

Item 12 - Correspondence

From: [Soo Lee-Cho](#)
To: [MCP-Chair](#)
Cc: [Sorrento, Christina](#); [Casey, Jonathan](#); [Franny Yuhas](#); [Adam Beal](#)
Subject: Cedar Ridge Community Solar - September 17 Agenda Item 11 - Applicant's Opposition/Response to Request for Reconsideration Filed by the Cloverly Civic Association
Date: Wednesday, September 16, 2020 11:48:17 AM
Attachments: [2020.09.16 Cedar Ridge Community Solar Applicant's Ltr in Opposition to Reconsideration Request re PB Resolution 20-069.pdf](#)

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Dear Chairman Anderson,

Please see attached letter hereby submitted on behalf of the Applicant in the Cedar Ridge Community Solar Project in opposition to the request for reconsideration filed by the Cloverly Civic Association to be considered by the Board at tomorrow's meeting. Thank you.

Soo Lee-Cho

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September 16, 2020

By Email Only

Casey Anderson, Chairman
Montgomery County Planning Board
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
MCP-Chair@mncppc-mc.org

Re: **Planning Board Meeting of September 17, 2020**
ITEM No. 11 – Request for Reconsideration of Cedar Ridge Site Plan
820200040 / MCPB Resolution No. 20-069

Dear Chairman Anderson and Members of the Planning Board:

This office represents TPE MO32, LLC, a.k.a. TurningPoint Energy, the Applicant/Developer of the Cedar Ridge Community Solar Project approved by the Planning Board in Resolution No. 20-069. I am writing to object to the Reconsideration Request submitted by the Cloverly Civic Association (“Association”) in a letter dated August 23, 2020 and request that the Planning Board deny the request on the basis that there is no legal basis for reconsideration as no mistakes (either legal or factual) or other inadvertences were made/occurred in the case as suggested in the Association’s letter that would justify the Board’s reconsideration of its decision.

First, the Historic Preservation Commission’s (“HPC”) consideration of Site Plan 820200040 prior to the Planning Board meeting on July 9th was appropriately conducted as a preliminary consultation since the HPC’s consideration of a final historic area work permit (HAWP) for the project would not be appropriate until after the Planning Board’s approval of the Site Plan. Moreover, it was clear during the HPC consideration of this matter that the basis of their favorable recommendation was not based on specific project design considerations such the landscape buffers being proposed per se but was pursuant to the below highlighted subsection of Montgomery County Code Chapter 24A-8:

Montgomery County Code; Chapter 24A-8

- (b) The commission shall instruct the director to issue a permit, or issue a permit subject to such conditions as are found to be necessary to insure conformity with the purposes and requirements of this chapter, if it finds that:
- (1) The proposal will not substantially alter the exterior features of an historic site or historic resource within an historic district; or
 - (2) The proposal is compatible in character and nature with the historical, archeological, architectural or cultural features of the historic site or the historic district in which an historic resource is located and would not be detrimental thereto or to the achievement of the purposes of this chapter; or
 - (3) The proposal would enhance or aid in the protection, preservation and public or private utilization of the historic site or historic resource located within an historic district in a manner compatible with the historical, archeological, architectural or cultural value of the historic site or historic district in which an historic resource is located; or
 - (4) The proposal is necessary in order that unsafe conditions or health hazards be remedied; or
 - (5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship.

In fact, while the HPC found the proposed landscape buffer acceptable, it was acknowledged by the HPC that due to the topography of the site, the landscape buffers would not completely screen the solar arrays. The HAWP subsequently approved by the HPC on July 29th was consistent with the corrected panel and fencing heights approved by the Planning Board.

In addition, as represented at the Planning Board hearing, under its private lease arrangement with the Cedar Ridge Community Church, the Applicant is already committed to planting a pollinator-friendly mix that will be native to our ecosystem and that will provide habitat for local pollinator species. There is no further need to address this issue. Finally, as discussed at the July 9th Planning Board hearing, the use of the term 'Applicant' in the Board's approval resolutions is inclusive of any successors in interest to the approval and as such the Association's suggested edit in this regard is unnecessary.

Based on all the above, we respectfully request that the Planning Board deny the Association's request for reconsideration in this matter.

Thank you for your consideration.

Sincerely,

MILLER, MILLER & CANBY

By: 
Soo Lee-Cho

cc: Christina Sorrento, Esq., Assistant General Counsel, M-NCPPC
Jonathan Casey, M-NCPPC
Franny Yuhás, TPE
Adam Beal, TPE