



Committee on Housing & Economic Development
% Legislative Information Office
100 State House Station
Augusta, ME 04333

April 29, 2025

RE: LD 1272, An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units

Dear Sen. Curry, Rep. Gere, and Members of the HED Committee:

My name is Francesca “Ches” Gundrum and I am Maine Audubon’s Director of Advocacy. Maine Audubon is a wildlife conservation non-profit – we fulfill our mission to “conserve Maine wildlife and wildlife habitat” by engaging people of all ages in nature through a science-based approach to education, conservation, and advocacy. On behalf of Maine Audubon and our 30,000 members, supporters, and volunteers, thank you for the opportunity to submit testimony in opposition to LD 1272, *An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units*.

Thoughtful development takes careful planning and coordinated efforts on the part of the state, towns, and community members. Growth and conservation can coexist – *and they must* – but we have to be smart about it. As Maine grapples with a lack of housing and a growing population, the importance of judicious land use planning where we strive to balance the needs of both human and wildlife communities is paramount.

Municipal subdivision review is critical to avoiding and minimizing negative environmental impacts from large-scale, permanent development on the landscape, and to ensure safety of homes from flooding and polluting of waters. Currently, municipal subdivision review is triggered when any of the following occurs within a 5-year period:

- A. A tract or parcel of land is divided into three or more lots;
- B. A new structure(s) on a tract or parcel of land is divided into three or more dwelling units;
- C. Three or more dwelling units are constructed or placed on a single tract or parcel of land; or
- D. Existing structure(s) previously used for commercial or industrial use is divided into three or more dwelling units.

Among many proposals, LD 1272 increases these thresholds from three to five lots/units under the definition of a “subdivision” within Maine’s land-use planning laws governing subdivisions. Whatsmore, if an owner has lived on a lot for five years, subdivides the land into four



additional lots, and continues to live on one of the lots, then that does not trigger the five-lot subdivision review. **This laxing of lot standards significantly changes the municipal subdivision triggers.**

Additionally, it is our understanding that it would require towns to allow accessory dwelling units (ADUs) as one of those four dwelling units in addition to a single-family home, duplex, triplex, ADUs, or some combination of those. These changes do not distinguish between growth and rural areas, but propose that an ADU cannot be counted against density requirements while ADUs are currently subject to density requirements that apply in the area being built. Additionally, the bill would allow ADUs on lots where the owner of the lot does not live there and that the owner can sell the ADU as they wish.

It is important to remember that with recent changes to expand density provisions under Maine law with the 131st Legislature's LD 2003,¹ vacant lots are allowed to have two new dwelling units on them in rural areas and up to four new units in growth areas or areas served with existing sewer and water, and lots with an existing home are allowed to have two additional dwelling units, plus each lot is permitted to have an ADU. **Together, the suggested changes – focusing primarily on the subdivision suggestions – could make it possible for 15-25 new housing units on a parcel that currently only has one unit, and the additional development would not require municipal subdivision review.** As towns across our state are still grappling with the implementation of LD 2003, we ask you to wait on making such significant changes to this area of law and allow towns time to thoughtfully address these recent changes to density provisions first.

While we appreciate the intent behind this proposal, we believe this bill will not help towns in their efforts to ensure dwelling units are built in safe places, with adequate protections from flooding and contamination of wells, and away from sensitive natural resources such as steep slopes, wetlands, and streams. Unfortunately, because the bill does not tie the suggested subdivision expansion to growth areas or areas served with existing sewer and water, it would likely also encourage sprawling development in our rural landscapes, including working forests and farmlands – undermining some municipal comprehensive plan goals, including efforts to encourage more dense development in areas near existing infrastructure and community centers and resources.

As a reminder, my organization supports LD 161, *Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Laws*. This group would be tasked with updating the criteria and standards for subdivisions within Title 30-A, which is exactly where the suggested changes within LD 1396 would occur in statute. Respectfully, we ask you to defer the work of amending state

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¹ See LD 2003 from the 131st Legislature, *An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*.



subdivision statutes until this group of subdivision experts can comprehensively review all areas of Maine law where they are defined.

We have one shot to get this right. It is so important for all of us to think critically about how we plan to change land in our state – especially when those changes are forever. **For these reasons and more, we respectfully urge you to oppose LD 1227.** Thank you for your consideration.

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Sincerely,

A handwritten signature in black ink, appearing to read "Francesca Gundrum".

Francesca "Ches" Gundrum
Director of Advocacy