

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: April 18, 2006

TITLE: Report on Possible Revision to Duties of the Appearance Commission

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Excerpt of Minutes, March 7, 2006 C. LUO Provisions for Appearance Commission	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

On March 7, 2006, the Board of Aldermen requested that staff prepare an agenda item to allow consideration of amending the Land Use Ordinance to revise the duties of the Appearance Commission to include design issues. A resolution accepting this report is provided.

INFORMATION

Jay Bryan, Chair of the Northern Transition Area Advisory Committee, spoke to the Board of Aldermen on March 7, 2006. Mr. Bryan noted that the duties and responsibilities of the Appearance Commission do not include the word 'design.' Mr. Bryan suggested that those duties and responsibilities should be expanded to include design issues, so that the commission could have a more clearly defined role in reviewing and making recommendations on a new civic building, such as the fire station that is to be constructed in the northern area of Town.

The powers and duties of the Appearance Commission (Section 15-44 (a)) are as follows:

1. Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction.
2. Seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of the town and its environs.
3. Direct the attention of the mayor and the Board of Aldermen to ways in which the town government may take direct action affecting the appearance of the town and its environs.
4. Make recommendations upon any permit or other item referred to the commission by the Board of Aldermen, planning board, board of adjustment, or administrator.
5. Appoint subcommittees (consisting of commission members) or advisory groups (consisting of commission members, persons who are not non-commission members or any combination thereof) to advise and assist the commission in carrying out its duties.

6. Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Aldermen.

Though the powers and duties do not include the word ‘design,’ the description of qualifications emphasizes design experience as a desirable trait of prospective commission members. Further, the role of the Appearance Commission has always been to consider and make recommendations regarding the appearance of proposed projects, and has therefore has involved the review of projects’ designs. Additional language would not strengthen the Appearance Commission’s powers and duties in this regard.

The Town Attorney has reviewed subsection 160A-452(4) of the General Statutes, as it is the section that authorizes the Board of Aldermen to authorize its Appearance Commission to “make studies of the visual characteristics and problems of the municipality..., and to recommend standards and policies of design for the entire area, any portion or neighborhood thereof, or any project to be undertaken.” This appears to be the specific provisions that authorize the commission to review the appearance of private development projects.

Should the Board of Aldermen wish to consider development of a concept plan review process, staff would note that issues other than design or appearance would likely be important considerations and that the Appearance Commission may not be the appropriate citizens’ advisory committee to review.

FISCAL IMPACT

Acceptance of this report carries no known fiscal impact

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution (*Attachment A*) that accepts this report.