

Notification to Abutters
Under the Massachusetts Wetlands Protection Act &
Lincoln Wetlands Protection Bylaw

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the Lincoln Wetlands Protection Bylaw, you are hereby notified of the following:

- A. The name of the **Applicant** is _____
- B. The Applicant has filed a Notice of Intent (NOI) with the Lincoln Conservation Commission for the seeking permission to remove, fill, dredge or alter an Area Subject to Protection (Wetland Resource Area and/or Buffer Zone) Under the Massachusetts Wetlands Protection Act (General Laws Chapter 131, Sec.40) and the Lincoln Wetland Protection Bylaw.
- C. The **Address** of the lot where the activity is proposed: _____
- D. The **proposed activity** is:

- E. A **Public Hearing** regarding this Notice of Intent will be held on:
Wednesday, _____
- F. **Public Participation will be via Virtual Means Only** - This Public meeting will be held virtually, pursuant to H58 Chapter 2 of the Acts of 2023, Suspending Certain Provisions of the Open Meeting Law. Lincoln Conservation Commission (LCC) greatly values the participation of its citizens in the public meeting process and therefore encourages the public to participate remotely in this meeting. Please see the backside of this letter for the LCC’s flyer “Abutters Guide to the Wetland Permitting Process”.
- G. **The public may participate in this meeting via Remote Participation.** The Zoom link for the virtual meeting will be provided on the Conservation Commission’s Agenda posted on the Town’s website (<https://www.lincolntown.org/AgendaCenter>) at least 48 hours prior to the meeting or you may email conservation@lincolnma.gov for the agenda to be emailed to you.
- H. **The Notice of Intent** may be examined by visiting this Website:
<https://tinyurl.com/LCCMeetingInfo>. You may call the Lincoln Conservation Commission at 781-259-2612 if you have questions about the hearing process.
- I. Copies of the NOI may be obtained from either The Applicant, or the Applicant’s representative _____, by calling this telephone number: _____ between the hours of _____.

Note: Public Hearing Notice, including its date, time, and place, will be published at least 5 days in advance in the **Lincoln Squirrel** (at the applicant’s expense).

Note: You also may contact the Department of Environmental Protection (DEP) for more information about the Wetlands Protection Act. To contact DEP (150 Presidential Way, Woburn, MA 01801), call (978) 694-3200.

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 or to speak to conservation staff, please call 781-259-2612 or email conservation@Lincolnma.gov.

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. Conservation Staff are more than happy to discuss the project with you so you can better understand what is being proposed. 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? This Public meeting will be held virtually, pursuant to H58 Chapter 2 of the Acts of 2023, Suspending Certain Provisions of the Open Meeting Law. The LCC have discovered that remote meetings allow more residents to participate in most instances. 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.