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Maine's Rural Development Council

Testimony of Nancy Smith, CEO of GrowSmart Maine  
in support of LD 128, An Act to Support Permitting of Certain  
Multifamily Housing Developments Under the Site Location of  
Development Laws

March 11, 2025

Senator Curry, Representative Gere, and Members of the Joint Select  
Committee on Housing and Economic Development,

My name is Nancy Smith, I live in Ellsworth, and I am the CEO of GrowSmart Maine. We are a statewide non-partisan non-profit organization helping communities navigate change in alignment with smart growth. We advocate for comprehensive policies and funding for smart growth practices and outcomes.

We partner with Build Maine to co-host a transparent crowd-sourcing of policy proposals that has drawn together over a hundred people from across Maine and beyond. Policy Action 2025 follows Policy Action 2023 from the 131st Legislature. Each session we strive to meet this goal, "*to address barriers to and create incentives for equitable, sustainable growth and development that strengthens downtowns and villages of all sizes while pulling development pressure away from productive and open natural areas.*"

This testimony reflects the views of GrowSmart and Build Maine.

We support the overall objective of updating the site location of development laws to help remove barriers to housing. However, **this bill as written will have a negative impact on a number of state goals by increasing development pressure on rural lands and accelerating sprawl.**

Maine has very few checks and balances related to the review of large projects against state goals. Site Location of Development is one of the few tools available to consider the broad impacts of development on natural resources and our environment.

The language of this law exempts large-scale, multi-unit residential development from state level review, regardless of location of development. This will have the effect of increasing development pressure on rural lands and will send development further away from our community centers,

increasing traffic impacts on regional roads, driving up household transportation costs, and increasing costs to municipal government associated with servicing high-density, remote subdivisions.

Instead, we suggest a more targeted approach by tying the following two exemptions to areas with established infrastructure, similar to the strategy taken in LD 2003. This will help ensure that we are not exempting large residential projects with septic systems from state review. ***Please see suggested changes below:***

**Sec. 2. 38 MRSA §488, sub-§17**, as amended by PL 1997, c. 393, Pt. A, §45, is further amended to read:

**17. Structure area within residential lots.** Buildings, roads, paved areas or areas to be stripped or graded and not revegetated that are located within lots used solely for single-family detached residential housing designed to accommodate up to 4 families **and that are served by a municipal sewer system** are not counted toward the 3-acre threshold described in section 482, subsection 6, paragraph B for purposes of determining jurisdiction.

**Sec. 3. 38 MRSA §488, sub-§17-A** is enacted to read:

**17-A. Land or water area within residential lots.** Land or water areas that are located within lots used solely for detached residential housing designed to accommodate up to 4 families **and that are served by a municipal sewer system** are not counted toward the 20-acre threshold described in section 482, subsection 2, paragraph A for purposes of determining jurisdiction.

There are several other items that we think also need to be clarified in the bill language.

Similar to LD 2003, this bill includes language that is unclear on how many units are permitted. Is it 4 units, each of which can have an ADU, for a total of 4 ADUs, and 8 units total? Or is it 4 units plus 1 ADU, for 5 units total?

The bill language is also unclear on permitted building types. Are the 4 units all permitted to be in freestanding detached buildings, which might allow for up to 8 freestanding buildings? Or is this law only allowing for a single 1- to 4-unit building plus an ADU, for up to 2 freestanding buildings?

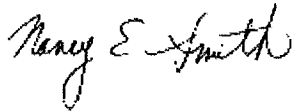
**To encourage more housing without the negative impacts of the bill as written, we would recommend maximum flexibility on building types, and allow each lot to have a mix of singles, duplexes, 3-plex, or 4-plex buildings, plus 4 ADUs. But ONLY if this flexibility is tied to locally designated growth areas and locations with available infrastructure.**

Maine people overwhelmingly want to see more housing built. But that effort must be strategic and aligned with local planning priorities in order to also meet shared state and local goals related to protection of open space, working forests, agricultural lands, and critical natural resources; reducing traffic congestion and household transportation costs; and limiting impacts on municipal costs and local taxes caused by development far from community centers.

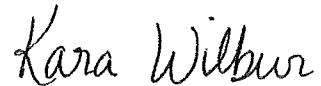
More broadly, we recommend that Site Location of Development laws follow suit with the Subdivision laws, and go through an extensive public update to better align them with modern practice and needs. These laws are complex, and changes to them might be better navigated through a comprehensive review.

We hope you will consider amending the language to better meet all the needs of Mainers, now and in the future.

GrowSmart Maine and Build Maine are willing to assist the committee in any way that is helpful.



**Nancy Smith**  
**GrowSmart Maine**



**Kara Wilbur**  
**Build Maine**