

## DEVELOPMENT ADVISORY COMMITTEE MINUTES

The Development Advisory Committee (DAC) met on January 5, 2022, at 9:00 a.m. in the Harford County Government Administration Building, 1<sup>st</sup> Floor Conference Room, 220 S. Main Street, Bel Air, Maryland. The meeting was chaired by Dave Culver, Department of Planning and Zoning.

The following members were in attendance:

Dave Culver	Planning and Zoning
Eric Vacek	Planning and Zoning
Robert Anderson	DPW Engineering
Bill Snyder	Volunteer Fire & EMS
Deputy Crossley	Sheriff's Office
Kaliel Barmer	Planner, Development Review
Jennifer Freeman	Planning and Zoning

Also in attendance:

Henry Harjes	Susan and Ronnie Walls
Dominique Gillis	Mike Depasquale
Bill Wagner	Barry Skoultchi
Penny Wagner	Rich Cooper
William Kelly	Dan Sullivan
Jim Fielder	Mitch Ensor
William Smith	Chris Terry
Billie Swails	Pete Bennett
Edith Buckler	Glenn Gillis
Grace Fielder	

Dave Culver, of the Department of Planning and Zoning, welcomed everyone to the meeting. Mr. Culver explained that a brief presentation will be given by the consultant for each project. The DAC members will give their comments on the project. The meeting will then be opened up for anyone in attendance that may have questions or comments. There is an attendance sheet on the back table. If a correct email address is given, a copy of the minutes will be e-mailed to you. The minutes are recorded and will also be published to the Department of Planning and Zoning's website. Mr. Culver reminded the audience about the mask mandates. If they needed to remove their mask to step out of the conference room. He also reminded them to speak clearly.

**3903 Federal Hill Road**

Located on the east side of Federal Hill Road, west side of Grimm Road, south of Old Federal Hill Road. BOA 5926. Tax Map 24; Parcel 370, Lot 10. Fourth Election District. Council District D. Planner Kaliel.

Plan No. S566-2021 Construct a 3,500 sf pole barn to be used for construction services /10.47 acres/AG

Received 11/30/2021 Erika Borrero Lopez/Susan Johnson Bennett / Bay State Land Services

**Verbatim Transcript**

**Mitch Ensor – Bay State Lane Services**

We are presenting the plan for 3903 Federal Hill Road. The existing use of the property is a residential single-family dwelling with outbuildings. The Board of Appeals Case 5926 proposed an additional use which would be construction services and supplier. That Board of Appeals Case was approved. We feel the plan as presented today is consistent with the conditions of that approval. One of the conditions was that we were to present this plan at the Development Advisory Committee meeting, which has us here today. The area of the proposed improvement is located behind the existing house that is on the property. Generally, it is located in the center rear of the property away from Federal Hill Road. Presented for review to the County to support this use is the site plan we have before you today which depicts the proposed improvement. We have submitted a landscaping plan. We have submitted a Forest Conservation Plan for the project. We have also submitted a stormwater management plan for review to support the 1.37 acres of improvement area to support this proposed use. The site is served by a private onsite septic system and a private well. The access will continue to be located on the Federal Hill Road connection.

**Bill Snyder – Volunteer Fire & EMS**

Is the driveway off Federal Hill going to be gated at all?

Mr. Ensor said it will not.

Mr. Snyder said then Fire and EMS has no comments.

**Emergency Services – Read by Bill Snyder**

No comment.

**DPW Water & Sewer – Read by Dave Culver**

No Comment.

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**Robert Anderson – DPW Engineering**

**Sediment Control**

**Required Design Standards**

1. MDE-Maryland Standards and Specifications for Soil Erosion and Sediment Control, Dec. 2011, or latest edition.

**Required Plan Approvals**

1. A sediment control plan is required for the development of this site.
2. A grading permit is required.
3. Stormwater management must be addressed.

**Stormwater Management**

**Required Design Standards**

1. MDE-Maryland Stormwater Design Manual Volumes I & II (October 2000, Revised May 2009) or latest edition
2. SWM-Harford County Code Chapter 214.

**Required Plan Approvals**

1. SWM Concept Plan
2. SWM Site Development Plan
3. SWM Final Plan (Approval required before issuance of grading permit)

**Required Permits**

1. Grading (needs final SWM plan approval before issuance)
2. Stormwater Management Permit
3. Note: Building permits required SWM permits before issuance.

**Outfall Investigation**

1. A suitable outfall must be provided for the stormwater management facility and shall be approved at the time of final design.

**SWM Design Comments**

1. A Stormwater Management Concept Plan has been submitted for review and must be approved before preliminary plan approval.
2. Discharge pipe locations for any stormwater management facilities must be shown on the plan.
3. The need for an Industrial Stormwater NPDES (National Pollutant Discharge Elimination System) Permit through The Maryland Department of the Environment shall be investigated by the engineer.

**Deputy Crossley – Sheriff's Office**

No Comments.

Mr. Culver said they would forward any comments they get.

Mr. Ensor said he did receive comments from the State Highway Administration. He can provide the letter. The second paragraph reads "The MDOT SHA has no objection to Site Plan approval."

**Kaliel Barmer – Planner**

- The plan proposes to construct a 3,500 square foot pole barn to be used for construction services.
- The plan is subject to the Harford County Forest Conservation Regulations. A Forest Stand Delineation (FSD500-2021) and a Forest Conservation Plan (FCP567-2020) have been approved by the Department of Planning and Zoning.
- Landscape plan (L568-2021) was submitted to the Department of Planning and Zoning and is currently under review.
- All proposed signage shall conform to the Sign Code. Permits shall be obtained from the Department of Planning and Zoning.
- A photometric plan shall be submitted to the Department of Planning and Zoning. The lighting shall be designed and controlled so that any light shall be shaded, shielded, or directed so that the light intensity or brightness does not adversely affect the adjacent property.

**Public Comments:**

No comments.

**Fairview Farm Solar Project**

Located on the northwest side of Fountain Green Road (MD 543), west side of Calvary Road (MD 136). Tax Map 50; Parcel 83. First Election District. Council District F. Planner Eric.

Plan No.	S586-2021	Develop a solar power generation facility / 254.69 acres / AG
Received	12/01/2021	Fairview Farms LLC/PTR Holdco, LLC / Triad Engineering, Inc.

**Robert Lynch – Stark & Keenan**

I am an attorney with Stark & Keenan in Bel Air. Before we get into a technical discussion, I just want to make a couple of general comments. This particular project has been on a journey for a long time through the public service commission. Which is the authority that regulates power facilities in the state of Maryland. On June 28, 2021, the commission issued their proposed order, which is a 42-page document discussing this particular project. They were recommending approval and they are granted approval. This became final on July 29, 2021. One of the requirements is for us to come before DAC for site plan approval. If you have had an opportunity to review the Public Service Commission order it is 42 pages long and has lots and lots of information about the particular project. This property is located at 2000 Calvary Road, and this is locally known as the Fielder Farm. It is still owned by member for the Fielder Family, specifically Fairview Farm LLC. Their proposal is for a 30-megawatt solar facility. The total tract of property is over 200 acres, 255 acres. Although the

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actual construction area, where this solar facility is located, comprises about 140 acres. With us this morning is Mr. Rich Cooper, who is the CEO of Protect Energy Solutions. Along with him is Barry Skoultchi who is the chief development officer. We also have Billy Swails who is with Triad Engineering. He is responsible for development of this particular site plan. I would ask him to approach and go over the technical design.

Mr. Swails said it is a 30-megawatt utility solar array. The access points will be off of Schucks Road and Calvary Road. The main access would be off Calvary Road at the existing farm lane. It is there now. It will also be the interconnect for the grid of power. We established the NRD Districts around the property to avoid any environmental impacts. We also included another 25-foot buffer beyond the 75 foot that was required. The stormwater will meet the Maryland guidance for solar projects from MDE. Landscaping will be we placed a berm all along Schucks Road. That will be landscaped heavily with trees to shield the houses along there from the project. The Forest Conservation, we have reserved the area that is already forested and avoided clearing any forest in the plan.

**Bill Snyder – Volunteer Fire & EMS**

- Request owner/occupant have meeting with Abingdon, Level and Bel Air Fire Departments to identify direct-current conduits, conductors, enclosures, etc. This meeting would also be to discuss fire plans and facility layout. Fires on site may place fire-fighters and others at risk of electrocution. As such, a pre-fire plan to determine a salvage treatment, if any, in case of a fire should be discussed with all these fire departments.
- Where are the Battery storage systems, substations, inverters, and other equipment located? These will need to be clearly identified on-site.
- Request owner/occupant install drafting hydrant at stream on Schucks Rd or at one of the ponds on the property for FD access to water in this non-hydrant area.
- If the accesses are gated with combinations or anything like that, that information should be provided to the Fire Department and Police for after hours entry.

**Emergency Services – Read by Bill Snyder**

Address to remain 2000 CALVARY RD. House numbers must be displayed in 10-12" numbering where it is clearly visible from Calvary Rd.

**DPW Water & Sewer – Read by Dave Culver**

No comments.

**Robert Anderson – DPW Engineering**

**Sediment Control**  
**Required Design Standards**

1. MDE-Maryland Standards and Specifications for Soil Erosion and Sediment Control, Dec.

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2011, or latest edition.

**Required Plan Approvals**

1. A sediment control plan is required for the development of this site.
2. A grading permit is required.
3. Stormwater management must be addressed.

**Stormwater Management**

**Required Design Standards**

1. MDE-Maryland Stormwater Design Manual Volumes I & II (October 2000, Revised May 2009) or latest edition
2. SWM-Harford County Code Chapter 214.

**Required Plan Approvals**

1. SWM Concept Plan
2. SWM Site Development Plan
3. SWM Final Plan (Approval required before issuance of grading permit)

**Required Permits**

1. Grading (needs final SWM plan approval before issuance)
2. Stormwater Management Permit
3. Note: Building permits required SWM permits before issuance.

**Required Easement**

1. A 20' wide access easement is required to the stormwater management facility for maintenance purposes.

**Outfall Investigation**

1. A suitable outfall must be provided for the stormwater management facility and shall be approved at the time of final design.

**SWM Design Comments**

1. A Stormwater Management Concept Plan has been submitted for review and must be approved before preliminary plan approval.
2. Discharge pipe locations for any stormwater management facilities must be shown on the plan.
3. The need for an Industrial Stormwater NPDES (National Pollutant Discharge Elimination System) Permit through The Maryland Department of the Environment shall be investigated by the engineer.
4. Show SWM Facilities on Plans
5. Use MDE's Design Guidance for Solar Panels for Design Requirements.

**Highway Design**

1. A 30-foot right-of-way dedication from the center line is required along Schucks Road.
2. Roadside drainage shall be addressed along Schucks Road by providing a 3' graded shoulder and side ditch that conveys at a not erosive velocity the 10-Yr flow with a maximum normal depth of 12" and a 6" minimum of freeboard to the exiting edge of pavement. Suitable outfalls are required at the stream approaches.
3. Road plans will need to be approved and a Public Works Agreement will need to be executed prior to the issuance of building permits for the site.
4. Proposed entrance off Schucks Road shall be minimum 35-foot-wide with 35' radius curb

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returns.

5. Adequate site distance for a 40-mph design speed shall be provided for the proposed driveway. A sight distance profile is required to comply with regulations.

**Deputy Crossley – Sheriff’s Office**

Law Enforcement should have access to the property at all hours, so this site is secure.

**State Highway Administration – Read by Dave Culver**

An access permit will be required for entrance and road improvements to this site on MD 136. The following criteria and details will apply and must be reflected on future submittals: The proposed entrance must be a minimum of 17’ wide. The following MDOT SHA full depth pavement section must be utilized for the entrance and turn lane construction and must be noted on the plans. Please contact State Highway to get into their plan review cycle.

**Eric Vacek – Planner**

1. This plan proposes to construct a solar photovoltaic generating facility which received approval in 2021 by the Public Service Commission, pursuant to Public Utilities Article, of the *Annotated Code of Maryland*. The construction and operation of the facility shall be undertaken in accordance with the conditions stated in the Public Service Commission’s Case No. 9652 issued by Final Order of the Commission in July 2021.
2. A Landscape Plan (L597-2021, Version 1) was submitted to the Department for review. A detailed, itemized cost estimate is required. A signed protective measure statement is required prior to approval.
3. A Forest Conservation Plan (FCP417-2016, Version R1-V1) was submitted to the Department for review. The project is located within an MDE designated Tier II watershed. Additional clarification is required for the area of the site that has been excluded from the Net Tract Area. For clarity, this area should be illustrated on the plan. Areas counted as “Forest to Remain” must be placed within a forest conservation easement and do not count toward reforestation credit.
4. The applicant shall design a lighting distribution plan for the Project to conform to standards in the Harford County Code as noted in the Public Service Commission’s Case No. 9652, Condition 35. We would request a copy of the exterior lighting plan be forwarded to the department demonstrating that it does meet that condition.
5. If signage is proposed that would have to meet the County’s Sign Code and you would need permits for that.

Is there any demolition to any existing structures on the property?

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Mr. Lynch said no.

Mr. Vacek said usually we have a general note that states that if demolition is proposed you would be required to obtain any necessary permits through the Department as well as the Health Department. We would also echo the Department of Public Works. Are you currently designing Stormwater Management for the facility?

Mr. Swails said the Stormwater Concept plans have been submitted.

Mr. Vacek said we would like that to be coordinated with the site plan so we can see where things are and compare that to the Forest Conservation plan and overall site plan.

Mr. Culver said please note that there is a long history to the site. The Public Service Commission, after a series of Court Appeals in other counties, has determined that these type of uses preempt local zoning except for what is specifically in the PSC case. Our comments today are geared toward what the PSC sent back to Harford County. We will be happy to answer what questions we can. We do have a limited scope of review as part of the PSC case.

**Public Comments:**

William Smith said he resides on the farm previously owned by Marvin Rather and abuts the Fielder property. I will have the unfortunate pleasure of viewing the solar monstrosity on the Fielder property. I would like to make a few quick points. Little did I know that as a citizen of Maryland that if you install a 2-megawatt facility, your county has no control over what happens in your county. So obviously Mr. Fielder understood that if you put over a 2-megawatt facility, Harford County has no control. It is disappointing since the people that are in Annapolis don't live and have to view what we have to view. Secondly, it appears that Harford County has little control over this project. I would just ask that whatever control you do have that you use it to limit the size, setback, no solar panels in wetlands, limit the lighting, fence height, try to make it still look like a Churchville/Creswell village community, which is what it is. This project will truly change the character of this neighborhood. I would ask you use your power, whatever you have to make this look nice again.

Mr. Culver said we are reviewing it in accordance with the directive from the Public Service Commission. Please note at all the Public Service Commission Hearings on this, Harford County did speak on this subject and requested certain controls, some of which are reflected on the plan. The decision for the actual use of this site does rest with the Public Service Commission.

Mike Depasquale said if I heard right the entrance is going to be right up the street from my house. It is hell, at any time of day, to get in and out of your property on Schucks Road. They increase the speed and widen the road. People are already doing 60 on there. Not to mention more traffic and more trucks. On the internet it tells me that anywhere they put these solar panels the property decreases greatly. I didn't live there for 50 years for my property

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can go downhill so these multimillion-dollar companies can make another billion dollars. I personally think the whole deal is BS. I am strictly against it. And I think anyone who lives on Schucks Road should be against it. Once it starts there with the rezoning, where is it going to stop. There are a lot of farms around there. Where is it going to stop? I will be in the middle of an industrial park in 10 years. One more thing, what about the water? Most of the water coming down that road comes into my yard. I have a call to the water people in Harford County. I actually had a stream coming in there. When you redevelop that area there, where is the water going to come? Down Schucks Road, into my property? What is the name of that chemical?

An audience member said cadmium.

Mr. Depasquale said cadmium. That is not good for people's health at all. It is an after product from solar panels. If it gets washed down into my yard or well, or anyone else's well, that lives in that area. This whole thing is totally crazy.

Mr. Culver said this is not a rezoning, but a site plan review.

Mr. Depasquale said it isn't now but what about 2 years from now. Hey this happened, why can't we do it. We will be here again.

Mr. Culver said this is a decision from the Public Service Commission that allows these in those Districts. This in itself is not a rezoning. I don't think this would constitute a change in the neighborhood at this point in time. Thank you. Your other comments we will take into consideration as part of the public works review for stormwater management.

Henry Harjes said my property directly faces the Fielder Farm. We bought our property for the beautiful rural sights. The back of my house is now going to be facing an industrial park giving off pollutants into our wells and our drinking water. This is not the reason why I bought my property and built my million-dollar home on it. My property value, my realtor has already said it is going to go down 33%. I face this directly. Who is going to compensate me 33% on 1.5 million dollars? Who? Why am I supposed to lose a half a million dollars because some greedy people want to make money? And ruin that whole section of Churchville. This is a beautiful piece of property. The roads already can't handle the traffic. We have traffic from I-95, truckers dodging the tolls, blasting up and down that road doing at least 65 mph. Then we have stormwater already on Schucks Road that floods the bridge out every time there is a heavy rain. Now you are going to put the additional runoff from these solar panels. Are you going to put a new bridge on Schucks Road? This is not well thought out at all. This is a bunch of greedy people trying to ruin a beautiful and rural piece of property. This is disgusting to me. And it will poison our drinking water.

Mr. Culver said stormwater will be taken into consideration as will any necessary road improvements as part of this project.

Mr. Harjes said what about the well water. Are you going to give us public water and sewer?

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Mr. Culver said there are no plans at this point in time to have public water and sewer to that area.

Mr. Harjes said exactly. So, we are going to get sick off of the byproduct of these solar panels. That is not right. That is not American.

Mr. Lopez said we have recently moved into the neighborhood. It is a good neighborhood, quiet. I don't know much about the project to be honest. Honestly, I do agree with all my neighbors about the water and everything. I am about to have a kid and I don't need the water being polluted or anything like that. My dad's wife is also about to have a kid soon. I am just concerned.

Penny Wagner said I think solar is a wonderful thing. But I think there is a place for it away from residential.

**Meeting adjourned at 9:34 am.**