



ELIOT NOVEMBER 2023

BALLOT QUESTIONS #12-14
RELATING TO LAND USE

Compiled by Christine Bennett, *Eliot Planning Board Chair*



YES **QUESTION 12 - TOWN CODE AMENDMENT - GROCERY STORES**

NO Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 - General Provisions and Chapter 45 - Zoning, Related to Grocery Stores" be enacted?

Planning Board so recommend (5 - 0)

Select Board so recommend (5 - 0)

YES **QUESTION 13 - TOWN CODE AMENDMENT - RELATED TO PUBLIC PARK-AND-RIDE LOTS**

NO Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 - General Provisions and Chapter 45 - Zoning, Related to Public Park-and-Ride Lots" be enacted?

Planning Board so recommend (5 - 0)

Select Board so recommend (5 - 0)

YES **QUESTION 14 - TOWN CODE AMENDMENT - COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES**

NO Shall an Ordinance entitled "Proposed Town Code Amendments of Chapter 1 - General Provisions, Chapter 33 - Planning and Development, Chapter 41 - Subdivisions, Chapter 44 - Shoreland Zoning, and Chapter 45 - Zoning, Related to Compliance with State Statutes on Increasing Housing Opportunities by Changing Zoning and Land Use Regulations" be enacted?

Planning Board so recommend (5 - 0)

Select Board so recommend (5 - 0)

PRESENTATION OUTLINE:

- **Synopsis of the rationale & proposed changes to Eliot Town Code:**
 - Question #12 – Grocery Stores
 - Question #13 – Park and Ride Lots
 - Question #14 – Compliance with State Statutes on Increasing Housing Opportunities
- **Maine LD 2003 & the housing crisis**
- **Eliot specific housing measures (enacted & proposed)**

QUESTIONS #12 & #13 :

REFINEMENT OF CODE FOR DESIRED LAND USES ALONG ROUTE 236

#12 GROCERY STORES

- **Creates a definition for Grocery Stores and carves them out from the definition of “retail stores”** which are limited to one-story and 5,000 sq ft of Gross Floor Area for properties abutting 236 in the Rural and Suburban zones.
- **Implements the Economic Strategy (#3) of the Comprehensive Plan** to *“Consider zoning changes and/or incentives to promote the development of essential service-type businesses in Eliot (banks, food stores, pharmacies, hardware stores, etc.) “*

#13 PARK AND RIDE LOTS

- **Revises the definition of “off-street parking”** to exempt park-and-ride facilities. **Creates a definition, performance standards** and makes them allowable in the Commercial/Industrial zone and properties with sufficient frontage along Route 236.
- **Implements one of the recommendations of the 2019 Joint Land Use Study (JLUS) to establish regional park-and-ride locations** that could incentivize PNSY drivers to consider carpools, vanpools or transit as a commuting alternative as well as **the Transportation Policy #5, Strategy #1 of the Comprehensive Plan.**

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

- **Makes modifications to 5 chapters of the Eliot Code of Ordinance to comply with the standards required by the 2022 law commonly referred to as LD 2003.**
- **At a 10,000 ft level, these requirements are:**
 - **Allow at least one Accessory Dwelling Unit (ADU) on a residential lot. ✓**
 - **Allow multiple residential units on any lot within a residential zone, subject to dimensional standards so long as those standards are not ‘exclusionary’ e.g. require greater dimensions for each additional residential unit. ✓**
 - **Allow affordable housing developments wherever multifamily dwellings are allowed and grant a density bonus of up to 2.5x the base density for the zone. (NEW)**

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

- Eliot's existing land use ordinance is largely compliant with the requirements of LD 2003 regarding ADU's and the allowance for multiple residential units on lots.
- Amendments adopted by the citizens in June 2023 adjusted our ADU ordinance to conform with LD 2003 by:
 - **reducing their minimum allowable size to 190 sq ft**, (Tiny homes on wheels can be smaller)
 - **eliminating the requirement for an additional parking space, &**
 - **removing the static permitting cap of 12/year**

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

- **The legislature amended LD 2003 in May 2023:**
 - Extending the deadline for municipal compliance from July 1,2023 to July 1,2024 for Towns with Select Board forms of government (December 31,2023 to Town Council forms)
 - Adding the requirement that Shoreland zoning could not prohibit ADU's, and ADU's must adhere to Shoreland zoning
 - Defined a "majority" to mean at least 51% (vav Affordable housing developments)

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

- **November 2023 proposed changes to comply with May 2023 amendments to LD 2003 :**
 - Accessory Dwelling Units (ADUs):
 - **incorporated into Chapter 44- Shoreland zoning**
 - **Added a provision codifying our practice that no additional lot area is required for an ADU.**

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

- **Already allowed for additional residential units and proportional acreage increases** ✓
- LD 2003 provisions regarding “residential density generally” stipulate that up to 4 units are allowed on vacant lots within “designated growth areas” or lots served by public, special district of comparable water and sewer systems.
 - This required us to implement the provision of the Comprehensive Plan **designating the Village District as our growth area**, even though the Village District is not entirely served by sewer.
 - Decided to partially implement the recommendation of the Comprehensive Plan Land Use Policy #1, Strategy #1 to lower the minimum lot size in the Village District from 1-acre to ½-acre and the required street frontage from 100 ft to 75ft, doing so only where sewer exists.

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

STATE STATUTE REQUIREMENT: Allow affordable housing developments wherever multifamily dwellings are allowed and grant a density bonus of up to 2.5x the base density for the zone. **(NEW)**

- **New Definitions in Section 1-2 for:**
 - Affordable Housing Development
 - Affordable Housing covenant
 - Affordable unit
 - Centrally managed water system
 - Density
 - Engineered subsurface disposal system
 - Market-rate unit
 - Market rent
 - Qualified Holder
 - Restrictive covenant

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

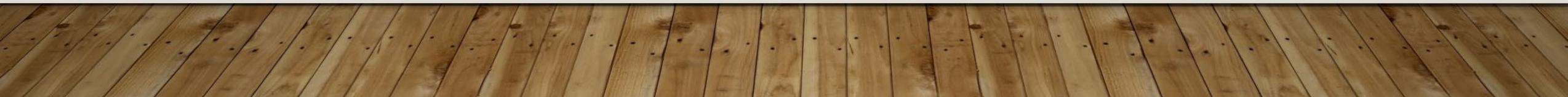
STATE STATUTE REQUIREMENT: Allow affordable housing developments wherever multifamily dwellings are allowed and grant a density bonus of 2.5x the base density for the zone. (NEW)

- **Changes to various Chapters:**

- Chapter 33- Site Plan review
 - Adjustments and amendments re: multifamily dwellings
- Chapter 45 – Zoning
 - 45-290: Addition of Affordable Housing Development to Table of Land Uses
 - 45-405 Dimensional Standards (Density Bonus)
 - 45-416 Sanitary standards for sewage (Engineered subsurface disposal system)
 - 45-464 (NEW) Affordable housing developments
 - 45-495 Schedule of min required off-street parking spaces

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

AFFORDABLE HOUSING DEVELOPMENTS: **Synopsis of Code Changes**

- Struck definition of Affordable Housing which used York County non-metropolitan Median Income (~ \$74,000 in 2021)
 - Replaced with Area Median Income (~ \$101,000 in 2021)
 - Created 2.5 density bonus for AHD's that provide 51% or more affordable units
 - New code to address income eligibility and long-term (30-year) affordability of units
 - Amended sewage disposal ordinance to include Engineered Septic Systems and requirements for routine inspection and maintenance
 - Parking requirements = 2 for every 3 units
- 

QUESTION #14 – COMPLIANCE WITH STATE STATUTES ON INCREASING HOUSING OPPORTUNITIES

AFFORDABLE HOUSING DEVELOPMENTS: **What didn't change:**

- Standards for multifamily units:
 - 8 units per building
 - 100' separation between buildings (**NEW** language = adds “and any other structure)
 - Maximum height = 35' (two stories)

MAINE LD 2003 & THE HOUSING CRISIS

In 2022, Maine joined 18 other states in passing legislation aimed at addressing the Housing crisis.

FEBRUARY 2023

Figure 1. Number of Laws Analyzed by State



MAINE LD 2003 & THE HOUSING CRISIS

The statute: ([link](#))

- Requires towns to permit a wider range of housing types &
- Establishes statewide housing production goals

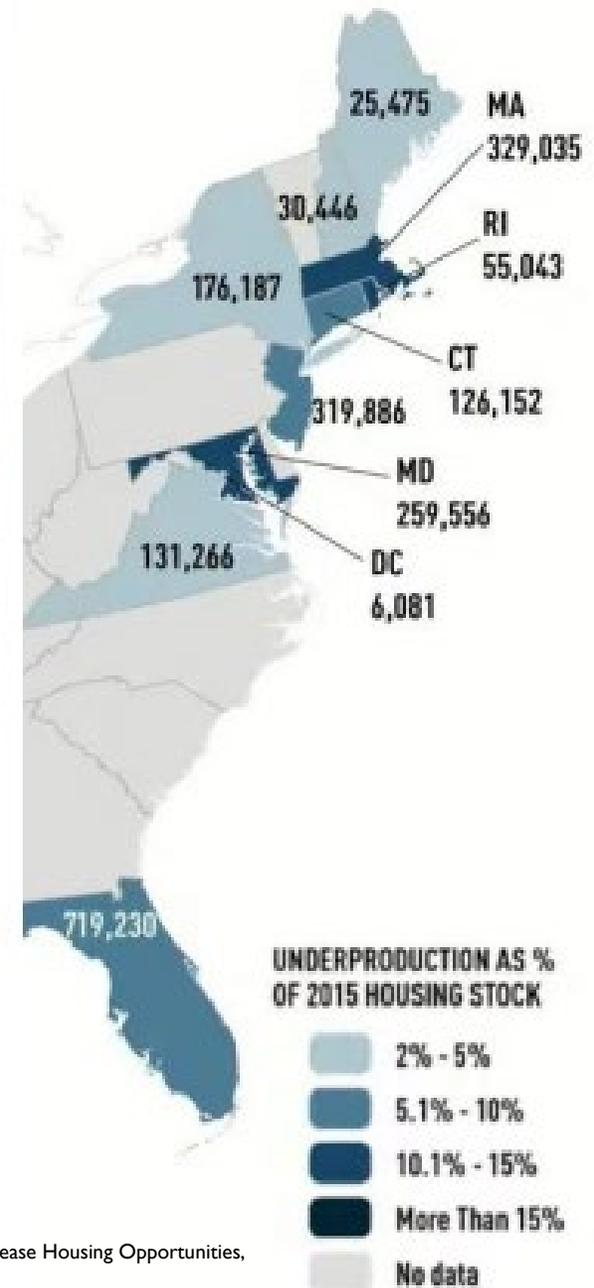
It seeks to:

- Address historic underproduction of housing to meet current and future needs,
- Align housing production with population and economic growth &,
- Create a healthy housing market that offers quality homes at prices affordable to residents.

The Housing Crisis

- *National in scope, most acute in Hawaii, California and New England.*
- *Maine has been "underproducing" housing for decades*
- ***Disproportionally impacts the young, low to moderate income households and the old.***

From 2000 to 2015, the U.S. Fell 7.3 Million Homes Short of Meeting Housing Needs

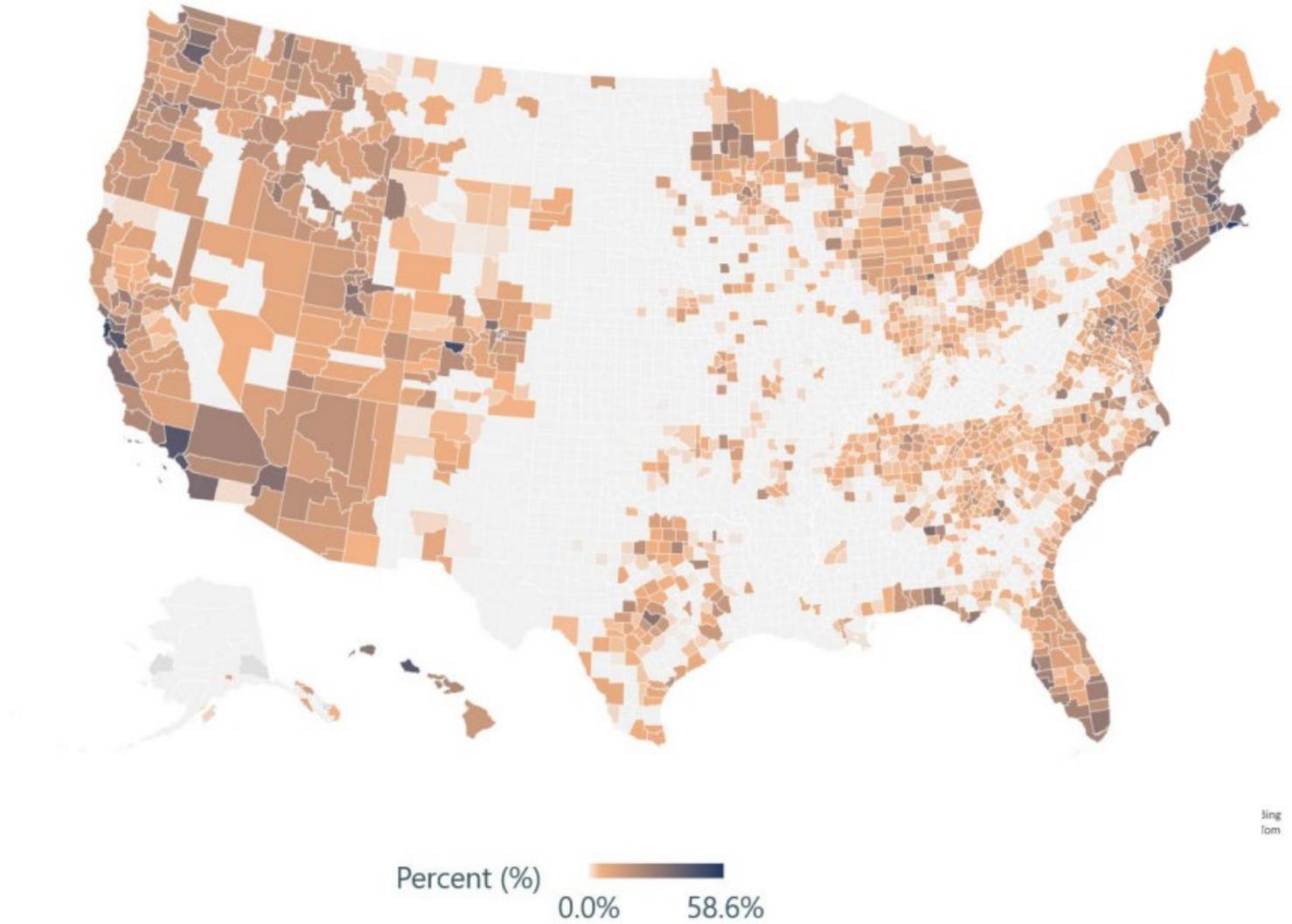


HOUSING CRISIS- NATIONALLY

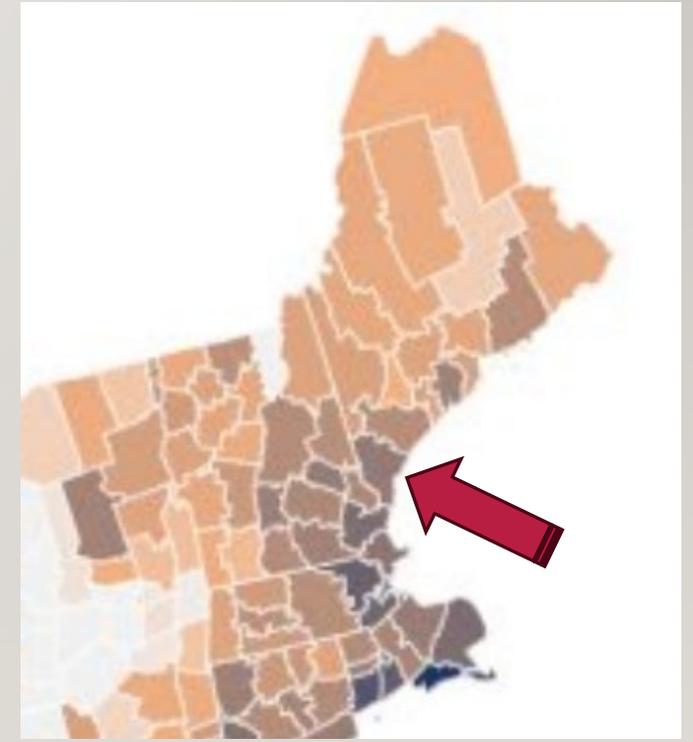
(SOME EXPLANATIONS)

- New Housing starts came to an abrupt halt in 2008 with the Financial crisis caused by poor lending practices and the subsequent Great Recession of 2008-2013.
- Many skilled construction workers left the field and found other work. Now Labor is in short supply and has become much more expensive.
- New Housing starts have just begun to recover but a housing stock shortage developed during this 12 + year period.
- **Lack of supply is one of the reasons for steep increases in housing prices.**
- Restrictive zoning is another reason.

Figure 3. Housing Shortage as Percent of Total Housing Stock, By County



HOUSING CRISIS- REGIONALLY



STATEWIDE HOUSING MARKET STUDIES:

Key Findings

While trends vary across the state, homes are becoming less affordable and harder to find in Maine.

There are demand-side drivers, including sudden in-migration and declining labor force participation amongst Maine's aging population, and supply-side drivers, including low housing production and an aging housing stock, that are broadly driving these trends.

Availability and Affordability

As a result of low production, reduced rental housing and an aging housing stock, the **availability of homes is declining** and **prices are increasing**, making it very difficult to access and afford homes and fill job openings in some parts of the state.

State of Maine Housing Production Needs Study

Homes to support Mainers and Maine businesses, now and in the future.

October 2023



STATEWIDE HOUSING MARKET STUDIES:

Set 2 policy priorities:

- to have **enough homes overall to accommodate the existing demand for homes.**
- have enough homes **affordable, available and in the right locations to support the workforce necessary to sustain and grow Maine's economy.**

Table 1: Historic Underproduction and Future Need by Region

<i>Region</i>	<i>Historic Underproduction</i>	<i>Future Need (2021 - 2030)</i>	<i>Total</i>
<i>Coastal</i>	21,200	24,200 - 28,000	45,400 - 49,200
<i>Central Western</i>	13,000	9,700 - 11,700	22,700 - 24,700
<i>Northeastern</i>	4,300	4,000 - 6,100	8,300 - 10,400
<i>Maine</i>	38,500	37,900 - 45,800	76,400 - 84,300

State of Maine Housing Production Needs Study

Homes to support Mainers and Maine businesses, now and in the future.

October 2023



THE HOUSING CRISIS - LOCALLY:

The Seacoast Has One Of The Greatest Housing Unit Deficits In New England

New England Housing Shortage Rates Per Capita By Census Region

Sources: UpForGrowth.org; CensusReporter.org

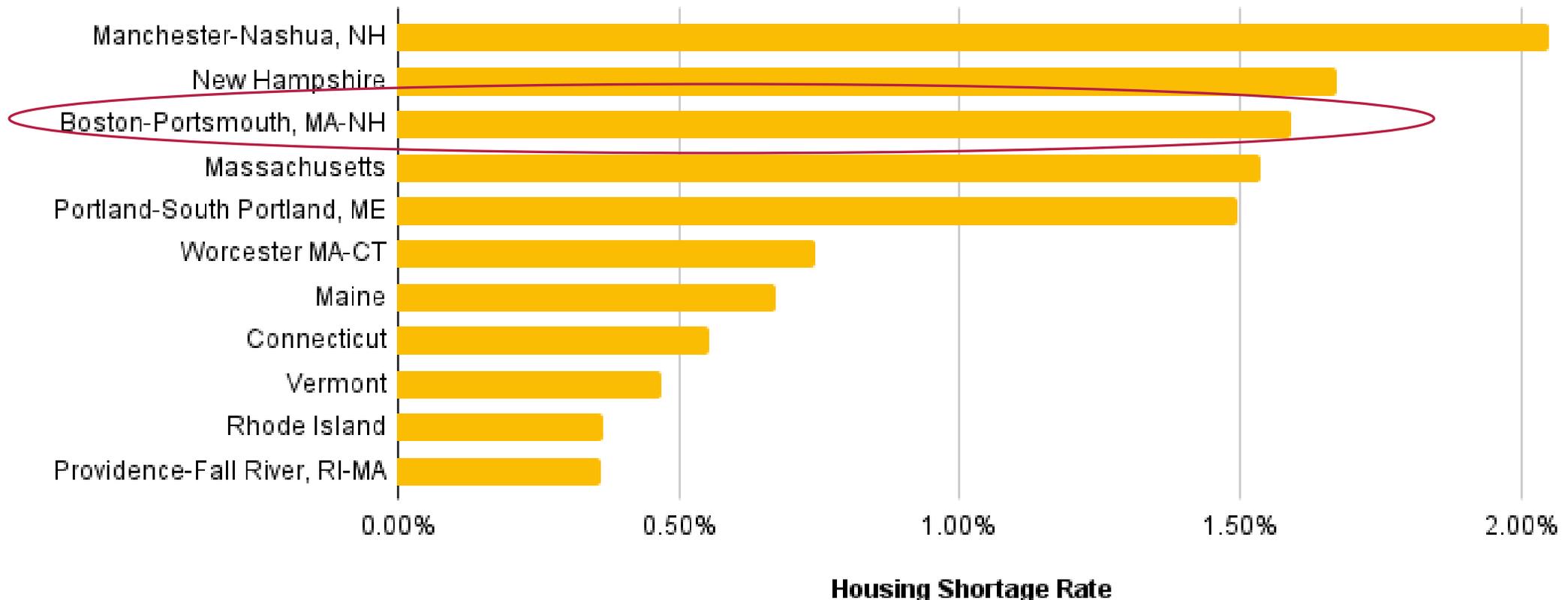
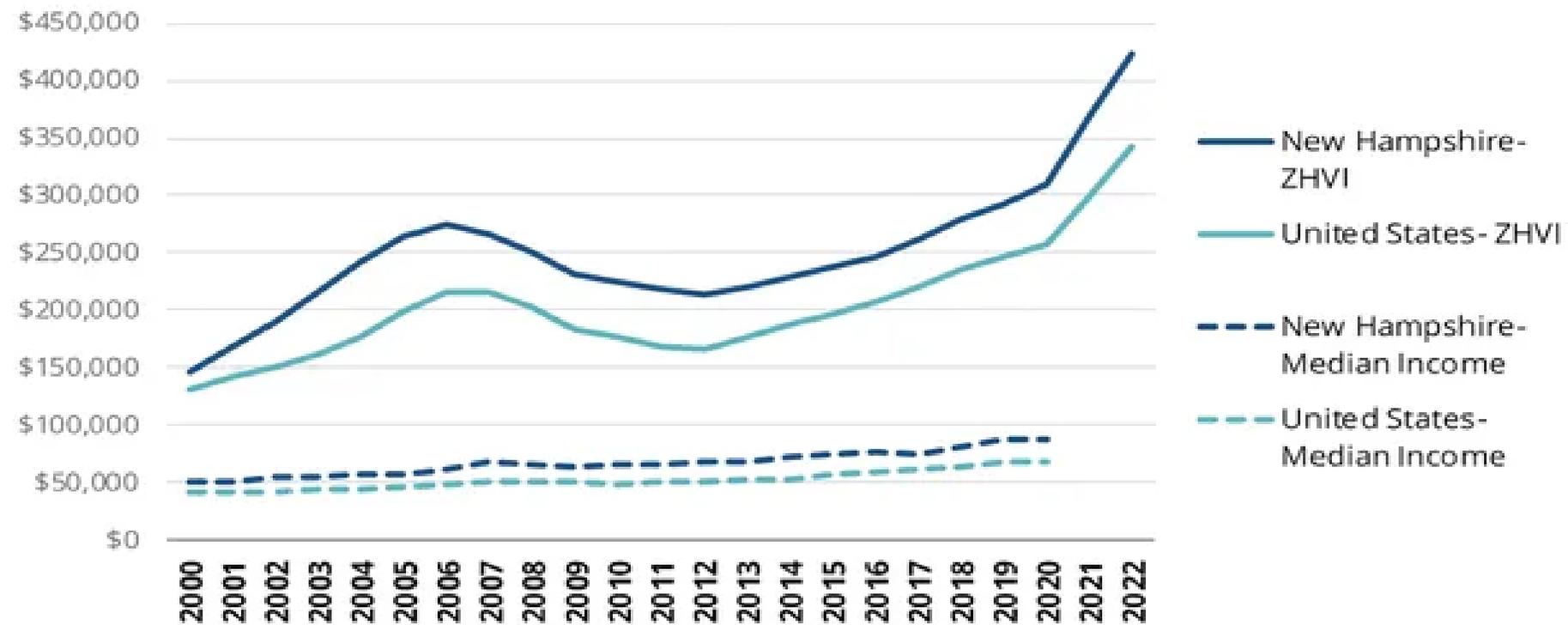


Figure III-I.

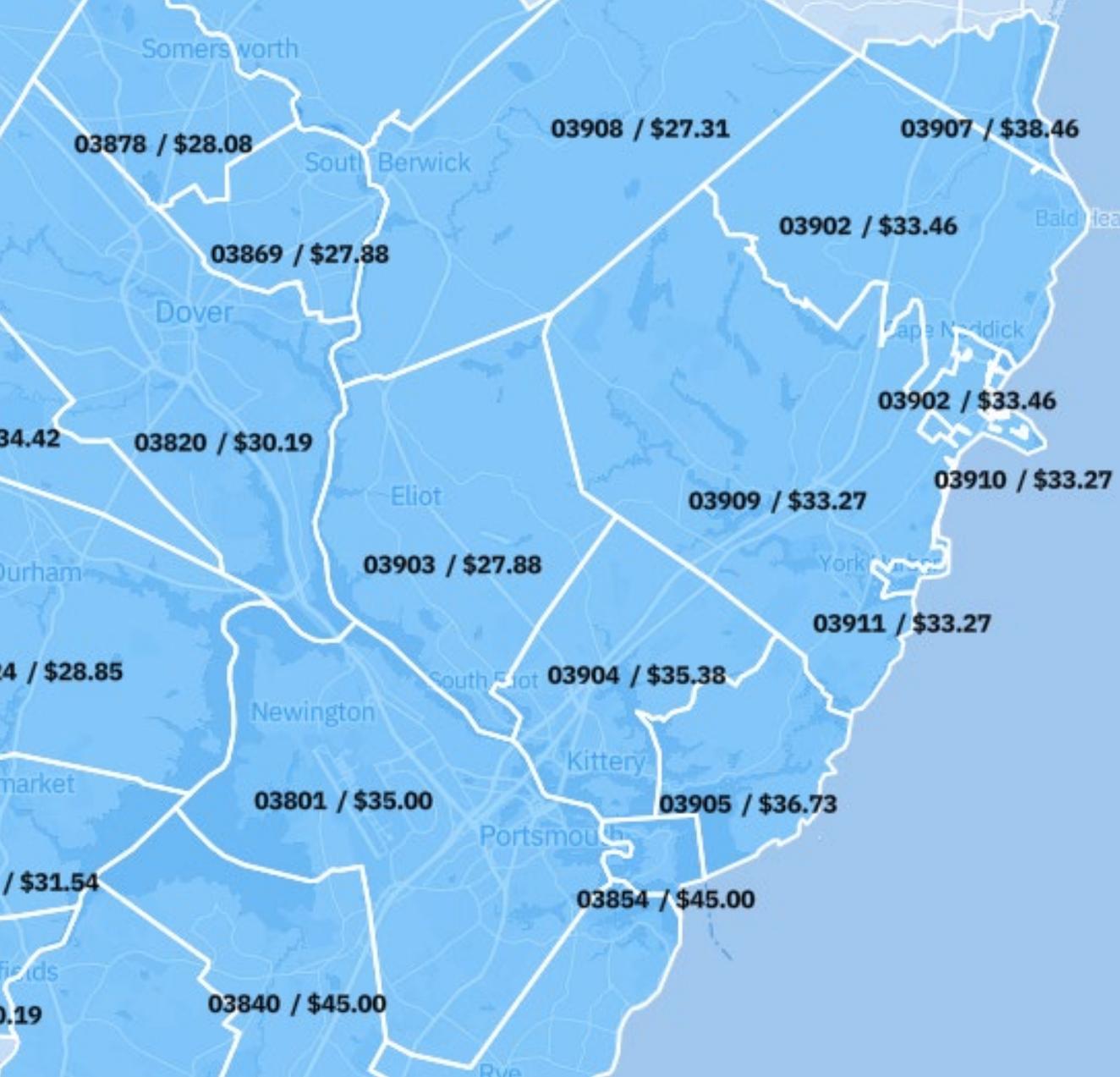
Zillow Home Value Index and Median Income, New Hampshire and U.S., January 2000 – July 2022



Note: Data for 2022 represent January through July. Nominal dollars (not adjusted for inflation.) Income data are only available through 2020.

Source: Zillow, U.S. Census median household income, retrieved from FRED, and Root Policy Research.

Zillow Home Value Index and median Income chart "2023 New Hampshire Statewide Housing Needs Assessment" | New Hampshire Housing



HOURLY RATE REQUIRED TO AFFORD A 2-BR RENTAL

South Berwick = \$27.31/hr (\$57,000/yr)

Eliot = \$27.88/hr (\$58,000/yr)

Kittery = \$35.38/hr (\$73,000/yr)

York = \$33.27/hr (\$69,000/yr)

Source: National Low Income Housing Coalition <https://nlihc.org/oor/zip?code=03903>

LOCAL HOUSING MARKET STUDIES:

Joint Land Use Study (JLUS) Partnership Meeting



June 1, 2023

Housing Cost and Affordability

- According to Maine Housing, all counties in Maine are unaffordable
- Actual Median incomes in York County are only 55% of the estimated needed median income to afford a home at the median housing price

80% of York County Households are unable to afford the Median Home Price considered Affordable

93% of homes sold in York County are unattainable to those making the Median Income for the County (\$75k)

Name	York County
Home Price Affordable to Median Income	\$243,671
Households Unable To Afford Median Home	71,797
Households Unable to Afford Median Home (%)	80.4%
Income Needed to Afford Median Home Price - Annual	\$136,513
Income Needed to Afford Median Home Price - Hourly	\$65.63/Hr
Median Home Price	\$440,750
Median Income	\$75,472
Percentage of Unattainable Homes Sold	93.0%
Total Households	89,259
Unattainable Homes Sold	2,500
Affordable Homes Sold	187

Source: Joint Land Use Study (PSNY) Partnership Meeting, Presentation 6/1/2023, Housing Needs Assessment
 Compiled by Jeff Levine, Levine Planning Strategies.

Housing Density & Type

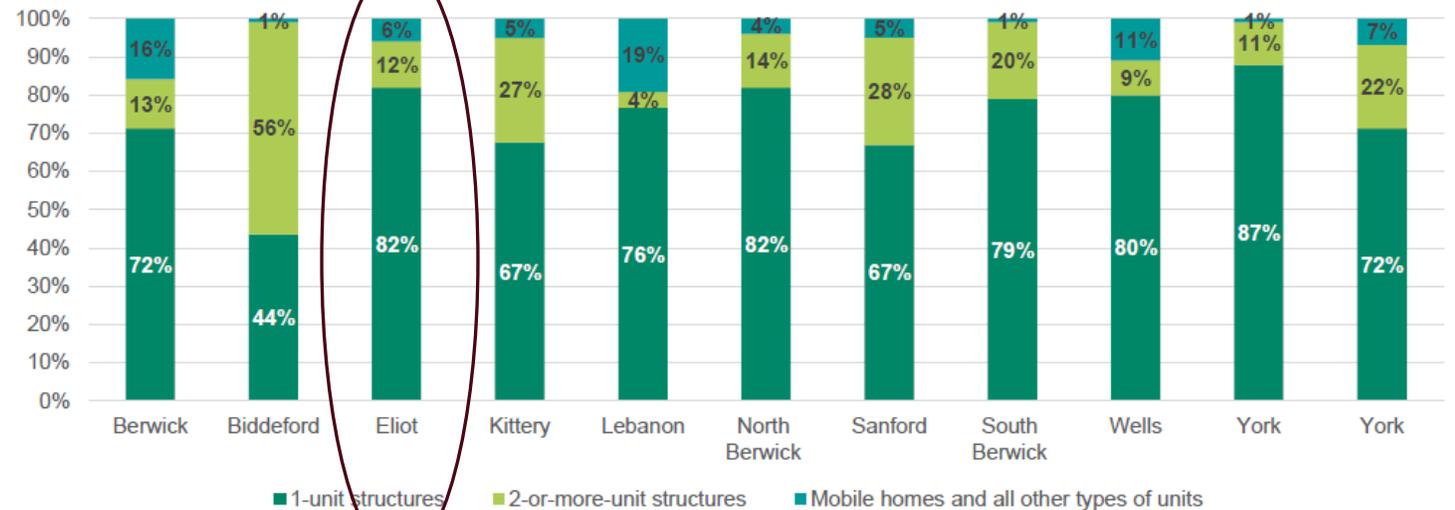
- Single Family homes are the dominant housing type in Eliot (82%) depicted in dark green
- Smaller and/or more affordable types of housing make up a very small percentage of housing types in our town.

- 2-or more units = 12% light green
- Mobile homes = 6% depicted in blue

Total Housing Units										
Town										County
Berwick	Biddeford	Eliot	Kittery	Lebanon	North Berwick	Sanford	South Berwick	Wells	York town	York County
3,765	10,350	2,963	5,367	2,558	2,070	9,806	3,063	9,092	9,082	111,552

Source: 2021 ACS 5-year Estimate (DP05 County Subdivision Level tables)

Housing Unit Types



Source: Joint Land Use Study (PSNY) Partnership Meeting, Presentation 6/1/2023, Housing Needs Assessment
Compiled by Jeff Levine, Levine Planning Strategies.

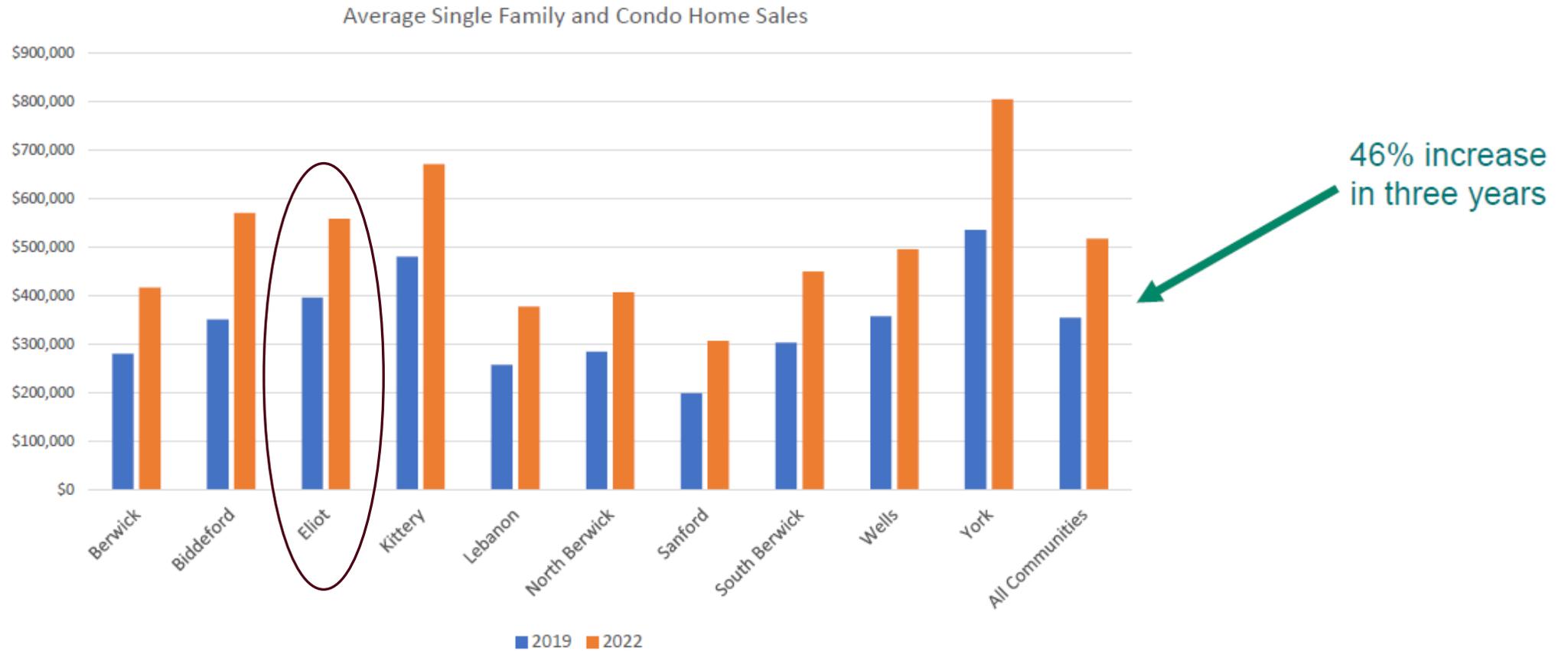
Housing Tenure

Housing Tenure	Town										County
	Berwick	Biddeford	Eliot	Kittery	Lebanon	North Berwick	Sanford	South Berwick	Wells	York	York
Owner-occupied housing units	84%	48%	85%	73%	41%	65%	54%	84%	81%	65%	75%
Renter-occupied housing units	16%	52%	15%	27%	59%	35%	46%	16%	20%	36%	25%

Source: 2021 ACS 5-year Estimate (S1101 County Level and County Subdivision Level tables)

Eliot, South Berwick & Berwick offer the lowest number of rental units in the Portsmouth Naval Shipyard Joint Land Use Study area.

RECENT SALES DATA: SINGLE FAMILY/CONDO



Source: The Vitalius Group/MLS

The Housing Crisis: People have started to move to Maine & this will likely continue

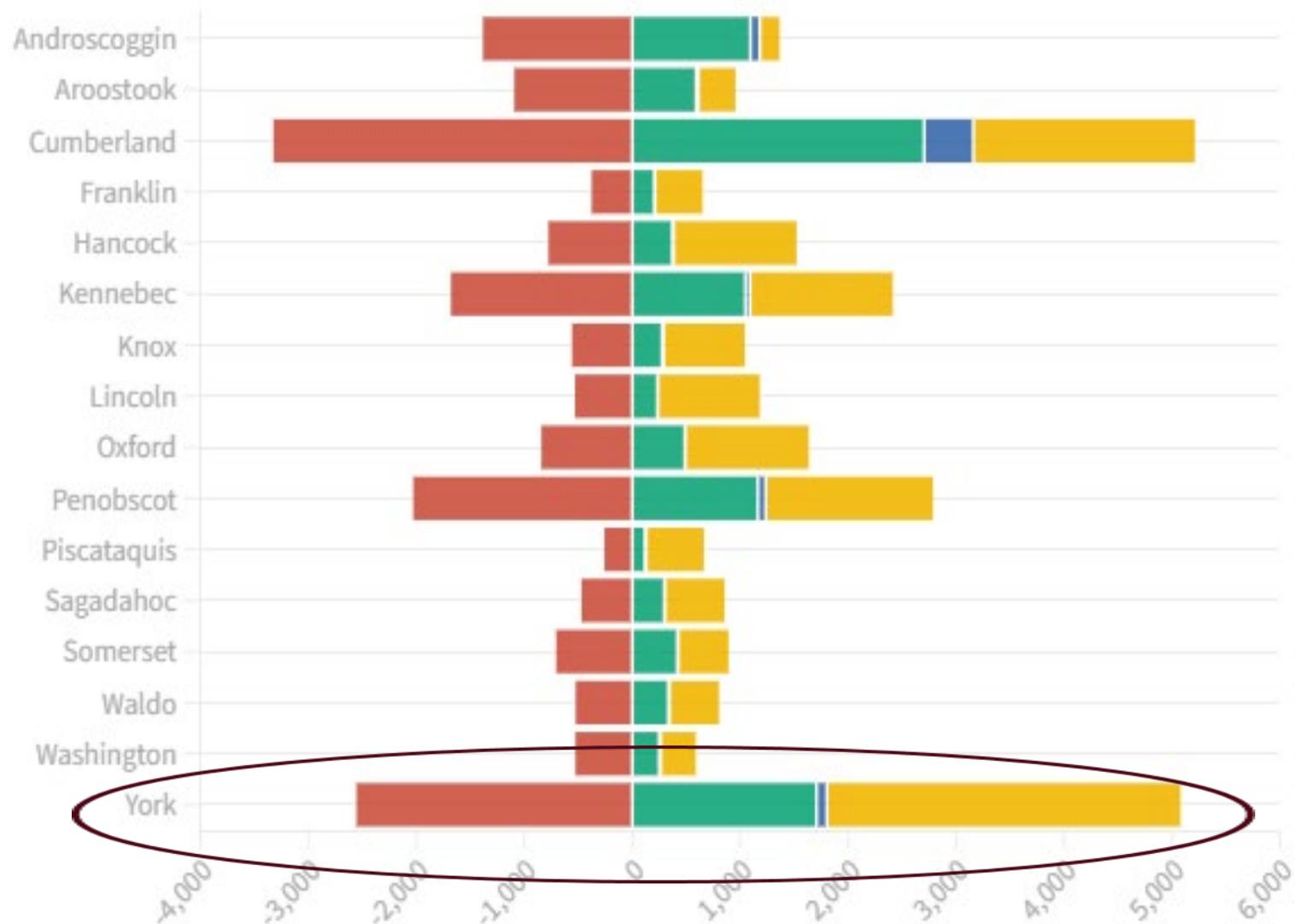
Maine went from one of the slowest growing states in the country to one of the fastest growing states in the last couple of years (2019-2022) due to “in-migration”

Most of this population growth has been in York & Cumberland Counties –

DECD predicts that the population of York County will increase 6.2% by 2030 – the highest predicted rate in the State.

Sources of population change, by county

Births Deaths International migration Domestic migration



Source: U.S. Census Bureau • Chart by Jessica Piper for the Bangor Daily News

ELIOT PLANNING BOARD'S WORK TO COMPLY WITH STATE MANDATE & FIND LOCAL SOLUTIONS

- **LD 2003**

- Relatively compliant prior to statute
- Took a nuanced approach to additional requirements
- Considering future refinements
- Went one step further with ADU ordinance to allow Accessory Structures to be converted into dwelling units.

- **Additional responses to Housing Crisis under consideration:**

- Cottage Clusters & Duplexes
- Amending a portion of Commercial/Industrial to allow for mixed-use (Commercial + Residential)
- additional incentives for energy efficient & modest homes

References:

LD2003 Guidance Document, Maine Department of Economic & Community Development, February 2023, https://www.maine.gov/decd/sites/maine.gov.decd/files/inline-files/DECD_LD%202003_digital-%20Feb%202023%20update%20website_0.pdf

Incentivizing Housing Production: State Laws from Across the Country to Encourage or Require Municipal Action ,UC Berkeley-Turner Center for Housing Innovation, February 2023 <https://turnercenter.berkeley.edu/research-and-policy/state-pro-housing-law-typology/>

Maine Affordable Housing Coalition presentation to the Commission to Increase Housing Opportunities, 9/13/2022, <https://legislature.maine.gov/doc/8867>

Corinth, Kevin and Dante, Hugo, The Understated 'Housing Shortage' in the United States. IZA Discussion Paper No. 15447, Available at SSRN: <https://ssrn.com/abstract=4178923> or <http://dx.doi.org/10.2139/ssrn.4178923>

State of Maine Housing Production Needs Study, 10/5/2023, https://mainehousing.org/docs/default-source/default-document-library/state-of-maine-housing-production-needs-study_full_final-v2.pdf



References:

Up for Growth, 8/11/22, <https://mainepolicy.org/the-housing-crunch-is-in-southern-maine-thats-why-statewide-policy-and-broad-mandates-a-bad-idea/>

New Hampshire Bulletin, 4/27/2023 <https://www.seacoastonline.com/story/news/2023/04/27/90000-units-needed-new-report-puts-a-big-number-on-nh-housing-crisis/70150037007/>

Joint Land Use Study (PNSY) Housing Subcommittee Meeting #2, May 8, 2023

https://smpdc.org/vertical/Sites/%7B14E8B741-214C-42E2-BE74-5AA9EE0A3EFD%7D/uploads/JLUS_Implementation_-_Housing_Sub-Committee_Meeting_2.pdf

