

Specific examples of allowed uses within the 125' setback and resource protection areas:

The Brunswick Zoning Ordinance defines a functionally water-dependent use as one that cannot exist without direct access to water and must be located on or near it. (Key test: Could this reasonably be located inland? If yes, it's not water dependent.)

Examples in the Ordinance include:

- Commercial fishing/boating facilities
- Fish processing and marketing
- Marinas and dock/port facilities
- Shipbuilding/repair
- Industrial uses relying on water transport or large water volumes

Specific business examples which, in my professional opinion, would likely be defensible:

- Lobster co-op with dock access
- Commercial fishing wharf with bait storage and unloading area
- Oyster farm with floating cages and shore support area
- Ferry terminal or water taxi dock
- Barge loading/unloading facility
- Boat launch with associated business (rentals, guiding)
- Marine repair facility (haul-out, maintenance, painting)
- Commercial kayak/canoe launch with rentals
- Etc.

Even where a use qualifies as functionally water-dependent, it is not automatically permitted. The proposal must still meet all applicable zoning standards and demonstrate compliance with the Shoreland Protection Overlay review criteria and other ordinance requirements. Several of the development consultants in the area are familiar with the development review criteria specific to Brunswick. A consultant is not required to apply and go before the Planning Board but is highly encouraged. To review the requirements, please find the development review applications and associated documentation checklists here: <https://www.brunswickme.gov/DocumentCenter/View/10925/Development-Review-Application-Fillable-Form-rev1212>.