

Town of Falmouth, MA
Friday, July 2, 2021

Chapter 240. Zoning

Article XVII. Wetlands Regulations

§ 240-77. Purpose.

The purpose of this Article is to provide for the reasonable protection and conservation of certain irreplaceable wetlands, their resources and amenities, for the benefit and welfare of the present or future inhabitants of the Town.

§ 240-78. Applicability.

Any person wishing to perform, or cause to be performed, any of the following acts or operations shall first obtain a special permit from the Board of Selectmen:

- A. Obstructing, filling, dredging, excavating or changing the course of any stream or tidal water.
- B. Filling, excavating, diking, bulkheading or riprapping within any part of any swamp marsh or tidal marsh, or in or along the shore of any pond, bay, harbor or tidal river, so as to alter the shoreline of said swamp, marsh or body of water, or separate any section of said swamp, marsh or body of water from the main part.

§ 240-79. Decision.

[Amended STM 10-27-1982, Art. 65; ATM 4-5-1983, Art. 43]

Following the public hearing and with due regard to the effect on the immediate area and the general welfare of the Town, the Board of Selectmen shall grant or deny a special permit for any of the foregoing acts or operations. In granting a permit the Board may impose reasonable restrictions and time limitations on the work to be done. In doing so, it shall be guided by what in its judgment is desirable to protect and conserve the shellfish and other aquatic resources of the Town. The Board of Selectmen shall require that the applicant post a cash deposit or surety bond, in form acceptable to the Town Treasurer, in an amount determined by the Board to be sufficient to ensure satisfactory compliance with the permit and any specific restrictions and limitations thereof, or to restore any area of unfinished work to its original condition. No special permit shall be issued in the area of critical environmental concern (ACEC) unless all available means of mitigating or reducing environmental damage have been implemented and any remaining environmental damage is minor or insignificant enough to not irreparably affect the ACEC or its resources.