



**WESTBROOK CITY COUNCIL
HOUSING & ECONOMIC DEVELOPMENT
COMMITTEE MEETING
MONDAY, JANUARY 12, 2026 AT 6:00 PM
WESTBROOK HIGH SCHOOL (ROOM 114)
125 STROUDWATER ST.**



MEETING INFORMATION

Remote Participation Option Available. This meeting will be offered as a hybrid meeting, accommodating both in-person and remote attendance, in accordance with City Council's Remote Participation Policy. Visit <https://us02web.zoom.us/j/81700741385> to attend remotely.

I. ROLL CALL

II. LD 1829: AN ACT TO BUILD HOUSING FOR MAINE FAMILIES AND ATTRACT WORKERS TO MAINE BUSINESSES BY AMENDING THE LAWS GOVERNING HOUSING DENSITY

Discussion of LD 1829, presented by Jennie Franceschi (Director of Code Enforcement & Planning)

III. ADJOURNMENT

RESOLVE REGARDING LD 1829: AN ACT TO BUILD HOUSING FOR MAINE FAMILIES AND ATTRACT WORKERS TO MAINE BUSINESSES BY AMENDING THE LAWS GOVERNING HOUSING DENSITY

WHEREAS, the City of Westbrook recognizes that Maine faces a significant housing shortage that affects residents, workers, families, and the overall economic vitality of our communities; and

WHEREAS, the City of Westbrook is committed to being part of the solution to Maine's housing shortage and supports efforts to increase housing supply and affordability; and

WHEREAS, the Maine Legislature enacted LD 1829 in June 2025 with the stated intent of building housing for Maine families and attracting workers to Maine businesses by expanding allowable housing density statewide; and

WHEREAS, while the City of Westbrook supports the goals of increasing housing supply, the implementation requirements of LD 1829 present critical challenges that threaten our ability to manage growth responsibly and maintain the quality of life our residents expect; and

WHEREAS, the City of Westbrook has been a regional leader in housing production, averaging 160 units per year / having approved 1627 units in the last 10 years, yet LD 1829 treats all municipalities the same regardless of their demonstrated commitment to housing production; and

WHEREAS, the mandated density increases under LD 1829 threaten to exceed the capacity of existing municipal infrastructure to support new growth, including water systems, sewer systems, stormwater management, transportation networks, and schools, requiring capital investments that exceed local budget capacity and will require state financial support; and

WHEREAS, LD 1829 encourages growth outside of growth areas if served by water and sewer, but planning best practices have established new growth should be encouraged for growth areas, and areas of natural and rural value should be preserved; and

WHEREAS, the prohibition on growth caps in designated growth areas eliminates a critical tool that municipalities have used to align development with infrastructure capacity and comprehensive planning; and

WHEREAS, experience with previous housing density legislation (LD 2003) demonstrates that increased density alone does not guarantee affordable housing outcomes, with

multiple communities reporting that new development has produced expensive market-rate housing rather than workforce or affordable units; and

WHEREAS, LD 1829 requires repeated ordinance revisions and mandatory planning board training, imposing significant administrative and financial burdens on municipalities, particularly smaller and rural communities that rely on volunteer planning boards and lack dedicated professional planning staff; and

WHEREAS, restrictions on impact fees under LD 1498 prevent municipalities from funding the broader infrastructure upgrades necessary to support growth mandated by LD 1829, making it even more challenging for local taxpayers to support needed infrastructure; and

WHEREAS, the City of Westbrook has developed its comprehensive plan through extensive community engagement to reflect local priorities, environmental constraints, and a vision for the community's future, and LD 1829's one-size-fits-all approach undermines this locally driven planning process and the principles of home rule.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Westbrook hereby:

1. **Expresses significant concern** regarding the challenges LD1829 presents to responsible growth management, infrastructure planning, and comprehensive planning;
2. **Calls upon** the Maine Legislature to enact corrective legislation that:
 - Repeals LD1829 or delays the implementation of LD1829 until the following issues in statute are addressed.
 1. Removes the lot size and density mandates for areas outside designated growth areas that are served by public sewer and public water;
 2. Amend statute to allow the increased density only where served by traditional public water and sewer;
 3. Clarify the interaction between LD 1829's growth cap prohibition and the Rate of Growth law to prevent unintended sprawl in rural areas;
 - Creates a dedicated, multi-year state infrastructure funding program to support municipalities experiencing mandated growth;
 - Allows municipalities that meet growth requirements under the Growth Management Act to continue employing reasonable growth management tools;

- Strengthens affordability requirements;
 - Revises impact fee restrictions to allow municipalities to fund necessary infrastructure improvements; and
 - Provides adequate funding for technical assistance and capacity building for municipalities and regional planning organizations;
3. **Requests** that the Legislature work in partnership with municipalities, regional planning organizations, and municipal associations to refine the law, enhance state-municipal communication, and ensure that housing policy achieves affordability goals while respecting local planning authority and infrastructure constraints;
4. **Directs** the Administration to forward copies of this resolution to:
- Speaker of the Maine House of Representatives Ryan Fecteau
 - Westbrook State Senator(s): Tim Nangle & Jill Duson
 - Westbrook State Representative(s): Suzanne Salisbury, Drew Gattine & Morgan Rielly
 - Governor Janet Mills
 - Maine Municipal Association
 - Greater Portland Council of Governments

ADOPTED this 12th day of January, 2026.

David Morse, Mayor

Ellis Ledoux, Municipal Clerk

RESOLUTION 26-001
RECOMMENDATIONS FOR
MAINE LD1829 IMPLEMENTATION AND LEGISLATIVE REFINEMENT

WHEREAS, the Town of Scarborough recognizes that Maine faces a significant housing shortage that affects residents, workers, families, and the overall economic vitality of our communities; and,

WHEREAS, the Maine Legislature enacted LD 1829 in June of 2025 with the stated intent of building housing for Maine Families and attracting workers to Maine businesses by expanding allowable housing density statewide; and,

WHEREAS, the Town of Scarborough has already demonstrated being part of the solution to Maine's housing shortage with progressive zoning practices and acknowledges efforts to remove barriers that increase housing supply and affordability in other Towns and Cities within Maine with restrictive zoning practices; and,

WHEREAS, while the Town of Scarborough acknowledges the states' goals of increasing housing supply, the implementation requirements of LD 1829 present critical challenges that threaten our ability to manage growth responsibly and maintain the quality of life our residents expect; and,

WHEREAS, the Town of Scarborough has been a regional leader in housing production, with a rate of growth ordinance averaging 203 units/year, yet LD 1829 treats all municipalities the same regardless of their demonstrated commitment to housing production; and,

WHEREAS, the mandated density increase under LD 1829 exceed the capacity of exiting municipal infrastructure to support new growth, including water syst4ems, sewer systems, stormwater management, transportation networks, and schools, requiring capital investments that exceed local budget capacity and will require state financial support; and,

WHEREAS, LD 1829 encourages growth outside of growth areas if served by water and sewer, but planning best practices have established new growth should be encouraged for growth areas, and areas of natural and rural value should be preserved; and,

WHEREAS, the prohibition on growth caps in designated growth areas eliminates a critical tool that municipalities have used to align development with infrastru4re capacity and comprehensive planning; and,

WHEREAS, experience with previous housing density legislation (LD 2003) demonstrates that increased density alone does not guarantee affordable housing outcomes, with multiple communities reporting that new development has produced expensive market-rate housing rather than workforce or affordable units; and,

WHEREAS, LD 1829 requires repeated ordinance revisions and mandatory planning board training, imposing significant administrative and financial burdens on municipalities, particularly smaller and rural communities that rely on volunteer planning boards and lack dedicated profession planning staff; and,

WHEREAS, restrictions on impact fees under LD 1498 prevent municipalities from funding the broader infrastructure upgrades necessary to support growth mandated by LD 0829, making it even more challenging for local taxpayers to support needed infrastructure; and,

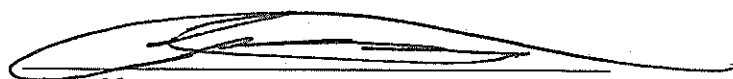
WHEREAS, the Town of Scarborough has developed its comprehensive plan through extensive community engagement to reflect local priorities, environmental constraints, and a vision for the community's future, and LD 1829's one-size fit-s all approach undermines this locally-driven planning process and the principles of home rule; and,


WHEREAS, the Town of Scarborough has completed a Town-wide community survey in December 2025 where 74% of respondents who had an opinion said Scarborough is growing “much too fast/too fast”, resulting in our lowest scoring questions on the survey with only 16.3% of respondents satisfied with how the town is managing residential growth.

NOW, THEREFORE, BE IT RESOLVED, the that Town Council of the Town of Scarborough hereby:

1. **Expresses significant concern** regarding the challenges LD 1829 presents to responsible growth management, infrastructure planning, and comprehensive planning.
2. **Calls upon** the Maine Legislature to repeal LD 1829 or delay its implementation until corrective legislation is in place that;
 - Creates a dedicated, multi-year state infrastructure funding program to support municipalities experiencing mandated growth;
 - Allows municipalities that meet growth requirements under the Growth Management Act to continue employing reasonable growth management tools;
 - Clarifies the interaction between LD 1829’s growth cap prohibition and the Rate of Growth law to prevent unintended sprawl in rural areas;
 - Remove the lot size and density mandates for areas outside designated growth areas that are serviced by sewer and water;
 - Strengthens affordability requirements that result in increasing deed restricted affordable and workforce housing;
 - Revises impact fee restrictions to allow municipalities to fund necessary infrastructure improvements;
 - Provides adequate funding for technical assistance and capacity building for municipalities and regional planning organizations;
 - Provides Maine State Housing Authority with proper authority and funding to support affordable and workforce housing projects without local financial support; and,
 - Ensures protection of our rural farmlands and conserves our environment particularly along the water ways contributing to the Scarborough Marsh.
3. **Requests** that the Legislature work in partnership with municipalities, regional planning organizations, and municipal associations to refine the law, enhance state-municipal communications, and ensure that housing policy achieves affordability goals while respecting local planning authority and infrastructure constraints;
4. **Directs** the Town Manager to forward copies of this resolution to:
 - Speaker of the Maine House of Representatives Ryan Fecteau
 - Scarborough’s State Senator(s): Stacy Brenner, Anne Carney
 - Scarborough’s State Representative(s): Kelley Noonan Murphy, Sophia Warren, Andrew Gattine
 - Governor Janet Mills
 - Maine Municipal Association
 - Greater Portland Council of Governments
 - Maine State Housing Authority Board of Commissioners
5. **Implores** other municipalities to express similar sentiments to protect home rule authority.

ADOPTED this 7th day of January 2026, on behalf of the Scarborough Town Council and the Town Manager of Scarborough, Maine.


Signed by: Cory R. Fellows
Council Chair


Attested by: Yolande P. Justice
Clerk to the Council

To: Speaker Ryan Fecteau
From: Greater Portland Council of Governments (GPCOG)
Re: Member Feedback on LD 1829
Date: January 8, 2026

Introduction

GPCOG appreciates the Legislature's commitment to addressing Maine's housing shortage through LD 1829 and the opportunity to engage in constructive dialogue with you about implementation. Our member communities acknowledge the urgency of expanding housing supply and share the state's goals of increasing affordability and choice. However, extensive feedback from municipal leaders across the region has identified critical implementation challenges that require legislative correction to ensure the law achieves its intended outcomes without unintended consequences.

Municipal leaders recognize the complexity of addressing housing affordability while maintaining the principles of smart growth and comprehensive planning that have guided development in our communities for years. We believe it is possible to hold multiple priorities simultaneously – increasing housing affordability, promoting smart growth, preserving natural areas, and expanding housing choice – but this requires approaches that account for local conditions and existing infrastructure capacity.

The approach should also respect and value the years of deliberate planning work done by our cities and towns and their residents. The current law takes an overly broad approach that does not allow for the balance needed to achieve these multiple goals effectively.

The following recommendations reflect the highest priorities raised by GPCOG member communities at two regional listening sessions and extensive input from municipal staff and elected officials.

Priority Issues and Legislative Recommendations

1. Boost State Infrastructure Investment

Municipal Concern: The single most urgent issue raised by communities is the fundamental mismatch between mandated density increases and existing infrastructure capacity. For example, Windham is rapidly growing. It has already approved or is processing 905 dwelling units over the next 2-3 years – on top of averaging 112 units annually over the past decade. This growth requires millions of dollars in infrastructure to support it. Multiple communities in our

region report that water, sewer, stormwater, transportation systems, and schools cannot accommodate this level of housing growth without capital investment that exceeds local budget capacity.

Legislative Action Requested:

- **Create a New Infrastructure Fund.** Create a dedicated, multi-year infrastructure funding program modeled after Massachusetts' MassWorks/HousingWorks to support sewer, water, stormwater, transportation, and school capacity in communities with sustained or anticipated significant levels of housing production.
- **Prioritize Existing Funding for Growth Areas.** Deploy existing state infrastructure funding to address infrastructure gaps in designated growth areas where LD 1829 will have the greatest impact.
- **Allow Impact Fees to Be Encumbered.** Revise impact fee restrictions from LD 1498 to allow municipalities to fund regional infrastructure improvements necessary to accommodate mandated growth, allowing the funds to be encumbered for future use that aligns with capital planning processes and timetables.

2. Restore Local Growth Management Tools

Municipal Concern: LD 1829's prohibition on growth caps removes a critical tool municipalities have used to align development with infrastructure capacity, comprehensive plans, and community vision. Windham reports that this legislative change eliminates the Town's ability to manage growth responsibly and warns that municipalities may begin seeking loopholes to circumvent the law. Communities like Windham and Scarborough have been regional leaders in housing production, and the one-size-fits-all approach of the legislation does not account for the challenges faced by fast-growing communities in Southern Maine. These places are being asked to accommodate even more growth without the tools to manage, shape, and support the new homes. Furthermore, by prohibiting municipalities from limiting growth in designated growth areas, it means the only place they can now apply their Rate of Growth allocation is in non-designated growth areas (rural areas). This creates a perverse incentive that contradicts comprehensive planning principles and the intent of both laws.

Legislative Action Requested:

- **Allow Growth Caps for Growing Municipalities.** Allow municipalities that meet the growth rate in the Growth Management Act to continue to employ an overall growth cap.
- **Fix the Incentive to Grow in Rural Areas.** Clarify the interaction between LD 1829's growth cap prohibition and the Rate of Growth law to ensure municipalities are not forced to concentrate their required growth allowances in rural areas.

3. Remove Incentives for Growth Outside of Designated Growth Areas

Municipal Concern: Westbrook and other communities note that the 5,000 sq. ft. lot size requirement for places outside designated growth areas but served by water and sewer

contradicts comprehensive plans and legislative intent as explained in committee testimony. For example, a community might have two growth areas with wastewater infrastructure, and there is a pipe that connects those growth areas that traverses an area of town that is prized for its rural character or its natural resources. The new law mandates density in places that communities have chosen not to grow. This provision may cause the degradation of natural resources and does not account for locations lacking transit and other infrastructure that serves growth areas.

Legislative Action Requested:

- For areas served by water and sewer, but are not in a growth area, remove the “may not exceed” 5,000 sq. ft. lot size requirement and density requirement. [Sec. 9. 30-A MRSA §4364-A, sub-§2-A.B]

4. Address Affordability Outcomes, Not Just Production

Municipal Concern: The recent passage of housing permit data collection law is a positive step in understanding whether the state’s new housing laws are producing the intended outcomes. Multiple communities report that increased density under LD 2003 has produced expensive market-rate housing (\$600,000+ condos, million-dollar homes) rather than workforce or affordable units. There is widespread concern that LD 1829 will similarly fail to deliver actual affordability without stronger mechanisms.

Additionally, municipalities report that administering affordability covenants is complex and resource-intensive, particularly for smaller communities without dedicated housing staff.

Legislative Action Requested:

- **Provide technical assistance and funding for covenant administration.** Provide municipalities with technical assistance and funding for recording, tracking, and administering affordability covenants. Local assessors and planning staff are best positioned to monitor covenant compliance on a regular basis but need state support to effectively manage these complex requirements, particularly for first-time homebuyers navigating affordability restrictions.

5. Provide Municipal Capacity Support

Municipal Concern: LD 1829 requires repeated ordinance revisions and mandatory planning board training, imposing additional local administrative and financial burdens. Many municipalities, particularly smaller and more rural communities, lack dedicated full-time planning staff and rely entirely on volunteer planning boards to manage development review. These communities do not have the capacity to meet the state’s mandates without substantial support. For larger communities, there is additional staff or consultant time that will be required for compliance.

Legislative Action Requested:

- **Fund the HOP.** Increase funding for technical assistance through the Housing Opportunity Program (HOP) for municipalities and regional planning organizations to cover costs of required trainings and ordinance updates.

6. Extend Implementation Deadline to Allow Coordinated Ordinance Updates

Municipal Concern: The July 1, 2026, deadline for municipal ordinance compliance is impractical for several reasons. First, many municipal charters require multi-month procedural timelines with limited ability to modify language mid-process, meaning ordinances must be finalized by late winter/early spring 2026. Second, rulemaking for LD 1829 remains ongoing, and municipalities cannot draft compliant ordinances without clarity from final rules. Third, a pending "fix bill" will require additional rulemaking, further delaying the availability of clear guidance. Fourth, other housing legislation under consideration this session – including potential bills from the LD 1375 working group on regulatory barriers and carry-over bill LD 1926 – may affect the same statutory sections, creating uncertainty about what municipalities must ultimately implement. Rushing ordinance amendments increases the likelihood of errors, omissions, and unintended consequences. Municipalities need adequate time for thorough drafting and meaningful public engagement on these complex and far-reaching changes.

Legislative Action Requested:

- **Extend implementation deadline to July 1, 2027.** This aligns LD 1829 with existing July 1, 2027, deadlines for LD 997 (housing in commercial zones) and subdivision law changes, allowing municipalities to incorporate all housing-related mandates into one coordinated ordinance amendment process rather than multiple piecemeal revisions.

Conclusion

GPCOG member communities are committed to being part of the solution to Maine's housing shortage. However, state support and legislative changes are needed for the law to achieve its intended results. These recommendations represent the highest priorities identified by municipalities working to implement LD 1829 responsibly while maintaining the ability of infrastructure to support new growth and to ensure we preserve what makes our communities special.

We appreciate your receptiveness to municipal concerns and stand ready to provide additional detail on any of these recommendations.