

February 24, 2026

Town of Brunswick Planning & Development Dept. Proposed Changes to LD 2173, An Act to Update the Laws Regarding Housing Development and Accessory Dwelling Units

Note to Reader: The recommended changes below are redlined to the original bill presented at the public hearing held on February 17, 2026. Editorial discretion was exercised for clarity and brevity. All suggested changes to existing statutes in LD 2173 are accepted in this version; sections with no recommendations are not included or omitted. Brunswick planning staff recommended language is shown in red font, with brief explanations above the applicable sections. We hope legislators consider incorporating both recommendations.

RECOMMENDATION 1:

Comments: As written, the amendments in LD2173 on §4360 (Rate of Growth Ordinances) focus on designated growth areas and designated rural areas, however, the Growth Management Act also describes transitional areas, which are not addressed. Brunswick planning staff recommend updating this language generally to clarify that a municipality may be allowed to enact a Rate of Growth Ordinance that sets different limits *outside* the designated growth area to eliminate any potential confusion. Staff also recommend further specifying that a rate of growth ordinance limited to designated rural areas may be allowed to reinforce that a townwide rate of growth ordinance is not necessary to regulate just rural growth.

Recommended Amendments:

§4360. Rate of growth ordinances

[Section 1 and 1-A Omitted]

2. Differential ordinances. A municipality may enact rate of growth ordinances that set different limits on the number of building or development permits that are permitted outside the designated growth area in designated rural areas, or enact a rate of growth ordinance that applies in its designated rural areas only. A municipality may not enact or enforce rate of growth ordinances that limit residential development in designated growth areas, as defined in section 4301, subsection 6-C, except as authorized by subsection 3.

RECOMMENDATION 2:

Comments: As noted in the testimony of Brunswick Town Councilor Steven Weems, using a higher percentage multiplier on recent growth as a basis for establishing the minimum amount of growth required in a rate of growth ordinance can be punitive for municipalities, such as Brunswick, that have experienced rapid recent housing growth. In higher-production communities, this approach diminishes the effectiveness of rate of growth ordinances by locking municipalities into progressively higher minimum growth thresholds each time the

standard is recalculated every three years. Further, staff believe that a rate of growth ordinance adopted for rural areas should not be subject to the same requirements as the entire town. At the public hearing, the committee co-chair expressed interest in considering an alternative metric.

Brunswick planning staff support the following two possibilities: 2a.) that the higher metrics used in calculating minimum permits only applies in the designated growth area or alternatively; 2b.) bifurcating the metric so that under a rate of growth ordinance the minimum number of permits for areas outside the designated growth area would not be increased, and the higher metric would only apply to the designated growth area. Each approach is outlined below.

2a. Recommended Amendments:

3. Ordinance requirements. A municipality may adopt a rate of growth ordinance only if:

A. The ordinance is consistent with section 4314, subsection 3;

B. Within the designated growth area only, ~~the~~ the ordinance sets the number of building or development permits for new residential dwellings at 130% or more of the mean number of total permits issued for new residential dwellings within the municipality during the 5 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 5 years and then dividing by 5.

[Sections C-1 – E Omitted]

2b. Recommended Amendments:

3. Ordinance requirements. A municipality may adopt a rate of growth ordinance only if:

A. The ordinance is consistent with section 4314, subsection 3;

B. The ordinance sets the number of building or development permits for new residential dwellings at no less than the following: ~~130% or more of the mean number of total permits issued for new residential dwellings within the municipality during the 5 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 5 years and then dividing by 5.~~

i. Within areas outside the designated growth area, 105% or more of the mean number of permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 10 years and then dividing by 10

ii. Within areas within the designated growth area, 130% or more of the mean number of permits issued for new residential dwellings during the 5 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 5 years and then dividing by 5

[Sections C-1 – E Omitted]