

The Lincoln Conservation Commission Permitting Process – An Applicant’s Guide

The Lincoln Conservation Commission (LCC) has prepared this flyer to explain what you, as an Applicant of a wetland application, can expect during the permitting process. Our hope is to help you understand what will happen at your wetlands hearing and to explain what special conditions and perpetual conditions will most likely be included in your wetlands permit. To reach the LCC Commission, please call 781-259-2612 or email conservation@Lincolnma.gov.

What is the Conservation Commission?

The LCC is a 7-member volunteer board responsible for administering the Massachusetts Wetlands Protection Act (WPA) and Lincoln’s Wetland Protection Bylaw (Bylaw). Any proposed work (cutting vegetation, grading, building, digging, etc.) within 100-feet of Wetland Resource Areas (i.e. wetland, seasonal stream, pond, etc.) or 200-feet from a perennial (year-round flowing) stream require review and approval by the Conservation Commission. In general, some activities within the 50-100-foot Upland Buffer Zone Resource Area are allowed with a permit, so long as there are no alternatives to conduct the activity further away.

What needs to happen before my public hearing?

Since you are proposing to conduct work in the 100-foot Upland Buffer Zone or Wetland Resource Area, you have filed a wetlands application (either a Notice of Intent or Request for Determination of Applicability) with the Conservation Commission. You have been given the ‘official hearing notification form’ which provides information about:

- Your requirement to notify abutters of your upcoming public hearing, and
- The LCC’s intent to visit your site the morning of your hearing & what needs to be done before that visit.

What Should I Expect at the Public Hearing?

You or your representative must be present and be prepared to give a brief presentation to the LCC about your proposal. If the meeting is held virtually, you should let LCC Staff know whether you would like to ‘share’ your screen for your presentation or if you would like the staff to share the screen with your plan on it. Please be prepared to show a colored-up version of your plan that is easy to see on a Zoom screen. A sample of a plan prepared for a virtual meeting can be found here: www.tinyurl.com/sampleZoomConComPlan. The LCC will ask questions. Then, the LCC Chair will ask if anyone in the audience has questions or wishes to offer an opinion as it relates to wetland protection. Normally, hearings last approximately 20-30 minutes. Once the LCC questions are answered and if there are no outstanding issues, the Commission will likely vote to close the hearing, and issue a WPA and Bylaw permit. The permit will be issued within 21 days of your hearing. In rare circumstances, the LCC can deny a project if it cannot be adequately conditioned to protect the adjacent wetlands.

What types of Special Conditions can I expect on my permit?

The permit will include a number of special conditions which you are required to follow. Most of these conditions involve standard requirements that must occur:

- Before construction (i.e., calling the LCC for a pre-construction site inspection of erosion controls)
- During construction (i.e., maintaining your erosion controls, ensuring construction equipment is kept in good working order, and that any stockpiling of material is kept a certain distance away from wetlands)
- After construction (i.e. once the site is stable, all erosion controls must be removed and properly disposed of)
- Perpetual Conditions – the Commission sometimes includes ongoing conditions that continue after the permit expires (i.e. maintenance of stormwater systems, hand removal of invasive plants).

What if I have concerns about one if these conditions? Please raise any concerns you have regarding these special conditions during your Hearing. This is the best time to try to work out the language and details.

How Can I Appeal? An appeal to the WPA OOC is called a Request for a Superseding Order of Conditions. It must be made to the Department of Environmental Protection within 10 business days using forms supplied by DEP. 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.