



Planning & Code Enforcement
2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

PLANNING & CODE ENFORCEMENT

DATE: May 18, 2023

Senator Teresa Pierce
Representative Traci Gere
Members of the Joint Standing Committee on Housing - Room 216

RE: LD 1864 An Act to Increase Maine's Supply by Prohibiting Certain Zoning Requirements in Areas Where Public Sewer and Water Infrastructure Are Available and in Designated Growth Areas

Senator Pierce, Representative Gere, and Members of the Joint Standing Committee on Housing:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook. I, Daniel Stevenson, Director of Economic Development, and Rebecca Spitella, Senior Planner would like to provide testimony regarding LD 1864, with the recommendation of OUGHT NOT TO PASS.

The **Policy Action 2023 bills series have similar requirements repeatedly written into each bill** which is the reason why you are seeing many letters repeating the same concerns from Westbrook. There are concepts in these bills that we appreciate the intent, but feel the execution needs further work with municipal staffers to produce legislation that works for the majority. To date, that effort has not been conducted. These bills have been written by a small committee and they need a much larger vetting with municipal leaders to provide this Legislature a body of work that we can all support to encourage housing construction, specifically affordable housing.

LD 1864's language prohibits municipalities from requiring lots sizes to be larger than 5,000 sf if the area is served by public sewer or 20,000 sf if the area is not served by public sewer. This standard does not work in all communities nor even across one community like Westbrook, where the majority of our community is in a Growth District. **A one size fits all approach for land use standards does not work**, but rather City's would support more goal-oriented language where the municipality determines the details in their Master Plans based on local conditions. To mandate lot sizes in State Statute, does not take into consideration a community's Comprehensive Plan nor its own growth patterns. Most communities have many zoning districts representing varying densities from their core, out to the town limits. This language overrules publicly vetted and thoughtful growth patterns as part of a town's Comp Plan.

This legislation does not take into consideration **that sewer systems or septic areas may not have the capacity to take on the lot densities as mandated by this language**. For septic areas, there may be aquifers that need protection as a reason for less density in a non-sewered area. At a State level, one would not be expected to know all the details of every community across the State of Maine, thus why we feel this bill should not be passed.

A parking standard of less than 1 parking spot for every (not just affordable) unit in all growth areas across the entire State of Maine does not work for all development projects. This standard only works in the MOST urban environment. It does not apply to the vast majority of the State of Maine. We have real time 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 under parked and is creating problems for the residents. Cars are parked on lawns & in access driveways, blocking needed safety access to the structures. In this instance, there is no neighboring on-street parking to utilize and the thought that "the market will take care of parking" is just not reality. The development community will build 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. Communities already allow for variable parking standards depending on the location in your community. Allow the locality to make these detailed requirements as they have the best handle on the implication of the standards chosen. If Grow Smart Maine sees a municipality that has a standard that is overly restrictive, Grow Smart Maine should reach out to that community to work with their staff, Boards and Councils to help update their standards.

A one-size fits all approach for local land use regulations across all municipalities does not work.

We thank you for your time and consideration of our comments.

Respectfully Submitted,

Jennie Poulin Franceschi, P.E.
Director of Planning
and Code Enforcement

Rebecca Spitella
Senior Planner

Daniel Stevenson
Director of Community
and Economic Development