

To: The House Committee on Agriculture, Food Resiliency, and Forestry  
 From: Cher Feitelberg

Dear Committee Members,

Thank you again for the opportunity to meet with you. Here is the packet I shared with Representative Martin LaLonde. The packet is updated with some new thoughts based on reflecting on our meeting and reading more about H-537.

This packet includes an example of a potential set of guidelines for Out the Door Resiliency Food Gardening in an HOA.

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To: The House Committee on Agriculture, Food Resiliency, and Forestry  
 From: Cher Feitelberg

**Vermont Resiliency Gardening**  
**Protecting the right of Vermonters to grow their own food.**

**Request: That the House Committee on Agriculture, Food Resiliency, and Forestry review bill H-537, introduced by Martin LaLonde, and work to pass it this Spring in alignment with the 2026 Vermont growing season.**

I encourage you to consider viewing H-537 as a **Vermont Resiliency Act, a proactive step** ensuring that our citizens can respond this Spring to changes in food prices and availability in a practical, planned manner. Food security is a pathway for establishing independence and stability in times of change. This Bill has the potential to strengthen positive responses to important national changes. Our Vermont cultural character has focused on connection to the land, self-sufficiency, ingenuity, and a proud blend of independence and community care/action.

Bill H-537 would ensure the rights of all Vermonters to grow their own food. The right to grow your own food is a basic human right. I implore you to protect it. You might consider H-537, Vermont's "Right to Grow Food" law.

Like Vermont's "Right to Dry" law (24 V.S.A. § 2291a), I am encouraging this committee to take a firm stand on preventing **municipalities and all homeowners' associations** from unreasonable restrictions on a homeowner's ability to grow their own food.

- In reading about the Bill's progress I have noticed BillTrack50 reports that there is a provision that exempts condominiums. I was not aware of this. Could you please clarify this for me? Condominiums are governed by HOAs. This language certainly changes the intent of my effort and would exclude a population of Vermonters from being able to grow their own food.

Based on the text of the bill as introduced, Vermont House Bill H.537 (2026 session) explicitly does not apply to condominiums regarding the restriction of vegetable gardens.



BillTrack50

While the bill intends to restrict homeowners associations (HOAs) and landlords from banning food gardens, the current language excludes condominium communities from these provisions.



BillTrack50

Key Details of H.537 Regarding Garden Rights:

- Condo Exemption: The provision that voids rules restricting vegetable gardens in areas designated for a unit owner's exclusive use does *not* apply to condominiums.

## Deeper Thinking

Is it important for the language in the bill to ***outline reasonable guidelines*** and include the "ability of a taxpaying homeowner" to grow food:

- within sight or close vicinity of their Unit or Home  
including the ability to create a garden separate from the area around the foundation of their unit or home on Common Element Land or repurpose existing landscape beds with small, low growing vegetables, beneficial perennials, or edible gardens in the front or back of their unit/home more than 15 feet from the structure
- within close access to the outdoor water source designed in the build of their home
- in aesthetically designed raised beds, elevated beds, and containers

Another component of the bill may want to address ***guidelines for municipalities and homeowners' associations*** for approving garden proposals by individual homeowners.

- ★ One solution for blending the science of intensive square foot, raised bed, or container gardening with curbside aesthetics is to create several potential basic design plans for homeowners to choose from.
- ★ This work could potentially be done by a volunteer committee of professional food garden design experts (Food Forest Abundance Vermont, NOFA-VT, Charlie Nardozzi, Vermont Garden Network (VGN), UVM Extension Master Gardener Program).
- ★ The goal would be to make these design plans accessible to all home gardeners, HOAs, and municipalities through a state resource. Currently there are resources like the Vermont Garden Network, the University of Vermont Extension Service: Gardening Resources, and Vermont Public that could be approached to carry this work on their websites.

Attached is the proposal I gave to Martin. It is a draft (beginning shape of ideas) for creating a model for HOAs communities to build on.

Thank you again for pursuing this. Let me know if there is anything else I can do to help this process along.

Warmly,  
Cher

## Concepts of “Out the Door Food Gardens” Resiliency Gardening

**Mission:** To ensure all Vermont citizens have the protected right to grow their own food.

**Purpose:** To create state and local laws, and HOA guidelines that promote food security through “Out the Door Food Gardening” that fit a variety of Vermont living situations in our cities, towns, suburban areas, and especially in Homeowner Associations.

### Definition of “Out the Door Food Gardens”

Out the Door Food Gardening is for the person who has a desire to have a small, convenient, and easy to keep ***kitchen vegetable garden***. Kitchen gardens tend to focus on low growing salad vegetables, vegetables that grow easily in containers, beneficial perennials or herbs for cooking. Kitchen gardens do not include vegetables that require large plots for vining or height. Examples: corn, berry bushes, asparagus, sunflowers, etc.

### Main Goals of “Out the Door Food Gardens”

To expand the opportunity for food growing in our neighborhoods in order to support:

- personal food security
- accessibility to gardening by all members of the community
- lifestyle and work scenarios by enhancing the convenience of gardening right outside your home
- safety and security by placing food gardens within the eyesight and calling distance of neighbors
- access to a water source from your home and near your garden

### A Commitment to Aesthetics and Curbside Appeal

Embracing this exciting new vision of “Out the Door Food Gardening” includes a commitment to create kitchen gardens that maintain the aesthetics and curbside appeal of our neighborhoods while providing everyone who chooses with the ability to grow their own food. Therefore, there are guidelines that we ask everyone to follow to ensure the success of this new venture.

## Example of Neighborhood “Out the Door Food Garden” Guidelines

### Steps to Creating Your Out the Door Kitchen Garden

Read all pertinent information and fill out all forms concerning Out the Door Food Gardens in your HOA.

Review the four types of gardens that have been researched. Decide which one is most intriguing and fun for you, and fits your budget **and** *the amount of time you have to maintain a level of care that supports the aesthetics and curbside appeal of the neighborhood.*

#### Garden Design Choices

- Square Foot Gardening: Using an in the ground design or ground level raised bed
- Commercially Designed Raised Beds
- Elevated Raised Bed: Using sturdily built commercially designed structures that hold up in the wind and storms we have been experiencing
- Container Gardening: Using commercial plastic and ceramic pots for this purpose

### Plantings

Out the Door Kitchen Gardens are for the purpose of growing food, herbs, beneficial perennials, and companion flowers that help deter insects within the defined perimeter of your garden.

- Out the Door Kitchen Gardens may be planted from the foundation of your Unit in the front or back of your property or on Common Element Land within eye sight of your Unit as long as free access to walk and enjoy the property is maintained. You must adhere to the following dimensions for the outside perimeter of your gardening space - **(to be determined locally or through state resource guidelines)**
- All garden structures must be temporary and easily removed. No permanent structures may be built into the land.
- A list of vegetables that work best in square foot intensive gardening, container gardens, & elevated beds is included in this packet as a resource.
- **To protect the siding on buildings homeowners may not grow vegetables or flowers on trellises along the walls.**

### Organic Gardening

In order to ensure the safety and health of the soil, food, pets, and neighbors, gardeners agree to use organic growing processes. Only organic pest deterrents and fertilizers may be used. **Herbicides are not permitted.**

## Garden Upkeep/Maintenance

### → Aesthetics:

Consistent maintenance of your garden's appearance by keeping weeds under control, pruning and cutting back overgrowth of vegetables, removing dying and dead plants, and edging your perimeter throughout the growing and harvesting season is important to successful food growth, neighbor to neighbor relationships, and the aesthetics and curbside appeal of the neighborhood.

### → Size & Positioning:

Consider involving your neighbor in your potential thoughts about your garden layout. Have some fun using measured string and stakes to help visual the best plan for neighborly harmony and growing.

- When laying out your garden, it is important that you position your active gardening area so it is inside your established perimeter by one foot.
- Your perimeter may not exceed (TBD by local situation) and will be influenced by existing space & landscaping between you and your neighbors.

### → Removing Existing Shrubs, Bushes or Lawn, Edging, and Preparing Your Soil Base

In HOAs gardeners are responsible for the following steps:

- They must call Dig Safe and have them inspect their site if they are planning to remove existing shrubs, bushes, or lawn and rototill next to the foundation of your Unit or on Common Element Land in view of your Unit. They must provide the Homeowners' Association with documentation of this service, which is free. Homeowners/renters may NOT go forward with putting in your garden until this process is complete. The gardener would be responsible for any damage incurred to underground pipes, electrical wiring or cable services. Dig Safe is our friend.
- Gardeners are responsible for any costs and labour associated with the removal and disposal of existing shrubs, bushes, or lawn along the foundation of their property or on Common Element Land within view of the Unit in keeping with guidelines established by the HOA or a neighborhood gardening committee.
- Gardeners are responsible for edging & maintaining the perimeter of their garden throughout the growing seasons as part of maintaining an aesthetically finished and cohesive look throughout the neighborhood.
- Gardeners are responsible for any costs associated with augmenting and composting their soil using organic practices.

### ❖ Watering

One of the conveniences of Out the Door Food Gardening is the access you have to your outside spigot. Gardeners take on the responsibility for their increased water bill as a result of gardening.

- **Construction of Raised or Elevated Beds:** All structures must be easily removed; nothing permanent may be built in your garden area. Construction of structures must be attractive and sturdy. Cedar planks are most desirable, but not absolute.
- Wood materials must be natural in coloring and their finishing process must be free of harmful chemicals that could leach into the soil or your food. If you are buying wood, please check the code stamp for the processing that was used in planking preparation with the seller.
  - Containers must be store quality in appearance and enhance the attractiveness of your property. Keep the design on glazed ceramic pots simple in color.
  - **Recycled plastic blue barrel containers are not permitted.**
  - Construction of Elevated Beds must be level and sturdy enough to withstand tipping and wind/storm elements.

→ **Gardener's Responsibility for Changes to the Landscaping Around a Unit**

Gardeners must provide a "neutral restoration" of the land when they decide to stop gardening, vacate or sell their Unit, or if they are asked to close their garden due to a lack of consistent care as outlined in these guidelines.

- The HOA or Community Gardening Committee is responsible for creating a "neutral restoration" plan. All Homeowner are responsible for understanding the requirements and potential costs of the plan before making a final decision to start a garden.
- Homeowner gardeners will be responsible for a **one time** deposit of \$\$\$\$ to be held for neutral restoration of the land. This deposit will be used if the Association must step in to carry out a neutral restoration of the land. The deposit will be returned when the Homeowner completes the restoration process as outlined by your Homeowners' Association.

If you remove shrubs, bushes, or lawn in order to put in your garden and decide during or at the end of the season, this was not what you expected, you are responsible for replanting your garden area with the approved neutral restoration plan within 2 weeks of your decision. You are responsible for working collaboratively with your HOA or your neighborhood gardening committee.

At the time of a sale of your Unit, it is ***the Homeowner's responsibility to negotiate how the garden area will be left with the buyer***, there are only two choices:

- a "neutral restoration" of the land as outlined in the above statement
- a written agreement in the sales contract that raised beds, containers, or elevated beds are included in the sale. In that case, a registration form and these guidelines must be included, signed, and filed with the purchase of the Unit. **This step must be included in order to finalize the sale of your property.**

### → Renters:

Renters must have explicit written permission from the Homeowner Landlord to put in a garden. See Renters Out the Door Kitchen Garden Form

- This form must be signed and filed with your HOA before any preparations for your garden can be started. If a renter fails to follow any guidelines included in this packet, the Homeowner has the right to apply reasonable charges against the Renter's deposit to clean up the garden and/or remove structures.

### → Proposed Warning About Care:

The importance of keeping garden plots visually attractive as part of our neighborhood is a commitment to maintain the curbside appeal of the property.

During the gardening season (mid-April through November), each household will get **two friendly written** warnings if it appears that their garden is not being consistently tended. If a garden goes unattended for more than 2 continuous weeks of time, the gardener will receive a written or emailed warning by the Association or Property Management company. The gardener will have five days to either respond to the notice or attend to their plot. If after two warnings, if the garden's aesthetics continues to detract from the continuity of care of the neighborhood, the gardener will be asked to close their garden down.

### → Travel:

If you are going to be away for an extended period of time, please find a neighbor or hire a person to water, weed, and harvest your garden during your absence.

### ❖ Planting Marijuana/Cannabis is in Out the Door Food Gardens strictly prohibited for the safety of children and pets

### ❖ Neighborly Courtesies

A. Harvesting: Please do NOT harvest, water, or tend to another person's garden unless given permission.

For example, if your neighbor were to ask for your help because of illness or travel this would be acceptable in order to keep the garden in good standing with this agreement.

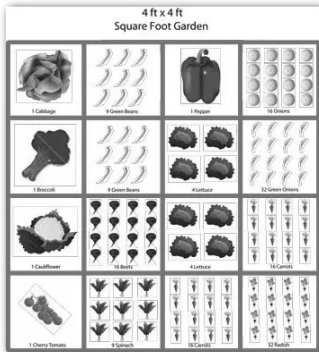
B. Pets: Please keep pets out of your neighbors' garden spaces.

### Example of Plant-by and Clean-up Dates

- **Date: March 15th** Gardeners must register their intent to have an Out the Door Food Garden Annually with their HOA or Neighborhood Garden Committee.
- **Start of the third weekend in April** Gardening preparations on the land may begin
- **End of the second weekend in November** Gardens should be closed down by the end of the second full weekend in November, unless weather permits a longer harvest time. Cool weather crops may remain, as long as they are tended. Perennial herbs and flowers should be prepared to winter over as the gardener sees fit. Structures built to withstand the weather may be left in place.

## Examples of Types of “Out the Door Food Gardens” that Homeowners could Choose From

### Square Foot Gardening (in the ground or removable raised beds)



What is a square foot garden?

Square foot gardens are small, high yield vegetable gardens that are designed for optimum spacing of plants and easy maintenance of your garden. Gardens are created in a square foot grid using either an in-ground method or low raised bed structure. Raised bed structures can be built simply. A common grid has a 4X4 with 16 internal squares. One type of vegetable is planted in each square; the number of seedlings planted in each square depends on the vegetable’s growing size.



Choose One of these Sizes: 4X4, 4X6, 3X6, 3X8 Square Foot Gardens

[https://thefoodproject.org/wp-content/uploads/2019/06/GrowingGuide\\_2018\\_GB.pdf](https://thefoodproject.org/wp-content/uploads/2019/06/GrowingGuide_2018_GB.pdf)

<https://eastforkgrowing.com/square-foot-gardening-with-a-free-printable-template/>

<https://www.almanac.com/planning-square-foot-garden-grow-more-less-space>

### Pros and Cons of Square Foot Gardening

Pros	Cons
High yields: More seeds in a smaller space = more veggies to enjoy! It's that simple.	Expensive set up: Raised beds can be expensive to set up, especially considering the soil you might have to buy. However, if you're able to stick with the soil you already have on the ground, you could save some money.
A quick start: Setting up one raised bed is a lot simpler than planning a whole garden. There's only one grid to focus on, and you can place it anywhere.	Cramped beds: Lots of seeds in one place could lead to a cramped garden bed. Be sure to experiment with the amount of seeds you plant and be ready to adapt based on your results.
Less maintenance: Once you've arranged your square foot garden, you'll only have to complete a few tasks per day to keep your plants alive and thriving.	Depth: Some gardeners find that a 6-inch depth doesn't cut it. If you're able to go deeper, try a 12-inch base instead so your roots have room to grow.

## Square Foot Gardening

For an intensive 4x4' kitchen garden in South Burlington, VT, consider fast-growing, space-efficient vegetables like lettuce, spinach, radishes, and herbs, along with bush-type tomatoes, bush beans, and cucumbers.

Here's a more detailed breakdown:

### Fast-Growing & Space-Saving:

#### **Leafy Greens:**

Lettuce, spinach, arugula, kale, and Swiss chard are excellent choices for a quick harvest and can be grown in succession.

#### **Radishes:**

Radishes are among the fastest-growing vegetables, maturing in as little as four weeks.

#### **Herbs:**

Many herbs like basil, chives, and mint are easy to grow and can be harvested frequently.

#### **Carrots:**

Carrots can be grown in a small space and are a great addition to a kitchen garden.

### Bush-Type Vegetables:

- **Tomatoes:** Bush-type tomato varieties are a good choice for smaller gardens, as they don't require as much space as vining varieties.
- **Bush Beans:** Bush beans are compact and can be grown in a 4x4' space.
- **Cucumbers:** Bush-type cucumbers are also a good option for smaller gardens.

### Other Considerations for South Burlington, VT:

- **Climate:** South Burlington has a temperate climate with cool summers and cold winters, so choose vegetables that thrive in these conditions.
- **Sunlight:** Ensure your garden receives at least 6 hours of sunlight per day.
- **Soil:** Amend your soil with compost and other organic matter to ensure good drainage and fertility.
- **Watering:** Water regularly, especially during dry periods.
- **Pest Control:** Be vigilant about pests and diseases, and take appropriate measures using organic practices & products to control them.
- **Succession Planting:** Plant vegetables in succession to ensure a continuous harvest throughout the growing season.

## Elevated Beds



Elevated garden beds are designed to raise the planting surface above ground level. These beds typically consist of a raised platform supported by sturdy legs or a base, creating a waist-high gardening space. Elevated garden beds can vary in size and construction materials, ranging from simple wooden frames to more elaborate structures made of metal, wood, or resin.

### Pros and Cons of Elevated Beds

Pros	Cons
Accessibility for those with mobility issues	Cost
Better drainage and soil aeration	Limited Growing Depth
Protection from pests and critters	Reduced Soil Volume
Aesthetic Appeal	

### Gardener's Supply Company: Free Standing Raised Beds

[https://www.gardeners.com/buy/planters-and-raised-beds/elevated-garden-beds/?srsltid=AfmBOop60--sWGmu2ZYxu3PRSlajQ\\_4q46taNc4hpixIN-36cBWu0xZg](https://www.gardeners.com/buy/planters-and-raised-beds/elevated-garden-beds/?srsltid=AfmBOop60--sWGmu2ZYxu3PRSlajQ_4q46taNc4hpixIN-36cBWu0xZg)

### Accessible Raised Garden Bed Design Plans

<https://placerrcd.org/projects/accessibleraisedbed/>

▶ Guide to Wheelchair Accessible Raised Garden Beds

## Additional Quick Resources: Square Foot Gardening in South Burlington

Square foot gardening in South Burlington, VT, thrives with early, cold-hardy crops like lettuce, spinach, kale, and beets, followed by bush beans, tomatoes, and peppers in late spring. Maximize space by planting 16 carrots, 16 radishes, 9 bush beans, or 4 lettuce plants per square foot, providing high yields in limited areas.



Square Foot Gardening Foundation +3

### Recommended Vegetables and Spacing (Per 1x1 Foot Square)

- 16 per square: Carrots, Radishes
- 9 per square: Bush Beans, Beets, Spinach, Peas
- 4 per square: Lettuce (leaf), Basil, Garlic, Kohlrabi, Leeks, Parsley, Swiss Chard
- 1 per square: Tomatoes (with support), Peppers, Broccoli, Cabbage, Zucchini

### South Burlington Gardening Tips

- Timing: The University of Vermont Extension advises planting cold-hardy vegetables such as lettuce and spinach early in the season, with options for fall planting.
- Soil: Use rich, loose soil in raised beds (6–10 inches deep) for optimal drainage and growth.
- Layout: Place taller plants like tomatoes and trellised cucumbers on the north side to avoid shading smaller plants.
- Spacing: Use the seed packet's suggested spacing to determine how many plants fit; generally, 3-inch spacing allows 16 plants, 4-inch allows 9, 6-inch allows 4, and 12-inch spacing allows 1 plant per square.

### General Guide

[Ultimate Square Foot Gardening Guide & Plant Spacing Chart \(60+ Plants\) – Garden In Minutes®](#)

## Vegetable Container Gardening

You can grow just about any vegetable in a container. This is an excellent way to get started in gardening. It is simple and minimizes weeding. The trick to container gardening is matching your vegetable with the right sized container, choosing a high quality growing soil, making sure you have adequate drainage, and placing your containers so your vegetables are getting optimal light. Successful container gardening requires ongoing watering and feeding your plants nutrients.



Containers come in many forms - wood, ceramic, and plastic

### Vegetable Container Gardening for Beginners

<https://www.thespruce.com/vegetable-container-gardening-for-beginners-848161>

### A Complete Guide to Vegetable Container Gardening for Beginners

<https://morningchores.com/container-gardening/>

### Terrific Videos to Watch

- ▶ Cheap and Easy Container Gardening: Step by Step
- ▶ The Lazy Gardener's Guide to Starting a Container Garden
- ▶ Gardening in GROW BAGS: 5 Tips for SUCCESS A Vermont Video
- ▶ CONTAINER GARDENING PROS & CONS: Maximize Benefits + Understand Challenges

### Pros and Cons of Container Gardening

Pros	Cons
<p>Growing vegetables in containers offers far more flexibility than raised beds, or in-ground vegetable gardens.</p> <p>Containers can be easily moved to provide optimum growing conditions.</p>	<p>Soil usually dries out much faster in containers than in raised beds due to the smaller area and better drainage. This means vegetables will need more frequent watering, especially during very warm conditions. You may find times when you will need to water up to three times per day.</p>
<p>They are perfect for elderly people, or those with handicaps, because the containers can be elevated to suit the needs of the person.</p>	<p>Large, sprawling vegetables typically do not grow well in containers</p>
<p>Vegetables grown in containers are much easier to maintain because you have less problems with weeds and pests.</p>	

## Container Gardening

In South Burlington, Vermont, you can successfully grow **bush vegetables** like bush tomatoes, peppers, eggplants, summer squash, and lettuce in containers.

Here's a more detailed look at some container-friendly bush vegetables:

- **Tomatoes:** Bush tomato varieties like "Early Girl" are compact and well-suited for containers.
- **Peppers:** Sweet peppers like "California Wonder" thrive in containers.
- **Eggplants:** Eggplants can be grown in containers, especially bush varieties.
- **Summer Squash:** Summer squash like zucchini and yellow squash are good choices for container gardens.
- **Lettuce:** Lettuce is one of the easiest vegetables to grow in a container, and it grows quickly.
- **Other options:** Consider other vegetables like beets, carrots, kale, and beans.

## AI Research: Encouraging Gardening During Covid

During the COVID-19 pandemic, Vermont residents and officials encouraged the planting of small "victory" or "resilience" gardens, echoing World War II-era efforts to increase food security and self-sufficiency. This movement was driven by concerns over food supply chains, the need for safe at-home activities, and a desire to connect with nature during periods of lockdown.



Northeast Organic Dairy Producers Alliance +2

### Key Aspects of the Vermont COVID Garden Movement:

- "Victory Garden 2.0": Organizations, including local agricultural groups, encouraged gardening as a way to combat rising food costs and supply uncertainty.
- High Demand for Supplies: Vermont businesses, such as Gardener's Supply Co., reported a surge in demand for seeds, raised beds, and soil in early 2020 as people began "victory garden 2.0" projects.
- Community and Social Action: Gardening was promoted not only for food but for mental health, providing a "quiet happiness" and a way to safely connect to the community during social distancing.
- Resilience and Sustainability: These gardens were seen as a way to make the community more sustainable and less reliant on external supply chains, fostering a sense of control and resilience.
- Accessibility: Encouragement was given to plant in small spaces, such as using containers on porches, 5-gallon buckets, or small 10' x 10' plots.

### **A Modern Victory Garden April 3, 2025**

<https://www.sustainablewoodstock.org/a-modern-victory-garden/#:~:text=If%20you're%20financially%20able,seed%20shortage%20and%20financial%20hardship.>

### **Gardening in Vogue as COVID drives food concerns and social distancing April 20, 2020**

<https://vtdigger.org/2020/04/20/gardening-in-vogue-as-covid-drives-food-concerns-and-social-distancing-%EF%BB%BF/>

### **Early Spurt of Gardens, Seed Sales, Farm Shares April 7, 2020**

<https://www.chestertelegraph.org/2020/04/07/early-spurt-of-gardens-seed-sales-farm-shares/>