

Section 2

LAND USE

Goal: To plan residential and commercial growth with the desired objective of protecting the small town character of Kingston.

Policy: Protect the integrity of residential, historic and natural resource areas.

Policy: Concentrate commercial and industrial development in designated areas.

Policy: Manage growth taking into account its impact on services and infrastructure.

Policy: Implement Innovative Development Plan

INTRODUCTION

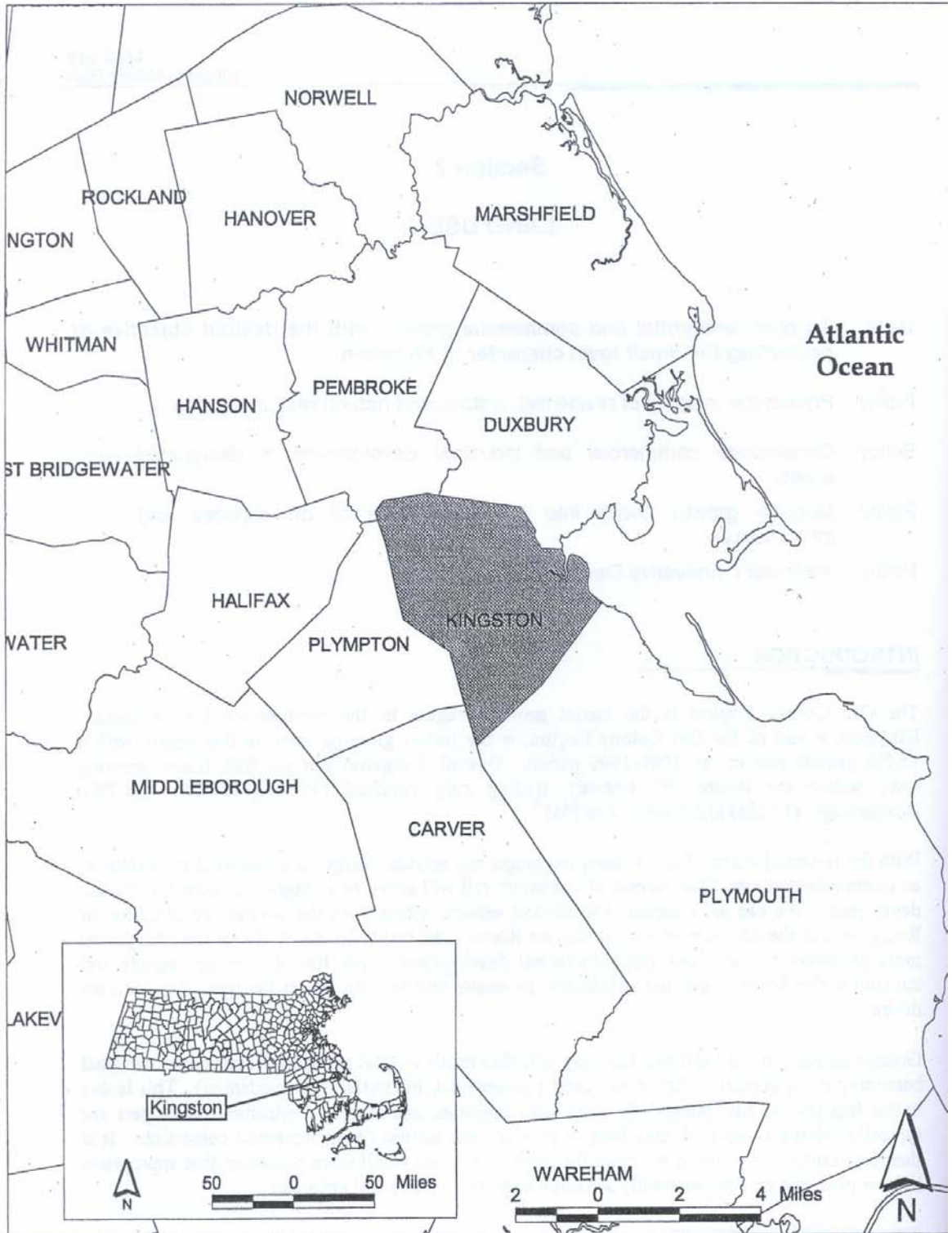
The Old Colony Region is the fastest growing region in the northeastern United States.¹ Kingston, a part of the Old Colony Region, is the fastest growing town in that region with a 15.5% growth rate in the 1990-1996 period. Overall, Kingston was the fifth fastest growing town within the Route 495 beltway, trailing only Boxford (36.5%), Franklin (20.7%), Boxborough, (19.0%) and Rowley (16.7%).²

With the re-introduction of Old Colony passenger rail service, Kingston is expected to develop at an unprecedented rate. The advent of commuter rail will serve as a magnet for homebuyers and developers. We can also expect this railroad service, along with the planned construction of Route 44 and the addition of a third lane on Route 3, to make the South Shore (and Kingston) more attractive to industrial and commercial development. The time is ripe to upgrade and streamline the Town's land use regulations to ensure that we can attract the type of growth we desire.

Greater accessibility by rail and highway will also result in land previously considered marginal becoming more attractive for development (commercial, industrial, and residential). This is due to the fact that as the demand for open land increases and supply diminishes, developers are typically willing to go to further lengths to overcome natural (environmental) constraints. It is therefore critical, in order to maintain the town's rural and small town character, that appropriate bylaws protecting environmentally sensitive areas be in place and enforced.

¹ A Region in Transition: The New Old Colony, Harvard University Graduate School of Design.

² Boston Sunday Globe. November 30, 1997.



Source: MassGIS

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Figure 2-1: Regional Location
Kingston, MA

December 1997
BTI Project No. W-1335

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POPULATION

Overview

According to the 1990 US Census, Kingston's population was comprised of 9,045 individuals living in 3,224 households. Average household size was 2.77 people with a median household income of \$40,872. Approximately 41% of Kingston's population was between the ages of 20 to 44 years, with approximately 28% of the population under 20 years of age. The median age was 34.6 years. The Kingston Town Clerk reported that the population in early 1997 was 10,577 people.

Table 2-1: Population By Age Cohort						
Year	Ages 0-19	Ages 20-44	Ages 45-64	Ages 65-84	Ages 85+	All Ages
1970	2,305	1,894	1,226	529	45	5,999
1980	2,478	2,738	1,281	796	69	7,362
1990	2,546	3,675	1,609	1,080	135	9,045

Source: US Census

From 1990 to 2000, Kingston is expected to experience a population increase of 33%, with a 22% increase anticipated between the years 2000 and 2010 (see Table 2-7, page 2-17). These growth rates are indicative of the increased growth pressures that Kingston has been experiencing over the past few years. Much of the recent and future growth can be attributed to the resurrection of the new Old Colony Rail line, which began service in the fall of 1997. This newly active rail line has again provided a direct rail link from Kingston (and the South Shore) to Boston. The station in Kingston, located on Marion Drive in the southeastern section of the Town, serves as the "principle regional station" on the Plymouth Line with over 1,000 parking spaces.

This line will make the commute to Boston a great deal easier and more direct than it now is. Presently commuters to Boston must drive the entire distance to Boston, drive to an MBTA contact point or to the commuter boat landing at Hewitt's Cove in Hingham, or take the Plymouth and Boston commuter bus. Some of these alternatives are more pleasant than others, but all are dependent on highway travel, either totally, or in part. The commuter rail train will travel over its own right of way, separate from road traffic. The likely effect of this improvement is that Kingston will be seen as an even more desirable town in which to reside by those whose business or social orientation is toward Boston, a perception which could also tend to enhance property values.³

The Old Colony study area is now experiencing, and is projected to continue to experience outstanding population and development growth. The growth rate of the study area is significantly greater than the expected growth rate for the Boston Metropolitan Area as a whole. Population growth rates in most towns within the study area are expected to be above the rate of growth for Metropolitan Boston. The southeastern Massachusetts region is currently the fastest growing region of the Boston Metropolitan area . . .⁴

Commuter rail service along the Middleborough and Plymouth Lines could be expected to accelerate the already growing economy of the study area. As accessibility to the downtown

³ Kingston School Building Needs Study. October, 1995.

⁴ The New Old Colony Railroad Rehabilitation project. Project Overview 1995. Massachusetts Bay Transportation Authority.

Boston job market is improved, the Old Colony area would become a more attractive residential location, leading to a greater demand for housing and higher housing prices. The construction of housing may follow if permitted by local authorities. Where new housing is built, increased demands for associated ... public facilities and public services can also be expected.⁵

In effect, the “distance” to Boston has been reduced or mitigated by the opening of the New Old Colony Railroad in 1997. The potential impacts of the new station in Kingston have not been quantified by the MBTA; however Kingston is already beginning to feel the pressures of increasing growth. Many towns that have recently received or expanded their commuter rail service are struggling to manage their growth as well. The Town of Franklin, for example, has seen its population increase by over 26% since 1990. An average of 300 new, single family building permits have been issued annually since the construction of that town’s second station. Although Franklin has not been able to isolate the growth attributed to the rail link, town officials are confident that it has played a major role in attracting new residents from the region who work in Boston. It is expected that Plymouth County will continue to experience significant growth due to the availability of convenient commuter rail service to Boston.

Historic Trends

Kingston’s 1970 Comprehensive Plan reported that there were 6,902 acres of potentially developable land in Kingston. In 1997, as discussed in the buildout section of this element, there are approximately 4,900 potentially developable acres. As such, the amount of potentially developable land has been reduced by almost one-third between 1970 and 1997.

Table 2-2: Comparisons of the 1970/1998 Master Plan Factors			
Factor	1970	1997	Percent Change
Population	5,999	10,557	+76%
Households	1,683	4,096 ¹	+143%
Persons per household	3.56	2.58	-72%
Acres per person ²	2.03	1.15	-57%

¹Yearround households (2,089 including seasonal dwellings)

²Acres per person: 1970 based on U.S. Census Data; 1997 based on latest available census (January, 1997) by Kingston Town Clerk

Due to its proximity to Boston and the ocean, a large number of professional people who work in Boston or on Route 128 choose to live on the “South Shore”. Most northern South Shore communities experienced rapid and dramatic growth from 1950 to 1970 as a result of two major influences: 1) Route 3 was constructed around 1960 which made vehicular access to Boston, Cape Cod and other popular destinations more convenient; and 2) increasing out-migration from inner cities to suburbs. Since that period, development in these northern South Shore communities has been more gradual because much of the prime/easily developable land was developed in these

⁵ Old Colony Railroad Rehabilitation Final Environmental Impact Statement/Report. June 1992. Sverdrup Corporation. p. iii.

communities, and because congestion along Route 3 and the Southeast Expressway became a major problem. Additionally, the suburbs continued to expand further from Boston.

Townspeople are concerned that rapid, unmanaged growth will result in the loss of Kingston's community character and that the Town will no longer be able to adequately serve its residents.

Kingston also experienced its most rapid population growth from 1950 to 1970 (+73%); however this growth was not as dramatic as that experienced by communities closer to Boston. Further, similar growth also occurred in Kingston in the twenty year period from 1960-1980 (+71%), most likely due to the aforementioned expansion of the suburbs. Despite this growth, there is still ample land remaining in Kingston for future development. (see table 2-4)

Table 2-3: Population Trends In Kingston			
Year	Population	Percent Change	People Per Square Mile
1920	2,505	--	132
1930	2,672	7%	140
1940	2,783	4%	146
1950	3,461	24%	182
1960	4,302	24%	226
1970	5,999	39%	315
1980	7,362	23%	387
1990	9,045	23%	475
2000	11,477	26%	619
2010	14,027	22%	757

Sources: 1920 - 1990 population from U.S. Census;
2000 - 2010 population projections prepared by Beals and Thomas Inc (BTI) as part of buildout analysis

As can be expected, the overall character of Kingston has changed since the preparation of its 1970 Master Plan. Population has increased by 76% since 1970, while the number of household has increased at twice that rate. The average number of persons per household has decreased 40% from 3.56 to 2.58. In that period population density has more than doubled. Increases in population and density are evidenced by increased traffic congestion and overburdening of Town services which can eventually lead to a loss of community character.

Insert Map 2-2

LAND USE

Kingston’s land use pattern is shown on Map 2-2; a considerable amount of land is dedicated to forest, open space and residential activities. This map, which is based on MassGIS data, represents 56% of Kingston’s total land area as forested or covered with wooded areas. A total of 10% was classified as open or urban open land, which includes abandoned agricultural land, land under power lines, areas of no vegetation, parks, cemeteries, public and institutional green spaces. Wetlands and water resources each comprise 3% of the total land area. The second largest land use category is that dedicated to residential use (20%). Commercial and industrial uses account for only 2% and 1%, respectively.

Table 2-4 reflects land use data based on 1996 assessor’s data, and is therefore more up-to-date than MassGIS’ 1991 data. The amount of commercial and industrial land appears not to have significantly changed in the five years between the two data sources, while residential land increased by over 500 acres (4±%).

Table 2-4: Kingston Land Use Categories		
Land Use Type	Acres	Percent
Developed Land (not including public)		
Existing Residential	2,904	24%
Existing Commercial	278	2%
Existing Industrial	123	1%
Total Developed Land	3,305	27%
Developable Land		
Potentially Developable Residential	4,214	35%
Potentially Developable Commercial	420	3%
Potentially Developable Industrial	266	2%
Total Developable Land	4,900	40%
Undevelopable Land	4,115	34%

Source: Kingston Assessors 1996

Over the past ten years, Kingston has issued building permits for 786 new single family homes, which represents 25% of the Town’s current number of households. In 1996, there were 106 permits issued – a ten year high. This increase, coupled with the new commuter rail service to Boston, is indicative of the expectation that Kingston will experience major residential growth over the next several years. In the past, the presence of extensive wetlands and other environmentally sensitive areas has been a deterrent to development. Additionally, many lots have been undevelopable because standard septic systems could not be supported by the soils there. With the coming of a sewer system to some sections of Town and a possible increase in desirability of land for development, natural constraints may no longer be sufficient to limit development.

Insert Map 2-3 Zoning Map

Uncontrolled growth threatens Kingston's rural character while also placing a strain on community services such as water, solid waste, fire/police protection, roads and schools.

Growth Management

The Town of Kingston has taken a number of steps to protect its natural resources and community character. Zoning is the most straightforward method of land use control. Overlay districts and other planning tools also help to protect resources and manage growth. Presently, there are three districts for residential development in Town, with minimum lot sizes ranging from approximately one-half acre to two acres. Table 2-5 indicates the zoning districts and their current permitted uses. See Figure 2-3 for the locations of these zoning districts.

Table 2-5: Existing Zoning Districts		
Zoning District	Principal Uses Allowed	Min. Lot Size (Sq. Ft.)
Residential 80 (R80)	Single family residential dwelling, plus farming, farm stands, day care centers, home occupation, public buildings and recreational uses, non-profit camps.	80,000
Residential 40 (R40)	Single family residential dwelling, plus farming, farm stands, day care centers, home occupation, public buildings and recreational uses, non-profit camps.	40,000
Residential 20 District (R20)	Single family residential, plus farming, day care centers, home occupation, public buildings and recreational uses. Multiple dwellings by site plan, special permit and subdivision plan	20,000-30,000
Residential M-Mobile Home Park (RM)	By special permit, mobile home parks.	8,000
Town Center (TC)	Mixed uses including dwellings, retail and service stores, government services, offices, and accessory buildings.	10,000
3A Design (3ADD)	Mixed uses similar to those in the TC District however the architectural styles of the structures should be compatible with the Cape Cod or Colonial residential styles.	30,000
Commercial (C)	Variety of retail uses, businesses or services, offices, and marinas. Uses over 4,000 sf require special permit	40,000
Industrial (I)	Manufacturing and distribution activities operating in accordance with the Town's performance standards	40,000
Commercial/Industrial Park	Large scale commercial, manufacturing, and distribution uses operating in accordance with the Town's performance standards	40,000
Conservancy (CON)	Single family residential dwelling, plus farming, public buildings and recreational facilities. Very limited commercial uses allowed.	80,000

Source: Kingston Zoning By-laws, amended through April 18, 1997

Additionally, Kingston has a Flood Plain Overlay District and a Water Resource Overlay District. As their names suggest, these districts overlay other districts and thereby provide additional regulations governing the development of a particular property. The Overlay Districts are designed to protect human life and property from the hazards of periodic flooding and to preserve the quality and quantity of the Town's water resources.

Future growth management strategies and innovative development plans are discussed below and should be further evaluated for feasibility and appropriateness for the Town.

- ◆ Modified Cluster Zoning
- ◆ Planned Unit Developments
- ◆ Transfer of Development Rights
- ◆ Impact Fees
- ◆ Point Based Systems (Adequate Public Facilities Controls)

Modified Cluster Zoning

Section 5.6 of the Kingston Zoning Bylaw, entitled "Open Space Residential Development," was adopted by the 1996 Annual Town Meeting. The bylaw provides, at the discretion of the applicant, the submission of a "cluster" subdivision plan that allows for smaller lot sizes and shorter roads and utility layouts in exchange for the preservation of sensitive upland areas. Open Space Residential Developments are allowed in the Residential 40 and Residential 80 Districts. A previous cluster bylaw existed up until the time of a comprehensive Zoning Bylaw revision adopted by the 1992 Annual Town Meeting. The developers of the Foxworth subdivision located off Pembroke Street utilized this earlier provision during the late 1980's. The layout of this single family-detached residential development is generally positive from both an aesthetic and open space preservation standpoint.

The current "cluster bylaw", although more detailed in its description of submission requirements and review criteria, is nonetheless typical of similar bylaws in other Massachusetts municipalities. As with those bylaws, a developer must undergo rigorous special permit review, in addition to review under the Subdivision Control Law. Both applications require a public hearing before the Planning Board, although the developer may accomplish this in a concurrent manner. Also, the Kingston Open Space Residential Development bylaw, as presently written, does not allow for a density on the site greater than that of a conventional subdivision. Thus, developers will have little or no incentive to utilize the bylaw unless a future Town meeting amends the language to provide some form of "density bonus."

The Town of Lexington, Massachusetts adopted amendments to its cluster bylaw during the Town's 1996 Annual Town Meeting. Before this occurred, the Lexington cluster bylaw, as with Kingston's current Open Space Residential Bylaw, required that no more dwelling units may be built in a cluster subdivision than in a conventional subdivision. The rationale for the Lexington amendment was that all dwelling units have equivalent impacts on the Town's services and infrastructure. The Town Planner, who authored the amendment, convincingly argued that all housing types be evaluated according to five impact measures – the gross floor area, living area,

site coverage, occupancy, and motor vehicle trip generation of the dwelling units. By using a simple formula, a developer can easily calculate his or her proposed impact on the Town and the level of density bonus allowed. Due to differences in demographics, zoning, land use, income, and other factors, data used in the calculations of Lexington and towns such as Kingston will likely yield different results. Kingston therefore should adopt a cluster bylaw comparable to Lexington's while recognizing that the bylaw must be tailored to Kingston's uniqueness among the many "bedroom" communities in Massachusetts.

Planned Unit Development

Planned Unit Development (PUD), like cluster zoning, is another planning/zoning tool that allows for flexibility and provides incentives for the developer. Section 9 of MGL Chapter 40A, which enables Massachusetts municipalities to adopt PUD bylaws, reads in pertinent part:

(A PUD is) a mixed use development of a plot of land containing the minimum of the lesser of sixty thousand square feet or five times the minimum lot size of the zoning district, but of such larger size as the bylaw may specify, in which a mixture of residential, commercial, industrial, or other uses and a variety of building types is determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by the bylaw.

In other words, a town such as Kingston could amend its zoning through town meeting action to allow PUD. A PUD bylaw could take the form of either defined PUD districts or the more common approach as a floating zone or zones. Floating zones are zoning designations that are intended to be located on the zoning map only after an application is made. Examples of floating zones in Kingston's current Zoning Bylaw are the Open Space Residential and Planned Residential provisions.

PUDs allow developers and municipalities to negotiate to achieve their separate goals. Subdivision and zoning regulations apply to the whole project rather than its individual lots. Densities are calculated on a project-wide basis allowing mixed uses that disregard traditional zoning requirements, such as setback lines and minimum lot sizes in order to achieve superior design. The technique ultimately promotes large scale, unified land development according to a comprehensive and detailed plan proposal.

Transfer of Development Rights

Transfer of Development Rights (TDRs), although not commonplace in Massachusetts, are applied in other parts of the country with positive results for both the developer and the local jurisdiction. Simply stated, TDRs separate the right to develop property rights associated with the land ownership. Property owners in "sending zones" transfer their development rights to land parcels in "receiving" zones. The property in the sending zone is then limited in its future development. While TDR generally speaks to a transfer of development potential from one parcel to another, a related concept is the selling of property rights via development restriction or conservation easement.

A TDR program influences the location of development and compensates property owners for inequities that may arise when land use regulations restrict the use of land. The advantages of

TDR are: 1) promotes development in desirable locations, 2) preserves land at low public cost, and 3) provides economic relief to property owners affected by land use regulations. The limitations of TDR are: 1) difficulty in assessing the value of development rights, and 2) locating potential "target" sites for development. A community must draft a TDR scheme carefully to ensure that the rights granted by the transfer (either via development rights elsewhere or via payment) provide adequate compensation for the rights "transferred."⁶

During a public forum held in November 1997, attendees were asked to indicate whether or not they supported the general concept of TDR. While several attendees indicated they did not support TDR at all, the majority indicated that they would like commercial development to occur in the Independence Mall/commuter rail station area.

Impact Fees

The term "impact fees" is defined as a charge against new development to generate revenue for capital improvements necessitated by this new development. Moneys assessed may be used to finance a development's fair share of improvements that benefit the community at large and that provide for a variety of on and off site improvements. Massachusetts presently has no legal standards that require developers to contribute to off site improvements. Some municipalities have been successful at achieving the passage of home rule petitions voted by the state legislature and signed by the governor that allow the imposition of impact fees on certain developments. Other towns, such as Framingham and Hanover, have adopted zoning amendments that established de facto impact fee bylaws without the passage of home rule petitions. Impact fee legislation is filed nearly every year but typically "dies" in committee.

The Town of Franklin's Town Council voted to approve an impact fee bylaw on November 1, 1995. By December 16 of that year, the Greater Franklin Developers Association filed a suit in Superior Court challenging the legality of the bylaw⁷. One of the principle tenets of the bylaw was "to ensure that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development and to promote and protect the public health, safety and welfare." Of primary concern to the Council was the expansion of the public school system to keep pace with rapid residential growth. The methodology to determine the impact of new development was based on a report prepared by an outside consultant. Fees would be determined on the impact of new dwelling units to create demand for the acquisition, expansion and construction of school improvements. An Impact Fee Trust Fund was established to ensure that all fees collected would be earmarked for school-related construction and improvements. On August 11, 1997, Massachusetts Superior Court issued a summary judgement ruling that the school impact fee charged by the Town of Franklin constitutes an invalid and unauthorized tax. In its ruling, the Superior Court stated:

⁶ TDR was significant to the US Supreme Court's decision in Penn Central Transportation Co. v. City of New York 438 Us 104 (1978) holding that the height limit was not a regulatory taking. TDR has the potential to minimize lawsuits arising out of regulatory takings, especially if TDR is coupled with very restrictive zoning regulations.

⁷ Greater Franklin Developers Association, Inc. v. Town of Franklin, 1997 (Mass. Superior Court, August 11, 1997) (NO. CIV. A. 95-02608)

. . . enactment of the schools impact fee, which operates as a tax, is outside the scope of municipal authority provided by the Home Rule Amendment. In the absence of a grant of authority from the Legislature, Franklin has no power to impose the schools impact fee, which is therefore invalid.

According to the Acting Town Administrator for the Town of Franklin, the Town is in the process of appealing this decision.

Kingston Town officials, in particular the Town Planner, should continually monitor the status of this important court case. Regardless of the outcome of this litigation, Kingston should aggressively pursue some form of impact fee system. One possible approach, which does not require home rule approval, is for the Town to adopt a curb cut permit bylaw comparable to the process implemented by the Mass. Highway Department. Simply stated, the bylaw would require any developer performing work impacting a town road to either make the necessary improvements (for example, road widening, new curbing, installation of signs or traffic signals) or pay a fee in lieu of such improvements. The Board of Selectmen would be responsible for establishing the necessary accounts, arranging for collecting of fees, and monitoring site improvements. This could take the form of an amendment to the Town's General Bylaws. Developers often prefer paying fees instead of encountering limitations on growth such as phased growth bylaws and point-based controls, as described below. Additionally, the Town Planner should review the decision regarding the Town of Franklin's impact fee, as the Superior Court's decision also provides guidance into a town's abilities to charge fees for infrastructure, such as water and sewer connections and service.

Point Based Systems (Adequate Public Facilities Controls)

Adoption of a point-based system enables a community to regulate the amount and rate of growth. Ordinary zoning bylaws can only control the type and the density of uses permitted. Some of the more innovative growth control techniques such as cluster and PUD control details of layout and design. However, these methods would not control either the amount of growth or the rate at which it occurs.

Point based controls may be considered a more sophisticated method for controlling growth and providing for more diverse development. Common characteristics of such regulations are the following:

- ◆ An annual quota on building permits as specified.
- ◆ An award of points to each development proposal based upon the adequacy of public facilities, the design of the development, amount of open space provided, inclusion of affordable housing units, among other criteria.
- ◆ The process may exempt small projects, for example, four (4) units or less, in-fill development, or both.

One advantage of point based controls is that the technique may be used to induce the production of affordable housing, if desired, by awarding points for such units. However, there are disadvantages as well. First, the process is administratively complex and requires additional

review time by the permit granting authority. Second, the process is subject to legal attack, as detractors may raise legitimate questions of equity if utilized in the absence of scheduled improvements based upon capital facilities planning. For these reasons, more communities opt for phased growth or development scheduling which the Town presently has in place.

BUILDOUT ANALYSIS

Over the past ten years, Kingston has gained significant numbers of new residences and has seen its commercial base extended. As growth pressures continue, it is helpful to consider the Town's theoretical buildout: the potential number of new homes and businesses that could be built under current zoning situation. Following is a description of the assumptions, methodology, limitations and findings of the buildout analysis.

Assumptions

1. Although there may be existing non-conforming uses within zoning districts, for this analysis it is presumed that the land use classification also reflects current zoning.
2. Several assumptions were applied to the data to derive the maximum number of developable lots. First, to account for the roadways and utilities required to service new development 10% of the undeveloped land was subtracted. Second, another 20% of the undeveloped land was deducted to account for land with environmental constraints such as wetlands, soils unsuitable for supporting septic systems, and land within the Flood Plain and Water Resource Protection Districts. The remaining acreage was then divided by the minimum lot sizes allowed by the Kingston Zoning By-Law for each use to determine buildout.
3. It is assumed that many of the individual residential lots that remain vacant have some development capability. Since these lots are generally independent and not held in common ownership, it is likely that one residential unit per lot is possible. It is understood that some of these parcels may be completely constrained by roadway access or physical constraints such as wetlands, open water, topography or geology rendering the lots unbuildable for natural or financial reasons. For this analysis, however, it is assumed that most residentially zoned vacant parcels are buildable.
4. All property owned by the United States, the Commonwealth of Massachusetts, the Town of Kingston, or other Massachusetts communities is considered protected from development for the purposes of this analysis. Certainly there are means of removing these properties from public ownership; however, this type of change in use would require public scrutiny and is not considered in this analysis. In addition to governmental holdings, the Kingston Assessors Office considers other entities exempt. These entities with property in Kingston include religious organizations (e.g., Sisters of Divine Providence) and non-profit organizations (e.g., Boy Scouts of America). Past experience has indicated that non-governmental and non-profit organizations often end up selling off some or all of their property. Therefore, the Kingston Master Plan Committee reviewed the inventory of properties with land use codes in

Insert Map 2-4 Buildout by Region

the 900's and determined that land owned by religious organizations and some non-profit organizations should be included in buildout calculations.

5. There are currently an estimated 790 buildout lots under Chapter 61, 61A or 61B protection, (see page 6-6 for definition of Chapter 61 Lands). Typically, these lands are assumed to be without permanent protection, however the Kingston Master Plan Committee also reviewed these properties and determined that only 20% (158 lots) of these properties could be developed if removed from Chapter 61 protection. The Committee determined that 80% (632 lots) of these properties would not be developable due to environmental constraints (most of these lands are maintained as cranberry bogs).
6. It is assumed that residential parcels of three or more acres have additional buildout potential that can be estimated by consideration of existing zoning, physical or environmental constraints, and other regulatory or deeded restrictions.

Limitations

The methodology and assumptions explained below yield figures representative of a realistic potential for future development within Kingston. The figures are intended to be utilized for Town-wide assessment – this study is not intended to be used for evaluation of individual parcels. The information provided herein has much greater accuracy on a cumulative level than on a site specific level, especially as applied to smaller parcels which were evaluated solely on statistics related to parcel size, land use, and occupancy (structures or vacant) and not site-specific conditions.

Some parcels may have greater development potential and others may have less based on actual site conditions. In addition, significant reliance has been given to Assessors' information that may include some errors in identification of land use. There are two types of potential errors in these records: human error in data entry, and misclassification of land use. For example, land assumed to be non-developable might have development potential. Occasionally these lands become subject to development when none was assumed feasible. It is assumed that these errors are minimal.

Methodology

The buildout for the Town of Kingston was prepared using the Kingston Assessor's data (updated January 1996). The Assessor's data was initially sorted by Massachusetts Land Use Classification (LUC) Codes. Land use codes indicating potentially developable land were then selected for assessment for consideration as potentially developable land. These land use types included vacant residential, commercial and industrial land; private non-profit organizations; and property under MGL Chapter 61, 61A and 61B restrictions as the land is without permanent protection.

Parcels were grouped to reflect residential, commercial, and industrial uses.

Residential Land

Residential buildout was analyzed in four distinct categories: 1) Improved land greater than three acres, 2) Developable land, 3) Potentially Developable land, and 4) Undevelopable land. Undevelopable land (land use code 132) was not included in buildout calculations, as experience has shown that these lands are rarely developed.

Each vacant parcel's "buildable acreage" was divided by Kingston's typical residential lot sizes (40,000 sf) to determine the number of additional potential residential lots. As noted above, a total of 30% of the lot area was deducted to account for roads; utilities; and environmental constraints, such as wetlands and the Water Resource District. Larger improved residential parcels were subjected to an additional 40,000 sf deduction to accommodate the existing structure. Map 2-4, Build Out by Sub –Regions, illustrates this build out potential.

Additionally, the so-called "Chapter 61 lands" – including forestry, agricultural/horticultural and recreational parcels – are currently restricted from development under State law. However, since this land is not permanently protected, a portion of this land (20%) was included in the buildout. Generally these parcels are located in residential zoning districts and become subdivisions if developed.

Residential Buildout Potential

A total of 1,803 acres of land is classified as vacant residential (developable or potentially developable) in Kingston. This translates to a potential for approximately 1,046 residential lots at some time in the future, given existing zoning. Further, it is estimated that the development of larger improved residential parcels of greater than three acres could add approximately 822 additional housing units within the Town in the future. Overall, two-thirds of the total potential residential lots are located in the westerly and northerly sections of town. One-quarter are located in the southerly section, with only 8% in the easterly section. Smaller improved residential parcels (less than 3 acres) are not critical to the analysis since it is unlikely that many of these parcels will support either subdivisions or Approval Not Required (ANR) lots.

Commercial and Industrial Land

Commercial and Industrial development potential was estimated by analyzing all parcels of vacant commercial and industrial land. The number of potential lots was determined by dividing the estimated buildable land area by the minimum allowable lot size of 40,000 sf. Industrial zones are found in the northerly section of town on Summer Street and the easterly section adjacent to Route 3 on Brewster Ave. and on Prospect Street. There is also a commercial/industrial park district located in the easterly section of town, near the Independence Mall and the new commuter rail station. The main commercial strip runs along Route 3A, with the Independence Mall located in the easterly section of town, off Route 3. Additionally, there are several scattered small industrial or commercial parcels located throughout town.

Commercial Buildout Potential

Vacant commercial properties⁸ are located primarily in the western quadrant of the town, along Grove and Pembroke Streets. In all, there are approximately 420 acres of vacant commercial land. Given one-acre lots, this land could be expected to yield another 279 or so lots. Applying an estimate of 5,800 gsf per acre (13.3%) for commercial land in Kingston, the Town has the potential to attract an additional 2,436,000 sf of commercial space. These numbers can be directly applied to determine the tax benefit to Kingston by utilizing comparable per square foot values.

Industrial Buildout Potential

Approximately 266 acres of vacant industrial land⁸ remains in Kingston with an estimated buildout of 128 one-acre lots. However, this figure may be high as many industrial users require greater than one acre. Much of the available vacant land is located in the easterly and southerly sections of town, in the vicinity of the Independence Mall and train station. It is likely that the opening of the commuter rail station will spur commercial and industrial activity in the vicinity. At 12,000 sf per buildable acre it is estimated that an additional 3,192,000 sf of industrial space could be anticipated in Kingston, 81% of which would occur in the easterly and southerly sections of town.

Protected Land

Levels of Protection and Risk of Development

“Protected land” falls into several categories, with varying levels of protection against future development. As mentioned in the “assumptions” section, we assume that publicly-owned property is the most highly protected from future development. Although it is entirely possible for the Town, Commonwealth or United States to remove public land from public ownership, this scenario is unlikely and would require public scrutiny if it were proposed. However, tax exempt land under ownership by religious or non-profit organizations was included in the buildout analysis. These lands contributed an additional 367 house lots to the overall residential buildout number.

Land that is currently taxed under the exemptions allowed by M.G.L. Chapters 61, 61A, or 61B does not have significant protection from development. Property under these designations allows the Town a right of first refusal on the land should the property owner decide to remove the restricted status. The designation of private parcels as Forest lands (Chapter 61), Farm lands (Chapter 61A), or Private Recreation lands (Chapter 61B) restricts the use of land in exchange for significant reduction in taxes. Forest Lands require a minimum of ten contiguous acres which can be classified by a state forester and a forest management plan. Once the application has been received and approved the classification statement functions as a lien upon the land for taxes levied under the provisions of M.G.L. Chapter 61. The landowner must refile every ten years or the Assessor will remove the land from classification. Farm Lands and Private Recreation land must have a minimum of five acres and the status must be renewed every year.

⁸ Lands located within in the Commercial/Industrial Park zoning district are included in the industrial buildout although some commercial uses are permitted.

Land may be taken out of Chapter 61, 61A or 61B classification by notifying the Town and paying a withdrawal penalty tax. However, such land may not be sold for, or converted to, residential, commercial or industrial use while taxed under the classification without written notification of the municipality in which it is located. The Town has 120 days to exercise its right-of-first-refusal option to purchase the land. Should this time period pass and/or the Town state in writing that it will not act on its option, the land may be developed for alternative use(s), removing it from its “open” status as farm, forest, or recreation land.

Buildout Potential of Agricultural, Forest and Recreational Land (Chapter 61 Property)

The parcels that are currently under limited tax status as forest, agricultural or recreation lands are only minimally protected from future development – and protection is only ensured if the Town is able to act on its right of first refusal to purchase when the property owner makes a decision to remove the coverage under M.G.L. Chapter 61, 61A or 61B. Therefore it is critical to assess the property that is currently listed under these Chapters to identify those parcels which are most likely to be subjected to development pressure in the near future. This is a role that the Conservation Commission or Open Space Committee and Recreation Commission can play.

It is beyond the scope of this study to review each privately owned parcel individually to determine if and when the property owner might consider development. However, some generalizations can be made. Kingston currently has approximately 1,172 acres in restricted uses. The Master Plan Committee performed an analysis of lands under this classification and determined that only 20% of these lands would be considered developable. If this 20% were entirely developed, 156 additional house lots could be expected.

Table 2-6 provides a summary of buildout potential, by land use category and section of Town. Map 2-4 depicts the location of “Buildout Regions”. This level of analysis has helped to understand likely buildout, given constraints of the land. It is important to reiterate that a buildout analysis should be viewed as a whole, and that site-specific information used was generally in the form of maps and not detailed site inspection. In no case should the parcel specific figures be utilized to determine actual development capability of individual parcels.

Table 2-6: Potential Buildout by Area of Kingston

	Number of Lots (% of Total)				
	West	North	East	South	Total
Residential					
Vacant Developable	376 (36%)	232 (22%)	69 (7%)	369 (35%)	1,046
Chapter 61 Lands	51 (33%)	68 (44%)	8 (5%)	29 (19%)	156
Tax Exempt	119 (32%)	130 (35%)	23 (6%)	95 (26%)	367
Sub-Total Residential	546	430	100	493	1,569
Improved Lots Over 3 acres	334 (41%)	249 (30%)	90 (11%)	149 (18%)	822
Total Residential	880	679	190	642	2391
Commercial	249 (89%)	6 (2%)	1 (0%)	23 (8%)	279
Industrial	0 (0%)	30 (23%)	66 (52%)	32 (25%)	128

Source: Buildout based on 1996 Assessors Records from the Town of Kingston.

Conclusion

It is impossible to predict the rate at which residential development will occur in Kingston over the next several decades. It is reasonable to expect that the current pace of approximately 100 new single-family homes per year will continue, especially over the next several years as Kingston's perceived distance to Boston is lessened by the extension of the commuter rail, and as the suburban fringe continues its outward sprawl. In the year 2006, a limitation on the number of new homes that can be built will become effective, which will restrict new construction to 70 per year. The population and buildout projections (see Table 2-7) reflect this adjustment in the projected number of new households.

The Master Plan Buildout Analysis indicates approximately 2,400 new homes could be constructed on vacant, residentially zoned land. The construction of 100 new homes per year until 2006, with 70 new homes per year thereafter, would result in total buildout occurring in approximately 30 years under existing zoning regulations. Again, it is impossible to predict when or if total buildout will occur. The final buildout number is often reduced by unanticipated environmental and/or market constraints. Since the current buildout figures are based on land use/density regulations in effect at the time of analysis, any changes to these regulations could modify the timing and/or location of buildout.

Based on a conservative estimate of three persons per household, Kingston's population can be expected to increase by some 7,173 people at full buildout. When added to the Town's current population of 10,577 (January 1997), Kingston's population upon buildout would be approximately 17,750 people.

Table 2-7: Population Projections*			
Year¹	Population¹	Percent Change	Households
1985	7,338	NA	--
1986	7,852	7.00%	--
1987	7,941	0.38%	--
1988	7,971	6.41%	--
1989	7,988	0.21%	--
1990	8,321	4.17%	--
1990 ⁹	9,045	--	--
1991	8,784	5.56%	--
1992	9,028	2.78%	--
1993	9,363	3.71%	--
1994	9,468	1.12%	--
1995	9,907	4.64%	--
1996	10,229	3.25%	--
1997	10,577	3.40%	4,096
1998	10,877	2.84%	4,196
1999	11,177	2.76%	4,296
2000	11,477	2.68%	4,396
2001	11,777	2.61%	4,496
2002	12,077	2.55%	4,596
2003	12,377	2.48%	4,696
2004	12,677	2.42%	4,796
2005	12,977	2.37%	4,896
2006	13,187	1.62%	4,966
2007	13,397	1.59%	5,036
2008	13,607	1.57%	5,106
2009	13,817	1.54%	5,176
2010	14,027	1.52%	5,246
2011	14,237	1.50%	5,316
2012	14,447	1.48%	5,386
2013	14,657	1.45%	5,456
2014	14,867	1.43%	5,526
2015	15,077	1.41%	5,596
2016	15,287	1.39%	5,666
2017	15,497	1.37%	5,736

(continued on the next page)

Table 2-7: Population Projections* (continued)			
Year¹	Population¹	Percent Change	Households
2018	15,707	1.36%	5,806
2019	15,917	1.34%	5,876
2020	16,127	1.32%	5,946
2021	16,337	1.30%	6,016
2022	16,547	1.29%	6,086
2023	16,757	1.27%	6,156
2024	16,967	1.25%	6,226
2025	17,177	1.24%	6,296
2026	17,387	1.22%	6,366
2027	17,597	1.21%	6,436
2028	17,750	0.87%	6,487
Households at Total Buildout:			6,487
Population at Total Buildout:			17,750

¹ Regular text in year and population columns = Actual Town Clerk Census

Bold type in year and population columns = Projected/Estimated Population

⁹U.S. Bureau of Census, 1990 population

***Assumptions**

- Average Number of Persons per Household = 3.00
- 100 new homes per year through 2006 = 300 additional people per year
- 70 new homes per year after 2006 = 210 additional people per year

Typically a Master Plan will establish recommendations and actions for a five to ten year period; however, discussions of projections for 20 or 30 years is certainly within the purview of a Master Plan. The recommendations below for Land Use, that are also contained in Section 9, were derived through a cooperative effort between the Master Plan Committee and consultant, as well as through a public hearing on land use recommendations held on November 1, 1997.

Implementation Schedule

Land Use Action	Implementing party (ies)	Time Frame
Protect the integrity of residential, historic and natural resource areas.		
<ul style="list-style-type: none"> Develop and implement a focused growth strategy that phases in and balances development with the existing land use patterns. 	TP, PB	Ongoing
<ul style="list-style-type: none"> Continue to improve Gray's Beach and town's waterfront. Preserve and enhance the Jones River and publicly accessible water bodies for public use and enjoyment. 	HW, Rec, OSC, WC, Parks, JRWA, CC	1998
<ul style="list-style-type: none"> Enhance accessibility to the Town's natural resource areas for public enjoyment. 	HW, Rec, OSC, WC, Parks, JRWA, CC	Ongoing
<ul style="list-style-type: none"> Continue to permanently preserve open space through Town acquisition, and by encouraging land donations, easements and restrictions. <ul style="list-style-type: none"> ⇒ Designate additional open space areas ⇒ Consider establishment of a Land Trust. 	OSC, TM, CC	Ongoing
<ul style="list-style-type: none"> Create Kingston Historic District(s) to protect historic structures, provide guidelines for in-fill construction, and require that advance notice of plans for demolition be provided to the Historical Commission. 	HC, KVA, JRVHS	1998
<ul style="list-style-type: none"> Amend the zoning bylaw to provide incentives to encourage cluster development, such as density bonuses based on impacts of development. 	TP, PB, TM	1998
<ul style="list-style-type: none"> Adopt a requirement that 90% of the minimum required area for a lot be comprised of contiguous upland area. 	TP, PB, TM	1998
<ul style="list-style-type: none"> Create an age restrictive housing bylaw. 	TP, PB, TM	1999
Concentrate commercial and industrial development in designated areas.		
<ul style="list-style-type: none"> Consider innovative zoning provisions that will encourage commercial/industrial growth in appropriate areas. <ul style="list-style-type: none"> ⇒ Identify target areas for commercial and industrial growth, most likely the Independence Mall area. ⇒ Build community consensus on the location of future "concentrated development" areas 	TP, PB, EDC, KBA	1998
<ul style="list-style-type: none"> Provide adequate infrastructure (water, wastewater treatment, access) to designated concentrated development areas. 	Various Town Departments, CPC	Ongoing
<ul style="list-style-type: none"> Amend existing Site Plan Review by-law to establish standards for siting, orientation, screening and other characteristics of proposed projects. 	TP, PB, TM	1998
<ul style="list-style-type: none"> Establish a corridor overlay zone starting at Rte. 53 on the Duxbury line, continuing along Rte 3A to the Plymouth line to enhance visual appeal in keeping with the small town character whether driving, walking or bicycling. <ul style="list-style-type: none"> ⇒ Consider implementation of an overlay zone through various mechanisms such as state grants, tax credits, etc. 	TP, PB, TM	1998

Land Use Action	Implementing party (ies)	Time Frame
<ul style="list-style-type: none"> • Explore and implement the Transfer of Development Rights (TDR) growth management mechanism <ul style="list-style-type: none"> ⇒ In calculating credits and bonuses in TDR and density calculations, wetlands should not be considered part of open space. 	TP, PB, TM	1999
Manage growth taking into account its impact on services and infrastructure.		
<ul style="list-style-type: none"> • Based on a comprehensive inventory and analysis, identify and set aside land for future municipal uses (including specifically roads and recreational facilities). 	TP, PB	1999
<ul style="list-style-type: none"> • Implement a streamlined process whereby proposed subdivisions/ construction projects are reviewed/evaluated by Departments that will be providing the necessary public services. 	TP, PB	1999
<ul style="list-style-type: none"> • Balance development costs between Town and developers in appropriate ways <ul style="list-style-type: none"> ⇒ Adopt a curb cut permit bylaw. ⇒ Consider adoption of a linkage bylaw which requires larger developers to make contributions 	TP, PB	Ongoing
Implement Innovative Development Plan.		
<ul style="list-style-type: none"> • Centralize the Town's planning efforts by creating a Planning Department with a professional staff; provide the Planning Department with authority to play a strategic role in decision-making. 	PB, TP, TM, BOS	1998
<ul style="list-style-type: none"> • Make better use of regional planning councils. 	TP	Ongoing
<ul style="list-style-type: none"> • Implement a Geographic Information System to assist informed decision-making. 	TP, TM	1999
<ul style="list-style-type: none"> • Appoint a design review board to implement and enforce town-wide design and signage guidelines; the Historical Commission should assist in the review of design in historic areas. 	TM, PB, BOS, HC	1998
<ul style="list-style-type: none"> • Pursue implementation of impact fees 	TP, PB	Ongoing
<ul style="list-style-type: none"> • Create a Planned Unit Development bylaw to promote mixed use, unified land development. 	TP, PB	1999
<ul style="list-style-type: none"> • Explore implementing a Transfer of Development Rights program and establish concentrated development areas. 	TP, PB	1998