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**TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS TO THE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT**

WRITTEN TESTIMONY NEITHER FOR NOR AGAINST LD 128

DATE OF HEARING: March 11, 2025

**Honorable Senator Curry, Honorable Representative Gere, and Distinguished
Members of the Housing and Economic Development Committee:**

The Maine Association of Planners (MAP) provides testimony neither for nor against LD 128, *An Act to Support Permitting of Certain Multifamily Housing Developments Under the Site Location of Development Laws (SLODA)*.

SLODA requires state review of developments that may significantly impact the environment. These developments, as defined by the Legislature, include projects occupying more than 20 acres, large impervious areas for structures, and subdivisions exceeding 20 acres. LD 128 proposes raising the threshold for review and creating an open-ended exemption for impervious areas and stormwater management related to roads, buildings, and infrastructure serving up to four single-family homes per lot in a subdivision. In a 20 lot residential subdivision, that could mean an exemption from stormwater reviews for up to 80 homes, parking areas, and driveways.

- The proposed changes could cause significant water quality and erosion issues by avoiding important stormwater management reviews for large developments. This would mostly impact smaller rural communities that don't have local stormwater management review capacity.
- The changes are not likely to significantly impact housing production.

The bill appears aimed at circumventing delays caused by Maine DEP's expert reviews of larger subdivisions by expanding thresholds for review and exempting certain stormwater requirements. However, it is unclear whether the exemption applies to roads on individual lots or those serving an entire subdivision. Further clarification is needed to ensure proper runoff and stormwater treatment to protect Maine's rivers and lakes.

Additionally, it is unlikely that multiple owners within a subdivision would take advantage of the new allowance to build four units per lot, as financing remains a significant barrier.



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As a result, the anticipated impacts on housing production or the environment may not materialize.

Local subdivision review can address many concerns arising from fewer projects requiring DEP oversight, particularly in communities with the capacity to conduct such reviews. However, clarity is needed on why the exemption applies only to four detached single-family units and not to duplexes or 3-4 unit buildings, which could similarly accommodate four units per lot with less impervious area. Other proposed legislation addressing subdivision definitions may also interact with this bill.

If the primary goal is to mitigate delays in DEP reviews, the MAP LPC supports alternative solutions, such as increasing resources for the DEP and backing Commissioner Loyzim's proposal to add dedicated staff to prioritize housing projects that align with state housing goals. Expanding expedited peer reviews for Site Location of Development projects through DEP-approved consultants and increasing delegated review authority for capable communities could also be more effective approaches. These measures would incentivize development in service center communities, reduce DEP workloads, and encourage housing near existing services and infrastructure.

Finally, while MAP LPC supports increasing subdivision thresholds, this should follow a comprehensive assessment, as outlined in LD 161 (*DACF Stakeholder Group to Overhaul Subdivision*), a bill we strongly endorse.

Sincerely,

The Maine Association of Planners Legislative Policy Committee