

## DORCHESTER COUNTY PLANNING COMMISSION

MINUTES – July 3, 2019

The Dorchester County Planning Commission held their regular meeting on July 3, 2019 at 12:00 pm in the County Office Building, Room 110 in Cambridge, MD. Members present were Robert Hanson, Chair, Jerry Burroughs, Vice Chair, Bill Giese, Ralph Lewis, Laura Layton and Mary Losty. Also present were Rodney Banks, Acting Director, Brian Soper, Planner and Christopher Drummond, Attorney. Absent: William N. Windsor

Mr. Hanson called the meeting to order at 12:00 p.m.

Mr. Hanson asked for a motion to approve the minutes of June 5, 2019. Mr. Giese made a motion to approve the minutes and Ms. Losty seconded. The motion carried with Mr. Hanson and Mrs. Layton abstaining.

### **OLD BUSINESS**

**A. P & Z #1352 – Glassywing Solar, applicant – Site Plan Approval. The applicant is requesting site plan approval for the construction of a utility scale solar energy system (community solar) with associated site improvements. The site is located south of MD-392 and west of Linkwood Drive. It is shown on Tax Map 21, Grid 24, Parcel 100. Property is zoned AC, Agricultural Conservation.**

Ryan Showalter, McAllister, DeTar, Showalter & Walker, LLC and any other person who would be testifying in this case, were sworn in.

Mr. Banks advised that the County's Planting and Maintenance Agreement requires a surety or bond. The plan Mr. Showalter has provided places a lien on the subject property instead. He asked Mr. Showalter to explain how this Agreement would work.

Mr. Showalter handed out a copy of the "Planting and Maintenance Agreement, Deed of Trust and Surety Declaration, Dorchester County, Maryland". He explained why Talbot County implemented this type of document. He explained that with this document, the county does not have to worry if the bond amount is adequate and, the agreement imposes a 30% penalty if the county becomes responsible for the plantings. The county would then place a lien on the property.

Mr. Lewis asked if this is a lien or a mortgage and, is it secured or unsecured. Mr. Drummond advised that once it becomes a judgement lien, it becomes secured and would be subordinate to prior recorded liens. It would not displace prior lienholders unless they agreed to subordinate to this lien.

Mr. Drummond noted the agreement for this project will be released after two or five years depending on the plant stock used. He was unsure whether the agreement Mr. Showalter presented would be appropriate for a short term project such as this. Mr. Drummond suggested raising the bond rate from 120% to 150% of the cost for materials, installation and maintenance. Mr. Showalter stated they

would be agreeable to secure a bond if the Planning Commission would prefer. Mr. Banks asked if there was a way to include the owner of the property and Glassywing as parties to the Dorchester County Planting Agreement. Mr. Showalter advised this could be done.

Mr. Showalter reviewed changes to the plat. He read notes 21, 22 and 23, added to the plat to address points of contacts and transfer of the project. He reviewed C-210 of the plat noting the areas where whips and seedlings would be planted. He also reviewed C-251, addressing the types of buffer plantings that will be used to screen the project.

Mr. Hanson asked if a cost for decommissioning had been set. Mr. Showalter explained that before a permit is issued by the County, a decommissioning plan will need to be provided. He advised that typically, estimates are updated every five years by the operator; the five year reassessment remains in effect until decommissioning commences. Mr. Showalter advised that all of this information would be included in the decommissioning plan presented before permit application.

Mr. Hanson made a motion to approve the revisions to the site plan and require a bond be provided with the Planting Plan Maintenance Agreement. The motion unanimously carried.

#### **E. Board of Appeals Cases – Review and recommendation.**

Case #2647 – Trustees of Wingate Methodist Church  
Steve Whitten (applicant)

To request as a special exception, the expansion of an existing Church consisting of a horizontal addition of 372 sq. ft. containing an ADA bathroom and classroom. Property is located at 2035 Crab House Road, Wingate, MD 21675, containing 0.778 acres. Zoned V – Village.

**Based on the information provided, the Planning Commission had no objection to the request.**

#### **INFORMATION**

Mr. Soper advised that Chris Rogers, AECOM will be attending the August meeting to present the Water Resource element for the Comprehensive Plan.

With no further business, Ms. Losty made a motion to adjourn. Mr. Giese seconded and, the motion unanimously carried. Time of adjournment, 12:45 PM.

Respectfully submitted,

