



TOWN OF FREEPORT, MAINE

Town Manager's Office
30 Main Street
Freeport, ME 04032

Phone: 207-865-4743

Email: pjoseph@freeportmaine.com

MEMORANDUM

TO: Freeport Town Council
FROM: Peter Joseph, Town Manager
DATE: 02/10/22
RE: Zoning Administrator Proposal

At the most recent Council meeting, we discussed some ideas to improve the permitting and approval process in the Codes and Planning Departments. One of the items that was identified as a major time and resource drain to both the Code Officer and the Town Planner was the identification and resolution of "pre-existing" zoning and land use violations, meaning violations that are discovered during an application process that must be resolved before an application or proposal can move forward. These issues often take the full attention of the Codes Officer and Planner, and sometimes prevent them from giving satisfactory attention to inquiries and requests from other property owners and their agents.

To that extent, I've developed a position description for a Zoning Administrator, who would take on this task, as well as several of the time consuming tasks currently assigned to the Codes Officer and Planner, and free them up to focus on their other duties. This would also allow the Town to request delegated review for Fire Marshall reviews. These reviews were identified as a major road block for development as they currently take 8 to 12 weeks for the state to complete, but could be completed much quicker on the local level if the Codes Officer had delegated review authority, as well as the spare time to complete these reviews. Currently the Codes Officer does not have the bandwidth to complete these reviews in a timely fashion, so we have not requested delegated review authority from the state.

The proposed Zoning Administrator position would focus on working directly with the property owner or their agent to resolve land use violations when they are discovered on a property. They would identify all of the avenues available to correct any violations, and work with the property owner or their agent to pursue these corrections, whether that be through after the fact review/permitting, changes to the property, or even administrative or Council issued consent agreements.

Although the job description doesn't ultimately require Council approval, I would appreciate any feedback you have on the proposal. This position **will** require budget approval from the Town Council. Depending on how successful our recruitment is, this may involve a supplemental appropriation request prior to the start of the next fiscal year. Otherwise the position will be included in next years budget proposal for your review.

ZONING ADMINISTRATOR – PARTIAL DRAFT OF JOB DESCRIPTION

Supervision received: reports to Town Planner

Supervision exercised: none

Qualifications/Abilities:

- Ability to understand, interpret and explain complex ordinances, codes, and regulations
- Working knowledge of Maine state Subdivision, Shoreland Zoning, and Variance standards
- Ability to understand and interpret common land use legal documents such as consent agreements, notices of violation, court orders, etc.
- Advanced conflict resolution skills
- Ability to work productively with home owners, property owners, and a broad cross section of development profession.
- Required certifications: CEO certification (or ability to acquire certification within 6 months) in the following categories: Land Use, Shoreland Zoning, and Legal Issues
- Desirable additional certifications: MUBEC certification, Maine LPI certification

Job Duties

- Responds to property owner inquiries regarding local and state land use regulations; provides guidance to property owners regarding the applicability of specific local and state land use regulations to their property.
- Reviews all submissions for site plan and subdivision review for compliance with all applicable local and state land use regulations.
- Receives and investigates reports of suspected violations of local and state land use regulations, from the public and other Town officials; conducts field inspections where necessary.
- Identifies and confirms actual violations of land use regulations, communicates these findings to the property owner and/or owner's agent, either verbally, or through a formal Notice of Violation, where required.
- Works with property owners to explore and identify full range of options available to correct any violations of land use regulations found on property
- Guides and assists property owners or their agents seeking to obtain permits and/or approvals to correct existing zoning and land use violations, where possible.
- Works with Town Planner, Town Engineer, Codes Officer, Town Manager, Town Attorney, and other Town officials to identify necessary property changes required to bring a property with violations into minimal compliance, wherever possible. Communicates these identified property changes to the property owner or their agent.
- Identifies deficiencies in local land use regulations and recommends changes to Planning Board or Town Council as appropriate to correct deficiencies.
-