

**Board of Health Policy Regulations for Urban Agriculture**  
**in Somerville**

**Definitions:**

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.

Aquaponics: The cultivation of fish and plants together in a constructed, re-circulating ecosystem utilizing natural bacterial cycles to convert fish wastes to plant nutrients.

Composting: The natural degradation of organic material, such as yard and food waste, into soil.

Farm: The cultivation and tillage of the soil, the production, planting, caring for, treating, growing and harvesting of any agricultural, aquaculture, floricultural or horticultural commodities, the keeping and raising of hens and/or honey bees, sales subject to compliance of local, state, and federal regulations. Farming shall include aquaponic and hydroponic farms.

Farm/Greenhouse, commercial: the primary use of a lot is commercial urban agriculture.

Farm/Greenhouse, Community: Urban agriculture or greenhouse operated by a non-profit agency

Farm, roof: Urban agriculture on a roof of a principal residential or accessory structure.

Farm, yard: Urban agriculture on a residential yard.

Gardens: A planned space, set aside for the display, cultivation, and enjoyment of plants including vegetables, flowers, and fruits for private/personal use.

Garden, community: Gardens operated by the City of Somerville with a primary purpose of providing space for members of the community to grow plants for beautification, education, and recreation for personal use. Sales, processing and storage of plants or plant products are prohibited on-site.

Garden, home/yard: An accessory use on a residential lot to grow plants for consumption, beautification, or recreation for personal use. The Ownership, care and control is the responsibility of a resident of the dwelling on the lot. Sales are prohibited.

Greenhouse: A structure, primarily of transparent material, in which temperature and humidity can be controlled for the cultivation or protection of plants or other agricultural products. All greenhouse structures are subject to setback and building code requirements.

Hydroponic: The cultivation of plants in nutrient solution rather than soil.

1. *Yard/Roof Farms* shall be subject to the following ONLY if fresh produce is for sale:
  - a. Only fresh, un-cut, and unprocessed produce grown on the premises may be sold on-site.

## Board of Health Policy Regulations for the Keeping of Honey Bees

### Definitions:

The following words, terms and phrases, when used in this section, shall have meanings ascribed to them in this section:

- (1) "Apiary" shall mean a place where honey bee colonies are kept.
  - (2) "Abutter" shall mean a property adjacent to the property of another.
  - (3) "Beekeeper" shall mean the person(s) responsible for the keeping of honeybees.
  - (4) "Honey Bee" shall mean any life stage of the common domestic honey bee, *Apis mellifera* species.
  - (5) "Colony" shall mean a hive and its equipment and appurtenances, including, honey bees, comb, honey pollen and brood.
  - (6) "Hive" shall mean a structure intended for the housing of a honey bee colony.
  - (7) "Honey" shall mean the natural food product made by honey bees from nectar collected from a flower's nectarines or a plant's extrafloral nectarines.
  - (8) "flyway" shall mean the direction bees fly leaving their colony; if obstructed, may cause bees to accidentally collide with the obstruction and eventually become aggravated
  - (9) "Owner" and "Beekeeper" any person who owns or controls hives or beekeeping equipment.
1. No person shall keep honeybees on their premises without obtaining a permit from the Board of Health. Application fees are €\$50 for the first year and \$25 for annual renewal with no modifications to the plan or keeper.
  2. A maximum of 2 colonies may be kept on a lot. An exemption will be made for beekeepers at the time of the passage of this ordinance. The beekeeper shall be permitted to keep the hives upon payment of a renewal fee.
  3. The beekeeper shall notify abutters of the request to keep honey bees on applicant's property.
  4. The Beekeepers shall maintain their apiaries in such manner that the same shall not become a public nuisance.
  5. The beekeeper must comply with all Massachusetts General Law's of beekeeping (330 CMR 8.00) including:
    - notify the Commonwealth of the hives within 48 hours of possession
    - mark all hives 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.
    - bees moved between sunrise and sunset shall be covered with wire mesh, screen or net.
  6. Each hive shall not exceed five (5) feet in height and twenty (20) cubic feet.
  7. Hives located closer than twenty (20) feet from a principal building on an abutting lot, or on a side yard abutting a street must:
    - Provide a flyway barrier at least six (6) feet in height that shields any part of a property line.
    - The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof for a minimum of twenty five (25) feet and meet the Zoning Code.
  8. A constant supply of fresh water shall be provided for all hives; stagnant water that could provide a breeding area for mosquitoes is not permitted.

9. Any person who keeps bees and sells honey must comply with Massachusetts Department of Public Health Food Protection Program for the sale of unprocessed honey.
10. The beekeeper must watch the Board of Health video regarding the keeping of bees in Somerville.
11. The Board of Health may suspend, revoke, or decline to renew a beekeeper permit for cause after reasonable notice to the licensee of the ground for the proposed action.
12. If the Board of Health, or its agent, determines that the hive(s) causes disturbances on, or damage to neighboring property or public areas, the Board or its agent may require that the hive be removed, at owner's expense, immediately.

- b. Soil sampling and testing is required prior to any sales. Results must be clearly posted for buyers review.
  - c. Yards must remain free of tall weeds, grasses, and rotting fruits and vegetables at all times.
2. *Community garden* shall be subject to the following:
    - a. Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the site, heavy equipment may be used to prepare the land/soil between 7:00 a.m. and 7:00 p.m, Monday – Saturday.
    - b. Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.
  3. *Community Farm/Greenhouse* shall be subject to the following:
    - a. Annual soil sampling and testing required for all sales. Results must be clearly posted for buyers review.
    - b. Only fresh, un-cut, and unprocessed produce grown on the premises may be sold on-site.
    - c. Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited; provided, however, that during the initial preparation of the site, heavy equipment may be used to prepare the land/soil between 7:00 a.m. and 7:00 p.m. Monday – Saturday.
    - d. Any equipment or supplies needed for garden operations shall be enclosed or otherwise screened from the street and any adjacent residential uses.
  4. *Commercial Farm/Greenhouse* in the residence districts, shall be subject to the following:
    - a. Annual soil sampling and testing required for all sales. Results must be clearly posted for buyers review.
    - b. Only fresh, un-cut, and unprocessed produce grown on the premises may be sold on-site.
    - c. Any equipment or supplies needed for farm operations shall be fully enclosed or otherwise effectively screened from the street and any adjacent residential uses.
  5. Massachusetts Department of Public Health Food Protection Program states that the sale of unprocessed produce, farm fresh eggs and unprocessed honey may be sold without permits (see policy standards for beekeeping and chicken keeping).
  6. *Sale of produce, honey, and eggs.* Farmstands shall be allowed subject to the following:
    - a. Allowed as a temporary use provided that such temporary farmstand shall only sell
      - fresh, uncut up products grown on site
      - honey harvested from site hives
      - eggs produced onsite.
    - b. Produce grown for retail sales must have an annual soil sample testing with results posted at point of sale.
  7. Composting must be done in a rodent-proof composter.

## **Board of Health Regulations for the Keeping of Hens**

### Definitions

The following words, terms and phrases, when used in this section, shall have meanings ascribed to them in this section:

“Hen” shall mean a female chicken

“Henhouse” shall mean an enclosed structure for hens

“Pen” a pen shall mean the enclosed outdoor space for hens

1. No person shall keep hens on their premises without obtaining a permit from the Board of Health. Application fees are \$50 for the first year and \$25 for annual renewal with no modifications to the application or owner.
2. A maximum of six (6) hens may be kept on a lot. Roosters are not allowed to be kept in Somerville. An exemption will be made for existing henhouses at the time of the passage of this ordinance and shall be permitted to keep existing hens of more than six (6) hens until they expire. Renewal fees shall apply to existing henhouses.
3. The applicant shall notify abutters of the request to keep hens on applicant’s property.
4. An enclosed henhouse shall provide at least two (2) square feet per hen and an enclosed pen shall provide at least four (4) square feet of pervious surface per hen kept on the property.
5. Structures shall meet all build code requirements. Structures exceeding one hundred twenty (120) sq feet or ten (10) feet in height will require building permits and structures with electrical or plumbing shall require appropriate permits.
6. Henhouse structure will not interfere with any utility or other feature of the property that needs suitable access.
7. Henhouse structure will be located in a well-drained area that does not discharge on a public way or neighbor’s property.
8. All outdoor roaming areas for hens shall be sufficiently enclosed and screened from the street and neighboring properties.
9. Hens shall not be kept within the living area of the residential structure.
10. 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).
11. Noise from hens at the property boundary must conform to the City’s Noise Ordinance.
12. Odors from hens, hen manure, or other hen-related substances shall not be perceptible at the property boundaries.
13. Waste shall either be composted with carbonaceous material such as hay, bedding, or leaves or stored in a sealed container until it is removed from the property.
14. Henhouses shall be cleaned at least on a weekly basis.

15. Hens shall be confined to the subject property and not allowed to wander onto other properties including City owned land.
16. Hen feed must be stored in a rodent-proof container inside the primary structure.
17. Henhouse and attached pen must be constructed securely so as to exclude predators and rodents.
18. The applicant must watch the Board of Health video regarding the keeping of hens in Somerville.
19. The Board of Health may suspend, revoke, or decline to renew a hen permit for cause after reasonable notice to the licensee of the ground for the proposed action.
20. If the Board of Health, or its agent, determines that the hen(s) causes disturbances on, or damage to neighboring property or public areas, the Board or its agent may require that the hens be removed, at owner's expense, immediately.