

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
for

MONTGOMERY COUNTY
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 200
Rockville, Maryland 20850

<https://www.montgomerycountymd.gov/ozah/index.html>

Phone: (240) 777-6660; Fax (240) 777-6665

CASE NO. CU 24-13(a) and (b)

APPLICATION OF TERRA ENERGY, LLC

NOTICE OF PUBLIC HEARING AND ORDER
GOVERNING PROCEEDINGS

Please take notice that the Office of Zoning and Administrative Hearings for Montgomery County, Maryland (OZAH), will hold a public hearing **virtually and in person (hybrid)** on the above application for a conditional use to operate a *Public Utility and Cable Communications System and Cable Communication System* under Section 59-3.3.6.7.E & 59-3.5.2.A of the Zoning Ordinance. The hearing will be held on **Monday, July 1, 2024** at 9:30 a.m., or as soon thereafter as the matter may be heard.

The subject property is located on Martinsburg Road in Dickerson, MD in the IH & AR Zones (Tax Account Numbers 03-03853280 & 03-03853291).

Those wishing to attend **in person** should go to the Stella B Werner Council Office Building, Second Floor Davidson Memorial Hearing Room, at 100 Maryland Avenue, Rockville, Maryland 20850.

Those wishing to attend **virtually** may click on the link titled “Public Hearing Remote Access and Exhibits” on OZAH’s website. Remote participation will be via Zoom. The same link also includes OZAH’s procedures and instructions participating by Zoom. You do not need to sign up in advance to testify or view the hearing but should access the meeting link at least one-half hour in advance so the moderator may check you in. Pre-filed exhibits can be viewed by clicking on the case number.

The following procedures in addition to [OZAH’s Land Use Rules of Procedure](#) (on its website) govern hybrid hearings:

- Any party submitting documentary evidence for the record must file electronic copies of their submissions **by email (ozah@montgomerycountymd.gov), at least two business days prior to the public hearing.** County security policy **prohibits OZAH from accepting electronic documents via thumb drives or other external devices.** In addition to electronic copies, paper copies **must also be sent by U.S. mail**, postmarked the day of the email.

Anyone that wishes to testify **must have a camera enabled on their device**. You may not be able to testify if you do not have a camera or are not in person.

- If you need accessibility or disability services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

OZAH staff work a hybrid schedule of remote and in office days. You may review the application online at <https://montgomeryplanning.org/development> under the application number CU202413. If you wish to review the full file (all submission in the case) before it is published on the website or have other questions, please contact Nana Johnson at (240) 777-6663 or nana.johnson@montgomerycountymd.gov.

The Planning Board will hold a public meeting on the conditional use application prior to OZAH's public hearing. The date of the Planning Board's public meeting is listed on their agenda at <https://montgomeryplanningboard.org/agendas/>. You may check the agenda or contact Staff of the Planning Department at (301) 495-4610 to determine when the Board will conduct its meeting or to speak with Planning Staff.

Persons or associations that are (1) represented by counsel, (2) intending to appear in organized opposition, **or** (3) intending to introduce expert evidence or testimony must file a pre-hearing statement containing the information required by Rules 3.4 and 3.5 of OZAH's Rules of OZAH's Amended Land Use Rules of Procedure. These Rules may be found on OZAH's website listed above. The Applicant must submit its pre-hearing statement at least 30 days before the public hearing. Persons in opposition that are required to file a pre-hearing statement must do so no less than 20 days before the public hearing. Deadlines for submissions are close of business (5:00 p.m.) on the date due. If the County is not open on the date due, the deadline is 5:00 p.m. on the next business day.

Any party submitting documentary evidence for the record must file electronic copies of their submissions by email. Paper copies must also be sent by U.S. mail, postmarked the day of the email. This includes all amended filings.

In compliance with Maryland requirements regarding the practice of law, groups or associations must have counsel unless their witnesses are members of the group or association who will offer testimony in narrative form (*i.e.*, there is no need for an attorney to conduct a direct examination).

Nothing in this notice is intended to limit the rights of individual members of the public to testify during the hearing or to submit pertinent written materials at any time while the record remains open for that purpose. You may submit a signed letter to OZAH, which will be considered by the Hearing Examiner as part of the record but doing so will not automatically make you

a party of record. Applicants and members of the public who testify at an OZAH hearing, whether for or against the application, are automatically considered parties of record. A person or organization that does not wish to appear at the OZAH hearing but wishes to be a party of record may request that status in a signed letter to OZAH. *See* OZAH Rule 3.1.

If you need services to participate in a public hearing, please contact this Office no later than seven (7) days in advance of the public hearing by calling 240-777-6660 (TTY 240-777-7914) or emailing us at ozah@montgomerycountymd.gov. OZAH cannot guarantee that an interpreter can be made available if notified of the request less than seven (7) days in advance of the public hearing. This document is available in alternative format such as large print upon request, via the same phone numbers and email address.

Notices forwarded this 2nd day of May, 2024 to:

Jeffrey Ferrel, Applicant

Robert Harris, Esq.

Attorney for Applicant

Mark Beall, Planning Department

Patrick Butler, Planning Department

Department of Permitting Services Greg Nichols, Manager, SPES at DPS

James Babb, Division Chief, Treasury Division

Michael Coveyou, Director, Finance Department

Washington Suburban Sanitary Commission Montgomery County Public Schools

Abutting and Confronting Property Owners (or a condominium's council of unit owners or renters, if applicable)

Civic, Renters' and Homeowners' Associations within a half mile of the site and Any Municipality within a half mile of the site.

Office of Zoning and Administrative Hearings



Kathleen Byrne
Hearing Examiner