

APPENDIX VII

FINAL MEMORANDUM

RE: Planning and Land Management Division
From: Town Government Study Committee
Date: September 1, 2015 **REVISED October 10, 2015**

The Town Government Study Committee (TGSC) recommends the creation of a Planning and Land Management Division. Following is a summary of the changes made to our original recommendations in response to feedback we received:

- The term “Planning and Land Management” has been substituted for “Land Use” in our recommendations. It soon became clear that the term “land use” was strongly associated with permitting and development, and not generally understood to include the important functions of conservation and preservation of Town land. The proposed title should be understood to include not only residential and commercial development, but stewardship of the Town’s natural and historical resources.
- We also started out with a more narrow purpose for the Planning and Land Management Division, encompassing only those boards and departments involved with permitting processes. However, following discussions with the Natural Resources Commission (NRC) and others, we expanded the purpose of the Planning and Land Management Division to include broader aspects of land use, and we now recommend that NRC be brought into the Division. This broadening of scope reflects the current relationship between Wetlands and NRC and the importance of open space, conservation and historic preservation in land use planning and management.
- The creation of the Division will be proposed by means of a motion, rather than by a new Town Bylaw. This approach will provide greater flexibility to make desired changes to the Division based on its performance, as well as the input received from the Executive Director/Town Manager, and member boards and departments. The motion also includes a provision authorizing the Board of Selectmen to establish the Division within ninety (90) days, upon its passage.
- The recommendation to establish the position of Local Enforcement Officer has been deferred pending the completion of a review of Building Department operations and staffing commissioned by the Board of Selectmen.
- The proposal now calls for the responsibilities of the Planning and Land Management Director to be assigned to a Deputy Town Manager. Rather than creating an additional staff position, we have looked to our existing structure where one of the two Deputy Directors of the Town currently works with all the land use boards and departments.

Purpose:

The purpose of the Planning and Land Management Division is to provide an administrative structure that brings the various land use boards together 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, the Planning and Land Management Director will have administrative responsibilities for personnel management and, working with the associated boards and departments the Director will coordinate the development and administration of a Division-wide and departmental budgets for the Planning and Land Management Division.

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, permitting, and review processes that would be 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 creates inefficiency and confusion, and more frequently frustration on the part of Town residents. On occasion, required permits are missed, which has the potential to create negative impacts for the Town or residents, and unknowingly creates 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. Additionally, the preservation of cultural resources are included in the Planning and Land Management Division through the inclusion of the Historical Commission, the Historic District Commission and Neighborhood Conservation District(s).

There were 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. These include: an online permit application and tracking system; centralization of technology systems; better communication among boards and departments and with the community; cross-training of staff to broaden opportunities; evaluation of the potential to create a single point of contact for permits and questions regarding land; implementation of a records management system; and the flexibility to supplement staff support within the Division as needed to meet periodic peak demands and to provide support to unstaffed boards. 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 primary responsibility is to support the work of the departments and boards.

Departments and Boards to be included in Planning and Land Management Division:

| | |
|------------------------------|------------------------------------|
| Planning Department | Planning Board |
| ZBA Executive Secretary | Zoning Board of Appeals (ZBA) |
| Natural Resources Department | Natural Resources Commission (NRC) |
| Building Department | Wetlands Protection Commission |
| | Historical Commission |
| | Design Review Board |
| | Historic District Commission |
| | Neighborhood Conservation District |

In addition to the boards and departments listed above, there may be other boards interested in participating in matters involving the Planning and Land Management Division.

Deputy Town Manager/Planning and Land Management Division Director:

We recommend that a Deputy Town Manager serve as Planning and Land Management Director in addition to the other responsibilities assigned to the position. At the present time, one of the Deputy Directors of the Town, Meghan Jop, is the Executive Director's liaison for issues arising within the land use area. Under this proposal, a Deputy Town Manager will have direct responsibility for the Planning and Land Management Division, thus enjoying two titles: Deputy Town Manager and Planning and Land Management Director. In the event that Town Meeting does not approve of the position of Town Manager, the TGSC intends to move forward with its recommendation that a Planning and Land Management Division be created reporting to a

Deputy Director in the Selectmen's Office. We are also recommending that the implementation of these changes begin immediately and not wait until a new Town Manager is hired, reflecting our assessment that that change is needed now. A proposed Implementation Plan is attached as Attachment 1.

The Deputy Town Manager who also serves as the Planning and Land Management Director will have other duties as assigned by the Town Manager/Executive Director. It is anticipated that the most significant amount of time required by the new Director will be during the early days of the Division's formation. (Based on information from other communities, it is anticipated that Planning and Land Management activities may involve up to 50% of a Deputy Town Manager's time at the outset, reducing to 25% over time.) Based on the present structure of an 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/Planning and Land Management Director.

The Deputy Town Manager/Planning and Land Management Director will report to the Town Manager. The duties of the Deputy Town Manager/Planning and Land Management Director will include:

- working with the departments and boards, coordinating the development and administration of a division-wide and departmental budgets for all areas of the Planning and Land Management Division;
- administering all personnel functions within the Division, including (per Town policy): hiring, training, and conducting performance evaluations;
- identifying professional development opportunities for staff in the Division;
- coordinating all aspects of the Division including staffing, 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 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.

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 \$15,000 to \$30,000 over the current salary of 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 of the Division Director:

The ultimate responsibility will be lodged with the Town Manager for the appointment, evaluation and removal, if necessary, of the Deputy Town Manager/Planning and Land Management Director. Consistent with our other recommendations regarding personnel management, the process for the appointment of the Deputy Town Manager/Planning and Land

Management Director will be guided by the Human Resources Department. The Town Manager will convene a screening and selection committee with representatives from among the boards and committees within the Division (e.g., representatives from Planning, ZBA, and NRC). Because the Planning and Land Management 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/Planning and Land Management Director, the Town Manager will seek the input of the major boards and departments within the Planning and Land Management Division.

In the case of the removal of the Deputy Town Manager/Planning and Land Management Director, the Town Manager, to the extent practicable, will notify with the affected boards, consistent with the provisions of the Special Act.

Other Staffing Recommendation – Local Enforcement Officer:

Separate and apart from the issue of the creation of the Planning and Land Management Division and the appointment of a Deputy Town Manager/Planning and Land Management Director are the issues of code enforcement and adequacy of resources within the Building Department. The TGSC is deferring its recommendation to create the position of Local Enforcement Officer (“LEO”) at this time, pending the completion of review of Building Department operations and staffing commissioned by the Board of Selectmen. The TGSC 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 Planning and Land Management Division, but rather is driven by workload regardless of the establishment of the Planning and Land Management Division.

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.

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

- Director of the Planning and Land Management Division: reviewed above.
- Department Heads and Executive Secretary to the ZBA: The proposed Special Act and bylaws that set forth the creation of the position of the Town Manager provide that, although the Town Manager has the ultimate responsibility for such appointments, the boards have important specified roles in the process. It is anticipated that the Planning and Land Management Director will also play a key role in the search process for department heads. When a vacancy occurs in the position of department head, the Town Manager working with the HR Director will establish processes for appointments. In the example where the Planning Director position becomes vacant, under the bylaws the Town Manager would work with the Planning Board and HR Director in reviewing a job description that outlines job qualifications and the skills required for the position. The Town Manager and HR Director would confer with the Planning Board regarding the composition of an interview team, which would include representatives of the Planning Board, and work with the Planning Board in the selection of the director. The Planning Board would have the ability to interview one or more finalists, and the Town Manager

would appoint the new director. The Planning Board would have 15 calendar days to approve the appointment. If no action is taken, the appointment becomes effective.

- Under this new structure, the department directors and the ZBA Executive Secretary will report to the Deputy Town Manager/Planning and Land Management Director with regard to day-to-day operations, while remaining responsible for work relating to his/her department and providing the needed service to his/her respective board. The Deputy Town Manager/ Planning and Land Management 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, the bylaws provide that the Town Manager may delegate to the department head the appointment of staff within a department.

Budget Issues:

The Deputy Town Manager/Planning and Land Management Director will work with the staff of the various departments and boards to put together a consolidated budget for the Planning and Land Management Division. The boards will retain their right to vote on their portion of the budgets that comprise the consolidated budget. The Deputy Town Manager/Planning and Land Management Director will present the Planning and Land Management Division 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. In the 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 Planning and Land Management Division 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 Planning and Land Management Division for FY16. The figures reflect the actual FY16 department budgets voted on by 2015 ATM.

| Proposed FY 16 Planning and Land Management Division (PLMD) Budget | | | | |
|--|---|-----------------------------|------------------|--------------------|
| | | Personal Services | Expenses | Total Operations |
| <u>PLMD</u> | | | | |
| 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 |
| PLMD TOTAL | | \$ 940,797 | \$256,484 | \$1,197,281 |

Note that line XXX is new and it includes the general items applicable to all budgets. Personal Services includes all salaries for support staff (Level 40) within the departments. The Expenses item includes all general expense items applicable in all departments, e.g. printing, office supplies, mileage, etc. This new line item XXX will provide the Deputy Town

Manager/Planning and Land Management Director with the flexibility to allocate general expense funds where needed. For example, if one department has a greater need for mileage reimbursement than another department, the Planning and Land Management Director can make the appropriate allocation.

The department line items include the salaries of all non-clerical staff and funds set aside for expenses unique to the department, e.g. special projects. These funds can be used only for the purposes for which they were requested. For example, line 171 for the NRC consists of Personal Services for the salary of the Natural Resources Director, the Wetlands Administrator and wetlands educator, and Expenses of \$10,000 for anticipated consulting and special projects. Line item funds cannot be reallocated to another department for another use except by Town Meeting.

Review of Zoning Bylaws:

Our original recommendations included the suggestion that a multi-board committee, under the leadership of the Planning Board, be established to review and revise the Zoning Bylaw. It was further recommended that the committee be made up of representatives from the boards and departments 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 Planning Board has embraced this recommendation, and has convened such a committee.

ATTACHMENT 1

PLANNING AND LAND MANAGEMENT DIVISION IMPLEMENTATION PLAN

A number of specific opportunities and needs were identified in our conversations with boards, staff, and other constituents. With the creation of the Division and the vesting of responsibility for coordinating the activities of the Division with a Deputy Town Manager/Planning and Land Management Director, we believe that the implementation of the Division can begin immediately following an affirmative vote by Town Meeting.

The implementation steps noted below include both broad goals and more specific action items. Understanding that the actual sequencing and prioritization of activities is best left to the Division Director, working with the department heads and boards and in consultation with the Town Manager/Executive Director, the following are presented in no particular order.

- The Director working with the departments and the boards, will develop a strategic plan for the Division that is consistent with and informs the town wide strategic plan;
- Participate and work with the Planning Board and the Board of Selectmen in their efforts to update the Town's Comprehensive Plan and with the development of the town-wide strategic plan;
- Develop consistent, effective communications protocols within the division, and for communication with Town departments, residents, and other constituencies;
- Building on the initiatives of the current Land Use Committee, convened by one of the Town's Deputy Directors, continue frequent meetings to share information among departments within and outside of the Division, and convene periodic meetings of Division boards as needed;
- Improve the quality and ease of access to information about the Division, its Departments, their initiatives, and the land use processes. This includes development and management of consistent, reliable and up-to-date information on the web site;
- Establish easy to understand checklists, FAQ's, flow charts, and other materials to explain the processes for land development. Simplify applications to the extent permitted by statute or regulation, and make all forms available and fillable on the web site;
- Consider establishment of a single point of contact for all filings (permits, variances, etc.) and for questions on land use policies and procedures;
- Once the Division is formed, establish a working group that includes the IT Department, to review alternative technology solutions that will facilitate the coordination of land use processes, and implement the best solution practicable. A goal would be to have applicants have access to the system to submit and track applications;
- Develop procedures for coordinating staff among the functional areas, and review cross-training of support staff.
- Establish means to monitor enforcement and compliance with existing bylaws, regulations and permit conditions, including the implementation, as appropriate, of the recommendations resulting from the current review of the Building Department;
- The Director, with the Town Manager, Facilities Manager, and boards and departments, will establish a plan for improving the office space for the Division to enable the implementation of its strategic direction.