

## **2 SUMMARY & RECOMMENDATIONS**

---

### **2.1 Executive Summary**

This document is an update to the Kensington Town Master Plan. A Master Plan is the fundamental development plan and land use policy for a community, and is required for any New Hampshire town that has zoning and other land use regulations. The Master Plan serves as the base upon which to build more detailed land use regulations and town operating procedures.

The challenge of town planning is to balance the demands of competing interests into a community consensus sufficient to enhance local government decisions. In town-wide surveys taken by the Planning Board in 1980 and again in 1998 (Appendices A & B), a majority of Kensington residents have repeatedly expressed a desire to maintain the rural character of the town and to keep taxes low. These objectives have guided this update of the Plan. It is hoped that each Town official will use this Master Plan as a tool for deciding whether such proposals and their long-range consequences are desirable in the light of the Town's stated objectives.

It might seem that the best way to achieve both of these goals would be avoid growth and development altogether, given the typically suburban style of modern subdivision developments, and in light of the results of numerous Cost of Community Services studies, which show that most towns incur greater costs from residential growth than they gain in additional tax revenue (Appendix D). Alternatively, some argue that high-end residential development should be preferred, to increase the tax base. These options, however, are neither feasible nor legal. Development and change are inevitable, and New Hampshire's courts have ruled that towns are responsible for accepting a fair share of regional population growth and for providing opportunities for a variety of housing types to be built. New commercial development can help broaden the tax base, but the limited space available for commercial enterprises and strong competition from nearby towns for such development limit this option. Managing residential growth is a necessity for the town in the coming years.

Given this reality, implementing active land conservation efforts and mandating open-space subdivision development together offer the best growth management alternatives for maintaining the town's rural character and keeping taxes low. The addition of development impact fees (after the adoption of a town-wide Capital Improvements Plan), which help to shift the burden of capital improvements stemming from development from the town as a whole back to the developer, can guide growth in line with the wishes of town residents.

Achieving these goals, however, will require compromise and consensus. Perhaps the greatest challenge in planning for the Town's future is the challenge of balancing individual property rights with the cumulative effect of individual actions on the whole of the Town. This balance becomes more of a focus as the Town struggles to preserve disappearing resources that are an integral part of community identity, health, and well-being. It is not too late to "save Kensington," but gone are the days when a laissez-faire (hands off) approach could be relied upon to head the town in the desired direction.

The recommendations contained in this Plan fall into three general categories: managing the fiscal impact of new development on the Town and its taxpayers; controlling the environmental impact of change on the local natural resource base; and guiding the aesthetic impact of growth so that it is consistent with Kensington's character as a small, rural, mixed-use community. The goal of this Plan is to establish a framework for growth at a pace that the town can afford and in a pattern that respects the town's cultural and natural heritage. The programs that are implemented as a result of this Plan must help the community survive and maintain the desired quality of life, which is a crucial aspect of Kensington's identity. Our shared challenge is to plan for that growth so that it does not destroy the very nature of the town that attracts many here in the first place.

It is important to note that this Plan is meant to be a "living" document, updated as the needs and the desires of the Town change. The active participation of Kensington residents in implementing and updating this Plan will ensure that the planning process is both satisfactory and successful. Implementing the depth and breadth of the recommendations contained herein will require new resources and commitments from the Town and its citizens. Professional planning assistance, which was instrumental in completing this update, may be needed to help the Town implement and enforce new land use policies.

## **2.2 Review of Recommendations**

### **2.2.1 History**

- HIS-1. The Planning Board, in conjunction with the Historical Society, should assess Kensington's remaining historical structures not already protected as to their relative importance. Efforts should then be made to preserve these elements.
- HIS-2. The Town should investigate the possibility of creating an historic district for the purpose of protecting the character of the town center.
- HIS-3. The Town should consider establishing architectural design standards for portions of the town in order to preserve its cultural/historic identity.
- HIS-4. 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.

### **2.2.2 Existing Land Use**

- ELU-1. The Planning Board should carefully consider any future attempts at re-zoning any portion of Route 150 for commercial purposes.
- ELU-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.
- ELU-3. The Planning Board should consider the adoption of amendments to the Zoning Ordinance that regulate all facets of adult oriented businesses, telecommunications towers and excavations.
- ELU-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.
- ELU-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.

- ELU-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.
- ELU-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.
- ELU-8. The Town should consider funding and purchasing agricultural development rights for key agricultural lands as part of its open space protection efforts.
- ELU-9. The Conservation Committee 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.
- ELU-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.

### **2.2.3 Housing**

- H-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.
- H-2. Consideration should be given to making Open Space Subdivision development mandatory for future large-scale residential development in the town.
- H-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.
- H-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.
- H-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.

- H-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.
- H-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.
- H-8. The Planning Board, Board of Selectmen and the Building Inspector should regularly evaluate the effectiveness of the Building Code.
- H-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.
- H-10. The Town should investigate the possibility of implementing Property Tax Exemptions for elderly residents to encourage their ability to stay in their homes in town.
- H-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.
- H-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.
- H-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.
- H-14. Subdivision ordinances should be revised to require a variety of setbacks and orientations on lots to avoid straight-line "cookie cutter" developments.

#### **2.2.4 Transportation**

- T-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.

- T-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.
- T-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, the town 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.
- T-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.
- T-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 adequately considered.
- T-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.
- T-7. Any Capital Improvement Plan for Town roadway maintenance should consider funding for alternative transportation mode projects including pedestrian and bicycle facilities.
- T-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.
- T-9. The Police and Board of Selectmen should purchase, (cooperatively with adjoining towns) portable scales to enable enforcement of truck load limits throughout Town.
- T-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.

- T-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 should be considered.
- T-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.
- T-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, (and off of state/town roads) which are appropriate for the proposed use.
- T-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 stonewalls.
- T-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.
- T-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.
- T-17. Vegetative buffers should be required around all new commercial and industrial development.
- T-18. Overly long cul-de-sacs should be discouraged.
- T-19. In order to preserve Kensington's rural character, developments should be encouraged on new interior roads, and discouraged along existing town roads.
- T-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.

### **2.2.5 Construction Materials**

- CM-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 visual buffering requirements are examples to statutory requirements which should be strengthened through Kensington's Excavation Regulations.
- CM-2. 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 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.
- CM-3. 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.
- CM-4. 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.
- CM-5. 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.

### **2.2.6 Future Land Use**

- FLU-1. The Town should encourage, and where necessary, purchase conservation and agricultural easements, in order to preserve its agricultural heritage.
- FLU-2. The Town (Conservation Commission, Planning Board, Board of Selectmen, Trails Association) should cooperatively study the feasibility of developing a Town-wide interconnected trail system on public and private lands, where necessary.
- FLU-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.



FLU-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.

FLU-5. The Town should research and investigate the necessity of a Growth Management Plan to accommodate the potential for future growth.

FLU-6. The Town should continue to look for opportunities for additional recreational space.

FLU-7. The Zoning Board should cease granting lifetime exemptions to home businesses.

### ***2.2.7 Natural Resources***

NR-1. The Planning Board should work to preserve more open space and reduce sprawl by strengthening the open space subdivision ordinance, making it mandatory instead of optional and including incentives for encouraging better open space protection.

NR-2. The Town should work to preserve existing scenic areas in order to maintain rural character, aesthetics, and overall quality of life.

NR-3. The Town should encourage and, where necessary, purchase conservation and agricultural easements in order to preserve its agricultural heritage. Farmland areas are important in food production, as an element of the local economy, for their scenic and ecological value, and their contribution to our "sense of place." Regulations should be reviewed to ensure that they are farm-friendly.

NR-4. 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.

NR-5. Land protection efforts should be focused on preserving a diversity of vegetation and physical land features in order to encourage species and habitat diversity. Lands protected should be large enough so that habitat changes can occur naturally and create a variety of habitats over time.

NR-6. The Town should undertake a build-out analysis based on current zoning and land-use regulations. Placing an overlay of the build-out on the significant habitat map can demonstrate how current regulations either protect or threaten these habitats.

NR-7. Using an overlay showing the significant wildlife habitats in the community, the Town should work to combine habitats of importance into larger areas, increase the size of

protected lands, increase buffers around priority habitats; and connect areas of significant wildlife habitat.

- NR-8. Protection of rare (especially threatened and endangered) species should be made a top conservation priority, especially habitats with multiple rare species.
- NR-9. Wetlands with no development in their surrounding upland buffer should be a priority for protection.
- NR-10. In creating open spaces, the Town should look to connect blocks of habitat by using natural land features that already function as corridors such as undeveloped streams and ridgelines and should look for a minimal number of road crossings. Current land use patterns should not be disregarded, however - it is not practical to create wildlife corridors in areas that are already densely populated or developed.
- NR-11. The Town should review gravel pit closure procedures.
- NR-12. Bigger is better when it comes to keeping common species common and for providing adequate space for species with large ranges like bear and moose. To the extent possible, the Town should avoid upgrading existing roads (such as class 6 roads) or constructing new ones, which serve to fragment open space.
- NR-13. The Town, through the Conservation Commission or other group(s), should support a public education campaign to promote awareness of vernal pools and encourage individuals to document the location of vernal pools. A minimum development buffer of 300 feet around pools should be established, and the Town should seek to maintain passage corridors to wetlands and other vernal pools.
- NR-14. The Planning Board should investigate implementing "environmental characteristics zoning" as a technique for protecting wetlands, aquifers, farm lands, forest and wildlife areas, using "overlay" districts superimposed on existing zoning districts.
- NR-15. The Town should develop a process for assisting landowners with development alternatives: identifying key landowners of significant natural resources, contacting them and making them aware of the value of the resources found on their land. The Town should actively develop a land and open space conservation program to provide assistance if and when the property is sold. This gives community planners and conservationists a key role in helping a landowner with property disposal plans which might include development.
- NR-16. The Planning Board should seek to minimize fragmentation when planning housing construction in undeveloped habitat, adjusting road placement so they occur only at the edge of an area and maintaining an undeveloped corridor from the remaining portion of the un-fragmented block to an existing un-fragmented block or other protected lands.

- NR-17. Where intensive development is planned, the Town should obtain detailed information about the impact to wildlife habitat (Environmental Impact Statements) so that important features might be maintained. For example, site planning might prevent vernal pools from being filled.
- NR-18. The zoning ordinances should be updated to maintain some areas with a low density of habitation by zoning different areas for different minimum lot sizes (.25 to 50 acres).
- NR-19. Kensington should set up a municipal trail system that would lead to the development of a town-wide interconnected trail system on public and private lands.
- NR-20. The Selectmen, working with the Conservation Commission, should evaluate and designate "prime wetlands."
- NR-21. The Town should create an aquifer protection ordinance in order to preserve the Town's ability to meet the future potential need for water supply. The ordinance should apply to specific aquifer protection zones and would more strictly limit uses in the recharge zone.
- NR-22. The Town should implement a Development Impact Fee system so that new developments will contribute to the costs incurred by the local school system from the added students that come with additional houses.

### **2.2.8 Community Services**

- CS-1. The Planning Board should clarify and enforce article 4.8 of the zoning ordinances that allow for recreation and conservation committee review of subdivisions as to whether land should be set aside for parks, playgrounds and other recreational usage.
- CS-2. The Planning Board should encourage open space subdivisions, which mandate that a percentage of subdivided lands be set aside for recreational usage by the Town.
- CS-3. Currently all Town athletic fields are at maximum usage during peak sports seasons. Loss of school fields coupled with anticipated community growth would make this situation significantly worse. The Town should continue to work with landowners in town to explore ways in which parcels might be donated or reasonably purchased by the Town for use as public parks and athletic fields.
- CS-4. Creation of an indoor community center is highly recommended. A multi-purpose room on the school allows costs to be shared as a single structure that can be used as a gymnasium, cafeteria and auditorium and is one possible solution.
- CS-5. The Town should consider widening and maintenance of road shoulders or construction of a bike path in some of the dangerous traffic areas to increase the safety of bikers, joggers and pedestrians.

- CS-6. As population increases, the need to provide services to citizens other than the elementary school-aged children will increase. This could require facilities, budget and staff to provide programs appropriate for all residents including Senior Citizens and Teens.
- CS-7. The Town should consider establishing an aquifer protection district and include provisions to limit large-scale extraction of groundwater supplies.
- CS-8. The Town may consider working with Seabrook to provide extensions to the Seabrook water and sewer systems along the abutting parts of the Town, particularly in the commercially zoned district to increase commercial development potential.
- CS-9. The Town should aggressively promote recycling by residents and businesses as a means of controlling waste disposal costs.
- CS-10. The Town should investigate the possibility of permitting subdivision-level shared systems for water supply and sewage/septic disposal, particularly to augment elderly housing provisions or in cases where it would encourage open-space development plans.
- CS-11. The Town should encourage the expansion of regional natural gas facilities to serve residential and commercial customers.
- CS-12. Under the authority provided by NH RSA 31:39, RSA 674:16, and RSA 41:11, the Town should implement restrictions on the disposal of out-of-town yard waste and the surface or sub-surface spreading of any class of sewage sludge within Kensington.

### ***2.2.9 Capital Improvement Program***

- CIP-1. The Planning Board in cooperation with all Town officials should prepare a current CIP, and commit to updating the Program annually.
- CIP-2. Once a Capital Improvement Program is adopted, the Town should implement a Growth Management and Impact Fee Ordinance.

## NOTES

This image shows a single sheet 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.