

2023 ZONING WARRANT ARTICLES

Article 39: Planning Board Proposed Amendment #1

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article III, General Zoning Provisions, Section 3.4 Signs, by deleting the existing section in its entirety and replacing it with language that provides a purpose for the ordinance, that specifies that sign content is not regulated by the ordinance, that provides for no discrimination against non-commercial signs or speech, that includes definitions, that details which signs are subject to the ordinance, and that includes sub-sections on severability, how to file for sign permits, when signs may be removed by the Town, how appeals are dealt with, what is considered a violation and the penalties therefor, existing non-conforming signs, signs that are prohibited, signs that require no permits, temporary signs, permanent signs, the standards for construction, and Sign Master Plans, as follows:

Section 3.4 Signs. (3-12-91, 3-14-23)

A. DEFINITIONS.

~~Awning. Any visual message incorporated into an awning attached to a building.~~

~~Banner. Any sign, painted, printed, or otherwise displayed on cloth, plastic film, or similar material. (3-8-94)~~

~~Business Sign District. Shall include the Industrial, Commercial, and Limited Commercial Zones in the Town of Amherst and shall include those lots in the General Office Zone with frontage on NH Route 101A. (3-10-92, 3-13-07)~~

~~Copy Change Sign. A sign on which the visual message be periodically changed.~~

~~Directional Sign. A sign limited to providing directional or guide information, on the most direct or simple route, on the location of an activity, business, or event.~~

~~Event Specific Sign. A temporary sign used to announce an event such as a festival, parade, dance, meeting, church, or club sponsored event or tournament, or appearance by a political candidate or other speaker. (3-9-10)~~

~~Free Standing. Any sign not attached or part of any building but separate and affixed in or upon the ground. Included are polesigns, pylon signs, and masonry wall type signs.~~

~~General Sign District. Shall include the General Office (except for those lots included in the Business Sign District), Residential/Rural, Northern Transitional, and Northern Rural zones in the Town of Amherst. (3-10-92)~~

~~Illuminated Sign. Any sign illuminated by electricity, gas, or other artificial light either from the interior or exterior of the sign and which includes reflective and phosphorescent light.~~

~~Information Sign. A sign, without advertising, designed and intended to convey information about a permitted use to the general public, to convey regulations or restrictions, or to otherwise provide needed guidance.~~

~~Lineal Building Frontage. The length of a ground level straight line or lines parallel to and equaling the length of the building front that fronts on the principal public roadway. In the case of a multi-unit development, the frontage of each separate building is additive for the purpose of determining permissible sign area. (3-13-07)~~

~~Off Premises Sign. A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.~~

~~Portable Sign.~~ A sign, whether on its own trailer, wheels, motor vehicle, or otherwise, designed to be movable and not attached to the ground, a building, a structure, or another sign. (3-13-07)

~~Prohibited Signs.~~ No banners, pennants, ribbons, streamers, spinners of similar moving, fluttering or revolving devices shall be permissible for display as signs, except as exempted above as New Hampshire or United States flags.

~~Projecting Sign.~~ That which is attached to the building, wall, or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall; or a sign which is perpendicular to the face of such wall or structure.

~~Representational Sign.~~ A three dimensional sign built so as to physically represent the object advertised.
~~Sign.~~ Any material, structure, or device, or part thereof, composed of lettered or pictorial matter that is located out of doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice, or name, and shall include any declaration, demonstration, display, representation, illustration, or insignia used to advertise or promote the interests of any person, or business, or cause when such is placed in view of the general public. Signs shall include: Any sign defined in this section or otherwise regulated under this ordinance; flags, banners, pennants, streamers, balloons, spinners or similar devices; and any other fixed or portable device or vehicle placed on a parcel of land and used as a sign to convey information to the public. (3-10-98)

~~Sign Directory.~~ A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

~~Sign Structure.~~ The supports, uprights, bracing, and framework for the sign.

~~Sign Surface Area.~~ The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign and pole covers or architectural embellishments shall be excluded unless the structure is designed in a way to form an integral background for the display. Only one face of a double faced, free standing sign shall be included as surface or area of such a sign. In the case of a sign consisting of two (2) or more sides where the angle formed between any two (2) or more sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign area. (3-10-92)

~~Temporary Sign.~~ A sign having a continuous display duration of no more than thirty (30) days. (3-13-07)

~~Wall Sign.~~ A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

~~Window Sign.~~ A sign visible from a sidewalk, street, or other public place, painted or affixed, on glass or other window material, or located inside within two (2) feet of the window, but not including graphics in connection with customary window display of products.

~~Zoning Official.~~ The Planning Director, Building Inspector, or Code Enforcement Officer, whichever is responsible for the administration of these provisions. (3-13-07)

~~B. PURPOSE OF THE SIGN ORDINANCE.~~ The purpose of this section of the Town of Amherst Zoning Ordinance is to provide for reasonable uniformity in the size, treatment and presentation of signs used to call attention to the existence of a business, activity, product or service. This section recognizes the need to protect public health and safety and welfare by reducing conflicting, ambiguous and unnecessary information presented through sign messages and structures, while understanding the need for adequate business identification and advertising. The Town does not want signs in any district to detract from the rural character which the Town, through its adopted Master plan, has expressed a strong desire to maintain.

~~C. GENERAL REGULATION.~~ Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Office of Community Development. (3-8-22)
Subsequent to this initial application, no permit shall be required for a sign to be repainted or repaired provided that the sign is returned to its original design, condition, placement or presentation. (3-13-07)

~~1. Application Procedure.~~ Applications shall be made in writing to the Office of Community

~~Development on forms prescribed and provided by the Town and shall contain the applicable information requested on that form and accompanying sign specification sheet. (3-13-07, 3-8-22)~~

~~2. Permit.~~

- ~~a. Upon the filing of a completed application for a sign permit and the payment of the required fee, the Building Inspector/Code Enforcement Officer shall examine the plans, specifications, and other data submitted, and the premises on which the sign is to be erected. (3-8-22) If it shall appear that the sign will be in compliance with all the requirements of this local ordinance, he shall then, within thirty (30) days, issue a permit for the erection of the proposed sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the Town or sign master planning provisions. (3-13-07)~~
- ~~b. If the erection of the sign authorized under any such permit has not been completed within two (2) years from the date of issuance, the permit shall become null and void, but may be renewed upon filing of a subsequent completed application and compliance with current requirements.~~

~~3. Exempt Signs (require no permit). The following types of signs may be erected and~~

~~maintained without permits or fees, providing such signs comply with the general requirements of this local ordinance and other conditions specifically imposed by all other regulations. No two (2) permitted signs may be combined to create a larger sign.~~

- ~~a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious, or non-profit organizations; not exceeding six (6) square feet. Such signs may fall under the regulation of the Historic District Commission, and these provisions shall not supersede such requirements.~~
- ~~b. Flags and insignia of any government, except when displayed in connection with commercial promotion.~~
- ~~c. On premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances, and exits, and similar signs, not exceeding six (6) square feet per face and three (3) feet in height. Not to include any names or logos. (3-14-00)~~
- ~~d. Non illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.~~
- ~~e. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding two (2) square feet in area.~~
- ~~f. Lawn signs identifying residents, with no more than two (2) faces and not exceeding two (2) square feet per face. Such signs are to be non illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.~~
- ~~g. Private owner merchandise sale signs for garage sales and auctions, not exceeding two (2) square feet per face for a period not exceeding fourteen (14) continuous days during any calendar year. (Amended 3-8-94, 3-13-07)~~
- ~~h. One (1) off premises directional sign for the purpose of directing the public to an "OPEN HOUSE." Such sign may not exceed four (4) square feet of sign surface area. Messages must include the words "Open House" and shall be otherwise limited to name/address or identification, arrow or direction, and distance. Off premises directional signs may be erected no earlier than one (1) day prior to the "OPEN HOUSE" and must be removed by the end of the day the "OPEN HOUSE" ends.~~
- ~~i. Up to two (2) temporary signs for a roadside stand selling agricultural produce in season, providing that such signs do not exceed a total of thirty two (32) square feet and set back beyond the public right of way at least fifteen (15) feet from the edge of the roadway. (Amended 3-8-94)~~

- ~~j. Temporary (for thirty [30] continuous days only), non illuminated window signs, and posters not exceeding twenty five (25) percent, up to a maximum of four (4) square feet, of a single window surface of a single wall opening on which the sign(s) is displayed. (Amended 3-8-94, 3-13-07)~~
- ~~k. Holiday decorations, including lighting, are exempt from the provisions of this local and may be displayed in any district without a permit.~~
- ~~l. Integral graphics or attached price signs on gasoline pumps at gasoline stations.~~
- ~~m. Decals used to reference authorized services (e.g. credit or bank cards) when not exceeding one hundred forty four (144) square inches in total display area per business.~~
- ~~n. Political posters, banners, promotional devices, and similar signs, not exceeding four (4) square feet in the General Sign District or sixteen (16) square feet in the Business Sign District, providing:
 - ~~i. Placement shall not exceed thirty (30) days, and all signs must be retrieved within three (3) days following the election for which they were used.~~
 - ~~ii. The names and addresses of the sponsor and the person responsible for removal are identified on the sign.~~
 - ~~iii. No signs are attached to any trees, shrubs, bushes, traffic control devices, historical markers or placed on private property without the consent of the property owner.~~~~
- ~~o. One "OPEN" sign may be displayed for each separate business unit. Open signs may be displayed during business hours only. Open signs, if illuminated, must be displayed in or in the building, except as provided for in an approved sign master plan. Open signs shall be no more than thirteen (13) inches in height and thirty two (32) inches in width. No name, logo, or lettering other than the word "OPEN" may be displayed on such signs. (3-14-00)~~
- ~~p. In the Business Sign District, one (1) non illuminated "OPEN" flag may be displayed for each separate business unit. No name, logo, or lettering other than the word "OPEN" may be displayed on such flags. Open flags may be displayed at the building during business hours and must be displayed at the building entrance. Open flags shall be no more than three (3) feet in height and six (6) feet in length. Flag colors are limited to standard, non-fluorescent red, white, and blue. (3-9-10)~~
- ~~4. Prohibitions. These prohibitions shall apply to all signs erected in the Town of Amherst, whether exempted or regulated under this section:
 - ~~a. No off premises signs shall be allowed other than as permitted under the provision of an approved sign master plan.~~
 - ~~b. No sign shall be illuminated by or contain flashing, intermittent, rotating moving lights or lettering and graphics except to show time and temperature. (3-13-07)~~
 - ~~c. No sign shall impair or cause confusion of vehicular pedestrian traffic in its design, color, placement or display characteristics. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty five (25) feet of the intersection of the street or highway lines.~~
 - ~~d. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices. (3-10-92, 3-14-95, 3-14-00)~~
 - ~~e. No advertising message shall be extended over more than one (1) sign placed along a street or highway unless included as an integral part of a sign master plan. No sign shall be placed within the road, street, or intersection right of way of the Town or State, except as provided for under off premise directional signs as part of an approved master plan.~~
 - ~~f. No sign consisting of the message "Sold," "Under Contract," or a similar message denoting a closed or completed transaction, shall be permitted.~~
 - ~~g. No signs shall be attached to fences, trees, utility poles, rocks, or other parts of a natural~~~~

landscape, nor in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety, and welfare of the general public.

h. No portable signs shall be allowed in any district. (3-10-92)

D. SIGN STANDARDS.

1. ~~Temporary Signs for Activities or Events. Temporary signs for special events must receive a temporary sign permit from the Office of Community Development (3-8-22). No more than four special event sign permits shall be issued to any business, non-profit organization or individual in any calendar year, except within its first year of operation where no more than six shall be issued. Special event signs shall not exceed sixteen (16) square feet in the Business Sign District nor eight (8) square feet in the General Sign District. No more than two (2) signs may be permitted for any special event. Such signs may be displayed for a maximum of twenty-one (21) days and must be removed at the end of the event. Temporary signs for special events shall not be attached to trees, rocks, other parts of a natural landscape, utility poles or fences, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public. In addition, up to ten (10) off premises directional signs, not to exceed two (2) square feet may be permitted. (3-8-16)~~
2. ~~(Deleted 3-8-16)~~
3. ~~Permanent Signs. Within any zoning district, unless otherwise specified, the following permanent signs may be erected; provided, however, that this subsection shall not serve to expand the number or area of signs otherwise allowed, and pursuant to the following:~~
 - a. ~~Special cases.~~
 - i. ~~A non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer and/or contractor, not exceeding thirty two (32) square feet in Business Sign District nor sixteen (16) square feet in General Sign District, may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of fifteen (15) feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years, renewable for an additional two years, upon filing of a subsequent completed application and payment of the appropriate fee. (3-13-07)~~
 - ii. ~~Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding twenty four (24) square feet may be erected.~~
 - iii. ~~For multiple commercial or industrial units, or residential dwellings or apartment developments one (1) sign identifying the name of the development, located at the entrance of the development, not exceeding thirty two (32) square feet. (3-13-07)~~
 - b. ~~Business Sign District (I, C, LC, GO on Rt. 101A). Unless otherwise specified, the following permanent sign provisions shall apply:~~
 - i. ~~The area of the freestanding sign permitted on any lot shall be two (2) square feet of sign area per lineal foot of building front, but in no case shall exceed sixty four (64) square feet, whichever is less, excepting sign master planned developments. A minimum sign area of thirty two (32) square feet shall be permitted on any lot regardless of building frontage. (3-11-03, 3-13-07)~~
 - ii. ~~The total number of permitted signs on a single business or industrial lot shall not exceed two (2), of which only one (1) may be free-standing, excepting master planned developments.~~
 - iii. ~~A lot with approved entrances on two (2) public roads shall be permitted a secondary sign, not on the same public road as the principal sign, provided that such sign does not~~

exceed forty (40) square feet, notwithstanding Para. "i" and "ii" above.

- iv. ~~In addition to the above, one (1) wall sign shall be permitted each separated business unit, not to exceed twenty five (25) square feet per unit.~~
- v. ~~Temporary, non-illuminated "For Sale" or "For Rent" real estate signs and signs of similar nature concerning the premises upon which the sign is located: in the General Sign District, one (1) sign per lot not exceeding four (4) square feet per side; in the Business Sign District, one (1) sign per lot not exceeding thirty two (32) square feet per side set back at least fifteen (15) feet from all property and highway R.O.W. lines. All such signs shall be removed within three (3) days after the sale, lease, or rental of the premises. (See Prohibitions, Item g) (Amended 3-8-94, 3-13-07, 3-9-10)~~
- e. ~~GENERAL SIGN DISTRICT (RR, NR, NTR, GO). Unless otherwise specified, the following permanent sign provisions shall apply to non-residential uses:~~
 - i. ~~The total number of permitted signs on a single lot shall not exceed two (2) of which only one (1) may be free standing, excepting master planned developments.~~
 - ii. ~~The total cumulative area of all signs permitted on such lot shall not exceed twenty-four (24) square feet, excepting wall signs for multiple tenants/units. The free standing sign shall not exceed fourteen (14) square feet. (3-13-07)~~
 - iii. ~~One wall or projecting sign, not to exceed ten (10) square feet per sign, shall be permitted for each separated business unit in the development.~~
 - iv. ~~One (1) on-premise sign, either free standing or attached, in connection with any residential building in any zoning district for permitted professional offices or home occupations, not exceeding six (6) square feet and set back at least fifteen (15) feet from the highway right of way. Such sign shall state name, street address, and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line and shall be mounted on the sign and directed downward. (3-11-03)~~
 - v. ~~Temporary, non-illuminated "For Sale" or "For Rent" real estate signs and signs of similar nature concerning the premises upon which the sign is located: in the General Sign District, one (1) sign per lot not exceeding four (4) square feet per side; in the Business Sign District, one (1) sign per lot not exceeding thirty two (32) square feet per side set back at least fifteen (15) feet from all property and highway R.O.W. lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises. (See Prohibitions, Item "g.") (Amended 3-8-94, 3-13-07, 3-9-10)~~
- 4. ~~New Business Signs. A new business, or a business in a new location, awaiting installation of a permanent sign, may utilize a temporary sign for a period of not more than thirty (30) days until installation of a permanent sign. Such sign must meet all appropriate construction standards of the Town. A separate temporary sign permit for such a new business sign shall be required. (3-13-07)~~

~~E. WALL SIGNS:~~

- 1. ~~Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the floor level of the second floor of the building, with a maximum height of fifteen (15) feet measured from the adjacent ground level. (3-13-07)~~
- 2. ~~Wall signs shall not extend more than fifteen (15) inches from the face of the buildings to which attached.~~
- 3. ~~Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet, six (6) inches.~~
- 4. ~~Wall signs may be mounted on roofs or eaves as long as they are mounted no more than five (5) feet up from the eaves, provided that the sign height shall not exceed fifteen (15) feet when measured from the highest part of the sign to the ground directly below. (3-10-92)~~

~~F. FREE STANDING SIGNS:~~

- 1. ~~No free standing sign shall be located less than fifteen (15) feet from the curb, edge of~~

pavement, or inside of sidewalk, provided the sign is not within the governmental right of way and is located on the applicant's property. No free-standing sign may be located less than one hundred (100) feet from any other free-standing sign. (3-14-00)

2. If for any reason the property line is changed at some future date, any free-standing sign made non-conforming thereby must be relocated within ninety (90) days to conform with the minimum setback requirements to the extent possible.
3. No free-standing sign shall be more than sixty-four (64) square feet, except as provided for in an approved sign master plan.
4. The top of the free-standing sign shall not be more than twelve (12) feet in height above road level. (3-11-03, 3-13-07)
5. No free-standing sign shall extend over or into the public right of way, pedestrian walkway, or driveway; nor shall it overhang the property lines.

G. ~~AWNING SIGNS.~~

1. No sign shall project from an awning.
2. Awning graphics may be painted or affixed flat to the surface of the front or sides, shall indicate only the name and/or address of the enterprise or premises.
3. Awning graphics shall be a single line of lettering not exceeding six (6) inches in height, but if over three (3) inches in height, shall be debited against the permitted wall sign surface area.
4. No awning sign shall be internally illuminated.
5. There shall be no more than one (1) awning sign at each separate business location. (3-13-07)

H. ~~EXISTING SIGNS.~~

~~Non-Conforming Signs.~~ In the event a sign lawfully erected prior to the effective date of this ordinance does not conform to the provisions herein, such shall meet the following specifications:

1. A non-conforming sign shall not be enlarged or replaced by another more non-conforming sign. (3-12-91, 3-10-92)
2. No non-conforming sign shall be permitted within a development under a sign master plan.

I. ~~REMOVAL OF SIGNS.~~

1. Any sign existing on or after the effective date of this ordinance, whether in conformance with this ordinance or not, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed within fifteen (15) days.
2. If the Building Inspector/Code Enforcement Officer shall find that any sign regulated in the local ordinance is not used, coded in advertising, is abandoned, unsafe or insecure, or is a menace to the public, the Building Inspector/Code Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within fifteen (15) days from the date of the said time period. (3-8-22) The Selectmen shall revoke the permit issued for such sign and may invoke court action. Failure to remove or repair such sign would be considered a violation of this provision. (3-13-07)

J. ~~CONSTRUCTION STANDARDS.~~

~~This section provides guidance and standards for construction of signs requiring permits and shall serve as guidance for the construction of exempt signs. It identifies the specifications needed so that signs are constructed to ensure the community's safety.~~

K. ~~GENERAL.~~

1. All signs installed after the effective date of this local ordinance shall have attached to the sign a name plate giving the sign permit number and the name and address of the owner, person, or corporation responsible for general requirements and maintenance as outlined in this ordinance.
2. All free-standing signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.
3. All signs, including wall-mounted and projecting signs, shall be securely anchored and shall

~~not spin or move in any manner. (3-10-92, 3-8-94)~~

- ~~4. All signs, sign finishes, supports, and electrical work shall be kept clean, neatly painted, and free and from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys, and anchors.~~
- ~~5. All projecting, free-standing or wall signs shall employ acceptable safety materials and shall not constitute a hazard to pedestrian travel or the general public.~~
- ~~6. All signs shall be painted/fabricated in accordance with generally accepted standards.~~
- ~~7. All signs shall be in accordance with the BOCA Code and shall not conflict with the Manual on Uniform Traffic Control Devices for Streets and Highways (USDOT/FHWA) or the Life Safety Code (NFPA101). All electrical wiring of signs shall conform to the National Electrical Code. (NFPA-70)~~
- ~~8. Underground wiring shall conform to the National Electrical Code. (NFPA-70)~~

~~L. DESIGN GUIDELINES FOR SIGN MASTER PLANS.~~

- ~~1. Where groups of three (3) or more contiguous commercial or industrial units are to be located together in a development or where a lesser number of businesses total not less than twenty thousand (20,000) square feet of gross leasable area, the development may adopt a Sign Master Plan to govern advertising. The intent of this section is to promote a uniform and aesthetic message presentation that is designed to provide information to the general public through its design and coordination of elements. (3-13-07)~~
- ~~2. The development of a sign master plan shall be governed by the specifications of this section and generally reflect the requirements of the applicable sign district. Application of the sign master planning provisions should not detract from the rural character which the Town, through its adopted Master Plan, has expressed a strong desire to maintain. (3-10-92)~~
- ~~3. General Requirements. Total sign area permitted for the entire development or center shall be calculated at the rate of two (2) square feet of sign per foot of lineal building front with a maximum area of five hundred (500) square feet. The Planning Board may waive the maximum area at its discretion. Each sign master planned development may have one (1) common free-standing sign denoting the name of the facility not exceeding eighty (80) square feet per side and with the bottom panel not less than five (5) feet above road level and a maximum height of fifteen (15) feet. All other signs shall be attached to buildings, a wall, projecting or soffit type, and coordinated in material, shape, lettering, color, and/or decorative elements. Information and directional signage, with the exception of uniform traffic control devices, shall be consistent with the general sign design of the development and is exempt from the sign area calculation provided that it does not contain advertising. (3-13-07)~~
 - ~~a. Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the building on which they are placed. Sign panels and graphics should relate with and not cover architectural features, and should be in proportion to them.~~
 - ~~b. Signs should be appropriate to the types of activities they represent.~~
 - ~~c. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle, or oval.~~
 - ~~d. The number of colors used should be the minimum consistent with the design and must provide a reference or relationship to the enterprise or activity being advertised.~~
 - ~~e. Illumination should be appropriate to the character of the sign and surroundings and shall bear a relationship to the operating hours of the enterprise or activity being advertised. Illumination of signs permitted only from one (1) hour before opening until one (1) hour after closing.~~
 - ~~f. Groups of related signs shall express uniformity, create a harmonious appearance, and provide visual and aesthetic coordination of the information presented to the public. (3-13-07)~~

- ~~g. Height and physical placement shall be consistent throughout the master planned area.~~
- ~~h. The sign master plan, including a site plan, shall be approved by the Planning Board, at a public hearing, and detail placement, design, color coordination, visibility, information messages and compatibility with the general design of the development.~~
- ~~i. Off premises directional signs for the convenience of the general public and for the purpose of directing persons to a business, activity, service, or community facility operating within the Town of Amherst may be erected as part of the sign master plan, providing such signs do not exceed four (4) square feet per sign nor total more than two (2) such signs per development. Messages shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited.~~
- ~~j. Off premise directional signs shall be classified as free standing signs and shall not be placed within one hundred (100) feet of another free standing sign. Illumination is prohibited. Such signs shall be limited to Major Arterial and Minor Arterial roads as defined in the 1988 Functional Classification System for Amherst Street Network published in the Town Wide Transportation Master plan. Such signs may be permitted on Collector streets, as defined in the same classification system, within the Business Sign District.~~
- ~~k. Sign panels may be made of any conventional weather resistant and rigid sign material acceptable to the Town of Amherst Planning Board. They shall be fully reflectorized and shall be similar to "Engineering Grade," reflective sheeting with respect to color (day and night), brightness, reflectivity, and durability as specified in the latest edition of the Manual on Traffic Control Devices for Streets and Highways. The panel shall have white legend on a blue background with a half (1/2) inch white border. The legend shall be white and four (4) inch minimum "Highway Type" letters, except that nationally, regionally, or locally known commercial symbols or trademarks, in their customary colors, may be used when applicable. Sign colors may be coordinated with the development master plan color scheme provided that such a display does not conflict with standardized traffic control devices and is specifically approved by the Planning Board. Nationally recognized approved symbols for services may be incorporated as alternates to word messages. All off premise sign legends are subject to approval by the Town of Amherst Planning Board. (3-13-07)~~

~~M. ADMINISTRATION.~~

~~1. Review and Appeals.~~

~~Any person aggrieved by a decision of the Building Inspector/Code Enforcement Officer relative to the provisions of this local ordinance may appeal such decision, in writing, to the Board of Adjustment as provided in the Zoning Regulations and shall comply with all procedural requirements prescribed by such board. In granting any variance from the provisions of this ordinance, the Zoning Board of Adjustment must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with the general purposes and intent of this ordinance, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare, and that denial of the variance would result in unnecessary hardship to the applicant. (3-8-22)~~

~~2. Violations and Penalties.~~

- ~~a. Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who, in any other way, violates any provision of this local ordinance shall be guilty of an offense and receive punishment as established in the RSA's. Each day's continuous violation shall constitute a separate additional violation.~~
- ~~b. In case of a violation of this local ordinance, the Town and its officers may, in addition to any other remedies specifically conferred by ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of~~

~~any sign not in compliance with this ordinance. (3-12-91)~~

- ~~e. Any sign, permitted or not, placed within any public or private right of way or placed so as to impede public access, shall be considered to be a threat to public safety and may be removed at the direction of the public safety officers or Building Inspector/Code Enforcement Officer. (3-8-22)~~

~~N. INTERNALLY ILLUMINATED SIGNS.~~

~~1. Purpose.~~

~~The purpose of this ordinance is to permit the installation and operation of internally illuminated signs within the Town of Amherst, recognizing their value in providing information to the general public and an aid in the advertising of businesses.~~

~~2. General Provisions.~~

- ~~a. Internally illuminated signs shall be permitted in the Business Sign District within the Town of Amherst only when incorporated as an integral part of an approved sign master plan.~~
- ~~b. The total area of internally illuminated signage shall not exceed twenty five (25%) percent of the permitted sign area for the master planned development.~~
- ~~c. Internally illuminated signs shall conform to all other applicable provisions of the Town of Amherst sign regulations with respect to design, placement, presentation, and other regulated features.~~
- ~~d. Only one (1) internally illuminated sign shall be permitted per physically separated business unit and shall replace another otherwise permitted sign.~~
- ~~e. One (1) free standing internally illuminated sign shall be permitted per development and shall be equal in all other regulated aspects to the free standing sign it shall replace excepting for the illuminated area limitation of twenty five (25%) percent as in provision (2) above.~~
- ~~f. The area of the internally illuminated sign shall not exceed the area of the sign it shall replace for the business or development.~~
- ~~g. No internally illuminated sign may be erected within three hundred (300) feet of any residential zone within the Town. (3-12-91)~~
- ~~h. No internally illuminated sign erected as part of a sign master plan may be illuminated until the full master plan is implemented, unless a phasing plan is approved by the Planning Board.~~

A. PURPOSE OF THE SIGN ORDINANCE.

Numerous studies have identified visual clutter along roads as a distraction to drivers, which impairs the safety of all who use the roads, including vehicle passengers, bicyclists, and pedestrians, and increases the risk of property damage from automobile accidents in which distraction is a factor. Further, the town's interest in emergency responders being able to identify property locations easily while responding to emergency calls is impaired by visual clutter that makes property location signs more difficult to locate. Additionally, the Town's Master Plan identifies maintenance of the rural aesthetic of the town as a principal goal of the town's residents. Clutter along public roadways detracts from the rural aesthetic of the town, which is derived in part from views of open areas, stone walls, trees and other vegetation with no or minimal presence of man-made materials.

The purpose of this section of the Town of Amherst Zoning Ordinance is to enhance public safety and the general welfare, provide for reasonable uniformity in the number, size, treatment and presentation of signs to reduce roadside visual clutter, and preserve the town's

rural aesthetic, in a manner that complies with the constitutional rights of property owners and residents.

B. CONTENT OF SIGNS.

1. *Except as set forth in this paragraph, regulation of sign content is not the purpose of this ordinance. When examples of types of allowed signs are provided, they are intended as examples only and do not restrict the content actually displayed on the sign. However, signs bearing content recognized as unprotected speech are hereby prohibited within the Town of Amherst to the fullest extent permitted by the United States and New Hampshire Constitutions and applicable laws and regulations. The Town is hereby authorized to enforce restrictions (including removal) on signs bearing unprotected speech that are visible to the public. Nothing herein shall be construed as permitting unprotected speech.*

2. *No Discrimination Against Non-Commercial Signs or Speech.*

The owner of any sign which is otherwise allowed under Section 3.4 may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or allow the substitution of an off-site commercial message in place of an on-site commercial message.

3. **DEFINITIONS.**

Awning Sign. *Any visual message incorporated into an awning attached to a building.*

Banner. *Any sign, painted, printed, or otherwise displayed on cloth, plastic film, or similar material.*

Business Sign District. *Shall include the Industrial, Commercial, and Limited Commercial Zones in the Town of Amherst and shall include those lots in the General Office Zone with frontage on NH Route 101A.*

Copy-Change Sign. *A sign on which the visual message may be periodically changed.*

Directional Sign. *A sign limited to providing directional or guide information, on the most direct or simple route, on the location of an activity, business, or event.*

Free-Standing. *Any sign not attached to or part of any building but separate and affixed in or upon the ground. Included are pole signs, pylon signs, and masonry wall-type signs.*

General Sign District. *Shall include the General Office (except for those lots included in the Business Sign District), Residential/Rural, Northern Transitional, and Northern Rural zones in the Town of Amherst.*

Illuminated Sign. *Any sign illuminated by electricity, gas, chemical/nuclear means, or other artificial light either from the interior or exterior of the sign and which includes reflective and phosphorescent light.*

Lineal Building Frontage. *The length of a ground-level straight line or lines parallel to and equaling the length of the building front that fronts on the principal public roadway. In the case of a multi-unit development, the frontage of each separate building is additive for the purpose of determining permissible sign area.*

Off -Premises Sign. *A sign unrelated to a business, profession, or commercial activity conducted, or to a product or service sold or offered, upon the premises where such sign is located. A sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.*

Portable Sign. *A sign, whether on its own trailer, wheels, motor vehicle, or otherwise, designed to be movable and not attached to the ground, a building, a structure, or another sign.*

Projecting Sign. *A sign which is attached to the building, wall, or structure and which extends horizontally more than fifteen (15) inches from the plane of such building, wall or structure; or a sign which is perpendicular to the face of such building, wall or structure.*

Representational Sign. *A three-dimensional sign built so as to physically represent the object advertised.*

Sign. *Any material, structure, or device, or part thereof, composed of lettered or pictorial matter that is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying information when such is placed in view of the general public. Signs shall include: Any sign defined in this section or otherwise regulated under this ordinance; flags, banners, pennants, streamers, balloons, spinners or similar devices; and any other fixed or portable device or vehicle placed on a parcel of land and used as a sign to convey information to the public. Signs do not include decorations for any holiday located on private property and not within 25 feet of the travelled way of any road within the Town.*

Sign Directory. *A listing of two (2) or more separate messages, such as business identifiers, consisting of a matrix and sign components.*

Sign Structure. *The supports, uprights, bracing, and framework for the sign.*

Sign Surface Area. *The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign and pole covers or architectural embellishments shall be excluded unless the structure is designed in a way to form an integral background for the display. Only one face of a double-faced, free-standing sign shall be included as surface or area of such a sign. In the case of a sign consisting of two (2) or more sides where the angle formed between any two (2) or more sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign area.*

Temporary Sign. *A sign not permanently affixed to the ground or a structure, or made of materials not designed to be durable in various weather conditions, and not intended to be moved in routine use. If the sign display area is permanent but the message displayed is subject to periodic manual changes, that sign shall not be regarded as a temporary sign.*

Travelled Way. *The paved section of a paved road, or the graded section of an unpaved road.*

Wall Sign. *A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.*

Window Sign. *A sign visible from a sidewalk, street, or other public place, painted or affixed, on glass or other window material, or located inside within two (2) feet of the window, but not including graphics in connection with customary window display of products.*

D. APPLICABILITY.

Unless otherwise exempted herein, this section 3.4 applies to signs:

- 1. erected in or within 50 feet of the travelled way of a town road not designated as a scenic road; erected in or within 50 feet of the travelled way of a state road (to the extent the requirements of this ordinance do not conflict with state laws and regulations); and erected within 50 feet of the travelled way of a publicly travelled private road used by the town to provide emergency services.*
- 2. erected in or within 100 feet of the travelled way of a town road designated as a scenic road.*
- 3. erected on any town property.*
- 4. erected within the Business Sign District at any location visible to the public.*
- 5. any other signs that are visible from roads or town properties and such signs, individually or with other signs, that may create a distraction to drivers and other users of the roads.*

This section 3.4 shall not apply to signs placed or required by the state or federal government, or to signs placed or required by units of government of the town of Amherst, including its school districts. Units of government of the town of Amherst are encouraged to follow the intent of these provisions whenever possible.

E. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or other part of this section 3.4 is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

F. PERMITS.

- 1. Except as otherwise provided herein, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Office of Community Development. After an initial permit is obtained and the sign erected, no permit shall be required for a sign to be repainted or repaired provided that the sign conforms to the then-applicable ordinance requirements.*
- 2. Permit applications shall be made in writing to the Office of Community Development on forms prescribed by the Town and shall contain the applicable information requested on that form and accompanying sign specification sheet.*

The applicant shall pay the applicable fee, if any, at the time the application is filed.

- 3. Upon the filing of a completed application for a sign permit and the payment of the required fee, the Building Inspector/Code Enforcement Officer shall examine the plans, specifications, and other data submitted, and the premises on which the sign is to be erected. If it shall appear that the sign will be in compliance with the purpose and all of the applicable requirements of this ordinance, he or she shall then, within thirty (30) days, issue a permit for the erection of the proposed sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the Town or sign master planning provisions.*
- 4. If the erection of the sign authorized under any such permit has not been completed within one (1) year from the date of issuance, the permit shall become null and void, but may be renewed upon filing of a subsequent completed application and compliance with then-current requirements.*

G. REMOVAL OF SIGNS.

- 1. If the Building Inspector/Code Enforcement Officer shall find that any sign regulated in this ordinance is not used, is abandoned, unsafe or insecure, is a menace to the public, or is otherwise not in compliance with this ordinance, the Town shall give written notice to the named owner of the land upon which it is located, who shall remove the sign or remedy the cited issues within fifteen (15) days from the date of the notice. Failure to remove or repair such sign would be considered a violation of this provision. The Town may revoke any permit issued for such sign and may invoke any remedy available to it, including court action, at the property owner's expense. Signs may be removed without notice in the circumstances set forth elsewhere within this ordinance.*
- 2. Any sign, permitted or not, placed so as to impede public access, shall be considered to be a threat to public safety and may be removed without notice at the direction of the public safety officers or Building Inspector/Code Enforcement Officer.*
- 3. Signs placed in or within 3 feet of the travelled way of publicly travelled roads within town or on town property are subject to removal without notice. Signs placed on private property without the property owner's consent may be removed without notice by town officials, the property owner, or a person acting at the property owner's request. Temporary signs lacking identification of the person responsible for placement and removal of the sign (on the sign itself or in an approved sign application as required herein) are subject to removal without notice.*

H. REVIEW AND APPEALS.

Any person aggrieved by a decision of the Building Inspector/Code Enforcement Officer relative to the provisions of this local ordinance may appeal such decision, in writing, to the Zoning Board of Adjustment as provided in the Zoning Regulations and shall comply with all procedural requirements prescribed by such board.

I. VIOLATIONS AND PENALTIES.

- 1. Any person, firm or corporation, whether as owner, lessee, agent or employee, who*

proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who, in any other way, violates any provision of this local ordinance shall be guilty of an offense and receive punishment as established in the RSA's, including, but not limited to, RSA 676:15 and 676:17. Continuation of the violation for multiple days shall be a separate additional violation for each additional day.

- 2. In case of a violation of this local ordinance, the Town and its officers may, in addition to any other remedies specifically conferred by ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this ordinance.*

J. EXISTING NON-CONFORMING SIGNS.

In the event any sign lawfully erected prior to the effective date of this ordinance does not conform to the provisions herein, such shall meet the following specifications:

- A A non-conforming sign shall not be enlarged or replaced by another non-conforming sign. A non-conforming sign shall be removed or, if allowed, replaced with a conforming sign at the time of any maintenance other than minor repairs.*
- B No non-conforming sign shall be permitted within a development under a sign master plan.*

K PROHIBITIONS.

These prohibitions shall apply to all signs in the Town of Amherst, whether exempted or regulated under this section:

- 1. No off-premises signs are allowed.*
- 2. No sign shall be illuminated by or contain flashing, intermittent, rotating, moving lights or lettering and graphics except to show time and temperature. No sign shall be internally illuminated unless within the Business Sign District and allowed by this ordinance.*
- 3. No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color, placement or display characteristics. No sign shall be allowed which could be mistaken for traffic control signs or lights. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.*
- 4. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices (except flags and commercial banners as allowed herein).*
- 5. No message shall be extended over more than one (1) sign placed along a street or highway unless included as an integral part of a sign master plan.*
- 6. No signs shall be attached to fences, trees, utility poles, rocks, or other parts of a natural landscape, nor in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety, and welfare of the general public.*

7. *No portable signs shall be allowed in any district.*
8. *No signs shall be allowed on a vehicle or trailer as a means to avoid any requirement of this ordinance or as a way to increase the allowed numbers of signs under this ordinance.*
9. *Representational signs are not allowed.*

L EXEMPT SIGNS (REQUIRE NO PERMIT).

The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the other requirements of this ordinance and other conditions specifically imposed by any other applicable ordinance or regulation. No two (2) exempted signs may be combined to create a larger sign.

1. *On-site signs solely for guiding traffic safely to parking spaces, loading spaces, stacking lanes, entry and exit drives, direction of traffic flow, pedestrian ways, and similar purposes, if such signs are located entirely on private property outside of the travelled way of a town or state road and do not exceed three (3) square feet per sign.*
2. *Property identification is an important aid to emergency responders. Accordingly, each property may have a property identification and house number not exceeding two (2) square feet, and set a minimum of ten (10) feet from an abutter's property line, as an exempt sign. Such signs shall not be illuminated. Incidental illumination because of an integral mounting location on a lamppost is allowed.*
3. *Signs necessary in accordance with state or local rules for regulating or defining access to private property provided the signs are less than one (1) square foot in area. This includes (for example) signs such as those indicating whether or not someone could trespass, hunt, hike, bike, or snowmobile on private property.*
4. *Within the General Sign District, three or fewer flags per property provided each such flag is not larger than fifty (50) square feet and is located entirely on private property at least twenty-five (25) feet from the travelled way of a road.*
5. *Within the Business Sign District:*
 - a) *A single sign per business (for example, open, closed, sale or business hours) located on premises and limited to one (1) square foot in area.*
 - b) *One additional business sign per business (for example, an illuminated Open sign) may be used during business hours only. The additional business sign, if illuminated, must be displayed from inside or attached to the building, except as provided for in an approved sign master plan, and may be illuminated only during the business hours of operation. Internal illumination is allowed for this sign. Any such additional business sign shall be no more than thirteen (13) inches in height and thirty-two (32) inches in width.*
 - c) *One flag (for example, an Open flag) per building may be displayed at the building during business hours and must be displayed at the building entrance. Such flag shall be no more than three (3) feet in height and six (6) feet in length.*

- d) *Up to three flags may be displayed on a single flagpole per property provided each such flag is not larger than fifty (50) square feet and the flagpole is located entirely on private property, at least fifty (50) feet from the travelled way of a road, and is no taller than thirty (30) feet.*
- e) *Temporary signs to the extent indicated in the following section.*

M TEMPORARY SIGNS

1. All Temporary Signs

- a) *Temporary signs that comply with the following standards do not require a permit. All proposed Temporary Signs that do not follow these standards require a Sign Permit. The intent of this ordinance is to allow temporary signs that would not interfere with public safety or impair the rural aesthetic of the town, without requiring a permit. Accordingly, the expectation is that temporary signs other than those allowed herein will rarely comply with the purpose, intent and other requirements of this ordinance.*
- b) *Except as expressly allowed by this ordinance, no temporary signs shall be placed in or within three (3) feet of the travelled way of roads within the town, or on town property. Temporary signs may be placed on private property (at least three (3) feet from the travelled way of roads within the town), and only by or with the property owner’s consent. All temporary signs shall be located a minimum of ten (10) feet from an abutter’s property line.*
- c) *All Temporary Signs shall be securely constructed and properly secured and shall be placed in such a location so as to not impede or endanger vehicular or pedestrian traffic as, for example, by obscuring a clear view or by creating confusion with official street signs or signals, or by becoming a hazard if not secured.*
- d) *The name and contact information of the person responsible for placement and removal of the sign must be identified on the sign. This information must be legible upon viewing from three (3) feet from the sign. A valid internet address at which this information is clearly presented may be used in place of the name and contact information required above. Alternatively, a sign permit application may be filed providing information on the person responsible for placement and removal of the sign. Failure to comply with this provision may result in removal of the signs without notice.*
- e) *Temporary signs shall not be illuminated.*

2. Temporary Signs Other Than on Town Property.

The situations, numbers, sizes, and durations allowed for Temporary Signs are as follows:

- a) *Allowed in the General Sign District (per property):*

<i>General Sign District Situation</i>	<i>Max Number & Size</i>	<i>Maximum Duration</i>
<i>Ground mounted sign</i>	<i>1 at 4 square feet</i>	<i>90 days cumulative in a 365-</i>

	<i>(SF)</i>	<i>day period</i>
<i>Additional ground mounted sign for one-time event (other than those identified below)</i>	<i>1 at 4 SF</i>	<i>14 days for one time event, removal within one day after event</i>
<i>Additional ground mounted sign when there is a construction project or maintenance</i>	<i>1 at 4 SF</i>	<i>From the later of issuance of construction permit (if required) or commencement of construction to 3 days after completion, or during period of actual maintenance</i>
<i>Additional ground mounted sign when lot is for sale, lease, or rent</i>	<i>1 at 5 SF</i>	<i>During period for sale, lease, or rent, removal within 3 days of closing</i>
<i>Additional ground mounted sign when there is an on-site sale</i>	<i>2 at 4 SF</i>	<i>During the time of sale and no more than 7 days in advance of the sale, removal within one day after sale</i>
<i>Additional ground mounted signs coinciding with a political campaign or other matter on which residents may vote</i>	<i>Combined area of additional signs shall not exceed 32 SF</i>	<i>30-day period ending on the day of voting, removal within 5 days after voting</i>

b) Allowed in the Business Sign District (per property):

<i>Business Sign District Situation</i>	<i>Max Number & Size</i>	<i>Maximum Duration</i>
<i>A ground mounted sign for one-time event (other than those listed below)</i>	<i>1 at 4 square feet (SF)</i>	<i>14 days for one time event, removal within one day after event</i>
<i>A sandwich board</i>	<i>1 at 6 SF</i>	<i>When business is open</i>
<i>A commercial banner</i>	<i>1 at 16 SF (top of banner no more than 15 feet high)</i>	<i>90 days cumulative in 365-day period</i>
<i>Additional ground mounted sign when lot is for sale, lease or rent</i>	<i>1 at 32 SF</i>	<i>During period for sale, lease, or rent, removal within 3 days of closing.</i>
<i>Additional ground mounted sign when there is a construction project on the lot</i>	<i>2 at 4 SF</i>	<i>From the later of issuance of construction permit (if required) or commencement of construction to 3 days after completion</i>
<i>Additional ground mounted sign during maintenance</i>	<i>1 at 4 SF</i>	<i>During period of actual maintenance</i>
<i>Attached to interior of</i>	<i>35% of total glass</i>	<i>14 days</i>

<i>window or glass door</i>	<i>area visible from a public way</i>	
<i>Additional signs coinciding with a political campaign or other matter on which residents may vote</i>	<i>Combined area of additional signs shall not exceed 32 SF</i>	<i>30-day period ending on the day of voting, removal within 5 days after voting</i>

3. Temporary Signs Allowed on Town Property

a) *Town Transfer Station: Coinciding with a political campaign or other matter on which residents may vote, during the thirty (30) day period ending on the day of voting, a person may place a single sign complying with all other temporary sign requirements and not exceeding four (4) square feet at the Transfer Station entrance, off the travelled way and so as not to impede traffic or obscure signs placed by the town. Each such sign must be removed within five (5) days after voting. No permit is required for signs complying with this and all other temporary sign provisions of this ordinance.*

b) *Carriage Road Common (Lot 17-17-1). Coinciding with a political campaign or other matter on which residents may vote, during the thirty (30) day period ending on the day of voting, a person may place a single sign complying with all other temporary sign requirements and not exceeding four (4) square feet on the Carriage Road Common, within twenty-five (25) feet of the Boston Post Road intersection, off the travelled way and so as not to impede traffic or obscure signs placed by the town. Each such sign must be removed within five (5) days after voting. No permit is required for signs complying with this and all other temporary sign provisions of this ordinance.*

No more than two (2) temporary signs associated with the occurrence of separate special events may be placed on Carriage Road Common within twenty-five (25) feet of the Boston Post Road intersection at any one time. This number shall be reduced by the number of signs placed by the Town for a Town-sponsored event. An application for a sign permit is required for such special event signs and must be filed no earlier than thirty (30) days before the event.

c) *Huntington Common (Lot 16-14). No more than three (3) temporary signs associated with the occurrence of separate special events may be placed at Huntington Common at any one time. This number shall be reduced by the number of signs placed by the Town for a Town-sponsored event. An application for a sign permit is required and must be filed no earlier than thirty (30) days before the event.*

d) *Other Town-Owned Land. A temporary sign associated with the occurrence of a special event may be placed on Town property if the event is being held on that property. An application for a sign permit is required and must be filed no earlier than thirty (30) days before the event.*

N PERMANENT SIGNS.

Within any zoning district, unless otherwise specified, the following permanent signs may be erected upon application and receipt of a permit; provided, however, that this subsection shall not serve to expand the number or area of signs otherwise allowed, and pursuant to the following:

- 1. Business Sign District. Unless otherwise specified, the following permanent sign provisions shall apply:*
 - a) The area of the freestanding sign permitted on any lot shall be two (2) square feet of sign area per lineal foot of building front, or sixty-four (64) square feet, whichever is less, excepting sign master planned developments. A minimum sign area of thirty-two (32) square feet shall be permitted on any lot regardless of building frontage.*
 - b) The total number of permitted signs on a single business or industrial lot shall not exceed two (2), of which only one (1) may be free-standing, excepting sign master planned developments.*
 - c) A lot with approved entrances on two (2) public roads shall be permitted a secondary sign, not on the same public road as the principal sign, provided that such sign does not exceed forty (40) square feet.*
 - d) In addition to the above, one (1) wall sign shall be permitted each separated business unit, not to exceed twenty-five (25) square feet per unit.*
- 2. General Sign District. Unless otherwise specified, the following permanent sign provisions shall apply:*
 - a) The total number of permitted signs on a single lot shall not exceed two (2) of which only one (1) may be free-standing, excepting sign master planned developments.*
 - b) The total cumulative area of all signs permitted on such lot shall not exceed twenty-four (24) square feet, excepting wall signs for multiple tenants/units. The free-standing sign shall not exceed fourteen (14) square feet.*
 - c) One wall sign, not to exceed ten (10) square feet per sign, shall be permitted for each separate unit.*
- 3. Historic District. The Historic District Commission may from time-to-time propose for adoption content-neutral changes varying permanent sign rules within the Historic District. Any such changes shall be located within the Historic District Commission Regulations and shall be consistent with the purposes of this ordinance.*

O SIGN STANDARDS.

This section provides guidance and standards for construction of signs requiring permits and shall serve as guidance for the construction of exempt signs. It identifies the specifications needed so that signs are constructed to ensure the community's safety.

- 1. General.*
 - a) Signs shall be designed to be compatible with the surroundings and appropriate*

to the architectural character of the building on which they are placed. In particular, signs should be designed consistent with the Town's consistently expressed desire to maintain its rural character, as, for example, by incorporation of natural materials, and use of colors compatible with natural surroundings which are strongly favored and may be required by the Planning Board. Sign panels and graphics should relate to and not cover architectural features, and should be in proportion to them.

- b) All signs installed after the effective date of this local ordinance shall include the sign permit number, the clearly legible property street number of the sign location, and the name and address of the owner, person, or entity responsible for general requirements and maintenance as outlined in this ordinance.*
- c) All free-standing signs shall be designed and constructed in conformance with wind design requirements contained in the Building Code.*
- d) All signs, including wall-mounted and projecting signs, shall be securely anchored and shall not spin or move in any manner.*
- e) All signs, sign finishes, supports, and electrical work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys, and anchors.*
- f) All projecting, free-standing or wall signs shall employ acceptable safety materials and shall not constitute a hazard to pedestrian travel or the general public.*
- g) All signs shall be painted/fabricated in accordance with generally accepted standards.*
- h) All signs shall be in accordance with the Building Code and shall not conflict with the Manual on Uniform Traffic Control Devices for Streets and Highways (USDOT/FHWA) or the Life Safety Code (NFPA101). All electrical wiring of signs shall conform to the National Electrical Code. (NFPA-70). Underground wiring shall conform to the National Electrical Code. (NFPA-70)*
- i) Illumination. For any sign allowed to be illuminated, the illumination shall comply with the more stringent of any generally applicable outdoor lighting ordinance requirements or the following. The illumination source shall be shielded to produce no light above the horizontal plane established at the lowest direct light emitting part of the illumination source (such sources may be labeled Dark Sky Certified or Compliant). Any sign illumination source shall be of energy efficient design. No illumination source may be directed toward residential buildings on adjacent or nearby land, nor create glare perceptible to pedestrians or persons operating motor vehicles. Illumination shall be by white light with a color temperature not exceeding 3500K, with 3000K preferred. Illumination of signs is permitted only from one (1) hour before opening until one (1) hour after closing, and only when daylight is insufficient to render the sign legible.*

2. Wall Signs.

- a) Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the floor level of the second floor of the building, with a maximum height of fifteen (15) feet measured from the adjacent ground level.*
- b) Wall signs shall not extend more than fifteen (15) inches from the face of the buildings to which attached.*
- c) Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet, six (6) inches.*
- d) Wall signs may be mounted on roofs or eaves as long as they are mounted no more than five (5) feet up from the eaves, provided that the sign height shall not exceed fifteen (15) feet when measured from the highest part of the sign to the ground directly below.*

3. Free Standing Signs.

- a) No free-standing sign shall be located less than fifteen (15) feet from the curb, edge of pavement, or inside of sidewalk, provided the sign is not within the governmental right-of-way and is located on the applicant's property. No free-standing sign may be located less than one hundred (100) feet from any other free-standing sign.*
- b) If for any reason the property line is changed at some future date, any free-standing sign made non-conforming thereby must be relocated within ninety (90) days to conform with the minimum setback requirements.*
- c) No free-standing sign shall be more than sixty-four (64) square feet, except as provided for in an approved sign master plan.*
- d) The top of the free-standing sign shall not be more than twelve (12) feet in height above road level.*
- e) No free-standing sign shall extend over or into the public right-of-way, pedestrian walkway, or driveway; nor shall it overhang the property lines.*

4. Awning Signs.

- a) No sign shall project from an awning.*
- b) Awning graphics may be painted or affixed flat to the surface of the front or sides, and shall indicate only the name and/or address of the enterprise or premises.*
- c) Awning graphics shall be a single line of lettering not exceeding six (6) inches in height, but if over three (3) inches in height, shall be debited against the permitted wall sign surface area.*
- d) No awning sign shall be internally illuminated.*
- e) There shall be no more than one (1) awning sign at each separate business location.*

P SIGN MASTER PLANS.

1. *Where groups of three (3) or more contiguous commercial or industrial units are to be located together in a development or where a lesser number of businesses total not less than twenty thousand (20,000) square feet of gross leasable area, the development shall adopt a Sign Master Plan. The intent of this section is to protect public welfare and safety and to promote a uniform and aesthetic message presentation that is designed to provide information to the public through its design and coordination of elements, in a manner consistent with the Town's desire to maintain its rural character.*
2. *The development of a sign master plan shall be governed by the specifications of this section and generally reflect the requirements of the applicable sign district. Application of the sign master planning provisions should not detract from the rural character which the Town, through its adopted Master Plan, has expressed a strong desire to maintain.*
3. **General Requirements.**
 - a) *Total sign area permitted for the entire development or center shall be calculated at the rate of two (2) square feet of sign per foot of lineal building front with a maximum area of five hundred (500) square feet. The Planning Board may increase or decrease the maximum area at its discretion consistent with achieving the purposes of this ordinance. Each sign master planned development may have one (1) common free-standing sign denoting the name of the facility not exceeding eighty (80) square feet per side and with the bottom panel not less than five (5) feet above road level and a maximum height of fifteen (15) feet. All other signs shall be attached to buildings, a wall, projecting or soffit type, and coordinated in material, shape, lettering, color, and/or decorative elements. Signage, with the exception of uniform traffic control devices, shall be consistent with the general sign design of the development.*
 - b) *Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the building on which they are placed. In particular, signs shall be designed consistent with the Town's consistently expressed desire to maintain its rural character. Incorporation of natural materials, and use of colors compatible with natural surroundings are strongly favored and may be required by the Planning Board. Sign panels and graphics should relate to and not cover architectural features, and should be in proportion to them.*
 - c) *Signs should be appropriate to the types of activities they represent.*
 - d) *Layout should be orderly and graphics should be of simple shape, such as rectangle, circle, or oval.*
 - e) *The number of colors used should be the minimum consistent with the design and must provide a reference or relationship to the enterprise or activity being advertised.*
 - f) *Illumination should be appropriate to the character of the sign and surroundings and shall adhere to the general illumination standards set forth above.*

- g) Groups of related signs shall express uniformity, create a harmonious appearance, and provide visual and aesthetic coordination of the information presented to the public.*
 - h) Height and physical placement shall be consistent throughout the master planned area.*
 - i) The sign master plan, including a site plan, shall be approved by the Planning Board, at a public hearing, and detail placement, design, color coordination, visibility, information messages and compatibility with the general design of the development.*
- 4. Internally illuminated signs.**
- a) Internally illuminated signs shall be permitted only in the Business Sign District within the Town of Amherst, only when incorporated as an integral part of an approved sign master plan, and subject to the Planning Board's approval based on compliance with this ordinance and maintenance of the rural aesthetic of the Town. The Planning Board may reduce the limits in the following paragraphs as necessary to achieve the purposes of this ordinance.*
 - b) The total area of internally illuminated signage shall not exceed twenty-five (25) percent of the permitted sign area for the master planned development.*
 - c) Internally illuminated signs shall conform to all other applicable provisions of the Town of Amherst sign regulations with respect to design, placement, presentation, and other regulated features.*
 - d) Only one (1) internally illuminated sign shall be permitted per physically separated business unit and shall replace another otherwise permitted sign.*
 - e) One (1) free-standing internally illuminated sign shall be permitted per development and shall be equal in all other regulated aspects to the free-standing sign it shall replace excepting for the illuminated area limitation of twenty-five (25) percent as in provision (b) above.*
 - f) The area of the internally illuminated sign shall not exceed the area of the sign it shall replace for the business or development.*
 - g) No internally illuminated sign may be erected within three hundred (300) feet of any residential zone within the Town.*
 - h) No internally illuminated sign erected as part of a sign master plan may be illuminated until the full master plan is implemented, unless a phasing plan is approved by the Planning Board.*
 - i) The Planning Board may require limitations on and schedules for illumination levels, hours of illumination, and the types and characteristics of illumination sources.*

YES [] NO []

EXPLANATION: This proposed amendment strives to create a sign regulation that is as content neutral as possible while continuing to regulate signs to avoid clutter, confusion and potential traffic hazards and while continuing to maintain the Town's appearance and rural quality of life. In 2015, a US Supreme Court decision in a case from Arizona affected sign regulations. Based on that decision, if a town's sign regulation contains different requirements for different types of sign content, that regulation is probably unconstitutional and invalid.

Article 40: Planning Board Proposed Amendment #2

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article III, General Provisions, Section 3.9 Reduced Frontage Lots, by deleting the existing section in its entirety and replacing it with language that provides an explanation of the Reduced Frontage Lot requirements, that specifies the number of reduced frontage lots allowed as part of a subdivision, that specifies the required minimum lot size in the different residential zoning districts, that includes a requirement for 50' of frontage, that includes requirements for the design and placement of driveways for access, that includes setback requirements, and that specifies that any required Conditional Use Permits be applied for at the time of subdivision; AND, to amend Article IV, Sections 4.3 C.2, Residential Rural, 4.4 C.2. & 3. Northern Transitional, and 4.5 D.2. Northern Rural, to delete reference to the previous reduced frontage requirements; AND, to amend Article IX, Definitions, Section 9.1 Meaning of Certain Words, to amend the definition of Reduced Frontage Lots to refer to the revisions to Section 3.9, as follows:

Section 3.9 Reduced Frontage Lots. (3-14-23)

~~No building permit shall be issued for any structure on any lot within any subdivision approved subsequent to March 4, 1975, which includes any streets, driveways, or highways associated with reduced frontage lots unless such private driveways shall have been constructed in a fashion consistent with the requirements of the Town of Amherst subdivision regulations as adopted from time to time by the Town of Amherst Planning Board dealing with construction requirements and specifications for private driveways. (3-10-87)~~

~~**NOTE:** See Town of Amherst Subdivision Regulations, Section 5-2. (3-4-75, 5-1-82)~~

A lot which does not meet the frontage requirements of the applicable zoning district may be developed for single family or duplex residential use if such use is otherwise allowed within the district and the lot meets the requirements of this section. Such a lot will be referred to as a "reduced frontage lot" and a lot complying with the frontage requirements of the applicable zoning district as a "normal frontage lot." In recognition of the typically higher wildlife habitat value of undeveloped areas located away from road frontages, reduced frontage lots have more stringent lot size requirements to preserve open space, wildlife habitat and wildlife corridors. These requirements shall not apply to Planned Residential Developments.

- A. Maximum Number of Reduced Frontage Lots Allowed:** *The maximum number of reduced frontage lots allowed upon subdivision shall depend on the size of the original lot prior to subdivision. No lot may be subdivided so as to include a reduced frontage lot unless the total original lot size prior to subdivision is at least ten (10) acres. Each additional reduced frontage lot proposed upon subdivision shall increase the required original lot size prior to subdivision by an additional ten (10) acres.*
- B. Minimum Lot Area:** *Each reduced frontage lot shall have at least the gross area specified in the following table. In the event multifamily dwellings are permitted in the district, the minimum reduced frontage lot size below shall be multiplied by the number of dwelling units allowed. Each reduced frontage lot must also comply with the net tract area requirements of the applicable zoning district. The net tract area calculation shall exclude a fifty (50) foot wide corridor with a length from the road to the applicable proposed dwelling unit location.*

<i>District</i>	<i>Minimum Reduced Frontage Lot Size (Single Family)</i>
<i>Residential/Rural</i>	<i>5 acres</i>
<i>Northern Transitional</i>	<i>7 acres</i>
<i>Northern Rural</i>	<i>10 acres</i>

- C. Frontage.** *Each reduced frontage lot shall have a minimum of fifty (50) feet of frontage on a publicly maintained road. Each reduced frontage lot must have its frontage contiguous with a normal frontage lot within the same subdivision, and each normal frontage lot of a subdivision shall be contiguous with only a single reduced frontage lot of the same subdivision.*
- D. Access.** *The driveway portion of a reduced frontage lot shall be an integral portion of and attached to the back lot. No reduced frontage lot shall be approved if the proposed reduced frontage lot would be a corner lot, or its access would be within five hundred (500) feet of an existing or proposed intersection of publicly travelled roads, or if the access would not provide adequate sight distance, or if the access otherwise would present a hazardous situation to vehicular traffic or pedestrians.*

No access to a reduced frontage lot shall be located within seven hundred fifty (750) feet of another access to a reduced frontage lot on the same side of the road (in the case of a cul-de-sac, (1) the seven hundred fifty (750) foot length shall be measured from the reduced frontage lot access around the outer perimeter of the cul-de-sac, (2) that entire distance shall be considered to be on the same side of the road, and (3) only cul-de-sacs compliant with the Roadway & Utility Standards may include any reduced frontage lot access driveway).

However, not more than two (2) immediately adjacent reduced frontage lots, each of which meets all of the other requirements of this section, may share a single access driveway exiting within the frontage of one or both of the lots, provided the driveway meets Town and Planning Board driveway requirements and the Planning Board is provided with documentation satisfactory to Town Counsel establishing easements, conditions of use and maintenance obligations for the common private way and providing that such common way shall never become a public road.

- E. Setbacks.** *No building shall be erected on a reduced frontage lot closer than three hundred (300) feet from an existing public road. All other setbacks shall be as required by the applicable zoning district.*
- F. Environmental Protection.** *All Conditional Use Permits needed to support the proposed use of a proposed reduced frontage lot shall be sought at the same time as the subdivision including the proposed reduced frontage lots. The Planning Board may deny approval of a subdivision application proposing one or more reduced frontage lots if access to or the location of any reduced frontage lot would require a Conditional Use Permit and such Conditional Use Permit is not granted prior to final action on the subdivision application. Nothing herein shall be construed as obligating the Planning Board to grant a Conditional Use Permit.*

Section 4.3 Residential/Rural Zone (RR). (3-12-63, 3-11-93, 3-10-15)

C. AREA AND FRONTAGE REQUIREMENTS.

2. Each new lot shall have a minimum frontage of two hundred (200) feet on a publicly maintained road, unless frontage has been approved and recorded as **a** reduced frontage lot/s; ~~in which event, thirty five (35) feet shall be sufficient.~~ (3-4-75, 3-10-87, 3-14-23) Corner lots shall have the minimum required frontage on each side of the lot that abuts a street or road. (3-8-22)

Section 4.4 Northern Transitional Zone (NTZ). (3-8-88)

C. AREA AND FRONTAGE REQUIREMENTS.

2. Each lot shall have a minimum frontage of three hundred (300) feet on the principal route of access to the lot, **unless frontage has been approved and recorded as a reduced frontage lot.** Corner lots shall have the minimum required frontage on each side of the lot that abuts a street or road. (3-8-22, 3-14-23)
- ~~3. If frontage is provided by a Class A or Class B reduced frontage, thirty five (35) feet of frontage on a publicly maintained road shall be sufficient for the lot or lots.~~

Section 4.5 Northern Rural Zone (NR). (3-2-76, 3-10-15)

D. AREA AND FRONTAGE REQUIREMENTS.

2. Each new lot shall have minimum frontage of three hundred (300) feet on a publicly maintained road, unless frontage has been approved and recorded as **a** reduced frontage lot/s, ~~in which event thirty five (35) feet shall be sufficient.~~ (3-9-82, 3-10-87, 3-14-23) Corner lots shall have the minimum required frontage on each side of the lot that abuts a street or road. (3-8-22)

Section 9.1 Meaning of Certain Words. (3-8-22)

Reduced Frontage Lot. *A lot meeting the requirements of Section 3.9 of the Town of Amherst*

Zoning Ordinance. (3-14-23) ~~A minimum of thirty-five (35) feet of frontage on a publicly maintained road. There are two (2) classes of reduced frontage:~~

~~A. Class A frontage provides access to one building lot.~~

~~B. Class B frontage provides access to two building lots. (3-10-87)~~

~~C. (See Section 5-2, Subdivision Regulations re: Reduced Frontage Lots)~~

YES [] NO []

EXPLANATION: The Planning Board recognized ambiguity in the language of the Subdivision Regulations and Zoning Ordinance with regard to Reduced Frontage Lots. This proposed amendment would clarify the requirements to create Reduced Frontage Lots and provide varying lot sizes in the different residential districts while allowing a 50' frontage.

Article 41: Planning Board Proposed Amendment #3

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article III, General Provisions, Section 3.11 Scenic Setbacks, to add language to add minimum lot frontage requirements for scenic roads, and to add language to the purpose statement regarding preservation of natural vegetation and wildlife, to increase the setback from 100' to 125', to encourage establishment of a 50' buffer within the 125' setback, and to require the frontage of lots on scenic roads to be 300', as follows:

Section 3.11 Scenic Setbacks and Minimum Lot Frontage on Scenic Roads.

- A. PURPOSE. The purpose of this section is to preserve and enhance the rural, open character of the Town as viewed from the main roads leading through the Town and scenic roads within the Town and to prevent unsightly development along these routes. ***This purpose can be complimented by encouraging natural vegetation and wildlife habitat in the setback to increase the rural experience of viewing beautiful natural surroundings while traveling on scenic roads and Town roads with scenic setbacks. Further preservation of rural character and open space can be accomplished through establishment of scenic road minimum lot frontage requirements which additionally benefits highly rated wildlife habitat and wildlife corridors on scenic roads in Amherst. (3-14-23)***
- B. REGULATIONS. To accomplish the purpose of this section, a setback requirement for all structures of one hundred ***twenty five*** (~~100 125~~) feet from the highway right-of-way is established on the following roads, and said setbacks shall apply notwithstanding any other setback requirements which may be applicable as a result of other zone regulations: (3-2-76, 3-14-23)

RSA 231:158 states that as part of a scenic road designation or as an amendment to such a designation adopted in the same manner, a town may impose provisions with respect to such a road which are different from or in addition to those set forth in this section. Relative to RSA 231:158 this additional provision encourages establishment of a fifty (50) foot vegetative buffer and use of best management practices to maintain it within the one hundred twenty-five (125) foot setback on scenic roads.

Each new lot on a scenic road shall have a minimum frontage of three hundred (300) feet on a publicly maintained road, unless frontage has been approved and recorded as a reduced frontage lot. Corner lots on scenic roads shall have the minimum required frontage on each side of the lot that abuts a street or road.

Lots created on or after the effective date of approval of this section (3-14-23) shall comply with its provisions. (3-14-23)

C. EXCEPTIONS TO SCENIC SETBACK REQUIREMENTS.

1. In the event that a lot of record at time of passage of this section is of such size and dimension that the application of the foregoing setback in combination with all other setbacks as may be required for such lot precludes the use of more than sixty percent (60%) of the area of such lot, then the foregoing one hundred *twenty five* (~~100~~ 125) foot setback shall not apply to such lot; however, if a lot qualifies for this exception and is also subject to Non-Residential Site Plan Review by the Planning Board, the Planning Board shall determine that appropriate provision has been provided so as to reasonably achieve the purpose of this section as set forth in Paragraph 1 above. (3-2-76, 3-14-23)

YES [] NO []

EXPLANATION: This proposed amendment increases the setback for placement of structures on scenic roads from 100' to 125' and also requires that the minimum frontage of new lots created on scenic roads be 300'. It suggests an optional 50' buffer to encourage natural vegetation and wildlife habitat in the setback.

Article 42: Planning Board Proposed Amendment #4

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article III, General Provisions by adding a new section, Section 3.20 Outdoor Lighting and Glare that includes a purpose statement and general requirements, requires lighting to be shielded to avoid glare, provides measurements for the amount of light trespass that is allowed, that specifies the allowable height of light fixtures, that specifies the kind of lighting permitted, that includes hours of operation for lighting, that includes

wiring requirements and requirements for site plans and subdivisions, that lists exempt types of lighting, and includes definitions, as follows:

Section 3.20 Outdoor Lighting and Glare (3-14-23)

A. PURPOSE AND AUTHORITY. *This ordinance is adopted consistent with the New Hampshire Dark Sky Policy set forth in RSA 9-E:3 and as an innovative land use control pursuant to RSA 674:21 and shall be administered by the Planning Board. Natural dark skies are the nighttime aspect of our rural aesthetic. Light pollution and glare from inappropriate lighting degrades the rural aesthetic of the town. This ordinance is intended to enhance public safety and welfare by allowing adequate and appropriate outdoor lighting, providing for lighting that will complement the character of the Town of Amherst, reducing glare, minimizing light trespass, reducing unnecessary energy consumption, and preventing the degradation of the visibility of the night sky.*

B. GENERAL. *Outdoor lighting shall be designed to illuminate the site and parking areas without causing glare or excessive illumination on neighboring properties or streets. Lighting should be designed to enhance the attractiveness, usability, and comfort of a site. Lighting installations, including the design of poles and fixtures, should be designed with due consideration of setting, use, architecture, landscaping, existing trees, neighboring properties, and the character of the adjacent roadway. Glare from vehicle headlights shall be mitigated to the greatest extent possible through location and design of egresses, landscaping, and screening.*

Illuminating Engineering Society of North America (IESNA) standards shall apply to uses and lighting limitations not specifically addressed in this ordinance, including recommended uniformity ratios and illumination levels. When any subdivision or site plan proposes installed outdoor lighting, the final plan shall contain a statement stating that the applicable provisions of this ordinance and any associated regulations shall be adhered to.

C. SHIELDING. *All outdoor luminaires shall be fully shielded, zero uplight luminaires, so that no direct light is projected above a horizontal plane passing through the lowest light emitting portion of the luminaire.*

D. LIGHT TRESPASS. *Outdoor lighting shall be located, shielded, and maintained to limit light trespass onto adjacent properties and public ways.*

Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all floodlights or spotlights with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$ where D is the distance in feet to the nearest property boundary, but not higher than the maximum mounting height specified herein.

If any flood or spotlight with a lamp or lamps rated at 900 lumens or less is aimed, directed or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to pedestrians or persons operating motor vehicles on public ways, the luminaire shall be redirected, or its light output reduced or shielded, as necessary to eliminate such conditions.

In connection with any subdivision or site plan approval, acceptable light trespass may be required to be demonstrated by analysis satisfactory to the Planning Board in compliance with the following: horizontal illuminance at the property line shall not exceed 0.05 footcandles adjacent to a residential property and 0.1 footcandles adjacent to a nonresidential property (solely as a point of reference, full moonlight is approximately 0.03 footcandles). Driveways or other access ways to properties are allowed to have light trespass not to exceed 0.1 foot candles up to 20 feet into the public right-of-way. Properties that share a driveway or other access way or have adjoining parking areas may have lighting trespass over the shared property lines subject to the written agreement of all parties.

In connection with any subdivision or site plan approval, for areas adjacent to or including undeveloped land or required open space, the Planning Board may require additional light trespass and horizontal illuminance limitations to protect flora and fauna in these areas.

- E. MAXIMUM MOUNTING HEIGHTS.** *Light fixtures mounted on building exteriors shall not be placed higher than 30 feet above the ground. Light poles shall not exceed the following heights, measured from the ground to the bottom of the light fixture:*
- 1. 20 feet in the Commercial and Industrial districts (use of shorter poles is encouraged);*
 - 2. 15 feet in all other districts.*
 - 3. The Planning Board may approve higher mounting heights in connection with a non-commercial sports and recreation use in districts where such uses are allowed, provided the purpose and intent of this ordinance is preserved.*
- F. LIGHTING SOURCES.** *Mercury vapor outdoor lighting is prohibited. Outdoor light sources shall be of energy efficient design, with a color temperature of 3000 Kelvin or less. Outdoor light sources including any flickering or pulsing light are prohibited. Processes which create light flashes such as, but not limited to, electric arc welding, shall be confined to buildings or shielded to prevent either glare or flashes reflected from the sky.*
- G. HOURS OF OPERATION.** *Outdoor lighting shall be turned off or reduced in intensity by 11:00 p.m. unless an activity being lighted extends beyond that time. Lighting of display lots such as, but not limited to, automobile sales or rental,*

recreational vehicle sales, or building material sales shall be turned off within (30) thirty minutes after closing at the end of the business day. Any outdoor lighting used after work/activity/event hours shall be security lighting only, reduced from the level of full illumination lighting. Similarly, lighting for parking lots shall either be turned off or noticeably reduced to security levels after the closing of business. The intention of this requirement is to reduce after-hours illumination to the greatest extent while recognizing the need for security lighting. The Planning Board may impose limitations on lighting, hours of operation, or both, consistent with the purposes of this paragraph.

- H. WIRING.** *Wiring for all outdoor lighting fixtures must be placed underground or within the associated structure.*
- I. SITE PLAN OR SUBDIVISION APPROVAL.** *Uses for which subdivision or site plan approval is required shall demonstrate compliance with these requirements to the satisfaction of the Planning Board.*
- J. EXEMPTIONS.** *The following are exempted from this section:*
- 1. Installations existing prior to the enactment of this ordinance are exempt from its requirements. Alterations that would increase (by any amount), or replace twenty-five percent (25%) or more of, the existing outdoor lighting fixtures on the premises shall conform to the requirements of this ordinance.*
 - 2. Lighting of the American flag. Shielded lighting from above the flag is encouraged if lighting is desired.*
 - 3. Lighting required to meet state or federal requirements, if no compliant solution is available.*
 - 4. Emergency safety lighting.*
 - 5. Holiday lighting during the months of October through the following January, provided the lighting is consistent with light levels of conventional holiday lighting and does not cause hazardous glare on adjacent streets or objectionable conditions on neighboring properties.*
 - 6. Residential uses of luminaires with a lamp or lamps rated at a total of less than 1800 lumens or, in the case of flood or spot lights, with a lamp or lamps rated at less than 900 lumens (except such flood or spot lights are subject to the light trespass provisions of this ordinance). Use of fully shielded fixtures is encouraged for such installations.*

Owners or operators of non-conforming fixtures or installations are encouraged to bring their outdoor lighting into voluntary compliance with these requirements.

K. DEFINITIONS

- 1. Direct Light: Light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.*
- 2. Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.*
- 3. Lamp: The component of a luminaire that produces the actual light.*

4. *Luminaire: A complete lighting assembly that includes the fixture and its lamp or lamps.*
5. *Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.*
6. *Glare: Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.*
7. *IESNA: Illuminating Engineering Society of North America.*
8. *Indirect Light: Direct light that has been reflected or has scattered off other surfaces.*
9. *Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.*
10. *Lumen: A unit of luminous flux. One foot candle is one lumen per square foot. For the purposes of this ordinance, the lumen-output values shall be the initial lumen output rating of a lamp. For reference only, 1800 lumens is approximately the light output of a 100W incandescent bulb.*
11. *Outdoor Lighting: The night-time illumination of an outside area or object by any manmade device located outdoors that produces light by any means.*

YES [] NO []

EXPLANATION: This proposed amendment adds a new section regarding outdoor lighting. The amendment proposes regulations that would follow “dark-sky” models to cut down on light leaving sites and producing glare. It also contains the hours lighting is permitted and requirements for lowering the light when a business is not operating or an activity is not taking place.

Article 43: Planning Board Proposed Amendment #5

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article IV, Zoning Regulations, Section 4.9 Industrial Zone, to add a new use to the prohibited uses, to require buffers and noise attenuation between lots in the industrial district that border residential zones or uses, to refer to the former B&M railroad right-of-way correctly, to delete the 80' height allowance for uninhabited structures, and to add requirements for vehicle idling, parking and restroom requirements, as follows:

Section 4.9 Industrial Zone.

B. NO LAND, BUILDING, OR STRUCTURE SHALL BE USED FOR ANY OF THE PURPOSES ENUMERATED BELOW.

10. Any use that results in off-site parking of vehicles (while such vehicles await access to the site or otherwise) if the vehicle violates the internal combustion engine idling time limits of Section 4.9 E.8. (3-14-23)

E. YARD AND BUILDING REQUIREMENTS.

3. Any lot bordering a residential zone or an existing residential use shall have a landscaped buffer between any building and such residential zone or use, as follows: (3-4-75, 3-14-23)

- i. A one hundred (100) foot buffer from the lot line. Buffer plantings shall be presented in a landscaping plan for Planning Board approval in accordance with the Town of Amherst Non-Residential Site Plan Review Regulations.**
- ii. Between the one hundred (100) foot vegetated buffer and any building, an earthen berm topped by noise attenuation panels shall be constructed for visual, light and noise attenuation. The heights of the earthen berm and noise panels shall be adequate for visual, light and noise attenuation, as determined by the Planning Board. The Planning Board may allow breaks in the berm if necessary for emergency access, stormwater control, or otherwise, if the overall purposes of visual, light, and noise attenuation are maintained. (3-14-23)**

4. No structure shall be constructed to a height greater than forty (40) feet, excepting industrial structures south of the former Boston & Maine Railroad right-of-way which shall not exceed fifty (50) feet for inhabited and eighty (80) feet for uninhabited structures. (3-4-75, 3-11-86, 3-12-91, 3-11-14, 3-14-23)

8. Site owners and operators shall affirmatively enforce the following internal combustion engine idling limitations:

- Above thirty-two degrees Fahrenheit (32F), no more than a total of five (5) minutes in any sixty (60) minute period;**
- Between minus ten degrees Fahrenheit (-10F) and thirty-two degrees Fahrenheit (32F), no more than a total of fifteen (15) minutes in any sixty (60) minute period;**
- Below minus ten degrees Fahrenheit (-10F), no limit as long as no nuisance is created.**

Neither awaiting a designated parking or docking location, nor the presence of other vehicles on or awaiting entry to the site shall be a “traffic condition over which the operator has no control”. See generally New Hampshire Code of Administrative Rules Env-A 1102. A failure to comply with this provision shall be considered a code violation by the vehicle operator, the site owner, and the site operator. Both the Code Enforcement Officer and public safety officials shall have the authority to enforce this provision. (3-14-23)

9. Adequate parking shall be provided so that vehicles awaiting delivery or pickup, loading and unloading, are not required to seek off-site parking. Parking spaces shall be sized to accommodate expected vehicle, trailer, or combination dimensions. (3-14-23)

10. Indoor restroom facilities shall be provided to accommodate employees and vehicle drivers using the site. Access shall be provided at all hours during which personnel are working on the site or are permitted to park at the site while awaiting access. (3-14-23)

YES [] NO []

EXPLANATION: This proposed amendment adds requirements in the Industrial district to provide for buffers and noise attenuation between industrial lots and residential lots and uses. It also adds requirements for idling times for vehicles, parking requirements and restroom facilities requirements. The amendment requires all structures in the Industrial district to be a maximum of 50' in height.

Article 44: Planning Board Proposed Amendment #6

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article IV, Zoning Regulations, Section 4.19 Impact Fees, Sub-Section N, Off-site Improvements, to update the definition of off-site improvement, to detail a procedure for determining the need for off-site improvement exactions, and to discuss the determination of proportionate share as part of subdivision and site plan review applications, as follows:

Section 4.19 Impact Fee Ordinance.

N. Off-site Improvements.

1. Definition of Off-site Improvement. ~~A specific “off site” capital facility or infrastructure improvement that is required by the Planning Board for either a site plan or subdivision that is necessary, in the judgment of the Planning Board, for the project to operate properly on the day that it opens shall be considered to be an Off-Site Improvement.~~ ***“Off-site improvements” means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development. (3-14-23)***
2. Imposition of Off-site Improvements Requirements ***Exaction.*** Off-site improvements ***exactions*** for site specific applications shall be assessed on a case-by-case basis and shall be in addition to other impact fees imposed pursuant to this ordinance. ***Upon receipt of an application that may necessitate any off-site improvement, the Planning Board shall request the Department of Public Works to identify off-site highway, drainage, sewer and water upgrades necessitated by the development and an estimate of the costs of those upgrades. If the Department***

requires outside engineering support in identifying and estimating the cost of such upgrades, the applicant shall bear the reasonable expense of such support. In a case in which it is determined that such an improvement is necessary for the proper operation of the project, the Planning Board shall so notify the applicant. (3-14-23)

3. Determination of Proportionate Share of Off-Site Improvement Cost(s). ~~In~~ circumstances where it can be demonstrated that such improvement will benefit the community at large, as well as the future occupants of the proposed new development, the Planning Board may require the applicant to present to the Board a study that identifies the proportionate share of the cost of the required improvement that pertains to the new development. *The Planning Board shall determine the proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction.* In such a case, the ~~The~~ Planning Board may, at the expense of the applicant, refer such ~~obtain a~~ study to ~~by~~ a consultant of its own choosing to ~~determine~~ *advise on* the reliability of the findings that shall be considered by ~~proportionate share~~ the *Planning Board should* to arrive at an amount to be ~~have~~ contributed by the applicant for the off-site improvements. *The applicant shall provide its recommendations on and support for the proportionate share it believes is appropriate. The Planning Board shall determine the proportionate share and impose exactions it determines are necessary in conjunction with approval of the application. Payment of the exaction shall be a condition precedent of the Planning Board's approval.* (3-14-23)

YES [] NO []

EXPLANATION: This proposed amendment includes a definition of an off-site improvement and establishes a procedure for the Planning Board to consult with the Department of Public Works to determine what would be required for off-site improvements for any given project and how the proportionate share of the cost of the improvements would be calculated.

Article 45: Planning Board Proposed Amendment #7

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article VI, Administration, Section 6.3 Board of Adjustment, to amend the deadline for Zoning Board of Adjustment action on an application and to allow a denial without prejudice of an application for which insufficient information has been submitted for the Zoning Board of Adjustment to render a decision, as follows:

Section 6.3 Board of Adjustment.

D. MEETINGS. Meetings of the Board shall be held at the call of the Chairman and at such

other times as the Board of Adjustment may determine. All meetings shall be open to the public. (3-12-63) The Board shall keep a record of proceedings showing the vote upon every question. (3-12-63) Every rule or regulation, and every order, requirement, decision, or determination of the Board of Adjustment shall immediately be filed in the office of the Board of Adjustment and shall become a public record. (3-12-63)

The concurring vote of three (3) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative office, or to decide in favor of the appellant, or to decide any matter upon which it is required to pass, or to effect any variance from the strict application of provisions of this ordinance. (3-12-63)

~~All applications shall be acted upon within ninety (90) days after the date of filing the application or within ninety (90) days of the date of filing of any additional information requested by the Board but no later than six (6) months after the date of filing; provided, however, when additional information is not furnished within a reasonable time, the Board may, on notice to the applicant, deny the application without prejudice to the right to re-file. Upon receipt of an application, the Zoning Board of Adjustment shall begin formal consideration and shall approve or disapprove such applicant within 90 days of the date of receipt, provided that the applicant may waive this requirement and consent to such extension as may be mutually agreeable. If the Zoning Board of Adjustment determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension, the Board may, in its discretion, deny that application without prejudice, in which case the applicant may submit a new application for the same or substantially similar request for relief.~~ When an application is denied on the merits, for any further application it must be found by the Board of Adjustment that a material change of circumstances affecting the merits of the application has occurred or the application is for a use that materially differs in nature and degree from its predecessor. If this is not determined, the Board of Adjustment may not lawfully reach the merits of the application. (3-6-73, 3-8-22, 3-14-23)

YES [] NO []

EXPLANATION: Recent changes to NH RSA 674:33 require that the Zoning Ordinance be amended to reflect the updated requirements for the Zoning Board of Adjustment to act upon an application within 90 days of the date of receipt. This amendment also includes the recent statutory change which allows the Zoning Board of Adjustment to deny an application without prejudice if insufficient information has been submitted for the Board to make a decision. This means that the same application can be submitted in the future with the right information included.

Article 46: Planning Board Proposed Amendment #8

Are you in favor of the adoption of the following amendment to the existing Town Building

Code as proposed by the Planning Board?

Delete Article VII, Performance and Site Maintenance, Section 7.3 Temporary Facilities, as follows:

Section 7.3 Temporary Facilities - Deleted. (3-14-23)

~~At the discretion of the Building Official, temporary sanitary facilities for construction workers may be required to be on site and properly maintained for the duration of the project. (3-11-14)~~

YES [] NO []

EXPLANATION: This proposed amendment deletes language that is in conflict with provisions contained in the State Building Code.

Article 47: Planning Board Proposed Amendment #9

Are you in favor of the adoption of the following amendment to the existing Town Building Code as proposed by the Planning Board?

Amend Article XVI, Building Code, Section 16.1 Building Code by deleting the list of itemized codes currently contained therein, as follows:

Adoption of Codes by Reference. The Town of Amherst hereby adopts the ~~following~~ building codes and amendments thereto pursuant to RSA 155-A **and 674:51**, as amended. These codes shall be known as the Building Code and are adopted to establish rules and regulations for the construction of buildings within the limits of the Town of Amherst. Where any provision of the Building Code conflicts with State or federal law, the code creating the greater degree of life safety shall take precedence. (3-11-14, 3-14-23)

- ~~A. NFPA 101 – Life Safety Code – 2009 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~
- ~~B. NFPA 70 – National Electric Code – 2011 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~
- ~~C. NFPA 211 – Chimneys, Fire Places, Vents & Solid Fuel Burning Appliances – 2006 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~
- ~~D. International Building Code (ICC) – 2009 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~
- ~~E. International Plumbing Code (IPC) – 2009 Edition (or per the latest edition and~~

~~Amendments as adopted by the State of New Hampshire).~~

~~F. International Mechanical Code (ICC) — 2009 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~

~~G. International Residential Code for One and Two Family Dwellings (ICC) — 2009 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~

~~H. International Energy Conservation Code — 2009 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~

~~I. International Existing Building Code (ICC) — 2009 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire).~~

~~J. New Hampshire Architectural Barrier Free Design Code — 2010 standards (or per the latest edition and Amendments adopted by the State of New Hampshire).~~

YES [] NO []

EXPLANATION: This proposed amendment deletes the itemized list of codes to avoid conflict with similar requirements in the State Building Code.

Article 48: Planning Board Proposed Amendment #10

Are you in favor of the adoption of the following amendment to the existing Town Building Code as proposed by the Planning Board?

Amend Article XVI, Building Code, Section 16.1 Building Code, by adding requirements for water quality and quantity testing, as follows:

Adoption of Codes by Reference. The Town of Amherst hereby adopts the ~~following~~ building codes and amendments thereto pursuant to RSA 155-A, as amended. These codes shall be known as the Building Code and are adopted to establish rules and regulations for the construction of buildings within the limits of the Town of Amherst. Where any provision of the Building Code conflicts with State or federal law, the code creating the greater degree of life safety shall take precedence. (3-11-14, 3-14-23)

1. The definition of potable water in Section R202 of the 2018 International Residential Code is replaced with:

[MP] POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Drinking Water Maximum Contaminant Level standards established by the more stringent of the New Hampshire Department of Environmental Services or the U.S. Environmental Protection Agency for

Arsenic, Bacteria, Copper, Fluoride, Lead, Nitrate, Nitrite, Uranium, Manganese, and those Per- and Polyfluoroalkyl Substances (PFAS) Contaminants for which standards have been set, including but not limited to:

<i>Perfluorohexane sulfonic acid (PFHxS), total of all isomers</i>
<i>Perfluorononanoic acid (PFNA), total of all isomers</i>
<i>Perfluorooctane sulfonic acid (PFOS), total of all isomers</i>
<i>Perfluorooctanoic Acid (PFOA), total of all isomers</i>

- 2. The existing text of the 2018 International Residential Code, Section P2602 Individual Water Supply and Sewage Disposal, Subsection P2602.1, General, is supplemented by the addition of the following:*

Water Quality Test. Water from an individual water supply shall be approved as potable by the authority having jurisdiction prior to issuance of a certificate of occupancy. A report from a laboratory accredited under the New Hampshire Environmental Laboratory Accreditation Program or another state program under the National Environmental Laboratory Accreditation Program shall be submitted to the code/building official. When water treatment is necessary, treated water shall be tested for the contaminants listed within the “potable water” definition.

Well Capacity Test. An individual water supply system based on an individual well shall provide at least 960 gallons of water over a four hour period in accordance with the following requirements:

- 1. Upon completion of the drilling and development of the well, the well must be pumped with a submersible pump located at the likely depth the permanent well pump would be set and at least 25 feet above the bottom of the well.*
- 2. The determination of the usable well yield must be performed by completing a pump test a minimum of four hours in duration unless the criteria in No. 4 below is met.*
- 3. During the pump test, the water level in the well must always be at least 20 feet above the pump intake, and if not, the pumping rate must be reduced to maintain the minimum 20 feet of water above the pump intake.*
- 4. The pump test can be terminated in less than four hours if the water level drawdown rate is measured as less than 1 inch per minute over a 30 minute period and the pumping rate being maintained is a minimum of 4 gallons per minute.*
- 5. Upon completion of the pump test, the water level must recover within 24 hours to at least 85 percent of the static water level measured prior to commencement of the pump test.*

- 6. *The well must have a minimum aquifer yield of no less than 2 gallons per minute.*
- 7. *The pump test must be overseen and documented by a licensed water well contractor, licensed pump installer, or a licensed geologist, with appropriate qualifications.*
- 8. *The well construction details and pump test results must be documented and provided to the municipality and the homeowner.*
- 9. *If a well fails to meet the required pumping rate and performance standards, additional water volume may be met by adding a water storage tank to the domestic water system or another approved alternative method.*
- 10. *If the sanitary exclusion zone (as defined in NH Department of Environmental Services regulations) of one or more additional wells overlaps the sanitary exclusion zone of the subject well, then all such wells with overlapping sanitary exclusion zones must be tested and meet the capacity requirements simultaneously. The early termination provision of paragraph 4 shall not apply unless each well being tested simultaneously meets the criteria of paragraph 4.*

YES [] NO []

EXPLANATION: This proposed amendment adds language to the Building Code that is more stringent than that required by the State Building Code with regard to water quality and quantity testing.

Article 49: Are you in favor of the adoption of an Amendment as proposed by petition for the Town of Amherst Zoning Ordinance, as follows:

To amend the Town of Amherst NH Zoning Ordinance, Article IX, Section 9.1 Meaning of Certain Words by adding the following definition:

Warehouse: A facility, or part of a facility, used primarily for storing goods, wares, commodities and merchandise, whether for the owner thereof or for others, and whether it is a public or private warehouse operation, or act in relation thereto. Warehouse shall include shipping and/or delivery to retailers and businesses (business to business and wholesalers). Warehouse shall exclude Distribution Center as defined in Section 9.1.

YES [] NO []

Pursuant to RSA 675:4, III, the Amherst Planning Board states its recommendation: that it **is in favor** of the petition to amend the Zoning Ordinance as proposed (3-1-0).

Article 50: Are you in favor of the adoption of an Amendment as proposed by petition for the Town of Amherst Zoning Ordinance, as follows:

To amend the Town of Amherst NH Zoning Ordinance, Article IX, Section 9.1 Meaning of Certain Words by adding the following definition:

Distribution Center: A facility, or part of a facility, where goods or products are stored on-site temporarily for the primary purpose of shipping and/or delivery to a consumer. Such facilities may include automated systems, office space, and a pick and pack area to be used by employees for sorting and packaging goods and products for shipping and/or delivery from available on-site inventory. Distribution Center includes fulfillment by third parties for the above stated purposes. Distribution Center excludes shipping and/or delivery to retailers and businesses (business to business and wholesalers). Distribution Center is not defined as Warehouse, as defined in Section 9.1. Distribution Center is not defined as a Retail use that may have an accessory Delivery component.

YES [] NO []

Pursuant to RSA 675:4, III, the Amherst Planning Board states its recommendation: that it **is in favor** of the petition to amend the Zoning Ordinance as proposed (3-1-0).

Article 51: Are you in favor of the adoption of an Amendment as proposed by petition for the Town of Amherst Zoning Ordinance, as follows:

To amend the Town of Amherst NH Zoning Ordinance, Article IV, Section 4.9 Industrial Zone, A. PERMITTED USES by including the following replacement use:

6. Warehouses, Distribution Centers no greater than 200,000 square feet, service industries and parcel delivery.

YES [] NO []

Pursuant to RSA 675:4, III, the Amherst Planning Board states its recommendation: that it **is not in favor** of the petition to amend the Zoning Ordinance as proposed (3-2-0).

Article 52: Are you in favor of the adoption of an Amendment as proposed by petition for the Town of Amherst Zoning Ordinance, as follows:

To amend the Town of Amherst NH Zoning Ordinance, Article III, Section 3.11 Scenic Setbacks and Minimum Lot Frontage on Scenic Roads.

A. PURPOSE. The purpose of this section is to preserve and enhance the rural, open character of the Town as viewed from the main roads leading through the Town and scenic roads within the Town and to prevent unsightly development along these routes. ***This purpose can be complemented by encouraging natural vegetation and wildlife habitats in the setback to increase the rural experience of viewing beautiful natural***

surroundings while traveling on scenic roads and Town roads with scenic setbacks. Further preservation of rural character and open space can be accomplished through establishment of scenic road minimum lot frontage requirements which additionally benefits highly rated wildlife habitat and wildlife corridors on scenic roads in Amherst. (3-14-23)

B. REGULATIONS. To accomplish the purpose of this section, a setback requirement for all structures of one hundred (100) feet from the highway right-of-way is established on the following roads, and said setbacks shall apply notwithstanding any other setback requirements which may be applicable as a result of other zone regulations: (3-2-76, 3-14-23)

RSA 231:158 states that as part of a scenic road designation or as an amendment to such a designation adopted in the same manner, a town may impose provisions with respect to such a road which are different from or in addition to those set forth in this section. Relative to RSA 231:158 this additional provision encourages best practices for preservation of existing trees, natural vegetation, and stone walls along scenic roads.

Each new lot on a scenic road shall have a minimum frontage of three hundred (300) feet on a publicly maintained road, unless frontage has been approved and recorded as a reduced frontage lot. Corner lots on scenic roads shall have the minimum required frontage on each side of the lot that abuts a street or road.

Lots created on or after the effective date of approval of this section (3-14-23) shall comply with its provisions. (3-14-23)

YES [] NO []

Pursuant to RSA 675:4, III, the Amherst Planning Board states its recommendation: that it **is in favor** of the petition to amend the Zoning Ordinance as proposed (3-2-0).
