

## 5 LAND USE COMPONENTS

### 5.1 Existing Land Use

Kensington is a suburban/rural community that lies in the heart of the fastest growing region of New Hampshire. It is a community that is realizing development pressures as its larger neighboring towns become more populous and congested. The Town is readily accessible by several state-maintained highways, including Routes 108, 150, 107, and to a lesser extent, Route 84. Route 107 provides direct access to the Kingston-Seabrook exit of Interstate 95. As such, Kensington's rural character and location is extremely attractive to people employed in Massachusetts, southern Maine and southeastern New Hampshire. With the completion of NH Route 101, the Manchester metropolitan area is now within commuting distance from Kensington.

The combination of the factors mentioned above along with the long periods of economic prosperity and large amounts of undeveloped land (compared to other communities in the region) has resulted in rapid growth since the 1940's. The most rapid growth occurred between 1950 and 1970, when the population almost doubled in twenty years. While most of the growth has been residential, scattered commercial development throughout Town has also increased. While population growth (as measured by average annual rate) has slowed in Kensington since 1970 as the amount of undeveloped land has declined, growth has continued at a rate in excess of 1.5% per annum from 1990-1999. Of particular interest is the growth of Towns surrounding Kensington, depicted in the chart below. The growth rates provided in this chart are annual averages during the specified period; as a result small towns such as Kensington appear to be growing faster than larger towns. Attention should also be paid to the actual population increases which have also been provided. Due to the availability of developable land, Kensington can expect the continued growth of residential development in the future, based upon the present regulatory scheme and assuming a continuation of the strong financial conditions which exist today.

TOWN	AVERAGE ANNUAL GROWTH RATE: 1990-1999
East Kingston	2.4% (1,352 - 1,674)
Exeter	.74% (12,481 - 13,338)
Hampton Falls	1.98% (1,503 - 1,793)
<b>Kensington</b>	<b>1.54% (1,631 - 1,871)</b>
Seabrook	1.04% (6,503 - 7,135)
South Hampton	.98% (740 - 808)
Rockingham County	1.04% (245,845 - 269,746)
State of NH	.89% (1,109,117 - 1,201,000)

**Table 1: Average Annual Growth Rates, 1990 – 1999**

Source: Rockingham Planning Commission

### ***5.1.1 Existing Land Use Survey***

The centerpiece of any Existing Land Use chapter is the Existing Land Use survey and subsequent map. In 2000, the Rockingham Planning Commission prepared a new existing land use map using digitized aerial photography (taken in 1992) which was verified and corrected by the Master Plan Committee in preparing this Master Plan in 2001. See Appendix H.

The Existing Land Use Map provides valuable information regarding the location and type of specific activities and the overall mosaic of land uses. This is particularly useful in reviewing land use trends over time and formulating future land use objectives.

#### **Town Center**

Kensington does not have a typical town common like many small New Hampshire communities. However, most of the Town facilities including the Town Hall (housing the Town Offices and Police Department), Library, Elementary School, Grange Hall, Cemetery and the Fire Station are located along Route 150, although not in a dense cluster. The Town's Highway Department and recycling center are located on Trundle Bed Lane. Through the efforts of the townspeople, monies were raised to purchase the (Chase) residence on the west side of Route 150 across from the Elementary School for future municipal use which may further define a Town center.

#### **Residential**

Residential property comprises the largest single developed land use in Kensington. According to current assessment records, there are approximately 734 residential structures in Town as of April 1, 2000. Single-family dwellings continue to far outnumber other residential uses. Kensington, unlike many communities in the region, does not have any areas of town which are more heavily developed than the remaining town. Most of the communities in the region experienced residential building booms in the 1960's, 1970's and 1980's which produced larger and denser subdivisions than the traditionally established development pattern. Historically, the most developed area of Town was the area surrounding the Town Hall on Route 150. However, recently constructed subdivisions along Muddy Pond, Stumpfield and Wild Pasture Roads have modified this pattern. Once built-out, the subdivisions in these areas will likely comprise Kensington's largest pockets of residential development.

#### **Commercial**

Commercial development in Kensington constitutes a very small percentage of the overall development mosaic, occurring primarily along Route 150. The only commercial Zoning District is located at the intersections of Route 150 and Route 107 (Eastman Corner). While much of the land in this District is currently undeveloped *or* underdeveloped, the land area of the entire district is small. Many of Kensington's businesses are service-oriented enterprises that are supported primarily by local residents.

There are limited commercial uses scattered throughout Town, many of which are "grandfathered" uses or home occupations. Examples of these businesses include, but are not limited to, The Kensington Grocery, Exeter-Hampton Electric and Rosencrantz & Son. Kensington does not have the large numbers of seasonal businesses such as motels, cabins and restaurants as many of its neighboring communities do.

### **Industrial**

There are no traditional industrial developments within the Town of Kensington.

### **Recreational**

Recreational land uses are discussed in greater detail in the Recreation section of this Master Plan. Recreation uses occupy only a small, but important, portion of Kensington's total land area. Kensington's most important recreational lands include the Park/Ball field on Trundle Bed Lane and Sawyer Ball field across the street in addition to the Town trails located on both public and private lands.

### **Agricultural**

Kensington has historically been an agricultural town, which has contributed strongly to the rural character of the community. The second half of the twentieth century, however, witnessed a dramatic decline in farming in the town. According to a UNH land use change study, there were 2115 acres in agricultural production in Kensington in 1953, compared to 1140 acres in 1982. Less than 1% of town households were listed as farming in the 1990 US Census. There are two working dairy farms in town, along with one large vegetable farm and several small growers. In addition, our lingering rural aspect includes several tree farms and logging operations, a few apiaries (bee keeping), maple syrup production, firewood operations, and a farm equipment sales business. Although far fewer in number than in the past, these remaining agricultural operations have a very significant impact on the scenic and rural qualities of the community.

Soil information is an important indicator of land that can be highly productive for agricultural use. Important agricultural soils recognized by the U.S. Natural Resource Conservation Service (formerly the Soil Conservation Service) are "prime farmland" and "farmland of statewide importance," both of which are viable for continuous or nearly continuous use without significant degradation. These are considered to be a scarce resource in New Hampshire and the seacoast region. Protection of prime farming soil is important in maintaining the viability of agriculture as a development option in the town. A map depicting Kensington's agricultural resources may be found in Appendix H.

Aside from its obvious importance in growing food, agricultural land has value as a scenic resource, as wildlife habitat, as a corridor allowing interconnections between different habitats, and as a groundwater recharge area. The habitat requirements of many species (e.g., songbirds, mice, rabbits, woodchucks, deer, etc.) include open fields and the edges between fields and woodlands. Many species in decline or now rare in New Hampshire depend upon farmland habitat. Thus, the loss of farmland restricts the range of native wildlife populations.

Farming also provides economic benefits to the town, not only in terms of food production and employment, but also as a significant addition to the property tax base. Cost of Community Services studies (Appendix D) have repeatedly shown that farmland and other open land uses produce more in tax revenues than they consume in services, even when enrolled in the Current Use program. On the other hand, when residential subdivisions consume farmland, the cost to communities to provide municipal services for the additional residents is typically greater than the increased tax revenue provided by the development. It is important to remember that farmland conversion is a permanent loss. Although agricultural lands may be less viable economically than in the past, conserving farmlands and promoting agricultural development can directly help Kensington achieve its desired objectives of maintaining rural character while keeping tax rates low.

In recent years, there has been a notable growth in horse farms in Kensington. Most of these are small family paddocks kept for pleasure, but several are large operations of a commercial agricultural character. These horse farms indicate the changing face of agriculture in town, shifting from farming as agricultural production towards a more “recreational agricultural” use. Nevertheless, they are significant contributors in maintaining the agricultural base and the rural character of the town.

Kensington is now in fact a “mixed use” town, which breeds its own discontent. Certain rural activities that were acceptable in the past are coming under scrutiny today. Existing farming, logging and excavation activities interact with new housing developments containing professionals who commute to work. Balancing the demands of these disparate groups while striving to achieve the stated development goals of town residents is one of the major planning challenges facing Kensington.

### ***5.1.2 Current Use***

Current Use is a pervasive method of keeping land in its natural state for farming, timber stands, or hay fields and as such is taxed at a slightly advantageous rate. This is one way of maintaining rural landscape and keeping it more affordable for owners of large plots of land, some of whom are “land rich” but otherwise relatively poor. In a town where people are “land proud,” land is a symbol not only of ancestral tradition but also of life-style. Current Use tax practices help to keep undeveloped land in the family.

As of 1997, 4,469 acres are in current use.

Current Use assessment is based on “the capacity of the land to produce income in its current use – whether it be managed farm or forest, or unmanaged open space – and not its potential use,” according to the Statewide Program of Action to Conserve Our Environment. This method of temporary conservation does not preclude eventual development, but may stave off its inevitability in some cases.

### ***5.1.3 Land Use Trends***

Several dramatic trends are evident from studying the data presented in the charts on the following pages. In 1953 developed land represented 7.2 percent of Kensington's total acreage,

and in 1974 that number more than doubled to 17.0 percent. In 1982 the report estimated that 34.1 percent of the Town's total land area was developed. Of the 2,607 acres of land developed in 1982, over 12.2 percent was previously used for agriculture in 1953 and 12.4 percent was forested land in 1953. By 2000, the amount of developed land had risen to an estimated 51.1 percent.

The loss of agricultural land is also quite evident. The amount of agricultural land decreased from 26.6 percent in 1953 to only 8.1 percent in 2000. This represents nearly a 70% decrease in the amount of agricultural land in Kensington in the last half century. A similar loss of forested land was also experienced, from 60.6 percent in 1953 to 37.5 percent in 2000. The loss of forested land is almost as dramatic as the loss of agricultural land.

An additional trend, obvious to any developer, is that the land most readily suited to development has been developed first. An increasingly larger proportion of undeveloped land will be less well-suited to development due to steep slopes, wetlands, ledge, inaccessibility, or other factors. Recently approved subdivisions including Lambert and Gove Hill only attest to this. Continued careful review by the Planning Board of proposals and conscientious enforcement of regulations by the Town should be followed to protect Kensington's natural resources.

One unique characteristic of Kensington that most other communities do not have to contend with is the large amount of wetlands in town. Based on soils information, approximately 28.9 percent of the land in Kensington is considered to be wetlands, with 13.8 percent being very poorly drained soils and 15.1 percent being poorly drained soils. With development restricted in these areas, a large portion of land is unusable for building.

#### ***5.1.4 Compatibility with Zoning***

One of the main purposes for conducting a land use survey is to compare existing land use with the zoning districts the Town has adopted. The purpose of zoning is to regulate the location and impact of various types of land use and to maximize the compatibility of adjacent land uses. Zoning is a regulatory tool by which to enact and enforce the community plan for particular land areas.

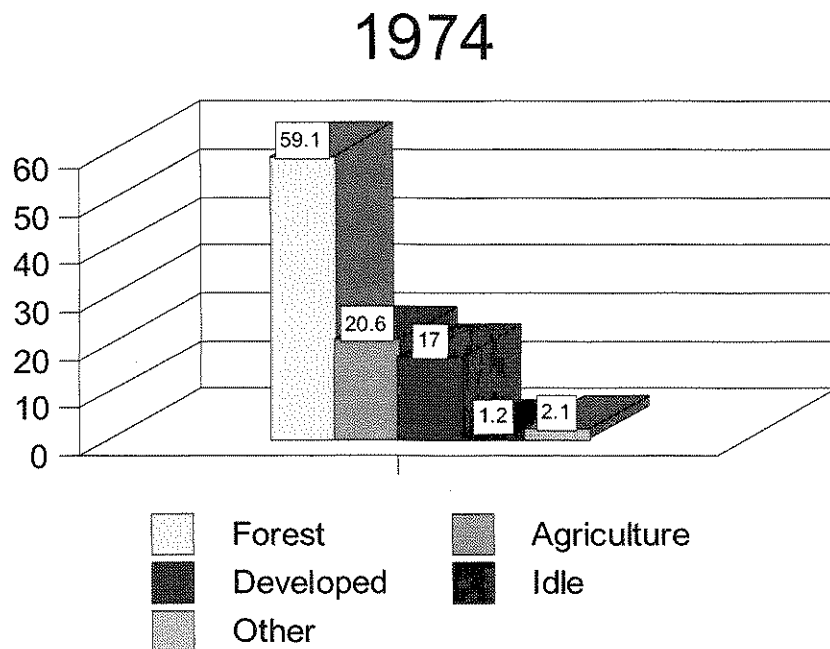
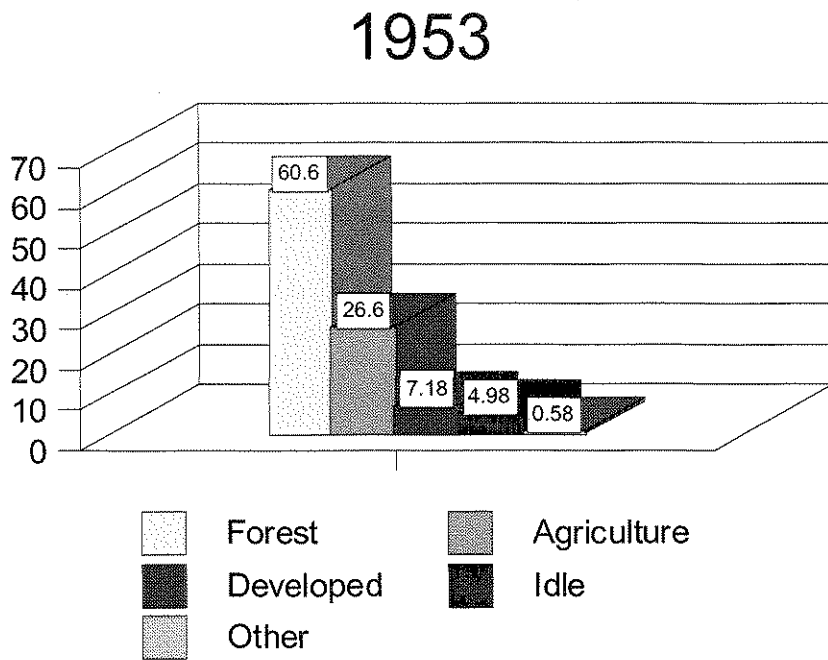
This plan may differ at times from actual land use for several key reasons, including:

1. The granting of variances to the established zoning ordinances;
2. Pre-existing uses which, after zoning is enacted, constitute non-conforming uses;
3. Difficulty in enforcing the ordinances and exploitation of "loopholes" in zoning regulations.

In cases where the existing land uses differ substantially from zoning, changes to the zoning ordinance should be considered. Any changes should be compatible with the policies set forth in this and future Master Plans. Amendments to zoning ordinances are necessary to reflect changing circumstances. However, those changes must be based on a thorough investigation of the community's policies and the implications of such changes for the community's character.

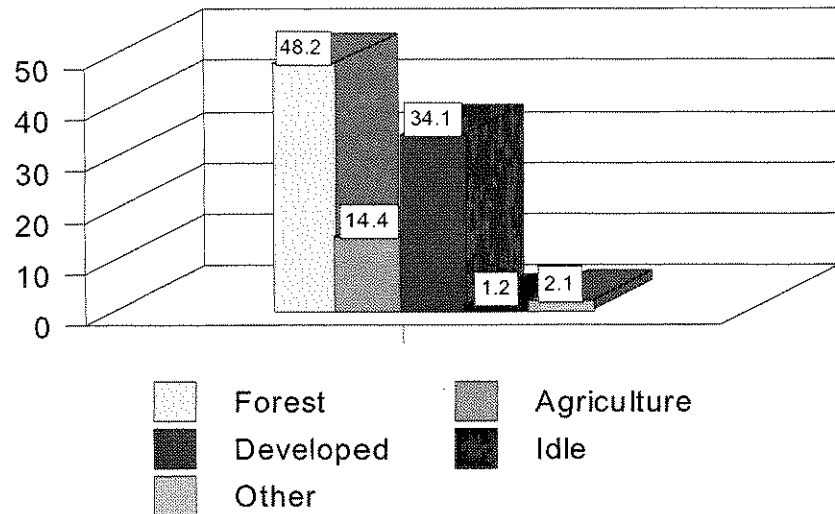
The Kensington Zoning Map was adopted in 1959 and has not been amended since. As a result, the two zoning districts match up fairly well with the actual land uses. There are some non-conforming uses that pre-existed the adoption of zoning, although there are relatively few such cases in Town. When delineating new zoning boundaries, non-conforming uses will inevitably emerge and some residents will feel slighted. It is important, however, for the Town to take a pro-active stance and set forth a plan which will accommodate future growth in a manner compatible with Town goals and public health and safety.

*Figure 1: Kensington Land Uses as Percentages of Town :*

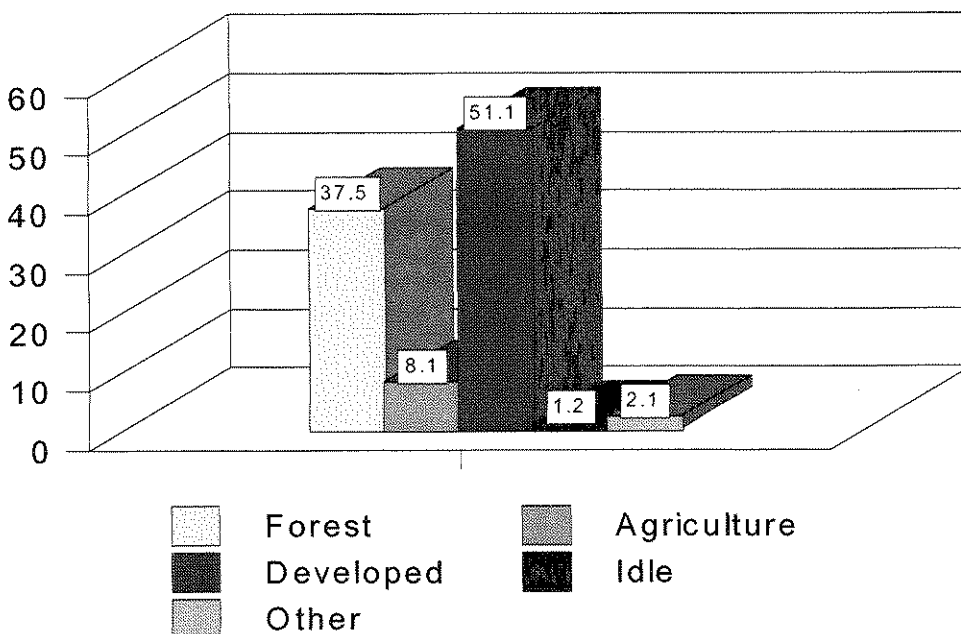


***Kensington Land Uses (cont.):***

**1982**



**2001\***



**\* 2001 Land Use classifications were delineated from a combination of Town records and GIS data used in the preparation of the Existing Land Use Map.**

*Source: Rockingham Planning Commission*



### **5.1.5 RECOMMENDATIONS**

1. The Planning Board should carefully consider any future attempts at re-zoning any portion of Route 150 for commercial purposes.
2. As the types of commercial developments have changed significantly over the years from small locally-owned enterprises to larger franchise business, so must the Town's regulations. The Planning Board should evaluate the adequacy of the Site Plan Review Regulations and determine if they will continue to protect Kensington's scenic and natural resources for future generations. In order to maintain Kensington's rural character, regulations which ensure that development is architecturally compatible with the town's traditional New England architecture should be adopted. Maintenance of community character through Architectural Design Regulations has been successful in several communities statewide, including the seacoast region in Greenland.
3. The Planning Board should consider the adoption of amendments to the Zoning Ordinances that regulate all facets of adult oriented businesses, telecommunications towers and excavations.
4. The Planning Board and the Conservation Commission should re-examine the performance of the Open Space Subdivision Regulations and determine whether they are achieving the intended goals.
5. The Planning Board should evaluate the special exceptions and variances granted by the Zoning Board of Adjustment over the past few years and determine whether any adjustments to the Zoning Ordinance are necessary.
6. The Land Use Classification Graphs depicted herein should be recalculated using digital data every five years using a standard methodology and the same data sources for purposes of consistency.
7. The Town should support renewed funding of the State's program to preserve important agricultural land through the purchase of agricultural development rights and seek support from other communities in the region.
8. The Town should consider funding and purchasing agricultural development rights for key agricultural lands as part of its open space protection efforts.
9. The Conservation Commission should contact all remaining farmers and agricultural property owners in the community to determine what actions, if any, should be taken to enhance the viability of agriculture in Kensington and make recommendations to the Town accordingly.
10. The Planning Board should examine possible alternatives to current Zoning Ordinances to further protect farms and farmlands, either through a separate agricultural protective zone or specific site development criteria.

## NOTES

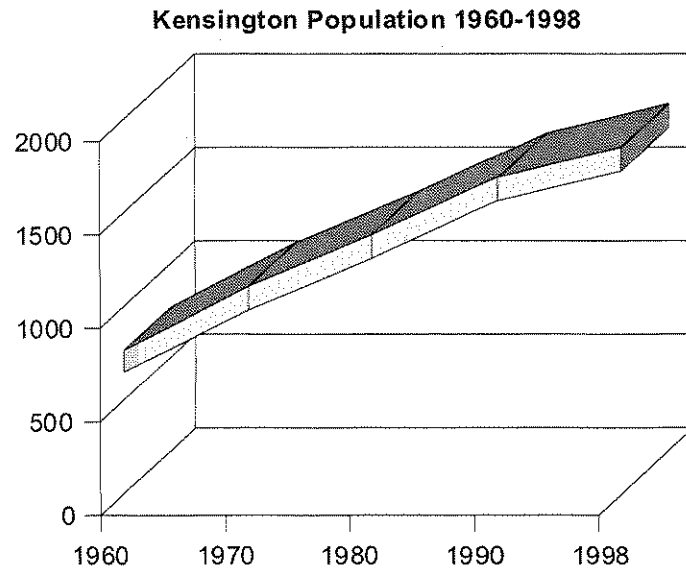
## 5.2 Housing

Kensington's population has grown at a rate which falls between that of the state and the region, with an average annual population increase from 1980-1990 of 2.1% compared to 1.9 for the state, and 2.6% for the region.

Table H-1 Population

Town	1960	1970	1980	1990	1998 (est)
Atkinson	1017	2291	4397	5188	6071
Brentwood	1072	1468	2004	2590	3003
Danville	605	924	1318	2534	3290
E. Kingston	574	838	1135	1352	1647
Epping	2006	2356	3460	5162	5572
Exeter	7243	8892	11024	12481	13409
Fremont	783	993	1333	2576	3166
Greenland	1196	1784	2129	2768	3083
Hampstead	1261	2401	3785	6732	7618
Hampton	5379	8011	10493	12278	13342
Hampton Falls	885	1254	1372	1503	1755
<b>KENSINGTON</b>	<b>708</b>	<b>1044</b>	<b>1322</b>	<b>1631</b>	<b>1787</b>
Kingston	1672	2882	4111	5591	5838
New Castle	823	975	936	840	831
Newfields	737	843	817	888	1332
Newington	1045	798	716	990	777
Newton	1419	1920	3068	3473	3915
North Hampton	1910	3259	3425	3637	3984
Plaistow	2915	4712	5609	7316	7873
Portsmouth	26900	25717	26254	25925	23100
Rye	3244	4083	4508	4612	4738
S. Hampton	443	558	660	740	790
Salem	9210	20142	24124	25746	27525
Sandown	366	741	2057	4060	4785
Seabrook	2209	3053	5917	6503	6944
Stratham	1033	1512	2507	4955	5810
Windham	1317	3008	5664	9000	9978
Region	77972	106549	124145	161071	171963
State of New Hampshire	606,921	737,681	920,475	1,109,117	1,185,000

Source: 1960, 1970, 1980 & 1990 U.S. Census. 1998 Population Estimates from NH OSP.



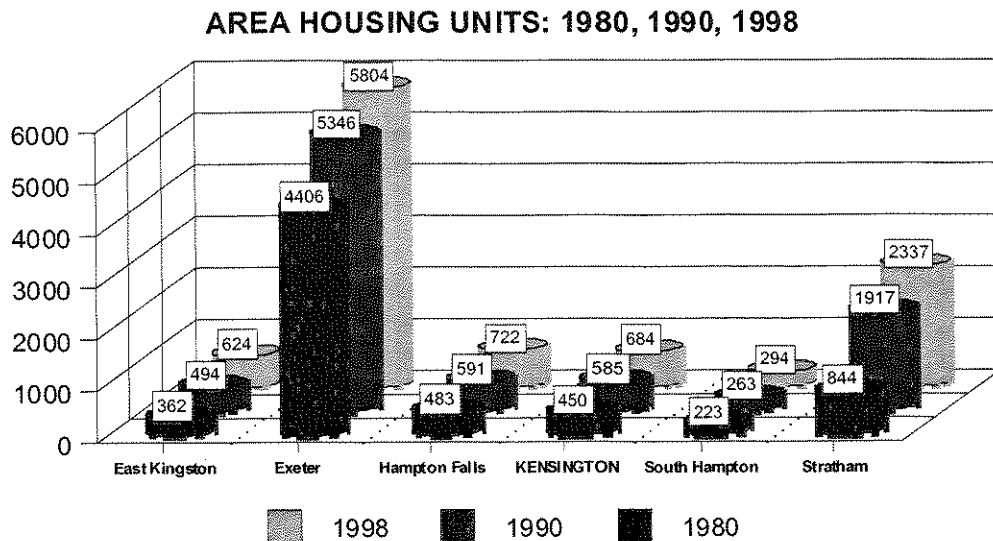
Kensington's relatively low population increase has resulted in a similar increase in housing units. From 1990 to 1998, Kensington's annual average housing growth was 2.0%, as depicted in table H-2<sup>1</sup>. In 1990, the Office of State Planning estimated that Kensington's population will continue to grow at a rate of approximately 1.6% annually between 1990 and 2000, while the state will grow at an annual rate of 1.08%. Based on average annual growth between 1990 and 1998 of 2.0%, we believe this estimate to be slightly low.

<b>Town</b>	<b>1980</b>	<b>1990</b>	<b>1998</b>	<b>% Change 1990-98</b>
East Kingston	362	494	624	3.0%
Exeter	4406	5346	5804	1.0%
Hampton Falls	483	591	722	2.5%
<b>KENSINGTON</b>	<b>450</b>	<b>585</b>	<b>684</b>	<b>2.0%</b>
South Hampton	223	263	294	1.4%
Stratham	844	1917	2337	2.51%
Rockingham County	68,132	101,773	109,078	.9%

**5.2.1.1.1 Table H-2 Housing Units**

*Source: U.S. Census, Current Estimates and Trends in NH Housing Supply, NH Office of State Planning--1999*

<sup>1</sup> Source: NH Office of State Planning



In looking at housing growth, Kensington must be evaluated based on its ability to accommodate the projected demand that will be placed on the community. By the year 2000, the Office of State Planning projected Kensington's population to reach 1911. By extrapolating the state projections and assuming that the 1990 occupancy rate (2.8 persons per unit) will remain constant, Kensington should have expected to gain approximately 98 housing units between the years 1990 and 2000. Based upon current and historic building permit records this estimate appears to be slightly low, as this number was exceeded in 1998, as depicted in Table H-2.

Regional housing needs, including Kensington's role, should also be evaluated in light of interpretations provided by New Hampshire's Courts. The Courts of Law have recently suggested that towns are responsible not only for accepting a fair share of population growth and housing, but also for providing opportunities for a variety of housing types to be built. The town's performance in terms of providing housing for its residents can best be analyzed by examining the types of housing and the economic status of Kensington's residents.

#### **5.2.1.1.1 Housing Types**

While Kensington's zoning ordinance provides for a range of housing types, single family and to a much lesser extent, manufactured housing compose the bulk of the housing stock. Table H-3 illustrates Kensington's housing stock relative to the surrounding towns.

Town	Single Family Detached- %of Total	Multi-Family - % of Total	Manufact. Housing - % of Total	Total
East Kingston	547 / 88%	12 / 2%	65 / 10%	624
Exeter	2503 / 43%	2176 / 37%	1125 / 20%	5804
Hampton Falls	665 / 92%	44 / 6%	13 / 2%	722
<b>KENSINGTON</b>	<b>611 / 89%</b>	<b>27 / 4%</b>	<b>46 / 7%</b>	<b>684</b>
South Hampton	275 / 93%	17 / 6%	2 / 1%	294
Stratham	1557 / 67%	690 / 29%	90 / 4%	2337

**Table H-3 Area Housing Stock--1998**

Source: Current Estimates and Trends in New Hampshire's Housing Supply, 1998 Update--NH Office of State Planning, 1999.

The table above reveals that Kensington provides fewer multi-family dwellings relative to the surrounding towns in the area. However, the table also demonstrates that Kensington provides a proportionately high number of manufactured housing as compared with several of the surrounding towns, suggesting that a reasonable variety of housing types has been constructed in Town.

The diversity of housing constructed in Kensington suggests that additional variety is necessary, as only 4% of its 1990 residents live in multi-family housing and 7% in manufactured homes. Kensington's manufactured housing level is slightly below that of the state (8.7%). Of perhaps greater concern, is the fact that Kensington's multi-family housing level of 4% is substantially below that of the State (30.8%). While Kensington has demonstrated regulatory success in providing opportunities for a variety of housing types, the statistical reality is that single-family residences are the dominate housing throughout Town. While statistics are helpful in quantifying Kensington's housing stock; they fail to recognize the most important factor driving residential development decisions - economics. High land prices, current use penalties and development/permitting costs have, in effect, forced the development of large, expensive single-family homes in lieu of other options which are less economically viable in this thriving economy. Although the development trend in Kensington has predominantly resulted in the construction of single family homes, this is not inconsistent with the community's desires. The results of the 1998 community survey reveal that maintenance of rural character is of very high importance to Kensington's residents; the development of additional multi-family or manufactured housing should therefore, be consistent with this goal to be successful.

New Hampshire State law does not allow towns to inhibit growth. Because housing growth will continue, Kensington must regularly update its land use regulations to ensure that the growth continues in a sensible manner.

### *Economic Status*

One test to evaluate whether Kensington's current land use controls are actually increasing housing values is to examine the current housing values for owner-occupied housing and the rental costs of renter-occupied housing. From Table H-4, it is clear that housing costs have significantly increased in Kensington. However, during the 1980's, housing costs increased dramatically throughout the region. Kensington's increase in housing costs of 185.5% (11.10%

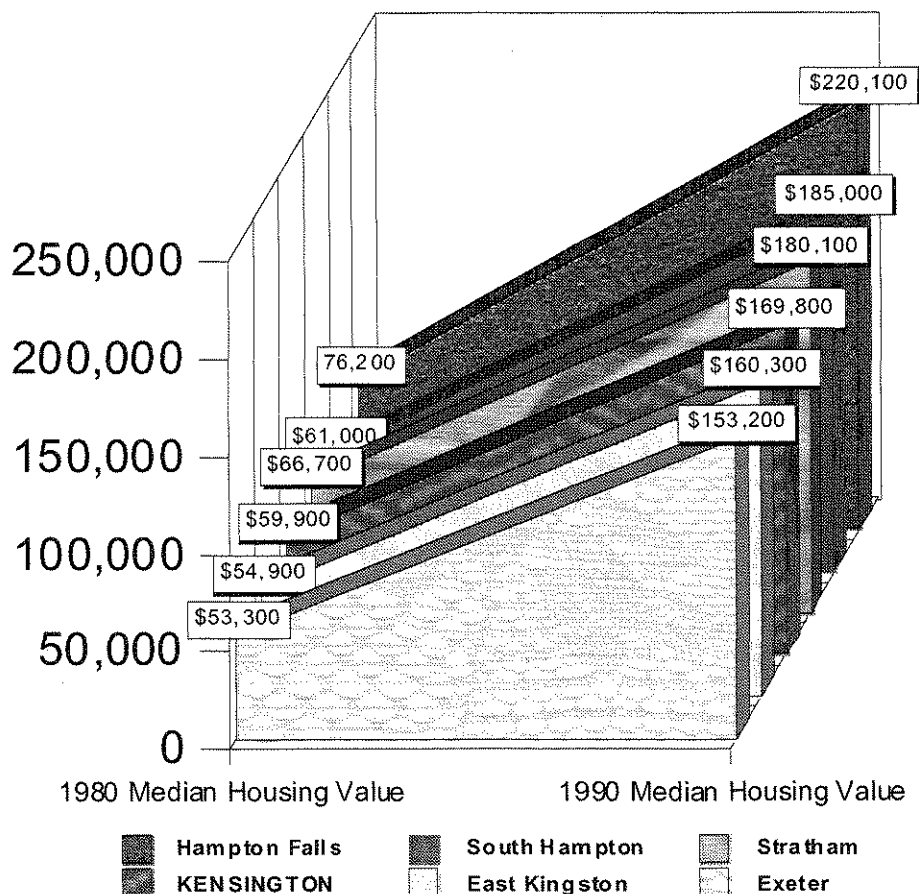
average annual growth) over that 10 year period were considerably higher than the state average of 104.3%. Kensington's 1990 median value of \$169,800 reveals that Kensington's housing costs are slightly higher than the neighboring towns of East Kingston (\$160,300), Exeter (\$153,200), and slightly lower than Hampton Falls (\$220,100), South Hampton (\$185,000) and Stratham (\$180,100). During that same 10 year period, rents in Kensington went up 90.6% (6.7% average annual growth) to reach \$585/month.

Town	1980 Median Monthly Rent Rent/mth	1990 Median Monthly Rent	1980 Median Housing Value	1990 Median Housing Value
East Kingston	\$263	\$725	\$54,900	\$160,300
Exeter	\$224	\$608	\$53,300	\$153,200
Hampton Falls	\$244	\$713	\$76,200	\$220,100
<b>KENSINGTON</b>	<b>\$254</b>	<b>\$585</b>	<b>\$59,900</b>	<b>\$169,800</b>
South Hampton	\$219	\$813	\$61,000	\$185,000
Stratham	\$280	\$791	\$66,700	\$180,100

5.2.1.1.2 Table H-4 Kensington's Median Housing Values and Rents

Source: 1990 Census Data STF1.

#### 1980-1990 MEDIAN HOUSING VALUES OF AREA TOWNS



It should also be noted that the value of housing in Kensington fell in the early 1990's as did the values of houses in the region as a whole. However, there is no reason to believe that the housing values in Kensington fell disproportionately to those of the surrounding towns. Therefore, a comparison of the 1990 figures still provides an accurate picture of Kensington's housing values compared to the surrounding towns.

Overall, the limited housing types and economic diversity of housing units within town suggests that Kensington should continually evaluate its regulatory controls to better encourage more diverse housing.

#### ***5.2.1.1.2.1 Affordable Housing Needs***

NHRSA §674:2 requires that the housing chapter of all town Master Plans include a discussion of affordable housing based on the regional housing needs assessment performed by the regional planning committee. This section is intended to satisfy that requirement.

In 1989, the Rockingham Planning Commission (RPC) prepared a Regional Housing Needs Assessment as a component of its Regional Master Plan in accordance with NHRSA §36:47 which mandates that all regional planning commissions prepare a regional housing needs assessment which "...shall include an assessment of the regional need for housing for persons and families of all levels of income". In 1993, the RPC updated this Regional Housing Needs Assessment to include data from the 1990 US census. It is this 1993 RPC Housing Needs Assessment that forms the basis of the section.

The purpose of the RPC Needs Assessment, in addition to complying with State Law, is to quantify the size and distribution of the need for affordable housing in the region, and to provide communities with the information needed for their own affordable housing needs assessments. The RPC assessment includes a calculation of each town's "fair share" of the region's affordable housing needs. However, the assessment clearly states that this information is meant to be used only as a general indicator of the distribution of housing needs in the region, not as a prescription of units needed in a particular town.

The RPC Regional Housing Needs Assessment is developed using the following four steps:

1. Quantify need for affordable housing: Called "indigenous" housing; This is defined as the number of renter households earning less than 80% of the region's median income who spend more than 30% of their gross income on rent. In 1989, Rockingham County's median family income was \$46,942<sup>2</sup>. Therefore, 80% of that number would be \$37,554.

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<sup>2</sup> Source: 1990 STF3A, U.S. Bureau of the Census.



2. Identify "Excess Need": Excess need occurs when the number of units identified for a specific town as indigenous need exceeds the community's proportionate share of that need based on existing housing units.
3. Distribute "Excess Need": A calculation is performed using the following five factors is combined with the town's indigenous need to determine a town's fair share distribution of affordable housing:
  - Employment In Community - Jobs create a demand for housing
  - Equalized Assessed Value - This is a measure of a town's ability to absorb low valued housing without undue impact on the tax rate.
  - Vacant Developable Land - This is a measure of the town's physical limitations to develop affordable housing based on the land area available for development.
  - Income - This is a measure of a town's balance, or imbalance, of income groups.
  - Housing Units - Larger communities can be expected to absorb larger numbers of new affordable housing units.
4. Adjust For Housing Credits: The final step is to subtract "credits" from the fair share allocation for communities in which affordable housing units have been added since the 1990 US census. Credits include mobile home building permits, units rehabilitated for rent assisted housing, and units rehabilitated under the Community Development Block Grant (CDBG) program.

The following table shows the percentage of owner and renter households in Kensington which spend more than 30% of their household income on gross rent or monthly home-owner costs:

Income Level	Percent Paying in Excess of 30% of Income on Rent/Ownership Costs	
	Renter	Owner
Less Than \$10,000	7.6%	4.3%
\$10,000 to \$19,999	13%	10.7%
\$20,000 to \$34,999	20.8%	19.5%
\$35,000 to \$49,999	28.4%	21.3%
\$50,000 and above	30.2%	44.2%

**Table H-5 Percentage of Kensington Households at Various Incomes Spending in Excess of 30% for Rent or Owner Costs**

Source: 1990 STF3A U.S. Bureau of the Census

The following table documents the results of the 1993 RPC Fair Share Housing Needs Assessment:

Community	Indigenous Housing Need	Year Round Occupied Dwelling Units	Housing Need if Equal Distribution	Excess Need	Fair Share Factor Average**	Excess Units Allocated	Fair Share	Credits	Total Fair Share	Fair Share as % of 1990 Housing Units
Atkinson	62	1774	159	-	0.037	47	109	0	109	6.2%
Brentwood	28	755	68	-	0.032	40	68	1	67	8.9%
Danville	24	895	80	-	0.027	35	59	1	58	6.5
E. Kingston	15	463	42	-	0.024	30	45	6	39	8.5%
Epping	114	1846	166	-	0.043	55	169	5	164	8.9%
Exeter	615	4975	447	168	-	0	447	0	447	9.0%
Fremont	36	865	78	-	0.031	40	76	4	72	8.3%
Greenland	85	1010	91	-	0.041	52	137	0	137	13.6%
Hampstead	107	359	212	-	0.041	53	160	3	157	6.6%
Hampton	621	5046	453	168	-	0	453	0	453	9.0%
Hmpt Falls	6	53	48	-	0.035	45	51	0	51	9.6%
<b>Kensington</b>	<b>13</b>	<b>559</b>	<b>50</b>	<b>-</b>	<b>0.028</b>	<b>35</b>	<b>48</b>	<b>0</b>	<b>48</b>	<b>8.7%</b>
Kingston	65	1911	172	-	0.042	54	119	1	118	6.2%
Newcastle	25	345	31	-	0.031	40	65	0	65	18.8%
Newfields	11	312	28	-	0.028	36	47	0	47	15.2%
Newington	23	296	27	-	0.087	111	134	0	134	45.4%
Newton	81	1198	108	-	0.027	34	115	0	115	9.6%
N. Hampton	74	1387	125	-	0.041	52	126	0	126	9.1%
Plaistow	220	2601	234	-	0.052	66	286	0	286	11.0%
Portsmouth	1771	10329	928	843	-	0	928	52	876	8.5%
Rye	143	1905	171	-	0.041	53	196	0	196	10.3%
Salem	652	9185	825	-	0.157	201	853	0	853	9.3%
Sandown	60	1304	117	-	0.032	41	101	2	99	7.6%
Seabrook	355	2808	252	103	-	0	252	10	242	8.6%
S. Hampton	2	257	23	-	0.025	31	33	0	33	13.0%
Stratham	70	1812	163	-	0.044	56	126	18	108	6.0%
Windham	72	2830	254	-	0.057	73	145	0	145	5.1%
Total (Avg.)	5350	59560	5350	1282	1.000	1282	5350	103	5247	8.8%

**Table H-6 1993 Fair Share Housing Needs Apportionment Prepared by the Rockingham Planning Commission per NHRSA §36:47**

\*\*The "fair share factor average" includes relative measures for five factors: employment, equalized assessed valuation, vacant developable land, median income, and total housing units valuation.

**NOTE:** This Housing Needs Apportionment is intended for use as part of an overall Regional Housing Needs Assessment as required by RSA 36:47. The Rockingham Planning Commission does not support the use of this table to identify specific housing needs units to individual communities due to the inherent imprecision of any such apportionment method. It should be used only as a general indicator of housing needs within a region and as a reference in the preparation of local housing needs analysis.

Source: Rockingham Planning Commission Regional Housing Needs Assessment, table H, page 3-17.

The results of the RPC Fair Share Assessment shows that Kensington is one of many communities in the region with additional needs. The data shows that Kensington would need to add 48 additional units to meet its fair share assessment.

These results appear to be rather consistent with the housing and income demographics which indicate that Kensington is falling short of providing its share of lower cost housing in the region. The number of manufactured and multi-family homes in Kensington compared to its neighbors attest to this. The Kensington Planning Board should continue to consider the affordable housing needs of the region when reviewing development requests and regulatory modifications.

### 5.2.2 *RECOMMENDATIONS*

The following recommendations are designed to further Kensington's effort to provide needed housing, promoting community goals, improving local housing controls, and ensuring compliance with relevant state and federal legislation. Every effort should be made to ensure that Kensington continues to provide a range of housing opportunities for its citizens.

1. The Planning Board, in cooperation with the Conservation Commission, should re-evaluate the effectiveness of the Open Space Subdivision Regulations. Specifically, the conservation/recreation value of the preserved open space; the reduction of road lengths; and the viability of developing the land using traditional subdivision design should be evaluated to determine whether the regulations are adequately achieving the intended purpose.
2. Consideration should be given to making Open Space Subdivision development mandatory for future large-scale residential development in the town.
3. Given the relatively low percentage of multi-family dwellings in Kensington (as compared to neighboring towns and to the state), Kensington should examine its zoning ordinance to determine whether changes are necessary to encourage additional multi-family dwellings or suitable alternatives.
4. The Kensington Planning Board should monitor the newly adopted Elderly Housing Ordinance adopted at the March 2000 Town Meeting and determine whether modifications are necessary to facilitate the needed development of elderly housing, presently non-existent in Kensington.
5. The Planning Board should consider implementing design guidelines and a site plan review process for multi-family dwellings to maintain the existing character of the Town.
6. In an effort to encourage the construction of more affordable housing units, the Planning Board should consider requiring a percentage of affordable houses to be constructed within subdivisions approved by the Board.
7. The Planning Board should begin tracking the number of housing lots created annually; this number compared to the number of new housing starts during the same period will provide valuable information about the relationship between the creation of lots and the construction of new homes.
8. The Planning Board, Board of Selectmen and the Building Inspector should regularly evaluate the effectiveness of the Building Code.
9. The Planning Board and Zoning Board of Adjustment should review the current home occupation regulations to determine their adequacy. While technological advances such

as e-mail, facsimile machines and cellular communication devices provide opportunities for home-based business, the impacts of operating these businesses in residential areas can be problematic. The Town's regulatory framework should provide assurances that home-businesses will not develop into commercial enterprises which are not appropriate in residential areas.

10. The Town should investigate the possibility of implementing Property Tax Exemptions for elderly residents to encourage their ability to stay in town.
11. The Town should actively seek matching grant funds from the New Hampshire Land and Community Heritage Investment Program (LCHIP) as well as from the federal Land and Water Conservation Fund to help make land purchases that will conserve open spaces and protect important historical structures
12. As Kensington continues to develop residentially, consideration may be needed on implementing noise control ordinances to limit the effect of excessive commercial and residential noise on town citizens.
13. The Town should investigate the possibility of implementing maximum house size regulations in order to hold down the average cost of housing in town.
14. Subdivision ordinances should be revised to require a variety of setbacks and orientations on lots to avoid straight-line "cookie cutter" developments.

## NOTES

### 5.3 Transportation

Kensington is predominantly a residential community - the Town and State transportation systems are extremely important to the high quality of life of Kensington's residents. As Kensington continues to grow in the future, the Town's ability to address the increased level of traffic will determine the impact of the growth on the Town. The continued maintenance and expansion of the street system, parking, sidewalks and pedestrian amenities, bicycle transportation systems, and the provision of public transportation services will play an important role in Kensington.

The Town of Kensington is served by three major highways: Route 107, running east to west; Route 150, which runs north to south from Route 108 near the Exeter town line, south to the South Hampton town line; and Route 108 which runs through the northwest corner of Town connecting Exeter to East Kingston. While also a State highway, but of less importance in Kensington is a short section of Route 84 which runs east to west, beginning in Hampton Falls and terminating at Route 150.

Examples of other important roads in Kensington include Wild Pasture Road, Osgood Road, North Road, Drinkwater Road, Stumpfield Road, and Cottage Road. In total, Kensington's transportation network consists of 29.61 miles of roadway; 16.37 miles of which are maintained by the Town, and 10.9 maintained by the State.

<u>HIGHWAY CLASSIFICATION</u>	<u>MILES</u>
Class I - State Primary ( <i>NH Route 108</i> )	1.57
Class II - State secondary system	9.33
Class III - Legally designated recreational roads	0
Class IV - Town roads in urban compact areas	0
Class V - Town roads outside urban compact areas	16.37
<u>Class VI - Subject to gates and bars</u>	<u>2.34</u>
<b><i>Total NHDOT Classified Road Mileage (1996)</i></b>	<b><i>29.61</i></b>

NOTE: Class V highways are available for block grant monies when the NHDOT is notified of roads that are added to a town.

**TABLE 1- Kensington Road Classifications**

*Source: NHDOT Smartmap Data, 1999.*

#### ***Transportation Findings:***

1. The volume of traffic on the minor roads has also increased directly as a result of increased residential development, both in Kensington and in surrounding Towns, as illustrated in the following table:

<b>5.3.1.1.1.1 Location</b>	<b>AADT 1995</b>	<b>AADT 1996</b>	<b>AADT 1997</b>	<b>AADT 1998</b>	<b>AADT 1999</b>
NH 107 - At Seabrook Town Line	8,100	n/a	8,300	n/a	n/a
NH 107 - At Kingston Town Line	n/a	4,400	n/a	n/a	4,413
NH 84 - At Hampton Falls Town Line	n/a	800	n/a	n/a	859

**Table 2: Average Annual Daily Traffic**

**AADT:** Average Annual Daily Traffic. Volume of traffic at a given location for a 24 hour period representing an average day for the year.

*Source:* 1999 Traffic Volume Report, Department of Transportation, State of New Hampshire.

\*The data provided in this table represents the best available information. However, due to recent changes in NHDOT's traffic counting system the accuracy of this information is refutable. These counts appear to indicate smaller increases in traffic than expected, and are inconsistent with the personal accounts of knowledgeable local officials.

2. The number and seriousness of traffic hazards, particularly hazardous intersections, have escalated with increased growth and traffic volumes.
3. Increasing through-traffic on Route 150, through the center of the town, could become a problem because it interferes with community character and causes maintenance, safety and traffic problems.
4. Traffic increases in residential areas will result in increased hazards of automobile, as well as pedestrian and bicycle travel.
5. The standards in the subdivision regulations for road construction should be carefully reviewed and revised, where appropriate, to encourage the construction of roads which maintain Kensington's rural character. Adherence to these standards will improve the longevity of the roadways and reduce municipal maintenance costs.
6. There is no general public transportation available within Kensington. At this time, there appears to be insufficient demand for the [private sector] to provide these services.

### ***Commuter Rail Service to Coastal New Hampshire***

#### **Amtrak/Boston to Portland - Boston and Maine Railroad:**

In 1989, the State of Maine initiated an effort to restore passenger rail service from Boston North Station to Portland. Passenger rail was discontinued on this line in 1965. Maine's efforts resulted in the awarding of a new start grant of \$38 million dollars provided by the Federal Transit Authority to rebuild the rail line, crossings, and bridges and develop passenger facilities.



It is expected that this service will commence during the year 2001. While the exact schedule has not yet been determined, four round trips will be offered daily. The schedule will coordinate with local shuttle/bus services in an effort to further increase the viability of commuter rail.

The closest rail station for Kensington's residents will be located on Lincoln Street in Exeter. This facility will consist of a new platform and a commuter parking lot.

#### Hampton Branch - Boston and Maine Railroad:

In April of 1999, the Rockingham Planning Commission completed a Study of the feasibility of restoring commuter rail service on the Hampton Branch Line, connecting communities on the Hampton Branch of New Hampshire to the Boston area. The line is a branch from Portsmouth to Hampton and is also called the Maine Line East or the Eastern Line.

The study corridor runs north from Newburyport to Portsmouth, through the communities of Newburyport, MA; Salisbury, MA, Seabrook, Hampton Falls, Hampton, North Hampton, Greenland, Rye and Portsmouth. This corridor was chosen for study because it offers a continuous right of way with an existing rail bed, and in the northern section, a currently active rail track. Because this resource exists, this study is not thoroughly evaluating alternatives to this corridor, but rather assuming that the Hampton Branch would be used.

According to the 1990 Census, Portsmouth had over 100 Boston commuters and Hampton had over 200. While only 33 Kensington residents reported that they commuted to Boston, 152 commuted to Essex County, MA, and 221 residents total commute to Massachusetts. Stratham, Greenland, and Rye, had over 150 Boston commuters combined. Seabrook is another community on the Hampton branch which had more than 100 Boston commuters in 1990. A station in Seabrook could draw commuters from Hampton Falls, South Hampton, and Kensington, as well.

As discussed in the Study, should the Hampton Branch line become active, Kensington may very well be affected by increased development and the resultant population growth. At the very least, the increased ability for Kensington's residents to commute to Boston could impact future land use decisions.

The complete Feasibility Study for the Hampton Branch Line, Commuter Rail Service to Coastal New Hampshire, is available through the Rockingham Planning Commission.

#### ***Access Management***

The following section on access management provides an introduction to an emerging strategy to address the relationship between land-use and highway access. The application of access management is most appropriate along Class I and II State highways.

Routes 150 and 107 are the most prominent transportation corridors in Kensington. As such, these Routes have a strong influence on transportation patterns for the entire town. Arbitrary and unchecked development along these corridors will result in significantly increased travel times for everyone utilizing the route. It is one of the goals of this document to shield Kensington's

transportation system from the undesired consequences of unimpeded access and keep its highway corridors from reliance on traffic signals to control traffic volume. The importance of proactive management of all accesses to these corridors is significant. Access management, when implemented early enough into the planning of a construction project will allow for the proactive management needed to ensure safe, efficient access to and from Kensington's highways. Additionally, access management creates a paradigm that can both monitor access development along these corridors presently and in the future, as well as provide guidelines for construction of access points along the corridors.

Over the past decade, access management has emerged as a popular technique to address the conflicts between through traffic and traffic generated from development and is an essential element of any transportation plan.

Access management is the local oversight of all means of vehicular access onto major transportation corridors in order to maintain the safety and efficiency of the throughway. The goal of access management is to limit the number of conflict points (at driveways, medians and intersections) along a transportation corridor. Practically, it means appropriately spacing or limiting the number of driveways while also, and as a result, removing the slower turning vehicles from the highway as efficiently as possible.

No State Agency has the authority to prevent strip development, or to prohibit access to land abutting State Highways. The State of NH Department of Transportation has jurisdiction over access to State Highways, but it is limited. NHRSA §236 regulates driveways and other accesses to State Highways including the permitting process, sight distance, numbers of permitted driveways, drainage, and maximum geometric standards for commercial driveways. Specifically, NHRSA §236:13 gives towns and cities full controls over how private roads or driveways are connected to highways. Furthermore, Driveway Permits issued by the NHDOT do not override local regulatory requirements.

Absent State regulation of strip development, only local government can control development along State Highways. Local governments have the power and authority to prepare and adopt Master Plans and Zoning Ordinances that will guide developmental patterns and limit or prohibit strip development. Additionally, through proper and appropriate Subdivision and Site Plan Review Regulations, local governments can enact access management controls to regulate the placement and design of driveways.

***Planning Considerations:***

1. The Planning Board, Board of Selectmen, Fire Department, and Police Department should jointly develop and maintain a system to identify existing traffic hazards and local road conditions in town. Recommendations for improvements should include a general timetable for the work to be done. A list of criteria should be developed for:
  - (a) evaluating the seriousness of the hazard of road conditions;
  - (b) determine low cost, long-term solutions; and
  - (c) setting priorities.

The town should follow the American Association of State Highway, and Transportation Officials (AASHTO) Minimum Standards to identify and upgrade any major roadways.

2. The town should periodically monitor the need for public transportation, particularly for the elderly and the handicapped, and possibly link Kensington into regional transportation system(s).
3. The Kensington transportation planning process should complement the development patterns and principles set forth in the Master Plan.
4. Town road projects should be designed and constructed in a manner that minimizes impacts on water quality and sensitive environmental areas and considers aesthetics.
5. The town road inspection criteria for subdivision developments should be periodically reviewed and updated to ensure that roads are built to town standards and that problems are corrected by the developer and not by the town.

### 5.3.2 *RECOMMENDATIONS*

1. The Town should continue to require new developments to make off-site road improvements in relation to the benefits derived from the development. Costs associated with such improvements should be in proportion to the benefits derived. The benefits can be determined by requiring all new developments to submit relevant traffic impact statements to the Planning Board. Post-development impact analysis may also be required to determine the accuracy of the preliminary statement and for future use in the areas developed.
2. Where a traffic impact study reveals new development will provide an unacceptable level of service for a transportation network, Traffic Calming Measures, Design Principles and Best Transportation Practices mentioned herein should be required.
3. A study should be undertaken to determine if the Town should consider establishing a bike/walk route on the sections of roadways most heavily traveled by bicycles and/or walkers. Specifically, Kensington should look at areas leading to, from and around playground areas, parks, schools and community facilities, most likely Route 150 near the center of Town.
4. Commercial development should occur only where existing transportation facilities are adequate or where necessary improvements will be made as part of the development project. Developments such as retail and service businesses, excavation operations, and other businesses which generate high traffic volumes or use of heavy trucks should be carefully evaluated by the Planning Board and Zoning Board of Adjustment, if appropriate, to ensure that they do not detract from Kensington's rural character, result in a reduction of surrounding residential property values, or require expenditures of Town funds to improve or repair damaged roads.
5. The Planning Board should increase their involvement with NHDOT District 6, relative to the issuance of State Driveway Permits. The NHDOT has recently agreed to work cooperatively in this role with municipalities; however, the Planning Board needs to make a concerted effort to ensure that the Town's interests are approximately considered.
6. Kensington should establish a Capital Improvement Program for Town Road maintenance and improvements that fully considers financing options available for such improvements. This Program should prescribe a methodology for prioritizing projects, using as a basis a Road Surface Management System (which can be completed by UNH) which emphasizes the importance of maintaining the existing roadway system as well as intersection upgrades.
7. Any Capital Improvement Plan for Town roadway maintenance should consider funding for alternative transportation mode projects including pedestrian and bicycle facilities.

8. The Planning Board should review the Access Management tools available and incorporate those that would improve, mitigate or prevent traffic congestion on all roads, where appropriate.
9. The Police and Board of Selectmen should purchase, (cooperatively with adjoining towns) portable scales to enable enforcement of truck load limits throughout Town.
10. The Board of Selectmen and the Road Agent should consider the adoption of both seasonal and year-round weight limits on local roads for through trucking to avoid the unnecessary expenditure of Town funds to repair roads damaged by heavy truck traffic on roads which were not intended or constructed for such traffic.
11. The Subdivision Road Standards should be reviewed and amended, if appropriate, to better encourage the construction of roads which maintain Kensington's rural character. Reduction of right-of-way widths, reducing pavement widths and allowing slightly steeper roads which reduce the need to clear and grade large expanses of land.
12. The Planning Board should consider the adoption of development impact fees to offset the deleterious effects on Town roads from increased automobile and heavy truck traffic generated by new developments.
13. The Planning Board should consider developing an amendment to the Zoning Ordinance to better regulate the location of new development throughout Town. Residential and commercial development and agricultural uses should only be located in areas of Town, (off of state/town roads) which are appropriate for the proposed use.
14. The Planning Board should consider amending the Subdivision Regulations, and the Driveway Regulation to encourage or require shared (one driveway for multiple lots) driveways throughout Town in an effort to reduce the traffic conflicts caused by multiple driveways, and the impact on historic stone walls.
15. The Planning Board should consider amending the Zoning Ordinance and the Excavation Regulations to permit new excavations only where direct access to a State Highway can be obtained. Recurring heavy truck traffic on Kensington's Class V (Town) roads has the potential to cause premature deterioration of these roads. Additionally, the repeated operation of heavy trucks on Kensington's Class V roads reduces the high residential quality of these areas throughout Town.
16. The Town of Kensington should take precautions necessary to prevent the installation of traffic signals at intersections throughout Town. Participation in the development of the NHDOT's Ten-Year Transportation Improvement Plan through the Seacoast Metropolitan Planning Organization should be considered.
17. Vegetative buffers should be required around all new commercial and industrial development.

18. Overly long cul-de-sacs should be discouraged.
19. In order to preserve Kensington's rural character, developments should be encouraged on new interior roads, and discouraged along existing town roads.
20. Dead-end streets should not be extended to the Town line, because Kensington officials would have only limited control over traffic, were these roads later to be connected to the road network of other towns.

## NOTES

[illegible]

## 5.4 Construction Materials

As of 1989, New Hampshire State law has mandated that local master plans include a section which addresses construction materials. The amended statute, NHRSA §674:2 VIII-a, requires the following:

"A construction materials section which summarizes known sources of construction materials which are available for future construction materials needs, including, at a minimum, the location and estimated extent of excavations which have been granted permits under NHRSA §155-E, as well as reports filed pursuant to NHRSA §155-E:2, I(d) with respect to non-permitted excavations."

The purpose of this chapter is to identify which construction materials are present in Kensington and to depict the general location of such materials using the soil survey of Rockingham County prepared by the Natural Resources Conservation Service (NRCS). Other sources of information are also used where appropriate. The soil survey identifies deposits of roadfill, sand, gravel, and topsoil as construction materials.

The NRCS rates the performance of each soil type based on its physical characteristics and test data conducted during the soil survey. For each intended use of the soil, a soil potential rating is provided. The ratings of "good", "moderate", "fair", and "poor" are used for roadfill and topsoil. For sand and gravel, the soils are rated as "probable" or "improbable" as to the possibility of sand or gravel being present.

It should be noted that the soil maps are intended for general town-wide land use planning. Due to the mapping techniques used, there may be different soil types within a mapped area of another soil type. Because of these limitations, the soil maps should not be used for site specific land use planning. Additionally, the development mosaic established in Kensington further limits the useful application of soils maps, as development is likely the largest limiting factor for the extraction of construction materials. The information contained herein is not designed or intended to be used for definitive identification of construction materials.

The soil types that are likely to contain any of the four construction materials and are found in Kensington are listed in **Table CM-1**. Each soil number and name is provided, as well as the number of acres of that type of soil found in Kensington.



The source for the soil information is the SCS soil map as digitized by Complex Systems of the University of New Hampshire and provided to the Rockingham Planning Commission in digital format. Calculations of the number of acres for each soil type are based on this digital information. Each of the four types of construction materials are listed in **Table CM-1**. For roadfill and topsoil, if a soil has a rating of good or moderate, it was indicated. For sand and gravel, only the probable rating is listed. Only the soils that had a good, moderate or probable rating in any category were included in the table.

**Table CM-1:**  
**Soil Potential Ratings for Construction Materials**

Soil Symbol	Name	Description	Acreage	Road	Sand	Gravel	Topsoil
29A	Woodbridge	loamy sand	60.9	Fair	Prob.	Prob.	Mod.
29B	Woodbridge	loamy sand	164	Good	Prob.	Prob.	Mod.
129B	Woodbridge	loamy sand	176.3 Fair	Prob.	Prob.	Mod	
140B	Chatfield-Hollis	stony	73.9	Good	-	-	Mod.
140C	Chatfield-Hollis	stony	76.6	Good	-	-	Mod.
446A	Scituate-Newfields	stony	52.0	Good	Prob.	Prob.	Good
446B	Scituate-Newfields	stony	28.5	Good	Prob.	Prob.	Good
510A	Hoosic	gravelly, sandy loam	183.8	Good	Prob.	Prob.	-
510B	Hoosic	gravelly sandy loam	891.6	Good	Prob.	Prob.	-
510C	Hoosic	gravelly sandy loam	226.9	Good	Prob.	Prob.	-
531B	Scio	very fine sandy loam	112.6 -	Prob.	Prob.	-	

Kensington's town boundaries encompass an area of 11.9 square miles (7,667 acres). Kensington also has a number of small ponds and streams, including Great Brook and Winkley Brook; these waterbodies consist of approximately 48.2 acres (or .006%) of Kensington's total acreage. Based on these figures, in excess of 99.9% of the town's area was reviewed for soil type and the availability for construction use.

### ***Roadfill***

Table CM-1 reveals that eight soils in Kensington are rated as good for use as roadfill, while two soils are rated as fair for the same use. These eight soils total **1,697.3** acres. The largest single soil type classified as good for roadfill is the 510 A-C, Hoosic, which includes **1,302.3** acres in Kensington.

### ***Sand***

Sand is a very valuable material used in many facets of construction. There are nine soil types in Kensington that the SCS have determined to be rated as probable for the presence of sand. The total size of the potential sand producing soils is **1,896.6** acres. The 510 A-C, Hoosic is likely the

largest single soil type in this category, with the 29A-B/129B Woodbridge, being the second largest soil type.

### ***Gravel***

Gravel is a most sought after construction material for many types of industries. Due to the geology of Kensington and much of the coastal region, gravel deposits are not very plentiful. In Kensington, there are again nine soil types where gravel presence is rated as probable. This area covers a total of **1,896.6** acres. The existing deposits are relatively small and spread throughout the community, making it difficult to excavate in an economically beneficial manner, or in such a way as to avoid the degradation of the quality of life of Kensington's residents. Again, the bulk of the probable gravel soils are from one soil type - the 510 A-C, Hoosic.

### ***Topsoil***

Topsoil deposits are the smallest of the four construction materials found in Kensington. Only two of the soils classifications were rated good, while 4 were moderate for topsoil; **632.2** acres of the good or moderate rated lands for topsoil are found in Kensington.

### ***Existing Excavations***

At present, there are several active excavations in Kensington permitted under NHRSA §155-E. The owners and location of these excavations include, but are not limited to: Ricci Construction on Drinkwater Road; Wadleigh-Keugel on Osgood Road; Felch on Route 150; Wiggin on Route 150; and the Town of Seabrook located off Route 107. For more exact locations of these excavation areas, refer to the 2000 Construction Materials Map adopted by reference.

### ***Past Excavations***

Several areas in Kensington were excavated in the past; most of these have been deemed by the Planning Board to be abandoned and not grandfathered in accordance with the statutory requirements of NHRSA §155-E et seq. Other former excavation areas were merely small scale operations which when depleted, or the material was no longer needed were abandoned and/or reclaimed. These former excavations include, but are not limited to: the Kimball property located on Kimball Road; the Rosencrantz property located on Highland Road; the Tri-Town pit located off of Route 150; the Sargent, Batchelder, and Mardirosian properties all located off Route 150; and the Lambert property located off Route 150. For more exact locations of these excavation areas, refer to the 2000 Construction Materials Map adopted by reference. While all of these excavations have been deemed abandoned by the Town, most have not been reclaimed.

### ***Identification of Stratified Drift Aquifers***

In 1990, a Water Resource Management and Protection Plan was prepared by the Rockingham Planning Commission. The Plan contains information on the stratified drift aquifers located in Kensington. In 1990, the U.S.G.S. completed the most thorough and accurate study of the region's groundwater resources to date. The report is entitled, Geohydrology and Water Quality of Stratified Drift Aquifers in the Exeter, Lamprey, and Oyster River Basin, Southeastern NH. These reports contain the best available information relating to the primary and secondary stratified drift aquifers within Kensington. The information in these reports should be used by the Planning Board, Zoning Board of Adjustment and Conservation Commission in evaluating any excavation permits or regulatory changes.

### ***Excavation Regulations***

On February 7, 1991, the Kensington Planning Board adopted excavation regulations entitled Public Safety and Welfare - Local Regulation of Excavations, found at Chapter V of the Land Use Regulations. These regulations integrated the provisions from NHRSA §155-E. Given the relatively large amounts of construction materials in Kensington which are not already developed, and the resultant level of excavation activity, the existing regulations should be carefully reviewed by the Planning Board, Zoning Board of Adjustment and Conservation Commission to determine whether they are adequately protecting Kensington's natural environment. These regulations should be updated to comply with any future amendments to NHRSA §155-E, if deemed appropriate by the Planning Board. In addition to updating Kensington's regulations in accordance with any future amendments to NHRSA §155-E, the Planning Board should consider whether more stringent local regulation of excavations is necessary. Increased setbacks from property lines, buffer requirements, depth to groundwater, importation of earth materials, and hours of operation are examples of regulatory controls advanced in other New Hampshire communities.

Furthermore, given the established development pattern in Kensington, the Planning Board should give serious consideration to establishing areas or overlay districts in which excavation activities would not be permitted in an effort to avoid conflicts between residentially developed land and excavation operations.

### **5.4.1 RECOMMENDATIONS**

1. The Planning Board, in cooperation with the Conservation Commission should periodically review and revise Kensington's Excavation Regulations in accordance with any amendments to NHRSA §155-E. Consideration should also be given to amending Kensington's Excavation Regulations beyond the minimum standards prescribed by NHRSA §155-E. Surface water setbacks, depth to water table and buffering requirements are examples of statutory requirements which may be strengthened through Kensington's Excavation Regulations.
2. The Planning Board and Board of Selectmen should ensure that existing and/or abandoned excavation areas are reclaimed in compliance with NHRSA §155-E and/or applicable local regulations and that these facilities minimize environmental impacts to the surrounding properties.
3. Given the development pattern which is continuously being established in Kensington, the Planning Board should give careful consideration to establishing areas or overlay districts in which excavation activities would not be permitted.
4. The Planning Board and the Conservation Commission should evaluate balancing Kensington's need to provide construction materials to support development in Town with the need to preserve its natural character. This evaluation may promulgate regulatory changes necessary to prevent Kensington from becoming a regional supplier of construction materials.
5. The Planning Board, Zoning Board of Adjustment, and Town Counsel should review the existing regulatory process for excavations to determine whether changes are prudent.
6. The Planning Board and the Conservation Commission should review and revise (if necessary) Kensington's Excavation Regulations to ensure that surface water quality is being protected by the existing buffer requirements.
7. The Planning Board and the Conservation Commission should review and revise (if necessary) Kensington's Excavation Regulations to ensure that important aquifers are protected for future use.

## NOTES

This image shows a single page of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

## 5.5 Future Land Use

One of the primary goals of preparing a master plan is to establish a guide for the future growth and development. The Future Land Use chapter is a synthesis of all other sections of the Master Plan and is the Planning Board's "vision" for the long-range development of Kensington. It is a plan to encourage continued compatible development town-wide. The plan must be both general and specific. As a "policy document", the Master Plan must establish general policies and goals with which to guide development. As a "plan" it must go further and specify land areas that should be protected from development, areas where development should be limited, and areas where development should be encouraged. As discussed throughout the Master Plan, the capability of the land to support development is the primary factor used to guide development. Other important factors include existing development patterns, road layouts, site conditions, zoning, existing and anticipated municipal services, as well as community policies.

A review of this Master Plan, the previous Master Plans, associated surveys and the Town's land-use regulations, collectively illustrate Kensington's desire to remain a rural-residential community which cares for and protects its natural resources. While this Future Land Use Plan discusses factors which determine the suitability of land for development, Kensington's Future land use patterns will likely be a reflection of the existing development pattern. Kensington has made concerted efforts to follow the recommendations in its earlier Master Plans. As such, land-use decisions have generally been carefully considered. This present Master Plan sees the continuation of the same philosophy.

### 5.5.1 Future Land Use Analysis

While any analysis of future land use should include the desires of the community, consideration must also be given to the economic health of the community. The Town has to provide necessary services such as schools, police and fire protection, trash collection, and roads. These factors must be seriously considered in the preparation of any proposed zoning ordinance changes and the preparation of a Capital Improvement Plan. It is realized that economic considerations may conflict with the desires of the community. However, the Planning Board needs to be aware of the conflict between what is desired and economic considerations when planning for Kensington's future.

Over the years the Town has relied entirely on private on-site septic systems in its approach to land use regulation. The two-acre minimum lot size requirement best exemplifies this. In the 5 to 10 year planning period of this Master Plan, the construction of a municipal sewerage treatment facility is neither foreseen nor desired, while development pressure in many sections of the Town is expected to continue.

Residential Land Uses: As stated in the previous master plan, Kensington should continue to be a primarily agricultural/residential community. The two-acre minimum lot size requirement is based primarily on environmental limitations.

Commercial/Industrial Development: Sites for commercial development in Kensington are located at the southern boundary on NH 107 and 150.

A secondary commercial land use which the Master Plan recognizes is home occupations. Today's home occupations are much different than those envisioned years ago. Technological advances in computers, fax machines and telecommunications all make working at home more feasible. In addition there has been tremendous growth in the service, professional and administrative sectors of the economy. While zoning ordinances should be responsive to the existing white collar labor force and should provide the flexibility for home occupations to exist where they do not generate detrimental traffic, noise and pollution to residential areas, the Town should continue to take precautions so that these home occupations do not develop into commercial enterprises.

Town Land, Conservation and Recreation Uses: The Conservation Commission should continue their efforts at obtaining conservation land or easements. Protecting large areas of contiguous land should be a priority. Land adjacent to the Town forests should be reviewed to determine if it can be protected from development so that the area can be enlarged. Kensington owns a number of vacant parcels of land scattered throughout Town. Consideration should be given to developing a plan to consolidate and link town-owned land. The Town should periodically review the need for additional land for Town and recreational uses. In addition, consideration should be given to obtaining trail easements between town-owned parcels.

### ***5.5.2 Objectives of the Land Use Plan***

As in all local planning elements, the primary objective of the Future Land Use Plan is to provide for orderly growth. The Future Land Use Plan is designed to accomplish the objectives of controlled growth with foresight. Utilizing a plan, however, the community must now assume the responsibility of planning its own future.

A second objective is the realistic application of concerns expressed by the citizens as to the retention of rural characteristics and community atmosphere existing in Kensington today.

As discussed in this chapter, and throughout this Master Plan, Kensington's future land use pattern will closely resemble its existing land use pattern. This Future Land Use plan is unlike many other communities' plans, in that no modifications to the present zoning districts are recommended. Because Kensington has implemented the Future Land Use recommendations made in its earlier Master Plans, the pattern of development Town-wide has been well established.

### ***5.5.3 Land Classification***

Preferred locations for development are those areas where there are fewest natural resource constraints. In projecting where future land uses should take place, land suitability factors must be considered. Land may be classified by one of three categories: 1) land unsuitable for development; 2) land poorly suited for development; and 3) land generally suited for development. The elements of each category is explained below.

## 1. **Land Unsuitable for Development**

Land not suited for development includes wetlands and areas which have very low potential for the siting of septic systems (having poor soil and steep slopes). The significance of these areas is described as follows:

- a. **Wetlands:** The importance of preserving and protecting wetlands is well established in this Plan. In addition to the importance of preserving wetlands, it is equally important to prevent building in such areas because of the potential impact on water quality and public health. Septic system failures occurring in, or near, wetlands can readily cause groundwater contamination. Since a municipal sewer system is unlikely in Kensington, all buildings requiring sewage disposal should be located at a safe minimum distance from wetlands, surface waters and groundwater.

Kensington's existing Wetland Ordinance addresses many of these concerns. The Town's future development will continue to be guided by this ordinance.

- b. **Areas with Very Low Potential for Septic Systems:** The ability to adequately place a septic system on a parcel of land is the most important consideration for determining development suitability. The Rockingham County Conservation District (RCCD) has developed a system to indicate the relative potential of a soil for siting a septic system. This system objectively and scientifically rates a soils potential on a five level scale ranging from very high to very low.

The system judges soils that have a "very low" rating as economically unfeasible for development due to the existence of wetlands or severe slopes. Regardless of economic feasibility, it is clear that land classified as having very low potential is not suitable for development under any reasonable standard. The development of such land only invites hazards to public health.

In Kensington, all wetland soils and steep slopes (greater than 25%) have very low potential for septic systems.

## 2. **Land Poorly Suited for Development**

Land which is poorly suited for development includes the following categories: 1) buffer areas around wetlands; 2) buffer areas along river corridors; 3) aquifer recharge zones; 4) 100-year flood hazard zones; and 5) areas with low potential for septic systems.

All of these areas are poorly suited for development. However, unlike those areas not suited for development, these areas do not pose serious enough environmental and public health problems to justify a prohibition on all construction. Rather, poorly-suited areas are considered problematic and are best suited for low density residential development.



Carefully developed land use regulations are required to safely guide future development in these areas.

- a. **Buffer Areas Around Wetlands:** A wetlands ordinance which prohibits development in wetlands does not necessarily protect wetlands from harmful uses occurring immediately adjacent to them. Structures that are potentially harmful to wetlands, such as septic systems, waste storage areas and salt storage areas, should be excluded from buffer areas. Many wetland ordinances also restrict the placement of structures and impermeable surfaces within the buffer area. As much as possible, natural vegetation should be protected or restored in these areas to prevent erosion and sediment from contaminating Kensington's wetlands.
- b. **Buffer Areas Along River Corridors:** For many of the same reasons as for wetlands, the establishment of buffers along rivers and streams is a common protection measure. These corridors serve as travel corridors for many types of wildlife. Protecting stream corridors will preserve wetlands, reduce flooding damage and preserve the scenic beauty of the river.

In 1991, the Comprehensive Shoreland Protection Act (NHRSA §483-B) was adopted by the State Legislature. The law requires that a 150-foot natural woodland buffer be maintained along public waters, but does allow buildings within 50 feet. Kensington's Zoning Ordinance is more stringent, requiring a 100-foot building setback.

- c. **Aquifer Recharge Zones:** Aquifer recharge zones are poorly suited for many types of development due to the potential for contamination of large water supplies. Vulnerability to contamination is particularly high in land overlying sand and gravel aquifers due to the high permeability of the associated soil types. Contaminants can spread rapidly into the aquifer and destroy it as a water supply.
- d. **100 Year Flood Hazard Zones:** Floodplains are undesirable locations for development because: 1) of the associated risks to life and property; 2) construction in the floodplains worsens flood hazards downstream; and 3) the inundation of subsurface sewage disposal systems can cause water pollution and a public health hazard.
- e. **Areas With Low Potential for Septic Systems:** These areas contain soils that have low potential for the successful siting of septic systems. The soils are limited due to one or more of the following factors: slope, shallow depth to bedrock, seasonal wetness or slow percolation rate. In most instances, these natural limitations can be overcome by modifying the site to comply with minimum State septic siting requirements, but only at high cost. These areas are suited for low density development only, with densities determined by the soil type lot size requirements.

### **3. Areas Generally Suited for Development**

All other areas not specifically identified pose no unusual limitation to limit development. This does not mean that all land is equally suitable. A town-wide map cannot show in sufficient detail the location of all physical limitations described above. Conversely, developable land is likely to be found within areas shown as unsuitable for development.

Other factors must also be considered that are not related to land capability such as highway access, quality or capacity of access roads, compatibility with surrounding uses, the need for municipal services, and existing zoning regulations.

#### **5.5.4 RECOMMENDATIONS**

1. The Town should encourage, and where necessary, purchase conservation and agricultural easements, in order to preserve its agricultural heritage.
2. The Town (Conservation Commission, Planning Board, Board of Selectmen, Trails Committee) should cooperatively study the feasibility of developing a Town-wide interconnected trail system on public and private lands, where necessary.
3. The Planning Board should undertake the completion of a build-out analysis in order to more accurately determine the acreage of undeveloped lands. The results of the build-out analysis should be evaluated by the Planning Board to determine the adequacy of Kensington's land-use regulations and CIP.
4. The Planning Board should consider implementing an impact fee ordinance that will ensure that burdens placed upon existing services and new services needed by particular developments are adequately provided by the developers who create the burden, rather than the taxpayers.
5. The Town should research and investigate the necessity of a Growth Management Plan to accommodate the potential for future growth.
6. The Town should continue to look for opportunities for additional recreational space.
7. The Zoning Board should cease granting lifetime exemptions to home businesses.

## NOTES