

DRAFT GENERAL BY-LAW

DEPARTMENT OF LAND USE, PLANNING AND PERMITTING

ANNUAL TOWN MEETING ARTICLE¹

To see if the Town will vote, pursuant to Section 14 of Chapter 43C of the General Laws, to accept the provisions of Section 13 of Chapter 43C of the General Laws, thereby authorizing the Town to adopt a bylaw providing for a consolidated department of municipal inspections; and, further, to amend the Town Code as follows:

1. Add a new Chapter 26, "Land Use, Planning, and Permitting; Department of," as follows:

Chapter 26. Land Use, Planning, and Permitting; Department of

§26-1. There shall be a consolidated department of municipal inspections as provided for in section 13 of Chapter 43C of the General Laws, to be known as the **Department of Land Use, Planning, and Permitting**, to provide a coordinated, comprehensive, and continuing approach to the Town's land use management, planning, permitting, and development functions; coordinated implementation of the Town's adopted goals and plans; improved customer service to Town residents and the public; to strengthen the human resources function, and enhance employee development and training, including cross training among the administrative support staff.

§26-2. The Department of Land Use, Planning, and Permitting shall include the building commissioner; the electrical, plumbing, and gas inspectors; and the administrative, clerical, support and other assistants of the building commissioner, Planning Board, Board of Health, Conservation Commission, and Zoning Board of Appeals, but not including the health agent employed through the Town of Littleton's participation in the Nashoba Associated Boards of Health pursuant to [MGL C.111,§27A](#).²

In addition to providing staff support for the Town's regulatory boards, the Department shall also serve as policy advisor on the Town's long-term and strategic planning initiatives related to economic development, housing, transportation, and open space, historic, and natural resources.

§26-3. There shall be a **Land Use, Planning and Permitting Coordinating Committee**, a five-member public body comprised of one member of the Planning Board, one member of the Board of Health, one member of the Conservation Commission, one member of the Zoning Board of Appeals, and one member of the Board of Selectmen;

¹ Town Counsel has obtained the ruling from the Attorney General's office that the Town can accept [MGL C.43C,§13](#)-- without the requirement also for a ballot question-- by voting to adopt a general by-law at an Annual Town Meeting, per [MGL C.43C,§14](#).

² [MGL C.111,§27A](#), accepted by Article 36 of the 1936 Annual Town Meeting, provides that "Two or more towns may, by vote of each, form a district for the purpose of employing therein a health officer and necessary assistants and clerks, all of whom shall be appointed and may be removed by a joint committee composed of the boards of health of said towns."

TOWN OF LITTLETON STUDY COMMITTEE
ORGANIZATION OF PERMITTING BOARDS AND DEPARTMENTS

each designated by said board or commission to serve thereon until said board or commission votes to designate another of its members to serve thereon, or until the designated member no longer serves on said board or commission or no longer serves on said board or commission, whichever is earliest.

§26-4. There shall be a **Director of Land Use, Planning, and Permitting** who shall be appointed by, and may be removed by, the Town Administrator, provided that appointment of the Director shall be subject to approval by the Coordinating Committee established in §26-3. The term of office for the Director shall be up to three (3) years. The Town Administrator shall directly supervise and conduct performance reviews of the Director.³

§26-5. The Director shall appoint all personnel under his/her direction and control, subject to the approval of the Town Administrator.⁴ Prior to the assignment by the Director of staff to the Planning Board, Board of Health, Conservation Commission, and Zoning Board of Appeals on a permanent, rather than temporary, basis, the Director shall consult with said board. The Building Commissioner shall supervise the electrical, plumbing, and gas inspectors. All administrative support staff shall be considered personnel of the Department, rather than working for individual offices incorporated within the Department.⁵ The Director shall have discretion to allocate the services of administrative staff among the Department's offices and the Town boards served by the Department, in consultation with said boards, with whom the Director shall meet from time to time to identify their needs, individually and collectively, and to develop a plan of action indicating the extent to which the department can address those needs.

³ Section 3 of Town Code Chapter 3, Administrator, Town, should be amended to read as follows: "The Town Administrator shall directly supervise and conduct performance reviews for the following current and future department heads unless otherwise specified by statute: Assistant Town Administrator for Finance and Budget; Head of the Highway Department; *Director of Land Use, Planning, and Permitting*; Facilities Manager; Head of Information Technology; ~~Building Commissioner~~; and Human Resources. The department heads shall be appointed by, and can be removed by, the Town Administrator subject to the approval of the BOS; *except that the Director of Land Use, Planning and Permitting shall be appointed in accordance with Town Code Section 26-4*. Employees of the heads of said departments shall be appointed by the department head subject to approval of the Town Administrator."

⁴ [MGL C.43C,§13](#)(e) provides that "Unless some other provision is made in the . . . town charter for the appointment of officers and employees the director . . . shall appoint all personnel under his direction and control subject to the approval of the appointing authority as provided for his office." If adopted, said section 13 would be controlling over the following: [MGL C.40,§8C](#): "The[conservation] commission may appoint a director, clerks, consultants and other employees"; [MGL C.40A,§12](#): "Each zoning board of appeals . . . may, subject to appropriation, employ experts and clerical and other assistants"; [MGL C.41,§81A](#): "Such a [planning] board . . . may employ experts and clerical and other assistants"; and [MGL c.111, §27](#), the Board of Health may appoint its own "officers, agents and assistants to execute the health laws and its regulations. It may fix the salary or other compensation of such...agents and assistants."

⁵ [MGL C.43C,§10](#) provides that "Any person holding any office or position in the service of a city or town which accepts one of the optional forms of administration provided in this chapter and who is employed in an office or agency which is merged with another or abolished or otherwise constituted shall be transferred to the department or agency thereby created without reduction in compensation, or impairment of any civil service, retirement, pension, seniority, vacation, sick leave or other rights or benefits to which then entitled . . ."

TOWN OF LITTLETON STUDY COMMITTEE
ORGANIZATION OF PERMITTING BOARDS AND DEPARTMENTS

In performing duties where approval of the Planning Board, Board of Health, Conservation Commission or Zoning Board of Appeals is statutorily required, the assigned employee shall be subject to day-to-day supervision of the Director within the scope of the general policy and direction established by the respective board.

§26-6. The Department of Land Use, Planning, and Permitting shall coordinate all land use, planning, permitting, development, and inspection functions carried out by any municipal officer or agent, maintain all records relating to inspections in a central place through a common index, provide for a single application process which would indicate all inspections which might be necessary, including, but need not be limited to, any inspections under the zoning and other local by-law, building code, wire code, plumbing and gas code, state sanitary code, board of health rules and regulations, fire code, conservation commission, and any other local inspections as may be otherwise authorized.

§26-7. For the purposes of the Town Budget, the Department of Land Use, Planning, and Permitting shall have its own account title and department number. The Department's budget may contain line items that generally cover all of the Department's administrative wages and salaries, administrative expenses and other costs, rather than including such expenses in separate line items for each individual office incorporated within the Department. The Director shall consult with the Land Use, Planning and Permitting Coordinating Committee in preparing the annual budget request for the Department. The respective boards shall continue to administer such non-operating budget funds authorized by state statute or other restricted designated funds as [special revolving funds for hiring of outside consultants](#) pursuant to [MGL C.44 §53G](#), and the conservation fund under [MGL C.40,§8C](#).

2. Amend Chapter 3, Section 3 to read as follows:

The Town Administrator shall directly supervise and conduct performance reviews for the following current and future department heads unless otherwise specified by statute: Assistant Town Administrator for Finance and Budget; Head of the Highway Department; *Director of Land Use, Planning, and Permitting*; Facilities Manager; Head of Information Technology; ~~Building Commissioner~~; and Human Resources. The department heads shall be appointed by, and can be removed by, the Town Administrator subject to the approval of the BOS; *except that the Director of Land Use, Planning and Permitting shall be appointed in accordance with Town Code Section 26-4*. Employees of the heads of said departments shall be appointed by the department head subject to approval of the Town Administrator.

or to take any other action in relation thereto.