

Lake Waccabuc ownership question stalls weed eradication

Contributed by Matt Dalen
Friday, February 13, 2009 00:00

The Three Lakes Council's attempts to eradicate Brazilian elodea from Lake Waccabuc may have been derailed by a land dispute dating back to the 1600s. A letter from New York state to the council, dated Dec. 31, has revealed that the bottom of the lake is not, as was assumed, owned by the state. The letter came to light at a Planning Board meeting on Tuesday, Feb. 10. The board has been considering an application by the council to do work on the lake bottom to remove an infestation of elodea, a highly invasive plant.

"The practice of the board has been undeviating in the sense of requiring an affidavit of ownership before they would consider an application," said Planning Board attorney Larry Praga. "If Three Lakes wants to pursue this application, they should convey to the board why they have the ability to pursue this application."

The matter of ownership is important because allowing the council to do work on property it does not own could set a precedent, Mr. Praga advised the board, that could allow other applicants to argue that they should be able to do work on land that they claim but do not have proof of ownership for.

The Oblong

The issues with the ownership of the lake bottom date back to the 1600s, and disputes between the then colonies of New York and Connecticut over their borders. In 1683, in an attempt to settle the dispute, New York ceded to Connecticut several settlements along Long Island Sound — including present-day Stamford, New Canaan and Greenwich — while Connecticut ceded to New York a two-mile strip of land, 50 miles long, starting at present-day Vista and running north. This strip, called the Oblong, includes the entirety of western Lewisboro, including Lake Waccabuc.

However, the actual borders of the Oblong were not made final until 1880. And because the Oblong was not part of the original royal grant to the colony of New York, Waccabuc was never made a state-owned body of water, according to the state bureau of land management.

Since the state does not own the lake bottom, according to Mr. Praga, a title search for the lake would have to go back to the 1600s, find the original owners of the land, and then trace that deed forward to see if it exists today. Mr. Praga said this could be "the most expensive title search you've ever seen" and would almost certainly take months.

Emergency situation

But the Three Lakes Council doesn't have months. Council representative Janet Andersen has said that, if the weed is not eradicated soon, it could expand beyond the borders of Waccabuc Cove, where it has stayed so far, and then would be nearly impossible to eliminate. The council had hoped to begin removing the weed as soon as possible, so as to be done before the boating and swimming seasons.

"This board understands the emergency to the lakes," Mr. Rossi said. "There's got to be some sort of common sense solution."