

Municipal Adaptations, Collaborations Are Key to Community Resilience

BY KATHERINE GARRAHAN

“Pivot” may be 2020’s word of the year, but at this point in the COVID-19 story, the range of actions described by the word are likely far from over.

Changes implemented through the creativity and drive of Massachusetts businesses and nonprofits, as they try to survive and meet community needs while providing for safe workplaces and appropriate social distancing, have been supported by remarkable levels of municipal adaptation and resilience. In many cases, shifts from business-as-usual to meet unexpected challenges have been bolstered by increased efforts of municipal officials and staff, volunteer boards and commissions, and unique public-private partnerships and collaborations. All sectors have been mobilized to anticipate, digest and implement a succession of guidance and orders, even while knowing that the pandemic’s nature means that best guesses will underlie directives, and more change is foreseeable.

With 351 cities and towns in the Commonwealth, myriad approaches have resulted. As communities try to limit damage to commerce and economies while keeping residents safe, those communities most able to be inventive, flexible and collaborative may be best positioned to weather an uncertain future.

With each passing day, we also see local businesses closing, with others fearful that

Katherine Garrahan is a real estate and permitting partner at Bowditch & Dewey LLP and immediate past chair of the MetroWest Chamber of Commerce.



they may be unable to hold on much longer due to the impacts of COVID-19. Restaurants and retail businesses remain especially hard-hit, with a treatment or vaccine needed before full reopenings can happen for many of them. The harsh reality is that layoffs and closings continue across a range of businesses.

Additionally, many closures impose inordinate impacts on women and minority populations. According to data from the U.S. Bureau of Labor Statistics, restaurants employ a disproportionate number of female, Black, Hispanic, and Asian workers in comparison to the employed population as a whole. During this public health crisis, time is of the essence in enacting strategies to ward off business closures, and to prevent the snowball effect of job loss, lost tax revenues, budget shortfalls, and the blight of empty storefronts.

Community response

One way municipal leadership worked with local businesses is with emergency temporary changes made to the enforcement of zoning and licensing regulations, and the streamlining of approval processes, in an effort to help restaurants capture a season of outdoor dining to mitigate damage to that industry. Gov. Charlie Baker’s [COVID-19 Order No. 35](#), issued on June 1 and establishing the parameters for Phase 2 of the state reopening plan, as well as municipal orders in several communities, helped to pave the way for such temporary approvals in many of the Commonwealth’s cities and towns.

Communities undertook a variety of actions, including outreach to small restaurants, provision of translation services and technical support for completing applications, scheduling extra opportunities for applications through

more frequent licensing meetings, and, in some cases, allowing changes to be handled administratively.

Andover's approach to the plight of its restaurants was to create a 120-day "community event," for which the town's restaurants could apply to provide outdoor service on municipal land. The town offered a unified application and review process that covers public safety, traffic, parking, zoning, infrastructure and insurance. Rather than requiring each business to apply for individual temporary zoning relief and licenses one by one, Andover's event approach provided a way for restaurants to participate that was an alternative to the typical license and review processes that are focused on each specific property.

Communities whose local governments maintain strong partnerships with community organizations such as business associations, chambers of commerce, nonprofits and grassroots citizen efforts benefited from having established networks that allowed participation, brainstorming and support for speedy necessary changes. Some cities and towns have worked with local business groups to put together return-to-work kits containing PPE, signage, and hand sanitizer. Several communities have met the language needs of residents and business owners through translation and interpretation services.

Natick developed its Local Emergency Planning Committee, a de-politicized public-private team including representatives of town departments, schools, the local hospital, local business associations, and the federal Natick Soldier System Center. The town used grant funding to hire an urban planner to help design a process for safe and healthy restaurant reopenings. Its "rapid response" program for outdoor dining is supplemented by technical assistance from local business volunteers called "sector advisors," who are trained to help businesses reopen in a supportive way that deflects from the pressure of a typical municipal approval process. With federal CARES Act funds, the town hired a dedicated designer at a local printer to create signage for reopening businesses. Its [natick.business website](https://www.natick.ma.gov/business) pools information on reopening for all sectors.

Cambridge collaborated with Cambridge Local First, the Central Square Business

Improvement District, East Cambridge Business Association, Harvard Square Business Association, Kendall Square Association, and local restaurants to create additional space for outdoor dining.

As new data comes out, concerns about equitable reopening and recovery grow, as do fears of the societal impacts of expected further layoffs, along with uncertainties about schools and child care. A strong uptick in overdoses and mental health needs has already been noted since March, and food insecurity is an increasing concern.

The Wellesley COVID-19 Relief Fund is an example of a public-private partnership addressing the social needs of a community. Its funding supplies hot meals from local restaurants to medically vulnerable families, isolated seniors and veterans identified by town staff and first responders. The partnership is between The Community Fund for Wellesley (an endowed fund of the Foundation for MetroWest) and the Wellesley Board of Selectmen, with collaboration of the Wellesley Health Department, Wellesley Council on Aging, Wellesley Public Schools, Wellesley Housing Authority, and Wellesley Service League.

Measures to increase community resilience

The following are some additional measures that could be implemented to increase community resilience in the face of COVID-19:

- Examine local licensing and permitting processes to help businesses face the winter months and beyond. Temporary approvals are just that – they set no legal precedent for continuation. Cities or towns that want to offer more permanent options – such as adopting some permanent zoning changes now so that they are already in place when existing temporary measures expire – should begin those processes as soon as possible. Consideration could also be given to extending zoning relief to non-restaurant uses, such as retail, distribution centers, and other uses needing temporary relief for drive-up lanes and sidewalk use for curbside pickup and outdoor sales, and where changes may conflict with existing site plan approvals.

- Consider suspending "change in use" and "mixed-use" restrictions imposed by zoning or prior permitting approvals for certain use categories.
- Streamline permitting so that applicants have one point of municipal contact, rather than multiple separate processes and hearings.
- Review boilerplate decision language used for new zoning and permitting approvals in order to allow temporary, appropriate changes, in cases of emergency, to site layout, signage, hours of operation, sidewalk use, and the administrative process for temporary approvals. Consider a process for modifications of existing decisions to allow changes within certain parameters.
- Work to attract and support projects that will bolster jobs and affordable housing, address homelessness, and meet other community needs, such as attention to diversity, inclusion and equity.
- Publicize ongoing training opportunities for local businesses, particularly those sponsored by local associations and nonprofits. An example is helping businesses develop digital presences, apply for funding, build business contingency plans, and prepare for the arrival of winter weather that will generally preclude operations in outdoor spaces.
- Enhance local job search resources by publicizing materials and supports for job hunters, including resume clinics, search advice, and links to local services by area nonprofits, municipal libraries and business groups.
- Stay current on building and property inventory and state and federal incentives, working with community partners to attract potential new businesses and investors. This could include encouraging domestic manufacturers for life science and other hard-to-obtain products in the global supply chain to locate in Massachusetts, and addressing required zoning changes needed to attract such businesses.
- Plan for increased testing and eventual vaccine delivery opportunities for residents, considering partners such as public-private partnerships, municipal health employees, medical reserve corps

volunteers, and local hospitals and health care providers. Work with the business community to plan employee clinics for accessible vaccinations to encourage timely participation and compliance.

- Scrutinize ordinances, bylaws and regulations for roadblocks that could limit municipal support in future emergencies—public health or otherwise—identifying authority, approvals and necessary limits. Learn from COVID-19 to make sure that municipalities can respond quickly and responsibly as emergencies warrant in the future. For example, consider allowing temporary accessory uses necessary in an emergency with approval by the building commissioner or other municipal office or board.

Given municipal differences, no one-size-fits-all approach seems available to authorize emergency measures without state action. Mayors, city councils, select boards, city and town managers, town

meetings, and administrative staff might each have some existing authorization under bylaws or ordinances, and the COVID-19 experience has shown that some confusion still exists in local communities as to how to take emergency steps in a responsive way.

For Massachusetts communities to be nimble and fully responsive to the unprecedented economic and social needs COVID-19 presents, a continuation of the culture of collaboration, already underway, will be needed for the pivots and solutions still ahead. ❁

This article was originally published on www.mma.org on July 28, 2020.