



Planning & Code Enforcement

2 York Street
Westbrook, Maine 04092
Phone: 207-854-0638
Fax: 866-559-0642

PLANNING & CODE ENFORCEMENT

DATE: March 7, 2022

Senator Matthea Daughtry
Representative Mike Sylvester
Members of the Joint Standing Committee on Labor and Housing
Room 202 CB

RE: LD 2003 - An Act to Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

Senator Daughtry, Representative Sylvester and Members of the Joint Standing Committee on Labor and Housing:

My name is Jennie Poulin Franceschi. I am the Director of Planning and Code Enforcement for the City of Westbrook, and I would like to provide testimony regarding the proposed LD 2003 with the recommendation of OUGHT NOT TO PASS.

Although there are principals we agree with in this legislation, our hope is that there is ability to request further review and amendments to the document. I have titled each section with the header of the text section for reference.

Page 4 Line 8 Affordable Housing Density

1. City Staff would propose reorganization of the proposed text to place the “Affordable housing density” section under the “Priority Development Zones” Pg 8.

The reason for the reorganization of Affordable Housing Density section to be placed under Priority Development Zones would be to:

- Place denser development where the community can provide those resources needed to support affordable housing like public services, transit, etc.
- Place denser development where public sewer and water could be available to allow for the density bonus to truly provide the density incentive that developers need to make projects feasible & affordable.
- Avoid Environmentally Sensitive areas of a community where development should be reduced as dense development could negatively impact these areas. Also, Shoreland Zoned areas would need to comply with state standards vs the density bonus of the underlying district which is not clear in this document.

By placing the Affordable housing density into the Priority Development Zone section, it provides more context to the “Priority Development Zones”, otherwise the section doesn’t seem to have any real purpose other than to say where a community plans to develop and does not seem to monumentally different from the Comp Plan process of Growth/Rural areas to differentiate those areas a community wishes to grow in.

An alternative to this approach would be to insert in the affordable housing section under the section “2. Density Requirements” a tie to the “Priority Development Zone” where 2 ½ times the density and the parking requirement would make sense where services and transit are available. In more rural areas where transit options are not available, the parking standard would not be advisable as these residents would be car dependent.

There also needs to be a caveat for communities that already are providing density incentives to recognize those efforts were accomplished prior to the date of any adopted legislation.

2. The oversight of the 30-year criteria for affordable housing projects appears to fall to the municipality, which there doesn't appear a way to track this requirement and what happens to a municipality that doesn't know a project financing changed to eliminate the affordable rents? Who is held accountable? There doesn't seem like there is sufficient resources to track such items? Also, the rules to administer have not been determined yet, which municipalities should know before this rulemaking goes into effect.

Page 5 Line 37 Accessory Dwelling Units

Under section 3.E of this document, the proposed language eliminates parking requirements for an additional dwelling unit, we find to be problematic. Where this use can occur in any of our residential districts, transit or other forms of transportation are not necessarily available. As such, to never require an accessory dwelling unit to have their own off-street parking, will create a problem for the municipality where cars could be forced to park in the streets and can cause access issues or issues during snow bans where the cars have nowhere to go. Trying to reduce parking requirements is a step municipalities should be working on, but it is also good practice to ensure adequate parking for uses depending on location. In the instance of a 1-bedroom accessory unit, this would only be one additional space, which most single-family units that are putting in accessory units, have garages and spaces in front of their garage to provide the needed parking and in our community, parking is not a deterrent to the creation of new accessory units. To outright eliminate the parking requirement though, we see as a problem for municipalities and ask the committee's reconsideration of this item as the problem will fall back on municipalities.

Page 7 Line 21 4364-E. Municipal Housing Development Permit Review Board

This new Board seems to be stepping into a role that otherwise would be the role of the Zoning Board of Appeals or the Courts in most municipalities to review the merits of an appeal of a Planning Board decision. I understand the thought behind this, however this seems to be an overreach of the State into the municipal government process with no standards provided for this Board to review by nor authority to remand an item back to a municipality. As such, we would recommend this section be removed from the legislation to avoid conflicts with local established appeals processes.

Due to the speed at which this legislation has been provided, municipalities have not had a real opportunity to review the impacts to their communities and also to be able to provide meaningful feedback on the language. I would suggest the item be sent to municipal planners with a drop-dead date to provide comments back to this committee on as there are unintended consequences to the municipalities of Maine that will occur from the language as provided.

If providing the Municipal planners an opportunity to provide feedback is not an option, then I summarize our requests for amendments as follows:

- 1) Relocate or tie the Affordable housing section into Priority Development Zone section.
- 2) Municipal oversight of the 30-year affordable housing requirement needs clarification.
- 3) Accessory Dwelling units should have a parking standard.
- 4) Concern on the creation of a new State Board that conflicts with the municipal appeals process.

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

Respectfully Submitted,

Jennie Poulin. Franceschi, P.E.
Director of Planning and Code Enforcement

Rebecca Spitella
Associate Planner