

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(19735 Graystone Road)		
7 th Election District	*	OFFICE OF
3 rd Council District		
Jerry Phillips	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Forefront Power, LLC	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2018-0072-X

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a motion for reconsideration filed by Protestants Lisa Arthur and Lynne Jones. Under Maryland law such motions are properly granted only when “some new or different factual situation exists that justifies the different conclusion.” *Calvert County v. Howlin Realty Mngt., Inc.*, 364 Md. 301, 325 (2001). Protestants’ motion has not identified any new or different facts that were not known or discussed at the initial hearing. The undersigned considered the evidence and testimony presented by all of the witnesses, and granted the special exception based upon well-settled principles of Maryland law. Though Protestants are of course entitled to appeal this determination, I do not believe the arguments set forth in the motion justify a reversal of the previous decision.

In their response Petitioners identify two conditions proposed by Protestants to which they are amenable. Though not requested at the initial hearing, these conditions have been included in other orders granting special exception relief for the operation of solar facilities. As such, that aspect of the motion will be granted.

THEREFORE, IT IS ORDERED this **16th** day of **February, 2018**, by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby GRANTED in part, as follows:

Page 4 of the February 3, 2018 Order in the above case is amended to include the following conditions:

7. No barbed wire fencing shall be used at the subject property.
8. No weed killers or herbicides may be used in connection with the operation of the solar facility.

IT IS FURTHER ORDERED that all other relief requested in the Motion for Reconsideration be and is hereby DENIED.

IT IS FURTHER ORDERED that all other terms and conditions set forth in the February 3, 2018 Order in the above matter shall continue in full force and effect.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed _____
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln