

M E M O R A N D U M

DATE: May 9, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0072-X- Appeal Period Expired

The appeal period for the above-referenced case expired on May 8, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings



JOHN A. OLSZEWSKI, JR.
County Executive

ADMINISTRATIVE LAW JUDGE
Office of Administrative Hearings

April 8, 2019

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **ORDER OF DISMISSAL** - Petition for Special Exception
Case No. 2018-0072-X
Property: 19735 Graystone Road

Dear Mr. Schmidt:

Enclosed please find an Order of Dismissal rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Board of Appeals of Baltimore County
Office of People's Counsel
H. Barnes Mowell, Esq., H. Barnes Mowell, P.A., 16925 York Road, Monkton, MD 21111
Lisa & Emma Arthur, 19500 Burke Road, White Hall, MD 21161
James Baseman, 19836 Old York Road, White Hall, MD 21161
Tammy Roth & Kenneth Thompson, 2500 Openshaw Road, White Hall, MD 21161

ORDER OF DISMISSAL - Petition for Special Exception
Case No. 2018-0072-X – Property: 19735 Graystone Road
Page 2

Pat & Chris Chlebd, 19828 Old York Road, White Hall, MD 21161
Michael & Marsha Chilcoat, 3 Limb Ct., White Hall, MD 21161
Roger Casteline, 19817 Graystone Road, White Hall, MD 21161
Donald & Diane Kincaid, 19705 Graystone Road, White Hall, MD 21161
Richard & Linda Boyce, 19625 Burke Road, White Hall, MD 21161
Kathleen Pieper, 4310 Beckleysville Road, Hampstead, MD 21074
Rick Impallaria, 1705 Singer Road, Joppa, MD 21085
Nancy Clark Vitek & Donna Saucier, 19618 Burke Road, White Hall, MD 21161
Lynne Jones, 815 Stablers Church Road, Parkton, MD 21120
Theodore & Joyce Goloboski, 19700 Graystone Road, White Hall, MD 21161
Dennis Roth, 20233 Old York Road, White Hall, MD 21161
Cody Roth, 19700 Graystone Road, White Hall, MD 21161
Donald F. Dill, Jr., 19614 Burke Road, White Hall, MD 21161
Jen McGuire, 20233 Old York Road, White Hall, MD 21161
Donna Warren, 19623 Burke Road, White Hall, MD 21161
Jim & Nancy Palm, 19627 Burke Road, White Hall, MD 21161
Wayne, Brett & Harriet McGinnis, 19628 Graystone Road, White Hall, MD 21161
Anne Jones, 19945 Ensor Road, White Hall, MD 21161
Jay McGinnis, 19524 Graystone Road, White Hall, MD 21161
Douglas Shepperd, Sr., 19810 Graystone Road, Box 62, White Hall, MD 21161
Douglas Shepperd, Jr., 19806 Graystone Road, Box 62, White Hall, MD 21161
Cindy & David Buschman, 19842 Old York Road, White Hall, MD 21161
Ellie & Doug Price, 19732 Graystone Road, White Hall, MD 21161

IN RE: PETITION FOR SPECIAL EXCEPTION *

(19735 Graystone Road)

7th Election District

3rd Council District

Jerry Phillips, *Legal Owner*

Forefront Power, LLC, *Lessee*

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0072-X

* * * * *

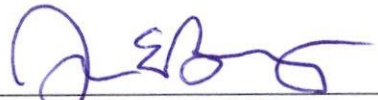
ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings ("OAH") by Order of Remand from the Board of Appeals of Baltimore County, dated January 16, 2019, for further proceedings, including the refiling of an amended Petition for Special Exception correcting the identification of the proper Petitioners. The Petition for Special Exception was filed on behalf of Jerry Phillips, legal owner and Forefront Power, LLC, lessee ("Petitioners"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

On April 4, 2019, a formal request was received from Lawrence E. Schmidt, Esq. seeking withdrawal of the Petition for Special Exception without prejudice as Petitioner no longer wishes to pursue the matter at this time.

THEREFORE, IT IS ORDERED this 8th day of **April, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing in the above case, be and is hereby DISMISSED WITHOUT PREJUDICE.

Any appeal of this decision must be filed within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

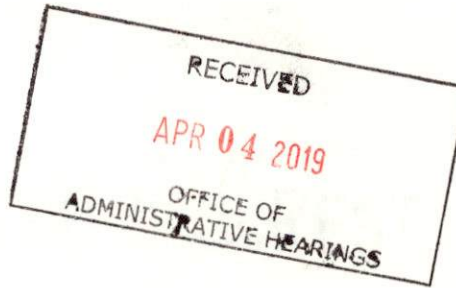
Date 4-8-19

By dlw

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH

*Admitted in MD, FL, PA



LAUREN D. BENJAMIN
SARAH A. ZADROZNY
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

April 4, 2019

Sent Via Hand Delivery

John E. Beverungen, Esquire
Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

**In the Matter of: Jerry Phillips - Property Owner
 19735 Graystone Road
 7th Election District, 3rd Councilmanic District
 Case No. 2018-072-X**

Dear Judge Beverungen,

I write by way of follow up to the Order on Remand to the Administrative Law Judge issued by the Board of Appeals on January 16, 2019 in the above referenced case. Please accept this letter as notice of withdrawal of the Petition for Special Exception without prejudice in this matter. The Petitioner no longer wishes to pursue this matter at this time.

Thank you for your courtesy.

Very truly yours,

Lawrence E. Schmidt

LES/amf

cc: H. Barnes Mowell, Esquire
 Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County
 Andrew Brown, D.S. Thaler & Associates
 Forefront Power, LLC

Debra Wiley

From: Debra Wiley
Sent: Thursday, February 14, 2019 2:50 PM
To: Kristen L Lewis
Subject: Case No. 2018-0072-X (Jerry Phillips)
Attachments: 20190214144430224.pdf

Hi Kristen,

Please see attached that was remanded to OAH. In the BOA's Order of Remand, page 2, the last whereas paragraph, states that an amended petition shall be considered as part of and a continuation of the proceedings in Case No. 2018-0072-X, and not considered a new filing and/or different matter

Can you tell me if your office received this ?

Thanks in advance.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Thursday, February 14, 2019 2:45 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 02.14.2019 14:44:30 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County

Interoffice Correspondence

Phone: 410-887-3180

Fax: 410-887-3182

To: John Beverungen, Administrative Law Judge

From: Tammy Zahner, Legal Secretary

Date: January 16, 2019

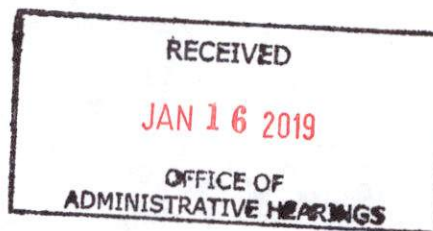


Re: In the Matter of: *Jerry Phillips*
Case No.: 18-072-X

Attached please find the Board of Appeals file for the above-referenced matter. The Board has remanded this matter to you for further proceedings consistent with the Board's Order. After you have issued the necessary Order or Opinion, please send a copy to us for our records.

Should you have any questions, please do not hesitate to contact us.

Thank you.





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 16, 2019

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Suite 204
105 W. Chesapeake Avenue
Towson, Maryland 21204

H. Barnes Mowell, Esquire
H. Barnes Mowell, P.A.
16925 York Road
Monkton, Maryland 21111

RE: In the Matter of: *Jerry Phillips – Property Owner*
Case No.: 18-072-X

Dear Messrs. Schmidt, Mowell and Demilio:

Enclosed please find a copy of the Order on Remand to the Administrative Law Judge issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT**. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington" followed by a stylized flourish.

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Attached Distribution List

Jerry Phillips – Property Owner
Distribution List
January 16, 2019
Page 2

Jerry Phillips
Brian Maliszewski/ForeFront Power, LLC
Lisa Arthur
Emma Arthur
Lynne Jones
James Baseman
Nancy Clark Vitek
Donna Saucier
Tammy Roth
Kenneth Thompson
Theodore and Joyce Goloboski
Dennis Roth
Cody Roth
Donald F. Dill, Jr.
Jen McGuire
Michael and Marsha Chilcoat
Donna Warren
Jim and Nancy Palm
Richard and Linda Boyce
Donald and Diane Kincaid
Wayne and Harriet McGinnis
Brett McGinnis
Anne Jones
Jay McGinnis
Douglas Shepperd, Sr.
Douglas Shepperd, Jr.
Cindy and David Buschman
Ellie and Doug Price
Lawrence M. Stahl, Managing Administrative Law Judge
Jeff Mayhew, Acting Director/Department of Planning
David Lykens, Acting Director/DEPS
Vishnu Desai, Supervisor/Bureau of Development Plans Review
Michael Mohler, Acting Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF

Jerry Phillips
Property Owner

19735 Graystone Road
White Hall, MD 21161

7th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF
* APPEALS OF
* BALTIMORE COUNTY
* Case No.: 2018-072-X
*

* * * * *

ORDER OF REMAND

This matter comes before the Baltimore County Board of Appeals as a *de novo* appeal of the January 3, 2018 decision of Administrative Law Judge John E. Beverungen of the Office of Administrative Hearings related to the above captioned matter. In his Opinion and Order, ALJ Beverungen granted a Petition for Special Exception, with conditions, for development of an 840 kilowatt (kW) A/C ground-mounted solar facility filed herein by Jerry Phillips, purported legal owner, and Forefront Power, LLC, lessee (collectively the "Petitioners"). The subject property is approximately 50.54 acres in size and zoned RC-2. The special exception petition was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") § 4f.101, et seq. to approve a solar facility.

WHEREAS, the Petition for Special Exception, filed September 1, 2017, identified Jerry Phillips as legal owner of the subject property; and

WHEREAS, Jerry Phillips is the principal of Phillips Development LLC; and

WHEREAS, Phillips Development LLC is the actual legal owner in title of the subject property; and

WHEREAS, Phillips Development LLC, as owner of the subject property, intends to lease a portion thereof to Forefront Power, LLC for the purpose of constructing a solar facility; and

WHEREAS, Forefront Power, LLC (Co-Petitioner/Lessee) was a Maryland LLC in good standing at the time the Petition for Special Exception was filed; and

WHEREAS, during proceedings before the County Board of Appeals, certain Protestants, through their counsel, H. Barnes Mowell, Esquire, provided evidence indicating that Forefront Power, LLC's charter was or is about to be, forfeited with Maryland State Department of Assessment and Taxation ("SDAT"); and

WHEREAS, while a business entity is required to maintain its good standing, Petitioners submit a failure in that regard was not deliberate and will be corrected by the filing of the appropriate paperwork with SDAT; and

WHEREAS, the parties herein, to wit, Jerry Phillips, Phillips Development, LLC, Forefront Power LLC, all by and through their attorney, Lawrence E. Schmidt, as well as the Office of People's Counsel of Baltimore County, and the Protestants hereinabove referenced, hereby agree that the matter should be remanded to the Administrative Law Judge for the filing of an amended Petition for Special Exception and for further proceedings thereon as are appropriate and necessary, including a public hearing; and

WHEREAS, by remand and amendment, the amended petition shall be considered as part of and a continuation of the proceedings in Case No. 2018-0072-X, and not considered a new filing and/or different matter; and

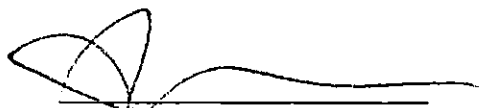
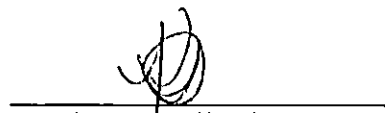
THEREFORE, IT IS THIS 16th day of ^{January, 2019} ~~December, 2018~~ by the County Board of Appeals,

ORDERED that pursuant to the agreement of the parties, the above captioned case number 2018-0072-X is hereby REMANDED to the Administrative Law Judge for Baltimore County for further proceedings, including the refile of an amended Petition for Special Exception correcting the identification of the proper Petitioners; and

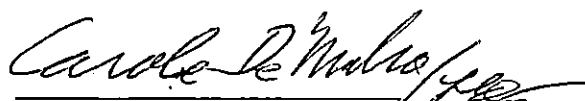
ORDERED that after such filing, the amended Petition for Special Exception be concluded at a public hearing before the Administrative Law Judge for Baltimore County within 45 days of the date of this Order.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Jason S. Garber, Panel Chairman
Deborah C. Dopkin
Kendra Randall Jolivet

APPROVED as to substance and form.


Lawrence E. Schmidt
H. Barnes Mowell
Carolé DeMilio



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 9, 2018

NOTICE OF REASSIGNMENT

IN THE MATTER OF:

18-072-X

Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
19735 Graystone Road
7th Election District; 3rd Councilmanic District

Re: Petition for Special Exception filed pursuant to the BCZR to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

1/3/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception was GRANTED, with conditions.

2/16/18 Administrative Law Judge's Order on Motion for Reconsideration wherein the Motion was GRANTED, in part and DENIED, in part.

After recent postponement, this matter has been

REASSIGNED FOR: DECEMBER 4, 2018, AT 10:00 A.M. – Day 1
and ~~DECEMBER 6, 2018, AT 10:00 A.M. – Day 2~~

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

Notice of Reassignment
In the matter of: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
Case number: 18-072-X
August 9, 2018
Page 2

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra “Sunny” Cannington
Administrator

c: Counsel for Petitioner
Petitioner/Legal Owner
Lessee

: Lawrence E. Schmidt, Esquire
: Jerry Phillips
: ForeFront Power, LLC

Counsel for Protestants
Protestants

: H. Barnes Mowell, Esquire
: Lisa Arthur and Emma Arthur, Lynne Jones,
James Baseman, Nancy Clark Vitek and
Donna Saucier, Tammy Roth and Kenneth
Thompson, Joyce and Theodore Goloboski,
Dennis Roth, Cody Roth, Donald F. Dill, Jr.,
Jen McGuire, Michael and Marsha Chilcoat,
Donna Warren, Jim and Nancy Palm,
Richard and Linda Boyce, Donald and Diane
Kincaid, Wayne and Harriet McGinnis, Brett
McGinnis, Anne Jones, Jay McGinnis,
Douglas Shepperd, Sr., Douglas Shepperd, Jr.,
Cindy and David Buschman, and
Ellie and Doug Price

Office of People’s Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Vincent J. Gardina, Director/DEPS
Vishnu Desai, Supervisor/Bureau of Development Plans Review
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

Return service requested

Hasler

FIRST-CLASS MAIL
AUTO

07/13/2018

US POSTAGE

\$000.37⁸



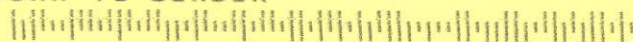
ZIP 21204
011D12603654



Brian Maliszewski
ForeFront Power, LLC
100 Montgomery Street Suite 1400
San Francisco, CA 94104

957 NFE 126031810007/15/18
RETURN TO SENDER
FOREFRONT POWER
100 MONTGOMERY ST STE 725
SAN FRANCISCO CA 94104-4377

RETURN TO SENDER



71420450713

10/13/2018 10:10:10 AM



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 12, 2018

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
18-072-X 19735 Graystone Road
7th Election District; 3rd Councilmanic District

Re: Petition for Special Exception filed pursuant to the BCZR to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

1/3/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception was GRANTED, with conditions.

2/16/18 Administrative Law Judge's Order on Motion for Reconsideration wherein the Motion was GRANTED, in part and DENIED, in part.

This matter was assigned on July 31, 2018 and has been postponed. It will be reassigned to a later date.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

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Krysundra "Sunny" Cannington
Administrator

Notice of Postponement
In the matter of: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
Case number: 18-072-X
July 12, 2018
Page 2

c:	Counsel for Petitioner Petitioner/Legal Owner Lessee	: Lawrence E. Schmidt, Esquire : Jerry Phillips : ForeFront Power, LLC
	Counsel for Protestants Protestants	: H. Barnes Mowell, Esquire : Lisa Arthur and Emma Arthur, Lynne Jones, James Baseman, Nancy Clark Vitek and Donna Saucier, Tammy Roth and Kenneth Thompson, Joyce and Theodore Goloboski, Dennis Roth, Cody Roth, Donald F. Dill, Jr., Jen McGuire, Michael and Marsha Chilcoat, Donna Warren, Jim and Nancy Palm, Richard and Linda Boyce, Donald and Diane Kincaid, Wayne and Harriet McGinnis, Brett McGinnis, Anne Jones, Jay McGinnis, Douglas Shepperd, Sr., Douglas Shepperd, Jr., Cindy and David Buschman, and Ellie and Doug Price

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Vincent J. Gardina, Director/DEPS
Vishnu Desai, Supervisor/Bureau of Development Plans Review
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 12, 2018

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue
Suite 200
Towson, MD 21204

H. Barnes Mowell, Esquire
H. Barnes Mowell, P.A.
16925 York Road
Monkton, MD 21111

Re: In the Matter of: Jerry Phillips
Case No: 18-072-X

Dear Counsel:

Please be advised I have just been informed of a scheduling conflict in which we do not have a panel of three Board members available for the hearing scheduled on June 31, 2018. Therefore, enclosed, please find a Notice of Postponement. This matter will be reassigned at our earliest convenience.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in black ink that reads "Sunny Cannington". The signature is fluid and cursive, with the first name "Sunny" being more prominent.

Krysundra "Sunny" Cannington
Administrator

Enclosure: Notice of Postponement

Duplicate Original



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 12, 2018

NOTICE OF REASSIGNMENT

IN THE MATTER OF: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
18-072-X 19735 Graystone Road
7th Election District; 3rd Councilmanic District

Re: Petition for Special Exception filed pursuant to the BCZR to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

1/3/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception was GRANTED, with conditions.

2/16/18 Administrative Law Judge's Order on Motion for Reconsideration wherein the Motion was GRANTED, in part and DENIED, in part.

REASSIGNED FOR: JULY 31, 2018, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

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Krysundra "Sunny" Cannington
Administrator

Notice of Reassignment
In the matter of: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
Case number: 18-072-X
June 12, 2018
Page 2

c:	Counsel for Petitioner	: Lawrence E. Schmidt, Esquire
	Petitioner/Legal Owner	: Jerry Phillips
	Lessee	: ForeFront Power, LLC
	Counsel for Protestants	: H. Barnes Mowell, Esquire
	Protestants	: Lisa Arthur and Emma Arthur, Lynne Jones, James Baseman, Nancy Clark Vitek and Donna Saucier, Tammy Roth and Kenneth Thompson, Joyce and Theodore Goloboski, Dennis Roth, Cody Roth, Donald F. Dill, Jr., Jen McGuire, Michael and Marsha Chilcoat, Donna Warren, Jim and Nancy Palm, Richard and Linda Boyce, Donald and Diane Kincaid, Wayne and Harriet McGinnis, Brett McGinnis, Anne Jones, Jay McGinnis, Douglas Shepperd, Sr., Douglas Shepperd, Jr., Cindy and David Buschman, and Ellie and Doug Price

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Lawrence M. Stahl, Managing Administrative Law Judge
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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 10, 2018

H. Barnes Mowell, Esquire
16925 York Road
Monkton, Maryland 21111

Re: In the matter of: David Mathews – Legal Owner
Bluefin Origination 2, LLC – Lessee
Case No: 17-108-X

In the matter of: Charles Atkinson and Stephen Atkinson – Legal Owners
OneEnergy Development, LLC – Lessee
Case No: 18-194-X

In the matter of: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
Case No: 18-072-X

Dear Mr. Mowell:

We are in receipt of your request for postponement of the above referenced cases and responses thereto. I have reviewed your request with our Chairman.

Please be advised that your request for postponement is being denied in all of the above referenced cases. All hearings will proceed as scheduled.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Sunny Cannington
Krysundra Cannington

cc: Adam Rosenblatt, Esquire
Christopher Mudd, Esquire
Lawrence Schmidt, Esquire
Patricia Malone, Esquire
People's Counsel for Baltimore County

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
DUKE MAY, V
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
Admitted in MD, FL, PA

July 9, 2018

Ms. Krysundra Cannington
Baltimore County Board of Appeals
105 W. Chesapeake Avenue
Suite 203
Towson, MD 21204



RE: Forefront Power – 19735 Graystone Road
Case No.: 18-072-X

Dear Ms. Cannington:

This is in reference to the above matter scheduled for hearing before the Board on July 31, 2018. I received Mr. Mowell's letter to the Board via email this morning and have also corresponded with and reviewed Ms. Malone's letter in response.

I could not agree more with Ms. Malone's reasoning and respectfully adopt it herein. The Baltimore County Zoning Regulations (and/or a moratorium on the application thereof) can be amended only by legislative act of the County Council and there is not legislation pending. Further, a review of Exhibit Five attached to Mr. Mowell's Motion indicates that no moratorium is proposed by the County Planning staff. Quite candidly, the protestants in this matter are seeking a delay in the proceedings only upon the hope that their previously presented arguments will be accepted and that solar facilities will be prohibited in the County. These arguments failed when Bill 37-17 was enacted and are likely to fail again. They are simply baseless.

In the above case, this matter has already been continued on one occasion due to the alleged unavailability of a witness. Further delays would be highly prejudicial to my client. I respectfully request that the Board deny this request and hat this matter remain on the Board's docket for July 31, 2018.

Very truly yours,

Lawrence E. Schmidt

LES:kmb

Cc: H. Barnes Mowell, Esquire
Patricia Malone, Esquire
Brian Maliszewski

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
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EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
*Admitted in MD, FL, PA

July 9, 2018

Ms. Krysundra Cannington
Baltimore County Board of Appeals
105 W. Chesapeake Avenue
Suite 203
Towson, MD 21204

RE: Forefront Power – 19735 Graystone Road
Case No.: 18-072-X

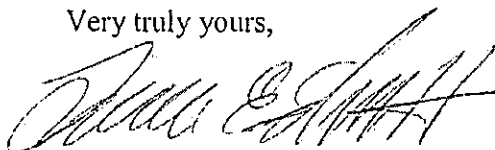
Dear Ms. Cannington:

This is in reference to the above matter scheduled for hearing before the Board on July 31, 2018. I received Mr. Mowell's letter to the Board via email this morning and have also corresponded with and reviewed Ms. Malone's letter in response.

I could not agree more with Ms. Malone's reasoning and respectfully adopt it herein. The Baltimore County Zoning Regulations (and/or a moratorium on the application thereof) can be amended only by legislative act of the County Council and there is not legislation pending. Further, a review of Exhibit Five attached to Mr. Mowell's Motion indicates that no moratorium is proposed by the County Planning staff. Quite candidly, the protestants in this matter are seeking a delay in the proceedings only upon the hope that their previously presented arguments will be accepted and that solar facilities will be prohibited in the County. These arguments failed when Bill 37-17 was enacted and are likely to fail again. They are simply baseless.

In the above case, this matter has already been continued on one occasion due to the alleged unavailability of a witness. Further delays would be highly prejudicial to my client. I respectfully request that the Board deny this request and hat this matter remain on the Board's docket for July 31, 2018.

Very truly yours,



Lawrence E. Schmidt

LES:kmb

Cc: H. Barnes Mowell, Esquire
Patricia Malone, Esquire
Brian Maliszewski



Krysundra Cannington

From: Kelly Benton <kbenton@sgs-law.com>
Sent: Monday, July 09, 2018 3:18 PM
To: Krysundra Cannington; 'barneymowell@hotmail.com'; 'pamalone@venable.com'
Cc: Lawrence Schmidt; Alyssa Moyers
Subject: Forefront Power - 19735 Graystone Road - Case No. 18-072-X
Attachments: LT BOA 7.9.2018.PDF

Ms. Cannington,

Please see the attached.

Best regards,
Kelly

Kelly Benton | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
kbenton@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

H. BARNES MOWELL, P.A.

Attorney At Law

16925 York Road

Monkton, Maryland 21111

Phone: 410-329-6488 Fax: 410-357-4663

barneymowell@hotmail.com

July 9, 2018



Board of Appeals of Baltimore County
105 W. Chesapeake Avenue
Suite 203
Towson, Maryland 21204

VIA HAND-DELIVERY

Re: In the Matter of: David William Matthews - Legal Owner
Bluefin Origination 2 LLC - Lessee
20450 Middletown Road
6th Election District, 3rd Councilmanic District
Case No: 17-108-X
Hearing Date: July 12, 2018 at 10 a.m.

In the Matter of: Charles Gary Atkinson & Stephen Gordon Atkinson - Legal Owners
OneEnergy Development, LLC - Lessee
632 Freeland Road
7th Election District; 3rd Councilmanic District
Case No: 18-194-X
Hearing Dates: July 24, 2018 and July 25, 2018 at 10 a.m.

In the Matter of: Jerry Phillips - Legal Owner
Forefront Power, LLC- Lessee
19735 Graystone Road
7th Election District, 3rd Councilmanic District
Case No: 18-072-X
Hearing Date: July 31, 2018 at 10 a.m.

Ladies and Gentlemen:

I represent the Protestants in the three captioned cases, all of which are scheduled for hearings in July. I am requesting that all three cases be postponed, for the following reasons.

All three cases concern a request to construct a solar facility on farmland in northern Baltimore County. The legislation allowing such facilities, County Council Bill No. 37-17, took effect on July 17, 2017. Section Two of that Bill required the Baltimore County Planning Board, with participation from other entities, to "study and evaluate the impact of Solar Facilities in Baltimore County and the effect of Article 4E of these Regulations, and by July 1, 2018 submit recommendations to the County Council and the County Executive regarding potential changes to current law." (See attached Exhibit 1).

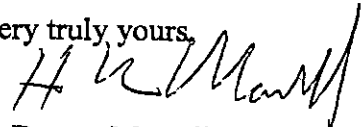
The Planning Board has missed the July 1st deadline. It held a public meeting on June 7th for the purpose of "Evaluation of the Impacts of Solar Facilities in Baltimore County." (See minutes of meeting attached hereto as Exhibit 2). After summarizing a discussion among the Board members, and noting input from 26 registered speakers, the minutes from the June 7th meeting conclude by saying that "Chairman Phillips stated that the Board members will take all comments into consideration as the vote is tentatively scheduled for June 21, 2018."

The Agenda for the June 21st Board meeting is attached hereto as Exhibit 3, and in fact lists the Solar Facilities Bill as an Item for Discussion and Vote. No minutes of that meeting have been posted at the Planning Board website, but our understanding is that the vote was put off until the next meeting, scheduled for July 5th. As shown on the attached notice from the website, attached as Exhibit 4, the July 5th Planning Board meeting was just cancelled. The next scheduled meeting shown on the Planning Board website is July 19th.

My clients believe that there will be changes made to the Solar Facilities law, and perhaps a moratorium, when the Planning Board finally makes its recommendations. That belief is supported by the Recommendations included in a Staff Report of the Department of Planning's Review of Article 4F of Baltimore County Zoning Regulations Regarding Solar Facilities, which is dated May 17, 2018. The Report concludes with six Staff Recommendations. Recommendation #4 is to "Investigate whether some additional conditions are warranted to reduce the impact on farms." (See attached Exhibit 5.)

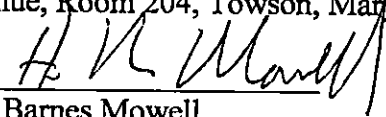
The Board of Appeals has four full hearing days scheduled in July for the three captioned cases. My clients believe that the law to be applied by the Board in making its decisions is about to change. The recommendations for such changes were expected on July 5th. They have now been delayed until July 19th, at the earliest. The resources of the parties, and the Board, will be best spent by having these hearings held after the Planning Board's recommendations have been made. For the foregoing reasons, the Protestants in the three captioned cases respectfully request that the hearing dates in each case be postponed until such recommendations have been made.

Very truly yours,


H. Barnes Mowell

Certificate of Service

I HEREBY CERTIFY that a copy of this Request was e-mailed and mailed by first class mail this 9th day of July 2018 to Patricia A. Malone and Christopher D. Mudd, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Adam Rosenblatt, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204 and to Peter Max Zimmerman, Esquire, 105 W. Chesapeake Avenue, Room 204, Towson, Maryland 21204.


H. Barnes Mowell

PETITIONER AND LANDOWNER AGREE TO ALLOW ENTRY TO REMOVE AN
ABANDONED FACILITY.

THE CODE OFFICIAL MAY ISSUE A CITATION TO THE OWNER OR OPERATOR
FOR REMOVAL OF A SOLAR FACILITY IF:

1. THE CODE OFFICIAL DETERMINES THAT THE SOLAR FACILITY HAS NOT
BEEN IN ACTUAL AND CONTINUOUS USE FOR 12 CONSECUTIVE MONTHS;
2. THE OWNER OR OPERATOR FAILED TO CORRECT AN UNSAFE OR
HAZARDOUS CONDITION OR FAILED TO MAINTAIN THE SOLAR FACILITY UNDER
SECTION 4E-106 WITHIN THE TIME PRESCRIBED IN A CORRECTION NOTICE
ISSUED BY THE CODE OFFICIAL; OR
3. THE OWNER OR OPERATOR HAS FAILED TO REMOVE THE SOLAR
FACILITY IN ACCORDANCE WITH PARAGRAPH C.

2.1. Conditions Determining Granting of Special Exception.

Where any special exception may be granted, it must appear that the use for which the special
exception is requested will not:

Be detrimental to the environment and natural resources of the site and vicinity including
rivers, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5, or R.C.7 Zone,
OR BE SUBJECT FOR CONSIDERATION OF A SOLAR FACILITY USE UNDER ARTICLE 4E, THE
EXCLUSION OF THE R.C.3, R.C.6, AND R.C.8 ZONE.

SECTION 2. AND BE IT FURTHER ENACTED, that the Planning Board shall, in
consultation with the Departments of Planning and Environmental Protection and Sustainability,

and with participation of the Baltimore County Commission on Environmental Quality,
representatives of the Solar Industry, the Sierra Club's Greater Baltimore Group, and the Valleys
Planning Council, study and evaluate the impact of Solar Facilities in Baltimore County and the
effect of Article 4E of these Regulations, and by July 1, 2018 submit recommendations to the
County Council and the County Executive regarding potential changes to current law.

SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
the affirmative vote of five members of the County Council, shall take effect on July 17, 2017 and
shall apply retroactively to any zoning petition filed after October 18, 2016.

Mr. Jakubiak opined that a mobile home park is a defined term in the zoning regulations which is considered a commercial use. This is not allowed in the BR except by special exception so this is not a residential use. Chairman Phillips asked if people live there. Mr. Jakubiak confirmed that people live there but there is a commercial element in the front for a R.V. center.

Other Business

3. Recent County Council Legislation of Interest to the Board

Mr. DeMonico provided a brief report on the recently passed County Council legislation which are listed below.

- d) Bill 28-18 Medical Cannabis Dispensaries – Location
- e) Bill 29-18 Zoning Regulations – Commercial Recreational Facilities
- f) Bill 30-18 Zoning Regulations – Uses in Certain B.L. Zones

Adjournment of the Board Meeting

Chairman Phillips called for a motion to adjourn the Board meeting. Ms. Hafford made the motion and Mr. Warren seconded the motion, which passed unanimously at 5:20 p.m. Absent for the vote was Ms. Berzins, Ms. Lipkowitz, and Mr. Perlow.

Public Hearing
by the
Baltimore County Planning Board**

Call to Order, Introduction of Board Members, and Remarks on Procedure by Chairman

Items for Public Hearing

1. Bill 37-17: Solar Facilities – Evaluation of the Impacts of Solar Facilities in Baltimore County

Chairman Phillips called the Public Hearing to order at 5:38 pm and welcomed Wally Lippincott to present before the Board. Mr. Lippincott provided an overview of the Department of Planning's report on Bill 37-17 as well as the process for how the report was produced. Mr. Lippincott showcased a number of solar facility projects which have already come in for review by the County and explained the process which they have gone through. Mr. Lippincott stated that the Department's recommendations as defined within the report.

Ms. Hafford asked if there were hearings in all of the Councilmatic districts. Mr. Lippincott stated that there were two meetings to solicit stakeholder input but not in every district.

Mr. McGinnis asked if the report states the number of farmers who provided input. Mr. Lippincott stated that there was one farmer that is not full time. Chairman Phillips asked if any others attended the meetings. Mr. Lippincott confirmed that no other farmers attended.

Mr. Schlossberg asked if acreage was ever discussed in the meetings. Mr. Lippincott shared that the areas for special exception are 15 acres or less which is what is needed to produce 2 megawatts.

Mr. McGinnis asked if the committee discussed the difference between prime and productive soils such as class 1, 2, 3 soils (more productive) vs. 4, 5, and 6 (less productive). Mr. Lippincott stated that this was not discussed at the meetings.

Mr. Schweitzer asked about the legislation's ability to account for potential technological improvements which may increase the output of the solar panels. Mr. Lippincott stated that there is a limitation on the capacity of the lines but the technology is blossoming which will require vigilance. Mr. Schweitzer asked if there is an understanding on how runoff of water would impact the ground underneath the panels. Mr. Lippincott stated that there has to be a plan submitted to the Department of Environmental Protection and Sustainability (EPS) for them to consider storm water management.

Ms. Wolfson asked why the committee which met on this legislation so exclusive. Mr. Lippincott stated that Bill 37-17 called for who shall participate and the meetings were open for others to attend. Ms. Van Arsdale stated that if more agricultural professionals wanted to come than they were welcome to come. Mr. Lippincott stated that the Department had expanded upon the group listed in Bill 37-17 to include representatives from the Rural Land Trust and the Agricultural Land Preservation Advisory Board to provide input on the agricultural issues.

Mr. McGinnis asked if the R.C. 2 regulations were ever amended to allow commercial non-agricultural uses. Mr. Lippincott stated that back in the early 1990's new rules were issued to balance between rural communities with agriculture. The State recently changed the uses permitted on agricultural easements to take into consideration additional agricultural commercial activities which take place on farms.

Chairman Phillips allowed for testimony from the public on this topic. There were a total of 26 registered speakers, the list of speakers and submitted comments are located in the Planning Board's file. The speakers were largely in opposition to allowing solar facilities be integrated into the rural landscape. Some speakers recognized the benefits of renewable energy but also stressed the importance of protecting the agricultural capacity of Baltimore County. Speakers also expressed concerns on the potential impacts that a solar facility would have on home values if located in view of a residence. Suggestions comprised of locating solar facilities in more visually isolated areas, in urban settings, and in "brown fields". One speaker asked the Board to provide him flexibility with his land as he investigates building a solar facility on a portion of his land or sub-dividing it to generate earnings.

Chairman Phillips stated that the Board members will take all comments into consideration as the vote is tentatively scheduled for June 21, 2018.

Adjournment of Public Hearing



DONALD I. MOHLER III
County Executive

ANDREA VAN ARSDALE, *Director*
Department of Planning

PLANNING BOARD

Tentative Agenda*
Thursday, June 21, 2018

PUBLIC MEETING
Beginning at 4:00 p.m.

Hearing Room 104, Jefferson Building
105 W. Chesapeake Avenue
Towson, Maryland

.....

Meeting
of the
Baltimore County Planning Board
N. Scott Phillips, Chairman

Call to Order, Introduction of Board Members, Pledge of Allegiance, and Announcements

Review of Today's Agenda

Minutes of the June 7, 2018 Meeting

Item for Introduction

1. Cycle 36 Water Supply and Sewerage Master Plan Amendments

Items for Discussion and Vote

2. Bill 37-17: Solar Facilities – Evaluation of the Impacts of Solar Facilities in Baltimore County
3. Pulaski Crossing, PAI #: XI-1041, Master Plan Conflict

Other Business

4. Report from the June 14th, 2018 meeting of the Landmarks Preservation Commission
5. Recent County Council Legislation of Interest to the Board
 - a. Bill 47-18 – Zoning Regulations – Manufacturing, Light (M.L.) Zone
 - b. Bill 51-18 – Development – Vesting
 - c. Res. 46-18 – Amending the Baltimore National Pike Commercial Revitalization District



DONALD I. MOHLER III
County Executive

ANDREA VAN ARSDALE, *Director*
Department of Planning

PLANNING BOARD

July 5, 2018

The meeting of the Baltimore County Planning Board tentatively scheduled for July 5, 2018 has been canceled.

A handwritten signature in cursive script, reading "Andrea J. Van Arsdale".

Andrea Van Arsdale
Secretary to the Board

AVA:jdd

Review of Article 4F* of Baltimore County Zoning Regulations Regarding Solar Facilities

A Staff Report of the Baltimore County Department of Planning
May 17, 2018

PROJECT DESCRIPTION

This report responds to County Council Bill 37-17 Section 2 directing the Baltimore County Planning Board in consultation and participation with others to study and evaluate the impact of solar facilities in Baltimore County and the effect of the Regulations adopted in Article 4F and to submit the recommendations to the County Council and the County Executive regarding potential changes to the current law. In 2017, the Baltimore County Council approved Bill 37-17, which permits a Solar Facility to be located in certain zones of the County by special exception; provides for certain requirements; provides for security; provides for maintenance, abandonment and removal of a facility; authorizes enforcement; and generally relating to Solar Facilities.

BACKGROUND

The County recognizes solar energy for many positive attributes and seeks to balance the benefits with the potential impact upon the County's land use policies (BCZR 4E101.1). The Maryland Renewable Energy Portfolio Standard set a goal of 2.5% of in-State power to be generated by solar power by 2020 (MD Office of Attorney General). There is a spectrum of solar facilities ranging from residential roof top to community solar to very large utility systems. Bill 37-17 permits limited accessory and commercial systems of a maximum of 2 megawatt (MW)** in size. The Baltimore County Master Plan 2020 recognizes the potential impact of new development on the character of the "countryside" and provides policies to protect those resources while permitting limited development (Baltimore County 2020 Master Plan, Adopted by Baltimore County Council November 15, 2010, Page 91).

STUDY METHODOLOGY

The Department of Planning with concurrence of the Department of Environmental Protection and Sustainability convened two stakeholder meetings to solicit input on the impact of the existing proposed projects and to receive recommendations for any changes that should be made to the regulations.

*The Solar Facilities Article was enacted as Article 4E, however, it was retitled as Article 4F. in the Baltimore County Zoning Regulations.

** Solar power production varies depending on many factors including sunshine, temperature and wind. 1 MW of Solar can power from 164 to 1000 homes depending on those conditions. According to the CEQ report (2016) 2 MW will produce enough energy to provide power to 150 to 200 "typical" homes in Maryland.

ist for additional wildlife/pollinator on the property that could also have a positive impact on the visual appearance of the facilities.

- Dependency on BGE Community Solar Pilot Program- Most of the proposed solar projects in the county are also applicants to the state's Community Solar Pilot program. Approval into the Community Solar program may be a significant or dependent factor in such projects becoming a reality, in addition to seeking county approval. Additionally, it was revealed that projects to be considered for years 2 & 3 of the Community Solar program must be submitted this year (June 2018), which could have implications on the timing and how many projects are proposed in the county in the coming years.
- Unknown Transmission Capacity- Available capacity in local transmission lines was noted to be a key factor in the viability of solar projects. There is limited information available to determine what areas have available capacities for solar projects, and capacity availability is usually unknown until an energy project applies for approval with BGE. Solar companies may apply for the maximum permitted megawatt output, but actual approval may grant less megawatt output than permitted based on system capacity.
- Regional Allocation of Solar Facilities - Carroll and Harford counties currently don't allow commercial solar facilities on their agricultural and rural zoned land, and Anne Arundel county currently has a moratorium on commercial solar projects, appearing that Baltimore County is receiving a disproportionate number of projects within the region.
- Master Plan Guidance/Potential Conflicts- *Master Plan 2020* does not give direction on a comprehensive strategy for renewable energy or its siting. While the Master Plan does speak about sustainable housing and efforts to make housing more energy efficient, there is no mention of a renewable energy policy in regards to solar energy. Meanwhile, agricultural land preservation is a dominant theme which is discussed throughout the master plan.

STAFF RECOMMENDATIONS

1. Seek stakeholder input into developing goals for solar facilities in the County to be included in the 2030 Master Plan. The goals should include use and development of solar facilities on new development and on existing commercial and industrial projects as well as the rural areas. The goal should take into consideration State and Federal goals.

2. Maintain the limit of 10 projects per councilmanic district. The number of projects in the 3rd is approaching the limit, however, the limitations may encourage development of solar facilities for commercial and industrial lands.
3. Encourage the State to incentivize the development of solar on greyfields and brownfields. Much like the State has incentivized the development of community solar projects which utilize greenfields, the State should incentivize the development of projects on greyfields and brownfields.
4. Investigate whether some additional conditions are warranted to reduce the impact on farms. There is the potential for the loss of a considerable amount of farms which previously had been protected from loss to other uses such as golf courses and development.
5. Investigate if changes to the approval process could reduce the number of appeals. The majority of projects that have received Special Exception approval have been appealed. Look at models such as the Tower Review Committee procedure or other processes that might result in more input and fewer appeals.
6. Plan to review the law five years from date of its passage so as to review built projects, assess impacts, and make changes as warranted.

Krysundra Cannington

From: barney Mowell <barneymowell@hotmail.com>
Sent: Friday, July 06, 2018 4:57 PM
To: Krysundra Cannington
Cc: Lawrence Schmidt; amrosenblatt@Venable.com; pamalone@venable.c;
cdmudd@Venable.com; peter max zim; Kathleen Pieper; dryad101@hotmail.com
Subject: solar panel hearings

Ms. Cannington: I represent the Protestants in three solar hearings that are scheduled in July: 20450 Middletown Road on July 12th (case 17-108-X), 632 Freeland Road on July 24th (case 18-194-X), and 19735 Graystone Road on July 31st (case 18-072-X). I am writing to advise that I will be filing a request to postpone these hearings, on Monday. The solar facilities legislation required the Planning Board to submit recommendations to the County Council regarding potential changes to the law by July 1st. The Planning Board has missed the July 1st deadline. The Board agreed to continue their discussion regarding changes to the law at a July 5th meeting, but that meeting was just canceled. The next meeting is scheduled for July 19th. My clients believe that there will be changes made to the law, and perhaps a moratorium, when the Planning Board makes its recommendations. The resources of the parties, and the Board, will be best spent by having these hearings held after those recommendations have been made, and that will be the basis for the postponement request. Barney Mowell

H. BARNES MOWELL, P.A.

Attorney At Law
16925 York Road
Monkton, Maryland 21111
Phone: 410-329-6488 Fax: 410-357-4663
barneymowell@hotmail.com

June 1, 2018



Board of Appeals of Baltimore County
105 W. Chesapeake Avenue
Suite 203
Towson, Maryland 21204

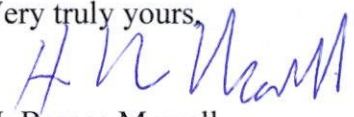
Re: In the Matter of: Jerry Phillips - Legal Owner
Forefront Power, LLC- Lessee
19735 Graystone Road
7th Election District, 3rd Councilmanic District
Case No: 18-072-X

Ladies and Gentlemen:

Thank you for postponing the June 12th hearing date in this case for the benefit of Lisa Arthur, who will be out of town on that date. For purposes of rescheduling the hearing, Ms. Arthur has advised that she will be undergoing major surgery on August 30th, and will be off from work through October 12th. We respectfully request that the hearing not be reset during that time period.

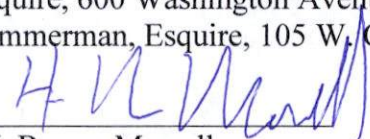
Thank you for your cooperation in this regard.

Very truly yours,


H. Barnes Mowell

Certificate of Service

I HEREBY CERTIFY that a copy of this Letter was mailed by first class mail this 1st day of June 2018 to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204 and to Peter Max Zimmerman, Esquire, 105 W. Chesapeake Avenue, Room 204, Towson, Maryland 21204.


H. Barnes Mowell

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY

of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER

*Admitted in MD, FL, PA

May 24, 2018

Sent Via Hand Delivery

Krysundra L. Cannington
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204



**Re: Jerry Phillips - Legal Owner
Forefront Power, LLC, Lessee
19735 Graystone Road
Case No. 18-072-X**

Dear Ms. Cannington:

I am in receipt of Mr. Mowell's letter dated May 22, 2018 regarding the above matter and this is in response thereto.

Notwithstanding his representations, I do not recall receiving any communication from Mr. Mowell about his request for postponement. I have not received any email or letter. If he called me, he did not speak with me and did not leave a voice mail. Although I am recently returned from a vacation out of the office, my paralegal has indicated that she took no call from Mr. Mowell on my behalf during my absence.

As you know, I normally do not oppose as postponement request (particularly for the initial date assigned) and I am well aware of the Board's informal policy of granting a single postponement to either side for a valid reason. Thus, I suspect that the Board will grant this request.

However, I do appreciate this letter being retained in the case file for future reference as to the points below. Ms. Arthur is certainly not a "necessary witness". She has participated in at least one other matter before the Board of which I am aware as a protestant to a proposed development. In that case, she testified as a nearby resident (lay witness) only. I expect that will be her role in this case. She is not an expert witness. She is simply one of thirty four individuals identified as appellants. Her testimony and concerns will no doubt be repeated by others.

Krysandra L. Cannington

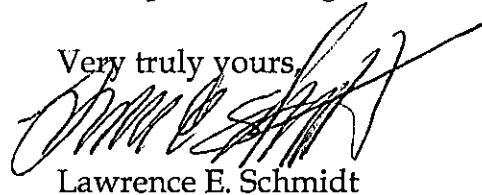
May 24, 2018

Page 2

Moreover, she resides approximately one half mile from the site and therefore may lack standing. It appears that the primary reason for this request is simply to delay the proceedings.

In any event, please include this letter in the case file as I anticipate additional potential proceedings and I would appreciate it being included as part of the record. If the Board grants the request, please do not hesitate to contact my office to settle upon a new agreed date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over the typed name.

Lawrence E. Schmidt

LES/am

cc: H. Barnes Mowell, P.A.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 24, 2018

NOTICE OF POSTPONEMENT

IN THE MATTER OF: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
18-072-X 19735 Graystone Road
7th Election District; 3rd Councilmanic District

Re: Petition for Special Exception filed pursuant to the BCZR to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

1/3/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception was GRANTED, with conditions.

2/16/18 Administrative Law Judge's Order on Motion for Reconsideration wherein the Motion was GRANTED, in part and DENIED, in part.

This matter was assigned on June 12, 2018 and has been postponed. It will be reassigned to a later date.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Notice of Postponement
In the matter of: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
Case number: 18-072-X
May 24, 2018
Page 2

Krysundra “Sunny” Cannington
Administrator

c: Counsel for Petitioner
Petitioner/Legal Owner
Lessee

: Lawrence E. Schmidt, Esquire
: Jerry Phillips
: ForeFront Power, LLC

Counsel for Protestants
Protestants

: H. Barnes Mowell, Esquire
: Lisa Arthur and Emma Arthur, Lynne Jones,
James Baseman, Nancy Clark Vitek and
Donna Saucier, Tammy Roth and Kenneth
Thompson, Joyce and Theodore Goloboski,
Dennis Roth, Cody Roth, Donald F. Dill, Jr.,
Jen McGuire, Michael and Marsha Chilcoat,
Donna Warren, Jim and Nancy Palm,
Richard and Linda Boyce, Donald and Diane
Kincaid, Wayne and Harriet McGinnis, Brett
McGinnis, Anne Jones, Jay McGinnis,
Douglas Shepperd, Sr., Douglas Shepperd, Jr.,
Cindy and David Buschman, and
Ellie and Doug Price

Office of People’s Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Vincent J. Gardina, Director/DEPS
Vishnu Desai, Supervisor/Bureau of Development Plans Review
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

H. BARNES MOWELL, P.A.

Attorney At Law
16925 York Road
Monkton, Maryland 21111
Phone: 410-329-6488 Fax: 410-357-4663
barneymowell@hotmail.com

May 22, 2018



Board of Appeals of Baltimore County
105 W. Chesapeake Avenue
Suite 203
Towson, Maryland 21204

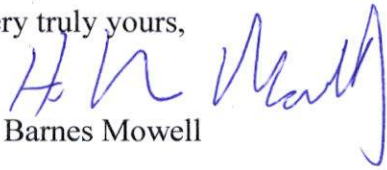
Re: In the Matter of: Jerry Phillips - Legal Owner
Forefront Power, LLC- Lessee
19735 Graystone Road
7th Election District, 3rd Councilmanic District
Case No: 18-072-X
Hearing Date: June 12, 2018 at 10 a.m.

Ladies and Gentlemen:

I represent the Protestants/Appellants in the captioned case, including Lisa Arthur. I have been advised by Lisa Arthur that she has been assigned by her employer to attend the Enterprise Architecture & Technology Innovation Summit at National Harbor, Maryland on June 11th and 12th. Ms. Arthur is a necessary witness who will be testifying at the hearing in this case. As she will be out of town on the scheduled hearing date of June 12th, I respectfully request that the hearing date be postponed. I contacted Lawrence Schmidt, attorney for the Petitioners, concerning this request, and have not yet heard back from him.

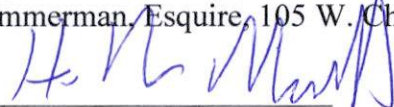
Thank you for your cooperation in this regard.

Very truly yours,


H. Barnes Mowell

Certificate of Service

I HEREBY CERTIFY that a copy of this Letter was mailed by first class mail this 22nd day of May 2018 to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204 and to Peter Max Zimmerman, Esquire, 105 W. Chesapeake Avenue, Room 204, Towson, Maryland 21204.


H. Barnes Mowell



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 26, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Jerry Phillips – Legal Owner
Forefront Power, LLC – Lessee
18-072-X 19735 Graystone Road
7th Election District; 3rd Councilmanic District

Re: Petition for Special Exception filed pursuant to the BCZR to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

1/3/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Exception was GRANTED, with conditions.

2/16/18 Administrative Law Judge's Order on Motion for Reconsideration wherein the Motion was GRANTED, in part and DENIED, in part.

ASSIGNED FOR: **JUNE 12, 2018, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
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Krysundra "Sunny" Cannington
Administrator

Notice of Assignment

In the matter of: Jerry Phillips – Legal Owner

Forefront Power, LLC – Lessee

Case number: 18-072-X

March 26, 2018

Page 2

c:	Counsel for Petitioner Petitioner/Legal Owner Lessee	: Lawrence E. Schmidt, Esquire : Jerry Phillips : ForeFront Power, LLC
	Counsel for Protestants Protestants	: H. Barnes Mowell, Esquire : Lisa Arthur and Emma Arthur, Lynne Jones, James Baseman, Nancy Clark Vitek and Donna Saucier, Tammy Roth and Kenneth Thompson, Joyce and Theodore Goloboski, Dennis Roth, Cody Roth, Donald F. Dill, Jr., Jen McGuire, Michael and Marsha Chilcoat, Donna Warren, Jim and Nancy Palm, Richard and Linda Boyce, Donald and Diane Kincaid, Wayne and Harriet McGinnis, Brett McGinnis, Anne Jones, Jay McGinnis, Douglas Shepperd, Sr., Douglas Shepperd, Jr., Cindy and David Buschman, and Ellie and Doug Price

Office of People's Counsel

Lawrence M. Stahl, Managing Administrative Law Judge

Andrea Van Arsdale, Director/Department of Planning

Vincent J. Gardina, Director/DEPS

Vishnu Desai, Supervisor/Bureau of Development Plans Review

Arnold Jablon, Deputy Administrative Officer, and Director/PAI

Nancy C. West, Assistant County Attorney/Office of Law

Michael E. Field, County Attorney/Office of Law



KEVIN KAMENETZ
County Executive

March 16, 2018

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception - Case No. 2018-0072-X
Property: 19735 Graystone Road

Dear Mr. Schmidt:

Please be advised that an appeal of the above-referenced case was filed in this Office on March 15, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

c: ☒ Baltimore County Board of Appeals
People's Counsel
H. Barnes Mowell, Esq., 16925 York Road, Monkton, Maryland 21111
Lisa & Emma Arthur, 19500 Burke Road, White Hall, MD 21161
James Baseman, 19836 Old York Road, White Hall, MD 21161
Tammy Roth, 2500 Openshaw Road, White Hall, MD 21161
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Roger Casteline, 19817 Graystone Road, White Hall, MD 21161
Diane and Donald Kincaid, 19705 Graystone Road, White Hall, MD 21161
Linda & Dick Boyce, 19625 Burke Road, White Hall, MD 21161
Kathleen Pieper, 4310 Beckleysville Road, Hampstead, MD 21074
Rick Impallaria, 1705 Singer Road, Joppa, MD 21085
Donna Vitek Saucier, 19618 Burke Road, White Hall, MD 21161
Doug Shepperd, 19810 Graystone Road, White Hall, MD 21161



KEVIN KAMENETZ
County Executive

March 16, 2018

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204



RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Exception - Case No. 2018-0072-X
Property: 19735 Graystone Road

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Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

c: Baltimore County Board of Appeals
People's Counsel
H. Barnes Mowell, Esq., 16925 York Road, Monkton, Maryland 21111
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Doug Shepperd, 19810 Graystone Road, White Hall, MD 21161

APPEAL

**Petition for Special Exception
(19735 Graystone Road)
7th Election District – 3rd Councilmanic District
Legal Owner: Jerry Phillips
Lessee: Forefront Power, LLC
Case No. 2018-0072-X**

Petition for Special Exception Hearing (September 1, 2017)

Zoning Description of Property

Certificate of Posting – November 22, 2017 (Linda O’Keefe)

Newspaper Advertisement – None

Notice of Zoning Hearing – November 23, 2017

People’s Counsel Entry of Appearance – September 14, 2017 & November 29, 2017

Zoning Advisory Committee Comments

Petitioner’s Sign-in Sheets – 1 Sheet

Citizen’s Sign-in Sheets- 1 Sheet

Petitioner(s) Exhibits –

1. Site Plan
2. Landscape Plan
3. 3A-3C – Aerial Photos
4. 4A-4D – Photos of Site
5. 5A-5K – Photos of Site
6. Aerial showing proposed solar array
7. National Wetlands Inventory Map



Protestants’ Exhibits –

1. Photos and written testimony from community

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order and Letter (GRANTED with Conditions – January 3, 2018)

Motion for Reconsideration filed by H. Barnes Mowell, Esq. (February 1, 2018)

Petitioner’s Response to Motion for Reconsideration filed by Lawrence E. Schmidt, Esq. on February 9, 2018

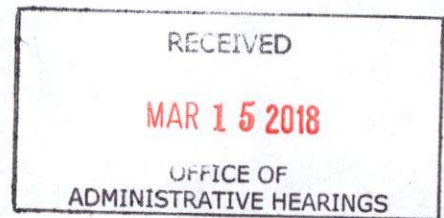
Administrative Law Judge Order and Letter on Motion for Reconsideration (GRANTED in part; all other relief requested DENIED - February 16, 2018)

Appeal Notice, Letter & Receipt – from H. Barnes Mowell, Esq. on March 15, 2018



H. BARNES MOWELL, P.A.

Attorney At Law
16925 York Road
Monkton, Maryland 21111
Phone: 410-329-6488 Fax: 410-357-4663
barneymowell@hotmail.com
March 15, 2018



Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Suite 205
Towson, Maryland 21204

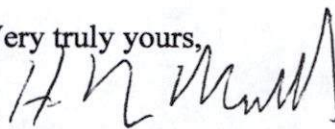
via Hand-Delivery

Re: Notice of Appeal of OAH Decision
Case NO: 2018-0072-X

Dear Mr. Jablon:

I have enclosed a Notice of Appeal of the Opinion and Order of the Office of Administrative Hearings in the captioned case, as well as my check for the \$385 filing fee.
Should you have any questions, please contact me.

Very truly yours,



H. Barnes Mowell

cc: Baltimore County Board of Appeals
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION *
(19735 Graystone Road)
7th Election District *
3rd Council District *
Jerry Phillips *
Legal Owner *
Forefront Power, LLC *
Lessee

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

CASE NO: 2018-0072-X

RECEIVED

MAR 15 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

* * * * *

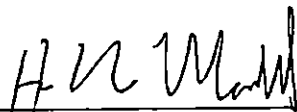
NOTICE OF APPEAL

Please enter my appearance as counsel on behalf of Lisa Arthur and Emma Arthur, 19500 Burke Road, White Hall, Maryland 21161, Lynne Jones, 815 Stablers Church Road, Parkton, Maryland 21120, James Baseman, 19836 Old York Road, White Hall, Maryland 21161, Nancy Clark Vitek and Donna Saucier, 19618 Burke Road, White Hall, Maryland 21161, Tammy Roth and Kenneth Thompson, 2500 Openshaw Road, White Hall, Maryland 21161, Joyce and Theodore Goloboski, 19700 Graystone Road, White Hall, Maryland 21161, Dennis Roth, 20233 Old York Road, White Hall, Maryland 21161, Cody Roth, 19700 Graystone Road, White Hall, Maryland 21161, Donald F. Dill, Jr., 19614 Burke Road, White Hall, Maryland 21161, Jen McGuire, 20233 Old York Road, White Hall, Maryland 21161, Michael and Marsha Chilcoat, 3 Limb Court, White Hall, Maryland 21161, Donna Warren, 19623 Burke Road., White Hall, Maryland 21161, Jim and Nancy Palm, 19627 Burke Road, White Hall, Maryland 21161, Richard and Linda Boyce, 19625 Burke Road, White Hall, Maryland 21161, Donald and Diane Kincaid, 19705 Graystone Road, White Hall, Maryland 21161, Wayne and Harriet McGinnis 19628 Graystone Road, White Hall, Maryland, 21161, Brett McGinnis 19628 Graystone Road,

RECEIVED
MAR 15 2018
BALTIMORE COUNTY
BOARD OF APPEALS

White Hall, Maryland 21161, Anne Jones, 19945 Ensor Road, White Hall, Maryland 21161, Jay McGinnis, 19524 Graystone Road, White Hall, Maryland 21161, Douglas Shepperd, Sr., 19810 Graystone Road, Box 62, White Hall, Maryland 21161, Douglas Shepperd, Jr., 19806 Graystone Road, Box, 62, White Hall, Maryland 21161, to Cindy and David Buschman, 19842 Old York Road, White Hall, Maryland 21161, and Ellie and Doug Price, 19732 Graystone Road, White Hall, Maryland 21161.

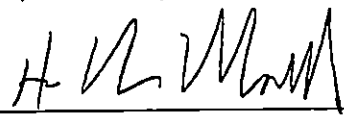
Please note the appeal by the above-named individuals to the Baltimore County Board of Appeals of the Opinion and Order entered in the captioned case by the Office of Administrative Hearings on January 3, 2018, and the Order denying the Motion to Reconsider that decision dated February 16, 2018.



H. Barnes Mowell, P.A.
16925 York Road
Monkton, Maryland 21111
410-329-6488
barneymowell@hotmail.com

Certificate of Service

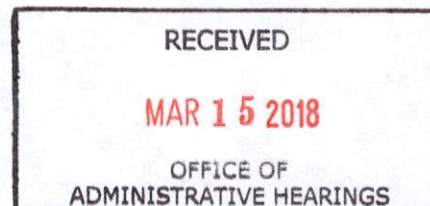
I HEREBY CERTIFY that a copy of the foregoing was mailed this 15th day of March 2018 to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204.



H. Barnes Mowell

H. BARNES MOWELL, P.A.

Attorney At Law
16925 York Road
Monkton, Maryland 21111
Phone: 410-329-6488 Fax: 410-357-4663
barneymowell@hotmail.com
March 15, 2018



Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue
Suite 205
Towson, Maryland 21204

via Hand-Delivery

Re: Notice of Appeal of OAH Decision
Case NO: 2018-0072-X

Dear Mr. Jablon:

I have enclosed a Notice of Appeal of the Opinion and Order of the Office of Administrative Hearings in the captioned case, as well as my check for the \$385 filing fee.
Should you have any questions, please contact me.

Very truly yours,

A handwritten signature in blue ink, appearing to read "H. Barnes Mowell".

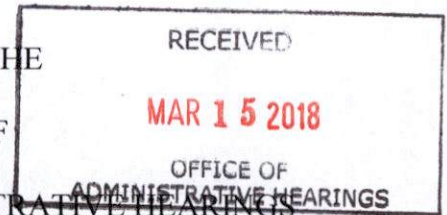
H. Barnes Mowell

cc: Baltimore County Board of Appeals
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION *
(19735 Graystone Road)
7th Election District *
3rd Council District *
Jerry Phillips *
Legal Owner *
Forefront Power, LLC *
Lessee

Petitioners

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
CASE NO: 2018-0072-X



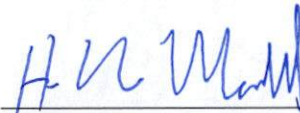
* * * * *

NOTICE OF APPEAL

Please enter my appearance as counsel on behalf of Lisa Arthur and Emma Arthur, 19500 Burke Road, White Hall, Maryland 21161, Lynne Jones, 815 Stablers Church Road, Parkton, Maryland 21120, James Baseman, 19836 Old York Road, White Hall, Maryland 21161, Nancy Clark Vitek and Donna Saucier, 19618 Burke Road, White Hall, Maryland 21161, Tammy Roth and Kenneth Thompson, 2500 Openshaw Road, White Hall, Maryland 21161, Joyce and Theodore Goloboski, 19700 Graystone Road, White Hall, Maryland 21161, Dennis Roth, 20233 Old York Road, White Hall, Maryland 21161, Cody Roth, 19700 Graystone Road, White Hall, Maryland 21161, Donald F. Dill, Jr., 19614 Burke Road, White Hall, Maryland 21161, Jen McGuire, 20233 Old York Road, White Hall, Maryland 21161, Michael and Marsha Chilcoat, 3 Limb Court, White Hall, Maryland 21161, Donna Warren, 19623 Burke Road., White Hall, Maryland 21161, Jim and Nancy Palm, 19627 Burke Road, White Hall, Maryland 21161, Richard and Linda Boyce, 19625 Burke Road, White Hall, Maryland 21161, Donald and Diane Kincaid, 19705 Graystone Road, White Hall, Maryland 21161, Wayne and Harriet McGinnis 19628 Graystone Road, White Hall, Maryland, 21161, Brett McGinnis 19628 Graystone Road,

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H. Barnes Mowell, P.A.
16925 York Road
Monkton, Maryland 21111
410-329-6488
barneymowell@hotmail.com

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed this 15th day of March 2018 to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204.



H. Barnes Mowell

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

№ 143373

Date: 3-15-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.00

Total: 385.00

Rec From: H. Barnes Murrell, Esq.

For: DAH Appeal - Hearing 12-14-17

Case No. 2018-0072 - X

19735 Craystone Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

3/19/2018 3/15/2018 13:13:30 2

REG N502 WALKIN JEE

>>RECEIPT # 047674 3/15/2018 OFLN

Dept 5 526 ZONING VERIFICATION

CR NO. 143373

Receipt Tot \$385.00

\$385.00 CR \$1.00 CR

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 16, 2018

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Exception – **Motion for Reconsideration**
Case No. 2018-0072-X
Property: 19735 Graystone Road

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", followed by a long horizontal flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: H. Barnes Mowell, 16925 York Road, Monkton, Maryland 21111

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(19735 Graystone Road)		
7 th Election District	*	OFFICE OF
3 rd Council District		
Jerry Phillips	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Forefront Power, LLC	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0072-X

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed by Protestants Lisa Arthur and Lynne Jones. Under Maryland law such motions are properly granted only when “some new or different factual situation exists that justifies the different conclusion.” *Calvert County v. Howlin Realty Mngt., Inc.*, 364 Md. 301, 325 (2001). Protestants’ motion has not identified any new or different facts that were not known or discussed at the initial hearing. The undersigned considered the evidence and testimony presented by all of the witnesses, and granted the special exception based upon well-settled principles of Maryland law. Though Protestants are of course entitled to appeal this determination, I do not believe the arguments set forth in the motion justify a reversal of the previous decision.

In their response Petitioners identify two conditions proposed by Protestants to which they are amenable. Though not requested at the initial hearing, these conditions have been included in other orders granting special exception relief for the operation of solar facilities. As such, that aspect of the motion will be granted.

THEREFORE, IT IS ORDERED this 16th day of **February, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby GRANTED in part, as follows:

ORDER RECEIVED FOR FILING

Date 2/16/18

By sen

Page 4 of the February 3, 2018 Order in the above case is amended to include the following conditions:

7. No barbed wire fencing shall be used at the subject property.

8. No weed killers or herbicides may be used in connection with the operation of the solar facility.

IT IS FURTHER ORDERED that all other relief requested in the Motion for Reconsideration be and is hereby DENIED.

IT IS FURTHER ORDERED that all other terms and conditions set forth in the February 3, 2018 Order in the above matter shall continue in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 2/16/18

Bv sln

IN RE:
PETITION FOR SPECIAL EXCEPTION
(19735 Graystone Road)

7th Election District
3rd Councilmanic District

Jerry Phillips,
Legal Owner
Forefront Power, LLC,
Lessee

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
* Case No.: 2018-0072-X



* * * * *

Petitioner's Response to Motion For Reconsideration

Jerry Phillips (Legal Property Owner) and Forefront Power, LLC (Lessee), hereinafter referred to collectively as the "Petitioners", file this response to the Motion for Reconsideration filed herein by Lisa Arthur and Lynne Jones, hereinafter the "Protestants", and state as follows:

Protestants' Motion for Reconsideration seeks alternate relief. On the one hand, the Motion seeks a reversal of the decision previously made which granted the Petition for Special Exception. On the other, the Motion seeks the imposition of certain conditions upon any approval.

Obviously, Petitioners oppose the request that the previously issued Opinion and Order be reversed and the Petition be denied. The Protestants, as well as numerous other residents of the area, were present at the hearing and given the full opportunity to participate thereat and offer whatever testimony, evidence and argument they desired. Their testimony has already been considered within the body of evidence offered at the initial hearing. No new evidence is offered in support of the request for denial and no new hearing is sought. Moreover, Protestant's Motion misstates the law. Contrary to the

arguments of the Protestants, the subject property is indeed in a rural area of the County. It is zoned RC 2, a rural agricultural zone. It is outside the Urban Rural Demarcation Line and is in a rural area as defined in the 2020 Master Plan.

The law governing special exceptions is clear. As stated in the Opinion, they are “presumably in the interest of the general welfare”. Schultz v. Pritts, 291 Md. 1 (1981). Absent a showing that the inherent impacts of a special use are worse at the location proposed than elsewhere in the zone, the special exception should be granted. As there is no new evidence proffered in the Motion, the previous Opinion and Order should not be overturned. The impacts of the proposed solar facility at the proposed location are negligible.

Insofar as the alternative relief requested, many of the requested conditions are already either in the Opinion and Order or are required as a matter of law. Specifically:

1. The motion requests that higher efficiency panels be used to reduce the project’s footprint. County law already regulates the extent of the amount of energy that can be produced to a maximum of two Megawatts. As stated at the hearing, this limit has already been reduced from 2MW to 840kW based upon an engineering study by BGE of the adjacent electrical feeder and its available capacity at this property. The modules/panels proposed are efficient (state of the art) and the footprint will be limited to that shown on the approved site plan. Obviously, the lessee will utilize the most operationally appropriate and efficient panels. However, an arbitrary reduction in the number of panels, the project’s footprint or limitation on the scope of the project is inappropriate. This request should thus be denied.

2. The second request seeks additional landscaping. Restriction 5 of the Opinion and Order already requires that a landscape plan must be submitted for approval consistent with the requirements of the County's Landscape Manual and BCZR §4E-1-4.A.6. An additional requirement as to landscaping is superfluous and unnecessary. Jim Hermann (County's Landscape Architect) has already approved a plan for a similar project by the Lessee and the proposed landscape plan is modeled thereon. It is anticipated that this similar plan will be approved by him. This should be denied.

3. The Petitioner is agreeable to removal of the barbed wire atop the security fence. This will be shown on the landscape plan. Unless Baltimore County requires barbed wire to address security concerns, this request is acceptable and the Petitioner does not object to this revision.

4. The Petitioner is agreeable to adding a note to the plan or Landscape plans that no herbicides will be used. It should be kept in mind that the property has been farmed and it is certain that this property (and other farms in the area) have used the same herbicides (Glyphosate) in those fields. However, the Petitioner is agreeable to a restriction in herbicides.

5. As the property has been farmed, there are few trees. It is not anticipated that any will be removed. To the contrary, the landscaping plan will include tree plantings. This change is unnecessary.

6. The County requires security for the trees planted so if they fail to survive then they will be replaced. We are required to follow a maintenance and survival plan. The County's landscape architect will monitor the sustainability. Therefore, this concern is already covered under County law.

7. Insofar as removal of trees, see number 6 above. This is already covered by County regulation.

8. Compliance with the applicable environmental regulations is already required by the Opinion and Order. The Order incorporates the Zoning Advisory Committee comments from Environmental Protection.

9. The transfer of density from one property to another is not allowed by the County. This property has whatever density it has under its current zoning as applied by law.

10. As to landscaping, see number 2 above. It is also to be noted that the landscape manual does not require, and in fact discourages, a "wall" of vegetation to "completely" block the view. Such an approach destroys the Scenic View.

In conclusion, Protestants have provided the ALJ with no reason to find that clear error exists in the ALJ's Opinion and Order dated January 3, 2018, or that manifest injustice would result from the decision to grant the requested relief with the existing conditions. Because there are insufficient reasons for the ALJ to reverse his decision, Protestants' Motion for Reconsideration should be denied in part and may be granted in part. Those parts which the Petitioners agrees to are numbers 3 and 4 hereinabove (no

barbed wire or herbicides). The remainder is either unnecessary or already covered.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410)821-0070
lschmidt@sgs-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of **February, 2018**, a copy of the foregoing Response to Protestants' Motion for Reconsideration was mailed first-class, postage prepaid to:

H. Barnes Mowell
16925 York Road
Monkton, MD 21111
Protestants' Counsel

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204

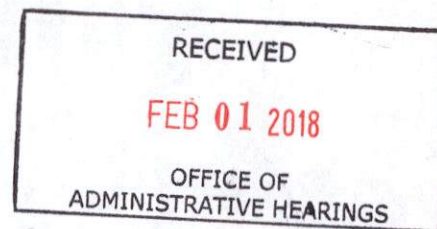


LAWRENCE E. SCHMIDT

H. BARNES MOWELL, P.A.

Attorney At Law
16925 York Road
Monkton, Maryland 21111
Phone: 410-329-6488 Fax: 410-357-4663
barneymowell@hotmail.com

February 1, 2018



Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

via Hand-Delivery

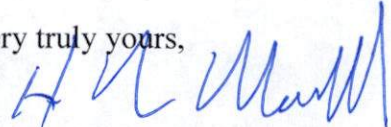
Re: Petition for Special Exception
Case No: 2018-0072-X
Property: 19735 Graystone Road

Ladies and Gentlemen:

I have enclosed, for filing, a Motion for Reconsideration of the Opinion and Order in this case dated January 3, 2018.

Should you have any questions, please contact me.

Very truly yours,


H. Barnes Mowell

cc: Lawrence E. Schmidt, Esquire

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(19735 Graystone Road)		
7th Election District	*	OFFICE OF
3 rd Council District		
Jerry Phillips	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Forefront Power, LLC	*	FOR
<i>Lessee</i>		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO: 2018-0072-X

* * * * *

MOTION FOR RECONSIDERATION

Please enter my appearance as counsel on behalf of Lisa Arthur, 19500 Burke Road, White Hall, Maryland 21161 and Lynne Jones, 815 Stablers Church Road, Parkton, Maryland 21120, Protestants, who submit the following Motion for Reconsideration of the Opinion and Order in this case, pursuant to Rule 4 K of the Zoning Commissioner's Rules of Procedure.

In Schultz v. Pritts, 291 Md. 1 (1981), the Court of Appeals described the balancing process a legislative body engages in when dividing its land into use districts. Permitted uses are those whose "beneficial purposes ... outweigh their possible adverse effect." *Id* at 21. "For example, churches and schools generally are designated as permitted uses." *Id* at 21. When the legislature determines that "other uses are compatible with the permitted uses in a use district, but that the beneficial purposes such other uses serve do not outweigh their possible adverse effect, such uses are designated as conditional or special exception uses." *Id* at 21.

Solar facilities are allowed in Baltimore County as special exceptions, and not as permitted uses. Implicit in that categorization is an acknowledgement that, while solar facilities are beneficial, they are not churches or schools – their adverse effect on neighboring properties must be weighed and considered before they are allowed. In Baltimore County, the task of balancing the benefits of a land use against the adverse effect that it may have on neighbors is

delegated to an administrative law judge.

The County Council provides guidance, in its Solar Facilities statutes, to help with that task. BCZR 4F-101.1 advises that “This Article is to permit solar facilities in parts of the *rural* and commercial *areas* of the county by special exception... (emphasis added). While the Petitioner’s fifty acres may be rural land, it is not in a rural area. One would be hard-pressed to find any other fifty acre parcel in northern Baltimore County that is abutted by *seventeen* other parcels of land, as shown on the tax map attached hereto as Exhibit 1. This fifty acres is surrounded by a neighborhood; it is not in a “rural area of the county”. The turnout at the hearing was so large and the opposition so great because the proposed project will affect so many adjacent homeowners.

The County Council gave further guidance by limiting the number of solar facilities to ten, in any Councilmanic District. The few facilities permitted should be saved for the most appropriate sites. Special exceptions should not be granted for them on a first-come first-served basis. They should only be allowed in a *rural or commercial area*, in a location where they have the least adverse effect, on the fewest neighboring properties. The Petitioner’s property is simply not such a parcel.

The holding in Schultz is that:

“... the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Id* at 22.

Schultz further explains that “...if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.” *Id* at 12.

The question is whether there is anything unique and different about the adverse effect of putting this solar facility, on this part of Graystone Road, when compared to putting it somewhere else within the zone. The answer is yes; this facility would have to be shoe-horned into a neighborhood, and would not be placed in a rural or commercial area. It would forever mar the beautiful view from Graystone Road, a Baltimore County Scenic Route, as well as the view of the many homeowners in the area.

Further, neither the Petitioners' plans nor testimony addressed the requirements set forth in comments from the Bureau of Development Plans Review, which require a landscape plan, additional landscape buffers depending on site conditions, and additional screening and landscaping to block the views of the facility from adjacent properties.

Neither the Petitioners' plans nor testimony addressed stormwater management and drainage at the proposed site. Diane and Donald Kincaid, neighboring property owners, testified at the hearing that their property is frequently flooded from runoff from the Petitioners' property. That contention was not rebutted by the Petitioners, who admitted that they had not walked the entire site, and were not aware of any flooding issues. Similarly, testimony at the hearing established that there is a stream and a spring on the proposed site. The Petitioners said they were not aware that the property contains either a stream or a spring.

BCZR Article 5 Section 502.1 sets forth the conditions that must be considered before a special exception can be granted. In particular, Section 502.1(I) says that:

"Before any special exception may be granted, it must appear that the use for which the special exception is requested will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C. 5, or R.C.7 Zone, and for consideration of a solar facility use under Article F, the inclusion of the R.C.3, R.C. 6, and R.C. 8 Zones.

Because the proposed site is zoned RC-2, the Petitioners are required to demonstrate that

the installation of solar panels, and the increased runoff from them, will not be environmentally detrimental at this site. As no evidence on those issues was presented by the Petitioners, they did not satisfy the mandatory requirements of Section 502.1(I). It is not enough to have a County agency later see that installation of the panels complies with environmental regulations. Section 502.1(I) of the County Code expressly requires that environmental issues be addressed at this stage, before the special exception is granted. That has not been done in this case.

For the foregoing reasons, the Protestants respectfully request that the decision to grant the special exception in this case be reconsidered, and the Petitioner's request be denied. In the alternative, the Protestants request that the following additional conditions be added to the Opinion and Order, to lessen the impact of this decision on the community:

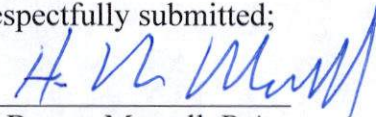
1. require the use of higher efficiency solar panels to reduce the six acre footprint of this project;
2. require the additional landscape buffers, screening, and landscaping described in the comments from the Bureau of Development Plans Review;
3. provide that fencing shall not include barbed wire;
4. provide that no weed killers or herbicides be used to control weed or grass growth at the facility;
5. provide that no trees be removed from the property in connection with the construction and/or operation of the solar facility;
6. provide that no trees or vegetation used for screening be removed at any time;
7. provide that all dead or diseased trees or vegetation be removed and replaced within thirty days by the Petitioners;
8. provide that prior to issuance of permits, the Petitioners must satisfy the environmental

regulations set forth in Article 33 of the Baltimore County Code, pertaining to the protection of water quality, streams, wetlands and floodplains;

9. provide that no transfer of density may be sought for this parcel; and

10. provide that landscaping be of sufficient density, width and height to completely conceal the fencing and structures from view.

Respectfully submitted;



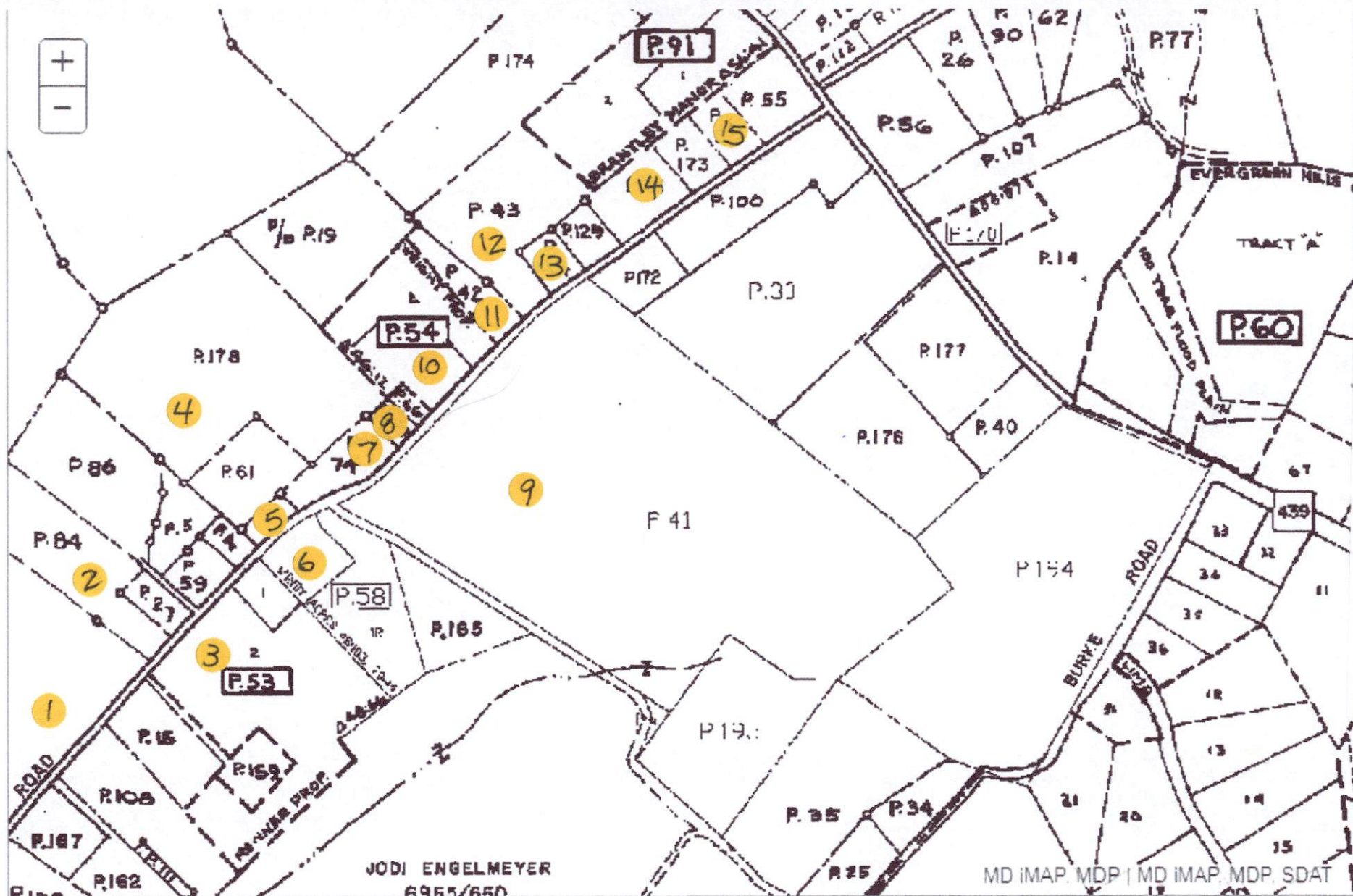
H. Barnes Mowell, P.A.
16925 York Road
Monkton, Maryland 21111
410-329-6488
barneymowell@hotmail.com

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing was mailed this 1st day of February 2018 to Lawrence E. Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204.



H. Barnes Mowell



Map & Date of Houses Built on Graystone Road, info from websites: sdatt.dat.maryland.gov/RealProperty/Pages/default.aspx, willow.com & ziprealty.com

1. 19524 Graystone Rd, built 1852
2. 19628 Graystone Rd, built 1976
3. 19631 Graystone Rd, built 1926
4. 19636 Graystone Rd, built 1872
5. 19700 Graystone, built 1970
6. 19701 Graystone Rd, built 1892
7. 19714 Graystone Rd, built 1974
8. 19720 Graystone Rd, built 1977
9. 19735 Graystone Rd, built 1911
10. 19738 Graystone Rd, built 1973
11. 19742 Graystone Rd, built 1942
12. 19806 Graystone Rd, built 1912
13. 19810 Graystone Rd, built 1967
14. 19818 Graystone Rd, built 1937
15. 19836 Graystone Rd, built 1950



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

January 3, 2018

Lawrence E. Schmidt, Esq.
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petitions for Special Exception
Case No. 2018-0072-X
Property: 19735 Graystone Road

Dear Mr. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Lisa & Emma Arthur, 19500 Burke Road, White Hall, MD 21161
James Baseman, 19836 Old York Road, White Hall, MD 21161
Tammy Roth, 2500 Openshaw Road, White Hall, MD 21161
Pat & Chris Chlebda, 19828 Old York Road, White Hall, MD 21161
Eleanor Price, 19732 Graystone Road, White Hall, MD 21161

Michael Chilcoat, 3 Limb Ct., White Hall, MD 21161
Roger Casteline, 19817 Graystone Road, White Hall, MD 21161
Diane and Donald Kincaid, 19705 Graystone Road, White Hall, MD 21161
Linda & Dick Boyce, 19625 Burke Road, White Hall, MD 21161
Kathleen Pieper, 4310 Beckleysville Road, Hampstead, MD 21074
Rick Impallaria, 1705 Singer Road, Joppa, MD 21085
Donna Vitek Saucier, 19618 Burke Road, White Hall, MD 21161
Doug Shepperd, 19810 Graystone Road, White Hall, MD 21161

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(19735 Graystone Road)		
7 th Election District	*	OFFICE OF
3 rd Council District		
Jerry Phillips	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Forefront Power, LLC	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0072-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Jerry Phillips, legal owner and Forefront Power, LLC, lessee ("Petitioners"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility.

Brian Maliszewski (on behalf of the lessee) and professional engineer Allan Mitchell appeared in support of the petition. Lawrence E. Schmidt, Esq. represented the Petitioners. The Valleys Planning Council, Sparks-Glencoe Community Planning Council and numerous citizens opposed the requests. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the requests.

The subject property is approximately 50.54 acres in size and zoned RC-2. The property is situated on Graystone Road, which is a Baltimore County Scenic Route. Petitioners propose to install 3,276 solar panels on approximately six (6) acres of land at the northern point of the site, closest to Graystone Road. The panels will be approximately 7-8 ft. in height, and a chain-link

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Date 11/3/18

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fence will enclose the solar panels. Petitioners propose to install landscaping which - - at least at maturity - - would screen the fence and panels from the view of motorists on Graystone Road.

As the undersigned noted at the hearing, it is nearly certain Petitioners will not be able to screen or enclose the panels in such a fashion that would prevent them from being seen by immediate neighbors. But the law does not require that; the zoning regulations specify only that "screening of...scenic routes and scenic views" be provided in accordance with the Baltimore County landscape manual. B.C.Z.R. §4E-104.A.6. A condition will be added below to ensure this requirement is satisfied.

Special Exception Law

Under Maryland law, a special exception is a permitted use which is presumably in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited recently in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Counsel proffered the testimony of Petitioners' witnesses (including a professional engineer) who would opine the project complied with all requirements for a special exception under B.C.Z.R. §502.1 and applicable case law. While the protestants raised many valid concerns, I do not believe that testimony is sufficient to successfully rebut the presumption under Maryland law. As such, the petition will be granted.

I am sympathetic to the concerns expressed by the community, and agree the proposed solar panels would mar an otherwise bucolic landscape along a rural roadway. But I cannot deny

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1/31/18

By

sen

the petition on that basis. That is because a six acre field of solar panels will have a negative impact upon a rural setting whether it is located in White Hall, Monkton, Sparks, Parkton or any other agricultural community in northern Baltimore County.

The County Council expressly permitted solar facilities in rural areas (including RC-2 zones) and along scenic routes, provided certain landscaping requirements are satisfied. Indeed, most special exception uses are regarded as “potentially troublesome because of noise, traffic, congestion....” *Montgomery County v. Butler*, 417 Md. 271, 297 (2010). As such, I believe the petition should be granted, subject to the conditions noted below which will help to “lessen the impact of the facility on the health, safety and general welfare of surrounding residential properties.” B.C.Z.R. §4E-104.A.10.

THEREFORE, IT IS ORDERED this 3rd day of **January, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to use the property for partial development of an 840 kilowatt (kW) A/C ground-mounted solar facility, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comments of the Bureau of DPR & DEPS, copies of which are attached.
3. No signage or lighting shall be installed at the site in connection with the solar facility.
4. No deliveries to or maintenance of the solar facility shall occur between the hours of 6:00 PM – 7:00 AM.
5. Petitioners must submit for approval by Baltimore County a landscape plan which satisfies the requirements set forth in the Landscape Manual and B.C.Z.R. §4E-104.A.6.

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Date

1/3/18

By

sen

6. Any expansion, enlargement and/or relocation of the solar facility as shown on the site plan admitted herein as Petitioners' Ex. 1 shall require a public hearing before the OAH.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 1/3/18
By sln

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment9/27DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comments9/26DEPS
(if not received, date e-mail sent _____)Comment10/10FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)no objection
w/ conditions9/13STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERINGno Objection12/13COMMUNITY ASSOCIATION Sparks-Glenca Community
ADJACENT PROPERTY OWNERS Opposition letters

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

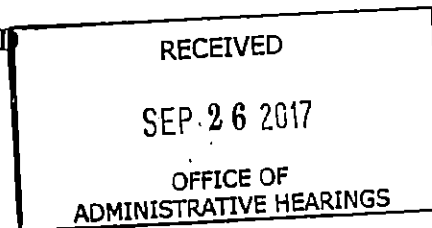
NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 11/22/17 by O'KeefePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 26, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0072-X
Address 19735 Graystone Road
(Phillips Property)

Zoning Advisory Committee Meeting of **September 18 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Thomas Panzarella Date: September 25, 2017
Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 11/3/18
By sen

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: VKD
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2017
Item No. 2018-0072-X

DATE: September 27, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Special Exception is granted a landscape plan is required per the requirements of the Landscape Manual, Bill No. 37-17 and the CMDP.

Specific landscape comments:

1. Graystone Road is a Baltimore County Scenic Route,
2. Perimeter landscape buffers are required,
3. Must minimize tree and vegetation removal,
4. Additional landscape buffers may be required depending on the subject properties topography, Scenic Views, Scenic Routes etc.,
5. Solar panels are considered a utility and should be designed and located to harmonize with the surroundings and to create the least visual impact.
6. Additional strip landscape buffers may be required to address existing topography changes. The plans that were circulated and dated 8-25-17 were insufficient with respect to showing a number of the existing site conditions including existing adjacent property information i.e. topo, homes, out buildings, garages, driveways etc.
7. More comments may be rendered during review of the landscape plan.
8. Proposed perimeter fence shall be black vinyl-coated chain-link fence.
9. Landscape plan does not take into consideration that Graystone Road is a designated scenic road and therefore, does not meet the requirements.
10. Additional landscape and screening needs to be added to address adjacent properties views when it relates to the proposed solar facility. Including, but not limited to 19705, 19720, 19732, 19817 Graystone Road (Scenic Route) and 19842 B Old York Road (Scenic Route)
11. Burke Road Views
12. Additional site plan information is needed.

VKD: CEN
cc: file

ORDER RECEIVED FOR FILING

Date

1/3/18

By

sen

Case No.: 2018-0072-X

Exhibit Sheet - Continued

1/3/18

sen

Petitioner/Developer

Protestants

No. 18 1	Site plan	Photos and written testimony from Community
No. 19 2	Landscape plan	
No. 20 3	3A-3C Aerial photos	
No. 21 4	4A-4D Photos of site	
No. 22 5	5A-5K Photos of site	
No. 23 6	Aerial showing proposed solar array	
No. 24 7	National Wetlands Inventory Map	
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

RE: Petition for Special Exception
 19735 Graystone Road
 SE/s Graystone Road,
 Southwest of Old York Road
 7th Election District
 3rd Councilmanic District
 Legal Owners: Jerry Phillips
 Contract Purchaser/Lessee:
 Forefront Power, LLC

* BEFORE THE OFFICE
 * OF ADMINISTRATIVE
 * HEARINGS FOR
 * BALTIMORE COUNTY
 * Case No. 2018-0072-X

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Smith, Gildea & Schmidt LLC on behalf of the Legal Owner, Jerry Phillips and Contract Purchaser/Lessee, Forefront Power, LLC, in the above captioned case.

Respectfully submitted,



[Signature]

Lawrence E. Schmidt
 Smith, Gildea & Schmidt, LLC
 600 Washington Ave., Suite 200
 Towson, MD 21204
 410-821-0070

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2017 a copy of the foregoing document was mailed via first class mail, postage prepaid to:

Peter Max Zimmerman, Esquire
 Carole S. Demilio, Esquire
 Jefferson Building, Room 204
 105 West Chesapeake Avenue
 Towson, MD 21204

[Signature]

Lawrence E. Schmidt



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 19735 Graystone Rd. Whitehall MD, 21161 which is presently zoned RC-2
 Deed References: Book 27566 Pg. 501 10 Digit Tax Account # 2500005231
 Property Owner(s) Printed Name(s) Jerry Phillips

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for Partial development of a 840 KW AC ground mounted Solar Facility.
4E-102 of County Bill 37-17
3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Development of a 840 KW Solar Facility in accordance with the land cover lease-agreement as part of the State of Maryland CSEGS program

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee: FireFront Power LLC

Brian Maliszewski

Name- Type or Print

Signature

100 Montgomery St. Suite 1400, San Francisco CA

Mailing Address City State

94104 , 415.800.1582 ,

Zip Code Telephone # Email Address

Bmaliszewski.e

Attorney for Petitioner:

ForeFrontPower.com

Jonathan A. Jordan, Esquire

Name- Type or Print

Signature

717 Constitution Dr. Suite 201, Exton PA

Mailing Address City State

19341 , 6104584400 , JONATHAN@RRHC.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Jerry Phillips

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

19200 Middletown Rd. Parkersburg MD

Mailing Address City State

21120 , 410.365.8892 ,

Zip Code Telephone # Email Address

Jerry@aimmachining.com

Representative to be contacted:

Jonathan A. Jordan, Esq.

Name - Type or Print

Signature

717 Constitution Dr. Suite 201 Exton PA

Mailing Address City State

19341 , 6104584400 , JONATHAN@RRHC.com

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING

CASE NUMBER 2018-0072-A Filing Date 9/1/17

Do Not Schedule Dates: UNTIL Reviewer JCM

Date 1/3/18

REV. 10/4/11

By Sen



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 19735 Graystone Rd. Whitehall MD 21161 which is presently zoned RC-2
 Deed References: Book 27566, Page 501 10 Digit Tax Account # 25 0000 5231
 Property Owner(s) Printed Name(s) Jerry Phillips

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☒ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for Partial development of a 840 Kw AC ground Mount Solar facility.
4E-102 of County Bill 37-17

3. ☐ a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Development of a 840 Kw AC Solar facility in accordance with the
landowner lease agreement as part of the State of Maryland's CSEGS
Program

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee: ForeFront Power LLC

Brian Maliszewski

Name- Type or Print

Signature

100 Montgomery St. Suite 1400 San Francisco CA.

Mailing Address City State

94104 , 415.800.1582 ,

Zip Code Telephone # Email Address

Bmaliszewski@forefrontpower.com

Attorney for Petitioner:

Jonathan A. Jordan, Esq

Name- Type or Print

Signature

Riley Riper Hollin + Colagrosso
717 Constitution Dr. Suite 201

Mailing Address City State

19341 , 610.458-4400 , JONATHAN@RRHC.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Jerry Phillips

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

19200 Middletown Rd. Parkton, MD

Mailing Address City State

21120 , 410.365.8892 , Jerry@AimMachining.com

Zip Code Telephone # Email Address

Representative to be contacted:

Jonathan A. Jordan, Esq

Name- Type or Print

Signature

Riley Riper Hollin + Colagrosso
717 Constitution Dr. Suite 201 Exton PA

Mailing Address City State

19341 , 610-458-4400 , JONATHAN@RRHC.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0072-X Filing Date 9/1/17

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: UNTIL Reviewer JCW

Date 11/3/18 NOTIFICATION REV. 10/4/11

By SEN



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 19735 Graystone Rd Whitehall MD 21161 which is presently zoned RC-2
 Deed References: Book 27566 Pg. 501 10 Digit Tax Account # 25 0000 5231
 Property Owner(s) Printed Name(s) Jerry Phillips

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. X a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

Partial development of a 840 kW A/C ground mounted solar facility.
4E-102 of County Bill 37-17

3. a Variance from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

Development of a 840 kW A/C Solar facility in accordance with the landowner lease agreement as part of the State of Maryland's CSEGS program.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee: Everfirst Power, LLC

Brian Maliszewski

Name- Type or Print

Signature

160 Montgomery St. Suite 1400, San Francisco CA

Mailing Address City State

94104 , 415.800.1582 ,

Zip Code Telephone # Email Address

Attorney for Petitioner:

Bmaliszewski @ everfirstpower.com

Jonathan A. Jordan, Esq

Name- Type or Print

Signature

Riley Ripper Hollin + Colagrosso
717 Constitution Dr. Suite 201 Exton PA

Mailing Address City State

19341 , 610 458 4400 , JONATHAN@RRHC.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Jerry Phillips

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

19200 Middletown Rd Parkton MD

Mailing Address City State

21120 , 410.368.8892 ,

Zip Code Telephone # Email Address

Representative to be contacted:

Jerry @ carin machinery.com

Jonathan A. Jordan, Esq.

Name- Type or Print

Signature

Riley Ripper Hollin + Colagrosso
717 Constitution Dr. Suite 201 Exton PA

Mailing Address City State

19341 , 610 458 4400 , JONATHAN@RRHC.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0072-X Filing Date 9/1/17

ORDER RECEIVED FOR FILING

Do Not Schedule Dates: UNTIL Reviewer JCM

Date 11/3/17 NOTIFICATION FROM ATTY. REV. 10/4/11

By SEN

LEGAL DESCRIPTION OF
19735 GRAYSTONE ROAD
WHITEHALL, MD 21161
TAX ACCT. NO. 07-2500005231

Being all of that tract or parcel of land lying and being located in the Seventh Tax District of Baltimore County, Maryland and being more particularly described as follows:

Beginning for the same at a point located in the centerline of Graystone Road, said point being located at the end of the North 52°51'353" West 260.81 foot line of the property conveyed from Charles E. Slade and Phillips Development, LLC as described in a deed dated January 14, 2009 and recorded among the Land Records of Baltimore County, Maryland in Deed Book 27566, at Page 501; thence running reversely, with bearings referenced to Maryland Grid North, NAD83/2011, and with the eastern bounds of said conveyance,

1. South 52°51'41" East, 260.81 feet to an iron pipe found; thence
2. South 51°53'42" East, 661.42 feet to a point; thence
3. South 51°53'42" East, 766.99 feet to an iron pipe found; thence
4. South 37°08'53" East, 256.15 feet to a point; thence running with the southern bounds of said conveyance,
5. South 52°07'12" West, 635.27 feet to a point; thence
6. North 89°33'29" West, 179.99 feet to a point; thence
7. North 55°10'28" West, 363.00 feet to a point; thence
8. South 36°19'32" West, 379.45 feet to a point; thence
9. North 57°15'24" West, 598.67 feet to a point; thence
10. North 57°15'24" West, 629.78 feet to a point; thence
11. North 64°12'10" West, 221.10 feet to a point; thence
12. North 50°03'34" West, 88.94 feet to a point located in the centerline of said Graystone Road; thence running with said centerline
13. North 62°54'51" East, 132.44 feet to a point; thence
14. 153.20 feet along the arc of a nontangent curve to the left having a radius of 598.74 feet and being scribed by a chord bearing North 48°30'32" East, 152.78 feet to a point; thence
15. North 43°22'53" East, 718.29 feet to a point; thence
16. 189.54 feet along the arc of a nontangent curve to the right having a radius of 1225.78 feet and being scribed by a chord bearing North 49°19'53" East, 189.35 feet to a point; thence
17. North 54°39'48" East, 182.35 feet the place of beginning.

Containing 2,201,465 square feet or 50.5387 acres of land, more or less.

Being all the property described in a conveyance from Charles E. Slade and Phillips Development, LLC as described in a deed dated January 14, 2009 and recorded among the Land Records of Baltimore County, Maryland in Deed Book 27566, at Page 501. This description is based on title records and limited field work. A complete boundary survey has not been performed.



9/1/17
Lic. Exp. 12/20/18



advantage engineers

520 Fellowship Road
Mt. Laurel, NJ 08054
(856) 231-0800

August 28, 2017

Baltimore County Zoning Department
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Property Description
Tax No. 02-2500005231
Deed Book: 27566, Page: 501
Lot Size: 50.54 acres
Zone: RC-2
Councilmanic District: 3
Congressional District: 1
Legislative District: 7
Election District: 7
Voting Precinct: 07-011

Advantage Engineers, LLC (Advantage) has generated this property description in accordance with zoning requirements to support solar array development on the property referenced above.

All that certain lot or parcel of land together with all improvements thereon located and being in the County of Baltimore, Maryland and being more particularly described as follows:

BEGINNING for the same at a magnail set in the centerline of Graystone Road at the beginning of the or South 44°30'00" East 89.53 foot line of the land conveyed by Donald L. Kincaid and Cynthia M. Kincaid to Donald L. Kincaid and Diane L. Miller, dated June 26, 1996 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 11736 folio 466. Thence, running and binding on the said 5th, 6th and 7th line of above mentioned deed, with all courses of this description referenced to the Maryland Coordinate System NAD 83/91 per monuments BCO#1011 and BCO#AZ-31, the following three courses and distances:

1. South 50°03'28" East 88.94 feet, to a 5/8" rebar with a 1 1/4" yellow plastic cap marked "PROP. MARKER LS 21039", hereinafter referred to as a standard marker, set;
2. South 64°12'04" East 221.10 feet, to a standard marker set;
3. South 57°15'18" East 629.78 feet, to a 3/4" rebar found. Thence, running and binding on part of the 15th or S 53 3/4 ° E 74.3 perch line of parcel one of those tracts or parcels of land conveyed by Thomas S. Dorn and Tara A. Dorn to Craig J. Kehoe and Karen M. Kehoe, dated August 20, 2003 and recorded among the aforesaid Land Records in Liber S.M. 18878 folio 156, the following course,



8. North 52°07'18" East 635.27 feet,
9. North 37°08'47" West 256.15 feet to a ¾" outside diameter iron pipe found at the beginning of the 2nd or North 41°47'32" West 767.39 foot line of that tract or parcel of land conveyed by James A. Baseman and Judith E. Baseman to James A. Baseman, dated February 13, 2008 and recorded among the aforesaid Land Records in Liber S.M. 26664 folio 517. Thence, running and binding thereon, the following course,
10. North 51°53'36" West 766.99 feet to a ¾" outside diameter iron pipe found at the beginning of the 1st or North 41°47'32" West 661.90 foot line of that tract or parcel of land conveyed by David B. Buschman to David B. Buschman and Cindy Buschman, dated November 7, 2001 and recorded among the aforesaid Land Records in Liber S.M. 15748 folio 11. Thence, running and binding thereon, the following course,
11. North 51°53'36" West 661.42 feet to a ¾" outside diameter iron pipe at the end of the 4th or South 45°57'45" East 260.35 foot line of that tract or parcel land conveyed by Anthony N. Schramm and Dolores M. Schramm to Roger E. Casteline and Shona E. Casteline, dated January 15, 2003 and recorded among the aforesaid Land Records in Liber S.M. 17693 folio 345. Thence, running and binding thereon, the following course;
12. North 52°51'35" West passing over a ¾" iron pipe at the distance of 229.32' for a total distance of 260.81 feet to a magnail set in the center line of Graystone road. Thence running and binding with the center of Graystone road the following five courses:
13. South 54°39'54" West 182.35 feet,
14. 189.53 feet along the arc of a non-tangent curve to the left having a radius of 1225.78 feet and subtended by a chord bearing of South 49°19'59" West 189.35 feet,



advantage engineers

520 Fellowship Road
Mt. Laurel, NJ 08054
(856) 231-0800

-
15. South 43°22'59" West 718.29 feet,
 16. 153.20 feet along the arc of a non-tangent curve to the right having a radius of 598.74 feet and subtended by a chord bearing of South 48°30'38" West 152.78 feet,
 17. South 62°54'49" West 132.48 feet to the beginning thereof; containing 50.539 acres of land, more or less, as surveyed by Thompson & Associates, LLC in January of 2009.

Very truly yours,
advantage engineers

Patrick R. Cummings, P.G., LSRP
Senior Project Manager
P: 856-231-0800
PCummings@advantageengineers.com



advantage engineers

520 Fellowship Road
Mt. Laurel, NJ 08054
(856) 231-0800

August 28, 2017

Baltimore County Zoning Department
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Property Description
Tax No. 02-2500005231
Deed Book: 27566, Page: 501
Lot Size: 50.54 acres
Zone: RC-2
Councilmanic District: 3
Congressional District: 1
Legislative District: 7
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advantage engineers

520 Fellowship Road
Mt. Laurel, NJ 08054
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-
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Very truly yours,
advantage engineers

Patrick R. Cummings, P.G., LSRP
Senior Project Manager
P: 856-231-0800
PCummings@advantageengineers.com

LEGAL DESCRIPTION OF
19735 GRAYSTONE ROAD
WHITEHALL, MD 21161
TAX ACCT. NO. 07-2500005231

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9/1/17
Lic. Exp 12/28/18

№ 157189

Date: 8/1/17

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				500.-

Total: 500.—

Rec
From: ADVANTAGE ENGINEERS, LLC

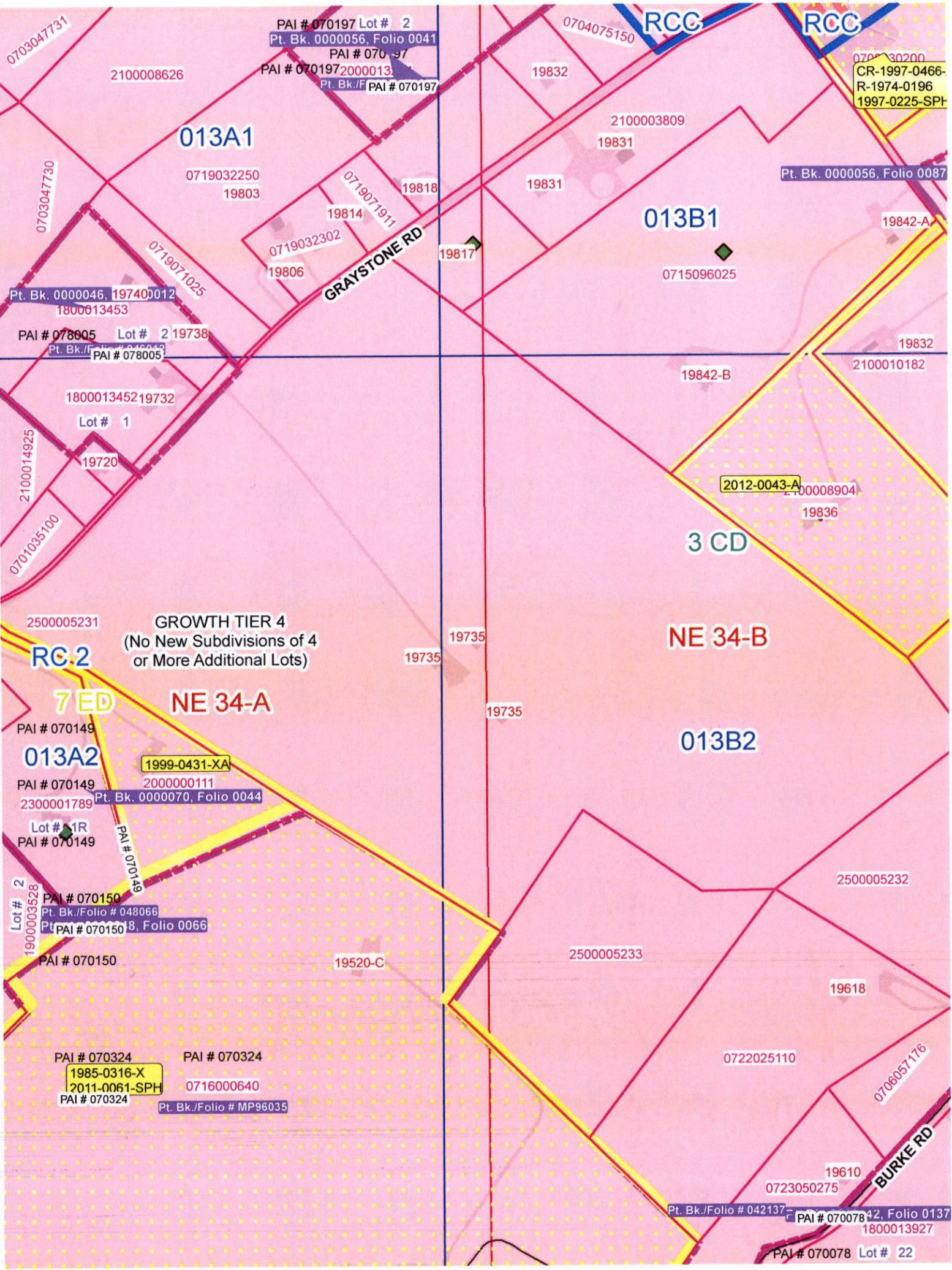
For: 2018-0072-A

PLEASE PRESS HARD!!!!

PAID RECEIPT

Baltimore County, Maryland

**CASHIER'S
VALIDATION**



PAI # 070197 Lot # 2
Pt. Bk. 0000056, Folio 0041
PAI # 070197
PAI # 070197 2000013
Pt. Bk./F PAI # 070197

070197 30200
CR-1997-0466-
R-1974-0196
1997-0225-SPH

Pt. Bk. 0000056, Folio 0087

Pt. Bk. 0000046, 197400012
1800013453
PAI # 078005 Lot # 2 19738
Pt. Bk./F PAI # 078005

2012-0043-A
2000008904
19836

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1999-0431-XA
2000000111
Pt. Bk. 0000070, Folio 0044

Lot # 1R
PAI # 070149

Lot # 2
PAI # 070150
Pt. Bk./Folio # 048066
Pt. Bk./Folio # 0066
PAI # 070150

PAI # 070324
1985-0316-X
2011-0061-SPH
PAI # 070324
Pt. Bk./Folio # MP96035

Pt. Bk./Folio # 042137
PAI # 070078 42, Folio 0137
1800013927
PAI # 070078 Lot # 22

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/23/2017

Case Number: 2018-0072-X

Petitioner / Developer: JONATHAN JORDAN, ESQ. ~
BRIAN MALISZEWSKI ~ JERRY PHILIPS

Date of Hearing : DECEMBER 14, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
19735 GRAYSTONE ROAD

The sign(s) were posted on: NOVEMBER 22, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 23, 2017 Issue - Jeffersonian

Please forward billing to:
Brian Maliszewski
Forefront Power, LLC
100 Montgomery Street, Ste. 1400
San Francisco, CA 94104

415-800-1582

NOTICE OF ZONING HEARING

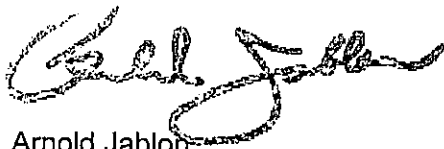
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0072-X

19735 Graystone Road
SE/s Graystone Road, southwest of Old York Road
7th Election District – 3rd Councilmanic District
Legal Owners: Jerry Phillips
Contract Purchaser/Lessee: Forefront Power, LLC

Special Exception to use property for partial development of a 840 kw A/C ground mounted solar facility. 4E-102 of County Bill 37-17.

Hearing: Thursday, December 14, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
19735 Graystone Road; SE/S Graystone *
Road, 1,175' of Old York Road * OF ADMINISTRATIVE
7th Election & 3rd Councilmanic Districts *
Legal Owner(s): Jerry Phillips * HEARINGS FOR
Contract Purchaser(s): Forefront Power, LLC *
Petitioner(s) * BALTIMORE COUNTY
* 2018-072-X

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

SEP 14 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of September, 2017, a copy of the foregoing Entry of Appearance was mailed to Jonathan A. Jordan, Esquire, 717 Constitution Drive, Suite 201, Exton PA 19341, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

December 6, 2017

Jerry Phillips
19200 Middletown Road
Parkton MD 21120

RE: Case Number: 2018-0072 X, Address: 19735 Graystone Road

Dear Mr. Phillips:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 1, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
ForeFront Power LLC, Brian Maliszewski, 100 Montgomery Street, Suite 1400
San Francisco, CA 94104
Jonathan A Jordan, Esquire, 717 Constitution Drive, Suite 201, Exton PA 19341

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/13/17

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0072-X.

*Special Exception
Jerry Phillips
19735 Graystone Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

12-14

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 26, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0072-X
Address 19735 Graystone Road
(Phillips Property)

Zoning Advisory Committee Meeting of **September 18 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Thomas Panzarella Date: September 25, 2017
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 26, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0072-X
Address 19735 Graystone Road
(Phillips Property)

Zoning Advisory Committee Meeting of **September 18 2017**.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

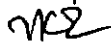
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Reviewer: Thomas Panzarella Date: September 25, 2017
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 18, 2017
Item No. 2018-0072-X

DATE: September 27, 2017

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.
If Special Exception is granted a landscape plan is required per the requirements of the Landscape Manual, Bill No. 37-17 and the CMDP.

Specific landscape comments:

1. Graystone Road is a Baltimore County Scenic Route,
2. Perimeter landscape buffers are required,
3. Must minimize tree and vegetation removal,
4. Additional landscape buffers may be required depending on the subject properties topography, Scenic Views, Scenic Routes etc.,
5. Solar panels are considered a utility and should be designed and located to harmonize with the surroundings and to create the least visual impact.
6. Additional strip landscape buffers may be required to address existing topography changes. The plans that were circulated and dated 8-25-17 were insufficient with respect to showing a number of the existing site conditions including existing adjacent property information i.e. topo, homes, out buildings, garages, driveways etc.
7. More comments may be rendered during review of the landscape plan.
8. Proposed perimeter fence shall be black vinyl-coated chain-link fence.
9. Landscape plan does not take into consideration that Graystone Road is a designated scenic road and therefore, does not meet the requirements.
10. Additional landscape and screening needs to be added to address adjacent properties views when it relates to the proposed solar facility. Including, but not limited to 19705, 19720, 19732, 19817 Graystone Road (Scenic Route) and 19842 B Old York Road (Scenic Route)
11. Burke Road Views
12. Additional site plan information is needed.

* * * *

VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 10/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-072



INFORMATION:

Property Address: 19735 Graystone Road
Petitioner: Jerry Phillips
Zoning: RC 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception for an 840 kW ground mounted solar facility.

The property is located along Graystone Road which is a Baltimore County scenic route. The view is determined to be "expansive" as defined within the Comprehensive Manual of Development Policies (CMDP)

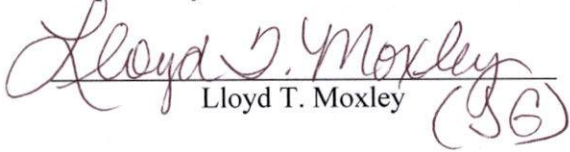
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- Pursuant to BCZR §4E-104.5 the photovoltaic arrays may not exceed 20 feet in height without variance relief. The Department will not support such relief. Petitioners shall amend the plan to show a typical array structure detail at no more than 20' above the natural finished grade.
- Petitioners shall note on the plan that the proposed solar facility will produce not more than 2 megawatts of alternating current.
- Petitioners shall note on the plan that the proposed solar facility will be subject to BCZR §4E-107.
- Petitioners shall certify by note on the plan that the proposed solar facility will not exceed the maximum permitted number of facilities allowed in its respective councilmanic district. If approved, Petitioners shall submit to this Department at the time of building permit application the final fixed location and area of the facility by coordinate data so that an inventory may be kept.
- Lighting shall be limited to what is required for security purposes only and will be sited in such a way as to have minimal spillage onto neighboring properties.
- Signage shall be limited to that which is necessary for safety and security purposes.
- At the time of building permit application the petitioners shall submit a solar glare analysis to the Department, to the attention of the contact person listed below, accompanied by written confirmation that the facility will not be detrimental to the adjacent residential properties pursuant to BCZR §502.1.A.

- No deliveries or outdoor maintenance which may generate excessive noise may occur on-site between the hours of 6 P.M. through 6 A.M.
- As noted above, Graystone Road is a Baltimore County Scenic Route. Any landscape plan submitted to Baltimore County for review and approval shall show vegetative screening at minimum along the northeast, northwest and southwest perimeter of the solar field. Said screening shall be a mix of native deciduous, evergreen and flowering trees with understory shrubs situated in beds having a minimum depth of 50'. The Department will not support a suburban like, regimented single species planting. The plantings will have a naturalistic arrangement approaching an "enclosed view" as defined in the CMDP with a count and proximity that will not allow an observer from the scenic route to have a sustained view of the solar facility.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:


Lloyd T. Moxley (36)

Deputy Director:


Jeff Mayhew

AVA/KS/LTM/ka

c: Joseph Wiley

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

Jonathan A. Jordon, Esq.

Office of the Administrative Hearings

People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME

CASE NUMBER

DATE _____

PETITIONER'S SIGN-IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

NAME	CITY, STATE, ZIP	NAME	CITY, STATE, ZIP
LAURENCE SCHMITT	WASHINGTON Ave	TOWSON 21204	SCHMITT@SPS-1.com
Brian Maliszewski	100 Montgomery St.	San Francisco CA	Bmaliszewski@Frontier.com
Patrick Cummings	520 Fellowship Rd, Sub A100, Mt Laurel, NJ	Mt Laurel, NJ 08054	pcummings@advantageengine.com
Allen Mitchell	7070 Samuel Morse Dr, Ste 150, Columbia, MD	Columbia, MD 21046	amitchell@advantageengine.com
DAVID BUSCHMAN	19842 OLD YORK RD	WHITEHALL MD 21161	DAVIDBUSCHMAN@MSN.CO
Teresa Moore	PO Box 5402	Towson 21285	teresa@theupc.org
CLAUDE TRETTER	19818 GRAYSTONE RD #1161	White Hall 21161	claudetretter@comcast.net
Kirsten Burger	1906 Corbridge Lane	Monkton, MD 21111	kirstenburger@comcast.net
ROBERT SAUER	19618 BURKE RD	WHITE HALL, MD 21111	ROS_bama7879@Yahoo.com

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE

2018-0072-X

12/14/17

CITIZEN'S SIGN - IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

✓ LISA ARTHUR	19500 Burke Rd	White Hall MD 21161	LISAARTHUR19500@HOTMAIL.COM
✓ James Baseman	19836 Old York Rd	White Hall MD 21161	JBASEMAN@VERIZON.NET
✓ EMMA ARTHUR	19500 Burke Rd	White Hall MD 21161	emroar99@gmail.com
✓ Tammy Roth	2500 Openshaw Rd	" "	TPMENTERPRISE@yahoo or
✓ Pat Chlebka	19828 Old York Rd	" "	grannas4gks@gmail.com
✓ Chris Chlebka	" " " "	" "	" "
✓ Eleanor Price	19732 Graystone Rd	" "	edprice2@comcast.net
Douglas Price	" "	" "	" "
✓ Michael Chlebka	3 Juniper Ct	White Hall Md.	MichaelaChlebka@gmail.com
✓ ROGER CASTELINE	19817 GRAYSTONE RD	WHITE HALL, MD 21161	ROG529@COMCAST.NET
✓ Diane Kincaid	19705 Graystone Rd.	White Hall, MD 21161	msdmd2@gmail.com
✓ Donald Kincaid	" "	" "	" "
✓ LINDA BOYCE	19625 BURKE RD.	WHITE HALL, MD. 21161	rboyce@mail@yahoo.
✓ Dick Boyce	19625 Burke Rd	White Hall MD 21161	rboyce@mail@yahoo.com
KATHLEEN PIEPER	4310 BECKLEYSVILLE ROAD	HAMPSTEAD, MD 21074	KNOTGARDEN57@COMCAST
Wayne McGinnis			
Harriet McGinnis			
Rick Impallario	1705 Singer Rd Joppa md	21085	Rick Imp 70@gmail.com
Renee Hamidi			info@themanorconservancy.org
✓ DONNA VITER SAUER	19418 BURKE RD.	White Hall MD 21161	Donna.Sauer@yahoo.
✓ Doug Shepperd	19810 Graystone Rd	White Hall md 21161	carolynshepperd@aol.com

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0072 ~~X~~

Property Address: 19735 Graystone Road, Whitehall, MD 21161

Property Description: Plot property located on the SE/SIDE of Graystone Road, 1,175 ft[±] SW of Old York Rd.

Legal Owners (Petitioners): Jerry Phillips

Contract Purchaser/Lessee: ForeFront Power LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Brian Maliszewski

Company/Firm (if applicable): ForeFront Power LLC

Address: 100 Montgomery St., Suite 1400
San Francisco CA 94104

Telephone Number: 415-800-1582

Real Property Data Search

Search Result for BALTIMORE COUNTY

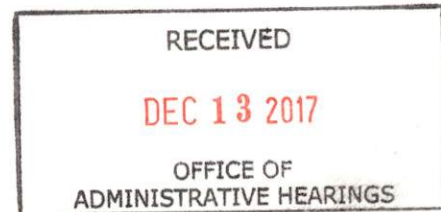
View Map			View GroundRent Redemption			View GroundRent Registration				
Account Identifier:			District - 07 Account Number - 2500005231							
Owner Information										
Owner Name:			PHILLIPS DEVELOPMENT LLC			Use: Principal Residence:		AGRICULTURAL NO		
Mailing Address:			19200 MIDDLETOWN RD PARKTON MD 21120-			Deed Reference:		/27566/ 00501		
Location & Structure Information										
Premises Address:			19735 GRAYSTONE RD 0-0000			Legal Description:		50.539 AC SES GRAYSTONE RD 1200FT SW OF OLD YORK RD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0013	0009	0041		0000				2017	Plat Ref:	
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1911		2,040 SF				50.5400 AC		05		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
2	YES	STANDARD UNIT	BRICK	1 full/ 1 half						
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of 01/01/2017		As of 07/01/2017		As of 07/01/2018		
Land:			92,400	92,400						
Improvements			120,000	160,300						
Total:			212,400	252,700		225,833		239,267		
Preferential Land:			11,400					11,400		
Transfer Information										
Seller: SLADE CHARLES E				Date: 01/15/2009			Price: \$500,000			
Type: ARMS LENGTH IMPROVED				Deed1: /27566/ 00501			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class			07/01/2017		07/01/2018			
County:		000			0.00					
State:		000			0.00					
Municipal:		000			0.00 0.00		0.00 0.00			
Tax Exempt:			Special Tax Recapture:							
Exempt Class:			AGRICULTURAL TRANSFER TAX							
Homestead Application Information										



**Sparks-Glencoe Community
Planning Council
P.O. Box 937, Sparks, MD 21152**

December 11, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Case No. 2018-0047-X
15637 York Road
8th Election District-3rd Councilmanic District
Legal Owner: Robert Gerner
Contract Purchaser/Lessee: ESA Sparks Glencoe, LLC
Hearing Date: December 18, 2017
and

Case No. 2018-0072-X

Southeast side of Graystone Road, southwest of Old York Road
7th Election District – 3rd Councilmanic District
Legal Owner: Jerry Phillips
Contract Purchaser/Lessee: Forefront Power, LLC
Hearing Date: December 14, 2017

Dear Judge Beverungen:

The Sparks-Glencoe Community Planning Council (SGCPC) is submitting this letter regarding the two matters referenced above, the Gerner and Graystone Road cases respectively. The purpose of this letter is twofold. First, we want to state the reasons why we oppose the special exception requests in both cases. Secondly, without intending to minimize our opposition, we want to request two very important limitations in the event that the special exceptions are granted.

These are the first two cases filed under the recently passed Council Bill 37-17 which permits commercial solar power facilities in RC zones. These facilities are euphemistically referred to as “solar farms”, but they are not farms and they are not agricultural. SGCPC as an organization, and its many members and supporters, strongly endorse solar power as a wonderful alternative to fossil fuel based power. The issue here is not solar power *per se*, it is solar power on prime agricultural land which could be used for farming or which could be placed in conservation easement. It also must be understood that our opposition is not directed at solar power systems which are intended to primarily serve a home or an ongoing agricultural enterprise.

Bill 37-17 was passed in the face of strong opposition by the SGPC, the North County Community Association, the Valleys Planning Council, as well as Third District residents and their Councilman. There were a number of reasons for this opposition. First, it was viewed as an effort at commercial development in RC zones which citizen groups have been fighting for decades. The proponents of the bill were the traditional development forces.

Secondly, the bill was rushed through the Council and passed over the Fourth of July weekend with no effort to study and understand the long term effects of this development. Witnesses, including former State Senator George Della, advocated for a community solar pilot project. This project would have served as a preliminary test project so that the effects could have been studied. Instead, the Bill provides for a study to be made one year **AFTER** implementation of the special exception provision. Of course, one year later, the developers will have had the opportunity to build out the maximum number of solar facilities in the Third District, and any study will be too late. This is why the study provision in the Bill was viewed as a deeply cynical and artificial claim of due diligence to occur only after installation has already been approved and the special exceptions have been granted. I am attaching a recent article from the Baltimore Sun indicating that the Anne Arundel County Council has just voted to have an eight month moratorium on applications for commercial solar facilities in its agriculture and conservation zones in order to have time to study the issue.

Thirdly, the Third District is the area with the most available land for these projects. Though the Bill purported to authorize these facilities equally for all council districts, the most clearly affected district, as a practical matter, is the Third. Yet, the concerns of the Third District were not respected.

While our opposition is very real, we do believe it is crucial that in the event that either or both special exceptions are granted, such special exceptions should include two specific limitations that Bill 37-17 authorizes the Administrative Law Judge to make. First is a purchased irrevocable bond in an adequate amount to pay for removal of the facility and remediation of the land once the useful life of the facility has expired. This is not presently a requirement, only a condition that can be imposed as part of the special exception.

A representative of the Gerner project attended our last open meeting to explain the contours of that project. A number of issues were explained and clarified. What became clear, however, was that the only plan for remediation was the LLC's contractual obligation to do so. A facility's useful life is generally understood to be about 20 years. The only guarantee for clean-up is the continued existence and/or financial solvency of these LLCs.

There is no guarantee that the corporation set up to develop the solar facility will still be in existence when the clean-up and remediation phase must begin. Like many local development projects, once development is completed the corporation disappears either by way of bankruptcy or dissolution. The future costs of dismantling and removing the solar panels and remediating the soil so that it is once again ready for farm use is difficult to determine at the present time. The farmer/landowner may not be in a position to bear the

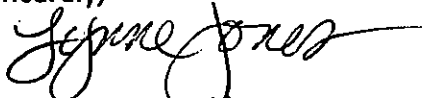
burden of such an expense. What happens then? Will the costs be paid for by the taxpayers after the corporation is long gone?

Finally, the SGCPG is concerned about the impact on neighboring landowners. The prospect of diminished land values for the surrounding area is real. It is certainly foreseeable that the viewshed of the larger resource conservation area will also be significantly impaired. One of the concerns raised in our meeting with the representative of the lessee of the Gerner property was that the proposed buffers were inadequate. It is for that reason any special exception must include significant natural buffers which not only protect the view from the adjoining roadways, the adjacent property owners, and also the wider vista. It is our suggestion that the landowner and his lessees be required to install buffers which are designed in accordance with the directives of the Baltimore County landscape architect. It would also be useful and appropriate to provide for input from the immediately impacted property owners whose own land values are at issue.

We have many concerns about the rapid, if not precipitous, adventure into commercial solar facilities in conservation areas. No one has presently done the kind of work necessary to know where and how to proceed with the production of commercial solar energy on agricultural land. It is primarily for that reason that SGCPG opposes the special exceptions in these cases. If, however, these special exceptions are granted, there must obviously be many limitations designed to protect the public from this shortsighted bill. We sincerely request that the two limitations outlined in this letter be among those incorporated into any such grant.

Thank you for your patience and consideration in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lynne Jones", with a long horizontal flourish extending to the right.

Lynne Jones, President

enc.

cc: Timothy Kotroko, Esquire

Robert Gerner

Jerry Phillips

Peter Zimmerman, Esquire
People's Counsel

Anne Arundel



THE BALTIMORE SUN | SUNDAY, DECEMBER 10, 2017

35 years ago Bobbi Burnett made her first artwork to cheer up a friend; now, she's preparing to make her last



Bobbi Burnett cuts a piece of glass in her basement studio where a crew of volunteers make glass angels in Epping Forest.

JOSHUA MCKEYROW/BALTIMORE SUN MEDIA GROUP

Solar park OKs halted

County suspends approvals over impact on rural areas

By CHASE COOK
Baltimore Sun Media Group

Anne Arundel County has issued an eight-month moratorium on the approval of solar parks after concerns were raised by farming and environmental advocates about the impact of those operations on rural areas.

County officials made the formal announcement Monday. The decision targets larger-scale solar operations. People building solar panels for their homes or businesses — labeled as accessories — won't be affected.

"We need to ensure the impact of heavy industrial activity like solar energy operations has been fully vetted by officials within the Department of Planning and Zoning," County Executive Steve Schuh said in a statement.

Last month the Anne Arundel County Agriculture, Agritourism and Farming Commission advocated for a moratorium. It was also supported by the group Growth Action Network.

County Councilman Jerry Walker, a Crofton Republican, had said he planned to announce a resolution calling for a six-month moratorium. At Monday's council meeting he withdrew the resolution and thanked Schuh for the decision.

In his resolution, Walker had noted that the county has five pending applications for construction of solar parks in rural agricultural zones.

"After meeting with constituents potentially impacted by a number of these projects, I thought their requests to reassess the current regulations made sense, especially given the size and scope of some of the proposals on agricultural land," Walker said.

County officials said their assessment of the issue is similar. The generation of electricity is considered an industrial use, but solar parks are allowed in certain rural zones meant to protect farmland and low-density housing.

The growth of solar parks could lead zoning challenges that could redefine those areas, said Phil Hager, Anne Arundel See SOLAR, page 6

After 45,000 angels, Caring Collection ends

By WENDI WINTERS
Baltimore Sun Media Group

Artist Bobbie Burnett made her first Caring Collection angel 35 years ago.

A friend was diagnosed with leukemia. The woman was 39. She had three children under age 10 and an unemployed husband. To cheer up and support her friend, Burnett gave her a blue-and-gold angel sculpture made of small, hand-cut and foiled panes of stained glass.

She's been making the angel sculptures ever since, and now has a crew of volunteers who help her. Each year, Burnett designs a new stained-glass angel sculpture. Money from the sale of the angels benefits two area hospitals. The group added sun catchers, ornaments, angel magnets and large sculptures of Burnett's designs to their repertoire.

But as she nears age 80, Burnett has decided she and her group will soon make their last angels. There will be no new angel design for 2018.

By Burnett's estimate, the cadre of volunteers, which usually meets for several hours on Tuesdays and Thursdays, has hand-crafted more than 45,000 angels over the years.

The designs are sold online on the

website caringcollection.org, at the gift shop at Johns Hopkins Hospital in Baltimore and at open-house events at Burnett's home.

Approximately 70 percent of the sale price goes into a fund divided between Hopkins and Anne Arundel Medical Center; the other 30 percent covers the cost of supplies. At Anne Arundel, the money provides for patient care equipment. At Johns Hopkins, the money goes toward cancer research equipment.

As each year begins, Burnett strains to create a different new angel for the collection.

Bobbie Burnett, a native of upstate New York, received a bachelor's degree in fine art at State University of New York at New Paltz. In addition to regular exhibits of her paintings, her portfolio included teaching art courses in San Diego, Las Vegas, St. Louis and in Florida.

Burnett's husband Jerry Burnett, who died in 2014, worked for Westinghouse and was transferred every few years. The couple built a 35-foot sailboat in California and, when her husband was transferred to Maryland, they sailed here and lived aboard the vessel at a mooring in Eastport. They moved to their house in Epping Forest in 1978.

Burnett learned to create artworks from stained glass at an adult education course she took at the old Annapolis Community Center.

Debbie Deschamps and Fran de Wolff have been Caring Collection volunteers for 33 years. Another, Jerry Klinken, became a volunteer after taking one of Burnett's stained glass classes in the 1980s.

"We've grown mature together," said Burnett.

During a recent visit to her studio, volunteers were busy working on details involved in making the angel sculptures, which sell for \$250.

Ten-year volunteer veteran Ellen Kalas of Annapolis appreciates how the creative project has benefited local hospitals.

"That really attracts me. (The studio) is a great place to work," said Kalas. "It's very friendly and welcoming. Bobbie is really gracious."

Sally Small of West River has volunteered for nearly 24 years. "It's sad," she said of Burnett's decision to retire. "She's been a very good leader."

The strong feelings are mutual. "I love my volunteers," said Burnett. "They're my family."

wwinters@capgaznews.com

County starts work on new police academy

\$18.8 million facility to be built next to current one in Davidsonville

By CHASE COOK
Baltimore Sun Media Group

Starting in summer 2019, upcoming Anne Arundel County police officers won't have to train in an old, re-purposed missile silo.

County Executive Steve Schuh and County Police Chief Timothy Altomare

The 30,000-square-foot academy, being built on the same property as the existing facility, will cost \$18.8 million and will replace the re-purposed and dilapidated silo.

It will include a 17,000-square-foot fitness center. A second phase will renovate the current administration facility for further training uses. Construction money was approved in FY2017 with more funding approved in this year's budget.

"Oh Lord, am I excited," Altomare said at the ceremony.



SENIOR BRIEFS

Annapolis Center

The following activity will be offered at the Annapolis Senior Activity Center, 119 S. Villa Ave. Information: 410-222-3818.

MUSIC WITH DJ BOB JONES, featuring holiday songs and other classics, will be held 12:30 p.m. Wednesday, Dec. 13.

CANDY MAKING WITH DIANE will be held 10 a.m. to noon Friday, Dec. 15. Registration is underway; class is limited to 10.

CARD MAKING WITH DIANE will be held 1 p.m. to 2:30 p.m. Friday, Dec. 15. Come in and make a holiday card for a special loved one. \$3 is due at sign up.

ANNUAL HOLIDAY PARTY will be held 11 a.m. to 2 p.m. Tuesday, Dec. 19, at the Crownne Plaza Annapolis, 173 Jennifer Road. \$30. Full payment due by Dec. 15. Entertainment by Smokey and Last Chance Entertainment.

Arnold Center

The following activities are offered at the Arnold Senior Activity Center, 44 Church Road. Information: 410-222-4922.

HOLIDAY GIFT WRAPPING SERVICE will be held 9 a.m. to 11:30 a.m. Monday, Dec. 18. Cost is \$1 per item. Sign up by Dec. 11.

BINGO will be held 10 a.m. Monday, Dec. 18, hosted by Mindy Adams of Chesapeake Caregiving, with prizes and fun.

MINI-MASSAGES with certified therapist Bonnie Pavlek will be offered from 10 a.m. to noon Monday, Dec. 18. Free, first come, first served.

SCRABBLE Challenge your brain by playing Scrabble from 12:45 p.m. to 3 p.m. Mondays. New participants are welcome.

MAH-JONGG Open play from 1:15 p.m. to 3:45 p.m. Tuesdays; volunteers play from

12:30 p.m. to 3:30 p.m. Wednesdays.

Brooklyn Park Center

The following activities are offered at the Brooklyn Park Activity Center, 202 Hammonds Lane. Information: 410-222-6847.

SONGS OF THE HOLIDAY The Mother's Choir will perform at 11 a.m. Tuesday, Dec. 12. Enjoy hot apple cider while listening to seasonal songs.

HOLIDAY PARTY will be held 11 a.m. to 3 p.m. Thursday, Dec. 14 at Michaels 8th Avenue.

J&J DUO will perform swinging dance music 11 a.m. Friday, Dec. 15. Lite refreshments.

ENGLISH CLASS Basic skills from 9:30 a.m. to 11:30 a.m. Wednesdays.

REGULATION SHUFFLEBOARD Play at 1 p.m. Tuesdays and 2 p.m. Thursdays.

O'Malley Center

The following activities are offered at the O'Malley Senior Activity Center, 1270 Odenton Road, in Odenton. Information: 410-222-6227.

VAN BOKKELEN ELEMENTARY SCHOOL CHORUS will perform holiday favorites at 10 a.m. Thursday, Dec. 14.

MOVIE DAY "Paper Angels" will be shown at 12:30 p.m. Friday, Dec. 15.

QUILT CLUB Members help one another with projects and donated pieces at 1 p.m. Fridays in the Annex. The club is open to new and experienced quilters.

Pasadena Center

The following activities are offered at the Pasadena Senior Activity Center, 4103 Mount

tain Road. Information: 410-222-0030.

INTERMEDIATE BRIDGE group meets at 12:30 p.m. Fridays, Dec. 15 and 22.

MEMOIR WRITING GROUP meets at 1 p.m. Monday, Dec. 18. If interested, contact Rita at 443-883-1178 or wmfordham@msn.com or just come to a meeting.

PINOCHLE 8:50 a.m. to 9:50 a.m. Mondays.

PAINTING CLASS with Deborah Scales, 12:30 p.m. to 2:30 p.m. Thursdays.

Pascal Center

The following activities are offered at the Pascal Senior Activity Center, 125 Dorsey Road, Glen Burnie. Information: 410-222-6680.

OBI BELL RINGERS will perform a program of holiday music at 10:30 a.m. Tuesday, Dec. 12.

THOM ROLAND DANCE BAND will perform a variety of 1940s and '50s music and holiday selections at 12:30 p.m. Thursday, Dec. 14. Dancers welcome.

VAN TRIP TO TALENT MACHINE show at St. John's College will take place Friday, Dec. 15 at 11 a.m. Non-refundable \$5 fee payable to PSI due at sign-up.

VOICES IN MELODY will perform a program of holiday music at 12:30 p.m. Friday, Dec. 15.

MEXICAN TRAIN The domino game is played at 12:30 p.m. Mondays.

TABLE TENNIS 12:30 p.m. Tuesdays and Fridays.

MAH-JONGG 10:30 a.m. to 12:30 p.m. Fridays. Beginners welcome.

VII OPEN BOWLING Tuesdays at 12:30 p.m. except on the third Tuesday, when games begin at 1 p.m.

DOUBLE-DECK PINOCCHLE Fridays at

12:30 p.m.

BEYOND LOSS support group meets at 11:30 a.m. Wednesdays.

South County Center

The following activities will be offered at the South County Senior Activity Center, 27 Stepneys Lane in Edgewater. Information: 410-222-4927 or 410-798-4802.

VOICES IN MELODY CHORUS will perform holiday music at 12:30 p.m. Monday, Dec. 11.

TUESDAYS TREASURES flea market will be held 9:30 a.m. to 1 p.m.

CREATIVE PAPER CRAFTING will be held 1 p.m. to 3 p.m. Tuesday, Dec. 12. Create cards and gift tags for the holiday season. Cost is \$7.50 and will include all supplies. Instructor is Sherahl Weiden. Sign up at the front desk.

BOXWOOD TREES WORKSHOP hosted by the Four Rivers Garden Club will be held 10 a.m. to 11 a.m. Wednesday, Dec. 13. \$4. All supplies will be provided. Sign up at the front desk.

HOLIDAY MUSIC with Sylvia and Rich will be held 12:30 p.m. Wednesday, Dec. 13, featuring Christmas tunes and old favorites.

Seniors directory

The Department of Aging and Disabilities, in partnership with the Senior Services Provider Group and the Friends of Arundel Seniors, has published the 2017-18 edition of "Services for Seniors, Adults with Disabilities, and Caregivers." The free directory is available at the Heritage Office Complex, 2666 Riva Road in Annapolis, the seven senior activity centers, and public libraries. For more information, call 410-222-4464 or go to aacoounty.org/aging.

County suspends approvals of solar parks

SOLAR, From page 1
County Planning and Zoning officer.

Typically the county would turn to the General Development Plan, which guides development, but that plan is "largely silent" on dispersed energy productions such as solar parks, Hager said.

The moratorium will give the county the time to review code.

"We essentially have no more than eight months to turn around something," Hager said. "The people who are requesting this and are concerned about the proliferation of this use are concerned — and want something done quickly."

Bradley Harris, who lives near a proposed solar park site, was appreciative for Schuh's decision.

"We are pro-solar, but would also like to protect our farmland and our community's rural heritage," Harris said. "We feel there are more appropriate locations in our area for these industrial solar projects that can be developed such as brown-fields, landfills, warehouses and other disturbed sites."

In other council action, members voted to make Councilman Michael Peroutka, a Mil-

lerville Republican, the next council chairman. The decision was made along party lines in a 4-3 vote.

Peroutka has been a controversial figure. Some residents have criticized his past association with the League of the South — he was a member until shortly before the 2014 election. The councilman has said he believes there is only one race, the human race.



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John E. Beverungen

From: Barbara Ensor <Bensor54@hotmail.com>
Sent: Monday, December 11, 2017 6:02 PM
To: John E. Beverungen
Subject: Solar Development near Graystone Road, Case #18-072-X

The Honorable Judge John E. Beverungen,

Very recently my family became aware that a hearing will be held this December 14 regarding the petitioning for a special exception to install numerous solar panels, towers, and some residences on the old Slade farm near Graystone Road. Unfortunately, we will not be able to attend that, so we are opting to write this, instead. My husband and I have lived in this area for most of our lives, both having attended Hereford High School. This is a very special and unique area, a bucolic combination of agricultural and residential lands. This is one of the reasons we remained here, raising our family and with them, enjoying the beautiful unspoiled scenery, and quiet of an area that has retained it's rural and agricultural roots.

Several years ago, the Slade farm was sold and it now appears that what was once productive farmland, with corn and soy beans as the principal crops, has been purchased as a commercial investment to produce solar power. Once the transformation from agricultural to solar power production occurs, it is highly unlikely that land will every be available for farming of any sort again. This will be a loss to the local residents as well as others who have benefitted from the farming that produces their food. In addition to the unsightly towers and fields of solar panels, which will mar the scenic view, local residents may be afflicted with the by products that commercial endeavors bring, such as harsh lighting that penetrates the night sky.

A production such as this is not compatible with the character of this area, nor the friendly ambience that community residents and neighbors have always loved about our area.

It is for this reason, and others, that I express my concern and hope that the special exception not be granted and the use of the property remain compatible with what this area has been for generations, and hopefully will remain, for generations to come.

Sincerely,
Barbara Ensor

John E. Beverungen

From: Impallaria, Rick Delegate <Rick.Impallaria@house.state.md.us>
Sent: Tuesday, December 12, 2017 12:10 PM
To: John E. Beverungen; Carl Richards Jr
Cc: 'rboycemail@yahoo.com'; County Council District 3
Subject: Solar Farm, Case No.: 2018-0072-X

RICK IMPALLARIA
7th Legislative District
Baltimore and Harford Counties

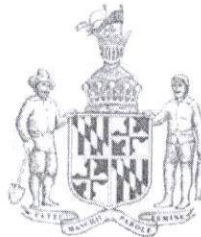
—
Economic Matters Committee

Subcommittees
Alcoholic Beverages

Property and Casualty Insurance

Workers' Compensation

—
Chair, Harford County Delegation



The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

Annapolis Office
The Maryland House of
6 Bladen Street, Room 301
Annapolis, Maryland
410-841-3289 · 301-841-3289
800-492-7122 Ext. 301
Fax 410-841-3598 · 301-841-3598
Rick.Impallaria@house.s

District Office
5 Punte Lane
Baltimore, Maryland
443-257-4782

John E. Beverungen
Administrative Law Judge
Baltimore County

W. Carl Richards Jr., Chief
Zoning Office
Baltimore County

Case Number: 2018-0072-X

Location: Southeast side of Graystone Road, Southwest of Old York Road

Gentlemen:

I have received numerous phone calls from my constituents regarding their concerns about this planned solar farm. I also have deep concerns over it.

First, if it weren't for government subsidies, it would not make sense to build solar farms. Now it appears that the community will have to subsidize it by their decreased property values.

Second, I am also concerned about health risks and the environmental impact it will have on nearby properties.

Northern Baltimore County has always been known for its rolling hills, its beautiful transitions between farms and woodlands, and its mix of residential and agricultural uses.

This project in no way fits into the community and will only diminish the beautiful asset Baltimore County enjoys in this rural legacy area.

So, I respectfully request you to reject this project for the good of the community.

Sincerely yours,

Rick Impallaria
Delegate, District 7
443-257-4782 (cell)

December 13, 2017

~via email



Mr. Carl Richards Jr.
Chief of Baltimore County Zoning Review
County Office Building 111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204.

RE: 19735 Graystone/Solar Farm, Case No.: 2018-0072-X

Dear Chief Richards,

Gunpowder RIVERKEEPER® ("Riverkeeper") is a member based 501 (c)(3) nonprofit that represents members that have environmental, property, recreational, and aesthetic interests within the Gunpowder watershed and its tributaries.

Thank you for the opportunity to provide comments on the application for a Solar Farm Case No. 2018-0072-x at 19735 Graystone road ("Site").

Riverkeeper opposes the special exception granting the site and activity described as a "Solar Farm" on RC-2 zoned land because of concerns that the cumulative impacts of the Site may pose the potential for irreversible environmental impacts to sensitive waterways and species as described below.

Environmental attributes at proposed location are significant:

Upon review of the Baltimore County "My Neighborhood" website using the address of the subject property, no less than three headwaters branches of the Third Mine Branch a USE IIP designated¹ headwater stream known to support the Eastern Brook Trout are indicated on the Site.

The parcel is directly on Third Mine Branch subwatershed that is part of the Loch Raven Watershed, which through the Gunpowder River and Loch Raven provides drinking water for 1.6 million Baltimore-Metro area residents. Additionally, the site is adjacent to the Plum Tree Branch subwatershed and Second Mine Branch subwatershed.

A majority of Baltimore County streams, including the above mentioned are categorized by the Maryland Department of the Environment as Use IIP (defined as

¹

<http://mde.maryland.gov/programs/Water/TMDL/WaterQualityStandards/Pages/DesignatedUsesMaps.aspx>

coldwater-drinking water supply streams and regulated and recognized by the Federal Water Pollution Control Act, "Clean Water Act" ² to protect their designated³ and existing uses⁴.

State studies have shown that Brook Trout, a Maryland state species of special concerns and may be extirpated when watersheds holding these sensitive species reach greater than 4% impervious surface. Adopted in 2006, the Maryland Brook Trout Management Plan⁵ recommended habitat strategies recognizing that urbanization and its effects on aquatic habitat was currently the most serious threat to Brook Trout. Namely;

Impervious surfaces: Urbanization promotes a chain of events that are strongly correlated with increasing imperviousness. Impervious surfaces associated with urban areas include roads, rooftops and parking lots. Imperviousness promotes rapid runoff to aquatic habitats and disrupts the natural hydrology of flowing waters. Frequent, short duration runoff events with higher magnitude peak discharges result in large-scale physical alterations to streams...High watershed imperviousness is responsible for decreasing stream discharge during low flow periods; reducing in-stream physical habitat; and, increasing stream temperature, embeddedness, erosion and sediment transport. High imperviousness can significantly reduce ground water recharge that can impact ground water influx to headwater streams. The response to high impervious cover and high magnitude, frequent discharge is for the stream channel to increase in cross-sectional area by down cutting, channel widening, or both. Urban areas typically have higher pollutant and nutrient loads. All such impairments degrade and threaten existing brook trout habitats and their biological community structure. Maryland DNR's MBSS program (Southerland 2005) found that brook trout populations were eliminated in watersheds with impervious surface exceeding 4%, and substantial reductions in populations are apparent with as little as 0.5% imperviousness. (Emphasis applied).

On May 12, 2009, President Barack Obama signed Chesapeake Bay Restoration and

² 33 U.S.C. §1251 et seq. (1972)

³ Code of Maryland Regulations (COMAR) Sections 26.08.02.02 and 26.08.02.02-1.

⁴ 40 CFR § 131.12(a)

⁵ http://dnr.maryland.gov/fisheries/Documents/MD_Brook_Trout_management_plan.pdf

Protection Executive Order 13508.⁶ As part of developing a new strategy for restoration and protection of the Chesapeake Bay, President Obama's Executive Order directs the federal agencies in outcomes for stream restoration, brook trout populations, and riparian buffer habitats, which are all resources critical to maintaining watershed health.

An environmental study is warranted prior to a decision on this issue:

The potential for environmental impacts prior should be studied. The siting of these facilities near or adjacent to streams known to support Brook Trout prior should consider the increase in impervious surfaces (solar panels) and any best management practices used to maintain vegetation such as the use of Roundup® or other Glyphosates and any chloride containing solutions used to de-ice panels.

Riverkeeper suggests that prior to a decision being rendered on this special exception, Case No. 2018-0072-x, Groundwater Management provide a study based on potential impacts to groundwater recharge and additive cumulative impacts of increasing impervious area to coldwater resources.

Even seeps, springs and wetlands as well as intermittent, ephemeral and perennial streams are hydrologically connected and represent significant environmental attributes for sensitive coldwater species. As witness to concerns about unknown environmental impacts Arundel County has recently issued an eight-month moratorium on the approval of solar parks after concerns were raised by farming and environmental advocates about the impact of those parks on rural areas.⁷

Without a hydrologic study, Baltimore County zoning may not properly ascertain that the requested zoning relief via special exception will not be detrimental to the health, safety, or general welfare of the area.

Respectfully submitted,

/s/ Theaux M. Le Gardeur

Gunpowder RIVERKEEPER®

P.O. Box 156, Monkton, MD 21111

Keeper@gunpowderriverkeeper.org and 410-967-3526

⁶ <https://www.federalregister.gov/documents/2010/05/11/2010-11143/executive-order-13508-chesapeake-bay-protection-and-restoration-section-203-final-coordinated>

⁷ <http://www.capitalgazette.com/news/government/ac-cn-county-council-1205-story.html>

Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, December 13, 2017 1:56 PM
To: Sherry Nuffer
Subject: Fw: SUBJECT: # 2018-0072 19735 Graystone Road PLEASE DENY Special ExceptionZoning Request

for the file

From: Wanda Lehman <wanda.lehman@gmail.com>
Sent: Wednesday, December 13, 2017 12:16 AM
To: John E. Beverungen
Cc: Kathie; Lynne Jones; James A. Baseman -DLLR-; msdmrd2@gmail.com; harriet mcginnis; Nedda Evens; George Della; Mary Petrucci
Subject: SUBJECT: # 2018-0072 19735 Graystone Road PLEASE DENY Special ExceptionZoning Request

Dear Judge Beverungen,

SUBJECT: # 2018-0072
19735 Graystone Road
PLEASE DENY Special ExceptionZoning Request

DENY SOLAR FACILITY (COMMERCIAL RESALE OF ENERGY)

Please deny the request for a special exception for a solar utility facility to be erected on property at 19735 Graystone Road.

This is Resource Conservation Zoned land in northern Baltimore County. We, the State of Maryland, and particularly Baltimore County are national leaders in land preservation. We have spent many millions of dollars to protect and preserve our natural resources, including our agricultural land.

Allowing commercial activity on this property not only ignores our master zoning plan, but also goes against the wishes of the majority of north-county residents. The court of appeals recently agreed that this type of solar plant is a "UTILITY", which is specifically prohibited in RC zoning.

The tax benefits provided to solar companies in Maryland, while with a noble purpose, are having unintended consequences. Agricultural land is being targeted because of cheap land lease arrangements. Most farmers lease land for their agricultural operations, and they cannot compete on equal footing with a commercial use lease rate. This is hurting farmers and both current and future agricultural use of the land.

Farmers are being offered higher prices for the land lease, but are not being protected from lease terms prepared by the solar industry. Farmers are pressured to accept quickly, or are threatened that the solar

company will just choose another parcel. The back-end cleanup and liability of the farmers is not considered. Adequate bonds are not required to handle those future costs, so the farmers and the taxpayers will be forced to bear the cost. The LLC Solar companies will be long gone. The whole reason they are here, instead of Florida or Arizona, is financial tax incentives. They are NOT stakeholders in our community).

In addition, acres and acres of solar panels are an eyesore. This is not just true for the adjacent property owners, but for all travelers and residents of our area. Part of the draw of living in the north county, including stable and increasing property values, is the rural landscape, which contributes to the serene, peaceful way of life. Property values will be adversely affected by this commercial activity and eyesore.

We urge you to deny this special exception request to protect the north county from this COMMERCIAL solar UTILITY.

Thank you for your consideration.

Sincerely,
Wanda and Jerry Lehman
NORTH COUNTY RESIDENTS
19701 Gunpowder Road
Millers, MD. 21102"

Sherry Nuffer

From: John E. Beverungen
Sent: Wednesday, December 13, 2017 1:56 PM
To: Sherry Nuffer
Subject: Fw: Case #18-072-X - 19735 Graystone Rd - Zoning Hearing
Attachments: Case #18-072-X.docx; Picture 1 Burke Road at Limb Court.PNG; Picture 2 View from End of Limb and Burke to Graystone.PNG; Picture 3 Burke Road to Limb Court Acres of Trees on Left.PNG; Forefront LLC Web Page Picture.PNG

for the file

From: Holbrook, Lisa <lisa.holbrook@baltlife.com>
Sent: Wednesday, December 13, 2017 7:20 AM
To: John E. Beverungen
Subject: Case #18-072-X - 19735 Graystone Rd - Zoning Hearing

Dear Honorable Judge Beverungen,

I am attaching a letter and a few pictures to express my concern over the zoning exception for 19735 Graystone Road. There is a hearing scheduled for tomorrow afternoon to discuss this matter and unfortunately my husband just had major surgery yesterday and we will be unable to attend. I appreciate your time and hope that you will consider the points brought up in our letter.

Should you have questions, feel free to contact me.

Thanks so much,
Lisa

Lisa Holbrook, ACS, MBA | PM Illustration Software
The Baltimore Life Companies
10075 Red Run Blvd
Owings Mills MD 21117
(443) 681-7647 Office
(410) 299-4016 Mobile

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Lisa and Tim Holbrook
9 Limb Court
White Hall, MD 21161

December 13, 2017

The Honorable Judge John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 212204

Re: Case #18-072-X

Dear Honorable Judge Beverungen:

I am writing to express my displeasure over 19735 Graystone Road being granted a special exception so that a ground mounted solar facility can be installed. Unfortunately, my husband is has just undergone major surgery today and we will miss the hearing scheduled for Thursday afternoon.

My husband and I are residents of White Hall in Baltimore County and have lived here since 2000. While we support renewable sources of energy, we do not approve of property zoned R2 being used for a solar facility. In addition, we don't approve of exceptions being made to the property's R2 zoning so that a solar facility can be built.

I am attaching "Picture One" which is a view of the beginning of view of Limb Court. "Picture Two" shows my current view from Burke Road to Graystone as I walk five out of seven days each week. Since moving to Limb Court, the farm land across from our neighborhood (Limb Court off Burke Road) has been rotated between soybean and corn. Solar panels are not appropriate in R2 zoning and should be considered an inappropriate development.

"Picture Three," is the view walking down Burke Road toward Limb Court. Apparently, the plan is for three building lots to be there, I'm assuming destroying the trees that exist on the left side of the picture. There are a lot of trees and they are beautiful.

There are several reasons why we are opposed to solar development in country settings and they are below:

1. Solar is a renewable energy and as such is a utility. The solar facility will be an industrial site versus an agricultural site that provides foods. How will power be transmitted so that it can be harnessed? How much will that cost?
2. The impact to wildlife will be irreversible. What wildlife and birds will be misplaced or destroyed by such a project? Do birds know not to get too close to solar panels so they aren't burned or killed? How about deer? Renewable energy development should not be approved at the expense of conservation of habitats and species.
3. Impact to the Deer Creek and Lock Raven Basins and Lower Susquehanna and the Gunpowder River: What is the impact of rain water run-off? Also, heavy rainfall will cause soil erosion.

There is quite a difference between crops being planted on those acres than houses, solar panels and cell towers. Currently, we have flooding issue at the end of Burke Road at MD 439. I'm anticipating that having solar panels, new homes or cell towers instead of crops will increase that problem ten-fold. Another concern is what is in the water that is running off?

4. Health Risks: Many solar panels contain chemicals which could cause damage to the local environment and possibly public health. Arsenic, cadmium telluride, hexafluoroethane, lead, and polyvinyl fluoride could cause untold devastation should they leach into the water supply. Silicon tetrachloride renders crops infertile, causes skin burns and increases the likelihood of lung disease, and transforms into acids and poisonous hydrogen chloride gas when exposed to air. What will happen if these panels break? Cadmium may be carcinogenic. Exposure affects the lungs and kidneys and can be fatal.
5. Privacy: The solar panels will impact our privacy. The panels will need maintaining and that means workmen regularly on-site, utility vehicles and probably some type of security personnel.
6. Noise and traffic concerns: Noise resulting from constructing and maintaining a solar facility will be disruptive to neighbors who moved to our community for peace and quiet
7. Visual Impact: From our neighborhood on Burke Road and Limb Court, the pilot project will be visually unacceptable. Will there be metal fences, security fences, cameras, substations, lights, etc.? All of this will be out of context and impact the outstanding natural beauty of our community. In addition, Graystone Road is a Baltimore County scenic route. Will the solar facility add to our scenic route? How about a cell tower or two?
8. Distraction to road users: Graystone Road and MD 439 are heavily traveled roads and routes for busing our school aged children. Will there be a guarantee that the solar panels will not cause a distraction to drivers? Will solar glare cause a negative impact to the surrounding area residents and drivers who use that route daily?

For the reasons above, I would like for you to consider rejecting this application. The harnessing of green power should not be at the expense of destroying agricultural sites. The whole point of green energy is to preserve our valuable countryside and provide an ecological balance. Ensuing soil erosion, fencing, cameras and the threat to wildlife are good reasons for moving this pilot project to a commercial area.

Surely it is the duty of our Baltimore County officials to protect our green fields and scenic routes for future generations to enjoy. This is a beautiful area and the solar facility and cell towers will ruin it. This pilot project will not benefit the community and will not provide a practical return for the disruption and destruction it will cause.

I'm attaching "Picture Four" which is a snip from Forefront Power's web page. Would you want to live next to this? I would not!

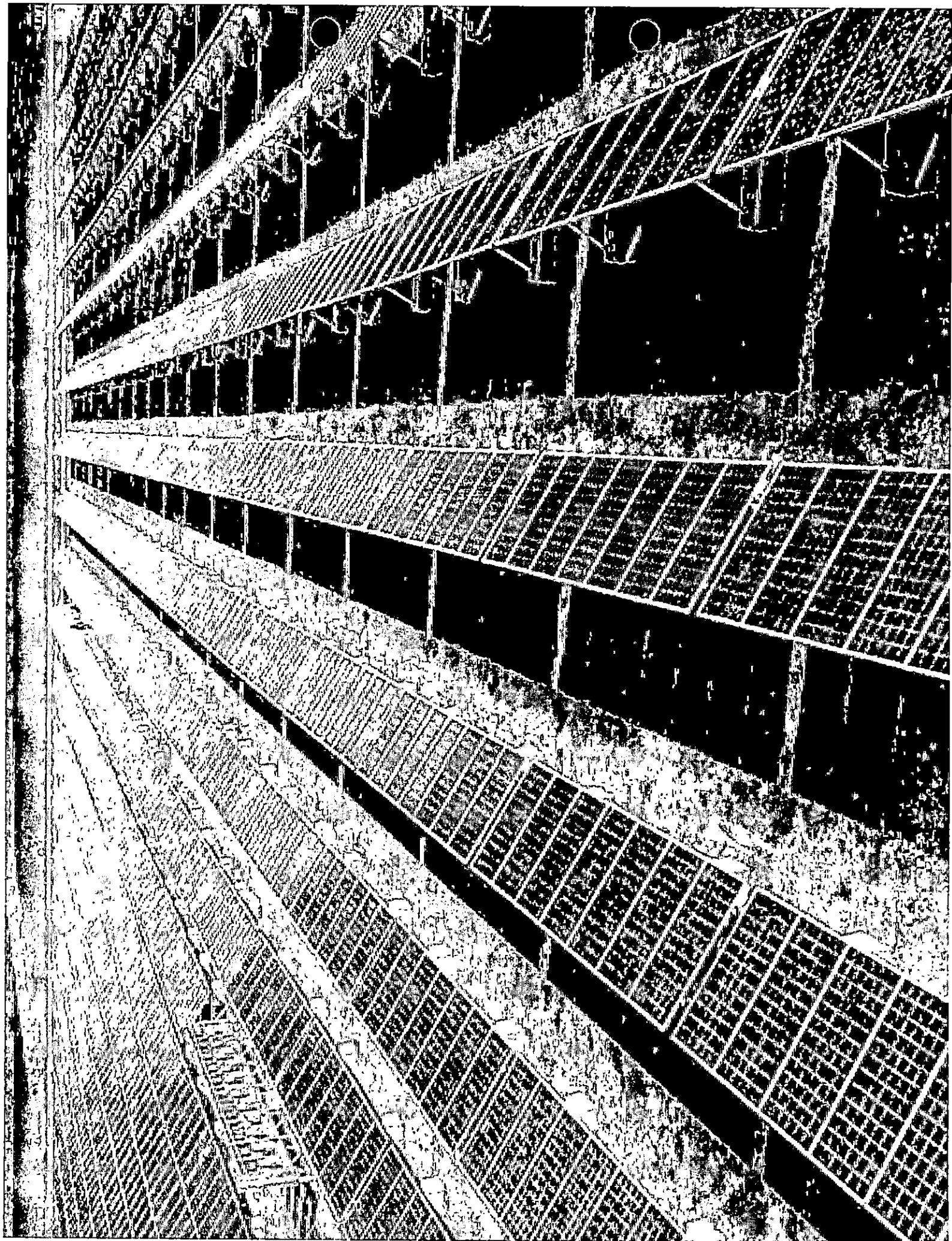
Should you have additional questions please feel free to reach out to us. Our home telephone number is 410-329-6266 and my cell is (410) 299-4016. I think it would be reasonable to expect that a full development plan be provided as well as for the residents of our community to be notified appropriately of any public hearings to be held to discuss this topic in the future.

Sincerely,

Lisa A. Holbrook & Tim Holbrook

cc: Wade Kach









John and Kimberly Howard
10 Limb Court
White Hall, MD 21161
Phone Home 443 491 3811
Cell 410 688 8305

December 13, 2017

The Honorable Judge John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 212204

Re: Case #18-072-X

Dear Honorable Judge Beverungen:

I am writing to express my displeasure over 19735 Graystone Road being granted a special exception so that a ground mounted solar facility can be installed.

There are several reasons why we are opposed to solar development in country settings and they are below:

1. Like most of our neighbors we moved out to a rural location to be surrounded by rolling farm fields with scenic views. Not a place with solar panels and cell towers blocking our view.
2. The area was zoned as a conservation area for a reason. Why do we have to give into development and allow a variance that is going to eventually consume our land from its intended use?
3. Like with all new projects there is going to be pitfalls that were not taken into consideration if this would be approved. The plan looks like the only thing that they are worried about is covering up the project so it's not an eye sore. What about the environmental impact on our water supply and wildlife as well as soil erosion. Then you have increased construction traffic to deal with too.
4. Property value is a concern for all of us. Who wants to live next to a field of solar panels?

For the reasons above, I would like for you to consider rejecting this application. The harnessing of green power should not be at the expense of destroying agricultural sites. The whole point of green energy is to preserve our valuable countryside and provide an ecological balance. Ensuing soil erosion, fencing, cameras and the threat to wildlife are good reasons for moving this pilot project to a commercial area. There are so many other locations where this project would make sense like the old Bethlehem Steel facility in Sparrows Point. This area is being redeveloped and would be a good fit for this kind of project.

Sincerely,

John and Kim Howard

John E. Beverungen

Theresa Frederick <theresa059@comcast.net>
Thursday, December 14, 2017 5:39 AM
John E. Beverungen
Case #2018-0072-X

John E. Beverungen,

Dear John, I am writing to you in regards to Case 2018-0072-X, the solar facility that is proposed on Graystone Road York Road. Solar panels are a commercial business, this is not an agricultural business. Fields of solar panels do not constitute a working farm but instead running a commercial business in a residential and agricultural community.

My husband and I have worked hard to be able to stay in Northern Baltimore County and raise our young boys. Unfortunately we are not able to own our own farm but at least can give our children the ability to live in an area that is surrounded by farms. The last thing that should be put on a piece of property that is bordered by homes and is neighbored by other preserved farms is a power facility. This is just opening up the door to allow for more commercial businesses. Where do you draw the line and how do you draw it once you allow one?

There are other properties in Northern Baltimore County that would be more suitable for solar panels. The landfill in Parkton just to name one place. This type of facility should be placed somewhere off the road in a secluded area not surrounded by homes. As a mortgage banker I work with real estate every day and know that the homeowners surrounded by this facility are going to have a large decline in their property values. Not only is this going to be an eye sore to the community but these neighboring homeowners will have a difficult time selling their homes and receiving the value that it is worth today. No one bordering this property would have ever thought that Baltimore County would allow a commercial business to be run on their neighbors property when they purchased their homes.

Please take what I have said into consideration when hearing this case. My parents live across the street from the subject property. I grew up dreaming of living on what was then Mr. Slade's beautiful farm. I have fond memories of playing on his property as he was so generous to allow my sister and I to ride bikes on his property. Mr. Slade was a good man who worked hard for what he had and when he sold the property believed he sold the property to a farmer who was going to work the land as a true farm. I take pride in living in Northern Baltimore County as I feel that most of our residents want to preserve this area and it's land to keep it the way it has been and should be, a rural community.

Subject:
To:
Sent:
From:

John

at Jud

Thank you,

Theresa Frederick

1630 Stablersville Road

White Hall, MD 21161

(410) 598-5543

theresa059@comcast.net

John E. Beverungen

From: Angela Price <akprice523@gmail.com>
Sent: Thursday, December 14, 2017 9:00 AM
To: John E. Beverungen
Subject: Case #: 2018-0072-X

Dear Judge Beverungen,

I am writing in regards to the proposed solar facility on 19735 Graystone Road (case number 2018-0072-X). This location has been one of the many beautiful farms that northern Baltimore County is known for and has been around for decades. Therefore, developing a solar facility would be inappropriate for this area.

I currently live across the street from this farm and have lived here for over 30 years. Each day I look across the street at this beautiful farm and I can't imagine anything other than crops to be planted in this field by our local farmers in the spring/summer. During the winter, I look at the deer grazing in the field and the snow that falls over the field with the moon glistening on the snow is a sight that no picture can capture. Putting a solar facility will not only ruin such a beautiful scene, but it will also ruin the soil when installing the solar panels. Once these panels are installed, the soil will never be preserved to the original state if the facility is no longer in use. This farm will never be able to be used as anything more than a commercial zone in a rural area. Surrounding neighbors to this location moved to this area because it was far from commercial property which is why this is the country. The country is for agricultural farming, wildlife, scenic byways, and friendly neighbors. This location is not appropriate for a solar facility.

Judge Beverungen, I hope you take what I have written into consideration. It would be a shame to see such beautiful land destroyed by something that community cannot benefit from. At least with the agricultural farming that was being farmed at this location previously, the crops fed the cows which became food in our stores. What good is a potential solar facility to our community? Nothing! It's just a personal gain, an eye sore which will depreciate land value, and ruining the good name of northern Baltimore County.

Thank you,

Angela Price
19732 Graystone Road
White Hall, MD 21161
443-909-0806
akprice523@gmail.com

John E. Beverungen

From: Renee Hamidi <reneehamidi@gmail.com>
Sent: Thursday, December 14, 2017 8:43 AM
To: John E. Beverungen
Subject: Commercial Solar Special Exception Hearing

Judge Beverungen,

The Manor Conservancy is a 501 (c)(3) land trust that preserves properties from development in northern Baltimore and Harford Counties. We support solar installations for personal use and on industrial or commercial land but we cannot support large solar installations on agricultural land. Here is the position we adopted last year:

THE MANOR CONSERVANCY, INC. POSITION ON SOLAR UTILITIES ON RC-2 ZONED LAND

Baltimore County is known as a model for land conservation. Its agricultural lands serve as a breadbasket to Baltimore, enhance farm-to-table experiences, provide drinking water to the city and region, and provide the public with outdoor activities –jogging, biking, horse activities, fishing, hunting—on private lands, public roads and parks, and the Torrey G. Brown Rail Trail that extends from Cockeysville to York, Pa.

In 1967 the County established the ‘urban rural demarcation line’ (URDL) to preserve the rural nature of the north county by restraining sprawl. In 1969 Maryland voters approved a 1.5% real estate transfer tax dedicated to fund conservation programs. In 1979 the County established RC zoning to limit development and promote and preserve agricultural lands and Class I and II soils. County, State, and Federal agencies have helped maintain the rural nature of the North County by purchasing and accepting donations of conservation easements which financially reward landowners at taxpayers’ expense.

RC-2 is the most restrictive zoning in the County. It includes a number of ‘Special Exceptions’ to permitted use, such as schools, telecommunications towers, ambulance rescue facilities, and “Public utility uses not permitted as of right.” This “Public Utility Uses” special exception was included to allow for electrical substations, additional cable, communication, and electric lines, stormwater runoff management, and the like. “Public Utility Uses” never envisioned commercial electrical power plants, be they wind, solar, gas, coal, or nuclear.

It is the position of The Manor Conservancy, Inc., that commercial power plants are inappropriate for RC-2 zoning. The Manor Conservancy also believes that every landowner has the right to mitigate electrical power consumed on his contiguous parcels of land via solar panels, engine-driven generators, or other means. The Manor Conservancy recommends that the RC-2 special exception #18 regarding Public Utility Uses be defined to exclude commercial power plants.

Accepted by the Board of Directors on December 12, 2016.

Thank you for your attention.

Regards,
Renee Hamidi
administrative director
The Manor Conservancy

Debra Wiley

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Monday, February 05, 2018 8:56 AM
To: Debra Wiley
Subject: RE: Case No. 2018-0072-X

I just sent this to our client to determine whether they want us to respond and I will let you know either way.

As you know, we do typically like to file a response but I will confirm and let you know :)

-----Original Message-----

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Monday, February 05, 2018 8:54 AM
To: Alyssa Moyers
Subject: RE: Case No. 2018-0072-X

Thanks.

By the way, if you find out that Larry is planning to file a Response to the Motion for Reconsideration, please let me know so that I can make John aware.

Thanks again.

-----Original Message-----

From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Monday, February 05, 2018 8:52 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2018-0072-X

Thank you, you too!

-----Original Message-----

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Monday, February 05, 2018 8:47 AM
To: Alyssa Moyers
Subject: Case No. 2018-0072-X

Hi Alyssa,

Per our telephone conversation, please find attached the Motion for Reconsideration in reference to the above.

Hope you have a great day !

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, February 05, 2018 9:02 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

Debra Wiley

From: Alyssa Moyers <amoyers@sgs-law.com>
Sent: Thursday, February 08, 2018 12:50 PM
To: Debra Wiley
Subject: RE: Case No. 2018-0072-X

We are filing a response - no later than close of business tomorrow. Sorry I was out of the office due to the weather yesterday!

-----Original Message-----

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Thursday, February 08, 2018 12:49 PM
To: Alyssa Moyers
Subject: RE: Case No. 2018-0072-X

Hi Alyssa,

Any feedback received on this yet?

Thanks in advance.

-----Original Message-----

From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Monday, February 05, 2018 8:56 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2018-0072-X

I just sent this to our client to determine whether they want us to respond and I will let you know either way.

As you know, we do typically like to file a response but I will confirm and let you know :)

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Sent: Monday, February 05, 2018 8:54 AM
To: Alyssa Moyers
Subject: RE: Case No. 2018-0072-X

Thanks.

By the way, if you find out that Larry is planning to file a Response to the Motion for Reconsideration, please let me know so that I can make John aware.

Thanks again.

-----Original Message-----

From: Alyssa Moyers [mailto:amoyers@sgs-law.com]
Sent: Monday, February 05, 2018 8:52 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2018-0072-X



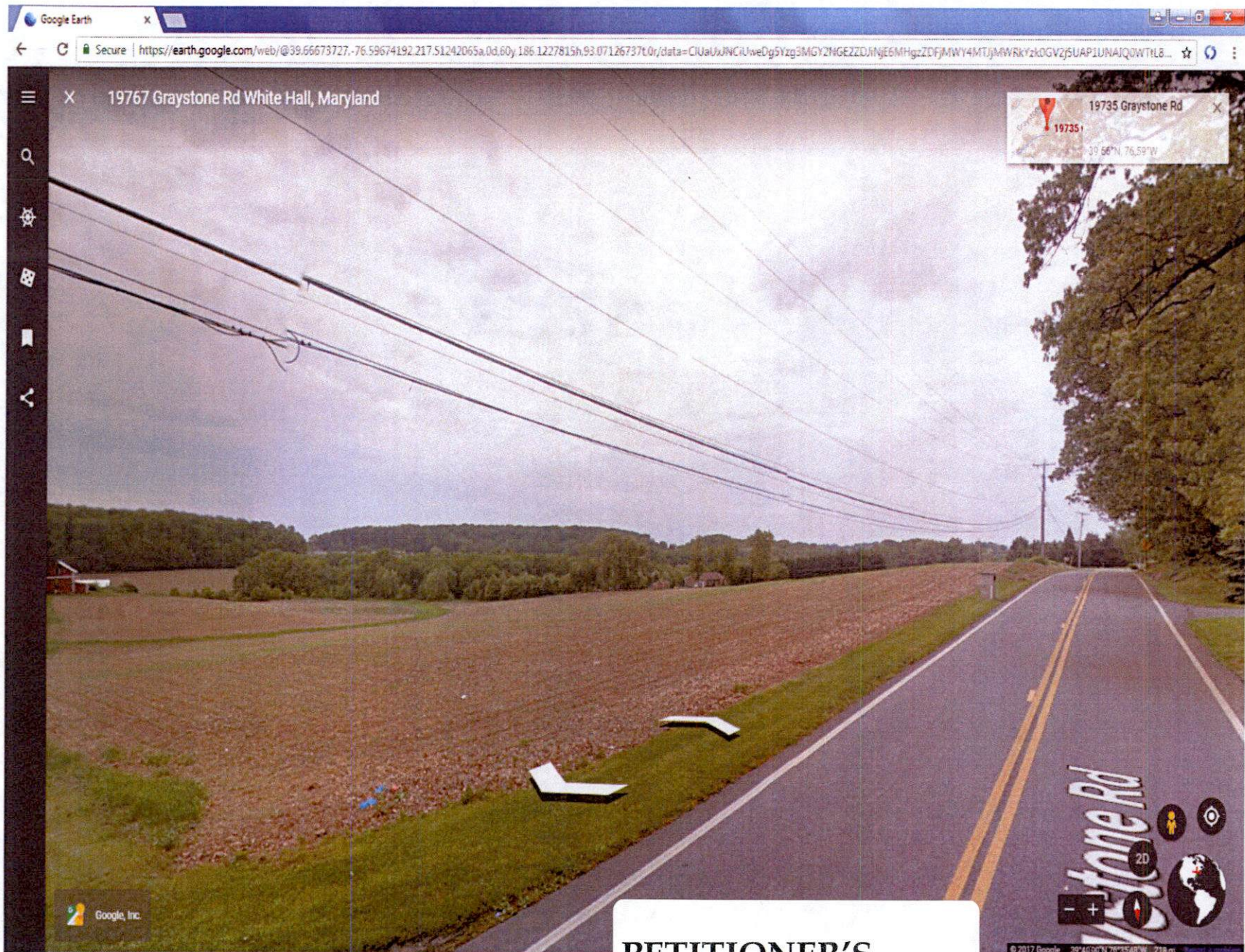
PETITIONER'S

EXHIBIT NO. 4a



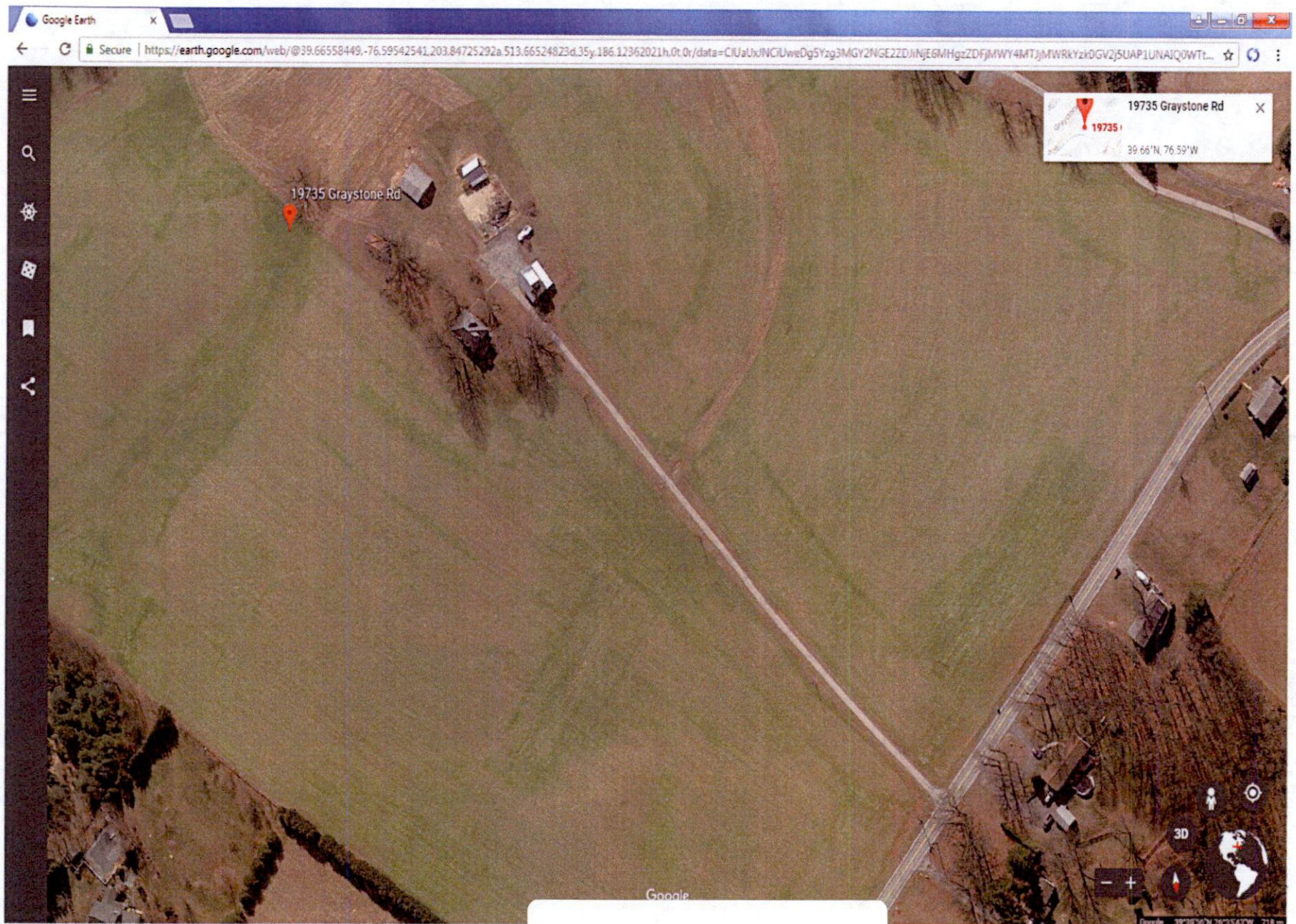
PETITIONER'S

EXHIBIT NO. 46



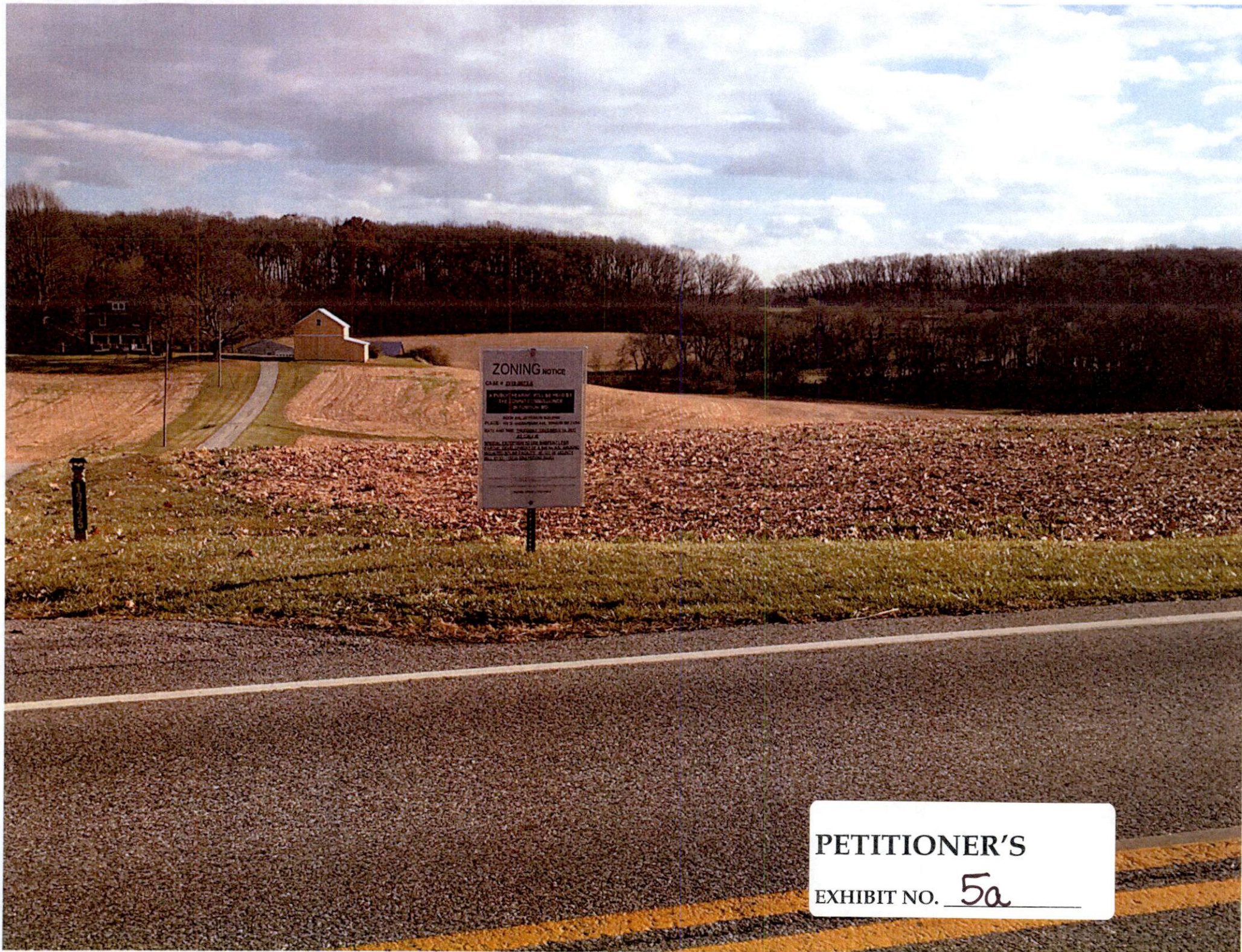
PETITIONER'S

EXHIBIT NO. 4c



PETITIONER'S

EXHIBIT NO. 4d



PETITIONER'S

EXHIBIT NO. 5a

ZONING NOTICE

CASE # 2012-022X

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 100, JEFFERSON BUILDING
PLACE: 100 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: THURSDAY, DECEMBER 14, 2012
AT 1:30 P.M.

SPECIAL EXCEPTION TO USE PROPERTY FOR
PARTIAL DEVELOPMENT OF A BARRAGE, DRAINAGE
WATER RETENTION FACILITY, 40.0% OF COUNTY
DRAINAGE DISTRICT, 40.0% OF COUNTY

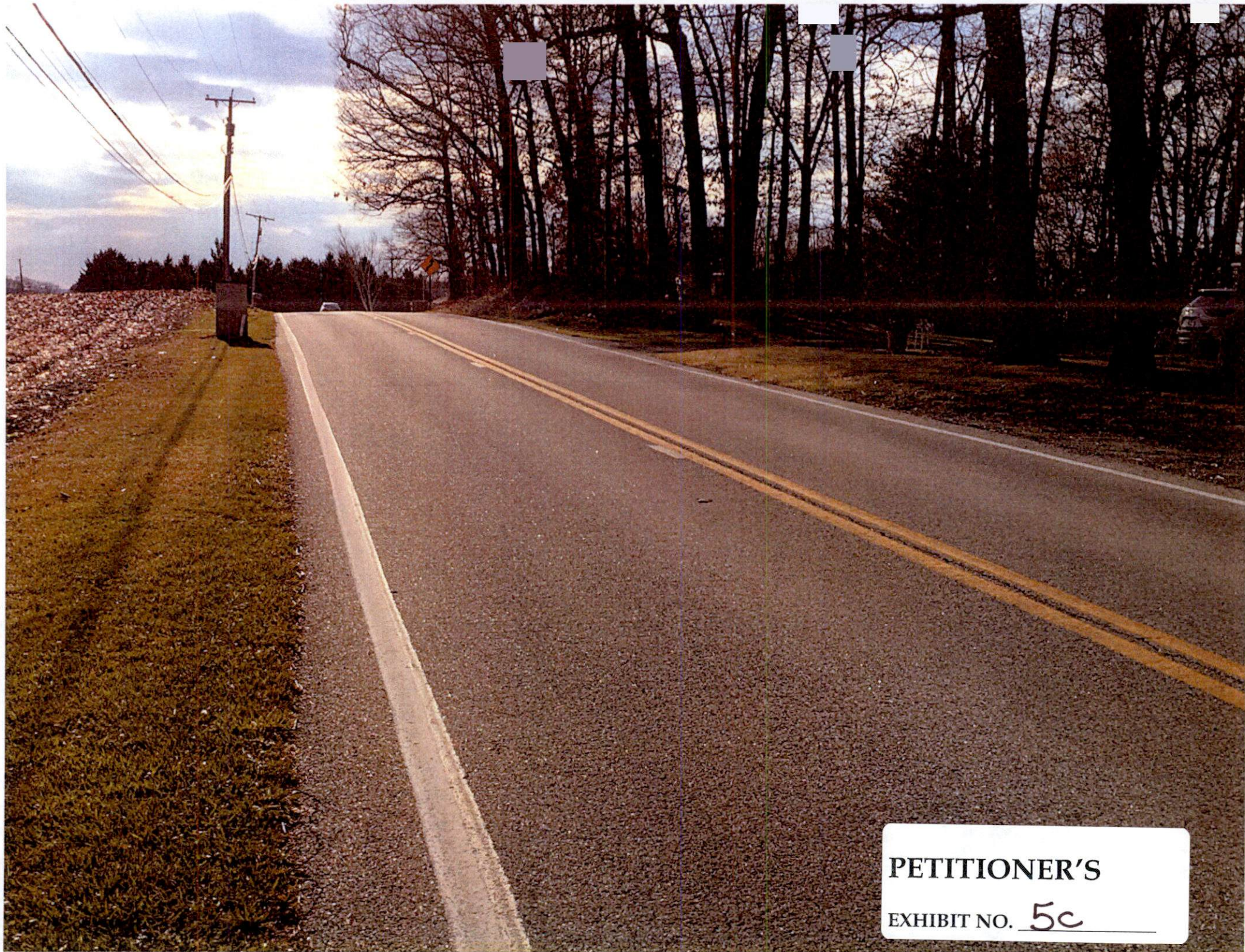
APPROVED BY THE ZONING COMMISSIONER ON 10/11/12

OTHER NOTICE: NOTICE OF THE ZONING COMMISSIONER'S DECISION

PLANNING COMMISSION 11/13/12

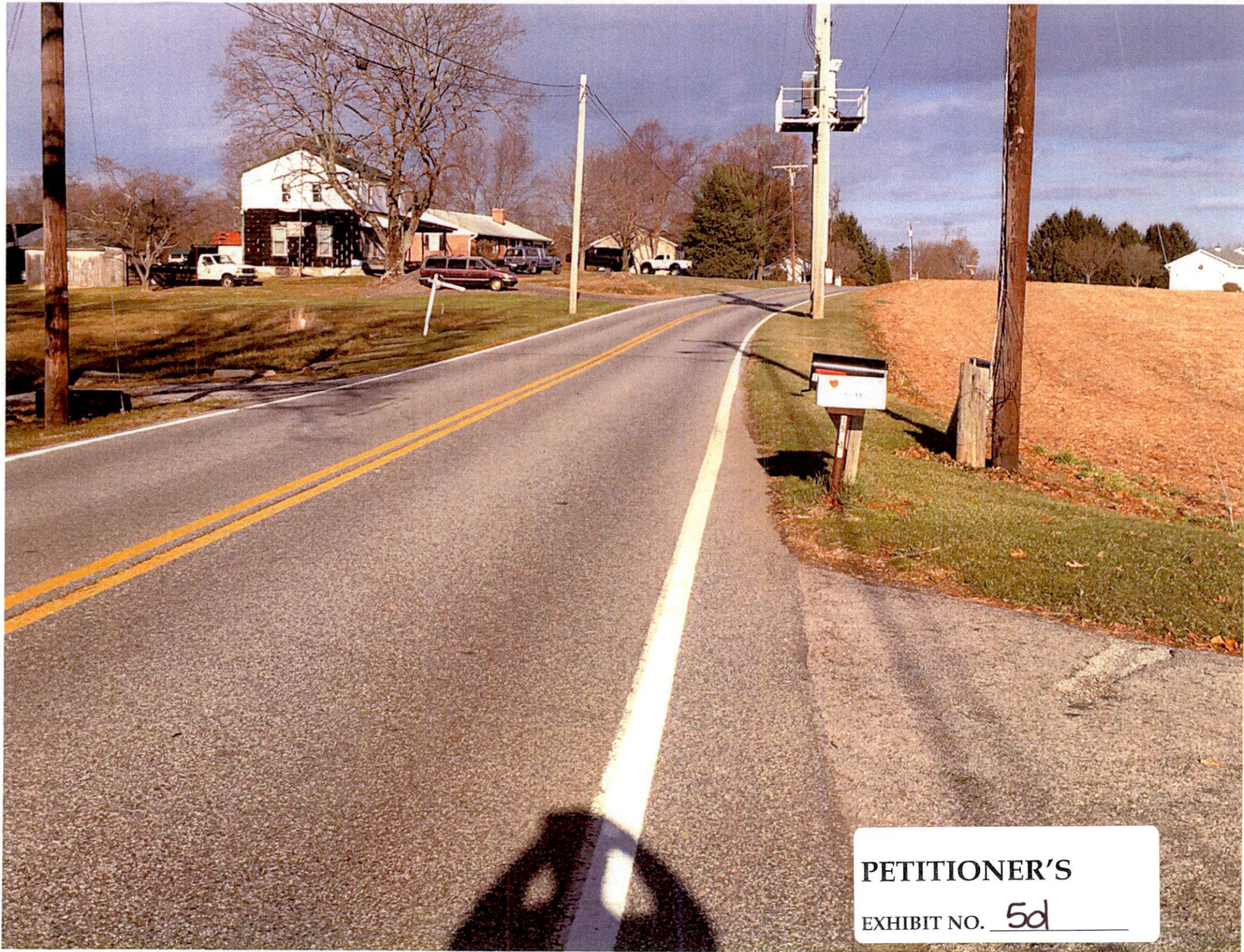
PETITIONER'S

EXHIBIT NO. 5b



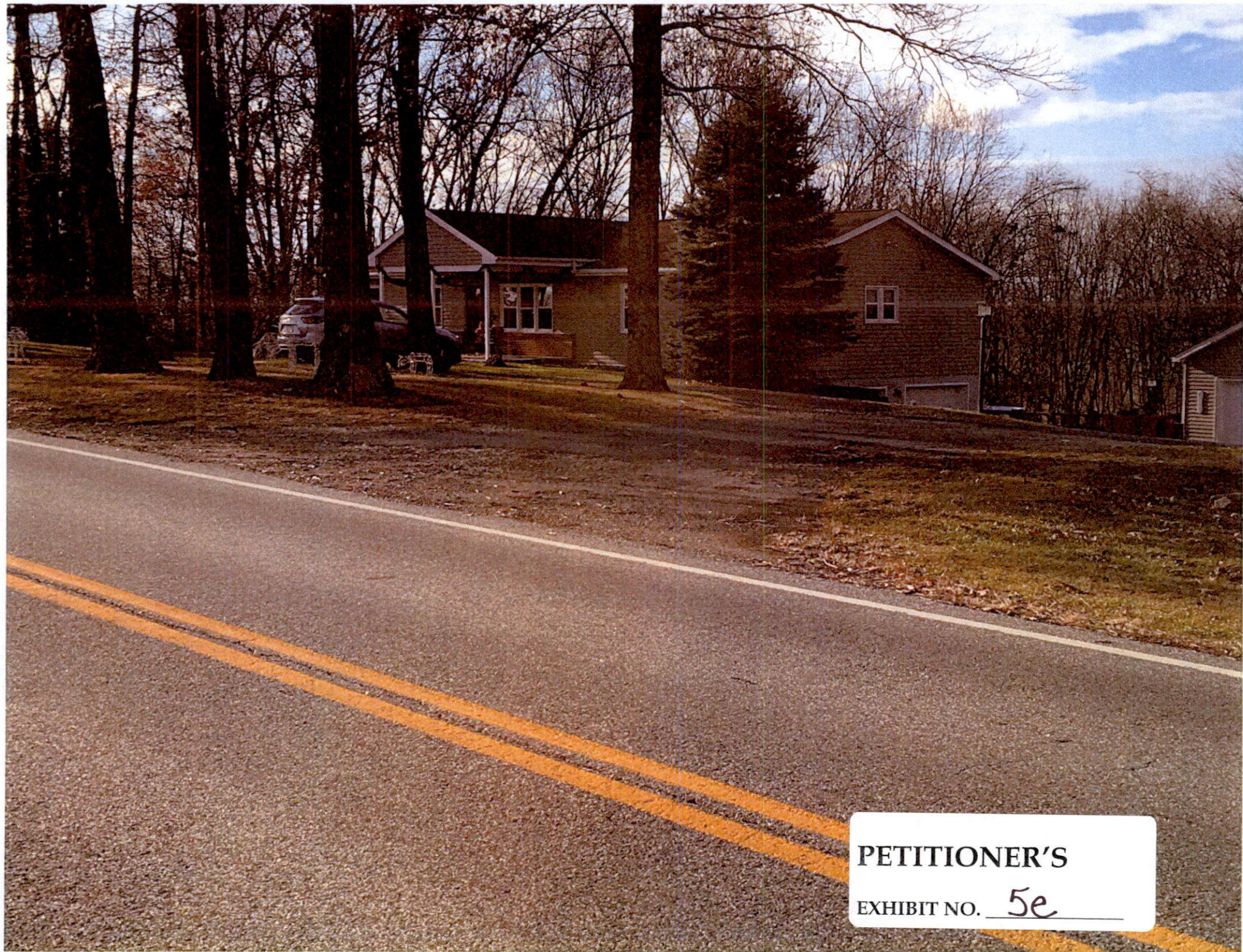
PETITIONER'S

EXHIBIT NO. 5c



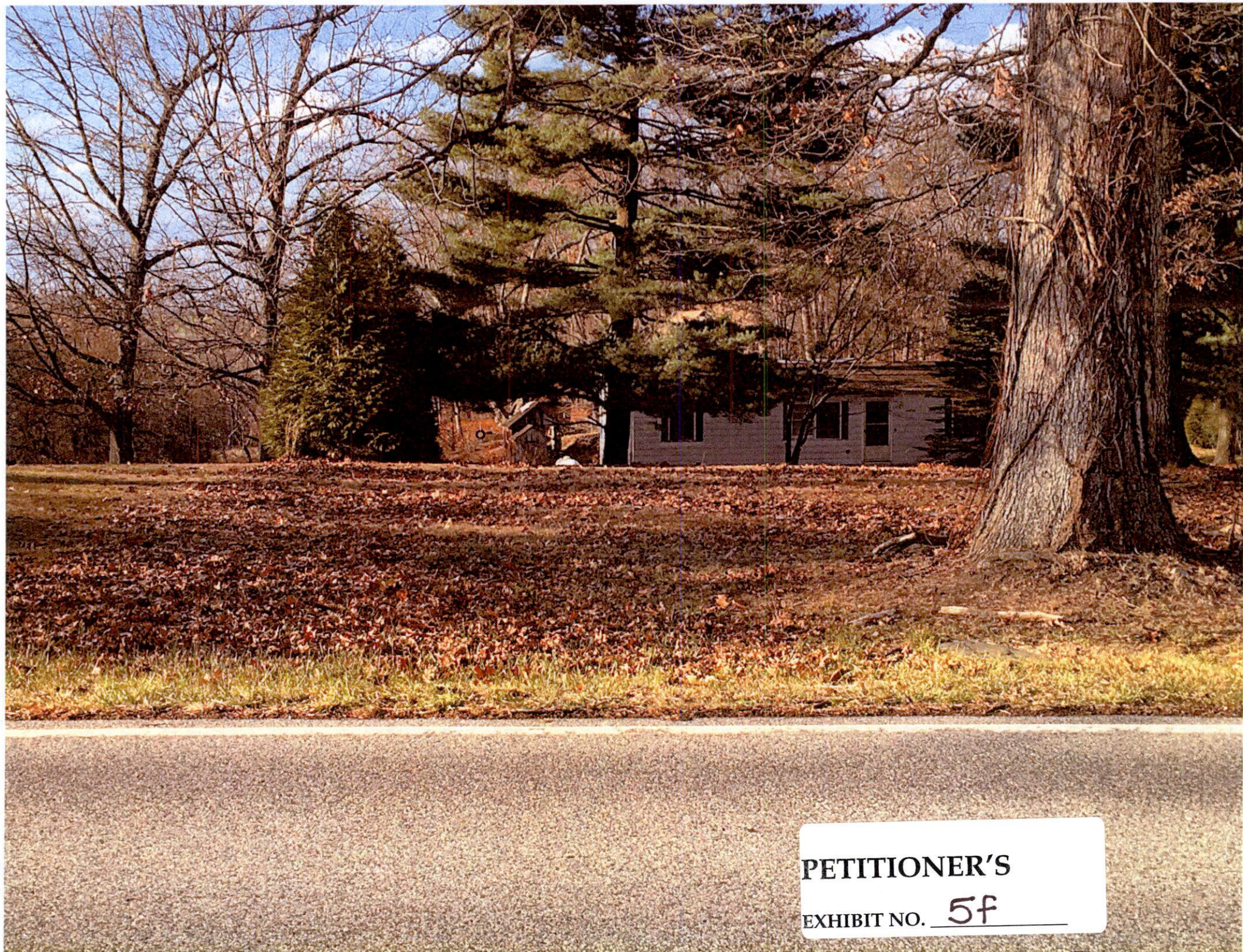
PETITIONER'S

EXHIBIT NO. 5d



PETITIONER'S

EXHIBIT NO. 5e



PETITIONER'S

EXHIBIT NO. 5f



PETITIONER'S

EXHIBIT NO. 59



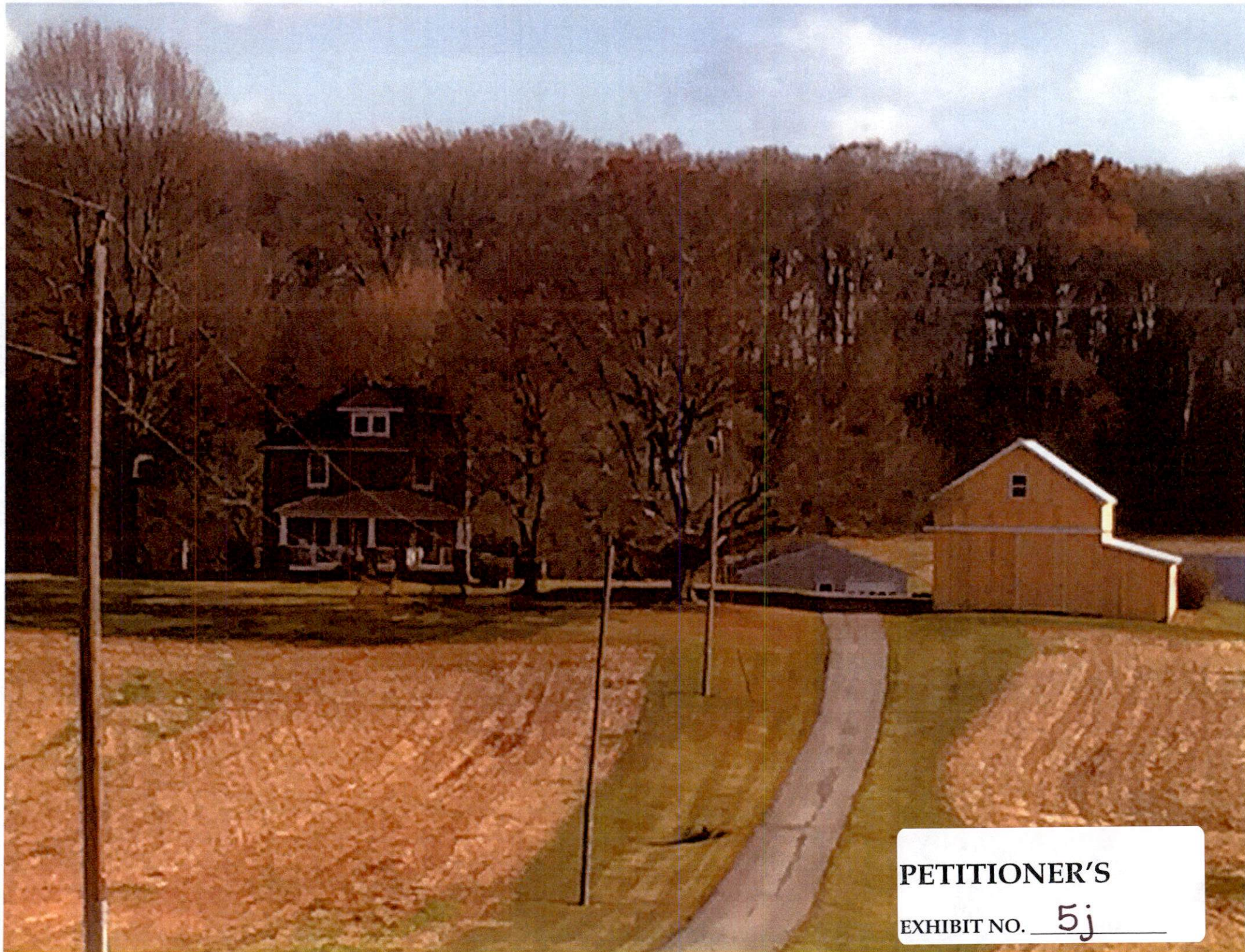
PETITIONER'S

EXHIBIT NO. 5h



PETITIONER'S

EXHIBIT NO. 5i



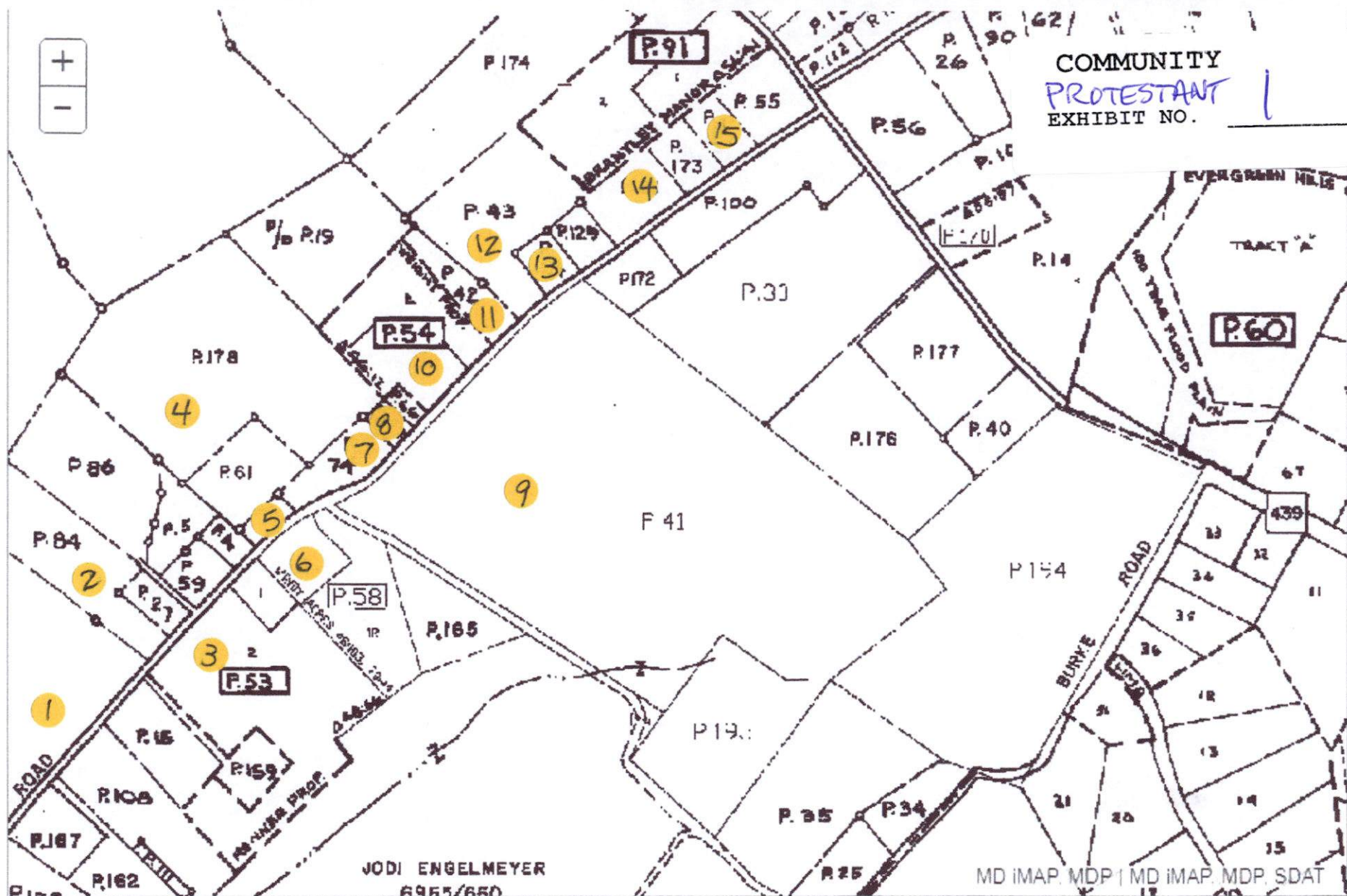
PETITIONER'S

EXHIBIT NO. 5j



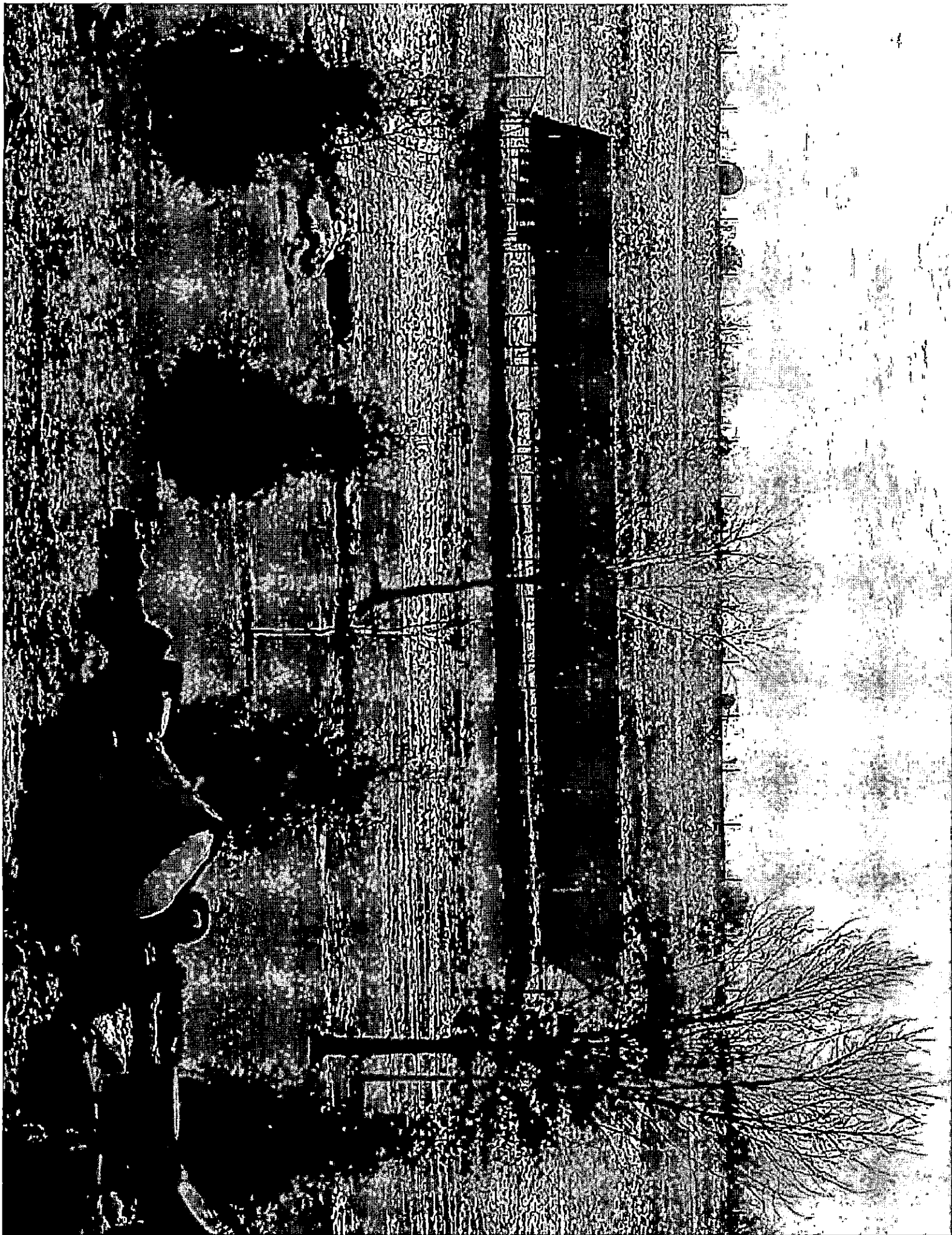
PETITIONER'S

EXHIBIT NO. 5K



Map & Date of Houses Built on Graystone Road, info from websites: sdatt.dat.maryland.gov/RealProperty/Pages/default.aspx, willow.com & ziprealty.com

1. 19524 Graystone Rd, built 1852
2. 19628 Graystone Rd, built 1976
3. 19631 Graystone Rd, built 1926
4. 19636 Graystone Rd, built 1872
5. 19700 Graystone, built 1970
6. 19701 Graystone Rd, built 1892
7. 19714 Graystone Rd, built 1974
8. 19720 Graystone Rd, built 1977
9. 19735 Graystone Rd, built 1911
10. 19738 Graystone Rd, built 1973
11. 19742 Graystone Rd, built 1942
12. 19806 Graystone Rd, built 1912
13. 19810 Graystone Rd, built 1967
14. 19818 Graystone Rd, built 1937
15. 19836 Graystone Rd, built 1950







December 12, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Development of a Solar Facility at 19735 Graystone Road
Case No. 2018-0072-X

Our property, 19618 Burke Road, is bordered on 2 sides by the Phillips property at 19735 Graystone Road.

We moved to this area in the fall of 1979 for the peace and quiet of the beautiful rural area, and to get away from the city and commercialism.

It is unbelievable that someone would even consider adding a solar facility so near to the houses of this beautiful rural community. In addition to the effects to the neighborhood, wildlife, their habitat loss and water drainage issues would also be incurred.

Presently, when we go out in the yard or look out our windows, we see beautiful trees, wildlife and farm land. If this proposal is approved, we will be faced with an eyesore consisting of a sea of metal/glass as well as a cell tower which will be a reflecting nuisance with a flashing beacon of light that will disturb the tranquility of the night. Therefore, the installation of a solar facility on land zoned RC2 would be a total misuse of prime farm land.

This area is considered by many to be God's country and NOT the place for a solar facility. It is gut wrenching to think the beautiful, tranquil view from our home and our community will be destroyed, as that is not why we moved to this area.

Nancy C. Vitek
Nancy C. Vitek and Family
19618 Burke Road
White Hall, Md. 21161

December 12, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, Maryland 21204

Re: Development of a Solar Facility at 19735 Graystone Road
Case # 2018-0072-X

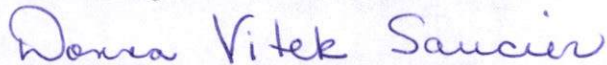
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This area is considered by many to be God's country and NOT the place for a Solar Facility. It is gut wrenching to think the beautiful, tranquil view from our home and our community will be destroyed, as that is not why we moved to this area.


Donna Vitek Saucier and Family
19618 Burke Road
White Hall, Md. 21161

Lisa Arthur
19500 Burke Rd
White Hall, MD 21161
lisaarthur19500@hotmail.com
443-695-3522

December 13, 2017

The Honorable Judge John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 212204

Re: Case #18-072-X

Dear Honorable Judge Beverungen:

I am writing in opposition of the special exception for the Solar Facility at 19735 Graystone Road.

Councilman Kach has said Solar Facilities currently are not covered by county law so this is new territory for all of us and it's outpacing our ability to plan for it.

I feel there needs to be more of a balance between the benefits of solar energy production with the potential impact of solar energy-producing facilities upon the County's land use policies, particularly in resource conservation and agricultural zones, as well as in commercial and industrial manufacturing zones where the impact of such facilities on surrounding residential communities must be considered.

After all, Baltimore County has spent millions of taxpayer dollars to preserve over 65,000 acres of rural land. This land should always be protected and farms already in legacy programs bought with taxpayer dollars should never be considered for this type of land use!

We should also consider the experiences of other Counties and States that have already started to charter these types of projects.

In Kent County, along a road that was once the main route to Philadelphia, Apex Clean Energy wants to install solar panels across more than 300 acres of farmland.

The facility, named Mills Branch Solar, would generate up to 60 megawatts of power — enough for every household in the county says officials for the Charlottesville-based company. They call the site ideal because it doesn't require any clearing, has no environmental concerns and is close to a transmission line.

The problem for Kent officials and residents isn't that it's a massive solar farm - it's that it's not in the right place.

The county studied how it might approach proposals for renewable energy generation back in 2010, and again more recently as farmers began receiving calls from solar companies, say Amy Moredock, who is the county planning director.

With the support of concerned residents, county officials set zoning rules encouraging such facilities to go in an area zoned for commercial and industrial use - not on agricultural land.

"It's not that you can't have solar," said Janet Christensen-Lewis, vice chairwoman of the alliance. "Our farmland is precious."

In Allegany, Dan's Mountain Wind Force wants to build 17 wind turbines along the county's highest ridge.

The group, a subsidiary of Laurel Renewable Partners LLC in Greensburg, Pa., originally planned more, but scaled back amid eight years of back-and-forth with Allegany officials concerned about impacts to scenic mountain vistas and the county's 911 communications antenna.

The county denied zoning approval for the project last December.

In Talbot County, the County Council imposed a temporary ban on new solar farms to gain time to craft zoning preferences.

In New Jersey, officials adopted incentives for developing solar farms on brownfields and limits on development of large-scale projects on farmland. That helped to stabilize the industry, said Fred Rohs, general manager for energy production for Marina Energy, which owns the solar farm in Hebron.

The Hebron project is one of the biggest in the state, but it had a smooth permitting process. And with a good fence that screens it from surrounding forest and field, Rohs said, he hasn't heard any complaints from neighbors!

The Maryland Farm Bureau is surveying its membership about solar farms on agricultural land, with some disagreement to sort out: While some farmers oppose the loss of tillable land, others want the stable income of a solar lease.

There are signs that not all of the hundreds of acres of solar panels on the table will actually materialize. The flood of solar power supply to the state has cut the income that companies can earn from renewable energy credits. Because the state is expected to exceed a goal that 0.7 percent of its electricity come from solar this year, the prices of the credits are expected to fall from \$120 to \$20 this year. So there is no rush for Northern Baltimore County to get in this race.

I support renewable energy projects but I think that a Solar Facility in a rural area that isn't helping to provide energy to the agricultural operation of the farm is in direct conflict with the County's preservation efforts. I'd like to see the Baltimore County take similar actions as Talbot County and imposed a temporary ban on new solar farms to gain time to craft zoning preferences and New Jersey by imposing incentives for developing solar farms on brownfields and limits on development of large-scale projects on farmland.

For this reason and for all the other reasons presented to you today from our community, I respectfully request that the zoning variance for 19735 Graystone Road be denied as proposed solar facility is not a good fit for the White Hall community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lisa Arthur", written in a cursive style.

Lisa Arthur

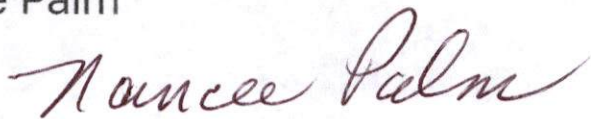
Nancee Palm
James Palm
19627 Burke RD
white Hall Md. 21161
410-343-0514

Honorable John E. Beverungen
RE: #case 2018-0072-x

We are very much opposed to the development of Ground Mountain Solar
proposal
To erect 20 foot solar panels on Graystone Rd. And southwest of Old York
Rd.

We are concerned about the environment and the disruption of nature.

Nancee Palm



December 13, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Ave.
Suite #103
Towson, MD 21204

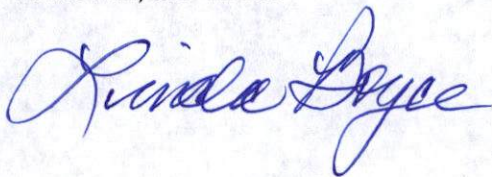
Case #2018-0072-X
Regarding the property for a solar facility @ 19735 Graystone Rd.

I always dreamed of having a house in the country. The beautiful farmland, rolling hills & wildlife. Many animals pass through our land. I can watch the gorgeous sunsets from my front porch without any obstructions. It's very serene & is A WAY OF LIFE.

A solar facility would definitely have a negative impact on all who live in the area. It would also greatly decrease the value of our homes.

I am extremely opposed to the solar facility. I'm sure there are other locations for a solar facility that would not have houses nearby & affect so many individuals who want to maintain the beauty, environment & serenity of living in the country.

Linda Boyce
19625 Burke Rd.
White Hall, MD 21161



The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Development of Solar Facility at 19735 Graystone Road
Case # 2018-0072-X

I live in one of the houses bordering the Phillips' property. This farmland property is in the middle of a community and surrounded by homes on all sides. We have enjoyed the farmland view for many years and enjoy the country setting our community has to offer. We know that some farmland is sold to developers who build homes and hopefully are considerate of the community in doing so. Our house was built on what was once farmland as well. Our community may wish that the farmland remained undeveloped but these things happen. Despite this, all can benefit: **(1)** Folks can buy newly constructed homes and have a house in the country. **(2)** Our community can still see grass, rolling hills, new folks taking care of their yards, Christmas lights and fellowship with new neighbors in the country. **(3)** The developer realizes a profit in the sale of these new homes. All are winners here.

However instead, I would never expect a developer to build 10-20 foot commercial solar towers and an 8 foot fence with barbed wire in the middle of our community which only benefits only him, not us. Even if an attempt is made to conceal these towers with trees, we will all still probably see the fence and towers. The folks along Graystone Road in particular will never see past these towers and lose sight of the country they built homes to see. Homeowners will take a hit to property value; see a destruction of the vista of the beautiful countryside and quality of life we've worked for. This proposal is an inappropriate commercial intrusion in a rural community.

As I said in the beginning, all can benefit from proper development of farmland. However, this attempt at solar tower development only benefits one person, the developer, **at the expense of the neighboring homeowners**. This is wrong. Commercial use of land would be better suited on property adjacent to open spaces without homes. It is ironic that huge commercial solar towers are proposed on Graystone; a road designated a "scenic route" where you can see amazing rolling hills, cattle, horses, and beautiful scenery. I hope and pray that Phillips' "partial" commercial solar tower development is not allowed, so that additional "full" development of solar towers on his property will never see the light of day.



Richard Boyce
19625 Burke Rd
White Hall, MD 21161

Thursday December 14, 2017 1:30 – 3:30 pm

3rd Council District

Case Number: 2018-0072-X

Location: Southeast side of Graystone Road, southwest of Old Your Road

7th Election District

Legal Owners: Jerry Phillips

Contract Purchaser/Lessee: Forefront Power, LLC

Special Exception to use property for partial development of a 840 kw A/C ground mounted solar facility; 4E-102 of County Bill 37-17.

Hearing Location: Jefferson Building, 105 w. Chesapeake Avenue, Rm 205, Towson 21204

Douglas R. Price
Eleanor E. Price
19732 Graystone Road
White Hall, Maryland 21161

edprice1@comcast.net

December 13, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Case #: 2018-0072-X

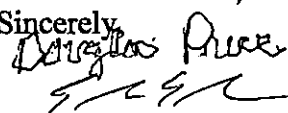
Honorable John E. Beverungen,

This letter is concerning the potential solar facility on 19735 Graystone Road. We have lived here for 34 years, but the property has been in the family for over 50 years. We picked this spot to build because of the view of Mr. Slade's farm. It was devastating to us when we read the zoning sign for the solar facility posted across the road.

Our first request would be for a postponement due to such short notice and lack of time to research. Looking out across our front yard is a view not many people will ever have the pleasure of seeing. It's magnificent! The deer graze in the field, geese fly in circles over the field, and we enjoy watching the crops being planted and picked. My grandsons are 5 and 8 years old and I have to call them when the equipment comes to harvest the field. Our oldest grandson loves to check whatever has been planted on a daily to weekly basis. We added on a larger front porch just to enjoy the view of the field, so that we could enjoy sun rises with coffee and watching the moon come up over the dark fields, and there is always a beautiful rainbow after a good rain. This solar facility will depreciate the value of our property as well as our neighbor's property.

There are so many issues to be concerned about such as the irreversible damage to the soil, the springs that run into streams, the bog turtles, the trout that come up to lay eggs, deer and other wildlife, and the UV rays that will reflect on our home from the solar facility.

A solar facility being put on this property is a horrible misuse of farm land in rural scenic northern Baltimore County.

Sincerely,


Douglas Price
Eleanor Price

December 9, 2017

Agriculture in Baltimore County is one of our largest industries. In the 1960s, the county moved to implement the RC zones to control the unwise development in the rural areas. Our county has received national recognition and praise for this historic action.

The adjoining former John Francis Farm, known as "Walnut Springs", was the last development to be approved under the old one acre zoning in the 7th District. The New RC 2 zoning required one house per 50 acres in order to preserve prime and productive farm land and to protect the rural areas from commercial development. All existing commercial uses were identified and given appropriate zoning for the use at that time. **The county and state have since invested millions of dollars to preserve this prime and productive farmland in the last 50 years.** There are 10 farms, representing about 2,00 acres of protected farm land, surrounding the Graystone Road farm.

The use of prime and productive farm land for commercial solar uses is a **total misuse** of this same prime land we have made a major effort to preserve. The neighbors living adjacent to this proposed commercial development will be negatively affected and betrayed by this misuse of RC2 land. There are many areas in other RC zones that are more isolated and would not have the negative impact on the adjacent land owners.

Commercial solar plots do not qualify as an agriculture use in a RC zone!

Wayne McGinnis

First chairman Baltimore County Agriculture Land Preservation Board

Former Chairman Maryland Agriculture Land Preservation Foundation

Baltimore County Planning Board member representing 3rd Council District



Angela Price <akprice523@gmail.com>

Case #: 2018-0072-X

Angela Price <akprice523@gmail.com>
To: jbeverungen@baltimorecountymd.gov

Thu, Dec 14, 2017 at 8:59 AM

Dear Judge Beverungen,

I am writing in regards to the proposed solar facility on 19735 Graystone Road (case number 2018-0072-X). This location has been one of the many beautiful farms that northern Baltimore County is known for and has been around for decades. Therefore, developing a solar facility would be inappropriate for this area.

I currently live across the street from this farm and have lived here for over 30 years. Each day I look across the street at this beautiful farm and I can't imagine anything other than crops to be planted in this field by our local farmers in the spring/summer. During the winter, I look at the deer grazing in the field and the snow that falls over the field with the moon glistening on the snow is a sight that no picture can capture. Putting a solar facility will not only ruin such a beautiful scene, but it will also ruin the soil when installing the solar panels. Once these panels are installed, the soil will never be preserved to the original state if the facility is no longer in use. This farm will never be able to be used as anything more than a commercial zone in a rural area. Surrounding neighbors to this location moved to this area because it was far from commercial property which is why this is the country. The country is for agricultural farming, wildlife, scenic byways, and friendly neighbors. This location is not appropriate for a solar facility.

Judge Beverungen, I hope you take what I have written into consideration. It would be a shame to see such beautiful land destroyed by something that community cannot benefit from. At least with the agricultural farming that was being farmed at this location previously, the crops fed the cows which became food in our stores. What good is a potential solar facility to our community? Nothing! It's just a personal gain, an eye sore which will depreciate land value, and ruining the good name of northern Baltimore County.

Thank you,

Angela Price
19732 Graystone Road
White Hall, MD 21161
443-909-0806
akprice523@gmail.com

Fwd: Case #2018-0072-X

To Mom & Dad <edprice1@comcast.net> • Angie <akprice523@gmail.com>

----- Original Message -----

From: Theresa Frederick <theresa059@comcast.net>

To: jbeverungen@baltimorecountymd.gov

Date: December 14, 2017 at 5:39 AM

Subject: Case #2018-0072-X

Dear Judge Beverungen,

This email is in regards to Case 2018-0072-X, the solar facility that is proposed on Graystone Road and Old York Road. Solar panels are a commercial business, this is not an agricultural business. Fields of solar panels do not constitute a working farm but instead running a commercial business in a residential and agricultural community.

My husband and I have worked hard to be able to stay in Northern Baltimore County and raise our young boys. Unfortunately we are not able to own our own farm but at least can give our children the ability to live in an area that is surrounded by farms. The last thing that should be put on a piece of property that is bordered by homes and is neighbored by other preserved farms is a power facility. This is just opening up the door to allow for more commercial businesses. Where do you draw the line and how do you draw it once you allow one?

There are other properties in Northern Baltimore County that would be more suitable for solar panels. The landfill in Parkton just to name one place. This type of facility should be placed somewhere off the road in a secluded area not surrounded by homes. As a mortgage banker I work with real estate every day and know that the homeowners surrounded by this facility are going to have a large decline in their property values. Not only is this going to be an eye sore to the community but these neighboring homeowners will have a difficult time selling their homes and receiving the value that it is worth today. No one bordering this property would have ever thought that Baltimore County would allow a commercial business to be run on their neighbors property when they purchased their homes.

Please take what I have said into consideration when hearing this case. My parents live across the street from the subject property. I grew up dreaming of living on what was then Mr. Slade's beautiful farm. I have fond memories of playing on his property as he was so generous to allow my sister and I to ride bikes on his property. Mr. Slade was a good man who worked hard for what he had and when he sold the property believed he sold the property to a farmer who was going to work the land as a true farm. I take pride in living in

Northern Baltimore County as I feel that most of our residents want to preserve this area and it's land to keep it the way it has been and should be, a rural community.

Thank you,

Theresa Frederick
1630 Stablersville Road
White Hall, MD 21161
(410) 598-5543
theresa059@comcast.net

All pictures were taken from front yard of
19732 Graystone Road facing 19735 Graystone Road.

You will see a view of Burke Road which will be the
east side of the driveway.

The last 5 pictures will show the west side of the driveway.

Kenneth Thompson & Tammy Roth
2500 Openshaw Rd.
White Hall, MD 21161
Thompsonken995@gmail.com
Tpmenterprise@yahoo.com
443-299-7970
443-798-4920

December 12, 2018

Zoning Commissioner
105 W. Chesapeake Ave.
Room 205 , Jefferson Building
Towson, MD 21204

CASE # 2018-0072-X

To Judge Beverungen,

We have multiple concerns with the plans for the commercial solar field to be located on Graystone Rd.

Our home sits at the corner of Openshaw & Old York Rd (Rt. 439). Old York Rd is a Main Rd. that is heavily traveled. The intersection of Old York Rd & Graystone Rd. is dangerous. On a daily bases there are numerous vehicles that lay on there horn, slam on there brakes, swerve across the double yellow lines all to avoid hitting someone either entering onto Graystone Rd or exiting Graystone Rd. There are many accidents at this intersection that go unreported. At this section of road the speed limit is 45 mph. which even if this was obeyed with the flow of traffic makes this a dangerous intersection. To think that a commercial facility would be allowed in a rural RC Zone area that we have worked hard as a community to preserve is absurd.

Directly across from our home is the Verizon Substation there are numerous trucks in and out of this substation 24/7 – 365 days a year. On numerous occasions the substation door is left open the noise generated from this facility is piercing at times. It is a vibration humming noise that is disturbing to us but extremely disheartening to our pets to the point where we will get out of bed at 3 am to go close said door of the substation .The Verizon substation is located on commercial land.

We purchased our home in 2014 and we have a great amount of money and sweat invested in restoring this historical building which was the local phone company switch board, this was also my childhood home.

We feel there are far more appropriate areas for this Solar Facility other than beautiful rolling farmland.

We know this much for sure GOD is not creating anymore farmland.

With Kindest Regards, We Remain



Tammy Roth



Kenneth Thompson

12/11/2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Bldg.
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RE: Case Number 2018-0072-x

Dear Judge Beverungen,

I am writing to respectfully request that you deny the application of Philips Development LLC to construct a power generation station on the farmland at 19735 Graystone Road. I live at 19836 Old York Road, adjacent to the proposed power station.

There are numerous and insurmountable problems that the proposed construction would create for me, the environment, the community, and the entire region of northern Baltimore County.

I am a life-long resident of Baltimore County. After serving in the military and getting my degree, I bought my peace of paradise in 1988. I built my house and in keeping with the area opened a Christmas tree farm. I raised a family, lost family, and was hoping that I could retire and spend the rest of my days here in peace, ultimately leaving my property to my children. My property and the surrounding area is full of wildlife including deer, fox, redtails, blue heron, and even bald eagles. As my property is on a ridge looking over the subject farm, the vistas, particularly to the west, are spectacular. The farm rests in a valley nestled by a wooded buffer to the south and west. Countless times in the past 30 years I have walked along the edge of my property to take in stunning sunsets over the farm and Graystone Road. The attached photos (3) might give you an idea of just how special the property is.

If this project is permitted I would be staring down at a sea of gray steel and chain link. Graystone Road is a designated scenic route (kind of foolish on the county's part to designate a country road as a scenic route and then allow a power station on it in full view of travelers). I feel sorry for the people who live on Graystone as this plant will literally be in their front yards. Given the proposed height of this structure and the topography of the site, my neighbors along Graystone and I will live in full view of this monstrosity. I am certain that the developer will argue that the plans provide for all the required screenings and buffer around the site. However, the proposed 2 rows of evergreens around a 7-foot-high chain link and barbed wire fence are grossly inadequate and not in keeping with the surrounding country side.

You might think that solar generated power is an environmentally benign endeavor but frankly it's not. The compounds that are used in the collectors are extremely hazardous. So much so that they are manufactured overseas because our EPA regulations don't permit it here. Additionally, this project creates acres of impervious surface. Not only the collectors themselves but the parking and construction areas contribute to run-off. Years ago, I sometimes visited the previous owner of the farm and I know that there is a spring head and wetland in the property that drains to a branch of the Gunpowder River. The property has several drainage swales that channel surface run-off to this wetland area. We all understand the importance of decreasing impervious surfaces to maintain the aquifer and to protect our creeks and streams.

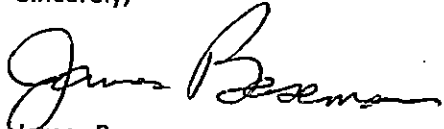
Solar power plants are not maintenance free, there is no such thing as set it and forget it. There will be routine maintenance and unscheduled repair of the collectors, transfer station, and fencing. This area, including the intersection of Graystone Road and Rt. 439, cannot handle the increased truck traffic as it is already overburdened.

Obviously, there are countless other sites available including rooftops and parking lots in towns and cities across Maryland that would be much more appropriate for these structures. In fact, many areas, including Carroll County, have rejected the idea of covering the country side with power stations. I understand that Anne Arundel County has placed a moratorium on these rural power stations pending further study. Other countries that are ahead of us in alternative power are abandoning the idea because the technology hasn't proven itself to be practical or durable.

It is so sad to see that the disease of pay for play corrupt politics in Washington also exists in our county. County Bill 37-17 with its destruction of our scenic and rural way of life was obviously written with special interests in mind and rammed through the County Council by another bought and paid for politician without consideration or input from the people who live here. The impact on the value of our homes and our lifestyle will be devastating. However, lopsided 37-17 is, there is ample justification to deny the proposal as provided by §4E-104 A.10. I'm asking that you consider the impact on the health, safety and welfare of the surrounding properties, the topography of the land, the presence of natural forests, and the proximity to streams and wetlands.

You can help preserve our way of life, protect the environment, and protect our lifelong investment in this community by denying this petition to construct a power plant on the farm at 19735 Graystone Road. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Baseman".

James Baseman
19836 Old York Road
White Hall, MD 21161



Michael and Marsha Chilcoat
3 Limb Court
White Hall, MD 21161

December 13, 2017

The Honorable Judge John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Case #18-072-X

Dear Honorable Judge Beverungen:

We are writing to express our concerns and objections to the proposed solar facility installation to be located at 19735 Graystone Road. It is unconceivable to us how a property zoned as R2 can be used for what we consider to be industrial. Granting a special exception to this zoning undermines any and all prior land management, preservation efforts, zoning laws, and rural esthetics.

In our 16 years of residency at this location, we have enjoyed the quiet and expansive agricultural atmosphere. To look out and see the open spaces and crop rotations are some of the most scenic in the area. We witness the deer, hawks, fox, squirrel and numerous other wildlife partaking of the pristine area. The installation of this solar facility would create havoc on all of this during and after. There are too many potential outstanding factors with this project:

- Chemical leaching
- Possible carcinogenic effects
- Visually offensive
- Added lighting
- Added noise
- Traffic concerns
- Decreased property values

It is our experience in the past that allowing this zoning exception only breeds additional elements. If this is allowed, what is to stop other exceptions such as cell towers, building rights, etc. People have fought to keep this land and area in preservation for many years and we respect the agriculture zoning.

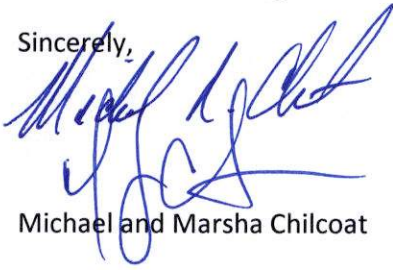
We do understand the need for renewable energy resources, but not at the expense of those who have purchased property based on specific zoning requirements and love of the land and surrounding spaces. There are other areas that would support this endeavor without the disruption and change this is causing.

Please remember, we have elected our officials to support our current laws and restrictions that apply to situations such as this. "SPECIAL EXCEPTIONS" are just that and this certainly cannot qualify as one. It

seems that one persons' quest for monetary compensation is coming before a majorities desire to have their rightful and intended way of life. We are imploring you to very thoughtfully consider and reject this application. In doing so you will hopefully prevent any future considerations on this type of action and be a part of preserving this valuable land.

Attached with this letter are pictures from Burke Road looking over to the field and also from Graystone Road where the proposed panels will be located. We are reasonably expecting notices regarding any future activity and development with this plan. Please feel free to contact us at 410-960-1241 or 410-459-0127 or in writing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael and Marsha Chilcoat", written over the word "Sincerely,".

Michael and Marsha Chilcoat

CC: Wade Kach



Our view from Burke Road looking across the field – we would be able to see all of the solar panels and all equipment that goes with it.



Our view from Burke Road looking across the field – we would be able to see all of the solar panels and all equipment that goes with it. Would we be seeing lights at night?

12/14/2017

IMG_1471.JPG



The current crop rotated field on Burke road

December 13, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RE: Case No. 2018-0072-X
Southeast side of Graystone Road, southwest of Old York Road
7th Election District-3rd Councilmatic District
Legal Owner: Jerry Phillips
Contract Purchaser/Lessee: Forefront Power, LLC
Hearing Date: December 14, 2017
Special Exception to use property for partial development of a
840 kw A/C ground mounted solar facility. 4E-102 of County
Bill 37-17

From: Donald and Diane Kincaid
19705 Graystone Rd.
White Hall, MD 21161

Dear Judge Beverungen:

We reside at 19705 Graystone Rd, which borders the southwest side of the Phillips property. We find the prospect of a solar facility devastating to the value of our property as this project would be visible from the time you enter our driveway and the entire time you are on our property, including the view out of all our windows and doors on the northeast side of our home. Our view of a beautiful farm is not ours alone but shared by everyone who drives on Graystone Rd. and many neighbors who also live nearby. What has happened to preserving viable farmland for producing crops? This is something that Northern Baltimore County has a well-known history for. I also am an owner of a farm in the area and am sickened by the thought of this eyesore being considered. The impact would be felt by the entire community.

Our property sits in a position that we feel would cause us a never ending view of the planned facility due to the topography of the land. The property has elevation drop in excess of 60 feet. Any noise and glare are also of great concern to us. We were granted a kennel license years ago by Baltimore County so that we could have multiple hunting dogs. We are concerned about negative affects on our dogs from high pitch noise and traffic associated with the solar panels, electrical frequency outputs and maintenance vehicles that will be potentially operable all hours of the day and night.

From our home you can see the effect following a rain storm in terms of runoff and the flow pattern it takes down to lower land behind our property. This is only going to be worse with the impervious surface of these panels, not to mention the toxins that will be carried in the rainwater to the swampy area behind us, then to the streams and waterways leading to Loch Raven Reservoir.

We feel other options should be considered for these facilities rather than the limited farmland that is left. It seems more appropriate that commercial sites should be utilized. Perhaps rooftops on malls, schools, post offices, parking garages, firehouses as well as outdated and abandoned shopping areas. Would it not make more sense to create the power in areas closer to where it would get utilized?

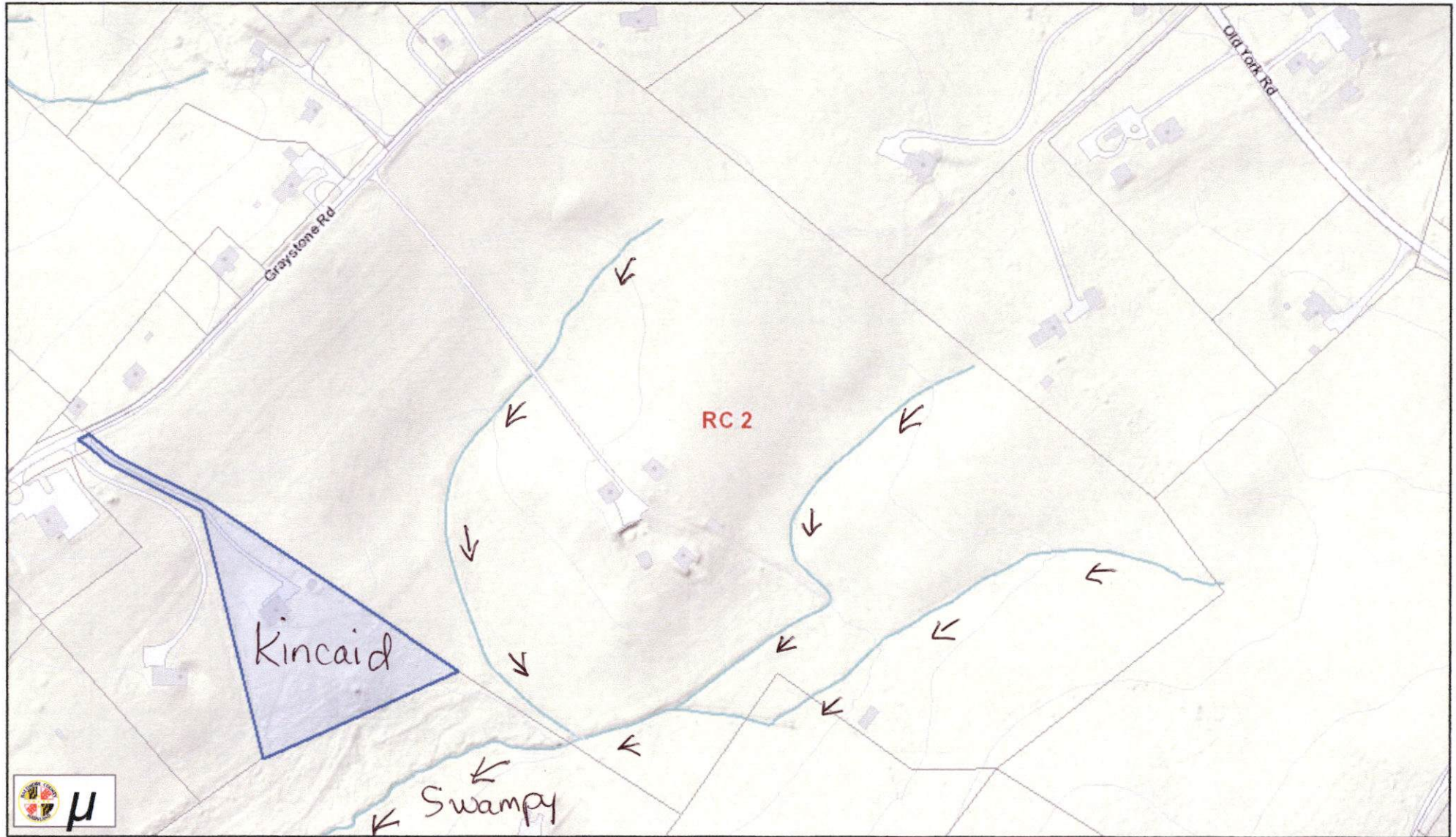
What will happen when this facility has become outdated? What will our community be left with and who will bear the financial burden of cleanup and restoration? It seems unfair that a developer can put all this money in his pocket at everyone else's expense and our elected officials help him all the way. We beg you to stop this proposed solar facility. I have enclosed photos and maps to help see our point of view.

Thank you for your time and consideration in this matter.

Sincerely,

 
Diane Kincaid and Donald Kincaid

Baltimore County - My Neighborhood



December 9, 2017

Legend

- House Numbers
- Property
- Zoning
- County Boundary

Rainwater Runoff flow

Third mine branch subshed
to Little Falls

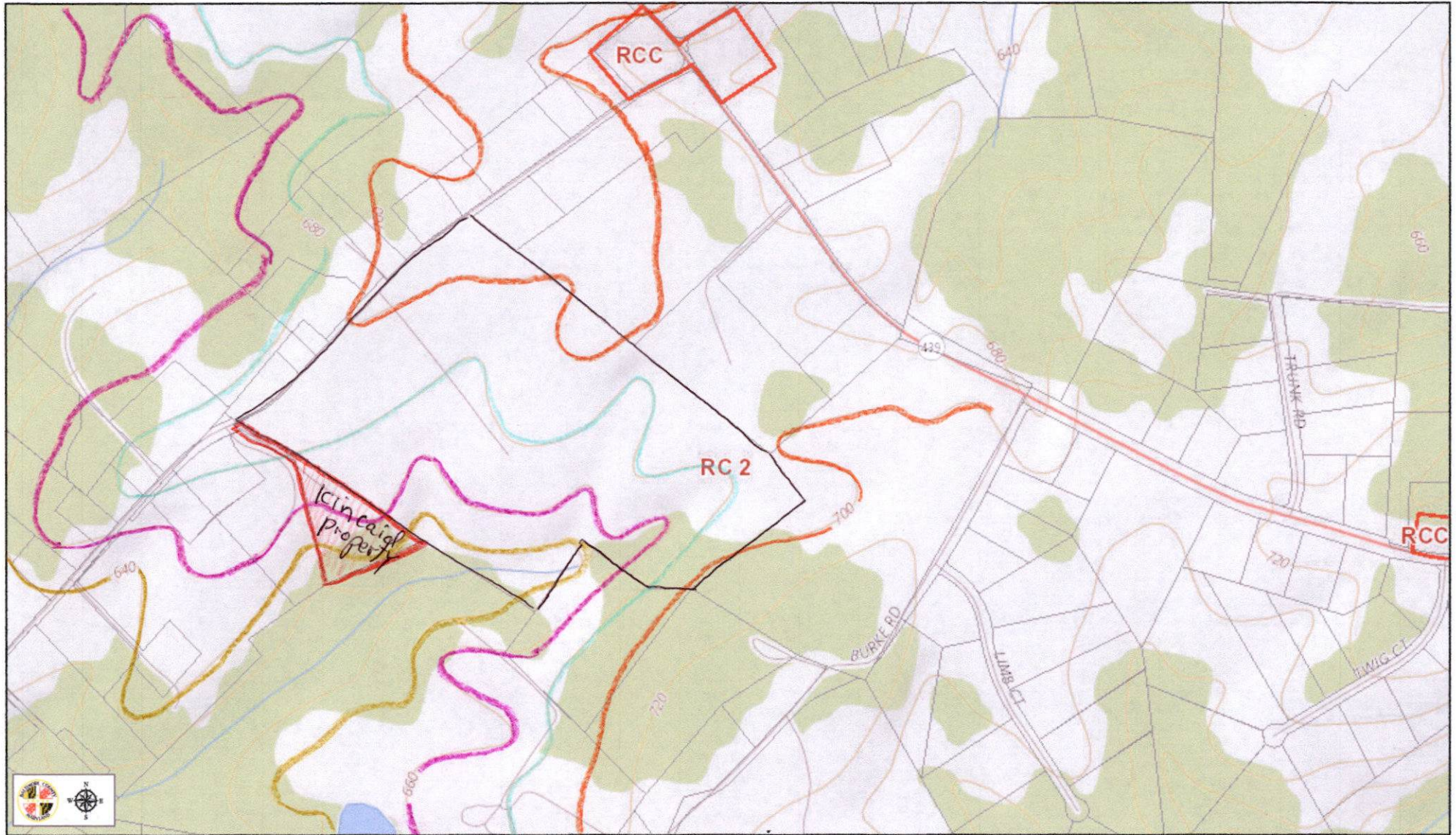
to Gun powder Falls
to Loch Raven Reservoir

0 0.08
Miles

1 inch = 376 feet

Baltimore County GIS - Web Application

Baltimore County - My Neighborhood



December 9, 2017

Legend

- Zoning
- County Boundary
- Property

- 700 Ft - 640 Ft
- 680 Ft
- 660 Ft

0 0.15
Miles

1 inch = 752 feet

Baltimore County GIS - Web Application

onal Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; U.S. Census Bureau - TIGER/Line; HERE Road Data |

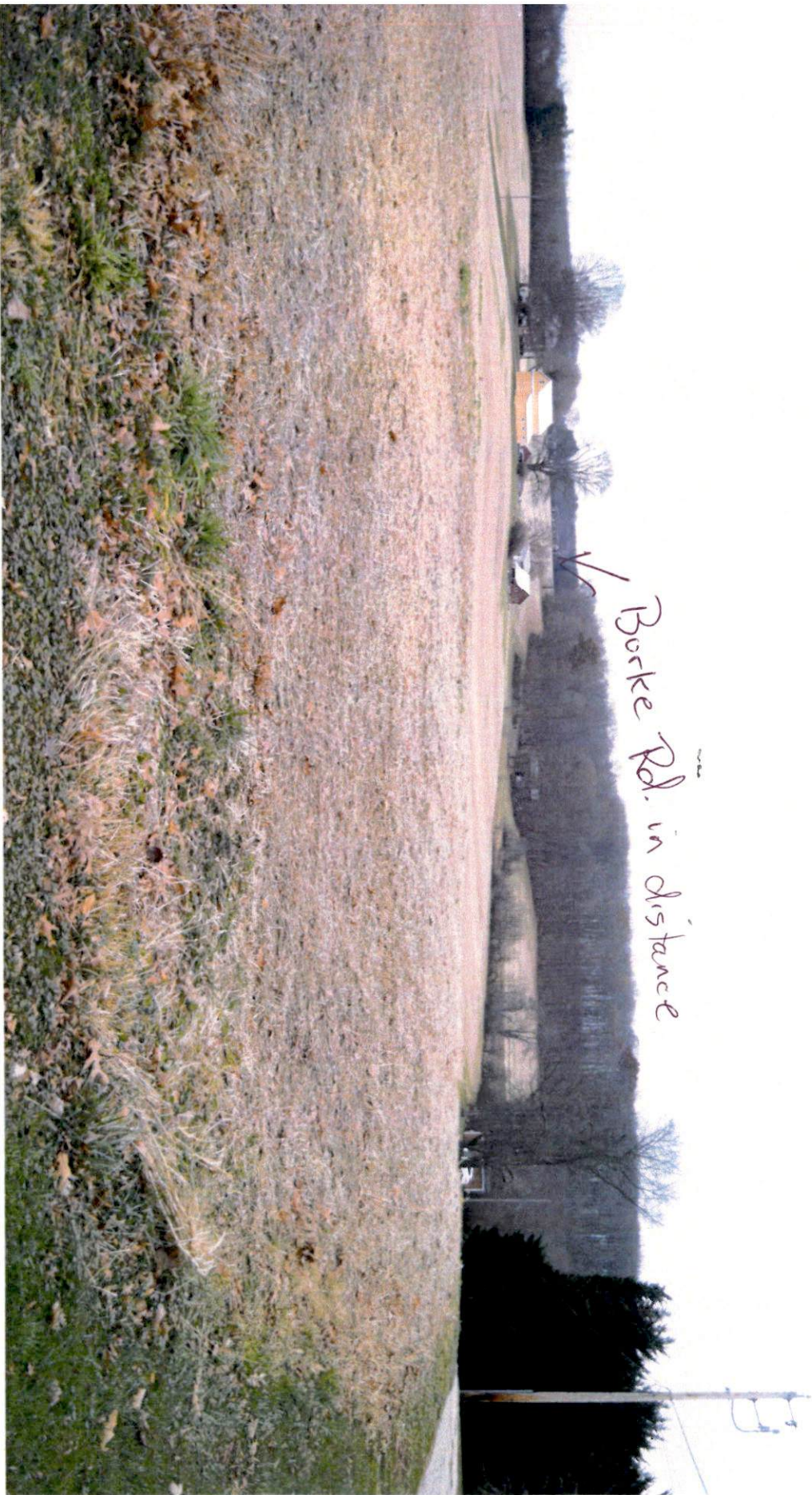
Topography showing 60+ feet drop in elevation on Phillips property

Aerial view to show location of photos



A

↓
Borke Rd. in distance



From Kincaid mailbox facing Borke Rd

Partway down Kincaid driveway looking parallel to Graystone Rd.



C

Sewer drain in Phillips driveway
for runoff from field

Solar site



From Kincaid parking pad facing area of water runoff, and proposed site for solar



(Graystone Rd)
From Graystone Rd. far corner of property

Booke Rd

(near proposed area)

K. X. Incaid
Property

E



From Burke Rd. looking toward Graystone Rd.
(Burke Rd.)

December 14, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: 19735 Graystone Road Solar Facility Special Exception
Case No.: 2018-0072-X

Dear Judge Beverungen:

My name is Douglas Shepperd, Jr. and I own a two story house located at 19806 Graystone Road and that property has been in my family for more than 60 years. I purchased that property because I planned to make it my permanent home. I'm not planning on moving in 10 or 20 years, I plan to stay there for my lifetime.

I'm extremely disappointed at the thought of 20 foot solar panels being erected across the street from my home because no matter where I am looking out from the front of my home, all I will see is a chain link fence, followed by rows and rows of solar panels. Never did I ever imagine that the beautiful agricultural property would be used for anything but agricultural purposes. Solar panels are not "agricultural", I would think they would be considered "utility". Is BGE considered agricultural? I would think not!

I think we need to postpone this matter to a later date to give us more time to prepare in this case.

Douglas Shepperd, Jr.
19806 Graystone Road
White Hall, MD 21161

December 12, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: 19735 Graystone Road Solar Facility Special Exception
Case No.: 2018-0072-X

Dear Judge Beverungen:

My name is Douglas Shepperd. I reside at 19810 Graystone Road. I live directly across the street from 19735 Graystone Road where the solar panels are proposed. I would like to start by saying that I have been a life long member of this community. Three generations of my family and I have owned 19810 Graystone Road for almost 60 years and four generations of my family and I have owned 19806 Graystone Road in excess of 60 years. The subject property has always been used as agricultural farm land for as long as I can ever remember, which is one of the many reasons my family and I have remained in this community for as long as we have. We have spent endless hours sitting in our front yard enjoying the view of wildlife and the agricultural crops in those fields.

I'm concerned that we have not had enough time to thoroughly prepare for this hearing today and would respectfully request that this hearing be postponed. In the event that my postponement request is denied, I would like to address a few of my many concerns as follows:

1. Property depreciation upon erection of the solar panels due to the eye sore view when looking out the fronts of our homes.
2. Well water contamination – I don't think there has been significant studies to determine that the solar facility will not emit toxic waste into our well water. I have read article after article indicating that the panels are made of "toxic waste" product. Once the panels are chipped or damage due to maintenance, upkeep, etc., how do we know for sure our well water will be free from those toxins and safe for drinking and cooking?
3. I'm concerned about the loss of agricultural farm land. Solar panels such as the ones proposed needs to be erected on impervious surfaces like the tops of shopping malls, in commercial parking lots, or on tops of Fire Departments.
4. I can't help but think about the noise of traffic in and out of the property for access to maintain the panels. I've heard there could be up to 36 trucks coming in and out 24 hours

Page 2

December 12, 2017

Re: 19735 Graystone Road Solar Facility Special Exception
Case No.: 2018-0072-X

a day, 7 days a week. That's a lot of noise and lights for this Baltimore County scenic route.

5. I feel that the size of the panels, and noise/static/humming coming from them creates a direct assault of our property rights.

I also think this case needs to be bonded for a minimum of \$150,00-\$250,000 (or whatever amount this Court deems sufficient) to restore the property to its original state once the panels are removed. I think it's important to have the panels removed, the toxic waste removed, including but not limited to compaction and any rubble clean up.

I thank the Court for it's time today and again request that this matter be postponed to allow property owners enough time to properly prepare for a full hearing on this matter.

Sincerely,

Douglas Shepperd
19810 Graystone Road
White Hall, MD 21161
443-791-1470

December 12, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

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19810 Graystone Road

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443-791-1470

December 12, 2017

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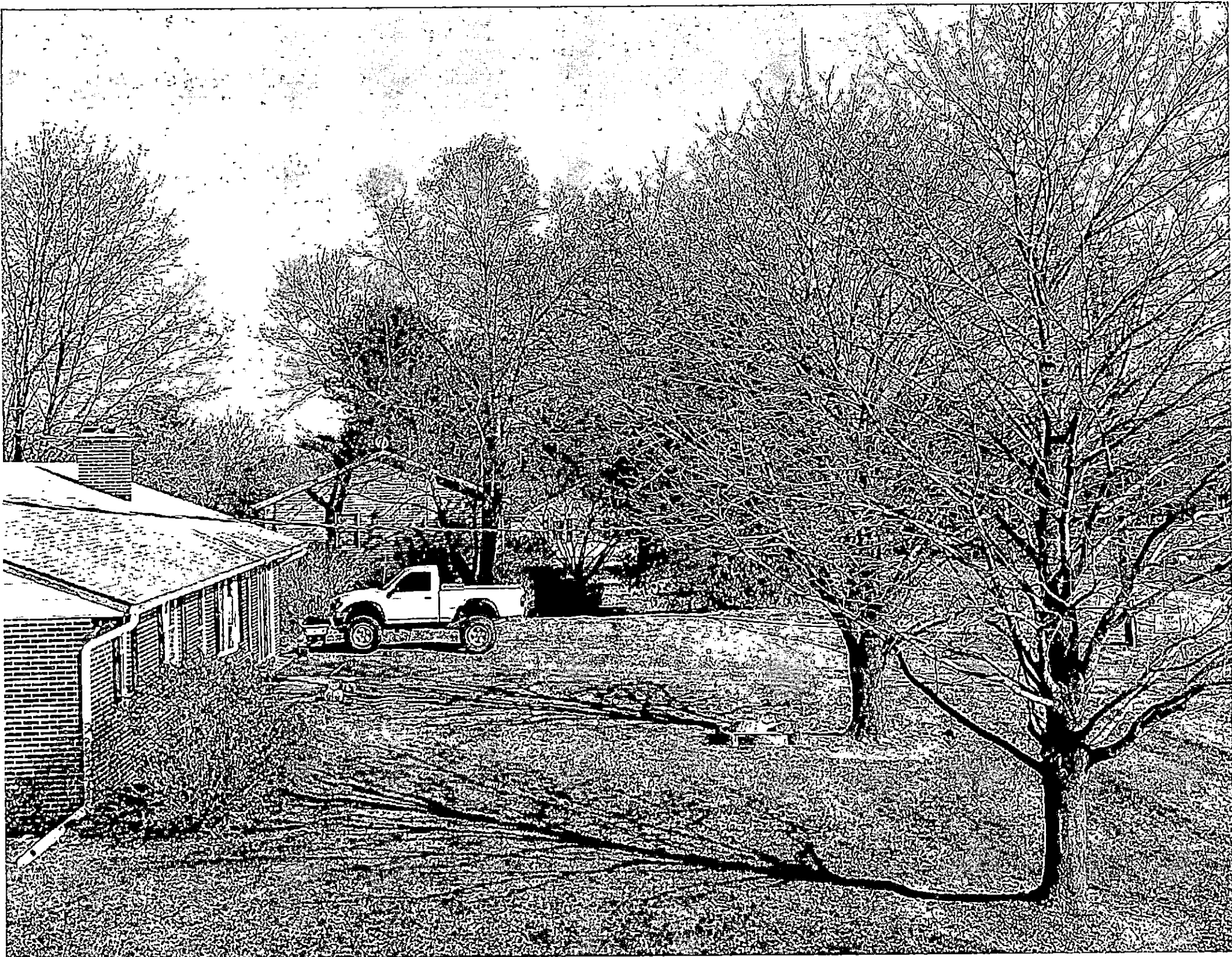
Sincerely,

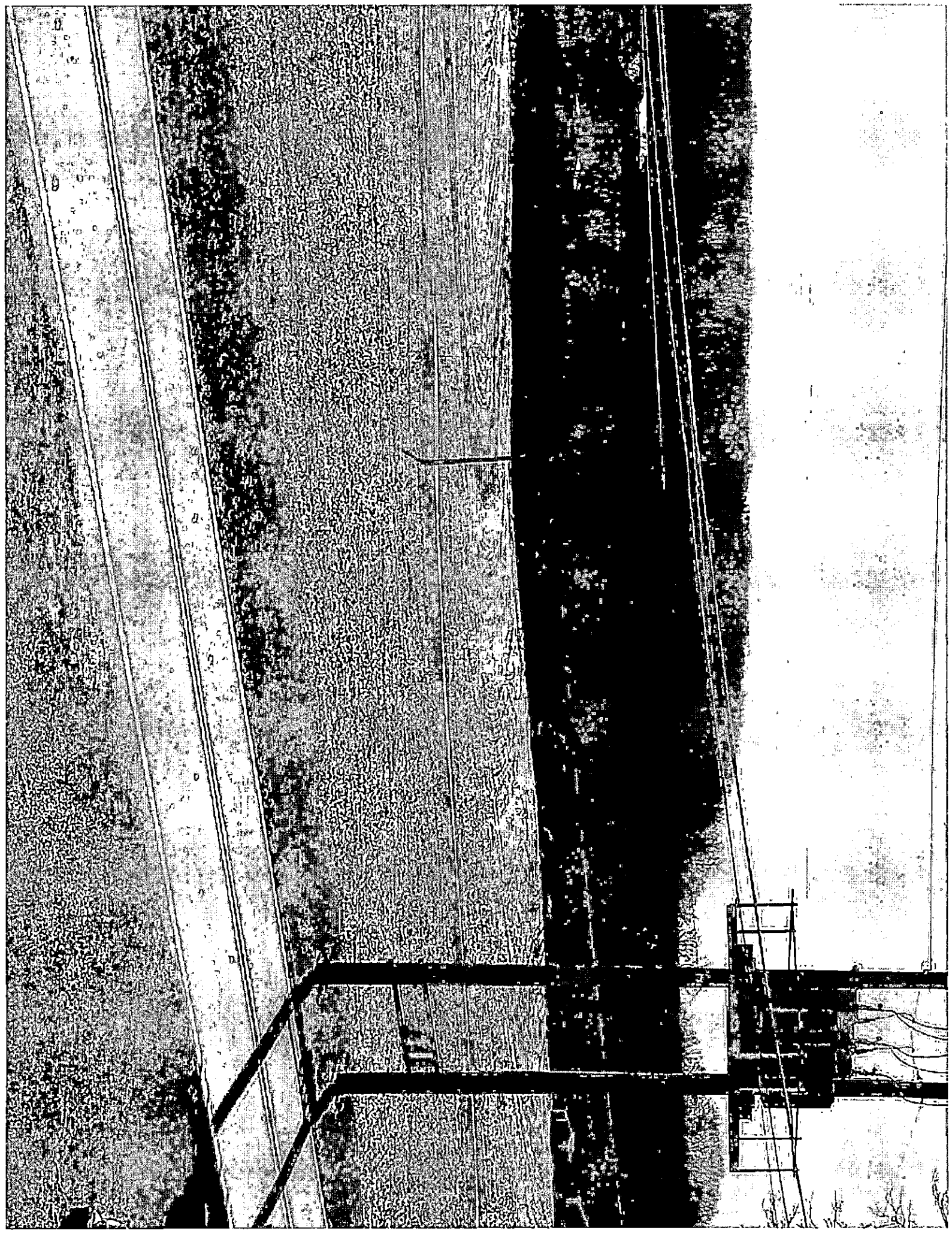
Douglas Shepperd

19810 Graystone Road

White Hall, MD 21161

443-791-1470







19817 Graystone Road
White Hall, MD 21161
Dec 14, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Ref: Case number: 2018-0072-X

Subject: Special Exception to use property for partial development of a 840 kw A/C ground mounted solar facility. 4E-102 of County Bill 37-17.

Back in 2003, my wife and I moved from Catonsville, MD to northern Baltimore County. Since moving here, we have enjoyed living in the quiet tranquil country and enjoy watching some of the wildlife from our backyard. About two weeks ago, I was surprised to learn that a zoning exception for partial development of a 840 kw A/C solar facility was filed with the county.

After reviewing the proposed plans for this solar facility, I talked to a real estate agent, who has sold real estate in northern Baltimore County for over 15 years. It is their opinion that the proposed solar farm and the view that will be seen from my property will reduce the resale value of my home.

I have never been to a zoning hearing before and have the following questions about the process but did not have sufficient time to find the answer.

1. I understand the reasons for wanting to develop electricity from solar energy. However, I also understand that there are also limits to the amount of rural land that is available to be used for agricultural purposes in order to feed our growing population. Since Baltimore County Bill No. 37-17 permits building solar farms on both commercial and rural land, I would like to know if an economic study was ever performed between placing a 2 megawatt A/C solar facility on this property versus building it on commercial property closer to more densely populated areas in the county.

2. It is my understanding that this is a special exception for placing a 2 megawatt A/C ground mounted solar facility on this property but the petitioner is only requesting that a 840 kw A/C capability be built at this time. If this special waiver is approved, does it mean that the petitioner can expand the facility to produce an additional 1 megawatt of power for commercial use or will they be required to submit another zoning waiver for public review and comment?

3. The Inter-Office Memorandum from the Department of Planning dated 10/6/2017 states that at the time of building permit application the petitioners shall submit: (a) the final fixed location and area of the facility, and (b) a solar glare analysis to the department accompanied by written confirmation that the facility will not be detrimental to the adjacent residential properties. If this special waiver is approved, does it mean that the petitioners has the ability to modify or change the final location of the solar panels and the community will not have the opportunity to comment on either the final location of the solar panels or the solar glare analysis?

I have attached three pictures to this letter:

a. Attachment 1 is a picture taken by my deck. It is about 120 feet away from the proposed location of the perimeter boundary plants. I have added three red lines to the picture. The bottom red line is approximately where the perimeter landscape boundary will start. This was determined by placing two poles in the ground. Both poles are about 4 ½ feet high and set back from the property line by about 30 feet. In addition, the pole on the right side of the picture is set back from Graystone Road by about 120 feet. The land shown in this picture gently slopes away from the right and front sides of the picture towards the back where the elevation is 35 feet lower. Based on the height of these poles, I drew the middle red line about 4 ½ to 5 feet above ground level and the top red line was extrapolated to be about 10 feet above the ground. The light green at the bottom of the picture is my lawn, the light brown is the gentle rolling farm land where the petitioners are planning on placing the solar farm and the dark green in the background are the trees located on the far side of the property.

b. Attachment 2 is a picture of the northeast corner about 20 feet west of the property line with 19817 Graystone Road. On the left side of the picture about half way up is a 4 ½ foot pole located about where the perimeter landscape boundary will start.

c. Attachment 3 is a picture taken while standing on Graystone Road approximately 500 to 600 feet west of the proposed site. Starting on the left side of the picture the proposed location slopes down and to the right about 35 feet to the loop at the right of the area. The red line encloses the area where approximate 80 % of the solar arrays will be located. As the picture clearly shows any solar panels located in this area can clearly be seen from people traveling on Graystone Road.

The following are specific concerns that I have regarding the impact that this solar facility will have on our environment:

1. The Baltimore County landscaping manual permits a solid linear screen for when maximum opacity is needed to a loosely staggered screen where a filtered view is appropriate. Based on my review, it appears that the petitioners have chosen to implement a loosely staggered screen. The types of plants selected are slow growing conically shaped evergreens which will be spaced 15 feet apart in two rows around the entire facility. This means that it will take approximately 15-20 years before the shrubbery will be tall enough to completely hide the solar panels. Referring back to Attachments 1 and 2, you can definitely see that placement of solar panels with this type of perimeter boundary plantings will ruin both my view of the country side and the view of anyone traveling on this scenic

section of Graystone Road for years to come. While insertion of vinyl strips in the chain link fence will help reduce the view into the property for those parts of the solar array that are less than 5 feet from the ground, it will not help hide those parts of the solar arrays that are above this height. I disagree with the petitioners approach and believe that this approach is inadequate to preserving the view of our rural community and the scenic view along Graystone Road.

2. Based on the site plan, there will be a space of about 20 feet in depth between the perimeter landscape boundary and my property as well as along Graystone Road. Since the bill already requires that the owner, operator or lessee to maintain the facility and the perimeter landscaping plants, it would also be good if they were also required to maintain this small area rather than let this narrow piece of property be permitted to grow wild and be required to be responsible for the timely replacement of any perimeter landscaping plants that get severely damaged or die.

3. The process of transforming DC voltage into AC voltage could create a significant amount of electronic interference which can disrupt normal radio and television broadcasts as well as other sensitive electronic equipment. The interference can be distributed via radio frequency waves, electromagnetic waves and through the power lines. What types of studies/tests have been perform on the equipment being proposed to determine if the proposed transformer and switching equipment will not interfere with other electronic equipment on our property?

4. It is my understanding that solar panels are made using hazardous materials. While strides have been made to reduce the possibility of contaminating the ground it cannot be guaranteed that some type of contamination will not occur. Therefore, the owner or operator of the facility shall be required to:

a. Shall not be allowed to store any hazardous waste on the property for a period of more than 30 days.

b. When the facility has reached its "End of Life" or is closed, then the owner or operator shall be required to also restore the land to its original condition so that it can once again be used for agricultural purposes.

c. A bond needs to be required to ensure that in the event the company or any of its successors closes the facility to the ground will be restored to its original condition and can be used for agricultural purposes.

5. In addition to the normal traffic on Graystone Road, several school bus routes also use this road during the school year. Since the proposed site for the solar facility can be directly viewed from Graystone Road, the solar glare analysis needs to not only consider the effects of the glare on the homes in the area but also the impacts that it will have on drivers who may have problems temporarily seeing out their windows because of the glare from the solar panels.

In summary, it is my opinion that this proposed location is a poor choice for building a solar facility and that there are other alternatives available. I believe that this facility will (1) significantly reduce the aesthetic beauty of our rural countryside for years to come, (2) reduce the resale value of my home, and (3) unless strong protective measures are in place today, we will find out that the land has been damaged to the point that it will not be able to be use as farm land in the future.

Sincerely,



Roger E. Casteline

Attachments:

- Attachment 1 – A view of the proposed location from 19817 Graystone Road.
- Attachment 2 – A view of the proposed northeast corner.
- Attachment 3 – A view about 600 feet west of the proposed location.









December 14, 2017

The Honorable John E. Beverungen
Administrative Law Judge
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: Case No. 2018-0047-X
15637 York Road
8th Election District-3rd Councilmatic District
Legal Owner: Robert Gerner
Contract Purchaser/Lessee: ESA Sparks Glencoe, LLC
Hearing Date: December 18, 2017
and
Case No. 2018-0072-X
Southeast side of Graystone Road, southwest of Old York Road
7th Election District-3rd Councilmatic District
Legal Owner: Jerry Phillips
Contract Purchaser/Lessee: Forefront Power, LLC
Hearing Date: December 14, 2017

Dear Judge Beverungen:

The North County Community Group (NCCG) strongly opposes granting the special exception requests referenced above. If the special exceptions are granted, we respectfully request several important requirements that the Administrative Law Judge is authorized to make.

Today, Baltimore County devotes two-thirds of its land — 258,000 acres — to rural and environmentally protected uses. Preservation of rural land keeps agriculture thriving, protects the county's watershed, maintains the environmental purity of forests and green spaces, and gives residents an enhanced quality of life. Bill 37-17 enables a new commercial use on Baltimore County rural conservation land and has high potential to result in consequences for Baltimore County no one could have imagined: over-saturation of commercial solar facilities on rural conservation land. District 3 is now experiencing a land rush to lease, not purchase, open farmland.

Bill 37-17 was passed against strong opposition from many Third District community groups, including NCCG, Sparks Glencoe Community Planning Council, Hanover Road Association, the Valleys Planning Council, Manor Conservancy as well as Third District residents and their councilman. Requests for councilmembers outside of the Third District to put aside personal differences and do the smart thing for Baltimore County were ignored. Proponents of the bill were traditional development forces. Reasons for district-wide opposition focused on:

1) Introduction of a new commercial use on land zoned to foster and protect agriculture.

Commercial solar facilities are, by their industry's own admission, power plants. 100% of power generated from these facilities is intended to be sold to the electric grid for significant profit. References to "solar" farms and "harvesting" energy are euphemisms promoted by developers to make solar power plants more palatable to landowners. Commercial solar power generation facilities are not farms; energy is not a crop. Commercial solar facilities are power plants on industrial sites.

Commercial solar facility developers pose a significant threat to Baltimore County's agricultural industry (farmers and industries that support them) as well as state-sponsored conservation easement efforts. Scale is the key to farming profitability. Most farmers must lease significantly more land than they own. At \$100-\$150/acre per year for leased farmland, they cannot afford to compete for land with solar companies offering upwards of \$14,000/acre per year.

2) Provision for a study a full year after implementation of the special exception provision.

Although Bill 37-17 provided for equal distribution of commercial facilities across all districts, District Three is experiencing a disproportionate surge. A record of commercial (utility) solar facilities planned in Baltimore County is attached. Any study one year from now will be too late.

Baltimore County's enabling legislation combined with prohibitive legislation in surrounding counties make northern Baltimore County farmland / open spaces attractive target sites for the solar industry. In neighboring Harford and Carroll counties, rural conservation land is protected, reserved for use by the agricultural industry. Solar generation of power for sale to others is considered an industrial use and is restricted to those zones. Already, project proposals to construct commercial solar facilities along the scenic byways of northern Baltimore County exceed the year-one Community Solar Project allocation, with a promise of more to come in the next few years. Leased farmland is simply the most affordable way to produce energy with solar panels.

3) No incentives to prioritize utilization of existing impervious surfaces for solar energy collection, e.g. commercial roof tops, parking lots, etc.

Solar power is in a constant state of innovation. New advances in solar panel technology are being announced almost every week. In the past year alone, many milestones in solar efficiency have been achieved, and the future looks even brighter. Ground-mounted solar arrays will be obsolete long before the end of the land lease term – too late to save precious farmland special exceptions will exploit.

In a recent community meeting, a representative for the Gerner property project demonstrated no interest in taking into account the negative impact on adjoining property owners. It was clear, their intention is to do the bare minimum. So, in the event that either or both special exceptions are granted, such exceptions should include specific requirements Bill 37-17 authorizes the Administrative Law Judge to make.

- 1) The law requires the county to calculate the amount of security bond or financial security to repair any unsafe or hazardous conditions or to remove the solar facility, but omitted detail on how this calculation would be approached. The following should be an integral part of the calculation:
 - a. Quantitative baseline soil analysis, including physical, chemical and biological indicators;
 - b. Size and type of landscape buffer; and
 - c. Projected future cost through the length of the lease term to remediate the land once the facility has been removed.

Contact us at <https://www.facebook.com/northcountycommunitygroup>

- 2) When the solar facility ceases operation, the lessee must immediately notify the county and, in a timely manner, restore the land to its baseline state, a requirement not required by current Baltimore County law. Developers can walk away and leave the landowner with significant land restoration costs to realize the full market value of the property.

Solar panels require careful end-of-life handling, an issue the industry is only just beginning to consider. Cost-effective recycling programs are not yet in place for damaged or discarded solar panels. Interior components within most solar panels contain toxic materials and rare earth elements that cannot be placed in US landfills. When panels are damaged from handling, vandalism, or natural causes, ground contamination could result.

- 3) The lessee must provide a detailed facility maintenance plan that complies with current Maryland laws and regulations concerning pesticide and pest control, and invasive plant prevention and control. Although reports of using animals to graze amid solar panel arrays is reported in the news and developer presentations, it is not a required practice. At a recent community meeting a representative of the Gerner project explained their intention was to electronically monitor the unmanned facility and mow around the panel arrays only when power generation efficiency is impaired. With a minimum panel height of 2½ feet, this means grass and noxious weeds would only be mowed or sprayed with herbicides when their height begins to shade the panels.
- 4) Require the landowner and their lessees install and maintain landscape buffers in accordance with the directives of the Baltimore County landscape architect and input from immediately impacted property owners, whose property value and quality of life are at issue. The height of the landscape buffer should be sufficient to immediately obscure the view of any power plant that may be built on the property, e.g. mature trees, not saplings.
- 5) The lessee shall notify county and abutting property owners of a change in ownership or control of the LLC so they know who to contact in case there is an issue.

The NCCG applauds and supports the state's efforts to increase utilization of renewable energy. However, there are concerns about the loss of prime and productive farmland outside the Baltimore County URDL when there are options available, i.e. installing solar panels over existing impervious surfaces, such as rooftops of commercial and industrial buildings, parking lots, etc. The best interests of Baltimore County residents would be served by incentivizing responsible production of solar energy, positioning our County to benefit from technology improvements and protecting landowners from exceptions that are inconsistent with the County Master Plan.

Your time and consideration in this matter is greatly appreciated.

Sincerely,

Kathleen A. Pieper, President
North County Community Group, LLC

Contact us at <https://www.facebook.com/northcountycommunitygroup>

Record of commercial (utility) solar facilities planned in Baltimore County

Zoning Case	Address	Property Owner	Dist.	Zone	Filed	Company	Size
2016-0335	15700 Hanover Pike	Lippy	3	RC2	6/23/2016	Earth and Air Technologies	2 MW
2017-0101	11956 Philadelphia Rd	11956 Phil. Rd. LLC	6	RC5	10/11/2016	Turning Point Energy	
2017-0104	612, 632 Freeland Rd	Atkinson	3	RC2	10/12/2016	OneEnergy Development, LLC	2 MW, 9.6a
2017-0107	5298 Frye Rd	Woodensburg Land & Cattle	3	RC2	10/16/2016		
2017-0108	20450 Middleton Rd	Dave Matthews	3	RC2/8	10/16/2016	Bluefin Origination	1.9 MW, 18.64a (SE area)
2017-0344	14497 Green Rd		3	RC2	6/21/2017	Bluefin Origination	2 MW
2018-0030	1139 Monkton Rd	Rexroth	3	RC2	7/23/2017	OneEnergy Development	2 MW
2018-0047	15637 York Rd	Gerner	3	RC7	8/9/2017	ESA Sparks Glenco, LLC	1.849 MW, 9a
2018-0052	15700 Hanover Pike	Lippy	3	RC2	8/13/2017	New Source Generation, LLC	.99 MW
2018-0072	19735 Graystone Rd	Phillips	3	RC2	8/31/2017	Forefront Power, LLC	0.84 MW, abt 6.25a
2018-0077	2316 Ridge Rd	Sauter	4	RC6	9/10/2017	Forefront Power, LLC	1.98 MW
2018-0078	9155 Old Court Rd	White-Rose	4	RC2	9/10/2017	Forefront Power, LLC	1.98 MW
2018-0095	11956 Philadelphia Rd	11956 Phil. Rd. LLC	6	RC5	9/26/2017	Turning Point Energy, LLC	2 MW
2018-0123	9203 Dogwood Rd	Neubauer	4	RC2	10/31/2017	Solar Smart, LLC	2 MW
2018-0124	10021 Old Court Rd	Neubauer	4	RC2	10/31/2017	Solar Smart, LLC	1.98 MW
2018-0127	10790 Raphel Rd	BGE	5	RC5	11/3/2017		

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2018-0072X

December 9, 2017

Agriculture in Baltimore County is one of our largest industries. In the 1960s, the county moved to implement the RC zones to control the unwise development in the rural areas. Our county has received national recognition and praise for this historic action.

The adjoining former John Francis Farm, known as "Walnut Springs", was the last development to be approved under the old one acre zoning in the 7th District. The New RC 2 zoning required one house per 50 acres in order to preserve prime and productive farm land and to protect the rural areas from commercial development. All existing commercial uses were identified and given appropriate zoning for the use at that time. **The county and state have since invested millions of dollars to preserve this prime and productive farmland in the last 50 years.** There are 10 farms, representing about 2,00 acres of protected farm land, surrounding the Graystone Road farm.

The use of prime and productive farm land for commercial solar uses is a **total misuse** of this same prime land we have made a major effort to preserve. The neighbors living adjacent to this proposed commercial development will be negatively affected and betrayed by this misuse of RC2 land. There are many areas in other RC zones that are more isolated and would not have the negative impact on the adjacent land owners.

Commercial solar plots do not qualify as an agriculture use in a RC zone!

Wayne McGinnis

First chairman Baltimore County Agriculture Land Preservation Board

Former Chairman Maryland Agriculture Land Preservation Foundation

Baltimore County Planning Board member representing 3rd Council District



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12/10/17 Printe Walmart



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12/10/17 Printed at Walmart



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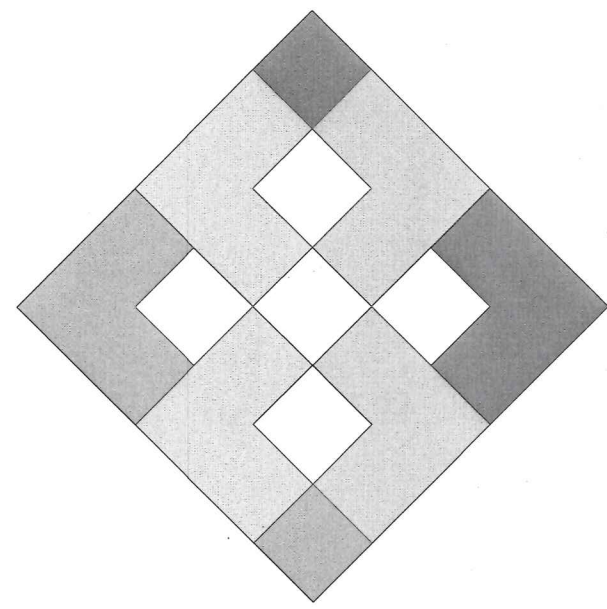
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FOREFRONT
POWER

SITE NAME:
MD-WHITE HALL LAND - PHILLIPS

SITE ADDRESS:
**19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161**

SITE INFORMATION

SITE NAME:	MD-WHITE HALL LAND - PHILLIPS
SITE ADDRESS:	19735 GRAYSTONE ROAD WHITE HALL, MARYLAND 21161
JURISDICTION:	BALTIMORE COUNTY, MARYLAND
ZONING:	RC 2 (AGRICULTURAL)
TAX ACCOUNT ID:	07-2500005231
CENSUS TRACT / BLOCK:	445.01 / 2
LOT NUMBER:	11.04
SITE COORDINATES:	N 39°39'59.7" (NAD 83) W 76°35'42.4" (NAD 83)
GROUND ELEVATION:	709'± (NAVD 88)
SYSTEM SIZE (DC):	1114.00 kW
SYSTEM SIZE (AC):	840.00 kW
MODULE TYPE:	TRINASOLAR TSM-340 DE14A(II)
INVERTER 1 (ROOFTOP):	4x SUNGROW SG60KU-M
AZIMUTH:	180°
TILT (ROOFTOP):	25°
GROUND LANDLORD NAME:	JERRY PHILLIPS
GROUND LANDLORD ADDRESS:	19735 GRAYSTONE ROAD WHITE HALL, MARYLAND 21161
APPLICANT:	FOREFRONT POWER, LLC 100 MONTGOMERY ST. #1400 SAN FRANCISCO, CA 94104
ELECTION DISTRICT:	#7
CONCILMANIC DISTRICT:	#3
CONGRESSIONAL DISTRICT:	#1
LEGISLATIVE DISTRICT:	#7
VOTING PRECINCT:	#07-001
ZONING MAP NUMBER:	#0013

CODE ANALYSIS

BUILDING CODE:	IBC 2015
ELECTRICAL CODE:	NEC 2014
FIRE CODE:	2012 NFPA 101
USE GROUP:	U (UTILITY)
CONSTRUCTION TYPE:	IIB

PROJECT SCOPE OF WORK

THIS DESIGN PACKAGE PROVIDES DRAWINGS FOR THE
INSTALLATION OF A 1,114.00 kW DC RATED
PHOTOVOLTAIC SYSTEM AT 19735 GRAYSTONE ROAD IN
WHITE HALL, MARYLAND.



AREA MAP

WHITE HALL, MARYLAND
SCALE: 1" = 200'

SYSTEM SUMMARY

NUMBER OF PANELS: 3276
SYSTEM SIZE (DC): 1,114.00 kW
SYSTEM SIZE (AC): 840.00 kW

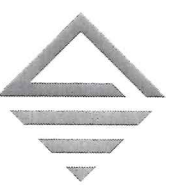
CIVIL SHEET INDEX

DRAWING SHEET	DRAWING TITLE
T-001	TITLE SHEET
C-101	EXISTING CONDITIONS
C-201	PROPOSED SITE PLAN
C-503	FENCE AND GATE DETAIL
L-101	LANDSCAPE PLAN

THIS PLAN TO ACCOMPANY ZONING PERMIT
FOR 09/01/2017 ZONING HEARING



2017 FOREFRONT POWER, LLC AND ITS
AFFILIATES, ALL RIGHTS RESERVED
100 MONTGOMERY ST. #1400
SAN FRANCISCO, CA 94104
(415) 769-8246
www.ForefrontPower.com



advantage engineers
400 INDEPENDENCE AVENUE, SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 455-8803
www.advantage-engineers.com

STAMP:



MD-WHITE HALL
LAND - PHILLIPS

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**TITLE
SHEET**

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
0 1/2" 1"

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NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD

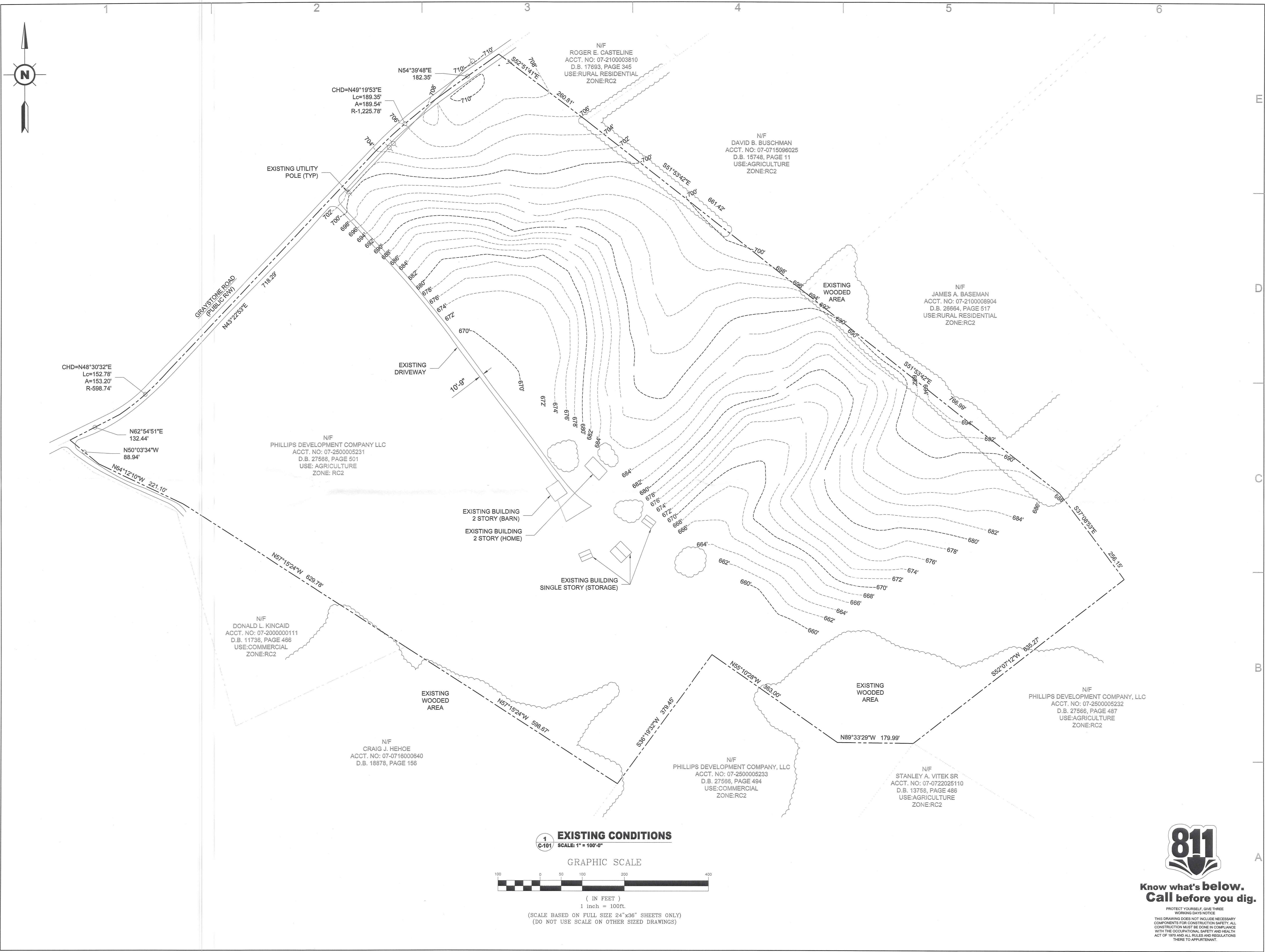
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DRAWN BY:	MTG
ENGINEER:	AMM
APPROVED BY:	PC

PROJECT PHASE:
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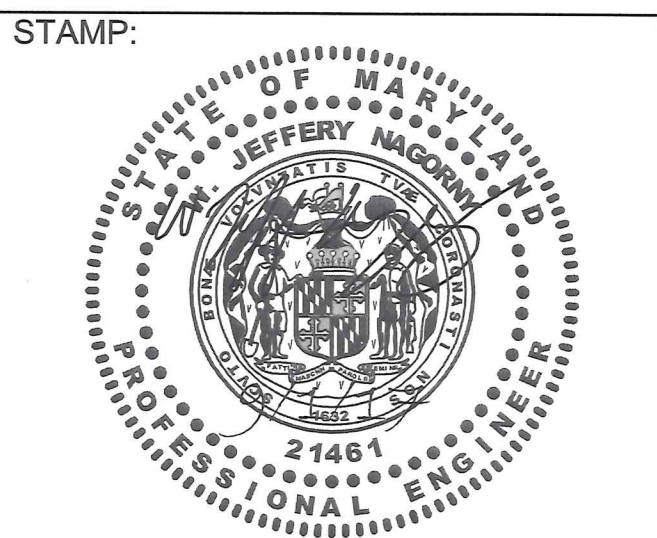
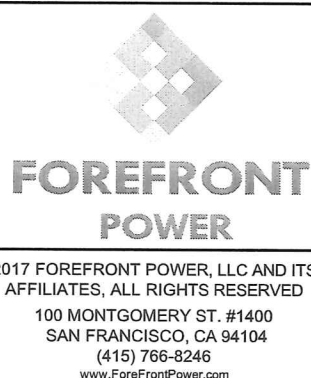
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SHEET NO.:
T-001

2018-0072 X



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D
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**MD-WHITE HALL
LAND - PHILLIPS**

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**EXISTING
CONDITIONS**

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NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD

DATE: 04/04/17
DRAWN BY: MTG
ENGINEER: AMM
APPROVED BY: PC

PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

SHEET NO.:
C-101



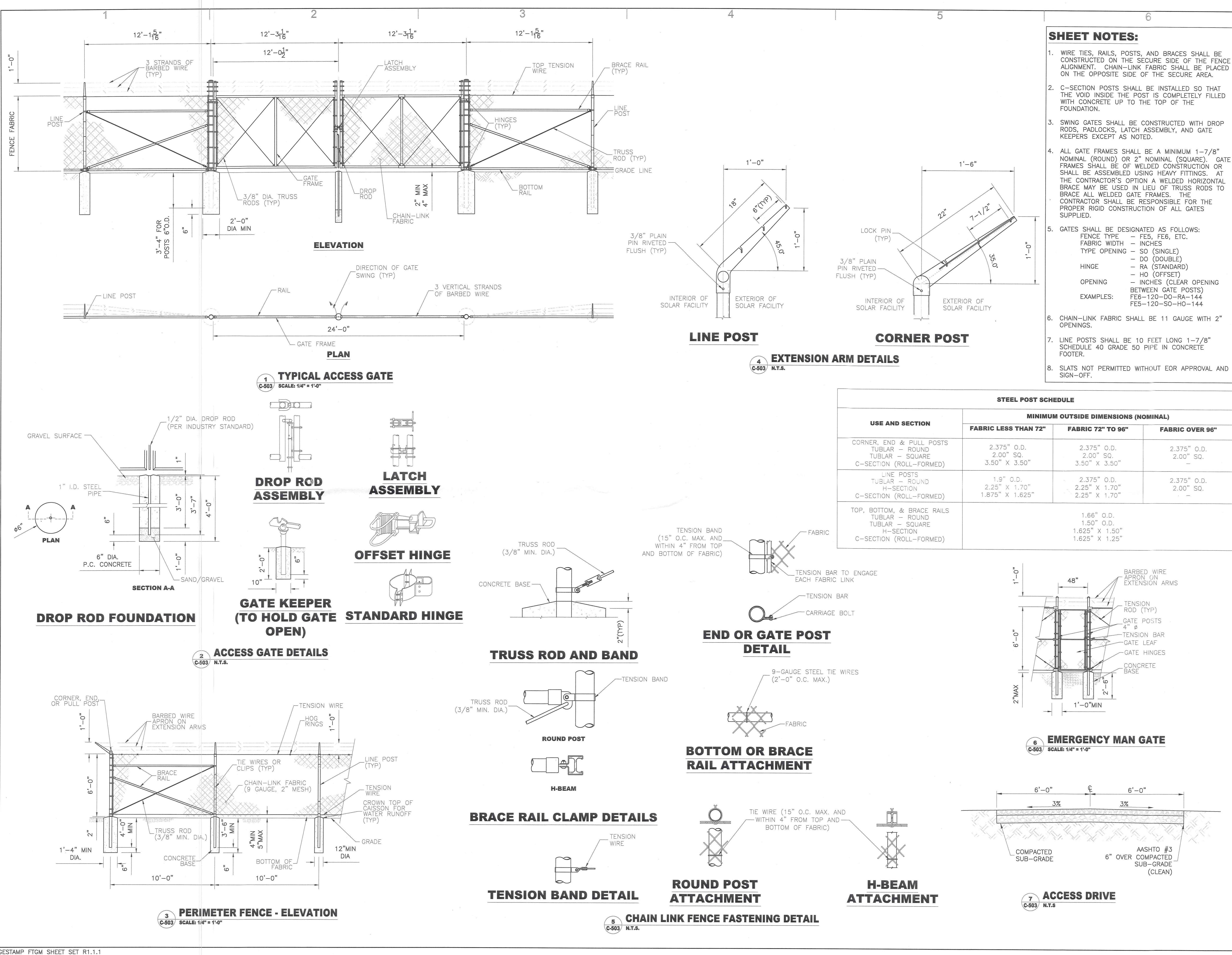
**Know what's below.
Call before you dig.**

PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY
COMPONENTS FOR CONSTRUCTION SAFETY. ALL
CONSTRUCTION MUST BE DONE IN COMPLIANCE
WITH THE OCCUPATIONAL SAFETY AND HEALTH
ACT OF 1970 AND ALL RULES AND REGULATIONS
THERE TO APPURTENANT.

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GESTAMP FTGM SHEET SET R1.1.1



- SHEET NOTES:**
1. WIRE TIES, RAILS, POSTS, AND BRACES SHALL BE CONSTRUCTED ON THE SECURE SIDE OF THE FENCE ALIGNMENT. CHAIN-LINK FABRIC SHALL BE PLACED ON THE OPPOSITE SIDE OF THE SECURE AREA.
 2. C-SECTION POSTS SHALL BE INSTALLED SO THAT THE VOID INSIDE THE POST IS COMPLETELY FILLED WITH CONCRETE UP TO THE TOP OF THE FOUNDATION.
 3. SWING GATES SHALL BE CONSTRUCTED WITH DROP RODS, PADLOCKS, LATCH ASSEMBLY, AND GATE KEEPERS EXCEPT AS NOTED.
 4. ALL GATE FRAMES SHALL BE A MINIMUM 1-7/8" NOMINAL (ROUND) OR 2" NOMINAL (SQUARE). GATE FRAMES SHALL BE OF WELDED CONSTRUCTION OR SHALL BE ASSEMBLED USING HEAVY FITTINGS. AT THE CONTRACTOR'S OPTION A WELDED HORIZONTAL BRACE MAY BE USED IN LIEU OF TRUSS RODS TO BRACE ALL WELDED GATE FRAMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER RIGID CONSTRUCTION OF ALL GATES SUPPLIED.
 5. GATES SHALL BE DESIGNATED AS FOLLOWS:
FENCE TYPE - FE5, FE6, ETC.
FABRIC WIDTH - INCHES
TYPE OPENING - SO (SINGLE)
DO (DOUBLE)
HINGE - RA (STANDARD)
HO (OFFSET)
OPENING - INCHES (CLEAR OPENING BETWEEN GATE POSTS)
EXAMPLES: FE6-120-00-RA-144
FE5-120-SO-HO-144
 6. CHAIN-LINK FABRIC SHALL BE 11 GAUGE WITH 2" OPENINGS.
 7. LINE POSTS SHALL BE 10 FEET LONG 1-7/8" SCHEDULE 40 GRADE 50 PIPE IN CONCRETE FOOTER.
 8. SLATS NOT PERMITTED WITHOUT EOR APPROVAL AND SIGN-OFF.

USE AND SECTION	MINIMUM OUTSIDE DIMENSIONS (NOMINAL)		
	FABRIC LESS THAN 72"	FABRIC 72" TO 96"	FABRIC OVER 96"
CORNER, END & PULL POSTS TUBULAR - ROUND TUBULAR - SQUARE C-SECTION (ROLL-FORMED)	2.375" O.D. 2.00" SQ. 3.50" X 3.50"	2.375" O.D. 2.00" SQ. 3.50" X 3.50"	2.375" O.D. 2.00" SQ.
LINE POSTS TUBULAR - ROUND TUBULAR - SQUARE C-SECTION (ROLL-FORMED)	1.9" O.D. 2.25" X 1.70" 1.875" X 1.625"	2.375" O.D. 2.25" X 1.70" 2.25" X 1.70"	2.375" O.D. 2.00" SQ.
TOP, BOTTOM, & BRACE RAILS TUBULAR - ROUND TUBULAR - SQUARE H-SECTION C-SECTION (ROLL-FORMED)		1.66" O.D. 1.50" O.D. 1.625" X 1.50" 1.625" X 1.25"	

FOREFRONT POWER
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100 MONTGOMERY ST. #1400
SAN FRANCISCO, CA 94104
415.788.8248
www.ForefrontPower.com

advantage engineers
405 INDEPENDENCE AVENUE SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 438-0697
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NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD

DATE: 04/04/17

DRAWN BY: MTG

ENGINEER: AMM

APPROVED BY: PC

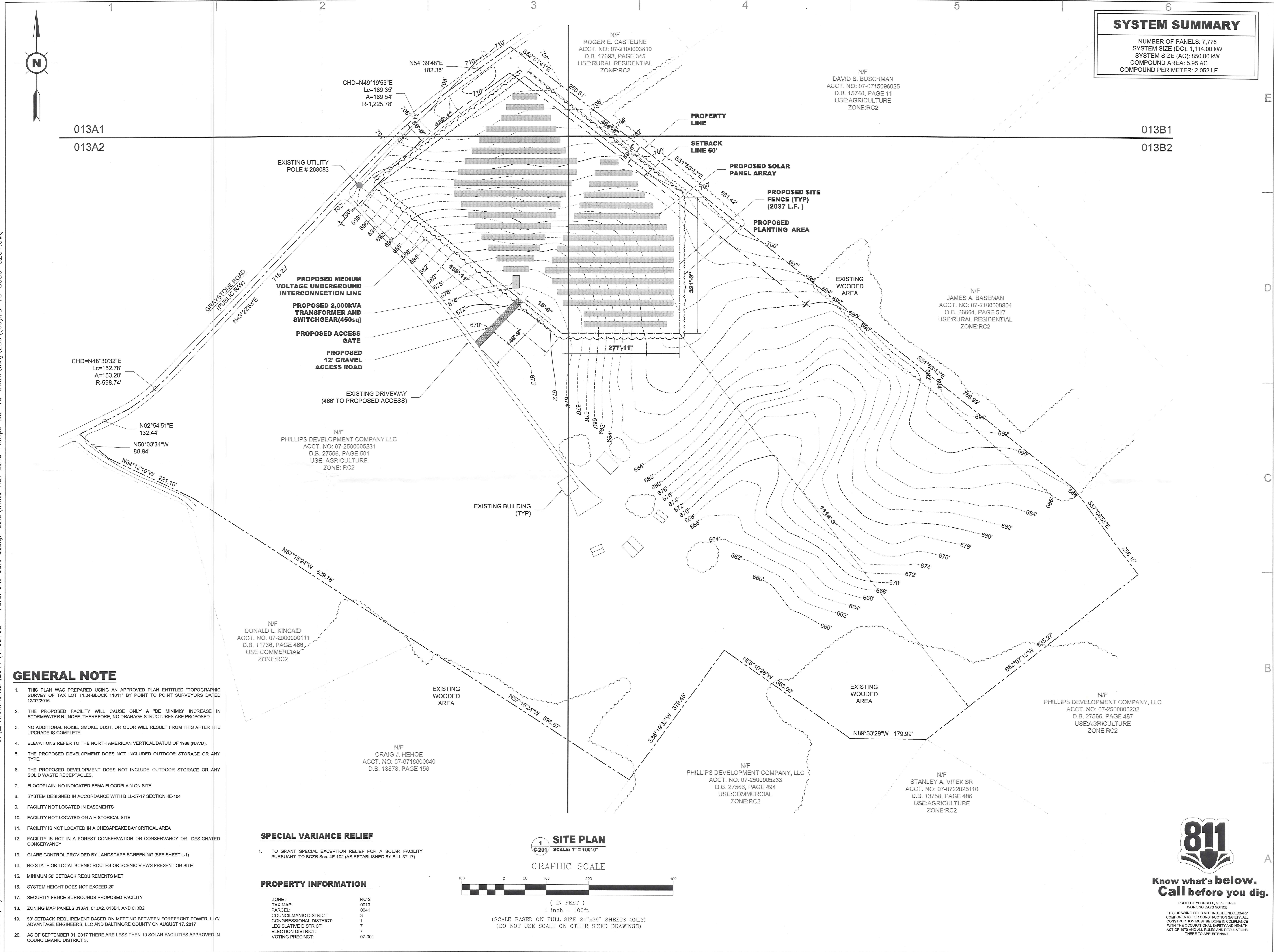
PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

SHEET NO.:
C-503

O:\Environmental\2017\1700165 - Forefront 30% design sets\White Hall Land Phillips MD-16-0006.dwg ZDs\03MD-16-0006-C201.dwg

Printed: 9/1/2017 12:03 PM



SYSTEM SUMMARY

NUMBER OF PANELS: 7,776
SYSTEM SIZE (DC): 1,114.00 kW
SYSTEM SIZE (AC): 850.00 kW
COMPOUND AREA: 5.95 AC
COMPOUND PERIMETER: 2,052 LF

FOREFRONT POWER

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SAN FRANCISCO, CA 94104
(415) 799-8249
www.forefrontpower.com

advantage engineers

438 INDEPENDENCE AVENUE, SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 488-9890
www.advantageengineers.com

STAMP:

STATE OF MARYLAND
JEFFERY NAGOMY
PROFESSIONAL ENGINEER
21461

MD-WHITE HALL
LAND - PHILLIPS

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:

1700165.008

SHEET TITLE:

PROPOSED SITE
PLAN

SHEET SIZE:

ARCH "D"
24" X 36" (610 x 914)
0 1/2" 1"

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DATE:04/04/17

DRAWN BY:MTG

ENGINEER:AMM

APPROVED BY:PC

PROJECT PHASE:

30% DESIGN

SCALE:

AS SHOWN

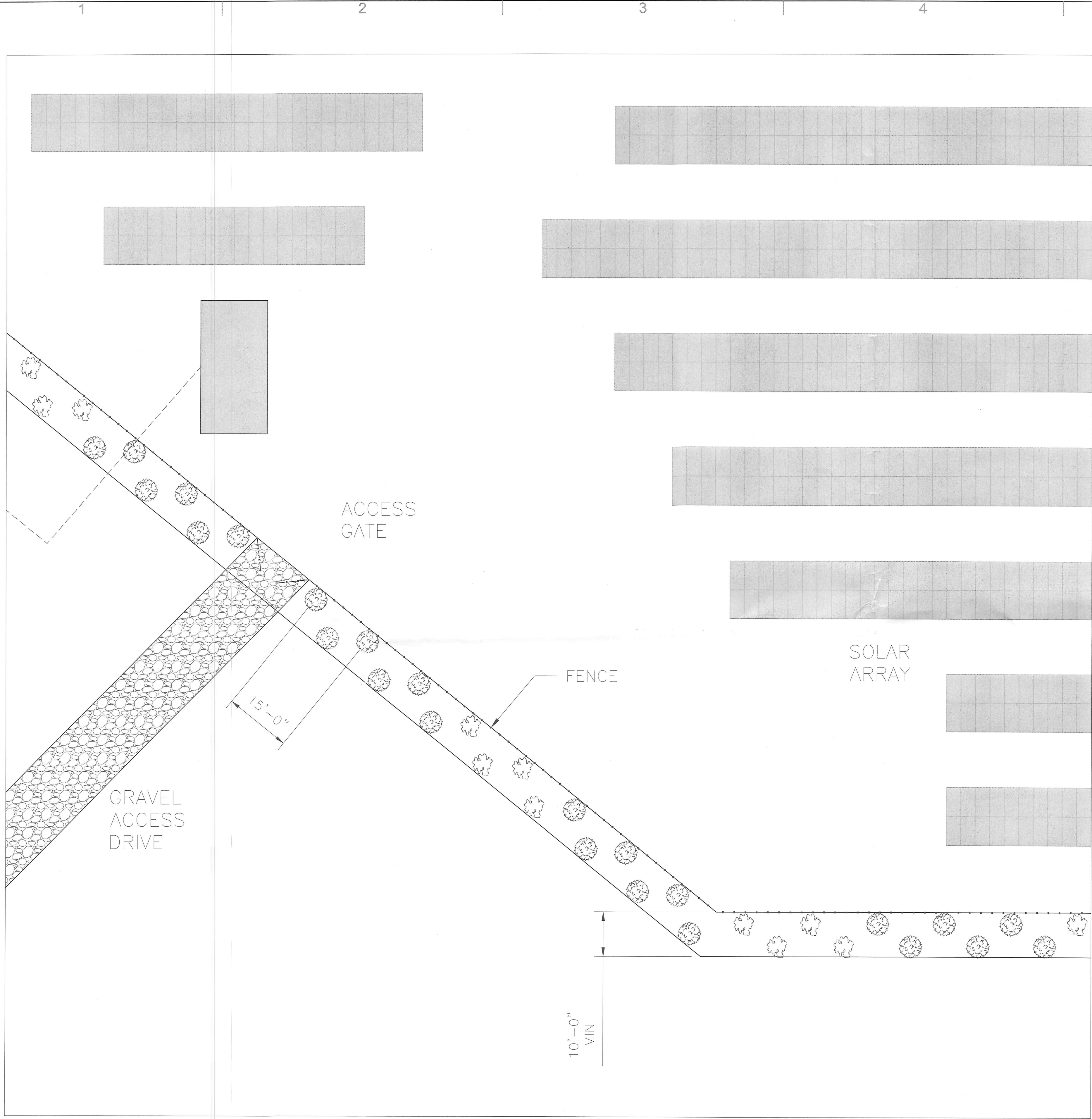
SHEET NO.:

C-201

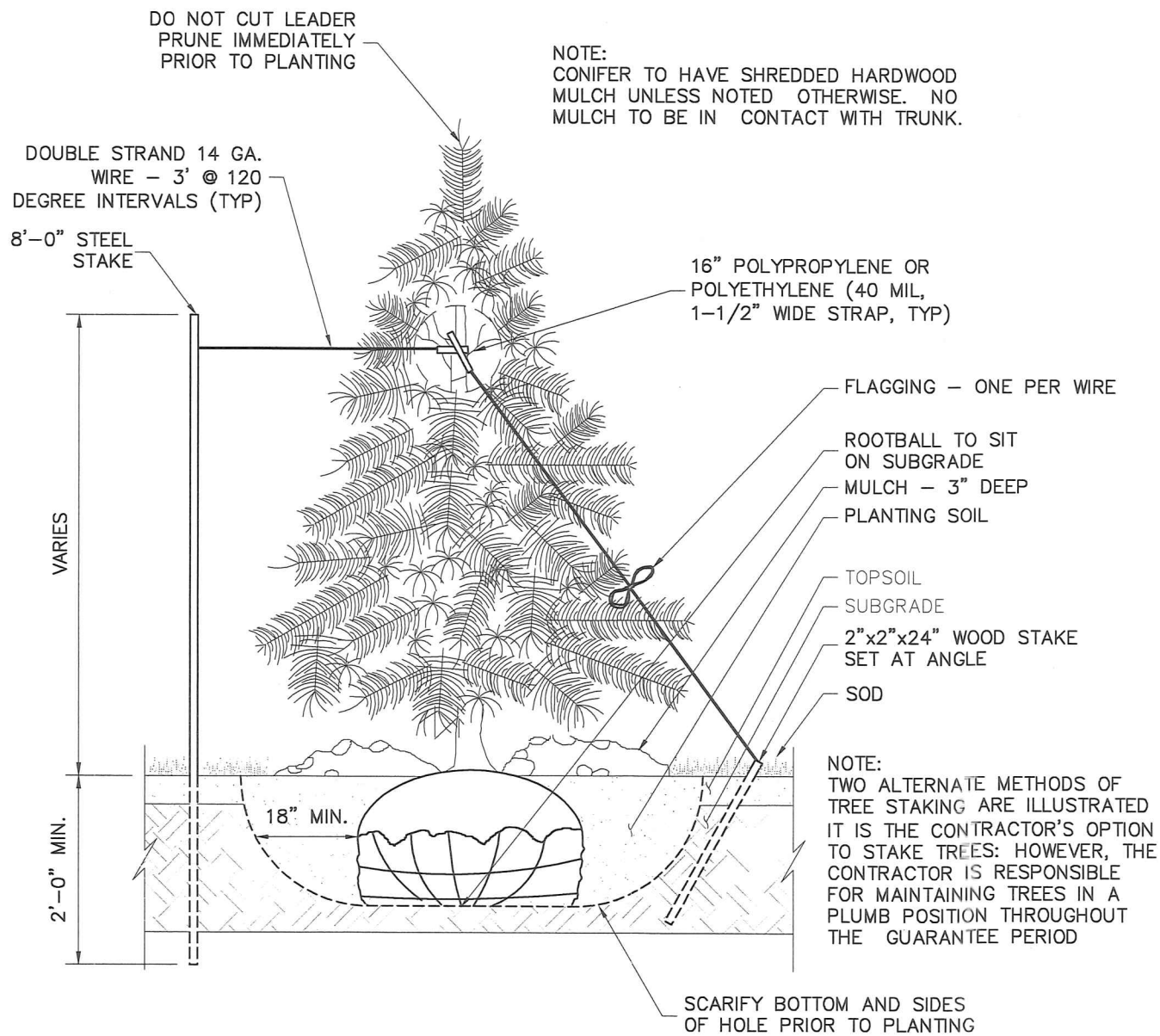
O:\Environmental\2017\1700165 - Forefront 30% design sets\White Hall Land Phillips MD-16-0006.dwg\ZDs\05\MD-15-0006-L101.dwg

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GESTAMP FTGM SHEET SET R1.1.1



1 LANDSCAPING PLAN (TYPICAL)
L-101 N.T.S.



NOTES:

1. INSTALL WATERING SAUCER IN NATIVE AREAS.
2. CONSTRUCT 6" HEIGHT WATERING RING FOR INITIAL WATERING. REMOVE IN DOS AREAS PRIOR TO MULCHING.
3. AFTER SEPTEMBER 1ST, INSTALL 4" TREE TAPE ON DECIDUOUS TREES FROM 6" OFF THE GROUND TO THE FIRST BRANCH. REMOVE PROMPTLY IN SPRING.
4. COMPLETELY REMOVE WIRE, WIRE BASKET, ALL TWINE & PLASTIC. REMOVE BURLAP OFF TOP 2/3 OF BALL.
5. FILL PLANT PIT WITH 1/2 SPECIFIED SOIL MIX AND 1/2 PIT SOIL.

2 TREE PLANTING DETAIL
L-101 N.T.S.

LANDSCAPE PLANT LEGEND				
SYMBOL	SPECIES	SPECIFICATION	CALIPER	QUANTITY
	ABIES BALSAMEA	2 PER PU	6 FEET IN HEIGHT	166
	THUJA OCCIDENTALIS	2 PER PU	6 FEET IN HEIGHT	111

PER THE BALTIMORE COUNTY LANDSCAPING MANUAL:
THE SCREEN MAY RANGE FROM A SOLID LINEAR SCREEN
OF EVERGREEN TREES WHERE MAXIMUM OPACITY IS
NEEDED TO A LOOSELY STAGGERED SCREEN WHERE A FILTERED
VIEW IS APPROPRIATE. A COMBINATION OF MAJOR
DECIDUOUS TREES, MINOR DECIDUOUS TREES, EVERGREEN
TREES, AND SHRUBS MAY BE USED.

ONE PLANTING UNIT (PU) PER 15 LINEAR FEET OF THE AREA TO BE
SCREENED.

COMPOUND PERIMETER: 2,052 LF
REQ'D PU's: (2,052)(1 PU/15 LF) = 137 PU's
REQ'D EVERGREEN TREES: (137 PU)(2 Evergreen/PU) = 274
TREES (Min)
PROVIDED EVERGREEN TREES: 278

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POWER**
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STAMP:

**MD-WHITE HALL
LAND - PHILLIPS**

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**LANDSCAPING
PLAN**

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
0 1/2" 1"

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DATE: 04/04/17

DRAWN BY: MTG

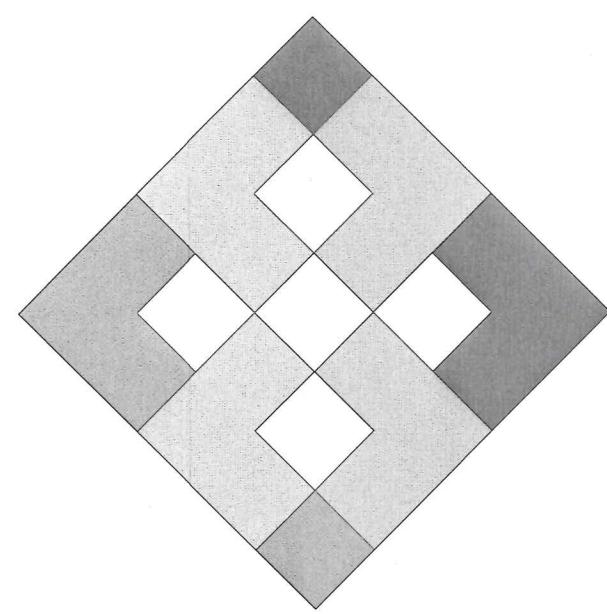
ENGINEER: AMM

APPROVED BY: PC

PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

SHEET NO.:
L-101



**FOREFRONT
POWER**

SITE NAME:
MD-WHITE HALL LAND - PHILLIPS

SITE ADDRESS:
**19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161**

SITE INFORMATION

SITE NAME: MD-WHITE HALL LAND - PHILLIPS
SITE ADDRESS: 19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161
JURISDICTION: BALTIMORE COUNTY, MARYLAND
ZONING: RC 2 (AGRICULTURAL)
TAX ACCOUNT ID: 07-2500005231
CENSUS TRACT / BLOCK: 445.01 / 2
LOT NUMBER: 11.04
SITE COORDINATES: N 39°39'59.7" (NAD 83)
W 76°33'42.4" (NAD 83)
GROUND ELEVATION: 709± (NAVD 88)
SYSTEM SIZE (DC): 1114.00 kW
SYSTEM SIZE (AC): 840.00 kW
MODULE TYPE: TRINASOLAR TSM-340 DE14A(II)
INVERTER 1 (ROOFTOP): 4x SUNGROW SG60KU-M
AZIMUTH: 180°
TILT (ROOFTOP): 25°
GROUND LANDLORD NAME: JERRY PHILLIPS
GROUND LANDLORD ADDRESS: 19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161
APPLICANT: FOREFRONT POWER, LLC
100 MONTGOMERY ST. #1400
SAN FRANCISCO, CA 94104
ELECTION DISTRICT: #7
CONCILMANIC DISTRICT: #3
CONGRESSIONAL DISTRICT: #1
LEGISLATIVE DISTRICT: #7
VOTING PRECINCT: #07-001
ZONING MAP NUMBER: #0013

CODE ANALYSIS

BUILDING CODE: IBC 2015
ELECTRICAL CODE: NEC 2014
FIRE CODE: 2012 NFPA 101
USE GROUP: U (UTILITY)
CONSTRUCTION TYPE: IIB

PROJECT SCOPE OF WORK

THIS DESIGN PACKAGE PROVIDES DRAWINGS FOR THE
INSTALLATION OF A 1,114.00 kW DC RATED
PHOTOVOLTAIC SYSTEM AT 19735 GRAYSTONE ROAD IN
WHITE HALL, MARYLAND.



AREA MAP

WHITE HALL, MARYLAND
SCALE: 1" = 200'

SYSTEM SUMMARY

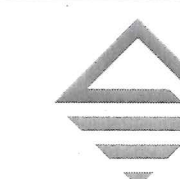
NUMBER OF PANELS: 3276
SYSTEM SIZE (DC): 1,114.00 kW
SYSTEM SIZE (AC): 840.00 kW

CIVIL SHEET INDEX

DRAWING SHEET	DRAWING TITLE
T-001	TITLE SHEET
C-101	EXISTING CONDITIONS
C-201	PROPOSED SITE PLAN
C-503	FENCE AND GATE DETAIL
L-101	LANDSCAPE PLAN

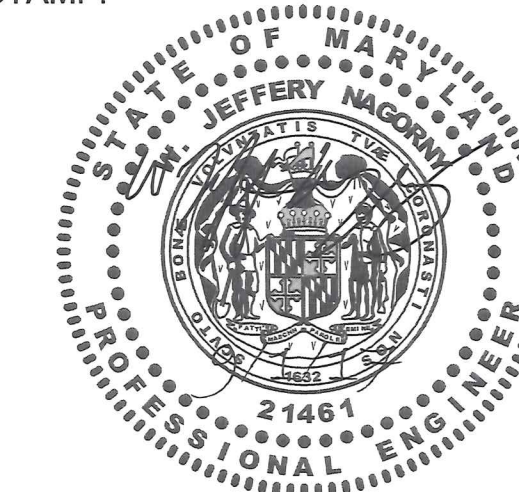
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STAMP:



**MD-WHITE HALL
LAND - PHILLIPS**

**19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161**

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**TITLE
SHEET**

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
0 1/2" 1"

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NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD

DATE: 04/04/17
DRAWN BY: MTG
ENGINEER: AMM
APPROVED BY: PC

PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

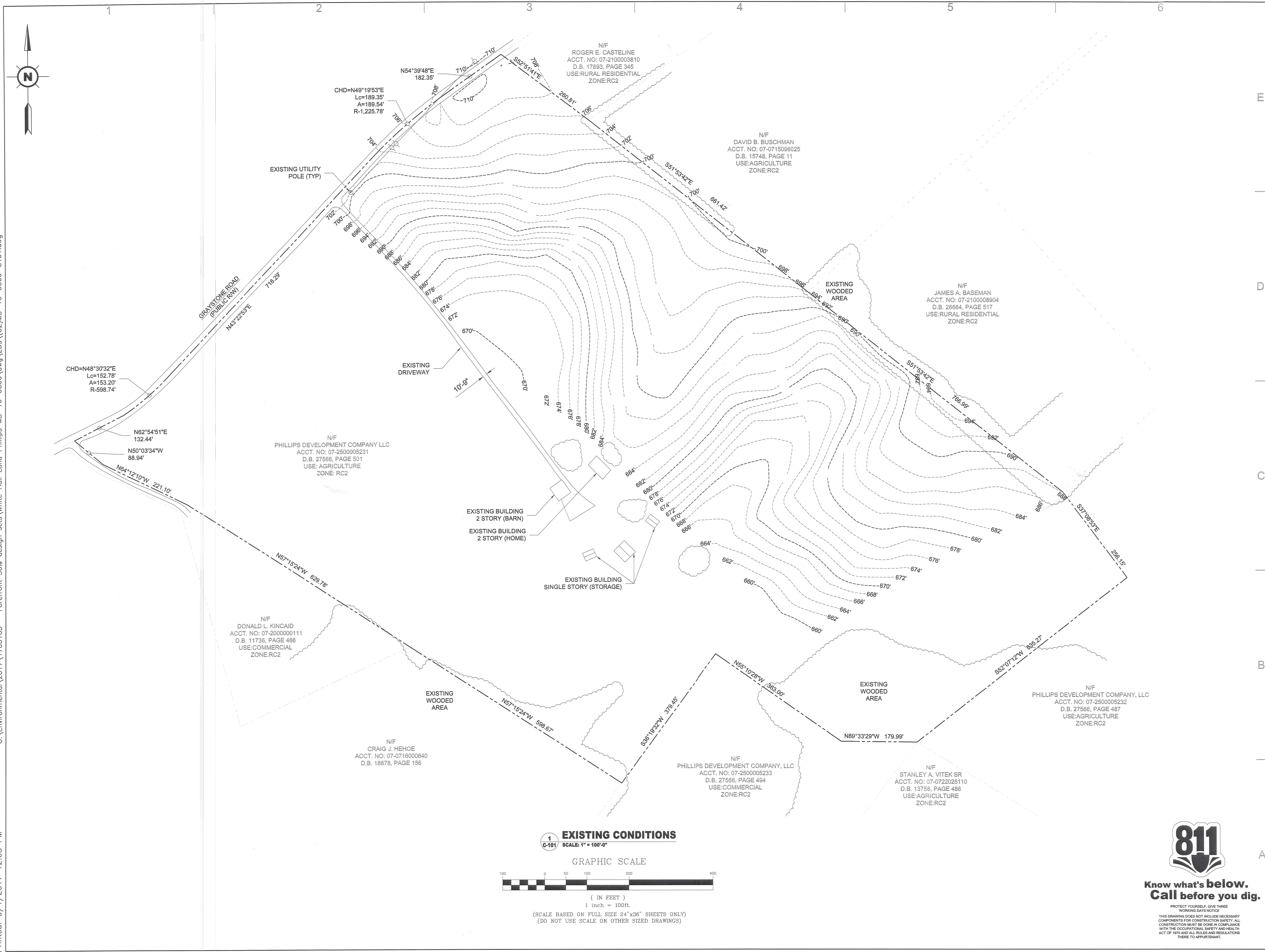
SHEET NO.:
T-001

THIS PLAN TO ACCOMPANY ZONING PERMIT
FOR 09/01/2017 ZONING HEARING

2018-0072X

O:\Environmental\2017\1700165 - Forefront 30% design sets\White Hall Land Phillips MD-16-0006.dwg\ZDs\02\MD-16-0006-C101.dwg

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EXISTING CONDITIONS

SCALE: 1" = 100'-0"

GRAPHIC SCALE

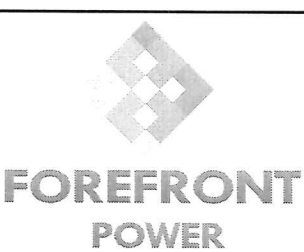


(IN FEET)
1 inch = 100ft.
(SCALE BASED ON FULL SIZE 24"x36" SHEETS ONLY)
(DO NOT USE SCALE ON OTHER SIZED DRAWINGS)

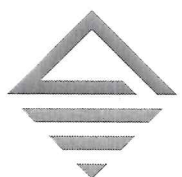


**Know what's below.
Call before you dig.**

PROTECT YOURSELF, GIVE THREE
WORKING DAYS NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY
COMPONENTS FOR CONSTRUCTION SAFETY. ALL
CONSTRUCTION MUST BE DONE IN COMPLIANCE
WITH THE OCCUPATIONAL SAFETY AND HEALTH
ACT OF 1970 AND ALL RULES AND REGULATIONS
THERE TO APPURTENANT.

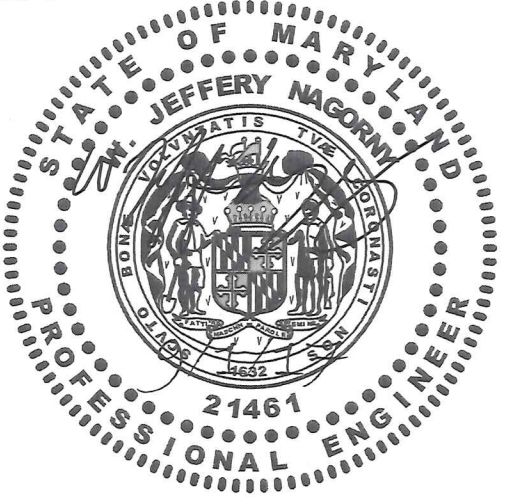


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MCCHANCEBURY, PENNSYLVANIA 17050
PHONE: (717) 488-8800
www.advantageengineers.com

STAMP:



**MD-WHITE HALL
LAND - PHILLIPS**
**19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161**

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**EXISTING
CONDITIONS**

SHEET SIZE:
**ARCH "D"
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0 1/2" 1"

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NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD

DATE:	04/04/17
DRAWN BY:	MTG
ENGINEER:	AMM
APPROVED BY:	PC

PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

SHEET NO.:
C-101



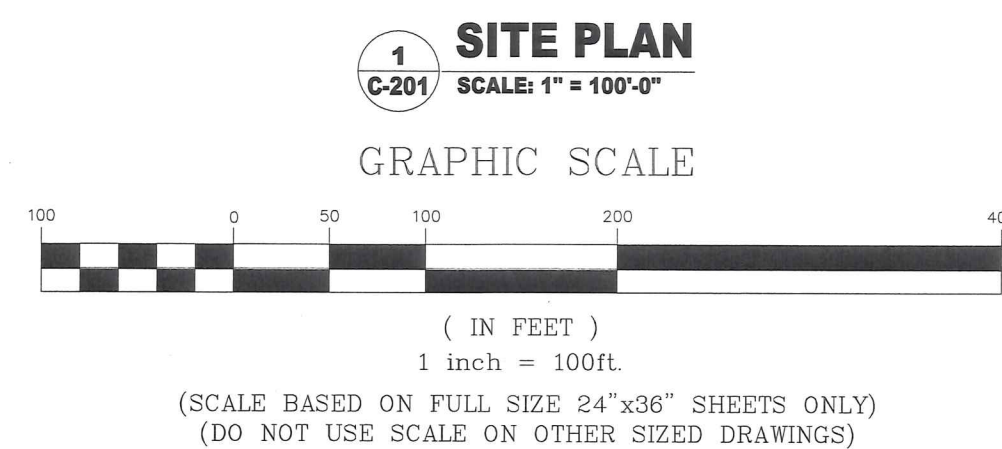
1. THIS PLAN WAS PREPARED USING AN APPROVED PLAN ENTITLED "TOPOGRAPHIC SURVEY OF TAX LOT 11.04-BLOCK 11011" BY POINT TO POINT SURVEYORS DATED 12/07/2016.
2. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORMWATER RUNOFF; THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
3. NO ADDITIONAL NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS AFTER THE UPGRADE IS COMPLETE.
4. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD).
5. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY TYPE.
6. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
7. FLOODPLAIN: NO INDICATED FEMA FLOODPLAIN ON SITE
8. SYSTEM DESIGNED IN ACCORDANCE WITH BILL-37/17 SECTION 4E-104
9. FACILITY NOT LOCATED IN EASEMENTS
10. FACILITY NOT LOCATED ON A HISTORICAL SITE
11. FACILITY IS NOT LOCATED IN A CHESAPEAKE BAY CRITICAL AREA
12. FACILITY IS NOT IN A FOREST CONSERVATION OR CONSERVANCY OR DESIGNATED CONSERVANCY
13. GLARE CONTROL PROVIDED BY LANDSCAPE SCREENING (SEE SHEET L-1)
14. NO STATE OR LOCAL SCENIC ROUTES OR SCENIC VIEWS PRESENT ON SITE
15. MINIMUM 50' SETBACK REQUIREMENTS MET
16. SYSTEM HEIGHT DOES NOT EXCEED 20'
17. SECURITY FENCE SURROUNDS PROPOSED FACILITY
18. ZONING MAP PANELS 013A1, 013A2, 013B1, AND 013B2
19. 50' SETBACK REQUIREMENT BASED ON MEETING BETWEEN FOREFRONT POWER, LLC/ ADVANTAGE EQUIPMENTS, LLC AND BALTIMORE COUNTY ON AUGUST 17, 2017
20. AS OF SEPTEMBER 01, 2017 THERE ARE LESS THEN 10 SOLAR FACILITIES APPROVED IN COUNCILMANIC DISTRICT 3.

SPECIAL VARIANCE RELIEF

1. TO GRANT SPECIAL EXCEPTION RELIEF FOR A SOLAR FACILITY PURSUANT TO BCZR Sec. 4E-102 (AS ESTABLISHED BY BILL 37-17)

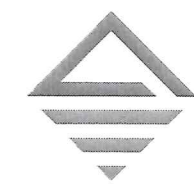
PROPERTY INFORMATION

ZONE :	RC-2
TAX MAP:	0013
PARCEL:	0041
COUNCILMANIC DISTRICT:	3
CONGRESSIONAL DISTRICT:	1
LEGISLATIVE DISTRICT:	7
ELECTION DISTRICT:	7
VOTING PRECINCT:	07-001



SYSTEM SUMMARY

NUMBER OF PANELS: 7,776
SYSTEM SIZE (DC): 1,114.00 kW
SYSTEM SIZE (AC): 850.00 kW
COMPOUND AREA: 5.95 AC
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STAMP:

MD-WHITE HALL
LAND - PHILLIPS

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:	1700165.008
-----------------	-------------

SHEET TITLE:

**PROPOSED SITE
PLAN**

SHEET SIZE:
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[illegible]

DATE:	04/04/17
DRAWN BY:	MTG
ENGINEER:	AMM
APPROVED BY:	PC

PROJECT PHASE:	30% DESIGN
SCALE:	AS SHOWN

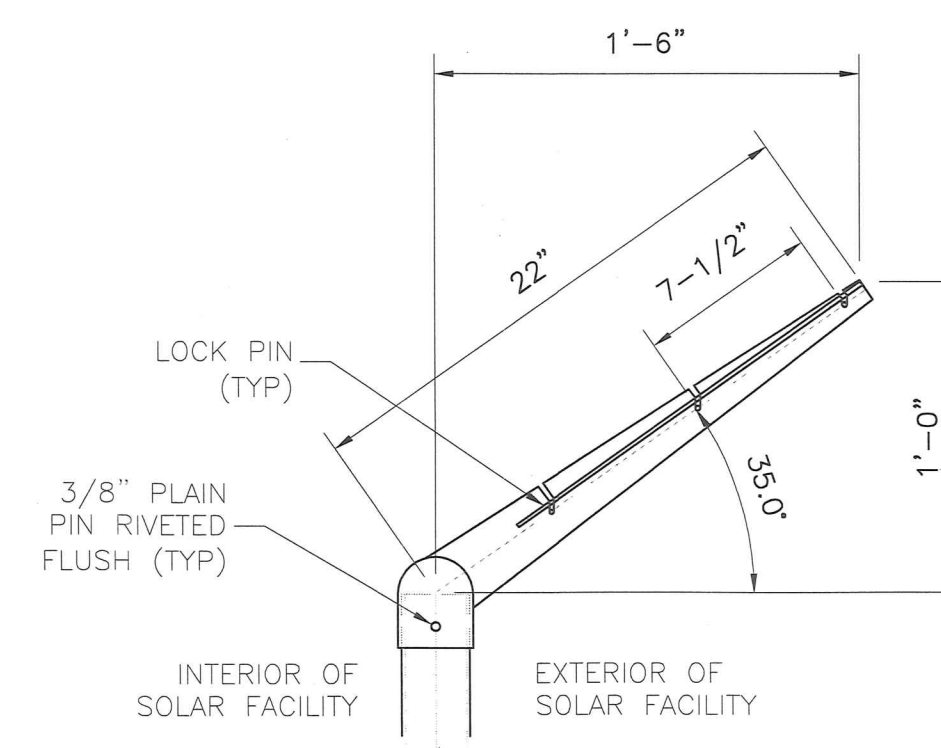
SHEET NO.: **C-201**



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CORNER POST

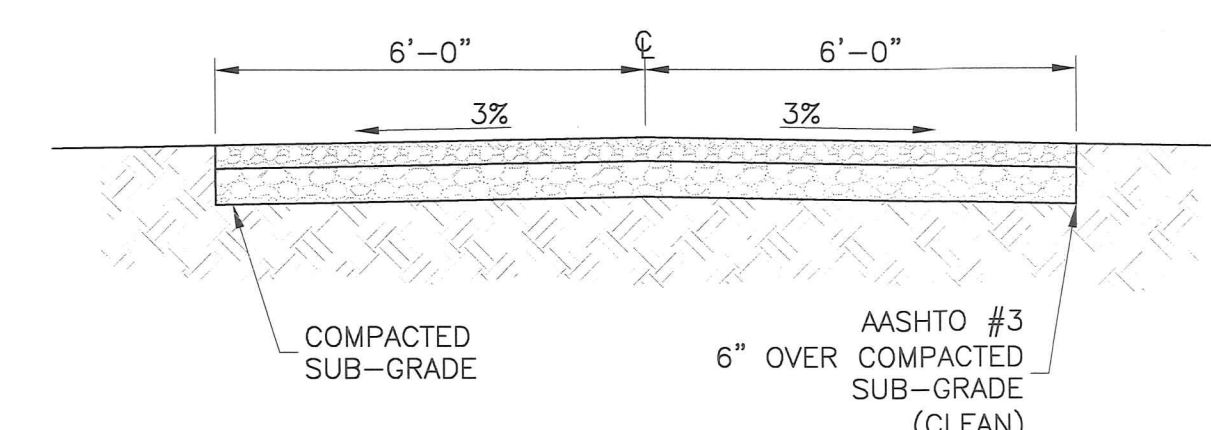
1. WIRE TIES, RAILS, POSTS, AND BRACES SHALL BE CONSTRUCTED ON THE SECURE SIDE OF THE FENCE ALIGNMENT. CHAIN-LINK FABRIC SHALL BE PLACED ON THE OPPOSITE SIDE OF THE SECURE AREA.
2. C-SECTION POSTS SHALL BE INSTALLED SO THAT THE VOID INSIDE THE POST IS COMPLETELY FILLED WITH CONCRETE UP TO THE TOP OF THE FOUNDATION.
3. SWING GATES SHALL BE CONSTRUCTED WITH DROP RODS, PADLOCKS, LATCH ASSEMBLY, AND GATE KEEPERS EXCEPT AS NOTED.
4. ALL GATE FRAMES SHALL BE A MINIMUM 1-7/8" NOMINAL (ROUND) OR 2" NOMINAL (SQUARE). GATE FRAMES SHALL BE OF WELDED CONSTRUCTION OR SHALL BE ASSEMBLED USING HEAVY FITTINGS. AT THE CONTRACTOR'S OPTION A WELDED HORIZONTAL BRACE MAY BE USED IN LIEU OF TRUSS RODS TO BRACE ALL WELDED GATE FRAMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER RIGID CONSTRUCTION OF ALL GATES SUPPLIED.
5. GATES SHALL BE DESIGNATED AS FOLLOWS:

FENCE TYPE	- FE5, FE6, ETC.
FABRIC WIDTH	- INCHES
TYPE OPENING	- S0 (SINGLE)
	- D0 (DOUBLE)
	- RA (STANDARD)
HINGE	- H0 (OFFSET)
	- INCHES (CLEAR OPENING
OPENING	BETWEEN GATE POSTS)
EXAMPLES:	FE6-120-D0-RA-144
	FE5-120-S0-H0-144
6. CHAIN-LINK FABRIC SHALL BE 11 GAUGE WITH 2" OPENINGS.
7. LINE POSTS SHALL BE 10 FEET LONG 1-7/8" SCHEDULE 40 GRADE 50 PIPE IN CONCRETE FOOTER.
8. SLATS NOT PERMITTED WITHOUT EOR APPROVAL AND SIGN-OFF.

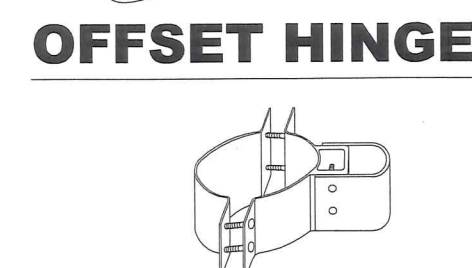
Technical drawing of a gate assembly. The drawing shows a side view of a gate with various components and dimensions. The gate is supported by two vertical posts and has a horizontal bar across the middle. The gate leaf is shown in a partially open position. The drawing includes the following dimensions and labels:

- Overall height: 1'-0"
- Overall width: 48"
- Gate height: 6'-0"
- Gate width: 2'-6"
- Gate base: 1'-0" MIN
- Gate leaf thickness: 2" MAX
- Gate posts: 4" Ø
- Gate hinges
- Gate leaf
- Tension bar
- Tension rod (typ)
- Barbed wire apron on extension arms
- Concrete base

C-503 SCALE: 1/4" = 1'-0"

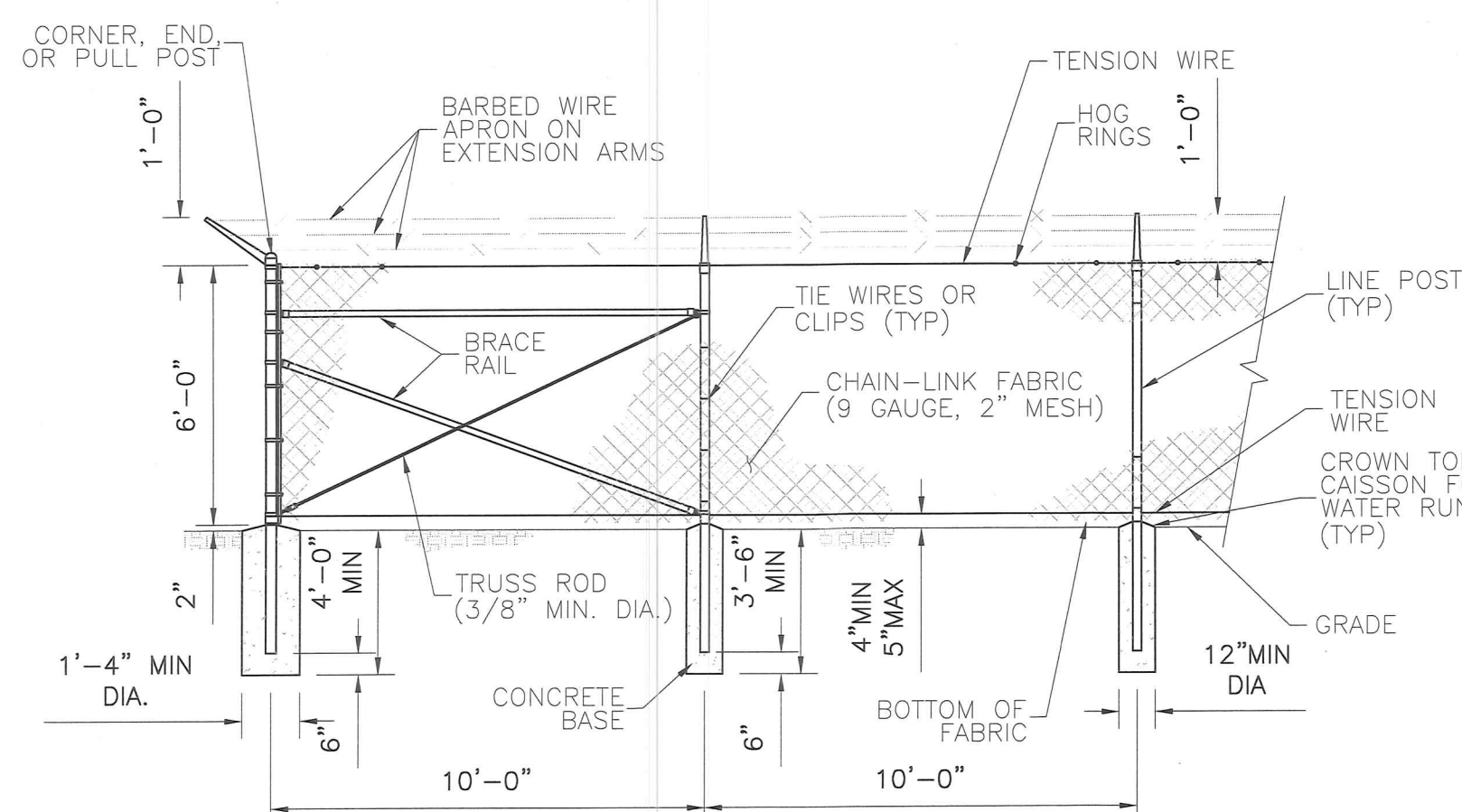


C-503	N.T.S
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**GATE KEEPER
(TO HOLD GATE
OPEN)**

2	115
C-503	N.T.S.



C-503 SCALE: 1/4" = 1'-0"

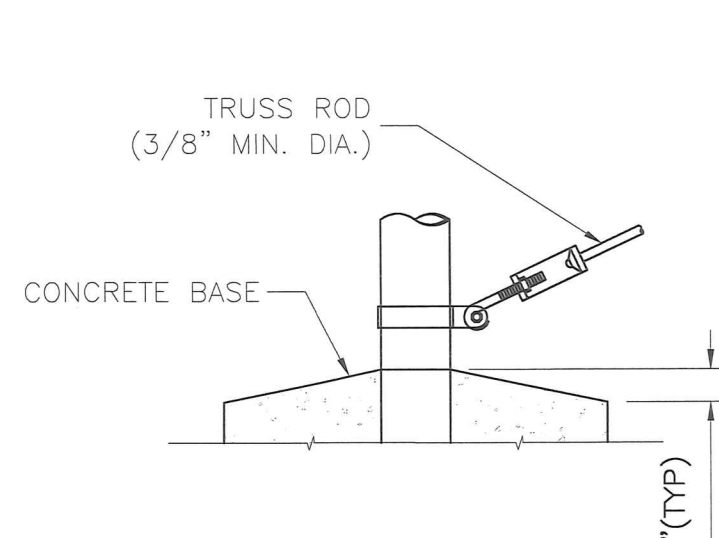
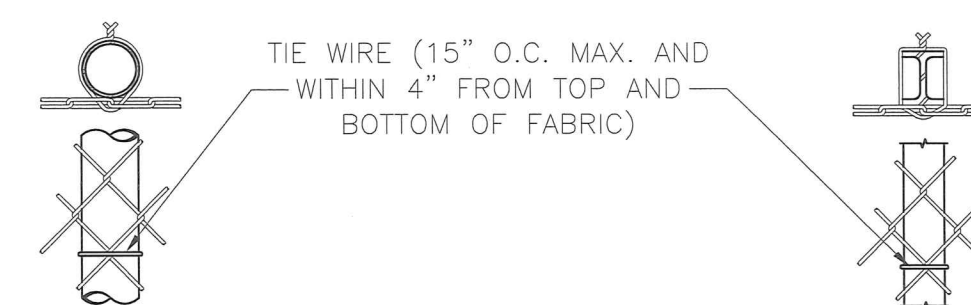
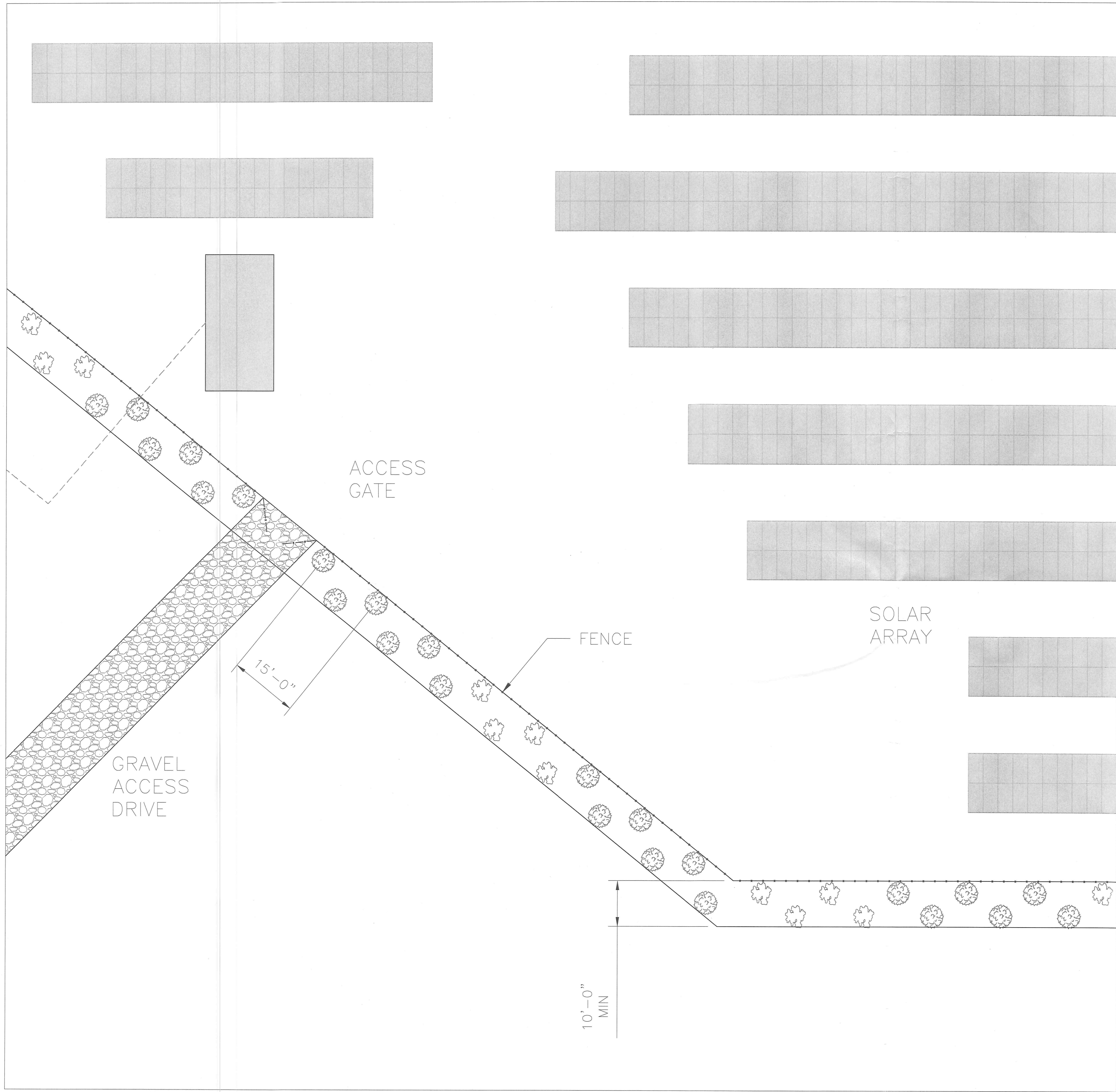


Diagram illustrating the connection of a Truss Rod (3/8" MIN. DIA.) to a Round Post using a Tension Band.

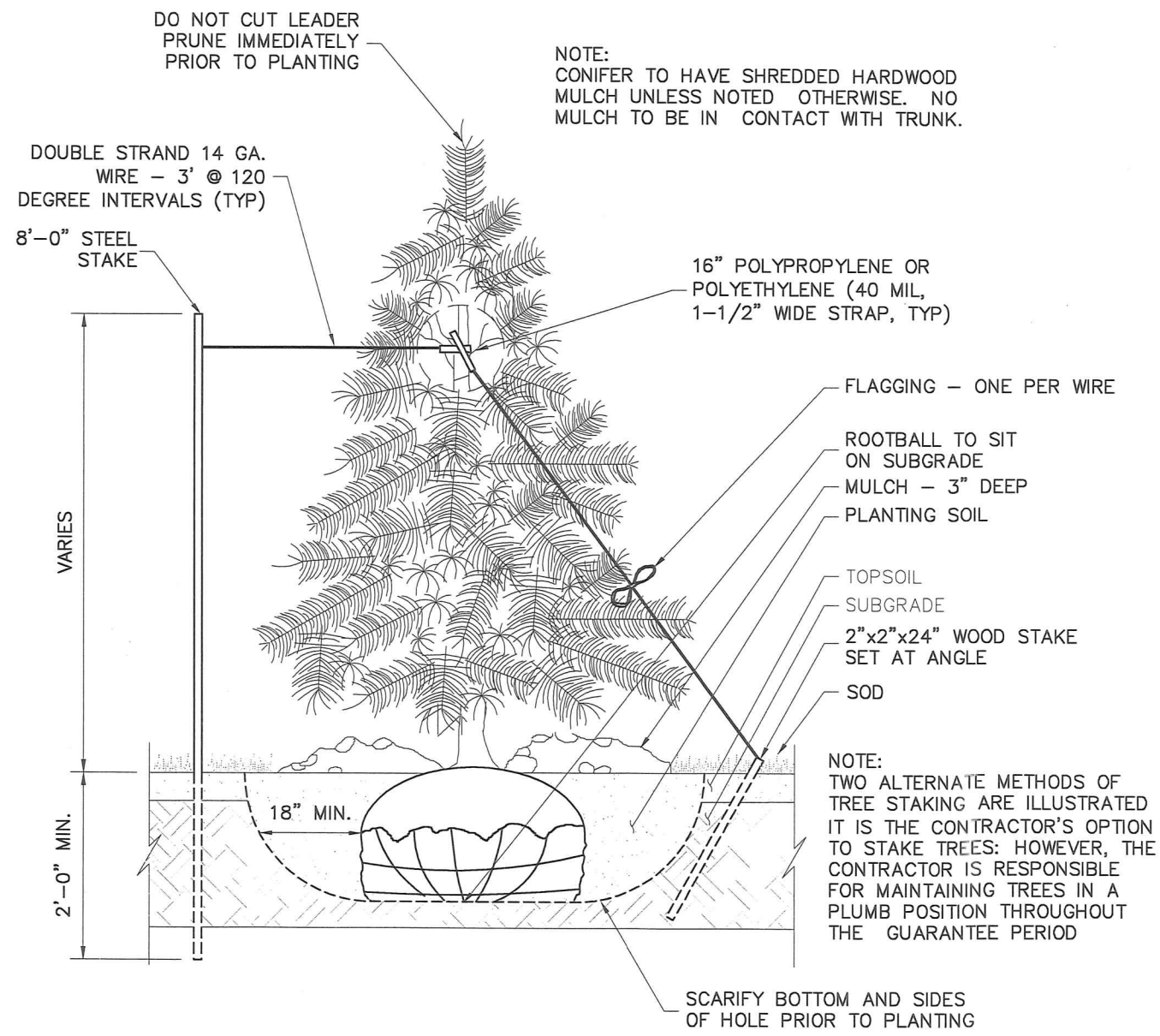
C-503 N.T.S.



H-BEAM ATTACHMENT



1 LANDSCAPING PLAN (TYPICAL)
L-101 N.T.S.



NOTES:

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2. CONSTRUCT 6" HEIGHT WATERING RING FOR INITIAL WATERING. REMOVE IN DOS AREAS PRIOR TO MULCHING.
3. AFTER SEPTEMBER 1ST, INSTALL 4" TREE TAPE ON DECIDUOUS TREES FROM 6" OFF THE GROUND TO THE FIRST BRANCH. REMOVE PROMPTLY IN SPRING.
4. COMPLETELY REMOVE WIRE WIRE BASKET, ALL TWINE & PLASTIC. REMOVE BURLAP OFF TOP 2/3 OF BALL.
5. FILL PLANT PIT WITH 1/2 SPECIFIED SOIL MIX AND 1/2 PIT SOIL.

2 TREE PLANTING DETAIL
L-101 N.T.S.

LANDSCAPE PLANT LEGEND				
SYMBOL	SPECIES	SPECIFICATION	CALIPER	QUANTITY
	ABIES BALSAMEA	2 PER PU	6 FEET IN HEIGHT	166
	THUJA OCCIDENTALIS	2 PER PU	6 FEET IN HEIGHT	111

PER THE BALTIMORE COUNTY LANDSCAPING MANUAL:
THE SCREEN MAY RANGE FROM A SOLID LINEAR SCREEN
OF EVERGREEN TREES WHERE MAXIMUM OPACITY IS
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VIEW IS APPROPRIATE. A COMBINATION OF MAJOR
DECIDUOUS TREES, MINOR DECIDUOUS TREES, EVERGREEN
TREES, AND SHRUBS MAY BE USED.

ONE PLANTING UNIT (PU) PER 15 LINEAR FEET OF THE AREA TO BE
SCREENED.

COMPOUND PERIMETER: 2,052 LF
REQ'D PU's: (2,052)(1 PU/15 LF) = 137 PU's
REQ'D EVERGREEN TREES: (137 PU)(2 Evergreen/PU) = 274
TREES (Min)
PROVIDED EVERGREEN TREES: 278

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POWER**
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402 HOOVER AVENUE, SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 455-1889
www.advantageengineers.com

STAMP:

**MD-WHITE HALL
LAND - PHILLIPS**

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**LANDSCAPING
PLAN**

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
0 1/2" 1"

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NO PART IS TO BE DISCLOSED TO OTHERS WITHOUT
WRITTEN PERMISSION FROM FOREFRONT POWER, LLC.

NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD

DATE:	04/04/17
DRAWN BY:	MTG
ENGINEER:	AMM
APPROVED BY:	PC

PROJECT PHASE:
30% DESIGN

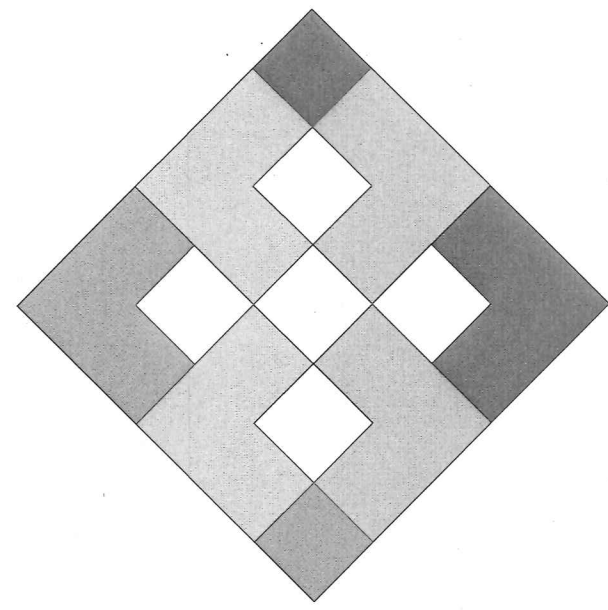
SCALE:
AS SHOWN

SHEET NO.:
L-101

o:\Environmental\2017\1700165 - Forefront 30% design sets\White Hall Land Phillips MD-16-0006\dwg\ZDs\01\MD-16-0006-T001.dwg

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FOREFRONT POWER

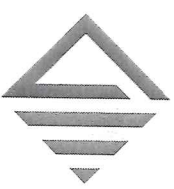
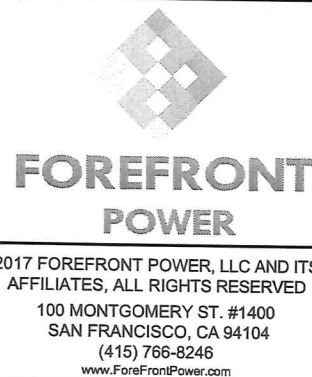
SITE NAME:

MD-WHITE HALL LAND - PHILLIPS

SITE ADDRESS:

19735 GRAYSTONE ROAD WHITE HALL, MARYLAND 21161

PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 41497, EXPIRATION DATE: 01-05-2018



advantage engineers
435 INDEPENDENCE AVENUE, SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 498-0800
www.advantageengineers.com

STAMP:



Andrew M. Miller, P.E.
Maryland Professional Engineer
MD License #41497

MD-WHITE HALL
LAND - PHILLIPS

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:
1700165.008

SHEET TITLE:

**TITLE
SHEET**

SHEET SIZE:
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0 1/2" 1"

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NO.	REVISION	DATE	INIT.
A	ZONING	08/25/17	SPD
1	REVISION	12/13/17	SPD

DATE: 04/04/17
DRAWN BY: MTG
ENGINEER: AMM
APPROVED BY: PC

PROJECT PHASE:
30% DESIGN

SCALE: **AS SHOWN**

SHEET NO.:

T-001

SITE INFORMATION

SITE NAME: MD-WHITE HALL LAND - PHILLIPS
SITE ADDRESS: 19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161
JURISDICTION: BALTIMORE COUNTY, MARYLAND
ZONING: RC 2 (AGRICULTURAL)
TAX ACCOUNT ID: 07-2500005231
TAX MAP: 13
PARCEL: 41
CENSUS TRACT / BLOCK: 445.01 / 2
LOT NUMBER: 11.04
SITE COORDINATES: N 39°39'59.7" (NAD 83)
W 76°35'42.4" (NAD 83)
GROUND ELEVATION: 709± (NAVD 88)
SYSTEM SIZE (DC): 1114.00 kW
SYSTEM SIZE (AC): 840.00 kW
MODULE TYPE: TRINASOLAR TSM-340 DE14A(II)
INVERTER 1 (ROOFTOP): 4x SUNGROW SG60KU-M
AZIMUTH: 180°
TILT (ROOFTOP): 25°
OWNER NAME: JERRY PHILLIPS
OWNER ADDRESS: 19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161
LESSEE: FOREFRONT POWER, LLC
100 MONTGOMERY ST. #1400
SAN FRANCISCO, CA 94104
ELECTION DISTRICT: 7
CONCILMANIC DISTRICT: 3
CONGRESSIONAL DISTRICT: 1
LEGISLATIVE DISTRICT: 7
VOTING PRECINCT: 07-001
ZONING MAP NUMBER: 0013

CODE ANALYSIS

BUILDING CODE: IBC 2015
ELECTRICAL CODE: NEC 2014
FIRE CODE: 2012 NFPA 101
USE GROUP: U (UTILITY)
CONSTRUCTION TYPE: IIB

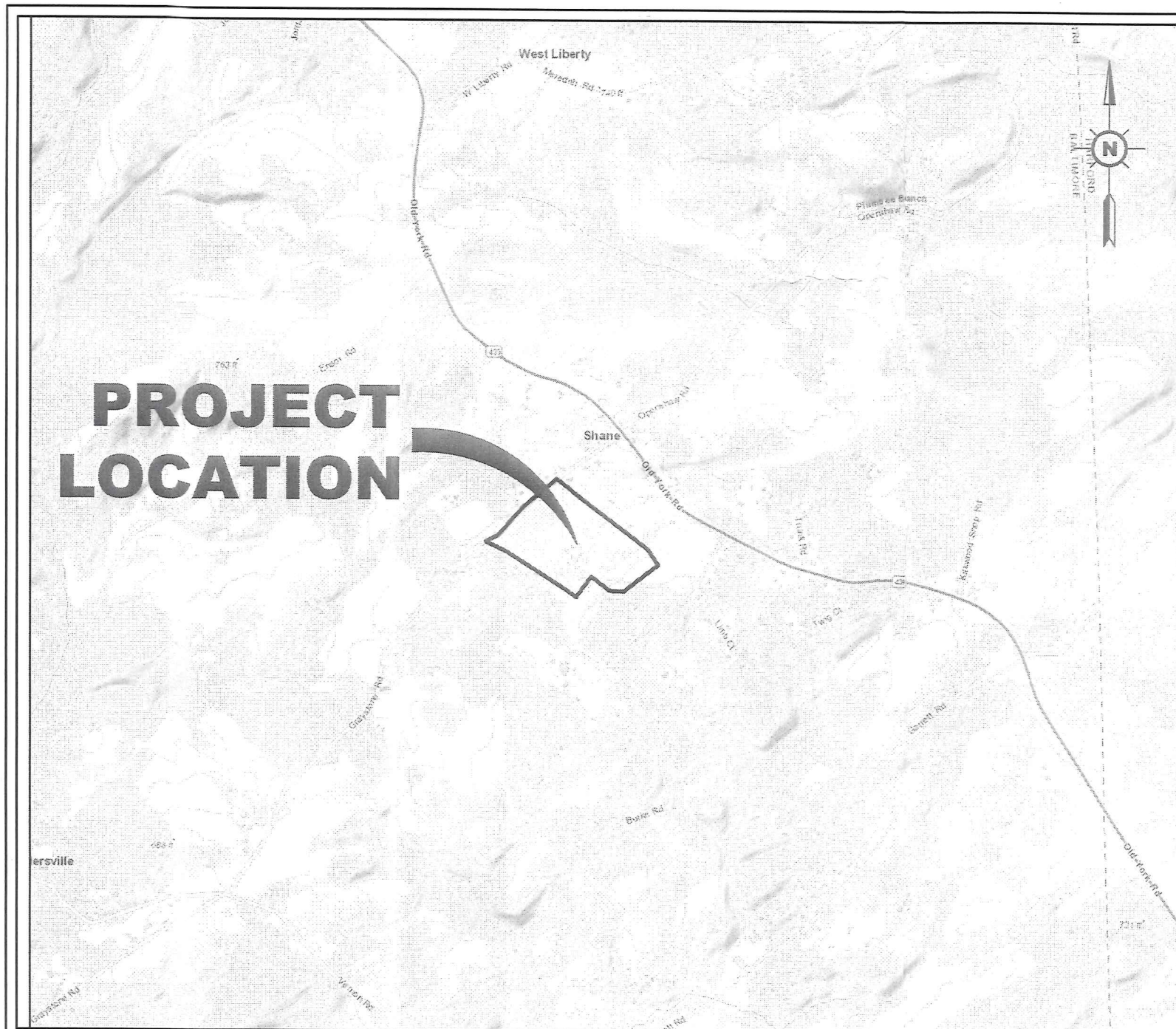
PROJECT SCOPE OF WORK

THIS DESIGN PACKAGE PROVIDES DRAWINGS FOR THE INSTALLATION OF A 1,114.00 kW DC RATED PHOTOVOLTAIC SYSTEM AT 19735 GRAYSTONE ROAD IN WHITE HALL, MARYLAND.



AREA MAP

WHITE HALL, MARYLAND
SCALE: 1" = 200'



VICINITY MAP

WINDSOR MILL, MARYLAND
SCALE: 1" = 25000'-0"

SYSTEM SUMMARY

NUMBER OF PANELS: 3276
SYSTEM SIZE (DC): 1,114.00 kW
SYSTEM SIZE (AC): 840.00 kW

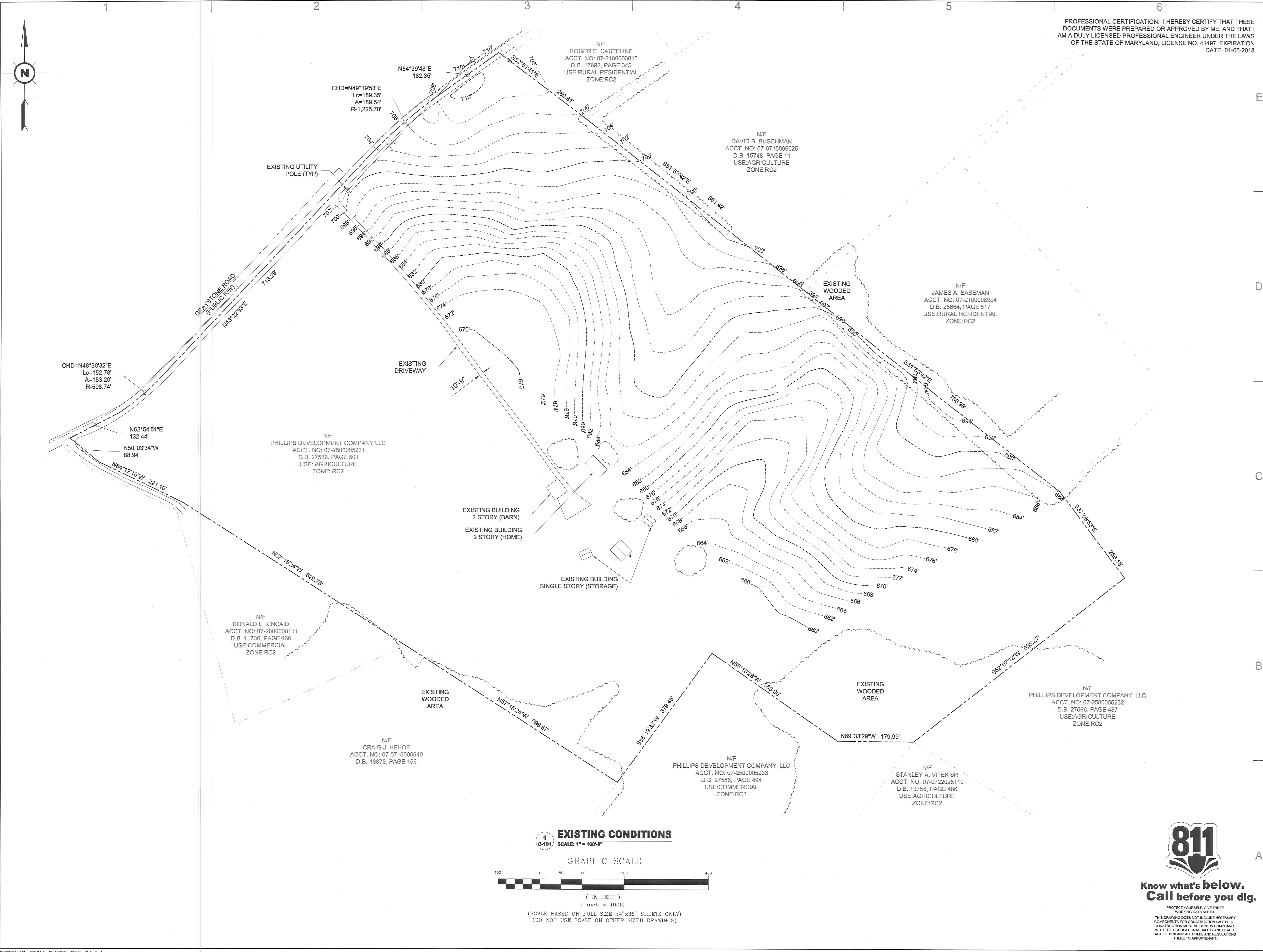
CIVIL SHEET INDEX

DRAWING SHEET	DRAWING TITLE
T-001	TITLE SHEET
C-101	EXISTING CONDITIONS
C-201	PROPOSED SITE PLAN
C-503	FENCE AND GATE DETAIL

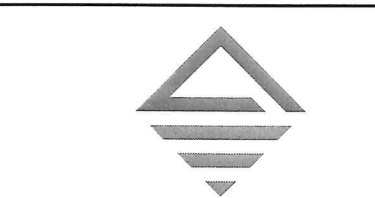
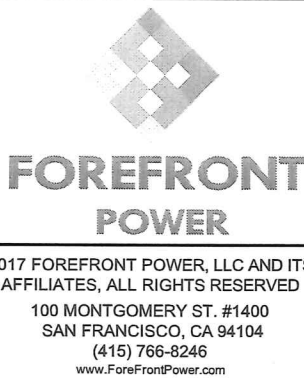
Revisions
No 1

O:\Environmental\2017\1700165 - Forefront 30% design sets\White Hall Land Phillips MD-16-0006.dwg\ZDs\02\MD-16-0006-C101.dwg

Printed: 12/13/2017 2:52 PM



PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 41497, EXPIRATION DATE: 01-05-2018



advantage engineers
435 INDEPENDENCE AVENUE, SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 458-8855
WWW.ADVANTAGEENGINEERS.COM

STAMP:



Andrew M. Miller, P.E.
Maryland Professional Engineer
MD License #41497

**MD-WHITE HALL
LAND - PHILLIPS**
**19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161**

PROJECT NUMBER:
1700165.008

SHEET TITLE:

**EXISTING
CONDITIONS**

SHEET SIZE:
ARCH "D"
24" X 36" (610 x 914)
0 1/2" 1"

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1	REVISION	12/13/17	SPD

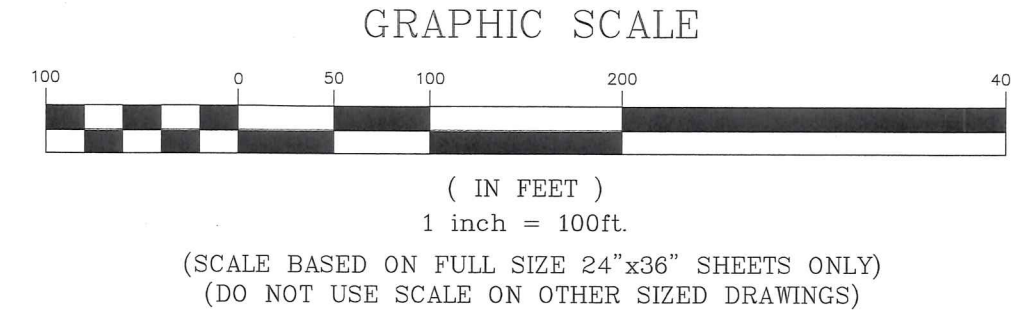
DATE:	04/04/17
DRAWN BY:	MTG
ENGINEER:	AMM
APPROVED BY:	PC

PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

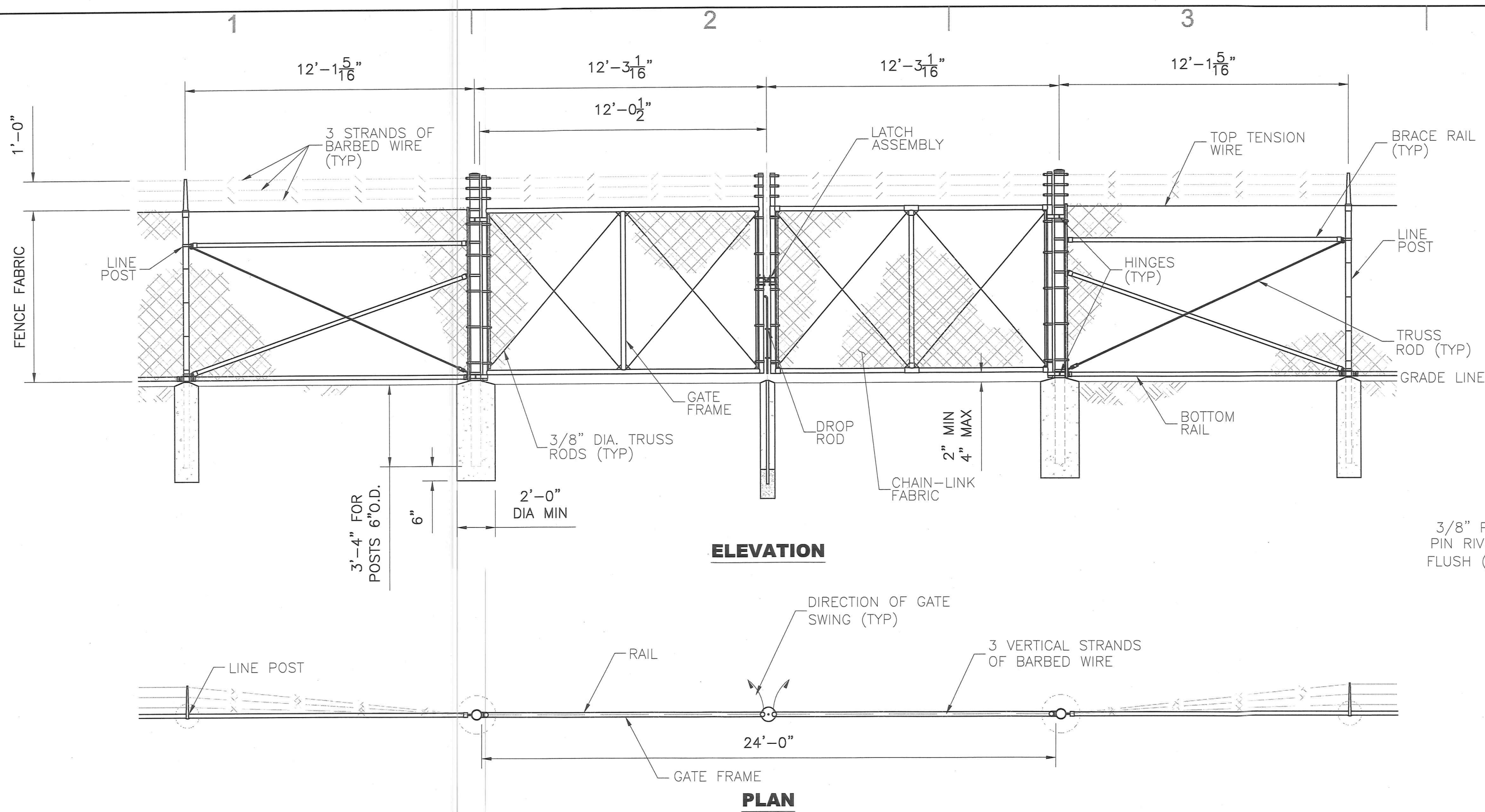
SHEET NO.:
C-101

EXISTING CONDITIONS
SCALE: 1" = 100'-0"

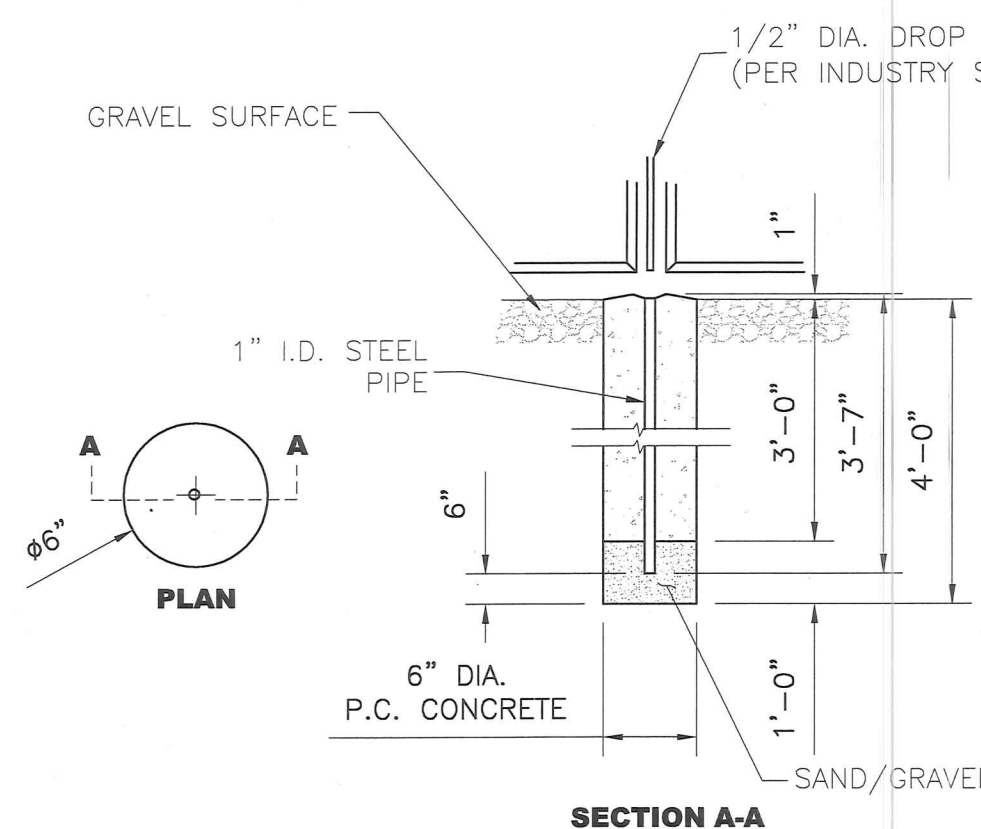


**Know what's below.
Call before you dig.**

PROTECT YOURSELF. GIVE THREE WORKING DAYS NOTICE.
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERE TO APPURTENANT.



1 TYPICAL ACCESS GATE
C-503 SCALE: 1/4" = 1'-0"



DROP ROD FOUNDATION

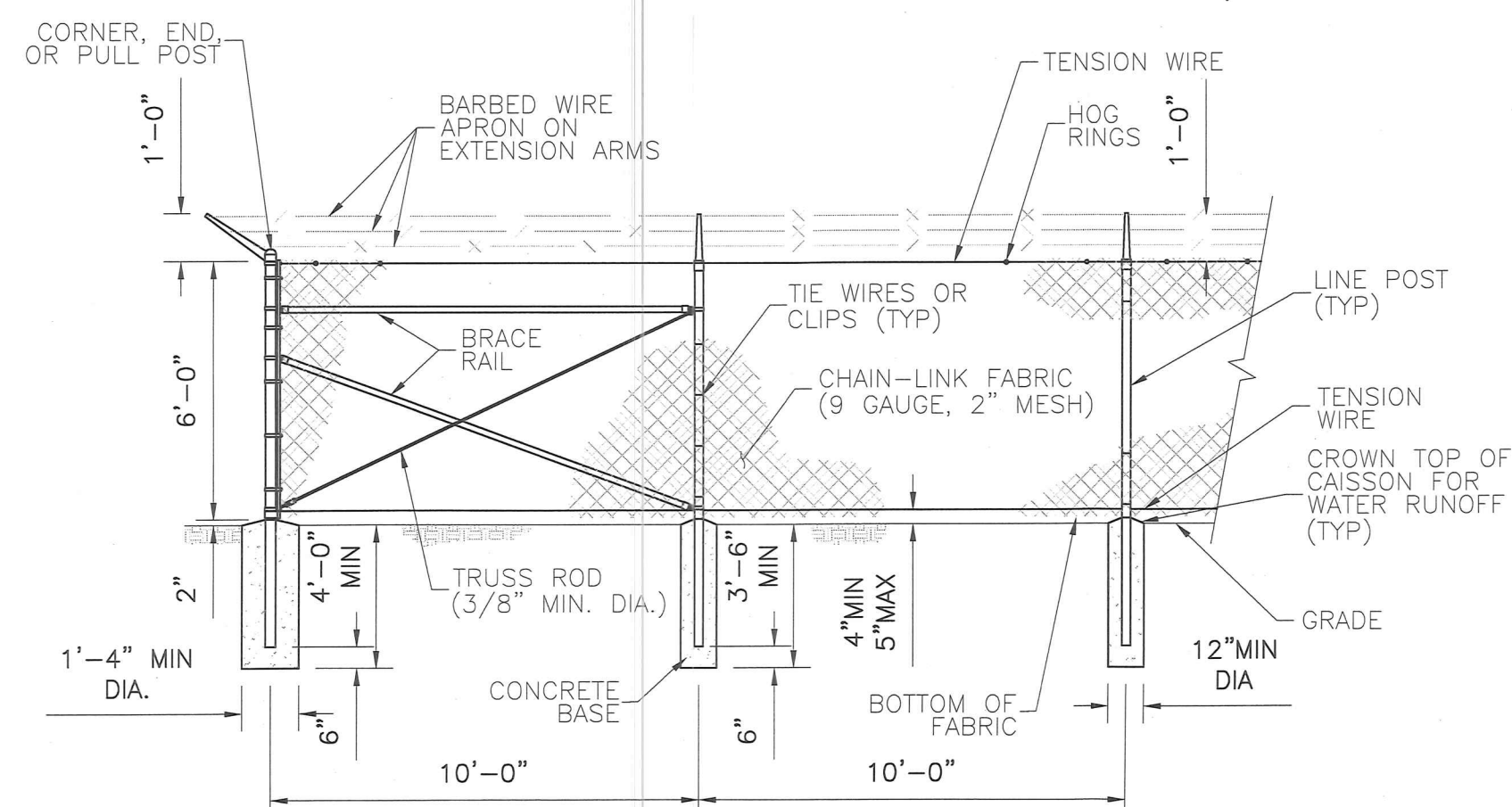
DROP ROD ASSEMBLY

LATCH ASSEMBLY

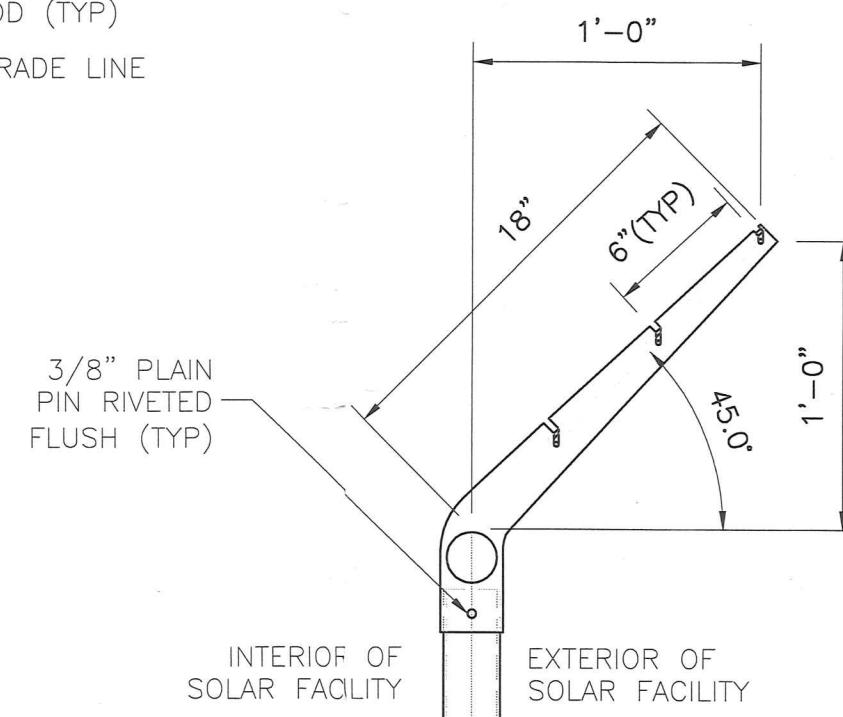
OFFSET HINGE

GATE KEEPER (TO HOLD GATE OPEN)

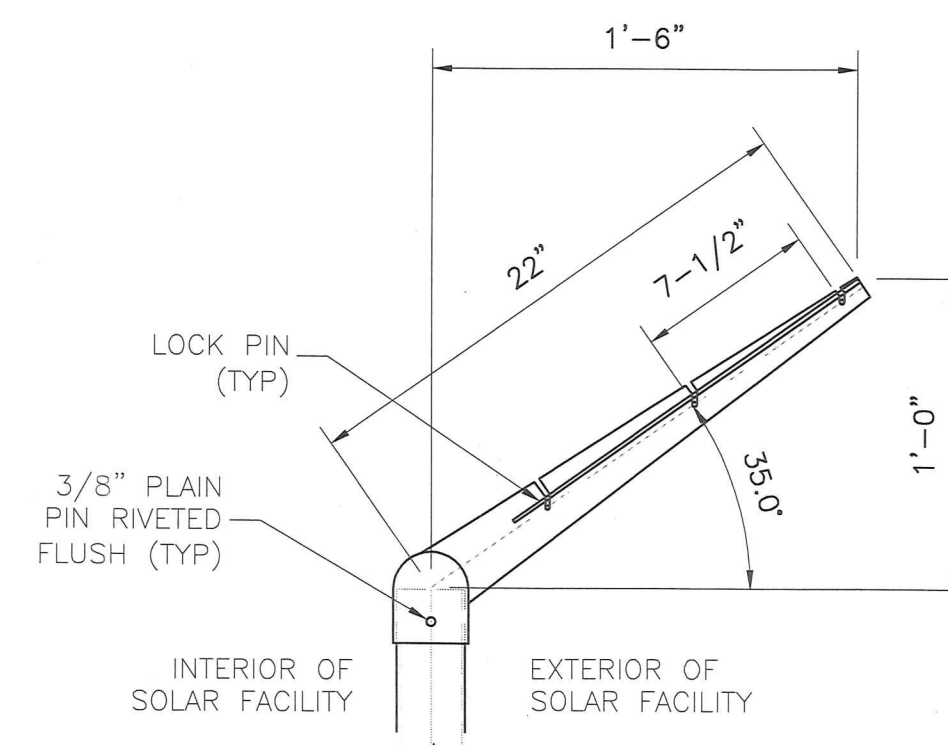
2 ACCESS GATE DETAILS
C-503 N.T.S.



3
C-503 SCALE: 1/4" = 1'-0"

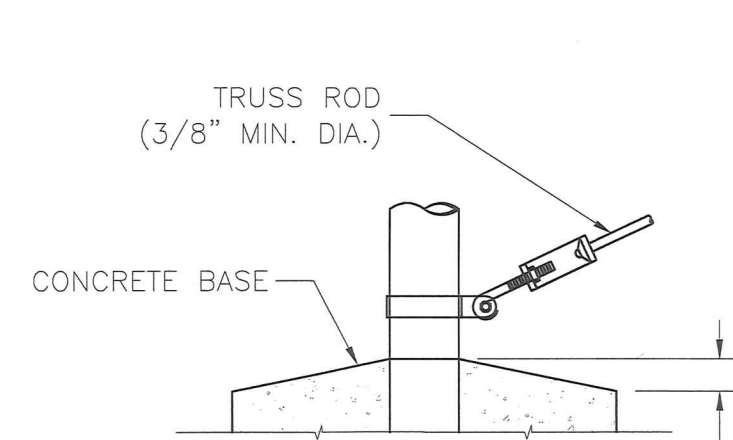


4 EXTENSION ARM DETAILS
C-503 N.T.S.



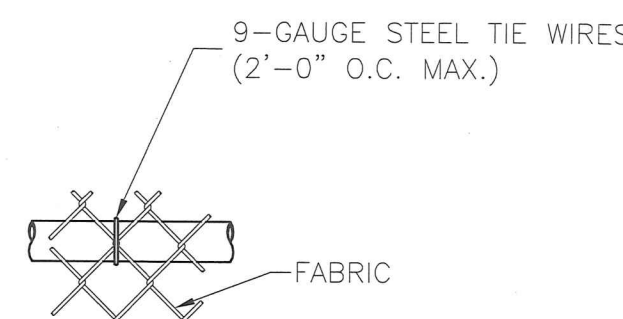
5

USE AND SECTION	MINIMUM OUTSIDE DIMENSIONS (NOMINAL)		
	FABRIC LESS THAN 72"	FABRIC 72" TO 96"	FABRIC OVER 96"
CORNER, END & PULL POSTS TUBULAR - ROUND TUBULAR - SQUARE C-SECTION (ROLL-FORMED)	2.375" O.D. 2.00" SQ. 3.50" X 3.50"	2.375" O.D. 2.00" SQ. 3.50" X 3.50"	2.375" O.D. 2.00" SQ. -
LINE POSTS TUBULAR - ROUND H-SECTION C-SECTION (ROLL-FORMED)	1.9" O.D. 2.25" X 1.70" 1.875" X 1.625"	2.375" O.D. 2.25" X 1.70" 2.25" X 1.70"	2.375" O.D. 2.00" SQ. -
TOP, BOTTOM, & BRACE RAILS TUBULAR - ROUND TUBULAR - SQUARE H-SECTION C-SECTION (ROLL-FORMED)		1.66" O.D. 1.50" O.D. 1.625" X 1.50" 1.625" X 1.25"	



6

END OR GATE POST DETAIL



BRACE RAIL CLAMP DETAILS

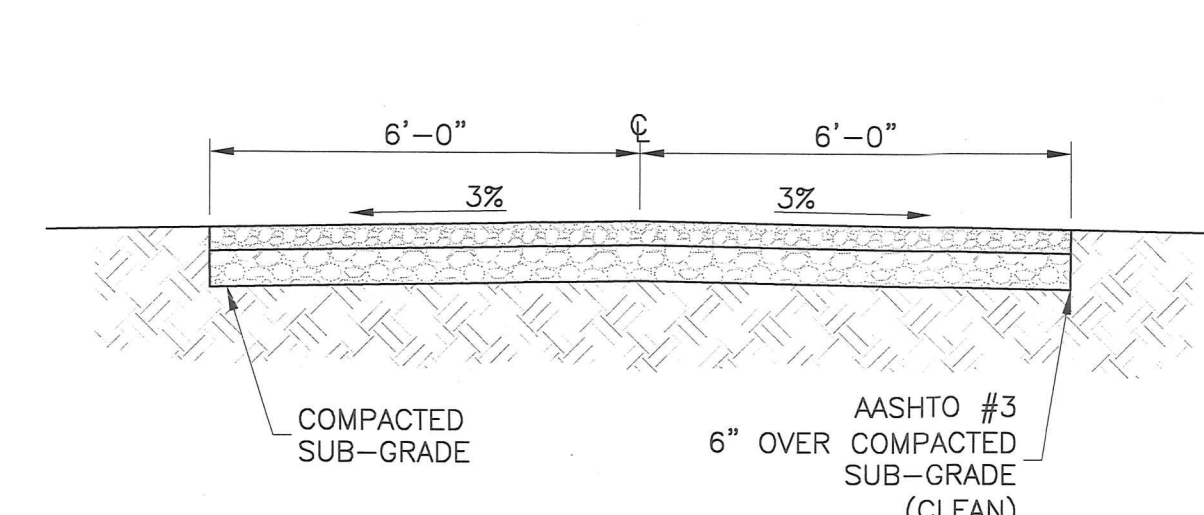
TENSION BAND DETAIL

ROUND POST ATTACHMENT

5 CHAIN LINK FENCE FASTENING DETAIL
C-503 N.T.S.

H-BEAM ATTACHMENT

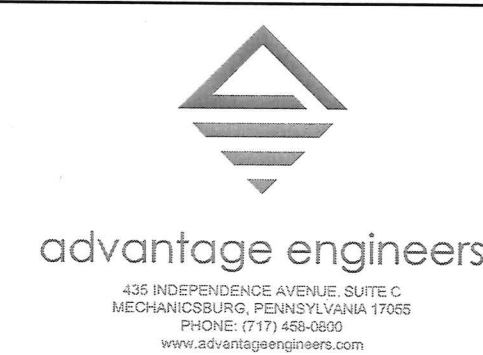
6 EMERGENCY MAN GATE
C-503 SCALE: 1/4" = 1'-0"



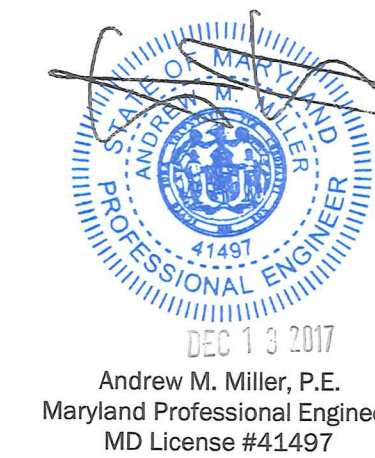
7 ACCESS DRIVE
C-503 N.T.S.

SHEET NOTES:

- WIRE TIES, RAILS, POSTS, AND BRACES SHALL BE CONSTRUCTED ON THE SECURE SIDE OF THE FENCE ALIGNMENT. CHAIN-LINK FABRIC SHALL BE PLACED ON THE OPPOSITE SIDE OF THE SECURE AREA.
- C-SECTION POSTS SHALL BE INSTALLED SO THAT THE VOID INSIDE THE POST IS COMPLETELY FILLED WITH CONCRETE UP TO THE TOP OF THE FOUNDATION.
- SWING GATES SHALL BE CONSTRUCTED WITH DROP RODS, PADLOCKS, LATCH ASSEMBLY, AND GATE KEEPERS EXCEPT AS NOTED.
- ALL GATE FRAMES SHALL BE A MINIMUM 1-7/8" NOMINAL (ROUND) OR 2" NOMINAL (SQUARE). GATE FRAMES SHALL BE OF WELDED CONSTRUCTION OR SHALL BE ASSEMBLED USING HEAVY FITTINGS. AT THE CONTRACTOR'S OPTION A WELDED HORIZONTAL BRACE MAY BE USED IN LIEU OF TRUSS RODS TO BRACE ALL WELDED GATE FRAMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER RIGID CONSTRUCTION OF ALL GATES SUPPLIED.
- GATES SHALL BE DESIGNATED AS FOLLOWS:
FENCE TYPE - FE5, FE6, ETC.
FABRIC WIDTH - INCHES
TYPE OPENING - SO (SINGLE)
- DO (DOUBLE)
HINGE - RA (STANDARD)
- HO (OFFSET)
OPENING - INCHES (CLEAR OPENING BETWEEN GATE POSTS)
EXAMPLES: FE6-120-DO-RA-144
FE5-120-SO-HO-144
- CHAIN-LINK FABRIC SHALL BE 11 GAUGE WITH 2" OPENINGS.
- LINE POSTS SHALL BE 10 FEET LONG 1-7/8" SCHEDULE 40 GRADE 50 PIPE IN CONCRETE FOOTER.
- SLATS NOT PERMITTED WITHOUT EOR APPROVAL AND SIGN-OFF.



STAMP:



**MD-WHITE HALL
LAND - PHILLIPS**

**19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161**

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**FENCE & GATE
DETAILS**

SHEET SIZE:
**ARCH "D"
24" X 36" (610 x 914)**

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A	ZONING	08/25/17	SPD
1	REVISION	12/13/17	SPD

DATE: 04/04/17
DRAWN BY: MTG
ENGINEER: AMM
APPROVED BY: PC

PROJECT PHASE:
30% DESIGN

SCALE: **AS SHOWN**

SHEET NO.:
C-503

J:\Jobs-2017\17-094 Advantage Engineers - Baltimore\GTP\CAD\Township Plans\17-094_19735 Graystone Road_11-27-17.dwg
Printed: 11/29/2017 5:04 PM
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PLANT LIST:

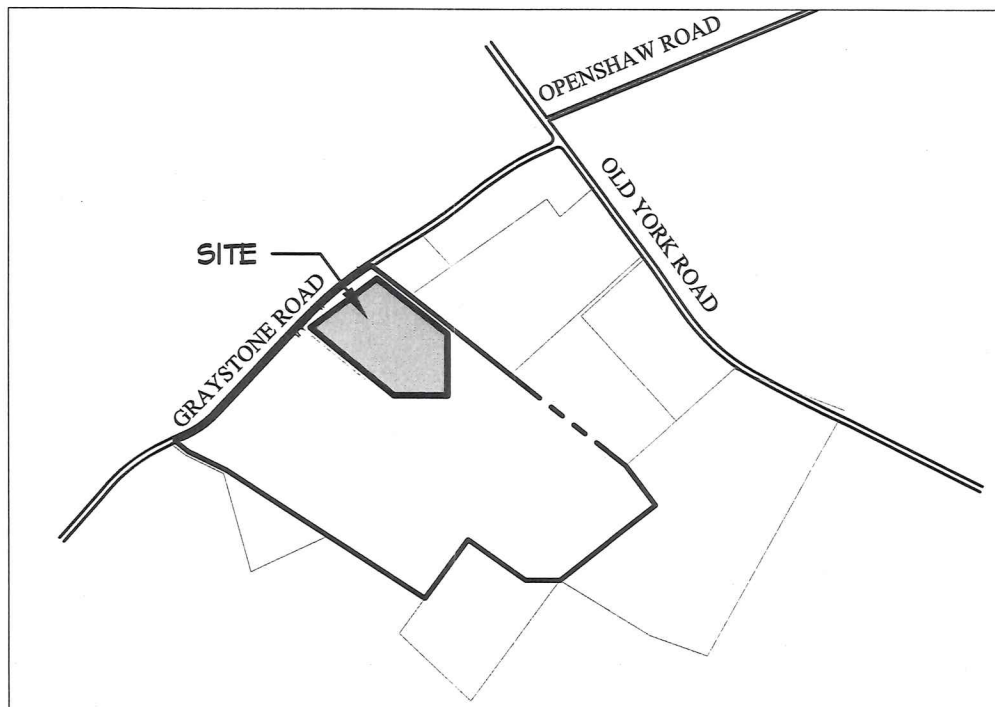
KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
DECIDUOUS TREES					
COR	7	Cornus 'Rutcan'	Constellation Flowering Dogwood	1"-1.5" cal.	B&B
CRP	6	Crataegus phaenopyrum	Washington Hawthorn	1"-1.5" cal.	B&B
HAC	4	Halesia carolina	Carolina Silverbell	1"-1.5" cal.	B&B
LIT	6	Liriodendron tulipifera	Tulip Poplar	2"-2.5" cal.	B&B
PLO	2	Platanus occidentalis	American Sycamore	2"-2.5" cal.	B&B
QUA	3	Quercus alba	White Oak	2"-2.5" cal.	B&B
EVERGREEN TREES					
ABC	6	Abies concolor	White Fir	6' ht.	B&B
ILNR	9	Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly	6' ht.	B&B
PIG	5	Picea glauca	White Spruce	6' ht.	B&B
PISF	3	Pinus strobus 'Fastigiata'	Columnar White Pine	6' ht.	B&B
THGG	3	Thuja plicata 'Green Giant'	Green Giant Arborvitae	6' ht.	B&B
SHRUBS					
COS	6	Cornus sericea	Red Twig Dogwood	30" ht.	Cont.
ILG	18	Ilex glabra	Inkberry	30" ht.	Cont.
ILVA	1	Ilex verticillata 'Apollo'	Apollo Winterberry Holly	30" ht.	Cont.
ILVS	6	Ilex verticillata x serrata 'Sparkleberry'	Sparkleberry Winterberry Holly	30" ht.	Cont.
ITV	13	Itea virginica	Virginia Sweetspire	30" ht.	Cont.
LIGS	12	Lindera glauca 'Salicifolia'	Greybush Spicebush	30" ht.	Cont.
MYP	10	Myrica pensylvanica	Bayberry	30" ht.	Cont.
RHT	6	Rhus typhina	Staghorn Sumac	30" ht.	Cont.
VID	6	Viburnum dentatum	Arrowwood Viburnum	30" ht.	Cont.

NOTE:
1. Where there is a discrepancy between the plant list and plan, the plan shall prevail.



SHEET INDEX:

- LP-1 : LANDSCAPE PLAN
- LP-2 : LANDSCAPE PLAN
- LP-3: LANDSCAPE NOTES AND DETAILS



VICINITY MAP 1"=1000'

GENERAL NOTES:

- Base information including topography, grading, utilities, solar array and existing vegetation location prepared by Advantage Engineers, Inc.
- This plan is for landscaping purposes only.
- The Landscape Architect's seal applies only to the landscape portion of this plan.
- See LP-4 for Planting Details and Planting and Maintenance Notes.
- All plant material is to be field adjusted as necessary to address existing site conditions, and to ensure that clear sight triangles and clear sight lines are maintained.
- Proposed shade trees shall not be planted over the top of any sewer or water laterals, mains or services. See engineers plans for location of all utilities.
- Shade and evergreen trees shall be planted fifteen (15) feet from overhead utility lines or light standards. Utilities are shown on Landscape Plans for reference only. See engineers plans for location of all utilities.
- No planting shall be installed closer than five (5) feet to any property line.

LEGEND:

- EXISTING VEGETATION
- PROPOSED DECIDUOUS TREE
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- PROPOSED EVERGREEN SHRUBS
- PROPOSED DECIDUOUS SHRUBS
- PROPOSED SEED MIX
- PROPOSED BEDLINE

FINAL LANDSCAPE PLAN - OWNER CERTIFICATION FORM

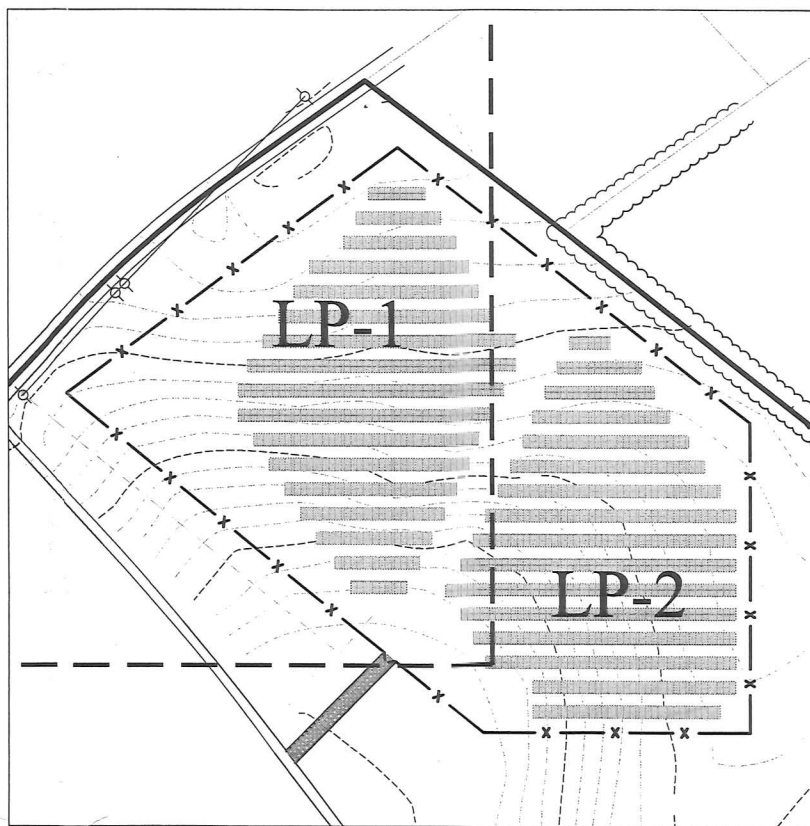
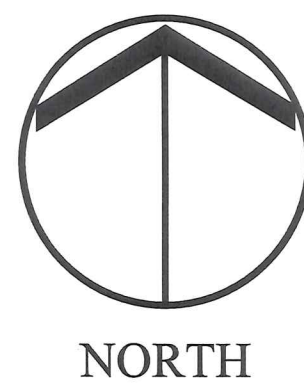
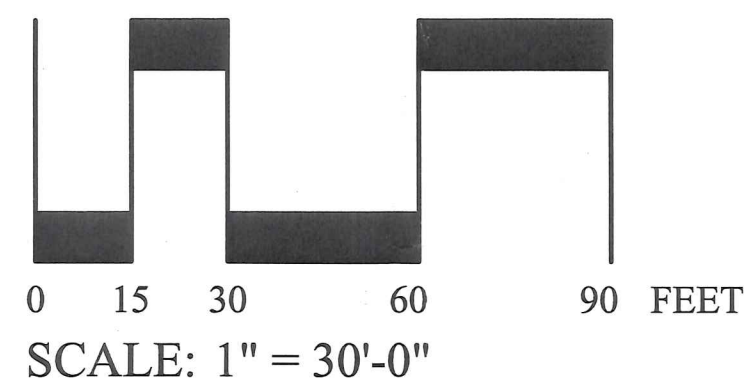
I certify that I have reviewed this Final Landscape Plan; That I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closeout if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

Signature	Date	Print Name
Address (Print)		Street
City	State	Zip
PDM#	Permit #	

FINAL LANDSCAPE PLAN - LANDSCAPE ARCHITECT CERTIFICATION FORM

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

Signature	Date
<i>Lisa L. Thomas</i>	11-17-17



KEY MAP 1"=200'

**GLACKIN
THOMAS
PANZAK**
LAND PLANNING
LANDSCAPE
ARCHITECTURE

Glackin Thomas Panzak, Inc.

Paoli Executive Green 1
Suite 300
41 Leopard Road
Paoli, Pennsylvania 19301
610.408.9011
Fax: 610.408.9477
E-mail: plans@glackinplan.com
PROJECT #: 17-094

**FOREFRONT
POWER**
2017 FOREFRONT POWER, LLC AND ITS
AFFILIATES, ALL RIGHTS RESERVED
100 MONTGOMERY ST. #1400
SAN FRANCISCO, CA 94104
(415) 766-6246
www.forefrontpower.com

advantage engineers
438 INDEPENDENCE AVENUE, SUITE C
MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 558-0800
www.advantageengineers.com

STAMP:



Lisa L. Thomas 0003303

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LAND - PHILLIPS**

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

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COMPLIANCE
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NO.	REVISION	DATE	INIT.

DATE: 11/29/17
DRAWN BY: JR
APPROVED BY: LT

PROJECT PHASE:
30% DESIGN

SCALE:
AS SHOWN

SHEET NO.:

LP-1



	EXISTING VEGETATION
	PROPOSED DECIDUOUS TREE
	PROPOSED ORNAMENTAL TREE
	PROPOSED EVERGREEN TREE
	PROPOSED EVERGREEN SHRUBS
	PROPOSED DECIDUOUS SHRUBS
	PROPOSED SEED MIX
	PROPOSED BEDLINE

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8. No planting shall be installed closer than five (5) feet to any property line.



KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
DECIDUOUS TREES					
AMA	5	Amelanchier arborea	Downy Serviceberry	1"-1.5" cal.	B&B
CEO	5	Celtis occidentalis	Hackberry	2"-2.5" cal.	B&B
CEC	2	Cercis canadensis	Redbud	1"-1.5" cal.	B&B
CRP	1	Crataegus phaenopyrum	Washington Hawthorn	1"-1.5" cal.	B&B
HAC	3	Halesia carolina	Carolina Silverbell	1"-1.5" cal.	B&B
LIS	3	Liquidambar styraciflua	Sweetgum	2"-2.5" cal.	B&B
TJ2	2	Liriodendron tulipifera	Tulip Poplar	2"-2.5" cal.	B&B
MAVH	3	Magnolia virginiana 'Henry Hicks'	Henry Hicks Sweet Bay Magnolia	1"-1.5" cal.	B&B
PLO	2	Platanus occidentalis	American Sycamore	2"-2.5" cal.	B&B
QUA	4	Quercus alba	White Oak	2"-2.5" cal.	B&B
EVERGREEN TREES					
ABC	3	Abies concolor	White Fir	6' ht.	B&B
IG	6	Ilex x 'Nelle R. Stevens'	Nelle R. Stevens Holly	6' ht.	B&B
PIG	7	Picea glauca	White Spruce	6' ht.	B&B
PISF	4	Pinus strobus 'Fastigiata'	Columnar White Pine	6' ht.	B&B
PIS	3	Pinus strobus	White Pine	6' ht.	B&B
THGG	3	Thuja plicata 'Green Giant'	Green Giant Arborvitae	6' ht.	B&B
SHRUBS					
COSF	11	Cornus sericea 'Flaviramea'	Yellow Twig Dogwood	30" ht.	Cont.
COS	5	Cornus sericea	Red Twig Dogwood	30" ht.	Cont.
ILG	30	Ilex glabra	Inkberry	30" ht.	Cont.
ILVA	1	Ilex verticillata 'Apollo'	Apollo Winterberry Holly	30" ht.	Cont.
ILVS	6	Ilex verticillata x serrata 'Sparkleberry'	Sparkleberry Winterberry Holly	30" ht.	Cont.
ITV	5	Itea virginica	Virginia Sweetspire	30" ht.	Cont.
LIGS	3	Lindera glauca 'Salicifolia'	Greybush Spicebush	30" ht.	Cont.
MYP	23	Myrica pensylvanica	Bayberry	30" ht.	Cont.
VID	6	Viburnum dentatum	Arrowwood Viburnum	30" ht.	Cont.

NOTE:

1. Where there is a discrepancy between the plant list and plan, the plan shall prevail.

I certify that I have reviewed this Final Landscape Plan; That I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closure if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

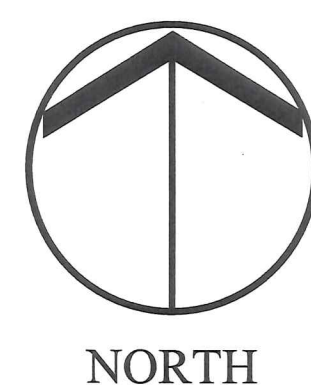
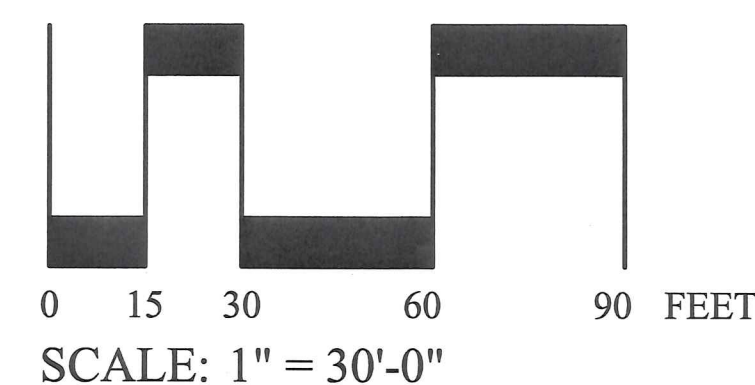
Signature		Date	Print Name
Address (Print)		Street	
City	State	Zip	
PDM#	Permit #		

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

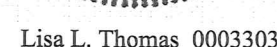
Maria Thomas
Signature
11-17-17
Date

Lisa L. Thomas
Print Name





Glackin Thomas Panzak, Inc.
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PROJECT #: 17-094



19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

PROJECT NUMBER:
1700165.008

SHEET TITLE:
**LANDSCAPE
COMPLIANCE
PLAN**

SHEET SIZE: ARCH "D"
24" X 36" (610 x 914)

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[illegible]

DATE: 11/29/17

DRAWN BY:	JR
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APPROVED BY:	LT
--------------	----

PROJECT PHASE:
30% DESIGN

SCALE: **AS SHOWN**

SHEET NO.:

LP-2

1. The contractor shall furnish and plant all plants shown on the drawings, as specified, and in quantities indicated on the plant list.
2. All plants shall be nursery grown and freshly dug.
3. All plants shall be in accordance with The American Standard for Nursery Stock, latest edition.
4. All plants shall be hardy under climatic conditions similar to those in the locality of the project.
5. Fall Digging Hazard: Any species listed below, if included on the plant list, must not be dug in the fall (October through December) because of risk to the tree's survival. Special exceptions may be granted if the owner is notified in writing of an extraordinary emergency on these plants is agreed upon prior to digging. The following varieties should not be dug in fall: *Betula*, *Carpinus*, *Celtis*, *Cercidiphyllum*, *Crataegus*, *Cryptomeria*, *Fagus*, *Halesia*, *Ilex* (tree or shrub varieties), *Liquidambar*, *Liriodendron*, *Nyssa*, *Ostrya*, *Prunus*, *Pyrus*, *Quercus* (except *Quercus palustris*), *Salix* (weeping varieties), and *Tilia tomentosa*. Digging for *Malus* and *Zelkova* varieties should be avoided in fall only when in leaf.
6. All plants shall be typical of their species or variety and shall have a normal habit or growth. They shall be sound, healthy and vigorous, well branched and densely foliated when in leaf. They shall be certified by appropriate State and Federal authorities to be free of disease and insect pests, eggs or larvae. They shall have healthy, well-developed root systems.
7. Trees with central leader broken or dead shall be rejected.
8. Plants that do not display typical characteristics of their species shall be rejected.
9. Substitutions: When plants of a specified kind or size are not available within a reasonable distance, substitutions may be made upon written request by the contractor, if approved by the owner and/or municipal authority.
10. Measurement: Dimensions of trees and shrubs shall conform to The American Standard for Nursery Stock, latest edition.
11. Size: All plants shall conform to the measurement specified on the plant list, unless authorized in writing by the Township landscape architect and the owner.
12. Balled and burlapped plants shall be dug with firm natural balls of earth, of diameter and depth to include most of the fibrous roots. Container grown stock shall have been grown in a container long enough for the root system to have developed sufficiently to hold its soil together firm and whole. No plants shall be loose in the container.
13. Plants with poor quality root balls or root balls that have been cracked or damaged shall be rejected.
14. Root balls of all plants shall be adequately protected at all times from sun and drying winds or frost.
15. Conditions detrimental to plants: The contractor shall notify the project representative in writing of all soil or drainage conditions which the contractor considers detrimental to the growth of plants. The contractor shall state the conditions and submit a proposal for correcting the conditions, including any change in cost, for review and acceptance by the project representative.
16. The owner or the owner's representative shall be notified prior to beginning planting operations.
17. All planting shall be at the locations indicated on the drawings. The contractor shall be responsible for planting trees in the correct grade and to the indicated layout of the plant bed.
18. Layout of planting: The contractor shall lay out with identifiable stakes the location of all planting beds as indicated on drawing. The layout of planting shall be approved by the project representative prior to any excavation of plant pits or plant beds.
19. Minor adjustments to plant locations may be necessary due to field conditions and final grading. The contractor shall notify the owner if major adjustments are required.
20. Planting soil shall be excavated native soil from the planting pit. Planting soil shall be thoroughly mixed, with all rocks, clods and roots removed.
21. Plants with broken root balls or excessive damage to the crown shall be replaced prior to planting.
22. If needed, trees shall be staked and guyed according to accepted industry practice.
23. Each tree or shrub that shall be planted in accordance with The American Nursery and Landscape Association Standards to preserve the natural character of the plant. All dead wood or suckers and all broken or badly bruised branches shall be removed.
24. Mulch: Immediately after planting operations are completed, all trees and shrub planting pits shall be covered with a 3" (three inch) layer of double shredded hardwood bark mulch, or other material approved by the owner or the owner's representative. A granular pre-emergent weed control shall be spread prior to mulching. The limit of this mulch for deciduous trees and single evergreen trees shall be the area of the pit. For shrub and perennial beds and for evergreen tree clusters, a continuous, mulched bed shall be created.
25. Trees in leaf, including evergreens, when planted shall be treated with anti-desiccant such as Wilt-Pruf® if planting during the months of June through September, November, and December.
26. Dead center: All planting areas shall be free from weeds prior to the beginning of planting operation. Contact herbicide sprays should only be used as required and all manufacturer's specifications followed.
27. Guarantee: All plants shall be guaranteed by the contractor for twelve (12) months from the date of the issuance of a building permit for the project, or before the issuance of a certificate of occupancy for the principal building on the lot, whichever is later. The owner shall be responsible for maintenance unless otherwise agreed with contractor. It shall be the contractor's responsibility to monitor the project during the guarantee and notify the owner if problems develop with the plant material. Any material that is 25 % dead or more shall be considered dead and must be replaced at no charge. A tree shall be considered dead when the main leader has died back, or there is 25% of the crown dead. All plantings which do not survive after the expiration of the 12 month guarantee shall be replaced by the owner.
28. All debris resulting from landscape contracting operations shall be cleaned up and removed from the site on a weekly basis.
29. Watering: Landscape contractor is responsible for watering sufficiently at the time of planting and until the job is completed, accepted and turned over to the owner.

1. Areas to be seeded shall be seeded twice. Once as early in the spring as possible (March 31-May31). The second seeding shall take place in the fall (September-November)
2. Meadow seed mixes will be the following, from Ernst Conservation Seeds (800-873-3321):
NATIVE UPLAND WILDLIFE FORAGE & COVER MEADOW MIX: ERNMIX-123, applied at a rate of 120 lbs./acre
3. Annual ryegrass seed shall be added to all seed mixes at a rate of 5 lbs. / acre, to serve as a nurse crop.
4. Use mechanical planters to drill or slit seeded seed mix into soil, spreading 1/2 of the seed in one direction and the other 90° to the first pass. Keep seeding operations within 3' of the designated seeding areas. Slightly overseed into undisturbed areas to blur disturbance line.
5. Roll seeded area lightly after planting.
6. Mulch with a light covering of clean, weed-free chopped straw or marsh hay (second option). On Slopes: Mix seed mix with 10 second application of remaining fiber over the seed.
7. Water regularly within the first 4-6 weeks after planting, applying 1-inch of water every 3 to 5 days, in the absence of rain. Water after 6 weeks only if prolonged dry periods occur.

1. A slow release nitrogen balanced fertilizer with a 2-1-1 ratio shall be applied at a rate of two (2) pounds of nitrogen per 1,000 square feet in September, October, and February.
2. Lime shall be applied at the rate determined by a soils report.
3. Insecticides and fungicides are recommended for insect and disease control.
4. Reseed bare areas of meadow.
5. All trash, litter, and other debris shall be removed from meadow areas, and shrub beds as needed.
6. Mulch all shrub and groundcover beds yearly with three (3) inches of double shredded natural (un-dyed) hardwood bark. Mulch is not to be mounded against the base of any shrubs or trees. If stone mulch is used, mulch shall be inspected on a yearly basis to ensure there is an even cover. Additional stone mulch shall be added as necessary.
7. Permit shrubs to grow and enlarge to their desired size. Evergreen shrubs shall be allowed to grow into a solid hedge.
8. Prune trees in accordance with *Landscape Specification Guidelines for Baltimore-Washington Metropolitan Areas*.

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PROJECT #: 17-09

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MECHANICSBURG, PENNSYLVANIA 17055
PHONE: (717) 458-6800
www.atvianlargeengineers.com

Lisa L. Thomas 0003303

19735 GRAYSTONE ROAD
WHITE HALL, MARYLAND 21161

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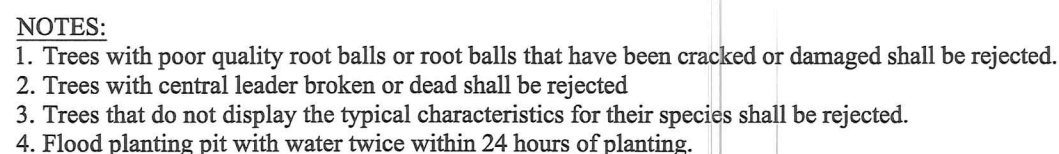
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APPROVED BY: LT

SCALE: **AS SHOWN**

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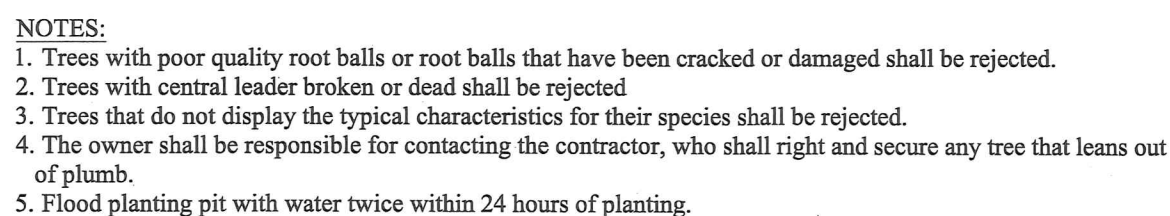
LP-3



NOTES:

1. Trees with poor quality root balls or root balls that have been cracked or damaged shall be rejected.
2. Trees with central leader broken or dead shall be rejected.
3. Trees that do not display the typical characteristics for their species shall be rejected.
4. Flood planting pit with water twice within 24 hours of planting.
5. Trees shall not be staked. Landscape contractor shall be responsible for inspecting and righting trees for a period of 12 months. If it is determined that staking is needed, it shall be provided in accordance with industry standards, periodically inspected, and removed prior to the end of the guarantee.

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FOR EVERGREEN SHRUBS APPLY ANTI-DESICCANT TO ENTIRE PLANT AT RECOMMENDED RATES AND TIMES

PRUNE ONLY BROKEN OR DEAD BRANCHES.

ROOT COLLAR SHALL BE SLIGHTLY HIGHER THAN THE ADJACENT FINISH GRADE. ROOT BALL TO BE FLUSH WITH FINISHED GRADE. REMOVE EXCESS SOIL FROM TOP OF ROOT BALL.

THREE INCHES (3") OF HARDWOOD MULCH OR APPROVED EQUAL. DO NOT MOUND MULCH AGAINST SHRUB.

PLANT SAUCER 4" HIGH AROUND ROOT BALL PERIPHERY.

BACK FILL USING EXCAVATED TOPSOIL. WATER THOROUGHLY TO ELIMINATE AIR POCKETS. LIGHTLY TAMP SOIL. DO NOT OVER COMPACT.

BALL AND BURLAPPED SHRUBS REMOVE BURLAP FROM THE TOP 1/3 OF ROOT BALL. REMOVE ALL NON-ORGANIC MATERIAL FROM ENTIRE BALL.

CONTAINER SHRUBS REMOVE CONTAINER COMPLETELY. MAKE 5 TO 4 CUTS THE LENGTH OF THE ROOT BALL.

25 TIMES ROOTBALL DIAMETER

NOTE: FLOOD PLANTING PIT WITH WATER TWICE WITHIN 24 HOURS OF PLANTING



I certify that I have reviewed this Final Landscape Plan; That I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation prior to PWA closeout if applicable or not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, Room 207, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204

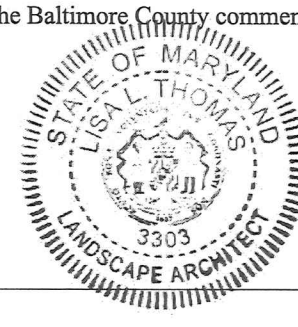
Signature		Date	Print Name
Address (Print)		Street	
City	State	Zip	
PDM#	Permit #		

It is certified that this landscape plan is in compliance with all plans previously approved by Baltimore County and the Baltimore County comments attendant thereto.

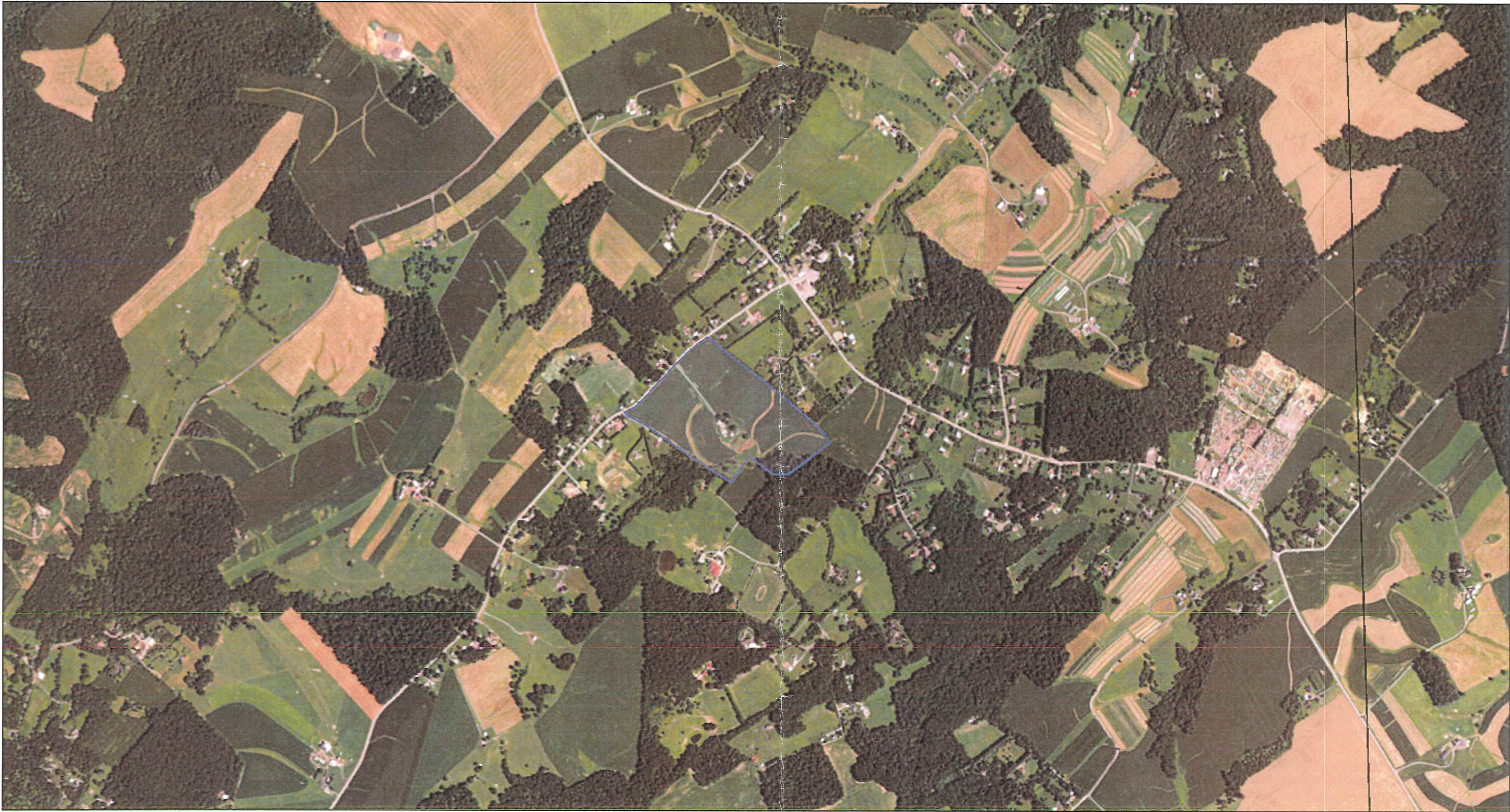

 Signature

Lisa L. Thomas
 Print Name

11-17-17
 Date



Baltimore County - My Neighborhood

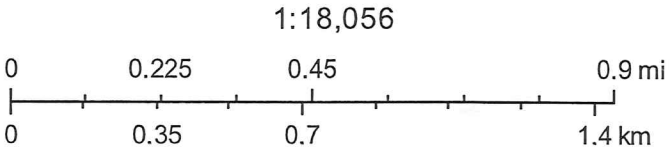


December 13, 2017

 County Boundary

PETITIONER'S

EXHIBIT NO. 3a



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

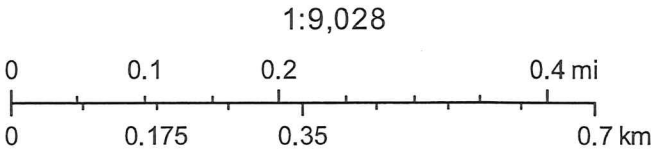
Baltimore County - My Neighborhood



December 13, 2017

- ☐ Property
- ☐ County Boundary

PETITIONER'S
EXHIBIT NO. 36



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Baltimore County - My Neighborhood

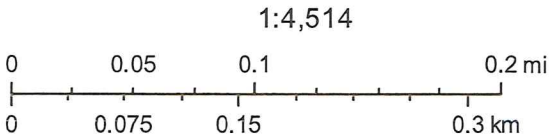


December 13, 2017

- House Numbers
- Zoning
- Property
- County Boundary

PETITIONER'S

EXHIBIT NO. 3c



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



December 13, 2017

Wetlands

- | | | | | | |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland |  | Lake |
|  | Estuarine and Marine Wetland |  | Freshwater Forested/Shrub Wetland |  | Other |
| | |  | Freshwater Pond |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



Pet. No. 6