

April 22, 2025

Via email to: mcp-chair@mncpcc-mc.org

Artie Harris, Chair, and Members of the Montgomery County Planning Board
2425 Reddie Drive. 14th Floor
Wheaton, MD 20902

Re: Chaberton Ramiere Project, Mandatory Referral No. MR2024017

Dear Chair Harris and Members of the Board:

I write on behalf of my client Chaberton Energy, applicant in the mandatory referral case cited above. Chaberton seeks Planning Board review of a proposed solar generating project known as Project Ramiere. The solar project is proposed to occupy approximately 11 acres of a 118-acre property. Upon reading the staff report for this matter that was posted last week, Chaberton discovered a statement that the applicant will be required to construct a bikeable shoulder along the subject property's entire frontage on Whites Ferry Road, which measures approximately 2,257 linear feet.

Given that the Planning Board's review of a Mandatory Referral is advisory, we take this statement as a request, not a requirement. Even if the Planning Board had the authority to require frontage improvements in the context of a Mandatory Referral, the requested frontage improvement would be an unconstitutional taking because it lacks any nexus to the proposed solar generation facility, plus the cost is grossly disproportionate to the extremely modest impacts of the proposed facility on the surrounding area. The solar facility is proposed to occupy roughly ten percent of the subject property, and will be located along the property's southern border, approximately 1,800 feet from Whites Ferry Road, which abuts the subject property to the north. The solar facility will generate almost no vehicular trips and is not expected to generate any bicycle or pedestrian trips to the site. Thus, the proposed project will have no discernible impact on the adequacy of transportation facilities along Whites Ferry Road. Accordingly, there is no nexus between the proposed solar facility and the County's desire to provide improved facilities for bicyclists along this rural stretch of road. Even if a nexus were found to exist, the cost of over 2,000 linear feet of bikeable shoulder installation would be disproportionate to the extremely minor impacts of the proposed project on the surrounding area. We also note that if this application were subject to frontage requirements, it would be eligible to make a fee-in-lieu payment under the De Minimis Criteria for Very Small Residential and Commercial Development Projects adopted by the Planning Board in 2022.

In the spirit of supporting the communities in which it operates, Chaberton is prepared to make a voluntary contribution of \$100,000 towards the cost of future construction of a bikeable shoulder along

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Whites Ferry Road, or another transportation improvement in the vicinity that the County considers a priority.

We look forward to discussing this project with you on Thursday.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By: 
Françoise M. Carrier

cc: Robert Kronenberg
Patrick Butler
Mark Beall
Ryan Bosworth
Katie Griffin