An Analysis of the Permitting Process in Greater New Bedford

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Prepared for:

NEW BEDFORD AREA CHAMBER OF COMMERCE

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About the New Bedford Area Chamber of Commerce:

Established in 1885, the New Bedford Area Chamber of Commerce serves ten communities in the SouthCoast of Massachusetts. With a total population of more than 210,000 residents, the ten communities include: the City of New Bedford; Acushnet; Dartmouth; Fairhaven; Freetown; Mattapoisett; Marion; Rochester; Wareham; and Westport.

The New Bedford Chamber is a progressive organization that participates in initiatives that positively impact our business members and the quality of life in the SouthCoast region. Initiatives include education, economic development, trade shows and legislative affairs. Read on to learn more about the Chamber, what we do and the multitude of programs we tackle every day.

To learn more, visit http://newbedfordchamber.com/ or contact info@newbedfordchamber.com.

About the Urban Initiative at UMass Dartmouth:

The Urban Initiative's mission is to address challenges and opportunities in the region's smaller industrial cities, with a particular emphasis on strengthening our nearby communities like Fall River and New Bedford. In addition to conducting applied research, evaluating programs and policies, facilitating collaborations, and providing technical assistance to cities and organizations therein, the Urban Initiative serves as a knowledge base for urban policy issues and their applications in the region.

The Urban Initiative works with a diverse array of stakeholders to address their needs for information and support. Past and prospective partners include municipalities, school districts, state and local public agencies, nonprofits, private organizations, coalitions and associations, and citizen groups. The Urban Initiative's activities include:

- Conducting applied research, determining how urban policy plays out in real scenarios or settings;
- Evaluating programs and policies to determine the impact they have on target audiences;
- Fostering partnerships and collaborations across sectors and disciplines to encouraged coordinated, strengths-based problem solving;
- Making information, news, and data related to urban policy more accessible and useful to stakeholders in the region;
- Providing a range of technical assistance to enhance the capacity of local stakeholders;
- Convening events and workshops to disseminate skills and information to members of the community; and
- Connecting the UMass Dartmouth community to cities like Fall River and New Bedford by engaging students and faculty in research and technical assistance opportunities.

To learn more, visit http://www.umassd.edu/urbaninitiative/ or contact urbaninitiative@umassd.edu.

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Introduction

Permitting processes and requirements have major economic development implications for both business owners and the communities that seek to attract them. A growing number of cities and even entire regions have consequently begun shifting their attention to ensuring that their policies and procedures around permitting do not present barriers to growth. Recognizing the need to identify such barriers across the greater New Bedford region, the New Bedford Area Chamber of Commerce (NBACC) engaged the UMass Dartmouth Urban Initiative to conduct a regional analysis of permitting aimed at identifying opportunities for municipalities to streamline their processes and adopt best practices.

The scope of this project included four activities: 1) obtain existing data on permitting policies and procedures across the region; 2) conduct one focus group with NBACC members; 3) conduct survey research to obtain primary data from local communities as needed; and 4) analyze data and issue a report on current practices and opportunities for streamlining through the use of best practices.

The Urban Initiative's analysis integrated a diverse array of research methods which included a focused synthesis of existing research and data, qualitative research, and survey research. The purpose of this report is to outline the current quantitative and qualitative findings, discuss best practices, recommend how these are most applicable to this region, and propose next steps in furthering this work.

Limitations

The scope of this work was limited to providing an overview of the regional permitting landscape. This analysis is not intended to provide the final word on needs and opportunities for streamlined permitting; instead, it represents a first step in a conversation that should integrate a broader, more diverse array of stakeholders before action steps are taken.

Another limitation is that of the ten communities that make up the New Bedford Area Chamber of Commerce's service area, two (Freetown and Mattapoisett) did not respond to repeated attempts to gather information. These communities were necessarily omitted from this analysis.

Best Practices for Streamlined Regional Permitting

In 2007, Massachusetts' thirteen regional planning agencies came together to address the need for streamlined permitting process across communities. As a result of a statewide survey, a series of focus groups, a literature review, and the planning agencies' own experience addressing permitting issues in their own regions, this group—the Massachusetts Association of Regional Planning Agencies, or MARPA—produced *A Best Practice Model for Streamlined Local Permitting.*[1] Because of its comprehensiveness and utility, this document has subsequently been used by regions in other states who seek to reap the benefits that streamlined permitting can offer. This resource thus played an important role in shaping the Urban Initiative's report and analysis.

MARPA concluded that "…a more transparent, timely, efficient and predictable process would assist the public objectives of having good development placed in good locations and promoting economic opportunity while protecting local resources[2]." Their best practice recommendations are organized by four broad categories: 1) fostering better communication among municipal regulatory boards and between those boards and applicants; 2) standardizing forms and procedures to provide efficiency and predictability; 3) providing sufficient resources to enable swift and competent regulatory consideration; and 4) encouraging proactive planning, site selection, time-constrained projects are proposed. Within these four categories there are twenty-six best practices, each of which is defined and summarized based on benefits, challenges, and implementation. MARPA also highlights Massachusetts municipalities that are currently employing each practice. Each category is summarized as follows:

1) Fostering Better Communication

> a) **Single point of contact**: designate a single point of contact that is responsible for coordinating the applicant's efforts to apply for the necessary permits in a city or town. MARPA suggests this position could be assigned to the community development director or city/town planner.

> b) **User's guide to local permitting**: it is recommended that municipalities develop a 'User's Guide to Local Permitting.' This would be an efficient way to improve information sharing (especially if the guide is electronically available).

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[1] The Massachusetts Association of Regional Planning Agencies (2007). *A Best Practices Model for Streamlined Local Permitting.* Accessed at: http://www.mass.gov/hed/economic/eohed/pro/zoning-and-permitting/permittingbestpracticesguide.pdf.
[2] Ibid.

c) Permitting **flow charts and checklists** are recommended as another way to clearly outline the process and requirements for obtaining permits. Examples of these can be accessed through MARPA's report.

d) **Clear submittal requirements** should outline a comprehensive list of items an applicant must submit to a board or commission in order for the application to be considered complete.

e) **Concurrent applications**: This is recommended for development projects that require permits from more than one board. Concurrent applications can save review time and also encourage collaboration across municipal offices.

f) **Combined public hearings** are also proposed by MARPA. Projects that require multiple permits can require the applicant appears in front of multiple agencies. This process can be incredibly lengthy, especially in municipalities with boards that only meet monthly.

g) **Pre-application process**: The purpose of this process is for all parties to meet prior to the submittal of the formal application to discuss the development concept, potential issues and concerns. These meetings have the potential to promote better communication between municipal boards and applicants. The town of Rochester is cited by MARPA as a community that provides such meetings between a project and town staff.

h) **Project technical review team**: The eighth recommendation is to develop a project technical review team. This team should be formed to review applications which have been submitted before multiple boards.

i) **Regularly scheduled inter-departmental meetings** provide an opportunity for all regulatory agencies to coordinate on matters specific to each of them beyond a particular project.

j) **Physical proximity of professional staff**: recommended for the purpose of increasing communication and efficiency among staff.

k) **Development agreements** are also encouraged. This is a contract between a municipality and a property owner/developer.

l) **Encourage use of third-party consultants**: MARPA describes that contracting with a consultant to review development projects can provide needed expertise, identify significant impacts, and create more efficiency.

2) Standardizing Forms and Procedures

a) **Predictable impact fees** are the first recommendation mentioned in this subsection. Impact fees are "one-time payments made by an applicant to a government entity as a condition of approval on a proposed development[3]".

b) **Objective criteria** for special permits, of-right zoning, and master plans are recommended to make the permitting process more efficient and timely.

c) **Effective use of site plan approval**: Site plan review allows for a detailed evaluation and mitigation of development project impacts by the reviewing authority. MARPA also cites the Town of Rochester's Site Plan Review bylaw for combining language that incorporates items helpful for streamlining the permit process.

d) **Two-tier assessment process**: This best practice allows regulatory agencies to provide varying levels of review dependent on the scale or impact of a project.

e) **Delegating minor decisions to staff**: This creates opportunities for staff and boards to focus on projects with greater complexity and potential community impacts.

f) **Uniform timelines, notifications, and appeals**: This provides another tool to create efficiency and accountability in the permitting process.

3) Providing Sufficient Resources

a) **Adequate staffing**: During MARPA's focus group discussions, applicants unanimously voiced that communities with volunteer boards without adequate staff were the hardest to work with.

b) **Create a culture of training**: An example of this would be education and training for regulatory board members and staff. MARPA asserts that tools like this would lead to immediate benefits in clarity, timeliness, competence, and defensible decision making.

c) **Maximize the municipal website**: This was highlighted in the focus group conducted by the Urban Initiative as a shortcoming of some South Coast towns. While more municipalities are moving towards electronic filing systems, this presently only happens in one South Coast town (Wareham).

d) **Electronic permit tracking system**: Similar to electronic filing, electronic permit tracking systems have "the potential to streamline permitting from application intake through project completion[4]".

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[3] The Massachusetts Association of Regional Planning Agencies (2007).
[4] Ibid.

e) Create an **electronic filing process for permit applicants:** MARPA suggests this step as a way to reduce the risk of filing and administrative error or oversight. It would also allow electronic transmission of permit applications across boards.

4) Encouraging Proactive Planning

a) **Selecting preferred sites** for commercial or industrial development is a step that should be taken by communities proactively. Notably, MARPA's focus group participants identified the process of site selection for commercial projects as the most difficult part of the development process. Included in MARPA best practice report is thus an outline of the process a municipality might consider using to select sites for expedited permitting.

b) **Designating priority development sites under Chapter 43D**: Also available in MARPA's report is a step-by-step guide to adoption of 43D. In the MARPA survey data, among SouthCoast communities when asked, 'Are you familiar with MGL Chapter 43D?' the town of Marion was the only municipality that responded 'no.' Similarly, when towns were asked if they were 'Currently considering using MGL Chapter 43D?' the only municipality that responded 'yes' was New Bedford.

c) **Pre-permitting for selected sites** is the final recommendation. More details on this process can be found in MARPA original report.[5]

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[5] The Massachusetts Association of Regional Planning Agencies (2007).

Secondary Data Analysis

The UI's first step in the analysis process was to synthesize existing data collected by MARPA in 2007. This data resulted from a survey that was responded to by 61 percent of Massachusetts municipalities, and questions were designed to inform state, regional and local policymakers on how to make more strategic decisions about permitting policy. The Urban Initiative worked with MARPA to obtain raw data from this survey with which to conduct our analysis.

The total sample of MARPA's survey results included respondents from 215 Massachusetts municipalities. MARPA highlighted the positive findings from the survey data that included:

- Nearly 80 percent of municipalities had a comprehensive or master land use plan.
- 75 percent of municipalities were found to hold informal meetings among staff or boards to discuss permits and in communities that permit commercial development over 50,000 square feet, fifty-four percent do so within six months.

Comparatively, areas that were highlighted for improvement were often related to capacity issues such as,

- 28 percent of municipalities do not employ any professional staff to assist volunteer boards with permitting
- 60 percent of municipalities do not hold regularly scheduled coordinating meetings between different boards or staff serving boards to discuss development proposals
- 55 percent of municipalities do not identify a point of contact to interact with business developers.

Greater New Bedford towns included in that original data set included: New Bedford, Acushnet, Dartmouth, Fairhaven, Marion, Wareham and Westport. The UI attempted to gather identical survey data from the three remaining towns: Freetown, Mattapoisett, and Rochester. However, only Rochester returned the completed survey.

For the purpose of this report the UI's analysis divided the quantitative data into four categories that correspond with the organization of MARPA's best practices: staffing, permitting process, access to information, and economic development. These results are summarized in **Table 1**.

In the first two categories, municipalities in the region generally exhibited the use of best practices. In terms of staffing, all of the surveyed municipalities have adopted the best practice of employing professional staff. And in all towns except Fairhaven, permit applications are reviewed by staff to determine acceptance as a completed application. All towns also concluded that it takes fewer than six months for all necessary permits for commercial development are issued.

Access to information presented the most variation in responses, and thus the most significant opportunity for adopting effective, streamlined procedures. Those towns with 'No' responses in **Table 1** are not employing best practices. Acushnet, Fairhaven, New Bedford, Marion and Westport have limited resources available online. Fairhaven, New Bedford, and Westport also do not have a single point of contact with which applicants can interact. All towns have site plan reviews for commercial developments.

In regard to economic development, transportation access/congestion and state permitting requirements and procedures were the most common issues cited as presenting the greatest barriers to commercial development. Acushnet, Fairhaven, New Bedford, Rochester, and Westport all responded that there was 'too little' development going on in their communities, while Dartmouth, Marion, and Wareham all believed the amount of commercial development in their towns was 'about right.' When it comes to residential development, the biggest barrier to permitting was water/sewer infrastructure and concern over schools or other related cost increases.

There was wide variation in the way towns viewed the rate of new residential development in their communities. Acushnet was the only town that responded 'too little.' Dartmouth and New Bedford both replied 'about right;' Fairhaven, Rochester, and Wareham all said 'too much;' Marion and Westport responded 'wrong type.'

Table 1

Survey Questions:	Acushnet	Dartmouth	Fairhaven	Marion	New Bedford	Rochester	Wareham	Westport
Staffing								
Does your municipality employ professional zoning and permitting, planning, conservation, economic development and/or community development staff?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Permitting Process								
Are any permit applications reviewed by staff to determine acceptance as a complete permit application?	Yes	Yes	**No**	Yes	Yes	Yes	Yes	Yes
What is the average total length of time it takes for your municipality to issue all of the necessary permits for a commercial development?	Less than 6 months	Less than 6 months	Less than 6 months	Less than 6 months	Less than 6 months	Less than 6 months	Less than 6 months	Less than 6 months
Access to Information								
Does your municipality post its bylaws, ordinances, and application forms online?	**No**	Yes	Yes	Yes	Yes	Yes	Yes	**No**
Offer a written guide to obtaining local permits for proponents of development in your municipality?	Yes	Yes	**No**	Yes	**No**	Yes	Yes	**No**
Have a specific written list of permit application requirements for all special permit application?	Yes	Yes	Yes	**No**	Yes	Yes	Yes	**No**
Have site plan review for commercial developments?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Utilizes permit tracking software?	**No**	**No**	**No**	**No**	**No**	**No**	**No**	**No**
Provide single point of contact to interact with individuals and buisnesses the wish to propose a development?	Yes	Yes	**No**	Yes	**No**	Yes	Yes	**No**
Economic Development								
What is the biggest barrier to permitting commercial development in your municipality? (1) Transportation access/congestion (2) Water/sewer infrastructure (3) Lack of local desire for commercial development (4) Lack of planning and permitting resources (5) State permitting requirement and procedures	1	1, 3	1	2	1, 5	5	NA	2, 5
How would you rate the amount of new commercial development being built in your community?	Too little	About right	Too little	About right	Too little	Too little	About right	Too little
What is the biggest barrier to permitting residential development in your municipality? (1) Transportation access/congestion (2) Water/sewer infrastructure (3) Lack of local appetite for residential development (4) Lack of planning and permitting resources (5) State permitting requirement and procedures (6) Concern over schools or other related cost increases	2	6	1, 6	2	NA	5	NA	2
How would you rate the amount of new residential development in your municipality?	Too little	About right	Too much	Wrong type	About right	Too much	Too much	Wrong type

Qualitative Data & Analysis

Many of MARPA's quantitative findings were validated qualitatively by a focus group facilitated by the Urban Initiative with the support of the New Bedford Area Chamber of Commerce. The seven participants, NBACC members recruited by Chamber President Roy Nascimento, all conduct business across multiple municipalities in the region. Their backgrounds included residential and commercial construction, financial management and advising, party rentals, and real estate development. Topic areas of the focus group included participants' experiences with best practices in the region, information sharing, fee structures, and economic development.

Overall, focus group participants expressed frustration with the permitting process in the region. Across the group there was consensus that processes and policies across the region are highly inconsistent and thus create inefficiency. The areas of inconsistency emphasized were fees, staffing, and information sharing. All towns have their own separate fee structures and that is subject to change based on the level of enforcement or revenue-based decisions made by the municipalities. One participant stated, "Because fees differ by community for the same project, this can deter someone from doing business in one region versus another." One participant offered the example that the City of New Bedford has permitting fees that far surpass those of Fall River, its peer city just fifteen minutes away. While the topic of fee structures across communities was not addressed by the MARPA best practices guide, this nevertheless highlights an opportunity for a region-wide discussion on how--and whether--fee structures should be coordinated across the South Coast to promote consistency and regional competitiveness. Fee structures and their representation are currently so diverse across the region the ability to cross compare these numbers is virtually nonexistent.

Fee information is also not always readily available for each town. This related to another common theme in the focus group: information sharing. Some towns have all fees, forms, and instructions available online, while others do not have any of this information available in an electronic form (see **Table 2**). With limited work hours and an unavailability of electronic information in some communities, this reportedly poses a problem for businesses that operate outside of traditional work hours. Similar to limited business hours, participants have experienced inconsistencies in staffing levels across municipalities. Apparent understaffing has slowed the process in some communities,

and related challenges reported by participants have included varying levels of customer service and high turnover rates among inspectors.

Wareham and Rochester both received praise for their use of best practices when it comes to access to information and straightforward fee structures. Wareham is also the only town that has an online system for completing and submitting permit applications. Fairhaven was also cited as a town that uses effective streamlining practices despite the fact that their town site does not include fees, forms, or instructions.

Table 2

Information Availability: What is accessible online?			
Town	Fees	Permit Application/Forms	Application Procedures/Instructions
Acushnet	Y		Y
Dartmouth	Y	Y	
Fairhaven			
Freetown	Y	Y	Y
Marion			Y
Mattapoisett	Y	Y	Y
New Bedford	Y		
Rochester	Y		Y
Wareham	Y	Y	Y
Westport			

Respondents were asked what impact, if any, the permitting process in the region has on economic development. Generally, participants were in concordance with the fact that permitting plays an important role in facilitating or discouraging development both across a region and within individual communities. Several anecdotes were shared to describe how cumbersome permitting processes and policies have challenged the will of developers to invest in particular communities.

Focus group participants offered their own recommendations based on experiences in both this region and others throughout the country. The first suggestion was that a next step in the conversation about streamlined permitting should include focus groups with representatives from the region's municipalities who deal directly with permitting (this step was not within the scope of services for the Urban Initiative). Another recommendation was that permitting could possibly be addressed at the county. The third suggestion was that stakeholders on both sides of the permitting process--municipal employees and representatives of businesses that frequently deal with the

permitting process--come together to form a regional committee on permitting in order to facilitate a regional, ongoing discussion about streamlining.

Notably, the findings from this focus group were closely aligned with local focus groups that were conducted to inform MARPA's efforts in 2007. These local focus groups were facilitated by the Southeastern Regional Planning and Economic Development District (SRPEDD), which continues to serve as an important resource for stakeholders interested in continuing the discussion about permitting within and across the region's communities.   Similar to the Urban Initiative's recent qualitative findings, the 2007 focus groups had several common themes that emerged, including improving communication between developers and municipalities and coordinating communication within a municipality. Another theme was the need for adequate staffing and training in local permitting and clarifying the legal requirements to several aspects of the regulatory process.

Conclusion and Suggested Next Steps

The objective of this report was to highlight best practices, apply them to the ten communities that comprise the greater New Bedford region, and illuminate opportunities for adopting best practices in a way that streamlines permitting across the region.

Indeed, there are a number of best practices already being employed in greater New Bedford communities: permitting fees, applications, and instructions are all available on the town websites in Freetown, Mattapoisett, and Wareham, while Rochester was cited by both the MARPA guide and the Urban Initiative's focus group as a community that does things particularly effectively. This presents an important opportunity for information sharing to happen across the region's municipalities so that each community can build its own capacity based on the lessons learned by its neighbors.

Information sharing is not only an opportunity across the region, but it's also a best practice when it comes to permitting. **Table 2** highlights the communities in which fee structures, applications, and instructions--perhaps checklists, as suggested by MARPA--could be shared online, a low-cost move that is likely to save both municipalities and businesses the many transaction costs associated with acquiring forms and answering questions. This represents an important target of opportunity that could help focus the next steps of this conversation.

The Urban Initiative concurs with focus group participants that the input of municipal officials involved in the permitting process will be essential to shaping a strategy for continuing the work of streamlined permitting across the region. This may also provide an opportunity to determine the feasibility of a regional permitting council that was proposed in the focus group. Such a council may provide an important organizational mechanism with which to disseminate information gathered by this report and by MARPA, coordinate future efforts, and promote information- and best practices-sharing that can prove instrumental to facilitating procedural and policy changes at the local—and eventually regional—level.