

DEEP CREEK DISPATCH

Summer, 2005

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

Sewers, Sewage, & Treatment

Construction at the Mayhew Inn Rd. treatment plant began in May. The \$15.6 million dollar program will increase capacity from one million gallons per day (MGPD) to 2.2 MGPD. Data provided by the Department of Public Utilities (DPU) shows that in March of 2003, the plant processed 18.9 million gallons, while the busy season in August flow was only 14.7 million gallons for the month. Could rain water and snow melt be getting into the sewer lines? Apparently when folks hooked up to their grinder pumps, no one checked whether storm drains were included. We hope they do better in the future.

Some more interesting numbers from the DPU show that in 2002 the plant processed 181 million gallons for the entire year, but in 2004 only 137 million gallons. Did some sources of rain water infiltration get fixed? Or do we suffer from the "Aspen Syndrome"? As homes get more expensive, only the very wealthy can afford them, and they don't visit as often—they're off to Europe, or visiting their other vacation home. Less affluent second home owners stretch their budgets and spend as much time as possible at the second home.

To review the bidding, per the County Commissioners this spring, the fee schedule is as follows: Equivalent Residential Unit (ERU) fee \$6,500, physical connection fee \$3,000, grinder pump expense \$3,600, plus an impact fee of \$975 for each bathroom over 3.5. Interestingly, in sizing a septic tank and field system the health department counts bedrooms, but DPU counts

bathrooms. Bedrooms seems a better gauge of potential use, but how to define a bedroom? There are a lot of places at DCL that have dens, studies, home offices, sewing rooms, etc. One criteria seems to be closets. If it has a closet, it's a bedroom.

We use the term ERU. In DPU speak that is 262 gallons per day. A home with up to 3.5 bathrooms is deemed to generate that much waste water per day. What do the figures show? The average daily flow for 2004 was 377,842 gallons. In early 2005 there were 3395 active ERU's. Division shows that an average ERU used 111 gallons per day. But the plant has to treat the maximum flow. The average of the ten highest flow days was 752,800 gallons per day. Again the math shows 221 gallons per ERU, closer to the 262. Everything is based on 262 gallons per ERU, which appears to be conservative. But we don't want to build the plant too small or the pipe lines with insufficient capacity.

Of course what is really needed is a meter system so that the charge is based on use. And that is one of the problems unique to a resort area—you need to pay for capacity for the peak season. The storage tanks sounded like a good idea, but they go septic, smell, and septic waste needs different treatment than raw sewage.

We still note that new or newer subdivisions around the lake are getting service first. There may be several reasons, (1) the developers want sewer service, (2) the County will get more income from property taxes on high end homes, and (3) most of these areas are closer to the existing sewage treatment plant.

The areas of the lake developed in the '30's,

'40's, '50's, and '60's such as Hazelhurst, Green Glade, Sky Valley, Turkey Neck, etc. lag behind. With few exceptions, property owners have not requested sewer service, although there are septic systems that have failed (and been upgraded) or are failing, or about to fail. Owners have not clamored for sewer service for two reasons. First is cost to hook up, approaching by some estimates \$20,000. Second and more subtle is fear of over development. Everyone can see what happened to McHenry 15 years ago when sewers came, and more recently along Glendale Rd. The current zoning may not protect us, although most of DCL south of the Glendale bridge is zoned residential, and many lots are one acre or more. The original plats for some of those areas showed lots of 50 or 60 ft. on the Penn Elec Line, and some as small as 30 feet. Some will argue that these plots are "grandfathered". There are those who will take advantage. Action needs to be taken. This item was addressed in the ERM planning and zoning study completed last year, but the County Commissioners have not yet acted.

A recent article in the *Cumberland Times-News* presented a set aside scheme for funding infrastructure in Allegany County. Basically, the property taxes generated by the new development are "set-aside" to pay for infrastructure—sewers, roads etc. Could this approach help Garrett County?

Charles McCullom is the new County Director of the DPU. He started work July 25. McCullom has 30 years experience of municipal management, and was most recently administrator for the town of Grantsville. Prior to that he was executive director for the city of Russelville, KY Public Utilities Department. We wish him well in a tough job.

The How Come Department of DPU?

The August 2004 issue of the *Republican* presented the County policy on reserving ERUs. In

this article Mark Tonkovich, then director of DPU "stressed that reserved units (ERUs) would be assigned to specific parcels of land and could not be transferred to another party." Usually reliable, but unnamed sources, claim that ERUs were transferred to the Holy Cross property now under development.

POA Membership Meeting

The next general membership meeting will be August 20, 2005 at 8:30 PM at the Garrett Eight Cinema. Please plan to attend.

In attendance will be Harry Speicher, DNR Bear Biologist.

Following the general meeting, the Policy and Review Board (P&RB) will hold a public hearing on a possible change to the lake regulations to permit a tour boat. Basically the change would permit as many as three boats up to 45 feet long. Details include noise regulation and various safety features. The tourism industry is anxious for such a boat in order to accommodate a "bus load" of tourists—typically 45 to 50. These folks could see the lake, have lunch or dinner, and perhaps spend the night in a local motel. In addition, many visitors to the lake want to get on the water and see the lake. They often rent motor boats or pontoon boats to achieve that end. A single boat making a few trips every day to walk in traffic, might actually reduce motor boat traffic on the lake. It is hard to envision that three such boats could be needed, but only one boat would favor one operator. The P&RB favors the change.

POA membership now totals 1,086 with 292 permanent lake residents. The true number of those who live at the lake is most likely a little higher as not all belong to the POA. Our mailing list is about 4,500. To clarify our policy, the *Winter Dispatch* is mailed to all 4,500, the *Spring* issue only to those who have paid current or last year's dues. The *Summer* and *Fall* issues go only to current paid members. We do this to attract new members, and give our members a little extra time to pay.

Highlights of June POA Membership Meeting

Major Chris Anderson, regional DNR manager, explained the use of mooring buoys. They are not to keep boats away from your dock, require a \$70 annual permit fee to the DNR, and do not increase the number of boats allowed at your waterfront. They must be within 100 feet of the shore line—including swing, and must be white with a blue stripe.

Questions were raised about the lights on the bridges. Several years back the *Dispatch* tried to determine exactly what lights should be in place. At that time it seemed that the State Highway referred the matter to the DNR. The DNR thought the State Highway was responsible. However, retired Natural Resources policeman, John Williams spoke to the issue. The State Highway has removed the white lights and the associated wiring from the US 219 bridge. This was confirmed by DNR Police Capt. Butch Sciller.

Official reports have been a little confusing, but as best we can understand, DNR Rangers are now DNR Police. The merger started in January. We think this will mean more Natural Resource Police Officers on DCL. This consolidation took place beginning Jan. 1, 2005. And we are glad to note that Maryland Park Service Rangers who became Natural Resources Police did receive additional training commensurate with their new duties.

Cathy Mateer of the Dept. of General Services/DCL buy-down program said that final plats are being sent out and that the full buy-down program should be complete by year's end. If there are any new owners who are interested in the buy-down contact her NOW. This is a one time offer, and it will be gone by 2006. Please call her at 410-767-5764.

John Foreman, the chair of the Policy and Review Board (P&RB), reported that this Board is now five years old. The POA has two representatives, Judge Fred Thayer and Barry Weinberg. Ed King serves as an alternate. There has been a "catch 22" regarding PWC's passing under the bridges. Speed must be reduced when within 100

ft. of shore. The distance between pylons on several bridges is less than 200 ft. Therefore PWC's are required to slow down. But without water pumping out the back end, a PWC can not steer, and is in effect out of control. In addition boats coming up behind may not anticipate the slow down. A resolution is not yet available.

POA President, Judge Fred Thayer, introduced the various POA Board members (See list on last page of the *Dispatch*) and he reported that the County Department of Planning and Zoning has been reorganized, and is now called the Department of Planning and Land Development. More important than the name change, they have hired Pat Kelly as Manager of Licensing and Enforcement. Pat was formerly an investigator for the State's Attorney's Office, and before that a Deputy Sheriff. The draft ordinance for rental properties is ready for approval, and the County now has some one to help enforce same.

Fred also reported that POA had contributed \$2,000 to the July Fourth Fireworks, and \$2,500 to the Wildlife Conservation Group to provide cell phones to the Officers.

What's New at the Wisp

In the spring issue of the *Dispatch*, we told you about the new ski slopes that will be ready this winter. But the Adventure Sports Center International's whitewater course is behind schedule. The first phase of construction, a \$3.4 million pump house and machinery was completed last fall. The bids for Phase II exceeded the engineering estimate, and the project will have to be rebid. The public-private venture has received \$4.1 million from the State, \$2.9 million in Federal funds, \$1.3 million from Garrett County, and \$2 million from sale of land donated by DC Developers LLC.

Thousand Acres

Plans have been afoot for years for extensive development of this large tract of land. The latest plan includes a golf course. The developers proposed a dam on Poland Run to provide water. However, the Maryland Department of the Envi-

ronment suggested that they use DCL water, as less harmful to the environment. The developers have gone to great lengths to assure the POA, that even in a severe drought, they would only lower the lake by about ½ inch. No problem, but what is less prominent in their plans, is a launch ramp in the Green Glade Thousand Acres area. This would be open to present and future Thousand Acres property owner—a potential for another 300 boats. Problem!

Recycle

It will again be possible to recycle magazines in Garrett County this fall. Please save your summer collection. A receptacle will be placed at the Garrett County Chamber of Commerce Visitors Center on US 219 in McHenry starting Sept. 15. It will be in place for two months. Start saving magazines, catalogs, or any high gloss or shiny appearance paper now.

AG Facts

As you drive around Garrett County you're sure to see cows. Well how many are there? The answer is 19, 273 cattle and calves. Farm land is about 25 % of the County. There are 634 farms in the County totaling 101,444 acres—the average farm is 160 acres. . Those cattle and cows bring in over \$5 million as beef, and over \$11 million from milk and milk products. We just thought you might like to know.

Every year it seems that we see more and more horses in the County. The official count including ponies—1,410.

DNR News

Carolyn Mathews is now acting Manager of DCL. There are two permanent staff persons, and three seasonal workers. Major Chris Anderson, regional DNR Manager, suggested that perhaps there would be a permanent Manager, and additional staff personnel within a few months.

Noise

We have only heard the air boat once this year. As best that we can determine it is kept at various

locations around the south end of DCL. But, recall that it does meet the Maryland noise level limits of vessels. The limit is 90 db measured at idle at the exhaust. POA and others have complained to no avail. The upper echelon of the DNR claims that such a level is needed for certain craft on the Chesapeake Bay, and that different regulations for DCL would be confusing. Sure! Then how come we have a maximum length specification for DCL and a DCL only limit on the hours of PWC operation? We suggest lowering the limit to 85 db for DCL.

We also have not heard as many boats with the “Captain’s Choice” option engaged. You may remember that this is basically a muffler cut-out, designed to make the boat a lot louder, and a wee bit faster (less back pressure through the exhaust system.) These devices are not legal on your automobile, but for some reason are allowed on boats. Some men, apparently think the extra noise is cool, but most find it annoying.

Geese

We often wonder how much the large population of geese and ducks contribute to pollution of DCL. Every few days our dock must be swept free of goose feces. And it goes into the water that we then use for swimming! The estimated east coast population of non-migrating Canada Geese is almost one million. We don't know how many are at DCL. Each goose deposits an average of 1.25 pounds of feces per day. Canada Geese come under the Migratory Bird Treaty Act of 1916. Migratory birds are protected. But the US Fish and Wildlife Service asserts that most problem geese don't belong under this act because they do not migrate.

Smith Mountain Lake

We have often heard people talk of Smith Mt. Lake and compare it to DCL. We thought we'd check it out. The lake is about ten times the size of DCL, both acreage, and shore line. It is not in the mountains; the elevation is only 795 ft. compared with 2,460 ft. for DCL. There is very little snow in the winter, and the lake does not freeze. It is a power generation lake, but it is a pump

storage facility. When the electric grid is short of power they can generate up to 605 megawatts of power for up to 11 hours. When demand is down, the water is pumped back to the main lake. Therefore, the level seldom changes by more than a few feet. Up until about five years ago lake front property was a good buy compared with DCL. Today prices are about the same.

There is one interesting difference. Since the lake is a dammed up river, and the river was the boundary between two counties, different zoning regulations apply on each side of the lake. One county does not allow short term rentals. It can be done—at least in rural Virginia.

In a similar vein, we hear that a number of DCL neighborhoods are having members write such rental restrictions in their deeds. Check with your attorney.

The How Come Department?

How come when you travel North on US 219 according to the State Highway sign you cross Dp Crk Lk? But when you travel South you cross Deep Creek Lake.

How come Deer Park Water is now bottled in NY State from Tyler Spring, and other springs in NY and PA.

Windmills

Clipper Windpower, now plans larger, but fewer windmills on Backbone Mt. They plan 40 rather than 67, but the larger machines will produce the same amount of power. The MD Public Service Commission (PSC) approved the change despite the usual objections from the interveners known as Friends of Backbone Mt. (FOB). The PSC noted that with longer blades, the area swept will be larger, the height will be the same, and since the total number of turbines has been reduced, the total area swept will be less, and that maximum tip speeds are lower with the newer design C-93 turbines. This information would suggest, but not proven, fewer bird and bat kills. And as we reported in the last *Dispatch*, although clearly significant, the actually number of birds

and bat deaths is hotly debated.

Intervenors have stated that windmills will never replace coal fired base load plants. Perhaps so, but we note that a recent issue of *National Geographic* reports that Denmark obtains 20% of its electricity from wind turbines. Yes, Denmark is not the US, and most of their machines are along the extensive coast with good winds from the North Sea. But, at 20% it stands to reason that some other electric source must be shut down or operating on stand-by.

Bears

The usual bear sightings and problems continue this year. In Dec. of 2004, a woman, home alone, on Savage River Rd. shot and killed a bear on her property. She believed that the bear was threatening her dogs. She reported the incident to the DNR. The reports are that she was treated as a criminal, and charges were brought. There were a lot of she said, DNR said, remarks in the press. However, she and her attorney wisely requested a jury trial. The State's Attorney, Lisa Thayer Welch also wisely, entered a nolle pros for the charge of killing a black bear out of season. A Garrett County jury would never have convicted this woman. This is not to declare open season on bear in Garrett County, but don't try this down state.

A Personal Note

I have been your editor (and principal writer) of the Dispatch, since the Fall of 1993. It is time to retire. I have enjoyed the opportunity to dig into and report some of DCL's problems. And I sometimes regret that I didn't have, or find the time to dig deeper. I thank my wife, Willie, for her help with punctuation, spelling, and grammar.

Needed changes to our zoning ordinance and an equitable way to provide and pay for public sewers remain our most serious problems.

Bill Nickles will take over as editor. Bill has been a full time resident of DCL for about ten years. He is originally from Wheeling WV, but we note that his wife's DCL roots go back to the early days at her familys' cottage at DCL.

Ted Rissell, Editor *Deep Creek Dispatch*

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