

# Deep Creek Lake Watershed Economic Growth and Planning Analysis Study

## Issues Summary

Final April, 2004

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## **Deep Creek Lake Watershed Economic Growth and Planning Analysis Study Issues Summary**

This Issues Summary describes issues for the Economic Growth and Planning Analysis Study. ERM developed the list of issues based on the two days of meetings on March 1<sup>st</sup> and 2<sup>nd</sup> 2004 including with the study Task Force, the Board of County Commissioners, the general public, and county staff. The Task Force reviewed a draft of the Summary at its meeting on April 13, 2004 following which ERM prepared the final summary.

The summary serves as a roadmap for issues to be explored in more detail with the Task Force through the study process.

The summary is intended as a tool to help understand and define the issues, and as a guide for future analysis. It is not intended to be a definitive list. Should new issues emerge or should our understanding of issues change, those new or revised issues will be incorporated into the study process.

The issues are presented in a table format beginning on the following page.

Column 1 states the issue. Note: this is ERM's understanding of the issues raised. This understanding may be revised based on additional discussion with the Task Force and the public. Other issues may be added.

Column 2 is a statement of ERM's understanding of what has prompted the issue; how this issue manifests itself in terms of land use, building, or environmental effects.

Column 3 is the implied or stated objective to address the issue; how could this issue be addressed.

Column 4 contains ERM's preliminary comments or observations on the issue.

We received a number of specific concerns/comments regarding particular sections or provisions of the zoning, subdivision, and design regulations. These are listed separately after the table.

	<b>Issue</b>	<b>Stated indicator/cause</b>	<b>Implied or stated objective to address the issue</b>	<b>Preliminary Consultant Comments</b>
1.	Lack of/loss of community, Feeling that this was/is a unique community -- mountains, isolated, harsh climate, camaraderie among residents, boating, fishing, hunting, skiing, Appalachian culture-- whose uniqueness is being eroded by change.	Number of full-time versus part time residents.  Increasing number of seasonal rental units (versus family vacation homes).  “Not knowing your neighbors”. “We used to visit our neighbors, exchanged phone numbers, watch each others’ children grow”.	Increase the full time population.  Attract retirees.  Attract more “professional” jobs rather than “tourist service jobs” (provide high speed telecommunication).	The watershed’s year-round resident population increased; from 3,174 in 1990 to 3,845 in 2000, about 20 percent and the period since 2000 has been one of rapid growth.  Even as the total number of units in the watershed has increased, the share of year round occupied units has also increased from 31.5% in 1990 to 32.3% in 2000 (as counted on census day, April 1, 2000).  The sense of loss of community may be the result of i) a larger year round population, i.e., more people that you don’t know, ii) more seasonal homes, iii) more different types of people (snow skiers, water skiers, engaged in “non-traditional” activities).  An increase in the year-round population will result in increased demands on County services.
2.	What direction is the Deep Creek Lake community going in? What will it be when it grows up?  Concerns that it is going: too commercial; too busy; and is no longer family-oriented. Do not want to be like Ocean City, La Vale, Gatlinburg (carnival atmosphere)	Feeling by some that there is too much commercial activity: strip commercial on US 219, vacation rental units, flashing signs (three in McHenry)  Partying/revelry.	Limit additional commercial development.  Control/protect remaining land like the Holy Cross property.  Better enforcement of regulations.	See also issue number 5, below. Concerns may appear to conflict, but may also be a case of using the word “commercial” in different ways. When some people use the term “commercial”, they appear to include some “for profit” residential uses; vacation rentals, time shares, and hotels.  Concerns do not appear to extend to the proposed whitewater sports complex, which is perceived to be “away” from the lake.  Some communities find it useful to develop a vision statement to better define “where the community is going”.  Resorts do need to change. Like shopping malls and city centers, they need to continually update and reposition their facilities to attract a critical mass of regular users, or people stop visiting them, and they become abandoned - like “dead” malls or streets. The challenge is to manage the change effectively and strategically to maintain a successful place.  Some people point to the positive changes that have resulted from the growth that has occurred, especially the services now available that were not present when the population was smaller and the area more isolated.

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		Too many vacation rental units.	<p>Limit the number of vacation rental units.</p> <p>Make rental units more like “standard” units:</p> <p>Increase lot sizes to provide privacy (e.g., tie lot size to square footage of house, or add floor area ratio requirements to the zoning regulations)</p>	<p>Comparing with other resorts may be helpful. Do they have an issue with rental units?</p> <p>Possible to regulate?</p> <p>Rentals appear to be being “pitted” against non-rentals.</p> <p>Where is the market going with rental units? Will the rapid growth since 2000 continue?</p> <p>Some people say it is in part the rise in property values that leads many people to rent; they have to rent to help pay for their property.</p>
3.	<p>Fear/ concern that there is too much growth.</p> <p>How much growth is too much? At what point do you “kill the goose” that laid the golden egg; change the community irrevocably from the beautiful, scenic place that attracted people in the first place.</p>	<p>Overloaded infrastructure</p> <p>Roads; traffic volume (additional time needed to make trips, unsafe to walk, need for more traffic signals), speeding.</p> <p>Perceived decline in lake water quality (sewer overflows, sedimentation).</p> <p>Increasing views of development on mountain sides</p> <p>Adequacy of water supply; concern over wells that have run dry</p> <p>Revelry, noise.</p> <p>Apparent commitment providing public sewer to large areas of the watershed, which will promote (higher density) development.</p>	<p>Limit or at least manage or control growth better.</p> <p>Greater contributions from developers towards covering effects of development on infrastructure.</p> <p>Developers counter that i) they do pay for costs of development, and ii) revenues from property taxes should be used to improve infrastructure.</p>	<p>There is no absolute number at which there is too much growth. Places do not grow to a point and then suddenly become unattractive, rather they change and attract different people; (perhaps people more tolerant of more crowded conditions). This ultimately can lead to a slow decline (Atlantic City?) or a reinvention as a new place (Ocean City?).</p>

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4.	<p>Loss of “traditional” waterfront businesses like restaurants people can boat to: Restaurants McClives, Deep Creek Lodge; hardware store portion of Deep Creek Outfitters.</p> <p>Waterfront business is a key element of what has made this community special.</p> <p>“Would be a ‘tragedy’ if others were lost”.</p>	<p>Residences are outbidding businesses for waterfront property in areas with Town Center (TC) zoning.</p> <p>Today’s market may be insufficient to support waterfront commercial uses.</p>	<p>Provide tax breaks or incentives to enable these uses to continue.</p> <p>Zone waterfront business uses so that if they close they are replaced with other commercial uses.</p> <p>Improve business conditions by allowing Sunday liquor sales.</p> <p>County purchase of commercial sites and lease for commercial use.</p> <p>Reduce the residential density in Town Center so as to increase town center land’s value for commercial use.</p>	<p>Five restaurants are left on the lake that one can boat to: Point View Inn, Silver Tree, Red Run (temporarily closed). Will o’ The Wisp, Unos/Honi Bar. Other eating establishments one can boat to are Brenda’s Pizza, Subway shop, and Traders Landing (Arrowhead Grocery and Deli).</p> <p>Reportedly a very small percentage of sales is generated from people coming to these businesses by boat.</p> <p>Retail in resort communities typically is seasonal in nature, making long-term survival difficult.</p> <p>Some communities with strong markets for residential (e.g. Annapolis) “protect” their commercial or waterfront districts.</p> <p>Clustering commercial uses together might strengthen them – “critical mass”</p>
		<p>Increase in privatization: loss of places where, formerly, the public could go (even if they were private), but this use did not create problems or issues because the volume of people was low (“Nobody cared”).</p>	<p>Create places where public can go: more places to access the lake to sit, walk, fish or launch a boat; trails; a town center, perhaps.</p>	<p>Proposed sports complex and “village” on Marsh Mountain may be part of this, but will not be tied to the lake.</p> <p>Waterfront access a major issue, especially given the high value of waterfront property and the NIMBY resistance to using DNR waterfront ownership.</p>

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5.	Insufficient opportunity for commercial (retail and employment) development	1.Unavailability of land/sites	<p>1.Zone more land for commercial use</p> <p>2. Allow residential in commercial zones:</p> <p>Allow more residential in CR1 (e.g. residential above commercial) to offset the unprofitability in developing commercial; currently one du is permitted as an accessory use.</p> <p>Allow higher residential density in CR2.</p>	<p>See issue #4 above: concerns over too much commercial. Need to better define what types of retail/employment development are needed, and relate to a vision for the watershed. Does “commercial” include more activities for visitors?</p> <p>Little raw commercial land appears to be available except in Thayerville. Are there opportunities to redevelop existing strip commercial sites? Is greater depth needed?</p> <p>Garrett County Comprehensive Plan (1995) strongly discourages strip commercial development.</p>
6.	Unappealing development character in the Town Center zoning districts	<p>Density is too high; houses are “on top of each other” and are outbidding commercial sites.</p> <p>Side setbacks between single-family homes are too small</p> <p>Minimum lot size for single-family homes is too small</p>	Change zoning regulations to promote a less dense character	<p>The zoning district name is Town Center, but the resulting development is not what one expects to see in a “typical” town center: uses are not interconnected, there is quite a lot of “strip commercial ” development.</p> <p>Some people said they were quite pleased with the town center development character.</p> <p>Minimum lot size in TC is 10,000 sf or 8,000 sf in a cluster. This is small but not excessively tiny for a Town Center. Are these lots being created in areas zoned TC, but that are more LR in character?</p>
		Lack of a true town center; a downtown where people can walk to shops and services.	Form a central place that could be the “community center” for Deep Creek.	<p>Can land be made available for a center? Ideally would be at least partially on the lake. There may be potential in Thayerville. Little land appears to be available in McHenry.</p> <p>Consider possible effect on Oakland; does encouraging town center growth in the DCL watershed, negatively affect growth/revitalization efforts in towns?</p>

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7	Environmental quality of the Lake.	Water quality (Mercury level was questioned specifically) Sewer overload	Limit/cap growth Regulate to address causes Limit development on steep slopes.	Garrett County Health Department will provide data on water quality, including turbidity. Department has 16 sampling points at the lake, plus the beach at the State Park..  Much of the “easier” land has been developed; development is increasingly in more “marginal” areas.  Acknowledgement of sewer overload problems by Dept. of Public Utilities, but that plans are in place or underway to address them.
		Sediment	More/better enforcement of sediment/erosion control regulations	May be affecting lake tributaries rather than the Lake itself. Staff report cases of building sites with no sediment and erosion controls in place.
8	Roads and traffic			
8.1	Roads are not well designed for their function.		Limit development to reduce traffic.  Selectively widen, straighten roads.  Bypasses around bottlenecks.  Capacity increases at intersections	Traffic volumes are to some extent an issue of perception. Visitors from Washington, used to heavy traffic, may perceive that traffic volume in the watershed as acceptable when long-time residents perceive growth in traffic as less acceptable.  Living with congestion on a limited number of days may be better than “fixing the problem”.  Widening roads often results in increased speeds. Safety and capacity concerns need to be addressed but carefully on a case by case basis.
	US 219 overall volume	Comment was made that on peak weekends trip from Sand Flat Road to McHenry is too long. Others disagree.		Traffic signals were installed at 219/Glendale in 2002, and at 219/Mosser in 2003.

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	US 219 Difficulty/danger of making left turns from or onto US 219	1. Southbound left onto Rock Lodge Road 2. N'bound left into the Fort. 3. N'bound left into Deep Creek Drive. 4. N'bound left into Traders Landing		
	Marsh Hill Road (between Sang Run Road and Overlook Pass.	Road is too narrow to handle traffic		Disagreement over:  1. Whether or not there is right-of-way so the roadway can be improved (curb/gutter, underground drainage)  2. Whether the planned connection to Hoyes Run Road will be sufficient to relieve Marsh Hill Road
	Glendale Road	Road has not been improved in spite of housing that has been added.		One sharp turn on Glendale was straightened, another straightening is proposed (between US 219 and Glendale Bridge.  May need to state a clear policy as to which roads need what kinds of improvements. There is confusion (mistrust?) over Glendale Road
	State Park Road (between Glendale Road and Meadow Mtn. Bridge)	Narrow section, especially when vehicles are trailing boats		
	Rock Lodge Road	Narrow section, especially when vehicles are trailing boats		

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	Poor upkeep of some private roads	Lack of maintenance by owners.		Appears to mostly affect some older developments created before subdivision regulations became effective in 1997. Regs now require that covenants address maintenance for road improvements.  County will accept roads, but only if brought to County standard. This is a common issue around the State.
8.2	Lack of safe places to walk or bike.	Danger/difficulty in crossing roads like State Park Road.  Roads are too narrow to allow walking in safety (e.g., Lake Shore Drive).  No sidewalks in McHenry.	Limit development to reduce traffic.  Build/develop trails, hiker/biker routes. (McHenry to Arrowhead Lane)  Make State Park Road one way.	Are roads like State Park Road that busy, or have they just gotten busier than they used to be?  Using the shoulder of US 219 seems okay for cyclists, not for pedestrians.
8.3	Traffic slowdowns caused by visitors having difficulty finding their way around.	Lack of wayfinding signage	Wayfinding signage program.	Often a component of a “management program”

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9.	Parking – residential	<p>“When there is snow, parking “overflows” onto public streets”.</p> <p>Rental parking is not always well controlled.</p>	<p>Revise (increase) parking requirements.</p> <p>Better enforcement, presumably meaning issuing parking citations.</p> <p>Provide relief from stringent parking requirements.</p> <p>Recommendations:</p> <ul style="list-style-type: none"> <li>i) Percentage reductions in spaces for increasing numbers of units (example, 30 spaces for 10 units, 45 spaces for 20 units)</li> <li>ii) Recognize developer covenants limiting vehicle numbers per units.</li> <li>iii) Expansion of shared parking provisions to residential (Sec 601.E)</li> </ul>	<p>Parking is not only a problem in winter.</p> <p>The only street specifically mentioned with problems in winter was Marsh Hill Road. In some parts of the country (e.g. upstate NY) developers must provide snow storage areas. Since winter is not the “peak” season this may be a very localized issue.</p> <p>According to staff, the one space per bedroom requirement for new Transient Vacation Rental Units has helped address this issue.</p> <p>Comments also received that the requirement has resulted in too high amounts of required parking in some rental developments, versus single homes, (examples cited: 96 parking spaces provided for 24 dus in one development, 48 spaces for 12 dus in another).</p> <p>Parking rules of thumb cannot replace local experience. Burden should be on developer to show sufficient parking is being provided.</p>
	<p>Parking - commercial</p> <p>“Parking is a big problem in town center”; for many uses the regulations require too much parking, which is a waste of valuable land.</p>	<p>Regulations do not reflect actual parking utilization, and do not account for local conditions such as shared parking, patrons walking to businesses or coming by boat.</p>	<p>Revise the parking standards in the zoning regulations.</p>	<p>Current standards are not low; e.g., 1 space per 100 sf of retail, 1 space per 200 sf of office, 1 space per 2 bedrooms for single-family.</p>
10.	Appearance/aesthetics concern over loss of visual appeal			

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10.1	Loss of scenic views	<p>US 219 in McHenry was cited as an example</p> <ol style="list-style-type: none"> <li>1. Houses on the ridge tops; highly visible (red roof) “in your face”.</li> <li>2. Clear cutting/tree loss Mountainside Monte Vista</li> </ol>	<ol style="list-style-type: none"> <li>1. Limit building on certain parts of the slope. Ridge top development ordinance.</li> <li>2. Require tree preservation and/or replanting to reduce visual impact.</li> <li>3. Replant trees to replace those that have been lost.</li> <li>4. Protect certain designated views.</li> <li>5. Regulate color.</li> </ol>	<ol style="list-style-type: none"> <li>1. Reportedly even in summer the trees do little to mask/buffer the visual effect. General sense is that the remaining trees help but do not compensate for loss of larger trees (to timbering and development).</li> <li>2. Mountains where views are already severely affected/compromised: Marsh Mountain, Negro Mountain. Mountains currently intact that could be affected/compromised: Little Snaggy Mountain, Roman Nose Mountain, Meadow Mountain.</li> <li>3. Is the cluster option succeeding with respect to “preserving scenic character”? Minimum open space preserved ranges from 15 to 35%. Only four cluster developments have been developed to date.</li> </ol> <p>Comment was made that people value privacy, that is having more space, over cluster.</p> <p>North Carolina has state legislation prohibiting building on ridge lines; we are researching this.</p>
10.2	<p>New residential structures that are not in character with neighborhoods</p> <p>Some building architecture not in keeping with the character of this “mountain resort” community.</p>	<p>Structures that too large (out of scale) for the lots they are on,</p> <p>Use of materials, roof styles that do not fit. Steel building in McHenry was cited as an example.</p>	<p>Tie dwelling unit size to size of lot; a bigger house would need a bigger lot.</p> <p>Add floor area ratio requirements to the zoning regulations</p> <p>Architectural controls, guidelines, and/or review to prevent building that detracts from the appearance of the area. This may be more important for commercial uses than for residential.</p>	<p>Architecture in the watershed is eclectic (a mix drawn from different sources).</p> <p>Numerous communities have design guidelines. There is a broad range of approaches with some working well and others not. Design guidelines can have the unfortunate consequence of making everything look alike and uninteresting.</p>

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11.	Signage not in keeping with mountain resort atmosphere	<p>Signs. Too big and too many.</p> <p>Flashing illuminated signs (three in McHenry)</p> <p>Unnecessary signs; for example, do vacation rental units need a 2-foot by 3-foot rental agency sign?</p>	<p>Regulate</p> <p>Commercial signage should be muted.</p>	

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12	Need for better enforcement of laws and management of basic services	<ol style="list-style-type: none"> <li>1. Trash accumulation on Sundays (?)</li> <li>2. Speeding on certain streets (Glendale Road, Rock Lodge Road, State Park Road)</li> <li>3. Noise, nuisances.</li> <li>4. Overflow parking spaces in rental homes</li> <li>5. Parking during winter storms (overflowing onto public streets).</li> <li>6. Occupancy at vacation rental units exceeding limits.</li> </ol>	<p>Proactive rather than reactive stance on the part of government.</p> <p>Enforcement department</p> <p>Rental licensing ordinance</p> <p>Noise ordinance (none in place now)</p> <p>Manage trash (for both rental and year-round);</p> <ul style="list-style-type: none"> <li>- Designate trash location areas in subdivisions (e.g., Stillwater)</li> <li>- standards for size of containers;</li> <li>- bear proofing</li> <li>- working with the two trash haulers to prevent unsightly accumulations of trash (weekend pickups).</li> <li>- Require return of trash receptacles to units.</li> </ul> <p>Parking citations</p>	<p>At peak times, the community is now quite dense; perhaps 25,000 to 30,000 people on a busy weekend (see Growth report).</p> <p>Management may now be needed, when in the past the low population allowed more laxity without causing conflict.</p> <p>County is currently drafting a rental license ordinance, though reportedly this effort has stalled.</p> <p>Some issues require “enforcement” of private covenants, that can be notoriously difficult to require.</p>
13	Other issues			
13.1	Representation			

	<b>Issue</b>	<b>Stated indicator/cause</b>	<b>Implied or stated objective to address the issue</b>	<b>Preliminary Consultant Comments</b>
	Sense that County boards and commissions are not sensitive to the watershed's needs	Approvals (denials?) of plans and applications by "outsiders" counter to what some people in the watershed think should occur.  Special exceptions are granted too easily	Clearer set of "rules" to govern decision making.  A Planning Commission for the watershed or, at a minimum, representation on the Commission proportional to the importance of the watershed.	A frequently heard complaint around the State; don't like the decision, change the person. While special boards can be created, more likely fault is with how the law/regulation being decided on is written (such as the standards that have to be met to approve/disapprove an application).  Carefully crafted "purpose" statements as part of regulations may give boards and commissions better guidance. Especially if they are specific and not generalized "mom and apple pie" statements.  Of seven planning commission members, two are from the watershed, plus one alternate member who frequently sits as a member. The planning commission's decision-making authority in reality is fairly limited. Its role is advisory on most matters.  Unlikely that a separate Planning Commission could be created within the existing governmental structure. An advisory body probably could. We will explore other possible models.
	People lack a voice in the planning process	Lack of a formal role in the study plan process.  Many property owners cannot meet the criteria to qualify them to vote	More communication and involvement.	County envisioned this as a study, not a plan per se. A vision plan may be needed.  This study is the first focused planning effort just for the watershed since 1986. The current Comprehensive Plan, 1995, considers the watershed, but is a countywide plan.
13.2	Need to educate areas of the county outside the watershed about the benefits of the watershed to the County as a whole	Disparaging comments attitudes about the watershed.	Getting the word out about the watershed's contributions to the economy and government.	

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13.3	Need for affordable (workforce) housing for service workers	Growth in resort-related business generates need for workers.	Programs or provision for workforce housing.	<p>Lack of workforce (affordable) housing is a common problem in mountain resorts. Many cities have adopted programs to address.</p> <p>In some resorts in the western U.S. the next community is far away, prompting serious safety concerns if emergency workers are far away. In Garrett towns like Oakland, Accident, and Deer Park are quite close to Deep Creek Lake.</p> <p>Garrett County Community Action Committee is developing a project on Pysell Road in McHenry (first phase 30 units, possibly up to 80 units.</p> <p>TC zoning allows for residential in association with retail, but provision has not been used often.</p>

**Specific concerns/comments regarding zoning, subdivision, and design regulations**

1. Too many uses are permitted only by special exception. Bd of Appeals needs more direction on how to apply/interpret the law. Consultant comment: more specific standards may be needed. Big fights over special exceptions often can be very contentious, take enormous energy, yet may miss the bigger picture in terms of overall trends.
2. Need more careful meshing of docking permits with zoning regulations. Is DNR’s issuance of docking permits consistent with the intent of the zoning regulations regarding development with access to public recreation land?
3. Minimum required lot area for a marina (two acres) is too high. Likely prevents development of a new marina. Some boat storage could take place off site.
4. No provision for boat/rv sales location on less than two acres whereas RV sales have a 10,000 sf minimum.
5. CR2 residential density at one du/acre is too low.
6. Consider allowing heights in excess of 35 feet or three stories as a special exception in the CR1 and CR2 districts. Would allow for a four story building at Wisp, for example. This type of special exception is currently permitted in the TC district.
7. Wisp Hotel (CR2) may not add units with full kitchens – a popular type of unit at resorts. Question, should such “units” be treated as hotel rooms or dwelling units for calculating permitted density? Consultant comment; the Dept of Planning and Zoning currently treats them as dwelling units if they have “full” living facilities.

8. CR1 district permits only one du per non-residential use to complement commercial uses, such as apartment units above commercial. Recommendation is for same density as TC zoning: 9 per acre. Note: this district was created in 1997 as an essentially commercial-only district.
9. Steep slope ordinance permits some disturbance of slopes over 30%. Grandfathering provisions allow disturbances to occur to a greater extent than desirable.
10. Review design standards for one-lane bridges to allow them on very low volume roads. Per AASHTO guidelines (2001) for very low-volume roads (less than 400 ADT).
11. Building permit having to be exercised within one year of a special exception approval is not long enough. Current process requires a reapplication for a special exception; extensions are not allowed for.
12. Zoning regs: Section 402: grandfathering for minimum lot size. This is of concern as public sewer reaches more areas around the lake. Owners of deeded lots that do not meet the minimum lot size for development on well and septic have expectations of being able to develop such lots on public water and sewer. As currently drafted, the regulations will allow lots that do not meet current minimum required lot area to be developable on public water and sewer, without having to recombine.