



PLANNING & CODE ENFORCEMENT

DATE: April 29, 2025

Senator Chip Curry
Representative Traci Gere
Members of the Committee on Housing and Economic Development - Room 206

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

Senator Curry, Representative Gere, and Members of the Committee:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook. I would like to provide testimony regarding LD 1272, with the recommendation of OUGHT NOT TO PASS, as written.

LD 1272's language is too broad a piece of legislation that subverts local zoning standards and fire safety regulations. In general, the use of term "accessory" is not being utilized with the legal implications that the term is intended for. The previous ADU Statute that was approved by the legislative as part of LD2003 was passed under the premise for use by Single Family homes. This bill completely removes that tie that municipalities collaboratively worked with the legislature at that time, to move forward a bill to help responsibly facilitate ADUs in our communities, under certain standards as an accessory use. The passage of LD2003 should be allowed to operate for a longer period of time before we make such major changes to the intent of the original bill. Additionally, this bill is not restricted to growth areas but would impact rural areas.

We are very concerned about the implications of this legislation. The issues we see with the bill are as follows:

1. **Attempts to remove sprinkler requirements on all 3 to 5-unit project**, which is in direct conflict with Maine Building Codes. This would also remove the ability to install sprinklers in locations outside of the hydrant limits due to the broad language.
2. **Mandates up to 3 ADUs** – The point of an accessory use is that is not more dominant than the primary use. This statute makes the ADUs the primary use on the parcel by allowing more than one, which is completely in conflict with the rules of accessory uses.
 - a. *There are conflicting sections of this bill that speak to fewer than 4, but then state more than 4.*
3. **Ability to Sell/Condo an ADU** – The point of an ADU was to help an existing owner with finances, or the ability to house family members in a separate unit more cost effectively. To provide the ability for an ADU to be sold renders the ADU no longer associated with the primary use as the units are separated. The term accessory is a legal term that means to be attached to another use so the accessory use can exist.
4. **Removes Owner Occupied** – With the removal of the owner occupied, this language is allowing these units to be solely commercial operations, but still allowing the flexibility for standards that otherwise do not apply to all other commercial based residential lots. This bill completely undermines standards necessary for commercial based residential uses.
5. **With the allowance of more ADUS, this bill mandates a 0-parking standard for all additional ADU units.** For 4 units, this Statute would only allow a municipality to require parking for the single-family unit. For an example in Westbrook, for 4 units we could only require 2 parking spaces, which is unrealistic. The standard proposed only works in the MOST urban environments where you have great access to transit modes and have ample on-street parking. The **0 standard does not work for our State** as Mainers have cars, and we are a rural state. We have duplex units on our Main St that have 8 cars in the driveway. We can see the need in our community and our residents need places to park their cars.

Residents park cars on lawns or in areas that were not intended for parking, because there is not enough parking even at our 1 space per unit standard. We also have many areas where there is no neighboring on-street parking to utilize, which is a major issue in Westbrook due to our road network. The thought that “the market will take care of parking” is just not reality we are seeing. Also, many areas are seeing these ADUs being used as short-term rental instead of the intention as needed affordable housing, which is even more problematic for renters and their vehicles.

Although we support housing initiatives, we find this bill is too broadly based and has significant negative implications for Maine communities, that we feel the bill sponsors were not intending to create. Having just been in Denver at the National American Planning Association conference, we were able to hear from California communities that have had these types of State Statutes placed upon them, and they were expressing negative local impacts that have resulted as a result of those blanketed State Mandates.

We would ask the committee to look at other bills that are currently in process to see how we can improve the housing process in the state without going to the extreme position this bill takes. There is a bill to allow up to 4 units/lots without local review to streamline this intent of this bill, without the major concerns raised above.

We thank you for your time and consideration of our comments and are willing to participate in future discussions.

Respectfully Submitted,

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