

The importance of water and soil conservation for continued safe permeability of surface water filtering into aquifers is extreme, for the ongoing supply of fresh water for human intake and also for the ongoing propagation of a diverse array of plant and animal life. Other major benefits of Kensington's wetlands include flood control, recreation, education, and aesthetics. These values were not widely recognized until very recently where prior to the mid-twentieth century projects to "reclaim" or drain wetlands or fill them for residential, agricultural or industrial development were prevalent in all parts of the country. The fact that tension still exists between those who wish to develop them and those who wish to preserve them indicates that further education as to their importance is still needed.

Altering wetlands for building or other development comes as a consequence of increasing development pressure as the area's most developable land becomes depleted. Although there are federal and state laws and regulations governing wetlands, the laws do not always provide the degree of protection needed. Kensington has adopted regulations to further protect wetlands from encroaching development by providing a buffer surrounding wetland areas. The purpose of the buffer is to provide a naturally vegetated upland area next to a wetland. The buffer reduces adverse effects of human activity on the wetland by reducing direct human disturbances. Kensington has adopted limited buffers by not allowing buildings within 100 feet of Hydric A soils or within 50 feet of Hydric B soils, with the exception of structures no greater than 400 square feet. Permitted uses allowed in Hydric A and B soils are outlined in the Town's zoning ordinances and land use regulations. Uses should be consistent with the intent of the Wetland Conservation District.

New Hampshire state law authorizes a municipality to designate some of its wetlands as "prime wetlands" because of "their size, unspoiled character, fragility, or uniqueness." Potential prime wetlands in Kensington are described in the report which follows.

6.5.1 Proposed Prime Wetlands

The following is a list (more or less in priority order) of the most important wetlands in Kensington. Nearly all of the species listed are rare, threatened or endangered and declining in NH, especially Southern NH. Numerous other species which many people would consider 'uncommon or rare', such as Mink, Broadwing Hawks, Kingfishers, Indigo Buntings, Spicebush Swallowtail Butterflies, Red Bats, Gray Tree Frogs, Northern Water and Milk Snakes are also found in these areas. Many of the rare and endangered species, which have been recently recorded in one or two of the wetlands, undoubtedly also occur in some of the other areas. Visits by knowledgeable naturalists are often very infrequent – especially in spring and summer due to their remote settings, dense vegetation, swarming/biting insects, heat, humidity, standing water, and soft muddy bottoms.

George Gavutis has examined several of the areas during the past 10 years and plans to complete breeding surveys of the remaining wetlands listed, starting in spring of 1998. Great Blue Heron rookery and Osprey surveys can also be conducted at this time. All these wetland areas and the fields and woodland buffers that hide and surround them are extremely important wildlife greenways/greenbelts and corridors which should be protected by easements, appropriate zoning and necessary vegetation and hydrocological and soil protection requirements to assure

perpetuation of our important wildlife and wild lands resources in Kensington for the enjoyment of future generations. The time for protection is now.

The following are the proposed prime wetland locations:

1. Winkley Brook (All wetlands draining into and through Muddy Pond, down to the Hampton Falls (and Seabrook) line(s). – Especially on the north side of Route 107 down to the northwest end of Horse Hill)

Muddy Pond is the largest natural permanent water body in town and was much larger as recently as +/- 100 years ago, but is eutrophicationing very quickly. Presently 3-4 acres are still open water some +/- 15 feet deep and native Brook Trout still survive there. Species like Ruddy Ducks, unheard of in Kensington, have been seen there during fall migrations. It is a relatively rare wetland type, especially in this part of NH, having a significant "Quaking Bog" component with Atlantic White Cedar, Pitcher Plants, (possibly Black Spruce) and a rare Equisetum or horsetail, found by a German botanist. The "Quaking Bog" has thus far protected the pond, even from the housing construction that is crowding it from the north on Muddy Pond road. Green Herons, Wood ducks, Mallards, and Black Ducks raise their young there and many other wetland birds nest and visit during spring and fall migrations. Fish Crows, and Ravens have been seen increasingly in recent years.

Further downstream, in the vicinity of the former Walton Farm on Cottage Hill, two small brooks join Winkley Brook from the south and form a uniquely high pH (basic) wetland named the Horse Hill Seepage Swamp by the Nature Conservancy. In addition to uncommon local plants like Mountain Laurel, Black Gum, Greenbrier, Atlantic White Cedar, Butternut, and Red Spruce, there are two even rarer plants: Loesel's Twayblade Orchid found only in four other places in New Hampshire, and Bitter Cress, found only in one other place in New Hampshire. Golden and Blue Winged Warblers and their hybrids and many other uncommon birds are found here as well as state threatened Spotted and Wood Turtles ... all increasingly rare. The two vernal pools in this area are very important to Spotted Turtles and the large Spotted Salamander secretly reproduce there. The lower reaches of Winkley Brook, east of Route 150 near Dow's gravel pits, also support actively reproducing Brook Trout and are an important gravel aquifer.

2. The Great Meadows (Includes all headwater drainage systems which culminate at Great Brook and the Exeter River near the Exeter town line)

The Great Meadows which is bisected on the west end by Routes 150 and 108 and Kimball Road had been extensively drained for Fowl Meadow hay and other agricultural purposes, but now has largely reverted to a more natural state. There are extensive stands of Swamp White Oak. The former state champion Swamp White Oak which just recently died but still stands is located there. The stand is within the flood plain and numerous uncommon and state threatened or endangered species such as Sedge Wren, Sora Rail, King Rail, Osprey and numerous other wetland species are found there. Recently a large Great Blue Heron rookery (up to 50 nests) was located.

The Exeter River has been given special attention for preservation by the State and many local towns and is a drinking water supply for Exeter. The wetlands all the way south to the headwaters of York Brook south of Osgood Road contain numerous active beaver ponds and the one east of the Bragg property (Route 150) contains several currently still active Great Blue Heron nests and an Osprey was seen resting on one of the nests in 1996.

Osprey are just beginning to re-colonize this part of NH thanks to endangered protection status and the return of the beaver. The wetlands extending south along Great Brook all the way past Stumpfield and West School Roads to Weymouth Hill are also extremely productive and important habitats. There is a sizeable Great Blue Heron rookery still active in the old beaver ponds donated to the town by Charles Hodges (north of Stumpfield Road). Besides ensuring the well being of the Great Meadows far to the north, all the tributary brooks contain wild populations of Brook Trout, indicating the highest water quality. Mill Brook which starts in the beaver swamps behind the Town Hall had a Black Crowned Night Heron observed in the summer of 1997.

3. The Cove (Also partly in Exeter and Hampton Falls)

A surprisingly remote and productive wetland protected by numerous zoning ordinances and easements etc. in the three towns, it has had several large Great Blue Heron rookeries over the years as well as a substantial flock of the rare Black Crowned Night Herons. Common Moorhen (Gallinule), Sora Rail and many Virginia Rails inhabit the old beaver ponds and there is evidence that Osprey may be sizing it up for nesting. It is part of the lower Exeter River floodplain. Northern Goshawks, Barred Owl, and Red-shouldered Hawks are just a few of the adjacent nesting species. Fisher, otter, beaver, and coyotes and occasionally Moose are found there.

4. Boston Brook/Beaver Pond

The new beaver dam just north of Woodman Road in South Hampton has flooded over 30 acres of formerly drained wetland. Much of it is protected by the Audubon Society of NH George Burroughs Wildlife Sanctuary and easements (Crosby Easement). Only the uppermost portion (northern end) is in Kensington, but the wild headwater which streams to the northwest toward Queens Bridge will undoubtedly be colonized by beaver in the near future. The area is increasingly being used by 6-8 species of waterfowl and their broods and has always been important for its abundant food supply for Red-shouldered Hawk, Barred Owls and Northern Goshawks nesting on adjacent Indian Ground Hill. Rare NH species such as Worm-eating Warbler, Golden and Blue-winged Warblers and their two recognized (but rare) hybrids have been regularly found there. Fisher are also regularly found there along with occasional moose.

The Kensington Conservation Commission has worked with the towns of South Hampton and East Kingston in support of LCIP proposals which would link the major unspoiled forest and wetland areas west of Highland Road, north of Woodman Road, south of Route 107 and east of Route 108 centering on the Hog Hill Swamp, Indian Ground Hill and Boston Brook Headwaters wetlands. The Briggs and Dingman tracts are the key tracts still requiring protection in Kensington to complete the green belt from the State Forest in East Kingston, through Hog Hill Swamp and Indian Ground Hill to Audubon property on Woodman Road in South Hampton.

5. Taylor River Headwater's wetlands (The Kensington portion of the wetlands east of the Evans Farm on Wild Pasture Road)

The old beaver ponds east of the Evans Farm were once the site of a great Blue Heron rookery in the 1970's, but the dead trees that provided nesting places are now mostly gone. The main dam in Hampton Falls has been pretty much abandoned for the time being, but Beaver are still active in the Southwest corner in Kensington near route 84. Egrets, Otter, and Mink fish there and the Harrier (Marsh Hawk) and American Bittern feed there and on the adjoining hay fields. Hampton Falls has protected their portion of this area (100 acres) with a conservation easement. This area will be the highest priority for rare and endangered wetland bird nesting surveys next spring. Its close proximity to the coastal salt marshes and the large area of open marsh and fields is very attractive to many rare and unusual species.

6.6 Woodlands

Forestland is a major renewable resource, providing both commodities (e.g., wood products and maple syrup), and non-commodity benefits (e.g., water resource protection, air quality and energy conservation, wildlife habitat, recreation, and scenic quality). As development continues, the region is losing valuable forested lands. In order to maintain a diverse mix of open space areas, protection efforts should include valuable forest resources. The Land Cover Map in Appendix H depicts the impressive variety of vegetation which comprises Kensington's diverse landscape.

According to an inventory maintained by the Rockingham County branch of the UNH Cooperative Extension Service, there are five "tree farms" within Kensington. The term "tree farm" refers to the National Tree Farm Program sponsored by the American Forestry Association (AFA). In order for a woodland to receive tree farm certification, the owner must prepare a long-range forest management plan approved by a professional forester, and submit the plan to the AFA. As of 2001 the certified Tree Farmers who own land in Kensington are: 1. Leslie and Martha Briggs, 188 acres; 2. Andrew Mertinooke, 10 acres; 3. Jack Shaw (the Exeter School District is in negotiations to purchase this land in which case it will be decertified) 28 acres; 4. Steve and Ann Smith, 65 acres; 5. Phillips Exeter Academy, 211 acres in Kensington.

Kensington is fortunate in that it still has large blocks of uninterrupted forestlands. In our part of the state large blocks consist of 500 or more acres. Most of this land is privately owned and unprotected, a cause for concern when you consider the pace at which fragmentation of large tracts into smaller unmanageable units is occurring. The largest tracts so far protected are the Briggs Property (by a private easement) south of Route 107 and the Highfield Farm Property (a.k.a. the Hodges Town Forest) between Stumpfield Road and Moulton Ridge Road. Each of these parcels is approximately 150 acres in size. Adding to these parcels may be the town's best opportunity for achieving large un-fragmented open space.

Much of the remaining forestland is in the "Current Use" program, a state-sponsored assessment program which provides reduced property tax assessments of field, farm, and forestlands of ten acres or more in size. This program, devised by the Society for the Protection of New

Hampshire Forests, has been very successful in reducing the conversion of open space to development. However, it does not offer permanent protection.

6.7 Wildlife & Plants

Wildlife have three basic survival requirements: food, cover, and water. Fish, amphibians, and waterfowl require the presence of water for spawning and egg laying. Vegetation provides necessary cover to serve as nursery habitat. Water also serves as spawning grounds for insects which are a source of food for a variety of fish and animals. Fur-bearers such as Muskrat, Otter, and Beaver utilize wetlands as habitat. Inland marshes serve not only as breeding grounds for waterfowl, but also as critical resting and feeding areas during spring and fall migration.

The value of an area as habitat depends on a number of factors including size, contiguity with similar areas, and the amount of edge. Edge is the transitional area between habitat types. It consists of understory plants and early successional types of vegetation which provide both forage and cover for numerous species of birds and mammals. Edge can be created by utility transmission rights-of-way, crop and pasture lands, re-grown old fields, and similar types of clearings. The habitat value and edge effect of an area may be significantly reduced if adjacent land uses and encroachments create barriers or threaten the area's integrity.

Kensington has substantial and important inland habitat areas. Examples include: wetlands, river and stream corridors, forests (coniferous, hardwood, and mixed woodlands), and open lands (meadows and fields). These habitat types support a wide range of animals including game species such as Deer, Coyotes, Raccoons, Rabbits, and Turkeys. Kensington's prime wildlife habitat areas include: the wetland area known as the "Great Meadows," the wetland area including and surrounding Muddy Pond, the Winkley Brook corridor, the York Brook corridor from the Great Meadows all the way to the beaver ponds south of Osgood Road, the headwaters of "the Cove," a wetland that lies in the NW region of Hampton Falls, the headwaters of Back Brook near the South Hampton border, the wetlands near the headwaters of the Taylor River lying east of the "Evans Farm" on Wild Pasture Road, the Great Brook Corridor, and the upland forests adjacent to each of these areas.

Natural plant communities in Kensington are typical of this region of New Hampshire, with vegetative patterns reflecting soil and moisture conditions. However, according to the NH Natural Heritage Inventory (NHNHI), there are five (5) "Exemplary Natural Communities" in town. Three are terrestrial in nature and include a Semi-Rich Appalachian Oak-Sugar Maple Forest (rated very high importance), a SNE Floodplain Forest (rated extremely high importance), and a SNE Seepage Forest (rated very high importance). The other two are Palustrine in nature and include a Coastal/Southern Shallow Emergent Marsh (rated very high importance) and a SNE Calcareous Seepage Swamp (rated high importance).

Additionally, there are seven plant species that are listed as rare in Kensington. The Bulbous Bitter-Cress is listed as endangered which means it is in danger of being extirpated from the state. The Climbing Hempweed, Large Bur-Reed, and Loesel's Twayblade are listed as threatened. Other rare plants include Engelmann's Quillwort, Short-Styled Sanicle and Small Crested Sedge. See the following Table for the complete list.

6.7.1 Rare Species and Exemplary Natural Communities

New Hampshire Natural Heritage Inventory
Rare Species and Exemplary Natural Communities List
Towns of Rockingham County

Town	Flag	Species or Community Name	Listed?		# Locations Reported in the last 20 years:	
			Federal	State	Town	State
KENSINGTON						
Natural Communities - Terrestrial						
	**	Semi-Rich Appalachian Oak-Sugar Maple Forest	-	-	1	1
	***	SNE Floodplain Forest	-	-	1	48
	**	SNE Seepage Forest	-	-	1	2
Natural Communities - Palustrine						
	**	Coastal/Southern Shallow Emergent Marsh	-	-	1	3
	*	SNE Calcareous Seepage Swamp	-	-	1	3
Plants						
	**	Bulbous Bitter-Cress (<i>Cardamine bulbosa</i>)	-	E	1	5
	**	Climbing Hempweed (<i>Mikania scandens</i>)	-	T	2	11
		Engelmann's Quillwort (<i>Isoetes engelmannii</i>)	-	-	Historical only	17
	**	Large Bur-Reed (<i>Sparganium eurycarpum</i>)	-	T	1	15
	*	Loesel's Twayblade (<i>Liparis loeselii</i>)	-	T	1	24
		Short-Styled Sanicle (<i>Sanicula canadensis</i>)	-	-	Historical only	2
	**	Small Crested Sedge (<i>Carex cristatella</i>)	-	-	1	12

Listed? E = Endangered T = Threatened

Flags *** = Highest importance
 ** = Extremely high importance
 * = Very high importance
 = High importance

These flags are based on a combination of (1) how rare the species or community is and (2) how large or healthy its examples are in that town. Please contact Natural Heritage Inventory at (603) 271-3623 to learn more about this or alternative ways of setting priorities.

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access or openings to important views. Focal Points are natural or cultural features which grab the viewer's eye and provide drama or interest in a view.

Popular Scenic Areas	Popular Vantage Points	Popular Focal Points
Great Meadows	Shaws Hill	Churches
Shaws Hill	Round Hill	Library
Bodwell Farm	Great Brook on Kimball Road	Ridgelines & hillsides
North Road	Stumpfield Road east of Highfield Farm	Brick School
Fields & stone walls from Five Corners to Parker Field		Old houses
Moulton Ridge from Shaws Hill		Hoosic Hill
		Forest canopy on Osgood Road

Table 1: Key Aesthetic Resources

Source: Kensington Conservation Commission & Town Surveys

It is hoped that these areas are reflective of the community's collective subjectivity about scenic resources and that extra consideration will be given to these areas when being assessed for conservation or development proposals.

6.8.2 Greenways

Contiguous blocks of undisturbed and undeveloped land are disappearing rapidly in southeastern New Hampshire. Concomitant with a large increase in acreage of developed land has been an equally large loss of agricultural and forested land. Unlike pre-1950s development that tended to be concentrated in urban or semi-urban areas, new growth has occurred disproportionately in the most rural communities. At the same time, per capita land consumption has also increased. According to Office of State Planning population projections and given an average rate of land consumption of 1.6 acres per capita, the Rockingham Planning Commission region, of which Kensington is a part, could reach buildout in just 20 years.

This means that communities must act quickly and aggressively to ensure that important open space and conservation lands are permanently protected from development. Greenways can be an important method of promoting the importance of interconnecting contiguous large blocks of open space, and to garnering public support for increased enjoyment of open space amenities throughout the region. Kensington is in a unique position in that it has a number of unique habitats, sensitive ecosystems, agricultural lands, and historic and cultural resources which could provide a theme for greenway planning. If land acquisition efforts are concentrated in these areas, then significant areas of interconnected open space may indeed remain when the region is otherwise largely "built-out."

There are several potential candidates for greenways in Kensington, all of which are inter-municipal. The general intent of these broad greenbelts would be to maintain the connectivity of existing open lands, to ensure unbroken travel and dispersal for native wildlife, and to reduce fragmentation. It is important to emphasize that integration of existing features such as river corridors, trail systems, clusters of conservation land and utility corridors can all fit into an open space network. These features provide benefits to wildlife as well as to humans. The map of "Unfragmented Open Space" in Appendix H illustrates Kensington's potential for protecting undeveloped land.

One of the largest unbroken parcels remaining in our region of the state is the land stretching from the George Burroughs Wildlife Sanctuary and Crosby Easement in South Hampton northwest through the southwestern part of Kensington and up into East Kingston. This parcel is over 1000 acres in size and encompasses the previously mentioned preserves as well as the Briggs Easement in Kensington, Hog Hill and Indian Ground Hill and some ecologically rich wetlands. This parcel could be part of a greenway stretching from the Massachusetts border with South Hampton to Danville in the west and Brentwood in the northwest, as envisioned in the RPCs Regional Open Space Plan of 2000.

Another potential greenway would stretch from the Phillips Exeter Academy lands east of the Exeter River in Exeter southwest along Great Brook toward Moulton Ridge continuing south towards Weymouth Hill. This greenway would have great habitat variety and would include the Great Meadows, exemplary natural communities and rare species along Great Brook as identified by the New Hampshire Natural Heritage Inventory, the agricultural lands contained in the Tuthill easements, Hobbs Brook, the forests of Moulton Ridge, and the uplands and wetlands in the Highfield Farm Town Forest. The potential to continue further south is diminishing as development along Stumpfield Road and Muddy Pond Roads continues to grow.

The third greenway with excellent merits would once again begin in the Academy lands in Exeter but from Great Meadows would head southeast, first following Mill Brook and then York Brook further upstream where it divides the former. This stream corridor includes deeryards, numerous beaver ponds, as well as the adjacent hills known as Round Hill and Meetinghouse Hill. This greenway has the potential of crossing east over Wild Pasture Road and into the Taylor River watershed in Hampton Falls. It would encompass rich riparian and wetland habitat as well as adjacent uplands. Round Hill has the best northerly views in Kensington and the ponds southeast of Meetinghouse Hill have been home to a heron rookery in past years.

Two other areas, while perhaps too narrow in width to qualify as greenways, should nonetheless be mentioned for their high quality as wildlife corridors. One is the Winkley Brook corridor from the vicinity of Muddy Pond east to Hampton Falls. The other is Great Brook from the Great Meadows to the town conservation land given to the town by Asset Title Holding Company. Each of these provide exceptional habitat for a variety of plant and animal species.

Setting protection priorities can be complicated and require a balancing act between: 1. scarcity of habitat, 2. immediate threats, 3. ease of protection, 4. presence of already protected lands, and 5. the desires of the town. Since there are no hard and fast rules, one should weigh each of these criteria and use their one's judgment in determining if an area is the best use of resources. As long as a priority area selected for acquisition is justified, all those involved should feel comfortable with the decision.

6.8.3 Outdoor-Oriented Recreation

The importance of outdoor recreation to neighborhoods and the community as a whole is widely accepted by professional planners. Open space recreation offers a great opportunity to understand and appreciate the natural environment. It also contributes to our health and well-being. For many residents, the decision to live in Kensington is influenced by the diversity of

being. For many residents, the decision to live in Kensington is influenced by the diversity of opportunities to interact with the "great outdoors." Open space recreational opportunities are of value in terms of individual enjoyment, building a sense of community through group activities, and educating both children and adults about the natural environment.

Outdoor recreation takes many forms in Kensington. Hikers, bird-watchers, naturalists, mountain-bikers, equestrians, and runners make use of our excellent trail system in the summer months. In the winter you're apt to encounter cross-country skiers and snowmobilers. Our streams are used for fishing while our forests are popular with hunters.

Threats to our recreational opportunities include increasing fragmentation of open space, resulting in the squeezing of both wildlife and hunters into smaller areas. Conflicts are likely to increase in number as buffers between hunters and homeowners decrease in size. Our trails will also suffer as developments interrupt the continuity of the present system. Protections through gifts and easements are urgently needed if we are to see our trails survive.

6.9 Inventory of Town-Owned Lands

This section briefly describes the publicly-owned open space lands, privately-owned open space lands, and protected parcels within Kensington. A distinction must be made between open spaces and protected lands, for they are not necessarily one and the same. Open space lands (either publicly or privately-owned) are not permanently protected unless such a restriction is written into the property deed.

For the purpose of this report, Kensington's existing protected lands and open spaces have been broken down into two categories, Town-owned lands administered by the Kensington Conservation Commission, and Privately-owned lands administered by private conservation organizations.

Town-owned Lands administered by the Conservation Commission are those lands and/or easements acquired by the Town for open space/conservation purposes. These lands are administered by the Kensington Conservation Commission in accordance with NH RSA 36-A. Currently, the Conservation Commission administers approximately 364.4 acres of conservation land/easements.

A current inventory of lands and easements administered by the Kensington Conservation Commission is presented in the following table and illustrated by the map of "Conservation Lands" in Appendix H.

6.8 Open Space

Open spaces maintain a community's rural character by providing pleasant scenery and visual relief from developed environments. They provide natural buffers against noise and reduce the "over-crowded" feeling one can get from an urbanized area. In general, scenic resources contribute to the quality of life for Kensington residents. As people enter into Kensington, the scenic quality of the immediate surroundings greatly influences the observer's impression of the Town as a whole. These scenic resources need to be protected.

6.8.1 *Aesthetic Resources*

Attributes which lead an area to being considered highly scenic vary but in general engender an emotional attachment to the land on the part of the viewer. This occurs because a landscape defines an area's cultural, natural and historical heritage and thus provides members of Kensington with a sense of identity. In Kensington we have a patchwork of open land and woodland that is quintessentially New England rural.

In addition to the subjective aspects of scenic assessment, objective aspects can also be assessed. Scenic attributes include physical features of the land such as water, hills, vegetation and farmland as well as man-made features like historic homes, churches, bridges, and barns. Scenic areas are compromised or destroyed when inappropriate development and other disturbances are introduced.

Kensington's primary scenic vistas are located along hillsides or where streams bisect roadways. These include views of the Great Meadows from Route 150, views of meadows and of York Hill from where Great Brook passes beneath Kimball Road, views of fields and of Moulton Ridge from Shaws Hill, views of meadows and rolling pasture from Drinkwater Road between Five Corners and North Road, and views of fields, forest, and Round Hill from North Road.

A viewshed generally consists of a foreground, middleground, and background. RSA 231:157 provides for a town to designate a particular road as "scenic." This designation can ensure that the fate of stone walls and large trees is considered when road or utility improvements are proposed, helping to protect the foreground component of a viewshed. Kensington has designated numerous roads as "scenic" including North, Hilliard, Trundle Bed Lane, Highland, New Boston, Wild Pasture, Muddy Pond, Osgood, and Stumpfield.

The middleground of a view is generally a more complex composition of wooded and open lands, hillsides, and man-made features. While this area tends to be more able to absorb the visual impacts of development, high pastures in this area can be vulnerable because of the lack of vegetative screening, something we have seen firsthand with the subdivisions on Stumpfield Road. The background is composed of hillsides and ridgelines which enclose the view. This area's ability to absorb the impacts of development depend on proper siting, screening and density.

The following table outlines scenic areas in Kensington according to three categories. Scenic Areas are areas repeatedly mentioned in town surveys. Vantage Points are spots which provide

Map #	Lands	Acreage	Year Acquired
1.	Highfield Farm (a.k.a. Hodges Town Forest)	150.0	1987
2.	Jessie York Property	9.8	1997
3.	Dingman/Asset Title Holding Property	67.3	2000
4.	Stonemark Management/Gove Hill Property	51.1	2000
5.	Route 108 Land	45.6	
6.	Meetinghouse Hill Land/Prescott et. al.	38.3	2000
7.	Meetinghouse Hill Land/Crowell & Poisson	2.3	2000

**Table 2: Lands & Easements Administered by the
Kensington Conservation Commission**

Source: Kensington Conservation Commission

It is hoped that Kensington will utilize these parcels in combination with other natural resource information contained herein to begin acquiring further parcels with an eye toward providing large, inter-connected habitat areas.

Privately-owned lands administered by other conservation organizations include open space lands owned by private individuals with easements administered by private, non-profit conservation organizations such as the Society for the Protection of New Hampshire Forest or the Rockingham Land Trust. Lands in this category add up to approximately 393 acres. It should be noted that these lands are not necessarily open to the public and individuals should inquire as to access restrictions.

6.10 Conservation/Preservation

Over the last few decades a great deal more land has been developed in Rockingham County than has been protected by conservation organizations and benevolent landowners. With the limited dollars available for land protection the best we can hope to do is minimize the loss of important resources. The goal is not to stop growth but to encourage a process whereby what is needed to be built is built while what is needed to be saved is saved.

We continue to make large building lots the easiest and often the only option available to landowners and developers. Large-lot zoning actually works against natural resource protection by spreading development over a much larger area than is necessary and by chopping up large manageable units of open space completely into a grid pattern of relatively small unmanageable units. This large-lot suburban growth pattern essentially mandates sprawl. We create town after town void of identity and lacking character. Towns are simply places to sleep before driving to work the next day.

Kensington stands at the dawn of a new millennium with an opportunity to evolve into something special as a community. In survey after survey local citizens have expressed their desire to have Kensington maintain its rural character. Many towns talk the talk but few walk the walk that is necessary for seeing that their collective wishes are met. As a town evolves, desired preferences for its general layout and character do not come about by accident. A vision is required, and following that, plans must be implemented in order to carry out the various elements of that vision.

No controlled experiments are needed to prove what results from inadequate planning. The United States is covered with cities and towns that have ignored that fact. We get sprawl, fragmented open spaces, gridlock, and ugly landscapes. We see these results in many of the towns that surround us in southern New Hampshire; and, to be blunt, it is beginning to happen here in Kensington.

By utilizing this Master Plan and the recommendations contained herein, we have a chance to be different, perhaps the last best chance in southeastern New Hampshire. We can be a town that protects large un-fragmented areas of open space so that animals which require large spaces are not forced out, or worse, extirpated (locally eliminated). We can create greenways and a permanent trail system to ensure that our need for aesthetics and recreation and quality of life are met. We can build housing in a way that preserves our scenic resources and minimizes the loss of open space.

The time will come when Kensington will be built up, when the picturesque land will have been converted into rows of streets and two and three story houses. The priceless value of the present picturesque outlines will then be truly appreciated, and what remains of her unique character will be cherished most fully. It therefore seems prudent to interfere with these values as little as possible, and do what we can to leave our descendents with a town for which they can be proud and for which they may express thanks to their forebears for having had the courage to do what was necessary to carry out their vision.

6.10.1 Open Space Protection Techniques

[Excerpted from the Exeter Town Master Plan]

Options for open space protection can be broken down into three categories: voluntary land protection techniques, land use planning techniques, and public and quasi-public programs. These options are further described in the following pages.

A. Voluntary Land Protection Techniques

Under this category, there are a number of methods to choose from which can help to permanently protect suitable open space areas, including: fee simple purchase, purchase and leaseback, purchase and resale or lease, purchase of development rights and conservation easements, donation of land, bargain sale, transfer of development rights, plus options and right of first refusal.

1. Fee Simple Purchase

Most lands are commonly held in fee simple, that is, the holder of the title possesses all rights associated with the property. The most common method of protecting open space areas has been through direct purchase of property. An important consideration to remember is that open space lands are often purchased at their market value based on their development potential. Purchasing open space lands at full market value can be prohibitively expensive. The total cost of borrowing, including principal and interest must be carefully studied.

Land purchased for conservation purposes will generate no property taxes, however, it will not demand much in the way of public services. There are two options which can be used to recover the costs associated with a fee simple purchase: purchase and leaseback, and purchase and resale with covenants. The first option allows the community to lease the land back for a particular use compatible with open space preservation (such as farming or forestry), thus recouping a portion of the land's purchase price. Lease agreements should be written in a manner which protects the community while being sensitive to the landowner's needs. The second option allows the land to be resold with a deed committing the buyer maintain the parcel as open space. As above, the new landowner could use the property for uses which are compatible with open space preservation.

2. Purchase of Development Rights and Conservation Easements

This method operates on the assumption that the right to develop a parcel is separable from the ownership of the land. Thus, the right to develop can be purchased by the community. In this case, the buyer pays the owner the difference between the open space value of the land and its appraised value for other types of uses (residential, commercial, etc.). For example, if a parcel is appraised to have a fair market value of \$5,000 per acre and an open space value of \$1,000 per acre, then the development rights are worth \$4,000 per acre.

Once the development rights are sold, the owner still retains the other rights associated with property ownership. Unless a right-of-way or conservation easement has been purchased, the owner is still responsible for property taxes, which must be assessed by giving consideration to the rights which have been removed. Purchasing development rights allows the landowner to receive the land's development value without having to convert the land to other uses. Thus, in a sense, the landowner is paid for not developing the land.

Development rights are also referred to as scenic, conservation, or development easements. Easements which allow the holder (the public for example) to use the land for conservation or recreational purposes are called "affirmative" easements. Easements which prevent the landowner from doing something with the land (such as develop it) are termed "negative" easements.

There are four methods by which the Town can acquire development rights: direct purchase of development rights, purchase and resale with restrictions, purchase and lease with restrictions, and donation of development rights and/or easements. By donating development rights, the landowner can receive a reduction in local property tax, federal income tax, capital gains tax, and estate tax. With all of these methods, the restrictions on development run with the land, and are written into the deed which is binding on future landowners.

3. Donation of Land

In terms of monetary expense, the outright donation of open space lands is the preferable option. The benefits to the landowner are reduction in a variety of federal, state, and local taxes. There are five methods of donation: fee simple, less than fee simple, donation with a reserved life

estate, donation of an undivided interest in the land, and donation by bequest. These methods are briefly described below.

The fee simple method is a gift of the entire interest in the property. Full legal title passes by deed to the beneficiary (the community in this case), and the landowner no longer possesses any control over the land. However, the landowner may specify in the deed that the land is to be used solely for a specific purpose (such as tree farming or agriculture). Less than fee simple is a gift of partial interest in the property. The landowner retains legal title to the property, but gives up some of the rights to its use.

The donation with a reserved life estate is when a landowner donates property to the community but retains possession and use of the property for his/her own lifetime and/or the lifetime of other family members. A donation of undivided interest in land is a gift of a percentage interest in the land, not any specific physical portion. As a result, the land as a unit will be owned as tenants in common by those parties who have interest in the property. Donation by bequest is when a landowner donates land in his or her will to the community. In such cases, the donated land is not subject to estate or inheritance taxes.

4. Bargain Sale

This is the sale of property for less than full market value. It can be considered a combination land sale and charitable contribution. The amount deductible for income tax purposes is the fair market value and the actual sale price.

In addition to a charitable donation, the landowner can receive the following monetary benefits: cash from the sale, a capital gains tax reduction, avoidance of brokerage fees, and the avoidance of a higher tax bracket which could otherwise result from the full value sale of the land. Any transfer of property, either in fee-simple, development rights, or a conservation easement, may be the subject of a bargain sale.

5. Transfer of Development Rights (TDR)

This technique is similar to the purchase of development rights in that the right to develop is separate from the concept of ownership. A TDR program can protect critical resource areas by shifting development potential from one part of the community to another. Such a program requires that the zoning of a community have a transfer zone (consisting of lands designated for protection) and a receiving zone (consisting of a portion of a community more suited for intensive development). A landowner would sell a property's development rights directly to a developer or indirectly through a public agency who would then transfer the development rights to the community's receiving area. The property to be protected would then be subject to deed restrictions barring future development. The success of a TDR program depends upon a vigorous real estate market. Without strong demand for development rights, just compensation for the seller appears impossible.

6. Options and Rights of First Refusal

If the community cannot afford to purchase a site immediately, perhaps an option or right of first refusal can be obtained. An option establishes a price at which the community could purchase the land during a specified period of time. A right of first refusal is less specific; it simply guarantees the community the opportunity to purchase a site for a price equal to a bona fide offer from another interested party. Once another offer has been made, the community has the opportunity to match that offer.

B. Land Use Planning Techniques

Zoning can be used to protect large, dispersed, critical environmental resources. For example, it would be very difficult, costly and inefficient for the Town to purchase all of its prime wetland areas when effective protection can be accomplished through zoning.

Open Space Development ordinances are another creative planning technique. Essentially a variation on the cluster principle, this ordinance allows for homes to be arranged closer together in groups or clusters on smaller lot sizes than those normally required by zoning. Clustering housing units permits variation in lot size, shape and orientation without an increase in the overall density of the development. By clustering housing units to the side or rear of a site, large open space areas can be preserved.

C. Public and Quasi-Public Programs

There are a number of open space protection programs offered by various State and local agencies, as well as several programs offered by quasi-public groups such as the Audubon Society, the Society for the Protection of New Hampshire Forests and the Rockingham Land Trust. Many of these quasi-public organizations work hand in hand with the State, while others work independently. The programs offered by these organizations are described in the following sections.

1. Current Use

One of the more distressing realities of owning large parcels of open land has been the high property tax rates throughout New Hampshire. One method of reducing this burden is through the State-sponsored Current Use Assessment Program. Authorized under RSA 79-A, this property tax abatement program provides for reduced property assessments of field, farm and forest lands of ten (10) acres or more in size. Landowners can apply to the program through the local tax assessor.

2. Land and Water Conservation Fund

The Office of Recreational Services within the NH Department of Resources and Economic Development administers the federal Land and Water Conservation Fund. This fund provides 50% matching grants to municipalities for the acquisition of open space lands.

3. County Conservation Districts

New Hampshire has ten County Conservation districts to assist landowners in sustaining the productivity of their farmland. As part of their effort to protect the land, these organizations accept and monitor conservation easements. A branch office of the USDA Soil Conservation Service can also be found within the local Conservation District office. For Rockingham County, the County Conservation District office is located in Exeter.

4. N.H. Department of Agriculture

The New Hampshire Department of Agriculture works in a variety of ways to protect the State's farmland resources, including the purchase of development rights, technical assistance on land use issues, conservation programs and efforts to improve the economic return of farm enterprises.

5. Audubon Society of New Hampshire

The Audubon Society of New Hampshire encourages the preservation of wildlife habitat and natural areas through education and land acquisition. The Society acquires land through gifts, bequests, trusts and purchases. In many cases, the Society will accept unrestricted gifts of land having little or no wildlife or natural value for the purpose of resale, thus raising endowment funds to support their land acquisition and management programs.

6. Society for the Protection of New Hampshire Forests

The Society for the protection of New Hampshire Forests promotes conservation and wise use of natural resources and strives to protect forest and agricultural lands. The society owns and manages over 18,000 acres of land received by gift or purchase, and monitors conservation easements on over 15,000 acres. The Society also maintains a revolving Environmental Loan Fund (ELF), which makes loans to municipal, conservation, and other agencies to acquire, protect and preserve open space areas.

7. Rockingham Land Trust

The Rockingham Land Trust, located in Exeter, is a non-profit land trust organization that accepts gifts by donation or bequest, and monitors conservation easements on several properties throughout the immediate area. The Trust can provide communities and landowners with a variety of options for protecting open space areas.

6.11 RECOMMENDATIONS

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.
2. The Town should work to preserve existing scenic areas in order to maintain rural character, aesthetics, and overall quality of life.
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.
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.
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.
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.
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.
8. Protection of rare (especially threatened and endangered) species should be made a top conservation priority, especially habitats with multiple rare species.
9. Wetlands with no development in their surrounding upland buffer should be a priority for protection.
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.

11. The Town should review gravel pit closure procedures.
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.
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.
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.
15. The Town should develop 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.
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.
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.
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).
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.
20. The Selectmen, working with the Conservation Commission, should evaluate and designate "prime wetlands."

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.
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.

