

Rita Sawyer

From: Jeremy Benn [jeremy@joeflynnrealestate.com]
Sent: Monday, September 30, 2013 11:12 AM
To: Rita Sawyer
Subject: RE:
Attachments: DOC093013.pdf

Hi Rita,

I have attached the email correspondence with 33 Park Street and Harborview Flats. We asked 33 Park Street for a construction easement allowing construction trucks to access our site through their driveway and unfortunately at this time they have decided to not allow an easement. Harborview Flats has been very responsive to us helping with their privacy concerns. Their main concern is with headlights shining on their property. At their recommendation I have agreed to install a "green wall" along the entire fence on the front of the property line. I have suggested planting two trees on their property as well to help shield their units from headlights. They have not confirmed if they would like us to plant trees on their property yet – they are still discussing among themselves.

Please let me know if you need anything else.

Thank you,

Jeremy
807-9218

From: Rita Sawyer [mailto:RSawyer@pinkhamandgreer.com]
Sent: Monday, September 30, 2013 9:52 AM
To: Jeremy
Cc: Tom Greer
Subject:

Jeremy,

We are planning on submitting to the City today. Could you email me copies of the correspondence on your communications w/ the neighbors?

Thank you
Rita

Pinkham & Greer, Consulting Engineers
28 Vannah Avenue
Portland, Maine 04103
Phone: (207) 781-5242 Fax: (207) 781-4245
rsawyer@pinkhamandgreer.com

10/1/2013

Subject **Re: 133 York Street/Harborview Flats**
From Susan Kaplan <birmanmom@gmail.com>
To Jeremy Benn <jeremy@joeflynnrealestate.com>
Seth Page <sxp@earthlink.net>, Elliot Vrana <elliot.vrana@gmail.com>, Erin Foley <efoley19@aol.com>, Bruce Baker <brucewbaker.me@gmail.com>, Catherine Morrison <cmorrison@createagreement.com>, David Marsden <davidm@homesinmaine.com>, Jean Fraser <JF@portlandmaine.gov>, Erika Johnson <ejjohnson83@gmail.com>, Bill Mitchell <Bill@ghmagency.com>
Cc
Date 2013-09-24 18:00



Much appreciated Jeremy - I am glad the illustration was helpful in clarifying our concerns. I copied Jean Fraser, City Planner on our correspondence as our concerns are consistent with those raised on page 9 of her September 6, 2013 memorandum. In one of the Staff Comments, headlights, screening, and solid fencing are discussed and the City Arborist's recommendations are referenced for further consideration.

Our Association is having discussions regarding trees being planted on our property (whose maintenance will become a Harborview Flats expense) with arguments pro and con being presented. We are eager to hear additional ideas beyond your proposal to plant trees on our side of the fence. Any further ideas you are entertaining (solid fencing, trees on your property, etc.) would be of interest to us.

Finally, we are eager hear / see the details of the updated façade.

Thanks again for your time and patience as we come to an agreeable plan, Jeremy!

Susan Kaplan
207.232.1180

On Mon, Sep 23, 2013 at 12:58 PM, Jeremy Benn <jeremy@joeflynnrealestate.com> wrote:

Hi Susan,

I see your concerns about the headlights as illustrated by the red arrows. I have asked the engineer to update the site plan to show a "green wall" to continue all the way across the fence. I will keep you updated on the façade.

Thank you,

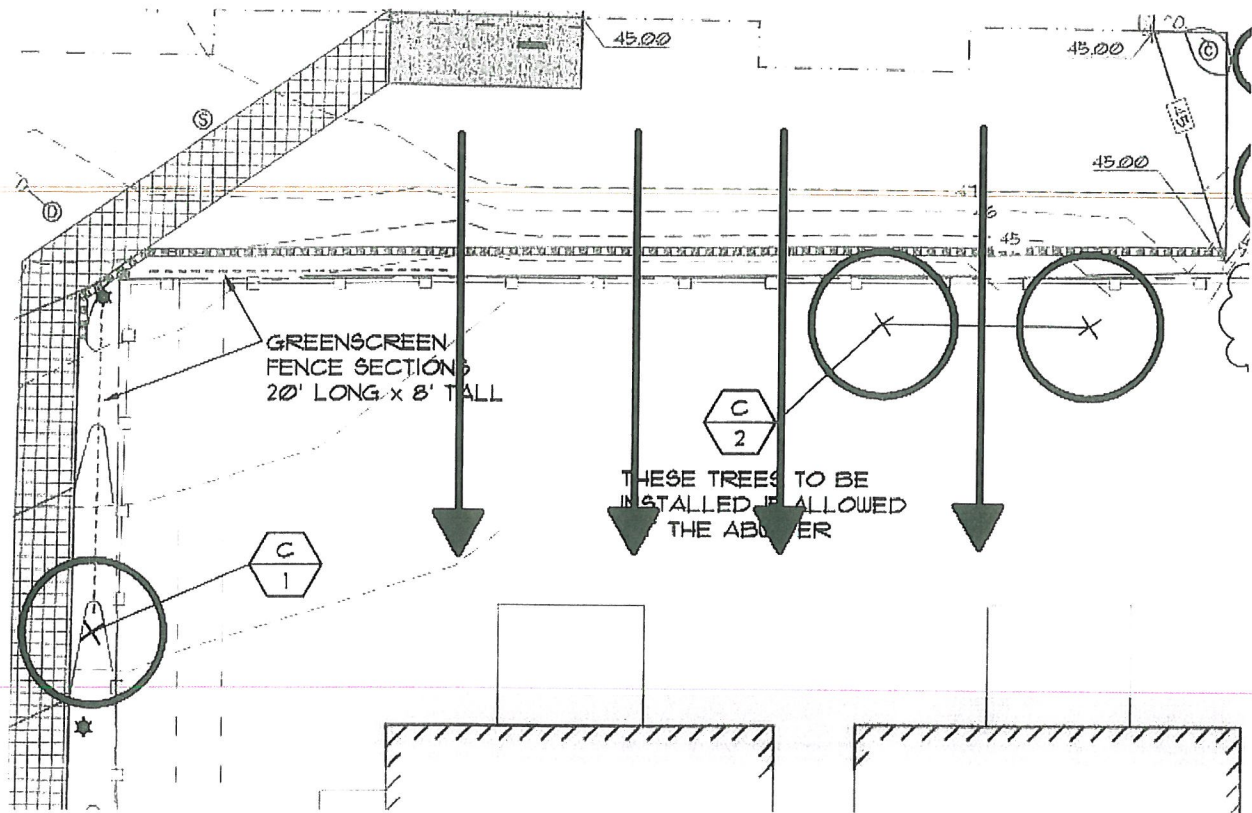
Jeremy Benn
133 York, LLC

From: Susan Kaplan [mailto:birmanmom@gmail.com]
Sent: Thursday, September 19, 2013 11:12 AM
To: Jeremy Benn
Cc: Seth Page; Elliot Vrana; Erin Foley; Bruce Baker; Catherine Morrison; David Marsden; Jean Fraser; Erika Johnson; Bill Mitchell

Subject: Re: 133 York Street/Harborview Flats

I appreciate the clarification, Jeremy.

Below is an updated image with the green wall highlighted in **yellow**. The areas noted in **blue** (below) are our primary concern; hence the placement of the green wall is puzzling to me. Perhaps our concerns were not clearly stated.



As the plan sits, the headlights from cars that are backed into your parking area will shine directly into the first floor condos (in blue) at the Flats. This unscreened area is noted with the red arrows above. The green wall and trees (as they are currently proposed) will not adequately address our concerns.

The abutters will be meeting to discuss our privacy and screening concerns further. In the meantime, we are very eager to hear your ideas for addressing this issue. We are also eager to see the changes to the exterior, as this was another primary concern.

Thanks again for reaching out to us so we can work together on a mutually agreeable plan.

Susan Kaplan

207.232.1180

On Wed, Sep 18, 2013 at 5:13 PM, Jeremy Benn <jeremy@joeflynnrealestate.com> wrote:

Hi Susan

- 1) The green wall goes beyond what you have highlighted, it is represented by the dashed line. It goes to about where the front door is located and further down the driveway.
- 2) The additional provision is in fact the two trees on the plan – this was suggested by the city arborist. We have added the trees and green wall to help with the privacy concerns.
- 3) The extra privacy for the town homes is provided with the additional 12 trees and shrubs as detailed on the plan.

Thank you,

Jeremy

Jeremy Benn
133 York, LLC
807-9218

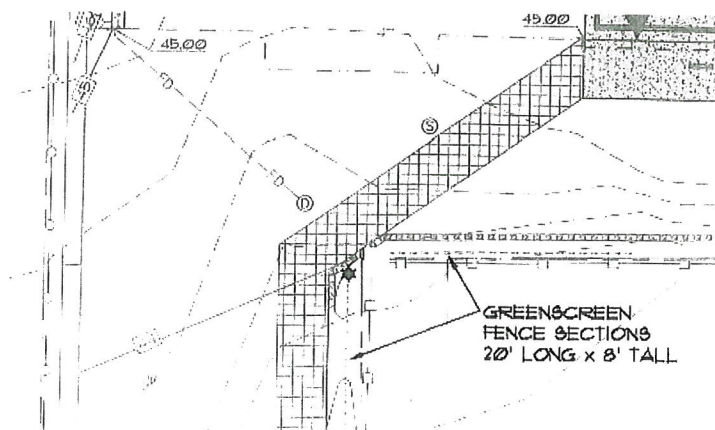
From: Susan Kaplan [mailto:birmanmom@gmail.com]
Sent: Wednesday, September 18, 2013 4:59 PM

To: Jeremy Benn
Cc: Seth Page; Elliot Vrana; Erin Foley; Bruce Baker; Catherine Morrison; David Marsden; JF@portlandmaine.gov; Erika Johnson
Subject: Re: 133 York Street/Harborview Flats

Hello Jeremy,

Thank you for the site plan. I want to be sure I have read the plan correctly.

- 1) In your present design, is the green wall only planned for the section that is highlighted in yellow in the image below (the corner area)?
- 2) If YES, what provisions (beyond the trees you cited) have you made for affording the Flats screening and privacy from the parking area?



- 3) And finally, do you have any plans for providing privacy or screening to the adjacent Townhomes building?

Much thanks Jeremy,

Susan

Susan Kaplan

207.232.1180

On Wed, Sep 18, 2013 at 4:43 PM, Jeremy Benn <jeremy@joeflynnrealestate.com> wrote:

Hi Susan,

I attached an updated site plan that illustrates the proposed trees and "green wall" addressing the planning board and abutters concerns. The plan identifies the location, species, and size of the plantings. I spoke with the architect this afternoon, he is working on the façade design. I will forward you the "re-worked" design as soon as it is available.

Sincerely,

Jeremy Benn

133 York, LLC

807-9218

From: Susan Kaplan [<mailto:birmanmom@gmail.com>]

Sent: Wednesday, September 18, 2013 12:22 PM

To: Jeremy Benn

Cc: Seth Page; Elliot Vrana; Erin Foley; Bruce Baker; Catherine Morrison; David Marsden; JF@portlandmaine.gov; Erika Johnson

Subject: Re: 133 York Street/Harborview Flats

Hello Jeremy,

Thanks so much for contacting me about your 133 York St project. I believe we met at the second public meeting.

The suggestions in your email sound like you are moving in the right direction. When you say, "the corner of the fence in your backyard", can you give me a better sense of what area would / would not be screened by the green wall? As the plan sits, the headlights from cars that are backed into your parking area will shine directly into the first floor condos at the Flats. I would be very interested in additional details as to the placement and length of the green wall.

Do you have any plans for providing privacy or screening to the adjacent Townhomes building (the modern building next to your property)? There has been discussion about planting one or more small trees, but this will not afford the privacy that the present tree provides (which apparently cannot be saved with your current design). I will be interested in hearing your plans for that side of the property and will pass along your ideas to the Townhomes residents.

As for the tree planting on our property, this sounds like a positive step. I will forward your suggestions to our residents for comment.

In addition to the items above, the façade was also a concern to both the abutters and the planning board. Can you let us know if the exterior design has been modified? If so, we would be eager to hear / see the details of these changes.

Thanks again, and I look forward to your reply.

Susan Kaplan

207.232.1180

On Wed, Sep 18, 2013 at 12:00 PM, Jeremy Benn <jeremy@joeflynnrealestate.com> wrote:

Hi Susan,

I am not sure if we have met or not, my name is Jeremy Benn. I am one of the owners of the property, 133 York, being developed behind Harborview Flats. I spoke with David Marsden and he suggested that I contact you to discuss ways that we could help the owners of Harborview Flats be more agreeable to our plan. We understand that some of the residents are concerned about privacy. We have made some changes to the site plan that include a "green screen" that is in two twenty foot lengths on the corner of the fence in your backyard. The City Arborist also suggested that we plant two Armstrong Red Maple trees on Harborview Flats property to add privacy. We would like to have a landscaper submit an estimate to plant the trees on your property and give your association a check to pay for the installation. The green screen and two additional trees will provide extra privacy that was not on our original plan. We realize that the owners may not be excited about the project going on behind them but we would like to make it as affable as possible. Do you have any suggestions?

Do you think that the residents would be agreeable to us planting trees in your backyard?

Sincerely,

Jeremy Benn

133 York, LLC

807-9218

----- Original Message -----

Subject: 133 York St

Date: 2013-09-19 20:23

From: Erin Foley <erioley19@aol.com>

To: Joe Flynn <joe@joefflynrraalestate.com>

Cc: Topher Browne <topherbrowne@aol.com> Martin McGee <Martin.McGee@FMR.COM> Bud Higgins <bhiggig@mmhc.org> Chris Wainer <chriswainer14@gmail.com> Tim Gebhardt <info@gpmmaine.com>

Hi Joe,

Thank you for your patience in waiting for our response to your inquiry about a construction easement. As a condo association we have voted and have decided to not allow you access to our property.

We continue to have many concerns about your proposed project and look forward to working with you to find some common ground.

Sincerely,

Erin Foley

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Joe Flynn Real Estate

913 Forest Avenue

Portland, Maine 04103

207-873-3800

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Licensed to sell Real Estate in the State of Maine

JoeFlynnRealEstate.com

Erin Foley <efoley19@aol.com>
To: Joe Flynn <joe@joeflynnrealestate.com>
Re: 133 York Street

September 11, 2013 7:43 PM

Mr Flynn,
Thank you for your email. I have shared it with the other members of McCormick Place. We will make a decision on this offer and respond to you within 10 days.
Sincerely,
Erin Foley

On Sep 11, 2013, at 1:50 PM, Joe Flynn <joe@joeflynnrealestate.com> wrote:

Hi Erin,

We wanted to reach out to you regarding creating a mutually agreeable easement for the construction of our building at 133 York Street. As you and I talked about previously, it would be much more beneficial for the residents of 33 Park to grant us a construction easement with specific guidelines so you don't deal with the headaches you went through with the previous project. We have no need to store any materials on your site. We would only need access to the property for material deliveries and construction vehicles during the business day. We are proposing that 33 Park Street allows us access to your lot and for the residents vehicles that are currently parked closest to our building to temporarily park on the area of green space at the edge of your parking lot. We would be happy to pay to have your green space landscaped after the construction is completed. We want to be sensitive to your needs and are open to your suggestions. Thanks for your help and consideration. We want this construction project to be handled in the most civil and organized manner possible. Please do not hesitate to call me at 776-5226.

Sincerely

Joe Flynn
133 York Street LLC
