

IN THE MATTER OF
WOODENSBURG LAND and CATTLE CO., LLC
- Legal Owner
SGC POWER, LLC - Lessee
5298 Frye Road
Reisterstown, MD 21136

RE: Petition for a Solar Facility and
Request for Limited Exemption

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case Nos. 17-107-X
* and CBA-19-018

* * * * *

OPINION

This case comes before the Board on appeal of the final decision of the Administrative Law Judge (“ALJ”) in which the ALJ granted a Petition for a Solar Facility, with conditions, by Opinion and Order dated December 5, 2018. Protestants, Timothy and Elizabeth Fales, Santo and Debra Mirabile, Patrick and Thanikan Fales, Paul Merritt and Melissa DePinho, Patrick Little, Sandra Brown, James and Juli Wolf (collectively the “Protestants”) filed an appeal.

A public hearing was held before this Board on May 2, 2019, July 23, 2019 and July 25, 2019. The Petitioners, Woodensburg Land and Cattle Company, LLC and SGC Power, LLC (the “Petitioners”) were represented by Lawrence E. Schmidt, Esquire and Smith, Gildea & Schmidt, LLC. The Protestants were represented by G. Macy Nelson, Esquire. A public deliberation was held on September 26, 2019.

Factual Background

The subject property is located at 5298 Frye Road in the Reisterstown area of Baltimore County, Maryland. It is unimproved and consists of 19.68 acres+/- on the east side of Hanover Pike, Maryland Route 30 (the “Property”). It is zoned RC2. Hanover Pike has been designated by Baltimore County as a “scenic route” and runs in a north-south direction. The Property was

previously used as a farm but no farming activities presently take place there. On the southern end of the Property is a private driveway known as Frye Road.

The Petitioners are proposing to use 15 acres of the 19.68 acres for a solar facility pursuant to Baltimore County Zoning Regulations (“BCZR”), Article 4F. The solar facility will generate less than 2.0 Mw of alternating current (AC) electricity. There are floodplain areas as marked on Petitioners’ Site Plan (Pet. Ex. 1). A forest buffer was delineated and approved by Department of Environmental Protection and Sustainability (EPS). (Pet. Ex. 8).

Petitioners are also requesting a limited exemption from the development process under BCC, §32-106(a)(1)(vi) for a “minor commercial structure.”

Solar Facilities Law

On July 17, 2017, the County Council enacted Bill 37-17 permitting solar facilities by special exception in certain zones, including RC2, RC4, RC5, and RC8. 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 two.)

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.

A solar facility which has reached the end of its useful life must be removed in accordance with §4F-107.

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, "[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").

Protestants' Motion to Dismiss

On May 1, 2019, Protestants filed a motion styled "Motion for Summary Disposition to Deny the Application for Special Exception" as well as an accompanying Memorandum of Law. It was the Protestants' position that the County Council, in enacting Special Regulation 4F – Solar

Facilities, failed to add solar facilities to the list of special exception uses in RC2 zones found in BCZR, §1A01.2(C). Because of this alleged error, they contend that Section 4F cannot independently authorize a solar facility by special exception use.

This Board unanimously denies the Motion. We read BCZR, §1A01.2(C) as being a general regulation whereas BCZR, §4F is a special regulation. Accordingly, we interpret Section 4F as taking precedent over BCZR, §1A01.2(C). In addition, we accept Petitioner's argument that the County Council may have deliberately decided not to amend the list of uses permitted in the RC2 zone because the number of solar facilities is limited to 10 per councilmanic district. We are persuaded by this logic because, after permits for 10 facilities per district have been issued, solar facilities will no longer be permitted. We also find persuasive Petitioners' response that when the County Council amended BCZR, Article 4B to provide regulations for tattoo businesses, the list of uses permitted in a MH zone was not amended to add these businesses.

As a result, the Motion to Dismiss is denied.

Evidence

Petitioner's case

The Petitioner had several witnesses who testified on its behalf in the merits of the case:

1. **Samuel Glenn Elseroad.**

Glenn Elseroad lives at 5423 Mount Gilead Road in Reisterstown. He is a member of Woodensburg Land & Cattle Company, LLC, which company holds title to the Property. Mr. Elseroad is a farmer and he, and/or his associated entities, own approximately 500 acres of farmland in Baltimore County, of which 375 is in an agricultural land preservation program. His grandfather owned the Property in 1923. Subsequently, Mr. Elseroad and his wife repurchased

the Property. They had been renting it out for farming until 3 years ago when it became apparent to Mr. Elseroad that deer were eating the crops.

Mr. Elseroad noted that the Property gets a southern exposure and has rolling hills which makes it suitable for a solar facility. He described a farm swale located in the center of the Property which is thick with fescue grass. This grass creates a mat through which storm water flows. He testified that the water is clear in color as it flows off the farm, without sediment.

2. Jack Copus– SGC Power, LLC.

Jack Copus testified as the representative of SGC Power, LLC (“SGC”) which is the holding company of Chesapeake Energy I, LLC (“Chesapeake Energy”). SGC is located at 6865 Deer Path Road, Elkridge, Md. Chesapeake Energy was formed to develop and operate the proposed solar facility. Mr. Copus acknowledged that neither SGC nor Chesapeake Energy will own this facility. It will be sold before permission is given to operate.

Mr. Copus has been employed with SGC for 4 ½ years where he works as an engineer. With a geography degree from Towson University, Mr. Copus holds a Leed certification. He has been involved with over 30 solar facility projects in Maryland. As part of his job duties, he is familiar with the Maryland Community Solar Energy Program. SGC has applied, and been accepted as, a subscriber entity in that program.

Mr. Copus explained that a lease of the Property would run for 20 years. Mr. Copus described that a prospective site must be located within the BGE area and must be cleared of trees in the area of the solar array in order to maximize energy production. In this case, the land was previously cleared for farming. (Pet. Ex. 2 and 3). As such, there will be no tree removal or grading.

He explained that the solar panels, which are proposed here, are fixed tilt panels, angled toward the southern exposure, requiring little maintenance. (Pet. Ex. 4). These particular panels do not rotate with the sun and thus, there are no moving parts. As a result, no noise will be generated. The height of the panels at full tilt is less than 8 feet. Each solar panel (1 module) measures 3.5 feet by 6.5 feet. There will be a 1-inch gap between each of the panels.

The sun's rays are absorbed by the silicone material on the panel to create direct current (DC) energy that is then converted into alternating current (AC) energy by an inverter. The energy from the inverter is then distributed to a grid connected to the existing distribution power lines along Hanover Pike. The proposed interconnection from the solar facility to the power lines is as shown on the Site Plan. (Pet. Ex. 1). Mr. Copus testified that this facility would generate 1.75 megawatts of AC electricity. This amount of AC electricity is projected to supply 250-300 homes with energy.

This facility will be unmanned. A team of two people will inspect the Property every 6 months to check the panels and cut the grass if needed. Neither traffic nor congestion will be generated by this use. (BCZR, §502.1.B). Rainwater cleans the panels so no chemicals will be applied. The panels are coated with a non-reflective glare substance to absorb the sun's rays while minimizing glare and reflection. There are no flammable materials contained within the parts of the solar facility. (BCZR, §502.1.C).

An 8-foot agricultural fence with pressure treated wood posts and steel wire will be erected around the facility as a security measure. (Pet. Ex. 5 and 6). The fence will not have barbed wire. The fence will be locked and marked as private property.

3. David Thaler, P.E.

David Thaler was qualified and accepted as a professional engineer and land surveyor with expertise in the requirements for solar facilities and BCZR, §502.1 - special exception factors. Mr. Thaler testified that the proposed special exception area for the solar facility would encompass 10 of the total 19.69 acre Property (the "Site Plan"). (Pet. Ex. 1, 2 and 3).

Mr. Thaler described the Property as gently sloping with the highest slope in the northwest corner measuring under 5%. He confirmed a drainage swale or agricultural channel in the middle of the Property and that this is a storm water management technique used by the farmer. The swale is not a wetland. Mr. Thaler walked the swale and it was dry. On two site visits, he took soil samples from the Property.

He explained that the diagnostic features for detecting a wetland are: (1) hydric soil which turns gray or black; (2) growth of specific plants (hydrophytes); and (3) hydrology present which make feet wet. Mr. Thaler opined that soil takes 30-50 years to demonstrate a wetland. It was Mr. Thaler's opinion that a solar facility is a good use for this soil because pesticides and herbicides used in farming will not be applied.

A floodplain was identified by Mr. Thaler on the Site Plan. (Pet. Ex. 1). Consequently, a forest buffer delineation was then setback from the floodplain and was marked on the Site Plan. (Pet. Ex. 1). The solar array area will not be located within the floodplain or within any environmental sensitive areas on the Property. On May 1, 2017, EPS approved the delineation (aka the 'Wetlands Delineation'). (Pet. Ex. 8). Access to the facility will be by way of Frye Road pursuant to a Declaration of Rights of Way filed in Land Records of Baltimore County, Liber 9509, page 139. (Pet. Ex. 13).

As to the requirements in BCZR, §4F-104.A, Mr. Thaler testified that there are no agricultural preservation, environmental or rural legacy easements on this Property under Subsection A.1. Additionally the Property is not located in a Baltimore County historic district or on the Baltimore County Final Landmarks List under Subsection A.2. Likewise, there is no forest conservation easement on the Property under Subsection A.3.

The Site Plan indicates that the 50-foot setback from the track boundary has been met under Subsection A.4. (Pet. Ex. 1). The height of the facility will be less than 8 feet in the back and no taller than 2 feet in front. Thus, the maximum height of 20 feet will not be exceeded as required under Subsection A.5.

With regard to Subsection A.6., a Schematic Landscape Plan was prepared under Mr. Thaler's supervision and was filed with the County. (Pet. Ex. 2). The installation of the solar facility in this case will not require grading or clearing of land as that area has already been cleared. No trees or existing vegetation will be removed. Mr. Thaler explained that there are three separate legal requirements for landscaping of solar facilities: (1) Section 4F-104A.6; (2) the Baltimore County Landscape Manual; and (3) the Comprehensive Manual of Development Policies ("CMDP").

The northern end of the Property is tree lined. In accordance with §4F-104A.6, the Petitioner will plant a landscaping perimeter buffer around the remainder of the Property as shown on the Landscaping Plan. (Pet. Ex. 2). Existing deciduous trees and those to be planted will soften the view of the facility from Hanover Pike and Frye Road.

The Landscape Manual dictates the number of planting units based on street frontage along Hanover Pike and Frye Road as well as the adjacent residential communities. Based on this, Mr. Thaler calculated 170 planting units are required and those plantings are represented on the Site

Plan. The Landscape Manual refers to the CMDP which requires landscaping screening along “scenic views.” Although Hanover Pike is not a scenic view, it is designated by Baltimore County as a “scenic route.” (Prot. Ex. 11). Nevertheless, the Landscape Plan provides a buffer along Hanover Pike in areas, which do not currently have vegetation in accordance with the CMDP.

Landscape is also proposed within the agricultural swale. In doing so, Mr. Thaler stated that one floodplain will be visually connected to the other. The Landscape Plan was designed to create a filter or diffused view of the facility to soften it. While the Landscape Plan was submitted to the County, it has not yet been approved. Notwithstanding the Zoning Advisory Comments (ZAC) dated July 18, 2018, Mr. Thaler stated that there was no requirement to fully screen the solar array but only to soften the view. (Prot. Ex. 11).

With regard to Subsection A.9, Mr. Thaler opined that the Site Plan contains all the information required under BCC, §33-3-108(c). (Pet. Ex. 1, 2 and 3).

As to the special exception factors, Mr. Thaler testified that the solar facility is a benign use in that it helps farm soil regenerate which is, in turn, useful to the health, safety or general welfare of the locality. Further, it is beneficial because it provides renewable, sustainable energy. He explained that any aesthetic complaints are inherent in solar facilities. (BCZR, §502.1.A).

As with Mr. Copus, Mr. Thaler stated that the facility will not create congestion in the roads, streets or alleys as there is no traffic generated by this use, save periodic maintenance. (BCZR, §502.1.B). Additionally, the facility will not create a fire hazard or other danger as solar facilities are regulated by the Fire Code and National Electric Code. There are four fire stations in the area namely: Upperco, Boring, Glyndon and Reisterstown. (BCZR, §502.1.C).

There is no overcrowding of the land or undue concentration of population because this use does not generate people in or out of the Property. (BCZR, §502.1.D). Likewise, Mr. Thaler

confirmed that there is no impact from this use on schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements because it is located outside the URDL. (BCZR, §502.1.E). Additionally, there is no interference with adequate light and air as the solar facility measures 8 feet at full tilt. It will not cast shadows over the adjacent residences. (BCZR, §502.1.F).

Mr. Thaler opined that the solar facility will not be inconsistent with the purpose of the Property's zoning classification nor in any other way inconsistent with the spirit and intent of the BCZR because the County Council has decided that solar facilities are permitted uses in the RC2 zones and it is important to offer solar power to residents. (BCZR, §502.1.G). This use does not prevent future farming of this Property as the racking system installed on steel poles are simply lifted out of the ground after it ceases to operate.

As to the consistency between solar facility and impermeable surface and vegetative retention provisions, Mr. Thaler reiterated that there will be no impermeable surfaces other than the panels. When rainwater falls onto the panels, it soaks into the grass between and beneath the panels. The Petitioner will submit a storm water management plan to the County. At that point, the County may or may not require additional storm water management techniques including level spreaders or dissipaters. (BCZR, §502.1.H).

Finally, Mr. Thaler testified that the solar facility will not be detrimental to the environmental or natural resources of the Property or vicinity, including forests, streams, wetlands aquifers and floodplains. (BCZR, §502.1.I). The solar facility will not be located in the designated forest buffer areas or within floodplains. There are no forest conservation easements, wetlands or streams on the Property. The special exception area is the cleared area which was previously used for farming. There is only temporary disturbance of the soil by the solar array because, after

removal of the poles supporting the solar panels at the end of the lease, the land may be returned to farming or other purposes. Accordingly, this use will not be detrimental or impact nearby farms.

With regard to the Petitioner's request for a limited exemption from the development process under BCC, 32-4-106(a)(1)(vi), Mr. Thaler's opinion was that this use qualifies as a "minor commercial structure." It was his opinion that the proposed facility is small or minor, and is commercial in nature. He stated that it should qualify for a full exemption under subsection (a)(1)(vi) because it would be pointless to have a development plan or a Hearing Officer's hearing. On cross-examination, Mr. Thaler admitted that BCC does not define "minor commercial structure".

4. Henry Leskinen – Landscape Architect.

Henry Leskinen, a landscape architect with Eco-Science Professionals, Inc., was admitted as an expert in the area of landscape architecture, ecology and wetland delineations. (Pet. Ex. 14). Mr. Leskinen was retained to study whether wetlands exist on the Property. To do so, he visited the Property to determine whether three (3) factors indicating that hydrology was present: (1) the presence of wetland species grasses/plants; (2) surface water ponding; and (3) gray-colored soil. Mr. Leskinen's opinion was consistent with Mr. Thaler's in that no wetlands existed on the Property.

Mr. Leskinen submitted his findings to EPS and the wetlands/streams delineations were approved by the County. (Pet. Ex. 8). Mr. Leskinen prepared an environmental plan summarizing his finding. (Pet. Ex. 15). The bank of trees on the north end of the Property consist of white pine and white oak. When he visited the Property, no water was flowing in the swale. He saw Kentucky fescue and blue grass growing in the swale. There were a few areas of junkis grass on the southern end of the Property but it was not dominant. Given that the water table was at a seasonal high in

2019, it was Mr. Leskinen's opinion that if a wetland existed, ground water would have been present.

Further, Mr. Leskinen explained that there is no need for a second wetlands study as the State of Maryland and Baltimore County regulations (as well as the US Army Corp of Engineers) provide that the delineations are valid for 5 years. He testified that in his 33 years as an ecologist, he has never seen a wetland emerge where none previously existed.

5. Stephen Barrett – Glare Study.

The Petitioner contracted with Stephen Barrett, owner of Barrett Energy Resource Group located in Concord, MA to conduct a study on whether the proposed solar facility panels will produce glare from the sun's rays. (§4F-104.A.8). Mr. Barrett was accepted as an expert in glare analysis. Toward that end, he prepared a glare study report using computer software known as GlareGauge which is accepted by the U.S. Federal Aviation Administration, and is now considered the industry standard. (Pet. Ex. 17). Mr. Barrett was involved in the development of the model tool which became part of the 2013 FAA Guidance document for solar projects at airports and is now applied as effective in residential communities. The program only considers the solar array, the movement of the sun and the position of observers; it does not take into account terrain, vegetation, or other structures which might obstruct the observer's view of glare. *Id.* The program determines the path of the sun throughout the year.

Mr. Barrett testified that the FAA glare model includes a 3-step process which he analyzed in this case. The first step is to identify the receptors (adjacent properties, roads, motor vehicles) where glare from the proposed solar panels could potentially reflect the sun's rays. Without considering terrain, vegetation or structures, he located 13 receptors and discovered that nine of the 13 receptors have the potential for glare (for longer than 5 minutes annually). He emphasized

that this step is not the same as being able to observe the solar panels. He is concerned only with whether glare is produced from a selected location, as glare is a function of where the sun is in the sky in relation to the time of year. The selection of receptor sites was from Google Earth and the focus was on potential glare from locations due to sun rising in the east and setting in the west, while recognizing that the panels will be fixed toward the south.

The study indicated that the home of Patrick Little at 14531 Hanover Pike, Upperco, MD had the highest total annual minutes for potential glare (12,021 minutes). The potential for glare would be between 5:15pm-6:15 pm during late March through mid-September.

The second step of the model factors in the existing trees, vegetation and terrain. Mr. Barrett opined that the existing natural features on this Property obstruct the glare at the receptors. In particular, the shape of the Property is that of a bowl which will minimize and diffuse any glare produced. The third step considers the additional landscaping proposed. In this case, the potential for glare is further minimized by the proposed landscaping.

In summary, Mr. Barrett opined that no glare will be produced because the proposed design of the tracking system causes the panels to continuously move while tracking the sun. As a result, in his opinion, no glare of low or high intensity will be created.

Protestants' Case

1. Ted Carter.

Mr. Carter was accepted as an expert in landscaping, having a Master's degree in landscape architecture with work experience at Pinehurst Landscape Company since 2009. Pinehurst Landscape Company is a Baltimore County landscape company which has been in business for 54 years. Part of Mr. Carter's job duties includes analyzing a site and designing landscaping which will thrive.

As part of his review of the landscaping proposed here, Mr. Carter examined the Hanover Pike Corridor Study which is part of the Baltimore County Master Plan; the CMDP; the Landscape Manual; and the ZAC Comments. Mr. Carter opined that driving northbound on Hanover Pike, a driver could see the northeast corner of the Property. The plantings proposed (deciduous trees or evergreens) would need more than 12 years to grow tall enough to block the view.

Additionally, the proposed spacing of the 12-foot trees at 10-12 feet apart will not screen the view. Toward this end, Mr. Carter opined that more dense plants, arranged in several layers, are needed. Mr. Carter recommended three (3) lines of fast growing mature trees such as Sycamores and Poplars along with lower shrubbery to fully screen the view. Although conceding that the Landscape Manual does not require the plan to “fully screen” but rather to “minimize the visual impact,” Mr. Carter highlighted the ZAC Comments which noted that the view from Hanover Pike should be “fully screened.” (Prot. Ex. 11). The Landscaping Plan, in his view, fail in this regard.

Mr. Carter also acknowledged that the CMDP does not require the facility to be “fully screened” but rather requires the “least visual impact.” Furthermore, while conceding that the Hanover Pike Study does not require the landscape to “fully screen,” he opined that it is the best practice to minimize the site lines.

Along Frye Road, Mr. Carter also opined that the proposed landscaping screening was ineffective. Relying on the photos taken along Frye Road, he testified that the plantings would need to be 25 feet tall. (Prot. Ex 5 and 12). Mr. Carter again proposed denser plantings in rows of three (rather than one row), 10 feet on center. In his view, the proposed shrubs were not a good species to create depth. He also advocated for the use of contour strip buffers placed every 50 ft.

on the contour lines between the solar panels. He advised that this type of landscaping would require the solar panels to be moved farther apart such that fewer panels would be installed.

2. James Wolf.

Mr. Wolf purchased the lot at 5133 Frye Road in 1992 and built his home in 1994. He explained that Frye Road running along the southern end of the Property is a private driveway by which he uses to gain accesses to his property. Frye Road also services eight homes, the owners of which paid for part of the driveway to be paved.

Mr. Wolf opposes the installation of solar facilities generally in the RC2 zone and finds this one particularly objectionable because it is located at the entrance to the residential community. He feels that this solar facility will negatively impact the property values. He voiced his concern that because the final landscape plan is an integral part of the project, it should be approved before the solar facility is approved. Because of the bowl-shape to the Property, it is not suitable for a solar facility because it will never be sufficiently landscaped to provide an adequate screen.

3. Patricia Fallon.

Ms. Fallon lives at 14823 Hanover Pike which is located ½ mile north of the Property. She testified that she has observed water flowing as a stream through the Property. Additionally, the front of her property, which is located south of the solar panels, is in a 100-year Floodplain. She described water flowing off the Property and into the 100-year Floodplain.

Ms. Fallon also testified that given her work experience in making chemical components for manufacturing systems at Westinghouse, she researched and discovered that the same chemical components are generally used in solar panels, although she did not know what type of material would make up these particular panels. It was her opinion that, because of this, the solar panels

should be monitored remotely 24 hours per day and 7 days per week. Solar panels, she explained could be damaged by hail, fallen power lines, or fallen tree limbs. If this occurs, the chemicals used in the solar panels could seep into the ground water.

4. Linda Barker.

Ms. Barker lives at 14813 Old Hanover Pike. She did not file an appeal in this case as a protestant but does reside near the Property and had concerns to share with the Board. Toward that end, Ms. Barker is a retired landscape contractor. She cannot see the site from her property, only when she drives on Hanover Pike. Her concern is erosion of the soil due to rain coming off the impervious surface of the solar panels. The erosion will negatively impact farming and the stream which flows on the west end of the Property.

5. Santo Mirabile.

Mr. Mirabile owns two parcels of land at 14517 and 14525 Hanover Pike. Although he does not live there now, he is planning to build a home for his family and move there upon completion. He described that the trees located at the intersection of Hanover Pike and Frye Road which can be seen while driving north on Hanover Pike belong to him. He explained the problems with maintaining Frye Road which washes away when there is a heavy rain. Water flows off the Property and onto Frye Road which has no guardrails. A hurricane displaced the culvert. All of the neighbors (except Mr. Elseroad) contributed to the repair which Mr. Mirabile himself performed.

Using the photographs of the northerly view from his properties toward the site, Mr. Mirabile explained that no landscape screening will be effective and he will have an unobstructed view of the solar facility, particularly from his proposed 2-story home. Mr. Mirabile has financially invested in building his home in this community which he bought for its rural views.

He noted that the Petitioner's Glare Report did not consider the glare to his properties as it was not selected by Mr. Barrett as a receptor.

6. Debra Mirabile.

Mrs. Mirabile is the spouse of Santo Mirabile and co-owner of 14525 and 14527 Hanover Pike. Mrs. Mirabile echoed the testimony of other Protestants about the rural nature of the area, the bowl-shape topography of the Property, the higher elevations of the adjacent residential homes, her general opposition to Bill 37-17, the ineffectiveness of the proposed landscape screen, how this solar facility will negatively impact her investment, and the Hanover Pike rush hour traffic peaks. She described that the front of her new home will face the Property and would be at a higher elevation such that glare will be a problem for them. She is suspicious of the Petitioner's glare study as she recounted a motor vehicle collision which she caused due to glare from a solar panel.

7. Timothy Fales.

Mr. Fales lives at 14619 Hanover Pike, which is located at the northwest end of the Property, at a higher elevation. His house looks down onto the Property. The access to Mr. Fales' property is from Hanover Pike through a driveway on the western edge of the Property. There is a group of existing white pine trees to the east and some trees south of his property which will remain and thus partially block the view of the solar facility when he looks east. There is landscaping proposed south of his home to provide a screen. (Pet. Ex. 2). Mr. Fales is generally opposed to Bill 37-17 because he feels it is installing an industrial product into a rural setting. If the solar facility will be granted on this Property, Mr. Fales desires to have the panels moved down from the highest point on the Property.

8. Patrick Fales.

Mr. Fales is the brother of Timothy Fales and resides at 14533 Hanover Pike. He has lived there for 15 months. This home is located on northeast end of the Property. The bank of white pine trees to remain are located west of his home. Similar to his brother, Mr. Fales' home looks down into the site. He testified that the topography of this Property disqualifies it for use as a solar facility because it cannot be effectively screened by landscaping. If the solar facility is approved, he believes that the size of it should be reduced. He estimated that 100 feet of solar panels will be installed outside his front door.

9. Paul Merritt.

Mr. Merritt lives at 14527 Hanover Pike which is located east of the Property on Frye Road. As with the Fales' brothers, his home also looks down onto the site. In the winter, the deciduous group of trees between his home and the Property do not block the view. Mr. Merritt assisted Mr. Mirabile with the repair of the culvert on Frye Road. He testified that the water from the swale flows off the Property, across Frye Road and into a ditch on the Mirabile property. This flow of water has caused the ditch to erode. Mr. Merritt is opposed to Bill 37-17 as it brings a use which is inconsistent with RC2 zone. He further believes that a solar facility will negatively affect the value of his home and will increase the cost to maintain Frye Road.

10. Sandra Brown.

Ms. Brown lives at 5135 Frye Road where she has lived for 20 years. Ms. Brown is opposed to the facility because she can see it from her home. She is actively involved in the Hanover Improvement Association. She believes this Property is not appropriate for a solar facility. The uniqueness, she explained, stems from its location in a neighborhood with families

and this use will affect their lives. She repeated the ineffectiveness of screening a bowl-shaped parcel without using tiered buffering which requires the removal of panels from the Site Plan. She reasoned that if panels are installed at a lower point on the Property, it would reduce the glare.

Rebuttal

In rebuttal, the Petitioner called Andria Weber, a solar engineer with SGC to testify. She was admitted by the Board as an expert in solar panels. Addressing some of the Protestants' concerns, she emphasized that there would be 24/7 monitoring of the site along with a camera wherein the data can be viewed from anywhere, anytime, such that if there is a failure, there is an instant email notice and the system is shut down. Additionally, there are onsite inspections 2 times per year and surplus inverters and parts are stored by SGC for instant repair. She explained that the panels consists of Tier 1 silicon (not cadmium) modules which have been found reliable after 25 years of testing. The panels meet US standards and testing guidelines.

The modules which will be used here are designed not to leak. The panels have an anti-reflective coating designed to absorb the sun's energy, not to reflect the sun's rays. Any tiered landscaping would cast shadows onto the panels and would result in less energy produced.

Decision

As set forth above in BCZR, §4F-102.A, solar facilities are only permitted by special exception under the factors set forth in BCZR §502.1. In this case, each of the nine (9) special exceptions factors was addressed through the testimony of Mr. Copus, Mr. Thaler and Mr. Leskinen and through the documents and photographs accepted into evidence which supports the Petitioner's position that the proposed solar facility would not be detrimental to the health, safety or general welfare of the locality involved. BCZR, §502.1.A. To the contrary, the Protestants' collective concerns are impacts which are inherent with this particular use. The Protestants'

complaints center on their dissatisfaction with the County Council's enactment of Bill 37-17 which is codified in BCZR, Article 4F. (Prot. Ex. 27). Understandably, the Protestants want land in RC zones to remain as farmland without non-agricultural uses.

However, it is beyond the jurisdiction of this Board to rewrite Bill 37-17 or Article 4F. Applying the standard in *Schultz*, *Loyola* and *Attar*, the Protestants were required to present evidence that the adverse effects stemming from this solar facility, at this particular location, are unique and different than the inherent impacts associated with this use in general. We did not have such evidence here.

As described in detail above, and without repeating the same testimony here, we find persuasive the testimony of Petitioner's expert and lay witnesses in regard to the special exception factors. Mr. Thaler testified that the proposed solar facility would not be detrimental to the health, safety or general welfare of the locality involved in that it does not harm the farmland. Mr. Copus and Mr. Thaler each testified that the solar facility would not create congestion in the roads as it is not a use that generates traffic into or out of the Property. (BCZR, §502.1.B.) Further, Mr. Copus confirmed that there are no flammable materials used in this solar facility. Ms. Weber testified that these panels are made from silicon (not cadmium) which have been proven effective. She also pointed out that the facility would be monitored 24/7 with cameras to ensure the facility is safe and properly working. Mr. Thaler highlighted that there are four fire stations in the immediate area. (BCZR, §502.1.C.)

As with the lack of traffic, Mr. Copus and Mr. Thaler repeated that this use does not generate people and therefore it would not tend to overcrowd the land or cause an undue concentration of population. (BCZR, §502.1.D.) Additionally, Mr. Thaler confirmed that this use does not interfere with schools, parks, water, sewerage, transportation or other public

requirements, conveniences or improvements because it is outside the URDL and does not generate people for public facilities such as schools or transportation. (BCZR, §502.1.E.) To the contrary, the Board finds that it produces electricity which benefits the surrounding community.

Mr. Copus and Mr. Thaler both confirmed that the height of the facility will be 8 feet at full tilt and as short as 2 feet in the front. The facility will stand in the area of the Property which was previously cleared for farming. Accordingly, the Board finds that shadowing and air circulation are not areas of concern. Thus, the facility would not interfere with adequate light or air. (BCZR, §502.1.F.)

As to the consistency of this use with the purposes of the RC zones and with the spirit and intent of the BCZR, §502.1.G, we find compelling the testimony of Petitioner's experts that solar facilities are consistent uses because they are temporary, and do not impair farmland. The racking system is simply lifted out of the ground at the end of the lease term. The soil type remains the same before, during and after removal.

Moreover, the County Council has deemed solar facilities to be uses which are consistent with the RC zones, provided they meet the special exception standard, as explained in *Schultz*, *Loyola* and *Attar*. The Protestants' argument about the appropriateness of a non-agricultural use in RC zones should be directed to the County Council. This Board is not required to determine whether a solar facility is detrimental to agricultural uses. Our authority to approve this use is contained in Article 4F and §502.1 factors. Even if this Property contains soil suitable for farming which Mr. Elseroad disputes, an owner cannot be compelled to farm this land, or to lease the Property to a farmer.

As for whether this use is consistent with impermeable surface and vegetative retention provisions of the BCZR, §502.1.H, Mr. Leskinen and Mr. Thaler both explained that there will

not be any clearing or grading of land, and no tree removal. The existing trees to the north, west and east of the Property will remain. Rain will propel off the solar panels and soak into the ground between the rows. The rows of panels are separated so that there is no concentrated flow of water runoff as there would be with pavement. While the panels are designed to function as a storm water management technique, Mr. Thaler added that the Department of Public Works will determine whether any further storm water management retention measures are needed.

As to the final special exception factor, Mr. Thaler and Mr. Leskinen each testified that this use, at this location, would not be detrimental to the environmental or natural resources of the Property, including the forest, streams, wetlands, aquifers and floodplains under BCZR, §502.1.I. The evidence confirmed that there are no wetlands or streams on the Property. The Protestants did not have expert testimony to the contrary. The solar panels will not be installed in the floodplains which were marked on the Site Plan. (Pet. Ex. 1). On May 1, 2017, a forest buffer was delineated and approved by EPS and the solar facility will not be located in the forest buffer. (Pet. Ex. 8). Mr. Leskinen prepared and explained a Revised Wetland and Forest Stand Delineation Plan which mirrored Mr. Thaler's floodplain boundaries. (Pet. Ex. 15).

Having found the special exception factors have been satisfied, we also find the Petitioner's evidence compelling to satisfy each of the requirements of BCZR, §4F-102.B.1 and BCZR, §4F-104.A.1-9. Mr. Copus testified that the solar facility area will produce 1.75 megawatts AC electricity; less than the maximum 2 megawatts AC. BCZR, §4F-102.B.1. Accordingly, we find that the Petitioner has met this burden.

Further, Mr. Thaler testified that the Property is not encumbered by an agricultural preservation easement, an environmental preservation easement or rural legacy easement, nor is it in a Baltimore County historic district or on the Baltimore County Final Landmarks list. (BCZR,

§§4F-104.A.1 and A.2.) In addition, as with the special exception factors, Mr. Thaler and Mr. Leskinen both testified that the solar facility will not be located in the forest conservation easement or designated conservancy area. (BCZR, §§4F-104.A.3.) There was no evidence by the Protestants which contradicted any of these requirements.

As to the setback and height requirements, Mr. Thaler made clear that the facility at its highest peak will not exceed 8 feet in the back, and will be as low as 2 feet in front. (BCZR, §§4F-104.A.4.) The Site Plan revealed that the solar facility will not be located within 50 feet from the tract boundary. (Pet. Ex. 1). (BCZR, §§4F-104.A.5.) Accordingly, both the height and setback requirements have been met. There was no evidence by the Protestants which contradicted either of these requirements.

With regard to the requirement for a landscape buffer on the perimeter, the photographs presented show a cluster of existing white pine and white oak trees on the north end of the Property. (BCZR, §4F-104.6). (Pet. Ex. 2, 3) (Prot. Ex. 5, 8, 9, 12). Although a final landscape plan has not yet been approved by the County, Mr. Thaler testified that the initial comments from the Department of Planning recommended adding additional deciduous trees where no trees exist and supplementing with low shrubbery beneath. (Prot. Ex. 11). The Petitioner is amenable to planting these additional trees and shrubs and prepared a schematic Landscaping Plan in support of its Petition. (Pet. Ex. 2).

We agree with the Petitioners assertion that Subsection A.6 does not mandate that the landscape buffer make the solar facility disappear. However, we also interpret Subsection A.10 as authorizing this Board to impose conditions or restrictions on a solar facility as is necessary to protect the environment and scenic views, and to lessen the impact of health, safety and welfare of surrounding residential community when the topography of adjacent lands is a factor. In this case,

the surrounding residential properties sit at a higher elevation (those homes look down on the Property), or at the same elevation (those homes look up at the Property) due to the bowl-shape of the Property.

Although Hanover Pike is a designated County scenic route and not a scenic view, we balance the topographical reality with the ZAC Comments which recommended 'fully screening' the solar panels along Hanover Pike. While we appreciate that Mr. Thaler has calculated the exact quantity of trees and shrubs as required by the Landscape Manual and the CMDP, in this particular case, the Board finds that certain additional landscaping conditions need to be met.

Toward that end, the Board found convincing the testimony of Ted Carter, as an expert in landscaping, who recommended that additional trees and shrubs be planted to provide for a denser screening. Specifically, Mr. Carter suggested three rows of trees rather than one row, which Petitioner proposed. He also testified that selecting fast-growing trees which will reach a height of 12 feet along with vegetation and shrubs beneath and between those trees, would more effectively screen the solar facility. He highlighted that white pine trees grow rapidly.

On this condition, we defer to the County Landscape Architect when the final landscaping plan is reviewed to require the Petitioner to plant at least three rows of mature, fast growing deciduous trees at varying heights and widths along with mature, fast growing shrubbery beneath to provide a dense screening of the Property. The County Landscape Architect shall be charged with ensuring that the proposed vegetation should be planted with such depth and height to maximize the screening from the properties of the Protestants who appealed this case, and from the vantage points along Hanover Pike and Frye Road. However, we decline to require the Petitioner to install tiered buffering between the solar panels as that would shade the panels and reduce the energy produced.

As for a security fence, the uncontradicted evidence was that an 8-foot high fence with wood posts, steel wire, and without barbed wire, will be erected between the landscape buffer and the solar facility. (Pet. Ex. 5 and 6). (BCZR, §4F-104.7). As Mr. Copus explained, access to the fence will be locked and a sign posted as to the contact information of the owner/operator. This will be a condition of this Order. With this evidence, we find that these requirements have been satisfied.

Additionally, there is a requirement that the solar panels minimize glare in order to prevent vehicle collisions and safety hazards. (BCZR, §4F-104.8). In this case, the Petitioner had Mr. Barrett testify and present his glare study. (Pet. Ex. 17). The Protestants did not present an expert to contradict Mr. Barrett. The glare study indicated that there would be no glare produced by the solar panels here. Based on the weight of the evidence, we find the Petitioner satisfied this requirement.

The final factor requires the Site Plan to comply with BCC, §33-3-108. (BCZR, §4F-104.A.9). In our review of BCC, §33-3-108, we find that the language in Subsection (a) is unambiguous. That Subsection requires EPS (as defined in §33-3-101(f)), to approve the Site Plan. Further, Subsection (b) directs that the Site Plan shall generally include such information (graphs, charts, etc.) to enable EPS to “make a reasonably informed decision regarding the proposed activity.” Additionally, a plan submitted to EPS for approval must also contain the information listed in Subsection (c).

In our view, the specific items listed in Subsection (c) must be considered by EPS, not this Board, when it reviews and approves the Plan. Sections 33-3-105 (1) and (2) provide that EPS is “responsible for enforcing the provisions of [Title 33]” and the Director of EPS “may adopt policies and regulations as necessary to implement the provisions of [Title 33].”

Given the express wording of Section 33-3-108 that EPS shall approve the Site Plan, and that EPS is responsible for ensuring that the Site Plan comply with both the general and specific requirements of Subsections (b) and (c), we find that the appropriate solution for this Board is to place a condition in the Order reiterating the words of §4F-104.A.9 (i.e. that the Petitioner shall comply with Section 33-3-108). To do otherwise would be to overstep this Board's statutory authority. That finding notwithstanding, Mr. Thaler testified that the Site Plan met all the requirements of Section 33-3-108. There was no expert testimony presented by the Protestants to counter the evidence presented by the Petitioner.

The final issue requested by the Petitioner on appeal is for a limited exemption under BCC, §32-4-106(a)(1)(vi). This exemption is for a "minor commercial structure" and permits the Petitioner a full exemption from the development process and to apply directly for a building permit. In this case, Mr. Thaler testified that the project was entitled to a full exemption because it is a commercial use and small in nature. While we agree that the use is not residential in the sense that it is not a solar facility for use in a home, we disagree that the proposed facility here is "minor." The term "minor commercial structure" is not defined in the BCC. Accordingly, this Board interprets that phrase to mean that the special exception area for the solar facility must be small, subordinate in size and scope to the total acreage of the property at issue.

In this case, the Petitioner's Memorandum in Lieu of Closing Argument states that the special exception area is 15 acres; the total Property acreage is 19.68 acres. (Pet. Memo, p. 3). However, Mr. Thaler testified that the special exception area was 10 acres. While the Petitioner was not consistent on this point, we find that if the special exception area will consume the majority of the total acreage. Therefore, it cannot be "minor" in nature. In this case, as with most solar facilities, the Petitioner elected to use maximum amount of acreage for the special exception area

in order to achieve the greatest AC of electricity under the 2 megawatt limit while still meeting the 50 feet setback and not disturbing the environmental areas on the Property. Accordingly, we find that the Petitioner must proceed through the development process and is not entitled to an exemption.

Conclusion

After reviewing all of the testimony and evidence presented, the Board finds that Petition for Special Exception pursuant to BCZR, Article 4F should be granted, with conditions. This Board further finds that the request for a limited exemption should be denied.

ORDER

THEREFORE, IT IS THIS 19th day of December, 2019, by the Board of Appeals of Baltimore County,

ORDERED, that the Protestants' Motion for Summary Disposition to Deny the Application for Special Exception be and the same is hereby **DENIED** for the reasons set forth herein, and it is further,

ORDERED that the Petition for Special Exception for a solar facility pursuant to BCZR, Article 4F as set forth on the Site Plan (Pet. Ex. 1), and the Landscape Plan (Pet. Ex .2) be, and the same is hereby **GRANTED**, subject to the following conditions under the Board's authority in §4F-104.A.10:

1. Petitioners shall submit for approval to the Baltimore County Landscape Architect and/or his/her designee, a final landscape plan for the Property demonstrating appropriate screening and vegetation along the perimeter as required under BCZR, §4F-104.A.6 and specifically to require the Petitioner to plant at least three (3) rows of mature, fast growing deciduous trees at varying heights and widths along with mature, fast growing shrubbery beneath to

provide the densest possible screening of the site. The County Landscape Architect and/or his/her designee, shall be charged with ensuring, to the best of his/her professional opinion, that the proposed vegetation should be planted with such depth and height to maximize the screening from each of the properties of the named Protestants who appealed this case, and from all vantage points along Hanover Pike and Frye Road.

2. The Petitioner shall not be required to install tiered buffering between the solar panels as that would shade the panels and reduce the energy produced.

3. Petitioners shall install an eight (8) foot high, security fence, which shall consist of wood, pressure-treated posts with steel wires between the landscaping buffer and the solar facility as required by BCZR, §4F-104.A.7. There shall be no barbed wire on the fence. The fence shall be locked at all times. Attached to the fence in a conspicuous place, while the solar facility is in operation, shall be the current contact information (name, address, 24-hour telephone number, website and email address) of the owner and operator of the solar facility. The owner/operator may also install "No Trespassing" signs.

4. The Petitioner shall remotely monitor the solar facility 24/7 to ensure it is safely and properly working at all times and shall immediately make all necessary repairs during the life of the lease.

5. Prior to the issuance of a building permit, Petitioner must satisfy the environmental regulations set forth in BCC, §33-3-108 pertaining to the protection of water quality, streams, wetlands and floodplains and obtain approval of the Site Plan from the Department of Environmental Protection and Sustainability as required in that Section.

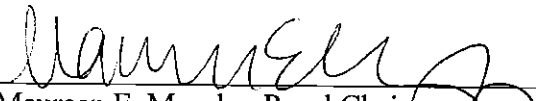
And it is further,


ORDERED that the Petitioner's request for a limited exemption under BCC, §32-4-106(a)(1)(vi), be and the same is hereby **DENIED**.


In the matter of: Woodensburg Land & Cattle Co., LLC - Legal Owner
SGC Power, LLC - Lessee
Case No : 17-107-X and CBA-19-018

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

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Panel Chair


Kendra Randall Jolivet


William A. McComas



Board of Appeals of Baltimore County

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December 19, 2019

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RE: *In the Matter of: Woodensburg Land and Cattle Company, LLC – Legal Owner
SGC Power, LLC – Lessee*
Case Nos.: 17-107-X and CBA-19-018

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all **Petitions for Judicial Review** filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Duplicate Original Cover Letter

c: Glenn S. and Ruth L. Elseroad/
Woodensburg Land and Cattle Company, LLC
Bruce Wilson/SGC Power, LLC
Office of People's Counsel
C. Pete Gutwald, Director/Department of Planning
Paul M. Mayhew, Managing Administrative Law Judge
Lloyd Moxley, Development Manager/PAI
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
James R. Benjamin, Jr., County Attorney/Office of Law

Timothy and Elizabeth Fales
Santo and Debra Mirabile
Patrick and Thanikan Fales
Paul B. Merritt
Melissa A. DePinho
Patrick Little
Sandra M. Brown
James C. and Juli R. Wolf