

# Supplement to Non-Residential Development Permit Application for Recreational Lodging Facilities Supplement S-6

## WHO NEEDS TO SUBMIT THIS SUPPLEMENT?

This supplement form must accompany the Non-Residential Development Permit Application, when the proposed project involves one or more recreational lodging facilities. Generally, recreational lodging facilities include development that may have previously been described as commercial sporting camp, campground, youth or group camp, back-country hut, hotel or motel, and/or some mixing of these uses; see Chapter 2 and Section 10.27,Q,1 for specific definition and criteria.

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

Call the LUPC office that serves your area and ask to speak to or meet with one of our regional representatives. 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.

 *Avoid delays by making sure this application form is complete! Contact the LUPC office that serves your area if you need help with this request.*

## PRE-APPLICATION AND POST-PERMIT SERVICES

The LUPC staff encourages, and is available for, meetings and site visits before you submit your application, after you receive your permit, and/or after your project is complete. Our staff can assist you with understanding the applicable requirements of submitting a proposal for the Commission's review and determining how your project best fits your site and therefore help ensure your project can be permitted.

While the pre-application meeting can be extremely valuable for identifying issues or concerns early on, no decisions are made at these meetings and the thoughts expressed are not binding on the Commission or the applicant. The information presented at these meetings is very general, and the review is not substantive.

Call the LUPC office that serves your area to schedule an appointment.

## HOW LONG WILL IT TAKE TO OBTAIN A PERMIT?

**A permit decision will be issued within 90 days of a complete application being received and accepted by the LUPC Staff.** In many cases a permit decision will be made sooner, particularly on smaller projects that meet all the applicable standards. The 90 day time period will not start until a complete application with all required exhibits is submitted. The LUPC staff will contact you if the application is not complete and let you know what is still required to make it complete. Occasionally, more information is requested by a review agency, in which case, the application may need to be placed on hold until that information is provided.

## MAILING YOUR FORM

Fill out the application form. Mail the entire application form and the required attachments (including the appropriate application fee and exhibits to the LUPC office that serves your area. (see the LUPC website at [www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf](http://www.maine.gov/dacf/lupc/about/AgencyContactSheet.pdf))

## DEFINITIONS

The following terms, definitions and requirements are excerpts from the Commission's Chapter 10, *Land Use Districts and Standards* that are referenced in this form. Chapter 10 can be found in its entirety online at [www.maine.gov/dacf/lupc/laws\\_rules/ch10.html](http://www.maine.gov/dacf/lupc/laws_rules/ch10.html).

**Recreation Activity, Features, and/or Services:** Recreation activity, features, and/or services do not include modes of transportation to and from the site (e.g., airplane, snowmobile, ATV, or car), but do include any on-site track or trail that does not extend off-site (e.g., motocross track, mud runs, airplane rides). Measures taken to reduce noise and odor, including but not limited to, soundproofing, buffering, hours of operation, or emissions control devices may be considered when evaluating noise and odor levels. Examples of on-site recreation activities, features, and/or services grouped by noise and odor impacts:

- a. Low noise/odor – climbing wall, horseshoes, open field activities, tennis, swimming, small range for sighting of firearms, archery, guiding, vehicle shuttle or transportation services, rental of non-motorized equipment, and mini golf;
- b. Some noise/odor – facilities for organized team sports (e.g., baseball), paintball, rafting base, rental of motorized equipment, and airplane rides for overnight guests; and
- c. Routine noise/odor – shooting range, atv/snowmobile/motocross racing, amusement park, public airplane rides.

**Recreational Lodging Facilities:** Site improvements, a building or group of buildings, or any part thereof, used, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for commercial purposes. Recreational lodging facilities primarily cater to recreational users who engage in recreation activities that are primarily natural resource-based. The term includes, but is not limited to, commercial sporting camps, youth or group camps, back-country huts, rental cabins, outpost cabins, campgrounds, lodges, hotels, motels, inns, or any combination of these types of uses that exhibit characteristics of a unified approach, method or effect such as unified ownership, management or supervision, or common financing. To be included in a recreational lodging facility, rental units must be served by an on-site attendant while guests are present. Related development that is located more than one half mile, measured in a straight line, from the nearest structure providing guest services, such as dining, gathering places, retail, shower house, dumping station, check-in office, and equipment rental shall be considered a separate facility, unless the owner chooses to consider them as one facility. Caretaker or attendant housing will not be used to establish the one half mile distance unless no other guest services are provided. If no guest services are provided then all development on the regulatory parcel shall be considered part of the same facility and may be part of a facility on an adjoining parcel. For the purposes of Land Use Planning Commission rules, recreational lodging facilities are divided into five levels:

**Level A Facilities** have minimal impacts on existing resources within the development site and surrounding areas. Level A recreational lodging facilities are specifically designated by Section 10.27,Q,1.

**Level B Facilities** have low impacts on existing resources within the development site and surrounding areas. Level B facilities are specifically designated by Section 10.27,Q,1.

**Level C Facilities** have moderate impacts on existing resources within the development site and surrounding areas. The standards for these facilities are designed to allow development while conserving the natural resource and recreation values of the development site and surrounding areas. Level C facilities are specifically designated by Section 10.27,Q,1. A Level C facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a "Level C – Expanded Access" facility.

**Level D Facilities** have moderate to high impacts on existing resources within the development site and surrounding areas. Level D facilities may provide limited on-site goods and/or services to meet the needs of guests, though these are not of a type, scale or design intended to meet the goods and services needs of the public at large that is not an overnight guest. The standards for these facilities are designed to allow larger-scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level D facilities are specifically designated by Section 10.27,Q,1. A Level D facility characterized by any of the factors in Section 10.27,Q,1, Table B is referred to as a "Level D – Expanded Access" facility. A Level D facility may be located in a geographic allowance area as provided in Section 10.27,Q,3.

**Level E Facilities** have the potential to have significant local and regional impacts. Level E facilities may include a range of lodging options at larger scales and typically include a broad range of recreational services and/or amenities that make the facility not only a recreation destination but also may meet some of the goods and services needs of the greater region. The standards for these facilities are designed to allow large scale development while conserving the natural resource and recreation values of the development site and surrounding areas. Level E facilities are specifically designated by Section 10.27,Q,1.

**THIS APPLICATION FORM IS NOT A VALID PERMIT.**

**NO CONSTRUCTION ACTIVITIES MAY BEGIN PRIOR TO YOUR RECEIPT OF A PERMIT.**

**THE COMMISSION MAY REQUIRE ADDITIONAL INFORMATION NOT ENCOMPASSED IN THIS APPLICATION.**



3. **Footprint of clearing.** Is there, or will there be any cleared areas within 250 feet of any body of standing water, tidal waters, or flowing waters downstream from the point where such waters drain 50 square miles or more (e.g., P-SL1)? .....  YES  NO  
**If you answer YES, please complete the following. If you answer NO, continue to Question 4.**

a.

Sub-Area and Description	Dimensions (in feet) (LxW)	Square Footage
<i>Example: Area 1: campsites 1-10 and shower house</i>	<i>10 sites at 25x45; 100x50</i>	<i>6,125 sf</i>
Area 1, description:		
Area 2 (if applicable), description:		
Area 3 (if applicable), description:		
Area 4 (if applicable), description:		
Area 5 (if applicable), description:		
Area 6 (if applicable), description:		

b. Will the proposed activity result in new or enlarged cleared openings within 250 feet of any body of standing water, tidal waters, or flowing waters downstream from the point where such waters drain 50 square miles or more (e.g., P-SL1)? .....  YES  NO  
**If you answer NO, go to Question 5. If you answer YES, go to Question 3c.**

c. Will the clearing, in combination with all other clearings at the facility, be at or below the applicable limits in Section 10.27,Q,1, Table A, (4)? .....  YES  NO  
**If you answer NO, go to Question 4. If you answer YES, go to Question 3d.**

d. Is there a 100 foot vegetative buffer that meets the provisions of Section 10.27,B,2 between the proposed clearing and all points on the shoreline? .....  YES  NO  
**If you answer NO, go to Question 4. If you answer YES, go to Question 3e.**

e. Is the slope 20% or less as measured from the highest elevation in the area within 250 feet of the shoreline in which clearing or development is proposed, to the nearest point on the shoreline? .....  YES  NO  
**If you answer NO, go to Question 4. If you answer YES, go to Question 5.**

4. **Demonstration or Mitigation.**

A response to Question 4 is only required where your answer is NO to Questions 3b, c, d, or e. If you answer YES to Questions 3b, c, d, and e, then go to Question 5.

*However, it is advisable to discuss and confirm your responses to Question 3 with LUPC staff prior to responding to Question 4.*

In response to Question 4, provide the information for either 4a OR 4b.

- a. Provide, as EXHIBIT S-6A, an explanation, pictures, plans, and/or other evidence that the overall visual impact of the facility will not increase as a result of the creation or enlargement of clearings, or from the development or uses located within those clearings.
- b. Provide, as EXHIBIT S-6B, a mitigation plan for visual impacts, noise, and phosphorus that will provide substantially equivalent or increased effectiveness over existing conditions.

(See the instructions for more information in responding.) Contact the LUPC office that serves your area for assistance.

5. **Retail space.** What is / will be the total square footage of retail space (i.e., camp store) at the facility? .....  NA \_\_\_\_\_ Square Feet

6. **Fuel sales.** Will fuel sales be available at the site during one or more seasons? .....  YES  NO

 *In this regard, fuel sales at Recreational Lodging Facilities do not include pre-bottled fuel (i.e., tank exchange or Coleman fuel).*

**If you answer YES, please complete the following questions. If you answer NO, continue to Question 7.**

6.1 What fuel type(s) will be sold? .....  Gas .....  Diesel .....  Propane  
.....  Aviation Fuel .....  Other \_\_\_\_\_

6.2 How many functioning fuel dispensing devices will be available? ..... \_\_\_\_\_ Devices

6.3 If the fuel dispensing devices are existing, when were they installed? ..... \_\_\_\_\_ Date

6.4 How many vehicles, customers, or containers can be served simultaneously? ..... \_\_\_\_\_ Vehicles, customers, or containers

7. **Overnight occupancy.** Once constructed and operating, how many overnight occupants, including staff, could be accommodated at the facility? ..... Occupants  
*(Example: a campground facility with 20 campsites, each with a maximum occupancy of 6 people at each site, and housing for two staff will have an overnight occupancy of 122 people.)*

**I** If occupancy varies between seasons, indicate the overnight occupancy for the season with the highest occupancy. For example: consider a facility that operates during the summer season as what might be viewed as a youth camp, with an overnight occupancy of 60 people; but that same facility operates as what might be viewed as a commercial sporting camp with an overnight occupancy of 25 people during all other seasons. In this case, the maximum overnight occupancy is 60 people.

8. **Access to amenities.** Some facilities provide services and/or amenities just to overnight guests while other facilities offer amenities to overnight guests *and* the general public (on a regular basis). Check the following statements that best describes the proposed facility and its retail space; fuel sales; dining amenities; and/or recreation activities, features, and/or services:

Description	Dining	Retail	Fuel Sales	Recreation activities, features, and/or services
A. The following services and amenities will be available to overnight guests at the facility during one or more seasons, and may be provided by chance or on an incidental basis to the general public. <i>(Example: a lodging facility that serves only its overnight guests, but on rare occasion sells fuel to a stranded motorist.) Note: activities, features, and services that are individually advertised (i.e., "gas", "store", "mini golf") are not considered incidental. .... Check all that apply:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B. The following services and amenities will be available to overnight guests of the facility, as well as the general public, on a regular basis during one or more seasons. <i>(Example: a lodging facility that provides services to overnight guests but also sells day passes to the public to utilize the on-site ski center.) .... Check all that apply:</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. The following services and amenities will not be available at the facility for either guests or the public. .... Check all that apply:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SECTION B: FACILITIES ALLOWED BY SPECIAL EXCEPTION** *(Complete this section only if applicable)*

9. **Recreational lodging facilities allowed by special exception.** In certain cases, Recreational Lodging Facilities: Level C, Level C – Expanded Access, Level D, Level D – Expanded Access, and Level E may require special exception approval in the D-GN, D-RF, and M-GN Subdistricts. If your proposal includes one of these facility types and subdistricts, please attach to your application substantial evidence that:

- there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and
- surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected.

**I** If you are unsure whether or not your proposal includes one of these facility levels or subdistricts, contact the LUPC office that serves your area for assistance.

**SECTION C: FLOOR AREA ADJUSTMENT** *(Complete this section only if applicable)*

10. **Floor area adjustment.** A recreational lodging facility or proposed facility shall be allowed 25% more square footage than the floor area limits of Section 10.27,Q,1, Table A if legally bound by provisions acceptable to the Commission that result in:

- a 25 foot vegetative buffer along all property lines facing exterior roads;
- 50% more depth of the vegetative buffer than otherwise would be required by Section 10.27,B along a whole shoreline; and
- that restrict building color to blend in with the surrounding area and restricts the use of reflective surfaces.

If you intend to apply this provision, please provide with your application such legal documentation that you propose to implement the standard stated above.

**I** Such provisions generally must be of sufficient duration, limitation, and requirement to adequately limit the applicant's, and/or landowner's rights, title, or interest. See Chapter 4, Section 4.03,(3) for more information regarding Title, Right or Interest.

**I** If the subdistrict (see Chapter 10, Sub-chapter II) in which the facility is located or is proposed to be located has more restrictive square footage limits, then the subdistrict square footage limits shall apply.

# INSTRUCTIONS

## 4. DEMONSTRATION OR MITIGATION

A response to Question 4 is only required where your answer is NO to Questions 3b, c, d, or e. If you answer YES to Questions 3b, c, d, and e, then go to Question 5.

*However, it is advisable to discuss and confirm your responses to Question 3 with LUPC staff prior to responding to Question 4.*

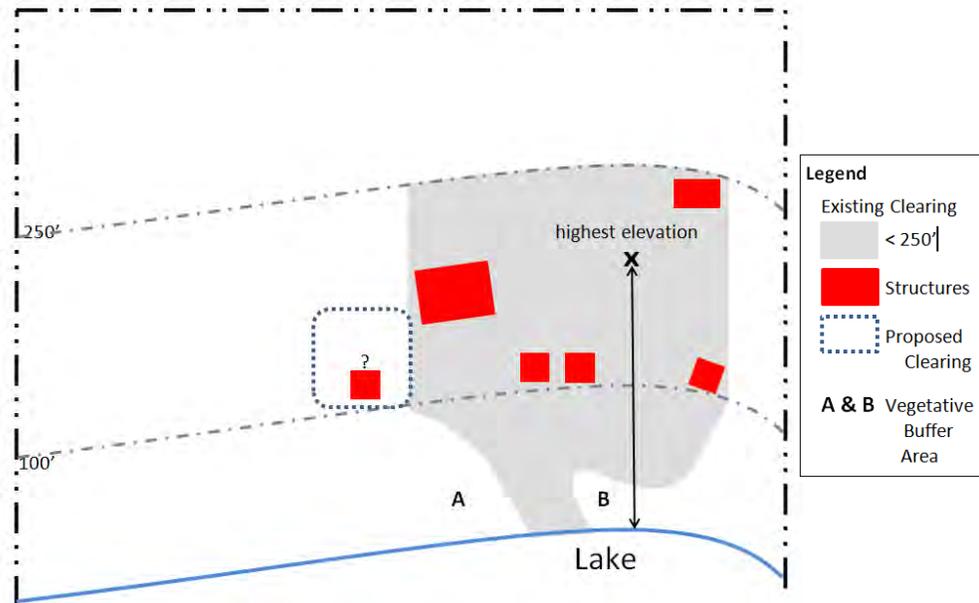
Applicant's may choose to respond to Question 4a or 4b.

**4A. Demonstration:** In responding to Question 4a, applicants shall provide substantial evidence demonstrating that the overall visual impact of the facility will not increase as a result of: i) the creation or enlargement of clearings, or ii) from development or uses located within those clearings.

In order to make this demonstration, evidence must at a minimum include, as EXHIBIT S-6A:

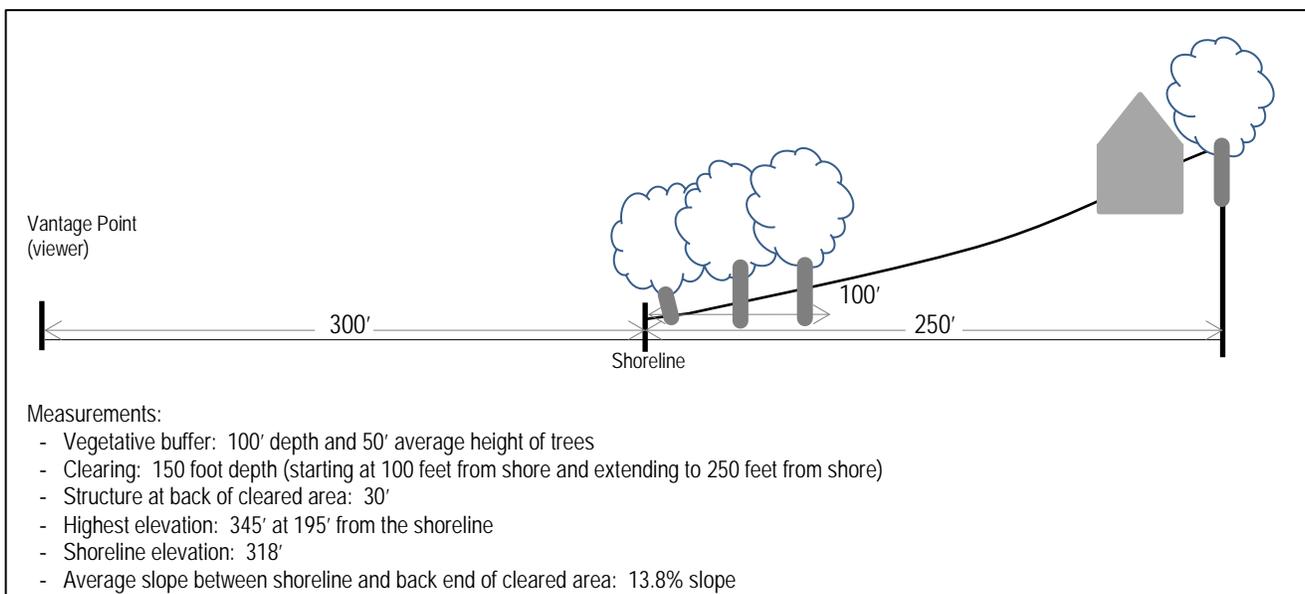
- Two site plans or maps of the site, one illustrating existing conditions and one illustrating proposed conditions. Both site plans shall, at a minimum, identify waterbodies and streams, property lines, the size and location of structural development and cleared areas.

*Example Proposed Site Plan*



- Two profile plans of the site, one illustrating existing conditions and one illustrating proposed conditions. Both should be provided on 8 1/2 x 11" sheet of paper or larger if necessary and must illustrate, at a minimum, the height and location of vegetative buffers, structures, and uses; and the size of the clearing.

*Example Profile Plan*



- Measurements:
  - depth and average height of each separate vegetative buffer
  - depth of the existing and proposed cleared opening
  - structure heights
  - average slope of the cleared areas (as measured from the highest elevation in the area within 250 feet of the shoreline in which clearing or development is proposed, to the nearest point on the shoreline). Be sure to include the highest elevation and the distance to the nearest point on the shoreline. [Elevation change divided by horizontal distance multiplied by 100]
- Pictures of existing conditions (as viewed from the shoreline, and from public vantage points)
- Narrative discussion of how the overall visual impact of the facility, including the proposed development and activities, will not increase from existing conditions. This response must relate to the supporting site plans, profile plans, and supporting information as a demonstration.

Other evidence that may be necessary includes but is not limited to:

- Topographic contours at intervals of 20 feet or less
- Identification of public vantage points within 300—500 feet of the shoreline at the site
- Photographs of the shoreline vegetation, taken from within 10 feet from the water-side of the shoreline
- View shed analysis (*e.g.*, google earth simulation, photographic simulations, tarp test, balloon test) from public vantage points within 300—500 feet from the site.

**4B. Mitigation:** In response to Question 4b, applicants may choose to mitigate for visual impacts, noise, and phosphorus impacts. You must provide with your application a mitigation plan and supporting evidence, as EXHIBIT S-6B, that the plan will provide substantially equivalent or increased effectiveness over existing conditions. In order to make this demonstration, this exhibit must at a minimum include:

- Site plans, profile plans, and measurements as described for 4A above.
- Identify specific visual, noise, and/or phosphorus impacts that would result from the proposed development and activities, absent any mitigation.
- Identify specific design elements, site work, plantings, vegetation, development locations, etc. proposed to mitigate for visual, noise, and/or phosphorus impacts. Mitigation measures commonly consider, but are not limited to, elements that:
  - utilize vegetation to mitigate, screen or interrupt views of buildings and activities;
  - employ materials, surfaces, and colors that are not reflective, bold, or out of character;
  - consider the size, configuration, and location of new and expanded cleared areas;
  - consider the location of uses and structures within clearings and the landscape; and
  - fit the proposal to the landscape rather than modifying the site to fit the proposal.
- Narrative discussion of how the overall visual impact of the facility, including the proposed development and activities, will not increase from existing conditions. This response must relate to the supporting site plans, profile plans, and supporting information as a demonstration of the expected mitigation. Impacts must be specifically related to the corresponding mitigation measures, and *visa-versa*.