

M E M O R A N D U M

DATE: February 27, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0124-SPHX – Appeal Period Expired

The appeal period for the above-referenced case expired on February 26, 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**

(10021 Old Court Road) *

2nd Election District *

4th Council District *

Margaret E. Neubauer, et al *

Legal Owners *

Solar Smart, LLC *

Lessee *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0124-SPHX

* * * * *

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 Minor Subdivision No. 06059M, Lot 1, 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. Four 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), State Highway Administration (SHA) and the Department of Environmental Protection and Sustainability (DEPS).

The subject property (known as Lot 1) is approximately 62.386 acres in size and is zoned RC 2. Petitioners propose to construct a solar facility on approximately 10 acres of the subject

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Date

1-26-18

By

sen

property, as delineated on the site plan admitted as Exhibit 1. A solar facility is permitted by special exception in the RC 2 zone.

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 indicated the Lessee would install approximately 6,000 solar panels on two separate “pods” at the site, which would generate approximately 1.98 MW of electricity. He described the site plan in detail and discussed the landscaping proposed for the project, which would for the most part screen the solar facility from adjacent homes and motorists on Old Court Road, which is a scenic route. 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

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Date 11/26/18

By Ben

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. 2) shows plantings in those areas. 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 26th day of **January 2018**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment to Minor Subdivision No. 06059M, Lot 1, 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 plan admitted as evidence shall be

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Date 1/26/18
By ADD

permitted on Lot 1 of Minor Subdivision Plan No. 06059M.

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. 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 1/26/18
By sln



PE TITION 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 10021 Old Court Rd., Baltimore 21244 which is presently zoned

DR-2

Deed Reference# 34199/00409

10 Digit Tax Acct #2500011036

Property Owner(s) Printed Names(s) Margaret Elizabeth Neubauer Ann T. Albrecht, Jane Ellen Culver

(SELECT THE HEARING(S) BY MARKING X 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. X 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

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)

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:

Solar Smart LLC PETER RUNDLE

Name- Type or Print

Signature

1605 Central Ave., Ste 6, #255, Summerville, SC

Mailing Address City State

29483 / 843.743.9180 / peterr@solarsmartllc.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy Kotroco

Name- Type or Print

Signature

303 Washington Ave Ste 502 Towson 21204

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

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

Name #1 - Type or Print Name #2 - Type or Print Name #3

Signature #1

Signature #2

Signature #3

3814 Spring Meadow Drive, Ellicott City, MD

Mailing Address City State

21042 / 410-461-2711 / janeculver@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richard Matz PE

Name- Type or Print

Signature

2835 Smith Ave., Suite G Baltimore MD

Mailing Address City State

21209 / 410-653-3838 / rmatz@cmrengineers.com

Zip Code Telephone # Email Address

CASE NUMBER

Filing Date

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

By

**ATTACHMENT TO SPECIAL EXCEPTION PETITION
AND SPECIAL HEARING RELIEF**

10021 Old Court 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. 06059M, Lot 1 to allow the development of a Solar Facility Pursuant to section 4E-102.A of the BCZR.

2018-0124-SPHX



ZONING DESCRIPTION

10021 Old Court Road Baltimore County, MD

BEGINNING at a point on the south side of Old Court Road which is 50' wide at a distance of 1,600' west of the centerline of the intersection of Old Court Road and Dogwood Road which is 60' wide, the following courses and distances:

1. South 04 degrees 36 minutes 02 seconds East, 955.66 feet, more or less
2. South 60 degrees 07 minutes 01 seconds West, 1,047.49 feet
3. North 76 degrees 28 minutes 57 Seconds West, 669.09 feet
4. North 44 degrees 57 minutes 47 seconds West, 381.99 feet.
5. North 76 degrees 28 minutes 57 seconds West, 550.00 feet
6. North 23 degrees 49 minutes 03 seconds East. 724.51 feet
7. North 02 degrees 25 minutes 57 seconds West, 526.76 feet
8. South 62 degrees 40 minutes 54 seconds East, 24.83 feet
9. South 79 degrees 06 minutes 55 seconds East. 55.95 feet
10. South 67 degrees 02 minutes 02 seconds East, 297.16 feet
11. Thence by a curve to the left with a radius of 1,270.42 feet, and an arc length of 387.38 feet, more or less
12. South 84 degrees 30 minutes 23 seconds East. 510.06 feet
13. South 86 degrees 28 minutes 43 seconds East, 201.98 feet
14. Thence by a curve to the left with a radius of 1,170.58 feet, and an arc length of 281.37 feet
15. North 79 degrees 46 minutes 57 seconds East, 172.19 feet, to the place of beginning.

CONTAINING: 2,717,534 square feet (62.386 acres), more or less. and being designated as Lot 1 on the approved plan.

Located in the 2nd Election District and 4th Councilmanic District. Known as 10021 Old Court 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. 13203

Expiration Date: 11/02/2018

2018-0124-SPHX

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/2/2018

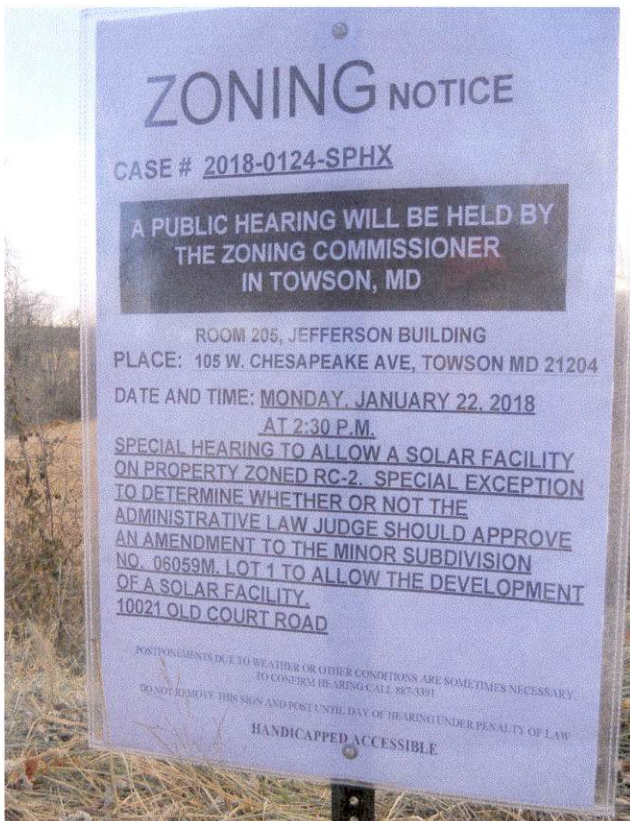
Case Number: 2018-0124-SPHX

Petitioner / Developer: TIMOTHY KOTROCO, 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:
10021 OLD COURT 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: 2018-0124-SPHX

10021 Old Court Road

S/s Old Court Road, 1600 ft. W/of centerline of Dogwood 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. 06059M, Lot 1 to allow the development of a Solar Facility.

Hearing: Monday, January 22, 2018 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Peter Rundle, 1605 Central Avenue, Ste. 6, #233, Summerville SC 29483
Albrecht, Culver, Neubauer, 3814 Spring Meadow Drive, Ellicott City 21042
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 THUESDAY, 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:

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Hearing: Monday, January 22, 2018 at 2:30 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
10021 Old Court Road, 1,600' W
of Dogwood 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 ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-124-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.

RECEIVED

NOV 07 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 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).

Peter Max Zimmerman

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 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: 2018-0124-SPHX

Property Address: **10021 Old Court Road, Baltimore County, MD 21244** Property

Description: **62.386 Acres on the South side of Old Court Road, 1,600 Feet West of the Old Court Rd. & Dogwood Road Intersection**

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**

Revised 7/9/2015

REF 180520

Date:

PAID RECEIPT

BUSINESS	ACTUAL	TIME	END
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
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97	98	99	100

11/01/2017 11:01:49 3

REG 1503 WALKIN CAM

>>RECEIPT # 751509 11/01/2017 DFLR

Dept 5 528 ZONING VERIFICATION

CR NO. 160520

Recpt Tot \$1,000.00

#1,050.00 OK 1.00 CA

Baltimore County, Maryland

Total:

From:

For:

ALDER ENERGY SYSTEMS, LLC

10021 OLD COURT RD

2018-0124-SPHX

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



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: 2018-0124 SPHX, Address: 10021 Old Court 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,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a light blue horizontal line.

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



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

November 7, 2017

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review the site plan to accompany the petition for special exception, special hearing, for the proposed solar facilities located on the south side of Old Court Road (MD 125) in Baltimore County. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and is pleased to respond.

10021 Old Court Road
Site Plan Review for Special Exception, Special Hearing
Case No. 2018-0124-SPHX
MD 125 (south side) east of Granite Road
Baltimore County

The proposed entrances to these solar facilities from MD 125 will be subject to the terms of an entrance permit that may be obtained by contacting Mr. Aamir Khurram, MDOT SHA Resident Maintenance Engineer – Owings Mills Shop at 410-363-1315. A copy of the plan will be forwarded to his office.

If there are any questions, please contact Mr. Richard Zeller at 410-229-2332 or toll free (in Maryland only), 1-866-998-0367 (x2332) 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

cc: Colbert Matz Rosenfelt, Inc. / 2835 Smith Avenue, Suite G, Baltimore, MD 21209
Solar Smart, LLC / 8761 Dorchester Road, Suite 205, North Charleston, SC 29420
Alder Energy Systems, LLC / 495 Jensen Lane, Charleston, SC 29492
Mr. Aamir Khurram, MDOT SHA Resident Maintenance Engineer – Owings Mills Shop

Date: 11/6/17

Ms. Kristen Lewis
Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 109
Towson, Maryland 21204

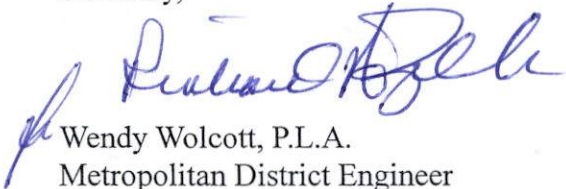
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 11/6/17. A field inspection and internal review reveals that an entrance onto MD125 consistent with current State Highway Administration guidelines is required. As a condition of approval for , Case Number 2018-01245PHX.

Special Exception, Special Hearing
Margaret E. Neubauer, Ann T. Albrecht,
Jane E. Culver
10021 Old Court Road. MD125

The applicant must contact the State Highway Administration to obtain an entrance permit. Should you have any questions regarding this matter feel free to contact 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

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

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: 18-124



INFORMATION:

Property Address: 10021 Old Court Road
Petitioner: Margaret Elizabeth Neubauer, Ann T. Albrecht, Jane Ellen 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. 06059 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.

Old Court 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 Old Court 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

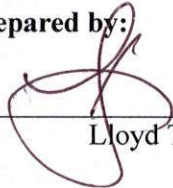
the final fixed location and area of the facility by coordinate data so that an inventory may be kept.

- 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.

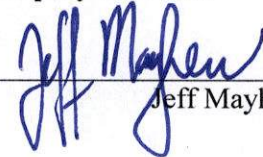
For further information concerning the matters stated herein, please contact Keeve Brine at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff 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

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 # 2018-0124-SPHX
Address 10021 Old Court 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

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

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 Manual**¹) 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 ($\leq 5\%$) 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 $\leq 5\%$

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.

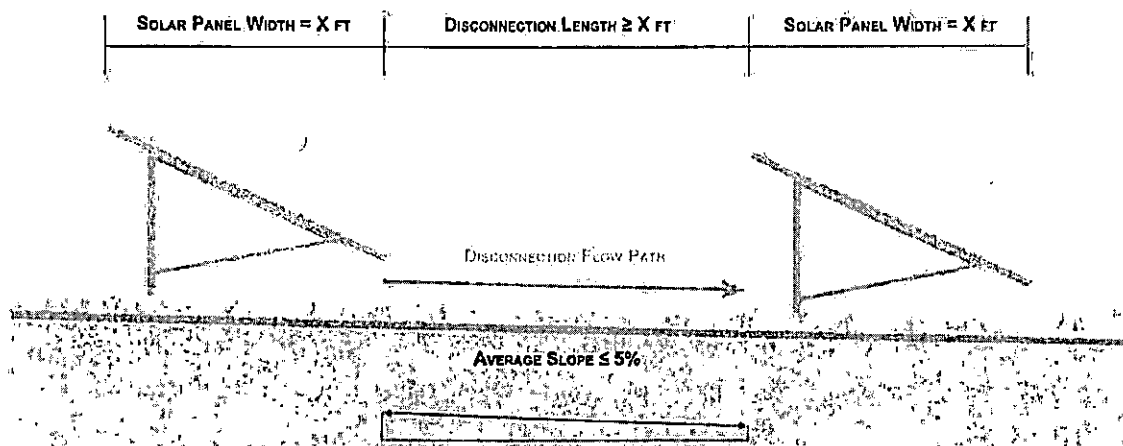


Figure 1. Typical Installation - Slope $\leq 5\%$

Example 2 – Using Non-Rooftop Disconnection Where the Average Slope $\geq 5\%$ but $\leq 10\%$

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.

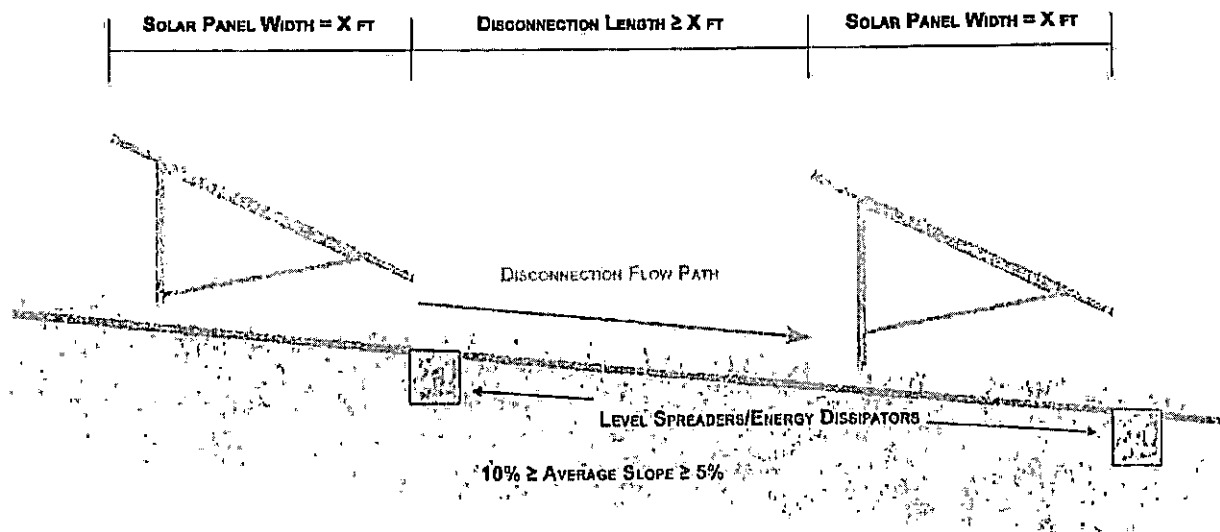


Figure 2. Typical Installation – Slope $\geq 5\%$ but $\leq 10\%$

Conclusion

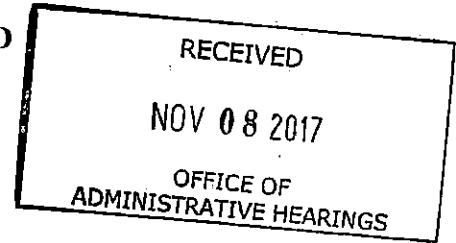
The primary purpose of Maryland's stormwater management program is to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources. Any land development project that exceeds 5,000 square feet of disturbance, including solar panel projects, must address 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/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 # 2018-0124-SPHX
Address 10021 Old Court 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

ORDER RECEIVED FOR FILING

Date 1/26/18

By sen

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

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Date 1/26/18
by Sen

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.

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

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Date

1/23/18

By

sen

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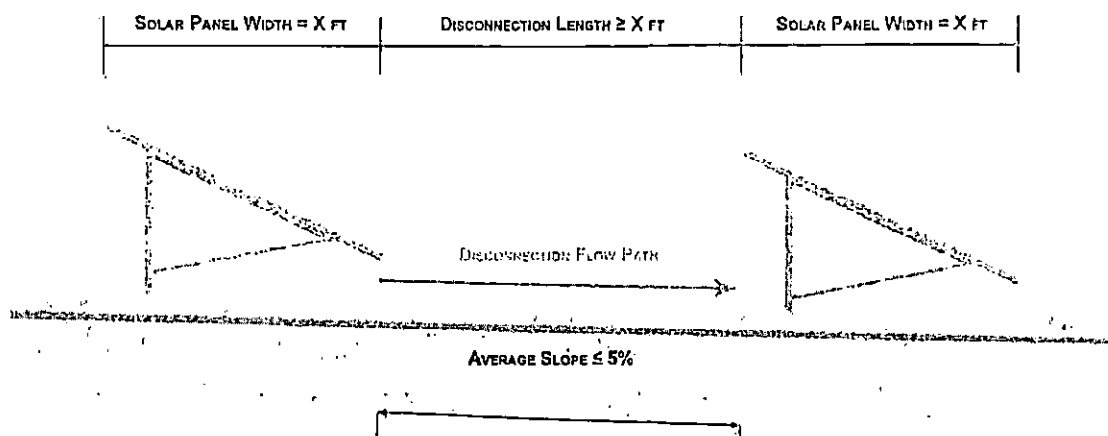


Figure 1. Typical Installation - Slope $\leq 5\%$

Example 2 – Using Non-Rooftop Disconnection Where the Average Slope $\geq 5\%$ but $\leq 10\%$

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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.

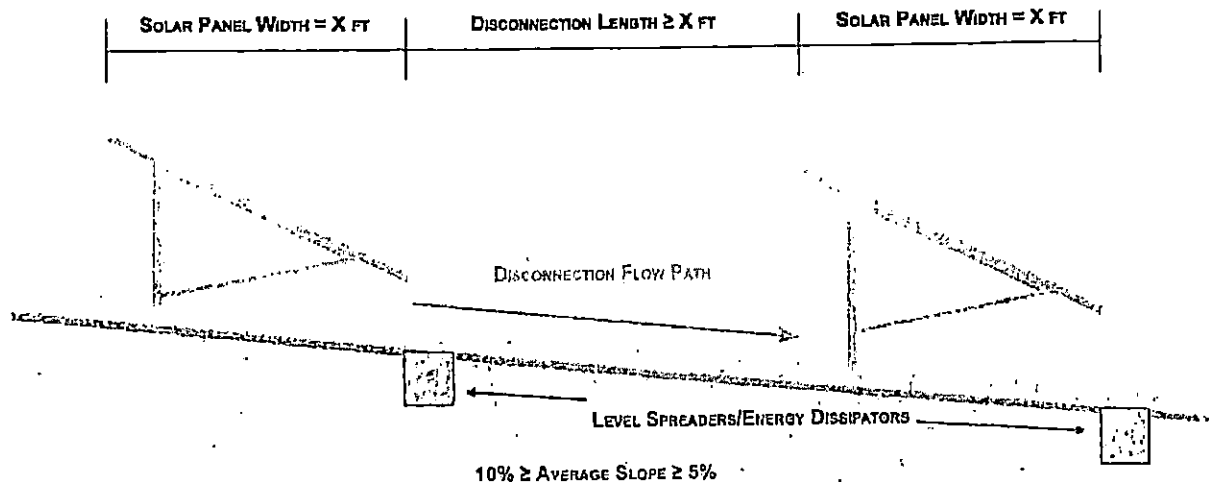


Figure 2. Typical Installation – Slope $\geq 5\%$ but $\leq 10\%$

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/MarylandStormwaterDesignManual/Pages/Programs/WaterPrograms/SedimentandStormwater/stormwater_design/index.aspx

ORDER RECEIVED FOR FILING

Date 1/26/18

By sen

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 November 13, 2017
Item No. 2018-0124-SPHX

DATE: November 17, 2017

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. Old Court 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 & 11 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 vinyl-coated chain-link fence,
8. Proposed landscape buffer on north side along Old Court Road needs to be extended eastward approximately 250 feet to assure screening of the solar array field from Old Court Road views. Perimeter landscape buffers required along Old Court Road may need to be set back from the existing overhead power lines to allow the diversity of screen plant materials to mature and not be effected by standard vegetation maintenance typically associated with existing overhead power line.
9. Both proposed 16 foot access roads needs to have a chicane or bends to assure screening of the solar array field from Old Court Road views.
10. Consideration should be given to relocate the proposed 16 foot entrance road into the solar array located along the northern property line to a location not directly across from and existing residence.

11. Proposed landscape buffer associated with the solar array along the eastern property line needs to be a consistent minimum width of 40 feet to allow for more room for screen planting and variation and diversity of the plant material species.
12. Additional landscape and screening may be needed to address adjacent properties views when it relates to the proposed solar facility.

* * * * *

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/1/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-124

INFORMATION:

Property Address: 10021 Old Court Road
Petitioner: Margaret Elizabeth Neubauer, Ann T. Albrecht, Jane Ellen 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. 06059 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.

Old Court 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 Old Court 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

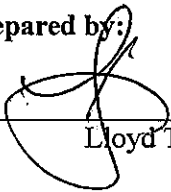
the final fixed location and area of the facility by coordinate data so that an inventory may be kept.

- 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.

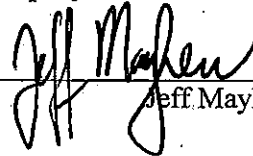
For further information concerning the matters stated herein, please contact Keeve Brine at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff 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

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 # 2018-0124-SPHX
Address 10021 Old Court Road
(Neubauer, Albrecht, Culver
Property)

Zoning Advisory Committee Meeting of **November 13, 2017**.

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Reviewer: Glenn Shaffer, Environmental Impact Review

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Reviewer: Stephen Ford, Development Coordination



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 5372059

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: # 2018-0124-SPHX
10021 Old Court Road
S/s Old Court Road, 1600 ft. W/of centerline of Dogwood Rd
2nd Election District - 4th Councilmanic District
Legal Owner(s) 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. 06059M, Lot 1 to allow the development of a Solar Facility.

Hearing: Monday, January 22, 2018 at 2:30 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 accommodations 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.

JT 1/609 January 2 5372059

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CASE NAME 2018-124-X
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN - IN SHEET

E - MAIL

[illegible]

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment11/17DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment11/8/17DEPS
(if not received, date e-mail sent _____)Comment

FIRE DEPARTMENT

12/4/17PLANNING
(if not received, date e-mail sent _____)not opposed
w/ conditions11/7/17

STATE HIGHWAY ADMINISTRATION

Comment

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/2/18SIGN POSTING Date: 1/1/18by O'KeefePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 02 Account Number - 2500011036			
Owner Information					
Owner Name:	NEUBAUER MARGARET ELIZABETH ALBRECHT ANN T CULVER JANE ELLEN		Use: Principal Residence:	AGRICULTURAL NO	
Mailing Address:	3814 SPRING MEADOW DR ELLCOTT CITY MD 21042		Deed Reference:	/34199/ 00409	
Location & Structure Information					
Premises Address:	10021 OLD COURT RD BALTIMORE 21244-		Legal Description:	62.386 AC MINOR SUBDIVISION 10021 OLD COURT RD SS 1600 FT W DOGWOOD RD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0086	0004	0468		0000	
Block:	Lot:	Assessment Year:	Plat No:	MS	Plat Ref:
	1	2016			
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			62.3860 AC	05	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2016	07/01/2017	07/01/2018	
Land:	14,400	14,400			
Improvements	0	0			
Total:	14,400	14,400	14,400	14,400	
Preferential Land:	14,400			14,400	
Transfer Information					
Seller: NEUBAUER MARGARET ELIZABETH		Date: 09/11/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34199/ 00409		Deed2:	
Seller: TRAIL MARY E AG USE 83-84		Date: 06/29/1973		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34199/ 00409		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					

Case No.: 2018-0124-SPHX

Exhibit Sheet

Petitioner/Developer

Protestant

1-26-18
sen

DW
2-27-18

No. 1	Site plan	
No. 2	Enlarged landscape plan	
No. 3	Site sections and details	
No. 4	"Overall Landscape Plan"	
No. 5	1st Amended Minor Sub. Plan. No. 06059M	
No. 6	List of nearby owners.	
No. 7	"Bee Culture" article	
No. 8	My Neighborhood Map	
No. 9	Aerial photo w/ "pods" highlighted	
No. 10	Photos w/ Key Sheet	
No. 11	Solar array layout	
No. 12		

1





2

3



h



Address of lot

10018 Old Court Rd, Woodstock, MD 21163
9940 Old Court Rd, Granite, MD 21163-1118
9937 Old Court Rd, Woodstock, MD 21163
10012 Old Court Rd, Woodstock, MD 21163
10022 Old Court Rd, Woodstock, MD 21163
10110 Old Court Rd, Granite, MD 21163-1116
9929 Old Court Rd, Woodstock, MD 21163
2807 Lindin Way, Woodstock, MD 21163
2805 Lindin Way, Woodstock, MD 21163-1386
2801 Lindin Way, Woodstock, MD 21163-1386

Mailing address (if different)

3490 Ranch Cir, S. Lake Tahoe, CA 96150

Vicinity of Old Court Rd**Map/Parcel**

86/0007
86/0010
86/0016
86/0188
86/0314
86/0331
86/0344
86/0446, Lot 4
86/0446, Lot 5
86/0446, Lot 16

Lot Owner

U Win Property Solutions LLC
Kristin Vanhouten
John Falvella, Jr. & Maureen Fitzpatrick
George & Donna Sauter
Scott & Rosemary Lishia
Robin Huett
Michael Lehmann
Ainsley & Aprile Crawford
Marcel & Maurette Clark
Charlene Wilson

9303 Dogwood Rd, Baltimore, MD 21244-1015
9311 Dogwood Rd, Baltimore, MD 21244
9307 Dogwood Rd, Baltimore, MD 21244
9315 Dogwood Rd, Baltimore, MD 21244
9301 Dogwood Rd, Baltimore, MD 21244

Hi-G Contractors listed on property record as well
Hi-G Contractors listed on property record as well
Hi-G Contractors listed on property record as well

Vicinity of Dogwood

86/0055
86/0055, Lot 1
86/0055, Lot 2
86/0078
86/0121

Howard & Jacquelyn Cornish
Rachel Resch
Mitchell Anest
William & Tongpun Hansen
Otho & Dorothy Brown



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 Dogwood 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

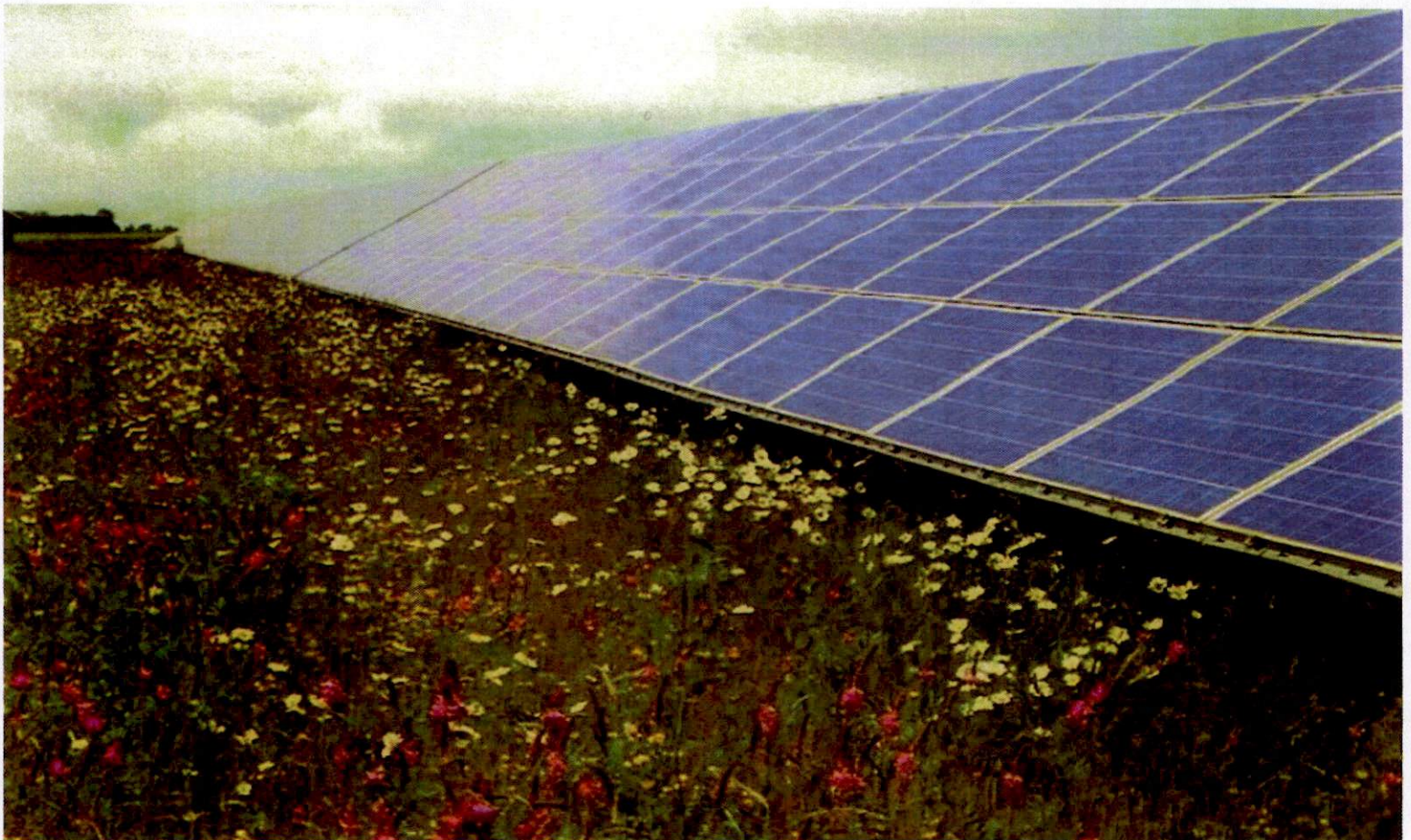
(<http://www.beeeculture.com/>)



(<http://www.beeeculture.com/catch-buzz/>)

JULY 25, 2016

CAN SOLAR SITES HELP SAVE THE BEES?



<http://www.beeeculture.com/can-solar-sites-help-save-bees/>



By: Rob Davis

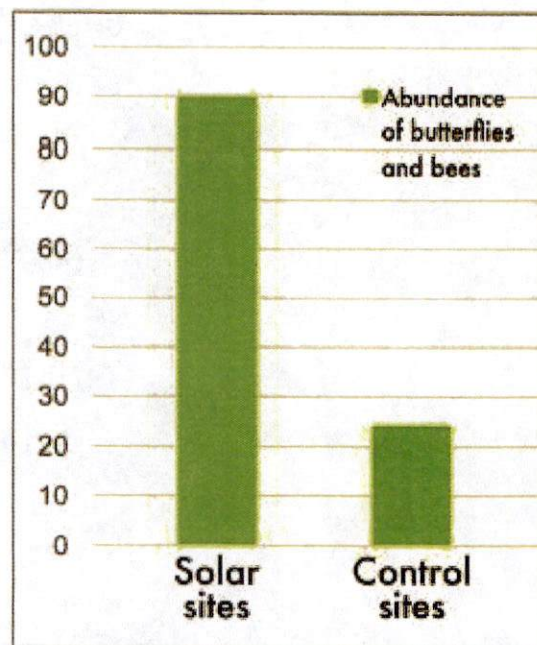
Rapid growth of ground-mounted solar presents opportunity to establish hundreds of millions of native plants.

Across 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

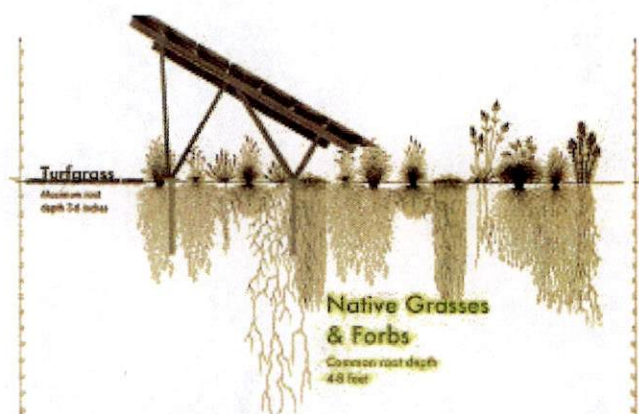
Energy policies vary state by state, but between just a handful of states — Florida, Georgia, Minnesota, Maryland, New York, North Carolina, and Oregon — more than 30,000 acres of solar sites are being built this year, and more than 19,000 acres are in development to be built next year. All together, 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.

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

“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/wp-content/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.

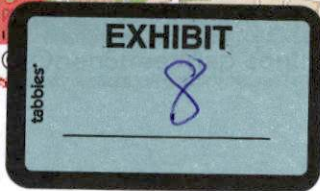
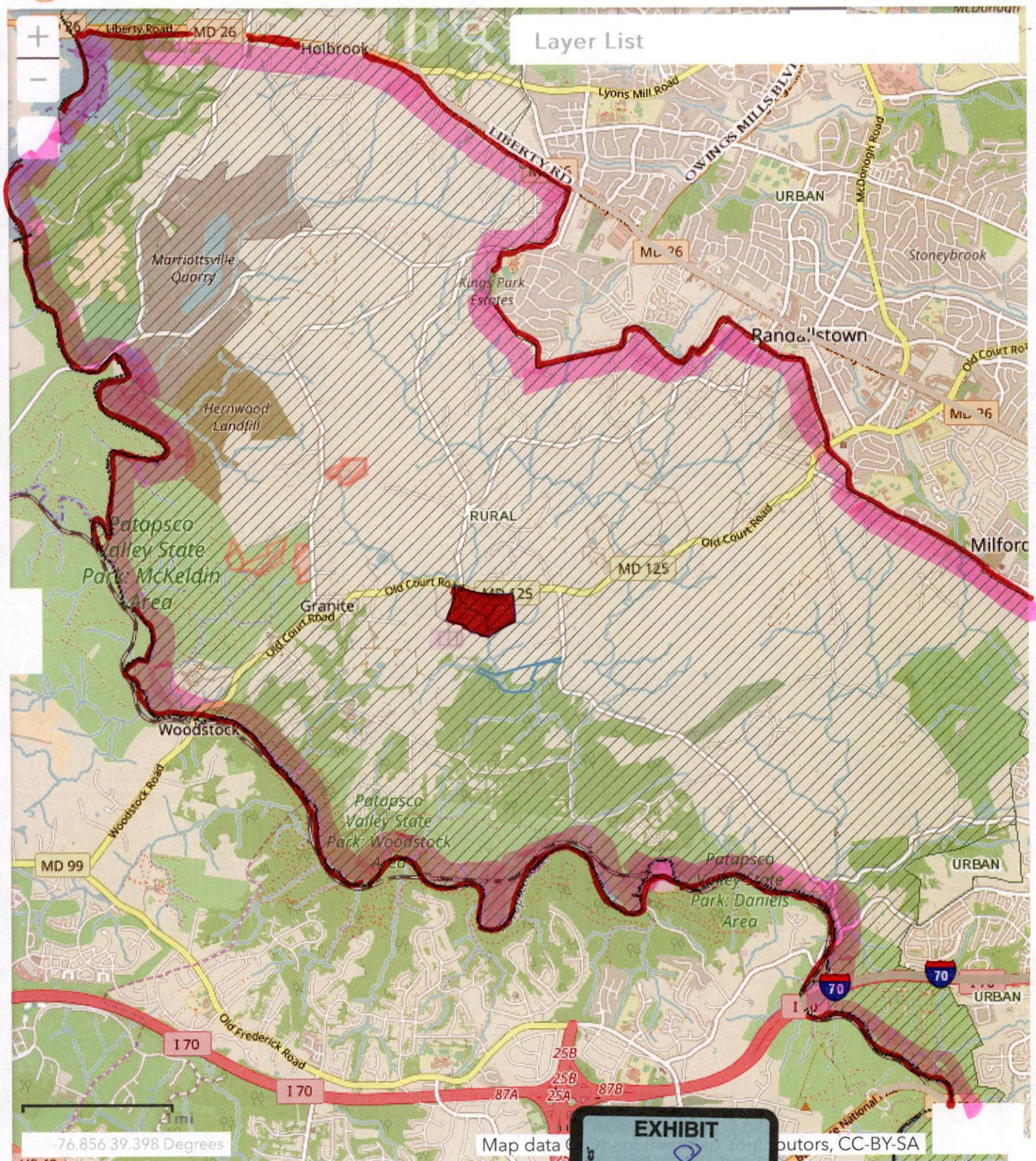
*Rob Davis is a director at Fresh Energy, an independent 501(c)3 energy nonprofit in St. Paul, Minnesota. Follow him **@robargo**(<https://twitter.com/robargo>) and **www.Fresh-Energy.org/author/rob**(<http://www.Fresh-Energy.org/author/rob>)*

0

SHARES(#)



Baltimore County - My Neighborhood

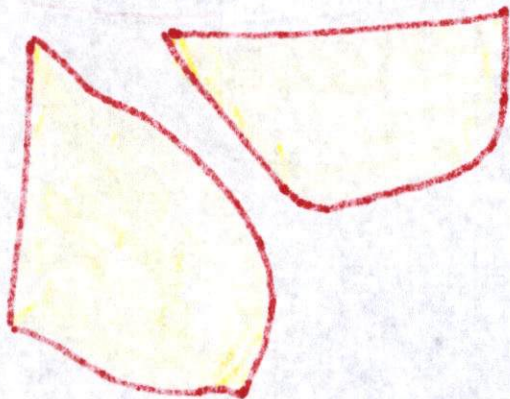






Baltimore County - My Neighborhood







Baltimore County - My Neighborhood

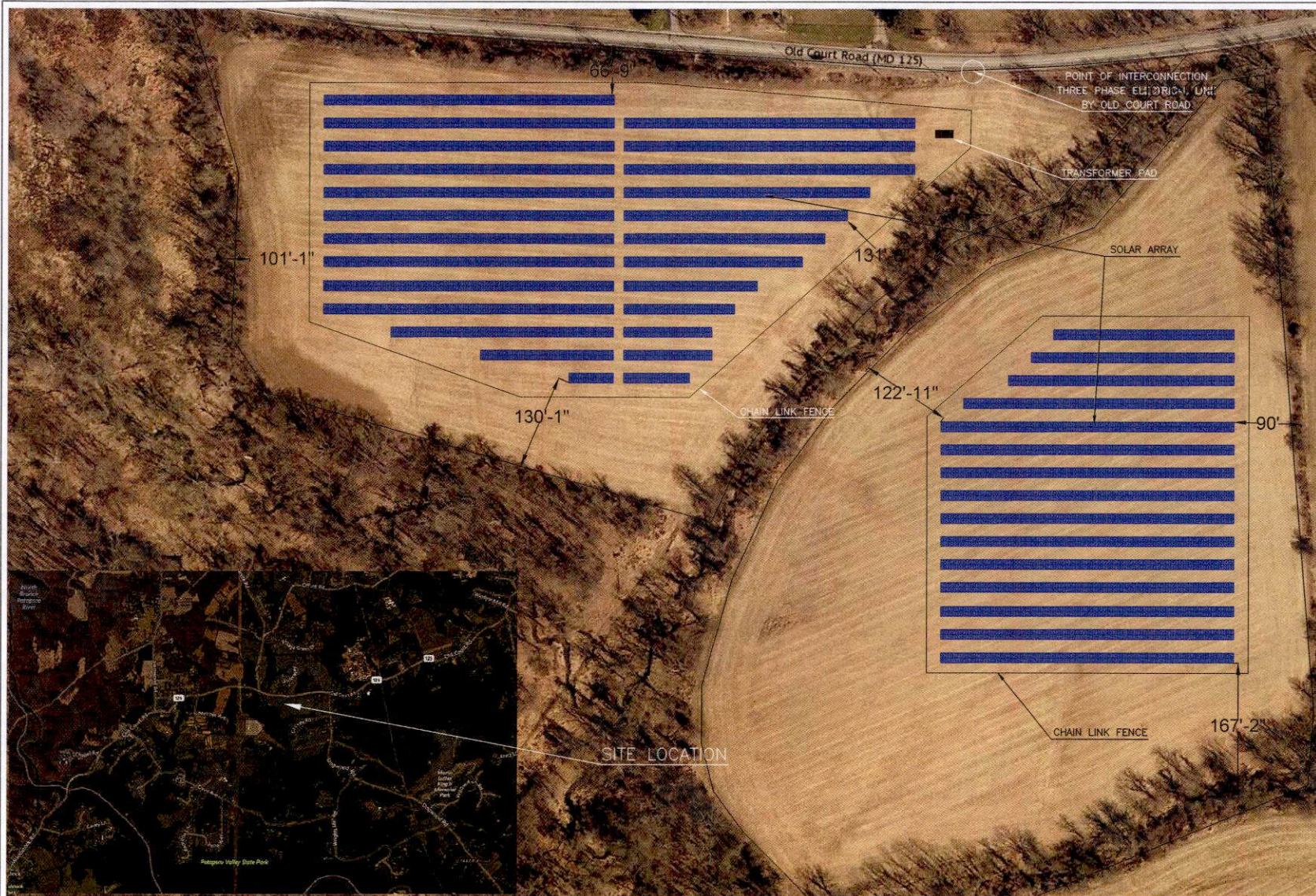


7

7

7-3-4

Old Court





ALDER ENERGY SYSTEMS
COMMUNITY SOLAR
WINDSOR MILL

CHARLES COUNTY, MD 21742
JAN 10 2017
www.alder-energy.com

Drawn By: Jorge de la Hoz Sr. PV Designer

Project Name: COMMUNITY SOLAR WINDSOR MILL

Property Owner: JANE ELLIOTT
10021 OLD COURT RD
WINDSOR MILL, MD 21742

DRAWING REVISIONS		
REV	DESCRIPTION	DATE
0	Preliminary array design	08/23/17

SITE DESCRIPTION

System Type: Ground mounted
Array Type: Mono
Est. Annual Production: 3,540 MWh
Number of Modules: 1,986
Module Model: CS6U-340 MONO
Number of Inverters: 1
Inverter Model: PVI 60TL

SITE LOCATION

10021 OLD COURT RD
WINDSOR MILL, MD 21742
Latitude: 39.3421
Longitude: -77.0833

DRAWING TITLE

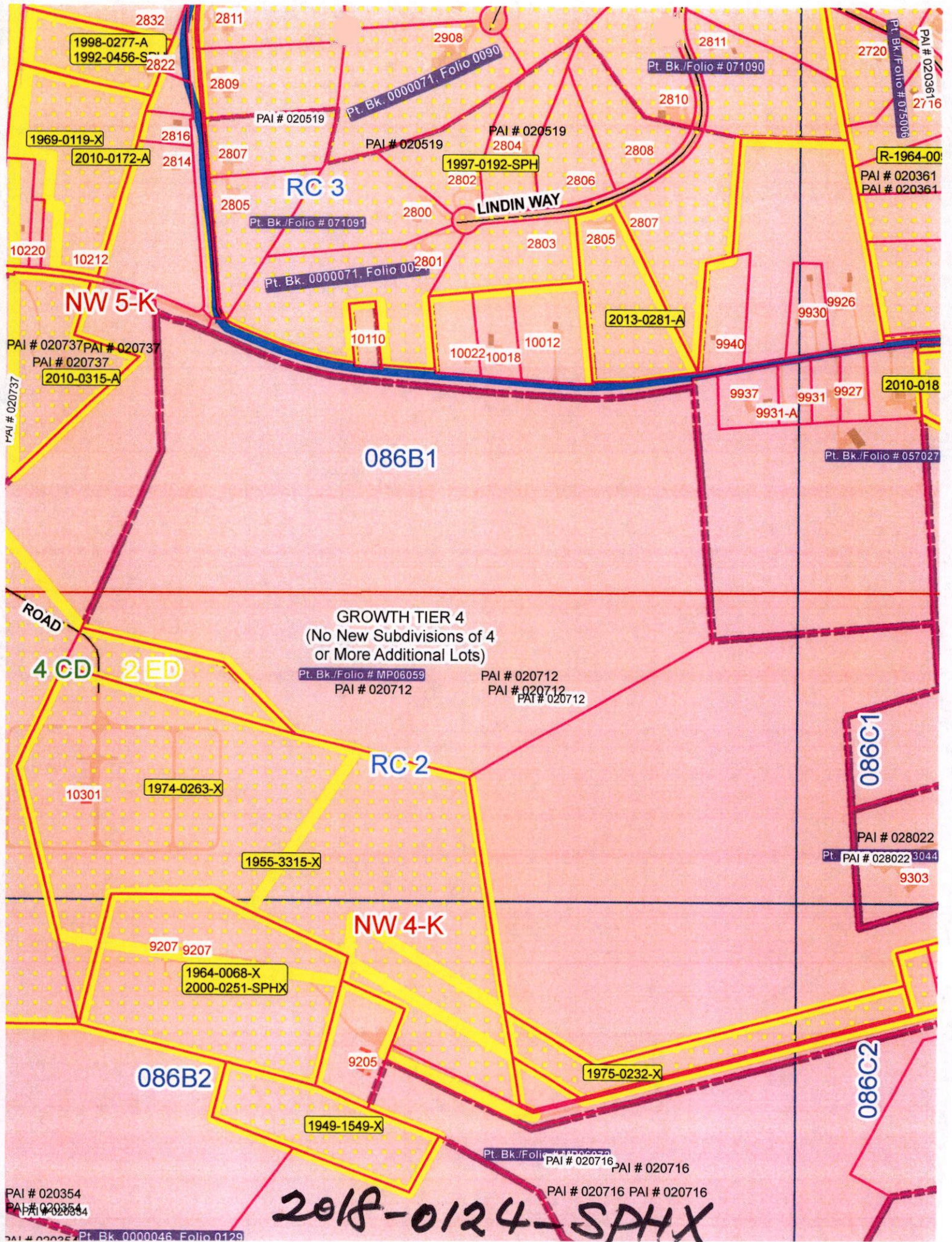
SOLAR ARRAY LAYOUT

3 OF 4	PV-1
AS NOTED	

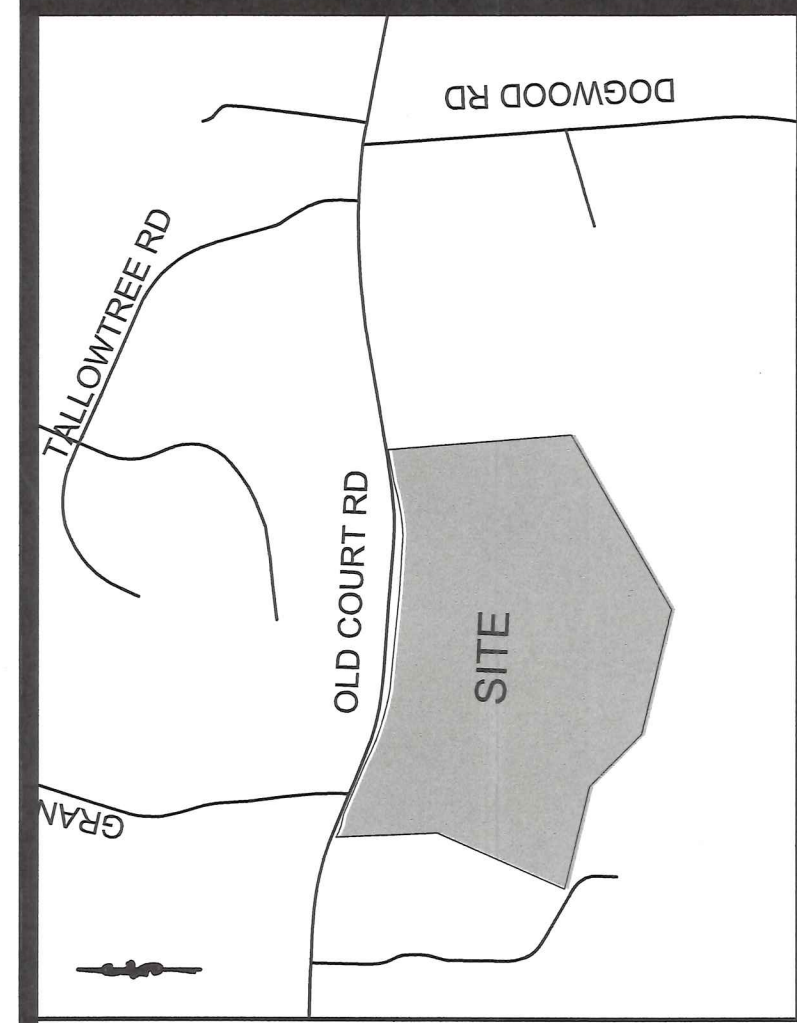


1
PV-1 SOLAR ARRAY LAYOUT
SCALE: 1" = 125'

EXHIBIT
11



2018-0124-SPHX



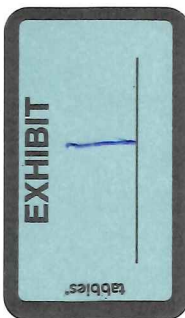
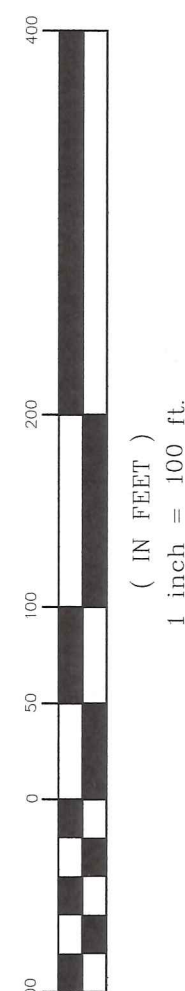
GENERAL NOTES:

- OWNERS LOTS 1 & 2-
MARGARET E. NEUBAUER
JANE T. ALBRECHT,
ANN E. COLVER,
314 SPRING MEADOW DR
ELLICOTT CITY, MARYLAND
21114
LEASE:
SOLAR SMART, LLC
10000 NORTHERN BLVD
NORTH CHARLESTON SC
CONTACT: PETER RUND
DEVELOPER:
485 JESSE LANE
CHARLESTON, SC 29402
CONTACT: DONALD ZIMMER
SITE DATA
TAX MAP 965, GRID 4, PARK
TAX ACCOUNT NO. 1540100
DEED REFERENCE: 1, 2
CENSUS TRACT 550200
LAND MANAGEMENT AREA
PRESERVATION AREA
WATERSHED: PATAPSCO
GROWTH TIER 3
LOCAL PLAN: 2ND
COUNCILMANIC PLANNING DIST
SCHOOL DISTRICT:
WINHEED FALLS
RANDALLSTOWN HS
2000 SCALE 50' TILE REF

[illegible]

PLAN TO ACCOMPANY ZONING PETITION
AND PLAN TO AMEND LOT 1 OF MINOR
SUBDIVISION 06059M

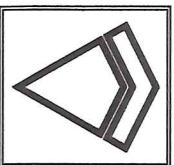
10021 OLD COURT ROAD
BALTIMORE COUNTY MARYLAND, 21244
4TH COUNCILMANIC DISTRICT
2ND ELECTION DISTRICT



Colbert Matz Rosenfelt, Inc.

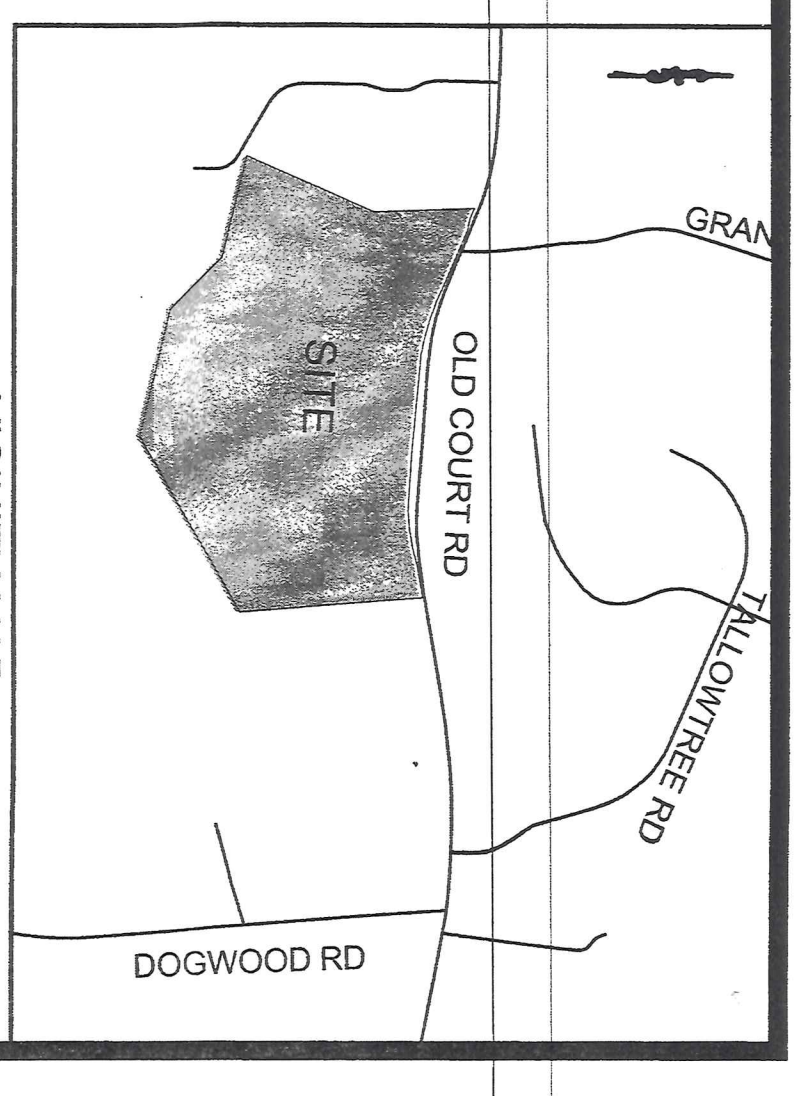
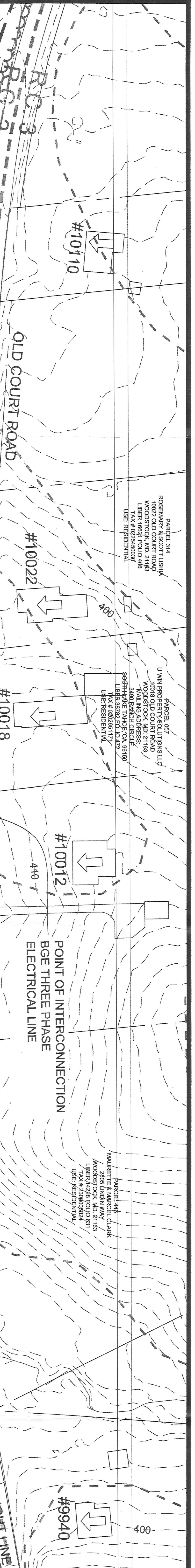
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209

Telephone: (410) 653-3838
Facsimile: (410) 653-7953

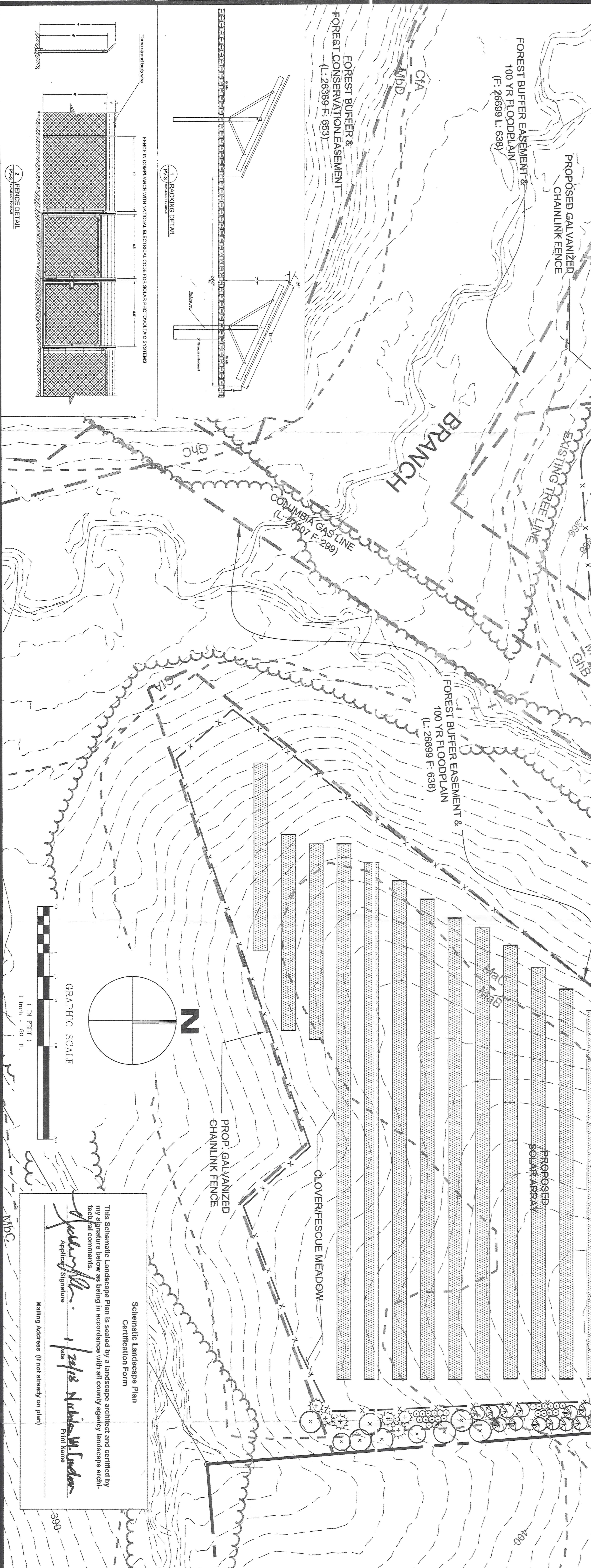
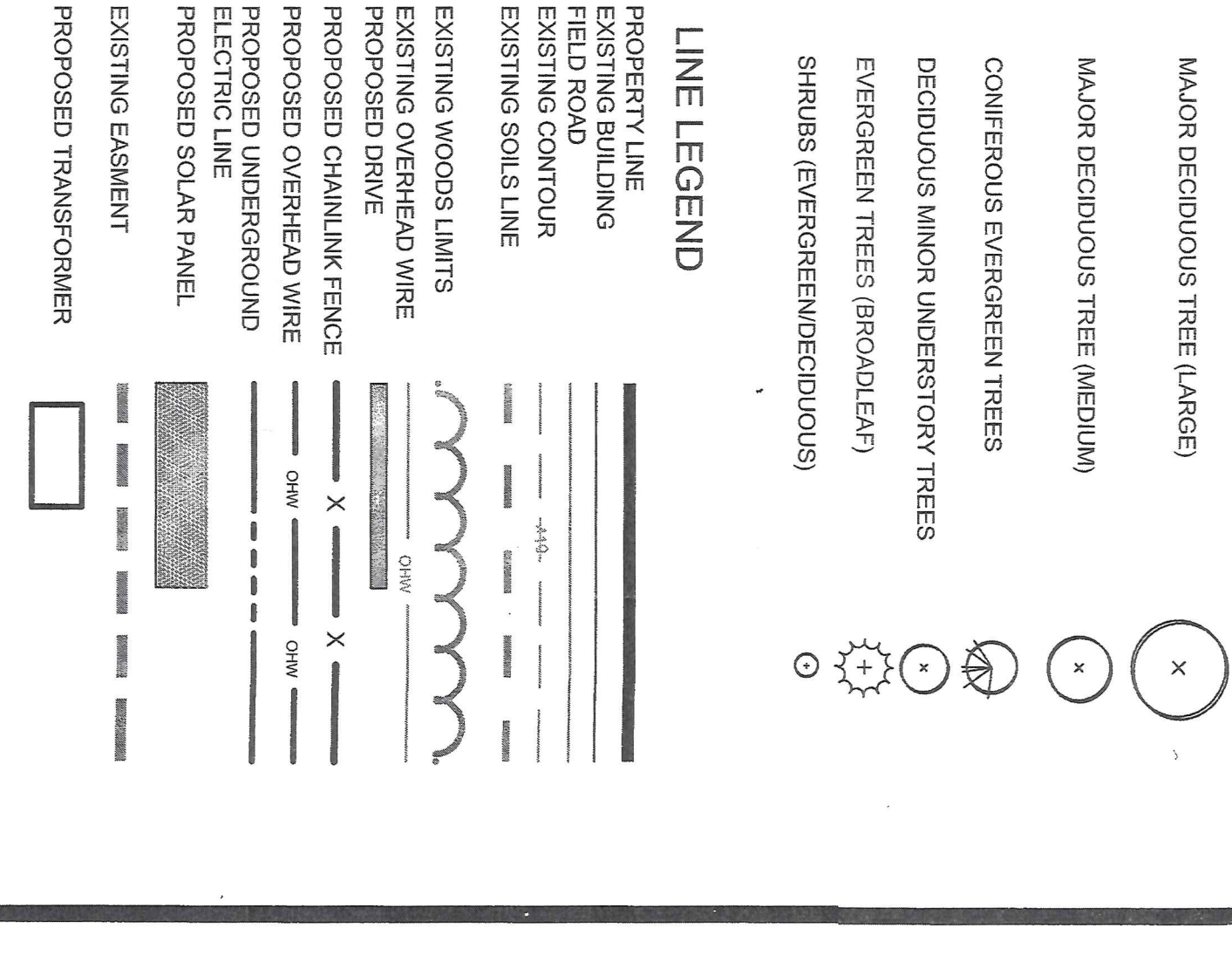


Professional Certification I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.		SCALE: 1" = 10' DATE: 01/2/2018 JOB NO.: 2017220 DRAWING NO.: DRAWN BY:		CHECKED: NL FILE:		DRAWING NUMBER: ZON-1	
License No. _____ Expiration Date: _____						SHEET 1 OF 3	
NO	DATE	REVISIONS:		BY			





- GENERAL NOTES:**
- OWNERS LOT 1 & 2
 - OWNERS LOT 3
 - OWNERS LOT 4
 - OWNERS LOT 5
 - OWNERS LOT 6
 - OWNERS LOT 7
 - OWNERS LOT 8
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 - OWNERS LOT 99
 - OWNERS LOT 100



SCHEMATIC LANDSCAPE PLAN
ENLARGED LANDSCAPE PLAN

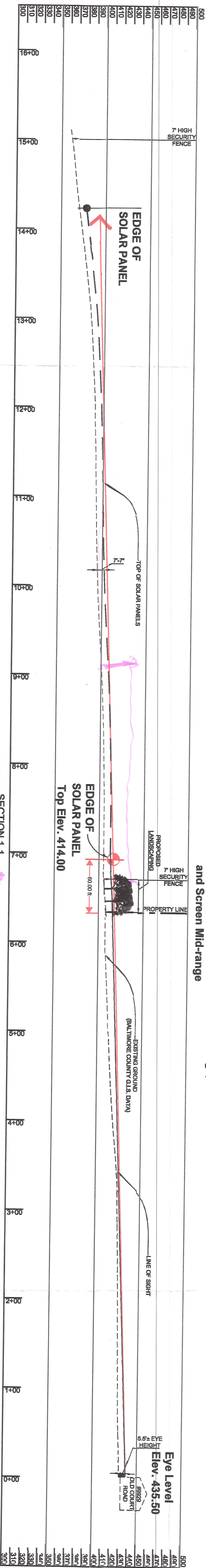
10021 OLD COURT ROAD
BALTIMORE COUNTY MARYLAND, 21244
4TH COCAINAMAND DISTRICT
2ND ELECTION DISTRICT

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2825 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3828
Facsimile: (410) 653-7953

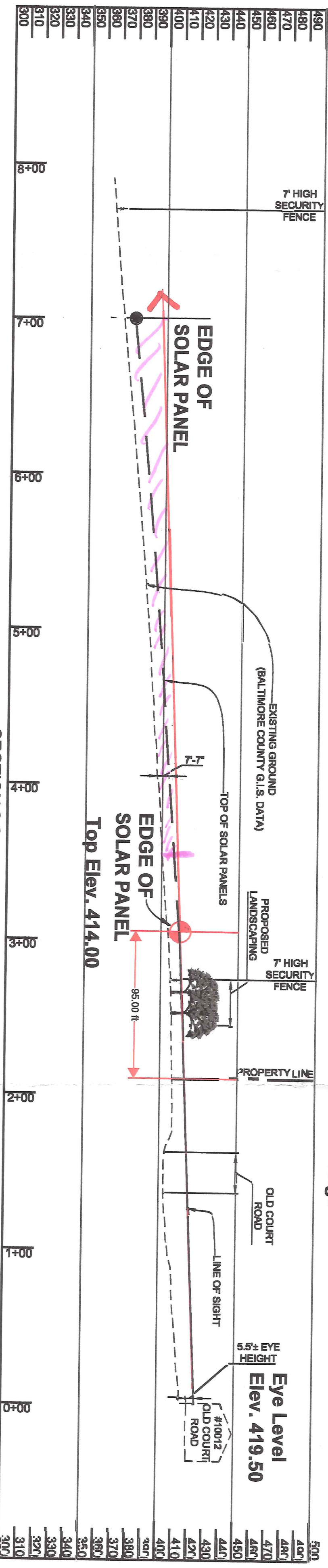
SCHEMATIC LANDSCAPE PLAN
Certification Form
This Schematic Landscape Plan is sealed by a landscape architect and certified by my signature below as being in accordance with all county agency landscape architectural comments.
Applied Signature: *James M. Matz*
Print Name: *James M. Matz*
Date: *1/24/18*
Mailing Address (if not already on plan):
No. DATE REVISIONS BY SHEET 2 OF 3

EXHIBIT

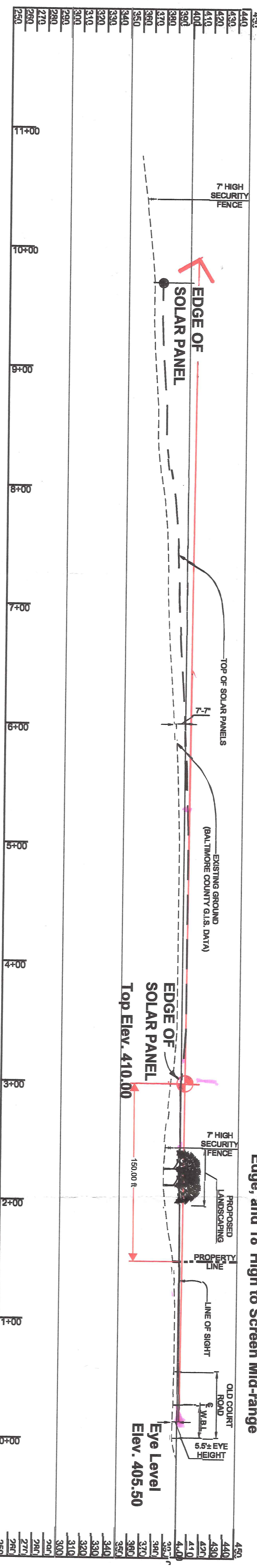
12' High Planting to Screen Panel Edge,
and Screen Mid-range



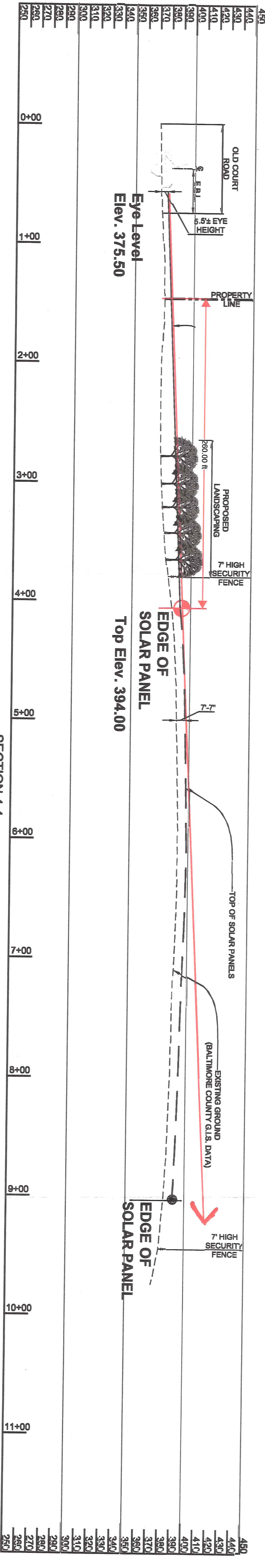
8' High Planting to Screen Panel Edge,
and Screen Mid-range



14' High Planting to Screen Panel
Edge, and 18' High to Screen Mid-range



SECTION 3-3
SCALE: H, 1" = 50'; V, 1" = 50'



SECTION 4-4
SCALE: H, 1" = 50'; V, 1" = 50'

SCHMATIC LANDSCAPE PLAN
SITE SECTIONS & DETAILS

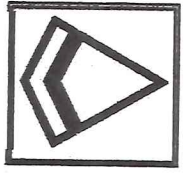
SOLAR FACILITY
10021 OLD COURT ROAD
BALTIMORE COUNTY MARYLAND, 21244

4TH COUNCILMANIC DISTRICT

4TH ELECTION DISTRICT

Colbert Matz Rosenfelt

Engineers - Surveyors - Planners
2855 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7853

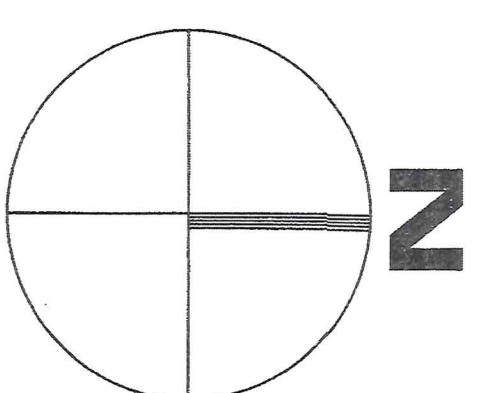


SCALE	AS SHOWN
DATE	06/20/2018
DESIGNED BY	ML
DESIGNED	ML
FILE	2017222.MXD
DRAWING NUMBER	SLP-3
NO.	DATE
REVISIONS	BY
3	3



Planting Units Provided			
Type	Quantity	Rate	Planting Units
Major Deciduous Trees			
Deciduous Major canopy Trees (large)	12	1 per 1 PU	12.0
Deciduous Major canopy Trees (medium)	15	1 per 1 PU	15.0
Deciduous Minor Understory Trees	18	2 per 1 PU	9.0
Evergreen Trees			
Conifer	68	2 per 1 PU	34.0
Broadleaf Evergreens	48	2 per 1 PU	24.0
Shrubs			
Deciduous	55	5 per 1 PU	11.0
Evergreen	80	5 per 1 PU	16.0
Total Planting Units Provided			113.0

Planting Unit Calculations			
Required Planting Units	Condition	Rate	Planting Units
A	Street Frontage		
	AD RD	1,081F @ 11P/40LF	26.2
	Interior Road	410 F @ 11P/20 FT	20.5
H	Unimproved/Gravel Mounted NMC		
	Transformers (2)	90LF @ 1 P/15	49.7
	Screen Interior Rd		
Total PUs Required			96.4



GRAPHIC SCALE

Schematic Landscape Plan
Certification Form

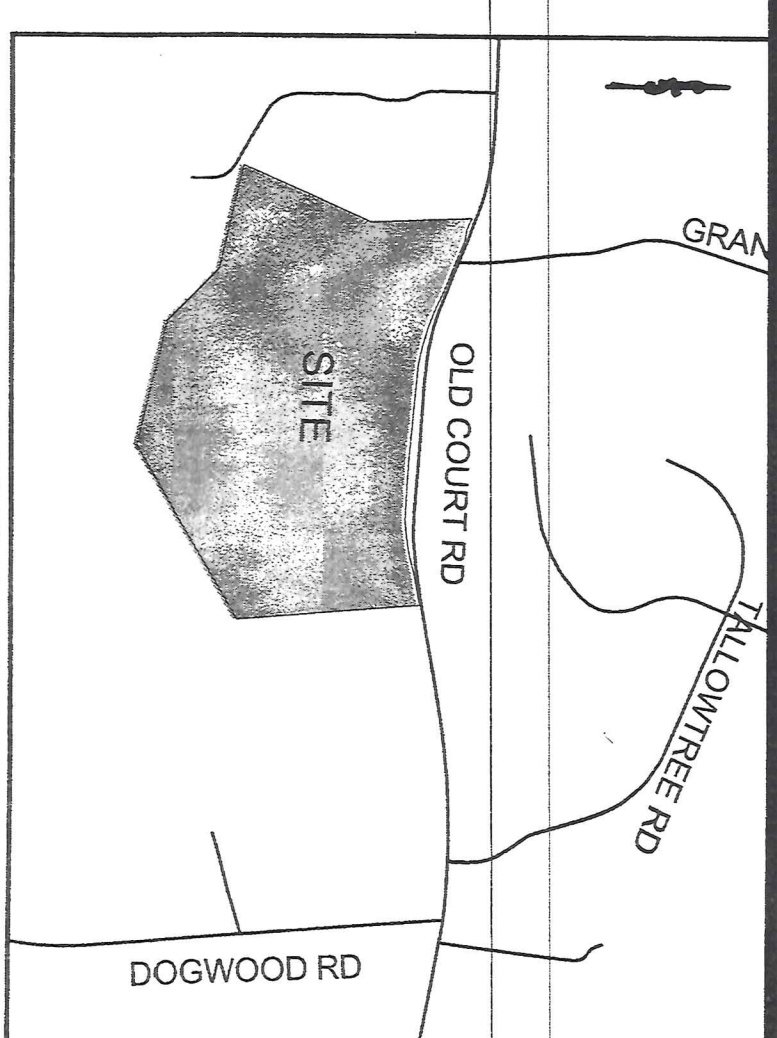
This Schematic Landscape Plan is certified by a landscape architect and certified by my signature below as being in accordance with all county agency landscape architectural comments.

[Signature]
Applicant Signature

1/22/15
Date

Nickolas Lindero
Print Name

Mailing Address (if not already on plan)

VICINITY MAP
1" = 1,000'

GENERAL NOTES

GENERAL NOTES:

- OWNERS LOT 1 & 2
10000 W. 10TH AVE. - DUNDAS
ANN T. ALBRECHT
JANE E. CLAYNER
304 SPRINGWOOD AVE
ELLCOTT CITY, MARYLAND, 21042
- LEASER
10000 W. 10TH AVE. - DUNDAS
8761 DUNDAS STREET ROAD, SUITE 206
NORTH CHARLESTON, SC 29405
ADLER ENERGY SYSTEMS, LLC
10000 W. 10TH AVE. - DUNDAS
DEVELOPER
- ADLER ENERGY SYSTEMS, LLC
CONTACT: DONALD SAMUELIAN (843) 303-0397

PLANT LEGEND

PLANT LEGEND

MAJOR DECIDUOUS TREE (LARGE)

MAJOR DECIDUOUS TREE (MEDIUM)
CONIFEROUS EVERGREEN TREES
DECIDUOUS MINOR UNDERSTORY
EVERGREEN TREES (BROADLEAF)
SHRUBS (EVERGREEN/DECIDUOUS)

SHRUBS (EVERGREEN/DECIDUOUS)

LINE LEGEND

A cross-sectional diagram of a road and its drainage system. From top to bottom, the layers are: a thick black line representing the **PROPERTY LINE**; a thin line for the **EXISTING BUILDING**; a thick grey layer for the **FIELD ROAD**; a thin line for the **EXISTING CONTOUR**; and a thick grey layer for the **EXISTING SOILS**. Below the road is a drainage system consisting of a **GRAVEL** layer, a **PERFORATED** pipe, and a **CONCRETE** base. The pipe is shown with a downward arrow indicating flow direction. To the right of the pipe is a **DRAINAGE** area, and to the left is a **ROADWAY** area. The diagram illustrates the relationship between the existing ground conditions and the proposed drainage infrastructure.

EXISTING OVERHEAD WIRE
PROPOSED DRIVE

PROPOSED OVERHEAD WIRE —————

PROPOSED SOLAR PANEL

PROPOSED TRANSFORME

greatest plant species

etermined and documented on

Norway Spruce

White Oak

et on American Elm

Leaf Linden

Birch
buckeye

oak
elm

Continuous Minor Understory Trees

Bay Magnolia

ZAC CASE#

OVERALL 11 AND

10031 OLD COIL

4TH COUNCILMAN

--	--

Engineers • Sun

Baltimore, Md.

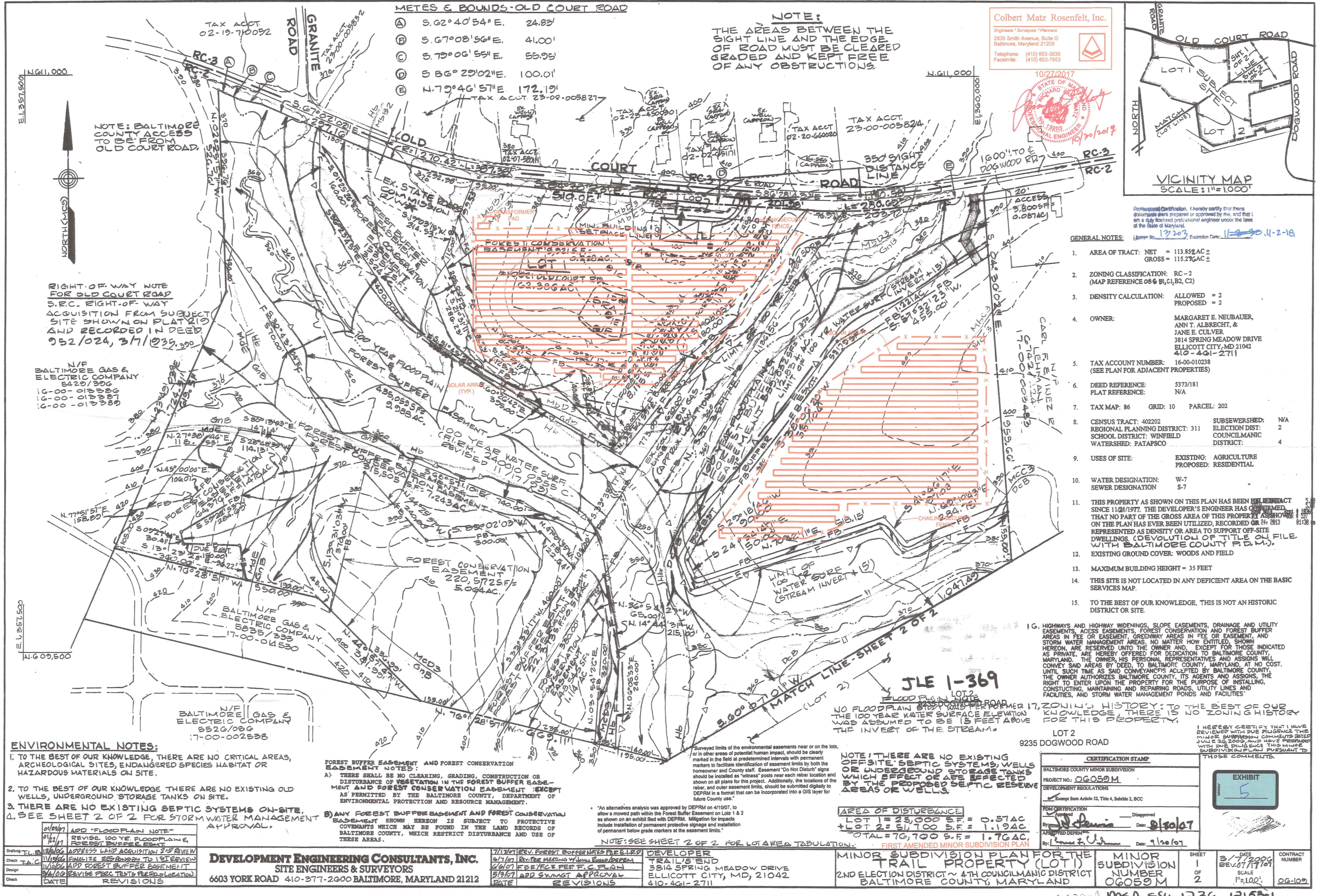
1000

duly licensed professional engineer under the laws

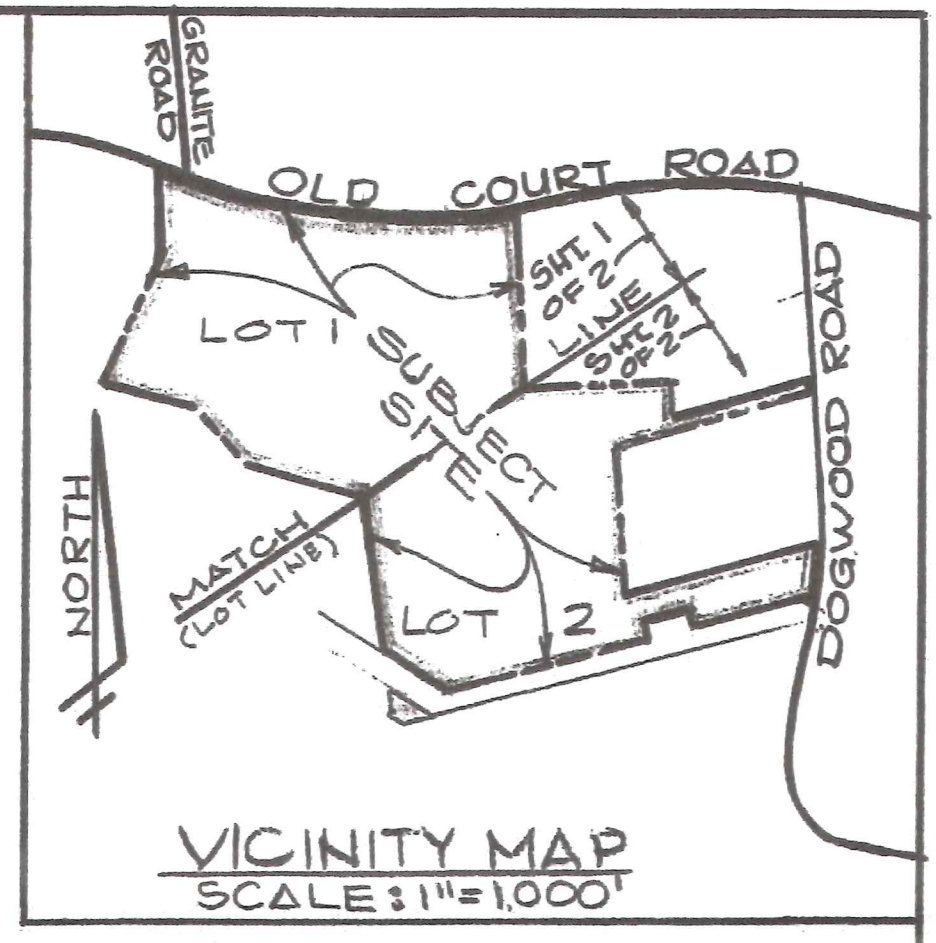
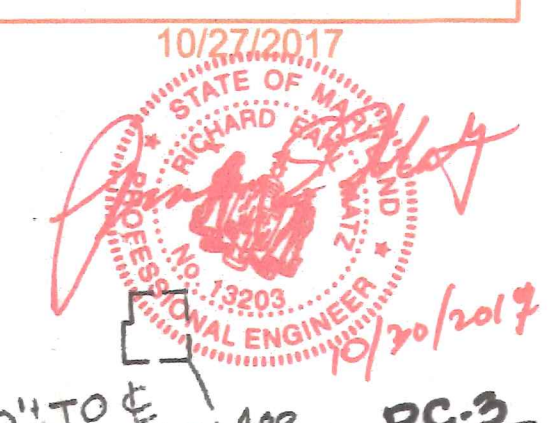
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1



Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 853-3838
Facsimile: (410) 853-7953



NOTE:
THE AREAS BETWEEN THE
SIGHT LINE AND THE EDGE
OF ROAD MUST BE CLEARED
GRADED AND KEPT FREE
OF ANY OBSTRUCTIONS

METES & BOUNDS - OLD COURT ROAD

A	S. 62° 40' 54" E.	24.83'
B	S. 67° 08' 56" E.	41.00'
C	S. 79° 06' 55" E.	55.95'
D	S. 86° 29' 02" E.	100.01'
E	N. 79° 46' 57" E.	172.19'

**RIGHT-OF-WAY NOTE
FOR OLD COURT ROAD**
S.E.C. RIGHT-OF-WAY
ACQUISITION FROM SUBJECT
SITE SHOWN ON PLAT 219
AND RECORDED IN DEED
952/024, 3/17/2035, 390

- GENERAL NOTES:**
- AREA OF TRACT: NET = 113.852 AC ±
GROSS = 115.276 AC ±
 - ZONING CLASSIFICATION: RC-2
(MAP REFERENCE 086 B1, C1, B2, C2)
 - DENSITY CALCULATION: ALLOWED = 2
PROPOSED = 2
 - OWNER: MARGARET E. NEUBAUER,
ANN T. ALBRECHT, &
JANE E. CULVER
3814 SPRING MEADOW DRIVE
ELLICOTT CITY, MD 21042
410-461-2711
 - TAX ACCOUNT NUMBER: 16-00-010238
(SEE PLAN FOR ADJACENT PROPERTIES)
 - DEED REFERENCE: 5373/181
PLAT REFERENCE: N/A
 - TAX MAP: 86 GRID: 10 PARCEL: 202
 - CENSUS TRACT: 402202 SUBSEWERSED: N/A
REGIONAL PLANNING DISTRICT: 311 ELECTION DIST: 2
SCHOOL DISTRICT: WINFIELD COUNCILMANIC DISTRICT: 4
WATERSHED: PATAPSCO DISTRICT:
 - USES OF SITE: EXISTING: AGRICULTURE
PROPOSED: RESIDENTIAL
 - WATER DESIGNATION: W-7
SEWER DESIGNATION: S-7
 - THIS PROPERTY AS SHOWN ON THIS PLAN HAS BEEN IN EXISTENCE
SINCE 11/21/1977. THE DEVELOPER'S ENGINEER HAS CONFIRMED
THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN
ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR
REPRESENTED AS DENSITY OR AREA TO SUPPORT OFF-SITE
DWELLINGS (DEVOLUTION OF TITLE ON FILE
WITH BALTIMORE COUNTY P.D.M.).
 - EXISTING GROUND COVER: WOODS AND FIELD
 - MAXIMUM BUILDING HEIGHT = 35 FEET
 - THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREA ON THE BASIC
SERVICES MAP.
 - TO THE BEST OF OUR KNOWLEDGE, THIS IS NOT AN HISTORIC
DISTRICT OR SITE.
 - HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY
EASEMENTS, ACCESS EASEMENTS, FOREST CONSERVATION AND FOREST BUFFER
AREAS IN FEE OR EASEMENT, GREENWAY AREAS IN FEE OR EASEMENT, AND
STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN
HEREON, ARE RESERVED UNTO THE OWNER AND, EXCEPT FOR THOSE INDICATED
AS PRIVATE, ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY,
MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS WILL
CONVEY SAID AREAS BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST,
UNTIL SUCH TIME AS SAID CONVEYMENTS ARE ACCEPTED BY BALTIMORE COUNTY.
THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, THE
RIGHT TO ENTER UPON THE PROPERTY FOR THE PURPOSE OF INSTALLING,
CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND
FACILITIES, AND STORM WATER MANAGEMENT PONDS AND FACILITIES.

ENVIRONMENTAL NOTES:

- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS,
ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR
HAZARDOUS MATERIALS ON SITE.
- TO THE BEST OF OUR KNOWLEDGE THERE ARE NO EXISTING OLD
WELLS, UNDERGROUND STORAGE TANKS ON SITE.
- THERE ARE NO EXISTING SEPTIC SYSTEMS ON-SITE.
- SEE SHEET 2 OF 2 FOR STORM WATER MANAGEMENT

**FOREST BUFFER EASEMENT AND FOREST CONSERVATION
EASEMENT NOTES:**

A) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR
DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASE-
MENT AND FOREST CONSERVATION EASEMENT EXCEPT
AS PERMITTED BY THE BALTIMORE COUNTY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

B) ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION
EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE
COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF
BALTIMORE COUNTY, WHICH RESTRICT DISTURBANCE AND USE OF
THESE AREAS.

REVISIONS

DATE	REVISIONS
01/09/07	ADD "FLOODPLAIN NOTE"
01/11/07	REVISE 100 YEAR FLOODPLAIN FOREST BUFFER EASEMENT
11/06/06	ADDRESS LAND ACQUISITION 2ND REVIEW
11/06/06	FINALIZE RESPONSE TO 1ST REVIEW
11/06/06	ADD FOREST BUFFER EASEMENT
04/00	REVISE PERC TESTS (REAPPLICATION)

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

REVISIONS

DATE	REVISIONS
7/17/07	REV. FOREST BUFFER NOTES PREPARED
6/17/07	REV. PERC TESTS & LAND ACQUISITION
4/10/07	REV. PERC TESTS & LAND ACQUISITION
5/30/07	ADD SKINNY APPROVAL

DEVELOPER
TRAIL'S END
3814 SPRING MEADOW DRIVE
ELLICOTT CITY, MD, 21042
410-461-2711

**NOTE: THERE ARE NO EXISTING
OFF-SITE SEPTIC SYSTEMS, WELLS
OR UNDERGROUND STORAGE TANKS
WHICH EFFECT OR ARE EXPECTED
BY THE PROPOSED SEPTIC RESERVE
AREAS OR WELLS.**

AREA OF DISTURBANCE

LOT 1 = 25,000 S.F. = 0.57 AC
LOT 2 = 51,700 S.F. = 1.19 AC
TOTAL = 76,700 S.F. = 1.76 AC

FIRST AMENDED MINOR SUBDIVISION PLAN

**MINOR SUBDIVISION PLAN FOR THE
TRAIL PROPERTY (LOT 1)**
2ND ELECTION DISTRICT ~ 4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

CERTIFICATION STAMP

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT NO: 06059M
DEVELOPMENT REGULATIONS
Exempt from Article 32, Title 4, Subtitle 2, BCC

FORM CERTIFICATION
By: [Signature] Date: 8/30/07
APPROVED DEPRM: [Signature] Date: 9/10/07

EXHIBIT
5

**MINOR SUBDIVISION
NUMBER 06059M**

**DATE 3/7/2008
REV. 07/17/07**

SCALE 1"=100'

CONTRACT NUMBER 06-109

MSA S1236 12153-1

RE: The TRAIL PROPERTY
Stormwater Management Fee-in-Lieu
Patapago Watershed
Project ID: A06550
DEPRM Tracking #: 04-07-245

Dear Mr. Church:

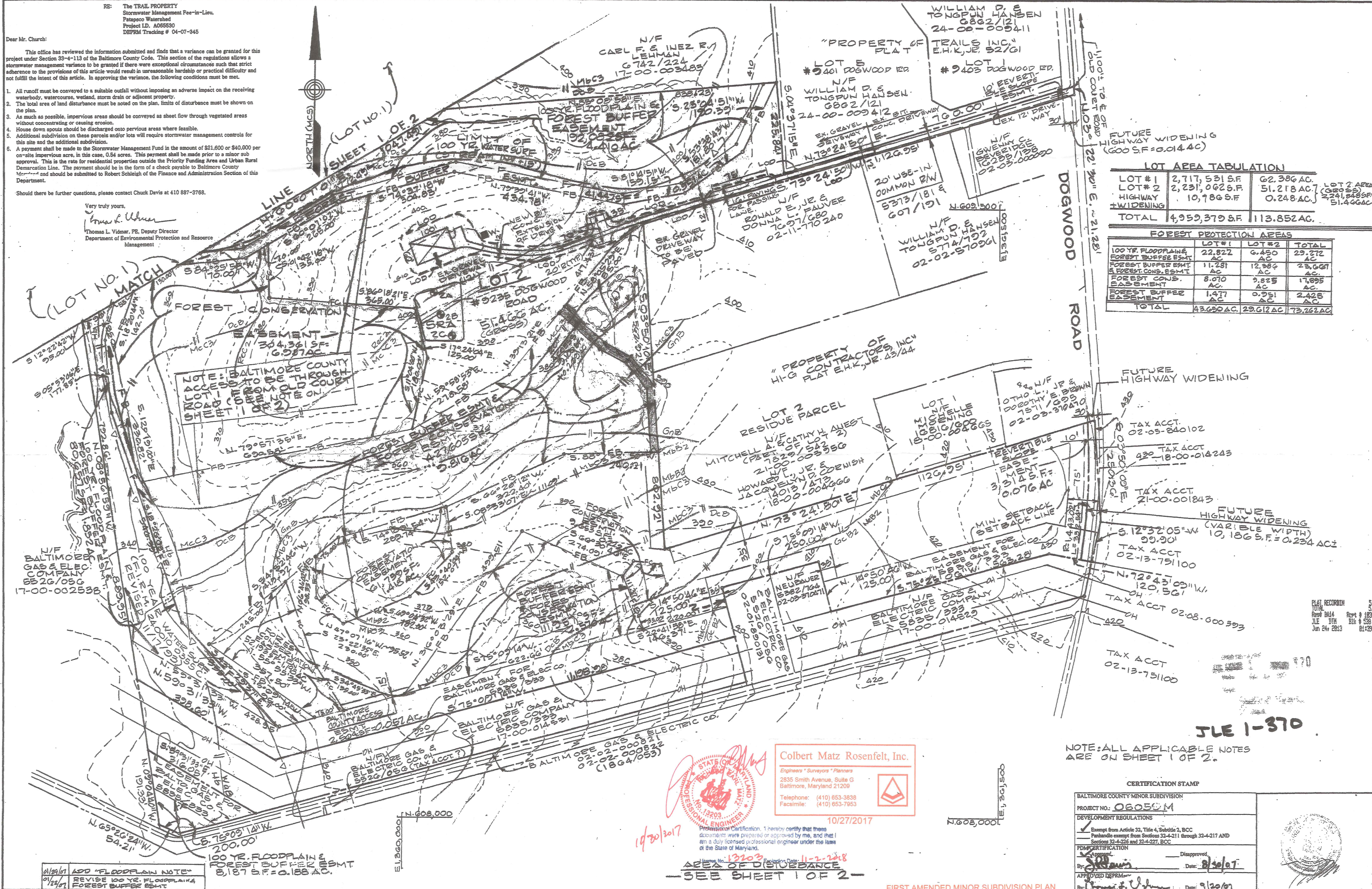
This office has reviewed the information submitted and finds that a variance can be granted for this project under Section 33-4-113 of the Baltimore County Code. This section of the regulations allows a stormwater management variance to be granted if there were exceptional circumstances such that strict adherence to the provisions of this article would result in unreasonable hardship or practical difficulty and not fulfill the intent of this article. In approving the variance, the following conditions must be met:

1. All runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, wetland, storm drain or adjacent property.
2. The total area of land disturbance must be noted on the plan. Limits of disturbance must be shown on the plan.
3. As much as possible, impervious areas should be conveyed as sheet flow through vegetated areas without concentrating or causing erosion.
4. House down spouts should be discharged onto pervious areas where feasible.
5. Additional subdivision on these parcels and/or lots will require stormwater management controls for this site and the additional subdivision.
6. A payment shall be made to the Stormwater Management Fund in the amount of \$21,600 or \$40,000 per on-site impervious acre, in this case, 0.54 acres. This payment shall be made prior to a minor subdivision approval. This is the rate for residential properties outside the Priority Funding Area and Urban Rural Demonstration Line. The payment should be in the form of a check payable to Baltimore County Stormwater Management and should be submitted to Robert Schleich of the Finance and Administration Section of this Department.

Should there be further questions, please contact Chuck Davis at 410 887-3768.

Very truly yours,

Thomas L. Vidmar, PE, Deputy Director
Department of Environmental Protection and Resource Management



LOT AREA TABULATION			
LOT #1	2,717,531 S.F.	62.386 AC.	
LOT #2	2,231,062 S.F.	51.218 AC.	
HIGHWAY WIDENING	10,786 S.F.	0.248 AC.	
TOTAL	4,959,379 S.F.	113.852 AC.	

FOREST PROTECTION AREAS			
100 YR. FLOODPLAIN	22,822 AC.	0.450 AC.	23.272 AC.
FOREST BUFFER ESMT	11.281 AC.	12.986 AC.	24.267 AC.
FOREST CONSERVATION ESMT	8,070 AC.	9.825 AC.	17.895 AC.
FOREST BUFFER ESMT	1,417 AC.	0.951 AC.	2.368 AC.
TOTAL	43,690 AC.	23.612 AC.	73,262 AC.

NOTE: ALL APPLICABLE NOTES ARE ON SHEET 1 OF 2.

CERTIFICATION STAMP

BALTIMORE COUNTY MINOR SUBDIVISION	
PROJECT NO.: 06050M	
DEVELOPMENT REGULATIONS	
Exempt from Article 32, Title 4, Subtitle 2, BCC	
Penalties exempt from Sections 32-4-211 through 32-4-217 AND Sections 32-4-226 and 32-4-227, BCC	
PDM CERTIFICATION	
By: [Signature]	Date: 8/30/07
APPROVED DEPRM	
By: [Signature]	Date: 9/20/07

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953



1/20/2017
AREA OF DISTURBANCE
- SEE SHEET 1 OF 2 -

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

6/7/07 REV. PER MEETING WITH JEFFREY DEPRM
6/10/07 ESTATE REZ. F.C. PLAN
8/1/07 ADD SWMST APPROVAL
12/07

DEVELOPER
TRAIL'S END
3814 SPRING MEADOW DRIVE
ELLICOTT CITY, MD, 21042
410-461-2711

FIRST AMENDED MINOR SUBDIVISION PLAN
MINOR SUBDIVISION PLAN FOR THE TRAIL PROPERTY (LOT 2)
2ND ELECTION DISTRICT ~ 4TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

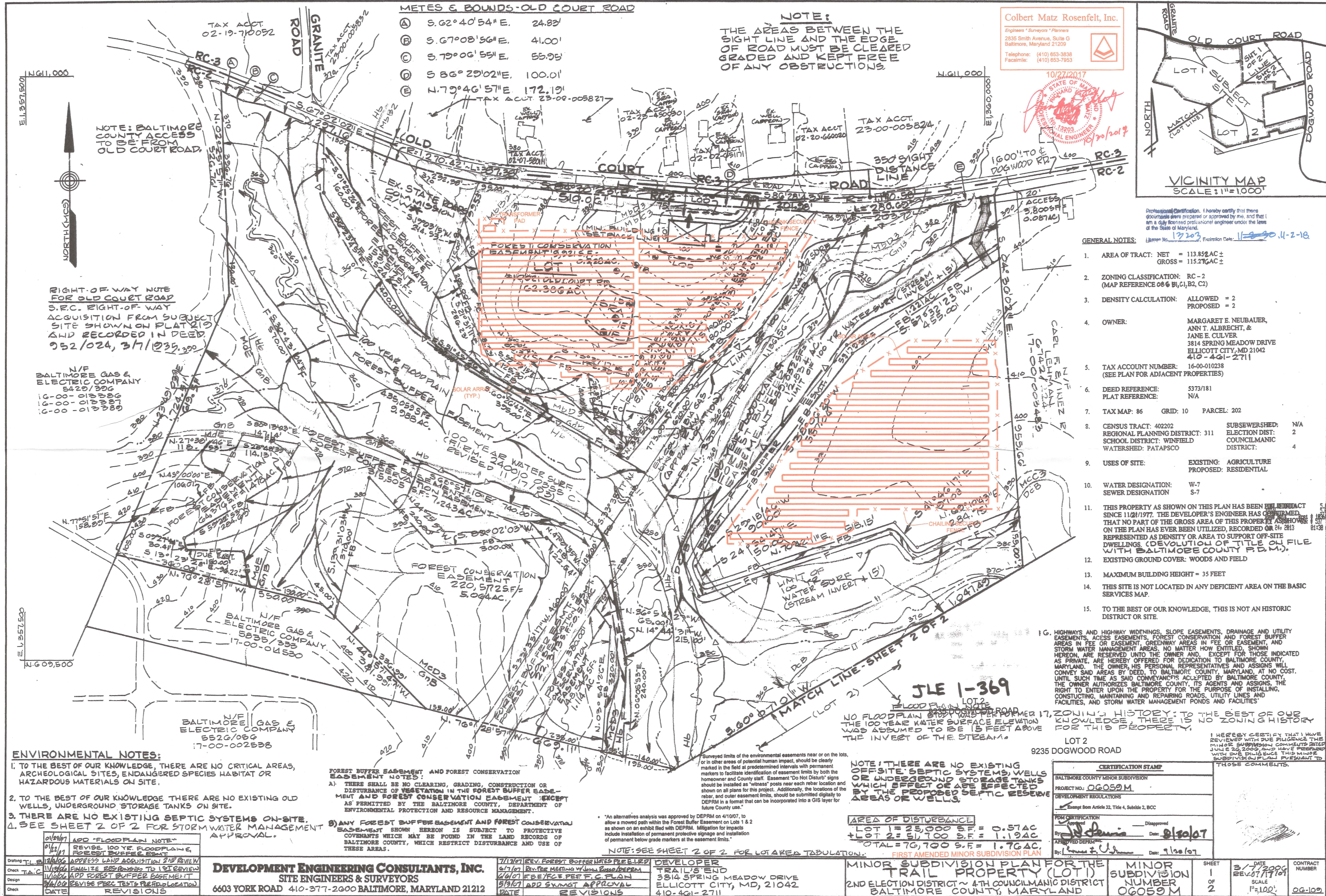
MINOR SUBDIVISION NUMBER
06050M

SHEET 2 OF 2

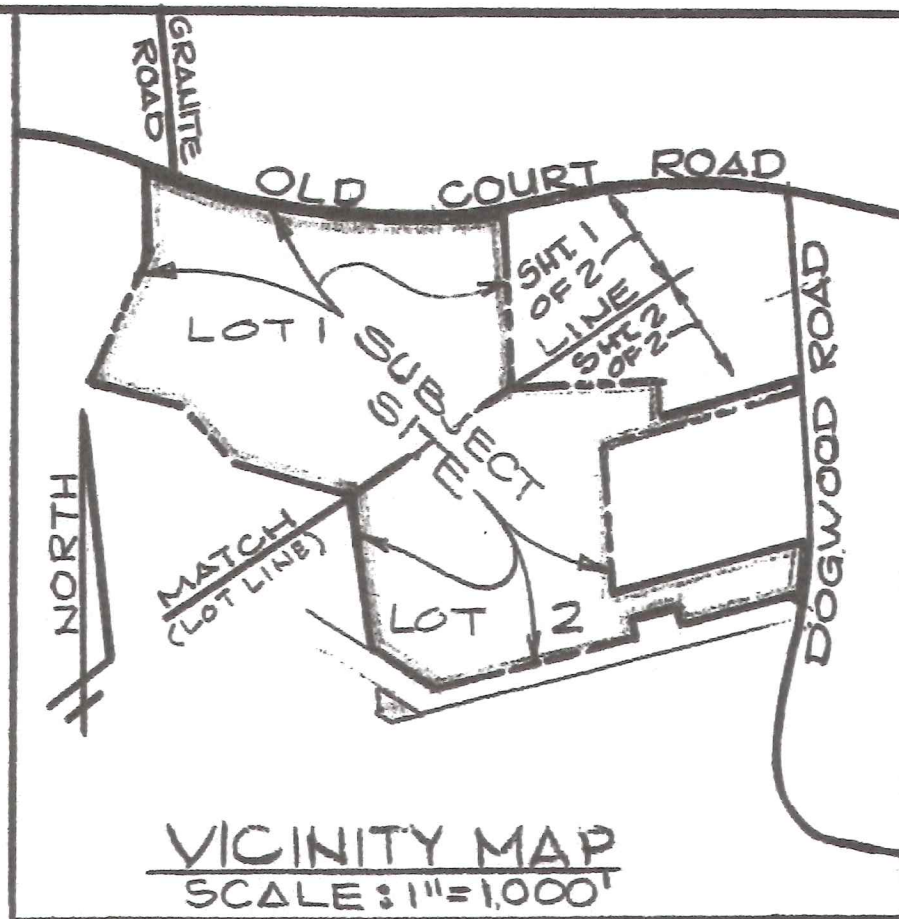
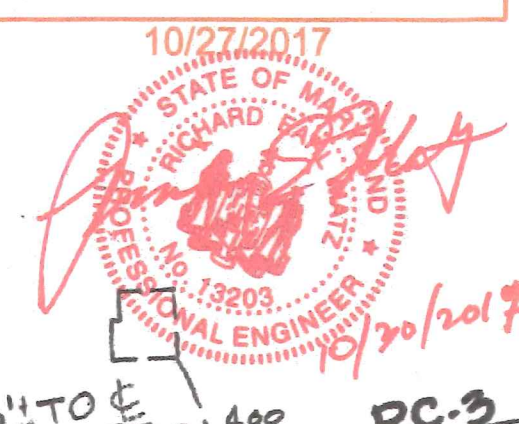
DATE: 8/30/07
SCALE: 1"=100'

CONTRACT NUMBER
06-102

MSA SSU 1236 12/53-2



Colbert Matz Rosenfelt, Inc.
Engineers & Surveyors
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 853-3838
Facsimile: (410) 853-7953



- GENERAL NOTES:**
1. AREA OF TRACT: NET = 113.852 AC ±
GROSS = 115.276 AC ±
 2. ZONING CLASSIFICATION: RC-2
(MAP REFERENCE 086 B1, C1, B2, C2)
 3. DENSITY CALCULATION: ALLOWED = 2
PROPOSED = 2
 4. OWNER: MARGARET E. NEUBAUER,
ANN T. ALBRECHT, &
JANE E. CULVER
3814 SPRING MEADOW DRIVE
ELLICOTT CITY, MD 21042
410-461-2711
 5. TAX ACCOUNT NUMBER: 16-00-010238
(SEE PLAN FOR ADJACENT PROPERTIES)
 6. DEED REFERENCE: 5373/181
PLAT REFERENCE: N/A
 7. TAX MAP: 86 GRID: 10 PARCEL: 202
 8. CENSUS TRACT: 402202 SUBSEWERSED: N/A
REGIONAL PLANNING DISTRICT: 311 ELECTION DIST: 2
SCHOOL DISTRICT: WINFIELD COUNCILMANIC DISTRICT: 4
WATERSHED: PATAPSCO
 9. USES OF SITE: EXISTING: AGRICULTURE
PROPOSED: RESIDENTIAL
 10. WATER DESIGNATION: W-7
SEWER DESIGNATION: S-7
 11. THIS PROPERTY AS SHOWN ON THIS PLAN HAS BEEN IN THE TRACT SINCE 11/21/1977. THE DEVELOPER'S ENGINEER HAS DETERMINED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR 24-2813 01:38 REPRESENTED AS DENSITY OR AREA TO SUPPORT OFF-SITE DWELLINGS (DEVOLUTION OF TITLE ON FILE WITH BALTIMORE COUNTY P.D.M.).
 12. EXISTING GROUND COVER: WOODS AND FIELD
 13. MAXIMUM BUILDING HEIGHT = 35 FEET
 14. THIS SITE IS NOT LOCATED IN ANY DEFICIENT AREA ON THE BASIC SERVICES MAP.
 15. TO THE BEST OF OUR KNOWLEDGE, THIS IS NOT AN HISTORIC DISTRICT OR SITE.

16. HIGHWAYS AND HIGHWAY WIDENINGS, SLOPE EASEMENTS, DRAINAGE AND UTILITY EASEMENTS, ACCESS EASEMENTS, FOREST CONSERVATION AND FOREST BUFFER AREAS IN FEE OR EASEMENT, GREENWAY AREAS IN FEE OR EASEMENT, AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON ARE RESERVED UNTO THE OWNER AND EXCEPT FOR THOSE INDICATED AS PRIVATE, ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE OWNER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS WILL CONVEY SAID AREAS BY DEED, TO BALTIMORE COUNTY, MARYLAND, AT NO COST. UNTIL SUCH TIME AS SAID CONVEYANCE IS ACCEPTED BY BALTIMORE COUNTY, THE OWNER AUTHORIZES BALTIMORE COUNTY, ITS AGENTS AND ASSIGNS, THE RIGHT TO ENTER UPON THE PROPERTY FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, MAINTAINING AND REPAIRING ROADS, UTILITY LINES AND FACILITIES, AND STORM WATER MANAGEMENT PONDS AND FACILITIES.

17. ZONING HISTORY: TO THE BEST OF OUR KNOWLEDGE, THERE IS NO ZONING HISTORY FOR THIS PROPERTY.

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS DATED JULY 22, 2006, AND HAVE PREPARED THIS PLAN IN ACCORDANCE WITH THE SUBDIVISION PLAN PURSUANT TO THOSE COMMENTS.

CERTIFICATION STAMP	
BALTIMORE COUNTY MINOR SUBDIVISION	
PROJECT NO.: 06059M	
DEVELOPMENT REGULATIONS	
Exempt from Article 32, Title 4, Subtitle 2, BCC	
FORM CERTIFICATION	Disapproved
By: <i>[Signature]</i>	Date: 8/20/07
APPROVED DEPRM	
By: <i>[Signature]</i>	Date: 9/10/07

NOTE: THERE ARE NO EXISTING OFF-SITE SEPTIC SYSTEMS, WELLS OR UNDERGROUND STORAGE TANKS WHICH EFFECT OR ARE EFFECTED BY THE PROPOSED SEPTIC RESERVE AREAS OR WELLS.

AREA OF DISTURBANCE
LOT 1 = 25,000 S.F. = 0.57 AC
LOT 2 = 51,700 S.F. = 1.19 AC
TOTAL = 76,700 S.F. = 1.76 AC
FIRST AMENDED MINOR SUBDIVISION PLAN

MINOR SUBDIVISION PLAN FOR THE TRAIL PROPERTY (LOT 1)	MINOR SUBDIVISION NUMBER 06059M
2ND ELECTION DISTRICT ~ 4TH COUNCILMANIC DISTRICT	BALTIMORE COUNTY, MARYLAND
SHEET 1 OF 2	DATE 3/7/2006 REV. 07/17/07 SCALE 1"=100'
CONTRACT NUMBER 06-109	

- ENVIRONMENTAL NOTES:**
1. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HAZARDOUS MATERIALS ON SITE.
 2. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO EXISTING OLD WELLS, UNDERGROUND STORAGE TANKS ON SITE.
 3. THERE ARE NO EXISTING SEPTIC SYSTEMS ON-SITE.
 4. SEE SHEET 2 OF 2 FOR STORMWATER MANAGEMENT APPROVAL.

FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT NOTES:

- a) THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- b) ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY, WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

*An alternatives analysis was approved by DEPRM on 4/10/07, to allow a mowed path within the Forest Buffer Easement on Lots 1 & 2 as shown on an exhibit filed with DEPRM. Mitigation for impacts include installation of permanent protective signage and installation of permanent below grade markers at the easement limits.

NOTE: SEE SHEET 2 OF 2 FOR LOT AREA TABULATION.

DATE	REVISIONS
01/24/07	ADD "FLOODPLAIN NOTE"
01/24/07	REVISE 100 YR. FLOODPLAIN, FOREST BUFFER EASEMENT
01/24/07	ADDRESS LAND ACQUISITION 2ND REVIEW
11/06/06	FINALIZE RESPONSE TO 1ST REVIEW
11/06/06	ADD FOREST BUFFER EASEMENT
04/10/06	REVISE PRELIM TESTS TO PRELIM LOCATION
04/10/06	REVISE PRELIM TESTS TO PRELIM LOCATION

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

DEVELOPER
TRAILS' END
3814 SPRING MEADOW DRIVE
ELLICOTT CITY, MD, 21042
410-461-2711

RE: The TRAIL PROPERTY
Stormwater Management Fee-in-Lieu
Patapasco Watershed
Project ID: A06553
DEPRM Tracking # 04-07-345

Dear Mr. Church:

This office has reviewed the information submitted and finds that a variance can be granted for this project under Section 33-4-113 of the Baltimore County Code. This section of the regulations allows a stormwater management variance to be granted if there are exceptional circumstances such that strict adherence to the provisions of this article would result in unreasonable hardship or practical difficulty and not fulfill the intent of this article. In approving the variance, the following conditions must be met:

1. All runoff must be conveyed to a suitable outfall without imposing an adverse impact on the receiving waterbody, watercourse, wetland, storm drain or adjacent property.
2. The total area of land disturbance must be noted on the plan, limits of disturbance must be shown on the plan.
3. As much as possible, impervious areas should be conveyed as sheet flow through vegetated areas without concentrating or causing erosion.
4. House down spouts should be discharged onto pervious areas where feasible.
5. Additional subdivision on these parcels and/or lots will require stormwater management controls for this site and the additional subdivision.
6. A payment shall be made to the Stormwater Management Fund in the amount of \$21,600 or \$40,800 per on-site impervious acre, in this case, 0.54 acres. This payment shall be made prior to a minor sub approval. This is the rate for residential properties outside the Priority Funding Area and Urban Rural Demarcation Line. The payment should be in the form of a check payable to Baltimore County Department of Finance and Administration and submitted to Robert Schleigh of the Finance and Administration Section of this Department.

Should there be further questions, please contact Chuck Davis at 410 887-3768.

Very truly yours,

Thomas L. Vidmar, PE, Deputy Director
Department of Environmental Protection and Resource Management

NOTE: BALTIMORE COUNTY ACCESS TO BE THROUGH LOT 1 FROM OLD COURT ROAD (SEE NOTE ON SHEET 1 OF 2)

N/F BALTIMORE GAS & ELECTRIC COMPANY
5526/056
17-00-002538

DATE	REVISIONS
01/28/01	ADD "FLOODPLAIN NOTE"
01/28/01	REVISE 100 YR. FLOODPLAIN & FOREST BUFFER ESMT
02/14/02	REVISE LAND ACQUISITION 2ND REVIEW
11/16/04	FINALIZE RESPONSE TO 1ST REVIEW
11/16/04	ADD FOREST BUFFER ESMT
01/16/05	REV. PREP. TESTS FIELD LOCATION

DEVELOPMENT ENGINEERING CONSULTANTS, INC.
SITE ENGINEERS & SURVEYORS
6603 YORK ROAD 410-377-2600 BALTIMORE, MARYLAND 21212

6/7/07	REV. PREP. MEETING 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