

DEEP CREEK DISPATCH

Winter, 2002

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

President's Message

A set of suggested revisions and technical corrections to the Deep Creek Watershed Zoning Ordinance was drafted by Roger Titus, Jon Kessler, Ed King and Fred Thayer which, after consultation with John Nelson, Garrett County Planning and Zoning Director, were presented to the Garrett County Planning Commission October 3, 2001. After lengthy discussion the Commission voted to recommend adoption by the County Commissioners of twelve of the sixteen proposed amendments, and to recommend further study by the Commissioners of two additional POA proposals.

The proposed amendments which received Planning Commission approval are listed generally. If you are interested in the specific language of any one or more of the POA recommendations, such can be provided upon request:

- Commercial hunting preserves
- Extractive mining
- Mobile manufactured mobile home parks
- Non-commercial parking garage or area
- Commercial campgrounds
- Private membership gun clubs
- Golf ranges
- Outdoor recreation areas
- Indoor recreation facilities
- Medical and dental offices
- Parking space for residential properties
- Decks, terraces and uncovered porches

The proposal which the Planning Commission believed required further study by the County Com-

missioners pertains to increasing the dimensional requirements for town houses and multi-family units in the town center and town residential districts in order to attempt to achieve some preservation of lakeside commercial establishments. The County Commissioners responded to the request for further study by suggesting that it was the function of the Planning Commission to study and recommend zoning changes. POA and Chamber of Commerce were requested to provide an alternate to the original proposal which has been presented to the Planning Commission at its meeting of January 2, 2002. The outcome of all of the POA's proposals will be subject to the County Commissioners' adoption of the amendments after public hearing.

At its November 17, 2001 meeting, your Board of Directors discussed the lack of representation of the Deep Creek Watershed property owners on Garrett County's Planning Commission and directed the President to request that the County Commissioners consider an ordinance requiring that there be some representation by residents or property owners in the Watershed. The request was made formally, on the basis that while more than 50% of the County's assessable tax base was in the Watershed, currently only one of seven members of the Planning Commission was resident in the Watershed, and there was no requirement that there be any representation. While the Commissioners did not agree to our request, they wrote: "[the Board] will be continually cognizant of the importance of the Watershed as it pertains to future appointments to the Garrett County Planning Commission."

Property Values

At the November meeting of the POA Board of Directors, Jim Margroff, Supervisor of Assessments for Garrett County (a Maryland State position) and staff member Joe Keating, presented some statistics regarding lake area property assessments. The good news—your lake front lot is worth a lot more. The bad news—your assessment and taxes will go up. Lake front properties have increased an average of 30%. Increases in lake front land assessments may rise \$100,000 to \$150,000. Those of you who received your assessment notices the first of this year already know the news.

Joe Keating presented a State prepared statistical summary of Garrett County property assessments versus actual sale prices—in essence a report card on how well the State property value assessors do their job. The good news—they do very well. The bad news—the chances that your assessment is too high aren't very good. When the State compared the actual sale price of 29 lakefront properties with the assessed value they found the mean sale price was \$404,784 versus a mean assessed value of \$387,529, thus assessments were 96% of actual. However, of the 29, seven had a sales price above the assessed value; thus 22 were assessed more than the sale price. And the coefficient of variance was 12.5. This suggests that although the means were very close, some individual assessments versus sale price were further off the mark than 4 or 5%.

If your primary residence is your lake property, your assessment should be marked "Principal Residence Yes." If the property is your permanent residence, there is a limit on how much your property assessment can increase each year. That limit in Garrett County is currently 5%. This limitation does not apply to an increase caused by improvements or additions. As an example, if your lakefront lot was previously assessed full market value at \$200,000, and your home at \$200,000, but is now assessed at \$300,000 and \$200,000, your total assessment has increased 25%. But if the lake house is your principal residence, and the county commissioners maintain the same tax rate, your actual property tax will only increase 5% in

each of the next three years. If the property were not your principal residence the annual increase would be 8 1/3% each year. Therefore if the State does not recognize your lake home as your principal residence, it is to your advantage to notify the State Assessment Office. You may call 301-334-1950, e-mail gar@dat.state.md.us, or write at the address in the next paragraph.

Should you wish to dispute your assessment write to: State of Maryland Department of Assessments and Taxation, Garrett County, P.O. Box 388, Oakland MD 21550. For a successful appeal you will need to compare your property with very similar property that is assessed lower. This information is available in the lower level of the Garrett County Court House. Information can be obtained on the web at www.dat.state.md.us.

Assessments for lake access, lake view, condos, and lake affected properties, have also increased, but at a much more modest rate.

County United Way

For the second time in as many years, Garrett County is conducting its own County United Way (CUW) drive. Prior to the year 2000, Garrett County was lumped in with Allegany County (Cumberland area) and some nearby West Virginia counties. A number of agencies providing vital services to the residents of Garrett County have been selected. They are: Big Brothers/Big Sisters, Boy Scouts, Catholic Charities, Dove Center, Christian Crossing Thrift Shop, Garrett County Lighthouse, Red Cross, Salem Children's Trust, Mt. Glade Adult Day Care Services, Habitat for Humanity, and the Salvation Army.

Your POA Board has endorsed the campaign. Therefore to help Garrett County, we have included a coupon and an envelope with postage by CUW for your convenience. We are sure that those of you who have gotten so much joy and relaxation from Garrett County will be glad to give a little back. We all benefit from the wonderful way of life here in Garrett County, and the friendly generous citizens. 99.2% of the monies raised go to Garrett County and stay in Garrett County. Thank you for your support.

No Wake Zones

We came across a Penn State University study that showed a “No Wake Zone” to be better than a speed limit to prevent water quality problems in waters less than 6 to 8 feet deep (a typical depth of many Deep Creek Lake coves.) The Penn State Engineers found that at very low speeds (no wake) and as well as very high speeds, there was little impact on the lake bottom. However, at speeds near 6 to 8 mph, where the boat was “near plane”, there was maximum potential to stir up the lake bottom. The often maligned personal watercraft (aka “jet skis”) did not impact the bottom of the lakes studied in depths above 3 or 4 feet.

Also speeds just below plane usually cause maximum wake, rocking boats at their dock or on a mooring, interfering with racing sailboats, and creating dangerous waves for canoes and kayaks. Remember you are responsible for your wake!

Buy Down Property Lines

A number of property owners who will be offered a part of the State’s buffer strip in the buy down program have experienced problems with the survey location of the sidelines of the proposed sale. Those problems fall into two general categories: (1) the location of the sidelines through the State’s buffer (from the old Penelec line to contour 2462) do not exactly extend or line up with the owners’ sidelines as established by private survey, or occupation; (2) the angle at which the sidelines reach contour 2462 does not correspond to current usage as it decreases the useable water frontage.

Morgan France, the surveyor retained by the State to locate the boundaries of the buy down offer, has explained that the first of the problems has two general causes: (1) many original lots were laid out using Penelec monuments as reference points where the described distance between two such monuments was in error, mostly shortages in distance or lots in an established sub division which were surveyed beginning from different points, likewise with a shortage of distance. In this scenario, the attempt has been made, by survey, to apportion the shortages to be fair to all property owners affected by the problem. (2) Where the

sidelines which have been established on the State’s buffer strip do not line up with the owner’s privately established sidelines, France indicates that the cause of this is often an error in the original private survey, or in the establishment of evidence of occupation, for example a tree or shrubbery line on the private sidelines between neighbors. The second of the problems, the angle at which the sidelines reach contour 2462, is the same problem which was faced by Penelec in coves and other irregular shaped areas and has been resolved in the same general manner (although perhaps not in the exact same degree) by bisecting the angle to provide fair access to the water.

According to France, the resolution to both of these problems is simple; if the neighboring private property owners agree, they may change the location of the sidelines to the agreed location, notifying Catherine Mateer, Department of General Services, Office of Real Estate, Room 601, 300 West Preston Street, Baltimore, MD 21201, (phone 410-767-5764), with a copy of the correspondence to Morgan France, 10 N. Third St., Oakland, MD 21550, (phone 301-334-2305). You should call either or both of these parties as soon as your plat of the proposed buy down is received and the preliminary stakes are set. You may e-mail Catherine Mateer at catherine.mateer@dgs.state.md.us. Details of what you should do thereafter will be explained at that time.

POA Membership

During the past year we have added to our mailing list in two ways. We have merged our list with the DNR buffer strip use permit and the tax district 18 tax roles. Tax district 18 is defined as lake affected properties and includes: lake front, lake access, lake view, and lake area condos and town houses. For some of you this may be your first issue of the *Dispatch*. We hope it will not be your last. In order to continue to receive the *Dispatch* and receive notices of our general membership meetings, we invite you to join the Property Owners Association of Deep Creek Lake, Inc. (POA for short) We are a not-for-profit-corporation, with a board of directors who are property owners just like yourselves,

from all parts of the lake. Some are seasonal property owners, others live at the lake year-round, and some represent the business community. Over 1100 of your neighbors have joined. We have been in existence for over 30 years. We have a representative on the new Deep Creek Policy and Review Board (P&RB for short).

We have two general membership meetings each year, one in June and one in August. Various elected officials and managers from State and County agencies are invited to speak to issues of interest to lake property owners and answer questions.

We publish the *Deep Creek Dispatch* which is mailed to your home address. This quarterly newsletter will keep you informed of the latest information about lake regulations, fees, meetings, and other news and items of interest to lake property owners. **The remaining 2002 issues of the Dispatch, will only be sent to dues paying members.**

Please join. Just complete the included coupon and mail to the POA, P.O. Box 816, McHenry, MD 21541 along with your check for \$30. Indicate your permanent mailing address. Please use the envelope provided.

Some of you have already paid dues for 2002. To determine if you have already paid, please check the address label on the envelope which contained your Winter 2002 Dispatch. The numeral after your name indicates the last year in which you paid your POA dues.

If you receive two copies of the *Dispatch*, please notify us by noting so on your dues coupon. Please indicate how and to whom you wish to have your Dispatch mailed. It is beyond our capability to mail to one address in the winter and another in the summer. We have about 5,000 on our total mailing list, and experience shows us that about 10% of you move in a given year. Please indicate your permanent mailing address.

Sewer Lines

If you have noticed a bent pipe sticking out of the water in the entrance to North Glade cove near Beckman's Peninsula, do not be alarmed. It is not in use, and was used to help install the sewer line from Beckman's to Thousand acres. However, it has come to our attention that about 15 feet of the top portion of one of the two six-inch lines that will carry sewage under the lake is, now that the water is near the lower rule band, visible. The specifications for the sewer line were for the line to be four feet below the existing lake bottom. In November a nearby resident reported the problem to officials of the Garrett County Sanitary District. They are aware of the problem and plan corrective action, but this has not yet occurred. Some nearby residents are concerned about the integrity of the line, should a problem occur when the ice breaks up in the spring, or perhaps a boat anchor could snag the line this summer.

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