

# DEEP CREEK DISPATCH

Summer, 2000

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

## **Governor Glendening Appoints Five to the Deep Creek Policy & Review Board**

As the Chair of the Deep Creek Lake Policy and Review Board, Governor Parris Glendening has appointed John M. Forman, manager of Wood Products Inc., a wholesale lumber, forest management, and timber company. Mr. Forman is known as a respected county businessman, who has previously served on the Garrett County Planning Commission, but is not a Deep Creek Lake property owner.

The Governor's second choice was Greig C. Johnson, whom many of you know as the manager of the Arrowhead Deli, Uno's and the Garrett Eight Cinemas.

The third choice was Barry H. Weinberg, a resident of Bethesda, who is an attorney for the Civil Rights Division of the Justice Department in Washington. He has a vacation home on Green Glade Rd., and is a paid up member of the POA.

The Governor's fourth choice was Ursula A. Franklin, a former City Council member in Cumberland. We are not aware of any Deep Creek Lake connection.

The final selection was James J. Kline, Hagerstown, president and tournament director of the Maryland Bass Federation.

The Governor did not take advantage of any of the recommendations made to him by the Garrett County Commissioners, the POA, or the Garrett County Chamber of Commerce.

Also serving on the Board will be Wendell Beitzel, representing the Garrett County Commissioners, Delegate George Edwards and State Senator John Hafer, as well as the president of the POA, and Chamber of Commerce or their designees.

One of the first issues for the new Board, at its initial meeting August 15, will be the conservation easement to be placed on the property which will be made available to adjoining property owners for "buy down." These sales can not begin until these covenants are written and approved.

The Board will work with the DNR over the next year to develop a Deep Creek Lake Recreation and Land Use Plan to guide future management.

The POA will consider its designee at our board meeting Aug. 12, and that person will be announced at our General

## **Forman and Eisner to Speak at the POA General Membership Meeting**

The POA general membership meeting will be 8:30 AM Saturday August 26, at the Garrett County Community College auditorium. The newly appointed chair of the Deep Creek Policy and Review Board, John Forman, has agreed to speak to the membership. Be sure to attend.

Lori Joy Eisner, an attorney who is Deputy Assistant Secretary with The Department of General Services for the State of Maryland will also speak. Ms. Eisner is in charge of the State's sale of "buy down" parcels to adjacent property owners. She wants you to know that she will be at the Deep Creek Lake State Park Maintenance Office (bear right after the bridge) Friday, August 25 from 9 am to 4 pm, Saturday after the POA meeting until 3 pm and on Sunday Aug. 27 from 9 am until 1 pm.

Membership meeting Aug. 26.

## **Zoning**

The Garrett County Commissioners held a hearing last month to consider several changes to the Deep Creek Lake watershed zoning ordinance.

### **Article 2, Definitions**

201.34D Lot Line Rear—Lake Front Lots: Any lot which is coincident with a property line of the former Pennsylvania Electric Company property (the "Penelec Line") as of January 1, 2000. Acquisition of an interest in additional land area from the State of Maryland subsequent to January 1, 2000, shall not affect the rear lot line of lake front lots.

This means that even if you "buy down" you can't build any closer to the lake than you could before the "buy down."

### **Article 10, Board of Appeals**

1005E. Special Powers and Duties for Rear Yard Variances on Lake Front Lots.

The Board may approve a rear yard variance on a lake front lot which has acquired an appurtenant interest in additional land area from the State of Maryland subsequent to January 1, 2000 to construct a building or structure closer to the rear

lot line than specified in Section 402, Table of Dimensional Requirement if:

- a. The variance will not be contrary to the public interest.
- b. The granting of the variance would be in harmony with the general purpose and intent of the Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- c. The applicant provides adequate evidence that the proposed building or structure does not obstruct the view by adjoining property owners of the waters of Deep Creek lake; and
- d. The applicant provides adequate evidence that the proposed building or structure does not adversely affect the adjoining property owners use or enjoyment of their property.

Basically this gives the Board Zoning of Appeals the authority to grant a variance to build closer to the lake if the neighbors don't object. Currently, the applicant must show hardship to obtain a variance. Your POA had urged that such changes to the Zoning Ordinance be adopted, and spoke in favor of the changes at the hearing. The lake real estate interests spoke against it. An editorial appeared in the next issue of The Republican favoring the change.

Another change was proposed by Fred Warther et al. which would exclude camp grounds and gun clubs from the lake residential zone. Currently such uses are permitted by Special Exception. However, a Maryland Court of Appeals ruling some years back made it very difficult for the Zoning Board of Appeals to deny a Special Exception.

You may recall from an earlier Dispatch, that the Board of Appeals had granted a Special Exception for a campground to be located between Sandflat Rd. and the extreme end of Penn Cove. The hearing went on until 2 am, with much opposition. However, because of the difficulty denying a Special Exception, a variance was granted. This was appealed on the basis that the advance written notice and the request at the hearing were different. The case went to circuit court. The appellee was not represented by counsel. The judge then postponed the case. Subsequently attorneys for both sides agreed that the Board of Zoning Appeals should rehear the case.

It would seem clear that outdoor gun ranges should not be allowed in Lake Residential under any circumstance. An examination of the Lake Watershed map reveals that there are several areas zoned lake residential which are quite removed from the lake and lake residential areas. These areas might be well suited for a campground, but under the present ordinance it is almost impossible to permit them in a few places and deny in others. A change is needed.

## **Late News**

The Dispatch has learned that the Garrett County Commissioners approved the new rear lot line proposals as outlined in the Zoning story.

## **Buy Down**

On May 24th and 25, meetings were held at the Garrett Community College. Paul Durham, lake manager for the DNR, and Lori Joy Eisner, an attorney with the Maryland Department of General Services presented information and an-

swered questions about the "buy down."

A web site concerning the buy down will be open July 1, 2000 at [www.dgs.state.md.us](http://www.dgs.state.md.us). Lori Joy may be reached by E-mail at [leisner@dgs.state.md.us](mailto:leisner@dgs.state.md.us). And Paul Durham may be reached at [pdurham@dnr.state.md.us](mailto:pdurham@dnr.state.md.us).

It was explained that "regenerate naturally" meant that if you have mowed or planted flowers, shrubs, etc. on the "buy down" area, you would be able to continue doing so. However, there are those of us that are quite nervous about that wording, which is said to be in the covenant. Will the interpretation by the DNR remain the same for years and years? It has been suggested that a dated photograph of your water front area could prove useful.

The DNR will take the conservation easement (aka covenant) to the new Policy and Review Board. To a specific question, Paul Durham said that the Policy and Review Board would be the body to approve the covenants.

A copy of the covenants will be mailed to all prospective buyers. They will also be posted on the web site. They may consider permitting septic fields on the buy down area, but only to upgrade failing systems, not for new construction.

There were a lot of questions about public access. The definition presented was that the public does, and will continue to have, the right to walk and fish from the publicly owned buffer strip. This was true in recent years when the power company owned the property. The general public may not beach a boat on the buffer strip or use a private dock. Picnicking on the buffer strip by the public is not permitted, although a fisherman could eat a sandwich or snack that he or she may have brought with them.

It was stressed that the "buy down" is a one time deal. If a property owner doesn't buy when offered, he will most likely never get another chance. The costs were outlined in several letters which you have all received. (The POA shared its mailing list with Ms Eisner). However, it was noted in the meeting that encroachment will be sold at market price. That is, if part of your lake home is on state property, they will sell it to you, but it will be substantially more than \$.39 per square foot.

If a back lot has access through a lake front lot, that right will continue with the new deed for the "buy down" parcel. To be considered for "buy down," common areas will have to be owned by legally constituted entities. The State will start selling in the McHenry Cove, and move around the lake in a clockwise direction. (Think of McHenry as 12 o'clock.)

It was previously announced that the State would sell down to 2466 plus 25 feet horizontal. This is no longer the plan. The State will sell down to an elevation of 2466, except where the slope is such that the State would not own at least 25 feet horizontal from the lake elevation of 2462.

The State tax assessor will initially assess the "buy down" at the purchase price of \$.39 per square foot. In the future, if "the market" values lots which have "bought down" at an incremental price higher than the \$.39 per square foot, the assessment will reflect the market.

The fees and other costs have been clearly explained in the letter you all should have received. You will have 60 days to exercise the option and send a \$300 deposit.

The Dispatch does not accept paid advertisements, however, we have learned that several of the local banks are interested in financing your “buy down.”

## Gypsy Moth Caterpillars

The Gypsy Moth Caterpillars are back. If you noticed little black specs on your deck during June and early July you had them. The little round specs are politely called digested leaves. Some forests in nearby West Virginia and the Cumberland area were stripped of all their leaves.

Property owners who find quarter to half-dollar sized brown egg masses on trees, buildings, or wood piles this fall should call the local department of agriculture. The egg masses look a lot like half a walnut shell. Jim Simms is the agent for Garrett County and he may be reached at 301-334-6960. Dave Cohen is the western region entomologist for the Maryland Department of Agriculture, and he may be reached at 301-777-3061. Please check your property this fall and call one of the above gentlemen.

We certainly hope that the DNR will want to protect the trees on the buffer strip. They are, as it should be, quite protective of those trees if an adjoining property owner requests permission to cut one of them.

During the last infestation of the caterpillars about 10 years back, Garrett County participated in a spray program in the lake area. Close to the lake, BT is sprayed from the air. Further back from the lake Dimilin is often used. If you are a resident of Garrett County we urge you to write your County Commissioner and support a spray program in the spring of 2001. A second spray is often required. In the past local lake communities hired one of several commercial spray companies for a second spraying.

It is believed that the Gypsy Moths were blown into the area on southerly winds. Many lake area residents noted that the fat caterpillars died in early July, but not before they had eaten a lot of leaves. They love oak leaves. A fungus to help control the caterpillars was introduced in southern forests. It is believed that this fungus resulted in a local die-off. But watch for the egg masses this fall. Watch the Dispatch for further information.

## Bears

The July 8 issue of the Cumberland Times-News had several stories about potentially dangerous encounters with Maryland’s increasing bear population. The story quoted Clarissa Harris, a biologist for the Maryland Wildlife and Heritage Division. “We expect to hear concerns from tourists in Garrett County, because most of them have never seen a bear and are very excited. But now we are hearing from people who have lived here (Garrett County) for years and have dealt with bears for years and they are telling us the preventive measures are not working.”

Some recent encounters include a young bear on a screened-in porch near Cumberland in Allegany County, and a woman in McHenry with a long history of bear encounters. In 1999 her dog required surgery after a bear encounter. She has counted as many as 13 bears in her yard at one time. The DNR has agreed that the family is doing all the right things to discourage the bears. In the past she has called the bear emer-

gency number in Annapolis, and has been told to call the local DNR office the next day. So much for the emergency number!

A few weeks ago DNR Secretary Sarah Taylor-Rogers rejected a bear hunting season in the fall and winter of 2001. The Secretary proposes a task force, similar to the one about ten years ago, to study the situation. That task force recommended a hunt, but one was never authorized. The Secretary was quoted in the Republican as saying that the DNR would step up its trapping and relocation program. We note that Maryland has limited uninhabited areas, and that an adult bear is capable of traveling 50 miles in a day.

Both Delegate George Edwards and State Senator Hafer have received numerous requests for a bear hunting season, and/or further action to minimize problem bears. They request that you write directly to Governor Glendening and Secretary Sarah Taylor-Rogers with your concerns about the growing bear population. The Governor’s address is: Governor Parris Glendening, The State House, Annapolis, MD 21401. Secretary Taylor-Rogers address is 580 Taylor Ave., Tawes State Office Building, Annapolis, MD 21401.

## Deep Creek Hydroelectric Plant Sold

The Dispatch has learned that Sithe Energy has sold its Maryland properties to Reliant Energy.

## Lake Level

The Maryland Department of the Environment held several working group meetings last winter. Your POA was represented. The competing groups are fishermen, white water paddlers, power generation, and lake users. In general the power company wants to make power only when the demand for electricity is very high—typically hot summer weekdays. The fishing interests want to maintain a low temperature in the Youghioghney River so that trout can exist all summer, the white water paddlers want more advance notice of releases and more releases on Saturdays. The fishermen don’t want releases on Saturdays, since they can’t fish when the water is too high. And of course the lake users want a level about 2460. This level keeps enough water in the shallow coves for boating and causes less bank erosion on the main lake than full pool at 2462.

The POA has recommended no change in the upper and lower lake levels known as rule bands.

Month	Upper Rule Band	Lower Rule Band
January	2457.9	2555.0
February	2457.9	2456.0
March	2459.5	2458.0
April	2461.0	2459.6
May	2461.0	2460.0
June	2461.0	2460.0
July	2460.0	2459.0
August	2459.0	2458.0
September	2458.5	2457.0
October	2457.9	2456.0

November	2457.9	2455.0
December	2457.9	2455.0

For your information, the level May 25 was 2461.5, and the level Aug. 8 was 2460.1 feet. A release was held the previous morning . This has been very wet summer at Deep Creek.

## Erosion

As reported in the last issue of the Dispatch, The Maryland Department of the Environment, Water Management Administration is considering changes to keep the lake higher longer. There is apparently very little data about shoreline erosion. If you have had a tree fall into the lake this year, please tell us about it. Write to The Property Owners Association of Deep Creek Lake at PO Box 816, McHenry MD 21541. Please include your name, lake address, and Buffer Strip use permit number if known. This will help identify your location on the lake. We would also like to hear about general shore line erosion. It would be most helpful if you could quantify in terms of square feet lost this summer.

## Addresses

Although we are constantly updating our mailing list, for every issue of the Dispatch sent out, about 40 or 50 are returned marked "Moved, forwarding order has expired" or "no mail receptical" or "not known at this address." To keep track of you, we need your help. If you move or if you receive two copies of the Dispatch, please let us know and we'll see if we can correct our mailing list.

## Garrett County Arts Council Opens Art Gallery

With the recent opening of the Garrett County Arts Council's new display center, it is now possible to view and purchase

the creative work of many Garrett County artists and artisans in one central location. The **Gallery**, located at 206 East Alder Street in downtown Oakland has long been the dream of the non-profit council, whose purpose is to "aid, encourage, advance and coordinate activities to promote cultural arts in Garrett County." Currently the work of over 30 local artists is on display, but it is anticipated that many more artists and craftspeople will have their work there as more space becomes available. Among the items available now are a wide variety of paintings in various media, plus photography, pottery, basketry, wood turned bowls and handmade pens, stained glass, knitted work and handcrafted jewelry. Major funding for the **Gallery** came from the Maryland State Arts Council as well as from the Stanley P. Smith Foundation and the Sprenger-Lang Foundation, with further support from local businesses and the council's own membership.

Since its opening in late June, the **Gallery** has served many satisfied customers who have found gifts for themselves or others, and who have expressed enthusiasm about the fine quality of art represented. It is planned to rotate exhibits periodically so there will always be new items on display. All displaying artists are members of the Arts Council whose work has been juried before being placed on display. The **Gallery**, which also houses the office of the Arts Council, is open Monday through Saturday from 10am to 4pm. For more information on the **Gallery** and its displays call 301-334-6580. Other art and craftwork may be seen at Broadford Elementary and Middle Schools at the Council's Heritage Craftfest during Autumn Glory Festival.

## The Dispatch On-Line

You may read The Dispatch on line at [www.deepcreektimes.com](http://www.deepcreektimes.com). This site also offers lots of information about lake activities and services.

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

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