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## **TOWN OF EMMITSBURG**

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Emmitsburg, Maryland 21727  
301-600-6300 fax: 301-600-6313

**Mayor**

Donald N. Briggs

**Town Manager**

David Haller

**Town Clerk**

Cathy Willets

**Board of Commissioners**

Timothy O'Donnell, President  
Clifford Sweeney, Vice President  
Glenn Blanchard, Treasurer  
Jennifer Mellor  
Joseph Ritz III

**To: Frederick County Board of Appeals  
COMMUNITY DEVELOPMENT DIVISION  
Frederick County, Maryland**

**Re: Special Exception Request  
Town of Emmitsburg Waste Water Treatment Plant  
Solar Array Phase 2**

APPLICANT: TOWN OF EMMITSBURG, PROPERTY OWNER  
STANDARD SOLAR INC CONTRACTOR

The Town of Emmitsburg has selected Standard Solar Inc to design and install phase 2 of the Emmitsburg Solar Project. Phase 2 is a 1.3 MW Solar Array at the Town's Waste Water Treatment Facility and is requesting special exemption as a "nongovernment Utility" per the county zoning ordinance. Although the array is an accessory structure to the water treatment plant, the current zoning regulations do not address commercial solar as an accessory as adopted in surrounding jurisdictions. The system has been designed in cooperation with Potomac Edison, who has given approval to install and connect to their infrastructure. All generation will be credited to the Town and NOT sold back to the grid.

The Town is currently in construction phase of the upgraded (larger power requirements) plant. It will go on line July 2015. Due to design requirements of Phase 2 and Potomac Edison restrictions, Phase 2 will solely offset the new Waste Water Treatment Plant, Phase 1 will offset any remaining requirements of the new plant, the old plant (still running 60% of current use) and any remaining generation will offset municipal owned accounts. All Generation is solely for the Town of Emmitsburg and its administrative accounts.

The first phase was a 1.13 MW solar array at the Town's Waste Water Treatment Facility and was originally designed to help offset loads from the facility. This system was granted special exemption by Frederick County as "non-governmental Utility" Phase 1 was completed in early 2014.

The State of Maryland passed a law on Sept 5, 2011 allowing Municipalities, agricultural and non-profits to install large solar arrays and aggregated the generation to multiple electric accounts. COMAR has been revised to reflect this law and utilities passed the ANEM pilot program effective Dec 1, 2011. The pilot has been expanded and renewed each year and has become a standard tariff since 2014. Standard Solar has installed 4 such systems for Kent County offsetting municipal facilities and Board of Education facilities. Standard Solar also received exception to Montgomery County Zoning to allow solar array as an accessory structure to Sandy Spring Friends School for their aggregated system and finished installing a 1.1MW system for the Town of Poolesville Waste Water Treatment Facility which will aggregate power generation across multiple Town electrical accounts also with Potomac Edison. Each of these systems lower electricity costs for the Host's and therefore benefits the entire community.

Phase Two of the solar installation mainly falls under II as defined in Chapter 2-13-1 of the Frederick County Code, and as provided in Chapter 2-13-3, the Board of County Commissioners may establish, extend and maintain water, sewage, drainage and solid waste systems in the County. As provided in 2-13-3(d)5(III) in exercising these powers the Board of County Commissioners shall not be subject to the provisions of any planning regulations or zoning ordinances enacted under the provisions of Article 66B of the Annotated Code of Maryland." All electricity generated by Phase 2 will be used to offset the facility.

- A.** The proposed use or structure will be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard.

*The proposed 1.3 MW solar array (phase 2) designed by Standard Solar is to be installed on Town of Emmitsburg property has been designed to meet all applicable codes and has been located to avoid glare or reflection onto adjacent properties and adjacent roadways and will not interfere with traffic or create a safety hazard or a public nuisance. Phase 2 is orientated in the same direction as Phase 1 and is located right next to it. Phase 1 was designed to and has*

*successfully avoided glare or reflection onto adjacent properties and roadways since the system was installed over a year ago.*

- B.** The proposed use or structure will be located on property with a minimum lot or parcel size of 25 acres or more and only as a special exception use.

*The proposed 1.3 MW solar array designed by Standard Solar to be installed on Town of Emmitsburg property will be located at 16707 Creamery Rd, Map 0009, Parcel 0146 that is 84.3700 acres in size.*

- C.** The proposed structure or the collection or combination of solar devices will not exceed 70% of the maximum height allowed for permit use (Accessory Structure 1-19-196 (D))

*The proposed 1.3 MW solar array designed by Standard Solar has a maximum height of 8 feet 6 inches.*

- D.** Each solar energy system, utility scale use, including solar collection devices, associated buildings, and accessory structures will meet the principal structure minimum yard depth requirements (setbacks) for the assigned zoning district.

*The proposed 1.3 MW solar array designed by Standard Solar to be installed on Town of Emmitsburg property has been designed to meet the principal structure minimum yard depth for the AC and Industrial zoning district.*

- E.** All structures associated with the solar energy system, utility scale will not be visually intrusive or inappropriate to their setting.

*The proposed 1.3 MW solar array has been designed and located to not be visually intrusive or inappropriate to its setting (part of the Town of Emmitsburg Waste Water Treatment Facility Property).*

- F.** Solar energy system, utility scale uses will not unreasonably interfere with the view of, or from, sites of public interest such as public parks, designated scenic byways, historic structures, or the Chesapeake Bay and its tributaries.

*The proposed 1.3 MW solar array has been designed and located so as to not unreasonably interfere with the view at or from, sites of public interest such as*

*public parks, designated scenic byways, historic structures, or the Chesapeake Bay and its tributaries. There are no such properties within one mile of this site.*

- G.** It will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

*Solar arrays are a passive use of land. Proper installation insures there is no increased erosion of the land. It does not increase density, population or traffic.*

- H.** It will not be detrimental to use, peaceful enjoyment, economic value or development of surrounding properties or surrounding neighborhood.

*The general use of immediate surrounding properties is agricultural and a water treatment plant. The solar installation increases renewable energy in the community and will not have a negative effect on the surrounding neighborhood.*

- I.** It will not cause objectionable noise, vibration, fumes, odors, dust, glare or physical activity.

*The array will not create objectionable conditions. No noise, fumes, vibration or dust once construction is completed. Solar panels are designed to absorb light, not reflect the light. Reflection is comparable to a standard shingle roof. There is more reflective light off of water or cars parked in driveways than the array, thus the ability to install arrays next to airports and surrounding landing patterns.*

- J.** It will not have detrimental effect on vehicular or pedestrian traffic.

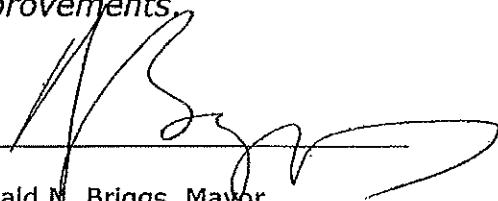
*The solar array is designed within zoning setback guidelines of 60' from the road. There will be no effect on traffic once construction is completed.*

- K. It will not adversely affect the health, safety, security or general welfare of residents, workers or visitors in the area.

*The array will be surrounded by a permanent fence (per NEC Code) for the protection of anyone entering the property and to deter trespassers. It will have no adverse effects on general welfare of the public. The Water Treatment Facility is also surrounded by a security fence.*

- L. It will not overburden existing public services and facilities including schools, police and fire protection, medical facilities, water, sanitary sewer, public roads, storm sewers, drainage and other public improvements.

*The solar array is designed to enhance the public utility as it produces clean energy. The benefit will be to the Town of Emmitsburg facilities and therefore the entire community. It will not burden any public services or public improvements.*



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Donald N. Briggs, Mayor

3-10-15  
Date