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To: [Skinner, AnneMarie](#); [Rich Woodfin](#)
Subject: Revised Ordinance - CBP OCP Height Dome
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AnneMarie and Rich,

Below are the items we didn't have time for at the work session on Wednesday. I appreciate your distributing them to Planning Board members, and to City Staff.

Thanks,

Brent

Additional items for consideration to include in the draft CUP

In addition to adding the reference "the structure(s) to be demolished is not eligible for, or listed on, the State or National Register of Historic Places, either individually or as a contributing property within a historic district" to section 28-4-1(g)(6)(k)(iii), as noted on page 7 comment WM20, I have the following three suggestions:

A.) Page 4, section 28-4-1(g)(5)(C): Is the second line missing the word "and" between "architecture" and "views"? The second portion of this sentence as currently written may imply that if the project has a CUP to obstruct the view of the dome, it is also then exempt from respecting the architecture. Is the word "vernacular" needed, considering the word "surrounding" is present to reference the architecture?

Suggested revision: "The design of buildings or structures which exceed the height limit shall respect the surrounding architecture. The design shall also respect views of the State House Dome unless a Conditional Use Permit permitting obstruction of the view of the State House Dome has otherwise been approved by the Planning Board in accordance with Article 28-4-1(g)(2), and the City's skyline"

B.) Pages 4-5, section 28-4-1(g)(6) states that buildings "may exceed the maximum height restrictions as specified in Section 28-4-1(h)" then subsection c reads "Buildings or structures which exceed the height limit..." and subsection d reads "The design of buildings or structures which exceed the height limit" Would it be helpful to specify **height limit of 80'** in subsections c and d for clarification, because subsections a and b talk about the 90 foot limit? A few who have read these sections have told me they find the current language confusing as to referencing 80' or 90'.

C.) Page 6, comment WM19 states, "the Ordinance requires 'applicant to provide adequate technical evaluations and other documentation in order for the Planning Board to make a finding.' Language gives the Board maximum flexibility to seek whatever studies / evaluations it deems necessary for applicant to satisfy requirement & for Board to make

an informed decision. Thus, Ms. Hengen's suggested edits are not necessary." The adequate technical evaluations language appears three times in the ordinance: page 2 section 28-4-1(g)(2), page 3 section (5), and page 5 section (g)(6).

The Hengen suggested edits are found on page 7 comment WM20, which states, "Rehabilitation of the structure to be demolished constitutes a financial hardship for the applicant due to its condition as demonstrated by a written report prepared by a qualified structural engineer accompanied by the project's pro forma."

Suggested revision: The current draft language "An applicant for a conditional use permit shall provide adequate technical evaluations and other documentation in order for the Planning Board to make a finding..." could be amended to "An applicant for a conditional use permit shall provide adequate documentation, **including technical evaluations, reports prepared by qualified structural engineers, and development plan pro formas**, in order for the Planning Board to make a finding..."

Note that the suggested added language above (in bold) is in keeping with language already in the draft ordinance relating to dome views, on page 2, section 28-4-1(g)(2), which states "An applicant for a conditional use permit shall provide adequate technical evaluations and other documentation, **including scaled architectural renderings and photographic simulations demonstrating the extent of the proposed obstruction from multiple vantage points within the aforementioned Interstate 93 and Interstate 393 viewsheds**, in order for the Planning Board to make a finding"