

February 10, 2026

Senator Chip Curry

Representative Traci Gere

Members of the Committee on Housing and Economic Development, Room 206

RE: LD 2173 – An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units and Implementation workload under LD 1829 (Public Law, Chapter 385)

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

My name is Stephen J. Puleo, and I serve as the Director of Planning for the Town of Windham. Thank you for the opportunity to provide testimony for the Committee's February 10 work session on LD 2173. Windham is neutral on LD 2173 as drafted. Our testimony focuses on implementability and local impacts, particularly in light of the new statewide housing mandates adopted in LD 1829 and the additional adjustments proposed in LD 2173.

Summary of Key Municipal Impacts (LD 1829 mandates + LD 2173 adjustments)

- Zoning and dimensional preemption: LD 1829 requires municipalities to allow at least 3 units per lot in any area where residential uses are allowed, and at least 4 units per lot in designated growth areas or where public water and sewer exist; it also limits how restrictive local dimensional standards may be for these additional units.
- Administrative workload shift: LD 1829 prohibits requiring Planning Board approval for 4 or fewer dwelling units within a structure, moving many applications to staff-level review and increasing the need for clear, objective, enforceable standards.
- Subdivision/site plan threshold changes: LD 1829 modifies the subdivision definition and triggers (including for divisions of structures), requiring towns to review and update local subdivision and site plan review ordinances and internal processes.
- Rate-of-growth recalibration and timing: LD 2173 (as drafted) would adjust rate-of-growth ordinance review and baselines and may require redesign of existing growth management programs ahead of the January 1, 2028 effective date.

How Much Ordinance Work is Needed to Comply

Compliance is not a single amendment. It is a coordinated package of zoning, subdivision, and permitting changes. Based on an initial scoping review, Windham anticipates needing to complete a full ordinance "crosswalk" against LD 1829's mandates, followed by multiple ordinance amendments and administrative updates. At a minimum, that work includes:

- A town-wide zoning district audit (district-by-district) to verify compliance with the 3–4 units-per-lot minimums, lot-size and density caps, and the prohibition on applying more restrictive dimensional standards to multi-unit housing than to single-family housing.
- Revisions to our Land Use Ordinance definitions, dimensional tables, and housing-related performance standards to ensure each district's standards align with state requirements and are written as objective, ministerial criteria where Planning Board review is limited.

- Updates to subdivision and site plan review thresholds, application forms, checklists, and internal workflows to reflect the revised subdivision triggers and to avoid inconsistent treatment of structure divisions and small multi-unit projects.
- Administrative permitting redesign: shifting a larger share of applications from Planning Board review to staff review requires new written procedures, staff training, and public-facing guidance to maintain predictability and transparency.
- Training and policy updates for municipal reviewing authorities and boards consistent with new state training requirements, plus coordination with fire, plumbing, and code enforcement staff given the state's direction on sprinklers and wastewater-related occupancy sign-offs.

In practical terms, municipalities will need to touch many interconnected sections of local code (zoning districts, definitions, site plan review, subdivision review, and administration). For Windham, that likely means multiple ordinance amendments adopted through the Planning Board and Town Council process, plus substantial staff time for legal review, public outreach, and implementation materials. As an initial estimate, this equates to revising or adding roughly 10–15 ordinance sections, plus associated application materials, checklists, and staff procedures.

Request: One-Year Extension to July 1, 2027

To reduce compliance risk and allow for careful public process, Windham respectfully requests that the Legislature provide municipalities one additional year—setting a uniform compliance date of July 1, 2027—to complete the ordinance updates needed to meet the LD 1829 housing mandates and any changes adopted through LD 2173, exempt ROG amendments. This additional time would allow towns to complete ordinance audits, hold required hearings, coordinate with state guidance, and implement staff-level procedures without creating inconsistent or legally vulnerable local standards.

Recommendations

- Finalize the state-issued guidance and model ordinance language for LD 1829 compliance (3–4 units per lot, dimensional standards, and administrative review pathways).
- Clarify that municipalities retain authority to address non-wastewater local impacts (e.g., stormwater management, traffic, and infrastructure capacity) through objective standards and standard review criteria via a staff review process.
- Adopt a one-year extension, establishing a new municipal ordinance compliance deadline of July 1, 2027, for implementation of LD 1829, while retaining the ROG amendments contained in LD 2173.

Thank you for your consideration.

Respectfully Submitted,



Stephen J. Puleo
Director of Planning
Town of Windham, Maine