

## STAFF REPORT

AGENDA ITEM I.2  
JANUARY 11, 2024 MEETING

To: Conservation Commission/**Inland Wetlands and Watercourses Agency**

Date: January 5, 2024

Re: **Declaratory Ruling: Permitted Uses, Section 4.1.d: Uses Incidental to the  
Enjoyment and Maintenance of Residential Property  
Diamond Lake: Dock Replacement**

### Review Documents:

**Project Narrative and Site Plan; Dated December 21, 2023  
Section 4.1, Permitted Uses**

### Proposal

The Diamond Lake Property Owner's Association (DLPOA) seeks a declaratory ruling that the proposed removal and reconstruction of a dock at Diamond Lake is permitted as a right/nonregulated and therefore a permit from the Agency is not required.

### Review

#### Project and Site Description

The proposal identifies that the existing dock, located on the west shore of Diamond Lake and accessible from the parking lot off Lake Shore Trail, is in disrepair and in need of replacement. The existing 37 feet long by 5.9 feet wide dock is proposed to be removed, with the concrete base remaining intact. The proposed dock will be 64 feet long and 6-8 feet wide, with the option of creating an additional floating deck at the terminus.

The parking lot parcel is not encumbered by a conservation easement. The parcel immediately to the east of the dock contains a conservation easement.

In 1991 the Agency determined that the construction of a dock at Diamond Lake was a permitted use, not requiring a permit. The information on that dock location is lacking in the record, so it is unknown if this is the same dock.

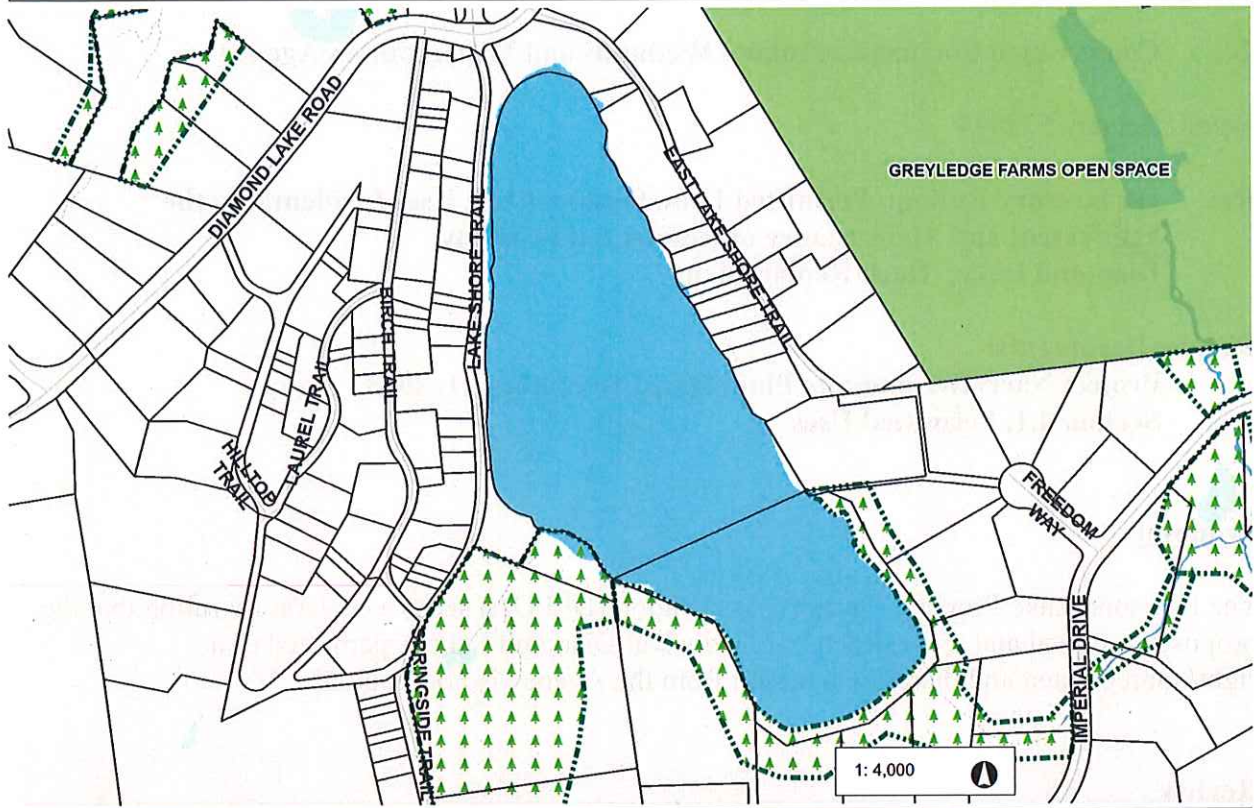
#### State-Listed Species

The property is identified as an area of interest in the December 2023 Natural Diversity Database map edition. The applicant is required to submit a review request to the CT DEEP NDDB.

#### Soils and Erosion Control

The proposal does not indicate that excavation will be conducted to install new pilons. Dock removal and construction will be conducted by hand.





Water Quality

Engineering Department staff is aware of this application and did not provide comments, which is consistent with other dock repair/replacement proposals. Engineering calculations are not required to conduct such work.

Under state statute the Agency is permitted to make a declaratory ruling the same meeting the item is first listed on the agenda; a draft motion is provided for Agency consideration.

**DECLARATORY RULING  
PERMITTED USES AS OF RIGHT/NONREGULATED USES**

MOVED, that the Inland Wetlands and Watercourses Agency declares the removal and reconstruction of a dock on Diamond Lake, accessible from the parking area off Lake Shore Trail meets the requirements of Section 4.1.d as an incidental use to the enjoyment and maintenance of residential property.

## **DLPOA Dock Proposal: Declaratory Ruling Request**

*Submitted to: Town of Glastonbury's Conservation Commission/Wetlands Agency*

December 21, 2023

### Summary

The Diamond Lake Property Owners Association (DLPOA) respectfully requests a declaratory ruling on plans for a new dock on Diamond Lake.

### About Diamond Lake and the DLPOA

Diamond Lake is a relatively shallow (12' at its deepest), spring-fed, 20-acre lake in east Glastonbury. It's privately owned. Access to the water and beach area are reserved for use by DLPOA members and their guests. As stewards, the DLPOA makes every effort to maintain the lake's condition. Use is limited to recreational activities—i.e., swimming, fishing, and boating (e.g., kayaking, canoeing, and paddle boarding). No motorized watercraft are allowed. Water quality is tested weekly during the summer months. Periodic testing (most recently in 2020) as part of the state's aquatic invasive plant program, have shown normal oxygen, nitrogen, and phosphate levels and expected (non-invasive) flora.

### The Rationale

The proposed dock is intended to replace an existing dock (37' x 5'9") which has fallen into disrepair and is becoming unsafe (see photo below). Pilings are tilting, planks have warped, and screws are coming lose. Encroaching lily pads and the shallow depth (just 3' at the end) limit fishing and swimming from the dock. It's also inaccessible for persons with mobility limitations. The proposed new dock, with longer and wider dimensions, will be safer to navigate and improve access and recreational use.

### Old Dock Removal

The current dock, built circa 1970, is wooden-framed with wooden planks on top of wooden (creosote-soaked telephone poles) pilings resting on the lakebed at water depth of between 2'-3'. The decking will be unscrewed, pilings will be lifted out by hand, and material will be hauled away. No heavy equipment will be used. Any disturbance of the lake bottom and shore during removal should be minimal.

### New Dock Dimensions

The proposed dock will be 64' long. It will be 6' wide for the first 48' from shore (from an existing concrete base), 8' wide for the final 16'. The extended length will bring the dock into deeper water (to a depth of roughly 4'), beyond where lily pads typical grow, and into an area deep enough to make swimming and fishing from it easier. Tentative plans are for the structure to be entirely fixed (above water) rather than floating. But final determination, and whether floating sections will be used, will depend on advice from dock building professionals and include an assessment of water level fluctuation and pricing. The fixed sections will be supported by a series of aluminum pipes (between 10 and 12) each resting on 16" x 16" aluminum mud pads. Floating sections, if incorporated, will be supported by impact- and UV-resistant, high-density, polyurethane floats similar to ones that have been used for a raft in the lake for 15 years without any issues. The frame and decking (above water) will be made from unstained, EPA-approved, copper-based, pressure-treated wood. Assembly will take place on shore. Sections, once completed, will then be carried by hand into the water.

Timeframe: Pending approval, the work of removing and replacing the dock will begin in September 2024 when the lake level is at its lowest, the ground is driest, and breeding season for fish and amphibians has ended.

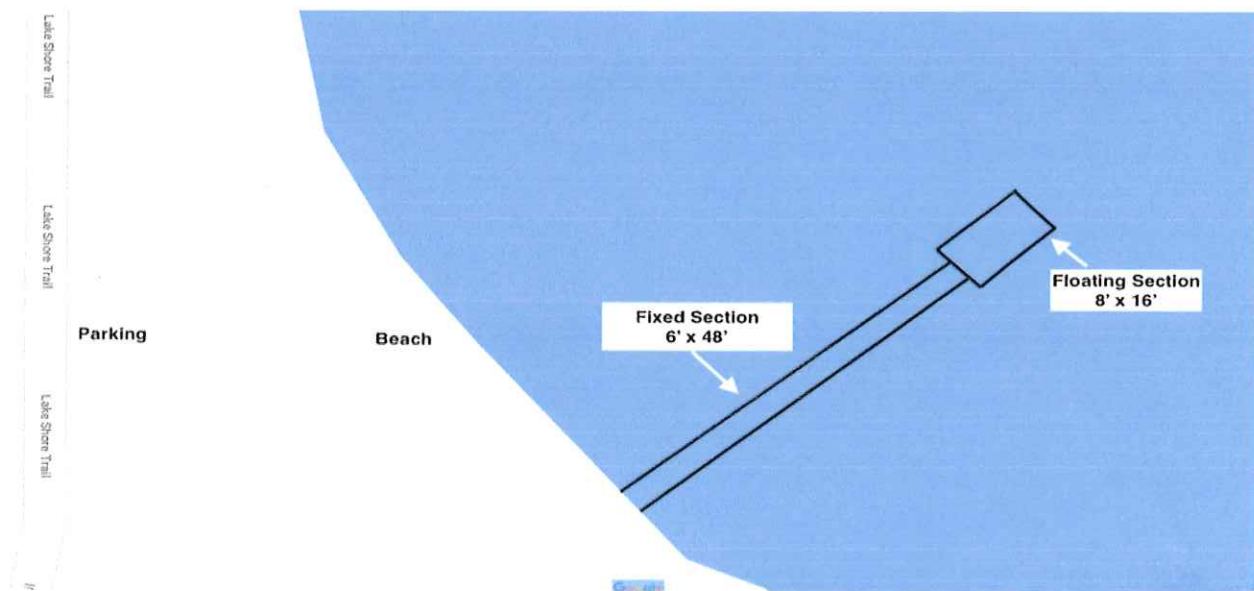


## Appendices

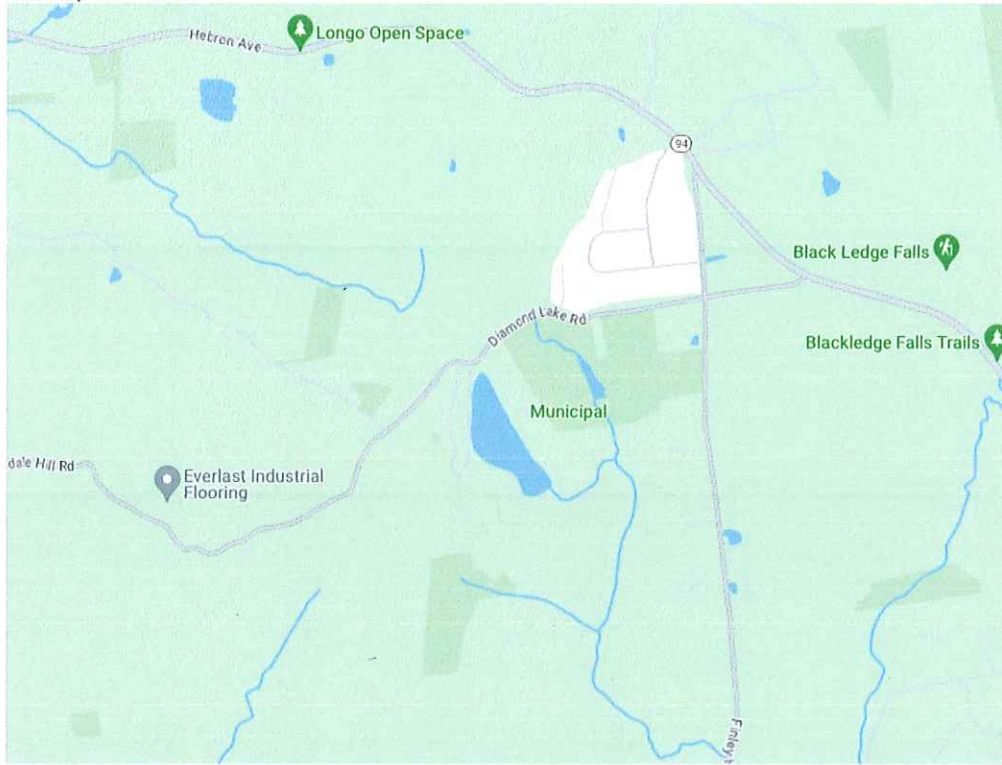
### A. Current Dock



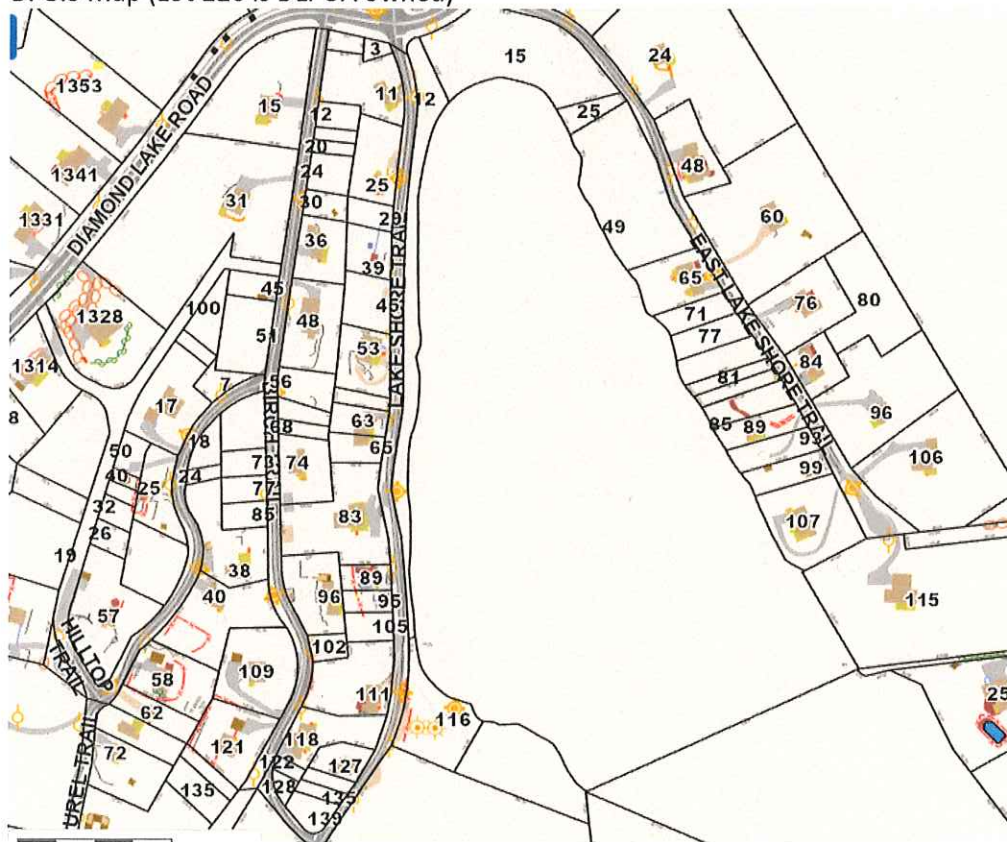
### B. Proposed Dock



C. Map 1" = 2000'

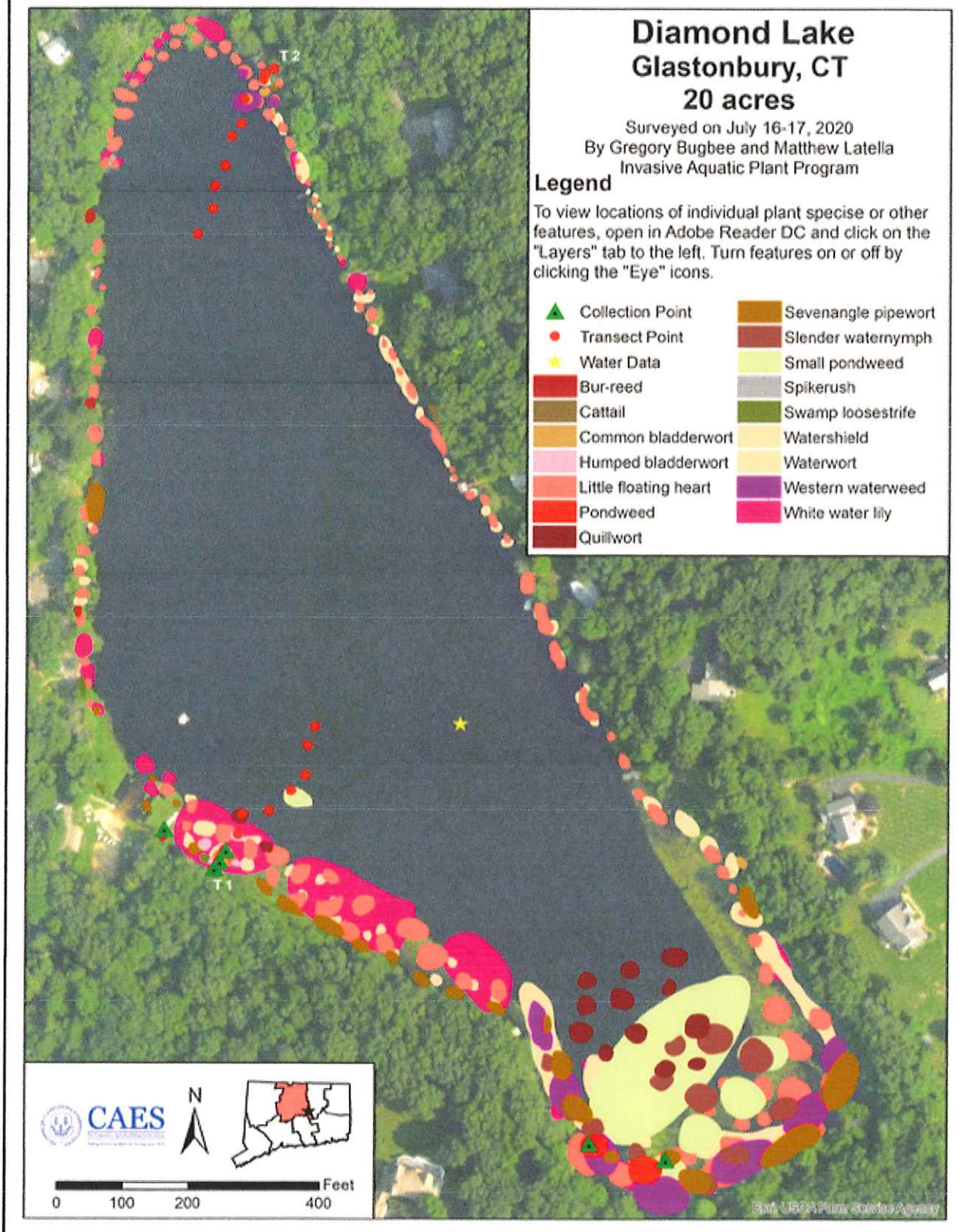


D. GIS Map (Lot 116 is DLPOA owned)



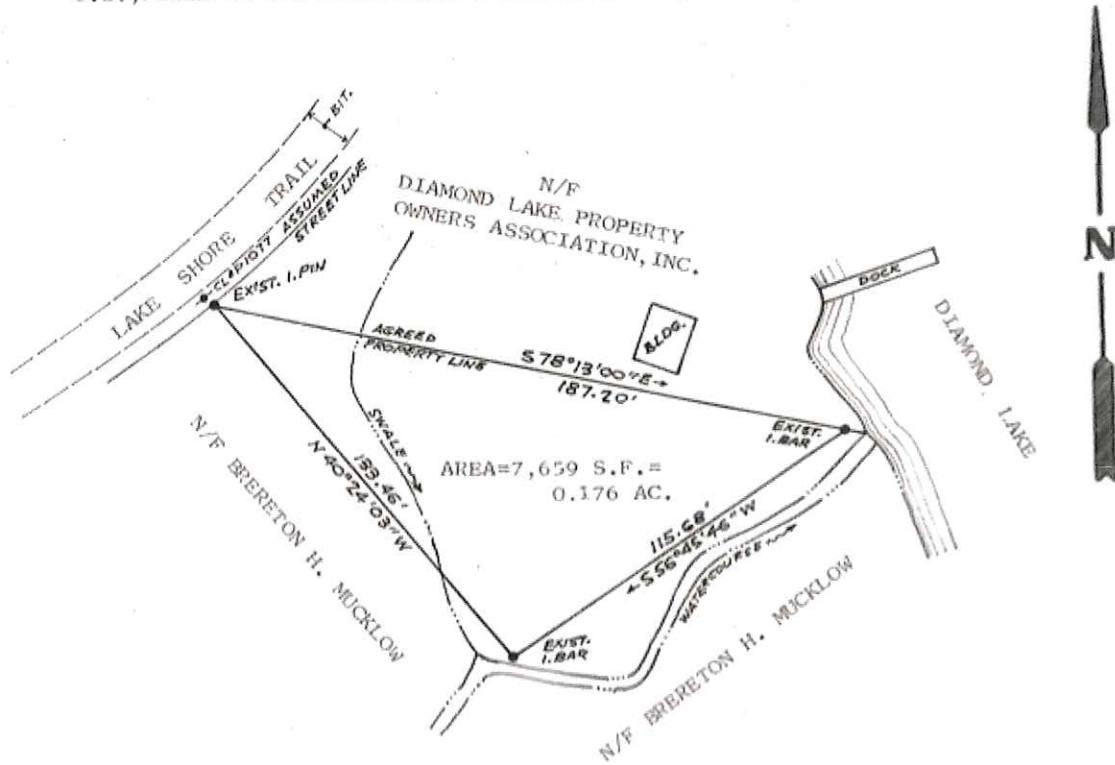


E. From the 2020 lake survey



F. 1982 Survey Map

REFERENCE IS MADE TO MAP TITLED: PROPERTY TO BE CONVEYED TO DIAMOND LAKE ASSOCIATION, GLASTONBURY, CONN. SCALE 1"=30', DATED 4-26-51 BY JOHN J. MOZZOCHI, C.E., FILED IN THE TOWN CLERK'S OFFICE IN GLASTONBURY, CT. AS MAP 11-39.



MAP  
 PREPARED FOR  
 DIAMOND LAKE PROPERTY OWNERS ASSOCIATION, INC.  
 GLASTONBURY, CT.

CERTIFIED SUBSTANTIALLY CORRECT.  
 ACCURACY CLASS A-2.

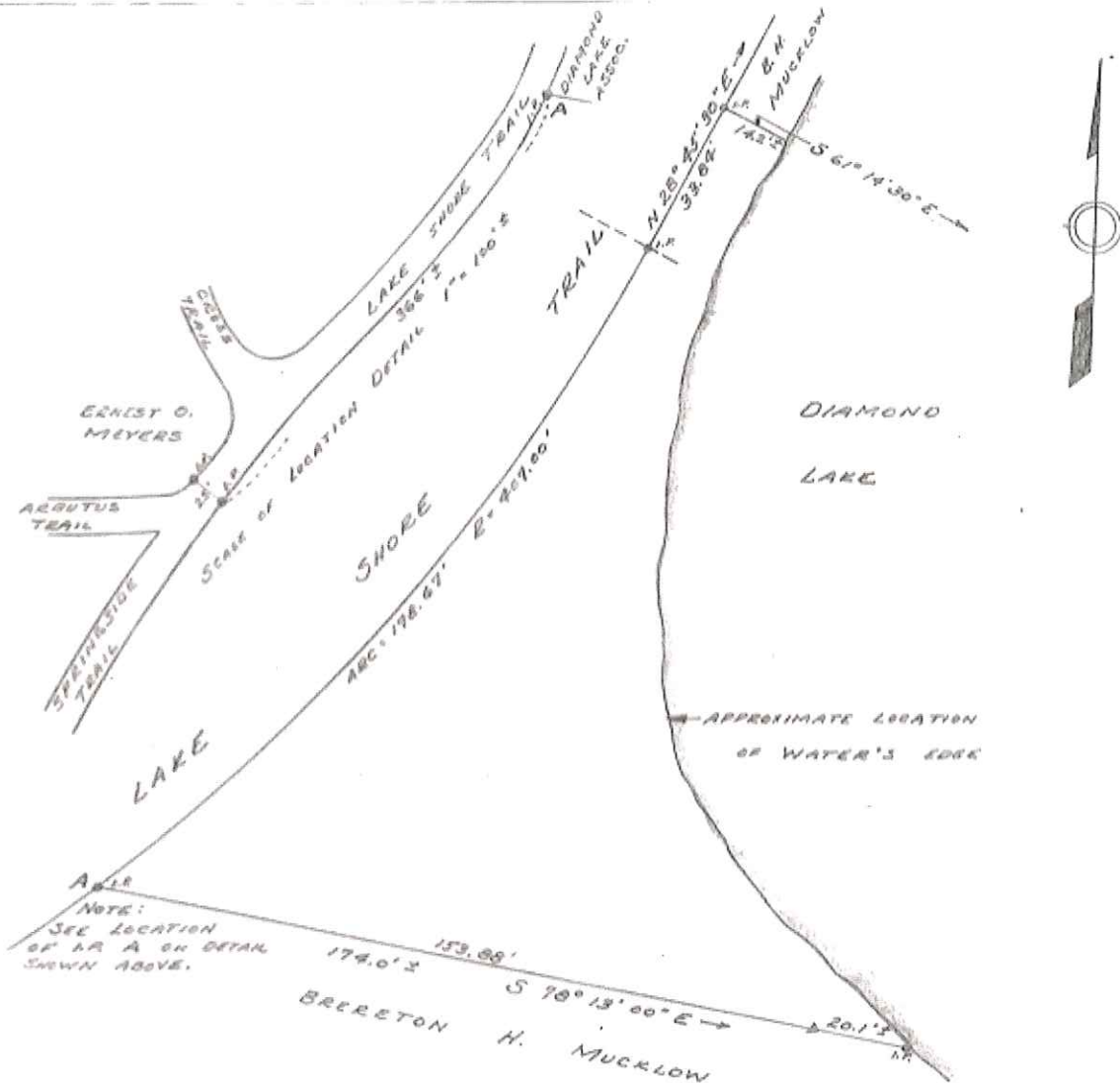
*John Luchs Jr.*

LUCHS & BECKERMAN  
 CIVIL ENGINEERS - PLANNERS - LAND SURVEYORS  
 GLASTONBURY, CONN.

SCALE- 1"=40' DATE- 11-22 82  
 E - 82 - 66



G. 1951 Survey Map



PROPERTY TO BE CONVEYED TO  
 DIAMOND LAKE ASSOCIATION  
 GLASTONBURY, CONN.

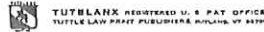
CERTIFIED SUBSTANTIALLY CORRECT.

*John J. Mozzochi*

JOHN J. MOZZOCHI, ENGINEER  
 GLASTONBURY, CONN.

SCALE— 1"=30'      DATE— 7/26/51

\*51-36-C



To all People to Whom these Presents shall Come, Greeting: 9586

Know Ye, That I, JANE S. CHAMAY, Trustee, 2038 Main Street, Glastonbury, Connecticut (hereinafter referred to as the "Grantor")

for the consideration of ONE DOLLAR AND 00/100 (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION

received to my full satisfaction of THE DIAMOND LAKE PROPERTY OWNERS ASSOCIATION, INCORPORATED, a Connecticut non-stock corporation having an office and place of business in the Town of Glastonbury, County of Hartford, in said state (hereinafter referred to as the "GRANTEE")

do remise, release, and forever QUIT CLAIM unto the said Diamond Lake Property Owners Association Incorporated, their successors

NO CONVEYANCE TAX COLLECTED

TOWN CLERK OF GLASTONBURY

and unto the survivor of them, and unto the heirs and assigns of the survivor of them forever, all such right, title, interest, claim and demand whatsoever as I the said Grantor

has or ought to have in or to a certain piece or parcel of land situated in the Town of Glastonbury, County of Hartford and State of Connecticut, located on the easterly side of Lake Shore Trail and shown on a map entitled "Map Prepared for Diamond Lake Property Owners Association, Inc. Glastonbury, CT. Luchs & Beckerman Civil Engineers-Planners-Land Surveyors Glastonbury, Conn. Scale - 1" = 40' Date - 11-22-82 E - 82 - 66" which map is on file or to be filed in the Glastonbury Town Clerk's Office and to which reference may be had.

Said premises are more particularly bounded and described commencing as follows:

- Commencing at an iron pin in the northwest corner of the premises as shown on said map, and thence proceeding southeasterly, a distance of Fourteen and Two-Hundredths (14.2) feet more or less, along property of Grantor herein;
- THENCE running southeasterly to a point being the mid-point of that body of water known as Diamond Lake;
- THENCE running southwesterly to an iron pin marking the intersection of the Southerly boundry of the property herein conveyed with the shoreline of Diamond Lake;
- THENCE proceeding westerly a distance of Twenty and One-Hundredths (20.1) feet more or less to a point;
- THENCE continuing westerly a distance of One Hundred Fifty-Three and Eighty-Eight Hundredths (153.88) feet to an iron pin;
- THENCE proceeding northeasterly along that private road known as Lake Shore Trail a distance of One Hundred Seventy-Eight and Sixty-Seven Hundredths (178.67) feet to an iron pin;
- THENCE continuing northeasterly along that private road known as Lake Shore Trail a distance of Thirty-Three and Eighty-Four Hundredths (33.84) feet to the point and place of beginning; All as shown on the aforesaid map or plan.

The purpose of this Quit Claim Deed is to correct that Quit Claim Deed dated June 25, 1951 on file in Volume 80 Page 44 of the Glastonbury Land Records from Grantors predecessor in title, Brereton H. Mucklow, to Grantees herein, so as to convey to Grantees riparian/littoral rights in and to Diamond Lake.

The Grantor herein reserves the right to use the said area for recreational purposes for himself and his heirs, and for any person or persons owning or renting property at Diamond Lake who have derived their title from him or from



Joseph Gerath, Theresa Gerath or The Diamond Lake Property.

The aforesaid property is conveyed subject to the following restrictions, all of which said restrictions are to end and terminate 20 years from June 25, 1981.

1. The aforesaid property is not to be used for business purposes and is not to be open to the general public, but is to be used only by members of the Diamond Lake Property Owners Association, Inc. and their guests for recreational purposes.
2. No structure is to be erected on said premises until the location and design is approved in writing by Grantor or his heirs.
3. Any structure erected on the said premises shall be maintained in good condition.
4. The said property is not to be sold or leased to others, and in the event that the Grantee Corporation should be dissolved or lose its corporate entity the said property shall revert to the Grantor or his heirs.

To Have and to Hold the premises, with the appurtenances thereof, unto them the Grantees and unto the survivor of them, and unto such survivor's heirs and assigns forever, to them and their own proper use and behoof, so that neither I the said Grantor nor any other person or persons in my name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof, but they and every one of them shall by these presents be excluded and forever barred.

In Witness Whereof, I have hereunto set my hand and seal this 13th day of November A. D. 19 86

Signed, Sealed and Delivered in Presence of:

Signatures of B. S. Manigault, Mark K. Branse, and Jane S. Chamay with three circular notary seals.

State of Connecticut, County of Hartford } SS. Glastonbury

On this the 13th day of November, 1986, before me, Mark K. Branse, the undersigned officer, personally appeared Jane S. Chamay

known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained, as her free act and deed.

In Witness Whereof, I hereunto set my hand and official seal.

Signature of Mark K. Branse

Latest address of Grantee: GLASTONBURY, CT. No. and Street: City: 1986 NOV 17 AM 10:43 State: Title of Officer: RECEIVED

VCL Zip PAGE C. J. TRULLESBERG, TOWN CLERK

Signature of C. J. Trullesberg