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## WRITTEN TESTIMONY PROVIDED

### NEITHER FOR NOR AGAINST LD 1247

### **“An Act to Restrict Municipal Ordinance Requirements Regarding Housing Developments”**

**DATE OF HEARING: Friday, April 25, 2025**

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

The Legislative Policy Committee of the Maine Association of Planners is intimately familiar with the zoning and land use regulations contemplated in this bill; this is our arena of work. The broad impacts this bill proposes cannot be understated and careful consideration should be made of each element of this bill, any of which would be substantial on their own. We generally support the direction of this bill but believe **it will have a significant impact, likely larger than LD 2003, on housing opportunities and unintended development consequences, and as such have been assessing the impacts of implementation on towns and cities across the state.** After careful review and analysis, we are providing the attached redlined recommendations to this bill that we believe are the most appropriate means to implement the general direction of this bill. We are also aware that several bills with intersecting impacts (LD 1247, 997, 1272, 427, 1396) will eventually need coordination. Our attached recommendations attempt to begin synchronizing these policies. **Amended as such, we would support LD 1247.**

The competing desires for local control/community preference and need for housing is a heavy burden for the legislature to balance. No doubt you will hear arguments on both sides and many of our colleagues and other local government officials will likely speak against this bill. Our aim in this testimony is to provide comprehensive recommendations on improvements to this bill should the committee favor its passage. We commend Rep. Gere for addressing these complicated issues and would be happy to work with her and the committee on future iterations of LD 1247.

Sincerely,

The Maine Association of Planners Legislative Policy Committee

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## An Act to Restrict Municipal Ordinance Requirements Regarding Housing Developments

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4364-D is enacted to read:

**§4364-D. Residential areas; municipal sewer and water; ~~designated growth areas~~; lot sizes; individual private septic systems**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dimensional standards" means ordinance provisions relating to lot coverage, road frontage and setback requirements.

B. "Dwelling unit" means a single-family or multifamily dwelling unit.

C. "Housing development" means a development constructed to provide one or more dwelling units.

**2. Residential areas where municipal sewer and water available.** ~~This subsection applies to residential areas where municipal sewer and water services are available. If a housing development is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system and is located in an area in which dwelling units housing are allowed.~~

~~A. If a housing development is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system and is located in an area in which dwelling units are allowed, a A municipality may not require more than 5,000 square feet of lot area per dwelling unit, may not require lots greater than 5,000 square feet, must allow a dwelling unit on a lot with a minimum size of 5,000 square feet, and may not require more parking than is required for a single family home for up to four units, than 2 off-street parking spaces for every 3 dwelling units in a housing development.~~

B. A municipal ordinance may not establish dimensional standards for dwelling units under this subsection that are more restrictive than dimensional standards for single-family dwelling units ~~in effect on October 1, 2023~~, and a municipal ordinance may not ~~establish~~require:

(1) A road frontage requirement greater than 50 feet for ~~dwelling units~~ a residential lot under this subsection, ~~except that a municipality may choose a different frontage requirement on arterial and collector roads to promote access management; or~~

(2) Front, rear or side setback requirements greater than 10 feet for ~~dwelling units~~residential structures under this subsection, ~~except that a municipality may choose a different setback requirement on arterial and collector roads.~~

C. A developer of a housing development under this subsection shall provide written verification to the municipality that each dwelling unit in the housing development is connected to adequate sewer and water services before the

**Commented [E.R.1]:** Removed as there is no reference to Growth Areas

**Commented [E.R.2]:** For larger developments, please see our testimony for [LD 427](#)

**Commented [E.R.3]:** This would not likely be possible to implement.

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municipality may certify the housing development for occupancy. Written verification under this paragraph must include:

- (1) For a dwelling unit that will be connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the dwelling unit; and
- (2) For a dwelling unit that will be connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the dwelling unit, proof of payment for the connection and the volume and supply of water required for the dwelling unit.

~~D. A housing development that will be connected to existing water and sewer infrastructure under this subsection may not be charged an impact fee or sewer connection fee greater than a pro rata amount based on the square footage of the new housing development when compared with residential connections in effect at the time.~~

**3. Subdivision requirements.** This section may not be construed to exempt a housing development from the requirements for a division of a tract or parcel of land under subchapter 4.

**4. Restrictive covenants.** This section may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the easement, covenant, deed restriction or other agreement or instrument does not abrogate rights under the United States Constitution or the Constitution of Maine.

**5. Shoreland zoning.** A housing development under this section must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, subchapter 1, article 2-B and municipal shoreland zoning ordinances.

**6. Individual private septic systems.** This section may not be construed to exempt a housing development from minimum lot size requirements under Title 12, chapter 423-A, as applicable.

**7. Local Regulations.** This section may not be construed to exempt a housing development from local access management requirements, natural resource protection requirements, stormwater management requirements, or other locally adopted regulations.

### SUMMARY

This bill provides restrictions on municipal ordinance requirements related to minimum lot size in areas where water and sewer infrastructure are available. For a housing development that is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system and that is located in an area in which dwelling units are allowed, a municipality must allow a dwelling unit on a lot with a minimum size of 5,000 square feet. The bill also provides limits to ordinance provisions relating to lot coverage, road frontage and setback requirements.

**Commented [E.R.4]:** Removed as LD 1246 will address impact fees. Further, square footage is not always the best nexus to the impact. Please see our testimony in support of [LD 1246](#)