

DEEP CREEK DISPATCH

Winter, 2003

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

Zoning

On December 19, 2002, your POA was represented at a Deep Creek Watershed Board of Zoning Appeals hearing. There were several routine matters. One involved a family who wished to enlarge their "cabin" with the idea of using it full time. Their plan, placed them 3+ feet too close to an adjoining lot. Since the owner of the adjoining lot objected, the variance was turned down.

Another case which requested conversion of a dairy farm on Sandflat Road into a riding stable with trails was approved. Some may recall a farm field along Sandflat Road that was often strewn with unsightly trash. Some lake residents objected, but their properties were not near the old dairy farm. Hopefully, the new use will be an improvement.

The next two cases should be of considerable interest to all owners of lake area property.

First, a long time lake property owner with a home in an area zoned "town center" was allowed to modify his home to gain privacy from a new six bedroom five bath rental property being built next to his home with lots of windows looking into his home. His request was approved.

But there is a really BIG PROBLEM. An owner of an eight bedroom rental property, advertised by a local realtor as having five master suites, applied to build a 40 foot by 66 foot outbuilding to contain an indoor pool, movie theater, game room, three bathrooms and two more bedrooms. In fact, the property was already advertised for rent during the summer of 2003 with the outbuilding neither approved or built. The plan met the various set backs required by the zoning ordinance. However, the Garrett County Planning and Zoning Administrator, John Nelson interpreted a section of the zoning ordinance relating to the number of unrelated persons that can occupy a residence to prohibit properties with more than eight bedrooms. The Board of Appeals upheld John's ruling, although the attorney for the plaintiff made a strong case, including the fact that three

new properties with nine bedrooms had already been approved in 2002. The present zoning ordinance needs new, carefully drafted language to prohibit mini hotel rental properties.

There were four letters of opposition, and a number of neighbors, as well as the POA, spoke in opposition. Many "horror stories" were related by lake property owners who live near these "mini hotels." Imagine 16 or 20 adults ready to "party" living next to your quiet lakeside retreat. Although many large groups are quiet and sedate, many are not. Loud music into the wee hours, motorboats and jet skis coming and going, parties in the hot tub(s) etc.—it could happen in your neighborhood. That nice cottage next door could be sold, torn down, and a mini hotel built with more bedrooms than you can imagine. And what would happen to your quiet residential cove? Our zoning needs some teeth to keep that from happening to you.

The Garrett County Commissioners need to make a revision to the Deep Creek Watershed Zoning to prohibit these monster rental properties. Some think the limit on bedrooms should be eight, perhaps it should be six. But for sure ten or twelve is too many.

Your POA is actively working to make this happen, but we need your help. We urge you to write to the commissioners requesting that they take such action. Names and addresses are:

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

Frederick Holliday, P.O. Box 177, Grantsville, MD 21536

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

Windmills

In the fall Dispatch, we told you that 67 windmills were to be built along Backbone Ridge in Garrett County. At present 15 of those turbines will be deferred. This is primarily due to intervention by the bird lobby. The additional

turbines will not be built until further studies about bird migration are completed. Last month we reported that early wind turbines rotated much faster and did kill birds. Modern turbines run slower, and units in nearby Somerset County, PA, have apparently killed very few birds.

Originally the bird lobby wanted the turbines to cease operation in the spring and fall. But a more reasonable approach was developed. A number of studies will be conducted by Clipper Windpower during construction and for three additional years, to establish migration routes, and the number of bird kills, if any. Depending on the actual data, operation may be limited during certain migration periods.

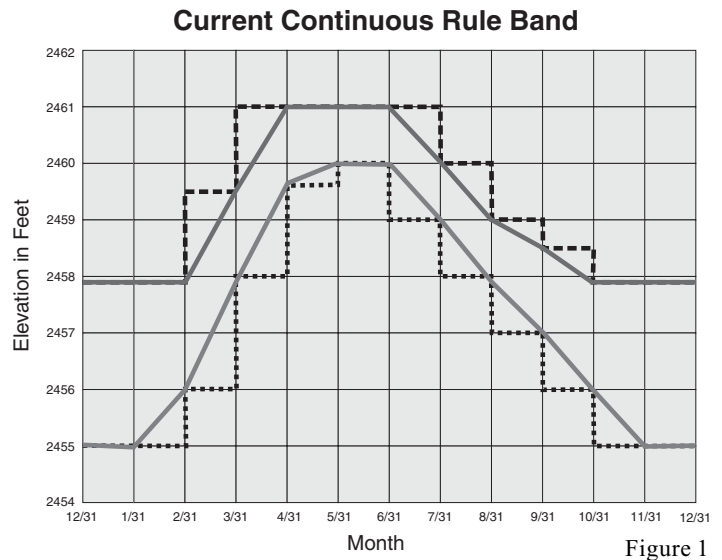
A number of property owners expressed concerns about the effect of the turbines on property values. Your POA has written to the Public Service Commission (PSC) requesting that any adverse effect on property values be considered in deciding whether to issue the necessary permits to Clipper Windpower. Wind towers in Europe have apparently had little effect on property values in nearby resorts. But Garrett County is not Europe. Some of the ski resorts in the Rockies are pushing for wind power in their area. They may be concerned that global warming from too much carbon dioxide will diminish the snow fall. The PSC is expected to approve or deny Clipper Windpower's permit request by late March. Watch the Spring Dispatch to learn what happened.

Will the towers be visible from your lake area property? This was discussed at some length in the fall Dispatch. If you want to see some wind turbines, take a drive North on US 219 to Myersdale, PA, or South to Davis, WV. In fact the turbines near Davis WV can be seen on a clear day from Garrett County. Take US 219 South towards Oakland. When you come to the top of the hill just past Sandflat Road, slow down, pull off to the shoulder and proceed down the hill perhaps 100 yards. Stop and look ahead and a little to the left. On the horizon you will see a bunch of what appear to be bare poles. There they are. We estimate they are about 20 miles away. For comparison, it will be about 11 miles from the northern end of the lake to the nearest blades, and close to 20 miles to those furthest away.

Lighting of the Windmills will be specified by the FAA, and it is not yet clear what will be required. They have not issued a ruling on that matter.

Lake Level

You may recall that during 2001 Reliant Energy, the operator of the Deep Creek hydroelectric facility, kept the lake too full during late spring and early summer. However they



maintained the lake level during 2002 between the limits of what has come to be known as the continuous rule bands. To elucidate, we have included a chart of the oft discussed rule bands. The rule bands have been drawn as continuous curves in the hydro plant operating permit issued by The Maryland Department of the Environment (MDE), supporting documentation for that permit, and on Reliant's own web page (www.deepcreekhydro.com). In figure 1 the continuous rule bands are shown as solid lines. Reliant has interpreted the rule bands as a step function, shown in figure 1 as dotted lines. As you can readily see within the continuous curves, during the peak summer boating months, the drop in lake level should be gradual during each month. To gain more operating flexibility, and the ability to generate more power at times of peak price, Reliant reinterpreted the verbiage in the operating permit to be the step function shown by the dotted lines. Using the step function, the lake would be very full longer further aggravating shore line erosion, and a drop in level that should be gradual over the course of a month could occur in less than a week. As an example, if you had three feet of water at your dock, after an absence of a week or two, you might return to find only one foot. The POA finds this interpretation unacceptable, and has so stated to the MDE. The MDE had promised a decision last spring as to which interpretation is correct. Since Reliant has adhered to the continuous rule band during 2002, no decision is good news. Basically, in response to our query MDE has stated that they have been too busy, what with the drought, to get it. In addition, Maryland's new Governor Ehrlich, (the first Republican in over 30 years) plans to shrink MDE's budget 22%, and merge them back into the DNR (where that function was located some years back). In total the proposed budget also eliminated 143 jobs from both departments. Interestingly, those positions had been unfilled for some time, so the staff will most likely remain at the same strength. To check the lake level, log on to www.deepcreekhydro.com.

Bears

The Maryland Black Bear Task Force narrowly reaffirmed that it will recommend hunting as a management tool to control the bear population. A hunt will not target nuisance bears, but any decrease in the bear population should decrease bear/human contact. The Glendenning administration was dead set against a bear hunt. We suspect that the Erlich administration in Annapolis will be more receptive.

Airport

The Garrett County Commissioners recently approved plans for expansion of the County airport. Plans include a 5,000 foot long 75 foot wide runway, parallel taxi way, a new terminal, and more hangars. All this is pending 90% funding from the FAA. Local and State would provide the remaining 10%.

What's New

A Perkins Family Restaurant will be coming to the McHenry area, adjacent to the Foodland Fresh. With several restaurants closed or closing, Perkins should be a welcome addition to the area.

Many of you may have received a letter from Ken Sisler. Bill's Marine Service has been sold. The new owner, Phil St. Moritz, also wrote to many of you about the transfer of ownership. Mr. St. Moritz has had a home at the lake since 1977. We wish him well in his new endeavor, and hope he remembers that the last name of the business is service.

The Silver Tree Restaurant closed at the first of the year. They have been advertising for new employees, so we expect they will reopen soon.

The Wisp ski resort has plenty of snow. Plenty of cold weather, plenty of natural snow, and sufficient water to make snow have covered the mountain with copious amounts of the white stuff. The McHenry house has been expanded to immense proportions. Although lacking in charm, there is now lots of room and more options for food and drink.

GLAF

The Garrett Lakes Arts Festival has announced a tentative 2003 schedule.

- March 29 Roberto Plano—Piano
- May 3 GLAF Benefit with Harry Kight & the Jazz All Stars
- June 28 Paragon Ragtime Orchestra

- July 4 Garrett Community Concert Band
- July 5, 6, 7, 8 Chautauqua
 - Thomas Paine
 - Frederick Douglas
 - Susan B. Anthony
 - Franklin Delano Roosevelt
- July 7-11 Young Artists' Workshop
- July 14-18 Young Actors' Workshop
- July 18-25 Dance Arts Camp
- July 26 Bodiography—Ballet
- Aug. 10 Youth Musical Show Case
- Aug. 17 Sunday Brunch Chamber Music
- Aug. 19 Family Pops
 - Music on the Mountain Symphony
- Aug. 21 Chamber Music Concert
- Aug. 22, 23 Night at the Symphony
- Aug. 31 U.S. Navy "Country Current" Country & Blue Grass
- Oct. 17, 18 Capitol Quartet—Saxophone Group + Garrett Community Band

The Garrett Community Band

In addition to performances coordinated with GLAF, the band will present a cabaret style spring concert "All that Jazz," May 16 at the new enlarged McHenry House. The time will be 7:30 PM, the admission \$5, and food and drink will be available.

POA Meetings

Mark your calendars now: The twice annual POA membership meetings will be June 28 and Aug. 23. Both dates are Saturdays. The meetings will start at 8:30 AM in the Garrett Cinema opposite the Arrowhead Market. Local officials and POA officers will be present to discuss issues and answer questions.

POA Membership Dues

Dues of \$30 for POA membership for 2003 are due. For your convenience we have included an application form and mailing envelope. This issue will be mailed to every family owning lake area property for whom we can find an address. The remaining three issues of the Dispatch will only go to dues paying members.

For your information, at the end of August 2002 the POA had a record high 1382 members.

United Way of Garrett County

A number of agencies providing vital services to the residents of Garrett County will be supported. They include: Big Brothers/Big Sisters, Boy Scouts, Dove Center (provides shelter for victims of domestic violence), Garrett County Habitat for Humanity, Red Cross Western Potomac Chapter, Salem Children's Trust (offers a home & education to children in need), Mt. Glade Adult Day Care Services, and the Garrett County Literacy Council.

As in the last two years your POA Board has endorsed the campaign. Therefore to help Garrett County, we have included a coupon and an envelope with postage paid 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. Last year POA members contributed over \$7500. Thank you for your support.

POA Board Members

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