

TOWN OF AMHERST
Historic District Commission – Work Session

May 6, 2021

APPROVED

In attendance: Jamie Ramsay – Chair, Chris Hall – Vice Chair, Chris Buchanan, Doug Chabinsky, Bill Rapf, and Tom Grella – Ex-Officio.
Staff present: Nic Strong – Community Development Director, Natasha Kypfer – Town Planner, and Kristan Patenaude – Recording Secretary.

Jamie Ramsay called the work session to order at 7:04 p.m. Natasha Kypfer read the following statement: I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor’s Emergency Order #12 pursuant to Executive Order 2020-04, as extended by various Executive Orders, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor’s Emergency Order.

However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

We are utilizing Zoom for this electronic meeting.

All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone #312-626-6799 and password 891 1520 1865, or by clicking on the following website address: <https://zoom.us/j/89115201865> that was included in the public notice of this meeting.

Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the Town website at: www.amherstnh.gov.

Providing a mechanism for the public to alert the public body during the meeting if there are problems with access: If anybody has a problem, please call 603-341-5290.

Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let’s start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to- Know law.

Roll call attendance: Jamie Ramsay, Tom Grella, Chris Buchanan, Doug Chabinsky, Bill Rapf, and Chris Hall; all present.

May 6, 2021

APPROVED

Work Session Topics:

1. Updates to HDC Regulations

Jamie Ramsay stated that he would first like to discuss when the change was made to not allow for applicants to come before the Commission for an informal discussion, but to instead go through a formal application process for a preliminary conceptual discussion.

Natasha Kypfer explained that, per the Commission's regulations, an applicant's preliminary conceptual discussion does not require abutter notice, but does require a processing fee of \$60, for staff hours spent processing the request. These types of requests have happened at numerous meetings lately. The regulations outline the process for these applications, similar to how the Planning Board processes their applications. It is not a requirement for applicants to go through the preliminary consultation process, but if they choose to, the regulations are followed.

Chris Hall explained that, in the past, the Commission has appealed for applicants to come before them before starting the formal application process in order to make sure that applications are complete and introductory questions are answered. Some applicants choose to not move forward with projects after hearing from the Commission during introductory meetings.

Nic Strong stated that the Commission can discuss potential changes to the regulations if it wants a different process to take place, but this current process is the one that was formalized into the regulations at some point. The Commission could choose to have different levels of discussion or decide to not charge a fee for preliminary discussions, but otherwise the Community Development Office follows the rules in the regulations.

Jamie Ramsay asked when this new process started to take place. He is furious about it, as he believes the Commission should try to be a good neighbor and not nickel-and-dime applicants. He stated that the Commission was previously offering this preliminary discussion as a free service.

Doug Chabinsky stated that these regulations could have been there all along, and the Commission simply had not been properly following them. If the Commission wants a different process, it needs to change the regulations so that it is not acting in violation of them.

Tom Grella stated that he believes this process is unfair to applicants. He believes that applicants should be able to come before the Commission for an informal Q&A session at no cost, in order to form a more complete application.

Chris Hall noted that the proposed change to the regulations for mature trees was also never formalized. There may be more housekeeping items needed for the regulations.

In response to a question from Chris Hall, Nic Strong stated that the proposed fee schedule is a separate document from the regulations. These two documents will continue to be separate of each other, unless the fee schedule is adopted as part of the regulations. If the Commission

TOWN OF AMHERST
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May 6, 2021

APPROVED

chooses to alter its regulations, it could add in a line that indicates that the preliminary discussion will have no cost associated.

Chris Buchanan noted that the Commission made a list several years ago for proposed regulation changes. Many of these were not language-specific, but theme-based. He showed the Commission the draft document he made during those discussions.

Chris Hall noted that Section 12.6 of the regulations states that applicants may meet with the Commission prior to filling out a formal application so there is no need to change the regulations in that regard. He stated that the Commission needs to either change the regulations or the fee structure in order to make this of no cost to the applicant.

In response to a question from Doug Chabinsky, Nic Strong stated that applicants need to submit applications as part of the preliminary consultation process in order to be placed onto the agenda and make sure that nothing is missed by Town staff. The fee charged for these meetings is for staff time to prepare these materials for the Commission.

Doug Chabinsky suggested that the Commission set aside 15 minutes at the end of each meeting to informally hear preliminary questions from residents.

Jamie Ramsay stated that he wants the process to be fair to all and doesn't want it to be difficult and off-putting to residents.

Nic Strong suggested that the Commission could make a list of items it would like changed in the regulations for further review. Chris Buchanan noted that he would send along the list of proposed items the Commission already discussed to Nic Strong.

Nic Strong explained that there are currently two different documents that govern the Commission – the zoning ordinance and the Historic District Commission regulations. The Commission's rules of procedure are also located within the regulations. She explained that the Commission could decide to separate out the rules of procedure, as it would make it easier to ratify the documents if they are separate. She stated that the most complex of the documents is the zoning ordinance; this can only be changed at Town Meeting. The Commission's regulations can be changed through a public hearing at one of its meetings, and the rules of procedure can be changed at one of the Commission's regular meetings. She noted that some items discussed by the Commission, such as uses and dimensions, might be better suited to be in the ordinance, whereas how to construct or install various uses on the ground might fit better in the regulations. The rules of procedure include items such as meeting times, number of members, etc.

In response to a question from Jamie Ramsay, Nic Strong stated that the staff needs more direction on items that it wants changed in the regulations. She suggested that the Commission make a list that the staff can then use to create a draft document for further review.

May 6, 2021

APPROVED

The Commission discussed a list of some high-level items that it wants to make proposed changes to for the regulations.

Chris Buchanan suggested that having the regulations not be overly prescriptive is a benefit to the residents. The vagueness of the current regulations and corresponding documents leads residents to have no idea how the Commission will rule on certain items. Residents need just enough guidance to not place a burden on them. The regulations should be kept simple, but with supplemental, non-regulatory documents associated.

The Commission discussed items to be placed on the list such as: trees, neighbor-views, doors, modern mechanical equipment, etc.

In the end, the Commission decided to focus their efforts on three items to start:

- 1) Windows & doors
- 2) Views
- 3) Modern mechanical equipment

The Commission discussed demolition standards, both local and state. Will Ludt, Chair of the Heritage Commission, explained that a demolition delay policy was introduced about 12 years ago, supported by the Division of Historical Resources, but ultimately voted down by the Town.

2. All-wood window options for the Historic District

Jamie Ramsay stated that the Commission should tighten up its regulations in terms of all-wood materials, as it was recently fed un-truths by an applicant in regard to all-wood windows.

Chris Hall explained that he sent that applicant an email listing a number of window manufacturers that offer all-wood options. The applicant stated that a window expert had told him that all-wood windows were not an option on his property. He would like to give the applicant the benefit of the doubt but did find other options that he believes were viable.

Tom Grella explained that sash packs come with two sashes and jamb liners and can be ordered locally at Currier Lumber. These are all-wood, manufactured by JELD-WEN and could have possibly been an option for this applicant.

Doug Chabinsky noted that items like this are ones that could be specified in spec sheets, included as supplemental documents to the regulations.

In response to a question from Chris Hall, Jamie Ramsay stated that sash packs are much less expensive than whole window replacements.

Chris Hall noted that the Commission might want to consider having a window rep come in to speak to them about different options.

3. Board recruitment

TOWN OF AMHERST
Historic District Commission – Work Session

May 6, 2021

APPROVED

Tom Grella stated that he spoke to one person who might consider seeking an alternate position on the Commission. He also noted that one of the positions on the Commission is to be a Planning Board rep, but there has not been one of those on the Commission in a number of years.

Nic Strong stated that the Commission is to have a minimum of 5 members, and a maximum of 7 members. There are also 5 alternate spots available. The number needed for a quorum is based on the number of members available at a meeting. She also noted that one of the Commission members has to be a Selectman ex-officio and that one *may* be a Planning Board ex-officio.

Chris Hall suggested that the Commission could reach out on Facebook for additional members.

OTHER BUSINESS:

1. Any other business

The Commission agreed to hold a site walk for 3 Old Jailhouse Road prior to its next meeting, at 6pm. Abutters will be invited to attend.

Chris Hall moved to adjourn at 8:27pm. The meeting was adjourned.

Respectfully submitted,
Kristan Patenaude

Minutes approved: July 15, 2021