

APPENDIX 17E:
FITZWILLIAM PRESERVATION OF RURAL CHARACTER ORDINANCE

PRESERVATION OF RURAL CHARACTER

Chapter 137

PRESERVATION OF RURAL CHARACTER

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Preservation of Stone Walls

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[HISTORY: Adopted by the Annual Town Meeting of the Town of Fitzwilliam as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Conservation Commission — See Ch. 19.
Historic Commission — See Ch. 41.
Building construction and permits — See Ch. 97.
Land usage — See Ch. 127.
Site plan review — See Ch. 219.
Subdivision of land — See Ch. 221.

ARTICLE I

Preservation of Stone Walls**[Adopted by ATM 3-9-2010 by Art. 8]****§ 137-1. Moving roadside stone wall prohibited; exemptions.**

By the authority of RSA 472.6, to preserve the rural character of the Town of Fitzwilliam, land use activity may not alter the location of or remove any roadside stone wall which was made for the purpose of marking the boundary of or which borders any public road in the Town of Fitzwilliam, except on the written consent of the Board of Selectmen, the Planning Board, or the New Hampshire Department of Transportation. Driveways and points of access approved by appropriate state or local authorities are exempt. Internal stone walls should be preserved as an historic resource of the Town.

§ 137-2. Donation of excavated stones.

Stones excavated during the construction process may be donated to the Town for use in repairing stone walls.

ARTICLE II

Preservation of Night Skies**[Adopted by ATM 3-9-2010 by Art. 7]****§ 137-3. Purpose.**

This article is enacted to preserve the rural atmosphere and dark skies of Fitzwilliam. Natural dark skies are the nighttime aspect of rural character. Increasing light pollution and glare from stray upward illumination degrades such rural character.

§ 137-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

§ 137-4 PRESERVATION OF RURAL CHARACTER § 137-6

FULL-CUTOFF/FULLY SHIELDED — Uses 50% to 80% less electricity than incandescent or mercury vapor lighting. Zero light emitted above a horizontal plane drawn through the lowest part of the luminaire; no more than 10% of light emitted at the eighty-degree angle.

IESNA — Illuminating Engineering Society of North America.

LUMEN — A unit of light; one footcandle is one lumen per square foot.

LUMINAIRE — A complete lighting assembly that includes the fixture and its lamp(s).

§ 137-5. Requirements.

Required for commercial and institutional uses; recommended for residential uses:

- A. All outdoor lighting shall be controlled to minimize the spillover of light onto adjacent properties. All outdoor area (nondecorative) lighting shall be fully shielded. To encourage energy conservation and prevent light escalation, outdoor lighting must use the minimum level of illumination recommended by the IESNA for a given purpose.
- B. Whenever practicable, outdoor lighting installations shall include timers, dimmers, and/or motion sensors to reduce overall energy consumption and eliminate unnecessary lighting particularly at night.

§ 137-6. Exemptions.

- A. Emergency lighting or lighting for temporary construction projects related to road construction and repair, installation of sewer and water facilities and other public infrastructure, lighting required by state or federal regulations.

- B. Seasonal decorative lighting using multiple low-wattage bulbs and flag illumination.
- C. All luminaries lawfully in place prior to the date of this article shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this article.