



## TOWN OF GRAY

Henry Pennell Municipal Complex  
24 Main St, Gray Maine 04039  
www.graymaine.org

OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager  
nrudy@graymaine.org  
(207) 657-3339

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March 3, 2022

Honorable Senator Matthea Daughtry, Chair  
Honorable Representative Mike Sylvester, Chair  
Maine State Legislature Joint Standing Committee on Labor and Housing

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

I write today on behalf of the Gray Town Council to submit **testimony regarding LD 2003, *An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.***

At their regular meeting on March 1, the Council reviewed materials submitted by House Speaker Ryan Fecteau to the Greater Portland Council of Governments (GPCOG) Executive Committee, of which Gray's Council Chair is a member, laying out nine broad points on which the legislation will be based. The Council supports the overall goal of increasing affordable, market-rate housing opportunities in Maine, and the underlying goals of addressing housing discrimination and relieving systemic and financial pressures that make affordable housing projects less attractive for developers.

Although Gray's Council supports the spirit of the Housing Commission's work and many of the ideas in LD 2003, they are concerned that the text of the bill leaves gaps in clarity and specificity that could lead to disastrous unintended consequences.

The Council strongly supports the proposal to provide technical & financial assistance to help municipalities make zoning changes that increase affordable housing, and the proposed creation of a three-year statewide incentive program for municipalities. Council also strongly supports the goal of strengthening Maine's Fair Housing Act by eliminating loaded and nebulous terms as legal bases for zoning regulations.

Council generally agrees with LD 2003's goal to remove obstacles to new affordable, market-rate housing opportunities in Maine, and to create priority development areas for these homes. The Town of Gray has already established priority areas through its Council-approved 2020 Comprehensive Plan, which was overwhelmingly supported by Gray citizens and approved by the state, and would suggest that using growth management plans is essential for directing development to those designated areas. However, Council remains concerned that **in the current draft bill, these goals are not sufficiently encoded in measurable outcomes** that would guide both developers and municipal officials toward a balance of growth management and new development.

Specifically in this regard, the Council does not support the goal of the bill to eliminate single-family zoning restrictions in all residential zones across the State. At the GPCOG meeting, Speaker Fecteau advised that the bill's language would allow up to four residential units wherever a single unit is currently permitted. The Council asserts that new **residential construction should not be permitted on already non-conforming parcels of land**. Furthermore, the language as written may not promote density in priority areas strongly enough, and in fact **may push unwanted housing density to critical rural and environmentally sensitive areas** such as lakefront properties. In these locations, luxury price units (including accessory dwelling units or ADUs) may end up as short-term rentals and second homes rather than become available as affordable, market-rate housing.

Gray has experienced **extreme difficulties in achieving our transportation goals** including unresolved requests to Maine DOT to help us move heavy vehicle traffic out of our primary development areas and help us access state and federal highway funds that ostensibly should support exactly this kind of work. If LD 2003 opens all residential building lots to new development, without guidance and discretion including **a direct tie between transportation and housing priorities**, including priority highway funding to municipalities that embrace affordable housing, the bill will exacerbate sprawl, work against the state's growth management plan, work against local priorities for state road construction projects, and further degrade sensitive rural areas and surface water.

Gray has experienced significant residential construction pressure as the greater Portland real estate market has saturated. The Council asks that the state's programs be more directive in providing developers with incentives for **the kinds of housing that Gray citizens need**, and recommend approaches that would help us meet the state's market-rate / workforce housing needs, as well as opportunities for low income households. These developments should help provide a sustainable tax base to support community needs including the cost of local government, and not encourage costly

suburban sprawl. The GPCOG Executive Committee suggested to Speaker Fecteau that **the bill would be enhanced by defining metrics of “successful housing development”** for the state and municipalities to follow, which would help encode the spirit of the proposed bill into a letter of law that clearly defines the financing program goals, metrics, and scoring for assessing the proposed benefits of local / municipal projects applying for state funding. Measurable outcomes, which will establish a common understanding of how these programs can deliver the types of housing that the Commission identified as priorities for Maine’s people and economy to prosper, will ensure broader support for this bill and more success for the goals it seeks to advance. The Council suggests that giving municipalities time to learn how to implement these goals, along with the necessary technical support and incentives from the state, and a phased approach to implementing more prescriptive direction only if necessary, would be a more effective approach.

The Town Council is eager for Gray to participate in a housing development strategy that provides the resources and technical assistance local governments need to support sustainable, attractive, and sufficient housing to meet the needs of Maine people, and thanks the bill’s sponsors, this Committee, and the Housing Commission members for their continued efforts in this regard.

Respectfully yours,



Nathaniel Rudy  
Gray Town Manager  
On behalf of the Gray Town Council

CC: Gray Town Council  
Honorable Senator Catherine Breen, Maine State Senate  
Honorable Representative Susan Austin, Maine State Legislature  
Honorable Representative Steve Moriarty, Maine State Legislature