



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

September 12, 2024

Secretary Rebecca L. Tepper
Executive Office of Energy and Environmental Affairs
Attn: Eva Vaughan, MEPA Office
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

Re: MEPA File No. 16464 - Hingham

Dear Secretary Tepper:

The Water Resources Commission (WRC) staff has reviewed the Environmental Notification Form (ENF) for the Hingham Waterfront Resiliency Project in the Town of Hingham.

As proposed, the Project involves activities within a 100-year floodplain as delineated on the current effective Flood Insurance Rate Map (FIRM) for Plymouth County dated July 3, 2024. In its role as the state coordinating agency for the National Flood Insurance Program (NFIP), I submit the following comments on behalf of the WRC.

WRC's Flood Hazard Management Program (FHMP), under agreement with the Federal Emergency Management Agency (FEMA), is the state coordinating agency for the NFIP. As such, the FHMP provides technical assistance to communities that participate in the NFIP related directly to the program and also related to floodplain management in general. Communities that participate in the NFIP are required by FEMA, as a condition of their participation, to regulate development within the 100-year floodplain in a manner that meets or exceeds the minimum standards established by FEMA, located at 44 CFR 60.3. Participating communities such as the Town of Hingham are required to adopt the NFIP requirements through locally enforceable measures. In Massachusetts, many of the requirements contained in 44 CFR 60.3 are enforced through existing state regulations such as the State Building Code (780 CMR) and Wetlands Protection Act regulations (310 CMR 10.00). Communities typically adopt the remainder of the requirements as part of a zoning ordinance or other locally enforceable measure. The Town of Hingham has a Zoning By-Law which has been accepted by FEMA as meeting their requirements under the NFIP.

In our role as NFIP coordinator, the FHMP offers comments on the proposed Project's relationship to many of the above regulations and requirements. The FHMP does not administer any of these requirements and therefore does not provide official determinations as to compliance with them; rather, our comments are provided as an overview of the requirements and the documentation that the FHMP believes may be necessary to demonstrate compliance with these requirements.

The Project includes improving coastal resiliency within Hingham Harbor, which includes a mixture of Town-owned properties and privately held properties with commercial establishments. Elements of the Project include development of a contiguous dune, elevation of the Town Wharf, and other flood protection techniques along the Harbor shoreline. Based on information submitted with the ENF, the project area is located within the 100-year floodplain on the current effective FIRM in the following zones: Zone VE with a base flood elevation of 14 feet above North American Vertical Datum (NAVD), Zone VE with a base flood elevation of 12 feet above NAVD, Zone AE with a base flood elevation of 11 feet above NAVD, and Zone AE with a base flood elevation of 10 feet above NAVD. Because of its location in the 100-year floodplain, compliance with the requirements of several federal, state and local measures related to floodplain development are required.

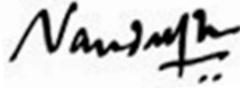
It is described within the ENF document that the existing Harbormaster building on Town Wharf will be relocated to a more landward location, which is shown on the Proposed Conditions Site Plan 2 of 3 to be within a Zone AE with a base flood elevation of 10 feet above NAVD. It is also noted that the existing Hingham Maritime Center will be removed and reconstructed as a single structure as far landward as possible on the reconstructed wharf. While the proponent has indicated that final design for these structures has not been completed at this time, the proponent should note that both structures will be required to meet the requirements for Flood Resistant Construction standards in the Massachusetts State Building Code, 9th Edition. Related requirements, including design flood elevations and floodproofing measures, are located in Section 1612 of the Base Code and as amended, and ASCE 24-14, a referenced standard.

Included in the Massachusetts State Building Code, 9th Edition, is the provision of Substantial Repair of a Foundation. This provision states “when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base or the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.” Under this provision, the relocation of the Harbormaster building would most likely require the structure to be altered, as needed, to meet the requirements for Zone A in the above referenced codes.

Additionally, projects within the 100-year floodplain involving any federal action (e.g., permit, funding) must also comply with federal Executive Order 11988, Floodplain Management, as amended by Executive Orders 13690 and 14030. Executive Order 11988 requires an eight-step decision-making process which includes analysis of alternatives, avoiding impacts when possible, and minimizing impacts when avoidance is not possible. Because this project requires a pre-construction notification from the US Army Corps of Engineers, compliance with the eight-step decision-making process is necessary. Compliance with these orders will also require meeting the Federal Flood Risk Management Standard (FFRMS) which can involve design and construction to a higher standard, to be determined by the applicable federal agency.

The proponent should be aware that climate change can bring further impacts to the proposed development. Changes to the state’s precipitation regime are ongoing with further predicted changes to the amount and timing of rainfall. This may increase the potential for flooding to properties located in the 100-year floodplain.

Thank you for the opportunity to comment on the ENF. If you have any questions regarding these comments, or to request additional information or coordination with the FHMP, please contact Katie Paight at katie.o.paight@mass.gov or 857-283-0583.

A handwritten signature in black ink, appearing to read "Vandana Rao".

Vandana Rao, PhD
Executive Director, MA Water Resources
Commission

cc: Katie Paight, Department of Conservation and Recreation
Nadia Madden, Department of Conservation and Recreation
Eric Carlson, Department of Conservation and Recreation
Joy Duperault, Department of Conservation and Recreation
Michael J. Clancy, Building Commissioner, Town of Hingham
Shannon Palmer, Conservation Officer, Town of Hingham