

**City Administration &  
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January 12, 2024

Honorable Teresa Pierce, Senate Chair  
Honorable Traci Gere, House Chair  
Joint Select Committee on Housing  
100 State House Station  
Augusta, ME 04333

Re: LD 1864, An Act to Increase Maine's Housing Supply by Prohibiting Certain Zoning Requirements in Areas Where Public Sewer and Water Infrastructure Are Available and in Designated Growth Areas

Senator Pierce, Representative Gere, and distinguished members of the Joint Select Committee on Housing:

Thank you for this opportunity to submit a letter neither for nor against LD 1864. Based on the language from the Legislature's website, we are left with some pressing questions we are hopeful you will consider during your work session and throughout the next steps of the legislative review process, as follows:

Regarding Sec. 1. 30-A MRSA §4364-D, subsection 2 "Residential areas where municipal sewer and water available."

- Based on our reading, this section would require 5,000 square foot lot sizes in designated growth areas connected to sewer and water and would restrict the amount of parking a municipality can require for housing. We are hopeful the following questions will be considered:
  - How will this new requirement mandating smaller lot sizes interact with recent requirements of LD 2003? It seems from our perspective that more data on how LD 2003 is working would be vital to this question.
  - This section would also require certain parking maximums, which may cause some concerns in growth areas throughout communities. As the Committee knows, each community has different types of growth areas, and not all are urban, and may not have the ability to accommodate this level of parking maximum. Additionally, how would collaboration work with transit agencies to ensure service accommodates growth areas where on-street parking may not be available?
  - Could the statement about impact fees in subsection D be clarified?
  - Could it be clarified that the "proof of adequate service" be issued from the relevant utility provider?

Regarding Sec. 1. 30-A MRSA §4364-D, subsection 3 "Residential areas where municipal sewer and water not available; located in designated growth area."

- Based on our reading, this section would require 20,000 square foot lot sizes located in designated growth areas not connected to water and sewer services and would restrict the amount of parking a municipality can require for housing.
  - Will the Committee please consider some planning and design scenarios relative to these drafted provisions?

With the rapid change of housing legislation throughout the State, we are hopeful that these questions can help to provide some additional dialogue on potential, unintended considerations of this proposed legislation. We would be happy to answer any questions about this information.

Sincerely,

*John P. Bohenko*

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