

FINAL

LEBANON BUILDING CODE BOARD OF APPEALS
MONDAY, October 18, 2021, 7:00 PM
Council Chambers, City Hall or
REMOTE VIA VIRTUAL PLATFORM
LebanonNH.gov/LIVE

MEMBERS PRESENT: Chair William Koppenheffer, Vice Chair Jennifer Mercer, Dan Nash, Jeremy Katz, Dave Newlove, Paul McDonough (Alt), Jennifer Barkley (Alt)

MEMBERS ABSENT: None

STAFF PRESENT: Tim Corwin – Senior Planner and Zoning Administrator

1. CALL TO ORDER

The meeting was called to order at 7:00 PM by Chair Koppenheffer.

Mr. Katz recused himself.

Mr. McDonough was given voting privileges for this meeting.

2. APPROVAL OF MINUTES

A. October 4, 2021

Mr. Nash MOVED to approve the October 4, 2021, Minutes as presented in the October 18, 2021. Seconded by Vice Chair Mercer.

Amendments. None

****The Vote on the Motion was approved (5-0).***

3. PUBLIC HEARING ITEMS

- A. One Mechanic Street, LLC, 1 Mechanic Street (Tax Map 91, Lot 264), zoned LD:** An appeal concerning an interpretation of Section 306.1 (“Access”) and Section 306.5 (“Equipment and Appliances on Roofs or Elevated Structures”) of the International Mechanical Code (IMC) by the Building Code Official. **BCBA2021-01**

At the last meeting the Board voted to request the City attorney’s opinion regarding the application and asked for an interpretation from the ICC. Mr. Corwin provided copies of the material that was emailed to the Board and the applicant. It contains correspondence to the ICC and legal counsel, but he does not have those opinions tonight. Mr. Corwin said the attorney would send an opinion before the November 8, 2021, meeting. It is unknown when the ICC will answer.

Chair Koppenheffer MOVED to continue this hearing until November 1, 2021. Seconded by Vice Chair Mercer.

The Board discussed if they have enough information to move forward without the additional information from the legal counsel and the ICC. Some members believe they have enough information and other members said they did not have enough information two weeks ago and that has not changed.

Mr. Katz, the applicant, spoke to the Board. He would like a decision this evening, and he isn't pushing for approval, rather an answer. The nature of the request may feel that he is requesting approval, but the consequences of delaying the decision are more important. They need to complete the work in a timely manner. The opinions of the attorney and the ICC are only advisory and may not carry the weight to make the Board's decision. He believes there is a difference of opinion between his interpretation and the City inspectors. He provided an expert witness. Further, he believes some of the previous testimony of the City inspectors suggests that some of the applicant's interpretation are accurate. He believes the delay helps no one.

Chair Koppenheffer said the opinions are not necessarily indeterminant. The applicant's opinion suggests that there is no code applying to the walls of a structure. Guidance from both those sources will be useful even if neither is responsible to make the final decision.

Mr. McDonough, Mr. Newlove and Chair Koppenheffer all voted yea.

Mr. Nash and Vice Chair Mercer voted nay.

****The Vote on the Motion was approved (3-2).***

The building code meeting will be scheduled similar to the first time, immediately following the regular Zoning Board Meeting, technically at 7:30 PM on 11/1/21.

4. STAFF COMMENTS-None

5. ADJOURNMENT

Mr. Nash MOVED to adjourn the meeting at 7:18 PM.

Seconded by Mr. Newlove.

****The Vote on the Motion was unanimously approved (5-0).***

Respectfully submitted,
Linda Billings
Recording Secretary