

Testimony in favor of LD 1999

Chairpersons Curry and Gere and other members of the Committee on Housing and Economic Development:

My name is Nate Drummond. With my wife Gabrielle I own and operate Six River Farm in Bowdoinham and am also the current chairperson of the Bowdoinham planning board. I am testifying today in support of LD 1999.

There would appear to be a case where our shared common understanding of what constitutes a subdivision (i.e. a legal division of lots for sale, generally for the development of housing units) diverges from the legal language governing subdivision permitting. The state definition of a sub-division, which is included verbatim in our municipal land use ordinance, states: "This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise." It is my concern that a strict literal reading of this definition could sweep up any number of traditional land use arrangements for agriculture, forestry and recreation into the permitting requirements of the sub-division section of our ordinance. In such a reading it could be argued that leases, and even informal "hand shake" use agreements, related to activities as varied as cutting hay, harvesting timber, tapping maple trees or providing access to snowmobile clubs should count towards the number of lot divisions that trigger sub-division review. In other words, a rural land owner who entered into three different lease arrangements (one to a dairy farmer, one to a timber harvester and one to a maple farmer) would be required to file for a municipal a subdivision permit.

During my time on the Bowdoinham planning board, I am not aware of any instances where land-use leases such as these have been counted towards subdivision requirements. With that said, however, I still have concerns that the current language is vague and all-encompassing to a degree where a well-trained lawyer could advance such an argument, and, if adopted, this would have serious consequences for the many natural resource-based businesses in Maine that rely upon access to their neighbors' rural lands. Along with supporting this legislation I would also suggest that this committee consider broadening the language in the bill to also include timber harvesting, foraging and other natural resource and/or recreation uses that commonly occur on Maine's rural lands.

I thank you for your time and I am happy to answer any questions that the committee may have.

Sincerely,

Nate Drummond