



# TOWN OF HINGHAM

## Planning Board

### NOTICE OF DECISION SITE PLAN REVIEW

#### IN THE MATTER OF:

Applicant/Owner: David and Sarah Madigan  
130 Lincoln Street  
Hingham, MA 02043

Agent: Joshua Green, P.E.  
Homestead Consulting Engineers  
2 Sharp Street, Unit A  
Hingham, MA 02043

Property: 130 Lincoln Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds Book 59208 Page 179

Plan References: "Cut-Fill Exhibit," prepared by Homestead Consulting Engineers, 2 Sharp Street, Unit A, Hingham, MA, dated April 24, 2025 (1 Sheet)

"Long-term Stormwater Operation and Maintenance Plan," prepared by Homestead Consulting Engineers, 2 Sharp Street, Unit A, Hingham, MA, dated March 18, 2025 and revised through April 21, 2025 (4 Sheets)

"Madigan Residence," prepared by The Gardeners Landscape, 6 Main Street, Kingston, MA, dated February 26, 2025 (1 Sheet)

"New Construction Project for: Mr. David J. Madigan & Mrs. Sarah C. Madigan," prepared by GDA Design & Architecture, Inc., P.O. Box 1396, Hanover, MA, dated February 10, 2025 (12 Sheets)

"Proposed Site Plans," prepared by Homestead Consulting Engineers, 2 Sharp Street, Unit A, Hingham, MA, dated March 18, 2025 and revised through April 29, 2025 (4 Sheets)

RECEIVED

MAY 08 2025

Town Clerk  
Hingham, MA

## **SUMMARY OF PROCEEDINGS**

This matter came before the Planning Board (the “Board”) on the application of David and Sarah Madigan (the “Applicant”) for Site Plan Review under § I-I of the Zoning By-Law (the “By-Law”) to reconstruct a single-family dwelling with a pool and related hardscaping, landscaping, grading, and drainage at 130 Lincoln Street in Residence District A.

The Board opened a duly noticed public hearing on the application at a meeting held remotely on May 5, 2025 via Zoom as an alternate means of public access pursuant to Chapter 2 of the Acts of 2025 temporarily suspending certain provisions of the Open Meeting Law. The Board panel consisted of regular members Gordon Carr, Chair, Crystal Kelly, Tracy Shriver, and Gary Tondorf-Dick. Joshua Green, P.E., of Homestead Consulting Engineers, presented the application to the Board. At the conclusion of the review, the Board voted to grant Site Plan Approval under § I-I of the By-Law with conditions set forth below.

Throughout its deliberations, the Board was mindful of the statements of the Applicant, its representative, and the comments of the general public, all as made or received at the public hearing.

## **BACKGROUND & DISCUSSION**

The subject property consists of 29,956± SF improved by a single-family dwelling with an attached garage, paved driveway, landscaping, and hardscaping. The proposal calls for razing the existing dwelling and construction of a new single-family dwelling with an attached garage, paved driveway, inground pool, hardscaping, and landscaping. Total land disturbance associated with the project consists of 21,858 SF and a net cut of 266 CY.

Runoff from the roof of the proposed dwelling will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the patio immediately surrounding the proposed pool will collect in trench drains and also discharge into the subsurface infiltration system. Existing water and sewer services will reconnect to the proposed dwelling, and a propane tank is proposed, presumably for heat. Electric and communication utilities will be installed underground. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the limit of work and the existing driveway would be used as the construction entrance. Two trees are proposed for removal, but they are outside of the Tree Yard. While no mitigation is required, the Applicant proposes to plant 21 new trees (totaling 112”) and a number of other shrubs and plantings in addition to the Protected Trees to remain.

In addition to staff, the Board’s civil peer review engineer Patrick Brennan, PGB Engineers, reviewed this project to evaluate conformance with MassDEP Stormwater Management Standards (SMS) and best engineering practices. Mr. Brennan’s report included comments related to test pits, the mounding analysis, subsurface infiltration overflow, inspection ports, the HydroCAD model, filter fabric location, a contour line, the electrical connection, and the Tree Yard. The Applicant provided revisions that address all of Mr. Brennan’s comments.

During the course of the hearing, the Board raised questions and comments related to patio surfacing in the rear of the dwelling, pervious versus impervious surfacing onsite, first floor elevation of the existing and proposed dwelling, magnolia tree removal, location of the proposed subsurface drainage system, driveway size, and construction vehicle parking. Board discussion ultimately resulted in a condition of approval related to the patio surface and magnolia tree. There was no public comment.

### **WAIVERS**

Some of the proposed grading, landscaping, hardscaping, and retaining walls in the rear of the property are within the Critical Root Zones of three Protected Trees (trees totaling caliper inches 78"). The Board has granted a waiver of this requirement under Section I-1.5.h(ii) in other instances before to allow some work within the Critical Root Zones of Protected Trees in an effort to save the Protected Trees. As a reminder, one of the Board's standard conditions of approval requires mitigation plantings should any Protected Trees die or be removed within 24 months from the approval date. As part of the 112" of trees to be planted, the Applicant notes on sheet 4 of the Site Plan (under Tree Mitigation Calculation) that in the event that any of the Protected Trees fail as a result of the work, 39" of the proposed 112" of tree plantings would be adequate to mitigate the potential maximum of 78" that would be removed.

The Applicant also requires a waiver of submittal requirements under Section I-1.5.l(ii) (site lighting plan) and (iii) (Traffic Impact Analysis). A waiver of these requirements would be appropriate given the residential nature of the project.

### **DESIGN AND PERFORMANCE STANDARDS**

**a. Land Disturbance**

Total land disturbance associated with the project consists of 21,858 SF and a net cut of 266 CY. The proposed work is designed to maintain existing drainage patterns to the greatest extent practicable.

**b. Site Design**

The proposed work is located in the same location with a similar footprint as the previous dwelling and the existing curb cut and driveway will be reused with minor regrading. A landscape plan is also proposed to improve the scenic qualities of the lot and provide additional screening from abutters.

**c. Character and Scale of Buildings**

The proposed project is slightly larger than the existing dwelling but is smaller than the most of the homes in the vicinity.

**d. Preservation of Existing Vegetation and Protected Trees**

Two trees are proposed for removal, but they are outside of the Tree Yard. While no mitigation is required, the Applicant proposes to plant 21 new trees (totaling 112") and a

number of other shrubs and plantings in addition to the Protected Trees to remain. As part of the 112" of trees to be planted, the Applicant notes on sheet 4 of the Site Plan (under Tree Mitigation Calculation) that in the event that any of the Protected Trees fail as a result of the work, 39" of the proposed 112" of tree plantings would be adequate to mitigate the potential maximum of 78" that would be removed.

**e. Limit of Clearing**

Two trees are proposed for removal, but they are outside of the Tree Yard. Additionally, a silt sock is proposed as a perimeter erosion control barrier around the limit of work.

**f. Finished Grade**

Minor grade changes are proposed to most closely match the existing topography and provide stability for the structures.

**g. Stormwater Management**

Runoff from the roof of the proposed dwelling will discharge into a subsurface infiltration system consisting of plastic chambers surrounded by crushed stone, while runoff from the patio immediately surrounding the proposed pool will collect in trench drains and also discharge into the subsurface infiltration system.

**h. Utilities**

Existing water and sewer services will reconnect to the proposed dwelling, and a propane tank is proposed, presumably for heat. Electric and communication utilities will be installed underground.

**i. Pedestrian and Vehicular Access; Traffic Management**

There are no changes proposed with respect to traffic management or pedestrian access. The existing driveway and curb cut will be reused with minor regrading.

**j. Lighting**

Typical residential lighting is proposed with this project.

**FINDINGS**

Based on the information submitted and presented during the review, and the deliberations and discussions of the Board during the hearings, the Board made the following findings in accordance with the Approval Criteria under § I-I,7. of the By-Law:

- a. The proposed development, as conditioned by the Approval, will not adversely affect the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally.
- b. The proposed development meets all applicable Design and Performance Standards.

## MOTION

Upon a motion made by Gordon Carr and seconded by Gary Tondorf-Dick, the Board voted to GRANT the application of David And Sarah Madigan for Site Plan Approval under § I-I of the Zoning By-Law, with waivers of submittal requirements under § I-I, 5.h(ii) and I(ii) and (iii) related to Critical Root Zone Protection, site lighting plan, and Traffic Impact Analysis, to reconstruct a single-family dwelling with a pool and related hardscaping, landscaping, grading, and drainage at 130 Lincoln Street in Residence District A, subject to the following conditions:

1. **Proof of Recording.** The Applicant shall file a certified copy of this decision in the Registry of Deeds and provide evidence of such recording with the application for a building permit.
2. **Plan Revisions.** Prior to issuance of a building permit, the Applicant shall submit a revised plan to the Community Planning Department to identify pervious patio surfacing in the rear of the dwelling where functionally possible as well as a magnolia tree on the landscape plan.
3. **Pre-Construction Meeting.** A preconstruction review meeting with inspection of the erosion control installation and marked limits of clearing shall be required before issuance of a building permit.
4. **Limits of Work; Tree Protection Areas.** During clearing and/or construction activities, the marked limit of work shall be maintained until all construction work is completed and the site is cleaned up. All vegetation beyond the limit of work shall be retained in an undisturbed state and no stockpiling of topsoil or storage of fill, materials, or equipment may occur within the protected area. Without limiting the foregoing, Protected Trees to be retained shall be surrounded by temporary protective fencing or other appropriate measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Protective barriers shall be large enough to encompass the Critical Root Zone of all Protected Trees to be preserved. Inspection of the protective barriers shall be required before issuance of a Building Permit.
5. **Construction Vehicles.** All construction vehicles shall be parked onsite. No construction vehicles shall enter the premises before 7 AM on any given construction day. In the event it is not feasible for construction vehicles to park onsite, the Applicant shall schedule a police detail to safely direct traffic.
6. **Inspections.** Inspections shall be required during construction, and prior to issuance of a certificate of occupancy, of all elements of the project related to or affecting erosion control, limits of work, and the approved drainage and stormwater system installed for the project. The Planning Board may require, at the applicant's expense, the establishment of a consultant fee account pursuant to Massachusetts General Laws Chapter 44 Section 53G, to fund the cost of such inspections.

7. **As-Built Plan Requirement.** Upon project completion an as-built plan must be submitted to the Building Commissioner and Community Planning Department prior to the issuance of a certificate of occupancy, and in no event later than two years after the completion of construction. In addition to such other requirements as are imposed by the Building Commissioner, the as-built plan must demonstrate substantial conformance with the stormwater system design and performance standards of the approved project plans. The as-built plan must also demonstrate substantial conformance with all other aspects of the approved project plans, including landscaping.
  
8. **Maintenance of Protected Trees.** Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of final inspection, or issuance of a Certificate of Occupancy, if applicable. Should such tree(s) die or be removed within such twenty-four (24) month period, the owner of the property shall be required to replace such tree with a tree consistent with the requirements within nine (9) months from the death or removal of such Protected Tree.

For the Planning Board,



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Gordon Carr

May 8, 2025

**In Favor:** Gordon Carr, Crystal Kelly, Tracy Shriver, and Gary Tondorf-Dick

**Opposed:** None

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth County Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.