

**Town of Freeport
Planning Department**

Application for Review

Project Type: (check all applicable)

_____ Site Plan Review _____ Design Review Certificate _____ Subdivision
X _____ Zoning Ordinance Amendment X _____ Other (please explain) _____ Zoning Map amendment

Name of Project: Desert Road and Old County Rd Zoning change

1) Applicant Information:

Name: KV Enterprises LLC -Kendrick Ballantyne Tel: 207-712-7195
(If a Company, provide name of person also)

Address: 91 Auburn Street, Suite 1030 Portland Maine 04103

Email: Kendrick@optimumbuilds.com

2) Interest in Property: Please attach a copy of the recorded deed for the property. If the applicant is not the property owner, a purchase and sale agreement or a lease agreement shall also be submitted to show that the applicant has a serious interest in the project and sufficient title, right, and/or interest to complete the project. The amount being paid for the property may be blacked out. This application will not be processed without this information.

3) Do you own any abutting property? Yes No

If yes, please explain: _____

4) Property Information:

Present Use of Property wooded land in the industrial district with some trail connections and golf course.

Proposed Use of Property Mixed Use Residential Neighborhood

Location: Street Address 0 Desert Road Map 22 Lot 25 and 2 Old County Road. Tax Map 26 Lot 38

Assessor's Office Map: Map 22 and Map 26

Lot: Lot 25 and Lot 38

Size of Parcel (acres): 84 + 163= 247 Acres

Zoning District (s): I-2 and RR-1

5) Design Review Information (please circle one from each category)

Design Review District: One Two Not in the Design Review District

Building Class, as designated on the Design Review District Map(s): A B C

Is this building in the Color Overlay District: Yes No

Please describe the proposed changes: proposing to change the I-2 district to allow for a mixed use of commercial and residential. And to allow higher density single family and multi-family neighborhoods on the Old County Rd parcel.

6) Other Information:

Proposed # of Buildings: TBD Gross Square Footage of Non-Residential Buildings: TBD

Is Zoning Board of Appeals Approval Required? Yes ☐ No ☒

If YES, provide reason _____

7) Subdivision Approval or a Subdivision Amendment: (if applicable)

Proposed Number of Lots _____

Does the applicant intend to request any waivers of Subdivision or Site Review provisions?

NO ☒ YES ☐

If YES, list and give reasons why _____

8) Applicant's Engineer, Land Surveyor, Landscape Architect and/or Planner:

Name: Sebago Technics INC - Kylie Mason RLA Tel: 207 200-2071

Address: 75 John Roberts Rd. , Suite 4A, South Portland, ME 04106

Email: kmason@sebagotechnics.com

9) Billing Contact (If different than applicant information)

Name: See Applicant. Tel: _____

Address: _____

Email: _____

Application Fee: \$ 770.00 Abutter Fee: \$ _____

Submission: This application form, along with required accompanying materials, must be submitted to the Town Planner at least 21 days prior to the meeting at which it is to be considered.

The undersigned, being the applicant, owner or legally authorized representative, states that all information in this application is true and correct to the best of his/her knowledge and hereby does submit the information for review by the town and in accordance with applicable ordinances, statutes and regulations of the Town, State and Federal governments.

9/16/2020

DATE


SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE



September 16, 2020
05285

Caroline Pelletier, Town Planner
Town of Freeport
30 Main Street
Freeport, ME 04032

RE: Desert Road and Old County Road Zoning Map and Text Amendment

Dear Caroline,

On behalf of KV Enterprises LLC, Sebago Technics, Inc. (STI) is pleased to submit the following conceptual development plan and map exhibit for review and discussion with the Planning Board. The proposed mixed-use, mostly residential project, will be situated between the Interstate and the Industrial District at Desert Road, which will address Freeport's changing housing and commercial needs.

The northern part of the property sits in the Industrial 2 District, while the southern portion of the property is in the Rural Residential 1 (RR-1) District. (See Exhibit A—Location and Zoning map.) The adjacent property to the south is also in the RR-1 District, but has approval as a Retirement Community Overlay District, with 7-units-per-acre density.

At this very early stage of the process, we seek only to introduce the project and are seeking feedback from Town staff, the Planning Board, and Freeport residents. As part of the discussion, we would like to share how we believe the project aligns with the 2011 Comprehensive Plan.

Alignment with Comprehensive Plan:

The Vision Statement of the Comprehensive Plan describes several attributes, which we believe align with the proposed project. We understand that it is too early in the process for a formal discussion and vote on the topic; we believe it is the perfect time to start the conversation to work with the Town of Freeport to create a plan that satisfies the Town and its residents.

Within the Future Land Use section of the Comprehensive Plan, the concept of "Transition Areas," where commercial areas and high-density residential areas adjoin rural spaces, is identified as a solution that would allow higher density than currently allowed while avoiding sensitive areas. We believe this site and, more specifically, this project meets this summation and offers an excellent opportunity for the future of Freeport.

Project Description:

For this project to become a reality, creating a new zoning district (or districts) will be necessary. The new District would ideally replicate the characteristics of established districts. For example, it would have similar density, open space requirements, buffering rules, setback standards, etc. as elsewhere in Freeport.

Using conceptual plans, we will demonstrate that housing types of varying densities, commercial uses, and recreational amenities can work together on this site. When a preferred concept emerges from the process, we will work with Town Planning Staff to draft Zoning Ordinance language and map amendment for submission to the Planning Board.

Residents will have quick and easy access to both transportation and outdoor recreation. This development proposes a new road, linking Old County Road and Desert Road, for vehicles, walkers, cyclists, and transit. It is anticipated the road will be built to the Town's standard and Complete Streets guidance; therefore, an opportunity to offer the road for acceptance by the Town when construction is complete exists. All other roads in the project are expected to be private roads.

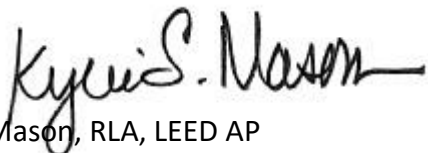
This project will require a Site Location of Development Permit from the Maine Department of Environmental Protection and a Traffic Movement Permit from the Maine Department of Transportation. Although these permits are typically required after the zoning amendment phase, we want the Board and community to know we are actively pursuing these conversations during this stage.

Thank you for your consideration:

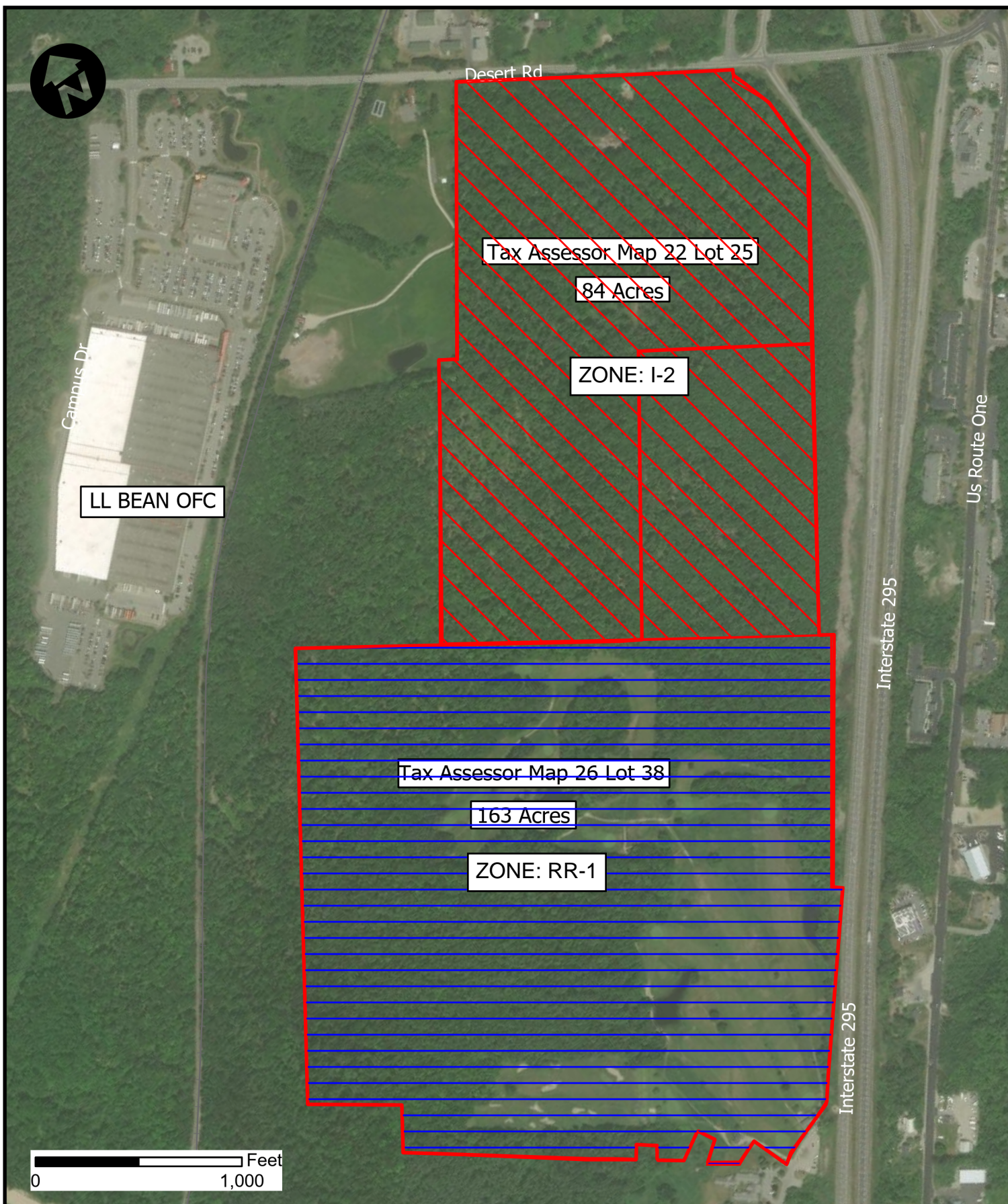
We look forward to meeting with the Planning Board on October 7, 2020, to discuss this project in more detail. Please don't hesitate to reach out to me at 207-200-2071 if you have any questions.

SEBAGO TECHNICS, INC.

Sincerely,

A handwritten signature in black ink, reading "Kylie S. Mason". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Kylie S. Mason, RLA, LEED AP
Vice President, Project Delivery
KSM



SEBAGO
TECHNICS

WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd. - Suite 4A
South Portland, ME 04106
Tel. 207-200-2100

EXHIBIT 1

SCALE: 1:7,500

DATE: 02/10/2020

LOCATION:

FREEPORT, ME

INFORMATION:

ESRI World Imagery
2017 Freeport Parcels

19238

815

Know All Men by these Presents,

That I Claire L. Bean, of Freeport, County of Cumberland and State of Maine

in consideration of one dollar plus other valuable consideration

paid by L. L. Bean, Inc., a corporation duly organized and existing under the laws of the State of Maine, located at Freeport, County of Cumberland and State of Maine

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey, unto the said L. L. Bean, Inc.

successors
its ~~Heirs~~ and Assigns forever,

the following described property:

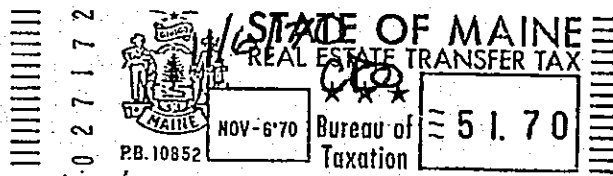
A certain lot or parcel of land situated in Freeport, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at an iron set in the ground on the southwesterly side of the Desert Road, formerly known as the Merrill Road and as Range B, at its intersection with the westerly line of land of the State of Maine as shown on Maine State Highway Commission Plan of Federal Aid Project I-95-4(2) File No. 3-114 dated January, 1956 and recorded in Cumberland County Registry of Deeds in Plan Book 57, Page 6; thence North $41^{\circ} 57'$ West, 446.2 feet by the Desert Road (measured along the assumed southwesterly sideline of the Desert Road) to an iron set in the ground; thence continuing in the same general direction North $39^{\circ} 4'$ West, 1197.4 feet by the Desert Road to a drill hole set in a rock at the most easterly corner of land now or formerly of Merrill O. Fogg, Jr. and Janice Fogg; thence southwesterly by land of said Fogs, the line being marked by an ancient stone wall, and measured in a straight line is South $51^{\circ} 06' 30''$ West, 1412.9 feet to an iron set at the end of said wall; thence North $42^{\circ} 28'$ West, 107.25 feet by land of said Fogs to a drill hole; thence South $52^{\circ} 02' 30''$ West, 1417.1 feet by land of said Fogs, the line being marked in part by an ancient stone wall, to an iron set at land now or formerly of Donald T. Estes and Phyllis Estes; thence South $51^{\circ} 16'$ East by land of said Estes, 962.6 feet to an iron set at an ancient stone wall at other land of said Estes; thence northeasterly by land of said Estes, the line being marked by an ancient stone wall with wire fence thereon, and measured in a straight line is North $52^{\circ} 48'$ East 1222.6 feet to an iron set at the end of said stone wall; thence by land of said Estes South $38^{\circ} 27'$ East, 852.4 feet to an iron set in a stone wall marking the northwesterly line of land now or formerly of Elaine R. Polakewich; thence northeasterly by

said Polakewich land, the line being marked by an ancient stone wall and measured in a straight line is North 51° 04' 30" East, 1334.6 feet to an iron set at land of the State of Maine as shown on the above mentioned plan; thence northerly following the curve of the ramp, as shown on said plan, 94.9 feet, more or less, to a monument as shown on said plan, and continuing in the same course, 26 feet, more or less, to the point of beginning. Said premises contained 83.9 acres.

Said above described parcel is conveyed subject to any rights Donald T. Estes, his heirs and assigns, as the owners of the land abutting the westerly line of the premises herein conveyed, may have acquired in and to the wood road over said premises.

Being the same premises conveyed to the said Claire E. Bean by Lester Carl Bean by deed dated October 18, 1941 and recorded in Cumberland County Registry of Deeds in Book 1654, Page 295, with the exception of a small portion thereof taken by the State of Maine for Route I-95.



To have and to hold the aforegranted and bargained premises, with all privileges and appurtenances thereof to the said

L. L. Bean, Inc.

its ^{successors} ~~Heirs~~ and Assigns, to its and their use and behoof forever.

And I do **covenant** with the said Grantee, ^{successors} its ~~Heirs~~ and Assigns, that I am lawfully seized in fee of the premises; that they are free of all incumbrances; except as aforesaid,

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my Heirs, shall and will ~~Warrant and Defend~~ the same to the said Grantee, its

^{successors} ~~Heirs~~ and Assigns forever, against the lawful claims and demands of all persons, except as aforesaid.

3574

ERIC F. SAUNDERS as Trustee of the Freeport Country Club Realty Trust under a declaration of trust dated May 14, 1974 and recorded in Cumberland County Registry of Deeds in Book 3546, Page 66 as amended by amendment dated October 2, 1978 and recorded in said Registry of Deeds in Book 4319, Page 80, having a place of business at Freeport, County of Cumberland and State of Maine, for consideration paid grants to L. L. BEAN, INC., a Maine corporation having a principal place of business in Freeport, County of Cumberland and State of Maine with WARRANTY COVENANTS, a certain lot or parcel of land with the buildings thereon situated in Freeport, County of Cumberland and State of Maine, bounded and described in Exhibit A annexed hereto and incorporated herein by reference.

Trustee's liability under the covenants contained under this deed shall be limited to the assets of the grantor's trust and the trustee in no event shall be personally liable thereunder in his individual capacity.

IN WITNESS WHEREOF the said Eric F. Saunders as Trustee of the Freeport Country Club Realty Trust has hereunto set his hand and seal this *1st* day of *February*, 1983.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Carmen R. Laffan

FREEPORT COUNTRY CLUB REALTY TRUST

Eric F. Saunders, Trustee
Eric F. Saunders, Trustee

STATE OF MAINE

CUMBERLAND D, SS.

February, 1983

Personally appeared the above named Eric F. Saunders and acknowledged the foregoing instrument to be his free act and deed in his said capacity as Trustee of Freeport Country Club Realty Trust.

Before me,

Carmen R. Laffan
~~Justice of the Peace~~ Notary Public

My Commission Expires
December 3, 1983

EXHIBIT A TO DEED FROM
TRUSTEE OF FREEPORT COUNTRY CLUB REALTY TRUST
TO L. L. BEAN, INC.

Beginning at an iron rod set in the earth on the north-westerly line of Old County Road at the most southerly corner of land conveyed by Coffin Associates, Inc. to Frank M. Mann, Trustee of Freeport Country Club Realty Trust, by deed dated May 14, 1974 and recorded in Cumberland County Registry of Deeds, Book 3546, Page 63; thence on an assumed magnetic bearing of North 5 degrees 34 minutes 30 seconds West a distance of 209.30 feet along the northeasterly line of land conveyed by Donald Estes and Phyllis Estes to Old County Road Realty Trust by deed dated September, 1973 and recorded in Cumberland County Registry of Deeds in Book 3450, Page 233 to an iron rod set in the earth at an angle in the northeasterly line of said land of Old County Road Realty Trust; thence on a bearing of South 70 degrees 21 minutes 30 seconds West a distance of 109.50 feet to another angle in the said northeasterly line; thence on a bearing of North 32 degrees 17 minutes 30 seconds West a distance of 160.00 feet to an iron rod set in the earth at the most southerly corner of land conveyed by Freeport Country Club Realty Trust to Old County Road Realty Trust by deed dated January 7, 1975 and recorded in Cumberland County Registry of Deeds, Book 3661, Page 204; thence on a bearing of North 80 degrees 34 minutes 30 seconds East a distance of 122.83 feet to an iron rod set in the earth; thence on a bearing of North 9 degrees 25 minutes 30 seconds West a distance of 100.00 feet to an iron rod set in the earth; thence on a bearing of South 80 degrees 34 minutes 30 seconds West a distance of 165.00 feet to an iron rod set in the earth; thence on a bearing of North 32 degrees 17 minutes 30 seconds West a distance of 133.38 feet to an iron rod set in the earth; thence on a bearing of North 60 degrees 05 minutes 30 seconds East a distance of 72.84 feet to an iron rod set in the earth; thence on a bearing of North 29 degrees 54 minutes 30 seconds West a distance of 100.00 feet to an iron rod set in the earth; thence on a bearing of South 60 degrees 05 minutes 30 seconds West a distance of 77.00 feet to an iron rod set in the earth; thence North 32 degrees 17 minutes 30 seconds West a distance of 1145.77 feet to an iron rod set in the earth at the most northerly corner of said land conveyed by said Estes to said Old County Road Realty Trust by said deed recorded in said Registry of Deeds in Book 3450, Page 233; thence on a bearing of North 51 degrees 41 minutes 30 seconds East a distance of 100.00 feet to an iron rod set in the earth at the most easterly corner of land described in the quitclaim deed given by Donald and Phyllis Estes to Richard E. Green and Myrtle J. Green dated August 1, 1973 and recorded in Cumberland County Registry of Deeds, Book 3450, Page 223; thence on a bearing of North 36 degrees 16 minutes 30 seconds West a distance of 515.30 feet more or less to an iron rod set in the earth on the southeasterly line of land conveyed by Richard H. Williams to Richard A. Rousseau by deed dated May 31, 1977 and recorded in Cumberland County Registry of Deeds, Book 4024, Page 7; thence on a bearing of

North 51 degrees 30 minutes 45 seconds East a distance of 1698.99 feet along the southeasterly line of said land of Rousseau to an iron pipe set in the earth at the base of a 15 inch diameter spruce tree; thence on a bearing of North 54 degrees 16 minutes 30 seconds East a distance of 432.30 feet to an iron rod set in the earth in the southwesterly line of land conveyed to this Grantee by Merrill O. Fogg, Jr. and Janice M. Fogg by deed dated October 23, 1981 and recorded in Cumberland County Registry of Deeds, Book 4873, Page 189; thence on a bearing of South 39 degrees 21 minutes 15 seconds East a distance of 747.01 feet to an iron pipe set in the earth at the most southerly corner of land conveyed by said Fogg to these Grantees; thence on a bearing of South 51 degrees 18 minutes 15 seconds East a distance of 962.20 feet to an iron pipe set in the earth at the most southerly corner of land described in quitclaim deed given by Donald and Phyllis Estes to L. L. Bean, Inc. dated August 27, 1973 and recorded in Cumberland County Registry of Deeds, Book 3450, Page 227; thence on a bearing of North 52 degrees 47 minutes 45 seconds East a distance of 1221.59 feet to an iron pipe set in the earth; thence on a bearing of South 38 degrees 29 minutes 00 seconds East a distance of 852.32 feet to an iron pipe set in the earth on the northwesterly line of land described in a quitclaim deed given by Donald and Phyllis Estes to Elaine Polakewich dated August 27, 1973 and recorded in Cumberland County Registry of Deeds in Book 3450, Page 231; thence on a bearing of South 51 degrees 10 minutes 45 seconds West a distance of 1320.82 feet to an iron pipe set in the earth; thence on a bearing of South 22 degrees 56 minutes 30 seconds East a distance of 125.10 feet to a point; thence on a bearing of South 54 degrees 34 minutes 45 seconds West a distance of 300.17 feet to an iron pipe set in the earth; thence on a bearing of South 55 degrees 40 minutes 30 seconds West a distance of 1180.35 feet to a point; thence on a bearing of South 27 degrees 35 minutes 30 seconds East a distance of 63.00 feet to a point in the northwesterly line of Interstate Highway 95; thence on a bearing of South 55 degrees 02 minutes 30 seconds West a distance of 658.00 feet along the northwesterly line of Interstate Highway 95 to the northerly line of Old County Road; thence on a bearing of South 87 degrees 58 minutes 30 seconds West a distance of 432.80 feet along the northerly line of Old County Road to a point; thence on a bearing of South 70 degrees 21 minutes 30 seconds West a distance of 38.60 feet to the point of beginning. Containing 171.213 Acres.

The foregoing description is taken from and is based on a survey of Freeport Country Club lot made for L. L. Bean, Inc. by Howard F. Babbidge, Registered Licensed Surveyor dated January 19, 1983 a Plan of which is to be recorded, and the directions and dimensions vary somewhat from those in a description contained in a warranty deed of Coffin Associates, Inc. to Frank M. Mann as Trustee of Freeport Country Club Realty Trust, dated May 14, 1974 and recorded in Cumberland Registry of Deeds, Book 3546, Page 63 and vary somewhat from those set forth in Parcel B of a Plan made by C. R. Storer Inc., dated July 23, 1973 and recorded in said Registry in Book of Plans 96, Page 32.

For grantor's source of title, see the above noted deed to Trustee of Freeport Country Club from Coffin Associates, Inc. out of which has been conveyed two parcels of land described in a warranty deed of Frank M. Mann, Trustee of Freeport Country Club Realty Trust to Ronald C. Coffin, Trustee of Old County Road Realty Trust dated January 7, 1975 and recorded in said Registry of Deeds in Book 3661, Page 204.

This conveyance is subject to power and pole easements of record.

FEB 1 1983

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE

Received at 4 H 26 PM, and recorded in

BOOK 6112 PAGE 5

James J. Walsh Registrar

From: [David Lockman](#)
To: [Caroline Pelletier](#)
Cc: [Kylie Mason](#); [Kendrick Ballantyne](#)
Subject: RE: planning application - Desert Rd Freeport
Date: Tuesday, September 22, 2020 4:28:55 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

**** CAUTION EXTERNAL EMAIL ****

Hi, Caroline, I hope you are well!

I am sending this to let you know that L.L.Bean, Inc. is entering a Purchase and Sale Agreement with KV Enterprises for the sale of land off of Old County and Desert Roads. The map and lot numbers involved are Map 26 Lot 38 and Map 22 Lot 25.

The business structure of our deal has been agreed upon and our respective attorneys are finalizing the language in the actual Purchase and Sale Agreement; I expect the P&S to be finalized within a week or two.

If you need a letter on company letterhead stating this to be the case then I am happy to provide one by the end of the week.

Thank you and please let me know if this will suffice or not.

Best Regards,

Dave

David Lockman – Director, Real Estate and Construction

L.L.Bean, Inc.

1 Double L Street

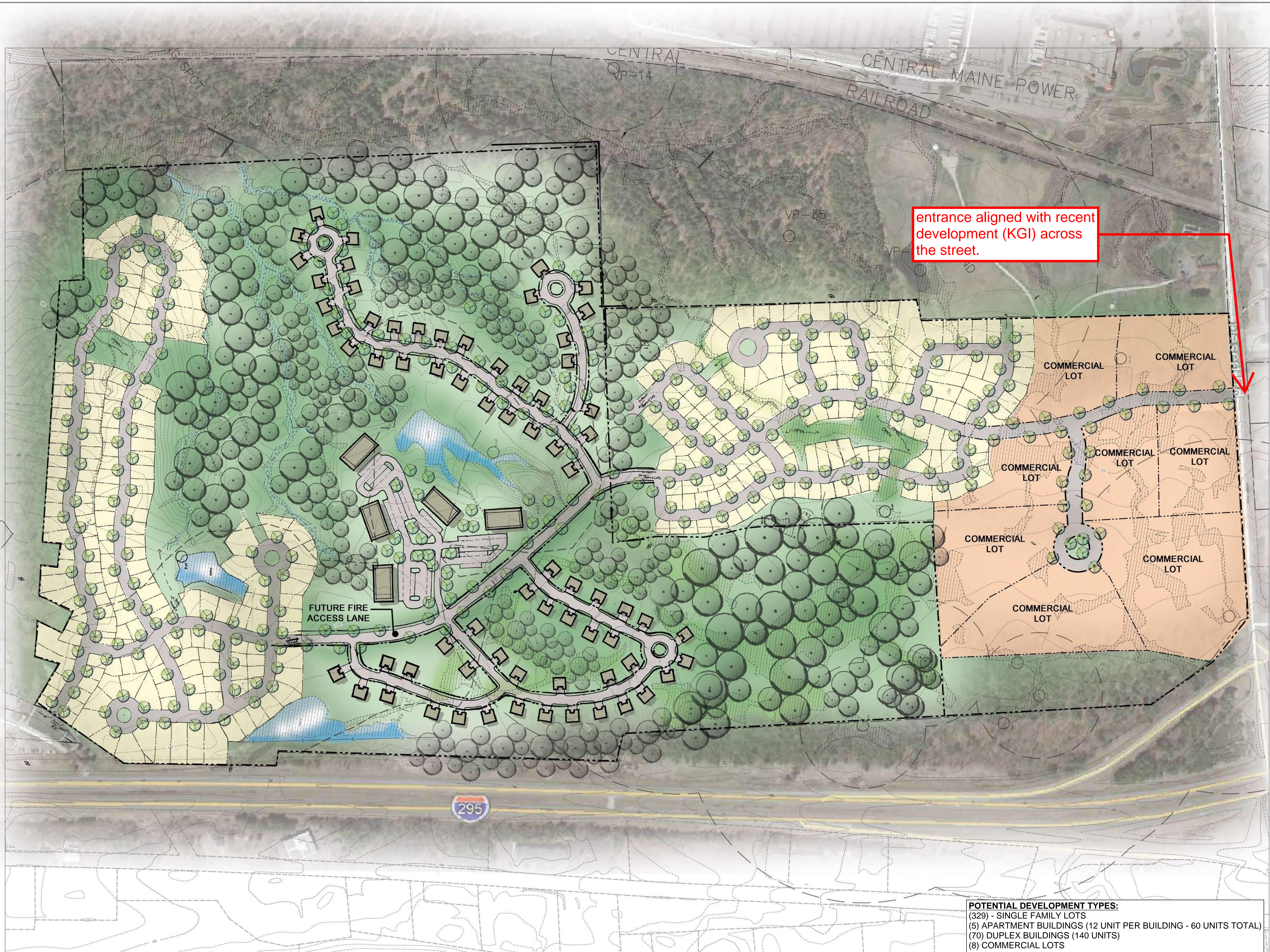
Freeport, ME 04033

(207) 552-7316

dlockman@llbean.com



From: Kylie Mason <kmason@sebagotechnics.com>



entrance aligned with recent
development (KGI) across
the street.

POTENTIAL DEVELOPMENT TYPES:
(329) - SINGLE FAMILY LOTS
(5) APARTMENT BUILDINGS (12 UNIT PER BUILDING - 60 UNITS TOTAL)
(70) DUPLEX BUILDINGS (140 UNITS)
(8) COMMERCIAL LOTS

PLS OR PE

PROGRESS
PRINT

PLS OR PE

NOT FOR
CONSTRUCTION

REV	BY	DATE	STATUS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNIQUES, INC. ANY ALTERATIONS, ADDITIONS, OR DELETIONS SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNIQUES, INC.

SEBAGO
TECHNIQUES

WWW.SEAGOTECHNIQUES.COM
75 S. ROUTE 101
SOUTH PORTLAND, ME 04106
TEL: 207-267-2100

MIXED-USE CONCEPTUAL DEVELOPMENT PLAN
OF:
O DESERT ROAD AND 2 OLD COUNTY RD.
FREEPORT ME

FOR:
KV ENTERPRISES
100 BURNHAM ST.
PORTLAND ME

DESIGNED	HAH
DRAWN	HAH
CHECKED	CHK
DATE	04/23/2020
SCALE	1" = 150'
PROJECT	150

00285 - B. King Tab: 24x36

SHEET 1 OF 1