

From: [Julie Erdman](#)
To: [Jen Navarro](#)
Cc: [James Dealaman](#); [Julia Henze](#); [Town Council](#)
Subject: RE: Appeal 3/6/25
Date: Monday, March 3, 2025 11:43:44 AM
Attachments: [image001.png](#)

Good Morning Jennifer,

Please refrain from emailing Board members directly, board members are not allowed to communicate with applicants outside of a public meeting. We will add your emails as an addendum to the packet online and forward them electronically to the Board. The deadline to submit all pertinent information by last Friday at 10am was created with the best interests of everyone in mind; the board needs time to review and absorb the material to provide a thorough and fair analysis of the appeal.

Best Regards,
Julie

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Sent: Monday, March 3, 2025 10:58 AM
To: Julie Erdman <jerdman@brunswickme.gov>; James Dealaman <jdealaman@brunswickme.gov>; [\[REDACTED\]](#) <dgarcia@brunswickme.org>; Carlos Navarro <carlosnq007@gmail.com>; Town Council <towncouncil@brunswickme.gov>; Julia Henze <jhenze@brunswickme.gov>
Subject: Appeal 3/6/25

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Formal Complaint and Appeal Supplement

Regarding: Tedford Housing Site Approval Process, Brunswick, Maine

Purpose: Request for Formal Investigation by State and Federal Oversight Agencies

Introduction:

This document serves as a formal complaint and appeal supplement concerning the Brunswick Planning Board's approval of the Tedford Housing development on Thomas Point Road and the subsequent handling of appeals. The appellant, a neighboring resident, alleges serious procedural irregularities, conflicts of interest, and violations of law that warrant immediate oversight intervention. The following points outline the key issues, supported by evidence and specific incidents, which have undermined public trust in the fairness and legality of Brunswick's municipal processes. We respectfully request that appropriate state and federal agencies investigate these matters to ensure transparency, accountability, and compliance with the law.

1. Mistreatment and Inequality Faced by the Appellant

⌘ Threats and Intimidation by Officials: The appellant has been subjected to a hostile and intimidating environment created by certain town staff. On multiple occasions, officials attempted to deter her participation through threatening remarks and an adversarial demeanor. This mistreatment has had a chilling effect on her willingness to speak out, undermining her right to due process and equal treatment as a citizen. Such conduct by public servants violates basic principles of fairness and open governance.

⌘ Public Mockery by a Council Member: In a recorded Town Council meeting, a councilor openly mocked the appellant over a live microphone as she was being introduced to speak. This unprofessional and disparaging comment "made in a public forum" not only humiliated the appellant but also evidenced the bias and lack of respect afforded to her concerns. The incident, captured in the meeting record, exemplifies the prejudiced atmosphere she faced when trying to participate in civic proceedings. No citizen should be ridiculed by their elected representatives for engaging in civic discourse. This was in Dec. 2024 and Julia Henze town manager has

emails between us with the exact clip for quick reference.

â€¢ **Suppression of Free Expression (â€œGaslightingâ€)**: Town officials persistently tried to gaslight the appellant into believing she had no right to raise issues beyond the narrow scope of the six Conditional Use Permit (CUP) approval criteria. At public hearings and the Zoning Board of Appeals (ZBA) review, she was instructed that only the six CUP criteria could be discussed, effectively silencing her broader safety and neighborhood concerns. The ZBAâ€™s own findings confirm that matters â€œunrelated to those conditional use criteria were beyond the scope of reviewâ€. By restricting her speech to a limited checklist and dismissing other valid objections as irrelevant, the Brunswick officials deprived the appellant of a full and fair opportunity to be heard on issues of public importance.

â€¢ **Excessive Personal Burden**: The appellant has incurred significant personal costs in her fight for a fair process. She was forced to file multiple appeals, extensive Freedom of Access Act (FOAA) requests, and seek legal consultations to address the Planning Boardâ€™s actions. Each appeal carried filing fees and required substantial preparation. FOAA requests â€œfor information on conflicts of interest, safety studies, and compliance documentationâ€ resulted in copying and administrative fees. Additionally, consulting with attorneys to understand and protect her rights added financial strain. These expenses, amounting to thousands of dollars, would not have been necessary had the Town conducted an impartial, law-abiding review from the start. The process has placed an undue financial and emotional burden on a private citizen, simply because she sought to ensure the projectâ€™s compliance with the law and safety standards.

2. Conflicts of Interest & Lack of Impartiality

â€¢ **Planning Board Membersâ€™ Financial Ties to Applicant**: During the Planning Boardâ€™s May 14, 2024 meeting to re-approve Tedford Housingâ€™s conditional use permit, three Planning Board members openly disclosed that they had contributed financially to Tedford Housingâ€™s capital campaign (i.e. donated to the projectâ€™s development). Despite acknowledging this relationship, these members refused to recuse themselves from the review and approval vote. They

rationalized that their donations to a charitable organization did not constitute a conflict of interest because they had no expectation of financial gain. However, this stance overlooked the clear bias such support creates. By their own admission, they were not impartial arbiters, but rather supporters of the project. The appellant objected to this conflict once she processed the implications of such stating that it “denies me unbiased planning due process rights” . Brunswick’s Code of Ethics and Maine state law (Title 30-A Â§2701) require public officials to disclose conflicts of interest and recuse themselves when personal connections could influence their judgment . The failure of these Planning Board members to step aside, even after disclosure of their Tedford contributions, represents a blatant disregard for conflict-of-interest rules and has tainted the integrity of the approval process. No remedy was provided for this conflict; the project was effectively rubber-stamped by a Board predisposed in Tedford’s favor. This lack of impartiality is a serious lapse that violates the public trust.

“ Procedural Bias in Favor of the Developer: From the appellant’s perspective, the entire review process was slanted to favor Tedford Housing’s application. Despite numerous legal objections and evidence presented by the appellant, the Planning Board and later the Zoning Board of Appeals consistently sided with Tedford without meaningful deliberation on the concerns raised. For example, at the June 20, 2024 ZBA hearing, the Board refused to consider substantial issues the appellant raised (such as pedestrian safety, environmental impacts, and infrastructure deficiencies) on the grounds that these topics fell outside the strict CUP criteria . This procedural gatekeeping benefitted Tedford by narrowing the scope of review and excluding valid objections from the record. Furthermore, meeting minutes and records show swift approvals of Tedford’s submissions even when conflicts or legal questions were noted. The impression given is that Town officials were “going through the motions” to grant approvals, rather than conducting the impartial, rigorous review required by law. Such bias toward the developer not only invalidates the fairness of the outcome but also violates the due process rights of affected residents who are entitled to an unbiased decision-maker.

“ No Accountability for Conflicts: Even after the appellant formally notified the Town of the conflicts of interest and bias “ including a

FOIA request seeking disclosure of all officials who had donated or had ties to the Tedford project “ the Town provided no relief. There is no evidence that any independent review or investigation was undertaken into the Planning Board members’ admitted ties to Tedford. The appellant’s call for recusal was essentially ignored . By proceeding as if no conflict existed, Brunswick’s boards undermined public confidence in their decisions. This lack of accountability contravenes basic tenets of ethical governance and calls into question the validity of the Tedford site plan approval, which was decided by a body that was not impartial.

3. Breach of Public Trust & Failure to Uphold Standards

✗ Improper Acceptance of Traffic Studies: The Brunswick Planning Board accepted a traffic impact analysis in support of the Tedford Housing project that was not provided or endorsed by the Maine Department of Transportation (MDOT), contrary to standard review practices. Typically, projects of this scale that affect public roadways require either an official MDOT traffic study or, at minimum, a traffic movement permit and review by state transportation officials to ensure accuracy and public safety. In this case, however, the Board relied on a study commissioned by Tedford Housing itself, conducted by consultants paid by the applicant . By bypassing independent state review, the Board violated the norm of having unbiased validation of traffic impacts. This raises concerns that the project’s true impact on local traffic was not adequately vetted. The appellant contends that the traffic assessment was presented without the customary oversight, and that its conclusions (for example, regarding safety of ingress/egress and the need for pedestrian infrastructure) went unchallenged by the Town. Approving the project on the basis of a self-serving study not reviewed by MDOT is a breach of due diligence that puts drivers, pedestrians, and future shelter residents at risk. It also violates Brunswick’s own ordinances requiring that developments not create unsafe traffic conditions.

✗ Erosion of Safety and Compliance Standards: During the course of project review, key site plan requirements were relaxed or eliminated, reducing the safety measures originally intended. Notably, in November 2023 a “minor” site plan modification was approved

administratively, altering the stormwater management plan and increasing impervious surface coverage beyond what was initially allowed . By the appellant's analysis, the revised plan now exceeds the 80% impervious surface limit, yet no new environmental impact studies were conducted to assess flooding or runoff consequences . Likewise, certain infrastructure elements that had been expected for safety were downgraded or omitted in the final approval. There are no sidewalks or safe shoulders added along Thomas Point Road or connecting the shelter to public transportation, despite this road being the only pedestrian route for residents to reach essential services . The project's driveways were approved at widths that the appellant and neighbors argue are too narrow for emergency vehicles to maneuver safely. Even an Americans with Disabilities Act (ADA) compliant entrance was called into question. By lowering these standards “ whether through quiet administrative changes or waiver of requirements “ the Town failed to uphold its obligation to ensure the project meets all safety and zoning criteria. Each deviation from the rules was done without adequate public explanation, further eroding trust. The result is an approved plan that the appellant believes is materially less safe and less compliant with ordinances than the original designs, constituting a betrayal of the protective regulations that the Town is duty-bound to enforce.

• Neglect of Safe Infrastructure for Vulnerable Residents: The approved Tedford Housing plan does not include basic off-site infrastructure to protect the safety of the future homeless shelter residents. No pedestrian crosswalks, sidewalks, or lighting improvements were required on the busy road outside the facility, even though residents will have to walk along or cross this road daily. As the appellant warned repeatedly, this creates life-safety hazards for people on foot . Tragically, the broader Maine community has already seen the deadly consequences of situating homeless shelters in areas without proper pedestrian safety measures. For example, in Portland on February 23, 2025, a homeless man was fatally struck by a car while walking near the city's shelter, an area long known for unsafe pedestrian conditions . This incident (the death of 37-year-old Justin Mitchell) highlights exactly what the appellant fears in Brunswick “ that the Town's failure to mandate sidewalks, crossings, or traffic-calming near the shelter will lead to preventable injuries or deaths. The public trust has been breached when a development meant to serve vulnerable

individuals is allowed to proceed without ensuring those individuals can safely access the facility and nearby services. By ignoring these safety infrastructure needs, Brunswick officials did not uphold their responsibility to protect public welfare, contrary to both the spirit and letter of planning and zoning requirements.

4. Allegations of Racketeering & Procurement Advantages

â€¢ Preferential Treatment Linked to Political Connections: There are troubling indications that the Tedford Housing project received preferential treatment because of the personal and political connections of those involved â€“ a situation that smacks of collusion and racketeering-like advantage. The developer of the project, Mr. Kevin Bunker, has close ties to influential figures: he is a significant donor (â€œsix-figure contributorâ€) to Tedfordâ€™s own capital campaign and is business partners with a sitting state senator (Sen. Mattie Daughtry of District 23) in an unrelated real-estate venture . The appellant has raised the concern that such relationships created a climate where Town officials felt pressure (or inclination) to approve Tedfordâ€™s project expediently as a political favor. Indeed, the appellant explicitly noted the connection between Mr. Bunker and Sen. Daughtry as a factor that â€œinfluenced why Iâ€™m having such difficulty fighting against Tedfordâ€™s development hereâ€ . This suggests a belief that the normal armâ€™s-length regulatory process was subverted by insider influence â€“ that decisions were preordained by who stood to benefit, rather than made on the merits. If true, this represents a grave abuse of public office. Any scheme by which a developer leverages political allies to push through approvals or funding (especially involving use of public funds) could violate anti-corruption statutes and merits investigation as potential honest services fraud or racketeering activity. We urge oversight agencies to scrutinize communications and relationships between Tedfordâ€™s principals, Town staff, and elected officials for any quid pro quo or undue influence.

â€¢ Insider Funding and Lack of Transparency: The financial path of this project further illustrates potential impropriety. Tedford Housingâ€™s new facility is an \$8.3 million venture heavily reliant on public-sector support . The Brunswick Town Councilâ€™s unusual step of donating \$200,000 in

municipal funds to Tedford's capital campaign (approved on Dec. 4, 2023) signals a blurring of lines between public duties and private charitable endeavors. While helping the homeless is a worthy cause, the Council's enthusiasm to fund a specific nonprofit's construction project "especially one where multiple councilors and board members have personal involvement" raises questions about improper favoritism in the allocation of public money. The appellant seeks clarity on whether any Town or state procurement rules were bypassed in this allocation and in any contracts awarded for the project. It appears that developers and organizations with insider connections enjoyed an advantage not afforded to others, with minimal transparency. For instance, Cumberland County government contributed \$1.75 million to Tedford's project and local health institutions gave \$500,000, all of which was publicized as a triumph. Yet, there was scant disclosure of the strings attached or the decision-making process behind these contributions. The concern is that a network of politically connected individuals orchestrated the funding and approval behind closed doors, sidestepping the accountability that typically accompanies public expenditures. Such an environment is ripe for conflicts of interest and abuse. We allege that Brunswick's handling of the Tedford project was not merely lenient but collusive, warranting a thorough audit of how contracts, grants, and approvals were obtained. Any pattern of reciprocal favors, fast-tracked approvals, or concealed financial dealings should be examined under state and federal law prohibiting public corruption and misappropriation of funds.

5. Legal Violations & Request for Investigation

• **Violations of Municipal Law and Due Process:** The actions of Brunswick officials in this matter appear to violate multiple provisions of Maine law and the Brunswick Town Charter. Maine's zoning and land-use statutes demand fairness and consistency in process, which were not upheld. For example, Title 30-A M.R.S. Â§2605 and Â§2701 (and Brunswick's own Code of Ordinances) require that municipal officers avoid conflicts of interest and recuse in cases of bias "a requirement that was ignored when conflicted Planning Board members stayed on the Tedford case. The appellant's right to an impartial tribunal, a cornerstone of due process, was thus denied. Additionally, Brunswick's

comprehensive plan consistency requirement (per Title 30-A Â§4401 et seq.) may have been breached: The shelter project and its enabling zoning amendments were arguably inconsistent with the Town's 2008 Comprehensive Plan (particularly regarding development in growth vs. residential zones and preservation of open space), yet the Town proceeded without amending the comp plan or adequately addressing resident objections . This contravenes Maine law that prohibits municipalities from enacting ordinances inconsistent with their comp plan . The appellant also documented procedural errors such as improper extensions of permit deadlines (the Town initially misapplied a 3-year expiration to the CUP instead of the correct 2-year limit until the appellant pointed out the error) and a potential violation of open meeting laws (a key meeting about reapproval was held via phone without public attendance) . Collectively, these actions reflect a pattern of legal non-compliance that invalidates the legitimacy of the Tedford site approval.

â€¢ Failure to Uphold Ethical Governance: Beyond specific statutes, the fundamental principles of ethical governance have been compromised. Maine's Constitution and administrative law principles ensure that citizens receive due process and equal protection in local administrative proceedings. In this case, the appellant was not treated as an equal stakeholder; her rights were subjugated to expediency and favoritism shown to the developer. The public hearings provided only a veneer of participation â€“ in substance, critical decisions had already been made behind the scenes or without proper impartial review. Moreover, Maine's Freedom of Access Act (FOAA) was invoked by the appellant to obtain basic information (conflict disclosures, safety studies, funding sources) that should have been transparently provided during the process . The need for FOAA requests itself indicates a lack of transparency. The Town's sluggish or incomplete responses to these requests (and the imposition of costs on the requester) further impeded oversight. Taken together, these issues suggest a local government that has strayed from the ethical standards of honesty, accountability, and fidelity to the law. Such deviations may constitute malfeasance or neglect of official duty under Maine law (see e.g., 17 M.R.S. Â§3104 regarding officials' duties), and they warrant an external investigation.

â€¢ Request for Oversight and Investigation: In light of the foregoing, the

appellant formally requests that state and federal oversight bodies intervene to investigate and correct the situation in Brunswick. At the state level, we urge the Maine Attorney General's Office, the Maine Department of Audit/Oversight, and any relevant legislative oversight committees to review Brunswick's approval process for legal violations. The Maine Ethics Commission or an independent prosecutor should examine the conflicts of interest and potential abuse of power by local officials. We also ask Maine's Department of Transportation and Department of Public Safety to evaluate whether traffic and safety regulations were sidestepped, endangering the public. At the federal level, because federal funds and interstate charitable donations are involved, we request that the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Justice review this matter. HUD's Inspector General can audit the use of any federal housing grants in the project, and the DOJ Public Integrity Section can determine if any corruption (such as honest services fraud or civil rights violations) occurred. A formal inquiry should verify the appellant's claims, ensure that Brunswick's actions either be corrected or sanctioned, and provide guidance to prevent such issues from recurring. Only through a thorough investigation can we restore confidence that development decisions in Brunswick (and by extension, other Maine communities) are made lawfully, ethically, and with due respect for citizen rights. We seek immediate oversight intervention to uphold the rule of law and to protect the public interest that has been so evidently compromised in this case.

Conclusion:

The Brunswick Tedford Housing site approval process, as detailed above, reveals a convergence of missteps: mistreatment of a concerned resident, undisclosed conflicts of interest, procedural bias, lowered safety standards, and possible collusion. Each of these elements on its own would merit concern; taken together, they paint a picture of a municipal process in urgent need of higher scrutiny. The appellant respectfully submits this formal complaint in the hope that state and federal authorities will thoroughly investigate these grievances. The goal is not only to seek justice for the appellant and her neighborhood, but also to ensure that Brunswick's governance is brought back into compliance with Maine

law and the high ethical standards its citizens deserve. We trust that the oversight agencies will give this matter the serious attention it warrants, and we thank you for your prompt consideration and action to uphold fairness, transparency, and accountability in our community.

Requested Outcome: The appellant asks that the reviewing agencies take appropriate actions based on their findings “which may include nullification of the project’s approvals pending a fair rehearing, sanctions or training for officials who violated ethics rules, recovery of any misspent public funds, and implementation of safeguards to prevent future occurrences. Mostly, relocate Tedford and acknowledge this map 42 lot 8 & 11 site is non conforming for the development. Ultimately, this complaint seeks to ensure that development in Brunswick is conducted lawfully and safely, in a manner that respects both the rights of residents and the needs of vulnerable populations. The appellant stands ready to assist investigators with any further information needed and looks forward to a response that will address the serious concerns raised in this document.

I do have exhibits of voice recordings, of altered ZO text and codify system validating my claims by showing modifications happened at that exact time I allege this as occurring. I have voice recordings of having discussed such with sande hot graph and requests of filing reports to BPD and States attorney via reporting to Officer Wyman on 5/3/24 and so on. I’ve DOCUMENTED everything. I have numerous emails between town manager, councilors and staff. Some which disregard taking complaints of being mocked on public record very lightly and claims they cannot find the guilty party although validating they do acknowledge that my claim was accurate and true. I have filed investigation request to HUD-OIG this morning and request they revoke funding to this project due to these inadequate unmet life safety standards and lack of mandated required NEPA environmental impact study that Tedford does not supply. Especially concerning considering 8/19/24 MRRR hanger 6 AFFF 60,000 PFOS disaster spill. That along with Portland pedestrian death of a homeless shelter transit named Justin Mitchell just as recent as 2/23/25 by a car. It’s very important to know these unenforced regulations and requirements will fall on all those accountable to ensure proper procedural oversight. Know that I have the records to prove having brought this concern to light multiple times. I acknowledge the inconvenience of Tedfords situation and I do empathize with their plight. Ultimately, I feel this all could have been avoided if proper transparency and actions were implemented from day one. Do nonetheless consult with these funding providers and see if

indeed, they have financial capacity or not. Lastly, I record them out there everyday doing construction. Considering no reissuance of cup permit was achieved, every action is illegally made in my understanding and enforceable by State and Municipal Police departments. I expect to see STOP WORK orders immediately. Injunctions to Stop work ect. I am open to discuss and or provide the items I vow to have. I am currently working on a way to combine all things in a documentable easily comprehensible flash drive. However previous submissions to the town via in email complaints or in town council or committee or board meetings, and appeals should contain some for your reviewal. Please standby. Unless it not need to come to that. Note also, I have hard copies of previously mailed butter notifications for Tedford projects in original mailed envelopes stamped by USPS and voice recordings confirming I was added to abutters list. Just do what's right. I don't wish to fight or take this to higher courts. I will, if you insist.

Respectively,

Mrs. Jennifer Navarro

Lastly, why did chair of planning board Mr. Dana approved 13 months worth of minutes on 2/25/25 planning board meeting? Are they not required to be submitted within 14 days for public review? And note disclosures of conflicts of interest are mandated to be required in Written expressed which was not done so failure to disclosure and ultimately Brunswick needs immediate training and supervision of its employees staff and volunteers.

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