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**TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS
TO THE JOINT STANDING
COMMITTEE ON LABOR AND HOUSING**

**WRITTEN TESTIMONY PROVIDED AGAINST LD #1884
"An Act to Create Affordable Agricultural Homesteads"**

DATE OF HEARING: Monday, February 14, 2022

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

My name is Charles Haeuser, and I presently am a community planning consultant having done planning for over 40 years at the local and regional levels. I am providing testimony on behalf of the Maine Association of Planners Legislative Policy Committee to testify against LD #1884. 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.

Given this bill's connection with the City of Auburn, I first would like to recognize and congratulate Auburn as being a leader in Maine in a number of smart growth planning policy areas. I also would like to acknowledge, related to this bill's intent, that overly restrictive minimum lot sizes and other land use regulations in some cases have been used in the past across the United States for discriminatory purposes.

However, the Maine Association of Planners feels that this bill opens up agriculturally zoned areas for development without the measures needed to actually produce affordable housing or prevent the harmful effects of suburban sprawl, and it thus fails in the intent behind the bill's title. We feel this bill would work to the detriment of agriculture and forestry at a time when PFAS contamination, sprawl, and climate change already challenge these important industries.



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In general, it is good planning practice for towns and cities to regulate their land uses to provide, on the one hand, for growth areas—those areas supported by infrastructure for the provision of housing, commerce, and industry—and, on the other, for open space areas for the purpose of natural resource protection, active and passive recreation, and farm and forestry activities. Yet this bill disadvantages current and potential farmers in areas appropriate for agriculture, while supporting development in areas without adequate infrastructure.

The restriction on a community's ability to set larger lot sizes for agriculture is a primary concern. While not a perfect tool, having a larger required minimum lot size of, for example, ten acres has been somewhat effective in slowing the pace of farmland loss in Maine and other states due to residential development. A municipality that is fortunate enough to still have some farming should have larger minimum lot sizes for its agriculturally zoned areas but also have strong incentives and higher density land use regulations to support residential development in its growth area(s).

A more effective way to actually create affordable housing is to set goals for how much housing must be created and then identify areas in the community where new housing aligns with good planning goals. New housing should be created in growth areas in town and village centers, or adjacent to existing neighborhoods with potential for extension of utilities such as public water and public sewer.

Part of the problem with this bill is that it has no requirements for what kind of residential development should occur with the elimination of farm-appropriate minimum lot sizes. The ostensible goal of the bill is affordable housing, yet no requirements for affordability standards are included. Nothing in the bill prohibits harmful development patterns: energy inefficient, expensive, tax base-negative single-family homes on two-acre lots with long cul-de-sac roads. There is no requirement for affordability or for funds to be paid by the developers in lieu of providing affordable housing. There is no mandatory requirement for clustering lots in the subdivisions in order to preserve open space.

Even if the bill had provisions like these to ensure that some housing and environmental objectives would be met, we need to ask if we can afford the loss of any more farmland at all. It bears repeating what we all know to be true—Maine is a food importing state and we are vulnerable to food shortages due to national and international political and economic changes, climate changes, long-distance distribution problems, etc. We need to





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be more self-reliant when it comes to food—as reflected in the “Maine Can’t Wait” goal of increasing local food consumption from 10% in 2020 to 30% by 2030—and we need to support our farmers and the quality of life they add to our communities. In just the last couple of weeks, we have been hearing about farms ceasing sales and herds being euthanized due to PFAS contamination. With all the challenges facing agriculture in Maine, this is not the time to be adding suburban sprawl to the list.

In closing, the Maine Association of Planners supports many of the recommendations from the Commission to Increase Housing Opportunities in Maine, including smarter density solutions such as eliminating single-family zoning restrictions in residential zones. However, we encourage housing solutions that focus on growth areas and that do not impact open areas to the detriment of other important goals like farmland preservation, natural resource protection, and climate change mitigation.

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 #1884.

