



PLANNING & CODE ENFORCEMENT

DATE: May 12, 2025

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

RE: LD 1829 An Act to Build Housing for Maine Families and Attract Workers to Maine Businesses by Amending the Laws Governing Municipal Land Use Decisions

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. On behalf of Westbrook's staff as stated below, we would like to provide testimony regarding LD 1829, with the recommendation of OUGHT NOT TO PASS, as written.

We are concerned about the implications of this legislation, as publicly posted on April 30, 2025. The issues we see with the bill are as follows:

1. **Use of a Board in lieu of the Courts.** Current appeal process is to take an appeal of a decision of the Planning Board to Superior Court; however, this bill seems to create confusion over which process to utilize and opens up the ability for more frivolous (NIMBY) appeals of Planning Board decisions by abutters, which is why our community directs the appeal process to Superior Court, rather than our local ZBA.
2. **This Board would have to understand all zoning ordinances across State.** We feel the review of Planning Board decisions is best overseen by the judicial review process.
3. **No ability to appeal this Board's decision.** This Board is not made up of all judges, and even a judge's decisions can be appealed, so how can this Board not be appealable if they make an incorrect determination?

Additionally, this bill includes more changes in Statute that have no connection to the proposed Housing Board section:

4. **Creates a prohibition on Rate of Growth Ordinance in Growth Areas.** If the State is going to eliminate Rate of Growth Ordinances, then communities should be provided with more State funding to address impacts.
5. **Includes Land Use Performance Standards Amendments**
 - a. Dwelling units uses being edited in 4364-A
 - b. Height allowances 14' beyond district standards are included.
 - c. 5,000 sf lot and density standard maximums in all sewered areas.
6. **A new "Exception" inserted into the Statute which is unclear how this exception is utilized:**
 - a. §4364-D. Exception
Notwithstanding any law, to the contrary, a municipality only has the authority to conduct an administrative review for an affordable housing density bonus or when the project has 4 or fewer units. (*Appears to limit administrative review to only very specific projects. Why?*)

For the reasons stated above, we recommend voting in opposition of this bill to avoid the unintended consequences of legal challenges created by the proposed bill. We thank you for your time and consideration of our comments and are willing to participate in future discussions, at the request of the committee.

Respectfully Submitted,

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and Code Enforcement

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