

From: "Patricia McAllister" <pmcallister@verrilldana.com>
To: <tm@portlandmaine.gov>
Date: 10/11/2005 9:56:12 AM
Subject: 198 Prospect St.

1225

Tom,

I called and left you a message this morning, asking you to call me for background about my complaint. Then it occurred to me, it might be easier for you if I just email you the info. Sorry, this is a bit lengthy but this problem has been going on for quite awhile:

We live across the street from the Dorfman's * they are at 198 Prospect and we are at 208 Prospect, so we are both on the corner of Prospect and Bradley streets. We moved in 2 years ago and go along fine with them. However, last year, their son (who is 12 or 13) cleaned out the area of their garage that used to be used for wood storage and converted it into a shop. He's always been a bit of machinery hobbyist, but that's when things got much worse. He now owns an unbelievable number of old lawn mowers, as well as snow blowers, leaf blowers, chain saws, rototillers, etc. The main garage is jam-packed with them. He is constantly using hammers, grinders, drills, etc. to work on this machinery and tests them many, many times a day. He often tries to sell them after he gets them working by putting them out on the street. In addition, other cars pull up to their home * not on a daily basis, but often enough * and drop off and pick up various pieces of machinery that he has worked on. They probably think it's neat to have a kid do this cheaply for them, but we are the ones who get to hear the shop noise that results.

Believe me, I think the kid is industrious. However, the noise he generates has gotten worse and worse over the past year and is really unbelievable at this point. We can hear him with the windows closed and over the tv. We listen to mowers start up and rev at various speeds, as well as constant hammering and grinding, etc etc., EVERY DAY. My daughters can no longer come home and do homework without putting on headphones just to drown out the hammering. My husband and I both work full time and we come home every evening to this noise.

We have spoken to the boy's parents 11 times over the past year. It started out amicably enough and they even "offered" to have him keep reasonable hours (9-6), test the machinery around the corner, and close the shop and garage door when he's really getting loud. We thought that was great. Unfortunately it lasted only a couple of weeks and then things went back to the way they were. So we kept on trying to talk to them but as you can imagine things only deteriorate. They see us as intolerant jerks who are picking on their little boy. Honestly, all we want is the level of reasonable quiet to which we are entitled in our zone. Our feeling is, if they want to run a shop, they should go live where it won't bother others; that's the whole point of zoning, after all.

Other neighbors are definitely fed up with the situation also, but are more reluctant to speak up. We are going to encourage them, however, to call you and let you know we're not the only ones who are bothered by this and that it's truly not a personal issue. We simply want to protect our rights.

You can confirm with the two women at the front desk of the code office that I have spoken to them both several times about this issue over the past several months. I hesitated all this time to bring a formal complaint because it seems like the kind of thing neighbors should be able to work out. However the Dorfman's are completely unwilling to do that at this point. So make no mistake, I am not asking you to play mediator. I know that's not your job. While I think it's important that you know how this all came about, I am firmly committed to keeping this at the level of a formal zoning complaint. These people are breaking the law * as you know, a home occupation permit is not even available for this type of activity * and we are ready for them to be held accountable.

If you need any further information, please don't hesitate to call or email me. Also, my husband has video recordings of a lot of the activity, including when cars pull up and drop off mowers, etc., for repair. If that would help we would be happy to show it to you.

Thank you in advance for helping us with this situation. The stress it has caused us over the past year has just been unbelievable.

Trish McAllister

Patricia A. McAllister, Esq.
Verrill Dana, LLP
One Portland Square
Portland, ME 04112
Tel 207-253-4834
Fax 207-774-7499
pmcallister@verrilldana.com

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