in Article 37 of green buildings.

Actionable Items

-Revisit proposed definitions of urban farms to determine whether it would be appropriate to add "organization" or "corporation" to the list of those who could maintain a farm.

-Be clear in use of the expression "by right"; instead say "as of right" or "allowed" instead.

-Revised proposed farm definitions to include Small, Medium and Large—as opposed to Neighborhood, Small and Large.

-For the sake of consistency with other proposed farm definitions, cross reference "urban agriculture" in the definition of "community garden".

-Given further consideration to whether rooftop greenhouses might be allowed on residential buildings or in residential zones; also, consider whether the City might need to establish different scales and/or thresholds for rooftop greenhouses.

-Consider including "community gardens" in the matrix of farm threshold sizes and generalized zoning districts.



Working Group Meeting #7
Thursday, May 3, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Caitlin Cameron, Intern, BRA
Edit Murnane, Director of Food Initiatives, Mayor's Office
Tori Okner, Intern, Mayor's Office

Working Group Attendees:

Joan Perkins, Sweet Sisters Artisanal Foods
Nina Mukherji, Real Food Challenge
Glynn Lloyd, City Growers
Danielle Andrews, The Food Project
Bruce Bickerstaff, Boston Farming Institute
Valerie Burns, Boston Natural Areas Network
Larry Spang, Arrowstreet
Don Weist, Boston Public Market Foundation

Members of the Public Attendees:

Deborah Benson
Gregory Murphy
Betsy Johnson, Boston Collaborative for Food and Fitness
Jennifer Efron, Washington Gateway Main Street
Alison Kruger
Michael Gold
Sonny Washington, UGRGFP
Dakota Butterfield, Legalize Chickens in Boston
Abby Wolfson, The Community Builders
Brendan Shea, Recover Green Roofs
Sarah Howard, BAC
Lyndsay Rose, Green City Growers
Jessie Bonhazl, Green City Growers
Matthew Goode, BNAN
Zara Zsido, UNLR
David Flaschenriem, The Narrow Gate Architecture
Nichelle Purvis
Mo King, HUI
Jessica Leete, HYCC
Dan Farnkoff

Meeting Agenda

- Discussion of Draft Mission and Vision Statement
- Continuation of Community Gardens Discussion from Module 2
- Discussion of Modified Definitions related to Module 2: Growing of Produce & Accessory Farm Structures
- Oral update on status of Soil Safety recommendations (Module 1), and Rooftop Agriculture recommendations (Module 3)
- Project Schedule Update
- Public Comment

Handouts: Draft Vision & Mission Statement; Supplemental Memorandum II for Module 2 on Growing of Produce and Structures

Discussion of Draft Mission Statement and Vision Statement (Tad):

- *Tad:* Are there any comments or questions about the draft statement?
 - *Greg:* The statement could be even more forceful.
 - *Valerie:* The phrase "remove obstacles" has a negative connotation. Is there a more positive way of stating this?
 - *Tad:* It is possible to change that wording but we need to keep the distinction that we are dealing with the Zoning Code.
 - *Joan:* I would like to see an education component added here.
 - *Tad:* How would that fit into the discussion of the Zoning Code?
 - *Joan:* I mean partly to educate people about the Zoning Code.
 - *Tad:* There is also item F in the mission statement – does that address what you are talking about?
 - *Joan:* No, that is not quite the same thing.
 - *Tad:* Could you send me some language that makes clear what you mean?
 - *Joan:* Yes I could do that.
 - *Nina:* Are you talking about a zoning component that addresses education?
 - *Joan:* Zoning should allow for education to take place as a part of the urban agriculture use.
 - *Tad:* We can make sure when we zone for farms that it includes this accessory activity as allowed.
 - *Greg:* There should be some effort to disseminate the process we are going through to encourage this to happen in other cities.

Public Comment (5 minutes):

- *Deborah Benson:* Are only residents of Boston going to be allowed to run farms?
 - *Tad:* No.
 - *Deborah:* Then I would recommend changing the word "Bostonians."
 - *Deborah:* It seems that the core mission is to foster commercial farms for food access and health reasons. These other things that you list are less important and this statement does not get at this priority.
- *Member of the Public:* I would like to see something in the mission statement about food security.

- *Valerie:* A farm is a commercial enterprise and “commercial” is probably already defined somewhere in the zoning code. I am concerned that we might be unintentionally linking urban agriculture to other parts of the code by using the word “commercial.”
- *Nina:* Urban agriculture spans such a wide range of models and we want to be careful that we are not too exclusive whereby certain types of farming would be excluded.
- *Jen:* Using the phrase “intended for sale” could be the way we address that.
- *Greg:* Commercial operation is not just selling on site or off site but includes other things.
- *Danielle:* I am in favor of regulating less so that what we are doing is only applicable to commercial farms.
- *Edith:* I thought the intention was to be broad in definition to allow for uses other than commercial so as to not be prohibitive of different uses.
- *Tad:* I will look into adding a commercial aspect into the mission statement. Are there any further comments or questions about the mission statement?

Continuation of Community Gardens Discussion from Module 2:

Tad made reference to the memorandum for the definition proposed.

- *Tad:* This definition will not replace the current open space definition but is intended to be supplemental. The Open Space – Community Garden district was created in the 1990s to protect community garden use and requires a state legislative action to change the designation. Our definition allows for a more temporary use of community garden where the land could more easily be used for other uses without requiring the state legislation. There is an emphasis here on personal use. The proposed new definition refers to a land use, not a subdistrict. The distinction is that a subdistrict is a bounded geographic area with defined allowable activities (i.e., land uses), whereas a land use is any one of a number of specific activities that may not be allowed in a given subdistrict.
- *Valerie:* Why does the definition say “area of land” instead of “lot?” What is missing from this definition is community. The phrase “group of people” is not the same as the intention behind a community garden. I propose using “for personal and shared use.”
- *Glynn:* How would the category of backyard growing among a group of people fit into this?
 - *Valerie:* Wouldn’t that just be residential use?
 - *Edith:* What about people who grow for personal use but wish to sell the surplus?
 - *Greg:* Massachusetts law says if you grow produce yourself then you are entitled to sell it. That is why there is no license required to sell at a farmers market.
 - *Don:* The allowed uses within the category residential commercial is small – would this kind of use be added to that list?
 - *Glynn:* This is coming back to the question of thresholds.
 - *Tad:* We resolved the thresholds at the last WG meeting.
- *Valerie:* I think it’s important that this community garden definition not specify a size threshold.
- *Don:* It is worth looking at “lot” as a policy question in the definition. Does the use of the word “lot” create too much limitation? What is the impact of using that word?
 - *Greg:* A farm can include multiple lots that are not contiguous. It is worth taking a look at that part of the definition to not be too restrictive.
- *Glynn:* Can a farm be both a Community Garden and an Urban Farm?

- *Tad:* Right now they are separate definitions and uses but a property could be both.

Discussion of Modified Definitions related to Module 2: Growing of Produce & Accessory Farm Structures:

Tad showed some slides with revised definitions and clarification of certain terms such as “cold frame” and “hoop house.”

- *Valerie:* How do we handle high tunnels versus low tunnels? High tunnels are higher than 36” which is the current trigger height. Both are temporary structures but we are seeing that they are being used more and for longer periods of time. Cold frames are often permanent but are opened up in the warmer season. Hoop houses can be left with the structure exposed and plastic removed which is more permanent.
- *Jen:* The issue is view and aesthetics and safety. We don’t need to define different types, we just need to address structures.
- *Greg:* We also want to leave room for innovation in the definitions.
- *Tad:* The things that we are concerned with that have impacts include: how much of the lot can be taken up by structures, duration of time the structure can be up, and number of structures on the lot.
- *Valerie:* Does zoning include aesthetics?
 - *Tad:* Yes, impact on neighbors is considered in the code and by the BRA.

Oral update on status of Soil Safety recommendations (Module 1), and Rooftop Agriculture recommendations (Module 3):

Tad presented some slides for the WG information only, not for discussion, to update the group on the progress on these topics.

- *Valerie:* Do these soil safety requirements affect community gardens?
 - *Tad:* That hasn’t been addressed.
- *Tad:* Where there is some uncertainty is how these requirements will be administered and implemented. Some of this language will likely not be in the zoning but appear elsewhere.
- *Nina:* What about crops that are not consumed or ground cover intended for remediation? Will the soil need to be tested in those cases?
 - *Valerie:* The greater risk is contact with the soil, not consuming crops grown in the soil. In that case, it is still a concern.

Schedule Update:

Tad showed the WG meeting schedule through the summer. The July meeting has been changed to July 12th (because of the July 4th holiday).

Public Comment:

- *Betsy Johnson:*
 - There is a group of people that has formed to discuss compost issues called the Composting Council. Its next meeting is May 31st and notes are available. We are looking to help with or give advice and comments at the June 7th WG meeting about composting.
 - On the topic of soil safety, an LSP is too onerous a requirement and is not the right entity for this kind of task.

- The issue of invasive plants has not been addressed. What will be permissible methods of dealing with this?
- *Sonny Washington*: I have a comment about sales. My community garden is the only one in the city that is part of a farmers market. Community Gardens have unused produce and I advocate for there to be a reasonable way for this waste to be used and sold. Compost is only viable for 3-6 months but makes a good mulch. I test my soil every 3 – 4 years and it tells me what I need to add to the soil to amend it.
- *Jessie Bonhazl*: I represent a business called Green City Growers. We are concerned about container regulations which have not been addressed. There should be some protocol about this. We have the only rooftop garden in the city currently. Also, I request that the WG stick to the agenda or give advance notice when there are changes to the meeting agenda.
- *Gregory Murphy*: With the 5,000sf threshold, why is there an assumption that there will be sales off-site? I would like to encourage on-site sales in residential areas. Don't make that process too onerous.
- *Member of the Public*: Is there a comparable zoning like a home-based business that we can use as an example for residential urban agriculture? I see this as food justice and social justice issue and there is too much capital required to start a real farm.
- *Dakota Butterfield*: This is an important and visionary thing that the city is doing. The WG should be thinking more in the future instead of immediate needs. Have a vision for what food is going to be like in the city in the future. Have more holistic thinking which is not how this conversation is currently being directed.
- *Deborah Benson*: I wanted to comment that I use my cold frames year-round. Gardening has changed and with the current climate, it happens all year.

Actionable Items

- **Revise Vision and Mission Statement per discussion**
- **WG Member Joan Perkins to provide suggestions for changes to Mission Statement**
- **Revise definition of “Urban Agriculture” and “Community Garden” per discussion**
- **Incorporate comments on temporary structure definitions**
- **Schedule July Working Group meeting for second Thursday in July, July 12**



Working Group Meeting #8
Thursday, June 7, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Brian Daly, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Jennifer Evans, Boston Public Health Commission

Working Group Attendees:

Commissioner Greg Watson, MDAR
Glynn Lloyd, City Growers
Danielle Andrews, The Food Project
Rose Arruda, MDAR
Valerie Burns, Boston Natural Areas Network
Steve Fraser, East Boston Neighborhood Health Center
Jen Faigel, Jen Faigel Consulting
Nina Mukherji, Real Food Challenge
Joan Perkins, Sweet Sisters Artisanal Foods
Trish Karter, LightEffects Farm (by phone)

Members of the Public Attendees:

Mark Winterer, Recover Green Roofs
Nataka Crayton, United Neighbors of Lower Roxbury
Bruce Fulford, City Soil and Greenhouse Co.
Sandra Fairbank
Hank Keating, Trinity Financial
Zara Zsido, UNLR
Ruth Feldman, SEED Consulting
Kevin Essington, Trust for Public Land
Cathy Neal, Bountiful Brookline
Dan Farnkoff, Southwest Boston CDC
Jessica Leete, HYCC
Deborah Benson, SELROSLT
Gregory Carr, ACE
Doreen Blades, US Eco Products
Emma Kravet, Harvard Food Law and Policy Clinic
Dakota Butterfield, Legalize Chickens in Boston
David Foss, F&O, Inc.
Betsy Johnson, Boston Collaborative for Food and Fitness
Matthew Goode, BNAN
Danielle Shea Tan, Crazy Simple Wellness
Melissa Hoffer, Conservation Law Foundation

Meeting Agenda

- Presentation and Discussion of Draft Rooftop Agriculture Zoning Recommendations (Module 3)
- Presentation and Discussion of Draft Zoning Recommendations for Comprehensive Farm Review (Modules 2 & 3)
- Update on Composting; Presentation and Discussion of Conceptual Zoning Recommendations for Composting (Module 1) – Moved to first item
- Introduction to Hydroponics and Aquaculture (Module 4) – Postponed to Meeting #9
- Public Comment

Handouts: Draft Rooftop Agriculture Zoning Recommendations; Draft Zoning Recommendations for Comprehensive Farm Review; Conceptual Zoning Recommendations for Composting

Discussion of Conceptual Zoning Recommendations for Composting (Tad Read):

Tad showed slides describing current state regulations of composting and proposed zoning recommendations.

- *Tad*: At the request of Glynn Lloyd, who had to leave early, the group bumped composting to the top of the agenda. Tad noted that the Working Group had discussed composting at its January meeting, but since that time, the BRA has further researched the question of bringing material from offsite and to compost onsite; and, how the city and State (DEP and MDAR) would work together to ensure compliance with applicable State laws. Composting is an important component of urban agriculture because it reduces waste to landfills, enhances soil quality, and provides an economical way to fertilize. People have told us that successful agriculture in Boston depends on composting. The state is the primary regulator, as DEP oversees solid waste and MDAR oversees agricultural composting; the City (ISD) only gets involved if there is a problem. DEP reviews sites generating compost with the exceptions of backyard composting, leaf composting, agricultural waste composting (which goes to MDAR), and composting at commercial, industrial, and institutional sites. Only the exemption for agricultural composting allows composting of materials generated offsite.
 - *Bruce Fulford*: By way of correction, Bruce pointed out that leaf composting is actually exempted from DEP regulation through a registration process and composting of offsite material is OK for approved sites.
- *Tad*: MDAR has indicated a willingness to register urban farms in Boston for agricultural composting through their Agricultural Waste Composting regulations and guidelines
 - *Greg Watson*: There may be a need for revisions but MDAR is open to doing so.
 - *Tad*: The regulations are supported by guidelines, which MDAR is looking to revise; they have said they will address urban farms in the process. Existing composting regulations and guidelines contemplate large farms in less urban areas, not small urban farms; thus, some changes are in order to adapt the regulations and guidelines to smaller urban farms.

- *Nina Mukherji*: Would the regulations apply to a community garden with just onsite waste?
 - *Tad*: DEP said they would add an exemption for composting at community gardens.
- *Tad*: We have developed draft zoning language addressing definitions and where composting would be permitted. While composting may be desirable under some circumstances as a standalone use, under the Citywide Rezoning Initiative composting is important to the extent that it supports the primary use of a site, which is farming. While it is anticipated that some farms might produce some extra compost that could be sold or donated off site, this would represent the minority of composting material produced on site. We are working with the composting community to determine a metric (square footage or percentage of site) to help define what constitutes an appropriate area of the site to be occupied by composting. Farms would be subject to all relevant city and state composting and waste regulations.
 - *Jen Faigel*: Would these regulations apply to material brought in from offsite?
 - *Tad*: Only if applicable State regulations allow it.
 - *Jen*: The requirement to compost food waste may prompt businesses to give waste to nearby farms for composting.
 - *Greg Watson*: Regulations require that 50% of composted material be vegetative waste.
 - *Tad*: There are thresholds.
 - *Bruce*: The 50% requirement is for outgoing material.
 - *Greg Watson*: It's in the draft regulations that are going out for comment as well.
 - *Tad*: The educational component is important for communicating the needed percentage of wet vs. dry materials. Backyard composting is exempt because it's small scale, but if you have a problem with a larger-scale process it is much worse. MDAR offers training.
 - *Nataka Crayton*: How close are we to commercial regulations for composting?
 - *Greg Watson*: They will apply in 2014.
 - *Nataka*: Will this create opportunities to start composting businesses?
 - *David Foss*: That will come from revisions to DEP solid waste regulations.
 - *Nina*: If the garden exemption won't apply to farms, a \$200 fee seems onerous for small farms.
 - *Greg Watson*: That will be discussed. All the revisions deal with questions of scale and we know we need to think more about small farms.
 - *Greg Murphy*: If larger operators have multiple farm sites and one is especially good for composting, they will want to produce the bulk of their compost on that site distribute to their other farms, instead of producing a little on each.
 - *Tad*: We have talked about the need for that kind of efficiency, and we think it would make sense to allow for that; however, we still do not want any sites to primarily become composting sites.
 - *Glynn Lloyd*: As a larger operator, we would appreciate the flexibility, but have not assessed our sites in that way.

- *Edith Murnane*: The draft zoning recommendations do not address composting on commercial and industrial sites.
 - *Tad*: We're focused now on composting on and for farms – commercial and industrial composting goes beyond the group's scope.
 - *Edith*: Standalone sites would look more like industrial composting than agricultural composting.
 - *Tad*: Yes, and we are trying to come up with the metric to define how much composting will be allowed. It should be a relatively small portion of the site.
- *Glynn*: As a resident, I know training and oversight are necessary for this to work in communities.
- *Tad*: If there is a problem on a site, ISD and Public Health will be the first call, then MDAR, who can refuse to renew permits. The City will field complaints, but MDAR has the ultimate enforcement ability in that they can refuse to re-register the farm.
- *Greg Watson*: The intent is to keep people from using the agricultural exemption as a loophole to open commercial composting operations.
- *Steve Fraser*: It might be better to write tight regulations with many chances for exemptions.
 - *Greg Watson*: That would make for a lengthy and overly complicated system.
 - *Tad*: Is MDAR envisioning an exemption for small farms or just a simplified registration process?
 - *Greg Watson*: We have to discuss that still, but it will probably be more of a simplified process.
- *Glynn*: The cost of soil is a huge barrier – composting is a very important topic.
 - *Tad*: Small farms' margins are small enough that if regulations are too onerous, it won't work.
- *Danielle Andrews*: We break all the proposed dimensional rules in the draft zoning guidelines. They should be more flexible based on specific sites and relations with the neighbors.
 - *Tad*: Comprehensive farm review may be able to make this more contextual.
 - *Glynn*: Urban farming is all very new and we would like flexibility for future developments.
 - *Tad*: A height of eight feet is a common standard for any structures on a property and five feet is standard setback for accessory structures.
 - *Marie Mercurio*: Many of these farms are going to be in residential neighborhoods, where there is greater sensitivity to project impacts on neighboring properties. The rules can be more flexible in commercial districts.
 - *Danielle*: We have never received complaints about our compost. Moving away from the wall means losing productive space.
 - *Rose Arruda*: We have to look through the lens of a neighbor. Not all farmers will be conscientious, and even with many acres of land, compost can smell.

- *Greg Watson*: We could say that absent a design accepted by abutters, a farm is subject to these rules.
 - *Tad*: We can work with our urban design staff to establish these rules as guidelines rather than as regulations.
- *Danielle*: We composted on the roof of the BMC.
 - *Valerie Burns*: Rooftop regulations are connected to scale.
 - *Nina*: New technology could make rooftop composting OK. How do terms like front and side yard apply to farms?
 - *Tad*: The front is along the street; this can also be a guideline.
 - *Marie*: The front is what pedestrians would be walking by.
- *Steve*: Because of lead, testing of compost taken offsite may be necessary.
 - *Tad*: That would be an issue for state regulation.
 - *Bruce*: If product is labeled for sale, testing is required.
 - *David Foss*: If product could only be donated rather than sold offsite, it would reduce the risk of people creating compost-only farms.
 - *Glynn*: Are there restrictions on sales now?
 - *Greg Watson*: At least 50% must be kept on site, but not sure of restrictions on what one can do with the balance of the compost.
 - *Greg Murphy*: Compost is a money maker and should be allowed.
 - *Tad*: MDAR already treats it that way.
 - *Bruce*: Case law treats compost as agriculture, but there is a long history of abuse of agricultural exemptions.
- *Mike Winterer*: There are proven methods of composting on rooftops without creating fire hazards.
 - *Tad*: There could be flexibility to allow for appropriate technologies.

Discussion of Draft Rooftop Agriculture Zoning Recommendations (Marie Mercurio)

- *Marie*: Zoning will allow ground-level farms but make rooftop farms conditional in residential districts. Advocates for rooftop farms say they generally seek sites in commercial and industrial areas anyway, and rooftop farms would be allowed by right in those districts. The proposed zoning language would allow rooftop greenhouses of greater than eighteen feet in height. Staff indicated that they have heard that 18' may be too restrictive. The six foot setback is unresolved because advocates want to use support structures at roof edges, but fire safety officials insist on it. The heights and setbacks for greenhouses and open air rooftop farming will be requirements, not guidelines.
- *Valerie*: Does the setback mean someone can't grow anything within six feet or not have structures?
 - *Marie*: The six feet needs to be a pathway.
 - *Valerie*: So it can be part of the farm, but not growing space.
 - *Greg Watson*: I thought there were cost issues with setbacks.
 - *Jen*: Would having the setback only at the front of the roof solve the fire access issues? It would be helpful to make the setback a guideline you can get out of with neighbors' approval.
- *Bruce*: Visibility from streets is also an issue. Many existing greenhouses violate these setbacks and contractors would say these regulations would interfere with their business.

- *Tad*: These regulations would be for commercial greenhouses – personal greenhouses would go through existing zoning. Advocates say they’re primarily interested in non-residential areas.
 - *Marie*: Visibility and historic preservation are also concerns.
 - *Betsy Johnson*: That would be handled by historic district commissions.
 - *Marie*: We may leave these decisions to the HDCs and not address it through zoning. We will consider making setbacks rules “guidelines” (rather than requirements) because Building and Fire codes will trump zoning anyway.
 - *Danielle*: It should be more explicit that these regulations are for commercial farms only.
 - *Marie*: The definitions establish that, but we could make it clearer in the chapter.
 - *Tad*: The definition of not being for personal consumption should help.
 - *Cecilia Nardi*: It’s confusing because discussing residential districts could imply that the greenhouses are for personal use.
 - *Greg Watson*: It’s confusing without the context of the rest of the code.
 - *Nina*: Some residential neighborhoods could have by-right rooftop agriculture based on the building types in that district.
 - *Marie*: We are looking into all types of subdistricts.
 - *Jen*: If structures are the issue, then open air rooftop agriculture could be treated differently.
 - *Marie*: Even open air farms could have hoopouses and structures.
 - *Tad*: There would be concerns from neighbors about privacy and activity on rooftops.
 - *Nina*: Rooftop structures can be attractive if done right. The setbacks could be made a guideline.
 - *Marie*: The city closely regulates all rooftop structures, including decks and head houses for mechanical equipment. .
 - *Rose*: There’s a safety issue as well – not just aesthetic.
 - *Marie*: The safety issue is real, but could be left to ISD and fire safety to decide.
 - *Jen*: Will these uses all require permits?
 - *Marie*: Yes, either a conditional use permit or allowed as of right permit.
 - *Jen*: ISD rather than zoning may decide these issues.
 - *Bruce*: Because flammability is a major issue, ISD and fire safety may be better suited to regulate.
 - *Betsy Johnson*: Will these regulations cover agriculture on the sides of buildings as well?
 - *Greg Watson*: We should be mindful that we prepare for the future direction of agriculture, not just what’s in front of us.
 - *Tad*: We can look into it. New York has some exemptions we may consider.
 - *Melissa Hoffer*: We recommend a streamlined process because of all these permits.

Discussion of Draft Zoning Recommendations for Comprehensive Farm Review (Marie Mercurio)

- *Marie*: Comprehensive farm review will be similar to other design review processes we have in the City already. The city performs design review in design overlay districts and for as-of-right uses in some areas of the city, as well as sign review. We are working with the BRA's urban designers on the recommendations for Comprehensive Farm Review. The review won't get applicants around the conditional use process where that is applicable; it would apply to by-right farms in certain areas, where farmers would merely need sign-off from BRA Urban Design. The required plans are fairly common and modest and would not require too much up front cost or outside expertise. It will be an administrative review that lasts no longer than 30 days and require input only from immediate abutters, not the whole neighborhood.
- *Nina*: What about subsequent changes to farms that could occur in the years following approval?
 - *Marie*: We are considering reviewing again after two years, but are not sure how onerous that would be.
 - *Tad*: Changes to buildings, not to crops, would trigger another review.
 - *Nina*: Changes to features like pathways might be common.
 - *Tad*: Any changes that might affect neighbors would be subject to review.
 - *Nina*: Specific guidance about what types of changes would trigger review would be helpful.
- *Valerie*: The draft language presented by staff uses traditional zoning language that is not appropriate for agriculture. It should call for a site plan, not landscaping. The review should be about safety, not aesthetics, and should not treat farms like gardens.
 - *Marie*: The design staff might disagree.
 - *Valerie*: They would need special training on farm design.
 - *Tad*: The review should not just be about functionality. There is an aesthetic component, especially in residential neighborhoods.
 - *Valerie*: That gets very subjective and dependent on what architect you work with. Staff would need to know that design review of farms is different and less fussy.
 - *Jen*: Clearer design guidelines would help.
- *Valerie*: The code should state outright that the regulations do not call for professional preparation. It should also state that approval is automatic if you do not receive a decision within 30 days.
 - *Tad*: It would be helpful for us to sit down with existing farmers to find out where the code is too heavy on design.
 - *Danielle*: It is so subjective. What is on my farm works, but the BRA might not approve.
 - *Tad*: It would be great if you could meet with our designers to go over these requirements and your farm's design and practices.
 - *David Foss*: There should be plans on file from the Dorchester farms.
- *Steve*: Does the 750 square feet correspond to the definition of a small farm?
 - *Marie*: No. The number comes from other design review thresholds.
 - *Melissa*: You should consider a bigger threshold than 750 square feet.

- *Steve*: It is confusing to have a new number that does not correspond to the farm size definitions.
 - *Mike*: There should be a size threshold for rooftop review as well, because some rooftop uses are very small.
- *Betsy Johnson*: A certified plot plan is very expensive.
 - *Marie*: You would need one for ISD's requirements anyway and it should be included with the deed.
 - *Edith*: If the land has ever been sold, someone has a certified plot plan.
 - *Betsy Johnson*: Not if you get the land from the City.
- *Marie*: We would like more feedback on design issues and have been trying to cut back on specific design language in the draft.

Public Comment

- *Greg Murphy*: The code does not address windrow composting, but I would recommend not explicitly requiring bins. Soil is very expensive, and the City should encourage intensive composting on certain sites if it wants to become a major urban agriculture city.
 - *Tad*: We would like input on a metric for how much composting will be allowed on a site.
 - *Greg Murphy*: If it is a more industrial area, an agricultural exemption for composting should be allowed.
 - *Dakota Butterfield*: As a community organizer interested in resilience, the fact that we cannot start a small compost depot is discouraging.
 - *Tad*: That decision is out of the City's hands; this is regulated by the State
 - *Dakota*: Is the distinction between primary and incidental composting coming from the City or the state?
 - *Tad*: The City does not want "farms" to be primarily compost operations. Massachusetts has shown a willingness to adapt guidelines to urban farming. The working group can't take on wholesale changes to state composting laws.
 - *Dakota*: The city regulations should not erect any additional barriers.
 - *Tad*: The City should not stand in the way of state-approved composting operations, but needs to be mindful of residential neighborhoods.
- *David Foss*: In the draft composting language, change the word "fertilizer" to "soil amendment."
- *Unidentified member of the public*: Is it correct that basically every farm of any size would require design review?
 - *Marie*: Except in industrial areas.
- *Bruce*: What lighting do greenhouses require?
 - *Trish*: During winter, fourteen hours a day.
 - *Bruce*: The lighting is very crop-specific. Compost is not soil, and other constituents need to be recognized.
- *Betsy Johnson*: The fence height requirements should be clearer. The code also needs to address placement of solar panels on greenhouses and whether they would be allowed or counted towards the height limit.

Actionable Items

- Convene meeting of experienced Boston farmers to vet Comprehensive Farm Review guidelines and requirements; amend draft Sections 89-5 and 89-6 based on feedback from meeting.
- Amend composting recommendations for zoning, including developing specific recommendation(s) to restrict farm site area for composting; reconsider restriction on composting on roofs, and consider easing restriction on composting in front and side yards.
- Amend other zoning recommendations as discussed.



Working Group Meeting #9
Thursday, July 12, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Brian Daly, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Genevieve Goldleaf, Office of Food Initiatives
Lee Blasi, Office of City Councilor Rob Consalvo
Jessica Taubner, Office of City Councilor Ayanna Pressley
Thomas Plant, Boston Public Health Commission
Jennifer Evans, Boston Public Health Commission

Working Group Attendees:

Glynn Lloyd, City Growers
Danielle Andrews, The Food Project
Rose Arruda, MDAR
Valerie Burns, Boston Natural Areas Network
Steve Fraser, East Boston Neighborhood Health Center
Larry Spang, Arrowstreet, Inc.
Bruce Bickerstaff, Roxbury YMCA
Joan Perkins, Sweet Sisters Artisanal Foods
Trish Karter, LightEffects Farm
C.M. Cato-Louis, Mattapan Food & Fitness

Members of the Public Attendees:

Liam Madden, Boston Food Forest Project
Emma Kravet, Harvard Food Law and Policy Clinic
Ruth Goldman, Merck Family Fund
Laura Masulis, Productive Collective
Alyssa Bauer, Walnut Street Center
Nora Hussey
Gregory Carr, ACE
Rachel Greenberger
Alicia Zipp
Noah Wilson-Rich, Best Bees
Jennifer Rugg
Wendy Simard
Tony Durso
Sean Bowen, MDAR
Cait Foley, Harvard Food Law and Policy Clinic
Khrysti Smyth
Austin Hsu
Betsy Johnson, Boston Collaborative for Food and Fitness

Greg Murphy
Sayed Mohamed-Nour, NUBIA
Karan Doczi, Legalize Chickens in Boston
Bill Perkins
Andy Brooks, Bootstrap Compost
Igor Kharitononkov, Bootstrap Compost
Lauren Ockene
Audra Karp, Legalize Chickens in Boston
Sarah Struble, Legalize Chickens in Boston
Robin Maxfield
Zainal Khan
Kyle Sturgeon
Mark Winterer, Recover Green Roofs

Meeting Agenda

- Format for Public Comment at Working Group Meetings
- Presentation and Discussion of Draft Zoning Recommendations for Aquaculture, Aquaponics and Hydroponics (Module 4)
- Presentation and Discussion of Draft Zoning Recommendations for Keeping of Hens and Beekeeping (Module 5)
- Public Comment

Handouts: Memorandum and Recommendations Concerning Aquaculture, Aquaponics and Hydroponics; Memorandum and Recommendations Concerning Keeping of Hens and Beekeeping

Format for Public Comment (Tad Read):

Tad began the meeting by discussing the best format for public comment.

- *Tad Read*: In the June meeting, attendees expressed an interest in continuing the format of informal exchange between members of the public and the Working Group throughout the course of the meeting, rather than holding all public comments for a period of time at the end of the meeting. Attendees felt the informal format better allowed experts to contribute to discussion.
 - o *Valerie Burns*: The June meeting worked well, as expertise in the audience informed the discussion and created a looser, more collaborative meeting.
 - *Steve Fraser*: I agree with Valerie's comments.
 - o *Bruce Bickerstaff*: As long as the group maintains decorum, an informal format can work. It is imperative that attendees do not use the setting as a soapbox.
 - o *Rose Arruda*: The meetings do have experts in the audience, but the question is how we capture and integrate that expertise into the conversation. It is important to make sure everyone gets a chance to chime in.
 - *Tad Read*: We do take notes from the meetings and post them online, including any actionable items.
 - *Rose Arruda*: Maybe if we have the public summarize their comments in a one-page memo or if we send a summary of the public's points to the mailing list, it would better show the inclusiveness of the process.

- *Tad Read*: If people want to send comments in writing, we can post them online.
- *Bruce Bickerstaff*: What exactly is an 'actionable item'?
 - *Tad Read*: Actionable items are ideas or suggestions that lead to some kind of action on the part of staff, such as a suggested revision to a draft regulation.
- *Tad Read*: (Summarizing) In the future, we will continue to leave some time at the end of the meeting for the public and may occasionally ask for more elaborate comments to be held until the end of the meeting, but will try to keep a looser structure during the meeting to allow back and forth between the Working Group and the public throughout the course of the meeting.

Identification of City Staff:

Tad asked any non-BRA City staff in the room to introduce themselves. Genevieve Goldleaf, Lee Blasi, Jessica Taubner, Thomas Plant, and Jennifer Evans all did so.

Discussion of Draft Zoning Recommendations for Aquaculture, Aquaponics and Hydroponics (Tad Read):

Tad showed slides describing aquacultural systems, current regulations, and proposed zoning recommendations. He discussed the three types of aquacultural systems (closed, semi-closed, and open), hydroponics, and aquaponics, as well as state and federal discharge regulations and existing zoning. He also introduced the draft zoning proposals.

- *Greg Murphy*: Why is there a 25,000 ft² limit?
 - o *Tad Read*: Facilities that size or larger tend to be truck-intensive and, from a design perspective, often operate in large, windowless warehouse buildings. Also, if problems occurred in a facility of that size, the number of affected fish could cause serious environmental (i.e., odor) problems.
- *Betsy Johnson*: Are there places in residential and commercial subdistricts in Boston with large warehouse buildings that would be ready for conversion but where the use would be forbidden?
 - o *Tad Read*: If you know of any examples, we would be interested to hear about them.
- *Trish Karter*: I don't see the value in being this restrictive. If a use were conditional, it would offer the necessary opportunity for neighbors' input. People looking to start aquacultural businesses will not invest in facilities of less than 25,000 ft², and those businesses might be beneficial to the neighborhood. Larger facilities have better and more efficient systems and might be able to afford security and maintenance crews to prevent problems. The facilities have firewalls between tanks to prevent widespread failure, so the odor nuisance shouldn't occur. My bakery was in a residential neighborhood and people loved it there.
 - o *Steve Fraser*: The economics of aquaponics are difficult even without these restrictive regulations.
 - o *Trish Karter*: People are struggling to make aquaponics feasible as is.
 - o *Tad Read*: Are you talking about aquaponics or aquaculture?
 - o *Trish Karter*: Same for both.
- *C.M. Cato-Louis*: The old Cote Ford site in Mattapan is contaminated and no one wants to remediate it. Is it in a manufacturing district?

- *Tad Read*: There is already an ongoing planning process for that parcel. Initial ideas for the site involve mixed residential/commercial/community uses.
- *C.M. Cato-Louis*: If similar sites would be open to aquaponics and aquaculture, these sites could be opportunities to remove some of the need for remediation.
- *Betsy Johnson*: That is why it should not be restricted to 25,000 ft².
- *Kyle Sturgeon*: It is feasible to produce twenty fish per year with a facility of only about 10 ft². The value of aquaponics is that it can be done on a small, residential scale. What will be the regulations for aquaponics that is not a use accessory to a farm? Even growing herbs in an aquarium tank is aquaponics.
 - *Tad Read*: The BRA is trying to stay away from regulating personal gardens and uses, which are assumed to be allowed.
- *C.M. Cato-Louis*: There are community gardens in Brooklyn with aquaculture. How would that fit with this ordinance?
 - *Tad Read*: We have not yet discussed aquaculture in community gardens.
 - *Valerie Burns*: BNAN has not dealt with the issue. The challenges are scale and space, but we may want to explore it. Community gardens typically sit in residential districts and we would support it as a use.
 - *Steve Fraser*: I would support it as well. Because aquaponics can be done on the scale of a garage, there needs to be a clear threshold and clarity that it is not forbidden for personal use in residential areas.
- *Member of Public*: If the use is accessory to farms, how would a school in a residential area looking to start an educational farm be restricted? Does it have to be a farm to qualify for the accessory use?
 - *Tad Read*: We will have to look into the question. If it is an educational use, it is likely to be fine. Most schools are located in residential zoning subdistricts; universities and colleges are generally located in institutional zoning subdistricts.
- *Thomas Plant*: Aquaculture should be a conditional use. The City has to consider the possibility of vertical growth within existing buildings, which would add capacity but not square footage. Water intake to these systems from bodies of water may need to be permitted as well.
 - *C.M. Cato-Louis*: There would be no irrigation in these systems because they are closed.
 - *Tad Read*: It is the discharge that is usually regulated.
 - *Sean Bowen*: Usually, volume rather than square footage triggers regulation. Aquaculture facilities can increase production by building upward, as only shellfish require a certain square footage at the bottom of a tank.
- *Valerie Burns*: Speaking as someone who lives in a mixed-use area and knowing that much of the city is mixed-use, I believe these districts have a much higher tolerance of new uses than do residential districts. Connecting aquaculture to farms precludes it in mixed-use settings.
 - *C.M. Cato-Louis*: Would a neighborhood like Mattapan Square be considered mixed use? Few non-residential uses exist more than two blocks from the Square.

- *Tad Read*: Those areas probably have separate, residential zoning. An April 2011 community charrette pointed to a community desire for a mix of residential, retail and community uses at the Cote Ford site.
- *Betsy Johnson*: The language in the memo and the slideshow differ; there is no mention of mixed-use in the draft ordinance.
 - *Marie Mercurio*: The ordinance uses different terminology, such as commercial buildings with no residential use, but the concept is the same.
- *Alicia Zipp*: If the ordinance discusses only commercial uses, is it never forbidden for personal use?
 - *Tad Read*: We will clarify the language on that matter. In general, apart from the keeping of animals and beekeeping the urban agriculture activities addressed in the proposed new Zoning Code Article 89 have to do with activities yielding a product for sale, distribution, or donation—not for personal use. Article 89 is not intended to address growing food for personal consumption.
- *Larry Spang*: How will the review process for conditional uses relate to the Article 80 review process?
 - *Marie Mercurio*: The BRA is looking to conduct design review on most urban agriculture uses. If a proposal was for a conditional use, the ISD would reject it until it could be presented at a Zoning Board of Appeals meeting, before which abutters would be notified.
 - *Larry Spang*: Would things like traffic impacts be covered in the conditional use process?
 - *Marie Mercurio*: Not if it does not meet the Article 80, 20,000 square footage threshold. The standard review for farms not requiring Article 80 review would just be comprehensive farm (design) review, plus conformance with other relevant laws.
 - *Tad Read*: The BRA is not adding additional review categories. Just because a project goes for design review doesn't mean it's a full conditional use review process with public hearing. Comprehensive Farm Review, which was mentioned in the last Working Group meeting, would be an example of an administrative review by the BRA. The Zoning Board of Appeals would not come into play for any as-of-right Urban Farms, but the BRA Urban Design Department would like to have the opportunity to review that Farm's design through the proposed Comprehensive Farm Review before it is permitted.
- *Larry Spang*: The point of zoning is to address impacts and externalities. How will review for these uses be conducted in a way where neighbors can understand potential impacts?
 - *Marie Mercurio*: That concern is why we are being restrictive in residential areas.
 - *Bruce Bickerstaff*: If someone can build an aquacultural facility by right, it may still have an impact on the neighborhood.
 - *Tad Read*: We are trying to understand the point at which a facility becomes large enough to have neighborhood impacts.
 - *Sean Bowen*: The impact depends on the filtration system. Australis, in Turners Falls, is large but handles impacts fine.
 - *Kyle Sturgeon*: Australis practices aquaculture, not aquaponics.

- *Steve Fraser*: Because of the many varieties of aquaculture, the ordinance should have careful language that is inclusive rather than exclusive.
- *Kyle Sturgeon*: The critical difference is that in aquaponics there is no discharge. In hydroponics and aquaculture, there is discharge and the addition of water and food.
 - o *Trish Karter*: Even in hydroponics there can be minimal waste. In aquaponics, there will be some discharge due to cleaning and some input of water due to evaporation.
 - o *Sean Bowen*: Aquaponics creates some solid waste from fish waste and uneaten food.
- *Betsy Johnson*: The City needs to clarify rules for neighborhood-based "group" aquaponics. Is there any scale of aquaculture in residential areas that is not forbidden for group, rather than personal, use?
- *Glynn Lloyd*: Is there any square footage in a residential area where it would be conditional?
 - o *Tad Read*: Yes.
- *Glynn Lloyd*: I would like this working group to be more visionary around small production. I would like to avoid the CUP process.
- *Greg Murphy*: Shouldn't the rules just be the same as for greenhouses?
 - o *Tad Read*: This would be an accessory use.
- *C.M. Cato-Louis*: If I had a half-acre and wanted to put up a greenhouse, I would be subject to the conditional use process even though it's my property?
 - o *Glynn Lloyd*: There are accessory structures that are allowed in residential areas. Would these regulations make them conditional if they contained aquaponics?
 - o *Trish Karter*: There are hoopouses with tubs that are basically aquaponics systems.
 - o *Tad Read*: It looks like there is interest in some amount of aquaponics as allowed rather than conditional in residential zones.
- *Trish Karter*: Why would it be conditional in commercial zones? I can build a huge bakery but not a quiet, clean aquaponics facility? Scale does not matter for neighborhood impacts.
- *Steve Fraser*: If hydroponics is a type of urban farming, why would it be subject to different regulations than general agriculture?
 - o *Tad Read*: Hydroponics involves structures.
- *C.M. Cato-Louis*: The code should keep these uses separate from residential areas but not restrict them in commercial districts.
 - o *Tad Read*: We could make it more in line with the Article 80 square footage requirements.
- *Trish Karter*: Why would we make agricultural use regulations more restrictive than regulations on other commercial uses if we want to encourage it?
- *Betsy Johnson*: Lots of hydroponics takes place without structures. Why would the City regulate it if it is outside?
- *Larry Spang*: We need to see whether aquaculture has impacts not captured in the Article 80 review.

Discussion of Draft Zoning Recommendations for the Keeping of Hens as an Accessory Use (Tad Read and Marie Mercurio):

Tad began by explaining that in response to feedback from Dakota Butterfield of Legalize Chickens in Boston, the BRA is aware of significant concerns on the part of the backyard chicken advocacy community about the perceived stringency of the draft regulations. The BRA would like to convene a meeting with city staff, advocates, and experts in the field to determine the most reasonable regulations and come back to the Working Group with a modified proposal. He encouraged the audience to focus comments on their biggest general concerns rather than the specific details of the plan.

- *Valerie Burns*: Will there be a working group on bees that is separate from the discussion about other animals?
 - o *Tad Read*: Yes.
 - o *C.M. Cato-Louis*: Animal keeping and beekeeping regulations should be kept completely separated. Bees have less emotional impact on the public and we probably should not be wrapping them up with other animals.
 - o *Betsy Johnson*: Chickens are separate from animals too.
- *Karan Doczi*: Legalize Chickens in Boston has a matrix comparing Boston's draft to other cities' regulations, which I will hand out to the Working Group.

Tad presented a slideshow describing the zoning system in Boston, showing the extent of Base Code areas versus Neighborhood Districts, and discussing the draft zoning regulations for the keeping of hens and bees.

- *Member of Public*: In the areas where the keeping of animals is forbidden, is it forbidden for personal use?
 - o *Tad Read*: Yes.
- *Greg Murphy*: Please explain why the keeping of animals for personal use is being discussed as part of a rezoning process that is specifically intended to focus on commercial agriculture as opposed to backyard gardening.
 - o *Tad Read*: Excellent question. Unlike urban agriculture generally, on which the existing Boston Zoning Code is silent, there is already language in the existing Boston Zoning Code dealing with the keeping of animals and beekeeping, including keeping animals and bees in backyards. And in most residential areas, these activities are expressly forbidden even if just for personal use. In order to change this, we have to modify the existing Boston Zoning Code.
 - o *Glynn Lloyd*: Even animals for personal use are related to agriculture.
- *Tad Read*: The zoning articles for the Neighborhood Districts each contain language stating that if any elements of the neighborhood zoning conflict with general zoning language for the City, the neighborhood zoning trumps the general. Because of that clause and the fact that each neighborhood zoning district specifically addresses (and most often forbids) the keeping of animals, the City cannot make a single, wholesale change to allow the keeping of animals citywide. Outside Base Code areas, the change would require a neighborhood-by-neighborhood rezoning. The BRA is proposing that this process include a petition, whereby neighbors submit a petition with a certain number of signatures to signal their interest in initiating the rezoning process.
 - o *Glynn Lloyd*: What would the petition process entail, as far as things like the number of required signatures?
 - o *Tad Read*: We are still thinking about that. In the absence of a petition process, the way it would work otherwise is that members of a community would make a request to a City Councilor who might in turn approach the

- BRA to make known that the community's a desire for rezoning. For the keeping of animals, the BRA is proposing that the process be formalized, with the use of a petition process, followed by community meetings and the requisite public hearings.
- *Betsy Johnson*: That is what we did for dog parks.
 - *Karan Doczi*: We are strongly against neighborhood-by-neighborhood process. It risks marginalizing neighborhoods due to the amount of time and resources it would require.
 - *Betsy Johnson*: Legally, is there no way around the neighborhood zoning?
 - *Karan Doczi*: With some guts and strength we can do it.
 - *Betsy Johnson*: But legally, is it possible?
 - *Karan Doczi*: I know there must be a way around it. Can you describe the process?
 - *Tad Read*: We are not sure yet. It would likely involve community meetings out in the neighborhoods; and, ultimately it would require a public hearing each before the BRA Board and a public hearing with the City's Zoning Commission.
 - *Alicia Zipp*: Were there neighborhood processes throughout the City in 1991?
 - *Marie Mercurio*: That was when the processes began, but some have been much more recent. Hyde Park was rezoned in the past year.
 - *Betsy Johnson*: In the rezoning process for my neighborhood, the topic of keeping animals never came up. How can it be forbidden if it was never discussed?
 - *Tad Read*: The code is explicit in forbidding the accessory keeping of animals.
 - *Sarah Struble*: Is the language forbidding the use stemming from a boilerplate that is used for rezoning the neighborhoods?
 - *Marie Mercurio*: Yes. We use the same language for each neighborhood Article where the use of "Accessory Keeping of Animals" is always included in the Use Regulations chart. In the three neighborhoods where I have worked on rezoning, the BRA was never pushed on the side of lessening the restriction.
 - *Alicia Zipp*: Dorchester is huge and has at least 50 neighborhood associations. There should not be one petition process when considering the differences in size and population between neighborhoods.
 - *Tad Read*: We are still working out the logistics of the process.
 - *Sarah Struble*: It seems like it would be more useful as a top-down process. The process would take far too long neighborhood-by-neighborhood.
 - *Glynn Lloyd*: Are there any examples of city-wide changes since 1991?
 - *Marie Mercurio*: Not city-wide.
 - *C.M. Cato-Louis*: Can we go back and apply the Base Code throughout the City?
 - *Khrysti Smyth*: Introduces herself as a Somerville-based chicken concierge, offering classes on the practice of keeping hens. Ask if Boston can write language for a zoning ordinance and tell the individual neighborhoods that the City would like it to be adopted in each neighborhood?
 - *Marie Mercurio*: That's exactly what we're trying to do.
 - *Tad Read*: The group in this room is strongly in favor of keeping chickens, but many people in the City are alarmed that we would even consider it. Many people see the citywide process advocates are proposing as a top-down, unilateral approach.
 - *Betsy Johnson*: Then they are ignorant.

- *Tad Read*: The Mayor would like to be sensitive to the needs of individual neighborhoods.
- *Valerie Burns*: Since it is a legal issue, can we ask the Conservation Law Foundation to help come up with a legal workaround to the zoning language?
 - *Tad Read*: Certainly, I'm sure our legal staff would be open to hearing outside legal opinions on the matter.
- *Valerie Burns*: The BRA's Dorchester farm zoning process had lots of other problematic issues going on at the same time. The uproar may not have really been about the keeping of animals.
 - *Tad Read*: We are not just looking at that process as evidence. We continually hear concern about this issue. We want to do what is right, but not be dictatorial.
- *Rose Arruda*: Thinking as a community organizer, I am frightened by some of the talk of overthrowing the community process. You think it is right, but do not discount the 20 to 30-year residents' wishes and their ability to organize and push back. We have to be thoughtful and realize that not everyone agrees. If you try to force it, watch what happens.
- *Karan Doczi*: We are not talking about forcing anyone to keep chickens. A proper code would protect neighbors from any impacts. I have been in this community for 34 years. We as advocates need to figure out the community concerns and address them. I do care about their concerns, but I don't think a neighborhood-by-neighborhood process is the way to address them. The process and the shockingly high fee will stifle the keeping of chickens. A citywide approach is the norm across the country.
- *C.M. Cato-Louis*: Will there be dissenting voices in the chicken working group?
 - *Tad Read*: Yes. The idea is to have a group with a manageable size of 12-14 people.
- *Lee Blasi*: City Councilor Consalvo supports urban agriculture. Roslindale and Hyde Park were the last two areas to be rezoned. It involved three years of an open and transparent process involving hundreds of residents. To hear people talk about overriding that is unnerving. If allowing chickens is the right thing to do we will get there, but to override years of neighborhood input is scary.
- *Greg Murphy*: In our urban agriculture rezoning process, the keeping of animals has been the only change discussed as having to be neighborhood-by-neighborhood. Why is that?
 - *Tad Read*: Great question. The answer is that, while urban agriculture writ large is not addressed in the Zoning Code at all, the existing Zoning Code does address the keeping of animals. In fact, many neighborhood zoning districts specifically forbid the keeping of animals and bees. In the opinion of the BRA's in-house legal counsel, the only way to change this is to amend the Zoning Code neighborhood by neighborhood.
- *Karan Doczi*: The only reason it is forbidden is that it is specifically addressed in the code. But people keep dogs, which are worse than chickens.
- *Glynn Lloyd*: We're activists and we want this change, but we need to do the work and bring people along with us.
 - *Karan Doczi*: That effort will be stymied by a lack of resources. By trying to protect people, we're actually stopping them. Allowing chickens is happening around the country.

- *Glynn Lloyd*: We saw what happened in Dorchester without that kind of outreach effort.
 - *Karan Doczi*: I'm offended by people coming into neighborhoods and telling them what's best for them, but that's not what this would be. We're not forcing anyone to keep chickens.
- *Sarah Struble*: If the rezoning efforts never had a conversation about keeping animals, we would not be subverting the process by changing it citywide.
 - *Tad Read*: It is probably true that there was a template and that the issue was little discussed, but we cannot be sure it never came up at all. I personally did not work on any of the neighborhood rezonings, so I do not have firsthand knowledge of what the conversations might have entailed.
 - *Sarah Struble*: If the change is made citywide, it is less marginalizing because it is being applied citywide based on regulations rather than singling out specific neighborhoods.
- *Member of Public*: Will the code allow the keeping of bumble bees inside greenhouses? They are useful pollinators for tomatoes.
 - *Noah Wilson-Rich*: Bumble bees are good indoor pollinators, while honey bees are good outdoor pollinators. Because of diseases in the bumble bee population, children today do not grow up familiar with bumble bees. As of now, they would not be allowed because they are a separate genus from *Apis*, which includes honey bees and the draft ordinance allows.
- *Jessica Taubner*: Without speaking for Councilor Pressley, I appreciate the advocates' passion. But there is a reason why we have a community process. We would not want developers to push through a hotel, and we do not want to set a precedent of overriding the neighborhood zoning process.
- *Mark Winterer*: We are missing any voice of the opponents. What are their concerns and how can we address them?
 - *Tad Read*: We have tried to anticipate and address them through these regulations, but we aren't discussing the specifics of the draft regulations in today's meeting.
- *Valerie Burns*: I have been in millions of rezoning meetings over twenty years and do not remember any specific discussion about animals and bees. It just got carried forward as a template. There is no twenty-year record of concern about animals.
 - *Marie Mercurio*: It was never a hot-button topic in the rezoning process in Hyde Park or Roslindale.
- *Khrysti Smyth*: Proportionally, how many neighborhoods currently prohibit the keeping of hens?
 - *Marie Mercurio*: Only 6% of all zoning subdistricts in the City allow chickens, with 22% of all zoning subdistricts in the City being conditional. The rest of the zoning subdistricts forbid it. Some of the revised Articles allow for chickens in specific zoning subdistricts (i.e., Allston-Brighton, Chinatown, W. Rox, Dorchester, etc.).
- *Alicia Zipp*: Are these zoning districts available online?
 - *Marie Mercurio*: Yes
[<http://www.bostonredevelopmentauthority.org/zoning/downloadZone.asp>]
 - *Alicia Zipp*: How does this process happen?
 - *Marie Mercurio*: In the past, the BRA will receive a letter from an individual to consider a zoning amendment, an organized group, or a City Councilor for

example. A change like we are talking about would generally affect a large geographic area and we would have to go out publicly to assure that the full neighborhood is aware of any zoning changes.

- *Alicia Zipp*: Would you have any problem with us contacting our Councilors?
- *Tad Read*: We encourage it.
- *Member of Public*: Would this change be done by Council ward?
- *Tad Read*: No, it would be by zoning district.
- *Greg Murphy*: There will be neighborhood input once the article is presented to the public. It would be better to allow neighborhoods to opt out of keeping chickens rather than to force them to opt in.

Actionable Items

-Relax proposed aquaculture/aquaponics/hydroponics use regulations and thresholds in all subdistricts, including residential. For residential, explore possibility of threshold under which a facility may be allowed as of right.

-Consider feasibility/desirability of aquaculture in Community Gardens?

-Compare proposed aquaculture/hydroponics/aquaponics thresholds to Article 80 development review thresholds in Article 80; where appropriate, make consistent.

-Consider that hydroponics activity happens in open air; what implications does this have for size thresholds?

-Formulate in greater detail proposed petition process for neighborhoods to change their zoning for keeping of animals and bees.



Working Group Meeting #10
Thursday, September 6, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Brian Daly, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Ture Turnbull, Office of City Councilor Matt O'Mally's Office
Jennifer Evans, Boston Public Health Commission

Working Group Attendees:

Danielle Andrews, The Food Project
Rose Arruda, MDAR
Jen Faigel, Housing & Economic Development Consultant
Steve Fraser, East Boston Neighborhood Health Center
Trish Karter, LightEffects Farm
C.M. Cato-Louis, Mattapan Food & Fitness
Nina Mukherji, Real Food Challenge
Greg Watson, Commissioner, MA Department of Agricultural Resources
Donald Weist, Boston Public Market Association

Members of the Public Attendees:

Dakota Butterfield, Legalize Chickens in Boston
Jean-Claude Bourrut, Boston Beekeepers Club
CM Cato/Louis, Mattapan Food & Fitness
Michael Krupp, Area Four Restaurant
Jessica Leete, Ager Group/Highland Park Land Trust
Jolie Olivetti, Revision Urban Farm
Jim Pettinelli, Victory Programs
Sadie Richards, Boston Beekeeper Club/Food Corps
Jennifer Rugg
Vicki Siggers, Mattapan Food & Fitness Coalition
Davis Webber, MDAR
Khrysti Smyth
Kurt Tramosch, Weir Environments
Ashley Molson, MDAR
Karan Doczi, Legalize Chickens in Boston
Mark Winterer, Recover Green Roofs

Meeting Agenda

- I. Continued discussion of Comprehensive Farm Review (Module 2)
- II. Continued discussion of Accessory Keeping of Hens (Module 5)

- III. Continued discussion of Accessory Keeping of Bees (Module 5)
- IV. Presentation and Discussion of Farmers Markets, Winter Markets, Farmstands and On Site Sales (Module 6)

Handouts: Background Research & Preliminary Recommendations re Farmers Markets, Winter Markets, and Farmstands
Revised Draft Regulations for Comprehensive Farm Review
August 30, 2012 Revised Draft Regulations re Keeping of Bees
August 30, 2012 Revised Draft Regulations for Keeping of Hens

The last item agenda item was moved to the start of the agenda to accommodate the speaker who had to leave early.

Presentation and Discussion of Farmers Markets, Winter Markets, Farmstands and On Site Sales (Tad Read, Brian Daly)

Brian gave a presentation reviewing zoning in other U.S. cities for farmers markets and onsite farm sales. The meeting was then opened for discussion and comment.

- o *Nina Mukherji*: Are there other uses, such as grocery stores and synagogues, which should be added to the list of uses in residential zoning districts to which farmers markets could be allowed as an accessory uses?
- o *Tad Read*: We can look into whether we might expand the list to include other institutional or public uses commonly found in residential zones. As for grocery stores, except for small neighborhood markets, these occur infrequently in residential zoning districts.
- o *Greg Watson*: Does the Working Group want to think about whether we should limit the produce sold to in farmers markets to that produced by local farmers? MDAR has had experiences in the past where non local farm produce trucked in from long distances has been sold in farmers markets, undermining the essence of farmers markets, which is to support direct access to fresh produce as well as support local farmers.
- o *Jen Faigel*: We should at least ensure that whatever is in the zoning is consistent with Boston area farmers' market policy/practice. Also, as staff points out, it is important for farmers markets to have some flexibility in order to attract patrons.
- o *Edith Murnane*: We want to create an environment of flexibility.
- o *Trish Karter*: I have three concerns. One, I'm concerned about establishing too many controls that would undermine the economic viability of farmers markets. Two, there are so many areas of the city that are underserved by farmers markets. Three, do we want to consider language that would require a percentage of the vendors at farmers markets be local farmers?
- o *Nina Mukherji*: Do we want to address markets more broadly than farmers markets, in the interest of economic diversity and opportunity?
- o *Tad Read*: We will consult with local farmers market representatives knowledgeable about these issues and explore whether there is some language that can and should be added to reinforce the role of local farmers.

- Since the focus of the rezoning is on urban agriculture, we do not want to stray to addressing markets that do not sell primarily fresh, local produce.
- *Trish Karter:* Has staff consulted with local farmers regarding the limitations on days of the weeks and hours of day for farmstands in residential districts?
 - *Tad Read:* We have assumed that farmstands would operate much like farmers markets—only a certain number of days per week and hours per day. But perhaps Jim Pettinelli of Victory Programs [who is in the audience] could speak to this...
 - *Jim Pettinelli:* Jolie could speak to the hours and days of week. I would like to make a case for expanding the allowable items to sell on farmstands to include value added products.
 - *Jolie Ovlivetti:* Our farmstand on Blue Hill Avenue operates two weekdays and one Saturday per week, for 4-5 hours per day. When we operate d farmstand on Fabian Street, it was pretty informal and did not generate much foot traffic, which is why we stopped it.
 - *Jen Faigel:* What about providing for two tiers of farmstands, one tier for farmstands with limited products and hours that would be *allowed*, another for farmstands with more expanded hours and products that would be *conditional*?
 - *Tad Read:* We can look into these questions and suggestions.

Presentation and Discussion of Comprehensive Farm Review (Marie Mercurio)

- *Marie Mercurio:* Summarized the changes to the draft regulations for comprehensive farm review, pointing out that many issues that were formerly addressed as hard and fast requirements were changed to guidelines, which would be more flexible.
- *Trish Karter:* Suggested that the 45-day time period that would be in place for BRA Urban Design staff to stamp off on a complete application is too long. Suggested a shorter time period such as 30-days.
- *Marie Mercurio:* Said Staff would look into this. Stated that 45 days is the time frame that we use for design review for buildings but would talk to Urban Design and Zoning staff about shortening it for urban farms. Also made note that Farmers, if after 45 days and plans have not been stamped, can go to the Building Department and try to obtain their permit.
- *Trish Karter:* Asked why “Dark Sky Compliance” is in the section for lighting.
- *Marie Mercurio:* Stated that the lighting section moved from requirements to guidelines, and Designers would look at each project on a case-by-case basis to determine if compliance with Dark Sky (i.e., abutting residential use) is necessary. It is no longer a requirement as it was written in prior drafts. Suggested that Staff will also take this concern up with Urban Design Staff to see if it needs to remain in the proposed zoning text, or it could possibly be reworded for specific projects that could potentially create an (over-lighting) nuisance
- *Mark Winterer:* Asked if an urban farm on a roof that was less than 5,000 sf, but required trellises to stake up vines, would require comprehensive farm review.

- *Marie Mercurio*: Stated that this could be discussed with Urban Design Staff; however, the sense is that yes, if anything is visible from the public street, the BRA would like to review it.
- *Michael Krupp*: Suggested that, in addition to comprehensive farm review for rooftop urban farms, it would be hard to pass a rooftop urban farm proposal through local historical district guidelines. Would there be any way to get around local historic district guidelines? Underscored the rigors involved with getting anything permitted on the roof in a local historical district, most specifically the Fort Point Channel Landmarks District.
- *Steve Fraser (WG Member)*: Suggested that the “incentives” for urban agricultural activities would be to somehow have a “rapid review” which could lessen the requirements in local historic districts, in addition to shortening the time required for the BRA Urban Design Staff to stamp off on urban farm proposals (see comment above). This is also in response to a question earlier on in the meeting from a member of the public who asked if there were any City or private incentives for urban agriculture activities. Staff suggested that they ask the Farmers themselves this question as the purpose of the initiative at hand was to rezone and loosen the City’s zoning code for agricultural activities only – not to provide financial incentives.
- *Marie Mercurio*: Stated that this could be discussed with Urban Design Staff who are knowledgeable of local landmarks district guidelines. Reiterated that this is the reality for roofdecks, head houses, etc. in local landmarks districts (requirement of both BRA and historic district commission review) so assumed this would be the case for rooftop farming too, especially if visible from the street.

Presentation and Discussion of Draft Regulations re Keeping of Hens (*Marie Mercurio*)

- *Edith Murnane*: Reminded the Working Group and meeting Attendees that the following discussion pertained to the backyard keeping of Hens for personal consumption of eggs.
- *Tad Read*: Stated that the BRA needs to discuss regulations for *commercial* keeping of hens.
- *Khrysti Smith*: Suggested corrections to the proposed zoning text, specifically in the “Materials” and “Screening” requirements. Also suggested that additional language be added to the prohibition on keeping of hens inside habitable structures [Other Permitting Requirements, section (g)], so that an exception could be made for animals that needed to be quarantined for an illness, or otherwise required special care
- *Marie Mercurio*: Noted that the “demographic” of a non-egg-laying Hen who is too old to lay eggs were not provided for within the maximum number of Hens requirement.
- *Dakota Butterfield*: Suggested that we change “Maximum number of adult, egg-laying Hens = 6” changes to “Maximum number of adult, **egg-laying** Hens = 6”
- *Marie Mercurio*: Stated that this seemed reasonable.

- *Dakota Butterfield*: Found the 25% maximum coverage for coops and runs in the backyard to be too constrictive. Suggested this number could be larger, perhaps up to 40%.
- *Marie Mercurio*: Stated that this is the maximum requirement that the City uses for accessory structures in the backyard (i.e., stand-alone garage, carriage house, shed, etc).
- *Dakota Butterfield*: These are “monolithic” structures, while coops and especially runs are open to the air and permeable.
- *Marie Mercurio*: Staff will look into this and talk to Zoning staff about waiving the standard backyard coverage requirement in this instance.
- *C.M. Cato Lewis*: Asked why Hens couldn't be kept indoors. If it is too expensive to build a large coop in the backyard, why not keep them in the basement. We keep dogs and cats in basements.
- *Tad Read*: Suggested the reasons had to do with both public health and animal welfare—that is, to prevent neglect and abuse of animals by prohibiting that they be kept in cold, dark, unventilated basements and sheds. Deferred to Jenn Evans from the Boston Public Health Commission, who verified and reiterated same response.

Presentation and Discussion of Draft Regulations re Keeping of Bees (*Tad Read*)

- *Tad Read*: Summarized revisions to the draft regulations that have been made based on discussions with beekeeping experts.
- *Jean-Claude Bourrut*: The 5' height limit seems too restrictive. We keep hives that extend higher than 5'.
- *Tad Read*: We would like to discuss this with you and hear more about this.
- *Sadie Richards*: Three years of experience seems too limiting.
- *Tad Read*: The requirement would be either a) three years of experience or 2) taking a beekeeping course.
- *Jean-Claude Bourrut*: The regulations require that the applicant register with MDAR, but MDAR currently is not requiring registration.
- *Tad Read*: We checked with MDAR, and they said they have new funding and will again be registering beehives. But the issue of consistency on MDAR's part is a good point; we need to consider this further.
- *Sadie Richards*: Has the City considered requiring creating the option of an apprenticeship?
- *Tad Read*: We could look at adding this to the list of options.

Actionable Items

Famers Markets and Farmstands

- For farmers markets, explore whether it would be advisable to add synagogues and other similar institutional or public uses to the list of uses to which farmers markets could be accessory uses to the primary use.

- Explore with farmers markets experts, MDAR and others whether it would be advisable to assign a percentage to local farmers.
- Re farmstands, explore with local farmers and zoning staff what parameters might make sense for farmstands in terms of number of days per week and hours of operation. Also explore idea of two tiers of farmstands based on hours and intensity of operation.

Comprehensive Farm Review

- Discuss the following items with BRA Urban Design Staff: shortening the 45-day review timeframe to 30 days; Dark Sky Compliance; Trellises on rooftop urban farms <5,000 sf requiring comprehensive farm require; local landmarks district commission requirements

Keeping of Hens

- Explore whether there is a need to develop zoning regulations for commercial keeping of hens and keeping of hens in community gardens, or whether this needs to wait for neighborhood-by-neighborhood zoning for the keeping of hens.

Beekeeping

- Explore with expert beekeepers whether greater height limits are needed, especially for commercial beekeeping.
- Explore whether zoning should reasonable reference MDAR registration requirements and if so, how.
- Explore whether it would make sense to make an apprenticeship an optional prerequisite for beekeeping.
- Explore whether there is a need to develop zoning regulations for commercial keeping of bees and keeping of bees in community gardens, or whether this needs to wait for neighborhood-by-neighborhood zoning for the keeping of bees.

Vertical Walls

- Explore whether vertical walls for production of agricultural and horticultural should be addressed in Article 89.



Working Group Meeting #11
Thursday, October 4, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Brian Daly, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Thomas Plant, Boston Public Health Commission
Jennifer Evans, Boston Public Health Commission
Charlie Cook, Inspectional Services Department
Ernest Bennett, Office of City Councilor Charles Yancey
Ture Turnbull, Office of City Councilor Matt O'Malley
Jill Stankiewicz, Office of Food Initiatives

Working Group Attendees:

Rose Arruda, MDAR
Bruce Bickerstaff, Roxbury YMCA
Valerie Burns, Boston Natural Areas Network
C.M. Cato-Louis, Mattapan Food & Fitness
Jen Faigel, Jen Faigel Consulting
Glynn Lloyd, City Growers
Joan Perkins, Sweet Sisters Artisanal Foods
Don Wiest, Boston Public Market Association

Members of the Public Attendees:

Jared Auerbach, Red's Best
Lawrence Barriner II, MIT
Brooke Davis, Tufts University
Peggie de Pasquale, Simmons College
Natasha Geiling, Wellesley College
Brett Heeger, Harvard Law School
Jessica Leete, Ager Group/Highland Park PRC
Cathy Neal, Bountiful Brookline
Valerie Oorthuys, Tufts University
Jennifer Rushlow, Conservation Law Foundation
Khrysti Smyth, Yardbirds Backyard Chickens
Heidi Stucker, Tufts University
Mark Winterer, Recover Green Roofs
Birthe Burtelson
Caitlin Cameron
Austin Hsu
Greg Murphy
Tori Okner
Fred Yen

Meeting Agenda

- Continued Discussion of Comprehensive Farm Review and Urban Farm Thresholds (Module 2)
- Continued Discussion of Composting (Module 1)
- Continued Discussion of Aquaculture, Hydroponics and Aquaponics (Module 4)
- Continued Discussion of Farmers' Markets, Winter Markets, Farmstands, and Onsite Sales (Module 6)
- Public Process to Initiate Neighborhood Rezoning for Keeping of Hens and Bees (Module 5)
- Public Comment
- Next Steps

Handouts: Memorandum Concerning Comprehensive Farm Review and Urban Farm Thresholds; Memorandum Concerning Composting; Memorandum Concerning Aquaculture; Aquaponics and Hydroponics; Memorandum Concerning Farmers Markets and Farmstands; Proposed Process for Amending Neighborhood District Zoning To Allow for the Keeping of Hens or Honey Bees.

Comprehensive Farm Review and Urban Farm Thresholds (Tad Read):

Tad and Marie began the meeting by reintroducing the topic of comprehensive farm review and showed a chart of different classifications and thresholds for review.

- *Tad Read:* To refresh everyone's memories, in April the Working Group developed three thresholds for review by size.
 - o *Marie Mercurio:* The original categories were up to 5,000 ft², 5,000 ft² – 2 acres, and over 2 acres.
 - o *Tad Read:* Under the previous recommendations, small farms would have gone through by right with no public hearing. The middle range farm is mostly by right, but Conditional Use in residential zones. Since April, however, staff has changed the recommendation and liberalized use and review thresholds all the categories.
 - o *Marie Mercurio:* From May to September, we kept the thresholds but changed the names to small, medium, and large. Working Group and public feedback since then has suggested that the range for medium farms ran very large. The current draft reduces the divide between medium and large to one acre. Small and medium farms will now be by right everywhere--a major liberalization from their current status as forbidden. Large farms of over one acre will still be conditional uses in more sensitive districts, such as residential zones. The BRA believes large farms over one acre in such zoning districts should go through a public process. Large farms will be allowed in industrial zones would require Comprehensive Farm Review (CFR) if abutting a residential district. The BRA's design staff should review such farms.
 - o *Valerie Burns:* Since things have progressed, we should talk about the logistics. Farmers are concerned that reviews will be untimely and full of public meetings. Can you please discuss comprehensive farm review?
 - o *Marie Mercurio:* It will be different for each case. Farmers will apply for a permit from ISD, who will notify the BRA. The farmers will be asked to send

- a packet with the required materials to the BRA design staff, who will have 45 days to review siting, structures, lighting, and other elements.
- *Valerie Burns*: I am concerned it will be longer than 45 days.
 - *Marie Mercurio*: After 45 days, the farmer can go back to ISD to get the permit if they have not heard from the BRA.
 - *Valerie Burns*: It should be an automatic approval after 45 days. Can you also discuss the conditional use permit?
 - *Marie Mercurio*: If someone applies for a conditional use, their application is initially rejected, then the BRA reviews it and makes a non-binding recommendation followed by public outreach and meetings before the Zoning Board of Appeals. It can take six months.
 - *Tad Read*: Small farms are allowed with no CFR or discretionary review. Medium farms are allowed, with only CFR (administrative) review. In all cases, the City is moving from forbidden uses to the more liberal process seen here.
 - *Marie Mercurio*: We're trying to mitigate community impacts. CFR allows farmers to address any neighbor concerns up front rather than later on while the farm is operating. For ground level farms, there is no discretionary review in most cases. Rooftop agriculture will be more stringent, as we expect more pushback due to the level of visual impacts. For rooftop greenhouses, it should be a conditional use, but allowed (with exceptions) in Community Commercial and Industrial zones. Open-air rooftop agriculture will be allowed if a small rooftop farm, but medium and large rooftop farms would require CFR.
 - *Jen Faigel*: Can you discuss what it means to be "visible from the street?"
 - *Marie Mercurio*: It will be up to the discretion of the Plans Examiner who is reviewing the application package at ISD.
 - *Valerie Burns*: The small category is too small. It should run up to 10,000 ft². That threshold would allow more activity without burdening neighborhoods. I am concerned about people going through the design review process, which is too cumbersome. In reality, there's little difference between 5,000 and 10,000 ft².
 - *Marie Mercurio*: Would you be OK with CFR for 10,000 ft²? The BRA would like the threshold to be smaller.
 - *Valerie Burns*: No. Your designers are assuming there will be problems with farms. We're coming at this from a negative view. To burden farmers with design review is too "designy" and not encouraging agriculture.
 - *Marie Mercurio*: Urban farms are a new land use to the city, so we're more conservative than you would like.
 - *Tad Read*: Both DND farms are about 10,000 ft². When we did these farms, the neighborhoods were very concerned.
 - *Valerie Burns*: It's not fair to judge farming in the whole city based on those. They were in Dorchester, where there are lots of issues. The City selected the sites without community input. It's not analogous – the neighborhoods felt the City was imposing on them. It will be different with farmers making the decision. People there were looking for reasons to fight, not against farming.
 - *Tad Read*: The size is comparable and fair – these are pretty large farms.

- *Valerie Burns*: I just want to strongly go on record saying this is not friendly to farming.
- *Caitlin Cameron*: The thresholds are also based on average lot sizes.
- *Mark Winterer*: 5,000 ft² is big on a rooftop. We would be OK with CFR on rooftop farms of that size.
- *Greg Murphy*: What is the average size of a community garden?
- *Valerie Burns*: Between 8,000 ft² and 15,000 ft².
- *Greg Murphy*: There is plenty of precedent for growing on 10,000 ft².
- *Valerie Burns*: Of the 175 community gardens, there are probably only 40 that are not more than 10,000 ft².
- *Greg Murphy*: I thought 5,000 ft² was fine, but hearing that statistic raises doubts.
- *Tad Read*: Aesthetic issues will be big issues with neighbors, so we want to make sure they are designed correctly. Compared to forbidden uses, the process described today is far friendlier.
- *Valerie Burns*: The status quo is not a good comparison, since anything will be better than that. We're talking about land use. Creating a burdensome process will be bad for small farms. It's different for large farms with resources. 10,000 ft² is not very big.
- *Jen Faigel*: If I wanted to start a ground level farm of less than 10,000 ft² and am careful about siting it, would I need more than CFR?
- *Tad Read*: Depends. At most, a 10,000 ft² ground-level Urban Farm may require CFR if in a more sensitive zoning district such as pure residential or mixed use. A 10,000 ft² open-air roof level farm would be a conditional use in those same zones, but allowed with no CFR in pure commercial or industrial districts (except if abutting residential or visible from a public street or open space, then CFR would be required)
- *Valerie Burns*: 5,000 ft² to 1 acre is a huge range. It's basically saying that all farms need CFR.
- *Jen Faigel*: Has the CFR process been set?
- *Valerie Burns*: It doesn't matter whether it's been set. It's an assumption that these will be bad and should be designed by someone other than farmers.
- *Jen Faigel*: Residents need a design review for lots of things in the city, like decks and garages. It's not that bad, and doesn't involve the ZBA. We just need to make sure the process is right.
- *Valerie Burns*: It's fine for bigger farms who can hire consultants to get them through the process, but not for the rest. BRA Design staff are not farmers. They get very picky and fussy, and for what gain?
- *Bruce Bickerstaff*: On one property, the owner wanted to sell 50 gallon barrels on a small space, which offended neighbors. Cultural variances and different views come into play with land use, so we need to balance them. There can be an important role for design review, to help prevent situations like this.
- *Tori Okner*: For people who are new to this, it is helpful to consider how CFR can be an opportunity. Not all farmers have urban experience and it can be a helpful way to make a sounder investment through consultation.
- *Valerie Burns*: Then it should be voluntary.

- *Jen Faigel*: We should at least be pointing people to resources for design help. There may be architects and designers for cheap or free.
- *Valerie Burns*: 5,000 ft² is still too small.
- *Thomas Plant*: If someone has two parcels each less than 5,000 ft² would they be treated separately?
- *Tad Read*: Taking a parcel and splitting it into pieces for review would be an unusual circumstance.
- *Greg Murphy*: An acre is 43,560 ft². As Valerie said, that makes for a big range.
- *Jen Faigel*: It depends on the neighborhood as well. 5,000 ft² is big in many neighborhoods.
- *Tad Read*: At an earlier meeting, we reviewed average lot sizes in different areas. 5,000 ft² can be small or large in different contexts. We will discuss with our design staff.
- *Khrysti Smyth*: If someone with 8,000 ft² put out objectionable bins or creates a nuisance, what is the recourse?
- *Marie Mercurio*: Neighbors could file a complaint and trigger an inspection.
- *Rose Arruda*: How effective is that system?
- *Charlie Cook*: It would depend on what was found. If it is merely unsightly, it would not be a violation. Code Enforcement would look at it.
- *Rose Arruda*: If you present this Article at community meetings, do you present a "Plan B," such as 5,000 ft² vs. 10,000 ft²?
- *Tad Read*: We will take this to at least 17 neighborhoods, so we want to take a single set of recommendations to all. We would never finish the project if we used the neighborhood meetings to explore alternatives.
- *Rose Arruda*: The difference between 5,000 and 10,000 won't change the mind of someone who's against farms. We shouldn't assume everyone in these neighborhoods will be for these farmers. If we bump the number to 10,000 it may cause more objections.
- *Tad Read*: CFR does not mean public approval is required. The public is given the opportunity to raise questions and offer comments that the Urban Design Staff may consider, but the use is an allowed use and will be permitted. CFR is a way of avoiding later conflict by preempting issues that can become sore points for the neighborhood.
- *Valerie Burns*: 45 days will easily stretch much longer. We don't know the design aesthetic the BRA will impose on farms.
- *Tad Read*: These regulations were vetted with farmers and community members, including Valerie.
- *Valerie Burns*: The threshold is too small.
- *Tad Read*: The things I'm hearing are that it's too small and also that the criteria are a mystery, but we've given out the criteria and allowed you to weigh in.
- *Valerie Burns*: All design review is subjective. Here, all the control lies with the BRA. It's not clear cut. It's not a checklist.
- *Marie Mercurio*: The section used to be a long list of requirements, but many have been made into guidelines so it is more flexible. We're not sure what you want.

- *Tad Read:* We held two meetings with the subcommittee on CFR that were productive. If you would like, we can bring the recommendations back to the subcommittee. We presented them at previous Working Group meetings but did not pore over them because that was the purpose of the subcommittee.
- *Valerie Burns:* We just moved them to guidelines because we can't decide on the details of the standards. They were very detailed and technical. Now that we're closer to implementation, we need to pay attention to the details.
- *Jen Faigel:* If it's a checklist, you can just go down it one by one. Design review is about aesthetics, but aesthetics on farms change with seasons.
- *Valerie Burns:* Maybe we should unpack the details. Can the BRA send us a document comparing the original to the current version in terms of what is required and what is a guideline?
- *Tad Read:* We can do that. In the meantime, the working group can think about the thresholds they would prefer.
- *Rose Arruda:* Photos showing the difference between 5,000 and 10,000 ft² would also be helpful.
- *Marie Mercurio:* Changes to the document include changes to and exceptions to the zoning districts and cross-references to additional review criteria for aquaculture and aquaponics.
- *Edith Murnane:* Will design review for aquaculture and aquaponics apply even in the districts where it is already allowed?
- *Marie Mercurio:* Even when it's allowed, if the facility is a certain size, it will trigger review. The code is opening more locations to the use, but with greater review.
- *Jen Faigel:* Some people are doing aquaponics in shipping containers. It would be good to know their size for comparison.
- *Marie Mercurio:* There's a pending review of a similar facility right now in Newmarket.
- *Caitlin Cameron:* Those are typically 10x20x40, or 800 ft².
- *Tad Read:* Would people do shipping container facilities in their backyards?
- *Jen Faigel:* Yes.
- *Mark Winterer:* How was the 750 ft² threshold chosen?
- *Marie Mercurio:* It is a standard number from design review.
- *Marie Mercurio:* We removed the dark sky requirement, simplified and consolidated the screening and buffering section, and added a guideline for the maximum composting area. The 5% for composting is a guideline because it is possible someone may start a large-scale composting operation.

Composting

Tad presented a series of slides on changes to the composting sections of the code.

- *Tad Read:* Since last discussing composting in January, we have convened meetings with state and city officials and residents. They were concerned that since composting can be a very profitable activity, some farmers might be tempted to devote a significant share of the farming site to a composting operation which would be against State law (as composting facilities required State permit under Site Assignment Regulations for Solid Waste Facilities). . In response to this concern, the City would like to discourage this by capping the area of the farm devoted to composting to 5% of the site. At Fenway

Community Gardens, only 1.5% of the lot is composting; at Food Project only 0.5%. The new draft increases the initial guideline of 1-2% at the request of farmers, and it is just a guideline. For roof-level composting, there are concerns about heat, fire, and leachate, so the BRA has yet to decide what to allow. As an accessory use, composting will be allowed on any urban farm. As a primary use, it will only be allowed in Manufacturing and Industrial zones.

- *Greg Murphy*: It is good that primary use composting is now allowed. But if that is still being considered an urban farm by the city, why is it covered by DEP instead of MDAR?
- *Tad Read*: Composting as a primary use is not being considered an urban farm. It just happens to be addressed in Article 89 because it is related to urban agriculture, but under Article 89, a standalone composting site would not be considered a farm.
- *Valerie Burns*: 5% is a good compromise for size.

Aquaculture, Hydroponics and Aquaponics

Tad then presented on developments to the regulations on aquaculture, hydroponics and aquaponics.

- *Tad Read*: The current text is more liberal with hydroponics than with aquaponics or aquaculture, since those uses involve fish, which can cause nuisances with odor. The draft zoning language further distinguishes between any of these three practices as primary uses versus accessory uses. We are trying to structure the code to make it easier to pursue small scale operations. The BRA would like the group's feedback on the 750 ft² threshold.
- Don Wiest passed around a picture of a facility in Cleveland that is approximately 750 ft².
- *Thomas Plant*: Are these closed systems or will they have discharge?
 - *Tad Read*: Both are possible. We are trying to steer large-scale operations with discharge toward Manufacturing and Industrial zones.
- *Caitlin Cameron*: If a facility is less than 750 ft², will it be allowed to hook up to and discharge to the City water system?
 - *Tad Read*: That might require separate permitting, possibly federal.
 - *Thomas Plant*: At the city level, they would have to go through the Water and Sewer Commission.
 - *Caitlin Cameron*: Some cities don't allow this type of facility to connect to the system.

Farmers' Markets, Winter Markets, Farmstands, and Onsite Sales

Tad presented on the current status of the Article's language on farmers' markets and sales.

- *Tad Read*: MDAR Commissioner Greg Watson said at the last meeting that the code's section on farmers' markets should emphasize selecting vendors who grow their own produce. The definition now states a preference for such farmers as vendors. We also took out the limited days and hours for farmstands in non-retail districts based on internal pushback from the zoning staff at the BRA, who would like to preserve residential areas as free of retail. We have changed the treatment of such uses to make them conditional and believe it is the best we can do. Farmers said they needed more flexibility on the timing of sales.
- *Greg Murphy*: How are such farmstands treated now?

- *Tad Read*: They are not mentioned, which means they are technically forbidden.
- *Marie Mercurio*: But if retail is allowed, they are allowed. *Glynn Lloyd*: This discussion shows the need to build community support. *Our experience* is that people like the farmstands when they see them.
- *Tad Read*: Selling at farmstands is a great way to have farms contributing to their immediate neighborhood.
- *Valerie Burns*: Does the code assume farmstands are on the site of the farm?
 - *Tad Read*: Not necessarily. It could be either, but it will be easier to open one in a commercial zone where retail is already allowed.
- *Valerie Burns*: If they are sited in commercial zones like Blue Hill Avenue, is there any additional regulation being added to farms stands with this article?
 - *Tad Read*: No, but we will now be explicitly mentioning it in the Code, which is not currently the case.
- *Valerie Burns*: Philadelphia community gardens are allowed to sell on site and it goes great. We can't do it here, but it is not something to fear.
- *Charlie Cook*: The only permit they would need is for Use of Premises, not a food license, as long as they are not selling prepared foods.
- *Marie Mercurio*: In the current code, community gardens are not allowed to sell produce.
 - *Valerie Burns*: Philadelphia does not make that distinction.
- *C.M. Cato-Louis*: Are there any limits on operating hours now?
 - *Tad Read*: In commercial districts, they are treated like any other store.
- *Valerie Burns*: ReVision also sells seedlings in a residential area. This code would not allow that?
 - *Tad Read*: The article moves that activity into zones allowing retail.
- *C.M. Cato-Louis*: Is the farm on Fabian Street in a residential or mixed-use zone?
 - *Tad Read*: Residential.
- *Ernest Bennett*: City residents are trying to push retail onto main streets. Most city neighborhoods are located close to some sort of main street shopping. Don't assume people want to sell in the neighborhoods when it could boost the retail district instead.
- *Don Wiest*: Conditional use seems right. Farms need to pick the right site and address issues like traffic. The process gives some community control over and would likely allow small stands to go through. The problem with restricting stands to retail zones is that they will need to find space, pay a lease, and pay for improvements.
 - *Tad Read*: They could also set up on sidewalks and in parking lots.
 - *Ernest Bennett*: That would be best.
- *Caitlin Cameron*: What about CSA shares? Pickups at farms would cause the same impact as sales would.
 - *Tad Read*: The definition of farmstands includes the distribution of CSAs, so they are regulated the same way.
 - *Caitlin Cameron*: Some cities have home occupation laws that prevent pickups.
 - *Tad Read*: The code will treat CSAs the same as sales.
- *Rose Arruda*: Markets definition should be outdoor and indoor, not just outdoor.

- *Tad Read*: We are currently exploring both the “temporary” and “outdoor” terms.
- *Valerie Burns*: It seems we don’t need the outdoor/indoor terms.
- *Glynn Lloyd*: Agreed.
- *Valerie Burns*: I am not sure what “temporary” means in the code.
- *Tad Read*: It is unclear to the BRA as well.
- *Charlie Cook*: It is hard to say exactly what it means to ISD. There has been talk of changing it.
- *Fred Yen*: Markets have a spectrum from farmers selling their own produce to middlemen. Some farmers don’t want to attend the market themselves and have others go to sell their products. Sometimes seasonal disruptions make it necessary to sell others’ produce. How will “own produce” be verified?
 - *Tad Read*: The City is not trying to play the role of market sponsor or manager. We are just trying to set a standard that shows the intent to open markets. We are not trying to overregulate them through the zoning.
- *Fred Yen*: There is not much difference between farmers’ markets and farm stands. A farmers’ market just needs two farmers.
 - *Tad Read*: A farm stand is one farmer only.
- *Bruce Bickerstaff*: Will stands be allowed to sell fish?
 - *Tad Read*: Good question. The definition of farmstand is not listed here. This is not the entire article. Next time we will attach the definitions.
 - *Thomas Plant*: Is your concern about shelf life?
 - *Bruce Bickerstaff*: Yes. Stands selling fish used to be common, especially in Chinatown.
 - *Charlie Cook*: Farmstands won’t be able to sell fish. That would require other permits. Stands people have seen selling fish were most likely illegal.
 - *Aquaculture expert in attendance*: Farming fish is not like picking apples. There is plenty of local capacity to process fish properly for sale locally.
 - *Khrysti Smyth*: It would be regulated similarly to eggs and meat.
 - *Don Wiest*: Regardless of zoning, no fish will be sold without ISD’s satisfaction.
 - *Bruce Bickerstaff*: It is important that the language is clear.

Keeping of Hens and Bees

Tad updated the group on progress in developing regulations and a petition process for legalizing chickens and bees.

- *Tad Read*: We have assembled a brief guide to how the neighborhood process could work.
- *Greg Murphy*: Why not have the neighborhood councils hold and run the community meetings rather than the BRA?
 - *Tad Read*: It would be great if they want to take that on.
- *Jen Faigel*: Can we give standards and regulations so individuals won’t have to come up with them on their own?
 - *Tad Read*: That’s the purpose of the zoning language we are developing.
 - *Jen Faigel*: So the process is just whether they want to adopt the regulations we have?
 - *Tad Read*: Yes. It’s just about whether to move the use from forbidden to either conditional or allowed.

- *Bruce Bickerstaff*: The assumption here is that the neighborhood councils represent the community, but they often do not.
 - o *Tad Read*: The other extreme is Dorchester, where there are a great many community organizations. We would say a majority of them would need to be behind it.
- *Valerie Burns*: Can bees and hens be handled separately?
 - o *Tad Read*: Yes. Advocates are split about whether to do that.
- *Valerie Burns*: Not all neighborhoods have a neighborhood council or association. What would you do in the case of Fenway?
 - o *Don Wiest*: There is a civic association.
 - o *Valerie Burns*: That is different. What if the body doesn't exist?
 - o *Tad Read*: Point A on the memo addresses that; ONS has a list for each neighborhood.
- *C.M. Cato-Louis*: Groups sometimes cannot get the neighborhood list. What is the process for getting it?
 - o *Tad Read*: We will look into that.
- *Caitlin Cameron*: Why only hens and bees? Will this apply to other animals?
 - o *Tad Read*: The current demand is for hens and bees. We would need to consider different zoning requirements for other animals.
- *Khrysti Smyth*: What is "large-scale" support?
 - o *Tad Read*: A majority.
 - o *Jen Faigel*: That will never happen. It needs to be more like zoning variances.
- *Glynn Lloyd*: Is there any other strategy to consider?
 - o *Tad Read*: Any citizen can apply for a variance for a forbidden use.
 - o *Edith Murnane*: And can the forbidden use be changed citywide?
 - o *Tad Read*: No.
- *Thomas Plant*: What about the existing hens and bees in the city? Will they be grandfathered in if the neighborhood votes against animals?
 - o *Tad Read*: No, because it's forbidden. They're in violation, but it is only enforced from complaints.
- *Valerie Burns*: I have been troubled by this from the beginning. I'm not sure what this is doing for us. There are lots of bees out there now.
 - o *Tad Read*: They are lumped in because the code treats them as animals.
 - o *Don Wiest*: A city cannot grandfather an illegal use. It can continue without a zoning change, but not be grandfathered.
- *C.M. Cato-Louis*: The document calls for "large-scale community support." Dorchester and Mattapan are huge. Does that mean people from miles away can stop me from keeping chickens? Can it be more localized?
 - o *Tad Read*: Rezoning by just portions of neighborhood zoning districts would be problematic.
 - o *Don Wiest*: Zoning is set up by certain boundaries and that's how we have to do it. You can do a variance for just your property that does not involve a neighborhood-wide process.
 - o *Jen Faigel*: That might be better.
 - o *C.M. Cato-Louis*: Isn't that the same process for the city?
 - o *Don Wiest*: No, a variance is much less complicated for the administration.

- *Edith Murnane*: People can already pursue variances. We're just creating another way for neighborhoods to handle this.
- *Valerie Burns*: We need to clarify that this isn't the only way.
- *Jen Faigel*: It will vary from Jamaica Plain to other neighborhoods. We need both approaches available.
- *Tad Read*: If anyone can come up with a better approach, we're very open to it.
- *Greg Murphy*: Going back to composting, if primary use composting in Industrial zones will not be considered an urban farm, does the new language in 89 contradict anything in the current code?
 - *Tad Read*: No, it's not considered at all.
 - *Thomas Plant*: It requires approval from Solid Waste and the DEP.

Actionable Items

- Explore raising CFR threshold to 10,000 sf. Provide Working Group with photos of farms of different farm sizes (5,000 sf; 10,000 sf) and level of activity on these farms.
- Explore whether Comprehensive Farm Review language can be further simplified and/or streamlined to reduce uncertainty.
- Explore whether and how use of shipping containers (800 sf) for hydroponics might be addressed in hydroponics regulations.
- Explore and troubleshoot rooftop composting further with experts (heat/fire safety issues; leachates).
- Investigate further how neighborhood-by-neighborhood rezoning process would work in terms of gaining a majority of neighborhood organization support. Incorporate other options such as the variance option into the informational document.
- Revisit Farmers Markets definition with an eye toward removing the words "temporary" and "outdoor" as they may be unnecessary.



Working Group Meeting #12
Thursday, November 1, 2012, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Brian Daly, Intern, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Jennifer Evans, Boston Public Health Commission
Aliza Wasserman, Boston Public Health Commission
Genevieve Goldleaf, Office of Food Initiatives

Working Group Attendees:

Danielle Andrews, The Food Project
Rose Arruda, MDAR
Bruce Bickerstaff, Roxbury YMCA
C.M. Cato-Louis, Mattapan Food & Fitness
Steve Fraser, East Boston Neighborhood Health Center
Glynn Lloyd, City Growers
Nina Mukherji, Real Food Challenge
Joan Perkins, Sweet Sisters Artisanal Foods
Larry Spang, Arrowstreet
Commissioner Greg Watson, MDAR

Members of the Public Attendees:

Jason Leo Baglio, thebeesource.com
Zainal Khan, Zee's Bees
John Subranni, Conservation Law Foundation
Duncan Farthing-Nichol, Harvard Food Law and Policy Clinic
Jolie Olivetti, VPI/Revision Farm
Shani Fletcher, VPI/Revision Farm
Addy Smith-Reiman, Beekeeper
Kevin Essington, Trust for Public Land
Sadie Richards, FoodCorps & Boston Beekeepers Club
Peggie de Pasquale, Simmons College
Jessica Leete, Ager Group/Highland Park PRC
Jennifer Rushlow, Conservation Law Foundation
Mark Winterer, Recover Green Roofs
Tori Okner, Tufts University

Meeting Agenda

- Revised Zoning and Permitting Regulations Related to Beekeeping (Module 2)
- Update on Zoning Recommendations related to Rooftop Composting (Module 3)
- Update on Soil Safety Protocol (Module 1)

- Continued Discussion of Farm Review Thresholds and *Comprehensive Farm Review* (Module 2)
- Schedule and Process for Working Group Review of Draft Zoning Code Article 89, "Urban Agriculture Facilities"
- Next Steps

Handouts: Comprehensive Farm Review, Design Requirements and Design Guidelines; Comprehensive Farm Review Checklist; Discussions Concerning the Desirability and Feasibility of Rooftop Composting; Revised Recommendations for Zoning and Permitting Requirements for Beekeeping..

Beekeeping (Tad Read):

Tad began the meeting by updating the working group on progress towards zoning and permitting regulations for beekeeping. He summarized the content on the November 1, 2012 memorandum to the Working Group on beekeeping (posted on project BRA web page under "Publications").

- *Tad Read:* Current beekeepers are happy to help craft policy and provide education and training, but do not want to be pushed into a regulatory role for the city. Areas they are helping the BRA explore include:
 - o *Mentoring:* Inexperienced beekeepers turn to others for advice and assistance with problems that arise. The code can facilitate or mandate the mentoring relationship.
 - o *Disease Prevention:* Key provisions of the draft zoning code language on beekeeping are designed to reduce the risk of disease among colonies.
 - o *Contact Information:* Knowing who owns a hive can be helpful when problems develop. In an emergency, if first responders need to enter a property, they should be aware of the presence of bees. One proposal is to display decals on hives with an ID number. Beekeepers are discussing setting up their own inventory system of contact information as well.
 - o *Commercial Beekeeping:* The BRA has not resolved how to regulate commercial beekeeping. Defining what level constitutes commercial beekeeping is not as straightforward as one might think. The community has identified three levels of beekeeping: hobbyists, who have less than 20 hives; sideliners, who have 20 to 50 hives and may make some money; and commercial, who may have as many as several hundred hives.
- *Steve Fraser:* Does the draft Code language characterize exactly what a hive is?
 - o *Marie Mercurio:* The Definitions section of Article 89 defines a hive.
 - o *Steve Fraser:* If the code limits residents to two hives but there is also a height limit, does a stack constitute only one hive or more?
 - o *Joan Perkins:* The hive is the entire stack.
 - o *Tad Read:* The stacking can potentially cause stability problems.
 - o *Zainal Khan:* A stack is one colony – there is a brood box on the bottom and honey boxes above.
 - o *Tad Read:* To recap where we stand, we have draft beekeeping language for Article 89 that we will finalize and take back to the working group in the coming months.
- *Nina Mukherji:* Where beekeeping is a conditional use, is that for commercial or all beekeeping?

- *Tad Read*: That will be up to neighborhoods to decide. Under the existing Zoning Code, as we have explained, in certain neighborhoods the keeping of bees is already allowed or conditional. For neighborhoods where it is currently forbidden, the neighborhoods will need to petition the City and BRA to initiate a process to amend the district zoning to permit the keeping of bees, either as of right or as a conditional use. *Glynn Lloyd*: If someone has a diversified farming operation, they might have a number of hives that is between sideliner and commercial levels. Is there a tier between them?
 - o *Zainal Khan*: Anything over 40 hives is really commercial because of the equipment and machinery that must be involved. It requires machinery for extraction, trucks for transporting bees, a honey house, a forklift to move hives, and more. Forty hives is manageable, but above that is more complicated.
- *Addy Smith-Reisman*: What is the role of education? Some farms or gardens do queen raising, which is not really commercial, or they do education that requires many hives. The community garden in Fenway does this. Is there any place in the code for that level of beekeeping?
 - o *Tad Read*: That is an excellent question, and something we need to discuss.
- *Edith Murnane*: On small farms that do not require review, will only two hives per lot be allowed?
 - o *Tad Read*: We need to talk to farmers about what they need for that size. The BRA would welcome feedback from farmers.
- *Danielle Andrews*: Has there been consideration of scaling the regulation based on square footage?
 - o *Tad Read*: Most cities seem to just allow one or two hives, regardless of lot size.
 - o *Danielle Andrews*: There are some existing properties that currently use more than two hives.
 - o *Joan Perkins*: My farm has 5,000 square feet and has four hives, and conducted a neighborhood survey when it increased from two to four. The survey helped educate neighbors about the bees and the lack of danger.
 - o *Beekeeping woman*: If there is public access to the property, hives can be sited and oriented away from paths.
- *Edith Murnane*: Beekeeping on urban farms would be considered commercial.
 - o *Tad Read*: There may also be another category for educational use.
 - o *Nina Mukherji*: It does not have to be education only – if a community garden had many users that wanted to share hives, it could have the same impact.
 - o *Tad Read*: Those are some of the issues we are trying to figure out.
- *Jolie Olivetti*: Our farm would not want more than ten hives. I would not be sure what to do with more honey than that. Does it matter whether we sell the honey?
- *Tad Read*: I presume you would qualify as a sideliner with 40 hives if those hives are split among several properties.
- *Jason Leo Baguio*: I am designing an online network of bees and beekeeping. What data would the city want? What department would track it? I am collecting GPS data on hives in the city.
 - o *Tad Read*: We have not yet determined what department will oversee permitting for keeping of bees or what data they would need.
 - o *Jason Leo Baguio*: It is also unclear whether beekeepers would want GPS data disclosed.
- *Glynn Lloyd*: The language in the article limits commercial honey operations.

- *Tad Read*: There are several levels of beekeeping that are possible, and we are trying to write the code to accommodate the various levels.
- *Larry Spang*: If I owned a lot and wanted to let a beekeeper run an operation on it, does the draft language code allow it?
 - *Tad Read*: We still have to get past the hurdle of changing the neighborhood district zoning language for all the neighborhoods where it is currently forbidden under the current code.
- Larry Spang*: Is it allowable for me to be part of someone else's commercial bee network by letting them use my land?
 - *Beekeeping woman*: What is the process of Article 89? Does the BRA go to neighborhoods or do the beekeepers do that?
 - *Tad Read*: The neighborhoods would need to petition the City and BRA to initiate a rezoning amendment to allow the keeping of bees where it is currently forbidden. This is NOT part of the Article 89 process; it would be separate, but could happen right on the heels of Article 89 adoption.
 - *Marie Mercurio*: Draft Article 89 establishes dimensions and regulations, but we need advocates to help with outreach. Regarding the number of hives, lots in the South End could accommodate two, but larger lots in Hyde Park might be able to house more bees. Should we be looking more at basing the number on square footage?
 - *Greg Watson*: That would probably be wise. We want to encourage locally grown foods and create opportunities. The code can be more anticipatory of future developments.
 - *Tad Read*: We are open to many approaches and welcome suggestions.
- *Nina Mukherji*: The code currently says one hive per 1,000 square feet. Could it be two hives per a certain number of square feet?
- *Zainal Khan*: Unlike other farm uses, bees don't need acreage. They just need a spot for the hive. They forage for a 4-5 mile radius, so two per property could add a large number of bees covering an area if many households take advantage. Two is a good number for people who are looking to learn about beekeeping, and is a good limit for public safety.
 - *Danielle Andrews*: Have you seen the hives in Allandale in Brookline?
 - *Zainal Khan*: I believe they had four to five.

Rooftop Composting

Tad reported on the working subgroup's discussions of regulations for rooftop composting.

- *Tad Read*: Since last discussing composting in January, we have convened agriculture, but under Article 89, a standalone composting site would not be considered a farm.
- *Valerie Burns*: 5% is a good compromise for size.

Aquaculture, Hydroponics and Aquaponics

Tad then presented on developments to the regulations on aquaculture, hydroponics and aquaponics.

- *Tad Read*: The BRA recently convened a few knowledgeable rooftop farmers to meet with Brian Glascock of ISD. The group included Mark Winterer, Jessie Banhazi, John Stoddard, and representatives from the DEP. The group discussed three major concerns: that composting will generate heat and may combust, the moisture in the

form of leachate could infiltrate buildings, and the possibility of attracting rodents. The group and public safety staff identified five needs for rooftop composting operations:

- Rodent-proof containers
- Enclosed containers
- Weight that the roof can support
- Temperature monitoring
- Moisture monitoring

The working group will think through the five needs and make recommendations. They could take the form of a commissioner's bulletin and fire safety memorandum.

- *Mark Winterer*: These are good parameters, and we will incorporate them into our design.
- *Tad Read*: We appreciate the help from these people and the beekeepers.
- *Nina Mukherji*: There should be a distinction between serious operations and very small-scale composting in buckets. It would be weird for that to trigger an inspection.
 - *Tad Read*: We are expecting this to be on commercial farms on large rooftops.
 - *Nina Mukherji*: Will it apply to small private residential rooftop gardens?
 - *Tad Read and Marie Mercurio*: No, it will not.
 - *Larry Spang*: There is a new ANSI standard for fire-resistant rooftop gardens, but it may not address composting.

Soil Safety

- *Tad Read*: The BPHC has been working on soil safety protocols. The effort has stalled due to issues with the outside experts they are working with, but we hope to have a fuller report at the next meeting. The concern with soil safety goes back to our earliest meetings. The working group agreed on a need for safety protocols, barriers, and testing protocol.

Comprehensive Farm Review

Marie presented the latest information on the Comprehensive Farm Review process.

- *Marie Mercurio*: There is a checklist for CFR in the handouts. We made this in response to Valerie Burns' request at the last meeting. It should make the CFR section more accessible and easier to understand. We think it is a useful tool. It shows charts of who needs CFR, as well as the requirements and guidelines. Yesterday, we updated BRA senior staff and the section was well received. We talked about the concerns of smaller farms, and are open to making materials easier to provide, streamlining the process, and shortening the review period for certain farms.
- *Tad Read*: Valerie Burns raised the concern that 5,000 square feet is too small a threshold. We discussed the matter with Kairos Shen and discussed the possibility of a streamlined process for farms between 5,000 and 10,000 square feet.
- *Marie Mercurio*: [Displayed photographs of empty lots in Boston of approximately those sizes]. On 5,000 square foot lots, neighbors are close to one another and we want to mitigate their concerns. We are not trying to make it onerous for farms of this size. The article can allow hand-drawn plans and shorter review. We took a field trip to Boston neighborhood farms and found that they are usually on corner lots,

- where neighbor concerns are reduced. The checklist also includes historic district review. If a farm is in a historic district, it will require that signoff by the appropriate historic review body. Other design overlay districts may also be implicated. There is still work to do and some items that need to be refined
- *Tad Read*: The checklist is based on Valerie Burns' input, and makes the language of the zoning code more "digestible".
 - *Glynn Lloyd*: As a resident and homeowner, I am happy to see this. Can the BRA take the lead in educating historic districts about farm uses and design in the new zoning?
 - o *Marie Mercurio*: Yes, the BRA typically provides an update to historic districts.
 - o *Glynn Lloyd*: Can you help them with the technical language especially? The new uses may be unfamiliar.
 - o *Tad Read*: They tend to be purists and very exacting. We will let them know that urban agriculture is a Mayoral priority.
 - *Greg Watson*: This is all good work, thank you.
 - *Gentleman in suit*: Will the code be the same for rooftop agriculture?
 - o *Tad Read*: There are different thresholds for rooftops.
 - o *Guy in suit*: Will there be a size restriction? Can someone do a 100,000-150,000 square foot rooftop farm?
 - o *Tad Read*: There is no cap. If a building is that big and in an appropriate district, that would be great. There are sophisticated, large-scale urban farms that would work on a roof of that size.
 - *Member of the Public*: How common will it be that a lot is under an NDOD?
 - o *Marie Mercurio*: NDODs have been added in many neighborhood zoning codes to reflect unique contexts. If a farm is trying to open inside an NDOD, it would be a red flag but doable.
 - o *Tad Read*: What percentage of the city is under NDODs?
 - o *Marie Mercurio*: Probably about 15%. [Upon further research, staff determined the NDOD's comprise about 7% of the land area in Boston.]
 - *Tad Read*: If farmers are concerned about CFR and would like to meet as a subgroup, please let us know.
 - *Member of the Public*: From a farmer's perspective, the layout of a lot will change from season to season. Will the CFR language reflect that?
 - *Glynn Lloyd*: Can you discuss the public comment period?
 - o *Marie Mercurio*: The BRA is still discussing that element. Normally we notify abutters within a certain radius, but may not in this case. The standard is a 300-foot radius, with fourteen days for abutters to provide comments.
 - o *Glynn Lloyd*: Is that all done online?
 - o *Marie Mercurio*: We get a list from Assessing and send hard-copy letters by mail.
 - o *Tad Read*: The reviewer takes comments into consideration along with other elements.
 - o *Glynn Lloyd*: The response in public comments can be affected by who initiates contact and whether that is from the city or the farmer.
 - o *Tad Read*: We would like to keep it to a small radius. Some residents are actually alarmed by the possibility of farming, and so we are trying to avoid surprises down the road.

Schedule

Tad presented a timeline of the next steps in the process, from review of a draft article to public hearings and a vote on the final language.

- *Tad Read*: The article will go to the working group in January for review and comments. Following that, we will hold about nine neighborhood meetings. We would like to ask members of the working group to volunteer to attend the meetings and represent the process to the public. We will then bring any changes back to the working group and hold public hearings in the summer. The vote should occur in September 2013.
 - o *Jolie Olivetti*: What about the neighborhood-by-neighborhood process?
 - o *Marie Mercurio*: That will be for animal keeping only, and will be a separate process likely to occur after Article 89 is voted on.
- *Rooftop guy in suit*: Is September 2013 the earliest we could start a rooftop farm?
 - o *Tad Read*: You can apply for a variance now. Article 89 will make the process easier in general, but a variance is an option today.

Actionable Items

Beekeeping: Continued discussion with advocates and experts on beekeeping needs a) for educational purposes; b) community gardens c) accessory beekeeping on farms.

Soil Safety Protocol: Present draft Soil Safety Protocol for WG review.

Rooftop Composting: Develop appropriate zoning regulations that take into account fire safety and other concerns.



Working Group Meeting #13
Thursday, January 3, 2013, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office

Working Group Attendees:

Danielle Andrews, The Food Project
Rose Arruda, MDAR
Bruce Bickerstaff, Roxbury YMCA
Valerie Burns, BNAN
Steve Fraser, East Boston Neighborhood Health Center
Nina Mukherji, Real Food Challenge
Commissioner Greg Watson, MDAR

Members of the Public Attendees:

Austin Hsn, Boston University
Eric DiTommaso, RFK Greenway Conservancy
Darrah Cole, RFK Greenway Conservancy
Jess Muscaro, RFK Greenway Conservancy
Barbara Knecht, Urban Farming Institute of Boston
Valerie Oorthuys, Tufts University
Ian Jakus, Tufts University
Laura (?) Mallach, Ganei Beantown
Kevin Essington, Trust for Public Land
Shani Fletcher, Revision Urban Farm
Ernest Bennett, Office of Councilor Charles Yancey
Kurt Tramosch, Weir Meadow Nursery
Jenny Rushlow, CLF
Mark Winterer, Recover Green Roofs

Meeting Agenda

- Review and discussion of Draft Article 89, Urban Agriculture
- Update on zoning recommendations for rooftop composting
- Discussion of neighborhood meetings to review/discuss Draft Article 89

Handouts: Draft Article 89.

Draft Article 89 (Tad Read):

Tad began by reviewing the meeting agenda and project schedule. The Working Group has been meeting monthly for approximately one year. After the Working Group reviews draft Article 89 in January and February, staff is planning to fan out to Boston's neighborhoods to vet

the document. Following the neighborhood meetings, public hearings will be held before the BRA Board and Zoning Commission, likely in summer 2013.

(Marie Mercurio) Marie proceeded to talk about the Definitions section of Article 89. She pointed out that the definition of Urban Agriculture emphasizes the distinction between growing for personal use versus growing for commercial purposes (for sale).

- Greg Murphy: There seems to be a contradiction between the definition of Urban Agriculture, which emphasizes that it is not about growing for personal use/consumption, and the incorporation of provisions for the backyard keeping of bees/hens, which is for personal use.
- *Tad Read*: This is a valid point. It is a tension we have grappled with since the beginning. Any suggestions from the Working Group or members of the public?
- *Barbara Knecht*: Perhaps there could be a separate article to address keeping of animals.
- *Valerie Burns*: On the topic of animal husbandry and beekeeping, when the BRA goes out to the neighborhoods, it should make clear that the neighborhoods can initiate a process to amend their neighborhood zoning to permit the keeping of hens and/or bees.
- *Tad Read*: Yes, we agree--although we would not want to encourage several neighborhoods to do this at once, as this would be untenable for the BRA from an administrative perspective.
- *Steve Fraser*: Is the farm size determined by the size of the property on which the farm is located, or by the land area occupied by actual farming activity?
- *Tad Read*: The latter--but we need to make that clear.
- *Barbara Knecht*: What if there are multiple farmers and separate farming operations on the same property? Would the square footages be counted separately or together? And what if the separate farms are established at different points in time?
- *Tad Read*: We hadn't contemplated this situation, but we can take a look at it.
- *Nina Mukherji*: Would there be any value in creating a new Open Space district for urban agriculture, OS-UA?
- *Tad Read*: The goal of Article 89 all along has been to make urban agriculture activity *additive* to uses in existing districts.
- *Valerie Burns*: It's an interesting idea. A special OS-UA district would fall under Massachusetts General Law, Article 97, which is intended to preserve land as open space, making it very difficult to use the land for any other purpose down the road. But this is certainly a way to preserve open space. City of Boston Zoning Code Article 33 would need to be amended to add a new open space category such as OS-UA.
- *Marie Mercurio*: We can look into it.

Marie continued by talking about the use categories (allowed, condition, forbidden) applicable to different kinds of farms (rooftop, ground level, greenhouse).

- *Mark Winterer*: The "conditional" use application to rooftop farms in residential and commercial zones seems new. What is the rationale?
- *Marie Mercurio*: This is not new; it has been there at least six months or so. The rationale is the rooftop farms may have visual and aesthetic impacts observable from the street, public way, and/or neighboring buildings in these more sensitive districts.

Marie also described the Comprehensive Farm Review (CFR) requirements and procedures, indicating that the turnaround time on CFR was 45 days.

- *Valerie Burns:* Can language be added to indicate that approval of the farm would be automatic after 45 days?
- *Marie Mercurio:* I think we would be reluctant to do that because if the period extends beyond 45 days, most likely it is due to a dispute between the proponent and the neighbors, and the neighbors would be furious with the BRA if the project were automatically approved in the midst of such a dispute.
- *Valerie Burns:* Could there be language added to provide for automatic approval if it due specifically to *staff delay*?
- *Marie Mercurio:* We can look into that.
- *Shani Fletcher:* Revision Urban Farm wants to be a good neighbor, and we would be opposed to automatic approval after 45 days if there are issues with the neighborhood. We do not want our neighbors to feel that we are foisted on them.
- *Rose Arruda:* I would agree. I think neighbors need to feel as though there concerns are heard.
- *Cathy Neal:* Would edible vegetation qualify as visual buffer material?
- *Marie Mercurio:* Yes, but the Designer reviewing the farm plans may suggest locating fruit-bearing trees and shrubs located away from public sidewalks, for example.

Marie indicated that one of the issues reviewed as part of CFR is irrigation and runoff.

- *Member of the public:* Will there be standards and guidance of review of irrigation and runoff issues, so that proponents will know what issues to pay attention to?
- *Tad Read:* Yes, we can make this clearer.
- *Marie Mercurio:* The landscape designers on staff will know what to look for, and we can try to make that more explicit.
- *Valerie Burns:* Has staff spoken with Boston Water and Sewer on this issue? It would be helpful to run this by them.
- *Tad Read:* We haven't spoken with BWSC yet, but we will.

Tad Read described how Article 89 is likely to address soil safety. He stated that the fundamental recommendations will be to require a soil safety plan that would focus on the raised bed method. This method assumes that that the native soil is contaminated and relies on: a) placing a geotextile barrier over the native soil, 2) importing clean soil and placing it in raised beds 12' -18' deep, 3) regularly testing the imported soil for possible recontamination.

- *Valerie Burns:* The zoning language and protocol should be sure to allow farmers the option to remediate instead of the raised bed method.
- *Tad Read:* Absolutely; we can make this clear.
- *Kurt Tremposch:* Some growing involves horticulture, not comestibles. How would this be addressed? Also, sometimes plants can be used to remediate contaminated soil. Would this be allowed?
- *Tad Read:* These issues can be addressed in the protocol.
- *Member of the public:* Will the City be budgeting for the staff to deal with the soil safety requirements?
- *Tad Read:* This is a question for Boston Public Health Commission.
- *Kurt Tremposch:* Does the City want to look into establishing Urban Agricultural Commissions (similar to the 130 Ag Commissions the State already has, but this

would be specific to urban farming), whereby neighboring property owners would sign a waiver indicating that they understood that the farm could have noise, dust and other impacts on the neighborhood?

- *Greg Watson:* It might be possible to do this.
- *Tad Read:* Based on smaller sizes of farms in the City, we don't anticipate anything like the kind of nuisance impacts commonly associated with larger farms in other parts of the state. As well, the purpose of Comprehensive Farm Review is to anticipate and pre-empt negative impacts. [In retrospect, the State does not govern farming in the City of Boston, as Boston is governed by Article 40A.]
- *Bruce Bickerstaff:* For some parking lots in the City, there is a zoning code provision to allow the lots to expire ("sunset"). Do we want to explore a similar provision for farms?
- *Valerie Burns:* No, farms are different from parking lots. They are worth preserving.
- *Greg Watson:* I agree. Farms are a major asset to neighborhoods.
- *Kurt Tresmosch:* Can farmers dig wells? Does staff want to consult with the Groundwater Conservation Commission about this?
- *Valerie Burns:* BNAN has inquired about digging wells, and we found that it is forbidden.
- *Tad Read:* The Groundwater Conservation Overlay District covers those areas (i.e., Downtown, Fenway, Back Bay, Beacon Hill, South End, North End) where we would not anticipate much ground level farming anyway. [See http://www.cityofboston.gov/Images/Documents/groundwater_overlay_zoning_tcm3-2750.pdf for area covered by the GCOD]

Tad Read went on to describe how Article 89 addresses composting. He described how it would allow "accessory composting", intended to support farming on site, and how it places a maximum of 5% of farm area that can be devoted to composting.

- *Greg Murphy:* Is the 5% enough?
- *Tad Read:* We consulted with a number of local farmers on this, and the consensus was that 5% was enough.
- *Valerie Burns:* While we [BNAN] believe that the amount of composting that may occur on a farm is likely to increase over time as greater limits are placed on solid waste disposal for landfill, but it's hard to know what that will be. We feel that 5% is adequate for the time being.
- *Danielle Andrews:* We [The Food Project] also agree that 5% should be adequate.

Tad also discussed the issues being discussed in terms of possible zoning regulations for rooftop composting, indicating that the Fire Marshall would like greater assurances that rooftop safety concerns with rooftop farming have been fully studied and addressed.

- *Valerie Burns:* On its farm at BMC, BNAN has been taking the temperature of composting operations since early 2012 and can make this data available to the City.

Tad suspended the rest of the presentation on Article 89 until the February 7, 2013 Working Group meeting, but went ahead to discuss and elicit feedback on the neighborhood meetings to be planned by the BRA. It is envisioned that there will be nine (9) meetings, with downtown neighborhoods consolidated into a single meeting. Tad indicated that the BRA would like to ask

at least two members of the Working Group to attend each neighborhood meeting, in part to attest to the Working Group process.

- *Valerie Burns:* You might want to think about how the neighborhood might affect the emphasis of the presentations. For example, downtown neighborhoods are more likely to want to focus on rooftop farming, since that will be the likely type of farming in this densely settled part of the city.
- *Nina Mukherji:* Can members of the Working Group sign up to attend the neighborhood meetings for their neighborhood?
- *Tad Read:* Yes, staff can make a sign up sheet available.
- Member of the public: What kind of outreach will the BRA be doing?
- Tad Read: The BRA has a list of 700+ members of the public that it will use. We will also use multiple social media, press, the project website, and the BRA's neighborhood mailing lists. The Mayor's Office of Neighborhood Services' Coordinators also maintain outreach lists that we can use. We are also open to suggestions. We will provide a media strategy at our February 7, 2013 Working Group meeting.
- Bruce Bickerstaff: The BRA should be clear about encouraging and inviting participation in the review process. We also need to start thinking about ways to anticipate public concerns before going in to the neighborhood meetings.
- Valerie Burns: Since this is a Citywide zoning effort, you might want to stress that it is important to participate in any neighborhood meeting (i.e., it doesn't have to be within the neighborhood that you live). You may also want to think about a briefing for elected officials.

At 10:00 the meeting was adjourned, to be continued on Thursday, February 7, at 8:00 a.m. at the BRA.

Actionable Items

1. Media strategy for neighborhood meetings
2. Briefing elected officials (City Councilors)
3. Soil safety protocol
4. Rooftop composting recommendations finalized
5. Runoff and irrigation
6. BWSC review
7. Delineate backyard keeping of hens and bees from current UA definition



Notes from Working Group Meeting #13
Thursday, February 7, 2013, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Thomas Plant, Boston Public Health Commission
Leon Bethune, Boston Public Health Commission

Working Group Attendees:

Danielle Andrews, The Food Project
Rose Arruda, MDAR
Valerie Burns, BNAN
Glynn Lloyd, City Growers
C. Cato-Louis, [affiliation]

Members of the Public Attendees:

Kate Antonacci, Panera Cares
Lawrence Barriner II
Ernest Bennett, Office of Councilor Charles Yancey
Peter Bos
Susan Cascino, Environment Department, City of Boston
Darrah Cole, RFK Greenway Conservancy
Rubi DeRosa, Public Works
Eric DiTommaso, RFK Greenway Conservancy
Tony Durso
Kathryn Entner, Suffolk University
Jennifer Evans, BPHC
Erin Flaherty
David Foss, Foss & O'Neill
Noah Garriner II, Graduate student, MIT Urban Planning
Jimmy Hoppas, Panera Cares
Jida Infahsaeg, Tufts University
Ian Jakus, Tufts University
Mary Johnson
Ramy Kim, BUSPH
Barbara Knecht, Urban Farming Institute of Boston
Jay Lee, DND (portion of meeting)
Broola McNally, VOX Global
Gregory Murphy, Sun State Organics
Jolie Olivetti, MPI/Revision Urban Farm
Valerie Oorthuys, Tufts University
JoAnne Shatkin, CLF Ventures
Noah Willson-Rich, Best Bees

Mark Winterer, Recover Green Roofs
George Zahku
Z. Zsido

Meeting Agenda

- Presentation & Discussion re: Draft Soil Safety Protocol, by Boston Public Health Commission
- Continued Presentation and Discussion of Draft Article 89, Urban Agriculture
- Update on Rooftop Farming and Related Fire Safety Issues
- Preparation for Neighborhood Meetings on Draft Article 89

Handouts:

- Draft Soil Safety Protocol (comments due April 5, 2013)
- Draft Article 89.

Meeting Overview (Tad Read):

Tad Read reviewed the meeting agenda and introduced Thomas Plant of the Boston Public Health Commission to introduce the Draft Soil Safety Protocol. Tad prefaced Thomas' presentation by indicating that the exact process and mechanism for implementing the soil safety protocol has not yet been determined.

Soil Safety Protocol (Thomas Plant):

Thomas Plant began by discussing the rationale for the Draft Soil Safety Protocol, focusing on the prevalence of lead in soil due to historical use of lead based paint and leaded gasoline. (Thomas PowerPoint presentation will be posted on the Urban Agriculture Rezoning project web page at <http://tinyurl.com/BRAREzoneUrbanAgriculture/>) He then went on to outline the various elements of the Soil Safety Protocol: testing of topsoil; application of geotextile barrier; raised beds; and, annual testing.

Q and A followed Thomas's presentation, as follows:

- *Ernest Bennett:* What measures will be taken to ensure that the protocol will be followed? Does the City have funding for staffing to implement the protocol? Will there be a new City division created for this, with new positions to oversee this work?
- *Thomas Plant:* I am not able to answer this. This issue needs to be internally discussed at BPHC at a higher level.
- *Glynn Lloyd:* The way I read this, the onus will be on the farmers.
- *Edith Murnane:* Yes. The farmers themselves would be responsible for testing and thus compliance to the soil safety protocol.
- *JoAnn Slatkin:* The protocol looks great; I applaud them. I am wondering why there are different testing standards for soil and compost?
- *Thomas Plant:* Both would be required to be below (MCP) Mass Contingency Plan and EPA levels, and there would be a separate process for testing soil or composting, respectively. This is based on discussions amongst staff at BPHC.
- *JoAnn Slatkin:* Why are levels for compost lower than for soil?

- *E. Bennett*: To be consistent with compost testing thresholds that the City established through a separate process.
- *JoAnn Slatkin*: As I read the protocol more carefully, I realize the proposed thresholds are the same for soil and compost. I read too quickly the first time and misread.
- *Gentleman from the Public*: I have two questions: 1) Is there a list of testing vendors available to do the testing? And, 2) The draft protocol indicate that an application will be developed. When will it be developed?
- *T. Plant*: A list of labs is available through the E.P.A. website. The application is currently under development. I am unsure about the timeline at this time.
- *Jolie Olivetti*: Is there a size threshold below which testing is not required for farms? And, will the permit for testing be part of the broader permit?
- *Tad Read*: Thomas and Leon, correct me if I am wrong, but it's my understanding that all farms regardless of size would be subject to these testing protocol. It's also my understanding that the permit would be a standalone permit for soil safety.
- *Leon Bethune*: Yes, that's right.
- *Member of Public (a woman)*: Will the City be developing protocol concerning food borne illnesses, pathogens, ecoli and the like?
- *Greg Murphy*: I have a point to make, and a couple of questions. First of all, the farmers I know are trustworthy. Second, how will the City ensure that the soil that is tested is the actual soil delivered to the farm? And third, will soil testing be required for vertical growing systems?
- *Thomas Plant*: Farmers should request that the soil that they intend to have delivered to the farm be *segregated* from other soil before being tested. Farmers are also responsible for overseeing a "chain of custody" to ensure the same soil they purchase is the soiled delivered to the farm.
- *Tori Okner*: In response to the question concerning food borne diseases, I just wanted to point out that there are systems in place already (at the state and federal regulatory level) to deal with food borne disease. This is to say that it is being addressed, but not as part of the zoning process.
- *Member of the public*: If there is a one-acre farm, can the Farmer build one raised bed around the perimeter, or do they have to build multiple raised beds thus increasing the cost?
- *Thomas PLant*: One perimeter raised bed would be acceptable.
- *Glynn Lloyd*: Does UMass Boston qualify as a testing lab?
- *Thomas Plant*: UMass is not equipped to do the multiple tests required. The City would rather that the testing be conducted by a contracted lab that can do multiple tests.
- *Glynn Lloyd*: What would the required testing cost?
- *David Foss*: The CAM-14 test costs approximately \$125.00 per test. The PAH test costs about \$150 per test. The draft protocol requires one sample per 1,000 sf of farm area, so these costs are per 1,000 sf of farm area.
- *Edith Murnane*: Then, going forward, costs—that is, the cost of annual retesting—will be much smaller, since the only substances required to be tested are lead and arsenic, and the sample area is 5,000 sf rather than 1,000 sf.
- *JoAnn Slatkin*: One sample per 1,000 is a very high bar compared to testing requirements for contaminated industrial sites. This sets a very high bar. Would

it not be possible to rely on other field sampling methods that would be less expensive? Also, do locally available sources meet the standards for geotextiles?

- *Thomas Plant:* Yes, locally available sources should meet the standards.
- *Valerie Burns:* The Draft Protocol is treating all potential farm sites as a hazardous waste site. I would like to consider another way to do this without putting farms in the category of hazardous waste sites.
- *Thomas Plant:* If you want to plant in native soil, you have to do your due diligence to make sure the native soil is not contaminated.
- *Valerie Burns:* Can you discuss with DEP whether there is an alternative?
- *David Foss:* If you test and find contamination, you have to follow State rules.
- *Valerie Burns:* That needs to be stated in the protocol somewhere
- *Barbara Knecht:* What do other cities require for soil safety (how does this compare)?
- *Thomas Plant:* Boston goes farther than other cities because of the extensive experience we have on this issue.
- *Member of the Public:* If I tested my soil for lead in my backyard garden, and it tested above 250 ppm, would I have to follow the protocol?
- *Thomas Plant:* No. We're only talking about farming. You can garden in native soil at your own risk. You can also follow EPA's Best Practices. It's up to the gardener.
- *Danielle Andrews:* Rural farmers don't have to follow these guidelines, do they?
- *Thomas Plant:* No, probably not.
- *Glynn Lloyd:* Will the City ask farmers to weigh in on this protocol before they are finalized?
- *Thomas Plant:* The Public Health Commission will look at all comments before finalizing the protocol.
- *Member of the Public:* Would BPHC accept a vendor's test results vs. test results directly from the farmer?
- *Thomas Plant:* As long as the Farmer is there with the vendor while it's being tested.
- *Member of the Public:* Has there been a survey of availability of compost that would test below the protocol test thresholds? Is there soil available?
- *Thomas Plant:* There should be.
- *Glynn Lloyd:* If a supplier of imported soil or compost can supply a report stating that their product is safe, is that sufficient enough?
- *Thomas Plant:* The Farmer should proceed with caution, but as long as the Farmer is comfortable with that report, it should be OK.
- *Danielle Andrews:* I can't support this [soil safety] protocol. It will be difficult for me to support Draft Article 89 with this protocol as they stand now.

Response to Questions/Comments from January 3 Working Group Meeting (Marie Mercurio)

Marie reviewed responses to comments from the public and Working Group since draft Article 89 was made public. Among these were:

- It was suggested that the maximum height for rooftop greenhouses be increased from 18' to 25'. Rooftop farmers have indicated to staff that the typical height of a rooftop

greenhouse is 25'. Marie indicated that staff agreed to revise the recommended maximum height to 25' would incorporate it into the next draft of Article 89.

- There were comments from the rooftop farming community that rooftop greenhouses should be allowed in commercial districts. Staff considered the comment and determined that we should revise draft Article 89 to allow rooftop greenhouses in certain commercial zones where commercial uses predominate, as shown in the table below:

ROOFTOP GREENHOUSE USE REGULATIONS SPECIFIC COMMERCIAL ZONING DISTRICTS		
	Greenhouse	
	Allowed	Conditional
LC (Local Convenience)		√
L (Local Business)		√
MFR / LS (Multi-family / Local Service)		√
CC (Community Commercial)	√	
NS (Neighborhood Shopping)	√	
B (General Business)	√	
WS, WC (Waterfront Services/Commercial)	√	
NDA, EDA, CE, EP (Development Areas)	√	

- In response to comments from rooftop farmers, staff will revisit the requirements in the CFR language concerning lighting. Rooftop farmers assert that they will need to use nighttime illumination, and that shading requirements should be employed to protect neighbors from fugitive light.

Marie also discussed:

- The role of Boston Water Sewer Commission (BWSC) in reviewing farm plans.
- Why BRA staff would not support creation of a OS-UA zoning district
- Why BRA staff would not support automatic approval if CFR were to exceed 45 days
- That BRA will return at the March WG meeting with a recommendation to define "Farm Area" for purposes of guiding the determination of the review threshold for CFR.
 - *Glynn Lloyd:* Where does the BWSC review come in? Is it part of the CFR?
 - *Marie Mercurio:* No, it is separate from CFR review.
 - *Valerie Burns:* What is actually needed from BWSC? Is it a permit?
 - *Marie Mercurio:* It is not a permit, but a professional engineer needs to sign off on the plans.
 - *Valerie Burns:* What will actually be required by BWSC, in terms of plans?
 - *Marie Mercurio:* There is a checklist at the BWSC website stating what materials would need to be submitted for their review.
 - *Edith Murnane:* It should be noted that BWSC is independent from the City. It is not a City agency.
 - *Glynn Lloyd:* Is there coordination be BWSC and the City?
 - *Marie Mercurio:* Not at this time, but staff can attempt to facilitate this.
 - *Valerie Burns:* This needs to be coordinated.

- *Edith Murnane:* He's is not here right now, but Jay Lee of DND could inform this discussion by describing the role of BWSC in permitting the City's pilot farming projects in Dorchester.
- *Jolie Olivetti:* Yes, the whole point of the pilot farms was to test out farms and see how it worked. We should be learning from them.
- *Valerie Burns:* The BWSC process, including associated costs, should be made clear.
- *Glynn Lloyd:* Can farmers be at the table during conversations with BWSC?
- *Tad Read:* If we are able to set up a meeting with BWSC staff, yes.

Tad Read went on to review staff's response to comments made at the January 3rd WG meeting concerning the Article 89 definition of Urban Agriculture. At the January 3rd meeting, concern was expressed that there appeared to be a contradiction between the language in the definition that specifically states that urban agriculture, "...does not include cultivation for personal consumption or use", and the fact that Article 89 address backyard keeping of hens and bees, which is clearly for personal use.

Following the January WG meeting, staff considered this comment and agreed that there was a contradiction. At the same time, in reviewing Article 89 staff realized that the definitions for urban farms cross referenced the definition for "Urban Agriculture", which specifically stated that the keeping and animals and bees was part of urban agriculture. This raised a concern that prospective farmers could be misled into thinking that the keeping of animals and bees was allowed in any farm. Thus, at the February WG meeting, staff recommended the following changes to the definition for Urban Agriculture (cross outs reflect deletions):

The use of a lot for the cultivation of food and/or horticultural crops, ~~beekeeping,~~ composting, ~~keeping of hens,~~ hydroponics, aquaculture and/or aquaponics. Such use may include on-site sales where retail uses are allowed by Underlying Zoning, ~~and does not include cultivation for personal consumption or use.~~

- *Glynn Lloyd:* Have you considered my comment concerning farming? In other words, I think Article 89 should focus on commercial farming.
- *Valerie Burns:* I agree.
- *Tad Read:* Yes, we have. The problem with that is that there are sections of Article 89 that deal with backyard keeping of hens and bees, which would be for personal use, not commercial use. The issue we are grappling with is how to focus on commercial farming while preserving the language in Article 89 that deals with the keeping of hens and bees for personal use.
- *Glynn Lloyd, Valerie Burns:* We think the focus should be on farming.
- *Member of the Public:* Farming for my neighborhood would be about neighbors and community coming together to grow, but not necessarily for sale. How would Article 89 accommodate us?
- *Tad Read:* I think we need to work on this a little more and come back to the WG again. We can also circulate some draft language to WG members ahead of our next meeting for comment.

At 10:00 am the meeting was adjourned, to be continued on Thursday, March 7, at 8:00 a.m. at the BRA.

Note: There was insufficient time to complete the entire Agenda, including the continued presentation on Draft Article 89 and the continued discussion about planning for the neighborhood meetings on Draft Article 89.

Actionable Items

1. Pursue question of what the staffing needs will be implement soil safety protocol
2. Provide farmers with an opportunity to meet with BRA and BPHC staff to discuss Draft Soil Safety Protocol
3. Respond to concern expressed that the protocol seem to treat potential farming sites as hazardous waste sites
4. Include a statement in the Draft Protocol regarding the role of State DEP in the testing of native soil, in situations where farmers might wish to pursue that option
5. Describe more fully the process of BWSC review of farm plans and attempt coordination/meeting between Farmers and BWSC staff
6. Research extent of BWSC review for 2 pilot urban farms.
7. Revisit the Definitions to see whether it can be more clearly stated that Article 89 is on commercial farming while maintaining language on the backyard keeping of hens and bees.



Notes from Working Group Meeting #15
Thursday, March 7, 2013, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office

Working Group Attendees:

Danielle Andrews, The Food Project
Rose Arruda, MDAR
Steve Fraser, East Boston Neighborhood Health Center
Larry Spang, Arrowstreet Inc.
Bruce Bickerstaff, Roxbury YMCA
Joan Perkins, Sweet Sisters

Members of the Public Attendees:

Ernest Bennett, Office of Councilor Charles Yancey
Tony Durso, Norquit Street Neighborhood Assn / Bee's Knees Supply
Jennifer Evans, BPHC
Gregory Murphy, Sun State Organics / Legalize Chickens in Boston
Jolie Olivetti, MPI/Revision Urban Farm
Mark Winterer, Recover Green Roofs
Andy Cook, MIT grad student – Urban Planning
Brian Daly, MIT grad student – Urban Planning
Valerie Oorthuys – Tufts University
Karan Doczi – Legalize Chickens in Boston
Kevin Essington – Trust for Public Land
Jessica Leete – Highland Park Neighborhood Assn / Ager Group
Cathy Neal – Beautiful Brookline
Jennifer Rugg – Greening Rozzie / Legalize Chickens in Boston
Ona Balkus – Conservation Law Foundation

Meeting Agenda

- Continue and finalize presentation and Discussion of Draft Article 89 (outstanding items include: Keeping of Hens and Bees, Aquaculture, Hydroponics & Aquaponics, Farmers Markets & Farm Stands)
- Cumulative changes to Draft Article 89 since 12.28.12 version (includes revised "Urban Agriculture" definition & new "Farm Area" definition)
- Response to questions 2/ 7 Mayor's Working Group meeting (role of Boston Water & Sewer Commission: likely process and estimated costs)
- Update and discussion re: Neighborhood Meetings in spring

Handouts:

- Draft Article 89, version 3/7/13 with cumulative changes since 12/28/12 draft version
- Matrix of neighborhood meetings and venues / sample flyer for neighborhood meeting notification

Continue and finalize presentation and Discussion of Draft Article 89 (outstanding items include: Keeping of Hens and Bees, Aquaculture, Hydroponics & Aquaponics, Farmers Markets & Farm Stands (Tad Read):

Tad Read began presenting the last few sections from draft Article 89 that hadn't been discussed since the first version of draft Article 89 was made public on December 28, 2012 due to time constraints (although the substance of these sections has been vetted previously with the Working Group).

Keeping of Hens and Bees

- *Greg Murphy*: I just want to make sure that Article 89 will apply to where the "Accessory Keeping of Animals" (hens and bees) is currently a conditional use in the existing zoning.
- *Tad Read*: This is correct. Article 89 would not change the *use regulations* for the "Accessory Keeping of Animals" (hens and bees), but it would establish a set of dimensional regulations and maintenance requirements for the keeping of hens where this is a conditional use under existing zoning. The existing Live Fowl Permit with ISD- Heath Division could also be amended as a part of this process to include many of the provisions from Article 89 (Section 89-9) for the Accessory Keeping of Hens. The Live Fowl permit would apply to the keeping of hens where allowed as of right.
- *Danielle Andrews*: Will Article 89 address the commercial keeping of hens?
- *Tad Read*: Explained that the existing zoning for both The Base Code areas and the neighborhoods doesn't differentiate between backyard and commercial keeping of hens. Conditions for the commercial keeping of hens could be added to draft Article 89; however, what might make more sense is to wait until the neighborhoods pursue a separate zoning amendment process to change the use regulations in their specific neighborhood for the keeping of hens. The focus thus far on backyard keeping of hens in draft Article 89 reflects the focus on this aspect of the issue by advocates. So far, the BRA has not heard of much interest in adding language for the commercial keeping of hens.
- *Greg Murphy and Karan Doczi*: Would like to keep forward momentum with the thought of incorporating language for the commercial keeping of hens, and this would also be important to Legalize Chickens in Boston (LCIB). LCIB also understands it might be handled better at the neighborhood level as well. Greg asked if each neighborhood might tailor the regulations for the keeping of hens (both backyard and commercial keeping of hens) differently from other neighborhoods.
- *Tad Read*: Responded that generally Article 89 would be the starting point for neighborhoods looking to change the use regulations for the accessory keeping of hens, but yes, they could be tailored specifically to any one neighborhood. We

understand that perhaps neighborhoods such as Jamaica Plain or Roslindale might want to be more permissive with keeping of hens regulations than other neighborhoods. The problem with this, however, might be that when an inspector from ISD needs to go out and inspect a nuisance or problem, it is harder for them to work with multiple sets of regulations for one use vs. just one city-wide set of regulations for same use. So thinking this through, the more uniform the conditions were between neighborhoods, the easier it would be to administer, and the less chance of confusion.

- *Bruce Bickerstaff*: For the keeping of bees, does the zoning address culpability or liability issues should a neighbor getting stung or injured?
- *Tad Read*: Article 89 addresses dimensional and safety measures such as hive setbacks, permission and sign-off from neighbors, location of hives in relation to adjacent properties, construction of a flyway, etc. Also, draft Article 89 only allows the species of Honey Bees (*Apis Mellifera*), not other aggressive species of bees. Because honey bees will die once they sting, they will only sting when threatened.
- *Edith Murnane*: Reminded everyone that honey bees tend to fly very far away from their hives to pollinate; they do not stay close by to their hives.
- *Greg Murphy*: Mentioned that he was appreciative for the updated footnote on Page 20 of Draft Article 89 which clarifies what Article 89 does and does NOT do for the keeping of hens.
- *Karan Doczi*: Suggested the language for "treated wood" be replaced with "cedar posts" in the proposed zoning language for the keeping of hens. Also suggests that "chicken wire" be deleted, as it is misleading to suggest that chicken wire it is rodent-proof [Khrysti Smythe confirms]
- *Karan Doczi*: Asked if the issue of slaughter has been resolved yet, as it is one very important element of keeping hens. If it is not resolved at the neighborhood level, it could become problematic. It needs to be resolved before draft Article 89 goes out to the neighborhoods.
- *Tad Read*: Responded that it is a complicated issue, and it's been suggested that the Zoning Code may not be the most appropriate place to address it. Perhaps it would be better addressed through a Best Management Practices (BMP) guide.

Aquaculture, Hydroponics & Aquaponics

- *Tad Read*: Mentioned that this topic has not prompted a lot of discussion so far.
- *Steve Fraser*: Asked a clarifying question to confirm that these uses could be permitted in a residential area as long as they didn't comprise more than 25% of the lot.
- *Tad Read*: For hydroponics, yes, such a use could be allowed as of right. For aquaponics and aquaculture, a conditional use permit would be required for a facility above 750 sf in a residential district, but a facility up to 750 sf would be allowed in a residential district.
- *Steve Fraser*: Didn't see a major difference between the three uses (hydroponics, aquaponics and aquaculture), given the fact that these are all closed systems, where you are dealing with similar water treatment issues in all three cases. Suggested that they should all be treated similarly in the zoning instead of hydroponics being the least restrictive, and aquaculture and aquaponics being

more restrictive. On the surface, the obvious difference here is the fish involved with aquaponics and aquaculture.

Farmers' Markets and Farm Stands

- *Tony Durso*: Can language be added that would allow farm stands not only on "Permitted Urban Farms" but also as part of such operations community gardens?
- *Marie Mercurio*: We can look into this. As long as Retail was allowed in the underlying zoning, it seems plausible that other operations wanting to sell fruits and vegetables grown locally could set up a farm stand regardless of what type of operation they are. However, if retail is not allowed in the underlying zoning, that group would have to go to the Zoning Board of Appeals for a conditional use.

Cumulative changes to Draft Article 89 since 12.28.12 version (includes revised "Urban Agriculture" definition & new "Farm Area" definition, posted on web page)

Marie summarized the cumulative changes to Draft Article 89 that staff is proposing based on public comment since the version presented to the Working Group at their January, 2013 meeting.

- *Mark Winterer*: What is the reasoning behind allowing rooftop greenhouses as of right in "Large Scale Commercial" districts (see Section 89-5, table) while continuing to make Medium and Large Open Air Roof Level farms conditional?
- *Marie Mercurio*: Good point. We heard the most feedback on this from rooftop greenhouse operators, but the same might apply to open air rooftop farms as well. We'll revisit this issue and get back to you.
- *Steve Fraser*: Asked a clarification question about whether or not retail will also be allowed in the underlying zoning in those places where aquaponics, aquaculture and hydroponics will be allowed.
- *Marie Mercurio*: In many cases, retail will be allowed in the areas where aquaculture, aquaponics and hydroponics will be allowed, especially because these uses will be mostly allowed in industrial areas. Industrial zoning districts are somewhat of a catch-all zoning district that allows most uses (except residential). Retail will be allowed in industrial zoning districts.
- *Bruce Bickerstaff*: Re: "Urban Agriculture", as if the use of a "Lot" in the definition would refer also to rooftop space and greenhouses.
- *Tad Read*: Replied that yes, it would.
- *Karan Doczi*: Is there any way to soften the language for the definition of "Urban Agriculture", specifically "Underlying Zoning" especially if neighborhoods choose to change their underlying zoning in the future to change use regulations for the keeping of hens.
- *Tad Read*: Explained that "Underlying Zoning" in the definition would apply to *existing* underlying zoning as well as any *future* underlying zoning, when and if use regulations are changed on a neighborhood-by-neighborhood basis for use regulations for the keeping of hens.

Response to questions 2/ 7 Mayor's Working Group meeting (role of Boston Water & Sewer Commission: likely process and estimated costs)

Tad Read and Marie Mercurio together summarized a conversation with the Boston Water and Sewer Commission (BWSC) about what the issues for review were likely to involve for urban farms. They reported that according to BWSC, the primary issue had to do with drainage and runoff, in part because BWSC is under a consent decree to protect the Charles River Basin watershed from pollution.

- *Ernest Bennett:* Ernest asked about the regulatory aspect of water contamination, drainage and run-off issues that BRA Staff discussed with BWSC. Who is going to provide oversight? Is there funding to hire staff to provide the oversight that is needed? Concerned that the City doesn't have enough funds to hire additional regulatory staff to inspect farms for soil and water safety issues.
- *Tad Read:* Replied that it is BWSC's responsibility to review site plans for all of the above issues.
- *Karan Doczi:* Replied that Farmers have "GAP" plans (Good Ag Practices plans) that would suggest that they are conforming to BWSC regulations. Farmers are not looking to pollute the groundwater or soil and go against regulations.
- *Kevin Essington:* Noted the risk of soil additives (fertilizers and pesticides) and talked about bio-retention swales to uptake these additives. Suggested BWSC should pursue this mitigation effort.
- *Marie:* Remembered that Phil Larocque of BWSC talked about bio-retention swales and that BWSC likes to see them as part of a site plan.
- *Jolie Olivetti:* Does the BWSC have regulations on fertilizers and pesticides?
- *Tad Read:* Responded that fertilizers and pesticides are regulated at the State level.
- *Mark Winterer:* Asked if BWSC monitors inputs and outputs and, if so, what are the levels they are looking for. Said that he would look into this.
- *Tad Read:* Said that BRA is not aware of this.
- *Ernest Bennett:* Asked if the upcoming soil safety meetings would be open to the public.
- *Tad Read:* Suggested that there may be some internal meetings that would happen first to draft recommendations, and then certainly all draft recommendations from these meetings would be thoroughly vetted publicly.
- *Member of the Public:* Asked if the area of hold-up on the Fire Department's behalf was in the area of composting and growing on roof.
- *Tad Read:* Yes. These two areas are a concern to the City's Fire Marshall and Fire Commissioner.

Update and discussion re: Neighborhood Meetings in spring

Tad discussed the two issues that need to be resolved before draft Article 89 is presented to Boston neighborhoods. The two issues include: 1) finalizing the draft soil safety protocol, and 2) resolving fire safety concerns of City's Fire Department for rooftop farming and composting. Tad also presented an outline of the 10 neighborhood meetings and draft meeting notification flyers.

- *Ernest Bennett*: Suggested that there might be two or three neighborhood meetings for Dorchester, not one, given its size.
- *Tad Read*: Said that we would take this under advisement.
- *Ernest Bennett*: Suggested that draft Article 89 would not go out to the neighborhood meetings until the soil and fire safety issues are resolved.
- *Tad Read*: Agreed that this would be the BRA's strategy.
- *Bruce Bickerstaff*: Suggested using BNN as a medium to disseminate information about the neighborhood meetings.
- *Rosa Arruda*:: Concerned about how to get the information out, and what information goes out to residents prior to the neighborhood meetings. Need to suggest that this is an effort from the people of Boston, not coming from government. Volunteered to work together to make sure the right information is going out prior to the meetings so as to allay any fears.
- *Cathy Neal*: Echoed Rose's comments.
- *Tony Durso*: Agreed with Rose's and Cathy's comments. The message needs to suggest that this effort is about empowering residents to get involved. Show the mission and passion of this effort and suggest how they can get involved.
- *Karan Doczi*: Concerned that the draft flyer is too "official" looking. Will it be translated?
- *Tad Read*: Yes, it will be translated in Spanish, Mandarin and Haitian Creole.
- *Khrysti Smythe*: Suggested that the flyer needs a few images and photos, especially with children and animals. Pictures paint a thousand words.
- *Jolie Olivetti*: Suggested that BRA staff attend local neighborhood groups and association meetings.
- *Tad Read*: Reminded everyone that 10 community meetings are already scheduled, and that if in addition to these meetings we tried to attend numerous neighborhood association meetings in each neighborhood, it could be overwhelming. We can certainly get information about neighborhood organizations, however.
- *Tony Durso*: Suggested that we contact and touch base with Main Streets organizations.
- *Marie Mercurio*: Great idea. Know that they have thousands of members, and have email lists and use "constant contact" to notify them. We could add our meeting notification to their email blasts.
- *Bruce Bickerstaff*: Most of the work is done – the work now is to inform the community at large, and the hard part will be trying to preempt getting derailed by fear and ignorance.
- *Steve Fraser*: Is it possible that, at the neighborhood meetings, there might be some organization and advocacy to encourage neighborhoods to initiate a process to amend the neighborhood zoning use regulations for the keeping of animals (hens and bees)?
- *Tad Read*: Yes, the neighborhood meetings would be the perfect starting point for neighborhoods to get organized.
- *Karan Doczi*: Now is the time for citizen advocacy groups to start getting organized – prior to the neighborhood meetings. At the neighborhood meetings, it would be important to stress that Boston is not the only city addressing urban agriculture – show examples of other cities and what they are doing. Show the diversity (ethnicity, socially, etc) where urban agriculture is happening.

Actionable Items

- Commercial keeping of hens (add to Article 89 or leave until neighborhood rezoning?)
- Can other operations other than a “permitted Urban Farm” have a farm stand?
- In Keeping of Hens Section 89-9, replace language for “treated wood” with “cedar posts.
- Open air roof level farms – can the use regulations be the same as for roof level greenhouses?
- Get some cost estimates from local PEs for doing a BWSC site plan
- Determine if some of the language concerning chicken coop materials (and other language) might be better suited to BMPs (best management practices) than to
- Be sure to include Main Streets as part of neighborhood outreach.



Notes from Working Group Meeting #16
Thursday, April 11, 2013, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Thomas Plant, Boston Public Health Commission

Working Group Attendees:

Rose Arruda, MDAR
Valerie Burns, BNAN
Trish Carter (via phone)
Glynn Lloyd

Members of the Public Attendees:

Ernest Bennett, Office of Councilor Charles Yancey
Larry Feldman, GZA Geoenvironmental
Ramy Kim, BUSPH
Joanne Shatki, CLF Ventures
Boris Hildebrand, Haley House
Susan Cascino, PWD
Matthew Higgins, Boston University
Patti Moreno, Garden Girl TV
Jennifer Evans, Boston Public Health – Infectious Disease
Mike Geraty, M&R
Darrah Cole, RFK Greenway Conservancy
Lawrence Barriner II, MIT Urban Planning
Gerry Thomas, BPHC
Valerie Oorthuys, Tufts VEP
Betsy Johnson, MFDA
Jolie Olivetti, VPI/RUF
Khrysti Smyth, Yardbirds Backyard Chickens
Christine Chilingenon, Conservation Law Foundation
Kevin Essruptan, Trust For Public Land
Jessica Leeze, Ager Group
Wendy Simand, Green Dot Garden
Omar Brown, Massachusetts Human Resources Fund
Karan Doczi, Legalize Chickens in Boston
Leon Bethune, BPHC
Genevieve Goldleaf, Office of Food Initiatives

Meeting Agenda

- I. Update on **Soil Safety Protocol** for Urban Farms

- II. Update on **Roof Level Farming and Fire Safety**
- III. Proposed **Modification of Definition of Community Gardens** to Exclude community gardens in the Community Garden Open Space (OS-CG) Zoning Subdistrict
- IV. Wrap Up Discussion of the **Role of Boston Water and Sewer Commission** in Reviewing Urban Farm Plans
- V. Discussion of Expanding draft Article 89 to More Explicitly Include **Non Commercial Farming**
- VI. Presentation of New Language re **General Parameters for Composting on Roof Level Farms**
- VII. Discussion re Possible **Addition of Language to draft Article 89 Concerning Commercial Keeping of Hens**
- VIII. Update on **Schedule and Media Materials** for Neighborhood Meetings

Handouts:

- Agenda
- Potential Costs and Services Required for BWSC Review
- Optional Proposals for Use Regulations for Community Gardens (not OS-CG)
- Changes to Draft Article 89 since March Working Group Meeting
- Draft Urban Ag Fact Sheet
- Draft Neighborhood meeting Flyer

Continue and finalize presentation and Discussion of Draft Article 89 (outstanding items include: Soil Safety, Rooftop Fire Safety, Community gardens definition/exclusion, commercial keeping of chickens) (Tad Read):

Tad Read began by inviting BPHC to update the group on progress with soil safety protocols.

I. Soil Safety

Thomas Plant announced that BPHC had received comments on soil safety protocols up through April 5, 2013. These comments are currently under review by the Commission (at the time of this Working Group meeting).

Edith Murnane: Will the working group see final updates before our next meeting in May?

Gerry Thomas: We can't commit to a timetable right now.

Valerie Burns: Can you give us a sense of the scope of comments?

Gerry Thomas: Explained the two major topics of comments included the (1) potential high cost of testing to farmers, and (2) how to set the safety standards at an appropriate level. Soil and composting testing standards also might have ripple effects on other City departments, so BPHC would like to be sensitive to this. She emphasized that BPHC supports urban agriculture and wants to see it happen safely.

II. Roof Level Farming and Fire Safety

Tad Read explained that one of the issues that the Fire Department was concerned about was dry vegetative material on rooftops. They've recently indicated that they will most likely fall back on ANSI (Approved American National Standard)/SPRI (Single Ply Roofing Industry) vegetated roof standard that are contained in January 2010 [ANSI/SPRI VF-1 External Fire Design Standard for Vegetative Roofs](#). The Fire Department also asked that the BRA incorporate language into draft Article 89 that requires any rooftop composting materials be confined to containers that are adequately separated from any flammable materials. Another concern is that there are adequate vents up to the roof in case there is a need to vent fires below.

Patti Moreno: Has any vegetation on a rooftop ever burst into flames?

DPW: Last week a fire was started by a cigarette butt in a container with a dead plant.

Valerie Burns: Asked Trish Carter for initial reactions to the proposed use of the ANSI/SPRI standard, but Trish had no comment besides to seek clarification between open-air and rooftop greenhouse farming standards (she does mostly rooftop greenhouses).

Tad Read: Explained that two weeks ago, Higher Ground farm invited the City's Fire Commissioner to visit their future site, and got a detailed presentation of their future plans to him. The Commissioner left satisfied that fire concerns could be met, as long as the ANSI/SPRI standards would apply. Tad Read said that the ANSI/SPRI standards would be circulated via email, put on the project website, or could be accessed online at http://www.spri.org/pdf/ansi_spri_vf-1_external_fire_design_standard_for_vegetative_roofs_jan_2010.pdf. Tad Read also emphasized that the standards were produced by the single ply roofing industry, not by the City of Boston.

Ernest Bennett: Expressed concern over whether there were plans and funds for providing inspectors to ensure soil safety protocol were met. Where is funding coming from to train people to test soil? Will there be regular random testing of soil to make sure people are in compliance?

Thomas Plant: There will be rules, and commercial farms will be required to meet them.

Tad Read: Reminded Ernest Bennett that it is BPHC, not ISD, who will be reviewing compliance with required Soil Safety Protocol.

III. Modification to the Definition/Exclusion of Community Gardens from draft Article 89

Valerie Burns: We [BNAN] asked for this clarification. The community gardens in Boston have been operating since the 1970's. A collection of individuals in a largely volunteer system has been working well. People grow only for their own use with no commercial aspect. We wanted to be clear that zoning for community gardens would exclude the rules placed on commercially-based "Urban Farms" in proposed draft Article 89.

Matthew Higgins: Does draft Article 89 not already distinguish between them?

VB: There seemed to be some ambiguity.

Marie Mercurio: Today we are offering two proposals to regulate community gardens that are not in the Open Space – Community Garden ("OS-CG") zoning district currently. Currently, draft Article 89 only defines "Community Garden" as being lots used for

growing by groups of individuals, and that they do not fall into the OS-CG zoning category.

Valerie Burns: Expressed surprise over what she perceived as a last-minute introduction of new language for a new community garden designation.

Edith Murnane: Explained that the intent of these community garden proposals was to maintain enormous amount of energy around agriculture in all its forms that she felt was present at the beginning of the urban agricultural citywide rezoning process.

Valerie Burns: Emphasized need for clarity between commercial farming and community gardens in the OS-CG zoning districts, but reiterated confusion over why this category was coming so late in the process.

Edith Murnane: Contended that community gardens had been in the draft for a long time. Suggested that other, non-commercial forms of agriculture forms needed to be honored under draft Article 89, and that it shouldn't pertain only to commercial farms.

Valerie Burns: Draft Article 89, as written, includes community gardens unless we exclude them explicitly, and that needs to be clarified. Boston is being offered a choice between community gardening in an OS-CG zoning subdistrict, or under regulations for an Urban Farm in draft Article 89. Any other kind of growing in the city should not be referred to as a community garden. What we're trying to do is support growing in the city, and make it as clear as possible. We must be careful about over-regulating all the various kinds of agricultural scenarios and possibilities. You can't regulate every tomato plant that gets put in the ground. It's really commercial urban farming that we're trying to support here in Boston.

EM: Reiterated that this isn't a new proposal; it's been in the draft from the beginning, but unclearly. Stated the purpose is to legitimize growing that falls outside of the OSCG zoning district purview, and outside of commercial growing.

VB: Why do we want to put another layer of regulation on these folks?

Tad Read: Attempted to identify the two sides to this argument:

1. This is a way to legitimize gardening that is otherwise happening "under the radar"
2. This type of informal growing should continue to be unregulated.

Betsy Johnson: Suggested this should simply be a distinction between commercial and non-commercial.

Edith Murnane: One of the issues is that once land goes into an open space zoning district, it's very hard to get it out - meaning there will be less land available for creative growing.

Valerie Burns: Maybe you could tell us a situation that's creating this concern.

Edith Murnane: Explained that owners of land might be more willing to lease temporarily for growing if they didn't have to designate their land as open space.

Valerie Burns: Suggested that there were a number of ways to lease publicly-owned land.

Edith Murnane: But we're talking about all land.

Marie Mercurio: One proposal is to treat community gardens that are not in an open space zoning district as ground-level farms (same use regulations, same comprehensive farm review requirements, etc).

Valerie Burns: The City is taking an enormous reach by trying to regulate these kinds of growing.

Matthew Higgins: If draft Article 89 creates a separate kind of community garden, would it be non-commercial?

Tad Read: Not necessarily. It's possible under draft Article 89 to have a commercial community garden. One thing we might consider is coming up with another name for this category of growing.

Darrah Cole: Suggested such a category might be a collective mixed-use space. Is there anything that would exclude this type of community garden model from happening outside the open space designation right now?

MM: It's not specifically addressed right now. If it is not a use listed explicitly in the land use tables of the underlying zoning, it will be perceived as a forbidden use.

Ernest Bennett: Since 2010 we've requested clear and concise designations between community gardens and urban farms. We have to be very clear. Commercial vs. Non-commercial.

Patti Moreno: They're trying to make it possible to farm communally without going into an open space zoning district. Sometimes there is not an exchange of goods for cash. Sometimes farmers barter. This is another scenario.

Betsy Johnson: Suggested adding growing as an acceptable use within residential zoning. If it becomes commercial, then it falls under draft Article 89.

Jolie Olivetti: Questioned if a new community garden category would trigger issues with ISD (over-regulation)?

Edith Murnane: We want to enable as much as possible. Remove stumbling blocks from leasing and permitting.

Susan Cascino: As I understand it, if it's not in the regulations, then it's illegal. Could it work the other way?

Christy Smyth: How difficult would it be to add growing as an allowed use, then put language saying that if you start selling, you have to go through Article 89?

MM: It wouldn't be difficult to do, especially once such activity is defined (if we go that route) in draft Article 89.

Valerie Burns: This is an extreme proposal to bring up at this point. We need to have a full discussion. What needs serious consideration is that we came to Article 89 to allow urban farming to create economic development in the city. We've consistently asked to be explicit about urban farming and the city has pushed back on it.

Edith Murnane: This isn't about not allowing urban farming, but it is about also acknowledging that there are other urban agricultural activities and scenarios going on.

Valerie Burns: These groups aren't asking for zoning. If Article 89 is going to enable urban farming, let's get to it. Let's not weigh it down with a much larger discussion.

Tad Read: The commercial v. non-commercial is a discussion we want to help resolve. One solution is to make draft Article 89 specifically about commercial farming.

Ramy Kim: Inquires about impact assessment on community gardens. For instance, cost of soil testing. Would a newly defined activity have to comply with soil safety?

Edith Murnane: We're not talking specifically about community gardens in an open space zoning district. Whether you're a community group growing, or a small-scale farmer, your costs and issues are the same. If a community garden in an open space zoning district can't afford it, the small scale farmers can't either. The question is, can anyone afford it? We're trying to make growing food in Boston affordable.

Tad Read: We need to re-evaluate and come up with something by the next meeting that resolves the issue.

Valerie Burns: I'd like an opportunity for community gardeners to participate in this conversation

Glynn Lloyd: Let's not overcomplicate it at this late stage of the development of draft Article 89.

Rose Arruda: Suggests moving forward with draft Article 89, and adding an amendment later if warranted.

Glynn Lloyd: We've seen that this has multiple layers, and we need to approach it in layers. People have different perspectives on it in different parts of the city. Let's understand the base layer first.

IV. New Language for Roof-level Composting

Tad Read announces updates. Valerie Burns raises question of required clearance between roof and compost container. It is agreed that draft Article 89 needs to clarify this.

V. New Language around Commercial Hens

Marie Mercurio: explains that draft Article 89 is not changing existing use regulations for the accessory keeping of hens, as this is currently addressed in the existing zoning code. The same goes for the commercial keeping of hens. So, given much discussion and talking with advocates and our legal staff, we think it would be best to address the need for incorporating the regulations for the commercial keeping of hens at the same time that the accessory keeping of backyard hens will be addressed. This would be through a neighborhood initiative or petition to the BRA for a zoning amendment to their local neighborhood zoning article, changing the use regulations. The conditions that you currently see now in draft Article 89 only speak to when the accessory keeping of hens is a conditional use currently in the underlying zoning.

Tad Read: explains that neighborhoods can petition to amend their own neighborhood zoning to allow for hens (whether for backyard personal use or as a commercial enterprise).

Marie Mercurio: clarifies that such amendments wouldn't be a blanket change (i.e., it would not allow hens everywhere), but would allow neighborhoods to define if and where this use would be allowed, conditional or forbidden.

Valerie Burns: So if you want to keep hens and bees, do you have to do that twice (go through two separate petition processes)?

Tad Read: We'd like to encourage the advocates to work together to petition for a zoning amendment to allow for hens and bees at the same time because it'd be easier to go through one process.

Glynn Lloyd: The strategy for how we present this to communities should be very clear.

VI. Water and Sewer Commission Review

Marie Mercurio: explains the recent cost break down from a third-party engineering firm to prepare the necessary plan materials for review by the Boston Water and Sewer Commission (BWSC). Suggests pretty much every farm would need a review by BWSC, but the extent of the review and associated costs can be explained in a three-tiered format.

Valerie Burns: Emphasizes the need to be explicit about the total cost to farmers.

Edith Murnane: Concerned costs would be inaccessible to most farmers, suggested coming up with inexpensive review methods the BWSC can agree to.

Marie Mercurio: We're trying to come up with creative ways to fund this.

Glynn Lloyd: Is there precedent for tapping into water supply from an abutting property with a separate meter?

Valerie Burns: There is. Much of the cost however is associated with grading and drainage.

Tad Read: Expressed hope to finalize outstanding issues by early May to begin community meetings in late May.

VII. Comments on Community Meeting Flyer

Ernest Bennett: Only one Dorchester meeting?

Tad Read: We are likely to add one more Dorchester meeting

Valerie Burns: It's not equitable to treat the 90,000 people of Dorchester the same as the 30,000 people of Jamaica Plain. Also advocated for two meetings in Dorchester.

Glynn Lloyd: Urban Farming Institute wants to help. Whatever they can do to facilitate with the community meetings, particularly around the soil safety, let us/them know.

Audience: Is there a system in place to reach out to the community?

Tad Read: This will be covered in the next meeting.

Rose Arruda: Can BRA have a list ready of what we already have in place for community outreach?

Tad Read: Yes.

Karen Doczi: This updated draft version of the flyer is much better.

ACTION ITEMS:

- Work to resolve dispute about whether draft Article 89 should focus only on commercial growing (as it stands) – UPDATE: This discussion will be held on May 1 at 11:00AM at the BRA – if you would like to attend, please contact either Tad Read or Marie Mercurio.
- Increase neighborhood meetings in Dorchester
- Report back on final direction on Soil Safety Protocol
- Report back on final direction with rooftop farming and fire safety
- Provide list of organizations to be contacted for each neighborhood meeting
- Determine what kind of gardening is allowed in residential zones currently—just private gardening, or would any kind of collective gardening be allowed?
- Work with BWSC to figure out how to streamline site plan review / reduce costs / find funding for farmers
- Update rooftop farming section in draft Article 89 to include language about required clearance between roof and compost container



Notes from Working Group Meeting #17
Thursday, May 9, 2013, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Thomas Plant, Boston Public Health Commission
Andrew Cook, Intern, BRA

Working Group Attendees:

Rose Arruda, MDAR
Larry Spang, Arrow Street
C.M. Cato-Louis, MFFC/BCFF/Mattapan United
Danielle Andrews, The Food Project
Bruce Bickerstaff, Roxbury YMCA
Nina Mukherji, Real Food Challenge
Don Weist, Boston Public Market Assoc

Members of the Public Attendees:

Gerry Thomas, BPHC
Ernest Bennett, Office of Councilor Charles Yancey
Jennifer Evans, Boston Public Health – Infectious Disease
Omar Brown, Massachusetts Human Resources Fund
Leon Bethune, BPHC
Pete Murphy, Office of Food Initiatives
Shawn Cooney, Cloud Farming
David Foss, F&O
Chutze Chou, Boston Orange
Kelly Allen, Rose F. Kennedy Greenway Conservancy
Mario D'Amato, Fenway Victory Gardens
Jenny Rushlow, CLF
Gregory Murphy, Greenleaf Organics
Jacob Glickel, Env. Department
Cathy Neal, Bountiful Brookline
Isabel Neal
Sadie Richards, The Food Project
Alli Condra, Harvard Food, Law, and Policy Clinic
Tim Colby, Councilor O'Malley

Meeting Agenda

- I. Final Soil Safety Protocol for Urban Farms

- II. Recommendations for Roof Level Farms and Fire Safety
- III. Final Changes to draft Article 89 prior to neighborhood meetings, including revised definitions to re: role of commercial farming
- IV. Update and Discussion re: Schedule, Outreach Materials and PowerPoint Presentation for Neighborhood Meetings on draft Article 89
- V. Public Comment

Handouts:

- Agenda
- Soil Safety Guidelines For Commercial Urban Farming, BPHC
- Memo: Fire Safety Recommendations for Roof Level Farming
- Changes to Draft Article 89 since April Working Group Meeting
- Draft Urban Ag Fact Sheet
- Draft Neighborhood meeting Flyer
- Draft Citywide Urban Agriculture Rezoning – Neighborhood Meeting Plan

Tad Read began by inviting BPHC to update the group on progress with soil safety protocols.

I. Soil Safety

Thomas Plant announced that BPHC had received and reviewed comments on soil safety protocols up through April 5, 2013. The general finding was that the cost associated with meeting soil safety protocols were perceived to be too high. BPHC decided to change the protocols so as not to require LSI/LSP lab testing if farmers were growing in tested and imported soil. Farmers growing in native soil, however, would still require the tests. BPHC also decided to make allowable soil contaminant levels consistent with MASS DEP levels. He also noted that farms will need to submit a Use and Occupancy permit to ISD, a portion of which will require...DIDN'T CATCH THIS

Gerry Thomas: We also decided to eliminate the standards for compost. Our goal was to balance the interest of supporting urban ag without creating too many barriers, while also protecting public health. I'd like to point out that we took the process quite seriously, and apologize for the late delivery.

Ernest Bennett expressed concern that soil would only be tested at the start of farming, and not on a regular, ongoing basis. He also wondered how soil quality will be regulated and where funding would come from.

TP emphasized that these standards were only for imported, tested soil, and that if farmers acquired new soil, that too would need to be tested.

EB: So the working group is going on record to ensure that we won't have regulatory practices overseeing soil quality?

Edith Murnane: We will have regulatory levels equal to that of the state and federal levels. We are requiring that farms in Boston are developed to the same standards as throughout the Commonwealth.

Jenny Rushlow: Pleased that the revised draft was very responsive to comments. Two questions: The draft details two allowable lead levels. The restricted level will only be allowed for residential gardens using BMPs?

TP: Correct

JR: Second, current set up requires Phase 1 and 2 which seems extremely onerous for farmers. Would it not be more appropriate if Phase 1 is required, and then decide if Phase 2 is required based on Phase 1 results?

Tad Read: Would it be clearer if the language says that Phase 1 is required and after a site has undergone that, *if necessary* Phase 2 is required?

David Foss: BMPs will get defined later. Expressed support of new changes and says it was key that PHC referred back to MASS DEP protocols. Offers to draft text around 'no further testing required' for MCP Phase 2.

Greg Murphy: Soil safety letter doesn't clearly spell out what is being asked and what level of professional expertise is required for testing.

DF: LSP tends to be on the high end of the requirements. If a Qualified Environmental Professional does a Phase 1, that's the cheapest way to do it.

Gerry Thomas: We want our standards tied to the state, so whatever the MCP says is required is what we're requiring.

TR: Can anyone suggest some language that would resolve that (David Foss volunteers)

Greg Murphy: Thanks PHC for being so responsive.

II. Roof Level Farming and Fire Safety

Tad Read explained that the two issues that the Fire Department was concerned about were heat generated from composting and dry vegetative material on rooftops. He then presented the letter from the Fire Department, which would later be upgraded to a Commissioners Bulletin, addressing the following issues:

- Rooftop composting must be in an enclosed bin and cannot have contact with flammable material
- ANSI/SPRI green roof standards have been adopted
- Roofs must have a vent or hatch for emergency access
- Roofs must have access to water
- Rooftop farms must have a fire permit

John: Is a vent or hatch in addition to a stairwell entry?

TR: That's unclear.

Larry Spang: Building code requires buildings of a certain height to have roof stair access. The concern is for older buildings that don't have that.

Cathy Neal: Does that include retrofits on old buildings?

Bruce Bickerstaff: Suggests there should be specific standards because we don't want to be surprised by specifics around size of openings or anything like that.

LS: Is it feasible to say 'non-combustible enclosed bin' if the intention is to keep wood compost containers from burning?

David Foss: I think the point is to have metal or something between the bin and the roof.

Sadie Richards: In order for compost to get hot enough to steam, it needs to be wet, so I don't know if fire is that big of a concern.

Thomas Plant: My concern is for nuisance odors, so that would be the main reason for keeping the bins closed.

Mario D'Amato: Does the water access requirement have specific fire code standards? Is that a separate fixture?

Tad Read: We assume these details will be in the bulletin

III. Modification to the Definition/Exclusion of Community Gardens from draft Article 89

Marie Mercurio: Explained desire on part of the BRA to have a discussion about the extent of farming practices covered by Article 89, because there were opinions on both sides of the commercial v. non-commercial debate. Decided to strike the language "generally for income earning and food production" from the definition of urban agriculture in Article 89. However, for subsequent use of the term 'urban farming' within the article, it is defined as farming for commercial purposes. Also decided to delete all reference to community gardens in Article 89.

Ernest Bennett: What is the difference between an urban farm and a community garden?

MM: Urban farms will generate sales; community gardens we are not addressing.

EB: Isn't it fair to let people know what a community garden is?

MM: We're not addressing them in the article, so we took them out. Hopefully it's very clear. We're keeping the title as Article 89 for Urban Agriculture

Greg Murphy: This solves the ongoing dilemma that we had. This really clarifies it.

Mario D'Amato: So do we not need a permit for a garden?

MM: You still need to follow existing zoning code, but they are not covered in Article 89.

Cathy Neal: What about institutional farms, a non-profit like a school?

Tad Read: Right now, that's not addressed in Article 89. The thoughts we heard at the last meeting expressed concern that we'd be over-regulating.

Edith Murnane: I thought because Urban Farming Institute was a business, wouldn't it fall under Article 89?

TR: It would be governed by other zoning.

Jenny Rushlow: 'Commercial Purposes' should be defined in Article 89.

Kelly Allen suggested language be clarified to 'commercial harvesting purposes'

TR: The more narrowly defined the better. We don't intend to capture bartering or incidental sales.

Nina Mukherji: Can we look into the implications of educational gardens operating for profit under Article 89?

Shawn Cooney: We should be clear that the purpose of the Article is to allow farming where it's currently not allowed.

TR: Yes, but it also addresses the keeping of backyard hens and bees, so it's not exclusively about that. TR then goes on to describe how the process of changing neighborhood codes regarding hens and bees is separate from Article 89.

GM: We have the clearest draft to date. Removing community gardens was good, but it will come up again at the neighborhood meetings.

TR: we admit that 89 doesn't make the advances for animal keeping that a lot of people want.

MM: I'm not sure if we define uses in open space districts. Most likely not allowed.

Don Weist: Explains how permitted uses under zoning code differs between 'main use' and 'accessory use'.

IV. Update and Discussion re: Schedule, Outreach Materials and PowerPoint Presentation for Neighborhood Meetings on draft Article 89

Tad Read calls attention to neighborhood meeting handouts, asks audience for changes or suggestions.

Jenny Rushlow and Rose Arruda suggest putting together a guidance document or FAQ to be available before the meetings begin. *Cathy Neal* suggests that lots of people won't be able to attend these meetings, and there should be an avenue for submitting comments to neighborhood groups, rather than directly to the city.

TR adds that the flyer will be translated into several languages, and *C.M. Cato-Louis* suggests adding Vietnamese and Portugese to the list. *Nina Mukherji* asks if meetings will have translators, to which *Marie Mercurio* notes the flyer will promote availability of translators upon request.

Several minor language changes are suggested.

CN: suggests larger format for public posting

Cato: suggests meeting flyer and info flyer be combined as one, double-sided document

Citizen: The flyer is misleading because it advertises interest on the neighborhood scale, when that's not what Article 89 will address; it will be about businesses.

Rose Arruda: I don't think it's misleading. We purposefully wanted to make it accessible, softer, about a community conversation.

Greg Murphy: There' s no mention of commercial farming, and it should be in there.

Tad Read introduces the Meeting Plan document as still a work-in-progress, and seeks input for additional meeting venues and neighborhood groups to be contacted.

Rose Arruda and others suggest 3-5 meetings in Dorchester. *TR* explains BRA is limited by staffing and will have as many meetings as can be staffed.

RA: Will neighborhood coordinators go to meetings ahead of time to prep communities? At least the FAQ doc should be sent to communities ahead of time. Also suggests going on BNN shows, radio, and sending photos and strong narrative with press release.

Nina Mukherji: Everyone in the working group should reach out to their network and ask them to reach out personally.

A variety of list servs are suggested for outreach:

NESAWG

MASS Public Health

EMASS Craft

Boston Food Security List Serv

Boston Occupy

Metro (newspaper)

Councilman Newsletters

ISD Neighborhood meetings

Boston Public Schools



Working Group Meeting #18
Thursday, September 5, 2013, 8:00am
Location: BRA Board Room, City Hall, 9th Floor

City of Boston Attendees:

Tad Read, Senior Planner III, BRA
Marie Mercurio, Neighborhood Planner, BRA
Edith Murnane, Director of Food Initiatives, Mayor's Office
Thomas Plant, Boston Public Health Commission
Erica Letson, Vista Volunteer, Mayor's Office of Food Initiatives
Michele Kaufman, Vista Volunteer, Mayor's Office of Food Initiatives

Working Group Attendees:

Danielle Andrews, the Food Project
Rose Arruda, MDAR
Valerie Burns, Boston Natural Areas Network
Joan Perkins, Sweet Sisters Artisanal Foods
Commissioner Greg Watson, MDAR

Members of the Public Attendees:

Joey Backer
Sean Cooney, Cloud Farming
Barbara Knecht, Urban Farm Institute
Ally Condra, Harvard Law and Policy Clinic
Cindy Chen, ACE
David Foss, Fuss & O'Neil, Inc.
Lawrence Barriner II
Noah Wilson Rich, Best Bees
Kevin Essington, Trust for Public Land
Greg Murphy, Greenleaf Organics
Jennifer Evans, Boston Public Health Commission
Joe McEachern, City Councilor Baker's Office
Marilyn Ray Smith, Urban Farming Institute
Jessie Banhazl, Green City Growers
Cathy Neal
Maureen White
Jessica Leete, AGER Group/HP-PRC
Andrew Book, MIT DUSP, former BRA Intern

Meeting Agenda

- I. Report on Neighborhood Meetings, Public Comment, and Response to Comments
- II. Report on "Intro to Article 89"
- III. Report on Permitting Guide ("Road Map to Starting a Farm")
- IV. Revised Soil Safety Protocol

- V. Changes to Article 89
- VI. Public Comment
- VI. Next Steps

Handouts: *Revised Soil Safety Protocol; Matrix Summarizing Public Comments, Response to Comments & Changes to Article 89; and, September 2013 Revised Version of Article 89, with redlining to show changes since May 2013 version*

“Intro to Article 89”

Tad gave a brief summary of a document that BRA staff has been working on called “Introduction to Article 89” which will summarize the provisions and requirements of Article 89 in plain English, with the purpose of making Article 89 as accessible as possible to the public. Staff now has a 35+ page draft of the **“Intro to Article 89”** (which might also be called “Article 89 Made Easy”), which will need to be amended and updated to reflect any changes incorporated into Article 89 in response to public comments during summer 2013. Once these changes are incorporated, staff would like to offer the Working Group an opportunity to review and offer suggestions and comments on it. Tad asked whether Working Group members preferred to hold a full Working Group meeting to discuss it or whether they would rather ask interested members to form a subcommittee to review it. The decision was to hold a regular Working Group meeting to discuss it. It was agreed that this would happen after Article 89 had been fully adopted by the BRA Board and Zoning Commission, most likely by December. Working Group members asked that the document be sent out ahead of time so that Working Group has ample time to review it. Jenny Rushlow of Conservation Law Foundation and David Foss of Fuss & O’Neil, Inc. both expressed an interest in being involved in the review of the “Intro to Article 89”.

“Road Map to Starting a Farm”

Edith Murnane provided a summary of a separate endeavor being led by the Mayor’s Office of Food Initiatives to create what she called a permitting **“road map”** for establishing agricultural projects in Boston. Relying on the services of the Harvard Law and Policy Clinic, the Mayor’s Office is creating a set of step-by-step permitting guides for a range of agricultural endeavors: ground level farms, roof level farms, hydroponics, freight container farming, and so on. The purpose of these “road maps” will be to spell out each of the steps involved in the permitting process as clear and transparent as possible. Edith reported that her office and their consultants, the Harvard Law and Policy Clinic, are currently working internally with a variety of City departments to understand and clarify all the processes involved in permitting a farm, with the goal of having the “road maps” completed by the time Article 89 is adopted.

Soil Safety Protocol

Tad went on to describe a change that has been made to the **Soil Safety Protocol** for Urban Farms. During the neighborhood meetings, the question was asked on multiple occasions whether the Soil Safety Protocol would apply to soil imported to a farm even after the initial inception of the farm. While this was the intent of the Protocol, this was not explicitly stated explicitly in the document. Thus, a change was made to the Protocol to make this explicit.

CHANGES TO ARTICLE 89

Height of Farm Structures

Marie reported that during the neighborhood meetings, staff received certain questions about how Article 89 would address farm structures that exceeded the stated **height limits for height structures** in Article 89. Staff response to the question was that the height limits of the underlying zoning would apply. The question prompted staff to take a second look at the proposed limits for farm structures. After discussing it with BRA zoning staff, we realized that there was no compelling reason for separate requirements for height structures, and that in fact it made more sense simply to apply the height limits of underlying zoning to all farm structures. Therefore, Article 89 has been amended to state that the applicable height limits in underlying zoning would determine the height limits for farm structures. The only exception would be for the maximum height of roof level greenhouses, which remains at 25 feet.

Review Thresholds for Farm Structures

Marie Mercurio proceeded to describe the actual changes that have been made to Article 89 in response to public comments. First she described the changes made relative to **design review thresholds farm structures**. In response to comments that requiring small farm structures to Comprehensive Farm Review (CFR) would be burdensome and unnecessary, staff modified Article 89 so that only farm structures exceeding thresholds of 300 square feet (sf) in Neighborhood Design Overlay Districts (NDOD—about 20% of land in the city) and 750 sf in all other districts would be subject to CFR. Under the rewritten provisions, farm structures would no longer be subject to CFR but instead would be processed through the Design Component of Small Project Review under Article 80, an administrative process that would take no longer than 45 days. No abutter notification would be required.

Jenny Rushlow of Conservation Law Foundation asked if any farmers present had any concerns about the thresholds. Danielle Andrews of the Food Project indicated that she could imagine some structures they might erect exceeding the thresholds, but these would likely only be hoop houses. Jesse Banhazl of Green City Growers indicated that she thought the thresholds were very reasonable.

CFR Thresholds for Expanded Farms

The May 2013 version of Article 89 set the CFR review threshold for any farm that wished to expand at 10 percent—that is, any farm wishing to expand by 10 percent or more would require CFR. In their comment letter on Article 89, CLR and various farmers expressed the concerns that this threshold was too strict and recommended that the threshold be raised to 50 percent. After considering this suggestion, staff landed on 30 percent as a reasonable threshold, which is now incorporated into Article 89.

Signage

Marie went on to describe the changes made to Article 89 concerning **signage** for farms. In its joint comment letter with farmers, CLF had commented that it was not clear whether the sign provisions of Article 89 were mandatory (that is, whether farms were required to have certain

signs); also, it was not clear how the sign provisions of Article 89 related to the sign requirements of Article 11 (“Signs”) of the Boston Zoning Code. Staff reviewed the sign language, found merit in the comments, and re-wrote the provisions so that a) an identification sign would be required for each farm; b) a sign for farm stands would be allowed (not required); and c) if a farm wanted to exceed the signage described in “a” and “b”, the farmer could either rely on the provisions of Article 11 (“Signs”) of the Zoning Code or, alternatively, use the comprehensive sign review provisions of Article 80. The comprehensive sign review provisions of Article 89 involve an administrative review by staff conducted in 45 days or less.

Several questions and comments from the Working Group and public followed. One concern was that the language for sign did not provide enough flexibility for farmers. Some argued that many farms need educational signs, which under the current provisions of Article 89 would not be accommodated as of right. Jenny Rushlow of CLF indicated that in certain other cities, farm signs are either exempted from signage requirements or certain types of signs are explicitly allowed as of right. Danielle Andrews indicated that the Food Project deploys a number of signs on their farms; she suggested that perhaps performance standards for signs would be appropriate. Another suggestion was made that the provision that signs for farm stands be removed when the farm stand was not in operation did not allow enough flexibility; one suggestion is that farm stand signs for allowed around-the-clock on a seasonal basis. Staff invited Danielle to provide photos of their signs as examples of the types of signs the BRA might consider making greater accommodation for. It was agreed that staff would convene a small subcommittee of farmers and interested persons to take a closer look at this issues and figure out if and how more of a certain type of signs might be accommodated on farms.

Comprehensive Farm Review: Selected Changes

Marie proceeded to describe changes made to the **design guidelines** contained in **CFR**. CLF and farmers had commented in writing that some elements of the design guidelines were vague and subjective. In response, staff removed the most vague and subjective language and reorganized the design guidelines somewhat to be more logical. David Foss suggested that it would be helpful for the BRA to put together a sample CFR submittal package. Staff agreed to do this.

Composting

Tad explained that the CLF comment letter indicated that many farmers felt that draft Article 89’s limitation to 5% on the amount of farm area devoted to composting was too restrictive. The CLF letter also indicated that the data used as a basis for the 5 percent was based primarily *community gardens* and therefore did not reflect the needs of farms. Tad indicated that the purpose of the express limit on the amount of area devoted to farming was to discourage farmers from turning their farms into compost sites (since there might be a strong economic incentives to do so, and since doing so would trigger requirements for review and regulation by the Commonwealth of MA Department of Environmental Protection (DEP).

Still, in response to the concern that the original research did not include enough farms, staff reached out to nearly two dozen farms across the country and received data back from approximately one dozen of these farms. These farms ranged in size from approximately a

quarter acre to 4 acres and included farms in the states of Ohio, Maryland, Wisconsin, Louisiana, Michigan, New York and Massachusetts. What the research showed is that most farms that develop their own compost use about 2% of the farm land area to do so. Also, the data show that several farms indicated that they did not produce enough compost to meet all of the needs of their farms, but if they did, they would probably want to double the area of land devoted to composting. Based on this data, staff modified Article 89 to increase the allowable percentage of farm area devoted to composting to 7.5%. One member of the public commented that since composting on urban farms is generally a new and evolving area, the City should be flexible about the amount of land area devoted to composting. Staff responded that article 89 would be a "living document", and if over time it was found that changes were needed, Article 89 could be amended fairly easily. On the other hand, Jessie Banhazi said that she felt 7.5% of farm area would be ample.

Valerie Burns asked if it would be possible for staff to build into Article 89 provisions for automatic review for potential amendments within, say, two years of its adoption. Staff indicated that we would look into this.

MDAR Commissioner Greg Watson reinforced Tad's point that it might indeed be tempting for farmers to turn farms into composting operations, and that Article 89 should help guard against this. Tara Zadeh, an attorney for MDAR, indicated that MDAR was working on modified Agricultural Composting Regulations, and that before Article 89 is finalized, the BRA might want to coordinate with MDAR to make sure that Article 89 recognized the newest State regulations.

Freight Containers

Tad explained that freight containers had recently come on the scene as an emerging vehicle for urban farming; therefore, the hydroponics, aquaponics and aquaculture section of Article 89 has been amended to address freight containers.

Sean Cooney wondered aloud whether the freight container language was in the right place in Article 89, given that freight containers were not a type of farming but rather simply a physical container in which any number of growing activities might take place. He wondered if perhaps appropriate term might be something such as "controlled environment growing" and that perhaps the hydroponics/aquaponics/aquaculture section was not the right place for it. Staff responded that they could consider different terminology as well as moving the freight container section to a more appropriate part of Article 89, and that staff was open to suggestions.

Greg Murphy asked if there was a gap in Article 89 in not addressing controlled growing inside of a warehouse type facility. Staff indicated that we would look into this.

Farmers Markets and Farm Stands

Tad went on to say that the CLF letter had made the comment that the May 2013 version of Article 89 contained an apparent contradiction between the use regulations for **farmers markets** and those for **farm stands**. In particular, the May version of Article 89 would have allowed farmers markets as accessory uses in residential but would have made farmstands a conditional use. Tad said that staff looked into this, and in the revised version of Article 89,

staff has included new provisions that would allow farmstands as of right as an accessory use to any urban farm. For farmstands not on a farm, Article 89 would allow farmstands in zones where retail is allowed, but would otherwise make farmstands conditional.

While many farmers and members of the public were pleased with this change, some still expressed that view that farmers might want to erect farmstands at a location other than a farm and that the conditional use permit process would be too restrictive. Jenny Rushlow of CLF asked if there were the possibility of creating some type of review process that fell somewhere on the spectrum between as of right and a hearing before the ZBA. Staff indicated that we would look into this.

David Foss wondered if the definition for farm stand should included language making it clear that farmstands were only supposed to sell produce from that farm. Staff indicated that the current language specifies that the farm stand be operated by a sole vendor, which should be adequate.

David Foss also pointed out that the Definition for Urban Agriculture specifically calls out on site sales on farms and states that they will be allowed only where retail is allowed by underlying zoning. With the proposed new language for farmstands, this language is obsolete and should be deleted.

Beekeeping

Finally, Tad indicated that the BRA had received a variety of comments, mostly from a single source, about the **beekeeping** provisions of Article 89. Among these were that a source of water for bees should be not required; and, that there was no scientific basis for requiring flyways. Staff in turn consulted with local beekeepers who urged us to leave these provisions in Article 89, as they would be useful. However, staff took another look at Article 89 and found that the ground level and roof level beekeeping requirements were inconsistent in terms of flyways and facing away from primary buildings. Thus, Article 89 was revised to make these consistent.

Follow up items for further discussion and consideration

- 1) **Signage:** Is there any way to accommodate a greater variety of signs on farms as-of-right? Perhaps there is a way to create performance standards.
- 2) **Farm stands signs:** Why do farmers have to take it down after active sales? Helps to advertise the farm stand and the hours of operation, etc.
- 3) **Farm stand definition:** Should we add, "from a single farm" to the farm stand definition?
- 4) **Composting:** Should urban farms should be registered with MDAR and could exceed the 7.5% composting when their composting operation is registered with MDAR.
- 5) **Automatic review of article 89:** Can we build in an automatic review of Article 89 after a certain period of time?
- 6) **Definition of Urban Agriculture:** The definition of Urban Agriculture now needs to be revised because the part about allowing sales where retail sales are allowed now conflicts with the provisions for allowing accessory farm stands on any urban farm.

- 7) **Farm stand permitting:** Is there an intermediate process for farm stands—somewhere between as-of-right and ZBA—that could work for permitting?
- 8) **Farmers markets:** How would existing Farmers Markets fare under the proposed provisions under Article 89 for farmers markets? Which ones would be allowed as of right, which by a conditional use permit, and which, if any, would be forbidden?
- 9) **Beekeeping:** Consider deleting the language that would limit the number of bees to 3 on urban farms.
- 10) **Freight containers:** Is the freight container language in the right part of Article 89? Since freight containers are not a type of growing but rather a medium for growing, should it be in another part of Article 89? Perhaps language such as, “controlled growing environment” should be used.
- 11) **Warehouse farming:** Article 89 doesn’t take into account “big box farming” (i.e., farming in warehouses).
- 12) **CFR Sample Submission Package:** Consideration preparing a sample submittal package for CFR so farmers know what they’ll need to submit