

From: [Jen Navarro](#)
To: planning@brunswickme.gov; [Fran Smith](#); [Julie Erdman](#); [James Dealaman](#)
Subject: Forward to PB for 1/13/26
Date: Tuesday, January 13, 2026 8:46:31 AM

Dear Members of the Brunswick Planning Board,

I am writing to place formal legal and planning concerns on the record regarding the materials presented for the January 13, 2026 meeting, particularly those addressing stormwater compensation fees and impaired waters.

Several aspects of the packet raise red flags indicative of arbitrary and capricious decision-making by a Planning Board acting in a quasi-judicial land-use capacity.

First, selective recognition of impaired waters.

The packet applies heightened stormwater regulation and compensation mechanisms to the Mare Brook watershed while excluding New Meadows, even though New Meadows is an impaired waterbody under Maine DEP's Integrated Water Quality Reporting pursuant to the Clean Water Act. A quasi-judicial body may not treat similarly impaired waters differently without explicit findings explaining the distinction. No such findings appear in the materials.

Second, reliance on a narrow regulatory label to limit obligations.

The materials rely on the program-specific term "urban impaired stream" as a gatekeeper for analysis. However, impairment under state and federal law is broader than a single stormwater program classification. Impairment triggers heightened duties of notice, analysis, and mitigation; it does not justify exclusion simply because the impairment arises under a different

regulatory framework. The packet does not explain why one form of impairment is acknowledged while another is disregarded.

Third, inconsistent analytical scope without explanation.

The record reflects that impaired status is sometimes treated as a central planning concern and sometimes treated as irrelevant, depending on context. The packet does not explain why impairment warrants regulatory response in one watershed but not in another, nor how such distinctions are reconciled. Unexplained inconsistency is a hallmark of arbitrary decision-making.

Fourth, absence of reasoned findings.

The materials contain no findings explaining:

- why Mare Brook is included and New Meadows is excluded,
- how impaired status was weighed,
- or why notice and cumulative impacts were not addressed.

A quasi-judicial body must articulate a rational connection between facts and conclusions. Without findings, meaningful public review and judicial review are impaired.

Fifth, disregard of hydrologic connectivity and cumulative impacts.

The packet treats watersheds as administratively isolated despite state and federal acknowledgment of hydrologic connectivity, including Navy- and EPA-confirmed off-base contamination and plume migration from the former Naval Air Station. Environmental impacts do not stop at watershed boundaries, and planning analysis should not either.

From a planning perspective, this fragmented approach undermines long-

term water-quality protection and exposes the Town to avoidable legal risk.

Why this matters to me:

I live in this watershed, and my family relies on well water. When impairment is inconsistently acknowledged or selectively applied, downstream residents bear the consequences. I am not opposing restoration efforts or funding mechanisms. I am asking for consistent standards, transparent reasoning, adequate notice, and findings that reflect the full environmental record.

Impairment should trigger more care, not less. I respectfully request that the Board address these concerns on the record and ensure that future actions reflect consistent, evidence-based application of environmental standards.

Thank you for your time and consideration.

Sincerely,

Jennifer Navarro

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