

TOWN OF AMHERST
Historic District Commission

March 16, 2023

APPROVED

In attendance: Doug Chabinsky – Acting Chair, Martha Chabinsky (remote), Chris Buchanan, Tom Grella – Board of Selectmen Ex-Officio, Nicole Crawford.
Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Recording Secretary (remote)

Doug Chabinsky, Acting Chair, called the meeting to order at 7:00 p.m.

PUBLIC HEARING(S)

1. **CASE #: PZ17000-022723 – Joseph & Alison Mattson (Owners & Applicants); 215 Boston Post Road, PIN #: 016-002-002 – Request for approval to install a cedar picket fence.**

Doug Chabinsky read and opened the case.

Nicole Crawford sat for Tom Quinn.

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

Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Chris Buchanan, aye; Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.

Joseph Mattson, attending via Zoom, explained that the proposal is to install a picket fence from the front of the house to the edge of the hill on the property, as a way for his children to have some safe areas to run. This would be aesthetically consistent with other picket fences seen in the Village.

Martha Chabinsky asked for pictures of the style of fence. Doug Chabinsky stated that there were pictures included in the application packet. The fence is a square picket fence. Joseph Mattson stated that the fence will be painted white.

Joseph Mattson explained that this could be a PVC material fence, in order to save money up front and to allow for less ongoing maintenance. He was unclear if this is allowed. Doug Chabinsky stated that the regulations state that fences should be wood, with no synthetic materials allowed.

In response to a question from Tom Grella, Alison Mattson stated that the fence has a proposed double door gate.

FINDINGS:

- 1. Non-Contributing property**
- 2. Proposed work has moderate visibility**
- 3. Fence style is consistent with Section 9.5.B.**

TOWN OF AMHERST
Historic District Commission

March 16, 2023

APPROVED

4. Fence material, cedar, is consistent with Section 9.10

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

Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Chris Buchanan, aye; Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.

Doug Chabinsky noted that there is a 30-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:

1. Minutes: February 16, 2023

Doug Chabinsky noted that the Commission previously conditionally approved the application for 8 Main Street, based on submission of window spec sheets, as discussed [wood windows, no low-E coating, 5/8" muntins]. Those sheets were submitted to the Town this week.

Martha Chabinsky moved to approve the meeting minutes of February 16, 2023, as submitted. Seconded by Nicole Crawford.

Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Chris Buchanan, abstain; Tom Grella, abstain; and Nicole Crawford, aye. 3-0-2.

2. Continued discussion on HDC regulation updates

Doug Chabinsky stated that he would like everyone to review the updates in order to hold a public hearing on them at a future meeting.

Chris Buchanan suggested that the Commission agree to post a public meeting by vote today and allow for 10-days until that date to amend the updates. Doug Chabinsky noted that he would like this to be run by Town Counsel prior to the public hearing. He would also like a courtesy copy to be sent to the Zoning Board of Adjustment (ZBA). There may not be time to do these items prior to the next meeting, but it could be attempted. The Commission agreed that it would send any comments or questions to Nic Strong prior to the next meeting/public hearing. Nic Strong stated that, if she hears from all Commissioners that they approve the updates without any changes, she could then notify Town Counsel and the ZBA in hopes of hearing back within enough time to post the public hearing. She noted that if substantive changes are brought up during the public hearing, the Commission could always continue the public hearing to a later date, to further discuss the item.

Doug Chabinsky stated that he is concerned members of the public might believe the updated regulations to be too restrictive. Nic Strong stated that this may be the case, however, if the

TOWN OF AMHERST
Historic District Commission

March 16, 2023

APPROVED

Commission has agreed that it believes these are appropriate and enforceable, this is the Commissions' set of regulations. Martha Chabinsky asked if the Commission is required to incorporate the public's viewpoints. Nic Strong stated that the Commission could then go back to the purpose of the regulations and the purpose of the Historic District and state why this is being proposed. Nic Strong noted that a member of the public may suggest a change that the Commission has not yet thought of.

Chris Buchanan noted that he noticed a few formatting edits that he will help Nic Strong complete.

Martha Chabinsky stated that she still would like to discuss the process for enforcement for properties in the District who have completed projects without permission or are in need of completing updates to the properties. Chris Buchanan noted that he has noticed some items in the District that are obviously incompatible with the regulations. He is unclear if there is a statute of limitations on items that were completed without permission.

Doug Chabinsky stated that 99 Boston Post Road put up screening that will cover the installed propane tank. One property on Courthouse Road has not installed the necessary screening for the propane tank and has also now installed an unpermitted mini split. This property is being addressed by Building Inspector, Scott Tenney.

Martha Chabinsky asked if she should run through the properties in the District that she has noticed violations for. Chris Buchanan stated that he is very reluctant to mention specific properties. He believes it would be best for the Commission to discuss the system that exists and if there are deficiencies in enforcement.

Doug Chabinsky asked the Commission to discuss properties that did not come before the Commission before completing certain projects. Martha Chabinsky asked about the painting and maintenance of the gas station. Doug Chabinsky stated that there is a section in the regulations regarding maintenance and not letting properties become derelict. This item has a straightforward case for contacting the owners and stating that they need to provide maintenance on the building. Chris Buchanan stated that, for any of these issues, it would be valuable in each communication to cite the part of the regulation that is in non-compliance.

Doug Chabinsky stated that there is a house on Amherst Street which has an air conditioning unit that is visible from the road, and which has likely been there for a decade. He asked if the proper procedure would be to have the Building Inspector contact this owner regarding installing screening to help maintain the character of the Town or if the Commission can enforce regulations for things that existed prior to the Commission being in existence.

Nic Strong stated that the first step is always to write to the owner, explain that the property is in the Historic District, and point out the reasons for the regulations. There would then be a request to adhere to the regulations. If the response is that this issue was present when the current owner

March 16, 2023

APPROVED

bought the house, she will further need to look into this, as it is unclear what enforcement might be in this scenario. Chris Buchanan noted that communication usually solves these issues and enforcement may not be needed.

Nic Strong stated that she believes the Commission should review the letter it sends to new owners in the Historic District to update it and add more information. It would be a good idea to mail this to new owners with a complete set of the updated regulations. The more upfront communication the Commission performs, the fewer issues it will likely see on the backend.

Chris Buchanan asked if the Commission should publicly go over the list of delinquencies or if a list could be sent to the Building Inspector. The Commission noted that the process appears to be to create a list, determine if they are technically delinquencies, and, if so, send a polite communication. The Commission will then need to determine what next steps may be.

Chris Buchanan noted that this phase of communication needs to be mindful of where the regulations are, as some of the intended changes may not be adequately articulated until the regulations are updated.

The Commission agreed to send potential delinquencies to the Chair and/or Nic Strong to compile a list.

3. Discussion of HDC fee schedule

Doug Chabinsky explained that applicants are charged for conceptual discussions. He would like to waive that fee for conceptual discussions to help applicants come before the Commission with a complete and executable application.

Chris Buchanan suggested that a line be added under the Historic District Commission with \$0.00 attached to it for conceptual discussions. This will need to be approved by the Board of Selectmen.

Chris Buchanan moved to recommend modifying the Historic District fee schedule, as discussed. Seconded by Doug Chabinsky.

Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Chris Buchanan, aye; Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.

Nic Strong noted that she would request time on upcoming Board of Selectmen agenda to have this approved.

4. Any Other Business

TOWN OF AMHERST
Historic District Commission

March 16, 2023

APPROVED

171 Nicole Crawford stated that the solar panel shingles she reviewed do not look like true shingles,
172 and the Tesla solar shingles require removal of the roof. She will send a summary of findings to
173 Nic Strong but does not believe this is an item the Commission would approve at this time.

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175 Chris Buchanan asked about a freestanding solar array in someone's yard, out of the visibility of
176 the public. Nicole Crawford stated that she would add this to her research.

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178 Doug Chabinsky stated that this will need to be an ongoing conversation, as someone will likely
179 request this in the future and the Commission needs to be ready to explain the constraints.

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181 **The meeting was adjourned at 7:43pm.**

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183 Respectfully submitted,
184 Kristan Patenaude

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186 Minutes approved: April 20, 2023