

TOWN OF AMHERST
Historic District Commission

April 21, 2022

APPROVED

In attendance: Jamie Ramsay – Chair, Chris Hall – Vice-Chair, Tom Quinn - Planning Board Ex-Officio, Tom Grella, and Doug Chabinsky.

Staff present Nic Strong – Community Development Director, Nicole Stevens – Town Planner, and Kristan Patenaude – Recording Secretary (remote).

Jamie Ramsay called the meeting to order at 7:05 p.m. and introduced Commission and staff members present. He stated that the Commission recently lost a longstanding member, Bill Rapf. The Commission expressed their thanks for his service.

PUBLIC HEARINGS:

1. CASE #: PZ15395-020922 – Lori & Rich Ashooh (Owners & Applicants); 4 Middle Street, PIN #: 017-063-00 – Request for approval to remove and replace (6) windows with new Pella Reserve windows located on the first and third floor. *Continued from March 17, 2022.*

Jamie Ramsay read and opened the case.

**Doug Chabinsky moved to untable this item. Seconded by Tom Quinn.
Vote: 5-0-0; motion carried unanimously.**

Lori and Rich Ashooh addressed the Commission. Rich Ashooh explained that, due to egress issues, part of the renovation would include a larger than historically accurate window on the third floor. A skylight option was previously proposed to the Commission for this item instead of the window. He explained that, while this proposal is for six windows, the project will eventually include all windows on the house.

Rich Ashooh explained that they moved to the house due to the Town's character and to preserve the historic nature of the house. The windows on the house are badly in need of attention. The Commission previously discussed if all-wood windows would be required for this project. Rich Ashooh stated that he has since reviewed all of the potential options and still believes that the Pella windows previously proposed would be best at preserving the historic nature of the house. The Pella windows are designed to be historically useful and are approved by the National Parks Service and included on the NH Preservation Alliance's list of recommended windows for historic renovations. Removal of the storm windows and screens is important, and the disappearing screen feature is also important. He explained that they are looking for a net improvement to the property. The proposed Pella windows will fit the look of the house and be most effective. The Chandler House in Manchester was renovated using these windows. They are interested in protecting and preserving the historic nature of the house where possible and replacing with fidelity.

Jamie Ramsay noted that the Commission is now being asked to consider the same Reserve Series Enduriclad aluminum exterior windows that it was presented with last time.

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Rich Ashooh stated that the Reserve is an all-wood window with cladding. He explained that the screen is encased in the window itself and is revealed when the window is raised and concealed when the window is down. In response to a comment by Jamie Ramsay, Rich Ashooh stated that the rollup screen was for convenience not historical purposes, but that the windows were designed to be historical.

Chris Hall noted that the applicant seems to be proposing aluminum-clad pine 5" windows. He asked about the Reserve traditional wood series. Rich Ashooh stated that they did examine the all-wood line but determined that the aluminum exterior clad would be a better fit for their property.

Rich Ashooh noted that he does not understand the Commission's requirement for all-wood windows. Chris Hall stated that this is in the Commission's regulations. The Commission has also previously had applicants state that all-wood windows are not possible. In doing research though, there are multiple all-wood options, and the Commission cannot regulate an applicant's favoring toward clad windows, when the regulations state that all-wood is required.

Rich Ashooh explained that the Commission's regulations exist to protect the historic nature of the Village, which is largely a visual test. Chris Hall stated that this is not necessarily true, noting that there is a huge difference between vinyl, aluminum-clad, and all-wood windows. Rich Ashooh stated that he understood the regulations and pointed out that the Commission has varied from the regulations in the past if there is a net improvement to a home. He showed the Commission an original photo of the house and noted that much of the existing structure is not historic. He does not see the point in requiring all-wood windows. Especially when these windows were designed to be incorporated into historic homes.

Lori Ashooh noted that the regulation section for windows was updated in 2009. The proposed Pella windows were not in existence at that time. The Commission could update its thought process based on what new technology becomes available. These windows are mostly still all-wood, but aluminum clad to help with potential rotting.

Jamie Ramsay stated that the single biggest difference between all-wood and the proposed windows seems to be aluminum exterior cladding. He asked the applicant what the argument is against having an all-wood window. Rich Ashooh stated that the proposed windows are better windows overall. These are longer lasting, more durable and look the same. The roll screen option is not available in the all-wood window.

Lori Ashooh explained that the Commission approved aluminum clad windows for the house two doors down. It is not possible to tell the difference between these and all wood windows.

Rich Ashooh read from the Commission minutes of March 18, 2021: *"Doug Chabinsky agreed with Chris Buchanan's idea to look at the gain/loss from putting in replacement, aluminum clad windows, with the removal of the storms. He also believes that the Commission should review its regulations to look at them on the basis of materials available to homeowners."*

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Chris Hall stated that the Commission has previously been oversold on the fact that all-wood windows are not available when they actually are. The regulations state that all wood windows are required. The Commission previously presented this applicant with four other window alternates that are all-wood for consideration and the applicant is still proposing a clad window. Technology is constantly changing, and the Commission is trying to keep up. All applications are considered on a case-by-case basis based on the house itself. The applicant's house is a contributing, prominent house in Town. He stated that for a non-contributing house it was kind of okay to use aluminum clad windows.

Rich Ashooh stated that they took the Commission's suggestions seriously and spent time researching. They also noted the Commission's past willingness to work around the regulations, if in the best net interest of improving the home. The proposal would be a significant improvement to the house, and he believes this is what the regulations are supposed to do. This is new technology and should be considered by the Commission. He believes it is a problem for neighbors with similar houses to have approvals for different types of windows, and a larger problem if there is a new standard made for windows after he is required to make a large investment and install all-wood windows. The house will look historically accurate with the proposed windows. He is aware of the prominence of the house and he has a shared goal with the Commission in continuing this.

In response to a question from Tom Quinn, Lori Ashooh explained that the current proposal is to replace a set of windows in the house, but that future phases will include replacing all of the windows in the house. Tom Quinn stated that his concern is the house looking different from floor-to-floor. Rich Ashooh stated that this is easily remedied by replacing all of the windows on the face of the house at the same time if the proposed windows are approved. Tom Quinn suggested replacing the windows on each side of the house at the same time, to keep things consistent.

Jamie Ramsay stated that the view of the new proposed windows on the house will be quite striking. The preference from the applicant seems to be for a maintenance-free window, with a disappearing screen. Rich Ashooh stated that the proposed window would have no storm windows and no screens. Jamie Ramsay stated that an all-wood window could have the same glazing and no storms. He stated that the single difference was the disappearing screen.

Doug Chabinsky stated that he had visited the Pella showroom and noted that a ground floor clad window from a couple of feet away would not be recognizable from an all-wood window. The NH Preservation Alliance is okay with these windows. Doug Chabinsky stated that the Commission is amending its regulations and should consider this type of window. He stated that he was impressed with them.

Mary Ireland, 15 Church Street, explained that her neighbor to the left was approved for replacement windows, yet her neighbor to the right (the applicants) are having a hard time getting the same thing approved. She supports the proposal and does not ever look at the

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neighbor's house to the left and notice that the windows are clad. It bothers her more to see the dumpster sitting outside Moulton's Market, which the Commission apparently has no problem with. She asked the Commission to explain how their case-by-case basis decision-making works. Consistency will go a long way with people in the Village. She asked if black trim windows are okay, as she has previously heard they are not allowed. Doug Chabinsky stated that the Commission does not approve paint colors. Currently, the regulations call for wood windows. There is a process, involving public hearings, in order to change these regulations.

In response to the comment regarding the neighbor's house which was approved for replacement windows, Doug Chabinsky explained that that applicant told the Commission that no manufacturer makes an all-wood historic drop-in insert. This was determined after the fact to not be true. An exception was made for that case, but only because false information was given to the Commission. Chris Hall explained that the false information was given at a pre-meeting with that applicant. Prior to the next meeting, he sent information to the Commission members to show that four possible all-wood windows were possible. He noted that Tom Grella even visited Currier Lumber to discuss this item directly and was told similar information. Chris Hall stated that he was then unable to attend the next meeting. The applicant was very forceful toward Tom Grella during the meeting to get the replacement windows passed. Chris Hall noted that this is why the Commission is a bit sensitive about the all-wood replacement windows. Applicants have wiggle room on a lot of items, but some issues are black-and-white, unless the necessary materials are not available.

Rich Ashooh stated that he does not believe it is the Commission's job to say what type of windows he can place in his house. The Commission's job is to assess applicants' plans to make sure they are faithful to and meet the Historic District's mission. There are too many variables to do otherwise. The regulations state all-wood windows are required, but the Commission has previously stated that it decides this on a case-by-case basis. Maintaining the historic aspect of contributing homes in the Village is important to the Commission and to the applicants. A wooden window with some aluminum cladding that cannot easily be distinguished from all-wood windows is a good choice for historic accuracy and to keep the house in good shape. Rich Ashooh asked that the Commission not paint his application in the same light as a previous one, as he has done the research, as requested by the Commission, and come to the proposed conclusion. The windows in the Commission's regulations are not the standard for Pella windows anymore; the ones being proposed are.

Doug Chabinsky stated that the Commission's regulations are the standard, but the Commission does consider things on a case-by-case basis. He noted that they may have ruled on one house but that did not mean it was a uniform ruling throughout the Village. The Commission is looking to update its regulations.

Mary Ireland noted another example is the house being "historically accurately" constructed on Carriage Lane with dormers when the historic house there never had dormers. Another house down the road applied to the Commission for dormers and was denied. She does not understand how these decisions are made. She wants to do what's best for her historic house, but this is very

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frustrating. She is unclear if, for future proposals, she should follow the example of the neighbors to her left or right, as they received different approvals.

Doug Chabinsky stated that, for architectural changes that affect massing items, such as dormers, the Commission has approved some and rejected some because they did not maintain the historic character while staying in correct proportions. He noted that the old bank building had to redesign their proposal. He went on to say that the Historic District Commission wants to maintain the character of the district but allow people to live in their homes and adjust. The proposals have to be in proportion.

Jamie Ramsay stated that the largest latitude the Commission has on historic houses is on the interior. This is not the case in many Historic Districts. The regulations drive the standards. The Commission has been working dynamically to update the regulations.

Doug Chabinsky stated that items such as windows and upgraded technologies are updated in the regulations a bit at a time, and the Commission is in the process of updating them again now. He noted that they had to update the windows requirements, add in new technology for heating and cooling, discuss how to address doors and so on. He noted that once there is a draft of the updated regulations there has to be a public hearing, and this is a lengthy process.

Mary Ireland asked how homeowners know that updates to the regulations have been made or proposed. Chris Hall stated that people would likely only know by examining the agenda for items regarding regulations.

Tom Quinn stated that the difference between the neighbors spoken of previously could be that all of the windows visible were replaced at the same time, instead of being done in phases. Tim Ireland noted that an additional concern is keeping houses historic, but it is not clear as to what time period is being used as the definition for "historic," as many houses have been updated at different times.

Chris Hall stated that he does not decide on these items based on personal taste. The regulations are ruled on based on how contributing and prominent houses in the district are. One neighbor lied outright to the Commission. The Commission is trying to be consistent, but aluminum clad windows will ruin that consistency if it continues to approve them.

Tim Ireland asked if the Commission feels that the neighbor who used aluminum clad windows after lying to the Commission, has a property that now looks less historically accurate. Chris Hall stated that he does not believe this is true. He noted that the Brick School changed its windows to plastic without approval from the Commission because governmental buildings do not have to follow the Town regulations and they look fine. Mary Ireland asked if the Commission could understand why this is so confusing to applicants. Many stated that they understood.

Jamie Ramsay stated that no decision by the Commission is precedent setting on others for the future.

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Tom Grella stated that he put in all-wood windows 20 years ago on his property, when he could have put in aluminum clad at half the price. It is not fair to people who have abided by the rules set forth at the time.

Rich Ashooh stated that this was a helpful discussion and that he understood and was cognizant of the fact that the Commission deals with each individual case. He stated that the principles of the regulations are to determine what achieves the net improvement to the property. Technology has come a long way and he does not believe that the Commission should require all wood windows. There is some wood on his house that he would never change because it is stronger than what is available today. Wood for wood's sake seems like the wrong way to go about it. Rich Ashooh stated that he doesn't disagree with the process and understands that the Commission is stuck with the regulations they have now. He respects the Commission and is trying to do things with as much transparency as possible.

Lori Ashooh stated that there are four existing windows on the third floor that are beyond repair. The third floor has been divided into three rooms. One of the three windows that is not in terrible shape will be used within the home. Another one of the sashes will be used within the house. The existing windows will be reused as decorative items throughout the house, which shows how much they care about the historic nature of the house. They moved to the house because they love history and believe this proposal will help maintain the house's historic accuracy.

Jamie Ramsay stated that he is concerned that this approval could open the floodgate for others. The Commission is being forced to reconsider its regulations.

Rich Ashooh agreed that it is time for the Commission to change its regulations. Doug Chabinsky again stated that the Commission was in the process of changing the regulations and that it takes time. Rich Ashooh stated that this was the only way to solve the floodgate issue.

Lori Ashooh stated that the Pella rep did not tell them about the all-wood option because he stated that it is never used anymore. After that discussion, she reviewed the Commission's regulations which pointed her toward the NH Preservation Alliance's regulations, which specifically lists the windows they are now proposing. She noted that they are more expensive and are the best windows. Lori Ashooh also noted that these windows are used in the residential areas around Strawberry Banke in Portsmouth.

Doug Chabinsky stated that the regulations have not yet caught up with the new technology, which is why each application is considered on a case-by-case basis.

FINDINGS:

1. This property is listed as a contributing property, described as an 1800's Center Hall/Georgian-Federal house.
2. This property is listed on the National Register of Historic Homes as #59 – The Eastman House.

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3. The location of the proposed renovations is approximately 25'-30' from public access.
4. The proposed renovations to the property have high visibility from public access.
5. The proposed renovations have no regional impact, as previously voted.
6. It is very difficult to tell the visual difference between the proposed windows and all-wood windows.

Doug Chabinsky moved to accept the application as submitted. Seconded by Chris Hall.

Vote: 2-3-0; motion failed (C. Hall, T. Grella, and T. Quinn against).

Jamie Ramsay thanked the applicants for opening the Commission's eyes to some items that need to be addressed.

OTHER BUSINESS:

1. Minutes: March 17, 2022

**Chris Hall moved to approve the minutes of March 17, 2022, as submitted.
Seconded by Doug Chabinsky.**

Roll call vote: 4-0-1; motion carried (T. Quinn abstaining).

2. Continued Discussion on HDC process

Doug Chabinsky asked that the Commission speed up its process for updating the regulations. He also requested that in the future for similar applications, the Commission consider reviewing what the National Preservation Alliance is recommending and consider adopting these recommendations.

Chris Hall asked if, using that same logic, the Commission should start approving Walpole woodworker's fences around the Village instead of all-wood fences, as they look similar and will last forever.

Doug Chabinsky stated that the technology needs to be examined. Chris Hall stated that the applicant wasn't arguing that. The applicant was arguing that he was trying to make his house look better overall. Doug Chabinsky agreed that the applicant was trying to make his house look more historically accurate, as storm windows are not historically accurate. There are some items the Commission will have to adapt on, as technology advances and certain items are no longer needed to be required. The Commission needs to examine what the State is doing.

Chris Hall stated that his concern is that the Commission knows the regulations, the applicant knows the regulations, the Commission gives the applicant options within those regulations, and the applicant still chooses to request something different. At the end of the day, the regulations require all-wood windows.

Doug Chabinsky noted that the aluminum clad windows are more expensive than all-wood windows. Jamie Ramsay noted that cost is not considered generally by the Commission.

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Chris Hall stated that he is all for updating regulations based on new technologies, once the research has been done. He believes that if the Commission had approved aluminum clad windows for this application, it would continue to see applications requesting aluminum clad windows.

Nic Strong suggested, in order to move this along because the discussion had been taking place for many months now, that she would create a draft document for regulation updates to share with the Commission. The Commission agreed. Doug Chabinsky suggested inviting the public to any work sessions where regulation changes are discussed. Chris Hall suggested having window manufacturers come in to explain any changes in the technology to the Commission when considering adjusting the regulations. Jamie Ramsay stated that the overall technology changes for windows are moot.

Chris Hall stated that his frustration is that the Commission gave the applicant various options for windows that meet the regulations, and the applicant still came back with the windows he preferred.

Doug Chabinsky stated that he believes the Commission could take some of its cue from the NH Preservation Alliance. Chris Hall stated that he would like the Commission to do its own research on these items before considering updating its regulations. Doug Chabinsky noted that the Commission will need to start considering what to do with applicants who wish to put solar on their houses in the Village.

Tom Grella stated that he would like to have discussion on updating the regulations for doors, windows, and garage doors.

Jamie Ramsay stated that a request came through from the Bicycle & Pedestrian Advisory Committee regarding placing a bench along the Amherst Street sidepath. Tom Grella stated that the Committee has received a number of donations for memorial benches. There is also a request to install two more benches on the Green. Jamie Ramsay stated that the benches on the Green are made of okay materials, but he is not sure about composite materials. He suggested granite might be more appropriate. The Commission will discuss this at its next meeting.

Will Ludt noted that a lecture on Energy Retrofits and the Historic Home will be held on May 9, 2022, at 7pm, at the Wilton Collaborative Space.

The meeting was adjourned at 8:25pm.

Respectfully submitted,
Kristan Patenaude
Minutes approved: May 19, 2022