
Coastal Hazards Adaptation Team (CHAT) Work Session #53

Tuesday, August 15, 2023

1:00–3:00 p.m.

VIRTUAL MEETING

Minutes

I. Introductions

CHAT Members

Jason Bachand – Hampton Town Planner

Tori Bamford – Hampton Coastal Resilience Coordinator

Tom Bassett – Hampton Resident

Jay Diener - Hampton Conservation Commission

Rayann Dionne - Seabrook-Hampton Estuary Alliance (SHEA)

Jennifer Hale - Hampton Department of Public Works (DPW)

Kristin Howard –NH Department of Environmental Services Coastal Program (NHDESCP)

Stephen LaBranche – Hampton Resident

Chris Muns – Hampton Representative

Brianna O'Brien – Hampton Conservation Coordinator (arrived at 1:30)

Laurie Olivier – Hampton Planning Office

Lucy Perkins – NHDESCP

Mikaela Heming – NH Sea Grant - Flood Ready Neighbor Projects

Public

Kate Bashline – Hampton Resident

2. Meeting Minute Approval

- May Minutes
 - Motion: Mr. LaBranch moved to approve the May 2023 CHAT Minutes
 - Second: Mr. Diener
 - Vote: All in favor, Bob Ladd abstaining
- July Minutes
 - Motion: Ms. Hale moved to approve the June 2023 CHAT Minutes
 - Second: Mr. LaBranche
 - Vote: All in favor

3. Relevant Flood Updates

- Mr. Bachand
 - Master Plan Implementation Committee
 - Reviewing and utilizing a survey format to help prioritize action items by section.
 - Reviewing Resilient Action items at the upcoming August 23rd meeting.
 - HBAC Master Plan Update
 - Planning Board public hearing tomorrow evening to vote to accept.
- Mr. Bassett

- Two full moons in August caused road flooding
- Ongoing NHDES Water quality testing (Aug 3rd, intersection of Gention/Greene St)
- On August 3rd (7 to 9 a.m.), the Flood Ready Neighborhood Program (FRN) held an informational neighborhood event.
 - Primary focus on water quality testing process, contamination issue, and safety precautions
 - Ms. Hale gave an overview of the King's Highway Drainage project timeline and contracting process. Responded to concerns about road ponding and access.
 - Approximately 25 residents attended
 - Literature table with resources such as a 4-page summary of flood study analysis for this neighborhood
 - Primary takeaway – Becoming an organized neighborhood has enabled them to speak with a louder voice, resulting in increased attention and action.
- September 13th (time TBD) - Flood Ready Neighborhood walk around with property owners to discuss flood experiences.
 - Rep Muns heard from Congressman Pappas's Office – Mr. Pappas plans to attend the Sept 13th walk around. Will send him Mr. Bassett's contact information.
- Ms. Howard
 - The Coastal Adaptation Workgroup (CAW) has been working on soliciting project ideas to support a Letter of Intent for the [NOAA Climate Resilience Regional Challenge](#). Multiple partners from Hampton and SHEA put forward project ideas. Several projects along the coast totaling over \$24M. Competitive nationally, if selected, the next will be to develop a full proposal.
- Ms. Dionne
 - SHEA is partnering with the Seacoast Science Center to host a kayaking tour of the Hampton-Seabrook Estuary on September 23rd during National Estuaries Week. Registration details are coming soon.
- Ms. O'Brien
 - Utilizing PREPA Grant funds, the Conservation Commission has hired FB Environmental to complete a Natural Resource Inventory.

4. Coastal Resilience Coordinator Update

Ms. Bamford shared that she and Ms. O'Brien have been working to create an interactive map in Padlet to upload and display flooding photos ([Link to site](#)). This can be used to create a database of flood occurrences.

- Ms. Durfee asked how people access and add photos to the map
 - Ms. Bamford responded that it could be used as an outreach tool. Plan to create a QR code to increase access and post on the Town website.
- Ms. Dionne asked if you need to have an account to upload photos
 - Ms. Bamford responded that it is not required, just the link to load an image. However, pictures are required to have a title.
- Ms. Durfee asked if it is possible to download information from the database and track additional information like tide height and weather. Could this information be added afterward?
 - Ms. Bamford noted that it appears that additional information can be added
- Ms. Hale asked about the consistency of information collected on each photo. She raised a concern about whether there would be an option for commentary.

- Ms. Bamford responded that commentary on posts is turned off. Open to suggestions on additional information that should be required.
- Ms. Durfee asked if a user has to enter the photo's address or pick a point on the map.
 - Ms. Bamford said the user must enter the address.
- CHAT members agreed that having some instructions for uploading photos would be helpful.
 - Ms. Perkins shared a datasheet and protocol developed for a similar project in Portland, ME. Worth reviewing to see how it could be adapted for this project- Link to the [protocol](#)
- Ms. Durfee asked CHAT members to review the interactive map and send any additional comments or info to Ms. Bamford.

5. Letter to Boards / Member Update

Ms. Durfee shared that letters were sent to town boards, committees, and commissions, along with the Hampton Beach Village District (HBVD) and Hampton Beach Area Commission (HBAC). The letter aimed to confirm each group's representative and get input on meeting timing (if that was impacting/impeding attendance). Representative confirmations are as follows:

Planning Board	Mr. Lessard and Ms. Mullen (alternate)
Zoning Board	Ms. Duggan (unable to attend meetings but responds to minutes)
HBVD	Mr. Ladd
HBAC	Ms. Kravitz and Ms. Stiles (alternate)
Conservation Commission	Mr. Diener

Ms. Durfee noted that she will follow up with the Board of Selectmen. Also asked members about reaching out to the Building Department. Currently, the Building Inspector and Emergency Management Direct review emails with the CHAT agenda and how to join if available.

- Mr. Diener recommended a reminder to the Building Inspector and Emergency Management Director that they are welcome to attend any and all CHAT meetings.
 - Mr. Bachand added that they could also appoint alternates to attend when they cannot.
- Ms. Dionne noted that it would be ideal to have a ZBA representative present to participate in CHAT conversations. If attendance is challenging due to the timing, attending part of a meeting would be helpful. Perhaps an alternate could also be identified.
- Mr. Ladd asked if the Building Inspector could be invited to a future CHAT meeting to provide an update on the National Flood Insurance Program (NFIP) non-compliance and potential status for joining the Community Rating System (CRS).
- Mr. LaBranche shared that at a recent NHDOT meeting, Senator Debra Altschiller expressed interest in learning more about CHAT. She could not attend this month but is hoping to next month. Requested that Ms. Durfee share the invite and Zoom link with Ms. Altschiller.
- Ms. Durfee noted that two current CHAT members had expiring terms, Ms. Hale and Ms. Kravitz, both of whom agreed to another 2-year term.

6. CHAT Outreach Table event

Ms. Durfee shared that the CHAT Outreach subcommittee has been working to plan tabling events at KB's Bagels and Java and the Green Room. The objective is to share information about CHAT (recommendations fact cards, accomplishments from 2022, StoryMap cards, and photo database) and spark conversations with the public about their flooding experiences and concerns. The first event is

planned at KB's on August 26th from 10 to Noon. Green Room is tentatively scheduled for Sept 15 from 8 to 10 a.m. Several people (Ms. Bamford, Mr. Bassett, Mr. Diener, Mr. Bachand, Ms. Olivier, Ms. O'Brien, Ms. Bashline, and Ms. Dionne) expressed interest in joining one or both events. Ms. Dionne encouraged members to share the outreach event flyer with others groups, listservs, or Facebook pages.

7. Continued discussion on Flood Risk Disclosure

- Rep. Muns shared information received from the Office of Legislative Research and the National Council of State Legislators.
 - Office of Legislative Research – Does NH have Flood Disclosure Requirements?
NH does not have any flood disclosure requirements, but there are requirements for other things like radon, arsenic, lead paint, sewer, and if requested, information as to whether there was a homicide/suicide or if methamphetamine was produced on the property. The only flood disclosure is via the real estate disclosure form, very cursory question, and an answer is not required.
 - National Council of State Legislators - Asked for a summary of other states' actions. Received a summary table and a link to legislation filed and adopted in New Jersey. The first section of the bill refers to the disclosure of landlords to tenants – disclosure is in the 100-year or 500-year floodplain. Identifies additional questions to be answered in a separate form accompanying the lease. Notifies tenants that flood insurance is an option. The second section is a seller disclosure, similar to renters, with very prescriptive questions. Appears to be comprehensive.
- Rep. Muns is prepared to submit a request to draft a bill (due by September 14th). The drafted legislation would be submitted in November and introduced in January. Consider using the New Jersey bill as a model because it addresses renters and buyers. Once prepared, he would need to approve it. Willing to review it with CHAT and make adjustments before it is finalized.
 - One concern about being overly prescriptive, but at the same time, it is good to have it fully laid out. It would apply across the state to any properties in the FEMA flood zone. Would like to include additional questions CHAT would like to have answered/addressed by the legislation. If introduced, he asked if CHAT members or a representative would be willing to come and testify in support of it.
- Ms. Durfee noted that other states, like Texas, had components for renters and sellers. Also noted that Indiana had the information required for commercial and agricultural properties that might want to include. Worth thinking about the different property types and disclosure requirements.
- Mr. LaBranche asked how many areas in NH contain FEMA flood-prone areas? It's not just an issue along the coastline. Flooding can occur wherever it rains – also along rivers and lakes.
- Rep Muns liked the idea of identifying site-wide flood-prone areas so he could reach out to garner additional State Representative support from those areas. Those representatives could join as co-sponsors. It's not just at the seacoast but a broader issue; protecting everyone is essential. Securing inland co-sponsors would help get the bill passed.
- Ms. Dionne recommended contacting Jennifer Gilbert, NH State Floodplain Manager, as a good resource for identifying NH communities with significant floodplains.
- Ms. Durfee noted that the Natural Resource Defense Council (NRDC) research indicates that dollar values that home buyers can expect to pay over the life of their mortgage change under different climate scenarios. Helps to justify why this type of information is important to share.

- Mr. Diener pointed out that the NRDC report listed some legislation from other states, and Texas and New Jersey are pretty similar – recommended looking at both. Is there a preference for one over the other? He also shared that although Virginia doesn't have any disclosure requirements, they require providing information on what buyers should look out for – detailed and broad in scope. Wonder if the Virginia approach could be an option for working with the NH Realtor Association to provide to all prospective buyers where there may be flood risk.
 - Recommended engaging the NH Association of Conservation Commissions (NHACC) and including them in this discussion to see if there are commissions around the state that might be interested in supporting this.
 - Noted that the Coastal Conservation Commission roundtable will discuss this at an upcoming meeting on September 26 at 8:30. Encourage Rep. Muns to attend.
 - Ms. Durfee asked if a similar effort is ongoing at the commission level. Mr. Diener responded no, just a topic being brought to their attention based on CHAT's discussion/efforts.
 - Spoke with Ms. Altschiller and brought her up to speed; she is interested in learning more. It is also helpful to have support in the NH Senate and the House.
- Ms. Olivier expressed concern about realtors not being on board - requiring too much information. Could this effort start on a smaller scale and grow gradually?
- Rep Muns was concerned about requiring state agencies to do things like websites for information because of the cost and capacity challenges. Could make the case that real estate agents have a responsibility to inform their buyers.
- Ms. Perkin asked how New Jersey supported/built their case for the legislation - are their critical data points that could be associated with flood damages.
 - Rep Muns added the more data, the better. Need to answer the big question – why do we need this?
 - What is not happening now that this will address
 - Why do we need to be worried about it?
- Ms. Howard shared that a couple of residents in Hampton have purchased properties that were told by the seller's realtor that flooding was not an issue. Yet subsequently, they have experienced flooding. Building data around the issue – ask these owners to share their stories.
 - Rep Muns noted this would be the most powerful testimony – a property owner told there wasn't a flood risk and then was hit with a bill of "x thousands" of dollars.
- Ms. Durfee noted the 10 most common flood disclosure requirements developed by FEMA could be used to help cross-check or supplement the New Jersey version.
- Mr. Bachand supported using the New Jersey legislation as a template because it covers renters - they can also suffer damages and losses. Helps to build this case, looking beyond just buyers and wanting to protect renters, too.
- Mr. LaBranch commented that flooding can occur in basements with a high water table but not in a Flood Zone - Could be factored into this discussion, too?
- Mr. Diener asked how important it is to have all of the ducks in a row and information before the submission in September. Or is it critical to get that support by January?
 - Rep Muns responded that it's not needed by Sept 14th – the critical period is between October and January. That's when we'll look for co-sponsors, review drafts, and find supportive testimony.
- Motion: Mr. Diener moved to support Rep Muns forward with submitting a request

- Second: Ms. Bamford
- Vote: All in favor.
- Ms. Dionne recommended providing the legal team drafting the legislation with the resources/case studies CHAT has collected.
- Ms. O'Brien shared her concern about how these disclosures could de-value homes and make them only available to those who are financially resilient. Want to keep that part of the conversations.
- Rep Muns recommended including links to funding opportunities that could support flood mitigation.
- Ms. O'Brien added there could be a link between this disclosure and the voluntary purchase and flood elevation program.

8. Voluntary Elevation and Buyout Pilot Project

- Ms. Bamford shared that Hampton is working with the Rockingham Planning Commission and the DES Coastal Program to pilot how the town can support residents in elevating or buying out their properties. They have been researching what other communities have done and what type of approach might work in Hampton. Recently evaluated social and physical vulnerabilities and where this type of program would be most beneficial in Hampton. Deployed a staff survey to those areas to assess their level of interest
- Ms. Howard added that this project originated from a previous FEMA application (not selected for funding) to design a similar program to support residents with a federal grant program to buy out or elevate their properties. A warrant article for developing match to move forward with a program was fully supported by voters. This project was repurposed and subsequently funded by NOAA. Presentations about the program's objective have been made to the Board of Selectmen, HBAC, and HBVD. Moving forward, the plan is to survey the areas most physically and socially vulnerable to flooding and use that input to determine the level of interest in home elevation. Less is known about accepting a federal buyout offer now or in the future. In the Hampton Master Plan and the HBAC Coastal Resilient chapter, there is a reference to areas of town with constant flooding. Managed relocation is one option that is referenced in both plans worth exploring. Takes a lot of capacity to support elevation and buyout programs, including significant staff time and commitment, and it is emotionally challenging. Develop criteria to help prioritize support. The plan is to support at least one home elevation or buyout project in an upcoming FEMA grant round. At the last project team meeting, a checklist for the Building Department was developed outlining the various procedural steps needed to approve a home elevation project.
- Rep Muns asked if any objective criteria can be used to identify a floodplain structure that needs to be elevated or removed – if so, should that be part of the disclosure requirement. FEMA has a program that if a structure has been significantly damaged multiple times, it should no longer be eligible for reconstruction – something dramatic has to be done. Could a disclosure requirement be how many times it's been flooded? If it's over that number, they risk not receiving FEMA support.
 - Ms. Howard responded there are no objective criteria – social and physical factors contribute to the need for financial/governmental support. The most objective criterion is whether the structure meets the Base Flood Elevation (BFE).
 - Rep Muns noted that requiring a copy of the elevation certificate would accomplish that.

- Mr. Diener asked if RPC would take over the administrative aspect because of limited Town capacity. Is that still the case. In application, FEMA would cover up to 75% of the cost. Has there been any consideration about who is responsible for the 25%
 - Ms. Howard responded that administrative responsibility could be with RPC. However, based on case studies, RPC would need a new staff person. It might make more sense for it to sit in Hampton and integrate it with the building dept. Funding for the position could occur through FEMA funding. Under some circumstances, the match requirement can be 10%, but most often it's 25%. That is still under discussion, and where should it come from. Finding another non-federal source when it's not affordable. The person taking over the land ownership typically pays the match.
- Ms. Perkins shared that creating some long-term strategy is the goal. It will need to be a collaborative effort, such as stewarding the open space. Partnerships with others, complex scope, and pilot program. Strengths in different areas.
 - Mr. LaBranche asked if this topic could be further discussed at the next meeting.
 - Ms. Howard noted that the employee survey results might be available at the next meeting. Could explore how CHAT could help to deploy the survey in socially and physically vulnerable areas.

9. Next meeting: September 19, 2023, 1 p.m.-3 p.m.

10. Adjourn

The meeting adjourned at 3:05