

TOWN OF AMHERST
Historic District Commission Meeting

April 18, 2024

DRAFT

In attendance: Doug Chabinsky – Chair, Tom Grella – Board of Selectmen Ex-Officio, Bill Glenn, and Martha Chabinsky (remote)
Staff present: Nic Strong, Community Development Director; Kristan Patenaude, Recording Secretary (remote)

Doug Chabinsky, Chair, called the meeting to order at 7:00 p.m.

Bill Glenn sat for Chris Buchanan.

PUBLIC HEARING

1. **CASE #: PZ18456-012324 – Lynda M. Tracey (Owner) & Bryan Norwalt (Applicant); 98 Amherst Street, PIN #: 005-044-000** – Request for approval to construct a 28x25' two-car garage with living space above. *Continued from March 21, 2024.*

Doug Chabinsky read and opened the case. It was noted that the applicant was not present at the meeting. The Board agreed to table this item to later in the meeting.

2. **CASE #: PZ18739-032724 – Jack & Grace Shepard (Owners & Applicants); 7 Beaver Brook Circle, PIN #: 018-018-000** – Request for approval to install a cedar post-and-rail fence in the backyard for the safety of small children.

Doug Chabinsky read and opened the case.

Bill Glenn sat for Chris Buchanan.

Bill Glenn moved that the application is complete and has no regional impact.

Seconded by Tom Grella.

Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

Jack Shepard, owner/applicant, explained that the proposal is to extend an existing fence to enclose the entire backyard for safety of children. The proposal is for a cedar post and rail fence with black wire mesh to not allow passage by children.

Doug Chabinsky explained that the proposal is for horizontal rails nailed to the front post with a face board on front. To complete this, there should be a board along the top. This would be an appropriate style for the Village. The proposed fence is a board rail fence, not a post and rail fence.

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Jack Shepard stated that, if this is a hard requirement, he will make it a post and rail fence, pointing out, however, that the fence cannot be seen.

Doug Chabinsky asked if the fence will be painted. Jack Shepard stated that the existing privacy fence is not painted, and he was planning for this to match. Doug Chabinsky noted that privacy fences are treated differently and do not have to be painted, but post and rail fences should be painted.

In response to a question from Martha Chabinsky regarding the proposed gate, Doug Chabinsky stated that gates should be the same style as the fence with the acceptable cross members. The proposed gate matches and is appropriate.

Doug Chabinsky explained that this proposed fence, per the regulations, should have a top board and be painted.

Bill Glenn asked if the regulations are silent regarding a fence in the rear of the yard and having to paint it. Doug Chabinsky stated that the regulations make no distinction at this time.

Jack Shepard stated that he is trying to keep with the existing cedar fence on the property that is not painted. He would like to move forward with the plan as proposed. Doug Chabinsky agreed that the existing type of stockade fence is generally not painted. A privacy fence could be proposed but it would have to be made of a different stock.

FINDINGS:

1. Non-Contributing property
1. Fence has limited visibility from the public view, and is set well back from the road, facing the backyard
2. Proposed fence is similar in style to other board rail fences in the Village

Judy Claborn, 5 Beaver Brook Circle, spoke in support of the application, as presented. This is a non-conforming house. The house is tan in color with stonework. The overall color scheme is brown/tan, and a continuation of a brown fence would be more aesthetically appealing. This will not be seen from the road much. She is the closest abutter to the north and does not mind that this proposed fence would not be painted.

Martha Chabinsky moved to approve the fence application with the top board and being painted white. Seconded by Bill Glenn.

Discussion:

Jack Shepard asked if the Commission would consider voting without the painting of the fence included. If there is not approval on the non-painted version, he would move forward to paint it.

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Nic Strong stated that the motion has been made and seconded. It either needs to be withdrawn or acted on. If the existing motion is approved, there would be no reason to make an additional motion, unless a separate application was made.

Bill Glenn asked if there is concern by the applicant regarding the top board. Jack Shepard stated that he would like the application to be approved as is. The fence is in the backyard and the road is not heavily traveled. He does not want to spend money on wood that will not be seen. While he appreciates the Historic District, this is a non-contributing property.

Doug Chabinsky asked Martha Chabinsky if she would withdraw her previous motion. Martha Chabinsky stated that she would not be happy to do so but agreed.

Martha Chabinsky withdrew her previous motion.

Doug Chabinsky moved to approve the application as submitted. Seconded by Tom Grella.

Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – nay; Doug Chabinsky – aye, Tom Grella – aye, 3-1-0.

- 3. CASE #: PZ18745-032924 – Stephen Hollenberg (Owner & Applicant); 18 Foundry Street, PIN #: 017-034-000 – Request for approval to install (2) 120 propane tanks on side of house.**

Doug Chabinsky read and opened the case.

Tom Grella moved that the application is complete and has no regional impact. Seconded by Bill Glenn.

Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

Stephen Hollenberg, owner/applicant/remote, explained that the proposal is to switch the apartment unit from oil to propane heat. The current oil tank is in the barn and the propane tank cannot be placed in the same location. The proposed location is in the back of the house. This is not visible from Foundry Street, but slightly visible from Davis Lane seasonally. The neighbors on Davis Lane were previously approved for a shed in a location that will block the view of the propane tank. There are temporary tanks that have been installed to allow the unit to be heated and the request is to make these permanent.

Bill Glenn asked about the height of the proposed tanks. Stephen Hollenberg stated that he would estimate them at 4'. Doug Chabinsky agreed.

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Bill Glenn asked about the existing plant material that will cover the tanks seasonally. Stephen Hollenberg stated that there is a hedge of bushes in this area that will cover the tanks 100% once the leaves are on.

Sarah Warren, 7 Davis Lane, stated that her property faces the tanks, and they are very visible. She would like a fence to surround it, even with the leaves to block it. Bill Glenn asked if additional planted material would suffice. Sarah Warren agreed that anything to cover the tanks would be appreciated. Stephen Hollenberg stated that he believed a fence may look worse, as it would have to be a large privacy fence, and there is not currently an existing fence on the property. Doug Chabinsky stated that the regulations ask for the view of such items to be concealed as much as possible. Evergreens would look nicer, but the privacy fence could be natural wood to blend in. Stephen Hollenberg stated that the house is a blue/gray color and so this might not blend in. Doug Chabinsky stated that the fence could also be painted the same color as the house.

Stephen Hollenberg stated that he might rather place the tanks underground instead of installing a fence. Doug Chabinsky stated that the fence would likely only have to be 4' tall. Stephen Hollenberg stated that a 4' fence may not cover the tanks when being looked down on from the abutting property. This might require a 6' fence.

FINDINGS:

1. Contributing property
2. Tanks are minimally visible from the public way, but highly visible from an abutter, who duly noted a concern with this visibility
3. House dates to 1760, with additions in the 1850's.
4. #34 on the National Register, Center Entry Georgian

James Warren, 7 Davis Lane, stated that the tanks could be moved around the corner of the house and have better coverage from plantings at that location. This may be a more palatable solution, if possible. If left in the current location, the tanks themselves could be painted the color of the house, making them less visible.

Stephen Hollenberg stated that he would consider moving the tanks but would have to speak to the propane company regarding their requirements. He had previously asked the company about painting the tanks and was told they could not be painted too dark due to heating from the sun.

Bill Glenn asked if the abutter has seen the tanks when there is full foliage out. Sarah Warren stated that she has not but can imagine what it will look like and believes she will still be able to see the tanks. Moving the tanks around the corner would be most useful. Stephen Hollenberg stated that he would speak to the propane company about moving the tanks.

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Doug Chabinsky stated that the Commission could condition approval on the owner/applicant either moving the propane tanks around the corner, if possible, or request that the owner/applicant provide a fence or evergreen screening where the tanks are currently located.

In response to a question from Tom Grella, Stephen Hollenberg explained that it would be possible to relocate the tanks and expand the line to them without an issue. Tom Grella stated that it seems reasonable to ask the propane company to move the tanks.

Doug Chabinsky moved to approve the application with the modification that the propane tanks be relocated around the corner to the backside of the house when looking at it from Davis Lane; if there is a problem with the propane company and the tanks must remain where they are, the owner must provide additional screening through evergreen plants, privacy fence, or lattice work. Seconded by Tom Grella. Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

4. **CASE #: PZ18755-040224 – Shawn & Beth Bawell (Owners & Applicants); 169 Amherst Street, PIN #: 006-115-009** – Request for approval to add new light posts near the end of the driveway.

Doug Chabinsky read and opened the case.

Tom Grella moved that the application is complete and has no regional impact. Seconded by Bill Glenn. Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

Beth Bawell, owner/applicant, explained that the proposal is to redo either side of the driveway and add two posts at the end with lighting. The driveway is difficult to find at night and lighting will make this easier. There are also a few plantings proposed at the end of the driveway. This includes removing a stand of birch trees and replacing them with evergreens.

Tom Grella asked if the new proposed lighting will match the existing light. Beth Bawell stated that the existing light is small and black and does not currently work. She is proposing a white post to match the house with a simple light fixture. The two lights will match.

In response to a question from Martha Chabinsky, Beth Bawell stated that the lamppost is made of PVC. Doug Chabinsky stated that synthetic materials are generally not allowed for structural elements in the Village. Doug Chabinsky stated that the regulations state that light posts should be square, wooden, unpainted with simple design posts. Turned, wooden, painted lampposts with simple decorations could be appropriate for grand ornate properties. Vinyl and acrylic posts are not allowed. Beth Bawell asked if this is the same for a non-contributing house. Doug Chabinsky stated that this will be up to the Commission but is listed in the regulations.

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In response to a question from Martha Chabinsky, Beth Bawell stated that these are to be 30' off the street. Martha Chabinsky asked if they are visible from the street. Beth Bawell stated that there may be some visibility. She will also be planting vegetation in front of them. This house was built in 1976 and is non-conforming. She asked that the Commission consider vinyl material as it will not look much different. Doug Chabinsky stated that PVC is different from vinyl siding or fences.

FINDINGS:

1. Non-Contributing property
2. Moderate visibility from the public way
3. Distance from the street is a minimum of 30'
4. Style of proposed post is not ornate and keeps with the style of the 1970s construction, a bit modern looking
5. Proposed lantern is an appropriate style

Bill Glenn moved to approve the application as submitted. Seconded by Tom Grella.

Discussion:

In response to a question from Tom Grella, Beth Bawell stated that she believes the posts will be located at least 30' from the street. Tom Grella stated that he does not believe people will be able to tell the difference from the street at 30' away, but wooden posts would be best. He does not believe the cost will be much different. Beth Bawell stated that she believes the cost will be about double. Doug Chabinsky stated that a simple wood post might be about the same.

In response to a question from Doug Chabinsky, Tom Grella stated that he would like to see the motion amended to include that the posts will be located at least 30' from the street.

Doug Chabinsky stated that the motion was amended to approve the application as presented, with the modification that the lamp posts be a minimum of 30' from the road.

Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

1. **CASE #: PZ18456-012324 – Lynda M. Tracey (Owner) & Bryan Norwalt (Applicant); 98 Amherst Street, PIN #: 005-044-000 – Request for approval to construct a 28x25' two-car garage with living space above. *Continued from March 21, 2024.***

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The Commission retook consideration of this item. Doug Chabinsky asked if this item can be continued to the next meeting. Nic Strong noted that the deadlines cannot be extended without the applicant here to agree to this. Doug Chabinsky suggested continuing this item to next month, taking the applicant's absence as a preference to extend the deadlines and continue this. If this was not acceptable, the Commission could instead reject the application outright. Nic Strong stated that she does not believe the applicant would argue with this.

Doug Chabinsky moved to untable CASE #: PZ18456-012324 – Lynda M. Tracey (Owner) & Bryan Norwalt (Applicant); 98 Amherst Street, PIN #: 005-044-000. Seconded by Tom Grella. Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

Doug Chabinsky moved to continue CASE #: PZ18456-012324 – Lynda M. Tracey (Owner) & Bryan Norwalt (Applicant); 98 Amherst Street, PIN #: 005-044-000 to May 16, 2024, 7pm at Town Hall. Seconded by Tom Grella.

Discussion:

Bill Glenn stated that he would like to modify the motion that if the applicant does not attend the next meeting with a complete application, it will be rejected.

Doug Chabinsky moved to continue CASE #: PZ18456-012324 – Lynda M. Tracey (Owner) & Bryan Norwalt (Applicant); 98 Amherst Street, PIN #: 005-044-000 to May 16, 2024, 7pm at Town Hall, with a notification to the applicant that if they do not attend the meeting with a complete application, it will be rejected. Seconded by Tom Grella. Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

OTHER BUSINESS:

1. Minutes: March 11, 2024 & March 21, 2024

Doug Chabinsky moved to approve the meeting minutes of March 11, 2024, as written. Seconded by Bill Glenn.

Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

Doug Chabinsky moved to approve the meeting minutes of March 21, 2024, as written. Seconded by Tom Grella.

Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye, Tom Grella – aye, 4-0-0.

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2. Any other business to come before the Commission.

The Commission discussed and agreed to hold site walks prior to its meetings rather than on the weekend.

Nic Strong stated that the Building Inspector is working on sending out letters for non-conforming properties within the Historic District. Doug Chabinsky stated that he submitted a priority list for these items.

Nic Strong stated that the consultant will be attending the Commission's May meeting to discuss the guideline document.

**At 8:03 p.m., Tom Grella moved to adjourn. Doug Chabinsky seconded the motion.
Roll Call Vote: Bill Glenn – aye; Martha Chabinsky – aye; Doug Chabinsky – aye,
Tom Grella – aye, 4-0-0.**

Respectfully submitted,
Kristan Patenaude