



PLANNING & CODE ENFORCEMENT



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

DATE: March 24, 2025

Senator Chip Curry
Representative Traci Gere
Members of the Committee on Housing and Economic Development - Room 206

RE: LD 997 - An Act to Allow Residential Use Development in Commercial Districts

Senator Curry, Representative Gere, and Members of the Committee:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook. I would like to provide testimony regarding LD 997, with the recommendation of OUGHT NOT TO PASS.

Encouraging mixed-use districts is a goal we support; however, the proposed bill's very general language would prohibit a community from reserving lands for the purposes of commercial growth. Commercial uses are a means of balancing residential property taxes and having land dedicated for that use is appropriate and should not be superseded, thus undermining the local decision-making process. The local process reviews uses to avoid placing incompatible uses adjacent to each other, such as residential units in Industrial districts, which could have negative impacts on growing one's industrial base with the inclusion of residential units and the complaints that can be generated in those circumstances.

There are no criteria nor any definition of what "commercial use" means in this bill. This language is also included in the "up to 4" units section of State Statute, where single family/small number units use may not be the highest and best use in a more dense zone, so it is unclear if this inserted language then mandates any residential use can go in any district.

There are also examples where commercial use can have less of an impact on natural resources than residential when you are talking about non-sewered/utility constrained areas. Aquifers or at-risk watersheds, where more intensive septic use may negatively impact those resources, can be a consideration in land use decisions. A community makes intentional decisions regarding its growth patterns and municipalities should be able to make those determinations.

Again, we agree with the goal of mixed-use districts; however, this language appears to be too broadly stated and undermines the local comprehensive planning processes.

Thank you for your time and consideration of these comments.

Respectfully Submitted,

Jennie Poulin Franceschi, P.E.
Director of Planning
and Code Enforcement