

CODE OF THE TOWN OF FITZWILLIAM
CHAPTER 137
PRESERVATION OF RURAL CHARACTER

I. Preservation of Stone Walls (Added ATM 3-9-10, Article 8)

- A. 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, or the Planning Board, or the NH 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.
- B. Stones excavated during the construction process may be donated to the town for use in repairing stone walls.

II. Preservation of Night Skies (Added ATM 3-9-10, Article 7)

A. Purpose.

This ordinance 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.

B. Definitions.

IESNA – Illuminating Engineering Society of North America

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

LUMEN – A unit of light - one foot candle is one lumen per square foot

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

C. Requirements. Required for commercial and institutional uses; recommended for residential uses.

1. All outdoor lighting shall be controlled to minimize the spillover of light onto adjacent properties. All outdoor area (non-decorative) 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.
2. 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.

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D. Exemptions.

1. 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.
2. Seasonal decorative lighting using multiple low wattage bulbs and flag illumination.
3. All luminaries lawfully in place prior to the date of the ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this ordinance.