

Standard Operating Procedures Department of Land Use, Planning and Permitting

Draft No. 5¹

1.0 Establishment

- 1.1 By its vote under Article __, the May 2, 2011 Annual Town Meeting has voted to establish a consolidated Department of Land Use, Planning, and Permitting by accepting the provisions of MGL C.43C,§13 and by adopting amendments to the Town's general by-laws as set forth in Town Code Chapter 26.
- 1.2 Pursuant to MGL C.40,§32, the Attorney General subsequently approved the adoption of Town Code Chapter 26 on [*specify date*], with an effective date of fourteen days following posting and publishing of said approval.

2.0 Mission

- 2.1 The function of the Department of Land Use, Planning, and Permitting [“the Department”] is 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.
- 2.2 The Department includes 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.
- 2.3 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.

3.0 Standard Operating Procedures

- 3.1 These Standard Operating Procedures for the Department of Land Use, Planning, and Permitting are written to improve the level and quality of service to Littleton residents, businesses and property owners by increasing the communication, coordination, effectiveness, and efficiency between and among the Town's regulatory boards and staff, in order to establish direction, consistency, and a record of procedures for common reference.

¹ Draft No. 5 reflects input from the Board of Health at its meeting on March 22, 2011. Amended sections include 4.1, 4.2, 5.1, rewrite of 6.0, 7.0, and a new 8.0.

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- 3.2 These SOPs shall be reviewed periodically with the Coordinating Committee established under Town Code §26-3 to continue to improve the Department's efficiency.

4.0 **Land Use, Planning, and Permitting Coordinating Committee**

- 4.1 Town Code §26-3 establishes a Land Use, Planning and Permitting Coordinating Committee [“the 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; 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, whichever is earliest.
- 4.2 In its discretion, each board or commission can determine whether or not to make its designation on an annual basis, or for a term of longer duration.
- 4.3 Within fourteen days of the effective date of Town Code Chapter 26, each of the said boards shall vote to designate one of its members to serve on the Coordinating Committee by filing a notice with the Town Administrator and the Town Clerk.
- 4.4 The Town Clerk shall swear in the members of the Coordinating Committee to the faithful performance of their duties.
- 4.5 Any vacancy on the Coordinating Committee shall be filled within thirty days by vote of the board whose designee no longer serves on the Coordinating Committee.
- 4.6 The Coordinating Committee shall select as its Chair from its membership either the member of the elected Planning Board or Board of Health. The Coordinating Committee shall also select a Vice-Chair and Clerk from among its members.
- 4.7 The Coordinating Committee shall meet on at least a quarterly basis, and shall annually adopt its schedule of meetings for the ensuing year.
- 4.8 The Director shall prepare for the Chair's approval the proposed agenda for each meeting of the Coordinating Committee, and shall include thereon any subject matters requested by vote of the Planning Board, Board of Health, Conservation Commission, Zoning Board of Appeals, or Board of Selectmen.
- 4.9 The Coordinating Committee shall conduct all of its meetings pursuant to the Open Meeting Law.

5.0 **Director of Land Use, Planning, and Permitting**

- 5.1 Town Code §26-4 establishes the position of Director of Land Use, Planning, and Permitting [“the Director”] 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. The term of office for the Director shall be up to three (3) years, and the person so appointed may be reappointed. The Town Administrator shall directly supervise and conduct performance reviews of the Director.

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- 5.2 The job description for the Director shall be set by the Town Administrator with input from the Coordinating Committee, and subject to approval of the Personnel Board. A draft job description is attached hereto.
 - 5.3 Whenever a vacancy shall arise in the position of Director, the Town Administrator shall first obtain the waiver of the Board of Selectmen from any hiring freeze policy then in place, and then invite applications by posting and advertising, as appropriate, and by receiving applications until a posted deadline.
 - 5.4 The Town Administrator shall establish a Selection Committee including at least one member of the Coordinating Committee, to conduct a paper screening of applications and interviews of selected candidates.
 - 5.5 The Selection Committee may conduct its initial screening in executive session pursuant to the Open Meeting Law, so long as the Selection Committee is not comprised of a quorum of the members of any town board, including the Coordinating Committee.
 - 5.6 The Selection Committee shall make one or more recommendations for appointment of a Director to the Town Administrator.
 - 5.7 The Town Administrator shall submit the matter of approval of his appointment of a Director to the Coordinating Committee, which shall convene an open meeting and vote either to approve or disapprove said appointment.
 - 5.8 The starting salary of the Director as established by the Town Administrator shall be subject to approval by the Personnel Board, and subject to appropriation.
 - 5.9 The performance appraisal of the Director shall be conducted by the Town Administrator, with input from the Chair or designee of the Coordinating Committee.
- 6.0 **Department Staff.**
- 6.1 Town Code §26-5 provides that the Director shall appoint all personnel under his/her direction and control, subject to the approval of the Town Administrator. All administrative support staff shall be considered personnel of the Department, rather than working for individual offices incorporated within the Department.
 - 6.2 The Director shall assign a lead staff person from the Department to the Planning Board, Board of Health, Conservation Commission, and Zoning Board of Appeals, subject to the approval of each board respectively.
 - 6.3 The Building Commissioner shall supervise the electrical, plumbing, and gas inspectors.
 - 6.4 The job descriptions for Department staff positions shall be set by the Director and the respective regulatory board(s) or the Building Commissioner; and shall be subject to approval of the Personnel Board.
 - 6.5 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, on an interim or temporary basis.

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- 6.6 Whenever a vacancy shall arise in a Department staff position, the Director shall, in consultation with the affected board(s) and the Building Commissioner, review the Department's staffing plan and configuration to determine how the workload can be met, whether to fill the vacancy in whole or in part, and whether any amendments to the job description are required.
 - 6.7 Whenever the Director with the approval of the Coordinating Committee determines to fill a vacancy by other than reallocation of hours among existing staff members, the Director shall—subject to obtaining a waiver from the Board of Selectmen for any hiring freeze policy then in place-- invite applications by posting and advertising, as appropriate, and by receiving applications until a posted deadline.
 - 6.8 The Director and the members of the affected board(s) or the Building Commissioner, as appropriate, shall conduct a paper screening of applications and interviews of selected candidates.
 - 6.9 A preliminary screening of applicants may be conducted in executive session pursuant to the Open Meeting Law for the purpose of providing a list of those applicants qualified for further consideration or interview.
 - 6.10 The Director and the affected board(s) shall reach agreement on appointment of a Department staff member, whose appointment by the Director shall be subject to approval by the Town Administrator.
 - 6.11 The starting salary of the Department staff member shall be subject to approval by the Personnel Board, within the appropriation established by Town Meeting for the department.
 - 6.12 The performance appraisal of the Department staff members shall be conducted by the Director, with input from the chair or designee of the affected board(s), or by the Building Commissioner, as appropriate.
- 7.0 **Department Budget**
- 7.1 Town Code §26-7 provides that, for the purposes of the Town Budget, the Department of Land Use, Planning, and Permitting shall have its own account title and department number.
 - 7.2 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.
 - 7.3 The Director shall consult with the Land Use, Planning and Permitting Coordinating Committee in preparing the annual budget request for the Department.
 - 7.4 The Director shall meet from time to time with each board 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.
 - 7.5 The Director shall prepare a draft budget request for the Department for review by the Coordinating Committee, with input from the Planning Board, Board of Health, Conservation Commission, and Zoning Board of Appeals by

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the date established by the Town Administrator and the Assistant Town Administrator for Finance and Budget.

- 7.6 The Director shall provide periodic budget updates at the quarterly meetings of the Coordinating Committee.
- 7.7 The respective boards shall continue to administer such non-operating budget funds authorized by state statute as special revolving funds for hiring of outside consultants pursuant to MGL C.44 §53G, and the conservation fund under MGL C.40,§8C.

8.0 **Communication/Dispute Resolution**

- 8.1 In order to encourage communication regarding operation of the department, each board shall designate its chair or other authorized member as the principal contact for that board with the Director and the Administration.
- 8.2 The Director shall contact each board's principal contact as operational issues arise affecting said board.
- 8.3 If a board has concerns regarding the operation of the Department, or the Director or of any Department staff member, the principal contact should bring those concerns to the attention of the Director for discussion and resolution.
- 8.4 The principal contact may also choose to bring the matter to the attention of the Town Administrator, who will consult with the Director.
- 8.5 If issues are not resolved with the Director or the Administration, the affected board may vote to bring a matter to the Coordinating Committee.