



227 Water Street, Suite 208
Augusta, ME 04330
207-250-0220
www.growsmartmaine.org

2026
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**Testimony of Nancy Smith, CEO of GrowSmart Maine
Neither for nor Against LD 2173, An Act To Update The Laws
Regarding Housing Developments And Accessory Dwelling Units**

February 10 , 2026

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

GrowSmart Maine is a statewide non-partisan non-profit organization helping communities navigate change in alignment with smart growth. We advocate for smart growth policies and investments, share in thought leadership, host convenings, and provide technical assistance toward smart growth practices and outcomes. All this to ensure Maine communities are places where people feel safe, that they belong, and where they can thrive.

We appreciate the intention to make important corrections to legislation passed last year. Thank you to Rep Collamore for sponsoring the needed changes in last session's housing bill. Your attention to rural communities through the process of addressing the statewide housing crisis is commendable.

There isn't a box to check for testimony that is in support of portions of a bill but also urging the committee to make additional changes. Thus our testimony is neither for nor against. We support several aspects that clarify the language passed last year in LD 1829 and recommend additional changes to ensure state law removes barriers to housing development where it makes sense in the long term.

GrowSmart supports the testimony of Jennie Franceschi for the City of Westbrook. We request the committee make changes in two areas in Section 11

Section 11:

- **Subparagraph A** The broad definition of "other centrally managed" water systems and "other comparable" sewer systems has been deemed by Westbrook's land use attorney to be overly broad so that private systems outside of the likely intention of this bill would be included. We recommend striking those phrases from statute to clarify the intention is only public (including quasi-municipal) sewer and water systems. We recommend this change where it appears in other sections of the bill as well, such as Section 6.

- **Subparagraph B:** requires density be allowed in certain cases outside of designated growth areas. Requiring an allowance for additional density where there is water and sewer outside of designated growth areas makes the assumption every such area is appropriate for additional residential density and I'll note that there is nothing keeping communities from allowing this density without statutory direction. Public water and sewer capacity outside of a locally-designated growth area can be the result of environmental protection in sensitive areas, or a heritage industry location, or even a specific major employer or regional facilities.

A solution to this issue could be in discerning between residential areas on water and sewer that are adjacent to designated growth areas, and those where an exemption is appropriate. We support MAP's inclusion of areas at risk of flooding and other natural hazards as one such exemption. Others could include proximity to impaired watersheds, critical wildlife habitat, and significant rural features such as prime farmland and farmland of statewide or local significance. We are willing to work with others on drafting such language ahead of the work session.

We support:

- The portion of Section 6 that clarifies the height bonus for affordable housing projects is only up to a total building height of 55-feet. As noted above, we have the same concerns for areas outside of designated growth areas but with public water and sewer capacity.
- Numerous sections with corrections and clarifying language to better define the intent of LD 1829.
- We will note that changes to effective dates need to strike the right balance between timeliness to address the housing crisis, while allowing reasonable time for towns and cities to update their zoning and ordinances. This goes beyond tightening up a single ordinance, as this language reaches across multiple sections of ordinances, zoning maps, and even the comprehensive plan.
- In my conversations about this bill, I have heard a need to ensure towns and cities have sufficient resources for technical expertise to comply with these requirements. With recent updates to the Maine Zoning Atlas, it is clear that communities have a lot of work to do to even catch up with LD 2003. Let's make sure municipalities have access to a centralized center for these resources through the Maine Office of Community Affairs.

You all are keenly and appropriately focused on the challenges Mainers face in affording a place to live. I will remind you all that this important affordability focus is not helped when we require towns to allow density outside of their locally designated growth areas.

Cost of housing is one piece, but when the cost of living includes higher transportation costs for a family living far outside of designated growth areas, as well as increased property taxes to cover the costs of additional services required over a greater portion of the town, this requirement does Mainers no favors.