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## Coastal Hazards Adaptation Team (CHAT) Work Session #40

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### Meeting Minutes

Tuesday, July 18, 2022

**2:00-4:00PM**

VIRTUAL MEETING

#### 1. Introductions

Jason Bachand - Town Planner

Tom Bassett - Resident Representative

Jen Hale - Hampton Department of Public Works

Katherine Harake – Budget Committee Representative

Nathalie DiGeronimo - NH Department of Environmental Services program

Jay Diener - Seabrook-Hampton Estuary Alliance

Brianna O'Brien - Conservation Coordinator for Hampton

Bob Ladd – Hampton Beach Village District Representative

Liz Durfee - Planner and CHAT coordinator

Deb Bourbeau - Resident Representative

Rayann Dionne - Seabrook-Hampton Estuary Alliance

Keith Lessard, Planning Board Representative (Joined at 2:20 PM)

Stephen LaBranche, Member at-large (Joined at 2:20 PM)

#### 2. Approve meeting minutes from April 2022

Mr. Bassett MOTIONED to approve the April 2022 meeting minutes.

SECONDED by Ms. O'Brien. Vote: 11-0-1. Ms. Bourbeau abstained.

#### 3. Relevant Flood Updates

- Ms. Durfee gave an update on behalf of Ms. Kravitz.
  - i. The Hampton Beach Area Commission (HBAC) master plan consultant has spoken with the town's consultant and expects to receive an advanced copy of the town's master plan so that data collection can be coordinated between the two plans.
  - ii. Thanks to Nancy Stiles, the HBAC has received funding from the state legislature to oversee a feasibility study for an ADA accessible pier for Hampton Beach. A Committee has been formed and GEI has been selected to do a study due November 1st.
- Mr. Bassett gave an update on flooding in his neighborhood.
  - i. Photos of flooding during the month of July were shared via powerpoint.
  - ii. 3-4 days of the month had substantial flooding.
  - iii. Hampton Harbor Tide Gauge is no longer giving the actual tide levels. Mr. Bassett asked for clarification on why this is happening.
    - 1. Ms. DiGeronimo explained that the Hampton cell tower was recently switched from 3G to 4G and the tide gauge was operating on a 3G system. A new tide gauge was installed, but some data may have been lost.

- iv. July 13th they received a half inch of rain and the predicted high tide levels were 8.7 and 10.5 ft
- v. Mr. Bassett shared photos of local ecosystems that have been affected by flooding. Meadow pond flows into backyards changing lawns to marsh grasses.
- vi. Mr. Bassett took a water sample and would like to have it analyzed for bacteria.
  - 1. Ms. DiGeronimo agreed with this idea and will restart conversations with relevant players to evaluate interest and possibility.
- vii. Photos of Gentian Road and Greene Street were shared. The estimated depth of flooding was about 6 inches towards the middle of the road.
- Mr. Ladd gave an update:
  - i. He thanked Mr. Bachand and Ms. Hale for coming to the July precinct meeting and updating the Hampton Beach area on issues.
  - ii. The July meeting was recorded and can be viewed on channel 22.
- Ms. Bourbeau gave an update:
  - i. Ms. Bourbeau thanked Mr. Bachand and Ms. Hale.
  - ii. Voiced concern about potentially contaminated water. She appreciates that Ms. DiGeronimo will follow up on that.
- Ms. Hale gave an update:
  - i. A presentation on the King's Highway project and ditch mitigation will be given on August 17th at the planning board meeting. This will be televised on channel 22.

*Keith Lessard, Planning Board Representative and Stephen LaBranche, Member at-large joined the meeting at 2:20 PM.*

- 2021 NH Climate Assessment Report released:
  - i. Ms. Durfee gave a link to this assessment for anyone to take a look at. A presentation and/or outreach material may be available in the future. Ms. Durfee will forward these things along as they come.
- Ms. Durfee noted an article in the news that featured CHAT members; Mr. Bassett, Ms. Bourbeau, and Ms. Dionne.

#### **4. Recommendations Discussion**

- Continue review and edit draft simplified list of recommendations:
  - i. Mr. Ladd asked if there will be any ordinances that would require developers to inform purchasers about flood risks in new developments.
    - 1. CHAT discussed how this could be achieved via recommendations. They discussed state vs. local ordinances.
    - 2. Mr. Ladd suggested that CHAT encourage the state representatives and the senator to continue introducing

legislation to improve required disclosures regarding flooding to buyers.

3. Ms. Durfee said she would incorporate modified language provided by CHAT members Ladd: It will be the recommendation from CHAT that the state representatives and the senator that represent the district of Hampton present to the legislature statutory language that would require developers to notify new buyers of property of flood plains. This language was further discussed by CHAT.
  - a. Mr. Bassett asked for clarification regarding the party that should be held responsible to provide disclosures to buyers.
  - b. Ms. Hale recommended encouraging realtors to reach out to the resources that can let the buyers know whether there is a possibility of flooding.
  - c. Mr. Diener suggested that it would be reasonable to recommend that realtors notify their clients if the property they are buying is in a floodplain.
  - d. Mr. Lessard stated that he felt this recommendation should be more focused on statewide owner disclosures, like asbestos or lead paint.
  - e. Ms. DiGeronimo suggested rephrasing the recommendation to suggest that the town explore options for requiring property disclosures regarding flooding at the town or state level.
4. Ms. Durfee will look over the meeting minutes and continue to draft a recommendation which she will present at a future meeting.
  - ii. Mr. Bassett suggested replacing the word “create” with the word “support” under “Master Plan”.
    - Ms. Durfee shared an example of disclosure requirements for state sea level rise exposure areas from Hawaii.
5. Discuss and clarify recommendations related to zoning ordinance:
  - Develop a new coastal hazard overlay district with regulations to guide development in vulnerable areas
    - i. Ms. Durfee asked if “guide” should be replaced with another word.
      1. Mr. Bachand suggested changing it to “control”. CHAT agreed. Ms. Durfee will make that change.
  - Use land use ordinances and regulations to encourage and incentivize development in areas that are not vulnerable to current or future flooding.
    - i. Mr. Diener asked what the goal of this recommendation is.
      1. Ms. Durfee explained that although they are not explicitly stating it, the goal is to reduce development in vulnerable areas.
      2. Mr. Basset felt that something specifically discouraging development in vulnerable areas needed to be included in this recommendation. He suggested adding “discourage

development in areas that will contribute to or exacerbate flooding”.

3. Mr. LaBranche voiced concern about the word “discourage” and that what the recommendation would suggest would be outside of the scope of what can be controlled. Ms. Durfee noted that the town already has tools (i.e. buffers), but the word “discourage” may be misleading if the intent is to create regulations of which developers would need to comply with.
  4. Mr. Diener suggested that a combination of regulations that require developers to make properties more resilient while providing incentives for developing away from vulnerable areas may be needed.
  5. Mr. Lessard asked about the cost of encouraging and incentivizing.
  6. Ms. Hale noted that this recommendation came from the flood studies. The goal should be to look at what is being done versus what should be done to improve regulations.
- ii. Mr. Bassett asked for clarification on the meaning of “areas that are not vulnerable to current or future flooding”.
    1. Ms. Durfee stated that this would be explored when drafting and ordinance. It would need to be determined.
    2. Mr. Diener noted that the intention of this recommendation is to figure out how to get people to develop more areas that are not at risk.
  - iii. The language in this recommendation will stay the same.
6. Discuss implementation of CHAT’s recommendation: Amend Town of Hampton Code Section 805-9(M)(1) to lower the threshold for authorized parking in municipal parking lots when tides are in excess of 9.7 feet (as opposed to 10.0 feet) (*Section 805-9(M) attached*)
- o Ms. Durfee presented NHDES Tide Data to support the recommendation.
    - i. 24% of tides recorded (2013-2020\_ reached 10 ft or higher in 36% of all the days in the data recorded. NHDES is estimating more tides greater than 10 ft. in the future if sea-level rise continues.
    - ii. Ms. Durfee asked if the Hampton Board of Selectmen had the authority to amend town code (as opposed to Town vote).
      1. Ms. Bourbeau stated that the town manager has authority. Mr. LaBranche noted that it can be brought to the attention of the selectmen.
    - iii. Mr. Lessard asked who notifies anyone when the tides are exceeding the limit, and where the data comes from.
      1. Ms. Durfee explained that there is no way to actually predict how much the weather may impact the tide level. Currently, the DPW sends out an alert when the tide is anticipated to be a specific level. Ms. Hale added that she gets that information from the tide chart each month.

- iv. Mr. Ladd asked for clarification on what tides are being referenced in the data. Ms. Durfee flagged that and will follow up with clarification. *Follow up: the study assessed all tides.*
- v. Mr. Bassett suggested that the bullet point should be separated into two points.
- vi. Mr. Diener asked for the rationale behind the suggested recommendation change. Ms. Bourbeau stated that it came from polling groups last year. She specifically noted Manchester Street residents had asked for the change. Mr. Diener noted that documentation of the water levels at 9.7 ft showing the need for moving cars would be a good addition here. Ms. Bourbeau noted that photo evidence has been used to document flooding and compare it with the Tide Charts.
- vii. Mr. Bassett suggested comparing observed versus predicted data.
- viii. CHAT will compile information to help explain why this is recommended.
- ix. Ms. Bourbeau noted that she has never heard that parking spaces have run out. She has heard about people being ticked.
- x. Ms. Durfee will incorporate comments and clarify NHDES data.

#### 7. CHAT membership update

- Ms. Durfee has reached out to the current Board of Selectmen Representative, Jim Waddell, and asked if he was still interested in being a part of CHAT. She has not heard back. She noted that the next step would be to ask the Board of Selectmen to appoint a new selectmen representative.
  - i. CHAT members agree that the next step should be to send another email, and try giving him a call before asking for a new representative. Ms. Durfee will follow up.
- Ms. Bourbeau recently retired and will be unable to join future CHAT meetings. Ms. Durfee is coordinating with her to get her email distribution list. Ms. Durfee thanked Ms. Bourbeau.
- If anyone is aware of another resident who is interested in joining CHAT, let Ms. Durfee know.

#### 8. Outreach project update

- Some funding is available to start moving forward on steps for outreach. Ms. Durfee expects to move forward with this in the fall.

#### 9. Next meeting: August 16, 2022

#### 10. Adjourn