



April 29, 2025

RE: Testimony of Build Maine NEITHER FOR NOR AGAINST for LD 1272, An Act to Address the Housing Crisis by Reducing Barriers to Building More Accessory Dwelling Units

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

My name is Kara, and I am the Chair of Build Maine. We are a statewide group working to align fiscal, economic, environmental, and quality of life goals within our state through pragmatic and common-sense solutions to building our rural and urban communities.

Build Maine supports promoting a more predictable set of rules governing ADUs but continues to oppose easing restrictions on subdivisions outside of designated growth areas.

Areas of Support

We support limiting this bill to target the specific set of ADU restrictions that can be found across Maine:

- Preventing municipalities from requiring sprinklers in ADUs.
- Exempting ADUs from density requirements.
- Preventing own-occupancy requirements.
- Allowing ADUs on non-conforming lots.

Areas of Concern

LD 1272 allows for 5 (instead of 3) new lots to be created within a 5 year period without triggering subdivision review, regardless of location. This bill combines with LD 2003 to allow 3-4 dwelling units plus an ADUs on all lots. Put together, this effectively means that an existing rural lot could be divided into 5 lots, each with 3 new dwelling units plus an Accessory Dwelling Unit, for a total of 20 dwelling units across the 5 lots, all of which would be exempt from local subdivision review.

The one-size fits all approach encourages development of rural lands far from village and town centers, where land is less expensive, but where development is more costly for municipalities to service. As written, this bill is not in line with state goals of protecting farmland, forest land, or other working lands, reducing traffic on rural roads, and strengthening local tax base.

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This bill also implies that in communities with no site plan ordinance, these projects would be exempt from municipal review, similar to the approval of a single-family home, which only requires pulling of a building permit from a Code Enforcement Officer. This creates a concerning situation where large projects will have no review related to natural resources, infrastructure, stormwater, utilities, and off-site impacts.

Corrections to LD 2003

Build Maine agrees with the testimony of the Maine Association of Planners related to needed clarification around LD 2003. The below language would go a long way toward improving the law, reducing ongoing confusion, and reflecting the intent of the initial bill.

Sec. X2 30-A MRSA §4364-A

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which residential uses are allowed, including as a conditional use, a municipality shall allow:

- a) ~~structures with~~ up to 2 3 dwelling units, including accessory dwelling units, per lot ~~if that lot does not contain an existing dwelling unit~~, and,
- b) up to 4 dwelling units, including accessory dwelling units, per lot if that lot ~~does not contain an existing dwelling unit and the lot~~ is either

a. located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or,

~~a.b.~~ served by a public, special district or other centrally managed water system and a public, special district ~~or other comparable sewer system~~ in a municipality without a comprehensive plan.

~~A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 3 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.~~

Sincerely,

Kara Wilbur, Chair
Build Maine

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