

April 20, 2023

**APPROVED**

1 In attendance: Doug Chabinsky – Acting Chair, Martha Chabinsky, Bill Glenn - alternate, Tom  
2 Grella – Board of Selectmen Ex-Officio, Nicole Crawford (remote) – alternate, and Sarah  
3 Chastain (remote) – alternate.  
4 Staff present: Nic Strong, Community Development Director, and Kristan Patenaude, Recording  
5 Secretary (remote)

6  
7 Doug Chabinsky, Acting Chair, called the meeting to order at 7:00 p.m.

8  
9 *Nicole Crawford sat for Chris Buchanan. Sarah Chastain sat for Tom Quinn.*

10  
11 **PUBLIC HEARING(S)**

12  
13 1. **PZ17138-032323 – Kent Chappell (Owner & Applicant); 160 Amherst Street,**  
14 **PIN #: 018-002-000 – Request for approval to remove the window closest to the**  
15 **garage and add a door into the mudroom.**

16  
17 Doug Chabinsky read and opened the case.

18  
19 **Doug Chabinsky moved that the application is complete and has no regional impact.**  
20 **Seconded by Tom Grella.**  
21 **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
22 **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**

23  
24 Trevor Debelak explained that the intention is to remove the window closest to the garage and  
25 add a door in this location, for ease of access into the mudroom. The proposed door will look  
26 similar to the existing door that leads into the garage from the mudroom, with a few more  
27 windows. It will be the same color as the front door. The shutter on the window will be removed  
28 and placed on the existing window to the right of this location.

29  
30 **FINDINGS:**

31 **1. Non-Contributing property**  
32 **2. Proposed changes are highly visible to the public**  
33 **3. Proposed changes are in keeping with the style and architecture of the house**

34  
35 **Tom Grella moved to approve the application, as submitted. Seconded by Martha**  
36 **Chabinsky.**  
37 **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
38 **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**

39  
40 Doug Chabinsky noted that there is a 30-day appeal period, during which time anyone can appeal  
41 the Commission’s decision, starting from the date of approval. Beginning work within this time  
42 period is at the applicant’s own risk.

43

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44           2. **PZ17139-032823 – Kyle & Amanda Coffey (Owners & Applicants); 14**  
45           **Courthouse Road, PIN#: 018-045-000** – Request for approval to renovate the  
46           current three-season porch into a four-season porch  
47

48 Doug Chabinsky read and opened the case.  
49

50           **Doug Chabinsky moved that the application is complete and has no regional impact.**  
51           **Seconded by Tom Grella.**

52           **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
53           **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**  
54

55 Amanda Coffey explained that there is an existing three-season screened-in porch that is  
56 proposed to be made more of a part of the home by insulating it. The dimensions and existing  
57 roof will remain the same. The room will be enclosed, windows, heating, and insulation will be  
58 added. This is the family’s only option of expanding the home for more square footage.  
59

60 Doug Chabinsky asked about the proposed windows, as they appear to be 4-over-1. He noted  
61 that the other windows on the house are 6-over-6, and the proposed windows may stand out.  
62 Amanda Coffey explained that she wanted to try to keep as much of the view of the backyard as  
63 possible without the panes obstructing the view. She would be willing to change this, in order to  
64 receive approval. Kyle Coffey asked for the minimum the Commission would be comfortable  
65 with. Doug Chabinsky stated that he would like them to match the existing windows on the  
66 house, with 5/8” muntins.  
67

68 In response to a question from Doug Chabinsky, Kyle Coffey explained that the proposed  
69 windows are aluminum clad wood material.  
70

71 Doug Chabinsky asked if the proposed doors will be multi-pane. He would like these to keep  
72 with the existing doors, such as 6-over-6. Kyle Coffey stated that, if not 4-pane, he would like  
73 for the doors to match the existing door, or to be 8- or 12-pane.  
74

75 Bill Glenn noted that on the back elevation of the house there is a bay window that the  
76 Commission could consider. Martha Chabinsky stated that the Commission would still probably  
77 like to keep the proposed changes as close to the rest of the house as possible. Kyle Coffey noted  
78 that the porch cannot be seen from the road. As there is a great view of the backyard, he would  
79 like to minimize obstruction of this as much as possible, similar to the existing windows in the  
80 kitchen.  
81

82 Sarah Chastain stated that the proposed windows may look nice from a design standpoint and  
83 that the bay window stands out more than a 4-pane window would.  
84

85 **FINDINGS:**

86 **1. Non-Contributing property**

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87 **2. Proposed changes are not visible to the public**

88

89 **Tom Grella moved to approve the application, as submitted. Seconded by Martha**  
90 **Chabinsky.**

91 **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
92 **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**

93

94 Doug Chabinsky noted that there is a 30-day appeal period, during which time anyone can appeal  
95 the Commission's decision, starting from the date of approval. Beginning work within this time  
96 period is at the applicant's own risk.

97

98 **Public Hearing on the adoption of amendments to the Historic District**  
99 **Commission Regulations. (See separate notice).**

100

101 Doug Chabinsky read the notice for the public hearing and opened the hearing.

102

103 Doug Chabinsky explained the proposal is for the regulations to be comprehensively amended to  
104 correctly refer to the relevant New Hampshire statutes; to update the sections on walkways,  
105 sidewalks, roadways, parking, curbing, outdoor lamps, fences, administration; a section was  
106 added on utilities and outdoor equipment; a section was added on windows, roofs, and updated  
107 definitions; and the document was updated to remove material to be added to a separate Rules of  
108 Procedure document. Copies of the proposed amendments are available for review at Town Hall  
109 and online.

110

111 Doug Chabinsky explained that the entire document was reorganized to make more logical sense.  
112 There were minor updates to the Purpose and General Criteria to make them clearer and less  
113 ambiguous. There was a minor update to Minimum Maintenance and a minor update to Changes  
114 to Existing Structures. There was a significant rework and Section 7 Utilities and Outdoor  
115 Mechanical Equipment was added. The Commission is still discussing solar panels and that will  
116 likely come in as part of a future update. There were minor revisions to the section for creating  
117 new buildings, minor revisions to streetscapes, and a simplified section on sidewalks, roadways,  
118 and driveways. Clear examples of appropriate outdoor lighting were included that would keep in  
119 character of the Village. There was a significant rework on the section regarding windows,  
120 dealing with historical or original windows and working to preserve those. There was a revision  
121 on the section regarding roofs to make it clear what materials are appropriate in the Historic  
122 District. The section on fences was simplified. Minor updates were made to the exterior additions  
123 section. The Rules of Procedure were moved into a separate document. The Administration  
124 section was updated, along with the Definitions section. The idea was to make the regulations  
125 more complete and easier to understand for applicants.

126

127 Martha Chabinsky stated that there are a couple of mailboxes in the Village right now that do not  
128 fit in. This needs to be considered. Doug Chabinsky stated that this is difficult as nobody has to

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129 come to the Commission to put up a mailbox. Mailboxes did not exist when the Village was  
130 created, and the goal is to keep them unobtrusive. This will need to be a future discussion.

131  
132 Linda Kaiser, 6 Manchester Road, asked if legal counsel has reviewed this document. Doug  
133 Chabinsky stated that Town Counsel is in the process of reviewing this. The Commission will  
134 not be voting on this document this evening but continuing it to next month. This meeting is to  
135 gather information from the public.

136  
137 Linda Kaiser stated that the term 'should' has been stricken in many places in the document and  
138 replaced by the term 'shall.' In legal terms 'shall' means that something must happen or is  
139 mandatory. Throughout the document, 'shall' is being used in some circumstances but the same  
140 sentence immediately contradicts this by listing exceptions. Doug Chabinsky noted that for some  
141 items, 'shall' is not physically possible. Linda Kaiser stated that she does not believe the  
142 Commission wants more ambiguity than it already has.

143  
144 Linda Kaiser stated that under Changes to Existing Structures, Historical Doors, there is a  
145 comment that these should not have false historical hardware. She asked what false historical  
146 hardware is. Doug Chabinsky stated that an example would be hardware from the Victorian  
147 period placed on a Colonial door.

148  
149 Linda Kaiser stated that Article VII Section A.5 states that solar panels are not permitted at this  
150 time. She noted that in New Hampshire there is a right to use solar panels, and this is also  
151 mentioned in the RSAs. She stated that she spoke with someone about installing solar on her  
152 barn where it would be unobtrusive and hidden from view. This would help with her electric bill  
153 each month. Similar to mailboxes, solar panels are items that were not around when the District  
154 was formed. She asked if the Commission is saying that under no circumstances will solar panels  
155 be allowed. Doug Chabinsky stated that the Commission is compiling information about solar  
156 panels and will have further future discussion about it. Proposals from applicants will be  
157 considered in the meantime.

158  
159 Linda Kaiser stated that Article VIII Section B, Construction of New Buildings, states that  
160 applicants should place garage entrances on an inconspicuous side or rear elevation out of public  
161 view or, failing this, well set back from the house. She stated that this seems restrictive as the  
162 land dictates where a garage can be placed.

163  
164 Linda Kaiser stated that Article IX, Streetscapes, Section B states that reasonable efforts to  
165 preserve historical and traditional markings for property boundaries and grounds shall be  
166 undertaken. She asked what the definition of 'reasonable' is, especially if this is a 'shall'  
167 statement. Also, there is a section that states that, while mailboxes are not prohibited, residents  
168 are encouraged to consider using a post office box. She believes this is an overreach. Regarding  
169 roadways/driveways, the regulations state that asphalt should be limited to areas of necessity.  
170 She has never had an asphalt driveway but is considering it due to maintenance of a dirt  
171 driveway. The regulations state that curbing should be generally discouraged but the Town

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172 placed curbing in front of her house for drainage purposes. Doug Chabinsky explained that  
173 generally curbing is inappropriate but there are some curbs in the Village because it is necessary  
174 for safety or for drainage. This section is mainly to direct the Highway Department.

175  
176 Linda Kaiser stated that Article X, Section 2 Replacement Windows, windows should be  
177 replaced as is. She currently has 9-over-6 windows and asked if she would be allowed to switch  
178 to something different. Doug Chabinsky stated that, if those were the original windows to the  
179 house, the Commission would like to keep that style because it goes with the house. This could  
180 be updated with newer, similar windows. Linda Kaiser stated that there is a section which states  
181 that only in rare instances, when all wood windows would be susceptible to significant and rapid  
182 deterioration from moisture due to rain and snow as a result of the architecture of the building,  
183 will metal clad windows be considered. She stated that this flies in the face of all wood windows,  
184 as previously mentioned. Doug Chabinsky stated that the philosophy was to set a standard, while  
185 understanding there could be unique cases that create hardships for the owner. These will be  
186 considered as hardship cases.

187  
188 Linda Kaiser stated that, in the fencing section, it states that enclosure of the yard is allowed for  
189 the safety of children and pets, dislike of one's neighbor, or dissatisfaction with the neighbor's  
190 habits. She asked what happens if a neighbor's trash blows into a yard. Doug Chabinsky stated  
191 that, if there is a problem, the Commission will consider all items.

192  
193 Linda Kaiser asked why the code of conduct was removed from this document. Doug Chabinsky  
194 stated that this will be generated into a separate, non-regulation, document. The purpose was to  
195 clean the regulation document.

196  
197 Linda Kaiser stated that, in the section for an application for new construction, a distinction is  
198 made between a rebuild of an old construction versus a brand-new construction. One included  
199 that a site plan had to locate adjacent structures within 100' of parcel boundaries, but this is  
200 missing from the first part. This is just as important for redoing construction. Doug Chabinsky  
201 stated that the Commission will look at that again. He noted that if a rebuilding is in the same  
202 footprint, it would not be required. Linda Kaiser stated that redoing a home, including rebuilding  
203 a foundation, rebuilding a basement, etc., could create a structural problem for neighbors.

204  
205 Ken Miller, 2 Old Coach Lane, asked about the boundaries of the Historic District, as it is not  
206 listed in the regulations. Doug Chabinsky stated that a map is available online through the Town  
207 website. Martha Chabinsky explained that the plan is to distribute a letter with the new  
208 regulations and a map to all residents of the Historic District and to also have these sent to real  
209 estate agents. Doug Chabinsky agreed that it may be a good idea for this to be included with the  
210 regulations somehow.

211  
212 Kyle Coffey, 14 Courthouse Road, asked if the proposed changes to the document were  
213 precipitated from an annual type of review, or if it was precipitated by recent applications that  
214 may or may not have given some evidence as to the contrary of what the document previously

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215 said. Doug Chabinsky stated that this is something that has been discussed by the Commission  
216 for the last seven years. The Commission has been working on bits and pieces of this along the  
217 way. The last time the regulations were updated was likely 12-15 years ago. This has been an  
218 ongoing effort over an extended period of time. Kyle Coffey asked if, moving forward, there will  
219 be a regular review of the document. Doug Chabinsky stated that this is the intent. The  
220 regulations need to continue to be updated based on changes in the world. Doug Chabinsky  
221 suggested that the Commission ought to review its documents on a 2-year basis, and this could  
222 be included in the Rules of Procedures document.  
223

224 Jennifer Marcella, 1 Church Street, asked if the Town and the residents of the District are held to  
225 the same standards. For example, the Recreation Department put up signs that are made of vinyl.  
226 Doug Chabinsky stated that this is one of the Commission's biggest frustrations. Jennifer  
227 Marcella stated that she, and other residents, have to pay fees to notify abutters of applications,  
228 but the Town does not have to notify her when work is done on Town Hall. At one point, she  
229 wrote a letter to Town Hall because they were doing work on the windows that face her house  
230 and she was left looking at graffiti windows for 8 months. She stated that there is a watering  
231 trough from the Garden Club on her front lawn that she mows and maintains around. She stated  
232 that she is curious what role the regulations play on Town entities. Doug Chabinsky stated that  
233 Town buildings and school buildings do not have to come before the Commission, although  
234 sometimes they do out of courtesy. The Commission does not have any real control over these  
235 projects, though it can try to influence them, and this has happened multiple times. Jennifer  
236 Marcella noted that she works at Clark School which is not as well kept up as Wilkins School.  
237 There is barely enough parking on site for all staff, causing staff to park along the street. A large  
238 branch recently fell on Foundry Street, and it was placed on Clark School's lawn. It is ridiculous  
239 that the residents are not given the same respect that Town entities are given. Doug Chabinsky  
240 stated that this is an issue for the Board of Selectmen. Jennifer Marcella stated that she does not  
241 understand why the Town and schools are held to different standards. Martha Chabinsky stated  
242 that she believes this concern is better taken up by another committee, such as the Board of  
243 Selectmen, as the Commission has no power over this.  
244

245 Jennifer Marcella stated that she is happy, proud, and more than willing to keep up her home.  
246 She cleans the bank to make sure that Manchester Road is clean for pedestrians and neighbors.  
247 However, when she sees graffiti on the side of Town Hall or jersey barriers or missing shutters  
248 on the front of Town Hall, this seems unfair. She asked where the new Town lamps that were  
249 approved previously are. Doug Chabinsky stated that the Commission sympathizes and has felt  
250 this frustration. Jennifer Marcella stated that people live in the Village by choice, and most are  
251 happy to share the neighborhood but there needs to be a level of respect.  
252

253 Lori Ashooh, 4 Middle Street, asked for details on this public hearing process. Doug Chabinsky  
254 explained that the regulations will be revised, as appropriate, using inputs from this meeting and  
255 the legal review. The intention of this process was to make the regulations clearer and to make it  
256 easier for people to file applications. Nic Strong explained that the Commission can continue this  
257 hearing to another meeting to verify any proposed changes. The Commission's regulations do

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258 not need to go before the Planning Board or the Zoning Board of Adjustment (ZBA) for  
259 approval. Doug Chabinsky noted that there is a Planning Board member on the Commission, and  
260 the regulations have been sent to the ZBA for review. He is not ready to make changes to the  
261 document yet, based on comments this evening, until he has heard from legal counsel.

262  
263 Lori Ashooh stated that she was previously before the Commission trying to get approval for  
264 aluminum clad windows and asked if any thought has been given to the current all wood window  
265 situation, as these all-wood windows normally guarantee only approximately 12 years before  
266 needing to be replaced again. An aluminum clad wood window visually looks like an old-  
267 fashioned all wood window, which is more appealing than a window being hidden behind an  
268 aluminum storm window. Doug Chabinsky explained that, for an historic property with original  
269 items on it, ideally the Commission would like to see if these can be restored.

270  
271 Lori Ashooh stated that the expense of some of these items, such as replacing existing windows,  
272 or hiring a professional to review existing windows, may be too much for some homeowners.  
273 Doug Chabinsky stated that the desire of the Commission is to see if original windows are  
274 restorable in order to maintain the character of the house. There are not many houses left in the  
275 District that have original windows. Many times, these items are so deteriorated that it does not  
276 make sense to try to restore them. Lori Ashooh stated that these regulations may make it too  
277 expensive to keep up houses in the District. She would rather see houses with synthetic  
278 equivalent materials, instead of houses falling apart because people cannot afford to keep up with  
279 the regulations. Doug Chabinsky stated that this is one of the reasons the Commission will  
280 review its regulations every couple of years. He stated that the lifetime for his replacement all-  
281 wood windows was approximately 25 years. Lori Ashooh stated that the all-wood window  
282 guarantee seems to be getting shorter, per online research. Doug Chabinsky stated that this will  
283 be taken into account as the regulations are reviewed in the future, but he has not personally seen  
284 this as a fact. He replaced his windows 25 years ago, and they are still good.

285  
286 Lori Ashooh requested that the Commission balance the expense of the regulations with keeping  
287 the District historically accurate. Doug Chabinsky stated that the Commission is trying to get to a  
288 point where it can adapt readily to the changes in technology that still maintain the character of  
289 the Village and allow the homeowners to enjoy their houses.

290  
291 Tim Theberge, 26 Middle Street, stated that a tree recently came through his house, and so he  
292 was pleased to see a section of the regulations regarding trees removed. Doug Chabinsky noted  
293 that the Commission has not been ruling on this item for the last ten years or so. Tim Theberge  
294 stated that he is pleased to see that the Commission will be less restrictive regarding muntins  
295 inside the glass of windows. Doug Chabinsky stated that the Commission allows simulated  
296 divided light windows. These have a spacer between the glass and muntins permanently affixed  
297 both on the inside and outside of the glass. Having only a spacer inside the glass is not allowed.  
298 This was not previously clear in the regulations.

299

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300 Tim Theberge suggested that the Commission continue to review its regulations regularly, as  
301 some existing materials will no longer be available anymore at some point in time. New  
302 Englanders are typically frugal, and this item will need to be continuously evolved. Currently,  
303 there is siding that is composite and looks a lot like cedar. He would like the Commission to  
304 consider this item moving forward. Doug Chabinsky stated that the Commission allows Hardie  
305 board. This depends upon the house it is proposed on. Other synthetic materials are still being  
306 investigated by the Commission.

307  
308 Linda Kaiser asked if the Commission's regulations would consider if, when a property is under  
309 construction, appropriate fencing be installed. A neighbor is currently replacing a portion of their  
310 house, and she has been looking at a 50' wall of tarps during the construction. She has been told  
311 these are to stop trash from blowing into her yard. As these are only affixed at the top, trash has  
312 continued to blow into her yard. She has addressed this with the Building Inspector, Scott  
313 Tenney. At other construction sites, approved temporary construction fencing is installed around  
314 the construction. Doug Chabinsky stated that this is not an item addressed by the Commission.  
315 He will discuss this with Nic Strong and Scott Tenney, but this is likely something that would be  
316 controlled when someone applies for a building permit. Linda Kaiser asked if this could be  
317 considered by the Commission for its regulations in the meantime, as she may end up in court  
318 with her neighbor over this. Doug Chabinsky stated that he would look into this.

319  
320 **Martha Chabinsky moved to continue this public hearing to May 18, 2023, at 7pm.**  
321 **Seconded by Tom Grella.**  
322 **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
323 **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**

324  
325 **OTHER BUSINESS:**

326  
327 **1. Minutes: March 16, 2023**

328  
329 **Tom Grella moved to approve the meeting minutes of March 16, 2023, as submitted.**  
330 **Seconded by Martha Chabinsky.**  
331 **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
332 **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**

333  
334 **2. Any Other Business**

335  
336 **Tom Grella moved to adjourn the meeting. Seconded by Doug Chabinsky.**  
337 **Roll Call Vote: Doug Chabinsky, aye; Martha Chabinsky, aye; Sarah Chastain, aye;**  
338 **Tom Grella, aye; and Nicole Crawford, aye. 5-0-0.**

339  
340 **The meeting was adjourned at 8:20pm.**

341  
342 Respectfully submitted,

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- 343 Kristan Patenaude
- 344
- 345 Minutes approved: May 18, 2023