

Coastal Hazards Adaptation Team (CHAT) Work Session #57

Tuesday, December 19, 2023

1:00 – 3:00 PM

VIRTUAL MEETING

1. Introductions

CHAT Members

Jason Bachand – Hampton Town Planner
Tori Bamford – Hampton Coastal Resilience Coordinator
Kate Bashline – Hampton Resident
Jay Diener - Hampton Conservation Commission
Rayann Dionne - Seabrook-Hampton Estuary Alliance (SHEA)
Kristin Howard – NHDESCP
Brianna O'Brien – Hampton Conservation Coordinator
Ward Galanis – Hampton Planning Board
Barbara Kravitz – Hampton Beach Area Commission
Tom Bassett – Resident Representative (joined at 1:42 pm)
Liz Durfee – Planning Consultant and CHAT Coordinator

Guests

Chris Muns – NH House of Representatives - Hampton
Bill Hadad – Hampton Resident

2. Approve meeting notes from October 2023

Tabled to next meeting, no quorum

3. Relevant Flood Updates

Mr. Bachand

- Provided an update on the Floodplain Management ordinance. There was a public hearing with the Planning Board on Dec 6.
 - There was one change to the ordinance regarding recreational vehicles. The proposed ordinance wanted to change the days recreational vehicles could remain on site from 180 consecutive days to 120 consecutive days. The Planning Board wanted to keep the time limit at 180 days. There will be another public hearing on January 3rd due to this change.

- The amendment regarding the elevation of pre-existing non-conforming structures was tabled, pending further discussion in 2024. The ZBA had concerns about residents raising structures without a variance.
- Master Plan Implementation Committee.
 - The group completed the preliminary evaluation and prioritization of the action items. Each of the action items has a top year one priority.
 - Under ‘Resilience,’ the top votes were for developing an economic development plan for resilience sustainability planning and economic development strategies and also partnering with the chamber and Seacoast Economic Development Corporation to identify opportunities to prioritize coastal resilience.
 - The next meeting is January 24. Mr. Bachand said he would like to start inviting department heads to share their needs with the group.

Ms. Dionne

- Hiring was completed recently for the Coastal Conservation Coordinator position through a project of special merit from NOAA through the NH DES Coastal Program. This position will be working with each of the three communities, Hampton, Hampton Falls, and Seabrook, to work on advancing the conservation efforts especially focused in and around the estuary helping to increase stewardship practices and then as time allow support other efforts of the Conservation Commission. The new hire is Sarah Macnamara Gagnon and she’ll be starting January 8th.

Ms. Bamford

- Last week for the voluntary elevation property acquisition program, met with Hampton town staff to review early results of the survey. There were 219 respondents; 214 property owners, and five renters.
- In the meeting this morning there was a discussion of the kinds of criteria and prioritization factors the town should consider to make the program as equitable as possible. The plan is to close the survey at the end of this week to ensure the final analysis incorporates all the responses.
- Ms. Durfee asked about the timeline for the final analysis. Ms. Bamford stated the plan is to have something to share with Hampton staff in January. Ms. Howard concurred on the timeline and offered to provide a presentation of survey responses at the next CHAT meeting. A summary of the results will be available publicly as well.
- Link to survey: <https://www.publicinput.com/hamptonfloodsurvey>

Ms. O’Brien

- Provided background on the Expansion of Non-Conforming Use amendment. Currently, a lot of the properties on the beach are very small and just by nature non-conforming because they do not meet the current building setback requirements. If somebody were to propose elevating their structure to meet floodplain requirements, they would not be able to do so under the current ordinances because it would be prohibited use. The infrastructure can’t be expanded because it’s non-conforming. The proposed ordinance amendment would allow residents to raise their home even though it would be an expansion of a non-conforming use. Language was added so that it only applies to non-conforming uses when it refers to property or dimensional setbacks. The ordinance doesn’t apply to any other issues of non-conforming use. The goal of the ordinance is to not discourage somebody who wants to elevate their structure to alleviate flooding.

- This simple language was added to the existing ordinance. At the public hearing the zoning board spoke and their perspective was that it takes away an opportunity from the zoning board to help an applicant become more compliant.
- The Planning Board tabled the ordinance so it won't be on the March ballot. CHAT should discuss this issue in preparation for the 2025 election with the aim of ideally finding language to encourage people to elevate and at the very least, not discourage people from elevating, which was the aim of the proposed language for the ordinance. This is not explicitly a CHAT recommendation, but it falls within the realm of what CHAT has recommended in other ways.
- The Zoning Board is concerned because there was an informal understanding that anyone elevating a non-conforming structure up to two feet didn't need to go before the ZBA to get a variance. There was a lot of back and forth between Ms. O'Brien and the building department in terms of applications and kind of permitting. The purpose of the proposed ordinance was to eliminate any un-written rules and standardize the process.
- Update on Hampton's part of the Coastal Resilience Regional Challenge Grant application.
 - The grant has several pieces. There is a marsh habitat resilience restoration piece as well as building capacity within Hampton by adding some new full time positions and also extending and carrying on with the elevation buyout program and continuing with some of the recommendations of previous flood studies. The grant is supposed to build on what is already happening in Hampton.

Ms. Kravitz

- The HBAC Master Plan Update is complete and adopted as part of the Town Master Plan. During the next meeting on January 25th, the discussion will be about the recommendations and other objectives.

Ms. Howard

- Stated she is continuing to move forward with the NOAA Coastal Resilience Regional Challenge Grant application through the Coastal Adaptation Work Group. The Town of Hampton has been working on the proposal for the last few months. Ms. O'Brien and others are still working on the scope.
- SHEA is also putting together a proposal as part of the Challenge Grant. A full proposal is projected to be put forward in February for approximately \$30 million for coastal resilience work across the coastal watershed in NH. More information will be shared as it becomes available.

Ms. Durfee

- Shared a reminder to send social media content photos ideas to Ms. O'Brien who's been doing a lot of posting. She sends out reminder e-mails, but it is the collective responsibility of CHAT members to populate the CHAT Facebook page and contribute ideas and images and newsletters.
 - There is a story map for CHAT, if there is a project that you want added there is a section called related projects in Hampton. Send the information to Ms. Durfee to be added.
 - During the October meeting the Flood Ready Neighborhood program was discussed and Ms. Bashline shared some information about dune migration and erosion where she lives. Ms. Durfee added that information to the story map to

capture some of that information. It shows in pictures how the dune has changed over time from 2016 to 2021.

Flood Reports from December 18, 2023 Storm

Mr. Hadad

- There are six camps on the edge of the marsh built in the 1950s. Over time, they are now approximately 200 feet from the marsh. There is not a way to bring them into compliance regarding setbacks from the waterfront. During the storm yesterday, the water flooded from the marsh and brought salt marsh grass in front of the houses. None of the ground floors flooded, and there wasn't any damage. This is why people in this area are working on raising their houses. The water was at its worst around an hour after nominal high tide. It was dark at the peak, probably around 4:30 pm.

Ms. O'Brien

- 615 Ocean Blvd, which is the last parking lot on the right if you're looking at the ocean was completely flooded, and some water came into Winnacunnet Road from that end. Route 1 into Hampton Falls was flooded, and into Seabrook. Drivers drove through the flood waters because it is so common. The "Flooded When Flashing" road sign wasn't flashing yesterday even though the road was flooded. It was flashing this morning.

Ms. Bashline

- Stated that at high tide right around 3:30 the ocean was at the edge of the road and didn't come on to the road, likely due to the south to the north wind. She showed a picture taken by Mr. Bashline that showed the jetty at the end of the State Park was completely underwater. The dunes to the left of the bridge were damaged by water.
- Ms. Bashline asked for advice about taking pictures to document the changing landscape.
- Ms. Durfee recommended people take pictures from different angles, add a time and date, and add something for scale when taking pictures. Mr. Bassett recommended asking neighbors for historical pictures to document the changing landscape. They may have older pictures available to compare with current pictures.

Mr. Bassett

- Shared a series of flooding images from the end of November and early December.
 - Flood Ready Neighborhoods: Drone photographer Tim Bricks from UNH Sea Grant took some images of the recent flooding. Mr. Bassett showed pictures of Gentian Road and Greene Street flooding from November 27. The pictures show flooding related to high tide. The water comes onto the streets from two sources; storm drains are backing up into the street because Meadow Pond's level is higher than the street. Secondly it's coming over the pond itself into backyards and onto the streets.
 - The drone pictures show the vulnerability between the rising pond and the rising seas. Another drone photo shows the overflow effect from the pond into the backyards on Gentian Road and Greene Street.
 - Two factors affecting the flooding are the storm drains reverse flowing from the pond and direct overflow. The two direct overflow sources are behind those houses and another one to the left from the marsh extension.
 - There will be a meeting discussing berms on December 20th with Roy Schiff, one of the lead engineers for the Meadow Pond section of the flood study.

Ms. Howard

- Responded to a question from Ms. Bashline about where the flood water goes. The modelers have been trying couple freshwater flood models with the tidal hydrodynamic flood models but they are imperfect as of yet. For flood studies done in Hampton, modeling tried to estimate freshwater inputs and modeling showed freshwater inputs had a minimal effect compared to tidal flooding. This was a limited finding from this study.

Mr. Diener

- When the tides are forecasted, it doesn't take into account storm surges and wind which makes forecasting imperfect.

4. Draft Flood Risk Disclosure Bill (HB 1320)

Rep. Muns

- HB 1320 has been introduced and assigned to the commerce committee. There is no date yet for an initial hearing, but it will likely be mid to late January.
 - The bill process requires the bill sponsor to introduce the bill to the committee, explain the necessity of the bill and answer questions. Supporters and detractors for the bill will speak. The committee will debate the bill at another date and vote on whether to recommend the bill to the House.
 - Rep Muns intended the bill to be drafted without a separate flood disclosure risk. The flood disclosure risk notification was intended to be incorporated into the existing purchase and sale agreement. The current draft has it as a separate document. Rep Muns will draft an amendment to get this changed.
 - Possible objections to HB 1320 from realtors would be because there is already a requirement to disclose flood risks to banks from anyone applying for a mortgage. The landlords association will also likely say this bill isn't necessary.
 - The Newmarket Town Manager stated that some people have gone through the entire process of buying a house and find out at the last moment about the requirement for flood insurance making them unable to move forward due to costs. He has committed to testify for this bill.
 - Rep Muns encourages people to testify in support of the bill. There will typically be a week's notification prior to the hearing, and he will let people know so they can testify.
- Members of the committee discussed the bill and asked questions.
 - Mr. Bassett asked if there was support from other districts that experience flooding further inland. Rep Muns said he has not been able to get any other sponsors for this bill from other regions in NH. He will continue to educate his colleagues in these regions and on the Commerce Committee about the bill and how it will benefit them too.
 - Ms. Bashline requested clarification about whether this bill will go through the House or the Senate.
 - Rep Muns said it is currently going through the House and if it passes the House, the process will start again for it to go through the senate.
 - Ms. Howard requested written guidance for the request to testify with discussion prompts.

- Rep Muns asked Ms. Howard if anyone from the department could go and discuss flood risk in general and discuss how flood risk isn't just a coastal issue. It affects the entire state.
- Ms. Howard will ask the Silver Jackets group if they would agree to discuss the issue. Ms. Howard will provide some contact information to Rep Muns.

Ms. Durfee

- The draft bill references information on the floodplain management program's website so it may be helpful to have a representative from the program to discuss the information that is already available. Rep Muns will reach out to them.
- Information about the bill was shared with the NH Coastal Adaptation Work Group as well as the Municipal Association and the Legislative liaison for the NH Planners Association. Ms. Durfee will pass the hearing date to contacts from those programs.
- Ms. Durfee stated she will attend the hearing if she is available and will send an email to CHAT members to collect talking points if this is of interest. Rep Muns said comments can be submitted electronically. Mr. Bassett said an email would be helpful and he would like to spread the word to his neighbors so they can testify if they so wish.
- Requested clarification if comments can be submitted on behalf of CHAT or if comments have to be from individuals only. Mr. Diener said he is happy to testify in Concord if he is available and will talk about CHAT's role in researching this topic with Rep Muns and to make a determination about whether or not this is something worth pursuing and to endorse the efforts to draft a flood disclosure bill. Mr. Diener said he can note that flood disclosures is one of the recommendations from CHAT.

Ms. Durfee

- Recommends an amendment. Section III b states owners must disclose flood risk the property is in a FEMA flood zone and the owner is aware of flooding. She recommends changing the wording to "or" not "and" because the current wording suggests the sellers don't have to make a disclosure if there is no knowledge of flooding. It seems like either situation should trigger a disclosure, not one or the other. Rep Muns concurred and will add the change to the amendment.

Ms. Howard added a link to the chat box for an interesting piece of legislation introduced by Senator Watters: https://www.gencourt.state.nh.us/lsr_search/billText.aspx?id=2168&type=3

5. Member feedback about Monthly CHAT Updates & Announcements

Ms. Durfee

- Asked if the one page summary of CHAT updates that is emailed out is still useful.
 - Mr. Bassett said the updates are helpful and he used to distribute them but hasn't done it recently. He said that he received a draft version but hasn't been receiving the final version. Ms. Durfee said she will send the information in a separate email so members can share the information with their neighbors.

6. CHAT's Recommendations – updates and next steps

Ms. Durfee

- Suggestions on which CHAT recommendations to focus on have been collected from CHAT members over the last few months. There is a summary of master plan implementation actions that seem most relevant to the recommendations. This information can be used to prioritize CHAT efforts.
- Recent meetings have brought up a few recommendations to focus on to discuss. One program is the parking placard program. This will be discussed in the January meeting.
- Revisiting the discussion on long term visioning for areas impacted by sea level rise. This discussion goes well with the flood elevation and buyout project. Ms. Durfee wants to ensure the discussions are aligned. Ms. Durfee suggested getting speakers from other states that have done buyout programs.

Ms. Howard

- Regarding Ms. Durfee's question about speakers from other states, does CHAT want to focus on strictly buyout programs, or also elevation programs. Ms. Durfee would recommend both. She also asked if it is redundant to have speakers at CHAT and asked if Ms. Howard's meetings have been open to the public. Ms. Howard stated the current meetings have been primarily with Town staff as an internal learning process. The next phase of meetings would involve an external learning process. Ms. Howard asked what is the intention of having speakers come in to CHAT. Ms. Howard said it would be helpful to meet with CHAT and town staff to brainstorm the intention.
 - They are planning to include an extension and buildup of the voluntary elevation and property acquisition program in the NOAA challenge scope which would be managed by a new staff person over the next five years. This would support residents who want to apply to FEMA for grant money.
 - Ms. Howard recommended CHAT connect with Ms. O'Brien and other Town staff to discuss the grant proposal and determine how CHAT can compliment it. Ms. Durfee will follow up with Town staff.

Mr. Diener

- Suggested to Ms. Howard that as part of informing the public about these programs, it may be helpful to have speakers from other areas that have successfully implemented these programs to reinforce the positive aspects for what is being proposed for Hampton.

Ms. Howard

- Agreed that Mr. Diener's suggestion is helpful. She stated that several meetings have been held with the Board of Selectmen to get their permission to move forward with critical steps such as launching the survey. The basic outline of the project was presented. If the funding from the NOAA Challenge Grant doesn't come through, CHAT can play a big role in encouraging the Town to determine how to take action for buyouts and acquisition. There is no noted resistance from Town staff in supporting these programs.
 - Lessons learned from programs in other areas are useful for Hampton's program implementation. One lesson is to avoid inequities in implementation.

Ms. Bamford

- Town staff are motivated to move this project forward and are thinking about how to move forward if the NOAA grant isn't approved.

Ms. Durfee

- Recommended further discussion about the recommendations and suggested thinking about what other communities have implemented along with voluntary buyout.

- Economic Impacts of Sea Level Rise: Ms. Durfee asked Mr. Diener for updates when they are available on the preliminary work SHEA is doing with support from NOAA. Mr. Diener said there has been some preliminary data, but the analysis hasn't been completed. He is not sure of the timeline but hopes it will be in a month or two. But he will update CHAT when the information is available.
- Regarding the recommendation for accounting for climate change impacts on the Capital Improvement Plan: Would CHAT be interested in hearing from Dover or other municipalities on how they implement this recommendation? Mr. Bachand said this information would be helpful.
- CHAT has had this list of recommendations for several years. The list was originally developed by CHAT for the Town of Hampton. CHAT is looking at details for the recommendations and determining the supportive role CHAT may have in implementing the recommendations. Several of the recommendations have been incorporated into the Master Plan. A key piece is educating the public on the recommendations.

Mr. Diener

- Does it make sense to revisit the CHAT recommendations to see how they align with the high priority action steps in the Master Plan.
 - Ms. Durfee said that it is possible to revisit the recommendations and reprioritize based on the Master Plan Implementation committee's priorities. Additionally, the engagement plan has been reviewed. One item is to potentially hold an event to engage the business community. She suggested a follow-up conversation on opportunities to engage the Chamber and other audiences. This may not exactly align with the Master Plan recommendation, but it merits ongoing conversation.

Mr. Diener

- Asked how the priorities are determined and what CHAT's role is. Ms. Durfee said the Committee decides.

Mr. Bachand

- The Implementation Committee will have stakeholders attending by appointment. Ms. Durfee can attend an appointment in January or February to discuss the CHAT recommendations and determine how the groups are aligning. Ms. Durfee stated the Implementation Committee already has CHAT representation, but she is happy to provide support as needed.

7. Next meeting: January 16, 2024

- a. Continue parking placard program discussion

8. Adjourn

Meeting adjourned at 3:57 pm