



City of Somerville

PLANNING BOARD

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

TO: Planning Board
FROM: OSPCD Staff
SUBJECT: 256-260 Elm Street, P&Z 21-039
POSTED: March 30, 2023

RECOMMENDATION: No change

This memo is supplemental to the PPZ Staff Memo dated Month 9, 2023 and provides additional condition language.

BACKGROUND

On March 16, 2023, the Board requested Staff's response on the following items at the public hearing:

- The Board requested an update on the Somerville Biosafety Committee and their review procedure. Clerk Geno and Vice Chair Aboff inquired whether a condition could be drafted to ensure the Applicant cannot exceed biosafety levels outside of BSL-1 and BSL-2.
- The Board asked for a condition to be drafted that will ensure the existing trees on Elm Street are protected from the construction of this project.

ANALYSIS

Somerville Biosafety Ordinance/Committee

Staff notes that a Lab Building type is permitted within the Commercial Core 4 (CC4) zoning district and biosafety levels are not addressed in the Somerville Zoning Ordinance (SZO) as a consideration and falls outside the purview of the Planning Board. If the Applicant exceeds BSL-1 and BSL-2, it lies with the Somerville Biosafety Committee to determine whether modifications to the building/site are necessary befitting the biosafety level. However, any modification to the site/building will trigger an amendment to the Site Plan Approval, requiring the Applicant to be before the Board for review again.

The Applicant must obtain a permit from the Somerville Biosafety Committee (SBC) as part of the City of Somerville's procedure prior to operation. The SBC adopted the [Somerville Biosafety Ordinance](#) the [Policy and Procedure](#) in 2022, which outlines the purview of the Committee and sets forth standards for Applicants moving forward. The SBC has been operating and reviewing applications since 2022 and the members at this time are: Colin Zeigler (Inspectional Services), Vithal Deshpande (Office of Sustainability and Environment), Captain Dennis Sullivan (Fire Department), Thomas Galligani (OSPCD Executive Director), and Alex Vira (Community Rep.1). More information such as agendas, minutes, and upcoming meetings can be found on <https://www.somervillema.gov/biosafety>. On December 15, 2022, the Board received a presentation from Colin Zeigler (SBC Liaison). The Board's minutes from the meeting can be found on the City Calendar [here](#). According to the Policy and Procedure (linked above),

the Committee reviews all applications at their regularly scheduled meeting and requires a site visit for BSL-2, BSL-2 (enhanced), and BSL-3 in their permit review procedure. The Somerville Biosafety Ordinance prohibits BSL-4 and requires any Applicant proposing BSL-1, BSL-2, BSL-2 (enhanced) and BSL-3 to seek a permit from the Committee. As part of the permit process for BSL-2, BSL-2 (enhanced), and BSL-3, all of the following submission materials are reviewed by the SBC:

- *“A statement by the institution that it shall comply with the provisions of this article, the guidelines, and all federal and state laws.*
- *A list of all of the institution’s facilities within the City of Somerville, including the address and a description of the research or use of rDNA or biological agents at each facility.*
- *A written agreement that reasonable inspections of facilities and pertinent records by the SBC shall be allowed.*
- *A health and safety manual which shall contain all procedures relevant to the research or use of rDNA or biological agents at all levels of containment in use at the particular facility.*
- *A plan for waste disposal in compliance with all applicable federal, state, and local laws.*
- *A training program of safeguards and procedures for personnel researching or using rDNA or biological agents.*
- *An emergency response contingency plan which addresses but is not limited to addressing containment during fire or other emergencies, the education and safeguarding of first responders, responses to inclement weather and power loss or brown-outs, and protection of employees and visitors in the building, responders, and the surrounding community.*
- *An appropriate medical and environmental surveillance program in accordance with the guidelines.*
- *A risk assessment of the activities to take place in the lab and possible impacts to employees, other building occupants, and the public.*
- *Proof of Liability Insurance in an amount deemed sufficient by the SBC and naming the City of Somerville as an additional insured.*
- *Effective rodent and insect control programs which shall be in place on premises where permitted research and use takes place in accordance with Article 2 section 1138.*
- *A plot plan showing the proposed location of the facility and a floor plan showing the layout of the facility.*
- *A list of all containment levels and decontamination procedures to be employed.”*

Existing Tree Removal

The removal of any public shade trees or private trees is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances. Two (2) conditions have been recommended below to address the Board’s concern regarding the existing trees on Elm Street during construction. The Applicant should submit a Tree Protection Plan with the Tree Warden for review and approval following the Site Plan Approval prior to Building Permit.

PERMIT CONDITIONS

Should the Board approve the required Site Plan Approval to develop a LEED Platinum four (4) story Lab Building in the Commercial Core 4 (CC4) district, Planning, Preservation & Zoning Staff recommends the following condition in addition to the conditions from the March 9, 2023 staff memo:

Site & Building Design

- This Decision does not authorize the removal of any public shade trees or private trees, which is subject to the Tree Preservation Ordinance (Chapter 12, Article VI) of the Somerville Code of Ordinances.
- AP Davis Square Plaza, LLC or their successor in interest must submit a Tree Protection Plan with tree protection details to the Tree Warden for review and approval and must meet with the Tree Warden to discuss proper tree protection responsibilities and construction operations plans. The Tree Protection Plan must include strategies to be executed and maintained through the duration of the project to ensure the protection of [existing public shade trees adjacent to the site / describe trees onsite to be protected, if any].