

Christine Bennett
Eliot, ME

Testimony on LD 2173
An Act to Update the Laws Regarding Housing Developments and Accessory Dwelling Units

DATE OF HEARING: February 17, 2026

Senator Curry, Representative Gere, and distinguished members of the Committee on Housing, my name is Christine Bennett. I am the current chair of the Eliot Planning Board and former co-chair of the Eliot Comprehensive Plan Committee, I am writing to you on my own behalf and I thank you for the opportunity to submit testimony on LD 2173.

I will start by extending my appreciation for your effort to address the housing crisis facing the State of Maine. I ask that you seriously consider the comments from the citizens such as myself who will be required to implement them into their municipal ordinance.

I support the timeline of extensions incorporated in this legislation. I am opposed to several of the *“critical changes” that must go into effect as soon as possible to allow municipalities to implement the Legislature's intent and remain in compliance with the law*, that introduce new measures for communities to address.

§4360. Rate of growth ordinances 3. Ordinance requirements.

- B. Changing the per annum rate of increase of growth permits from 5% to 30%
 - o Compounded over a 10-years, this could elevate growth permits in Rural Districts by 1,287% in the next decade.
 - o This pushes very hard on the scales of future growth toward our rural areas for communities such as Eliot that have differential growth caps for their rural districts and no growth caps for their designated growth areas. **This provision essentially eliminates smart growth planning for Eliot in the next decade.**

- **I oppose this provision and ask that it be withdrawn and granted further consideration.** It does not appear on its fact to “present a critical change to allow municipalities to implement the Legislature’s intent.”
- C. Eliminating the bonus growth permits for affordable housing units (from LD1829) DOES need C.-1 exempting affordable housing from the growth permit structure.
 - **I support this measure.** This appears to clearly meet the intent of emergency legislation.

Sec. 7. 30-A MRSA §4364, sub-§5, as amended by PL 2025, c. 385, §6 and affected by §23, is further amended by repealing the first blocked paragraph and enacting the following in its place:

- “A municipal ordinance may not require minimum standards for subsurface wastewater disposal systems other than what is required pursuant to rules adopted by the Department of Health and Human Services governing subsurface wastewater disposal pursuant to Title 22, section 42. “
- **I strenuously oppose this provision for reasons I will outline below.**

- **Maine’s minimum depth to groundwater or restrictive layer standard for subsurface wastewater is the lowest in the country.** At the same time Maine and New Hampshire have the highest reliance on groundwater for drinking water in the country.

Minimum Depth to
Groundwater for Subsurface
Waste Disposal

Maine	9 inches
New Hampshire	24 inches
Massachusetts	48 inches
Vermont	18 inches
Rhode Island	36 inches
Connecticut	18 inches
Quebec Province	43.2 inches

- Many communities around the State have adjusted this minimum upward as their population increases and septic systems become a more prevalent source of pollution. Eliot lags its neighbors in southern Maine on this front and we intended to address it in a near term Town Meeting cycle.
- **I think it bear repeating and stressing that the “Comparable Sewer Systems” introduced in LD 2003 that require municipal allowance for increased density are septic systems,** engineered to DHHS standards and requiring DHHS approval of design before a local plumbing inspector can approve them.
- **No one, not DHHS and not the municipality unless they explicitly require it in their ordinance, has any future oversight over these systems.** Are they maintained according to the schedule for pumping DHHS set forth in the design? No one knows. After decades of use, are they being inspected and repaired? What many communities do know is that they fail

spectacularly when neglected. Under the current system, we just have to hope that the HOA or Mobile Home Park owner will do the right thing and routinely pump and inspect them.

- Eliot currently has an instance of one of these failures **where sewage is sitting on the surface, residents are forced to walk through it to enter their homes and it represents a real and present health hazard.** Eliot's hands are tied. Our ordinance hews to the rules adopted by DHHS for subsurface disposal and defers to DHHS on these systems. In the 7 months since DHHS became aware of this situation, nothing has happened and Eliot's hands are tied.
- Eliot has drafted ordinance amendments to require that owners of these systems must submit proof of the required periodic inspection and pumping of their "Comparable Sewers". **This provision in LD 2173 makes that illegal.**
- Why does this committee feel that it is an "emergency" to prohibit local plumbing inspectors to require proof that these systems are being utilized as designed?
- Why does the committee feel that it is an "emergency" to prohibit municipalities to adjust the minimum depth to groundwater for subsurface wastewater systems to meet local conditions and come closer to the national average for modern systems of 12-24 inches depending on soil conditions?

Thank you for your time and consideration.

Sincerely,
Christine Bennett
Eliot, ME