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## Deep Creek Lake Watershed Economic Growth and Planning Analysis Study

As many of you may recall, last year the POA urged Garrett County to conduct a planning and zoning study. In fact, we even offered to pay part of the cost, but this was viewed by some as “buying influence.” We did **not** contribute to the cost.

The summary of the results of this study were presented to the public Monday evening Nov. 8 by Clive Graham of Environmental Research Management (ERM). The complete package of intermediate and final reports may be viewed at the Garrett County web site: [www.garrettcountry.org/pandz/dclstudy.htm](http://www.garrettcountry.org/pandz/dclstudy.htm). The Dispatch only provides a brief summary of a 41 page document. We urge POA members to read the entire final report and supporting documents available at the web site, or obtain a hard copy from the Garrett County Planning and Zoning Department at the County Court House.

The Summer 2004 issue of the *Dispatch* contained a questionnaire requesting input to be used in the study. Both the Garrett County Chamber of Commerce (GCCC) and the POA sent this questionnaire to all members. A total of 431 replies were received and tabulated by The Garrett County Planning and Zoning Department. It is interesting to note that replies from the GCCC and POA were similar.

ERM was assisted by an advisory task force whose members represented most, if not all, DCL interest groups, and included developers, GCCC, POA, and realtors. In summary, ERM had 16 major recommendations.

**1. Develop a master land use and development plan for the DCL area.** The master plan would provide a build-out analysis. That is, if maximum development were to occur, what would be the impact on the lake, infrastructure, and public services? The plan would guide type, location, and design of future growth. Note the use of the term “DCL area.” The present zoning ordinance includes the DCL watershed only. However, some development plans, such as the backside of Marsh Mountain (Wisp) are outside the watershed, but the impact of this and other developments adjacent to the watershed must be considered.

**2. Protect the scenic quality of the mountains at DCL.** The Dispatch summarized this problem in the Summer 2002 issue. “We can only urge developers and mountain top property owners to save as many trees as possible, to build unobtrusive homes that blend with the landscape and still provide a spectacular view for their owners. Many area mountain side and mountain top homes meet this objective, some do not.” Some changes to the DCL watershed zoning ordinance are required to make this happen.

**3. Adopt a more proactive stance on the part of County government towards management enforcement.** ERM cites the need for a zoning inspector, a rental ordinance, and enforcement of storm water management. We note that, at the urging of the POA, a draft rental ordinance is now in the hands of County government for review and hopefully adoption. We also side with the GCCC in

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requesting better enforcement of existing laws, beyond the purview of planning and zoning.

**4. Ensure new residential construction is compatible in size and scale with nearby homes.** Try to avoid a ten bedroom “trophy home” next to a two bedroom cottage on a 50 foot lot.

**5. Develop improvement plans for McHenry and Thayerville.** (For those new to DCL, Thayerville is the area around Arrowhead, Uno’s etc.)

**6. Create an Advisory Committee for the DCL watershed to assist County boards and commissions.** Your POA has long urged the Garrett County Commissioners to appoint more DCL residents to the Planning Commission. The advisory task force agreed. ERM suggests a separate advisory board which might even include non-resident property owners!

**7. Adopt site and architectural review for commercial development in the DCL watershed.** We note that most, but not all, recent commercial development in the watershed has conformed to what might be called “resort rustic”—lots of wood and stone.

**8. Encourage the continued viability of traditional waterfront businesses.** The problem has come to be known as “the McClive’s Syndrome”. Waterfront property, zoned town center with docks, is often more valuable for town houses or condos than a business.

**9. Increase public and private-quasi access in selected locations in and around DCL.** This may be the only controversial recommendation. ERM is not recommending a second state park with launch ramps, etc. For example, there are several areas along US 219 and old 219 in McHenry where public access is available, but there is no site improvement or parking. A place where people could fish from the shore or stop for a picnic is envisioned. ERM suggested that such areas might, in the future, help reduce visitor trespass on private property in order to gain access to DCL.

**10. Changes to the DCL watershed Zoning and County Subdivision and Sensitive Area Ordinance.** These recommendations include: (1) more restriction on steep slope development, (2) changes

in parking requirements, (3) allow stand alone boat sales on less than 2 acres, (4) require parking lot landscaping, (5) allow developer agreements, so that condition of approval requires the developer to improve roads and/or other infrastructure, and (6) other detailed changes to the watershed zoning ordinance.

**11. Review the regulations for grandfathered lots and development.** Lack of public sewers has limited development of many of the small lots that were platted back in the 1930’s and even into the ’60’s. When sewers become available the result could be devastating. For example, in some areas an existing home may sit on three or more small lots, which could become three or more new waterfront homes.

**12. Require development to mitigate for the effects of additional traffic on roadways and intersections.** Based on the recommended master plan, the County should consider adopting adequate public facilities requirements and/or impact fees. Consider, if development continues unabated, how long before US 219 between State Route 42 and Sandflat Rd. becomes a “parking lot” on summer weekends.

**13. Create incentives for business development in existing Town Center zoned area north of Thayerville.**

**14. Support State and Federal efforts to enforce the Clean Air Act to reduce mercury contamination from air emissions from outside the watershed.** Coal burning power plants to the west of DCL emit mercury, some of which ends up in DCL. At some increased level, fish from DCL (and other fresh water lakes) could be unsafe to eat in quantity.

**15. Improve conditions for pedestrian and bicyclists.** ERM recommends improved pedestrian and walking facilities in McHenry and Thayerville, and completing the Countywide Recreational Trails Plan. This does **not** include a trail around the buffer strip.

**16. Adjust the sign regulations to encourage signage more in keeping with the mountain resort atmosphere.** ERM recommends reducing the size of vacation rental signs, disallow scrolling message board signs, and large billboards.

## POA Recommendations

We urge POA members to write the Garrett County Commissioners and request immediate action on these proposals. Many of the recommendations can be implemented before the master plan is complete.

Commissioner Ernest Gregg, 1510 Pittsburgh Ave., Mt. Lake Park, MD 21550

Commissioner Fred Holliday, P.O. Box 177, Grantsville, MD 21536

Commissioner Dave Beard, 816 Green St., Oakland, MD 21550

Written comments will be received by the Garrett County Department of Planning and Zoning until Nov. 29, 2004. Please send comments by US mail to John Nelson, Director, Garrett County Dept. of Planning and Zoning, 203 South Fourth St., Room 210, Oakland, MD 21550, or by e-mail to [johnn@garrettcountry.org](mailto:johnn@garrettcountry.org).

## County Policy for Sewage Capacity Fees

The good news is that a universal County wide ad valorem tax to pay for sewer service is **not** in the policy. As the reader may recall, such a scheme would have “the lake” paying for sewer service for the other sanitary districts in the county. That scheme is gone.

The Garrett County Department of Public Utilities (GCDPU) will be provided with an appropriation from the Garrett County General Fund to cover capital projects to minimize user rates, tap fees and/or debt service obligations for all customers.

The Deep Creek Sanitary District capacity fees for sewer service will remain at \$6,500 to cover the capital cost of the waste water treatment plant expansion. The capacity fees will be reviewed annually and adjusted, if required, to cover additional project costs directly attributed to the DCL Waste Water Treatment Plant, collection and conveyance system expansion, and upgrade.

The McHenry Water District capacity fee will remain at \$2,800. Except for the Deep Creek Sanitary District, all water **and sewer** capacity fees will be set at \$2,000 for water and \$2,000 for sewer with \$1,000 of each of these capacity fees being escrowed and set aside for reserves. In translation, this means “the lake” will still pay more than the rest of the County, but it is better than earlier schemes.

Impact fees for DCL Sewer System will be calculated as follows: The minimum capacity charge shall be

\$6,500 (as noted above) for one residential dwelling. This capacity fee is intended to accommodate one ERU (Equivalent Residential Unit) or 262.5 gallons of daily wastewater flow from a “traditional” household. A residence constructed with excess of 3.5 bathrooms will be assessed an additional impact fee based on potential additional wastewater flow per day. The calculation assumes each additional ½ bath can contribute 40 gallons of wastewater per day. ( $40/262.5 \times 100 = 15\%$ ), thus 15% of \$6,500 is an additional \$975 added to the \$6,500 capacity fee.

Additional connection charges will apply to the Deep Creek Sewer District based on additional capital cost of the collection system. All other district connection fees will be included in the appropriate ERU or capacity fee, with additional costs being covered by an ad valorem tax if necessary.

The GCDPU reserves the right to entertain requests for exception to the lump sum capacity purchased based on financial hardship situations. The exception shall be based on a maximum of one ERU. An established team of GCDPU employees will evaluate the requests individually. Decisions will be rendered based on a majority vote.

And there you have it—almost word for word as issued by the Garrett County Commissioners at their public meeting Nov. 9, 2004. Again, the good news is no universal ad valorem tax, but “the lake” still pays more than the rest of the county.

There is no new information about quarterly use fees, and no definitive word on water meters, although we understand that the commissioners may favor installation of water meters as public water systems become more prevalent throughout the various sanitary districts.

Although progress has been made, funding problems still remain. To that end, the POA has engaged a consultant to study the issue for us and make recommendations. Our consultant has visited the County, met with officials of the GCPUD, and is preparing a scope of work and cost proposal for the POA Board to consider. Check the Winter 2005 issue of the *Dispatch* for more information.

As an editorial comment, we note that among the expanded areas first served by sewers are the Sandy Beach area and Blakeslee. These are relatively new developments, with septic systems built to modern standards. Older developments such as Turkey Neck, Hazelhurst, Green Glade, and Sky Valley were developed when less rigorous standards were in effect. We note, without comment, that these additions and proposed additions to the DCL Sanitary District are adjacent to land presently, or about to be, under development.

## 2005 Property Reassessments— Good News, Bad News

The good news is that your DCL property is now worth a lot more. The bad news is your property tax bill will most likely increase. We doubt that the Garrett County Commissioners will significantly lower the tax rate. Remember, the State does the assessment, and the County sets the rate.

The Maryland Department of Assessments and Taxation (MDAT) is responsible for assessing all property in the State. This is done on a three-year cycle with a third of the properties done each year.

This year approximately 10,000 properties are being reassessed in Garrett County. Basically, if your DCL property is south of the Glendale bridge, you will receive a notice of reassessment January 1, 2005.

The MDAT is now in the process of finalizing the changes in value, and although not complete, it appears that there will be a substantial increase between Jan. 1, 2002 and the 2005 reassessment. Remember, Maryland assessments are based on actual market value.

The following increases can be expected.

- 1) **Lake front and split lakefront**—These properties will experience an 84% increase in land value.
- 2) **Back lots with docks/docking rights**—These properties will experience a 125% increase in land value.
- 3) **Lake Influence**—These properties will experience a 118% increase in land values.
- 4) **Condominiums**—These properties will experience a 53% increase in overall value.

Please note, that except for condominiums, these increases are for land only. When you factor in the increases in building value, the overall increase in all four categories will be about 50-55%. These figures are averages only, individual valuations will vary, and numbers are not finalized, but those of you south of the Glendale bridge should expect this type of increase. The County office of MDAT is compiling a listing of sales and resales booklets which will be available at their office in the Garrett County Court House.

## From the County Administrator

All property owners in an area to be annexed into a sanitary district are to be notified by postal mail of any public hearings required by law, to allow for public commentary and ultimately review and approval by the Board of Commissioners. This written policy was prepared by the Garrett County Administrator in response to complaints received from property owners of Shingle Camp and Sandy Beach. A lot of taxpayers are here only on weekends and perhaps a week here and there. They do not read the local newspaper for notice of public meetings and cannot attend meetings during the week.

## DNR Increases Dock Fees

Effective 2005, the Class A dock fee will increase from \$150 per year to \$200. A common dock slip will increase from \$120 to \$160. A mooring will increase from \$50 to \$70. These are the rates which will apply to most of our members; however, various commercial fees also increased. As required by Maryland law, these increases were approved by the DCL Policy and Review Board (P&RB). The goal of the State is that the lake management function at DCL should be self supporting. In 2004, the State contributed \$57,000 to lake management, hence the increase. It is interesting to note that 25 % of revenue generated by DNR operations in Garrett County must be returned to County Government.

## Holy Cross

The lake landmark is definitely for sale. Unnamed, but usually reliable, sources say it is a done deal and that the sale will close on or about the first of 2005.

## Buy Down

Kathy Mateer reports that she is a little behind since she lost her assistant due to State budget cuts. However, all “normal” contracts should be out. Acceptance has run 83 to 85%. Contact Kathy at 410-767-5764.

## **POA Board Supports Garrett County United Way Campaign**

At the POA Board meeting on November 6, 2004, the members of the board voted unanimously to support the 2004-05 United Way program in Garrett County. More information plus envelopes and pledge cards will be enclosed with the *Dispatch* to be sent early next year. However, for those of you who would like to take advantage of the tax implications in 2004, there is an easy way to give electronically with your computer. Simply go to the following web address: <http://national.unitedway.org/give/> and click on Find a Local United Way Organization. A screen will ask for a zip code and if you enter 21550 (Oakland) you will get the donation page of the United Way of Garrett County. Push a button labeled Give Now and you will get a secure site for donating directly to the local United Way. This site will also enable you to learn about the agencies supported by the local United Way. Many people in Garrett County are aided by the local United Way and members of the POA have been major contributors to this organization in the past.

## **New POA Board Members and Vice Presidents**

At the August membership meeting, Louise Conjura of Sandy Beach, and Marge Mahood of Beckman's Peninsula were elected to the POA Board. At the November Board meeting, Lou Battistella was elected Vice President for Operations, Katheryn Gemberling was elected Vice President for Strategic Planning, and Scott Johnson is now Vice President for Government Relations.

## **Sad News**

We are saddened to report the sudden death of long time POA Board member Jack Seelig. Jack represented the POA in dealings with Maryland Dept. of the Environment (MDE) specifically with regard to lake level and the rule bands. He also did a lot of research into the validity of the ERM Lake Carrying Capacity, which he reported in the Summer issue of the *Dispatch*.

## **POA Membership**

The membership now stands at 1315, a new high and we report 291 families as full time residents of DCL. This should not be confused with the DCL watershed which had 3,845 residents per the 2000 census, up from 3174 in 1990.

Visit back issues of the *Dispatch* at [www.deepcreekpoa.com](http://www.deepcreekpoa.com)

## **Skiing**

A few days ago we had the opportunity to visit the new pump house on top of Marsh Mountain (the Wisp). Very Impressive. There is a large modern control room with too many computers to count, and about 30 video receivers connected to various points on the mountain to monitor snow making, grooming, possible vandalism, and safety issues.

With all the expansion, the Wisp Ski patrol is planning to expand its membership. The ski patrol provides rescue and emergency care for Wisp customers and helps in other ways to provide a safe environment at the ski area. Joining the patrol involves contacting and skiing with the patrol this season. The patrol provides an emergency care course in the fall, and that is followed by one or two years of on-the-hill training in first aid, skiing, and toboggan handling. The candidate process involves a lot of time, but the learning of new skills in first aid and skiing is a good reward. Candidates are provided with a ski pass, and once they become patrollers they are scheduled 12 days a season and will receive a pass for themselves and a dependent. For more information please contact Mark Halsig at 301-387-4911 ext. 2138 or [mhalsig@skiwisp.com](mailto:mhalsig@skiwisp.com).

# POA Board Members

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|--|--|
| Lou Battistella ..... '07 ..... 301-387-2094<br>Lbatt859@aol.com               | W. Tom Myers, Treasurer .... '05 ..... 301-387-9162<br>tom@mountaineerlog.com  |
| Michael Belmonte ..... '06 ..... 301-387-6371                                  | Carole Perez, Secretary ..... '05 ..... 301-387-5406<br>clperez@mindspring.com |
| Louise Conjura ..... '07 ..... 301-387-5857<br>lconjura@gcnetmail.net          | Ted Rissell, VP, Membership. '05 ..... 301-387-6463<br>tedriss@earthlink.net   |
| Katheryn Gemberling ..... '07 ..... 301-384-2850<br>kgember@aol.com            | Mark Rothman ..... '06 ..... 301-229-7992<br>mrothman@paleyrothman.com         |
| T.R. Janes ..... '05 ..... 301-334-2118<br>ejk@law.net                         | Robert Sutton ..... '05 ..... 301-387-4957<br>rasutton@nauticom.net            |
| Scott Johnson ..... '06 ..... 301-387-8547<br>scott.johnson@coldwellbanker.com | Fred Thayer, President ..... '07 ..... 301-387-9439<br>fthayer@mindspring.com  |
| Jonathan Kessler ..... '06 ..... 301-387-6229<br>Smiley@smileysfunzone.com     | Roger Titus, Vice President.. '07 ..... 301-365-2930<br>rwtitus@hotmail.com    |
| Ed King ..... '05 ..... 301-387-5702<br>ed.king@longandfoster.com              | Barry Weinberg ..... '06 .... weintr@verizon.net                               |
| Marge Mahood ..... '07 ..... 301-387-5885                                      |  |

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

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