

The Dorchester County Board of Appeals met in regular session on Thursday, August 22, 2013 in Room 110 of the County Office Building at 7:00 PM. Present were Ed Howard, Vice-Chairman, Dwight Cromwell, Wendell Foxwell, Catherine McCulley, Chairperson, Walt Gunby, Attorney, Steve Dodd, Director of Planning, with Merris Hurley recording. Ms. Hill was absent.

An introduction was made by Chairperson McCulley, explaining the procedures of this meeting to the audience. She then asked Mr. Dodd to read the first case.

Case #2442 - Carla and Fletcher Johnson

To request, as a special exception, the replacement of a non-conforming use [structure on piers (boathouse)]. Property located at 4721 Indiantown Road and contains 280 acres. Property is zoned AC-RCA, Agricultural Conservation-Resource Conservation Area.

Mr. Smelter, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Walter Smelter, PO Box 220, Bishopville, Maryland, explained to the Board that he would rely on his written responses to the criteria. He also said that this is a functioning boat house that has been on the property for 70 years. The property is 280 acres. The replacing of the boat house will not impede anyone else. They have all necessary state permits.

Mr. Dodd read agency comments into the record. The Department of Public Works had no objection. The Health Department had no objection. The Critical Area Commission had no comments.

No one spoke in favor of this request and no one was opposed.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Foxwell made a motion "to approve this request." Seconded by Mr. Cromwell and unanimously carried.

Case #2443 - Standard Energy Solutions, Applicant  
Dorchester County Council, Owner

To request, as a special exception, a solar energy system utility scale project. Property located at 6728 Gravel Branch Road and contains 258 acres. Zoned AC, Agricultural Conservation District.

Mr. Busler, Mrs. Larsen, and any other person who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record.

Robert Busler, Standard Solar, 209 Mount Vernon Avenue, Chestertown, Maryland, explained to the Board that he would rely on his written responses to the criteria. Mr. Busler submitted Applicant's Exhibit #1 and #2, photographs taken at the southern edge of the soybean field looking back at neighboring properties. Applicant's Exhibit #3 and #4, are photographs showing the tall evergreens on the neighboring properties, effectively blocking the site from their view. Applicant's Exhibit #5, brochure showing the projects they have developed in Kent County of a similar size and nature.

The project will have a see-thru fence surrounding the entire site. The 6,336 panels will be 8' tall. The panels have a 35 year warranty on performance. If a panel fails, it will be replaced. There will be a 20 year contract with the County on this site.

Mr. Dodd read agency comments into the record. The Department of Public Works had no objection. The Health Department had no objection providing that a well or septic system is not part of the project.

No one spoke in favor of this request.

Patricia Larsen, 6807 Gravel Branch Road, Hurlock, Maryland, came forward with questions. 1. Will this project affect our property values? 2. Will the contract be reviewed before the 20 years is up? 3. Who will maintain the site? 4. Who do we call with problems? 5. Will a bond be required? 6. Will the fence be locked? 7. Will there be manufacturing on the site in the future? 8. Will residents get tax credits? 9. Are the panels made in the US? Mr. Busler answered: 1. There is no documentation regarding property values – given that the landfill already exists on site. 2. No, but questions will be answered at any time during this PPA, Power Purchase Agreement. 3. Washington Gas and Energy Systems will contract with Standard to maintain. 4. Tom Moore at DPW or the Sheriff's Office. 5. No, a bond is not required. 6. Yes, with padlock and combination locks. 7. No manufacturing done on this site. 8. No tax credits either for the County of the residents. 9. No, the panels are made in China, because US made panels are more expensive and very hard to obtain.

Ms. McCulley announced the end of testimony and the Board began their deliberations.

At this time, each Board member explained his decisions regarding the criteria.

After all testimony, Ms. McCulley called for a motion regarding this case. Mr. Howard made a motion "to approve this request." Seconded by Mr. Foxwell and unanimously carried.

A motion was made by Mr. Foxwell to approve the minutes of the July 25, 2013 meeting. Seconded by Mr. Howard and unanimously carried. Ms. McCulley abstained.

A motion was made by Mr. Foxwell to approve the schedule for next year.  
Seconded by Cromwell and unanimously carried.

With no further business, a motion was made by Mr. Foxwell to adjourn.  
Seconded by Mr. Cromwell and unanimously carried. Time of adjournment: 8:45 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Dodd". The signature is written in a cursive style with a large, prominent "S" and "D".

Steve Dodd  
Executive Secretary