

Hugh Frater and Kirsten Feldman  
123 West Shore Road  
New Preston CT 06777

March 23, 2022

To: Zoning Commission, Town of Washington

Regarding: Violation of Zoning Regulations and Septic Approval – 121 West Shore Road

To the Commissioners:

We are writing to urge you to enforce the Town's existing Zoning regulations in order to stop the operation of the property at 121 West Shore Road in a manner which violates both the Zoning regulations and the septic approval issued by the Town of Washington for the property. The property is currently operated as a commercial short-term rental in the R-3 Lake Waramaug Residential District. Apart from the issue of whether such use is permitted by the Zoning regulations, the current use is also violating the provision of the regulations limiting occupancy to no more than 7 unrelated persons as well as the septic approval for the property which limited the dwelling to 3-bedroom use. We also wish to provide more background to you about the disruption of the peaceful enjoyment of property in the surrounding area that such activity brings and that we have experienced.

#### Impacts to Residents

The unlicensed hotel-like operation at 121 West Shore Road has negatively impacted us in the same way as experienced by the Mayflower neighbors and we are requesting similar consideration. This VRBO has impacted our quality of life on the Lake and will likely also negatively affect the property values of the neighboring homes. The proliferation of Short-Term Rentals in Washington, if left unchecked, will also harm our broader community.

The Bowen's house is located 30 feet from ours on a .24- acre non-conforming lot. Ed and Anne Bowen were gifted the house by Anne's parents, who were our neighbors for over 20 years. The Bowens are absentee owners as they reside four hours away beyond the tri-state area. They began their rental business last year as rental demand in the Town grew during covid and hired an employee to act as a concierge. The small house (septic permit issued by the Health Department conditioned on 3-bedrooms) is advertised on VRBO as a 5-bedroom house for \$1,000/night and is rented to groups as large as 10-14 people (5-8 cars) for stays as short as two nights. The Bowens are flagrantly in violation of their Health Department permit and a failure of their septic system due to the ongoing heavy use would be catastrophic to health of the Lake.

It has become a "party house" with a revolving door of large groups of transient strangers: bachelorette parties, milestone birthdays, weddings, and graduations and so on. New groups that arrive every week are in vacation-mode and unaware of how sound travels across our Lake. One group lit fireworks from the front lawn across the road. The parking area has been overloaded with cars parked on the front lawn and our privacy has been violated. The parade of unvetted strangers represent a safety and security risk to our family as renters' trespass onto our abutting beachfront, approach our children while at the Lake, come to our house to ask questions and make use of private swim docks.

Unlike local Bed and Breakfasts, which require a Special Permit and which also must be owner-occupied (or occupied by a tenant who operates the property as a bed and breakfast with the owner's permission), the Bowens are not in the vicinity to supervise their tenants and are unsympathetic to our troubling experiences. In fact, since June 2021, we and other neighbors have lodged numerous complaints to them, the police, Town administrators and officials, and our local Health Department, all to no avail.

The Zoning Commission must act now if we are to maintain the character of Lake Waramaug. With 135 houses on the Washington portion of the Lake, our story is a cautionary tale. Short-term Rentals in vacation towns have been widely shown to have the following negative impacts on communities:

1. Reduces the Availability of Housing for Local Residents: The pool of houses, especially smaller more affordable ones, available for people in the community is reduced as investors buy them to operate for profit. The issue of investor-owned properties and their effects on available housing supply, especially for young homebuyers, is a topic of growing and national importance.
2. Reduction in Neighboring Property Values: While some proponents of overnight rentals maintain that the practice increases property values, that is only true if all properties in the neighborhood are operated as overnight rentals. It is unquestionably the case that the peaceful enjoyment of one's home is reduced by an adjacent short stay rental and that therefore, the value of the home is reduced for any prospective buyer who seeks peace and quiet.
3. Changes the Character of the Neighborhood: Resident families, both full-time and part-time, set and maintain the tone on the Lake. They are good neighbors, participate in town life, volunteer/support our non-profit organizations and commissions, and join our clubs. They are vested in our community. Transient short-term renters do none of the above. Studies show that a proliferation of Short-Term Rentals in a neighborhood contributes to a higher rate of crime because highly transient housing "pokes holes in the social fabric of the neighborhood".
4. Undercuts the Viability of Area Hotels, Inns and Restaurants: The economics are compelling for the transient groups as well. For a group of 12, the \$1,000/night cost (including a kitchen) works out to \$83/person, far less than our local inns and legitimate bed and breakfasts, taking jobs from local people and sending the income that would otherwise stay in the community to the absentee owners.
5. Potential Environmental Harm to the Lake: Heavy use of small homes which violate our Health Department rules and overtax the capacity of septic systems, pose an environmental risk to the Lake undoing decades of hard work. Over time, overloaded septic systems present a foreseeable ecological disaster waiting to happen.

#### Violations of Zoning Regulations

The Town's Zoning regulations are clear. **Permitted activities in the R-3 zoning district include single-family dwellings, which are defined as exclusively used by only one family which lives and cooks together as a single non-profit housekeeping unit. In addition, where the occupants of a dwelling are not related by blood, marriage or adoption, related, occupancy may not exceed 7 persons.** Here, the property is marketed on VRBO as accommodating 10 persons without any limitation on occupancy by unrelated persons. Based on our observations, as well as on-line reviews posted by

short-term renters regarding their stays, the house is freely available to and occupied by more than 7 unrelated persons in violation of the Zoning regulations. (Use of the property as a short-term rental also does not meet the “family” definition in other respects, including the requirement of living and cooking together as a single housekeeping unit.) Our letter of January 21, 2022 provides more details. Please note that *we are not objecting to long term or summer rentals by families, as we started out in Washington as summer renters ourselves over 30 years ago prior to becoming permanent residents and civically engaged citizens of the Town.*

#### Septic Approval

As referenced above, and in our January 21, 2022 letter, the septic permit approval issued by the Health Department was conditioned on 3 bedrooms. The VRBO advertising of 5 bedrooms, the closure of walls to create two additional bedrooms, and the use of the house as a 5-bedroom violates this condition, as well as the zoning/building permit which incorporated the 3-bedroom restriction. Given that the Health Department approved the septic to accommodate only 3 bedrooms, we are very concerned that the current unauthorized 5-bedroom use may lead to septic issues, overflows, or failures as well as to pollution to the lake.

While we appreciate that the issue of short-term rentals is an evolving one, the violations of the family definition by advertising for and engaging in use by more than 7 unrelated persons, and the violation of the limitation of 3-bedroom septic use are not limited to or dependent on the status of short-term rentals under the Zoning regulations. Rather, they are flagrant violations of Town zoning and health department regulation which, if left unchecked, may embolden such violations on other properties throughout Washington. We therefore request that you act immediately on these discrete issues.

We are certain that the Commission remains committed to addressing the concerns that all town residents have about continuing the peaceful, quiet enjoyment of their residences without disruption, as evidenced by the Commission’s recent careful deliberations with respect to noise and other complaints relating to the Mayflower Inn and the Spring Hill Arts Group. In our view this is no different.

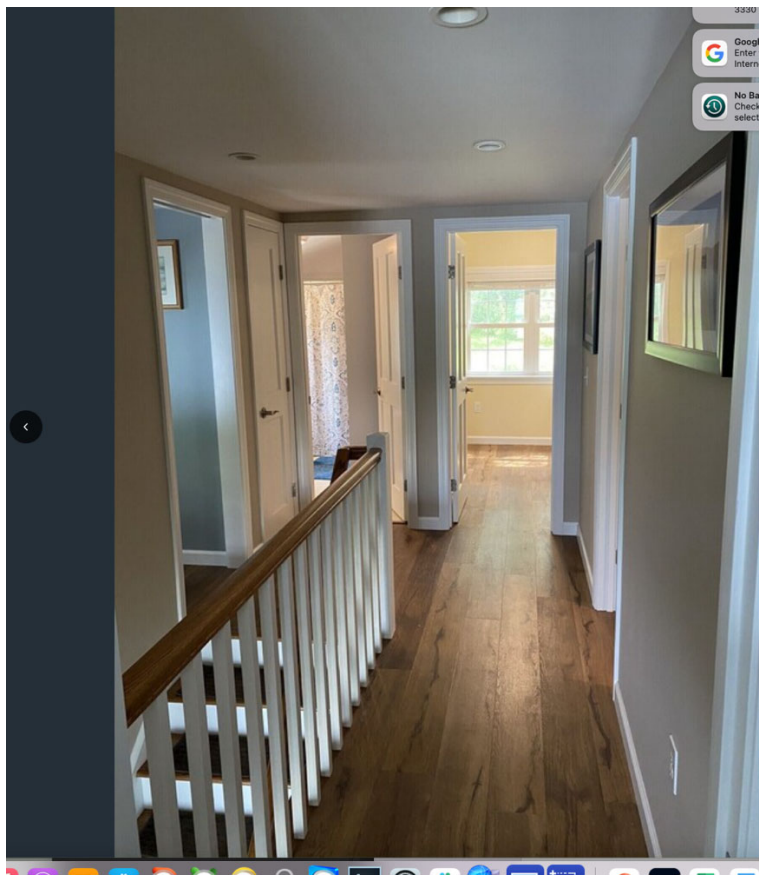
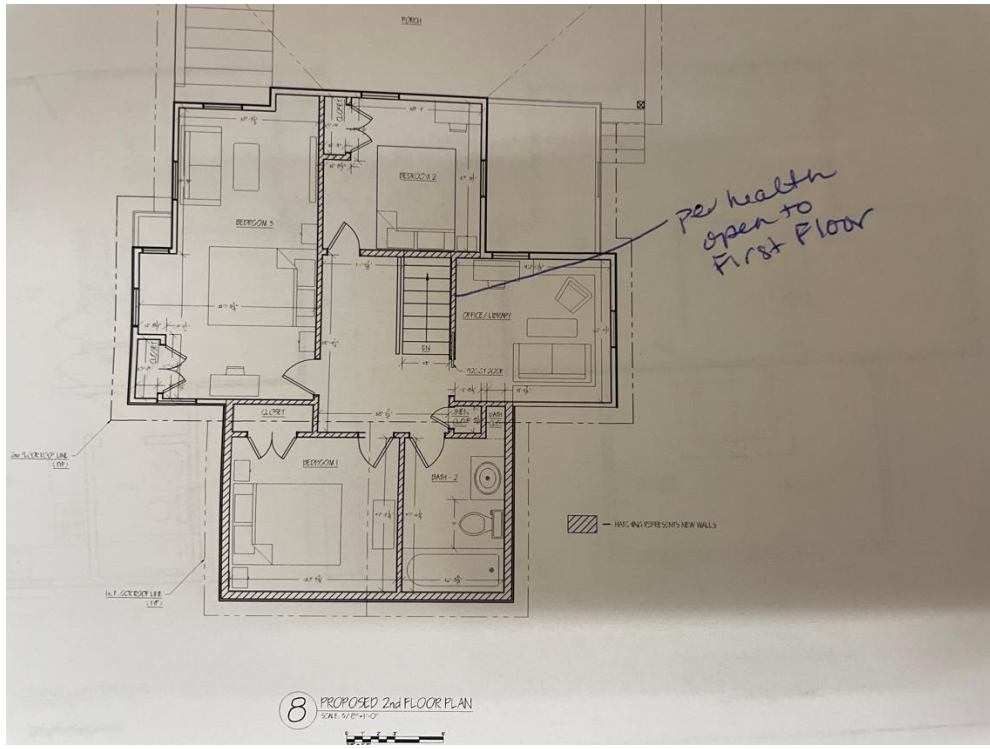
Thank you for your attention and for your diligent service to the Town of Washington.

Kirsten Feldman and Hugh Frater  
917-767-2657

Attachment 1



## Attachment 2



# Town of Washington

Bryan Memorial Town Hall  
Washington Depot, Connecticut 06794

## Application for Approval for Building Addition/Conversion -\$20.00 Fee

Name of Owner: Edward Bowen - Palgren Owner Phone: \_\_\_\_\_

Location of Property: 121 West Shore Road New Preston CT  
(Street No.) (Street Name)

Subdivision Name: \_\_\_\_\_ Lot No.: \_\_\_\_\_

Name of Applicant: Eliot Johnson Applicant Phone: 860 671 0770  
(If different from owner)

Applicant Address: 30 West Mountain Road Washington CT 06793

Property is:  Residential  Commercial No. of Bedrooms: 3

Square Feet: 1544 <sup>sq'</sup>

Describe type and size of addition/conversion proposed: Addition on second

floor dormer of bath. No change to  
number of bedrooms (3)

### If Residential:

- Addition conversion will change building from seasonal to full time use
- A new foundation will be constructed for the addition
- If tool or garden shed, it will have a permanent foundation
- Addition will be detached from the other building(s)
- Addition has already been constructed

Applicant Signature: [Signature] Date: 9.6.17

### For Department of Health Use Only

- Department of Health Record on file?  Yes  No
- On site inspection and/or soil tests required?  Yes  No
- Addition reduces lot area available for septic system construction?  Yes  No

Findings/Recommendations dwelling remaining 3 bedrooms.  
made a 5' wide opening in the 1<sup>st</sup> floor bedroom

Inspection: TT Approved: 9/6/17 Inspector [Signature] Fee Paid \$ \_\_\_\_\_

## Attachment 3

Where  
Kent, Connecticut, United States of America

Check-in  
Jan 28

Check-out  
Jan 30

Guests  
10 Guests

Search

[United States of America](#) / [Connecticut](#) / [New Preston](#)

## Waterfront House on Lake Waramaug!

[Save](#)

[Share](#)



### About this rental

<b>House</b>	<b>5 bedrooms</b> 12 beds · Sleeps 10	<b>2 bathrooms</b> 2 full baths	<b>Spaces</b> Kitchen · Living Room · Dining
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The Lake House, 121 West Shore Road

CORRECTION: Children are Welcome. We are aware that in Expedia searches the property incorrectly shows as "Adults Only." We are working to get this corrected. Children are welcome, and the owners children all learned to swim in Lake Waramaug. Please practice safe supervision of young children near the water.

NOTE: At the bottom of this description please read further about our guest LINEN SERVICE, CLEANING PROTOCOL which utilizes CDC-recommended processes, sanitizers and automated sanitizer application and our FLEXIBLE PANDEMIC POLICY.

Located near Cheeree Point on Lake Waramaug in the foothills of the Berkshires, this historic home is right on the water. It provides a perfect vacation location for a family in the summer, a quiet getaway weekend of leaf-peeping in the fall, or a girls weekend in the spring. **Completely renovated in 2017, the house was upgraded with central air/heat, a modern kitchen, an additional bedroom, an additional bath, and more glass for expanded lake views.**



The Master bedroom has direct views of Lake Waramaug. There is one king bed, one queen bed, two double/full beds, and six twin beds **within the 5 bedrooms**. The queen bed is located on the first floor. There are two full bathrooms.

The Lake House has two zone central air/heat. There are two HDTV ROKU televisions. ROKU Television allows you to bring your own streaming service, such as NetFlix, Amazon Prime, Hulu, AT&T, etc. You just select the app, enter your credentials, and start streaming movies or live TV. The dining room seats 8 comfortably, with additional table leaves **expanding seating for 12**. The renovated kitchen contains a breakfast counter and stools for two. Enjoy a cookout on the outdoor gas grill within the furnished outdoor patio. For those times when work calls we have whole-home high speed WiFi internet access throughout the house and a large desk in the master bedroom. Lots and lots of places for relaxation, conversation and reading on our furnished front porch, back patio, and waterfront area. The living room has room for family gatherings with a leather sectional and two oversized leather chairs with ottomans. Enjoy our library of fiction, non-fiction, and travel books.

Enjoy lake views from the efficiently laid out kitchen with granite counter tops, drawer space and overhead cabinets. We have a counter depth refrigerator with ice maker and a beverage cooler within the cabinetry. It also has a gas stove/oven, microwave, dishwasher, toaster oven and Keurig coffee maker. We are fully stocked for all that you need for preparation and serving.

Our home has a laundry closet with front loading washer and dryer. Our historic home lacks closet

[About](#) [Policies](#) [Amenities](#) [Reviews](#) [Rooms & beds](#) [Map](#) [Rates & Availability](#) >

We provide key-less entry into our home with a remotely programmed electronic front door key pad. Check-in and check-out is contact free. The entry code is remotely custom programmed for each guest prior to their arrival.

Flexible pandemic policy: In the event of a Pandemic, or other catastrophe, such that a municipal, county, state or federal executive order, resolution, proclamation, statute, regulation or other directive prohibits the owner and/or owner's parties from giving possession of the property to the tenant at the time the rental term commences, the tenant may reschedule their vacation to another time frame, mutually agreed to by tenant and owner, or receive a credit for the amount of funds paid to the owner, to-date. This credit may be applied to a future time frame that is mutually agreed to by owner and tenant.

**The owner has engaged a Property Manager to provide a concierge-level service for the enjoyment, health, and safety of guests from booking to checkout.** This service provides: contactless check-in & check-out, Q&A support regarding the functioning of the house, vacation preparation information, information regarding Washington local recreational & entertainment activities, assistance for urgent repair services, and a hands-on focus throughout guest's stay to enable a fantastic vacation experience. **This service is managed by Novegy Solutions, LLC.**

**LINEN SERVICE:** Pillows and comforters are provided for our guests. Our guests may elect to bring their own linens or request the use of the house-linens. House-linens include sheets, pillow cases and towels. The fee for use of the house linens is \$200.00. Guests may request the house linens in their note at time of booking or anytime after booking up to 14 days prior to their arrival. If requested the fee will be charged after booking.

Our CLEANING SERVICE follows CDC-recommended guidelines. The house is sanitized with CDC-approved disinfectant prior to every guest's arrival. The CDC-approved disinfectant is applied utilizing a high-efficiency automatic electronic ULV fogger. It delivers 50 micron sanitizer droplets evenly and directly on exposed surfaces in an efficient mist. The CDC-approved disinfectant is rated to kill biological contagions within 10 minutes of application. It is applied to exposed surfaces and touch-points throughout the house, such as knobs, counters, cabinets, kitchen appliances, bathrooms, furniture, window treatments, window fixtures, remote controls, thermostats and switches. We provide key-less entry into our home with a remotely programmed electronic front door key pad. Check-in and check-out is contact free. The entry code is remotely custom programmed for each guest prior to their arrival.

FLEXIBLE PANDEMIC POLICY: In the event of a Pandemic or other catastrophic event such that a municipal, county, state or federal executive order, resolution, proclamation, statute, regulation or other directive prohibits the owner and/or owner's parties from giving possession of the property to the tenant at the time the rental term commences, the tenant may reschedule their vacation to



**\$799** /night

**5** (13 Reviews) : **Exceptional!**

Your dates are available

Check In Jan 28	Check Out Jan 30
Guests 10 guests	

**Total** **\$2,**  
Total includes fees, not tax [View](#)

Or as low as **\$146/mo** with **affirm**. [Learn more](#)

**Request to Book**

**Contact host**


**Property #** 2040701

**Report this property**

another timeframe, mutually agreed to by tenant and owner, or receive a credit for the amount of funds paid to the owner, to-date. This credit may be applied to a future timeframe that is mutually agreed to by owner and tenant.

**View less**

**Hosted by Owners: Anne & Ed Bowen; Property Manager: Rob Loiterman**

 **Premier Host**


## Policies

### Cancellation Policy

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Bookings at this property are non-refundable.

Learn more about [cancellation policies](https://help.vrbo.com/articles/What-is-the-cancellation-policy).  
(<https://help.vrbo.com/articles/What-is-the-cancellation-policy>)

 *If you have upcoming trips, you can manage or cancel your booking in your traveler account.*

**[View upcoming trip \(/traveler/th/bookings\)](/traveler/th/bookings)**

### Damage and incidentals

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You will be responsible for any damage to the rental property caused by you or your party during your stay.

### House Rules


**Check in** after 2:00 PM

**Check out** before 10:00 AM

Maximum overnight guests: 10 (sleeps up to 10 adults)

Two beds are top bunks and for children only.

Minimum age to rent: 25

 Children allowed: ages 0-17

 No pets allowed

 No events allowed

 No smoking allowed

**Show more**

### Cleaning practices

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- Cleaned with disinfectant
- Check in and check out with no person-to-person contact
- High-touch surfaces cleaned with disinfectant (like countertops, light switches, handles, and faucets)

# Still have questions?




Get a fast response about property amenities, check-in times, and general questions.

Hello 🙌

???

[Chat now](#)

## Amenities

-  Internet
-  Air Conditioning
-  TV
-  Washer & Dryer
-  Children Welcome
-  Parking
-  No Smoking
-  Heater

[View all 56 amenities](#)

## 13 Reviews

★ 5 · Exceptional!

### Successful Thanksgiving Getaway

5/5 Stayed Nov 2021

**Susan L.**

Cute home with all the amenities. Worried about cooler weather on the lake, but house was well heated and plenty of extra blankets. Thank you for sharing your wonderful home.

Published Dec 13, 2021

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### Perfect all around!

5/5 Stayed Oct 2021

**Hilary D.**

We were 12 women 'of an age' celebrating my sister's 60th. for a weekend. (We wish we could have stayed longer!) This house was so well equipped from kitchen to bathroom to living to dining to outdoor hanging. The manager was extremely prompt in answering a few questions we had during our stay. Beautiful home, incredible autumn views from the front porch. Highly recommend!

Published Nov 9, 2021

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## Perfect comfortable and beautiful getaway

5/5

Stayed Sep 2021

**Kristen K.**

Oh my goodness, we found our dream getaway home on Lake Waramaug. The views were stunning and the house truly perfect for **our group celebrating an upcoming wedding**. Everything was as described - better even - and we left already hoping we can stay again.

Published Sep 28, 2021

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## Beautiful Peaceful Vacation House

5/5

Stayed Aug 2021

**Barbara Z.**

My husband, daughter, son-in-law, grandson age 13 all felt comfortable and at home here. We swam, kayaked, and enjoyed the paddle board. We loved cooking and barbecuing ..... The house is beautiful and accommodated to all of our needs.....We ate dinner on the large back terrace and . rocked on the rocking chairs on the covered porch overlooking the lake. A perfect vacation!!

Published Aug 29, 2021

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## Absolutely fabulous!

5/5

Stayed Jul 2021

**Laurie H.**

A wonderful week at an amazing property. Beautiful house and absolutely gorgeous lake.

Our only recommendation would be to upgrade the bed in the downstairs bedroom. The coils in the box spring creak like crazy and make for a pretty poor sleep experience for two adults. Other than that, just perfect.

Published Aug 22, 2021

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1-5 of 13

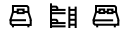
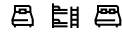
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## Rooms & beds

**Bedrooms: 5** (Sleeps: 10)

**Bedroom #1 - Master**

King

**Bedroom #2**Twin/Single · Bunk bed ·  
double**Bedroom #3**Twin/Single · Bunk bed ·  
double**Bedroom #4**

Twin/Single (2)

**Bedroom #5**

Queen

**Bathrooms: 2****1st Floor Bath**Toilet · Combination  
tub/shower**2nd Floor Bath**Toilet · Combination  
tub/shower**Spaces**

Kitchen

Living Room

Dining

Seating for 10 people

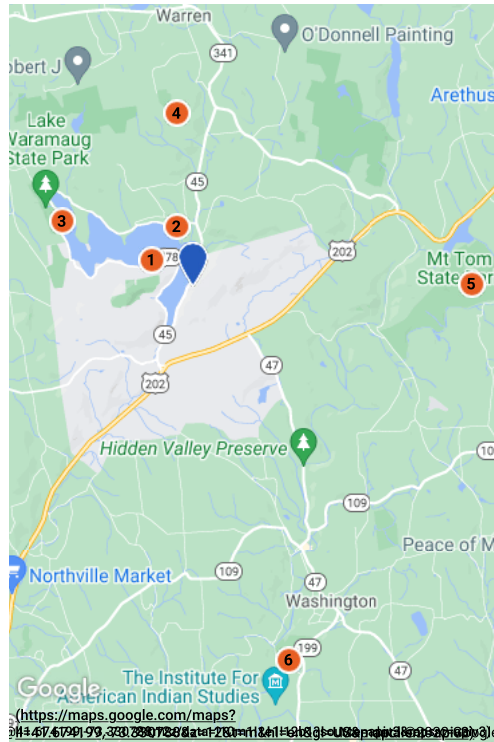
Porch/Veranda

[View all rooms & beds details](#)**Map**

New Preston, Connecticut, United States of America  
 Detailed location provided after booking

**What's nearby**

- 1. Lake Waramaug < 0.1 mi
- 2. Hopkins Vineyard 0.7 mi
- 3. Lake Waramaug State Park 1.5 mi
- 4. Above All State Park 2 mi
- 5. Mount Tom State Park 3.3 mi
- 6. Steep Rock Preserve 5.3 mi



< 1 - 6 of 12 >

**Rates & Availability**

**January 2022**

**February 2022**

S	M	T	W	T	F	S	S	M	T	W	T	F	S	
						1			1	2	3	4	5	
									\$799	\$799	\$799	\$799	\$799	
<	2	3	4	5	6	7	8	6	7	8	9	10	11	12
							\$799	\$799	\$799	\$799	\$799	\$799	\$799	
	9	10	11	12	13	14	15	13	14	15	16	17	18	19
							\$799	\$799	\$799	\$799	\$799	\$799	\$799	
	16	17	18	19	20	21	22	20	21	22	23	24	25	26
							\$799	\$799	\$799	\$799	\$799	\$799	\$799	
	23	24	25	26	27	28	29	27	28					
			\$799	\$799	\$799	\$799	\$799	\$799	\$799					
	30	31												
	\$799	\$799												

Taxes and fees are additional

**Additional information about rental rates**

Cleaning Fee \$225

**Hosted by Owners: Anne & Ed Bowen;  
 Property Manager: Rob Loiterman**

Member Since 2020

Owners: Anne & Ed Bowen; Property Manager: Rob Loiterman is

a Premier Host · They consistently provide great experiences for their guests



## Wonderful House!!

5/5 Stayed Jun 2021

**brett h.**

We loved our stay at Lake Warramaug! The house is newly renovated and is exactly as the photos make it appear! No generous photoshop here :)

The kitchen is stocked with everything our family needed to cook every night, plus a huge dining table fit us all. Beds were comfortable and all the windows had nice blinds to allow for late sleepers. air conditioner worked amazing too on the 1-2 really hot days.

The boat dock and lake was probably our favorite part of the trip! Between the kayaks, canoes and fire pit...our boys never wanted to go inside.

We have rented 4-5 times on Lake Warramaug and this is by far the nicest rental we stayed at. The property manager was attentive, but honestly not even necessary for us!

We are already looking forward to a return trip next summer!!

Published Jul 11, 2021

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## Wonderful spot

5/5 Stayed Jun 2021

**John L.** Florissant, Colorado

We used to spend summers on Lake Waramaug. 50 years ago. This was something of a reunion for us, and my Mom, and her sisters.

Published Jul 4, 2021

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## Nice Place

5/5 Stayed Dec 2020

**John H.**

We had a wonderful and relaxing time over Christmas and New Year's Day. The lake is beautiful. The house was clean and well appointed. The process was seamless. We were disappointed that the property did not have a real fireplace. But that was our only complaint. It was great.

Published Jan 14, 2021

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## Awesome Property with Awesome Views

5/5 Stayed Oct 2020

**Alyssa F.**

We had a **group stay here for a bachelorette party** and the hosts went above and beyond to make our stay absolutely perfect.

The location on the lake is beautiful even with snow on the ground and leaves falling at the same time

Our party had such a good time we plan on renting again in the future.

Published Nov 16, 2020

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# Still have questions?

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Get a fast response about property amenities, check-in times, and general questions.

???

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## Amenities

- Internet
- Air Conditioning
- TV
- Washer & Dryer
- Children Welcome
- Parking
- No Smoking
- Heater

[View all 56 amenities](#)

## 13 Reviews

★ 5 · **Exceptional!**

### Lovely Lakeside Abode!

5/5 Stayed Oct 2020

**elizabeth c.**

My friends and I were overjoyed with our stay at this charming Lake Waramaug home! The house was perfect for a large group, and we had a blast down by the lake. As a bonus, the combination of the foliage and the lake was beyond beautiful. We even went swimming a few times despite the slightly chilly weather!

Tip for future renters: Take advantage of the lakeside activities (fire pit, canoe, kayak, fishing poles, and more!

Published Oct 29, 2020

### Beautiful property!

5/5 Stayed Oct 2020

**Robert M.**

House is beautiful, lots of room, many beds! We had 3 couples and did not come close to filling it up. Lake Waramaug is wonderful - great fishing, boating. House was recently renovated and has many thoughtful touches. Loved it!

Published Oct 22, 2020

\$799 /night

5 (13 Reviews) : **Exceptional!**

✔ Your dates are available

Check In Jan 28	Check Out Jan 30
Guests 10 guests	

**Total** \$2,  
Total includes fees, not tax [View](#)

Or as low as \$146/mo with [affirm](#). [Learn more](#)

[Request to Book](#)

[Contact host](#)

**Property #** 2040701

[Report this property](#)