

132nd Maine Legislature

Joint Standing Committee for Housing and Economic Development

Public Hearing for L.D. 1272: An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units

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Introduction

Good afternoon. Speaker FECTEAU, Senator PIERCE, Representative JULIA, Representative KESSLER, Representative PUGH and honorable members of the Joint Standing Committee on Housing and Economic Development: my name is Ed Airey, I am a resident of North Berwick, and I am here today to share my statement in strong favor of **L.D. 1272**.

Key Messages in Favor of L.D. 1272

This legislation allows Mainers to accelerate ADU development in all cities and towns by granting greater rights and authority to the property owner.

This legislation prevents local ordinances that aim to delay, discourage, limit, or restrict ADU development and use, through the adoption of zoning amendments, expensive building code requirements or permitting processes.

My Story

Our family resides on sixty acres of rural land, living in a single-family home—a 1700s rambling farmhouse. As a multi-generational household, we sought to add an accessory dwelling unit (ADU), within an existing, detached garage, to care for my wife’s aging mother. However, we discovered that within the last ten years, the Town had re-classified our existing home as a multi-family property, without our knowledge, notification, or supporting documentation. Our attempts to initially resolve the matter were met with hostility, threats of fines, penalties, the use of process to publicly shame us and even legal action unless we fully comply with the Town’s demands. Only with the assistance of legal counsel were we able to navigate the Town’s zoning and permitting process to pave a path forward.

After 5 months of delay, we received our building permit and work has re-commenced. As a result, we were required to:

- Refer to our ADU as an apartment. The label ADU was removed from all permitting documents.
- Surrender an additional 300 feet of road frontage as per local zoning requirements.
- Expand our existing septic system to meet the capacity required by the local code officer due to incomplete town records.
- Pay double permit fees, including unspecified fees, to the Town, totaling over \$3,000.
- Navigate a complex and arbitrary permitting process.
- Comply with all requirements by the local code officer, regardless of burden or hardship, without any available path to escalate for review.

This process has been quite challenging and expensive. I'm not sure if others would have stayed the course or succumbed to the complexity and hardship of the process.

L.D. 1272 is the right step forward for Maine. However, I would suggest the committee go even further and strengthen the legislation by addressing another ADU barrier -- local frontage and road construction requirements.

Currently, all lots in our local zone must meet a minimum of 300 ft of frontage on a public road or a private drive built to full municipal standards. These rules create significant barriers for homeowners pursuing small-scale ADU development.

I would suggest exempting 1–4-unit developments from these frontage requirements and road construction standards. Doing so would make the law more effective and remove both a financial and logistical barrier similar to how L.D. 1272 addresses fire suppression requirements.

Closing

In summary, I believe ADUs are a sustainable and scalable solution to Maine's housing challenges, especially in rural areas. I fully support L.D. 1272 and its effort to reduce barriers to building more Accessory Dwelling Units by granting greater property rights to the property owner and removing obstructive local ordinances.

I would like to thank this bill's sponsors, including Speaker Fecteau, as well as the members of the Joint Standing Committee on Housing and Economic Development for their time today as well as the opportunity to share my story with you. Thank you.

Ed Airey, Resident of North Berwick