

Town of Meredith Community Development Department Assessment



**Prepared by
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Town of Meredith Community Development Department Assessment

This audit of the Town of Meredith Community Development Department was conducted between November 2022 and February 2023 at the request of the Town through its Town Manager and Board of Selectmen. The scope of the audit encompassed a thorough assessment of the department based on statutory requirements and best practices with a focus on user experience, general operations, regulatory compliance, and fairness of process. Specific components of the assessment are outlined below.

1. Background Review

- a. Review of the written documents for consistency with statutory requirements, best practices, and general background on department functions including:
 - Written department and related board, committee and commission policies and procedures.
 - Application forms for all relevant permits and approvals.
 - Fee schedules.
 - Subdivision, Site Plan, and other related regulations for consistency with statutory requirements and best practices.
 - Review of other applicable ordinances and regulations.
- b. Review the website for ease of access, clarity, and user experience.
- c. Review a sample of Planning Board, Zoning Board Conservation Commission and other relevant committee minutes selected randomly over the past year.
- d. Review video recordings of select meetings.

2. Site Visit

A site visit to experience the public face of the department and evaluate its overall operations was conducted on November 30, 2022. The site visit included:

- a. Observation of the interaction between town staff and the public (the front counter experience).
- b. Observation of where or how application forms and regulatory materials are made available to the public.
- c. Observation of the interaction of department staff with each other.
- d. Observation of the interaction between staff and the public.
- e. Interviews with each department employee to gain insight into departmental operations including identifying actual or functional responsibility for key components of the process, identifying the “chain of custody” for applications and the ways in which communications are carried out between staff, applicants, board members and the public.

3. Confidential off-site Interviews included:
 - a. Experienced applicants for Planning and Zoning Board approvals and building permits.
 - b. Planning Board, Zoning Board and Selectboard members.
 - c. Other municipal staff.

Department Overview

The Meredith Community Development Department is located in a free-standing building at 5 Highland Street to the rear of Town Hall. The Department is responsible for administering planning & zoning regulations, staffing Planning Board and Zoning Board of Adjustment (ZBA), issuing building permits and conducting related inspections, and code enforcement along with street naming, 911 addressing and providing support to various other town committees. The Conservation Commission maintains an office in the building but is not staffed by the Department.

Gas & Oil permits originate in Community Development, but inspections are conducted by the Fire Chief. Since Community Development staff have no oversight or control over the Fire Department, issuing the permits and scheduling inspections is a source of friction and frustration within department. No fees are currently charged.

The Department is staffed by five positions: the Community Development Director, Town Planner, a building inspector who is also the Code Enforcement Officer, Zoning Administrator and Health Officer, an Administrative Assistant and an Office Clerk. Each of these positions is described in greater detail below. The Department uses a third-party consulting firm for engineering review (a common practice) and third-party GIS services.

The front office includes a front counter with a display of application forms and two workstations, one for the Office Clerk and one for the Administrative Assistant. Directly behind the front office is the Building Inspector's office which is within earshot of the front counter. The balance of the first floor consists of a mix of meeting space, file storage and a staff break area. The layout of these multi-purpose spaces is somewhat inefficient, but nevertheless, appears to function reasonably well.

The filing system is a combined, color-coded system based on tax map parcel number that includes planning, zoning, and building files. This is a recommended practice.

Overall, the front office appears to work reasonably well and to be adequately staffed. Application materials are accessible, and the Office Clerk and Administrative Assistant appear able to manage inquiries at the counter as well as phone calls and other demands. During the site visit, three interactions at the front counter were witnessed: one with an individual seeking an inspection and two encounters with a person opening a new business. In addition, incoming phone calls from the public were overheard. In my observation, front office staff were friendly, responsive, and able to address each person's needs successfully.

Website

The Town's website is an impressive resource for a community of Meredith's size. Information on the purpose and mission of the Community Development Department and the Boards it staffs are provided together with links to a variety of planning related information and materials. Applicable ordinances and regulations, application forms, and required fees are readily accessible and contact information for key staff is provided. Helpfully, agendas, agenda packages, minutes, and video recordings of board meetings are also posted on the website. The website provides superior public access to information related to town government generally and to key boards, committees and commissions.

Department Staff

1. Community Development Director

The Community Development Director has been with the Department for 34 years. Not surprisingly, his institutional knowledge is substantial and his contributions to the town appear to be recognized. The Director's workstation is a private office located on the second floor. In addition to managing the Department generally, he works with Capital Improvements Program (CIP) Committee and the Watershed Advisory Committee as well as the Greater Meredith Program, a local community development organization. He does weigh-in on certain development proposals though he does not directly staff the Planning Board or the ZBA. Having a Community Development Director who does not also function as a town planner is unusual in a community of Meredith's size.

2. Town Planner

The Town Planner's workstation is also located in a private office the second floor. The Planner administers the Town's planning regulations, meets with applicants, and assists them in preparing complete applications, reviews application submittals, and staffs the Planning Board. She also works with Bicycle/Pedestrian Committee and Energy Committee. She does not review building permits but does sign-off on Certificates of Occupancy (COs). Should the Master Plan update process proceed, the Town Planner would also be responsible for leading the effort.

It is worth noting that many towns require that the town planner review and sign-off on building permit applications for new construction, especially for commercial development, to ensure that site plan and subdivision requirements are adhered to prior to construction.

A review of the video recordings of various Planning Board meetings over the course of 2022 demonstrates that the Town Planner is an active and important participant in Planning Board meetings. She appears familiar with the details of the projects under review, knowledgeable of the regulations and applicable laws and conducts herself professionally. The Town Planner works closely with the Administrative Assistant who is in effect, a planning assistant. A review

of current and historic Planning Board application activity suggests that the workload for the Town Planner position and Administrative Assistant is substantial but manageable.

3. Administrative Assistant

The Administrative Assistant is the initial point of contact for most Planning Board applicants. She takes in applications and conducts an initial review to make sure required materials are provided. If necessary, the Town Planner is called in to assist.

Planning Board applications are due 21 days before date of hearing. The agenda cut-off is typically on a Monday and applicants are informed by Friday if they made the agenda. The draft agenda is sent out the Friday after the Monday cut-off (17 days before the Planning Board meeting). The Administrative Assistant prepares the agendas, agenda packages, abutter notices and newspaper notices and attends Board meetings. Friday before the Planning Board meeting, agenda packets are ready for pick-up by board members. The Administrative Assistant also provides back-up support for the Office Clerk. Data related to Department Applications is entered into the MuniSmart system. Staff relates that the system is cumbersome to use and has experienced operational problems resulting in a lack of access and loss of data. A new software system is anticipated.

The Community Development Department holds a standing meeting to review applications on the Tuesday after agenda cut-off. The Fire, Public Works, and Water & Sewer departments are invited along with the Conservation Commission and Police Department if needed. Reviewing applications with other relevant town staff in advance of posting the agenda and sending out notices is important to help identify key issues and potential deficiencies and avoid surprises further along in the process.

4. Office Clerk

The Office Clerk takes in Building Permit and other related applications at the counter and conducts a preliminary review of building permit applications using a checklist. She answers basic application related questions and calls in the Building Inspector as needed. Completed permit applications are placed in the Building Inspector's in-box. The Building Inspector sets the fees. Turnaround time for review of an application is typically one to three days. The Office Clerk schedules inspections for the Building Inspector as well as for oil/gas permits. Both she and the Administrative Assistant answer phone calls, assist people at the counter and provide back-up support for each other. This arrangement appears to work well.

5. Building Inspector

The actual title of the Building Inspector is Code Enforcement Officer, Zoning Administrator and Health Officer. The Building Inspector reviews all building related permit applications and conducts necessary inspections. As Health Officer, he also issues permits septic systems though he does not license or inspect food service establishments. As Zoning Administrator, he staffs the Zoning Board and as Code Enforcement Officer, he is responsible for enforcing the Zoning

Ordinance and Planning Board regulations. The number of permits issued by the Department is substantial and appears to have remained fairly constant over the past few years. ZBA applications are also relatively numerous.

Overall, the Department's practices and procedures in administering the building permit process appears to work well. The prior Building Inspector (the position is currently vacant) was generally well regarded in his building related role. Zoning administration and code enforcement, however, are a source of concern both within and outside of the Department.

Subdivision and Site Plan Regulations

The Town's Subdivision Review and Site Plan Regulations are typical of those adopted by many New Hampshire Towns, however there are numerous inconsistencies and updates that need to be addressed. These include important updates to the regulations necessary to reflect changes in procedural requirements that became effective on July 1, 2022 as a result of the passage of HB 1661. Examples of inconsistencies include the requirement in the Subdivision Regulations that applications be submitted 15 days before the date of the hearing where as the Site Plan Review Regulations and internal policies require 21 days. In addition, several statutory references, various citations and definitions need to be updated and the fees referenced in the regulations also need to be reviewed and reorganized. Further, it would be helpful if both sets of regulations followed a consistent format and structure.

Staff Challenges and Concerns

The challenges of taking in and scheduling oil/gas permits without having any control over the inspections was cited as a source of frustration by multiple Department staff members. Though this would appear to be a relatively minor issue, it is clearly an irritant that should be addressed.

Staff also cited frictions with the ZBA as a concern. These were mainly due to the ZBA's use of its own legal counsel and exclusion of staff from nonpublic sessions regarding legal issues. Staff feels "out of the loop" which in turn, hinders their ability to effectively support the Board. Challenges in enforcing planning regulations and Zoning Ordinance requirements is also source of frustration for both staff and members of the ZBA. Addressing noise complaints and issues related to Airbnb's were specifically cited.

In addition, staff is aware that a Master Plan update is long overdue (the current plan was completed in 2002) but funding for an outside consultant has not yet been approved.

External Issues and Concerns

As noted under staff concerns, the lack of enforcement of planning and zoning regulations has been cited as a concern from people outside of the Department as well as from staff and there is a sense that certain complaints are ignored and that enforcement is inconsistent. Concern that enforcement or administration of Watershed District requirements has been reported.

Lack of progress in updating the Master Plan is also a source of frustration. Multiple individuals interviewed questioned whether a fulltime Community Development Director is needed. The suggestion that the Department is “top heavy” was made by a few people interviewed for this assessment.

The most pressing concern is a perception that in certain cases, applicants for Planning Board or building permit approvals are treated differently based on who they are or whether staff views their applications favorably. One individual gave the example of a downtown development liked by staff being given favorable treatment whereas staff appeared to be less willing to assist an applicant for a project in an outlying area. A lack of responsiveness from staff was also cited along with in some cases, conflicts which may have been personal in nature. Complaints that staff could at times be unhelpful or unresponsive were also cited. It is not possible to verify whether individual applicants are treated unequally or unfairly based on who they are or the nature of the project proposals. However, given that multiple individuals have made similar complaints, it is clearly an issue that needs to be addressed.

Conclusions

1. Overall

Overall, the Community Development Department’s internal practices and procedures in administering the planning process and staffing the Planning Board appear to function well and are generally consistent with statutory requirements and best practices. Importantly, the Planning Board appears satisfied with the support that they receive. Management of the building permit process also appears to function well, though as noted above, involving planning staff in reviewing building permit applications could be beneficial in helping to avoid potential planning related violations before construction.

Planning and zoning related code enforcement is always a challenge, especially when complaints are related to activities occurring outside of normal working hours. It is also challenging because in Meredith, as is true in most towns, enforcement is typically one of many duties that fall under the responsibility of the designated code enforcement officer, and it is rare that the enforcement officer has adequate education, training, and experience in these areas. Further, it is clear that the working relationship between staff and the ZBA needs to be improved.

2. Staffing

The Meredith Community Development Department has the right number of positions, but the job functions of certain positions need to be reevaluated. The Department is too small to have a director who is not actively engaged in administering its core functions, particularly at a time when certain departmental functions are not being addressed adequately. The current Community Development Director has played a valuable role in Meredith for many years and is generally well regarded. As previously noted, however, it is unusual for a town of Meredith’s

size to have a fulltime community development director who does not actively staff one or more boards or play an active role in project reviews. Further, although the director does perform important tasks, the position does not appear to be fully programmed.

On the other hand, given the level of development and planning related activity in Meredith, the Town Planner appears to have a full plate. With the support of the Administrative Assistant and the benefit of the well-designed systems in place, the Town Planner can effectively administer the planning process and provide staff support for the Planning Board. Without the services of a consulting firm or regional planning commission, however, it would be very challenging for the Planner to lead the Master Plan update process while fulfilling her other principal duties. The Master Plan update is more than 15 years overdue and needs to be addressed. Since funding for a consultant has not been approved for 2023, the update process will need to proceed using other department staff and probably volunteers from the community if at all.

Administrative Assistant & Office Clerk: The front office appears to be appropriately staffed through these two positions. Each position has a distinct role, but they are also mutually supportive.

Code Enforcement Officer/Zoning Administrator/Health Officer/(Building Inspector): These are too many titles for one employee. Having a building inspector function as the code enforcement officer is common, however, zoning administration is usually not within the education, training, or experience of most building inspectors. It is also not common to have a Building Inspector serve as staff to the Zoning Board. One or more of these duties should be shifted to other staff. This could improve code enforcement overall and improve staff support for the ZBA.

3. Other Issues

As discussed above, the ZBA has independent legal representation. Staff is excluded from nonpublic discussions with ZBA counsel and staff feels out of the loop. This is a source of mistrust and friction that impedes the ability of staff to properly support the Board. This practice is also problematic more generally since issues that require consultation with legal counsel can relate to litigation to which the town would be a party and it is the town as a whole that bears the cost. The ZBA is not an independent entity; it is a board of the Town and as such, should not be represented by a separate legal firm over which the Town Manager and Board of Selectmen have no input, oversight, or control.

Addressing complaints regarding unequal or unfair treatment is especially challenging since it is not an issue of staff levels or procedures, but rather, an issue of office culture, individual personality and sense of duty. Since concerns related to this issue seem to run deep, it is important that a statement in some form be made that equitable treatment for all applicants is a priority of the Town of Meredith and that this be communicated to the Community Development Director and Department staff through the Town Manager and/or Board of

Selectmen. It may also be worthwhile to have the Town Manager serve as an ombudsman for complaints related to the Department on an interim basis. This would send a signal to the community that the complaints received are taken seriously and may help to mitigate certain issues before they escalate. Finally, consideration should be given to reviewing and possibly amending ordinances related to issues that seem to be the subject of a disproportionate number of complains such as Short-Term Rentals, the Lake Waukewan Watershed Overlay District and the Architectural Design Review Ordinance.

Recommendations

1. By whatever title, the Community Development Department needs two professional planning/zoning positions to adequately meet current demands. In the long-term, the Town should consider eliminating the Community Development Director position, keeping the Town Planner position, and potentially adding an assistant planner position. In the short term, a redistribution of key department functions would be prudent. There is no one way that tasks should be distributed between staff members, but since the Town Planner appears to have a full workload, the following is recommended:
 - The Community Development Director should assume the role of Zoning Administrator. This would include staffing the ZBA and responsibility for zoning enforcement.
 - The Community Development Director should assume responsibility for enforcing Planning Board site plan and subdivision regulations.
 - The Community Development Director should be tasked with initiating the Master Plan update process. Though it is recognized that funding will be necessary for at least some level of outside support, the Department can initiate the public input process through developing a survey, conducting stakeholder input sessions and charrettes, and compiling available data. Consideration should also be given to pursuing grant funding to support the Master Plan update effort.
2. The Town should discontinue the practice of maintaining independent legal counsel for the ZBA. Furthermore, it is important that town staff are included in any discussions between board members and legal counsel since these discussions inevitably impact zoning administration and enforcement as well as staff support for the Board.
3. The Town should consider hiring a part-time inspector specifically for gas/oil permits and adopt a fee (\$50 would be consistent with other similar permits) to off-set the cost. Though moving the entire process out of Community Development and over to the Fire Department is an option, the Fire Department currently lacks the capacity to handle scheduling the inspections.

4. The Town should consider having the Town Manager serve as an ombudsman for complaints related to the Community Development Department on an interim basis.
5. The Community Development Department should conduct a thorough review of current Nonresidential Site Plan Review and Land Subdivision Regulations together with any related policies, guidelines, procures and application forms to ensure compliance with current statutory requirements, to update statutory and other references, and eliminate inconsistencies.
6. The Town should review and consider amending certain Zoning Ordinance provisions that are the subject of a disproportionate number of complaints related to unequal treatment of applicants or insufficient enforcement.

About the Author

This assessment was conducted by Jay Minkarah at the request of the Town through its Town Manager. Mr. Minkarah has over thirty years of planning and economic development experience in New England including providing staff support to planning and zoning boards in seven New Hampshire towns. He currently serves as Executive Director of the Nashua Regional Planning Commission. Prior to coming to the Nashua Regional Planning Commission in 2017, he served as President & CEO of DevelopSpringfield, a nonprofit development corporation in Springfield, MA and as Economic Development Director for the cities of Manchester and Nashua. In these roles, he had the opportunity to lead several significant development projects through local municipal permitting and approval processes. He also served as director of the Town of Merrimack Community Development Department from 1994 to 2004. Jay has a Bachelor of Urban Planning from the University of Cincinnati and a Juris Doctor from the University of New Hampshire Franklin Pierce School of Law. He is an inactive member of the New Hampshire Bar Association and currently serves on the Nashua Zoning Board of Adjustment.