

DEEP CREEK DISPATCH

Spring, 2005

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

President's Message

Since our last communication, your Board has been occupied with monitoring and, when appropriate, intervening in issues and events in County and State government which generally affect our enjoyable use of the Lake. We can't, of course, offer specific, individual assistance.

Of more than usual concern has been the increase in assessments and the effect such will have on our taxes. The County Commissioners have received our correspondence requesting a reduction in the tax rate to an amount equal to or below the constant yield. The County's proposal was to reduce the rate 3.5 cents (not to the constant yield) and it conducted a public hearing in April. Several Board members spoke publicly in favor of a reduction to at least the constant yield rate. The County will announce the new tax rate on June 14.

As a result of the adoption of the POA supported Temporary Vacation Rental Unit Ordinance last year, it has become apparent that licensing of rental owners/agents is essential. Your president assisted in drafting a licensing and enforcement ordinance on which the County will conduct a public hearing in the near future. In the meantime, the County is now in process of reorganizing the Planning and Zoning Department to provide a process for licensing TVRUs and enforcing the ordinances, as well as other material changes. The full texts of the ordinances may be found on the County web-site www.garrettcountry.org or they are available at the Planning and Land Development office in the Courthouse.

The Board requested a conference with the County Commissioners in reference to the costs of and payment for County-wide sewer and water installation, maintenance and operation, which the President attended. An offer was made to provide the County with a financial consultant's opinion on the best methods for funding construction and payment for maintenance

and operation. The Board chose Les Guthorn, a consultant on such matters in the Washington suburban area who made two trips to the Lake and met with Mark Tonkovich, until recently the County Public Utilities Director. A lengthy report was submitted to the Commissioners which, among many other things, resulted in a preliminary decision to abandon the use of *ad valorem* taxes for payment of maintenance and operation of the sanitary and water systems. That final decision has been postponed for at least a year.

The Board has been monitoring the Planning Commission's review and potential recommendation to the Commissioners on ERM's (the consultant retained by the County) *Report and Recommendations Regarding Deep Creek Watershed Growth and Planning Study*. The report was the result of a nearly year-long study by the consultant in tandem with a local Task Force on which several Board members served.

Your president and two POA Board members continue to serve as members of the Deep Creek Lake Policy and Review Board. On-going Lake management issues are regularly reviewed and contact with the Lake manager and DNR representatives is constantly maintained.

The Board very recently reviewed the issues raised by the installation of wind powered generators and the proposed proliferation of such; it voted, unanimously, to oppose any further installations than those already approved on Backbone Mountain.

It has been a busy year!

Fred A. Thayer, President

POA Meetings & News

The next general meeting of the Property Owners' Association of Deep Creek Lake (POA) will be at 8:30 AM Saturday June 25, 2005 at the Garrett 8 Cinema.

The meeting on August 20, 2005, same time, same place will elect new directors for 2005/2006.

Back issues of the *Dispatch* may be viewed at www.deepcreeklakepoa.com

This issue of the *Dispatch* is being sent to all 2004 and 2005 dues paying members. But if you do not pay 2005 dues, this will be your last issue. The numeral after your name on the address label is the last year for which you have paid your annual \$30 POA dues.

DNR Special Permit Class

The Deep Creek Lake Natural Resource Management Area staff will conduct informative classes about the special permit required any time a property owner considers alterations to the publicly owned buffer strip. The presentations will begin at 10 AM and will be repeated on the following Saturdays, May 28, June 18, June 25, and July 30, 2005. They will be held downstairs in the Discovery Room at the Deep Creek Lake Discovery Center. Staff will discuss guidelines for special permits with topics including structures, paths, play areas, electrical improvements, vegetation removal and shore line erosion control. Information about lake permits is also available at www.dnr.state.md.us/publiclands/western/deepcreeklake.html. For more information call the Lake management office at 301-387-4111.

County United Way

Last year POA members contributed \$4,185 to the Garrett County United Way. This year the total as of May 2, 2005 was \$4,855. Thank you!

Windmills

The POA Board joined the Garrett County Commissioners in recommending no additional windmills over and above those already approved. Clipperwind still plans to start site preparation in June and start bringing in blades this fall. However, they are now planning 40 wind turbines rather than 67. But they will produce the same amount of total power by using larger 2.5 mega watt (MW) turbines on each tower. And the towers will be 21 feet shorter and the blades will rotate at slower speed.

Unbiased pros and cons about wind power are hard to come by. However, we think we have some things right. If natural gas costs \$6-8 per million btu (mmbtu) wind is competitive without a tax credit. But of course, you only get power when the wind blows. Wind may never be competitive with coal, but coal mining and burning do a lot of nasty things—strip mining, acid rain, pollution, increased carbon dioxide etc.

World wide installed wind capacity rose by 8,000 MW last year to a total of 48,000MW, one third of that in Germany. Garrett County will have about 100MW. For comparison Deep Creek Hydro produces 18 MW, and it does not run all the time either. If it did, they would drain the lake. The world leader in wind turbine manufacture is Vesta Wind Systems, a Danish Company. General Electric (GE Energy) is the leading US manufacturer with anticipated 2005 sales of \$2 billion. The Danish firm sold \$3.2 billion in 2004.

The Federal tax credit is now 1.8 cents per kilowatt-hour. The credit started in 1992, was off in 1999, revived for 2001, ended, back on for part of 2003 and 2004, and now runs until October of this year. How the industry can plan ahead is a puzzle. There is no energy policy.

Boating Safety Course

If you were born after July 1, 1972 and wish to operate a motor boat in Maryland waters, Maryland law requires that you take a Safe Boating Course. These will again be offered at Garrett College on Mosser Rd. They run from 8:30 AM until 5 PM on the following Saturdays: June 4 and 18, July 9 and 23, August 13 and 27, Sept. 10 and 24, and October 8.

ATV'S

The only motorized vehicle allowed to operate on a public roadway in Maryland without being registered is a moped or motor scooter. A moped is basically a bicycle with less than a 1.5 hp engine or no more than a 50 cc displacement engine. A motor scooter is a non pedal vehicle with less than 2.7 brake HP, two wheels, one of which is at least 10 inches in diameter, and a step through chassis. We could be more precise, but it is clear that none of these are All Terrain Vehicles (ATV's) four wheelers, or quads. Please note that public roadway, means any roadway open to the public, NOT necessarily maintained by the City, County, or State. This means that you can not legally operate an ATV on your privately maintained lake area road, unless it is closed to the public. In addition, dirt bikes and four-wheelers riding in woods or fields are required by Maryland law to be in possession of written permission from the landowner. Failure to display a permission slip to a police officer may result in a criminal charge with a fine of up to \$500 and/or 90 days imprisonment. Riding on the buffer strip is not permitted either.

That field or woods near your lake property belongs to someone. Please respect your neighbors property rights.

Fire Boat

It seems like several years ago that the *Dispatch* informed its readers that the Fireboat, operated by the Deep Creek Volunteer Fire Company but owned by Garrett County had been scrapped. The DNR had donated a similar boat, but various bureaucratic paper work kept the craft unusable.

Well, it is now ready to go. It has a water level dive door for water rescue, and a 550 gallon per minute fire pump which can be used for on-the-water fires (boats and or docks) and to supply a tanker for a shore fire.

Property Owners Should Preserve Penelec Monuments

This article provided by Cathy Mateer

As the State of Maryland continues the Deep Creek Lake Buy Down project it is important to address the value of maintaining the integrity of the Penelec Line property monuments and markers at Deep Creek Lake.

As the Buydown Project has progressed, existing Penelec monuments, those that mark the original Penelec Line, are disappearing. Frequently, property owners have made the remark that now that they have purchased their Buydown Parcel, the existing monument is irrelevant, and that they would like to remove it. It is important for property owners to understand that removal of survey markers is a misdemeanor under Maryland law {Real Property Article Section 14-111(b)}, subject to a possible penalty of a fine not to exceed \$500.00. In addition, the court could order that a person found guilty of removing a monument must pay for the costs of replacing it.

Additionally, the Penelec Line monument markers have a continued value in that they serve a purpose for delineating property lines, variances and set backs. The legal description of most properties around the lake make reference to one or more Penelec monuments. The Garrett County Department of Planning and Zoning utilizes the Penelec Line in determining building setbacks, and as a factor in determining whether to grant variances to setback rules. In addition, realizing that the vast majority of Buydown Parcels would end up being different in width from the parent parcel, policy decisions continue to be made based on the Penelec Line.

In all cases where frontage is a criterion, the Department of Natural Resources has, and will continue to

use, the frontage along the Penelec Line as described in the deed of a particular property. The property being sold as Buydown Parcels are bounded on one side by the existing Penelec Line, and since Buydown Parcels are sold subject to a Conservation Easement, the location of all boundary lines is necessary to determine what land is subject to the easement.

The Maryland Department of Natural Resources and the Department of General Services, along with the Garrett County Department of Planning and Zoning, urge property owners to maintain Penelec monuments on or near their property. Any questions regarding the care and maintenance of the markers can be directed to Cathy Mateer, Deep Creek Lake Buydown Project Manager, at 410-767-5764.

The Arts

In the Winter issue of the *Dispatch* we provided a schedule for GLAF events. Penn Alps in Grantsville also provides musical entertainment most Saturday evenings throughout the summer. All events begin at 7:30 PM in the Great Hall at Penn Alps.

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| May 28 | William Feasley Guitar |
| June 4 | The West Virginia Piano Quartet |
| June 11 | Marcolivia & Gregory Siokes
Violin, Viola, & Piano |
| June 18 | Enrico Elisi Piano |
| July 2 | Dryden String Quartet |
| July 9 | Steven Honigberg & Kathryn Brake
Cello & Piano |
| July 16 | Stylus Luxurians
7 th Century Wind & String |
| July 23 | The Francis Poulenc Trio
Oboe, Bassoon, & Piano |
| August 6 | The Washington Balalaika Ensemble
Russian folk instruments |
| August 13 | Vocal Quartet from the Met |
| August 20 | Jonathan Carney & Enrico Elisi
Violin & Piano |
| August 27 | Mountain Thyme
Appalachian & Celtic Music |
| September 3 | Holly Hare Operatic Soprano |

For more detailed information visit their web site at www.musicatpennalps.org

Our Town Theatre will continue to offer entertainment throughout the summer. Phone 301-334-5640 or

www.ourtowntheatre.org. Additional information about the arts in Garrett County can be found the Garrett County Arts Council web site www.garrettarts.com and click on calendar.

Planning and Zoning

Readers may recall, that at the urging of the POA, the County Commissioners hired Environmental Research Management (ERM) to study planning and zoning for the DCL watershed. A report was completed in December 2004. It may be viewed at www.garrettcounty.org/pandz/dclstudy.htm. It is also possible to view the minutes of the Planning Commission meetings from this web site.

The Garrett County Planning Commission has been reviewing ERM's report, and working on their recommendations to the County Commissioners.

In April they reviewed item six, which recommended that an advisory board be created for the DCL watershed. Your POA representative Scott Johnson was there as a guest to speak in favor of the ERM recommendation. One member of the commission noted that part time residents would have trouble serving on a full time board. (We note that only five of eight Garrett County resident members of the commission were present.) However, the group voted 3—0 in favor of the recommendation, with two abstentions. They later voted 4—0 with one abstention to explain that the recommendation does not include any changes to the make up of the Planning Commission.

We might explain that the Planning Commission deals with planning for the entire County, except the towns which have their own zoning and planning commissions. The entire County, of course, includes DCL which has zoning within the bounds of its watershed. And since the County does not have zoning, much of the Planning Commission work relates to DCL. But DCL watershed residents and property owners are under represented on this Board. The POA has asked the County Commissioners to rectify this situation, and after some time another DCL resident was appointed. There are now three of eight. Perhaps there should be two planning Commissions. One for the unzoned portion of the County, and one for DCL—each commission to be made up of primarily of residents of their respective areas.

Anyway, a 3—0 vote in favor of a DCL watershed advisory board is a small step in the right direction!

Item 7 recommended architectural review of commercial structures. This item may have been prompted by several sheet metal buildings along the 219 corridor

within the watershed. However, we note that most new commercial construction around the lake is generally attractive—sometimes called resort rustic. The Commission considered three approaches- add additional architectural standards such as building materials, roof styles etc., or create an architectural review panel, or no change. The first approach was favored 4—0 with one abstention.

The May meeting was well attended by Commission members. First, they considered ERM recommendation eight, which wished to encourage the continuation or expansion of traditional waterfront businesses. This, of course, was prompted by the loss of McClive's restaurant, which became townhouses, simply because the land and docking rights was worth so much money. There was a lot of discussion, and lots of problems implementing an equitable way to encourage these businesses. However, the Commission voted 7—0 with one abstention to pass these recommendations along to the County Commissioners.

Item nine recommended promoting greater access to DCL. It was noted that the original task force that worked with ERM did not support this proposal by a 5 to 2 vote.

In more depth, item nine recommended (1) better signage to existing amenities and public land, (2) encourage creation of public/private access—an example would be Uno's and the Honi Honi. (3) get maximum use of DCL State Park, and (4) provide put-ins for canoes and kayaks. Sites considered were the buffer strip near the dam, Cherry Creek along State Park Rd., buffer strip near Mosser Rd. and US 219, and property near the McHenry Post Office. It was observed that parking would be a problem in most of these areas. However, the recommendation was approved by 7—0 with one abstention.

We'll have more on these topics in the summer issue of the *Dispatch*.

Development

Reviewing the minutes of the Planning Commission, we came across five proposed new developments. Although not all in the lake watershed, they are all near by. The Holy Cross property will be divided into 30 lots, but only 15 can be built until sewers are available. The developer plans to pay for extension of a line from Heron Cove. Then there is Ridgeview Valley at the end of Gravely Rd., a plan for 328 units on 308 acres with 50% common open space. Sweet Rewards is proposing a 50 lot cluster development off Mosser Rd., Spring Glade Woods hopes for ten lots near Spring Glade Rd., and Red Oaks 2 plans 32 lots off Sang Run Rd. These are just the new ones THIS year!

Property Owners' Association of Deep Creek Lake

P.O. Box 816
McHenry, MD 21541
(301) 387-4455

Dues Statement

Description	Amount
2005 Calendar Year Dues Entitles you and immediate family to the privileges of membership—attendance at two general meetings during the summer, receipt of the Dispatch quarterly newsletter, participation in an organization representing the common interests of property owners, and advice and counsel on specific problems.	\$30.00

Fill in and return the application form below with your payment.

ONLY FOR THOSE WHO HAVE NOT PAID 2005 POA DUES
POA—PROPERTY OWNERS' ASSOCIATION OF DEEP CREEK LAKE, INCORPORATED
POST OFFICE BOX 816 • McHENRY, MD 21541 • (301) 387-4455

- RENEWAL
 NEW MEMBER

CALENDAR YEAR 2005 DUES—\$30.00

Name _____ Home Phone _____

Lake Location _____ Lake Phone _____

Mailing Address _____

City, State, Zip _____

E-mail address _____

Legal Residence: Lake Other

Comments _____

Date _____ Signature _____

POA Board Members

Lou Battistella '07 301-387-2094 Lbatt859@aol.com	W. Tom Myers, Treasurer '05 301-387-9162 tom@mountaineerlog.com
Michael Belmonte '06 301-387-6371	Carole Perez, Secretary '05 301-387-5406 clperez@mindspring.com
Louise Conjura '07 301-387-5857 lconjura@gcnetmail.net	Ted Rissell, VP, Membership '05 301-387-6463 tedriss@earthlink.net
Katheryn Gemberling '07 301-384-2850 kgember@aol.com	Mark Rothman '06 301-229-7992 mrothman@paleyrothman.com
T.R. Janes '05 301-334-2118 ejk@law.net	Robert Sutton '05 301-387-4957 rasutton@nauticom.net
Scott Johnson '06 301-387-8547 scott.johnson@coldwellbanker.com	Fred Thayer, President '07 301-387-9439 fthayer@mindspring.com
Jonathan Kessler '06 301-387-6229 Smiley@smileysfunzone.com	Roger Titus, Vice President '07 301-344-0052 rwtitus@hotmail.com
Ed King '05 301-387-5702 ed.king@longandfoster.com	Barry Weinberg '06 weintr@verizon.net
Marge Mahood '07 301-387-5885	

What's New at the Wisp

A "bird's eye" perspective of the Wisp this spring reveals earth-moving equipment and vehicles scattered over the mountain like ants on an anthill. Construction began in the fall of 2004 on the Adventure Sports Center's re-circulating whitewater course and will continue into 2006. It is the first competitive level, re-circulating whitewater course to be built in the United States and will add to the increasing list of visitor adventure activities in Garrett County. In addition to the course itself, an outdoor amphitheater and facilities building is also slated for work during the summer.

Adjacent to the whitewater course construction, Wisp and DC Development have begun work that will ex-

pand the skiing facilities at Wisp for this coming winter season. Two new quad lifts are being added to the expanded trail system, which extends to the north face of the resort. Approximately two additional miles of skiing, replete with state-of-the-art snowmaking and lighting, may be enjoyed by Wisp visitors beginning Thanksgiving weekend, 2005 (contingent only upon cold weather). This section of the resort will reputedly have the best ski conditions and terrain ever experienced at Wisp, along with new beginner slopes and trails as well.

Additional updated information can be found throughout the summer by visiting the following web sites: Adventuresportscenter.com and skiwisp.com.

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Deep Creek Lake, Inc.
Property Owner's Association of

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