

Town of Amherst, New Hampshire
Historic District Commission
Minutes
September 17, 2015

The Amherst Village Historic District Commission met on **Thursday, September 17, 2015 at 7:00 pm** in the Barbara Landry Meeting Room, 2nd floor, Amherst Town Hall, 2 Main Street, Amherst, NH 03031.

In attendance were Jamie Ramsay, *Chair*; Sue Clark, *Secretary*; Tom Grella, *Board of Selectmen Representative*; Helen Rowe, *Alternate*; Jeanne Rosenblatt, *Alternate*; Doug Chabinsky; Bruce Fraser; Larry McCoy, *Alternate* and Colleen Mailloux, Community Development Director

Jamie called the meeting to order at 7:00 pm.

NEW BUSINESS

CASE #: PZ6517-082015 – Susan & Bill Durling, 16 Main Street – PIN #: 017-008-000 – Request to approve the replacement of a broken window and snap-in grids. *Work has been completed.*

Jamie reported that the Commissioners conducted a site walk just prior to the meeting; however, the homeowners were not home when they knocked on their door.

Jamie stated that the Commissioners looked at the window and he concluded that it is not a true divided light or simulated light - it is a wood framed window with muntins. He said that it is his opinion that they would be reviewing a non-compliant window.

After waiting a period of time, the homeowners did not appear at the meeting. Tom questioned whether the homeowners were notified of the hearing. Deb stated that she sent them a copy of the agenda and site walk as well as discussed the date, times and hearing process at the time their application was filed.

MOTION: Doug motioned to table deliberations for Case #: PZ6517-082015 to October 15, 2015, Jamie 2nd. *VOTE: All in favor.*

Deb will contact the homeowners to notify them that their hearing has been tabled to October 15, 2015 at 7pm. No further action was taken by the Commissioners on this case.

OTHER BUSINESS

5 Foundry Street – HDC appeal to ZBA (October 20, 2015) – Discussion

Present: Mr. & Mrs. Terry Mayo, 93 Boston Post Road, abutters

43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86

Colleen provided a procedural update to make Commissioners aware of the process that will take place before the Zoning Board of Adjustment on October 20, 2015. She stated that the ZBA will be charged with making a decision to either uphold the HDC approval or deny the ZBA application before them. She said the ZBA will consider the entire application and Staff will ensure ZBA has all the pertinent documentation, i.e. minutes, findings, etc. to review prior to the hearing. She said that abutters will also have an opportunity to provide testimony on their own behalf.

Colleen stated that the HDC can either appoint someone to speak on their behalf or let their findings stand by themselves. She said that Jamie will be recusing himself from the ZBA discussion as he is a member of that board, however, as Chair of the HDC, he can speak for the Commissioners. Jamie stated that he felt it would be inappropriate for him to be the spokesperson for the HDC.

Sue stated that it is important that the entire HDC board attend the meeting. She said that during the HDC special session meeting held on July 30, 2015, the entire board expressed their thought process and opinions on this case and they should speak to that. Jamie agreed. Colleen stated that the ZBA meeting is a public meeting and people can participate.

Jeanne questioned whether the appeal would be dropped because the home is now on the market to be sold. Colleen stated that the appeal was filed by the abutters and it would go forward regardless of the sale. She said that the HDC approval “goes with the house/land within the approved timeframe”. She stated that if new owners are involved, a building permit could be issued – the decision goes with the property.

Discussion followed regarding the timeline needed to begin construction and the length of time the HDC approval is valid for. Jamie stated that the ZBA will also provide a timeline for the work to be completed. He said the applicant would have two years to complete the work or it would lapse.

Colleen stated the ZBA will review the application to ensure it meets all HDC and town ordinances. Larry questioned whether they will go into this with “fresh eyes” from the beginning. Colleen stated “yes” – they will be given the minutes and will review the application on its own merits.

Larry questioned whether Colleen will make a recommendation to the ZBA. Colleen stated “no” – they are a quasi-judicial board who will be given the facts and will make their own decision.

Sue questioned who will speak on the HDC’s behalf – she suggested it be Doug. Doug stated that he will review his calendar to see if he could represent the HDC that evening. Sue stated the HDC should have good attendance at the meeting.

Jamie questioned whether members of the audience had any comments and/or concerns. Mr. Mayo stated he had none.

Town of Amherst Library – Replacement of a fence discussion

87 Present: Nancy Head – Representative for the Library Trustees

88
89 The Commissioners were given photos of the existing and proposed stockade fence to be constructed
90 along the property line between the library and 115 Boston Post Road. Nancy stated that the Board of
91 Trustees was in favor of the fence.

92
93 Jamie stated that the pictures show that the privacy fence takes a higher ground and is an upgrade as
94 well as an improvement. He said that the proposed fence would be 6' tall as opposed to the existing
95 one which is only 5'. Sue stated that she liked the fence. Doug questioned whether it would be all
96 wood. Nancy stated "yes" – it would be a western red cedar. Jamie said he had no issues.

97
98 Colleen stated that no vote was necessary because it is a municipal project. She will pass along the
99 HDC's comments to the Board of Trustees.

100
101 Minutes:

102 July 30, 2015 Special Session – Jamie stated that he wanted to ensure that the minutes accurately
103 reflects the meeting. He asked that Line 28 (Harvey windows) be changed to Marvin windows as well
104 as a couple of typos.

105 Sue asked if the ZBA denies the HDC approval, where does this go for the HDC and how we can go
106 forward and approve other applications other than fences and windows? She said she has thoroughly
107 reviewed our minutes and regulations and felt that the HDC worked very hard for (4) meetings so a
108 young family could restore their home and live there. She questioned where the HDC will go from
109 here. She feared another house "will never be bought or sold".

110
111 Colleen recommended that the HDC "wait and see" what happens with the ZBA. Jamie questioned if
112 the HDC decision is not upheld by the ZBA, can HDC appeal the ZBA decision? Colleen stated that HDC
113 cannot appeal it but the Board of Selectmen can. She said you can request that the Selectmen appeal
114 the decision on their behalf. Colleen stated that the ZBA will determine whether the application
115 complies with the ordinance or it doesn't follow the regulations.

116
117 Larry stated that this decision was not based on a waiver of our regulations. He stated that he
118 thoroughly reviewed the regulations to ensure compliance with them. Jamie said that our approval
119 wasn't made on random opinions from members – all reasons were stated by each member
120 individually. Sue agreed and said that their findings were stated in the minutes.

121
122 MOTION: Jamie moved to accept the minutes as amended, Doug 2nd. VOTE: All in favor.

123
124 **110 Boston Post Road – Property Update:**

125
126 Doug asked for an update on this property. Colleen stated that the homeowner is replacing two
127 windows this fall and two more in the spring. She stated that she is keeping on top of the situation to
128 ensure the homeowner is working to correct the situation. Colleen will check on the status and update
129 the Commissioners.

131 Non-Agenda Item – Town Hall Lighting – Tom Grella:

132

133 The Commissioners traveled outdoors to view the front of Town Hall for an architectural lighting
134 demonstration and the consensus was that the lighting was attractive and complimentary to the
135 building as well as to the Village. They agreed to discuss this further at their October meeting.

136

137 Adjournment: Jamie motioned to adjourn at 8:10 pm, Doug 2nd. VOTE: *All in favor.*

138

139 Respectfully Submitted,

140 Debra A. Butcher

141

142