

An Abutter's Guide to the Conservation Commission Permitting Process

The Lincoln Conservation Commission (LCC) has prepared this guide to explain what you, as an abutter to a proposal to conduct work in or near wetlands, can expect during the project permitting process. It is not intended as a legal guide, but to help you understand how to participate in hearings, get information, and best communicate any concerns. To reach the LCC Commission, please call 781-259-2612 or email conservation@Lincolntown.org.

Who is notified of a wetlands project? The Lincoln Wetland Protection Bylaw (Bylaw) requires that all property owners within 300-feet of a proposed project are notified by the applicant by mail.

How Can I Find Out More About What is Proposed? Residents are encouraged to call the LCC Office or the Applicant to ask questions. All files are uploaded to a website for easy viewing by the public. Please email the LCC office for the web link. Hard copies of the application can be requested (for a fee) from the Applicant or the LCC and that information is on the "Notification to Abutter Letter" letter.

Are Public Meetings Being Held in Person or Remote? During COVID 19, public meetings were held virtually via Zoom. Although we are transitioning back to a more normal schedule, we have discovered that remote meetings allow more residents to participate in most instances. Therefore, if the law allows many of the LCC meetings may continue to be remote. Information on whether a particular meeting will be held via Zoom or in-person will always be posted on the Agenda on the Town Website at least 48 hours prior to the meeting.

What Should I Expect at the Public Hearing? At the hearing, the applicant will present plans and explain what is proposed. The LCC will ask questions. Then, the LCC Chair will ask if anyone to express a comment or question, as it relates to wetland protection. Once questions/comments have been raised, the hearing may be either closed or continued to a specific date and time (if the LCC needs additional information). You will not receive written notice of the continued hearing date. To find out the date of the continued hearing, you can call the LCC office.

What Issues Does the Commission Consider? The scope of issues that the LCC can consider in reviewing proposed projects is defined by the WPA and Bylaw. In presenting testimony (oral or written), please be aware that the Commission's jurisdiction only relates to wetland issues.

Suggestions for Presenting Testimony at Public Hearings

- State your name and address for the record before you speak and each time you speak.
- Try to state all of your questions or concerns at once and then allow the next person to speak.
- Be polite and respectful of differing opinions - Avoid personal attacks.
- While you may have questions of the applicant, you should address them to the LCC.
- Stick to wetland issues. For example, issues like traffic and noise are outside of the LCC purview.
- It is fine to just say "I agree with Mr. Smith about that drainage issue" rather than restating the same concerns.

How Can I Make My Concerns Known if I Cannot Attend? Comments can be submitted in writing prior to the close of the public hearing. As with all testimony (oral and written), it is most helpful to raise concerns early in the process.

What Happens After the Hearing? After the hearing is closed, the LCC deliberates and issues a decision (Order of Conditions), within 21 days of closing the hearing. The LCC generally approves the project with conditions. In rare circumstances, the LCC can deny a project if it cannot be adequately conditioned to protect wetlands.

Will I Be Notified of the Decision? Copies of decisions are not sent to abutters. You may request a copy from the LCC office. The owner is also required to record it at the Registry of Deeds. Permits are generally valid for three years.

How Can I Appeal? Appeals of decisions under the Wetlands Protection Act (called a Request for a Superseding Order of Conditions) must be made to the Department of Environmental Protection within 10 days using forms supplied by DEP. Appeals may be made by the Applicant, a direct abutter, a 10 citizen group, or the Department of Environmental Protection. For more information, please see: www.tinyurl.com/DEPappealprocess. Appeals to the Bylaw OOC shall be reviewable in the superior court in accordance with M.G.L. c.249, §4.