

# DEEP CREEK DISPATCH

Fall, 2000

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

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## Sale of Buy Down Parcels to Begin

The Deep Creek Lake Policy and Review Board has given final approval to the conservation easement that will apply to “buy down parcels” sold to adjacent property owners. This was the last step necessary for the process of sales to adjacent landowners to begin. As finally approved the conservation easement will preclude construction of any permanent structures or fences on the land acquired from the State. However, should a property owner’s existing lawful septic system fail in the future, it is possible that the land acquired from the State could be used for this purpose, subject to Garrett County Health Department approval. In addition should a well fail, the buy down parcel might be used for drilling a new well.

Sales will begin in a clockwise direction beginning at the McHenry Cove and will take place over a period of two years.

The form of the contract being used by the State, as well as a copy of the conservation easement is available on the Internet at [www.dgs.state.md.us](http://www.dgs.state.md.us). Then click on the Deep Creek Lake link on the bottom left of the home page. If you do not have access to the web page and would like a copy of any of the documents call Lori Joy Eisner at 410-767-4089. Or write: Department of General Services Attn. Deep Creek Lake Project, Room 601, 300 West Preston St., Baltimore, MD 21201. We would include the full Conservation Easement in the *Dispatch*, but it runs to seven pages.

Some important changes to the conservation easement were recommended by your POA representative to the Policy and Review Board and other POA Board members who attended the meetings, which are open to the public.

Some of you may have send \$300 to the State as “earnest money.” DO NOT send money until you receive a specific offer from the State to sell a part of the “buffer strip” in front of your property. The article in the most recent *Dispatch* may have confused some readers. We apologize.

Many of you received a letter around Thanksgiving time from Lori Joy Eisner, Deputy Assistant Secretary of the Department of General Services. Some of you did not. As the keeper of the POA mailing list we know that keeping track of all of you is a never ending job. The State has been trying to update its mailing list and remove duplicates. However, if you own property adjacent to the old Penn Elec line, and did not receive a recent letter please contact Lori Joy at the previously included address or phone number. She may also be reached by e-mail at [leisner@dgs.state.md.us](mailto:leisner@dgs.state.md.us).

## Should I Buy Down? Part II

In the early summer issue of the *Dispatch* an article appeared which asked the question: “Should I Buy Down?” The article concluded by saying that it would not be possible to make a final determination of the desirability of “buying down” until the terms of the conservation easement were established. Now that that process has concluded, the picture is a bit clearer.

As the earlier article advised, whether to buy down is a personal decision, and there is no “one size fits all.” There will of course be an expense, the amount of which will vary depending upon individual circumstances, and affordability may be a factor for a number of persons. Purchase of additional land will lead to an inevitable increase in real property taxes, although the amount of the increase should be relatively modest in view of the amount paid for the land, which has been reduced to reflect the restrictions placed on the land.

If the adjacent property owner does not buy down from the State, use of that land will be governed by the regulations for Deep Creek Lake, which are subject to change at any time. While it is not likely that radical changes will be made in the regulations, the only sure way to be certain is to purchase the land knowing, in advance, that the restrictions on the land are contained in the conservation easement and are not subject to change.

Members are encouraged to read the full text of the conservation easement before making a decision. Now that the terms of the conservation easement are known, it is clear that purchasing the land will fix the restrictions on that land and leave them unchangeable at any time in the future. This will give property owners some additional insurance to protect their considerable investment. At the present time, if a property owner’s septic system or well fail, the State’s land is not available to remedy a problem that could have significant adverse financial consequences. However purchase of the “buy down” may provide an important and valuable protection as a location for additional septic field or new well. Remember, however, that the buy down can not be used for additional septic field, if the failure was caused by an addition to your property after the buy down.

## **Homestead Tax Credit**

If you are a full time resident of Garrett County, your permanent residence is eligible for this program. To make everything perfectly clear let us start at the beginning.

If your lake property is South of the US 219 bridge, your property is being inspected this fall for possible

changes that would affect your assessment. You will receive a notice of your new assessment in December of 2001, which will be reflected on your tax bill in July of 2002. Under the new Homestead program announced by the Garrett County Commissioners this fall, your tax assessment on your permanent residence can not increase by more than five percent in any one year. (It had been ten percent.) This only applies to a new assessment from a general review, not an increase caused by additional construction on your property. Since a new assessment is phased in over three years, this means that if your new assessment totals more than 15%, it will be adjusted so that it will not increase more than five percent in any one year. If your lake property is North of the Glendale bridge, add one year to the above dates.

To learn whether the tax records have you listed as a permanent residence, check your last assessment notice. In the upper right corner box, under the heading “Principal Residence” look for “yes” or “no.” If this is incorrect notify the State of Maryland, Department of Assessments and Taxation, Garrett County, PO Box 388, Oakland, MD 21550-0388 or call 301-334-1950.

## **House Number Law**

All Garrett County property owners are urged to comply with an ordinance that requires all house numbers to be displayed in a visible location. House numbers are required to be at least three inches high, and if not visible from the road a number must be placed along a walk or driveway at a maximum distance of 20 feet from the road and at least four feet above the ground so that the number can be read from the road. There is a \$100 fine for not posting a number. But the real penalty happens if a fire truck, rescue squad vehicle, or police can not find your home in response to a call to 911. If you do not know your street number please call the Garrett County Planning and Zoning office at 301-334-1920. If you live on a road without a name or street sign, please call the same folks.

On a similar topic, sometimes your *Dispatch* comes back to us marked “No Mail Receptacle.” We had

occasion to call a no receptacle resident, who verified that he had a properly marked mail box along the road. But, you must notify the post office that you wish to receive mail at that address.

## **Standards for Excursion Boats on Deep Creek Lake**

At its November meeting, the Deep Creek Lake Policy and Review Board gave preliminary approval to the concept of up to three excursion boats that would be operated under a concession from the State. The boats could not be longer than 70 feet and could not carry more than 70 persons. The boats would not be permitted to operate after 10:00 pm., except upon issuance of a permit from the Lake Manager for special occasions such as the Fourth of July, subject to the approval of the Policy and Review Board. The concession permit would be for a maximum of six years. The regulation to permit such excursion boats would be subject to a six year “sunset” provision, meaning that the permits would expire unless extended by the State. Many of these restrictions were suggested by the POA.

The issue came before the Policy and Review Board at the request of Robert Browning, the owner of Deep Creek Outfitters, who has operated a 30 foot excursion boat on Deep Creek Lake for a number of years. Mr. Browning recently purchased a 63 foot boat. He requested a regulation change, since presently only a 30 foot boat is permitted. The requested change was supported by the Garrett County Commissioners, State Senator John Hafer, and Delegate George Edwards, who cited the need for boats of this type to allow county residents and tour groups visiting the area to see Deep Creek Lake at reasonable cost.

Prior to final approval by the Policy and Review Board, The Department of Natural Resources has been directed to develop, and to submit for approval by the Board, additional regulations to address safety issues, dock location, maximum speed, exterior lighting, and use of external speakers. The Board meets on December 5, 2000. Final approval could take place at that time. The meetings are held

at 7:00 pm. at the Discovery Center at Deep Creek Lake State Park and are open to the public.

## **Policy & Review Board Requests Input**

The Deep Creek Lake Policy and Review Board is required by law to develop a Deep Creek Lake Recreation and Land Use Plan. They have requested lake property owners to express their concerns and needs to help them develop such a plan. Please send your written comments to: POA of Deep Creek Lake, Attn. Fred Thayer, P.O. Box 816, McHenry, MD 21541. Retired Circuit Court Judge Fred Thayer is the POA’s representative on that Board.

## **No West Nile Virus Found in Garrett County**

The West Nile virus was NOT the cause of the death of 22 birds found near one of Garrett County’s dumpster sites. It is likely that the birds were poisoned from items found in or around the dumpster.

## **Gypsy Moth Caterpillars**

Two areas around Deep Creek Lake have been identified by the State of Maryland as candidates for spraying this spring. They are Turkey Neck and Blakesly. Inspection of the maps show that the Turkey Neck spray area includes only the “Loop” and Cedar Brook. The Blakesly area includes all of the Blakesly Development and most of Penn Point, but not the actual point, and it does not include Penn Cove development.

It is not clear at this time if the state will spray these areas. If the State does not spray, we suggest residents of those areas organize a private spray.

In the end of summer *Dispatch*, we suggested that those of you concerned about the Gypsy Moth call the Maryland Department of Agriculture. The correct number is 301-777-3601. We apologize for our error.

If you notice more than a few egg masses on your property we suggest you call and see if your area can

be evaluated. Remember, the egg masses look like half a walnut shell. You may find them on trees, your home or outbuildings, or even a boat trailer that may be parked in your yard.

## The Campground Saga Continues

You may recall that in the fall of 1999, The Garrett County Board of Zoning Appeals approved a new campground between Sandflat Road and the extreme end of Penn Cove and adjacent to the Pergin Farms and Penn Cove areas. They did place a number of restrictions along with their approval. Because the appellants changed the area of the proposed campground that was advertised prior to the hearing and what was actually requested at that hearing, the ruling was appealed by nearby lake area owners to the Garrett County Circuit Court. However, all parties agreed to reapply. In the meantime, various lake property owners requested that Garrett County change the Lake Zoning Ordinance to exclude campgrounds from Lake Residential. This change did not win approval from the Garrett County Commissioners. A new campground hearing with the Board of Appeals was scheduled, with little notice in October; however, at the last minute it was postponed until January 2001. If you wish to attend, we suggest that you call the Planning and Zoning Department at 301-334-1920 for the time and date of the new hearing.

## County United Way

This year for the first time, Garrett County is conducting its own County United Way (CUW) drive. Previously, the County was lumped in with Allegany County (Cumberland area) and some nearby West Virginia counties. This year a number of agencies providing vital services to the residents of Garrett County were interviewed to determine that their programs had measurable and significant objectives. As a result nine agencies (Big Brothers/Big Sisters, Boy Scouts, Catholic Charities, Dove Center, Mountain Glade Day Center, Garrett County Lighthouse, Red Cross, Salem Children’s Trust, and Salvation Army) were approved for funds.

Your POA Board has endorsed this first time campaign. To help the Garrett CUW get off to a good start this first year, we have included a coupon and an envelope with postage prepaid 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 and generous citizens. 99.2% of the monies raised go to Garrett County and stay in Garrett County. Thank you for your support.

## POA Board of Directors

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