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March 5, 2026

Ms. Natali Fani-Gonzalez, President  
And Members of the Montgomery County Council  
100 Maryland Avenue  
6<sup>th</sup> Floor  
Rockville, MD 20850

Re: ZTA 26-01, Commercial Uses – Data Center (the “ZTA”)

Dear Council President and Councilmembers:

This office represents Atmosphere DC (“Atmosphere”), the contract purchaser and developer of a data center campus on approximately 110 acres of industrially zoned land in Dickerson (the “Property”). As stated in my testimony at the February 24, 2026 public hearing on the ZTA, Atmosphere generally supports the more stringent development standards to ensure that data centers do not have a detrimental impact on the surrounding community.<sup>1</sup>

We do ask the Council to consider two modest changes to the proposed standards for security fencing (Lines 91-94) and lighting (Lines 95-101) to address standard operational requirements. The ZTA provides in Section 3.5.2.B.2.c.ii-iii:

In addition to meeting the requirements of Divisions 6.4 and 6.5, a Data Center must satisfy the following standards:

\* \* \*

- ii. If security fencing is proposed, vegetative screening must be placed between the fence and the public view. Chain-link or similar woven metal or plastic fencing must not be used.
- iii. Lighting must include elements that reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms, such as the utilization of lights with amber or yellow tints instead of blue or white light and the use of timers, motion detectors, and light-

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<sup>1</sup> A copy of our testimony at the public hearing is attached for submission into the record of the ZTA.

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sensitive switches to actively regulate the emission of light from light fixtures.

First, regarding security fencing, the ZTA prohibits the use of chain-link, woven metal, and plastic fencing. However, fences made with these materials are necessary to effectively secure data centers and the sensitive information they store. Moreover, the project requires utility equipment and facilities to be secured for the safety of workers and authorized visitors. Regulations addressing fencing materials may be appropriate for a data center that is visible to the general public, but unnecessary for data centers which do not front on a public road such as the Dickerson data center. Therefore, we request the following modification to the ZTA to allow metal, chain-link and plastic fencing along frontages not visible to the public:

- ii. If security fencing is proposed, vegetative screening must be placed between the fence and the public view. Chain-link or similar woven metal or plastic fencing must not be used on frontages visible from a public road. (Added text shown underlined.)

Second, regarding lighting, to properly secure and monitor a data center, operators need certain lighting to be on continuously. Also, the Dickerson data center will operate twenty-four hours a day, with employees onsite at all hours. For the safety of employees traversing the site during the nighttime, continuous lighting must be maintained in certain areas. Such lighting may also be required to comply with Federal workplace safety regulations and insurance requirements. For these reasons, Atmosphere requests an amendment to the ZTA to provide a limited exception from the requirement that lighting include timers, motion detectors, and light-sensitive switches where necessary for site security. Atmosphere suggests the following language to amend Section 3.5.2.B.2.c.iii of the ZTA:

- iii. Lighting must include elements that reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms, such as the utilization of lights with amber or yellow tints instead of blue or white light and the use of timers, motion detectors, and light-sensitive switches to actively regulate the emission of light from light fixtures, except for lighting necessary for site security and safety of employees and visitors, provided such lighting is directed downward, shielded, and minimized to the extent possible. (Added text shown underlined.)

We also suggest the Council consider more objective standards regarding environmental impacts to avoid conflicts with existing county, state and federal laws and regulations and to ensure fair, objective and transparent application of such standards. As introduced, Section 3.5.2.B.2.c.iii

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of the ZTA states “negative impacts to wetlands, streams, rivers, flood plains, or environmentally sensitive areas will be avoided or minimized to the maximum extent practicable.” This language does not provide clear objective direction to the Hearing Examiner and other agencies that review conditional use applications.

The plans and operations of the Dickerson data center will be reviewed for compliance with existing stringent county, state and federal environmental protection laws and regulations that address impacts to water resources, forest conservation, water appropriation and other sensitive areas. For example, water usage and discharge will be subject to review and permitting by the Maryland Department of the Environment pursuant to existing state laws and regulations. The ZTA standards should recognize these existing laws and regulations as an objective benchmark for determining the impact of the project on environmental resources and features. In this regard, we suggest the following amendment to Section 3.5.2.B.2.c.iii:

An application for a Data Center must demonstrate that:

\* \* \*

- iii. impacts to wetlands, streams, rivers, flood plains, or environmentally sensitive areas will be ~~avoided or minimized to the maximum extent practicable~~ through compliance with all applicable county, state and federal laws and regulations. Such compliance may be made a condition of obtaining a use and occupancy permit for the Data Center. (Added text shown underlined; deleted text shown with strikethrough.)

This amendment will ensure transparency in the review of an application for data centers to the benefit of all stakeholders, and that any impacts on environmental features are minimized.

Finally, we understand there may be amendments to the ZTA proposed during the course of Committee and full Council review of the ZTA. Given the impact the ZTA could have on the Dickerson data center project, we will provide additional comments on such amendments when made available for public review.

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We thank you for your consideration of our testimony.

Very truly yours,



Scott C. Wallace



Casey L. Cirner

Attachment

cc: Livhu Ndou, Esq.  
Christine Wellons, Esq.  
Devyn King, Esq.

## COUNTY COUNCIL PUBLIC HEARING

ZTA 26-01 – Data Centers

February 24, 2026

### Testimony of Scott Wallace

Good afternoon, Councilmembers.

- I'm Scott Wallace with Miles & Stockbridge and I represent Atmosphere DC.
- Atmosphere is the contract purchaser and developer of a data center campus on approximately 110 acres of industrially zoned land in Dickerson.
- Atmosphere generally supports the stringent standards proposed in the ZTA to address the impacts of data centers.
- We also support the recommendation of the Planning Board to consider making certain standards more objective.
- We do request the Council consider amending the ZTA to allow metal fences for data center properties that do not front on public roads such as the Dickerson site. Metal fences are necessary to secure data centers and the sensitive information they store. A metal fence around the perimeter of the site would not impact the public because the site is not visible from a public road or accessible by the public.
- We also urge the Council not to support a moratorium on data center development.
- A moratorium would significantly delay and quite possibly derail the project.
- Moreover, a moratorium is not necessary because the unique characteristics of the Dickerson site and Atmosphere's design of the project already mitigate community impacts.
- In particular, we note
  - The site is industrially zoned;
  - It is adjacent or close to multiple industrial uses and energy infrastructure including FirstEnergy transmission lines that will serve the project;
  - The proposed buildings will be thousands of feet away from the closest house
  - The project uses existing infrastructure for the cooling system and will draw hundreds of millions of gallons less water daily than the coal plant;
  - No potable water will be used for cooling; and
  - The project meets the setback, noise standards, and landscape standards proposed in the ZTA.
- Further, imposing a moratorium would be unfair given the deliberate and thoughtful way the stakeholders in the project have pursued approvals under existing County rules.
- The owner of the site obtained initial conditional use approval for a data center in 2024, which remains in effect.
- Immediately after the initial approval, Atmosphere began to prepare conditional use amendment application for the specific design and layout it is proposing for the campus.
- Atmosphere filed the amendment application with Park and Planning in early December of 2025.

- The application builds on the 2024 approval and complies with all conditions of that approval.
- The project team has responded to initial staff comments on the application and we hope to have a hearing date before the end of the summer.
- Given the advanced status of the pending conditional use application and the unique features of the site and project design that already mitigate community impacts, a moratorium to stop this project is not appropriate or necessary.
- Atmosphere looks forward to working with the Council to enact reasonable, objective standards for data center development that ensure this critical digital infrastructure is constructed and operated in a manner that is not harmful to the community.
- Thank you for your time.