

Editorial and Opinion

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It's Time For Zoning Rules To Ride The Bio Ready Wave

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More than any other time in its history, the commonwealth has taken extraordinary steps to launch a multifaceted effort to attract and capture the biotechnology/life sciences industry boom. Once confined to the Cambridge area, the growth of biotech companies has geo-graphically expanded along Route 128, and extended to places like Marlborough, Andover and the rest of the Merrimack Valley corridor along Route 495.

Not surprisingly, one of the concerns expressed by the biotechnology industry has been the need to expedite site approval and permit-ting at the local level. While state agencies have been aggressive, cities and towns have, for the most part, lagged behind in the facilitation of biotechnology facilities development.

But recently, the Massachusetts Biotechnology Council has initiated its Bio Ready Campaign, which is an effort designed to survey cities and towns and to develop specific ratings for each municipality—Bronze through Platinum—so that biotechnology and other life sciences companies will know which cities and towns will be able to effectively market themselves to the biotech industry. For these reasons, cities and towns must get on the bandwagon now to position themselves to maximize efforts to attract the biotechnology industry.

It is true that some cities and towns have caught on quite early and have created “pre-permitted” sites for biotech laboratory and manufacturing uses. For the rest of the municipalities seeking to catch onto the Biotech wave, there are a number of factors they should consider in creating a “biotech-friendly” community:

- Identify sites or areas suitable for biotechnology facilities (i.e., close to major transportation corridors, adequate sewer, water, natural gas and other utilities readily available – don't discount existing buildings that can be easily retrofitted and expanded);
- Ensure that municipality has specifically defined use categories for biotech, such as laboratory, manufacturing (biotechnology and pharmaceutical), research and development, testing, and office uses.
- Examine existing zoning for appropriate dimensional requirements, particularly as they relate to height requirements, and allow for the waiver of height and other dimensional requirements

through a single review process through the approval authority, whether it is the planning board, board of appeals, or board of selectmen/city council.

- Streamline the permitting process by eliminating multiple special permits or variances, and consider a streamlined permit process for review before a single board, or a single consolidated hearing process, for biotech facilities;
- Develop a meaningful pre-filing (e.g., technical review) committee process comprised of representatives from local departments and boards, provide a single point of municipal contact, and provide a clear approval path and time period for the approval process.
- Consider pre-permitting sites for biotechnology uses (some municipalities have already undertaken this effort to ensure sites can be immediately developed)
- Examine board of health regulations to ensure that National Institutes of Health (NIH) guidelines have been adopted. (Many board of health had adopted rDNA health regulations many years ago, but they should be updated to ensure they are up to date and consistent with current standards);
- Consider establishing a Priority Development Site(s) under the Expedited Permitting Law (Chapter 43D), and adopt local Chapter 43D regulations which specifically target life sciences companies.
- Convene a meeting among local permitting department and board representatives to discuss a process well before a prospective bio-technology company comes to town to ensure that the company feels wanted, invited, and treated fairly to ensure a smooth approval process without surprises.

With the biotechnology wave now under way, not only must municipalities act now to plan for attracting the industry, but it is also time for the private sector to work with cities and towns to ensure that Massachusetts maintains and enhances its competitiveness in the bio-technology and other life sciences industries. Time will tell whether Massachusetts cities and towns are up to the challenge.

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