

TOWN OF MARLBOROUGH, CONNECTICUT

D.12 AN ORDINANCE OF THE TOWN OF MARLBOROUGH, CONNECTICUT, PROVIDING FOR THE ESTABLISHMENT OF AN ARCHITECTURAL DESIGN REVIEW BOARD.

Whereas, the Town of Marlborough (hereinafter “Town”) wishes to provide guidance with regard to the design of buildings, structures, landscaping and site layout for nonresidential, commercial, office, industrial and public/quasi public and multifamily development within Marlborough; and

Whereas, the Town wants to provide said guidance in order to promote development projects that are in harmony with Marlborough’s architectural heritage, and which preserve and improve the appearance, beauty and character of the community; and

Whereas, Section 7-148 of the Connecticut General Statutes empowers the Town to adopt this ordinance in furtherance of the general powers given to it by said General Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF MARLBOROUGH IN LAWFUL MEETING DULY ASSEMBLED THAT AN ARCHITECTURAL DESIGN REVIEW BOARD BE ESTABLISHED AS FOLLOWS:

PURPOSE

There shall be an Architectural Design Review Board in the Town of Marlborough, the purpose of which shall be to provide guidance with regard to the design of buildings, structures, landscaping and site layout, with the objective of promoting development projects that are in harmony with Marlborough’s architectural heritage, and which preserve and improve the appearance, beauty and character of the community.

The Board of Selectmen establishes this Architectural Design Review Board (“ARB”) to serve as an advisory body to the Planning Commission, Zoning Commission, and Zoning Board of Appeals on matters of commercial site and building design and multifamily housing sites and design. The ARB is charged with reviewing all projects regarding multifamily housing and nonresidential exterior construction and renovation submitted to the Planning Commission, the Zoning Commission, or the Zoning Board of Appeals, and recommending ways to preserve and enhance the design or appearance of proposed projects.

Powers and Duties:

- A. The ARB shall function in an advisory capacity to the Planning Commission, the Zoning Commission, and the Zoning Board of Appeals, providing commentary on submitted floating zone, site plan and special permit applications for commercial, industrial, institutional, and multi-family residential developments, with regard to the scale, massing, colors and proportions of buildings, landscaping, public spaces, lighting and signage.

- B. The ARB shall not conduct its review relative to Zoning Regulations governing use of a property, the granting of variances, or building code compliance. The Board's recommendations shall not be binding; rather, they are of an advisory nature, provided, however, that the Planning Commission, the Zoning Commission, or the Zoning Board of Appeals, as the case may be, shall state on the record the reasons such Commission or Board decided to reject a recommendation from the ARB. A plan's endorsement by the ARB will not imply or guarantee subsequent approval of an application by the Planning Commission, the Zoning Commission, or the Zoning Board of Appeals.
- C. The ARB shall establish and promulgate by-laws to enable it to fulfill its duties, and shall meet at least twice a year and other such times as it deems appropriate to carry out its duties and responsibilities pursuant to this ordinance. The ARB will provide a set of guiding principles setting forth various aesthetic and functional provisions to guide nonresidential, commercial, office, industrial and public/quasi public and multifamily development in the Town. It is anticipated that the principles and concepts herein will be incorporated into and supplemented by more detailed development standards and/or design guidelines as the Town matures.
1. To encourage high-quality land/site planning, architecture and landscape design;
 2. To encourage development in keeping with the desired character of the Town and/or specific design attributes identified in plans adopted by the Town;
 3. To ensure physical, visual, and functional compatibility between uses; and
 4. To ensure proper attention is paid to site and architectural design, thereby protecting land values.

The designated approving authority under this chapter shall have the authority to apply the guiding principles flexibly to account for circumstances relating to the proposed site plan.

Membership and Terms of Appointment:

- A. The ARB shall consist of five (5) regular members and two (2) alternate members which shall be appointed by the Board of Selectmen. The initial appointments to this Board shall be as follows: three (3) members for three years; two (2) members for two years; and two (2) alternate members for one year. Thereafter, members of the Board shall be appointed for a period of three (3) years from July 1st in the year of their appointment. Any vacancy occurring in the membership of the Board shall be filled by an appointment of the Board of Selectmen for the unexpired portion of the vacated term.

In appointing members to the ARB, the Board of Selectmen shall seek to appoint a mix of knowledgeable experts and laypeople. The experts shall have knowledge of such fields as architecture, urban planning, landscape architecture, site planning, professional engineering, graphic design, interior design and related fields. The laypeople shall be drawn from individuals demonstrating a high level of interest and commitment to the work of the ARB. All members shall be electors of Marlborough.

- B. At the first meeting after July 1st of each year, the ARB shall elect a Chairman, Vice Chairman and Secretary from among its members. Said appointments shall be by a vote of the majority of the ARB members.

Conflict of Interest:

No member of the ARB shall participate in the review or deliberations upon any matter in which he/she is directly or indirectly interested in a personal or financial sense. Members of the ARB shall not concurrently be a member of the Planning or Zoning Commissions or the Zoning Board of Appeals.

Miscellaneous Provisions:

- A. If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of the ordinance which can be given effect without the invalid provisions of applications; and to this end, the provisions of this ordinance and the various applications thereof are declared to be severable.
- B. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
- C. That this ordinance shall become effective thirty (30) calendar days after publication in a newspaper having circulation in the Town of Marlborough.

EFFECTIVE: October 27, 2013