

May 10, 2025

123 Spy Rock Road
Harpowell, Maine 04079

RE: LD 1829, An Act to Build Housing...Amending the Laws Governing Municipal Land Decisions
Testimony Ought Not to Pass

Dear Senator Curry and Representatives and Members of the Housing and Economic
Development Committee,

I am writing in opposition to LD 1829. I have a Master's Degree in Land-Use Planning from the George Washington University and over 40 years of experience in Maine, as a professional planner and volunteer on local planning boards. I am currently chair of the Harpswell Planning Board and serve as the vice-chair of our local Comprehensive Planning Task Force. I DO NOT REPRESENT THE TOWN OF HARPSWELL PLANNING BOARD OR THE COMPREHENSIVE PLANNING TASK FORCE, but trust my professional and volunteer experience will support these comments offered as a citizen and resident. LD 1829 would undermine rural land use planning efforts and threaten the environmental resources that make our communities livable. I point to the following specifics:

Section 18-C. Establishes a Housing Development Resolution Board. Under 18-C.6. the Board would be given authority to reverse or modify, in whole or in part, appeals of a final decision of a municipal review authority – planning board or board of appeals, historic district commissions, and conservation commissions. This authority threatens to disable regulations adopted by local citizens at town meeting as well as undermine the power of duly elected officials. We rely on volunteer boards who commit many hours of time to their duties. Much of what motivates them is the feeling they contribute to their town. Why volunteer for a local board when the state would undermine local authority? Why offer your time developing local ordinances, plans, and legislation for your community if the state can undo your hard work?

LD 1829 would not only undermine the authority of public decisionmakers, it would allow private, for-profit housing developers to threaten those local boards to approve their projects, or face lawsuits, including the attorney's fees and other costs. Most local planning boards are composed of volunteers who do not have access to professional planners and engineering resources. This legislation would put them at a serious disadvantage, especially when faced with pressure to approve plans brought by private, for-profit developers who can hire their own staff and pass the costs on.

Section 5.2-A would increase the height of allowed structures regardless of whether emergency fire service can be provided by the municipality. Our current maximum building height is 35', which is serviceable for our local fire departments. Harpswell, like many Maine communities relies on volunteer fire fighters with limited resources and access to water for firefighting. Due to its geography, we currently support three separate fire stations with volunteer staff. We are

in the midst of a serious debate about whether or not to build a central station to the tune of \$6 million plus. The last thing we need is to be forced by this legislation to purchase additional new equipment to service taller apartment buildings. In addition, as a shorefront community dependent upon tourism and vacation rentals, Harpswell has already been forced to eliminate structural height restrictions for properties in FEMA identified velocity zones. Long-time residents have lost water views and seen their properties devalued. The requirement to add another 15' to allowable height limits would simply add insult to injury for these property owners and taxpayers.

LD 1829 stipulates that “a municipality may not enact an ordinance that limits the rate of growth of residential development in a designated growth area.” Under Harpswell’s Comprehensive Plan, currently in draft form, we have chosen not to designate a growth area due to our lack of public water and sewer and the severe limitations of our groundwater resources due to our bedrock geology. Even so, LD 1829 would force the town to allow up to three times the number of dwelling units our current ordinances allow. The net effect of this requirement would be to exacerbate the potential risks to private drinking water supplies from new, neighboring wells drawing upon the same or nearby bedrock aquifers. It would increase lot coverages and decrease recharge rates with higher densities and greater impermeable surface.

As mentioned earlier, our population doubles in the summer. In addition to commercial fishing, tourism is the next largest part of our local economy. Many fishing families manage local summer rentals. Increasingly homeowners run out of water during summer months when our population doubles. Many, many shoreland residences have lost potable well water due to saltwater intrusion. Many homeowners are forced to purchase drinking water and have it delivered by truck. The increased densities mandated by LD 1862 would threaten local groundwater supplies and our local economy. Higher densities would also exacerbate the threat to our fishing community as water quality along the shorefront, which provides critical habitat for lobster hatchlings and shellfish populations deteriorates.

Last, this bill would amount to what is essentially an unfunded mandate. It would require many towns to purchase additional equipment for fire protection. It would increase the costs for schools, roads, and other infrastructure in towns that cannot afford it. It would force local volunteer boards to make decisions that are not in their best interests out of fear of reprisal, and to hire additional professional staff to ensure compliance.

Maine’s affordable housing problem is a national one. The issues are complex and deserve well-thought-out solutions. LD 1829 will have unintended consequences for towns and local planning authorities. As a professional land-use planner I have seen the results of good intentions gone wrong. It is not my desire to simply complain but to also offer some solutions to the real problems of affordable housing.

Here are a few.

1. Create a truly well-funded state housing trust that supports the purchase of land in towns that seek to develop more affordable housing.
2. Encourage and assist municipalities to adopt a tax on the sale of luxury homes over a certain price, that could be used to establish local trust funds to purchase land for affordable housing.
3. Fund the extension of public water and sewer for towns that want to increase their growth areas.
4. Using existing state planning resources, develop a state-wide competition to develop adaptable, high quality, energy efficient, affordable housing plans. These plans could then be adapted by towns and private developers in a variety of settings to cut project costs and improve the quality of current affordable housing alternatives.

I hope you will give serious consideration to the negative impacts of this bill on Maine's smaller, more rural communities. The goal of the bill, to provide more affordable housing, is a good one. However, this bill will undermine local municipal authority while giving private developers a hammer with which to threaten the very foundations of what makes a community – independent local decision-making authority. Once that door is opened, it will be hard to close.

Thank you for your consideration and service.

Sincerely,

Amy N. Haible, Harpswell
anhaible@comcast.net

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Harpwell
LD 1829

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But it is not just state officials that would dishearten local volunteers. LD 1829 enables private, for-profit housing developers to threaten local boards to approve of their projects, or face lawsuits, including the attorney's fees and other costs. Most local planning boards are composed of volunteers who do not have access to professional planners and engineering resources. It puts them at a serious disadvantage, especially when faced with pressure to approve plans brought by private, for-profit developers who can hire their own staff and pass the costs on.

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I hope you will give serious consideration to the negative impacts of this bill on Maine's smaller, more rural communities. The goal of the bill, to provide more affordable housing, is a good one. However, this bill will undermine local municipal authority while giving private developers a hammer with which to threaten the very foundations of what makes a community. On top of this, it essential an unfunded mandate for local fire protection. Rather than force, why not develop a solid, well – thought out affordable housing program. Here are some ideas:

1. Develop a state-funded housing trust fund that supports the purchase of land and its development with livable, environmentally sensitive development.
2. Allow municipalities to adopt a tax on the sale of luxury homes over a certain price, that could be used to establish local trust funds to purchase land for affordable housing.
2. Fund the extension of public water and sewer for towns that want to increase their growth areas.
3. Produce high quality, energy efficient, architectural plans that communities can use to develop their own projects. These plans could be easily adapted and reproduced for specific sites. Housing plans could be adapted for families and older citizens at an affordable cost.
4. Hold a state-wide competition to develop adaptable, high quality, energy efficient, affordable architectural plans for use by towns in a variety of settings. Give awards for these plans and recognize the towns that use them.