

Town of Brunswick

PLANNING & CODES

Committee:	Staff Review Committee		
Date of Meeting:	1/28/2026	Time:	10:00 AM
Minutes Prepared By:	Emily Stone	Location:	Town Hall, Council Chambers / Zoom
1. Purpose of Meeting (<i>Weekly meeting, Training, Workshop, etc....</i>)			
Weekly meeting			

2. Attendance	
Staff:	Ryan Leighton, Director of Public Works Sally Costello, Economic Development Trey Crews, Town Engineer Matt James, Land Use Planner Taylor Burns, Town Assessor Ashley Charleson, Environmental Planner Jimmy Dealaman, Principal Planner Josh Shean, Deputy Fire Chief Dennis Wilson, Town Arborist
Non-SRC Staff:	
Applicants:	Ten Two LLC Jay Raitt / Little River Land Surveying
Public:	Sande Updegraph Greg O'Donnell

3. Meeting Agenda
<p>1. <u>Case No. 25-057 – Ten Two LLC Subdivision – Waiver Request:</u> The Staff Review Committee will review and make a recommendation to the Planning Board on a Street Design Standards Waiver request application submitted by Little River Land Survey on behalf of the property owner, Ten Two, LLC, for a three-lot subdivision. The subject property is located on Moody Road (Map 10, Lot 10) and within the Rural Farm and Forest (RF) Zoning District, and the Shoreland Protection Overlay (SPO), the Shoreland Protection Overlay – Stream Protection (SPO-SP), and Aquifer Protection Overlay 3 (APO 3) Subdistricts.</p>
4. Discussion, Decisions, Issues
<p>Dennis – No comments.</p> <p>Ryan - No comments.</p> <p>Matt - Ryan, I believe you submitted a memo for this project already, correct?</p>

Ryan – Correct.

Josh - Just to reiterate from the last meeting... for these to be subdivided into three units to be included in the deed for those would be a requirement for residential sprinklers to be installed in any residence constructed on the properties.

Sally - No comments.

Taylors Burns – No comments.

Trey - I'm writing a memo for the planning board, but I didn't have any major concerns. This lot was already approved for two additional lots, and it's asking for another two now, based off the traffic study that the applicant of 25-037 (Garnet Ridge Subdivision) did, I don't think there will be an unreasonable traffic impact or congestion or safety impact. So, I don't have any objections to granting the waiver and I'll finish writing that memo to that effect. I know 25-037 has not been approved yet, and I guess my only recommendation would depend on if that's approved or which gets built first, I would still suggest that a streetlight gets installed at the intersection of Moody and Durham. And it would be nice if this project would provide a turnaround for public works if the other application is not approved with a turnaround that it's proposing. My memo will discuss those, and it would just be whoever starts developing the laws first would be responsible for completing those at public improvements.

Jimmy – No comments.

Matt – No comments.

Ashley - I don't have many comments. I think mine would be more applicable for when development is actually proposed. That being said, including a map that shows town overlays pertaining to natural resources, as well as looking at beginning with habitats maps online does show some important wetland features out there and a vernal pool somewhat close to the vicinity. Not sure if it's on the project parcel itself, but more so just a comment for them to keep in mind in the future when they're looking to develop it.

Matt - The current application is just for the lot splits. So, it's not really applicable right now, but we'll have to see what their future plans are.

Jimmy - I don't know if this application or this waiver request includes a plan, but that would be something I would recommend the applicant provide to the planning board because it's relevant to the waiver request.

Matt – Trey, will you be requesting that they submit their own traffic assessment or will it just rely on other recent projects that have happened on the road?

Trey - Considering another project on the same road has submitted a report that covers everything I would've asked for of this one - I'm willing to just use that. It's a minimal increase over what that project was proposing. It doesn't really change the results.

Matt - At this time I think we can open it up to the public.

Sande Updegraph - Good morning, I'm Sande Updegraph of Durham Road, Brunswick. I am curious about the timing of this application as it may or may not interface with Garnet Ridge. My comments this morning really are of a more global nature. I'm not terribly familiar with this committee, but I'm wondering if in the future there could be some consideration for how these applications fit into the guidelines of the newly adopted comp plan. In particular as they regard more development in the rural areas. I don't know if that would involve a change in the description of this committee or if it is

something you really are not appropriately going to be involved in, but I think someone needs, or some group needs to take a look at this with recommendations as they go to the planning board. So, it's just a suggestion. And thank you. And thank you all for looking very thoroughly at these applications. Thank you.

Greg O'Donnell - My name's Greg O'Donnell. I live at 157 Bracket Road. I just want to clarify what the waivers are for. I might have missed that. Is it for the road length and number of houses? Is that what the waiver is for?

Matt - Yes this is a waiver for the number of units on a dead-end road. I don't believe it is for the road length because they're not proposing to add any road. Whereas the other project on Moody Road is building their own private street off of the end, this project would only be adding driveways, which don't count towards the dead-end road maximum. This project is just for the number of units. Of course they're not proposing actual buildings at this time, but in the sense of adding three new buildable lots. That's what we're taking a look at.

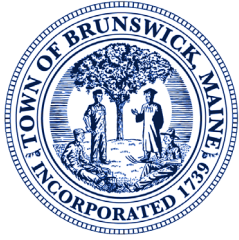
Greg O'Donnell – Great. Thank you. That's all I have.

Jimmy - I did want to jump into Sande's suggestion about reviewing for the comp plan with waiver requests. That generally is something we do factor into a typical waiver request that lives in our zoning ordinance. However, the waiver that we're looking at today to waive the max units - that's out of the street standards chapter. So, the waiver criteria in that is different and it doesn't talk about the comp plan, but, it's noted that potentially next time we amend that chapter, we could consider putting some language in about the comprehensive plan consistency.

Matt - At this time we're reviewing everything based on the order of the ordinances at the time that the application was submitted. We do have two wholly separate ordinances - the zoning ordinance and the code of ordinances. These street standards are referenced in the zoning ordinance, but the waiver criteria and the actual standards live in the code of ordinances.

Sally - I just wanted to, to say that we would be having a different conversation today if we were talking about actually building the units themselves because of the moratorium. If they were coming forward with that, that would be a different conversation we would be having today.

Matt - They did submit the application I think a day before the moratorium took effect. So, if they had submitted their original application after that, then it would be reviewed under the moratorium - which would mean that it wouldn't be reviewed at this time.



Town of Brunswick, Maine

INCORPORATED 1739

ENGINEERING DEPARTMENT

85 UNION STREET

BRUNSWICK, MAINE 04011-2418

TELEPHONE 207-725-6100

FAX 207-725-6663

MEMORANDUM

TO: Planning Board
FROM: Trey Crews, PE, Town Engineer
SUBJECT: 25-057 Ten Two Subdivision Waiver Request
DATE: January 28, 2026

Case 25-057, Ten Two LLC Subdivision, proposes a four-lot subdivision located off Moody Rd. The project was presented for sketch plan review to the Staff Review Committee on January 28, 2026.

The project would subdivide Lot 10-10 on Moody Road. Presently, Moody Road does not comply with the town street standards. Previously, Lot 10-10 was approved by the town council on September 16, 2024 to add an additional one to two units. However, this requests an additional two units be considered for approval. As Moody Road is over the maximum total number of units allowed, a waiver must be granted from the Planning Board to allow the subdivision.

In Case 25-037, the applicant requested a waiver for additional units to be added onto Moody Rd. As part of that application, a traffic impact study was completed and demonstrated that the proposed development in Case 25-037 would not result in unreasonable congestion or unsafe conditions along Moody Road, or at its intersection with Durham Road.

Based on the study from 25-037 and the proposed additional two units, the town engineer does not think the proposed Case 25-057 would not cause unreasonable congestion or unsafe conditions. The Town Engineer does not object to the requested waiver.

If the waiver is granted by the planning board, the Town Engineer recommends that the applicant be required to install a new streetlight at the Moody Road/Durham Road intersection, in accordance with the Town's Street Lighting Policy. The town engineer also recommended that for Case 25-037. The improvement should be the responsibility of the first applicant to develop additional lots on Moody Rd. Further, Case 25-037 also proposed a turnaround to be constructed for use by public works, school district, waste management, etc to address the lack of one at the end of Moody Rd. If Case 25-037 does not proceed, or if case 25-057 proceeds first, the Town Engineer recommends that Case 25-057 provide a turnaround with a public easement.

Town of Brunswick, Maine

INCORPORATED 1739

PUBLIC WORKS DEPARTMENT

MEMORANDUM

TO: Matthew James, *Land Use Planner*

FROM: E. Ryan Leighton, *Public Works Director*

DATE: January 22, 2026

SUBJECT: Case No. 25-057 - Ten Two LLC Subdivision – Waiver Request

Public Works has no concerns associated with the proposed subdivision referenced above.

Please contact me if you have any questions or would like additional information.

Kristin M. Collins
kcollins@preti.com
Direct Dial: 207.791.3292

M E M O R A N D U M

TO: Planning Board

FROM: Kristin M. Collins, Town Attorney

DATE: February 5, 2026

RE: **Dead-End Roads**

This memo is intended to guide the Planning Board's review of street and traffic standards pertaining to dead-end streets. These standards derive from two provisions of Town Code: (1) street design standards under Sec. 14-187 of the general code; and (2) circulation and access standards under Section 4.8 of the Zoning Ordinance.

A dead-end street is defined as "a street that has only one combined inlet and outlet." The "combined inlet and outlet" would allow a street to avoid categorization as "dead end" if it has two separate points of ingress/egress, even if to the same principal street. Note that the definition of "dead-end street" also provides that "dead-end streets that originate from another dead-end shall be measured as one continuous street."

Section 14-187

The Zoning Ordinance (Sec. 4.8.1) requires streets within a development to meet the requirements of the Street Acceptance and Standards Ordinance (Chapter 14, Article VI of the general code). Section 14-187(6) provides that new private streets must be built according to the Street Standards table. The table provides that the maximum length of a dead-end street is 1,500 feet, and the maximum number of units served by a dead-end street without additional review is 25 if paved, and 5 if unpaved.¹ As noted above, the length is measured based upon the total path of dead-end streets leading to the development, even if one portion is existing and the other is new, or if one portion is public and the other is private.

Section 14-187(6) allows for waivers, with the applicable waiver standard dependent upon whether the dead-end street is new or existing. In some developments, there will be a proposed new dead-end street to be accessed via an existing dead-end street. The standards – and any available waiver – should be applied to each based on their status as new or existing.

¹ Footnote 4 to the table allows for an unpaved private street to serve up to 25 units if each lot is served by a street maintenance association agreement.

For new streets, “the roadway will be constructed to meet the private road standard in the below table as a minimum.” (§14-187(6)(a)). In other words, new dead-end private road may be permitted if the total path of dead-end road will be more than 1,500 feet, or if the portion of new private road will serve more than 25 units. Waiver is permitted only in the case of “hardship” (§14-190). “Hardship” is not defined within the street standards, but other uses of the term in the code are illustrative of the intent behind the word. In the Housing Code, “hardship” is defined as “extraordinary conditions peculiar to [the] premises, or to a proposed building, which are not reasonably remediable.” (Housing code §8-63) Though it is not strictly applicable here, the Board may also apply concepts from the “undue hardship” standard for variance, which takes into account whether the applicant can make a reasonable return on the land if the standard is applied, whether the circumstances are unique to the property, and whether the owner created (or could reasonably avoid) the hardship.

For existing streets, Section 14-187(6) provides that the Planning Board may approve a proposal that creates a new lot of record on an existing street that doesn’t meet these standards. If a waiver is requested, it must be reviewed by the staff review committee for its comments and recommendations prior to planning board review. The following standards must be considered:

1. Waiver may be allowed only if the applicant “receives recommendation from the engineering department and the fire department that the standards should be waived.” This criterion must be met for a waiver to be granted; however, the waiver may still be denied in the presence of a recommendation, if the other standards aren’t met.
2. The layout and the design of the street “must conform to the standards to the maximum extents practicable.” In applying this standard, the Board may consider concepts such as whether a development – even with fewer lots or units or a different development concept– could have been designed with better connectivity, and whether provisions have been made for safe and adequate turnarounds.
3. There must be “restrictions that prevent the standards from being met.” As to the dead-end street standard, this provision is moot, as the existing dead-end street likely cannot be shortened or made to serve fewer units.
4. Prior conveyances or construction abutting the street must “make it impossible or an undue hardship to meet the standards.” Again, this provision is moot when applied to the dead-end road standards.
5. The reviewing authority must determine “that the modifications to the standards would be reasonably safe.” Here, the question is whether adding the additional proposed units to the dead-end road will reasonably cause unsafe conditions. The Planning Board should consider the guidance given by the Town Engineer and Fire Chief and determine whether the additional units or length of dead-end road will impede public safety response, potentially cut the neighborhood off in the event of downed trees, an accident/fire or wash-out, or risk accidents or pedestrian collisions.

Generally speaking, the Planning Board should give a high degree of weight to engineering and fire department recommendations and should refuse a waiver in the presence of those

recommendations only if it can articulate specific reasons, tied to one of more of the above standards, why the waiver should not be granted.

Circulation and Traffic Standards per Zoning Ordinance

Development on dead-end streets should also be evaluated under Section 4.8.1(D) of the Zoning Ordinance, which provides:

The street design shall allow for proper continuation of streets from other adjacent subdivisions and built-up areas. Dead-ends are to be avoided unless based on site constraints and there are no other feasible alternatives. For purposes of this subsection, pedestrian or bicycle connections to adjacent lands may be sufficient to satisfy this standard. This standard may be waived in cases where interconnectedness would result in the disruption of community character.

This may be a complicated and restrictive standard to apply in rural areas, but it is important to remember that the section prohibits dead-end streets as a rule. Exceptions are only available if (1) there are site constraints such as challenging topography or wetlands and there are no other feasible alternatives, or (2) where the Planning Board determines interconnectedness would result in the disruption of community character. These standards are applied separate from the street standards in Section 14-187, meaning that a dead-end street might meet the length or unit maximums in the street standards, or be granted a waiver, but still fail to meet these Section 4.8.1(D) standards.

The ordinance does not make it clear whether the term “feasible” should be interpreted to require the developer to reduce the size or number of units/lots in the development in order to allow for such connection. However, I believe a court would uphold a decision finding that a minor reduction in number of units, or a change to a less developer-preferred layout could be considered “feasible” to allow the standard to be met. In considering feasibility, the Planning Board may consider whether there is undeveloped land or easements that are available or could be acquired, where connections could be made, either to the same access road from a secondary point in the new subdivision, or to another adjacent road or public area. As the standard says, in the absence of road connections, walking or biking easements or paths can suffice.

As to the ability to excuse the dead-end prohibition if connection would result in the disruption of community character, the Planning Board should consider whether the development is in a rural district, the overall surrounding housing density, natural resources and open space, and similar considerations. The Planning Board should be cautious to avoid routinely granting waivers simply because of location in a rural area or in an area where dead-end developments are common. If the ordinance intended to allow the waiver to apply so broadly, it would have exempted rural areas from the standard. Instead, the Planning Board should consider factors specific to the immediately surrounding area and whether they are cause for special consideration.

Other standards in Section 4.8 may be relevant to a dead-end road, though they are not specific to such roads. The Planning Board should consider comments from the Town Engineer,

Fire Chief, Police Chief and planning staff, as well as its own reasonable and evidence-based concerns, and consider whether the dead-end design satisfies the following applicable standards:

- Design provides safe travel for all users of the street (4.8.1(B)).
- Design will not cause congestion or unsafe conditions on public roads (Sec. 4.8.1(F)(1-2); emphasis here on public). Developers may be required to make street improvements.
- Design will allow for safe pedestrian and bicycle access and propose improvements necessary to link pedestrians and bicyclists from identified points outside of the development (4.8.3(B)).

Because of the complex interweaving of standards and exceptions in these provisions, the Planning Board should be meticulous in making findings pertaining to dead-end streets, making it clear upon which standard or waiver allowance any determination is based. The Board should endeavor to apply each of the standards and to harmonize them, where possible.

**STREET DESIGN STANDARDS
WAIVER APPLICATION**

1. Street Design Standard Waiver application type:

☐ New Street

☒ Existing Street

2. Project Name: TEN TWO LLC SUBDIVISION

3. Project Applicant

Name: TEN TWO LLC
Address: 97 LEDGE BROOK CROSSING
BRUNSWICK, ME 04101
Phone Number: 207-751-4313
Email: JON@JAIDENLANDSCAPING.COM

4. Property Owner (name on deed)

Name: TEN TWO LLC
Address: 97 LEDGE BROOK CROSSING
BRUNSWICK, ME 04101
Phone Number: 207-751-4313
Email: JON@JAIDENLANDSCAPING.COM

5. Assessor's Tax Map 10 Lot Number 10 of subject property.

6. Physical location of property: MOODY ROAD

7. Lot Size: 17.43 ACRES

8. Zoning District: RURAL FARM & FOREST

9. Overlay Zoning District: APO-3 & WILDLIFE PROTECTION

10. Description of what the waiver is being requested for:

ORIGINAL LOT 10 (35 ACRES±) WAS DIVIDED INTO LOTS 10 AND 10A IN OCTOBER, 2024.
AROUND THAT TIME A WAIVER WAS GRANTED FOR DWELLING UNITS TO BE BUILT ON THE
RESULTING TWO PARCELS. AT THIS TIME THE REQUEST IS FOR THE NEW LOT 10 TO HAVE
TWO MORE DWELLING UNITS, FOR A TOTAL OF THREE, TO ALLOW FOR A SUBDIVISION.

11. Description of why the street standards cannot be met:

MOODY ROAD IS AN EXISTING DEAD END ROAD THAT EXCEEDS THE LENGTH OF THAT
ALLOWED BY MUNICIPAL ORDINANCES.

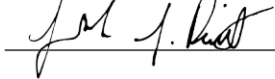
12. Describe specific physical improvements to be made: THREE SINGLE FAMILY RESIDENTIAL

DWELLING UNITS WITH PRIVATE DRIVES, WELLS AND SEPTIC SYSTEMS.

13. Indicate the interest of the applicant in the property and abutting property. For example, is the applicant the owner of the property and abutting property? If not, who owns the property subject to this application? If property owner is an organization, what is the applicant's affiliation?

THE APPLICANT OWNS THE PROPERTY, BUT HAS NO INTEREST IN ANY ABUTTING PROPERTY.

Property Owner Signature:

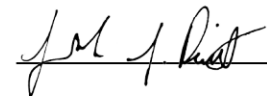


Date: JANUARY 20, 2026

Property Owner Name Printed:

JERAMIAH RAITT FOR TEN TWO, LLC

Applicant Signature:



Date: JANUARY 20, 2026

Applicant Name & Title Printed:

JERAMIAH RAITT, LAND SURVEYOR

Traffic Impact Statement

Prepared in Support of a Three-Lot Single-Family Residential Subdivision
Moody Road at Durham Road, Brunswick, Maine

Project Identification

Applicant proposes a three-lot single-family residential subdivision located on Moody Road in Brunswick, Maine. Access to the subdivision will be provided from Moody Road, with traffic dispersing through Durham Road.

Existing Roadway Network

Moody Road is a local residential roadway serving low-density development. Durham Road functions as a local/collector roadway. Both facilities operate under low traffic volumes consistent with residential land use.

Existing Traffic Conditions

Observed conditions along Moody Road and at the Moody Road/Durham Road intersection reflect free-flow operations with minimal delay. Existing Levels of Service are estimated to be LOS A or B.

Trip Generation

Trip generation estimates are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, Land Use Code 210 (Single-Family Detached Housing). The subdivision is expected to generate approximately 30 average daily trips, including approximately 2–3 trips during the weekday AM and PM peak hours.

Trip Distribution and Assignment

Site-generated traffic will enter and exit via Moody Road and distribute naturally through the local roadway network via Durham Road. Traffic volumes are minimal and will not concentrate turning movements at any single location.

Future Traffic Conditions

The addition of three single-family dwellings will result in a negligible increase in traffic volumes. Moody Road and the Moody Road/Durham Road intersection have sufficient reserve capacity to accommodate the projected traffic.

Level of Service Analysis

Under build conditions, roadway segments and the study intersection are expected to continue operating at LOS A or B, which exceeds the Town of Brunswick's typical minimum planning standard of LOS C.

Sight Distance and Access

Residential driveways will be designed to meet applicable Town of Brunswick and MaineDOT sight distance requirements. Adequate stopping sight distance will be provided in both directions along Moody Road.

Safety Analysis

The proposed development will generate typical residential traffic at low speeds. No increase in crash potential is anticipated, and emergency vehicle access will remain adequate.


Mitigation Measures

Due to the minimal traffic generated by the proposed subdivision, no roadway improvements, intersection upgrades, or traffic control devices are required.

Conclusion

The proposed three-lot single-family residential subdivision meets the intent of the Brunswick Planning Board traffic review criteria. The project will not create adverse traffic or safety impacts and will maintain acceptable levels of service on Moody Road and at the Moody Road/Durham Road intersection.

Prepared for: Brunswick Planning Board

Prepared by:  _____

Date: January 20, 2026