

## Impacts of Growth Subcommittee

**Subcommittee members:** *Steering Committee members (SC), Citizen (C), County Gov (CG)*

Bob Browning – SC

Steve Green – SC

Willie Lantz – SC

Brian Greenberg - C

Rich Orr – C

Eric Robison – C

Paul Weiler – C

### **Staff Support**

Deborah Carpenter – CG

### **Subcommittee summary:**

The Subcommittee held its first meeting on December 19, 2013 (agenda and minutes can be found in Appendix A) and met a total of 6 times through April 24, 2014 (minutes can be found in Appendix I). The group was charged with addressing the concerns expressed by both the Steering Committee and the public as described in the “problem statements”. The group began by creating a statement of purpose as follows:

***Ensure that growth is managed in order to strike a balance between development and environmental health.***

Their initial work focused on dividing the areas of concern into four broad topic areas – land use, stormwater, septic and sewerage and recreation. It was decided to bring in topic experts in order to better understand the issues at hand and meetings were planned around focus topics. As a result of much deliberation, the following goals, objectives and strategies are presented to the Steering Committee for their consideration for inclusion in the Watershed Plan.

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### **Problem Statements regarding impacts of growth – land use**

- Citizens are concerned that uncontrolled industrial, commercial and residential development will adversely impact water quality, increase traffic, degrade roads and impair aesthetic beauty of the lake and watershed.
- Specific concerns regarding land use include gas extraction and other industrial development as well as reduction in tree canopy from clearing for development.

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The subcommittee conducted a meeting around the topic of land use on January 9<sup>th</sup> (agenda and minutes can be found in Appendix B). The guest speaker for that meeting was Mr. John Nelson, Garrett County Director of Planning and Land Development. Topics discussed included gas drilling, wind farms, other industrial concerns, aesthetics in regard to architectural design, loss of tree canopy, subdivision densities, projected growth rates and land preservation. The objectives devised address concerns regarding aesthetics, industrial concerns and gas extraction. Most objectives were devised at the February 20<sup>th</sup> meeting (agenda and minutes found in Appendix C).

**Draft Goal 1 – Promote policies that ensure environmental sustainability and economic viability.**

**Objective 1**

The Planning Commission should strengthen the current site design and architectural review standards applied to commercial development within the watershed.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
County	1. As part of the Comprehensive Plan cycle, scheduled to begin in fiscal year 2016, the County should include this topic.
County	2. If after public review this objective is included in the Comprehensive Plan, the County should formulate regulatory language to be included in the Deep Creek Zoning Ordinance as part of the update for that ordinance.
County	3. Should said regulation be included in the Deep Creek Zoning Ordinance, the staff of the Office of Planning & Land Management will be the responsible entity for enforcement at the time of permit application.

**Discussion:**

The public expressed concerns that development damages the aesthetic beauty of the watershed. Much discussion ensued about the difficulty of quantifying aesthetic beauty; however, it was agreed that certain additional architectural standards, especially in relation to commercial buildings, would serve to address this concern. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 2**

Encourage the continued viability of traditional waterfront businesses.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
County and Chamber	1. The County Office of Economic Development and the Garrett County Chamber of Commerce should form a think tank to determine ways in which waterfront businesses can be supported and encouraged.
Think Tank	2. The think tank should revisit the two recommendations from the 2008 Comprehensive Plan to (1) work one on one with individual waterfront businesses at risk of being lost and (2) explore with the local tax assessor the potential for changes in the way that property assessment values are prepared for waterfront businesses.

**Discussion:**

This objective centered on a past recommendation found in the 2008 Comprehensive Plan. The watershed has seen a loss of waterfront businesses due to the increased demand for private residences and transient vacation rental units. This has led to a loss in public access points for the general public. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 3**

Uphold the current policy of prohibiting industrial wind turbines within the Deep Creek Watershed, as stated in the Deep Creek Watershed Zoning Ordinance.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Planning Commission	1. Any requests for amendment to the current Deep Creek Watershed Ordinance with respect to wind turbines should be discouraged and denied by the Planning Commission.
Planning Commission	2. At the time of Comprehensive Plan review and subsequent Deep Creek Watershed Ordinance review, every effort should be made to maintain the prohibition of wind turbines within the watershed.

**Discussion:**

This objective was prompted by a proposed amendment to the Deep Creek Watershed Zoning Ordinance that would allow a specific type of turbine within the watershed given certain criteria. That amendment was later withdrawn but caused much concern. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 4**

No shale gas drilling wellheads should be allowed within the Deep Creek Watershed.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
County	1. The County as yet does not know whether shale gas drilling will be permitted in the state of Maryland. If it is permitted, the County should prohibit gas wellheads in the watershed in order to protect the unique quality of Deep Creek watershed.
Planning Commission	2. As part of the Comprehensive Plan process, the Planning Commission should include this recommendation for inclusion within the document.
Planning Commission	3. Should this recommendation be included in the Comprehensive Plan, a regulatory mechanism should be included in the Deep Creek Watershed Ordinance at the time of its review.

**Discussion:**

Though discussion of this objective began during the February meeting, the objective was not voted upon until after further discussions at the March 13<sup>th</sup> meeting (agenda and minutes found in Appendix D). Debate ensued about whether outlying larger parcels were being unfairly restricted by this objective. Current regulations would prohibit drilling within a 2000' buffer of the high water mark (2462) and further establish a 1000' buffer from the property line of any lot not owned or leased to the entity responsible for the gas drilling. Opposition to this objective stated that the restrictions currently in place will prohibit most land from within the watershed from being eligible without further restriction. The majority of the group felt that the landowners may still be able to lease their land and reap that benefit with the wellheads were limited to outside the watershed since the drilling companies can drill horizontally over 8000'. In order to aid the group with visualizing how much of the watershed could be drilled horizontally, staff prepared a map that is available in Appendix E. The objective and strategies were passed by a 6 to 1 vote, with Willie Lantz in opposition. The official dissenting opinion can be found in Appendix F.

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**Problem Statements regarding impacts of growth – stormwater**

- Specific concerns regarding stormwater include increased impervious cover, and pollution and sediment from stormwater runoff.

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The subcommittee conducted a meeting around the topic of stormwater on February 20<sup>th</sup> (agenda and minutes can be found in Appendix C). The guest speakers for that meeting were Jim Torrington and Reggie Breeding of the Garrett County Permits and Inspection Services Office and Dave Ritchie with the Garrett County Department of Engineering. Topics discussed included legacy stormwater, incentivization of best management stormwater practices, best management practices in regard to roads, and education.

**Draft Goal 2 – Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions.**

**Objective 1**

Develop an incremental plan to identify existing stormwater problems at a subwatershed level and create an action plan for addressing issues and educating residents on best management practices.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
County	1. By January of 2015 the County’s Office of Permits and Inspection Services and Department of Engineering will provide a list of known areas of concern. This list will be used to prioritize subwatersheds in which a stormwater study should be conducted.

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| Deep Creek Watershed Technical Committee            | 2. The Deep Creek Watershed Technical Committee will oversee the subwatershed survey which will determine where within the subwatershed the stormwater issues reside and their source.  |
| Deep Creek Watershed Management Board               | 3. The Deep Creek Watershed Management Board will convene a meeting of appropriate agencies and interested parties to devise an action plan for addressing concerns.  |
| Deep Creek Watershed Technical Committee and County | 4. The appropriate county agencies, working in concert with the Deep Creek Watershed Technical Committee will devise a plan and timeline to implement the technical aspects of the action plan. The Plan will include identifying a pilot area to initiate the action plan and to evaluate the approaches and outcomes for future actions in other subwatersheds. |
| Deep Creek Watershed Citizens' Advisory Committee   | 5. The Deep Creek Watershed Citizens' Advisory Committee will work with citizens in the subwatershed to educate land owners on stormwater best management practices that can be established on their land. They will also promote the Stormwater BMP Incentive Program as per Objective 2.  |
| Deep Creek Watershed Management Board               | 6. After the subwatershed pilot area plan has been executed, the Deep Creek Watershed Management Board will meet with all parties involved in its implementation to assess its effectiveness. If it is found to be successful the next subwatershed will be designated for action.  |

**Discussion:**

Discussion of stormwater led the group to the conclusion that legacy stormwater is the biggest contributor to stormwater issues in the watershed. Discussions with the experts revealed that older developments often have problems that the county has difficulty fixing due to private property concerns and lack of right of way. The group decided that the best first step would be to determine where most concerns are located, then conduct a study that accurately locates the sources of the stormwater. Once located and at the smaller scale the subwatershed provides, an organized group can devise an action plan for remediation that would be transferrable to other subwatersheds. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 2**

Design and Implement a Stormwater BMP Incentive Program.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Technical Committee	1. By July 2015, the Deep Creek Watershed Technical Committee will review the Bay-Wise Yardstick Program and propose a similar program to be used in the Deep Creek watershed. A list of possible incentives for participation

will be included. The Technical Committee will also address concerns about maintenance of stormwater features into the future.

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| Deep Creek Watershed Management Board         | 2. The Deep Creek Watershed Management Board will review the Technical Committee’s recommendation and decide on an implementation plan. |
| Deep Creek Watershed Citizens’ Advisory Board | 3. The Deep Creek Watershed Citizens’ Advisory Board will work with the UMD Extension Service to support the program.                   |

**Discussion:**

The group acknowledges that installing best management practices on private property is not necessarily an inexpensive option and maintenance of stormwater features will also be a concern. For that reason, it was decided that an incentive program would be the best way to encourage action by private landowners. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 3**

The use of stormwater best management practices will be made a priority for maintenance and legacy infrastructure whenever practicable for both state and county roads operations.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens’ Advisory Committee, appropriate agencies	1. By July 2015 the Deep Creek Watershed Citizens’ Advisory Committee will work with the appropriate agencies to devise and/or compile educational materials pertinent to best stormwater management practices. They will also identify educational opportunities or trainings for roads workers. Create an implementation plan for incorporation of BMPs into their workflow.

**Discussion:**

In discussions with the representative of the County’s Engineering Department, the group determined that though not opposed to using best management practices on roads, the roads crews may not always be aware of methodologies. In addition, the way things are traditionally done are not always the best practices, and it will be a matter of repetition before the traditional ways are replaced by the new strategies. The above objective and strategies are designed to facilitate the institutionalization of stormwater best practices within the county’s roads department. The above objective and strategy were agreed upon by a unanimous vote of the sub-committee.

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**Problem Statements regarding impacts of growth – septic and sewerage**

- Specific concerns regarding septic and sewerage include impacts from failing septic systems, maintenance of appropriate wastewater capacity and protection and management of ground water drinking water supplies.

The subcommittee conducted a meeting around the topic of septic and sewerage on March 13<sup>th</sup> (agenda and minutes can be found in Appendix D). The guest speakers for that meeting were Steve Sherrard and Craig Umbel of the Garrett County Environmental Health Department and Patrick Hudnall and Richard Shoemaker with the Garrett County Department of Public Works – Utilities Division. Topics discussed included new private septic system technology, failing private septic systems, expansion of public sewerage, septic system sizing and debt payment of public systems.

**Draft Goal 3 – Protect the watershed from the adverse effects of impaired on-site sewage disposal systems and ensure adequate capacity and management of public systems.**

**Objective 1**

Encourage the use of Best Available Technology (BAT) septic systems within Deep Creek watershed.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens' Advisory Board	1. By July 2015 the Deep Creek Watershed Citizens' Advisory Board will devise and/or compile educational materials for distribution to homeowners regarding the benefits of BAT systems.
Deep Creek Watershed Citizens' Advisory Board	2. Distribution of the materials to homeowners will be prioritized in phases starting with structures older than 50 years, 40 – 50 years and 30 – 40 years.
Environmental Health Department	3. The Environmental Health Department will distribute information regarding BAT systems to every new home applicant.

**Discussion:**

Representatives of the Environmental Health Department informed the group that Best Available Technology (BAT) systems are being required for all new home construction or septic replacements in the Chesapeake Bay watershed. As the Deep Creek watershed is not a part of the Chesapeake Bay watershed it is not required there; however, it is required for all new systems or replacements that occur within the lake buy-down area. These systems are better at removing nutrients and last longer than a regular system; however, they are more expensive and require maintenance. The group would like to encourage their use within the watershed, but not make them mandatory. Consideration was given to incentivization but given the cost of

installation and maintenance, the group felt county resources would be best directed elsewhere. A regular system lasts approximately 20 – 30 years. Staff compiled maps for the group showing all non-vacant properties within the watershed that had structures 20 years and older, 30 years and older, 40 years and older and 50 years and older. Operating off the assumption that if the structure is that old, the septic is that old, one can start to see where the older systems may be. Those maps can be found in Appendix G. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 2**

Encourage expansion of public sewer as outlined in the 2014 Garrett County Water & Sewer Master Plan, as well as upgrades to the existing sewer system such that it complies with best available technology or best management practices as appropriate, to include relevant training.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens' Advisory Board	1. The Deep Creek Watershed Citizens' Advisory Board will devise a marketing campaign to be targeted at residents of areas planned for public sewer in order to increase awareness of the need for services in order to decrease the impacts of failing septic.
Deep Creek Watershed Management Board	2. The Deep Creek Watershed Management Board will meet to discuss creative alternatives to debt re-payment on public systems.
Deep Creek Watershed Citizens' Advisory Board	The Deep Creek Watershed Citizens' Advisory Board will work with county agencies to identify training and bmps for sewer system management.

**Discussion:**

The guest experts agreed that the best way to protect ground water in the watershed is to encourage the expansion of public sewer. However, it was also agreed that the number one protest of a public system is the excessive cost to the homeowner. To that end the group recommends an educational campaign to promote the benefits of public systems and a consideration of creative alternatives to the current system of debt repayment. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

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**Problem Statements regarding impacts of growth – recreation**

- Specific concerns regarding recreation include lake boat capacity and lack of public access.

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The subcommittee conducted a meeting around the topic of recreation on April 10<sup>th</sup> (agenda and minutes can be found in Appendix H). The guest speakers for that meeting were Eric Null of the



Deep Creek Lake Management Office and Paul Durham, retired Deep Creek Lake Manager. Topics discussed included the carrying capacity study, wave generation and shoreline erosion, invasive species transport, PWC regulations, and public access points.

**Draft Goal 4 – Preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship.**

**Objective 1**

The Department of Natural Resources and the Maryland Department of the Environment should eliminate fees for the Shoreline Erosion permit and consider incentive programs.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
County, DNR, MDE and Deep Creek Watershed Management Board	1. By July 2015, the appropriate agents of the Deep Creek Lake Management Office, DNR, MDE, the county and the Deep Creek Watershed Management Board should meet to discuss the goals and objectives of the Shoreline Erosion program, including an incentive program through the appropriate agencies.
DNR and Deep Creek Watershed Citizens' Advisory Board	2. The DNR will work with the Deep Creek Watershed Citizens' Advisory Board to promote the merits of shoreline stabilization and encourage homeowners through incentive programs to install appropriate measures to prevent further shoreline erosion.

**Discussion:**

The subcommittee believes strongly that shoreline erosion and control is a common goal that needs to be promoted and encouraged. They also believe that permit fees enforced by both DNR and MDE discourage best practices. Not only should the fees be eliminated but property owners should be offered incentives to encourage the stabilization of the shoreline. Such incentives could include, but are not limited to, a tax break or providing access to discounted materials and/or vegetation necessary to accomplish the approved method of stabilization. Garrett County offered a monetary incentive to encourage owners to use approved methods to stabilize their shorelines. Though this program, see Appendix J, is now expired it serves as an example of what the subcommittee would like to see developed. In addition to elimination of permit fees and an incentive program, a program to promote the benefits of shoreline stabilization and the acceptable means by which to accomplish this goal should be implemented. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 2**

The Department of Natural Resources (DNR) Lake Management Office should upgrade their permitting and boating count databases.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
DNR	1. By July 2015, the DNR will assess the hardware and software of the Lake Management office looking for opportunities for version upgrades and opportunities to improve efficiency of operation.
DNR and Deep Creek Watershed Management Board	2. DNR will establish a timeline for action plan for implementation of upgrades and report it to the Deep Creek Watershed Management Board.

**Discussion:**

The group was informed that the software the lake management office uses is out of date, making it very difficult for staff to do queries and searches on permitting information. The consensus was that having adequate technology was vital to the accomplishments of that office as well as to the dissemination of information to the public. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 3**

The Department of Natural Resources Lake Management Office should identify and promote current and future public access locations.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
DNR	1. The Deep Creek Lake Management Office will map the locations and types of all existing public access points. This data will be mapped and included in a brochure for visitors.
DNR	2. The Deep Creek Lake Management Office will visit said sites and determine whether appropriate signage exists at each location. If not, signage will be obtained and erected. Signage should include educational information when appropriate.
Deep Creek Watershed Citizens' Advisory Board	3. The Deep Creek Watershed Citizens' Advisory Board will ensure the brochures created by the Lake Management Office of existing public access points are reproduced and made available at local businesses and the Visitor's Center.
DNR and Deep Creek Watershed Technical Committee	4. The Deep Creek Lake Management Office, working in conjunction with the Deep Creek Watershed Technical Committee will review past records where potential future sites of public access have been highlighted. These sites will be reviewed for potential use as public access in relation to cost, type of access, public facilities and/or infrastructure needed, and other factors deemed

- Deep Creek Watershed Management Board
5. appropriate by the group.  
The results of the potential public access site review will be presented to the Deep Creek Watershed Management Board for prioritization and possible action plan.

**Discussion:**

Discussion of public access points revealed that there are more public access points than the public knows about and that not all public access points are properly signed. An inventory of those sites needs to be made, which includes the type of public access granted. Those sites need to be promoted and properly signed. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**FIRST IMPACTS OF GROWTH SUBCOMMITTEE MEETING**  
**Garrett County Chamber of Commerce**  
**15 Visitors Center Drive, McHenry MD 21541**  
**December 19, 2013**  
**AGENDA**

*Meeting Outcomes:*

1. *Get to know the participants and their perspectives*
2. *Discussions and decisions about operational and housekeeping issues*
3. *Review subcommittee guidance*
4. *Review problem statements*
5. *Assess informational gaps, educational topics and topic experts*
6. *Prioritize issues and planning*

*Suggested Reading prior to the meeting:*

1. *Open Meetings Act on-line training course - [http://www.igsr.umd.edu/VLC/OMA/class\\_oma\\_intro1.php](http://www.igsr.umd.edu/VLC/OMA/class_oma_intro1.php)*
2. *Robert's Rules of Order - <http://www.rulesonline.com/index.html>*
3. *Ground Rules – fashioned after the SC ground rules document*
4. *Subcommittee Guidance document*
5. *Synopsis of Problem Statements*

<b>1:00 – 1:30</b>	<p><b>Welcome ~</b></p> <ul style="list-style-type: none"> <li>• <b>Subcommittee introductions – to include what you would like to see accomplished by your participation on this subcommittee)</b></li> <li>• <b>Identification of staff and their role</b></li> </ul>
<b>1:30 – 1:45</b>	<p><b>Housekeeping ~</b></p> <ul style="list-style-type: none"> <li>• <b>Open Meetings Act &amp; Robert's Rules of Order (reading assignments – any questions)</b></li> <li>• <b>Ground rules of SC – adopt for subcommittee?</b></li> <li>• <b>Selection of a standing meeting day and time.</b></li> <li>• <b>Subcommittee Reports &amp; the link back to the SC &amp; other subcommittees</b></li> </ul>
<b>1:45 – 2:45</b>	<ul style="list-style-type: none"> <li>• <b>Review of Subcommittee Guidance document</b></li> <li>• <b>Overview of the charge of the Steering Committee and the charge of the SC to the subcommittees.</b></li> <li>• <b>Review of problem statements to include identification of information to be considered, information gaps, and topics on which additional education is needed</b></li> <li>• <b>Identification of additional professional support or topic experts</b></li> <li>• <b>Prioritization of topics and choosing a focus topic for next meeting</b></li> </ul>
<b>2:45 – 3:00</b>	<b>Public Comments ~</b>
<b>3:00</b>	<b>Adjourn</b>

## Minutes of the First Negative Impacts of Growth Subcommittee Meeting

The first Negative Impacts of Growth subcommittee meeting was held on December 19, 2013 from 1 – 3 pm at the Chamber of Commerce in McHenry. In attendance were Steve Green, Willie Lantz, Paul Weiler, Eric Robison, Rich Orr, Bob Browning, Deborah Carpenter and via teleconference Brian Greenberg. The meeting began with introductions with each committee member introducing themselves and stating what they would like to accomplish through their participation on the subcommittee.

The group acknowledged receipt of documentation regarding the Open Meetings Act and Robert's Rules of Order and agreed to use these as guidelines as operational procedures for the group. Further the group reviewed the Ground Rules established by the steering committee and discussed adopting them as their own. Steve Green suggested the group edit the first item and have it state 'Please turn cell phones to silent' as opposed to turning them off, as many use their phones to check calendars and obtain other information that might be pertinent to group discussions. The group agreed with that recommendation and the Ground Rules were approved with that edit.

It was decided that the group would set a standing meeting day and time of the 2<sup>nd</sup> Thursday of every month at 1:00 at a location to be decided. As the phone used for conferencing was not very good, Bob Browning is requesting a new Polycom style phone be installed prior to the next meeting to be held at the Chamber. If the new phone is available all meetings will be held at the same location. If not, Deborah will look in to alternative locations. The meetings will be held on January 9<sup>th</sup>, February 13<sup>th</sup>, March 13<sup>th</sup> and April 10<sup>th</sup>.

Discussion ensued regarding the monthly report to the steering committee and the work of other subcommittees. It was acknowledged that there would likely be some overlap between the subcommittees and the group especially felt that would be the case with the water quality subcommittee. Willie and Steve are both on the water quality subcommittee and their regularly scheduled meetings are the day before ours, so opportunities to avoid duplication of effort should be available. The monthly reports will be compiled by Deborah and reviewed by the group prior to the steering committee meetings. Steve stated that as we delve in to the heart of the issues, we may need to have longer or more meetings to get the job done.

Deborah went over the subcommittee guidance document. The charge of the subcommittee is to create goals, objectives and strategies specifically related to the negative impacts of growth. In order to accomplish this charge the group will first need to review the problem statements, which is what the group will be doing today. Is the list of problem statements comprehensive? Are the problems stated by the public real (ie. backed by scientific evidence) or perceived? Does the group need further information about these topics and from whom would you like to receive this information? What is the priority of these problems? Next steps are to write draft goals, then objectives and strategies that go with each goal. The subcommittee should also identify a reasonable timeline and a responsible party for each strategy.

Next the group discussed the problem statements starting with the first general statement of '*Citizens are concerned that uncontrolled industrial, commercial and residential development will adversely impact water quality, increase traffic, degrade roads and impair the aesthetic beauty of the lake and watershed.*' Rich and Eric made the statement that it was important to remember to have a balanced view of controlling growth and allowing for the economic benefit of growth. Rich went on to say that Garrett County has natural controls that other places downstate do not have due to our geology and terrain. Our growth is not only limited by the regulations currently in place but also by nature. That's not to say our regulations cannot be improved to allow

for environmental improvements; however, growth cannot be stymied to the point of negatively impacting the economy of the watershed. Steve acknowledged that Maryland probably has tighter regulations than other areas, but his thoughts are to wonder if the regulations are working.

In discussing stormwater concerns, Rich noted a lack of knowledge on the subject and advised that we get Reggie Breeding and/or Jim Torrington in to talk to us. Eric stated that he felt what we had as far as stormwater regulations were pretty good but that we seem to lack any post-construction monitoring or management. Eric mentioned the University of MD Extension's Bay-Wise Yardstick program for Master Gardeners, a program in which a certified Bay-Wise Master Gardener visits a home, evaluates their landscaping and makes suggestions for best stormwater management improvement. After practices are completed successfully, homeowners receive a University of Maryland Extension sign to display on their property certifying their Bay-Wise status. Eric thought this kind of program combined with some sort of tax incentive may be a good program for the subcommittee to recommend as a model to the steering committee.

Rich mentioned that after a development is completed the responsibility of maintaining the condition of the stormwater facilities falls on the homeowners, but many times that is not something they plan on. Reggie Breeding's job in the county Permit's office is to visit these facilities and evaluate what they need to do to those facilities to keep them operating efficiently; however, it's not easy to get those improvements made because it costs the home owners association(HOA)'s money they did not plan on. Rich suggested we talk to Reggie to get a feel for what he thought would make his job easier and also perhaps consider recommending educational programs for HOA's and recommending that HOA's make stormwater maintenance part of their HOA fees. Community responsibility for these facilities begins after construction, but the communities are not aware of this responsibility.

Brian suggested that the focus should be on whether the controls are adequate and we need to find a balance between too tightly regulated and uncontrolled. Perhaps as a working group we need to be thinking more about determining appropriate standards. He also noted that we shouldn't be concerned only about future development but also and perhaps more so about grandfathered developments. This is especially notable in relation to septic systems on old developments and old lots. We as a group are looking at not just 'impacts of growth' but also 'impacts of *past* growth'.

Eric stated that as a contractor he has had requests to remove vegetative swells after a use & occupancy has been received. He has refused to do that, but he knows that these things occur. Perhaps we should have some sort of enforcement mechanism in place to monitor stormwater and hold liable those who remove stormwater mechanisms.

Brian suggested that we be careful to not pit existing home owners against the new ones, and that any cost associated with the ideas we have in mind be shared across the watershed. Eric suggested that the grandfathered homeowners be offered a tax differential or some type of incentive to participate in efforts to help the watershed.

Willie stated that aside from the word 'uncontrolled' in the statement, the word 'aesthetic' is bothersome. Beauty is in the eye of the beholder so who is to decide what constitutes impairment of the 'aesthetic beauty of the lake and watershed'? Rich noted that some aesthetic standards are in the current DCL Zoning ordinance and the Planning office can give us more information as to those standards.

Ultimately the group decided that the first statement will stand as a statement of purpose and the specifics of that statement will become our goals.

Rich suggested that it would be best to get experts in to inform us about certain issues. For example, John Nelson should be brought in to talk about the current zoning regulations and the history behind them. Steve Sherrard & Craig Umbel could give us information on private septic rules & regulations. Reggie Breeding & Jim Torrington & possibly Dave Ritchie can speak to stormwater, while Jeff Broadwater can speak to public water & septic systems. Also Eric Null can be brought in to discuss any issues in regard to lake access, boat capacity and DNR regulations.

Brian suggested that in addition to looking at stormwater, septics, etc which are essentially infrastructure, shouldn't we also be looking at other types of infrastructure, such as roads, traffic management, boating, safety issues? Steve said the answer to that question is 'maybe, but not yet' and suggested reviewing each bulleted problem item to determine what they entail.

#### **Impervious Cover & Stormwater:**

Steve thinks that in addition to looking at the affect increased impervious cover has in increasing the amount of stormwater runoff into the lake, we need to add 'ineffective regulation'. As an example, Steve stated that when a tenant came in to Traders Landing it was required to add more parking area to the lot. They had been using a grassy area which suited the purpose fine, but were required to increase the amount of impervious area (parking lot) in order to meet the regulations. It may be best to evaluate some regulations to see where they may be counter-intuitive to what they are trying to achieve. Paul noted that you can pave with more permeable materials; however, they cost much more than the standard materials.

Eric mentioned that when speaking of stormwater we need to focus on two types – that which comes from roads and culverts and that which comes from developments with stormwater systems that may not be being maintained. It was also mentioned that runoff from agricultural practices may also need to be considered.

#### **Impacts from septic systems & Wastewater treatment capacity:**

The group agreed that these are definitely issues they want to look at and want to bring in experts from Environmental Health and the Dept of Public Utilities.

#### **Gas extraction development:**

The group decided that we need to expand this category to **gas extraction development, wind farm development and additional industrial developments.**

#### **Reduction in tree canopy:**

The group agreed that this is an issue to look in to, as it has been discussed in relation to various developments and ridgeline areas. Tree canopy provides benefits such as clean water and air, erosion prevention, climate control and native species habitat.

#### **Recreation:**

Paul asked if evaluation of boating density should be an issue this group addresses and Brian concurred with the idea that perhaps that subject fits under this subcommittee's purview. Bob believes the subject does fall within our purview. He did point out however, that the boat counts that DNR has done every year have not shown any

significant increase in the number of boats, so it may be more a matter of perception than a matter of fact. If that's the case that would turn the action item into one that is educational rather than regulatory. Further, there is the repeated issue that has come up through the years that there are not enough points of access for the general public. Access is generally only through public or commercial property owners. Brian stated that if the issue of lack of public access is looked at we need to look at it with respect to how it may impact the other growth issues that we are talking about. In essence, Brian feels that what the subcommittee should be looking at is not that we need to protect or enhance recreational growth but to plan for and mitigate the negative effects that may be caused by recreational growth. Steve pointed out that because of residential growth the points of access have been decreasing. Paul stated that he didn't feel it was inherent that residential growth limits public access. Bob contended that increased commercial growth increased public access.

#### Next steps:

Once the group agreed upon those items they saw as problems, the next step was to take these and create some goals. Steve asked that someone volunteer to create goals and send them out to the group for review. In that way they will be ready for the next meeting and we can concentrate on objectives and strategies for all meetings that follow. Rich volunteered to take on that task with Deborah's help.

The group prioritized specific topics so as to better organize the meetings. At the January 9<sup>th</sup> meeting the group would like to focus on current county regulations as they relate to industrial development (especially as they relate to wind farms and gas extraction), aesthetic controls and regulations relating to tree clearing during development. In order to educate us on those issues the group would like to invite John Nelson, Director of Planning & Land Development to attend that meeting.

At the February 13<sup>th</sup> meeting the group would like to focus on stormwater and impervious surface issues and invite Reggie Breeding and Jim Torrington of the Permits Office and Dave Ritchie of the Dept of Engineering to attend that meeting. Willie mentioned that Jim Torrington will be giving a presentation about stormwater at the next steering committee on January 6<sup>th</sup>. His focus will be what regulation is currently being enforced by his office and how. It would be beneficial if members of the subcommittee could attend.

At the March 13<sup>th</sup> meeting the group will focus on the topics of septic systems and wastewater treatment capacity and invite Steve Sherrard and Craig Umbel of the Environmental Health office and Jeff Broadwater of the Dept of Public Utilities to attend.

At the April 10<sup>th</sup> meeting the group will focus on the broader topic of recreation and ask Eric Null, current Deep Creek Lake Manager for DNR to attend



**SECOND IMPACTS OF GROWTH SUBCOMMITTEE MEETING**  
**Garrett County Chamber of Commerce**  
**15 Visitors Center Drive, McHenry MD 21541**  
**January 9, 2014**  
**AGENDA**

*Meeting Outcomes:*

1. *Get to know the Deep Creek Lake Zoning Ordinance and other regulations administered by the Planning & Land Development office pertinent to our discussions*
2. *Educational session with John Nelson regarding regulation history & recommendations*
3. *Discussion of objectives with regard to industrial concerns, tree canopy loss & aesthetics*
4. *Discussion of strategies with regard to the objectives (responsible party & timeline)*
5. *Prioritization of objectives*

*Suggested Reading prior to the meeting:*

1. *Deep Creek Lake Zoning Ordinance – specifically Articles 4 & 6*
2. *Chapter 4 of the Comprehensive Plan*
3. *Draft Goals Summary of Comments*

<b>1:00 – 1:45</b>	<p><b>Housekeeping</b></p> <ul style="list-style-type: none"> <li>• <b>Approval of minutes from the December meeting</b></li> <li>• <b>Status report on speakers for upcoming meetings</b></li> <li>• <b>Discussion &amp; approval of Draft Purpose and Goals</b></li> </ul>
<b>1:45 – 2:15</b>	<p><b>Regulation Review</b></p> <ul style="list-style-type: none"> <li>• <b>Review of Comprehensive Plan recommendations (2008)</b></li> <li>• <b>Review of Zoning Ordinance regulations</b> <ul style="list-style-type: none"> <li>○ <b>Aesthetics</b></li> <li>○ <b>Industrial Concerns</b></li> <li>○ <b>Tree Canopy</b></li> <li>○ <b>Other – density, min lot size &amp; setbacks, etc</b></li> </ul> </li> </ul>
<b>2:15 – 3:45</b>	<p><b>Objectives &amp; Strategies for Draft Goal #3: <i>Promote land use policies that value environmental and economic sustainability.</i></b></p> <ul style="list-style-type: none"> <li>• <b>Objectives &amp; Strategies in regard to industrial concerns</b></li> <li>• <b>Objectives &amp; Strategies in regard to aesthetic concerns</b></li> <li>• <b>Objectives &amp; Strategies in regard to loss of tree canopy</b></li> <li>• <b>Prioritization of Objectives</b></li> </ul>
<b>3:45 – 4:00</b>	<b>Public Comments</b>
<b>4:00</b>	<b>Adjourn</b>

## Minutes of the Second Impacts of Growth Subcommittee Meeting

The second Impacts of Growth subcommittee meeting was held on January 9, 2014 from 1 – 4 pm at the Chamber of Commerce in McHenry. In attendance were Bob Browning, Steve Green, Willie Lantz, Paul Weiler, Eric Robison, Rich Orr, Brian Greenberg and Deborah Carpenter.

The minutes were approved as submitted.

Speakers for upcoming meetings are as follows:

- February 13 – Jim Torrington & Reggie Breeding are confirmed. Dave Ritchie has yet to respond.
- March 13 – Jeff Broadwater & Craig Umbel are confirmed. Steve Sherrard has yet to respond.
- April 10 – Eric Null has yet to respond.

Discussion on draft purpose and goals ensued. Bob emphasized his desire to keep a positive connotation on the name of our subcommittee and noted that in past correspondence we have used the name Negative Impacts of Growth. He prefers to drop the 'Negative' and simply use the name 'Impacts of Growth'. No one objected to that change.

The group's draft purpose was then discussed. As submitted it read: *Ensure that industrial, commercial and residential growth is adequately controlled and regulated in order to strike a balance between development and environmental health.* Bob stated that he wasn't pleased with the draft because he felt it offered a negative tone. He stated that this is a 90 year old lake that is in good shape and we shouldn't lose sight of that. Paul suggested that the words 'controlled and regulated' be replaced with 'managed'. Brian suggested that the words controlled and regulated were a bit duplicative. He felt the words 'appropriately regulated' would be better, since he feels what we're really looking at are regulations and that they are appropriate, not that they are severe or permissive. Bob agreed with Brian's statement but felt that Paul's suggestion was more on point. Brian brought up the terms 'industrial, commercial and residential'. He feels that these three terms leave out some important items – public infrastructure & recreational/lake use, specifically. Adding the term 'public infrastructure' may encompass things like stormwater, roads, drainage, etc. which we do plan to look at, but are not necessarily denoted by those three terms. Rich commented that when we say 'to strike a balance between development and environmental health' that we may be implying that we will be looking at those more detailed items that Brian mentioned. Brian stated that those items don't necessarily have to be in the purpose as they may be better suited as objectives or goals. His point was really that since we mention rather particular things – industrial, commercial and residential – we should either be inclusive and add the others or take those three out and just say 'Ensure that growth is...'. Eric liked the idea of simplifying it to growth in general and picking up the details in the goals and objectives. Bob agreed that less is better. [On a side note Bob emphasized that the group needs to keep in mind that some issues, like stormwater, will overlap with the Water Quality subcommittee. Their recommendations may center around pollution; ours may center around construction.] Steve paraphrased Brian's comments saying that the purpose may be changed to 'Ensure that growth is adequately managed in order to strike a balance between development and environmental health'. Brian cautioned that by using the word 'growth' we seem to be singling out growth as the place from where impacts originate when the pre-existing built environment is also impacting the watershed. Steve suggested using '...former, present and future growth'. Paul cautioned that venturing in to the 'former growth' – the grandfathered conditions – will be something that will be harder to manage. Bob stated that for the most part, the best that we can do on pre-existing conditions may be to provide incentive programs. Brian asked if we could use the words 'existing impacts and future growth'. He cautioned that we need to ensure that all the

burden for lessening impacts to the watershed should not be entirely on the new developments and should be shared with existing home owners. Bob felt that concern needed to be addressed in the goals and/or objectives, because the purpose statement should be short and concise. Eric agreed with both Brian and Bob, in that yes, we should address Brian's concerns; however the purpose is not the appropriate place to do it. He stated that the purpose should be broad and general enough to encompass the goals and objectives that will come from it. Rich asked about perhaps including Brian's idea of enforcement by saying 'managed and enforced'. The group said that enforcement is a part of management, so that would not be necessary. Rich then asked if we could add to the statement '...a balance between development, environmental health and local economy'. Eric thought that was getting too specific and Brian thought development and local economy were so closely related so as to imply one when you say the other. Bob said we should once again go back to keeping it simple. Therefore the group decided (on a motion by Paul, second by Rich and a unanimous vote) that their purpose statement will be:

**Purpose of Impacts of Growth Subcommittee: Ensure that growth is managed in order to strike a balance between development and environmental health.**

Brian asked if there would be a place where we would talk about regulations. It would seem to him that it may fit into the conversation as an activity to review regulations as to whether they are appropriate and chime in to the Steering Committee with our recommendations in relation to them. Bob said we will keep that in mind and we will be looking at a lot of regulations. Steve said that when we look at each draft goal the first thing we will do is look at existing regulations.

Steve mentioned that dissenting opinions will come out of our subcommittee and that is expected. All opinions will be made available to the Steering Committee. Eric said he thought the purpose was for the Steering Committee to know where the consensus was but also to know if there was dissension and how it broke down. Brian asked if we should get a decision about who has dominion over subjects like stormwater and roads, whether that be the Water Quality or Growth subcommittee, to avoid duplication of effort. Bob stated that we should keep our recommendations on subjects that overlap focused on development and construction issues and then when the recommendations get to the Steering Committee they will sort them out.

The group decided to take a break from reviewing the draft goals to have an educational session with John Nelson. Debbie suggested we start with discussing the fact that what is recommended in the Comprehensive Plan (Comp Plan) does not always end up in regulations. John stated that the Comp Plan compilation was over a 2 year process of development. We had a fairly steady group of citizens that participated in that timeframe and they were pretty supportive of the policies that were being fashioned for not only Deep Creek but for the county as a whole. One of the big things that was advocated was the clustering development issue and the Comp Plan recommends that clustering should become a part of the regulatory framework. That did not happen, because when it is time to incorporate those recommendations into the regulatory framework, another public process is conducted. At that time, a new group of citizens became involved. When policies become regulations citizens realize how exactly it will affect their properties, and opposition to those ideas is not unlikely. In the case of clustering that is what happened and instead of being a mandatory regulation, clustering is optional with incentives of additional density offered to the developer who chooses to cluster. Paul asked how clustering is defined. John answered that clustering is defined by trying to salvage 65% or more of a given tract of land and cluster the lots on the remaining portion. For instance, if you have a farm in an Agricultural Resource (AR) district and have 100 acres of land, you would get 33 lots. Clustering would conserve 65% of that farm for farming or some sort of open space and cluster those 33 lots into the remaining portion of the tract. Paul asked if that rule would allow high rises to be built. John answered that depends on the district that it falls in. If it is in AR, then no, that would not be allowed because the infrastructure is not in place to support that kind of

development. Paul said he was being facetious with that statement and trying to see if there was a limit to how dense a cluster can get. Can a cluster be anywhere from one dwelling to fifty dwellings? John stated that depends on the size of the parcel, which dictates the density allowed. In the AR district the density requirement is no more than one unit per three acres. Thus, in our example a 100 acre tract would be allowed 33 units. In Lake Residential 1 (LR1) the density requirement is 1 unit per acre. Rich said that in LR1 if you had a 100 acre tract you could have 100 units, but with clustering those units would be concentrated on 35 acres with 65 acres reserved for green space. John stated that was correct but in that kind of scenario the only way that would be allowed if the parcel was served by public sewer. Without public sewer you can't get that kind of density, and so because of that clustering was only really applicable to the AR and Rural Resource (RR) districts. The real intent of that policy was to keep those areas productive either as active farmland or as forest cover. The houses would then be located on smaller lots with a working farm or timber land rather than a checkerboard of 33 3-acre lots. Rich pointed out that clustering probably wouldn't be applicable in the Deep Creek watershed and John agreed. Rich stated that the county largely regulates itself in the rural areas because it's not easy to get perks, especially a larger number of them in a smaller area.

John then touched on the fact that the MD Sustainable Growth and Agricultural Preservation Act which mandated Tier designations will have the most dramatic effect on density in the County. That regulation stipulates that all Tier 4 areas, those dominated by agricultural and forest cover and without access or planned access to public sewer, will be prohibited from having any major subdivisions (more than 7 lots). Brian asked why wouldn't someone subdivide and then subdivide further under this regulation. John's answer was two-fold. (1) Some developers that were aware that this regulation was coming did subdivide prior to the deadline in order to do exactly what Brian has suggested. That deadline has passed. The statute very clearly states a date of record of the code. After that date any lot subdivided in a Tier 4 gets no more than 7 lots. If a developer got their preliminary plans approved by the Planning Commission prior to that date, those lots were grandfathered, and each of those lots can be further subdivided 7 times, depending on compliance with current density standards. After that date those lots and all others are considered the parent tract and must comply with the law. Very few developers took advantage of that opportunity simply because of the state of the economy at the time. (2) If you now subdivide, the number of development units is recorded with your plat and can therefore be tracked to assure compliance with this law. The intent of the law was environmental and largely focused on the health of the Chesapeake Bay. The idea is that septic systems contribute nutrients that are harmful to the Bay and the state wanted to put a law in place to limit them. However, it's turned out to also be a Smart Growth bill that limits development in rural areas and pushes it towards the more densely populated areas with public infrastructure. In response to a question by Rich about whether the county should have taken a stronger stand against that bill, John stated that Garrett County, our delegate, our senator and most rural jurisdictions did vociferously oppose this bill, but to no avail. Bob asked if you have public sewer can you do major subdivisions. John responded that if you have that infrastructure you are not going to be in a Tier 4 area. Tier 1 areas are those with existing public sewer. Tier 2 are areas currently designated in the County's Water & Sewer Master Plan as planned for sewer. At the time of Tier designation the County's Water & Sewer Plan was being developed, so no Tier 2 areas were able to be designated. When the Plan is adopted the Tier maps will be amended to include those planned areas as Tier 2. Most of the Deep Creek Watershed either has sewer (Tier 1) or is planned for sewer (will be Tier 2). There are some areas of the watershed that are Tier 4 because they are AR or RR (which are automatic Tier 4), but there is not much land area in the watershed under that designation. Tier 3 are areas that the county planned for low density residential growth. These would be areas similar to the Lake Residential 2 (LR2) classification. In those areas you can have more than 7 lots on septic, but it's a lot harder to get an approval. You have to get approval from MDE, have a public hearing, and other such mandatory requirements for approval.

Bob then asked about the Accounting for Growth regulations that MDE will be coming out with this year. Those regulations will require a person with a septic system to pay a fee to account for the pounds of nitrogen, phosphorous and sediment the system creates, or enter into a statewide trading market to account for them. That fee is assessed at the time of construction, not annually. MDE is not expected to have the draft regulations out until after this current legislative session. We don't think that it will be applied to our entire county as it is intended to decrease the amount of nutrients going to the Bay. It should only be applied in that portion of our County that is in the Bay watershed, but we won't know until the draft regulations are released.

Steve asked if John could expand on Chapter 4 of the Comp Plan in which it states that there is potential for 26,000 or 30,000 new lots in the watershed, but in reality that number is not going to be developable. There was some confusion about where those numbers came from and Brian referred to a section that talked about projected numbers being constrained, possibly by as much as half, by a lack of public sewer. John stated that it's important to remember that the projections made during the making of the Comp Plan, were made based on growth being seen at the time and under the assumption that growth would continue at that pace. Those were the boom years and that growth has obviously not continued. We see that in our permitting as it is 1/3 or less of what it was in those boom years. Rich asked if anyone would update those numbers. John stated that the Planning Office is required to submit an Annual Report to the Commissioners and the MD Dept of Planning. In 2010 we did a countywide re-calculation of growth projections, but we did not break it out by watershed like was done in the Comprehensive Plan. The countywide projected numbers were down in 2010 significantly, not only because of the slowing rate of growth but also because of the effects of some of the recommendations in the Comp Plan that were implemented. Specifically the AR and RR areas were expanded. Previously a lot of outlying areas had a Rural (R) designation with a 1 unit per acre density. Now many areas that used to be R are now AR or RR, both of which have a 1 unit per 3 acre density. Now with the restrictions introduced with the Tier bill, John predicts our next projections will be significantly lower than even the 2010 projections. Bob stated that though it would seem that no matter what size the tract is in AR and RR you can build a maximum of 7 lots but really depending on the size of parent tract you may get less because of density restrictions. John pointed out that in AR and RR districts there is an exception to the 1 unit per 3 acre density if the parent tract of land is 20 acres or less. If you have a tract of land in AR or RR that is, for example, 19.9 acres, you can create 1 acre lots instead of 3 acre lots. Bob stated that he thought that a septic wasn't allowed to be put on a 1 acre lot. John clarified that in the Deep Creek Watershed only the Health Dept has instituted a 60,000 square foot (~1.5 acre) minimum lot size for septic. Eric asked if there is a required 100 ft separation between well and septic, and John confirmed that is the requirement.

Brian asked for clarification on the Accounting for Growth regulations. He asked if the nutrient assessment will be on new development or existing development. Further, Brian questioned what the rationale was for setting an assumed rate of leaching of these nutrients, given that every site will be different. Also is there a proximity to water or drainage component to it that makes it less punitive as you move away from the bottom of the watershed? John began by answering the last question regarding proximity to water, by stating that the answer is no. The way we understand it is stakeholder groups have come up with the average pounds of nutrient (be it nitrogen, phosphorous or sediment) the septic for an average single family home leaches out per year. As an example, John thinks the average number for nitrogen was about 7.5 pounds of nitrogen leaked per year from the standard single family residence. The best available technology septic systems (BATs), now mandatory for all new development within the Chesapeake Bay watershed, should cut that number in half, bringing it to 3.75 pounds of nitrogen needing to be accounted for by the home owner. The proposed regulations would require the homeowner to pay a fee to account for each pound of nitrogen not accounted for by the BATs and the fee we've heard proposed is \$3500 per pound of nitrogen. So the homeowner will be asked to pay \$3500 x 3.75 or \$13,125 at the time of construction. That's just the nitrogen component and doesn't include assessments for phosphorous or sediment. There is also an option to enter the trading market instead of paying the fee. These

will be assessed at the time of construction only, but the end result is it will significantly increase the cost of construction. Steve asked if he was correct in assuming that the folks on the other side of the divide in our county (in the Bay watershed) are already falling under some of these regulations. John stated that those folks are required to install BAT septic systems for new construction, whereas the rest of the county doesn't have that requirement. Upon asking if that requirement has a retrofit standard John said he believed that the law requires any failing systems to be replaced with BAT. That is the extent of the retrofitting required. Bob asked if John knew the difference between the old ones and the BATs. John said his understanding is that the BAT is an aeration type of system. There is a lot of maintenance required to keep that air moving, and there is a rigorous maintenance schedule that has to be maintained for that system. So homeowners that put in that system have to budget for not only the initial costs but also the on-going maintenance of the system. Paul asked if a foul odor would be produced during the maintenance/aeration. John said he really didn't know that much about the system and those types of questions are probably best directed to Steve Sherrard in Environmental Health.

Steve asked with the different limiting factors, both natural and regulatory, assuming the economy picked up, how much development could potentially be seen in the Deep Creek watershed. The 2008 Comp Plan said 24,160. John clarified that there were two numbers in the Comp Plan – the projection of how many units would be built based upon the boom year rate of growth by 2020 and 2030 and the projection of maximum number of units based on current laws and limitations of the general topography. The latter is the number Steve is referring to. John said he cannot answer Steve's question in regard to the Deep Creek watershed only, because in 2010 we only did a countywide projection. We can do that and will probably seek to do that in the next Annual Report. Brian asked if it is a true statement that the Deep Creek watershed growth is approximately 40% of the county growth. That assessment is based on the Comp Plan numbers and John stated that he believes that not only are the projected growth numbers inflated but also the percentage of total county growth attributed to the watershed. The percentage of growth occurring in the Deep Creek watershed compared to the percentage of growth for the county as a whole is probably not what it used to be back when the market was booming. The percentage used to be almost as high as 60%. Now it is closer to 40%. Brian stated that presumably market saturation effects may be coming in to play as well.

Brian asked John to further clarify what he meant when he said that when it came time to implement the recommendations from the Comp Plan he ran into opposition. Certainly the subcommittee would not like to run in to the same complications with the recommendations they will be making. There were a number of policies that the Comp Plan advanced – like clustering, protecting the crestlines in Deep Creek watershed and architectural design criteria – that did make it in to regulatory documents but ended up being 'watered down' from its original intent. The people who supported the policies in the Comp Plan did not abandon the cause, but when it came time to put these policies into regulation, there was a greater majority in opposition to them. Bob stated that's a lesson for us, because the recommendations in the Watershed Management Plan will be recommendations much like the recommendations in the Comp Plan, and when it comes time for the County or DNR to try to implement them in a regulatory fashion a similar public hearing process will be held. The same thing could occur.

As to architectural design the intent in the Comp Plan policy was that specifically in the McHenry and Thayerville areas there would be a much more critical look at architectural design and building materials. The actual regulations merely sets limits on metal siding and some roof line standards for commercial structures. Brian asked if the original intent was more than just commercial and what was the reasoning for not including residential structures. Bob stated that most of the residences are in HOAs that have their own architectural standards within their deeds and covenants. Rich said that is fair to say except for the older lines of development along places like Marsh Hill Rd and Deep Creek Dr. John pointed out that at the time of the Comp Plan compilation there were a number of specific instances that people pointed at as examples, that brought

this issue to the forefront. The Plan came up with some ideas and it did make it in to the regulations in a lesser form. One reason why this particular idea got watered down is that in many cases it comes down to what is considered 'nice' is in the eye of the beholder.

Eric asked about tree canopy issues and how they were addressed in regulations. The tree canopy was part of the crestline protection policy. The original idea was that the owner on a ridgeline would have to maintain a certain number of trees in front of the structure to somewhat camouflage the structure against the skyline. The actual regulations ended up simply making sure the house is not silhouetted against the sky, so the owner would be required to place trees behind the house from the viewpoint of the lake. All the issues about aesthetics came out in the 2004 Deep Creek Watershed Economic Growth and Planning Analysis Study, and as a result the 2008 Comp Plan tried to take those issues into consideration. But then in 2010 when the Ordinances were updated to reflect those policies the aesthetic issues that were an issue, were not so much of an issue anymore and the regulations ended up being a watered down version of the Comp Plan recommendation. Rich noted that the final accepted regulation is what is reflected in Article 4 of the Deep Creek Watershed Zoning Ordinance. Eric noted that it would seem that the intent of keeping tree canopy was in the interest of aesthetics and not watershed health. Bob agreed that was an accurate statement.

Brian asked John if he could flag any gaps or oversights in the Comp Plan or if he feels reasonably satisfied with the completeness of the document. John said he'd almost have to go back to the 2004 study that did a good job of capturing citizens' opinions of problem areas in the watershed. He thinks there were some that the Board of County Commissioners at the time of the Plan didn't want to touch. John can't remember what those issues might have been. Rich asked if there was anything that hasn't happened during John's tenure that he would like to see happen after he retires. John said one issue that he thought would come up today but hadn't yet was the issue of gas drilling. When the update to the Deep Creek zoning regulations were drafted in 2010 the original draft had all drilling marked as not permitted in the watershed. This was early in the process of learning about drilling of Marcellus shale gases, but we did know that there was potential for surface spills related to transportation, handling and for other reasons. For that reason, ERM and office staff decided to recommend that drilling not be permitted in the watershed at all. The Planning Commission decided not to prohibit it but to invoke a 2000 foot buffer from the shoreline of the lake instead, which would apply to the drilling site only. Eric acknowledged that the 2000 foot buffer is actually a pretty good one compared to other states which usually set them at about 600 feet. When asked his personal opinion about what should be done, John stated that he supported the idea in the original draft to not allow it in the watershed. He still feels the same, because he sees no reason to chance any potential spills in the Deep Creek watershed. The impact would be potentially devastating, not just in to the environment but also considering the economic engine that the watershed is to the county. Rich stated he just recently was dealing with a customer well within the 2000 foot buffer that wanted to keep his mineral rights. John and Eric both stated that the state proposed BMPs (best management practices) wouldn't allow drilling on any lot that is not large enough or far enough away from other residences. Brian suggested that the concern is more that a company could set up outside of the buffer and drill horizontally to the customers property. Eric and John said that could only happen if the company purchased contiguous leases from the drill site to the customer's property. Steve asked for clarification: is it 2000 feet from the lake and not any tributaries to the lake? John said that is correct. It is from the high water elevation of the lake, 2462. Eric asked if the lake is classified for drinking water and the answer was no. If it were Eric said there are additional regulations that could be applied for setbacks from tributaries. Bob thought it pertinent to mention that if you look at the Table of Uses in the Deep Creek Watershed Zoning Ordinance there are a lot of industrial uses allowed in the watershed. For example, you can have a strip mine. John clarified that mining and drilling had always been permitted in the watershed, prior to the advent of the knowledge of existence Marcellus shale drilling potential. It was recommended in 2010 to make it not permitted in the watershed but the Planning Commission chose instead to amend the Ordinance to add the 2000 foot setback condition. John noted that

since there are zoning protections in this watershed he thinks it would be beneficial to suggest making drilling not permitted in the watershed. If drilling is permitted in MD and the county, companies would still be able to access the gas under the watershed; however, why run the risk of allowing the bore hole and any associated spills within the watershed when zoning could be used to prevent it.

The next issue the group asked John related to wind farms in the watershed, specifically about the proposed amendment to allow a wind farm with certain conditions. Eric asked if it was correct to say that under current regulations wind farms are not allowed in the watershed. John said that is correct. An agricultural or residential turbine is permitted by Special Exception but an industrial turbine connected to the grid is not permitted at all. The current request is to amend the ordinance with conditions that will allow the installation for turbines in RR outside of a 20,000 foot buffer from the shoreline of the lake and with a 200 ft height restriction. Rich suggested that perhaps our recommendation should be to continue the not permitted status of industrial wind turbines in the watershed. Eric suggested that a similar recommendation should be made to prohibit natural gas drilling or any associative items in the watershed.

Steve asked if John could foresee any other industrial impacts that the group might want to consider. John said it's difficult to foretell what technology will bring. The only thing he could think of is solar power. Presumably there could be huge fields of solar panels, but its ability to be sustained in Garrett County is questionable. Eric asked about electrical generation in general aside from the drilling. For example, could natural gas generators be permitted? John directed the group to category 10 on page 31 of the ordinance that refers to electric power generating plants or substations. The regulations found there make such facilities Special Exception uses across all zoning categories.

John said the other largely aesthetic issue is signage. Bob said he really didn't think that was in the purview of this group. Personally, though, he feels the zoning ordinance regulations for signage are antiquated. John feels they are adequate. Some discussion ensued about signage. This is a topic more appropriate for discussion during the Comp Plan and subsequent Deep Creek Watershed Zoning Ordinance update. The group thanked John for his willingness to speak with the group and wished him well on his pending retirement.

The group then started a discussion on draft goal #1 which as submitted read: *Protect, improve and maintain existing stormwater infrastructure that results from both existing developments and transportation features to decrease pollution from nonpoint sources and ensure healthy watershed conditions. Explore incentive programs to improve the performance of existing and future stormwater systems.* Paul called for less words. Words like nonpoint and transportation features shouldn't be put in there if they are not generally understood. Paul suggested using the word infrastructure instead of transportation features. Brian agreed with that and further suggested that the last sentence be deleted since they will be covered in the objectives and strategies. Paul asked if we are limiting ourselves by saying 'stormwater infrastructure' or is that the focus of that goal. Should we include septic? It was clarified that this goal is to revolve around stormwater and impervious surface issues, while another goal was intended to address issues associated with septic.

Steve noted that when Jim Torrington spoke to the Steering Committee it was clear that they really didn't have problems with stormwater from new development as current regulations are adequate to take care of that. The problems are more with developments that occurred prior to regulations. In our proposed goal we speak of existing stormwater infrastructure, but we don't speak of places that do not have any infrastructure in place currently. An example would be Roman Nose where the only stormwater control mechanisms are ditches. Rich suggested that perhaps our objective with those types of situations would be to suggest working with HOAs or the homeowners if an HOA does not exist to help them find a more environmentally friendly method of stormwater control. Bob suggested we might want to suggest bonding or getting grants to address those types



of old developments. Steve said his point really was to ask if the goal as currently stated covers these types of issues that we plan to address in our objectives. Bob thought it did because it says 'protect, IMPROVE and maintain existing stormwater...'. Eric asked why we wouldn't change those three words to manage, and Bob agreed that would probably be more concise and accurately reflect the intent. He did highlight that as currently stated it focuses on existing stormwater and perhaps it should say existing and proposed. Brian asked if we should include references to both the guiding regulatory framework and incentives. Steve noted that looking at the regulations and considering incentive programs are activities that we are conducting but not appropriate in a goal. Eric added that he thinks those activities are implied in the word managed. Brian suggested that the words development and infrastructure are a bit redundant. Eric then proposed we drop 'development' and simply say 'existing and proposed infrastructure'. He then asked whether it's necessary to specify non-point. Bob stated that we seem to be getting in to some redundancy issues. Paul suggested 'manage existing stormwater infrastructure that results from both existing and future developments to decrease pollution and ensure healthy watershed conditions'. Brian suggested that we still had some repetition in that proposal and suggested saying 'from existing and proposed infrastructure' instead of 'from existing and future developments', because infrastructure was a broader term. Paul stated that to him the term development was the broader term, because in his view it encompasses housing, business, etc and the infrastructure is that which makes that development possible. Brian agreed with that assessment, but did note that we have 'existing and proposed' in the statement twice and we could remove one. Therefore the group decided (on a motion by Paul, second by Brian and a unanimous vote) that their draft goal #1 will be:

**Draft Goal #1: Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions.**

The group then started a discussion on draft goal #2 which as submitted read: *Protect the watershed from the adverse effects of impaired on-site sewage disposal systems and ensure adequate capacity of public systems.* Steve stated that this goal as stated does not seem to address leakages from the public system. Should we address infrastructure concerns? Rich suggested we add a statement about management of the systems. Therefore the group decided (on a motion by Eric, second by Brian and a unanimous vote) that their draft goal #2 will be:

**Protect the watershed from the adverse effects of impaired on-site sewage disposal systems and ensure adequate capacity and management of public systems.**

The group then started a discussion on draft goal #3 which as submitted read: *Promote land use policies that value environmental and economic sustainability.* Brian asked about adding land and lake use policies. It was decided that idea would be more appropriate in goal #4. Paul asked if we could get rid of the word value. He recommended using the word manage. Brian stated that you don't really manage sustainability. You manage to ensure sustainability. Paul then suggested using the word ensure. Therefore the group decided (on a motion by Paul, second by Steve and a unanimous vote) that their draft goal #3 will be:

**Promote land use policies that ensure environmental and economic sustainability.**

The group then started a discussion on draft goal #4 which as submitted read: *Preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship.* The group asked Brian if the way this was stated brought in to light his concerns regarding lake uses and Brian felt it did. Therefore the group decided (on a motion by Eric, second by Bob and a unanimous vote) that their draft goal #4 will be:

**Preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship.**

Debbie then discussed that the next steps will be for the group to start thinking about objectives that will pertain to these goals. Specifically between now and the next meeting the group needs to think start generating ideas for objectives relating to land use based on the discussion with John today. She asked what the group thought she could provide to help them to accomplish this task. The group suggested cleaning up the goals list and providing the minutes from today. It was suggested that some studies and documents would be useful; however, Debbie cautioned that it may be a lot of documentation. It was decided that it may be most useful for Debbie to conduct a data mining activity that pulls out things that most pertinent to the group.

The meeting adjourned at about 4:00.

**THIRD IMPACTS OF GROWTH SUBCOMMITTEE MEETING**  
**Garrett County Chamber of Commerce**  
**15 Visitors Center Drive, McHenry MD 21541**  
**February 20, 2014**  
**AGENDA**

*Meeting Outcomes:*

1. *Get to know the Stormwater Management Ordinance and other regulations administered by the Office of Permits & Inspection Services pertinent to our discussions*
2. *Get to know the policies in relation to stormwater management and county roads*
3. *Educational session with Jim Torrington, Reggie Breeding and Dave Ritchie regarding county policies and practices in relation to stormwater management*
4. *Discussion of objectives with regard to land use policies*
5. *Discussion of strategies with regard to the objectives (responsible party & timeline)*
6. *Prioritization of objectives*

*Suggested Reading prior to the meeting:*

**Stormwater:**

1. *Stormwater Management Ordinance - [http://garrettcountry.org/resources/permits-inspections/pdf/2010\\_Stormwater\\_Ordinance.pdf](http://garrettcountry.org/resources/permits-inspections/pdf/2010_Stormwater_Ordinance.pdf)*
2. *Stormwater Management Website - <http://www.garrettcountry.org/permits-inspections/stormwater-management-1>*

**Land Use:**

3. *Data Mining Results*
4. *Synopsis of points of interest from last meeting pertaining to land use recommendations*
5. *2012 Annual Report – with special attention given to the growth projections - <http://garrettcountry.org/resources/planning-land-development/pdf/Planning%20Commission/2012%20Annual%20Report.pdf>*
6. *Planning and Land Management website - <http://www.garrettcountry.org/planning-land-development> - pay special attention to the list on the left hand side, specifically Deep Creek Watershed Zoning, Subdivision, Planning Commission, Comprehensive Planning and Land Preservation*

<b>1:00 – 1:30</b>	<p><b>Housekeeping</b></p> <ul style="list-style-type: none"> <li>• <b>Approval of minutes from the January meeting</b></li> <li>• <b>Status report on speakers for upcoming meetings</b></li> <li>• <b>Further discussion on Purpose and Goals based on Brian’s email and SC comments</b></li> </ul>
<b>1:30 – 2:30</b>	<b>Educational Session with Jim Torrington, Reggie Breeding and Dave Ritchie</b>
<b>2:30 – 3:45</b>	<p><b>Objectives &amp; Strategies for Goal #3: <i>Promote land use policies that ensure environmental and economic sustainability</i></b></p> <ul style="list-style-type: none"> <li>• <b>Objectives &amp; Strategies in regard to industrial concerns</b></li> <li>• <b>Objectives &amp; Strategies in regard to aesthetic concerns</b></li> <li>• <b>Objectives &amp; Strategies in regard to loss of tree canopy</b></li> <li>• <b>Prioritization of Objectives</b></li> </ul>
<b>3:45 – 4:00</b>	<b>Public Comments</b>
<b>4:00</b>	<b>Adjourn</b>

## Minutes of the Third Impacts of Growth Subcommittee Meeting

The third Impacts of Growth subcommittee meeting was held on February 20, 2014 from 1 – 4 pm at the Chamber of Commerce in McHenry. In attendance were Bob Browning, Steve Green, Willie Lantz, Eric Robison, Rich Orr, Paul Weiler via teleconference and Deborah Carpenter.

The minutes were approved as submitted.

Speakers for upcoming meetings are as follows:

- March 13 – Craig Umbel is confirmed. Steve Sherrard has yet to respond. Jeff Broadwater, who had responded in the affirmative for Public Utilities has taken on a different post. He suggested that Richard Shoemaker and Pat Hudnall take his place. Debbie has confirmed with both Shoey and Pat and they will attend.
- April 10 – Eric Null has yet to respond.

Discussion on draft purpose and goals ensued. Deborah stated that the Purpose and Goals as voted upon at the last meeting need to be revisited on the basis of two occurrences – an email from Brian Greenberg and statements made by the Steering Committee at their last meeting. Both center around goal #3 currently stated as: Promote land use policies that ensure environmental and economic sustainability. Brian's email suggests adding the element of lake use by restating it to read: Promote land and lake management policies that ensure environmental and economic sustainability. The Steering Committee's comments revolved around the use of the phrase 'economic sustainability', stating that the word viability would be better served in that context. The group decided to table Brian's comments until we could discuss it more thoroughly with him. Further they decided that the Steering Committee's comments were well received and voted to change Draft Goal #3 to read: *Promote land use policies that ensure environmental sustainability and economic viability.*

### **Educational Session**

Jim Torrington, Assistant Director and Reggie Breeding, Stormwater Engineer of the Office of Permits and Inspection Services and Dave Ritchie of the County Engineering Department visited the group to discuss stormwater regulations in the county in regard to both developments and roads. The first issue raised came from Eric who stated that sometimes stormwater controls are taken out after inspections. Bob mentioned that he knew they inspected sites every three years and opened up the floor to them to address the concern. Reggie stated that on the single family sites, especially on steep sloped areas around the lake, there have been instances where a structure has either failed or not been properly maintained. They haven't necessarily been taken out. What usually occurs is their office will receive a complaint from the person down slope from that house where the structures are insufficient for whatever reason. At that point they will go investigate, find the source of the problem and work with the landowner to remediate it. They do try to compare the current inspection to any past inspections and if a structure has been taken out, they'll be able to see that. Commercial projects are handled differently. Those projects have to obtain a permit, a bond is instituted, and will be released when a certified engineer verifies the as-built. After that every three years Reggie goes back out and does a full inspection of those stormwater structures. Eric stated that if it's a lakefront home and there are no down slope residents to file a complaint, then there is the possibility of poor stormwater features leading to excessive runoff into the lake. His concern is more directed toward landscaping style controls (like vegetative swales) that are more easily removed or altered than disconnecting a drywell, for example. Reggie stated that if a homeowner does not like the look of some landscape style structures they can always hire an engineer to design something more appealing or they can contact Reggie and he would be glad to work with them to come

up with an alternative. Eric clarified that he didn't think the issue was one of aesthetics but more one of money. If a homeowner can save money by going with a vegetative swale or other landscaping features and those features can be easily altered in the future, should this be an issue that needs to be addressed in a regulatory manner that the subcommittee should fashion into a recommendation?

Jim Torrington stated that he felt the first thing we need to do is determine if we are having problems and then narrow down where these problems are occurring. Are we having problems with sediment entering the lake from single family dwellings? Before we institute watershed wide or countywide (as all stormwater regulations are countywide and not watershed specific) regulations in that regard it would behoove us to determine that first. Perhaps it would be more prudent, if there is an area of concern, to find it, determine what is happening there and work with property owners to fix it, rather than go a regulatory route. The county implemented a stormwater ordinance in 1984. It was updated in 2000. At that time, the stormwater engineer (Dave Ritchie) signed off on occupancy permits for all single family dwelling projects that required stormwater management. Commercial projects require a declaration of land easement to be recorded in the land records. The purpose of that document is to hold the current and all future owners of that property accountable for maintenance of stormwater features. We do not have that type of required documentation for single families. That is something that could be done on a regulatory level. Not all single family projects require stormwater permits. Before we go that direction, though, again, Jim feels there needs to be a list of identifiable erosion or stormwater management problems in the Deep Creek watershed.

Jim also noted that the County's Ordinance requires attenuation of up to a 10 year storm event, which equates to 4.2 inches of rain. We have had quite a number of larger storm events recently. It's hard to attenuate that when you're only providing stormwater for the 10 year discharge. He also noted that on a number of subdivisions we have stormwater controls in place but on the older ones, we do not. They pre-date the ordinance.

Willie fully agreed with Jim's statement about identifying problem areas. We need to take a step back from saying here are the problems and these are our recommendations to first identifying the problems. That doesn't lead to quick solutions but it does help to focus on the root of issues. He's concerned that we don't hamper an industry by making a broad sweeping regulatory recommendation only to find out that we really only needed to take care of localized problems. Willie further went on to say that the Steering Committee will be hearing a sediment presentation soon, and what the DNR folks seem to be saying is that yes, Deep Creek Lake is collecting sediment but it's not at an unusually high rate. He acknowledges though that Eric has brought up valid points that there are problems but how do we figure that out where and to what extent – a survey, a study, etc? Steve stated that Deep Creek is very healthy as far as nitrogen and phosphorus, but it would seem to him that there's not enough information on our shallower coves.

Bob mentioned a problem with runoff close to where his dock is in the McHenry cove below the fairgrounds. He knows the county has done a lot of work in regard to stormwater at the fairgrounds and he doesn't think it's coming from there; however there is still an issue. Jim stated that there is a perfect example of a known issue in a subwatershed. If the county is aware of it, they can focus efforts to remediate it. That would probably be the most efficient way to handle the issues. He also stated that his office has mapped all the stormwater features back to 1992, so that can be put on a GIS and clearly show what areas currently have stormwater structures in them. Willie noted that could also be included in the mapping that Christine Conn is creating.

Steve stated that sediment is a problem in some areas but we don't know if it's coming from development, roads, agriculture, etc. Perhaps a recommendation is to find out what we don't know. Bob concurred with that statement. Willie stated that he suspects that most of the sediment came in to the lake during its formation and

immediately thereafter prior to regulations. With the institution of agricultural bmps and sediment & erosion control and stormwater management we've probably seen a slowing of sedimentation compared to before. Bob said that most problems do seem to revolve around the older subdivisions and developments and that is harder to handle. Willie stated that if we determine that there is a problem in an older subdivision he would feel bad saying that to those homeowners that they have to pay a large amount to fix it. As an alternative, it would seem to him that one of those type spots would be a prudent place for the county or state or someone to come in and do some remediation work. Look at the problem that was at the fairgrounds – the county helped out a huge amount. Jim said he agreed, but he believes there could still be some potential fiscal responsibility on the part of the homeowner. Perhaps there could be a tax incentive that would encourage the homeowner to install stormwater features. Harvey's Peninsula was brought up as another example of an old development with problems. Dave stated that one of the issues there is close lots and no road right of way in which to install some remediation features. In some cases in these old subdivisions there is no room to install road remediation features without being on private property. Bob stated that to him it all boils down to velocity. If you can slow it down, it's much better in the long run. Harvey's is one of those examples where you have a problem, you know you have a problem but solving it is a little tricky. In some of these older places what the county can do is limited because remediation has to happen on private property. We also have to remember that it's not just a matter of remediation but then those features have to be maintained and who is responsible for that?

Steve asked Dave if there are best management practices on roads. Dave stated that any new roads would apply best management standards, but we rarely build new county roads. We generally spend most of our time on maintenance. As far as having some sort of booklet of best management practices that garages have to tell them things like when to put riprap in, etc, we do not have that. He stated that sometimes it takes time to change practices because workers tend to do things the way they always have. Plus, often it costs more and takes more time to do things in a best management type of way. It's not too hard to stabilize a ditch that only has water in it when it rains, but some of them have water in them fairly consistently and it's a little harder to get them stabilized. Bob noted that it would seem to him that we dig ditches that are deeper than necessary extremely close to the edge of the road. Even in places where sheeting is occurring over the road, it wouldn't seem a ditch that deep is needed, and they are dangerous to the driver. Dave said there are probably multiple reasons for those instances. Sometimes it's the history of the area – a knowledge of an unusual amount of water flowing there, or over time the ditch has gotten a little deeper with maintenance. Dave stated that as they maintain roads they do try to upgrade them to account for and improve stormwater and drainage issues. However, if they find that they need an easement to do some of the work and they can't get that easement, then they are limited in what they can do. Eric mentioned that putting in a rock trap at the end of the culvert is a good thing if you have room. Reggie noted a sump at the beginning of the culvert is better.

Eric stated that it sounds like everything new – roads and developments – are not something we need to worry about. What we need to focus on is the grandfathered instances and what to do about them. Bob suggested that a booklet of best management practices for the roads crews in every garage would be great and some education and commitment from the roads department to follow those whenever possible. Dave agreed and stated that it's not as though you'd have to develop your own standards. There's enough out there to pull from. Reggie brought back up though, that even with that, how do you go into these older subdivisions where there's not room to do this on county property and get them to install best management practices maintain them? Who's going to pay for it? Eric said incentivize. It won't be required, but they'll be more likely to do it if they get a tax break. Steve and Reggie stated a grant that would be available to help with those remediation instances might be a possibility as well. Reggie further stated a tax that will be earmarked for retrofit instances might work as well.

Some discussion of sedimentation in coves was held. Perhaps those coves could be a focal point for the study of where problems may be. Stream sampling has already been done in a lot of places as well and that data would help too.

Willie brought up the Bay Yardstick Program, which the Extension office is involved in and that Eric has mentioned a couple times. Its purpose is to try to reduce the amount of stormwater that drops pollution into the Bay. It started out as a voluntary program to encourage homeowners to put in small stormwater features on their properties. Now these owners receive some incentives in the form of some relief from the rain tax, which obviously does not affect us in Garrett County. The Extension office has a couple people coming up to talk to them about the program in April. He wondered if it would be worth it to have them talk to the Growth subcommittee or Steering Committee. Perhaps we could use the voluntary model adapted to benefit Deep Creek Watershed or any watershed. Eric stated that he thought some counties incentivized a similar model with a credit system towards your water or sewer bill. Bob stated that he thought the Lake Management office had brochures on rain gardens and such. In the interest of being proactive we should attempt to get as much educational material out there as we can. Willie said the way he understands the program the C-Grant educators go out and train a group of volunteers who then become the people that are helping the homeowners and homeowners associations with understanding what they need to do to reduce runoff on their properties. What happens is that if it is linked to an incentive program, the county then would want to verify installation. These volunteers would need to be trained to do the follow up and verification as well. There's also an educational program for landscapers to help them know how to install landscaping that is better at slowing or trapping stormwater. Eric noted a program such as that would also be very beneficial for builders. Willie asked Jim, Reggie and Dave if they felt this sort of program would have enough effect to make it worth the implementation of it. Eric felt that it is largely educational and eventually it will be worth the cost savings especially if it leads to less sediment in the lake. Bob wondered if we make every effort to capture stormwater on site, will that lead to a problem with reduced water levels. Reggie stated that natural recharge mechanisms will ensure that water still makes it into the lake but should be much cleaner for having gone through a natural filtration. Jim stated that he thinks the Bay Program model is a good idea, but it doesn't account for maintenance costs. Every feature requires maintenance so an incentive to install does not create a commitment to maintenance.

Jim went on to mention that one thing we need to do is inventory what we have on our GIS system. The culverts, ditches, maintenance schedules, etc, would really help improve efficiency and help with locating potential sources of problems.

Bob said he could see a recommendation that encourages the Roads Dept to make best management practices information and education a priority and institute it as much as practicable. Dave acknowledged that there are probably some practices that aren't done that could be and often it's a matter of overcoming the initial resistance to doing work differently. The increase in cost may be balanced long term in some cases by decreases in cost of maintenance.

Rich asked for clarification of agriculture's role in sedimentation and Willie stated that there are laws in place that protect the streams. For example, farmers cannot spread manure within 10 feet of a stream and that includes manure from cows. This basically means that a farmer cannot let the cows within 10 feet of the stream. The question is who is enforcing that and the answer is no one. It's up to a neighbor to call and say the cows are in the stream and then MD Dept of Agriculture will send someone out to investigate. Jim mentioned that agricultural practices are exempt from erosion and sediment control permits.

### **Discussion of Objectives and Strategies pertaining to the Land Use Goal (#3)**

Deborah reviewed the data mining document which she parsed by goals. She noted that the color coded items showed past recommendations that were completed or on-going and those did not need to be reviewed today. The group should focus on those past recommendations that were not implemented that the group decides are worthy of revisiting as recommendations to the Steering Committee.

The first past recommendation the group discussed involved architectural standards. Bob mentioned that he does not like government intruding into private business, but he says we do have some buildings that look bad. Deborah suggested that we take a step back to decide whether the group feels that this issue is within their purview. The argument could be made that this discussion is not suitable to the watershed plan. The reason it is on the docket is because the public stated during the public session that development is having a detrimental effect on the aesthetics of the watershed. Eric thought the aesthetics mentioned were more in relation to the loss of tree cover due to building, not architectural standards. Steve pointed out that the Steering Committee is tasked to look at both recreation and economics in the MOU, so we should be going beyond the parameters of a traditional watershed plan. Bob stated that Deborah's point was valid but one can easily argue that as we are looking at the impacts of growth, aesthetics is definitely an impact that can affect economics. Bob would like to see us address it, and if the Steering Committee feels it's not an issue they can remove it. The group decided to frame an objective that encouraged the planning commission to strengthen the current architectural standards found in the zoning ordinance for commercial industries. The recommendation could be framed as follows:

**Objective: *It is recommended that the Planning Commission strengthen the current site design and architectural review standards applied to commercial developments within the watershed.***

The next past recommendation that that group looked at was to encourage the viability of traditional waterfront businesses. The group felt that this was still a very important issue, since the loss of commercial businesses to residential or rental uses decreases the amount of public access to the lake. Bob mentioned that a recommendation to this effect should be considered as a zoning recommendation and also as a recreational one. Rich felt that DNR encourages the retention of waterfront businesses but he did not feel that the county did much to encourage their viability. Willie stated that it would seem that the focus of Economic Development has been the encouragement of small businesses and that's exactly the type of business we see at the lake. Rich acknowledged that the office did help out some, but there is more that can be done. A sample objective and strategy could be framed as follows:

**Objective: *Encourage the continued viability of traditional waterfront businesses.***

**Strategy: *The County Office of Economic Development and the Chamber of Commerce should form a think tank to determine ways in which waterfront businesses can be supported and encouraged.***

**Strategy: *The think tank should revisit the two recommendations from the 2008 Comprehensive Plan to (1) work one on one with individual waterfront businesses at risk of being lost and (2) explore with the local tax assessor the potential for changes in the way that property assessment values are prepared for waterfront businesses.***

The next past recommendation considered concerned wind turbines in the watershed. The Comprehensive Plan recommendation was a countywide recommendation to seek legislation to establish setbacks from property lines; however within the watershed the current regulation is to not allow them at all. The group would like to encourage the Planning Commission to uphold the current policy of not allowing industrial wind turbines in the Deep Creek watershed. A sample objective would be:



**Objective: Encourage the Planning Commission to uphold the current policy of prohibiting industrial wind turbines within the Deep Creek watershed.**

The group then discussed possible recommendations staff mined from the minutes of the last meeting. The first to be considered was a recommendation to prohibit shale gas drilling within the watershed. Willie expressed a concern that if we prohibit it within the watershed we need to have a justifiable reason why it should not be permitted within the Deep Creek watershed when it might be allowed in any other watershed. He could see a reason that it would be bad close to the lake, but the watershed includes areas that are a good distance from the shoreline, and it may be harder to justify why those areas are not permitted when they are similar to areas just outside of the watershed. Eric pointed out that the Cherry Creek area, that is the most obvious area that matches what Willie was referring to, contains a tributary to the lake, and it's important to keep the tributaries protected from adverse effects of mining. Willie stated he also feels we are unfairly targeting Marcellus shale drilling. Mining in general is not something a vacationer wants to look at when they come to a resort area, whether it be coal, gas or any other extractive industry. He points out that a land owner a significant distance away from the lake but still in the watershed may want to get the financial benefit from the drilling and we should be able to show that being in the watershed is a valid reason to prohibit it if other landowners outside the watershed are allowed to do it. Yes, if a landowner is on Cherry Creek the water there runs to the lake, but an owner in the southern end of the county has land that drains to the Yough, or an owner in New Germany drains toward Savage. Landowners within Deep Creek watershed can say they're being unfairly restricted from the activity when the activity is no more detrimental than it is in any other watershed in the county. Willie realizes that it's a very controversial issue and it's tough for him because the farmers he represents are on both sides of the issue as well. He also points out that a large limiting factor is the fact that companies have to find a large enough contiguous tract of land to be leased (~600 acres), so the likelihood of finding that near the lake is probably already minimal. Eric said we have to look at not just the pad but also the associated plants and processing that goes with it. There is potential for accidents with all those activities and some of those do not require as much land. Bob was wondering if it's feasible to prohibit wellheads in the watershed. That way a landowner can still lease their land and reap the benefits of the activity without the activity actually being in the watershed. Eric agreed with that since the mining is happening 8000 feet below the surface and there is little evidence to suggest that any accidents occur at that level. Accidents occur on the surface. He suggested that perhaps we further clarify it to say that the vertical bore hole should not be in the watershed. Willie agrees with that suggestion. Eric mentioned that farmers can get out of preservation to enter in to the lease; however Willie clarified that it is not easy. The farmer has to prove that the farm is no longer viable. Willie would also like to see us look at what effect our recommendations would have. For example on the GIS system we can draw the 2000' buffer around the shoreline. Then, if we choose to not allow a wellhead in the watershed and a wellhead is set up just outside the boundary and it can reach in 8000', draw that as well and see what land area that leaves. It can be further refined by placing the tax parcels on there and eliminating those that aren't large enough to be considered for a lease. Eric mentioned that there is a map in Appendix E in the BMP report that showed, assuming the company gets the amount of leases necessary; with 8000' laterals they could reach 97% of the county. Bob likes the idea of the study, and could foresee a recommendation to prohibit wellheads within the watershed and to endorse a study that would show how that affects large landowners within the watershed.

Willie said we should also consider that though we are focused on fracking, the industry and technology are constantly changing. How do we adjust with the changes when they may come up with something that is less obtrusive in the future? Steve said he had thought about wording it to prohibit Marcellus shale drilling using current technology, but he wasn't sure how to define current technology that allows for more environmentally friendly technology down the road. The technology is moving so quickly, they may be on to a new technology before we even get a regulation in place.

Willie also noted that eliminating wellheads in the watershed does not eliminate the truck traffic associated with the activity. Bob stated the reality is that it is already happening. Drilling is happening around us in PA and WV and therefore the truck traffic is already coming through our county. Eric pointed out though that those trucks are probably using the main highways as opposed to trucks, if the practice is allowed, using roads like Rock Lodge Road and other county roads which, by their very nature, would seem to be more likely for accidents. Willie said at one point in time, there was discussion that if this were to be permitted in the county, we should require a transportation study, plan or permit in addition to the other permits. Steve said perhaps we should consider that if we do have an accident on a road do we have the emergency response capability to handle that type of incident?

Rich added that 75% of the money that comes into the county is from real estate taxes and of that almost 60% is from District 18. Therefore, if you ask if gas drilling in the watershed will have an effect on the county, the answer would have to be yes. He also noted the current regulations require a 2000' setback from the lake and a 1000' setback from any land not leased by the entity. Bob suggested that we seek clarification on whether the regulations are referencing the wellhead. Rich read from the ordinance and it says 'drilling for or removal or underground storage of natural gas subject to the regulations of MDE, the MD Public Service Commission and the Federal Energy Regulatory Commission.' Willie said there's a classic argument around whether 'underground storage' would encompass the drilling that is going on 8000' below the surface. Bob still thinks we need clarification. Eric said that all MDE's setbacks are referring to the well bore at the surface only.

Paul suggested we might want to consider restricting how far horizontally a company would be allowed to drill into the watershed. Willie said the question then becomes why is that important because that is happening 8000 feet underground and there's been no evidence to indicate adverse effects from that portion of the operation. Plus in order to penetrate far into the lake they'd have to have a significant amount of landowners to agree to lease their land. Especially as you get closer to the lake, that would be unlikely.

The meeting adjourned at about 4:30. Deborah suggested that this conversation as well as discussion about other possible objectives and strategies continue via email. Other possible objectives and strategies will include discussions of other industrial uses and loss of tree canopy. The next meeting will be held March 13<sup>th</sup> from 1 – 4 pm at the Chamber.

Respectfully submitted,

Deborah Carpenter

**FOURTH IMPACTS OF GROWTH SUBCOMMITTEE MEETING**

**Garrett County Chamber of Commerce  
15 Visitors Center Drive, McHenry MD 21541**

**March 13, 2014**

**AGENDA**

**Conference #: 1-712-432-3011**

**Conference Code: 160329**

*Meeting Outcomes:*

1. *Get to know the policies and regulations administered by the Garrett County Public Works, Utilities Division in relation to public water and sewerage systems*
2. *Get to know the policies and regulations administered by the Environmental Health Department in relation to private septic and wells*
3. *Guests: Richard Shoemaker, Patrick Hudnall, Craig Umbel and Steve Sherrard*
4. *Discussion of objectives with regard to land use & stormwater policies*
5. *Discussion of strategies with regard to the objectives (responsible party & timeline)*
6. *Prioritization of objectives*

*Suggested Reading prior to the meeting:***Private Septics & Wells:**

1. *Construction of individual subsurface sewage disposal systems-*  
<http://www.garretthealth.org/departments/Environmental/sewage.htm>
2. *Procedure for Disinfecting Water Well-* <http://www.garretthealth.org/departments/Environmental/wells.htm>

**Public Water & Sewerage:**

3. *Draft 2014 Revision to the Garrett County Water & Sewer Master Plan -*  
<http://www.garrettcounty.org/resources/public-utilities/pdf/Garrett%20W-S%20Plan%20draft%2012-23-13.pdf>

**Land Use & Stormwater Objectives & Strategies**

4. *Follow-up document on Land Use objectives, including drilling scenario map*
5. *Synopsis of points of interest from last meeting pertaining to stormwater objectives*

<b>1:00 – 1:10</b>	<b>Housekeeping</b> <ul style="list-style-type: none"> <li>• <b>Approval of minutes from the February meeting</b></li> <li>• <b>Status report on speakers for upcoming meetings</b></li> </ul>
<b>1:10 – 2:30</b>	<b>Educational Session with Richard Shoemaker, Patrick Hudnall, Craig Umbel and Steve Sherrard</b>
<b>2:30 – 3:45</b>	<b>Objectives &amp; Strategies for Goal #1: <i>Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions</i></b> <ul style="list-style-type: none"> <li>• <b>Objectives &amp; Strategies in regard to impervious cover</b></li> <li>• <b>Objectives &amp; Strategies in regard to development stormwater</b></li> <li>• <b>Objectives &amp; Strategies in regard to road stormwater</b></li> <li>• <b>Prioritization of Objectives</b></li> </ul>
<b>3:45 – 4:00</b>	<b>Public Comments</b>
<b>4:00</b>	<b>Adjourn</b>

## Minutes of the Fourth Impacts of Growth Subcommittee Meeting

The fourth Impacts of Growth subcommittee meeting was held on March 13, 2014 from 1 – 4 pm at the Chamber of Commerce in McHenry. In attendance were Bob Browning, Steve Green, Willie Lantz, Eric Robison, Rich Orr, Paul Weiler, Brian Greenberg and Deborah Carpenter.

The minutes were approved as submitted.

Speakers for upcoming meetings are as follows:

- April 10 – Eric Null has stated that he will attend either in person or via phone. Discussion ensued about whether to invite past lake managers in order to get an historical perspective. It was decided to invite both Carolyn Matthews and Paul Durham.

### Educational Session

Guests attending the meeting included Steve Sherrard and Craig Umbel from the Environmental Health Department and Patrick Hudnall and Richard Shoemaker from the Public Utilities Division of the Department of Public Works. Rich started the conversation by asking Steve if any data existed about failing systems and if there was any kind of recommendation that they could foresee might be helpful to the watershed in relation to private septic systems. For example, are there new types of private systems out there right now that are better than what we presently have? Steve stated that any system that serves more than one household comes under the Public Utilities domain. He went on to give a general description of what his office does. The Environmental Health Dept issues the septic permits and conducts percolation (perc) tests for individual homes and subdivisions. They also issue well permits and conduct water testing. If someone drills a new well they have to get a certificate of potability and it's tied in with the use and occupancy process in the county permits office.

As it pertains to on-site septic systems there are two sets of regulations that govern the Deep Creek watershed – one is the state regulations for on-site sewage disposal and the other is the Deep Creek Lake Sewage Disposal Ordinance written in the 80s. Within that Ordinance the minimum lot size for an on-site sewage disposal system was one acre. That was amended in the early 90s to increase that to 60,000 square feet. The reason for that was that they were seeing a demand for larger homes (4-6 bedrooms instead of the typical 3 bedroom home). Septic systems are sized based on the percolation rate obtained during the perc test and the number of bedrooms in the home. They do not go by the number of bathrooms because the more bedrooms you have the more people can occupy a home comfortably. When a perc test is conducted they have to find at least 10,000 square feet available for the septic system. The homeowner must have enough room to install the initial septic system and two reserve areas. These are areas that could be used in the event of a failure of the original system, and if necessary the failure of the second system. Typically systems are good for 20 – 30 years. In the Deep Creek Lake Sewage Disposal Ordinance the area needed for the septic system was increased from 10,000 square feet to 15,000 square feet.

An acceptable percolation rate is between 2 and 30 minutes for a one inch drop. The faster the percolation rate the less amount of drain field you're required to have. There's a range from 16 – 30 minutes that will require the maximum amount of drain field for the number of bedrooms the homeowner plans to have. Within that range for a 3 bedroom home, 375 feet of drain field would be required – 2 feet wide, 2 feet deep installed in linear trenches parallel to each other on contour.

Paul asked if there is any requirement as to how far the drain field has to be from the water. Steve said yes, both the sewage disposal area and any area that it may be expanded into in the future must be 100 feet from both the lake and the well. Brian asked if Steve felt that 100 foot setback was sufficient. First Steve stated that there aren't many new lots being developed on the lakefront with septic systems. Steve then stated that there are older lots that pre-date these rules where septic systems are currently closer than the 100 foot setback. If they have to do a repair on one of those sites you're faced with a trade off. Do you repair it while closer to the lake and have the effluent in the ground or do you not

repair it and have it on the surface? Sometimes it's possible to perc an area higher up on the lot and pump back to it. The lakefront houses tend to be low because everyone wants to build as close to the water as they can. When faced with that situation the well has to be higher as it is required to be higher in elevation than the septic system. Bob mentioned requests that he had seen come before the PRB requesting systems be on the buy down. Steve said, yes, we do that, and it requires a letter of recommendation from his office to Lake Management. If they do go on the buy down they still want to keep it 100 feet from the lake. Typically they have been able to do it, since some of the buy downs are quite large. They do occasionally require a 3 foot wide trench instead of a 2 foot wide trench, but they won't do that on steeper slopes because that will sometimes require a deeper trench on the uphill side.

With the perc tests they don't just look at the rate at which the water drains from the hole, but they also look at the soil profile down to six feet. They do this because they need a 4 foot treatment zone, which means 4 feet of good soil below the bottom of the trench (typically 2 feet deep). Once the effluent is filtered through those 4 feet the viruses and bacteria are cleaned out of it. It will not remove the nitrogen and phosphorus but it does remove the pathogens. When they examine the soil profile they are looking at rock content, clay or evidence of high water table. If they can't find a treatment zone that is a typical reason why a perc test fails. There are a few properties that Steve's office has failed. They do what they can to approve them by offering alternatives, like a sand mound for example. If you don't have that 4 foot treatment zone, you can supplement with sand. So if you have at least 2 feet of good soil, you can pile 2 feet of sand on top of that to create your 4 foot treatment column. That kind of system requires that the effluent be pumped in to it so as to evenly distribute the effluent. It is a specialized type of sand and it is fairly expensive. The homeowner is looking at around \$15,000 to \$20,000 dollars for a sand mound system.

Sky Valley is a place where they have found that there is fractured bedrock, and they have contaminated wells in that development from septic systems. Water tests of the wells have shown fecal coliform bacteria. The Environmental Health Department didn't start doing deeper percolation holes until 1985. Sky Valley and a number of other subdivisions were developed prior to that. In Sky Valley and other places there is shallow bedrock, it's fractured and the effluent is getting down into the water table. Rich pointed out that the lots are smaller out there as well. Steve said they are half acre lots and they have turned down lots for septic out there. Also, not all those lots were perc tested when the subdivision was developed. His office will go out and perc test them now. In addition on these older subdivisions there used to be a 50 foot separation between well and septic. Now it's 100 feet (as of 1985). They have turned down lots because once you draw a 100 foot circle around all nearby wells as well as the proposed well, there's not enough remaining land area to meet the requirement for well or septic drain field. Brian asked if it was possible to do a statistical analysis of how many 'at risk' lots there are around the lake that were from prior to 1985. Further Brian noted that the subcommittee asked Steve, Craig, Pat and Shoey to this meeting with the assumption that problems with private or public sewer systems could be adversely affecting the water quality of the lake. Does Steve have some sort of feel, based on sample testing for example, that there is a nutrient loading problem with private systems and where they may be?

Steve noted that another task that they do is that they conduct lake water sampling May through September. About once a month, DNR supplies them with a boat, and a person from Steve's staff samples for bacteria in about 21 locations around the lake. In a select number of locations representative of zones they've divided the lake into, they also do nutrient sampling, nitrates and phosphates specifically. Steve can say he's seen a lot of wells come back with higher bacteria counts than what is found in the lake. The lake water is clean unless you happen to swim into an area with an excessive goose population. The nitrate and phosphate counts have been low; therefore there doesn't appear to be a big nutrient load in the lake. Those sampling numbers are at his office if anyone wanted to see them. If we have any algal blooms at the lake they tend to be at the head of the shallower coves.

Paul asked Steve when he does his water quality sampling, does he notice a difference between those areas that have public sewer, like in the northern end, and those that don't, like in the southern. Steve responded no, the lake seems to be typically low in nutrient load around the entire lake. If there is any difference at all Steve believes it is more attributable to the fact that the shallow coves are in the southern end. If there are any larger numbers in the southern end he feels they are more likely due to geese and the shape of the lake in the southern end. Paul followed up with 'That begs the question, why bother putting in a public sewer system?' Steve explained that there is more than one

reason for putting in a public sewer system. For example, for an area like Sky Valley, if you were to bring public sewer into there, their well water and the water table, would be cleaned up. Paradise Ridge off Paradise Road is another area that would benefit from a public system. Also lots that are currently undevelopable due to lack of Environmental Health approval, would then be developable.

Eric noted that looking at the draft Water & Sewer Master Plan, it appears that some of these areas are in the plan for service at a future date. He further wondered if any statistics had been calculated as to those areas that may be in imminent risk of failure but may not be addressed in the plan. Steve stated that if they have an application for an undeveloped lot in an area that we know has an issue with groundwater, we can require that they drill the well first. If they can't get good water, they are denied a building permit. Eric noted that takes care of unimproved lots, but what about existing lots that have failed systems? Most of the issues we have identified have come from grandfathered situations. Is there anything our subcommittee could recommend that would improve those situations?

Steve stated that they always require clean-up of a failing system. As far as his office recommending a specific system to do that, Maryland is traditionally conservative with the types of septic systems that it allows. It is now recommending BAT (Best Available Technology) systems – in fact they are mandatory on all new development in the Chesapeake Bay watershed. That system is geared toward removing nutrients, specifically nitrogen and phosphorus, but does not specifically improve the removal of pathogens. Eric asked if we have a mechanism in place to force homeowners to move to a BAT or some other system in the Deep Creek watershed. Craig noted that they have approved BAT systems at the lake. If the system is being replaced, a BAT system is required. Steve noted that with the BAT system if you remove the nutrients, you get a longer life out of the drain field. Bob noted the cost of that system is pretty steep and it requires on-going maintenance. Craig noted that BAT systems are also required by their office if you are building and cannot meet the minimum area needed for the two backup drain fields. For example, if a person wants to do a rebuild on an existing lot of record and can only supply 75% of the area needed, the office will require BAT on the system, so that the original system will last longer and perform better. Eric stated that in essence, though, we have no mechanism to make an older system change to a new system. Steve & Craig stated that if the system is failing they are required to fix it. As soon as they know about it they go out and make sure it is fixed. Steve noted that there are two types of failures. The ones on the surface are the easy failures to detect and they are notified immediately. There are failures below the surface, like in Sky Valley, where effluent reaches the groundwater without proper treatment. Those are harder to detect. They will find out about it through the well water testing eventually. In the case of Sky Valley, they noted the problem in the well water and presented to the Home Owners Association a couple times about the need for a public sewer system; however the homeowners have decided they would rather treat their well water than incur the cost of a public system.

Brian asked if perhaps there was a third type of failure, where there may not be florid symptoms of failure and pathogens aren't detected in the well water, but nutrients may be entering the lake, especially on older southern lakefront properties. Are there ways we can tell if that is happening? Could there be a correlation between old septic systems in the southern end of the lake leaking nutrients and the proliferation of SAV in that area? In fact, Brian believes that if we can add up the areas that we know have a problem, like Sky Valley, with those properties that we know have 70 year old septic systems that are likely to be failing, and concentrate efforts on those areas; we may be able to form an effective recommendation. Willie noted that the Water Quality subcommittee has been obtaining education on SAVs and have learned that the nutrient loads in the lake in general are pretty low, in fact almost to the point of not being able to support the kind of conditions needed for good fishing. The WQ subcommittee has asked the experts about the shallower areas and they had not done as much testing in those areas. They've asked that the WQ subcommittee wait until they hear the presentation on the stream data, because they feel that the majority of the sediment coming in is coming in via the southern feeder streams. As for the SAV, Lee Karrh from DNR has stated that if you have more nutrients coming in to an area, you generally see more invasive species, not native. However, if you lower the nutrient levels, it will not necessarily get rid of the SAVs. The experts did tell the group specifically that they cannot identify the source of nutrients.

Steve G said that he heard that you can check for tracers in the water to check for failing septic systems; however that's an expensive test. Willie wanted to clarify that Sky Valley residents have been given the option to treat their well water,

but have not been forced to correct the septic issue. Eric asked if there is any indication that their septic problems are affecting any area outside of their development. Thousand Acres is the closest and so far Steve's office has not found pathogens in their well water. There are issues on the opposite side of the lake at Hines Drive and Clark Lohr Road – the Northglade Hills subdivision; however, there's no indication that it is linked to Sky Valley. Debbie asked Pat to verify that those two areas are noted in the Draft Water & Sewer Master Plan as areas of concern planned for public sewer hookup. Pat verified that but could not recall what time category they were placed in, but most likely within 10 years.

Eric asked Steve if he had any recommendations that he would give to us to forward on to the Steering Committee. Steve said bring service in to those areas that we've just been talking about. Brian noted that puts us in an all or none mode. Sure, for these areas of known concern we can advocate for public service, but what about these random lots of probable failure? Could these be contributing to the nutrient load in the lake? Steve S said if we could quantify the nutrient load in the lake, and then figure out how much is coming in from the tributaries, what's left might be septics or lawn fertilizers. Craig said it was important to note that when public sewer is introduced many lots that are currently disapproved, will be approved, so the amount of development could potentially increase. Bob noted that we don't want to stifle reasonable growth, but that's a tough situation. There are a lot of small grandfathered lots that could be built upon with sewer, and some that were limited to smaller houses that would then be allowed to build bigger ones. Nobody is happy when they are faced with the expense of a public system; however, for the betterment of the watershed as a whole, at some point you have to do it. Steve S thinks there a number of people opposed to the expansion of the public systems for the very reason that development would increase.

Steve G noted that during the last sewer spill, Monty made the statement that his people were telling him that private septics were inputting more into the lake than the couple sewer spills. However, based on what we've learned today it would seem that we can't quantify exactly how much impact the private septics are having. So how do we identify these failing septics? Steve stated they find them because the owners or the neighbors call. Craig noted that their office was doing lake sampling well before public sewer was brought into the watershed, and that data did not see significant changes when public systems were established. Steve G asked how long they had been testing for nitrates and phosphates. Steve S said he wasn't sure; he'd have to go back and look. However, it's been quite a while. Willie said personally he feels that the impacts of septics have more to do with groundwater than nutrient load introduced into the lake. He feels that if we were to add up all the nitrogen created by all the septic systems around the lake, the numbers would probably be fairly insignificant based on the dilution factor that happens due to the size of the lake. Steve S noted that the state has made an estimate that the standard home creates 7 pounds of nitrogen per year. Willie stated that if you buy a 50 pound bag of 10-10-10 lawn fertilizer and put it on your lawn; you've just contributed 5 pounds of nitrogen to the system. He stated that to him, that is the significance of this discussion. You can fix every system perfectly and may reduce the nitrogen load by an insignificant amount. Steve S noted that the county was faced with that when they had to submit a TMDL (total maximum daily load) plan to the state. When looking at all the numbers, the best way to reduce the load was through best management practices for extractive industries. Retrofitting every system in the Bay watershed portion of Garrett County with BAT systems would not have gotten even close to the target number we were required to reach. Brian noted that it is extremely helpful to hear Willie weight the amount of nitrogen contributed from different sources and suggested that we need more information of that nature.

Craig noted that their office regularly inspects rental houses and the lake. There are around 800 rental homes and approximately 300 are on septic. Steve S noted that the definition of bedrooms has always been a big issue, especially around Deep Creek Lake. They size the septics systems based on the number of bedrooms and restrict them to a certain number of bedrooms. In rental homes then they get 'sewing rooms', 'dens', 'offices' etc. that are probably not being used for what the office is being told they're being used for. Traditionally they've always said if you build a room and it has a closet in it, then it's a bedroom. Take the closet out and it's not a bedroom. Steve S said he's not sure that there's any solution to it, but wanted to bring it up as something his office has had some issues with. Another system for sizing septic systems may work better considering the ease with which the bedroom issue can be circumvented. Paul suggested using an index number of square feet per bathroom.

Willie asked Steve and Craig, of the wells they find with problems in them, what percentage of them are constructed using the latest requirements and standards? Steve S said they went to a 40 foot casing requirement some time ago. If



his office thinks there's a problem they can special condition the well permit for deeper casing. Brian asked if septics are known for contributing any salt load to the lake, which may account for the higher conductivity numbers. Steve S said no, salt is not an issue with septics. Willie noted that since salt dissolves in water it's not separable like phosphorus and nitrogen. The only way to reduce a salt load is by dilution or distillation. He also noted that as organic nitrogen breaks down it leaves salt, so increased nitrogen does lead to increased salt. As far as the agricultural field goes, Willie said they don't worry about salts because since salt is highly water soluble it leaches. Steve S said there are a few wells that show a seasonal fluctuation of high salt content but those are generally close to the highways. In fact, the Keyser's Ridge water system was installed to alleviate a salt problem. SHA has re-drilled wells for folks that have that problem.

Rich asked Pat and Shoey if there is anything related to the current public sewerage system that we need to be concerned about for the next 5 - 10 years. Also, we talk about the need to expand the sewer, but what actually has to be done to get that accomplished. From a public relations perspective a sewer spill that gets reported in the Baltimore Sun has a major detrimental impact on the perception of the health of the lake. Shoey said the problems they had with spills in 2011 and 2012, they spent about a half million dollars fixing that problem. We now have two sets of backups at every pump station, backup generators and backup independent diesel pumps that come on when the power is out. Eric thought one of those had failed due to faulty wiring and Shoey clarified that the transformer had gotten hit on one. Those stations are also on a satellite system, so if there is a problem they know within 5 seconds and they can respond. The spill they had not too long ago, he wasn't sure how that could have been avoided. That was a problem with a valve buried beneath a roadway. The packing material had disintegrated, so they had to excavate to fix that problem. That line was shut off immediately once they found it. There were 3 valves within 5 feet of the bad valve that were in fine shape and they were all put in the same day. The Western Conveyance project will greatly help these situations because it will create a loop system and they will then be able to reverse the flow while they work on a problem area instead of shutting down an area and maintaining it with a septic truck.

Bob noted that the valve problem was unusual. The pump stations are where the issues have always been. You'd think with 3 pumps, the backup systems and the satellite monitoring those problems are taken care of, but what if it's not? Is there any containment mechanism in those areas? Pat stated that for the volume we're talking about it would take a massive area to treat that volume of backup. The county doesn't own the amount of ground around those stations that would be needed and you're looking at a million per day flow at those 3 stations. Bob asked if this is a line dumping in to a tank and then pumped out of the tank and down a series of relays, and they said it was. Bob then asked if there was a way to seal that tank off. They said no. Eric asked if there was a system with electronic relays and gate valves that detects a problem and automatically shuts a gate. Shoey stated it would just run over at the gate that shut down. Currently they don't have a place to re-route the flow, until Western Conveyance is up and running. Shoey noted they do have storage tanks, they can relay flow to. Before the plant was built to the size it is now, the flow used to go the storage tanks. That would last 3 days at a million gallons. Having a storage tank at every station with a million gallon capacity is the only way to accomplish what is being suggested. Pat said that's the big draw of the Western Conveyance. A storage system is not needed because it gives them an alternative way to route the flow. Rich asked how long before the Western Conveyance is ready. Pat said they are hoping to start construction this year and it's a two year project.

Bob asked about the 10 year plan to possibly get public sewer to the southern end of the lake or Paradise Ridge. Pat verified that it is in the plan but couldn't remember exactly what the time line was for those particular areas. Rich asked about the rising cost of the sewer tap. A lot of resistance to public systems is because it costs the recipients an exorbitant amount of money. Shoey stated the tap fees are the debt on the plant. Pat stated that all the systems have some sort of debt repayment associated with them. For example, the Thayerville system users have an ad valorem tax and that goes to repay the debt on the system. Rich noted that some of those areas like Sky Valley have a lot of primary residents and that fee is a huge problem for them. Bob asked if it costs the same in the other areas of the county and Pat said no. The number to recoup the cost of a system depends on the system. Eric noted that in Oakland the homeowner can buy his own grinder and save the homeowner that cost, since it's cheaper than buying one from the county. However, Shoey noted that in that case, the homeowner is responsible for the maintenance of it. Rich stated that the only way to fix the issue is for the county to come up with a new formula for calculating debt recovery. Brian asked if there was a reason why the debt costs are not spread out throughout the county. Rich asked who is paying the debt load when development is down and the county is not selling taps. The county ends up footing the difference



annually as part of their budget, according to Eric. Rich suggests figuring out a more creative way to fund the planned extensions found in the new Master Plan.

Willie asked Steve S what exactly the BAT system consisted of. Craig runs the BAT program and explained that the system runs on aeration, primarily mechanical but they have a couple that run with pumps. You get a media growth that collects at the end of your aeration. Eventually it sloughs off and drops back in to your tank. The drain fields are the same as in traditional systems. Willie asked how the BAT systems compare in cost to standard systems. Craig said the unit itself is around \$6000 just for the tank. A standard system will cost you between \$700 and \$1500 depending on the size of the tank. Currently outside of the Bay watershed and outside of the lake buy down area, you don't have to put one of those systems in. You have to be certified to install and maintain one of these systems. Deborah asked how the maintenance compared to regular systems. There is no maintenance on the traditional systems, but there is on these. The homeowner will either have to be certified or pay someone to maintain the system for them. The maintenance involves cleaning the filters and making sure the aeration is working properly every six months. Craig also noted that MD requires that every distributor provide 5 years of maintenance. After that it is the homeowner's responsibility. The state is currently trying to figure out how to ensure that those systems are maintained after the 5 year period is over.

Steve G noted that the public relations nightmare that happens when a spill happens equals dollars out of business owners' pockets. Steve S noted that really comes back to their office. Public Utilities is required to report a spill to Environmental Health who then works with them on what happens at the spill site and on public notification. Willie noted that this may be a topic of interest to the Accountability subcommittee. If they could come up with a way to be involved in the notification process somehow, it may alleviate the misconceptions. Bob noted that door to door notification of those that are affected may be more appropriate on the smaller, more localized spills that may not make it off the property they are on. Steve S suggested that doing a better job of putting out the good information about the sampling that is done that shows how good the quality of the lake water is may help as well. Willie stated that there has been discussion about putting out a report card on the lake health.

Steve G wondered if it would be a good idea to map the aging septic systems so we would have some idea of where potential problems might be. Paul noted that the septic systems may contribute little or nothing to problems in the lake and such an exercise would not serve much purpose. The issues may very well be localized and our attention may be better suited to focusing on the streams. Steve G noted that at a minimum such a study could direct sampling site locations. Bob thinks that getting the actual age of a septic system might be a difficult task.

Discussion ensued about the stream report and sedimentation report and the sheer volume of information the subcommittees are getting at this point. It may be difficult to process and have recommendations by May. Several members suggested bringing it up at the Steering Committee meeting.

### **Continued discussion of Objectives and Strategies pertaining to the Land Use Goal (#3)**

Bob reviewed the Land Use Objectives agreed upon at the last meeting. All objectives voted upon last month were determined to be acceptable and forwarded on to the Steering Committee as written. As to the objective encouraging waterfront businesses, Bob suggested adding a strategy of tasking the think tank with looking in to methods of reducing the cost of commercial dock permits. After much discussion it was decided that it could be a topic brought up to the think tank once they are operational. It doesn't need to be written in to the strategies.

The group then discussed the proposed objective that was not voted upon at the last meeting: 'No shale gas drilling wellheads should be allowed in the Deep Creek Watershed'. Deborah had prepared a map as per Willie's request that showed wellheads located at various places just outside of the watershed. She included a buffer around the lake of 2000 feet as per current regulations and an 8000' buffer around each wellhead to depict the extent to which a drilling company can drill beneath the surface. Paul expressed concern that the map showed that there are places where companies could drill underneath the lake. Willie stated that at the depth those bores are made (8000' below the surface) it would have no effect on the lake or any surface activity. Bob noted that the issue with under the lake is that the state owns the lake and they won't allow the drilling to go on beneath the surface anyway. Willie also noted the

current regulation in the zoning ordinance that mandates a 1000' buffer from unleased properties, which cannot be depicted on the map. In order for them to drill into the watershed that regulation has to be met anyway and the odds of a drilling company being able to drill in the watershed based on that restriction are already greatly minimized. Paul asked if the map could be modified to show all the existing constraints, but we cannot predict who would be willing to lease their property and who wouldn't. Eric noted that the reason for the map was that Willie was concerned about farmers in the outskirts of the watershed that would be precluded from being able to lease their land. The map shows with a wellhead outside of the map, some properties in that area could still lease their land and reap the benefits without having any surface operations within the watershed.

Eric noted that Deborah had also included for the group some information about other industrial activities permitted in the lake. Currently the zoning ordinance states that petroleum products storage is permissible within the commercial district only and not in any of the other districts. With shale gas drilling there will be condensate tanks that hold petroleum by-products. Eric contends that since they would want those tanks at the bore head, the only areas they could look at in the watershed are commercial districts only. Bob noted that will all depend on the definition of petroleum storage. He suspects the definition is dependent on quantity and if it's less than that quantity than it would not be restricted.

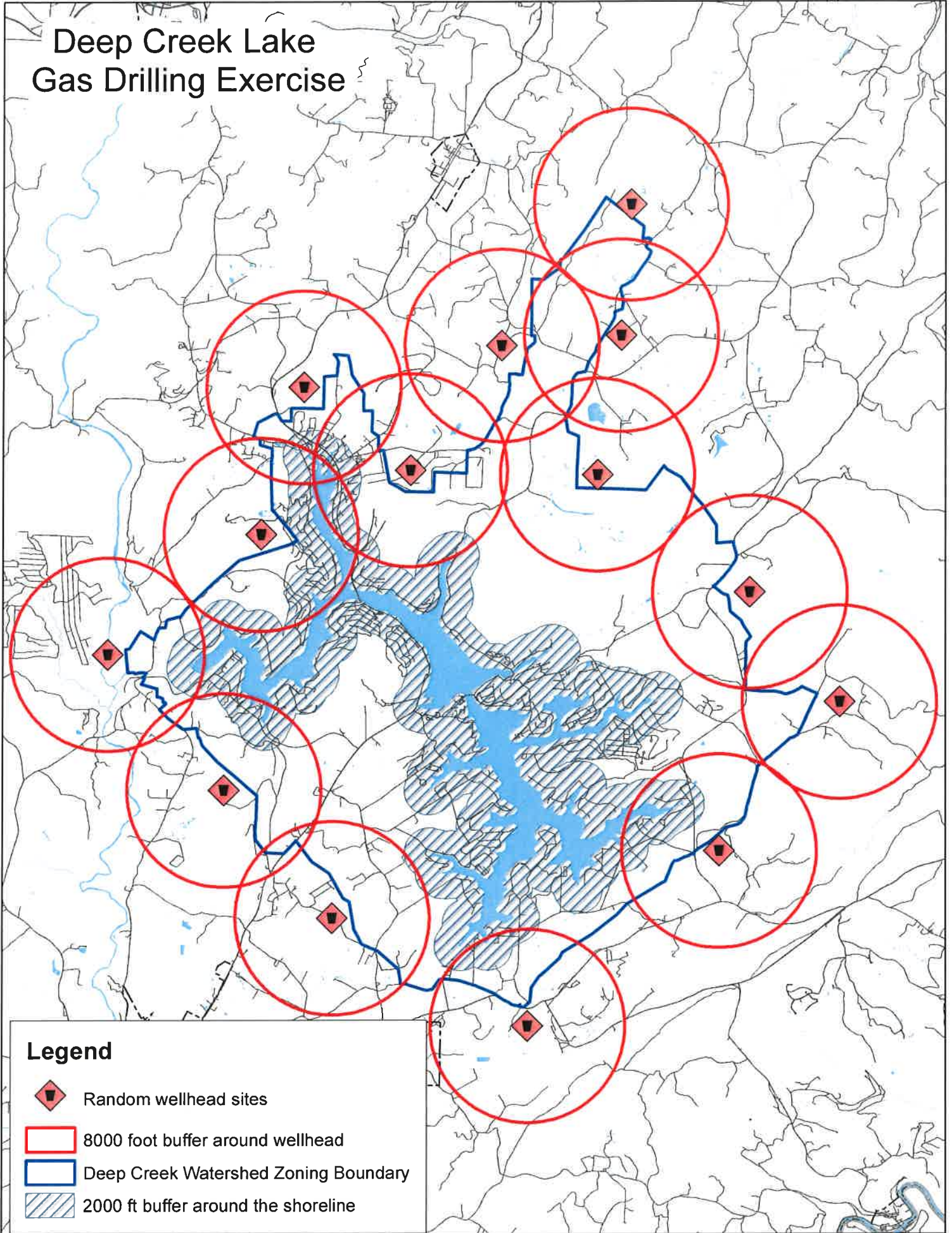
Willie stated that the map does show that there is potential for a lot of property owners to still lease their properties; however, he's still concerned about the landowner that is not covered by those 8000' buffers around the wellhead. That property may have mineral rights that his family has owned for years that he cannot benefit from. He still contends that there is no difference in impact from a wellhead sitting just outside of the watershed from one that is sitting inside of the watershed. As far as water quality is concerned he feels the impact is the same regardless of the watershed it sits in and we shouldn't single out Deep Creek watershed as more important to be protected than any of the others. He would at least give the caveat that it could be done in the outlying areas with a special exception. Bob said special exceptions are really permitted uses with conditions placed upon them. As chair of the zoning appeals board, Bob said there are places that he would feel comfortable saying 'this is the worst place to put this well' and that's the only way the board can really completely turn down a special exception use.

Willie argued that the benefit an outlying property owner within the watershed receives from the lake is no greater than one of a property owner outside of the watershed. However, that land owner has greater restrictions because of the zoning ordinance. Paul pointed out that is the nature of zoning and cannot be resolved. Willie agrees with Paul but feels that establishing a zoning district based on the watershed boundary was atypical as most are based on municipal boundaries and the fact that it is based on watershed puts owners on the outskirts of the watershed in an unfair position. The owner is not getting any benefit from infrastructure that is located closer to the lake but he is getting the restrictions.

Paul believes the real issue for the drilling is not the location of the wellhead but the reach of the horizontal drilling. Eric disagrees. The issues associated with the operation are surficial and are located at the wellhead. No evidence suggests any ill effects from the horizontal lines 8000' below the surface. Eric commented that restricting drilling within the watershed is for the good of the entire watershed. Willie re-stated that if it's good for one watershed than why not apply it to the county as a whole? Eric stated that is not within our scope. Willie contends it is within our scope but not affecting the lakefront owners in this case. We have discussed what is good economically for the lakefront owner. Now we're talking about what is good economically for the off-lake owner. Willie thinks the current regulations are sufficient. He suggests making it permitted in Rural Resource or Agricultural Resource. That will prevent the tourism sector being negatively affected. Bob wanted to know if another map could be made to reflect that idea. Steve stated that the farms and the forests in the watershed are just as important to tourism as the lake. **With the caveat that this is going to go to the full committee, Eric made the motion that the recommendation that no shale gas drilling wellheads be permitted in the watershed be presented to the Steering Committee. Paul seconded the motion. The motion passed by a 6 to 1 vote with Willie opposed.**

The meeting adjourned at about 4:00. The next meeting will be held April 10<sup>th</sup> from 1 – 4 pm at the Chamber.

# Deep Creek Lake Gas Drilling Exercise

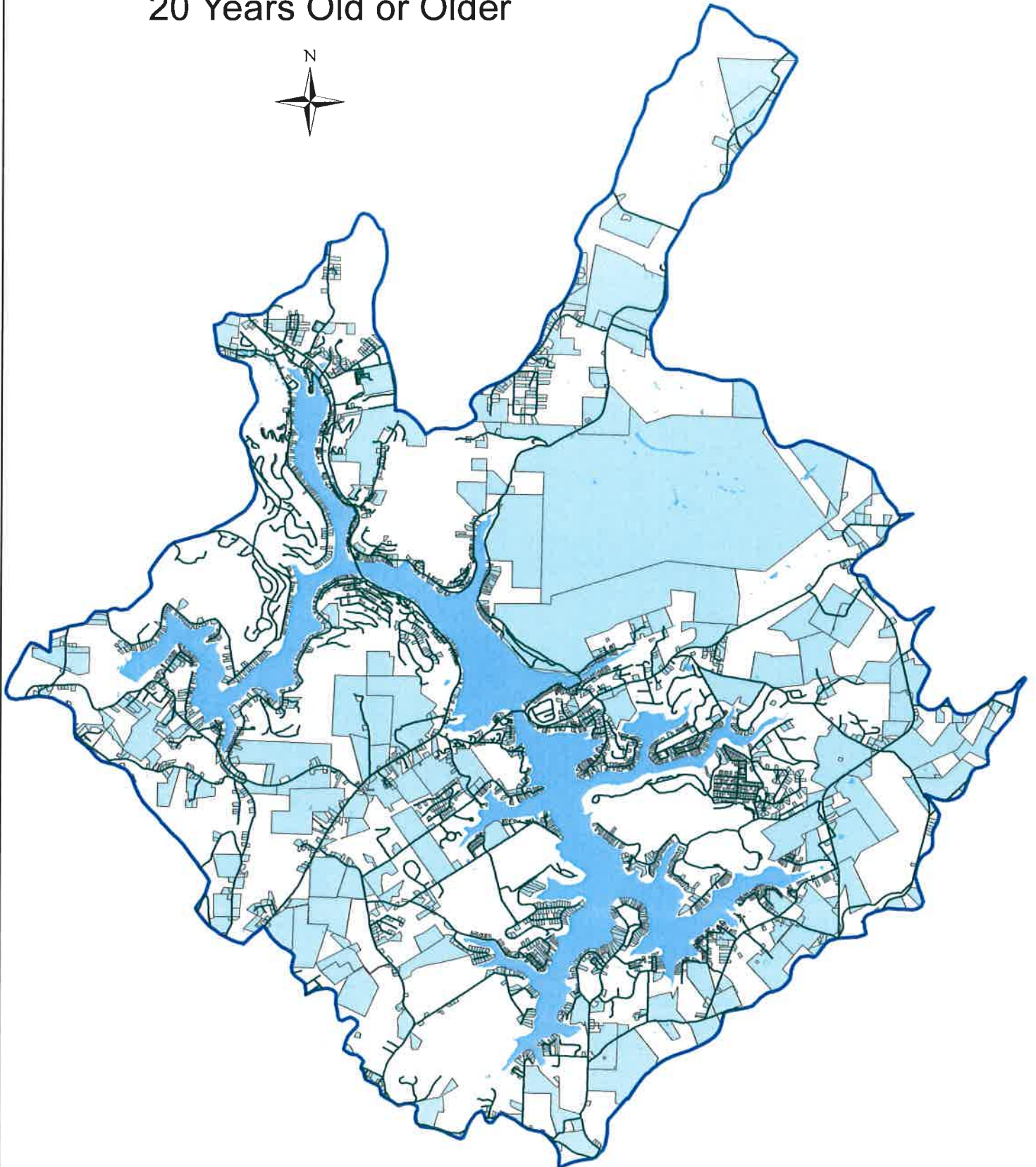




This dissenting opinion is given in regard to the motion and approval of the Impact and Growth Subcommittee which recommended to the Deep Creek Lake Watershed Plan Steering Committee to not allow a natural gas drill pad location within the Deep Creek Lake Watershed. The Deep Creek Lake Watershed plan is to be based on the best available science, since there is a statewide study being conducted on safe extraction of natural gas in Maryland it would seem reasonable not to restrict drilling activities in the watershed beyond what is required by the state. A county committee has also been reformed to make recommendations to the county commissioners. The main concern about drilling (drill pad location inside the watershed) seems to be water quality in Deep Creek Lake. While water quality is certainly a concern, state requirements will likely require many safety factors to be built into these drilling sites. The other watersheds in Garrett County also drain into water reservoirs such as Yough Lake and Savage River which are also valuable resources in our area. If drill pad development is not allowed in the DCLW some landowners could be unfairly denied the use of a natural resource they own compared to landowners in other areas of the county without any scientific evidence that suggests there would be a benefit from not drilling in the watershed. While it was recognized that currently drilling practices allow for 5,000-10,000 foot horizontal laterals from the drill pad, a scenario with 8,000 foot laterals placed near the edge of the DCLW border showed that not all land in the DCLW would be able to have gas extracted. Current zoning regulations in the DCLW require a 2,000 foot buffer around deep creek lake for drilling (presumed to be a drill pad or bore hole) and a 1,000' buffer from any property that is not leased by the gas company. Given these regulations and the fact that the current practices are to construct drill pads which allow for drilling in multiple directions for 5,000 to 10,000 feet, any drill pad development would likely happen more than a mile from the edge of the lake. Any spill that might escape containment on a drill pad at this distance would likely have very minimal impact on the water quality of Deep Creek Lake. While the DCLW Plan is concerned with the health of the watershed and the use of Deep Creek Lake, there is concern about that drilling would negatively impact tourism and the economy of Garrett County, however eliminating drilling pads in the DCLW will not take care of this problem. Drill pads located at the edge of the DCLW boundary on the north side of the lake could have much greater impact than drill pad located in other areas of the DCLW. Other aspects of natural gas drilling that would likely be negative to the tourism economy such as truck traffic, potential spills from transportation, road damage, etc. would also not be controlled by eliminating drill pad sites in DCLW. In summary, drill pad locations in the DCLW will, because of current and likely future regulations imposed by the state, be located great distances from the edge of DCL, streams, residences, and rental housing and should not pose any more risk in the DCLW than in any other watershed in the county, however not allowing drill pads in DCLW would take away the rights of long-time land owners the ability to access a resource they own and have a right to use. The DCLW Plan Steering Committee should be encouraged to adopt a recommendation to follow recommendations from the State Committee on Marcellus Shale Gas Drilling and the Garrett County Commissioners Shale Gas Advisory committee.

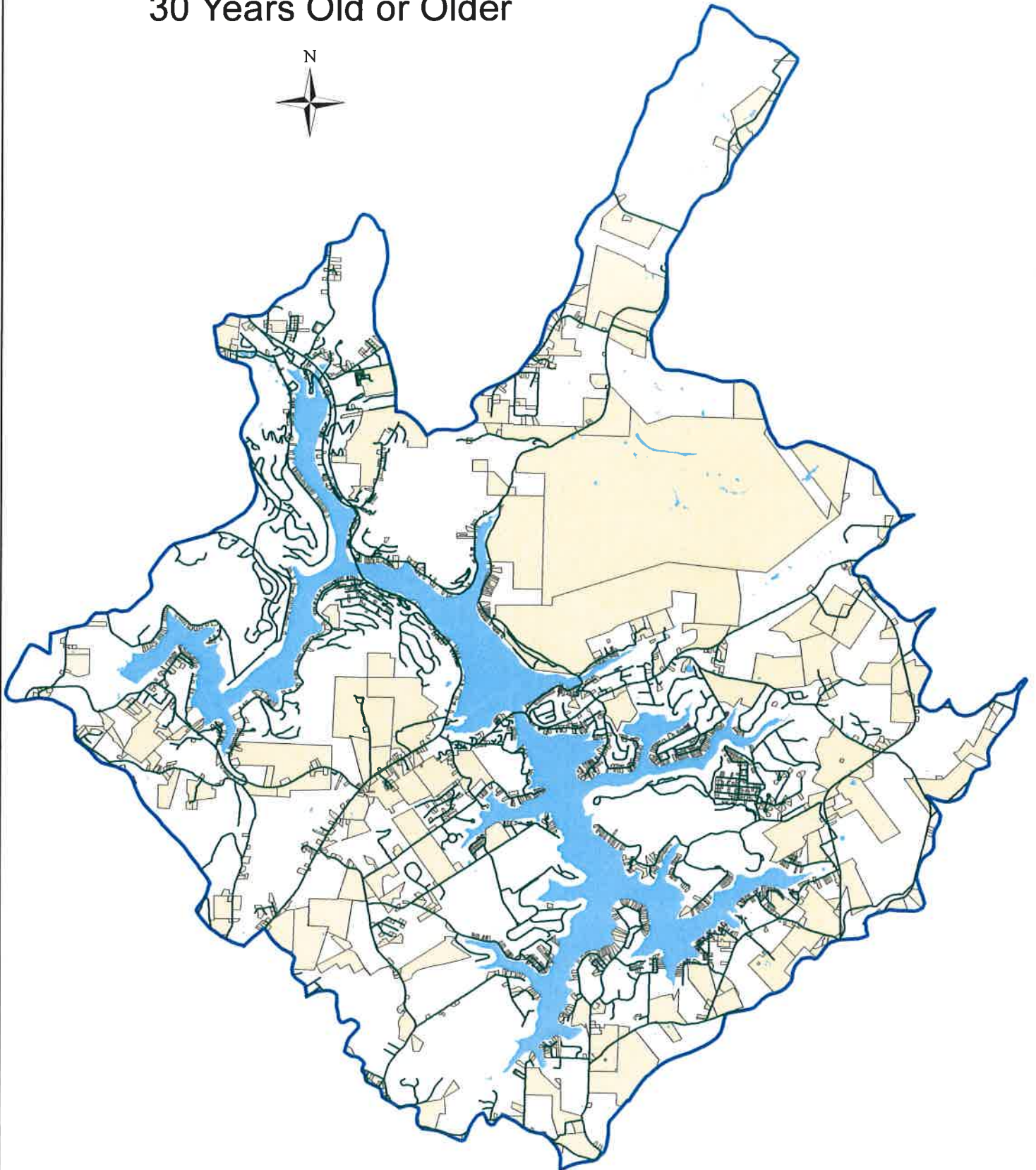
**Willie Lantz**  
**Extension Educator**  
**Agriculture and Natural Resources**  
University of Maryland Extension  
Garrett County  
1916 Maryland Highway Suite A  
Mt. Lake Park, MD 21550

# Properties with Structures 20 Years Old or Older



3383 Properties have structures 20 years old or older

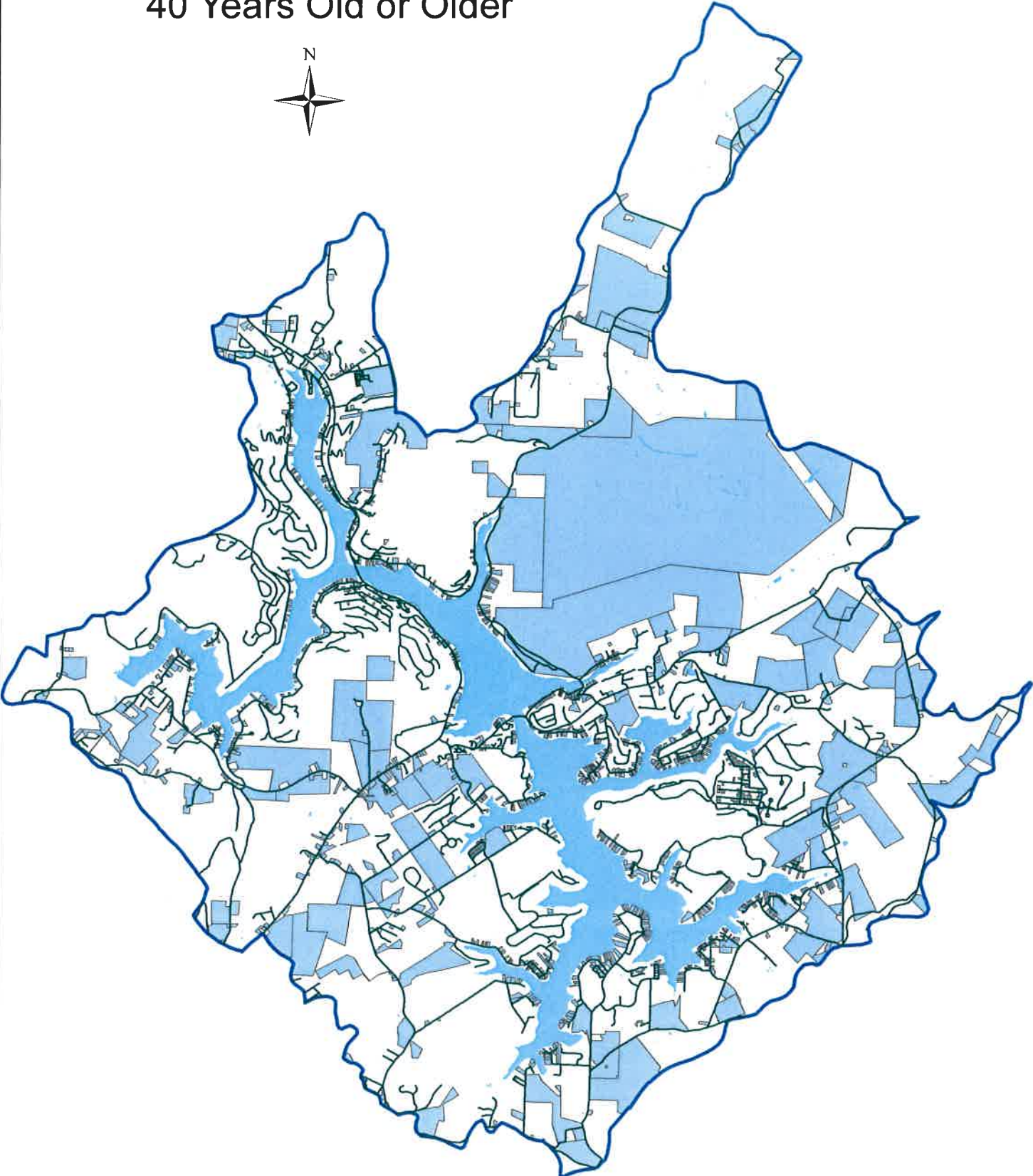
# Properties with Structures 30 Years Old or Older



2068 Properties have structures 30 years old or older

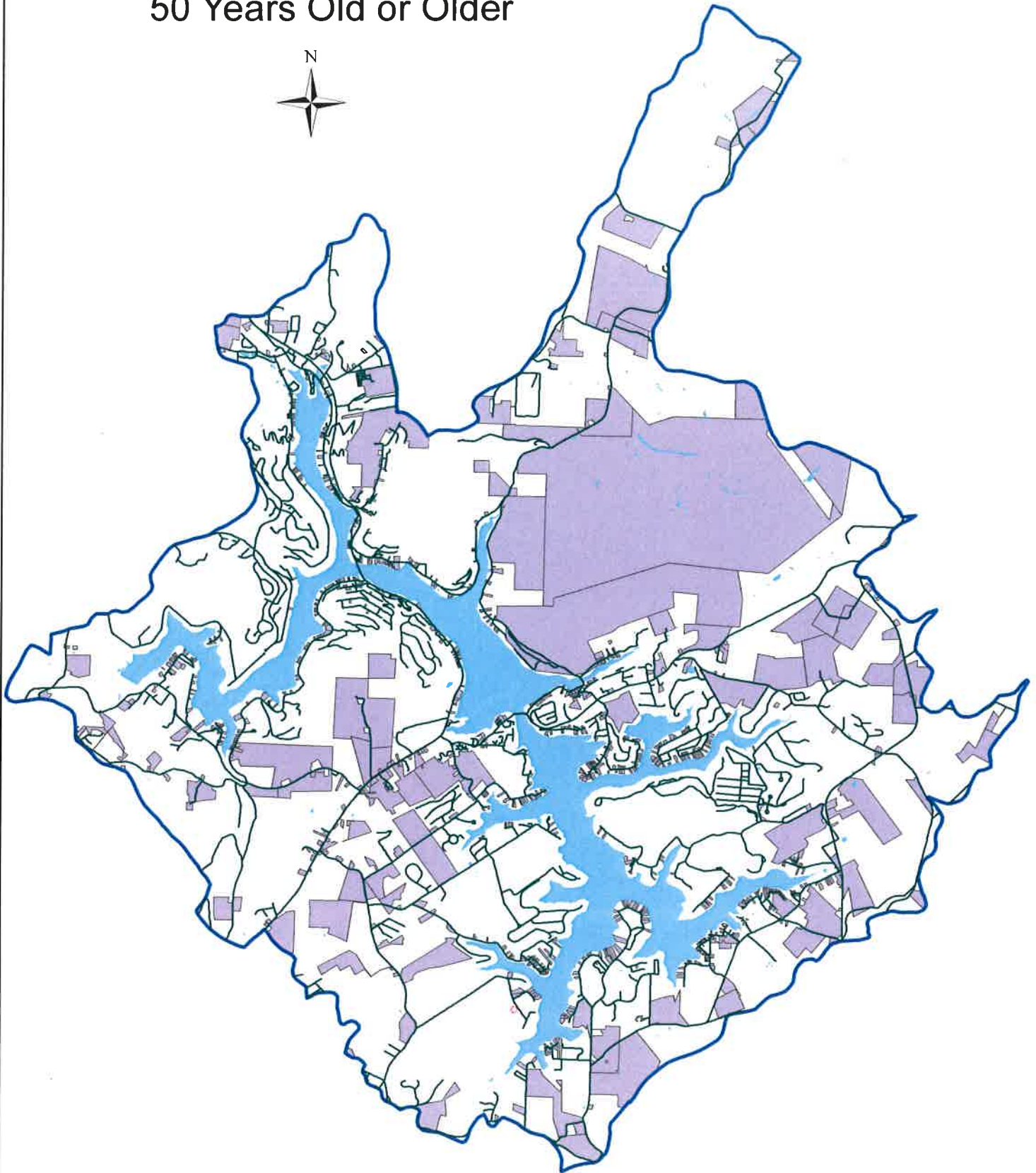


# Properties with Structures 40 Years Old or Older



1533 Properties have structures 40 years old or older

# Properties with Structures 50 Years Old or Older



1012 Properties have structures 50 years old or older



**FIFTH IMPACTS OF GROWTH SUBCOMMITTEE MEETING**

**Garrett County Chamber of Commerce  
15 Visitors Center Drive, McHenry MD 21541**

**April 10, 2014**

**AGENDA**

**Conference #: 1-712-432-3011**

**Conference Code: 160329**

*Meeting Outcomes:*

1. *Get to know the policies and regulations administered by the Department of Natural Resources Lake Office in relation to recreation, boat capacity, dock permitting and public access*
2. *Understand the history behind current regulations*
3. *Guests: Eric Null and Paul Durham*
4. *Discussion of objectives and strategies*
5. *Prioritization of objectives*

*Suggested Reading prior to the meeting:*

1. *Deep Creek Lake Regulations and Permits- <http://www.dnr.state.md.us/publiclands/dcregs.asp>*
2. *Carrying Capacity Study - <http://dnrweb.dnr.state.md.us/download/dclfinalreport.pdf>*

***Objectives & Strategies***

3. *Follow-up document on Land Use and Stormwater objectives*
4. *Synopsis of points of interest from last meeting pertaining to private septic and public sewerage objectives*

<b>1:00 – 1:10</b>	<b>Housekeeping</b> <ul style="list-style-type: none"> <li>• <b>Approval of minutes from the March meeting</b></li> <li>• <b>Discussion of timeline for objectives</b></li> </ul>
<b>1:10 – 2:30</b>	<b>Educational Session with Eric Null and Paul Durham</b>
<b>2:30 – 3:45</b>	<b>Objectives &amp; Strategies</b> <ul style="list-style-type: none"> <li>• <b>Objectives &amp; Strategies in regard to land use</b></li> <li>• <b>Objectives &amp; Strategies in regard to stormwater</b></li> <li>• <b>Objectives &amp; Strategies in regard to septic and sewer</b></li> <li>• <b>Prioritization of Objectives</b></li> </ul>
<b>3:45 – 4:00</b>	<b>Public Comments</b>
<b>4:00</b>	<b>Adjourn</b>

## Minutes of the Fifth Impacts of Growth Subcommittee Meeting

The fifth Impacts of Growth subcommittee meeting was held on April 10, 2014 from 1 – 4 pm at the Chamber of Commerce in McHenry. In attendance were Bob Browning, Steve Green, Willie Lantz, Eric Robison, Rich Orr, Brian Greenberg, Chad Fike and Deborah Carpenter.

The minutes were approved as submitted.

A discussion was held on the timeline that was established. Brian expressed concern that the subcommittee was not prepared to move to recommendations. Bob stated that Deborah has and can formulate draft recommendations based on the subcommittee's past discussions. The group needs to review them, comment on them and get them ready to submit. Rich suggested reviewing things we have learned in the educational sessions. Eric suggested an independent review of all other subcommittees' work in order to ensure there are no data gaps. Bob anticipates that if the Steering Committee finds that the subcommittees did not respond to certain problem statements, they will address it at that level. Brian suggests that in addition to compiling a synopsis of our findings in order to make recommendations, we make a list of topics we haven't discussed. The group discussed setting another meeting date and Steve suggested we see if we can get some idea of recommendations coming from the other subcommittees prior to that meeting. **Next meeting is April 24<sup>th</sup> from 1- 4 at the Chamber.**

### Educational Session

Guests attending the meeting included Eric Null with the Department of Natural Resources Lake Management Office and Paul Durham, past Lake Manager. Bob asked Eric N to talk about carrying capacity and boat counts. Eric stated that they had 22 years of static data for boat counts and aerial surveys. They fly at a minimum once every weekend from Fourth of July to Labor Day. The aerial surveys have remained pretty static over the years. Those surveys show the lake exceeded 400 vessels on the water about 21 times in those 22 years. The actual carrying capacity number was only exceeded twice. They also call marinas to get a gauge of how many rentals are on the lake, but that data is unreliable. The weather is the most predictable gauge of increase of lake usage. The static boat counts started in 1991. They saw a big increase in number of boats from 1999 to 2003, and that coincided with an increase in development. After 2003, the trend flat lined. Paul stressed that carrying capacity is a fuzzy number. Eric stated that the carrying capacity is determined on a cultural base not a biological base. Paul emphasized the social science aspect of determining capacity numbers. There's a lot of science that says that boating use is self-regulating. It's subjective – some people may not mind the number of boats on the lake, while others say it's too many boats. Another point is that tolerance grows as people grow accustomed to the number of boats. Looking to the future, Paul often reminds people that 95% of the lake has permitted docks, so there's a ceiling to the number of boats that will be moored at the lake. The state park and marinas have a finite number of dock slips. Unless patterns of behavior change, we're pretty much at peak levels of use. Eric stated we're probably looking at maybe 120 more slips maximum if the whole lake is developed. Bob stated that those are the kinds of numbers we need, and Eric agreed, but stated that he's trying to get DNR to upgrade the database they use so he can easily access those kind of numbers. Paul suggested that may be a recommendation – that DNR upgrade its permitting and boating count system to make the information more easily accessible.

Brian asked how sound the carrying capacity is in the context of lake management. For him, it's less about what that permissible number of boats is and more about what is the effect of that number of boats on the lake. For example, a larger number of boats creates more waves and thus increases shore erosion. In a carrying capacity study, is there a way we can focus less on the current framework which is safety, and focus on the adverse effects of this number of boats? Paul D stated that those are perceptions based on individual observations. DNR has never actually measured the effects of boating use in terms of wave generation. They did conduct such a study on the Severn River probably over 20 years ago which found that wind generated waves had more effect than boat generated waves. If that is a concern of the public it is a study that this group can recommend is done. Eric N noted that the weight of the boat is greater than it used to be, and looking in to the future, you'll again probably be looking at different boat designs. He'd recommend such a study be repeated every 5 years. Bob stated that the changing technology will be driven by the cost of fuel. He's

concerned about the cost that would go in to such a study and the value of the end results. Steve noted that by his observations it's the big boats being used by tubers that are going at slower speeds that produce the biggest waves – not the wakeboarders or skiers. In addition you will see that type of activity more in the afternoon when the wind is higher as well, so the combination of tubers and wind generate more wave action. Paul cautioned that no one should take their own perception and generalize it into a lake-wide problem. Wind generated waves affect the shoreline from the time the ice melts to the time it forms again and no one at this point can quantify the effect of white caps.

Brian stated another concern is boats coming from outside of the lake and bringing invasive species with them. DNR has proposed a control program, but Brian feels that will be a very temporary solution unless we start mandating cleaning the boats prior to them entering the lake. Eric stated that he sat in on the conference calls with the experts they pulled in on Hydrilla management. The experts they sought advice from are the best in the world on that subject. What they found was that washing boats at the boat ramp did not work. It was also cost prohibitive because you have to contain the water from the boat washing station. In addition, you take for granted that the boat owner is washing his/her boat correctly. What they did find that worked and worked better than anything else was having stations manned with trained inspectors at peak boating times. It's important to remember that this is not a DNR recommendation, but a recommendation from the Hydrilla experts.

Bob stated that one of his priorities is shoreline erosion control. He'd like to see the permitting for that be not just easy but incentivized. Eric stated that the permit price has been reduced to \$750. They now have standardized design options for shoreline erosion control. A property owner has 2 main armoring choices aside from planting vegetation: (1) 2 to 1 rip rap slope with a 1.5 times the depth of stone toe in front or (2) cast faux stone or concrete stone that is pigmented entirely through with offsets. They're better than the versalock walls, because versalock walls deflect the water onto the neighbor's property and if the neighbor doesn't have a versalock wall, the neighbor experiences increased erosion. Bob noted the concrete stones are expensive. Bob stated that the cost for those permits should be nothing, because the homeowner is paying upwards of \$40,000 to fix a problem on state land.

Eric stressed that the number of accidents on the lake are few. What accidents we have tend to be a function of operator intoxication, not a function of boat numbers. Steve noted that the Natural Resource Police (NRP) presence on the lake is a deterrent.

Rich asked if the state has any plans for more recreational areas and if Eric and Paul felt there was a need for more public access points. Eric said he heard a lot of complaints about a lack of access for fishing. Personally, if there were an opportunity to acquire more land for public access, he would be all for it. Bob had heard that there are some sites that would work for public access; however, who's going to maintain them? Eric noted people have also stated that they want to be able to walk the buffer strip. Paul suggested that a recommendation the group could make would be for DNR to identify places where public access currently exists and what type of access it is. Eric stated that there are several areas where public access is permitted to the buffer strip but they are not labeled or signed.

Steve asked about PWC regulations of 11 – 4 non-operation and whether those regulations still make sense. It makes the lake crowded with PWC's before 11 and again after 4, when perhaps it would be better to let it self-regulate throughout the day. The general consensus of the group was that those regulations are good and should be maintained.

A discussion of dock permitting ensued. COMAR states the level of water necessary (4 feet of water within 50 feet of the shoreline at 2462) in order to be issued a dock permit. Bob stated that there are questions about transient dock slips, which he stated do not increase boat traffic on the lake. It's a slip at which a boat is not allowed to be parked overnight. Those are issued to businesses so that customers have a place to park. Paul noted that there is no definition of transient and he believes it should be defined. He also noted that there is no front footage standard for transient slips. It's one slip per 50 feet of shoreline for common and commercial docks.

Steve asked how a person would view the lake regulations not written in COMAR. The policies and procedures are a hefty document and are available.

Brian asked about optimizing buffer strip management. Eric stated the Lake Management office does the buffer strip management and NRP polices the lake. The perception is that sometimes they can be overzealous but the intent is to protect the buffer strip from deforestation and development. Rich stated that we may not always agree with the rules that Eric's office puts on the property owner, but the end result is, Deep Creek Lake is a beautiful lake and that perception is borne out by the comments of the buying public. Brian agreed but stated that perhaps some of the regulations are more nitpicking kinds of regulations and not essential to the health of the lake. From Eric's perspective, he doesn't have the time nor the resources to nitpick. He's not going to send NRP out for something small. He's more likely to send a letter. He does feel maintenance of the strip is a valuable use of DNR funding because the strip is one of the reasons why Deep Creek Lake is beautiful.

Paul noted that one of the recommendations that may be coming out of the Water Quality subcommittee is to make the buffer strip more of a riparian buffer with natural vegetation. He noted, however, that studies suggest that a riparian buffer does no good if it is pierced by stormwater. He suggests that this subcommittee look at legacy stormwater. Further he suggests that solving one legacy stormwater issue a year may have more positive effect on lake health than a 20 foot wooded buffer. Eric N stated that the most hazardous thing to the lake is stormwater. A couple examples were brought up where the problem may have started from a standard culvert clean, which increased flow onto private property and ultimately deposited on the buffer strip. Paul stated that these cases are the perfect example of why we need to get all parties to the table to come up with solutions for legacy stormwater issues.

#### **Continued discussion of Objectives and Strategies**

Deborah brought up two issues in the land use category that though mentioned had not been vetted for objectives – tree canopy and other industrial concerns. As to tree canopy, Bob mentioned that the Lake Levels Subcommittee was addressing that issue and forming an objective regarding it. He felt that objective would be sufficient. Willie said under the time crunch he wasn't sure they would be able to address it. Rich stated that listening to Eric Null today, it would seem to him that the push was toward riparian buffer on the lake, which will make it hard to cut any trees on the buffer strip anyway. Deborah clarified that the topic of tree canopy was introduced by DNR. Specifically DNR stated in an earlier document that they were concerned about the 'reduction in tree canopy from clearing for development.' Brian asked if there was a study that backed up that concern. Deborah stated it could be done and others noted that during the stream presentation to the Steering Committee DNR showed some of that. Bob then read the proposed objective regarding tree canopy from the Lake Levels subcommittee. Willie noted that the Forestry Board's plan to promote forest stewardship plans within the watershed would also address this issue. The group decided that between the Lake Level recommendation and the Forestry Board's plan, the issue is addressed sufficiently.

The group asked Deborah to formulate objectives and strategies and send via email. The members will send edits and comments.

The meeting adjourned at around 4:00.

## Minutes of the Sixth Impacts of Growth Subcommittee Meeting

The sixth Impacts of Growth subcommittee meeting was held on April 24, 2014 from 1 – 4 pm at the Chamber of Commerce in McHenry. In attendance were Bob Browning, Steve Green, Willie Lantz, Eric Robison, Rich Orr, Brian Greenberg, Chad Fike and Deborah Carpenter.

The minutes were approved with the following amendment to page 3 submitted by Brian Greenberg:

The focus of the meeting was a detailed review of the report to be submitted to the Steering Committee. Deborah reminded the group that the minutes taken during each meeting were voluminous for the express reason that they will serve as the context for the goals/objectives/strategies that are being submitted in the report. All minutes, resource maps created and dissenting opinions will be attached to the report as appendices. All dissenting opinions are to be submitted to Deborah by May 1<sup>st</sup>. She also clarified the use of responsible entities within the report. Reference is made to the Deep Creek Watershed Management Board, Technical Committee, Citizens' Advisory Board and Finance & Fund Raising Committee. These references are from a structure recommendation the Accountability Committee may be recommending. The reason for their use is not only to give our objectives and strategies a responsible entity but also to give the members of the Accountability Committee some framework for the duties of each proposed entity.

Steve stated that he wanted the group's objectives and strategies to be specific and proactive and not just say something like 'The committee needs to look at this.' Brian wanted to make sure we clearly stated the outcome we want to see, but not necessarily be specific about how to go about it. That process may change with changing times and a technical committee would be better suited to make decisions about how something is done. Paul suggested that in order to handle what Steve and Brian spoke of, it would be suitable to add a statement to the objectives like 'for example' and then list some possible methodologies.

Debate over the land use policies led to the reminder that all the draft goals were voted upon, as well as the land use objectives. The group decided to skip the review of land use objectives and go to the sections not yet voted upon. If any member has a dissenting opinion on the land use goal, or the objectives and strategies, they should submit their dissenting opinion to Deborah by May 1<sup>st</sup>.

### Stormwater Section

#### **Problem Statement:**

As proposed: Specific concerns regarding stormwater include increased impervious cover and pollution from stormwater runoff. Steve asked if 'pollution' included sediment that comes from stormwater runoff. Deborah added a reference to sediment in the problem statement which now reads:

**Specific concerns regarding stormwater include increased impervious cover and pollution and sediment from stormwater runoff.**

#### **Draft Goal 2 (previously agreed upon):**

**Manage stormwater infrastructure that results from both existing and proposed development to decrease pollution and ensure healthy watershed conditions**

#### **Objective 1:**

As originally submitted objective 1 read:

Conduct a comprehensive study to identify existing stormwater problems at a subwatershed level and create an action plan for addressing issues and educating residents on best management practices.

The group felt that what the proposed strategies outlined was an incremental plan and not a comprehensive study.

After discussion objective 1 will be submitted as:

**Develop an incremental plan to identify existing stormwater problems at a subwatershed level and create an action plan for addressing issues and educating residents on best management practices**

**Strategies:**

<i>Lead entity(s)</i>	<i>Strategy</i>
County	1. By January of 2015 the County’s Office of Permits and Inspection Services and Department of Engineering will provide a list of known areas of concern. This list will be used to prioritize subwatersheds in which a stormwater study should be conducted.
Deep Creek Watershed Technical Committee	2. The Deep Creek Watershed Technical Committee will oversee the subwatershed survey which will determine where within the subwatershed the stormwater issues reside and their source.
Deep Creek Watershed Management Board	3. The Deep Creek Watershed Management Board will convene a meeting of appropriate agencies and interested parties to devise an action plan for addressing concerns.
Deep Creek Watershed Technical Committee and County	4. The appropriate county agencies, working in concert with the Deep Creek Watershed Technical Committee will devise a plan and timeline to implement the technical aspects of the action plan. The Plan will include identifying a pilot area to initiate the action plan and to evaluate the approaches and outcomes for future actions in other subwatersheds
Deep Creek Watershed Citizens’ Advisory Committee	5. The Deep Creek Watershed Citizens’ Advisory Committee will work with citizens in the subwatershed to educate land owners on stormwater best management practices that can be established on their land. They will also promote the Stormwater BMP Incentive Program as per Objective 2.
Deep Creek Watershed Management Board	6. After the subwatershed pilot area plan has been executed, the Deep Creek Watershed Management Board will meet with all parties involved in its implementation to assess its effectiveness. If it is found to be successful the next subwatershed will be designated for action.

The above strategies are the ones voted upon. They are the same as the original submission with the exception of using the word survey instead of study.

**Discussion Statement:** As proposed the discussion paragraph read as follows:

Discussion of stormwater led the group to the conclusion that legacy stormwater is the biggest contributor to stormwater issues in the watershed. The lake is not showing any signs that it is being negatively impacted based on the tests thus far. However, discussions with the experts revealed that older developments often have problems that the county has difficulty fixing due to private property concerns and lack of right of way. The group decided that the best first step would be to determine where most concerns are located, then conduct a study that accurately locates the sources of the stormwater. Once located and at the smaller scale the subwatershed provides, an organized group can devise an action plan for remediation that would be transferrable to other subwatersheds. The above objective and

strategies were agreed upon by a XXX vote of the sub-committee.

After much discussion, the group decided the second sentence of the paragraph should be deleted. The following paragraph takes its place.

Discussion of stormwater led the group to the conclusion that legacy stormwater is the biggest contributor to stormwater issues in the watershed. Discussions with the experts revealed that older developments often have problems that the county has difficulty fixing due to private property concerns and lack of right of way. The group decided that the best first step would be to determine where most concerns are located, then conduct a study that accurately locates the sources of the stormwater. Once located and at the smaller scale the subwatershed provides, an organized group can devise an action plan for remediation that would be transferrable to other subwatersheds. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

## Objective 2

### Design and Implement a Stormwater BMP Incentive Program.

The objective was accepted with no changes from its original format.

#### Strategies

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Technical Committee	1. By July 2015, the Deep Creek Watershed Technical Committee will review the Bay-Wise Yardstick Program and propose a similar program to be used in the Deep Creek watershed. A list of possible incentives for participation will be included. The Technical Committee will also address concerns about maintenance of stormwater features into the future.
Deep Creek Watershed Management Board	2. The Deep Creek Watershed Management Board will review the Technical Committee's recommendation and decide on an implementation plan.
Deep Creek Watershed Citizens' Advisory Board	3. The Deep Creek Watershed Citizens' Advisory Board will work with the UMD Extension Service to support the program.

Two changes from the original strategy submission were agreed upon. In strategy 2, the original wording had 'implementation strategy'. It was suggested that be changed to 'implementation plan'. In strategy 3, Willie said UMD Extension Service would not serve as supervisors but will function to support the program. As such that strategy changed from '...with the UMD Extension Service to supervise the program' to how it is worded above.

#### Discussion Statement:

The group acknowledges that installing best management practices on private property is not necessarily an inexpensive option and maintenance of stormwater features will also be a concern. For that reason, it was decided that an incentive program would be the best way to encourage action by private landowners. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

The discussion paragraph was accepted with no changes from its original format.

## Objective 3

As originally proposed: The use of stormwater best management practices will be made a priority whenever practicable for both state and county roads operations.

Eric noted that he felt this is redundant because all new stormwater features the roads crews are installing must meet best management standards. However, the group clarified that the issue is more with maintenance of existing legacy features. To better address those issues in the objective it was changed to:

**The use of stormwater best management practices will be made a priority for maintenance and legacy infrastructure whenever practicable for both state and county roads operations.**

The strategies as proposed were:

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens' Advisory Committee	1. By July 2015 the Deep Creek Watershed Citizens' Advisory Committee will devise and/or compile educational materials pertinent to best stormwater management practices as it relates to roadway maintenance. They will also research any educational opportunities or trainings that would be available for roads workers.
County and Deep Creek Watershed Citizens' Advisory Committee	2. Representatives from the offices responsible for road maintenance in Garrett County will meet with the Deep Creek Watershed Citizens' Advisory Committee to review the educational materials and training opportunities and create an implementation plan for incorporation of said documents and opportunities into their workflow.

After discussion the group decided to modify the first strategy to include a reference to the appropriate agencies that had access to pertinent educational materials and would have knowledge of available trainings. Adding the creation of an implementation plan for incorporation of BMPs into the workflow, resulted in the determination that the second strategy was not needed. The revised strategy is:

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens' Advisory Committee, appropriate agencies	1. By July 2015 the Deep Creek Watershed Citizens' Advisory Committee will work with the appropriate agencies to devise and/or compile educational materials pertinent to best stormwater management practices. They will also identify educational opportunities or trainings for roads workers. Create an implementation plan for incorporation of BMPs into their workflow.

**Discussion Statement:**

In discussions with the representative of the County's Engineering Department, the group determined that though not opposed to using best management practices on roads, the roads crews may not always be aware of methodologies. In addition, the way things are traditionally done are not always the best practices, and it will be a matter of repetition before the traditional ways are replaced by the new strategies. The above objective and strategies are designed to facilitate the institutionalization of stormwater best practices within the county's roads department. The above objective and strategy were agreed upon by a unanimous vote of the sub-committee.



No change from the original discussion paragraph was suggested.

Objective 4 which was to create, compile and disseminate educational materials to private homeowners was deleted, because the group decided that objective was covered in objective 1, strategy 5.

**Septic and Sewerage Section**

**Problem Statement:**

Specific concerns regarding septic and sewerage include impacts from failing septic systems, maintenance of appropriate wastewater capacity and protection and management of ground water drinking water supplies.

**Draft Goal 3 – Protect the watershed from the adverse effects of impaired on-site sewage disposal systems and ensure adequate capacity and management of public systems.**

**Objective 1**

As proposed: Encourage and incentivize the use of Best Available Technology (BAT) septic systems within Deep Creek watershed.

The group felt that the amount of money that would be needed to incentivize such an expensive technology would limit the good that could be done in other areas, like shoreline stabilization. Therefore the group voted to change the objective to read:

**Encourage the use of Best Available Technology (BAT) septic systems within Deep Creek watershed.**

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens' Advisory Board	1. By July 2015 the Deep Creek Watershed Citizens' Advisory Board will devise and/or compile educational materials for distribution to homeowners regarding the benefits of BAT systems.
Deep Creek Watershed Citizens' Advisory Board	2. Distribution of the materials to homeowners will be prioritized in phases starting with structures older than 50 years, 40 – 50 years and 30 – 40 years.
Environmental Health Department	3. The Environmental Health Department will distribute information regarding BAT systems to every new home applicant.

The original list of strategies included a strategy for the Management Board to discuss and incentive program. That strategy was deleted.

**Discussion Statement:**

The discussion statement was modified to reflect the group's thoughts and was accepted as follows: Representatives of the Environmental Health Department informed the group that Best Available Technology (BAT) systems are being required for all new home construction or septic replacements in the Chesapeake Bay watershed. As the Deep Creek watershed is not a part of the Chesapeake Bay watershed it is not required there; however, it is required for all new systems or replacements that occur within the lake buy-down area. These systems are better at removing

nutrients and last longer than a regular system; however, they are more expensive and require maintenance. The group would like to encourage their use within the watershed, but not make them mandatory. Consideration was given to incentivization but given the cost of installation and maintenance, the group felt county resources would be best directed elsewhere. A regular system lasts approximately 20 – 30 years. Staff compiled maps for the group showing all non-vacant properties within the watershed that had structures 20 years and older, 30 years and older, 40 years and older and 50 years and older. Operating off the assumption that if the structure is that old, the septic is that old, one can start to see where the older systems may be. Those maps can be found in Appendix G. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 2**

As proposed: Encourage expansion of public sewer as outlined in the 2014 Garrett County Water & Sewer Master Plan.

Upon discussion, it was decided that though the group as a whole supports expansion of the sewer system to replace failing septics, they are concerned about that problems with the current system may indicate a lack of best available technology or inadequate use of best management practices. Therefore, the group chose to add to the objective in order to address their concerns. The revised objective is as follows.

**Encourage expansion of public sewer as outlined in the 2014 Garrett County Water & Sewer Master Plan, as well as upgrades to the existing sewer system such that it complies with best available technology or best management practices as appropriate, to include relevant training.**

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Citizens' Advisory Board	1. The Deep Creek Watershed Citizens' Advisory Board will devise a marketing campaign to be targeted at residents of areas planned for public sewer in order to increase awareness of the need for services in order to decrease the impacts of failing septics.
Deep Creek Watershed Management Board	2. The Deep Creek Watershed Management Board will meet to discuss creative alternatives to debt re-payment on public systems.
Deep Creek Watershed Citizens' Advisory Board	3. The Deep Creek Watershed Citizens' Advisory Board will work with county agencies to identify training and bmps for sewer system management.

The original strategies did not include strategy 3 above. The group felt it best to add a strategy that would encourage training and best management practices for those in charge of the County's sewer systems.

**Discussion:**

The guest experts agreed that the best way to protect ground water in the watershed is to encourage the expansion of public sewer. However, it was also agreed that the number one protest of a public system is the excessive cost to the homeowner. To that end the group recommends an educational campaign to promote the benefits of public systems and a consideration of creative alternatives to the current system of debt repayment. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

The discussion statement above is the same as the original. No edits were recommended.

**Recreation Section**

**Problem Statement:** Specific concerns regarding recreation include lake boat capacity and lack of public access.

**Draft Goal 4 – Preserve and enhance the quality of recreational opportunities while ensuring those opportunities are in harmony with environmental stewardship.**

The group decided that objective 1 should be the objective having to do with shoreline stabilization. Therefore that objective, previously objective #3, was moved to objective #1

**Objective 1**

As proposed: The Department of Natural Resources should consider a reduction in fee for the Shoreline Erosion permit.

The group emphasized that it is not simply the DNR that imposes fees but also MDE. Also, after lengthy discussion, it was decided that an elimination of fees was desired, not simply a reduction. The group felt that shoreline stabilization is a major priority and very important to the health and use of the lake. Therefore, not only should the fees be eliminated but an incentive program should be implemented to encourage homeowners to invest in measures that will reduce shoreline erosion. The approved objective is as follows.

**The Department of Natural Resources and the Maryland Department of the Environment should eliminate fees for the Shoreline Erosion permit and consider incentive programs.**

**Strategies (as proposed)**

<i>Lead entity(s)</i>	<i>Strategy</i>
DNR and Deep Creek Watershed Management Board	1. By July 2015, the appropriate agents of the Deep Creek Lake Management Office and the Deep Creek Watershed Management Board should meet to discuss the goals and objectives of the Shoreline Erosion permit and whether a reduction in fee would benefit the program.
DNR	2. If a reduction in fee is deemed appropriate the DNR will follow the appropriate procedures to create the reduced fee policy.
DNR and Deep Creek Watershed Citizens' Advisory Board	3. The DNR will work with the Deep Creek Watershed Citizens' Advisory Board to promote the merits of shoreline stabilization and encourage homeowners to install appropriate measures to prevent further shoreline erosion on their properties.

The group revised the strategies as proposed in a number of ways. First, they added the County and MDE to the list of lead entities. The group feels strongly that this objective is a priority. As such, it will be more effective if all interested parties are involved in creating a feasible program. Second, strategy 2 above was eliminated. Third, emphasis on and responsibility for an incentive programs was added to the appropriate county and state agencies as well as a watershed management board. The edited strategies are as follows:

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
County, DNR, MDE and Deep Creek	1. By July 2015, the appropriate agents of the Deep Creek Lake Management Office, DNR, MDE, the county and the Deep Creek Watershed Management Board should meet to discuss

Watershed Management Board	the goals and objectives of the Shoreline Erosion program, including an incentive program through the appropriate agencies.
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DNR and Deep Creek Watershed Citizens' Advisory Board	2. The DNR will work with the Deep Creek Watershed Citizens' Advisory Board to promote the merits of shoreline stabilization and encourage homeowners through incentive programs to install appropriate measures to prevent further shoreline erosion on their properties.
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**Discussion:**

The discussion section was edited to read as follows:

The subcommittee believes strongly that shoreline erosion and control is a common goal that needs to be promoted and encouraged. They also believe that permit fees enforced by both DNR and MDE discourage best practices. Not only should the fees be eliminated but property owners should be offered incentives to encourage the stabilization of the shoreline. Such incentives could include, but are not limited to, a tax break or providing access to discounted materials and/or vegetation necessary to accomplish the approved method of stabilization. Garrett County offered a monetary incentive to encourage owners to use approved methods to stabilize their shorelines. Though this program, see Appendix J, is now expired it serves as an example of what the subcommittee would like to see developed. In addition to elimination of permit fees and an incentive program, a program to promote the benefits of shoreline stabilization and the acceptable means by which to accomplish this goal should be implemented. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

**Objective 2**

The Department of Natural Resources (DNR) Lake Management Office should upgrade their permitting and boating count databases.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
DNR	1. By July 2015, the DNR will assess the hardware and software of the Lake Management office looking for opportunities for version upgrades and opportunities to improve efficiency of operation.
DNR and Deep Creek Watershed Management Board	2. DNR will establish a timeline for action plan for implementation of upgrades and report it to the Deep Creek Watershed Management Board.

**Discussion:**

The group was informed that the software the lake management office uses is out of date, making it very difficult for staff to do queries and searches on permitting information. The consensus was that having adequate technology was vital to the accomplishments of that office as well as to the dissemination of information to the public. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

The above objective, strategies and discussion were all approved without edits from the original.

**Proposed Objective 2 - DELETED**

The Deep Creek Watershed Technical Committee should oversee a study to measure the effects of boating use in terms of wave generation and/or shoreline erosion.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
Deep Creek Watershed Technical Committee and DNR	1. By July 2015, the Deep Creek Watershed Technical Committee should meet with members of Deep Creek Lake Management Office and the Department of Natural Resources to discuss the benefits and costs of such a study.
Deep Creek Watershed Finance and Fund Raising Committee	2. Should this meeting produce a clear need for the study the Committee will work with the Deep Creek Watershed Finance and Fund Raising Committee to explore potential funding options.

**Discussion:**

A perception exists that the number of boats on the lake increase wave generation which in turn increases shoreline erosion. Mr. Durham mentioned a study that proved that wind generated waves create more shoreline erosion than boat use. The group would like to determine the benefits of such a study being conducted at Deep Creek Lake. The above objective and strategies were agreed upon by a XXX vote of the sub-committee.

A discussion revealed that most in the group felt such a study was not needed. Brian, emphasized that localized problems with shoreline erosion could be caused by wave actions and a study to know the extent to which boating actions exacerbates the issue would be beneficial. Paul noted that a study will determine if it is or is not a problem and perhaps where the source is originating; however the important part is what you do about it. Steve thought that the study is not needed because we already know shoreline erosion is a problem. Our focus needs to be on the solution. Bob noted that the objective that focuses on controlling shoreline erosion is where our focus needs to be, not studying wave action. To that end, the group decided to delete this objective and focus on the shoreline stabilization objective.

**Objective 3**

The Department of Natural Resources Lake Management Office should identify and promote current and future public access locations.

**Strategies**

<i>Lead entity(s)</i>	<i>Strategy</i>
DNR	1. The Deep Creek Lake Management Office will map the locations and types of all existing public access points. This data will be mapped and included in a brochure for visitors.
DNR	2. The Deep Creek Lake Management Office will visit said sites and determine whether appropriate signage exists at each location. If not, signage will be obtained and erected.
Deep Creek Watershed Citizens' Advisory Board	3. The Deep Creek Watershed Citizens' Advisory Board will ensure the brochures created by the Lake Management Office of existing public access points are reproduced and made available at local businesses and the Visitor's Center.

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|--|--|
| DNR and<br>Deep Creek<br>Watershed<br>Technical<br>Committee | 4. The Deep Creek Lake Management Office, working in conjunction with the Deep Creek Watershed Technical Committee will review past records where potential future sites of public access have been highlighted. These sites will be reviewed for potential use as public access in relation to cost, type of access, public facilities and/or infrastructure needed, and other factors deemed appropriate by the group. |
| Deep Creek<br>Watershed<br>Management<br>Board               | 5. The results of the potential public access site review will be presented to the Deep Creek Watershed Management Board for prioritization and possible action plan.  |

**Discussion:**

Discussion of public access points revealed that there are more public access points than the public knows about and that not all public access points are properly signed. An inventory of those sites needs to be made, which includes the type of public access granted. Those sites need to be promoted and properly signed. The above objective and strategies were agreed upon by a unanimous vote of the sub-committee.

The above objective, strategies and discussion were approved without edit.

The meeting adjourned at 4:00 pm.

THE BOARD OF GARRETT COUNTY COMMISSIONERS  
203 South Fourth Street - Courthouse - Room 207, Oakland, Maryland 21550  
www.garrettcountry.org · countycommissioners@garrettcountry.org  
301-334-8970 301-895-3188 FAX 301-334-5000

Board of Commissioners  
Gregan T. Crawford  
Robert G. Gatto  
James M. Raley

County Administrator  
R. Lamont Pagenhardt  
County Attorney  
Gorman E. Getty III

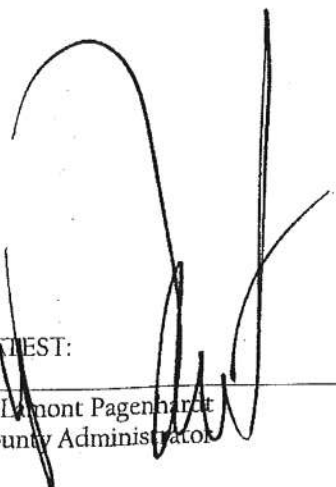
DEEP CREEK LAKE SHORELINE  
STABILIZATION PROJECTS  
INCENTIVE PROGRAM POLICY

Explanation


The Board of Garrett County Commissioners acknowledge and support the environmental and aesthetic benefits of stabilizing the shoreline of Deep Creek Lake. Boat and weather related wave action continues to erode the shoreline of the lake causing narrowing of the buffer strip, visual blight and compromised water quality. Maryland Department of the Natural Resources owns Deep Creek Lake, the shoreline and the adjacent buffer strip. The Department affords the opportunity to lake-front property owners to install shoreline stabilization structures and other stabilization systems to mitigate the adverse effects noted above. Any stabilization project must undergo a review and permitting process administered by the MD Department of Natural Resources and MD Department of Environment. The final project must also be inspected and approved by these agencies to assure compliance with approved plans. The costs for preparing the necessary plans along with permitting fees and actual project construction costs are significant; therefore, the County desires to off-set some of these costs by establishing an incentive program to promote installation of shoreline stabilization structures or systems to protect the shoreline of Deep Creek lake from further erosion.

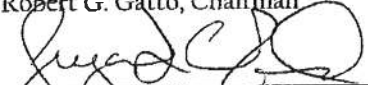
1. The County shall provide a one-time incentive payment of up to \$1,600 to those citizens that properly design and install a shoreline stabilization structure or other approved stabilization system that protects the shoreline of Deep Creek Lake from further erosion.
2. This incentive program shall be effective for all stabilization projects approved during the period of July 1, 2012 thru June 30, 2013 unless the term of this incentive program is extended by a majority vote of the Board of County Commissioners.
3. In order to qualify for the incentive, the stabilization project must be properly designed, inspected and approved by Maryland Department of Natural Resources and Maryland Department of Environment.
4. Payment shall be provided to the applicant by the County Finance Office upon written verification that a certificate of approval has been issued by the Department of Natural Resources.

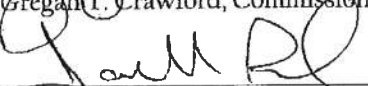
This Policy shall become effective on the 22<sup>nd</sup> day of JANUARY, 2013.

ATTEST:  
  
R. Lamont Pagenhardt  
County Administrator

BOARD OF COUNTY COMMISSIONERS  
OF GARRETT COUNTY, MARYLAND

  
Robert G. Gatto, Chairman

  
Gregan T. Crawford, Commissioner

  
James M. Raley, Commissioner