

TOWN OF AMHERST  
Historic District Commission Work Session

December 6, 2022

**APPROVED**

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

Staff present: Nic Strong, Community Development Director

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

**Work Session Topics**

**1. Updates to the HDC Regulations**

Doug Chabinsky stated that the Commission will begin with Section 10: Roofs. He noted that he would like to reinstitute Commission site walks on Saturday mornings at 9am, prior to the meeting.

Chris Buchanan noted that, Article 10 letters A through D, are taken verbatim from the National Register language. Doug Chabinsky stated that first two items set the stage for what is important. The third states that applicants are not allowed to change historically significant roofs. Chris Buchanan suggested that the word “should” be replaced with “shall” and the word “material” be deleted. The Commission agreed.

Doug Chabinsky stated that this refers to cedar shakes, other wood shingles, and clay tiles. He stated that he is not sure clay tile is appropriate. Chris Buchanan noted that this was listed for the Library, in particular. Chris Buchanan explained that letter E notes that it does not create a new regulation but gives applicants a descending list of options allowed, all the way to typical asphalt shingles. Doug Chabinsky suggested that items E and D be swapped. Chris Buchanan noted that, under letter D, items such as solar roof tiles that are indistinguishable from slate are permitted. Doug Chabinsky stated that he believes this example would fall under synthetic materials. Chris Buchanan stated that another example is porcelain tiles that look like cedar shakes.

Tom Quinn noted that synthetic siding which is indistinguishable from wood siding is not allowed. He stated that the Roof section seems a little inconsistent with this. Chris Buchanan agreed that it is inconsistent, and this has been the Commission’s policy for a long time.

Tom Quinn noted that almost every house in the Village has asphalt shingles or architectural shingles. Doug Chabinsky stated that those types of shingles are unobtrusive and blend in. These materials are necessarily pretending to be something different. Other materials may need to be addressed in the future, because people may want to add solar panels to their homes. Chris Buchanan explained that there is only one company at this time that makes solar applications for roofs that are indistinguishable, Tesla solar roof tiles.

Tom Quinn suggested adding letter F, to specifically exclude certain types of roofing materials. Doug Chabinsky stated that he is not sure which materials in particular should be excluded. The appropriate materials are slate, shakes, tiles, and asphalt. Tom Quinn suggested excluding the standing seam-type metal roofs.

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In response to a question from Chris Buchanan regarding the difference between copper roofs and metal roofs, Doug Chabinsky stated that copper roofs typically were done on structures such as cupolas, not on an entire roof.

Nicole Crawford stated that letter D gives leeway for the Commission to decide based on the style and structure of a house. If exclusions are listed, there is a chance that one will be accidentally missed. Tom Quinn agreed and noted that there are different kinds of metal roofs.

Chris Buchanan stated that letter B is unique to the particular building style, and letter C deals generally with the District at large. He suggested a letter F to identify standing seam metal roofs and a couple of others that are not appropriate. Doug Chabinsky suggested listing only the styles allowed. He suggested adding asphalt architectural shingles and other materials that are common in the District to letter E and removing letter D. He stated that he does not know enough about imitation cedar shakes to know if they should be allowed. Chris Buchanan noted that the current regulations allow everything. Doug Chabinsky stated that he is trying to fix this. The roof, not only the style, but the material and the color, are part of the architectural character of the building. Chris Buchanan noted that the Commission cannot regulate paint color. Doug Chabinsky noted roofs are architectural details, where paint color is not, and that shingles come in every color in the rainbow, and some of these do not fit in with the Village. Tom Grella agreed that this needs to be included.

Chris Buchanan suggested adding color to letter D. Doug Chabinsky stated that that section only discusses what is appropriate to the structure and does not tie it to the rest of the Village. Chris Buchanan asked if there could be an instance where it would not be appropriate to the structure but would be appropriate to the Village. Tom Quinn noted that if there was already a red roof, then this could be a consideration. If color was added to item D, owners would have to replace their current roof with a very similar color to the existing. Doug Chabinsky suggested adding color to item c, to state that roof styles, materials, and color common to the Amherst Village Historic District postcolonial year are allowed, and then to list items, such as cedar shakes, wood shingles, etc. Letters D and E can then be deleted.

Chris Buchanan stated that he does not want to delete letter E, because letter C identifies roof styles, materials, and colors that are common to the postcolonial era, while synthetic materials, such as asphalt shingles, are considered modern. Doug Chabinsky suggested putting it under item D and removing the mention of synthetic materials until more research is done. Chris Buchanan explained that he deleted lowercase letter d, and replaced it with language that asphalt shingles, in a color appropriate to the Amherst Village Historic District are allowed. Doug Chabinsky suggested that this be reworded to asphalt/architectural shingles. Doug Chabinsky stated that he would prefer a shall statement but believes this covers it well.

Tom Quinn asked why item E was changed from 'should' to 'shall.' Doug Chabinsky stated that he was okay leaving this as 'should,' to not make it as restrictive to the applicant.

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Nicole Crawford stated that letter B has some roofing materials listed, such as clay, tile, and metal, and this may need to be revised. Doug Chabinsky stated that these were listed as items common to this particular era. Nicole Crawford suggested merging letters A and B. Chris Buchanan noted that the lowercase letters should be numbers. Doug Chabinsky stated that, regarding items A and B, one talks about the roof as an important design aspect, and the other one talks about how to preserve or repair it to keep it consistent. There was consensus to keep the two items separate for now.

Doug Chabinsky stated that, regarding flashing materials, listing 'other materials' is a little confusing, as the Commission has ruled out vinyl, plastic, or synthetics. He stated that the wording could read, 'other materials, such as aluminum flashing, would be appropriate.' It was noted that lead flashing could be used but was a common material.

Tom Quinn asked about addressing solar in this section yet. Doug Chabinsky agreed that this will need to be addressed at some point, but he does not yet believe there is enough information to add it. Chris Buchanan noted that Article 6 may address this, to say that it would not be permitted for now, just as utilities that are highly visible are not permitted. Doug Chabinsky stated that it is first incumbent on the Commission to understand what is available, what it looks like and how it ages. Martha Chabinsky asked if someone could be assigned to research that, in order to get it taken care of shortly. Chris Buchanan suggested that this might be a next step for some of these items. Tom Quinn noted that it appears that some who purchase homes in the Village do not read the regulations clearly. It might be important to even temporarily, explicitly state that solar systems are not allowed. The Commission agreed to discuss this as part of Article 6.

Chris Buchanan stated that, regarding Article 6, letters A through E are unchanged. Letter F spoke to windows, but this has since been deleted, as a new Article for windows was created. Doug Chabinsky suggested merging some of the information in item F with Article 10. Chris Buchanan stated that he added to Article 10, capital letter B the phrase, 'details such as dormer windows, monitors, cupolas, cornices, barge boards, brackets, cresting...'

Chris Buchanan stated that previous letters F and G under Article 6 have been deleted. New letter G starts at utilities and outdoor mechanical equipment. This lists that outdoor mechanical equipment shall be installed in locations that create the least disturbances, with a list of some examples. He stated that the lowercase letters will be changed to Arabic numerals.

Doug Chabinsky asked about the difference between a. and b. Chris Buchanan stated that the first one deals with the Commission's pursuit to protect the character-defining features of the building. Second to that, is broader language as a catchall for situations, such as where something is placed on the structure in a highly visible location but does not modify character-defining features. Doug Chabinsky asked about modern items that can be a distraction from the character. Chris Buchanan stated that he felt these were different things.

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Tom Quinn stated that he believes item b. should be specific that solar systems should not be placed on structures in highly visible locations. This can be a critical issue, as it usually involves tree cutting. Solar systems may not look very good on historic buildings, as well. Doug Chabinsky asked about solar panels placed on the backside of a building, or in a non-visible location. Chris Buchanan suggested adding an additional item that solar panels are not permitted at this time.

Doug Chabinsky suggested language that the Commission would entertain a waiver for solar systems, as it did approve a proposal for a net zero house with solar panels on the edge of the District years ago. Martha Chabinsky disagreed with this. Chris Buchanan suggested just making solar systems not permitted for now. The Commission agreed that this will be listed under item v.

Regarding item c. - Minimization of Appearance, Tom Quinn and Doug Chabinsky suggested a 'shall' statement that, if an applicant cannot fully bury or fully place a utility out of sight, then it must be further obscured, with some of the following considerations.

Regarding item H., it was noted that this could be deleted, as it is covered under item E. Chris Buchanan suggested deleting the first couple of sentences, but then resume the paragraph at 'replacement is not permitted...' The rest of the paragraph speaks to simply replacing and that rehabilitation is the preference. If applicants can demonstrate that a change will be significantly more energy efficient than rehabilitation, this would be considered. Nicole Crawford stated that this is difficult without a definition for 'substantially more.' Doug Chabinsky suggested removing item H., as this becomes very subjective. He prefers language that applicants shall rehabilitate wherever possible. This is the same language used for the windows. If this cannot be done, the change has to maintain the character, etc. He stated that he would also like to include language that applicants will need an expert to say that an item cannot be rehabilitated.

Regarding Article 8 – Streetscape, Chris Buchanan stated that he made no changes to items A through E. He added a couple of phrases to F. that do not create any new regulations but simply include more detailed items, such as granite posts. Doug Chabinsky stated that he understands that mailboxes did not exist in the postcolonial era the way they do now. He would like the language to state that 'mailbox posts and supports shall be simple in style.' For example, these could be made of wood and be of a simple design, with nothing ornate and little or no carved details.

Doug Chabinsky noted that there is a house along Amherst Street that is not simple in style. He asked Nic Strong what can be done. Nic Strong stated that there is no way to find this until after the fact. No one has to come in for a permit for a mailbox, as this is not part of the regulations. Chris Buchanan explained that this would be a regulation that exists and is basically unenforceable. Tom Quinn noted that it does not hurt to include the suggestion. Doug Chabinsky suggested that Scott Tenney, Building Inspector, be asked about this item.

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Regarding Section 8.2, Chris Buchanan stated that he believes the Commission has no legal authority to regulate tree removal. Thus, that item was deleted, and instead a should statement regarding making every effort to preserve trees was included. Tom Grella noted that, currently the Town Tree Warden makes decisions on removal of trees. He asked if this should be included in the regulations. Doug Chabinsky stated that he does not believe this is necessary.

Regarding Section 8.3, Chris Buchanan stated that he took the themes included in items A and B and spread them out in a list. Previously, there was a specification that sidewalk widths should be 3' wide and should not exceed 4'. This is against ADA regulations. His proposed replacement language only speaks to materials. Secondly, with reference to 'in particular the central striping should be a single yellow line and not the double yellow line that is found on highways,' there is no longer reference to single yellow lines in the Manual on Uniform Traffic Control Devices, so he removed that reference.

In response to a question from Doug Chabinsky, Chris Buchanan stated that roadways do not have to have a center line. The only recommendation is that a double yellow line is used on roads with 6,000 vehicle trips per day. There are only two municipal roads that meet this criteria, and neither of them is in the Village. Doug Chabinsky asked why there is a double yellow line down Boston Post Road. Chris Buchanan explained that this was installed by someone in the past.

Chris Buchanan explained that letter B.2., states that roadway widths and pavement markings should be minimized. Doug Chabinsky stated the removal of lines in the Village would likely result in people driving slower and would be more character. Chris Buchanan agreed but stated that he left the language broad. The Commission has no legal authority to make this happen. Doug Chabinsky stated that the Town often reviewed these items with the Commission, to make sure they do not detract from the Village. Doug Chabinsky suggested language that roadways should not have a center line in the Village. This is not in keeping with the character nor does the traffic warrant it.

In response to a question from Tom Quinn, Doug Chabinsky stated that he believes walkways are typically privately owned. Doug Chabinsky stated that he would like to see natural, appropriate materials used for walkways. He is not sure the Commission would approve an asphalt walkway up to a front door.

Nicole Crawford asked if the current center lines are reflective. If they are, and they are helpful at night, people may call it a safety concern to remove them. Chris Buchanan explained that the current center line markings were added in the early 2000s. These are painted with a crushed glass application, to make them reflective. This lasts for approximately the first three weeks.

Doug Chabinsky stated that there are a lot of other roads in Town where the speed limit is much higher than in the Village, which do not have center lines. Nicole Crawford suggested a statement that refers to the MUTCD regulations. Doug Chabinsky stated that he would prefer to be specific with this item. He would like the language to state that no center lines shall be allowed in the Village, with a reference to the appropriate document.

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Chris Buchanan suggested language that public infrastructure roadway widths and pavement markings should be minimized. Center lines are not permitted, except when required by the Federal Highway Administration Manual on Uniform Traffic Control Devices. Signage is mentioned as being minimized.

Chris Buchanan explained that Section 8.4 is not regulatory. It mentions that certain lamps are appropriate to certain areas.

Doug Chabinsky stated that this lists the appropriate lamp styles for applicants to choose from. He suggested that the language read, 'wrought iron lampposts shall not be used, except where documentary evidence suggests it was appropriate to private property.'

Chris Buchanan stated that, regarding Section 9.2 Replacement Windows, currently reads 'if an original window is deemed unrepairable by an historic window restoration professional, then an in-kind replacement may be considered.' He asked what would happen if a window was already replaced in the structure and there is a proposed replacement of that replacement. He suggested adding a sentence to to say, 'if a window was already replaced, this also applies.' Doug Chabinsky agreed to include it in the first sentence, that 'in kind replacements should be considered for extensively deteriorated or missing components of original windows and windows that have been replaced at an earlier time.'

Tom Quinn asked if Section 9.1 items A, B, and C are going to be 'shall' statements. Chris Buchanan agreed and noted that he would make these changes. It was noted that new item C. says, 'windows that contribute to the historic character of the building shall be preserved. Thus identifying, retaining, and preserving windows and their functional and decorative features that are important to the overall historic character of the building such as: the window material and how the window operates; for example, double hung, casement, awning, or hopper are significant, as are its components including sash, muntins, lugs, glazing, pane configuration, sills, mullions, casings, or brick molds, and related features such as shutters.' Doug Chabinsky stated that he would like to remove casement windows from the list, as they are not appropriate. Chris Buchanan stated that, through research on Google, he found that the modern casement window dates back to the 1700s. He noted that this is only an example of a window component; it is not a regulatory aspect and likely is fine to be removed.

Doug Chabinsky requested that Chris Buchanan finish incorporating all of the edits as discussed. He would like the changes to be merged with the other sections of the regulations. These regulations are important to the Commission in maintaining the character of the Village.

In response to a question from Doug Chabinsky, Nic Strong stated that the Commission can begin using the revised regulations once it holds a public hearing on them, with 10 days' notice given.

Martha Chabinsky thanked Chris Buchanan for all of his work on this project.

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263 Nicole Crawford stated that she would do more research into the solar system discussion the  
264 Commission had earlier in the meeting. Doug Chabinsky stated that he would like to reassess the  
265 regulations at the end of each year.

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267 Chris Buchanan stated that he would be able to send out the revised regulations draft within a  
268 week or so. The Commission agreed to discuss a date for a public hearing on December 15,  
269 2022. Doug Chabinsky stated that the Commission also needs to review its application checklist.  
270 He stated that he would try to make initial edits to bring back to the Commission for review.

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272 **OTHER BUSINESS:**

273 **2. Any Other Business**

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275 **The meeting was adjourned at 8:45pm.**

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277 Respectfully submitted,  
278 Kristan Patenaude

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280 Minutes approved: January 19, 2023