Using Urban Agriculture to Grow Southern New England

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The City of Hartford takes up just about 18 square miles, the majority of which is covered by dense neighborhoods of historic buildings. It has a small downtown core, located beside the Connecticut River, and a few industrial areas, located along a north-south highway (Interstate 91). The city’s population has been shrinking since its peak in the early twentieth century, leaving many buildings vacant, including former mills and factories. To top it off, Hartford is (depending on the year) the first or second poorest city for a city of its size in the country. Many of its residents depend on assistance from the government for food. The vast majority of the children in the school system have free or reduced school breakfasts and lunches. The city is a documented (continued on page 18)
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food desert, with many small convenience stores (bodegas), but few places to get fresh food.

It is in this context that two local organizations — Hartford Food System (HFS), which focuses primarily on the food supply chain, and Knox Parks, which focuses primarily on trees and parks – began to see the city as a perfect location for urban agriculture. Urban agriculture, in the case of Hartford, could help address the food desert problem, provide opportunities for low-income communities to pool resources to produce food, and “green” underutilized properties. Unfortunately, the zoning regulations did not expressly allow community gardens, urban farms, farmers’ markets, henhouses, and beekeeping – all components of a healthy urban agriculture system. Some of these uses had been operating under the radar for years. But they were not legitimate under the law.

Bringing urban agriculture to a dense, urban location can be a difficult proposition politically. But in the case of Hartford, the leadership of HFS and Knox, and a willing Planning & Zoning Commission, led to a sweeping new section in the zoning rules that will strengthen the ability of Hartford residents and property owners to enhance food security and local sourcing. The section allows for bees and hens to be kept in any zone in the city. It legitimizes community gardens and identifies reasonable requirements for soil quality, sales of site-grown products, and water access. It allows for urban farms pursuant to a special permit, with some provisions dealing with motorized tractors when the urban farm is in a residential zone, which will prevent on-site harvesting from becoming a noise nuisance. (As a nod to some who objected to the term “urban farm,” since that term conjured up industrial animal use, Hartford calls them “single-operator gardens.”) The regulations also provide for compost bins, greenhouses, hoophouses, shade pavilions, and farm stands. And finally, and perhaps most controversially, the Planning and Zoning Commission allowed for both henhouses and bees as accessory uses in all areas. There was only one person who spoke against the proposed urban agriculture provisions: he spoke passionately against the potential odors caused by hens and potential stings caused by bees. There was much on the record to address these concerns, as well as specific provisions in the zoning regulations that would mitigate them (e.g., a 6’ flyway barrier for the bees; a limit of 6 hens, with odors declared a public nuisance). But thanks to an awareness and education campaign, the rest of the testimony was strongly in favor, and even the Planning & Zoning Commissioners who were initially skeptical came around to see why urban agriculture would be compatible with an urban location.

As another example of a leading urban ag ordinance, adopted into law in December 2013, Article 89 is the newest section of the Boston Zoning Code that sets new standards for a variety of urban agriculture activities in Boston. It applies citywide. In 2012, the city gathered nearly two dozen farming advocates, urban agriculture experts, and neighborhood representatives to assist in developing new zoning for urban ag activities. After 30 open public meetings with stakeholders and an advisory group, Article 89 is the result of that collaboration.

Most agricultural activities were not allowed under prior zoning regulations in Boston. With the adoption of Article 89, a wide range of urban ag activities such as ground-level and roof-level farming, hydroponics, composting, and farm stand sales (to name a few) are now being addressed and are mostly allowed outright. (continued on page 19)
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Article 89 has helped to increase access to healthy food, promote community building, create business opportunities, and beautify many of Boston’s neighborhoods.

Urban ag provides some incredible opportunities for economic development, food security, and reduction of waste, yet even with the most supportive zoning ordinances in place to encourage urban ag practices, urban localities likely cannot meet the food needs of a large city relying on production within the city’s limits alone. In addition to modifying zoning ordinances to make urban ag a real possibility in cities, states and localities can support local food distribution in urban centers through other mechanisms. Presently, the most common distributional forms for locally produced foods are direct-to-consumer sales through farmers markets and community supported agriculture (CSA); however, there are limitations to these models, as they typically fail to meet the scale and demand for local foods in urban settings.

To address the issue and provide support for locally grown foods, some states and localities have experimented with different types of laws and policies. Some have adopted locally grown food ordinances that either increase incentives for or mandate local food procurement. While there are some potential legal issues to consider for these types of laws, generally, they present a creative means by which to support the production and distribution of local foods while allowing for flexibility to define what “locally produced” means for that community. Additionally, states and localities can provide financial support for the development of food hubs, which are organizations that typically serve as aggregators, distributors, and marketers of locally produced foods. Finally, states and localities can incorporate the promotion of local food as a priority within the comprehensive land use plan for the region or consider urban revitalization projects to provide space for local food production, education, and processing.

To learn more about how urban ag is shaping Southern New England, and its potential for growing our communities, please attend this program, featuring as speakers: Prof. Sara C. Bronin of UConn School of Law, Professor of Law and Faculty Director for the Center for Energy and Environmental Law, and chair of Hartford’s Planning and Zoning Commission; Marie Mercurio, AICP, Senior Planner with the Boston Redevelopment Authority, who assisted in the planning and authoring of Article 89; Ellen Cynar, Program Manager for Providence’s Healthy Communities Office; and Laurie Beyranevand, Associate Director of the Center for Agriculture and Food Systems and an associate professor of law at Vermont Law School. The program will be moderated by Sorell E. Negro, a land use lawyer with Robinson & Cole LLP and co-editor of the 2015 book published by the American Bar Association, Urban Agriculture: Policy, Law, Strategy, and Implementation, for which Ms. Beyranevand wrote a chapter.