

TOWN OF AMHERST
Historic District Commission

July 20, 2023

APPROVED

In attendance: Doug Chabinsky – Acting Chair, Martha Chabinsky (remote), Tom Grella – Board of Selectmen Ex-Officio, Tom Quinn, Chris Buchanan, and Bill Glenn - alternate
Staff present: Nic Strong (Community Development Director)

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

PUBLIC HEARINGS:

1. **CASE #: PZ17580-070723 – Neil & Patty Benner (Owners & Applicants); 8 Cross Street, PIN #: 017-099-000** – Request for approval to install (2) 150-gallon Propane Tanks with fencing for screening.

Doug Chabinsky read and opened the case.

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

Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky - aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 5-0-0.

Neil Benner explained that the proposal is to switch out the oil-fired furnace for a high efficiency propane-powered furnace. The proposed location for the tanks is the best available area, as there are no hidden areas on the site. The first choice for the location was at the recessed part of the house, but several propane companies stated that the tanks need to be at least 10' away from the Eversource service that is located in that area of the property. Thus, the location is as proposed, with anticipated screening.

Chris Buchanan asked about the stockade-style fence proposed. Neil Benner stated that he originally considered a picket fence to match the existing fence, but a picket fence would not be quite tall enough to screen the tanks. A stockade fence would be better at screening this area, but he is open to other suggestions. Chris Buchanan explained that stockade-style fences are prohibited in the regulations, but there are alternative options to consider. Chris Buchanan suggested obscuring the tanks with year-round vegetation, such as evergreen plants. A privacy fence is also allowable through the regulations.

Patty Benner noted that she would like to install plants, but nothing will grow in that area.

Chris Buchanan explained that the page D-26 of the regulations specifies privacy fences. Neil Benner reviewed the regulations and noted that he would be in favor of a privacy fence. Chris Buchanan explained that the regulations specify a 6' tall, solid board fence, with molded caps and post caps. Neil Benner agreed to this. He noted that he would intend to paint the fence white eventually to match the house.

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Chris Buchanan moved to approve the application as submitted, with one modification to include a 6' tall solid board fence with molded caps and post caps, in place of the originally proposed stockade fence. Seconded by Tom Grella.
Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky – aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 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.

Nic Strong asked the Commission to address the Findings of Fact. The Commission stated the Findings of Fact as:

- 1. Contributing property**
 - 2. Highly visible from the street**
 - 3. No other location to place the tanks to meet code**
- 2. CASE #: PZ17581-070723 – Mellisa & Dina Masotto (Owners & Applicants) 3**
Old Jailhouse Road, PIN #: 017-073-000 – Request for approval to install a
10x12' wood deck, 6.5'x5'x10' dog shed and 8'x6' wood deck.

Doug Chabinsky read and opened the case.

Tom Quinn asked if staff has received the fees for this application. Nic Strong stated that staff received the notice fees. Her understanding was that the applicants were going to request a waiver to the application fees. Tom Quinn asked if the application fees are needed to hear the case. Nic Strong stated that the Commission will need to open the hearing in order to hear from the applicant regarding the requested waiver. She noted that the applicants were online via Zoom, but declining being promoted to panelists in order to speak to the Commission.

Tom Quinn moved that there is no regional impact. Seconded by Tom Grella.
Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky – aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 5-0-0.

Doug Chabinsky asked if, barring the application fee, everything else is complete. Tom Quinn stated that he believes it is, but this is not specifically noted in the Staff Report. There is a list of what was included in the application, but he is not sure if that makes the application complete. Doug Chabinsky stated that he believes the information provided is complete and detailed enough to make a ruling.

Doug Chabinsky moved that the application is complete, and the application fee will be discussed further with the applicants. Seconded by Tom Quinn.

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Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky - aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 5-0-0.

Dina Masotto joined the meeting via Zoom and noted that, during the last meeting, the Commission requested three items, the materials list, a picture of what is currently on the property, and proposed measurements of the shed. These three items have been submitted.

Doug Chabinsky stated that the application has been accepted as complete, as the Commission has determined that there is enough information in the application to proceed to rule on it. He noted that the applicant is requesting a waiver from the application fee. Dina Masotto stated that, with the cost of materials and the impacts on her family, there is a request to waive the \$60 application fee. The abutters' fees have been paid. The application fee is significant to her family of nine. She noted that she has already been before the Commission a number of times for other applications for this project.

Martha Chabinsky stated that, while she understands the concern, she worries about setting a precedent. Doug Chabinsky stated that this is not a precedent setting Commission. Any decision made is unique to each application.

Chris Buchanan noted that it does seem unusual to have so many applications for the same location. There could be a justification just due to the frequency of applications. While this is not a precedent setting board, it is unprecedented to have so many applications come from the same property.

Tom Quinn noted that the Planning Board has heard requests to waive impact fees, but it generally does not because it does not want to open that door. He is not in favor of waiving anything without good reason.

Martha Chabinsky asked the reasons for there being so many applications from this property. Doug Chabinsky stated that, instead of having the entire project planned and all the information submitted at once, it was done in a piecemeal fashion. There have been four or five applications in a short period of time. Martha Chabinsky asked if all of the information had been submitted properly to begin with, would there not have been a need for so many applications. Doug Chabinsky noted that changes needed to be made along the way, leading to additional applications. He has not seen another project need this many applications.

Tom Grella moved that the application fee of \$60 not be waived. Seconded by Tom Quinn.

Roll Call Vote: Doug Chabinsky – nay, Chris Buchanan – nay, Martha Chabinsky - aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 3-2-0.

Dina Masotto stated that she would prepare the funds and drop a check off to the office. She explained that the materials list is significant and there is a large amount of detail for the

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materials and measurements for the wood decks and the dog shed submitted. One deck is proposed to be 8'x6' and the other 10'x12'. The dog shed is proposed to have architectural shingles.

Tom Grella asked if the wood siding will be clapboards or T1-11. Dina Masotto stated that the wood is cedar siding. Doug Chabinsky asked if there will be clapboard siding on the doghouse. Dina Masotto stated that it will be cedar clapboard siding.

Martha Chabinsky asked the height of the dog shed. Dina Masotto stated that the height is 10'4". Martha Chabinsky stated that this seems to be a little large. Dina Masotto stated that it was recommended to be that size by the Fire Department, in order to be able to get in when the children are in the basement. Chris Buchanan explained that this was likely suggested as opposed to having a bulkhead which accumulates snow and cannot be lifted in the winter.

Tom Grella noted that decks are supposed to have handrails if more than 8" from the ground and the 10' x 12' deck showed a 14" height. Dina Masotto stated that there will be wooden handrails on deck A.

Doug Chabinsky stated that, although the application notes that the building is not a contributing property, it actually is contributing property.

FINDINGS:

- 1. Contributing property**
- 2. Work proposed is in a low visibility area**
- 3. Materials chosen are consistent with the regulations**

Doug Chabinsky moved to approve the application with the following modifications: that the 10'x12' deck have all-wood handrails and the doghouse shed siding be cedar clapboards. Seconded by Tom Grella.

Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky – aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 5-0-0.

Doug Chabinsky noted that the application fee will need to be paid for this item. He also 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:

3. Minutes: June 15, 2023

Tom Grella moved to approve the meeting minutes of June 15, 2023, as presented. Seconded by Martha Chabinsky.

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Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky - aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 5-0-0.

4. Any other business:

Doug Chabinsky stated that the changes to the regulations are moving forward, as approved by the Commission. He noted that Nic Strong is working on updating the application and Rules of Procedure.

The Commission reviewed the draft application form. Nic Strong explained that the first part of all land use board applications is the stormwater checklist, where applicants have to certify whether or not their proposal needs a stormwater management plan. Doug Chabinsky asked how an applicant would know if a plan were needed. Nic Strong explained that all of the questions ask whether or not one is needed. By going through the checklist an applicant will know if one is needed.

Nic Strong explained that the first part of the application is to check off if this is either a conceptual consultation or any of the other types listed. The application asks for the property's map and lot number and what district it is located in. The applicant asks for the primary contact information, owner information, and if there is a licensed professional/ architect/ surveyor/ engineer attached to the project. The application asks for the date the building was constructed and if it is a contributing house. There is a link provided to online maps that the applicant can use to find the property number and if it is a contributing property. As on the current application, it then asks for a description of the project, a reason for the project, and any special conditions. The proposed application form lists when information has to be submitted and instructions of what to include with the submittal, such as a completed application form, the checklist, the number of copies, and the application fee. A conceptual application has no fee. Other applications cost \$60 with a \$7 fee per abutter notification. The application requires a signature that the person has read the regulations and understands the application has to be submitted at a certain time with authorization to enter the property for inspections. These are mostly done from the street, but the authorization allows the Commission to enter the property to view propane tank locations and similar items. There is a disclaimer noted that the checklist is not a replacement for the regulations. A column on the application will have the actual section of the regulations which lists all the application requirements. Applicants and staff will use the checklist to indicate what information has been provided and whether or not something is missing.

Chris Buchanan explained that the new application form will make it very clear as to if information is missing and what this information is.

Doug Chabinsky suggested a section for examples, such as a windows spec sheet or drawings of additions with pertinent information. Nic Strong stated that, if the Commission has specific examples of prior applications that include good examples of drawings or specifications, she

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would be happy to create attachments. Chris Buchanan noted that he had an example that he would send along.

Bill Glenn asked if the changes would make the application form a lot longer. Nic Strong stated that it would be, but the first part of the application is items required for all applications. Applicants can then skip to relevant sections for their particular project. Bill Glenn noted that it can be expensive to make copies of application materials, so the fewer pages the better. Nic Strong noted that only five copies are now needed, instead of the original 13 that were required.

Doug Chabinsky stated that, now that the regulations have been approved, there are many mechanical installations in Town that need to be screened, including the house on the corner of Amherst Street and Middle Street which has a visible AC unit. On Sunset Road, there are several mini splits, AC units, propane tanks, and generators that need to be screened. The Amherst gas station needs to be talked to about maintenance on the building, as this could be edging toward demolition by neglect.

Chris Buchanan asked how the Commission can address these items. Doug Chabinsky stated that the Building Inspector can generate a letter to send out with information and a recommendation from the Commission. Chris Buchanan asked if the Commission should compile a list and review it. Doug Chabinsky stated that the Commission has a right to request people to correct items, even if they were done under the cover of darkness or before the Commission existed. Martha Chabinsky added that this could be true even if it was an item that happened before the current owner moved into the house. Doug Chabinsky stated that these screening items should not cost much money. Chris Buchanan stated that he would send Doug Chabinsky his own list of items.

Martha Chabinsky asked if the Commission will require people to paint mini split pipes. Doug Chabinsky noted that this has been required in the past.

Bill Glenn stated that some mechanical apparatuses need breathing room. He noted that the first applicants this evening may not have considered access to their tanks, as their plan showed a complete enclosure and access may be needed. Doug Chabinsky agreed that some mechanicals do need space around them, but this is usually only a couple feet of clearance. The Commission wants to make sure they are shielded from the public view.

Nic Strong asked if the intent is to put the owners on notice that there is a problem, suggest something that could be done about it, and have that handled outside of the meeting process, or is the intent for owners to have to address these problems through filing an application. Doug Chabinsky stated that he does not want to penalize owners, but instead respectfully ask for these items to be remedied. Nic Strong stated that she will suggest to the Building Inspector that the regulations are added to each letter for the property owners' future reference.

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Martha Chabinsky stated that there are some mailboxes and mailbox posts that need to be dealt with. She wishes that more people in the Village would read the regulations.

Chris Buchanan stated that, even with the most flagrant violations, the first step should be a communication in hopes of resolving the issue completely.

Doug Chabinsky stated that one of the items is 99 Boston Post Road. This property installed an AC and generator last fall. Plantings were installed around these, but there is a buried tank and large cap that have not been shielded, as requested by the Commission.

Martha Chabinsky asked about the metal ramp on a Village property. She suggested asking if it is there for a handicapped situation before asking for it to be removed.

Chris Buchanan noted that he is keeping a running list of items for the next iteration of the regulations. One of those topics is defining the Commission's role with temporary structures, as there is not one currently listed in the regulations. Other items include definitions for garage doors and doors in general.

Bill Glenn asked, with regard to plantings for screening, if the Commission's expectation is that plantings will be of sufficient size when planted for total coverage. Doug Chabinsky stated that he would like to see plantings that cover the majority of a mechanical installation and then, within a couple years, would cover the whole thing. Chris Buchanan noted that this is discussed in Section D-12, which speaks of camouflaging and what to do with utilities. It mentions landscape buffers which obscure visibility in all seasons, such as the inclusion of mixed vegetation to include coniferous plants. Doug Chabinsky stated that he is okay with some leeway for the Commission in this part of the regulations.

Regarding fences not allowed in the regulations, Bill Glenn asked if it is the Commission's position to require fences of a certain magnitude to be removed. The Commission will likely face opposition if it requests major changes of this nature. Chris Buchanan noted that the Commission has not yet faced this sort of issue. There is more than one way to enforce items. The Commission could first politely reach out, the Commission could allow an item to stay through a transition period until it needs to be replaced, or the Commission could require items to be replaced at once. If it is too much to ask for something to be replaced at once, the Commission could say that there will be no future replacement in kind.

Doug Chabinsky moved to adjourn the meeting at 7:52pm. Seconded by Tom Grella.

Roll Call Vote: Doug Chabinsky – aye, Chris Buchanan – aye, Martha Chabinsky - aye, Tom Grella – aye, and Tom Quinn – aye; Motion carried 5-0-0.

Respectfully submitted,
Kristan Patenaude

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298 Minutes approved: August 17, 2023