

DEEP CREEK DISPATCH

Summer 2009

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

PRESIDENT'S MESSAGE

It has been my honor and pleasure to serve as President of the POA the past four years. Serving as President has provided the opportunity to know and work with many wonderful and dedicated people that are interested in the preservation and betterment of Deep Creek Lake and Garrett County. These people represent the broadest spectrum of our population imaginable and include state and county elected officials and employees, members and leaders of numerous volunteer organizations, POA members, the public at large and the Board of Directors of the POA.

Your Board of Directors has in the past four years undertaken and completed several significant projects that enhance the quality of life of our membership. They include: a 10 year commitment of \$1000 per year to Garrett County Memorial Hospital, where 8,000 visits are made annually by lake homeowners and visitors; an outright gift of \$5,000 and an additional \$5,000 matching gift to the Deep Creek Volunteer Fire Department (that serves 80% of the lake area), who lost \$33,000 when the company refurbishing one of the engines went bankrupt; a \$24,000 gift to the County Commissioners to purchase Automatic External Defibrillators for each County Sheriff patrol car; a \$23,000 gift to the County Commissioners for use in the Gypsy Moth cost share program that made it possible to spray the final 1,500 acres of highly infested land surrounding the lake; and, in joining with many others, we stopped wind turbines from being located on state forest lands.

Though we achieved many positive results, there are several efforts that will require our continued attention. We worked on new PWC docking regulations that appear to be a good solution for PWC owners and will soon be available for public comment. Our efforts to completely eliminate excessive boat noise have been less successful, though it appears the allowable decibel level will be lowered and the measurement procedure will be more easily administered. The absence of any meaningful county oversight on wind turbines and their siting is of grave concern as they threaten our county's environmental charm and integrity. The lack of county wide zoning continues to be a problem and will only become more so in the future. Heavy-handed zoning is not the answer, but a "zoning lite" approach that protects all property owners and their rights is very important as Garrett County becomes more susceptible to outside influences and development. We will continue to be involved in initiatives

that preserve and enhance Deep Creek Lake and Garrett County.

The Board of Directors will be electing a new president following the August Membership Meeting and I am confident that you will give the new president as much wonderful support as you have provided me. Thanks for the opportunity to serve.

Scott Johnson

SMART GROWTH: GOOD FOR GARRETT COUNTY?

The 1997 Smart Growth act approved by the state of Maryland put into effect requirements that have significant effect on development in Garrett County. The following excerpt from the Smart Growth Task Force sets the stage:

"The Smart Growth Areas Act created "Priority Funding Areas (PFAs), and declared that the State would only invest its funds for roads, water, sewer and other infrastructure in projects within the PFAs. The intent was to prevent the State from subsidizing urban sprawl by offering a financial incentive to encourage development within the designated growth areas. The Smart Growth Areas Act defined PFAs as any of the following: (1) All land inside the Baltimore and Washington beltways, (2) All Maryland municipalities, based on their January 1997 boundaries, (3) Designated Neighborhood Program Areas, (4) Enterprise Zones, and (5) Heritage Areas that were also county growth areas. The legislation also permitted local governments to certify additional PFAs that met certain criteria: (1) water and sewer service existed or were planned, (2) average permitted residential density was 3.5 units per acre, (3) the growth plan was consistent with projections, and (4) the PFA size was large enough to meet projections for 20 years of growth."

Most of the growth projected by the 2008 Garrett County Comprehensive Plan is to occur in the Lake Residential Area; therefore, the limited County resources are focused on providing water and sewer services in these areas and would be severely limited in obtaining state funds. The Garrett County Planning Commission believes that more flexibility in the criteria that defines PFAs should be granted to the local authorities. The topography and protected lands within Garrett (and Allegany) counties present a much different challenge than do the lands in the highly developed areas. Furthermore, the rural resort nature of the Deep Creek Lake area does not fit well with the PFA

requirements. The high density requirements of a PFA does not meet the requirements of those building vacation and retirement homes. Such high density requirements would likely have a negative impact on the beauty and water quality of Deep Creek Lake.

Yet under the present constraints and further efforts by strong lobbying in the Maryland legislature, rural/resort areas are being forced to comply with regulations that are derived for the high population density areas of the state. In the last legislative assembly a proposal was made that established highly restrictive "Performance Standards" that would direct growth to the PFAs (it failed, but is likely to reappear). Failure to meet Performance Standards could result in punitive actions against the County which could severely impact further development in the Lake Residential Area. Future legislative sessions may revive the Performance Standard requirements since it is currently required of each county to report on annual performance related to each of the PFA elements.

We need to stay on top of this issue and exert any influence that we may have toward a more flexible (and localized) definition of a PFA which would permit Garrett County to direct it's infrastructure toward the locations that are growing the most. To this end the 2008 Garrett County Comprehensive Plan proposes a split of the Lake Residential Area into two separate categories: LR-1 and LR-2. LR-1 would be concentrated around the lake and would cover those areas projected to receive sewer service. This would improve the prospects for maintaining high water quality in the lake.

This article was submitted by Troy Ellington at the request of the POA Board.

GRASSES IN DEEP CREEK LAKE IDENTIFIED

Carolyn Mathews, Lake Manager, Deep Creek Lake NRMA, has provided the following information. The underwater grasses are also called SAV (submerged aquatic vegetation). On July 15 and 16, 2009, Deep Creek Lake NRMA staff collected aquatic plant samples from areas throughout Deep Creek Lake and transferred them to the Resource Assessment Service in the Department of Natural Resources (DNR). From the multitude of samples, five species were identified. Using a variety of identification keys (published and/or online), summary reports and experienced biologists, the following aquatic plants were identified from these samples: Common waterweed, Ribbon-leaf pondweed, Slender pondweed, Wild celery, and Parrotfeather. For more information on these, go to the POA website at www.deepcreeklakepoa.com and click on the links provided.

These five species are prevalent throughout the lake and non-invasive. Their presence indicated a healthy lake environment. No evidence of unwanted, invasive species such as water chestnut, water lettuce or hydrilla were found in these samples. Eurasian Water Milfoil has been seen in other years, but none have been found yet this year. The Resource Assessment Service is developing a key to identify aquatic vegetation in the lake that will be available online soon with the

data of other ongoing water quality sampling studies.

The key to keeping Deep Creek Lake free of undesirable aquatic invasive species is to not bring them here. Besides the invasive plant species mentioned above, zebra mussels, a small but very troublesome invasive mollusk, may be moving into Maryland Waterways. We don't want them to find a home here.

What each of us can do- Good Stewardship Practices: Boaters, scuba divers, anglers and water recreation enthusiasts of all types should make a practice of cleaning and drying all gear, equipment and vessels after each trip to any body of water. Do not transport any plant matter on trailers, paddles, equipment or vessels. For more information on clean boating practices, go to <http://www.americanboating.org/cleanboatingarticle2.asp>.

To report an algae bloom, go to the POA website www.deepcreeklakepoa.com and click on the DNR link. This site appears to be solely Chesapeake Bay focused; however any information pertaining to Deep Creek Lake will get prompt attention also. To view Poland Run and Cherry Creek gauging station data in real time, do the same thing.

There will be more information on this presented at the August General Meeting on August 22, at 8:30am at the Garrett Cinemas. Don't miss it!

NOTES ON THE JUNE GENERAL MEETING

Lt. Brad Stafford of the Natural Resources Police addressed concerns that POA members have had with how the NRP responds to boating activity and violations of boating regulations. He said that officers have to have "probable cause" to stop a boat and that ninety percent of the arrests were made between the two bridges on the main lake. He went on to say that boating accidents have decreased and most accidents involve violations of the skiing/tubing regulations involving distance. The NRP have a presence on the lake from 6am to midnight between Memorial Day and Labor Day. He gave his direct phone line at Town Hill (301-777-1953) for members who had complaints, but stressed the line to Annapolis (301-777-7771) or (410-260-8888) if help is needed fast.

The main focus of the meeting was the information provided by Carolyn Mathews, Lake Manager for the DNR. Before getting into the main topics of permitting and erosion, she noted the regulation changes for Type A docks to accommodate personal watercrafts (PWC's). The Buffer Strip permits will now allow 3 powerboats at a Type A dock, one of which could be a PWC. One non-powered boat is also permitted. This change is a result of the DNR's policy of trying to get overweight PWC's off the shore. The DNR has not issued any permits for onshore stands for PWC's as most of them exceed the 500 pound limit these stands were designed to accommodate. Also, those groups having common dock slips will be permitted to apply for 1/3 more dock slips for the PWC's. For example, twelve-slip common docks could apply for four more slips. There will be a public comment period on the changed regulations for the PWC on the DNR website www.dnr.state.md.us/

publiclands/deepcreeklake. There is also a link on the POA website www.deepcreeklakepoa.com. She also noted that the boat noise level may be lowered to 88dB as a result of complaints about excessive boat noise.

Ms. Mathews went on to speak about special permits required for Buffer Strip alterations and erosion control options, permits and fees. She began by defining Buffer Strip Permits, which give the property owner the right to have a dock and to use the Buffer Strip. There is a \$70.00 surcharge on rental properties and a \$70.00 surcharge on mooring buoys over and above the charge for Type A docks, which is \$200.00 per year. The Buffer Strip Use Permit for a common unit dock is \$160.00 per slip. The DNR inspects about 15 miles of shoreline every fall; thus it takes about 5 years to canvas the entire lake. When the DNR does an inspection, they look to make sure the property owner has conformed to DNR regulations on Buffer Strip use. Non-conforming use permits are no longer valid, as they were last issued in 1990 and were good for 15 years. They were issued to give property owners time to bring their property into compliance with the legislation passed in the 1980's. When the Buffer Strip is inspected, the DNR is concerned with what is permitted and what needs a special permit to be there and has the property owner obtain that special permit. An example is attaching hammock hardware to trees. This will eventually kill the tree. She went on to say that the DNR will give the property owners some slack in that violations found in the fall may be corrected in the spring when the weather is better. Also note: Buffer Strip use permits are NOT transferable. She suggested having a file pertaining to your buffer strip and conservation easement and that file goes with the property if it is ever sold.

Her next topic addressed methods to control shoreline erosion. She noted that the winter winds and the boat traffic in summer are hard on maintaining the lake's shoreline. In discussing this issue, several types of erosion control options were mentioned. Face-up walls are not really very good. Rip-rap is acceptable, but the very best is a vegetated shoreline. Large boulders laid on the shoreline, with vegetation scattered among the stone, is also acceptable. She noted that the fee for "imported" material used for erosion control is \$750.00 for the application and \$750.00 if the permit is accepted. These fees have been adopted due to the large volume of applications and the need for the state to hire additional help to process them. Ms. Mathews pointed out that there is no cost for the natural vegetated shoreline erosion control. Erosion levels are greatest when the lake is high. Trees die every year from the high levels, but lower levels affect the coves. She said the DNR is working on guidelines to let the property owners know where to find information on how to apply vegetative control to the different types of shoreline that exists at Deep Creek Lake and to know what native vegetation is permitted. She did recommend the LAKELINE, a magazine published by the North American Lake Management Society, of which she is a member. The spring 2009 issue shows how professionals across the nation are restoring shoreline with eco-friendly methods. A copy may be obtained at the DNR Lake Management Office at 898 State Park Road.

POA MAKES ADDITIONAL DONATIONS

The POA donated \$1000.00 to the Little Yough Music Festival for the 2009 Summer Season. The Association also donated \$2000.00 to the Garrett County Chamber of Commerce for the July 4th Fire on the Mountain. This year the Property Association was a Primary Supporting Sponsor for this event. And again this year, \$2500.00 was donated to the Wildlife Conservation Fund for cell phone use and maintenance for the Natural Resources Police.

DO NOT FORGET

AUGUST 22ND, 2009: GENERAL MEETING: 8:30 AT THE GARRETT CINEMAS. THE SPEAKER WILL BE JOHN WILSON, HEAD OF THE WATER QUALITY STUDY AND HE WILL SPEAK ON THE RESULTS OF THIS STUDY. BE THERE!

TAXES: COUNTY

On Tuesday, June 16th, the Garrett County Commissioners unanimously approved the new budget and tax rates for fiscal year 2010.

The budget is \$70,986,452 compared to \$98,960,647 for FY 2009. The commissioners reduced the county's real property tax rate from \$1.00 to \$.99 per \$100 dollars of assessed value. This rate will generate additional income as it is above the constant yield rate of \$.946.

ELECTRONIC DISPATCH

The Deep Creek Dispatch will be transitioning to an electronic delivery mode within the next year. This comes from a need to keep the membership apprised of current developments and timely information. Since there will be issues of email address verification and other considerations, the transition will not be completed until sometime in 2010. There may also be a time when you receive the Dispatch in both modes, electronic and paper. We are now in the process of verifying email addresses for members paid through 2009 and beyond.

A REMINDER: Do not transport any firewood outside the area where it is grown and certainly do not bring any into the state of Maryland from other states or areas where there are known infections, such as Emerald Ash Borers. Most of Maryland has been spared this, but there have been findings in other areas.

REMAINING 2009 LAKE AREA CULTURAL EVENTS

MUSIC AT PENN ALPS (Tickets \$12.00) Call 443-257-9177 or musicatpennalps@gmail.com for tickets and information. Concert times are at 7:30pm in the Great Hall at Penn Alps, Grantsville, MD or at Windsor Hall, Cumberland, MD. To assure seats, please arrive by

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7:20pm. **Saturday, August 22nd Larry Snitzler** (Classical Guitar); **Saturday, August 29th Covington String Quartet** (Violin, Violin, Viola, Cello); **Saturday, September 5th Potomac String Quartet** (Violin, Violin, Viola, Cello) Windsor Hall, Cumberland, MD.

LITTLE YOUGH MUSIC FESTIVAL Friday evenings at Mountain Fresh Pavilion adjacent to the town parking lot in Oakland, MD. The concert begins at 7pm with food vendors on site at 6pm. Please bring your own chairs. The concert is free, but donations may be sent to Little Yough, Oakland Town Hall, 15 South Third Street, Oakland, MD 21550. **September 4th The Remedy** (Oldies).

NEWS FLASH!

The annual Autumn Glory Kick-Off Reception and Dinner will take place October 7, 2009 at the Lodge at Wisp. Always a fun event, please watch for details in [The Republican](#) and online at garrettchamber.com.

POA WEBSITE: Do not forget to check the POA website at www.deepcreeklakepoa.com for breaking news items concerning the lake and up-to-date information on meetings and happenings.

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DEEP CREEK DISPATCH

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