

TOWN OF FRANCONIA  
PO BOX 900  
FRANCONIA, NH 03580

Allan R. Clark  
Building Official

November 11, 2016

**VIA EMAIL ONLY**

Ms. Cornelia Lorentzen  
Manager  
C. Luke Lore, LLC  
729 Main Street  
Franconia, NH 03580

**Re: C. Luke Lore, LLC d/b/a Plain Kate's Riverside Saloon, 729 Main Street**

Dear Cornelia:

Sally Small forwarded the email that you sent to Chief Gaudette with your questions. Chief Gaudette did not answer the questions as they are within the scope of the Building Official as it involves new construction and a change in use. The Building Official and the Fire Chief; however confer on the Code requirements for any construction activities.

The proposed second floor occupancy does not require a permit from the Fire Chief as it is not a Place of Assembly. Only the restaurant and bar requires an Assembly Permit from the Fire Chief which permit will be required annually.

Your first two questions are relatively easy to answer, assuming that the use of the restaurant and bar would be similar to how it was used by the previous owner, which is not categorized as a Dance Hall, Discotheque or Nightclub.

1. "Assuming we are finally given the building permit, with renovation configuration, what is the maximum potential capacity of Plain Kate's first floor?"

***What has been identified as the restaurant and bar on the first floor, which does not include the gallery and conference room in the original house will have a permitted occupancy of approximately 125 subject to how furniture is placed. The gallery and conference room cannot be utilized as part of the dining room as the building is currently configured as there are offices above. The final permitted occupancy will not be known until the furniture and other operational items are in place.***

2. "Assuming sprinklers in restaurant, what is the maximum potential capacity of Plain Kate's first floor?"

***What has been identified as the restaurant and bar on the first floor, which does not include the gallery and conference room in the original***

**house will have a permitted occupancy of approximately 125 subject to how furniture is placed if sprinklered or not. The gallery and conference room cannot be utilized as part of the dining room in the current configuration even if the building is sprinklered due to the offices above. The final permitted occupancy will not be known until the furniture and other operational items are in place.**

**Due to the proposed renovations opening the bar and dining room essentially into one room in order to sprinkler the restaurant and bar the entire building would need to be sprinklered. The addition of a sprinkler system does increase the occupancy load, but it allows the restaurant and dining room space to be used as either a Dance Hall, Discotheque or Night Club.**

The other questions are not as easy to provide a clear response as they are hypothetical. It is necessary to engage a licensed architect to explore possible uses and the code implications of what is being proposed as the code requirements change dependent upon the use. This is beyond the scope of a Building Official.

A Building Official reviews a complete application with plans and specifications from a licensed design professional and reviews their work and either agrees with their interpretation of the relevant codes or advises where their design does not comply with code.

I will attempt to answer your questions concerning the second floor, but since they are hypothetical questions the answers are also hypothetical answers as you have not provided plans or specifications that can be reviewed.

3. "Assuming the currently inaccessible to public staircase between first and second floors was brought to code, could the second floor above the restaurant be put to use?"

**To bring the one set of existing stairs into compliance with the current codes it would be required to meet the required width which is dependent upon occupancy, but 36" is the minimum width, the treads must be no narrower than 11" and the risers no higher than 7".**

**Dependent upon the configuration and use of the second floor, it is likely that a second exit direct to the exterior would be required.**

**The current configuration of the existing hall on the second floor does not comply with either the required width or height. There also must be a fire rated ceiling separation between the restaurant and the second floor which rating is dependent upon the use.**

**Dependent upon the use, it is possible that an elevator may be required to meet the ADA requirements.**

**Bringing just the existing single stairwell into compliance would not allow the second floor to be utilized for anything other than an office for the restaurant as it is currently being used.**

4. What use?

**The uses allowed are in the Franconia Zoning Ordinance. Each use would have specific Fire and Building Code requirements. A Design Professional can explore available options recognizing the restraints that are detailed in the answer to Question 3.**

5. Assuming the currently inaccessible to public staircase between first and second floors was brought to code, and aforementioned sprinklers installed, could the second floor over restaurant be put to use?

**Dependent upon the use of the second floor space, a fire sprinkler system might be able to relax certain of the requirements, but will not eliminate them. A more definitive answer is dependent upon configuration and use of the space as the current configuration of the space cannot be used whether sprinklered or not except for the single restaurant office.**

6. What use?

**The answer is the same as to Question 4.**

Last, there has been several comments that I have indicated that the walls being breached are exterior walls. The walls from a structural perspective were the original exterior walls and are load bearing. Due to the addition, they are no longer on the exterior of the building, but they are exterior walls in the context of my notes.

I would be pleased to meet with your licensed architect and interpret any portions of the State Building Code and in conjunction with Chief Gaudette any portions of the State Fire Code that they may question. The utilization of the second floor is not possible in its current configuration and complicated with numerous issues both with the State Fire Code and the State Building Code.

Should you have further questions, please do not hesitate to submit them in writing and I will promptly respond.

Respectfully,

**Allan R. Clark**

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C: Board of Selectmen  
Fire Chief Richard Gaudette  
Phil Albanese