

From: [Amie Preston](#)
To: [Matthew James](#); [Julie Erdman](#)
Cc: [Brackett-wetland Protection](#)
Subject: Public Comment Planning Board Review - Case 25-057 Ten Two LLC Subdivision
Date: Tuesday, February 10, 2026 5:35:08 PM
Attachments: [January 16 Julie Erdman Dead End Road.docx](#)
[PB Letter -- Garnet Ridge Waivers -- 1.21.26.docx](#)

Matt

I'm writing to respectfully request the Planning Board declines to approve the waiver for additional housing on Moody Road given the following:

Environmental Conservation Consistent with Zoning Ordinances and Maine State Regulations

This sketch plan impacts multiple protection overlays (SPO, SPO-SP, WPO, APO3) and is adjacent to two other subdivision proposals, each seeking multiple waivers. This Planning Board has seen and heard a bevy of public comment related to the maintenance and preservation of the wetlands in and around Brackett Road and Moody Road.

None of these Subdivision Proposals Qualify for Waivers

As described by Brunswick Zoning Ordinances Section 5.2.7 B (2) General Criterion for Approval or (6) Additional Criteria for Variances in the SPO and FPO Districts.

Zoning Standards, Dead-End Roads

Please find attached a letter previously shared (Jan 21, 2026) with the Planning Board from Randall Arendt, 6 Sparwell Lane, Brunswick. The details included therein are worth review, as they provide context for current zoning standards as well as perceptions around roles / jurisdiction for town planning review and planning board review (as well as an email from Planning Board Director Julie Erdman, dated January 16, 2026, providing background information on waiver review, also attached for reference). For quick consumption, Moody Road is already well beyond the Zoning Standard which will only get worse if the two proposals in review approved.

	Dead End Road Length	Units
Brunswick Zoning Guidelines	1500 feet max	25
Moody Rood - Current State	4500 feet	28
Garnet Ridge Proposal	1725 feet	12
Ten Two Proposal	3 private access - length not specified	3
Total	6200 feet (plus Ten Two Proposal)	43

While Mr. Arendt's letter provides a good deal of useful context relating to the practice and application of these standards, the table below illustrates this is a common practice / guideline across local municipalities.

	Dead End Road Length
Brunswick	1500 feet max
Freeport	1200 feet max
Topsham	1500 feet max
Bath	1500 feet max

Yarmouth

1000 feet max

Falmouth

1500 feet max (private) / 500 feet max (subdivision)

Please be so kind as to share this with other members of the planning board.

Kind regards,

Amie Preston

112 Brackett Road, Brunswick

To: Members of the Brunswick Planning Board

From: Randall Arendt, 6 Sparwell Lane, Brunswick

Date: January 21, 2026

Re: **Waiver Request for Garnet Ridge**

I am writing to urge the Planning Board to respectfully deny the request for a waiver for the Garnet Ridge subdivision proposal -- in terms of the dead-end street length and the number of dwellings involved -- and to permit only the shortest street extension and only the minimum number of lots needed to avoid undue hardship on the applicant, as defined by Maine statutory and case law (described below). The reasons supporting this request are explained below.

Context: In July 2022 the Town Council re-adopted regulations (in Section 14-187 of the Code of Ordinances) limiting dead-end streets to a maximum length of 1,500 feet and the number of homes served to 25.

As most people realize, Moody Road is a significantly non-conforming dead-end street. At about 4,500 feet in length, it is already 3,000 feet longer than the 1,500-foot limit which Council set as the Town's official maximum less than four years ago, an action that it took to strictly limit dead-end street length in order "to promote the health, safety, and public welfare". To rebut claims that Garnet Ridge involves only a 1,725-foot cul-de-sac (which itself exceeds the town's 1,500-foot standard), please refer to Section 14-184 which states that "*Dead-end streets that originate from another dead-end street shall be measured as one continuous street.*" This language was adopted to deal with the very dangerous, "spidery", branching pattern created along streets such as Moody Road.

Current Proposal: The current proposal is to extend this significantly nonconforming dead-end street by another 1,725 feet, bringing the total dead-end length to about 6,200 feet, or 1.2 miles. In other words, if the waiver were to be approved, the Moody Road dead-end would become 400% longer than the town's official maximum length. This is an incredible proposition, and would set a seriously inappropriate precedent, inviting other land owners and developers to propose more and more such dead-end extensions in violation of town law.

In my 50+ years of working with fire departments on subdivision proposals, I've always found their personnel to be highly supportive of limits on the length of dead-end streets and the number of homes (read "human lives") at stake during emergencies. Although emergency personnel often have a very laudable "can-do" approach, I also recall them saying at many public meetings that minimizing emergency response time is of the utmost importance when attempting to reach a house on fire or to rush a heart-attack victim to the hospital, when minutes really count. Stopping their rescue vehicles to remove a fallen tree with their chain saws, or to push away a vehicle (or vehicles) blocking the only access route to the emergency scene, can make a hugely critical difference to the success of their mission. The officials I've known have usually taken a firm stand against approving arbitrary waivers for entirely needless extensions of already-long and hugely

nonconforming dead-end streets. Weighed against the paramount issue of ensuring public safety, the only “need” is a purely private one – that of an individual to create more new house lots than would be necessary to avoid “undue hardship” as defined by state law and court decisions (described below).

In addition, the proposal to add a dozen new dwellings to the 28 homes already located on Moody Road would bring the new total up to 40 houses. This is not just a minor increase – in fact it is 60% higher than the MAXIMUM number of 25 dwellings adopted by the Council in 2022.

Meeting with Fire Chief Brillant: To better understand his department’s position, I spent over an hour on January 12th discussing these issues with Chief Brillant. During our conversation he clarified that when the FD receives a project from the Planning Office it reviews the proposal using only the NFPA codes, whose street standards pertain just to pavement width and vertical clearance height. *He added that the FD does not review other purely local requirements, codes or ordinances which other Town Departments are responsible for.*

I believe that the reason why the NFPA standards – which are used by thousands of towns and cities across the country -- do not address street length and number of homes at risk is because NFPA believes that such standards are local concerns, best addressed at the municipal level through zoning and subdivision regulations. Therefore, the NFPA limits its street standards to paved width and clearance height.

Believe that it is critically important for everyone to understand that when our fire department comments on development proposals involving streets, it does so only through the lens of its own NFPA standards, and is NOT giving its implied blessing to increasing dead end street lengths (or houses served) beyond the limits specified in town codes. The reality is that two bailiwicks and two sets of responsibilities are involved -- staff examining proposals for compliance with town codes, and fire officials examining proposals for compliance with NFPA standards. This difference of review perspectives is extremely important for everyone to recognize, to avoid future confusion regarding the Fire Department’s review process.

In terms of this waiver request involving dead-end issues it’s also very important to recognize that traffic studies measuring road capacity are red herrings and are not particularly relevant because they do not take into account the real danger of emergency vehicles becoming blocked by fallen trees or other obstacles. Chief Brillant told me that one town vehicle (a snowplow truck, in that particular case) was blocked for more than an hour by a tree that had fallen across a long dead-end road after the vehicle had turned around and was heading back into town. Fortunately, that vehicle was not an ambulance.

Precious minutes lost to clear dead-end streets can translate into heart-attack victims losing their lives, or sleeping/trapped occupants dying in their burning homes. In this regard, please recognize that cisterns are often of relatively little value in preserving human life because they become useful only after fire engines arrive at the scene and exhaust their water supplies. (However, they do help to limit property damage.)

Waiver Considerations: When reviewing waiver requests, it's important to note that the Town's ordinances instruct the Planning Board to consider "the hardships that prevent compliance with the ordinance". In this regard, it is highly relevant to understand that the hardship tests in Maine state law are quite clear, and that they involve a determination of whether the property in question could or could not "yield a reasonable return" without official relief. The below short analysis explains how this works:

"The Law Court in Maine has defined reasonable return as follows: "[t]he reasonable return prong of the undue hardship test is met where strict application of the zoning ordinance would result in the practical loss of all beneficial use of the land." *Toomey v. Town of Frye Island*, 2008 ME 44, ¶15. This is a pretty strict standard to meet. You will have difficulty getting a variance for a five-bedroom home when a smaller home could be built in compliance. You really do need to plan to demonstrate that your lot is practically useless." Source:

<https://www.alpenglow.legal/blog/2017/9/18/variances-explained> In this context, the ability to create one new house lot would suffice to avoid undue hardship ("the practical loss of all beneficial use of the land"), especially if that new lot were to be a rural one adjoining permanent open space further increasing its market value.

Although failure to meet the "no reasonable return" test is entirely sufficient to deny a waiver or variance, another test would also probably be unsurmountable by the applicant. This is the requirement that the hardship not be self-created. Asking for a waiver to extend a street which is already three times longer than the town's code allows – in order to create not just one new house lot for himself but also to create 11 additional lots for sale to others -- is a "hardship" created solely by the applicant. Especially when the number of lots served by this very long dead-end street would rise to 40, which is 60% higher than the town's limit of 25. That increase represents a significant rise in the number of human lives at risk in the event of a medical or fire-related emergency. Speaking for myself as a professional planner, I would not want to have such a tragedy on my conscience. Fortunately, the town's codes – and the state's hardship criteria -- could hardly be clearer, making the decision to deny this waiver request about as cut-and-dried as you could get.

How do Brunswick's Standards Compare? Brunswick's limits on length and dwellings served by dead-end streets are right in line with standard practice. One would be hard-pressed to find local ordinances with more lenient standards. In fact, they are consistent with the 20-25 dwelling limit recommended in the nationally-recognized book *Residential Streets*, co-published by the American Society of Civil Engineers, the Institute of Transportation Engineers, the National Homebuilders Association, and the Urban Land Institute. (This book assigns greater importance to the number of human lives potentially at risk than it does to the length of dead-end streets, and is therefore silent regarding street length *per se*.) My point is that I believe both our staff and the Planning Board should not feel any hesitation in applying the town's standards, and should be extremely cautious regarding waiver requests. To rebut claims that the 1,500-foot length (and the 25-dwelling limit) are just "arbitrary numbers" -- and should therefore not be taken too seriously -- please bear two things in mind. First, just about every dimensional standard in our codes is "arbitrary", but they represent

the most appropriate numbers in the minds of town officials who have thought a lot about them during the code adoption process. Second, because these numbers could create undue hardship if strictly applied, the waiver and variance processes exist to provide *the minimum amount* of official relief needed to avoid the hardship.

Thank you VERY much for considering all this.

Personal Note: Readers might wonder why a town resident who lives far from Moody Road would weigh in on this waiver request. The answer is that I was asked to provide my thoughts on this controversial proposal (and on other subdivision proposals) by a Council member who had recalled reading one of my seven planning books during her grad school days.

From: Julie Erdman <jerdman@brunswickme.gov>
Subject: RE: Garnett Ridge Workshop Public comments from Dan
Date: January 16, 2026 at 12:27:18 PM CST
To: Daniel Raasch <daniel.s.raasch@gmail.com>

Hi Daniel,

Thank you for providing your feedback at the Staff Review Committee meeting this past Wednesday. We generally do not respond to public comment at committee/board meetings, so I wanted to get back to you regarding your concern about dead-end roads off dead-end roads.

This is a problem that has plagued Brunswick for quite some time and for many years it was allowed with no real policing. I began enforcing the street standards when I became Code Enforcement Officer in 2020. Prior to that the Code Enforcement Office had been under the impression that Engineering and Public Works were responsible for enforcing this ordinance. Also in 2020, new street standards were adopted that included regs for private roads. It became practice to look at whether private roads needed to be upgraded to meet the standards whenever a building permit for a new dwelling was applied for. When these new standards were adopted the Town Council was listed as the administrator of the street standards ordinance and any requests for waivers were required to be approved by them. There was no application or official waiver process.

In 2024, the street standards came under the purview of the Planning Board, and we developed an application process for waivers. Staff modified the definition of a dead-end street to include that it be measured from the centerline of the intersecting street to the terminal point of the dead-end street, meaning that any new dead-end spur off the original dead-end would be counted toward the 1500' measurement. This is a huge improvement from where we were. However, it does not prevent applicants from applying for a waiver to exceed the standards. We continue to look at ways to improve the street standards under the current rural subdivision moratorium to reach a more desirable outcome.

I hope this helps to answer your question. Please feel free to reach out anytime for more information.

Best Regards,
Julie

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