



**Town of Freeport  
Planning Department  
30 Main Street  
Freeport, ME 04032  
(207) 865-4743 ext. 107**

### 1. SUBMISSIONS

- Twelve (12) copies each of the completed application form and a copy of the recorded deed(s) 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.*
- For applications to the Project Review Board, you must also submit twelve (12) copies of all other supplemental materials collated into individual packets which will fit into a large manila envelope. Please clip materials together; do not use special binding or binders. If copies of plans are being submitted, please include 2 full size sets (24" x 36") and 10 copies reduced to 11" x 17". The scale of any site plans shall be sufficient to allow review under the Criteria and Standards of Section 602.G of the Freeport Zoning Ordinance, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development. **All plan sheets must also be submitted electronically in a pdf format.** For a complete list of detailed submission requirements, please refer to the applicable ordinance(s) which may include the Design Review Ordinance, the Subdivision Ordinance or the Zoning Ordinance (Section 602 – Site Plan Review).

For applications to the Planning Board, you must also submit eight (8) copies of all other supplemental materials.

- Payment of application fee and abutter fee (if applicable)
- This application form, along with the 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 applicant or an agent needs to be present at the meeting to present the application to the Board. If the applicant is going to be represented by someone other than themselves, they must submit a signed letter of authorization.

### 2. ABUTTERS

Abutters will be notified as required by State and Town regulations. Abutters will be determined by the Freeport Planning Department using most recent Assessing Records. If there are other people that you would like notified of the meeting, their contact information (either mailing address or email address) must be submitted with the application form. A fee of \$2.50 per abutter will be charged.

### 3. FEES

Refer to current fee schedule.

**Town of Freeport  
Planning Department**

Application for Review

**Project Type: (check all applicable)**

\_\_\_\_\_ Site Plan Review    \_\_\_\_\_ Design Review Certificate    \_\_\_\_\_ Subdivision  
\_\_\_X\_\_\_ Zoning Ordinance Amendment    \_\_\_\_\_ Other (please explain) \_\_\_\_\_

**Name of Project:** Changes to NBAOD Ordinance Language

**Proposed Use of Property:** Host weddings in the Tuttle Barn once it is completed

**1) Applicant Information:**

Name: Desert of Maine Tel: 978-394-5923  
(If a Company, provide name of person also)

Address: 95 Desert Rd., Freeport

Email: mela@desertofmaine.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: 93 Desert Rd, Freeport

**4) Property Information:**

Present Use of Property Tourist Attraction and Nature-based Education Center

Location: Street Address 95 Desert Rd, Freeport

Assessor's Office Map: 22

Lot: 8

Size of Parcel (acres): 50

Zoning District (s): RR1/NBAOD

**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: We propose to change the language to heading F of Section 428 to remove language prohibiting weddings to the NBAOD.

**6) Other Information:**

Proposed # of Buildings: \_\_\_\_\_ Gross Square Footage of Non-Residential Buildings: \_\_\_\_\_

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: Harriman \_\_\_\_\_ Tel: 207-784-5100 \_\_\_\_\_

Address: 80 Exchange Street, Portland, ME 04101 \_\_\_\_\_

Email: TEmercy@harriman.com \_\_\_\_\_

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

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

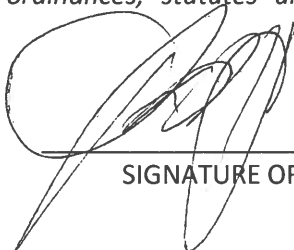
**Application Fee:** \$ 385                      **Abutter Fee:** \$ \_\_\_\_\_

**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.*

08/22/23

DATE



SIGNATURE OF APPLICANT/OWNER/REPRESENTATIVE

## **Proposal to Planning Board**

### **Proposal**

We propose to change the language of Section 428 of the Freeport Zoning Ordinance which outlines the definition of the Nature-Based and Art Overlay District - "NBAOD". We are asking that the language in part F2 be stricken, which states that "no structure in this overlay district may be used as a wedding venue".

### **Our Reasons for Changing the Ordinance**

As stated in the ordinance, the purpose of the NBAOD is "to allow nature-based commercial uses that are consistent with the historical uses of any property within the overlay district and assist with the long-term sustainability of the current uses and the protection of the natural historic resources of a property, to allow an indoor art center and indoor public assembly, and to specify the principal and accessory uses that are allowed thereon."

As we move forward with the restoration and re-building of the Tuttle barn at the Desert of Maine, which dates back to the 1700s, we look forward to creating a sustainable arts center and community gathering place. The Tuttle barn is a stunning building that could one day memorialize a crucial piece of Freeport history, enrich our community with music and theater performances, and contribute to the arts and culture economy in Freeport.

But we face many challenges ahead. In addition to the ballooning up front costs associated with restoring this historic building and re-constructing it so it meets modern building code requirements for structural integrity, life safety, and accessibility, we must face the reality that it is notoriously difficult to sustainably operate an arts center. This is especially true in Maine, due to our small audience pools. Most, if not all, successful performing arts centers sustain themselves through means other than just ticket sales.

The only feasible option for long-term viability of operating the Tuttle Barn as an arts center would be to rent out the Tuttle Barn as an events venue when not hosting artistic performances. It is crucial that some of those events should include weddings. The cost of renting a venue for a wedding is nearly an order of magnitude higher than for other private events. Hosting weddings would allow us to host fewer, more profitable events than if we were restricted to just other types of events such as corporate gatherings or private parties. This proposed change, along with commonsense restrictions that respect the quiet neighborhood setting of the Tuttle Barn, would allow us to sustain our arts center in the way that would have the least impact on our neighbors. This change would also boost business for local restaurants and hotels.

### **Wedding Restrictions**

In collaboration with our closest neighbors, we have developed the following restrictions to minimize noise and traffic. The restrictions below would be written into our venue rental agreement and would be legally binding for our guests:

- No outdoor music or dancing permitted
- Music (indoor only) must end by 9 pm
- Events must end by 10pm and all guests must vacate the Tuttle Barn and parking lots. This is consistent with the quiet hours of the campground.
- Guests seeking to rent the Tuttle Barn must be vetted by the Desert of Maine to ensure the participants are aware of the quiet, neighborhood setting of the venue. Only guests seeking a quiet wedding celebration will be allowed to rent the Tuttle Barn. We will require a deposit which will only be returned if there are no violations of the rules.
- We will limit the maximum capacity of the event to 300 persons, as stipulated in the ordinance

### **Specificity of the Zoning Language for the NBAOD**

The language stipulating what qualifies as a NBAOD is such that it is exceptionally difficult for other properties in Freeport to be considered for this overlay district. For any new NBAOD, nature-based commercial uses must be consistent with the historical uses of any property within the overlay district *and* assist with the long-term sustainability of the current uses *and* the protection of the natural historic resources of a property. It is unlikely that any other businesses or property owners would be able to take advantage of the change to the language in section 428 that forbids weddings to the NBAOD. Thus, we do not feel that this would create other wedding venues in Freeport.

The NBAOD is intended to function as an overlay district. As such, the requirements of the underlying zoning district(s) will remain in force and will apply to all uses of land and buildings within the NBAOD except as specifically modified by the provisions of this Section

Specifically, we propose to change the language to Heading F2 of Section 428 to the following: "A structure on a property in this overlay district may be used for one or more permitted uses subject to site plan review, provided however that the maximum capacity of that structure shall be 300 persons."

QUITCLAIM DEED WITH COVENANT  
(Maine Statutory Short Form)

GARY E. CURRENS and GINGER L. CURRENS, both having a mailing address of 95 Desert Road, Freeport, Maine 04032 (the "Grantors"), for consideration paid, grant to HEESTAND FAMILY HOLDING, LLC, a Maine limited liability company having a mailing address of 116 Dune Drive, Freeport, Maine 04032 (the "Grantee"), with Quitclaim Covenant, a certain lot or parcel of land, together with the buildings and improvements thereon, located on the southerly side of Desert Road, in Freeport, Cumberland County, Maine, all as more particularly described on Schedule A attached hereto and made part hereof.

Meaning and intended to convey the premises conveyed to the Grantors by deed of F. Carolyn Dobson dated April 6, 2004, recorded in the Cumberland County Registry of Deeds at Book 21078, Page 59; and by deed of Deborah Dobson Pensiero dated May 6, 2007 recorded in the said Registry of Deeds at Book 5912, Page 73.

IN WITNESS WHEREOF, Gary E. Currens and Ginger L. Currens have set their hands and seals this 3rd day of December 2018.

WITNESSETH:

[Signature]  
Suzanne Anderson

[Signature]  
Gary E. Currens

[Signature]  
Jonwilder Bartlett

[Signature]  
Ginger L. Currens

STATE OF North Carolina  
COUNTY OF Buncombe, ss.

Dec 01, 2018

Personally appeared before me the above-named Gary E. Currens and Ginger L. Currens, and acknowledged the foregoing instrument to be their free acts and deeds.

CHERYL PARKS  
Notary Public, North Carolina  
Buncombe County  
My Commission Expires  
August 08, 2020

[Signature]  
Notary Public

Print Name: Cheryl Parks

My Commission Expires: 08-08-2020

MAINE REAL ESTATE TAX PAID

Schedule A

PARCEL I

A certain lot or parcel of land, together with any buildings and improvements thereon, located on Desert Road in the Town of Freeport, Cumberland County, Maine consisting of the following described adjacent parcels of land:

Parcel 1

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

Beginning at the southwesterly corner of land now or formerly of John Porter on the line between Pownal and Freeport; thence southwesterly on said town line eighty-five (85) rods to the westerly corner of land now or formerly of Charles Wilson; thence south easterly one hundred five (105) rods by said Wilson land to a stone post; thence northeasterly about eighty-five (85) rods to Range "B"; thence by said Range "B" to the first mentioned bounds; containing fifty (50) acres, more or less, and being the same premises conveyed to Viola F. Clough by Annie E Monroe by deed dated November 13, 1906, and recorded in Cumberland County Registry of Deeds in Book 797, Page 342.

Also another piece or parcel of land situated in said Freeport and bounded and described as follows, viz: Beginning at a beech tree on the side of the road leading from the Main Road to the house of Viola F. Clough; thence southwesterly by land of said Viola F. Clough to a stone monument standing at the foot of the slope of a gully; thence by said gully following the foot of said slope on side nearer the land of Clough southeasterly and easterly to the said road leading from the main road to said Cough's house to a stone monument near a willow tree; thence northwesterly by the road to the point of commencement; containing six (6) acres, more or less, and being the same premises conveyed to Viola F. Clough by Philip E. Knight by deed dated June 8, 1917 and recorded in said Registry in Book 991, Page 391.

Excepting therefrom a certain lot or parcel of land situated on the Desert Road in the Town of Freeport, County of Cumberland and State of Maine, which includes within its bounds a certain parcel of land transferred by warranty deed of Henry M. Goldrup, Jr., to David I. Goldrup and Lorraine M. Goldrup, recorded in Cumberland County Registry of Deeds in Book 3715, Page 8, and which is bounded and described as follows:

Beginning on the southwesterly side of the Desert Road, so called, six hundred sixty-nine feet (669') northwesterly from a beech tree stump and an iron post, which is the beginning point of the second parcel in a deed from Everett R. Jamieson to Henry M. Goldrup, Jr., dated February 27, 1926, and recorded in said Registry in Book 1226, Page 100; thence S 40° W two hundred seventy-nine and two tenths feet (279.2') to an iron rod; thence S 50° E three hundred twenty and seventh-tenths feet (320.7') to an iron rod; thence S 40° W fifty-nine and twenty-six hundredths feet (59.26') to an iron rod; thence S 39° 31' 50" E eighty-six and seventeen

hundredths feet (86.17') to an iron rod; thence S 58° 01' 10" W four hundred thirteen and two tenths feet (413.2') to an iron rod near the sideline of a woods road; thence S 14° 59' 40" E eighty-five and two tenths feet (85.2') to an iron rod near the centerline of a brook; thence southeasterly along said brook four hundred sixty feet (460'), more or less, to an iron rod at the foot of the slope of a gully located in the sideline of a certain parcel of land now or formerly of Elaine Polakewich more fully described in said Registry in Book 2668, Page 87; thence northeasterly by said gully following the foot of said gully one thousand forty feet (1,040') more or less, along the sideline of land of said Polakewich to the westerly sideline of the Desert Road; thence along the sideline of said road N 51° 00' 30" W one hundred seventy-five and five tenths feet (175.5') to a beech tree stump and an iron post; thence continuing along the sideline of said road on the same course one hundred nineteen feet (119') to an iron rod; thence continuing along the sideline of said road N 50° W two hundred fifty feet (250') to an iron rod; thence continuing along the sideline of said road on the same course three hundred feet (300') to the point of beginning; containing approximately 11.3 acres.

Being the same premises as conveyed to Ronald P. Dobson and Shirley E. Dobson by Elizabeth E. Goldrup by deed dated April 22, 1986 and recorded in the Cumberland County Registry of Deeds in Book 4946, Page 343.

Excepting from the above described premises a certain lot or parcel of land, being the second parcel described in a deed from Sidney E. Dobson and F. Carolyn Dobson to Deborah Ann Dobson dated January 2, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11249, Page 73, and being described therein as follows:

A certain lot or parcel of land situated on the southwesterly side of said Desert Road, and adjoining the first described parcel on the northwesterly side, and being more particularly bounded and described as follows:

Beginning at an iron on the southwesterly side of Desert Road at the northerly corner of the first parcel described above; thence N 50° 00' 00" W along the westerly line of Desert Road, 300 feet, more or less, to an intermittent stream; thence S 40° 00' 090" W 135 feet, more or less, to land of Ronald P. Dobson and Shirley E. Dobson; thence S 50° 00' 00" E by land of said Dobsons 227 feet, more or less; thence S 19° 08' 55" E by land of said Dobsons 87 feet, more or less, to the northerly line of land described first above; thence N 40° 00' 00" E along said first described land 180 feet, more or less, to an iron and the point of beginning."

Also excepting from the above described premises any land conveyed to Timberlands Development Co. by F. Carolyn Dobson by instrument entitled "Agreement settling uncertainty as to boundary line" dated January 2, 2003 and recorded in the Cumberland County Registry of Deeds in Book 18707, Page 204.

Also conveying any land conveyed to F. Carolyn Dobson by Timberlands Development Co. by instrument entitled "Agreement settling uncertainty as to boundary line" dated January 2, 2003 and recorded in the Cumberland County Registry of Deeds in Book 18707, Page 204.



Parcel 2

A certain lot or parcel of land, located southwesterly of Desert Road, in the Town of Freeport, County of Cumberland and State of Maine, which parcel is a portion of the first described exception from the above described Parcel 1, being bound and described as follows:

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

Beginning at a point on the northerly line of land now or formerly of Elizabeth E. Goldrup which parcel was reserved to said Elizabeth E. Goldrup in a Warranty Deed from Elizabeth E. Goldrup to Ronald P. Dobson and Shirley E. Dobson dated April 22, 1982, recorded in the Cumberland County Registry of Deeds in Book 4946, Page 343, said point being Two Hundred Seventy-Nine and Twenty Hundredths feet (279.20') on a line bearing S 40° 00' 00" W from the northeasterly corner of the said reserved parcel; thence S 50° 00' 00" E Three Hundred Twenty and Seventy Hundredths feet (320.70') along other land of Dobson to an iron pin; thence S 40° 00' 00" W Fifty-Nine and Twenty-Six Hundredths feet (59.26') along other land of Dobson to an iron pin; thence S 39° 31' 50" E along Dobsons' land Eighty-Six and Seventeen Hundredths feet (86.17') to an iron pin; thence S 58° 01' 10" W Four Hundred Fifteen feet (415'), more or less, along Dobsons' land to an iron pin; thence S 14° 59' 40" E Eighty-Five and Two Tenths feet (85.2') to an iron pin; thence N 57° 13' 47" E, Three Hundred Twenty-Two and Forty-Nine Hundredths feet (322.49') along land to be retained by Goldrup to an angle point; thence N 30° 28' 02" E One Hundred Nineteen and Two Hundredths feet (119.02') along said retained land to an iron pin; thence N 13° 54' 08" E One Hundred Fifty-Seven and Forty-Four Hundredths feet (157.44') along said retained land to a point; thence N 50° 00' 00" W Sixty-Five feet (65') along said retained land to an angle point; thence N 3° 32' 40" W Twenty-Nine and Ninety-Three Hundredths feet (29.93') along said retained land to an iron pin; thence N 25° 24' 07" W One Hundred Nineteen and Twenty-Seven Hundredths (119.27') along said retained land to an angle point; thence N 43° 36' 21" W One Hundred Fifty-Five feet (155'), more or less, to a point on a line bearing S 40° 00' 00" W, said line being the most northerly line of land reserved to said Goldrup in the deed recorded in the Cumberland County Registry of Deeds in Book 4946, Page 343; thence S 40° 00' 00" W One Hundred Forty feet (140'), more or less, to an iron pin and the point of beginning.

Being the same premises as conveyed to Ronald P. Dobson and Shirley E. Dobson by Elizabeth E. Goldrup by deed dated October 4, 1983 and recorded in the Cumberland County Registry of Deeds in Book 6508, Page 173. Reference is also made to the deed to Sidney L. Dobson and F. Carolyn Dobson from Elizabeth E. Goldrup dated November 2, 1990 and recorded in said Registry of Deeds in Book 9375, Page 61, in which deed Elizabeth E. Goldrup released certain reversionary and other interests, and in which deed the first described parcel encompassed the premises described above as Parcel 2.

Excepting that portion of the above described Parcel 2 that was included within the first described parcel of a deed from Sidney E. Dobson and F. Carolyn Dobson to Deborah

Ann Dobson dated January 2, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11249, Page 73. Said first described parcel was described in said deed as follows:

A certain lot or parcel of land with the buildings and improvement thereon situated on the southwesterly side of Desert Road in the Town of Freeport, County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at an iron on the southwesterly side of Desert Road at the northerly corner of land conveyed by Henry M. Goldrup, Jr. to David I. Goldrup and Lorraine M. Goldrup by deed dated July 15, 1975 and recorded in the Cumberland County Registry of Deeds in Book 3715, Page 8; thence N 50° 00' 00" W 300.0 feet to an iron pipe at land conveyed by Elizabeth E. Goldrup to Ronald P. Dobson and Shirley E. Dobson by deed dated April 22, 1982, recorded in said Registry of Deeds in Book 4946, Page 343; thence by land of Dobson by the following courses and distances: S 40° 00' 00" W 279.2 feet to an iron; thence S 50° 00' 00" E 320.70 feet to an iron; thence S 40° 00' W 59.26 feet to an iron; thence S 39° 31' 50" E 86.17 feet to an iron at the northerly corner of land conveyed by Elizabeth E. Goldrup to Karen Bushee by deed dated August 24, 1988, recorded in said Registry in Book 8442, Page 163; thence N 83° 10' 05" E 211.31 feet to the southerly corner of land of David I. Goldrup, et al, aforesaid; thence N 50° 00' 00" W by land of David I. Goldrup, et al, 250.0 feet to an iron; thence N 40° 00' 00" E by land of David I. Goldrup 200.0 feet to an iron and the point of beginning.

Containing 2.50 acres and being shown as Lot 1-A on Plan of Elizabeth Goldrup dated November 24, 1981, made by Owen Haskell, Inc., and which Plan is unrecorded."

Also conveying all interests acquired pursuant to a deed from Ronald P. Dobson and Shirley E. Dobson to F. Carolyn Dobson dated April 19, 1994 and recorded in the Cumberland County Registry of Deeds in Book 11454, Page 129.

## PARCEL II

Also conveying a certain lot or parcel of land, together with any buildings and improvements thereon, located in the Town of Freeport, Cumberland County, Maine consisting of the following described adjacent parcels of land:

Parcel A is bounded and described as follows:

Beginning at a point at the northernmost corner of the land now or formerly of Karen Busbee (Book 11151 Page 81), which point is the northwest corner of the land now or formerly of Henry M. Goldrup (Book 9426 Page 245) and which point is the southernmost corner of the land of the grantor as shown on "Boundary Survey at 93 Desert Road, Freeport, Maine made for Dwight and Deborah Pensiero Jan. 5, 2007 Owen Haskell, Inc. Job No. 2006-276F" revised 04-30-07;

Thence, N 83° 10' 05" E by the land of Goldrup 102.72 feet;

Thence, N 50° 00' 00" W by the remaining land of Pensiero 155.01 feet to the land now or formerly of Gary E. Currens (Book 21078 Page 59);

Thence, S 40° 00' 00" W by the land of Currens 59.26 feet to a 5/8" iron rod set; Thence, S 39° 31' 50" E by the land of Currens 86.17 feet to the point of beginning. Said parcel contains 8,317 square feet and is shown as Parcel A on said plan.

**Parcel B** is bounded and described as follows:

Beginning at a 5/8" iron rod set point at the westernmost corner of Parcel B at the land now or formerly of Gary E. Currens (Book 21078 Page 59), which point is located N 50° 00' 00" W a distance of 320.70 feet from the northernmost corner of the above described Parcel A as shown on said plan;

Thence, N 40° 00' 00" E by the land of Currens 114.44 feet to a 5/8" iron rod set;

Thence, S 19° 08' 55" E by the remaining land of Pensiero 223.16 feet to the land of Currens;

Thence, N 50° 00' 00" W by the land of Currens 191.58 feet to the point of beginning. Said parcel contains 10,962 square feet and is shown as Parcel B on said plan.

**Parcel C** is bounded and described as follows:

Beginning at a 5/8" iron rod set at the northernmost corner of the land of Pensiero on the assumed southwesterly sideline of Desert Road as shown on plan;

Thence, S 40° 00' 00" W by the land now or formerly of Gary E. Currens (Book 21078 Page 59) a distance of 135.00 feet to a 5/8" iron rod set;

Thence, S 50° 00' 00" E by the land of Currens 80.00 feet;

Thence, N 09° 20' 58" E by the remaining land of Pensiero 156.92 feet to the point of beginning.

Said parcel contains 5,400 square feet and is shown as Parcel C on said plan.

Received  
Recorded Register of Deeds  
Dec 06, 2018 02:26:14P  
Cumberland County  
Nancy A. Lane