



**MAINE MUNICIPAL  
ASSOCIATION SINCE 1936**

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Testimony of the Maine Municipal Association

In Opposition To

LD 1143, *An Act to Update Language on Setback Variances for Single-family Dwellings and  
Variances from Dimensional Standards*

April 15, 2025

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Sen. Curry, Rep. Gere and distinguished members of the Housing and Economic Development Committee, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 1143 at the direction of MMA's Legislative Policy Committee (LPC). Our LPC is composed of municipal officials from across Maine, elected by their peers to represent communities with vastly different enforcement staff, resources and capacities.

The crux of MMA's concerns around the bill center on Sec. 2 that changes an important threshold in many communities particularly around non-conforming lots and weighing the scope of allowable development on those lots which would otherwise be entirely unbuildable by current standards in the shoreland. As drafted, the change to section two would remove "in part" permit variances in some areas that are not appropriate in the shoreland zone which would now only apply if the entire lot is in the shoreland zone.

Many historic lots were created as deep long narrow lots drawn from the boundaries of rivers, lakes and sea fronts. Homes were constructed close to their water dependent use at the time while the remainder of the lot often falls outside of the shoreland zone. The house itself may sit directly in the current 50 foot or 75 foot set back and sometimes directly in the floodplain as currently mapped. If the language "in part" is removed from statute, a variance for expansion further into the shoreland zone could be permitted because the lot is only partially in the shoreland zone, while other parts of the lot are more appropriate to expand into away from the water resource.

Humans continually build where they should not, and Maine's historic development along waterways that were once our highways is increasingly in harm's way. The current law sensibly balances respecting the continued use of that property with the impact on the waters of Maine shared and used by all. Current law sensibly balances the variance tests with the on the ground review necessary for determining appropriate expansion. The Association currently takes no issue with the language changes in Section 1 and the removal of "single family" has limited effect as "dwelling" and "primary year-round residence" are the more important measures for the variance application in this section.