



URBAN AGRICULTURE IN BOSTON: PERMITS AND APPROVALS NEEDED TO START YOUR LESS THAN ONE ACRE GROUND-LEVEL FARM

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A joint project of the Harvard Food Law and Policy Clinic
and the City of Boston Mayor's Office of Food Initiatives

Part of a Series of Guides to Urban Agriculture in Boston

Ground-Level Farms Less than One Acre	x
Ground Level Farms Greater than One-Acre	
Roof-Level Farms	
Freight Container Farms	
Keeping of Hens and Bees	

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INTRODUCTION

Urban agriculture is coming to Boston! As of December 2013, Boston joined a growing number of cities across the country—including Seattle, Detroit, and New York City—to allow farming to take place within city limits. Over the last three years, the City of Boston—through the Boston Redevelopment Authority and the Mayor’s Urban Agriculture Working Group—has undertaken the enormous task of rezoning the city to expressly allow for urban farming within city limits. Prior to this initiative, the zoning code—which dictates where certain uses within a city can occur—primarily did not mention agricultural uses; in Boston, if a use is not mentioned in the zoning code, that use is forbidden. The addition of Article 89—the new zoning article addressing urban agriculture—was the first step to facilitate urban agriculture in the city.

As with many other activities that happen within the city, there is an assortment of requirements that must be met before an urban farmer can start his or her urban farm in Boston. For example, if an urban farmer is going to build a shed, that farmer will need a building permit. Navigating city and state processes and requirements can be a challenge. With that in mind, the Harvard Food Law and Policy Clinic and the Mayor’s Office of Food Initiatives joined forces to create a series of guides to help urban farmers navigate the permitting and approval process. The various city and state agencies that play a role in urban agriculture are working hard to help make urban farming a reality in Boston.

This first guide deals with the specific requirements for ground-level urban farms that are less than one acre. Other guides will address ground-level farms that are greater than one acre; roof-level farms; shipping container farms; aquaponics, hydroponics, and aquaculture; and the keeping of chickens and bees. This first guide to ground-level farms that are less than one acre outlines, in detail, the various agencies, permitting and approval requirements, and costs that you can expect to encounter while starting your urban farm. Given that each urban farm is unique, your farm’s permitting path may or may not include all of the steps presented in this guide. Each section in this guide provides an overview of the topic, the agencies you will work with on your journey, and the procedure for securing a permit or approval or satisfying a requirement. Use this guide to familiarize yourself with what may be required of you as you begin your process of starting an urban farm, and as a guide to walk yourself through the various processes.

This outline is a working draft, and is subject to change as the process continues to develop. Article 89 treats the various types and sizes of farms differently. As such, this guide only covers the permitting and approval process for ground-level farms less than one acre. If you are starting a ground-level farm greater than one acre or a roof-level farm or shipping container farm please refer to other guides in the series.

ACKNOWLEDGEMENTS

This document would not have been possible without the assistance and support of numerous individuals throughout Greater Boston. Conversations with the Mayor's Office of Food Initiatives (OFI) and the Boston Redevelopment Authority (BRA) first raised the need for this type of resource, and we'd like to thank Edith Murnane, Peter Murphy, and Michele Kaufman at OFI, and Tad Read and Marie Mercurio at BRA for their support and feedback throughout this process. In addition, numerous people generously gave their time to meet with us and provide feedback on this report. We would like to thank the following: Susan Rice (ISD), Bryan Glascock (ISD), Garry Moccia (ISD), Michael Cannizzo (BRA), Gerard Kennedy (MDAR), Gerald Dwyer (BWSC), Charlie Jewell (BWSC), Thelma Murphy (EPA), Ellen Lipsey (BLC), Carrie Marsh (BPRD), Aldo Ghirin (BPRD), Liza Meyer (BPRD), Roderick Fraser (BFD), Joseph Bagley (Archaeology), Stephanie Krueel (BCC), Lee Corte-Real (MDAR), Leon Bethune (BPHC), Gerry Thomas (BPHC), Lisa Conley (BPHC), Thomas Plant (BPHC), James Doucett (MDEP).

A special thanks to (current and former) Harvard Law School students and interns involved with this project, including Elena Begunova, Rebecca Buckleystein, Molly Cohen, Carter Hall, Lauren Kaskey, and Brittany Peats. Working under the supervision of Alli Condra at the Harvard Food Law and Policy Clinic, these individuals completed countless hours of research, attended many meetings, and walked through the process that urban farmers will have to take, making every effort to simplify the process along the way.

CONTACT INFORMATION

This guide is a work in progress and will be updated as the process continues to develop within Boston and the following individuals and organizations will continue to work on this guide and on other guides for urban farmers in the coming months. Feel free to reach out if you have questions or comments.

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617-635-1456

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617-390-2556

GETTING STARTED

Preliminary Research

Starting a ground-level urban farm is an exciting endeavor! It is also a significant undertaking that deserves a lot of thinking and thoughtful planning before taking the first steps to make your dream a reality. Generally speaking, prior to taking any affirmative steps towards applying for a permit, it will be important for you to do background research into your site and into agency regulations to determine how your farm can best comply with their various requirements. This guide will help you recognize potential agency hurdles, and you should keep these issues in mind as you consider your site design and develop your plans for farm structures, soil, water, and composting. By the time you apply for a permit or approval, you should feel confident that you have followed all the requirements and that the appropriate agency will grant you their respective approvals.

As part of your preliminary research, you may also want to notify your neighbors about your plan to start a farm and meet with them to discuss any concerns they have. Boston is a dense city, and it is important that your farm be a good neighbor. Having good relations with your neighbors may also assist you in the permit process, as some permit processes include abutter notification and comment periods.

Permits and Approvals

Article 89 allows you to farm within Boston city limits. Ground-level farms under one acre are allowed in all areas within the city. In order to farm, however, you often need more than just permission to do an activity. Other necessary farming items, like sheds, fences and water hook-up, will require you to secure a number of permits and approvals from various city and state agencies. Use this guide to make sure you understand which permits and approvals you will need to acquire and what documents and procedures are required to obtain your permit or approval. Some permits have online components, but many require applications to be submitted in person. Most of the permits have an associated application fee.

Some agencies may require an inspection after a permit or approval has been issued and the permitted activity has been completed. These inspections will ensure that you followed your plans and that your work meets the city's code requirements.

Generally, ground-level farms under one acre are permitted under Boston's zoning requirements and do not require any special steps; however, there are exceptions to this statement. You should pay close attention to the City's zoning requirements, particularly the zoning requirements of the neighborhood in which you will farm, while designing your farm. If your farm violates your neighborhood's or the City's zoning laws, your design will not get approved until you go through an additional process, by applying for a variance with the Zoning Board of Appeals (ZBA). This can be a costly and time-consuming process, and we suggest that you change your design rather than go before the ZBA. Here are some examples of when a farm may violate zoning laws:

- A shed or fence is too tall (e.g., the underlying zoning requirements say sheds can only be 6 feet high, and you want your shed to be 8 feet high);
- A shed doesn't have proper setbacks from property lines (e.g., you want your shed to be 2 feet from the property line, but the underlying zoning requires everything to be 5 feet back from the property line);
- Composting covers too much of the site (e.g., you want your composting to take up more than 7.5% of the total site area).

Ground-Level Farm Roadmap

First, all ground-level farms must conduct preliminary research about the site's zoning. For example, you need to find out if your farm is located in a residential, commercial, industrial, or institutional zone; the size of your plot; and, the address of your plot. Second, ground level-farms may need to go through the design review process with the Boston Redevelopment Authority (BRA) given their size (depending on your farm's location, you may need to undergo additional review with other agencies). Third, while the design review process is ongoing, farmers can begin to apply for other permits, including water, electrical, composting, curb cuts, and soil safety. Once design review is complete, you are able to apply for a building permit (if you are building something like a shed or hoop-house) and use of premises permit. Finally, all farms must secure a business permit. Once you have acquired all the permits and relevant approvals and undergone all required inspections, you can begin to farm.

Relevant Agencies & Acronyms

There are numerous acronyms and terms that are used throughout this guide. We have listed them below to help you familiarize yourself with them:

- Boston Conservation Commission (BCC)
- Boston Fire Department (BFD)
- Boston Landmarks Commission (BLC)
- Boston Parks and Recreation Department (BPRD)
- Boston Public Health Commission (BPHC)
- Boston Public Improvements Commission (PIC)
- Boston Public Works (BPW)
- Boston Redevelopment Authority (BRA)
- Boston Water & Sewer Commission (BWSC)
- Comprehensive Farm Review (CFR)
- Department of Neighborhood Development (DND)
- Greenbelt Protection Overlay District (GPOD)
- Inspectional Services Division (ISD)
- Massachusetts Department of Agricultural Resources (MDAR)
- Massachusetts Department of Environmental Protection (MDEP)
- Massachusetts Wetlands Protection Act (WPA)
- Neighborhood Design Overlay District (NDOD)
- Nutrient Management Plan (NMP)
- Notice of Intent (NOI)
- Wetlands Protection Act (WPA)

Resources

The Boston Redevelopment Authority has created a document, called "[Article 89 Made Easy](#)," to help farmers understand the zoning requirements of Article 89 (the newest addition to Boston's zoning code and what allows urban agriculture within the city). In addition to articulating what types of farms are located within the different zones of the city, Article 89 covers topics such as elements of design review; soil safety protocol; and height- and setback- limitations. While some of the topics in Article 89 are referenced and incorporated into this document, this guide goes beyond zoning and helps farmers navigate other city processes that are not included in Article 89 but may be required in order to begin farming.

PART I: SITE INFORMATION AND DESIGN REVIEW

SITE INFORMATION

OVERVIEW

Choosing the location of your farm is an important decision, because it will shape the permitting process for your urban farm. Before you can even begin the permitting and approval process, you will need to do some initial background research about your site. First, you need to identify a piece of land and either lease or purchase the land. Once you have access to land within the City, you will need to obtain information about the size of the parcel, the parcel number, the zoning district as well as any applicable overlay districts. You also must determine whether your parcel has an existing street address (if not, you will need to start the process at Inspectional Services Division (ISD) to obtain one early on in the process).

PROCEDURE

- 1) If your site does not have a street number, you will need to go to ISD and fill out a [street number request form](#).
- 2) Access the Boston Redevelopment Authority's (BRA) "[Zoning Viewer](#)" online tool to gather background information on your parcel.
 - Input the parcel's address or parcel ID into the search box and press "Go."
 - A dialog box with the "Parcel info" button will pop up.
 - Click on "Parcel Info" button, and a "Parcel Details" box should pop up with information.
- 3) To determine the parcel ID and square footage of the lot click on the "Assessor's Report" or "Property Viewer" button, both of which will take you to a separate webpage with that information.
- 4) To determine your property's zoning designation, click on the "Zoning Button."
 - To determine which of the four main land-uses (residential, small-scale & large-scale commercial, industrial, or institutional) your land is in, check the Appendix of Article 89.
 - Get the district land-use code (it will be a number-and-letter combination, e.g. 3F, LC).
 - Determine whether your parcel is subject to any of the following overlay districts (check one or more):
 - Historic District or Landmark Properties ___
 - Wetlands Resource Area ___
 - Greenbelt Protection Area ___
 - Neighborhood Design Overlay District ___
 - Neighborhood Design Review District ___
 - Near City Park ___

Definitions of Terms

Zoning: Land use regulations that organize cities into different zones and allow only certain permissible uses in certain zones. Zoning dictates the allowed shape, density and use of development in a given area. Zoning protects the neighborhood from the construction of buildings or structures that do not fit into the designated context of the neighborhood (for example, an auto-body shop opening up in a residential area).

Overlay District: Zoning districts that modify the regulations of the underlying zoning in different ways (for example, lands in the Wetlands Resource Area overlay are required to comply with additional regulations to protect water resources).

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Department:

Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Relevant Links:

Zoning Viewer:

<http://gis.cityofboston.gov/zoning/>

Street Numbering Form:

http://www.cityofboston.gov/Images_Documents/Street%20Numbering%20Form_tcm3-18360.pdf

GENERAL DESIGN REVIEW

OVERVIEW

All farms are required to go through some sort of design review process, unless they are under 10,000 square feet and do not have structures and are not located in any special overlay districts. This process ensures that farms and farm structures are designed and built in a manner consistent with the surrounding area. Because Boston is a dense city and because urban farms will be nestled within existing city life, it is important that you consider how your ground-level urban farm will fit into the neighborhood in which it is located. You want to ensure that you plan your farm in such a way as to minimize any nuisance it may cause to your neighbors.

Some questions you should consider when planning the design of your ground-level urban farm include:

- Structures: What kinds of structures, if any, will you put on your farm? Where will they be located? How large will they be? How tall will they be?
- Lights: Will you have lights on your farm? How many lights do you want installed on your farm? Where will they be located? How tall will they be?
- Screening: What type of screening and buffering will be used (e.g., around the perimeter of the parcel, for the compost area, etc.)?

There are two main types of design review: **basic design review** and **Comprehensive Farm Review (CFR)**. Both types of design review are discussed in more detail below. CFR is for ground-level farms larger than 10,000 square feet, and all farms located in Neighborhood Design Overlay Districts (NDOD) and Greenbelt Protection Overlay Districts (GPOD), regardless of size. Further, depending on your farm's location, you may also be required to go through a design review process with the Boston Landmarks Commission (BLC), Boston Conservation Commission (BCC), and Boston Parks and Recreation Department (BPRD).

PROCEDURE

- 1) Determine whether you will need to go through design review. If your farm is less than 10,000 square feet and you do not plan to have any structures and your farm is not located in any special overlay districts, you do not need to go through any design review. If your farm is over 10,000 square feet, if you plan to have any structures, or if your farm is located within a special overlay district, your farm will have to go through design review.
- 2) If design review is required, determine whether you need to complete basic design review or CFR by contacting the BRA Planning Department. After talking with staff at the BRA, you may be invited to come in and review the plans in person with a BRA Urban Designer.
 - Bring proposed site plans with you, so that BRA can give you feedback on your farm design.
 - If you are required to go through CFR, BRA will go over the requirements with you and will look through your site plans to flag anything in your design that may pose difficulties down the line.
- 3) If CFR is required, gather and submit the necessary information, including:
 - farm site plans (that can be hand drawn) showing planted areas, footprints for farm structures, driveways, parking areas and landscape buffers;
 - a sketch drawing of farm structures;
 - photographs of existing site and adjacent properties;
 - proposed plans for irrigation and stormwater control (this will also be required in more detail for your water permit with the Boston Water and Sewer Commission); and
 - signage plans showing proposed signage and related architectural features.

- The materials must also describe or illustrate all proposed agricultural activities, and screening, fencing, landscaping, as well as any existing buildings that will remain on the property (see Article 89 for more details).
 - Generally, you should ensure that all buildings, structures, materials and farming activities are designed in a manner that is sensitive to the surrounding area.
- 4) If you are not required to go through CFR, BRA will explain what will be required for your limited design review.
 - BRA will evaluate structures and signs to ensure that they meet the requirements of Article 89.

Department:

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Contact: Marie Mercurio, Planning Department, (617) 918-4352

Cost: No cost

Anticipated Timeframe: If your farm is subject to CFR, it may take some time to gather the information required for a CFR application. If the application was properly completed, BRA must either approve or deny the CFR within 45 days of receipt of the full farm plan design package. If your farm is subject to basic design review, the process can take up to 45 days after the full farm plan design package is complete.

NEXT STEPS

Depending on where your farm is located, you may need to go through additional design review process with the Boston Landmarks Commission (historical districts), Boston Conservation Commission (Wetlands Resource Area), or Boston Parks Department (near a park or parkway; or in a greenbelt protection area). Even if your farm does not have to undergo CFR based on the size or location threshold, it may need to undergo CFR if it is located in a NDOD (see page 21) or located in the neighborhoods of Roxbury, Roslindale and Hyde Park and has a structure greater than 750 square feet (see page 20).

Information about what may be required to comply with those requirements is included below:

- Wetlands Resource Areas: page 12
- Historical Districts and Landmark Properties: page 15
- Near City Parks: page 17
- Greenbelt Protection Areas: page 18
- Neighborhood Design Review Areas: page 20
- Neighborhood Design Overlay Districts: page 21

WETLANDS RESOURCE AREAS

OVERVIEW

The Massachusetts Wetlands Protection Act (WPA)¹ protects wetlands resource areas, including wetlands, riverbanks, floodplains, and buffer zones. If your farm is covered by the WPA, there are additional requirements with which you must comply when building your urban farm.

Under the WPA, any activity located within 100 feet of beaches, coastal banks (including seawalls), marshes, riverbanks, and bordering vegetated wetlands which will “remove, fill, dredge or alter an area”² requires a Notice of Intent (NOI) (except for minor activities) to be submitted to the local Conservation Commission and Massachusetts Department of Environmental Protection (MDEP). Any form of groundwork or construction that you may do on your farm will count as “altering” an area and thus will require the submission of an NOI.

However, there is an agricultural exception to the WPA, which exempts work for “normal maintenance and improvement” on “land in agricultural use” from the NOI requirement. The agricultural exemption only covers land that is currently being used for commercial agriculture or has been used for commercial agriculture in the past five years. If your plot falls under the agricultural exemption provision and you are building fences and farm structures less than 4,000 square feet, you will not be required to file an NOI. However, you will still be required to follow construction requirements aimed at protecting wetlands.

If your plot is not currently used for commercial farming (and has not been used for farming in the past five years) and you are in a Wetlands Resource Area (WRA), then you will be required to follow the WPA requirements and submit an NOI to MDEP and the Boston Conservation Commission (BCC). This step must be completed prior to applying for any other permits, such as use of premise or building permits. After you have submitted your NOI to the BCC, they will discuss your proposal at a public hearing. Prior to the hearing you will have the opportunity to review the conditions that the Commission plans to place on your work. If the project receives approval, a permit is usually issued within two to four business days. After a ten-day appeal period from the date of issuance, you may begin your work. If the project is denied without prejudice, you may alter your proposal and resubmit it at any time. If, however, the project is denied with prejudice, the decision is final.

PROCEDURE

- 1) Contact the Executive Secretary at the BCC and provide the address of the land you plan to farm to determine whether your plot falls within a WRA.
 - If your land is not in a WRA, the wetlands regulations do not apply to your work.
- 2) If your land is within a Wetlands Resource Area, but is also currently being commercially farmed (or has been farmed in the past five years), then you will be exempt from the NOI procedure, but you will still need to follow WPA requirements to protect the wetlands.³
 - For example, the WPA prohibits filling or dredging of salt marshes and requires that all maintenance or improvement activities “prevent erosion and siltation.”⁴

¹ MASS. GEN. LAWS ch. 131, § 40 (2013); 310 MASS. CODE REGS. 10.00 (2013).

² MASS. GEN. LAWS ch. 131, § 40 (2013); 310 MASS. CODE REGS. 10.00 (2013).

³ Massachusetts Wetlands Protection Act, 310 C.M.R. 10.00, § 10.04 (Definitions: Agriculture),

<http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-10-00-wetlands-protection-act-regulations.html>

⁴ 310 MASS. CODE REGS. 10.04(b) (2013).

- 3) If BCC tells you that your land is within a Wetlands Resource area, and it has not been farmed in the past five years, then you may need to hire a wetlands scientist to perform a *wetlands delineation*, which is a survey that determines the boundaries of the wetland.
 - Because wetlands are site-specific, the only way to determine whether your land truly contains a wetland or a wetland resource area is to have a scientist come on site and study the property.
- 4) Assuming the wetlands scientist finds a wetland within your property, and you are planning to do any groundwork (including clearing, fence-building, etc.), you will have to file an NOI before you are allowed to begin construction on-site or even apply for a building or use of premises permit with ISD.
 - The [NOI application](#) (WPA Form 3 – Notice of Intent) and [application instructions](#) are available online at [MDEP's website](#).
 - For the NOI application, you will need to include the following information:
 - general information such as address of the plot, latitude/longitude of the plot, parcel number, applicant information and owner information;
 - a brief description of the project;
 - a description of the existing and proposed site conditions, including temporary construction impacts and any mitigation measures you are planning on taking;
 - where the property is registered in the Registry of Deeds (county, certificate, book, page); and
 - any relevant maps and plans.
- 5) You will need to submit one copy of the NOI online to the state and also bring a paper copy to the BCC two weeks before the BCC's meeting where you wish them to consider your project.
 - The BCC typically meets every first and third Wednesday of the month ([calendar here](#)).
 - There is usually a two-day turnaround for a response after the BCC meeting, and there is a ten-day appeal period for any permit that is issued. After those ten days, you will receive your permit, and you are free to continue your permitting process.

Department:

Boston Conservation Commission
1 City Hall Square, Room 709
Boston, MA 02201
(617) 635-4417
Monday – Friday, 9:00am – 5:00pm

Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108
(617) 292-5500

Contact: Stephanie KrueI, stepahnie.krueI@cityofboston.gov

Cost: State fee; city fee \$25-50, depending on the cost of the project.

Relevant Links:

Application Instructions:

<http://www.mass.gov/eea/docs/dep/service/compliance/edepnoi.pdf>

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Application Portal:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/wpa-form-3.html>

BCC Meeting Calendar:

<http://www.cityofboston.gov/environment/Conservation/hearings.asp>

MDEP Website:

<http://www.mass.gov/eea/agencies/massdep/>

HISTORIC DISTRICTS AND LANDMARK PROPERTIES

OVERVIEW

Boston's Historic Districts exist to preserve and protect the unique historical and architectural character of some of Boston's neighborhoods. Boston currently has nine Historic Districts, and a volunteer local Historic District Commission oversees each district.⁵ Preservation Planners within the Boston Landmarks Commission (BLC) supervise the local Historic District Commissions. Each District Commission reviews proposed exterior design changes to properties located within its boundaries if those changes are visible from the public way. Each District Commission meets monthly.

PROCEDURE

- 1) Determine whether your farm is located in a Historic District overlay district, by reviewing your zoning on the BRA's "[Zoning Viewer](#)" page.
 - You can also look at maps for [individual](#) historic districts on the BLC website, or you can contact BLC to verify that your farm is indeed within a historic district.
- 2) If you are within an Historic District, contact BLC for assistance.
 - BLC recommends that you contact preservation staff early on in the approval process for guidance to ensure that your farm's plans comply with historic guidelines.
- 3) Submit an application for work in an historic district. Applications are available [online](#) and must include the following information:
 - general information about the property, including details about the applicant, and the property owner;
 - an explanation of the scope of the work and its impact on the building; and,
 - photographs.
- 4) File your application in person or mail it the address below. The schedule of filing deadlines and hearing dates for each local Historic District is available [online](#) through the BLC website.
 - All applications are due at 5pm on the filing deadline in order to get your proposal on the meeting agenda. Because of the public notice requirement, no extensions are granted.

Department

Boston Landmarks Commission
1 City Hall Square, Room 709
Boston, MA 02201
(617) 635-3850
Monday – Friday, 9:00am – 5:00pm

Contact:

If your farm is located within a Historic District, use contact information above.

If your farm is located at an individual landmark, contact: Elizabeth Stifel, Staff Architect,
elizabeth.stifel@cityofboston.gov

⁵ The districts are: (1) Aberdeen Architectural Conservation District; (2) Back Bay Architectural District; (3) Bay State Road/Back Bay West Architectural Conservation District; (4) Bay Village Historic District; (5) Historic Beacon Hill District; (6) Fort Point Channel Landmark District; (7) Mission Hill Triangle Architectural Conservation District; (8) South End Landmark District; (9) St. Botolph Architectural Conservation District.

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Cost: Several activities (e.g., minor modifications, design changes, major alterations, and major construction) require the payment of different fees. Click [here](#) for more information on fees.

Relevant Links:

Application Form:

http://www.cityofboston.gov/images_documents/Instructions%20and%20Fees%20for%20Certificate%20of%20Appropriateness%2C%20Design%20Approval%20and%20Exemption_tcm3-13353.pdf

Boston Landmarks Commission Website:

<http://www.cityofboston.gov/landmarks/>

Calendar of District Commission Meetings:

<http://www.cityofboston.gov/landmarks/process.asp>

Fee Explanations:

http://www.cityofboston.gov/images_documents/Instructions%20and%20Fees%20for%20Certificate%20of%20Appropriateness%2C%20Design%20Approval%20and%20Exemption_tcm3-13101.pdf

NEAR CITY PARKS

OVERVIEW

If your farm is located within 100 feet of a public park, parkway, or other open space owned by the Boston Parks and Recreation Department (BPRD), then BPRD will want to conduct a design review of your site plan. BPRD anticipates that most site plans will be able to be reviewed and approved at the staff level; however, farms with a significant structure may require review by the Parks and Recreation Commission.

PROCEDURE

- 1) Determine whether your plot is within 100 feet of a City park, parkway or other BPRD-owned land. This can be determined on the City of Boston Assessor's [website](#).
- 2) If so, submit a package to the BPRD that includes contact information, the location, the park that is adjacent to the farm, and a narrative describing the type of farm use that is proposed. Also submit a site plan that includes site features (such as walks, planting areas, driveways, parking areas, lighting fixtures, trash/compost areas, drainage treatment and landscape buffers), details of the proposed edge condition between the park and farm (such as landscaping materials, fence type and height, tree removals), and the size and location(s) of proposed structure(s). Also include an architectural rendering or sketch drawing of proposed structures with dimensions. Staff may require a shadow study if there may be impacts to the park.
- 3) BPRD staff will review the project design as it meets the public realm (sidewalk, park, or other public space); the design in the public realm (proposed streetscape improvements); and the appropriateness of the site design (design along park frontage, general layout and access, edge conditions, planting, materials, lighting, trash, fencing, walls, signage, etc).

Department

Boston Parks and Recreation Department
1010 Massachusetts Avenue, Third Floor
Boston, MA 02118
(617) 635-4505
Monday – Friday, 9:00am – 5:00pm

Contact:

Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department,
liza.meyer@boston.gov

Carrie Marsh, Executive Secretary, Boston Parks and Recreation Commission, carrie.marsh@boston.gov

Cost: None

Relevant Links:

Parks Department:
<http://www.cityofboston.gov/parks/>

Assessing:
<http://www.cityofboston.gov/assessing/search>

GREENBELT PROTECTION AREAS

OVERVIEW

Greenbelt Protection Overlay Districts (GPODs) protect the city's scenic and natural resources and prevent congestion on the city's greenbelt roadways. In a GPOD, projects constructing or rehabbing buildings greater than 5,000 square feet or projects increasing impervious area (area covered by pavement or other surfaces, which restrict water infiltration) by more than 2,000 square feet must undergo design review by the Boston Redevelopment Authority (BRA) and the Boston Parks and Recreation Department (BPRD). GPOD standards require preservation of natural and scenic quality, compatible architectural design, and adequate vehicular access and parking.

PROCEDURE

- 1) Determine whether your plot is located in a GPOD, by reviewing your zoning on the BRA's "[Zoning Viewer](#)" page.
- 2) In addition to design review with the Boston Parks and Recreation Department, all farms located in the GPOD will be required to go through Comprehensive Farm Review with the BRA (described on page 10).
- 3) Determine whether your project will include the construction of a structure greater than 5,000 square feet or will increase impervious area by more than 2,000 square feet.
 - If neither of these situations apply, you will not be required to go through any additional design review through BPRD (unless the project is within 100 feet of a park or parkway, in which case the procedures about City Parks (above) shall be followed).
- 4) If you are constructing a structure greater than 5,000 square feet or increasing impervious area by more than 2,000 square feet, you will need to submit your plans to the BRA, with review by BPRD for design review to ensure:
 - that your proposed structures are compatible with the surrounding neighborhood;
 - that your landscaping will maintain the natural and aesthetic quality of the GPOD; and
 - that your project has adequate vehicular access and will not increase congestion on a greenbelt roadway.
- 5) ISD will not issue a building permit unless you have complied with GPOD requirements.

Department

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Boston Parks and Recreation Department
1010 Massachusetts Avenue, Third Floor
Boston, MA 02118
(617) 635-4505
Monday – Friday, 9:00am – 5:00pm

Contact:

Marie Mercurio, Planning Department, Boston Redevelopment Authority, marie.mercurio@boston.gov, (617) 918-4352

**GUIDE TO URBAN AGRICULTURE
IN THE CITY OF BOSTON**

Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department,
liza.meyer@boston.gov

Carrie Marsh, Executive Secretary, Boston Parks and Recreation Commission, carrie.marsh@boston.gov

NEIGHBORHOOD DESIGN REVIEW DISTRICT

OVERVIEW

In Roxbury, Roslindale, and Hyde Park, all projects that comply with zoning and involve the construction or rehabilitation of buildings over 750 square feet must go through design review. This process is called neighborhood design review because if a project meets the size threshold (structures greater than 750 square feet) in one of those three neighborhoods, the project automatically must be reviewed by Boston Redevelopment Authority (BRA) staff for compatibility with the neighborhood.

PROCEDURE

- 1) Determine whether your plot is located in one of the three neighborhoods – Roslindale, Roxbury, and Hyde Park – that require neighborhood design review.
 - If you are not located in one of these neighborhoods, this design review does not apply to you.
- 2) If you are located in one of these neighborhoods, determine whether your site plans include any structures over 750 square feet.
 - If you are not planning to build or alter any structures over 750 square feet, you are exempt from the neighborhood design review.
- 3) If you are planning on building or altering any structures over 750 square feet, and your farm is already subject to CFR, you will not be required to go through any additional design review.
- 4) However, if your farm is not subject to CFR, you will be required to undergo a separate neighborhood design review.
- 5) For neighborhood design review, submit farm structure plans (including elevation, location on the farm, material) to the BRA
 - If during the review process, BRA finds design issues of concern, you will be required to make changes to your farm plan to address those concerns.
 - It is important to make these changes because it may create obstacles later in your permitting process. If you fail to make the changes BRA suggests, Inspectional Services Division will refuse to issue you a building permit (which is required to build any structures on your property).
- 6) The BRA will notify plot abutters within a 300 square foot radius of the proposed farm, the Mayor's Office of Neighborhood Services, and the relevant District City Councilor of your plans. There is a fourteen-day public comment period following notification.
- 7) BRA Designers will have up to 45 days to stamp off on final plans for the farm structure greater than 750 square feet.

Department

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Contact:

Hyde Park: Marie Mercurio, (617) 918-4352, marie.mercurio@boston.gov

Roslindale: Marie Mercurio, (617) 918-4352, marie.mercurio@boston.gov

Roxbury: Hugues Monestime, (617) 918-4320, hugues.monestime@boston.gov

NEIGHBORHOOD DESIGN OVERLAY DISTRICT

OVERVIEW

Neighborhood Design Overlay Districts (NDODs) exist in many neighborhoods across the city, and are established to “to protect the existing scale, quality of the pedestrian environment, character of the residential neighborhoods, and concentrations of historic buildings.”⁶ Each NDOD strives to protect the character and architectural features of the area in which it is located. Projects within an NDOD have certain thresholds which would trigger Boston Redevelopment Authority (BRA) design review.⁷ The most applicable would be the construction of a farm structure with a gross floor area of 300 or more square feet. Also, under Article 89, farms located in Neighborhood Design Overlay Districts are also subject to review by the Boston Landmarks Commission (BLC).

PROCEDURE

- 1) Determine whether your plot is located in a NDOD, by reviewing your zoning on the BRA’s [“Zoning Viewer”](#) page.
- 2) Regardless of size, if your farm is located in an NDOD, you will be required to go through CFR (described on page 10).
- 3) BLC also reserves the right to review your farm design.
- 4) You should also contact BRA to determine any additional requirements.

Department

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Boston Landmarks Commission
1 City Hall Square, Room 709
Boston, MA 02201
(617) 635-3850
Monday – Friday, 9:00am – 5:00pm

Contact: Marie Mercurio, Boston Redevelopment Authority, (617) 918-4352,
marie.mercurio@boston.gov

⁶ Article 63, Section 63-18.

⁷ Section 80E-2.1(b)(iii).

SIGNAGE

OVERVIEW

Signs are an important way to convey helpful information to your neighbors and community (in the case any issues arise), and make the farm more welcoming to the neighborhood. When designing your farm, you should think about what types of signs you want on your farm and where you will place those signs.

Note that **all ground-level urban farms in Boston are required to post at least one identification sign.** This sign must state the name of the farm and the contact information for the farm. According to Article 89, this sign cannot exceed six feet in area, and must not be higher than four feet.⁸

If your farm will have a farm stand, one temporary sign for the farm stand is allowed. The farm stand sign can be displayed during sales hours, but it must be removed and stored inside when the farm stand is not open. The farm stand sign may not disrupt sidewalks or driveways, and should not create a nuisance or a hazard.⁹

As long as your sign(s) described above conform to the requirements set out under Article 89, you will not need a building permit from Inspectional Services Division (ISD) for those signs.

If you want your sign(s) to exceed the standards set out in Article 89 or if you would like more than one identification sign and one farm stand sign, you have the option to go to the Zoning Board of Appeal (4 – 6 month process) or undergo Comprehensive Sign Design Review¹⁰ with the Boston Redevelopment Authority’s Urban Design Department. The Comprehensive Sign Design Review is a staff-level administrative review and is much quicker than the Zoning Board of Appeal process. In these situations, you will need to apply for a building permit from ISD for your signs.

If your farm is not subject to CFR, and your sign conforms to the requirements set out in Article 89, you do not need to go through any sign design review. If your urban farm is subject to CFR (see pages 10, 18, and 21), you must submit signage plans as part of your CFR submittal.

PROCEDURE

- 1) Determine whether your farm is subject to CFR.
 - For example, is your farm greater than 10,000 square feet or located in GPOD, NDOD or other special overlay district? If so, you are subject to CFR.
- 2) If your farm is subject to CFR, BRA will request your sign design plans with your initial CFR submittal; you do not need to take any further action beyond what is required by CFR.
- 3) If your farm is not subject to CFR and your sign(s) fall within the requirements of Article 89, you do not need to have your signs reviewed by the BRA, and you will not need a sign permit from ISD.
- 4) If your farm is not subject to CFR and your desired signs are outside of the parameters set out in Article 89, you have the option to go through the Zoning Board of Appeal or undergo Comprehensive Sign Design Review. You will be required to secure a building permit from ISD in this situation.
 - Examples of situations that are outside the parameters of Article 89: you want two identification signs, you want a sign that is larger than six square feet, etc.

⁸ Article 89, Section 89-4(1)(e).

⁹ Article 89, Section 89-4(1)(e).

¹⁰ Article 80E, Section 80E-2.3.

Department

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 343-3690
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

Contact: BRA Urban Design Department, (617) 918-4355

Cost: No cost for sign review; if a building permit is required, the baseline building permit costs \$50 (there may be additional costs for a building permit).

PART II: PERMITTING AND CONSTRUCTION

USE OF PREMISES PERMIT

OVERVIEW

All farmers will need to apply for a use of premises permit, because it is the permit that will actually allow you to farm on their land. The use of premises permit covers outdoor amenities and activities. As part of your use of premises permit application, you will need to include a land survey. A past mortgage survey will suffice (the bank that issued the mortgage should have the survey on file), although in some circumstances you may be required to hire a professional surveyor. If your parcel was originally a Department of Neighborhood Development (DND) parcel, then it should have been surveyed before, and the survey should be available in the city's files.

You should start the use of premise permit application process at this point. Although it is not required to secure other permits, you will want to start the process so that once you complete the other requirements, you will be ready to farm.

PROCEDURE

- 1) Initiate the use of premises permit application process [online](#). You will need to include:
 - a certified plot plan showing how the land will be used; and
 - diagrams showing temporary structures, changes in current use and utilities.
- 2) Finish your application by bringing materials to Inspectional Services Division (ISD), Counter 1 (Buildings Division) at 1010 Mass Ave.

Department:

Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

Contact: use contact information above

Cost: \$50

Anticipated Timeframe: 30 days.

Relevant Links:

Use of Premises Online Application:

<http://onlinepermitsandlicenses.cityofboston.gov/isdpermits/>

WATER

OVERVIEW

Water is essential to all farming operations, whether urban or rural. The water issues in urban settings are a bit unique. For example, in Boston, it is unlikely you will be able to irrigate your crops by diverting some of the water from the Charles River or the Jamaica Pond. Part of choosing the place where you want to locate your urban farm should include identifying the source of water you will use in your operation. Additionally, urban farms must address how they will deal with stormwater (e.g., when it rains a lot, how will the farm deal with the runoff?) and backflow issues (e.g., the potential for used water to re-enter the drinking water supply).

Here are some questions to consider while thinking about your water source:

- Is there a copper water supply entering your site?
- Are there spigots or pipes already in place that bring water to your site?
- Is it adequately sized?
- Will you need to extend the pipes to reach your farm or distribution point?
- How much will accessing water cost?
- Will you have a heated location to house the meter and backflow preventer year round or will you need to remove those items during the winter months?
- What kinds of options do you have for capturing excess rainwater?
- Do you have a stormwater management plan?

Generally, you have two options for accessing water: you can create new water service (which can be a costly and long process) or you can tap into a neighbor's service with a cross-connection device. It is possible that there is an old water service on the site; to find out, contact the Boston Water and Sewer Commission (BWSC).

If you need to create a new water service, you will need to comply with the requirements for a BWSC Site Plan. It is recommended that you check out the BWSC [website](#) to familiarize yourself with the process; also, please refer to the Doing Business/New Construction pages to obtain more information. You will have to have a professional engineer who will consult and develop your site plan with BWSC engineering staff. You will need to have all the water, sewer and drainage issues on the one plan. BWSC has a wealth of historical information pertaining to your site that may be helpful for this process.

Once the site plan has been approved by the BWSC, you will hire a Bonded License Contractor (a list is available on the BWSC website), who will file a General Service Application (GSA) to perform the work shown on the Site Plan.

Note that there is a yearly winter moratorium on excavation in Boston that generally begins on November 30th and ends on April 1st, depending on the weather. As establishing new water service invariably entails excavating land to lay new pipes, this will affect when you will be able to install your water service.

If you are planning on connecting to a neighbor's plumbing, you do not need to submit a GSA, but you will need to file a Sewer Abatement Application. The BWSC Engineering Customer Services section will discuss the feasibility of each option. The landowner (neighbor into whose water pipes you will be connecting) will be responsible for securing a sewer abatement application, a water meter, and a

backflow prevention device. Depending on how you connect to your neighbor's service, you may also need a small outdoor structure (e.g., a little box) to house the plumbing fixtures. The structure should be locked to prevent theft. The backflow prevention device must be tested annually by BWSC. Additionally, you will need BWSC to inspect your cross-connection device. BWSC can provide you with more details about how to make sure that your hook-up complies with BWSC regulations.

Further, you will need to speak with BWSC about irrigation and stormwater management issues. They will want to make sure you that your farm has considered how to control and mitigate run-off and flooding. BWSC request that you provide them with a copy of your Nutrient Management Plan (discussed below).

PROCEDURE

If you are establishing a new connection to the BWSC water infrastructure:

- 1) Have your Engineer consult with BWSC. Prepare a Site Plan in accordance with BWSC requirements and submit the plan to BWSC for approval.
- 2) Upon approval, submit the approved copies to Boston Public Works Department (BPW) and Inspectional Services Division (ISD).
- 3) Provide an approved Site Plan to your bonded licensed contractor who will file a General Services Application (GSA). The GSA will establish the new account, itemize and track inspection tasks, and track your deposit (deposits based on the size of the connection).
- 4) The bonded licensed contractor will leave BWSC and visit BPW to secure an Excavation Permit and a Transportation Permit.
- 5) Upon receipt of the permits from BPW and Transportation, the contractor will arrange inspections of the new connection with BWSC.

If you are connecting to an existing water service account:

- 1) The owner of the service into which you are planning to connect must secure a sewer abatement application, a sub-meter, and a backflow prevention device, and file a schematic as part of the application.
- 2) You and the owner of the existing service should also draft and sign a contract that outlines the terms of use of the service.
- 3) Once these requirements are met, and the schematic is approved by BWSC, the plumbing modifications may occur. Note that, as with the installation of new water service, your contractor will be required to obtain a plumbing permit from ISD.
- 4) Once the construction is complete, the connection must be inspected by BWSC to make sure there is no potential for cross-contamination and the meter is properly sized and located.
- 5) Once this is complete, an abatement account will be established.

Department:

Boston Water and Sewer Commission
980 Harrison Avenue
Boston, MA 02119
(617) 989-7000
Monday – Friday, 8:00am – 5:00pm

Contact: Frank McLaughlin, Manager, Engineering Customer Services, (617) 989-7000

Costs: No fee for the plan review. Site plan related costs are generally \$1,500-\$2,000. Cost of installation itself can vary greatly; BWSC estimates installation costs of \$5,000-\$7,000 for a new service. Cost of installation for connecting to neighbor's service varies from site to site. \$150 fee for connection (includes meter). Cost for yearly inspection for cross-connection.

Anticipated Timeframe: 2-3 weeks for BWSC to review plan; 1-2 weeks for installation.

Relevant Links:

Boston Water and Sewer Commission:

www.bwsc.org

GSA Application:

http://www.bwsc.org/BUSINESS/siteplans/PDF/GSA_Procedures.pdf

Sewer Abatement Information:

<http://www.bwsc.org/services/metering/abatements.asp>

NUTRIENT MANAGEMENT PLAN

OVERVIEW

Massachusetts' waters are currently threatened by pollution from a variety of nutrients, such as phosphorus (P), nitrogen (N), and potassium (K). In response, last year, the Massachusetts legislature passed a law to regulate nutrients. This law directs the Massachusetts Department of Agriculture (MDAR) to “promulgate regulations that specify when plant nutrients may be applied and locations in which plant nutrients shall not be applied.”¹¹ MDAR is currently developing regulations, which have not yet been published. These regulations will likely require all entities that use plant nutrients—including businesses, non-profits, and individual residents—to create nutrient management plans which will describe how the applicators will minimize the potential harmful effect of their nutrient-application.

Further, you will need to speak with BWSC about irrigation and stormwater management issues. They will want to make sure you that your farm has considered how to control and mitigate run-off and flooding.

PROCEDURE

- 1) The proposed regulation will likely require that anyone land-applying material with nitrogen, phosphorus, or potassium or other micronutrients have a nutrient management plan in place.
 - The plan should describe how you will apply and store nutrients to prevent excessive nutrient run-off and to protect sensitive water resources.
 - Because no regulations have been published yet, this requirement is subject to change.
- 2) Although you are not required to submit your plan or receive sign-off during this step, you should keep a copy of this plan for your records. You may also submit your plan to BWSC to assist it in its citywide efforts to prevent nutrient runoff.
 - If MDAR receives complaints about your farm, they will inspect and enforce the plan's requirements.

Department:

Massachusetts Department of Agricultural Resources
251 Causeway St, Suite 500
Boston, MA 02114
(617) 626-1700

Boston Water and Sewer Commission
980 Harrison Ave.
Boston, MA 02119
(617) 989-7000
Monday – Friday, 8:00am – 5:00pm

Contact: Gerard Kennedy, Massachusetts Department of Agricultural Resources, (617) 626-1773

¹¹ MASS. GEN. LAWS ch. 128, § 2(k) (2013).

ELECTRICITY

OVERVIEW

Some farms will need an electrical hook-up for things such as lights. If your farm will need access to electricity and does not already have electrical service, you will need to hire an electrician to help you with your electrical work. Electrical work requires an electrical permit from Inspectional Services Division (ISD); the electrician will know how to apply for that electrical permit. Licensed professionals are the only ones that can apply for and obtain an electrical permit.

New electrical service can connect to the grid via either overhead or underground lines, depending upon what kind of service is available in your area. If you are installing underground lines, the process will be similar to installing new water service, and you will need to obtain an Excavation Permit from Boston Public Works before construction can begin.

If you are planning to use solar panels, you will need to hire an electrician and obtain an electrical permit. If the panels are to be installed on a structure, you will also need a building permit from ISD.

If you are planning to use a generator for electricity, you do not need to secure any permits. However, because generators emit noise and air pollution, you will need to make sure that your use does not violate noise or pollution control ordinances for your neighborhood. Information about both items are available [here](#).

PROCEDURE

- 1) To get an electrical hook-up, hire an electrician that is licensed in Massachusetts (and ideally has experience in Boston with ISD).
- 2) The electrician will apply for a permit via ISD's online portal. He or she will need to include:
 - a state workmen's compensation affidavit;
 - a liability waiver form; and
 - liability insurance.
- 3) Once the electrician has applied for and received an electrical permit from ISD, the electrician can commence work on creating your electrical hook-up.
- 4) If you are going to install electrical service underground, you will need to hire a bonded licensed contractor who will secure an Excavation Permit and a Transportation Permit from BPW. If the contractor needs to dig up the street to connect the electrical service and the road is "guaranteed" (meaning the City resurfaced or reconstructed it within the last five years), you may need to pay the City "the equivalent cost of full curb-to-curb restoration of the roadway 25 feet beyond the limits of their work on both sides of [the] cut (a total of 50 feet in addition to [the] repair."

Department:

Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 343-3690
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

Cost: varies depending on activity

Timeframe: varies depending on activity

Relevant Links:

Noise Pollution Control:

<http://www.cityofboston.gov/environment/airpollution/noise.asp>

Project Coordination (about Guaranteed Streets):

<http://www.cityofboston.gov/publicworks/construction/coordination.asp>

CURB CUT

OVERVIEW

A curb cut requires cutting into the top surface of the sidewalk and creating a ramp down to the surface of the street. Some farms may need to create a curb cut to gain access for a new driveway. If you need to create a curb cut, you will need to apply for a curb cut permit with Boston Public Works (BPW). This application must be completed before you can apply for a building or a use of premises permit with Inspectional Services Division (ISD). If you will use an existing curb cut, you will need to redesignate it for commercial purposes through BPW.

PROCEDURE

- 1) Review the “Commissioner of Public Works Guidelines for the Issuance of a Curb Cut Permit, February 1, 2013.” It provides an explanation of how to design a curb cut and also describes what is required for a complete curb cut application. This process also includes information on creating a new driveway. The Guidelines are available [online](#).
- 2) Complete and submit a curb cut permit application in person to BPW at the address below (application available [online](#)). Include with the application:
 - three sets of curb cut plans stamped by a registered civil engineer, which must address the design specifications and be in the format of BPW’s illustration plan entitled “PWD Typical Residential/Commercial Driveway” dated February 2013 (see the last page of this [guide](#)) ; and
 - photographs of the proposed curb cut site.
- 3) Once your application is approved, the BPW permitting office will return an approved copy of your application, which you can submit to ISD as part of a complete application for a building or use of premises permit and will include the application for a new driveway. Once you have received a use of premises permit from ISD, you can obtain a curb cut permit by bringing a copy of the ISD permit to the BPW Permitting Office.
- 4) If you need an oversized curb cut (larger than the standard size), you must go through additional steps including going before the Public Improvement Commission. These steps will add a few months to the process. BPW strongly recommends against oversized curb cuts. If you believe you will need to apply for one, you should go meet with BPW in person.
- 5) Once a farm is no longer used, the landowner is responsible for restoring the sidewalk to its original form.

Department:

Public Works Department Permitting Office
One City Hall Square, Room 715
Boston, MA 02201
(617) 635-4500
Monday – Friday, 9:00am – 5:00pm

Contact: Rachel Carey, (617) 635-4900

Cost: \$110 for the curb cut permit. Deposit for driveway installation will be \$10 per square foot for concrete and \$17 per square foot for brick. Hiring a contractor to complete the curb cut itself generally costs between \$2,000-\$3,000

Anticipated Timeframe: It will take at least 2-3 weeks to get your curb cut permit approved.

Relevant Links:

Application and Guidance:

http://www.cityofboston.gov/Images_Documents/PWD%20Curb%20Cut%20Application%2002_04_2013_tcm3-26668.pdf

CITY TREES

OVERVIEW

The City of Boston's public shade trees line its streets and green its public parks, playgrounds, cemeteries, urban wilds and squares, and help make Boston a beautiful city. The City recognizes that its trees are aesthetic and natural resources, which are an important component of the urban environment. The City's tree removal and tree pruning regulations include sections of the *Massachusetts General Laws*, the *City's Municipal Code*, and the *City's Comprehensive Shade Tree Policy*.

PROCEDURE

1. Any person wishing to remove a public shade tree shall obtain written approval (via email or on City letterhead) from the Tree Warden granted through a public hearing process, prior to performing any removal work. This includes but is not limited to removal requested for the purpose of construction, installation of utilities, natural gas lines, water lines, conduits, sewers, sidewalk construction/repair, driveways and curbing. The City does not remove healthy public shade trees because they have grown large or shade a lawn, or because they drop leaves or acorns, etc.
2. Anyone wishing to prune a public shade tree, in whole or in part, shall obtain written approval from the Tree Warden prior to performing any work that may disturb the branches, trunk or roots. All pruning shall be completed by a professional arborist approved by the Tree Warden.
3. The City of Boston Parks Department conducts hearings for tree removal on the first Thursday of each month at 10:00am in the 3rd floor conference room at 1010 Massachusetts Avenue. A request to be on the agenda shall be made at least thirty days in advance of a hearing, to the attention of the Tree Warden. The request should be submitted along with site plans.
4. A written notice of the decision will be sent to the applicant within two weeks of the hearing. This notice will include the replacement value of the tree, to be paid by the applicant to the Fund for Parks and Recreation. Once this amount is received, a Notice to Proceed will be issued to the applicant. The tree cannot be removed until this payment is received.

Department

Boston Parks and Recreation Department
1010 Massachusetts Avenue, Third Floor
Boston, MA 02118
(617) 635-4505
Monday – Friday, 9:00am – 5:00pm

Contact

Greg Mosman, Tree Warden, Boston Parks and Recreation Department, greg.mosman@boston.gov, (617) 635-7275

Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department, liza.meyer@boston.gov

Carrie Marsh, Executive Secretary, Boston Parks and Recreation Commission, carrie.marsh@boston.gov

Cost: None to apply. If the Tree Warden approves the removal of a healthy tree, the applicant will be required to pay a replacement value equal to \$300 per diameter inch of removed trees.

Relevant Links:

Tree Hearings:

http://www.cityofboston.gov/Parks/StreetTrees/hearing_notice.asp

SOIL

OVERVIEW

All farms, except those using soilless cultivation methods, must follow a Soil Safety Guidelines for Commercial Urban Farms (set out in Article 89), which requires a soil safety application and soil tests to ensure safety. Urban farmers oftentimes face issues of soil contamination due to their site's or nearby sites' history of industrial or commercial use. The most common contaminants in urban soil are lead (Pb), cadmium (Cd), and arsenic (As), due to their widespread occurrence in urban environments.

According to Boston Public Health Commission's (BPHC) Soil Safety Guidelines, each farmer will need to (1) complete a soil safety application, and (2) submit results of soil testing. The rest of the requirements vary depending on whether you will be using imported or native soil.

It is crucial that you make a plan for your soil. Here are some questions you may want to consider:

- Do you plan on using native or imported soil?
- If you are considering native soil, have you researched whether the site has a history of environmental contamination or industrial use?
- If you are using imported soil, do you know whether your geotextile barrier meets BPHC requirements? A geotextile barrier is a type of synthetic landscape fabric with selected permeability (see Article 89 Made Easy for more information on this).

If you are using **imported soil**, you will be required to install a geotextile barrier and to cultivate crops in raised beds. A laboratory must also test your imported soil (one sample per 500 cubic yards) prior to transport to your farm to ensure that the soil is contaminant-free.

If you decide to use **native soil**, you must undertake a Phase I Environmental Assessment of the plot, where an environmental scientist or engineer identifies potential or existing environmental contamination, looking at the land and any buildings. Depending on what the Phase I assessment finds, you may potentially be required to undertake a Phase II Environmental Site Assessment, which involves chemical analysis for hazardous substances. Both Phase I and Phase II investigations can be costly. Prior to beginning to farm, you must submit evidence of soil testing, indicating that levels of certain contaminants are below levels prescribed by the Massachusetts Contingency Plan (MCP). The [MCP](#) is a set of state standards, enforced by MDEP, that govern the cleanup of sites and spills throughout the state. If your soil testing shows levels of lead, arsenic, and other contaminants that exceed MCP standards, then you are required by law to remediate the soil. The remediation process can be costly and time-consuming and can expose you to legal liability.

PROCEDURE

- 1) Complete the Commercial Urban Farming Soil Safety Compliance Certificate Application [see Appendix for copy of application].
 - The application requires you to submit the following:
 - Plot plan/drawing and/or photograph(s) of the site (farm location) showing the proposed farm property layout and its relation to surrounding features/structures/land use. It should also describe the geotextile barrier that will be used.
 - A copy of the laboratory test results of all soil samples taken with analysis for lead, arsenic, selenium, and PCBs. You should also keep a copy of the test results for your records.

- If planning to grow in native soils, a Phase I and II Comprehensive Environmental Site Assessment report by a Licensed Site Professional (LSP).
 - Check or money order for \$100 made payable to Boston Public Health Commission for the application fee.
- 2) Once BPHC has reviewed and accepted your application and your soil safety tests, they will notify ISD of your compliance.
 - 3) Anytime you test the soil for your own purposes (e.g., to test for nutrient levels), please retain those records.

Department:

Boston Public Health Commission
1010 Massachusetts Avenue, Second Floor
Boston, MA 02118
(617) 534-5395
Monday – Friday, 9:00am – 5:00pm

Contact: Leon Bethune, lbethune@bphc.org

Cost: \$100 for BPHC application fee (one-time fee); soil testing at a private lab generally costs \$200-\$500 per sample.

Relevant Links:

Massachusetts Contingency Plan:

<http://www.mass.gov/eea/agencies/massdep/cleanup/regulations/site-cleanup-regulations-and-standards.html>

COMPOSTING

OVERVIEW

Composting is the process of combining and managing organic matter. As organic waste matter decomposes, it creates compost, a nutrient-rich material that can be used as soil amendment or fertilizer. On-farm composting has multiple benefits to farmers. First, composting is the cheapest and most efficient disposal option for agricultural waste. Second, the compost can provide valuable nutrients and organic matter to soil. This compost can either be applied on-farm (creating more productive soil), or it can be sold to consumers (e.g., other farmers or residential gardeners).

In Massachusetts, two separate state agencies—the Department of Environmental Protection (MDEP) and the Department of Agricultural Resources (MDAR)—have the authority to regulate composting operations. Under Article 89, if composting is an accessory use to the farm (e.g., the compost made on-site is used to support on-site operations), it can take up no more than 7.5% of the lot area and is subject to MDAR’s composting regulations (see below). Under Article 89, if the composting operation is the primary use of the lot, the lot is subject to regulations under the MDEP’s regulations.

As you plan how you will go about managing your farm, there are a number of questions to consider:

- Do you want to compost on-site at all?
- Will you accept outside waste to include in your compost pile? If yes, how much? What type?
- Will you sell or donate your compost? If yes, how much?

Under Massachusetts law, farms have the right to compost their own agricultural waste and reuse it on their farm; such use is not covered by either agency’s regulations. Therefore, if you are not accepting outside waste or selling or donating your compost (that is, you are only using your own agricultural waste as compost material and using the resulting compost only on your farm), then you are allowed to compost as a right without following any regulations aside from those outlined in Article 89 (dealing with where the compost pile can be located, how tall it can be, etc.).¹²

However, if you plan to accept outside waste or sell/donate your compost, then you will be regulated under either MDEP or MDAR regulations, depending on the type and amount of waste your farm is accepting and producing. As mentioned above, there are generally two regulatory paths:

- 1) **50/50 Rule:** Under MDAR regulations, a farm is considered an agricultural composter (and therefore covered by MDAR’s composting regulations) if the majority of the compost inputs are generated by the farm or the majority of compost is used by the farm (the “50/50 rule”). This rule seeks to distinguish between farms that accept compost as a supplementary activity from industrial,

Commercial Food Waste in Massachusetts

The state of Massachusetts as a whole is changing the way it thinks about composting and food-waste. MDEP has proposed a commercial food waste ban to take effect by October 1, 2014. The regulations would ban commercial large-scale food-service operations—including hotels, universities and grocery stores—from discarding food waste and would instead require them to donate, re-purpose, or compost the unusable food.

¹² See Article 89-8 (2013).

commercial composters where composting is the primary activity. If you are planning to accept manure waste, you must register under the MDAR program.

- MDAR's composting program currently has 70 registered operations. It costs \$250 to register initially for the program, and there is a \$200 annual renewal fee. In addition, the farmer must attend a state-approved compost-training program, and take an online test with certification good for five years.
- 2) **Less than 10 Tons at Non-Residence:** Under proposed MDEP regulations, a small composting operation—one that generates less than 10 tons of compost per week—does not have to comply with the rules governing composting operations. To qualify as a “Less than 10 Tons at a Non-Residence” composter, your farm can only accept bulk waste (such as saw dust and leaf and yard waste), and cannot accept manure. As a small non-residence composting operation, you must still notify MDEP and Boston Public Health Commission (BPHC) about the operation's plan to compost at least 30 days before you begin to compost.
- Note: MDEP has not yet finalized these regulations, so these requirements may change.

PROCEDURE

- 1) Determine whether you are planning to have a compost operation as a primary or as an accessory use on your plot.
- If your compost operation will be the **primary use** of your lot, you will be subject to **MDEP's regulations**. These operations are outside the scope of this guide; if you need more information about starting a composting operation, please visit MDEP's website.
 - If your compost operation will be an **accessory use** on the lot (and farming the primary use), you will be subject to **MDAR's regulations** (see below for more information) or MDEP's regulatory exception for less than 10 tons of compost at a non-residence (see below for more information).
- 2) If you are planning to compost your farm waste as an accessory use to your farm, determine whether you plan to accept outside waste or sell/donate your compost.
- If you are only composting your own waste on site and using the resulting compost, then you are not required to apply for any permits.
 - If you are accepting waste generated off-site for your compost (but no animal manure is included) and/or are either selling or donating your compost, you are subject to MDAR's compost regulations. Per discussions with MDAR, you can choose whether to follow the 50/50 Rule requirements or the “Less than 10 Tons at a Non-Residence” requirements.
 - If you are accepting manure waste for your compost, you must follow MDAR's requirements for agricultural composters (the 50/50 rule and apply for an agricultural composting permit).
- 3) Options for Boston urban farmers:
- **MDEP's Less than 10 Tons at a Non-Residence Requirements:** If you qualify as a small, non-residence composting operation, you will not need to apply for an MDEP permit, but you must notify the BPHC and MDEP about your plan to compost at least thirty days before you begin.
 - MDEP's regulations are not finalized, so requirements may change.
 - **MDAR's Agricultural Composting and the 50/50 Rule Requirements:** If you are accepting manure or are subject to MDAR's Agricultural Composting program, you must fill out an “Agricultural Composting Registration Application Form” available [online](#) and return it to the address below).
 - As part of the application, you will need to include:
 - (1) general information about the site operator and site owner;
 - (2) general information about the site as well as compost specific information (e.g. how far is the proposed composting site from any private wells or neighbors' homes);

- (3) information identifying the materials you proposed to compost as well as the source, rate of accumulation, and quantity of materials;
- (4) a lengthy compost plan narrative (describing aeration, soil characteristics, composting time duration, security and monitoring controls, etc.);
 - (a) This compost plan should follow the principles laid out in the “Guide to Agricultural Composting” available [online](#).
- (5) a copy of a USDA Natural Resources Conservation Services generated [map](#) or a local assessor’s plan that marks relevant sites (e.g. boundaries, location of composting materials, occupied buildings, etc.) and shows the proposed location for the composting site.
 - o You must also attend a state-approved compost-training program, and take an online test with certification good for five years.

Department:

Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114
(617) 626-1720
Monday-Friday, 8:45am – 5:00pm

Massachusetts Department of Environmental Management
1 Winter Street
Boston, MA 02108
(617) 292-5500
Monday-Friday, 9:00am – 5:00pm

Contact: Gerard Kennedy, Massachusetts Department of Agricultural Resources, (617) 626-1773

Cost:

MDAR Agricultural Composting Program: \$250 initially and \$200 annual fee
MDEP: to be determined

Relevant Links:

MDAR Agricultural Composting Application Form:

<http://www.mass.gov/eea/docs/agr/programs/compost/agcompostingregistrationapplicationform2010.pdf>

Guide to Agricultural Composting:

<http://www.mass.gov/eea/docs/agr/programs/compost/guidetoagcomposting2011.pdf>

United States Department of Agriculture, Natural Resources Conservation Service Maps:

<http://datagateway.nrcs.usda.gov>

BUILDING PERMIT FOR STRUCTURES

OVERVIEW

Most, if not all, urban farms in Boston will have some kind of structure, whether it is a shed, a cold-frame, a hoop-house, a greenhouse, or a fence. Raised beds by themselves are not considered structures. Inspectional Services Division (ISD) requires that farmers apply for a building permit for all structures, except those that are prefabricated (for example, a pre-built shed from Home Depot). The building permit will provide you with authorization to begin construction of your structures. If you will not have any structures, or will only have pre-fabricated structures within the size and height allowances on your site you will not be required to get a building permit, and you can skip this step.

Before applying for a building permit, it is important to think about what kind of structures you anticipate putting on your farm. Questions to consider include:

- How big will these structures be?
- Where will they be located on the site?
- Who is designing them?
- What materials are you planning to use?

You will also need to include a land survey with your building permit to ensure that all fencing and structures are built on land you lease or own. A past mortgage survey will suffice (the bank that issued the mortgage should have the survey on file), although in some circumstances you may be required to hire a professional surveyor. If your parcel was originally a Department of Neighborhood Development (DND) parcel, then it should have been surveyed before, and the survey should be available in the city's files.

If you are building a temporary structure such as a hoop-house that you plan to disassemble at the end of the growing season, you need only fill out the short form application with ISD. For permanent structures, you must fill out the long form application.

PROCEDURE

- 1) Initiate the building permit application process [online](#). Include the following information:
 - address of the property;
 - description of the proposed work;
 - owner's name, address and signature and authorization;
 - site plan, floor plan, and certified plot plan (or survey) showing property lines.
 - If your structure is greater than 150 square feet, you will need a licensed contractor or engineer to sign-off on your plans.
 - Under Article 89, structures are subject to the height limitations of the underlying zoning code shown [here](#) (find your district code on the table and look in the "height of buildings" column).
 - All structures must also be set back at least five feet from any plot lines.
- 2) Bring your stamped plans and other materials for in-person review to 1010 Mass Ave. Counter 1 (Building Division).
- 3) The building permit is good for six months after it is issued, but the work must continue without interruption.
- 4) After the structure is completed, you will need to contact to ISD to schedule an inspection.

Department:

Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

Contact: use contact information above

Cost: Long Form Building Permit: \$50 primary fee plus \$10 per \$1,000 of the estimated cost of work

Anticipated Timeframe: So long as you have the documents on-hand and you initiated your application online, your application can be processed immediately once you bring the required documents to ISD.

Relevant Links:

Building Permit Application:

<http://onlinepermitsandlicenses.cityofboston.gov/isdpermits/>

Table of Height Requirements:

<http://www.bostonredevelopmentauthority.org/documents/zoning/zoning-document/table-b-article-13>

BUSINESS PERMIT

OVERVIEW

The last step in your journey to starting an urban farm is to apply for a Business Certificate (also known as “doing business as” or “DBA” permit) from the City of Boston. Filing for a Business Certificate will register your business name, and will register you as the person responsible for your business. The DBA also provides the public with information about who owns the business. It is critical to register your business’ name, because the legal name of your business is required on all government forms and applications, including your application for federal employer tax IDs. Having a legally registered name will also help your company enter into and enforce signed contracts.

PROCEDURE

- 1) Complete Business Certificate application to apply for a DBA certificate (available [online](#)). The application must be notarized and requires payment of a fee. Include in the application:
 - the name and address of your business; and
 - and the name and address of each individual with an interest in the business.
- 2) Business Certificate applications can be mailed in or submitted in-person with the City Clerk.
 - If you choose to mail your application (to the address below), include a stamped and addressed envelope to receive the copy back. You must pay the fee via business check or money order, as personal checks are not accepted.
 - If you apply in person, your form can be notarized at the City Clerk’s Office, and the fee payment can be made in cash, business check, money order or debit card.
- 3) The DBA certificate must be renewed every four years from the date of registration with the Office of the City Clerk.

Department:

Office of the City Clerk
One City Hall Square, Room 601
Boston, MA 02118
(617) 635-4600
Monday – Friday, 8:30am – 4:30pm
If mailing, include ATTN: Business Certificates

Cost: \$65 (additional fee of \$35 for non-residents of MA)

Relevant Links:

Application Form:

http://www.cityofboston.gov/images_documents/New%20Business%20Certificate%209_2013_tcm3-40206.pdf

CONCLUSION

Congratulations! You have made your way through the permitting and approval processes required to start a farm in Boston. Now that you have secured all the required approvals and permits, you may begin farming. We hope this guide has been useful for you in your process of starting your farm in Boston. Because urban farming is new in Boston, this guide is a working document and will be refined as the process becomes more established. Please let us know if you have any comments and/or additions to the guide that will make it more helpful to future Boston farmers.

Happy farming!

PART III: APPENDICES



**BOSTON URBAN AGRICULTURE CHECKLIST:
 FOR GROUND-LEVEL FARMS THAT ARE LESS THAN ONE ACRE**

Use this checklist to make sure that you have considered all the potential permits, approvals, and reviews that are necessary prior to starting your urban farm. Make sure to look through the guide to figure out which steps will be required for your farm. Once you have identified the steps you will need to take, you can check off those tasks on this worksheet as you accomplish them.

BUSINESS INFORMATION	
Name of Farm:	_____
DBA Name (if different):	_____
Address:	_____
Phone:	_____
Fax:	_____
Email:	_____
Website:	_____

PART I: SITE INFORMATION AND DESIGN REVIEW

SITE INFORMATION	
Parcel Number:	_____
Parcel Size:	_____
	<input type="checkbox"/> Parcel over 10,000 square feet (CFR will be required)
Zoning Information:	_____
If you Need a New Street Number, see:	Inspectional Services Division (City of Boston) 1010 Massachusetts Avenue Counter 1 for Building Division Boston, MA 02118 (617) 635-5300 Monday – Friday, 8:00am – 4:00pm Thursday, 8:00am – 7:00pm
If you have Questions about your Parcel's Information, see:	Boston Redevelopment Authority 1 City Hall Square, Ninth Floor Boston, MA 02201 (617) 722-4300

GENERAL DESIGN REVIEW

Is your parcel less than 10,000 square feet? Yes
 No

Is your parcel greater than 10,000 square feet but less than 1 acre? Yes (CFR will be required)
 No

Department: Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Contact: Marie Mercurio, Planning Department,
marie.mercurio@boston.gov, (617) 918-4352

WETLANDS RESOURCE AREA

Are you located in a Wetlands Resource Area? Yes
 No

Department: Boston Conservation Commission
1 City Hall Square, Room 709
Boston, MA 02201
(617) 635-4417
Monday – Friday, 9:00am – 5:00pm

Contact: Stephanie Krueel, stepahnie.krueel@cityofboston.gov

Massachusetts Department of Environmental Protection
1 Winter Street
Boston, MA 02108
(617) 292-5500

HISTORIC DISTRICTS AND LANDMARK PROPERTIES

Are you located in a Historic District or Landmark Property? Yes
 No

Department: Boston Landmarks Commission
1 City Hall Square, Room 709
Boston, MA 02201
(617) 635-3850
Monday – Friday, 9:00am – 5:00pm

Contact:
If your farm is located within an Historic District, use contact information above.
If your farm is located at an individual landmark, contact: Elizabeth Stifel, Staff Architect, elizabeth.stifel@cityofboston.gov

NEAR CITY PARKS

Are you located near a City Park?

- Yes
 No

Department

Boston Parks and Recreation Department
1010 Massachusetts Ave
Boston, MA 02118
(617) 635-2090
Monday – Friday, 9:00am – 5:00pm

Contact:

Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department, liza.meyer@boston.gov; or Carrie Marsh, Boston Parks and Recreation Department, carrie.marsh@boston.gov

GREENBELT PROTECTION AREA

Are you located in a Greenbelt Protection Area?

- Yes
 No

Department:

Boston Parks and Recreation Department
1010 Massachusetts Ave
Boston, MA 02118
(617) 635-2090
Monday – Friday, 9:00am – 5:00pm

NEIGHBORHOOD DESIGN REVIEW DISTRICT

Are you located in Hyde Park, Roslindale, or Roxbury?

- Yes
 No

Are you building a structure that is greater than 750 square feet?

- Yes
 No

Department:

Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Contact:

Hyde Park & Roslindale: Marie Mercurio, (617) 918-4352, marie.mercurio@boston.gov
Roxbury: Hugues Monestime, (617) 918-4320, hugues.monestime@boston.gov

NEIGHBORHOOD DESIGN OVERLAY DISTRICT

Are you located in a
Neighborhood Design Overlay
District? Yes
 No

Department: Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Boston Landmarks Commission
1 City Hall Square, Room 709
Boston, MA 02201
(617) 635-3850
Monday – Friday, 9:00am – 5:00pm

Contact: Marie Mercurio, Boston Redevelopment Authority, (617) 918-4352, marie.mercurio@boston.gov

SIGNAGE

Are you going to have more
than the two signs allowed by
Article 89? And/or, do you want
your signs to exceed the
parameters set out in Article
89? Yes
 No

Department: Boston Redevelopment Authority
1 City Hall Square, Ninth Floor
Boston, MA 02201
(617) 722-4300

Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

Contact: BRA Urban Design Department, (617) 918-4355

PART II: PERMITTING AND CONSTRUCTION

USE OF PREMISES PERMIT

All urban farmers will need to apply for a use of premises permit with Inspectional Services Division.

Department: Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

WATER

Are you installing a new water service? Yes
 No

Are you tapping into your neighbor's existing water service? Yes
 No

Department: Boston Water and Sewer Commission
980 Harrison Ave.
Boston, MA 02119
(617) 989-7000
Monday – Friday, 8:00am – 5:00pm

Contact: Frank McLaughlin, Manager, Engineering Customer Services, (617) 989-7000

NUTRIENT MANAGEMENT PLAN

Are you land-applying material with nitrogen, phosphorus, potassium, or other micronutrients? Yes
 No

Department: Massachusetts Department of Agricultural Resources
251 Causeway St, Suite 500
Boston, MA 02114
(617) 626-1700

Contact: Gerard Kennedy, (617) 626-1773

ELECTRICITY

Are you installing an electrical hook-up? Yes
 No

Department: Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

CURB CUT

Are you installing a curb cut? Yes
 No

Department: Public Works Department Permitting Office
One City Hall Square, Room 715
Boston, MA 02201
(617) 635-4500
Monday – Friday, 9:00am – 5:00pm

Contact: Rachel Carey, (617) 635-4900

CITY TREES

Are you planning to remove and/or prune a public shade tree? Yes
 No

Department: Boston Parks and Recreation Department
1010 Massachusetts Avenue, Third Floor
Boston, MA 02118
(617) 635-4505
Monday – Friday, 9:00am – 5:00pm

Contact
Greg Mosman, Tree Warden, Boston Parks and Recreation Department, greg.mosman@boston.gov, (617) 635-7275
Liza Meyer, Chief Landscape Architect, Boston Parks and Recreation Department, liza.meyer@boston.gov
Carrie Marsh, Executive Secretary, Boston Parks and Recreation Commission, carrie.marsh@boston.gov

SOIL

All farms are required to comply with the soil safety protocol, as set out by the Boston Public Health Commission.

Department: Boston Public Health Commission
1010 Massachusetts Ave, 2nd Floor
Boston, MA 02118
(617) 534-5395
Monday – Friday, 9:00am – 5:00pm

Contact: Leon Bethune, lbthune@bphc.org

COMPOSTING

Will you be composting on your site? Yes
 No

Departments: Massachusetts Department of Agricultural Resources
251 Causeway St., Suite 500
Boston, MA 02114
(617) 626-1720
Monday-Friday, 8:45am – 5:00pm

Massachusetts Department of Environmental Management
1 Winter St.
Boston, MA 02108
(617) 292-5500
Monday-Friday, 9:00am – 5:00pm

BUILDING PERMIT FOR STRUCTURES

Are you installing a structure(s), such as a shed, hoop-house, or greenhouse? Yes
 No

Department: Inspectional Services Division (City of Boston)
1010 Massachusetts Avenue
Counter 1 for Building Division
Boston, MA 02118
(617) 635-5300
Monday – Friday, 8:00am – 4:00pm
Thursday, 8:00am – 7:00pm

BUSINESS PERMIT

A business permit is required of all urban farmers.

Department:	Office of the City Clerk One City Hall Square, Room 601 Boston, MA 02118 (617) 635-4600 Monday – Friday, 8:30am – 4:30pm If mailing, include ATTN: Business Certificates
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Other notes:



COMMERCIAL URBAN FARMING SOIL SAFETY COMPLIANCE CERTIFICATE APPLICATION

Date: _____

Application Type

New
 Renewal

Business Information

_____ Name of the Commercial Urban Farm		
_____ St. Number	_____ St. Name	_____ Extension (St, Ave, etc.)
_____ Neighborhood	_____ ZIP Code	_____ Assessor's Parcel Number

Owner Information

_____ Owner/Operator First Name		_____ Last Name
_____ Telephone Number	_____ Email Address	
_____ St. Number	_____ St. Name	_____ Extension (St, Ave, etc.)
_____ Neighborhood	_____ ZIP Code	_____ Assessor's Parcel Number



Please Attach the Following Required Documents:

- Plot plan/drawing and/or photograph(s) of the site (farm location) showing the proposed farm property layout and its relation to surrounding features/structures/land use.
- A copy of the laboratory tests results of all soil samples taken with analysis for lead, arsenic, selenium, and PCBs.
- If planning to grow in native soils, a Phase I and II Comprehensive Environmental Site Assessment report by a Licensed Site Professional (LSP).
- Check or money order for \$100 made payable to Boston Public Health Commission for the application fee.

CERTIFICATION: I certify that all commercial urban farm work at the above site will comply with the work practices required by Article 89 of the Boston Zoning Code adopted into law December 2013, including soil safety protocols and the Massachusetts Contingency Plan, found at 310 CMR 40, et. seq. I certify that I have read and understand the requirements of the Boston Soil Safety Protocols and that I have examined the above Application and to the best of my knowledge, it is true, accurate and complete.

 Signature Title Date

Office Use Only

1. APPLICATION IS COMPLETE? YES NO
2. COMPLIANCE CERTIFICATE APPROVED? YES NO
3. IF NO, LIST DEFICIENCIES, REQUIREMENTS, CAUSE FOR DENIAL: _____

REVIEWED BY: _____ Date _____
 Signature of Authorized Agent of BPHC

INSPECTIONAL SERVICES DEPARTMENT

* ISD BUILDING DIVISION FEE SCHEDULE *

Rev. 12/31/2012

TYPE OF APPLICATION

PERMIT FEES

<u>AMENDMENT:</u>	\$20.00 Primary fee plus \$10.00 per \$1,000.00 of the estimated cost of work.
<u>BOARD OF APPEAL:</u>	One – Three family; \$150.00 Fee primary Four family and up or Commercial; \$150.00 Fee for each violation cited.
<u>CHANGES OF OCCUPANCY:</u>	3 Family and under \$20.00 4 Family and up \$50.00 Commercial \$50.00
<u>DOUBLE FEE:</u>	When work has been started without required permit or under valued in the estimated cost.
<u>ELECTRICAL:</u>	*When upgrading service or installing new service; 1. \$20.00 Application fee plus \$.25 amp up to 240 Volts 2. \$20.00 Application fee plus \$.75 amp over 480 volts *When there is no change in service; \$20.00 Application fee plus \$1.00 each fixture, plug or outlet, \$5.00 all meters approved. When none of the above apply; \$20.00 application fee plus \$10.00 per \$1,000.00 of the estimated cost.
<u>ELECTRICAL FIRE ALARM:</u>	\$ 20.00 Primary fee plus \$10.00 per \$1,000.00 of the estimated cost of work.
<u>ELECTRICAL LOW VOLTAGE</u>	\$ 20.00 Primary fee plus \$10.00 per \$1,000.00 of the estimated cost of work.
<u>ELECTRICAL TEMPORARY SERVICE</u>	\$25.00 Primary fee; \$10.00 for each month up to six months then apply again.
<u>ELECTRICAL YEARLY MAINTENANCE</u>	\$320 Primary fee.
<u>GASFITTING:</u>	\$20.00 Primary fee plus \$5.00 per appliance meter appliance approved. \$.09 per 1000 BTU for all boilers, heaters, furnaces, (industrial ovens) furnaces have a fee of \$50.00 each \$15.00 primary fee plus \$5.00 for each 100 lb. Of gas stored \$5.00 primary fee plus \$2.50 for each propane/gas heating device.
<u>LONG FORM BUILDING (1-3 family) (Major Alterations)</u>	\$50.00 Primary fee plus \$10.00 per \$1,000.00 of the estimated cost of work.
<u>MICROFILMING:</u>	\$3.00 per sheet.
<u>NOMINAL FEE:</u>	\$350.00 (Nominal Fee plus Application fee)
<u>OFF HOURS APPLICATIONS:</u>	\$100.00 Primary fee. (see counter #3)
<u>PLUMBING:</u>	\$20.00 Primary fee plus \$5.00 each fixture.
<u>SHEET METAL:</u>	\$20.00 Primary fee; \$25.00 1" 200 lin or sq ft.; \$25.00 for each add'l 200 lin or sq ft.
<u>SHORT FORM BUILDING: (Minor Alterations)</u>	\$20.00 Primary fee plus \$10.00 per \$1,000 of the estimated cost of work.
<u>SPRINKLER:</u>	\$20.00 Primary fee plus \$1.00 per head.
<u>SUBDIVISION/COMBINING LOTS OF LAND</u>	\$50.00 Primary fee; \$100.00 for Subdiv/Cmb lots
<u>TRENCH:</u>	\$60.00 Primary fee. # signatures (applicant, owner, excavator) Valid for six (6) months from today – 4 copies required.
<u>USE OF PREMISES:</u>	\$50.00 Primary fee.