



CSAAC Headquarters, Site Plan Amendment No. 82003004D

	Emily Tettelbaum, Planner Coordinator, Area 2 Division, Emily.Tettelbaum@montgomeryplanning.org , 301.495.4569
	Patrick Butler, Supervisor, Area 2 Division, Patrick.Butler@montgomeryplanning.org , 301.495.4561
	Carrie Sanders, Chief, Area 2 Division, Carrie.Sanders@montgomeryplanning.org , 301.495.4653

Completed: 7/20/2020

Description

Request to install up to 1,440 free-standing solar panels that generate no more than 120% of onsite energy consumption.

Location: northwest corner of the intersection of East Village Avenue and Silverfield Drive, Montgomery Village.

Master Plan: 2016 *Montgomery Village Master Plan* area.

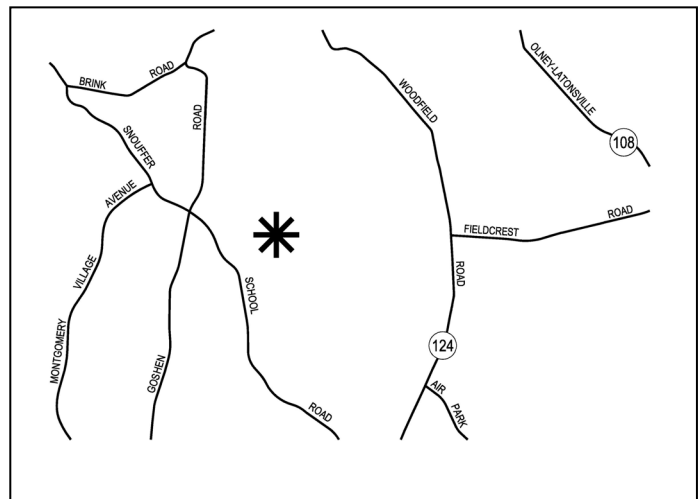
Zones: R-200 and Montgomery Village Overlay Zones.

Size: 6.82 acres.

Applicant: CSAAC, Inc.

Acceptance Date: 2/6/20.

Review Basis: Chapter 59, Site Plan.



Summary

- Staff recommends approval with conditions.
- The existing development, the headquarters of Community Services for Autistic Adults and Children (CSAAC), was approved under the TS Zone in the Zoning Ordinance in effect prior to October 30, 2014 and will be retained.
- The proposed Solar Collection System is being reviewed as an accessory use in the R-200 and Montgomery Village Overlay Zones under the current Zoning Ordinance.
- Staff received one letter of opposition from the owner of a nearby home.

SECTION 1: RECOMMENDATION AND CONDITIONS

Staff recommends approval of Site Plan Amendment 82003004D. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹ The conditions below are in addition to previous site plan conditions which remain in full force and effect.

Solar Panels

7. The ground-mounted solar panels are limited to a maximum height of 10 feet from the grade measured from the post at each end of a table, or the post at each end of multiple tables if joined together.
8. Only solar thermal or photovoltaic panels or shingles may be used and the panels or shingles must use textured glass or an anti-reflective coating.
9. The amount of energy generated by the solar panels is limited by Section 3.7.2.B.1.e of the Zoning Ordinance.
10. Prior to final inspection, written authorization from the local utility company must be provided if the solar collection system will be connected to the utility grid.
11. The solar collection system must be removed within 12 months of the date when the use is discontinued or abandoned by the system owner or operator, or upon termination of the useful life of the system. The solar collection system will be presumed to be discontinued or abandoned if no electricity is generated by the system for a period of 12 continuous months.

Landscaping

12. New plantings must be installed within one growing season after issuance of the first building permit for the solar collection system.
13. The Applicant must work with the Montgomery Village Foundation to maintain and replace landscaping as necessary within the Montgomery Village Foundation-owned buffer to the east of the Property.

Development Program

14. The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

Site Plan

15. Before approval of the Certified Site Plan for the Site Plan Amendment, the following revisions must be made and/or information provided subject to Staff review and approval:
 - a) Include the Site Plan resolution, and any applicable agency approvals on the approval or cover sheet(s).
 - b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
 - c) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
 - d) Modify data table to reflect development standards approved by the Planning Board. Indicate on Sheet 1 that the R-200 development standards apply to the solar collection system and the TS development standards apply to the existing use.

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) Remove reference to SDP under the R-200 development standards and correct the subject application number.
- g) Delineate the Site Plan Amendment area on Sheets 1 and 2.
- h) Work with Staff to include additional landscaping to the Montgomery Village-owned landscape buffer located to the east of the Property.
- i) Include a detail of the white vinyl fence that will be used on the north, east and west sides of the Property.
- j) Remove note No. 4 on Sheet 4.
- k) Replace "Property" with "Existing development" in note 13 on Sheet 1.

SECTION 2: SITE DESCRIPTION

Vicinity

The Subject Property ("Subject Property" or "Property"- outlined in red in Figure 1 below) is located in the northern portion of Montgomery Village. The vicinity is predominantly residential with detached houses and townhouses in various Residential Zones, although the Village Montessori School occupies the site just northwest of the Subject Property. The Property is also bordered by a Pepco right-of-way to the north, a 4-acre open space that includes an approximately 40-foot-wide buffer area owned by the Montgomery Village Foundation to the east, and East Village Avenue to the south. The surrounding area is also within the Montgomery Village Overlay Zone.



Figure 1: Vicinity Map (Property outlined in red)

Site Analysis

The Property, also known as Parcel A Montgomery Village East Village, is comprised of approximately 6.8 acres, and is developed with the 36,505-square-foot headquarters of Community Services for Autistic Adults and Children (CSAAC), a non-profit organization with a mission to “enable individuals with autism to achieve their highest potential and contribute as confident members of their community.” Vehicular access to the Property is from a driveway on East Village Avenue which leads to a surface parking lot that wraps around the northern portion of the building. The northern portion of the Property is a grassy field.

The Property contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property.



Figure 2: Subject Property (outlined in red)

SECTION 3: PROJECT DESCRIPTION

Prior Approvals

The existing development was originally approved by Site Plan No. 820030040, on November 25, 2002, for 36,000 square feet of institutional office space, 4.0 acres of open space for public dedication (currently owned by the Montgomery Village Foundation) and a surface parking lot under the Town Sector (TS) Zone.

On November 15, 2006, the Planning Board approved Site Plan Amendment 82003004A, MCPB No. 06-105, for modifications to the building footprint without increasing the total approved floor area, addition of a terrace, changes to parking layout, minor revisions to landscape plan, addition of storm drain structures and piping to the north side of the west building and replacement of a masonry screen wall with evergreen and ornamental plantings.

On February 7, 2008, the Planning Board approved Site Plan Amendment No. 82003004B, MCPB No. 08-34, to revise the front and side yard building setbacks.

On June 1, 2015, the Planning Director approved minor Site Plan Amendment No. 82003004C to construct a 505-square foot greenhouse within the courtyard of an existing building.

Proposal

The Applicant proposes to install a 496.8 kW free-standing solar PV system on the northern portion of the Property (Figures 3 and 4). The solar array is projected to generate 601,727 kWh of electricity in the first year of operation, which is enough to meet 95 percent of CSAAC's annual energy demand. The system will offset an estimated 468 tons of CO₂ emissions each year while significantly reducing CSAAC's electricity bills, allowing the organization to devote a greater percentage of its budget to the services it provides for people with autism.

The proposed solar array will consist of up to 1,440 345W solar panels mounted to ground mount racking. The racking system uses the engineered placement of open-faced, C-channel vertical members into the soil. Soil displacement is minimal to non-existent. Once the system is operational, vegetation can grow around all components of the solar system, although it must be trimmed to keep it from shading the panels. The panels will be wired together in a series configuration and brought to eight inverters. The inverters will be mounted on the ground on 3-foot by 3-foot concrete pads. The majority of the solar panel array will be surrounded by a 6-foot white vinyl fence.

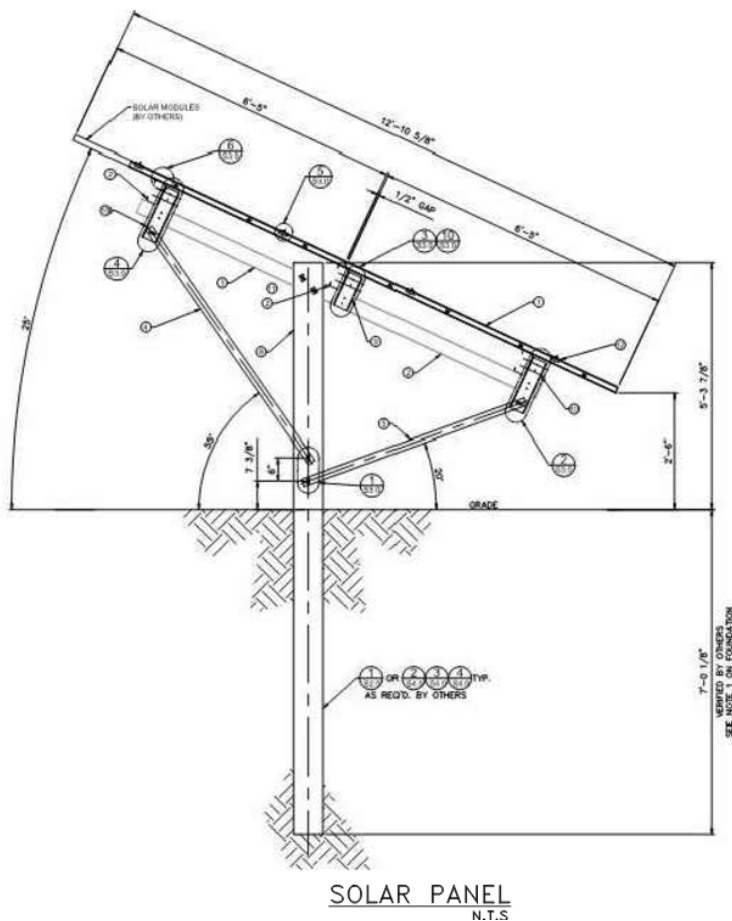


Figure 3: Solar Panel Detail

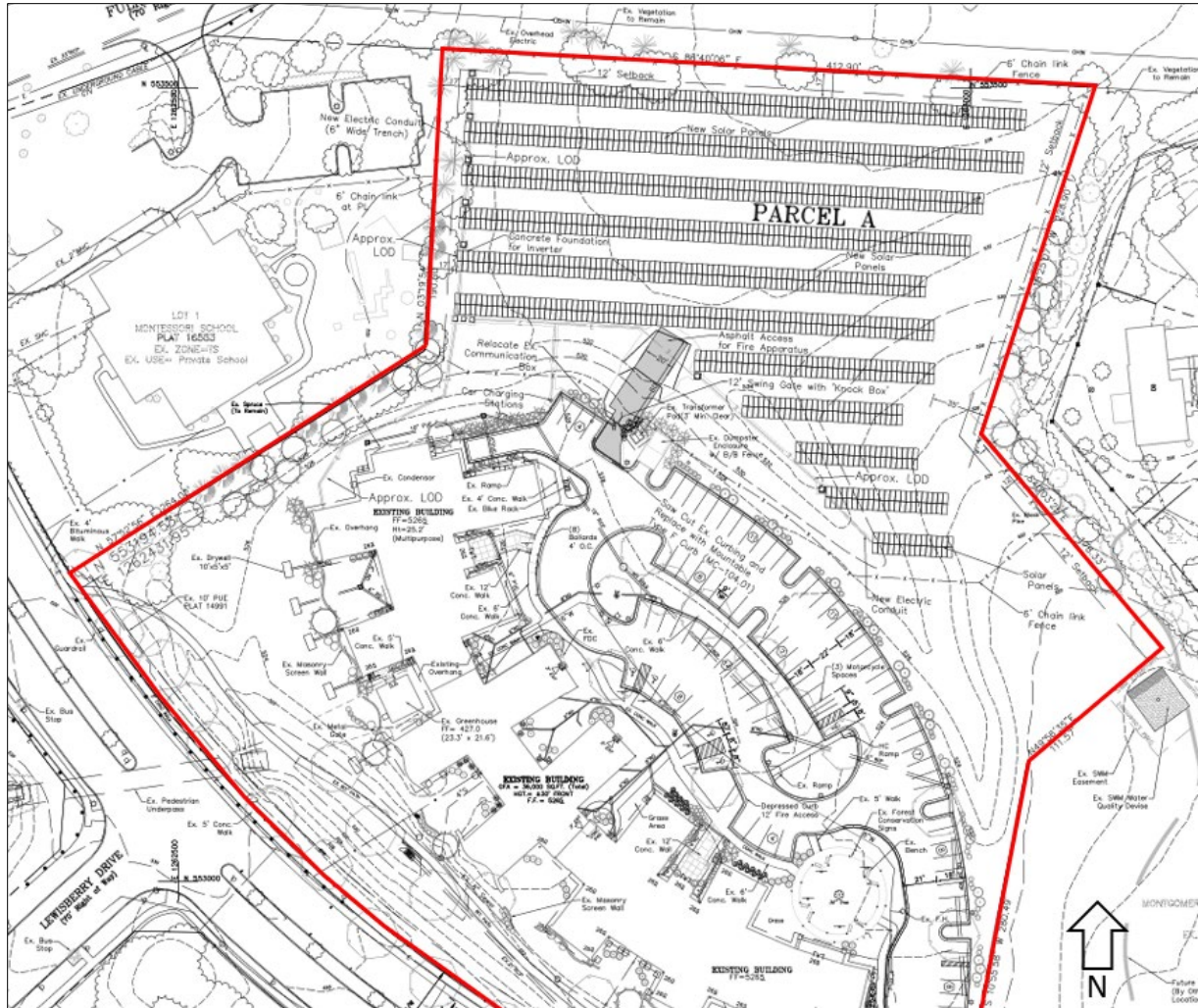


Figure 4: Site Plan

The Applicant proposes to remove and replace dead trees within the landscape buffer located between the Property and the detached homes to the east. The majority of the existing buffer is comprised of large, mature evergreen (Figure 5), but portions of the buffer contain sparse vegetation. Staff recommends a condition of approval requiring the Applicant to work with Staff to include additional plantings where sparse areas were observed during a field visit (Figure 6). The removal of dead trees and the supplemental plantings will enhance the evergreen screen between the existing homes and the proposed solar panel array.

No changes are proposed to the existing building or the vast majority of the parking lot, but an asphalt driveway is proposed to provide fire department access from the parking lot to the solar array. In addition, four proposed electric vehicle charging stations will occupy existing parking spaces. These spaces will help CSAAC meet its goal of transitioning its vehicle fleet from fossil fuels to electric vehicles.



Figure 5: View of the landscape buffer (from Property facing northeast)



Figure 6: View from northeastern portion of Property facing east

Community Outreach

The Applicant complied with all submittal and noticing requirements. A pre-submittal community meeting was not required for this site plan amendment application.

On February 19, 2020, Staff received a letter from the owner of a detached house located adjacent to the proposed solar array (separated by the Montgomery Village Foundation owned buffer area). The letter expresses several concerns including declining property values, environmental impacts, privacy, radiation, heat, light and noise (Attachment 2). Staff encouraged the neighbor to attend a meeting with the Applicant planned for February 27, 2020 to address neighbor concerns.

The Applicant team attended a meeting on February 27, 2020, hosted by the East Village Homeowners Association, to address concerns raised by neighbors. The Applicant submitted a letter with a summary of the meeting, the neighbors' concerns, and the Applicant's response (Attachment 3). The Neighbors' primary concerns were the size and appearance of the proposed solar array, the potential for reduced property values, and the loss of green space for casual community recreation. A summary of neighbor concerns and Staff responses is included below:

- *Issue:* Size and appearance
Response: The size and setbacks of the proposed facility is permissible under the Zoning Ordinance provided the solar collection system generates no more than 120% of onsite energy consumption. The existing evergreen buffer that will be supplemented with additional plantings will provide an effective screen between the solar array and the detached homes.
- *Issue:* Reduction in property values/Deterrent to families with young children
Response: According to Paradise Energy Solutions, the Solar Energy Industries Association studies in multiple states show that large-scale solar arrays often have no measurable impact on the value of adjacent properties, and in some cases may even have positive effects. Further, the Applicant states that the solar array will be completely enclosed by a PVC fence to prevent unauthorized entry.
- *Issue:* Loss of green space
Response: The existing green space is private property. Further, as part of the initial site plan approval for this Property, the Applicant dedicated approximately four acres of open space (Outlot A) to the MVF that is available as green space for recreational use.

SECTION 4: SITE PLAN FINDINGS²

Previous findings of site plan approval remain in full force and effect except as modified below.

To approve a site plan under Section 59-7.3.4.E, the Planning Board must find that the proposed development:

1. *satisfies any previous approval that applies to the site;*

Except as modified herein, the proposed development will continue to satisfy all previous approvals.

2. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

Although the Property was subject to a development plan under the TS Zone on October 29, 2014, the Property has since been rezoned by Sectional Map Amendment H-112 implementing the *2016 Montgomery Village Master Plan*. Since the subject Site Plan Amendment is reviewed

² The findings under Section 59-7.3.4.E.3 and Section 59-7.3.4.E.4 are not applicable to this Application and are not included in this report.

under the SMA-approved R-200 zoning, the binding elements of the development plan do not apply to the proposed Solar Collection System.

3. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

Not applicable: this Property was not zoned H-M on October 29, 2014 and Section 7.7.1.B.5 does not apply.

4. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

Use Standards

Section 59- 3.7.2.B

- a) *A Solar Collection System must be an accessory use as defined in Section 3.1.3.*

An accessory use is defined as: "...a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied." As confirmed by the Department of Permitting Services, the proposed solar collection system meets the definition of an accessory use.

- b) *Written authorization from the local utility company must be provided for a Solar Collection System that will be connected to the utility grid.*

This is a condition of approval.

- c) *Removal of trees or landscaping otherwise required or attached as a condition of approval of any plan, application, or permit for the installation or operation of a Solar Collection System is prohibited.*

The area where the solar collection system will be installed is currently a grassy field and no removal of trees or landscaping is proposed, except for the removal and replacement of dead trees in the buffer located to the east of the Property. Some trimming of vegetation may occur along the proposed fence line.

- d) *Solar panels may encroach into a setback as allowed under Section 4.1.7.B.5.c and may exceed the maximum height as allowed under Section 4.1.7.C.3.b.*

The solar panels will not encroach into any setbacks.

- e) *A freestanding Solar Collection System is allowed only as an accessory use where the system produces a maximum of 120% of on-site energy consumption and must satisfy the same development standards as an accessory structure.*

This is a condition of approval.

Development Standards

The existing development is conforming under the Montgomery Village Overlay Zone Section 59-4.9.11.E. The proposed solar collection system will satisfy the applicable development standards for an accessory structure in the R-200 Zone as demonstrated in Table 1. The Montgomery Village Overlay Zone does not have any standards applicable to the proposed Solar Collection System.

Table 1-Applicable Development Standards R-200 Zone (Section 59-4.4.7)		
Development Standard	Permitted/ Required	Proposed
Lot area	20,000 sf	6.82 ac (297,323 sf)
Lot width at front building line	100 ft	650 ft
Lot width at front lot line	25 ft	998 ft
Frontage on street or open space	required	Fronts on East Village Avenue
Accessory Structure Setbacks		
Front Setback (min)	65 ft / behind rear building line	360 ft/behind rear building line
Side Setback (min)	12 ft	17 ft (west) 26 ft (east)
Rear Setback (min)	7 ft	17 ft
Accessory Structure Height	35 ft	10 ft

General Development Requirements

Site Access

Access to the Property from East Village Avenue remains unchanged. The existing driveway from East Village Avenue continues to provide access to the east side of the Property. A proposed asphalt pad is located on the north side of the parking lot for fire department access to the solar panel array. A gate with a knox box will allow entry through the gate should the fire department need to access the area.

Parking

Four existing car parking spaces will be converted to electric car charging stations. No further changes are proposed to the parking lot and no parking spaces are required for the proposed solar array. The parking lot will continue to satisfy prior regulatory approvals.

Open Space

Open space is not required for this Property.

Landscaping/Screening and Outdoor Lighting

No screening is required by the Zoning Ordinance for the proposed use, but the Applicant is removing and replanting dead plant material in the buffer area located to the east of the Property. Staff has also conditioned additional planting in the buffer area where the existing vegetation is sparse. No lighting is proposed.

5. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The proposed area of disturbance is less than 5,000 square feet in area; therefore, no Sediment Control or Stormwater Management Plan is required for this amendment.

ii. *Chapter 22A, Forest Conservation.*

A Forest Conservation Exemption (No. 42020069E) was confirmed on March 25, 2018 (Attachment 4). The exemption documented that the site contains no streams or their buffers, wetlands or wetland buffers, steep slopes, 100-year floodplains, or known occurrences of rare, threatened or endangered species. There are no forests or specimen trees on the property. The plan as submitted complies with Chapter 22A, Forest Conservation, and in conformance with the Environmental Guidelines for the Management of Development in Montgomery County.

6. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

With the exception of the proposed fire access driveway and the conversion of existing parking spaces to electric car charging spaces, the existing parking and circulation remains unchanged and will continue to provide safe and efficient access to the Property.

7. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The vision of the *Montgomery Village Master Plan* (Master Plan) includes four components:

1. Preserve the village's character
2. Maintain the village's public recreation and open spaces
3. Encourage reinvestment in the village
4. Enhance the village's connectivity

The proposed solar arrays are located to minimize the impact on the Montgomery Village community while providing a major economic benefit to a non-profit that services people with special needs in the Montgomery Village Community.

The Master Plan states that the County has established a goal to reduce greenhouse gas emissions to 20 percent of 2005 levels by 2050. The Master Plan recognizes that the majority of Montgomery Village is built out, but it also acknowledges that there are areas where emissions reductions can be enabled (page 41). The proposed solar collection system is an ideal opportunity to provide a significant reduction in CO₂ emissions while also saving money in electricity bills for CSAAC.

The Property is located in the East Upper Village portion of Montgomery Village and the Master Plan does not recommend, anticipate or encourage significant change in the area (page 67). The proposed solar collection system will not change the primary use of the Property as the CSAAC Headquarters. In fact, the proposed use will strengthen the financial stability of the organization.

8. *will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The proposed solar panel array will not impact the existing public services and facilities.

9. *on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The solar collection system will be well buffered from view of nearby residential neighborhoods. The solar array will be located behind the CSAAC headquarters building, 360 feet from East Village Avenue, and approximately 66 feet from the rear lot lines of the detached house located east of the Property. The Applicant will replace dead plants and enhance the existing evergreen landscape buffer that separates the houses to the east from the Property. Further, six-foot tall white vinyl fencing will be installed along the north, east, and west sides of the Property that will screen the majority of the solar panels from the view of adjacent residential neighborhoods.

The residential neighborhood located to the north is buffered from the Property by the approximately 250-foot-wide Pepco right-of-way that includes large towers and transmission lines.

10. *on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

Not applicable; the Property is in a Residential Zone, see previous finding.

SECTION 5: CONCLUSION

The Site Plan Amendment application satisfies the findings for approval under Section 7.3.4.E of the Zoning Ordinance and substantially conforms to the recommendations of the *Montgomery Village Master Plan*. Therefore, Staff recommends approval of the Site Plan with the conditions specified at the beginning of this report.

ATTACHMENTS:

1. Prior Approvals
2. Correspondence from Neighbor
3. Correspondence from Applicant
4. Forest Conservation Exemption

ATTACHMENT 1



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: November 25, 2002
SITE PLAN REVIEW: #8-03004
PROJECT: CSAAC Headquarters

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue with a vote of 5-0, Commissioners Berlage, Bryant, Perdue, Robinson and Wellington voting for.

The date of this written opinion is November 25, 2002 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before December 25, 2002. (Which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On November 21, 2002, Site Plan Review #8-03004 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the zone in which it is located;*
3. *The locations of the buildings and structures, the open spaces, the landscaping, the recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-03004 for 36,000 sf Institutional Office Space, 4.0 acres of open space for public use dedication, and a waiver for required parking spaces, subject to the following conditions:

1. Stormwater Management
Conditions of MCDPS stormwater management concept approval dated September 5, 2002.
2. Transportation Planning
Coordinate with DPS and DPWT to alter the grading and dimensions of the existing asphalt path along East Village Avenue to provide to ADA-compliant standards.
3. Transportation and/or Pedestrian safety
Conditions of DPS memo dated November 8, 2002, including:
Eliminate the median from the ingress/egress driveway.
4. Environmental
Provide with the Signature Set the following items:
 - a. Provide a tree protection and maintenance plan for the Mockernut Hickory tree, to be submitted to Environmental Planning prior to clearing and grading; the plan must be prepared by a licensed arborist;
 - b. Provide photometric lighting distribution plan for staff review and approval;
 - c. Provide lighting details with uniformity ratios and catalogue cuts for light fixtures and poles proposed; light fixtures should be full cut-off light fixtures, or flat lenses and not drop flat lenses as proposed; Light poles should all be the same height;
 - d. Provide a plan indicating when the lights will be on and at what time they will be completely shut off, as per the testimony of the DPA.
5. Signature Set
Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:
 - a. Site Plan
 - i. Show LODs and PUE, bus stops;
 - ii. Indicate hours of building use and operation;
 - iii. Show conformance with all binding elements of the Development Plan Amendment;
 - b. Landscape Plan
 - i. Provide landscape hedge at the perimeter that is 36 inches height throughout;
 - ii. Provide eight additional trees for landscape buffer at the residential area perimeter, including hardwood and evergreen trees; identify existing tree species that are located within the buffer area;

- iii. Provide details and top/bottom elevations for all retaining walls and/or freestanding walls;
 - c. Supplemental Development Plan
 - i. Provide updated calculations for open space and green space for the Supplemental Development Plan sheet.
- 6. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Program for review prior to approval of the signature set as follows:

 - a. Development Program to include a phasing schedule as follows:
 - i. Streets tree planting must progress, as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iii. Coordination of each section of the development and roads;
 - iv. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
 - v. Site Plan Enforcement Agreement to include conditions pertaining to access and maintenance of the storm water management parcel and the Traffic Mitigation Agreement;
 - b. No clearing or grading prior to M-NCPPC approval of signature set of plans.



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

NOV 15 2006

MCPB No. 06-105

Site Plan No. 82003004A

Project Name: CSSAC

Hearing Date: September 14, 2006

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on February 7, 2006, Community Services for Autistic Adults and Children ("Applicant"), filed a site plan amendment application designated Site Plan No. 82003004A ("Amendment") for approval of the following modifications:

- 1) Changes to overall building footprint without increasing the total approved floor area.
- 2) Addition of a terrace to the east building wing without increasing the total approved floor area.
- 3) Revisions to the doorway entrances/locations.
- 4) Replacement of the east building wing drop off with four additional parking spaces and associated sidewalk.
- 5) Replacement of six parking spaces at west building wing to provide drop off area.
- 6) Addition of four parking spaces and service/delivery lane/sidewalk to the north side of the west building.
- 7) Minor revisions to the landscape plan to accommodate the changes to the building footprint.
- 8) Addition of a berm along the north side of the parking to screen views from residences on Harron Valley Way.
- 9) Addition of storm drain structures and piping to the north side of the west building.
- 10) Elimination of internal courtyards as part of the changes to the building footprint.
- 11) Replacement of masonry screen wall with evergreen and ornamental plantings.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated August 31, 2006 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on September 14, 2006, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 82003004A; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is NOV 15 2006 (which is the date that this opinion is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION CLAUSE

At its regular meeting, held on September 14, 2006, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Commissioner Wellington, and with Commissioners Hanson, Bryant, Perdue, Robinson and Wellington voting in favor, and with Commissioner Robinson absent. This Resolution constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for (Minor) Site Plan Amendment No. 82003004A, CSSAC.

Adopted by the Montgomery County Planning Board this 14th day of September 2006.



Royce Hanson, Chairman
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APR 2 - 2008

MCPB No. 08-34
Site Plan Amendment No. 82003004B
Project Name: CSAAC Headquarters
Hearing Date: February 7, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on January 1, 2008, Community Services for Autistic Adults and Children ("Applicant"), filed a site plan amendment application designated Site Plan Amendment No. 82003004B, CSAAC Headquarters (the "Amendment") for approval of the following modifications:

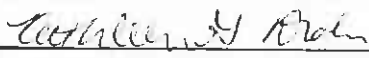
1. Revise the building setbacks; and
2. Revise the front and side yard setbacks.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated January 25, 2008, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 7, 2008, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on February 7, 2008, the Planning Board voted to approve the Amendment subject to conditions on the motion of Commissioner Robinson, seconded by Commissioner Bryant, with a vote of 4-0, Commissioners Bryant, Cryor, Hanson and Robinson voting in favor.

APPROVED AS TO LEGAL SUFFICIENCY


M-NCPPC LEGAL DEPARTMENT

DATE 3/12/08

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. The data table needs to reflect the following setbacks approved by the Planning Board and binding on Applicant :

Site Plan No. 82003004B	
Front Setback (East Village Ave.)	54 feet
Side (West-Lot 1)	37 feet
Side (East)	73.5 feet
Rear (North)	200 feet

2. All previous findings are unaffected and all previous conditions remain in full force and effect.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on CSAAC drawings stamped by M-NCPPC on January 1, 2008, shall be required, except as modified by the above condition of approval; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and


APR 2 - 2008 BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

At its regular meeting, held on Thursday, March 20, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Vice Chair Robinson, seconded by Commissioner Bryant, with Chairman Hanson, Vice Chair Robinson, and Commissioner Bryant present and voting in favor, and with Commissioner Cryor absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Site Plan No. 82003004B, CSAAC Headquarters.



Royce Hanson, Chairman
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: June 1, 2015

TO: Gwen Wright, Planning Director

VIA: Glenn Kreger, Chief *GK*
Khalid Afzal, Supervisor *KA*
Area 2 Division

FROM: Lori Shirley, Planner Coordinator *LS*
Area 2 Division

SUBJECT: Community Services for Autistic Adults and Children, Inc. (CSAAC) Headquarters
SITE PLAN AMENDMENT #82003004C

Pursuant to Section 59.7.3.4.J.2, "the Planning Director may approve a minor amendment to an approved site plan. A minor amendment includes any change that does not increase density or height; decrease a setback abutting a detached residential use; or alter the intent, objectives, or requirements of the Planning Board in approving the site plan. A minor amendment may also be approved to reduce the approved parking to satisfy Article 59-6."

A Pre-Application meeting with the community/public/parties of record is not required. A Pre-Submittal meeting with the Development Activity Information Center (DARC), Intake Section is also not required; however, submittal of the application to DARC is applicable and the applicants must provide public notice under Division 7.5. of the Zoning Ordinance. Administrative Amendments must satisfy the noticing and posting requirements as identified in Sections 4.C and 4.D (a) (ii) of the Development Manual.

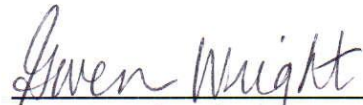
On April 27, 2015, CSAAC, Inc. (the Applicant) filed a site plan amendment application designated Site Plan No. 82003004C (Amendment) for approval of the following modification:

1. Construct an approximately 505-square-foot greenhouse addition within an existing courtyard.

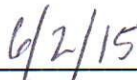
Section 59.7.7.1.B.3 of the Zoning Code addresses Amendments for Plans approved or pending before October 30, 2014. Section 59.7.7.1.B.3.a states that until October 30, 2039, an Applicant may apply to amend any previously approved application under the development standards and procedures of the property's zoning on October 29, 2014, subject to certain limitations. Therefore, Staff reviewed this Amendment under the development standards and procedures of the property's zoning on October 29, 2014, and determined that this amendment is consistent with the provisions of Section 59-D-3.7 of the Zoning Ordinance in effect on October 29, 2014, as well as the provisions of Section 59.D.7.3.4.J.2 of the current Zoning Ordinance. It does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved Site Plan or any subsequent amendments thereof.

The Applicant sent a notice of the Amendment to all parties of record on May 11, 2015. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff did not receive any correspondence from the parties of record. This Amendment shall remain valid as provided in Montgomery County Code § 59.D.7.3.4.H. The Applicant is responsible for submitting a certified site plan after approval by the Director for the specific modifications.

ACCEPTED & APPROVED BY:



Gwen Wright, Planning Director



Date Approved

ATTACHMENT 2

February 12, 2020

Plan#: 82003004D

Development Application and Regulatory Coordination Division, M-NCPPC
8787 Georgia Ave
Silver Spring, DM 20910-3760



To whom it may concern:

We are writing in response to a recent notification of a proposed developmental plan at CSAAC Headquarters on the north side of east village avenue, which is adjacent to our property on 20124 Harron Valley Way, Montgomery Village, MD, 20886. This letter is to formally express our disapproval and significant concerns with the plans as sent to us and shown on your web site. Also, please note that I have tried multiple times to talk with the lead reviewer for this project, but no one ever returned my calls.

Our concerns stem from several issues. First, there is no doubt that placing this "power-plant" in our back yards will further depress the property values of those living in this section of Montgomery Village. More people are leaving the Village than entering as witnessed by the exodus of many businesses and other organizations. This is one of the more attractive sections of the Village and this will no doubt further drive people away from this area. It is undeniable that construction of this solar plant will be a serious deterrent for anyone who may be considering moving into this area, especially families with young children. Further, most current homeowners in this development did not purchase their homes either recently or in the past with the expectation or anticipation that an electric power plant would be placed in their back yard.

Second, there is no indication that a careful environmental impact assessment has been done. At a minimum, it will clearly reduce the amount of open space within the community. A feature that most people value. There is absolutely no benefit to the adjacent property owners to have this facility built essentially in our backyards. As such, what societal, health, and environmental impact will it have on the adjacent homeowners? Absent any benefit to the homeowners or Montgomery Village as a whole, this facility can only have negative consequences. What is the radiation, heat, light, noise as well as other elements emitted from these units on the adjoining property and inhabitants? What is the rationale for 146 solar units? How much of this is to charge electric vehicles? If this is planned, how many and who will be allowed access? Where is the data to demonstrate there is a demand or need for charging stations at this location? What will this mean to traffic and the volume of vehicles coming into this parking lot every day and night? Why are these panels not installed on the roof like all other solar units throughout the village? Let me point out that if I asked the Montgomery Village architectural review board to approve my installing solar panels across my entire backyard, I am certain that would be disapproved. Why is this organization not treated in a similar way and required to conform to the architectural standards of the village and its homeowner association?

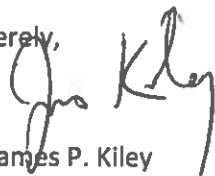
Third, this current plan is difficult to follow and shows many of the utilities (electric and water boxes) installed adjacent to our property. Why are these placed in this location and not the furthest away from our backyards? These utilities are likely to generate noise and other distractions 24 hours a day,

which will seriously disrupt our privacy and daily life. In fact, reducing the quality of life as we have known it in this location. What security will be provided to this establishment? It is conceivable that there could be break-ins, fires, vandalism or other issues that will impact on our property. The proposed plans to leave the barrier and vegetation as it currently exists is also unacceptable. Most of the trees on the hill between the lots are dead or have been cut down and not replaced. If this project proceeds a much more extensive and denser barrier is needed. There is little to no barrier for what will be a very unattractive field of electric panels.

In summary, for these and other reasons we are requesting that this project be disapproved as currently submitted. If it does go forward, we ask that it be totally redesigned at a smaller scale and with much more consideration of adjacent property owners and the homeowner standards for Montgomery Village. Furthermore, a much more extensive assessment is needed of the impact on the environment and more consideration to those whose property is adjacent to this proposed facility.

We ask that you acknowledge receipt of this letter and look forward to hearing how all our concerns will be addressed. We are happy to meet with you if necessary, to further discuss these important issues.

Sincerely,



Dr. James P. Kiley

Mrs. Randi J. Kiley

20124 Harron Valley Way

Montgomery Village, MD 20886

240-888-4022

Jpk3@comcast.net

May 11, 2020

Maryland-National Capital Park and Planning Commission (MNCPPC)
1500 Merrimac Dr.
Adelphi, MD 20783

Dear Commissioners,

The East Village Homeowners Association (HOA) hosted Community Services For Autistic Adults and Children (CSAAC), Paradise Energy Solutions (PES), and Macris Hendricks & Glascock, PA (MHG) at the Lake Marion Community Center, 8821 E Village Ave, Montgomery Village, MD at 6:30 pm on February 27, 2020 to discuss the proposal put forth by CSAAC to construct a 496.8 kW solar array on commercial property owned by CSAAC adjacent to it's headquarters located at 8615 E. Village Avenue, Montgomery Village MD.



There were approximately 10 East Village HOA residents in attendance along with several members of the East Village HOA board, including April Steward, Community Manager, Montgomery Village Foundation, and Kevin Linck, East Village HOA President; David Cline, East Village HOA Vice President; Aaron Shura, East Village HOA Director; and Terry O'Grady, East Village HOA Director.

Representing CSAAC was Craig Pardini, Director of Infrastructure Operations. Brian Donnelly, Senior Project Manager, represented MHG. Representing PES were Brian Foltz, Solar Consultant; Sam Hopkins, Branch Manager; Andrew Jenner, Process Manager; and Rick Naranjo, Vice President of Operations.

Residents with comments who signed the attendance sheet for the meeting were:

Marci Schlosser, of 20125 Harron Valley Way; Jim Kiley, of 20124 Harron Valley Way; Christopher Roque and Andrea Falcon of 20129 Harron Valley Way; and Amir Kavimi and Nikki Nahid of 8412 Harron Valley

The meeting began with an introduction of CSAAC, MHG and PES representatives to the board members and home owners in attendance.

Craig Pardini of CSAAC presented an overview of the mission of CSAAC, its role in the community, and the objective of the proposed solar array. The primary intent for pursuing solar energy for this location is to reduce carbon emissions and the carbon footprint of the organization, to leave a legacy of clean energy and a clean environment for the community, and to reduce operating expenses in light of reduced government support. This also includes their desire to move their vehicle fleet from fossil fuels to electric vehicles.

Brian Donnelly of MHG presented an overview of the development of the CSAAC parcel, described the zoning of the property on which the proposed solar array will be sited, and shared some history of how the property has been developed.

The PES team provided a technical overview of the project to the homeowners, describing how the solar array converts sunlight into DC electricity, which is then routed through associated inverters and electrical equipment to integrate with the electrical power distribution system of the property and the PEPCO utility electric grid.

The meeting was opened up to questions and comments from the audience and HOA board members.

None of the residents or HOA board members expressed any concern with CSAAC or its mission in the community, or CSAAC's desire to become more environmentally friendly and reduce their dependency on fossil fuels to power their organization.



Many residents expressed concern and opposition to the size of the proposed array on the CSAAC parcel. Many expressed concern that the use of the commercially zoned property which is currently grass space would reduce property values, and remove the ability of local residents to use the CSAAC property for casual recreation, such as walking their dog or as an open play space. Many were concerned over the visual appearance of the solar array.

In response to these questions, PES provided these replies:

- 1) Placing this power-plant in our backyards will further depress the property values of those living in this section of Montgomery Village.
 - a) PES replied that Solar Energy Industries Association (SEIA) studies in multiple states have shown that large-scale solar arrays often have no measurable impact on the value of adjacent properties, and in some cases may even have positive effects.
 - i) PES provided the following web link for those interested in reading the study for themselves:
 - (1) https://www.seia.org/sites/default/files/2019-09/Solar%20Property%20Value%20FactSheet%202019-PRINT_1.pdf
- 2) Construction of this solar plant will be a serious deterrent for anyone who may be considering moving into this area, especially families with young children.
 - a) PES, MHG and CSAAC replied that the solar array will be completely enclosed by a PVC fence intended to prevent unauthorized entry into the system. Even if someone were to trespass into the system area, inadvertent touching of solar panels or electrical equipment poses no danger.
- 3) A member of the audience stated that there is no indication that a careful environmental impact assessment has been done.
 - a) CSAAC, MHG and PES were able to reply that in order to obtain the required permits to install this project, Paradise Energy Solutions and its subcontractors are satisfying the rigorous permitting requirements of both Montgomery Village and Montgomery County. This includes careful consideration of the impacts of construction and the finished project on soil disturbance, erosion, runoff and other environmental concerns. The permits will not be issued until reviewers from both the town and county are satisfied that adverse environmental impacts will either be avoided or sufficiently mitigated. Part of this permitting process is the summary of this meeting to the MNCPPC.
- 4) A concern was stated that this project will reduce the amount of open space in the community.
 - a) Brain Donnelly reiterated that this parcel has already been zoned in accordance with the CSAAC long term plan, and that solar is an acceptable use for this parcel according to the zoning ordinance in place.
- 5) One member of the audience voiced a perspective that there is absolutely no benefit to adjacent property owners to have this facility built so nearby.
 - a) There is a benefit, though it is difficult to relate in terms that one can see and feel. This project will benefit the community and residents by offsetting 468 tons of CO2 per year, or 10,891 trees per year, or 986 barrels of oil per year through the generation of clean energy from the proposed PV array. These statements are taken from our proposal to CSAAC, which is based on a calculator published by the EPA.



- 10) What data demonstrates there is demand or need for EV chargers here?
 - a) The EV chargers will help CSAAC meet its stated goal of moving its vehicle fleet from fossil fuels to electric vehicles.
- 11) What effect will this have on the traffic in the CSAAC parking lot?
 - a) Since the vehicle chargers are solely intended for use by existing CSAAC vehicles, we don't envision any change in traffic in the CSAAC parking lot.
- 12) Why aren't the panels on the roof?
 - a) PES evaluated several alternatives to determine what the best approach would be for CSAAC to generate close to 100% of its energy from solar energy
 - i) One option would be to move as many of the solar panels to the roof and put the remainder on the ground
 - (1) This option would produce essentially the same amount of energy per year for the customer.
 - (a) This approach would generate 99% of the originally planned energy, but would cost 8.98% more for CSAAC to install
 - (b) A drawback to this approach is that it would introduce an element of risk in the form of requiring an underground bore to bring the AC output of the solar array on the roof to the same interconnection point as the smaller ground mount array. Underground boring like this can be unpredictable, and any obstacles encountered could add cost to the project very quickly
 - ii) Another option would be to install as much solar on the roof, with the balance as solar carports in the parking lot
 - (1) This approach would generate 84.09% of the originally planned energy, but would cost 35.75% more for CSAAC to install.
 - iii) A third option was requested. Could CSAAC install a smaller initial system, and then after a few years, after demonstrating that it wasn't undesirable by the community, install a 2nd phase to meet close to 100% of the facilities energy requirements
 - (1) We evaluated this as well, however by mobilizing in two phases, the overall cost to CSAAC will be far greater, and the investor funding the program will not be able to fully take advantage of the Federal Tax Credit for renewable energy installation.
 - b) It is the opinion of CSAAC and PES that the most economical plan is to install the array in one mobilization as a ground mount system.
 - 13) A homeowner was concerned, "Why is CSAAC not required to conform to the architectural standards of the village and its homeowner association?"
 - a) From our best understanding, this project does not violate any HOA requirements.
 - 14) An individual homeowner asked, "The plan shows many utilities, including electric and water boxes, installed adjacent to our property. Why are they there? They will generate noise and other distractions and seriously disrupt privacy and daily life."
 - a) After a detailed review of the drawing plans, we were able to point out that the utilities are located on the far side of the system from the residential areas. We also shared that the maximum noise from an inverter is 65 dB, during the peak of the day, and that the inverters are located over 100 feet from the residential property line

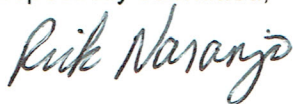
- 15) What security will be provided? There could be break-ins, fires, vandalism and other associated problems.
- a) The system will be enclosed by a fence. We did not feel we could provide a response to concerns about break-ins, fires, vandalism and other associated problems. Solar panels have proven to be a safe, environmentally friendly, and beneficial way to produce clean electrical energy.
- 16) The plans to leave barrier trees and vegetation as is, is unacceptable. The vegetation is thin and provides little to no barrier to what will be a very unattractive field of electric panels.
- a) CSAAC, MHG and PES are fully prepared to bear reasonable costs to provide additional trees and shrubs that meet HOA requirements in the barrier area, and on CSAAC property to help with perceived concerns of local residents along the HOA barrier.
- 17) A resident asked if the solar project met LEED requirements or certification.
- a) Brian Donnelly replied that this project is not a building project that would be subject to LEED requirements or certification.

After listening to the concerns of the HOA and local residents, PES has been working with CSAAC and MHG to develop a reasonable compromise that takes the residents' concerns in to place. This compromise, which is included as part of our revised submission to this Commission include:

1. CSAAC and PES will provide supplemental plantings that meet HOA requirements in the barrier area, and on CSAAC property to address concerns expressed by the residents at the meeting.
2. PES has worked closely with CSAAC and MHG, and has redesigned the system to move the entire array as far as possible to the west. This allowed some panels to be shifted to the northern strings of the array, providing more clearance between the western side of the array and the residences closest to the array.

I feel these notes fairly summarize the meeting contents. We thank the Commission for its consideration and remain open to further discussion and dialog.

Respectfully submitted,



Rick Naranjo
Vice President of Operations
Paradise Energy Solutions
717-296-1902 (o)
610-451-3143 (c)

ATTACHMENT 4



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 5, 2019

Frank Johnson
Macris, Hendricks, & Glascock, P.A.
9220 Wightman Rd, Suite 120
Montgomery Village, MD 20886

Re: Forest Conservation Exemption Request
#42020069E CSAAC Headquarters

Dear Mr. Johnson,

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption/Tree Save Plan request submitted for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(l) because Article II does not apply to:

any planned unit development for which a development plan was approved by the District Council or for which a project plan was approved by the Planning Board before January 1, 1992, and which has received site plan approval before July 1, 1992 for the tract. However, even if site plan approval has not been obtained before July 1, 1992, for the tract, the planned unit development is exempt if it is 75% or more complete on January 1, 1992, as measured by the total acreage subject to the planned unit development that has received site plan approval. A development plan or project plan amendment approved after January 1, 1992, is not exempt if it results in the cutting of more than 5,000 additional square feet of forest;

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading. The property owner, construction superintendent, forest conservation inspector, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this meeting. If you have any questions regarding these actions, please feel free to contact me at 301-495-4603 or at michael.sharp@montgomeryplanning.org.

Sincerely,

Michael J. Sharp

Michael Sharp
Senior Planner, Forest Conservation Inspector
M-NCPPC