

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 state's 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 exceeds 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 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-fits 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, that the 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;
 - Removes 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: /s/Cory R. Fellows
Council Chair

Attested by: /s/Yolande P. Justice
Clerk to the Council