



PLANNING & CODE ENFORCEMENT

DATE: January 3, 2024

Senator Teresa Pierce

Representative Traci Gere

Members of the Joint Standing Committee on Housing - Room 216

RE: LD 1672 Act to Establish an Affordable Housing Permitting Process (Date of Public Hearing 01.05.24)

Senator Pierce, Representative Gere, and Members of the Joint Standing Committee on Housing:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook. I, Daniel Stevenson, Director of Economic Development, and Rebecca Spitella, Senior Planner would like to provide testimony on behalf of Westbrook regarding LD 1672, *Act to Establish an Affordable Housing Permitting Process*, with the recommendation of **OUGHT NOT TO PASS**. Westbrook is concerned about **the legislation as it would:**

Remove local municipal Planning Board review process & unreasonable maximum time limit for review.

Bill conflicts with State law on authority of review of local permitting. There is no public process afforded at the local level outside of a recommendation from the Board, if it can be provided within the time limits allowed for the review.

Remove all local land use provisions or standards. The legislation states this process would “only be used if a municipalities ordinance is inconsistent with its Comp Plan”, but then states the criteria for that determination being if a town has Land Use Standards in their ordinance such as: *Requiring lot size of more than 5,000 sf, or using any density standards, or more than 10’ setbacks, or if you require onsite open space, or have standards of greater than 0.66 parking spaces per unit.* These criteria are not a reasonable or rational tie to use in determining if a town is “inconsistent with its Comp Plan” and the criteria cannot be applied blanketly across the entire state, or even town wide.

Creates potential for backlog. It is highly unlikely that a State Review Board, being subject to all the municipalities of our State, would be able to conduct the substantive amount of work needed to review these projects and thereby could end up being a bottle neck in the process. One only has to look at the examples of the State Fire Marshall review and Maine DEP permit review, to see extensive review times for State Level reviewing authorities and how that would end up translating to a State level Planning Board.

Require addition of redundant State Review Staff. This new Board would need a staff team to assemble reviews and conduct the intake process for the Board which would require the creation of more State Staff Positions to conduct the review process which is normally addressed at a local level. This bill would need a fiscal note to be attached to the legislation which would be a duplicative cost back to municipalities where municipalities would now be paying for two staff teams for development review projects.

This proposal appears to be written with a specific community in mind, which we would suggest an advocacy group like Grow Smart Maine should reach out to that community to work on ways to improve that municipalities process vs trying to remove local democratic review in all communities across the state.

In summary, **we join Maine Municipal Association’s Legislative Policy Committee** in asking you **to vote against this bill.**

We thank you for your time and consideration of our comments.

Respectfully Submitted,

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Director of Planning and Codes

Rebecca Spitella, AICP
Senior Planner

Daniel Stevenson
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