

CITY OF CRETE, NEBRASKA  
CITY COUNCIL REGULAR MEETING

July 26, 2021

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting

2. Roll Call

Ryan Jindra: Absent

Justin Kozisek: Absent

Sharon Scusa: Absent

Anthony  
Fitzgerald: Present

Dave Jurena: Present

Scott Kuncl: Present

Drew Rische: Present

Jennifer  
Robison: Present

Present: 5, Absent: 3.

3. Special Order of Business

A. Planning Commission Minutes

Approve Planning Commission minutes as presented. Carried with a motion by Scott Kuncl and a second by Drew Rische.

Anthony Fitzgerald: Aye, Dave Jurena: Aye, Scott Kuncl: Aye, Drew Rische: Aye, Jennifer Robison: Aye  
Aye: 5, No: 0

B. Discuss the creation of a new urban agriculture zoning district for residential/agricultural/commercial uses that are not allowed in current districts.

Anthony Fitzgerald mentioned defining terms like "livestock" or "companion animals" as similar to FSA or USDA terms. Fitzgerald also brought up ag gardens, distilleries, the number of outbuildings allowed on a property, and also permitting and code enforcement as things that need to be looked into. Dave Jurena

talked about the need to compost, collect rain water, and control the use of chemicals. Jurena would like to explore the possibility of on-site sales, hiring help, and involving the schools in some way. Drew Rische inquired about the steps needed to go about creating the new zone and who could help with researching and data on the subject. City Administrator Tom Ourada addressed many of those things and clarified what the Planning Commission could or could not act on. Ourada and the City Attorney have done a lot of research and will help with the legalities, permitting and code enforcement side of things. Also discussed was the comprehensive plan and the RFP being already developed for the planner. The development of this type of zone will be added to the RFP. The minutes from tonight's meeting will be emailed to all members to review as they develop a list of items for the planner.

C. Discuss changing the allowable driveway widths in various districts.

City Administer Tom Ourada discussed amending the code on allowable driveway widths. Municipal code 11-508 states that on lots 60 feet or larger, parking spaces cannot exceed 35% of the yard width. There are developers wanting to build three stall garages for smaller houses and it does not meet the criteria of the code. There will be more research done as to what other towns are allowing and what is best for Crete. The topic was tabled for further research and discussion.

4. Officers' Reports

City Administer Tom Ourada informed the Planning Commission that the comprehensive plan will be on next month's agenda.

5. Adjournment

Mayor

(SEAL)

City Clerk

I, Judi Meyer, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

---

City Clerk

(S E A L)



---

## CRETE PLANNING COMMISSION MEETING

June 28, 2021 at 7:00 PM

Crete City Hall, 243 East 13<sup>th</sup> Street

---

### MINUTES

Notice of the meeting was given by posting and publishing in the Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the board members. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The board may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

#### 1. Open Meeting

##### 2. Roll Call

Bud Clouse:	Absent
Sharon Scusa:	Absent
Anthony Fitzgerald:	Present
Ryan Jindra:	Present
Dave Jurena:	Present
Justin Kozisek:	Present
Scott Kunch:	Present
Drew Rische:	Present
Jennifer Robison:	Present

Present: 7, Absent: 2.

#### 3. Special Order of Business

##### 3.A. Planning Commission Minutes

Approve the minutes as presented. Carried with a motion by Scott Kunch and a second by Ryan Jindra.

Anthony Fitzgerald: Aye, Ryan Jindra: Aye, Dave Jurena: Aye, Justin Kozisek: Aye, Scott Kunch: Aye, Drew Rische: Aye, Jennifer Robison: Aye  
Aye: 7, No: 0

**3.B. Discuss the creation of a new urban agriculture zoning district for residential/agricultural/commercial uses that are not allowed in current districts.**

City Administrator Tom Ourada introduced some information from the planners to review for developing the new urban agriculture zoning district. The document is not all-inclusive but is an example of how uses can be regulated for this type of district. Permitting of the special uses is recommended so that if the use is abused the permit can be pulled. The Planning Commission consensus is that this should be developed over time so that it is right the first time.

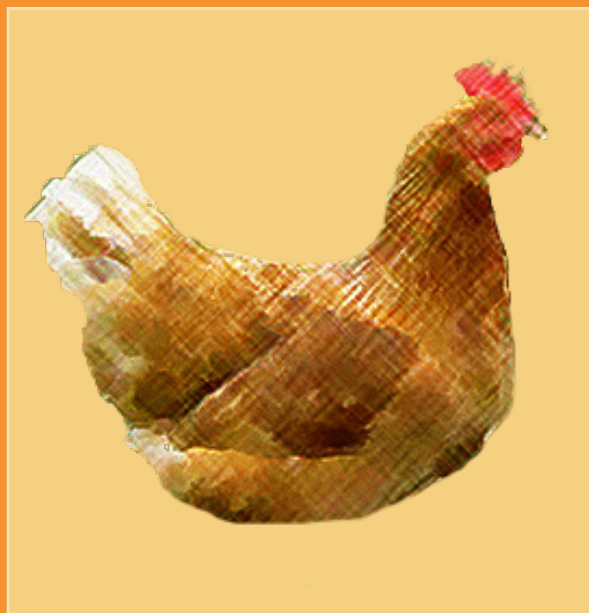
**4. Officers' Reports**

**5. Adjournment**

The meeting adjourned at 7:35 PM.

Recorded by City Clerk-Treasurer, Jerry Wilcox

# THE ABC'S OF URBAN AGRICULTURE



**Somerville, MA**



# City of Somerville, Massachusetts

Mayor's office of Strategic Planning and Community Development

Mayor Joseph A. Curtatone



© 2015 City of Somerville, Massachusetts.

(updated from 2012 original)

You are free to share this work, but must attribute it to the  
City of Somerville, Massachusetts.

# INTRODUCTION

## City of Somerville's Urban Agriculture Ordinance

All practices discussed in this guide are subject to local health and City ordinances as well as state and federal regulations. This guide attempts to promote **best emerging practices** and to provide the forms required for urban agriculture in the City of Somerville, MA. Please be aware that urban agriculture in Somerville is regulated by two sets of documents found here:

For the complete Somerville Urban Agriculture Zoning Ordinance, see:

<http://www.somervillema.gov/sites/default/files/urban-agriculture-ordinance.pdf>

For the complete Somerville Board of Health rules, see:

<http://www.somervillema.gov/sites/default/files/boh-urban-agriculture-policy-regulations.pdf>

# AGRICULTURE



*Agriculture, Urban (Urban Agriculture): An umbrella term that describes a range of food growing practices that may include the keeping of chickens and/or bees, but does not include other livestock.*

## DID YOU KNOW?

- Growing food in cities is not new; people have been doing it for a very long time.
- When you grow your own food, you know where it comes from and how it was grown.
- Growing your own food can yield a significant savings in your food bill.
- A typical 4' x 8' raised bed can yield 75-100 pounds of crops annually.
- With the right crops, you can extend the growing season from March to October.
- Growing food requires daily watering and ongoing maintenance.
- There are many Somerville gardeners and local resources from which to learn about urban agriculture.



## REQUIREMENTS

If you plan to sell what you grow:

1. A soil test is required and the results of the soil test must be clearly posted at the point of sale. *Please read the Recommendations about Soil Safety in this guide. (Pg 4)*
2. Only fresh, un-cut, and unprocessed produce grown on the premises can be sold. *Please read the Requirements for the Sales of Farm Products in this guide. (Pg 10)*

**The rules for selling crops apply to all of the types of urban agriculture.**

## Gardens: growing food for personal use.

**Yard Gardens** are growing spaces for personal use, not for sale, on residential lots. There is an overgrowth ordinance in the City of Somerville that requires you to keep your garden from becoming overgrown with weeds. *Please read the Agriculture Recommendations in this guide. (Pg 4-5)*

**Community Gardens** are spaces provided by the City of Somerville for residents to garden. Community gardens are located throughout the city on public land. The sale of produce and the installation of farm-stands and composters are not allowed. Plots are generally small, so large farm equipment is not needed or allowed, except for initial site preparation. To assure positive relationships with neighbors and other gardeners, all tools and supplies must be kept in an enclosed area or in an area screened from the street. (O)

**Roof Gardens** are subject to the same rules as Yard Gardens and they may require building permits. Check with the Inspectional Services Department (ISD) to see if permits are required before installing a roof garden.

## Farms: growing food for sale.

**Read the Recommendations on Soil Safety (Pg 4) and the Requirements for the Sales of Farm Products (Pg 10) in this guide. Check the full zoning ordinance for all applicable regulations and permits. All State and Federal requirements specific to agricultural operations apply.**

**Yard Farms** are located in residential yards with the intent of growing produce for sale. The person who tends the garden needs to live there. Yard farms need to be well-maintained; this includes regularly clearing debris, rotting fruits and vegetables, as well as tall weeds and grasses. To extend the growing season, temporary structures including greenhouses and hoop houses are allowed as accessory residential structures. These temporary structures must meet setback requirements and be well maintained. In the case of hoop houses, they must be under 6 1/2 feet in height and the plastic cover must be removed and stored when plants are not being cultivated. Any structures with electrical or plumbing requires the appropriate building permits.(O)

**Community Farm/Greenhouses** are operated by a non-profit agency with the intent of selling produce. No large farm equipment is allowed, except during the initial site preparation and between the hours of 7:00 am and 7:00 pm, in accordance with the City's Noise Ordinance.

**Farms/Greenhouses**, including aquaponics and hydroponic farming, are operated with the primary use of growing food for sale. See the full zoning ordinance to determine where farms are allowed and which permits are required. All State and Federal regulations apply. As with all businesses, you should contact the Planning and the Economic Development offices in City Hall for help getting started.

**Roof Farms** are farms on roofs where the intent is to sell the crops. To ensure the building has the ability to handle a roof farm, a structural assessment is required. All applicable Massachusetts building and fire codes must be met. To begin the permitting process, please contact the ISD at 617-625-6600, ext 5600.

## Composting.

All residential composting must be done in a rodent-proof composter. Commercial composting operations must follow local, state and federal laws.



# RECOMMENDATIONS

## 1. Soil Safety

As in all older cities in the US, soils in Somerville can contain contaminants. As a **best practice**, it is recommended that produce be grown in **containers or raised beds** built from wood that has not been chemically treated, or another safe material. Place landscape fabric, available at hardware stores, on the ground and build the raised bed on it. This provides a barrier between the old soil and the new, while allowing water to infiltrate. Fill the raised bed with clean soil. Be sure you know where your soil comes from. Do not buy soil from someone's city yard or from an urban site, as it is likely to be contaminated. If you buy soil from a nursery or landscaper, ask where it comes from and if it has been tested for contaminants. Place gardens away from structures with flaking paint and be aware that clean soils can become contaminated by activities like the scraping of leaded paint on a nearby structure.



*If you plan to sell your produce, a soil test is required and must be posted. Please read Requirements for the Sale of Farm Products. (Pg 10)*

### Lead in Soil

On residential sites, the most common soil contaminant is lead (Pb). It has been deposited on the soil from years of industrial pollution, lead in gasoline and flaking leaded paint. In an effort to prevent childhood lead poisoning, the EPA has defined dangerous levels of lead in soil as 400 ppm in play areas and 1,200 ppm in bare soil<sup>1</sup>.

The EPA has not defined lead hazard levels for gardens; and, there are varying opinions on how much lead is too much for growing edible plants. The Massachusetts Contingency Plan identifies **300 ppm** of lead as the standard for "soil associated with unrestricted use."<sup>2</sup> In addition, the University of Massachusetts recommends not growing in soils with more than **300ppm** of total lead. Based on these guidelines, the City of Somerville recommends that produce be grown in soil with under **300 ppm** of total lead. If you intend to sell your produce, you are required to post your soil test results at the point of sale. UMASS Amherst Extension Services offers an affordable "Routine Soil Test" that includes Lead: [http://www.umass.edu/soiltest/list\\_of\\_services.htm](http://www.umass.edu/soiltest/list_of_services.htm)

Always follow these best gardening practices:

- locate gardens away from painted structures
- add compost to your soil every year
- do not let children play or garden in contaminated soil
- wear gloves when gardening, and wash hands afterwards
- wash all produce thoroughly before eating
- throw away the outer leaves of vegetables where soil particles are most likely to be located
- peel all root vegetables before eating

For recommendations on how to improve soils and grow plants in mildly contaminated soil, see:

[http://www.epa.gov/swerosps/bf/urbanag/pdf/bf\\_urban\\_ag.pdf](http://www.epa.gov/swerosps/bf/urbanag/pdf/bf_urban_ag.pdf)

<http://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100BZSZ.PDF>

1 <http://www.epa.gov/lead/pubs/leadhaz.htm>

2 [http://www.mass.gov/dep/cleanup/laws/0975\\_6a.htm](http://www.mass.gov/dep/cleanup/laws/0975_6a.htm)

## 2. Pesticides and Fertilizers

The City encourages **organic gardening practices**. The use of pesticides and fertilizers is regulated by state and federal laws. Under City regulations, nothing can run-off your property on to your neighbor's lot or on to the street.

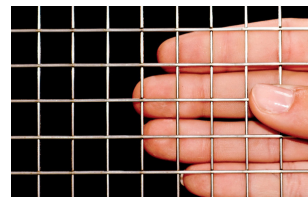
## 3. Composting

The best way to keep rodents away from your composter is to **compost properly and use a rodent-proof composter**. For rodent-proofing, the City recommends that you buy an enclosed "tumbler" composter **OR**:

1. Install a metal hardware cloth on the ground (available at hardware stores) and place the composter on it. This prevents animals from burrowing under and into your composter.
2. Site your composter at least 18" away from all structures and keep tall vegetation trimmed or mowed.
3. Keep the doors/lids closed at all times.
4. Compost properly by alternating layers of organic materials (greens) and dried materials- leaves, twigs, newspaper, etc. (browns) AND stirring the compost (*see the Resources section of this guide*). You can compost ALL garden waste, including fallen or rotting fruits and vegetables, dried plants and twigs, etc.
5. DO NOT COMPOST anything with fat or odor, including meat, dairy, bread, butter, oils or prepared foods.



at  
i-



All large-scale or commercial composting operations must follow local, state and federal laws.

## 4. Keep your Garden Clean

The City recommends keeping your garden as clean as possible. This requires regular maintenance. Do not leave vegetables or fruits on the ground to rot. These can attract animals. Be sure to keep your garden free of weeds and overgrowth by tending to it regularly. There is an Overgrowth Ordinance and you can be cited if your garden becomes a nuisance. Structures must also be maintained. City health inspectors can issue fines for yards or structures that are attracting rodents or otherwise violating health and nuisance regulations.



## 5. Urban wildlife

Pest fencing around gardens is recommended. Eliminate all food sources by keeping lids securely fastened on trash cans; keep the area free of any rotting fruits and vegetables; do not feed birds, pigeons or stray animals; clean up after dogs; compost properly; and control overgrowth. These are all important practices for not attracting critters or rodents.

## 6. Rainwater

Rain barrels and water catchment systems are great ways to save water and money. They also keep water out of the city's stormwater system, which is important. Be sure the rain water is not contaminated (eg from a dirty roof) and that barrels have a filter to prevent mosquitos from laying eggs in standing water.

# BEE KEEPING



*Honeybee: A common domestic honeybee, Apis mellifera species.*

## DID YOU KNOW?

- Agriculture depends on the honeybee for pollination.
- Honeybees account for 80% of all insect pollination
- “Yellow jackets” are not honey bees. Honeybees are worker bees and will not usually sting.
- Bees need a constant supply of fresh water.
- A new bee colony needs time to build a hive and honeycomb. You may not have honey the first year.
- Beekeeping is a year-round commitment.
- You cannot surrender your bees to Somerville Animal Control.
- The best way to learn about bee keeping is to take a class and connect with other beekeepers.

## REQUIREMENTS

There are Massachusetts laws that govern the keeping of honey bees (*Apis mellifera*). They can be found in 330.CMR 8.00 Chapter 128, Sect 30-36a, 38 Regulating Apiaries. All colonies must register with the Commonwealth in accordance with 330 CMR 8.00: M.G.L. c.128, § 35. See the *Resources* section of this guidebook for weblinks to State laws and inspectors. In addition to following MA state laws, these are the rules for the keeping of honey bees in Somerville:

### General:

1. Per MA laws, you must notify the State of your hives within 10 days of getting your bees. You are also required to mark all hives with your name, either inside or outside, to be easily found by the inspector. When moving hives or bees, you are required to cover bees with wire mesh, screen or netting. (S)
2. A “Bee License” is required for keeping bees in Somerville. You can find the License in the Forms section of this book. Watching the Board of Health video about bee keeping in Somerville is a requirement of the License. (H)



3. Beehives need to be kept in a way that they do not become a nuisance. (H)
4. You can keep a maximum of two (2) hives per property. (O) If you are rescuing a swarm, you can have more than two hives for a period of ten (10) days. (S)
5. Bees need a constant supply of fresh water, but it cannot be stagnant (still) water, because that breeds mosquitos. (H) If you are selling honey, read Requirements for the Sales of Farm Products. (Pg 10)

**Site specific:**

6. Honeybees are allowed on residential lots. Honey bees on a commercial property will be evaluated based on the primary use of the property and may require a special permit. (O)
7. You must inform your neighbors if you are keeping bees. (H)
8. Since you are responsible for them, you must live at the residence where you are keeping bees. If you are a tenant, you will need written permission from the property owner. (O)
9. Hives cannot be located closer than three (3) feet from any property line. (O)
10. Hives and beekeeping materials are not allowed in front yards or on side yards next to the street. (O)
11. If your hive is closer than twenty (20) feet from your neighbor’s house, or on a side yard, you must provide a flyway barrier at least six (6) feet in height to shield any part of a property line. This flyway barrier can be a wall, solid fence, dense vegetation or a combination of these for a minimum of twenty five (25) feet long. (H)
12. Hives can’t be taller than five (5) feet in height and twenty (20) cubic feet of total total area. (For example, it can measure 2’x2’ and be 5’ tall.) (H)

**More...**

13. Massachusetts Department of Public Health Food Protection Program allows for the sale of unprocessed honey. (S)
14. All beekeepers must apply for a License. An exemption may be made for existing hives which, at the time of passage of the ordinance in 2012, exceed the two-hive limit. Once the exceeding hive has died or is otherwise removed from the property, replacements are not allowed if there are more than 2 hives.
15. The City reserves the right to refuse to allow the keeping of honeybees if they are deemed a nuisance.
16. Application fees of \$50 for the first year and \$25 for annual renewal with no modifications to the plan or keeper. (H)

# RECOMMENDATIONS

Before you invest in hives, please connect with other other beekeeper groups, such as the Middlesex County Beekeepers Association. They have great resources, classes and discussion groups for beekeepers. See the *Resources* section of this guidebook.



yellow jacket



paper wasp



honey bee



hornet



bumble bee

**Honey bees are often blamed for all bad behavior attributed to “bees.”**

# CHICKENS



*Hen: An adult, female chicken.*

## DID YOU KNOW?

- Keeping hens provides fresh eggs, a great way to connect to your food source, and entertainment.
- A healthy hen can lay an egg a day, depending on the season and the hen.
- Keeping hens requires daily feeding and maintenance.
- Hens only lay eggs for approximately 5 years, but they can live up to 10 years.
- If you order chicks online, it is difficult to be sure that they are all hens and no roosters.
- Hens start to lay eggs when they are about 4-6 months old.
- Roosters are not allowed in Somerville.
- You cannot surrender your hens, chicks or roosters to Somerville Animal Control.
- The State requires that the eggs you sell be stored and maintained at 45°F (7.2°C).

## REQUIREMENTS

### General:

1. A Chicken License is required in Somerville, even if you are not selling the eggs. You can find the application in the Forms section of this book. Watching the Board of Health video about keeping hens in Somerville is a requirement of the License. (H)  
*If you are selling the eggs, please read the section on Requirements for the Sales of Farm Products. (Pg 10)*
2. Since you are responsible for them, you must live at the residence where you are keeping hens. If you are a tenant, you will need written permission from the property owner. (O)
3. No more than 6 hens are allowed per lot. Health regulations could limit the number to less than six and/or the manner in which the hens are kept. (O & H)



4. NO ROOSTERS may be kept in Somerville. (O & H)
5. Any noise from your hens needs to conform to the City's Noise Ordinance.
6. The odor from your chickens cannot be noticeable at the property boundaries. (H)
7. Chicken waste needs to be composted with a material such as hay, bedding, or leaves in a rodent-proof composter or stored in a sealed container until it is removed from the property. (H)
8. Henhouses need to be cleaned at least once a week. (H)
9. Your hens need to stay on the property. They can't wander onto another property, the street or public land. (H)
10. Hen feed must be stored in a rodent-proof container inside your home. (H)
11. Henhouses and pens need to keep predators and rodents out. (H)
12. If you are selling eggs, read *Requirements for the Sales of Farm Products*. (Pg 10)

**Site specific:**

13. Hens can be kept on residential properties.(O) Hens on a commercial property will be evaluated based on the primary use of the property and may require a special permit. (O)
14. You must inform your neighbors if you are keeping hens. (H)
15. You can't keep hens inside your house. (H)
16. Henhouses can't be closer than three (3) feet from any property line. (O)
17. Structures for hens need to meet all setback requirements.(O)
18. Hens and henhouses are not permitted in front yards or in side yards that abut streets.(O)
19. Structures need to meet all building code requirements. Structures that are more than one hundred twenty (120) sq feet or ten (10) feet in height require building permits. Any hen structures with electrical or plumbing also require the appropriate permits. (H)
20. An enclosed henhouse needs to provide at least two square feet per chicken of space. An enclosed pen needs to provide at least four (4) square feet of permeable surface per chicken. (H)
21. Henhouses can't interfere with any utilities or other property features that need access. (H)
22. Henhouses must be located in a well-drained area that does not discharge to a public way or a neighbor's property. (H)
23. All outdoor roaming areas for chickens need to be enclosed and screened from the street and neighboring properties. (H)

**More...**

24. Massachusetts Department of Public Health Food Protection Program states that the sale of farm fresh eggs must be stored and maintained at 45°F (7.2°C). (S)
25. Existing henhouse owners must apply for a License. An exemption may be made for existing henhouses which, at the time of passage of the ordinance, contain more than 6 hens. Once a hen has died or is otherwise removed from the henhouse, replacements are not allowed if there are more than 6 hens.
26. The City reserves the right to refuse to allow the keeping of hens if they are deemed a nuisance.
27. Application fees of \$50 for the first year and \$25 for annual renewal with no modifications to the application or owner.

## RECOMMENDATIONS

- Because hens are social creatures, it is not recommended that you keep only one.
- Before getting hens, think through where and how you will keep them, including what to do when they stop laying eggs, die or if you get a rooster by mistake, etc.
- Chicken waste is an excellent garden fertilizer, but it must be composted first.
- Keep your coops clean and put waste in a rodent-proof composter. If a coop attracts rodents, it can be shut down.
- Use a pest fence around the coop and roaming area to keep other animals out.
- Connect with other chicken keepers and read the resources section of this guide before you buy hens.

# REQUIREMENTS FOR THE SALE OF FARM PRODUCTS

## 1. WHAT you can sell

The Massachusetts Department of Public Health Food Protection Program's (FPP) interpretation of farm products currently includes:

1. Fresh Produce (fresh uncut fruits and vegetables), *see soil test requirements below*
2. Unprocessed honey (Raw honey as defined by the National Honey Board: Honey as it exists in the beehive or as obtained by extraction, settling or straining without added heat.)\*
3. Maple syrup
4. Farm fresh eggs (must be stored and maintained at 45°F (7.2°C).\*)

For the sale of all other food products, you need a license as a retail food operation.

\*Please note that while you do not need a License or permit to sell honey or eggs, you do need a License to keep bees and chickens.

## 2. WHERE and HOW you can sell

1. You can sell produce, eggs, maple syrup and honey between the hours of 9:00am and 6:00pm, from May 1 – October 31 of each year.
2. You are not allowed to sell your products at City-run community gardens, parks or public land.
3. To be respectful of residential areas, you can only sell your products three (3) days per week and not more than twenty-five (25) days per year.
4. Your sale area can't take up more than 50 sf of your property.
5. You can't put any sale display or farmstand on the public sidewalk or street or block vehicle or pedestrian flow.
6. Sales displays, farmstands, and signs must be stored out of site when you are not selling.
7. Only one sign is allowed and it can't be larger 6' SF (six square feet).

## 3. SOIL Test Requirements for selling produce

8. If sell your produce, you are required to post your **annual** soil test results at the point of sale. The City of Somerville recommends that produce be grown in soil with under **300 ppm** of total lead.

*Please read the Recommendations about Soil Safety in this guide. (Pg 4)*

**Get a soil test at UMASS Amherst Extension Services:**  
**[http://www.umass.edu/soiltest/list\\_of\\_services.htm](http://www.umass.edu/soiltest/list_of_services.htm)**

# FREQUENTLY ASKED QUESTIONS

## FAQ'S

### **Why do I need Licenses?**

Licenses are the way that the City can assure the health and well-being of residents and of the animals they keep. The City encourages crops to be grown safely, in clean soils. Knowing where the chickens and bees are in Somerville allows municipal departments to efficiently handle problems that arise. The City also recognizes the value of local resources and expertise and would like to facilitate the sharing of knowledge. The City of Somerville wants to encourage and promote urban agriculture in the best and healthiest way possible.

### **Do any of the Licenses required for urban agriculture cost money?**

Yes. The cost is \$50 the first year and \$25 every year after to keep chickens or bees.

### **Do I need to renew a license?**

Yes. You will be contacted by the Health Department to renew a license.

### **In the yard...**

#### **I want to grow food on my property for personal consumption. Do I need any licenses or permits?**

No.

### **Do I need a soil test to have a garden in my yard for my own use?**

No, you are not required to test your soil if you use the produce for yourself. But, you should know that soils in cities are often contaminated. *Please read the Recommendations about Soil Safety in this guide. (Pg 4)*

### **What if my soil is contaminated or I don't want to test my soil?**

If you do not test your soil, or your soil is contaminated, the City recommends growing in raised beds or containers filled with clean soil. *Please read the Recommendations about Soil Safety in this guide. (Pg 4)* You cannot sell your produce without testing your soil (and posting the results of your test) annually.

### **I want to keep chickens in my yard, can I do that?**

Yes. You need a License and to follow the zoning and health rules. *See section C: Chickens. (Pg 8)*

### **I want to keep honey bees in my yard, can I do that?**

Yes. You need a License and to follow the zoning and health rules. *See section B: Bees. (Pg 6)*

### **I don't have a yard, but my friend does. Can I keep chickens or bees in his yard?**

No. The keeping of chickens or bees is only allowed on the property where you live.

### **I rent my apartment. Can I keep chickens and bees?**

Yes, if you have enough space, get written permission from your landlord beforehand, and obtain the required Licenses.

### **Can I keep other animals in my yard? Like pigs, goats, rabbits, ducks or a cow?**

No, only bees and chickens are allowed as accessory uses for urban agriculture.

### **My neighbors have chickens in their yard, but they are not following the recommendations for keeping them, who can I call?**

Please call 311 to report a nuisance complaint.

## **Community Gardens...**

### **Can I sell food grown at my community garden (a community garden is defined as a garden run by the City of Somerville)?**

No. Crops grown in a community garden are for personal use and can't be sold. Farmstands are also not allowed at community gardens.

### **Can we keep chickens or bees at our community garden (a community garden is defined as a garden run by the City of Somerville)?**

No. The keeping of chickens or bees is not allowed at Somerville community gardens.

### **Can we have composters at our community garden?**

You are not allowed to bring in your own composters. Only composters that have been provided and/or authorized by the City are allowed.

## **Farms...**

### **My group wants to grow and sell food on a vacant lot that we own. Do we need a License?**

If you are selling produce, there are requirements. *See Recommendations about Soil Safety (Pg 4)* and *Requirements for the Sale of Farm Products* in this guide. (Pg 10) See the complete Zoning Ordinance for any other requirements or contact the Planning Office at City Hall.

### **Can we keep chickens and/or bees at our farm?**

Yes, but a special License is required. Please see the complete zoning ordinance for more information or contact the Planning Office at City Hall.

# RESOURCES



## **in Somerville...**

### **Somerville Board of Health**

617-625-6600, ext 4300

City Hall Annex

50 Evergreen Avenue

Somerville, MA 02145

Hours: Mon-Wed: 8:30am-4:30pm, Thurs: 8:30am-7:30pm, Fri: 8:30am-12:30pm.

### **Somerville Inspectional Services Department**

617-625-6600, ext 5600

1 Franey Road

Somerville, MA 02145

Mon-Wed: 8:00am- 3:45pm, Thursday: 8:00 am-7:00pm and Friday: 8:00am-11:30am

### **Somerville Office of Sustainability & Environment**

Composters and rain barrels:

<http://www.somervillema.gov/departments/ose>

### **Somerville Community Growing Center**

Educational and community programs:

[www.thegrowingcenter.org](http://www.thegrowingcenter.org)

### **Somerville Public Library**

Books on gardening, beekeeping and chickens and much more:

<http://www.somervillepubliclibrary.org/>

### **Somerville Garden Club**

[www.somervillegardenclub.org](http://www.somervillegardenclub.org)

## **beyond Somerville...**

### **Agriculture**

Boston Natural Areas Network

Master Urban Gardener and other classes and workshops.

<http://www.bostonnatural.org/index.htm>

### **Aquaponics**

<http://extension.umass.edu/aquaculture/projects/aquaponics-umass>

### **Bees**

classes, groups and resources:

<http://www.middlesexbeekeepers.org/index.html>

Massachusetts regulations:

[http://www.mass.gov/agr/legal/regs/330\\_CM\\_8.00.pdf](http://www.mass.gov/agr/legal/regs/330_CM_8.00.pdf)

Registering your hive with the State:

<http://www.mass.gov/agr/farmproducts/apiary/index.htm>

Identifying honeybees:

<http://pollinator.com/identify/whatsbuzzin.htm>

If you see a swarm:

<http://www.middlesexbeekeepers.org/swarm.htm>

### **Chickens**

[www.backyardchickens.com](http://www.backyardchickens.com)

[www.mypetchicken.com](http://www.mypetchicken.com)

<http://urbanchickens.org/>

### **Soil**

(soil test)

University of Massachusetts Amherst Extension Services:

[http://www.umass.edu/soiltest/list\\_of\\_services.htm](http://www.umass.edu/soiltest/list_of_services.htm)

(interpreting soil test results)

<http://extension.umass.edu/landscape/fact-sheets/problem-soils>

<http://www.mass.gov/dep/cleanup/laws/ssfs.htm>

(EPA guidelines)

[http://www.clu-in.org/download/misc/urban\\_gardening\\_fact\\_sheet.pdf](http://www.clu-in.org/download/misc/urban_gardening_fact_sheet.pdf)

[http://www.epa.gov/swerosps/bf/urbanag/pdf/bf\\_urban\\_ag.pdf](http://www.epa.gov/swerosps/bf/urbanag/pdf/bf_urban_ag.pdf)

# FORMS

Please print and submit completed applications with accompanying documents to:

Board of Health  
City Hall Annex  
50 Evergreen Avenue  
Somerville, MA 02145  
(617)625-6600 ext. 4300

HOURS of OPERATION:  
Monday-Wednesday 8:30-4:30  
Thursday: 8:30-7:30  
Friday: 8:30-12:30



CITY OF SOMERVILLE, MA  
APPLICATION FOR  
HONEY BEE KEEPING LICENSE

B

**Application Steps**

1. Print and submit this completed application form to the Board of Health (BOH) for a Bee Keeper License along with:
  - Detailed scale site plan showing (*see attached sample*):
    - i. the proposed location of the hive in proximity to adjacent primary structures. A minimum of twenty (20) ft from any abutting primary structure. Unless
      1. a flyway barrier at least six (6) feet in height shall shield any part of a property line.
      2. the flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.
    - ii. identify all fencing, structures, water sources, and landscaping on subject and abutting properties.
    - iii. the proposed hive structure(s) conform to setback regulations for accessory structures under SZO Article 8.
    - iv. the proposed hive structure(s) dimensions. Hive must not exceed twenty 20 sq. ft or height of five (5) ft.
    - v. the proposed hive structure will be constructed securely so as to exclude predators and rodents.
  - proof of that you have taken a class or watched the Somerville BOH video about beekeeping (available at the BOH)
  - a check for \$50 for first year, \$25 annual there after
2. A decision will be made to approve or deny the request for the License.
3. If the proposed site plan is not followed, the License will be revoked.
4. Application submitted to:

Board of Health  
City Hall Annex  
50 Evergreen Avenue  
Somerville, MA 02145  
(617)625-6600 ext. 4301  
Monday-Wednesday 8:30-4:30  
Thursday: 8:30-7:30  
Friday: 8:30-12:30



APPLICATION  
FOR BEE KEEPING LICENSE

B

**1. Property Information (available from the City of Somerville Assessor's Office)**

Street Address of proposed location (s)			
Please indicate the name of the individual, individuals, corporation or trust that is applying (please note that the applicant must be the intended bee keeper):			
Applicant's Name	Complete Mailing Address	Phone Number(s)	Email
Please indicate the name of the individual, individuals, corporation or trust that owns the property (if different from above entry):			
Property Owner's Name	Complete Mailing Address	Phone Number(s)	Email

**2. Required Signatures**

NOTE: NO APPLICATION SHALL BE ACCEPTED AS COMPLETE WITHOUT THE REQUIRED SIGNATURES

**Applicant Signature** (if the applicant is the owner, the owner should also sign below):  
As Applicant, I make the following representations:

- 1.) The information supplied on and with this application form is accurate to the best of my knowledge.
- 2.) I will make no changes to the approved project plans without the prior approval of the appropriate City Department.
- 3.) I will follow the operating standards for keeping honey bees in the City of Somerville and if my License is revoked, I will remove the honey bees from the property.

---

*Signature of applicant* *Date*

**This property is owned by (check one):**

<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> <li>• application to be signed by owner</li> </ul>
<input type="checkbox"/>	More than one individual, or a partnership	<ul style="list-style-type: none"> <li>• application to be signed by owner</li> </ul>
<input type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> <li>• application to be signed by an officer(s) authorized to do so by the corporation</li> </ul>
<input type="checkbox"/>	A trust	<ul style="list-style-type: none"> <li>• application to be signed by authorized trustee(s)</li> </ul>



APPLICATION  
FOR BEE KEEPING LICENSE

B

**Please complete if applicant is not the property owner**

**Property Owner Signature** (if the project site has more than one owner, please supply additional copies of this page if necessary):

As Owner, I make the following representations:

- 1) I hereby certify that I am the owner of the property at \_\_\_\_\_
- 2) I hereby certify that the applicant named on this application form has been authorized by me to apply to keep honeybees as indicated in this application.
- 3) I will permit City of Somerville Staff to conduct site visits on my property.
- 4) Should the ownership of this parcel change before the Board of Health has acted on this application, I will provide updated information and new copies of this signature page.

*Property Owner Signature*

*Date*

**Indicate applicants relationship to owner:**

**This applicant is (check one):**

<input type="checkbox"/>	An individual	<ul style="list-style-type: none"> <li>• application to be signed by applicant</li> </ul>
<input type="checkbox"/>	More than one individual, or a	<ul style="list-style-type: none"> <li>• application to be signed by all applicants</li> </ul>
<input type="checkbox"/>	A corporation or LLC	<ul style="list-style-type: none"> <li>• application to be signed by an officer authorized to do so by the corporation</li> </ul>
<input type="checkbox"/>	A trust	<ul style="list-style-type: none"> <li>• application to be signed by authorized trustees</li> </ul>

**3. Operating Standards**

1. The ownership, care and control of the Honey Bee Hive will be the responsibility of a resident of the dwelling on the lot.
2. I have watched the Somerville BOH video and understand the responsibility of keeping and caring for honey bees. Taking a class on beekeeping is also recommended.
3. There will be a maximum of \_\_\_\_\_ hives kept on the property at \_\_\_\_\_.
4. The hive structure(s) conforms to City regulations for accessory structures as identified on this application.
5. I have/ will install hives in accordance to the City of Somerville regulations.
6. I have registered my honey bees with the Commonwealth of Massachusetts according to 330 CMR 8.00: M.G.L. c. 128, § 35.
7. All hives are marked with the name of the owner, either inside or outside, to be easily found by the inspector. Branding or stencil marking or broad ink pen lettering is recommended
8. I will not allow the hive(s) in a front or a side yard that abuts a street.
9. I will remove hive byproduct from any area accessible to rodents or other pests.
10. I will construct and locate the hive(s) securely so as to exclude predators and rodents.
11. I will contact the Board of Health if there are any modifications to the application submitted.



CITY OF SOMERVILLE, MA  
HONEY BEE KEEPER LICENSE  
APPLICATION SITE PLAN

B

City of Somerville, MA

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Owner's Name (if different): \_\_\_\_\_

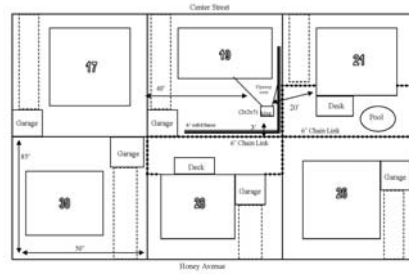
Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

1. Number of Hives proposed: \_\_\_\_\_
2. The total square feet of hive enclosure: \_\_\_\_\_ (sq ft)
3. Distance between proposed hive location and the nearest primary structure of an abutting property. \_\_\_\_\_ (feet)

Use the area below to provide a scale drawing of the proposed site. Include distances from lot lines, structures (houses, sheds, garages), fences/barriers, pools, etc. Identify neighbors whose property line connect to your property (abutters), including diagonal, behind, as well as any neighbor across an alley, but not across the street. (See application for additional information and requirements)

Sample Site Plan:





CITY OF SOMERVILLE, MA  
APPLICATION FOR  
BACKYARD CHICKEN LICENSE



**Application Steps**

1. Print and submit this completed application form to the Board of Health (BOH) for a Chicken Keeper License along with:
  - Written description or photo of the proposed henhouse and pen enclosure.
  - Detailed scale site plan showing (see attached sample):
    - i. the proposed location of the henhouse and pen in proximity to adjacent primary structures
    - ii. identify all fencing, structures, water sources, and landscaping on subject and abutting properties.
    - iii. the proposed henhouse structure(s) conform to setback regulations for accessory structures under SZO Article 8.
      1. A three (3) ft. setback from the property line
      2. Maximum of fifteen (15) feet in height
      3. Structures over one-hundred twenty (120) sf. require a building permit
      4. Any Electrical and/or plumbing work will require a permit(s)
    - iv. the proposed henhouse structure(s) provide at least 2 square feet per chicken.
    - v. the proposed pen enclosure(s) provide at least 4 square feet of pervious surface per chicken.
    - vi. the proposed henhouse and pen structure will be constructed securely so as to exclude predators and rodents.
  - proof of course taken about keeping chickens and or watched the Somerville BOH video
  - written maintenance plan, including rodent control plan
  - a check for \$50
2. A decision will be made to approve or deny the request for the License.
3. Once the License is obtained, the construction of the coop may begin in accordance with the plans submitted.
4. If the proposed work was not constructed in accordance with the plans and/or the standards are not followed, the License may be revoked.
5. Application must be submitted to:

Board of Health  
City Hall Annex  
50 Evergreen Avenue  
Somerville, MA 02145  
(617)625-6600 ext. 4301  
Monday-Wednesday 8:30-4:30  
Thursday: 8:30-7:30  
Friday: 8:30-12:30



CITY OF SOMERVILLE, MA  
APPLICATION FOR  
BACKYARD CHICKEN CERTIFICATION



**1. Application Information (available from the City of Somerville's Assessor's Office)**

Street Address of proposed location of henhouse:

---

Applicant's Name: (please note that the applicant must be the intended chicken keeper)

---

Complete Mailing Address:	Phone Number(s) Home: ( ) Emergency: ( )	Email address:
---------------------------	--	----------------

---

Please indicate the name of the individual, individuals, corporation or trust that owns the property (if different from above entry):

---

Complete Mailing Address:	Phone Number(s) ( )	Email
---------------------------	------------------------	-------

**2. Required Signatures**

*NOTE: NO APPLICATION SHALL BE ACCEPTED AS COMPLETE WITHOUT THE REQUIRED SIGNATURES*

**Applicant Signature** (if the applicant is the owner, the owner should also sign below):  
As Applicant, I make the following representations:

- 1.) The information supplied on and with this application form is accurate to the best of my knowledge.
- 2.) I will make no changes to the approved project plans without the prior approval of the appropriate City Department.
- 3.) I will follow the operating standards for keeping chickens in the City of Somerville and if my certificate is revoked, I will remove the chickens from the property within 48 hours.

---

Signature of applicant \_\_\_\_\_ Date \_\_\_\_\_

**This property is owned by (check one):**

An individual     more than one person or a partnership     A corporation or LLC     A trust

- application must be signed by all owners, authorized officer (s), or trustee(s)

**Please complete if applicant is not the property owner**

**Property Owner Signature** (if the project site has more than one owner, please supply additional copies of this page if necessary):  
As Owner, I make the following representations:

- 1) I hereby certify that I am the owner of the property at \_\_\_\_\_
- 2) I hereby certify that the applicant named on this application form has been authorized by me to apply to keep chickens as indicated in this application.
- 3) I will permit City of Somerville Staff to conduct site visits on my property.
- 4) Should the ownership of this parcel change before the Board of Health has acted on this



CITY OF SOMERVILLE, MA  
APPLICATION FOR  
BACKYARD CHICKEN LICENSE



application, I will provide updated information and new copies of this signature page.

*Property Owner Signature*

*Date*

**Indicate applicants relationship to owner:**

**This applicant is (check one):**

- An individual     more than one person or a partnership     A corporation or LLC     A trust

**3. Operating Standards**

1. The ownership, care and control of the chickens will be the responsibility of a resident of the dwelling on the lot.
2. I have watched the Somerville BOH video and understand the responsibility of keeping and caring for chickens. Taking a class on urban chicken keeping is also recommended.
3. There will be a maximum of \_\_\_\_ chickens kept on the property at \_\_\_\_\_.
4. No roosters will be kept on the property.
5. The henhouse structure(s) conforms to City regulations for accessory structures as identified on this application.
6. I have/ will construct a henhouse enclosure providing at least 2 square feet per chicken (provide plan).
7. I have/ will construct a pen enclosure(s) providing at least four (4) square feet of pervious surface per chicken (provide plan).
8. I will ensure that noise from chickens at the property boundary conform to the City's Noise Ordinance.
9. I will ensure that odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
10. I will compost the waste generated from keeping chickens with carbonaceous material such as hay, bedding, or leaves or store it in a sealed container until it is removed from the property.
11. I will clean the henhouse(s) at least on a weekly basis. A detailed written maintenance plan may be required.



CITY OF SOMERVILLE, MA  
APPLICATION FOR  
BACKYARD CHICKEN LICENSE

12. I will keep the chickens on the subject property and will not allow them to wander onto other properties including City owned land.
13. I will not allow the chickens or henhouse(s) in a front or a side yard that abuts a street.
14. I will store the chicken feed in a rodent-proof container inside the primary structure.
15. I will remove chicken feed from any area accessible to rodents or other pests after dusk.
16. I will construct the henhouse(s) and attached pen(s) securely so as to exclude predators and rodents. A detailed plan describing measures that will be taken to prevent pests and rodents may be required.
17. I will contact the Board of Health if there are any modifications to the application submitted.



CITY OF SOMERVILLE, MA  
HEN KEEPER LICENSE  
APPLICATION SITE PLAN

City of Somerville, MA

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

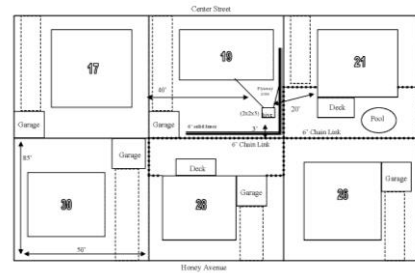
Property Owner's Name (if different): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

1. Number of hens proposed: \_\_\_\_\_
2. The total square feet of enclosure: \_\_\_\_\_ (sq ft)
3. Distance between proposed coop location and the nearest primary structure of an abutting property. \_\_\_\_\_ (feet)

Use the area below to provide a scale drawing of the proposed site. Include distances from lot lines, structures (houses, sheds, and garages), fences/barriers, pools, etc. Identify neighbors whose property line connect to your property (abutters), including diagonal, behind, as well as any neighbor across an alley, but not across the street. (See application for additional information and requirements)



© 2015 City of Somerville, Massachusetts.  
(revised from 2012 original)  
You are free to share this work, but must attribute it to the  
City of Somerville, Massachusetts.



Mayor's office of Strategic Planning and Community Development

Mayor Joseph A. Curtatone

**Somerville, MA**