

DEEP CREEK DISPATCH

Summer, 2000

Newsletter of the
Property Owners' Association
of Deep Creek Lake, Incorporated

Entering a new era

On April 27, 2000 the State completed its purchase of the second phase of its acquisition of Deep Creek Lake. Previously the State had acquired all of the lands comprising Deep Creek Lake up to an elevation of 2,466 feet above sea level, plus 25 feet horizontal. With the second acquisition, the State purchased the remainder of the land up to the boundary with adjacent property owners.

Now that the State has completed its acquisition of the Lake (excluding the power generating facilities and the dam), it has announced that it is going to proceed with the offering of land to adjacent property owners. All members should have received a letter to that effect from Deputy Secretary of the Department of General Services, Lori Joy Eisner.

With the acquisition of the Lake by the State of Maryland completed, attention will now be directed to future management of the Lake, review and development of new regulations governing use of the buffer strip, and management of the process of sale of lands to adjacent property owners who elect to buy. (See the article Should I "Buy Down?" on page 2 of the Dispatch)

Possible Zoning Changes as a Result of Lake Purchase

The Garrett County Planning and Zoning Commission is currently studying possible changes to the Deep Creek Watershed Zoning Ordinance to take into account the possibility of additional purchases by lakefront property owners from the State. Any land conveyed by the State to an adjacent property owner will be subject to restrictive covenants that will preclude the erection of any permanent structures, and will

otherwise considerably restrict use of the property. Nevertheless, the acquisition of additional land leads to the possibility that some property owners might be able to construct improvements to the edge of their present property line. Existing requirements preclude construction within 40 feet of a property owner's lakeside yard line, unless a variance is obtained. If no action is taken by the County to amend the Zoning Ordinance, the possibility exists that large homes might be constructed on the edge of existing lots. Such construction might obstruct views of adjoining properties.

The Board of Directors of the Property Owners Association has advised the Garrett County Planning and Zoning Commission that an appropriate amendment should be made to the Zoning Ordinance to protect property owners from being adversely affected by new construction that could take place without regard to existing setbacks which have been the basis of development around the lake for many years. Members are advised to keep aware of developments in this area, which will be described in future articles in the Dispatch.

June 24 POA Membership Meeting

Eugene Lynch, Deputy Chief of Staff to Governor Glendening, has agreed to appear once again, as a speaker at the June 24 membership meeting which will be held in the auditorium of the Garrett Community College beginning at 8:30 a.m. This promises to be a well-attended meeting, and members should be able to obtain a substantial amount of information concerning the State's acquisition of the Lake, its plans for future management, and the process of making lands available for purchase by adjacent property owners. Plan to attend!

Your POA Needs You

The POA cannot perform its important business without the volunteer work of those who serve as directors, officers, and members of committees. The Board is facing a considerable amount of turnover in the immediate future, and needs the names of interested persons who would like to serve the association. If you are interested in serving the POA, please send your letter of interest to POA President Roger Titus at Box 1906, Rockville, MD 20849-1906.

Lake Water Levels Being Studied

The Maryland Department of the Environment, after the informational meeting held October 23, 1999, has held several work group meetings to consider changes to the conditions attached to the water use permit. Your POA has been represented at these meetings. The work group meetings are continuing, and it is likely that the results of these meetings will be some changes to the water appropriation permit, and the operational requirements for Deep Creek Lake. Members will remember 1999 as one of the driest summers in memory (it was the third driest in the history of Deep Creek Lake) and have considerable reservations about any proposal to lower lake levels. At this point, it does not appear that any consideration is being given to lowering the "rule bands" which govern the levels of the lake during the year. However, there is some discussion about maintaining the lake at the upper rule band for a longer period of time, and changing the dates of some white water releases. No decisions have been made, and members should watch the Dispatch for future articles concerning changes.

Future Lake Management

At the 2000 session of the General Assembly of Maryland, which concluded April 10, legislation was passed to provide for the future management of Deep Creek Lake. In the past, with the Lake under ownership of GPU Energy, the Lake was managed by the State Department of Natural Resources. Although there was an Advisory and Review Committee for many years, this Committee only provided non-binding advice to the Secretary of the Department of Natural Resources.

As a result of recently enacted legislation, this will

change substantially. First the name of the new management group will be the Deep Creek Lake Policy Review Board, and its composition has been altered considerably. Under the just enacted legislation, the Board will consist of ten members, five of whom will be appointed by the Governor. Of the five appointed by the Governor, two must be residents of Garrett County, one will be a member of the Maryland Bass Federation who is a resident of Maryland, and the remaining two are unrestricted. The five members not appointed by the Governor will be a Garrett County Commissioner, the State Senator from District 1, the Delegate for District 1A, the President of the Property Owners Association of Deep Creek Lake, and the President of the Garrett County Chamber of Commerce, or designees.

The Board's consent is required before the Secretary of Natural Resources proposes or adopts any changes to the regulations for Deep Creek Lake, including fees. The same legislation also provides for a percentage of the fees received by the DNR to be paid to Garrett County.

The Secretary and the Board are required to draw up a Recreation and Land Use Plan for Deep Creek Lake and to make a report to the General Assembly by December 1, 2002. It is expected that the Governor will make appointments to the Board in the immediate future.

Should I "Buy Down?"

The POA has received many queries from members in which our advice has been requested regarding whether a lakefront property owner should purchase additional land from the State when it is offered. There is no short and simple answer to this question, and there is not a "one size fits all" answer. It may not be possible to reach a final conclusion until the actual terms and conditions of the conservation easement have been established and future regulations for the Lake adopted. A final decision should only be made after consideration of these factors as well as legal and tax consequences.

Some factors for consideration:

1. Remember that property purchased from the State will be subject to a conservation easement, the details of which have not yet been announced. In general, it is believed that the conservation ease

ment will preclude the construction of permanent improvements, and will restrict removal of vegetation. It is quite likely that the easement will restrict property in a manner similar to, but perhaps not identical with, existing Lake regulations for use of the buffer strip.

2. The acquisition of land may not provide relief from the existing 40-foot rear yard setback. The Garrett County Planning and Zoning Commission is currently considering whether to amend the Zoning Ordinance to provide that the 40-foot setback would be measured from the upper conservation easement boundary line, thus perpetuating the 40-foot setback. Whether the Zoning Ordinance will be amended, and if so in what manner is not known at this time.
3. The cost of acquiring the additional land will be approximately 40 cents per square foot, plus administrative and closing costs. This is considerably below the value the land would have without the restrictions of the conservation easement. Whether acquisition of the additional land will improve one's overall land holdings in an amount equal to the cost can not be determined, and may vary from lot to lot.
4. You should also consider whether you will be able to do more with the land than you could have had you not acquired it, and whether purchase of the land provides better protection of your investment. This question can not be answered until the details of the conservation easement are known. If the restrictions of the conservation easement are virtually identical to those imposed by existing regulations, many members may conclude that "buying down" is not necessary because of cost and a possible slight increase in real estate taxes that will result. On the other hand, members should understand that the existing regulations for Deep Creek Lake as well as the State's plans for use of the buffer strip can change, and you will have no control should that occur. The real question might be "how much do you trust the government to never change its mind?" If you have lingering doubts about the permanency of existing Lake regulations, and whether the State can be trusted to never do anything with the property that you won't like, then the question is, "how much am I willing to spend for peace of mind?"

The bottom line is that there may not be enough information to make a decision at this time, but if peace of mind is worth something to you and you have available funds, then a buy down is one way to get peace of mind.

Zoning Changes for Campgrounds?

In the fall we reported that the Zoning Board of Appeals had approved a campground on Sandflat Rd. In the winter we reported that the decision was being appealed to circuit court, and that a group of citizens had requested a change to the Deep Creek Watershed Zoning Ordinance to prohibit campgrounds. The hearing at Circuit Court has been postponed, and the Planning and Zoning Commission has recommended that the County Commissioners not change the Zoning Ordinance. The Commissioners have not acted on this recommendation.

Septic System Changes?

In March of this year, the Cumberland Times-News reported that Senate Bill 210 and House Bill 283 would require that nitrogen removal technologies be installed on new septic tanks, or existing systems that fail. It was reported that the extra installation cost would be \$7,000 with annual upkeep of \$250. The article also reported that the technology is not very effective, removing only about 20% of the nitrogen from tank effluent. The bills never left committee. Both Senator Hafer and Delegate Edwards expressed concern about the bills and Delegate Edwards opposed the bills, but they are not dead. Watch out next year!

We will keep you posted.

Christian Crossing Thrift Shop

This all volunteer, non-profit organization needs your unwanted furniture, housewares, appliances, clothing etc. If you are spring cleaning your lake property, these folks can use what you don't need. The items are sold at nominal prices to people who need and want these items—people who for whatever reason (we do not ask) cannot afford to purchase new things. The shop is open the first and third Saturdays from 8:30 to 12:15. They are open to receive items on Mondays from 9 to 4, and the shop is open from 10 to

1 on Tuesdays and Thursdays. The Thrift Shop is located at the RR crossing in Loch Lynn, just off MD Rt. 135. If you can't deliver your items, please call 301-334-6339 to arrange for a volunteer with a pickup truck to call at your property. The Thrift Shop is operated by the Garrett Cooperative Ministry, and is a 501-C3 organization. Donations are tax deductible, and tax receipts are given upon request. Several of your POA Board members serve on the Board of the Garrett Cooperative Ministry.

POA Membership

If you have not yet joined the POA, now is a great time to do it. Just fill out and return the coupon at the end of the Dispatch. Dues remain at \$30 per year. The address label shows the last year in which you paid POA dues. Please don't forget the membership meeting 8:30 AM Saturday June 24, 2000 at the Garrett Community College. The August meeting will be Saturday the 26th, same time, same place. Please try to attend.

The Arts in Garrett County— GLAF and Penn Alps

The GLAF schedule began in March. All events are at the Garrett Community College (GCC) auditorium 8 p.m. unless otherwise noted. Youth prices \$2.

General Programs

- May 12 Cashore Marionettes—Action on Strings—\$10
- June 3 Footworks—Percussive Dance—\$15
- June 18 Brian Ganz—Classical piano—\$10
Will O' the Wisp 4:30 PM
- July 29 Joker's Wild Barbershop Quartet and
Mountainaires Chorus—\$10
- Sept. 2 Sweet Honey in the Rock—African American women's a cappella—\$15
- Sept. 17 Joseph Lowe—light piano Will O' the Wisp
4:30—\$10

A dinner and concert package is available at Will O' the Wisp programs.

Arts for Youth

- July 10-14 Local artists Laura and Mark Stutzman will work with youth entering 7th through 12th grade. At Fantasy Valley \$60/\$35 for county residents.
- July 14-16 & 16-21 Dance Arts Camp for tap, jazz, lyrical and ballet, for ages 12 to 18 at Garrett Community College. Full camp or day camp. Prices vary.
- July 17-21 Young Writer Workshop held at Fantasy Valley for youth entering 7th through 12th grade. \$60/\$35 for county residents.
- Aug. 13 Student musical recital 3 PM at GCC auditorium. Free admission.

Chautauqua Arts Festival

These programs are under the big tent at GCC and are free. Programs are 7:30 PM unless otherwise noted.

- July 1 Barbara Martin Trio & Marc Carraway—
Folk artists
- July 2 Celebration of Garrett County Literary Arts
Story telling, poetry etc.
2 PM Children, 7:30 Adults
- July 3 African Continuum Theatre Co.
Jazz & hip-hop
- July 4 Garrett Community Concert Band
Premiere performance followed by fireworks on
Wisp Mountain
- July 5-8 The Civil War in Maryland (listed in order
of appearance) Clara Barton, Harriet
Tubman, William Lloyd Garrison, and
Abraham Lincoln. Preceded by a local artist
each night at 7 PM.
- July 8 & 9 Garrett County Art Show and Sale 10 to 4
PM each day. Juried exhibit of local artists
and artisans with entertainment.

Chamber Music Weekend

- Aug. 18 & 19
Deep Creek Chamber Players—8 PM each
night—admission \$12

For more information, season tickets or reservations call the GLAF office at 301-387-3082. Don't forget the annual GLAF fund raiser, "A Croquet Soiree" followed by dinner and auction at the Turkey Neck Yacht

Club. \$65 per person.

Music at Penn Alps

The music at Penn Alps series continues again this summer. All programs are at the Great Hall adjacent to the Penn Alps restaurant located on US Route 40 just east of Grantsville. All programs begin at 7:30 PM

- May 20 278 Strings—Harpist Christine Mazza and pianist Carol Bell
- May 27 Coolidge String Quartet—Chamber music
- June 3 Kresek, Tuttle & Podgurski—Piano Trio
- June 10 Chatham Baroque—Chamber music
- June 17 Brian Ganz—Solo Piano (with GLAF)
- July 1 The Moore/Better Duo—Voice & Guitar
- July 8 Luareate Wind Quintet
- July 15 Lei Hou & Richard Hancock—Violin & Piano

- July 22 Glenn Garlick & Karen Brake—Cello & Piano
- July 29 The Foresingers-Sacred choral music
- Aug. 5 Michael Bellavanc—Flute & Piano
- Aug.12 Gary Cooper & High Noon—Bluegrass
- Sept.16 Joseph Lowe—Solo Piano (with GLAF)

For ticket information call 301-895-5985.

Boating Safety Classes

Maryland Basic Boating course are offered on Saturdays throughout May, June July, and August by the Continuing Education and Training Division of Garrett Community College. Individuals wishing to operate a boat in Maryland waters who were born after July 1, 1972 are required to complete an approved boating safety course. All classes meet on selected Saturdays from 8:30 a.m. until 5 p.m. For registration details call 301-387-3069.

POA—PROPERTY OWNERS’ ASSOCIATION OF DEEP CREEK LAKE, INCORPORATED

POST OFFICE BOX 816 • McHENRY, MD 21541 • (301) 387-4455

RENEWAL

NEW MEMBER

CALENDAR YEAR 2000 DUES—\$30.00

Name _____ Home Phone _____

Lake Location _____ Lake Phone _____

Mailing Address _____

City, State, Zip _____

Legal Residence: Deep Creek Lake Other


Comments _____

Date _____ Signature _____

POA Board Members

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Property Owners' Association of
Deep Creek Lake, Inc.
P. O. Box 816, McHenry, MD 21541

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