

# DEEP CREEK DISPATCH

Summer 2008

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

## GYPSY MOTH/ EMERALD ASH BORER

The Gypsy Moth spraying was completed in June. At this time things are looking very good, due to the wet spring that has helped with the naturally occurring fungus that attacks and kills the caterpillar. A total of 32,252 acres were sprayed by the Maryland Department of Agriculture, and 11,439 acres were sprayed through the county cost share private spray program. Out of the 11,439 acres of the private spray program, 2,665 acres were in the Deep Creek Lake Watershed. A Task Force has been formed to study the Gypsy Moth infestation and to make recommendations regarding the most effective, practical, regulatory, and legislative means of combating the problem. Also, the method currently used to determine which areas qualify for spraying will be addressed. Delegate Wendell Beitzel has been named to that Task Force as the designated Maryland House of Delegates member. There are areas that were not sprayed that are evidencing defoliation and we also need to be aware that it takes several weeks for the caterpillars to die after eating the leaves that have been sprayed. However, at this time the Extension Service is hopeful that Garrett County will not be seeing the widespread damage that has been done in the last several years.

What are those purple boxes that we see in the ash trees in Garrett County? They are Barney traps, which are three-dimensional triangles or prisms. They are made out of thin, corrugated, purple plastic that has been coated with non-toxic glue on all three sides. They are about 24 inches long and hang vertically in the ash trees or are secured to the trunk of the trees. To increase the attractiveness to the beetles, the prism is baited with a lure (Manuka oil). There are about 370 traps in western Maryland. They are placed here to determine how far the emerald ash borer has gone from the Annapolis/Baltimore area. The borer has already been sited in and has done heavy damage in several areas in northern Virginia.

## ZONING: COUNTYWIDE OR PERFORMANCE ZONING

When Governor Martin O'Malley said there would be no wind turbines on state lands, he made it very clear that the prohibition applied only to conservation lands held in fee-

simple by the state and managed by the Maryland Department of Natural Resources. It became clear at that time that since there was no countywide zoning, wind turbines could and probably would be sited in Garrett County. As a result, the issue of establishing "performance zoning" countywide emerged as a possible solution to preventing wind turbines in the county.

On June 24<sup>th</sup>, the Garrett County Commissioners held an open meeting concerning the proposal that would establish "performance zoning" countywide. Under the amendment a new Article 12 would be added to the Deep Creek Watershed Zoning Ordinance that would define and prohibit commercial wind turbine structures. It would also define the territorial jurisdiction of the new article to include all lands in Garrett County except incorporated municipalities. Approximately 75 attended the meeting and it became clear that there were many opposing opinions represented. At the beginning of the meeting, Commission Board Chairman Denny Glotfelty asked people to keep their comments brief and to the specific topic: performance zoning. He pointed out that the meeting was not about property rights or wind turbines. However, for many attending it was about these issues and many voiced strong opinions.

In speaking at the meeting, POA President Scott Johnson stated that it has been the position of the POA for many years that zoning should be extended throughout the county and the present debate over wind turbines heightens this. Johnson pointed out that in 2007, Maryland abandoned any effective regulation of the siting of wind turbines. This left the only meaningful regulation to be through local land-use regulation. Garrett County is the only one of Maryland's 23 counties without some form of zoning.

Scott Johnson went on to say that the position of the POA is not in favor of a total prohibition of wind turbines, especially in the light of the need for alternative sources of energy. The position of the POA is that with countywide zoning the siting of the turbines would be regulated. Because there is no zoning, Johnson maintained that the county is losing vital control over the direction of growth. Affordable farmland is being lost to developers. He pointed out that zoning ordinances can be fairly lenient and what they regulate and how they regulate it is a matter for local decision-making. He also added that the wind turbine issue has taught us that many people in Garrett County are opposed to indiscriminate placement of the turbines throughout the county. It has also

taught us that at the present time there is nothing the county can do to impose reasonable, not prohibitive, controls on wind turbines. In concluding his remarks, Johnson promised that the POA would work with Commissioners to develop strategies that would result in countywide zoning.

## **THE PROPERTY OWNER'S ASSOCIATION OF DEEP CREEK LAKE, INC.**

*By Lou Battistella, POA Secretary*

The Property Owner's Association of Deep Creek Lake, Inc. has been representing Deep Creek Property owners since 1936. Their mission is simple: "to bring together the property owners of the Deep Creek Lake Area, to promote, preserve and protect the quality of life, environment, recreational opportunities, historic sites, and historic areas in and around Deep Creek Lake, Garrett County, Maryland".

The Property Owner's Association (POA) is headed by dedicated men and women from many walks of life who serve on the 18 member Board of Directors. They have the welfare of the lake at heart. The list of their accomplishments in the last 25 years alone is noteworthy. The POA acted on behalf of the property owners of Deep Creek during the conception of the Watershed Zoning back in 1973. In the 1980's, the POA was an impetus for the original concept of the lake management group and the lake carrying- capacity study that are all part of life on the lake today. The POA also established an environmental committee made up of members of the Board that contributed to the remediation of the mine drainage in the Cherry Creek basin. This same committee coordinated Gypsy Moth spraying back in 1989. The POA was involved with the sale of the lake in 1998, and currently is represented on the Deep Creek Lake Policy and Review Board which works with the Department of Natural Resources (DNR) in the setting of regulations and matters regarding the management of the lake.

The POA is funded solely by membership dues, which are \$30.00 per year. With the membership dues, the POA is able to fund expenditures for consultants and legal advice when needed. Recently, the POA funded the purchase of 16 Automated External Defibrillators or AED's for \$20,317.00 as a gift to Garrett County in memory of Judge Fred A. Thayer who served as the Association's President. Judge Thayer died suddenly when he suffered a massive heart attack while conducting POA business. The AED's will be placed in the Garrett County Sheriff Deputies' patrol vehicles with the hope of improving the survival rate of those struck down by a cardiac emergency. The POA has also given \$23,250.00 as part of the cost share with the county for additional acres to be sprayed in areas that were unable to be sprayed by the Maryland Department of Agriculture.

The POA was also very active with the wind turbine issue that concerned a vast majority of the members of the POA and Garrett County residents alike. There are members of the Board who are very active with the Chamber of Commerce in an advisory capacity and serve appointments on the Garrett County Planning Commission, the Garrett County Emergency

Services Board and the Deep Creek Lake Policy and Review Board. The POA has been very active in working with the county officials in trying to improve the Emergency Medical Service response in our rural community.

The POA is a Not-For-Profit Corporation with a Board of Directors who are property owners in the Deep Creek Lake area and chosen by the Board for their interest in the lake, their geographic location proximity on the lake and their unselfish willingness to volunteer their time and talent. Some are seasonal property owners and others are full-time residents. The POA works diligently and tirelessly in preserving our beautiful natural recreational resource in its peaceful relaxing surroundings. The POA has about 1,300 members with room for more and the POA keeps informed and shares information concerning changes in the county and state policy that affect the lake area property owners.

The POA has two general membership meetings each year, one scheduled in June (June 28<sup>th</sup>) and one in August (August 23<sup>rd</sup>) at the Garrett 8 Cinemas. The coffee social begins at 8am and the fast-paced meeting starts promptly at 8:30am. Both members and the general public are welcome. Various invited elected officials and managers from state and county agencies graciously attend and speak on issues that pertain to the lake and answer questions from attendees.

Members also receive a copy of the Deep Creek Dispatch, our quarterly newsletter that contains the latest information on lake regulations, fees, meetings, and news of interest. This hard-working organization works as the collective voice of the property owners of Deep Creek Lake. For more information, visit the POA website: [www.deepcreeklakepoa.com](http://www.deepcreeklakepoa.com) or call (301)- 501-0555.

## **CONSERVATION EASEMENT DONATED AT DEEP CREEK LAKE**

Change and development seem to be constant at the lake. However a large parcel of land situated between Zeddock Miller, Paradise Point and Glendale Roads will remain undeveloped forever due to the generosity of two sisters who own the property.

Kathy Weise and Carol Bartram have donated a conservation easement on their two adjacent properties to Maryland Environmental Trust (MET) and Allegheny Highlands Conservancy (AHC), two land-trusts that specialize in acquiring and monitoring conservation easements. The sisters will continue to own their parcels, totaling 120 acres and are free to convey it as they see fit. But that and all successive owners will be legally bound by the easement not to subdivide or otherwise develop the land.

As with most conservation easements, the terms were tailored to fit Kathy and Carol's vision for their mostly-forested property, namely natural heritage protection and species diversity enhancement. Since 1972, hundreds of landowners across Maryland have used conservation easements to preserve family history, agricultural operations and natural resources.

Donors of conservation easements get income tax and

property tax breaks in return for their contributions. More important, according to Kathy, is the “good feeling” they get from knowing the property will be preserved in its present state for perpetuity. The community receives, at virtually no cost, the benefits of preserved open space in the heart of residential development.

As Glenn Tolbert, the author of a feature article in the June 19<sup>th</sup> issue of *The Republican* stated, “The land is not a park to tour or to visit, but is set aside to allow Mother Nature to have some lakefront property of her own.”

Tolbert’s story, along with a map showing the property’s location is posted on AHC’s website, [www.alleghenyhighlandsconservancy.org](http://www.alleghenyhighlandsconservancy.org). AHC is a local conservation organization dedicated not just to the preservation of conservation easements, but more broadly to protect and conserve the land, water and natural resources of the Allegheny Highlands region, namely Garrett and adjoining counties. The President of the organization is Kevin Dodge who can be reached at 301-387-3328. Additional information about AHC, including how to become a member, is available on its website or by emailing [info@alleghenyhighlandsconservancy.org](mailto:info@alleghenyhighlandsconservancy.org). (Note: this is a new email address replacing the old address listed in the original *The Republican* article). The Dispatch would like to thank Robert Lewis for submitting this article.

## DNR BOAT SURVEY

The Deep Creek Lake Management Office conducts surveys of boats on the lake on weekends in the summer. Weather conditions affect our ability to conduct these boat counts, but we made every attempt to be consistent. Below is the raw data collected from the aerial surveys last year and what we have collected to date this year.

Raw Aerial Survey Data—vessels counted are not in dock slips and not moored.

<b>2007</b>	<b>1:30 pm</b>	<b>4:30 pm</b>
July 4	157 vessels	181 vessels (144 vessels, 27 PWC)
July 7	326 vessels	no flight
July 14	281 vessels	291 vessels (256 vessels, 35 PWC)
July 21	179 vessels	no flight
July 28	337 vessels	284 vessels (261 vessels, 23 PWC)
August 4	no pilots available	
August 11	no pilots available	
August 18	233 vessels	no flight
September 1	380 vessels	520 vessels (492 vessels, 28 PWC)
<b>2008</b>	<b>1:30 pm</b>	
No 4:30 pm flights are scheduled this year		
July 5	292 vessels	
July 12	203 vessels	
July 19	224 vessels	

## REMAINING LAKE AREA CULTURAL EVENTS:

**GLAF:** (Call 301-387-3082 or go to [www.artsandentertainment.org](http://www.artsandentertainment.org) for Tickets and Information; Cost (Adult/Student): **September 6<sup>th</sup> Johnny Staats and the Bluegrass Band** (7:30pm) Garrett College Auditorium (\$17/\$7); **October 4<sup>th</sup> Tom DeLuca** (7:30pm) Garrett College Auditorium (\$17/\$7).

**MUSIC AT PENN ALPS:** (Tickets \$15) Call 301-895-4250 or go to [www.musicatpennalps.org](http://www.musicatpennalps.org) for Information; shows at 7:30pm but arrive by 7:00pm to assure seats: **August 9<sup>th</sup> Marissa Regni** (Violin solo recital); **August 16<sup>th</sup> Amy Leung and Naoko Takao** (Cello and Piano); **August 23<sup>rd</sup> Jonathon Carney Trio**; **September 6<sup>th</sup> Schrock Memorial Concert, Conrad Tao** (Piano).

**LITTLE YOUGH SUMMER MUSIC FESTIVAL:** (Friday evenings at the Mountain Fresh Pavilion in Oakland Town Parking Lot: shows begin at 7pm; food vendors on site at 6pm; bring your own chairs; free, but donations encouraged) **August 8<sup>th</sup> National Road** (Popular music/Top 40); **August 15<sup>th</sup> Queen City Funk and Soul** (Jazz and Motown/Soul); **August 22<sup>nd</sup> The Davisson Brothers** (Southern Rock/Country); **August 29<sup>th</sup> The Remedy** (Oldies).

## ADDITIONAL INFORMATIONAL ITEMS:

**POA WEBSITE: WWW.DEEPCREEKLAKEPOA.COM.** Use this for updates on POA positions, current issues and links to County agencies, the DNR, etc.

**AUGUST  
GENERAL MEETING:  
AUGUST 23, 2008, AT THE  
GARRETT 8 CINEMAS.  
TIME: 8:30 AM.**

### DNR REMINDERS:

1. Do **NOT** remove the old Penelec markers in your yard. The DNR needs them for reference, even if you have participated in the buydown.
2. Dock ID’s need to be displayed on both sides of your dock. The numbers need to be 3” high. This enables the DNR to locate you.
3. As part of the Water Quality study, maps of the bottom of the lake should be available later this summer/early fall. The study will also address the weed growth in the lake. You are reminded that you are permitted to rake only around your dock and this must be hauled away. No insecticides can be used. Hopefully, the Study will also give information on the effect of the run off from golf courses on the lake.
4. If you see problems on the lake, such as acid or construction run off, please call the Lake Management

Lou Battistella, Secretary ..... '10 ..... 301-387-2094  
Lbatt859@aol.com

Michael Belmonte ..... '09 ..... 301-387-6371  
mbelmonte@juno.com

Dale Copeland ..... '09 ..... 301-533-0469  
pattyanddale@verizon.net

Susan Crawford ..... '10

Troy Ellington ..... '08 ..... 301-387-9232  
troyellington@mindspring.com

Katheryn Gemberling ..... '10 ..... 301-384-2850  
 VP Planning kgember@aol.com

Scott Johnson, President ..... '09 ..... 301-387-8547  
scott.johnson@coldwellbanker.com

Jonathan Kessler ..... '09 ..... 301-387-6229  
Smiley@smileysfunzone.com

Ed King ..... '08 ..... 301-387-5702  
ed.king@longandfoster.com

Marge Mahood ..... '10 ..... 301-387-5885  
 VP Membership amahood@verizon.net

Shelley Missimer ..... '08 ..... 301-387-2009  
smissimer@lai-arc.com

W. Tom Myers, Treasurer .... '08 ..... 301-387-9162  
tom@mountaineerlog.com

Jeff Nelson ..... '10 ..... 301-387-0033  
jnpnelson@verizon.net

Bill Nickles ..... '09 ..... 301-387-2506  
BillNickles@hotmail.com

Carol Perez ..... '08 ..... 301-387-5406  
lcpperez@comcast.net

Robert Sutton ..... '08 301-387-4957  
rasutton@nauticon.net

Roger Titus ..... '10 ..... 301-344-0052  
 Senior VP rwtitus@hotmail.com

Barry Weinberg ..... '09 .. weintr@verizon.net

Office at 301-387-4111.

**NATURAL RESOURCES POLICE:** If you see unsafe boating or possible lake violations, including excessive boat noise (be specific with boat registration numbers, time of day, location, etc.) please call 1-800-628-9944 to report these. This number answers in Annapolis. Although the operator will not be all that familiar with the lake, the local Natural Resources Police have promised that the call will be given prompt professional attention.

**INACTIVE SEWER TAPS:** At the June 28<sup>th</sup> General Meeting, County Commissioner Denny Glotfelty reminded

everyone that the fee for inactive sewer taps would go up, effective July 1, 2008. He suggested that if the tap was not going to be used, it would be cheaper to give it back to the Department of Public Utilities.

**POA DONATES TO THE CHAMBER OF COMMERCE:** Once again, the POA donated \$2000.00 to the Chamber of Commerce for the 2008 July 4<sup>th</sup> Fireworks.

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

**DEEP CREEK DISPATCH**

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