

DEEP CREEK DISPATCH

Spring, 2003

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

President's Message

Most of you, members of POA, are properly concerned about the proliferation of mini-hotels in the Lake Residential District which we have seen recently. Many have expressed your concerns to the County Commissioners and to John Nelson, Planning and Zoning Director, due, in large part, to Ted Rissell's article in the last Dispatch. An Ad Hoc committee has been selected by John Nelson at the request of the Commissioners, to address the problem. Ed King, past president of POA, George Collins, Hugh Umbel and your president have met with John Nelson and Steve Sherrard (County Director of Environmental Health) over the last several months to formulate a recommendation to the Commissioners for zoning amendments to curb the continued construction of mini-hotels in the Lake Residential District. Roger Titus, past president of POA, has reviewed the proposals and lent his expertise to the concepts and drafting. We know we would be unable to terminate the process entirely, even if it were desirable to do so. The recommendations will be presented to the Planning Commission and to the Commissioners shortly; the Planning Commission public hearing on the recommendations is scheduled for May 7, 2003 at 1:30 PM. The hearing will be in the Commissioners' meeting room in the Garrett County Court House. POA members are encouraged to attend. There will be a second hearing in June, but the date is not yet available.

1—A new definition of "Dwelling Unit" (§201.25A) recognizes a new concept: "transient vacation rental units" (TVRUs) which are specifically excluded from the definition (along with hotels, etc.).

2—A new definition of "Single Family Dwelling Unit" (§201.25B) excludes TVRUs; it limits the bedrooms to eight unless the "holder(s) of record title to the property for which application is made execute(s) a deed covenant

running with the land . . . limiting the use of the dwelling to prohibit transient vacation rental use of the property."

3—A new section (§201.58.5) recognizes and defines TVRUs which are limited to not more than eight bedrooms with occupancy not to exceed two persons per bedroom plus four additional persons; the rental for which is limited to fourteen days or less. Living facilities must be in the principal structure, none in an accessory building.

4—A TVRU of five bedrooms or less is permitted in the Lake Residential, Town Center, Town Residential, Commercial Resort 2 and Rural Development Districts; it is not permitted in Commercial Resort or General Commercial Districts.

5—A new section (§304B.20) to the Table of Use Regulations provides for five additional requirements for all TVRUs which address parking, bear proof trash containers and trash collection, audible disturbances and trespassing, and written evaluation of the impact of the transient vacation rental unit on the neighborhood.

6—A TVRU from six to eight bedrooms is permitted in Town Center, Town Residential, Commercial Resort 2 and Rural Development Districts. It may be permitted by special exception in the Lake Residential District. It is not permitted in Commercial Resort I of General Commercial Districts.

7—In addition to the requirements of No. 5 above, a new section (§1 006E) is added which requires, among other things, the Zoning Appeals Board to consider comments of nearby property owners; the financial impact on the neighborhood; the extent of established use in the neighborhood that the TVRU will have; the expected recreational use of the property and presence or absence of natural or planned screening and delineation of property lines. The Board must consider all of the other factors for special exception which presently are found in the Ordinance.

8—The committee recommends to the Board of County Commissioners adoption of a Vacation Rental Licensing Ordinance which would regulate the rental of vacation rental units, and which should implement health and building codes as well providing for periodic inspection of rented premises. If the Commissioners concur, the County attorney will be involved with drafting of the new Ordinance. The Ad Hoc committee has volunteered to continue to offer advice; your president has volunteered to assist with drafting the Ordinance.

Fred A. Thayer, President

Lake Erosion Retaining Walls

The POA has a committee that has been working with the lake DNR to simplify the procedures and reduce the time required for lakefront property owners to receive approval to build a retaining wall to prevent shore erosion. Originally, a property owner who wanted to build a retaining wall needed to secure the approval of the DNR Lake manager, the US Army Corps of Engineers (Baltimore), the Maryland Department of the Environment—MDE (Baltimore), and the Garrett County Flood Plain Management Office (Oakland). Approval timing under this system was frequently 4 to 9 months. Now the US Army Corps of Engineers has delegated their approval authority to the Maryland Department of the Environment, and the MDE has moved their approval responsibility from the Baltimore Headquarters to their Frostburg Regional Office. Both MDE and the DNR have committed that the revised system should allow all reviews to be completed with a six week time period.

The prime time for building retaining walls is September through November when the lake water level is low and the weather has not turned too bad for building. The DNR recommends that requests for retaining wall construction permits be submitted by mid-June to assure early approval.

At the request of the POA, the Lake DNR will conduct a study of existing retaining wall sites to determine shore erosion patterns. The study will enable the MDE to further delegate approval authority in certain sections of lakefront to the Lake DNR for an even faster approval process. The POA will continue to work with the Lake DNR on this project.

From the DNR

For those dealing with boat registration, or hunting and fishing licenses, the DNR has established new toll free numbers to assist boaters and sportsmen. The

Cumberland office is 1-866-679-0906, Dundalk 1-866-535-8319, and Annapolis 1-866-344-8889. These offices access the same computer network and can answer your question, and mail or FAX to you any necessary forms.

Garrett Community Band

The Garrett Community Concert Band has announced its Spring Concert, ALL THAT JAZZ, an exciting collection of great American music, old and new, to be presented in a cabaret setting at the new Lodge at the WISP on Friday May 16, at 8 PM. Tickets are \$5 for adults; students and under 18 will be admitted free. Preceding the concert, WISP is offering a special buffet at \$15.95 including tax and tip, and cash bar from 6:30 to 7:30. Snacks and cash bar will also be available before the concert and during intermission. Call 301-387-3127 for reservations. Tickets for both the buffet and the concert will be available at the door, but dinner reservations are recommended.

Windmills

The Maryland Public Service Commission has issued a Certificate of Public Convenience and Necessity for construction of a 101-megawatt wind energy electric generation facility along Backbone Mt. The original proposal was modified to move a portion of the project to the south. It is claimed that this action will lessen visibility from Deep Creek Lake and result in less impact on migrating birds. Studies on migrating birds are scheduled to start this month.

Windclipper reports that their schedule has slipped considerably, but they still hope to start construction this calendar year.

Music at Penn Alps

The summer music series at Penn Alps in Grantsville will continue for the 2003 season. Programs are held Saturday evenings in the Great Hall at Penn Alps, adjacent to the Spruce Forest Artisan Village and the Penn Alps restaurant on US Route 40 just east of Grantsville. Adult tickets are \$12 and a ten admission ticket is \$75. Students tickets are \$5 and children 12 and under are free. Tickets are not dated and can be used at any time through August.

June 7 Alborada, Chamber music with piano, violin, viola, and cello.

June 14 Strata, Clarinet, viola, and piano

- June 21 Arco Voce, Baroque and early music harpsichord, violin, cell, and soprano
- July 5 Bed Murrphy & Co., Bluegrass
- July 12 Hart & Roldan, Soprano with piano romantic-era songs
- July 19 Huggins & Marirquez, Violin and piano
- July 26 Montgomery & Hakes, Flute and piano
- August 2 Kwang-Wu Kim, Piano
- August 9 Mendelssohn Piano Trio, Piano, violin, and cello
- August 16 Borup & Leung, Violin and cello
- August 23 Miltengerger Jazz Quartet with Anna Lama, Piano, bass, sax, drums, and vocalist
- August 30 Selby & Kaltchev, Piano Four-hands

For additional information log on to www.musicatpennalps.org.

Bears

This spring the *Washington Post* had a feature article about tagging a hibernating mother bear and four cubs.

Interestingly, the bear was hibernating in a brush pile behind a lake home in the Lohr's peninsula area!

What's New

Yoders of Grantsville has opened a store at the intersection of US 219 and Glendale Rd.

The Silver Tree Restaurant has reopened with new owners and management. It is much like the Silver Tree of old.

As we announced in the Winter 2003 *Dispatch*, Phil St. Mortiz, a long time lake area property owner has purchased Bill's Marine Service and Johnny's Bait House. Phil wants you to know that he understands that service is critical to the success of Bill's. He plans to have Bill's provide one-stop shopping for all your marine needs. A new dock division has been started that will install, remove, clean, and repair docks. Johnny's Bait House will be known as Bill's Outdoor Center. In addition to the traditional fishing supplies, they will handle hunting and other sporting accessories.

The Circle R Ranch has opened on Sandflat Rd. near US Route 219. They offer horseback riding.

The Point View Restaurant is also changing hands. Rumors abound, but the *Dispatch* is not aware of its future.

And the new Perkins Restaurant in McHenry is scheduled to be open for the summer season.

There is a third golf course in Garrett County. No club house, no beer or booze, no carts, just play golf. It is called Evening Breeze and is located on Pysell Crosscut Rd. just west of Sandflat Rd.

Buydown Status Report

Drawings for Buydown Parcels have been sent to property owners as far around the lake as the south side of the 219 bridge, and that process is continuing. Contracts are currently being prepared for property owners in the Hoop Pole Cove area of the lake and the State has had settlements in the Pawn Run area. Due to the severe winter, some of the survey work has been delayed, but is starting again as the weather improves. If you have questions concerning the Buydown Project, call Catherine Mateer at 410-767-5764 or e-mail catherinemateer@dgs.state.md.us.

If you have contracted with the State to purchase the Buydown associated with your lake property, and are in the process of selling your lake property, please contact Catherine Mateer. She can provide you or your Realtor with a sample Assignment document for you to use. The sale of the lake property does not nullify the contract you have with the State. Remember that it is your responsibility to notify potential purchasers of your property that there is an outstanding contract with the State.

POA Membership

As of April 22, the POA had 1156 members. Only those of you who were members in 2002 or are current members will receive the *Dispatch*. The summer issue will only go to members whose dues are current. There are 417 of you who were members in 2002, but have not paid for calendar year 2003. Remember, to determine your membership status, just check the number after your name on your *Dispatch* address label. If it is 03 or 04 you are a current member; if not you aren't.

County United Way

So far this campaign year, the Garrett County United Way has received \$6,170 from POA members as totaled by the mailers inserted in the Winter *Dispatch*. Last year we raised well over \$7,000. Let's do it again.

Winter

How much snow did Garrett County receive this past winter? Several numbers have been published. They range from somewhere between 232 and 257 inches. Ei-

ther number is a record for Garrett County surpassing the 1995/96 record of 210 inches. Winter began with a severe ice storm in late October. Since many trees still had most of their leaves, the weight of the ice was tremendous, and many trees fell or broke. Winter ended with back to back ice storms a few weeks ago. More damage. If you haven't visited your lake property since Autumn Glory, expect a mess of fallen trees and branches in your yard.

St Peter at the Lake

Many of you may have attended Catholic Mass at Uno's during the summer or at the McHenry Methodist Church in the winter. The crowds often exceed the capacity of these facilities. St. Peter the Apostle Church of Oakland would like you to know that it has purchased property near the Garrett College on Mosser Rd., and is beginning a fund raising drive to build a new church.

Web Sites

Don't forget, back issues of the *Dispatch* may be accessed at www.deepcreeklakepoa.com. Other web pages of interest include:

www.saildeepcreek.com
www.deepcreektimes.com,
www.therepublicannews.com, and
www.deepcreekhydro.com

POA Meetings

Mark your calendars now: The twice annual POA membership meetings will be June 28 and Aug. 23. Both dates are Saturdays. The meetings will start at 8:30 AM in the Garrett Cinema opposite the Arrowhead Market. Local officials and POA officers will be present to discuss issues and answer questions.

POA Board Members

Name & e-mail	Term	phone
Lou Battistella	'04	301-387-2094 Lbatt859@aol.com
Michael Belmonte.....	'03	301-387-6371
Katheryn Gemberling	'04	301-384-2850 kgember@aol.com
T.R. Janes	'05	301-334-2118
Scott Johnson	'03	301-387-8547 scottjohnson@coldwellbanker.com
Jonathan Kessler	'03	301-387-6229 jkessler@mindspring.com
Ed King.....	'05	301-387-5702 ed.king@longandfoster.com
W. Tom Myers, Treasurer	'05	301-387-9162 tom@mountaineerlog.com
William Nickles	'04	301-387-2506 bnickles@gcnetmail.net
Carole Perez, Secretary	'05	301-387-5406 clperez@mindspring.com
Ed Peters	'03	301-797-7824 barmusic01@hotmail.com
Ted Rissell, VP, Membership	'05	301-387-6463 tedriss@earthlink.net
Mark Rothman	'03	301-229-7992 mrothman@paleyrothman.com
Jack Seelig	'03	703-323-7076 jwseelig@hotmail.com
Robert Sutton	'05	301-387-4957
Fred Thayer, President	'04	301-387-9439 fthayer@mindspring.com
Roger Titus, Vice President.....	'04	301-365-2930 rwtitus@venable.com
Frank Wolffe	'04	703-356-7604 wolffe@bannerwitcoff.com

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

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