

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

In attendance: Doug Chabinsky – Acting Chair, Martha Chabinsky (remote), Chris Buchanan, Tom Quinn – Planning Board Ex-Officio [7:03 p.m.]; Tom Grella – Board of Selectmen Ex-Officio, Nicole Crawford (alternate), Sarah Chastain (alternate).

Staff present: Nic Strong, Community Development Director; Kristan Patenaude, Recording Secretary (remote)

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

Nicole Crawford sat for Tom Quinn until his later arrival.

PUBLIC HEARING(S)

- 1. CASE #: PZ16737-121322 – Marshall Strickland (Owner & Applicant); 158 Amherst Street, PIN #: 018-001-000 – Request for approval to construct a temporary handicap style access ramp in front of the house.**

Doug Chabinsky read and opened the case.

Tom Grella recused himself from this item. Sarah Chastain sat for Tom Grella on this item.

Chris Buchanan moved that the application is complete and there is no regional impact. Seconded by Nicole Crawford.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Sarah Chastain – aye; and Nicole Crawford – aye. 5-0-0; motion approved unanimously.

Marshall Strickland explained that he installed a handicapped ramp, due to the fact that he has had several injuries which hamper his locomotion. He had trouble accessing his home using the front steps, so he hired a contractor to place a ramp which gradually inclines up to the front door. While contemplating the ramp, he decided to submit an application to install something a bit more rugged, such as a wheelchair accessible ramp.

Tom Quinn entered the meeting.

Chris Buchanan stated that he views this as a health and safety issue. As the application is for a temporary structure only, it seems rather simple.

Tom Quinn confirmed that a variance for this item was applied for through the Zoning Board of Adjustment and approved. He stated that he would, thus, agree with Chris Buchanan's comments. He asked if the Commission is okay with the structure being unpainted.

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

Doug Chabinsky stated that the intention for the ramp is to assist the residents into the future, until no longer needed. The Commission would like to request that the applicant paint the railings and posts to match the trim of the house, to blend in a bit better. The trim color is white. The applicant agreed to paint the ramp structure white.

Tom Quinn thanked the applicant for coming in for this after-the-fact approval.

FINDINGS:

1. Noncontributing property
2. Temporary construction
3. Highly visible, but medically necessary

Chris Buchanan moved to approve the application, on the understanding that it is a temporary structure. Seconded by Tom Quinn.

Discussion:

Doug Chabinsky requested that the motion be amended to include: "...temporary structure to be used until no longer needed by any Strickland family member residing in the property, or the house is sold, and that it shall be painted the color of the trim of the house." Tom Quinn agreed to second this amendment.

Chris Buchanan amended the motion to approve the application, on the understanding that it is a temporary structure to be used until no longer needed by any Strickland family member residing in the property, or the house is sold, and that it shall be painted the color of the trim of the house. Seconded by Tom Quinn.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Quinn – aye; Sarah Chastain – aye; and Nicole Crawford – aye. 6-0-0; motion approved unanimously.

2. **CASE #: PZ16738-121322 –Timothy & Diane Lolatte (Owners & Applicants); 131 Amherst Street, PIN #: 005-020-000 – Request for approval to replace the driveway, two decks and one storm door.**

Doug Chabinsky read and opened the case.

Chris Buchanan moved that the application is complete as submitted and there is no regional impact. Seconded by Tom Quinn.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.

Timothy Lolatte stated that the existing driveway is original from 40 years ago. It has completely failed. The proposal is to rip this up and replace it in the August timeframe. He believes that there is some rot on the cedar decking, Thus, the proposal also includes removal and replacement

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

of the two decks. The existing storm door opens up quite differently than most doors and does not seal properly. This also needs to be replaced.

Tom Quinn noted that the two deck replacements are out of public view and being replaced in-kind for the most part, with acceptable materials,

Chris Buchanan stated that he believes this is a very simple application.

FINDINGS:

1. Noncontributing property
2. View of the work proposed is extremely limited, with the exception of the driveway
3. Like-kind replacement

Chris Buchanan moved to approve the application as submitted. Seconded by Tom Grella.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.

Doug Chabinsky noted that there is a 20-day appeal period, during which time anyone can appeal the Commission's decision, starting from the date of approval. Beginning work within this time period is at the applicant's own risk.

In response to a question from Chris Buchanan, Timothy Lolatte stated that access to his house is via Old Milford Road, even though the address is listed as Amherst Street. This could be because of the way the door faces to the driveway. Doug Chabinsky noted that he has an address on Boston Post Road and his driveway is on Sunset. Chris Buchanan suggested that both of them consider a process with the Town regarding changing the addresses. Houses like this are hard to find from a Fire Department perspective. It helps the Department to have an address that reflects reality.

3. **CASE #: PZ16804-122922 – Gerard Zimmer (Owner & Applicant); 6 Davis Lane, PIN #: 005-096-002 – Request for approval to remove and replace existing front entry door, framing, trim, and cedar siding due to disrepair and rot.**

Doug Chabinsky read and opened the case.

Tom Quinn moved that the application is complete and there is no regional impact. Seconded by Chris Buchanan.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.

Gerard Zimmer stated that this property is located on Davis Lane and is a noncontributing property. The house was built in 1973 and some rotted boards around the entranceway need to be

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

replaced. While considering that work, he decided to also consider upgrading the regular door and storm door. He is considering the use of more energy efficient materials. The proposal includes removal of a couple of clapboards, to replace them with cedar clapboard. Currently, there is moisture getting into the basement, which could eventually compromise the beams in the basement.

Martha Chabinsky noted that pictures of two different doors were submitted for this application, and she wondered which one is preferred. She stated that the Andersen door looks to be appropriate, but the JELD-WEN does not. James McMahon, the applicant's contractor, noted that the Andersen door is a full light screen door, thus the raised panel door will be able to be seen behind it. This is a storm door with one insert for the screen and one insert for the glass.

Martha Chabinsky stated that the JELD-WEN door appears to be metal. She asked if the lights in this door are acceptable to the Commission. James McMahon noted that the mullions are fixed inside and out for this door.

In response to a question from Doug Chabinsky, James McMahon noted that he believes these are sandwiched between the glass. He is not 100% sure, but believes they are fixed lights. Tom Quinn stated that he has this same door, and these are simulated divided light windows.

Tom Quinn stated that, though this is a noncontributing property, the proposal is for a steel door with simulated divided lights. He asked if the Commission is okay with this. Doug Chabinsky stated that he is okay with the proposal for the type of property it is. It is difficult to get a quality wood door.

James McMahon asked if it would be appropriate to use PVC instead of wood for the kick plate under the door. Chris Buchanan noted that this is mostly invisible. James McMahon agreed that it is mostly invisible, with 7.5" showing. The PVC will have the exact same look as wood would but will not be able to rot. He requested the ability to use PVC vinyl trim in this area. Chris Buchanan stated that this would be a different question if it was for the siding of the house. The request is for a single piece of PVC, presumably painted to look exactly like the rest of the trim. This is located in a high rot area. For a property that is not listed on the National Register, it is difficult to say this is not acceptable. James McMahon stated that any siding to be replaced will be cedar. Under the door area is a hard place to prevent rot. Gerard Zimmer stated that this is the third board in this area that he has needed to replace.

FINDINGS:

1. Noncontributing property
2. Highly visible/fairly setback from the road

Tom Grella moved to approve the application as presented, with the use of a PVC kick plate. Seconded by Tom Quinn.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

Doug Chabinsky noted that there is a 20-day appeal period, during which time anyone can appeal the Commission's decision, starting from the date of approval. Beginning work within this time period is at the applicant's own risk.

OTHER BUSINESS:

4. Minutes: November 29, 2022 work session; December 6, 2022 work session; and December 15, 2022

Tom Grella moved to approve the meeting minutes of the November 29, 2022, work session, as submitted. Seconded by Chris Buchanan.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.

Tom Grella moved to approve the meeting minutes of the December 6, 2022, work session, as submitted. Seconded by Tom Quinn.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.

Tom Grella moved to approve the meeting minutes of December 15, 2022, as submitted. Seconded by Tom Quinn.

Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – abstain; Tom Grella – aye; and Tom Quinn – aye. 4-0-1; motion approved.

5. Continued Discussion on HDC process

The Commission agreed to hold additional work sessions to discuss proposed changes to the regulations on January 31, 2023, at 7:00 PM, and February 7, 2023, at 7:00 PM, if needed.

Doug Chabinsky stated that the Commission may want to consider how to restructure the regulations so that the regulatory section is purely regulatory, and there can also be a section to define the process and procedures. This was suggested by Nic Strong. He stated that the Commission may also want to have an appendix with examples of information it would need for those proposing to replace windows. This would include real life examples of the information the Commission needs to be submitted with the application in order to make a ruling. This would allow the Commission to also update the application form so that there is no ambiguity as to what information is needed.

Doug Chabinsky noted that there is a mailbox in front of an historic house along Amherst Street that does not conform to the regulations at all. It is ornate and that is one item strictly prohibited in the regulations. Yet mailboxes do not require a building permit to install. The Commission needs to consider how it wants to address similar issues. These items do have an impact on the visual look of the Historic District. The current regulations are clear that mailboxes shall be

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

simple, with nothing ornate or carved, and should be wood. The Commission is not mandating wood but certainly looks for a plain and simple mailbox to not detract from the visual aspect.

Doug Chabinsky stated that the Commission may want to consider what it wants to do about pop up, modern, mechanical appliances that appear outside of homes. Also, if an applicant commits to screening an item, how the Commission will require the applicant to come back and prove that has been done. These are procedural items that the Commission ought to consider. The Commission also previously suggested having a waiver process. For example, in the previous case this evening, the regulations say no vinyl anywhere, but the applicant was requesting a PVC trim piece in one specific area that is prone to rot. This would have been a perfect item for a waiver request. Waiver requests could make certain projects easier for homeowners, leading to fewer midnight modifications.

Martha Chabinsky asked if there are any history or procedural rules for items that a previous owner has not completed on a property, such as a mini split that was never shielded. Chris Buchanan stated that, in the past, if an application was approved, there would be documentation about the approval. Whether or not the house changes hands does not affect that.

Tom Quinn stated that, for projects of high visibility or high importance, the Commission could always request some sort of a bond on the project, or some amount put in escrow. Thus, even if the homeowner does not complete the conditions of approval, the Town would have the money to complete them. Martha Chabinsky stated that this is a good idea up front, but the Commission may need to consider what to do after the fact. This will continue to happen.

Chris Buchanan stated that the regulation updates currently being proposed may address some of these issues. The Commission should discuss the edits as currently proposed. He would also like to hear Nic Strong's impressions of the proposed changes, as he values her insights and comments. Lastly, the Commission has a large to-do list of various items that it needs to decide how to implement. He has seen projects like this have mission creep and become major, regulatory overhauls that continue on and never end up being completed. He stated that, since joining the Commission in 2015/2016, these conversations have happened several times, but no change has occurred.

Doug Chabinsky echoed these concerns. His goal is to submit the regulations for approval before the end of the first quarter of 2023. He believes this will allow for a 90% solution to the issues if the waiver process is included. In a year or so, the Commission can then consider other minor modifications to the regulations.

In response to a question from Tom Quinn, Nic Strong stated that the Commission can approve regulation changes with a ten-day notice for a public hearing.

Tom Quinn agreed that a document which is 90% more beneficial, is better than nothing. This will be an improvement and will improve the process, which is the most important thing.

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

Regulations are easy to change and update and this could be done on a more regular basis if the Commission so chooses.

Doug Chabinsky stated that he wants to make adjustments based on Nic Strong's comments. He stated that he is considering 2023 as the year for the Commission to get an unambiguous set of regulations to make the applicants' life easier with examples of the information the Commission needs. It will also make things easier for the Community Development Office when applications are submitted to review the checklist and determine if it is complete.

Chris Buchanan suggested that when the Commission meets, it discusses where things stand in the process, to try to make progress through the document. He would also like to hear Nic Strong's overall impressions, especially along the question of non-regulatory, suggestive language. Finally, he would like the Commission to keep a running to do list of the items it wants to work on.

Doug Chabinsky stated that he would like to hear from Nic Strong first.

Nic Strong stated that she would like to make her comments at the first scheduled public work session. Doug Chabinsky suggested that Commissioners read the email sent by Nic Strong with her suggestions, prior to the work session.

Sarah Chastain asked about what issues have arisen in the past. Doug Chabinsky stated that windows have been a large issue. Around 2008/2009, the Commission revised its regulations. The regulations used to be very specific, but these now have more shades of gray. In the current regulations, nowhere does it state that windows need to be all-wood. In fact, the only two sections that specify materials are for all-wood fences and no vinyl siding. Other sections speak to replacements being in sympathetic materials, to help maintain the historical integrity and visual appeal.

Sarah Chastain stated that she understands that is the main mission, but sometimes the historical technology is not as efficient as current technology. Doug Chabinsky stated that this is part of the fine line that the Commission walks on. It does not help when the Commission does not have specific regulations. There was a specific case in which an applicant was applying to have aluminum clad windows, with simulated divided lights. Those windows look very nice, but the application was ultimately rejected. That applicant went to the Zoning Board of Adjustment with an appeal and that Board overturned the Commission's ruling. Unfortunately, this case led to two Commissioners resigning. He stated that he would rather have the Commission have specific regulations. Even though the Commission is not a precedent-setting body, it is difficult to explain to applicants why things are being considered on a case-by-case basis.

Chris Buchanan noted that the Town has a National Historic district, meaning that it is subject to guidance from the US Department of the Interior, but this does not deal with the regulations. The regulations are completely municipal. Sometimes those regulations are consistent with the national guidance; other times they are completely in contrast with them. The National Register

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

is what established that national element to this District, and there are certain houses that contribute to that National Register. Those are contributing properties, which are supposed to be subject to the highest degree of scrutiny. There is a question about what to do with noncontributing properties. In the 1980's, the Historic District was expanded well beyond the original district, adding many noncontributing buildings, which were then treated differently. Many of those buildings likely should be considered contributing properties, as they do have historic properties. Chris Buchanan stated that the Commission clearly has an interest in windows, as these are such a prominent part of buildings and speak to the architectural character of a home. However, there is almost nothing about them in the regulations.

In response to a question from Sarah Chastain regarding if the Commission can suggest certain windows, Doug Chabinsky stated that the Commission cannot state window types, but can specify materials, construction, massing, and other unique features that are architecturally important. It is then up to the applicant to come in with a proposal that meets those requirements. These requirements are unclear with the way the regulations are currently written. He would like the regulations to include an appendix with this type of information, including highlighted windows spec sheets with the information needed. He would like to see applicants come in with a 95% completed application, at least.

Tom Quinn stated that the proposed regulations, which Chris Buchanan had a lot of hand in drafting, really do try to clarify a lot of this.

Doug Chabinsky agreed that these strike a nice balance between concern for preservation and rehabilitation to maintain the character, while also giving the homeowner options.

Chris Buchanan stated that he read Nic Strong's edits and asked if there is any place for suggestive language in the regulations at all. Nic Strong stated that there is not. This would be too confusing. The Commission can provide helpful tips or examples in an appendix or separate document. The Commission may want some of the current suggestive language to be regulations so the wording will just need to be changed so that it is clear. Chris Buchanan stated that he does not want to become overly prescriptive. Some gray areas and some interpretation is good, but he asked how this can be made to work. Doug Chabinsky stated that this is done through the waiver process. The Commission could consider these waiver requests based on anything but cost, as the Commission does not make decisions based on cost to the homeowner. The Commission could then consider that waiver request and what the applicant defines as the criteria that should be considered. Nic Strong agreed that the waiver process works very well. For instance, the Planning Board has a waiver provision written into the statute for the subdivision regulations. Doug Chabinsky stated that the Commission just needs to decide how it will make the waiver process work. Nic Strong noted that the Planning Board has specific language regarding waivers meeting the spirit and intent of the regulations.

Doug Chabinsky stated that he first wants to work to get the regulations to a point that a homeowner could pick them up, read them, and know exactly what they have to do to come to the Commission with a complete application that has a high probability of getting approved. The

TOWN OF AMHERST
Historic District Commission Meeting

January 19, 2023

APPROVED

regulations back in 1997 were very clear about what could and could not be done. He wants to get back to this process so that homeowners in the District feel better about the process, even if it takes an additional step before getting their building permit. The Commission can help homeowners to maintain the integrity of the Village, but it has to make this easy for people.

Nicole Crawford stated that she was previously assigned to review solar shingles and asked how to get her summary out to Commissioners. Doug Chabinsky suggested that she send her information to Nic Strong, so that it can be sent to the Commission prior to the next work session. The Commission will need to start considering more modern appliances, mechanisms, and mechanical systems into the future. He noted that, in his time on the Commission, there was one applicant building a new house and proposing it to be a net zero house. The Commission looked at the design and helped tweak it so that the structure still looked appropriate to the District. This will keep coming up for new construction.

Tom Quinn stated that he shared Chris Buchanan's sentiment regarding being careful of mission creep. The Commission has a number of items it has decided to try to clarify. He suggested tweaking these items and not adding in anything else at this time. Doug Chabinsky agreed that the solar topic will likely not be included on this round of regulation edits, but that the Commission should start the research at least. Tom Quinn stated that he believes the Commission should begin to lend some specificity to the regulations as soon as it possibly can.

6. Any other business

**Tom Grella moved to adjourn the meeting at 8:21pm. Seconded by Tom Quinn.
Roll Call Vote: Martha Chabinsky – aye; Doug Chabinsky – aye; Chris Buchanan – aye; Tom Grella – aye; and Tom Quinn – aye. 5-0-0; motion approved unanimously.**

Respectfully submitted,
Kristan Patenaude

Minutes approved: February 16, 2023