

**ADMIN  
CAPACITY**

April 15, 2021

# Overcoming Zoning, Permitting, and Licensing Hurdles to help Municipalities and Businesses Succeed in the Time of COVID-19

Moderator: **Jef Fasser, BSC Group**

Panelist: **Betsy Cowan Neptune, Metropolitan Area Planning Council**

Panelist: **Peter Flinker, Dodson & Flinkler**



# Agenda

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- **Short-Term Actions**
  - Success stories for shared streets and the permits required to make them happen
- **Long-Term Actions for Public Realm Improvements**
  - Planning process to guide short-term action and long-term consensus
  - Using Form-Based Codes to shape public realm improvements over time
- **Zoning**
  - Opportunities to facilitate redevelopment of strip malls and commercial corridors post-COVID
- **The Nitty-gritty of Getting Zoning Approvals, Permits, and Licenses**
- **Q&A**

# Shared Streets

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- Expanding Opportunities for Businesses

## From Idea to Implementation

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- Soliciting project support for long-term success
- Leveraging existing projects
- Planning for expenses
- Code compliance
- Coordination
- Procurement



Outdoor dining in Belmont  
Photo Credit: MAPC

# Shared Streets

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- Implementation Best Practices

## Solicit project support for long-term success

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- Pitch as “pilot” and demonstrate economic benefits
- Supportive residents can help get the word out.
- Coordinate with business owners through social media, focus groups, WhatsApp, and texting.
- Outreach to older adult communities can be challenging — importance of engaging Senior Center, etc.



Outdoor dining in Norwood  
Photo credit: Town of Norwood

# Shared Streets

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- Implementation Best Practices

## Look into existing projects for new ideas

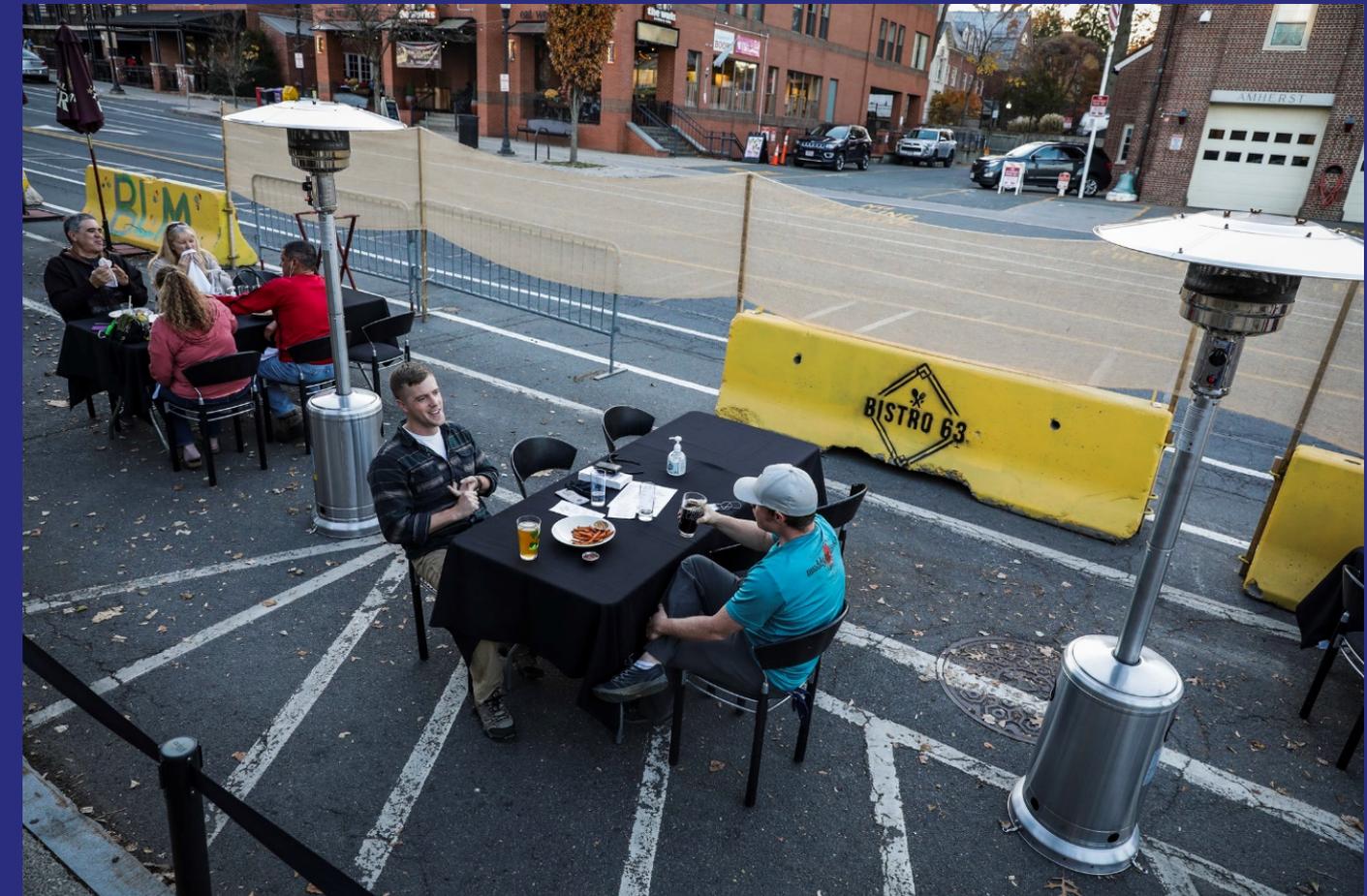
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- Success in identifying projects through existing plans and wish lists.

## Plan for expenses

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- Plan for unanticipated expenses in collaboration with business associations, community groups and others.



Outdoor dining in Amherst  
Photo credit: Erin Clark

# Shared Streets

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- Implementation Best Practices

## Keep up to code

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- Critical to ensure compliance with ADA regulations, which requires creativity.

## Cross-departmental coordination

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- Working with DPW, Fire and Police Departments early on.
- Important to keep everyone on the same page for maintenance.
- Consider waiving permits and fees.



Outdoor dining in Plymouth  
Photo credit: Jerry Kelleher

# Shared Streets

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- Implementation Best Practices

## Procurement

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- Procuring materials on time can be challenging—plan in advance, if possible.
- Some communities worked with local nonprofits for procurement, which made the process smoother.
- Important to communicate expectations and follow-up for future projects.



Outdoor dining in Lexington  
Photo credit: Jerry Kelleher

# Shared Streets

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- Expanding Opportunities for Businesses

## Impact

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- Initial hesitation led to enthusiasm
- Visibility has played important role for permanence
- Many businesses reported positive impacts



Melrose Parklet and pop-up bike lane  
Photo Credit: Ped Bike Melrose

# Shared Streets

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- Impact

## Initial hesitation led to enthusiasm

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- Less pushback than anticipated once projects implemented.
- Great opportunity to engage the local business community.
- Pilot projects showed what is possible short- and long-term.
- Community feedback on projects identified areas for future projects.



Outdoor dining in Amherst  
Photo credit: Erin Clark

# Shared Streets

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- Impact

## Visibility can play a key role in behavior change

- Visible projects allowed people to see the change that could take place
- Some reported more kids walking or biking to school, and people using the bike lanes to commute to work.
- Communities reported traffic has slowed or calmed.



Cummins Highway in Boston: Quick build bike lanes  
Photo credit: Livable Streets Alliance

# Shared Streets

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- Impact

## Positive impacts on businesses

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- Creative solutions to parking.
- Outdoor dining and retail was the lifeline for businesses in the summer and fall.
- Success could bring permanent regulatory change in future, such as expedited permitting.
- Challenge of snow removal and winter maintenance addressed by relocating street furniture to public facilities.



Town Center shared space in West Stockbridge  
Photo credit: Erin Clark

# Planning Process for the Public Realm: Guiding Short-Term Action While Building Long-Term Consensus

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Get Public Input Early and Often



# Ask People “What’s Working?” “What Needs to be Fixed?”



Post Office

● 7  
● 0

Post Office is good but it is an ugly building

Handicap push button for entrance

I love living in a town with a Post

Miss Florence Diner

● 16  
● 0

The City should support the facade. The diner is a destination.

Very dangerous for pedestrians in the space between Miss Flos and the soft serve. Parking lot needs leveling

Florence Soft Serve / Uya

● 15  
● 0

Outside icecream + seating = street activity...lively place in summer

Put a parklet and flower planters in front of ice cream

I love the entrance to Collective Copies. Feels homey.

--me too  
--Another yes!

Florence Bank

● 5  
● 4

I do love the landscaping here and the wall for sitting in front of the bank

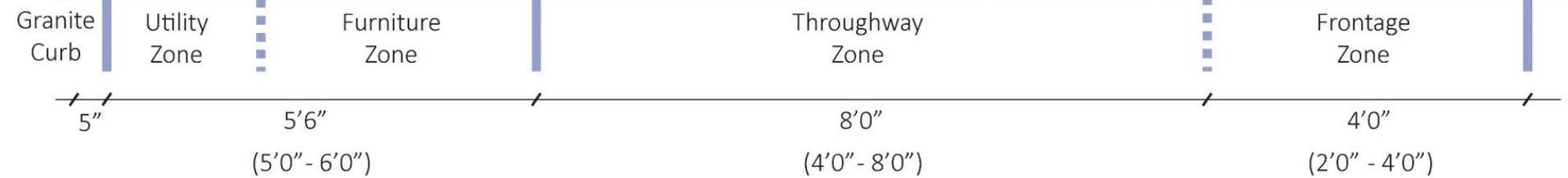
Better landscaping than the rest of Florence

# Talk to Residents and Business Owners

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# Document How the Public Realm Works Today



# Celebrate What's Working Well

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- Identify successful elements



# Take Stock of What's Not Working So Well

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# Test Alternatives and Get Public Feedback

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- PARK(ing) Day



# Test Alternatives and Get Public Feedback

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- Burgy Revelation Day -(Williamsburg, MA)



# Visualize Alternatives

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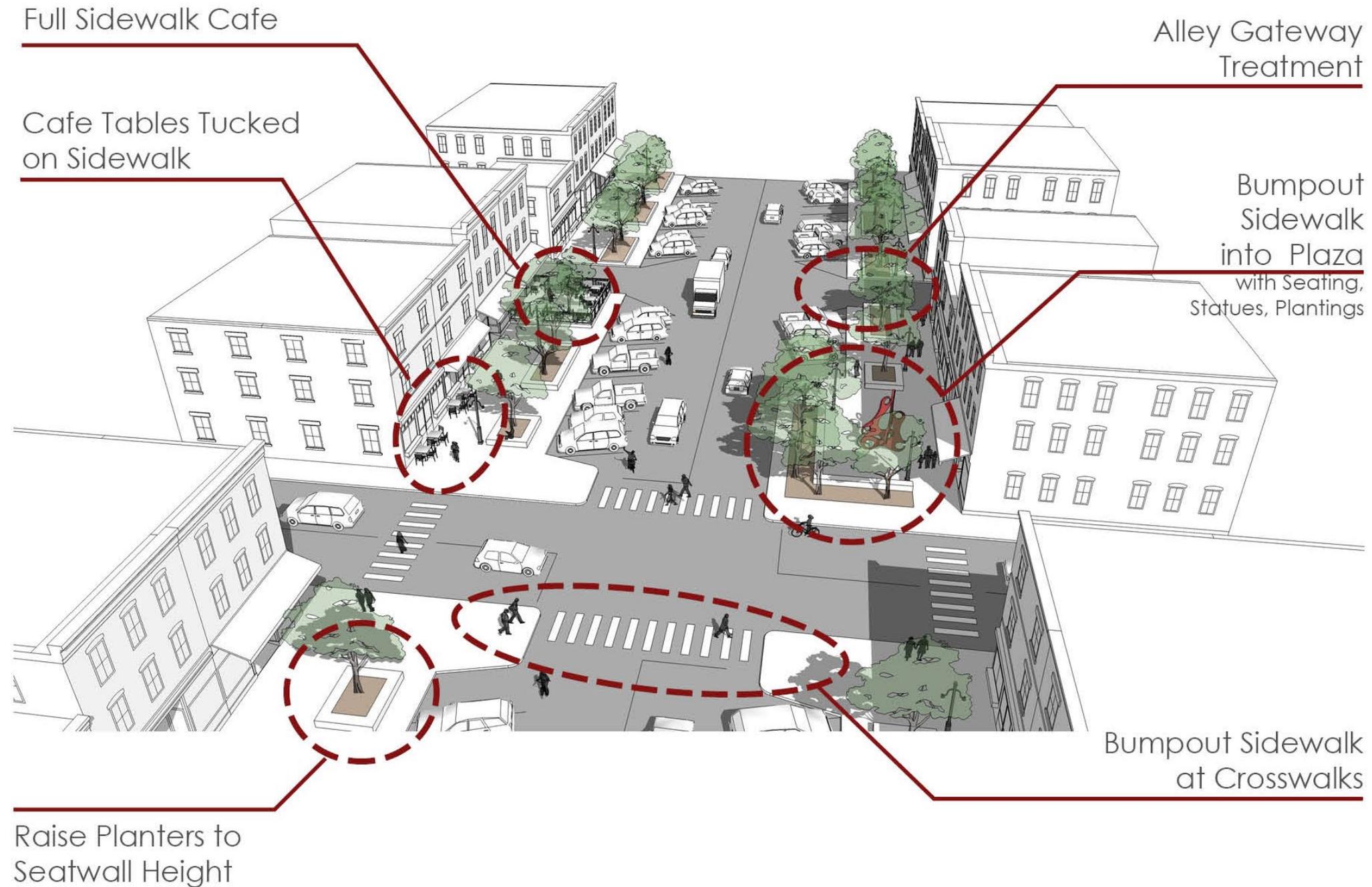


# Visualize Alternatives

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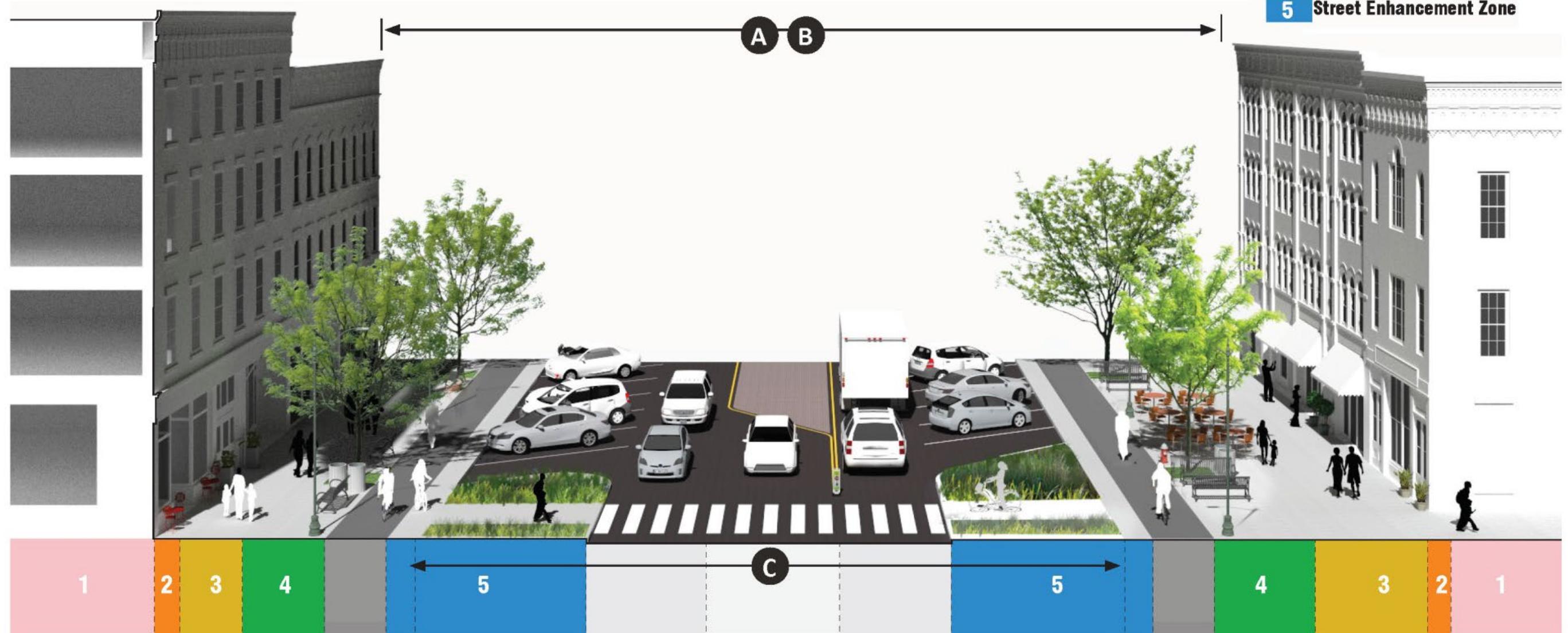
# Visualize Alternatives: How does it all fit together?



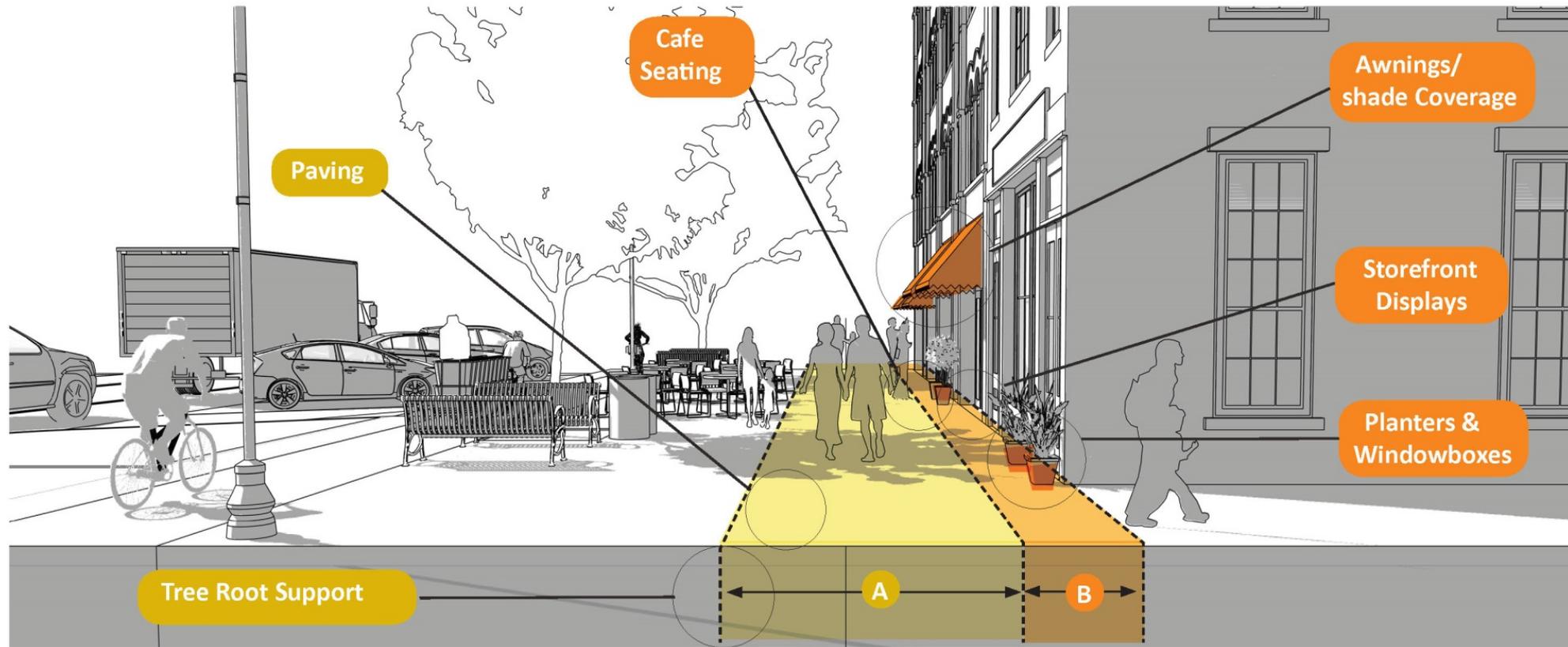
# Using Form-Based Codes to Shape Public Realm Improvements Over Time

## Public Realm Standards for Typical Block | Main Street- Primary [MS-p]

- 1 Building
- 2 Frontage zone
- 3 Throughway zone
- 4 Furnishing & Utility Zone
- 5 Street Enhancement Zone



# Throughway & Frontage Zone Standards | Main Street- Primary [MS-p]



## Throughway Zone

**A** Width 5' (min.) - 12' (preferred)

### Description

The throughway zone is the portion of the sidewalk used for active movement and travel from one place to another in the public realm. It is important that the throughway zone be an adequate width for comfortable two-way pedestrian movement, that it remains clear of obstacles, and that the paving surface is relatively level.

### Components

- Paving
  - Public Art
  - Tree Root Structural Support
- } p. xx

## Frontage Zone

**B** Width 2' (min.) ; 4' minimum for Cafe Seating

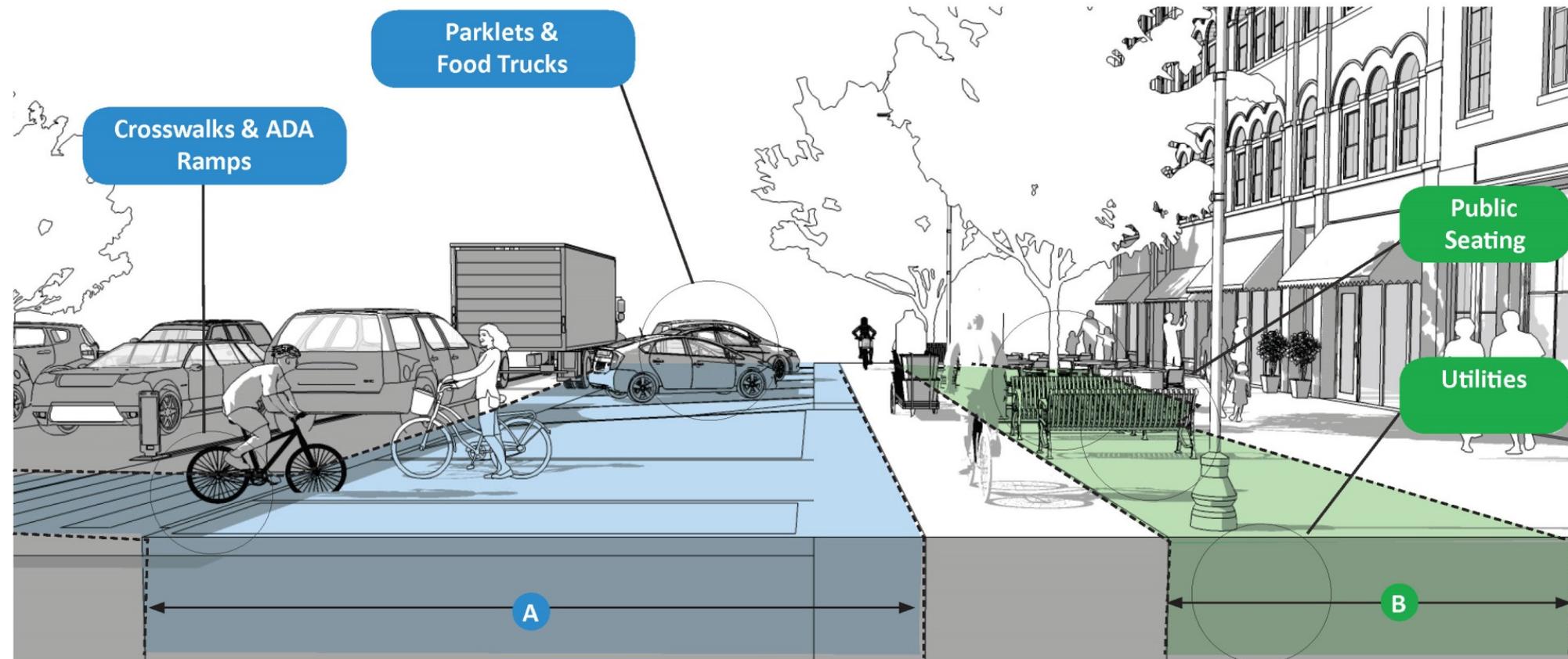
### Description

The frontage zone represents the area in front of first floor shops and restaurants where pedestrians might pause--to read a menu, peer through a shop window, or wait for friends before entering a restaurant.

### Components

- Awnings
  - Café Seating
  - Planters & Window Boxes
  - Ramps, Steps and Terraces
  - Storefront Displays
  - Public Art
  - Bike Racks
- } p. xx  
} p. xx  
} p. xx

# Furnishing & Utility and Street Enhancement Zone | Main Street- Primary [MS-p]



## Street Enhancement Zone

<b>A</b>	Width Range	8' (min.)
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### Description

The street enhancement zone includes the potential pedestrian areas between the furnishing & utility zone and the edge of street and bicycle travel lanes. Components in this area include temporary uses like parklets and food truck, which take over parking spaces, and permanent components like stormwater infiltration areas and crosswalks.

### Components

- ADA ramp details
  - Stormwater Infiltration
  - Crosswalks
  - Parklets
  - Food trucks
  - Exercise stations
- } p. xx  
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## Furnishing & Utility Zone

<b>B</b>	Width Range	2' (min.); 4' (min. for seating, cafe, bike racks)
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### Description

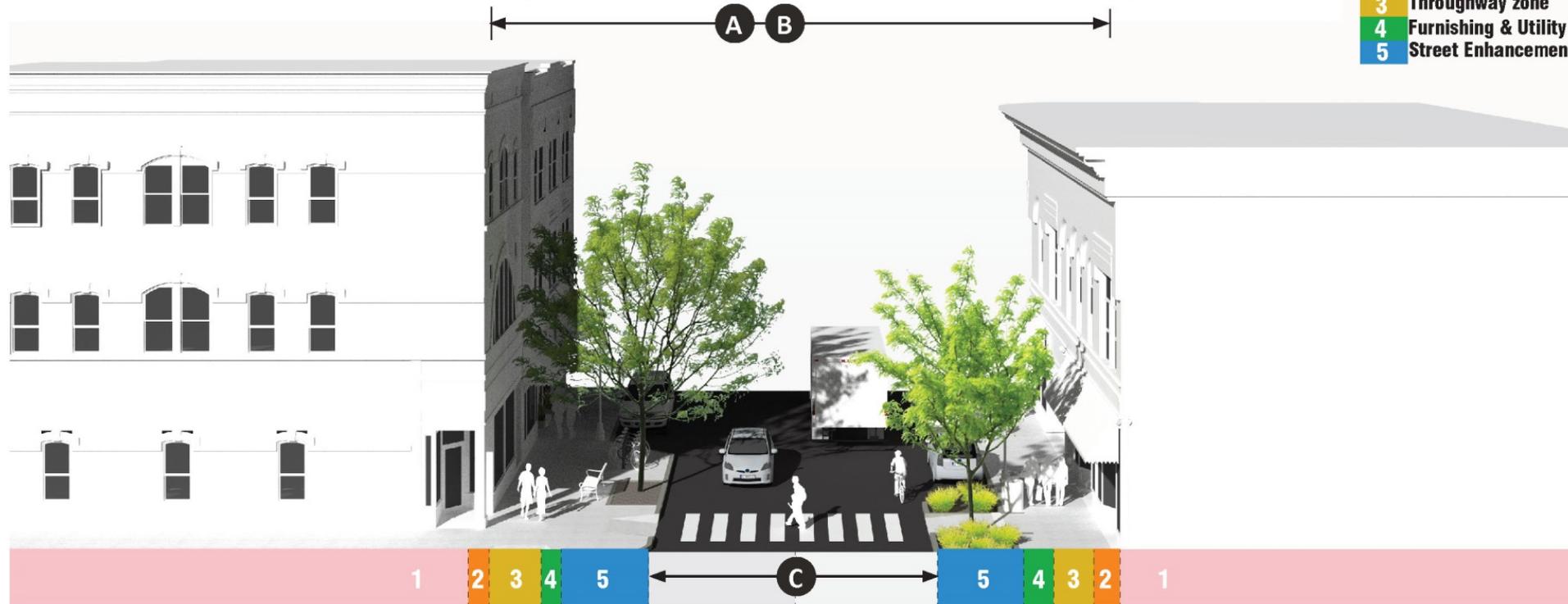
The furnishing and utility zone is the area of the sidewalk where pedestrians might pause or rest on benches or cafe seating and where many of the utilities, like lighting and hydrants, are located. This is the area typically planted with street trees.

### Components

- Tree Pit & Street Trees
  - Public Seating
  - Public Art Spaces
  - Paving Details
  - Pervious paving
  - Stormwater Storage
  - Cafe Seating
  - Lighting Standards
  - Utilities
  - Bike Racks
- } p. xx  
} p. xx  
} p. xx

# Public Realm Standards for Typical Block | Main Street- Secondary [MS-s]

- 1 Building
- 2 Frontage zone
- 3 Throughway zone
- 4 Furnishing & Utility Zone
- 5 Street Enhancement Zone



## Description

This image represents an idealized, proposed secondary Main Street block. The existing right-of-way varies from 40' to 90', allowing room for new public realm elements, such as public seating, cafe spaces, and stormwater infiltration areas. The proposed sidewalk is divided into conceptual 'zones' by their typical use and components. These zones are further described on subsequent pages.

Parameter	Dimensional Range
<b>A</b> Enclosure (facade to facade)	40' -90'
<b>B</b> Right-of-Way	40' -90'
<b>C</b> Street Width (curb to curb)	24' -44'

## Main St Secondary

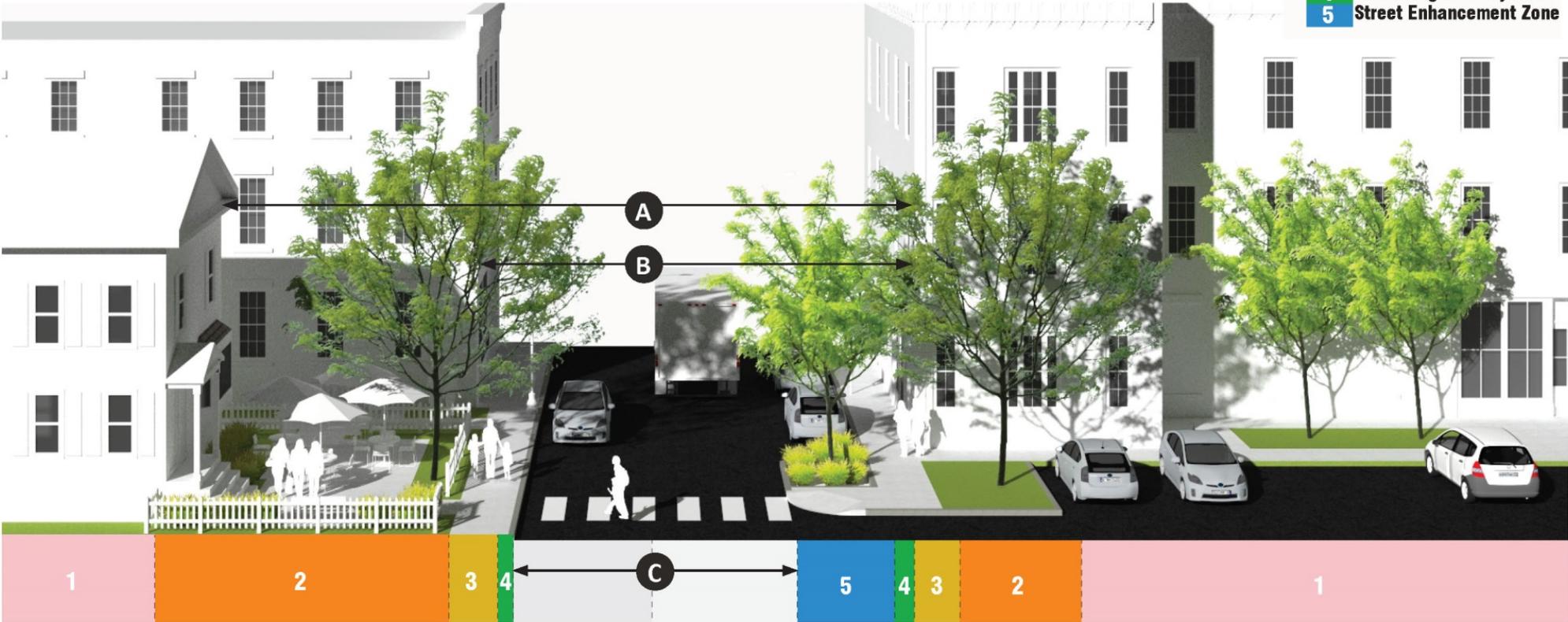


## Main St Secondary Sidewalk



# Public Realm Standards for Typical Block | Side Street [SS]

- 1 Building
- 2 Frontage zone
- 3 Throughway zone
- 4 Furnishing & Utility Zone
- 5 Street Enhancement Zone



## Description

This image represents an idealized, proposed Side Street block with parallel parking, stormwater infiltration, a relatively narrow sidewalk, and a privately-owned forecourt. Existing Side Street right-of-ways vary from 30' to 50', allowing room for new public realm elements, such as public seating, cafe spaces, and stormwater infiltration areas. The proposed sidewalk is divided into conceptual 'zones' by their typical use and components. These zones are further described on subsequent pages.

Parameter	Dimensional Range
<b>A</b> Enclosure (facade to facade)	VARIABLES
<b>B</b> Right-of-Way	30'-50'
<b>C</b> Street Width (curb to curb)	24'-40'

## Side Street



## Side Street Sidewalk



# Public Realm Component Standards | Street Trees & Tree Pits



## Description

xx

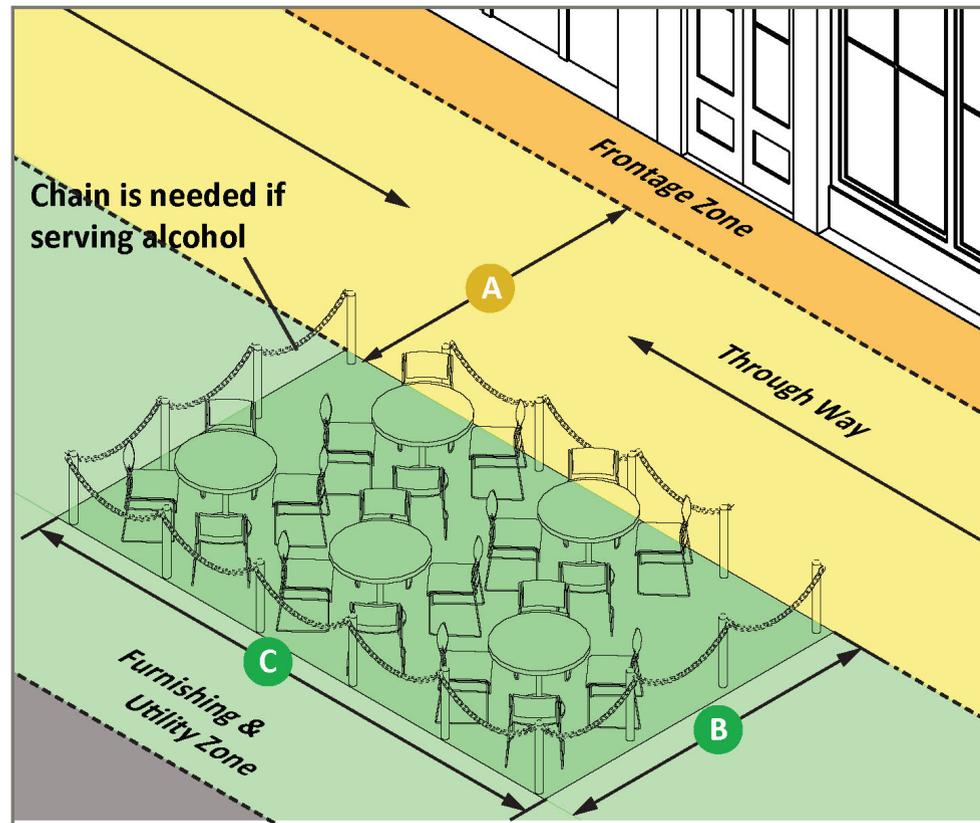
## General Standards

- (1) Sidewalks must include street trees planted within the furnishing zone in a regularly-spaced allee pattern, with a recommended spacing of twenty to thirty (20 - 30) feet on center depending on species, and no greater than forty (40) feet on center. Along Frontage Zones, street trees may be planted in an irregularly-spaced allee pattern to avoid obscuring windows and signage. Tree trunks should not be placed in front of doorways or stairs.
- (2) When planted, street trees must be a minimum height of ten (10) feet and/or two (2) inches in caliper.
- (3) Recommended tree pit dimensions are five (5) feet wide (dimension perpendicular to curb) and ten (10) feet long (dimension along curb), for the area of exposed soil surrounding the tree. If this configuration is not possible due to site constraints, other tree pit configurations amounting to 50 square feet may be allowed. When level with an adjacent walkway, the soil area must be protected by eighteen (18) inch tall metal tree guard fencing. When recessed below an adjacent walkway, open soil areas must be protected by porous rubber tree pit surfacing.
- (4) Sidewalks in front of terminated vistas and along civic space frontage may be granted a waiver from street tree requirements at the discretion of the Planning Board.
- (5) Street Trees must be planted at least five (5) feet from fire hydrants, six (6) feet from street signs, seven (7) feet from curb cuts, and thirty (30) feet from stop signs. The edges of tree planting beds must be at least two (2) feet from gas, electric, water, and sewer lines, and at least four (4) feet from oil fill pipes.

## Dimensional Standards

<b>A</b>	Tree Pit length	10'
<b>B</b>	Tree Pit width	5'
<b>C D</b>	Tree Pit alternative length and width	=50 SF
<b>E</b>	Maximum tree spacing (trunk to trunk)	40'
<b>F</b>	Recommended tree spacing (trunk to trunk)	20' - 30'
	Recommended soil volume	600 cubic feet (min) for small tree to 1000 cubic feet (min) for large tree

## Public Realm Component Standards | Cafe Seating

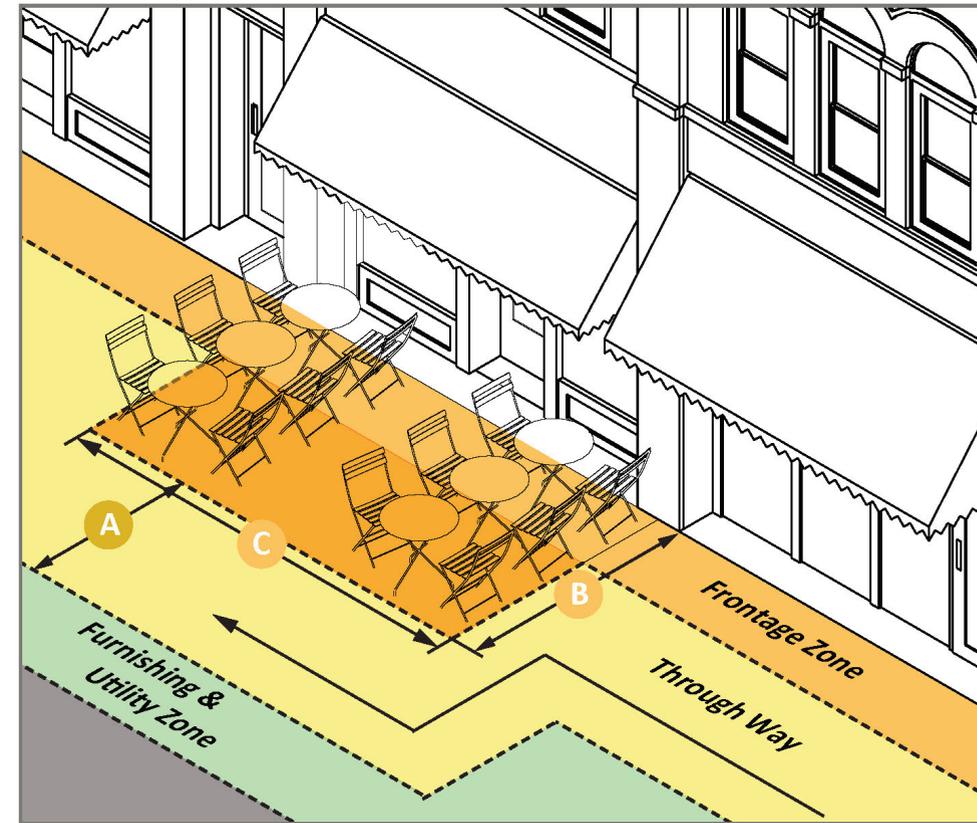


### Description

Outdoor Cafe seating is an area of seating and tables used by customers of an adjacent business or businesses.

### General Requirements

- (1) Outdoor cafe seating is permitted as an ancillary activity of any Eating & Drinking Establishment.
- (2) The operator of the outdoor cafe seating is responsible for the proper maintenance of the cafe area at all times, including proper disposal of all trash generated.
- (3) Outdoor cafe seating may be located in a Private Frontage Zone, Pedestrian Street, Public Frontage Zones, Furnishing Zone, or Parklets. Outdoor cafes within the Public Realm must receive an Encroachment Permit from City Council.



### Dimensional Standards

<b>A</b>	Throughway Zone Width	5' minimum typical (4' minimum on Side Streets)
<b>B</b>	Cafe Seating Depth	6' minimum to 15' maximum from facade
<b>C</b>	Cafe Seating Length	Adjacent to and not extending beyond the establishment it serves
<b>D</b>	Width of Clear Path of Access to Entrance	4' minimum

# Facilitating Redevelopment Post-COVID

- Transforming Commercial Corridors & Strip Malls

## COVID-19 Accelerated Changes

- Demographic shifts
- Preferences
- Environmental considerations
- Increased attention to equity

## Regional Opportunities

- Within the Greater Boston region, there are 3100 sites (10.5 sq miles) of strip malls and related autocentric retail, some of which could be redeveloped.



Photo Credit: MAPC

# The Potential

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- Redevelopment could revitalize existing businesses, provide much-needed housing & enhance existing neighborhoods

## Preserving Existing Businesses

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- Preserving active, vibrant businesses in these corridors during the redevelopment is crucial.

## Creating Cohesive Neighborhoods

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- Contiguous parcels can be redeveloped incrementally to enhance or create cohesive neighborhoods over the long term.

## Ease of Redevelopment

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- Parcels typically small enough to be redeveloped in a relatively short amount of time.
- *Potentially* easier to change uses and forms than single-family districts.



Photo Credit: MAPC

# Key to Success

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- Leverage existing resources, use creativity and have PATIENCE

## Local Creativity

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- Local help: Local architects and attorneys allow a developer to navigate politics and process.
- Activate outdoor space: Surplus parking can be used for food vendors and seating.
- Break up big box space: Allows for more small, local businesses—"micro" urbanism.

## Working with what Exists

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- When possible, work within existing zoning: Could remove roadblocks.
- Leverage existing planning studies: Can provide vision and market analysis for the area.
- Have patience: Long lead time and red tape can be daunting for developer.



# Expediting the Process through Collaboration

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- Public and private sector leaders can play a key role in facilitating redevelopment and expediting the process.

## Local Government

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- Provide education to local property owners re: opportunity.
- Help identify locations for updated planning and rezoning for mixed-use development.
- Work with property owners to identify barriers.
- Connect developers with property owners on sites that help achieve the municipality's goals.

## State Government

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- Incorporate analysis as part of scoring for various grant programs.
- Utilize for prioritization for infrastructure investments, such as funding for sewer.

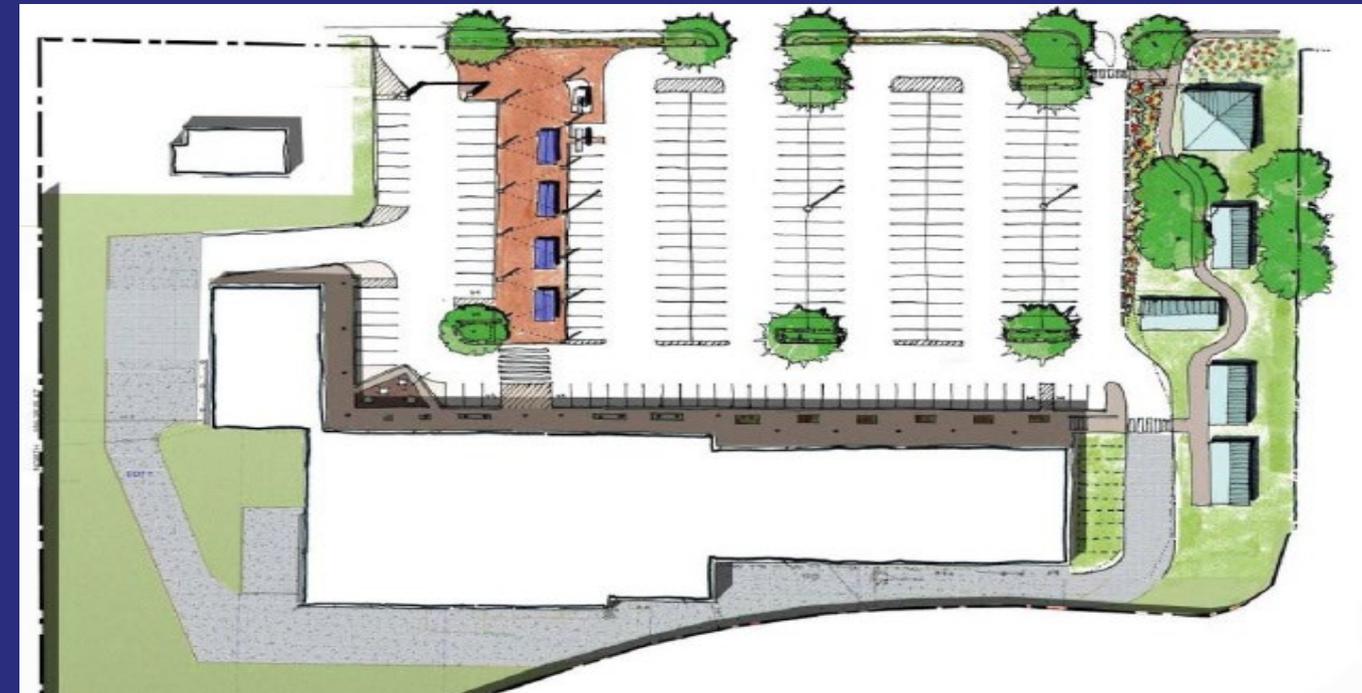




Photo: <https://www.spring-green.com/blog-weeds-grow/>

## GETTING INTO THE WEEDS

Some Dirt from Lessons Learned on Zoning,  
Licensing, and Permitting

# Keep Things Simple: Less is More

- Use appropriate lessons learned & successes
- Consider temporary actions as permanent policies
- ...But be careful not to “Codify COVID”



Photo: <https://pdx.eater.com/2020/8/20/21376516/portland-temporary-plazas-outdoor-dining>

# Allow Flexibility

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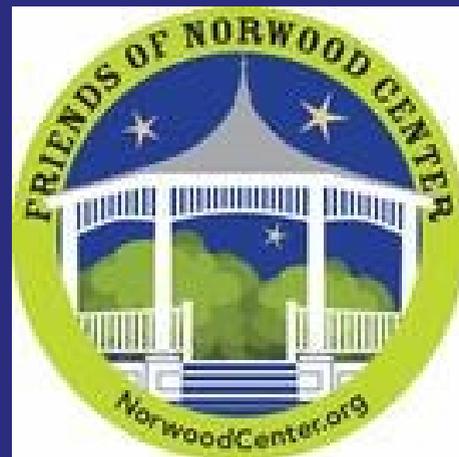
- Think and use “outside the box” ideas
- Flexibility can become temporary
- Temporary can become permanent
- Take a chance, be creative



Photo: <https://www.buxtonadvertiser.co.uk/>

# Promote Associations who can speak for the Greater Good

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# Specific Issues and Solutions

## Short-Term Parking

- How to approve it

## Outdoor Dining

- On business' property
- Reconsider parking requirements
- Liquor sales
- Permits for use of public realm
- Revisit allowed land uses
- Address noise and lighting



Photo: <https://muskoka411.com/new-parking-initiative-supports-curbside-pick-up-during-covid-19/>



Photo: Berkshires.com

# What Can Communities Do Now?

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## Roll-Over Permits

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- Worcester is allowing communities to roll over permits from last year

## Temp to Perm

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- Propose temporary regulations to become permanent

## Use Your Website

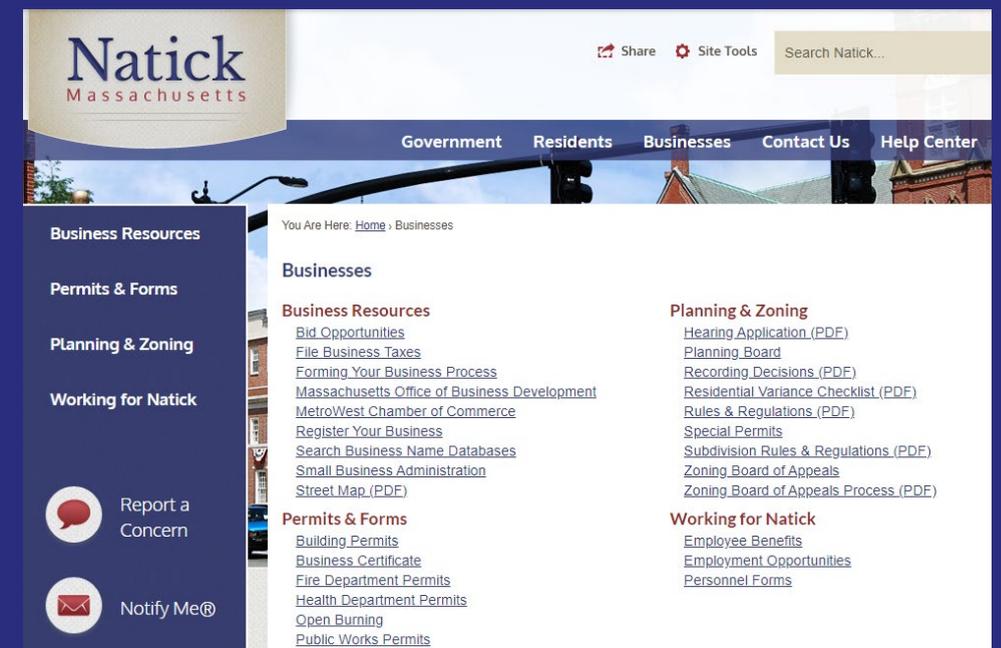
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- Post available information in a comprehensive and organized manner on town website.

## Parking

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- Allow shared parking, and make remote parking more attractive



# Thank You!

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