

# MEMORANDUM OF LAND USE DRAFT RECOMMENDATIONS

June 5, 2015

This memorandum on the Land Use Division (LUD) reflects various comments the Town Government Study Committee (TGSC) has received to date. The TGSC has been asked to provide details on many aspects of our draft recommendations, particularly involving personnel and budget issues, and provide an articulation of the purpose of the LUD .

We have reflected on the feedback and have made some changes to our earlier recommendations:

- We started out with a more narrow purpose for the LUD, encompassing those boards and departments involved with permitting processes. However, following discussions with the Natural Resources Commission, we expanded the purpose of the LUD to include broader aspects of land use and we now recommend that NRC be brought into the LUD. This broadening of scope reflects the current relationship between Wetlands and NRC and the importance of open space/conservation in land use planning.
- The recommendation to establish the position of Local Enforcement Officer has been shelved pending the completion of a review of Building Department operations. As suggested by some, current enforcement needs might best be met by providing additional resources to the Building Department and the pending review will be helpful in determining how best to staff enforcement needs.
- The proposal now calls for the responsibilities of the Land Use Director to be lodged in the position of Deputy Town Manager. Rather than creating an additional staff position, which some have seen as unnecessary, we have looked to our existing structure where one of the two Deputy Directors of the Town (i.e., positions held by Meghan Jop and Terrance Connolly) currently works with all the land use boards and departments.

## **Purpose:**

The purpose of the LUD is to provide an administrative structure to bring the various land use boards (as used herein, “boards” includes committees and commissions) and departments under the supervisory responsibility of a Director of the Land Use Division. This will be done in a manner that connects the important roles of these boards and departments and allows for greater coordination and collaboration while protecting their independent, autonomous functions. Each of the relevant departments and boards will maintain their current authority and responsibilities as prescribed by state and federal law and Town Bylaw, although under the proposed reorganization, current *administrative* responsibilities – such as personnel management and budgeting – will be coordinated by the Land Use Director.

The overarching goal of the creation of the Division is to facilitate and more effectively support the work of these departments and boards in order to ensure collaborative, comprehensive land use planning and permitting and review processes that are more easily accessed and better coordinated. Under the current structure, no one is responsible for monitoring and coordinating the Town's various permitting processes, which sometimes result in inefficiency and confusion, and more frequently frustration on the part of Town residents. On occasion, required permits are missed potentially creating negative impacts for the Town or residents, who unknowingly create non-conformities.

Understanding that conservation and open space are important goals of the community, stewardship of Town land and educational efforts regarding the importance of conservation will be important functions of the Division.

Other needs expressed to the TGSC's Land Use Subcommittee in the course of their conversations with boards, staff, property owners, residents, commercial and residential builders, and lawyers who appear before land use boards, include an online permit application and tracking system; centralization of technology systems; better communication between departments, as well as with the community; access to supplemental staff support to meet periodic peak demands; cross-training of staff to broaden opportunities; evaluation of the potential of creating a single point of contact for permits and questions on land; and implementation of a records management system. The creation of the Division provides an administrative structure to address these common needs and locates responsibility for these functions with the division director, whose fundamental responsibility is to support the work of the departments and boards.

**Departments and Boards to be included in Land Use Division:**

Planning Department	Planning Board
ZBA Executive Secretary	Zoning Board of Appeals
Natural Resources Department	Natural Resources Commission
Building Department	Wetlands Protection Commission
	Historical Commission
	Design Review Board
	Historic District Commission
	Wellesley Housing Development Corporation
	Neighborhood Conservation District

In addition to the boards and departments listed above, there may be other boards interested in inclusion within the LUD. We understand that the Sustainable Energy Committee may review this possibility. It has also been suggested that the Playing Fields Task Force be part of the Division. Even though there are issues involved with the inclusion of the Wellesley Housing Authority in LUD, the intent will be to include the Wellesley Housing Authority and other departments throughout the Town in discussions of topics of mutual interest.

### **Deputy Town Manager/Land Use Director:**

The recommendation is for a Deputy Town Manager to serve as Land Use Director in addition to the other responsibilities assigned to the position.<sup>1</sup> At the present time, one of the Deputy Directors of the Town, Meghan Jop, is responsible for issues arising within the land use area. Under this proposal, a Deputy Town Manager will have direct responsibility for the Land Use Division, thus enjoying two titles: Deputy Town Manager and Land Use Director.

It is anticipated that the duties of Land Use Director will involve 50% of a Deputy Town Manager's time at the outset, reducing to 25% over time as the reorganization is implemented and appropriate policies and procedures are in place. The Deputy Town Manager/Land Use Director will have other duties as assigned by the Town Manager. Based on the present structure (Executive Director and two Deputy Directors in the Board of Selectmen's office), it is anticipated that no additional staff will be required to undertake the duties of Deputy Town Manager/Land Use Director.

The Deputy Director/Land Use Director will report to the Town Manager<sup>2</sup>. The duties of the Deputy Director/Land Use Director will include:

- coordinating the development and administration of a Division-wide and departmental budgets for all areas of the Land Use Division
- administering all personnel functions within the Division, including hiring (per Town policy), training, and conducting performance evaluations
- identifying professional development opportunities for staff in the Division
- with staff and the Boards within the Division, developing a strategic plan for the Division
- coordinating all aspects of the Division including sharing of staff, and organizing the Division for maximum effectiveness and efficiency
- with staff and the IT Department, evaluating and coordinating the implementation of permits coordination technology and other technology to enhance the efficient operation of the Division
- developing a consistent, effective communications protocols within the Division, working with other Town departments and the community, including improvements to the web site
- establishing a culture of collaboration for Division-wide projects such as re-codification of the Zoning Bylaw
- with the Town Manager, Facilities Manager, and staff, establishing a plan for improving the office space for the Division to enable the implementation of its strategic direction

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<sup>1</sup> In the event that Town Meeting does not approve of the position of Town Manager, the TGSC intends to move forward with the creation of the Land Use Division reporting to a Deputy Director in the Selectmen's Office.

<sup>2</sup> "Executive Director of General Government Services" can be substituted for "Town Manager" in this memo. We recognize some adjustments will be needed for the Executive Director to take on these functions

Based on the review of a comparable position in a neighboring community, it is possible that the salary required for a Deputy Town Manager who is responsible for both land use and other functions may be approximately \$10,000 to \$15,000 over the salary currently paid to one of the Town's Deputy Directors.

This model of an assistant or deputy town manager who is also the land use director (or its equivalent) is found in the towns of Lexington and Reading.

### **Appointment and Other Personnel Management Issues involving the Deputy Town Manager/Land Use Director:**

The ultimate responsibility for the appointment, evaluation and removal, if necessary, of the Deputy Town Manager/Land Use Director will be lodged with the Town Manager. The process for the appointment of the initial Deputy Town Manager/ Land Use Director will be guided by the HR department. Representatives from at least Planning, ZBA, and NRC will serve with the Town Manager and others on a screening and selection committee. Because the Land Use Director will also serve as a Deputy Town Manager, the Town Manager also must consider the other responsibilities assigned to this position. The Town Manager will have the final say on the appointment.

In the performance evaluation of the Deputy Town Manager/ Land Use Director, the Town Manager will seek the input of the major boards and departments within the LUD.

In the case of the removal of the Deputy Town Manager/ Land Use Director, the Town Manager, to the extent practicable, will consult with the affected boards.

### **Other Staffing Recommendation – Local Enforcement Officer:**

Separate and apart from the issue of the creation of the LUD and the appointment of a Deputy Town Manager/Land Use Director are the issues of code enforcement and resources within the Building Department. While it is unlikely that the TGSC will recommend the creation of a Local Enforcement Officer ("LEO") at this time, the TGSC is interested in the outcome of the pending review of Building Department operations and staffing and reserves the right to make subsequent recommendations based thereon.

It should be clear that any proposal for additional inspections staff is NOT related to the creation of the LUD, but rather is driven by workload regardless of the establishment of the LUD.

No other additional staff is contemplated.

### **Role of the Town Manager in this Structure:**

A principal recommendation of the TGSC is the creation of the position of Town Manager, and the elimination of the position of Executive Director of General Government Services (i.e., the position currently held by Hans Larsen).

The Town Manager will be responsible for the appointment of all staff. It will work as follows:

- Director of the LUD: reviewed above
- Department Heads and Executive Secretary to the ZBA: They will be appointed by the Town Manager in consultation with the affected board. For example, when a vacancy occurs in the position of Planning Director, the Town Manager will consult with the Planning Board in the selection of the Planning Director. The Town Manager will work with the HR Director to establish processes for appointments. In this example, it is anticipated that the Town Manager would work with the Planning Board in developing a job description outlining the job qualifications and the skills required for the position; confer with the Planning Board regarding the composition of an interview team, which would include members of the Planning Board; and work with the Planning Board in the selection of the Director. The final decision on the appointment remains with the Town Manager.

Under this new structure, the department directors and the ZBA Executive Secretary will report to the Deputy Town Manager/ Land Use Director, while remaining responsible for work relating to his/her department and providing the needed service to his/her respective board. The Deputy Town Manager/Land Use Director will consult frequently with the department heads and with the boards to ensure that their needs are being met and, when necessary, resolve any conflicts that might arise.

- Staff within the Departments: While the Town Manager is ultimately responsible for the appointment of all staff town-wide, in practice, Town Managers turn to their department heads for the appointment of staff within a department, unless circumstances dictate otherwise. Town Managers oftentimes exercise this authority by a “sign off” validating the need for the position or, in other cases, by approval of the appointment. The process is frequently established through procedures adopted by the Town Manager, working with the HR Director.

### **Budget Issues:**

The Deputy Town Manager/Land Use Director will work with the staff of the various departments and boards to put together a consolidated budget for the LUD. The boards will retain their right to vote on their portion of the budgets that comprise the consolidated budget. The Deputy Town Manager/Land Use Director will present the LUD budget to the Town Manager, who has the responsibility to put together the town-wide budget to be reviewed by the Board of Selectmen, the Advisory Committee and ultimately to be voted on by Town Meeting. The Town Manager will also prepare a Budget Message to accompany the town-wide budget in which elements of the budget are discussed and variances from the previous fiscal year are noted with reasons for such variances. In case of a disagreement between a board and

the Town Manager with respect to budget issues, the board will retain the right to advocate for its budget before the Board of Selectmen, Advisory Committee and Town Meeting.

The LUD consolidated budget will be presented to Town Meeting for approval under Article 8 in a format similar to the format for the Department of Public Works. The following is a sample consolidated budget for the Land Use Division for FY16. The figures reflect the actual FY16 department budgets voted on by 2015 ATM. Please refer to Exhibit A to this memo for those budget numbers in order to understand how this consolidated budget was constructed.

Note that line XXX is new and it includes the general items applicable to all budgets. Personal Services includes all the clerical assistance currently within the departments. The Expenses item includes expense items applicable in all departments, e.g. printing, supplies, etc. This new line item XXX will allow the Deputy Town Manager/Land Use Director to allocate funds where necessary, so that for example, if the Building Department has a greater need for mileage reimbursement than another department, the appropriate allocation can be made by the LUD.

The department line items consist of funds set aside for the particular department. For example, line 171 for the NRC consists of Personal Services for the salary of the Director of the NRC and the Wetlands Administrator and wetlands educator, and Expenses of \$10,000 for anticipated consulting and special projects.

Proposed FY 16 Land Use Division Budget			
	Personal Services	Expenses	Total Operations
<b>LAND USE DEPARTMENT - BOARD OF SELECTMEN</b>			
XXX Administration (all support staff; all unspecific expenses)	\$ 159,332	\$ 65,890	\$ 225,222
241 Building Department	\$ 358,441	\$ -	\$ 358,441
Design Review Board	Included in Planning Budget		
183 Fair Housing	\$ -	\$ 200	\$ 200
691 Historical Commission	\$ -	\$ 750	\$ 750
690 Historic District Commission	\$ -	\$ 250	\$ 250
180 Housing Development Corporation	\$ -	\$ 6,000	\$ 6,000
171 Natural Resources Commission	\$ 160,190	\$ 10,000	\$ 170,190
172 NRC - Morses Pond	\$ -	\$ 149,394	\$ 149,394
Neighborhood Conservation	Included in Planning Budget		
175 Planning	\$ 210,720	\$ 24,000	\$ 234,720
176 Zoning Board of Appeals	\$ 52,114		\$ 52,114
<b>LAND USE DEPARTMENT TOTAL - BOARD OF SELECTMEN</b>	<b>\$ 940,797</b>	<b>\$256,484</b>	<b>\$1,197,281</b>

**Review of Zoning Bylaws:**

It is recommended that, under the leadership of the Planning Board, a multi-board committee be established to review and revise the Zoning Bylaw. It is further recommended that the committee be made up of those boards affected by the Zoning Bylaw, such as the Zoning Board of Appeals, the Building Inspector, the Board of Selectmen, the Historical Commission and others, including citizen representative(s). The committee should also enjoy the advice of staff from various departments involved in permitting, for example, the Town Engineer, and seek input of others who will be interested in the process. Because of the expense of this endeavor, a decision needs to be made to seek funding at a future Town Meeting.

## APPENDIX A

Town of Wellesley MA - Comparison of Land Use Budget Statistics																		
Department	Revenue (thousands)						Expenses (thousands)						FTE Staff/Activity					
	2012	2013	2014	2015	2016	Reorganiza- tion - 2016	2012	2013	2014	2015	2016	2016 Departmen- t Request	Reorganiza- tion - 2016	2012	2013	2014	2015	2016
Building	\$1,534,004	\$1,472,670	\$2,462,777	\$1,502,500	\$1,502,500	\$1,502,500	\$ 399,143	\$ 409,612	\$ 443,214	\$ 466,860	\$ 477,383	\$ 477,383		7	7.5	7.5	7.5	7.5
Permits														3110	3841	3930	3979	4575 proj
Fair Housing							\$ 200	\$ 200	\$ 200	\$ 200	\$ 200	\$ 200						
Historical							\$ 750	\$ 750	\$ 750	\$ 750	\$ 750	\$ 750						
Historic District Commission							\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250						
Housing Development Comm.							\$ 3,500	\$ 3,500	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000						
NRC (inc wetlands)	\$ 164	\$ 2,275	\$ 520	\$ 1,000	\$ 1,000	\$ 1,000	\$ 178,843	\$ 198,469	\$ 172,558	\$ 223,081	\$ 223,675	\$ 223,675		3.3	3.3	3.3	3.6	3.5
Wetlands (Included in NRC)	\$ 0	\$ 15,581	\$ 12,883	\$ 12,000	\$ 12,000	\$ 12,000	\$ 13,700	\$ 12,825	\$ 13,050	\$ 29,317	\$ 56,809	\$ 56,809		0.3	0.3	0.3	0.6	1.0
Morses Pond (not included in NRC above)							\$ 149,615	\$ 135,316	\$ 133,169	\$ 160,415	\$ 149,394	\$ 149,394						
Neighborhood Conservation							Part of Planning											
Planning (Inc. Design Review Bd.)	\$ 18,575	\$ 2,275	\$ 28,627	\$ 30,000	\$ 30,000	\$ 30,000	\$ 225,385	\$ 234,105	\$ 274,420	\$ 274,420	\$ 280,575	\$ 280,575		3.6	3.6	3.6	3.6	3.6
ZBA	\$ 24,000	\$ 21,226	\$ 31,100	\$ 25,000	\$ 25,000	\$ 25,000	\$ 52,436	\$ 52,837	\$ 55,413	\$ 57,765	\$ 59,054	\$ 59,054		1.0	1.0	1.0	2.0	1.0
<b>TOTAL (less Morses Pond)</b>	<b>\$1,576,743</b>	<b>\$1,498,446</b>	<b>\$2,523,024</b>	<b>\$1,558,500</b>	<b>\$1,558,500</b>	<b>\$1,558,500</b>	<b>\$1,010,122</b>	<b>\$1,035,039</b>	<b>\$1,085,974</b>	<b>\$1,189,741</b>	<b>\$1,197,281</b>	<b>\$1,197,281</b>		<b>14.9</b>	<b>15.4</b>	<b>15.4</b>	<b>16.7</b>	<b>15.6</b>