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## Coastal Hazards Adaptation Team (CHAT) Work Session #19

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Tuesday, August 18, 2020

2 PM – 4 PM

VIRTUAL MEETING

GoToMeeting (Remotely)

<https://global.gotomeeting.com/join/248423645>

<https://www.gotomeet.me/KirstenHoward/chat-work-sessions>  
[or by dial-in @ \(669\) 224-3412](https://www.gotomeet.me/KirstenHoward/chat-work-sessions)

### NOTES

**Participants:** Jay Diener, Rayann Dionne, Jason Bachand, Stephen LaBranche, Debra Bourbeau, Tom Bassett, Jennifer Hale, Bob Ladd and Barbara Kravitz (by phone), Norma Collins (by phone, had technical issues announcing her presence)

**Absent:** Mark Olson, Bryan Provencal, June Black, Steve Belgiorno, James Waddell

**Staff:** Kirsten Howard, Liz Durfee, DES

Ms. Durfee began the meeting at 2:03 PM.

#### 1. Remote meeting logistics

Ms. Durfee asked everyone how the remote virtual meeting format was working out. Ms. Kravitz and Ms. Collins phoned in.

#### 2. Introductions

The members introduced themselves and indicated whether they were affiliated with the Town, a group or were residents. Jay Diener indicated he is a representative of SHEA, Stephen LaBranche noted he is a representative of the Budget Committee, Jason Bachand indicated he is the Town Planner for the Town of Hampton, Rayann Dionne indicated she is the Conservation Coordinator for the Town of Hampton, Kirsten Howard indicated she is with NHDES Coastal Program, Deb Bourbeau and Tom Bassett indicated they are Hampton residents, Jennifer Hale, PE, Deputy Director of Hampton Public Works, Robert Ladd is a Commissioner with the Hampton Beach Village District Commission, Barbara Kravitz is a representative of the Rockingham Planning Commission and Hampton Beach Area Commission.

#### 3. Approve meeting notes from June 2020 and July 2020

Mr. Diener motioned to approve the June 23, 2020 minutes as amended. Ms. Dionne seconded the motion. A roll call vote was taken Diener – aye, LaBranche – aye, Bachand – aye, Dionne – aye, Howard – aye, Bourbeau – aye, Bassett – aye, Hale – aye, Ladd – aye, Kravitz – aye. With all in favor, the motion passed unanimously.

Ms. Bourbeau motioned to approve the July 21, 2020 minutes as amended. Mr. Bassett seconded the motion. LaBranche – abstain, Ladd – abstain, Diener – aye, Bachand – aye, Dionne – aye, Howard – aye, Bourbeau – aye, Bassett – aye, Hale – aye, Kravitz – aye. With all in favor, the motion passed 8-0-2.

#### 4. Flood Updates

Mr. LaBranche indicated there will be a high tide, 9.8 ft, tonight. Ms. Bourbeau noted residents of Manchester Street would like to see an advisory issued by the Town at a lower tide than 10 ft.

Ms. Dionne reported that the updated FEMA Flood Insurance Rate Maps will become effective in January 2021.

Mr. Bachand reported the meeting of the Master Plan Virtual Workshop was last Wednesday and will be airing on Channel 22 and be available on the Town website at the end of the week. Groups broke out to discuss the Vision and Coastal Chapters.

Liz Durfee asked members to provide any additional stakeholders for the Master Plan stakeholder list to Nathalie and thanked Jen Hale for providing some names.

Ms. Howard noted FEMA BRIC funding opportunity is coming up. They are holding webinars and providing information next week. There is a new format. Home elevation projects are something to pay attention to. Accepting applications at the end of September.

#### 5. Recommendations Discussion

Ms. Durfee thanked everyone who forwarded recommendations and noted she put them into categories:

- Zoning & Land Use Regulations
- Data Collection, Assessment, Research
- Funding, private and towns
- Outreach and Communication
- Staffing needs
- Incentives
- Planning needs
- Policy/Ordinance changes
- Implementation projects
- Advisory oversight – CHAT – Implementation of Master Plan

Ms. Durfee noted that members should identify any missing or misinterpreted or misstated categories and clarify those. There are opportunities to consolidate the recommendations and

she would like to discuss all the recommendations and possibly refine them to a smaller list to present to the Town.

Ms. Durfee indicated that after the list of draft recommendations was refined, CHAT should determine the following for each recommendation:

- Who is responsible?
- Cost of the Improvement
- Funding Sources
- Timeframe
- Partners who can assist

### Zoning & Land Use Regulations

Recommendations (*refer to meeting materials for more information*):

- Strengthen regulations for new developments and subdivisions
- Tracking substantial improvements cumulatively
- Reducing substantial thresholds 50-40
- Reduce impervious coverage threshold in special flood hazard areas to 50%
- Require permeable pavement when driveways are replaced
- Prohibit fill in the flood plain
- New regulations in areas of repetitive loss
- Risk assessment in areas of repetitive loss
- Require at least 2' freeboard with open foundation requirements

Discussion:

Mr. LaBranche asked about the third bullet, reducing the threshold for substantial improvement from 50 to 40%. Ms. Dionne noted that this change would mean that if the projected construction cost was 40% of the assessed value, then the applicant would need to bring the whole structure into compliance with the Floodplain Ordinance. Mr. LaBranche asked what area this would impact, the beach or whole Town? Ms. Dionne noted in the special flood hazard area (SFHA) town wide. The SFHA includes areas around the beach, marsh edges, Meadow Pond, Huckleberry tidal wetland, etc.

Mr. Diener asked if the overlay district is on the list of recommendations? Ms. Durfee said it was.

Ms. Durfee indicated there could be a new overlay district based on SLR scenario.

Mr. LaBranche referenced two projects with fill in the flood plain, Little Jacks and the Riviera.

Ms. Howard noted FEMA best practice indicates that fill takes away from the flood storage area. Little Jacks has a lot of fill. Can see that being proposed with every development due to

the impact to folks next door. Fill forces water onto neighboring properties and exacerbates flooding next door. Other communities have taken that approach (to prevent fill). Mr. LaBranche noted areas where they have paved over areas of marsh. Mr. LaBranche noted some of these condominiums generate a tremendous tax base. One bedrooms don't impact schools. Ms. Dionne agreed there would be a benefit to change the flood plain ordinance and bringing compliance with the Community Rating System would increase eligible credit and provided a better discount for flood insurance policy holders.

Mr. Bassett indicated he sent out an email to Green Street and Meadow Pond neighbors and received nine responses.

Mr. Diener noted the wetlands ordinance prohibits fill in the Wetlands Conservation District. Prohibiting fill in the floodplain would be an expansion of this provision that would help make sure development is not creating greater impacts to adjacent properties.

Mr. Diener noted flood risk assessment should occur everywhere in the floodplain. Little Jacks came to Conservation Commission and the ordinances only require adaptation based on today's situation, not the future. Like to see that be the lifespan of projects (i.e. 50 years) and cost of the project.

Ms. Durfee noted that one recommendation she flagged was the recommendation to establish more regulations for properties that experienced repetitive loss, as this would pertain only to properties with flood insurance and may not be equitable approach. If homeowners don't have a mortgage (and are required to have flood insurance) they would not be subject to the same stipulations their neighbor might. It should affect all property the same way.

Ms. Howard noted if Little Jacks came in under December's new rules they would have had to address SLR via a flood risk assessment. Going forward the State requires this. Jen Hale asked if guidance is provided on the new regs. Ms. Howard noted there is a more robust guidance worksheet. Little Jacks was one of the first to require AOT assessment. Ms. Howard will send a link.

Ms. Kravitz noted the work you've done is amazing. Recommendations come from things people thought were a good idea. Will those have to be vetted and prioritized? Is it part of the process CHAT will do before recommending? Ms. Durfee explained the homework assignment and original multi-phased process used to develop the recommendations to submit to the Town. The recommendations will be consolidated and weighed in on over the next couple of meetings by CHAT. Then CHAT will put forward a list of recommendations to the Town and prioritize the final list. This is the first step of the process.

Mr. Ladd asked about providing notice to buyers that the permitting process is based on the current situation not the future. Mr. Diener expressed concerns buyers don't dig that deep and asked how we could get that information in front of a potential buyer? Mr. Ladd noted real estate brokers don't want to provide this kind of information but if the ordinance required the

seller to make the buyer understand the building permit is based on the current assessment not the future. Ms. Dionne asked who would enforce or oversee?

### Conservation Flood Plain Management

Recommendations (*refer to meeting materials for more information*):

- Extend current flood plain management to entire 100-year floodplain?
- Request rebuild with open foundation
- Buffer – not just 50', entire AE zone
- Ms. Howard noted few structures fall under 50' with the open foundation requirement. It could be required more extensively throughout the flood plain.

### New Overlay District

Recommendations (*refer to meeting materials for more information*):

- Create an additional layer
- Areas within a certain SLR
- Put strength in this category
- Risk Assessment – higher standards
- Greater review by the Planning Board

Discussion:

Mr. LaBranche asked about changing the time frames, revisit in 10, 20, 30 or 50-year timeframe (i.e. if a property or project is vulnerable to 4' or 2' in 2050). Ms. Durfee noted could use best available defined NHDES SLR projections. District may change as the data changes. Every year the Town has the opportunity to review and amend. Could expand the district if needed.

Mr. LaBranche noted Manchester Street is the problem right now. He said we don't want to make property unsaleable now based on what it could be 30 years from now if not based on absolute fact.

Mr. Diener noted he understood there are legitimate concerns about property values and tax revenue to the Town. The SLR science and projections are reasonable based on what has happened already. We have all been reactive, not proactive, especially when addressing flooding and storm surge issues. It would be in the best interest of the town to be proactive.

Mr. Bassett agreed with Mr. Diener's comments and asked about the migration of wetlands inland, an area which could become future wetlands. Ms. Durfee indicated that areas where marsh migration could occur could be protected or regulated to preserve flood storage. Ms. Dionne indicated a substantial amount of the town is covered by the flood plain ordinance and the ordinance could be strengthened.

### Wetland Conservation Overlay District

Recommendations (*refer to meeting materials for more information*):

- Expand extend tidal wetlands and account for salt marsh migration.

#### Other Amendments

Require owners to use NH Coastal Flood Risk Guidance for development projects and for municipal projects as well when applying for Town permits in certain areas/zones. Mr. Diener noted he liked incorporating that guidance because 1) it is project specific and you enter the information about your project into the guidance rather than follow a general recommendation, and 2) you can adjust the project based on the SLR guidance to address flood risks before they happen.

Ms. Durfee asked whether CHAT would recommend that the guidance be followed by municipal and non-municipal projects, noting that the Town does not need to comply with local zoning requirements for essential municipal projects. Ms. Howard noted that using the guidance could be required first for municipal projects and then for non-municipal projects. Mr. LaBranche agreed the Town probably would not have built the police department in the salt marsh or the beach fire station, but that for some infrastructure, such as the pump house bordering the marsh, there is no alternative location. Ms. Howard agreed the pump house has to be where it is but would still require the Town to face the risk and then can elevate and protect property and be a better use of taxpayer money. The Town would figure out how to best implement it first.

On the recommendation related to preventing the issuing of variances, Ms. Durfee indicated that that would be difficult to issue this recommendation as variances are granted to allow leniency from required regulations and cannot be prohibited. Ms. Durfee indicated education may be a part of addressing ZBA variances. An audit of the types of variances that have been granted over the last ten years may be a good first start to better understand the issue.

Mr. LaBranche asked for clarification on the statement that residents of Manchester Street feel frustrated and their hands are tied and suggested it would be helpful if they got together to determine what they want and made suggestions to help themselves. Ms. Durfee responded that this recommendation fell under a different category than zoning and land use and would be discussed at the next meeting.

#### Data Collection/Assessment/Research

Recommendations (*refer to meeting materials for more information*):

- DPW research – Ashworth Ave – next step is to wait for findings to be fully developed
- Engineering and cost benefit for municipal facilities
- Establish the “data” that will be used

#### Funding

Recommendations (*refer to meeting materials for more information*):

- Mr. Diener recommended assisting property owners with FEMA hazard mitigation grant program funding.
- Program for owners to sell property to Town
- Capital reserve account for repairs, upgrades, flood mitigation and other projects identified in the Coastal Hazard Risk Plan (Master Plan Chapter).
- Designate funding through Town meeting to implement recommendations of Milone & MacBroom flood engineering study.

Discussion:

Mr. Diener noted he does not think this (capital reserve funds) can be used for private projects but loves the idea of using it for match when grant opportunities come along.

Ms. Howard indicated Dover passed a resolution for stormwater and flood resilience task force to explore all funding, comply with MS4 and other projects funded over the long term. Portland and South Portland did similar. Could be one of the next steps for Hampton to tackle long-term sustainable funding.

A stormwater and flood utility fee could provide revenue to address flood issues. If reduce impervious coverage, funding goes to program. The community can buy private property and restore.

Mr. Diener noted it always comes down to money and should be added to the list. He noted that the first step would be to create a group to find money.

### Outreach and Communication

Recommendations (*refer to meeting materials for more information*):

- Assist Manchester Street property owners concerning flood relief.

This item was skipped and will be discussed at the next meeting.

### Staff

Recommendations (*refer to meeting materials for more information*):

- Creating a position under flood plain management.

There were three similar recommendations pertaining to adding a staff position, either a floodplain manager and/or a resiliency position. Mr. Dionne noted work is spread among a few of us and has to be balanced with other workloads.

Ms. Durfee noted next time the recommendations for Outreach and Communication, Incentives, Policy/Ordinance, Implementation and Advisory/Oversight will be discussed.

Ms. Durfee thanked everyone for their input and patience. She will follow up with a homework assignment to prioritize the recommendations that were discussed at the meeting today.

6. Next Meeting: September 15, 2020, format TBD

7. Adjourn

The meeting ended at 3:58 PM.

Respectfully submitted,

Nancy J. Hoijer  
Recording Secretary