

April 25, 2025

RE: Testimony in support of LD 1247, An Act to Restrict Municipal Ordinance Requirements Regarding Housing Developments

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

My name is Ed Libby, I am a resident of Yarmouth, where I have lived and worked as a self-employed real estate professional since 1996. I had the good fortune of growing up in the town of Camden and I began my professional career in 1987 working for a real estate developer in Portland.

I am currently developing several affordable housing projects in Rockport and Rockland in conjunction with Maine Housing, I am invested in commercial and mixed use properties in southern and midcoast Maine, and I have subdivided hundreds and hundreds of lots all over our great State. Through that work, over nearly four decades, I have become a strong advocate of smart growth policies, and that is why I support this bill.

Maine has an incredible lack of supply of houses, and it turns out that a huge reason is that our local municipal zoning rules are actually preventing housing production by requiring way more land to build than is necessary, or that even makes any sense at all. And despite the State's desire to implement smart growth policies directing housing near our town centers where infrastructure is in place to support that growth, local zoning ordinances prohibit that precise outcome.

I will share my experience, in my town, but one that has been playing out in towns all across Maine for decades. I like to tell people, in Yarmouth, if you walk through a store on Main Street and step out the back door, when your foot hits the ground, that's 1 acre zoning. It makes no sense.

About 15 years ago, we were lucky enough to hire a Town Planner who understood the fiscal, aesthetic, health, and affordable housing benefits of compact walkable places. She sought to undo our sprawl inducing zoning which had been adopted in 1985 for the precise purpose of stopping housing production. You see, in the late 70's and early 80's Yarmouth had a different housing problem, too many houses being built. I know this because I read the minutes of the 1985 Town Council meetings leading to this change. So, feeling emboldened by the specific goal in our freshly printed Comprehensive Plan to reduce lot sizes to the historic pattern to provide diversity of housing, she hired consultants, held charettes, and deeply engaged the community. We did synoptic surveys to codify exactly what our historic pattern of development was. It turned out that in order to replicate the feel of the traditional neighborhoods everybody loved, we should eliminate the minimum lot size in the growth area altogether and be guided by building set backs and 50 feet of street frontage for a minimum. The zoning code was rewritten as a Form Based Code and unanimously recommended for adoption by our Planning Board in 2017. A few months later our Town Council, pressured by a few loud voices at public hearings, voted not to adopt the new zoning. I was stunned. Our 1993 Comprehensive Plan had asked for a reversion back to traditional lot sizes, our 2010 Comprehensive Plan specifically identified that same goal as priority, and yet we failed to implement the necessary zoning after unanimous recommendation by our Planning Board.

Yarmouth updated its Comprehensive Plan again in 2024 with the same goal of reducing lot sizes to the historic pattern. Sadly, here we are in 2025, years into the worst housing crisis the State has ever seen, still living with the 1985 zoning designed specifically to stop housing production. That is why I support this bill.

Yarmouth, like many towns, has been stuck in a pattern of zoning inertia, unable to implement the very priorities clearly stated in their Comprehensive Plans. LD 1247 would assist towns in stopping this cycle of knowing what they need to do, saying what they need to do, but not being able to actually do it.

Yarmouth produced a net 3 new homes in all of 2024. There were actually 7 new homes built, but unfortunately, 4 were tear downs, the direct result of not having any new lots for sale in years. Instead of cannibalizing our existing housing stock, LD 1247 would unlock new buildable lots in Yarmouth's designated growth area, and designated growth areas throughout the State.

I would like to highlight an important distinction between this bill and another housing bill many of you are familiar with at this point, LD 2003. Yarmouth adopted the provisions of LD 2003 fifteen months ago, yet no new homes have been created using it. We allow up to 4 homes on the same 1 acre minimum lot size in our growth area, but regular property owners are typically not equipped to take on the technical, legal, and financial burdens of building more housing on their same lot. LD 1247, would provide a simpler path for regular property owners to participate in housing production by allowing them to split off a portion of their lot and sell it to someone else who wants to build. This benefits both the seller and the buyer and is a more traditional way to create additional housing. These are easier to create, easier to finance, and easier to sell than the same housing units under LD 2003.

A minimum lot size of 5,000 square feet is based on standard, traditional lot sizes found in most Maine villages and towns and promotes a pattern of development that is walkable and more financially productive for the municipality.

LD 1247 will give local communities a powerful tool to help solve Maine's housing crisis by activating the smart growth policy goals they have already articulated in their Comprehensive Plans but have been unable to implement.

Thank you for the opportunity to submit my testimony today.

Sincerely,

Ed Libby
Yarmouth, Maine