

RE: PETITION FOR SPECIAL EXCEPTION:
for the Operation and Maintenance
of 115kv electric transmission lines
Fairmount Avenue and abandoned
R/W of the Maryland and Penn-
sylvania Railroad,
9th District
The Baltimore Gas & Electric Co.,
Petitioner

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5739-X

OPINION

This case arises from a petition on behalf of the Baltimore Gas and Electric Company for a special exception for an electric transmission line carrying 115 thousand volts from the Company's ring bus line at the Summerfield Station along the unused former right-of-way of the Maryland and Pennsylvania Railroad to the Company's East Towson Substation. The Company has acquired the right-of-way and must have the special exception to use it for this purpose except for such portions of it as may be zoned "M-1" or "M-H" which, in the present case, is a minimal part of the entire route.

The granting of this, as in the case of any special exception, is dependent upon the fulfilling of the conditions as set forth in Sections 502.1 and 502.2 of the Baltimore County Zoning Regulations as modified or amplified by the special zoning set up in Section 411 of the Zoning Code. The Zoning Commissioner passed an order in effect requiring that the entire portion of the transmission line within the Metropolitan Zone be placed underground, and that the portion of the line outside of the Metropolitan Zone be overhead on lattice work steel towers as originally proposed by the Company. It is from this order that this appeal was taken by the petitioner.

Section 411 of the Zoning Regulations provides as follows:

Section 411 - PUBLIC UTILITY USES

For public utility uses permitted only by Special Exception in addition to the provisions of Section 502, the following regulations shall apply:

411.1 - The use must be needed for the proper rendition of the public utility service and the location thereof shall not seriously impair the use of neighboring property.

411.2 - In any residential zone in the Metropolitan District of Baltimore County, public utility buildings and structures, to the extent practicable, shall have an exterior appearance

harmonious with the general character of the neighborhood, including architectural treatment, landscaping, screen planting and/or fencing, and plans therefor shall be approved by the Zoning Commissioner.

411.3 - Electric light and power transmission lines carrying more than 35,000 volts shall be governed by the following principles, standards, rules, conditions and safeguards (in addition to the foregoing):

a. For the purposes of the control of the location and construction of such electric light and power transmission lines, there is hereby created an additional zone which shall conform to the present or future boundaries of the Metropolitan District of Baltimore County and be known as the Metropolitan Zone. Within the said Metropolitan Zone, but excluding Manufacturing Zones therein, the Zoning Commissioner or the County Board of Appeals, upon appeal, shall have the power to require that such electric light and power transmission lines or portions thereof be located underground in cables or conduits.

In the exercise of such power, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall consider and be guided by the following factors and standards:

- (1) The crossing of much traveled highways or streets;
- (2) The proximity of the line to any school, church, theatre, club, museum, fair ground, race track or other place where persons may congregate;
- (3) The probability of extensive flying over the area and its general nearness to any airport;
- (4) Any fire hazard or interference with fire-fighting equipment due to the location and construction of the proposed line;
- (5) The future conditions to be reasonably anticipated in each such area in the normal course of development;
- (6) The said Commissioner or Board, on appeal, may also consider the comparative costs of underground and overhead construction, including not only reasonable estimates of right-of-way cost but also estimated damage to neighboring property, whether or not the owners of such property would be legally entitled to compensation for such damage, but the fact that the total cost to the applicant of placing a line or any portion thereof underground would be greater than placing it overhead, in any given case, shall not in itself be deemed sufficient cause to prevent a requirement for underground construction.

(7) Any other matter or thing deemed by him or them to be material in connection with the public health, safety or general welfare.

This Board has come to the unanimous conclusion that the special exception should be granted, but that the petitioner be required to place its transmission line underground from a point south and west of the Baltimore County Beltway and Loch Raven Boulevard, said point being more or less, contiguous to lot 34, section 2 of the Cromwell Heights development, westerly to its terminus at the East Towson Substation, and with the further condition and restriction that the overhead portion of the line running easterly from the aforesaid point shall be carried and supported by dodecahedral steel poles painted green or another color to blend, in so far as possible, with the general landscaping of the right-of-way for the entire overhead distance to the Substation, including that portion of the line passing through or near the Maryland Training School for Boys.

This decision has been reached, for the benefit of those who are impelled to read further, upon the findings of fact and reasons set out hereinafter. The Board conducted six full days of hearings of testimony in this case and there are fifty-three exhibits, many of them consisting of as many as twenty-seven photographs each, and including a fifty pound cross-section of a dodecahedral steel pole; sections of high pressure cable in oil filled pipe; sections of aluminum overhead conductor cables; and a series of seven aerial photographs of the entire route of a size of approximately twelve square feet each. Obviously it is impractical, if not impossible, for every bit of testimony and every exhibit to be mentioned in this opinion, but the Board wishes to observe that it has carefully considered each and every exhibit and the testimony of each and every witness, and does not wish any subsequent reviewing authority to obtain the impression that this Board has disregarded any of the evidence in this case by reason of the fact that the same may not be mentioned in this opinion.

At the outset it was practically conceded that the requested use is needed for the proper present and future rendition of the public utility service, and that the selected location was almost a tailor-made route requiring much less disruption of other established uses than any other possible location. It is certainly doubtful if the proposed use could

seriously impair the use of neighboring property any more, if as much as, its previous long time use as a railroad (Section 411.1).

It is, of course, debatable whether any electric transmission line, overhead or underground, with the necessary appurtenances could possibly add to the beauty of the landscape or be one hundred percent harmonious with the general character of a residential neighborhood. However, it is the Board's finding that the proposed use will have an appearance harmonious with the general character of the area traversed "to the extent practicable" as provided by Section 411.2 of the Zoning Regulations.

With respect to the factors and standards provided by Section 411.3, the Board finds, as matters of fact, the following:

- (1) There is no serious problem involving the crossing of much traveled highways or streets with the exception of the crossing of the major highways at or near the intersection of the Beltway and Loch Raven Boulevard, and we are convinced from testimony in this case that the safest and most practical way of crossing these well traveled highways would be overhead, among other reasons, because it was testified that there was an underground installation crossing these highways would be as much as twenty-eight (28) feet underground which if there were a breakdown or interruption of crossing these highways would cause a serious disruption of traffic on these highways while repairs were under way, as against the comparative ease of repairing any possible breakdown of overhead lines in the same location.
- (2) We find that the proximity of the line to any school, church, theatre, club, museum, fair ground, race track or other place where persons may congregate is not a serious factor in the case nor is
- (3) The probability of extensive flying over the area and its general nearness to any airport because almost, if not all, of the overhead portions will be on the north side of a fairly steep hillside well removed from any such places and the tops of the proposed steel poles will be, in almost every instance, below the crest of the hill or ridge along which they will be placed along the old Maryland and Pennsylvania right-of-way.
- (4) We can find no serious evidence to support any fire hazard or interference with fire-fighting equipment due to the location and

construction of the proposed line, and as we have pointed out, in the area allowed to be overhead the repair time necessary to restore and clear the roads would be less than if the roads were required to be closed during the necessary excavation for underground repairs many feet below the surface of these roads.

(5) The future conditions to be reasonably anticipated in the areas involved should be of great interest to all citizens of Baltimore County. Uncontradicted testimony indicates that the Gas and Electric Company served a population in this area of 28,000 in 1940, and a reasonable projection indicates a population of 180,000 by 1980. At the present time the Company's ring line all around the Metropolitan area carries 115 kv, and it is estimated that the Towson area will need at least 75,000 kilowatts during 1965, and that the present line has a capacity of only 71,000 at a pressure of 33 kv, and there is a definite need for a new 115 kv line to insure adequate service for this area in the near future.

(6) As a factor (but not the only impelling one) in the case, the testimony as to the comparative cost of overhead vs. underground lines is quite interesting. Witnesses for the Company and specifically, Thomas W. Trice, Vice President for Operations, produced evidence that the acquired costs of the right-of-way was approximately \$375,000, and that the costs of construction and installation, excluding the right-of-way costs, would be approximately \$87,000 per mile overhead and \$449,000 per mile underground, in addition to which the terminal facilities, safety, or under-ground lines is quite interesting. Witnesses for the Company and specifically, Thomas W. 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September Term, 1946

ALBERT L. DEER, JR., et al.

v.

BALTIMORE GAS AND ELECTRIC COMPANY

Protestants, G.F.
Sumner
Beverly
Hawley
Opponents.

JJ.

Opinion by Harbury, J.

Filed: November 11, 1946

The issue involved in this case is whether or not the Baltimore Gas and Electric Company, appellee, will be allowed to place its 115,000 volt (115-kv) transmission line above ground on dodecahedral steel poles throughout its right-of-way from Summerfield to the East Towson substation in Baltimore County. The right-of-way runs for a distance of 5.1 miles and is, with a few exceptions, that property formerly used by the Maryland and Pennsylvania Railroad. Under the zoning ordinances of Baltimore County the Company was required to apply for a special exception in order to construct its high voltage transmission lines above ground. No special exception was needed to place such lines below the surface of the ground. Pursuant to the Baltimore County Zoning Regulations, the Company filed a petition for a special exception with the County Zoning Commission in November 1945 asking for a special exception to permit construction of the lines above ground along the entire right-of-way. The appellants herein, and the protestants before the Zoning Commission, are owners of property along the five mile right-of-way. These property owners admit that the new line is needed in order to adequately supply the electric power needs of this part of Baltimore County. They maintain that the transmission lines should be placed underground because the proposed above ground structures would decrease property values inasmuch as

they would be unsightly and also would be unkind to the health and safety of those who live nearby or who would travel on the highways over which the lines would be strung. On the other hand, the Company does not want to be required to construct the lines underground because underground construction is a great deal more expensive and in turn would reflect in their customer rates.

The right-of-way over which the Company proposed to place the transmission lines can be conveniently divided into three sections. The first section is from the East Towson substation easterly to Lot 34, Section 2 in the Cromwell Heights development. This section is within the Metropolitan District of Baltimore County, which is a term used to describe the area of the county serviced by sewer and water. In order for a public utility to obtain a special exception within the Metropolitan District, the Zoning Regulations require that Section 502, and the additional provisions of Section 411, must be met. Within this first section the right-of-way runs for a distance of 5,385.6 feet and the proposed high tension lines would cross Goucher Boulevard and Joppe Road, which are heavily traveled highways, would pass through a heavily built-up residential section of Towson; and also through areas which are zoned R.L. for light manufacturing. The second segment of this right-of-way for which a special exception was requested runs from Lot 34 in Cromwell Heights easterly and then northerly to the easternmost terminus of the Metropolitan District line. It is 6,177.6 feet in length; would cross over both the Loch Raven Boulevard

and the Baltimore County Highway; and would pass through a suburban area. The entire length of this second segment lies within the Metropolitan District. The third section, over which the proposed transmission lines would run, extends from the Metropolitan District line northerly to Summerfield, a distance of 15,364.8 feet. At Summerfield the Company's plan is for the transmission line to connect with a ring line, which is composed of an electric power highway encircling Baltimore City some ten to fifteen miles in radius from the center of the City, a part of which is in Baltimore County. This last segment of the proposed line runs through an area which is presently rural.

After a hearing, the Zoning Commission authorized the special exception the Company requested for the area outside the Metropolitan District, i.e., that area described as section three above. Within the Metropolitan District the Commission ordered that the transmission line be placed underground "excluding that portion of the right-of-way in Towson, a block to the Redevelopment and Rehabilitation Commission (approximately 370 feet) and excluding the Manufacturing Zone, etc."

The Company appealed as much of the Zoning Commission's decision as required it to place any of its transmission lines underground to the County Board of Appeals of Baltimore County, and pursuant to Section 501.6 of the Zoning Regulations a hearing was held de novo. After the hearing, which lasted six days and involved a transcript of 844 pages and nearly 100 exhibits, the Board concluded that a special exception should be granted

for the overhead lines along the Company's entire right-of-way except that portion which was from Lot 34 in Cromwell Heights to the East Towson substation, excluding the portions thereof which were zoned for manufacturing. From the Board's decision the Company filed an appeal to the Circuit Court for Baltimore County from that portion of the order which denied the special exception for above ground construction in that area where it ordered the lines to be placed underground, and a cross appeal was filed by the protestants from as much of that order which allowed any of the wires to be strung above ground.

In the Circuit Court, Judge Henshaw fully reviewed the entire record, together with memoranda filed on behalf of the respective parties and heard arguments of counsel on both sides. He held that the finding of facts by the Board did not support its conclusions of law in regard to that portion of its decision which required the transmission lines to be placed underground, and as a result he ordered that the case be remanded to the Board for the passage of an appropriate order granting the special exception for the construction of the power line upon dodecahedral steel poles for the entire length of the route covered by the Company's petition. The protestants then asked this appeal.

First to be considered on this appeal is whether or not the Circuit Court was correct in reversing that portion of the Board's order which required the transmission lines to be placed underground from Lot 34 in Cromwell Heights to the East Towson substation, except in manufacturing zones. In regard to that portion of the Board's order, Judge Henshaw held that its findings of fact did not support its conclusions of law and thus the decision was arbitrary and capricious in a legal sense, relying upon *Montgomery Co. v. Maryland Fish*, 303 Md. 479, 96 A. 2d 861. In fairness to the lower court, it should be pointed out that clarity and internal consistency were not conspicuous attributes of the Board's written opinion. However, a reading of that entire opinion makes it apparent to us that the Board adopted for its findings of fact the testimony of Mr. Corvella, Director of Planning for Baltimore County, which was supported by that of a real estate expert. Their testimony clearly supported the Board's conclusion of law and for this reason such a conclusion was not arbitrary or capricious.

Although Mr. Corvella's testimony was not specifically adopted by the Board, we feel that the Circuit Court, in its review of the decision of this quasi legislative body, should have succumbed itself with the question considered in *Harley v. Miller*, 239 Md. 144, 153, 218 A. 2d 505, and not with the question of whether the reasons set out in the opinion supported the conclusions of law drawn therefrom. In *Miller*:

"we found the test to be: 'whether a reasonable mind could reasonably have reached, after a fair consideration of the entire record, the conclusion that the Council [Board] did, or, in other words, was its action clearly erroneous and therefore not fairly debatable.' Thus, the court should have looked at all the facts to see if the conclusion reached by the Board was justified."

Section 411.3 of the Baltimore County Zoning Regulations specifically sets out the seven factors which are proper for the Board's consideration in determining whether transmission lines carrying more than 35,000 volts shall be placed underground. Section 411.3 (7) states as one of these factors to be considered: "Any other matter or thing deemed by him [Zoning Commission] or them [Board] to be material in connection with the public health, safety or general welfare." The Planning Commission report, introduced into evidence by the testimony of Mr. Corvella, used the following language in reference to that part of the right-of-way which the Board ordered underground:

"A 100 foot setback is sought between any new residential improvement in new developments and the edge of a high voltage transmission line right of way. Although arbitrary, the entire setback attempts to remove any adverse effect of the power line by extra distance. Examination of land use data indicates that all of the houses on the north side of Brook Road in the Cromwell Heights subdivision do not conform to this standard nor do all of the dwellings in the Cromwell Heights subdivision. The Planning staff recommends, therefore, that in order best to comply with the health, safety or general welfare that that portion of the transmission line easterly from a point near or less at Lot 34, Section 2 - Cromwell Heights, be placed underground to the terminus in East Towson."

As to the relationship between safety and the 100 foot setback requirement, Mr. Corvella testified that the 100 foot zone was established to insure against the possibility of home damage in the event one of the poles carrying high tension wires should fall. The proposed poles will vary in height from 60 to 90 feet and will have crossarms extending 11 feet. The uncontroverted evidence before the Board indicated that high voltage lines have, on occasion, come down in other parts of the country. When the lines fall they remain energized for a fraction of a second after they strike the ground and could thus start a fire if they should come in contact with a combustible substance. In addition, it was undisputed that lines similar to the proposed ones have sagged in close proximity to the ground as the result of an accumulation of ice, snow or sleet, or as the result of a defective tower. Under such circumstances the circuit breakers would not work, since the line would not be grounded, and would thus present a hazard to any person coming in contact therewith. Given the height of the proposed poles, and the chance that falling lines could start a fire which might spread to homes, we think that a reasonable mind could have found a substantial connection between the 100 foot setback requirement and the health, safety and welfare of the people living in close proximity to the high tension wires. The Board was duty bound to consider this factor of safety in determining whether to grant a special exception. In addition to his testimony as to safety,

8. Mr. Garveris testified that the presence of above ground high tension wires has a tendency to decrease property values in residential areas. As a planning expert Mr. Garveris opined that the 100 foot setback requirement minimized the deflating effect which above ground high tension wires has on land values. Such economic consequences were properly considered by the Board pursuant to Section 411.3 a (6). Besides Mr. Garveris, other witnesses, including Hugh E. Selston, a real estate expert, testified before the Board that in their opinion high tension wires in this area would adversely affect property values. To rebut this, the Company produced Mr. Hagen and Mr. Meisbauer, both expert real estate appraisers, who testified that in their opinions overhead lines do not have an adverse effect on property values. Because of the evidence as to safety, coupled with the conclusions which reasonable men could have gleaned from the conflicting testimony as to the effect of high tension wires on nearby property values, we conclude that under the test used in Miller, the Board was not clearly erroneous when, pursuant to the authority given the Board under Section 411.3, it ordered these high tension wires underground. For that reason this portion of the Board's findings we consider to be supported by competent, material and substantial evidence upon the whole record, and, therefore, was not arbitrary and capricious.

12. tion gives a logical meaning to all of the cited sections when construed together and we therefore adopt it. Since utility poles are not in a true sense manufacturing structures, we conclude the Board was correct in not ordering underground high voltage transmission lines underground through manufacturing zones within the Crosswell Heights to East Towson substation portion of the Company's right-of-way.

III

We now consider that portion of the Company's right-of-way which lies within the Metropolitan Zone and which both the Board and the Circuit Court agreed should be constructed above ground, i. e., from Crosswell Heights to the easternmost terminus of the Metropolitan line. The Board, appellants contend, "ignored the importance of Section 411.3 a (1)" which lists for consideration in the grant of a special exception for above ground high tension wires "the crossing of such traveled highways or streets." within this portion of the Company's right-of-way this factor is said to be of significance since the line will cross "two of the most heavily traveled highways or streets in Baltimore County" (Baltimore County Highway and Loch Raven Boulevard). The appellants argue that the failure of the Board to give effect to this factor makes the Board's grant of a special exception arbitrary and capricious and that its affirmation, by the Circuit Court on appeal, constituted reversible error.

In regard to this consideration the Board stated as its finding of fact:

11. The protestants next contend that within the Metropolitan zones lying between Lot 34, Crosswell Heights and the East Towson substation, the Board should have ordered the lines to be placed underground. Why the Board did not so order becomes apparent from the clear language of Section 411.3:

"Electric light and power transmission lines carrying more than 35,000 volts shall be governed by the following principles, standards, rules, conditions and safeguards (in addition to the foregoing):

"a. For the purposes of the control of the location and construction of such electric light and power transmission lines, there is hereby created an additional zone which shall conform to the present or future boundaries of the Metropolitan District of Baltimore County and be known as the Metropolitan Zone. Within the said Metropolitan Zone, but excluding Manufacturing Zones therein, the Zoning Commissioner or the County Board of Appeals, upon appeal, shall have the power to require that such electric light and power transmission lines or portions thereof be located underground in safety or easements.

"b. The exercise of such power, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall consider and be guided by the following factors and standards" (Appendix supplied.)

Then follows the list of the seven considerations previously referred to in ~~XXXXXXXXXXXX~~ this opinion.

From the above language it would seem that the Board was given no power to order a public utility to place its high tension wires underground within that part of the Metropolitan District which is zoned for manufacturing. To circumvent this section of the Zoning Regulations, appellants cite Section 502.1 of those regulations dealing with manufacturing zones, which reads in pertinent part as follows:

13. "There is no serious problem involving the crossing of such traveled highways or streets with the exception of the crossing of the major highways at or near the intersection of the Baltimore and Loch Raven Boulevard, and we are convinced from testimony in this case that the safest and most practical way of crossing these well traveled highways would be overhead. Among other reasons, because it was testified that an underground installation crossing these highways would be as much as twenty-eight (28) feet underground which if there were a breakdown or interruption of service would cause a serious disruption of traffic on these highways while repairs were under way, as against the comparative ease of repairing any possible breakdown of overhead lines in the same location."

Implicit in the above quoted finding of fact was the conclusion that the relative chance of one of these poles, or of the wires strung on them, falling and injuring a traveler upon the highway was outweighed by the possibility of inconvenience to the general public which might be occasioned by the disruption necessitated in the repairing of underground lines.

The Board did not ignore the importance of Section 411.3 a (1) but instead chose to balance that provision against the equally relevant Section 411.3 a (7) (dealing with matters of public health, safety or general welfare) when it considered the disruptive effect a breakdown of the underground voltage line might have on the flow of highway traffic. Except for the argument that the testimony indicated that the cables would be a maximum of 16 to 18 feet underground, instead of 28 feet, we conclude that there was ample evidence in the record to support the Board's finding on this point and the conclusions drawn therefrom. This being the case, the lower court was correct in affirming the Board's grant of a special exception for above

10. M. L. Zone - Manufacturing, Light

"Whenever an M.L. Zone abuts or lies across the street from a residential zone the use, height, and area regulations applicable to any part of the M.L. Zone which is within 100 feet of said residential zone shall be those listed in Section 502.1 of these regulations."

Section 503.4 of the Zoning Regulations states:

"Proximity of Structures to Residential Zones - No building or other structure shall be closer than 125 feet at any point to the nearest boundary line of a residential zone."

Appellants' position is that these sections read together impose a 100 to 125 feet (depending on how one interprets the statute) buffer zone between residential and manufacturing areas in which no public utility poles may be constructed because such poles fit within the definition of "structure." Appellants assert that these regulations as applied to the instant case preclude above ground construction in the manufacturing zones of the Crosswell Heights to Towson substation portion of the right-of-way because in this area there is never the supposedly requisite 100 or 125 feet buffer. By construing the regulations in this manner the appellants lose sight of the fact that the regulations referred to were designed to protect the adjacent residential areas from being in close proximity to manufacturing-type buildings, or, in other words, uses which are normally permitted only in manufacturing zones of the Metropolitan District. To apply these area regulations in the manufacturing zones to structures such as utility poles which are permitted uses, by special exception, in residential areas cannot be sensibly supported, as will be demonstrated below.

14. ground construction of high voltage lines throughout the Company's right-of-way lying between Crosswell Heights and the easternmost terminus of the Metropolitan line.

IV

Lastly, appellants contend that the Board's decision that the line be constructed above ground from the Metropolitan District line to Sumnerfield was arbitrary and capricious. It will be recalled that this portion of the Company's right-of-way traverses an area which is rural and is not served by either public sewer or water facilities. Sections 502 and 411.1 of the Zoning Regulations apply to the grant of special exceptions in areas such as this which lie outside the Metropolitan District. Section 502.1 states that a special exception may be granted if the use requested will not "be detrimental to the health, safety, or general welfare of the locality involved." Appellants assert that it was error for the Board to fail to consider the future effects which the high tension wires would have on the health, safety and general welfare of the locality "which could be reasonably anticipated in the normal course of its development." This factor was without relevance in this case, because there was no evidence produced at the hearing which would show that the effect of high tension wires on the future health, safety and welfare of this area would be in any respect different than its effect on any other rural area. Section 502.1 implies that the effect on health, safety or general welfare must be in some sense unique or else a special exception could never be granted in such

15. It is admitted by the appellants that the proposed 115-kv overhead line is a permitted use, by special exception, in all residential zones traversed by the line en route to and through a manufacturing zone. Obviously, as the line approaches the manufacturing zone, the engineering design of the line might well require that a pole be erected on residentially zoned land within 10 or 15 feet of an adjacent manufacturing zone boundary. There can be no logical justification for requiring the next pole, which would be in the manufacturing zone, to be set back a specific distance from the adjacent residential zone from which and through which the poles have been placed. Such an anomalous result could not have been intended by the legislative body which specifically withheld from the County Board of Appeals the power to order that transmission lines through manufacturing districts be placed underground. Since both Sections 255.1 and 253.4 appear under the title "Manufacturing," we feel justified in avoiding the anomaly which arises from the appellants' construction by finding that the legislative intent was to require that manufacturing buildings or structures be set back 100 or 125 feet for the benefit of adjacent residential property owners. Thus, Section 253.4 should be construed in a situation such as that which presents itself in the instant case as meaning: "see 25 [manufacturing] building or other [manufacturing] structure shall be closer than 125 feet at any point to the nearest boundary line of a residential zone." Such a construction

an area for the above ground location of high tension wires. The only evidence as to future conditions was testimony revealing the possibility of future residential development of this land but such a possibility alone does not come close to showing a future deleterious effect upon the public health, safety or general welfare.

The appellant additionally contends that it was arbitrary and capricious for the Board to disregard the serious impairment of the use of neighboring property which would result if the special exception is granted. Although not specifically cited in appellant's brief, such a factor is proper for the Board's consideration under Section 411.1 which states: "The use must be needed for the proper rendition of the public utility service and the location thereof shall not seriously impair the use of neighboring property." In the instant case it was uncontested that there is presently a need for a new transmission line to the Towson area and that the proposed line would be less disruptive and less costly than a line constructed elsewhere, since it runs largely along property which was once used as a railroad right-of-way. Moreover, the evidence shows, as found by Judge Neenline in his review of the evidence before the Board, "that the proposed line is of a more harmonious appearance than could be hoped for from any other route, for the reason that, in large part, it lies below the ridge line to the south and is screened from the view of properties lying to the north by trees." While it is true that the appellants did produce an expert, Hugh E. Selston, who

certified that the best use of this rural property would be for prestige type homes in the \$50,000 category in acre or half acre lots, and that the proposed above ground power lines would impair such a use; there was no showing that other less pretentious residential uses could not be made of this property. Thus, the Board was not arbitrary and capricious in failing to find that there would be a serious impairment of the use of this land and we, therefore, have no difficulty in concluding that such part of the order of the lower court sustaining the authorization of construction of the transmission line upon dodecahedral poles from the Metropolitan District line to Summerfield was justified.

In its brief and oral argument before this Court, the Company sought to raise the issue of whether certain provisions of the Zoning Regulations authorize overhead construction throughout that portion of its route ordered underground by the Board, without the necessity of a special exception therefor. We do not deem it necessary to decide this because the Company did not file a cross appeal from the lower court's grant of a special exception for this area, and thus the question is not properly before us.

For the reasons stated such part of the order of the lower court as differs from the order of the Board of Zoning Appeals dated January 18, 1965, will be reversed and the order of the Board will be reinstated.

ORDER OF JUNE 17, 1965 ENTERED IN PART AND REVOKED SO AS TO CONFORM TO THE ORDER OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY OF JANUARY 18, 1965, AND AS REVOKED AFTERWARDS. COSTS TO BE PAID ONE-HALF BY EACH SIDE.

BALTIMORE GAS & ELECTRIC
a body corporate

VS

G. MITCHELL AUSTIN,
GILES PARKER,
WILLIAM S. BALDWIN,
CONSISTING OF THE
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY



IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY

AT LAW
JULY 7/65/3178

000000

ALLEGED VIOLATION OF

The Baltimore Gas and Electric Company filed its Petition for a Special Exception to construct a 115 KV overhead electric transmission line from a point on the existing "ring line" on the east to Towson Sub-Station on the west. The proposed line in large part follows the line of the abandoned right of way of the Maryland and Pennsylvania Railroad.

The line leaves the railroad right of way on: (1) the easternmost end of the line to a point about 500' west of the Glen Arm Road; (2) the east end of the Dugan property to "MK" zoned property of Major Appliances Distributors; (3) the manufacturing zoned property of the Bendix Corporation, and (4) the area of Towson Estates. In (1) the line is located in close proximity to the Gun Powder Falls. In (2) it lies more closely to the Cromwell Heights Road. In (3) it runs south into the manufacturing zoned property of the Bendix Corporation, thereby avoiding a division of property in another's ownership. In (4) the line is moved to a point further removed from residential properties in "Cromwell Heights".

The line from east to west is 26,528' in length, of which 18,364.0' is outside of the Metropolitan District, and 11,563.2' lies within the Metropolitan District. The Zoning Board granted the Special Exception (with a restriction requiring the use of dodecahedral poles in the place of lattice-work towers) for that part of the line running from the eastern terminal to a point lying within the Metropolitan District and shown on Petitioner's Exhibit A-1, as ending at Lot 34,

Section 2 of the "Cromwell Heights" development. The Zoning Board's decision went on to require that the transmission line be carried underground from the said Lot 34, Section 2 of "Cromwell Heights", along the remaining distance of the line to the Towson Sub-Station, its westernmost terminus.

Cross Appeals were taken by the Baltimore Gas and Electric Company from that part of the decision that required the installation of the facility underground, and by aggrieved protesters against that part of the Order permitting the transmission line to be carried overhead at any point. Thus, both Appeals deal with the general subject of "overhead" versus "underground" transmission lines.

The Baltimore Gas and Electric Company contends that as to areas where the Zoning Commissioner authorized the construction of overhead facilities within the Metropolitan District there was no issue before the Board, because the protesters had filed no appeal from his decision. That contention is rejected and the case will be considered as before the Court for the whole course of the line.

It is this Court's view that the law governing such lines outside the Metropolitan District of Baltimore County differs so materially from the law governing such lines within its boundary that a separate discussion as that division is required in this Memorandum.

The Line Outside the Metropolitan District

The Court is persuaded that the affirmative provisions of Section 411.1a expressly restricts the power of the Board of Appeals to require underground lines to that part of the County only as lies within the Metropolitan District. Otherwise stated, legislative power to compel such construction outside of the Metropolitan District has not been granted. The sole power of the Board in passing upon power lines in that area is limited to a consideration of the conditions imposed by Section 502 in general and by Section 411.1 and 411.2 in particular.

It would serve no useful purpose to detail the evidence that led the Board of Appeals to the conclusion that there was a satisfactory showing by the

applicant that the provisions of Section 502 and 411.1 and 411.2 were fully met.

It will suffice to say that there was a precise finding by the Board that such was the case and that testimony abundantly supports such finding. It is clear that there is an imminent, if not a presently existing, need for a new transmission

line to the Towson area; that the proposed line would be less disruptive and less costly than a line constructed elsewhere; that the proposed line is of a more harmonious appearance than could be hoped for from any other route, for the reason that, in large part, it lies below the ridge line to the south and is screened from the view of properties lying to the north by trees. The Court has no difficulty in concluding, therefore, that such part of the Order of the Board of Zoning Appeals as authorized construction of the transmission line upon dodecahedral poles from its easternmost terminus to the Metropolitan District line must be sustained.

The Line Within the Metropolitan District

The transmission line lies within the Metropolitan District from a point on the division line of Lots 22 and 23 of Section #2 of "Cromwell" to the western terminus of the line in Towson. Along its course in the Metropolitan District this line passes through property with the following zoning: "R-40"; "R-50"; "R-10"; "R-6"; "RA"; "MK", and "ML".

I believe that it is fair to state that existing Zoning Regulations relating to the subject whether high voltage transmission lines shall be placed underground or overhead within the Metropolitan District are uncertain in their meaning, and will forever, in their present form, tend to promote confusion, uncertainty and litigation with respect to their application. The question whether a high voltage power line should be required to be placed underground is essentially a political decision to be resolved by the legislative branch of government.

A clear and certain approach to that adopted for the City of Boston: "No wires for the transmission of electricity at more than five thousand volts alternating, or ten thousand volts direct, shall, after the thirtieth day of June, nineteen hundred and thirteen, be placed, maintained or operated in the City of Boston

except underground." (Ch. 371 Mass., c. 131B). This is a direct, meaningful action, unclouded by ill. Idea, this is not the Baltimore County way.

Chief Judge Harbury, speaking for the majority of a Court divided three to two, in *Baltimore Gas & Elec. Co. v. Mayor & Co.*, 191 Md. 249, said at page 255:

"... The Metropolitan District of Baltimore County is, except for its different form of government, in all respects a city. In many places it is impossible to determine where the City of Baltimore ends, and where the District begins. One of the great problems of all cities is to keep the streets free of obstructions, such as poles and the accompanying wires, which interfere with their free use and passage. Baltimore City had that problem, and its solution was one of the benefits of the City of 1891. It is by no means too early for Baltimore County to start to clear the streets of its constantly growing and developing Metropolitan District. The Zoning Regulations are a natural and accepted method of making such a beginning, and they appear in general to be a valid exercise of the police power." (Italics supplied.)

There is a distinct irony in the words of Judge Harbury that are underscored above, in the light of the language of the present Zoning Regulations.

Under existing Zoning Regulations a power line identical to the subject could now be authorized without special exception in any case if located on poles, on or contiguous to public highways (Sec. 106.11b).

It strikes this Court as curious, if not legally unreasonable, that power to require underground lines through private property should be granted but such power denied when the line is placed along highways where they are vulnerable to damage from moving vehicles, with all the potential dangers stemming therefrom. But it will be assumed here that the provisions of Section 411.3 limit by inference such apparent authorization of Section 106.11.

Section 411 in its entirety reads as follows:

"Section 411--PUBLIC UTILITY USES

For public utility uses permitted only by Special Exceptions in addition to the provisions of Section 502, the following regulations shall apply:

411.1--The use must be needed for the proper rendition of the public utility services and the location thereof shall not seriously impair the use of neighboring property."

The evidence shows without substantial dispute, that this power line is needed and its construction would not seriously impair the use of neighboring property and the Board expressly so found. (See Board Opinion, page 4)

"411.2--In any residential zone in the Metropolitan District of Baltimore County, public utility buildings and structures, to the extent practicable, shall have an exterior appearance harmonious with the general character of the neighborhood, including architectural treatment, landscaping, screen planting and/or fencing, and plans therefor shall be approved by the Zoning Commissioner."

The requirements of this sub-section also were declared by the Board to have been fully met by the applicant and again there is substantial evidence to support the finding. (See Board Opinion, page 4)

"411.3--Electric light and power transmission lines carrying more than 35,000 volts shall be governed by the following principles, standards, rules, conditions and safeguards (in addition to the foregoing):

Section 402 and Section 411.1 and 411.2 had been met. This Court finds that there is substantial evidence to support such finding.

As then posed to the specific requirements of Section 411.3.

As to each subsection of Section 411.3, supra, the Board made the following specific findings:

(1) There is no serious problem involving the crossing of such traveled highways or streets with the occupation of the crossing of the major highways at or near the intersection of the Highway and Loch Raven Boulevard, and as are convinced from testimony in this case that the safest and most practical way of crossing these well traveled highways would be overhead, among other reasons, because it was testified that an underground installation crossing these highways would be as much as twenty-eight (28) feet under ground which if there were a less shadow or interruption of service would cause a serious disruption of traffic on these highways while repairs were under way, as against the comparative ease of replacing any possible breakdown of overhead lines in the same location.

(2) As to the proximity of the line to any school, church, theatre, club, museum, fair ground, race track or other place where persons may congregate is not a serious factor in the case nor is

(3) The probability of extensive flying over the area and its general nearness to any airport because almost, if not all, of the overhead portions will be on the north side of a fairly steep hillside well removed from any such place and the tops of the proposed steel poles will be, in almost every instance, below the crest of the hill or ridge along which they will be placed along the old Maryland and Pennsylvania right-of-way.

(4) As to the need to arrive without to support any the hazard of interference with fire-fighting equipment use in the location and construction of the proposed line, and as we have pointed out, in the area allowed to be overhead the repair line necessary to restore and clear the roads would be less than if the roads were required to be closed during the necessary excavation for underground repairs many feet below the surface of these roads.

(5) The future conditions to be reasonably anticipated in the area involved should be of great interest to all citizens of Baltimore County. Uncontradicted testimony indicates that the Gas and Electric Company served a population in this area of 20,000 in 1950, and a reasonable projection indicates a population of 100,000 by 1980. At the present time, the Company's ring line all around the Metropolitan area carries 115 kv, and it is estimated that the Towson area will need at least 75,000 kilowatts during 1965, and that the present line has a capacity of only 71,000 at a pressure of 33 kv, and there is a definite need for a new 115 kv line to leave adequate service for this area in the near future.

- 7 -

(6) As a factor (but not the only impelling one) in the case, the testimony as to the comparative cost of overhead vs. underground lines is quite interesting. Witnesses for the Company and specifically, Thomas W. Trice, Vice President for Operations, produced evidence that the required costs of the right-of-way was approximately \$375,000, and that the cost of construction and installation, including the right-of-way costs, would be approximately \$87,000 per mile overhead and \$448,000 per mile underground, in addition to which the terminal facilities, that is to say the equipment necessary when a line goes from underground to overhead or vice-versa, would cost approximately \$17,000 for each pair of connections. This difference in cost is apparently delineated mainly by the fact that the system for underground installation which involves putting highly specialized copper conductors, insulated in a unique manner, inside of a steel pipe containing oil under high pressure as opposed to stringing of aluminum cable conductors unadorned on overhead facilities (see petitioner's exhibits 3, 4, 11 and 12). Mr. Trice also testified that the Company is offering to abandon its previous proposal for using the familiar (although) lattice tower structures to carry the overhead line and suggested, in lieu thereof, a more modern and satisfactory, from an aesthetic point of view, dodecahedral steel poles which are in use in a number of other places testified to by various witnesses (see petitioner's exhibits 3, 4, 11, 12, 14, 16 and 17). The cost figure as presented by this witness would indicate that the total cost of the entire approximate five mile route would be \$2,400,000 underground as against less than \$400,000 overhead and, of course, proportionally if part of the line were above and part below ground. These figures were disputed by testimony on behalf of the protestants and were the subject of intensive cross-examination by counsel for the protestants to the alleged effect that the proportion between the cost of underground vs. overhead lines would be somewhat in excess of 3 to 1 rather than 5 to 1 basis suggested by the Company's witnesses. In any event, it seems clear to the Board that the total comparative cost of underground construction for the entire distance is a factor reasonably to be considered, particularly in view of the fact that utility companies, in the final analysis, must obtain their funds for such purposes from their subscribers, and that the additional cost would eventually affect all residents of the total area served by the Company, and not just those few who might or might not be affected by the construction of this particular power transmission line. That the above is a serious factor to be considered in a case of this nature is shown by the policy of the legislative authorities of Baltimore County as stated in Section 411.3 (6) of the Zoning Regulations.

(7) The Board does not find any other matters, deemed to be material in connection with the public health, safety, or general welfare, which are not at least reasonably debatable, although it is possible that the installation of a power line (in itself a necessity and even perhaps a necessary "evil") could hardly be considered as an improvement to contiguous property except, of course, by way of providing the necessary electric power required to operate the number of modern houses and industries existing and expected in this area in the very near future. The Cromwell Bridge Valley, wherein still lie a portion of this power line as determined by the

Board, is an area of open space and large lots, and recent decisions of this Board have indicated that it will remain that way in line with the policy of the Baltimore County legislative authorities as reflected in the Zoning Maps, Zoning Regulations, and recommendations of the Department of Planning and Zoning.

Everyone of these specific findings is supported by substantial evidence and none tends to destroy the presumptive right of the applicant to construct an overhead line. In short, the Board's findings of fact do not support its conclusion of law. Its Order to compel underground construction is in conflict with its own factual determination and is thus arbitrary and capricious in a legal sense. (Baltimore County v. Maryland Pub. Util. Bd. 202 Md. 279).

A careful evaluation of the ground or reason given by the Board for its requirement that the line be placed underground leads inescapably to the conclusion that it was thus required because of the mere expression of the views of the representative of the Planning Department that it would be desirable to have a 100 foot setback between residential improvements and the edge of a high voltage transmission line right-of-way. However desirable such standard might be, it is not a standard that the law has provided and, accordingly, cannot be utilized by the Board to require the construction underground.

Accordingly, that part of the Board's Order that requires the Petitioner to construct the line in cables or conduits below the ground is reversed and the case is remanded to the Board for the purpose of the passage of an appropriate Order that would authorize construction of the power line upon dodecahedral poles along its entire course from the ring line to the Towson Sub-Station.

ALBERT MITCHELL, Judge

BALTIMORE GAS & ELECTRIC COMPANY, a body corporate
vs.
G. MITCHELL AUSTIN, W. GILES TARKER, WILLIAM S. BALDWIN, constituting the COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Misc. 7465/3179

ORDER

The above entitled cause having come on for hearing on appeal, the Court having fully reviewed the record, together with the memoranda filed on behalf of the respective parties, counsel for the parties having been fully heard, and the entire matter having been fully considered by the Court, it is ORDERED by the Circuit Court for Baltimore County this 17th day of June, 1965 that the Order of the County Board of Appeals granting the special exception petitioned for is hereby affirmed, however, such part of that Order of said County Board of Appeals as requires the petitioner "to place its transmission line underground from a point south and west of the Baltimore County Beltway and Loch Raven Boulevard, said point being, more or less, contiguous to lot 34, section 2 of the Cromwell Heights development, westerly to its terminus at the East Towson Substation" is reversed; and the case is remanded to the County Board of Appeals for the passage of an appropriate Order authorizing the granting of the special exception for the construction of the power line upon dodecahedral steel poles for the entire length of the route covered by the petition; for the reasons set forth in the Opinion heretofore filed by this Court.

Albert Mitchell
JUDGE

James H. Cook, Esq.
305 N. Chesapeake Ave.
Towson, Maryland

NOTICE OF HEARING

Re: Petition for Special Exception for Baltimore Gas & Electric Company
#5739-X

TIME 10:00 A.M.
DATE Thursday, January 10, 1965
PLACE ROOM 106 COUNTY OFFICE BUILDING, 111 N. Chesapeake Avenue,
Towson, Maryland

cc: Barbara Chaberske
Zoning Building
Baltimore 2, Md.

ZONING COMMISSIONERS OF
BALTIMORE COUNTY

JAMES H. COOK
JOHN E. HOWARD

COOK, MUDD & HOWARD
20 WEST PENNSYLVANIA AVE.
TOWSON 4, MARYLAND

March 11, 1964

Mr. John G. Rose
Zoning Commissioner for Baltimore County
County Office Building
Towson 4, Maryland

RE: Petition for Special Exception
for the Operation and Maintenance
of 115 KV Electric Transmission Line
Fairmount Avenue and abandoned R/W
of the Md. & Pa. Railroad-
The Baltimore Gas & Electric Co.,
Petitioner - No. 5739-X

Dear Mr. Rose:

Please note an Appeal on behalf of the Petitioner, The Baltimore Gas and Electric Company, to such part of your Order of March 10, 1964 in the above-entitled case as purports to permit the construction of portions of the electric transmission line only if placed in underground cables or conduits.

Very truly yours,

James H. Cook
Attorney for Petitioner

JHC/mml

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: December 27, 1963
FROM: Mr. George E. Gavalis, Deputy Director

SUBJECT: #5739-X. Special Exception for Operation and Maintenance of Lattice Steel Pole Electric Transmission Line. Extending generally from Baltimore Gas & Electric Company's East Towson Substation property situate near Fairmount Avenue and the abandoned right-of-way of the Maryland and Pennsylvania Railroad, along or adjacent to the said abandoned right-of-way of the Maryland

PETITION FOR SPECIAL EXEMPTION
IN THE MATTER OF
BALTIMORE GAS AND ELECTRIC COMPANY

BEFORE THE
ZONING COMMISSIONERS
FOR
BALTIMORE COUNTY
Case No. 5799-X

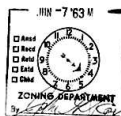
NOTICE OF PARTIAL DISMISSAL

To the Zoning Commissioner for Baltimore County:

Now comes Baltimore Gas and Electric Company, Petitioner, by Benjamin Chambers and James H. Cook, its attorneys, and files notice of its voluntary dismissal of such portion of "Petition for Special Exemption" heretofore filed in the above entitled case, File No. 5799-X, as pertains to the land described in the following description:

BEGINNING for the same at a point where the center line of the abandoned right of way of the Maryland and Pennsylvania Railroad Company intersects the southermost property line of the property owned by William F. Bustner and wife, said point being 2925 feet, more or less, north of Old Hill Road, this point being also 50 feet, more or less south of Gunpowder Falls, thence crossing Gunpowder Falls N 17° 34' 20" E - 320', more or less, thence N 17° 08' E - 490' to a point distant S 17° 08' W - 250' more or less from the southermost side of Baltimore Gas and Electric Company's existing Electrical Transmission Line Right of Way 132 feet wide. Thence running with and binding on the outlines of an area to be used for connecting the new Transmission Line to the existing Transmission Lines as follows:

BEGINNING for the same at the end of the above described S 17° 08' E - 490' line; thence N 72° 52' W - 331' more or less to intersect the abandoned right of way of the Maryland and Pennsylvania Railroad Company and the 7th line of the 3rd parcel of land which by deed dated February 19, 1915, and recorded among the Land Records of Baltimore County in Liber G.L.H. #2250, Folio 357, was conveyed by Summerfield Liber G.L.H. #2250, Folio 357, was conveyed by Summerfield Incorporated, to William F. Bustner and Mary A. Bustner, his wife, thence running reversely with and binding on part of said 7th line by a line curving to the left with a radius of 607.27' for a distance of 220' more or less, thence running reversely with and binding on a part of the 6th line of said parcel of land S 69° 10' W - 25.75', thence running parallel to and 53 feet distant measures at right angles in a southeasterly direction for the center line of proposed conductors, S 120° 20' W - 103.84' to intersect the southeastermost side of Baltimore Gas and Electric Company's existing Electrical Transmission Line Right of Way 132 feet



wide, thence running with and binding on said side of said right of way, parallel to and 33 feet distant measured at right angles in a southeasterly direction from the center line of the southeastermost existing Electric Transmission Line the two following courses and distances, S 54° 53' W - 159.18' and S 49° 41' W - 38.34' to intersect the 9th or S 60° 32' W - 535.25' line of the 1st parcel of land described in the aforesaid deed, thence running reversely with and binding on a part of said line, N 54° 46' E - 34.06' to a point in the center line of said Electrical Transmission Line; said point being distant 28.33 feet measured along said center line in northeasterly direction from the center of existing Tower Number 135, thence N 39° 11' 20" E - 99.02' to intersect the northeastermost side of said Electrical Transmission Line Right of Way 132 feet wide, thence running parallel to and 33 feet distant measured at right angles in a northwesterly direction from the center line of proposed conductors S 69° 40' 10" E - 131.78' to a point in the westernmost line of the abandoned right of way of the Maryland and Pennsylvania Railroad Company, said point being also in the 9th or 46.48' line of that parcel of land which by a deed dated February 2, 1950, and recorded as aforesaid in Liber W.J.H. #2661, Folio 448 was conveyed by Albert J. Larkins and Florence M. Larkins, his wife, to Joseph Bonomo and Pauline Bonomo, his wife, thence S 73° 22' 01" E - 36.80', thence running parallel to and 33 feet distant measured at right angles in a northeasterly direction from the center line of proposed conductors, S 100° 34' 20" E - 178.82' to intersect the above mentioned northeastermost side of said Electrical Transmission Line Right of Way 132 feet wide, thence running with and binding on said side of said right of way parallel to and 33 feet distant measured at right angles in a northeasterly direction from the center line of the northernmost existing Electrical Transmission Line S 54° 53' E - 526.74', to intersect the 2nd line of the above mentioned 2nd parcel of land, thence running reversely with and binding on a part of said 2nd line, S 31° 39' W - 132.04' to intersect the southeastermost side of said Electrical Transmission Line Right of Way 132 feet wide, thence running with and binding on said side of said right of way S 54° 53' W - 22.04' thence running parallel to and 22 feet distant measured at right angles in a northwesterly direction from said 2nd line S 31° 39' W - 230' more or less, thence N 72° 52' W - 321' more or less to the place of beginning.

BALTIMORE GAS AND ELECTRIC COMPANY

By *James H. Cook*
James H. Cook
Benjamin Chambers
Attorneys for Petitioner

Petition For Special Exemption

9th and 11th Districts

ZONING

LOCATION

DATE & TIME

PUBLIC HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Ninth and Eleventh Districts of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO.....Mr. John G. Rose, Zoning Commissioner Dtd.....December 27, 1963

FROM.....Mr. GEORGE B. MATTALIS, Deputy Director

SUBJECT.....#5799-X.....Petition for Special Exemption for Operation and Maintenance of Lattice Steel Pole Electric Transmission Line

Hearings: Thursday, January 10, 1963 (10:00 A.M.)

that in order best to comply with the health, safety or general welfare that that portion of the transmission line westerly from a point more or less at Lot 34, Section 2 - Crownell Heights, be placed underground to the terminals in East Towson.

4. If the line is to be placed underground, the petitioner is advised to contact the Department of Public Works now in order that provision can be made for the Joppa Road - Goucher Boulevard crossing. Grading operations are now underway here.



BY ORDER OF
JOHN G. ROSE ZONING COMMISSIONER OF BALTIMORE COUNTY

PETITION FOR A SPECIAL EXEMPTION

9th & 11th DISTRICTS

ZONING

LOCATION

DATE & TIME

PUBLIC HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing concerning all that parcel of land in the Ninth and Eleventh Districts of Baltimore County

Being the property of Baltimore Gas and Electric Company and/or condemnor, as shown on plat plan filed with the Zoning Department.

BY ORDER OF
JOHN G. ROSE
ZONING COMMISSIONER OF
BALTIMORE COUNTY

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Baltimore Gas & Electric Co.
Baltimore 3, Md.

DATE: 1/26/64

REPORT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of your property	238.00

238.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Messrs. Cook, Hark & Howard
Lynette Federal Building
Towson 4, Md.

DATE: 1/26/64

REPORT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of appeal - The Baltimore Gas & Elec. Co. No. 5739-X	870.00

870.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Baltimore Gas & Electric Company
Baltimore 3, Maryland

DATE: 11/20/62

REPORT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception for electric transmission line between Towson 4 and Glen Ave, Md.	50.00

50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

5939

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 27, 1963

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., since its week of January 13, 1964, the first publication appearing on the 27th day of December, 1963.

THE JEFFERSONIAN
Frank Jefferson
Manager

Cost of Advertisement, \$

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Messrs. Cook, Hark & Howard
Lynette Federal Building
Towson 4, Md.

DATE: 1/29/64

REPORT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Advertising and posting of the Baltimore Gas & Electric Co. 5739-X	264.00

264.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: James H. Cook, Retiree
Lynette Building
22 W. Pennsylvania Ave.
Towson 4, Md.

DATE: 1/26/64

REPORT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Cost of posting property for appeal hearing Baltimore Gas & Elec. Co., 73 signs @ 5.00 No. 5739	215.00

215.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

TO: Cont.

DATE: 12/14/63

REPORT TO ACCOUNT NO. 01622

QUANTITY	DETAILS UPPER SECTION AND RETURN WITH YOUR REMITTANCE	COST
	Petition for Special Exception for Baltimore Gas & Electric Company	50.00

50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

5739

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 31, 1963

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., since its week of January 13, 1964, the first publication appearing on the 27th day of December, 1963.

THE JEFFERSONIAN
Frank Jefferson
Manager

Cost of Advertisement, \$

5739-X

DATE OF PUBLICATION

TOWSON, MD. 12/27/63

CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., since its week of January 13, 1964, the first publication appearing on the 27th day of December, 1963.

THE COUNTY NEWS WEEK

12/27/63

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 31, 1963

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., since its week of January 13, 1964, the first publication appearing on the 27th day of December, 1963.

THE JEFFERSONIAN
Frank Jefferson
Manager

Cost of Advertisement, \$

PETITION FOR A
SPECIAL EXCEPTION
IN 3A & 11th DISTRICTS
ZONING: Petition for Special
exception for Operation and
maintenance of 115 kv electric
transmission lines
LOCATION: Extending gener-
ally from Baltimore Gas & Elec-
tric Company's East Towson Sub-
station property, situate near
Fairmount Avenue and the
abandoned right-of-way of the
Maryland and Pennsylvania Rail-
road, to the vicinity of the aban-
doned Summerville Railroad Sta-
tion
DATE & TIME: WEDNES-
DAY, JANUARY 15, 1964 at
10 A.M.
PUBLIC HEARING: Room
108, County Office Building, 111
W. Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of
Baltimore County, by authority
of the Zoning Act and Regula-
tions of Baltimore County, will
hold a public hearing:
Concerning all that parcel of
land in the Ninth and Eleventh
Districts of Baltimore County
Beginning for the same in the
center line of a proposed Elec-
trical Transmission Line, said
point of beginning being in the
southernmost property line of
Baltimore Gas and Electric Com-
pany's property known as East
Towson Substation, said point
of beginning being distant 250'
more or less measured along said
southernmost property line from
the easternmost side of Fair-
mount Ave., Towson, Maryland,
thence S 3 degrees 57' W - 27',
thence running parallel to and
18 feet distant measured at
right angles in a northeasterly
direction from the center line of
the abandoned right-of-way of
the Maryland and Pennsylvania
Railroad Company, 30 feet wide,
S 26 degrees 05' E - 620' more
or less, thence still S 26 degrees
05' E - 240' more or less, thence
N 83 degrees 07' 30" E - 1178.45',
N 50 degrees 40' 20" E - 225' and
N 54 degrees 42' 15" E - 275'
more or less to intersect the
northeasternmost side of Joppa
road near the center line of the
abandoned right-of-way of the
Maryland and Pennsylvania Rail-
road Company, 66 feet wide,
thence running in said aban-
doned right-of-way the three fol-
lowing courses and distances, N 54
degrees 42' 15" E - 411' more or
less, N 58 degrees 54' E - 208.23'
and S 79 degrees 00' E - 100'
more or less to intersect the
southeasternmost side of said
abandoned right-of-way, thence
leaving said abandoned right-of-
way, S 79 degrees 05' E - 254'
more or less, thence running par-
allel to and 66 feet distant mea-
sured at right angles in a south-
westerly direction from the cen-
ter line of said abandoned right-
of-way, S 70 degrees 32' E -
460', thence S 84 degrees 40'
23" E - 135' more or less to in-
tersect the southwesternmost
side of said abandoned right-of-
way, thence running in said
abandoned right-of-way the
three following courses and dis-
tances, S 84 degrees 40' 23" E -
1558' more or less, S 74 degrees
50' 30" E - 300' and S 70 de-
grees 48' 50" E - 335' more or
less to intersect the southwest-
ernmost side of said abandoned
right-of-way, thence leaving said
abandoned right-of-way S 70 de-
grees 48' 50" E - 65' more or less,
N 58 degrees 48' 15" E - 462.04'
and N 66 degrees 01' E - 745'
more or less to intersect the
southeasternmost side of said
abandoned right-of-way, thence
running with and binding on the
southeasternmost side of said
abandoned right-of-way, N 66
degrees 01' E - 600' more or less,
thence crossing said abandoned
right-of-way N 48 degrees 32'
33" E - 337.25' to a point 40'
more or less southwest of Ramp
O of the Baltimore County Belt-
way, said point being distant 80
feet more or less measured at
right angles in a southeasterly
direction from the center line of
Cromwell Bridge Road, thence N
59 degrees 01' E - 845' to a
point distant 140 feet more or
less measured along said last de-
scribed line from its intersection
with the center line of the west-
bound lane of the Baltimore
County Beltway, said point be-
ing distant 75 feet more or less
measured at right angles in a
southeasterly direction from the
center line of Cromwell Bridge
Road, thence N 63 degrees 41'
10" E - 1370' more or less to in-
tersect the northwesternmost
side of said abandoned right-of-
way, the last described line
crossing Loch Raven Boulevard
at a point distant 100' more or
less measured along the center
line of said Boulevard from its
intersection with the center line
of Cromwell Bridge Road, thence
running in said abandoned right-
of-way the 4 following courses
and distances N 65 degrees 41'
10" E - 435' more or less, N 70
degrees 15' 10" E - 705', N 58 de-
grees 53' 35" E - 462.17', the
last described line crossing Oak-
leigh Road at a point distant
130' more or less measured along
the center line of said Road from
its intersection with the center
line of Cromwell Bridge Road,
thence N 60 degrees 59' E - 50'
more or less, thence leaving said
abandoned right-of-way 66 feet
wide and running parallel to and
10.5 feet distant measured at
right angles in a northwesterly
direction from the northwestern-
most side of the abandoned right-
of-way of the Maryland and
Pennsylvania Railroad Company
30 feet wide, N 60 degrees 59'
E - 1177' more or less, thence
N 53 degrees 31' 20" E - 277.42',

thence still running parallel to
and 10.5 feet distant measured
at right angles in a northwesterly
direction from said side of
said abandoned right-of-way, N
50 degrees 15' E - 620' more or
less, thence running in the aban-
doned right-of-way of the Mary-
land and Pennsylvania Railroad
Company 66 and 80 feet wide
the 20 following courses and
distances N 60 degrees 15' E - 70'
more or less, N 53 degrees 12' 56"
E - 310.97', N 37 degrees 30'
10" E - 327.25', N 29 degrees
14' 13" E - 450', N 54 degrees
53' E - 670', N 45 degrees 19'
48" E - 300', N 39 degrees 31',
48" E - 300', N 34 degrees 14' 20"
E - 240.74', N 49 degrees 01' 14"
E - 248.58', N 57 degrees 25'
30" E - 307.49', N 48 degrees 48'
50" E - 400.18', N 46 degrees 34'
50" E - 320', N 51 degrees 09'
40" E - 278.72', and N 39 de-
grees 56' 45" E - 445', the last
described line crossing Satyr Hill
Road at a point distant 60' more
or less measured along the cen-
ter line of said Road from its
intersection with the center line
of Cromwell Bridge Road, thence
N 37 degrees 48' 20" E - 250.56',
N 48 degrees 49' 04" E - 673.95',
N 56 degrees 50' 30" E - 759.73'
and N 55 degrees 13' 40" E -
500', thence crossing said aban-
doned right-of-way and crossing
Cromwell Bridge Road, N 41 de-
grees 24' 20" E - 362.48' to a
point distant 85' more or less
measured along the last described
line from its intersection with
the center line of Glenarm Road,
the last described line crossing
Glenarm Road at a point distant
75' more or less measured along
the center line of said road from
its intersection with the center
line of Cromwell Bridge Road,
thence running between Big Gun-
powder Falls and said abandoned
right-of-way the 5 following
courses and distances N 23 de-
grees 34' 18" E - 448.91', N 38
degrees 40' 09" E - 588.36', N
51 degrees 07' 50" E - 690.75',
N 63 degrees 07' 31" E - 678.85'
and N 54 degrees 08' 07" E -
452.31' to a point in the center
of said abandoned right-of-way
60 feet wide, thence crossing said
abandoned right-of-way and run-
ning along and south of Big Gun-
powder Falls, the two following
courses and distances N 72 de-
grees 48' 42" E - 702.27' and
S 85 degrees 20' 15" E - 400',
thence crossing Big Gunpowder
Falls N 54 degrees 02' 24" E -
274.80' to intersect the southern-
most side of Baltimore Gas and
Electric Company's existing
Electrical Transmission Line
Right-of-Way 132 feet wide;
said point of intersection being
distant S 54 degrees 55' 15" E -
63.66' measured along said side
of said right-of-way from a point
opposite the center of existing
Steel Tower Number 115, thence
running with and binding on the
outlines of an area to be used
for connecting the new Transmis-
sion Line to the existing Trans-
mission Lines as follows:
Beginning for the same in the
southernmost side of Baltimore
Gas and Electric Company's ex-
isting Electrical Transmission
Line Right-of-Way 132 feet wide
at the end of the above de-
scribed N 54 degrees 02' 24" E -
274.80' line, said point of be-
ginning being distant S 54 de-
grees 55' 15" E - 63.66' mea-
sured along said side of said
right-of-way from a point op-
posite the center of existing Steel
Tower Number 115, thence run-
ning with and binding on said
side of said right-of-way S 54
degrees 55' 15" E - 71.34', thence
N 35 degrees 04' 45" E - 132' to
intersect the northernmost side
of said right-of-way, thence run-
ning with and binding on said
side of said right-of-way N 54
degrees 55' 15" E - 160', thence
crossing parallel to and 18 feet
distant measured at right angles
in a northwesterly direction from
a line drawn through the center
of existing Steel Towers Num-
ber 11N and Number 11S, S 35
degrees 04' 45" W - 132' to in-
tersect the above mentioned
southernmost side of said right-
of-way, thence running with and
binding on said side of said
right-of-way S 54 degrees 55'
15" E - 78.66' to the place of
beginning.
The above described Electrical
Transmission Line is shown in
red on white prints of Petition-
er's Exhibit "A". The above de-
scribed area to be used for con-
necting the new Transmission
Line to the existing Transmis-
sion Lines is shown outlined in
yellow on white prints of Peti-
tioner's Exhibit "A".
The bearings in the above de-
scriptions are referred to the
True Meridian as established by
the Baltimore County Metropolitan
District.
Being the property of Balti-
more Gas and Electric Company
and/or Commissioner as shown on
plat plan filed with the Zoning
Department.
BY ORDER OF
JOHN G. ROSE
ZONING
COMMISSIONER OF
BALTIMORE COUNTY

DUPLICATE
OFFICE OF
THE BALTIMORE COUNTIAN
THE COMMUNITY NEWS
Roisterston, Md
THE HERALD - ARGUS
Catonsville, Md.
No. 1 Newburg Avenue
CATONSVILLE, MD.

December 30, 19 63

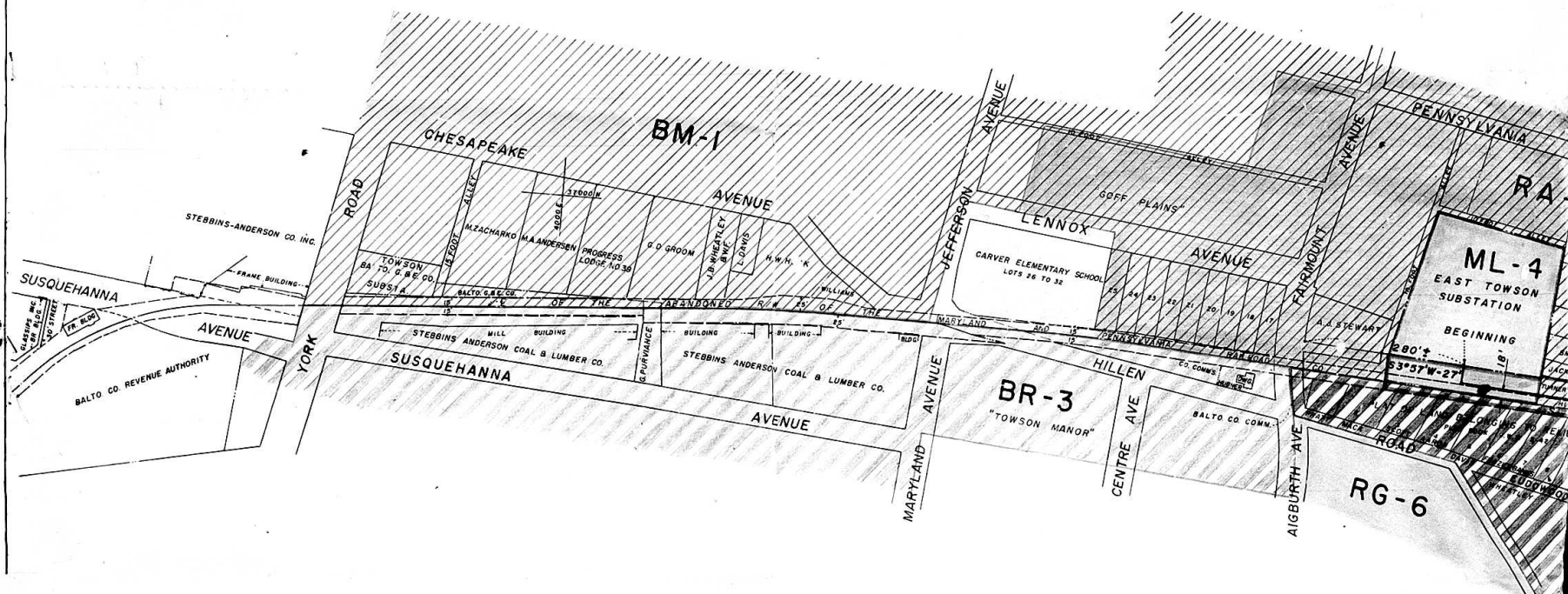
THIS IS TO CERTIFY, that the annexed advertisement of
John G. Rose, Zoning Commissioner of
Baltimore County

was inserted in THE BALTIMORE COUNTIAN, a group of
three weekly newspapers published in Baltimore County, Mary-
land, once a week for One week
the 30th day of December, 1963, that is to say
the same was inserted in the issues of

December 27, 1963.

THE BALTIMORE COUNTIAN

By *Paul J. Morgan*
Editor and Manager



PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. RT. OF WAY
9TH. DIST. - BALTO. CO. - MARYLAND.

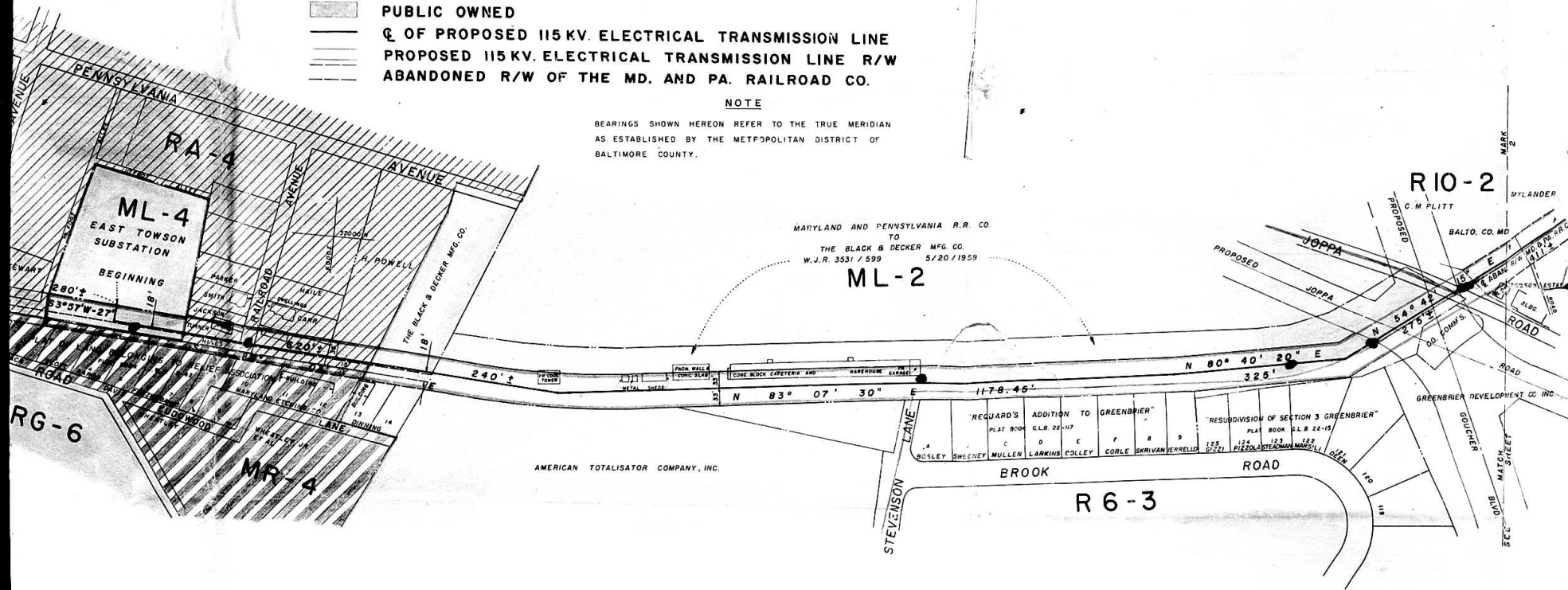
KEY

-  BM BUSINESS MAJOR
-  BR BUSINESS ROADSIDE
-  ML MANUFACTURING LIGHT
-  MR MANUFACTURING RESTRICTED
-  RG RESIDENTIAL GROUP
-  RA RESIDENTIAL APARTMENT
-  R6 RESIDENTIAL 6,000 SQ. FT.
-  R10 RESIDENTIAL 10,000 SQ. FT.
-  R20 RESIDENTIAL 20,000 SQ. FT.
-  R40 RESIDENTIAL 40,000 SQ. FT.
-  PUBLIC OWNED

Q OF PROPOSED 115 KV. ELECTRICAL TRANSMISSION LINE
 PROPOSED 115 KV. ELECTRICAL TRANSMISSION LINE R/W
 ABANDONED R/W OF THE MD. AND PA. RAILROAD CO.

NOTE

BEARINGS SHOWN HEREON REFER TO THE TRUE MERIDIAN
 AS ESTABLISHED BY THE METROPOLITAN DISTRICT OF
 BALTIMORE COUNTY.



CO. RT. OF WAY
 AND.



PLAN SHOWING 115KV TRANSMISSION LINE
 BETWEEN EAST TOWSON SUBSTATION AND
 EXISTING TOWER LINES AT SUMMERFIELD

PETITIONERS EXHIBIT A-1

SHEET 1 OF 6

SCALE: 1" = 100'

LEY FOR

600



VI
 8

WILLIAM S. MERRICK ET AL

R 40-1

CROMWELL

MARYLAND & PENNSYLVANIA RAILROAD CO.

BIG

GUNPOWDER

BRIDGE

BALTIMORE GAS AND ELECTRIC COMPANY

N 43° 32' 20" E 250.66'

N 48° 49' 04" E 673.95'

N 56° 50' 30" E 759.73'

ABANDONED

HEIRS OF GURDON K TYLER

R/W

N 60° 57' 40" E 925'

N 55° 13' 40" E 500'

R 6

H. COURTENAY JENIFER, ET AL, TRUSTEES

H. COURTENAY JENIFER, ET AL, TRUSTEES

VERNON E. TRINTER & WF.

BERNARD PHILLIPS & WF.

PLAT OF

MARYLAND & PENNSYLVANIA RAILROAD CO. RT. OF WAY

9TH. DIST. - BALTO. CO. - MARYLAND

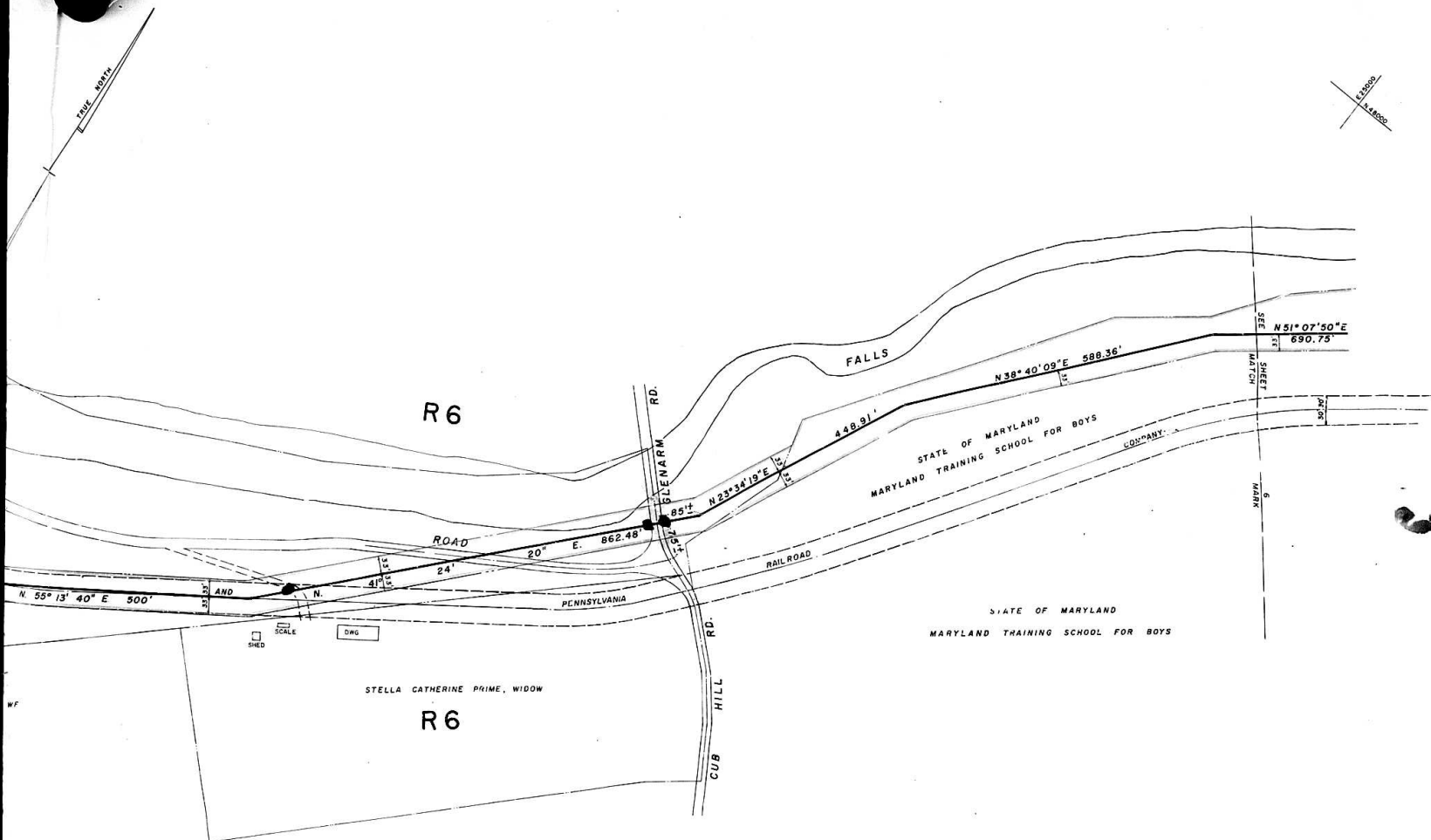
SEE SHEET

MARK

TRUE NORTH

SCALE

D.W.

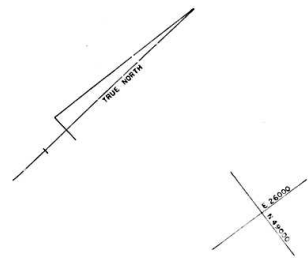


PETITIONERS EXHIBIT A-1

SHEET 5 OF 6

SCALE 1" = 100'





R6

SUMMERFIELD

THE STATE OF MARYLAND

MARYLAND TRAINING SCHOOL FOR BOYS

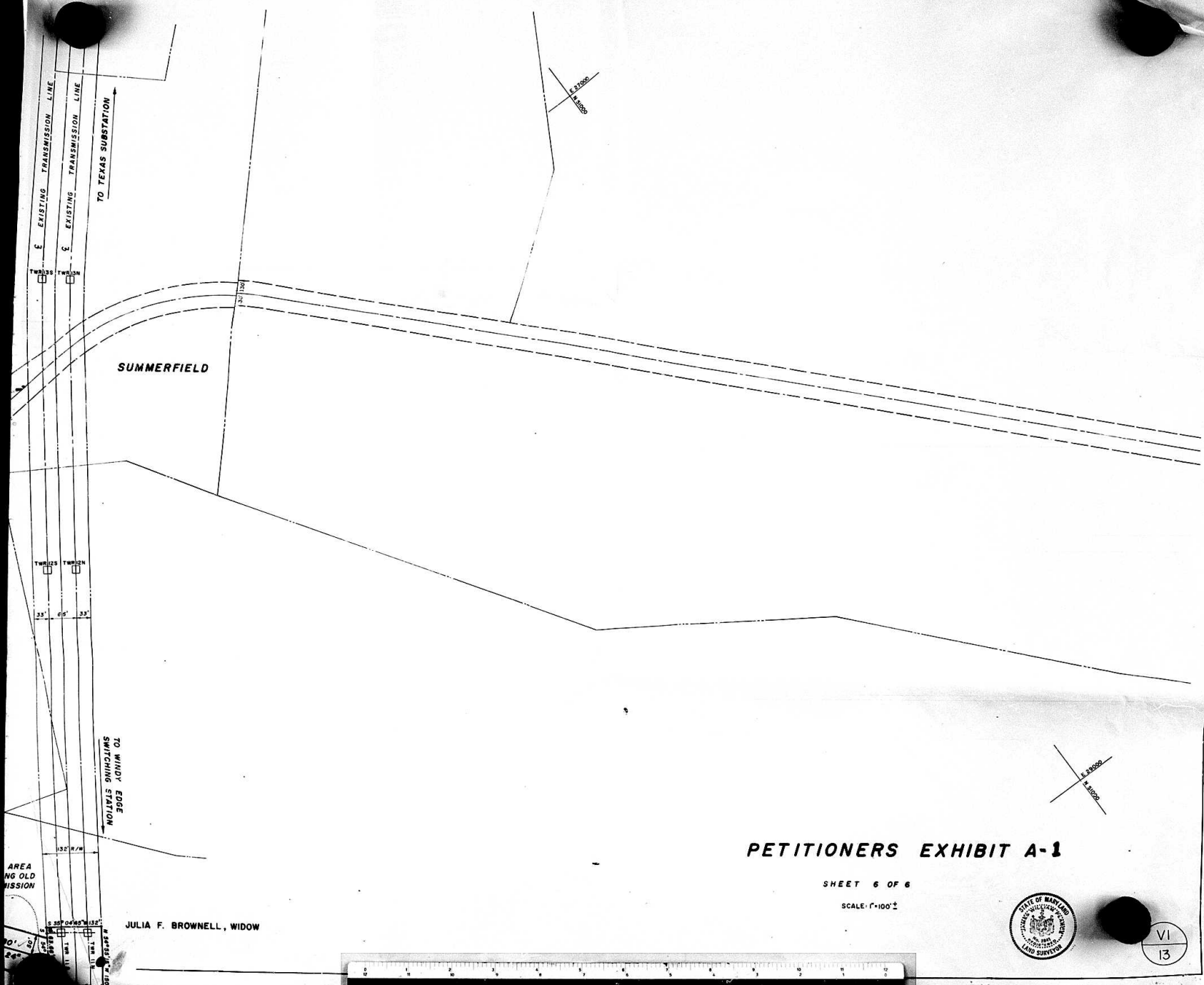
R6

PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. R/W
9TH & 11TH DIST. - BALTO. CO. - MARYLAND

BEGINNING OF AREA
FOR CONNECTING OLD
& NEW TRANSMISSION
LINES

JULIA F. BROWNELL, WIDOW





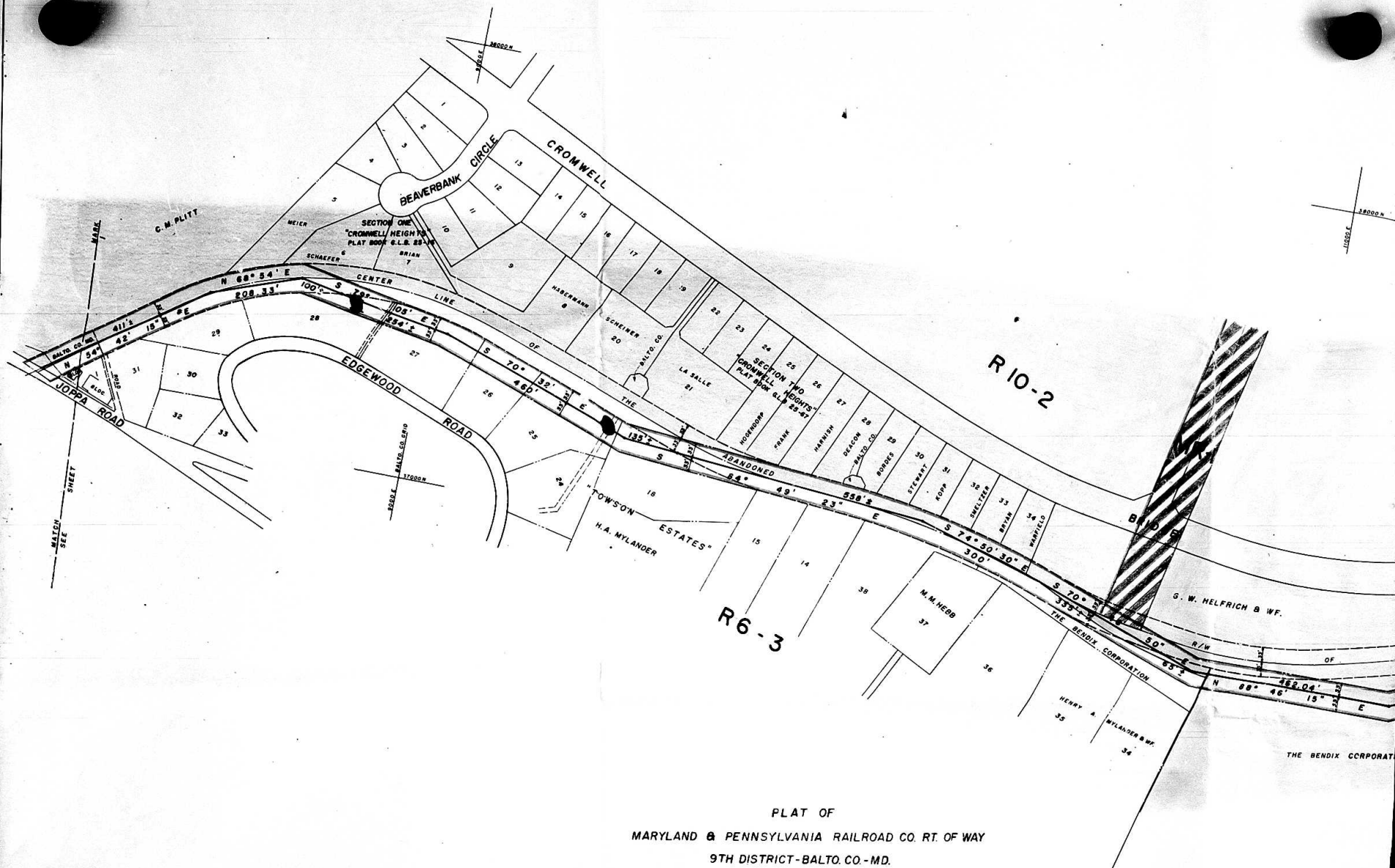
PETITIONERS EXHIBIT A-1

SHEET 6 OF 6

SCALE 1"=100'



VI
13



ML-1

ROAD

QUE HOLDING CORPORATION

PENNSYLVANIA

580' ±

MARYLAND

N 66° 01' E

THE BENDIX CORPORATION

MR-2

R10-3

BM

MAJOR APPLIANCE DISTRIBUTORS, INC.

CONTRACT

RAILROAD

N 59° 01' E - 845'

TO BULLOCK COUNTY BELLEVILLE

MARK 3

MARK 3

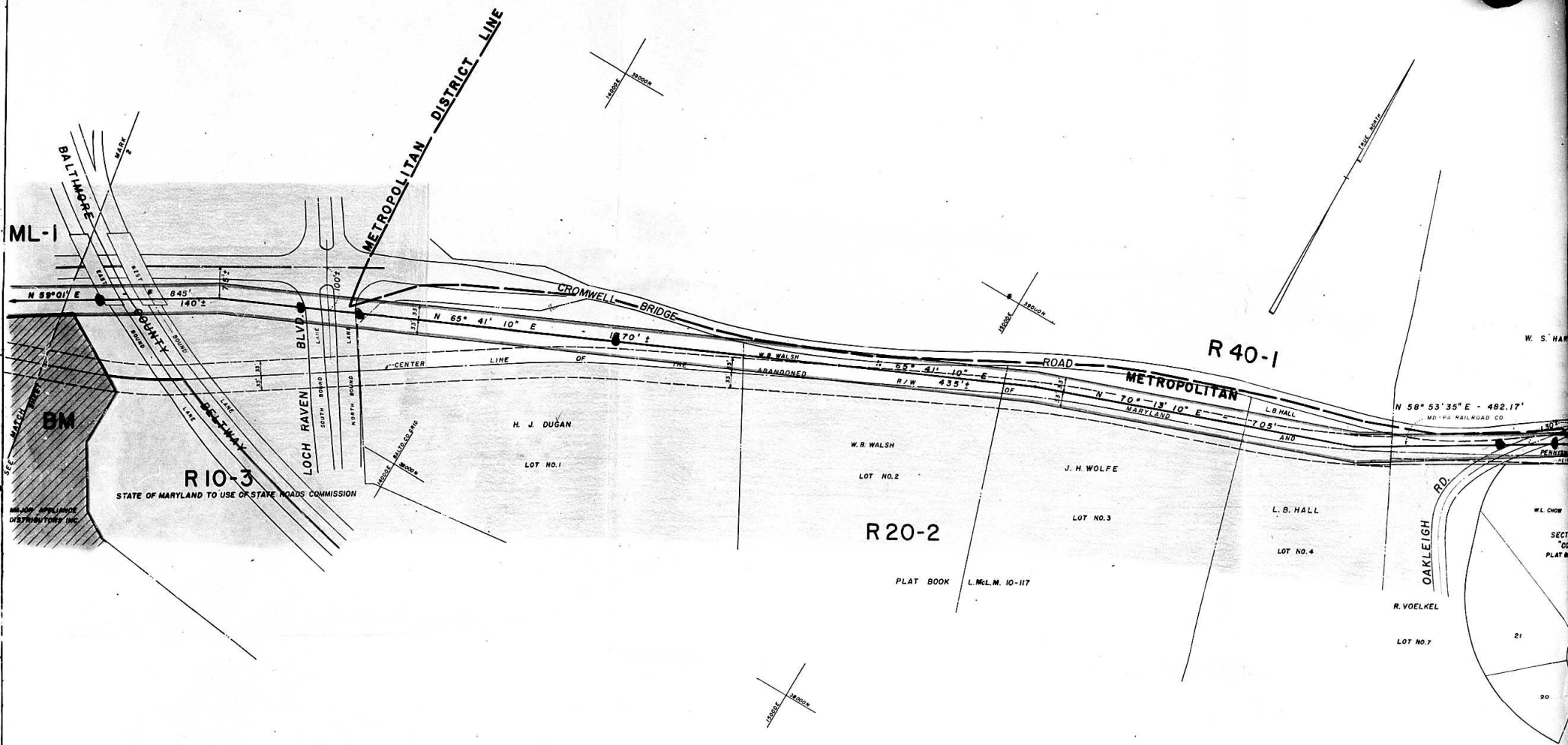
37000

PETITIONERS EXHIBIT A-1

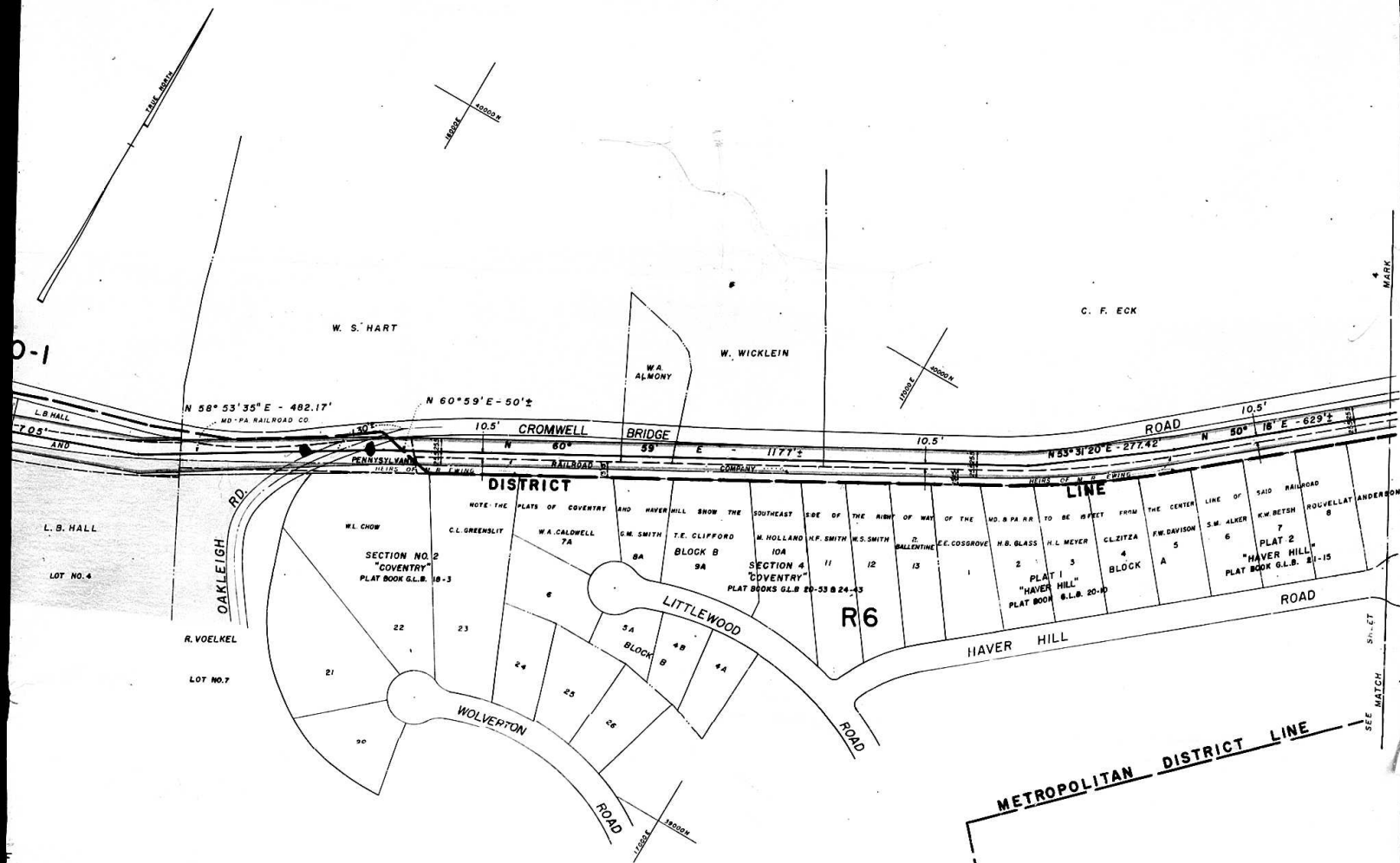
SHEET 2 OF 6

SCALE: 1"=100' ±





PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. RIGHT OF WAY
9TH DISTRICT - BALTO. CO.-MD.



ROAD CO. RIGHT OF WAY
TO CO.-MD.

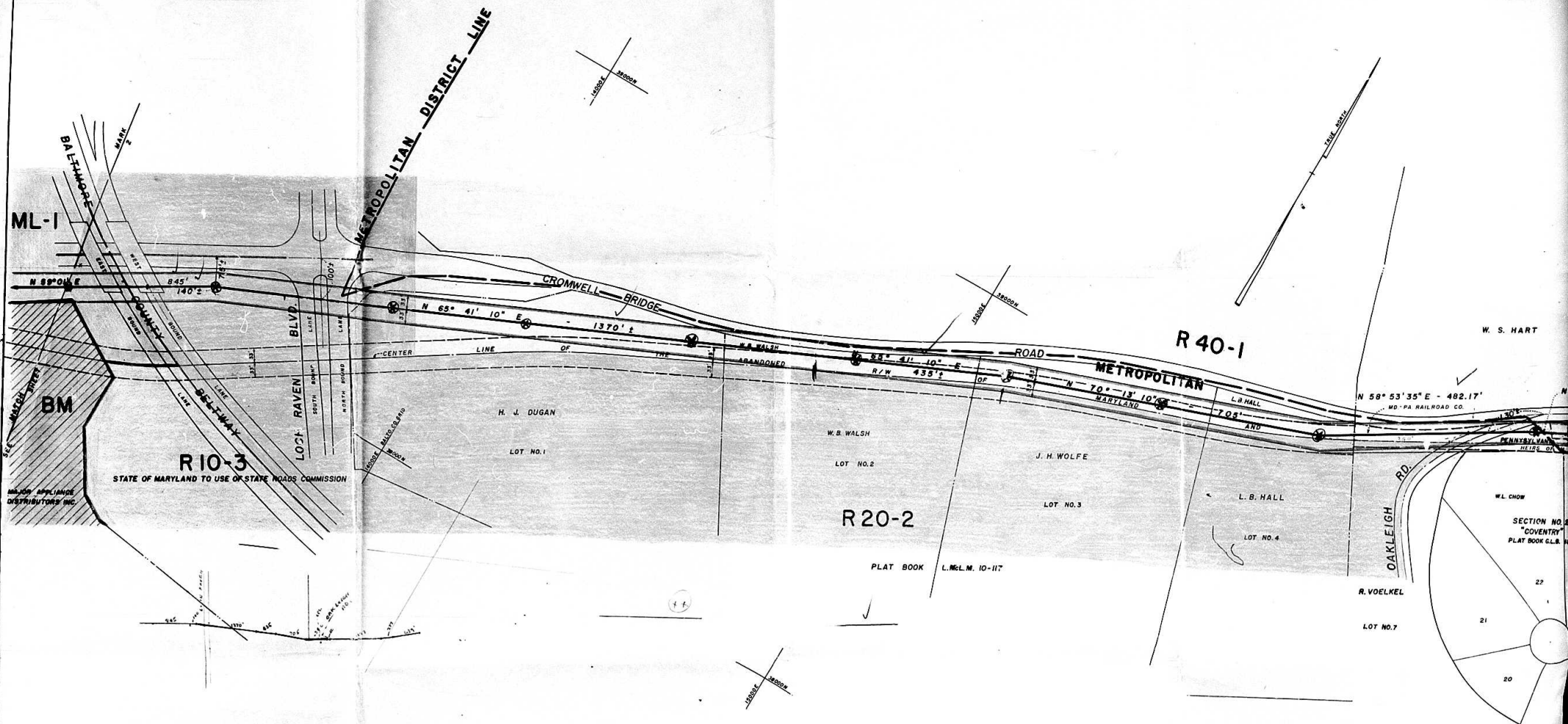
PETITIONERS EXHIBIT A-1

SHEET 3 OF 6

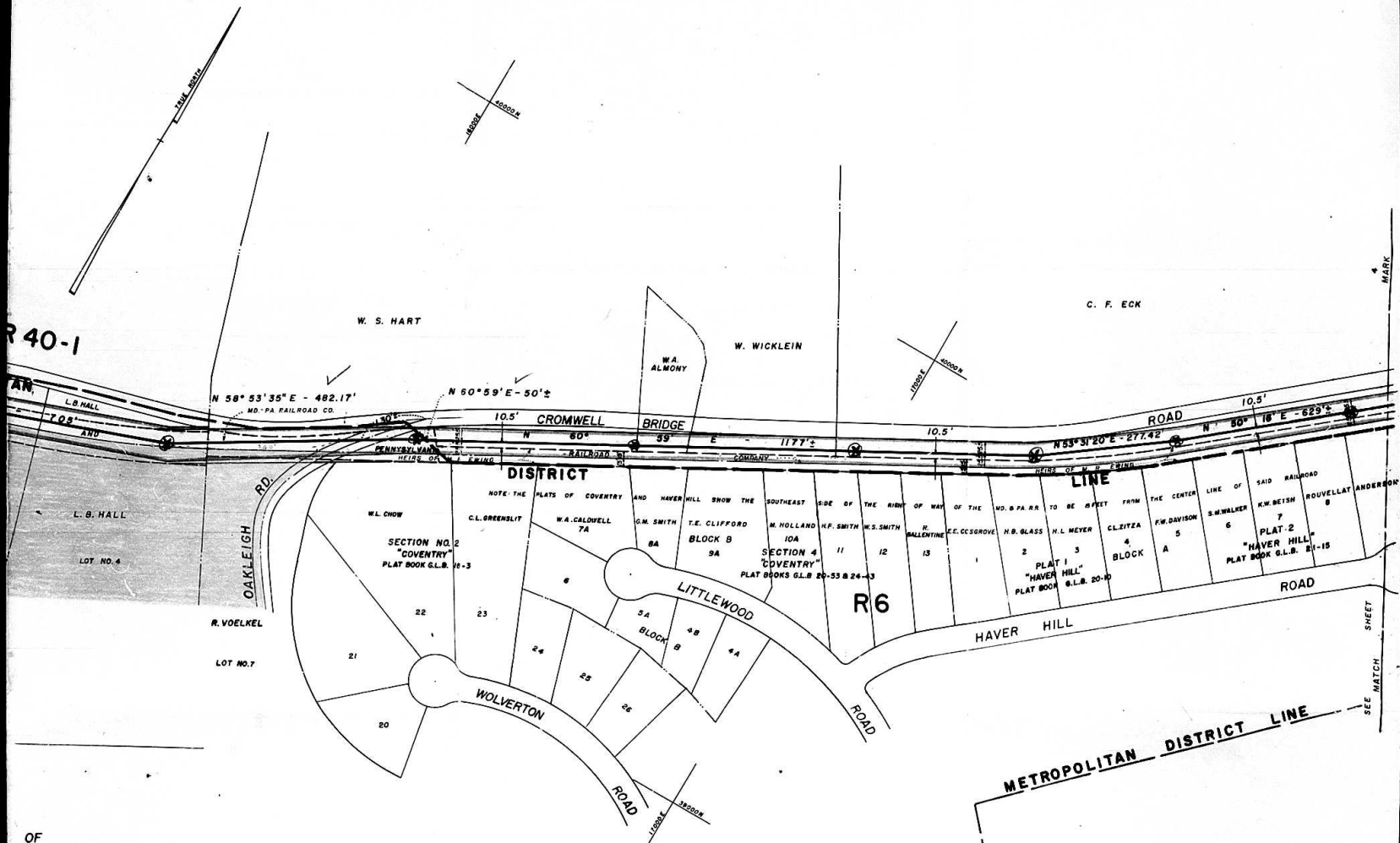
SCALE 1"=100' ±



VI
10



PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. RIGHT OF WAY
9TH DISTRICT - BALTO. CO. - MD.



OF
RAILROAD CO. RIGHT OF WAY
BALTO. CO.-MD.

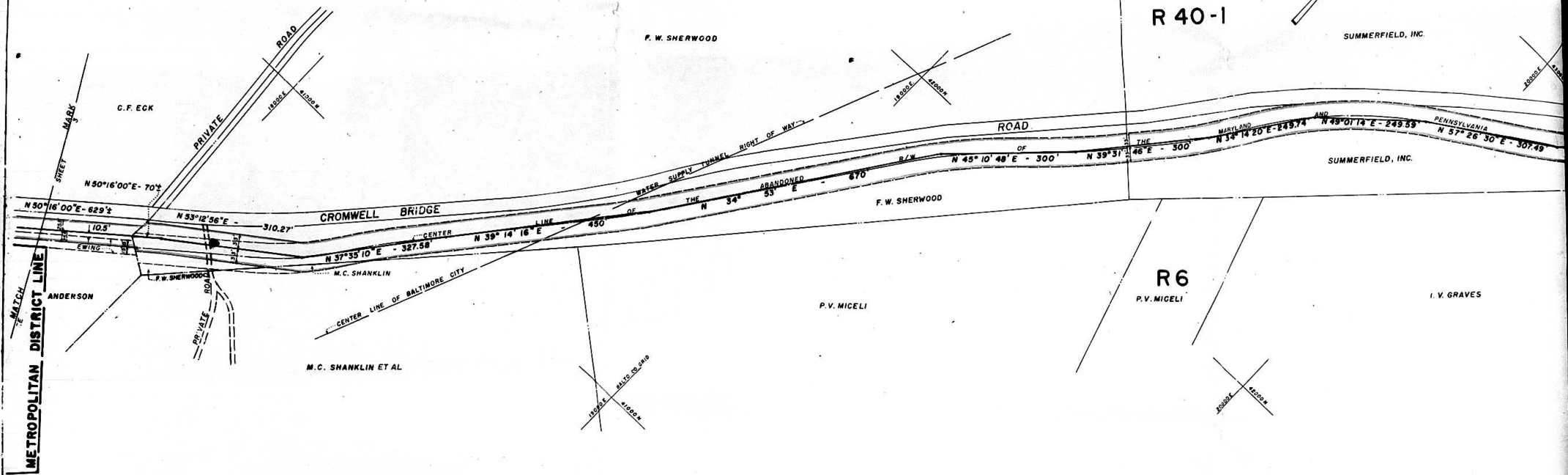
PETITIONERS EXHIBIT A-1

SHEET 3 OF 6

SCALE 1"=100'



VI
10



PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. RIGHT OF WAY
9TH DISTRICT-BALTO. CO.-MD.

SUMMERFIELD, INC.

W.S. MERRICK ET AL

WALTER MITCHELL JENIFER

WILLIAM S. MERRICK ET AL

ROAD

CROMWELL BRIDGE

SUMMERFIELD, INC.

H. COURTENAY JENIFER, ET AL, TRUSTEES

A.F. ASCHENEIER

J.E. JUDD ET AL

I. V. GRAVES

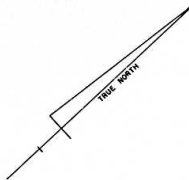
RAILROAD CO. RIGHT OF WAY
TO CO. - MD.

PETITIONERS EXHIBIT A-1

SHEET 4 OF 6

SCALE: 1" = 100'





R6

SUMMER

THE STATE OF MARYLAND

MARYLAND TRAINING SCHOOL FOR BOYS

R6

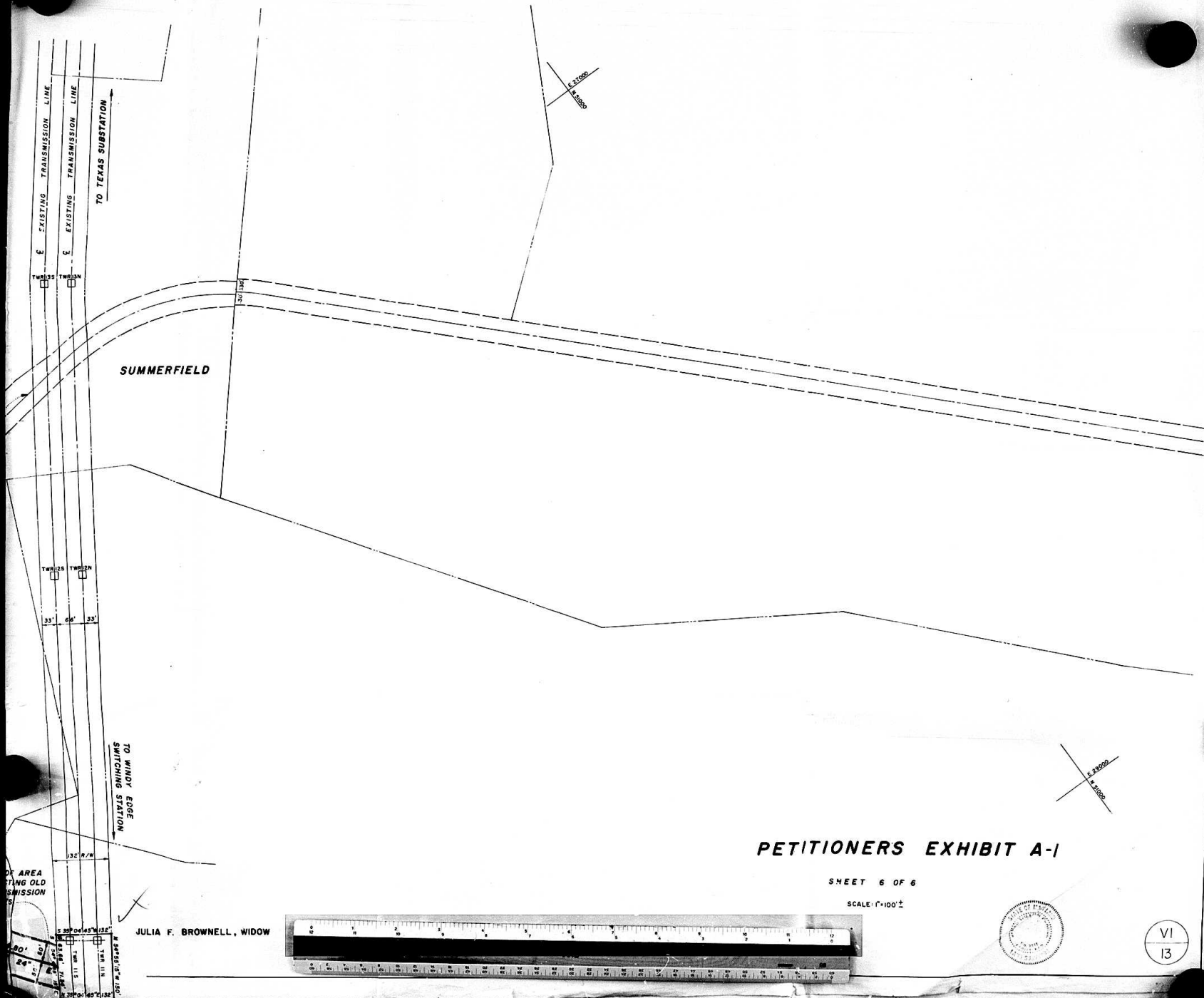
PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. R/W
9TH & 11TH DIST. - BALTO. CO. - MARYLAND

BEGINNING IN AREA
FOR CONNECTING OLD
& NEW TRANSMISSION
LINES

TO WINDY EDGE
SWITCHING STATION

JULIA F





PETITIONERS EXHIBIT A-1

SHEET 6 OF 6

SCALE: 1"=100'

MATCH
SEE SHEET

WILLIAM S. MERRICK ET AL

R 40-1

CROMWELL

MARYLAND & PENNSYLVANIA RAILROAD CO.

BIG

GUNPOWDER

BRIDGE

HEIRS OF GURDON K. TYLER

BALTIMORE GAS AND ELECTRIC COMPANY

R6

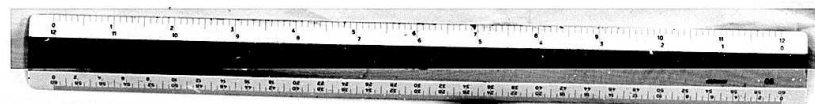
H. COURTENAY JENIFER, ET AL, TRUSTEES

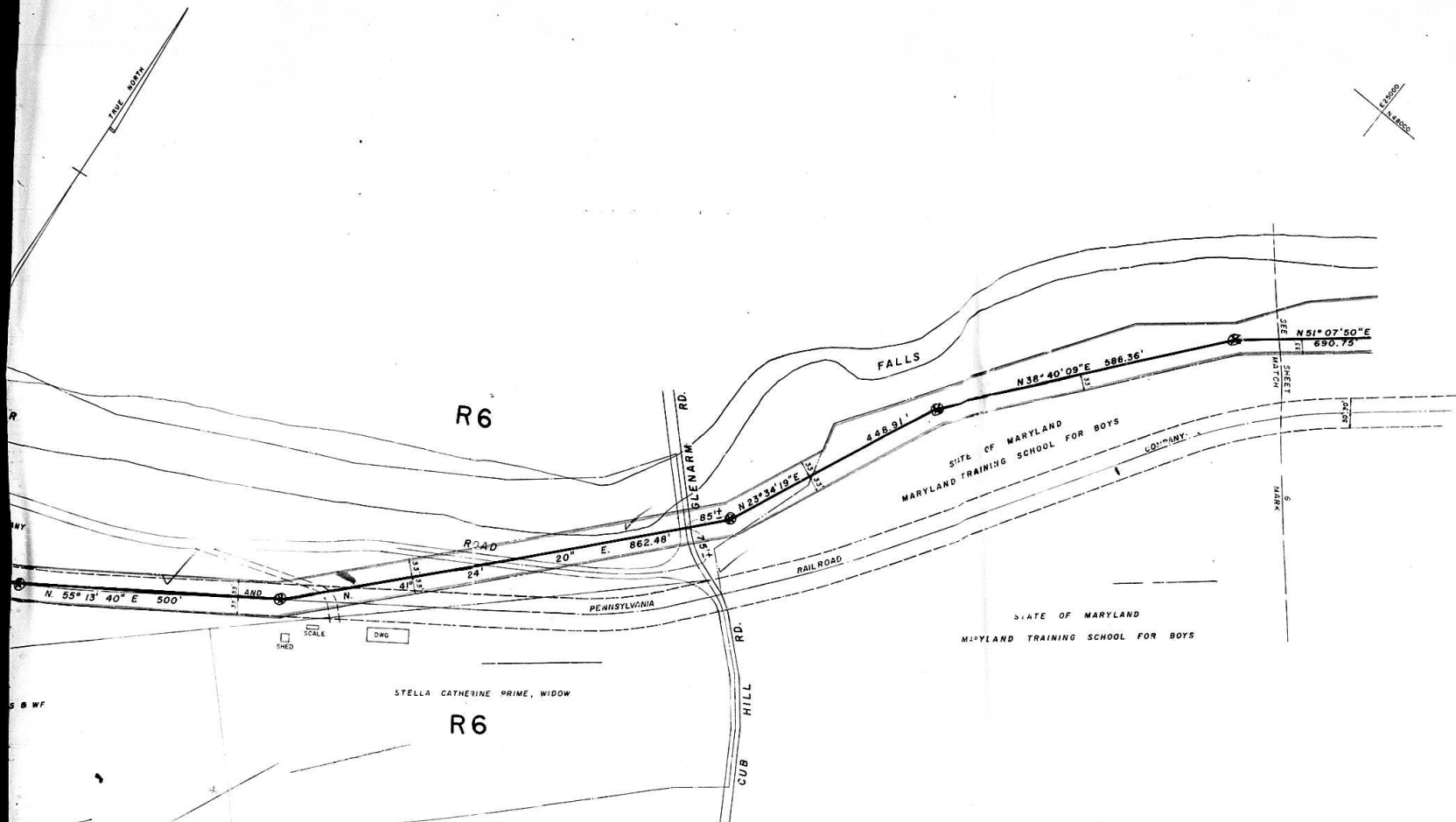
H. COURTENAY JENIFER, ET AL, TRUSTEES

VERNON E. TRINTER & WF.

BERNARD PHILLIPS & WF.

PLAT OF
MARYLAND & PENNSYLVANIA RAILROAD CO. RT. OF WAY
9TH. DIST. - BALTO. CO. - MARYLAND



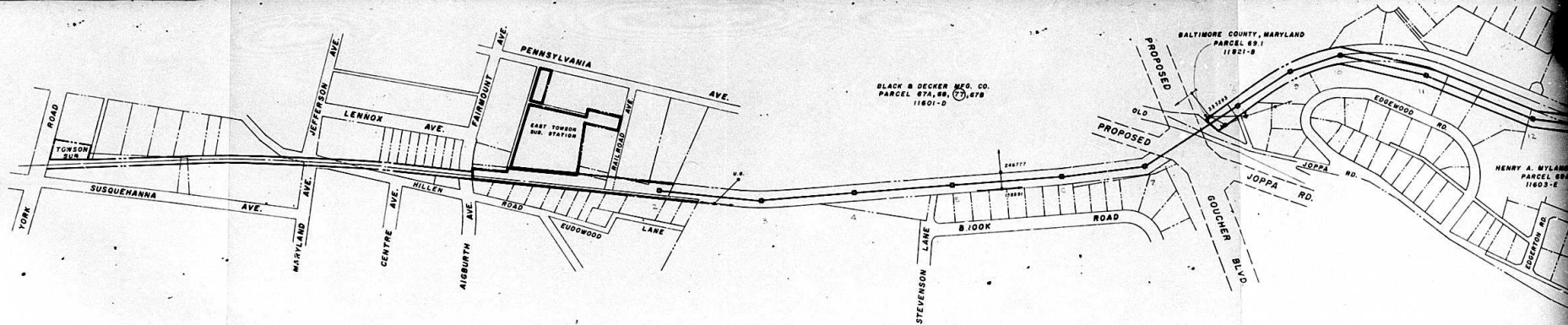


PETITIONERS EXHIBIT A-1

SHEET 5 OF 6

SCALE 1" = 100' ±





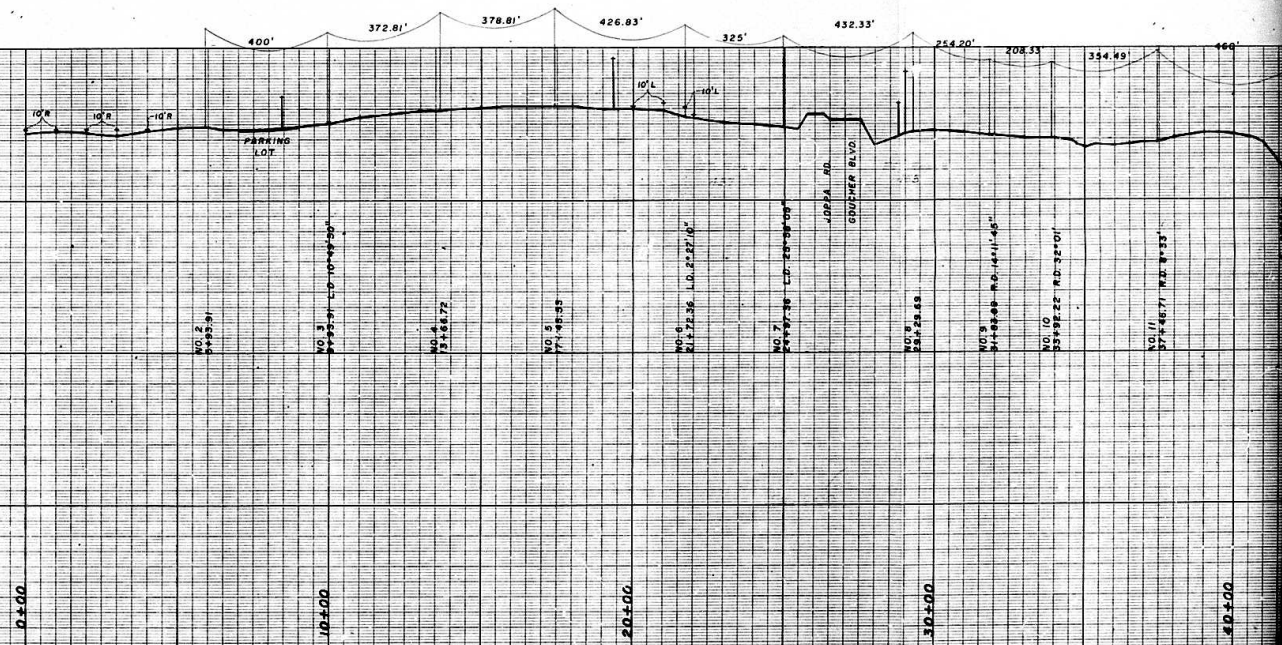
EL. 500

EL. 400

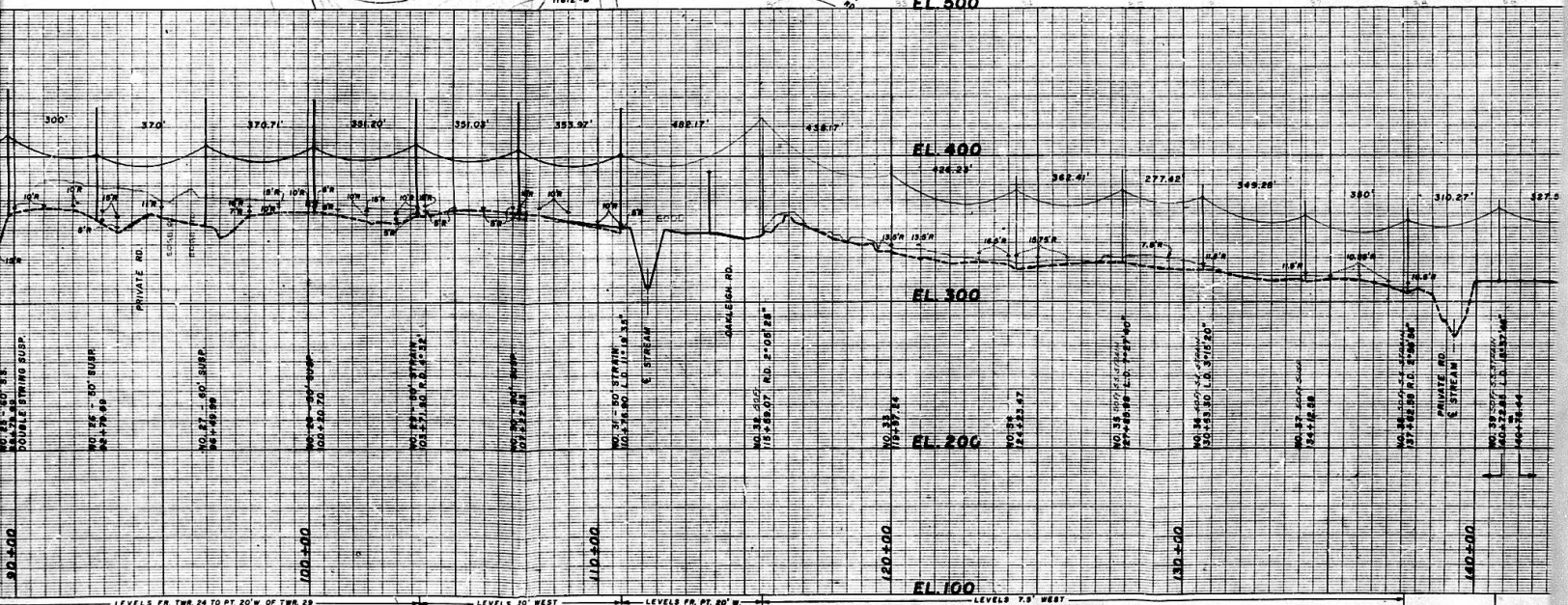
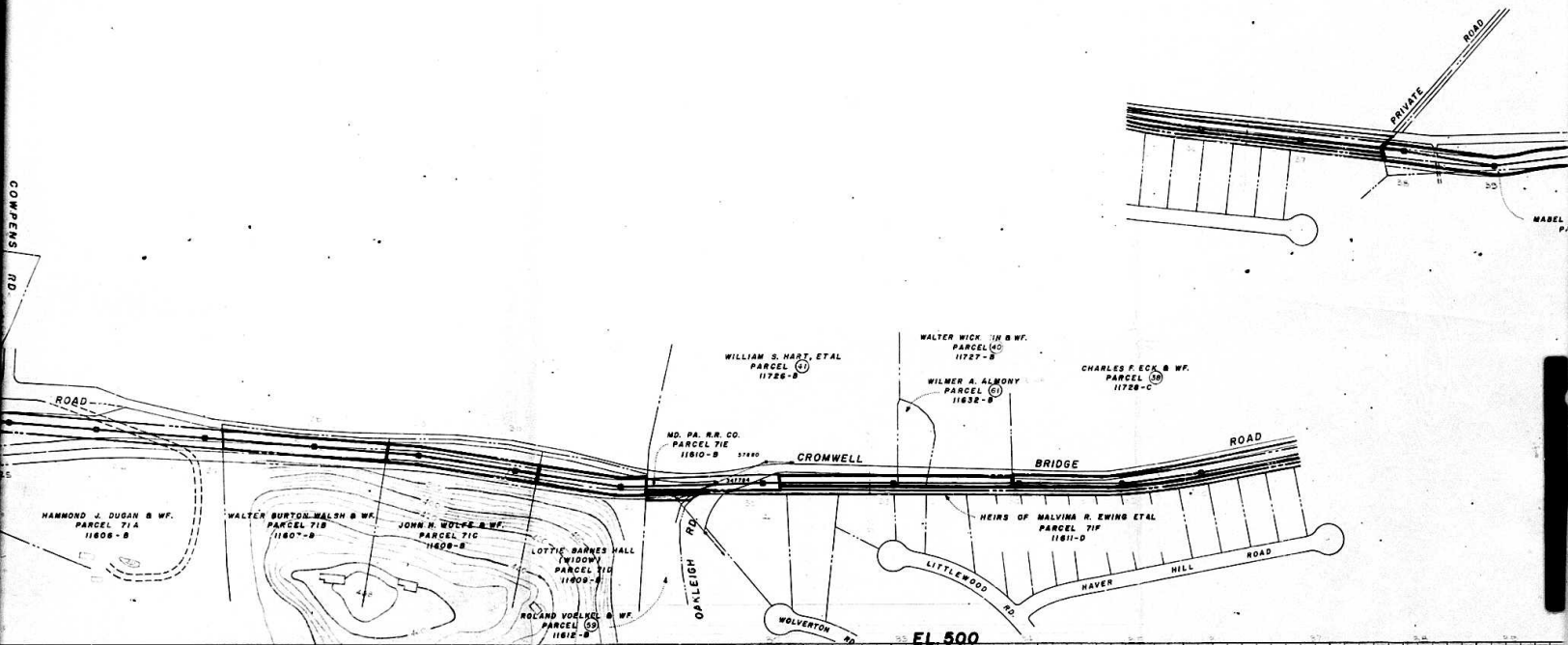
EL. 300

EL. 200

EL. 100



COMPENS. RD.



FRANCES W. SHERWOOD
PARCEL 72A
11630-D

SUMMERFIELD INC.
PARCEL 73A
11637-B

WILLIAM S. MERRICK ETAL
PARCEL 73B
11638-B

HEIRS OF RICHARD BARNHART
PARCEL 75
11641-B

MARYLAND & PENNSYLVANIA
PARCEL
11642-B

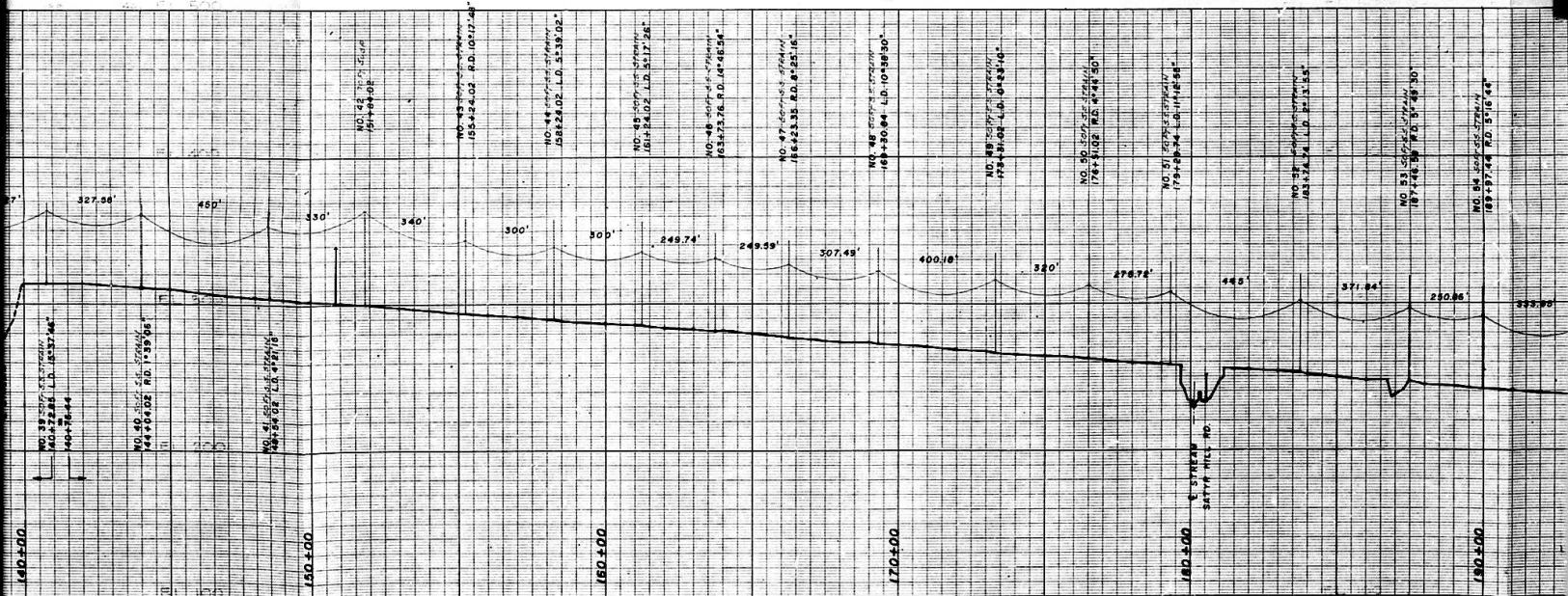
MABEL C. SHANKLIN ETAL
PARCEL 72B
11635-B

CROMWELL

BRIDGE

SATYR HILL RD.

ST. OF MD
PARCEL 72D
11634-B



MARYLAND & PENNSYLVANIA RAILROAD CO.
PARCEL 76, 77
11642-C

ROAD

HEIRS OF GURDON K. TYLER ETAL
PARCEL 75
11772-B

MERCANTILE SAFE DEPOSIT & TRUST CO. EXECUTOR
PARCEL 79D
11643-U

GUNPOWDER

STELLA CATHERINE PRIME (WIDOW)
PARCEL 79C
11644-B

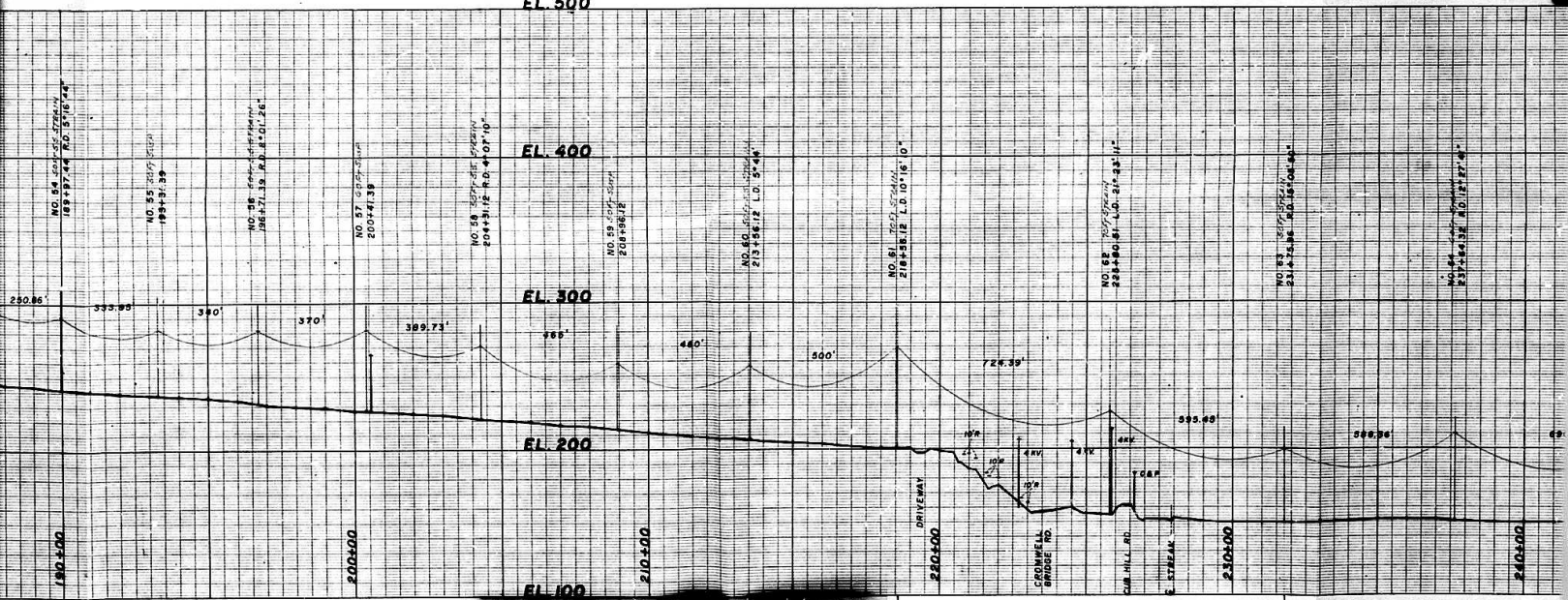
STATE OF MARYLAND
PARCEL 79B
11645-D

CUB HILL

EL 400

EL 300

EL 200

EL-100

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-LEVELS - BOOK 351, PG'S 26 TO 28

