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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF
Rob Wood, Director of the Bureau of Land Resources
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO L.D. 1134

**AN ACT TO IMPROVE HOUSING AFFORDABILITY BY AMENDING THE DEFINITION OF
“SUBDIVISION” UNDER THE SITE LOCATION OF DEVELOPMENT LAWS**

SPONSORED BY REP. BOYLE

**BEFORE THE JOINT SELECT COMMITTEE
ON
HOUSING**

DATE OF HEARING:

NOVEMBER 14, 2023

Senator Pierce, Representative Gere, and members of the Committee, I am Rob Wood, Director of the Bureau of Land Resources at the Department of Environmental Protection, speaking in opposition to L.D. 1134.

The effect of L.D. 1134 would be for the State to apply a less stringent environmental review to a subset of subdivisions that currently receive review under the Site Location of Development Act (Site

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Law). This would reduce permitting time and costs for the subset of subdivisions that would no longer be subject to Site Law. However, it would also mean that some projects would not be designed to be as environmentally compatible as possible.

While other laws like the Natural Resources Protection Act would continue to provide essential protections, Site Law is the only State statute that allows for a comprehensive environmental review of large development projects. Such review rarely prevents a project from moving forward, but it often results in design changes that reduce environmental impacts. For example, Site Law requires consideration of a project's potential impacts on unusual natural areas and on a variety of wildlife and fisheries habitats. Through the course of a Site Law review, the Department and the applicant receive comments from agencies such as the Maine Natural Areas Program and the Department of Inland Fisheries and Wildlife, often prompting changes to the original design of a project such as moving the location of a lot to avoid rare species habitat. Site Law also includes review to ensure the developer has made adequate provision for healthy drinking water, wastewater discharge, solid waste disposal and protection of groundwater quality, among other standards.

The Department recognizes the importance of keeping costs low for affordable housing projects and has reflected this in reduced permitting fees for affordable housing subdivisions. The combined processing and licensing fee for an affordable housing subdivision under Site Law is currently \$214 per lot, compared to \$758 or \$1,084 per lot for other types of subdivisions.

While the need for more affordable housing in Maine is acute, the Department encourages consideration of other means of increasing housing supply and affordability, rather than reduced environmental review.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.