

# BOAT LAUNCH NOTIFICATION

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## WHO MAY USE THIS NOTIFICATION FORM?

Landowners that intend to construct a new, or replace an existing, trailered ramp or hand-carry launch, where such projects are allowed without a permit subject to standards, may use this form. If a proposed project does not meet any notification requirement (attached) or other applicable rules, the project requires a permit and a different application form must be used.

## WHERE CAN I GET HELP TO COMPLETE THIS FORM?

Call the LUPC office that serves your area and ask to speak to one of our regional representatives (see below for office locations and contact information). Also, go to the LUPC website at [www.maine.gov/dacf/lupc](http://www.maine.gov/dacf/lupc) to browse through our rules and regulations, recent publications and newsletters, Commission meeting agendas, and other valuable information.

## MAILING YOUR NOTIFICATION FORM

Submit your completed application and all required attachments, including the appropriate application fee, exhibits and supplements (see page i of the instructions for details) to the LUPC office serving your area. (see the LUPC website at [www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf](http://www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf))

## INSTRUCTIONS

*While some landowners choose to concurrently file the materials required in steps 1 and 2 but wait the required time periods, the following instructions presume the landowner chooses to file the materials through two separate steps.*

**STEP 1:** Complete the Notice of Intent to File Notification for Boat Launch (notice). At least 30 days prior to formally filing notification with the Commission (prior to completing step 2), the landowner must send a completed copy of this notice, by regular mail, to: owners and lessees of property abutting or within 1,000 feet of the project site; plantation assessors or town selectboard; county commissioners; and the Land Use Planning Commission.

**STEP 2:** Complete the Notification of Intent to Construct Boat Launch (notification) form. Not less than 30 days after properly filing the notice (see step 1), submit to the Commission your completed notification form and required exhibits.

**STEP 3:** The landowner may proceed with the proposed project 14 days after formally filing the notification with the Commission (step 2) unless within this time period the Commission staff informs the landowner in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which the Commission's rules are met.

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NOTICE OF INTENT TO FILE NOTIFICATION

FOR BOAT LAUNCH

WITH THE MAINE LAND USE PLANNING COMMISSION

The landowner must send a completed copy of this notice at least 30 days prior to formally filing notification with the Commission, by regular mail to: owners and lessees of property abutting or within 1,000 feet of the project site; plantation assessors or town selectboard; county commissioners; and the Maine Land Use Planning Commission.

This is to notify you that \_\_\_\_\_ (name and address of landowner)

intends to file a notification with the Maine Land Use Planning Commission to  establish or  modify a boat launch in \_\_\_\_\_ (name of town, township or plantation, and county)

for purposes of \_\_\_\_\_ (general description of proposed use)

The notification for a boat launch will be formally filed with the Land Use Planning Commission on \_\_\_\_\_ (specify the date the notification will be filed with the LUPC).

Requests for a copy of the proposal and questions can be directed to \_\_\_\_\_ (specify the contact person)

at \_\_\_\_\_ (specify the phone number or email address for the contact person)

Table with 4 columns: AUGUSTA OFFICE, NORTHERN REGION, DOWNEAST REGION, EASTERN REGION, MOOSEHEAD REGION, WESTERN REGION. Each column contains contact information and service area descriptions for various Maine regions.

Written comments from interested persons should be sent to the Maine Land Use Planning Commission address circled above and must be received by the Commission in a timely manner.

Requests for a public hearing must be submitted in writing and must be received by the Commission in a timely manner. Requests for a public hearing must clearly state the reasons for why a public hearing is warranted on this project.

For information on how to request a public hearing or for additional information, contact the Maine Land Use Planning Commission staff at the office circled above.

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For office use:

	<b>BLN</b>		<b>\$</b>	
Tracking No.		Permit No.		Fee Received

# Notification of Intent to Construct Boat Launch

Pursuant to Section 10.27,L,(4) of the Commission's Rules, Land Use Districts and Standards

## 1. LANDOWNER INFORMATION

Landowner Name(s)	Daytime Phone	FAX
Mailing Address	Email	
Town	State	Zip Code

## 2. PROJECT LOCATION AND PROPERTY DETAILS

Township, Town or Plantation	County
Tax Information <i>(check tax bill)</i> Map: _____ Plan: _____ Lot: _____	Deed or Lease Information <i>(check deed or lease)</i> Book: _____ Page: _____ Lease #: _____
Name of Waterbody	Lake Number <i>(see zoning map)</i>
Entity with Flowage Rights <i>(if applicable)</i>	
All Zoning on Property <i>(check LUPC zoning map)</i>	Zoning at Development Site
Anticipated Start Date	Projected Completion Date

## 3. LANDOWNER SIGNATURE

I have personally examined and am familiar with the information submitted in this application, including the accompanying exhibits and supplements, and to the best of my knowledge and belief, this application is complete with all necessary exhibits. I understand that I am ultimately responsible for complying with all applicable regulations and with all conditions and limitations of any permits issued to me by the LUPC. I also certify that:

- (a) if the affected body of water is flowed and if the holder of flowage rights is not known, that all reasonable measures have been or will be taken to determine who holds the flowage rights and, if the holder is known, work on the project will not begin until written permission is obtained;
- (b) the appropriate fisheries biologist of either the Department of Inland Fisheries and Wildlife or the Department of Marine Resources has been contacted to determine the best timing of construction to minimize any potential impacts to fisheries and other natural resources and those recommendations will be complied with;
- (c) the project will be accomplished in conformance with Section 10.27,L of Chapter 10 of the Commission's Rules, *Land Use Districts and Standards* and that the project will be maintained so as to minimize erosion, sedimentation, and transport of phosphorus into the waterbody; and
- (d) at least 30 days before formally filing this notification with the Commission, notice of intent to file was mailed to owners and leases of property abutting or within 1,000 feet of the project site; plantation assessors or town selectboard; county commissioners; and the Commission.

All appropriate persons listed on the deed, lease or sales contract must sign below.

Signature(s) _____	Date _____
_____	Date _____

The landowner may proceed with the proposed project **14 days after formally filing the notification** with the Commission unless within this time period the Commission staff informs the landowner in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which the Commission's rules are met.

For office use:

BLN

Tracking No.

Permit No.

## EXHIBIT D-1: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for Exhibit D. Do not use colors.

A large grid for drawing a site plan. The grid consists of 20 columns and 20 rows of squares, providing a space for a bird's-eye view site plan.

Notes/Legend:

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For office use:

BLN

Tracking No.

Permit No.

## EXHIBIT D-2: SITE PLAN

Prepare a bird's-eye view site plan that shows your entire property and includes all the elements described for **Exhibit D**. Do not use colors.

A large grid for drawing a site plan. The grid is composed of 20 columns and 20 rows of squares, providing a space for a bird's-eye view site plan.

Notes/Legend:

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For office use:

Tracking No.

BLN

Permit No.

## EXHIBIT D-3: SITE PLAN CROSS-SECTION

Prepare a profile or cross-section view site plan that shows the launch and includes all the elements described for Exhibit D. Do not use colors.

A large grid for drawing a site plan cross-section. The grid consists of 20 columns and 20 rows of squares, providing a structured area for the user to draw their site plan profile or cross-section.

Notes/Legend:

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# REQUIRED EXHIBITS

**EXHIBIT A: LOCATION MAP AND DIRECTIONS TO THE SITE.** Submit a copy of the Commission's Land Use Guidance Map or another equivalent map (such as a U.S.G.S. topographic map or a tax parcel map) on which you have clearly marked the boundaries of your property. Attach directions to the site. A copy of the Commission's Land Use Guidance Maps can be obtained by contacting the Commission.

**EXHIBIT B: DEED, LEASE OR SALES CONTRACT.** Submit complete, signed copies of all deeds, leases, and other covenants, restrictions or easements that demonstrate the landowner's title, right or interest in all of the land addressed in this application. And, submit a copy of lease or easement to submerged lands or documentation that application for lease or easement has been filed with the Bureau of Parks and Lands.

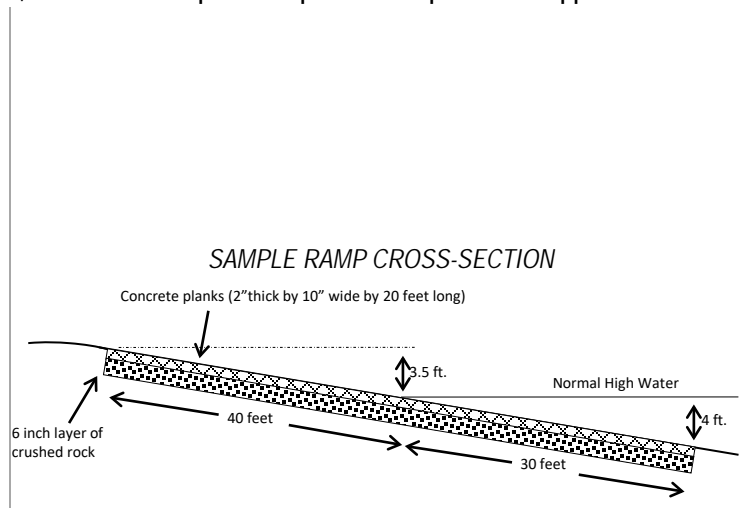
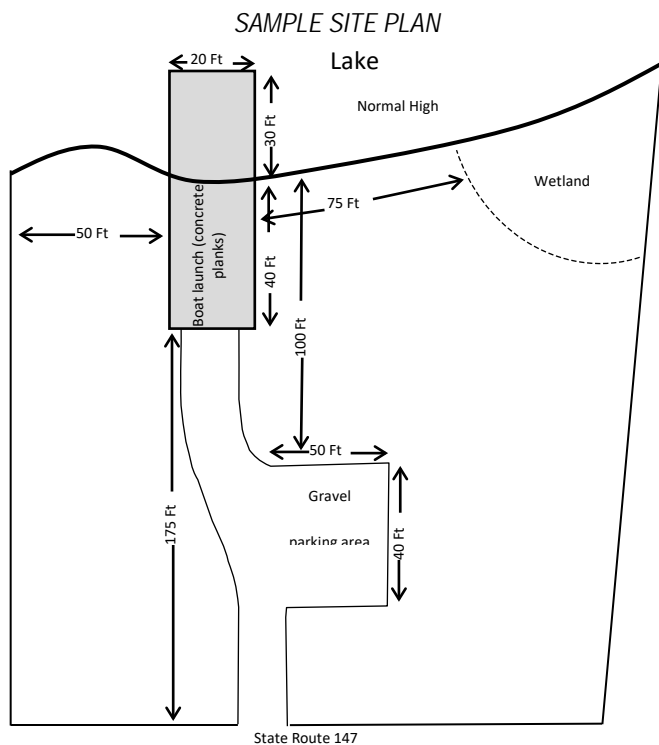
**📌** *If you are leasing your property, read your lease carefully and contact the lessor before submitting this application to the LUPC. You may need to get written permission from the lessor for your proposal first.*

**EXHIBIT C: SITE PHOTOGRAPHS.** Attach a series of photographs taken within the past two years that show the features and structures at the site as they currently exist. **Mount the photos on 8½ x 11 inch paper** and include an explanatory caption and date for each photo. Please note, your photos cannot be returned.

**EXHIBIT D: SITE PLAN.** Prepare a bird's-eye view site plan that shows your entire property. Draw the plan on an 8½ x 11 inch sheet of paper or on the attached grid paper. Do not use colors as they do not photocopy. Refer to the site plan below as a general example. Include the following features:

- Property boundary lines and dimensions (including road and water frontage).
- Wooded areas, open fields, rivers, streams, lakes, ponds, wetlands, and other natural features.
- Existing and proposed structures and features (including dwellings, garages, decks, walkways, driveways, parking areas, signs, etc.):
  - Identify the distances of each structure from the nearest property line, road, lake, pond, river, stream and wetland.
  - Mark all proposed structures that will be expanded, reconstructed, removed, relocated or otherwise altered.
- Areas that are or will be stripped, graded, grubbed, filled, or otherwise result in exposed soil, their dimensions and distances from waterbodies, roads and property lines.
- Areas below the high water mark that will be modified or otherwise altered as part of this boat launch, their dimensions and distances from the high water mark.
- Areas that are or will be cleared of vegetation, their dimensions and distances from waterbodies, roads and property lines.
- Proposed erosion, sedimentation and drainage control measures (hay bales, silt fencing, level spreaders, culverts, water bars, etc.)

Submit three site plans – one showing the existing lot layout (as Exhibit D-1), one showing the proposed layout (as Exhibit D-2), and one showing a cross-section of the launch (as Exhibit D-3). For this purpose, three blank site plans are provided as part of this application form.



**EXHIBIT E: COMPLETED NOTICE OF INTENT TO FILE NOTIFICATION.** Submit a copy of completed notice of intent to file notification (see attached form) and a list of persons and addresses to whom notice was sent.

The following are excerpts from Section 10.27,L, 10.02, and 10.26,D of Chapter 10 of the Commission's Rules, *Land Use Districts and Standards* (ver. 10/01/2020) regarding those instances where trailered or hand-carry launches are allowed without a permit provided the rules of this section are met.

Except as hereinafter provided, trailered ramps, hand-carry launches, and water-access ways not in conformance with the standards of this section are prohibited.

Except as provided for in Section 10.27,L,4, trailered ramps, hand-carry launches, and water-access ways require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, Section 10.24, and the Criteria for Wetland Alterations, Section 10.25,P, in addition to any applicable requirements set forth in these rules.

**1. Private Trailered Ramps, Hand-carry Launches, and Water-access Ways.**

Wherever private trailered ramps, or hand-carry launches, or water access ways are allowed by special exception, the following apply:

For a proposed private trailered ramp, hand-carry launch or set of water-access ways, the following constitutes "an alternative site reasonably available" to the applicant:

- a. An existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant's proposed development,
- b. A proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant's proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

**2. Facilities Associated with Shorefront Subdivisions.**

Shorefront subdivisions may be permitted no more than one trailered ramp, hand-carry launch or set of water-access ways, and one permanent dock. Any such facility must comply with Section 10.27,L,5, and Section 10.27,O, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

**3. Maintenance of Trailered Ramps and Hand-carry Launches.**

**Maintenance.** Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of Section 10.27,L,5, to minimize erosion, sedimentation, and transport of phosphorus into the water body.

**4. Notification for Trailered Ramps and Hand-carry Launches.**

Public trailered ramps and public hand-carry launches are allowed without a permit within the shoreland zone of all water bodies except those identified as P-AL, P-RR, P-WL, and Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement trailered ramps and hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

- a. Every notification must be on a form provided by the Commission.
- b. At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if applicable, and to all landowners/lessees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission, any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.
- c. The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which Section 10.27,L,4 and 5 are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of Section 10.27,L,4 and 5 and impacts on existing uses

or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of Section 10.27,L,4 and 5 are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.

d. **Expiration.** A notification expires 2 years from the date of acceptance by the Commission.

5. **Design and Construction Standards for Trailered Ramps and Hand-carry Launches.**

Unless otherwise stated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in Section 10.27,L,4, and to all commercial or private trailered ramps and hand-carry launches.

a. **Erosion Prevention and Control During Construction.** Erosion Prevention and Control During Construction. Eroded soil or fill material from disturbed areas must be prevented from entering a water body. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with "Maine Erosion and Sediment Control Practices Field Guide for Contractors," Maine Department of Environmental Protection, (2014).

b. **Avoidance of Water Bodies.** No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission's zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Section 10.27,D, pertaining to water crossings, are met.

c. **Maintenance of Vegetated Buffer.** Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the water body's vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the water body. In the case of private trailered ramps, if the lot does not have a well established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the water body, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.

d. **Runoff Diversion.** Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body. For private facilities, the total land area above the normal high water mark that drains directly into the water body along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.

e. **Trailered Ramps.**

- (1) A public trailered ramp having a slope in excess of 8% must be hard-surfaced except where the agency responsible for maintaining the facility anticipates a level of use that does not justify the expense of a hard surface facility. Should the level of use increase such that erosion problems become evident, the responsible agency shall insure that appropriate measures are taken to repair such erosion and avoid any further erosion.
- (2) Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms.
- (3) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%;
- (4) The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps;
- (5) The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve;
- (6) Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode; and
- (7) The total area disturbed in the construction of private facilities shall not exceed 1,000 square feet within 50 feet of the normal high water mark.

f. **Associated Docking Systems.** For a public or commercial trailered ramp, an additional area up to 8 feet wide may be constructed using bituminous pavement, precast concrete planks, panels or slabs to support docking systems.

g. **Hand-carry Launch.** A hand-carry launch must meet the following specifications:

- (1) The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;
  - (2) The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
  - (3) The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff;
  - (4) A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark; and
  - (5) Filled or cut slopes at or below the normal high water mark must be protected with riprap.
  - (6) Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.
- h. Geoweb.** Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the water body.
- i. Concrete.** Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
- j. Washing.** No washing of tools, forms, or similar material may occur in or adjacent to the water body or wetland.
- k. Lumber.** The use of untreated lumber is preferred. Pressure-treated wood approved by the U.S. Environmental Protection Agency for dock construction may be used. Chromated copper arsenate (CCA) treated wood must not be used in freshwater environments. Creosote or pentachlorophenol (PCP) treated wood must not be used.
- l. Machinery in Water.** Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
- m. Debris.** Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S. § 1301 et seq.
- n. Dimensional Requirements.** The dimensional requirements in Section 10.26 apply.

Applicable definitions from Section 10.02 of Chapter 10 of the Commission's Rules, *Land Use Districts and Standards*:

**Commercial Trailered Ramp, Hand-Carry Launch, or Dock:**

A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.

**Hand-Carry Launch:**

A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, to or from the surface of a water body. Unless otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices.

**Public Trailered Ramp, Hand-Carry Launch, or Dock:**

A trailered ramp, hand-carry launch, or dock, including associated facilities, that is owned, leased, or operated by a public entity and made available with or without a fee. Such entities include owners of federally licensed hydropower projects within the resource affected by the hydropower project for use by all members of the public.

**Private Trailered Ramp, Hand-Carry Launch, or Dock:**

A trailered ramp, hand-carry launch, or dock that is privately owned and operated, and not open to all members of the public.

**Trailered Ramp:**

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer to be backed below the normal high water level of a water body in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float.

**Water-Access Ways:**

A structure consisting of a pair of parallel rails, tracks, or beams extending from above the normal high water mark to below the normal high water mark of a water body, and designed as the conveying surface from which an item, including but not limited to a boat, personal watercraft, float plane, or dock float, with or without a support cradle, is launched into or removed from the water body.

Applicable standards from Section 10.26,D of Chapter 10 of the Commission's Rules, *Land Use Districts and Standards*:

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**D. MINIMUM SETBACKS**

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1. Minimum setbacks must be applied in the following manner:
  - a. Shoreline setbacks must be measured from the normal high water mark of the nearest shoreline of each flowing water or body of standing water, and from the nearest upland edge of applicable wetlands.
  - b. Roadway setbacks apply to any privately or publicly owned roadway that is used for public access, including roadways used by the public for which a toll is paid, and must be measured from the travelled portion of the roadway.
2. **Single-Family Residential Uses.**

The minimum setbacks for structures, other than those described in Section 10.26,D,3 and except as provided in Section 10.26,G are:

  - a. Shoreline setbacks:
    - (1) 100 feet from each flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
  - b. 75 feet from each flowing water draining less than 50 square miles; body of standing water less than 10 acres in size except for constructed ponds; coastal wetland; and non-forested wetlands located in P-WL1 subdistricts; and
  - c. Roadway setbacks:
    - (1) 50 feet from all roadways except as provided for in Section 10.26,D,2,b,(2) and (3) below;
    - (2) 30 feet from all roadways within the D-RS and D- GN subdistricts, including cases where the P-FP overlaps these subdistricts;  
and

(3) 20 feet from all roadways on coastal islands;

d. Side and rear property line setbacks are 15 feet.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, those structures within a recreational lodging facility constructed solely for the housing of guests or staff, remote rental cabins, and residential campsites.

### 3. Multi-family Dwellings, and Commercial, Industrial, and Other Non-Residential Uses.

The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures, other than those described in Section 10.26,D,2, 4, and 5 and except as provided in Sections 10.26,G and 10.27,Q are:

a. Shoreline setbacks:

- (1) 150 feet from each flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
- (2) 100 feet from each flowing water draining less than 50 square miles; body of standing water less than 10 acres in size except constructed ponds; coastal wetland, and non-forested wetlands located in P-WL1 subdistricts; and

b. Roadway setbacks:

- (1) 75 feet from all roadways except as provided for in Section 10.26,D,3,b,(2) and (3) below;
- (2) 30 feet from all roadways in D-RS and D-GN subdistricts, including cases where the P-FP overlaps these subdistricts; and
- (3) 20 feet from all roadways on coastal islands;

c. 25 feet from the side and rear property lines.

Except as provided for in Section 10.26,D,2 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and campsites and all other structures within a recreational lodging facility, including, but not limited to, a main lodge, dining area, workshop and parking area.

### 4. Campsites.

Notwithstanding Section 10.26,D,3, the minimum setbacks for the areas designed for camping, including cleared or graded areas, fire rings, tables, and related construction, are:

a. Shoreline setbacks:

- (1) 75 feet from all flowing water; bodies of standing water except constructed ponds; coastal wetlands; and non-forested wetlands located in P-WL1 subdistricts;

b. Roadway setbacks:

- (1) 50 feet from all roadways except as provided for in Section 10.26,D,4,b,(2) and (3) below;
- (2) 30 feet from roads in D-RS and D-GN subdistricts; and
- (3) Notwithstanding the above, the area designed for camping must be set back at least 10 feet from roads internal to a campground, and campsite parking areas may be located adjacent to such roads, except that the Commission may require a greater setback where necessary due to site conditions in order to protect public safety.

c. 25 feet from property lines.

### 5. Remote Campsites.

Notwithstanding Section 10.26,D,3 and 4, the minimum setbacks for remote campsites are:

a. Shoreline setbacks:

- (1) 25 feet from all shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters;

(2) Roadway setbacks:

(3) 50 feet from all roadways;

b. 25 feet from property lines.

**6. Flexible Building Setbacks in Prospectively Zoned Areas.**

- a. For commercial or residential development in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, building setback distances from roads may be less than specified in Section 10.26,D in order to meet prevailing setbacks on adjacent properties. The prevailing setback is the average setback of those principal and accessory structures on lots within 500 feet on either side of the subject parcel.
- b. In the D-GN2, D-GN3, D-RS, and D-RS2 subdistricts, road setbacks for commercial buildings may be reduced to 50 feet where all parking areas are to be placed to the side or rear of the structure.
- c. These reduced setbacks will be granted where the existing character of an area will be maintained and provided that the reduction will not adversely impact public safety.

7. **Farm Stands and Recreation Supply Businesses without Structures.** All components of farm stands and all components of recreation supply businesses without structures, including all activity, storage, and parking areas associated with such stands and businesses, must be set back at least 30 feet from the traveled portion of all roadways, provided such will not result in unsafe conditions. Farm stands and recreation supply businesses without structures must meet setbacks for commercial facilities as specified in Sections 10.26,D,3,a, and c. A farm stand or recreation supply business without structures located on a coastal island must meet setbacks from roads specified in Section 10.26,D,3,b,(3). Pursuant to Section 10.27,B, all vegetation clearing standards apply to development of a farm stand or recreation supply business without structures.