

**BUILDING CODE ADVISORY COMMITTEE  
MARCH 11, 2011 AT 1:00 PM  
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

**Members:** Randy Mudge, Bruce Williamson, Jack Wilson

**Staff:** Ryan Borkowski, Roger Bradley, Jerry Frankenfield

**Others:** Eric Cote, Tim McNamara

**1. Other Business**

Approval of Minutes: The minutes of 03/03/2011 were approved as amended.

Amendments: (1) Pg 5, 3<sup>rd</sup> paragraph: McNamara said the College is considering putting the Inn & Lang on a singular ~~service~~ *source*. (2) Pg 5, last sentence: The big driver is that it does ~~not~~ have a wood roof.

**2. Continued Review of ZBA Case #34120/121/017-Z2011-12: The Trustees of Dartmouth College are Appealing an Administrative Decision – Building Code Adopting Ordinance, under Section 1005.2 and RSA 673.1 seeking relief from the requirements of Sections 705.8.6, 706.1.1, 706.2, 706.4, 706.6.1, 706.8, and 706.11 of the International Building Code, 2009 Edition, relative to proposed additions and renovations to the Hanover Inn. The properties involved include 2 South Main Street, Tax Map 34, Lot 120, and 4 South Main Street, Tax Map 34, Lot 121, in the “D-1” Downtown zoning district, and 4 East Wheelock Street, Tax Map 34, Lot 17, “I” Institution zoning district.**

Eric Cote, of Hughes Associates, Inc., handed out copies of his March 7, 2011 letter and Mitigation & Compliance Alternative/Equivalency chart. Cote said his letter speaks more specifically about the opening protectives and the penetrations. It clarifies in item #2 that, *“Where existing-to-remain “fire wall construction” is being used (reused), the existing wall construction will be repaired/upgraded as necessary to provide a minimum 2-hour fire resistance rating. An evaluation will be performed to confirm the adequacy of existing archaic materials to provide such rating.”* MUDGE questioned the chart and its references to minimum 2-hour ratings. He reiterated that Table 706.4 requires a 3-hour rating. Cote said he is asking for approval to use 2-hour type of construction only where it is an existing wall (between Inn & Lang and along sections of wall between Inn & HOP at the kitchen).

There was continued discussion regarding Dartmouth’s inability/lack of willingness to merge the three parcels together. MUDGE asked of the possibility of changing ownership of all three lots to condominiums. Tim McNamara, of Dartmouth Real Estate Office, said they cannot all be condominiumized due to financing. MUDGE asked if the Inn could purchase the Lang Bldg as a condominium. McNamara again said no, because of financing. WILSON said even if Dartmouth were to refinance, it would still be seeking the same type of relief to

connect to the HOP. Borkowski asked of the legal owner of the individual lots. McNamara said the Trustees of Dartmouth College own the Inn and HOP lots. They also own all of the individual condo units in the Lang lot, but Lang as a whole could be listed under a third party, such as South Street Downtown Holdings. Cote said there will be no reduction in safety if the agreements between the individual owners are recorded with the deeds, as is proposed. He said if the appeals are not approved in some reasonable form consistent with what is requested, the project will probably not go forward.

WILLIAMSON asked who would review the easements to ensure the safety the Committee is looking for is maintained within them. McNamara suggested the wording would not be that difficult to understand. Cote said the language should be legally comparable to the obligations that would exist between multiple owners, similar to that of a condominium association. Frankenfield said he wants the agreement to delegate who is responsible for response and service of the different systems. Borkowski suggested the applicant be responsible for the Town attorney's review of the easements. McNamara agreed to that condition.

WILSON said the applicant is seeking relief from various code requirements. If the Committee approves the application, what is it granting? Borkowski said the applicant is providing an equivalency of the intent of the code by creating these cross easements.

MUDGE questioned Cote's Mitigation & Compliance Alterative/Equivalency chart. He asked if Lang and the rooms in the hotel above would be treated vertically. Cote said the cross easements will allow for the implementation of that section as if the two buildings were located on a singular lot. Borkowski suggested the chart should be changed to read 'Easement Agreements *and openings protected in accord with ...*'

WILLIAMSON asked if the magnitude of this renovation is large enough that it would require the renovated work be done to current code, not treated as an existing building but treated as a new structure. Borkowski said there is no such requirement for renovations in NH. Anything they touch under current code must be brought up to current code or granted a variance not to. Anything they are not touching, if there are existing issues, they still have to comply with the minimum existing chapters of Life Safety Code. Cote said all new work will comply fully with new construction standards. All existing work will comply with existing standards or the applicant will probably seek variances from the State Fire Marshal. Borkowski suggested the project would not entail any significant appeals to the Fire Marshal. MUDGE said we can conclude that what will be there in the end is better than what exists currently from a Life Safety point of view. Cote said yes.

WILLIAMSON said it was his understanding, if the easements were approved, the rest of the project would comply with code as if this is all one property. Will there be any specific variance for additional relief? Cote said yes. In his chart, where it says 'easement agreements', we will be complying fully with the code as if it were a new building. The other stipulations are equivalency requests.

WILLIAMSON asked if staff is comfortable with the equivalency being proposed. Borkowski said he looks at it as a risk issue and said he does not see where the risk is greater here. He said he does not want to see Lang called a separate building when there are openings between the two structures, with separate power, sprinklers, fire alarms, etc. That creates an unsafe situation. Frankenfield reiterated his concerns that the proposed work not alter or default the Fire Marshal appeal for the top floor of the HOP and Alumni Hall. He said this cannot take away anything that has already been addressed. Cote said it could be so stipulated, as part of these proceedings, that the previously granted sprinkler appeal for the HOP would be reaffirmed with the State Fire Marshal. Borkowski suggested keeping that separate from this Zoning Board appeal and considering it as part of the new stair enclosure proposal. Frankenfield asked that it be tied to the Inn permitting. All agreed.

Borkowski said the relief the applicant is seeking is allowed for one very exclusive section of the code for malls. He suggested there is nothing unique to a mall that specifically gives it exception. It is not like the Committee will be setting precedent. There is already something in the code that says this can be done. Borkowski said the Committee has the backing under the code to allow equivalency strictly from the commentary. WILLIAMSON said the mall issue provides some sort of basis for this. To him, it is about the ownership and the easements to ensure that whatever happens, it will be handled the way it would have been handled had this all been under one ownership.

MUDGE recommended the College further consider making the Inn & Lang one unit. WILLIAMSON agreed. McNamara reiterated that it was not practical.

**It was moved by MUDGE, seconded by WILSON, to issue a recommendation to the Zoning Board to accept the concept of easement documents that will ensure that the Lang Building and the Inn and the connections to the HOP are treated such that the property lines are irrelevant and that we will allow fire walls where there would otherwise be termed party walls but in every other respect, the code will be met with the following exceptions: the equivalencies as delineated in Cote's Mitigation & Compliance Alternative/Equivalency table as presented to the BCAC, and attached to his letter dated March 7, 2011 addressed to the Zoning Board of Adjustment.**

**The above is subject to the following conditions:**

- 1. Assurance that staff is okay with those equivalencies,**
- 2. The easements be reviewed by the Town attorney at the applicant's expense,**
- 3. The easements be recorded with the deeds,**
- 4. This approval is good for the presentation, occupancy, and uses based upon testimony at the BCAC public hearings, materials provided by the applicant (ZBA application submittal and Cote letter of 03/07/11 & attachment), and BCAC minutes, and**
- 5. That Eric Cote be involved with the review of the final construction documents for verification of compliance with these conditions.**

MUDGE asked if the interface between new construction and existing at the HOP would have 2-hour minimum. Cote said the rating through and through is either three, which meets the prescriptive requirement, or four - One would be a single 3-hr wall and the other would

be two 2-hr walls. Between the kitchen and the Lang there is some existing construction we will upgrade to serve as an existing fire wall.

**THE COMMITTEE VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

**3. Adjourn:** The meeting adjourned at 2:45 PM

Respectfully Submitted,

Beth Rivard,  
P&Z Administrative Assistant