

Matt Power
22 Dow St.
Portland, ME 04102
207-619-2713

Regarding Permit Application 2017-01634

11/29-2017

Hello Christina,

I hope you are well. I'm writing because I learned today that my neighbor, Timothy Gebhardt, has filed a permit to build a fence between our two properties, in an alleyway that we share.

I am very concerned at this proposal. Not only does it essentially cut off egress/ingress and create a major fire trap, it violates our deeded right to be able to get equipment in and out of there and work on our building (see Exhibit A).

We have three families in my building, including a two-year old, and that alleyway is their only escape from the lot in the case of a fire. Not to mention the fact that we wheel bicycles, strollers and the like in and out of there all the time.

There's a lot of back story on this permit that may or may not be relevant.

Back in May, Revision Energy installed a mini-split compressor in the alleyway on my portion of the property. The unit was permitted, approved, along with a fence in front of it, issued a certificate of appropriateness from historic.

Gebhardt has been upset about the location of the unit, but has had no legal recourse to compel me to move it. Nonetheless, I have offered several versions of a compromise, but unfortunately, he has not been willing to meet me halfway and finance half of the costs of moving the unit.

Installation of the compressor did not in any way compromise the legal agreement that we share to keep ingress/egress open, and has not impeded Gebhardt's year-long remodeling project, including painting the alleyway side of his house this fall with heavy equipment and ladders (see last photo). Putting a fence in there would do both.

I have attached a copy of "Exhibit A," which says that neither neighbor must do anything to restrict ingress or egress to the back of the house, nor anything that would impede work on the building.

Thank you. Please feel free to call or email me if you need any additional documents or info.

Best

Matt Power

EXHIBIT A

A certain lot or parcel of land located on the easterly sideline of Dow Street in the City of Portland, County of Cumberland and State of Maine, being more particularly bounded and described as follows:

Beginning at a point and corner of the easterly sideline of Dow Street which point and corner is also the northwesterly corner of land formerly of Thomas Ingersoll; thence running northerly along the easterly sideline of said Dow Street a distance of 26 feet more or less, to a point and corner; thence turning and running easterly along other land conveyed by Elizabeth Farthing to Daniel R. Dresser and Donna L. Dresser by deed dated September 14, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14150, Page 231, a distance of 62 feet, more or less, to a point and corner, thence, turning and running south by said land conveyed to Ernest M. Kinney, et al., to Elizabeth Farthing by deed dated January 29, 1998 and recorded in Book 13574, Page 253, a distance of 2 feet, more or less to a point and corner; thence, turning and running easterly by said land of Elizabeth Farthing, a distance of 10 feet more or less, to a point and corner at land formerly of Alvin Kimball, thence turning and running southerly along said land formerly of Kimball a distance of 24 feet, more or less, to a point and corner; thence, turning and running westerly by said land formerly of Ingersoll, a distance of 72 feet, more or less, to a point and corner on the easterly sideline of Dow Street and the point of beginning.

Said lot is conveyed together with an easement over the entire ground and between the northerly sideline of the above described lot and the southerly side of the three story wood frame structure on the lot immediately to the north of the subject parcel, said easement being for purposes of ingress and egress by foot to the rear entrance of the building on the subject parcel as well as for purposes of erecting ladders, staging and other devices in order to facilitate maintenance work on the building on the subject property including but not limited to painting, window washing, roofing work, siding repairs or replacement and the like. The Grantee must utilize all reasonable efforts to insure that any work does not unreasonably interfere with the burdened premises.

This property is also conveyed subject to a reciprocal easement benefitting the parcel to the north of the subject property which easement encumbers the entire ground area north of the northerly side of the three story wood frame structure on the subject parcel which easement area shall be for ingress and egress by foot to the rear entrance of the building on the lot to the north as well as for purposes of erecting ladders, staging and other devices in order to facilitate maintenance work on the building



to the property to the north including but not limited to painting, window washing, roofing work, siding repairs or replacement and the like. The holder of this easement must utilize all reasonable efforts to insure that any such work does not unreasonably interfere with the burdened premises.

Received
Recorded Register of Deeds
Sep 06:2005 03:53:24P
Cumberland County
John B O'Brien

A handwritten signature, possibly "JBO", enclosed within a hand-drawn circle.



Egress Problem

Staging and Equipment Access Problem

Proposed fence location

Egress Problem



Image showing a heavy crane that Gebhardt used in the 20 Dow St.alley way this fall for painting his building. It was able to roll in from the street without encumbrance.

