MEMORANDUM

DATE:

April 6, 2018

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2018-0123-SPHX - Appeal Period Expired

The appeal period for the above-referenced case expired on April 5, 2018. 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

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

BEFORE THE

(9203 Dogwood Road) 2nd Election District OFFICE OF

4th Council District

ADMINISTRATIVE HEARINGS

4th Council District Margaret E. Neubauer, et al

Legal Owners

FOR BALTIMORE COUNTY

Solar Smart, LLC

Case No. 2018-0123-SPHX

Lessee

Petitioners

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration in the above matter. By Order dated January 26, 2018 a solar facility was permitted by special exception at the subject property.

At the hearing, Petitioner's engineer testified the solar panels themselves (which would generate 0,9 MW of electricity) would occupy only 5 acres of the 25 acre site. Based on that testimony the undersigned included a condition in the order restricting the special exception area to 5 acres, which was erroneous. As explained in the motion, there will also be perimeter fencing (as required by the B.C.Z.R.) and an access road, both of which are arguably part of the solar facility. To eliminate any doubt on the point Petitioners request condition number 5 be modified to provide for a six (6) acre special exception area for the solar facility. Having received the motion and the original order I believe this is a reasonable request, and the motion will therefore be granted.

THEREFORE, IT IS ORDERED this 6th day of March 2018, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby GRANTED.

IT IS FURTHER ORDERED that Restriction Number 5, on page 4 of the January 26, 2018 Order in the captioned matter, be and is hereby Amended to read as follows:

ORDER RECEIVED FOR FILING
Date 3-6-18
By

5. "No more than six (6) acres of the subject property may be devoted to the solar facility special exception use."

IT IS FURTHER ORDERED that all other terms and conditions in the original Order 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___3-Le-18

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

BEFORE THE

(9203 Dogwood Road) 2nd Election District OFFICE OF

4th Council District

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4th Council District Margaret E. Neubauer, et al

EOD DAITIMODE COINTY

Legal Owners

FOR BALTIMORE COUNTY

Solar Smart, LLC

Case No. 2018-0123-SPHX

Lessee

Petitioners *

* * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Margaret E. Neubauer, *et al*, legal owners and Solar Smart, LLC, lessee ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an amendment to the Minor Subdivision No. 06072M, Lot 2, to allow the development of a Solar Facility. A Petition for Special Exception was filed to allow a Solar Facility on property zoned RC 2.

Nicholas Linehan, Donald Zimmerman, Elizabeth Neubauer, Jane Culver and Ann Albrecht attended the public hearing in support of the requests. Timothy Kotroco, Esq. represented the Petitioners. Three citizens attended the hearing to obtain additional information regarding the requests. The Petition was advertised as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR), Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). None of the reviewing agencies opposed the requests.

The subject property is approximately 25,268 ARESENSE FOR IS Loned RC 2. The

Date_

Ву....

proposed solar facility would occupy approximately five (5) acres of land and would generate 0.9 MW of electricity. The lessee explained it would install approximately 3,000 fixed solar panels at the site, and would conduct routine maintenance twice yearly. The lessee has entered into a 20 year lease for the site, with an option to renew.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited 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.

Mr. Linehan, a landscape architect accepted as an expert, testified Petitioners satisfied the requirements of B.C.Z.R. §502.1 governing special exceptions. He noted the site was well-screened by existing, mature trees and vegetation, and he also described the landscaping proposed which would provide additional screening. In light of this testimony, and in the absence of any evidence to the contrary, the petition for special exception will be granted.

Concerning the ZAC comment submitted by DPR, the undersigned respectfully disagrees that "solar panels are considered a utility." Indeed, in a 2016 zoning case (No. 2016-0335-SPHX) the undersigned made just such a determination, which was ultimately reversed by the circuit court. Bill 37-17 was enacted at least in part in response to this precedent. The landscaping requirements

2

for a solar facility are not specified in the Landscape Manual, which is understandable given the legislation permitting the use was enacted less than a year ago.

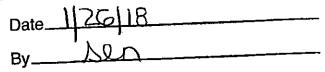
In fact, Bill 37-17 itself specifies that a "landscaping buffer shall be provided around the perimeter" of a solar facility that is visible from a dwelling or public street. Petitioners are aware of this requirement and the schematic landscape plan submitted at the hearing (Pet. Ex. No. 6) shows plantings in that area. There was a reference in the DOP ZAC comment to "interior contour screening" at the site. Mr. Zimmerman, an engineer employed by the Lessee, indicated that vegetation and shrubs cannot be planted among the solar panel arrays, since it would require frequent maintenance and could also interfere with or shade the solar panels. This would be antithetical to the goal of such a facility, and Petitioners shall not be required to provide landscaping inside the chain link fencing which will enclose the solar panels.

THEREFORE, IT IS ORDERED this <u>26th</u> day of January 2018, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to Minor Subdivision No.06072M, Lot 2, to allow the development of a Solar Facility thereon, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a Solar Facility on property zoned RC 2 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. For so long as the solar facility is operational and/or solar panels remain on the subject property, no dwelling(s) or improvements of any kind other than those shown on the site parameter as Exhibit I shall be



permitted on Lot 2 of the Minor Subdivision Plan No. 06072M.

- 3. Petitioners must comply with the ZAC comment submitted by DEPS, a copy of which is attached hereto and incorporated herein.
- 4. Prior to issuance of permits Petitioners must submit for approval by Baltimore County a landscape plan for the site providing for a buffer around the perimeter of any portion of the solar facility that is visible from a dwelling or public street.
- 5. No more than five (5) acres of the subject property may be devoted to the solar facility special exception use.
- 6. The chain link fence proposed for the site shall have black vinyl coating on all portions which are visible from a dwelling or public roadway.

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_____

Bv_



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

9203 Dogwood Road, Baltimore 21244

which is presently zoned

DR-2	Deed References:	003	4199/398	_ 10 Digit Tax Ac	count # <u>1</u> 600010239
Property Owner (s) Printed Name (s)	Margaret Elizabeth	Neubauer	Ann T. Albrecht,	Jane Ellen Culver
SELECT THE HEARI	NG(S) BY MARKING X AT	THE APPROPRIATE	SELECTION AN	D PRINT OR TYPE THE	PETITION REQUEST)
The undersigned	d legal owner(s) of the and plan attach	property situate in ned hereto and mad	Baltimore Co de a part here	ounty and which is de eof, hereby petition for	escribed in the description or:
X a Special I	Hearing under Section	n 500.7 of the Zonia	ng Regulation	s of Baltimore Coun	ty, to determine whether
	Commissioner should a				
2. X a Special I	Exception under the 2	Zoning Regulations	of Baltimore	County to use the he	erein described property for
3. a Variance	e from Section(s)				
(Indicate below	egulations of Baltimo y your hardship or pi ional space, you ma	ractical difficulty	or indicate b	elow "TO BE PRES	r, for the following reasons: SENTED AT HEARING". If
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ATTACHMENT TO SPECIAL EXCEPTION PETITION AND SPECIAL HEARING RELIEF

9203 Dogwood Road, Baltimore County

The Petitioner, requests the following zoning relief:

SPECIAL EXCEPTION RELIEF, pursuant to section 4E-102.A of the BCZR to allow a Solar Facility on property zoned R.C.2;

AND For such other and further relief as the nature of this cause may require.

The Petitioner, requests a **SPECIAL HEARING** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the Minor Subdivision No. 06072 M, Lot 2 to allow the development of a Solar Facility Pursuant to section 4E-102.A of the BCZR.

2018-0123-5PHX

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION

9203 Dogwood Road Baltimore County, MD

BEGINNING at a point on the west side of Dogwood Road, variable width public right-of-way, at a distance of 2,400 feet south of Old Court Road, the following courses and distances:

- 1. South 12 degrees 08 minutes 03 seconds West a distance of 205.57 feet
- 2. North 77 degrees 51 minutes 57 seconds West a distance of 293.01 feet
- 3. South 75 degrees 09 minutes 14 seconds West a distance of 484.09 feet
- 4. South 28 degrees 31 minutes 33 seconds West a distance of 571.03 feet
- 5. South 61 degrees 28 minutes 26 seconds East a distance of 175.00 feet; thence continuing to run with and bind on said Lot No. 2 as shown on said Minor Subdivision Plan
- 6. South 28 degrees 31 minutes 34 seconds West a distance of 354.75 feet
- 7. South 87 degrees 04 minutes 46 seconds West a distance of 471.90 feet
- 8. North 87 degrees 26 minutes 16 seconds West a distance of 189.75 feet
- 9. North 77 degrees 18 minutes 37 seconds West a distance of 224.98 feet
- 10. North 57 degrees 40 minutes 14 seconds West a distance of 214.50 feet
- 11. North 27 degrees 55 minutes 32 seconds West a distance of 193.05 feet
- 12. North 60 degrees 58 minutes 41 seconds West a distance of 429.62 feet
- 13. North 69 degrees 44 minutes 57 seconds West a distance of 286.95 feet
- 14. North 20 degrees 15 minutes 03 seconds East a distance of 193.61 feet
- 15. South 65 degrees 26 minutes 15 seconds East a distance of 601.22 feet
- 16. North 75 degrees 09 minutes 14 seconds East at a distance of 2,321 feet to the place of beginning.

CONTAINING 1,100,671 square feet or 25.268 acres of land, more or less.

Located in the 2nd Election District and 4th Councilmanic District. Known as 9203 Dogwood Road.

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. <u>13203</u>

Expiration Date: 11/02/201

2018-0123-SPHX



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5372079

Sold To:

Alder Energy Systems LLC - CU00633364 495 Jessen Ln Charleston, SC 29492-7906

Bill To:

Alder Energy Systems LLC - CU00633364 495 Jessen Ln Charleston, SC 29492-7906

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Jan 02, 2018

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: # 2018-0123-SPHX

9203 Dogwood Road Ws Dogwood Road, 2400 ft. s/of the centerline of Old Court Road 2nd Election District - 4th Councilmanic District

Legal Owner(s) Margaret Neubauer, Ann Albrecht, Jane Culver

Contract Purchaser/Lessee: Solar Smart, LLC Contract Purchaser/Lessee: Solar Smart, LLC Special Hearing to allow a Solar Facility on property zoned RC-2. Special Exception to determine whether or not the Administrative Law Judge should approve an amendment to the Minor Subdivision No. 06072M, Lot 2 to allow the development of a Solar Facility. Hearing: Monday, January 22, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative

Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing. Contact the Zoning F. view Office at (410) 887-3391

JT 1/610 January 2

5372079

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising





CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/2/2018

Case Number: 2018-0123-SPHX

Petitioner / Developer: <u>TIMOTHY KOTROCO</u>, ESQ. ~ PETER RUNDLE~

NEUBAUER, ALBRECHT, CULVER ~ RICHARD MATZ

Date of Hearing: JANUARY 22, 2018

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: 9203 DOGWOOD ROAD

The sign(s) were posted on: JANUARY 1, 2018



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)



KEVIN KAMENETZ County Executive

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

December 20, 2017

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: 2018-0123-SPHX

9203 Dogwood Road

W/s Dogwood Road, 2400 ft. s/of the centerline of Old Court Road

2nd Election District - 4th Councilmanic District

Legal Owners: Margaret Neubauer, Ann Albrecht, Jane Culver

Contract Purchaser/Lessee: Solar Smart, LLC

Special Hearing to allow a Solar Facility on property zoned RC-2. Special Exception to determine whether or not the Administrative Law Judge should approve an amendment to the Minor Subdivision No. 06072M, Lot 2 to allow the development of a Solar Facility.

Hearing: Monday, January 22, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Peter Rundle, 1605 Central Avenue, Ste. 6, #255, Summerville SC 29483
Neubauer, Albrecht, Culver, 3814 Spring Meadow Drive, Ellicott City 2142
Richard Matz, 2835 Smith Avenue, Ste. G, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 2, 2018.

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





TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 2, 2018 Issue - Jeffersonian

Please forward billing to:

Don Zimmerman Alder Energy Systems, LLC 495 Jessen Lane Charleston, SC 29492 843-353-0066

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: 2018-0123-SPHX

9203 Dogwood Road

W/s Dogwood Road, 2400 ft. s/of the centerline of Old Court Road

2nd Election District – 4th Councilmanic District

Legal Owners: Margaret Neubauer, Ann Albrecht, Jane Culver

Contract Purchaser/Lessee: Solar Smart, LLC

Special Hearing to allow a Solar Facility on property zoned RC-2. Special Exception to determine whether or not the Administrative Law Judge should approve an amendment to the Minor Subdivision No. 06072M, Lot 2 to allow the development of a Solar Facility.

Hearing: Monday, January 22, 2018 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 HEARING AND SPECIAL EXCEPTION

9203 Dogwood Road, W/S Dogwood Road,

2,400' S of c/line of Old Court Road

Legal Owner(s): Margaret E. Neubauer,

Ann T. Albrecht & Jane Culver

Contract Purchaser(s): Solar Smart, LLC

By Peter Rundle

Petitioner(s)

BEFORE THE OFFICE

* OF ADMINSTRATIVE

* HEARINGS FOR

BALTIMORE COUNTY

* 2018-123-SPHX

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.

Peter Max Zummerman

RECEIVED

NOV 07 2017

PETER MAX ZIMMERMAN

15 Vembre

People's Counsel for Baltimore County

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 7th day of November, 2017, a copy of the foregoing Entry of Appearance was mailed to Richard Matz, 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209 and Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Proton Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2018-0123-5PHX				
Property Address: 9230 Dogwood Road, Baltimore County, MD 21244				
Property Description: 25.26 Acres on the West side of Dogwood Road, 2,400 Feet				
South of the Old Cour <u>t Rd. & Dogwood Road Intersection</u>				
Legal Owners (Petitioners): Margaret Neubauer, Ann T. Albrecht, Jane Ellen Culver				
Contract Purchaser/Lessee: Peter Rundle / Solar Smart LLC				
PLEASE FORWARD ADVERTISING BILL TO:				
Name: Don Zimmerman				
Company/Firm (if applicable): Alder Energy Systems, LLC				
Address: 495 Jessen Lane, Charleston, SC 29492				
Telephone Number: : 843.353.0066				

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				ت مور در	Rev Source/	Sub Rev/					Dept 5 528 ZCHIM CR NO. 160519		in raile Section
	Fund	Dept **	Unit	Sub Unit	Obj		Dept Obj	BS Acct	Amo	ount *	Recpt Tot	\$1,000.00	, S
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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 18, 2018

Margaret E Neubauer Ann T Albrecht Jane E Culver 3814 Spring Meadow Drive Ellicott City, MD 21042

RE: Case Number: 2018-0123 SPHX, Address: 9203 Dogwood Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Solar Smart LLC, Peter Rundle, 1605 Central Avenue, Suite 6, #255, Summerville SC 29483
Timothy M Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson MD 21204
Richard Matz, PE, 2835 Smith Avenue, Suite G, Baltimore MD 21209







STATE HIGHWAY ADMINISTRATION

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

Date: 11/6/17

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. 2018-0123-SPHX

Special Exception Special Hewing
Mergaret E. Newbauer, Annt. Albrecht
Time E Gulvar
9203 Degrace Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-

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

DATE: 12/5/2017

RECEIVED

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 18-123

INFORMATION:

Property Address: 9203 Dogwood Road

Petitioner: Margaret

Margaret E. Neubauer, Ann T. Albrecht, Jane E. Culver

Zoning:

RC 2

Requested Action:

Special Hearing, Special Exception

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the minor subdivision (PAI) No.06072 M, Lot 2. The Department also reviewed the petition for special exception to use the property for a solar facility.

A site visit was conducted on November 13, 2017. The property was the subject of Comprehensive Zoning Map Process (CZMP) Issue # 4-025 in which the property retained its R.C. 2 zoning classification. This property is located within the Patapsco/Granite Area Community Plan.

The Department does not oppose granting the petitioned zoning relief conditioned upon the following.

Dogwood Road is a Baltimore County Scenic Route. When developing on a scenic route, the Comprehensive Manual of Development Policies (CMDP) development guidelines instructs one to "maintain a buffer between the road and the new development" (CMDP pg. 180).

- The proposal shall minimize grading, tree and vegetation removal along Dogwood Road.
- The Department supports the Baltimore County Landscape Architect in planting requirements deemed necessary to include interior contour screening and other planting schemes that will mitigate the visual impact of the special exception proposal upon the scenic route.

Additional conditions are as follows:

- Pursuant to BCZR §502.1.A, petitioners shall demonstrate to the satisfaction of the Administrative Law Judge that the facility will not be detrimental to the adjacent residential properties as a result of glare emanating from the facility.
- 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

Date: 12/5/2017 Subject: ZAC # 18-123

Page 2

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.
- 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.
- Indicate on the plan the means and location by which the solar facility connects to the power grid and whether grading or clearing will be involved.

Be advised that the site is within an Agricultural Priority Preservation Area as designated in the Baltimore County Master Plan 2020 (MP2020). Said plan warns that "incremental development continues to threaten the protection of resources and the viability of the agricultural industry." (MP2020 pg.92). The Department recommends that the future viability of commercial agricultural in Baltimore County be weighed when considering this special exception proposal within the context of 502.1.G.

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

Prepared by:

Lloyd T. Moxley

Deputy Director:

f Mavhew

AVA/KS/LTM/ka

c: Keeve Brine
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richard E. Matz, PE
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



ADMINISTRATIVE HEARINGS

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:

November 8, 2017

SUBJECT:

DEPS Comment for Zoning Item

Address

2018-0123-SPHX

9203 Dogwood Road

(Neubauer, Albrecht, Culver

Property)

Zoning Advisory Committee Meeting of November 13, 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).

Additional Comments:

1. Construction and operation of this solar facility must comply with Article 4E, Sections 104, 106, and 107 of County Code, in that all onsite streams, wetlands, associated buffers, and forest shall be adequately protected. To that end, the proposed limit of disturbance for the solar facility shall not encroach into any existing Forest Buffer Easement and Forest Conservation Easement. Moreover, the Declaration of Protective Covenants for the existing Forest Buffer Easement must be recorded in Land Records prior to permit issuance. The protective covenants for the Forest Conservation Easement were recorded on 2/15/08.

Reviewer: Glenn Shaffer, Environmental Impact Review

The state of the s

2. In order to meet State – mandated stormwater management requirements and minimize water quality impacts, the project must be designed and constructed in accordance with the attached Maryland Department of the Environment solar panel installation guidance document as part of the permit approval process.

Reviewer: Stephen Ford, Development Coordination

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 17, 2017

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 13, 2017 Item No. 2018-0123-SPHX

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no 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. Dogwood Road is a Baltimore County Scenic Route,
- 2. Perimeter landscape buffers are required,
- 3. Must minimize tree and vegetation removal,
- 4. Solar panels are considered a utility and should be designed and located to harmonize with the surroundings and to create the least visual impact. (See Comment #8, 9 & 10 below).
- 5. Additional landscape buffers (including contour strip buffers) may be required to address existing topography changes, Scenic Views, Scenic Routes, etc. depending on a number of items including the subject properties topography,
- 6. More comments may be rendered during review of the landscape plan,
- 7. Proposed perimeter fence shall be black vinvl-coated chain-link fence.
- 8. Proposed landscape buffer on north side along/between the existing private road/driveway and the proposed 16 foot access road needs to be widened to a minimum of 40 feet to allow for more room for screen planting and variation and diversity of the plant material species.
- 9. Proposed 16 foot access road needs to have a chicane or bends to assure screening of the solar array field from Dogwood Road views.
- 10. Proposed landscape buffer on southeast side of the solar array field needs to be widened to a minimum of 40 feet to allow for more room for screen planting and variation and diversity of the plant material species.
- 11. Additional landscape and screening may be needed to address adjacent properties views when it relates to the proposed solar facility.

VKD: efc



TO:

Arnold Jablon

DATE: 12/5/2017

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 18-123

INFORMATION:

Property Address:

9203 Dogwood Road

Petitioner:

Margaret E. Neubauer, Ann T. Albrecht, Jane E. Culver

Zoning:

RC₂

Requested Action:

Special Hearing, Special Exception

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an amendment to the minor subdivision (PAI) No.06072 M, Lot 2. The Department also reviewed the petition for special exception to use the property for a solar facility.

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The Department does not oppose granting the petitioned zoning relief conditioned upon the following.

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- The Department supports the Baltimore County Landscape Architect in planting requirements deemed necessary to include interior contour screening and other planting schemes that will mitigate the visual impact of the special exception proposal upon the scenic route.

Additional conditions are as follows:

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- Petitioners shall note on the plan that the proposed solar facility will be subject to BCZR §4E-107.
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 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

Date: 12/5/2017 Subject: ZAC # 18-123

Page 2





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.
- 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.
- Indicate on the plan the means and location by which the solar facility connects to the power grid and whether grading or clearing will be involved.

Be advised that the site is within an Agricultural Priority Preservation Area as designated in the Baltimore County Master Plan 2020 (MP2020). Said plan warns that "incremental development continues to threaten the protection of resources and the viability of the agricultural industry." (MP2020 pg.92). The Department recommends that the future viability of commercial agricultural in Baltimore County be weighed when considering this special exception proposal within the context of 502.1.G.

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

Prepared\by:

Lloyd T. Moxley

Deputy Director:

eff Mayhew

AVA/KS/LTM/ka

c: Keeve Brine
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Richard E. Matz, PE
Timothy Kotroco
Office of the Administrative Hearings
People's Counsel for Baltimore County

MDE

Maryland Department of the Environment

Stormwater Design Guidance - Solar Panel Installations

Revisions to Maryland's stormwater management regulations in 2010 require that environmental site design (ESD) be used to the maximum extent practicable (MEP) to mimic natural hydrology, reduce runoff to reflect forested wooded conditions, and minimize the impact of land development on water resources. This applies to any residential, commercial, industrial, or institutional development where more than 5,000 square feet of land area is disturbed. Consequently, stormwater management must be addressed even when permeable features like solar panel installations exceed 5,000 square feet of land disturbance.

Depending on local soil conditions and proposed imperviousness, the amount of rainfall that stormwater requirements are based on varies from 1.0 to 2.6 inches. However, addressing stormwater management does not mean that structural or micro-scale practices must be constructed to capture and treat large volumes of runoff. Using nonstructural techniques like disconnecting impervious cover reduces runoff by promoting overland filtering and infiltration. Commonly used with smaller or narrower impervious areas like driveways or open roads, the Disconnection of Non-Rooftop Runoff technique (see pp. 5.61 to 5.65 of the 2000 Maryland Stormwater Design Manual¹) is a low cost alternative for treating runoff in situations like rows of solar panels.

When non-rooftop disconnection is used to treat runoff, the following factors should be considered:

- The vegetated area receiving runoff must be equal to or greater in length than the disconnected surface (e.g., width of the row of solar panels)
- Runoff must sheet flow onto and across vegetated areas to maintain the disconnection
- Disconnections should be located on gradual slopes (≤ 5%) to maintain sheetflow. Level spreaders, terraces, or berms may be used to maintain sheetflow conditions if the average slope is steeper than 5%. However, installations on slopes greater than 10% will require an engineered plan that ensures adequate treatment and the safe and non-erosive conveyance of runoff to the property line or downstream stormwater management practice.
- Disconnecting impervious surfaces works best in undisturbed soils. To minimize disturbance and compaction, construction vehicles and equipment should avoid areas used for disconnection during installation of the solar panels.
- Groundcover vegetation must be maintained in good condition in those areas receiving
 disconnected runoff. Typically this maintenance is no different than other lawn or landscaped
 areas. However, areas receiving runoff should be protected (e.g., planting shrubs or trees along
 the perimeter) from future compaction.

Depending on the layout and number of panels installed, the disconnection of non-rooftop runoff technique may address some or all of the stormwater management requirements for an individual project. Where the imperviousness is high or there is other infrastructure (e.g., access roads, transformers), additional runoff may need to be treated. In these situations, other ESD techniques or micro-scale practices may be needed to provide stormwater management for these features.

Example 1 - Using Non-Rooftop Disconnection Where the Average Slope ≤ 5%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope does not exceed 5%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed according to Figure 1 below. In this scenario, the disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). Therefore, each row of panels is adequately disconnected and the runoff from 1.0 inch of rainfall is treated.

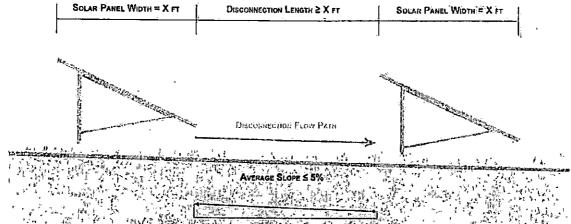


Figure 1. Typical Installation - Slope ≤ 5%

Example 2 – Using Non-Rooftop Disconnection Where the Average Slope ≥ 5% but ≤ 10%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope is greater than 5% but less than 10%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed as shown in Figure 2 below. The disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). However, in this example, a level spreader (typically 1 to 2-foot wide and 1 foot deep) has been located at the drip edge of each row of panels to dissipate energy and maintain sheetflow.

Discussion

To meet State and local stormwater management requirements, ESD must be used to the MEP to reduce runoff to reflect forested conditions. While all reasonable options for implementing ESD must be investigated, minimally, the runoff from 1 inch of rainfall must be treated. In each of the examples above, there may be additional opportunities to implement ESD techniques or practices and reduce runoff that should be explored. However, simply disconnecting the runoff from the solar panel arrays captures and treats the runoff from 1.0 inch of rainfall. Where imperviousness is low and soil conditions less optimal (e.g., HSG C or D), this may be sufficient to completely address stormwater management requirements. In more dense applications or in sandy soils, additional stormwater management may be required.

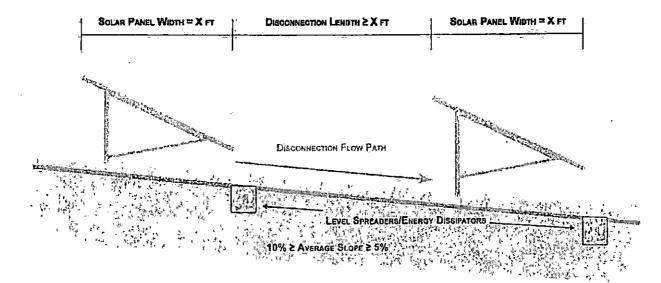


Figure 2. Typical Installation - Slope ≥ 5% but ≤ 10%

Conclusion

The primary purpose of Maryland's stormwater management program is to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Any land development project that exceeds 5,000 square feet of disturbance, including solar panel projects, must address stormwater management. However, for solar panels, stormwater management may be provided in a cost-effective manner by disconnecting each row of panels and directing runoff over the vegetated areas between the individual rows.

Resources

½000 Maryland Stormwater Design Manual, Volumes I and II, MDE, October 2000
(http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignManual/Pages/Programs/WaterPrograms/SedimentandStormwater/stormwater_design/index.aspx)

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:

November 8, 2017

SUBJECT:

DEPS Comment for Zoning Item

Address

2018-0123-SPHX

9203 Dogwood Road

(Neubauer, Albrecht, Culver

Property)

Zoning Advisory Committee Meeting of November 13, 2017.

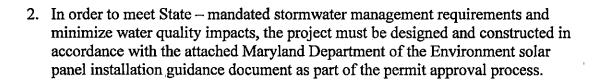
X		epartment of Environmental Protection and Sustainability offers the following ents on the above-referenced zoning item:
	X	Development of the property must comply with the Regulations for the
		Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3
		101 through 33-3-120 of 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).

Additional Comments:

Construction and operation of this solar facility must comply with Article 4E, Sections 104, 106, and 107 of County Code, in that all onsite streams, wetlands, associated buffers, and forest shall be adequately protected. To that end, the proposed limit of disturbance for the solar facility shall not encroach into any existing Forest Buffer Easement and Forest Conservation Easement. Moreover, the Declaration of Protective Covenants for the existing Forest Buffer Easement must be recorded in Land Records prior to permit issuance. The protective covenants for the Forest Conservation Easement were recorded on 2/15/08.

Reviewer: Glenn Shaffer, Environmental Impact Review



Reviewer: Stephen Ford, Development Coordination

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



NOV 08 2017
ADMINISTRATIVE OF HEARINGS

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

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2018-0123-SPHX 9203 Dogwood Road

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Reviewer: Glenn Shaffer, Environmental Impact Review

ORDER RECEIVED FOR FILING

Date 1/26/18

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By 1

2. In order to meet State – mandated stormwater management requirements and minimize water quality impacts, the project must be designed and constructed in accordance with the attached Maryland Department of the Environment solar panel installation guidance document as part of the permit approval process.

Reviewer: Stephen Ford, Development Coordination

ORDER RECEIVED FOR FILING

Date 1/26/18

Ву__

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502 Towson, Maryland 21204 410-299-2943

Tkotroco@gmail.com

February 26, 2018

RECEIVED

MAR 0 1 2018

OFFICE OF ADMINISTRATIVE HEARINGS

The Honorable John E. Beverungen Administrative Law Judge for Baltimore County 105 West Chesapeake Avenue, Suite 103 Towson, Maryland 21204

> Re: Case No. 2018-0123-X, Solar Smart, LLC Request to Modify Restriction #5

Dear Judge Beverungen:

I write to you regarding your recent order issued the 26th day of January, 2018, in Case No. 2018-0123-X. (Copy attached) Your Order approved our Special Exception request to locate a solar farm on our property located at 9203 Dogwood Road in Granite, Maryland.

Restriction number 5 of your decision states that my client shall be entitled to use no more than 5 Acres of the subject property for the operation of their solar facility. Our petition for Special Exception actually covered the entire 25.268 acres of land as shown on the zoning description filed along with the petition for relief. (Copy Attached) Our plan showed that our solar panels themselves will occupy no more than 5 acres. However, the fencing that goes around the panels and the service road that loops around those panels actually contributes an additional .7 acres to that measurement, for a total area of 5.7 acres.

So as to not have to make this request a second time, we would respectfully request that restriction number 5 of your decision be amended to increase the area for our solar facility to be no more than 6 acres of land, thereby leaving an additional .3 acre of land to make any necessary adjustments to our service road or fencing around our solar facility.

It is important to note that we are not <u>enlarging</u> or <u>changing</u> the area shown on our plan submitted to you at the hearing. That solar panel area and the service road and fencing outlined on that plan will remain the same. It was a simple misunderstanding regarding that area that leads to this request.

Therefore, I am requesting a simple modification to your decision and specifically restriction number 5, that my client shall be permitted to use no more than six (6) acres of the

subject property for their solar facility use. Thank you for your time and consideration of this request.

Very Truly Yours,

Timothy M. Kotroco

TMK/eak Enclosures

PLEASE PRINT CLEARLY

CASE NAME 2018 - 0123 - X CASE NUMBER DATE 1-22-2018

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	
Timothy M. Kotroco	305 Washington Avenue, Suite 502	Towson, MD 21204	E- MAIL
Nicholas M. Lindia	2835 Smith Avenue		Tkotroco@gmail.com
Donald R Funnormos	3927 495 Jessen Lu.	Balfune MD 21244	nlinehance come
Elizaboth Neubaux	1055W. Japan Pd	Charleston St 29492	Engineers. Com
	Jappu Pa	Towson Md 21804	drain alder - energ
Sane T. Calver	3814 Spring Meadou	5 FO 14 DY 10 5	ETS toy Canal Co
Ann Albrecht	1023 Placed CT		2 tanecally 540 ama
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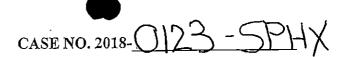
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CASE NAME	
CASE NUMBER	2018-0123-SPHX
DATE	

JAN, 22, 2018

CITIZEN'S SIGN - IN SHEET

E - MAIL **ADDRESS** CITY, STATE, ZIP NAME 4436 Alten PINE aconverson DC 10813 Dani Que



CHECKLIST

Comment Received	<u>Depar</u>	<u>tment</u>		Support/Oppose/ Conditions/ Comments/ <u>No Comment</u>	
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PRIOR ZONING	(Ca	se No	 		
NEWSPAPER AD	VERTISĖMENT	Date:	1/2/18		_
SIGN POSTING		Date:	1/1/18	by O'Keefe	_
	SEL APPEARANCE	Yes ITER Yes	No No		
Comments, if any:					_
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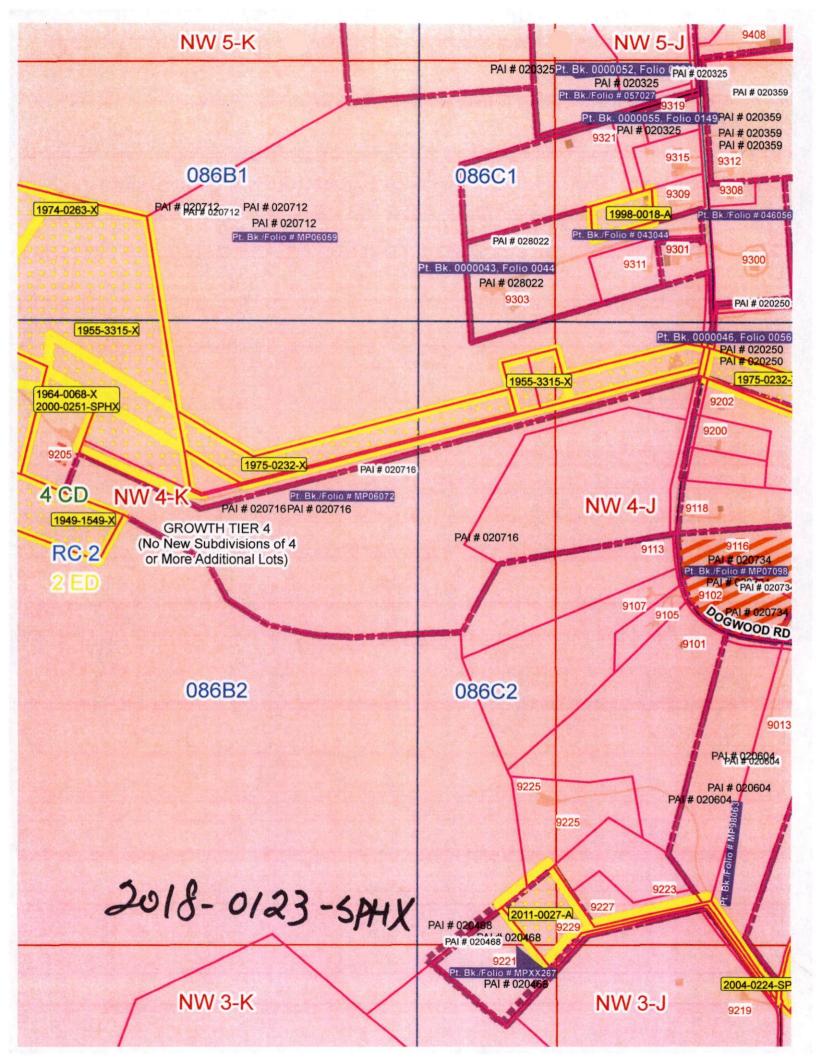




Real Property Data Search

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Premises	s Addres	s:	9203 DOG BALTIMOR			Legal Des	scription:	25.268 AC MI SUBDIVISION 9203 DOGWO 2400 FT'S OL	
Мар:	Grid:	Parcel:	Sub District:	Subdivision	n: Section	: Block	: Lot:	Assessment Year:	Plat MS No:
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Special	Tax Are	as:			Town: Ad Valore Tax Class			NONE	
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Amir Caro Aloca

Case No.: 2018-0123-SPHX

	Exhibit Sheet
- Sur	200.18
Petitioner/Developer	2-21

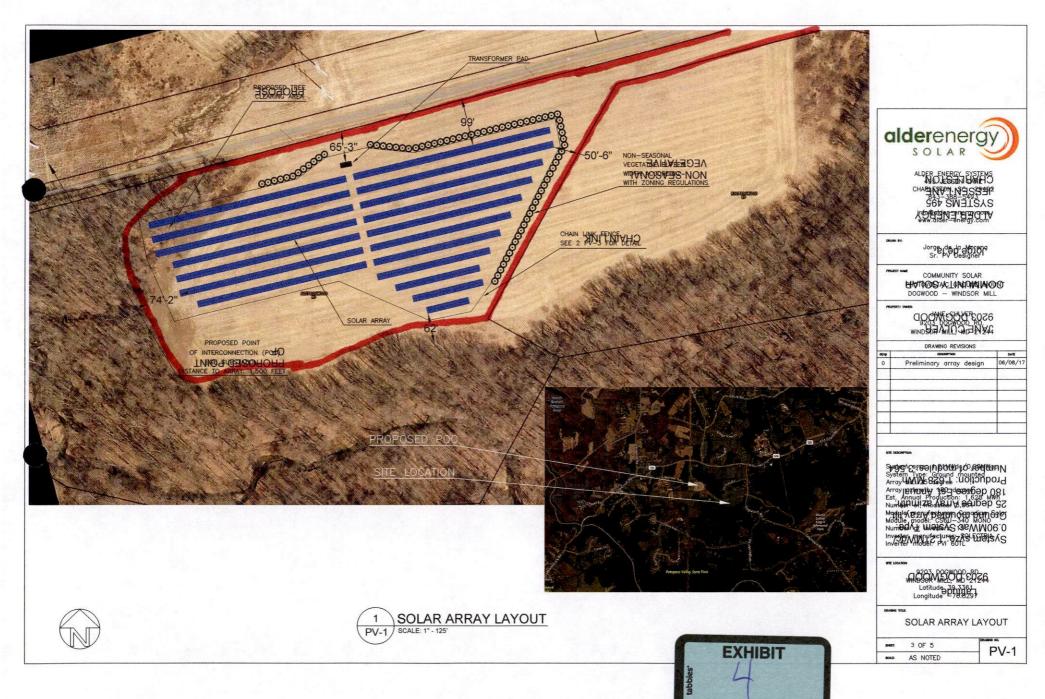
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No. 1	site plan	
No. 2	Aerial map-site high Fight	Ed.
No. 3	Aerial map-site highlight	
No. 4	Solar array layout	
No. 5	Schematic Lands egge Plan - Site Cross Sect	hons
No. 6	Schematic Landsape Plan	
No. 7	Plan to amend Lot Z of Minor Sub 06072M	
No. 8	Minor Sub. Plan	
No. 9	adjoining neighbors	
No. 10	"Bee Culture" article	
No. 11	Photos W/ Key Sheet. Dogwood RD.	
No. 12		









Vicinity of Old Court Rd

Address of lot	Mailing address (if different)		Map/Parcel	Lot Owner
10018 Old Court Rd, Woodstock, MD 21163	3490 Ranch Cir, S. Lake Tahoe, CA 96150		86/0007	U Win Property Solutions LLC
9940 Old Court Rd, Granite, MD 21163-1118			86/0010	Kristin Vanhouten
9937 Old Court Rd, Woodstock, MD 21163			86/0016	John Falvella, Jr. & Maureen Fitzpatrick
10012 Old Court Rd, Woodstock, MD 21163			86/0188	George & Donna Sauter
10022 Old Court Rd, Woodstock, MD 21163			86/0314	Scott & Rosemary Lishia
10 Old Court Rd, Granite, MD 21163-1116			86/0331	Robin Huett
9 Old Court Rd, Woodstock, MD 21163			86/0344	Michael Lehmann
2807 Lindin Way, Woodstock, MD 21163			86/0446, Lot 4	Ainsley & Aprile Crawford
2805 Lindin Way, Woodstock, MD 21163-1386			86/0446, Lot 5	Marcel & Maurette Clark
2801 Lindin Way, Woodstock, MD 21163-1386			86/0446, Lot 16	Charlene Wilson
			(*)	
			Vicinity of Dogwood	
9303 Dogwood Rd, Baltimore, MD 21244-1015	Hi-G Contractors listed on property record as well	i	86/0055	Howard & Jacquelyn Cornish
9311 Dogwood Rd, Baltimore, MD 21244	Hi-G Contractors listed on property record as well		86/0055, Lot 1	Rachel Resch
9307 Dogwood Rd, Baltimore, MD 21244	Hi-G Contractors listed on property record as well		86/0055, Lot 2	Mitchell Anest
9315 Dogwood Rd, Baltimore, MD 21244			86/0078	William & Tongpun Hansen
9301 Dogwood Rd, Baltimore, MD 21244			86/0121	Otho & Dorothy Brown



Dear	
Dear	

You may be aware of the Maryland Community Solar Pilot Program, which launched earlier this year. Our company, Alder Energy Systems, is participating in the program to help offer less expensive, clean, renewable energy to Baltimore area residents and businesses. We have been approved by Baltimore Gas and Electric Company to bring this project online in 2018.

Our application is now under review by Baltimore County to develop the solar farms on the land at 10021 Old Court Road and 9203 Degwood Road. We're contacting you to inform you of this project, and we're happy to meet with you in person or speak with you on the phone to answer any questions you have about the solar farm.

We will be following the guidelines set by the County to landscape the area and keep the land in a natural state, to best of our ability. In addition, we intend to plant a ground cover that will encourage bee pollination on the solar farm.

If you would like to speak with us to discuss the project or address questions, please call us at 843-388-5493.

Sincerely,

Bee Culture

The Magazine of American Beekeeping

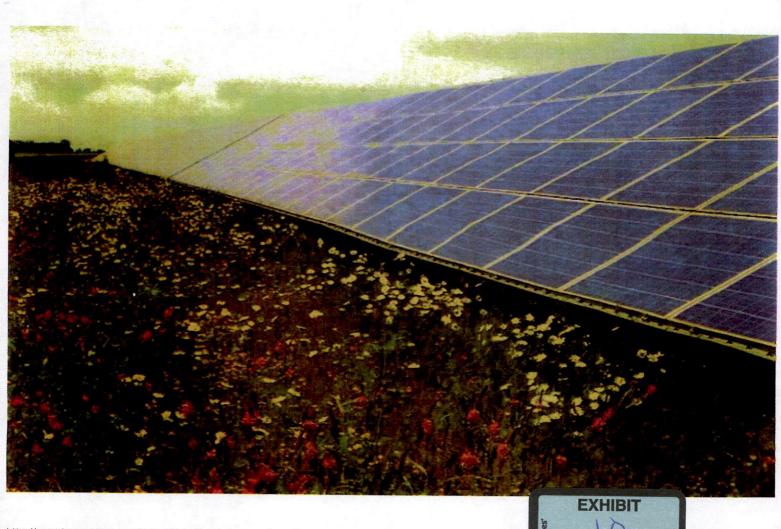
(http://www.beeculture.com/)



(http://www.beeculture.com/catch-buzz/)

JULY 25, 2016

CAN SOLAR SITES HELP SAVE THE BEES?



http://www.beeculture.com/can-solar-sites-help-save-bees/

Page 1 of 5

By: Rob Davis

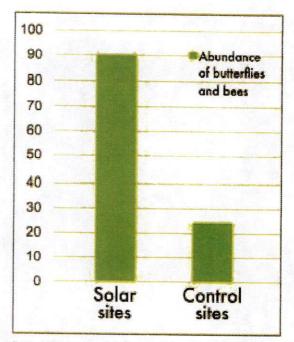
Rapid growth of ground-mounted solar presents opportunity to establish hundreds of millions of native plants.

cross Minnesota workers are preparing dozens of sites in order to seed more than 30 million native, pollinator-friendly plants. These low-growing and shade-tolerant flowers and prairie grasses will be established where you might least expect — under and around ground-mounted solar panels.

Nationwide prices are plummeting for rooftop and ground-mounted solar panels, and large sites are popping up wherever there is low-cost land and access to an electrical substation. And with 25-year land leases frequently paying \$700-\$1,500 per acre, farmers and other land owners are increasingly interested in having solar on a portion of their property.

Recipient of the MacArthur
Foundation's "Genius" award, Dr. Marla
Spivak of the University of Minnesota
Bee Lab, sees a promising opportunity.
"It would be great to have pollinator
habitat under and around solar panels
and arrays."

The timing couldn't be better for commercial bees and wild pollinators, which have suffered massive population losses in our lifetimes in part because of dwindling access to food and habitat. For wild insects and managed bees these sites will be multi-acre buffets of nutritious, native plant pollen and nectar.



(http://www.beeculture.com/wp-content/uploads/2016/07/2Solar.jpg)

Bar chart An 11-site observational study found that solar sites with pollinator habitat have a statistically

Energy policies vary state by state, but between just a handful of states — Florida, Georgia, Minnesota, Maryland, New York, North Carolina, and Oregon — more than 30,000 acres of solar sites

significant increase in abundance of bees and butterflies (The Effects of Solar Farms on Local Biodiversity, Montag et. al., 2016).

are being built this year, and more than 19,000 acres are in development to be built next year. All together, solar projects could provide a world of good for pollinators — and landscape business including Prairie Restorations, Ernst Conservation Seeds, Prairie Moon, and American Native Plants have noticed.

"Within every habitat in North America there is a large variety of pollinator friendly plant species that can be used under solar panels. The panels do create a challenge of some height limitations which will slightly restrict the overall diversity of the plantings, but we can still provide a wide range of forbs and grasses that will be a delight to the pollinators and songbirds native to that area," said Ron Bowen, founder and CEO of Prairie Restorations, Inc. "The seasonal spectrum that can be planted beneath a solar array, and the fact that once it's installed, herbicides and pesticides aren't typically used, makes acreage near solar fields excellent locations for raising healthy bee colonies."

More Solar, More Privately Financed Pollinator Habitat

Beekeeper Oliver Collins has first-hand experience with colony collapse. "I probably own 20 percent of all the hives in the area — and lost around 65 percent of them this past winter. There's a strong watermelon industry here, but between the mites and native plants getting mowed or sprayed, my bees can't keep up." A roughly 150-acre solar site that includes abundant foraging habitat for pollinators was recently proposed for a county in Eastern Maryland where Mr. Collins lives and keeps



(http://www.beeculture.com/wpcontent/uploads/2016/07/1Solar.jpg) Cross section of solar with native plants. Not to be mistaken with concentrated solar, which uses heat, photovoltaic (PV) solar

his bees. If approved by local and state authorities, the project will provide pollinator habitat equivalent to every household in

panels get only as hot as a car parked in the sun. Original illustration by Heidi Natura, adapted with permission.

a 5-county area having a 6'x12' pollinator garden. The solar project developer, OneEnergy Renewables, a socially conscious B-Corporation, is evaluating use of a pollinator-friendly seed mix for a number of its projects currently under development. "It's a great opportunity for the solar industry as a whole, and we're excited that our projects will provide so many benefits to the communities in which they're located," said Project Manager Gia Clark.

Agriculture, Community Taking Leading Roles

"Pollinators are an irreplaceable public resource. Insect pollinators, such as bees, butterflies, wasps, flies, and beetles, are critical for the pollination and production of crops and the health of native flora and landscapes," wrote Dave Fredrickson, commissioner of the Minnesota Department of Agriculture, in an email announcing the State's pollinator summit this year.

In fact, one of the Midwest's largest solar projects is leading the way. The Aurora solar project, being built in Minnesota by Enel Green Power North America (EGP-NA), will provide pollinator habitat equivalent to more than 500,000 homes having 6'x12' pollinator gardens. EGP-NA worked hand in hand with the Minnesota Department of Natural Resources to create a robust solar site vegetation plan that creates a biodiverse habitat for pollinator species while preserving the soil for future farming, and channeling stormwater down into the aquifer.

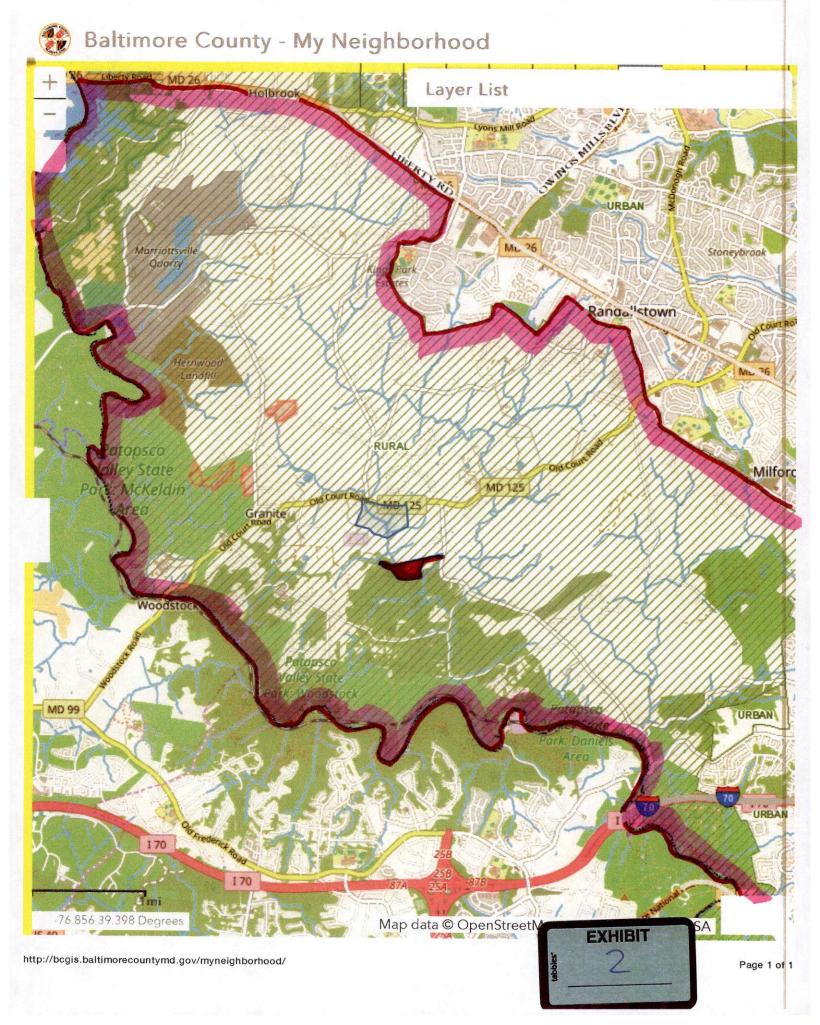
Noting this collaborative process, during the 2016 legislative session, Minnesota's agricultural leaders worked closely with conservation, energy policy, and business leaders to establish the nation's first standard for pollinator-friendly solar sites. Authored by Representative Rod Hamilton (R–Mountain Lake) and Senator Dan Sparks (DFL–Austin), the bill establishes robust and flexible vegetation management requirements for any solar project that is promoted as providing benefits to pollinators, songbirds, or game birds. The bill received broad rural, suburban, and metro support, passing the Minnesota House by a vote of 126-0 and the Minnesota Senate by a vote of 62-2. Governor Dayton signed the bill in to law on May 31.

Construction of the Aurora project and many others are underway and it will take time for the native plants to get established and bloom. Over the next several years, just about every state will build several thousand acres of solar sites that—based on collaboration with each community—may meet or exceed this new "pollinator-friendly solar" standard.

As you drive by these sites, don't just see them for the clean, fuel-free electricity they generate every day, but also notice the benefits provided by the vegetation under and around the panels. The United States has more than 280 million acres of rowcrops and just a tiny fraction will be used for solar sites, but these sites can provide a badly needed, and long-lasting, service in providing healthy food to the hardworking commercial and native bees that pollinate our crops.

Rob Davis is a director at Fresh Energy, an independent 501(c)3 energy nonprofit in St. Paul, Minnesota. Follow him @robfargo(https://twitter.com/robfargo) and www.Fresh-Energy.org/author/rob.(http://www.Fresh-Energy.org/author/rob)

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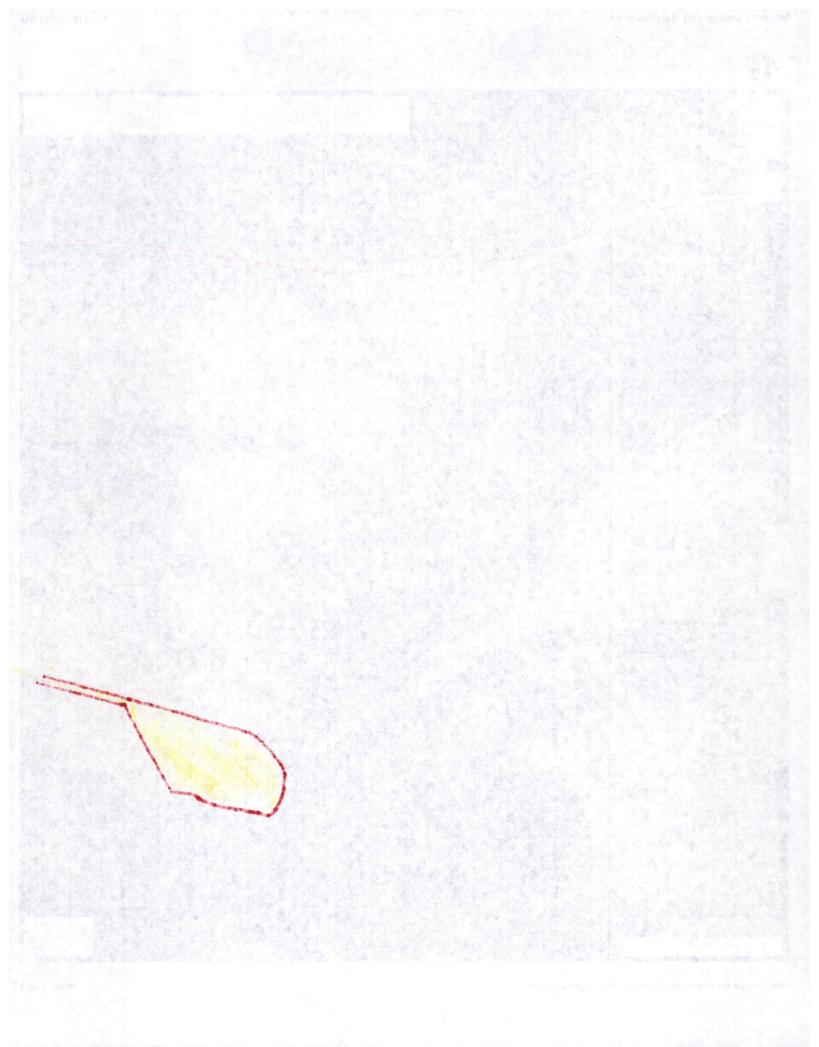


Baltimore County - My Neighborhood



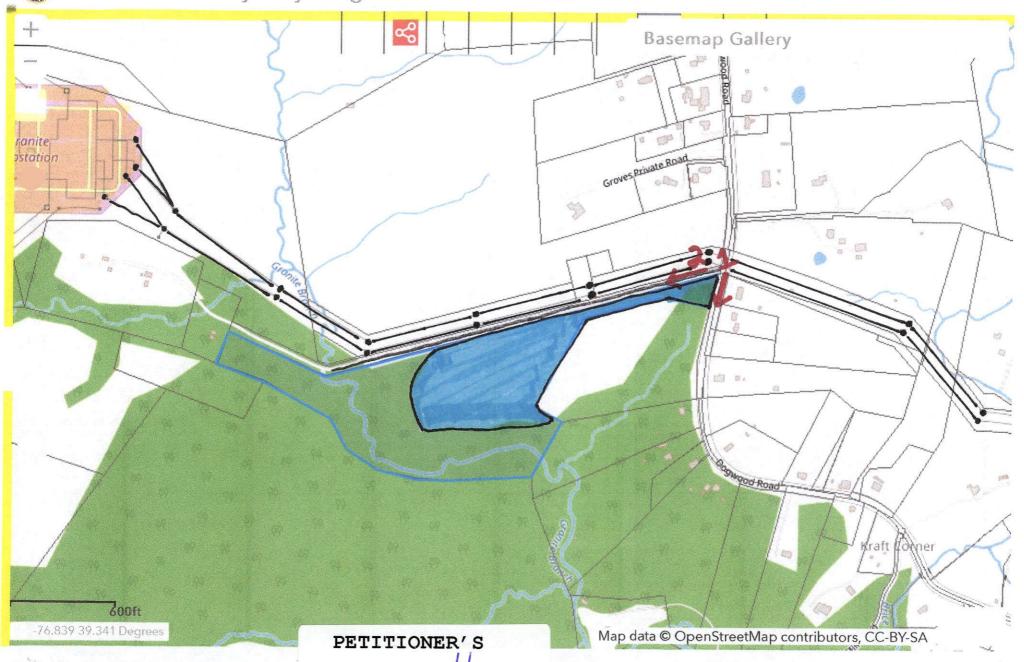
http://bcgis.baltimorecountymd.gov/myneighborhood/

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Baltimore County - My Neighborhood



https://bcgis.baltimorecountymd.gov/myneighborhood/

EXHIBIT NO.

Page 1 of 1

MDE

Maryland Department of the Environment

Stormwater Design Guidance - Solar Panel Installations

Revisions to Maryland's stormwater management regulations in 2010 require that environmental site design (ESD) be used to the maximum extent practicable (MEP) to mimic natural hydrology, reduce runoff to reflect forested wooded conditions, and minimize the impact of land development on water resources. This applies to any residential, commercial, industrial, or institutional development where more than 5,000 square feet of land area is disturbed. Consequently, stormwater management must be addressed even when permeable features like solar panel installations exceed 5,000 square feet of land disturbance.

Depending on local soil conditions and proposed imperviousness, the amount of rainfall that stormwater requirements are based on varies from 1.0 to 2.6 inches. However, addressing stormwater management does not mean that structural or micro-scale practices must be constructed to capture and treat large volumes of runoff. Using nonstructural techniques like disconnecting impervious cover reduces runoff by promoting overland filtering and infiltration. Commonly used with smaller or narrower impervious areas like driveways or open roads, the Disconnection of Non-Rooftop Runoff technique (see pp. 5.61 to 5.65 of the 2000 Maryland Stormwater Design Manual¹) is a low cost alternative for treating runoff in situations like rows of solar panels.

When non-rooftop disconnection is used to treat runoff, the following factors should be considered:

- The vegetated area receiving runoff must be equal to or greater in length than the disconnected surface (e.g., width of the row of solar panels)
- Runoff must sheet flow onto and across vegetated areas to maintain the disconnection
- Disconnections should be located on gradual slopes (≤ 5%) to maintain sheetflow. Level spreaders, terraces, or berms may be used to maintain sheetflow conditions if the average slope is steeper than 5%. However, installations on slopes greater than 10% will require an engineered plan that ensures adequate treatment and the safe and non-erosive conveyance of runoff to the property line or downstream stormwater management practice.
- Disconnecting impervious surfaces works best in undisturbed soils. To minimize disturbance and compaction, construction vehicles and equipment should avoid areas used for disconnection during installation of the solar panels.
- Groundcover vegetation must be maintained in good condition in those areas receiving
 disconnected runoff. Typically this maintenance is no different than other lawn or landscaped
 areas. However, areas receiving runoff should be protected (e.g., planting shrubs or trees along
 the perimeter) from future compaction.

Depending on the layout and number of panels installed, the disconnection of non-rooftop runoff technique may address some or all of the stormwater management requirements for an individual project. Where the imperviousness is high or there is other infrastructure (e.g., access roads, transformers), additional runoff may need to be treated. In these situations, other ESD techniques or micro-scale practices may be needed to provide stormwater management for these features.

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Example 1 - Using Non-Rooftop Disconnection Where the Average Slope ≤ 5%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope does not exceed 5%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed according to Figure 1 below. In this scenario, the disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). Therefore, each row of panels is adequately disconnected and the runoff from 1.0 inch of rainfall is treated.

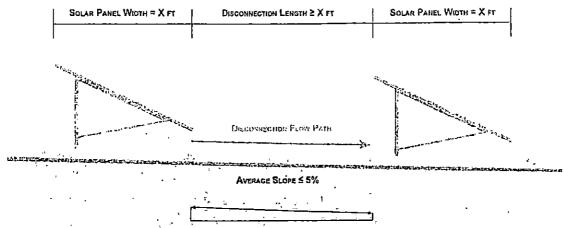


Figure 1. Typical Installation - Slope ≤ 5%

Example 2 – Using Non-Rooftop Disconnection Where the Average Slope ≥ 5% but ≤ 10%

Several rows of solar panels will be installed in an existing meadow. The soils within the meadow are hydrologic soil group (HSG) B and the average slope is greater than 5% but less than 10%. Each row of panels is 10 feet wide and the distance between rows is 20 feet. The rows of solar panels will be installed as shown in Figure 2 below. The disconnection length is the same as the distance between rows (20 feet) and is greater than the width of each row (10 feet). However, in this example, a level spreader (typically 1 to 2-foot wide and 1 foot deep) has been located at the drip edge of each row of panels to dissipate energy and maintain sheetflow.

Discussion

To meet State and local stormwater management requirements, ESD must be used to the MEP to reduce runoff to reflect forested conditions. While all reasonable options for implementing ESD must be investigated, minimally, the runoff from 1 inch of rainfall must be treated. In each of the examples above, there may be additional opportunities to implement ESD techniques or practices and reduce runoff that should be explored. However, simply disconnecting the runoff from the solar panel arrays captures and treats the runoff from 1.0 inch of rainfall. Where imperviousness is low and soil conditions less optimal (e.g., HSG C or D), this may be sufficient to completely address stormwater management requirements. In more dense applications or in sandy soils, additional stormwater management may be required.

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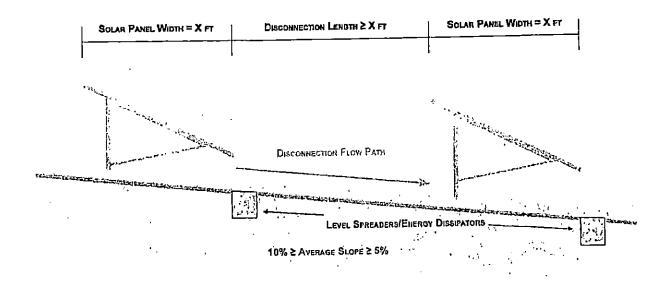


Figure 2. Typical Installation – Slope ≥ 5% but ≤ 10%

Conclusion

The primary purpose of Maryland's stormwater management program is to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Any land development project that exceeds 5,000 square feet of disturbance, including solar panel projects, must address stormwater management. However, for solar panels, stormwater management may be provided in a cost-effective manner by disconnecting each row of panels and directing runoff over the vegetated areas between the individual rows.

Resources

¹ 2000 Maryland Stormwater Design Manual, Volumes I and II, MDE, October 2000 (http://www.mde.state.md.us/programs/Water/StormwaterManagementProgram/MarylandStormwaterDesignMa nual/Pages/Programs/WaterPrograms/SedimentandStormwater/stormwater_design/index.aspx)

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