## Montgomery Planning

## CHABERTON SOLAR SANTA ROSA SITE PLAN NO. 820220210



## Description

Request to allow a solar collection system producing more than 120 percent of on-site energy use in the RC (Rural Cluster) zone; 10 acres; located at 13330 Signal Tree Lane; 2002 *Potomac Subregion Master Plan*.

No. 820220210 Completed: 12-2-2022 MCPB Item No. 9 12-15-2022 Montgomery County Planning Board 2425 Reedie Drive, Floor 14 Wheaton, MD 20902

Montgomeryplanning.org

## **Planning Staff**

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ΡB

Phillip Estes, AICP, Planner III, Upcounty Planning, <u>Phillip.Estes@montgomeryplanning.org</u>, 301-495-2176

Sandra Pereira, RLA, Supervisor, Upcounty Planning, <u>Sandra.Pereira@montgomeryplanning.org</u>, 301-495-4645

Patrick Butler, AICP, Division Chief, Upcounty Planning, <u>Patrick.Butler@montgomeryplanning.org</u> 301-495-4561

### LOCATION/ADDRESS

13330 Signal Tree Lane (on Signal Tree Lane, approximately 1,200 feet north of River Road)

#### MASTER PLAN

2002 Potomac Subregion Master Plan

#### ZONE

RC (Rural Cluster)

#### PROPERTY SIZE

10 acres

#### APPLICANT

Chaberton Solar Santa Rosa, LLC

#### ACCEPTANCE DATE

October 20, 2022

#### **REVIEW BASIS**

Chapters 22A and 59

## Summary:

- Staff recommends approval of the Site Plan and Preliminary/Final Forest Conservation Plan, with conditions.
- Proposal to construct a ground-mounted solar collection system, which has higher energy production per acre than standard tracker panels, according to the Applicant.
- Solar Collection Systems producing more than 120% of on-site energy is allowed as a limited use in the RC zone, subject to Site Plan approval, per Section 59.3.7.2.B of the Zoning Ordinance.
- The proposed solar collection system has limited visibility from Signal Tree Lane given existing mature vegetation, elevated topography along the roadway, and low-profile characteristic (less than one foot in height) of the solar array system.
- Staff supports the request for alternative compliance for the screening requirements to achieve maximum direct solar exposure and reduce the amount of shade and shadows, which will in turn maximize solar energy production.
- Staff has received one community comment related to off-site views.

## TABLE OF CONTENTS

SECTION 1: RECOMMENDATIONS AND CONDITIONS	
SITE PLAN 820220210	3
SECTION 2: SITE DESCRIPTION	7
VICINITY	7
PROPERTY DESCRIPTION	10
SECTION 3: PROJECT DESCRIPTION	
Previous Approvals	
Proposal	12
SECTION 4: COMMUNITY OUTREACH	
SECTION 4: COMMUNITY OUTREACH	19 20
SECTION 4: COMMUNITY OUTREACH SECTION 5: FINDINGS AND ANALYSIS SECTION 6: CONCLUSION	

## SECTION 1: RECOMMENDATIONS AND CONDITIONS

#### SITE PLAN 820220210

Staff recommends approval of Site Plan No. 820220210, for the construction of a solar collection system producing more than 120 percent of on-site energy use with an existing single-family residence to remain.

All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.<sup>1</sup>

#### DENSITY, HEIGHT & HOUSING

- 1. Land Use
  - a. The Site Plan is limited to a Solar Collection System producing a capacity of 1.75 megawatts of on-site electricity, as a limited use on the Subject Property.
  - b. The existing single-family detached dwelling unit may remain.
  - c. The Applicant must remove the Solar Collection System 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 Property must be returned to a natural state, with either its current grassed condition or native pollinator vegetation. 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, and the Applicant does not provide notice to the Planning Board of intent to remedy the abandonment at least 30 days prior to the expiration of the 12-month period.
- 2. <u>Height</u>

The Solar Collection System is limited to a maximum height of (one) 1 foot for the solar panels and 8.5 feet for the accessory equipment, as illustrated on the Certified Site Plan.<sup>2</sup> Sensor antennas extending vertically from grade are limited to a maximum height of 14 feet.

#### ENVIRONMENT

- 3. Forest Conservation & Tree Save
  - 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.

<sup>&</sup>lt;sup>1</sup> For the purposes of these conditions, the term "Applicant" shall mean the Chaberton Solar Santa Rosa LLC or any successor(s) in interest to the terms of this approval.

<sup>&</sup>lt;sup>2</sup> The structure measuring point is determined by the Department of Permitting Services

- b) The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan ("FCP"). Tree save measures not specified on the FFCP may be required by the M-NCPPC Forest Conservation Inspection Staff.
- c) The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FCP.
- d) Before the start of any demolition, clearing, grading, or construction, whichever comes first, for this development Application, the Applicant must:
  - i. Record a Category I Conservation Easement over the area of stream valley buffer as specified on the approved FFCP. 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.
  - ii. Install permanent conservation easement signage along the perimeter of the conservation easement as shown on the FCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
  - iii. Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.
  - iv. Execute a five-year Maintenance and Management Agreement ("MMA") in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all forest planting areas, mitigation tree plantings, including variance tree mitigation plantings, and landscape plantings credited toward meeting the requirements of the FCP. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff. All proposed measures should be chosen with consideration of the proximity to the off-site stream. The use of herbicides should be avoided where possible.
  - v. Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved offsite forest bank within the Potomac Direct watershed to satisfy the reforestation requirement for a total of 2.07 acres of mitigation credit. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Potomac Direct watershed or by making a fee-in-lieu payment to M-NCPPC if mitigation credits are not available at any bank.
  - vi. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Property, as shown on the approved FCP. The variance tree mitigation plantings must be a minimum of 3 caliper inches totaling at least 7.63 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.

#### 4. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") Water Resources Section in its stormwater management concept letter dated July 27, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### TRANSPORTATION & CIRCULATION/ADEQUATE PUBLIC FACILITIES (APF)

#### 5. Transportation

The Planning Board has reviewed and accepts the recommendations of the DPS-Right-of-Way Section ("DPS-ROW") in its memo dated October 11, 2022, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

6. <u>APF Validity</u>

The Adequate Public Facilities Review (APF) will remain valid for five (5) years from the initiation date set forth in Section 50.4.3.J.5 of the County Code.

7. Fire and Rescue

The Planning Board has reviewed and accepts the recommendations of the MCDPS, Fire Department Access and Water Supply Section in its letter dated December 2, 2022, 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.

### SITE PLAN

#### 8. Site Plan Surety and Maintenance Agreement

Before issuance of any above grade building permit, sediment control permit, or Use and Occupancy Certificate, whichever comes first, 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 landscaping, screening, and fencing. 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.

9. Development Program

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

10. 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, Approved Fire and Rescue Access Plan, development program, and Site Plan Resolution on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "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."
  - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and prior to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

### **SECTION 2: SITE DESCRIPTION**

#### VICINITY

The Subject Property is a 10-acre residential property located at 13330 Signal Tree Lane, about 1,200 feet north of River Road and south of Magruder Farm Court, known as Parcel D, River Plantation subdivision, in the community of Darnestown ("Subject Property" or "Property").

The Property is zoned RC (Rural Cluster) (see Figure 1, Zoning Map). All adjacent and confronting properties are zoned RC and developed with large-lot single-family residences or used for agriculture purposes. As shown in Figure 2, the Property and surrounding area are located within the boundaries of the 2002 *Potomac Subregion Master Plan* and are subject to the polices and recommendations contained therein.



*Figure 1: Zoning map with subject property identified in the Rural Cluster (RC) zone.* 



*Figure 2: 2002 Potomac Subregion Master Plan community area map with subject property identified in the Darnestown community.* 



Figure 3: Vicinity aerial map and Subject Property.

#### **PROPERTY DESCRIPTION**

The Property is approximately 10 acres in size, comprised of one recorded parcel (Parcel D), situated on the west side of Signal Tree Lane, approximately 1,200 feet north of River Road, with approximately 323 feet of public right-of-way frontage along Signal Tree Lane.

The Property is presently developed with one single-family residence. There is one point of vehicular access to the Property from Signal Tree Lane via an approximately 12-foot-wide driveway.

The approved Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") indicates that the Property contains no rare, threatened or endangered species, no forest, wetlands or floodplains. There are no known burial sites identified in the Montgomery County Cemetery Inventory or located within the Property boundary.

The NRI/FSD identifies that the 10-acre Property is located within both the Muddy Branch and the Potomac Direct watersheds. Much of the rear of the Property is within the Potomac Direct Watershed, a Use Class I-P watershed while a small portion of the front of the Property drains to a tributary of the Muddy Branch Watershed, a Use Class III-P tributary as designated by the State of Maryland.

The Property contains no forest but does have six onsite trees with a diameter breast height ("DBH") of 30 inches or more. The Property does not contain any streams, wetlands or other sensitive environmental features, but does contain a small portion of a stream valley buffer (0.08 acres) in the northwest corner from an adjacent offsite stream. This stream buffer is not forested but contains some trees.

The topography rises from Signal Tree Lane from about 408 feet to 416 feet and then slopes gently toward the rear to about 360 feet. There are no steep slopes (greater than 25 percent) identified on the Property. Ornamental landscaping and lawn are present around the house, along property lines, and in the rear yard of the Property. The Property contains established plantings with several mature trees near the house, in the front yard area, and along the northern and western property lines. The rear yard area is predominantly an open lawn.



Figure 4: Subject Property fronting Signal Tree Lane with an existing single-family residence, which will remain.

#### **PREVIOUS APPROVALS**

#### Preliminary Plan No. 119821690

On January 6, 1983, the Planning Board approved the subdivision of the Property to construct a single-family residence. The approval resulted in recorded Plat No. 14198, Parcel D.

#### PROPOSAL

On June 15, 2022, pursuant to Section 59-3.7.2.B.1.b.ii, the Applicant filed Site Plan No. 820220210 to allow for a solar collection system producing more than 120 percent of on-site energy located on a 10-acre parcel (Parcel D) in the RC (Rural Cluster) zone (see Figure 5, Figure 7, Figure 8, Figure 9).

The proposed solar collection system would operate as a "community solar project." Unlike standard solar panels which are typically installed on the customer's rooftop and are solely for the use of one household, community solar is shared by two or more utility customers within a geographic area. In Maryland, the community solar pilot project allows electric customers to buy a share of the electrical output of the community solar project. Customers enrolled in the program must live within the service territory served by the community solar project.<sup>3</sup> The community solar project allows the benefits of solar energy to flow to customers that may not be able to technically accommodate solar panels, to renters, and to customers who may not be able to afford an individual solar system.

The proposed solar panels consist of a "ground-mounted" technology, the first such installation in Montgomery County (see Figure 6). The applicant asserts that the ground-mounted system contrasts with a conventional fixed-tilt panel or tracker system in a number of beneficial ways. Some of the advantages cited include:

- Twice the energy density per acre when compared to standard fixed-tilt solar and by 250 percent more per acre when compared to standard tracker panels.
- Simplified installation process that is faster and produces less construction noise, allowing a project to be completed in about 60 percent less time than conventional solar panels.
- Low profile of the solar panels (less than one foot off the ground) reduces off-site views.

<sup>&</sup>lt;sup>3</sup> Community Solar Pilot Program, Frequently Asked Questions. (2022). Maryland Public Services Commission. <u>https://www.psc.state.md.us/electricity/community-solar-pilot-program/#</u>

- Eliminates underground construction risks and significantly reduces costs because there are no steel pile foundations or steel support systems.
- Cleaning of the solar panels is automated by robotics, which reduces maintenance costs and improves performance.



Figure 5: Proposed site plan with solar array system located behind the existing single-family residence (to remain), landscaping, stormwater management facility, reconfigured driveway with fire department access lane.



Erthos Earth Mounted Solar

Fixed Tilt Solar

## Figure 6: Example of proposed ground-mounted solar array system (left) and conventional fixed tilt solar array system (right).

According to the solar panel manufacturer's <u>website</u>, Erthos technology offers the "least-expensive and highest performing" utility-scale solar system available anywhere.<sup>4</sup> This is primarily due to the higher density ground coverage provided by the ground-mounted solar arrays as contrasted with the standard fixed tilt solar array system. The ground-mounted system results in a significantly higher rate of electricity generated per acre when compared to fixed tilt solar arrays. As stated in the Applicant's Statement of Justification, the Erthos solar panel technology doubles the energy density per acre when compared to standard fixed-tilt solar and by 250 percent more per acre when compared to standard solar tracker panels. As such, this Project is expected to generate enough renewable solar energy to power the equivalent of 400 homes through the proposed community solar project.

No habitable structures are proposed as part of this Application; however, the existing single-family residence will remain in place. Improvements for this Project are limited to the solar panel structures, accessory equipment, fencing, landscaping, stormwater management facility, and driveway access modifications. The solar array system would cover approximately four of the 10-acres of land on the Property.

In addition to the solar panels, underground electrical lines are proposed. Accessory equipment consisting of transformers and inverters would be located on one concrete pad on the north side of the solar facility. This accessory equipment is located 355 feet away from the nearest residential building.

Stormwater management will consist of eight micro-bioretention facilities, two bio-swale facilities, and porous pavement. As shown in Figure 8, the stormwater management facilities are located along the north side of the solar arrays.

<sup>&</sup>lt;sup>4</sup> Earth Mount SolarTM PV Technology Assessment Summary. (n.d.). Erthos. Retrieved November 3, 2022, from <u>https://www.erthos.com/earth-mount-solar-pv-technology-assessment-summary</u>.

A seven-foot perimeter fence will enclose the solar arrays. Outside of the perimeter fence, the Property will be landscaped along the northern, southern, and western property lines to screen offsite views. Existing vegetation consists of primarily well-established deciduous trees and shrubs that provide a dense screen along the western and most of the northern property line. Additional landscaping will be provided along the northern and western property lines where necessary to provide additional screening. The southern property line will be fully landscaped where existing plantings are sparse and additional screening is necessary. Due to the change in elevation from Signal Tree Lane and the low-profile of the solar arrays, addition landscaping along the front property line is not proposed.

As shown in Figure 7, the Applicant will construct a new vehicular entrance driveway with a wider driveway apron and hammer head turnaround to provide adequate access for fire department vehicles.



Figure 7: Proposed site plan detail showing front yard area, existing house to remain, proposed new landscaping, and reconfigured driveway with fire department access lane.



*Figure 8: Proposed site plan detail (northwest corner) showing proposed landscaping detail along the west and north sides of the solar arrays with the proposed stormwater management facility.* 



*Figure 9: Proposed site plan detail, showing new landscape screening detail along the southern property line.* 

### **SECTION 4: COMMUNITY OUTREACH**

The Applicant has complied with all application submittal, noticing, and sign posting requirements under Division 7.5 of the Zoning Ordinance.

On February 17, 2022, the Applicant held a required pre-submittal public meeting related to the proposed Site Plan. The meeting was conducted virtually via Microsoft Teams. The Applicant summarized the Project and explained the planning review process. Questions were raised about the likelihood of using fixed tilt panels, the removal of the facility when it is obsolete, the potential of lightning strikes, and communication via the mailing list. A summary of attendees, questions, and responses are provided in Attachment D.

Staff received one telephone call from an adjacent property owner located to the west side of the Property. Comments provided included a general opposition to solar energy and concerns about potential off-site views. In response to potential off-site views, the Applicant responded by providing additional plantings to supplement the existing mature vegetation along the western property line, as shown on the proposed Site Plan. As discussed above in this report, the low-profile of the proposed solar system combined with the existing mature vegetation, additional plantings, and the existing grade elevations will adequately screen the Project from off-site views.

## SECTION 5: FINDINGS AND ANALYSIS

The Site Plan would allow the construction of a solar collection system producing more than 120 percent of on-site energy use and an existing one-family detached residence to remain. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 59, Zoning Ordinance. The Application has been reviewed by other applicable agencies.

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

The findings herein apply only to the Subject Property.

#### 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 Property is subject to Preliminary Plan No. 119821690, which was approved in 1983. The Project is consistent with the applicable conditions of approval.

## *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 Subject Property'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;

### *i.* Divisions 4.3.4.B Rural Cluster Zone, 3.7.2 Solar Collection Systems

The Property is 10 acres and zoned Rural Cluster (RC). A solar collection system is allowed as a limited use in the RC zone, subject to Section 59.3.7.2.B.1.b.ii. Table 1 below demonstrates the Project's conformance to the applicable development standards of the RC zone and limited use standards for a solar collection system.

Development Standard	Permitted/ Required	Proposed/Provided			
RC Zone Requirements (59.4.3.4.B.1)					
Minimum Lot Width at Front Building Line	300 feet	337 feet			
Minimum Lot Width at Front Lot Line	300 feet	323 feet			
Minimum Lot Area for Zone	5 acres	10 acres			
Maximum Density	1 unit per 5 acres	1 unit per 10 acres			
Maximum Lot Coverage	10%	1.6% <sup>5,6</sup>			
Principal Building (Existing Residence)					
Minimum Front Setback	50 feet	96 feet			
Minimum Side Setback	20 feet	99 feet (north side setback)			
		130 feet (south side setback)			
Minimum Rear Setback	35 feet	855 feet			
Maximum Height	50 feet	40 feet			
Solar Collection System Requirements (59.3.7.2.B.1.b.ii)					
Minimum Lot Area for Solar System	3 acres	10 acres			
Maximum Produced Megawatts	2.0 megawatts	1.75 megawatts			
Panel Type	Solar Thermal or Photovoltaic	Photovoltaic			
Maximum Height of Solar System	20 feet	1 foot (solar panels)			
		8.5 feet (equipment)			
Minimum Fence Height for Solar System	6 feet	7 feet			
Minimum Setback of Solar System	50 feet (front)	267 feet (front)			
	50 feet (side)	52 feet (side, north)			
	50 feet (side)	82 feet (side, south)			
	50 feet (rear)	62 feet (rear)			
Minimum Parking	0 required	0 provided			

## Table 1: Chaberton Solar Santa Rosa Data Table for RC Zone, Standard Method, Section 59.4.3.4.B and 59.3.7.2.B(Solar Collection System Use Standards)

<sup>&</sup>lt;sup>5</sup> Pursuant to 59.4.1.7.B.4.a, coverage is defined as the area of a lot or site occupied by a building, including an accessory building, structured parking, or other roofed structure such as a porch, patio, deck, or steps. Therefore, solar panels are not included in the calculation of maximum lot coverage.

<sup>&</sup>lt;sup>6</sup> By Maryland state statue, for the purposes of issuing a permit related to zoning or construction, all solar panels are considered pervious (MD Land Use Code 4-210, 2017).

Development Standard	Permitted/ Required	Proposed/Provided
Minimum Screening	Per Section 59.6.5.3.C.8 (Option A)	Per Section 59.6.8.1 (Alternative Method of Compliance)

### ii. Division 59-6 General Development Standards

## (1) Division 6.1 Site Access

Per Chapter 49-33(e)(A), frontage improvements are not required for sidewalks, master-planned bikeways, and other miscellaneous façade enhancements, because the Property is greater than 25,000 square feet for a single-family residence, and it is located in a rural zone.

As shown on the Site Plan, ingress and egress are provided by one existing reconfigured driveway from Signal Tree Lane. The new driveway entrance will consist of a widened apron and with a minimum width of 15 feet and a maximum width of 20 feet. The reconfigured driveway will serve both the existing house and the Project. The primary purpose of the driveway reconfiguration is to provide emergency vehicle access to the Project.

## (2) Division 6.2 Parking, Queuing and Loading

Division 6.2 does not require minimum or maximum parking spaces, queuing, or loading spaces for a solar collection system.

### (3) Division 6.3 Open Space and Recreation

Division 6.3 does not require open space or recreation for a solar collection system.

## (4) Division 6.4 General Landscaping and Outdoor Lighting

Except for screening per Section 59.6.5.3.C.8, landscaping is not required as part of this Project. As discussed below, the existing and proposed screening provided by the Project is appropriate for the surrounding residential area as it sufficiently provides a buffer between new and existing uses.

Due to the operational nature of solar collection system, outdoor lighting is not required or necessary. Any maintenance requiring illumination may be accommodated on a temporary (mobile) basis or during daytime hours. In this case, not providing additional outdoor lighting furthers compatibility with the adjacent residential properties by eliminating the potential for light spillage and glare that could adversely affect the existing residences.

### (5) Division 6.5 Screening Requirements

A solar collection system is a limited use in the RC zone that must satisfy Section 59.6.5.3.C.8 (Option A), screening requirements, on the sides of the facility visible from a residential use or road.



Figure 10: Example of minimum screening dimensions per Section 59.6.5.3.C.8.

The Applicant requested approval of an alternative method of compliance in the screening requirements. As described in the section below, with the proposed alternative method of compliance, the Project satisfies the screening requirements of Division 6.5.

### (6) Division 6.8 Alternative Method of Compliance

The Planning Board may approve an alternative method of compliance of the screening requirement if it determines that there is a unique site, a use characteristic, or a development constraint associated with the proposal.

Direct sunshine provides the optimal conditions for the solar array system to produce the energy it was intended to produce. In this case, the proposed Project could generate enough energy to power the annual electricity of 400 homes through the proposed community solar program. In order to achieve this goal, maximum direct sunshine, free of shade and shadows is necessary. This contrasts with most allowable land uses in the RC zone that do not require a reliable supply of sunshine to operate. Therefore, staff concludes that a unique use characteristic exists (sunshine required to produce solar energy) with the proposed Project.

The Planning Board must also determine that the unique site, use characteristic, or development constraint precludes safe or efficient development under the screening requirement, and the alternative design will:

## a. Satisfy the intent of the applicable Division 6.5 (Screening Requirements);

The intent of Division 6.5 is to ensure appropriate screening between different building types and uses. With this Project, the purpose is to screen the solar array panels and any accessory equipment from the surrounding residential uses. The Applicant proposes to utilize and supplement the existing mature vegetation and substitute two evergreen trees for each required canopy tree. Evergreen trees are frequently used for screening and provide year-round visual buffer from off-site view. Additionally,

the natural grade of the Property screens the Project of views from Signal Tree Lane. All of which, meet the intent of Division 6.5 Screening Requirements.

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

The applicable screening requirements require canopy or understory/evergreen trees planted in the landscaped area. Canopy trees on the south side of the system would significantly interfere with the ability to collect solar power by casting shade and shadows on the solar array system. This would diminish the overall effectiveness of the solar system. The Applicant proposes to substitute two evergreen trees for each required canopy tree. Additionally, the Applicant proposes to utilize and supplement the existing mature vegetation on the west and north property lines to achieve adequate screening. Given existing mature landscaping near the front (east property line), the elevated topography along the roadway, and that the solar array system is less than one foot in height, off-site views from Signal Tree Lane are de minimis and would have virtually no impact. No additional screening is proposed in the front yard area (east property line).

## c. Provide necessary mitigation alleviating any adverse impacts;

No additional mitigation is necessary to alleviate any adverse impact because, as described above, the Project will provide adequate plantings to effectively screen the Project from off-site views.

## d. And be in the public interest.

Granting the alternative method of compliance request is not contrary to the public interest. The proposed alternative method will satisfy the intend of Division 6.5 by providing adequate screening of the Project from off-site views. Further, allowing the Project to operate as efficiently as possible will generate the maximum amount of renewable solar energy for this facility. As such, this Project is in the public interest because it will help advance Montgomery's County goals to reduce greenhouse gas emissions by 80 percent by 2027 and 100 percent by 2035.<sup>7</sup>

Due to the low-profile characteristic of the ground-mounted solar collection system, the existing mature vegetation, topography, and the proposed plantings and supplemental plantings, staff concludes the proposed alternative method of compliance will satisfy the intent of Section 59.6.5.3.C.8 (Option A), screening requirements.

## e) Satisfies the applicable requirements of:

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

Pursuant to Section 59.4.1.7.B.4.a, coverage is defined as the area of a lot or site occupied by a building, including an accessory building, structured parking, or other roofed structure such as a porch, patio, deck, or

<sup>&</sup>lt;sup>7</sup> Office of Energy and Sustainability, Montgomery County, Maryland. About Energy and Climate. <u>https://www.montgomerycountymd.gov/dgs-oes/EnergyClimate.html</u>

steps. Therefore, solar panels are not included in the calculation of maximum lot coverage. Furthermore, pursuant to Maryland state statue, for the purposes of issuing a permit related to zoning or construction, all solar panels are considered pervious (MD Land Use Code 4-210, 2017). DPS approved a Combined Stormwater Management Concept/ Site Development Stormwater Management Plan on July 27, 2022. The Project proposes to meet required stormwater management goals with eight micro-bioretention facilities, two bio-swale facilities, and porous pavement.

## ii. Chapter 22A, Forest Conservation.

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code, and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Site Plan complies with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

## Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation ("NRI/FSD") 420211460 for this Property was approved on February 18, 2022. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies the 10-acre Subject Property located within both the Muddy Branch and the Potomac Direct watersheds. The majority of the rear of the Subject Property is within the Potomac Direct Watershed, a Use Class I-P watershed while a small portion of the front of the Property drains to a tributary of the Muddy Branch Watershed, a Use Class III-P tributary as designated by the State of Maryland. The Subject Property contains no forest but does have 6 onsite trees with a diameter breast height ("DBH") of 30 inches or more. The Subject Property does not contain any streams, wetlands or other sensitive environmental features, but does contain a small portion of a stream valley buffer, 0.08 acres, in the northwest corner from an adjacent offsite stream. This stream buffer is not forested but is partially treed.

## Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan ("FFCP") with the current development plan application for Site Plan 820220210. The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's approved Environmental Guidelines.

The Subject Property is zoned Rural Cluster and is assigned a Land Use Category of Agricultural and Resource Area ("ARA") as defined in Section 22A-3 of the Montgomery County Forest Conservation Law ("FCL") and in the Land Use Table of the *Trees Technical Manual*. This results in an afforestation threshold of 20 percent and a conservation threshold of 50 percent of the Net Tract Area.

The tract area for forest conservation purposes includes the 10-acre Subject Property plus 0.04 acres of offsite disturbance associated with this Application, for a total net tract area of 10.04 acres. There is

no forest cover on the Subject Property, and this generates an afforestation requirement of 2.01 acres. The Applicant proposes to meet this afforestation requirement by purchasing credits from a forest mitigation bank or, if a bank is not available, then paying a fee-in-lieu into the Forest Conservation Fund. There is a small portion of stream valley buffer, 0.08 acres, located on the property in the northwest corner associated with an off-site stream. The 0.08-acre stream valley buffer will be placed into a Category I Conservation Easement. This area does have some tree cover, but since this area is less than 10,000 square feet it does not meet the definition of forest in the Forest Conservation Law and there is no adjacent off-site forest to which this area can be joined with thereby increasing its size. As a result, afforestation of this small stream buffer is not required.



Figure 8 – Tree variance request exhibit.

#### Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone ("CRZ") requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species.

<u>Variance Request</u> - The Applicant submitted a variance request in a letter dated June 25, 2021 (Attachment B). The Applicant proposes to remove one (1) tree that is 30 inches or greater DBH, that is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (See Table 2).

Tree Number	Species	DBH Inches	% CRZ Impacts	Status and Notes
ST-6	Sycamore (Plantanus occidentalis)	30.5"	60%	Good condition. Remove tree. Tree within LOD. Mitigation required.

#### Table 2: Protected Tree to be removed

#### Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Subject Property, which is dictated by the existing site conditions, development standards of the zone, Montgomery County agency requirements, and requirements associated with Master Plan objectives. Due to the location of tree ST-6 on the south side of the solar array, leaving Tree ST-6 in place would shade portions of the solar array and thereby reduce the effective power output of the array. In addition, leaving tree ST-6 in place with approximately 60 percent of its CRZ impacted may create a hazard tree situation with the potential of this tree falling on the solar array at some point in the future. Reconfiguring the solar array is not feasible given setback requirements, environmentally sensitive features of the property, and need to maintain efficiency in the solar array layout to maximize energy production. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be unable to develop this property in the manner that is proposed.

Section 22A-21 of the County Forest Conservation Law sets forth the following findings that must be made by the Planning Board or Planning Director, in order for a variance to be granted.

### Variance Findings

# (1) Will not confer on the applicant a special privilege that would be denied to other applicants.

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified tree is due to the development of the Property, location of the tree and necessary site design requirements for a solar array. Due to the location of tree ST-6 on the south side of the solar array, leaving Tree ST-6 in place would tend to shade portions of the solar array and thereby reduce the effective power output of the array. In addition, leaving tree ST-6 in place with approximately 60 percent of its CRZ impacted may create a hazard tree situation with the potential of this tree falling on the solar array at some point in the future. Requests similar to this have been made from previous solar array installations. As a result, the granting of this variance is not a special privilege that would be denied to other applicants.

# (2) Is not based on conditions or circumstances which are the result of the actions by the applicant.

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application.

# (3) Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

# (4) Will not violate State water quality standards or cause measurable degradation in water quality.

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Tree being removed is not located within a stream buffer, wetland or Special Protection Area. The Application proposes mitigation for the removal of this tree by planting three (3), three-inch caliper MD native overstory trees on-site. The Application will not violate State water quality standards or cause measurable degradation in water quality.

### Mitigation for Trees Subject to the Variance Provision

The Protected Tree proposed for removal in this variance request, results in a total of 30.5 inches of DBH being removed. The Applicant proposes mitigation at a rate that approximates the form and function of the tree being removed. This tree will be replaced at a ratio of approximately one inch

caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 7.63 inches with the installation of three (3), three-inch caliper overstory trees native to the Piedmont Region of Maryland on the Property outside of any rights-ofway and outside of any utility easements. Although these trees will not be as large as the tree lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of tree ST-6. As conditioned, the mitigation trees will be protected as part of a five-year maintenance and management agreement.

#### Variance Recommendation

Staff recommends approval of the variance request.

## f) Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

Parking, loading spaces, and open spaces are not required for a solar collection system. No new buildings are proposed as part of this Project. Adequate circulation is provided by the reconfigured driveway entrance and fire department access lane as shown on the Site Plan. Sidewalks are not required as a condition of this project as the property is within a rural zone, as indicated by the county Road Code. As specified in section 49-33(e) of the County Code: If a lot or lots front on a public road, the permittee must install sidewalks, master-planned bikeways, ramps, curbs, and gutters, except any sidewalk in front of a lot that is larger than 25,000 square feet for a single-family detached dwelling in a rural zone.

## g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;

#### 2002 Potomac Subregion Master Plan

The Property is located in the Darnestown area of the 2002 *Potomac Subregion Master Plan*, in the westernmost area of the master plan. While there are no specific policy recommendations for the Property, the Master Plan provides general land use recommendations. Environmental sustainability is recommended as the most critical policy determinant in the Master Plan. Some of these objectives include maintaining a low-density residential "green wedge," encouraging an ecologically sensitive development, protecting significant environmental features, and retaining the area's two-lane road system. The Project is consistent with these overarching objectives.

The Project consists of a solar collection system that has the capacity to power 400 homes with environmentally sustainable renewable energy. The Project is located on developed property and will not impact any significant environmental features, as indicated on the approved NRI. A portion of the Property that lies within a stream valley buffer will be protected by a Category 1 Conservation Easement. Since there are no persons employed on-site, operationally the Project will not impact the area's road system or create any additional traffic. The Project is expected to generate approximately one vehicle trip per month for maintenance purposes. For these reasons, as conditioned the Project substantially conforms with the recommendations of the Master Plan.

 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 Project consists of a solar collection system and will have no new habitable structures besides the existing single-family detached residence. Operationally, the Project is expected to generate approximately one vehicle trip per month for maintenance purposes only. Given the use will not generate 50 or more new person trips during peak hours, the Site is exempt from the requirement for a transportation impact study per the 2020-2024 Growth and Infrastructure Policy.

This Project does not propose any habitable structure or occupancy associated with the Project and, therefore, does not require a water supply or wastewater disposal system. The existing residence utilizes on on-site water well and septic system, which remains unchanged as part of this Application. For fire protection water supply, the Applicant proposes to provide an underground water storage tank near the north property line and driveway entrance. An adequate public school facility test is not required because the project does not include any new residential density.

## *i)* On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and

The Property is located in the Rural Cluster zone, a Rural Residential zone. While a solar energy system is not a residential use, it is an allowed limited use in the zone.

As discussed above in this section (Findings and Analysis), the Project will comply with the required screening through the alternative method, which will ensure the solar array is effectively screened from off-site views. Furthermore, given the low-profile height of the solar arrays (less than one foot in height) and the proposed screening, the Project will have no material impacts from Signal Tree Lane and virtually no visibility from neighboring properties. The well-established vegetation and additional landscaped plantings will ensure no adverse visual impacts to the character of the residential neighborhood. The Project will not provide any additional outdoor lighting. As such, there would be no glare or lighting spillover produced by the Project. Operationally, the Project would generate virtually no sound. As noted by the Applicant, the accessory equipment produces a sound that is similar to a refrigerator. This accessory equipment is located 355 feet from the nearest residential structure. As such, any noise produced would not be audible off-site due to distance and general

ambient noise. The Project is expected to generate one vehicular trip per month for maintenance purposes.

Therefore, with the proposed setbacks, screening, layout, and as conditioned, the Project is compatible with the character of the residential neighborhood.

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

This finding is not applicable because the Property is located in a Rural Residential zone, as noted above in this section.

3. 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.

4. 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 Property was not zoned C-1 or C-2 on October 29, 2014.

### **SECTION 6: CONCLUSION**

As conditioned, Site Plan No 820220210 satisfies the findings under Sections 59-7.3.4.E and the applicable standards of the Zoning Ordinance, and substantially conforms to the recommendations of the 2002 *Potomac Subregion Master Plan*. Therefore, Staff recommends approval of Site Plan No. 820220210 with the conditions specified in this report.

The Application satisfies the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of the Preliminary/Final Forest Conservation Plan with the conditions as cited in this report.

### ATTACHMENTS

Attachment A: Statement of Justification Attachment B: Site Plan, PFCP, Variance Request Attachment C: Agency Approval Letters Attachment D: Pre-Submittal Meeting Summary Attachment E: Plat No. 14198 ATTACHMENT A

BBBSSG Attorneys Bregman, Berbert, Schwartz & Gilday, LLC

T: 301-656-2707 F: 301-961-6525

Site Plan Application No. 820220210 Project Santa Rosa 13330 Signal Tree Lane, Rockville, Maryland Applicant's Amended Statement of Justification September 30, 2022

#### Introduction

Chaberton Solar Santa Rosa LLC ("Chaberton" or the "Applicant") proposes to install a solar array on approximately four acres of a 10-acre residential property located at 13330 Signal Tree Lane, Rockville, slightly north of River Road and south of Magruder Farm Court, known as Parcel D, River Plantation subdivision (the "Subject Property"). The Subject Property is classified in the RC zone. The proposed project is proceeding under the standard method of development. Site plan approval is required under Section 59.3.7.2.B.1.b.ii of the Montgomery County Zoning Code (the "Code").

Chaberton is a developer of solar generation projects that serves communities and customers in the Mid-Atlantic, with its corporate office here in Montgomery County. Chaberton has a portfolio of more than 30 projects under development. They are composed of community solar projects, aggregate net meter projects for institutional clients, and other solar power purchasing arrangements with commercial and industrial customers.

The proposed project, called Santa Rosa, is a community solar facility that will have a nominal power capacity of 1.75 megawatts, and will generate approximately 2,900 megawatt-hours of electricity annually for subscribers to Maryland's Community Solar Pilot Program. This is approximately the annual electric use of 400 Maryland homes. Community solar makes solar savings available to homes that cannot accommodate solar panels, renters, those with restrictions on their homes preventing the installation of solar panels, and customers who cannot afford to install solar panels themselves. It also

guarantees savings on utility bills, increases the reliability of the local power grid, decarbonizes the production of electricity, and creates benefits for the natural environment at every level.

#### **Existing Conditions and Site History**

The Subject Property is bordered by Signal Tree Lane to the east. As shown on the zoning map and aerial photo that follow, it abuts large-lot residential properties in the RC zone to the north, east and west.



Figure 1 – Subject Property Zoning

[This area intentionally left blank.]
Figure 2 – The Subject Property



The front portion of the Subject Property is occupied by a private residence that is to remain on the property. The back portion is currently planted mostly in grass, with perimeter tree plantings that – in combination with new planting – will screen the project effectively from its neighbors. The approved Natural Resources Inventory/Forest Stand Delineation ("NRI/FSD") indicates that the Subject Property contains no rare, threatened or endangered species, no forest, wetlands or floodplain, and only a very small area of stream buffer associated with an off-site stream. The Subject Property contains six specimen trees and six significant trees, all but one of which will be saved.

## Project Description

Chaberton has entered into a lease for the back portion of the Subject Property, where the solar array will be located. The solar array will occupy approximately 3.9 acres of land and will be surrounded on three sides by landscape screening. The solar array will not be visible from Signal Tree Lane due to the existing house, topography, and existing vegetation. The view of the solar array from neighboring properties to the north, south and west will be screened effectively by a combination of existing vegetation and new landscape plantings.

Chaberton is using an emerging technology at this location called Erthos Earth Mounted Solar. It involves panels secured directly to the ground with a maximum height of less than one foot off the ground, requiring no steel pilings and virtually no ground disturbance. As shown in the photographs below, which compare Erthos to standard Fixed Tilt solar panels, an Erthos solar array is much less visible than standard technology and the reduced spacing between panels creates much higher energy density (i.e., energy production per acre). Chaberton chose Erthos technology for this location as it is uniquely well-suited to the site's characteristics, to include concerns voiced by neighbors about the visual impact of solar panels mounted on standard six-foot-high frames. Erthos panels also have other important benefits:

- Erthos reduces the overall land area needed and the panels are easy to remove at the end of the project term.
- Erthos doubles energy density per acre compared to standard fixed-tilt solar panels and increases energy density per acre by 250% compared to standard tracker panels.
- Erthos's ease of constructability will allow project construction to be completed in about 60+% less time than with standard solar panels and without the noise pollution of pounding 200+ steel piles into the ground, a major benefit to adjacent property owners.



Erthos Earth Mounted Solar



Fixed Tilt Solar

The higher rate of electricity generation of a densely designed installation with Erthos panels will allow the project to make a larger contribution to community solar availability and to the County's ability to meet its climate-change goals. This is especially important given that the dual challenges of land availability and zoning regulation have limited solar energy production in Montgomery County to one active community solar project and a handful of projects in development. The small number of projects is even more striking when compared to roughly 65 active community solar projects in neighboring Prince George's County. The project layout is shown on the site plan excerpted on the next page, with the solar array occupying most of the western half of the Subject Property. The solar installation will consist of earth-mounted solar panels, a fence enclosing the panels, underground electric lines, a small station for inverters and a transformer on a concrete equipment pad. The applicant will construct a new entrance drive made of grasscrete pavers and a new, wider driveway apron. As shown on the Project Layout below, the entrance drive will begin at the existing residential driveway, then proceed in a straight line roughly parallel to the northern property line. It will terminate in an emergency services operations pad and a T-turnaround area, and will be 20 feet wide except where it narrows to 15 feet to avoid impacts to a specimen tree. The applicant will also install a stormwater management system consisting of eight micro-bioretention facilities, two bio-swale facilities, and porous pavement. As an additional aide to managing stormwater runoff and preventing erosion, an 18-inch-wide gravel border will be installed around the perimeter of the solar array.



Project Layout

The proposed solar array will not be visible from Signal Tree Lane due to the existing house and vegetation. The Applicant will provide a landscaped buffer around the north, south and western borders of the solar array through a combination of existing vegetation and new plantings. The landscaped buffer will be effective in screening the view of the earth-mounted solar panels and is designed to meet applicable Code standards as closely as possible while allowing sunlight to reach the solar panels. Existing vegetation consists primarily of deciduous trees and shrubs that provide a dense screen along the western property line and much of the northern property line. The submitted Landscape Plan proposes additional plantings along the northern boundary where needed to provide effective screening. A full array of plantings is proposed along the southern boundary, where existing vegetation is sparse. This includes flowering trees, evergreens, shrubs and shade trees. Most of the trees proposed are species that grow to a height of 15 to 20 feet at maturity, to preserve adequate sunlight for the solar panels to function effectively. For the reasons discussed more fully below, the Applicant requests approval under Section 59.6.8.1 for alternative compliance with the screening standards set forth in Section 59.6.5.3.C.8 (Option A).

Once a solar field is constructed, it generates virtually no noise. The only components that generate any detectable sound are the transformers and the inverters. The inverters are the noisiest component, but even these are relatively quiet. They sound very similar to a refrigerator. The proposed project will use string inverters, which are small units, about the size of a desktop computer, distributed across the system. At a distance of 50 feet from the equipment – the prescribed minimum setback from all property lines – any noise will fade into typical rural ambient noise.

## Site Plan Findings under Zoning Code Section 59.7.3.4.E

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

The submitted site plan application covers only the Subject Property.

6

### 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 Subject Property is subject to preliminary plan of subdivision 119821690, approved in

1983. The proposed project is consistent with applicable conditions of approval.

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;

Not applicable.

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;

Not applicable.

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

## **Use Standards**

A solar array generating more than 120% of a site's electricity needs is permitted in the RC zone under Sections 59.3.1.6 and 59.3.7.2.B.1.b.ii with an approved site plan.

#### **Development Standards and General Requirements**

As detailed in the data table provided on sheet 1 of the submitted Site Plan, the proposed project satisfies the specific development standards under Code Section 59.3.7.2.B.1.b.ii for a solar collection system in the RC zone that will generate more than 120% of on-site electricity usage, with one exception: screening that satisfies the letter of the requirements in Section 59.6.5.3.C.8 (Option A). The Applicant requests approval for Alternative Compliance in the form of the landscape buffers shown on the submitted Landscape Plan, which include a minor departure from standard Code requirements but will nonetheless be fully effective in providing appropriate visual screening between the project and neighboring properties. The canopy trees called for in the Code would likely interfere with solar power generation by casting significant shade on the solar array as the trees mature. To preserve the

effectiveness of the solar array, the applicant requests to substitute two evergreen trees for each required canopy tree. Thus, for every 100 linear feet of buffer area, the proposed landscaping incorporates four evergreen trees rather than two canopy trees.

Alternative Compliance is particularly appropriate in this case because of the unique use characteristics of the proposed solar array: (i) the solar panels will have limited visibility due to their installation as flat units, less than one foot from the ground; and (ii) the solar panels require direct sunlight to function. Full compliance with the range of tree heights prescribed in the Code would block the sun to a degree that would interfere with efficient functioning of the solar panels. The proposed alternative design will satisfy the intent of Division 6.6 to ensure appropriate screening between different building types and uses; due to the low profile of the proposed solar panels, the proposed landscape buffers will be very effective in screening any potential view of the solar array from neighboring properties. The proposed landscape buffering is designed to modify the Code standards the minimum amount necessary to insure adequate access to sunlight for the solar array. Moreover, the Applicant perceives no adverse impact on neighboring properties and therefore no need for mitigation. Finally, the proposed alternative landscape design is very much in the public interest; it will allow a renewable energy power generation project to proceed, reaping significant environmental benefits for the County and region, while amply protecting neighboring properties from any adverse visual impact.

## e. Satisfies the applicable requirements of:

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

## ii. Chapter 22A, Forest Conservation.

The Applicant has received approval for a stormwater management concept plan for the project. The submitted Preliminary/Final Forest Conservation Plan demonstrates that the applicant will satisfy forest conservation requirements via off-site mitigation.

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

8

The proposed solar array will not require a formal parking area, and the project includes no buildings, formal open spaces or amenities. Safe circulation patterns will be established by the new entrance drive and turnaround area referenced earlier.

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

The Subject Property is located within the area covered by the 2002 Approved and Adopted Potomac Subregion Master Plan (the "Master Plan"). The Master Plan's overarching principle is that sustaining the environment should be a top priority. To that end, the Master Plan states that new development must respect and enhance the environmental quality of the area "while helping to build communities and resources that will serve existing and future generations of residents." To implement this environmental priority, the Master Plan reaffirms low-density residential use for most of the area, identifies potential additions to existing parkland and a limited number of development and redevelopment sites, and maintains Potomac's two-lane road policy, which limits road capacity expansion.

The proposed solar array is fully consistent with the goals of the Potomac Master Plan. It brings the environmental benefits of solar power generation to Potomac, helping to build community resources that will serve existing and future generations of residents, without disturbing any environmental resources of significance, occupying any of the identified development sites, increasing residential density, or generating traffic at levels that would have an adverse effect on narrow local roads.

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,

9

## including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;

The proposed solar array is non-residential and involves no structures or on-site employees. It is expected to generate approximately one vehicular trip per month for maintenance and no nonvehicular trips, well below the 50-person-trip threshold that triggers a traffic study. The solar array will be served by adequate public services including dry utilities. The existing residential unit will continue to be served by private water and sewer and by adequate public facilities such as public roads, schools, and police and fire protection. Storm drainage for the Subject Property will improve with the installation of 10 stormwater management facilities as part of the community solar project.

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

The proposed solar array will have little to no impact on the surrounding large-lot residential neighborhood. The project will make no material change to the Subject Property's appearance from Signal Tree Road – the only change will be reconfiguration of the driveway entrance. The equipment associated with the project will have little to no visibility from neighboring properties due to the low-profile Erthos panels, minimal additional equipment and the extensive existing and proposed landscape buffering. The project will not introduce any additional lighting to the site. The existing and proposed buffering is very similar to perimeter landscaping commonly planted in the surrounding large-lot community, as shown on Figure 2 above. As noted earlier, the project will have virtually no noise impacts outside the Subject Property. The project is expected to generate only one vehicular trip per month, which will not add a measurable amount of traffic to the local roads. In sum, the proposed project is fully compatible with the character of the surrounding neighborhood. Its most noticeable impact will the benefit of preferential access to community solar for those neighbors who are interested.

3. \* \* \*

Not applicable.

4. \* \* \*

Not applicable.

## **Conclusion**

This submission is intended to satisfy the requirements of the Code and the Planning Board's submission standards for preliminary plan and site plan applications. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted, BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: Kangaise M. Carrier

ATTACHMENT B

# CHABERTON SOLAR SANTA ROSA SITE PLAN NO. 820220210

## SITE NOTES

- 1. OVERALL PROPERTY AREA = 10.0 ACRES
- 2. ZONING: RURAL CLUSTER (RC)
- 3. CURRENT USE: RESIDENTIAL/OPEN LAND PROPOSED USE: RESIDENTIAL/SOLAR FACILITY
- 4. SOLAR PROJECT SITE AREA = 171,433 SF, 3.9 AC.
- 5. DISTURBED AREA = 233,535 SF, 5.4 Ac.
- 6. THE SITE DOES NOT LIE WITHIN THE 100-YEAR FLOODPLAIN, AS SHOWN ON F.I.R.M. #24031C0310D, PANEL 310 OF 480, AND #24031C0305D, PANEL 305 OF 480, DATED SEPTEMBER 29, 2006
- 7. WATERSHED: POTOMAC RIVER
- 8. THERE IS A PREVIOUS PRELIMINARY PLAN (NO. 119821690) AND PLAT (PLAT NO. 14198) ASSOCIATED WITH THIS SITE.
- 9. THERE ARE NO EXISTING STREAMS OR WETLANDS ON-SITE.
- 10. THERE ARE NO STEEP SLOPES ON-SITE (GREATER THAN 25% SLOPE, GREATER THAN 10 VERTICAL FEET).
- 11. ONE (1) SPECIMEN TREE IS PROPOSED TO BE REMOVED.
- 12. THE SITE IS CURRENTLY SERVED BY PRIVATE WELL AND SEPTIC.
- 13. NO KNOWN CEMETERIES ON-SITE.
- 14. NO KNOWN HISTORICAL FEATURES OR STRUCTURES ON-SITE
- 15. THERE ARE NO SCENIC ROADS SURROUNDING THE SITE.
- 16. COORDINATES, BEARINGS, AND ELEVATIONS SHOWN ON THESE PLANS ARE REFERENCED TO THE MARYLAND STATE PLANE COORDINATE SYSTEM (NAD 83/NAVD 88).
- 17. FOREST CONSERVATION REQUIREMENTS TO BE MET VIA OFF-SITE MITIGATION, PURSUANT TO THE 1991 MARYLAND FOREST CONSERVATION ACT AND SECTION 22A-12 OF THE MONTGOMERY COUNTY CODE. PLEASE REFER TO FOREST CONSERVATION PLAN.

DPS PRE-CONSTRUCTION MEETING NOTE: An on-site pre-construction meeting is required to be set up with the Department of Permitting Services (DPS), Zoning & Site Plan Enforcement Division before any building construction activity occurs on-site. The owner or his designee who has signature authority, and general contractor must attend the pre-construction meeting with the DPS Site Plan Enforcement inspector. A copy of the Certified Site Plan is required to be on-site at all times. To schedule a Site Plan Inspection with DPS, Zoning and Code Compliance Section (ZCCS), please contact Brian Keeler, 240-581-4485.

## EXISTING LEGEND



-//—//—//—//—//—

Site Property Boundary Existing Minor Contour Existing Major Contour Existing Stream — — — Existing Stream Buffer Existing Wetlands Existing Metlands Buffer

>25% Slopes

Existing Drive

Soil Line

Existing Building

Existing Overhead Electric Existing Utility Pole

 $--- \times --- \times --- \times --- =$ Existing Chain Link Fence Existing Wooden Fence

## PROPOSED LEGEND

\_\_\_\_\_\_OHE-

 $\rightarrow$ 

—x—x—x—x—

4

Proposed Lease Area Proposed Underground Electric Proposed Overhead Electric Proposed Utility Pole Proposed Solar Panels

Prop. Concrete Equipement Pad

Proposed Riprap/Gravel

Proposed Fence

Proposed Asphalt Paving

Proposed Grasscrete Pavers

Proposed Landscape Buffer (Shade Tree/Evergreen Tree/Shrub) SOIL PROPERTIES

SYMBOL	DESCRIPTION	K-FACTOR	ERODIBLE	HYDRIC	HSG	DRAINAGE CLASS
1B	Gaila Silt Loam, 3-8% slopes	0.43	YES	NO	HSG 'B'	WELL DRAINED
2B	Glenelg Silt Loam, 8-15% slopes	0.37	YES	NO	HSG 'B'	WELL DRAINED
5B	Glenelg Silt Loam, 3-8% slopes	0.37	YES	NO	HSG 'C/D'	MODERATELY WELL D
16C	Brinklow-Blocktown Channery Silt Loams, 8-15% slopes	0.20	NO	NO	HSG 'C'	WELL DRAINED



0.37 YES NO HSG 'C/D' MODERATELY WELL DRAINED

CHABERTON SOLAR SANTA ROSA LLC 11900 PARKLAWN DRIVE, SUITE 406 NORTH BETHESDA, MD 20852 ATTN: MICHAEL DONIGER, COO PHONE: (804) 929-8418

EMAIL: mike.doniger@chaberton.com

## PROPERTY OWNER:

LEITHAUSER LANCE & C E 13330 SIGNAL TREE LANE ROCKVILLE, MD 20854

pmellits@kleinfelder.com

## ENGINEER:

CENTURY ENGINEERING, LLC 16901 MELFORD BLVD, SUITE 129 BOWIE, MD 20715 ATTN: PIERO 'PETE' MELLITS, PE PHONE: (240) 442-5851

## SOIL DATA OBTAINED FROM NRCS WEB SOIL SURVEY MAPPING.

INDEX OF SHEETS	
COVER SHEET	1
PLAN APPROVAL SHEET	2
OVERALL EXISTING CONDITIONS PLAN	З
EXISTING CONDITIONS PLAN 1	4
EXISTING CONDITIONS PLAN 2	5
EXISTING CONDITIONS PLAN 3	6
OVERALL SITE & GRADING PLAN	Т
SITE & GRADING PLAN 1	8
SITE & GRADING PLAN 2	9
SITE & GRADING PLAN 3	10
UTILITY PLAN 1	11
UTILITY PLAN 2	12
UTILITY PLAN 3	13
STORMWATER MANAGEMENT PLAN 1	14
STORMWATER MANAGEMENT PLAN 2	15
STORMWATER MANAGEMENT PLAN 3	16
SITE DETAILS	17
SOLAR EQUIPMENT DETAILS	18
STORMWATER MANAGEMENT DETAILS	19



VICINITY MAP SCALE: 1" = 2000'

## PROJECT DATA TABLE (RC ZONE/SOLAR USE)

DEDWITTED

DEVELOPMENT STANDARD	REQ'D	PROPOSED				
SOLAR COLLECTION SYSTEM REQUIREMENTS (59.3.7.2.B.b.ii)						
MIN. LOT AREA (II.b)	3 ACRES	10 ACRES				
MAX. PRODUCED MEGAWATTS (AC) (ii.c)	2.0MM	1.75MM				
MAX. STRUCTURE HEIGHT (i.d. 1)	20'	1' (PANEL) 8.5' (EQUIPMENT)				
MIN. STRUCTURE SETBACKS (ii.d.2)						
FROM FRONT PROPERTY LINE	50'	267'				
FROM SIDE PROPERTY LINE	5 <i>0</i> '	53'				
FROM REAR PROPERTY LINE	5 <i>0</i> '	61'				
MIN. FENCE HEIGHT (ii.d.3)	6'	ד'				
PANEL TYPE (ii.e. 1)	Solar Thermal/ Photovoltaic	Photovoltaic				
RC ZONE REQUIREMENTS (	59.4.3.4.B.1)					
MIN. LOT WIDTH AT FRONT BUILDING LINE	300'	337'				
MIN. LOT WIDTH AT FRONT LOT LINE	300'	323'				
DENSITY (UNITS/ACRE)	(1/5)	(1/10)				
MAX. LOT COVERAGE	1 <i>0%</i>	1.6%				

NEMBER	CALL "MISS UTILITY" AT 1-800-257-7777
PL STEMS INTERUS	72 Hours Before Start Of Construction

DATA SOURCE:

1. Horizonal Datum: NAD 83 (2011)

- Vertical Datum: NAVD 88 2. Existing topography provided from aerial survey by McKenzie Snyder, Inc and field run survey by Century Engineering (dated April, 2022) and supplemented with best available Montgomery County GIS records.
- 3. Contractor is responsible for verifying and test-pitting to confirm existing utility locations.



	Montgomery County, Maryland	Tax Grid DR6 WSSC Grid(s) 217NW15 & 218NW15
	PROFESSIONAL CERTIFICATION	ALL THE WAR STREET
Developer's Certificate         The Undersigned agrees to execute all the features of the Plan Approval No. <u>820220210</u> including Approval Conditions, Development Program, and Certified Site Plan.         Developer: CHABERTON SOLAR SANTA ROSA LLC, MICHAEL DONIGER         Company       Contact Person         11900 PARKLAWN DRIVE, SUITE 406         Address:       NORTH BETHESDA, MD 20852	I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE No.: <u>21875</u> EXPIRATION DATE: 2/12/2024	PIERO VAN MELLITS No. 21875 GISTERS GI 10-07-2022
Phone:(804) 929-8418	DRAWN BY: JLA/CEW DESIGN BY: JLA	REVIEW BY:PVMREVIEW DATE:10/07/2022
Signature:	SCALE: AS SHOWN	DRAWING:
	PROJECT No.: 211187.00	1 of 19



SYMBOL	DESCRIPTION	K-FACTOR	ERODIBLE	HYDRIC	HSG	DRAINAGE CLASS
1B	Gaila Silt Loam, 3-8% slopes	0.43	YES	NO	H96 'B'	WELL DRAINED
2B	Glenelg Silt Loam, 8-15% slopes	0.37	YES	NO	HSG 'B'	WELL DRAINED
5B	Glenelg Silt Loam, 3-8% slopes	0,3 T	YES	NO	H56 'C/D'	MODERATELY WELL DRAI
160	Brinklow-Blocktown Channery Silt Loams, 8-15% slopes	0.20	NO	NO	H56 C	WELL DRAINED

# EXISTING LEGEND

	Existing Minor Cont Existing Major Cont Existing Stream Existing Stream But
$\begin{array}{cccccccccccccccccccccccccccccccccccc$	Existing Wetlands
	Existing Metlands E
	>25% Slopes
	Existing Tree Line
	Existing Drive
	Existing Building
OHE	Existing Overhead B
E	Existing Undergrour
	Existing Utility Pole
XXX	Existing Chain Link F
////////////////	Existing Mooden Fe
Av	Soil Line
	Existing Tree
CRZ	Critical Root Zone

Site Property Boundary Existing Minor Contour Existing Major Contour Existing Stream Existing Stream Buffer Existing Metlands Existing Netlands Buffer >25% Slopes Existing Tree Line Existing Drive Existing Building Existing Overhead Electric Existing Underground Electric Existing Utility Pole Existing Chain Link Fence Existing Mooden Fence Soil Line

# SITE NOTES

- 1. OVERALL PROPERTY AREA = 10.0 ACRES
- 2. ZONING: RURAL CLUSTER (RC)
- 3. CURRENT USE: RESIDENTIAL/OPEN LAND
- PROPOSED USE: RESIDENTIAL/SOLAR FACILITY 4. SOLAR PROJECT SITE AREA = 171,433 SF, 3.9 Ac.
- THE SITE DOES NOT LIE WITHIN THE 100-YEAR FLOODPLAIN, AS SHOWN ON F.I.R.M. #2403100310D, PANEL 310 OF 480, AND #2403160305D, PANEL 305 OF 480, DATED SEPTEMBER 29, 2006
- 6. WATERSHED: POTOMAC RIVER
- 7. THERE IS A PREVIOUS PRELIMINARY PLAN (No. 119821690) AND PLAT (PLAT NO. 14198) ASSOCIATED WITH THIS SITE.
- 8. THERE ARE NO EXISTING STREAMS OR WETLANDS ON-SITE.
- 9. THERE ARE NO STEEP SLOPES ON-SITE (GREATER THAN 25% SLOPE, GREATER THAN 10 VERTICAL FEET).
- 10. THE SITE IS CURRENTLY SERVED BY PRIVATE WELL AND
- 1 1. NO KNOWN CEMETERIES ON-SITE.

408.36

POLE

- 12. NO KNOWN HISTORICAL FEATURES OR STRUCTURES ON-SITE.
- 13. THERE ARE NO SCENIC ROADS SURROUNDING THE SITE.



TAX ACCT. NO. 06-00402090 ZONE: RC

**Developer's Certificate** 

MONTGOMERY COUNTY GIS DATA VICINITY MAP SCALE: 1" = 2000'

DEVELOPER/APPLICANT: CHABERTON SOLAR SANTA ROSA LLC 1 1 900 PARKLAWN DRIVE, SUITE 406 NORTH BETHESDA, MD 20852 ATTN: MICHAEL DONIGER, COO PHONE:(804)929-8418

EMAIL: mike.doniger@chaberton.com PROPERTY OWNER:

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VEMER	CALL "MISS UTILITY" AT 1-800-257-7777
E Grane with with	72 Hours Before Start Of Construction

DATA SOURCE:

DESIGN BY:

SCALE:

JLA

PROJECT No.: 211187.00

AS SHOWN

REVIEW DATE:

DRAWING:

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3 of 19

1. Horizonal Datum: NAD 83 (2011)

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FORMER 04.6 FEXISTING SITE			TCE	NTUI	RY
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	_	Α	Kleinfelde	r Company	
	16	901 Melfr	ord Blvd. Suite	129 Bowie MD	20715
	- 0	Phone: 4	43.589.2400	www.centuryeng.c	com
		0	/ERALL	EXISTIN	G
OHANA VALLEY LLC 1333 - Signal TREE LANE					
MAP DR61, FARCEL P088 53411 7.411	CI		3EKT(	UN 50	LAK
AX ACCT, NO, 06-00402090 ZONE: RC		S	ΔΝΤΔ	ROSA	
		133	30 Signal Tree I	Lane, Rockville, M	D
		SITE F	PLAN APPLICA	TION NO. 820220	210
	Montgomery	County, M	aryland	WSSC Grid(s) 2 <sup>-</sup>	Tax Grid DR61 17NW15 & 218NW15
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				MA 40 MA	AV LAND
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		BY ME, A			lu
Developer: CHABERTON SOLAR SANTA ROSA LLC, MICHAEL DONIGER	ENGINEER	UNDER T	HE LAWS OF		
1 1 900 PARKLAWN DRIVE, SUITE 406		OF MAR	YLAND.	SILES SEGISTE	EO ITAS
Address: NORTH BETHESDA, MD 20852	EXPIRATIO	N DATE: 1	2/12/2024	A STATISTICS AL	10-07-2022
Phone: (804) 929-8418	DRAWN B	(:	JLA/CEW	REVIEW BY:	PVM





- ON CONSTRUCTION PLANS
- FOOTER TO BE INCLUDED IN THE PRICE OF END SECTION.













1/4" = 1'-0"









	3:1MAX:	SMM-3	SMM-4	SMM-5	SMM-6	SMM-7	SMM-8	SMM-9	SMM-10
WATERPROOF CAP	ELEV.	12" PONDING							
6" SOLID SCH. 40 PVC PIPE		48" MEDIA							
3" GRAVEL OVER PIPE (MIN.)		15" GRAVEL							
3" GRAVEL UNDER PIPE (	(MIN.)		•	•	•	•	•	•	•

3'-0" — 6'-0" - 8'-0" — 24"-48" DEEP PLANTING MEDIA 1 2" MSHA #7 WASHED GRAVEL

## **TABLE B.4.1 MATERIALS SPECIFICATIONS FOR BIOSWALES**

	SPECIFICATION	SIZE	NOTES
	SEE APPENDIX A, TABLE A.4	N/A	PLANTINGS ARE SITE-SPECIFIC (SEE LANDSCAPE PLAN FOR BIO-SWALE PLANT TYPES AND LOCATIONS)
ŀ.	LOAMY SAND (60 - 65%) & <i>COMPOST (35 40%)</i> OR SANDY LOAM (30%), COARSE SAND (30%) & COMPOST (40%)	N/A	USDA SOIL TYPES LOAMY SAND OR SANDY LOAM; CLAY CONTENT < 5%
	MI 10% BY DRY WEIGHT (ASTM D 2974)		
	SHREDDED HARDWOOD		AGED 6 MONTHS, MINIMUM; NO PINE OR WOOD CHIPS
	PEA GRAVEL: ASTM-D-448	NO. 8 OR NO. 9 (1/8' TO 3/8")	
	ORNAMENTAL STONE: WASHED COBBLES	STONE: 2" TO 5"	
		N/A	PE TYPE 1 NONWOVEN
S	AASHTO M-43	NO. 57 OR NO. 6 AGGREGATE (3/8" TO 3/4")	
	F 758, TYPE PS 28 OR AASHTO M-278	4" TO 6" RIGID SCHEDULE 40 PVC OR SDR35	SLOTTED OR PERFORATED PIPE; 3/8" PERF. @ 6" ON CENTER, 4 HOLES PER ROW; MINIMUM OF 3" OF GRAVEL OVER PIPES; NOT NECESSARY UNDERNEATH PIPES. PERFORATED PIPE SHALL BE WRAPPED WITH 1/4-INCH GALVANIZED HARDWARE CLOTH
D)	MSHA MIX NO. 3; F' = 3500 PSI@ 28 DAYS, NORMAL WEIGHT, AIR-ENTRAINED; REINFORCING TO MEET ASTM-6 15-60	N/A	ON-SITE TESTING OF POURED-IN-PLACE CONCRETE REQUIRED: 28 DAY STRENGTH AND SLUMP TEST; ALL CONCRETE DESIGN (CAST-IN-PLACE OR PRE-CAST) NOT USING PREVIOUSLY APPROVED STATE OR LOCAL STANDARDS REQUIRES DESIGN DRAWINGS SEALED AND APPROVED BY A PROFESSIONAL STRUCTURAL ENGINEER LICENSED IN THE STATE OF MARYLAND - DESIGN TO INCLUDE MEETING ACI CODE 350.R189; VERTICAL LOADING [H-L0 OR H-20; ALLOWABLE HORIZONTAL LOADING (BASED ON SOIL PRESSURES); AND ANALYSIS OF POTENTIAL CRACKING
	AASHTO-M-6 OR ASTM-C-33	0.02" TO 0.04"	SAND SUBSTITUTIONS SUCH AS DIABASE AND GRAYSTONE (AASHTO) #10 ARE NOT ACCEPTABLE. NO CALCIUM CARBONATED OR DOLOMITIC SAND SUBSTITUTIONS ARE ACCEPTABLE. NO "ROCK DUST" CAN BE USED FOR

sand that has become contaminated by improper storage or installation practices will

SCH. 40 3/8" DIA. PERFORATIONS. PERFORATED SECTIONS WITHIN GRAVEL LAYER ONLY AT 4" O/C LENGTH WISE AND 90° RADIALLY AROUND.

OVERDRAIN PIPE. 4" PERF. PVC,

PERMEABLE NON-MOVEN

GETOEXTILE FABRIC

ON SIDES ONLY

SUBGRADE COMPACTED TO 95% OF MAXIMUM DRY DENSITY AS DETERMINED BY THE MODIFIED PROCTOR COMPACTION TEST (ASTM D 1557, METHOD D) APPROVED BY GEOTECHNICAL ENGINEER

PERMEABLE PAVENENT (A-2) SPECIFICATIONS

• SEE GRASSCRETE SPECIFICATIONS.

EDGE RESTRAINTS

- · ONLY ALUMINUM EDGE RESTRAINT WITH GEO-GRID INSTALLED ACCORDING TO ICPI INSTRUCTIONS (FIGURE 5) SHOULD BE USED FOR PEDESTRIAN APPLICATIONS. ALL CONCRETE CURBS MUST BE AT LEAST FOUR INCHES WIDE AND NINE INCHES DEEP (SIX INCHES DEEP IF A SOLDIER OR SAILOR COURSE IS ADHERED TO THE TOP OF THE CURB). • IF A SOLDIER OR SAILOR COURSE WILL BE ADHERED TO THE TOP OF A CONCRETE CURB
- EDGE RESTRAINT, APPROPRIATE MORTAR OR POLYMER ADHESIVE MUST BE SUPPLIED. • ALL STONE (EXCEPT FOR CRUSHER RUN AGGREGATE) MUST BE OPEN-GRADED CRUSHED STONE WITH 90% FRACTURED FACES AND MUST BE WASHED AND FREE OF SOIL, FOREIGN
- MATERIAL, AND PARTICLES PASSING THE NO. 200 SIEVE. DO NOT USE LIMESTONE SCREENINGS, SAND, OR ROUNDED GRAVEL OR STONE. • BEDDING STONE: WASHED ASTM #8 GRADATION • JOINT FILLING STONE: WASHED ASTM #8, 89, OR 9 GRADATION, TO FIT WITHIN THE JOINT
- WIDTH OF THE SELECTED PAVERS. TEST PAVERS AND JOINT FILLING STONE FOR COMPATIBILITY BEFORE PURCHASING MATERIALS. DO NOT USE SAND, OR STONE GRADATIONS SMALLER THAN #9. • RESERVOIR STONE: WASHED ASTM #57 AND #2 GRADATION. (NO. 3 OR 4 STONE MAY BE
- USED AS WELL IF NO. 2 STONE ISN'T AVAILABLE.) • DENSE-GRADED BERM (IF USED): CRUSHER RUN AGGREGATE (CR-6).
- GEOTEXTILE AND WATERPROOF LINER GEOTEXTILE: NON-WOVEN, MARYLAND STATE HIGHWAY ADMINISTRATION CLASS PE, TYPE I
- OR APPROVED EQUIVALENT WATERPROOF LINER (IF NEEDED): MINIMUM 30 MIL THICKNESS. PVC, HDPE, OR EPDM RUBBER
- PIPED OVERFLOW (IF USED) • OVERFLOW PIPE: FOUR-INCH DIAMETER SCHEDULE 40 SOLID (NON-PERFORATED) PVC. DO
- NOT USE SDR PIPE OR CORRUGATED HDPE. • POP-UP DRAIN AND ADAPTERS AS NEEDED TO CONNECT TO OVERFLOW PIPE
- 16 MESH FIBERGLASS SCREEN AND FASTENERS TO COVER OPENING OF OVERFLOW PIPE

## \*\*MAINTENANCE: WHEN 25% OF REQUIRED RUNOFF STORAGE VOLUME IS LOST DUE TO SEDIMENT BUILD UP, SOILS WILL BE REMOVED, PROPERLY DISPOSED OF, AND PRACTICE DESIGN BOTTOM RE-ESTABLISHED WITH PROPER VEGETATION. SEE ADDITIONAL MAINTENANCE NOTES ON THIS SHEET. BIOSWALE (ESD M-8) TYP. SECTION

N.T.S.

SPECIFICATIONS FOR BIOFILTRATION

- REPLENISHING MAY BE NECESSARY, PINE BARK IS NOT ACCEPTABLE.

- MEDIA (STONE AND SAND).
- SAND SPECIFICATIONS:

WASHED ASTM C33 FINE AGGREGATE CONCRETE SAND SHALL BE UTILIZED FOR STORMWATER MANAGEMENT APPLICATIONS. IN ADDITION TO THE ASTM C33 SPECIFICATION, SAND MUST MEET ALL OF THE FOLLOWING CONDITIONS:

- INSTALLATION PRACTICES WILL BE REJECTED.
- CIRCUMSTANCE.

MAINTENANCE CRITERIA:

- INCH









1. MULCH: THE SURFACE MULCH LAYER WILL CONSIST OF STANDARD FINE SHREDDED AGED HARDWOOD MULCH. THE MULCH SHOULD BE APPLIED UNIFORMLY TO A DEPTH OF 2 TO 3 INCHES, YEARLY

2. SOIL FILTER/PLANTING MEDIA: THE PLANTING MEDIA SHALL CONSIST OF 1/3 PERLITE OR SOLITE, 1/3 COMPOST AND 1/3 TOPSOIL. THE PERLITE SHALL BE COURSE GRADE HORTICULTURAL PERLITE. THE COMPOST SHALL BE HIGH GRADE COMPOST FREE OF STONES AND PARTIALLY COMPOSTED WOODY MATERIAL. THE SOIL SHALL MEET THE FOLLOWING MINIMUM CRITERIA: CONTAIN NO MORE THAN 10% CLAY 30-55% SILT AND 35-60% SAND. THE SOIL SHALL BE FREE OF STONES, STUMPS, ROOTS OR OTHER SIMILAR OBJECTS LARGER THAN 2 INCHES. THE FIRST LAYER OF THE PLANTING MEDIA SHALL BE LIGHTLY TILLED TO MIX IT INTO THE SAND LAYER, SO NOT TO CREATE A DEFINITIVE BOUNDARY. THE PLANTING MATERIAL SHALL BE FLOODED AFTER PLACEMENT. ANY SETTLEMENT THAT OCCURS SHALL BE FILLED BACK TO THE DESIGN ELEVATION.

3. SAND BED: A MINIMUM 6-INCH FINE AGGREGATE SAND LAYER SHALL BE PROVIDED BELOW THE SOIL FILTER/PLANTING MEDIA. MANUFACTURED SAND OR STONE DUST IS NOT ACCEPTABLE.

4. GRAVEL BED: THE GRAVEL LAYER SURROUNDING THE UNDERDRAIN PIPE(S) MUST MEET MSHA SIZE #7 (TABLE 901A), AND MUST PROVIDE A MINIMUM OF 3 INCHES COVER OVER THE PIPE(S), AND A MINIMUM 3 INCHES UNDER THE PIPE. NO GEOTEXTILE OR FILTER FABRIC IS ALLOWED ANYWHERE WITHIN THE FILTER

SAND MUST MEET GRADATION REQUIREMENTS FOR ASTM C-33 FINE AGGREGATE CONCRETE SAND, AASHTO M-6 GRADATION IS ALSO ACCEPTABLE.

SAND MUST BE SILICA BASED. NO LIMESTONE BASED PRODUCTS MAY BE USED. IF THE MATERIAL IS WHITE OR GRAY IN COLOR, IT IS PROBABLY NOT ACCEPTABLE.

SAND MUST BE CLEAN. NATURAL, UNWASHED SAND DEPOSITS MAY NOT BE USED. LIKEWISE, SAND THAT HAS BECOME CONTAMINATED BY IMPROPER STORAGE OR

4. MANUFACTURED SAND OR STONE DUST IS NOT ACCEPTABLE UNDER ANY

THE FOLLOWING ITEMS SHOULD BE ADDRESSED TO ENSURE PROPER MAINTENANCE AND LONG-TERM PERFORMANCE OF MICRO-BIORETENTION PRACTICES:

• THE TOP FEW INCHES OF FILTER MEDIA SHOULD BE REMOVED AND REPLACED WHEN WATER PONDS FOR MORE THAN 24 HOURS, SILTS AND SEDIMENT SHOULD BE REMOVED FROM THE SURFACE OF THE FILTER BED WHEN ACCUMULATION EXCEEDS ONE

• WHERE PRACTICES ARE USED TO TREAT AREAS WITH HIGHER CONCENTRATIONS OF HEAVY METALS (E.G., PARKING LOTS, ROADS), MULCH SHOULD BE REPLACED ANNUALLY. OTHERWISE, THE TOP TWO TO THREE INCHES SHOULD BE REPLACED AS NECESSARY.

 OCCASIONAL PRUNING AND REPLACEMENT OF DEAD VEGETATION IS NECESSARY. IF SPECIFIC PLANTS ARE NOT SURVIVING, MORE APPROPRIATE SPECIES SHOULD BE USED. WATERING MAY BE REQUIRED DURING PROLONGED DRY PERIODS.



- PREPARE THE SUBGRADE FOR GEOTEXTILE OR STONE FILTER (3/4 TO 11/2 INCH STONE FOR 6 INCH MINIMUM DEPTH) AND RIPRAP TO THE REQUIRED LINES AND GRADES. COMPACT ANY FILL REQUIRED IN THE SUBGRADE TO A DENSITY OF APPROXIMATELY THAT OF THE SURROUNDING UNDISTURBED MATERIAL
- EXTEND GEOTEXTILE AT LEAST 6 INCHES BEYOND EDGES OF RIPRAP AND EMBED AT LEAST 4 INCHES AT SIDES OF THE RIPRAP.
- CONSTRUCT RIPRAP OUTLET TO FULL COURSE THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO AVOID DISPLACEMENT OF UNDERLYING MATERIALS. PLACE STONE FOR RIPRAP OUTLET IN A MANNER THAT WILL ENSURE THAT IT IS REASONABLY HOMOGENOUS WITH THE SMALLER STONES AND SPALLS FILLING THE VOIDS BETWEEN THE LARGER STONES. PLACE RIPRAP IN A MANNER TO PREVENT DAMAGE TO THE STONE FILTER BLANKET OR GEOTEXTILE. HAND PLACE TO THE EXTENT NECESSARY.
- WHERE NO ENDWALL IS USED, CONSTRUCT THE UPSTREAM END OF THE APRON SO THAT THE WIDTH IS TWO TIMES THE DIAMETER OF THE OUTLET PIPE, AND EXTEND THE STONE UNDER THE OUTLET BY A MINIMUM OF 18 INCHES.
- CONSTRUCT APRON WITH 0% SLOPE ALONG ITS LENGTH AND WITHOUT OBSTRUCTIONS. PLACE STONE SC THAT IT BLENDS IN WITH EXISTING GROUND. MAINTAIN LINE. GRADE. AND CROSS SECTION. KEEP OUTLET FREE OF EROSION. REMOVE ACCUMULATED

SEDIMENT AND DEBRIS. AFTER HIGH FLOWS INSPECT FOR SCOUR AND DISLODGED RIPRAP. MAKE NECESSARY REPAIRS IMMEDIATELY. MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL

U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	2011	MARYLAND DEPARTMENT OF ENVIRONMENT WATER MANAGEMENT ADMINISTRATION



DATA SOURCE:

DRAWN BY:

DESIGN BY:

SCALE:

JLA/CEW

AS SHOWN

JLA

PROJECT No.: 211187.00

REVIEW BY:

DRAWING:

REVIEW DATE:

PVM

10/07/2022

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- Vertical Datum: NAVD 88 2. Existing topography provided from aerial survey by McKenzie Snyder, Inc and field run survey by Century Engineering (dated April, 2022) and supplemented with best available Montgomery County GIS records.
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HHIGHER CONCENTRATIONS OF	DATE	BY	KE/	VISIONS
H SHOULD BE REPLACED ANNUALLY.				
D BE REPLACED AS NECESSART.				
D VEGETATION IS NECESSARY. IF				
DPRIATE SPECIES SHOULD BE USED. DRY PERIODS.				
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			ENG	INEERING
		А	Kleinfelde	r Company
	16	901 Melfo Phone: 44	rd Blvd, Suite 3.589.2400	129 Bowie, MD 20715 www.centuryeng.com
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	M	<u>IANA</u>	GEME	NT DETAILS
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		31		RUJA
		1333	0 Signal Tree I	ane, Rockville, MD
		SITE P	LAN APPLICA	TION NO. 820220210
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	Monigomery		ryianu	WSSC Glid(s) 217 NW 15 & 218 NW 15
	PROF	ESSIO	NAL	ANTIOF MARUM
	CERT	IFICAT	ION	
The Undersigned agrees to execute all the features of the Plan Approval No. <u>820220210</u>	I HEREBY (	CERTIFY TH	IAT THESE	PIERO VAN MELLITS
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aveloder: CHABERTON SOLAR SANTA ROSA LLC. MICHAEL DONIGER	A DULY LIC	ENSED PR	OFESSIONAL	
Company Contact Person	ENGINEER	UNDER TH	LAWS OF	
11900 PARKLAWN DRIVE, SUITE 406 Idress: NORTH BETHESDA, MD 20852	LICENSE N	o.: <u>21875</u>		IS ONAL ENGL
	EXPIRATIO	N DATE: 2/	12/2024	10-07-2022

reloper: CHABERTON SOLAR SANTA ROSA LLC, MICHAEL DONIGER 11900 PARKLAWN DRIVE, SUITE 406 NORTH BETHESDA, MD 20852

(804) 929-8418







## MINIMUM LANDSCAPE MAINTENANCE REQUIREMENTS

## 1. Lawn areas shall be mowed to a height of 2 to 3 inches and not allowed to reach a height of

- 3. All lawn areas adjacent to building faces or structures shall be trimmed.
- 4. A slow release nitrogen balanced fertilizer with a 2-1-1 ratio shall be applied at a rate of 2 pounds of nitrogen per 1000 square feet in September, October, and February.
- 6. It is recommended that lawn areas be treated in mid-March to early April with pre-emergent
- herbicide (Betasan) or equal applied at the manufacturer's rate.
- 7. A post-emergent herbicide (Trimec) or equal is recommended to be sprayed on lawn areas in
- the late spring or early fall. Follow manufacturer's rates and recommendations.
- 8. Insecticides and fungicides are recommended for insect and disease control. 9. Reseed bare areas of lawn as necessary. Yearly aeration is recommended.
- 10. All trash, litter, and debris shall be removed from lawn areas, parking lots, and shrub beds as
- 11. Mulch all shrub and groundcover beds yearly with 3 inches of shredded hardwood bark.
- 12. Permit shrubs and trees to grow and enlarge to their design size. Consult project Landscape
- 13. Prune trees in accordance with Landscape Specification Guidelines for





Not To Scale

			PLANT LIST		
KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	COMMENTS
SHADE	TREES			1	
AS	4	Acer saccharum	Sugar Maple	12'-14' ht.	B&B, 2" - 2 ½" cal.
ТА	9	Tilia americana	American Linden	12'-14' ht.	B&B, 3" cal. min.
Total	13				
EVERGE	REEN TREES				
AF	15	Abies fraseri	Fraser fir	8'-10' ht.	B&B
CS	32	Cupressus sempervirens	Italian Cypress	8'-10' ht.	B&B
IN	21	llex x 'Nellie R. Stevens'	Nellie Stevens Holly	8'-10' ht.	B&B
ю	32	Ilex opaca	American Holly	8'-10' ht.	B&B
TG	25	Thuja 'Green Giant'	Giant Arborvitae	8'-10' ht.	B&B
Total	121				
ORNAM	ENTAL TREE	S			
LI	3	Lagerstroemia indica 'Pink Velour'	Pink Velour Crape Myrtle	10'-12' ht.	B&B, multistem, 3 cane min.
MS	6	Malus 'Snowdrift'	Snowdrift Flowering Crabapple	10'-12' ht.	B&B, 1 $\frac{1}{2}$ " cal. min.
YC	3	Prunus x yedoensis	Yoshino Cherry	10'-12' ht.	B&B, 1 $\frac{1}{2}$ " cal. min.
Total	12				
SHRUBS	S, PERENNIA	LS, AND GROUNDCOVERS			
CA	22	Clethra alnifolia	Summer Sweet	24"-30" ht.	3 gal. cont.
IG	31	Ilex glabra	Inkberry	24"-30" ht.	3 gal. cont.
KL	21	Kalmia latifolia	Mountain Laurel	3'-4' ht.	5 gal. cont.
MP	16	Myrica pensylvanica	Northern Bayberry	24"-30" ht.	3 gal. cont.
RA	20	Rhododendron atlanticum	Dwarf Azalea	24"-30" ht.	3 gal. cont.
SR	48	Salvia rosmarinus	Rosemary	12"-18" ht.	1 gal. cont.
VD	30	Viburnum dentatum	Arrowood viburnum	3'-4' ht.	5 gal. cont.
Total	188				· ·

## PLANTING NOTES

- 1. Plant material substitutions will not be accepted without approval of the Landscape Architect 2. All Shrubs and groundcover areas shall be planted in continuous prepared planting beds.
- 3. All shrub beds shall be mulched with hardwood mulch as detailed and specified except where noted on plans.
- 4. Maintain positive drainage out of planting beds at a minimum of two percent slope. 5. Plant quantities are provided for the convenience of the contractor. If discrepancies exist between quantities shown on the plan and those shown on the plant list, the quantities on the pl shall take precedence.
- 6. All areas within contract limits disturbed during or prior to construction not designated to receive plantings and mulch shall be fine graded and seeded in accordance with planting and construction.
- 7. The contractor shall notify Miss Utility, (800-257-7777) a minimum of three working days pri to planting and construction.
- 8. All plant material shall be nursery grown and shall conform to American Nurserymen Association Standards.
- 9. All planting procedures shall conform to Landscape Contractors Association Specification Guidelines for Baltimore/Washington Metropolitan Area (latest edition) and Century Engineeri Inc. specifications.

4"-30" ht.	3 gal. cont.	A Kleinfelde	r Company
'-4' ht. 24"-30" ht	5 gal. cont.	16901 Melford Blvd, Suite	129 Bowie, MD 20715
4"-30" ht.	3 gal. cont.	Phone: 443.389.2400	www.centuryeng.com
2"-18" ht.	1 gal. cont.		
'-4' ht.	5 gal. cont.	LANDSCAF	PE DETAILS
		CHABERT Santa	ON SOLAR Rosa
st.	CALL "MISS UTILITY" AT 1-800-257-7777 72 Hours Before Start Of Construction	13330 Signal Tree SITE PLAN APPLICA Montgomery County, Maryland	Lane, Rockville, MD TION NO. 820220210 Tax Grid Df WSSC Grid(s) 217NW15 & 218NW
olan Dev The inclu Dev rior Addr	veloper's Certificate         Undersigned agrees to execute all the features of the Plan Approval No. <u>820220210</u> uding Approval Conditions, Development Program, and Certified Site Plan.         eloper: <u>CHABERTON SOLAR SANTA ROSA LLC, MICHAEL DONIGER</u> Company       Contact Person         11 900 PARKLAWN DRIVE, SUITE 406         ress:       NORTH BETHESDA, MD 20852	PROFESSIONAL CERTIFICATION I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE No.: <u>1008</u> EXPIRATION DATE: <u>5/20/2024</u>	
Pho	ne:(804) 929-8418	DRAWN BY: <u>LMV / MSS</u> DESIGN BY: <u>LMV / MJP</u>	REVIEW BY: MJP REVIEW DATE: 8/24/2022
Sign	ature:	SCALE: AS SHOWN	DRAWING: 2 of 2
		PROJECT No.: 211187.00	

DATE BY

DATA SOURCE:

1. Horizonal Datum: NAD 83 (2011)

- Vertical Datum: NAVD 88 2. Existing topography provided from aerial survey by McKenzie Snyder, Inc and field run survey by Century Engineering (dated April, 2022) and supplemented with best available Montgomery County GIS records.
- 3. Contractor is responsible for verifying and test-pitting to confirm existing utility locations.

REVISIONS

ENTI

ENGINEERING

URY



DATE	BY	RE\	/ISIONS			
169 I	A Don Melfo Phone: 4	Kleinfelder ord Blvd, Suite 1 43.589.2400	NTUI INEERI Company 29 Bowie, MD 2 www.centuryeng.c	<b>NG</b> 0715 om		
LA Ch	LANDSCAPE BUFFER EXHIBIT <b>CHABERTON SOLAR</b> <b>SANTA ROSA</b> 1330 Signal Tree Lane, Rockville, MD Montgomery County, Maryland					
PROF CERT I HEREBY C DOCUMENT APPROVED A DULY LIC ENGINEER THE STATE LICENSE NO EXPIRATIO	ESSIC IFICA ERTIFY I S WERE BY ME, A ENSED P UNDER T OF MAR OF MAR 0.: 1008 N DATE:	DNAL TION HAT THESE PREPARED OR ND THAT I AM ROFESSIONAL HE LAWS OF YLAND.				
DRAWN BY DESIGN BY	/: <u>(</u> /: <u>(</u>	CRS CRS	REVIEW BY: REVIEW DATE:	M.J.P. x.xx.2022		
SCALE:	A	s Shown	DRAWING:			
PROJECT	No.: 21	1187.00				



CT AREA:							
tract area						10.	
ons to tract are	ea (Off-Site \	Nork, etc.;	constructi	on required	d by this plan)	0.	
edication acre	s (parks, cou	inty facility	y, etc.)			0.	
dedication for r	oads or utili	ties (const	ruction not	required b	y this plan)	0.	
o remain in cor	nmercial agr	ricultural p	roduction/	use		0.	
deductions (sp	ecify)					0.	
act Area				=		10.	
E CATEGORY: ( Input the nun limit to only o	from Chapte nber "1" und one entry.	er 22A-3. D ler the app	Definitions) propriate la	nd use,			
ARA	MDR	IDA	HDR	MPD	CIA		
1	0	0	0	0	0		
	-	-	-	-	-		
station Thresh	old			20%	x G =	2.	
rvation Thresh	old			50%	x G =	5.	
i FOREST COVE	R:						
g forest cover .			=			0.	
f forest a bove	afforestatio	n threshole	d=			0.	
f forest above	conservatio	n threshol	d=			0.	
/EN POINT:							
retention abov	ve threshold	with no m	itigation	.=		0.	
ing permitted v	vithout mitig	ation	=			0.	
ED FOREST CLE	ARING:						
area of forest t	to be cleared	d b	=			0.	
area of forest t	to be retaine	ed	=			0.	
G REQUIREME	NTS:						
estation for cle	aring above	conservati	ion thresho	old=		0.	
estation for clearing below conservation threshold=					0.		
for retention above conservation threshold=					0.		
eforestation re	equired		=			0.	
afforestation re	equired		=			2.	
for landscapin	g (may not e	exceed 20%	6 of "S")	=		0.	
reforestation and afforestation required=							



2.01 acres of afforestation to be met by planting in or purchasing necessary credits in an offsite

406

- 402

SCALE:

AS SHOWN

PROJECT No.: 211187.00

DRAWING:

1 of 2

Sequence of Events for Properties Required to Comply With Forest Conservation Plans, Exemptions from Submitting Forest Conservation Plans, and Tree Save Plans

The property owner is responsible for ensuring all tree protection measures are performed in accordance with the approved final forest conservation plan or tree save plan, and as modified in the field by a Planning Department Forest Conservation Inspector. The measures must meet or exceed the most recent standards published by the American National Standards Institute (ANSI A300).

## **Pre-Construction**

- 1. An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged and before any land disturbance.
- 2. The property owner must arrange for the meeting and following people should must participate at the pre-construction meeting: the property owner or their representative, construction superintendent, International Society of Arboriculture (ISA) certified arborist/Maryland Licensed Tree Expert (representing owner) that will implement the tree protection measures, The Planning Department Forest Conservation Inspector, and Montgomery County Department of Permitting Services (DPS) Sediment Control Inspector. The purpose of this meeting is verify the limits of disturbance and discuss specific tree protection and tree care measures shown on the approved plan. No land disturbance shall begin before tree protection and stress-reduction measures have been implemented and approved by the Planning Department's Forest Conservation Inspector. a. Typical tree protection devices include:
  - i. Chain link fence (four feet high)
  - ii. Super silt fence with wire strung between the support poles (minimum 4 feet high) with high visibility flagging.
  - iii. 14 gauge, 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging. b. Typical stress reduction measures may include, but are not limited to:
  - i. Root pruning with a root cutter or vibratory plow designed for that purpose. Trenchers are not allowed, unless approved by the Forest
    - Conservation Inspector ii. Crown Reduction or pruning
    - iii. Watering
  - iv. Fertilizing
  - v. Vertical mulching
  - vi. Root aeration systems

Measures not specified on the Forest Conservation Plan may be required as determined by the Forest Conservation Inspector in coordination with the property owner's arborist.

- 3. A Maryland Licensed Tree expert must perform, or directly supervise, the implementation of all stress reduction measures. Documentation of the process (including photographs) may be required by the Forest Conservation Inspector, and will be determined at the pre-construction meeting.
- Temporary tree protection devices must be installed per the approved Forest Conservation Plan, Exemption Plan, or Tree Save Plan and prior to any land disturbance. The Forest Conservation Inspector, in coordination with the DPS Sediment Control Inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan.
- Tree protection fencing must be installed and maintained by the property owner for the duration of construction project and must not be altered without prior approval from the Forest Conservation Inspector. All construction activity within protected tree and forest areas is prohibited. This includes the following activities:
  - a. Parking or driving of equipment, machinery or vehicles of any type.
  - b. Storage of any construction materials, equipment, stockpiling, fill, debris, etc. c. Dumping of any chemicals (i.e., paint thinner), mortar or concrete remainder,
  - trash, garbage, or debris of any kind.
  - d. Felling of trees into a protected area.
  - e. Trenching or grading for utilities, irrigation, drainage, etc.
- 6. Forest and tree protection signs must be installed as required by the Forest Conservation Inspector. The signs must be waterproof and wording provided in both English and Spanish.

## **During Construction**

- 7. Periodic inspections will be made by the Forest Conservation Inspector. Corrections and repairs to tree protection devices must be completed within the timeframe given by the Inspector.
- 8. The property owner must immediately notify the Forest Conservation Inspector of any damage to trees, forests, understory, ground cover, and any other undisturbed areas shown on the approved plan. Remedial actions, and the relative timeframes to restore these areas, will be determined by the Forest Conservation Inspector.

## Post-Construction

- 9. After construction is completed, but before tree protection devices have been removed, the property owner must request a final inspection with the Forest Conservation Inspector. At the final inspection, the Forest Conservation Inspector may require
- additional corrective measures, which may include: a. Removal, and possible replacement, of dead, dying, or hazardous trees
- b. Pruning of dead or declining limbs c. Soil aeration
- d. Fertilization
- e. Watering
- f. Wound repair
- g. Clean up of retention areas, including trash removal
- 10. After the final inspection and completion of all corrective measures the Forest Conservation Inspector will request all temporary tree and forest protection devices be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both DPS and the Forest Conservation Inspector and cannot be removed without permission of the Forest Conservation Inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.
- 11. Long-term protection measures, including permanent signage, must be installed per the approved plan. Installation will occur at the appropriate time during the construction project. Refer to the approved plan drawing for the long-term protection measures to be installed.

## INSPECTIONS

All field inspections must be requested by the applicant.

Field Inspections must be conducted as follows:

## **Plans without Planting Requirements**

- 1. After the limits of disturbance have been staked and flagged, but before any clearing or
- grading begins. 2. After necessary stress reduction measures have been completed and protection measures have been installed, but before any clearing and grading begin and before release of the building permit.
- 3. After completion of all construction activities, but before removal of tree protection fencing, to determine the level of compliance with the provision of the forest conservation.

## Additional Requirements for Plans with Planting Requirements

- 4. Before the start of any required reforestation and afforestation planting.
- 5. After the required reforestation and afforestation planting has been completed to verify that the planting is acceptable and prior to the start the maintenance period.
- 6. 2 years after reforestation and afforestation have been completed, to determine survival and assess necessary maintenance activities for the remaining duration of the maintenance and management period.
- 7. At the end of the maintenance period to determine the level of compliance with the provisions of the planting plan, and if appropriate, release of the performance bond.







Not To Scale



## NOTES:

M-NCPPC FIELD INSPECTOR'S

INSTRUCTIONS.

1. RETENTION AREAS WILL BE SET AS PART OF THE REVIEW PROCESS AND PRECONSTRUCTION MEETING.

2. BOUNDARIES OF RETENTION AREAS MUST BE STAKED AT THE PRECONSTRUCTION MEETING AND FLAGGED PRIOR TO TRENCHING.

3. EXACT LOCATION OF TRENCH SHALL BE DETERMINED IN THE FIELD IN COORDINATION WITH THE FOREST CONSERVATION (FC) INPECTOR .

4. TRENCH SHOULD BE IMMEDIATELY BACKFILLED WITH EXCAVATED SOIL OR OTHER ORGANIC SOIL AS SPECIFIED PER PLAN OR BY THE FC INSPECTOR.

5. ROOTS SHALL BE CLEANLY CUT USING VIBRATORY KNIFE OR OTHER ACCEPTABLE EQUIPMENT.

6. ALL PRUNING MUST BE EXECUTED WITH LOD SHOWN ON PLANS OR AS AUTHORIZED IN WRITING BY THE FC INSPECTOR.

ROOT PRUNING DETAIL

## **PLANT LIST - MITIGATION TREES**

KEY	QTY	SCIENTIFIC NAME	COMMON NAME	SIZE	COMMENTS
SHADE TRE	EES				
ТА	3	Tilia ame <b>ri</b> cana	American Linden	12'-14' ht	B&B, 3" cal. min.

	Tree Protection Fence Deta
CAPPED POST OR BEVELED EDGE.	Not to scale
5 1/2"X8" METAL FOREST CONSERVATION SIGNS (AS SPECIFIED BY M-NCPPC)	WELDED WIRE FENCE
6x6x8 PRESSURE TREATED WOODEN POST COMPACT SOIL TO ADJACENT UNDISTURBED SOIL DENSITY. ADD QUICK CRETE TO SOIL MIXTURE AS NECESSARY TO CREATE FIRM FOUNDATION. SLOPE TOP OF FOOTING FOR POSITIVE DRAINAGE. FINISHED GRADE	FLAGGING
-INSTALL GRAVEL SUMP PRIOR TO POST INSTALLATION. OVER EXCAVATE POST HOLE AS NECESSARY.	STANDA — TI
MONTGOMERY COUNTY PLANNING DEPT. 12/23/2008	<ol> <li>Practice may be combined with sediment control fencing.</li> <li>Location and limits of fencing should be coordinated in field with arborist.</li> <li>Boundaries of protection area should be staked prior to installing protective device.</li> </ol>

TREE PROTECTION FENCE TO

TRENCH, AND LOD ARE THE

SAME LINE. SEE SEPARATE

ROOT PRUNE TRENCH 24"

PRECONSTRUTION MEETING

MIN DEPTH OR AS

DETERMINED AT

DETAIL FOR FENCE

SPECIFICATIONS

BE ERECTED IN LINE WITH ROOT PRUNING TRENCH. FENCE,

- Root damage should be avoided. Protection signage is required.
- Fencing shall be maintained throughout
- construction.

Montgomery County Planning Department • M-NCPPC MontgomeryPlanning.org

	CALL "MISS UTILITY" AT 1-800-257-7777	
SUSTEME INTERNE	72 Hours Before Start Of Construction	

8' MIN, METAL 'T' FENCE POSTS DRIVEN 2' INTO THE

10" X 12" WEATHERPROOF SIGNS SECURED TO FENCE 230" D.C. (MAX)

-SECURE FENCING TO METAL POSTS

STANDARD SYMBOL

-TPF-TPF-

DATA SOURCE:

1. Horizonal Datum: NAD 83 (2011)

EXPIRATION DATE: 5/20/2024

PROJECT No.: 211187.00

DRAWN BY:

DESIGN BY:

SCALE:

LMV

MJP

AS SHOWN

- Vertical Datum: NAVD 88 2. Existing topography provided from aerial survey by McKenzie
- Snyder, Inc and field run survey by Century Engineering (dated April, 2022) and supplemented with best available Montgomery County GIS records. 3. Contractor is responsible for verifying and test-pitting to confirm
- existing utility locations.

TION WITH	DATE	BY	RE\	/ISIONS
CREANIC				
_				
<b>-</b>				
NTS	16 PRI CON	A 201 Melfo Phone: 4 ELIM SER HAB	Kleinfelder ord Blvd, Suite 43.589.2400 INARY/ VATION BERT	NTURY INEERING r Company 129 Bowie, MD 20715 www.centuryeng.com r FINAL FOREST N PLAN DETAILS
		S	ANTA	ROSA
		1333 SITE F	30 Signal Tree I PLAN APPLICA	Lane, Rockville, MD TION NO. 820220210
	Montgomery	County, M	aryland	WSSC Grid(s) 217NW15 & 218NW15
	PROF	ESSIC	NAL	
DEVELOPER'S CERTIFICATE	CERT	<b>IFICA</b>	TION	MULLIS OF LADOS
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No.       220220210       including, financial bonding, forest planting, maintenance, and all other applicable agreements.         Developer's Name:       CHABERTON SOLAR SANTA ROSA LLC         Printed Company Name	I HEREBY C DOCUMENT APPROVEC A DULY LIC ARCHITEC THE STATE	ERTIFY T TS WERE BY ME, A ENSED LA T UNDER	THAT THESE PREPARED OR ND THAT I AM ANDSCAPE THE LAWS OF (LAND.	TRANSPORT
Contact Person or Owner:	LICENSE N	o.: <u>1008</u>		OF MARTIN

MJP

2 of 2

**REVIEW BY:** 

DRAWING:

REVIEW DATE: 8/11/2022

Signature:

Conservation Plan No. <u>820220210</u> including, financial bondi forest planting, maintenance, and all other applicable agreements. CHABERTON SOLAR SANTA ROSA LLC Developer's Name: nted Company Name Contact Person or Owner: MICHAEL DONIGER 1 1 900 PARKLAWN DRIVE, SUITE 406 NORTH BETHESDA, MD 20852 Address: (804) 929-8418 / mike.doniger@chaberton.com Phone and Email:

May 17, 2022



Montgomery County Planning Department Maryland National Capital Park and Planning Commission (M-NCPPC) 2425 Reedie Drive Wheaton, Maryland 20902

## Re: Chaberton Solar Santa Rosa, Specimen Tree Variance Request Site Plan No. 820220210 Tax Grid DR61, Parcel N012 Tax Account No. 06-02278128 13330 Signal Tree Lane, Rockville, MD 20854 Century Project No. 211187.00

On behalf of our client, Chaberton Solar Santa Rosa, LLC, Century Engineering respectfully submits the enclosed Variance Request for relief from the following the following portion of the Montgomery County Code, pursuant to Section 22A-21 (Variance Provisions):

Part II (Local Laws, Ordinances, Resolutions, Etc), Chapter 22A (Forest Conservation – Trees), Article II (Forest Stand Delineations and Forest Conservation Plans), Section 12 (Retention, afforestation, and reforestation requirements), Subtitle (b)(3)(C)(i) – Retention for any tree with a diameter, measured at 4.5 feet above the ground of 30 inches or more:

We are requesting a variance to allow for removal of one (1) specimen trees that is 30" diameter or greater, measured at 4.5 feet above the ground, within the subject property.

#### 22A-12-(b)(3)(C)(i). Retention.

(3) The following trees, shrubs, plants, and specific areas are priority for retention and protection and must be left in an undisturbed condition unless the Planning Board or Planning Director, as appropriate, finds that the applicant qualifies for a variance under Section 22A-21:

(C) Any tree with a diameter, measured at 4.5 feet above the ground, of:

(i) 30 inches or more; or

## Application Requirements per Section 22A-21 (Variance):

(1) Describe the special conditions peculiar to the property or other conditions which would cause the unwarranted hardship.

The proposed project includes the development of a 4-acre solar array field. An approved NRI/FSD (420221340) indicates that there are no forest stands on-site, therefore, no forest clearing is proposed. However, the location of one (1) stand-alone specimen tree (ST-6), in the southwest corner of the site, will cause shading over the proposed solar array, limiting the solar panels to operate effectively. Additionally, the fence line is required to be at least 16 feet from the nearest solar panel, for emergency/maintenance access. This perimeter buffer requires the fence line to run through the critical root zone of specimen tree ST-6.

(2) Describe how enforcement of this Chapter will deprive the landowner of rights commonly enjoyed by others in similar areas.

Enforcement of this chapter would require the development to shift all improvements to the north to clear fence from the critical root zone, as well as any shading effects on the solar facility. This would result in the removal of portions of the solar array area, drastically reducing the value of the solar development and production of a new source or clean energy for the community.

(3) Verify that State water quality standards will not be violated and that a measurable degradation in water quality will not occur as a result of granting the variance.

The proposed development has no impact on any existing forest stands or stream buffers; there is no forest on-site nor any forest clearing proposed. Forest conservation requirements will be met via 2.0 acres of off-site mitigation. There will be minimal grading proposed for the development and the removal of tree ST-6, thus, there will be no change to the natural drainage patterns. The development will comply with all State Stormwater Management and Erosion & Sediment Control requirements, during and after construction. This will eliminate any short-term or long-term adverse effects to the water quality, on and/or adjacent to the site.

(4) Provide any other information appropriate to support the request.

The proposed variance would be consistent with the intent of the Forest Conservation Law. The law is in place to retain and protect existing forest, or enforce the installation of new forest, as request by the State or County applicable Codes. The proposed development does not include any removal of an existing forest stand and will include off-site afforestation of 2.0 acres. In this case, the proposed variance will include the removal of one (1) stand-alone (not forest) specimen tree. The proposed development will also include additional landscape planting along the southern border, to protect and screen the views of the neighbors looking into the site.

Per the reasons demonstrated above, the applicant respectfully requests that this variance for relief from Section 22A-12(b)(3)(C)(i) be approved/granted to allow the removal of specimen tree ST-6 on the subject property.

Please contact this office with any questions or if we may be of any further assistance.

Very truly yours,

CENTURY ENGINEERING, LLC

Piero "Pete" V. Mellits, P.E., LEED AP

Vice President, Civil Engineering

ATTACHMENT C



Marc Elrich County Executive Mitra Pedoeem Director

July 27, 2022

Mr. Pete Mellits, P.E. Century Engineering 16901 Melford Blvd, Suite 129 Bowie, MD 20715

> Re: COMBINED STORMWATER MANAGEMENT CONCEPT/SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for Chaberton Solar Santa Rosa Site Plan #: 820220210 SM File #: 288025 Tract Size/Zone: 10 Acres/RC Total Concept Area: 5.2 Acres Lots/Block: N/A Parcel(s): 12 Watershed: Lower Great Seneca

Dear Mr. Mellits:

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 Microbioretention and Bioswale.

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.

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 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.



2425 Reedie Drive, 7th Floor, Wheaton, Maryland 20902 | 240-777-0311 www.montgomerycountymd.gov/permittingservices *Mr. Pete Mellits, P.E. July 27, 2022 Page 2 of 2* 

If you have any questions regarding these actions, please feel free to contact Andrew Kohler at 240-777-6275.

Sincerely,

Mark Cheridge Mark C. Etheridge, Manager

Mark C. Etheridge, Manager Water Resources Section Division of Land Development Services

MCE: CN 288025

cc: N. Braunstein SM File # 288025

ESD: Required/Provided 16907 cf / 16965 cf PE: Target/Achieved: 1.6"/1.6" STRUCTURAL: N/A cf WAIVED: N/A ac.

## **DPS-ROW CONDITIONS OF APPROVAL**

## 820220210 Chaberton Solar Santa Rosa

Contact: Sam Farhadi at 240 777-6333

We have reviewed site plan files:

## "07-SITE-820220210-009.pdf V4" uploaded on/ dated "10/10/2022" and

The followings need to be addressed prior to the certification of site plan:

- 1. Provide sight distance analysis for the proposed driveway confirming availability of minimum required sight distance based on the frontage road classification.
- 2. Please clarify if the grantee consent has been obtained for locating structures within PUE.
- 3. Provide public downstream storm drain system analysis.



## Department of Permitting Services Fire Department Access and Water Supply Comments

DATE:	02-Dec-22
TO:	Pete Mellits - pmellits@kleinfelder.com Century Engineering
FROM:	Marie LaBaw
RE:	Chaberton Solar Santa Rosa 820220210

#### PLAN APPROVED

- 1. Review based only upon information contained on the plan submitted 02-Dec-22.Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- 2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

\*\*\* Applicant to record fire department water supply access easement prior to first use of new hydrant \*\*\*

ATTACHMENT D

#### AFFIDAVIT OF COMMUNITY MEETING

Chaberton Energy, Inc.

Santa Rosa Project, 13330 Signal Tree Lane, Rockville, Maryland 20854

- I hereby certify that Chaberton Energy, Inc. conducted a virtual pre-submission community meeting on Thursday, February 17, 2022 at 6:00 p.m., via Microsoft Teams, in advance of submitting a site plan application for property located at 13330 Signal Tree Lane, Rockville, Maryland. The application will seek approval to construct a solar collection installation at the subject property.
- 2. I hereby affirm that the community meeting was noticed and conducted in accordance with the requirements of the Montgomery County Zoning Code and the Montgomery County Planning Board's Development Review Manual.

I, Françoise M. Carrier, swear and affirm under penalty of perjury that the statements made herein are true and correct to the best of my knowledge, information, and belief.

Date: May 5, 2022

Françoise M. Carrier

Attorney for the Applicant BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

STATE OF MARYLAND

COUNTY OF MONTGOMERY

On this 5<sup>th</sup> day of May, 2022, before me, the undersigned officer, personally appeared, Françoise M. Carrier, known to me <del>(or satisfactorily proven)</del> to be the person whose name subscribed to the within instrument, and having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

to Wit:

MUNITNESS WHEREOF, I hereunder set my hand and official seal.

ALLAN

Notary Public

My Commission Expires: 08/14/2022



January 28, 2022

Chaberton Energy 11900 Parklawn Drive, Ste 406 North Bethesda, MD 20852

Dear NAME,

Chaberton Energy is a Maryland-based renewable energy company, with our headquarters in Montgomery County. We specialize in leasing and/or purchasing property for development of ground mounted solar arrays, as well as developing community solar systems, which offer savings off customers' utility bills. We are reaching out about a planned solar project near your property named project Santa Rosa, located at 13330 Signal Tree Lane in Potomac on a 10-acre parcel that is zoned RC (Rural Cluster). We will be submitting a Site Plan Application to support the proposed solar development.

At this stage, we like to involve neighbors and the broader community so that we can obtain your feedback and input to the plan. The solar project is planned on property owned by Dr. Lance and Cynthia Leithauser. The solar array is planned for the back portion of the property in an area that will not be visible from the road, and mostly surrounded by tree coverage.

Our goal is to design a project to fit unobtrusively into the neighborhood and to promote the highest environmental stewardship for our local community. Solar is a great neighbor; it is quiet by nature (no noise will be heard outside the property boundary) and generates no long-term traffic. Solar requires no county or city services while providing significant tax revenue. We will follow stormwater management best practices, including planting landscape screening trees & wildflowers that are specifically designed to promote pollinators and other local fauna. All these benefits are in addition to emission free renewable electricity that improves air quality and lowers the cost of power.

The facility will be a community solar project, which means that you will be eligible to subscribe to the project and reduce your electricity costs, obtaining the benefits of solar without the need or expense of physically installing panels on your property. We will provide you with priority access to the output of the facility (there is normally a waitlist for these projects), and a premium discount offering only to you and our other adjacent neighbors. We can follow up with you regarding this offer over the next few months once the project enters construction near the end of 2022.

We are preparing to host a virtual Community Meeting to be held on **Thursday, February 17<sup>th</sup> at 6:00pm EST** virtually via the Microsoft Teams platform. At this meeting we will share the plans for this project with you and any answer any questions you may have. You must register to attend prior to accessing the meeting and can do so either at the time of the meeting or in advance. The link to register is <u>https://tinyurl.com/Santa-Rosa-Solar</u>. The materials to be presented at the meeting will be available to the public in advance, starting on or about February 10, 2022, at <u>www.chaberton.com/news</u>.



I can make myself available for an in-person meeting at your convenience. I am also happy to address any questions via phone or email, or at the upcoming community meeting. You can contact me at 443-746-4899 or at john.miller@chaberton.com.

To find out more about the development review process, please contact the Montgomery County Planning Department at 301-495-4610 or visit its website at <u>www.montgomeryplanning.org.</u>

I look forward to hearing from you.

Best Regards,

John Miller

John Miller, Director of Development john.miller@chaberton.com 443-746-4899

## Santa Rosa Project Mailing List, Site Plan Pre-Application Community Meeting

Adjoining and Confronting Property Owner	S				
Owner Name (First)	Owner Name (Second)	Address	City	State	Zip
Gregory A Prince & Jalynn R		13320 Signal Tree Ln	Potomac	MD	20854-6053
Pilkerton Family LLC		15111 River Rd	Potomac	MD	20854-6033
James O Fike & E C		13360 Manor Stone Dr	Germantown	MD	20874
EI-Hibri Family Trust Et Al	C/O Mcmillan Metro Pc	7811 Montrose Rd #400	Potomac	MD	20854
Ohana Valley LLC		13331 Signal Tree Ln	Potomac	MD	20854-6054
Harry A Gieske Et Al Tr		14704 Pebblestone Dr	Silver Spring	MD	20905-5844
Duane Perez	David A Perez	13301 Signal Tree Ln	Potomac	MD	20854-6054

## Homeowners' Associations and Civic Groups Registered with M-NCPPC

Association Name	Position	Name	Address 1	Address 2	City	State	Zip
Darnestown Civic Association	President	Mostrom Scott	14132 Darnestown Road		Darnestown	MD	20874
East County Citizens Advisory Board	Chair	Rachel Evans	3300 Briggs Chaney Road		Silver Spring	MD	20904
Montgomery County Civic Federation	President	Alan Bowser	P.O. Box 1123		Bethesda	MD	20827-1123
Montgomery County Renters Alliance	Chair - Treasurer	William Roberts, Esq	P.O. Box 7773-7773		Silver Spring	MD	20907
Montgomery County Renters Alliance Inc.	Director	Matthew Losak	1001 Spring Street	#316	Silver Spring	MD	20910
Montgomery County Taxpayers League	President	Joan Fidler	7400 Pyle Road		Bethesda	MD	20817
Montgomery Preservation Inc	President	Eileen McGuckian	P.O. Box 4661		Rockville	MD	20849-4661
Montgomery Preservation Inc.	Director	Judith Christensen	6 Walker Avenue		Gaithersburg	MD	20877
Northern Montgomery County Alliance	Chair	Julius Cinque	22300 Slidell Road		Boyds	MD	20841
Sierra Club - Montgomery County Group	Treasurer	Jennifer Rossmere	P.O. Box 4024		Rockville	MD	20849

## M-NCPPC and Development Team

Name	Name Job Title		Address Line 2	City	State	Zip
M-NCPPC DARC	Intake Review	2425 Reedie Drive, 14th Floor		Wheaton	MD	20902
		Bregman, Berbert, Schwartz &	7315 Wisconsin Avenue, Suite 800			
Françoise Carrier	Counsel	Gilday	West	Bethesda	MD	20814
John Miller		Chaberton Energy	11900 Parklawn Drive, Ste. 406	North Bethesda	MD	20852
Ryan Bosworth		Chaberton Energy	11900 Parklawn Drive, Ste. 406	North Bethesda	MD	20852

Meeting Summary									
Total Number of Participants	11								
Meeting Title	Project Santa Rosa - Virtual Community Mtg								
Meeting Start Time	2/17/2022, 5:48:02 PM								
Meeting End Time	2/17/2022, 6:51:07 PM								
Meeting Id	8dbe3708-6744-4ce2-b50f-6fbe6a2d98f6								
Full Name	Join Time	Leave Time	Duration	Email	Role	Participant ID (UPN)			
Ryan Boswell	2/17/2022, 5:48:02 PM	2/17/2022, 6:45:17 PM	57m 15s	Ryan.Boswell@chaberton.com	Organizer	Ryan.Boswell@chaberton.com			
Francoise Carrier	2/17/2022, 5:53:58 PM	2/17/2022, 6:45:18 PM	51m 20s	fcarrier@carrierlaw.onmicrosoft.com	Presenter	fcarrier@carrierlaw.onmicrosoft.com			
Pete Mellits	2/17/2022, 5:53:59 PM	2/17/2022, 6:45:20 PM	51m 20s	pmellits@centuryeng.com	Presenter	pmellits@centuryeng.com			
John Miller	2/17/2022, 5:55:56 PM	2/17/2022, 6:45:26 PM	49m 30s	john.miller@chaberton.com	Presenter	john.miller@chaberton.com			
Kate Potapova	2/17/2022, 5:59:40 PM	2/17/2022, 6:45:28 PM	45m 48s	kate.potapova@chaberton.com	Applicant	kate.potapova@chaberton.com			
Mike Collins (Guest)	2/17/2022, 6:00:15 PM	2/17/2022, 6:28:23 PM	28m 8s		Attendee				
Mayra Iglesias	2/17/2022, 6:00:46 PM	2/17/2022, 6:45:21 PM	44m 34s	mayra.iglesias@chaberton.com	Applicant	mayra.iglesias@chaberton.com			
Alex de la Cruz	2/17/2022, 6:03:17 PM	2/17/2022, 6:45:14 PM	41m 56s		Attendee				
Keith Walker	2/17/2022, 6:03:37 PM	2/17/2022, 6:45:18 PM	41m 40s	Keith.Walker@chaberton.com	Applicant	Keith.Walker@chaberton.com			
Arturo Alvarez	2/17/2022, 6:04:14 PM	2/17/2022, 6:45:22 PM	41m 7s	arturo.alvarez@erthos.com	Presenter	arturo.alvarez@erthos.com			
JaLynn Prince (Guest)	2/17/2022, 6:07:57 PM	2/17/2022, 6:48:45 PM	40m 48s		Attendee				

Chaberton Solar Santa Rosa LLC (Applicant) Plan Type: Site Plan Santa Rosa Community Meeting February 17, 2022 at 6pm Virtually via Microsoft Teams

- Chaberton Energy:
  - Ryan Boswell, Chaberton Energy
  - John Miller, Chaberton Energy
  - Kate Potapova, Chaberton Energy
  - Keith Walker, Chaberton Energy
  - Mayra Iglesias, Chaberton Energy
- Representatives of the Applicant:
  - Françoise M. Carrier, Bregman, Berbert, Schwartz, & Gilday LLC
  - Pete Mellits, Century Engineering, Inc
  - Arturo Alvarez, Erthos
- Meeting Guests:
  - o JaLynn Prince
  - Mike Collins
  - o Alex de la Cruz
- John Miller introduced Chaberton Energy and presentation outline, including instructions on how to utilize the webinar features
- Françoise Carrier discussed step by step Montgomery County Permitting Process
- Ryan Boswell showed an overview of the project location and site plan, discussed the design considerations, and provided an overview of the construction timeframe
- John Miller introduced the new solar Erthos technology, discussed landscape plan visual assessments and the various environmental and community benefits the project creates
- Questions asked at the end of presentation:
  - 1. Adjoining neighbor asked about likelihood of change of technology to fixed tilt racking.
    - Ryan Boswell assured neighbor that fixed tilt racking is not a viable option at this site.
    - Françoise Carrier indicated that Chaberton would have to go back and make an amendment and re-do the community meeting and site plan process again.
  - 2. Adjoining neighbor asked about end of life removal of the solar
    - Françoise Carrier: Chaberton is responsible for taking away the panels at the end of the project's life.
    - Ryan Boswell: Chaberton provides a bond for the cost of decommissioning the project.
  - 3. Adjoining neighbor asked what are the mechanisms on site for lightning protection? Will the equipment cause an increase in lightning strikes?
    - Ryan Boswell (verbally): We wouldn't expect an increase in lightning. All the equipment including the panels, racking and fence are electrically grounded and will not attract lightning. If there was a strike, it would be directed to the ground and won't impact surrounding properties.
  - 4. Alex de la Cruz states he is employed by adjoining neighbor and wants to know if they are on the mailing lists
    - Françoise Carrier asks for the mailing address and assures they are included.

• No additional questions were raised. Instructions on how to access the meeting recording & other materials were given. Meeting concludes at approximately 6:45 p.m.

Prepared by: John Miller, Director of Development john.miller@chaberton.com 443-746-4899
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