

15THED DD TO ARCHIVE 74-102-45194

JENNIFER R. BUSSE

DIRECT LINE (410) 832-2077

DIRECT FAX (410) 339-4027

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Towson Commons, Suite 300 One West Pennsylvania Avenue Towson, Maryland 21204-5025 Main Telephone (410) 832-2000

BALTIMORE, MD COLUMBIA, MD FALLS CHURCH, VA TOWSON, MD WASHINGTON, DC WILMINGTON, DE

(800) 987-8705

July 12, 2011

Via Hand Delivery
W. Carl Richards, Jr., Chief
Baltimore County Zoning Review Office
Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Constellation Power Source Generation, Inc.

C.P. Crane Power Plant - 1001 Carroll Island Road Spirit & Intent Request for Equipment Installation

Dear Mr. Richards:

Please accept this letter as our request for Spirit & Intent relief for the above referenced property. In order to reduce emissions at the C.P. Crane Power Plant, Constellation Power Source Generation, Inc. ("Constellation") desires to install improvements to facilitate the addition of additives to the coal which will improve boiler operations and reduce air emissions.

Preliminarily, with regard to the site's zoning and development history, there are three previous zoning cases applicable to the Crane plant. Specifically, Case No. 4077 granted the site Special Exception approval, Case No. 72-41-A granted variances for the dock and sheet piling, and Case No. 74-102-ASPH granted a Special Hearing and Variance for a propane storage facility (interpreting it as properly includable within the Special Exception, and granting a variance for its height). The site has also been granted a variety of administrative approvals.

We are now seeking your office's administrative Spirit & Intent approval to permit upgrades which will improve the existing operation. The use of the site is not changing. Specifically, Constellation is seeking to add enclosures for additive storage and equipment, associated conveyors to facilitate the placement of the additives onto the coal, and leveling supports to stabilize the placement of the above listed new equipment. The area in which these improvements will be located within the existing coal pile area is shown on the attached plan.

If your office is in agreement with the contents of this letter and deems this Spirit & Intent relief request appropriate, please indicate your approval by executing below. Attached is our firm's check in the amount of \$50.00 representing payment for this request.

Sincerely,

Jenniker R. Busse

## APPROVED FOR SPIRIT & INTENT RELIEF:

W. Carl Richards, Jr.

Chief, Zoning Review Office

7/13/11

. CC:

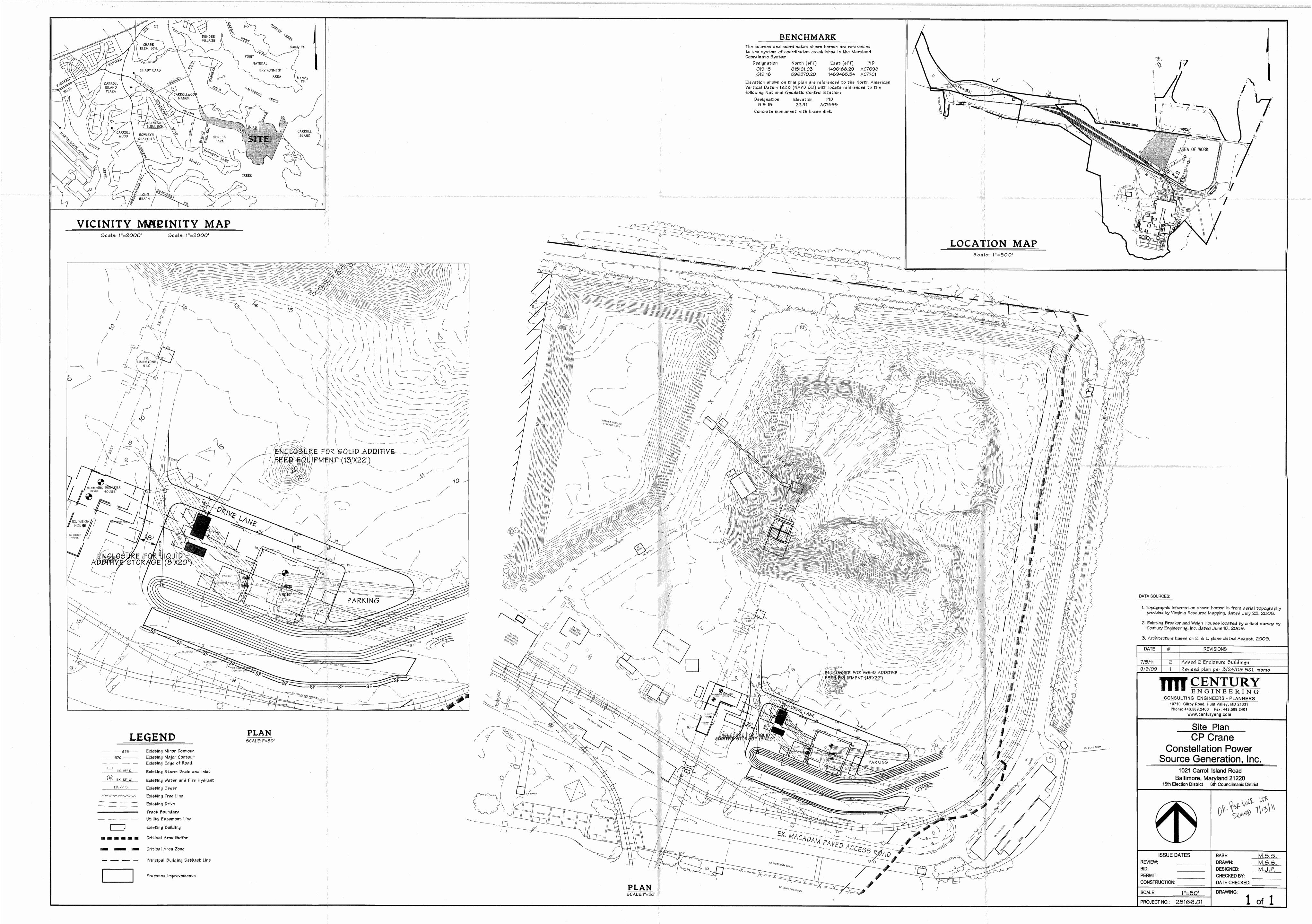
Barbara Kernan Richard A. Ransom, Esq. James F. Burkman Thomas Weissinger

1959618v3

I COPY TO LTR FILE

I COPY TO REPRO (WITH PLAN)

I COPY TO ARCHIVE 74-102-ASPH (WITH PLAN)





BALTIMORE COUNTY MARYLAND

JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

May 15, 2009

Richard A. Ransom, Esq. Constellation Power Source Generation, Inc. 750th East Pratt Street, 17th Floor Baltimore, MD 21202

EDF Development, Inc. 20, Place de la Defense 92050 Paris France Attention: Marianne Laigneau

EDFD C.P. Crane, LLC C/o EDF Development, Inc. 20. Place de la Defense 92050 Paris France Attention: Marianne Laigneau

RE: Zoning Verification Letter Crane Power Plant 1021 Carroll Island Road Baltimore County, Maryland

RECEIVED MAY 15 2009 DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT 09-124

Dear Gentlemen:

Per §1A04.2.B.12 of the Baltimore County Zoning Regulations, which permits by special exception public utility uses not permitted by right, the Crane Power Plant is permitted via special exception as a public utility at the above referenced property (the property is zoned R.C.5). The property was initially granted special exception approved in 1958 via Case No. 4077. A variance was then granted via Case No. 72-41-A to permit dock and sheet piling extensions. Relief was then obtained via Case No. 74-102-ASPH approving an amendment to the special exception to permit the construction of a propane storage facility at the property. Copies of each of these zoning cases are attached hereto.

Spirit & Intent approvals have also been approved for the property. On 9/26/03, this office approved a temporary change of coal operations (unloading of coal outside of enclosed unloader or alternatively the barging of coal), and on 6/9/05 this office provided approval to permit the barging of coal. A zoning verification letter was executed by the undersigned on 7/29/05, in which the undersigned confirmed that no zoning relief was required for then proposed equipment, which was approximately 110' tall.

Page Two Crane Power Plant May 14, 2009

Most recently, on 10/7/08, this office provided Spirit & Intent approval permitting a variety of minor repairs and improvement at the property, including: coal yard safety modifications, the installation of additional air quality emissions control equipment, earthen berm repairs, the installation of a boat access ramp, the installation of plantings as part of a stormwater mitigation plan, and associated grading activities. Copies of each of these approvals are also attached hereto.

With regard to the development history of the property, an (a)(2) exemption was provided by the Development Review Committee (DRC) on 3/4/02 approving the site as a lot of record. A copy of this approval is also attached hereto.

All above referenced zoning and development approvals run with the land and are not personal to the current owner of the property.

At this time, (i) the current use of the property is in compliance with all applicable regulations and zoning laws and (ii) this office has not issued any notification of any outstanding or pending zoning violations, and to the best of the undersigned's knowledge, no such violation exists, with respect to the property.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Timothy M. Kotroco

livily Kotroco

Director, Permits & Development Management

Cc: G. Scott Barheight, Esq.

Whiteford, Taylor & Preston LLP One West Pennsylvania Avenue

Suite 300

Towson, Maryland 21204

TMK/klm

38-454 QUICK RESPONSE P2

# WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET BALTIMORE, MARYLAND 21202-1626 TELEPHONE 410-547-8700 FAX 410-752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 FAX 410 884-0719

JENNIFER R BUSSE

DRICT NUMBER
410 832-2077
jbusse@wtplaw.com

210 WEST PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-4515 410 832-2000 FAX 410 832-2015 www.wtplaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 FAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

COPY MITH

October 6, 2008

Via Hand Delivery

Timothy M. Kotroco, Director Office of Permits & Development Management Room 111 111 W. Chesapeake Avenue Towson, Maryland 21204

> Re: Constellation Energy - Crane Power Plant Spirit & Intent Request for Site Modifications

Dear Mr. Kotroco:

Please accept this letter as our request for Spirit & Intent relief for the above referenced property. In response to federal and state environmental compliance requirements related to power plant operations, Constellation desires to perform a variety of minor repairs and install a variety of improvements at the Crane Power Plant site. Constellation has been working closely with DEPRM to address all of their concerns with regard to all of the now proposed repairs and improvements.

There are three previous zoning cases applicable to the Crane plant, specifically Case Nos. 4077 (granting the site's Special Exception), 72-41-A (granting variances for the dock and sheet piling), and 74-102-ASPH (granting a Special Hearing and Variance for a propane storage facility - interpreting it as properly includable within the Special Exception, and granting a variance for its height). Previously, you provided Spirit & Intent relief on 9/26/03 to permit a temporary change of coal operations (unloading of coal outside of enclosed unloader or alternatively the barging of coal) and again on 6/9/05 to permit the barging of coal. In addition, via a zoning verification letter you executed on 7/29/05, you confirmed that no zoning relief was required for proposed equipment which was approximately 110' tall. Finally, an (a)(2) exemption was provided by the Development Review Committee (DRC) on 3/4/02 approving the site as a lot of record. Copies of each of these prior approvals is attached hereto.

We are now seeking your office's administrative Spirit & Intent approval to permit a variety of minor repairs and improvements at the site, including: coal yard safety modifications (the replacement of existing coal crusher and transfer facilities as well as conveyor

Timothy M. Kotroco, Director October 6, 2008 Page 2

belts/facilities, the installation of an underground access tunnel, as well as the replacement of coal handler equipment); the installation of additional air quality emissions control equipment (a new sorbent material storage silo); earthen berm repairs surrounding the existing oil dikes; and the installation of a boat access ramp in order to permit an improved method of response to any potential oil related spill. Constellation is also installing planting in an area on the north side of the site as part of a stormwater mitigation plan. All of these repairs and improvements are documented on the attached plan. Grading is required to accommodate these improvements and this letter is providing you with notification of this activity.

The original Special Exception approval provided via Case No. 4077 placed eight (8) restrictions on the approval. The proposed repairs and improvements are consistent with each of these restrictions. Constellation will obtain any and all necessary permits for the newly proposed equipment foundations and structures.

If your office is in agreement with the contents of this letter and deems this Spirit & Intent relief request appropriate, please indicate your approval by executing below. Attached is our firm's check in the amount of \$250.00 representing payment for this expedited request.

Sincerely,

CC:

Constellation Energy Group Century Engineering

APPROVED FOR SPIRIT & INTENT RELIEF: (SUBJECT TO THE FOLLOWING \*

Timothy M. Kotroco, Esq.

Director, Permits & Development Management

10/07/08

Constellation Energy- Crane Power Plant Spirit & Intent Request 10/07/08

15th ED

404881

The foregoing is merely an informal opinion. It is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

Zoning Review Letter # 08-454 Approved quick response/JLL for TK

### PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

Baltimore Gas and Electric Company legal owner...of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof.

petition for a Variance from Section 117.5s of the Roning Regulations of Baltimor to permit a structure (dock and sheet piling) to extend approximately 642 feet beyond mean low tide as shown on the pl t attached hereto, instead of 300 feet; and for a Variance from Section \$17.50 to gyrmit a structure (dock and et piling) to extend approximately 1/2 the width of the waterway as shown on plat attached hereto, instead of not more than 1/3 the width of the waterway

of the Zoning Regulations of Ballimore County, to the Zoning Law of Ballimore County, for the following reasons: (indicate hardship or practical difficulty). In order to provide required fuel for plant operations, shallow draft barges and deep draft harges agarctized by 300° long seth will be used. Two deep and deep draft harges agarctized by 300° long seth will be used. Two deep capacity as one shallow draft barges. Therefore it will be Inconsary to provide space for two 500° warges in line. Also periodic coast guard impective and maintenance will take barges out of service requiring use of two deep draft barges for each shallow draft barges. Sheet pillar, \( \times \) > installed for safety barges for each shallow draft barges. Sheet pillar, \( \times \) > installed for safety barges and protection of docking facilities and to confine an oil spill should it

FOP. FILING

PECEIVED

is to be posted and advertised as prescribed by Zoning Regulations.

agree to pay expenses of above Variance advertising, posting, etc., upon filing of this
further agree to and are to be bound by the zoning regulations and restrictions of
unity adopted pursuant to the Zoning Law For Baltimore County.

By: 4 Nichols Baltimore, Maryland 21203

27th

B. Childs Petitioner's Attorner Gas and Electric Building Baltimore, Maryland 21203

26th ..., 197 1. pt 13.00 o clock Acui Vi Henra

DESCRIPTION

BALTIKORE GAS AND ELECTRIC COMMANY
C. P. CRAME GENERATING PLANT PROPERTY 15TH ELECTION DISTRICT

### PARCEL NO. 1

BEDINIUM for the same at the intersection of the center line of the read leading from Carroll Island Road to the dwelling house now belonging to Francis W. Asher, with the north side of the Carroll Island Road, said place of beginning being at the distance of 1053 feet, south 70 degrees 27 minutes east from a stone heretofore planted on the mortheast side of Carroll Island Road, where the same is intersected by the first line of the land which by a deed dated July 25, 1936, and recorded among the Land Road, where is halliage Country in like W.F.C. Ro. 506, following the land Road, where is halliage Country in like W.F.C. Ro. 506, following the land Road, where is halliage Country in like W.F.C. Ro. 506, following the land Road, where is halliage Country in like W.F.C. Ro. 506, following the land Road, where is halliage country in like W.F.C. Ro. 506, following the land Road, which was a state of the dealing to the dwelling house more belonging to Francis P. Asher, morth 03 degree 30 minutes east 135 feet to a large valuat breng than control of the country of a fair in ditch; thence bounding on the center of a fair ditch, morth 11 degrees 29 minutes and 175 feet to the center of a fair ditch, morth 12 degrees 13 minutes and 175 feet to the deliver of the degree 15 minutes east 185 for feet to the distance, viz: morth 29 degrees 28 minutes cast 185 feet, but 72 degrees 10 minutes and 186 feet, south 65 degrees 38 minutes east 180 feet to the waters of Salt Feet or freek thence bounding on the unters of said freek, north 60 degrees 60 minutes east 180 feet to said the said process of the said said said feet, south 10 degrees 60 minutes east 180 feet to said the said said feet, south 70 degrees 18 minutes east 180 feet, south 190 feet, south 60 degrees 28 minutes east 200 feet, fourth 26 degrees 28 minutes east 200 feet, south 80 degrees 18 minutes east 200 feet, south 70 degrees 10 minutes east 200 feet, south 80 degrees 18 minutes east 200 feet, south 80 degrees 18 minutes east 200 feet, south 70 degrees 19 minut

REING the same property which by Deed date. November 26, 1956, and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 3G51, follo 3G5, was remated and conveyed by Guarantee Title Bolling Corporation to Bankers Trust Company and Baltimore Gas and Electric Company in fee simple.

BEGINNING for the same at a point in the first or north 79 degrees west 290 perches line of Clouish Carrolls' Island Resurveyed

under special varrant dated January 8th, 1851, at the end of the south 93 degr. at 55 minutes east 4.4 perches line of the land described in a Deed from Stephen A. Wilkinson and wife to Benjamin N. Henkins, dated November Pad, 1869, and recorded among the Land Records of Baltistore with the property of the property of the land described in a Deed from Stephen A. Wilkinson and wife to Benjamin N. Henkins, dated November Pad, 1869, and recorded among the Land Records of Baltistore with 1874 degrees 57 minutes east 48% feet from the wal of said north 79 degrees west 295 primes line; and running thence binding reversely on said first line of Closich Carrolls; Island Recurveyed, as now surveyed, such 74 degrees 57 minutes east 2595.7 feet to intersect the westermost outline of a Researchiston of United States of America, as indicated by Stone 186. 250 degrees east 100.12 feet from aside Stone 100.125; thence binding on said westermost outline, south 31 degrees west 1764, feet to intersect the south 39 degrees east 74 perchas line, as now surveyed, increase 1764, leaves 1764, feet to intersect the south 39 degrees east 74 perchas line, as now surveyed, increase 1764, leaves 1764, leaves 1874, leaves 1884, leaves 1

south 26 degrees 24 minutes east 127,25 feet to a point in the south .0 degrees east 54 perches line of the land described in a Beed from T. 2. oftbons and wife to Trm as Wilkinson and S. A. Wilkinson, dates October 14 1852, and recorded among said Land Records in Libre H.M.F. No. 3, folio 1852, and recorded among said Land Records in Libre H.M.F. No. 3, folio 1852, the a point distant south 05 degrees 25 minutes east 17.2 Feet from a stone heretofore planted in said line; and thence running with and binding on said last mentioned line, south 05 degrees 25 minutes east 1852 and 185

- 3 -

BEDER the same property which by Deed date! November 26, 1996, and recorded among the Land Records of Baltimore County in Liber 6,L.S. No. 3051, follo 309, was granted and conveyed by Gurantee Title Holding Corporation to Sankers Trust Company and Baltimore Gas and Electric Company.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

August 2, 1971

COUNTY OFFICE Daing 111 T Chraspeals Ass. Texase, Marriand 21755 James H. Cock, Esq., 12 W. Pennsylvania Avenue Towson, Maryland 21204 Charman

RE: Type of Hearing: Variance Location: Int. of Sance Park & Carroll Intland Rd., Petitioner: Baltimore Gas & Electric Committee Meeting of July 13, 1971 15th District Item 12

BUF 'AU OF ENGINE IRING DEPARTMENT OF TRAFFIC ENGINEERS

STAYE ROADS COMME

BURTAU OF FIRE PREVENTION

HEALTH DEPARTME PROJECT PLANNING

BOARD OF EDUCATION INDUSTRIAL DEVELOPMENT

The Zoning Advisory Coumittee has reviewed the plans submitted with the above referenced patition and has made an on site "led inspection of the property. The following commer are a result of this review and inspection.

The subject property is currently improved with the Baltimore Case and Itentife Company, Sense by January Patitionaris request is for a pier to extended the Institute of direction from the subject property. There are no other downlopments in this wicinity. Across the river from the subject property is lead owned by the Federal Government.

### BURE NU OF ENGINEERING:

Public Highway improvements or utilities are not involved; therefore, this office has no further comment in regard to the plan substituted for Zuning Advisory Consistes raview in connection with the subject item.

All requirements of the U.S. District Corps of Army Engineers and Department of Mater Resources must be complied with. BOARD OF EDUCATION:

No bearing on student population,

### DEPT. OF TRAFFIC ENGINEERING:

The subject variances should have no major affect on traffic.

James H. Cook, Esq., Item 12 August 2, 1971

### FIRE PREVENTION BUREAU:

The owner shall be required to comply with all applicable requirements of the 101 Life Safety Code, 1957 Edition, and the fire Provention Code when construction plans are submitted for approval.

. . .

### BUILDINGS ENGINEER'S OFFICE:

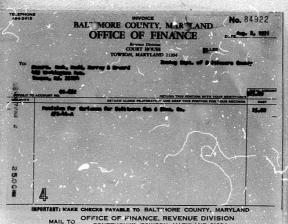
### ZONING ADMINISTRATION DIVISION:

This potition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 3), nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

him L.M.

OLN:JD Enc.

cor Hodges B. Childs, Esq. Gas and Electric Building Baltimore, Maryland 2120



To: > 10 10	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE  Remain COUNT HOUSE (OUNT HOUSE (OUNT HOUSE (OUNT HOUSE (OUNT HOUSE) (OUNT HOUSE (OUNT HOUSE) (OUNT HOUSE (OUNT HOUSE) (OUNT HOUSE (OUNT HOUSE) (OUNT HOUSE	No. 84947
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	and public of property for Stiles, San S State, St.	<b>3.3</b>
18325	7.3 2.	- 3

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

Pursuant to the advertisement, posting of property, and public hearing on the

and it app-aring that by reason of the following finding of facts that strict compliance with

the Baltimere County Zoning Regulations would result in practical difficulty and

9

Zoning Commissioner of Baltimore County

PETITION	MA	MAPPING PROGRESS SHEET								
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
FUNCTION	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted or map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: OFM	7	-	10	Chang	ed Pla e in ou	tline	or des	cripti		Yes No

Item 12

22 He Pennsylvania Avenue		
Tousen, Md. 2120 LTIMORE	COUNTY OFFICE OF PLANNING	AND ZONING
	County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21206	
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Beltimere Ges	& Electric	oning Commissioner
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Petitioner's Attorney		Daviewed by Muse of Migue
ees Hadges B. Childs, Es See and Electric Bul		Chairman of the Advisory Committee

CERTIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY 2 Sym Date of Posting ang 5" 1971 Poster for Beauty There any shi 1971 a. Il ac Mal. Bette Au & Elich Co. Bug 1053' So of the Intersection of Pourall Rd & Senior Rd Signs Q I Sign Bull and Intersection of Cornell to too total at land of linky lat there Sinh to your day Pusted by Maril 1 Was Date of return 4-9 14-71

KIMBEL PUBLICATION, INC. Publishers

KIMBIL E. OTURE Publisher-Editor MARY G. ORIKE General Minage Office Manager THE DUNDALK EAGLE IN NORTH DUNDALK AVENUE DUNDALK MD 21221

### CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that the annexed sovertisement THIS IS TO CERTIFY that the annoxed sucertisement of THE ZONING COMMISSIONER OF BAILINGHE C'UM-DI THE TOWNING COMMISSIONER OF BAILINGE C'UM-OF STRUCTURE of Dock & Sheet Pilling, beding globs Feet South of the Intersection of Carroll island Road and Senece Park Road, BEING THE PROPERTY OF THE BAILINGHE WAS & ELECTRIC COMPAY, was inserted in the Dundalk Eagle in the issue of August 3,1971.

AT 8-6063

MI CROFIL MED

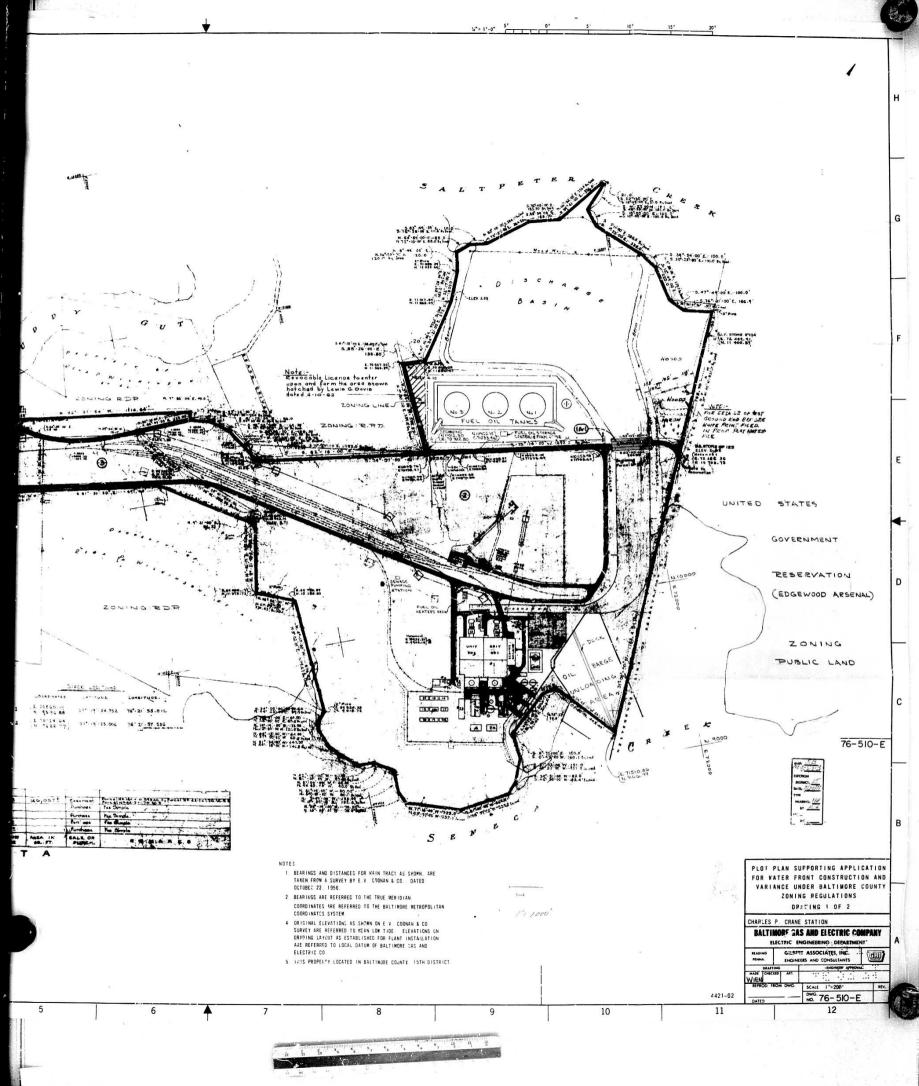
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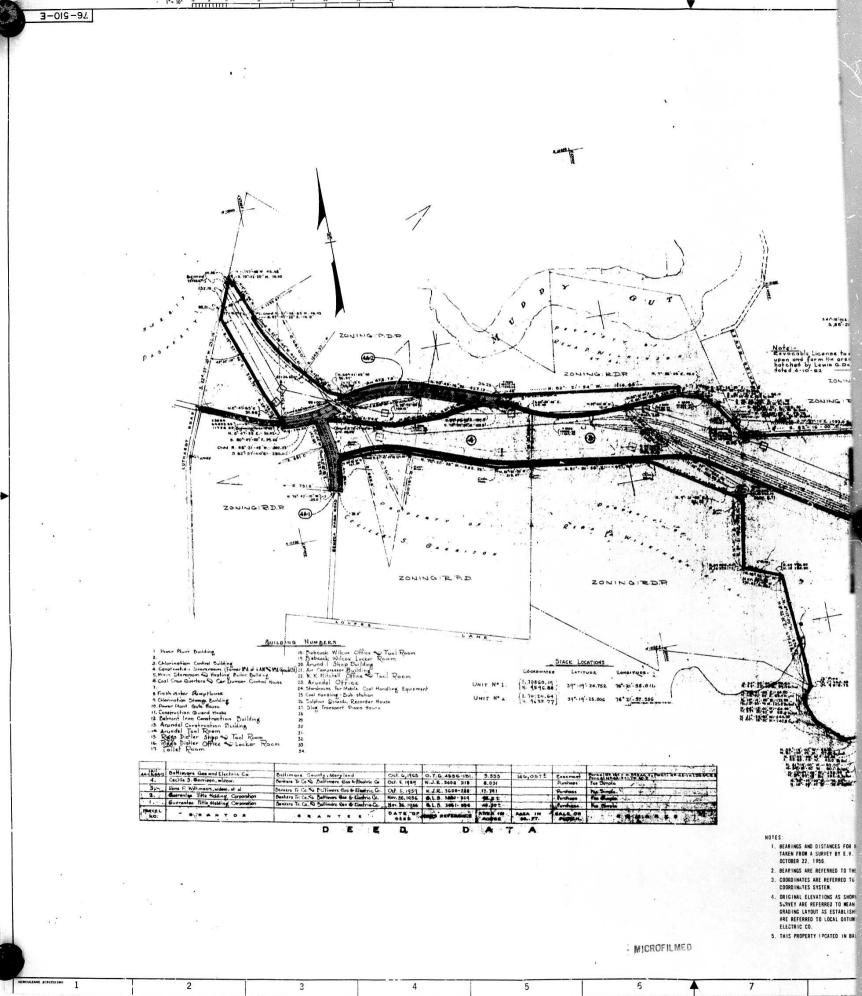
BALTO, GAS & ELEC. CO. M72-41-A
Mag. 1053' S of the intersection of
Carroll Island Rd. and Sameca Pays. Rd.

SRTIFICATE OF PUBLICATION

TO CERTIFY, I THIS pub

Md.





 $\frac{p-p}{p} = \frac{p}{p} \frac{p}{p}$ 

