



May 7, 2025

RE: Testimony IN SUPPORT of LD 1940, An Act to Revise the Growth Management Law

Senator Curry, Representative Gere, and Members of the Committee on Housing and Economic Development;

Please accept this testimony **IN SUPPORT of LD 1940**, An Act to Revise the Growth Management Law.

My name is Kara Wilbur and I am chair of Build Maine. I am a planner, developer, and modular dealer, building affordable housing in rural communities in the Western Maine and Mid-Coast Maine. Before that, I spent 15 years as a planning consultant, working nationally, regionally, and locally on comprehensive plans and updates to the restrictive zoning codes that have contributed to disinvestment in our downtowns and in-town neighborhoods and lead to the loss of rural lands. I have a graduate degree in master planning and community design. I was born in Waterville, am from Caribou, and grew up in Damariscotta.

LD 1940 is part of the Policy Action process led by Build Maine and GrowSmart Maine that includes people and organizations from a broad diversity of perspectives and professional backgrounds. The work on this bill started over 3 years ago and has involved hours of meetings, tracked documents, and emails with so many people who have contributed time and energy to this effort.

Going back further in time, over 12 years ago, myself and a group of national planners began first asking the question and then working to solve the problem of why comprehensive plans were sitting on shelves and not being implemented. We were seeing volunteers and staff dedicate countless hours and years of time on a process that seemed to have no purpose or meaning, and that left people deflated and frustrated. We saw ways to improve the practice based on our experiences and set out to try new approaches in various communities.

We produced the “10 Best Practices for Comprehensive Plan Reform”, based on a belief that comprehensive plans are foundational, they matter, and the way we do them needs to become

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less time-consuming, a more efficient use of people's time, and more effective at driving outcomes. What we found is that communities agreed. We worked with communities including Burlington, Vermont; Londonderry, New Hampshire; Lewiston, Newcastle; Topsham; Scarborough; and Casco to test new approaches and put ideas into practice. At the end of these projects, people were happy, excited, and ready for implementation.

LD 1940 brings forward ideas that we've seen communities demand and that has worked for communities of all sizes – a process that is low barrier, and a method that produces positive outcomes, both in terms of human relationships, but also when it comes to promoting housing and development.

Addressing the housing crisis

Comp plans matter right now more than ever. We have a housing crisis. **Any time we talk about housing, there are two main issues that come up - outdated, restrictive zoning and NIMBYism. Comp plans are the foundation on which we address these two issues.**

The reason that communities don't update their zoning is because you have to know what you're zoning *for*. And this is where the current framework for making comprehensive plans has failed our communities. Yes, you can make the easy fixes, such as reducing lot size to 5,000 sf, reducing setbacks, reducing parking requirements, and removing lot area per unit requirements. However, in order to achieve real reform of outdated zoning, instead of band-aids, there are questions that communities need to answer, such as: where do we want to target growth and what is the scale and intensity of that growth based on location. Answering these questions requires better mapping and more specific decision making - two things this bill proposes to leave time for.

Without knowing, for example, where people are comfortable with transformative development versus incremental development, for example, it's incredibly difficult for staff and elected officials to advance policy and regulatory changes that unlock housing opportunities. And so instead, our outdated and broken zoning remains in place.

In cases where communities have put forward zoning changes, based on abstract words and metrics, without deep community conversations and visuals that paint a clear picture of what is being proposed, zoning proposals oftentimes end up defeated, as we've seen recently happen in Bowdoinham. This is in contrast to Newcastle, where a complete zoning overhaul was supported as a result of the very specific planning work done in the broadly supported comprehensive plan. Zoning repair in Higgins Beach is another example of zoning changes supported by building type visuals and studies of potential building massing outcomes.

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People are not afraid of all change, they are afraid of bad change. They want change that will impact their community in a net positive way, change that balances the parts of their community that they value most. LD 1940 provides a path forward that creates predictability for communities and predictability and opportunity for people working to build housing.

You will hear today about many communities that engaged in a planning process that provided specific recommendations related to what the community wanted and where, and how that planning work direction led to implementation. Isn't this what we want, for towns to have the time and energy to come up with more actionable plans that they also have time and energy to implement?

Blobs of growth areas aren't actually permissive and aren't producing the housing we need.

While many communities have designated growth areas, the lack of specificity contained in statute has led many communities to map growth areas that are too broad and varied. On the surface, it might seem like large growth areas would be more flexible and permissive, and therefore allow for more housing production. But in reality these ill defined areas have effectively locked restrictive zoning in place. Without more specific and clear mapping that ties more accurately to both existing conditions on the ground and to proposals for new development, there is not sufficient information to justify or support zoning changes, and so the zoning changes don't happen. What this means is that the growth areas exist in the Comprehensive Plan only, with no zoning to back it up, leaving the one size fits all, low density, restrictive zoning from the 1970s, which continues to prevent sufficient housing development.

Instead of globs of growth areas, LD 1940 provides a menu of familiar kinds of places, such as downtowns and villages, as well as the ability for a community to define their own kinds of places. There is nothing prescriptive or top down about this approach. It provides a baseline set of common terms that are flexible and can be applied by communities with local discretion and modification to meet their needs. If you look at example plans, the use of placetypes varies widely, from the smallest towns, to the larger cities.

Specificity helps build housing

Planners have been using placetypes for decades, without calling them by that name. People know what a village is; they understand what it means to identify their downtown on a map. With more detail around that mapping, communities also can figure out how to adjust their local policies to achieve the unique objectives for different parts of town. This is the opposite of one-size-fits-all, and this more nuanced approach unlocks housing proposals and development.

People know they are having a housing crisis. Increasing housing options and choice has long been a priority in most Maine comprehensive plans. What we've lacked first and foremost is a Growth Management Act that gives towns the time, energy, and tools to dive into the issue.

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Where towns have made the herculean effort to both do the exhaustive state checklist and also do a deep dive on planning, the results have been effective, for communities as small as Long Island and Newcastle, to communities as big and resourced as Topsham and Lewiston. But people are exhausted at the end from spending so much money on a checklist they don't use and that yields no positive change.

We have heard concern that providing too much specificity in planning and mapping will create problems for communities when development proposals are brought forward that were not contemplated in the comprehensive plan. This concern is missing the point. The two major issues we have today that are blocking housing are NIMBYism (the fear of change close to home) and failure to update zoning. Both of these real and plaguing issues are a result of comprehensive plans NOT BEING specific enough. We have 20+ years of proof that this is the case. And we have no proof or legal evidence that more clear and proactive comp plans prevent good development from happening. The specificity is how we start breaking down issues of NIMBYism, and how we enable towns who have outdated and truly destructive zoning to gain public support for changing it. These are outcomes that we've SEEN happen.

Making planning about people not spreadsheets

The power of both home rule and comprehensive planning is bringing people together who have a shared understanding of place. But with today's law, once we get people together, we bludgeon them non-stop for 2 to 5 years. No one enjoys that, not the people on the comp plan committee, not the consultants, not the planning staff.

What we're suggesting with LD 1940 is that when we bring people together, we empower them to talk, solve problems, have conversations where people actually listen to each other, make decisions, and move ideas to action. This is what people want. And this is what actually what we've seen happen when we let it, and encourage it.

Many people are used to the current process, but they will enjoy the process proposed in LD 1940 because it's fun, it feels important, and the work has a clear purpose.

This bill intentionally shifts from a focus on an exhaustive checklist to a locally-driven conversation about key issues, and where and how people want to approach change in different parts of the community.

It's important to note that the exhaustive mandatory checklist, where towns spend 2+ years dutifully responding to each and every inventory question (most of which have little bearing on how to address critical local issues), is NOT normal. No other New England state has a 13-page checklist and such an exhaustive list of inventory requirements. It's insulting to municipalities to

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presume that people can't make meaningful, proactive, and effective comp plans without being told by the State which data they need to include and which policies they need to regurgitate.

Tested and successful strategies

The bill doesn't propose experimental ideas. LD 1940 is based on hearing what communities want and demand when they convene their Comprehensive Planning Committees, and watching them accomplish great outcomes when they are allowed to be in the driver's seat. We've heard people say over and over – we want a plan that helps us find a direction forward on housing, that provides more social connectivity in our community, that helps us protect our rural lands and open spaces, that makes our streets safer, that supports our local economy. And we've seen how people have stepped up and found solutions to these problems, how they have identified places that can accommodate significant growth, how they've agreed on allowing very high density in those locations, and how they've changed their zoning to enable significant housing (to an extent they never would have agreed to if a staff person tried to pitch the zoning change absent of the broader community conversation). After a locally-driven process has happened, where the end result is a clear proactive, action-packed plan, the mood is celebratory. People are excited about the future. They put forward bold ideas. They change their zoning. Isn't this what we want?

Change is hard, but critical

What we're talking about here today would require a change in the way we've been requiring municipalities to do comprehensive plans. Even though there is broad consensus around the idea that the current statute and checklist method is broken, there has been a NIMBY-like response in opposition to the kind of real change we need right now, and a surprising defense of the status quo.

LD 1940 is incredibly flexible, and NOT one-size-fits-all, it removes 13-pages of onerous checklist mandates, and goes much further than the MAP bill in ensuring those mandates don't happen behind closed doors as part of rulemaking. LD 1940 provides a path forward for reducing NIMBYism and helping support local zoning changes, in a way that is legally defensible and time-tested.

Here on the housing committee where there is deep understanding of the challenges facing our state, let's embrace change and allow comprehensive planning to become a sturdy foundation for more broadly supported housing and community building across Maine.

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LD 1940 - An Act to Revise the Growth Management Program Laws.

Prepared by Build Maine

Today GMA requires communities to spend significant time, energy, and money on collecting data and filling out a checklist. Despite GMA being outdated, many towns have taken additional proactive steps to plan.

LD 1940 is intended to focus efforts around local priorities, and planning in service of locally-driven outcomes.



The mandated one-size-fits-all data and policy checklist is onerous and ineffective. LD 1940 would allow municipalities to determine their own priorities and focus planning work on what matters most locally.

[illegible]

This is the current mandatory
It is very

This is the current mandatory checklist. It is very long.

The Proposal:

- 1. Convene a public engagement process.**
- 2. Analysis and Mapping:**
 - **Beginning with Habitat data and maps provided by Department of Inland Fisheries and Wildlife habitat conservation mapping program continue to be required, including critical and important natural resources. The remaining short list of required items can be described.**
 - **Mapping continues, with additional selection of flexible pre-defined placetypes as well as any other areas that communities want to locally define and map. Designation of growth areas and rural areas continues.**
- 3. Needs Analysis: Determine local needs.**
- 4. Goals: Determine local goals.**
- 5. Implementation: Determine implementation strategies to enact the plan.**

THE PROPOSED NEW GMA FRAMEWORK

Based on the kinds of places we have in Maine

Conservation Areas

- Conserved Land



Rural Areas

- Rural Backlands
- Adjacent Rural Land
- Rural Road
- Rural Farmsteads



Centers

- Downtown
- Adjacent Neighborhood
- High Impact Corridor
- Village
- Rural Center



Suburban Areas

- Suburban Road
- Advanced Suburban Area



Today, municipalities are doing visioning work to gain consensus around intentions for conservation, rural areas, and new development.

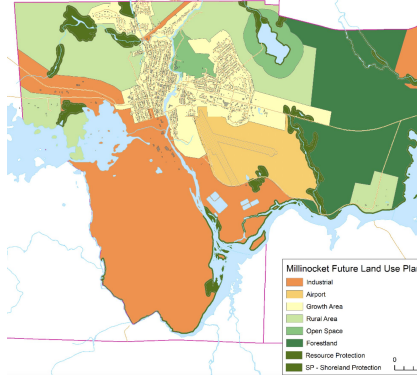
And community members are generating policy recommendations to support the local vision.



Casco public visioning process for comprehensive plan.

Municipalities are already doing mapping in the way proposed by LD 1940, because it intuitively makes sense to people.

Millinocket Future Land Use Plan



Bath Targeted Growth Areas

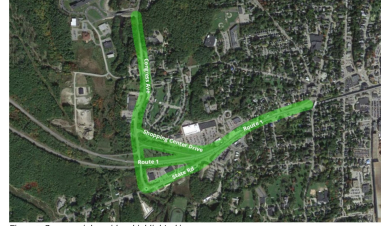


Figure 1: Commercial corridors highlighted in green

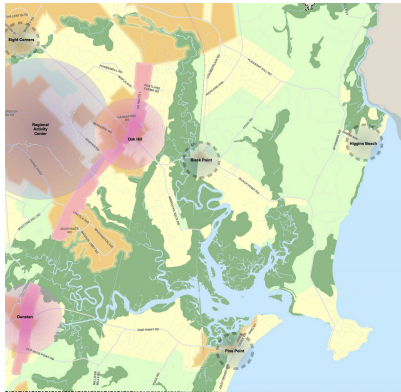


Figure 5: Waterfront

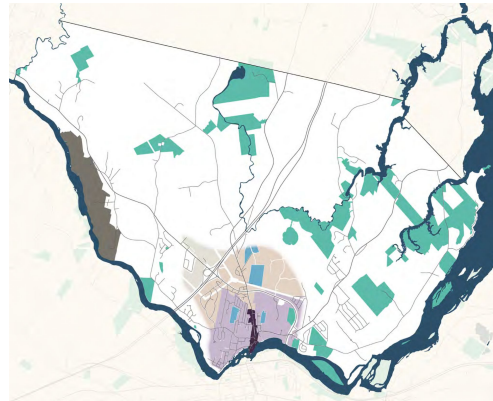


Figure 3: Downtown Triangle & Bath's Central Core

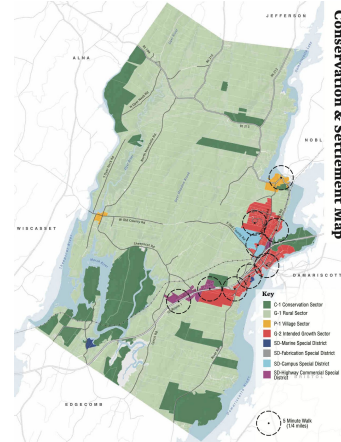
Scarborough Conservation & Growth Map



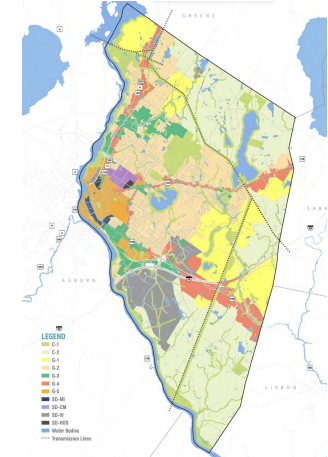
Topsham Conservation, Preservation & Growth Map



Newcastle Conservation & Settlement Map



Lewiston Conservation & Growth Map



The following pages show excerpts from comprehensive plans that illustrate proactive planning, above and beyond what is required by the state.

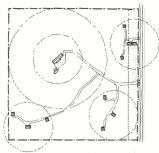
In many towns this in-depth planning is what people care about most. The required checklist is an afterthought, because it doesn't respond to priority issues.

LD 1940 takes its lead from the work communities are *choosing* to do - bold work, that is addressing real needs.

CASCO

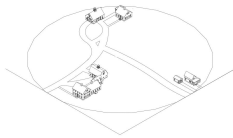
Placetype: Farmstead

Provides opportunities for rural housing and community facilities.



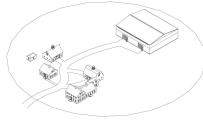
ADOPT RURAL PLACE TYPES

- Rural place types can encourage development to organize in low impact ways on the rural landscape, while providing opportunities for limited development. Other benefits include: 1. reduced upfront infrastructure costs to service the site and long term costs to maintain infrastructure; and 2. flexibility to position buildings and site improvements in the most optimum locations on a property.
- Residential dwellings, commercial and home-based entrepreneurial activities, resource-based business, and recreational activities could occur compactly on a site without causing land to be divided into small increments. A landowner could create a small family compound and choose to divide just enough land to accommodate the new house and improvements. It also allows rural-based commercial activities without opening all lands up to commercial rights. This zoning tool discourages sprawl and the fragmentation of land in a voluntary way - landowners can choose to declare a compound, or simply continue to follow the requirements of the Residential zoning district.



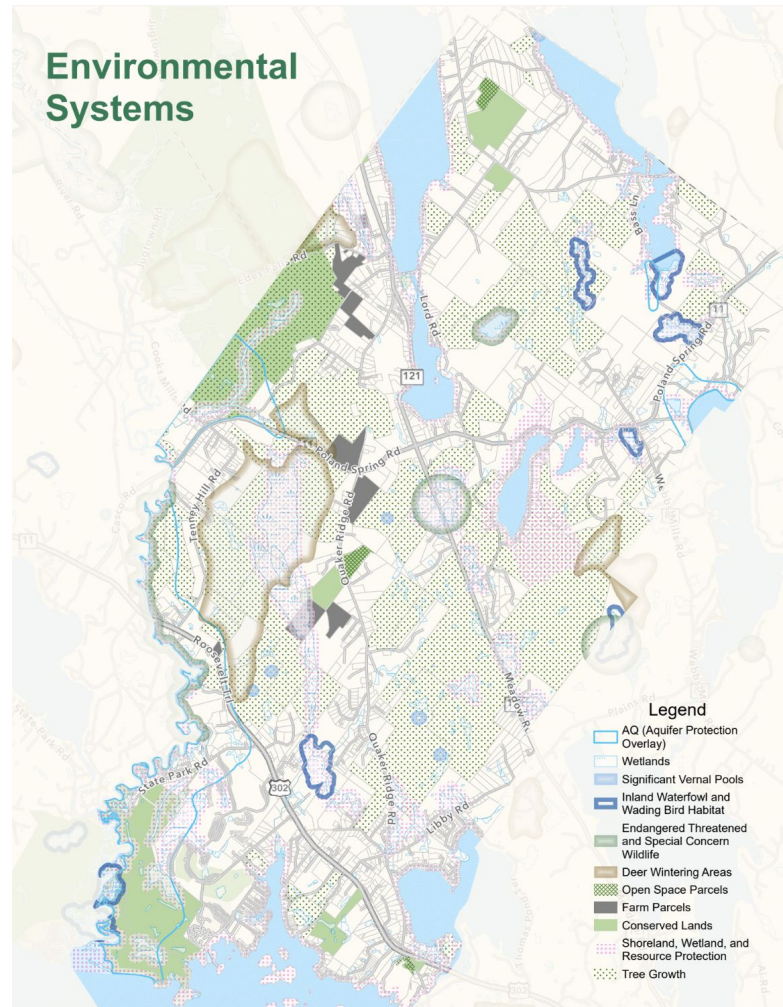
ADOPT A SMALL COMPOUND RURAL PLACE TYPE

- Medium-sized lots allow for the more dense arrangement of buildings in the character of traditional rural farms, with buildings grouped together to efficiently meet residential and working needs.
- Allow increased density and uses without altering the underlying zoning.
- Results in development that maintains a rural character while creating real estate value, economic activity, and housing opportunities.
- To establish a small compound, it requires a minimum 5 acre lot with a minimum of 250' of frontage on a street.
- All buildings within a small rural compound must be located entirely within a circle 250 feet in radius. This circle defines the boundary of the small rural compound and must meet all district setbacks.
- Up to four dwelling units can be created without physically subdividing the property. Theoretical lot lines are used to site buildings and verify building setbacks, which are reduced from underlying zoning.



ADOPT A LARGE COMPOUND RURAL PLACE TYPE

- Large lots allow for the more dense arrangement of buildings in the character of traditional rural farms, with buildings grouped together to efficiently meet residential and working needs.
- Allow increased density and uses without altering the underlying zoning.
- Result in development that maintains a rural character while creating real estate value, economic activity, and housing opportunities.
- Large rural compounds are only allowed on lots 10 acres or greater with a lot width of at least 500 feet along an existing thoroughfare.
- All buildings within a large rural compound must be located entirely within a circle 250 feet in radius. This circle defines the boundary of the large rural compound and must meet all district setbacks.
- Up to seven dwelling units may be created without physically subdividing the property. Theoretical lot lines are used to site buildings and verify building setbacks, which are reduced from underlying zoning.



PATTEN

Placetype:
Rural Center

Provides new
housing and
community facilities.



Left: Existing conditions.

Right: Potential improvement of community space,
strengthening the intersection.

ISLAND FALLS

Placetype: Rural Center

Part of regional plan to strengthen communities and add tax base.



Left: Existing.

Right: Proposed infill for new housing and mixed-use development

GRAY

Placetype: Village

**Building / block plan
illustrating the community's
vision for more housing and
safer streets.**



Grey Village Center plan, which imagines new housing, business space, and jobs. For this plan to move forward a coordinated effort between the state₁₂ and the town is needed.

WINDHAM

Placetype: Proposed New Village



CASCO

Placetype:
Proposed New
Village

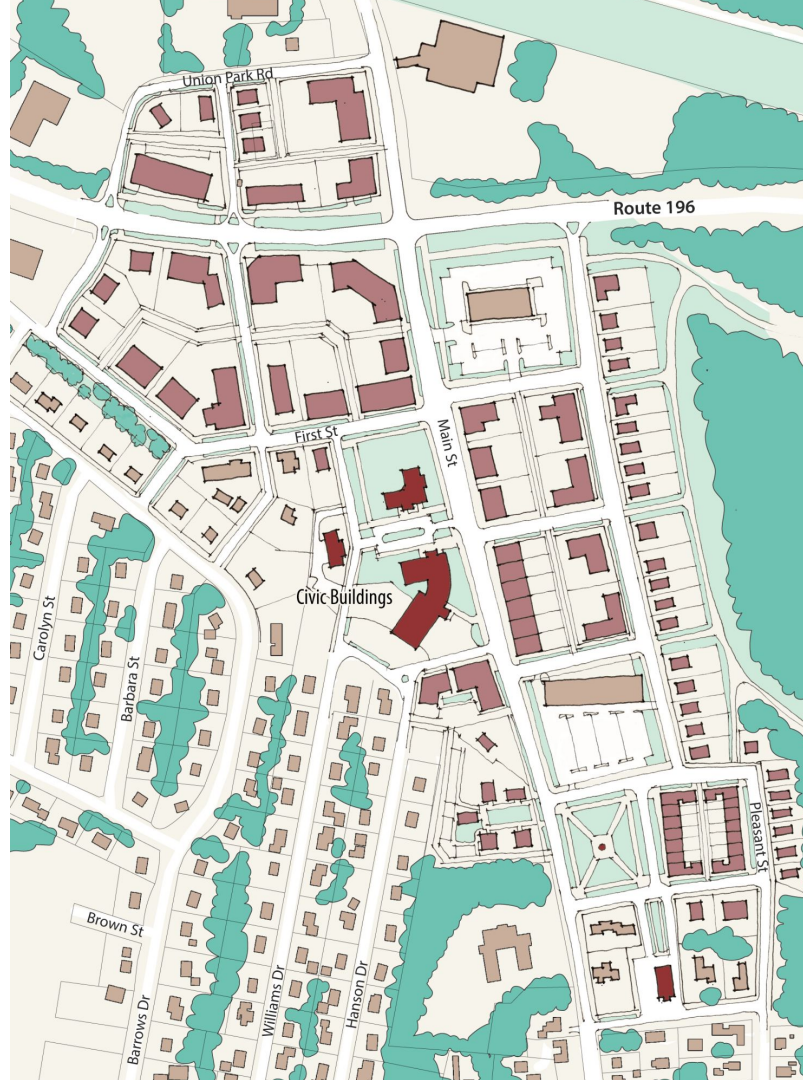
New housing
around civic
buildings.



TOPSHAM

Placetype: Village

Plan for infill development.
Zoning updates underway.



TOPSHAM

Placetype: Proposed New Village

Zoning updates underway.



NEWCASTLE

Placetype: Village

Zoning updated and
development happening.



FREEPORT

**Placetype:
Downtown**

**Plan showing local
vision for infill
housing and
development.
Zoning amendments
in progress.**



WINDHAM

Placetype:
High-impact
corridor



Existing conditions



Potential incremental infill above, and future redevelopment below.

LEWISTON

Placetype: High-impact corridor

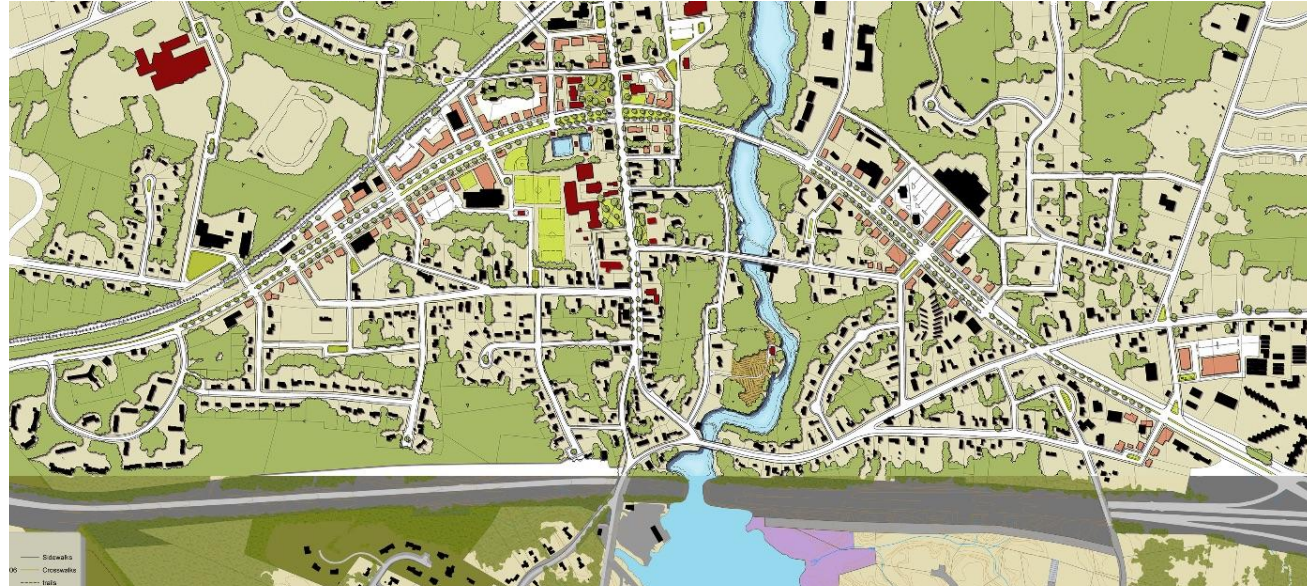
Illustration from comprehensive plan showing new infill



YARMOUTH

**Placetype:
High-impact
corridor**

**Plan that
informed
updates to
zoning, which
has enabled
significant infill
development.**



YARMOUTH

Examples of
buildings
constructed
along Route 1
after the
updated code
was adopted.



NEWCASTLE

**Existing Placetype:
High-impact Corridor**

**Proposed New Placetype:
Adjacent Neighborhood**

**New housing within
walking distance of
village.**



Route 1 Master Plan, Newcastle

All of these projects reflect the ideas of hundreds of Maine people who invested time and energy on meaningful planning that was important to their communities.

The work that has happened in towns across the State is proof of concept that LD 1940 provides a flexible and dynamic framework for locally-driven, results-based planning.



Illustrative drawing of rural center infill.

We urge your support of LD 1940 - An Act to Revise the Growth Management Program Laws

Planning images by:

Aceto Landscape Architects
North Star Planning
Principle
Town Planning & Urban
Design Collaborative