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**CC:** "'mcgeekm@verizon.net'" <mcgeekm@verizon.net>  
**Date:** 10/11/2013 10:53 AM  
**Subject:** Concerns and Questions regarding 133 York Street

Hi Jean,

Our names are Karen and Marty McGee and we own Unit #3 in the McCormick Building at 33 Park St. We thoroughly enjoy our location and the immediate surrounding area as it currently exists.

We're sending you this email because we have a number of serious concerns and questions related to the proposed development at 133 York St. which abuts our property.

#### Concerns

1. **Height of Building.** When we purchased our unit 2 ½ years ago, one of the main reasons we selected our unit was because it had beautiful water views from the 2nd and 3rd floors. Our understanding is that the design of the proposed building will raise the height such that we will no longer have views of the water. This is very upsetting to us. We propose that the developer not be able to raise the height of the building so that the enjoyment (and value) of our property isn't compromised.
2. **Design of the Building.** The view from the rear of the building, our view, from the designs provided to this date, is uninspiring and doesn't fit in with the neighborhood. As we will be forced to look at this buildings rear view (if approved), it should at least be something that is pleasant to look at. And, as mentioned below, the lack of substantive greenery is definitely disappointing.
3. **Tree Removal.** Another important amenity to the enjoyment of our property is the greenery on and around our property. It is our understanding that the developer plans to remove all trees on or near the property (including those with a base on our property) without any plans for replacement when construction is completed. This will take away from the natural aspects of the surrounding area and create an unattractive, stoic environment. We are very concerned about this also.
4. **Central Air Units on the edge of our property.** Our understanding is that the building will place six (6) central air conditioning units at the rear of the building, directly on our property line. In addition to the noise pollution at the edge of our property, this is another detriment to the project and our visual enjoyment. We noticed that they have conveniently omitted these from all depictions of the property. It certainly doesn't seem to "contribute to and be compatible with the predominant character-defining architectural features of the neighborhood."
5. **Potential Damage to Our Property.** We at the McCormick Building have a storied history with developers and contractors that lack honesty, integrity, ethics and resort to bullying tactics to try to intimidate us. We're sure there are honest, ethical developers in the industry. But instead of dealing with honest, ethical businessmen, we've had to rely on attorneys to respond to their unprofessional, unethical tactics. We are very concerned about Joe Flynn and his associates. At the initial meetings at 133 York, they were not forthcoming with information regarding the specifics of the proposal. At a subsequent Planning Board meeting, they said they would not require access to the development from our property, but then sent an email the next morning to our association President asking for access. We are not willing to grant access to our property for work on 133 York St. And even if we were, what they are offering (landscaping an area that is fine "as is") is inexplicably inadequate. We are concerned that the developers and contractors will ignore this and use our property without consent and cause damage to our property.

#### Questions

1. How are concerns and questions raised by abutters, such as this email from us, factored into the approval process?

2. Do the plans include any drainage issues that could negatively impact our property? Is there any planned drainage onto our property?
  3. Overall size of the building. Is there any requirement that the footprint of the new building be no larger than the existing building? The current design's footprint is significantly larger than the current one.
  4. What are the restrictions on raising the height of the building from its current state?
  5. During the construction process, how often is the developer checked to make sure they are following the approved designs? What happens if they "deviate" from the approved plans? What checks and balances are in place by the City of Portland?
  6. Is the city involved in any way regarding enforcement of how the developer is accessing the property? Are they checked to make sure they are following approved access to the property? Or is this a private matter?
  7. Are there instances where abutters, like those of us in the McCormick Building, can be forced to grant access to the developer? (and how are the wishes of the abutters, extreme inconvenience and potential damage to property addressed)
  8. Demolition and construction of the property will make ½ of the available parking spaces unusable and almost certainly cause damage to our property. (for example, nails landing in our parking lot which could then end-up in a car tire) How can this be prevented?
- Thank you for your attention to our questions and concerns. We look forward to hearing back from you. If it's easier to discuss these concerns via phone, I (Marty) can be reached most easily at (617) 733-4384.

Regards,

Karen & Marty McGee