



TOWN OF LINCOLN

MASSACHUSETTS

16 LINCOLN ROAD, LINCOLN, MA 01773

PLANNING BOARD

Lynn DeLisi
Gary Taylor
Craig Nicholson
Robert Ahlert
Susan Hall Mygatt
Andy Bennett, Associate Member

SITE PLAN REVIEW NOTICE OF DECISION

Date: April 24, 2025

In the Matter of: Application for Site Plan Approval for the removal of vegetation, construction of a driveway, grading, and landscaping on an undeveloped lot under the Town of Lincoln Zoning By-Law §17.7 and Stormwater General Bylaw Article XXXII.

Applicant: Timothy and Madeleine Plaut
Location: 0 Old Winter Street, Parcels 150-52-0, 150-56-0, and 150-58-0
Owner: Same
Deed Reference: Bk: 82648 Pg: 347

BACKGROUND

1. A public hearing on this application was held, abutters were properly notified, and the hearing was opened on March 11, 2025 and continued to March 25, 2025, April 8, 2025, and April 22, 2025. The hearing was closed on April 22, 2025.
 2. At the public hearing, the Planning Board received information from the applicants, their engineers, and agents. This input, along with application materials, served as the basis of the Board's findings and decision.
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SUBMISSIONS

Materials submitted as part of this application included the following:

1. Site Plan Review Narrative by Matthew Cunningham Landscape Design LLC dated January 28, 2025

2. Planning Board Cover Form dated January 28, 2025
3. Residential Site Plan Application
4. Certified Abutters List
5. Site Plan Review Fee
6. Stormwater Permit Fee
7. Landscape Permitting Package by Matthew Cunningham Landscape Design LLC (sheets REF-1, PER 0.0, through 0.7, 1.0, through 1.2, 3.0, through 3.2, 5.0 through 5.14) dated January 28, 2025 revised April 1, 2025 and April 15, 2025.
8. Ecological Assessment by EcoTerra Design & Consulting Group, LLC dated January 24, 2025
9. Invasive Species Management Plan by EcoTerra Design & Consulting Group, LLC dated January 25, 2025
10. Memorandum from Jonathan Bransfield titled "Landscape Plan Review" dated April 1, 2025.
11. Stormwater Narrative by Chongris Engineering dated January 22, 2025 revised April 15, 2025.
12. Stormwater Plans by Chongris Engineering (sheets 1-4) dated January 22, 2025 revised April 14, 2025 and April 21, 2025.
13. Operations and Maintenance Plan
14. Memorandum from Scott Murphy titled "Lincoln Planning Board Peer Review - Stormwater Management Permit" dated March 24, 2025.
15. Memorandum from Chongris Engineering, LLC titled "0 Old Winter Street Response to Comments" dated April 15, 2025
16. Memorandum from Scott Murphy titled "Lincoln Planning Board Peer Review – Stormwater Management Permit" dated April 22, 2025.
17. Onyx Traffic Management Concept Plan

FINDINGS

1. In accordance with the Zoning Bylaw Section 6, the Planning Board finds the proposal is subject to site plan review approval.
2. In accordance with the Zoning Bylaw Section 17.7, the Planning Board finds that the application is complete except as noted in the conditions below, that the imposition of reasonable conditions will ensure the project will conform to the standards and criteria described in Section 17.7.4, and that the project complies with the requirements of the Zoning Bylaw for the purposes of this application.
3. In accordance with General By-Law Article XXXII Section 4A, the Planning Board is the Permit Granting Authority (PGA) for this Bylaw.
4. In accordance with the General By-Law Article XXXII Section 6A, the Planning Board finds the proposal is subject to the Stormwater Management Bylaw because the applicant is undertaking a construction activity that results in a Disturbance of Land to an area greater than one (1) acre of land.

5. In accordance with the Stormwater Management Rules and Regulations Section 6.1, the Site Plan Approval shall serve as the Stormwater Management Permit.
6. In accordance with the Stormwater Management Rules and Regulations Section 6.6, the Planning Board finds that the submitted Plans meet the Standards set forth in Sections 7-9 of the Stormwater Management Rules and Regulations.

DECISION

On April 22, 2025, a MOTION was made, seconded and voted (4-1) favorably to grant Site Plan Approval for the construction of the Project as described and as shown on drawings submitted as listed above. This permit is issued with the following conditions:

STANDARD CONDITIONS

1. The project shall conform to the final plans and materials as represented above and presented during the public hearing as well as all applicable state and local building, life safety, and sanitary codes.
2. Unless otherwise noted in this Decision, the deviations listed below may be considered de minimis at the sole discretion of the Planning Director and therefore not requiring further review or approval by the Planning Board:
 - a. Changes in the footprint of structures of two feet or less.
 - b. Changes in the footprint of stone walls of two feet or less.
 - c. Changes to materials to those of essentially the same characteristic.
 - d. Changes in the location of specific plantings of two feet or less.
 - e. The addition of plantings not originally specified in the approved site plan.

SPECIAL CONDITIONS

1. Wetland Buffer Zone Protection

- a. Applicant shall have the 100-foot Buffer Zone staked by a professional surveyor prior to the commencement of any work, and all work including erosion controls shall remain outside of this staked line.
- b. Applicant shall install erosion controls along the Limit of Work. A minimum of 12" compost filter sock shall be installed along with snow/construction fencing to clearly delineate the limit of work. Compost filter socks shall be staked on the downhill side to prevent movement, and socks shall be overlapped at the ends to provide maximum erosion control. Erosion controls shall be inspected by Town staff prior to commencement of any work. Conservation Staff may assist Planning Staff with this inspection.

2. Construction Conditions:

a. Pre-Construction

1. Applicant shall be responsible for scheduling a pre-construction meeting with the Planning Director and Key Staff and Departments prior to the start of construction which shall include any and all site disturbance

On site visit: The Planning Department shall be notified one week prior to commencement of vegetation removal activities to allow for a meeting on site between (a) Planning Department Staff, (b) the Applicant and/or Applicant's landscape consultant, and (c) the Applicant's contractors responsible for executing the vegetation removal and regrading. The purpose of this meeting is to review the conditions of the Site Plan Approval relating to vegetation removal and regrading, work sequence and timing, and traffic control measures, and confirm the identification of trees to be removed.

2. Applicant shall submit a Construction Timeline to the Planning Department. No construction activities shall commence until the Construction Timeline has been approved by the Director of Planning and Land Use.
3. Applicant shall submit to the Planning Department a Construction Mitigation Plan, which shall be consistent with the Plans and with this Approval. The Construction Mitigation Plan shall address all aspects of controlling and mitigating the impacts of the construction, including, but not limited to: (i) the staging and stockpiling of materials; (ii), trucking, construction vehicles and access, delivery routes and parking; (iii) dust control; (iv) blasting plan and protocols; (v) a concise construction sequencing plan; (vi) an erosion control plan; (vii) contractor and owner's representative contact information; and (ix) a 24 hour emergency contact. No construction activities shall commence until the Construction Mitigation Plan has been approved by the Director of Planning and Land Use.
4. Applicant shall mark all trees to be removed that are 6" in diameter or larger. No construction activities shall commence until Planning Staff have conducted a site visit with the Applicant's representative to review the marked trees.
5. Applicant shall complete the final Stormwater Pollution Prevention Plan (SWPPP) and a signed copy of the final Operation & Maintenance Control Plan, including a signed statement from the homeowner regarding illicit discharges, and shall submit a hard copy and a digital copy of each to the Planning Department prior to the Pre-Construction Meeting referenced in Section 2. a. 1. above.

b. Public Safety

1. All traffic and construction signage shall be in accordance with the Construction Mitigation Plan required under condition 2(a) 3 above and Applicant's Onyx Traffic Management Concept Plan.

2. There shall be no deliveries between the hours of 7:15 – 7:45 am Monday through Friday, 2:45-3:30 pm Monday, Tuesday, Thursday, and Friday, and between 12:30 and 1:15pm on Wednesday during the school year to protect children walking to and from the bus stop and biking to and from school.
3. In addition to the components of the Onyx Traffic Management Concept Plan submitted as part of this application, a police detail will be required on major logging days which will last approximately 14 working days at the start of the project and then as needed for the duration of the project.
4. To the extent practical, all construction and delivery vehicles will access the property on Old Winter Street from Trapelo Road and exit from the property towards Trapelo Road. The Applicant shall construct a turnaround area as soon as practical on the property to assist with this condition.

c. Construction

1. No construction, deliveries or any other activities shall occur on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas Eve or Christmas Day.
2. In addition to the delivery free hours specified in Public Safety Section 2 b.1 above, no construction or deliveries or construction activities that may cause disturbance may begin before 7:00 am nor continue after 6:00 pm, unless approved in advance in each instance by the Building Inspector.
3. Trucks and other equipment may not idle or warm up until 7:00 am or leave the site after 6:00 pm on approved construction days.
4. Private vehicles of contractors and employees, and construction-related vehicles, must be parked on-site.
5. Applicant shall maintain all feasible and reasonable means of dust control and shall collect and secure all debris on a daily basis.

d. Erosion Control and Protective Fencing

1. All construction fencing and erosion control barriers shall be in place prior to any construction and maintained throughout construction as per the Plans and the special conditions contained herein.

e. Oversight and Construction Monitoring

1. The Building Inspector and Planning Staff shall have access to the construction activities at the Property on behalf of, and solely for the benefit of the Town.

f. Post-Construction

1. Applicant shall submit a full and complete set of as-built plans (in hard copy and electronic form) to the Director of Planning and Land Use and the Building Inspector.
2. The as-built plans shall be stamped by a Professional Land Surveyor and accompanied by a letter from a Professional Engineer certifying that construction was completed substantially in accordance with the approved Plans.

3. Landscape, Screening and Fencing

- a. Pre-restoration planting meeting and on-site visit: The Planning Department shall be notified one week prior to commencement of restoration planting activities to allow for a meeting on site between (a) Planning Department Staff, (b) the Applicant and/or Applicant's landscape consultant, and (c) the Applicant's contractors responsible for executing the vegetation restoration plan. The purpose of this meeting is to review the conditions of the Site Plan Approval relating to vegetation restoration, work sequence and timing, and traffic control measures.
- b. All landscape and screening shall be installed and maintained according to the approved Plans and according to the Construction Timeline referenced in Section 2. a. 2 above. If seasonal constraints preclude the Applicant from performing the restoration work in this timeline, the Planning Department staff shall be notified, and a revised planting schedule shall be agreed upon.
- c. The applicant shall cut and remove all rope, twine, wire baskets, containers and synthetic burlap from plantings prior to installation. If natural burlap is to be used, it must be rolled back by 1/3 prior to backfilling. Landscape plans shall include this detail and be communicated to contractors installing the plantings.
- d. The proposed deer fence shall include rigid wildlife gates as shown on the submitted plans to allow wildlife to pass through the property but not deer. Such deer fencing shall be approved for an initial period of 3 years from the date the plantings as shown on the approved plans have been installed to give ample time for native plantings to establish. Applicant may request an extension from the Planning Board at the end of 3 years based on realities on the ground.
- e. All vegetative screening plants shall survive in perpetuity. If any screening plants fail, they must be replaced in kind or approved substitutes.

4. Reports

- a. Per the Applicant's Invasive Species Management Plan (ISMP) prepared by EcoTerra Design & Consulting Group LLC dated January 25, 2025, the Applicant will submit to the Planning Department all progress reports produced by EcoTerra during construction and implementation of the ISMP and all annual reports produced regarding annual invasive species monitoring for a period of 3 years after completion of restoration planting. Such reports shall include a summary of

field survey methods, along with figures/tables and photographs identifying any invasive species found, and their relative locations. The monitoring reports shall include recommendations as detailed in the ISMP Section 5.6 Monitoring.

- b. Seasonal monitoring reports shall be prepared for the restoration planting by the Applicant for a period of 5 additional years after installation. This monitoring program will consist of spring (between April 20-May 20) and summer (between July 15-August 30) inspections which will include narratives, plans, and color photographs. Reports shall describe the physical characteristics of the restoration areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, and species diversity. Monitoring reports shall be submitted to the Planning Department by October 15th of each year.

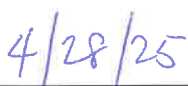
The Motion passed (4-1). Vote to Approve: DeLisi, Taylor, Nicholson, Ahlert

Opposed: Mygatt

ON BEHALF OF THE LINCOLN PLANNING BOARD:



Gary Taylor



Date

This decision shall be recorded with the South Middlesex Registry of Deeds. The approved site plan listed in this decision becomes part of the public record by which the Building Inspector issues a building permit to the property owner. Actual approved site plans are on file and may be viewed at the Planning Board office for the Town of Lincoln. No building permit can be issued for a property subject to the bylaw until the Building Inspector has received evidence that this decision has been recorded with the Registry of Deeds. Compliance with the approved site plans will be determined by the Building Inspector in consultation with Planning staff, prior to issuing the property's Certificate of Occupancy. Non-compliance may trigger enforcement action.