



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: January 3, 2024

Senator Teresa Pierce

Representative Traci Gere

Members of the Joint Standing Committee on Housing - Room 216

RE: LD 1257 *An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands*  
(Date of Public Hearing 01.05.24)

Senator Pierce, Representative Gere, and Members of the Joint Standing Committee on Housing:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook. I, Daniel Stevenson, Director of Economic Development, and Rebecca Spitella, Senior Planner would like to provide testimony on behalf of Westbrook regarding LD 1257, *An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands*, with the recommendation of **OUGHT NOT TO PASS**.

Westbrook sees this bill having significant implications for municipalities and landowners, and the creation of a less democratic process of government.

#### The legislation proposes to:

**Removes Subdivision review for projects creating 3-18 units on a lot.** There is already state statute that allows municipalities to rely on Site Plan review vs subdivision as a means to reduce review process, however that is a municipality choice based on their staffing expertise and should remain with the municipality to decide.

**Mandates Administrative (Local Staff) review of subdivisions between 3-18 units.** Understanding the need for public process, this completely subverts the public process by mandating that the entire review process under a City Staffer. This is position that City Staffers may not be comfortable with and municipalities should not be told that they cannot raise the project to a Planning Board review process. Let municipalities make these decisions if they wish to take on a more aggressive approach, but Statute should not mandate this action.

**Prohibits subdivisions in lands designated Rural in the Comp Plan.**

This action is an taking of private property owners' rights. Although Rural lands are intended to be less developed, we cannot take away a property owner's right to divide their land per local ordinance requirements.

With the recent implementation of LD 2003 occurring across the state, municipalities should be allowed the opportunity to reflect on those changes to see how the standards work and provide feedback on areas which could be improved.

We understand the energy to push for more affordable housing, however land use standards are not the only clinch pin on this matter. Review of MDEP process would be an appropriate avenue to look at further as MDEP permitting can create huge delays in project development. Additionally, regulations on Sewer Treatment and environmental regulations on river classifications will end up being the reason the State will not be able to provide housing to the expectations of the Legislature as our Sewer capacities will become limited by these regulatory agencies.

In summary, **we join Maine Municipal Association's Legislative Policy Committee** in asking you **to vote against this bill**.

We thank you for your time and consideration of our comments.

Respectfully Submitted,

*Jennie Poulin Franceschi, P.E.*  
Director of Planning and Codes

*Rebecca Spitella, AICP*  
Senior Planner

*Daniel Stevenson*  
Director of Community and Economic Development