

TOWN OF AMHERST  
Historic District Commission

June 16, 2022

**APPROVED**

In attendance: Jamie Ramsay – Chair, Chris Hall – Vice-Chair, Tom Quinn - Planning Board Ex-Officio, Tom Grella – Board of Selectmen Ex-Officio, Chris Buchanan, 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 7:00 p.m. and introduced Commission and staff members present.

Jamie Ramsay apologized to a previous applicant and noted that matters of misunderstanding got out of hand. Speaking for the Commission, he read a letter of apology to Mr. & Mrs. Ilsley:

*Mr. and Mrs. Ilsley,*

*The Historic District Commission is in receipt of an email you sent to the Town Administrator on May 23, 2022. We have reviewed the situation and discussed the matter. The Commission members authorized me to send this email.*

*On behalf of the Commission, I would like to offer you both a sincere apology for any statements Commission members made that suggested either of you intentionally lied to the Commission regarding your project.*

*We understand, and understood at the time, that the information you provided had been obtained from outside sources, whom you were relying on as experts in the field. The suggestion that passing on that information meant you were trying to intentionally mislead us was inappropriate and we should have been more careful in our characterization of the situation.*

*As Chair, I am committing myself to making sure that this does not occur again. The Commission will not bring up your project in any future meetings, and if an applicant tries to use it in a discussion of their project, I will point out that past decisions of the Historic District Commission do not set precedent for future decisions. Each house has its own unique context and decisions must be made accordingly.*

*To publicly acknowledge the Commission's error, I will read this email into the record at our next meeting.*

*We trust that you will receive this apology in the spirit in which it is being offered.*

Jamie Ramsay noted that this was a sincere apology from this Commission.

**PUBLIC HEARINGS:**

- 1. CASE #: PZ15869-060222 – Country Mansions Condo Association (Applicant & Owner), 135 Amherst Street, PIN #: 005-018-000 – Request for approval to demolish porch in order to convert back to open space.**

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Danielle Grindle, resident of Country Mansions and member of the condo Board, explained that the proposal is to remove an existing porch in a grassy area, and to restore it back to open space. This was likely built in the 1970's and is in okay condition. It is regularly maintained.

Jamie Ramsay stated that this porch is likely not part of the historic character of this property, but it was placed by the last owner before this became the Country Mansion Condominiums, so it is part of the history of the building.

Danielle Grindle stated that it is not in character with the style of the mansion or property.

Jamie Ramsay stated that he would place the porch in the category of similar ranch style properties around the Village. Danielle Grindle stated that there is no heat in this structure, and it is not truly similar to a ranch style property. Jamie Ramsay stated that it is not part of the character of the Historic District, but it is part of the contributing history of the condominiums.

Danielle stated she disagreed. She explained that some condos on the property were completed back in the 1980's. The association as a whole would like it removed. The association would like to remove this entire structure and allow it to regrow as grass.

Doug Chabinsky stated that he does not see a screen porch in a grassy field as contributing to the history of the condominiums.

Chris Buchanan asked that the Commission address regional impact and completeness.

**Chris Buchanan moved that this application has no regional impact and is complete.  
Seconded by Doug Chabinsky.  
Vote: 6-0-0; motion carried unanimously.**

Chris Hall stated that this structure could have historical significance if people used to gather in the area, but it seems difficult to prove this.

Chris Buchanan asked when this structure was built. The Staff Report indicates that the building itself was built in 1808, but this does not specifically include the porch.

Tom Quinn stated that materiality is an issue in this case. This structure is not much larger than a big shed. This is not a material factor for the site and may actually improve the look of the area if removed and restored to grass. The structure can be seen from the road, but it is relatively small in comparison to the entire property.

Doug Chabinsky stated that he would refer to this as an outdoor screen house, instead of a porch.

Tom Grella noted that there is a demolition policy in Town and that Nic Strong should indicate if this item needs to go before the Heritage Commission for comment before it is demolished. Nic

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Strong stated that she does not believe the Town has a demolition policy. The Heritage Commission will occasionally give advice on demolition matters but is not a regulatory board. Generally, applicants are asked for permission to take pictures and measurements of structures before they are demolished. Tom Grella asked if the applicant can wait 30 days to begin demolition of the structure, in order to speak first with the Chair of the Heritage Commission. Danielle Grindle stated that the association would like to begin work on this project as soon as possible and has already submitted photos of the structure.

Jamie Ramsay explained to the applicant how the 30-day appeal process works in case the Historic District Commission's decision was contested by an abutter or other interested party. This is not directed by the Commission but should be followed through on by the applicant.

Jamie Ramsay stated that an approval of demolition from this Commission could not be stayed by the Heritage Commission. The Heritage Commission could comment on this item and request documentation of the structure.

Doug Chabinsky stated that this is more of a shed structure with screens on the side. He does not see it as adding value to the community and allowing the area to regrow as grass might be more of an advantage.

**FINDINGS:**

- 1. This property is listed in the Amherst Historic District as a Non-Contributing property.**
- 2. The main house is listed as a 19<sup>th</sup> Century Country Mansion.**
- 3. The application is for demolition of a post-1960's outbuilding, not part of the original 1808 Country Mansion adjoining condos.**
- 4. The proposed renovations are more than 250' from the public access but are visible from public access.**
- 5. Proposed renovations deviate from the relocation and demolition items noted in Section IV.**
- 6. This structure predates the Country Mansions becoming a condominium.**

Doug Chabinsky moved to approve the application, as submitted, with the caveat that the Heritage Commission be notified in order to document the structure to be removed, if they so choose. Seconded by Chris Hall.

**Vote: 5-1-0; motion carried [J. Ramsay against].**

Jamie Ramsay reviewed the 30-day appeal process.

- 2. CASE #: PZ15870-060222 – Rich & Lori Ashooh (Owners & Applicants);  
4 Middle Street, PIN #: 017-063-000 – Request for approval to replace  
existing fencing, front door, storm door and side porch door due to disrepair.**

Jamie Ramsay stated that this applicant will be seen by the Zoning Board of Adjustment (ZBA) for a separate application in approximately one week. He noted that the applicant can defer this

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current application until after that time, if they felt it would prejudice this application. The applicant chose to move forward with the current application at this time.

Tom Quinn stated that he personally finds it to be a poor procedure to move forward with an application while there is another case for the same applicant being litigated. This is not how the Planning Board normally operates and he believes this Commission should follow suit. There may not be a prejudice, but that is a possibility. Generally, when a prior decision is being challenged, another case by the same applicant is not usually heard. He is not in favor of hearing the current application at this time.

Doug Chabinsky stated that the appeal is for a different application. He believes the Commission is objective enough to hear this application on its own merits. The applicants were offered a choice and they chose to move forward at this time.

Chris Buchanan noted that he was not present for the previous application that is currently being challenged, and so he feels comfortable moving forward.

Chris Hall stated that he believes this application will abide by all necessary regulations and he does not have an issue moving forward at this time. He agreed that, from a point of order perspective, Tom Quinn is spot on. However, this application seems much easier to review in looking at the materials.

**Tom Quinn moved that the Commission continue this hearing to July 21, 2022, at 7pm, at Town Hall, pending the outcome of the ZBA discussion. Seconded by Chris Hall.**

**Vote: 1-5-0; motion failed.**

Tom Quinn noted that he does believe this item can be reviewed objectively by the Commission at this time. He was trying to pursue this from what he sees as a proper point of order.

**Chris Hall moved that this application has no regional impact. Seconded by Doug Chabinsky.**

**Vote: 6-0-0; motion carried unanimously.**

**Doug Chabinsky moved that this application is complete. Seconded by Chris Hall.**

**Vote: 6-0-0; motion carried unanimously.**

Lori Ashooh explained that the front door is starting to crack and has an aluminum screen door. Rich Ashooh stated that the proposal is to install a wooden storm door. The side door is a steel door which has become warped and will be replaced with wood. The back door has no existing storm door, and a wooden storm door is proposed. Lori Ashooh stated that the replacement front door is slightly different than the existing, in that it will be solid to not detract from the panes of the storm door. Pictures of the proposed doors had been provided to the Commission and Doug Chabinsky was shown a copy.

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In response to a question from Jamie Ramsay, Lori Ashooh stated that she believes the door was possibly replaced at a time of previous renovation but is likely not original to the house. Rich Ashooh pointed out that the sill was rotting and needs to be replaced.

Chris Buchanan noted that the proposed fence seems to meet the fence regulations, pointing out that the regulations are very specific on approved fence types. He stated that the requirement for the board fence was that there be a face board on the posts and a board cap along the top. Rick Ashooh stated that the intention is to replace the existing fence to meet all regulations, even though this is not what was shown in the picture submitted as part of the application.

**FINDINGS:**

- 1. This property is listed in the Amherst Historic District as a Contributing property.**
- 2. The property is listed as an early-1800's Center Hall Georgian Federal house.**
- 3. This property is listed in the National Register of Historic Homes as #59; and titled the Eastman House.**
- 4. The proposed door renovations are both approximately 25' and 50' from the street and are highly visible from public access.**
- 5. Proposed renovations are in compliance with Article VI, Section E.**
- 6. The location of the proposed fence renovation is approximately 5'-10' from the street and is highly visible from public access.**
- 7. The existing fence is a stockade style and not acceptable per the regulations. The proposed fence style is in keeping with what is permitted in the regulations for fence styles.**
- 8. The proposed fence renovation is in compliance with Article IX Sections 1, 2, and 5.**

**Chris Buchanan moved to approve the application, as submitted, with the specification that the proposed board rail fence have a face board on the posts and a board cap along the top. Seconded by Tom Grella.**

**Vote: 6-0-0; motion carried unanimously.**

Jamie Ramsay explained to the applicant how the 30-day appeal process works in case the Historic District Commission's decision was contested by an abutter or other interested party.

- 3. CASE #: PZ15871-060222 – Kenneth & Lucienne Foulks (Owners) & Ashley & Timothy Collins (Applicants), 9 Davis Lane, PIN #: 017-011-000 – Request for approval to install two air conditioning condenser units on back of the house.**

**Chris Hall moved that this application has no regional impact. Seconded by Tom Quinn.**

**Vote: 6-0-0; motion carried unanimously.**

Chris Hall stated that size and location of the proposed condensers was supplied, but there were no actual photographs submitted. Tom Quinn stated that the back of this house is visible from two other properties, and he believes exact location and proposed screening are important as part

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of this application. Doug Chabinsky stated that there are photos with circles where the condensers are proposed, one is near the chimney and the other is near the back of the house. Chris Hall noted that he previously expressed to the owners of the property that window air conditioner units or mini splits would need to be highly concealed, due to this being a corner lot.

Chris Buchanan asked if there is something missing from the completeness of this application. Chris Hall stated that he believes the application is complete but just wanted to leave it open for discussion.

**Chris Hall moved that this application is complete. Seconded by Doug Chabinsky.  
Vote: 6-0-0; motion carried unanimously.**

Tim Collins explained he is flexible in terms of screening the mini split condenser. These units will be ground mounted.

Doug Chabinsky stated that the conduit running up the outside of the house is a bigger eyesore generally than the condenser. He asked how this will be made unobtrusive. Tim Collins stated that he believes this will be able to run up the side of the chimney on the side, and the unit on the back is not running up to the second floor and will be painted to match, thus minimizing its obtrusiveness.

Tom Quinn asked if there will be lines run on the house anywhere else. He asked if there will be a central air handler. Tim Collins stated that there will be only one line set entering the house on each floor.

Doug Chabinsky stated that he believes painting the lines and not placing a cover over them would make them less obtrusive. Tom Quinn noted the line sets may have insulation on them, which may require a cover. Doug Chabinsky stated that he is okay either way if they are painted and tucked away.

Chris Hall noted that there are shrubs out back that hide the propane tank. Similar plantings to screen this proposal would be appropriate.

Chris Buchanan stated that the regulations specify the types of plant to obscure the unit. These should be evergreen plants to obscure them year-round. The applicant stated that he was comfortable with this requirement.

The applicant noted that the second application is more of a conceptual discussion and a separate conversation.

**FINDINGS:**

- 1. This property is listed in the Amherst Historic District as a Non-Contributing property.**
- 2. The property is listed as a 1960's side-entry Garrison Colonial form.**
- 3. This property is listed in the National Register of Historic Homes as #11.**

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**4. The proposed renovations are approximately 20' and 50' from public access and are highly visible from public access due to this being a corner lot on Davis Lane and Foundry Street.**

**5. The applicant has agreed to shroud the condensing units with plantings per the recommendations.**

**6. Proposed renovations are in compliance with Article VI, Section A.4. – Mechanical equipment.**

**Chris Hall moved to approve the application, as submitted, with the caveats that:**

- a. the plantings be installed given the recommendations of evergreens from the Commission and that these be purchased as large as possible to obscure the units as quickly as possible,**
- b. the outside conduits be routed along the chimney for the second-floor unit and kept as short as possible for the first-floor unit**
- c. the outside conduits be painted to match the body of the house, and securely fastened .**
- d. and that there only be two holes into the house one for each of the condenser units.**

**Seconded by Tom Grella.**

**Vote: 6-0-0; motion carried unanimously.**

Jamie Ramsay explained to the applicant how the 30-day appeal process works in case the Historic District Commission's decision was contested by an abutter or other interested party.

**4. CASE #: PZ15872-060222 – Kenneth & Lucienne Foulks (Owners) & Ashley & Timothy Collins (Applicants), 9 Davis Lane, PIN #:017-011-000 –  
Conceptual discussion for a hot tub on back patio area.**

Tim Collins stated that one proposed addition to the house being considered is a hot tub in the back. This work would likely not start until September at the earliest.

Chris Buchanan noted that there is language regarding pools and spas in the regulations. This is similar to the installation of a utility, in that screening is required. Article IX, Section 8. F. notes that privacy fencing must be a minimum of 4,' encouraged, and a maximum 6,' discouraged, and be removed if the pool/spa is removed. Chris Hall stated that fencing may not be required if there is a locked cover on the hot tub. Chris Buchanan explained that the fencing noted is not safety fencing, but to obscure the unit. Chris Hall noted that, as this is a corner lot, the applicants will likely want there to be screened fencing along the proposed hot tub. Chris Buchanan stated that the regulations are very clear as to which fencing styles are allowable. This should be noted on the application.

Doug Chabinsky stated that the applicant will also likely want hardscape and a patio in that area. There will need to be information on this as well.

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Chris Hall stated that the property has an existing granite fence, and a stockade fence on the corner. Doug Chabinsky stated that the fence in front blinds the property. A fence in the backyard can be separate from the existing front fence to shield the hot tub. Doug Chabinsky stated that he would prefer the backyard fences be all consistent.

In response to a question from Jamie Ramsay regarding where the hot tub might be located, Tim Collins stated that he is envisioning the paver patio area.

Tim Collins asked about plantings versus fencing to screen the hot tub. Chris Hall stated that the regulations encourage plantings over fencing.

Chris Buchanan stated that there is language that a privacy fence, in particular, should be put in for a spa. A spa is likely the same definition as a hot tub.

In response to a question from Tom Quinn, Tim Collins stated that he believes the hot tub will be proposed to be located closer to the house than the property line.

There was discussion regarding setbacks, and it was noted that this is not within the purview of the Commission.

**OTHER BUSINESS:**

**1. Minutes: May 19, 2022**

**Doug Chabinsky moved to approve the minutes of May 19, 2022, as submitted.**

**Seconded by Chris Buchanan.**

**Vote: 6-0-0; motion carried unanimously.**

**2. Continued Discussion on HDC process**

Chris Buchanan explained that he took Article VI (letters A-I) and removed the letter I, relevant to windows. He then created Section VI.1 relevant only to windows. Doug Chabinsky stated that VI.1 reviews the history of windows and gives definitions for acceptable types of windows.

Chris Hall stated that other town's commissions generally do not edit their regulations to make these types of amendments, but instead make additional guiding documents which give background. For example, Portsmouth has an education document for windows and doors that is many pages long. He believes Nic Strong is pursuing a grant to allow the Commission to entertain this idea.

Doug Chabinsky stated that this proposal was to better define what is acceptable, order of precedence, and with more specifics.

Chris Hall stated that the US Secretary's document is very detailed on this item.



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Chris Buchanan explained that Section VI to the word “policy” is only background information which comes directly from the US Secretary of the Interior’s document, and Exeter and Portsmouth’s documents. This is only to be informative. From the word “policy” onward, the Section speaks of possible regulatory changes. He would like Commissioners to review the document for more discussion at a future meeting. Notable changes include letter B.1 in the policy section, gives principal considerations for replacement windows in descending priority. For example, the first priority is to match the original construction of the building based on photographic or physical evidence. If this is not possible, base it on the style of the building. If that is not possible, look to other styles of buildings. The intention was to give feedback in descending order as to what can be accomplished in order to give direction to applicants.

Jamie Ramsay stated that this is informative to the applicant, which is not currently clear in the regulations. Doug Chabinsky stated that this document helps inform the applicant as to the design they should be reviewing. This is a good addition that the regulations do not currently have.

Tom Quinn stated that this document might want to clarify “style of other buildings in the Amherst Village Historic District,” so that people do not look toward buildings such as the Brick School or Moulton’s Market for examples. Doug Chabinsky stated that this is not to reference the materials used but only the style. Chris Buchanan stated that Tom Quinn’s point is well taken, and this is not addressed yet in the document.

Chris Hall stated that the Commission needs to do better at asking for evidence regarding certain items, such as deteriorated windows. The Commission used to conduct site walks but has moved away from this. The Commission is supposed to encourage repair of deterioration and receive hard evidence as to the deterioration. Section VI of the Secretary’s Standards of Rehabilitation are abundantly clear from the regulation standpoint for a Commissioner. It is very specific on how rehabilitation needs to be done on a hierarchy of buildings. This is what the Commission should be following and using for the Town.

Chris Hall stated that the Commission should have a list outlining certain manufacturers for applicants who come in to reference. Chris Buchanan stated that the Commission cannot promote any particular manufacturers.

Jamie Ramsay stated that the State has its own Energy Code and historic buildings are waived from some of its directives. Leaky and drafty windows and energy efficiency are not something that the Commission is required to consider.

Chris Buchanan stated that flush-mounted inserts for storm windows are proposed in the document as a way to combat this.

Chris Buchanan explained that there are so many holes in the regulations to be addressed, such as materials (if cladding is appropriate). All-wood construction is preferred but other towns accept copper or aluminum clad on certain buildings. This becomes very complicated.

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Chris Hall stated that the regulations do not spell out what the HDC looks at based on significance of the property and style of building. Ruling factors should be considered as part of this document.

Doug Chabinsky stated that the intention was not to put everything into this document, but to take a stab at one item that needed to be better defined. There is some information in the document that is useful to applicants that defines types of approaches. Changes need to be made to the regulations to make it easier and clearer for the Commission to rule. Also, manufacturing is changing and this needs to be addressed through the regulations.

Chris Hall stated that he is looking for two things, transparency, and easily understandable guidance to the public. He believes Section VI of the Secretary's Standards already makes it very clear.

Doug Chabinsky stated that Chris Buchanan's edits takes language from that section and paraphrases it. He does not believe anyone is going to go seek out the Secretary of the Interior's document to find this information.

Chris Hall stated that the document, as proposed, does not indicate anything about the façade of a building. As a Commissioner, he is looking for information regarding if someone wants to put aluminum clad windows on the back of their house and the clear guidance for that.

Doug Chabinsky stated that this can simply be suggested and added to the draft document.

Jamie Ramsay stated that a lot of this has to do with judgement and much of the judgement is removed the more significant a house is being considered. Doug Chabinsky stated that the significance of a house needs to be defined then. Jamie Ramsay stated that this is already completed through the inventory. Chris Buchanan explained that this definition is still not in the Commission's regulations.

Tom Quinn asked about the process for approving changes to this document. Nic Strong stated that a change to Section 4.15 of the Zoning Ordinance would require a Town Meeting. Changes to the Commission's regulations and rules of procedure can be completed through a public meeting at a Commission meeting.

Chris Buchanan stated that the regulations have a lot of needs. These proposed amendments were only to one section. There is a pattern for the Commission in reviewing its procedures; it starts the discussion but soon segues into other items and never gets anything productive completed with tangible progress. This is only a first pass. He is asking for edits and comments by Commissioners so that this can be moved forward incrementally, section-by-section.

Jamie Ramsay asked if the group could compile its proposed edits and review them at a next meeting. Doug Chabinsky suggested starting with this first section and then moving to the next

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440 one once complete. After the changes are made to each section, a public hearing can be held to  
441 adopt the changes.

442

443 *Chris Buchanan exited the meeting at 8:50pm.*

444

445 The group agreed to review the Section regarding windows and doors and send any proposed  
446 amendments to Chris Buchanan before the next meeting. Doug Chabinsky stated that he believes  
447 the next section to tackle will be regarding technology changes.

448

449 Chris Hall stated that the Commission has been working on the windows and doors document  
450 changes for five years and now has the potential to make changes using a consultant through a  
451 grant. He would like to keep the regulations as they are and create easier to understand side  
452 documents. He believes that the fencing regulations are too strict as is.

453

454 **Chris Hall moved to adjourn the meeting at 8:53pm. Seconded by Tom Grella.**

455 **Vote: 5-0-0; motion carried unanimously.**

456

457 Respectfully submitted,

458

459 Kristan Patenaude

460

461 **Minutes approved: September 15, 2022**