



## Bureau of Environmental Health

8930 Stanford Boulevard, Columbia, MD 21045

Main: 410-313-2640 | Fax: 410-313-2648

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[www.hchealth.org](http://www.hchealth.org)

Facebook: [www.facebook.com/hocohealth](https://www.facebook.com/hocohealth)

Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

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### MEMORANDUM

TO: Cindy Hamilton  
Division of Zoning Administration and Public Service

FROM: Jeff Williams *JW*  
Program Supervisor, Well & Septic Program  
Bureau of Environmental Health

RE: **BA-15-014C**

DATE: June 11, 2015

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The Health Department has reviewed the above referenced petition and has the following comment.

- The existing well and septic system serving the existing buildings on the property must be properly abandoned with documentation submitted to the Health Department prior to Health approval of the solar panels.

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Department of Planning and Zoning  
Howard County, Maryland  
Recommendations/Comments

Date: May 5, 2015

Hearing Examiner 7/06/15

Planning Board \_\_\_\_\_ Board of Appeals \_\_\_\_\_ Zoning Board \_\_\_\_\_

Petition No. BA 15-014C Map No. \_\_\_\_\_ Block \_\_\_\_\_ Parcel \_\_\_\_\_ Lot \_\_\_\_\_

Petitioner: \_\_\_\_\_ Constellation Solar Farm

Petitioner's Address: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Return Comments by June 15, 2015 to Public Service and Zoning Administration

Owner: (if other than applicant) \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Petition: SEE APPLICATION

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To: \_\_\_\_\_ MD Department of Education – Office of Child Care  
\_\_\_\_\_ 3300 N. Ridge Road, Ste. 190, EC, MD 21043 (Louis Valenti)  
\_\_\_\_\_ ☒ Bureau of Environmental Health  
\_\_\_\_\_ Development Engineering Division  
\_\_\_\_\_ Department of Inspections, Licenses and Permits  
\_\_\_\_\_ Department of Recreation and Parks  
\_\_\_\_\_ Department of Fire and Rescue Services  
\_\_\_\_\_ State Highway Administration  
\_\_\_\_\_ Sgt. Karen Shinham, Howard County Police Dept.  
\_\_\_\_\_ James Irvin, Department of Public Works  
\_\_\_\_\_ Office on Aging, Terri Hansen (senior assisted living)  
\_\_\_\_\_ Police Dept., Animal Control, Deborah Baracco, (kennels)  
\_\_\_\_\_ Susan Fitzpatrick, Health Dept. (Nursing & Res. Care)  
\_\_\_\_\_ Land Development - (Religious Facility & Age-Restricted  
Adult Housing)  
\_\_\_\_\_ Housing and Community Development  
\_\_\_\_\_ Economic Development  
\_\_\_\_\_ Route 1 Cases – DCCP – Dace Blaumanis  
\_\_\_\_\_ Telecommunication Towers – Josh Levy (Comm. Dept.)

COMMENTS:

see memo



#### 4. Petitioner's Interest in Subject Property

☐ OWNER (Including joint ownership)

☒ OTHER (Described and give name and address of owner)

Name of Owner The Roman Catholic Archdiocese of Baltimore, a Corporation Sole

Mailing Address 320 Cathedral St. Baltimore MD, 21201

**If the Petitioner is not the owner, written authorization must be submitted from the owner.**

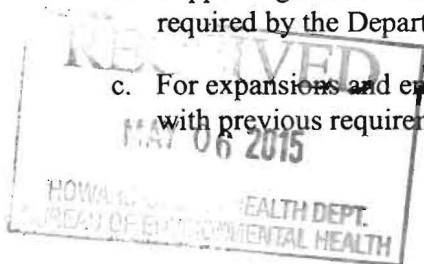
#### 5. Conditional Use Plan Requirements

If the petition is approved, the Conditional Use plan will be made a part of the Decision and Order, subject to modifications and conditions required by the Hearing Authority. The Conditional Use plan must be drawn to scale and must include the items listed below:

- ☒ (a) Courses and distances of outline boundary lines and the size of the property
- ☒ (b) North arrow
- ☒ (c) Zoning of subject property and adjoining properties
- ☒ (d) Scale of plan
- ☒ (e) Existing and proposed uses, structures, natural features and landscaping
- ☒ (f) Location and surface material of existing and proposed parking spaces, driveways, and points of access; number of existing and proposed parking spaces
- ☒ (g) Same as (e) and (f) above, of adjoining properties
- ☒ (h) Location of existing and/or proposed well and private septic easement area, if property is to be served by private water and septic facilities
- ☒ (i) Election District in which the subject property is located
- ☒ (j) Tax Map and Parcel Number(s) of the subject property
- ☒ (k) Name of local community in which the subject property is located or name of nearby community
- ☒ (l) Name, mailing address, telephone number (and e-mail address, if any) of the Petitioner
- ☒ (m) Name, mailing address, telephone number (and e-mail address, if any) of Counsel
- ☒ (n) Name, mailing address, telephone number of property owner
- ☒ (o) Floor area and height of structures, setback distances from property lines, and other numerical values necessary for the examination of the petition
- ☒ (p) Location of subject property in relation, by approximate dimension, to the center line of nearest intersection of two public roads
- ☒ (q) Ownership of abutting roads, right-of-way width, and existing pavement width
- ☒ (r) Any other information as may be necessary for full and proper consideration of the petition

#### 7. Additional Information Requirements

- a. Information regarding noise, dust, fumes, odors, lighting, vibrations, hazards or other physical conditions resulting from the use.
- b. Supporting documentation, such as traffic studies, market studies, and noise studies as may be required by the Department of Planning and Zoning or by the Zoning Regulations.
- c. For expansions and enlargements, previous case number(s) and information regarding compliance with previous requirements and conditions.





APR 14 2015

For DPZ Office use only:

BA CASE NO. BA 15-0145  
Date Submitted 4/14/15

**CONDITIONAL USE PETITION  
TO THE HOWARD COUNTY HEARING AUTHORITY**

**(This application will only be accepted after a pre-submission meeting. See attached info.)**

**1. Conditional Use Request**

Conditional Use Category Zoning: RC

Solar Facility, Commerical Section 131.0.N. 52.

Specific Use Requested Solar Farm

**2. Name of Petitioner** Constellation Solar Maryland MC, LLC

Trading as (If applicable) \_\_\_\_\_

Mailing Address 100 Constellation Way, Suite 1000C, Baltimore, MD 21202

Phone Number(s) 410-470-4244

E-Mail Address rick.justice@constellation.com

Name of Principal Contact (If different) Rick Justice

**3. Counsel for Petitioner** Whiteford Taylor Preston LLP Attn: Jennifer R. Busse, Esq.

Mailing Address One W. Pennsylvania Ave., Suite 300

Phone Number(s) 410-832-2077

E-Mail Address jbusse@wtplaw.com

**4. Conditional Use Site Description**

Address/Street for Property 1740 Route 32 Sykesville, MD 21201

Tax Map 9 Grid 0023 Parcel 0021 Lot \_\_\_\_\_

Department of Assessments and Taxation Account No. \_\_\_\_\_

Total Land Area of Property 37.23 ( X Acres) ( \_\_\_\_\_ Square Feet) Check one.

Election District 3 Zoning of Property RC-DEO

Subdivision Name and Plat No. (If Applicable) \_\_\_\_\_

Total Land Area of Use (If different than above) 22.65 ( X Acres) ( \_\_\_\_\_ Square Feet)



## 8. Summary of Request

The following items should be answered by summary statements. If additional space is needed, please attach a Supplement to this petition.

- a. The present use of the subject property Private Residence with former agricultural use.
- 
- b. Details of the proposed use, including, **where applicable:** types of indoor and outdoor activities; hours of operation; number of employees, occupants, and/or customers; quantity and types of vehicles or equipment used; outdoor lighting to be used; quantities and capacities of materials stored; etc. The proposed site use is a solar panel array farm. The property is 37.2 acres with the solar farm project occupying 20.7 acres. The improvements are below 20' maximum height per 52.d., the solar panels are no greater than 8' tall with depiction enclosed and inverters are no taller than 12' with photos enclosed. There will be a maintenance access road to access the site. The perimeter of the solar panel array will be enclosed with a security fence and landscape buffer. There are no full time employees on-site for the operation of the facility. There is no on-site vehicle or equipment permanent storage proposed.
- 
- c. Any additional information which will be useful in the evaluation of whether the Conditional Use complies with the specific criteria for the conditional use category within Section 131.0.N. 52.  
The proposed site development for the solar facility is in conformance with the requirements of Section 131.0, 52. Solar Facility, Commercial. items a. thru m.
- 
- d. Will the Conditional Use generate any physical conditions such as noise, dust, fumes, odors, lighting, or vibrations which would be discernible from abutting and vicinal properties? No. Furthermore, during the hours when sunlight is not present Constellation will de-energize the equipment.
- 
- e. Will the number of parking spaces be appropriate to serve the use and will the parking areas, loading areas, driveways, and trash receptacle areas be appropriately located and buffered from public roads and residential areas? There are no proposed parking areas or trash receptacle areas associated with the project. The project maintenance access road will be located off of Old Frederick Road and will be located so as to provide required site distances, and landscape buffer will be provided in that area.
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- f. Will the ingress and egress driveway(s) provide safe access with adequate sight distance? \_\_\_\_\_  
Yes. A new site access maintenance drive is proposed along Old Frederick Road and will be  
located to provide the required site distance.
- g. Are there any environmentally sensitive areas in the vicinity of the property and, if so, will the  
proposed use have any potential to affect such areas? There are existing forest and non-tidal  
wetland on the property but they are outside of the proposed project area.
- h. Are there any historic sites in the vicinity of the property and, if so, will the proposed use have any  
potential to diminish the character and significance of such sites? No.

## 9. Prior Petitions

Has any petition for the same, or substantially the same, conditional use as noted above for the subject property been denied by the Hearing Examiner within twenty four (24) months of the date of this petition?

( ) Yes (✓) No

If yes, and six (6) months have elapsed since the last hearing, an affidavit must be attached which states the new and different grounds on which this re-submittal is based.

## 10. Additional Materials, Fees, Posting and Advertising Requirements

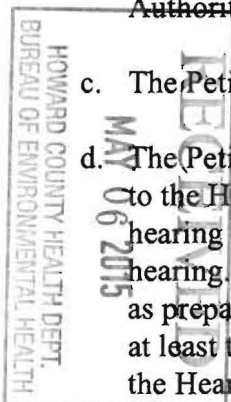
- a. Supplemental pages may be attached to the petition. **You must submit one original petition with original signatures, and one original of any other signed documents.** The following number of sets including petitions, plans and supplemental pages must be submitted:

- *If the subject property adjoins a State road- original and 20 copies (application & plans)*
- *If the subject property adjoins a County road- original and 18 copies (application & plans)*

- b. The Petitioner signing below hereby agrees to furnish such additional plats, plans, reports or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with this petition.

- c. The Petitioner hereby agrees to pay all costs in accordance with the current schedule of fees.

- d. The Petitioner hereby agrees to properly post the property at least thirty (30) days immediately prior to the Hearing Examiner public hearing; to maintain the public notice posters until the public hearing is concluded; and to submit an affidavit of posting at, or before the time of the initial public hearing. The Petitioner also hereby agrees to advertise the public hearing by means of legal notices as prepared and approved by the Department of Planning and Zoning to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, at least thirty (30) days prior to the Hearing Examiner public hearing, and to pay for such advertising costs; and agrees to submit two (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.

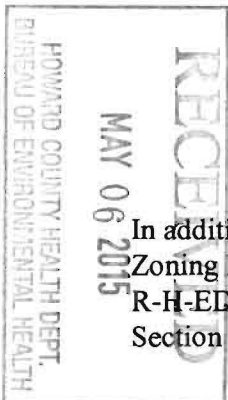


## General Standards for Conditional Uses

All requests for conditional uses must meet the following general standards set forth in Section 131.0.B. of the Zoning Regulations for approval:

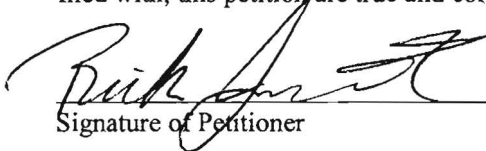
1. The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.
2. The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.
3. The proposed use at the proposed location will not have adverse effects on vicinal properties above and beyond those ordinarily associated with such uses. In evaluating the proposed use under this standard, the Hearing Authority shall consider whether or not:
  - a. The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.
  - b. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.
  - c. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.
  - d. The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.
  - e. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.
  - f. The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.

In addition to the specific requirements of the appropriate subsection within Section 131.0.N of the Zoning Regulations, Conditional Uses within residential developments in the R-ED, R-SC, R-SA-8, R-H-ED, R-APT, R-A-15, R-MH or R-VH districts are subject to the standards enumerated in Section 131.0.C.

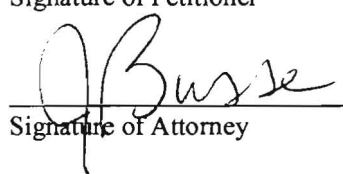


**11. Signatures**

The Petitioner hereby affirms that he/she has read the instructions on this form, filing herewith all of the required accompanying information, and affirms that all of the statements and information contained in, or filed with, this petition are true and correct.

      4/7/15      Rick Lastic  
Signature of Petitioner      Date      Print Name of Petitioner

\_\_\_\_\_  
Signature of Petitioner      Date      Print Name of Petitioner

      4/13/15      Jennifer E. Busse Esq.  
Signature of Attorney      Date      Print Name of Attorney

PETITIONER Constellation Solar Maryland MC, LLC


ADDRESS 100 Constellation Way, Suite 1000C, Baltimore, MD 21202

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended:

The person(s) signing below hereby declare(s) that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached petition to the Hearing Examiner for a conditional use as requested.

I, we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

  
Witness

 4/7/15  
Signature Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature Date

\*\*\*\*\*

Application Fee: \$500.00      Poster Fee: \$25.00 per sign/poster

Make check payable to: Director of Finance.

**For DPZ use only:**

Hearing fee: \$ \_\_\_\_\_  
Poster fee: \$ \_\_\_\_\_  
Total: \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_

County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION.

Please access the online application process for the pre-submission meeting by using the link below:

[https://pdox.howardcountymd.gov/ProjectDox/workfloweforms/Anonymous Form C Z Presub.aspx](https://pdox.howardcountymd.gov/ProjectDox/workfloweforms/Anonymous_Form_C_Z_Presub.aspx)

#### **Pre-Submission Community Meeting**

A pre-submission community meeting is required prior to the initial submittal of a petition for a Conditional Use subject to the same procedures for such meetings as specified in Section 16.128 of the Subdivision and Land Development Regulations.

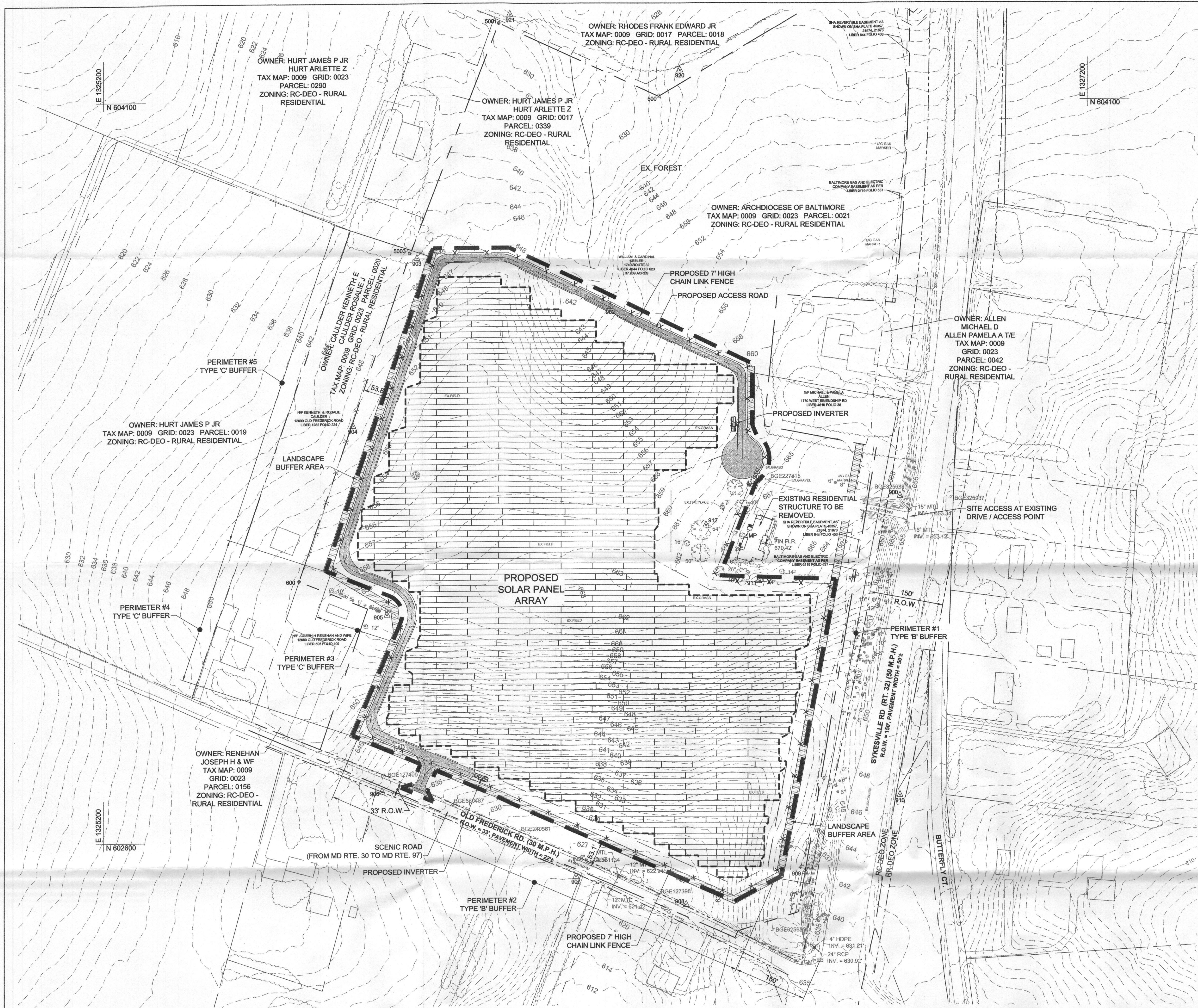
Please use the following web address to access the community notification list

[http://data.howardcountymd.gov/HOA\\_Register/GCommunityView\\_new.asp](http://data.howardcountymd.gov/HOA_Register/GCommunityView_new.asp). You will be prompted to enter the three-digit sign code assigned to your development. Once your sign code has been entered, you will be provided with a list of community contacts that have requested information about your development.

T:\DPZ\Shared\Public Service and Zoning\Applications\Hearing Examiner\Conditional Use Application.doc REV 08/14

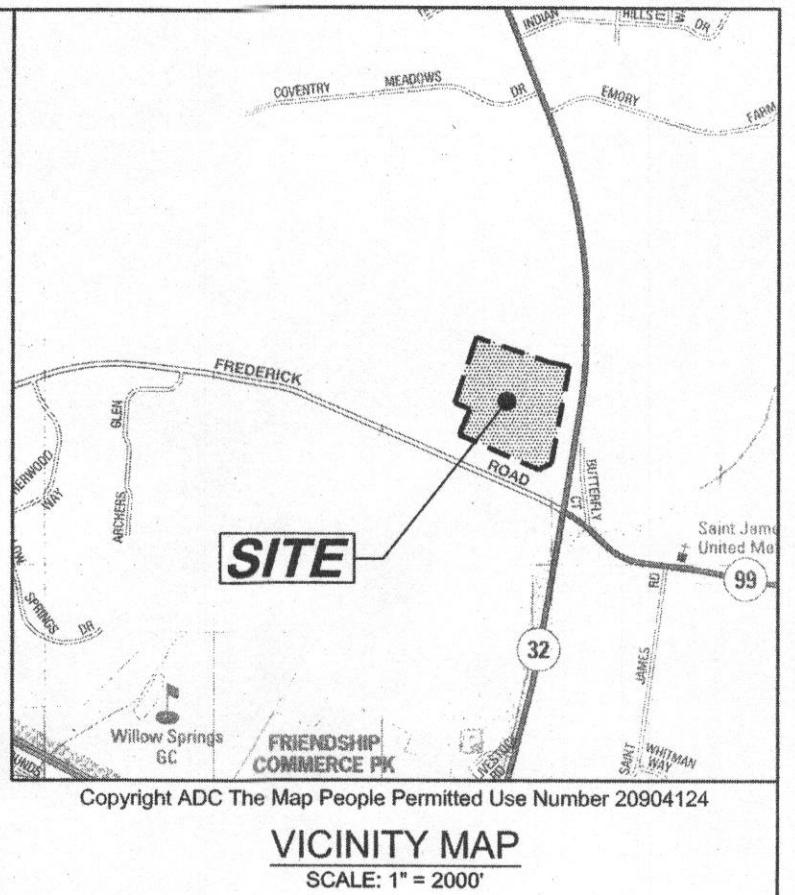






**LEGEND**

- EXISTING BUILDING
- EXISTING BIT. CONC. PAVING
- EXISTING CONTOUR
- PROPERTY LINE
- EXISTING TREE LINE
- PROPOSED 7' HIGH CHAIN LINK FENCE
- PROPOSED SOLAR PANEL
- LIMIT OF CONDITIONAL USE
- LANDSCAPE BUFFER AREA
- PROPOSED ACCESS ROAD
- PROPOSED SOLAR ARRAY OUTLINE



- SITE DATA:**
- ZONING: RC-DEO  
ADJOINING PROPERTIES ZONING: RC-DEO
  - AREA OF CONDITIONAL USE: 20.65 ACRES  
(TOTAL PARCEL = 37.239 ACRES)
  - NEARBY LOCAL COMMUNITY: SYKESVILLE
  - EXISTING USE: PRIVATE RESIDENCE  
PROPOSED USE: SOLAR FARM  
ADJACENT LAND USE: RESIDENTIAL, AGRICULTURE
  - SETBACKS  
REQUIRED:  
FRONT: 50'  
REAR: 50'  
SIDE: 50'  
PROVIDED:  
FRONT: 50'  
REAR: 50'  
SIDE: 50'  
FROM PUBLIC STREET RIGHT-OF-WAY: 50'
  - PARCEL SIZE  
REQUIRED: MIN. 10 ACRES  
PROVIDED: 37.239 ACRES
  - FACILITY SIZE  
REQUIRED: MAX. 75 ACRES  
PROVIDED: 20.65 ACRES
  - HEIGHT OF ARRAYS / EQUIPMENT  
MAXIMUM ALLOWED: 20'  
PROVIDED: < 10' PANELS, 12' INVERTERS
  - LANDSCAPE BUFFER:

- GENERAL NOTES:**
- THE SUBJECT PROPERTY IS CURRENTLY USED AS A PRIVATE RESIDENCE. THE CONDITIONAL USE IS BEING REQUESTED FOR A PROPOSED COMMERCIAL SOLAR FACILITY (SECTION 131.N.52., SOLAR FACILITY, COMMERCIAL.)
  - THIS PLAT IS BASED UPON A FIELD-RUN TOPOGRAPHIC AND BOUNDARY SURVEY PERFORMED BY WHITNEY, BAILEY, COX & MAGNANI, LLC (WBCM) IN FEBRUARY, 2015 AND REFLECTS SITE CONDITIONS AS OF THAT DATE. AREAS SHOWN OUTSIDE THE LIMITS OF FIELD RUN TOPOGRAPHIC SURVEY AREA ARE SHOWN FROM COUNTY GIS AND RECORD INFORMATION
  - THE PROPERTY IS SERVED BY PRIVATE WELL AND SEPTIC. THERE IS NO PROPOSED WATER AND SEWER ASSOCIATED WITH THIS PROJECT.
  - THE PROPERTY IS LOCATED ON THE NORTH CORNER OF INTERSECTION OF MD RT. 32 AND OLD FREDERICK ROAD. OLD FREDERICK ROAD IS DESIGNATED A COUNTY SCENIC ROAD ALONG THIS PROPERTIES FRONTAGE.
  - PERIMETER LANDSCAPE REQUIREMENTS WILL BE PROVIDED BY EXISTING TREES AND NEW PLANTINGS. CREDITS FOR EXISTING PLANTING ALONG MD RT. 32 WILL BE ESTABLISHED AT THE TIME OF THE LANDSCAPE PLAN SUBMISSION / REVIEW.
  - FOREST CONSERVATION FOR THE PROPOSED DEVELOPMENT WILL BE ADDRESSED AT TIME OF SITE DEVELOPMENT PLAN. THERE IS NO IMPACT OF EXISTING WOODED AREAS WITH THE PROPOSED SOLAR PANEL INSTALLATION.

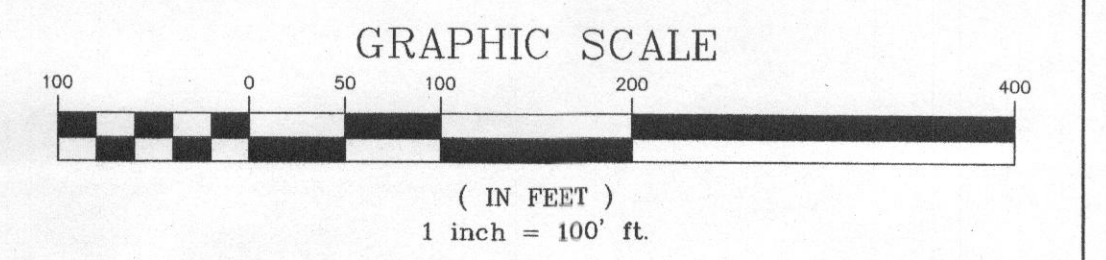
Perimeter	Length (feet)	Type	Required	
			Shade Trees	Evergreen Trees
Perimeter #1	998	B	20	25
Perimeter #2	894	B	18	22
Perimeter #3	176	C	4	9
Perimeter #4	300	C	8	15
Perimeter #5	672	C	17	34

- NOTES:**
- THE TYPE BUFFER IS BASED UPON ADJACENT USE PER THE LANDSCAPE MANUAL, ALTHOUGH ZONING REGULATIONS SECTION 131.0 CONDITIONAL USES, UNDER 52. SOLAR FACILITY, COMMERCIAL, E. INDICATES THAT A TYPE D LANDSCAPING BUFFER MUST BE PROVIDED AROUND THE PERIMETER OF THE PROPOSED COMMERCIAL SOLAR FACILITY UNLESS THE HEARING AUTHORITY DETERMINES THAT AN ALTERNATIVE BUFFER IS SUFFICIENT.
  - CREDIT FOR EXISTING TREES WILL BE DETERMINED AT THE TIME OF LANDSCAPE PLAN REVIEW / SUBMISSION.

**PETITIONER:**  
NAME: CONSTELLATION SOLAR MARYLAND MC, LLC; ATTN: RICK JUSTICE  
ADDRESS: 100 CONSTELLATION WAY, SUITE 1000C, BALTIMORE, MD 21202  
TELEPHONE: 410-470-4244

**COUNSEL FOR PETITIONER:**  
NAME: WHITEFORD TAYLOR PRESTON LLP; ATTN: JENNIFER R. BUSSE, ESQ.  
ADDRESS: ONE W. PENNSYLVANIA AVE., SUITE, TOWSON, MD 21204  
TELEPHONE: 410-832-2000

**PROPERTY OWNER:**  
NAME: CATHOLIC ARCHDIOCESE OF BALTIMORE, A CORPORATION SOLE  
ADDRESS: 320 CATHEDRAL ST. BALTIMORE MD, 21201  
TELEPHONE: 410-547-5340



**APPROVED: DEPARTMENT OF PLANNING AND ZONING**

Chief, Development Engineer Division \_\_\_\_\_ Date \_\_\_\_\_

Chief, Division of Land Development \_\_\_\_\_ Date \_\_\_\_\_

Director \_\_\_\_\_ Date \_\_\_\_\_

**ADDRESS CHART**

LOT / PARCEL #	STREET ADDRESS

**PERMIT INFORMATION CHART**

Subdivision Name	Section / Area	Lot / Parcel No.
Plat # or L/F	Grid #	Zoning
Water Code	Tax Map No.	Elect District
	Sewer Code	Census Tract

**ENGINEER / SURVEYOR**

**WBCM**  
ARCHITECTURE ENGINEERING CONSTRUCTION

WHITNEY BAILEY COX & MAGNANI, LLC  
849 FARMOUNT AVE SUITE 100  
BALTIMORE, MD 21286  
PHONE: 410-512-4500

**SEAL**  
STATE OF MARYLAND  
PROFESSIONAL ENGINEER  
No. 34682  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.  
License #34682, Expiration Date: 7/8/15

**OWNER / DEVELOPER**

**Conti**  
OWNER  
THE ROMAN CATHOLIC ARCHDIOCESE OF BALTIMORE, A CORPORATION SOLE  
320 CATHEDRAL STREET  
BALTIMORE, MD 21201

**Constellation.**  
DEVELOPER  
CONSTELLATION SOLAR MARYLAND MC, LLC  
1000 CONSTELLATION WAY, SUITE 1000C  
BALTIMORE, MD 21202

**CONSTELLATION SOLAR FARM**  
5.4 MW DC SOLAR FARM, SYKESVILLE, MARYLAND

**CONDITIONAL USE PLAN**

PROJECT #: 2014.0751.00	DESIGNED: R.H.	DRAWING:
SCALE: 1" = 100'	DRAWN: M.H.	<b>CP-1</b>
DATE: 03-31-15	CHECKED: B.L.	