

BY HAND DELIVERY

September 11, 2019

Nick Adams, Code Enforcement Officer
Freeport Town Hall
30 Main Street
Freeport, ME 04032

Caroline Pelletier, Acting Planner
Freeport Town Hall
30 Main Street
Freeport, ME 04032

Re: Application for Zoning Ordinance Text Amendment

Dear Nick and Caroline:

On behalf of Hal & Mark, LLC (“Applicant”), enclosed please find an original Application for text Amendment to the Zoning Ordinance in the Commercial District I (“C-1”), with attached Proposed Amendment, and eleven copies of the same. Also enclosed are the filing fee of \$385, and a copy of Applicant’s Deed. As noted on the Town’s website, we will forward the public hearing fee with abutter notice fee when notified of that amount by your office.

The amendment requested is similar to what the Town has adopted in the Village Commercial-1 District, to allow “one or two dwelling units in the same structure with other permitted uses in the C-I District on other than the first floor.” The amendment also proposes to add “Mixed Use Development” as a permitted use with site plan review, since the C-1 District already permits commercial, retail business, office and residential uses, has substantial transportation linkages to the Town Center, and sufficient utility services, and so is well situated to accommodate mixed use development.

Freeport’s Zoning Ordinance

This application complies with Freeport’s Zoning Ordinance Article II, Section 203, *Changes and Amendments*, as follows:

Section 203 A (1). Applicant is the owner of the subject property. As noted above, a copy of the deed is enclosed.

Section 203 A (2). As noted above, the filing fee of \$385 is enclosed.

Section 203 A (3). As noted above, the abutter fee for notice of hearing will be forwarded upon notice of the required amount by the Town.

Section 203 A (4)(a). The amendment requested is a text amendment, and is not a map amendment, and so no change of zone lines is proposed.

Section 203 A (4)(b). The address of the subject property is 541 U.S. Route 1, Freeport, ME.

Section 203 A (4)(c). Name and address of property owner and applicant. Please see the Application form.

Section 203 A (4)(d). Statement regarding existing and proposed land use. Please see the Application form.

Section 203 A (4)(e). Existing and proposed zone classification. Please see the Application form.

Section 203 A (4)(f). The Applicant/Developer, Hal & Mark LLC, has owned and operated the subject property, Freeport Plaza, for over a dozen years, and has the financial ability to complete the proposed development.

Section 203 A (4)(g). The requested amendment does not request designation as a MEOD District.

Section 203 A (5). Site Plan and Bond. Following enactment of the text change, Applicant will apply for staff level site plan approval to add one or two upper story dwelling units in one or both buildings, and will post any required security at that time.

Section 203 A (7). Not applicable; the subject property is not in a Shoreland Zone.

Section 203 A (8). Not applicable; the Application does not request modification of Flood Plain Regulations.

Freeport's Comprehensive Plan

Freeport's Comprehensive Plan supports the requested amendment, as the excerpts below demonstrate.

Comp. Plan Heading	Excerpt	Comp. Plan Page
Future Vision	Freeport would continue to be a desirable place to live by allowing a variety of neighborhoods and housing types, at a variety of prices.	3
The Economy	Another role the town can play is to remove unnecessary barriers that might exist in local regulations. For example, . . . or a use that is not permitted can be barriers to development and may not be necessary to preserve the character of a zone.	16
Transportation	The closer people live to where they work, shop, go to school, and play, the fewer miles they need to drive. Land use and transportation are intricately connected.	23
Mixed Use and Growth Areas	<p>The ultimate “concentrated” development model is mixed use development. Mixed use development allows residential and commercial development to exist on the same parcel, adjacent to each other, or in the same building. The best examples of mixed use development can be found in any New England village.</p> <p>In Freeport, the growth areas are the . . . and the Commercial 1 and 3 Districts. . . . All of these areas are serviced by public water and sewer.</p>	<p>29</p> <p>30</p>
Transition Areas	To maintain rural areas in Freeport, at least sixty percent of all new residential growth should be in growth or transition areas.	31
Commercial Areas – Implementation Ideas	4. Consider developing more flexible regulations for commercial buildings provided that architectural and environmental standards are met ...	35

Nick Adams; Caroline Pelletier

September 11, 2019

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We look forward to presenting the Application to the Planning Board at its meeting on October 2, 2019. If you have any questions or require further information, please let me know. Thank you for your assistance in this matter.

Sincerely,



James N. Katsiaficas

JNK/ems

Enclosures

cc: Peter Joseph, Town Manager
Peter Foster (Hal & Mark LLC)
Mark Foster (Hal & Mark LLC)
Andrew Johnston, Atlantic Resource Consultants

Town of Freeport
Planning Department

Application for Review

Project Type: (check all applicable)

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

Name of Project: Freeport Plaza

1) Applicant Information:

Name: HAL & MARK LLC (Peter Foster and Mark Foster) Tel: 207-752-6669-Peter
(If a Company, provide name of person also)
Address: PO Box 70, York Harbor, ME 03911
Email: pwf1119@yahoo.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 Business and Professional Offices
Proposed Use of Property Same, with addition of 1 or 2 dwelling units above 1st floor
Location: Street Address 541 US Route 1
Assessor's Office Map: 23 Lot: 60-1
Size of Parcel (acres): 1.9 Zoning District (s): C-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: Please see attached proposed amendment, and letter from applicant's counsel, James N. Katsiaficas.

6) **Other Information:** (2 Bldgs. on 1 lot)

Proposed # of Buildings: (same) Gross Square Footage of Non-Residential Buildings: 19,666

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: Andy Johnston, Atlantic Resource Consultants Tel: 207-869-9050

Address: 541 US Route 1, Freeport, ME 04032

Email: andyj@arc-maine.com

9) **Billing Contact (if different than applicant information)**

Name: _____ Tel: _____

Address: _____

Email: _____

Application Fee: \$ 385 Abutter Fee: \$ TBD

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.

9-9-19
DATE


SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE

Proposed Amendment

Chapter 21: Town of Freeport Zoning Ordinance

Section 409. Commercial District I “C-I”

A. Purpose:

It is the intent of this District to provide for suitable locations for a variety of higher density residential and commercial uses which are appropriately situated at highway locations and to encourage an attractive entrance to the Town of Freeport. This District comprises land along the U.S. 1 corridor from Yarmouth to the plaza just north of Desert Road and is the major local connector between Yarmouth and Freeport. This district is intended to be flexible with regard to minimum lot size, road frontage requirement, and setbacks from property lines provided points of access onto U.S. Route One are limited, and design standards are met.

B. Permitted Uses:

1. Single Family Dwelling
2. Two Family Dwelling
3. Agriculture *{Amended, Effective 06/18/13}*
4. Agritourism Activity *{Amended, Effective 06/18/13}*
5. Timber Harvesting
6. Peddler on Private Property subject to the requirements of Section 526

The following uses are subject to site plan review regardless of size: *{Amended, 03/19/19}*

7. Public or Private School
8. Commercial School
9. Outdoor Recreation School
10. Auto Repair Service Garage subject to the standards of Sec. 409.D.6 listed below
11. Auto Service Station
12. Retail Trade up to 15,000 s.f. building footprint
13. Commercial Sales and Service - Outdoor
14. Business and Professional Offices
15. Commercial Recreation – Indoor and Outdoor
16. Public Utilities
17. Convenience Store with Gas Pumps
18. Restaurant
19. Restaurant - Drive-Up
20. Restaurant - Carry-Out
21. Bed and Breakfast Inn
22. Hotel/Motel
23. Boatyard
24. Public and Private Assembly Indoor
25. Parking Facility
26. Commercial Sales and Service
27. Manufacturing and Processing
28. Day Care Center Facilities

- 29. Auto Sales for up to 30 vehicles stored outdoors
- 30. Flea Markets
- 31. Art Gallery and Museum
- 32. Residential Health Care Facility
- 33. Nursing Home
- 34. Construction Services
- 35. Research and Development Facility
- 36. Parking area for open space *{Amended, Effective 12/02/14}*
- 37. Artisan Food and Beverage *{Effective 12/17/14}*
 - a. food truck(s) as an accessory use is allowed subject to the provisions of Sec. 526A – Food Trucks
- 38. Vehicle wash center *{Amended, 03/19/19}*
- 39. One or two dwelling units in the same structure with other permitted uses in the C-1 District on other than the first floor
- 40. Mixed Use Development

The following uses are permitted 300 feet or more from the easterly edge of the U.S. Route One right-of-way or if closer than 300 feet from the easterly edge of U.S. Route One the standards of Section 409.D.9 shall be met, and are subject to site review regardless of size:

- ~~38~~41. Multiple Family Dwelling
- ~~39~~42. Warehouse and Storage Facility
- ~~40~~43. Wireless Telecommunication Facilities
- ~~41~~44. Truck Facilities

C. Space and Bulk Standards

- 1. Minimum lot size and road frontage requirement if the building(s) or use(s) is/are connected to the public water and sewer system and if one of the following conditions exists or is provided¹: *{Amended, Effective 10/03/17}*
 - a. there is no more than one access point (existing or proposed) per lot of record as of May 6, 2008 on U.S. Route One, or
 - b. the only access point off U.S. Route One is shared with an adjacent lot or lots and the lot or lots sharing the access points don't have other access points on U.S. Route One; or
 - c. a lot has more than one existing access point per lot of record as of May 6, 2008; provided, however, that (i) in these situations the Project Review Board may relocate some or all of the access points, (ii) the development shall not have more access points than exist on May 6, 2008, and (iii) the Project Review Board may in its discretion limit access points to a number less than the number existing on May 6,

¹ It is the intent of this section to provide the incentives of reduced minimum lot sizes and road frontage requirements for developments that limit or share access points on to U.S. Route One. The limitation of access points on U.S. Route One applies to developments that intend to take advantage of the incentives of reduced minimum lot sizes and road frontage requirements when a new lot is created. The limitation of access points does not apply to existing developments, buildings, or uses or to existing developments, buildings, or uses that propose a change of some sort but that are not creating a new lot. For more information on the intent of this section refer to the Freeport Comprehensive Plan, Section VI.B – Future Land Use Directions – Commercial.

2008 if the Project Review Board shall determine that the maintenance of the number of access points existing as of May 6, 2008 is likely to²:

- A. detract from public safety considering such factors such as accidents in the area, traffic volumes, road geometrics, types and frequency of traffic moving to and from existing uses within 1,000' of the proposed use; or
- B. adversely effect the ability of vehicular traffic to maintain the existing speed limit; or
- C. threaten an environmentally sensitive area,

West side of U.S. Route One and lots in the C-1 District just prior to May 6, 2008

Minimum lot size 20,000 s.f.

Minimum land area per dwelling unit if part of a mixed use development 10,000 s.f.

Road frontage requirement none

East side of U.S. Route One other than lots in the C-1 District just prior to May 6, 2008

Minimum lot size 40,000 s.f.

Minimum land area per dwelling unit within 300' of U.S. Route One 40,000 s.f.

Minimum land area per dwelling unit 300' or beyond U.S. Route One
15,000 s.f.

Minimum land area per dwelling unit if part of a mixed use development 10,000 s.f.

Road frontage requirement none

2. Minimum lot size and road frontage requirements for lots that do not meet the requirements of Section 409.C.1 above

West side of U.S. Route One and lots in the C-1 District just prior to May 6, 2008

Minimum lot size 1 acre

Road frontage requirement 300 feet

East side of U.S. Route One other than lots in the C-1 District just prior to May 6, 2008

Minimum lot size 3 acres

Road frontage requirement 300 feet

The above notwithstanding, any minimum land area per dwelling unit specified in this Section does not apply to one or two dwelling units in the same structure with other permitted uses in the C-1 District on other than the first floor.

3. Maximum building height: *{Amended, 03/19/19}* 35 feet

² 2 It is the intent of this section to give the Project Review Board the authority to consider allowing two access points if the two access points existed prior to May 6, 2008. This exception was intended for proposed developments that are expected to have a minimal increase in traffic such as small residential developments or commercial uses with limited traffic needs, and for proposed developments that can easily meet the standards of this section.

Projects that meet the criteria of Sec. 409.D.7 are eligible for a maximum height of 45 feet.

4. Maximum impervious surface to lot area: 70%

5. Minimum setback *{Amended, 03/19/19}* front: 15 feet

side: 15 feet

rear: 15 feet

Projects that meet the criteria of Sec.409.D.5 are eligible for a minimum side and rear setback of 5'.

D. Other Standards:

1. Outdoor storage for non-residential uses is prohibited in the front setback. Outdoor storage areas shall be fenced.

2. For all uses subject to Site Plan Review, in the front setback, in a strip extending along the entire frontage of Route One, except for driveways, for a depth of 15 feet, landscaping is required. Landscaping is also required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side landscaped setbacks. *{Amended, 03/19/19}*

3. Items for sale are allowed within all of the required setbacks.

4. If existing or proposed parking spaces are eliminated due to the creation of parking lot connectors and/or common driveways for abutting lots, the property shall be credited for each lost space so that no net loss of parking spaces shall occur.

5. The side and rear setback requirements may be reduced to a minimum of 5' if the proposed building is adjacent to an existing building used for commercial purposes, if a lot shares access, parking, and/or other facilities with another lot, or if environmental constraints on the property limit the logical location of buildings to be closer to the property line. *{Amended, 03/19/19}*

6.a. Non-residential uses are allowed one overhead door that will be used for boats, equipment and vehicles of all types and/or storage on a side of the building visible from U.S. Route One. The Project Review Board may approve more than one overhead door on a side of the building visible from U.S. Route One if the size and shape of the lot are such that no other reasonable alternatives exist, that adequate screening is provided, and that the doors are designed to not visually stand out from the overall facade.

b. Non-residential uses may have more than one overhead doors that are visible from US Route One if the overhead doors are not used for boats, vehicles, equipment or storage, but instead to open a use to the outdoors and to allow customers and employees to walk

between the inside and outside of the building. This applies to uses such as, but not limited to, artisan food and beverage, retail and restaurants. In these cases, the overhead doors must include architectural details such as glass and trim. *{Amended, Effective 10/02/18}*

7. Building heights up to 45' are allowed provided the building can be adequately screened from U.S. Route One, I-295, Old South Freeport Road and South Freeport Road as applicable with existing trees and the building is 300' or greater from U.S. Route One. *{Amended, 03/19/19}*
8. The Performance Standards of Section 527 are applicable.
9. For uses that require outdoor storage of materials or the operation/storage of large equipment (other than inventory for sale), or outdoor equipment that is accessory to vehicle wash centers such as vacuuming devices, the Project Review Board shall require screening that visually obscures the storage area(s) or accessory uses to vehicle wash centers and/or reduces the ambient noise level of the use to the greatest extent practicable. Such screening may include plantings, retention of existing vegetation, berms, fences, or other vegetative or constructed barriers to mitigate the visual and auditory impact of the development on the surroundings. *{Amended, 03/19/19}*

The final shape, size and location of all screening shall be determined, at the discretion of the Project Review Board. In determining the shape and size of the screening, the board shall consider the amount of land being used for outdoor storage, the type of screening being used, the amount of noise that may be generated by the outdoor storage, the proximity of the outdoor storage to the road, and the amount of natural vegetation being maintained.

**WARRANTY DEED
WITH COVENANT**

KNOW ALL BY THESE PRESENTS that **Freeport Inn Company Partnership**, a Maine General Partnership, with a mailing address of 237 Whipple Road, Kittery, Maine 03904, for consideration paid, **GRANTS** to **Hal & Mark LLC**, a Maine Limited Liability Company, with a mailing address of 237 Whipple Road, Kittery, Maine 03904, with **WARRANTY COVENANTS**, a certain lot or parcel of land, together with any buildings thereon, located in Freeport, County of Cumberland, State of Maine, bounded and described as follows:

See Schedule A attached hereto and made a part hereof.

Subject to any prior mortgages of record outstanding at the time of transfer.

WITNESS this 1st day of February, 2007

Signed, sealed and delivered in the presence of:

Freeport Inn Company Partnership



WITNESS

By: 

W. Mark Foster, General Partner


STATE OF MAINE

County of York, ss.

February 1, 2007

Then personally appeared the above named W. Mark Foster, General Partner of Freeport Inn Company Partnership, a Maine General Partnership, and acknowledged that he, as such General Partner, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as General Partner and acknowledged the foregoing instrument to be his free act and deed, in said capacity, and the free act and deed of the Freeport Inn Company Partnership.

Before me,



Dan W. Thornhill
Attorney at Law/Notary Public
My Commission Expires: 7/25/12

SEA!

SCHEDULE A

LOT 2

The hereinafter-described parcel of land, located in the Town of Freeport, Cumberland County, State of Maine, situated on the southeasterly side of U.S. Route One, also known as Lower Main Street and the westerly side of Pine Street, being lands of Freeport Inn Company Partnership described in a deed from Freeport Inn Company Limited Partnership, dated September 12, 2006, and recorded in volume 24363, page 226 of the Cumberland County Registry of Deeds and being more particularly described as follows:

[Bearings in the following description are based on Grid North, Maine State Plane Coordinate System, West Zone (NAD83 Epoch 2002.0)].

Beginning at the southeasterly corner of the herein described tract, at a point in the westerly sideline of Pine Street, being also the northeasterly corner of land now or formerly of Giri Hotels, LLC described in a deed recorded in volume 24604, page 305 of the Cumberland County Registry of Deeds, said point of beginning being marked by a 5/8" diameter rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362", said rebar being located a tie course of N 14°20'28" E, 329.79 feet, from an existing 5/8" diameter iron rod in a drilled hole in rock, at the southeasterly corner of said land of Giri Hotels, LLC;

thence N 84°46'40" W, by said land of Giri Hotels, LLC, 128.46 feet, to a 5/8" diameter rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362";

thence N 50°38'15" W, by said land of Giri Hotels, LLC, 131.44 feet, to a 5/8" diameter rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362";

thence N 08°49'53" E, by said land of Giri Hotels, LLC, 66.61 feet, to a 5/8" diameter rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362" in the southeasterly sideline of U.S. Route One, also known as Lower Main Street;

thence N 40°08'19" E, by said southeasterly sideline of U.S. Route One, also known as Lower Main Street, 387.75 feet, to a 5/8" rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362" in the westerly sideline of Pine Street;

thence S 49°40'07" E, by said westerly sideline of Pine Street, 58.00 feet, to a 5/8" diameter rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362";

thence southerly, by said westerly sideline of Pine Street, along a curve concave to the west, 126.95 feet, to a 5/8" diameter rebar with plastic identification cap marked "CIVIL CONSULT PLS 2362", said curve having a chord bearing of S 01°16'16" W, a chord length of 125.89 feet, a radius of 283.31 feet and an included angle of 25°40'26";

thence S 75°53'30" E, by said westerly sideline of Pine Street, 3.00 feet, to an existing 3/4" diameter galvanized pipe;

thence S 14°20'28" W, by said westerly sideline of Pine Street, 302.62 feet, to the POINT OF BEGINNING, containing approximately 1.87 acres.



CIVIL
CONSULTANTS

P.O. Box 100 South Berwick, Maine 03908 207-384-2550

The above described parcel is benefited by a non-exclusive easement reserved in a deed from Freeport Inn Company Partnership to Giri Hotels, LLC, dated November 28, 2006, recorded in volume 24604, page 305 of the Cumberland County Registry of Deeds, for the installation, maintenance, repair and replacement of all existing above and under ground utility lines, wires, cables, sewer and water pipe lines and conduits and related fixtures and appurtenances including the sewer pumping station, padmount transformer, metering devices and control valves currently existing and located on land now or formerly of Giri Hotels, LLC, located southwesterly of the above described parcel, together with the right of entry onto the Giri Hotels, LLC parcel for the purpose of exercising the foregoing rights.

The above described parcel is subject to a non-exclusive easement set forth in a deed from Freeport Inn Company Partnership to Giri Hotels, LLC, dated November 28, 2006, recorded in volume 24604, page 305 of the Cumberland County Registry of Deeds, said easement is appurtenant to land now or formerly of Giri Hotels, LLC, located southwesterly of the above described parcel, said easement is for the installation, maintenance, repair and replacement of all existing above and under ground utility lines, wires, cables, sewer and water pipe lines and conduits and related fixtures and appurtenances including the sewer pumping station, padmount transformer, metering devices and control valves currently existing and located on the above described parcel, together with the right of entry onto the above described parcel for the purpose of exercising the foregoing rights.

The above described parcel is subject to the following as set forth in a deed from Freeport Inn Company Partnership to Giri Hotels, LLC, dated November 28, 2006, recorded in volume 24604, page 305 of the Cumberland County Registry of Deeds: "Any disturbance to the surface of the land caused by such installation, maintenance, repair or replacement shall be promptly restored to its condition prior to such work being performed, to the extent reasonably practicable, at the expense of the party performing the work. In the event the work performed in the exercise of the rights set forth in the two immediately preceding paragraphs benefits both the dominant and the servient estates, then the expense of such work shall be shared proportionately by the respective owners of the dominant and servient estates".

The above described parcel is benefited by a non-exclusive easement for ingress and egress over the existing paved driveway extending from the easterly side of U.S. Route One to the southwesterly line of the above described parcel, across land now or formerly of Giri Hotels, LLC, said easement is set forth in a deed from Freeport Inn Company Partnership to Giri Hotels, LLC, dated November 28, 2006, recorded in volume 24604, page 305 of the Cumberland County Registry of Deeds.

The above described parcel is benefited by a non exclusive easement to be used in common with the owner of land now or formerly of Giri Hotels, LLC, said easement being more particularly described in a deed from L.L. Bean Inc. to Hal W. Field et al., dated December 16, 1986, recorded in volume 7553, page 89 of the Cumberland County Registry of Deeds.



**CIVIL
CONSULTANTS**

P.O. Box 100 South Berwick, Maine 03908 207-384-2550

The above described parcel is subject to the following covenants set forth in a deed from Freeport Inn Company Partnership to Giri Hotels, LLC, dated November 28, 2006, recorded in volume 24604, page 305 of the Cumberland County Registry of Deeds: "grantor covenants that the buildings on the land which it is retaining adjacent to the within conveyed premises (the "retained land") will not be used by Grantor or any assignee or transferee from or through Grantor, as a motel or for any sort of daily, weekly or monthly lodging for a period of ten (10) years from September 1, 2006. The only exception to this ten (10) year prohibition on lodging is the Grantor may allow one or more individuals to reside in the buildings on this retained land only if such individuals are bound to Grantor to reside at such premises for a term of more than three (3) months under reasonable, market rate terms and conditions. Grantor further covenants that it may not under any circumstances rent or otherwise lease the retained land as furnished apartments or erect any signage referencing lodging or rental availability anywhere on this retained land during said 10-year period".

The above described parcel is subject to an easement to Central Maine Power Company, recorded in volume 8772, page 213 of the Cumberland County Registry of Deeds.

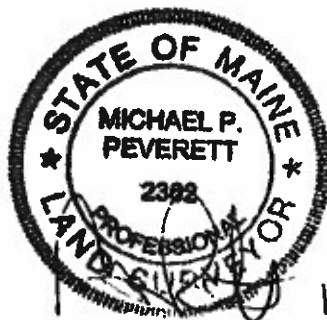
The above described parcel is subject to an easement to Maine Water Company Freeport Division, recorded in volume 8983, page 13 of the Cumberland County Registry of Deeds.

The above described parcel is subject to an easement to Freeport Sewer District, recorded in volume 9100, page 290 of the Cumberland County Registry of Deeds.

The above described parcel is depicted on a plan entitled "BOUNDARY SURVEY OF LAND OF FREEPORT INN COMPANY PARTNERSHIP, 537 U.S. ROUTE ONE, FREEPORT - CUMBERLAND COUNTY - MAINE", dated October 16, 2006, prepared by CIVIL CONSULTANTS, recorded at the Cumberland County Registry of Deeds in plan book 206, page 770.

Prepared by Michael P. Peverett, Maine PLS #2362

Date: January 25, 2007



Received
Recorded Register of Deeds
Feb 13, 2007 10:18:06A
Cumberland County
Pamela E. Lovley

McEachern & Thornhill
P.O. Box 360
Kittery, ME 03904-0360

4 pages

j:\aaa\2006\0674200\legal-desc\LOT2.DOC



CIVIL
CONSULTANTS

P.O. Box 100 South Berwick, Maine 03908 207-384-2550

Town of Freeport Official Zoning Map

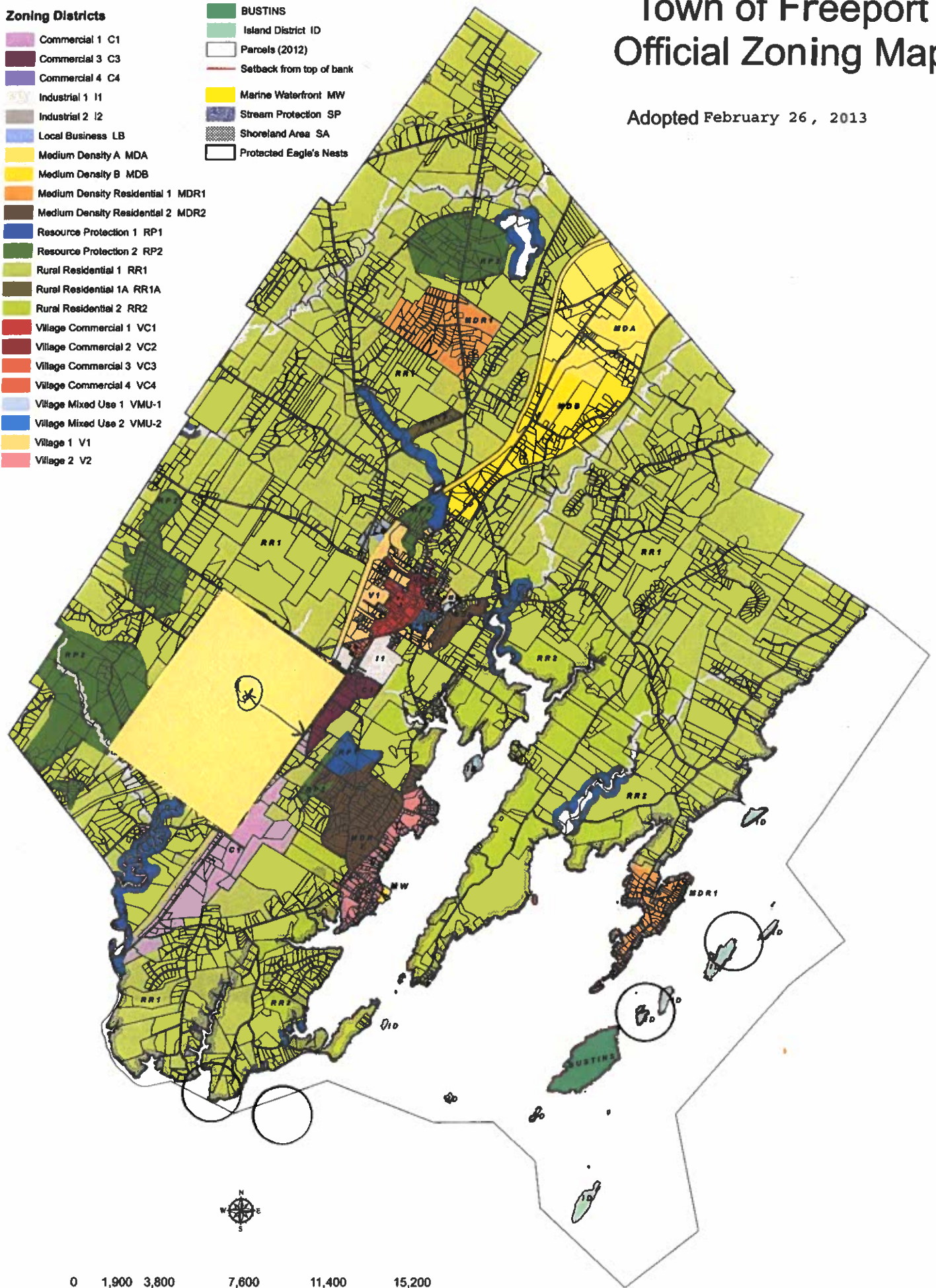
Adopted February 26, 2013

Legend

Zoning Districts

- Commercial 1 C1
- Commercial 3 C3
- Commercial 4 C4
- Industrial 1 I1
- Industrial 2 I2
- Local Business LB
- Medium Density A MDA
- Medium Density B MDB
- Medium Density Residential 1 MDR1
- Medium Density Residential 2 MDR2
- Resource Protection 1 RP1
- Resource Protection 2 RP2
- Rural Residential 1 RR1
- Rural Residential 1A RR1A
- Rural Residential 2 RR2
- Village Commercial 1 VC1
- Village Commercial 2 VC2
- Village Commercial 3 VC3
- Village Commercial 4 VC4
- Village Mixed Use 1 VMU-1
- Village Mixed Use 2 VMU-2
- Village 1 V1
- Village 2 V2

- BUSTINS
- Island District ID
- Parcels (2012)
- Setback from top of bank
- Marine Waterfront MW
- Stream Protection SP
- Shoreland Area SA
- Protected Eagle's Nests



Town of Freeport Official Zoning Map

Adopted February 26, 2013

Legend

Zoning Districts

- Commercial 1 C1
- Commercial 3 C3
- Commercial 4 C4
- Industrial 1 I1
- Industrial 2 I2
- Local Business LB
- Medium Density A MDA
- Medium Density B MDB
- Medium Density Residential 1 MDR1
- Medium Density Residential 2 MDR2
- Resource Protection 1 RP1
- Resource Protection 2 RP2
- Rural Residential 1 RR1
- Rural Residential 1A RR1A
- Rural Residential 2 RR2
- Village Commercial 1 VC1
- Village Commercial 2 VC2
- Village Commercial 3 VC3
- Village Commercial 4 VC4
- Village Mixed Use 1 VMU-1
- Village Mixed Use 2 VMU-2
- Village 1 V1
- Village 2 V2

- BUSTINS
- Island District ID
- Parcels (2012)
- Setback from top of bank
- Marine Waterfront MW
- Stream Protection SP
- Shoreland Area SA
- Protected Eagle's Nests

