



JARED WOOLSTON, AICP  
LPC CHAIR & NNECAPA MAINE LEGISLATIVE LIAISON

Damon Yakovleff, AICP  
Maureen O'Meara, AICP  
Michael Foster  
Lee Jay Feldman  
Justin Barker, AICP, LEED GA, CNU-A  
Christian Roadman

## TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS TO THE COMMITTEE ON LABOR AND HOUSING

### WRITTEN TESTIMONY PROVIDED IN SUPPORT OF LD 1956 "RESOLVE, TO ESTABLISH A COMMISSION TO INCREASE HOUSING OPPORTUNITIES IN MAINE BY STUDYING ZONING AND LAND USE RESTRICTIONS"

DATE OF HEARING: Wednesday, February 12, 2020

**Honorable Senator Shenna Bellows, Honorable Representative Mike Sylvester,  
Distinguished Members of the Committee on Labor and Housing:**

My name is Jared Woolston and I am writing on behalf of the Maine Association of Planners Legislative & Policy Committee to testify in support of LD 1956. The Maine Association of Planners, or MAP, is an organization of over 100 members, including professional public, private, and nonprofit planners, citizen volunteers serving on local boards, and Mainers from other professions like attorneys, landscape architects, professors, and developers. Though our membership works in diverse settings, we are all dedicated to enhancing the practice of planning in Maine.

Zoning and other land use restrictions are adopted across the United States to provide equitable protections for landowners and their neighbors from land use activities that degrade neighborhood quality and impair public trust resources. Neighborhood exclusion, community detachment, and limited housing stock are all contributing factors to the available housing opportunities for all Maine citizens. The Commission established by this bill should promote zoning and land use regulations that encourage and allow badly needed new housing. Those regulations should be structured to plan for the typical impacts of new development, impacts which are often used to oppose housing designed to be affordable.

**MAP advises including a representative from a Maine smart growth planning organization on the Commission.** In addition to zoning and land use restrictions, smart growth techniques that consider economic and land use patterns to promote infill development and reduce public costs from well sited high density housing should be evaluated by the Commission. MAP suggests the Commission would benefit from specific knowledge of smart growth techniques including a general understanding of Maine

building practices, codes, and economic factors that contribute to the cost of housing for developers and prospective homeowners. Such economic information may include raw material cost fluctuations in global markets and the resulting construction costs in Maine, the applicability and cost implications of the Maine Uniform Building & Energy Code (MUBEC), the design standards for access roads and standards for water for fire suppression in the National Fire Protection Association (NFPA) codes and standards, costs to connect or extend to public utility infrastructure to supply drinking water and manage wastewater from residential development, and financing tools and tax incentives to retrofit existing buildings with new residential dwellings such as the State Historic Rehabilitation Tax Credit.

**MAP further advises the Commission to review the following areas of land use planning practice and law:**

Local

1. Single dwelling and duplex dwelling unit zoning (one [1] or two [2] units per parcel)
2. Multi-dwelling unit zoning (three [3] or more units per parcel)
3. Detached and attached Accessory Dwelling Units (ADU)
4. Site plan review authority for residential development that is not “subdivision” pursuant to the State subdivision law or Site Law;
5. Short term rental (Air BnB)
6. Local review authority for housing developments based on scale of development

State

1. Zoning Ordinances Title 30-A M.R.S. §4352 & Impact fees §4354
2. “Community living arrangement” as defined in Title 30-A M.R.S. §4357-A
3. “Subdivision” and exceptions pursuant to Title 30-A M.R.S. §4401 & 4402; and Site Law “subdivision” pursuant to Title 38 M.R.S. §482(5) & standards at §484
4. Site Location of Development Act
  - a. Municipal capacity pursuant to Title 38 M.R.S. §488(19)
  - b. Delegated review authority pursuant to Title 38 M.R.S. §489-A
5. Stormwater Management Law
  - a. Municipal capacity Title 38 M.R.S. §420-D(7)(C)
  - b. Delegated review authority
6. Natural Resources Protection Act (NRPA)
  - a. Delegated review authority pursuant to Title 38 M.R.S. §480-F
7. Mandatory Shoreland Zoning municipal authority; state oversight  
Title 38 M.R.S §438-A
8. “Minimum lot size required” Title 12 M.R.S. §4807-A



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### Federal

1. Fair Housing Act
2. Americans with Disabilities Act
  - a. MAP notes these two (2) laws preempt states (and localities) from discriminatory housing practices against individuals with disabilities.
  - b. MAP wishes to highlight the important work the Maine Association for Recovery Residences (MARR) does for Mainers that are recovering from substance use disorders including the advancement of standards and a code of ethics adopted by the National Alliance of Recovery Residences (NARR).

MAP would be happy to answer any questions you may have about our testimony and would be pleased to work with the Committee as it considers LD 1956.

Thank you for your consideration of our concerns.