



City of Somerville
PLANNING BOARD
City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECEMBER 15, 2022 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Michael Capuano	Chair	<i>Present</i>	
Amelia Aboff	Vice Chair	<i>Present</i>	
Erin Geno	Clerk	<i>Present</i>	
Jahan Habib	Member	<i>Present</i>	
Debbie Howitt Easton	Alternate	<i>Absent</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning), Colin Zeigler (Inspectional Services Department)

The meeting was called to order at 6:01pm and adjourned at 8:18pm.

PUBLIC HEARING: 59 Bow Street (P&Z 21-017)
(continued from 10 November 2022)

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (4-0) to approve the applicant's request to continue the case to 19 January 2023.

RESULT:

CONTINUED

GENERAL BUSINESS: Meeting Minutes

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (4-0) to approve the 8 September 2022 meeting minutes.

Following a motion by Chair Capuano, seconded by Vice Chair Aboff, the Board voted unanimously (4-0) to approve the 22 September 2022 meeting minutes.

RESULT:

APPROVED

OTHER BUSINESS: Somerville Biosafety Committee Overview

Colin Zeigler, the city's Environmental Health Coordinator, started by noting that the Somerville Biosafety Ordinance has been revamped and brought up to date to coincide with the industry standards that the surrounding cities and towns have been adhering to. The purpose of the Somerville Biosafety Committee (SBC) is to receive applications, review for completion and content, confirm that they are in line with bio-safety levels, and ensure that they are in compliance with the National Institutes of Health (NIH) standard guidelines, including the Biosafety in Microbiological and Biomedical Laboratories (BMBL) document and the Design Requirements Manual (DRM) document.

The SBC consists of representatives from several city departments including Health and Human Services (HHS), Inspectional Services (ISD), the Office of Strategic Planning and Community Development (OSPCD), the Fire Department, and the Office of Sustainability and Environment (OSE). They will also be adding a representative from Emergency Management, a community member that is interested in biosafety and biotechnology, and an academic expert from Tufts University.

Chair Capuano noted that a recently approved application included a condition that required approval from the SBC and asked when the Committee will be full and able to review and approve applications. Mr. Zeigler clarified that the SBC has been formed and have been able to meet the quorum requirements, even though they are still looking to add more members. He confirmed that they have already received and approved four applications.

Mr. Zeigler reviewed biosafety levels (BSL), and the types of activities that occur in different levels of laboratories. He confirmed that the SBC reviews each application thoroughly and noted that BSL4 labs are not allowed in the City of Somerville, as they have been deemed too dangerous. Chair Capuano asked where that restriction lies, and Mr. Zeigler stated it is in the recently passed Somerville Biosafety Ordinance. They have received inquiries about BSL3 labs, and they are considering those. Chair Capuano asks if Mr. Zeigler knows where BSL3 labs are allowed in the city; Mr. Zeigler stated that he does not know. Mr. Zeigler described what the SBC reviews, including documents and information, and how each Committee member reviews the relevant plans depending on their specialization as well as the application in full.

Mr. Zeigler described the permitting procedures, including timeframes for review, and shared that the SBC will still be finalizing internal policies and procedures, including how presentations are conducted, protocols for site visits, and the process to be followed if labs change levels (for example from BSL2 to BSL3). Chair Capuano asked if those types of changes would require Board review or a change in a Site Plan Approval, or if it is simply an ISD review. Mr. Zeigler responded that currently it is just an ISD review, although they are still examining their protocols.

The Board and Mr. Zeigler discussed the lack of formalized community notices, as well as the process for renewals, inspections, and how violations will be enforced through ISD. Mr. Zeigler confirmed that permit validity is one year. The Board asked how much training the Fire Department has received in response to both non-standard fires and for clean-up; Mr. Zeigler confirmed that he can forward the question to Captain Sullivan for this review and response, but stated that when applicants provide Emergency Response Plans, they note the issues that could occur and how they could be addressed.

The Board and Mr. Zeigler also discussed if the majority vote process that the SBC currently uses is the best way to handle the voting on these cases, considering that there is a certain level of expertise needed to review the higher biosafety level labs, and so maybe the expert's vote should hold more weight than the rest of the Committee members. The Board asked about the process if the Planning Board approved an application designed for a certain purpose, but the application was then denied by the BSC; Mr. Zeigler reviewed the protocols for the BSC denying an application and stated that they haven't had to deny an application yet.

The Board and Mr. Zeigler discussed the protocols for notification should there be an issue at one of the labs, the specific considerations related to labs that the Planning Board should consider when reviewing applications, and the delivery of hazardous materials to a site. Mr. Zeigler confirmed that Waste Management Plans, which include transportation and storage, are required for review as part of the application process, as well as other safety documents. He also described the structure of the applications and the information that is required to be included, and how the application is reviewed, including the timeline. They discussed how it could be beneficial to the community if the SBC published a document on the city's website explaining more about the biosafety levels and how the Center for Disease Control (CDC) has a good mini course online that is informative.

The Board and Mr. Zeigler also discussed possibly publishing application checklists online for community visibility, how conducting random audits to ensure compliance would improve comfort levels at the community level, how the SBC meetings are open to the public and the agendas are posted to the city's website, and the possibility of

asking a local lab if they would be willing to have the SBC do a walk-through to review their work as a learning opportunity so that they can see protocols in practice.

The Board and Mr. Zeigler ended the discussion with how the BSC hearing notices are currently only being posted on the city's website in compliance with Open Meeting Law. The Board suggested opportunities to expand public notices of the meetings and reviews, such as in the newspaper.

OTHER BUSINESS: 299 Broadway (P&Z 22-093)

Staff gave an overview of the 40B process, including the Planning Board's advisory role. The Board and Staff discussed the Zoning Board of Appeal's (ZBA) ability to assert safe harbor, and therefore deny the Comprehensive Permit Application, as well as how this is being considered a "friendly" 40B by the city's administration.

Chair Capuano stated that he invited City Councilor Wilson and City Councilor Clingan to the meeting this evening to give their thoughts, as well as share the neighborhood's overall feelings on the project. He noted that the Planning Board is not the permit granting authority on this project, so they have not opened a hearing on this case. However, as an advisory Board to the ZBA, taking public comment is completely discretionary. Considering how substantive this project is and how it will change the face of Winter Hill, Chair Capuano stated that they will solicit written public comment so that they can make an informed recommendation to the ZBA. Chair Capuano left written public comment open until the Planning Board reconvenes on 5 January 2023.

City Councilor Jesse Clingan reviewed the community engagement process that has occurred and stated that the vast majority of comments he has received have been favorable. He stated that although there have been some concerns, there is so much value in this project that he believes those concerns will be dealt with over time. Councilor Clingan reviewed some of the benefits of the project, such as a public park that will be deeded to the city in perpetuity, and noted the positive process the developer has followed.

City Councilor Jake Wilson noted that he served on the Winter Hill Advisory Committee with Councilor Clingan. He reviewed the history of the site and how the property has been blighted for many years. He described the history of the project and his appreciation for how the developer has approached the project, including how they incorporated the community's feedback into the project. Councilor Wilson noted the community's concerns regarding the waiver requested for on-street parking passes but emphasized the community's support for the plan both in the neighborhood and in the broader community, particularly with the significant increase in affordable housing units. Councilor Wilson reviewed the numerous benefits of the development, such as ground floor retail and food space, a lot of truly affordable housing, green and open space, pollinators and native plants, community meeting space, and all of this done in a sustainable passive house development. He has insistently encouraged the development team to aggressively look into obtaining rights for the future residents to be able to park in the multiple surface parking lots within a block of the site; he understands that there are future development plans for some of those lots, but even short-term parking agreements for 299 Broadway residents could ease the pain of transitioning and while giving the new green line stop a chance to alter the car ownership numbers in the neighborhood.

The Board asked about the recommendation letter from the Winter Hill Community Advisory Committee (CAC) to the Somerville Redevelopment Authority and asked if that letter was written when the proposal was intended to be a car-free development, and if it still stands now that the proposal has been updated. Staff confirmed that the proposal was a car-free development at the time that the letter of recommendation was written and submitted; there have been some minor changes made to the proposal since then, but the car-free development aspect of the proposal has not changed since the letter was received.

The applicant team provided an overview of the project, noting they will be returning to the ZBA on 4 January 2023. They reviewed the Urban Renewal Plan and how it compares to what the team is proposing for the site, the zoning changes that occurred in February 2022, and what will occur in each part of the site. They noted that the Walgreens

on the site will be returning to their old location in the neighborhood, and that the corner property that contains a billboard and liquor store is not part of the proposal. The Board asked if there is any possibility of the applicant team acquiring the corner site; the team noted that the corner site is not part of the Urban Renewal Plan, so the city could address that property at a later date.

The applicant team reviewed the renderings and how the buildings' design has evolved, the existing conditions of the site, the proposed site plan, and ground floor plan. They described the use plan, the building designs and materials, as well as the civic space designs. They concluded their presentation by reviewing the potential hearing schedule with the ZBA.

Chair Capuano reiterated his intention to leave written public comment open until noon on Friday, 30 December 2022.

The Board asked the applicant team if they will be reviewing the waiver list; they confirmed that they recently submitted an updated waiver list that is currently under review by the Inspectional Services Department (ISD). The Board noted that they have questions regarding a few of the key waivers being requested and the applicant team stated that they will review those waivers at a future meeting.

The Board and applicant team discussed the letter of recommendation from the CAC, the traffic study that has been conducted, and how the team has been working with the Mobility Division to disincentivize parking. The applicant team noted that they will be presenting on the subject to the ZBA on 4 January 2023, and can present to the Planning Board on 5 January 2023.

Considering that this development is within the 0.5-mile walkshed of a transit stop and this is the most contentious topic from the neighborhood's perspective regarding this proposal, the Board asked Staff if they could impose a condition in their recommendation to the ZBA that they do not grant the parking waiver. Staff confirmed that the Planning Board could include that condition in their recommendation to the Zoning Board, but they encouraged that the Board review with the applicant team why the parking waiver is being requested in great detail as the Board considers adding that condition to their recommendation. The applicant team explained that they have to request the parking waiver in order to obtain funding for the project; they noted that they have reduced the amount of parking passes they are seeking but cannot remove parking completely or they risk losing all funding for the project. The Board and the applicant team discussed the number of parking passes being asked for relative to the number of affordable units being built versus the number of market units. Staff explained that the applicant team has been continuously working with the Mobility Division to ensure that while they are seeking this parking waiver, the team is still trying to meet the city's Mobility goals through a robust Mobility Management Plan.

City Councilor Matt McLaughlin stated that he is very impressed with the proposed development, particularly the affordable housing component. He recognized that there is a legitimate concern about parking, but he is in favor of the development.

Chair Capuano noted that there appears to be a few members of the public in attendance, and he would like to open the meeting up for comment; he stated that this is not official testimony, just general comment. No one indicated that they wished to speak, and Chair Capuano stated once again that they will take written comment through noon on 30 December 2022.

The Board concluded the discussion by asking the applicant team about the plan for managing the asbestos onsite when they plant trees; the applicant team confirmed that the neighborhood also raised questions regarding the soil and plantings, and they will address this concern at a future meeting.

OTHER BUSINESS: Rules of Policy & Procedure of the Planning Board

Staff reviewed the background and process of updating the Rules of Policy & Procedure, explaining that the Planning, Preservation, and Zoning Division Staff has aimed to achieve uniformity across all the Board's and Commission's documents while ensuring that they address legal requirements and expectations for Board processes. Staff started the process by reviewing best practices, as well as documents from other communities that were recently updated, and state law to establish an organizational format and the topics that needed to be addressed. Now, each Board and Commission has an updated document that has been thoroughly vetted by Staff. They do recognize that this is the first draft and there will need to be edits made once the Board reviews the document.

The Board started by saying that the updated draft document has some strong protections for the way the Planning Board runs their meetings to ensure that they are as efficient and as effective as possible.

The Board stated that they would like to further discuss the number of agenda items that the Board will take up in any given meeting, the latest time in a meeting that the Board will take on an application for discussion, and the Chair's ability to moderate testimony by way of time.

The Board and Staff discussed if the amount of time given between when applicants submit their application materials and the Board meeting is actually enough time for Staff to review the materials. Staff explained that they have to carefully balance the time they take to review the applications, considering all of their other responsibilities, and being as expeditious as possible to ensure they are facilitating due process for the applicants. Staff believes this document, as well as the updated Submittal Requirements Manual, addresses the time needed to review applications and what happens if Staff determines if what has been submitted is an incomplete application.

The Board noted that, as drafted, this is an overall improvement to what is currently in place, and it seems as though this document can be easily amended as needed. Staff confirmed that they wish to have the Board adopt the updated document in January 2023, and can be amended as needed after adoption.

The Board and Staff discussed concern regarding quorum issues and the plan to enlist additional Planning Board members.

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. A recording of these proceedings can be accessed at any time by using the registration link at the top of the meeting agenda.