



Fieldcrest Community Solar, Site Plan, 820200110 with Final Water Quality Plan

- ☐ Jonathan Casey, Senior Planner, Area 3, Jonathan.Casey@Montgomeryplanning.org, 301-495-2162
- ☐ Sandra Pereira, Supervisor, Area 3, Sandra.Pereira@Montgomeryplanning.org, 301-495-2186
- ☐ Richard Weaver, Chief, Area 3, Richard.Weaver@Montgomeryplanning.org, 301-495-4544

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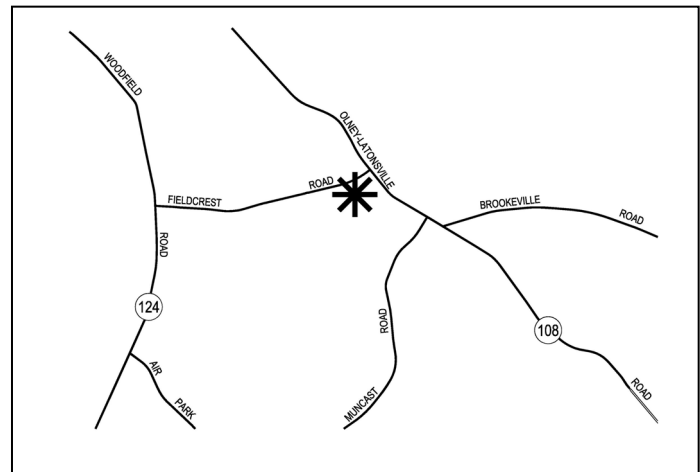
Description

Fieldcrest Community Solar, Site Plan No. 820200110 and Final Water Quality Plan: Request to construct a solar collection system on a portion of Parcel P707; located in the southwest quadrant of the intersection of Fieldcrest Road and Olney Laytonsville Road (MD 108); 20.07 acres; RE-1 zone and Upper Rock Creek Overlay zone; 2004 *Upper Rock Creek Area Master Plan*.

Applicant: TurningPoint Energy

Submittal Date: February 28, 2020

Review Basis: Chapters 22A and 59



Summary:

- Staff recommends **approval of the Site Plan and Final Water Quality Plan with conditions.**
- The Application meets the limited use standards of Section 3.7.2, Solar Collection System.
- The Application proposes a total impervious surface area of approximately 1.0%, which is well below 8.0% impervious cap restriction in the Upper Rock Creek Overlay Zone.
- The Application includes mitigation at a 3:1 replacement rate for encroaching 1.77 acres (77,101.20 square feet) into a stream buffer within the Upper Rock Creek Special Protection Area, to be satisfied by purchasing a total of 5.28 acres of mitigation credit in an off-site forest bank.
- The Application includes conveyance of 8.02 acres to Montgomery Parks, to expand the Rock Creek Stream Valley Park.
- Staff supports the request for Alternative Compliance with Division 6.5. Screening Requirements.
- Staff has received opposition to the Application, as discussed in this Staff Report.

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SECTION 1 – RECOMMENDATIONS AND CONDITIONS

SITE PLAN NO. 820200110: Staff recommends approval of the Site Plan subject to the following conditions:

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

1. Land Use

- a) The Site Plan is limited to a Solar Collection System designed to produce no more than 2 megawatts (AC) of electricity, or maximum electric generation level specified in Section 59.3.7.2 of the Zoning Ordinance.
- b) The Solar Collection System must be removed by the Applicant 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 and the Site must be returned to a natural state. 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.

2. M-NCPPC Department of Parks

Prior to issuance of any building permit, the Applicant must convey to Maryland-National Capital Park & Planning Commission (“Commission”) approximately 8.02 acres of the Site identified as “Park Conveyance Area” on the Certified Site Plan located on the west side of the Site, for a master-planned natural surface trail connection between Fieldcrest Road and Rock Creek Stream Valley Unit 16. The land must be conveyed to the Commission in the form of a deed approved by the Commission’s Office of General Counsel. The land to be conveyed must be free of any trash and unnatural debris prior to the deed of conveyance being recorded in the Land Records. Afforestation and any maintenance required within the conveyed area will require a Park Permit.

Site Plan

3. Solar Panel Design and Height

- a) The solar panels are limited to a maximum height of 6.1 feet, as measured from finished grade to the top of the panel.
- b) The Applicant must install only solar thermal or photovoltaic panels or shingles.
- c) The Applicant must install solar panels with textured glass or an anti-reflective coating.
- d) The Applicant must install a 6-foot tall fence (without barbed wire) around the solar arrays, as shown on the Certified Site Plan.

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.

Environment

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of approval for the Preliminary/Final Forest Conservation Plan ("FFCP") No. 820200110, approved as part of this Site Plan, including:

- a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c. The Applicant must install permanent Conservation Easement signage along the perimeter of the Category I Conservation Easements as shown on the approved FFCP.
- d. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit financial surety, in a form approved by Staff, to the M-NCPPC Planning Department for the 8.02 acres of afforestation planting.
- e. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed. The Book/Page for the easement must be referenced on the Certified Site Plan.
- f. The Applicant must install the afforestation plantings as shown on the approved FFCP, within the first planting season following the release of the Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Site, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
- g. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank to satisfy the mitigation requirement of a 3:1 replacement rate for encroaching 1.77 acres (77,101.20 square feet) into a stream buffer within the Upper Rock Creek Special Protection Area by purchasing 5.31 acres (231,303.60 square feet) (3:1) of forest credit for planted forest or 10.62 acres (462,607.20 square feet) (6:1) of forest credit for existing forest in an off-site forest bank. The offsite requirement may be met by purchasing from a mitigation bank elsewhere in the County, subject to Staff approval, if forest is unavailable for purchase within the Upper Rock Creek watershed.
- h. Prior to any demolition, clearing, grading or construction for this development Application, the Applicant must submit a five-year Maintenance and Management Agreement ("MMA") approved by the M-NCPPC Office of General Counsel. The MMA is required for all forest planting areas and landscape plantings credited toward meeting the requirements of the FFCP.
- i. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

5. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its Final Water Quality Plan and Stormwater Management Concept letter dated December 31, 2019 and revised May 1, 2020 and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.
6. Stormwater Management and Final Water Quality Plan
The Applicant must comply with the conditions of approval for the Final Water Quality Plan including:
 - a. Impervious surfaces are limited to no more than 1.0% of the Application within the Upper Rock Creek Overlay Zone as shown on the Impervious Surface Plan dated May 15, 2020.
 - b. Prior to the start of any demolition, clearing, grading, or construction on the Site, the Applicant must enter into an agreement with the Planning Board to limit impervious surfaces to no more than 1.0% of the Application within the Upper Rock Creek Overlay Zone and as shown on the Impervious Surface Plan dated May 15, 2020. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County Office of Land Records.

Transportation & Circulation/ Adequate Public Facilities (APF)

7. Pedestrian & Bicycle Circulation
 - a. Prior to final building permit inspection, the Applicant must provide a 5-foot wide bikeable shoulder along the Site frontage on Fieldcrest Road, subject to final approval by the Montgomery County Department of Transportation (“MCDOT”).
 - b. Prior to final building permit inspection, the Applicant must provide a 6-foot wide bikeable shoulder along the Site frontage on Olney-Laytonsville Road (MD 108), subject to final approval by the Maryland State Highway Administration (“MDSHA”).
8. Validity
The Adequate Public Facility Review (APF) will remain valid for sixty (60) months from the date of mailing of the Planning Board Resolution for the Site Plan.
9. Fire Department Access and Water Supply
The Planning Board has reviewed and accepts the recommendations of the MCDPS – Fire Department Access and Water Supply Section in its letter dated June 6, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
10. The Planning Board has reviewed and accepts the recommendations of the MCDPS – Right-of-Way Plan Review Section in its memorandum dated May 11, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set

forth in the memorandum, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, or sediment control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, fences, private utilities, and associated improvements of development, including storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

12. Development Program

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.

13. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) 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.
- e) Ensure consistency of all details and layout between the Site and Landscape plans.
- f) Construction cost estimate, for bikeable shoulders on Fieldcrest Road and Olney-Laytonsville Road, approved by MCDOT and MDSHA, respectively.
- g) Amend the Park Conveyance Plan to reflect the 8.02-acre area as shown on Figure 10 of the Staff Report.

SECTION 2 – SITE LOCATION AND DESCRIPTION

Site Location and Vicinity

The Subject Property consists of 35.73 acres of land identified as Parcel P707 on Tax Map GU563, part of “Brooke Grove” and located in the northwest and southwest quadrants of the intersection of Olney Laytonsville Road (MD 108) and Fieldcrest Road, directly north of Parcel P808, a Potomac Electric Power Company (PEPCO) right-of-way and south of Fieldcrest Road (“Subject Property” or “Property”). The Subject Property is zoned RE-1 and within the Upper Rock Creek Overlay zone and the Upper Rock Creek Special Protection Area (SPA) of the 2004 *Upper Rock Creek Master Plan Area*. The submitted Site Plan encompasses only the 20.07-acre portion of the Subject Property located in the southwest quadrant of the intersection of MD 108 and Fieldcrest Road.

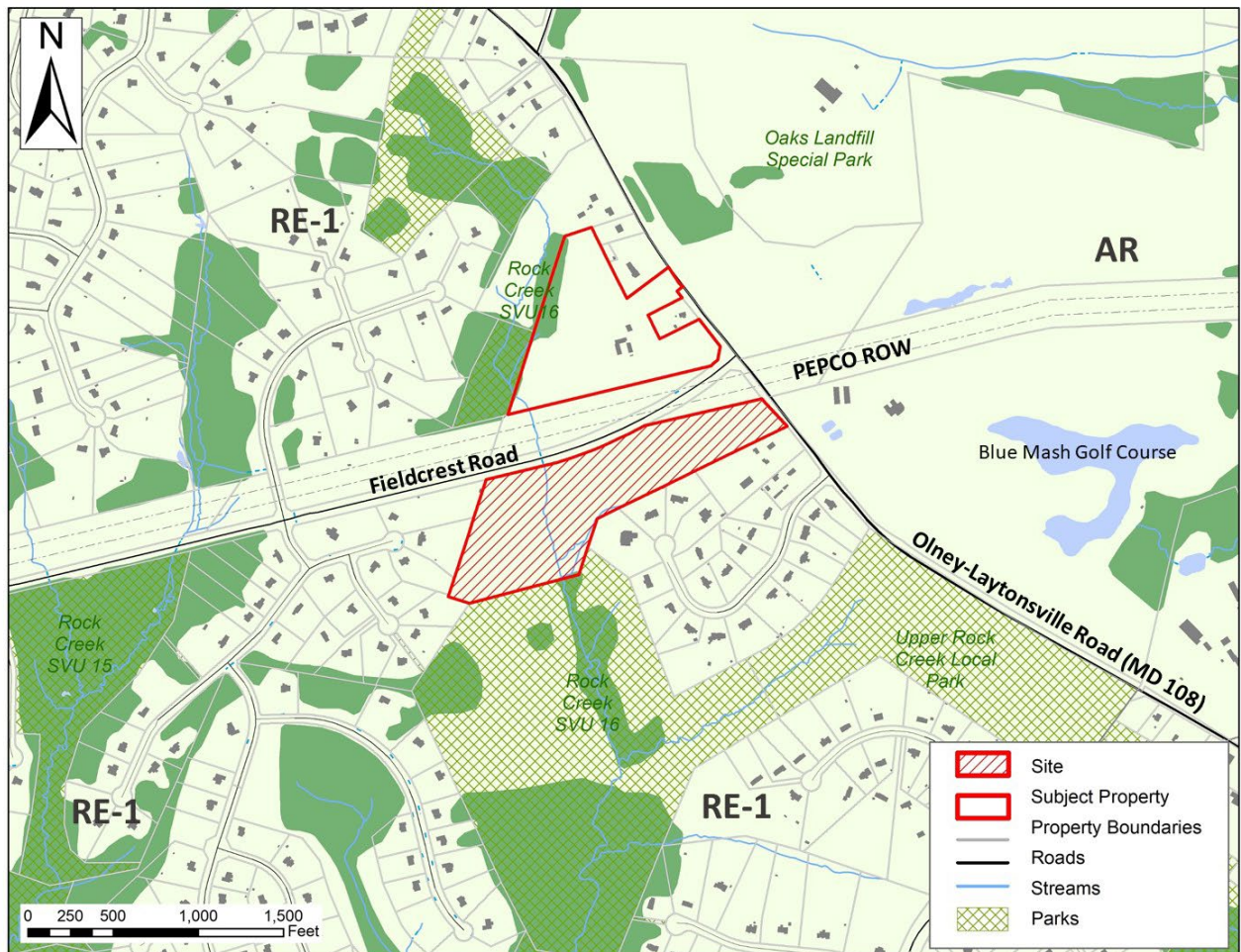


Figure 1 – Vicinity and Zoning

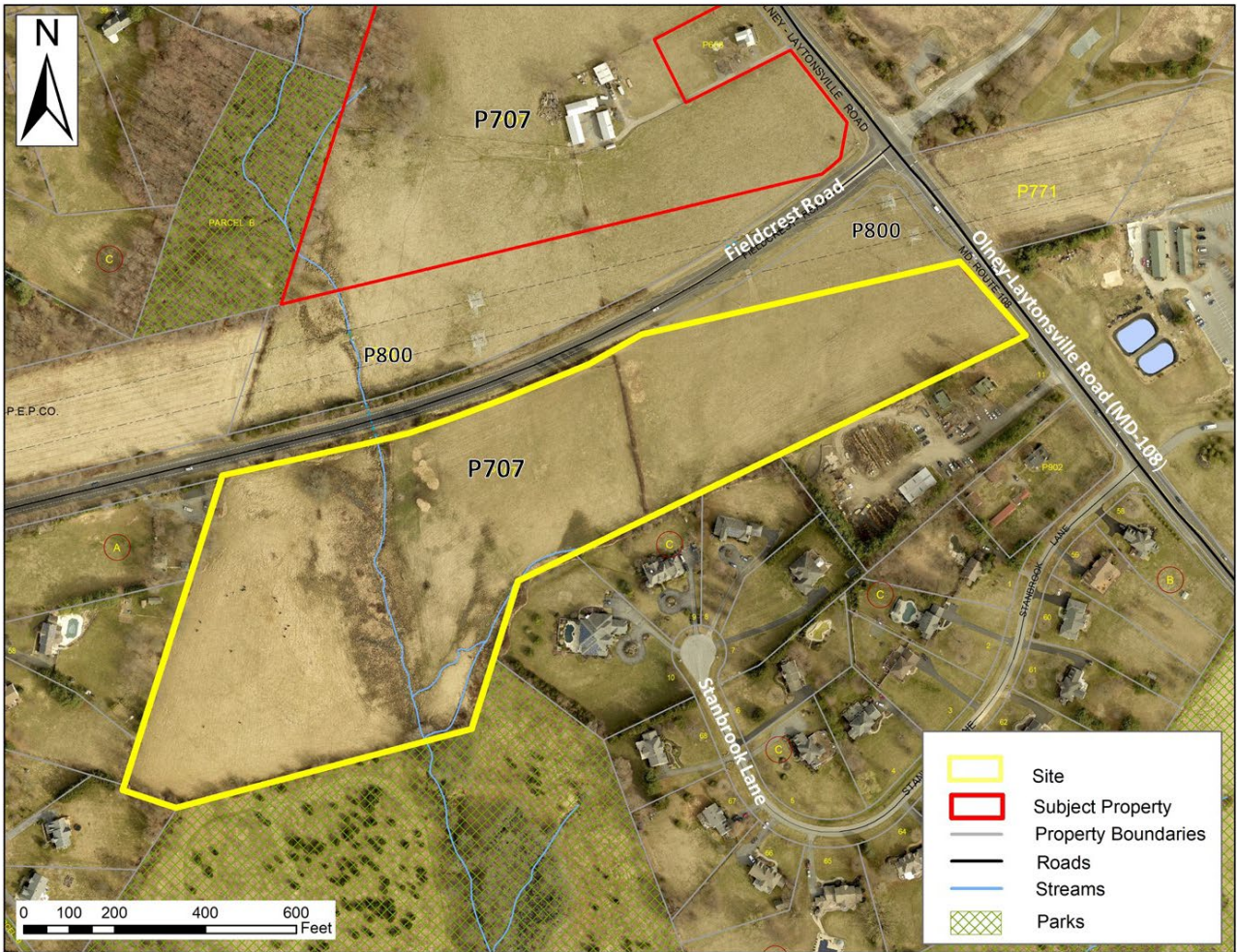


Figure 2 – Aerial Map

Site Analysis

The Site which is the southern half of the Subject Property is irregularly shaped with approximately 1,700 feet of frontage on Fieldcrest Road and 200 feet of frontage on MD 108 (“Site”). The Subject Property is bisected from east to west by a 250-foot wide PEPCO transmission line right-of-way and Fieldcrest Road. The 15.66-acre portion of the Subject Property north of the PEPCO right-of-way contains a single-family house and agricultural outbuildings and is not the subject of this Site Plan. The Site is bound by Fieldcrest Road to the north, MD 108 to the east, single-family residences (RE-1 zone) to the west and southeast, and the Rock Creek Stream Valley Park owned by M-NCPPC to the south. For reference, the Blue Mash Golf Course is west of the Site, on the opposite side of MD 108.

The western half of the Site is bisected by the mainstem of a stream designated by the State of Maryland as Use Class III (natural trout stream) which flows south through the property, from a culvert under Fieldcrest Road south, on to Rock Creek Stream Valley Park Unit 16. Connecting to the mainstem is a small tributary that begins at a seep located on the southern property line adjacent to the residential property and flows in a westerly direction along the southern Property line until it joins the main stem of the

stream. Associated with the stream, the Site contains approximately 2.98 acres of non-tidal wetlands located on both sides of the stream. The Site is relatively flat, with the exception of a length of steep slopes at the northern edge of the Site along Fieldcrest Road. The majority of the Site has low-lying vegetation and is being used as pasture for cattle. There is no forest on Site and much of the stream valley has been degraded by cattle over the last 20 years.

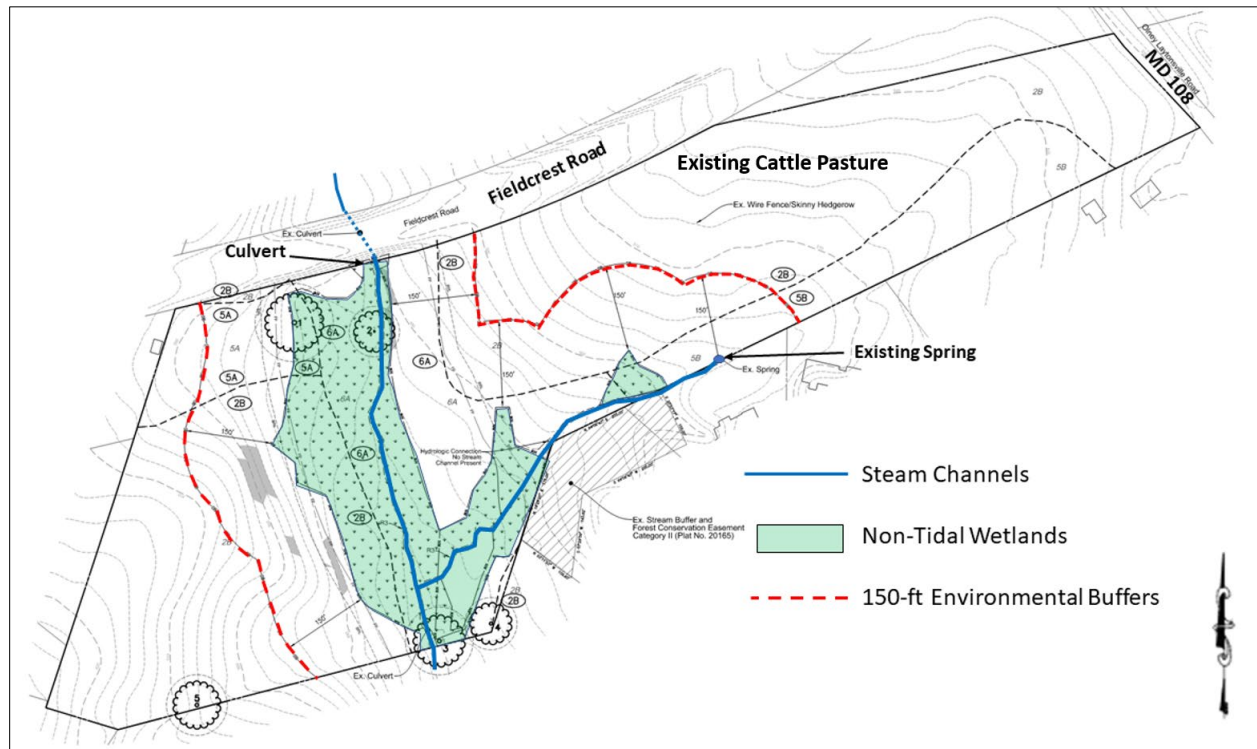


Figure 3 – Existing Improvements (Stream, wetland, spring and cattle pasture)

SECTION 3 –APPLICATIONS & PROPOSAL

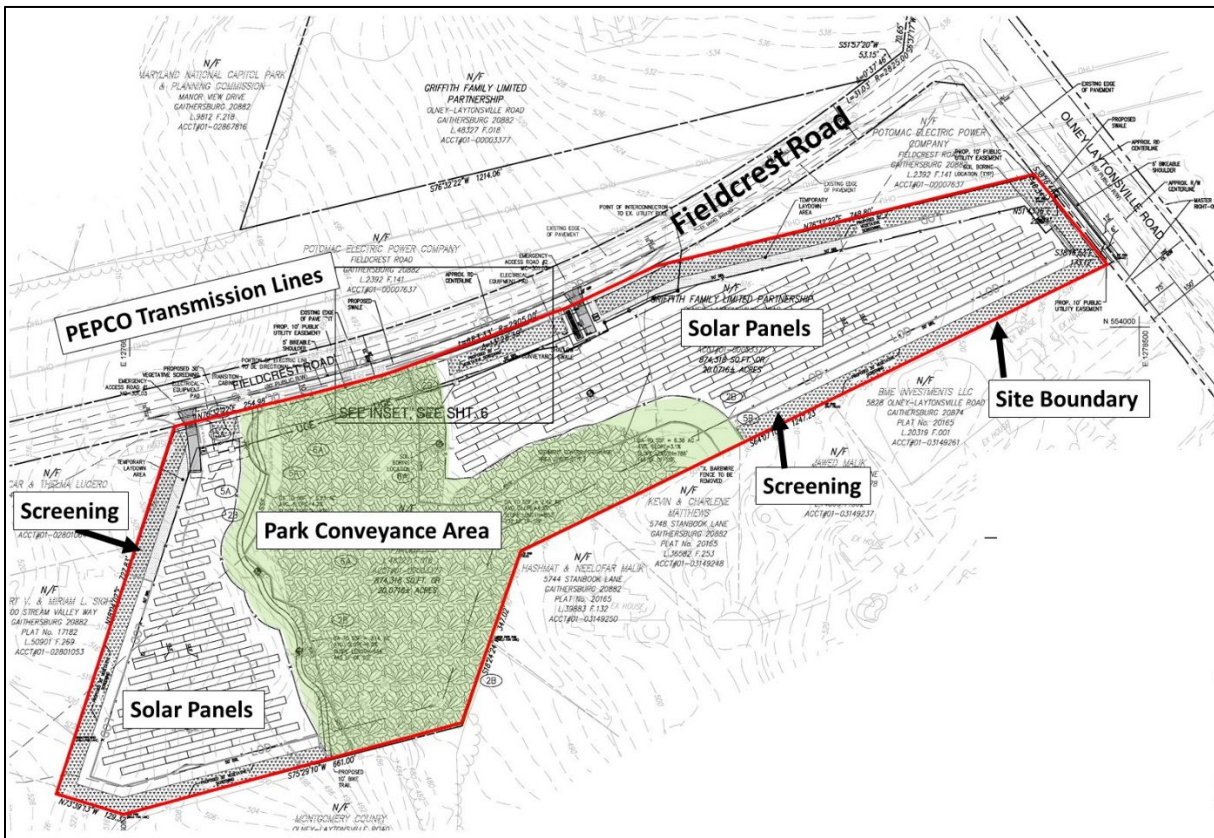


Figure 4 – Site Plan

Proposal

Site Plan No. 820200110 was submitted on February 28, 2020, by TurningPoint Energy, to allow for the construction of a freestanding Solar Collection System capable of generating no more than 2 megawatts of electricity, on 20.07 acres of land in the RE-1 and Upper Rock Creek Overlay zones.

Structures

No habitable buildings will be erected on the Site as part of this Application. Improvements are limited to the solar panel structures, which include posts driven into the ground, and crossmembers horizontally mounted to the posts which will hold the solar arrays. In addition to the solar panels, two concrete pads on either side of the stream buffer will house electrical cabinets containing inverters, transformers and switchgear needed to convert Direct Current (DC) electricity to Alternating Current (AC). This conversion to AC power is necessary in order to return electricity to the PEPCO electrical grid because the solar panels produce DC power. Of the 20.07-acre Site, only approximately eight acres will be occupied by the solar array. Most of the remaining Site contains environmentally sensitive features including stream valley buffer and wetlands, which will be restored by replanting, then conveyed to Montgomery Parks. The perimeter of the Site will be landscaped, as described in the Section 5, Site Plan Findings, of this report. A 6-foot-tall chain-link fence (without barbed wire) will surround the solar array.

Circulation

On either side of the stream buffer, driveway aprons will be added for service vehicles and emergency vehicle access. Along the Property's frontage on MD 108 and Fieldcrest Road, the existing pavement will be expanded to provide bikeable shoulders in accordance with the 2018 *Bicycle Master Plan*.

Open Spaces and Amenities

As conditioned, an 8.02 area of the Property will be conveyed to M-NCPPC parks as an expansion of the existing Rock Creek Stream Valley Park, Unit 16. Once conveyed to Montgomery Parks, a natural surface trail will be established west of the stream to connect the existing park to Fieldcrest Road. The approximate trail alignment will be determined prior to installing the solar components and afforestation.

SECTION 4 – COMMUNITY CORRESPONDENCE

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Applications. A pre-submission meeting for the Site Plan was held on October 3, 2019 at the Olney Public Library (3500 Olney-Laytonsville Road). Thirty-four people attended the meeting, where the Applicant's representative presented the Application and answered questions regarding the Application, screening and general development process.

Staff received a letter from Mr. Poppelton, President of the Stanbrook Lane Homeowners Association, dated October 21, 2020, in opposition to the Application. Thirty-four community members signed the opposition letter, stating the solar array will have a detrimental effect on their property values, and that due to topography the panels will be visible even with landscape screening (Attachment A).

The letter identified the following reasons for opposing the Applications:

1. Decreased property values
2. Visually unappealing and out of character
3. Solar requires a special exception (conditional use)

Regarding the above objections to the Application, Staff does not consider property values when reviewing regulatory applications and as discussed on page 16 of this report and depicted in Figure 5, the solar array will be adequately screened.

In response to Mr. Poppleton, the Planning Director issued a letter providing Staff's contact information and clarifying regulatory process; solar is a limited, not a conditional use in the RE-1 zone, which requires a site plan application (Attachment B).

In a letter dated October 18, 2019, the Montgomery County Group of the Sierra Club's Maryland Chapter expressed support for solar energy throughout Montgomery County. While they did not offer an opinion on the Application, they express confidence in Staff's ability and the Applicant's experience to present a layout that balances the environmentally sensitive nature of the Site (Attachment C).

Staff also received correspondence from an adjacent community member who fully supports the Application, from both a sustainability and land use standpoint.

SECTION 5 – ANALYSIS AND FINDINGS - Site Plan No. 820160010

Findings – Chapter 59.7.3.4.E

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

The Approval of the Site Plan findings will only apply to the Site being reviewed as part of this Application.

2. *To approve a site plan, the Planning Board must find that the proposed development:*

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

The Site is not subject to any previous approvals. Preliminary Plan is not required because no building permits for habitable structures are proposed that would initiate a Chapter 50 review as part of this Site Plan.

- b. *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;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *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;*

This section is not applicable as the Site's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

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

Division 4.4.6. Residential Estate – 1 (RE-1) Zone

Use and Development Standards

The Site is approximately 20.07 acres and zoned RE-1. A Solar Collection System use is allowed as a limited use in the RE-1 Zone, subject to the requirements of Section 59.3.7.2.B.2. The following table, Table 1, shows the Application's conformance to the development standards of the zone.

Table 1

Development Standard	Permitted/Required	Proposed
Min. Tract Area	40,0000	See Limited Use Standards
Maximum Density	1 DU/AC	N/A
Minimum Building Setbacks		N/A

From Detached House	17 ft.	N/A
From Street	50 ft.	N/A
From Adjoining Lots		See Limited Use Standards
Maximum Building Coverage	15%	N/A
Parking Spaces	0	0

Use Standards 59.3.7.2 – Solar Collection System

Solar Collection System is defined as “an arrangement of panels or other solar energy devices that provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. A Solar Collection System includes freestanding or mounted devices”.

B. Use Standards

Where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:

3. In Rural Residential, Residential, Commercial/Residential, Employment, and Industrial zones, where a Solar Collection System is allowed as a limited use, it must satisfy the following standards:

Table 2 – Solar Collection System Limited Use Standards

Required	Proposed
a. Site plan approval is required under Section 7.3.4.	The Subject Application meets this requirement.
b. The site must be a minimum of 3 acres in size.	The Site is 20.07 acres in size.
c. The system may produce a maximum of 2 megawatts (AC).	As conditioned, the proposed system must produce no more than 2 megawatts (AC).
d. All structures must be: <ol style="list-style-type: none"> i. 20 feet in height or less; ii. located at least 50 feet from any property line; and iii. surrounded by a minimum 6-foot-tall fence. 	No habitable structures are proposed on the Site. The Solar Components are not taller than 6.1 feet and located a minimum of 50 feet from any property line. The Applicant is providing a 6-foot-tall chain-link fence around each pod of Solar modules. Typically, the fencing around solar fields includes an angle arm mounted at the top with barbed wire, however, the Applicant has agreed to forgo barbed wire in this case to enhance compatibility and improve the facility aesthetically.

<p>e. If a structure for a Solar Collection System is located in an area visible to an abutting residential use or a road:</p> <ul style="list-style-type: none"> i. only solar thermal or photovoltaic panels or shingles may be used; ii. the panels or shingles must use textured glass or an anti-reflective coating; and iii. screening that satisfies Section 59.6.5.3.C.8 (Option A) on the sides of the facility visible from the residential use or road is required. 	<p>As conditioned, the Applicant will install only solar thermal or photovoltaic panels and use panels or shingles with textured glass or an anti-reflective coating.</p> <p>As discussed on page 15 of this report, the north and west sides of the Site will be screened according to Section 59.6.5.3.C.8 (Option A). The Applicant proposes Alternative compliance to meet the screening requirements on the west and south sides of the Site.</p>
<p>f. 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.</p>	<p>As conditioned, the Applicant is responsible for removing the Solar Collection System within 12 months if the use is discontinued or abandoned by the operator.</p>
<p>g. A system designed to produce more than 2 megawatts (AC) may be allowed as a public utility use under Section 3.6.7.E.</p>	<p>This standard does not apply to this Application.</p>

Division 6 – General Development Standards

i. Division 6.1. Site Access

The Site is accessible from Fieldcrest Road via two new curb cuts. Two access points are required because the solar panels, along with the necessary switchgear, will be installed on the east and west side of the stream. The stream and associated environmentally sensitive areas bisect the Site and preclude having a vehicular connection between the solar fields, hence the need for two separate access points. The only connection between the two solar fields is an underground electrical connection, which will be drilled horizontally to limit impact to the stream valley and associated buffer.

ii. Division 6.2. Parking, Queuing, and Loading

Parking, queuing and loading spaces are not required for the proposed use, with the exception of fire access improvements and the two driveways needed for access to maintain the electrical equipment cabinets which are located on the pads on either side of the stream valley (Attachment D).

iii. *Division 6.3. Open Space and Recreation*

Open Space and Recreation are not required as part of this Application.

iv. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping

Landscaping is not required as part of this Application, except for screening, which is discussed in Section 5, Site Plan Findings, of this report. The Site Plan meets the standards for the provision of landscaping as required by Division 6.4. The landscaping provided by the Application is appropriate for a residential area by providing a buffer between new and old uses.

No lighting is being provided as part of this Application. Generally lighting is reviewed for pedestrian and vehicular safety, adequacy of illumination (proper coverage) and comparability (light pollution/spillage). However, due to the nature of solar as a primary use on the Site, lighting is not required or necessary. Any maintenance requiring illumination can be accommodated on a temporary (mobile) basis or maintenance can be accommodated during the daytime. In this case, not to provide lighting on-site furthers the compatibility with the adjacent residential properties, eliminating the potential for light spillage and glare that could adversely affect the existing residences.

v. *Division 6.5. Screening Requirements*

Solar Collection System is a limited use in the RE-1 zone, and one of the limited use standards requires perimeter screening under Section 59.6.5.3.C.8, Option A, where the solar panels are visible from existing residential development or roads.

Alternative Compliance Section 59.6.8.1

The Applicant is requesting alternative compliance under Section 59.6.8.1, to modify the standard planting requirements of Section 59.6.5.3.C.8, Option A. Due to the nature of the Solar Collection System and the angle of the sun, planting canopy trees along the southern and western perimeter of the Site would potentially shade the solar modules, making them less effective.

Alternative compliance may be found *with any requirement of Division 6.1 and Division 6.3 through Division 6.6 if it is determined that there is a unique site, a use characteristic, or a development constraint, such as grade, visibility, an existing building or structure, an easement, or a utility line.*

The applicable deciding body must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the requirements of the applicable Division.

Because of the environmental constraints of the Site, much of the Site is undevelopable, leaving only two small developable areas. Additionally, due to the unique needs of solar,

and the specific requirement to provide canopy trees as part of the screening requirements, significantly inhibits the viability of solar on this Site, specifically on the southern half of the Site which has the most intense (and desirable) sun exposure for solar. Planting deciduous trees within the buffer would not only shade the solar panels but require regular pruning to reduce the possibility that tree branches would damage the solar components. The Applicant is not requesting the Planning board waive the screening requirement, instead they are proposing to plant large, lower growing evergreen trees in lieu of canopy trees.

There are four additional findings the Planning Board must make when granting alternative compliance to Section 6 of the zoning ordinance.

a. *Satisfy the intent of the applicable Division;*

The intent of Division 6.5 is to ensure appropriate screening between different building types and uses.

In this Application, the purpose is to screen the solar panels from the surrounding one-family detached dwellings located in a residential detached zone and existing roads. The only modification being requested is substituting deciduous canopy trees with evergreens along the western and southern property lines (Figure 5 – tree height after two to three growing seasons). Evergreens are a very common choice of tree for screening and will provide a more dense, year round visual buffer than the required canopy trees which will satisfy the intent of the screening requirement.

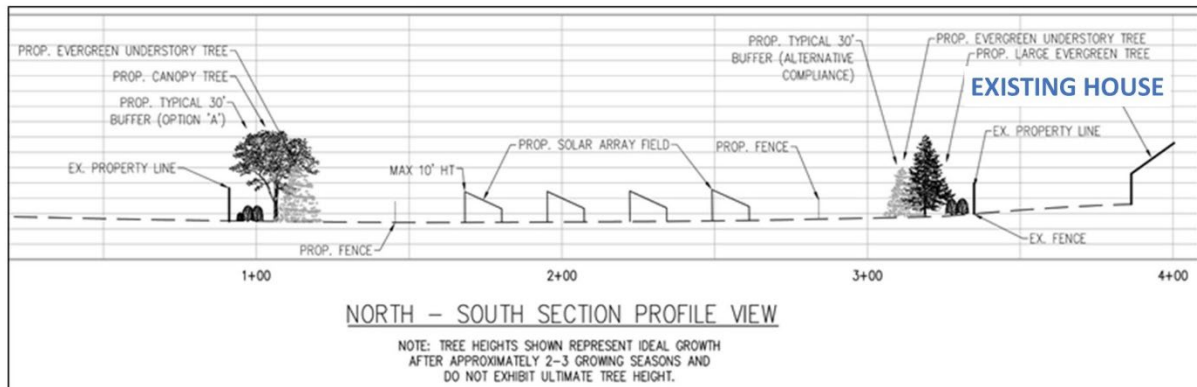


Figure 5 – North from Fieldcrest Road (Standards Screening) to south (Alternative Compliance)

b. *Modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints;*

Two large evergreen trees (Virginia Pine and Shortleaf Pine) and two small evergreen trees (American Holly and Eastern Redcedar) will be substituted for the two canopy trees (per 100 feet) that are typically required.

The proposed evergreens will provide year-round screening, versus the deciduous canopy trees that shed their leaves and provide little screening in the winter months.

Taking into consideration the required limited use standards and the limited scope of modification to the screening requirements being requested, the proposed Alternative Compliance will satisfy the intent of the screening requirements.

Where existing residences abut the stream buffer on the Site, landscape screening is not required because the environmental buffer will be afforested by the Applicant and there is ample separation between the abutting properties and solar modules.

c. *Provide necessary mitigation alleviating any adverse impacts; and*

There is no additional mitigation necessary to alleviate any adverse impacts because the Site Plan still provides the screening plantings as required.

d. *Be in the public interest*

Granting the alternative compliance request is not averse to the public interest. Screening is still provided between the solar arrays and residences, and in a manner that will provide the necessary visual buffer. In addition, promoting renewable energy production, such as solar, is one of the County Council’s goals.

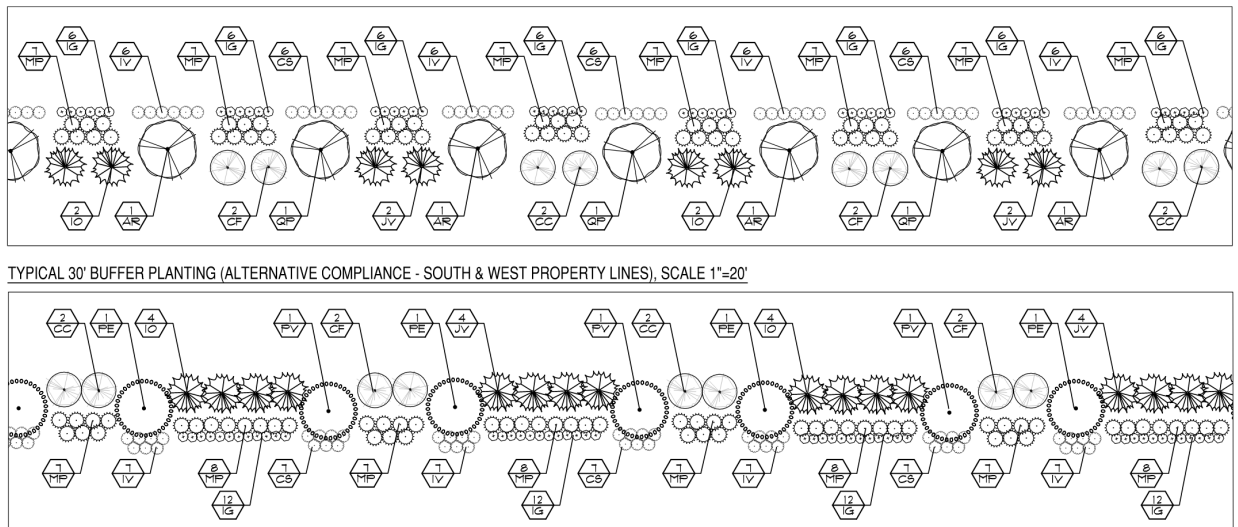
Based on the above analysis, alternative compliance for Division 6.5 Screening is appropriate and Staff recommends the Planning Board grant the Applicant’s request.

30' BUFFER PLANTING REQUIREMENT TABULATIONS
(OPTION 'A' - NORTH & EAST PROPERTY LINES)

TOTAL LENGTH OF 30' BUFFER:	1,350 L.F.
CANOPY TREES REQUIRED:	2 PER 100 L.F. OR 27 TREES
CANOPY TREES PROVIDED:	28 TREES
UNDERSTORY OR EVERGREEN TREES REQUIRED:	4 PER 100 L.F. OR 54 TREES
UNDERSTORY OR EVERGREEN TREES PROVIDED:	54 TREES
LARGE SHRUBS REQUIRED:	14 PER 100 L.F. OR 189 SHRUBS
LARGE SHRUBS PROVIDED:	199 SHRUBS
MEDIUM SHRUBS REQUIRED:	12 PER 100 L.F. OR 162 SHRUBS
MEDIUM SHRUBS PROVIDED:	168 SHRUBS
SMALL SHRUBS REQUIRED:	12 PER 100 L.F. OR 162 SHRUBS
SMALL SHRUBS PROVIDED:	169 SHRUBS

TOTAL LENGTH OF 30' BUFFER:	1,880 L.F.
LARGE EVERGREEN TREES REQUIRED:	2 PER 100 L.F. OR 38 TREES
LARGE EVERGREEN TREES PROVIDED:	39 TREES
SMALL EVERGREEN TREES REQUIRED:	4 PER 100 L.F. OR 76 TREES
SMALL EVERGREEN TREES PROVIDED:	76 TREES
UNDERSTORY TREES REQUIRED:	2 PER 100 L.F. OR 38 TREES
UNDERSTORY TREES PROVIDED:	38 TREES
LARGE SHRUBS REQUIRED:	14 PER 100 L.F. OR 264 SHRUBS
LARGE SHRUBS PROVIDED:	271 SHRUBS
MEDIUM SHRUBS REQUIRED:	12 PER 100 L.F. OR 226 SHRUBS
MEDIUM SHRUBS PROVIDED:	266 SHRUBS
SMALL SHRUBS REQUIRED:	12 PER 100 L.F. OR 226 SHRUBS
SMALL SHRUBS PROVIDED:	228 SHRUBS

3. MISCELLANEOUS: FERTILIZATION OR WATERING DURING YEARS 1 THROUGH 5 WILL BE DO
NEEDED BASIS. SPECIAL RETURN OPERATIONS OR RECOMMENDATIONS WILL BE CONDUCT
NEEDED BASIS.



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

Water Quality Plan – Upper Rock Creek Special Protection Area (SPA)

18

(b) Privately owned property. Except as otherwise expressly provided in the Chapter, the requirements for a water quality inventory and a preliminary and final water quality plan apply in any area designated as a special protection area to a person proposing a land disturbing activity on privately owned property:

- (1) who is required by law to obtain approval of a development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan; or
- (2) who is seeking approval of an amendment to an approved development plan, diagrammatic plan, schematic development plan, project plan, special exception, preliminary plan of subdivision, or site plan.

As part of the requirements of the SPA law, a Water Quality Plan should be reviewed in conjunction with a Site Plan. Under Section 19-65 of the Montgomery County Code, the Montgomery County Department of Permitting Services and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the Final Water Quality Plan under its purview. The Planning Board must determine if SPA forest conservation and planting requirements, environmental buffer protection, and limits on impervious surfaces have been satisfied. Sec. 19-65(a)(2)(A) of the Montgomery County Code states that:

In acting on a preliminary or final water quality plan, the Planning Board has lead agency responsibility for:

- (i) Conformity with all policies in the Planning Board's Environmental Guidelines which apply to special protection areas;
- (ii) Conformity with any policy or requirement for special protection areas, including limits on impervious area, in a land use plan, watershed plan, or the Comprehensive Water Supply and Sewer System Plan; and
- (iii) Any other element of the plan in which the Planning Board has lead agency design, review, and approval responsibility.

MCDPS Special Protection Area Review Elements

In a letter dated December 31, 2019 and revised on May 1, 2020, MCDPS has found the Water Quality Plan and Stormwater Management Concept (Attachment E) for this Site Plan to be acceptable for their portion of the Final Water Quality Plan under its purview including 1) stormwater management facilities and 2) sediment and erosion control measures. No specific performance goals were established for this Site.

Planning Board Special Protection Area Review Elements

Following is an analysis of the Planning Board's responsibilities in the review of the Final Water Quality Plan. Staff recommends approval of the elements of the SPA Water Quality under its purview.

1) Priority Forest Conservation Areas

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. The FFCP was submitted with this Application. The forest conservation requirements are described in more detail in the Forest Conservation Plan section of this report. Per SPA requirements outlined in the Environmental

Guidelines, all environmental buffer areas lacking forest cover will be afforested, forest plantings will occur during the first planting season after issuance of sediment and erosion control permits when possible, and a five-year maintenance program to better ensure forest survival, with emphasis on controlling invasive species, is required. The planted forest on-site will be protected through a Category I Conservation Easement.

2) *SPA Environmental Buffer Protection*

There are 2.98 acres of wetlands, two streams, a spring and associated floodplain on the Site resulting in 9.78 acres of environmental buffers. The Application proposes 1.77 acres of encroachment into the environmental buffers for the installation of a portion of the solar array panels (Figure 7). This has been deemed acceptable with mitigation since the encroachment only involves the installation of support posts for the solar panels. There will be no grading or construction within the environmental buffers. The ground beneath the panels will remain generally undisturbed. To mitigate for the buffer encroachments, the Applicant will take the 1.77 acres of encroachment to an off-site forest bank at a 3:1 rate. In addition, the Applicant has agreed to replace the existing fescue ground cover under the solar panels with an upland pollinator meadow seed mix which, in time, will provide habitat for local pollinator species. The FFCP meets the requirements of the Environmental Guidelines for sensitive area protection.

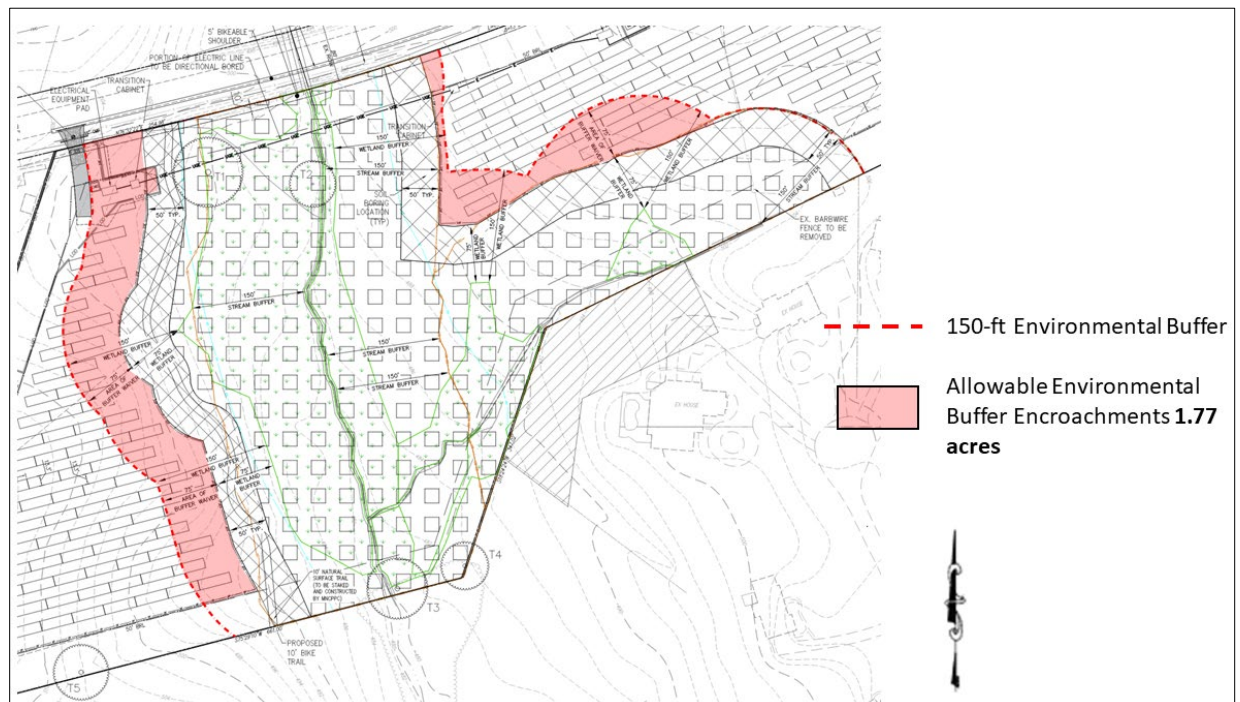


Figure 7 – Proposed environmental buffer encroachments

3) *Impervious Surfaces*

The Upper Rock Creek SPA has a specific numerical limit on impervious surfaces of 8% as defined in the Zoning Ordinance, Chapter 59, Section 4.9.20.C:

“Impervious surfaces are restricted to a maximum of 8% of the tract of any application for development.”

The Applicant has demonstrated that this Application is in compliance with the impervious surface restrictions of the Upper Rock Creek SPA Overlay Zone. Based on the Site area of 20.07 acres (874,318 sq. ft.) a maximum of 8% or 1.60 acres (69,939 sq. ft.) of imperviousness is allowed on the Site. The Application results in 7,862 square feet (1.0%) of impervious area (on and off-site), far lower than what is permitted, or would be expected if the Site were developed with houses. The impervious elements of the Application include the two access driveways, concrete electrical equipment mounting pads, concrete footers for the security fence posts, and the bikeable shoulders within the rights-of-way for Fieldcrest and Olney-Laytonsville Roads as shown on the Impervious Surface Plan dated May 15, 2020 (Attachment F). The solar panels themselves are not considered impervious under Maryland State law. In addition, the mounting posts for the solar panels do not have concrete footers.

ii. Chapter 22A, Forest Conservation.

Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) #420191800 for the Site was approved on August 13, 2019. The NRI/FSD identifies the environmental features and forest resources on the Site. The Site is located at the headwaters of the Upper Rock Creek watershed, a Use Class III-P stream. There are no steep slopes or erodible soils present on the site. The Site is also within the Upper Rock Creek SPA. The Site contains no forest cover and is currently being used as pasture for cattle.

The Site contains a perennial stream system comprised of two streams with associated non-tidal wetlands. The stream system is comprised of a main stem that runs in a north-south orientation located on the western section of the Site. This mainstem begins on the properties to the north, on the opposite side of Fieldcrest Road, flows under the road in a dual culvert and flows onto the Site. The mainstem then flows in a southerly direction until it exits the property flowing into the M-NCPPC Parks Department, Rock Creek Stream Valley Park. There is a small tributary that begins at a seep located on the southern property line adjacent to the residential properties and flows in a westerly direction along the southern property line until it joins the mainstem (Figure 8). There is approximately 2.98 acres of wetlands associated with this stream system. The Site is located within the Upper Rock Creek SPA and the stream is a Use Class III-P. As required in the Environmental Guidelines, there is a 150-foot buffer required on all streams, seeps, springs and wetlands for slopes less than 15%.



Figure 8 – Streams and Wetlands

Forest Conservation Plan

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. As required by Chapter 22A, a Preliminary/Final Forest Conservation Plan was submitted with the Application. The total net tract area for forest conservation purposes is 20.07 acres. The Property is zoned RE-1 and is classified as Medium Density Residential as specified in the Trees Technical Manual and Section 22A-3 of the Forest Conservation Law. The Site contains 0.00 acres of forest. This results in a total afforestation requirement of 4.01 acres.

The Applicant proposes to meet the 4.01-acres requirement by afforesting 8.02 acres of the total 9.78 acres of environmental buffers on-site. Planting and protecting all on-site environmental buffers is a requirement of the Environmental Guidelines for sites within an SPA and of the FCL under Section 22A-12(b). However, in this case, an encroachment of 1.77 acres into the stream buffer has been proposed to occur.

Section 22A-12(b) states, in part:

(b) Retention

(2) In general, areas protected under this subsection include:

(A) floodplains, stream buffers, steep slopes and critical habitats.

This encroachment into the stream buffer was request so that the Applicant could install the required solar panel array configuration to generate the necessary wattage to meet State electrical power generation codes. The resulting disturbance to the stream buffer for the installation of the solar panels is deemed de-minimis. The support posts for the solar panels are installed via a pile driven system with no concrete footers. The small construction

equipment required to install the support post will cause some soil compaction, but this will be offset with the installation of the upland pollinator meadow in which the solar panels are located. The meadow seed mix will, over time as it matures, offsets the compaction caused with the installation of the solar panels. This stream buffer encroachment is seen to have some environmental benefits as well. First, the area of encroachment will be replanted with an upland pollinator meadow seed mix which will provide habitat and food for our local pollinator species. Also, the 1.77 acres of encroachment will be afforested by taking this area off-site at a 3:1 rate to a M-NCPPC approved forest bank. Finally, this encroachment will, in part, assist with the removal of the herd of cattle that currently graze unobstructed within the stream buffer.

The 8.02 acres of afforestation is being met with two separate planting areas. The first is an understory tree planting area of 1.85 acres. This area will be located approximately 50-feet off of the solar panel arrays and is intended to keep the tree canopy lower in height to allow as much sunlight as possible to reach the solar panels. This area will have plantings of MD native trees that are lower in height. This area will also be seeded with a MD native pollinator meadow seed mix. The second area is 6.17 acres in size located in the stream buffers outside of the understory tree planting area. This larger area will be planted with the standard M-NCPPC reforestation tree mix of overstory, understory and shrub layers. The entire 8.02 acres of on-site afforestation will be placed into a Category I Conservation Easement.

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

This finding does not apply based on the proposed use.

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

Land Use

2004 Upper Rock Creek Area Master Plan

There are no specific recommendations for this Property regarding development. However, the Master Plan does provide general land use recommendations, and the Site Plan is consistent with the general land use recommendations concerning dedication of easements to open space, preserving/restoring natural resources (stream restoration), and maintaining low-density development adjacent to stream valleys.

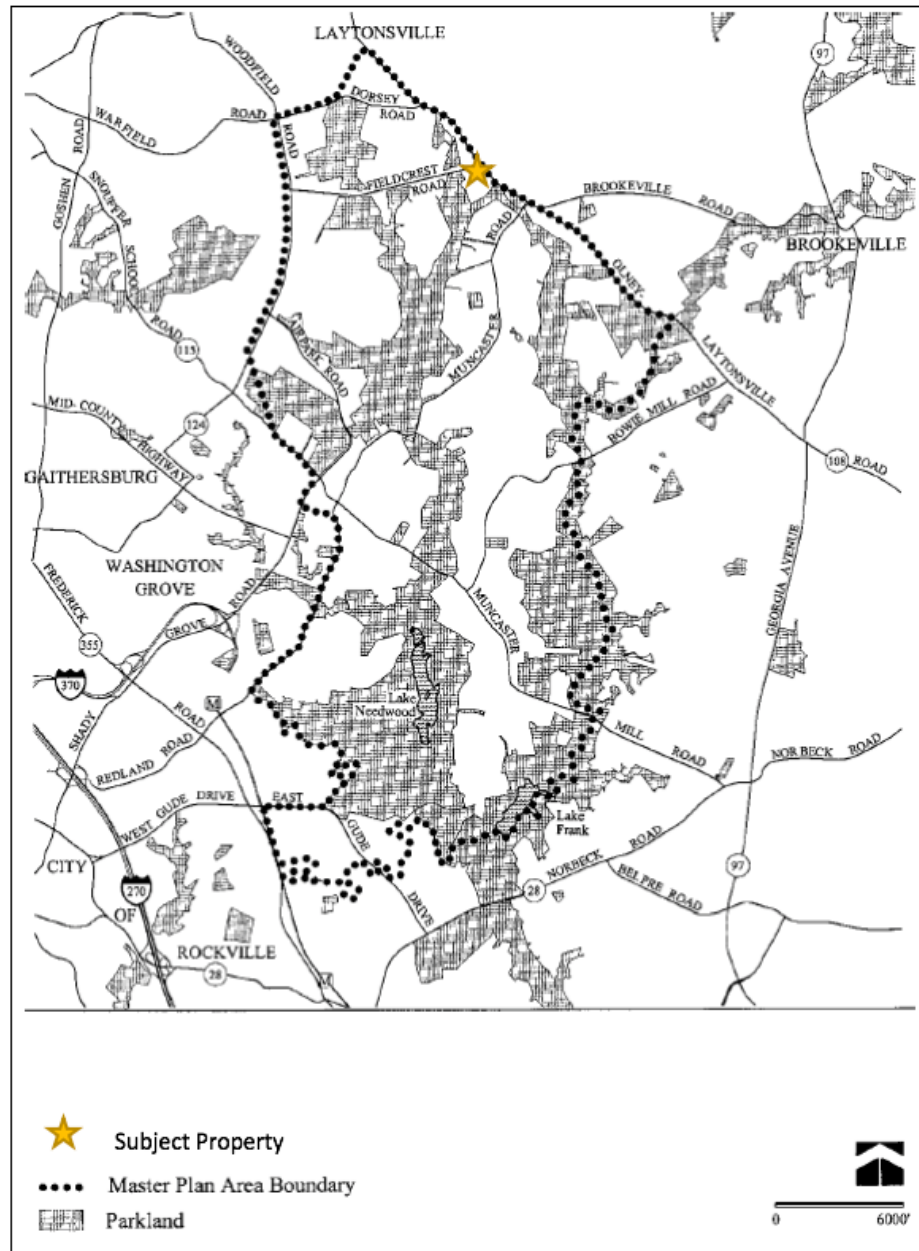


Figure 9 – Master Plan

A primary goal of the Master Plan is to protect environmental resources and maintain stream quality by keeping streams, forests and wetlands in a natural state. Additionally, preserving the generally low-density residential character of the plan area is an equally important goal of the Master Plan. Specifically, the Master Plan’s concept directs growth away from stream valleys, forests, and other environmentally sensitive areas while encouraging the integration of new development so that it does not diminish the character of neighboring communities.

With the exception of parkland conveyance intended to create improved trail connections, there are no specific land use recommendations that pertain to the Site. The Application is compatible with the following general land use recommendations:

- *Augment the stream valley park system by adding expanded stream buffers and contiguous forests, by continuing to preserve views and conservation areas already in parkland, such as the Agricultural History Farm Park and by locating stormwater management systems away from buffers and sensitive resources.*
- *Encourage new development that preserves natural resources.*
- *Enhance the character of new communities by increasing natural open space where appropriate.*

The Site is currently used as cow pasture, which degrades and contaminates of the streambed and stream buffer areas. As discussed in this report and as part of the development of the Solar Collection System, the Applicant will afforest the currently degraded stream buffers for conservation.

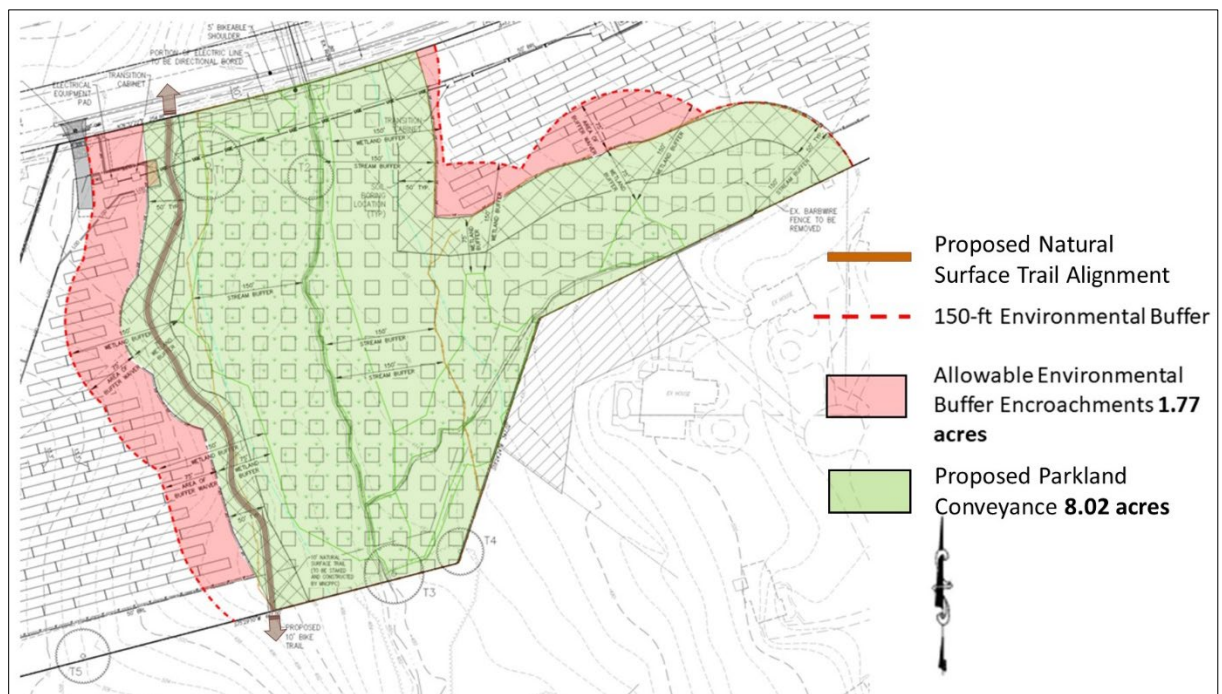


Figure 10 – Park Conveyance area and natural surface trail alignment path

This fee simple conveyance to M-NCPPC is for the purposes of envisioned stream valley park expansion, water quality protection and to extend an existing public natural surface trail to Fieldcrest Road. The conveyance will become part of Rock Creek Stream Valley Park Unit 16.

As conditioned, the Applicant will place the entire 8.02 acres of on-site reforestation (future Parkland) in a Category I Conservation Easement and provide a deed of conveyance to the Parks Department.

The alignment of the 10-foot-wide natural surface trail will be staked in the field by Parks prior to construction. Identifying the alignment prior to construction and afforestation, eliminates potential conflicts with reforestation planting and allows the new trail to be implemented with little disturbance to the stream valley buffer. The Applicant will then afforest the area and maintain the area. Once the Parks Department is ready to install the natural surface trail, the deed will be recorded and the connection formalized- meeting the intent of the Countywide Park Trails Plan.

The 8.02-acre conveyance area will add to the stream valley park system, thereby preserving natural views, conservation areas, and parkland. The stream buffer restoration and conveyance to the Parks Department will increase natural open space and thus enhance the natural character of the community. It will also reduce the forest gap in the vicinity.

The Application will help achieve many of the goals in the Master Plan, including those to enhance and protect environmental resources by improving stream quality by keeping streams, forests and wetlands in a natural state. Therefore, the Application substantially conforms with Master Plan's land use recommendations and goals.

Bikeways Functional Master Plan

The 2018 *Bicycle Master Plan* requires 5-foot-wide bikeable shoulders along the Site frontage on Fieldcrest Road and a 6-foot-wide bikeable shoulder Olney-Laytonsville Road (MD 108). As conditioned, the Applicant is constructing this improvement.

Transportation access is safe and adequate for the proposed use. As proposed, the Application is consistent with the 2018 *Master Plan of Highways and Transitways*, the 2018 *Bicycle Master Plan* and the 2004 *Upper Rock Creek Area Master Plan*.

- h. 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, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

This Application does not propose occupancy of the Site and therefore requires neither water supply nor wastewater disposal systems. The existing W-1 and S-6 service area categories identify a property that would use public water service and an onsite septic system, if needed. The S-6 sewer category and use of Private Septic System are reflected on the Site Plan.

Transportation

Access to the Site will occur via two driveway entrances along Fieldcrest Road. The Applicant provided a Transportation Exemption Statement dated December 23, 2019, explaining that the solar operation will be unmanned, with only infrequent vehicular trips to the Site for maintenance and therefore generating no measurable net increase in trips on the AM or PM peak periods.

Therefore, the Application is exempt from additional LATR review. Similarly, there will be no formal circulation path internal to the Site as access will be infrequent; all areas not covered by solar panel modules will remain unpaved/natural surface.

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

The Site is in the RE-1 zone, a Residential zone, and while solar is not a residential use, it is an allowed use in the zone and with the unique location of the Site, provided setbacks, screening, and Site layout, as conditioned the Site Plan is compatible with the character of the adjacent residential neighborhood.

The Site is located on the northern most outer edge of the existing residential development (south and west) at the corner of two public roads. The Site is not located within an existing residential neighborhood. The linear Property is bound by public roads on two sides, one of which is a major highway (MD 108), and the other (Fieldcrest Road) directly abuts a 250-foot-wide PEPCO transmission line right-of-way. At this location, north of MD 108 is Blue Mash Golf Course, and the Oaks Landfill (not active) site, both of which are in the Agricultural Reserve (AR) zone, a non-residential zone. In addition to its location, the Site is naturally broken into two separate developable pods by a stream. As such the solar modules will not be grouped in one larger field, but two smaller areas divided by a 150-foot-wide swath of vegetated stream buffer. As discussed further on page 15 of this report, the Applicant is providing landscape screening along the perimeter of the Site, with the exception of the areas within the stream valley buffer, which will be reforested according to the Forest Conservation Law. The modified landscape screening will be more effective than the standard screening because it includes additional evergreen trees. In this case lighting is not being provided on site because it is not required is unnecessary given the proposed use. The Site Plan shows the solar panels will be mounted on rails supported by pilings with a total height of 6.1 feet, significantly less than the 50-foot height limit for detached houses in the RE-1 zone. Since no lighting is provided, there is no possibility of light pollution/spillage onto the adjacent residential lots creating compatibility issues. As conditioned, the development of the Site with solar is compatible with the adjacent residential neighborhood.

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

The finding does not apply because the Site is in a Residential zone.

- 4. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

This finding is not applicable because the Site Plan does not include a restaurant with a drive-thru.

- 5. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning*

Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

This finding is not applicable because the Site is not zoned C-1 or C-2.

SECTION 6: CONCLUSION

The Application meets all development standards and findings established in the Zoning Ordinance. Access and public facilities will be adequate to serve the proposed use, and the use conforms with the Master Plan and the general requirements of Chapter 59. The Applications have been reviewed by other applicable county agencies, all of which have recommended approval of the plan. Staff recommends approval of the Site Plan, with the conditions as enumerated in the Staff Report.

ATTACHMENTS

Attachment A – Stanbrook Lane Homeowners Association Letter
Attachment B – Response to Stanbrook Lane Homeowners Association Letter
Attachment C – Montgomery County Group of the Sierra Club’s Maryland Chapter Letter
Attachment D – MCDPS – Fire Department Access and Water Supply Section
Attachment E – Water Quality Plan and Stormwater Management Concept
Attachment F – Impervious Surface Plan
Attachment G – MCDPS – Right-of-Way Plan Review Section

MILLER JOHN POPPLETON, ESQ.

5719 Stanbrook Lane
Laytonsville, Maryland 20882
H: (301) 590-1270 • C: (301) 351-3032
MPoppleton@offitkurman.com

October 21, 2019

RECEIVED
MMP/PC
OCT 24 2019
Montgomery County
Planning Department

Director Gwen Wright
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Opposition to Proposed Community Solar Farm at Fieldcrest Road and Route 108

Dear Director Wright:

I am writing as President of the Stanbrook Lane Homeowners Association, which unanimously opposes the solar farm that is in the developmental stage pursuant to the attached letter and site plan. We understand that the Planning Board staff has been working closely with the developer (TurningPoint Energy) in regard to this project and we are concerned that the interim development requirements/considerations of the staff will produce momentum for a recommendation of approval by the Planning Board for a special exception for this proposed use in the R1 Zone.

The proposal calls for the solar farm to be located adjacent to several million-dollar residential homes that are situated in the R1 Zone. The solar farm proposal indicates panels at a height of up to 9 feet. Because of the existing topography, several of the homes will look down on the proposed solar panels, greatly detracting from the intended residential flavor of the community. Also, because of the topography, no amount of the required screening will successfully alleviate the potential economic harm. The real estate agent who has been involved in many of the sales for Stanbrook Lane properties has indicated that property values will decline by as much as twenty percent, with the unintended consequence of an inverse partial condemnation. This potentially affects all 20 homes on the Stanbrook Lane cul-de-sac due to the decreased value of the "comparable" properties that will be most affected.

Our research indicates that in the entire United States only 164 homes have been subjected to a solar farm within 100 feet, and most of those have been rural properties. Stanbrook Lane and the surrounding properties are in a highly developed residential setting, and it is inappropriate to subject the community to this commercial usage with its subsequent economic loss. In our neighborhood, several of the homes are within 100' and many more are within 500' of the proposal.

Stanbrook Lane supports the concept of community solar but notes that the permissible zoning requires approval of a special exception. It is submitted that the requirement for a special exception exists precisely to protect residential properties that would be adversely affected by community solar. We are

concerned that the well-meaning momentum for alternative energy may result in the Planning Board staff being overly aggressive in its recommendation process.

Enclosed please find a Petition signed by the residents of Stanbrook Lane who stand unanimously opposed to the location of a community solar project adjacent to the long-existing residential properties. As a member of the Maryland Bar, I certify the accuracy and authenticity of the attached Petition and that the attached is a true test copy of the original which I will retain in my possession.

Montgomery County is fortunate to have more than 68,000 acres of agricultural and undeveloped R-1 property, providing an abundance of appropriate property available to pursue the community solar objectives without negatively impacting adjacent residential properties. We respectfully request that the Planning Board give due consideration for the adjacent residential properties and consider that the limited potential energy production is outweighed by the economic harm as well as the R-1 zoning Plan.

Respectfully submitted,



Miller John Poppleton
President, Stanbrook Lane Association

Enclosure

cc Montgomery County Council
Nancy Navarro, President
Montgomery County Planning Department
Deputy Director Tanya Stern
Functional Planning & Policy Division Chief Jason Sartori
Deputy Director Robert Kronenberg
Planning Area 3 Chief, Richard Weaver



City of...
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NOTICE

TO: Adjacent and Confronting Property Owners, and Members of Homeowners and Civic Associations

FROM: Bowman Consulting on behalf of TurningPoint Energy (TPE)

DATE: September 10, 2019


RE: Pre-Submittal Meeting for the Application for Site Plan and Preliminary Plan for Fieldcrest Community Solar

You are invited to attend a pre-submittal meeting on the referenced Site Plan (Fieldcrest Community Solar) scheduled for Thursday October 3, 2019 at 5:00 p.m. at the Olney Public Library, located at: 3500 Olney-Laytonsville Rd, Olney, MD 20832. The phone number of the library is: (240) 773-9545. The property that is the subject of the Site Plan and Preliminary Plan application consists of approximately twenty acres and is bounded by Fieldcrest Road to the north, a privately owned residential subdivision to the west and south, Olney-Laytonsville Road to the east, and land to the south owned by Montgomery County. The Site Plan proposes the construction of a Community Solar Project. The property is zoned RE-1. The purpose of this meeting is to explain the Site Plan and Preliminary Plan application and to hear your comments prior to filing the Site Plan and Preliminary Plan applications with the Montgomery County Planning Board. The website for the Maryland National Capital Parks and Planning Commission (MNCPPC) Development Applications and Regulatory Coordination (DARC) division is, <https://montgomeryplanning.org/development/> and the phone number is 301.495.4510.

In order to appropriately accommodate all attendees, if possible, please call Jeff Smith at 410.224.7590 by Monday, September 30 if you will be attending this meeting.

Thank you,
Bowman Consulting Group

Bowman Consulting Group
185 Admiral Cochrane Drive • Suite 215
Annapolis • MD • 21401
Phone: 410.224.7590



PETITION IN OPPOSITION TO FIELDCREST COMMUNITY SOLAR FARM

WE, THE UNDERSIGNED, HEREBY OPOSE THE GRANTING OF A SPECIAL EXCEPTION FOR A SOLAR FARM AT FIELDCREST AND RT.108 BECAUSE THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD WILL BE ADVERSELY AFFECTED AND PROPERTY VALUES FOR ALL RESIDENTS WILL SIGNIFICANTLY DECREASE. ACCORDINGLY, WE REQUEST THE SPECIAL EXCEPTION BE DENIED.

DATE	NAME	ADDRESS	SIGNATURE
10/9/19	Miller John Poppleton	5719 Stanbrook Ln	Miller John Poppleton
10/8/19	Sanct Waters Poppleton	5719 Stanbrook Ln	Sanct Waters Poppleton
10/6/19	Kelly Cochran	5741 Stanbrook Ln.	Kelly Cochran
10/8/19	Brian J. Cochran	5741 Stanbrook Lane	Brian J. Cochran
10/8/19	Naelefar Malik	5744 Stanbrook lane	Naelefar Malik
10/8/19	HASHMAT. MALIK	5744 STANBROOK LN	Malik Hashmat
10/3/19	Lubna Malik	5745 Stanbrook Ln	Lubna Malik
10/6/19	Ushma Ahmad	5745 Stanbrook Ln	Ushma Ahmad
10/8/19	JAVED N/A LIL	5745 STANBROOK LN	Javed N/A LIL
10/09/19	Taimur Malik	5745 Stanbrook Ln	Taimur Malik
10/9/19	Charlene Matthews	5748 Stanbrook Ln	Charlene Matthews












PETITION IN OPPOSITION TO FIELDCREST COMMUNITY SOLAR FARM

WE, THE UNDERSIGNED, HEREBY OPPOSE THE GRANTING OF A SPECIAL EXCEPTION FOR A SOLAR FARM AT FIELDCREST AND RT.108 BECAUSE THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD WILL BE ADVERSELY AFFECTED AND PROPERTY VALUES FOR ALL RESIDENTS WILL SIGNIFICANTLY DECREASE. ACCORDINGLY, WE REQUEST THE SPECIAL EXCEPTION BE DENIED.

DATE	NAME	ADDRESS	SIGNATURE
10/10/19	Kevin Matthews	5748 Starbrook Lane	Kevin Matthews
10-10-19	James Burston	5740 Starbrook Lane	James Burston
10-10-19	James Burston	5740 Starbrook Lane	James Burston
10-11-19	Paul L. Shank	5736 Starbrook Lane	Paul L. Shank
10/11/19	Rebecca Holtz Shank	5736 Starbrook Lane	Rebecca Holtz Shank
10/11/19	Bob Roth	5729 Starbrook Lane	Bob Roth
10/11/19	Jeff Roth	5729 Starbrook Lane	Jeff Roth
10-11-19	Lorraine McFarland	5724 Starbrook Lane	Lorraine McFarland
10-11-19	Peter McFarland	5724 Starbrook Lane	Peter McFarland
10/11/19	Jones Fland	5728 Starbrook Lane	Jones Fland
10-11-19	Victoria Fland	5728 Starbrook Lane	Victoria Fland

PETITION IN OPPOSITION TO FIELDCREST COMMUNITY SOLAR FARM

WE, THE UNDERSIGNED, HEREBY OPPOSE THE GRANTING OF A SPECIAL EXCEPTION FOR A SOLAR FARM AT FIELDCREST AND RT.108 BECAUSE THE RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD WILL BE ADVERSELY AFFECTED AND PROPERTY VALUES FOR ALL RESIDENTS WILL SIGNIFICANTLY DECREASE. ACCORDINGLY, WE REQUEST THE SPECIAL EXCEPTION BE DENIED.

DATE	NAME	ADDRESS	SIGNATURE
10-11-19	Laurie DeAmend	5711 Stanbrook Ln,	
10-11/19	Tom W De Amend	5711 Stanbrook	
10/19/19	Janeen Jelic	5715 Stanbrook Rd	
10/14/19	Debra Diehl	5715 Stanbrook Rd	
10/19/19	Leila Sakleh	5700 Stanbrook Dr.	
10/19/19	Hanna Sakleh	5700 Stanbrook Dr.	
10-20	Nireika Santini	5708 Stanbrook Lane	
10-20	Andrews Downing	5712 Stanbrook Ln.	
10/20/19	Mathy Milling Downey	5712 Stanbrook Lane	
10/20/19	Harvey Kridner	5720 Stanbrook Lane	
10/20/19	Saeshin Cho	5724 Stanbrook Lane	



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

October 28, 2019

Miller John Poppleton, Esq.
5719 Stanbrook Lane
Laytonsville, MD 20882

Re: Community Solar Farm at Fieldcrest Road and Route 108

Dear Mr. Poppleton:

We acknowledge receipt of your letter dated October 21, 2019 in regard to the Community Solar Farm at Fieldcrest Road and Route 108. We currently do not have an active application for this project but understand that there is interest to file a site plan application for review and approval by the Planning Board as required in the Zoning Ordinance. We are aware that a pre-submittal community meeting for a site plan application was held on October 3, 2019. Once the application is received by our Department, your letter will be made part of the record.

One point of clarification is that your letter refers to the need for a special exception for this use. According to the limited use standards for solar collection systems in Section 59.3.7.2 of the Zoning Ordinance, site plan approval is required, and not a special exception.

Please feel free to contact Jonathan Casey with the Area 3 Team at 301-495-2162 or Jonathan.Casey@montgomeryplanning.org for status updates or any additional questions that you might have.

Sincerely,

Gwen Marcus Wright
Planning Director, Montgomery County Planning Department

cc: Nancy Navarro, President of Montgomery County Council
Robert Kronenberg, Deputy Director Montgomery County Planning Department
Richard Weaver, Area 3 Chief
✓ Jonathan Casey, Area 3 Senior Planner



October 18, 2019

Gwen Wright
Planning Director,
Montgomery County Planning Department
Maryland-National Capital Area Park and Planning Commission
8787 Georgia Avenue
Silver Spring
Maryland 20910

Dear Ms. Wright,

I am writing on behalf of the Montgomery County Group of the Sierra Club's Maryland Chapter.

We have been made aware of Turning Point Energy's proposal for development of a community solar project on a plot of agriculturally zoned land on Fieldcrest Road, in the Laytonsville area. We are aware that there are environmental considerations that need to be taken into account in responding to the proposal, including the fact that the land is currently being used as pasture for cattle, that there is a stream on the property which has apparently been degraded to some extent by the cattle and their waste, and that there are additional water- and potentially forest-related factors that must be considered. We are aware that Turning Point is in discussion with your office about potential ways to mitigate these environmental factors.

We are not in a position to offer an opinion on the appropriateness of the specific potential approaches that might be taken to make the proposed community solar project both financially feasible and environmentally sound. We strongly feel that the decision about these aspects appropriately resides with the expertise and authority of your department and the developer's experience in solar project development.

We do want to convey that Sierra Club as a whole, the Maryland Chapter, and the Montgomery County Group all strongly support the development of community solar if the County, M-NCPPC, and the developer can arrive at a satisfactory plan. (Sierra Club Maryland Chapter has the experience of interacting with Prince George's County in the development of their solar siting policy, and note that



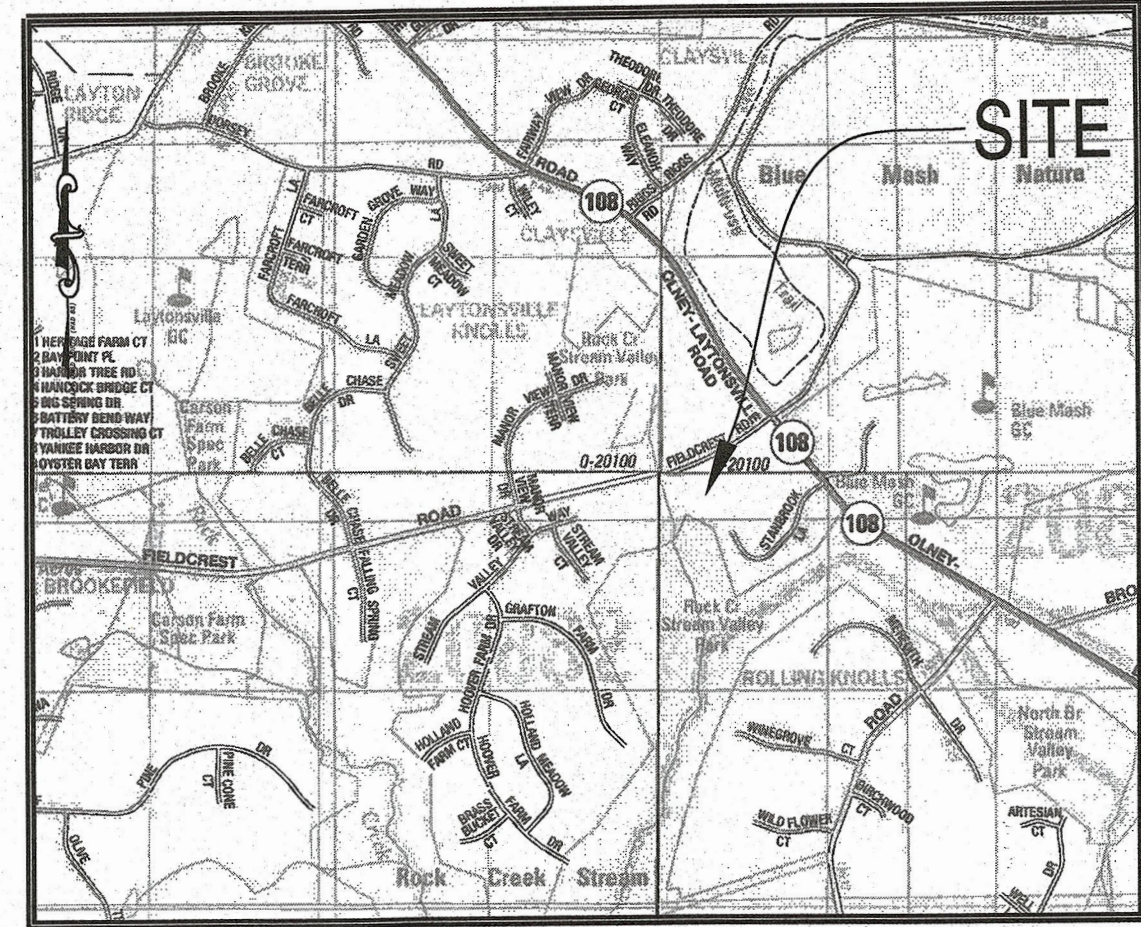
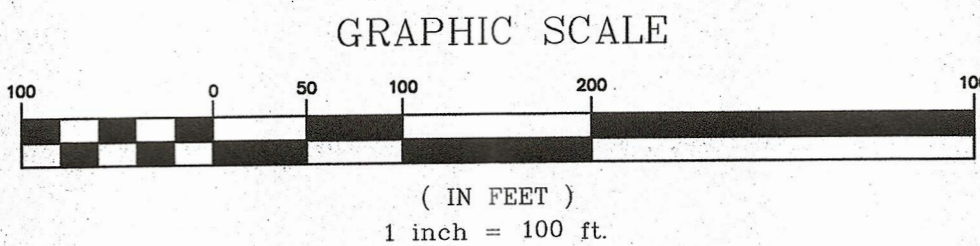
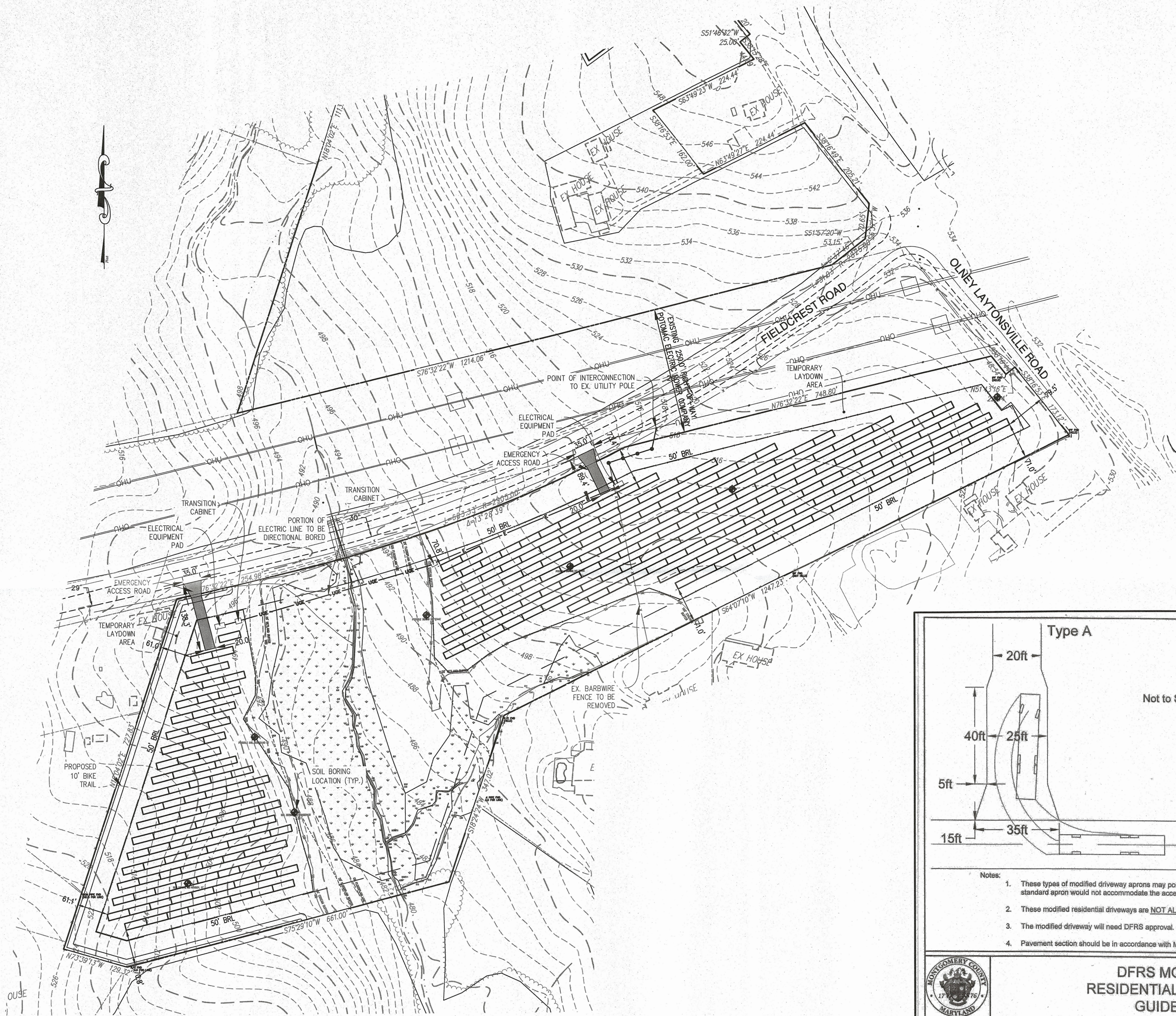
the Prince George's Planning Department under M-NCPPC worked with another solar developer to meet reforestation requirements on the Panorama landfill in a way that allowed the building of a community solar project on that landfill.)

We definitely support solar development on rooftops, parking lots, schools and public buildings. We also recognize that the potential of community solar to provide hundreds of households with locally generated clean renewable energy will require solar projects built on open land. The Fieldcrest Road project would be our county's first ground-built community solar project. As recently reported (<https://bethesdamagazine.com/bethesda-beat/climate-change-activists-accuse-montgomery-county-of-inaction/>), we know that our county needs to get moving to make the transition to clean renewable energy, a goal to which the county is publicly committed.

We therefore appreciate your willingness to actively explore and consider options that might make the project viable. I would be happy to speak with you further if that is in any way helpful.

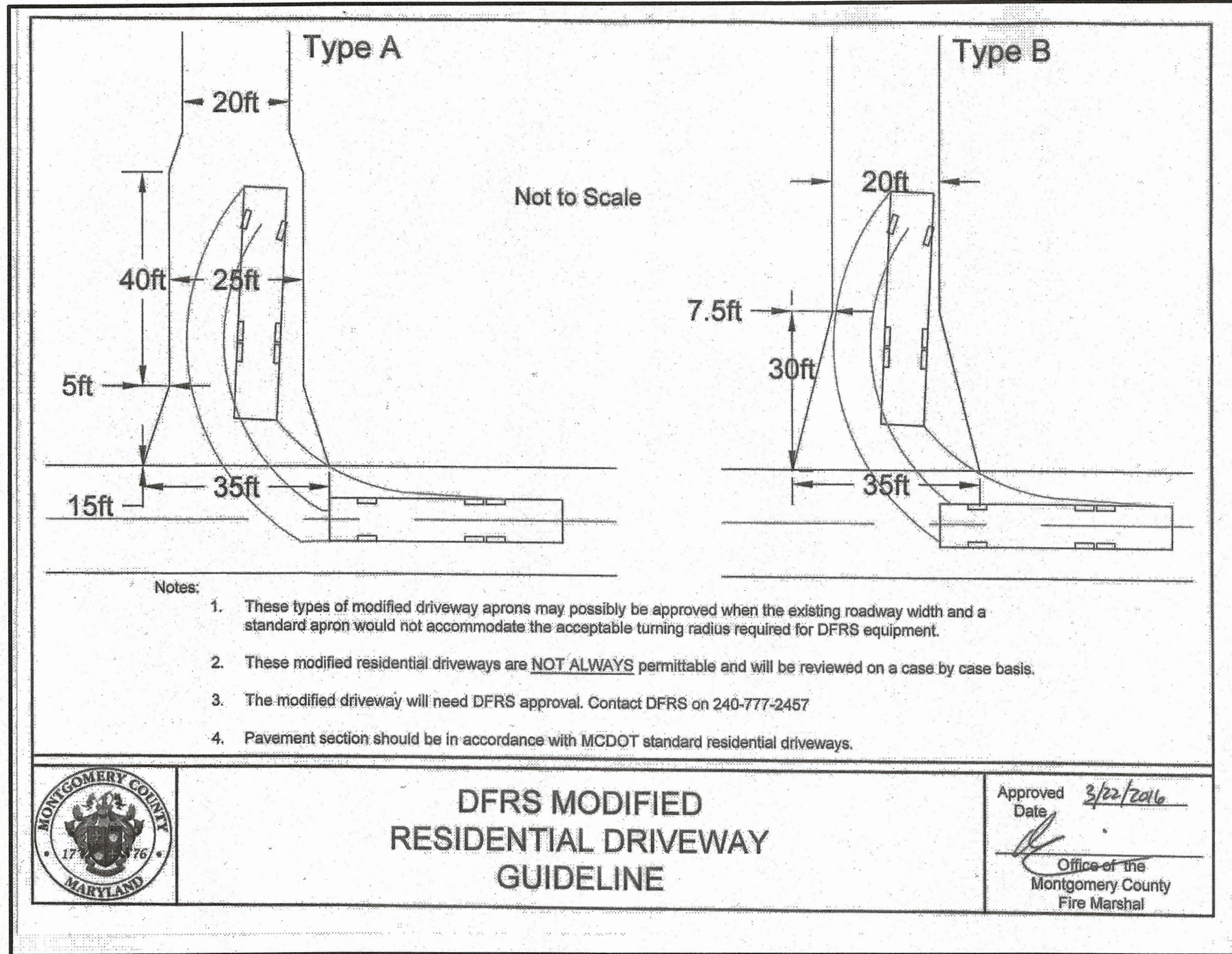
Sincerely,

Shruti Bhatnagar
Chair, Sierra Club Montgomery County, Maryland
Email: Shruti.bhatnagar@mdsierra.org
Cell# 240.498.3459



FIRE CODE ENFORCEMENT
Fire Department Access Review
Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation.
BY: ELK FM: 43 DATE: 9/6/2019

OPERATIONS NOTE:
THE EMERGENCY ACCESS ROUTE SHOWN HEREON IS TO BE CLEAR AND MAINTAINED AT ALL TIMES BY THE PROPERTY OWNER.



PROFESSIONAL CERTIFICATION
I, JEFF B. SMITH, 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 NO. 31373, EXPIRATION DATE: 1/21/2021.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Hadi Mansouri
Acting Director

~~December 31, 2019~~
May 1, 2020 (revised)

Mr. Jeff Smith
Bowman Consulting
185 Admiral Cochrane, Suite 215
Annapolis, MD 21401

Re: **COMBINED WATER QUALITY PLAN /
SITE DEVELOPMENT STORMWATER
MANAGEMENT PLAN** for
Fieldcrest Community Solar
Preliminary Plan #: NA
SM File #: 285300
Tract Size/Zone: 35.7
Total Concept Area: 9.13
Parcel(s): P707
Watershed: Rock Creek

Dear Mr. Jeff Smith:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via 4 Non-Roof Disconnect and BioSwale for the development in the Upper Rock Special Protection Area.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is not required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

SM File # 285300

Page 2 of 2

reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Bill Musico PE at 240-777-6340.

Sincerely,

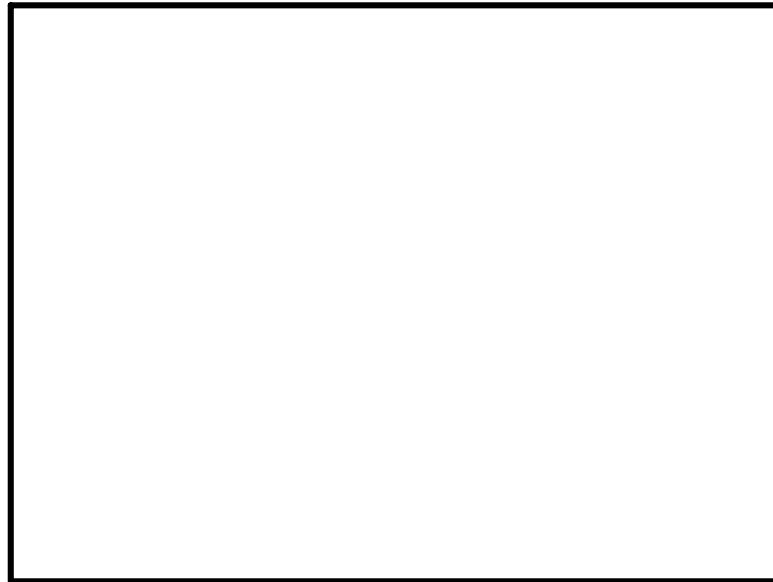
A handwritten signature in black ink that reads "William J. Musico". The signature is written in a cursive, flowing style.

Bill Musico PE, Plan Review
Water Resources Section
Division of Land Development Services

MCE: WJM

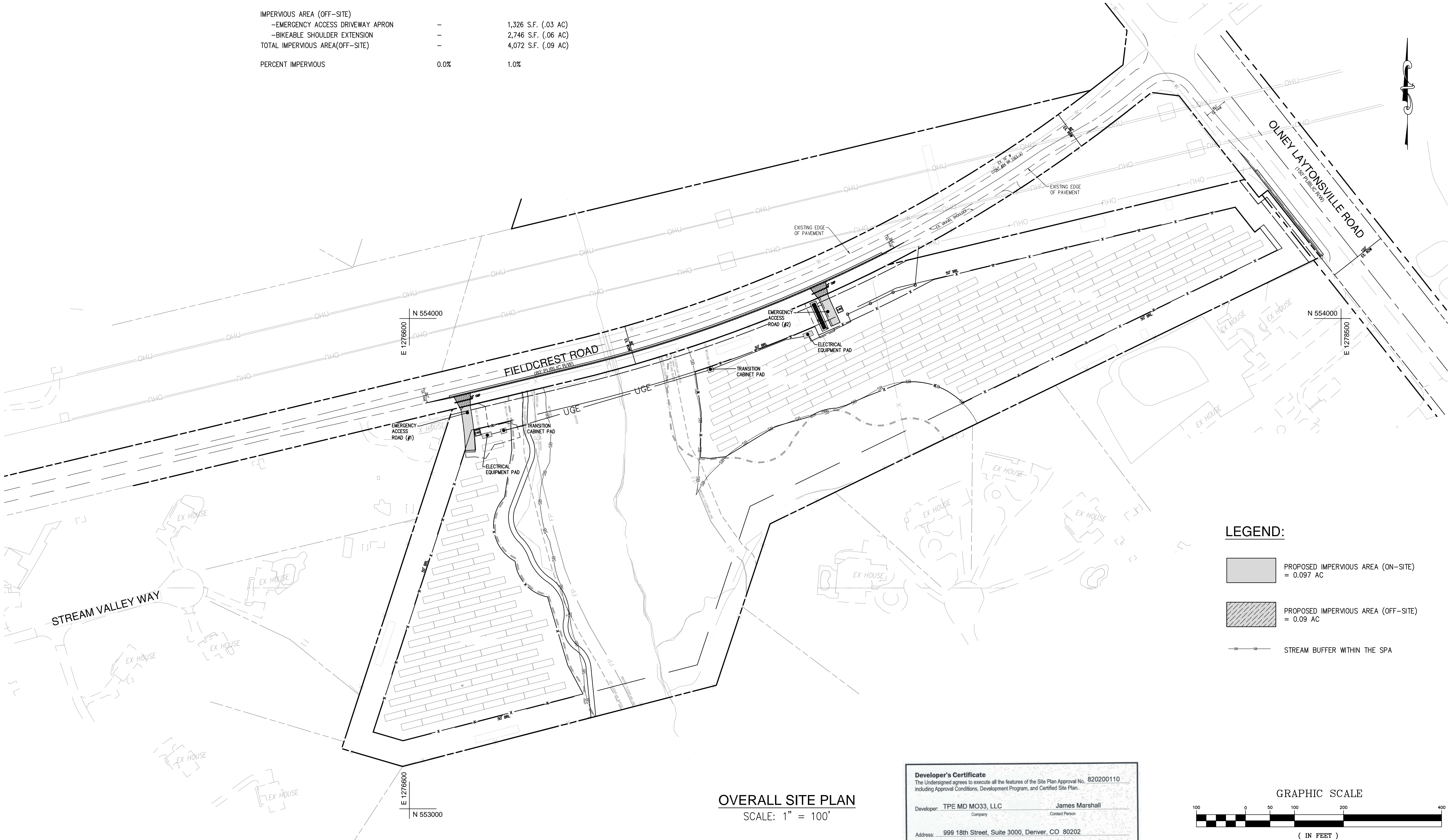
cc: N. Braunstein
SM File # 285300

ESD: Required/Provided 607 cf / 663 cf
PE: Target/Achieved: 1.00"/1.09"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.



IMPERVIOUS COMPUTATIONS

TOTAL SITE AREA	EXISTING	PROPOSED
TOTAL AREA	874,318 S.F. (20.07 AC)	874,318 S.F. (20.07 AC)
IMPERVIOUS AREA (ON-SITE)		
-EMERGENCY ACCESS ROADS	-	3,167 S.F. (.07 AC)
-ELECTRICAL EQUIPMENT PADS	-	390 S.F. (.01 AC)
-TRANSITION CABINET PADS	-	230 S.F. (.01 AC)
-CONCRETE FOOTERS (4)	-	3 S.F. (0 AC)
TOTAL IMPERVIOUS AREA(ON-SITE)	-	3,790 S.F. (.09 AC)
IMPERVIOUS AREA (OFF-SITE)		
-EMERGENCY ACCESS DRIVEWAY APRON	-	1,326 S.F. (.03 AC)
-BIKEABLE SHOULDER EXTENSION	-	2,746 S.F. (.06 AC)
TOTAL IMPERVIOUS AREA(OFF-SITE)	-	4,072 S.F. (.09 AC)
PERCENT IMPERVIOUS	0.0%	1.0%



OVERALL SITE PLAN
SCALE: 1" = 100'

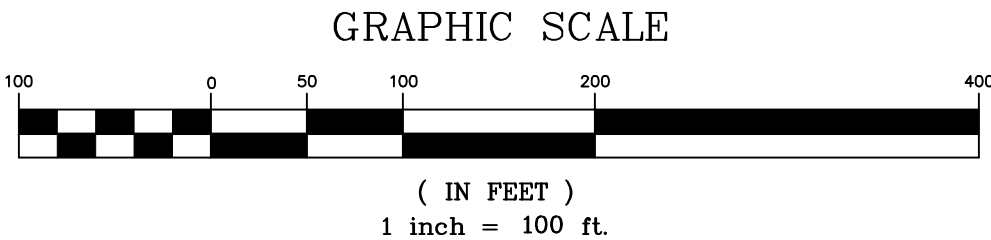
Developer's Certificate
The Undersigned agrees to execute all the features of the Site Plan Approval No. 820200110 including Approval Conditions, Development Program, and Certified Site Plan.

Developer: TPE MD M033, LLC
Company
Contact Person: James Marshall

Address: 999 18th Street, Suite 3000, Denver, CO 80202

Phone: 949-289-0601

Signature: [Signature]



PROFESSIONAL CERTIFICATION
I, MARK S. STIRES, 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 NO. 18987, EXPIRATION DATE: 01/13/21.

TurningPoint Energy

CONSTRUCTION MANAGER
TURNING POINT ENERGY
999 18th Street, Suite 3000
Denver CO 80202
p. turningpoint-energy.com

Bowman Consulting Group, Ltd.

185 Admiral Cochrane Drive, Suite 215
Annapolis, Maryland 21401
Phone: 410.224.7590
www.bowmanconsulting.com

IMPERVIOUS AREA PLAN
FIELDCREST COMMUNITY SOLAR
PARCEL P707 - MO 33
MAP GU63 PARCEL P707 - ACCT. NO. 01-00003377
1ST ELECTION DISTRICT
MONTGOMERY COUNTY, MD

STATE OF MARYLAND
REGISTERED PROFESSIONAL ENGINEER
NO. 18987
1/14/2020

PLAN STATUS	
DATE	DESCRIPTION
MCS DESIGN	MCS DRAWN
MSS	CHKD
SCALE	H: 1" = 100'
	V: N/A
JOB No.	130076-01-001
DATE	APRIL, 2020
FILE No.	130076-D-CP-001
SHEET	1 OF 1

Cad file name : W:\330076 - M033 Fieldcrest Road\330076-01-001 (ENG) Engineering\Engineering Plans\330076-01-001-MP.dwg

DPS-ROW CONDITIONS OF APPROVAL**May 11, 2020****820200110 Fieldcrest Community Solar**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-SITE-820200110-004.pdf V5” uploaded on/ dated **“5/5/2020”**,

“08-LL-820200110-003.pdf V4” uploaded on/ dated **“5/5/2020”**,

“08-LL-820200110-004.pdf V4” uploaded on/ dated **“5/5/2020”**,

The following needs to be addressed prior to the certification of site plan:

1. For access points on Fieldcrest Road, provide “exact” sight distance on the standard County form.