

THE OUTSIDE

■ BY CHARLES BUTLER WITH MATTHEW HEIMER

AS A KID, VIC BARON SPENT LOTS OF SUMMERS IN CAPE MAY, N.J., vacationing with family and friends—and loving every moment. The beaches, the boardwalk, the cool sunsets. He couldn't wait to have a place of his own.

So four years ago, when Vic and his wife, Lisa, bought a 1-acre plot of land in West Cape May, they made plans to build a cozy summer home. The spread would give them an escape from their hectic lives in Philadelphia, a weekend retreat within walking distance of the scenic south Jersey beaches and a great investment. They paid just \$65,000 for a lot in what had been an old bean farm in a town where homes now sell for more than \$1 million.

But living 90 minutes away from West Cape May gave the Barons few chances to look in on their property. “That’s one of the big problems with second homes,” says Lisa. “You’re not there to keep an eye on it.”

And the Barons had been missing plenty.

Last summer, Robert Elwell Jr., one of their neighbors, decided to move his house to a nearby lot. The only feasible route was across the Barons’ property; so to clear a path, he bulldozed a swath of 100-year-old cedar trees from his backyard, which bordered the Barons’ land, and mowed down a bunch of shrubs on their lot. Elwell forgot to do only one thing: get the Barons’ permission.

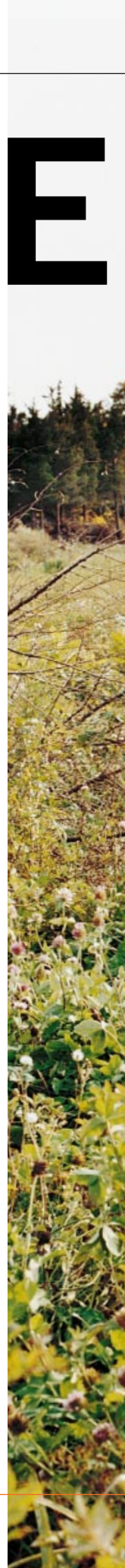
The Barons drove by their property a few months later and were dumbfounded by what they saw: Elwell’s house was not only jacked-up on wheels, it was attached to a tractor aimed straight for their land. The Barons rushed over to the house, but Elwell wasn’t there. Vic ordered the mover to keep the house where it was. Then he went out and bought “No Trespassing” signs and yellow tape to cordon off his property.

A couple of hours later, while Vic was pushing a signpost into the ground, Elwell showed up. “Listen, I’m sorry about this,” he said to the Barons. “It’s a misunderstanding.”

“This,” Vic told him, motioning to the house, “is no misunderstanding.”

Looking for a weekend getaway—or maybe a place to retire one day—Americans are snapping up second homes like never before. Now it’s the locals’ turn to snap back.

■ PHOTOGRAPHS BY KYOKO HAMADA



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VIC AND LISA BARON CAUGHT A NEIGHBOR PREPARING TO TOW HIS HOUSE ACROSS THEIR LOT.



COME SUMMER, PARKING IN TRURO, MASS. (OPPOSITE) WILL BE SCARCE. FOR NOW, LOCALS CLAIRE AND STEVE PERRY CAN RELISH THE QUIET.

Still, as annoyed as they were, the Barons were wary of going ballistic. Elwell was a local fireman, born and raised in neighboring Cape May, and the son of that town's former mayor. "Big people in a small town," as Vic puts it. The Barons feared that provoking their neighbors could derail any plans they had of building their own home. But any pretense of patience dissolved an hour later when Elwell's wife, Kathy, showed up.

"What are those signs doing there?" the Barons say Kathy asked them. "Who put that tape up? What's the problem?"

"The problem," Lisa snapped, "is that this is our lot and you don't have permission to do what you're doing. And you cut down our bushes."

"Bushes?" Kathy shot back. "Those are weeds!"

With that, Vic and Lisa looked at each other. "That's it, Rob. Send your movers home," Vic said. "This isn't happening."

Four months later the Elwells' house still stands on wheels. Elwell says he apologized to the Barons and stresses that he made an honest mistake. But that's little consolation for the Barons. Their

■ One weekend couple

has battled nearly every local in town—from the zoning board to their neighbors. They felt so harassed that they painted their house black just to spite the locals.

dreams for a summer home are in limbo, too. “It’s a worry. Will we have a hard time getting a building permit because of what we did to him?” Lisa wonders. Then she bluntly adds, “Our names are dirt in that town.”

Weekend homes. They’re supposed to be the answer to the week’s worries. A place—in the country, at the beach—where the only work you do is in the garden and your toughest decision is picking a Sunday brunch spot. They’re all the rage, too: According to the National Association of Realtors, 377,000 single-family second homes were sold in 1999—a 9.3 percent jump from 1997. And real estate agents say it’s not just the fiftysomething baby boomers who are buying retreats for their retirements. More than ever, people in their 30s and 40s, flush with stock market windfalls or dot-com payouts, are buying up weekend property. “In a way,” says Clark Thompson, CEO of EscapeHomes.com, a Web site that caters to second-home buyers and sellers, “it’s a sign that they’ve made it.”

And yet for all their fascination, second homes bring plenty of frustration and friction. Fights with year-rounders over boundary lines and voting rights. Property taxes that go to services you’ll never use, such as schools or snowplowing. And the lingering fear that when you’re not there, your home is at the mercy of the locals. “You always have to keep it in mind,” says Paul Mulligan, who owns a weekend home next to the Barons’ lot in West Cape May. “If you get into an argument with one of the locals on a Sunday, they’re there for the next five days when you’re not.”

For many weekenders, the question becomes: How far do I push back? Owning a second home is like being a guest at a fancy party: You get to enjoy all the niceties (fall foliage, pristine beaches) but take off before the cleanup. It’s the year-rounders who feel the brunt of the weekenders’ invasion—more traffic and overcrowded restaurants. “They have to have things yesterday,” a woman who works in the cozy New York town of Chatham says about weekenders from Manhattan. “They need to reform to our way of life.”

FAT CHANCE OF THAT HAPPENING. In fact, as the number of second-home owners rises, so does the number of conflicts between these outsiders and year-rounders. From Cape Cod to Colorado, weekenders are testing not only the letter of the Constitution, but the constitution of the locals, who want to preserve their towns from outsiders. That’s the struggle that’s playing out now in Stonington, a hamlet on Connecticut’s eastern shore.

George and Lynn Kimmerle moved there four and a half years ago and felt so harassed by local townspeople that they painted their Cape Cod-style summer home black to spite them. A sign in their front yard tells passersby that the Kimmerles are expressing “their pain and sense of mourning” over “the terrible toll that the empowered few of this community have extracted from our lives.”



When the Kimmerles bought the tiny four-bedroom fixer-upper for around \$235,000, they thought it would make an ideal weekend retreat. Located at the end of a peninsula, the house has expansive views of Long Island Sound. And with just about 1,100 full-time residents, Stonington has an easy, everyone-knows-your-name feel.

Or, at least, it used to be easy. Unfortunately, the Kimmerles have made enemies throughout Stonington, where they had hoped to have nothing but fun. During the past four years, the couple has battled nearly everyone in town, including the historical society, the zoning board and their neighbors. The fight has been so fierce, it’s cost them nearly \$200,000 in legal bills. So disliked are they that some neighbors seldom miss a chance to spit venom in their direction. “[The Kimmerles] are not attractive people,” says Jacqueline Bradford, who has lived in the town for more than 20 years, “and we’re hoping and praying that they decide to leave.”

Bradford has her reasons for wishing the Kimmerles good riddance. Shortly after moving in, George and Lynn erected a 4-foot-high fence dividing the driveway and four-bay garage that they share with Bradford. She complained to the zoning board about the fence and later filed suit against the Kimmerles, charging that they had encroached on her property when constructing the fence.

Not surprisingly, many of the locals came to Bradford’s defense. One night during their first summer in town, several neighbors ap-



SPATS BETWEEN LOCAL RESIDENTS AND SECOND-HOME OWNERS IN TRURO (ABOVE) AND WEST CAPE MAY (OPPOSITE) THREATEN TO DISRUPT THE SOLITUDE OF BOTH TOWNS.

peared in front of the Kimmerles' house and yelled for them to come out. Lynn opened the front door, and a crowd of people began screaming at her. "Go back to New Jersey," they shouted. "Get out of town! Why are you stealing from her?"

"I told them that we're not going anywhere," Lynn recalls.

The Bradford suit took three years to litigate, with the court ruling in the Kimmerles' favor. But as George and Lynn now believe, riling the townspeople can be troublesome—given that many of them hold key posts at the historical society and on the zoning board. Over the years, George, an architect, has submitted several plans for renovating his house to the zoning board, but none have been approved. "[Our lawsuit with Bradford] set the tone for people not accepting us," says George. "They think we're troublemakers."

But that's not how Michael Davis sees it. The head of the historical society says the Kimmerles' designs—which include a dormer on the roof—don't fit the town's architectural style. "They're making a design more like Miami Beach than Stonington," Davis says. "Why do people want to change the things they came here for?"

DAVIS, AND MILLIONS OF OTHER LOCAL townspeople, may not like it, but weekenders are demanding—and getting—more say in the communities where they own second homes. Until recently, this

meant forming nonresident homeowners associations to pester the city council. But increasingly, second-home owners across the nation are seeking the right to vote in their vacation hamlets.

So far, at least six states—including Connecticut and Indiana—allow second-home owners to vote on issues that directly affect their properties, such as a change in the zoning laws. The trend is spreading to some municipalities as well. Residents in Mountain Village, Colo., a small town near Telluride, gave property owners the right to vote when the town incorporated in 1995, even though many of them live out of state most of the year.

In other places, locals are digging in their heels. Take Truro, Mass. The big beef there is a limit on new construction. The locals narrowly defeated it and there are some out-of-towners who want to try again—with a vote of their own this time. "We pay about 70 percent of the property taxes in town," says Anthony Garrett, a New Jersey architect who spends his summers in Truro. "It would be nice to vote up there and be a part of the process."

Garrett and others have formed a group of about 400 second-home owners in the area to try to push it through. They have one of their members, a Boston attorney, looking into amending the Massachusetts state laws so they can vote in both Truro and their hometowns. But the weekenders do not have a good chance of winning. Legal experts note that most states refuse to give

anyone more than one vote, regardless of how many homes he owns or the amount of taxes he pays.

The whole argument seems ridiculous to many locals—but perfectly in keeping with the way these pushy city folks behave. "People come up here and think they can have it every way they want," says Claire Perry, who lives full time in Truro with her husband, Steve. "They think the people who grew up here, like my husband, just fell off a turnip truck. It's very patronizing."

EVEN WHEN PROPERTY OWNERS MANAGE to get votes in their second-home towns, there's no guarantee they'll have their say in every election. Consider what happened to Robert Dill. A retired Wall Street broker, Dill has owned a home in Lake Pleasant, N.Y., since 1976. The quaint Adirondack Mountain town of 1,200 or so full-time residents swells to several thousand in the summer when second-home owners come to enjoy the area's hiking trails and fishing. Dill and his wife, Susan, have always considered Lake Pleasant their legal residence—even though they would spend Monday through Friday in a New York City suburb while Dill was still working.

"I've voted in Lake Pleasant for the last 25 years," Dill says.

Dill has made it a point to keep up with the goings-on in Lake Pleasant. And in June of 1999 he couldn't believe what everyone in

■ '[Weekenders] come

up here and think they can have it every way they want,' says one local. 'They think the people who grew up here, like my husband, just fell off a turnip truck.'

town was buzzing about. The school board wanted to build a new elementary and middle school, to the tune of \$5.3 million. The school has only 103 students; that's about \$51,500 a kid. "That was just outrageous," Dill says. "[The board] had their hand in my pocket."

The Dills were determined to vote against the school construction and showed up for a school board vote to do just that. But when the Dills tried to sign in, an election official told them that they couldn't vote because they weren't year-round residents.

"But I live here," Dill protested. "Here's my voter registration card, here's my driver's license!"

The protests were to no avail. When Dill asked why he wasn't allowed to vote, election officials explained that he had taken a special school-tax break on his state income tax. On the form, he had listed his suburban home as his primary residence.

But Dill wasn't buying that explanation. He believes that he and 35 other Lake Pleasant residents were kept away from the ballot box because they opposed the new school. The school board "tried to eliminate the ones who would challenge the need for a school," says Dill. "And those were the part-timers who didn't have children."

The referendum passed, a new school is being built, and property taxes in Lake Pleasant have since jumped 27 percent. The experience has left the Dills with a tainted feeling. "I've never been bothered [in Lake Pleasant] because I was a part-timer," he says. "Only on this issue has it become a problem. I'm disappointed."



He's also looking for some retribution: The Dills, along with four other residents, have filed a suit against the Lake Pleasant Central District Board of Education and the Board of Voter Registration. They're seeking minimal damages: \$100—and the right to vote.

Those kinds of fights—Us vs. Them—are just the type that have consumed Chuck Baker since he and his wife, Martha, bought their English Tudor-style home in the village of Dering Harbor on Shelter Island, N.Y., eight years ago.

His first summer in Dering Harbor, Baker, a commercial photographer who lives in Manhattan during the week, got a taste of his neighborly community. One weekend he built a white picket fence around Martha's garden near their waterfront dock. Not long afterward he arrived at the house to find signs from the village posted on his front door and the fence telling him to remove it.

Furious, Baker complained to the village board of trustees but got nowhere. Baker removed the fence, but his battles with Dering Harbor were just beginning. A few years later, without sending him any notice, the town hacked the hedges in front of his home—in half. Baker phoned a village official and angrily demanded an explanation. He says a village representative told him that Dering Harbor routinely cuts hedges that are dangerous. That made sense to Baker, but he soon noticed that none of his neighbors' hedges were sheared.

Unfortunately, Baker's downed fence and hacked-up hedges seem petty when compared with his battle to build a cement patio in his front yard. For seven years he and the town went back and forth, in and out of court, over designs for a porch that he felt was not that different from the ones his neighbors enjoyed.

"I'd bring the plans to the board, and they'd reject them, saying, 'It's too close to your neighbor on that side of the house,'" Baker says. "Then we'd come back a few weeks later with new plans and they'd say, 'Wow, now you're too close to the property on the other side.'"

Over several years the zoning board continued to find reasons to turn down the plans, leaving Baker feeling he was being picked on by the neighbors, many of whom are also the elected leaders of the village. "I don't think I paid them the proper homage," Baker says. "It's a very insular group, and they're very us against them—although I seem to be the most popular target for the moment."

The Appellate Division of the New York Supreme Court recently ruled that Baker could build his patio. While his neighbors are miffed about the addition, they're more annoyed that Baker depicts them as villains. "Other people have done things professionally through the process," says Ken Walker, the chairman of the Dering Harbor planning board. "Chuck and Martha just wanted to do it their own way. It's like having a perennial annoyance." SM

Additional reporting by Chris Taylor and Ryan Malkin.