



This memorandum respectfully presents the regulatory and policy rationale supporting the proposed redevelopment at 44 North Street. The project involves demolition of existing nonconforming and non-historical structures located within the FEMA-mapped AE flood zone and construction of a new elevated addition supported on piles. The proposal results in a net increase in flood storage capacity while preserving and adaptively reusing the historic portion of the property.

I. Applicable Regulatory Framework

Section 24 of the Hingham Wetland Regulations (“Additional Protection of Special Flood Hazard Zones”) establishes protections for areas mapped as Zone A, AE, and VE on the FEMA Flood Insurance Rate Map.

Section 24 states in relevant part:

- *“New construction or placement of new structures, including buildings, sheds, and garages, or walls on vacant lots, are prohibited in A-Zones.”*
- *“Expansion of existing structures in VE-, AE-, and A-Zones is prohibited.”*

The stated purposes of Section 24 include ensuring public safety, reducing hazards, preventing property damage, minimizing public and private costs associated with flooding, and protecting against storm damage.

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These purposes are central to interpreting and applying the regulation.

II. Existing Conditions

The property currently contains nonconforming additions and structural elements within the AE flood zone that displace flood storage volume and potentially impede flood conveyance. These existing encroachments represent a baseline condition that reduces the floodplain's capacity to absorb and transmit floodwaters.

The historic component of the building, which contributes to the architectural character of the site, is partially located within the flood zone and represents a significant cultural asset worthy of preservation.

III. Proposed Project

The proposed project includes:

1. Demolition of existing nonconforming, non-historical additions within the flood zone;
2. Construction of a new addition entirely within the AE zone but elevated on open piles;
3. No new fill and minimal net change in site grading;
4. A finished floor elevation meeting or exceeding the applicable Base Flood Elevation (BFE);
5. A net increase in available flood storage volume compared to existing conditions.

The elevated pile design allows floodwaters to pass beneath the structure without obstruction. By eliminating enclosed ground-level volumes and replacing them with an open foundation system, the project improves hydraulic performance relative to the existing condition.

IV. Adaptive Reuse and Historic Preservation

A central element of this proposal is the protection and continued use of the historic component of the property through adaptive reuse.

Rather than abandoning the historic structure due to flood vulnerability, the project:

- Preserves the historically significant portion of the building;
- Removes later nonconforming encroachments that exacerbate flood risk;
- Replaces those elements with a resilient, code-compliant addition;
- Enhances the long-term viability of the historic structure.
- Engages with the surrounding neighborhood and advances town goals of street transformation - from back ally to a vibrant community asset.

Adaptive reuse in this context directly supports the public interest by maintaining the architectural and cultural character of the area while improving flood safety. The project aligns with town planning goals, historical preservation goals and floodplain management standards.

V. Hazard Mitigation and Resilience Improvement

The proposed redevelopment should also be viewed as hazard mitigation and resilience improvement.

The project:

- Elevates the new occupied floor area to or above BFE in compliance with NFIP standards applicable to Zone AE;
- Reduces structural vulnerability to flood damage;
- Removes enclosed floodplain obstructions;
- Increases net flood storage capacity;
- Improves flood conveyance beneath the structure.

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These changes directly advance the purposes stated in Section 24—namely reducing threats to life and property and minimizing costs associated with flooding. Importantly, the regulation’s objective is not merely to prohibit change within the floodplain, but to prevent actions that worsen flood risk. Here, the net effect is the opposite: the project measurably improves floodplain function compared to the existing baseline.

VI. Interpretation of “Expansion”

While Section 24 prohibits “expansion of existing structures in VE-, AE-, and A-Zones,” the proposed work should be evaluated in functional terms.

Although the new addition is located within the AE zone, it replaces existing enclosed floodplain volume with an elevated, open foundation structure and results in a net increase in flood storage. The project does not intensify floodplain encroachment; rather, it reduces it.

A strictly literal interpretation that prohibits any redevelopment—even when that redevelopment improves flood storage, reduces obstruction, and enhances resilience—would not further the stated purposes of Section 24. In contrast, evaluating the project based on its measurable floodplain impacts aligns directly with those purposes.

VII. Conclusion

This proposal represents:

- Adaptive reuse of a historic property;
- Removal of nonconforming floodplain encroachments;

- Net increase in flood storage capacity;
- Elevation in compliance with FEMA/NFIP standards for Zone AE;
- Improved resilience and hazard mitigation;
- Advancement of the public safety objectives embedded in Section 24.

For these reasons, the project should be viewed not as a prohibited expansion, but as a floodplain improvement and resilience enhancement that fulfills the underlying intent of the Hingham Wetland Regulations.