

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

In attendance: Doug Chabinsky – Acting Chair, Tom Quinn - Planning Board Ex-Officio, Chris Buchanan, Martha Chabinsky, Tom Grella – Board of Selectmen Ex-Officio, Nicole Crawford (alternate) (remote)

Staff present: Dean Shankle – Town Administrator, Kristan Patenaude – Recording Secretary (remote)

Doug Chabinsky, Acting Chair, called the meeting to order at 7:00 p.m. and introduced Commission and staff members present.

1. 99 Boston Post Road, PIN #: 017-042-000 – Discussion of screening for approved generator and air conditioning condensing unit.

Pamela Vosburgh stated that the plantings are in place. She stated that she knew they did not want the plantings to interfere with the gas line going to the generator, cabling going into the house, and venting around AC unit and generator. The letter from the Commission caused them to quickly act on the matter. She asked the Commission to review the landscaping and let her know if more is needed. She explained that six rhododendrons were installed around the generator and three boxwoods were installed around the AC unit. These were backed away slightly from the units to allow for ventilation.

Martha Chabinsky stated that the rhododendrons are a good choice because they will get big in a couple of years. The boxwoods may take a little longer to get big but will also work. The side profile looks okay, and the look from the front will fill in.

Doug Chabinsky noted that he would like to see something blocking the gas tank. Pamela Vosburgh stated that she can plant lilies in front of it in the summer. Doug Chabinsky suggested a fake rock potentially. Pamela Vosburgh stated that she spoke to Chris Hall about a fake rock, and he noted that this would have to be removed in the winter because it will freeze shut. She noted that she cannot plant anything with real roots because the tank is directly under this area. Martha Chabinsky suggested something like a bird bath and/or bench. Pamela Vosburgh stated that she would continue to work to screen this area.

The Commission agreed that the plantings, as shown, are appropriate.

PUBLIC HEARINGS:

2. CASE #: PZ16357-092622 – Mellisa & Dina Masotto (Owners & Applicants); 3 Old Jailhouse Road, PIN #: 017-073-000 – Request for approval to demolish and rebuild back-end structure of home.

Doug Chabinsky read and opened the case.

Tom Quinn stated that there are a number of items missing from the checklist, including properly scaled drawings, a plot plan showing location of nearby structures, and a couple of other items. He stated that he does not believe there is enough information to say the application is complete.

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

Mellisa Masotto stated that she dropped off a map showing properties within 100' of this structure and any trees more than 15" to the Community Development Office. Regarding scale drawings, she took a picture of the site and added a scale to it. The main house is not proposed to be touched at all. This is a demolition and reconstruction of a structure added to the property in 1980 that is currently falling down. The roof is caving in. This structure is proposed to be moved 6' out from its current location. It currently has rotted, vinyl siding.

Martha Chabinsky stated that, even if the proposal is to replace the structure in kind, the Commission still needs the items from checklist.

Mellisa Masotto stated that she thought the Commission was not interested in how the structure looks inside, and that the interior would be more to obtain a building permit. Doug Chabinsky stated that the drawings are needed to determine if the proposed building has the correct mass and scale. In order to determine this, the Commission needs to evaluate the elevation, roof pitch, and overhang.

Mellisa Masotto stated that no one will work with them until they get the Commission's approval. She plans to use Tandem Construction, once approved, but the company will not do any work until a permit is in hand. She stated that the proposal is to use the same cedar planks to match the rest of the house for the exterior of the new structure.

Doug Chabinsky noted that it is difficult to assess the massing of the proposed structure without basic dimensions, to determine if it is appropriate. Mellisa Masotto stated that this information is already on the pictures she submitted. Doug Chabinsky stated that the Commission needs to know the elevations, locations of the proposed windows, types of windows, etc. Mellisa Masotto stated that the materials list states that the windows will be either wood or vinyl. Martha Chabinsky stated that vinyl windows will not be approved. Mellisa Masotto stated that the existing windows are vinyl and that this is not a historic structure. Martha Chabinsky stated that vinyl windows still will not be approved.

Chris Buchanan noted that the Commission's only consideration at this time is if the application in front of it is complete. It is difficult to know this without to-scale construction drawings. Mellisa Masotto stated that no one will give them those drawings, without prior Commission approval.

Chris Buchanan stated that this puts the Commission in a conundrum because it cannot make a determination without the drawings. He suggested that the Commission vote to authorize a letter to the contractor requesting scale drawings as a way to legitimize the process. Doug Chabinsky stated that he does not know if that is a possibility. He stated that he is confused that a contractor will not draft drawings, if paid to. Mellisa Masotto stated that they have been through so many contractors. Some cannot do the work before January or February. She stated that she and her wife have been sleeping on the couch for a year, as the existing structure is falling down.

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

Dina Masotto stated that this is their third time in front of the Commission. She stated that the previous time they were before the Commission, all of the requirements were different. She stated that the proposal is to construct the same building as the existing one. The existing structure has no plumbing, heat, or electrical, and is unlivable. She stated that she was told the structure would need to be torn down when they bought the property. She believes that the construction drawings would be the same ones that she and her wife previously drafted.

Tom Quinn stated that the applicants may have an issue with their chosen contractor, but he finds it hard to believe the contractor will not take their money to draft the drawings. He suggested the applicant consider a third-party architect or engineer to obtain the drawings. He stated that, in order to address the proposed application for a demolition and addition, the Commission will need more than an unscaled sketch. He noted that the Commission made similar comments to these the last time these applicants were before them.

Doug Chabinsky stated that the proposed materials list is okay, but that the Commission makes its assessment based on proposed sizing and massing. Mellisa Masotto stated that the contractor will not tell them how much materials are needed until they get a permit. Doug Chabinsky stated that the Commission does not need this information. The Commission needs to be able to determine the scale for the proposed structure. The applicants are proposing to make the new structure a bit wider with same roof pitch, so the peak will be different. The Commission needs to know where the peak and overhang will end up.

Mellisa Masotto stated that she believes the existing structure will fall down by December, or once snow hits the roof. Doug Chabinsky stated that he went previously with the Commission to view the structure last year. The Commission is still waiting for the information it asked of the applicants at that time.

Tom Quinn stated that, per the regulations, a requirement for new construction is a site plan showing abutters, the dimensional location of the proposed addition site work, and fencing in relation to property lines. This will be necessary as there seems to be some issues between the applicants and an abutter.

Mellisa Masotto stated that the proposed structure is not moving in the abutter's direction at all. Chris Buchanan explained that, if that is true, this is part of the reason the Commission needs scale drawings.

Mellisa Masotto stated that she submitted a map which shows no abutting walls within 100' of the proposed structure. The proposal is not moving one centimeter in the abutter's direction.

Tom Quinn stated that there is a large retaining wall near the back of the house, where the applicant is proposing to excavate a foundation, which appears to be the concern of an abutter.

Doug Chabinsky stated that this is a valid concern, but not the Commission's to rule on. This is an issue for the ZBA or Building Inspector to determine. He explained that it will be important

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

for the application materials to show where that excavation is proposed relative to the property boundary and that this is not proposed to be moved.

Tom Quinn explained that the application materials showed the 100' radius on a tax map plan, which cannot be used for engineering purposes. The tax map should not be relied on for exact calculations.

Mellisa Masotto reiterated that companies will not give them drawings, without first knowing this will be approved. Martha Chabinsky stated that the Commission cannot change its regulations due to this. She also stated that she finds it hard to believe companies will not take the applicant's money to draft drawings. Mellisa Masotto stated that some won't even call her back.

In response to a question from Nicole Crawford, Doug Chabinsky explained that the required drawings could be completed by the homeowners, but they need to be appropriate scaled, showing the elevations, overhang, dimensions, on all different sides of the building to assess massing.

Town Administrator Shankle stated that staff like to help with this issue. He asked that the applicants come and sit with Nic Strong, Community Development Director, so that she may show them successful applications and exactly which documents are needed.

Mellisa Masotto asked which documents the Commission has, as she handed documents to Deb Butcher showing the exact measurements of where the windows are and where the doors are proposed to be. Doug Chabinsky stated that the Commission needs site elevation drawings to show how this will tie into the existing structure.

Martha Chabinsky noted that the plan also needs to show all abutters and structures within 100' of the parcel boundaries. Mellisa Masotto stated that these are already shown through the tax map she submitted. Chris Buchanan explained that the tax map is not a survey level map and is used for planning-level purposes only. He believes that the Commission could authorize a letter to be used to get an official status for a contractor. The applicant should also sit with staff to clarify any questions in a more convenient and expedient way. Doug Chabinsky stated that he will ask Nic Strong about the potential of drafting a letter. Chris Buchanan suggested that the Commission vote to authorize this letter as an official opinion of the Commission in case the Chair is then given the go ahead.

Mellisa Masotto requested permission to demolish the existing structure. She stated that they will not build anything in its place but want to tear it down before the roof caves in and causes additional damage to the main structure of the house.

Linda Kaiser, 6 Manchester Road, stated that this is only the second time the applicant has been before the Commission, not the third. She stated that the first time the applicants were before the

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

Commission, they were told in direct terms to bring back elevation drawings and additional documents.

Mellisa Masotto asked if Linda Kaiser was reprimanding her. She stated that will not tolerate this behavior and that this is inappropriate.

Doug Chabinsky stated to Linda Kaiser that the Commission makes determinations on these items.

Linda Kaiser stated that the second time this property was on an agenda, she showed up and the applicants did not. The applicant's materials accuse her of being a serial trespasser. The first time she entered their property was to hand them a piece of mail and second time was at the request of the Commission to view the proposed project.

Doug Chabinsky stated that Linda Kaiser was out of order with her topics.

Linda Kaiser stated that applicants are required to have a complete application before the Commission can discuss it, however, the Commission has been discussing this item for 30 minutes without first ruling on its completeness. Doug Chabinsky stated that the Commission is trying to decide if it can accept the application as complete. Linda Kaiser stated that the application is not complete. She stated that the first time the applicants were in front of the Commission, the minutes reflect that the Commission requested a survey of the property. She noted that there is a 12' stone wall abutting her property that is of concern.

Mellisa Masotto stated that Linda Kaiser simply wants the 10' of land and that is not happening. Linda Kaiser stated that the applicants have trespassed and cut down trees on her property. She asked the Commission not to humor the applicant, as she has not done what the Commission previously requested.

Doug Chabinsky stated that these items have nothing to do with this hearing. The Commission will continue to work through this hearing via the proper channels.

Linda Kaiser stated that she and her husband are about to sue the applicants and put a fence up. Mellisa Masotto stated that she would not mind a fence.

Martha Chabinsky stated that this is not the place to hash out personal issues. The Commission will review the application and decide if it is complete or not. Linda Kaiser asked that the Commission do so.

Chris Buchanan asked if the Commission could move forward with only the demolition part of this project as this time. He questioned if the submitted application is sufficient for only that purpose.

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

Martha Chabinsky noted that the applicant has submitted some pictures but the Commission will likely want more pictures to show all sides of the existing building so it knows a new structure will be built exactly as it was.

Tom Quinn stated that the application in hand is not for a request to demolish a structure. That was only part of the existing application. He stated that, if the Commission cannot rule that the applicant is complete, then it cannot authorize only a part of it for demolition. He noted that, once the existing structure is gone, the Commission does not have any assurances of what will be rebuilt in its place. He noted that the Commission previously turned down this application, without prejudice, as stated in the minutes.

Mellisa Masotto stated that they would rather demolish the structure and not rebuild anything in its place, due to safety.

Tom Grella stated that the Town has a demolition policy. He does not believe this can be approved without following the proper procedure. This is something Nic Strong could help the applicant determine. He stated that the applicant needs to meet with the Community Development Director on all of these issues, then come back before the Commission with a complete application.

Mellisa Masotto asked exactly what is needed for a complete application. Tom Quinn stated that all required items are shown on the checklist. Mellisa Masotto stated that, in her opinion, she submitted all required items, except for professional drawings.

Mellisa Masotto asked if Commissioners could sit with her to discuss this item. She does not want the house to fall down. Martha Chabinsky suggested that the applicant sit with Nic Strong. Mellisa Masotto stated that she brought in all of her application materials two months ago, but Nic Strong only just completed the staff report a couple of days ago. She stated that Deb Butcher told her she would only have to go before Commission once. Once she saw the staff report, two days ago, Mellisa Masotto stated that she took the submitted pictures and added a scale, in an effort to submit a complete application. Martha Chabinsky stated that the site plan and elevation documents are still not checked off on the required document checklist. Mellisa Masotto stated that this is why she submitted that tax map. Mellisa Masotto stated that she called Nic Strong regarding site plan documents but was unclear what GIS maps she would need.

Doug Chabinsky stated that the elevation drawings are missing. These need to show where the house is situated relative to other boundaries, to make sure the proposal will not encroach at all.

Mellisa Masotto asked where she could get a site plan. Tom Quinn stated that this could be completed by a civil engineer. Martha Chabinsky stated that a survey company completed these documents for her in the past. The measurements have to be exact.

Mellisa Masotto stated that she will go out with a 200' tape measure and get the measurements herself. Tom Quinn stated that a professional is needed for these documents, as they know

October 20, 2022

APPROVED

exactly where the property boundaries are. Mellisa Masotto stated that she knows where the property boundaries are. It takes six months to get someone to come out to the house to do this work, so she will do it herself.

Linda Kaiser stated that there are stone posts on her property which have been there for 200 years. The applicant ignored them, entered her property, and cut down trees. She noted that the Commission has to rule on how a proposal could affect an abutters property.

Martha Chabinsky noted that the Commission does not rule on tree issues. Linda Kaiser stated that it is the Commission's responsibility to consider how a proposal will affect neighbors. She requested that the Commission send the applicant away for an incomplete application and to come back once plans are completed.

Chris Buchanan moved to authorize the Chair to create a letter on behalf of the Commission indicating the need for accurate scale drawings, renderings, survey, or illustrations of the proposed work that show the style, design, detailing, treatments, massing, scaled proportions, or any other materials of the proposed work for the applicant to solicit necessary application content. Seconded by Martha Chabinsky.

Discussion:

In response to a question from Tom Quinn regarding if the Commission must also vote on if the application is complete or not, Doug Chabinsky suggested the Commission address this motion first.

Voting: 5-0-0; motion carried unanimously.

Mellisa Masotto asked if this item could appear on the next agenda. Doug Chabinsky stated that this would depend on if the applicant submits all of the necessary materials in time.

Tom Quinn moved that the application, as submitted, is incomplete, based on lack of elevation drawings, site plan, and scale drawings. Seconded by Tom Grella.

Discussion:

Mellisa Masotto asked if those are the only three items needed for the application to be complete. Doug Chabinsky stated that the Commission wants to see the side of the proposed building with the overhang and all of the proposed window locations, including all of the different elevations, such as the front, back, and side and how they relate to the existing house.

Mellisa Masotto asked if the Commission knows anyone who will do this type of work. Chris Buchanan stated that the Commission cannot suggest particular contractors. Martha Chabinsky stated that she knows someone up in Mont Vernon and would share the information with the applicants.

October 20, 2022

APPROVED

Chris Buchanan noted that the materials list submitted does indicate certain items which will be incompatible with the regulations, such as vinyl windows, etc. He suggested that the applicants review the regulations and check each material against this, in order to get the process moving more quickly. There have been many things said this evening that are not relevant to the scope of the Commission, and he hopes this will not happen in the future.

Mellisa Masotto stated that this cannot keep getting this pushed off. She asked if the Commission would review the materials once she submits them, prior to its next meeting. Chris Buchanan stated that the standard process is for the Commission to receive all application materials a week or two before the meeting. Mellisa Masotto noted that she dropped off the application two months ago and was told by the Community Development Office that because of a "COVID thing" the staff report was not created until two days ago.

Doug Chabinsky stated that he will ask Nic Strong to let him know once the materials are submitted.

Mellisa Masotto stated that she will meet with Nic Strong. Doug Chabinsky stated that the applicant will need to discuss the process for demolition with Nic Strong.

Tom Grella asked if there will be a time limit for the proposed motions. Doug Chabinsky stated that the sooner the applicant submits all of the required information, the sooner this item will be placed on an agenda. He stated that he will speak to Nic Strong regarding the possibility of generating a letter from Commission, as previously discussed.

Voting: 5-0-0; motion carried unanimously.

OTHER BUSINESS:

1. Minutes: September 15, 2022

Tom Quinn moved to approve the minutes of September 15, 2022, as submitted.

Seconded by Chris Buchanan.

Voting: 5-0-0; motion carried unanimously.

2. Continued Discussion on HDC process

Chris Buchanan explained that this document is intended to be a draft and that he welcomes any and all feedback on it. He stated that he took a lot of the information from the Department of Interior Rehabilitation Standards and tried to make some of the existing inconsistent language in the regulations more conforming. He also reviewed the challenges the Commission has had with the windows regulation, utility related content, and outdoor mechanical equipment. He worked to try to codify the items discussed in previous meetings. He also decided to create a couple of new

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

articles, Articles 9 and 10, for windows and roofs. The article for roofs is purely guidance and includes a small pamphlet regarding nonregulatory information. He noticed some typos that need correcting and other editing. He stated that, regarding the window language, he took this straight from the Department of Interior document.

Doug Chabinsky suggested the Commission have a work session to polish up this draft.

In response to a question from Tom Quinn regarding the streetscape section, Chris Buchanan explained that, in Section 8.3 subsection B, there is a paragraph completely crossed out. The content of that paragraph was separated into greater detail. He noted that the regulations specify that the width of sidewalks should be 3' and should not exceed 4'. This is not compliant with the Americans with Disabilities Act, and likely something the regulations should not specify. Another example is that center line striping should be a single yellow line and not a double yellow line, as found on highways. That particular phrase is inconsistent with the Manual on Uniform Traffic Control Devices.

In response to a question from Martha Chabinsky, Chris Buchanan explained that the Commission has no regulatory jurisdiction of roadways but can provide nonregulatory guidance. Doug Chabinsky noted that the DPW sometimes requests guidance from the Commission.

In response to a question from Martha Chabinsky, Chris Buchanan stated that he reviewed Exeter and Portsmouth's regulations and borrowed some language from them.

In response to a question from Tom Quinn, Chris Buchanan agreed that the regulations should include a reference to Article 9 in the new section H.

Chris Buchanan requested that the Commission thoroughly review the new windows section. He took some suggestions from other towns and aggregated them to create this section.

In response to a question from Doug Chabinsky, Chris Buchanan stated that Section 9.1 was taken almost verbatim from the Department of the Interior. He included this language, as he believes it gives applicants the tools they need in a single location.

Doug Chabinsky questioned if maintenance items should be included in the regulations. Tom Quinn stated that he believes the maintenance items should remain in the regulations because if the goal is to repair items versus replace them, some of the maintenance items could be used to determine if certain items, such as windows, could be salvaged or not.

In response to a question from Tom Quinn regarding the window guidance sheet, Chris Buchanan noted that this was originally placed in the window regulations section, but, due to feedback received about this not being regulatory, it will now be included in a separate pamphlet on the Town website.

TOWN OF AMHERST
Historic District Commission

October 20, 2022

APPROVED

Chris Buchanan explained that the proposed regulations are to make the process easy on all applicants. He stated that he does not want the Commission to get caught up in bureaucratic mess.

Tom Grella asked about the section of the regulations which speaks to alternatives when wood windows 'are not feasible' He asked how "feasible" will be defined. Chris Buchanan stated that this is a great question. He noted that Chris Hall's resignation letter from the Commission requested that the group ensure the regulations specify the use of all-wood windows. He sees merit to this suggestion. The included language is the result of research to try to give homeowners options and specify what these options are. This can be found in Section 9.2.B, which lists alternative materials in descending priority. The Commission could decide to end this list after all-wood windows and still be in a defensible position. If the Commission does not want to be as rigid, it could keep the other options in descending priority. The Commission needs to be confident in its decision and have a defensible argument. He explained that "feasible" was simply a chosen word and could be different.

Tom Quinn stated that he believes the word 'feasible' is too open for homeowners to state that all-wood windows are too expensive.

Martha Chabinsky stated that this item can be further discussed in the work session.

Tom Quinn asked if the regulations could specify three different types of windows, generically. Chris Buchanan stated that he does not believe this is appropriate, due to the variability of different types of structures in Town. For example, a Federal-style building would need a particular type of material which may not be appropriate to a Greek Revival structure. This could become too complex.

The Commission thanked Chris Buchanan for his effort on the draft document.

3. Any Other Business

**Tom Quinn moved to adjourn the meeting at 8:20pm. Seconded by Chris Buchanan.
Vote: 5-0-0; motion carried unanimously.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: November 17, 2022