

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(10790 Raphel Road)		
11 th Election District	*	OFFICE OF
5 th Council District		
Baltimore Gas & Electric Company	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
P52ES Under Armour Community	*	FOR BALTIMORE COUNTY
Solar 1, LLC		
<i>Lessee</i>	*	Case No. 2018-0127-X
Petitioners		
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Baltimore Gas and Electric Company, legal owner and P52ES Under Armour Community Solar I, LLC, lessee ("Petitioners"). The petition was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") to approve a Solar Facility.

Robert Wallace appeared on behalf of the lessee in support of the petition. Patsy Malone, Esq. represented the Lessee. Two citizens attended the hearing to obtain additional information about the project. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS), the Bureau of Development Plans Review (DPR) and the Department of Planning (DOP). None of the reviewing agencies opposed the request.

The subject property is approximately 138 acres in size and is zoned RC-5. The Lessee proposes to lease from BGE a portion of the site to operate a solar facility which will produce 2MW of electricity. The special exception area shown on the plan is approximately 16.64 acres although the solar panels themselves would occupy only about eight (8) acres of land.

ORDER RECEIVED FOR FILING

Date 5/11/18

By Sen

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.

Edward Tom, a registered landscape architect accepted as an expert, described the proposed landscaping for the project, and noted that only one portion of the large site facing Raphel Road is visible to motorists or others travelling past the property. As such landscaping will be provided in that area and Petitioners propose to install a variety of vegetation to create a naturalistic border. Mitch Kellman, a land use planner accepted as an expert, confirmed the project complies with all restrictions and requirements of Article 4E of the BCZR governing solar facilities. He also opined Petitioners have satisfied the requirements for special exception relief as set forth at BCZR §502.1.

Doug Behr, on behalf of the Greater Kingsville Civic Association, Inc., (GKCAI) indicated the community would prefer Petitioners to remove some of the existing macadam and provide additional landscaping near the intersection of Raphel and Philadelphia Roads. He explained for many years a farm stand was operated at this portion of the site, which is now a vacant parking lot with broken asphalt and gravel. Counsel indicated Petitioners were willing to work with the community to address this issue, which would greatly improve the appearance of this portion of the site which is immediately adjacent to two roadways.

ORDER RECEIVED FOR FILING

Date 5/11/18
By Sen

THEREFORE, IT IS ORDERED this 11th day of **May, 2018**, by this Administrative Law Judge, that the Petition for Special Exception to use the property for a Solar Facility be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the ZAC comment submitted by the Bureau of DPR, a copy of which is attached hereto and incorporated herein.
3. Petitioners, in consultation with the County's landscape architect and the GKCAI, shall use good faith efforts to attempt to honor the community's request for additional landscaping near the intersection of Raphel and Philadelphia Roads.
4. No signage (other than temporary construction signs) or lighting shall be permitted on the property in connection with the solar facility.
5. The solar panels themselves shall occupy no more than eight (8) acres of the special exception area shown on the site plan.

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 5/11/18
By sln

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 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0127-X
Address 10790 Raphel Road
(P52ES Under Armour Community
Solar 1, LLC Property)

Zoning Advisory Committee Meeting of November 20, 2017.

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

1. Forest Buffer Easements and Forest Conservation Easements and the associated Declarations of Protective Covenants have been recorded for this property. All of these easements must be shown on all future plans along with the appropriate non-disturbance and protective covenants notes.
2. The Forest Buffer Easement protecting a wetland area along Raphel Road has not been shown on the plan. This area is recorded in Baltimore County Land Records at 39185/75. Add this Forest Buffer Easement and the associated wetlands to all future plans. Also, show the extension of the buffer in to the Raphel Road right-of-way.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING

Date

5/11/18

By

Sen



PETITION FOR ZONING HEARING(S)

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

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

address 10790 Raphael Road which is presently zoned RC5
Deed Reference 5438 / 123 10 Digit Tax Account # 1 1 0 2 0 0 1 7 5 0
Property Owner(s) Printed Name(s) Baltimore Gas & Electric Company

CASE NUMBER 2018-0127-X Filing Date 11/3/17 Estimated Posting Date 11/13/17 Reviewer Jcm

(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. 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

See Attachment No. 1

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)

To be presented at the hearing.

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:

See Attachment No. 2

Name- Type or Print

Signature

Mailing Address

Zip Code / Telephone # / Email Address

Attorney for Petitioner:

Patricia A. Malone

Name- Type or Print

Signature

210 W. Pennsylvania Avenue, Towson MD

Mailing Address

21204 / 410-494-6206 / pamalone@venable.com

Zip Code / Telephone # / Email Address

Legal Owners:

See Attachment No. 3

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

Signature #1 / Signature #2

Mailing Address / City / State

Zip Code / Telephone # / Email Address

Representative to be contacted:

Patricia A. Malone

Name - Type or Print

Signature

210 W. Pennsylvania Avenue, Towson MD

Mailing Address

21204 / 410-494-6206 / pamalone@venable.com

Zip Code / Telephone # / Email Address

ATTACHMENT No. 1 TO PETITION FOR SPECIAL EXCEPTION

Petition for Special Exception, pursuant to Section 4E-102 of the Baltimore County Zoning Regulations, for a solar facility.

Petition for Special Hearing, if necessary, to allow the special exception area for the solar facility to overlap with the special exception area(s) identified in Case Nos. 1985-0358-X and 1997-0411-SPH.

ORIGINAL RECEIVED FOR FILING
Date _____
BY _____

**ATTACHMENT No. 1 TO PETITION FOR
SPECIAL EXCEPTION**

Petition for Special Exception, pursuant to Section 4E-102 of the Baltimore County Zoning Regulations, for a solar facility.

ATTACHMENT No. 2 TO PETITION FOR SPECIAL EXCEPTION

Contract Lessee:

P52ES Under Armour Community Solar 1 LLC
10020 Baltimore National Pike, #7031
Ellicott City, Maryland 21042

By: 
Name: Robert D. Wallace
Title: President and CEO
Phone: 4105993213
Email: Rwallace@power52energy.com

ATTACHMENT No. 3 TO PETITION FOR SPECIAL EXCEPTION

Legal Owner:

Baltimore Gas and Electric Company
P.O. Box 1475
Baltimore, Maryland 21203-1475

By: Mark S. Dolle
Name: MARK S. DOLLE
Title: MANAGE REAL ESTATE
Phone: 410-470-3465
Email: MARK.S.DOLLE@BGE.COM

Description
To Accompany Petition
For a Special Exception
Raphel Road
Baltimore County Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Philadelphia Road with the centerline of Raphel Road, northeasterly along the center line of Raphel Road, 37 feet, more or less, thence southwesterly 18 feet, more or less, to the point of beginning, thence leaving said point of beginning and running with a portion of Philadelphia Road, and referring all course of this description to the Maryland Coordinate System (NAD-83); thence (1) South 29 degrees 13 minutes 31 seconds West 46.39 feet; thence (2) with a curve turning to the left with an arc length of 269.80 feet, with a radius of 709.67 feet, with a chord bearing of South 51 degrees 03 minutes 00 seconds West, with a chord length of 268.18 feet; thence (3) South 76 degrees 59 minutes 52 seconds West 85.26 feet; thence (4) North 73 degrees 41 minutes 50 seconds West 143.50 feet; thence (5) South 85 degrees 10 minutes 21 seconds West 13.49 feet; thence (6) South 55 degrees 13 minutes 37 seconds West 124.32 feet; thence (7) South 50 degrees 01 minutes 11 seconds West 65.89 feet; thence (8) South 53 degrees 13 minutes 17 seconds West 27.47 feet; thence (9) North 36 degrees 46 minutes 43 seconds West 139.33 feet; thence (10) with a curve turning to the left with an arc length of 342.50 feet, with a radius of 191.70 feet, with a chord bearing of North 73 degrees 21 minutes 28 seconds West for a distance of 298.73 feet; thence (11) North 30 degrees 16 minutes 01 seconds West 80.06 feet; thence (12) South 57 degrees 22 minutes 27 seconds West

87.40 feet; thence (13) North 32 degrees 37 minutes 33 seconds West 51.80 feet; thence (14) North 62 degrees 22 minutes 23 seconds West 30.76 feet; thence (15) South 39 degrees 55 minutes 57 seconds West 232.52 feet; thence (16) South 30 degrees 10 minutes 58 seconds West 91.46 feet; thence (17) North 59 degrees 33 minutes 42 seconds West 59.98 feet; thence (18) North 30 degrees 10 minutes 39 seconds East 96.49 feet; thence (19) North 39 degrees 55 minutes 39 seconds East 235.07 feet; thence (20) North 02 degrees 16 minutes 02 seconds East 93.37 feet; thence (21) North 68 degrees 17 minutes 48 seconds East 128.01 feet; thence (22) North 44 degrees 03 minutes 05 seconds East 232.91 feet; thence (23) North 46 degrees 05 minutes 42 seconds East 471.43 feet; thence (24) with a curve turning to the right with an arc length of 169.24 feet, with a radius of 2714.78 feet, with a chord bearing of North 58 degrees 20 minutes 15 seconds East, with a chord length of 169.21 feet; thence (25) South 30 degrees 39 minutes 27 seconds East 88.54 feet; thence (26) South 36 degrees 31 minutes 07 seconds East 212.84 feet; thence (27) South 29 degrees 24 minutes 25 seconds East 150.00 feet; thence (28) South 51 degrees 12 minutes 30 seconds East 53.85 feet; thence (29) South 28 degrees 58 minutes 36 seconds East 351.94 feet to the point of beginning; containing 16.640 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND NOT INTENDED TO BE USED FOR CONVEYANCE.

November 2, 2017

Project No. 17033 (L17033)



CERTIFICATE OF POSTING

Date: 5-3-18

RE: Case Number: 2018-0127-X RECERT

Petitioner/Developer: BGE

Date of Hearing/Closing: 5-7-18 1:30 PM

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 Raphel + Phela Rds

The signs(s) were posted on RECERT 5-3-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

#1

ZONING NOTICE

CASE # 2018-0127-X

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY MAY 7, 2018 1:30 PM
PURSUANT TO

REQUEST: SPECIAL EXCEPTION
SECTION 4E-102 OF THE BALTIMORE COUNTY

ZONING REGULATIONS FOR A SOLAR FACILITY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM THE HEARING CALL 887-3391

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM THE HEARING CALL 887-3391
HAVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
AND DISABLED ACCESSIBLE

ZONING NOTICE

#2

CASE # 2018-0127-X

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

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MONDAY MAY 7, 2018 1:30 PM

REQUEST: SPECIAL EXCEPTION PURSUANT TO

SECTION 4E-102 OF THE BALTIMORE COUNTY ZONING
REGULATIONS FOR A SOLAR FACILITY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

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

NO 160525

Date:

11/3/17

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				500.00

Total:

500.00

Rec

From:

VENABLE

For:

2018-0127-X

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRG
11/07/2017 11/03/2017 14:26:06 2
REG 0502 WALSH, JEE
>>RECEIPT # 034257 11/03/2017 CFLN
Dept: 5 526 ZONING VERIFICATION
CR NO. 160525

Receipt Tot \$500.00
\$500.00 CK \$4.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



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 5554192

Sold To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151
210 W Pennsylvania Ave Ste 500
TOWSON,MD 21204-5304

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

Apr 17, 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: # 2018-0127-X
10790 Raphael Road
NW Corner of Raphael Road and Philadelphia Road
11th Election District - 5th Councilmanic District
Legal Owner(s) BGE
Contract Purchaser(s): P52ES Under Armour Community Solar I, LLC

Variance:
Special Exception: Pursuant to Section 4E-102 of the Baltimore County Zoning Regulations for a Solar Facility
Hearing: Monday, May 7, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

04/17/18 5554192

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

Date: 4-14-18

RE: Case Number: 2018-0127-X

Petitioner/Developer: P 52 ES Under Armour Comm. Solar I, LLC

Date of Hearing/Closing: 5-7-2018 1:30 PM

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 corner of Rphel + Philadelphia

#1

ZONING NOTICE

CASE # 2018-0127-X

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

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MONDAY MAY 7, 2018 1:30 PM

REQUEST: SPECIAL EXCEPTION PURSUANT TO
SECTION 4E-102 OF THE BALTIMORE COUNTY
ZONING REGULATIONS FOR A SOLAR FACILITY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING DATE CALL 877-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE



KEVIN KAMENETZ
County Executive

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

April 9, 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 NUMBER: 2018-0127-X

10790 Raphel Road

NW corner of Raphel Road and Philadelphia Road

11th Election District – 5th Councilmanic District

Legal Owners: BGE

Contract Purchaser/Lessee: P52ES Under Armour Community Solar I, LLC

Special Exception pursuant to Section 4E-102 of the Baltimore County Zoning Regulations for a Solar Facility.

Hearing: Monday, May 7, 2018 at 1:30 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: Patricia Malone, 210 W. Pennsylvania Avenue, Towson 21204
Robert Wallace, 10020 Baltimore National Pike, #7031, Ellicott City 21042
Mark Dolle, BGE, P.O. Box 1475, Baltimore 21203

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 17, 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, April 17, 2018 Issue - Jeffersonian

Please forward billing to:

Patricia Malone
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

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: 2018-0127-X

10790 Raphel Road

NW corner of Raphel Road and Philadelphia Road

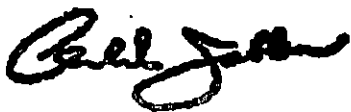
11th Election District – 5th Councilmanic District

Legal Owners: BGE

Contract Purchaser/Lessee: P52ES Under Armour Community Solar I, LLC

Special Exception pursuant to Section 4E-102 of the Baltimore County Zoning Regulations for a Solar Facility.

Hearing: Monday, May 7, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
10790 Raphel Road; NW corner of Raphel *
Road & Philadelphia Road * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s):Baltimore Gas and Electric * HEARINGS FOR
Contract Purchaser(s): P52ES Under Armour *
Community Solar 1 LLC * BALTIMORE COUNTY
Petitioner(s) *
2018-127-X

* * * * *

ENTRY OF APPEARANCE

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

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

RECEIVED

NOV 17 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 2017, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, 1 West Pennsylvania Avenue, Suite 350, Towson, Maryland 21204 and Patricia Malone, Esquire, 210 West Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorneys 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: 2018-0127-X

Property Address: 10790 Raphael Road

Property Description: N/W^{side} intersection of Raphael Rd.
+ Philadelphia Rd.

Legal Owners (Petitioners): Baltimore Gas and Electric Company

Contract Purchaser/Lessee: PSZES Under Armour Community Solar 1 LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Patricia A. Malone

Company/Firm (if applicable): Venable, LLP

Address: 210 W. Pennsylvania Ave. Suite 500
Towson MD 21204

Telephone Number: 410-494-6200

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

May 4, 2018

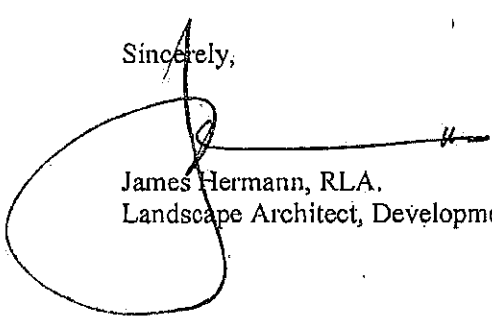
Daft McCune Walker (DMW)
Mr. Mitch Kellman
501 Fairmount Avenue
Towson, Maryland 21286
Phone: 410-296-3333

Subject: WhiteMarsh Solar / BGE Property
Zoning Case # 2018-0127-X
10790 Raphael Road,
Kingsville, Maryland 21087

Dear Mr. Kellman:

This is in response to your request for review of the Conceptual Landscape Plan, date stamped, May 4, 2018. It has been reviewed and there are a number of comments to address landscape screening design, locations, plant size, etc. Based on a recent meeting held on May 4, 2018 with the design team, it is anticipated that the comments will be addressed as part of the Schematic Landscape Plan submission and can be approved, provided the Special Exception is granted.

Sincerely,



James Hermann, RLA.
Landscape Architect, Development Plans Review

cc:



KEVIN KAMENETZ
County Executive

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

May 2, 2018

Baltimore Gas and Electric Company
Mark Dolle
P O Box 1475
Baltimore MD 21203-1475

RE: Case Number: 0218-0127 X, Address: 10790 Raphel Road

Dear Mr. Dolle:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 3, 2018. 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 black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
P52ES Under Armour Community Solar 1 LLC, Robert D Wallace, 10020 Baltimore National Pike, #7031, Ellicott City MD 21042
Patricia A Malone, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204



MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 11/13/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-D127X.

*Special Exception
P52ES UnderArmor Community Solar LLC.
10790 Raphael Road.*

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

Sincerely,

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

WW/RAZ

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 27, 2017
Item No. 2018-0127-X (Revised)

DATE: December 12, 2017

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

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

1. Perimeter landscape buffers are required,
2. Per 4E-104 Requirement A6-Landscape Buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. Also, A7-Security Fencing shall be provided between the landscaping buffer and the solar facility,
3. Need to investigate and show if it is located on the subject property, the existing right-of-way & easement for Baltimore County water main along the north property line adjacent to John F. Kennedy Memorial Highway (Interstate 95). May need to allow adequate room for the possible required landscape buffer planting,
4. Additional landscape buffers may be required to address existing topography changes. The plans that were circulated and dated 11-3-2017 were insufficient with respect to readability of a number of the existing site conditions including existing on-site and adjacent property information, i.e., existing utilities rights-of-ways and easements, existing trees and vegetation and entire property boundary, etc.
5. More comments may be rendered during review of the landscape plan,
6. Proposed perimeter fence shall be black vinyl-coated chain-link fence,
7. No Landscape Plan was submitted for review with zoning package,
8. Additional site plan information in needed.

Developer needs to address the presences of Environmental Greenway Easement/Reservation.

* * * * *

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: *MD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 13, 2017
Item No. 2018-0127-X

DATE: December 5, 2017

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

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

1. Perimeter landscape buffers are required,
2. Per 4E-104 Requirement A6-Landscape Buffer shall be provided around the perimeter of any portion of a solar facility that is visible from an adjacent residentially used property or a public street. Also, A7-Security Fencing shall be provided between the landscaping buffer and the solar facility,
3. Need to investigate and show if it is located on the subject property, the existing right-of-way & easement for Baltimore County water main along the north property line adjacent to John F. Kennedy Memorial Highway (Interstate 95). May need to allow adequate room for the possible required landscape buffer planting,
4. Additional landscape buffers may be required to address existing topography changes. The plans that were circulated and dated 11-3-2017 were insufficient with respect to readability of a number of the existing site conditions including existing on-site and adjacent property information, i.e. existing utilities rights-of-ways and easements, existing trees and vegetation and entire property boundary, etc.
5. More comments may be rendered during review of the landscape plan,
6. Proposed perimeter fence shall be black vinyl-coated chain-link fence,
7. No Landscape Plan was submitted for review with zoning package,
8. Additional site plan information in needed.

Developer needs to address the presences of Environmental Greenway Easement/Reservation.

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VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/6/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-127

INFORMATION:

Property Address: 10790 Raphel Road
Petitioner: Jennifer Busse
Zoning: RC 5
Requested Action: Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a solar facility.

A site visit was conducted on November 22, 2017.

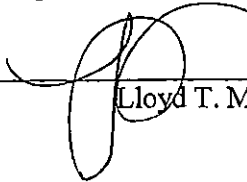
The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

- 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 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.
- 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 as viewed from a public right of way.

Date: 12/6/2017
Subject: ZAC # 18-127
Page 2

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Kaylee Justice
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jennifer Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/27/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-127

INFORMATION:

Property Address: 18400 Vernon Road
Petitioner: Frank J. Cimino, Jr., Michele A. Cimino
Zoning: RC 2
Requested Action: Administrative Variance

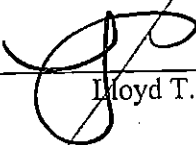
The Department of Planning has reviewed the petition for an administrative variance) to permit an accessory structure (detached garage) to be located in the side and rear yard in lieu of the required rear yard.

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

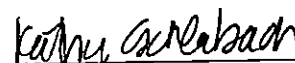
- Record the R.C. 4 Conservancy Lot as shown on the 2nd Amended Final Development Plan for Elliotts Chance prior to the issuance of building permits.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Kaylee Justice
David Billingsley, Central Drafting & Design, Inc.
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 30, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0127-X
Address 10790 Raphel Road
(P52ES Under Armour Community
Solar 1, LLC Property)

Zoning Advisory Committee Meeting of **November 20, 2017.**

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

1. Forest Buffer Easements and Forest Conservation Easements and the associated Declarations of Protective Covenants have been recorded for this property. All of these easements must be shown on all future plans along with the appropriate non-disturbance and protective covenants notes.
2. The Forest Buffer Easement protecting a wetland area along Raphel Road has not been shown on the plan. This area is recorded in Baltimore County Land Records at 39185/75. Add this Forest Buffer Easement and the associated wetlands to all future plans. Also, show the extension of the buffer in to the Raphel Road right-of-way.

Reviewer: Paul Dennis

2018-0127-X
CASE NAME 218 W. Seminary Ave
CASE NUMBER 2018-0257 A
DATE 5/7/18

[illegible]

CASE NAME 2018-0127-X
CASE NUMBER _____
DATE 5/2/2018

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

12/12/17

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comments

11/30/17

DEPS
(if not received, date e-mail sent _____)

Comments

12/10/17

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NOT OPPOSED
w/conditions

11/13/17

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 4/17/18

SIGN POSTING (1st) Date: 4/14/18 by PulsonSIGN POSTING (2nd) Date: _____ by _____PEOPLE'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 - 11 Account Number - 1102001750			
Owner Information					
Owner Name:		BALTIMORE GAS & ELECTRIC CO		Use:	INDUSTRIAL
Mailing Address:		TAX ACCOUNTING UNIT PO BOX 1475 BALTIMORE MD 21203-1475		Principal Residence:	NO
				Deed Reference:	/05438/ 00123
Location & Structure Information					
Premises Address:		10790 RAPHEL RD BRADSHAW MD 21087-0000		Legal Description:	138.326 AC SS RAPHEL RD SE END RAPHEL ROAD
Map:	Grid:	Parcel:	Sub-District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0064	0021	0574		0000	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	
			139.1400 AC	08	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2017	07/01/2018
Land:		0	0		
Improvements		0	0		
Total:		0	0	0	0
Preferential Land:		0			0
Transfer Information					
Seller: BAUER JOHN G		Date: 04/15/1974		Price: \$650,000	
Type: ARMS LENGTH IMPROVED		Deed1: /05438/ 00123		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Case No.:

0127
2018-~~0127~~-X

Exhibit Sheet

Petitioner/Developer

DW
6-12-18

Protestant

Sen
5-11-18

No. 1	1A 1B 1C } site plan 1A-1C	Photos of site
No. 2	2A 2B } Landscape plan	
No. 3	R. Wallace CV	
No. 4	Aerial photo of site	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



EDWARD W. TOM, RLA-PLA
PROJECT MANAGER, LANDSCAPE ARCHITECT

LICENSURE AND ACCREDITATION

1979 Maryland Registered Landscape Architect #412

EDUCATION

1976 Cornell University, BS, Landscape Architecture

PROFESSIONAL SUMMARY

Edward Tom has master-planned, designed, and coordinated numerous commercial, institutional, healthcare, senior living, residential, and recreation projects throughout his 41-year career.

Mr. Tom is responsible for all phases of land development and project management, master-planning and feasibility studies, coordination of architecture and engineering teams, schematic, preliminary and final site design, government reviews and approvals, preparation of construction documents, contract administration, coordination of construction, site inspection and as-built certifications.

SELECTED LIST OF PROJECTS

Admiral's Landing Townhomes, Baltimore County, MD
Greenspring Quarry Community, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Hunt Valley Avalon Apartments, Baltimore County, MD
Devonport Townhomes, Baltimore County, MD
Towson Mews Townhomes, Baltimore County, MD
Villages at Woodholme Community, Baltimore County, MD
Grantleigh Station Community, Baltimore County, MD
Vincent Farm, Baltimore County, MD
Piney Orchard Community, Anne Arundel County, MD
The Palisades, Baltimore County, MD
The Promenade, Baltimore County, MD
Towson Square, Baltimore County, MD
Rolling Run Technology Park, Baltimore County, MD
Piers 5 and 6, Inner Harbor, Baltimore, MD
Double Rock Park, Baltimore County, MD
Gwynn Oak Park, Baltimore County, MD
Hammonds Park, Anne Arundel County, MD

MEMBERSHIPS, ASSOCIATIONS, AWARDS, PUBLICATIONS

Urban Land Institute /American Society of Landscape Architects
Maryland Chapter ASLA, Past Associate-at-Large, Past Member-at-Large, Past Secretary
Maryland ASLA Awards: Morgan State University, Gwynn Oak Park, Hammonds Park,
Reedbird Park, Kings Contrivance Village Center
LASN Bonnie View Park Playground

PROFESSIONAL EXPERIENCE

Daft-McCune-Walker, Inc., Towson, Maryland, 1995 - Present
Crozier Associates, Baltimore, MD, 1980-1995
Ted Human & Associates, Cockeysville, MD, 1976-1980



MITCHELL J. KELLMAN
DIRECTOR OF ZONING SERVICES

EDUCATION

Towson University, BA, Geography and Environmental Planning, Urban Planning
Towson University, Masters, Geography and Environmental Planning, Urban Planning

PROFESSIONAL SUMMARY

Mr. Kellman has over 25 years of experience working in zoning, subdivision, and development regulations for the public and private sector; 12 of those years were with the Baltimore County Office of Planning and Zoning. His responsibilities included review, approval and signatory powers on behalf of the Director of Final Development Plans and Record Plats. He represented the Zoning Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and the public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working for DMW, he has extensive experience in testifying before the Baltimore County Zoning Commissioner, Hearing Officer, Administrative Law Judges, and Board of Appeals. He also regularly represents the company at the Baltimore County Development Review Committee meetings. He is also a member of Baltimore County's Design Review Panel and Landmarks Preservation Commission which formulates recommendations to the Planning staff and Administrative Law Judges.

PERSONAL AND PROFESSIONAL PARTIAL LIST OF PROJECTS

Delight Quarry, Baltimore County, MD
Hunt Valley Business Community, Baltimore County, MD
Hunt Valley Towne Centre, Baltimore County, MD
Charlestown Retirement Community, Baltimore County, MD
GBMC, Baltimore County, MD
Goucher College, Baltimore County, MD
Greenspring Quarry, Baltimore County, MD
Hopewell Point, Baltimore County, MD
Loveton Business Center, Baltimore County, MD
Notre Dame Preparatory School, Baltimore County, MD
Oakcrest Village Retirement Community, Baltimore County, MD
Sheppard and Enoch Pratt Hospital, Baltimore County, MD
Sparks Corporate Center, Baltimore County, MD
Towson Town Center, Baltimore County, MD

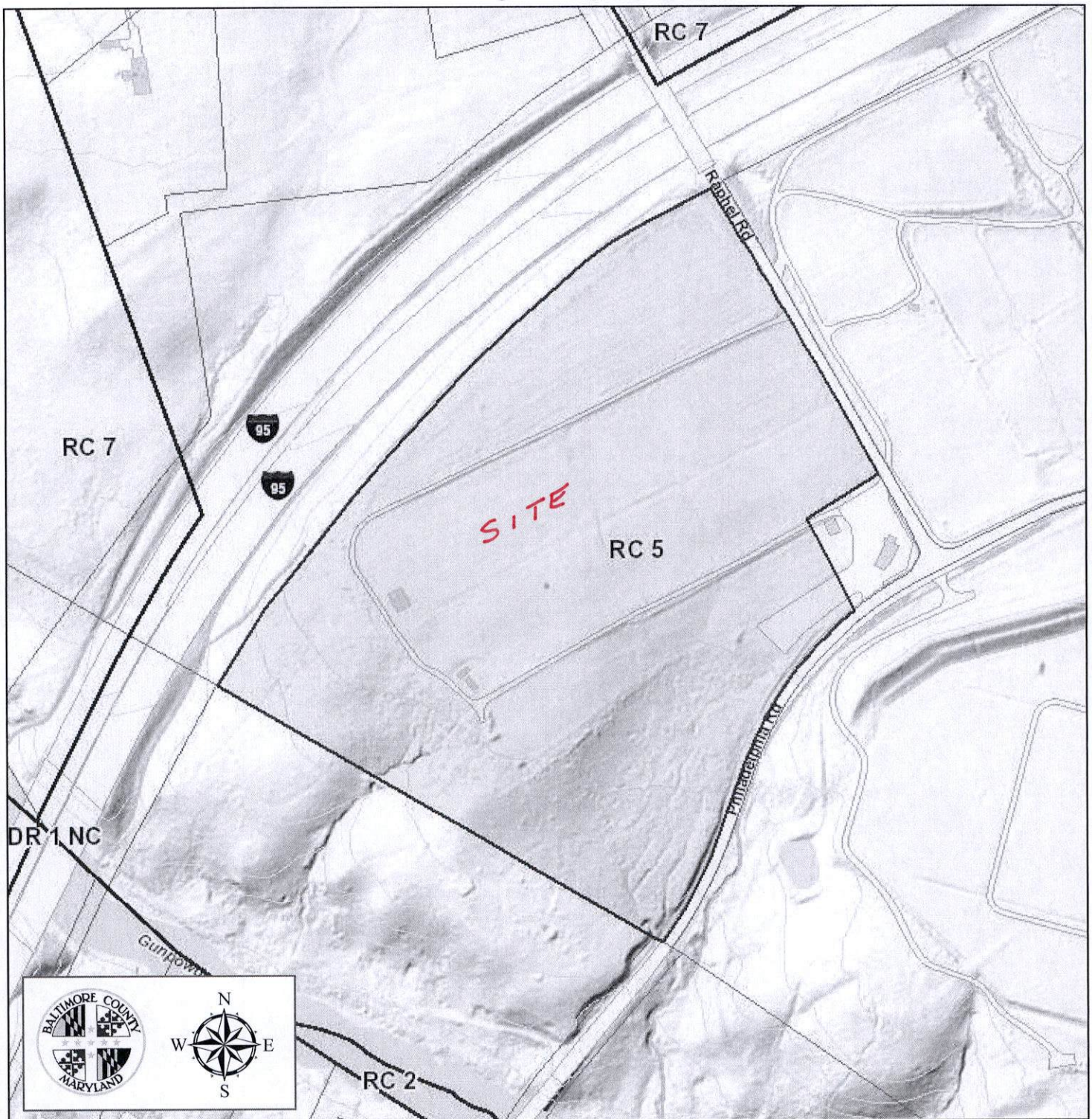
MEMBERSHIPS AND ASSOCIATIONS

Baltimore County Design Review Panel, 2012, 2013, 2014, 2015, 2016
Baltimore County Landmarks Preservation Commission 2014, 2015, 2016
Greater Towson Committee, Government Relations Sub-Committee Chair, 2013, 2014
Greater Towson Committee Board of Directors - Secretary 2014, 2015, 2016
Leadership Baltimore County, 2013

PROFESSIONAL EXPERIENCE

Daft-McCune-Walker, Inc., Towson, MD 2000-Present
Baltimore County Office of Planning and Zoning, Permits and Development Management – Zoning Office, Development Control, 1988-2000

Baltimore County - My Neighborhood



November 3, 2017

Legend

- House Numbers
- Zoning
- Property
- County Boundary

0 0.035 Miles
1 inch = 376 feet

2018-0127-X

Rob Wallace

Power52 Energy Solutions
CEO/President
rwallace@power52energy.com

Rob (Daniel) Wallace is a Co-Founder and a Principal in Power52 Energy Solutions, Power52 Foundation's sister company. An electrical & energy engineer, project manager and business consultant, Rob has more than 11 years-experience in program management, renewable energy systems design and development, systems implementation, training and technology management. Rob has developed and built more than 150 MW of solar and wind projects in the U.S. and Africa. Mr. Wallace has also worked in the power market, focusing on frequency response, energy arbitrage and battery storage.

Mr. Wallace also has experience managing engineering, design, and development of all renewable energy projects for a host of private and public clients. Some noteworthy clients include University of Maryland Medical Systems, Johns Hopkins University, City of Baltimore, Carroll County Government, CHIMES International, and the Federal Government.



Mr. Wallace currently sits as Chairman of the Board of Directors for **CHIMES** International. In addition Mr. Wallace serves on the Board of Directors for **University of Maryland Medical Center**, **Vote Solar**, **Power52 Foundation** (Advisory), and **Covenant Village**. Mr. Wallace has also served as the first President of the Baltimore Chapter of **AABE** (American Association of Blacks in Energy). Recent projects/awards include a 13.24 MW solar portfolio for Carroll County Government, 10MW Virtual Aggregate Net Metering project located at Nixon Farms in western Howard County, a 4.8MWDC ballasted ground mount system for Fort Campbell, and a 20MWDC ground mount system located in Frederick/Carroll Counties.

Mr. Wallace has over 15MW of experience with capped landfills, in addition to two 10MW solar facilities in Howard and Carroll Counties. His flagship accomplishment was the development of BITHENERGY's HRES (Hybrid Renewable Energy Systems) solution for residential and commercial structural retrofits. Recognizing that solar PV energy systems have limitations, and that wind power based clean energy generation also has its drawbacks, Mr. Wallace designed, built, installed, and successfully tested a user-friendly integrated PV & wind-based small energy system that can be modified for use on both small and large commercial and residential buildings. The test system, installed on a residential townhome in Baltimore's Cherry Hill neighborhood, is realizing energy savings and serves as a model of the future in clean energy for low-income housing.

Under Mr. Wallace's leadership, in 2014 BITHENERGY was ranked #8 in the Country for Solar Developers and #49 for Solar Contractors. In 2015 BITHENERGY was ranked #1 by Fortune Magazine for the fastest growing "Inner City Business" in the country. In addition, BITHENERGY has just recently been awarded the first task order under the MATOC (Multiple Award Task Order Contract) for the Department of Army (7 Giga Watt opportunity). Mr. Wallace has over 100MWs of solar projects constructed, and over 200MWs in various stages of development/construction including the only successful VANM (Virtual Aggregate Net Metering) and bilateral settlement power clearing systems in the region.

Mr. Wallace pursued his Masters degree in Electrical Engineering from Johns Hopkins University's Applied Physics Lab, and earned a Bachelor of Science in Electrical engineering from Virginia Polytechnic and State University. He is an SMA Solar Academy graduate, a certified Wind System Design Specialist, NCCER Master Trainer, and a certified EVSE installer for GE's.

PROTESTANT' S

EXHIBIT NO. 1















Technical Memorandum

To: Frank Bucceri, c/o Power 52 Energy Solutions, LLC
From: Stephen Barrett
Date: January 31, 2018
RE: Glare Study, Solar PV Project, P52ES, Philadelphia Road, White Marsh, Maryland

Executive Summary

Power 52 Energy Solutions, LLC is developing a utility scale solar photovoltaic (PV) project at 11898 Philadelphia Road in White Marsh, Maryland. The project is located on a Baltimore Gas and Electric (BGE) fill site for electric substation construction spoils located south and east of Interstate 95, and north of Big Gunpowder Falls. As part of the local zoning approval process, the project must be evaluated for potential glare impacts on nearby receptors.

Barrett Energy Resources Group (BERG) has utilized the Federal Aviation Administration's (FAA) glare modeling tool to prepare an evaluation of potential glare impacts and their significance relative to the FAA's Interim Solar Policy and its ocular hazard standard. This memorandum describes the methodology and results of the glare study. It shows that no receptor will be exposed to glare levels considered by the FAA to be significant. Even low-level glare recorded will not be observed due to terrain and vegetation.

Project Description

The Philadelphia Road Solar Project is proposed on a BGE fill site for electric substation construction spoils near the junction of Interstate 95 and Big Gunpowder Falls in White Marsh, Maryland (**Figure 1**).



Figure 1. Philadelphia Road Solar Project

The solar PV project is designed as a nominal 2.25 MWdc ground-mounted facility. It is located adjacent to a major utility electrical substation and switching yard and high voltage electric transmission lines. Farmland is located to the north and east and residential development to the south and west.

Glare Methodology and Standard of Impact

Prediction of potential glare occurrence from a solar PV project requires knowledge of the sun position, observer location, and the solar module/array characteristics (e.g. tilt, azimuth or orientation, location, extent, etc.). Vector algebra is then used to determine if glare would be visible from the prescribed observation points. **Figure 2** provides a simple representation of how the sun can produce glare on an automobile for a specific time and location. Because receptors of glare are proximate to the ground, glare impacts are typically experienced near sunrise or sunset. As the sun moves (e.g., rises in the morning), the incidence of glare subsides.

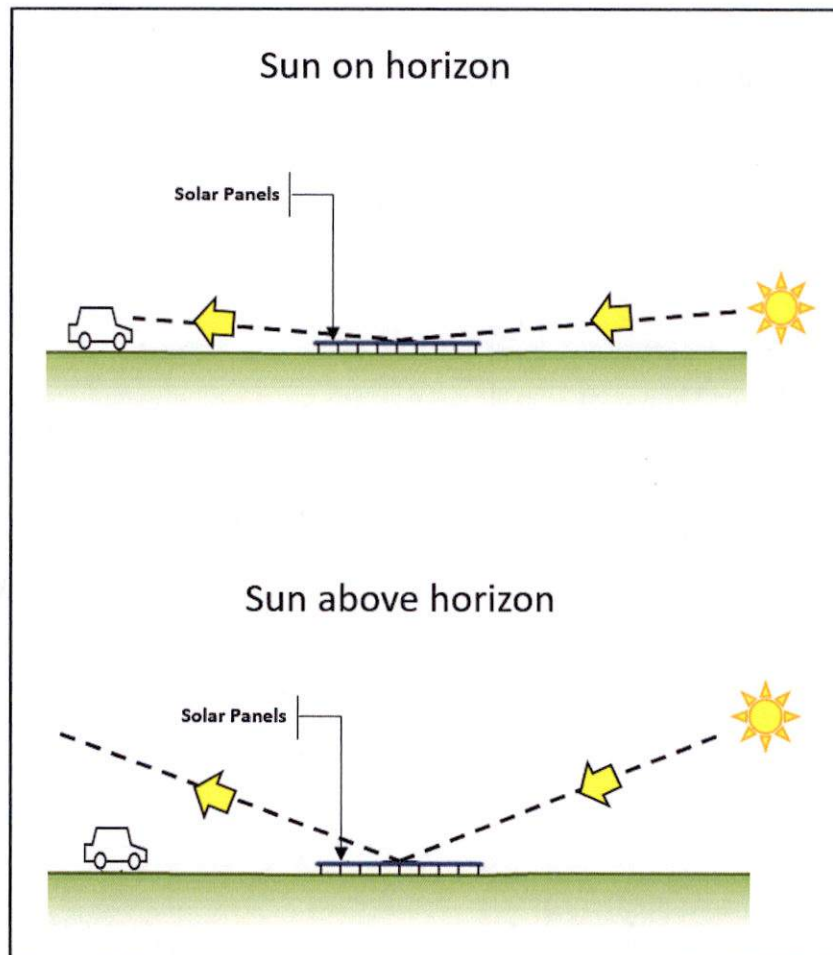


Figure 2. Geometric Representation of Potential Glare Impacts from the Sun

Recognizing the potential for glare from solar PV projects to impact airport sensitive receptors, the Federal Aviation Administration (FAA) engaged the US Department of Energy to develop the Solar Glare Hazard Analysis Tool (SGHAT). It also developed a Solar Policy which requires airports seeking to

develop solar PV projects to assess glare using SGHAT and to evaluate the significance of the results relative to an ocular hazard standard. The standard is based on SGHAT's predicted glare intensity as reported in a color-coded system at three levels:

- green for a low potential for an after-image¹;
- yellow for a potential for an after-image; and
- red for a potential for retinal burn.

The standard prohibits any glare from impacting the air traffic control tower (ATCT) (i.e. results with green, yellow or red represent a significant impact), but allows for a low potential for an after image (green) for pilots on approach to the airport with yellow and red results representing a significant impact. **Table 1** presents the airport sensitive receptors that must be evaluated for glare using the SGHAT model, the potential results produced by the model, and whether the result complies with the FAA's Solar Policy.

Table 1. SGHAT Model Levels of Glare and Compliance with FAA Policy

Airport Sensitive Receptor	Level of Glare	Glare Color Result	Does Result Comply with FAA Policy?
ATCT	No glare	None	Yes
	Low Potential for After-Image	Green	No
	Potential for After-Image	Yellow	
	Potential for Permanent Eye Damage	Red	
Aircraft on approach	No glare	None	Yes
	Low Potential for After-Image	Green	No
	Potential for After-Image	Yellow	
	Potential for Permanent Eye Damage	Red	

BERG has used SGHAT and the FAA's guidance on standard of impact to interpret the results and potential impacts on motorists and residences near the Philadelphia Road Solar Project site. Because the model does not account for obstructions that may block the glare such as terrain, vegetation, and existing structures, a second level of interpretation through a line-of-sight analysis may be necessary to validate SGHAT results.

SGHAT Model Setup for the Proposed Project

For the Philadelphia Road Solar Project, the PV project polygon tool was used to draw the footprint of the solar array on SGHAT's interactive google map. Then solar PV design elements, namely fixed design (as opposed to tracking), average panel height above ground level (agl) of 6 feet, azimuth of 180° and tilt angle of 15° was input.

Next, the sensitive receptors required for analysis were selected. Ten viewpoints were selected for analysis - five for motorists driving toward the project, and five for residences adjacent to the project site

¹ An after-image occurs when you look into a bright light, then look away, and it takes several seconds for your vision to readjust and return. It is also referred to as a temporary visual disability or flash blindness.

- and the SGHAT observation point tool was used to register the receptors in the model. A receptor height of five feet agl was input for each point representing the driver's eye level position and a resident standing at ground level. **Figure 3** shows the location of the solar project along with the motorist observation points as orange squares and residential observation points as blue circles. The glare analysis button was activated, and the model assessed glare from various sun angles at 1-minute intervals throughout the year to predict if glare could be observed from each sensitive receptor.



Figure 3. Motorist and Residence Sensitive Receptors near the Philadelphia Road Solar Project
Glare Model Results

The glare model results are described below. Table 2 summarizes the results for all receptors analyzed.

Table 2. Glare Results for Sensitive Receptors

#	Motorist (M) or Residence (R)	Glare? Yes or No	Type of Glare	Months	Time of Day	Duration
1	M	N	--	--	--	--
2	M	Y	Green	Mar - Sep	6:00-7:00 am	< 24 min
3	M	N	--	--	--	--
4	M	Y	Green	Mar - Sep	7:00-8:00 pm	< 18 min
5	M	N	--	--	--	--
6	R	N	--	--	--	--



BARRETT ENERGY RESOURCES GROUP

PO Box 1004 | CONCORD, MA 01742 | 339-234-2696

WWW.BARRETTENERGYGROUP.COM

7	R	Y	Green	Apr, Sep	7:00 pm	< 5 min
8	R	N	--	--	--	--
9	R	Y	Green	Apr - Aug	6:00-7:00 am	< 20 min
10	R	N	--	--	--	--

None of the receptors registered yellow glare described as potential for a temporary after-image. Four of the ten receptors registered green glare described as low potential for a temporary after-image. Glare occurrence was identified during spring and fall months either shortly after sunrise or shortly before sunset when the sun is low on the horizon.

Green glare is not considered significant by the FAA for pilots on approach to airports in recognition that pilots are exposed to various sources of glare. Consistent with the FAA's standard for pilots, green glare is considered in this analysis to not be significant to motorists or residence. The results show that none of the receptors will be exposed to a significant glare impact. Irrespective of this conclusion, it was determined that a line-of-site analysis be prepared for each of the receptors that recorded green glare to verify if the glare could be observed, or if it would be blocked by terrain or vegetation.

Line-of-Sight Results

To determine if topography would affect the ability to see glare from the receptors, a line-of-sight analysis was prepared. To maximize consistency among tools, an elevation profile feature in Google Earth was used providing the same basis for locations and elevations as the SGHAT model. Google Earth has a path tool that allows the user to select two points and analyze information along a path between the two points including distance and elevation. The user can generate an elevation profile that presents a cross-sectional view of the topography of the land between the two points. Through this simple analysis, one can evaluate whether the viewer at the specified receptor can see the solar project given the topography of land in between the two locations. The line-of-sight analysis for each of the four receptors that registered green glare was conducted with results presented and described below.

Receptor 2:

Receptor 2 is of a motorist driving northbound on Interstate 95 after crossing a bridge at Big Gunpowder Falls. The northbound traffic is travelling uphill after crossing the river. The line-of-sight profile provided as **Figure 4** shows that the solar farm is on top of a hill and cannot be seen from the roadway. The line-of-sight analysis demonstrates that the model produced a false positive reading and glare will not be seen from Receptor 2.

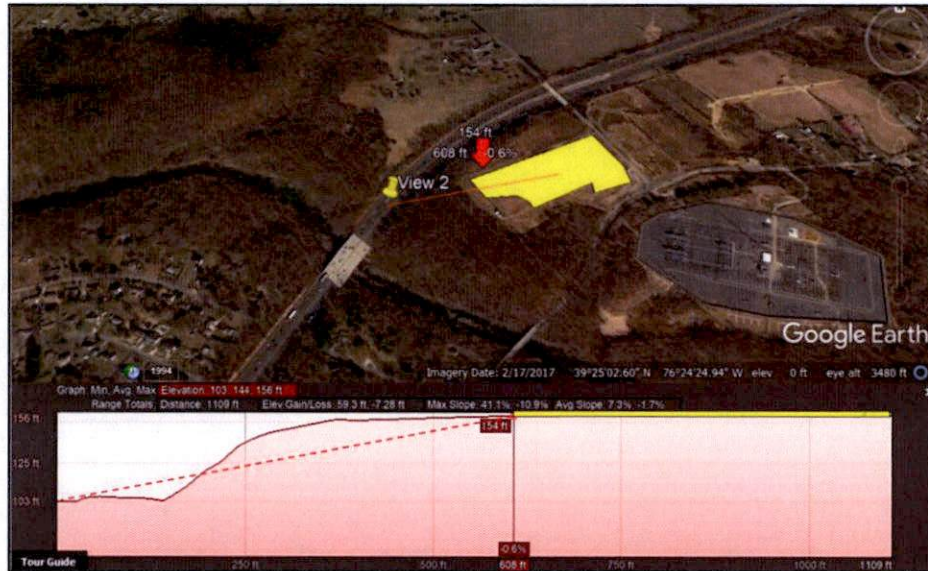


Figure 4. Line-of-Sight Profile for Observation Point 2

Receptor 4:

Receptor 4 is a motorist driving westbound on Philadelphia Road. At this location, a motorist is also driving uphill as they approach the solar farm. Because automobiles are positioned below the elevation of the solar farm, the line-of-sight profile shown in Figure 5 indicates that motorist will not be able to see the solar farm along the roadway segment where they will be driving toward the facility. Once they crest the hill and are at the elevation of the solar farm, the facility will be to the side of them and drivers will be viewing the roadway ahead to the south and away from any glare. The results suggest that glare will not be observed at Receptor 4.



Figure 5. Line-of-Sight Profile for Observation Point 4



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Receptor 7:

Receptor 7 is a residence to the east of the proposed project. The terrain shown in line-of-sight Figure 6 is similar to that of Receptor 4. The line-of-sight profile suggests that terrain will impede the view. When also considering the forested vegetation immediately west of Receptor 7, it is clear that any potential for glare will be obstructed.



Figure 6. Line-of-Sight Profile for Observation Point 7

Receptor 9:

Receptor 9 is a residence to the west of the project on the other side of Big Gunpowder Falls. As with Receptor 2, a rise in terrain blocks any potential impacts of glare to the south and west of the site.

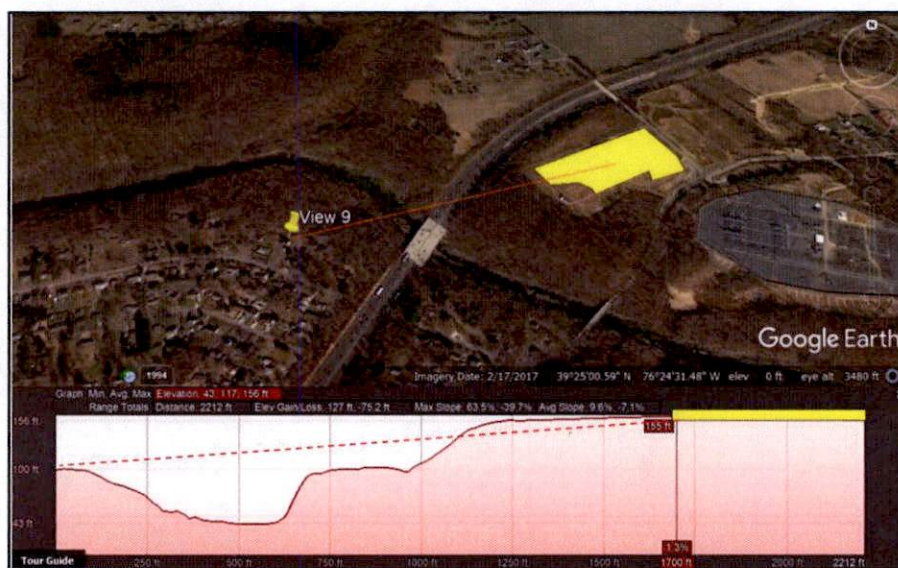


Figure 7. Line-of-Sight Profile for Observation Point 9



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Conclusions

Barrett Energy Resources Group (BERG) has used the FAA's SGHAT model to evaluate the potential for glare to impact sensitive receptors near the Philadelphia Road Solar Project site in White Marsh, Maryland. The receptors analyzed are five motor vehicle sites and five residential sites. None of the observation points recorded yellow glare, which is significant under the FAA standard. Two of the motor vehicle sites and two of the residential sites registered green glare, which is insignificant under the FAA standard.

While none of the observation points registered glare considered to be significant, a line-of-analysis was conducted to verify the green glare recorded on the four observation points. The line-of-sight analysis showed that the solar farm cannot be seen from any of the receptors because they are below the elevation of the solar farm and are obstructed by terrain.



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Attachment A

Glare Modeling Results

Motorist and Residence Receptors



FORGESOLAR GLARE ANALYSIS

Project: **Bucceri BGE White Marsh**

Site configuration: **BGE White Marsh 1**

Analysis conducted by Stephen Barrett (steve@barrettenergygroup.com) at 00:09 on 30 Jan, 2018.

U.S. FAA 2013 Policy Adherence

The following table summarizes the policy adherence of the glare analysis based on the 2013 U.S. Federal Aviation Administration Interim Policy 78 FR 63276. This policy requires the following criteria be met for solar energy systems on airport property:

- No "yellow" glare (potential for after-image) for any flight path from threshold to 2 miles
- No glare of any kind for Air Traffic Control Tower(s) ("ATCT") at cab height.
- Default analysis and observer characteristics (see list below)

ForgeSolar does not represent or speak officially for the FAA and cannot approve or deny projects. Results are informational only.

COMPONENT	STATUS	DESCRIPTION
Analysis parameters	PASS	Analysis time interval and eye characteristics used are acceptable
Flight path(s)	N/A	No flight paths analyzed
ATCT(s)	N/A	No ATCT receptors designated

Default glare analysis and observer eye characteristics are as follows:

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

FAA Policy 78 FR 63276 can be read at <https://www.federalregister.gov/d/2013-24729>

SITE CONFIGURATION

Analysis Parameters

DNI: peaks at 1,000.0 W/m²
Time interval: 1 min
Ocular transmission coefficient: 0.5
Pupil diameter: 0.002 m
Eye focal length: 0.017 m
Sun subtended angle: 9.3 mrad
Site Config ID: 14546.2306



PV Array(s)

Name: PV array 1
Axis tracking: Fixed (no rotation)
Tilt: 15.0°
Orientation: 180.0°
Rated power: -
Panel material: Smooth glass without AR coating
Reflectivity: Vary with sun
Slope error: correlate with material



Vertex	Latitude (°)	Longitude (°)	Ground elevation (ft)	Height above ground (ft)	Total elevation (ft)
1	39.418817	-76.404140	155.81	6.00	161.81
2	39.417657	-76.407015	152.13	6.00	158.13
3	39.417292	-76.406715	150.67	6.00	156.67
4	39.417027	-76.405642	150.29	6.00	156.29
5	39.417922	-76.403453	153.40	6.00	159.40

Discrete Observation Receptors

Name	ID	Latitude (°)	Longitude (°)	Elevation (ft)	Height (ft)
OP 1	1	39.414314	-76.410534	92.33	5.00
OP 2	2	39.417265	-76.408646	105.55	5.00
OP 3	3	39.421376	-76.401951	155.54	5.00
OP 4	4	39.417928	-76.401865	141.78	5.00
OP 5	5	39.419353	-76.404483	162.94	5.00
OP 6	6	39.418823	-76.399891	124.04	5.00
OP 7	7	39.418326	-76.399205	124.47	5.00
OP 8	8	39.414181	-76.407273	47.36	5.00
OP 9	9	39.415905	-76.412508	99.52	5.00
OP 10	10	39.421409	-76.406887	163.93	5.00

GLARE ANALYSIS RESULTS

Summary of Glare

PV Array Name	Tilt (°)	Orient (°)	"Green" Glare min	"Yellow" Glare min	Energy kWh
PV array 1	15.0	180.0	6,499	0	-

Total annual glare received by each receptor

Receptor	Annual Green Glare (min)	Annual Yellow Glare (min)
1	0	0
2	2810	0
3	0	0
4	1768	0
5	0	0
6	0	0
7	78	0
8	0	0
9	1843	0
10	0	0

Results for: PV array 1

Receptor	Green Glare (min)	Yellow Glare (min)
OP 1	0	0
OP 2	2810	0
OP 3	0	0
OP 4	1768	0
OP 5	0	0
OP 6	0	0
OP 7	78	0
OP 8	0	0
OP 9	1843	0
OP 10	0	0

Point Receptor: OP 1

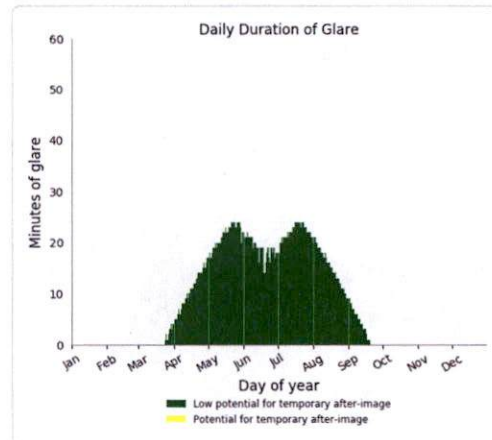
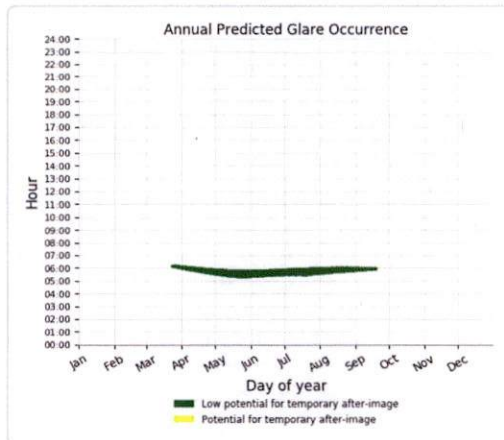
0 minutes of yellow glare

0 minutes of green glare

Point Receptor: OP 2

0 minutes of yellow glare

2810 minutes of green glare



Point Receptor: OP 3

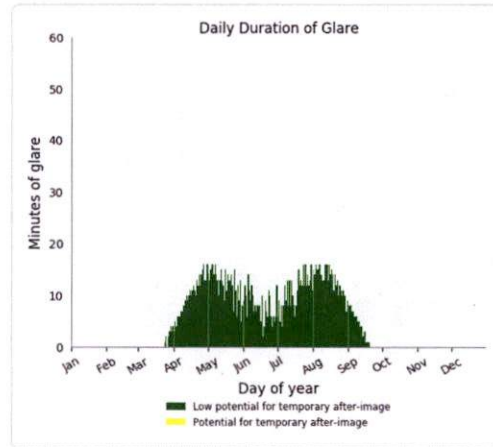
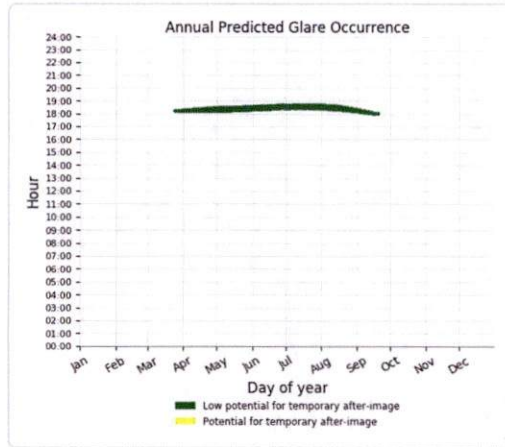
0 minutes of yellow glare

0 minutes of green glare

Point Receptor: OP 4

0 minutes of yellow glare

1768 minutes of green glare



Point Receptor: OP 5

0 minutes of yellow glare

0 minutes of green glare

Point Receptor: OP 6

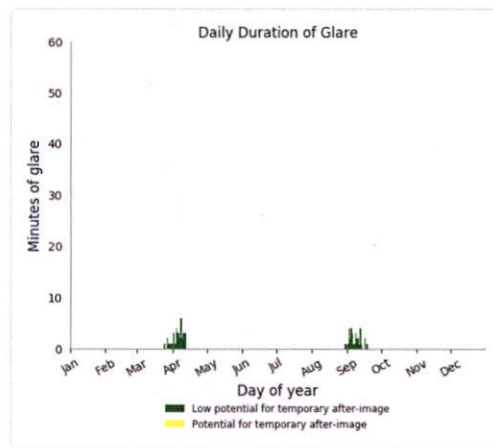
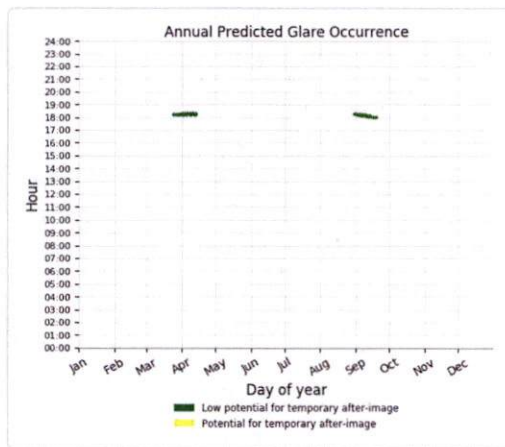
0 minutes of yellow glare

0 minutes of green glare

Point Receptor: OP 7

0 minutes of yellow glare

78 minutes of green glare



Point Receptor: OP 8

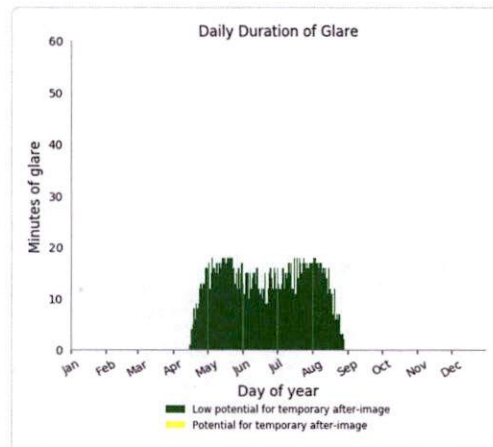
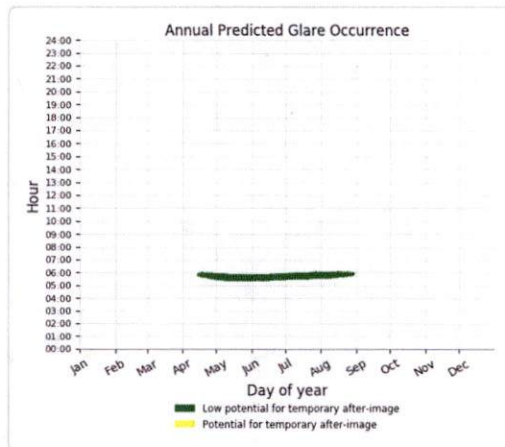
0 minutes of yellow glare

0 minutes of green glare

Point Receptor: OP 9

0 minutes of yellow glare

1843 minutes of green glare



Point Receptor: OP 10

0 minutes of yellow glare

0 minutes of green glare

Assumptions

"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

Glare analyses do not account for physical obstructions between reflectors and receptors. This includes buildings, tree cover and geographic obstructions.

The glare hazard determination relies on several approximations including observer eye characteristics, angle of view, and typical blink response time. Actual values may differ.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

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Legend

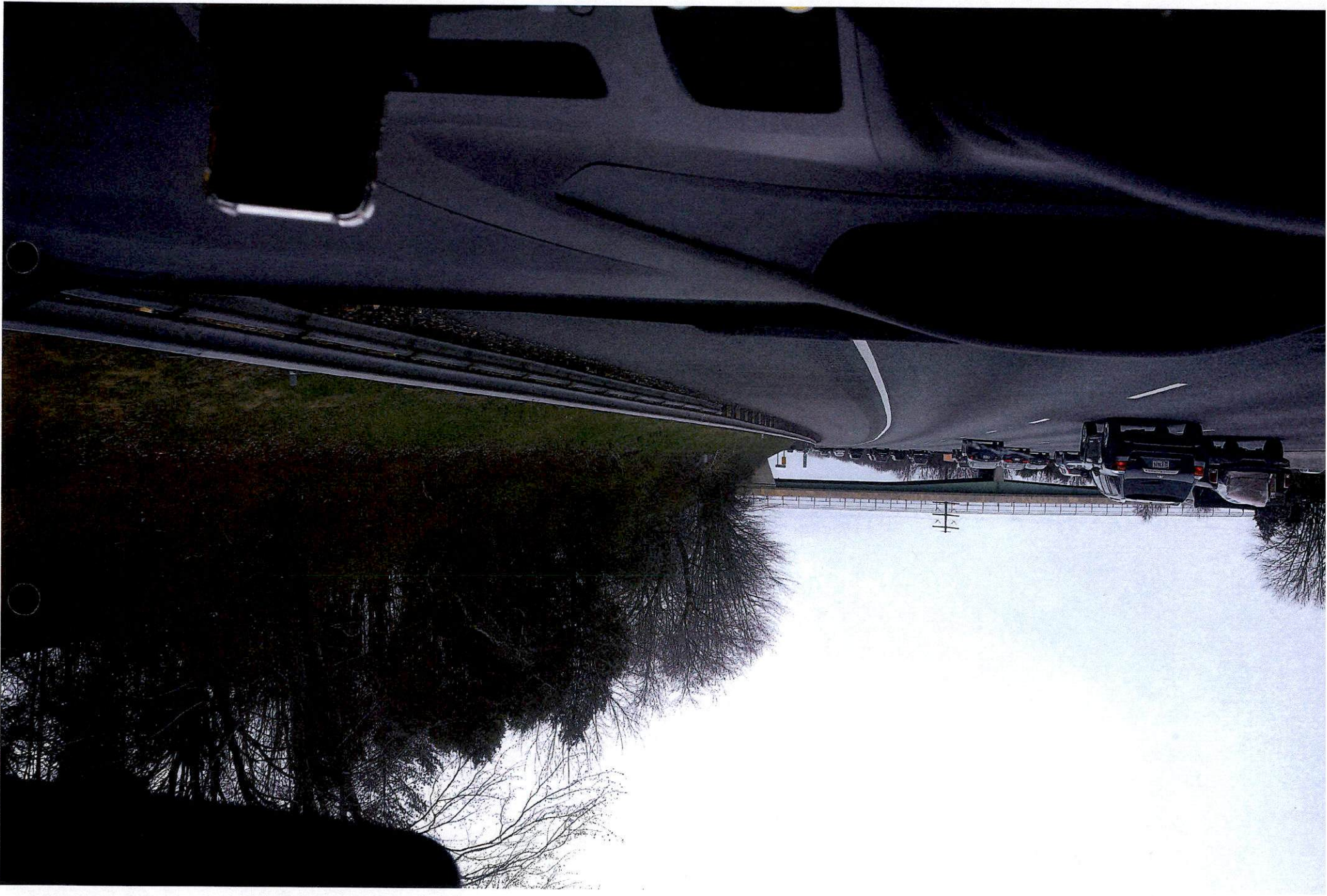


County Boundary

1:4,514

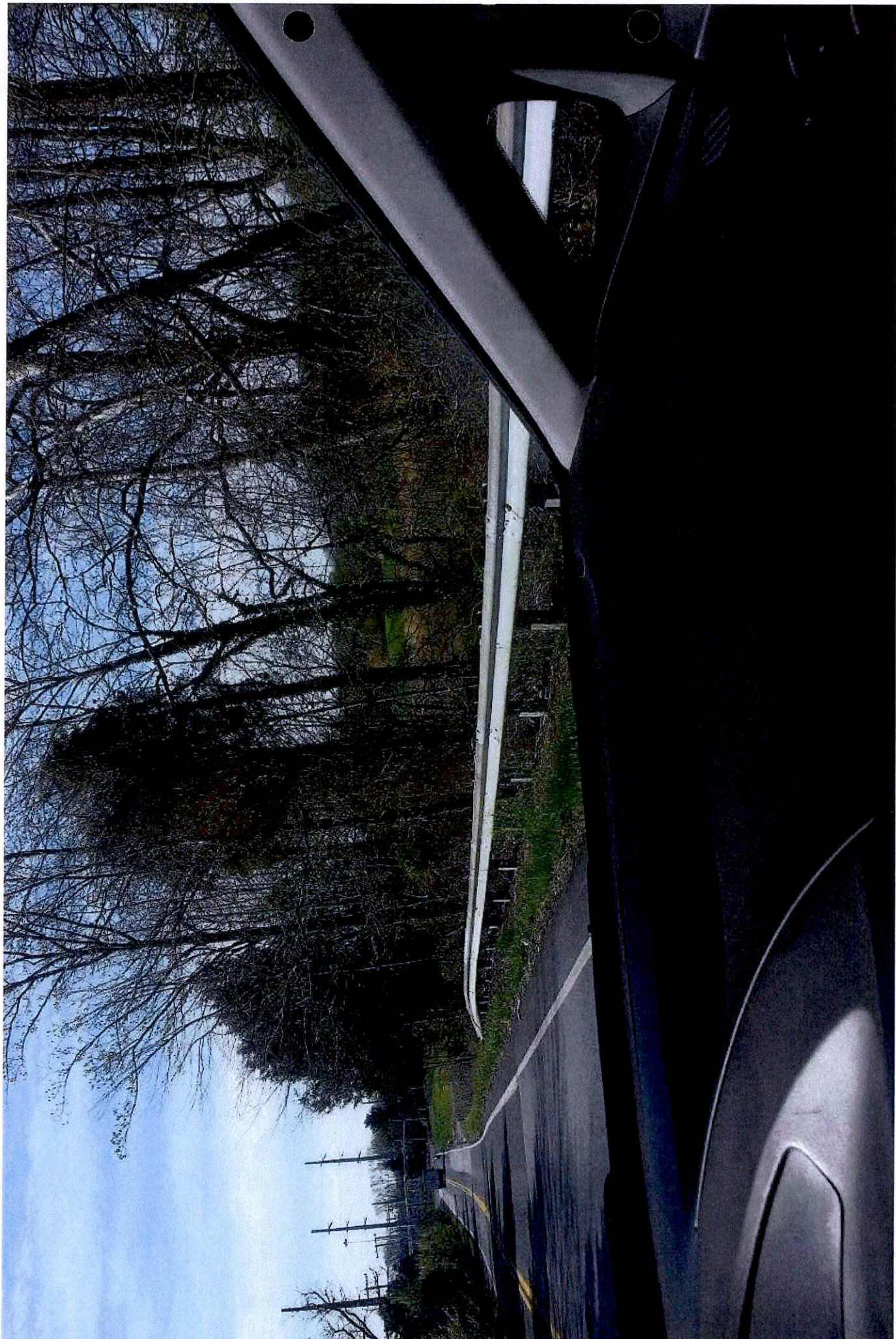
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0 0.035 0.07 0.14 Miles

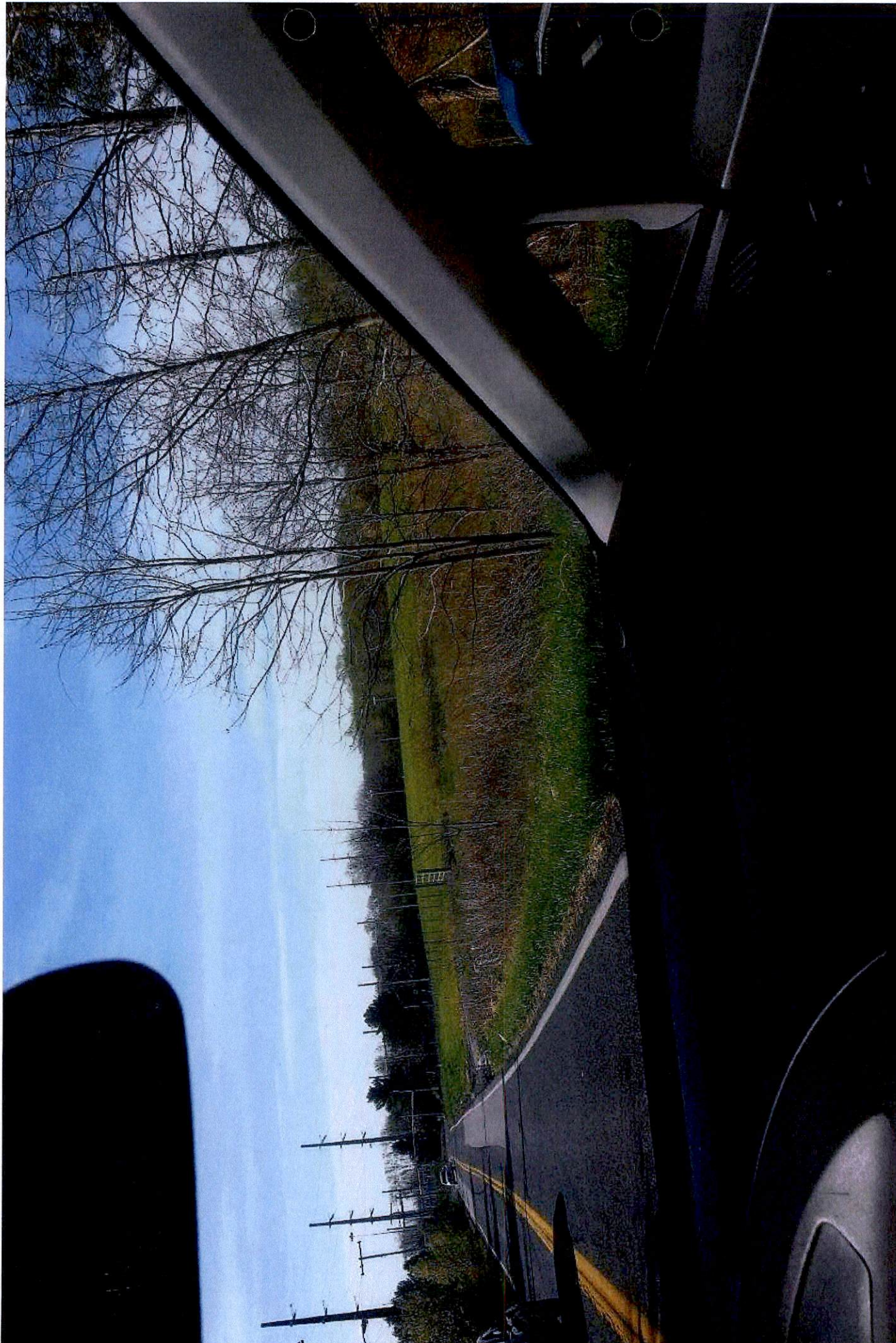
May 4, 2018



①







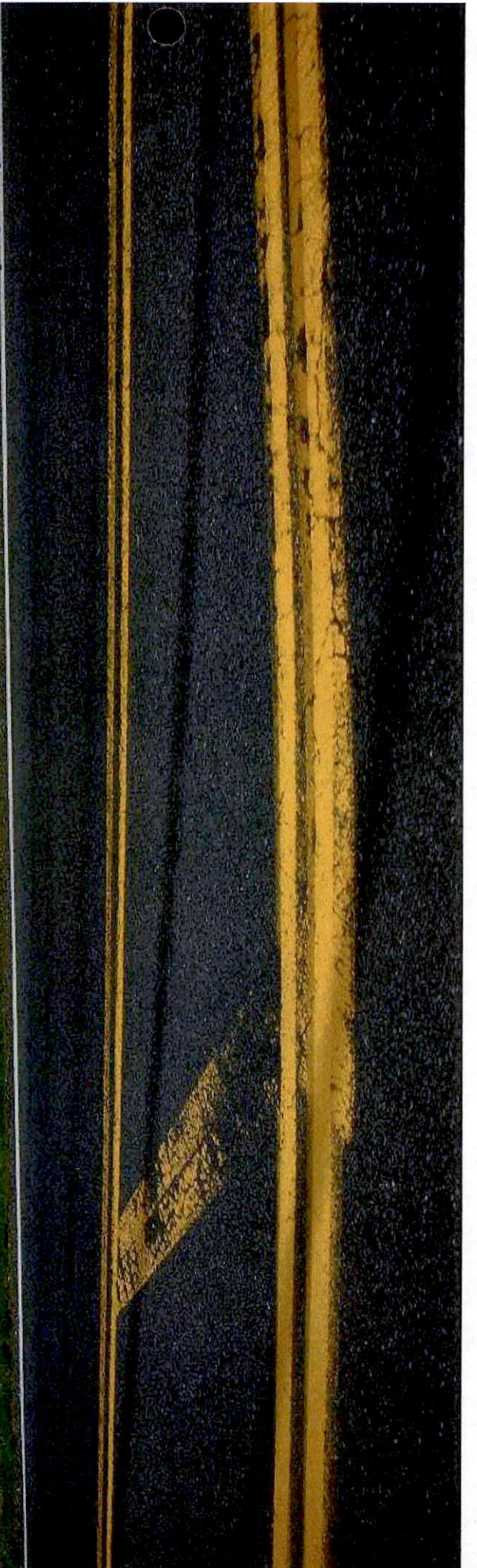




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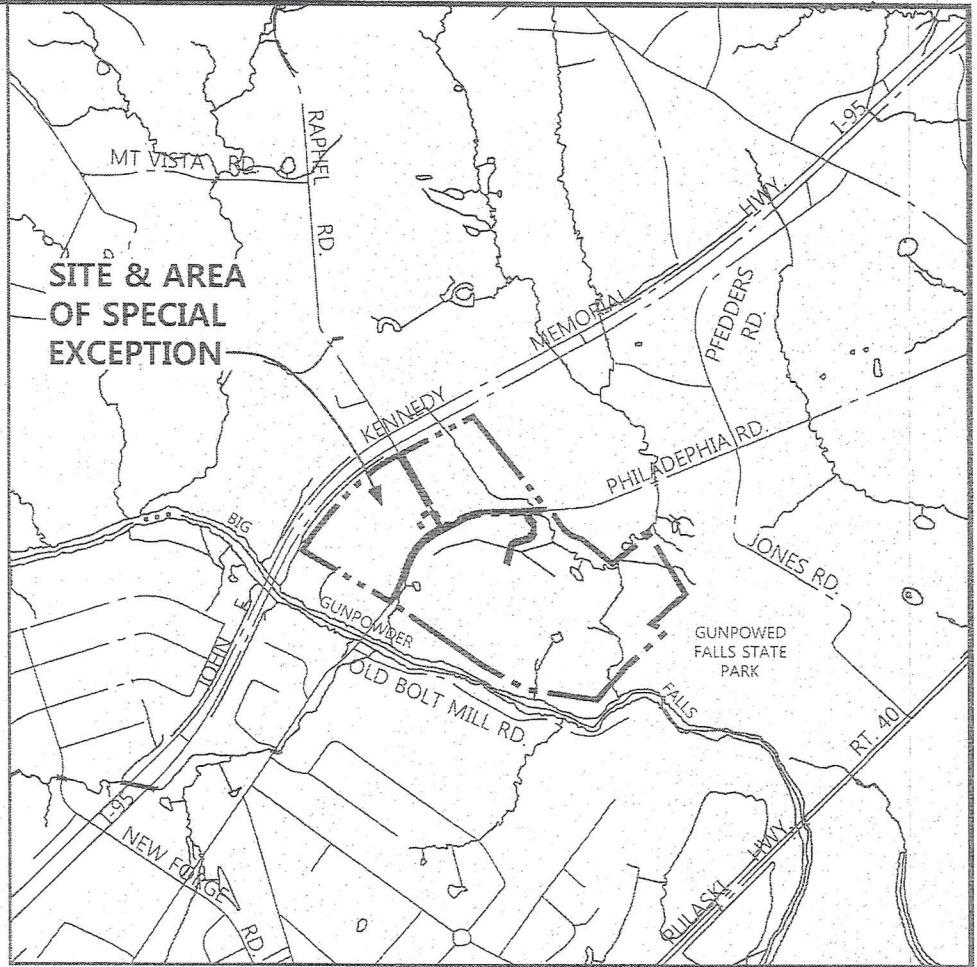




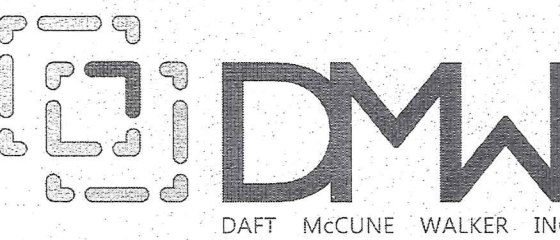
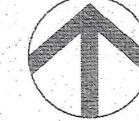




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VICINITY MAP
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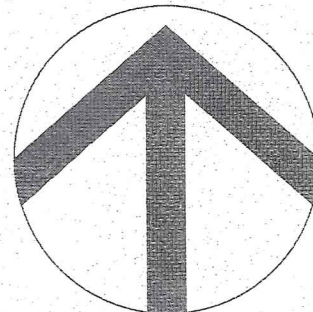


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P: 410.296.3333 F: 410.296.4705 WWW.DMW.COM

PLAN TO ACCOMPANY PETITION FOR
SPECIAL EXCEPTION

**WHITEMARSH
SOLAR / BGE PROPERTY**

10790 RAPHEL ROAD



SEAL



DATE BY REVISIONS

DATE	BY	REVISIONS

ISSUE DATES

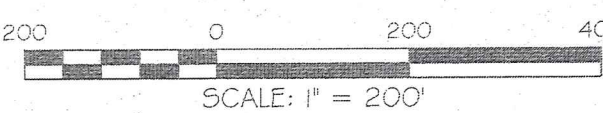
REVIEW:	BASE:	DRAWN:	CAS
BID:	DESIGNED:	CHECKED BY:	MJK
PERMIT:	DATE CHECKED:	11/2/17	DRAWING:
CONSTRUCTION:	SCALE:	1"=200'	PROJECT NO:
17033.00			

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC	CHORD BEARING	LENGTH	TANGENT
C1	21°46'56"	709.67	269.80	S 5°03'00" W	268.18	136.55'
C2	3°34'19"	2714.78	169.24	N 58°20'15" E	169.21	84.65'
C3	102°21'55"	191.70	342.50	N 3°12'28" W	298.73	236.28'

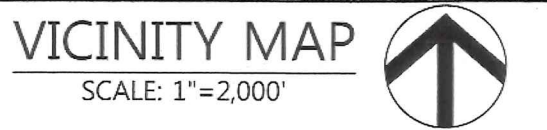
PLAN

SCALE: 1"=200'



LEGEND

---	PROPERTY LINE
---	PROPOSED SPECIAL EXCEPTION AREA
---	FOREST CONSERVATION EASEMENT
---	MINOR CONTOUR LINE
---	MAJOR CONTOUR LINE



OWNER: BALTIMORE GAS & ELECTRIC COMPANY
ADDRESS: P.O. BOX 1475
BALTIMORE, MD 21203-1475

CONTRACT PURCHASER / LESSEE: F52ES UNDER ARMOUR
COMMUNITY SOLAR I LLC

ELECTION DISTRICT: II COUNCILMANIC DISTRICT: 5

TAX ACCOUNT NO: 1102001750 TAX MAP: 0064

GRID: 0021 PARCEL: 0574

ACREAGE: 139.140 AC.

AREA OF SPECIAL EXCEPTION: 16.640 ACRES ±

ZONING: RC 5

EXISTING USE WITHIN
SPECIAL EXCEPTION AREA: TEMPORARY STOCKPILE

PROPOSED USE WITHIN
SPECIAL EXCEPTION AREA: SOLAR FACILITY (COMMERCIAL)

ZONING CLASSIFICATION: RC 5

EXISTING PERMITS: B 9347923 (GRADING FOR STOCKPILE), B 869973
(REPLACE ANTENNAS ON EXISTING MONOPOLE)

URDL LAND TYPE: RURAL

BALTIMORE COUNTY, GIS, FOREST CONSERVATION/FOREST BUFFER
PROTECTION PLAN, RAPHAEL SUBSTATION PLAN JUNE 16, 2015.

 PROPERTY LINE
 PROPOSED SPECIAL
 EXCEPTION AREA
 FOREST CONSERVATION EASEMENT
 MINOR CONTOUR LINE
 MAJOR CONTOUR LINE



AERIAL VIEW

10790 RAPHEL ROAD

[illegible]

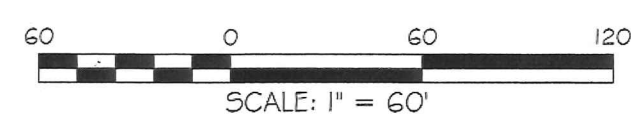
Based on Baltimore County GIS, zoning history is shown. The property is served by private well and septic. Amenity Open Space, Floor Area Ratio, and other Notes for Special Exception Use:

1. The property is located in the Baltimore County Section 41-02 Use of the Baltimore County Zoning Regulations, for a rural Facility.
2. The facility complies with the requirements of BCGR Article 41.
3. The area of the special exception is necessary to produce no more than two hundred thirty (230) net acres of forested land.
4. The property is not encumbered by an agricultural preservation easement, an agricultural preservation easement, or a conservation easement.
5. The property is not located in a Baltimore County Historic District, and there are no structures on the site listed on the Baltimore County Final Landmarks List.
6. The special exception area is not in a forest conservation easement or in a riparian conservation easement.
7. The aboveground components of the facility (not including landscaping) are located on a public road or private road that is parallel to the facility, east from the tract boundary.
8. Any structures associated with the facility will not exceed 30 feet in height. A building footprint of 10,000 square feet or less is permitted if the facility is visible from an adjacent residentially zoned property or a public street.
9. A preliminary landscape plan and site plan for the facility will be provided. A Preliminary Landscaping Plan will be submitted for approval prior to the public hearing.
10. Security fencing will be provided between the landscaping buffer and the solar facility.
11. Solar collector panels shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent structures.
12. The facility will be located on the east side of the property, as indicated.
13. Petitioner will comply with the plan requirements of Section 33-13-06 of the Baltimore County Zoning Regulations.
14. Parking is not provided for this unannexed facility.

- NO OBSERVED EVIDENCE OF THIS SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL AT THE TIME OF THIS SURVEY.
- BUILDINGS SHOWN ON ADJACENT PROPERTIES ARE PER BALTIMORE COUNTY GIS DATA.
- THE AREA ESTABLISHED FOR THE WIRELESS FACILITY BY ZONING CASES 85-358-X (GRANTED SEPT. 24, 1985) & 97-411-SFM (GRANTED MAY 20, 1997) IS NOT WITHIN THE SPECIAL EXCEPTION REQUEST AREA OF THE SOLAR FACILITY.

PETITIONER'S EXHIBIT 2A

SCALE: 1"=60'



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Baltimore County - My Neighborhood

