

TOWN OF AMHERST  
Historic District Commission

August 18, 2022

**APPROVED**

In attendance: Doug Chabinsky, Tom Quinn - Planning Board Ex-Officio, and Tom Grella – Board of Selectmen Ex-Officio.  
Staff present Nic Strong – Community Development Director

Doug Chabinsky, acting Chair, called the meeting to order at 7:00 p.m. and introduced Commission and staff members present. He explained that a few agenda items are carryovers from last month when there was not a quorum of the Commission present.

**PUBLIC HEARINGS:**

- 1. CASE #: PZ15996-070622 – Daniel & Jennifer Boggia (Owners & Applicants), 24 Manchester Road, PIN #: 020-033-000 - Request for approval to demolish existing 12x12' connector and 16x22'garage and add 4' to main house to create a 26x40' structure and garage.**

Doug Chabinsky read and opened the case.

**Tom Quinn moved to accept the application as complete and that there is not any regional impact.**

**Discussion:**

**Doug Chabinsky agreed that there is no regional impact but stated that there is no list of materials proposed or detailed specification for the windows, so he is having trouble agreeing that the application is complete.**

**Seconded by Tom Grella.**

**Vote: 3-0-0; motion carried unanimously.**

Dan Boggia addressed the Commission via Zoom.

In response to a question from Doug Chabinsky regarding the window specifications, Dan Boggia stated that he believes the muntins will be 5/8", permanently applied both in and outside of the windows. Doug Chabinsky stated that this is not listed in the application materials. He explained that the applicant usually supplies the Commission with a manufacturer's spec sheet.

In response to a question from Doug Chabinsky, Dan Boggia stated that the existing windows are single pane, wood windows and are original to the house. The new windows will be 6-over-6, to match the existing windows.

Dan Boggia stated that the existing house is approximately 1,600 s.f., built in 1964. The proposal is to expand the house and bring it up to code. The house currently has vinyl siding on it, but this was done prior to him owning the property. The intention is to fully gut the inside of the house, strip off the existing vinyl siding and add Hardie siding. The entire façade will be uniform and clean.

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Tom Grella mentioned that he believes the State would not approve Hardie plank siding for some reason, due to durability or strength. Dan Boggia stated that it is code approved and he is currently using it on another project.

Tom Grella asked if the existing propane tank at the back of the house will need to be moved. Dan Boggia stated that the propane tank will need to be moved and likely buried near the back corner of the house.

Tom Quinn asked the applicant to describe the new windows. Dan Boggia stated that the proposed windows are Anderson 400, wood windows with an exterior clad material that envelopes the wood. These are essentially wood windows. He is not interested in using exposed wood windows because he does not want to paint them. The house was built in 1964 and sits more than 50' from the street. He does not believe wood windows perform as well as others on the market.

Tom Quinn stated that the existing regulations, Article 3.B.3, lists that all structures shall be recognized as products of their time. While he believes it is a benefit for the applicant to propose changing out all of the windows, he does not believe this should necessarily be approved just because there are better performing windows on the market today. The Commission likely does not want to approve items simply because they are better for this time. The regulations do not look at energy efficiency in terms of a reason for approval. Dan Boggia thought there was an allowance for that. Doug Chabinsky stated that there is, but this needs to be proven using an independent analysis by the applicant.

Doug Chabinsky stated that he understands the desire for low maintenance windows, but the intent is to utilize the materials of the time. He asked if the applicant would consider an aluminum clad instead of a vinyl clad window. Dan Boggia stated that he would consider an aluminum clad window but does not want a wood window that needs maintenance or needs to be covered up with a storm window for better efficiency. Doug Chabinsky stated that the vinyl does not last as long as the aluminum and vinyl siding, windows, etc., are generally not approved in the Historic District.

Tom Grella stated that 18 years ago he installed JELD WEN windows and they lasted 17 years with no maintenance, aside from washing. As long as they are painted properly during installation, they should last for approximately 15 years. Doug Chabinsky agreed, adding that he had wood windows in his house for 25 years and painted them twice in that time. He noted that aluminum clad windows do look similar to wood windows, and this is a non-contributing property. Doug Chabinsky stated that he would like the Commission to work with the applicant to come to an agreement.

Tom Quinn stated that he believes the addition looks reasonable. His primary concern is with the proposed windows. Allowing a non-contributing property to install windows that are not an approved design is concerning to him.

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Doug Chabinsky stated that the Commission is in the process of revamping its regulations. Nowhere in the regulations are other forms of windows excluded currently. Nor do the regulations require the use of all-wood windows. Use of all-wood windows is implied in the section that mentions using similar materials throughout the property to match its character. The Commission needs to look at what makes appropriate sense. This is a house from the 1960's with existing vinyl siding. The applicant would like to get rid of the vinyl siding and lessen the maintenance, so this project may be a reasonable request.

Tom Quinn stated that he believes the finished project will look better for the Village District. However, he wants to make it clear that the windows should match across the house. He would prefer aluminum clad windows.

Dan Boggia stated that he is a contractor and can get better pricing on Anderson windows than Pella. From the road, aluminum clad versus vinyl, makes little difference and will not be noticeable. Doug Chabinsky stated that it will be noticeable in five years. Dan Boggia disagreed. Doug Chabinsky stated that the regulations are clear regarding no vinyl in the Historic District. Dan Boggia stated that the Anderson is a good window. He has installed JELD WENs and he was not impressed with the quality. Brosco all-wood windows are also awful, and he would not use them in his house. The house does not have historical significance to warrant the extra cost up front and the energy efficiency is important to him. Doug Chabinsky stated that this is why he is suggesting aluminum clad windows instead of all-wood.

Dan Boggia asked if the Commission is mainly concerned with the front façade windows. Doug Chabinsky stated that the applicant is proposing to replace all of the windows in the house, so he is suggesting the aluminum clad windows for all the windows to be installed. Dan Boggia suggested all-wood windows for the front of the building and Anderson windows for the rest. It would be most cost efficient for him to use Anderson windows. Doug Chabinsky stated that he is unclear as to why the applicant would use all-wood windows at all. Tom Grella stated that the Commission has had a few applicants who have used all-wood windows in the front of the property and clad windows throughout the rest of the house.

Dan Boggia stated that he would have to look into Pella windows. He stated that he would tentatively install the Pella windows. If he has an objection, he will come back before the Commission.

Doug Chabinsky stated that the Commission will change the application to 6-over-6, double hung, Pella aluminum clad windows and vote on the application as such. If the applicant decides not to use these windows, he must come back before the Commission to discuss a new design.

Tom Quinn asked if this was a conditional approval for the windows. Doug Chabinsky stated that this will not be conditional. It will be an approval based on the windows listed on the application.

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In response to a question from Tom Quinn, Dan Boggia stated that the proposed addition will increase the size of the house by a bit more than 50%. The right side of the property will be visible by abutters; the left side is screened by vegetation. Dan Boggia stated that the abutter to the right has stated that he is okay with the proposal.

In response to a question from Tom Quinn regarding the Building Inspector, Dan Boggia stated that this proposal should meet all the setbacks. Doug Chabinsky noted that this is not within the purview of the Commission.

**FINDINGS:**

1. This is a Non-Contributing property
2. The property has limited sight distance
3. This project proposes to unify the windows of the property
4. This project proposes to get rid of the existing vinyl siding on the property

**Doug Chabinsky moved to approve the application, with the modification that the windows be changed from Anderson 400 series double hung to Pella aluminum clad windows, 6-over-6, double hung, with applied grids and spacer bars and 5/8" width muntins, with the owner's concurrence. Seconded by Tom Grella.**

**Vote: 3-0-0; motion carried unanimously.**

Doug Chabinsky noted that if the applicant chooses alternate windows, he will need to come back before the Commission. He explained to the applicant how the 20-day appeal process works in case the Historic District Commission's decision was contested by an abutter or other interested party.

- 2. CASE #: PZ15995-070622 – Neil & Patty Benner (Owners & Applicants), 8 Cross Street, PIN #: 017-099-000 – Request for approval to replace fencing due to disrepair. Applicant requests continuance to September 15, 2022**

Doug Chabinsky read and opened the case. The applicant is requesting a continuance to September 15, 2022.

**Doug Chabinsky moved to continue the hearing to September 15, 2022 at 7:00pm at Town Hall. Seconded by Tom Grella.**

**Vote: 3-0-0; motion carried unanimously.**

- 3. CASE #: PZ15994-070622 – Daniel & Shauna Rooksberry (Owners & Applicants), 164 Amherst Street, PIN #: 018-003-000 – Request for approval to finish space above the existing garage by adding a shed dormer to the front and a full dormer in the rear. Windows to be added.**

Doug Chabinsky read and opened the case.

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Shauna Rooksberry addressed the Commission. She explained that she was planning to move but decided to finish above the garage instead. The addition has since turned into a larger project. She is trying to keep costs down for the project.

Doug Chabinsky stated that he would like more information on the project's massing, elevations, and list of materials to be used.

Shauna Rooksberry stated that the existing house was built in 1969. It has vinyl siding, and the proposal will be made to match. The proposed windows will also match exactly what exists today. As a non-contributing house, she believed there might be some leeway as to installation of vinyl windows. She noted that the Commission has also approved similar windows in the past. She stated that her financial situation has recently changed, as her husband had a massive heart attack and open-heart surgery and will not be working for a while.

Doug Chabinsky stated that, if the house already has vinyl windows, it will make the most sense to install vinyl windows.

Tom Quinn noted that the Commission needs to rule on completeness and regional impact.

**Tom Quinn moved that the application has no regional impact. Seconded by Doug Chabinsky.**

**Vote: 3-0-0; motion carried unanimously.**

Tom Quinn stated that he is unsure if the application is complete. Doug Chabinsky agreed but stated that information may be able to be filled in through conversation with the applicant.

**Tom Quinn moved that the application is complete. Seconded by Doug Chabinsky.**  
**Vote: 3-0-0; motion carried unanimously.**

The applicant's builder, Mike Turcotte, stated that the proposal is for a full dormer in the back, partial dormer in the front, with vinyl siding, vinyl clad windows and wood outside. He stated that he believes vinyl clad windows can cost approximately \$350-\$750, whereas aluminum clad windows are significantly more expensive. The proposed materials will not significantly change the character of the house. Mike Turcotte noted that the property was located on the fringe of the Village and would not change the aesthetics of the district.

Doug Chabinsky agreed that he would not consider mixing window materials on the house.

Shauna Rooksberry noted that she is planning to replace the windows on the house in piecemeal over the next 12 months. She asked if the Commission would consider allowing approval for replacement of all the windows in the house at this meeting.

Doug Chabinsky stated that he would like to address the application at hand first.

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In response to a question from Tom Quinn, it was stated that the proposal is to construct a partial dormer on the front and full dormer on the back of the garage. There are no dividers on the existing windows, and none are proposed for the new windows.

Tom Quinn stated that he is a fan of consistency across the house.

**FINDINGS:**

1. This is a Non-Contributing property
2. The property is hardly visible from the public way
3. This proposal is in keeping with the style of the house, massing seems appropriate, and the same materials as the existing ones will be used

**Tom Grella moved to approve the application, as submitted. Seconded by Tom Quinn.**

**Vote: 3-0-0; motion carried unanimously.**

**Tom Grella moved to confirm that the application is complete as submitted.**

**Seconded by Tom Quinn.**

**Vote: 3-0-0; motion carried unanimously.**

Doug Chabinsky explained to the applicant how the 20-day appeal process works in case the Historic District Commission's decision was contested by an abutter or other interested party.

4. **CASE #: PZ16062-071922 – Rory & Kathleen Feely (Owners & Applicants), 7 Carriage Road, PIN #: 017-021-000 – Request for approval to add (3) gabled dormers to the main house; add shed dormers to the 1 ½ story addition; raise the roof of the ell to match the middle connector; add a side elevation porch/bay; extend the stable in the backyard to incorporate a two-car garage; replace existing windows; and close/remove the side door at the front of the house.**

Doug Chabinsky read and opened the case.

**Tom Quinn moved that there is no regional impact. Seconded by Tom Grella.**

**Vote: 3-0-0; motion carried unanimously.**

Doug Chabinsky stated that the application is missing a few items from the checklist in terms of completeness. He proposed exploring discussions with the applicant to receive more information. Tom Quinn stated that he does not believe the Commission should be addressing the application if it is not complete. Nic Strong stated that the Commission was able to glean the information it needed through discussions with the previous applicant and may be able to do the same with this one.

Rory and Kathleen Feely addressed the Commission via Zoom. Rory Feely explained that the property was built in 1886 and is considered an Upright-and-Wing structure. The main structure faces the street and is a 2.5 story structure, immediately behind that is a 1.5 story structure, and

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the end structure is one story. There is an attached stable at the back of the property. The project is proposed in phases. Phase I is to construct shed dormers in the middle structure and add a half-floor and shed dormers to the end structure. Phase II includes adding three pedimented gabled dormers to the main structure. Phase III involves extending the stable into the backyard to make a functional two-car garage. Structural repairs will be made to the roofs and chimneys and the windows are proposed to be replaced, in Phase II.

Architectural drawings were shown, including elevations. Most of the work will not be visible from the street. A side elevation porch/bay will be added to merge the two main sections of the house. The proposals are being made mainly for health and safety. The existing windows likely have lead paint in them and there are 38 of them on the property. There are three children, ages 8 and under, who live on the property. Lead cannot be mitigated from windows, and this is unsafe for the family. There are also insect infestations and squirrel problems. A majority of the windows are sealed shut from years of painting. Increasing the number of egress points will increase the safety for those living in the house. There are several failing roof structures, with one having failed last year. The house does not heat properly, due to poor or no insulation in some of the rooms.

Rory Feely stated that he has reviewed the regulations and the 2019 Amherst Historic Preservation Survey and Evaluation Report. Some elements mentioned for restoration of Green Revival house include pedimented gabled dormers, massing elements on side elevations, square posts, dormers on connector ells, bay windows and an attached stable. A walkthrough of the property was completed with Rolf Biggers, BMA Architectural Group.

Rory Feely explained that, in Phase I, shed dormers and a side elevation porch/bay would be added. The materials will remain consistent with the existing house construction, including wood framing, clapboards, and wood windows with aluminum clad on the outside. The house does sit back 85' from the road and the lot is narrow and long. These things make public view limited.

Phase II will involve pedimented gable dormers and repairing the roof and chimney which is leaking. The construction will be wood frame, wood clapboard, and the shingles proposed to be replaced in Phase II will match the existing roof.

In response to a question from Tom Quinn, Rory Feely stated that next door, 9 Carriage Road, is currently under construction as well. He has tried to pick only appropriate items from the 2019 report and those recommended by the restoration specialist.

Rory Feely explained that the intention for Phase III is to extend the westerly wall of the barn to the edge of the roof structure and enlarge the barn. This will not make a livable space, but additional storage area. Square footage is proposed to be added to this area of the structure. The roof is not currently leaking but will be repaired. The frontage of the property is 77' wide along Carriage Road and the property line is 349.8' long all together. This allows for a narrow angle so

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that a majority of the changes will only be seen from the easterly side of the property. An official boundary plan has been submitted to the Hillsborough County Registry of Deeds.

The aggregate floor area ratio increase is proposed at 10.8%, where the requirement allowed is less than 15%. The materials will be kept similar as much as possible, with the exterior being clapboard. There are no mature trees, per the definition in the regulations, proposed to be removed as part of this project. 6 Carriage Road is approximately 400' away and 8 Carriage Road is located approximately 450'. The changes will be visible to 5 and 9 Carriage Road, though there is a 6' high privacy fence between this property and 5 Carriage Road.

Rory Feely stated that the exterior features of the property would conform to the 2019 Historic District Survey and there were minimal changes to the footprint being proposed. The materials used would be consistent with the current structure. He noted that there was a mix of windows proposed and he was proposing aluminum clad wood windows because all wood windows do not exist to include in this project and custom built all wood windows would be unreasonably expensive. The visibility from the street is minimal and keeps with the historic character of the property. Kate Feely stated that they were looking forward to getting the Commission's feedback on their proposal.

Doug Chabinsky stated that an exact materials list is missing from the application. He stated that although the applicant was saying that similar materials would be used, the Commission would need a list of things like siding, for instance, would it be cedar clapboard and what would the exposure be. Doug Chabinsky also stated that detailed specifications for the windows would be required. He stated that there are all wood Pella windows available for this type of project that are no more expensive than aluminum clad, and a consultant has lied to the applicant if he said otherwise. This is a significant, contributing house in the middle of the Village and the Commission will need to have a serious discussion regarding allowing anything other than all wood windows. The application calls for detailed specifications and that is what the Commission will approve. The architectural design and massing make sense, but an approval is also made on specifics, such as post size and exact materials. The Commission reviewed the proposal for 9 Carriage Road for approximately 4-6 months before an approval could be given. He supports the proposal but needs more detail to be able to decide approval.

Rory Feely stated that the estimate provided by Pella did contain all of the detailed specifications for the proposed windows. The intention is to add features and make the outside clapboard match the rest of the house. No doors will be added or replaced. Doug Chabinsky stated that the Commission needed to understand what materials were already being used on the property to know if what was being proposed matches the existing materials. He noted that the Commission cannot approved an application based on assumptions. Rory Feely stated that they were not changing the exterior clapboard but were adding features to the house and would make them match what was there. Doug Chabinsky explained that the Commission does not know what was there already. If the applicant provided a list it should include things like the siding would be a certain kind of clapboard with a 4" exposure.



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348 Doug Chabinsky asked if any doors would be replaced. Rory Feely stated they would not. Doug  
349 Chabinsky asked about the garage doors and stated that specific information regarding the new  
350 garage doors will also need to be submitted.

351  
352 Rory Feely asked if the Phase III portion of the project can be tabled to receive approval for the  
353 other phases. Doug Chabinsky stated that the Commission could do a number of things, but the  
354 biggest thing was that a materials list was needed as well as windows specifications.

355  
356 Tom Quinn stated Doug Chabinsky clearly iterated the items that are missing from the  
357 application. He noted that he thought the plans looked nice and the proposal was well thought  
358 out, but he was not prepared to move this along further as these details are missing and this is a  
359 prominent property.

360  
361 Rory Feely asked what specifics the Commission needs. He stated that reading the application  
362 and trying to understand what the Commission needed to make their decision was not easy. He  
363 asked if the Commission needed construction drawings and renderings and illustrations. Doug  
364 Chabinsky stated that the application requests materials, style, type of construction, dimensions,  
365 muntin profile and operation and a number of other items for window specifications. A list of  
366 construction materials was needed, including any items being exchanged on the exterior of the  
367 house, posts, and pillars, etc. Doug Chabinsky noted that the Building Inspector will eventually  
368 need all that information for the construction drawings for the building permit. The Commission  
369 does not know what materials currently exist on the house that the proposed project will be  
370 matching. The Commission needs to see explicit materials, design, massing, and how they tie  
371 into the current property. Doug Chabinsky explained that the Commission needs to know about  
372 fascia boards, roofing, three tab or architectural shingles, windows, posts, porch materials, wood,  
373 brick or stone, garage doors, siding on the barn, etc. He noted that the design, as presented, was  
374 great and clear.

375  
376 Rory Feely stated that he had not fully understood what was required but now realized that the  
377 Commission needed to know what was already on the house with information that the same  
378 material would be used on the proposed improvements. He noted that the 2019 Historic District  
379 Survey provided details on the types of post that were of the period. Doug Chabinsky stated that  
380 the Commission did not do the research on what would be used for a project, it was up to the  
381 applicant to provide the details on the proposed design and how the materials tied to the existing  
382 system. He stated that was what the approval was based on and if the applicant then went and  
383 used something that was not part of the approval, that would be a problem. He noted that the  
384 style, design, and massing were all perfect and he had been hoping that throughout the  
385 applicant's presentation it would be made clear what the missing materials would be.

386  
387 Kate Feely asked what the Commission's preference was to receive the materials list – an  
388 itemized list or a pictorial presentation. Doug Chabinsky stated that an itemized list of materials  
389 along with the manufacturer's window specifications would be needed. Kate Feely stated that  
390 they had a Pella window quote and knew that the siding would be clapboard and that additional  
391 posts would be added to the existing posts. Doug Chabinsky reiterated that the structural

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elements of the project needed to be submitted to the Commission, for instance, would it be a gravel porch, raised mahogany boards, tile, stone or brick? The Commission rules on style, design, massing, and materials. Rory Feely asked if the Commission needed the brand name for the windows because they had not shopped around yet for the ones they would use. Doug Chabinsky stated that when the construction was inspected the windows being used needed to match the specifications approved by the Commission. He noted that window manufacturers differ in how the spec their windows, so it would be a good idea for the applicants to look into that a bit. He noted that the Commission would like to see as narrow of muntin bars as the windows can have, usually 5/8" at the thickest, but some manufacturers may not go that small. Rory Feely stated that they could range because a 6-over-6 would probably be less than 5/8" and a 2-over-2 would probably be 7/8". Doug Chabinsky stated that consistency was the key, noting that a 6-over-6 with a wider muntin might be out of proportion. He also noted that the right architectural sill for an antique would be thicker than new. He thought that if the applicant tried to spec out a generic window and hope that a manufacturer would be able to provide that would end up getting into custom window territory. He suggested that they might want to find a manufacturer who could meet the town's requirements so that they could negotiate the best price for the windows.

Rory Feely asked how the Board adjudicates what is 'reasonably achievable', per the regulations. He noted that it does not say that the windows have to be all wood but to replace and repair where possible. Doug Chabinsky stated that, in this case, trying to restore the existing windows was probably unreasonable; replacing them with suitable all-wood windows is reasonable and achievable.

In response to a question from Tom Quinn, Rory Feely stated that he became aware that his house was located in the Historic District through a letter from the Town welcoming them to the neighborhood. Kate Feely stated that she wants all parties to abide by the regulations and it does not state anywhere in the regulations that all-wood is required. She noted that Tom Quinn previously in the meeting brought up Article 3.B.3, which lists that all structures shall be recognized as products of their time. She noted that 'recognition' is only a term. It is clear that this property is a product of its time, but there are no regulations stating that all-wood windows need to be used. Much of the regulation language is subjective.

Rory Feely stated that the word 'wood' only appears in the regulations four times, dealing with fences and mailbox materials.

Doug Chabinsky stated that the regulations are reviewed based on the significance of the building in question. The Commission needs to have some level of flexibility in terms of making these determinations. He stated that some properties are not significant, but the Commission has more leeway with a prominent property. Rory Feely stated that the applicants have to be able to understand what is required. Doug Chabinsky stated that the Commission has to balance what's best for the town and the applicant and it is not always easy.

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Rory Feely summarized that the Commission likes the design but needs the materials to be used for the construction. Doug Chabinsky explained again that the Commission needs detailed material specs for anything visible being changed on the outside. Rory Feely asked what kind of drawings the Commission needed, noting that he did not want to incur the entire expense of having construction drawings done only to find out it was not what the Commission wanted. Doug Chabinsky stated again that the Commission approves the design and the materials to be used. He stated that the Commission needed to know about windows, doors, decking materials and anything dealing with the exterior materials visible from the outside. Rory Feely stated that the windows would be replacing the existing windows with exactly the same as what was there but new. Doug Chabinsky stated that the applicant was making him guess what was there, how many windows there were, etc. He stated that if he miscounted or could not see the drawing clearly he could make mistakes. The applicant needed to make it easy for the Commission to understand what was being proposed. Rory Feely asked if the Commission required him to submit more information on paper and what would happen next. Doug Chabinsky suggested that the Commission continue the application to the next meeting to finalize the details. Tom Quinn agreed that the materials details were all that was missing from the application. Rory Feely stated that the application is not clear as to the level of detail needed, nor is it clear from the regulations. He stated that the process was hard to get through and that he had sat in on previous Commission meetings and read minutes to make sure he submitted things appropriately.

Doug Chabinsky asked that the applicant submit his additional information as soon as possible and asked Nic Strong to let him know when the spec details are submitted so that he can personally reach out and let the applicant know if anything is missing that needs to be submitted.

**Tom Grella moved to continue this hearing to September 15, 2022, at 7pm, at Town Hall. Seconded by Tom Quinn.**

**Vote: 3-0-0; motion carried unanimously.**

**OTHER BUSINESS:**

**1. Discussion re: design, style, and size of windows at 4 Middle Street, Tax Map 17 Lot 63, per ZBA decision of 6/21/2**

Doug Chabinsky stated that the Commission originally ruled on this item, that aluminum clad windows would not be allowed. The applicant appealed to the Zoning Board of Adjustment (ZBA), and the ZBA overturned the Commission's ruling. The Commission originally agreed that the style (6-over-6, double hung) simulated divided light with thick muntin size (permanent, 5/8") was appropriate and now needs to ignore the fact that these are proposed to be aluminum clad windows. The applicant is proposing to replace four third-floor windows at this time. Lori Ashooh confirmed that initially the application was for six windows but only the third-floor replacements are being proposed at this time.

Nic Strong stated that the egress skylight was originally proposed as well, and also needs approval. She clarified that the ZBA did not overturn the Commission's decision. It viewed the

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application as an entirely new one and ruled on it in that way. The ZBA approved the aluminum clad windows.

**Tom Quinn moved to approve the egress skylight, as proposed. Seconded by Tom Grella.**

**Vote: 3-0-0; motion carried unanimously.**

Tom Quinn stated that he sees a difference for a property with high visibility and significance to not replace all the windows. Doug Chabinsky stated that the proposal is to eventually work through the property and replace all the windows.

Lori Ashooh explained that, knowing that approvals will lapse after some period of time, the intention is to phase the replacement of the windows into manageable chunks that can be done in the allotted time period. This proposal is to replace four windows on the third floor.

Tom Quinn noted that Article 3, Section 2 states that distinguishing characteristics or quality of a building in its environment shall not be destroyed. He believes that having a mixture of window styles on the building destroys its character. Doug Chabinsky stated that the proposed windows are on the third floor of the house and will match the 6-over-6 style of the existing windows. Tom Quinn stated that the difference is that there are storm windows currently on this house and the new windows will not have storms. The application before the Commission also includes windows on the first floor. Regardless of when these are replaced, there will then be storm windows only on the second floor of this building.

**Doug Chabinsky moved to approve the style of the proposed windows, for four windows on the third floor only.**

**Discussion:**

Lori Ashooh asked where in the regulations it states that all windows in a house must be changed at the same time. Doug Chabinsky stated that this is not in the regulations.

Tom Quinn stated that the character of the building, in his opinion, will not be maintained by having different style windows on different floors of the building. Doug Chabinsky stated that many properties around the Village have some windows with storms and some without, including his own. Lori Ashooh stated that some properties in the Village have different styles of 6-over-6 , 2-over-2, and 9-over-9 in the same building as well. She stated that very few houses have the exact same windows all the way around because that's the way life is. Doug Chabinsky agreed that having everything consistent is sometimes not true to life.

Tom Quinn stated that the regulations, as written, state that all buildings shall be recognized as products of their time. The existing windows are part of the Historic District.

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In response to a question from Doug Chabinsky, Lori Ashooh stated that she is unclear if the existing windows are original to the house.

Doug Chabinsky stated that the Commission previously rejected this application. The applicant appealed to the ZBA. The ZBA approved these windows and sent it back to the Commission to approve the style, 6-over-6, only. The ZBA did not ask the Commission to speak on consistency, only the style of window for the Historic District.

Lori Ashooh stated that the plan is to replace all the windows on the property, but this likely cannot be completed within the next year due to cost. The proposed windows to be replaced are not on the front of the property and so the public will still see all of the nice storm windows on the front façade.

Tom Grella stated that he joined this Commission 18 years ago and swore to obey all the laws of the Town of Amherst, State of NH, and United States. At that time there was a lot of talk about all-wood windows. Since then, materials have changed but the Commission has tried to be consistent in its rulings. To be told by another board that the Commission's ruling was wrong, indicates to him that the Commission is being told it has been inconsistent with its rulings over the past years. Doug Chabinsky stated that the HDC regulations do not state that windows must be all-wood. Tom Grella stated that the Department of Interior's regulations do state that.

Doug Chabinsky stated that he reviews this application in terms of maintaining the character of the house, as far as its appearance, and help its longevity by taking advantage of new technology. The Commission could decide to look at the application in terms of being a true preservationist instead. There may need to be a balance between maintaining the homes and allowing homeowners to do what works for them.

Tom Quinn stated that his comments are not intended to reflect on the applicant but the application itself. This is a larger issue in the Historic District. There are regulations to follow. While there is some leeway, sometimes the regulations need to be followed. Key properties should be highly scrutinized.

Doug Chabinsky stated that Tom Quinn is speaking to aesthetics, but someone could choose to paint their historic home hot pink and the Commission would not have a say in that. The applicant has a long-term plan to update all of the windows and make them consistent, and the Commission should take people at their word.

August 18, 2022

APPROVED

Lori Ashooh stated that there is no regulation that states that she must update all of the windows at one time, and she is unclear why she has to defend herself on this item. Doug Chabinsky stated that she does not.

Doug Chabinsky stated that the Commission is being asked to rule on the style only and a 6-over-6 window, with 5/8" muntin bars is an approved style in the Historic District. Tom Quinn stated that aluminum clad windows are not though. Lori Ashooh stated that, according to the ZBA, they are.

Doug Chabinsky stated that the material of the window was approved by the ZBA. The ZBA is only asking the Commission to vote on the style of the windows in the Historic District. The regulations do speak of aluminum and vinyl clad windows. The regulations need to be updated, as has been previously discussed.

The Commission agreed that the 6-over-6, 5/8" muntin bar windows is an appropriate style.

Tom Grella moved to approve the style of the proposed windows, chosen in a different material than the Commission previously desired, and that the style is appropriate. Seconded by Doug Chabinsky.  
Vote: 3-0-0; motion carried unanimously.

## 2. Minutes: June 16, 2022

The Commission postponed approval of the minutes to next month.

## 3. Continued Discussion on HDC process

The Commission postponed conversation on this item until next month.

Nic Strong stated that, regarding the CLG Grant, this was approved for the Commission in a smaller amount than originally requested based on number of applicants. The suggestion is to phase the design guideline project at this time, and then request additional funds to finish the project later. She suggested finding outside help for this project. Tom Grella suggested starting with the windows section. Doug Chabinsky stated that this project might be a great fit for a local intern or student. Nic Strong explained that the regulations can be updated through a public hearing. The Commission agreed with accepting the smaller amount of money and phasing the project for preparation of design guidelines.

Tom Quinn moved to adjourn the meeting at 9:36pm. Seconded by Ton Grella.  
Vote: 3-0-0; motion carried unanimously.

Respectfully submitted,

Kristan Patenaude

Minutes approved: September 15, 2022