



## Planning & Code Enforcement

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### PLANNING & CODE ENFORCEMENT

DATE: April 24, 2025

Senator Chip Curry

Representative Traci Gere

Members of the Committee on Housing and Economic Development - Room 206

RE: LD 1247 An Act to Restrict Municipal Ordinance Requirements Regarding Housing Developments

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 1247, with the recommendation of OUGHT NOT TO PASS, as written.

LD 1247's language mandates municipalities to standards only based on the single criteria of public sewer/water. By placing lot size, frontage and parking standards in State Statute, this does not take into consideration a community's Comprehensive Plan nor its own growth patterns, or its road systems function. Most communities have many zoning districts representing varying densities from their core to the town limits. A setback in our downtown area is 0' vs on Rt 302 Bridgton Rd, this setback is 30' where speed, no on-street parking, and traffic volume are other factors used to determine land use standards. To mandate a 10' setback, reduced parking standards and 50' frontage all along Rt 302' would be completely counter to smart growth corridor planning and create traffic safety issues. Context is a factor that goes into standard selection. In determining development standards, one should consider not ONLY sewer as a factor but also, street speed, street function (downtown or local street vs arterial/collector), on-street parking availability, natural resources, and if the area is in your designated growth area.

The bill drafter, GrowSmart, provided a bill summary sheet on LD 1247 that states the bill only applies in "Designated Growth Areas," yet the proposed language does not state that. **The bill's intent, according to the bill summary, was to encourage development in villages, downtowns or existing established neighborhoods, all of which Westbrook supports.** Unfortunately, the bill language does not match that intent. The language is ill-defined such that it creates too broad a reach across a community. Instead, the bill does the following:

1. **Creates Access Management safety issues** with 50' frontage mandate. This standard only works inside local neighborhoods or downtowns, not along major collector/arterial road systems. This bill will create access management safety hazards along Westbrook's major road systems like Rt 302, Rt 25, Spring St, and Saco Street.
2. **Creates Natural Resource impacts** by the State superseding local zoning, and inserting itself into the chain of liability as it relates to impacts, like impaired streams, due to the inability of municipalities to regulate our own watersheds. If a future issue is raised by EPA on a natural resource impact, the community will engage the State as having a financial obligation to address impairments to those resources since the regulations as currently written are broad mandates superseding local authority of land use regulations. We have aquifers that need protection and a brook that has been on the cover of National Geographic for alewife fish migration that require a thoughtful development approach to avoid negative impacts. At a State level, one would not be expected to know all the details of every community's needs, thus why we feel this bill, as written, is flawed.
3. **Removes Impact fees for residential projects**, as written.
4. **Restricts parking standards for large market-rate projects which do not align with the need of these projects.** The standard proposed only works in the MOST urban environments where you have great access to transit modes and have ample on-street parking. The 0.67 standard does not work for all

**market rate development projects.** Mainers have cars. Westbrook has current examples of projects that were approved of at a “1.5 parking spaces to 1 unit” standard for a 72-unit project and the project is now under parked and is creating problems for the residents. In this instance, cars are parked on lawns & in access driveways, because there is not enough parking. There is also no neighboring on-street parking to utilize in this location, which is a major issue in Westbrook. The thought that “the market will take care of parking” is just not reality. The development community will build to the minimum even to the detriment of their future customers because once the project is sold the developer leaves your community and your community is left dealing with the safety problems created, as we are seeing now. However, communities, like Westbrook, already allow for variable parking standards depending on the location in our community. (i.e., Downtown has lesser requirements, and we have the ability to waive parking if a project can demonstrate they address their needs through share use.) Maine Association of Planner’s LPC has provided suggestions on parking language in LD 427 that can address globally the concern for overparking, thereby allowing parking standards to be removed from this bill.

If the current language were to move forward, we feel that:

1. The State would need to attach a fiscal note to this bill to pay for all municipalities to conduct a new comprehensive plan process as these changes are so substantive that this is not just a simple text adjustment, but rather zoning districts are being changed, mapping will all be changed and our ordinances cannot be amended in a manner that would then be inconsistent with our current comprehensive plan. The cost per town would be more than what was proposed for LD 2003 due to the extensive implications of these standards.
2. The State becomes financially liable for the implications of mandated land use standards related to impacts to natural resources that may require EPA watershed management plans for impaired waterbodies or other impacted resources.
3. The State becomes financially liable for safety implications of poor access management.
4. The State becomes legally liable if there are perceived “takings” generated from denial of access to lots created by the bill if driveways do not meet access management criteria.

**Maine Association of Planner’s LPC** is proposing a revised version of this bill, which elements we feel could get to the root cause of many of our concerns related to under parking, impact fees, insufficient setbacks and access management safety. We suggested eliminating the parking standard and impact fee language, have this apply only in designated growth areas, and that frontages and setbacks standards not apply to arterials and collector road systems. With work, we could see a path where this bill could create “infill development,” which seems to be the direction the original intent was seeking.

As an example of infill development in the right places, Westbrook has memorialized our historic subdivisions of record (50’x100’ lots) which are located in our established neighborhoods, have sewer and are where we want to direct growth. This policy has provided significant infill opportunities for us, yet does not negatively impact our major road systems, natural resources, and meets all the standards necessary for a safe development.

**Decisions on Land Use Standards take into account many factors** (sewer, water, road function, road speed, traffic volume, on-street parking availability, natural resources, etc.). We are asking that all of these factors are included in the course of this conversation.

We thank you for your time and consideration of our comments and are willing to participate in future discussions.

Respectfully Submitted,

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and Code Enforcement

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