

MEMORANDUM

October 12, 2022

To: Bridgton Planning Board

From: Aga Dixon & Grady Burns
Drummond Woodsum

RE: LD 2003 Implementation—Preliminary Legal Assessment

At your request and in follow-up to our September 30, 2022 memorandum where we set out a recommended LD 2003 work plan, we have conducted a preliminary legal assessment of how the new affordable housing law (LD 2003) is likely to affect Bridgton’s existing land use regulatory framework. Specifically, we analyzed the following three key parts of LD 2003 in relation to the Bridgton Land Use Code (LUC):

1. The Extra Dwelling Units Allowance;
2. The Accessory Dwelling Units Allowance; and
3. The Affordable Housing Density Bonus.

We are currently researching the implications of the fourth key part of LD 2003—namely, the Municipal Role in Fair Housing and Statewide Production Goals—and will be prepared to discuss this item with you at a future workshop.

In Parts I, II, and III of this memo, we explain the effects that each of these three key pieces of LD 2003 are likely to have on the LUC, absent any amendments to the LUC—that is, under the “status quo.” We then list, in Part IV, some of the tools in the municipal toolbox available to Bridgton to respond to the challenges and opportunities that LD 2003 presents. We will be prepared to discuss the pros and cons of each of these tools at the first Planning Board workshop devoted to this topic.

We note that the Department of Economic and Community Development (DECD) is tasked with adopting rules to administer and enforce many of the provisions in LD 2003, and we understand that DECD intends to initiate rulemaking in the next month or two. The outcome of the DECD rulemaking effort could have profound impacts on this legal assessment. Throughout this memo, we have attempted to flag those areas where we anticipate DECD rulemaking. One such area is LD 2003’s impact on nonconforming uses, structures, and lots—*i.e.*, Chapter II of the LUC. The DECD recently issued LD 2003 guidance for local authorities (the “[DECD Guidance](#)”), which indicates that this will be an area addressed in rulemaking.

We will monitor and keep you updated on the DECD rulemaking process. Meanwhile, we recommend proceeding with the LD 2003 Work Plan on a parallel track that allows the Town to meet the statutory implementation deadlines set out in LD 2003 while remaining sufficiently nimble to modify its course should the future DECD rules require it to do so.

We look forward to discussing this matter with you beginning next week, on October 18, 2022.

I. THE EXTRA DWELLING UNITS (“EXTRA DU”) ALLOWANCE

Statutory Reference: [30-A M.R.S. § 4364-A](#)
Implementation Date: July 1, 2023

A. Overview of the EXTRA DU Allowance

For any area where housing is allowed, a municipality must allow a certain density of dwelling units on a given lot, as follows:

- If a lot does not contain an existing dwelling unit and if the lot is within a designated growth area, then the lot can be developed with up to 4 dwelling units.
- If a lot does not contain an existing dwelling unit and if the lot is outside of a designated growth area, then the lot can be developed with up to 2 dwelling units.
- If a lot is developed with one existing dwelling unit, then the lot can be developed with up to 2 extra dwelling units (1 within or attached to an existing structure, or 1 additional detached dwelling unit, or one of each)—for a total of 3 dwelling units.

B. Effects of the EXTRA DU Allowance on the LUC

The EXTRA DU Allowance directs the location of extra dwelling units and the manner by which they may be locally regulated, as discussed next.

1. Where within the Town may the EXTRA DU Allowance be applied?

The EXTRA DU Allowance allows extra dwelling units to be placed on a lot located in (1) areas within the Town where “housing” is allowed and (2) areas both within and outside of “designated growth areas.”

—*Where is “housing” allowed?*

LD 2003 does not define the term “housing.” The DECD Guidance appears to imply that housing means non-transient residential housing. As a legal matter, this is not entirely clear. For purposes of this preliminary legal analysis, we have assumed that the term “housing” is synonymous with “dwelling unit” and that it does not include transient housing (such as bed and breakfasts, inns, hotels, motels, boarding rooms, and the like). Under this interpretation of “housing,” the EXTRA DU Allowance would affect every land use district within the Town, except for the Stream Protection (SP) shoreland zoning district.¹

—*Which areas are within and outside of “designated growth areas”?*

Bridgton’s 2014 Comprehensive Plan identifies the following land use districts as the Town’s designated growth areas: Downtown Village Business District, Downtown Village Neighborhood District, and Inner Corridor. Thus, areas of the Town clearly fall within or

¹ Note that, although the Downtown Village Business I (DVB-I) district prohibits dwelling units on the ground story of a structure, such uses are allowed on upper stories within the DVB-I district, as well as in certain situations on the ground story. See LUO, Section III-2, Footnote 1.

outside of the Town’s designated growth areas according to their land use district designations, as follows:

Areas Within Designated Growth Area:

All parcels within the DVB-I, DVB-II, DVN, and IC districts.

Areas Outside Designated Growth Area:

All parcels within the OC, MUC, LN, OV, and RN districts.

Accordingly, without any changes to the LUC, the EXTRA DU Allowance will have the following effect on the Town (please see subsection 3.b, below, for a discussion of how the EXTRA Allowance would be treated within the Town’s shoreland zone):

	WITHIN DESIGNATED GROWTH AREA	OUTSIDE DESIGNATED GROWTH AREA
	Lots in the DVB-I, DVB-II, DVN, or IC	Lots in the OC, MUC, LN, OV, or RN
<p><u>Residentially Vacant Lots:</u>²</p> <p>Does the lot <u>not</u> contain an existing dwelling unit?</p>		
<p><u>Single-Family Dwelling Lots:</u></p> <p>Is the lot developed with <u>one</u> existing dwelling unit?</p>	 <p>(Up to 2 extra dwelling units—1 within or attached to existing structure, 1 detached dwelling unit, or one of each)</p>	

2. What are the LD 2003 limitations on the EXTRA DU Allowance?

LD 2003 requires that dwelling units placed on a lot pursuant to the EXTRA DU Allowance must:

- a. Meet the **Minimum Lot Size Law** (30-A M.R.S. ch. 423-A), which mandates a minimum 20,000 square foot lot size for lots served by a subsurface wastewater disposal system and a minimum 100-foot frontage on an abutting lake, pond, stream, or river (although there are exceptions to these minimum lot size and frontage requirements).

² The DECD Guidance interprets this provision as applying to “vacant lots;” however, a lot could be in a zoning district that allows housing but be developed with a non-residential structure. In our view, the EXTRA DU Allowance would apply to such a lot.

- b. Meet the Town’s **shoreland zoning** requirements. Under Section IV-2 of the LUC, certain categories of dwelling units are prohibited in the Town’s Stream Protection (SP) and Resource Protection (RP) shoreland zoning districts. Specifically, all types of dwelling units—single-family, two-family, and multi-family—are prohibited in the SP district, whereas only multi-family dwellings are prohibited in the RP district. These shoreland zoning requirements are not preempted by the EXTRA Allowance. Accordingly, in the SP district, the EXTRA Allowance will not apply. It is probable, however, that the EXTRA Allowance will apply where single-family dwelling units are allowed (*i.e.*, in the RP, LR, GD-I, GD-II, and LC districts) *so long as* all other shoreland zoning provisions (including dimensional and review standards) can be met.
- c. Meet the **subdivision law** (30-A M.R.S. ch. 187, sub-ch. 4), which mandates subdivision review for the division of a tract or parcel of land into 3 or more lots within any 5-year period (whether such division is accomplished by “sale, lease, development, buildings or otherwise” and including the construction or placement of 3 or more dwelling units on a single tract or parcel of land within a 5-year period), with certain exceptions. In certain circumstances (for example, the construction of 4 dwelling units on a vacant lot in a designated growth area), the EXTRA Allowance could trigger subdivision review.
- d. Meet additional **zoning requirements** set out in LD 2003, which provide that if more than 1 dwelling unit is constructed on a lot as a result of the EXTRA DU Allowance or the ADU Allowance, discussed in Part II, the lot is not eligible for any additional increases in density except as allowed by the municipality. The effects of this provision are not entirely clear at this juncture; however, the DECD Guidance states that the issues raised by this requirement will be addressed in rulemaking.
- e. Comply with **water and sewer verification** requirements in LD 2003, whereby the owner of a “housing structure” (presumably, a dwelling unit constructed pursuant to the EXTRA DU Allowance) must provide written verification to the Town that the structure is connected to adequate water and wastewater services before the Town may certify the structure for occupancy, as follows:
 - i. If connected to a public sewer, proof of adequate service to support additional flow and proof of payment for connection.
 - ii. If connected to a septic system, proof of adequate subsurface wastewater disposal, as verified by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221. Plans must be prepared by a licensed site evaluator in accordance with Maine Subsurface Wastewater Disposal Rules.
 - iii. If connected to public or central water, proof of adequate service to support additional flow and proof of payment for connection and water volume/supply.
 - iv. If connected to a well, proof of “access to potable water.” Any tests must indicate that the water supply is “potable and acceptable for domestic use.”

The Town may establish less restrictive alternative criteria for these water and sewer verification requirements, but only if the Town’s Board of Appeals is able to grant a variance under 30-A M.R.S. § 4353(4) (the undue hardship variance), (4-A) (the disability

variance), (4-B) (the setback variance for single-family dwellings), or (4-C) (the practical difficulty variance for dimensional standards).

- f. Comply with any **private restrictions**, such as “valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section” that do not violate the U.S. or Maine Constitutions.

Each of these limitations will have disparate effects on what lots within the Town could take advantage of the EXTRA DU Allowance and to what extent. Care must be taken to ensure that these limitations are properly incorporated into the LUC.

3. What else does LD 2003 say about the EXTRA DU Allowance?

LD 2003 provides that the Town may:

- a. Establish an application and permitting process for housing structures.
- b. Impose fines for violations of building, zoning, and utility requirements for housing structures.
- c. Establish a prohibition or allowance for lots where a dwelling unit in existence after July 1, 2023 is torn down and an empty lot results.
- d. Establish dimensional and setback requirements for the extra dwelling units allowed under this allowance, so long as they are not greater than the dimensional or setback requirements for single-family dwelling units. LD 2003 specifically allows the Town to establish requirements for a lot area per dwelling unit, so long as the lot area for subsequent dwelling units on a lot is not greater than the required lot area for the first dwelling unit.
- e. Allow more dwelling units than LD 2003 requires.

II. THE ACCESSORY DWELLING UNITS (“ADU”) ALLOWANCE

Statutory Reference: [30-A M.R.S. § 4364-B](#)
Implementation Date: July 1, 2023

A. Overview of the ADU Allowance

In any area where housing is allowed, a municipality must allow an accessory dwelling unit (“ADU”) to be located on the same lot as a single-family dwelling unit.

B. Effects of the ADU Allowance on the LUC

Like the EXTRA DU Allowance, the ADU Allowance directs the location of ADUs and the manner by which they may be locally regulated, as discussed next.

1. What is an “accessory dwelling unit”?

LD 2003 does not define the term “accessory dwelling unit,” but 30-A M.R.S. § 4301(1-C) does, as follows:

“Accessory dwelling unit” means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Interestingly, this definition first appeared in state law upon the enactment of L.D. 970 (“*An Act To Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements*”) (2019 1st Reg. Sess.), see PL 2019 c. 145. That law encouraged, but did not mandate, municipalities to develop policies that provide for ADUs. The DECD Guidance acknowledges the existence of this statutory definition, but also notes that many municipalities define ADUs in local ordinances and states that DECD rulemaking “will clarify which definition to use.”

We note that the statutory ADU definition is at odds with the LUC definition of “accessory structure or accessory use,” which is defined as “[a] structure or use that is subordinate and customarily incidental to the principal structure or principal use on the same lot” Whether or not an ADU must be “accessory” in this classic municipal sense (meaning “subordinate and incidental”) remains to be seen. Based on the DECD Guidance, however, it appears that an ADU can be larger than a principal structure on a lot, unless the Town limits the size of the ADU.

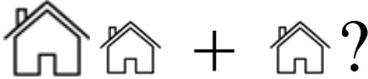
At this juncture, it does not appear that the Town will have the authority to enact ADU definitions that are inconsistent with or more restrictive than the existing state law definition. In this memo, we assume that the Town will need to enact an ADU definition that parallels the above state law definition, and adjust any related conflicting land use categories (such as the attached and detached “in-law apartment” land uses).

2. Where within the Town may the ADU Allowance be applied?

The ADU Allowance allows one ADU to be placed on any lot where “housing” is allowed. Specifically, municipal zoning ordinances must allow at least 1 ADU on any lot where a single-family dwelling unit is the principal structure. Thus, the ADU Allowance would affect every land use district within the Town, except for the SP shoreland zoning district where single-family dwelling units are prohibited.

Accordingly, without any changes to the LUC, the ADU Allowance will have the following effect on the Town (please see subsection 3.b, below, for a discussion of how the ADU Allowance would be treated within the Town’s shoreland zone):

	Lots In Any of the Town’s Land Use Districts
Is the lot developed with <u>one</u> single-family dwelling unit serving as a principal structure?	 (at least 1 ADU must be allowed)

<p>Is the lot developed with <u>two</u> single-family dwelling units?</p>	 <p>(at least 1 ADU must be allowed)</p>
<p>Is the lot developed with <u>one</u> single-family dwelling unit <u>and</u> an accessory dwelling unit that predates LD 2003?</p>	 <p>(unclear)</p>
<p>Is the lot vacant or developed with any non-residential structures?</p>	<p>No allowance.</p>
<p>Is the lot developed with two-family or multi-family dwelling units?</p>	<p>No allowance.</p>

3. What are the LD 2003 limitations on the ADU Allowance?

LD 2003 requires that any ADU placed on a lot pursuant to the ADU Allowance must:

- a. Meet the **Minimum Lot Size Law** (30-A M.R.S. ch. 423-A), as described in Part I.
- b. Meet the Town’s **shoreland zoning** requirements. Under Section IV-2 of the LUC, “structures accessory to allowed uses” are prohibited in the SP and RP shoreland zoning districts. It appears that the intent of the ADU Allowance is to leave these provisions intact and thereby prohibit ADUs in these two shoreland zoning districts. (Note, however, that this analysis may be affected by any DECD rulemaking, particularly if the DECD rule requires municipalities to adopt a definition of “accessory dwelling unit” that does not treat ADUs as “accessory” structures.) Alternatively, because the ADU Allowance plainly only applies to lots developed with a single-family dwelling unit, the ADU Allowance would be prohibited in any shoreland zone where single-family dwellings are prohibited—i.e., the SP district. While it remains to be seen whether the ADU Allowance will apply in the RP district, it is likely that it will apply to the other shoreland zones where both single-family dwelling units and “structures accessory to allowed uses” are allowed (*i.e.*, in the LR, GD-I, GD-II, and LC districts) *so long as* all other shoreland zoning provisions (including dimensional and review standards) can be met.
- c. Meet the **subdivision law** (30-A M.R.S. ch. 187, sub-ch. 4), as described in Part I. Note that, because of the uncertainty as to whether ADUs are treated as dwelling units or “accessory” structures, it is not entirely clear whether the ADU Allowance could trigger

subdivision review in any circumstance (such as, for example, if a lot is developed with two single-family dwelling units and a detached ADU is proposed to be developed on the lot within a 5-year period).

- d. Meet additional **zoning requirements** set out in LD 2003, which provide that if more than 1 ADU has been constructed on a lot as a result of the ADU Allowance or the EXTRA DU Allowance the lot is not eligible for any additional increases in density except as allowed by the municipality. As discussed in Part I, the effects of this provision are not entirely clear, and we await DECD rulemaking on this requirement.
- e. Comply with **water and sewer verification** requirements in LD 2003, whereby the owner of the ADU must provide written verification to the Town that the ADU is connected to adequate water and wastewater services before the Town may certify the structure for occupancy, as set forth in Part I.
- f. Comply with any **private restrictions**, as set forth in Part I.
- g. Not be counted as a permit issued toward a municipality's **rate of growth ordinance** adopted pursuant to 30-A M.R.S. § 4360.
- h. Be exempted from any **density requirements** or calculations related to the area in which the ADU is constructed.
- i. Comply with the following additional **location, setback and dimensional, parking, and minimum size requirements** in LD 2003:
 - i. Be constructed only within an existing dwelling unit on the lot, attached to or sharing a wall with a single-family dwelling unit, or as a new structure on the lot “for the primary purpose of creating an accessory dwelling unit.”
 - ii. If constructed within an existing dwelling unit or attached to or sharing a wall with a single-family dwelling unit, be subject to the same setback and dimensional requirements as apply to the single-family dwelling unit, except for an ADU permitted in an existing accessory or secondary building or garage as of July 1, 2023, in which case the building or garage setback requirement would apply.
 - iii. Not be subject to any additional parking requirements beyond those that apply to the single-family dwelling unit on the lot where the ADU is located.
 - iv. Meet a minimum size of 190 square feet unless the Technical Building Codes and Standards Board adopts a different minimum size.

As in Part I, each of these limitations will have disparate effects on what lots within the Town could take advantage of the ADU Allowance and to what extent. Care must be taken to ensure that these limitations are properly incorporated into the LUC.

4. What else does LD 2003 say about the ADU Allowance?

LD 2003 provides that the Town may:

- a. Establish an application and permitting process for ADUs.

- b. Impose fines for violations of building, zoning, and utility requirements for ADUs.
- c. Establish alternative criteria that are less restrictive than the above-identified density requirements, dimensional and setback requirements, shoreland zoning requirements, size requirements, and water and wastewater verification requirements. (We question whether the Town can do so, however, particularly with respect to the shoreland zoning requirements.)
- d. Establish more permissive dimensional and setback requirements for an ADU than the limitations in LD 2003.
- e. Impose a maximum size for an accessory dwelling unit.

LD 2003 also notes that the ADU Allowance does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023.

III. THE AFFORDABLE HOUSING DENSITY (“AHD”) BONUS

Statutory Reference: [30-A M.R.S. § 4364](#)
Implementation Date: July 1, 2023

A. Overview of the AHD Bonus

In any area where multi-family dwellings are allowed, a municipality must allow an “affordable housing development” (“AHD”) to have a dwelling unit density of at least 2.5 times the “base density” that is otherwise allowed in that location. The AHD must be in a designated growth area or must be served by public water and public sewer.³

B. Effects of the AHD Bonus on the LUC

The AHD Bonus allows affordable, extra density multi-family dwellings to be built in areas within the Town (1) where multi-family dwellings are allowed that are also located (2) within designated growth areas or areas served by public water and sewer. The AHD Bonus imposes limitations on these development projects and includes express provisions that allow the Town to regulate certain aspects of these projects. Each of these factors is discussed next.

1. What is “affordable housing development”?

LD 2003 defines “affordable housing development” as a development in which a household whose income does not exceed 80% (for rental housing) or 120% (for owned housing) of the median income for the area, as defined by the U.S. Department of Housing and Urban Development (US HUD), can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household’s monthly income on housing costs.

³ Specifically, the AHD must be served by a “public, special district or other centrally managed water system” (referred to herein as “public water”) and a “public, special district or other comparable sewer system” (referred to herein as “public sewer”).

2. Where within the Town may the AHD Bonus be applied?

LD 2003 requires that the Town allow AHDs in areas within the Town (1) where multi-family dwellings are allowed that are also located (2) within designated growth areas or areas served by public water and sewer.

—Where are multi-family dwellings allowed?

LD 2003 does not define multi-family dwellings, and the DECD Guidance provides that this term will be defined in rulemaking. The DECD Guidance states, however, that “in planning practice” this term generally applies to three units or more. The LUC definition of “multi-family dwelling” is consistent with this planning practice—it defines the term as “a building consisting of three or more attached dwelling units.”

Under this definition, the AHD Bonus could affect every land use district within the Town, except for the SP and RP shoreland zoning districts.⁴

—Which areas are within designated growth areas or areas served by public water and sewer?

As discussed in Part I, the Town has identified all parcels within the DVB-I, DVB-II, DVN, and IC districts as its designated growth area. It appears that the areas of the Town that are currently served by public sewer (as well as the areas that will be served by the public sewer as part of the Town’s current sewer expansion project) more or less are encompassed by the DVB-I, DVB-II, and DVN districts.

Accordingly, without any changes to the LUC, the AHD Bonus will have the following effect on the Town (please see subsection 4.b, below, for a discussion of how the AHD Bonus would be treated within the Town’s shoreland zone):

	WITHIN DESIGNATED GROWTH AREA	OUTSIDE DESIGNATED GROWTH AREA	
	Lots in the DVB-I, DVB-II, DVN, or IC	Lots in the OC, MUC, LN, OV, or RN	
		Served by public water and sewer	<u>Not</u> served by public water and sewer
Is the ADH Bonus allowed?	Yes.	Yes.	No.

⁴ Note that, although the DVB-I district prohibits multi-family dwellings on the ground story of a structure, such uses are allowed on upper stories. See LUO, Section III-2, Footnote 1.

3. How is the density bonus calculated, in relation to the “base density”?

The AHD Bonus requires the Town to allow AHDs to have a dwelling unit density of at least 2.5 times the “base density” that is otherwise allowed in that location. LD 2003 does not define “base density,” but the DECD Guidance specifies that it is “the number of dwelling units that might be allowed in a list of uses, and/or the maximum number of units allowed based on dimensional requirements, such as lot area per dwelling unit.” (The DECD Guidance also notes that questions such as whether the limits on lot area per dwelling units in the EXTRA DU Allowance will apply to AHDs and how the AHD Bonus will interact with any existing local density bonus will be addressed in rulemaking.) By way of example, the DECD Guidance states that “if a developer can build up to six units on a site under local rules, and designates the development as affordable, the developer would be eligible to build 15 units (6 x 2.5).”

Currently, the following minimum lot area (in square feet) per dwelling unit apply within each land use district outside of the shoreland zone:

DVB-I	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
2,500	20,000	20,000	40,000	80,000	80,000	50,000	20,000	80,000

If the Town is allowed under the DECD rules to calculate base density based on the minimum lot area per dwelling unit, these minimum lot areas would effectively accommodate 2.5 dwelling units in an AHD; thus, the minimum lot area for AHDs would be:

DVB-I	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
1,000	8,000	8,000	16,000	32,000	32,000	20,000	8,000	32,000

4. What are the LD 2003 limitations on AHDs?

LD 2003 requires that AHDs must:

- a. Meet the **Minimum Lot Size Law** (30-A M.R.S. ch. 423-A), as applicable.
- b. Meet the Town’s **shoreland zoning** requirements. As noted earlier, the LUC prohibits multi-family dwelling units in the SP and RP shoreland zoning districts and, presumably, the AHD Bonus does not disturb this prohibition. Where multi-family dwelling units are allowed within the shoreland zone (*i.e.*, in the LR, GD-I, GD-II, and LC districts), the ADU Bonus will also likely apply *so long as* all other shoreland zoning provisions (including dimensional and review standards) can be met.
- c. Meet the **subdivision law** (30-A M.R.S. ch. 187, sub-ch. 4). Note that, under the subdivision law, multi-family dwellings are exempt from subdivision review in the Town because such projects are subject to site plan review. *See* 30-A M.R.S. § 4402(6).
- d. Comply with **water and sewer verification** requirements in LD 2003, whereby the owner of the ADH must provide written verification to the Town that each unit of the ADU is connected to adequate water and wastewater services before the Town may certify the ADH for occupancy, as set forth in Part I.
- e. Comply with any **private restrictions**, as set forth in Part I.

- f. Ensure **long-term affordability** by executing a restrictive covenant, recorded in the registry of deeds, for the benefit of and enforceable by a party acceptable to the Town, to ensure that for at least 30 years after completion of construction, occupancy of all of the units designated affordable in the AHD will remain limited to households at or below 80% (for rental housing) or 120% (for owned housing) of the local area median income at the time of initial occupancy.
- g. Comply with the additional **parking requirements** in LD 2003, which prevent the Town from requiring that AHDs provide more than 2 off-street parking spaces for every 3 units in the AHD.

IV. MUNICIPAL TOOLS TO ADDRESS LD 2003 CHALLENGES AND OPPORTUNITIES

Fundamentally, LD 2003 appears to be an attempt to mandate increased housing density predominantly in *appropriate* locations within the Town—namely, in designated growth areas and areas served by public water and sewer. It is, however, a “one size fits all” law, which will very likely have disparate impacts on municipalities. In assessing the land use impacts of LD 2003 on the Town, we recommend that the Planning Board consider what tools it has to guide future housing to those areas of the Town that are capable of accommodating additional growth. We will be prepared to discuss the pros and cons of each of these tools with the Board on October 18th.

1.	Buildout Analysis: Retain professional planning firm to conduct a buildout analysis of LD 2003.
2.	Baseline Inventory: Establish a baseline inventory of the existence and location of dwelling units within the Town as of July 1, 2023.
3.	Comprehensive Plan: Re-designate the Town’s “designated growth areas” by a comprehensive planning amendment.
4.	Schedule of Land Uses: Re-designate land use districts and shoreland zoning districts where dwelling units are allowed or prohibited; review where accessory dwelling units (including in-law apartments) and structures accessory to permitted uses are allowed or prohibited.
5.	<p>LUC Definitions: Consider amendments, deletions, and additions to these and other terms, as appropriate:</p> <ul style="list-style-type: none"> - Accessory Dwelling Unit - Dwelling Unit (single-family, two-family, multi-family) - In-law Apartment - Housing - Affordable Housing Development - Attached or Detached Dwelling Unit - Potable Water
6.	<p>Dimensional and Setback Standards: Consider new standards or adjustments to:</p> <ul style="list-style-type: none"> - Minimum lot size - Minimum lot frontage - Maximum lot coverage - Minimum contiguous private open space - Maximum height of multi-family dwelling units - Maximum size of accessory dwelling units

7.	Performance Standards: <ul style="list-style-type: none">- Establish prohibition or allowance for lots where a dwelling unit is torn down and a vacant lot results- Establish prohibition or allowance for “double-dipping” – additional increases in density beyond EXTRA DU and ADU Allowances.
8.	Review Procedures: Consider new approaches or adjustments to: <ul style="list-style-type: none">- Site Plan Review: Require for certain residential development.- Building Permit and Certificate of Occupancy Requirements: Revisit application and permitting process for housing structures.- Water and Sewer Verification: Clarify documentation requirements.- Variances.- AHD Bonus calculation methods.
9.	Rate of Growth Ordinance: Consider adopting.
10.	Evaluate Private Restrictions within the Town.
11.	Regulate Short-Term Rentals within the Town.