

The Dorchester County Board of Appeals met in regular session on Thursday, November 20, 2014 in Room 110 of the County Office Building at 7:00 PM. Present were Elizabeth Hill, Wendell Foxwell, Catherine McCulley, Chairperson, Edward Howard, Dwight Cromwell, Walt Gunby, Attorney, Steve Dodd, Director, and Janice Henderson, Environmental Planner.

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

Case #2567 – Diane Blunt Knodle, owner  
Tim Marshall, applicant

To request the following variances; 1) a variance from the minimum front footage requirement for a proposed building lot, and 2) variances to the roof pitch and foundation requirements for a manufactured home (existing). Property located at 5001 and 5003 River Road and contains 5.03 acres. AC – Agricultural Conservation Zoning District.

Mr. Tim Marshall and any other persons, who would be testifying in this case, were sworn in.

Mr. Dodd read the case and all pertinent information into the record. Mr. Dodd read all exhibits that were sent to the BOA as well as Mr. Marshall and Ms. Knodle.

Mr. Marshall addressed the Commission. Ms. McCulley informed the applicant that they could rely solely on written responses or comment on responses. Mr. Howard motioned for a recess to consult with legal counsel and was seconded by Mr. Foxwell. After recess Ms. McCulley called meeting to order and questions to Mr. Marshall were addressed. Mr. Marshall then proceeded to explain how Ms. Knodle would like to subdivide the property into 2 separate lots, the farm house on one and the mobile home on one. Mr. Marshall continued to explain to the Board of the circumstance that had transpired and how Ms. Knodle had tried to comply with regulations. The main issue was the fact that the mobile home on the property was no longer in compliance with the original permit condition. Mr. Dodd gave circumstances and conditions that the mobile home did not meet under the definition of “farm mobile home”.

Ms. McCulley asked Mr. Marshall if he had any more comments to add, Mr. Marshall stated he did not. At the time Ms. Knodle was sworn in to present her comments to the Board. Ms. Knodle added how she always maintained the property and home at all times and that because of illness, her son would occupy the mobile home to help care for the poultry houses. But because of health issues the mobile was then rented to people other than family and this family would like to remain in the mobile home. The issue was stated by Mr. Dodd that it was no longer termed a “farm mobile home” and would come under the standards for manufactured homes.

Mr. Gunby then stated the Board does have the authority to grant the variance that was asked for. However, no leniency could be found in the mobile home situation, it would have to go Council which does have that power (to amend the zoning code).

Ms. McCulley stated at this time the Board could rule on the required variance.

Mr. Dodd read the Agency comments. The County Health Department had no objections, The Dept. of Public Works, Greg LeBlanc had no comments or objections to the variances in this case, Storm Water Mgmt. Plan and Erosion Control plan will have to be reviewed for disturbances greater than 5000 ft. The Planning Commission recommended denial for both variances.

Ms. McCulley asked if anyone in the audience had any 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 read their decisions regarding the criteria.

After all testimony and deliberation by the Board, Ms. McCulley called for a motion regarding this case. Mr. Howard made a motion “to approve the front footage variance request”, Seconded by Ms. Hill. 2). Ms. McCulley called for a motion for the variances to the roof pitch and foundation requirements, Mr. Howard motioned they did not have the authority to grant the variance request and Mr. Cromwell seconded, unanimously passed.

Case #2568 – Roland W. & Lois Webster, owner  
Gia Clark of One Energy Dorchester, LLC, applicant

To request, as a special exception, a solar energy system utility scale project. Also, to request a variance to construct attachment facilities within the required front yard setback area. Property located at 3714 Linkwood Road and contains 107 acres. AC – Agricultural Conservation Zoning District.

Roland & Lois Webster, Mr. Kevin Shearon and Ms. Clark of One Energy and any other persons who would be testifying in this case, were sworn in.

Ms. McCulley informed the applicant that they could rely solely on written responses or comment on responses. Mr. Shearon stated they will make comment as they go along.

Mr. Dodd read Case # 2568 all documents that were presented to the Board.

At that time Mr. Kevin Shearon, Agent from Davis, Moore, Shearon & Assoc. presented himself and explained his background experience and Ms. Clark of One Energy Dorchester, LLC. Mr. Shearon then presented the board with application for variance request to be deferred at this time. Tax Special Exception they are requesting is for 116.2 acres, illustrated by the map presented to show property involved and areas surrounding. Ms. Clark explained the difference of area discrepancy between Tax Map and area involved. Mr. Shearon then gave a brief description of acreage as defined. Environmental analysis has been done and there were no endangered or threatened species in the property area. Also MD Dept. of Planning review of the project indicated

no historical properties will be affected as well as there would be no effect of the wetlands.

The project area would be 84 acres which will be fenced in and there would be a total of 62,900 solar modules in the fenced in area. The modules will tilt and not rotate; they will maintain the 60 ft. setback with the connection on the southside of Linkwood Road. The modules are not able to be stacked and a tree buffer will be put into place. All these were questions that had been asked.

Mr. Howard asked where the trees will be planted; answer was trees are to be planted on the outside of the fenced area. Ms. McCulley asked if this was the largest array of panels they had ever installed; Ms. Clark answered “yes” in this area. Mr. Gunby asked if the panels will rotate; Ms. Clark answered no, they will tilt, and the end will reset. Mr. Howard asked if they will generate a lot of noise, Ms. Clark answered; nominal noise, most of which will be generated at the transformer box. Ms. McCulley asked will actual power be generated go to actual users; Ms. Clark answered a large power company will purchase power. Mr. Howard asked what would the construction time be; Ms. Clark responded 4 to 6 months. Mr. Foxwell asked if nearby property owners use the energy; Mr. Shearon responded end users will use. Many questions were asked by the Board but because of the time they will be answered at a later date.

Ms. McCulley asked Mr. Dodd for agency comments at this time. Mr. Dodd reported The Planning Commission gave a favorable recommendation, with the condition to have a vegetation buffer requirement. Bob Tenanty of the Cambridge Airport stated the proposed site is not within the Airport Protection District nor in line with any of the Airport’s landing approaches. The FAA does not have any jurisdiction concerning height restrictions and other potential hazard to air navigation including glare anywhere in the U.S. He suggested that the applicant submit FAA Form 7460-1 Notice of Proposed construction or Alternation to the FAA. The FAA policy concerning glare issues continue to evolve and each project seems to be reviewed independently. The Health Department had no objection toward this variance in this case. Greg LeBlanc of Public Works had no objection.

Mr. Dodd responded to Ms. McCulley if he was working with MDE for these requirements with an answer of ‘yes’.

Ms. McCulley asked at this time for any audience questions at this time. Each person was called by name on the sign-in sheet.

Mr. Brad Hughes – 3746 Linkwood Rd. – Major concerns were; would his family health be affected by this farm, sound issue, distance of panels from his home, possibility of fire.

Mr. Gary Newton – 3575 Linkwood – Effects on the ECO System, safety of children, land taken away from agricultural use

Ms. Lois Baker – Opposed to project – concerned with the magnitude of this project, sound issue, property surrounding was a residential area.

Mr. Gary Phillips – Wildlife concern, chemical concerns, panels to close to residential area.

Ms. Renee Redmer – Negative property value, effect on wildlife.

Mr. Pete Robbins – Linkwood Drive – Property value, Environmental concerns, were all property owners in the area notified, magnitude of project.

Ms. Libby Nagel – Bucktown project taken out of agriculture, something more useful constructed.

Ms. Clark responses:

Concern of chemicals – Have never heard of these chemicals, but will research. The chemicals in the panels are contained. The panels used in this project are silicon wafers. Prior to construction a fence will be installed at a 6 ft. max. They will increase tree height if needed. There is no flexibility in movement back further in property. Chemicals used on this property less harmful than on a golf course. There will be a minimal effect to the environment. As far as property values declining, could not respond. Site chosen was based on existing infrastructure. Noise level will be minimal. Wires will be buried underground with no exposed wire. Power will be used locally from sub-stations.

Mr. Dodd recommended at this time an additional meeting with experts from One Solar Energy to be scheduled to answer concerns.

Ms. McCulley suggested documents for the public to view be put in select areas. It was suggested at the Cambridge Library and Linkwood Post Office.

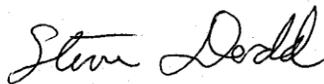
It was motioned at this time to proceed further with meeting in January.

A motion was made by Mr. Howard to approve the minutes of the October 23, 2014 and was seconded by Ms. Hill.

There was motion to adjourn the meeting by Mr. Howard and seconded by Mr. Foxwell.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Steve Dodd". The signature is written in a cursive, flowing style.

Steve Dodd  
Executive Secretary