



Competitive Local Permitting Seven Steps Communities Can Take

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- Town Managers
- Planning Departments
- Volunteer Boards

*improve local permitting processes
and promote smart growth.*

Year 2000 Award for Excellence in Local Permitting

THE PERMITTING OF LOCAL BUILDING PROJECTS—FROM A SIMPLE addition to a large commercial project—can be one of the most complex challenges faced by any community. Municipalities constantly struggle to balance the need to control development while encouraging positive growth.

But balance is possible. During Mass Insight's first annual Conference on Massachusetts Infrastructure in December 2000, we highlighted several communities for their achievements in local permitting. Drawing on our five years of experience in working with Massachusetts officials and industry and community partners to identify and replicate best practices in local permitting, we have created the Mass Insight Award for Excellence in Local Permitting.

Based on a survey of professionals involved in commercial and residential development, distributed in conjunction with **David Begelfer** at NAIOP, an advisory panel comprised of **R.J. Lyman**, Goodwin Procter, **Benjamin Fierro**, Lynch & Fierro, and **Michael Leon**, Nutter, McClennen & Fish, we reviewed a number of outstanding candidates. We were proud to present this first annual award to the City of Marlborough, for its consistent approach to permitting on a wide range of projects, and its knowledgeable, professional staff.

Inside:

- **Case studies** on Marlborough and our Honorable Mention Recipients
- **Key elements** for successful local permitting



MASS INSIGHT AWARD FOR EXCELLENCE IN LOCAL PERMITTING

2000 Winner: Marlborough, for Consistent Approach

THE CITY OF MARLBOROUGH WAS SELECTED AS THE first recipient of the Mass Insight Award for Excellence in Local Permitting for its consistent approach to a wide range of commercial and residential development projects. Several easy-to-replicate elements—knowledgeable professional staff, site plan review, an effective master plan, and a coordinated approach among all boards with permitting authority—contribute to Marlborough’s success. These essentials may not necessarily require a lot in the way of financial resources, but do involve a commitment on the city’s part to stick to a consistent and thorough process.

A former shoe factory town, Marlborough is now home to companies such as Fidelity, Raytheon, and Compaq and boasts over 1,000 hotel rooms. Despite the significant commercial development, this city an hour west of Boston also boasts a residential community with a small town feel.

Marlborough is poised for future growth—both commercial and residential. “On my desk right now are five or six site plans, and I know there are even more projects out there,” says City Engineer Patrick Clancy.

Well known for its progressive management and well-maintained infrastructure, Marlborough is a favorite site for companies looking for a convenient location outside of Boston. In many cases, employees follow, enjoying the town’s close-knit feel and many amenities.

Strong Professional Staff

Marlborough is fortunate to have a small but strong professional staff that works closely with its volunteer boards and other town bodies involved in the permitting process. One residential developer noted that the staff is “fair and helpful. They respond quickly and you can’t complain about not getting a fair shake. They have one set of rules for everyone, and they stick to them.”

Site Plan Review Committee

Although the city encourages a mix of commercial and residential growth, its administration is also concerned about maintaining the integrity of the community and addressing environmental concerns. To meet both goals, Marlborough has designed a thoughtful site plan review process—which takes place prior to the start of any construction or the issue of permits. All agencies involved in the permitting process participate in site plan review,

insuring that all sides address major issues.

Single Filing of Project Materials

After a preliminary meeting with the Site Plan Review Committee (comprised of representatives from all agencies or boards with permitting authority), a full application with detailed plans is submitted to the committee as a whole—ensuring that everyone is working from a consistent set of materials. The committee reviews those plans and presents a coordinated response to the proponent.

Effective Master Plan

Marlborough has a thoughtful master plan that clearly outlines what types of development are appropriate for which sections of the city, allowing the community to balance residential and commercial needs with environmental and quality of life issues. As a result, commercial developers generally face less criticism from residents concerned about growth. Nonetheless, the site plan review committee gives high priority to resolving issues that affect residents, such as traffic, environmental concerns, and mitigation efforts.

Additional Permitting Meetings

The Site Plan Review committee will meet jointly with the developer to discuss these concerns and present a coordinated set of recommended changes. If the revised plans address these issues, the team will forward the plan to individual permitting bodies. Since every member of the committee must approve a proposal before it is forwarded, the developer has some assurance that the permitting process will go smoothly.

“Developers like the centralized nature of the site plan review process,” said Clancy. “By meeting with the entire group and hearing our concerns initially, it makes it a lot easier for them to respond. Not to mention, the review is appropriately technical in nature and is relatively removed from the political process.”

One drawback to a thorough review process in the early stages is that the review phase can take longer than a developer might like, especially when the team is reviewing multiple proposals at once.

But Clancy believes that the benefits to site plan review outweigh the costs. “All of the developers go through the same process, and all respond positively to our ‘one stop shopping’ approach.”

HONORABLE MENTIONS

2000 Mass Insight Municipal Permitting Award Honorable Mention Recipients: Plymouth, Weymouth, Woburn Special Category: Devens Enterprise Commission

THE THREE COMMUNITIES EARNING HONORABLE Mentions are to be commended for their efforts in creating a thoughtful permitting system. Plymouth, Weymouth, and Woburn all exhibit some of the major elements of a strong permitting process.

Town of Plymouth: Informal Public Workshops

PLYMOUTH MAY BE BEST KNOWN FOR ITS HISTORY, BUT town officials are very much focused on the future.

They realize that ensuring a mix of development and business opportunities in Plymouth is key to the town's long-term success. "It's very important to this town that we be business friendly and open to new ways of developing that don't put increased pressure on single family households," said Eleanor Beth, Plymouth's town manager.

Permitting officials understand that most major developments, including the types that Plymouth hopes to encourage, inevitably breed some controversy. Therefore, for most major sub-division and commercial projects they use informal public workshops to give everyone a chance to air their concerns constructively.

"Even more effective than a singular formal hearing process to resolve controversial issues, the town utilizes informal public workshops to elicit discussion and compromise, including multiple consecutive sessions," said one leader familiar with Plymouth's process.

In addition, the town's Office of Economic Development works with businesses and developers on new construction or renovation projects, providing a comprehensive guide of Plymouth's permit process and all the various town boards and agencies that could be involved.



William Guenther (left), President of Mass Insight, and Lt. Governor Jane Swift present Mayor Robert Mauro of Marlborough (second from right) with the first annual Mass Insight Award for Excellence in Local Permitting. William McCabe (right), retired Principal of New England Development, received recognition for his long-standing dedication to permitting issues.

HONORABLE MENTIONS

Town of Weymouth: A Fair Mitigation Process

THE TOWN'S PERMITTING PROCESS SURVIVED A MAJOR test during the permitting of Fore River Station. This large utility project involved a series of challenges, including residential concerns, water supply and wastewater infrastructure needs, environmental issues, and the involvement of multiple regulatory agencies.

To make sure that all of these major issues were addressed in a thoughtful way, Weymouth formed a review committee comprised of local residents representing a wide range of viewpoints. That committee then met regularly with representatives of the developer, Sithe Energy, to work out the details of a host community agreement, tax increment financing, and demolition and construction protocols.

"Weymouth officials and Sithe officials negotiated in good faith to agree on a package of mitigation that would ensure project benefits to Weymouth commensurate with potential impacts," said an industry source familiar with the process. "A Memorandum of Agreement that established obligations of both parties and [both sides] agreed that their respective needs and concerns had been addressed."

The spirit of cooperation between Sithe and the community has continued, even though the bulk of the project is complete. Both sides meet monthly to discuss any open issues and new proposals surrounding the site.

According to Jim Clarke, Director of Planning and Community Development in Weymouth, the use of a citizen review committee in the Sithe project proved so successful that the town may use it again in the development of the Naval Air Station and the Greenbush rail line restoration.

City of Woburn: Clear Application Requirements

TOWN OFFICIALS IN WOBURN, FROM THE MAYOR TO THE planning board, all support thoughtful development that meets the town's goals for growth. "City boards and officials have a clear idea of the type of development they would like to encourage," said one developer.

To smooth the development process, Woburn employs

clear, consistent application requirements and ensures that developers and project proponents have regular opportunities to meet with town officials to discuss project goals, areas of concern, and potential compromises.

In addition, they do their best to ensure that permits are granted in a timely fashion. Town Clerk William Campbell points out a recent example, in which a permit for the adaptive reuse of a heavy manufacturing facility for office space and light manufacturing was submitted and approved in less than two months.

"The application was filed on October 16 and it was given a first reading at the City Council meeting on October 17," Campbell said. After a planning board hearing on November 21, where some residents expressed concerns, the application was sent to a committee. They worked to find a resolution that made both the residents and the company happy, Campbell explained, and the permit was approved at the next council meeting on December 5.

2000 Mass Insight Municipal Permitting Award Highlighted Community

Devens Enterprise Commission

CHARGED WITH GUIDING THE DEVELOPMENT OF THE former military base, The Devens Enterprise Commission (DEC) uses a uniquely innovative Unified Permitting system to shorten and simplify review and approval times significantly. The DEC takes on the majority of permitting powers, ranging from site plan review and zoning review to conservation commission-type duties and board of health responsibilities that in local municipalities are often fragmented among separate boards or departments.

As a result of this integrated system, permits can be granted in as little as two months from the date of a completed application. "This combination of all local town reviews under one umbrella permit application creates a vastly simplified and expeditious process for review," said one nominator.

For more information on the DEC approach, go to: <http://www.devens.com/dec.htm>

What Defines a Strong Local Permitting System?

COMMUNITIES CITED BY DEVELOPERS AND RESIDENTS alike for successfully balancing the need to control development while encouraging positive growth have had some major characteristics in common. Following are the key practical elements to a successful permitting process, gleaned from both developers and municipalities who have presented at permitting conferences co-sponsored by the Mass. Department of Environmental Protection and Mass Insight over the past six years.

- **Develop a clear permitting policy.** Effective permitting policies concisely outline what is expected from a developer (i.e. site plans, traffic studies, environmental reviews, etc.), the departments involved in granting a permit, the procedure for approval, and a coordinated timeline of key activities in the permitting process.

- **Communicate the process with useful materials.** Once procedures are in place, create a user-friendly guide that includes: the basic process, answers to key questions, relevant municipal departments, phone numbers and a timeline.

- **Encourage “pre-permitting” meetings with developers of large-scale projects.** Meeting before the formal permitting process begins provides an opportunity for officials to voice concerns early in the process, leading to a responsive permit application and smoother overall process.

- **Establish a coordinated review process:**

- ⇒ **Form a “development cabinet” or regularly scheduled meetings** among all leaders with permitting authority to ensure consistent communication.

- ⇒ **Require a single filing of project materials** to a single town body for internal distribution.

- ⇒ **Coordinate timelines** among the key regulatory groups responsible for permitting, thus avoiding unnecessary delays.

- ⇒ **Hold joint hearings to gather public input** on all aspects of the project, to better coordinate requests to the developer, and eliminate delays.

- **Review existing policies regularly to eliminate**

- redundancy and out-dated regulations.** If several departments have permitting authority, it is important to compare the procedures among these departments and eliminate steps that duplicate efforts.

- **Coordinate local planning with state environmental review.** For many large or complicated projects, approval by the DEP or MEPA is required. Local officials should coordinate schedules with the state and participate in the “scoping session” that is held at the beginning of the application process.

- **Use technology to improve communications.** Post permitting guides, answers to frequently asked questions, staff directories, and applications on a municipal Web site to avoid confusion and simple mistakes.

- **Outline a clear mediation process.** Even in cities and towns with strong permitting processes, there can be major disagreements about the scope and substance of a project. A formal mediation process provides the project proponent, local residents, and permitting bodies with an opportunity to resolve differences in a timely and equitable manner.

One lesson learned from the Mass Insight Permitting Conferences is that many communities may need additional support to devote sufficient time and trained staff to achieve these ends. But many of the basic steps outlined here can be taken without allocating new resources.

Some common-sense advice:

- ⇒ **Stick to permitting deadlines and avoid unnecessary delays.** During a first meeting with an applicant, outline the process and information needed, then try to set and stick to a schedule.

- ⇒ **Follow your own guidelines.** Delays, costly changes, and legal battles may erupt when a community does not adhere to its own permitting guidelines.

- ⇒ **Be certain local and state regulations are not in conflict with one another.** Save both your city or town and builder’s time and money by reviewing existing and proposed regulations to be certain they meet state (and federal) guidelines.



Since 1989, Mass Insight has organized leadership groups and facilitated public-private initiatives to improve state performance on issues that have a significant economic impact on Massachusetts.


For the past six years, Mass Insight has partnered with the Department of Environmental Protection, corporations, municipalities, and others to hold twice-yearly permitting conferences. As a direct result, communication between these diverse groups has improved, regulations have been streamlined and areas of compromise and consensus have been forged.

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