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Testimony by Lynne Seeley for GrowSmart Maine
in support of LD 1312 " An Act To Remove Barriers to Accessory
Dwelling Units and Allow Accessory Dwelling Units where Single-
family Houses Are Allowed"

April 26, 2021

Senator Hickman, Representative Sylvester, and Members of the Joint Legislative Committee on Labor and Housing, I live in Yarmouth and I am a community planner serving on the Board of GrowSmart Maine. I have worked as a community planning consultant for over 30 years, with experience in smart growth practices, comprehensive planning, form-based codes, and public participation programs. I currently serve as Vice President of Maine Association of Planners (MAP), a statewide organization "dedicated to enhancing the practice of planning in Maine." I received the MAP Professional Planner of the Year in 2018. I am one of the GrowSmart Maine founding board members and chaired the original Education Committee for 5 years. The Committee published Community Guides on smart growth topics, including one on accessory dwelling units - [Accessory Apartments, An Affordable Housing Strategy](#).

GrowSmart Maine is a statewide organization devoted building lasting prosperity while protecting the quality of life that defines Maine. We support policies, programs and projects that define and protect the value of our unique built and natural places while supporting long term economic opportunity.

The need for housing choices has been, and ever more continues to be, an issue communities wrestle with addressing. We view accessory dwelling units (ADUs) as a valuable component of a community's effort to provide housing choices. ADUs offer a relatively straight forward, affordable option for accommodating housing needs that evolve from starter housing to aging-in-place over a lifetime. ADUs can provide a home for young people starting out

in a community, or for single adults not looking to own, to elders who want to stay in their homes but may need live-in assistance or extra income. ADUs address a range of housing needs, encourage diversity, and strengthen a community and a neighborhood.

The Community Guide I mentioned, [Accessory Apartments, An Affordable Housing Strategy](#), provides ADU guidance for municipalities and links to our [ADU Ordinance Overview](#), a summary

of municipal ADU ordinances as of Nov. 2015. There are over 20 communities with ordinances to allow ADUs.

We support the intention of this bill to allow ADUs in all municipalities where single family residential use is allowed. That said, it may create resistance from municipalities, as a *mandate*. As I mentioned, there are many communities already allowing ADUs. For other communities, it is likely it simply hasn't been a priority. So a state law may be helpful to create awareness, and a nudge to examine the benefits and allow ADUs. But finding a balance is important - to recognize existing, meaningful ADU ordinances, many of which have been "on the books" for years, while seeking to expand ADUs to other communities, to increase the benefits of ADUs statewide.

Perhaps this bill could be adapted to apply only where a municipality does not already have an ADU ordinance in place. This will accommodate the existing, working ADU provisions, which offer helpful examples, while also setting a statewide standard for broader adoption of ADU provisions.

In the meantime, we offer specific changes to improve the bill as written by ensuring the limitations on municipal control of ADUs are relevant and effectively address the likely concerns. **Specifically, we recommend:**

- The referenced ADU definition in 4301 1-c is very open ended. **The committee may want to clarify the intent and meaning of "accessory"**.
- Section 2.B. disallows a municipality from requiring side and back setbacks greater than 5 feet for newly constructed accessory dwelling units.
 - In general, keeping the existing neighborhood character is important in communities when adding an ADU; this includes mirroring existing setbacks rather than establishing different setbacks for the ADU. Many side and rear setbacks are greater than 5 feet (10-20 feet are common, more is not unheard of).
 - I recommend **requiring the same setback as for principal or other accessory structures would be more appropriate.**
- Section 2.D – notes that municipality may not require the owner of the single family (SF) dwelling to occupy either the SF unit or the ADU (except for Short Term Rentals STR).
 - From my work on GrowSmart's ADU Community Guide, the majority of communities with ADU ordinances include an owner-occupied (either the SF or the ADU) provision. It is an important provision that helps garner support for ADUs. An owner presence provides a sense of stability, even if only a perception.
 - I recommend **removing this language.**
- Section 2.E. disallows a municipality from prohibiting use of the single-family dwelling unit or the accessory dwelling unit as a short-term rental or vacation rental (STR)

- Many communities are struggling with and should have the option to prohibit them STRs. This is a hot button topic that can threaten support for ADUs. From my past ADU research, and in my own community (Yarmouth), this is an issue that communities want to be able to handle themselves. Many existing Maine ADU ordinances address this in one way or another, having worked through what is best for their situation.
- **I recommend removing this language.**

In closing, reflecting on my current experience in Yarmouth, where we are proposing changes to our ADU provision, our approach is to take things incrementally, not trying to tackle everything at once. If we try to “do it all” then we likely risk not making any progress with an ordinance amendment. We are purposely not taking on the STR issue, leaving that as a next step unless it comes up now and we are asked to address it. I would encourage this committee to do the same.

Thank you for this opportunity to share with you my experience on this important issue. I would be pleased to address any questions that arise from my testimony or more broadly at the public hearing.

Respectfully,

A handwritten signature in cursive script that reads "Lynne Seeley". The signature is written in dark ink on a light-colored background.

Lynne Seeley