



TOWN OF LINCOLN

CONSERVATION COMMISSION

CONSERVATION DEPARTMENT
TOWN OFFICES
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WATER-VIEW MAINTENANCE POLICY

Adopted by Lincoln Conservation Commission – June 20, 2018

INTRODUCTION: Property owners along wetlands and waterways often desire to establish, preserve, or restore scenic vistas. Both the Conservation Commission (ConCom) and the Lincoln Land Conservation Trust (LLCT) acknowledge this desire to connect with the natural resources on, or adjacent, to one's land. This policy covers the ecologically sound protocol for owners to follow to be in compliance with wetlands regulations and Conservation Restrictions (CRs). It is focused on the Fairhaven Bay area, which has a complex array of regulatory issues, but it applies to any Lincoln residents who are in a similar situation.

NATURAL RESOURCE VALUE: The landscape that lies along open water bodies is a remarkably rich and diverse zone that plays an important role in protecting water quality and providing valuable wildlife and plant habitat. It changes dramatically through the seasons and it includes floodplain, marsh, wooded swamp, fields, topographical changes, and more. These quickly transition into upland woodland and the built environment. Wetlands protection and CRs play a key role in preserving the integrity of this riparian area that provides benefits to our natural and human communities.

JURISDICTIONAL AUTHORITY: The ConCom is responsible for the administration of the MA Wetlands Protection Act and the local Wetlands Protection Bylaw. Protected resource areas include: riverfront (200 feet from the mean annual high water line), land under water, bank, bordering vegetated wetlands, and buffer zone (100 feet from the wetlands). Any activities/alterations within these areas need to be reviewed, and permitted as required, by the ConCom.

MA wetlands law covers eight specific interests: protection of public and private water supply, protection of groundwater supply, flood control, storm damage prevention, prevention of pollution, protection of land containing shellfish, protection of fisheries, and protection of wildlife habitat. The local bylaw adds these additional resource area values: erosion and sedimentation control, water quality, rare species habitat, agriculture, aquaculture, and recreational values deemed important to the community.

In addition, the LLCT holds CRs on many of the properties that have Fairhaven Bay/Sudbury River frontage. These cover the western border of these parcels to the 120-foot elevation mark, which is the 100-year floodplain elevation. Any activity/alterations within this zone need to be reviewed with the LLCT for compliance with the specific CR terms.

PROCESS: The first step is to have a qualified wetlands biologist do a complete **field delineation of all wetland resource areas** located on your land. The second step is to have a **comprehensive survey** done by a registered land surveyor to create a **plot plan** for your property. Both of these steps, or parts of them, may already have been done for your property. The plot plan should include the following items (if present):

- Resource area boundaries (floodplain, wetlands, riverfront, buffer zones etc.)
- CR boundaries
- Topography with 1-foot contour intervals
- Existing structures
- Trees over 6" diameter at breast height (dbh), identified to species, that are located within the proposed work zone
- Open areas

This plot plan should show your entire lot but the above level of detail is not required within the areas that are not jurisdictional to the ConCom or LLCT. At any point during this process please feel free to contact Conservation Department or LLCT staff with questions or concerns you may have. An informal site visit can always be arranged with staff and/or Commissioners.

Notice of Intent

Once you have the plot plan done it becomes the primary piece for filing a Notice of Intent (NOI) with the ConCom for permitting proposed view-shed management activity that is within wetland, 100-foot buffer zone, or the 200-foot riverfront resource areas. An NOI is a formal permit application that includes existing conditions and proposed activities within these jurisdictional areas. Typically this is done with professional assistance, often from the wetlands biologist who knows the land after conducting the resource area delineation.

There are many components to describing proposed management and these may include but are not limited to:

- What plants will be removed, pruned, managed
- Where the work will occur
- Which methods will be employed
- When activities will take place and with what frequency
- Invasive species control
- Permanent marking of CR and wetlands jurisdictional boundaries

It is not our role to develop your management plan but here are some general guidelines/thoughts to consider as you determine what you hope to do on your land.

- Small amounts of annual maintenance preferred over large-scale disruption
- Promote native plants, discourage invasive non-native vegetation
- Maintain soil stability and vegetative cover
- Consider the installation of new plantings
- Avoid the use of chemicals whenever possible

- Avoid heavy equipment use in sensitive areas by doing handwork
- Work in wetland areas during dry periods or when frozen
- Consider logical work phasing to limit unintended impacts to the environment
- Leave dead snag trees for wildlife
- Consider the vista of your property from the water (such as seen by paddlers, fishermen, abutters, and neighbors across the water). Often thoughtful tree pruning can open a vista and provide screening from the water.

Site Visit

Once an NOI is filed with the ConCom we will hold a formal site visit to your property. The LLCT will be invited too if a CR area is impacted.

Public Hearing

A public hearing will be held to consider the proposed work. Please keep in mind that not all requests are approved by the ConCom, it is a seven-member board and each permit application that comes in has its own unique set of circumstances. However, a well-thought out and ecologically-sound plan goes a long way towards facilitating the permitting process.

Order of Conditions

The Order of Conditions (OOC) is the official permit that is issued by the ConCom and this is recorded at the Middlesex South Registry of Deeds and becomes part of the formal documentation for your property. If your property sells it remains in effect and helps notify future owners of wetlands issues on the land and allows them to continue management under the terms of the OOC. The OOC will be good for a period from three to five years and it can be extended for additional terms upon request to and approval by the ConCom.

The OOC will reference the original NOI and maintenance plan and stipulate what can be done on your property. Typically it will require annual reporting in the form of a brief narrative and photo documentation to show what was done on the land. There is also a process for amending an existing OOC, with a new hearing.

NON-COMPLIANCE: Failure to follow wetlands regulations can result in fines of up to \$25,000 from the Massachusetts Department of Environmental Protection and local fines of up to \$300 per violation per day under the Non-Criminal Disposition of Violations bylaw (Article XVI). Violations of the terms of CRs on a property may result in enforcement and legal action by the Grantee of the CR, which is typically the LLCT or ConCom.

SUMMARY: We hope that the information provided with this Policy document provides a framework that is clear for both current and future property owners on how they can choose to manage their land within jurisdictional areas. The LLCT and ConCom aim to be proactive and reasonable in their approach so that violations are avoided and our common goal of environmental protection is achieved. Open communication amongst all involved parties is a key component of this Policy.