

ZONING COMMISSION, CITY OF BOSTON

MINUTES

Wednesday, January 12, 2005

Room 900, City Hall, Boston

Attendance

Commissioners

Robert L. Marr, Chairman Building Trade Employers' Association	Absent
Robert L. Fondren Boston Society of Architects	Present
Jay Hurley Greater Boston Massachusetts Labor Council AFL/CIO	Present
James C. Clark Mayor's Selection	Present
William Tarlow Neighborhood Association of the Back Bay	Absent
Lynda Bernard Mayor's Selection	Present
Ralph Cooper Franklin Field South Neighborhood Association	Present
M. Pat Tierney Greater Boston Real Estate Board	Present
Nelson Arroyo Mayor's Selection	Present
Jill Hatton Greater Boston Chamber of Commerce	Absent
Jane Brayton Neighborhood Association	Present

Staff

Rick Shaklik Deputy Director for Zoning/Advisor to the Commission	Present
Jeffrey M. Hampton Secretary to the Commission	Present

PUBLIC HEARINGS

1. Mr. Fondren (Acting Chair) called the meeting to order at 9:05 and opened the public hearing on Map Amendment Application No. 504 and a petition for approval of the BioSquare II PDA Master Plan for Planned Development Area No. 41A.

The following spoke in favor of the petition:

Rick Shaklik – Advisor to the Commission
Sonal Gandhi – Senior Project Manager (BRA)
Dick Towle – Boston University
Jim Greene - Rubin and Rudman
Kevin Toomey
Ego Edziti
Melinda and Melissa Sanchez
Caroline Genco
Tim Sweeney – Greater Boston Chamber of Commerce
Bill Moy – Chinatown Neighborhood Council
Marjorie Perry
Clarence Cooper
Frank Chin
Lee Bloom – Crosstown Center
Richard Trevino
Bruce Bickerstaff
Sheila Cheimets
Pamela Beale
Robert Finberg
Larry Culpepper
Dr. Donna Ambrosino
Dr. Carl Johnson
Dr. Steve Calderwood
Adrienne Benton
Robina Folland
Orna Elow
Heinz Feldman
Karl Johnson
Thomas Finneran – President, Bio Technology Council
Al Pecairo – Carpenter’s Union
Gary Walker – Electrician’s Union
Paul Rukulis
Harry Betman – Plumber’s Union
George Donahue
Robert Meenan – Dean, BU School of Public Health
Jenny Cintroia
Kenneth Holton

Gregory Curfman

Commissioner Brayton stated that she must remove herself from the public hearing citing a possible conflict of interest at 9:06.

Mr. Fondren delayed the beginning of the hearing until there were seven (7) voting members present.

Mr. Clark arrives at 9:20.

Mr. Fondren stated that the meeting would begin at 9:20 and read the Chairman's statement.

Mr. Shaklik presented the petition to the Commission and stated what was being asked of the Commission in approving the proposed map amendment and Planned Development Area ("PDA"). Mr. Shaklik introduced Sonal Gandhi, Senior Project Manager.

Ms. Gandhi read from a prepared statement citing the Article 80 review process and as well as community process and benefits. Ms Gandhi introduced Dick Towle.

Mr. Towle gave an overview of the proposed project. He presented background information on BioSquare I and stated that phase II has been in the works since 1999. Mr. Towle introduced Jim Greene.

Mr. Greene gave the Commission a presentation on the PDA Master Plan framework. The proposed project is consistent with all planning efforts for the location (Master Plan PDA, Urban Renewal and Article 64).

Mr. Towle presented a slide show to the Commission (see color handout) with specifics of the proposed project. After the slide presentation Mr. Towle introduced Kevin Toomey.

Mr. Toomey continued the slide presentation with regard to construction and safety, with emphasis on containment – a building within a building.

Ego Edziti gave a presentation on the community input and review process – as shown on the slide show and handout. He offered a point of view from the community's perspective.

Mr. Fondren asked if anyone else would like to speak in favor of the petitions and noted that due to the number of people who wanted to testify, to please keep the remarks brief and not repeat what prior individuals stated.

Melinda and Melissa Sanchez spoke in favor of the petitions.

Caroline Genco spoke in favor of the petitions and stated that there was a need for this kind of facility and that the safety involved is unprecedented.

Tim Sweeney spoke in favor of the petitions (submitted letter).

Bill Moy spoke in favor of the petitions.

Marjorie Perry spoke in favor of the petitions.

Clarence Cooper spoke in favor of the petitions.

Frank Chin spoke in favor of the petitions.

Lee Bloom spoke in favor of the petitions.

Richard Trevino spoke in favor of the petitions.

Bruce Bickerstaff spoke in favor of the petitions and stated that he was lucky enough to visit the CDC and existing Level 4 facilities at Georgia State.

Sheila Cheimets spoke in favor of the petitions.

Pamela Beale spoke in favor of the petitions.

Robert Finberg spoke in favor of the petitions.

Larry Culpepper spoke in favor of the petitions.

Dr. Donna Ambrosino spoke in favor of the petitions.

Dr. Carl Johnson spoke in favor of the petitions.

Dr. Steve Calderwood spoke in favor of the petitions.

Adrienne Benton spoke in favor of the petitions.

Robina Folland spoke in favor of the petitions.

Orna Elow spoke in favor of the petitions and stated that he trusts the environment will be safe – he is more concerned with street crime than the lab.

Heinz Feldman spoke in favor of the petitions.

Karl Johnson spoke in favor of the petitions.

Thomas Finneran spoke in favor of the petitions.

Al Pecairo spoke in favor of the petitions.

Gary Walker spoke in favor of the petitions.

Paul Rukulis spoke in favor of the petitions.

Harry Betman spoke in favor of the petitions.

George Donahue spoke in favor of the petitions.

Robert Meenan spoke in favor of the petitions.

Jenny Cintroia spoke in favor of the petitions.

Kenneth Holton spoke in favor of the petitions.

Gregory Curfman spoke in favor of the petitions.

Mr. Fondren declared the petitioner's case closed at 10:45 AM and declared a five (5) minute recess.

Mr. Fondren opened the opponent's side of the hearing at 10:50 AM.

The following spoke in opposition to the petition:

Rashid Khalid
Roy Lister
Carolyn Poinelli
Sue Gracey
Laura Maslow-Armand
Carol Streiff
David Lewitt

Rashid Khalid spoke in opposition to the petitions. He cites a book entitled "Level 4" that documents leaks in Level 4 laboratories. He also stated that not enough is known about this proposed project and that the location for this site is inappropriate.

Roy Lister spoke in opposition to the petitions. Cited and read from the handout which he submitted to the Commission at the public hearing.

Carol Poinelli spoke in opposition to the petition. She stated that military facilities are more secure than institutional facilities. Many of the diseases do not require a Level 4 lab and she objects to the lab specifically, not the overall development of the site.

Sue Gracey spoke in opposition to the petitions. She stated that further research is needed on a laboratory of this nature.

Carole Streiff spoke in opposition to the petitions. She stated that she could support the jobs, taxes, community benefits, the construction and even a laboratory at this site – just not a Level 4 Laboratory. Safety is a critical issue. Ms. Streiff submitted documentation for the record.

David Lewitt spoke in opposition to the petitions. Was curious about language forbidding the Pentagon to becoming involved in this project and developing biological weapons.

Laura Maslow-Armand spoke in opposition to the petitions. She stated that a lab with this potential for danger should not be located in this area, and she asked why it was to be located here. She also asked why BU was punishing the minorities in this community by locating the facility here.

Mr. Fondren declared the opposition's case closed at 11:21 AM.

Mr. Fondren stated that were a number of questions brought up by those in opposition, and asked whether BU would like a brief response.

Mr. Towle responded to some of the testimony. Specifically, he said that biological weapons research is illegal. All protocols in terms of safety and response are and will be public. BU researchers and not government scientists will run the proposed facility. As for the question of “why here?”, Mr. Towle answered that the BioSquare development was proposed 14 years ago to do just this kind of work. Boston Medical Center is the provider for those most at risk for infectious diseases, so the location is appropriate, and the facilities have to be as safe in an urban setting as they would be in a rural area.

Commissioner Cooper asked what viruses were being transported, would there be a citizen’s advisory board established, and are their city-wide evacuation plans established.

Mr. Toomey answered the questions stating that protocol has been established for the BU Medical Center. The policy includes the exclusion of residential streets for delivery, and select drivers with GPS devices and secured vehicles. Only BU Medical Center deliveries will be on these trucks. With regard to emergency response, Mr. Toomey stated that the Public Health Commission (“PHC”) coordinated it. There is a responsibility to notify PHC and then they take charge of the situation.

Commissioner Hurley had some questions about transportation issues, specifically about who would be delivering the packages.

Mr. Toomey stated that there is a large industry and very select companies that do this kind of work.

Mr. Towle stated that safety communication is very strong and will continue to remain so.

Commissioner Clark stated that the location of the lab is a major concern.

Mr. Towle stated that the population served by BMC is the most susceptible.

Mr. Fondren stated that the matter would be taken under advisement and would be discussed at the business meeting to follow and also extended an invitation to the public to attend the business meeting.

The hearing was declared closed at 11:40 AM.

Mr. Fondren Opened the Business Meeting at 11:40 AM

Ms. Hatton stated that the work and review done on the proposed project was thorough and commendable.

Mr. Shaklik just re-emphasized the zoning issues associated with this project. He also stated that this is the second phase of a proposal approved 14 years ago. The Proposed Project meets the requirements for PDAs established in Article 64.

Mr. Fondren said that this would be the largest facility of its kind. The building within a building is a huge safety factor and the document show that there are guidelines on top of guidelines that cannot be ignored or else the facility would be shut down.

Mr. Clark asked what other approvals were necessary after the Commission.

Mr. Fondren stated that he understood the National Institute of Health still needed to approve the project.

Mr. Cooper stated that the job portion of the community benefits was really a positive outcome.

Mr. Fondren concurred stating that there were more than janitorial positions.

1. Mr. Clark made a motion to approve Map Amendment Application No. 504 and a petition for approval of the BioSquare II PDA Master Plan for Planned Development Area No. 41A and the Development Plan for the National Emerging Infectious Diseases Laboratories (“NEIDL”) Project within BioSquare II PDA Master Plan. Mr. Arroyo seconded the motion. Mr. Fondren put the motion to vote:

Yeas: 8

Mr. Hurley, Mr. Clark, Mr. Fondren, Mr. Arroyo, Ms. Tierney, Ms. Bernard, Mr. Cooper, Ms. Hatton.

Nays: 0

The motion was declared carried.

Mr. Fondren adjourned the meeting at 12:10 PM

