



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 27, 2023

Jason Vettori, Esquire – jvettori@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Exception
Case No. 2023-0215-X
Property: Dowell Lane

Dear Mr. Vettori:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dml

Enclosure

C: Michael Redding mr@ecasolar.com
Jeff Zigler jzigler@clsimail.com
Matthew Jennette – mjennette@gtaeng.com
Monica Leslie ml@ecasolar.com
Andrew Bunnell ab@ecasolar.com
Jack Rowland – jr@ecasolar.com
Erin Bogdanovich eb@ecasolar.com
Thomas Kneeshaw – ckgallery@aol.com

IN RE: PETITION FOR SPECIAL EXCEPTION*	BEFORE THE
(Dowell Lane)	
11th Election District	*
5th Council District	
Jane White	*
<i>Legal Owner</i>	
Kingsville Community Energy	
Initiative, LLC	*
<i>Lessee</i>	
	*
	Case No: 2023-0215-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 Jane White, legal owner and Kingsville Community Energy Initiative, LLC, lessee (the “Petitioners”) for the property located at Dowell Lane (the “Property”). The Petition for Special Exception was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §4F-102 *et seq.*, for a solar facility.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Expert engineer, Michael Redding, PE. of ECA Solar, environmental science expert, Matthew Jennette, and expert land/site planner, Jeffrey T. Zigler of CLSI attended the hearing on behalf of Kingsville Community Energy Initiative, LLC. Jason Vettori, Esquire of Smith, Gildea & Schmidt, LLC represented the Petitioners.

Kingsville Resident, Thomas Kneeshaw, testified in opposition to the proposed relief.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and from Development Plans Review (“DPR”) in conjunction with Department of Public Works and Transportation (“DPWT”) which comments will be addressed in the Order.

FINDINGS OF FACT

The property is approximately 16.6768 acres and is zoned RC 5. It has been previously used as farmland and most recently for the harvesting of hay. The subject site is located southwest of Dowell Lane in Kingsville, Maryland.

Michael Redding was the first witness to testify for the Petitioners, (Pet. Ex. 7). Mr. Redding has been the Director of Civil Engineering for ECA Solar for three years. Mr. Redding has been involved in the developing, designing and constructing over 300 solar energy facilities throughout the United States. Kingsville Community Energy Initiative, LLC is the entity that will be operating the proposed solar facility. Mr. Redding testified that the site was elected in that it was already relatively flat, already cleared farmland. The subject site is located in the surrounding area of Bradshaw Road, Dowell Lane and McCubbin Avenue. Aerial photographs depict a densely forested area to the north and west. There is a parcel to the southeast of the property that is also owned by Jane White and will be purchased by the contract purchaser that is not part of the Special Exception area. (Pet. Ex. 6) There is a residence located on the Dowell Lane, near the Northeast corner of the proposed site, and residences to the north of the property, on the opposite side of McCubbin Avenue. (Pet. Ex. 12) The Special Exception area is 117 feet from closest dwelling on Dowell Lane.

Mr. Redding explained that the proposed project will generate 1.5 megawatts of electricity. The solar facility will be a fixed-tilt type array with its orientation in an east-west direction with the panels fixed at a 25-degree tilt facing south. The array will be held in place using driven posts and no excavation will be required to construct foundations. Minor grading will be necessary to reduce slopes to less than 10 percent and to smooth out and fill in irregular spots from the generated for the current farming practice. The surface beneath the solar panels will be restored

to a vegetative grass meadow cover. The racking will be assembled on top of the foundation posts followed by the placement of panels. The project will consist of approximately 3,744 solar panels in total, one 20'x 90' concrete pad for electrical equipment, underground utility conduit which will travel underground off site to a BGE pole located on Bradshaw Road. An 8-foot-tall fence will surround the array and equipment. The array will be screened from public view using a 25-ft landscape buffer of evergreen trees and shrub vegetation along with a green, woven, mesh privacy fence. There is no smell emanating from the panels, and the "hum" of the converter which is akin to the noise made by a commercial air conditioner, which will be further muted by the construction of a wooden structure around it.

The access to the proposed facility will be located from an existing access entrance extending from Dowell Lane. The access will be improved with a 20-foot-wide drive and with a 16-foot gravel travel way. A hammer head turnaround will be provided to accommodate fire engines and utility trucks. The project will require 1 to 2 visits per quarter by a solar tech and or a landscaper. The proposed array will sit 6 feet off the ground on the low side and 15 feet on the high side. The Petitioners proposes the use of a galvanized knot-wire fence which is typically used by orchards and other agricultural farms. This type of fence allows for the migration of wildlife. The knot wire uses a 4 inch by 4 inch opening and there will be an 8-inch wide by 12 inch tall opening every one hundred feet to allow for pass through of larger wildlife such as foxes, rabbits and racoons.

Mr. Redding offered into evidence a Glare Analysis prepared by Barrett Energy Resources Group. Barret utilized the Solar Glare Hazard Analysis Tool ("SGHAT"). (Pet. Ex. 4) For this project, SGHAT was utilized to assess glare in motorist receptors traveling on Dowell Lane, McCubbin Avenue and Bradshaw/Pfeffers Road, as well as on nearby businesses and residences,

14 receptors were used in total. A modeling report showed that the project registered no glare on any of the receptors analyzed. (Pet. Ex. 4) The receptors, which were concentrated to the north and east of the project are shield from the property by a forested area preventing glare impacts. Glare on the first receptor which is closest to the project to the east, will be mitigated through the installation of an evergreen landscape screen.

In regard to the requirements in BCZR, §4F-104. Mr. Zigler opined that the solar facility is not encumbered by an agricultural preservation easement, an environmental preservation easement, or a rural legacy easement, or located in a Baltimore County historic district or on a property that is listed on the Baltimore County Final Landmarks List. (BCZR, §4F-104.A.1 and 2) The above-ground components of the solar facility, including solar collector panels, inverters, and similar equipment, are set back a minimum of 50 ft. from the tract boundary. (BCZR, §4F-104.A.4). Mr. Zigler further clarified that the project will produce less than 2 megawatts, there are currently less than 10 solar facilities located within this councilmanic district and no structures will exceed 20 feet. (BCZR, §4F-104.A.5).

In regard to the installation of a landscaped buffer for adjacent residential properties, Mr. Jennette prepared illustrative renderings of the subject site with proposed landscaping. (Pet. Ex 2 a-g). A final landscape Plan will be filed with the County at a later date. In addition to the natural forest buffer already present on the site, the Petitioners have proposed an additional planting of staggered evergreens to further shield the residential properties to the north of the site off of McCubbin Avenue, and to the northeast of the site, including the Pearce Property. (Pet. Ex 3A). While the Department of Planning recommended the use of a black vinyl chain link fence, the Petitioners have proposed the use of a galvanized knot-wire fence typically used by orchards and agricultural farms that will better blend with the natural pine tree buffer in these areas. This

fencing is still in compliance with BCZR 4F-104.A.7 . There is no lighting proposed for the facility. Lastly, the Site Plan is in compliance with BCC 33-1-108 (BCZR, 4F-104.A.9).

In regard to the Special Exception factors, BCZR, §502.1, Mr. Redding, Mr. Jennette and Mr. Zigler, together opined that the solar facility will not be detrimental to the health, safety or general welfare of the locality involved and stated that other than the solar panels which are ground mounted there are no impervious surfaces or lighting to be installed. The facility will be designed in accordance with the National Electric Code and the National Forest Protection Act. The facility will be constructed with a gang-operated -air-brake (“GOAB”) as well as a recloser that allows the emergency disconnection of the facility from the grid that can be operated either manually or remotely. The solar array will be interconnected with the existing electric distribution lines that are located at the intersection of Dowell Lane and Bradford Road and an electrical conduit inserted. The conduit lines will remain underground will emerge above ground near a BGE pole on Bradford Road. The decibel level of the inverter equipment is approximately 50 dba and produces a slight hum. The hum is inaudible at a distance of 100 feet or greater. A wooden sound attenuating structure will be constructed on the north and east sides of the electrical equipment pad to further mute any noise.

The proposed use will not create congestion in roads, streets or alleys therein or tend to overcrowd the land or cause undue concentration of population because there are at most, seasonal trips to the solar facility per month for landscaping and lawn maintenance. Mr. Redding clarified that this is not a use which will generate people coming to the Property because the solar facility will be unoccupied. Access to the solar facility will be gained through Dowell Lane. No off-street parking spaces or parking lots or loading areas are proposed.

Mr. Jennette testified that the use will not create a potential hazard from fire, panic or other danger. The facility will be equipped with a quick-entry key system so the fire department can access the facility and provides adequate turn around for emergency equipment. The solar facility will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. Mr. Redding testified that the project will place no demands on the municipal services. The operation of the solar facility is minimal, under normal operation, visits to the facility include quarterly performance checks by a solar technician as well as by a landscaper for lawn and buffer maintenance. No off-street parking spaces or parking lots or loading areas are proposed. The project will use various low-impact development strategies to reduce water runoff and minimize impacts to water quality. The vegetative grassed meadow will provide substantial capacity to infiltrate rainwater and filter runoff before entering nearby streams or public facilities.

At 15 ft. maximum height and separated from residential properties, the solar facility will not cast shadows or block air flow, and therefore will not interfere with adequate light and air. Mr. Jennette opined that the proposed solar facility is consistent with the purposes of the property's zoning classification and not in any way inconsistent with the spirit and intent of BCZR, 4F as it is specifically permitted by Special Exception in an RC5 zone. The solar facility is also consistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations as rain water will flow off the solar panels and will sink into the ground. There is no impermeable surface which will increase water flow.

Mr. Jennette testified that the use will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an RC5 zone, as environmental resources will be protected by way of recorded easements. He

also explained the Petitioner will be entering into an additional forest conservation easement to the west of the property to preserve 4.7 acres of the property's forested character. Petitioners entered into evidence correspondence from the Department of Environmental Protection and Sustainability ("DEPS") confirming its approval of the Forest Stand Delineation, revised Wetland Delineation Verification, revised Steep Slope and Erodible Soils Analysis. DEPS suggested a minor change to the forest buffer limits to which the Petitioners will comply. (Pet. Ex. 11) Mr. Zigler also confirmed that in keeping with the DEPS ZAC comment, that an existing well will be backfilled and a well abandonment report will be submitted.

Kingsville resident, Thomas Kneeshaw, of 11 Kings Glen Court, Kingsville, Maryland 21087 testified in opposition of the Petitioners' Request for Special Exception. Mr. Kneeshaw explained that although he lives approximately a mile and a half from the subject site, he feels that the three already existing solar facilities in the Kingsville Area are enough. He explained that there are other facilities within a ¾ mile radius of the proposed facility and that the proposed solar facility is incompatible with the historic nature of the Kingsville Community. He further noted that the proposed facility was in close proximity to the historic St. Stephen Church. He explained that he had looked up Kingsville Community Energy Initiative, LLC on the State Department of Assessment and Taxation ("SDAT") business entity database and found the LLC is not to be in "good standing." No documentation regarding this issue was offered into evidence.

DECISION

On July 17, 2017, the County Council enacted Bill 37-17 permitting solar facilities by special exception in certain zones, including RC6. BCZR, §4F-102.A. The County Council imposed limits on the number of facilities per Councilmanic District (*i.e.* 10 per district), and on the maximum area for each facility (*i.e.* the amount of acreage that produces no more than 2

megawatts alternating current (AC) of electricity). BCZR, §4F-102.B.1 and 2. The Permits, Approvals and Inspections (“PAI”) maintains a list of applications, Orders approving or denying solar facilities and number of building permits issued per Councilmanic District.

In addition to the Special Exception factors, there are 10 requirements set forth in BCZR, §4F-104.A:

1. The land on which a solar facility is proposed may not be encumbered by an agricultural preservation easement, an environmental preservation easement, or a rural legacy easement.
2. The land on which a solar facility is proposed may not be located in a Baltimore County historic district or on a property that is listed on the Baltimore County Final Landmarks List.
3. The portion of land on which a solar facility is proposed may not be in a forest conservation easement, or be in a designated conservancy area in an RC 4 or RC 6 Zone.
4. Aboveground components of the solar facility, including solar collector panels, inverters, and similar equipment, must be set back a minimum of 50 feet from the tract boundary. This setback does not apply to the installation of the associated landscaping, security fencing, wiring, or power lines.
5. A structure may not exceed 20 feet in height.
6. A landscaping 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. Screening of state and local scenic routes and scenic views is required in accordance with the Baltimore County Landscape Manual.
7. Security fencing shall be provided between the landscaping buffer and the solar facility.
8. A solar collector panel or combination of solar collector panels shall be designed and located in an arrangement that minimizes glare or reflection onto adjacent properties and adjacent roadways, and does not interfere with traffic or create a safety hazard.
9. A petitioner shall comply with the plan requirements of § 33-3-108 of the County Code.
10. In granting a special exception, the Administrative Law Judge, or Board of Appeals on appeal, may impose conditions or

restrictions on the solar facility use as necessary to protect the environment and scenic views, and to lessen the impact of the facility on the health, safety, and general welfare of surrounding residential properties and communities, taking into account such factors as the topography of adjacent land, the presence of natural forest buffers, and proximity of streams and wetlands.

There are also provisions regarding maintenance of the facilities:

§ 4F-106. - Maintenance.

A. All parties having a lease or ownership interest in a solar facility are responsible for the maintenance of the facility.

B. Maintenance shall include painting, structural repairs, landscape buffers and vegetation under and around solar panel structures, and integrity of security measures. Access to the facility shall be maintained in a manner acceptable to the Fire Department. The owner, operator, or lessee are responsible for the cost of maintaining the facility and any access roads.

C. Appropriate vegetation is permitted under and around the solar collector panels, and the tract may be used for accessory agricultural purposes, including grazing of livestock, apiculture, and similar uses.

D. The provisions on this section shall be enforced in accordance with Article 3, Title 6 of the County Code.

In order to grant a request for a special exception under BCZR, §502.1, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;

- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

In *Schultz v. Pritts*, 291 Md. 1, 22-23, 432 A.2d at 1331 (1981), the Court of Appeals held that “the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and therefore should be denied, is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.”

The Court of Appeals in *People’s Counsel for Baltimore County v. Loyola College in Md.* 406 Md. 54, 106, 956 A.2d 166 (2008) upheld that longstanding *Shultz* analysis, explaining that a special exception use has “certain [inherent] adverse effects....[which] are likely to occur”. In its analysis, the *Loyola* Court observed that “[t]he special exception adds flexibility to a comprehensive legislative zoning scheme by serving as a ‘middle ground’ between permitted use and prohibited uses in a particular zone.” *Id.*, 406 Md. at 71, 956 A.2d at 176 (2008).

The *Schultz* and *Loyola* Courts, and more recently in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285 (2017) have expressly recognized that “[a] special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity.” (See also *Loyola*, 406 Md. at 84, 88; 105 *Schultz*, 291 Md. at 11). Based on this standard, once an applicant puts on its *prima facie* evidence in support of a special exception, the opponents must then “set forth sufficient evidence to indicate that the proposed [use] would have any adverse effects above and beyond those inherently associated with such use under the *Schultz* standard.” *Attar*, 451 Md. at 287. (See *Montgomery County v. Butler*, 417 Md.271, 276-77 (2010) (opponent

must show “non-inherent adverse effects” to “undercut the presumption of compatibility enjoyed by a proposed special exception use”). (*See also, Clarksville Residents Against Mortuary Defense Fund, Inc. v. Donaldson Properties*, 453 Md. 516, 543 (2017) (“there is a presumption that the [special exception] use is in the interest of the general welfare, a presumption that may only be overcome by probative evidence of unique adverse effects”).

Without repeating the uncontroverted evidence provided above, I find that the Petitioners have met each of the requirements in BCZR, §4F-104.A.1-9, as well as each of the Special Exception factors in BCZR, §502.1. The Glare Analysis Report confirmed that the proposed solar facility will not produce any glare on the adjacent homes or on adjacent roadways as discussed in BCZR, §4F-102.A.8. Based on the evidence presented, I find that the proposed solar facility here will be granted, subject to the conditions imposed in the Order.

THEREFORE, IT IS ORDERED this **27th** day of **December, 2023** by this Administrative Law Judge, that the Petition for Special Exception from the BCZR, §502.1, §4F-102 *et seq.* and §4F-104 *et seq.*, for a solar facility as set forth on the Site Plan (Pet. Ex. 1), be, and it 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 its 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. The Site Plan (Pet. Ex. 1) shall be incorporated into and made a part of this Opinion and Order.
3. Petitioners must comply with the DOP comments, a copy of which are attached hereto and made a part thereof, except as follows:
 - a. Petitioners will be permitted to use a green, woven mesh covering on the fencing in the areas that buffer residential properties. (See fence photo in Pet.

Ex. 2) Petitioners will also be permitted to use a galvanized knot-wire fence typically used by orchards and agricultural farms to surround the property.

4. Per the condition requested by DEPS:
 - a. Prior to building permit approval any existing wells must be backfilled by a licensed Master Well Driller who must submit a well abandonment report to DEPS.
5. Prior to permitting, Petitioners must address with DPW&T its November 6, 2023 ZAC comment which is attached hereto and made a part thereof.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address Dowell Lane Currently Zoned RC 5
Deed Reference 38909 / 00070 10 Digit Tax Account # 1116075940
Owner(s) Printed Name(s) Jane P. White

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☒ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
See attached.
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 HEARING

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

I / we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

Todd Fryatt, Manager of Kingsville Community Energy Initiative LLC

Name - Type or Print Todd Fryatt
Signature [Signature]
203 Crescent St., Ste 106 Waltham MA
Mailing Address City State
02453 / 603-494-6801 / mr@ecasolar.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Jane P. White /
Name #1 - Type or Print Name #2 - Type or Print
Jane P. White /
Signature #1 Signature #2
201 Prospect Mill Road Bel Air MD
Mailing Address City State
21015 / /
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Jason T. Vettori
Name - Type or Print Jason T. Vettori
Signature [Signature]
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 / (410) 821-0070 / jvettori@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Jason T. Vettori
Name - Type or Print Jason T. Vettori
Signature [Signature]
600 Washington Ave., Ste 200 Towson MD
Mailing Address City State
21204 / (410) 821-0070 / jvettori@sgs-law.com
Zip Code Telephone # Email Address

Case Number 2023-0215-X Filing Date 10/17/2023 Do Not Schedule Dates Reviewer [Signature]

ATTACHMENT TO PETITION FOR ZONING HEARING

Dowell Lane (Tax ID No. 1116075940)

Case No.: 2023-_____-_____

Special Exception relief for:

1. A solar facility as provided in BCZR § 4F-102; and
2. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

439 East Main Street
Westminster, MD 21157-5539



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Voice: 410.848.1790
Fax: 410.848.1791

Tax ID # 11-1116075940

SCHEDULE "A"
DESCRIPTION OF PARCEL 310
South of Bradshaw Road, West of Pfeffers Road
Near Kingsville, Election District No. 11, Baltimore County, Maryland

October 9, 2023

BEGINNING FOR THE SAME at a Stone found, said Stone being at the end of the 1st or S 02° 31' 40" E 797.94 foot line of the tract of land described in a deed by and between Louis Leo Rutkowski, Charles Leonard Rutkowski, James B. Taylor, Sr., aka James B. Taylor, aka James Brice Taylor Sr., Nancy Rutkowski Ertwine aka Nancy Lee Rutkowski Ertwine, Edward F. Rutkowski, Jr. unto The Maryland Transportation Authority, dated August 27, 2009 and recorded among the Land Records of Baltimore County, Maryland in Liber 28793, Folio 257; thence, running reversely and binding with a portion of said 4th line of Liber 28793, Folio 257, as surveyed by CLSI, with all bearings herein being referenced to the Maryland Coordinate System (NAD'83-1991), as follows,

1. **N 04° 52' 08" W for 369.62 feet** to a Stone found, said Stone being at the end of the 4th or S 81° 25' E 646.9' foot line of the tract of land described in a deed by and between William D. McLaughlin and Camile P. McLaughlin unto Deborah L. Skillman and Abigail Skillman, dated July 11, 2018 and recorded among said Land Records in Liber 40458, Folio 336; thence, leaving said 1st line of Liber 28793, Folio 257 and running reversely and binding with said 4th line of Liber 40458, Folio 336,
2. **N 72° 38' 24" E for 565.81 feet** to a Stone found, said Stone being at the beginning of the S 81° 30' E 85 perches line of Plat entitled McCubbin Park recorded in said Land Records in Plat Book 7 at Page 160, said Stone also being at the beginning of the 4th or S 81 1/2° E 85 perches line of the tract of land described in a deed by and between Edward Donaldson and Florence E. Donaldson unto George B. Monmonier and Annie L. Monmonier, dated March 30, 1918 and recorded among said Land Records in Liber 497, Folio 97; thence, leaving said 4th line of Liber 40458, Folio 336 and binding with a portion of said S 81° 30' E 85 perches line of said Plat and a portion of the 4th line of said Liber 497, Folio 97,
3. **S 87° 54' 44" E for 449.16 feet** to a Rebar and Cap set, said Rebar and Cap being at the northwestern end of Dowell Lane; thence leaving said Plat line and said 4th line of Liber 497, Folio 97, and binding on said northwestern end of Dowell Lane,
4. **S 02° 05' 16" W for 20.19 feet** to a Mag Nail found, said Mag Nail being at the end of the 3rd or N 05° 30' E 186-88/100 foot line of the tract of land described in a deed by and between Bank of New York Mellon, formerly known as Bank of New York, as Trustee for the certificatesholders CWALT, Inc unto James H. Pearce, III, Penny J. Pearce and James H. Pearce, Jr., dated August 28, 2009 and recorded among said Land Records in Liber 28759, Folio 405; thence, leaving said the northwestern end of Dowell Lane and running reversely and binding with said Liber 28759, Folio 405 the next two (2) lines,
5. **S 02° 47' 41" E for 186.92 feet** to a Rebar and Cap found; thence,

439 East Main Street
Westminster, MD 21157-5539



Page 2 of 2

Voice: 410.848.1790
Fax: 410.848.1791

Tax ID # 11-1116075940

6. **S 85° 13' 17" E for 199.12 feet** to a Rebar and Cap found, said Rebar and Cap being on the 4th or S 24° 36' W 539.03 foot line of the tract of land described in a deed by and between Robert R. White, Sr. unto Robert R. White, Sr. and Jane P. White, dated April 12, 2017 and recorded among said Land Records in Liber 38909, Folio 70; thence, leaving the 2nd line of said Liber 28759, Folio 405 and binding with a portion of the 4th, the 5th and 6th of said Liber 38909, Folio 70,
7. **S 14° 27' 43" W for 338.96 feet** to a Rebar and Cap set; thence,
8. **N 83° 57' 08" W for 292.64 feet** to a Rebar and Cap set; thence,
9. **S 06° 09' 57" E for 354.77 feet** passing over a 5/8" Iron Pipe found at the end of 174.75 feet to a Rebar and Cap found, said Rebar and Cap being at end of the 3rd or S 02° 16' W 354-13/100 foot line of the tract of land described in a deed by and between Paul Murray, Personal Representative of the Estate of Catherine D. Murray unto Paul Murray, dated April 8, 2009 and recorded among said Land Records in Liber 27902, Folio 128, said Rebar and Cap being also being on the 3rd or S 74° 08' 00" E 931.50 foot line of the tract of land described in a deed by and between Louis Leo Rutkowski, Charles Leonard Rutkowski, James B. Taylor, Sr., aka James B. Taylor, aka James Brice Taylor Sr., Nancy Rutkowski Ertwine aka Nancy Lee Rutkowski Ertwine, Edward F. Rutkowski, Jr. unto The Maryland Transportation Authority, dated August 27, 2009 and recorded among said Land Records in Liber 28793, Folio 257; thence, leaving said 3rd line of Liber 28759, Folio 405 and running reversely and binding with said Liber 28793, Folio 257 the next two (2) lines,
10. **N 82° 34' 07" W for 444.47 feet** to a Rebar found; thence,
11. **N 52° 34' 55" W for 486.05 feet** to the **POINT OF BEGINNING** and containing **726,439 square feet** or **16.6768 Acres** of land, more or less, as shown on **Schedule 'B'** attached hereto and made part thereof by this reference.

BEING that same tract of land as described in a deed by and between Robert R. White, Sr. unto Robert R. White, Sr., and Jane P. White, dated April 12, 2017 and recorded among the Land Records of Baltimore County, Maryland in Liber 38909, Folio 70 as Parcel 1 (Acct. No. 11-1116075940) 2nd Parcel and also being a portion of the 1st parcel of said Parcel 1 (Acct. No. 11-1116075940).

This metes & bounds description and the work reflected in it were prepared by me or under my responsible charge and comply with the requirements set forth in the Maryland Minimum Standards for Professional Land Surveyors (COMAR 09.13-06.08 and .12).

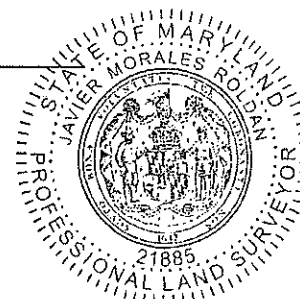
Javier Morales Roldan

10/9/23

Javier Morales Roldan

Date

Professional Land Surveyor, Maryland Registration No. 21885
My License expires August 09, 2025.



**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 fifteen (15) 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: 2623-0215-X

Property Address: Dowell Lane

Property Description: Tax Account No. 1116075940 (Southwest Side of Dowell Lane)

Legal Owners (Petitioners): Jane P. White

Contract Purchaser/Lessee: Kingsville Community Energy Initiative LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jack Rowland

Company/Firm (if applicable): Kingsville Community Energy Initiative LLC

Address: 282 Moody Street, #202

Waltham, MA 02453

Telephone Number: (781) 812-6082 or jr@ecasolar.com

Revised 5/20/2014

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

No. 226688

Date: 10/17/2020

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$ 500

Total: \$ 500

Rec
From:

ECA Solar LLC

For:

Special Exception Filing
Dowell Lane

Zoning Case No. 2023-0215-X

MTK

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND
THE DAILY RECORD

Affidavit of Publication

To: Kingsville Community Energy Initiative, LLC - Jack Rowland
282 Moody Street, , #202
Waltham, MA, 02453

Re: Legal Notice 2558529,
CASE NUMBER: 2023-0215-X

We hereby certify that the annexed advertisement was
published in Maryland The Daily Record, a Daily newspaper
published
in the State of Maryland 1 time(s) on the following date(s):
11/30/2023

By



Joy Hough
Authorized Designee of the Publisher

Baltimore County

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2023-0215-X

Dowell Lane

Southwest side of Dowell Lane

11th Election District - 5th Councilmanic District

Legal Owner: Jane White

Contract Purchaser/Lessee: Kingsville Community Energy Initiative, LLC

Special Exception for a Solar Facility as provided in BCZR, Sec. 4F-102 and for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, December 20, 2023 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

n30 2558529

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/3/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0215-X

INFORMATION:

Property Address: Dowell Lane
Petitioner: Jane P. White
Zoning: RC 5
Requested Action: Special Exception

The Department of Planning has reviewed the petition for the following:

Special Exception relief for-

- a. A solar facility as provided in the BCZR Section 4F-102; and
- b. For such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

The property is located in the surrounding area of Bradshaw Road, Dowell Lane and McCubbin Avenue. The property encompasses approximately 16.68 acres of land and is zoned as RC 5. Currently, it is unimproved with forest. Factories, residential dwellings, farms and forest conservation characterize the surrounding area.

The establishment of the RC 5 zoning classification was a direct response to concerns surrounding inefficient and disorderly rural-residential development, as well as the inadequate sizing of lots for on-lot sewer and water systems. These issues have the potential to impose significant financial burdens and compromise the safety and well-being of local residents. The primary objective of designating specific areas suitable for rural-residential development is to channel future growth towards these designated regions and prevent chaotic and unplanned development patterns. The RC 5 zoning classification effectively serves this purpose by providing appropriate areas for rural-residential development, minimizing encroachments on natural resources, and enforcing minimum lot sizes to ensure the effective functioning of on-lot sewer and water systems.

The requested relief for a Special Hearing for a solar facility does not appear to pose any risks to the character of the RC 5 zoning classification. Therefore, the Department of Planning does not object to the requested relief and defers the final decision to the Administrative Law Judge. However, it should be noted that the applicant must ensure the proposed solar facility complies with the following:

1. Proposed perimeter fence shall be black vinyl coated chain-link fence.

2. Submit a solar glare analysis and letter from an expert of the solar company confirming the finding of said analysis and that glare will not impact the surrounding residential properties and the public road
3. 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.
4. 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.
5. Signage shall be limited to that which is necessary for safety and security purposes.
6. 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.
7. 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.
8. 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 any visual impact of the special exception proposal.

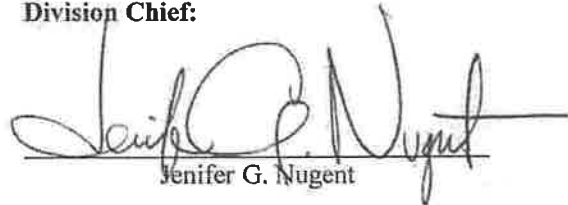
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

c: Jason T. Vettori
Joe Wiley & Abigail Rogers, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: November 6, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0215-X
Address: Dowell Lane
Legal Owner: Jane White

Zoning Advisory Committee Meeting of November 6, 2023.

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

1. If the zoning variance is granted, Groundwater Management requests that it be conditioned to include the following:
 - a. Prior to building permit approval any existing wells must be backfilled by a licensed Master Well Driller who must submit a well abandonment report to DEPS.

Reviewer: Rochelle V. Underwood, Groundwater Management

2. Development of the property must comply with all requirements of Baltimore County Code, Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains.
3. Development of this property must comply with Baltimore County Code, Article 33, Title 6, Forest Conservation.

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
MCZ
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For November 6, 2023
Item No. 2023-0215-X

DATE: November 6, 2023

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

DPW&T Comments:

- A) An ultimate land use conditions riverine flood study meeting the Baltimore County Department of Public Works and Transportation (DPWT) Design Manual and the Baltimore County Department of Permits, Approvals, and Inspections (PAI) Bureau of Development Plans Review Policy Manual is required and must be submitted to PAI to be "Accepted for Filing". The applicant may be required to apply for a Zoning Hearing with the Administrative Law Judge to obtain a waiver to Baltimore County Code 32-4-414 and 32-8.

Landscape & Open Space comments:

Need detailed site plan for review prior to hearing.

VKD: jk



1st SIGN

2ND SIGN

POSTED @ DOWELL LANE ~ 11/29/2023

CASE # 2023-0215-X

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/29/2023

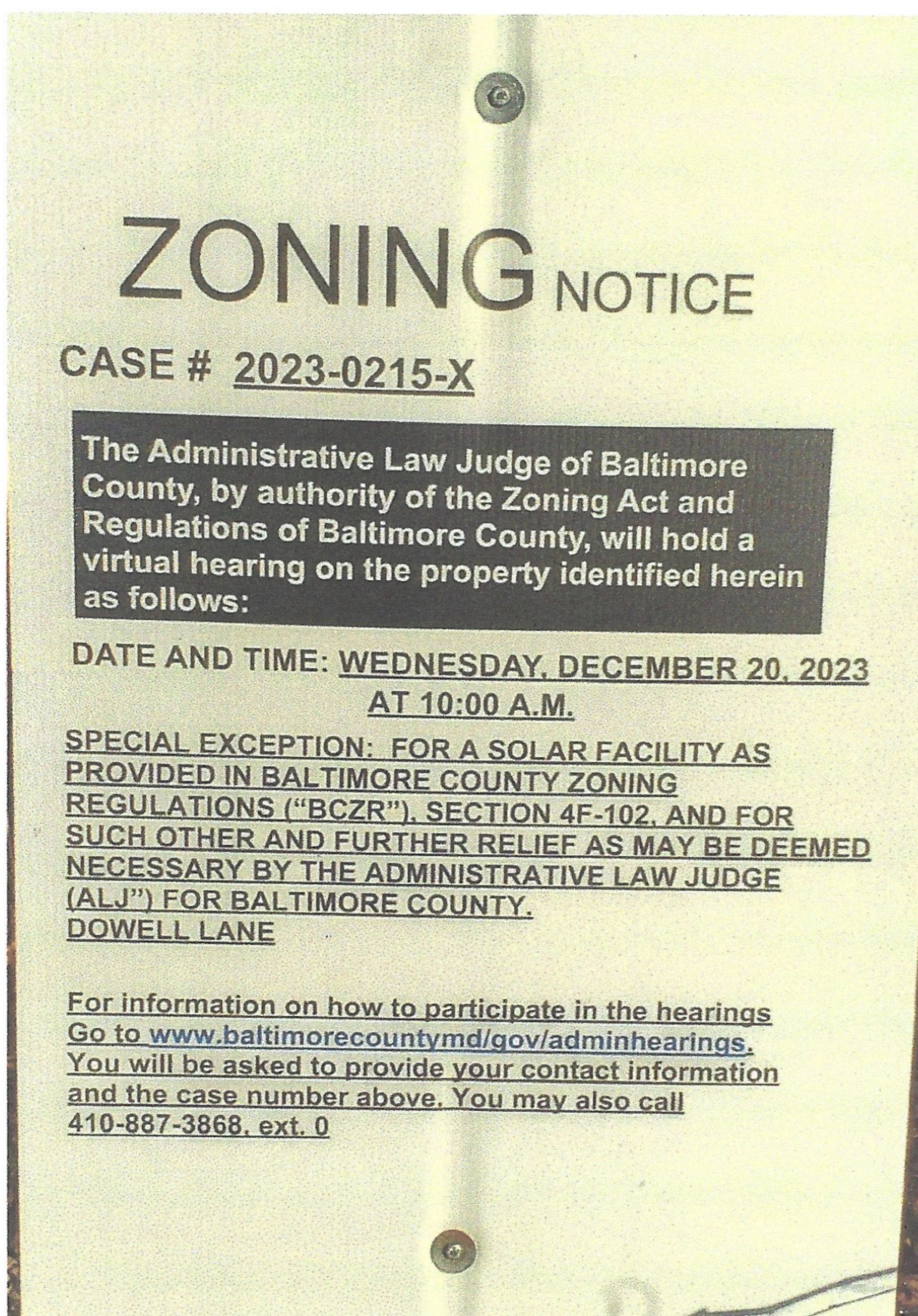
Case Number: 2023-0215-X

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC

Date of Hearing: DECEMBER 20, 2023

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:
DOWELL LANE – (ON-SITE)

The sign(s) were posted on: NOVEMBER 29, 2023



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, MD 21030
(City, State, Zip of Sign Poster)

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: November 6, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0215-X
Address: Dowell Lane
Legal Owner: Jane White

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Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/3/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0215-X

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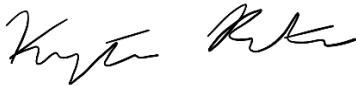
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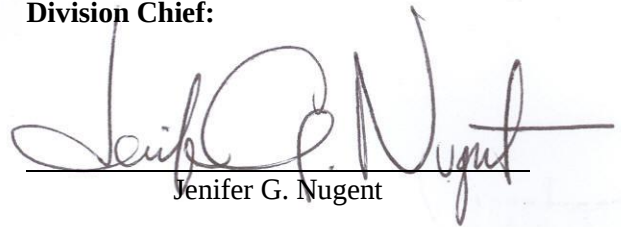
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Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jason T. Vettori
Joe Wiley & Abigail Rogers, Community Planners
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Identifier: District - 11 Account Number - 1116075940

Owner Information

Owner Name: WHITE ROBERT R SR Use: AGRICULTURAL
WHITE JANE P Principal Residence: NO
Mailing Address: 11829 STONEY BATTER RD Deed Reference: /38909/ 00070
KINGSVILLE MD 21087-1251

Location & Structure Information

Premises Address: DOWELL LN Legal Description: 20.902 AC W
KINGSVILLE 21087- END DOWELL LANE
115 N PFEIFFER ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0064 0009 0310 11010005.04 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
20,9000 AC 05

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
/

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	7,800	7,800		
Improvements	5,600	5,600		
Total:	13,400	13,400	13,400	
Preferential Land:	7,800			

Transfer Information

Seller: WHITE ROBERT R	Date: 05/01/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /38909/ 00070	Deed2:
Seller: WHITE ROBERT R A G USE 83-84	Date: 07/27/1982	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06417/ 00237	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00	0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0215-X

Baltimore County - My Neighborhood

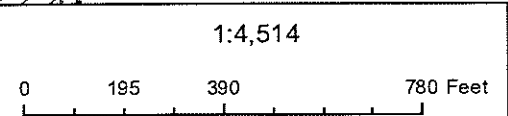


RC 7

RC 5

Legend 2023-0215-X

- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary



Sources: Esri, HERE, Garmin, Intermap, increment P., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, Swisstopo, The Swedish Land Survey, Esri, Swisstopo, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

October 18, 2023

- MAG NAIL FOUND
- IRON PIPE FOUND
- ⊗ REBAR AND CAP SET
- ⊙ REBAR AND CAP FOUND
- REBAR FOUND
- STONE FOUND

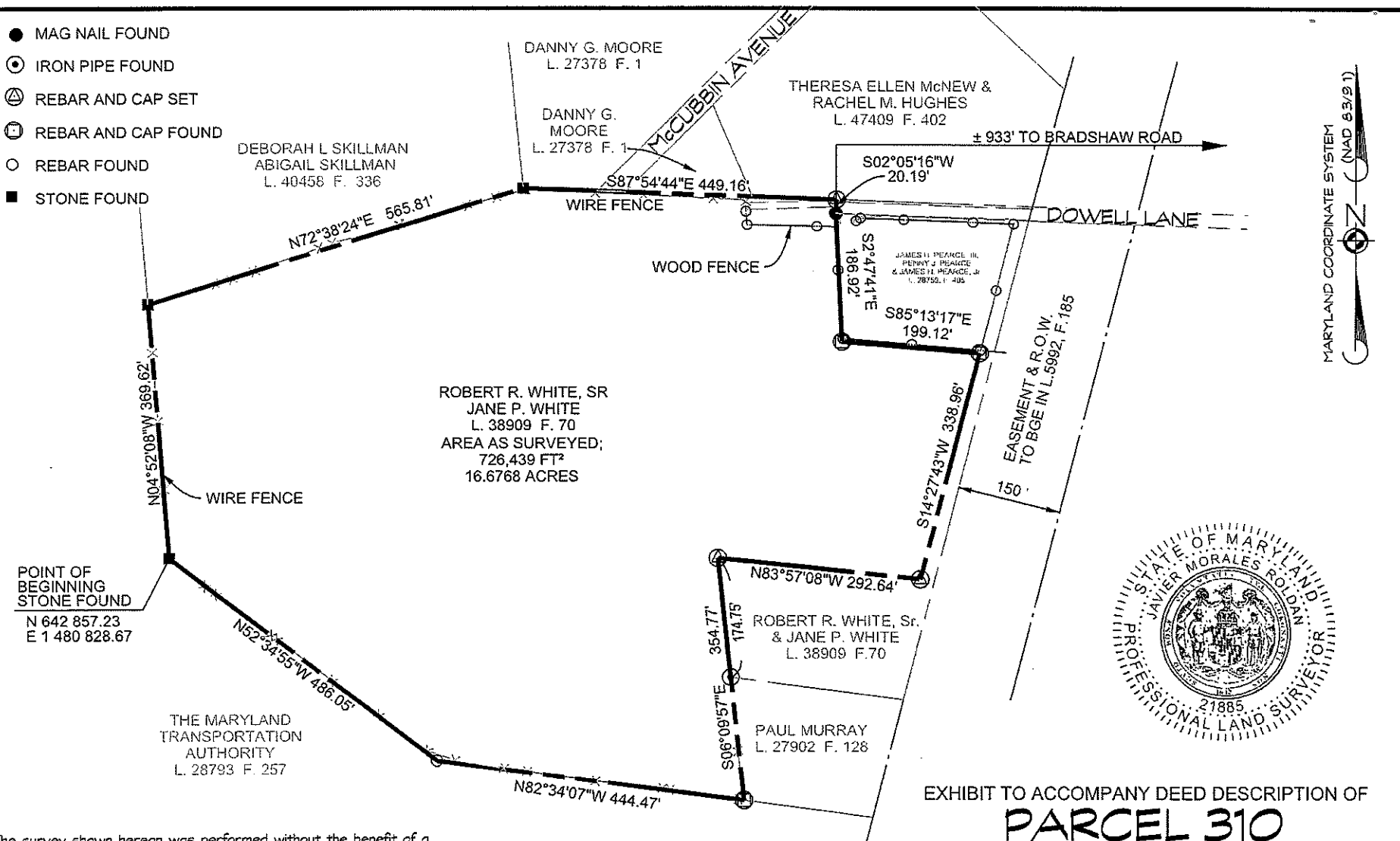


EXHIBIT TO ACCOMPANY DEED DESCRIPTION OF
PARCEL 310
 DOWELL LANE, KINGSVILLE MD
 ELECTION DISTRICT 11 * BALTIMORE COUNTY
 MAP 64* GRID 9* PARCEL 310

The survey shown hereon was performed without the benefit of a title search by an expert abstractor. The title information shown hereon was derived from information provided to the surveyor at the time of preparation of this plan, along with limited online research performed by CLSI. No representations are made by the undersigned surveyor as to the existence or location(s) of any other conveyances, easements, rights of way, or encumbrances beyond any as shown hereon.

By: *Javier Morales Roldan* Date: *10/9/23*
 Javier Morales Roldan Professional Land Surveyor No. 21885
 License expires August 09, 2025

A licensed Maryland Surveyor either personally prepared this Boundary Survey or was in responsible charge over its preparation and the surveying work reflected in it, in compliance with the Maryland Minimum Standards of Practice for Land Surveyors. (COMAR 09-13-06.03, .06 AND .12)



439 East Main Street Westminster, MD 21157-5539
 (410) 848-1790 FAX (410) 848-1791

DRAWN BY:	JS
DESIGN BY:	
REVIEW BY:	JMR
DATE:	10-4-23
SCALE:	1" = 200'
JOB NO	20221918
SHEET:	1 OF 1

