

Tuesday, October 17, 2023

**1:00-3:00PM**

VIRTUAL MEETING

## **Approved Minutes**

### **I. Introductions**

CHAT Members

Jason Bachand – Hampton Town Planner

Tori Bamford – Hampton Coastal Resilience Coordinator

Kate Bashline – Hampton Resident

Tom Bassett – Hampton Resident

Jay Diener - Hampton Conservation Commission (arrived at 2:30 pm)

Rayann Dionne - Seabrook-Hampton Estuary Alliance (SHEA)

Jennifer Gilbert – NH Department of Environmental Services Coastal Program (NHDESCP) (arrived at 1:30)

Jennifer Hale - Hampton Department of Public Works (DPW) - Director

Mikaela Heming – NH Sea Grant - Flood Ready Neighbor Projects

Kristin Howard – NHDESCP (arrived at 1:30)

Barbara Kravitz – Hampton Beach Area Commission

Stephen LaBranche – Hampton Resident (arrived at 1:30)

Chris Muns – Hampton NH House of Representatives

Laurie Olivier – Hampton Planning Department

Lucy Perkins – NHDESCP (arrived at 1:30)

Larry Quinn – Hampton Budget Committee

Eric Sunderlin – Hampton DPW - Engineering Technician

Ward Galanis – Hampton Planning Board

Public

Gary Bashline – Hampton resident with Flood Ready Neighborhood

### **2. Approve meeting notes from September 2023**

Motion: Mr. LaBranche moved to approve the September meeting minutes

Second: Mr. Bachand

Vote: All in favor

### **3. Relevant Flood Updates**

Ms. Dionne – SHEA update

- SHEA's pilot part-time Coastal Conservation Coordinator position funded by a NOAA Project of Special Merit Grant will be posted soon. This capacity-build position is designed to support each

Conservation Commission surrounding the Hampton-Seabrook Estuary (Hampton, Hampton Falls, and Seabrook) to support land conservation efforts. One of the primary objectives is to create town-specific land conservation strategies with an emphasis on land in and around the estuary to support marsh migration. Will share the posting with CHAT members, who are welcome to share with others who might be interested.

Ms. Hale – DPW

- On October 4<sup>th</sup>, the NH Governor and Council approved Hampton’s King’s Highway project contract, and the contractor has been authorized to begin work.

Mr. Bassett - Flooding in Greene/Gentian/Meadow Pond Neighborhood

- October 1<sup>st</sup> – predicted high tide of 10.2 ft but recorded at 10.8 ft with no rainfall.
  - Experienced roadway and backyard flooding.
  - Two sources of flood waters from Meadow Pond – flowing up through the dysfunctional drainage system into roadways and directly from the pond into backyards and onto the streets.
  - Observed a new floodwater channel developing at the north end of the neighborhood.
  - 2021 Flood Study recommendation to consider installing a berm behind Gentian Rd and around the neighborhood. Becoming a more relevant and urgent matter with two channels of flood waters coming from Meadow Pond. It is time to investigate the cost of building a berm to make it more flood-ready.
- Oct 15<sup>th</sup> – predicted high tide of 8.9 ft but recorded 10.5 ft with no rain.
  - Street flooding continued into 10/16.
- Observing that high tide flooding occurs well below the 10ft high tides – aligns with the CHAT’s recommendation for the parking placard tide height reduction.

#### **4. Coastal Resilience Coordinator Update**

Ms. Bamford shared the following:

- Flood Smart Seacoast Project – Higher Floodplain Standards
  - Planning Board presentation on proposed Floodplain Ordinance revisions for three higher standards related to the construction of critical facilities, elevation of utilities, and flood class design standards.
  - Overall, it was well received – some questions about the data/information used for flood class design elevation determinations and a need for more background information.
  - Preparing for the Nov public hearing and addressing Planning Board questions
- Pilot Home Elevation and Buyout Project
  - Developed property owner and renter survey (deploying soon) – Looking to learn more about their experience with flooding, interest level in a Town-supported elevation or acquisition program, and what type of support is needed to participate.

#### **5. Flood Ready Neighborhoods (FRN) Program – Mikaela Heming – UNH Sea Grant**

Ms. Heming shared that this program is grant funded through mid-next summer. It is hosted by UNH Sea Grant in coordination with NHDES CP and many other great partners that make up the advisory teams. Looking for additional funding to continue to expand the program. Learning a lot, trying to create a reducible program.

- What is FRN?
  - Focus – bring residents together to increase their neighborhood’s ability to prepare for and respond to worsening coastal stormwater flooding and erosion.
  - Covers a broad coastal area, not only those directly along the coast.
  - The flood concerns are varying and the socioeconomic factors that influence which resilience options can be considered. Hoping to support neighborhoods by developing action plans. There is a lot of information sharing between focus areas and neighborhood teams.
- Why?
  - Coastal flooding is worsening, and many residents are at risk but don’t always know how to direct their resources. Difficult to know how to prioritize and marry your lived experience with the science.
  - Originally inspired by the Landowner Technical Assistance Program. It provided important coastal flood risk information and some solution options for residents but had limitations. It is landowner-based, so you must own the home – tricky if you are a renter. FRN is an outgrowth and expansion of LTAP.
- How?
  - FRN is designed to be flexible and customizable – this program can take many different paths. No one solution is a perfect match.
  - Small actions don’t always make big headlines; over time, they can build an inspiring piece of resilience. Starting with a lot of small steps.
  - Methods so far - Youth programming, Dune planting, bringing in outside expertise, site assessment, neighborhood walking assessments - bringing together different perspectives. Focused conversations on specific topics. Supporting existing activities – some already have a structure like regular meetings – finding ways to use FRN resources to help lift up.
- Mr. Bassett’s Experience with FRN

Delighted to be working with FRN. It has been interesting to identify how FRN can help them enhance their efforts to deal with flooding in their neighborhood.

- His neighborhood began organizing in 2005. Instrumental in supporting flood study and working with DPW to convert the old sewer systems into a drainage system.
- FRN helped to organize and support two events over the summer
  - Flood Water Contamination Discussion (8/3/2023)
    - NHDES staff discussed the water sampling methods, the findings, meaning, potential sources, and ways to move forward.
    - Ms. Hale talked about the force main drain system – neighbors have questions.
  - Neighborhood Tour & Discussion (9/13/2023)
    - Talked about the Meadow Pond ecosystem and flooding dynamics and discussed the strengths and limitations of the drainage system and the ideas around the berm.
- Impact
  - Provides opportunities to speak in person instead of over email – building neighborhood cohesion + increasing participation = empowerment.

- Bottom-up participation – providing space to share experience and ideas with experts. Two-way learning and understanding.
  - Next Steps
    - Creating a neighborhood plan of action – such as installing a perimeter berm. Challenges include solidifying neighborhood agreements because it would be located on private property. Also need funding for design, permitting, and construction. Maybe CHAT can help them think this through.
- Ms. Bashline’s Experience with FRN
  - Background - Long-time resident, personally observed the changes in the dune system along the harbor’s entrance. Previously participated in the LTAP program – provided helpful information. Helped her start to confront her denial about how the area was changing.
  - Sunvalley Dune planting project
    - Focused on a public beach entrance at the end of Portsmouth Ave where the dune was eroding and breaking down from walking paths.
    - In late June, received permission from the Town to plant dune grasses. FRN staff and neighbors added symbolic fencing and a temporary sign to delineate the path.
    - In late August, noticed the north side of the dune was exposed and being walked on – sought the Town’s permission to add a temporary slat fence to protect the plantings and act as a barrier.
    - Received support from Alyson Eberhardt at NH Sea Grant and Rockingham County Conservation District (RCCD) developed a plan to remove the invasive bittersweet. On Columbus Day weekend, cut and cleared a large bittersweet swath to allow the vegetation underneath to grow. Removed 26 contractor bags of bittersweet. This is the first step, as the bittersweet will likely return. Will continue to work with the Town and RCCD to obtain a permit for chemical treatment.
  - Impact
    - Appreciative of FRN’s support and resources. There were opportunities to engage and educate passers-by during the dune planting and invasive removal.
    - All the work was at no cost to the Town of Hampton.
  - Mr. LaBranche shared that he, too, has observed a significant change in that area where 50-60 years ago, there was a ton of sand in front of those properties, and it's all been washed away. Hopefully, replanting the dune grass and protecting it with fencing will allow it to collect sand, which will help rebuild the dune system.
  - Ms. Durfee encouraged Ms. Heming to keep CHAT updated and for members to think about ways to help bolster FRN’s efforts in the future.

## 6. Master Plan Resilience Actions ([Full plan link](#); pg 109-115 attached)

Mr. Bachand shared slides providing an overview of the Master Plan Implementation Committee (MPIC) goals and objectives and their initial work to prioritize the Resilient action items.

- MPIC Overview
  - To facilitate the implementation of the Master Plan under the direction of the Planning Board.
  - Made up of 15 members – all boards (1-year terms) and residents at large (2-year terms)
  - Meets at least 6 times per year
  - Evaluate and prioritize Master Plan action items
    - Consider recommendations from relevant studies/reports and Town staff, elected/appointed officials, and the business community.
    - Provide opportunities for public input.
    - Develop a resource inventory of those assets and organizations that can support implementation.
  - Routinely update the Planning Board on progress
- Resilient Action Items (58 action items)
  - Prioritized as “High,” “Medium,” or “Low” with an anticipated commencement of Year 1, 2, 3-5, or 6+. Year 1 begins in March 2024 through March 2025.
  - 18 action items were identified as High/Year 1 priorities – need to be further refined
  - Relevant ranking of CHAT recommendations/action items
    - 4.1 - overlapping/related to
    - 4.13 (High/Year 1) – Review land use regulations and identify and make amendments using the Coastal Flood Risk Guidance
    - 4.19 (High/Year 2) – Develop a process or policy for staff and departments to follow to identify and account for climate change impacts when submitting a project for inclusion in the Capital Improvement Plan
    - 4.24 (High/Year 2) – Establish a Coastal Hazard Overlay district
    - 4.29 (High/Year 3-5) – Join the FEMA Community Rating System. Year 3-5 because of the work needed to gain National Flood Insurance Program compliance.
    - 4.44 (High/Year 1) – Amend municipal parking lot high tide parking threshold. Conversations are already ongoing with the Board of Selectmen (BOS).
    - 4.56 (High/Year 1) – Flood Hazard Disclosure – implementation committee sees as important
  - Next Step
    - Further, refine the preliminary prioritization – currently, there are too many High/Year 1
    - Obtain input and feedback from various Town Department Heads, State Officials, Aquarion, and others on high-priority action item feasibility.
    - Identify and confirm responsible parties.
    - Conduct public outreach and engagement activities to enhance the profile of the Master Plan.
- Ms. Bashline asked whether the municipal parking lot high tide threshold should be lowered to 9.0 ft.
  - Mr. Bachand responded that it could be proposed under the BOS purview.
  - Ms. Durfee noted that the Hampton Tide gauge data was analyzed to support the recommended lower high tide threshold.
- Mr. Bassett asked about the committee’s criteria or principle for selecting high priorities and start time frames. How will it be further whittled down?

- Mr. Bachand responded that all members have provided an individual ranking, and then the group comes to a consensus.
- Ms. Dionne added that each member uses the perspective of the board or group they represent to guide this initial evaluation. Input from Town staff and others will impact future iterations.
- Ms. Dionne noted that CHAT could review the initial ranking of those action items that align with CHAT's recommendation and provide feedback to the MPIC.
- Ms. Durfee referenced the importance of CHAT tracking the implementation status of its recommendations and keeping in mind how this group can support implementation. Also applauded the MPIC for beginning implementation efforts right after plan completion.

## 7. Parking Placard Program – Draft Letter to BOS

- Ms. Durfee gave an overview of the draft letter to the BOS regarding the municipal parking placard and recommended lowering the high tide height threshold from 10.0 ft to 9.5ft.
  - Lower threshold was derived from the Hampton Tide gauge data set – a comparison of the predicted high tides in the NOAA tide charts and the high tides recorded by the tide gauge.
  - The program may need more outreach because, in 2022, only 39 placards were issued. Included a few outreach pieces that CHAT could help out with.
  - Only two municipal lots are eligible – should it be all lots?
- Ms. Hale noted that the BOS has considered reducing the tide height threshold. Reached out to the Police Chief and DPW to see if there are any concerns. Parking is a commodity, and enforcement is an added level of effort. DPW did not have any concerns based on the current level of participation.
  - Shared a concern about consistency – CHAT's recommended new high tide threshold is 9.5' while the newly adopted Master Plan's action items is 9.7'.
    - Mr. Bassett suggested that the difference may be the result of timing – CHAT minutes show the approval of 9.5', but the documentation used by the Master Plan consultant may have been outdated.
  - Mr. Bassett noted that 113 placards were issued this year.
- Mr. Bassett felt it would be beneficial to have all municipal lots available.
  - Recommended adding to the letter a link to the high tide chart and expanding the explanation of what data was used to determine the lower 9.5' threshold.
  - Noted that when obtaining a placard at the Town Manager's Office, there wasn't any cross-referencing to verify that the property is located in a flood-vulnerable area – perhaps there should be a reference map. Want to avoid program abuse.
  - Asked for examples of how CHAT would work with the Town to increase awareness when flooding events are on the horizon.
- Ms. Durfee recognized the administrative burden/challenge of alerting people of tide levels – and looked to remove that onerous task from DPW.
- Ms. Howard highlighted that the analysis of the water level measurements record at the Hampton Tide Gauge were compared against the NOAA High Tide prediction. Counted how frequently the tide gauge registered tides above 10' compared to the NOAA tide charts.

- Recommend explaining which resource the Town is using to track high tide levels. For example, today, US Harbors has predicted high tides at 8.3' and 9.1', but the gauge is measuring just over 10'.
- Without specifying the source, it creates confusion and could cause placard users to get in trouble.
- Depending on the level of enforcement, need to determine which high tide source makes the most sense.
- Ms. Durfee noted that the Tide Gauge report recommends using the NOAA predicted tide chart and the Hampton Harbor tide gauge readings. It's unrealistic for DPW to track and send alerts on a 3-day forecast. Could consider creating a system allowing residents to obtain the information and be informed enough to check it.
  - Ms. Hale noted that she is currently (when feasible) sending alerts when tides will be over 10'. The focus for DPW is not just flooding many other responsibilities town-wide. How can we do the alerts effectively and efficiently? The objective is to provide additional protection to those who need it because of increased flooding. Hopefully, it does not get abused.
- Ms. Howard added that based on the data analysis if the NOAA tide chart is the selected source/reference, then using a 9.5 threshold is prudent. Most often, a predicted high tide of 9.5' (only based on the lunar cycle) turns into a 10' or higher due to weather conditions like wind. That's why it is important to specify the source. The tide chart is static but provides more predictions in advance (1 year) than the tide gauge (3-day forecast). Reducing the high tide threshold to 9.5 or 9.7 gives greater protection against 10' high tides.
  - Ms. Hale appreciated this explanation and felt it was important to tie the 9.7 and 9.5 recommendations together and explain why 9.5 is more protective.
- Ms. Perkins shared that residents she has spoken to have expressed challenges with walking back and forth from identified parking lots. One received a ticket because it was left too long, although it was later rescinded. Property owners have noted that many renters are unaware of the placards and have done their own neighborhood-level outreach.
  - Is there a way to further extend that outreach to renters?
- Ms. Durfee summarized takeaways
  - Add language to clarify the source of the tide level,
  - Better connect the Master Plan recommendation with CHAT's. What level does CHAT want to include – 9.7 or 9.5?
  - Think about enforcement and the eligible parking lots.
  - How will the outreach work, and what are the needs of renters.
    - How can it work for everyone with some additional outreach, and what is CHAT's role or individual members.

## 8. Flood Risk Disclosure Legislation Update

Rep Muns shared that he and Mr. Diener recently met with NH Realtor Association and NH Landlord Association representatives.

- Received constructive feedback – Prefer not to see any bill introduced to add flood disclosure to the currently required documentation.
  - Extra work – don't want to have to do
  - Concern about increased liability by providing additional information

- Why is this necessary – believe the areas of NH subject to flooding are small. Why not have a local ordinance instead of a statewide.
- NH Realtor Associated noted that the bank performs the flood zone due diligence if there is a mortgage – most sales require a mortgage. The mortgage company will also require flood insurance if located in a flood zone. Feels this provides adequate coverage.
- Counter argument to the concern about the seller/landowner taking on additional liability is that all that liability is currently put on the buyer/tenant. Not fair or equitable. Trying to encourage transparency – should share information they know about the property. With flooding becoming a bigger and bigger issue across the state (i.e., summer in the western part of the state), this is a way of educating and raising awareness of the issue.
- If we want to move it along – will need to simplify and take a more incremental approach. Focus on a seller or landowner telling a buyer/tenant whether it's in a flood zone and sharing information since they owned it. Provide some general statement about the availability of flood insurance and that the homeowner doesn't cover flooding. Revised draft to simplify it and build upon it in the future.
- Mr. Diener thanked Rep Muns for his work on this first draft, setting up these stakeholder meetings, and revising the draft bill. Agreed that, based on the feedback, the original version is too meaty. Revising to make it more palatable.
  - The landlord agreements – there are restrictive and non-restrictive. Restrictive is a more formal agreement, whereas non-restrictive is less formal (no written documents). With the restrictive agreement, the disclosure info could be woven into the lease agreement. So that the information can be passed along.
  - We will not get everything we originally wanted, but we are trying to find ways to enhance the disclosures so that at least a red flag might be raised for a buyer or renter to consider or investigate further. For example, trying to remove the “unknown” option for whether the property is in a flood zone.
- Realtors asked to what extent this is a problem. Although we have antidotal examples of a lack of disclosure – if we know others and can ask them if they'd be willing to lend their voice as a rationale for this legislation, it would be beneficial.
  - Rep Muns – at least a statement to include in the testimony for the bill.
- Rep Muns will circulate the revised version. Hearing expected in Jan/Feb
- Ms. Durfee reminded members that there is a CHAT subcommittee on this topic, and if interested in joining, let her know.

## **9. Next meeting: November 21, 2023, 1pm-3pm**

## **10. Adjourn**

Meeting adjourned at 3:03 pm.