

The Dorchester County Board of Appeals met in regular session on Thursday, February 22, 2018 in Room 110 of the County Office Building at 7:00 PM. Present were, Catherine McCulley, Chairperson, Elizabeth Hill, Vice Chair, Lin Spicer, Cindy Smith, Mike Starling, Walt Gunby, Attorney, and Rodney Banks, Deputy Director of Planning. Absent: Steve Dodd, Director.

Ms. McCulley called the meeting to order at 7:00 pm, and advised that this is a continuation of Case #2617.

Case # 2617- Continued

D. Lee Hagadorn, LLC - Owner

Richfield Farms, LLC - Owner

Invenergy, LLC, One South Wacker - Applicant

Ryan Showalter -Applicant

To request the following Board of Appeals approvals: (1) special exception approval for the establishment of a utility scale solar energy system on lands leased by applicant along Osborne Road and Shiloh Camp Road ("Project"), (2) special exception approval for the installation of a substation on one of two proposed sites to deliver the renewable energy to the electrical grid, and (3) a variance to permit construction of 8' tall security fencing around the project and the substation. Property is located at 4320 Osborne Road Hurlock, MD 21643, Map 22 Parcel 19 Containing 76.09 acres, Shiloh Camp Road Map 22 Parcel 23 Lot 2, Containing 111.91 acres, and Shiloh Camp Road Map 22 Parcel 24 containing 102.31. 4279 Osborne Road Hurlock, MD 21643 Map 22 Parcel 23 lot 1, Containing 88.42 acres, all properties zoned AC - Agricultural Conservation.

Ms. McCulley asked Mr. Showalter to come forward and present recent changes effecting the status of the case.

Mr. Showalter advised that at the December hearing, there was discussion about the Farm View subdivision being a cluster subdivision. After a review of the plat that created the subdivision, it was found that there are limits on the use of parcel 19, tax map 22, 5320 Osborne Road, (Hagadorn Parcel) set aside as open space for the cluster subdivision. He stated that the subdivision process involves several steps that were not followed and now they must determine what impact this will have on the parcel. He noted that at this time, they do not have a clear remedy to solve the problem and will need an extended period of time to research it.

Mr. Showalter referenced his letter dated February 20, 2018, noting that in this letter he has requested two options, a thirty day extension or if the Board decides to make a decision at this meeting and approves the project, the Board approve with a condition that the Hagadorn parcel cannot be used until the issue is resolved to the satisfaction of county staff or the county attorney. Mr. Showalter advised that after speaking with county staff, they would prefer the matter be continued until this issue is resolved rather than seeking a conditional approval. Mr. Showalter stated that he was not opposed to a continuance for 60 days or longer with the provision that if the issue is resolved sooner, they would be put on the next agenda.

Ms. McCulley stated that she was hesitant to put a 30 or 60 day time limit on the continuance. She suggested that the applicants return when they believe the issue is

fully resolved. Mr. Gunby asked that the applicant submit a summary of how the problem was resolved at the time they request to be put on the agenda. Mr. Showalter was agreeable with this request. Ms. Hill had some reservations about leaving the continuance open for an unspecified amount of time. Mr. Gunby suggested leaving it open for a maximum of 6 months.

Ms. McCulley made a motion to leave the continuance open for a maximum of six months (August, 2018) to resolve the issues. Seconded by Ms. Hill and unanimously carried.

A motion was made by Ms. Hill to approve the minutes of the October, November and December, 2017 meetings. Seconded by Mr. Spicer and unanimously carried.

Dorothy Samonisky, 5426 Whitehall Road, Cambridge, MD asked to speak concerning the solar utility project and was advised by Mr. Gunby that taking of evidence/testimony for this case was closed at the December meeting and could not be reopened. After much insistence from Ms. Samonisky, Ms. McCulley confirmed that she understood that the record would not be re-opened if she chose to speak. She was also advised by Mr. Gunby that it would not be recorded.

With no further business, a motion was made by Ms. Smith to adjourn. Seconded by Mr. Spicer and unanimously carried. Time of adjournment: 7:15 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rodney Banks", written in a cursive style.

Rodney Banks
Executive Secretary