

Case: 15-18  
Date Filed: 5 April 2018

## RECORD OF PROCEEDINGS

I, Lisa C. Morrison, assistant to the Zoning Board of Appeals of the town of Edgartown, hereby certify that the following is a detailed record of proceedings pertaining to the request of Karem R. Akgonul for a special permit under section 11.9 f of the zoning bylaw to construct two-story additions to an existing residence on a preexisting, nonconforming lot located at 49 Mill Street, Assr. Pcl. 20A-138.1 in the R-5 Residential District.

1. On 5 April 2018 the application, a true copy of which is marked "A," was presented to the Town Clerk.
2. In addition, an advertisement, a true copy of which is marked "B," was published in the Vineyard Gazette on April 6<sup>th</sup> and April 13<sup>th</sup> 2018.
3. Notice of the hearing, a copy of which is marked "C," was mailed, postage prepaid, to the petitioners; the abutters - owners of land adjacent to the subject property within 300 feet of the property lines - all as they appear on the most recent, applicable, certified tax list; and to all the proper town boards and departments.

On Wednesday, 25 April 2018 at 7:15 p.m. the public hearing was held in the Town Hall. The following board members were sitting for this hearing: Richard Knight- acting Chairman, Carol Grant, Nancy Whipple, John Magnuson, and Ted Rosbeck - alternate.

Reid Silva of Vineyard Land Surveying made the presentation. The applicant Alyssa Akgonul was also present. Mr. Silva began by saying that this is a neighborhood of small, nonconforming lots. The footprint of the existing house is 1048 sq. ft. The applicants would like to add 328 sq. ft. to the footprint. The total additional square footage on the two floors would be 923 sq. ft. for a total of 3097 sq. ft. The existing house has a total of 2174 sq. ft. of living space. Mr. Silva noted that the size is in keeping with other structures in the neighborhood and meets all setbacks and height requirements. The lot is just over 6500 sq. ft.

Alyssa Akgonul told the board that she and her husband purchased the property in 2013. It was in a dilapidated state when they bought it and, over the years, they have renovated the house. They currently have four children and are just hoping to add some additional living space. They are proposing to:

1. Rebuild the rear portion of the house where a foundation appears to be failing.
2. Renovate the side of the home where an exterior stairway is located. The intent is to enclose this stairway, which would then allow them to remove an interior spiral staircase that is somewhat dangerous.
3. The additional square footage would be used for a dining room and a children's play space.

Ms. Akgonul said that they are not increasing the capacity of the house in any way; they are just trying to gain a little more space for their family of six.

Ms. Akgonul said that they do occasionally rent out the house on AirBnB, but primarily they use it themselves. She said that she and her children come down at the end of June and are there until the end of August. Her husband comes down on weekends. She said that yesterday she was made aware of errors in the AirBnB listing and the concerns of her neighbors. She said that she has changed the maximum occupancy of the listing to 6 adults, down from 10 in the original listing. She apologized for inconveniencing her neighbors.

Mr. Knight asked if there were any letters from town boards or departments. There were none.

Several abutters had written with concerns: Chris & Michelle Callanan of 24 Silva Street were concerned about the house being rented out to large groups and noted that there was an inconsistency between the Assessor's records that list the property as a 3-bedroom house and the rental ad that lists it as a 5-bedroom house.

Alison Doriss of 20 Silva Street was concerned about the number of people who seem to inhabit the house on a regular basis during the summer. She said she is not just concerned about large groups of renters, but occupancy by the owners themselves. She said that the property is the site of many outdoor parties during the season, which are often loud with lights blazing all night. She said that there are often children playing in the street, which creates a safety issue for the neighborhood. Ms. Doriss also objected to the location of the proposed outdoor fireplace and patio, as there are currently no light or sound barriers between her property and the Akonguls'. The lights currently shine directly into her bedroom windows. She concluded by noting that the AirBnB advertisement had been changed yesterday, and that photos of two additional bedrooms were simply removed from the listing.

Rafe & Priscilla Lowell of 47 Mill Street were also concerned about excessive noise and large crowds at the house. The Lowells said that for the past few summers the house has appeared to host upwards of 20 people at a time. He said that there are often four cars and a boat parked in the yard. He noted that because there is so little yard space, the children often play in the street, which creates a safety issue for the abutters. The Lowells stated that they were against any expansion of the house as more space could make the existing problems even worse.

Roy & Nancy Meekins of 46 Mill Street were also concerned that there were times when 20-plus people were staying at the house, generating excessive noise and traffic/parking congestion. The Meekins noted that because of the number of parked cars, the turn-around at the end of Mill Street is often obstructed, which causes safety concerns as residents and service vehicles need to back up in an area where children are playing.

Mr. Knight asked if there was anyone in the audience who wished to comment on the application. Mr. Meekins said that he has lived in the neighborhood for many, many years and is the only year-round resident. He reiterated comments made in his letter and said he does not want to see the house expanded. He said that it appears to him that the house is being used as a commercial venture not as a residence.

Mrs. Meekins said that she found it very difficult to speak out against a neighbor and appreciated her apology, but said that her quality of life has really changed because of this property. She said that this house stands out in the neighborhood as being most like an 'Animal House.' Mrs. Meekins said that the problems are not caused by renters, but by the owners who seem to entertain on a massive scale. She said she doesn't like to complain about children playing, but sometimes she feels that she is living next to a Chuck E. Cheese's.

By way of rebuttal, Mr. Silva said that he is hearing a lot about noise and capacity, but not much about the size or massing of the addition. He said that the addition would not necessarily contribute to those problems. He suggested that the board could limit the number of people per bedroom and require the Akgonuls to screen the property for privacy and noise abatement.

Ms. Akgonul told the board that they have only been renting the house out for two years. She said she has a big family with lots of children. She said that until recently she was unaware of how this was affecting her neighbors, because no one had spoken to her. She noted that they do not have guests during the week, only on weekends.

She said that her four kids often have sleepovers and she is sorry if her neighbors were disturbed. She said she was amenable any solutions. She thought additional landscaping was a constructive idea and commented that if they had a larger playroom, the children would spend more time inside. She said that she will try to be more cognizant of any noise and lighting emanating from her property.

Mr. Knight told Mr. Silva that the board takes into account not only the dimensions of the structure but also its use when making decisions.

Mr. Rosbeck asked Ms. Akgonul for some details about how the rooms were currently being used. Ms. Akgonul said that the first floor office is currently being used as a bedroom.

Ms. Grant said the plans weren't clear, and asked if there was a kitchenette planned for the second floor. Ms. Akgonul replied that it was a laundry. Ms. Grant said that the plans almost made the dwelling look like it could be a two-family dwelling. She noted that rarely has the board received so many letters from abutters all concerned about the same issues.

Ms. Whipple commented that Ms. Akgonul has done herself a disservice by renting to so many people. She said that, other than the outdoor fireplace, she did not have any problems with the plans per se, but thought it would be a good idea for the applicant to withdraw and return in a year or two after they have convinced the neighbors that they are good stewards of the property.

Mr. Magnuson said that there is clearly a problem in the neighborhood. He also noted that the addition adds about 33% more square footage to the existing house, making it a 3000 sq. ft. house on a 6000 sq. ft. lot – not what he'd consider a small addition.

Mr. Knight commented that although he has empathy for people with children, the renting of the property seems to exacerbate the existing issues.

After some further discussion, Mr. Magnuson made a motion to allow the applicant to withdraw the application. Ms. Grant seconded the motion and voted to allow the applicant to withdraw.

Mr. Knight, Mr. Rosbeck, and Ms. Whipple also voted to allow the applicant to withdraw.

Respectfully submitted,

Lisa C. Morrison, Assistant