

Testimony of the Maine Municipal Association

In Opposition to

LD 1257- *An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands*

January 5, 2024

Sen. Peirce, Rep. Gere and distinguished members of the Joint Select Committee on Housing, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 1257, *An Act to Increase Housing Capacity and Protect the Municipal Tax Base and Working Lands*, as drafted on behalf of Maine Municipal Association's 70 member Legislative Policy Committee.

A municipal site plan review process and trigger for subdivision review extends well beyond only residential uses of a single lot. For instance, a single residential dwelling with attached accessory structures that contains 3 or more businesses or uses is a trigger for site plan review in most communities. This is to thoughtfully review the impact of business types on adjacent neighbors in mixed use zones. Increases to traffic, lighting and late night activity should be reviewed with appropriate notice often the component of a site plan review.

As drafted, this bill mandates administrative review of subdivisions for any municipality with a designated growth zone and a municipal site plan review process. It will also result in communities needing to unpick their ordinances to target residential review and not the other uses. This may work well in a community with full-time offices and planning staff, but not in the vast majority of communities who have only a planning board to review such applications. The only alternative in these communities would be to allow the Code Enforcement Officer to conduct the review and this is often a part-time shared employee between many communities with many different site plans approaches, development needs and comprehensive plans.

This would also constitute a mandate on all municipalities and must be funded to support the appropriate staffing necessary to conduct such a review and have the mandate preamble added.

Alternatively, the bill could be drafted to make an administrative review possible, but not required, for any community that has the staffing capacity and desire to make such a review more streamlined. I have included possible language to achieve this below.

Sec. 10. 30-A MRSA §4403, sub-§1-B is enacted to read: 37 1-B.

1-B. Review by administrative reviewing authority. Notwithstanding any provision of this section to the contrary, a municipality that has designated an administrative reviewing authority may ~~shall~~ review an application for subdivision approval that proposes the construction or placement of, or the division of an existing structure into, more than 3 but not more than 18 dwelling units on a single lot in a designated growth area within a municipality, as described in section 4349-A, 42 subsection 1, paragraph A or B, and, if the municipality has adopted an

ordinance providing for municipal site plan review, the administrative reviewing authority ~~may~~ shall review the application in accordance with the municipal site plan review process.

Adopting the language above or similar to achieve the effect of making sure communities with capacity and desire to streamline their subdivision review process will change our opposition to this bill. As always, municipal officials and the Association stand ready to work with the sponsor and stakeholders to achieve policy goals in balance with the needs of those who must shoulder the task of its delivery.