

## PROCEDURE FOR WETLAND HEARINGS

### APPLICANT'S PROCEDURE FOR HEARING UNDER ZONING BYLAWS SECTION 240-77 OF THE TOWN OF FALMOUTH WETLANDS PROTECTION ACT

1. Any person wishing to perform or cause to be performed any of the following shall first obtain a special permit from the Select Board.
  - a. Obstructing, filling, dredging, installing piers, docks, excavating or changing the course of any stream or tidal water.
  - b. Filling, excavating, diking, piers, docks, 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 shore line of said swamp, marsh or body of water, or separate any section of said swamp, marsh or body of water from the main part.
2. At time of application and during work, location of project and boundaries of premises be marked with prominently visible flagged stakes extending above vegetation to facilitate inspection of site from both land and water. Two (2) four (4) foot stakes painted orange must be placed where work is to be done (width of float, pier, etc.) with lot number so it can be clearly identified from the water.
3. Applicant must complete all information on the application to dredge, fill or otherwise alter wetlands and file application at the Select Board's Office along with a proper plot plan showing elevation and distances of the wetlands involved, including a locus map and a copy of Assessor's Map corresponding to subject property. Two copies of the application and two plans must be submitted to the Select Board's Office. One electronic copy of the application and plan to be sent via email to [townmanager@falmouthma.gov](mailto:townmanager@falmouthma.gov).
4. Advertising fee will be paid by the applicant at the current rate (\$50.00) plus a filing fee of \$25.00 = \$75.00. Under Section 9 of the application a description must be provided for the public notice. Applicant shall provide a list of the map, section, parcel, lot of the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three (300) hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list. (As per MGL 40A, Sec. 11). The applicant shall pay the postage for the mailing, of the notice to each person appearing on the Abutters list. The Select Board's Office will provide a list of the abutters' names and addresses and labels for mailing; this data will be taken from the map, section, parcel, lot certified abutters list provided by the Assessor's Office.
5. If applicant is not the property owner he shall file along with the applications a signed purchase and sales agreement or a notarized letter signed by the owner of the property.
6. The applicant and/or his representative must attend the scheduled hearing.
7. The Select Board will set a hearing date within 65 days of the filing. Applicant will be notified of date and a public notice will appear in the Falmouth Enterprise not less than 14 days before the hearing date.
8. Within 90 days following the date of the public hearing, the Board of Selectmen will render a decision and the applicant will be notified of the decision in writing. A copy of the decision shall be filed with the Town Clerk and the Planning Board.
9. If applicant is denied he may not reapply within two (2) years unless: Board finds material changes in conditions and if 8 or 9 members of the Planning Board agree to allow re-application. The Planning Board must notify interested parties of the discussion of the re-application.

TOWN OF FALMOUTH  
BOARD OF SELECTMEN

APPLICATION FOR PERMIT TO DREDGE, FILL OR OTHER ALTER WETLANDS  
(As required under Section 240-77 (Wetland Regulations) of the Zoning Bylaw)

To the Board of Selectmen  
Falmouth, MA

Date: \_\_\_\_\_

The undersigned hereby applies to the Board of Selectmen as required by Section 240-77 of the Zoning Bylaws, for a permit to alter, as indicated below, the following described premises:

OWNER: \_\_\_\_\_  
(full name) (address)

AGENT: \_\_\_\_\_  
(full name) (address)

APPLICANT: \_\_\_\_\_  
(full name) (address)

1. Location of Property: Map \_\_\_\_\_ Section \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Street Name and House Number \_\_\_\_\_

2. Body of water, marsh or stream affected: \_\_\_\_\_

3. Description of property and project site: \_\_\_\_\_

a. Dimensions, Acreage of total parcel: \_\_\_\_\_

b. Length of water marsh frontage: \_\_\_\_\_

c. Dimensions of area to be dredged: \_\_\_\_\_ Depth \_\_\_\_\_

d. Dimensions of area to be filled: \_\_\_\_\_

e. Volume of dredging spoil to be moved: \_\_\_\_\_

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Disposition of Spoil: \_\_\_\_\_

f. Describe proposed riprap or bulkheading, if any: \_\_\_\_\_

g. Other (docks, piers and etc.) \_\_\_\_\_

h. Method (equipment to be used) for proposed work: \_\_\_\_\_

4. Purpose of proposed work: \_\_\_\_\_

5. Zoning which governs area: \_\_\_\_\_

6. Date of application for permit to dredge or fill from the Commonwealth of  
Mass. \_\_\_\_\_ Army Engineers \_\_\_\_\_

7. Has a permit ever been approved or refused for this location by State,  
Federal or Local Authority? \_\_\_\_\_

8. Remarks \_\_\_\_\_  
\_\_\_\_\_

9. Project Summary for legal notice: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner: \_\_\_\_\_ Agent: \_\_\_\_\_

(Name & Address)

(Name & Address)

TEL #: \_\_\_\_\_ TEL #: \_\_\_\_\_

Applicant: \_\_\_\_\_

(Name & Address)

TEL #: \_\_\_\_\_

DO NOT WRITE BELOW THIS SPACE, FOR SELECMEN'S OFFICE USE ONLY