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Testimony of the Maine Municipal Association

In Opposition to

LD 1396 – An Act to Amend Maine's Municipal Subdivision Standards to Increase the Number of Dwelling Units on or Divisions of a Tract of Land Before the Tract is Considered a Subdivision

March 6, 2025

Sen. Curry, Rep. Gere and distinguished members of the Housing and Economic Development Committee, my name is Rebecca Graham, and I am submitting testimony in unanimous opposition to LD 1396, at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent communities with vastly different enforcement staff, resources and capacities.

Subdivision law exists to help people maintain their communities. Leased dwelling units are not subject to subdivision review if municipal reviewing authority has determined that other review exists at least as stringent as subdivision review – sometimes multifamily housing is reviewed under a local "Site Plan Review Ordinance". A municipality may expand definition of subdivision to include commercial or industrial uses on a single lot and many have. This bill would upend the work that has been conducted by the community to define what triggers a review with very good reasons particularly where commercial development impacts residential uses or in communities that have provided credit enhancement agreements for mixed use development that already expands density based on the three lot in 5 years limit which would trigger amendments to the subdivision plan and potential expansion of infrastructure services.

While this approach to creating additional condominiums through ADU expansion is more measured and sensible than language proposed in LD 1247, it would still require a municipality to update recently adopted ordinances using this section of law to limit the addition of ADU's to a lot that maintains a current ownership model to promote long term neighborhood stability and avoid expanding "ghost neighborhoods" created by transient rental uses of residential real estate, and promote onsite management of transient rental units over commercial uses, while allowing a residential owner opportunity to benefit from an income producing use.

Officials agree there needs to be an updated approach to subdivision law and respectfully ask that changes to the statute be informed and measured through a deliberative approach with community leaders proposed under LD 161, *Resolve, Directing the Department of Agriculture, Conservation And Forestry To Convene a Stakeholder Group Tasked With A Comprehensive Overhaul And Modernization Of The State Subdivision Laws* which was tabled in March by the committee. It would also be appropriate to add two additional seats to the proposed committee to include both a municipal official, code enforcement officer and add a municipal planner, all of which deal with the different operational aspects of subdivision law daily.