

CPS-004

4

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, Maryland 21204
494-3554

RECEIVED
SEP 26 1987
ZONING OFFICE

September 23, 1987

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Donna F. Rasmussen
County Engineer

Item No. 53
Property Owner:
Location:

-ZAC- Meeting of August 18, 1987
Baltimore Gas & Electric Co.
S of Cockeys Mill Road by
2000 feet to 3600 feet and
W from I-795 and Stockdale
Avenue, 12,745 feet to Car-
roll County
R.C. 4
Special hearing for the con-
struction, operation and
maintenance of a 115 kv over-
head electric transmission
line, and to amend the pre-
vious hearing 71-253-X
158.52 acres
4th Election District

Existing Zoning:
Proposed Zoning:

Area:
District:

Dear Zoning Commissioner:

A field inspection was made of this site at the same time that an investigation of a recent fatal traffic accident was made, which occurred on the curve of the Cockeys Mill Rd. frontage, where the driver lost control of the vehicle during rain on wet pavement on the curve and struck a BG & E pole on this site.

As a result of these inspections, it was found that the existing bank on the inside of the curve needs to be cleared and graded back in the area of the curve for 375 feet. This grading and clearing is between the two westernmost access points (as seen on the attached aerial photo) and will improve the sight distance for these access points. This grading will be needed to the ultimate right-of-way line which is 35 ft. off of the centerline of Cockeys Mill Rd.

In conjunction with this grading of the ultimate right-of-way, a drainage swall will need to be graded along the edge of the road-way also. A drainage swall also needs to be graded another 500 ft. towards the east, along the existing bank in the areas where no swall exists.

At the time of application for permits, it is recommended that Cockeys Mill Rd. right-of-way be dedicated to Baltimore County at

Zoning Commissioner
County Office Building
Towson, Maryland 21204

September 23, 1987

Item No. 53 Cont.

no cost, 35 ft. off of the centerline, with 20 ft. revertable slope easements.

Very truly yours,

Gregory M. Jones, P.E.
Traffic Engineer III

GNJ:ab
Attachment

cc. Pat O'Keefe - Public Services M.S. 1301
John Slough - Highway Design M.S. 1204



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief August 26, 1987

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Donna F. Rasmussen
County Engineer

Re: Property Owner: Baltimore Gas and Electric Company

Location: S of Cockeys Mill Road by 2000 to 3600 feet and W. from I-795 and
Stockdale Avenue, 12,745' to Carroll County
Item No.: 53 Zoning Agenda: Meeting of 8/18/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Keefe* Noted and Approved: *John F. O'Keefe*
Planning Group Fire Prevention Bureau
Special Inspection Division

Section 1A03—R. C. 4 (WATERSHED PROTECTION) ZONES [Bill Nos. 98-75; 178-79]

1A03.1—Findings and Legislative Policy. [Bill Nos. 98-75; 178-79]

The County Council finds that major, high-quality sources of water supply for the entire Baltimore metropolitan area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in increasing water-treatment costs and decreasing water-storage capacity. The R. C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds. [Bill Nos. 98-75; 178-79]

1A03.2—Reasoning by petition. [Bill Nos. 98-75; 178-79]

No petition for reclassification of property in an R. C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies: [Bill Nos. 98-75; 178-79]

1. That the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir; [Bill No. 178-79]
2. That the parcel lies at least 300 feet from any 1st - or 2nd order or greater stream that flows directly into a public water reservoir; [Bill No. 178-79]
3. That the parcel lies at least 300 feet from any 3rd - order or greater stream that flows directly or indirectly into a public water reservoir; [Bill No. 178-79]
4. That no more than 30% of the parcel has a slope of more than 20%; [Bill No. 178-79]
5. That the parcel does not lie within a 100-year floodplain; and [Bill No. 178-79]
6. That, as shown by an environmental impact statement, the manner in which proposed reclassification will affect water quality in the watershed or any public water reservoir. [Bill No. 178-79]

For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976. [Bill No. 178-79]

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1A03.3—Use Regulations. [Bill No. 98, 1975.]

A. Uses permitted as of right. The following uses, only are permitted as of right in R.C.4 zones [Bill No. 98, 1975.]

1. Dwellings, one-family detached [Bill No. 98, 1975.]
2. Farms, limited acreage, wholesale flower farms, satellite farms, and farmettes [Bill No. 98, 1975.]
3. Open space, common [Bill No. 98, 1975.]
- 3A. Public schools, and privately-operated day-care and nursery programs for children between, and after, regular school hours as an auxiliary-care-in-school building. [Bill No. 63, 1980; No. 47, 1982.] See Bill 47-85
4. Telephone, telegraph, electrical-power, or other similar lines or cables—all underground; underground gas, water, or sewer mains or storm drains; other underground conduits except underground interstate and intercontinental pipe lines. [Bill No. 98, 1975.]
5. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of Paragraphs b, c, e, or f of Subsection 415.1 and Subsection 415.2a(1), as applicable [Bill No. 98, 1975.]
- 5A. Antennas used by OMTV systems operated by companies franchised under Title 2, Article VI, Division 2 of the Baltimore County Code 1978, if situated on property owned by the county, state or federal government or by a governmental agency. [Bill No. 220, 1981.]
6. Accessory uses or structures, including, but not limited to the following: [Bill No. 98, 1975.]
 - a. Showrooms, uncontrolled [Bill No. 98, 1975.]
 - b. Farmers' roadside stands (subject to the provisions of Section 404.6) [Bill No. 98, 1975.]
 - c. Home occupations [Bill No. 98, 1975.]
 - d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident employee. [Bill No. 98, 1975; No. 105, 1982.]
 - e. Parking spaces, including recreational vehicles (subject to the provisions of Section 415A) [Bill No. 98, 1975.]
 - f. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400) [Bill No. 98, 1975.]

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- 7B. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or other professional persons as an accessory use, provided that any such office or studio is established within the same building as that serving as the professional person's primary residence; does not occupy more than 25 percent of the total floor area of that residence; and does not involve the employment of more than one non-resident professional associate nor two other non-resident employees. [Bill No. 105, 1982.]
8. Public utility uses not permitted as of right, including underground interstate and intercontinental pipe lines [Bill No. 98, 1975.]
9. Riding stables [Bill No. 98, 1975.]
10. Shooting preserves including hunting and fishing preserves [Bill No. 98, 1975.]
11. Shooting ranges, including, but not limited to, archery, pistol, shot, trap, target (small bore rifle only) except that any such use existing at the time of date of enactment of this subsection may continue at the same level, provided that within 365 days of the enactment date of this legislation, they shall file for a use permit as prescribed under the now existing zoning regulation Section 500.4 and turkey shoots [Bill No. 98, 1975.]
12. Trailers (subject to the provisions of Section 415.1d) [Bill No. 98, 1975.]
13. Volunteer-fire-company or ambulance-rescue facilities [Bill No. 98, 1975.]
14. Wireless transmitting and receiving structures, except that a radio antenna in conjunction with transmitting and receiving facilities used by a resident amateur radio operator possessing an amateur radio operator's license issued by the Federal Communications Commission shall be considered an accessory structure, or, if attached to another structure, an accessory use, and, as such, is permitted without a special exception, provided: (a) that if it is an accessory structure, it shall be subject to the provisions of Section 400; (b) that if it is a rigid-structure antenna, it shall be no higher than 100 feet or the horizontal distance to the nearest property line, whichever is less, above grade level, and no supporting structure thereof shall be closer than 50 feet to any property line; and, further, (c) that it does not extend closer to the street on which the lot fronts than the front building line. [Bill No. 98, 1975.]

1. The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.
2. Construction within the floodplain of Norris Run shall not be permitted between October 1 and April 30.
3. The location of structures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.
4. Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.
5. With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.
6. Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.
7. The applicant shall conduct an archeological survey of the proposed route, submit the results to the State Archeologist for review prior to construction, and take reasonable steps necessary to protect any significant archeological resources identified.

With regard to recommendation No. 2 above, the letter noted:

Much of the proposed route, particularly in the vicinity of waterway crossings, is characterized by steep terrain. Because of this, erosion and sediment control is of particular concern along the route. This is especially true in the vicinity of Norris Run, which is a Class III stream (Natural Trout Waters) supporting a population of native brook trout. The Department is therefore recommending that construction in the floodplain of this stream not be permitted from October 1 through April 30.

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A hearing on the proposed transmission line was held on December 15, 1986, in Westminster, Maryland after due notice was published in newspapers in general circulation in the area which would be affected by the project. Persons owning land which would be crossed by the transmission line were notified by certified mail of the date, time and place of the hearing. The County Commissioners of Carroll County and the Baltimore County Executive and County Council, the local governing bodies of the area in which the project would be located, did not participate in the hearing. By letter dated October 27, 1986, the President of the Board of Carroll County Commissioners noted to this Hearing Examiner that the County's Planning Commission had reviewed the proposal and had no objection to its implementation. By letter dated November 3, 1986, the Baltimore County Executive noted to this Hearing Examiner that the petitioner should be advised that a Special Exception will be required through the zoning process.

At the hearing, four witnesses testified in support of the Company's Application. The first witness was Edward J. Schultz, Jr., who stated that he is a senior engineer in the planning unit of the distribution and transmission engineering department. His major duties are to plan the subtransmission system and master substations.

Mr. Schultz testified that the proposed transmission line was necessary in order to make firm the Company's White Rock master substation. In explaining this point further, Mr. Schultz testified that BGE's normal installation at a master substation requires two transmission lines and two transformers to supply the electrical load. This is so that if either transmission line or transformer is lost, the load could be

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carried on the remaining transmission line and transformer. Currently, the White Rock master substation has a single transformer supplied by an existing single 115 KV line. The consequences of not installing this transmission line, according to Mr. Schultz, will be substandard voltage levels in the Eldersburg/Sykesville area, as well as damage to BGE facilities resulting in longer term outages to the customers in the area. In concluding, Mr. Schultz stated that the proposed project will have no adverse impact on system stability, but will increase reliability considerably to the Sykesville/Eldersburg service area.

The next witness to testify was Lawrence A. Rectanus, a principal engineer in the distribution and transmission engineering department responsible for the routing and design of overhead and underground transmission facilities.

Mr. Rectanus explained that the Company proposes to construct a single circuit 115 KV line from its northwest master substation in Baltimore County, Maryland in a westerly direction 2.7 miles along the southern property line of its existing 500 KV transmission line to the Baltimore/Carroll County line and then continuing along the edge of the existing 500 KV transmission line an additional seven and a half miles to Liberty Road. At that point, it would then follow the north side of Liberty Road for approximately eight-tenths of a mile. Then it would cross over Liberty Road to the south side for approximately half a mile, then intersecting an existing 115 KV transmission line right-of-way, and in a southeasterly direction, continue seven-tenths of a mile adjacent to the existing 115 KV line to the Company's White Rock substation.

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According to the witness, the line would typically be a single pole structure made of either wood or steel varying in a height from 65 to 95 feet. The minimum ground clearance of the line will be 30 feet.

In describing the type of tree clearance proposed by the Company, the witness stated that selective clearing would be done along the route maintaining clearances below and adjacent to the line. The Company will trim, tap or cut any danger trees which might fall upon the line.

Mr. Rectanus also stated that one alternate route was extensively studied and subsequently rejected for a number of reasons. The alternate route is the existing 115 KV line right-of-way which currently supplies White Rock substation and the Colonial Pipeline distribution station at Morgan. The primary reason this alternate route was rejected was because the Company would not be able to obtain the necessary outages on the existing 115 KV line that are needed during construction of the new line. Secondly, the witness pointed out the severe disruption and inconvenience that would occur to residents in several developments that the existing right-of-way now traverses. The existing right-of-way is being utilized by these residents as back yards, play areas, garden plots and so on. Finally, the clearing that would be necessary to build new roads and gain access to the right-of-way for construction would increase soil and sedimentation erosion control concerns. Thus, in conclusion, in the opinion of the Company, the proposed route would affect a lesser number of people and would cause less environmental impact to the area.

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Mr. Rectanus also testified that the proposed project is not in line with or is not within one mile of any public airport runway. He also stated that the project will not have any effect on air or water quality nor radio and television reception. Further, there are no historic or archeological sites within the vicinity of the proposed transmission line. Finally, introduced into evidence through this witness, were letters from various state agencies which indicated that the project would not be inconsistent with the individual agencies' plans.

The next witness for BGE was John E. Ringsdorf, Jr., supervisor of plant accounting records. The witness estimated the following effect upon the Company's average annual expenses and taxes: operating expenses will increase by \$1,532; maintenance expenses will increase by \$17,653; depreciation expenses will increase by \$104,905; and taxes other than income taxes will increase by \$48,000. The total net estimated average annual increase in expenses is \$172,090. Mr. Ringsdorf stated that the project will be financed by internally generated funds, short-term borrowings and the issuance of securities, the nature and amount of which are not known and will be dependent upon market conditions and certain other factors existing at the time of issuance.

The final witness for BGE was Walter A. Reiter, Jr., a real estate appraiser retained by the Company to inspect the route of the proposed transmission line and the general vicinity and to present testimony regarding his findings.

Regarding the 1.3 mile portion of the line that will require acquisition of new rights-of-way, the witness stated that 13 properties will be crossed. The witness noted that where the proposed line veers off

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from the existing 500 KV line there are two undeveloped parcels of land that are zoned industrial restricted. The next property crossed by the proposed line is a small right-of-way entrance to the Carroll County Gun Club. Next the proposed line passes by four lots in an industrial park each one being zoned industrial restricted. Two of these lots are developed and two are undeveloped. The line passes within a 50-foot building setback and also within an area reserved for utilities according to the witness. Next, the line passes over two properties zoned business general, both of which are vacant. After that, the line passes over a residential property but there are no trees in the area and the residence is well set back from the road. Finally, the line crosses to the south side of Liberty Road and continues along a farm property zoned conservation, then passes in front of another residence and another farm property. At this point, the line turns southerly down along the existing Colonial Pipeline right-of-way.

In the concluding opinion of Mr. Reiter, none of the 13 properties will be impacted. In explaining further, Mr. Reiter noted that in the after situation, none of the remainder will suffer any loss in market value.

Mr. Richard Hollis, Staff Engineer with the Commission since 1971, testified for the Commission's Staff. In his pre-filed testimony, Mr. Hollis noted that the proposed line will provide a second source of 115 KV power into the White Rock substation. The witness stated that without a second 115 KV line, an outage of the existing 115 KV line into White Rock will result in unacceptably low voltages in the White Rock area

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by as early as 1988. Testifying further, Mr. Hollis stated that the Harriarville and Pinksburg substations now provide 34.5 KV emergency backup supply for the White Rock load, that is, certain 34.5 KV feeders from these two substations supply emergency power to customers served by White Rock in case the existing 115 KV line supply is interrupted. By 1988 these feeders will not be sufficient to provide such emergency supply. A second 115 KV circuit into White Rock substation will relieve this potential overload scenario.

Mr. Hollis further testified that the existing 115 KV line from Deer Park into White Rock substation provides power to the White Rock substation which is then stepped down to subtransmission and distribution voltages for the Company's retail customers. In addition, this line supplies power to the pumping and distribution facilities of the Colonial Pipeline Company on Morgan Run Road in Carroll County. The witness noted that the Colonial Pipeline facilities do not have an alternate source of power. He stated that according to the Company, the Colonial Pipeline load represents too large a load to be served by the 34.5 KV feeders which provide emergency back-up supply for the White Rock area. Continuing, Mr. Hollis testified that with a second 115 KV line into the White Rock substation, an outage can be sustained on either 115 KV line without interrupting power into the Colonial Pipeline facilities. Also, the additional line will serve as an alternate source to allow maintenance on either line without disruption to Colonial Pipeline, according to the witness. Mr. Hollis noted, however, that Colonial Pipeline will remain susceptible to interruptions from outages on the dedicated part of the 115 KV line from White Rock to the Colonial Pipeline facilities.

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Next, Mr. Hollis expressed his concern over the fact that the center line of the pole route will lie three feet from the edge of State Highway property, along the Liberty Road portion of the proposed route. Mr. Hollis noted that placement of the line on structures so close to Liberty Road raises concern as to its vulnerability to vehicular accidents. Thus, he suggested that if the proposed line routing is approved that the Company be required to determine the feasibility of erecting vehicular barriers at those pole locations which are susceptible to accidents.

Finally, Mr. Hollis recommends approval of the Company's Application, but he also recommends that the Company be directed to study the feasibility of a line routing along Route 850 as opposed to Route 26. Essentially, Mr. Hollis suggests this routing change for several reasons set forth as follows:

- a) There will be a reduction in the visual impact of this line to vehicular traffic along Route 26, particularly in the section between Dorsey Crossroads and the intersection of Routes 26 and 850.
- b) There will be a reduction in the vulnerability of the pole structures to vehicular accidents. Route 850 serves local traffic.
- c) The Company's distribution lines in this area are routed along the original or older part of Liberty Road. This routing will permit both the proposed transmission line and the existing transmission lines to be placed on a common corridor. It may be possible to place all these lines on a common pole structure as well. In fact, the Company currently uses structures with both types of circuits.

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The final witness to testify in this proceeding was Mr. William O. Finch, Jr., Chairman of the Board of O'Brien Holding Company. O'Brien Holding Company is a family-owned corporation whose shareholders are comprised of Mr. Finch and his brothers and sister. The O'Brien Holding Company owns one of the four lots over which the line will pass (described by Mr. Reiter in his testimony above) in the new industrial park located on the north side of Liberty Road just west of Kless Mill Road.

Mr. Finch objects to the routing of this line passing by his property for several reasons. In his opinion, the visual impact of the line will be obtrusive when advertising his business. He also expressed his belief that the line will detract considerably from the aesthetic value of his lot. While noting that he does not question the need for a new transmission line in the area, Mr. Finch argued that the Company should be required to use the alternative route within its existing easement along the 115 KV Deer Park-White Rock line which lies between London Bridge Road and Liberty Road thereby avoiding any impact upon commercial builders or homeowners either on Liberty Road or Route 805. Mr. Finch further noted his objection to Witness Rectanus' testimony that to use this alternative route would inconvenience existing homeowners and would necessitate construction of a maintenance road over their properties. Mr. Finch argued that since these reasons against the alternative route were not articulated in BGE's application, the Commission should not consider them because he was not prepared to respond to them. He stated his belief that the Company had not fully explored the alternative route, and should therefore be directed to do so.

Mr. Finch's final objection is that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise.

Finally, written comments were submitted by several affected property owners all of whom protested the proposed routing of the line over their respective properties. It is also noted that by letter dated January 19, 1987 DNR forwarded its final recommendations to the Commission with respect to BGE's application. In its letter DNR reaffirmed its preference for the Applicant's proposed route. However, DNR withdrew its initial recommendation number 7 that an archeological survey of the proposed route be conducted to be replaced with the following:

7. Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.

In addition, by letter dated January 29, 1987, the U.S. Fish and Wildlife Service ("FWS") recommended numerous conditions regarding Wetlands and Vegetation Removal which it felt should be incorporated in the construction plans of BGE. On March 16, 1987, BGE responded by letter to FWS's recommendations noting that while it finds the wetlands recommendations acceptable, the recommendations concerning vegetation removal will pose service problems.

Discussion and Findings

In determining whether a certificate of public convenience and necessity shall be granted, the Commission must give:

... due consideration of ... [the local] governing bodies, the need to meet present and future demands for service, effect on system stability and reliability, economics, aesthetics, historic sites, aviation safety as determined by the State Aviation Administration and the administrator of the Federal Aviation Administration, and, when applicable, the effect on air and water pollution.^{2/}

According to the uncontroverted evidence on the record, the proposed transmission line is necessary in order to make firm the existing master substation at White Rock and alleviate the substandard voltage levels occurring during emergency conditions at the substation, as well as damage to BGE facilities resulting in longer term outages to customers in the Eldersburg/Sykesville area.

Regarding the proposed project's effect on system stability and reliability, Company witness Schultz stated that the line will have no adverse impact on system stability, but will increase reliability considerably to the Eldersburg/Sykesville area.

The economics of the proposed project, as described by Company witness Ringsdorf, appear to be reasonable. The Company's testimonial evidence that there will be no adverse impact upon historic sites,

^{2/} Md. Ann. Code art. 78, § 54A (1984 Cum. Supp.).

aviation safety and air or water quality was not controverted. Except for the concern expressed by several property owners and Mr. Hollis regarding the route of the proposed line along Route 26, there was no evidence that the proposed project will have an adverse impact upon aesthetics. Letters from various state agencies introduced into evidence indicated that the project would not be inconsistent with the individual agencies' plans. No recommendations were received from the local governing bodies of Baltimore and Carroll Counties, but, upon review, Carroll County's Planning Commission had no objection to the Company's proposal.

Although Staff's concern of the proposed line along Liberty Road being vulnerable to vehicular accidents is obviously well-meaning, there is no record support for any action to be taken. Company witness Rectanus testified that the pole structures along Liberty Road will be approximately 25 to 30 feet from the edge of the roadway. Nothing in the record indicates that such a distance from the roadway causes a pole structure to be more or less vulnerable to vehicular accidents. In the Examiner's opinion, a bare expression of concern by a party does not require an action to be taken unless that concern is supported by sufficient evidence in the record or, by its very nature, requires some action to be taken. Accordingly, Staff's suggestion to require the Company to determine the feasibility of erecting vehicular barriers is denied.

With respect to Staff's recommendation that the Company study the alternative of routing the proposed line along Route 850 as opposed to Route 26, I find that the record evidence is persuasive that the alternative is not in the public interest and, therefore, such a study is unnecessary.

As noted hereinabove, Mr. Hollis cited three reasons for suggesting the routing change. The first reason is that there will be a reduction in the visual impact of the line to vehicular traffic along Route 26. However, the alternative route along Route 850 will increase the visual impact of the line not only to vehicular traffic along that route, but to numerous residences as well. The record reflects that approximately 21 residential homes are located on the stretch of Route 850 suggested as an alternative route by Staff. Considering this fact, I find that the proposed route along Route 26 is the least intrusive visually and therefore the preferable choice.

Mr. Hollis' second reason for suggesting the alternative route is that there will be a reduction in the vulnerability of the pole structures to vehicular accidents since Route 850 serves local traffic. However, the record indicates that pole structures built along Route 850 would only be approximately 8 to 9 feet from the paved roadway as opposed to the approximate 30 foot offset for poles along Route 26. The reason the poles are required to be so close to Route 850 is due to the fact that several of the residences are located only 20 to 30 feet off the paved roadway. Thus, while there may be less vulnerability of the pole structures on Route 850 to vehicular accidents because of the possibly slower, less voluminous local traffic, logic dictates that vulnerability nevertheless increases due to the closer proximity of the pole structures to the roadway.

Staff's final reason is that since the Company already has distribution lines along this alternative route, the proposed transmission line can be placed in the same common corridor, perhaps even using a

common pole for both lines. However, Company witnesses Rectanus and Reiter noted several significant problems with this alternative route. Mr. Rectanus testified that:

We have numerous concerns relative to the Staff recommendation. The first concern involves the extension of the line adjacent to the 500-kV line south of point B or across Liberty Road. This area is an interchange, future interchange area for the proposed widening of Route 26. And at the present time we are in the process of relocating several of our facilities because the state and federal governments have adopted policies of not permitting lines to remain inside of right-of-way lines of through highways.

So that our feeling is that if we were to continue directly through that interchange at this point in time, if we were able to get the state's permission, and we would question as to whether they would give us that permission at this time, but if we were to do that, we feel that it is just a question of time until we would be required to relocate that line out of the state highway right-of-way. So that our first concern would be that we feel as though from point B we would still have to bring the line in an easterly direction three feet off the state road right-of-way down to Liberty Road as we are currently planning on doing. At that point we would then head south across Liberty Road and if we would go straight across Liberty Road, we would have to go through some properties that are residential homes in order to get down to the distribution line that is on Route 850.

The other possibility is to continue to go around the state road right-of-way back to the 500-kV line which would move our line -- in other words, we would come 800 feet east, go around the interchange, 800 feet west down to 850 and then head east again. That would lengthen the line. It would increase the number of poles. It would increase the angles. It would increase the cost. We feel that there would be little benefit derived from that.

Once you get down to 850 the question then is one of rebuilding the existing line for 115-kV with the underbuild that is there. So you have the concerns of maintaining the service, maintaining those existing circuits that are there. The constructability of

that line would be difficult because of maintaining the service. And as I have already testified, Route 850 is a 20-foot wide roadway. There are no shoulders on the road. So that any construction equipment or any equipment at all that is on the road is seriously going to hamper any traffic that exists on that road at that point in time.

As I have testified, there are six homes on the north side. There are approximately 15 homes and a garage on the south side. It is a residential area. The south side is totally wooded, heavily wooded. The north side has a few trees which would be impacted by this line. But we would have an impact on approximately 21 residential units west of Kless Mill Road. East of Kless Mill Road we would have the same problem in maintaining the service, the constructability of the line if we would follow the Staff's request.

In addition to that, east of Kless Mill Road the existing distribution line is within the state road right-of-way, the future taking. So that as a result that when Maryland Route 26 is dualized, we would be required to move as will our distribution facilities be required to move. It is on the north side of the old road which in essence has been abandoned because of the new road and is used as a service road. But that line and that old road is in the future lane of dualized Route 26. So that for us to rebuild in that area at this time we feel would be of little value because we would have to ultimately move and we would be back for another commission certificate at a later date.

So that we feel that the constructability is a problem. We feel that the line west of Kless Mill Road would be approximately eight feet off the traveled way. We don't feel that that is a sufficient amount of clearance.^{3/}

Mr. Reiter testified that:

So in the route proposed by Mr. Hollis you have 19 instead of 13 properties and you have I would say six to eight properties that could suffer damage in the remainder as opposed to none in my opinion in the company's proposal.

^{3/} See Transcript pages 37 through 40.

^{4/} Id., at p. 106.

In summary, the witness stated:

Well, in my opinion, and of course mine is limited to the real estate aspects of it only, there is no question that as it affects real estate the line is better placed along the line proposed by the Company than it is along the line proposed by Mr. Hollis.^{5/}

Therefore, after careful consideration of the record evidence, I find that the Company's proposed route is clearly preferable to Staff's suggested alternative route. Additionally, based upon the testimony of Company witnesses Schultz, Rectanus and Reiter, I find that the Company's proposed route is clearly preferable to the alternative route within its existing easement along the 115 kv Deer Park-White Rock line which lies between London Bridge Road and Liberty Road. As made clear by the Company witnesses, the proposed route would affect a lesser number of people, cause less environmental impact to the area and result in less disruptive outages during its construction, than the alternatives suggested.

In sum, after due consideration of the various factors set forth in Section 54A of the PSC Law, it is my finding that the construction of the 115 KV transmission line, as proposed in this proceeding, is in the public interest.

The conditions for granting the Certificate which were recommended by the DNR were not contested by the Company; since they appear to be reasonable they will be accepted. FWS's wetlands

^{5/} Id., at p. 110.

recommendations were not objected to by the Company and they also will be accepted. However, after considering the Company's response to PMS's vegetation removal recommendations, I agree with the Company that its proposed plans are a more acceptable solution in light of the service problems posed by PMS's recommendations.

With regard to Mr. Finch's objection that the PSC Law requires an application for a project such as this to be filed two years prior to commencement of construction unless good cause is shown otherwise, I find that good cause was shown by the Company through witness Schultz's testimony, and the two-year provision is, accordingly, waived.

As a final matter, several property owners expressed concern both orally and in writing as to the effect of the proposed project upon the use and/or value of their property. It is the Examiner's sincere hope that the concerns of these property owners are satisfactorily resolved by the Company during negotiations for purchase of easements and rights-of-way. It should be noted, however, that the courts of Maryland are the final determiner regarding the issue of just compensation.

IT IS, THEREFORE, this 24th day of July, in the year Nineteen Hundred and Eighty-seven,

ORDERED: (1) That a Certificate of Public Convenience and Necessity be granted to the Baltimore Gas and Electric Company for the construction of a 115 kV transmission line along the route set forth in the Company's Application.

(2) That the following conditions are made part of the said Certificate of Public Convenience and Necessity:

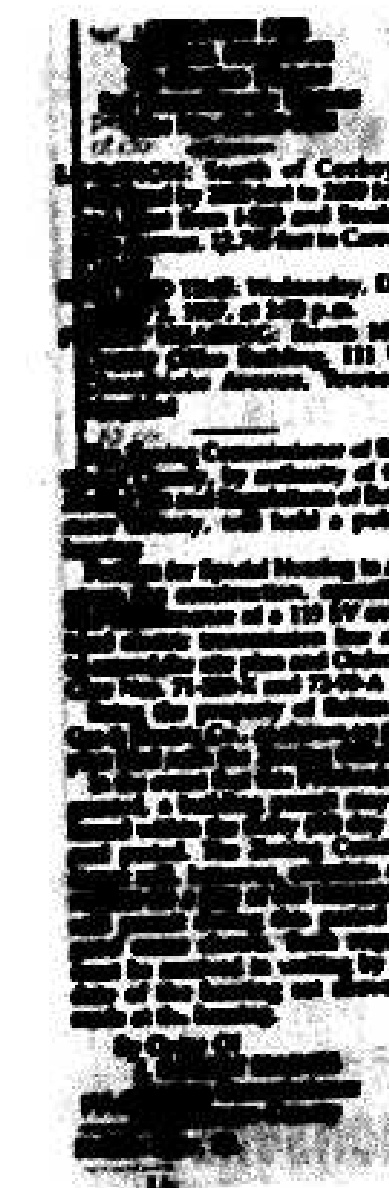
- The sedimentation and erosion control plan which must be approved by the Baltimore and Carroll Soil Conservation Districts shall include provisions for seeding and mulching in the vicinity of all waterway crossings.
- Construction within the floodplain of Morris Run shall not be permitted between October 1 and April 30.
- The location of structures at each waterway crossing shall be reviewed by the Department of Natural Resources. This shall be coordinated through the Power Plant Research Program after the preparation of final engineering plans.
- Right-of-way clearing within 100 feet of each waterway crossing shall be conducted by hand labor.
- With the exception of danger trees, no vegetation within 100 feet of any waterway shall be removed. Any exceptions to this must be approved in writing by the Department of Natural Resources.
- Prior to beginning construction, the applicant shall obtain a temporary waterway construction permit from the Water Resources Administration.
- Because no known or predicted archeological resources will be affected by this project an archeological survey is not required. If, however, archeological resources are encountered during construction, the Maryland Geological Survey, Division of Archeology should be notified immediately.
- Some of the forested wetlands within the workplan area have a seasonal or temporary water regime. It is important that work performed in these areas is scheduled only during dry periods.
- No excavated material will be stockpiled within intermittent streams or other wetlands.
- Seeding and mulching should immediately follow soil exposure.

(3) That this Proposed Order shall become a final order of the Commission on August 25, 1987, unless before that date an appeal is noted with the Commission by any party to this proceeding, as provided in Section 20(c) of The Public Service Commission Law, or the Commission modifies or reverses the Proposed Order or initiates further proceedings in this matter as provided in Section 86(d) of The Public Service Commission Law.

Thomas E. Dewberry
Thomas E. Dewberry
Hearing Examiner
Public Service Commission of Maryland

FILED

AUG 25 1987
PUBLIC SERVICE COMMISSION
OF MARYLAND



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 41434

DATE 7/27/87 ACCOUNT 615-000

AMOUNT \$ 100.00

RECEIVED FROM Cook HDT

FOR Spk # 53

B B015-000-000000000000

VALIDATION OF SIGNATURE OF CASHIER

Descriptions for Zoning Special Exception Baltimore Gas and Electric Company Transmission Line Right-of-Way.

All that existing fee-simple right-of-way 200 feet wide, lying and being in the 4th Election District of Baltimore County, State of Maryland, the centerline of which is described as follows:

Beginning for the same in the centerline of an existing steel tower transmission line, at a point in the southernmost outline of Baltimore Gas and Electric Company's Northwest Master Substation, said point being distant 1450' more or less measured in a westerly direction along said southernmost outline from its intersection with the centerline of the 150' wide right-of-way formerly owned by the Aqueduct Transmission Company of Maryland, now Baltimore Gas and Electric Company; said point of beginning also being located from the centerline of Cockeys Mill Road S 04° 17' 00" E-2017.69' and S 81° 23' 50" E-40' more or less measured along the westernmost and southernmost outlines respectively of said substation; thence running with said centerline the two following courses and distances: S 37° 02' 00" W-695' more or less, and S 67° 02' 00" W-1250'; thence continuing to run with said existing centerline S 82° 58' 50" W-6750.59'; crossing Old Goose Mill Road to a point distant N 89° 30' 40" E-230' more or less, measured along said existing centerline from the center of Ivy Mill Road; thence continuing to run with said centerline, crossing said road, S 89° 30' 40" W-4050' more or less to the middle of the Patuxent River, said River being the dividing line between Baltimore and Carroll Counties.

Saving and excepting those easement portions of the above 200' wide right-of-way crossing the property of the Mayor and City Council of Baltimore, the centerlines of which are described as follows:

1. Beginning for the same in the centerline of an existing steel tower transmission line, at a point in the easternmost outline of the property of the Mayor and City Council of Baltimore, said point of beginning being located S 89° 30' 40" E-230' more or less and S 82° 58' 50" W-350' more or less measured along said existing centerline from the center of Ivy Mill Road, thence running with said existing centerline S 82° 58' 50" W-350' more or less and S 89° 30' 40" W-2160' more or less, crossing said road to the southeastern outline of the property of W. F. Keyser.

2. Beginning for the same in the centerline of an existing steel tower transmission line, at a point in the southwestern outline of the property of W. F. Keyser, said point of beginning being located S 89° 30' 40" W-3140' more or less measured along said existing centerline from the center of Ivy Mill Road, thence running with said existing centerline S 89° 30' 40" W-665' more or less to the middle of the Patuxent River, said River being the dividing line between Baltimore and Carroll Counties.

The courses in the above described Parcels are referred to the State of Maryland Grid Meridian.

Containing 58.52 AC ±
John W. Michay
John W. Michay
Distribution and Transmission Engineering
Baltimore Gas and Electric Company



Real Property Consultants, Inc.

QUALIFICATIONS

Walter A. Reiter, Jr., J.D., A.S.A.

- EDUCATION**
- Georgetown University
 - Loyola College - B.S. Degree
 - University of Maryland Law School - J.D. Degree
- CERTIFICATION**
- Senior Member - American Society of Appraisers
 - Member - Baltimore and Howard Counties Appraisers' Society
 - Member - Maryland Bar
- EXPERIENCE**
- Real Estate Appraiser, 1967 to present
 - Real Estate business since 1958
- QUALIFIED AS EXPERT WITNESS**
- U.S. Federal Court (Bankruptcy)
 - Circuit Courts of Baltimore City & County, Howard, Frederick, Washington, Carroll, Harford and Anne Arundel Counties
- INSTRUCTOR**
- The Johns Hopkins University - 12 years - Real Estate and Appraisal Principles
 - Towson State University
 - AIRBA - Condemnation - Mock Trial
- CONTINUING EDUCATION**
- AIRBA - Courses I, II and Industrial VII
 - American Society of Appraisers - Going Business Evaluation
- SERVED AS OFFICIAL OF DIRECTOR**
- American Society of Appraisers, Maryland Chapter - President and Director
 - Baltimore County Appraisers' Society - President and Director
 - Maryland Association of Realtors - Director and Treasurer
 - Real Estate Board of Greater Baltimore - Executive Committee and Director
 - Premium Savings and Loan Assn. - Vice President and Director
 - Yorkridge Calvert Savings & Loan Assn. - Advisory Director
 - Society of Real Estate Appraisers - Director
- SOME SPECIFIC APPRAISALS**
- Industrial Plants - Allied, Agrico, and Lebanon Chemical Plants
 - Remmberg Industries

Real Property Consultants, Inc.

-2-

Western Electric
Maryland Shipbuilding & Drydock Company
Seagirt, Dundalk, South Locust Point,
Port Covington, Seland, Rukert Marine
Terminals
Ashland, BP, Gulf - BWI, Exxon -
Dundalk Marine Terminals

Industrial Sites -
Camden Yards
Union Stock Yards
Brandon Shores Park

Land Sites and Study -
Leakin Park
Solley Road Energy Park
Port Carroll Island

Railroads -
Penn Central Railroad
Chessie System
Several short lines
Bueway

TYPE OF ASSIGNMENTS COMPLETED

- Easements - conservation, aerial, subterranean, surface, construction, perpetual, temporary
- Tenancies - life estates, leasehold interests
- Large industrial complexes - various uses
- Marine terminals
- Railroads - right-of-way, marshalling yards, terminals
- Large undeveloped sites - feasibility and land use studies, MIB studies
- Nursing homes and living care units
- Most types of retail commercial and office uses including shopping centers, banks, restaurants
- Cemeteries
- Oil depot and distribution terminals
- Machinery and equipment evaluations
- Live stock yards
- Working farms - horse, dairy, general crops
- Nurseries including Christmas tree farm
- Small business evaluations
- Truck terminals
- Mobile Home Parks & Marinas

December 17, 1987

Martha A. Daley, Esquire
Gas and Electric Building, 17th Floor
P.O. Box 1475
Baltimore, Maryland 21203

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
S of Cockeys Mill Road by 2000' to 3600' and
W from I-795 and Stockdale Avenue, 12,745' to Carroll County
4th Election District, 3rd Councilmanic District
Baltimore Gas & Electric Company - Petitioner
Case No. 88-210-SPH

Dear Ms. Daley and Mr. Howard:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Special Hearing has been granted, subject to the restriction noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. HASTANOWICZ
Deputy Zoning Commissioner
of Baltimore County

AMH:js
Enclosures
cc: People's Counsel
File

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
S/Cockeys Mill Rd. by 2000' to : OF BALTIMORE COUNTY
3600' & W from I-795 & :
Stockdale Ave., 12,745' to :
Carroll Co., 4th District :
BALTIMORE GAS & ELECTRIC CO., : Case No. 88-210-SPH
Petitioner :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 221, Court House
Towson, Maryland 21204
494-2186

I HEREBY CERTIFY that on this 13th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Martha A. Deles, Esquire, 17th Floor, Gas & Electric Bldg., P. O. Box 1475, Baltimore, MD 21203; and John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorneys for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3363

J. Robert Haines
Zoning Commissioner

November 19, 1987

Martha A. Deles, Esq.
17th Floor, Gas & Electric Building
P. O. Box 1475
Baltimore, Maryland 21203

Re: Petition for Special Hearing
S Cockeys Mill Road by 2000' to 3600'
and W from I-795 and Stockdale Avenue., 12,745' to
Carroll County
4th Election District - 3rd Councilmanic District
Baltimore Gas & Electric Co. - Petitioner
Case number: 88-210-SPH

Dear Ms. Deles:

Please be advised that 109.87 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:

PETITION FOR SPECIAL HEARING

4th Election District - 3rd Councilmanic District
Case No. 88-210-SPH

LOCATION: South of Cockeys Mill Road by 2000 feet to 3600 feet and West from I-795 and Stockdale Avenue, 12,745 feet to Carroll County

DATE AND TIME: Wednesday, December 2, 1987, at 2:00 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve the construction, operation and maintenance of a 115 kV overhead electric transmission line and to amend the site plan and Order in Case Nos. 71-253-X and 72-99-A

Being the property of Baltimore Gas & Electric Co., as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Martha A. Deles, Esquire
17th Floor, Gas and Electric Building
P.O. Box 1475
Baltimore, Maryland 21203

November 5, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
S of Cockeys Mill Rd. by 2000' to 3600'
and W from I-795 and Stockdale Ave., 12,745' to
Carroll County
4th Election District - 3rd Councilmanic District
Baltimore Gas and Electric Co. - Petitioner
Case No. 88-210-SPH

TIME: 2:00 p.m.

DATE: Wednesday, December 2, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:md

cc: John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

Mr. Gregg Jones
Traffic Engineering Bureau
M.S. 3401

IN CASE OF SNOW, HEARING WILL BE CANCELLED AND RESCHEDULED FOR A LATER DATE AND TIME. JRH

CERTIFICATE OF POSTING

SERIES DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-210-SPH

District: 4th Date of Posting: 11-2-87
Posted for: Special Hearing
Petitioner: Baltimore Gas & Electric Company
Location of property: S Cockeys Mill Rd. by 2000' to 3600' and W from I-795 and Stockdale Ave. 12,745' to Carroll County
Location of Sign: Large South side of Cockeys Mill Rd. Approx. 200' east of intersection with I-795 and West side of I-795 approx. 300' North of intersection with I-795 and West side of Cockeys Mill Rd. Approx. 200' South of Cockeys Mill Rd.
Posted by: _____ Date of return: 11-13-87
Number of Signs: 3

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 45840

DATE: 12/2/87 ACCOUNT: R-01-615-000

AMOUNT: 109.87

RECEIVED FROM: _____

FOR: Posting and Advertising

BY: 88-210-SPH

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md. Nov. 12, 1987

THIS IS TO CERTIFY that the annexed Reg. #MD8686 P.O. #94808 was published for One (1) successive week/days previous to the 12th day of November, 1987 in the

- ☐ Carroll County Times, a daily newspaper published in Westminster, Carroll County, Maryland.
☐ Randallstown News, a weekly newspaper published in Baltimore County, Maryland.
☒ Community Times, a weekly newspaper published in Baltimore County, Maryland.

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

James Kasper

LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

Westminster, Md. Nov. 12, 1987

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LANDMARK COMMUNITY NEWSPAPERS OF MARYLAND, INC.

James Kasper

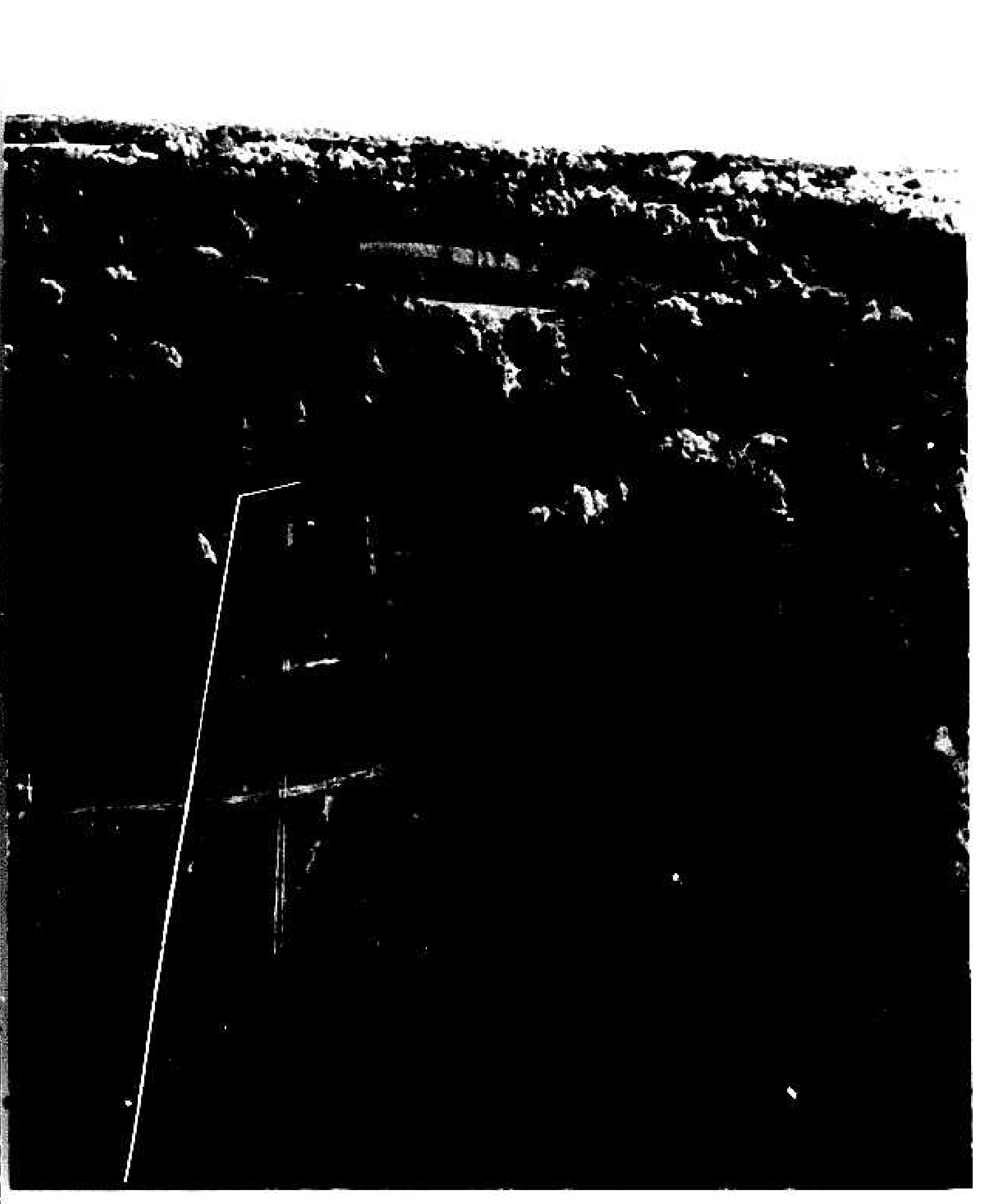
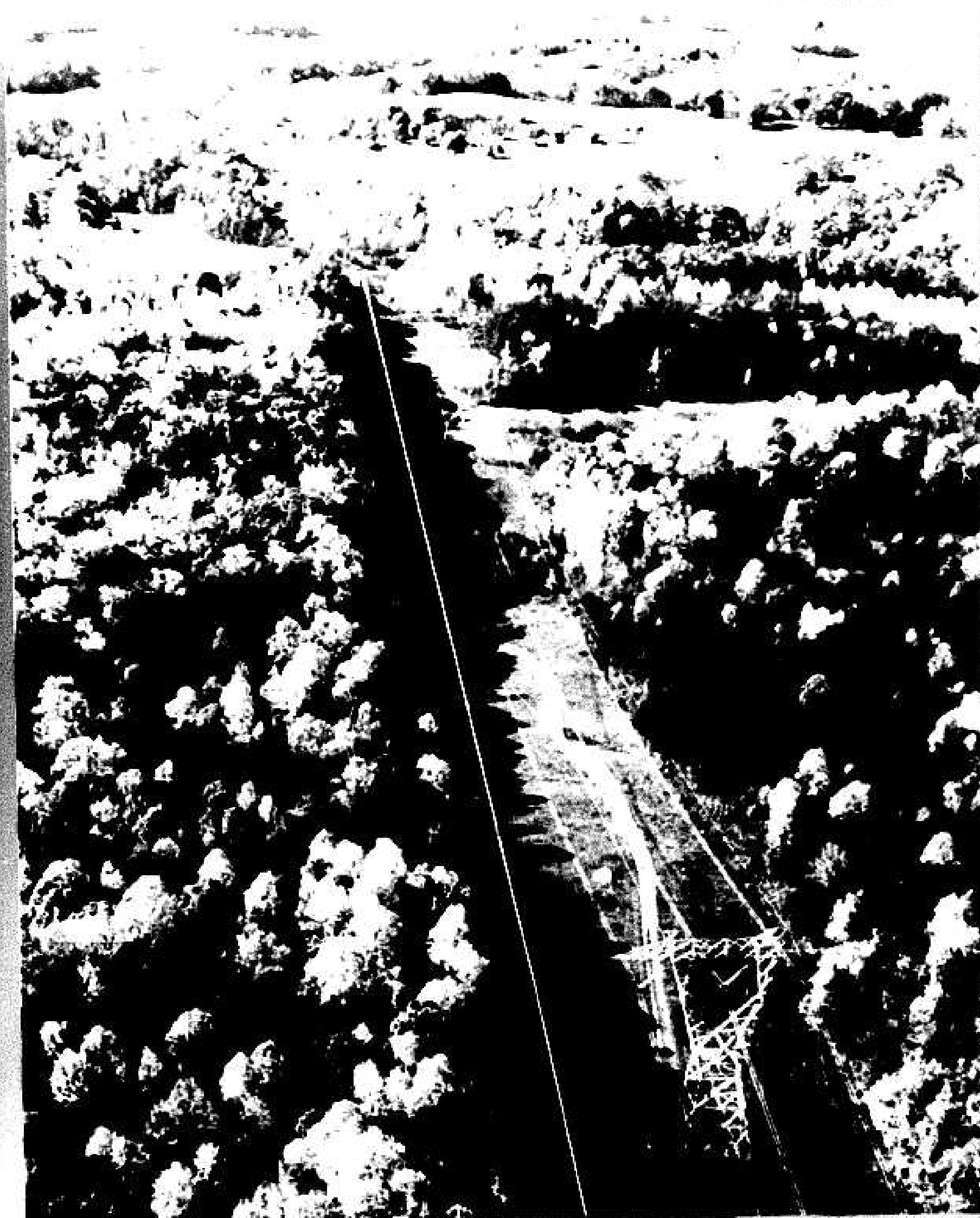
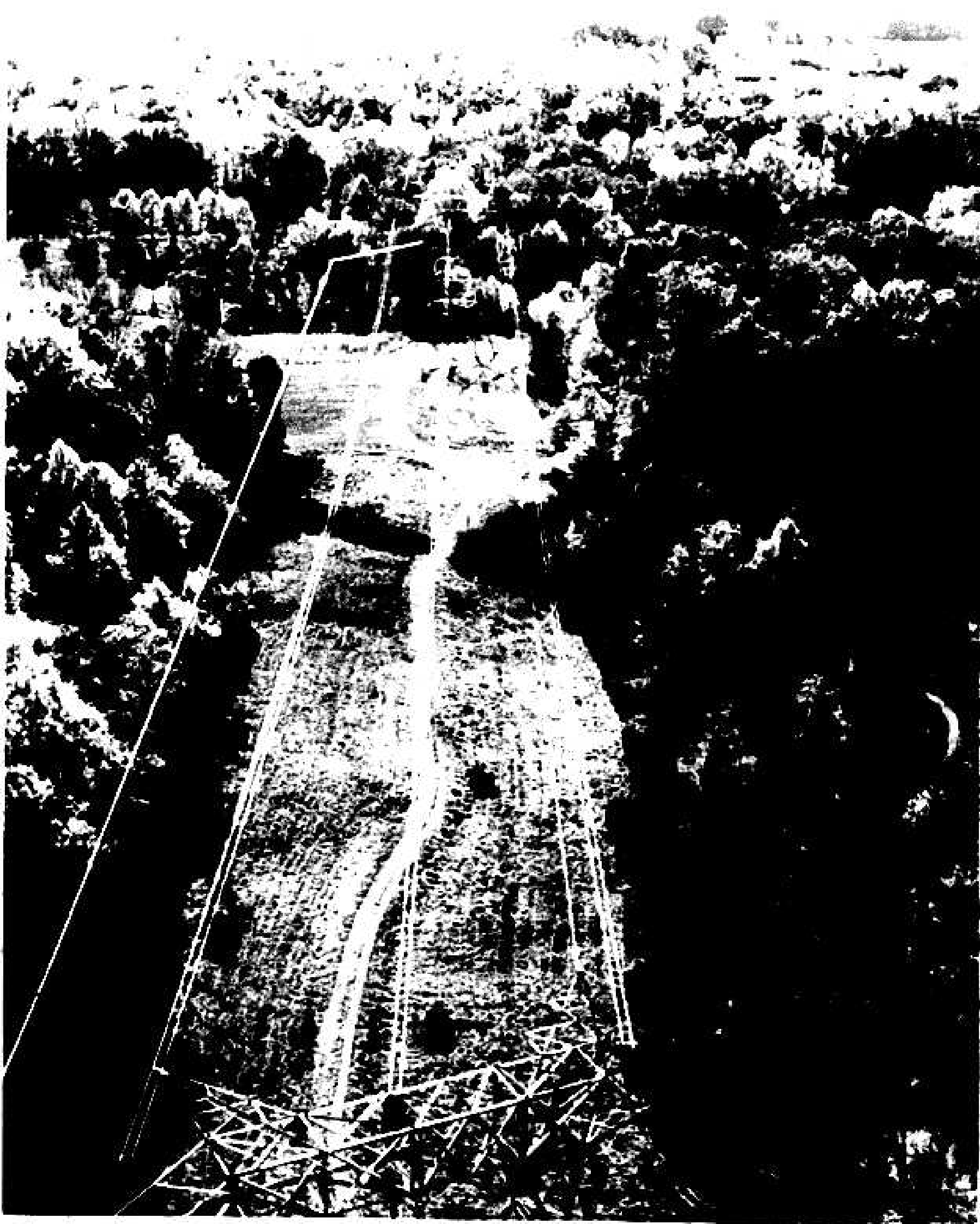
CERTIFICATE OF PUBLICATION

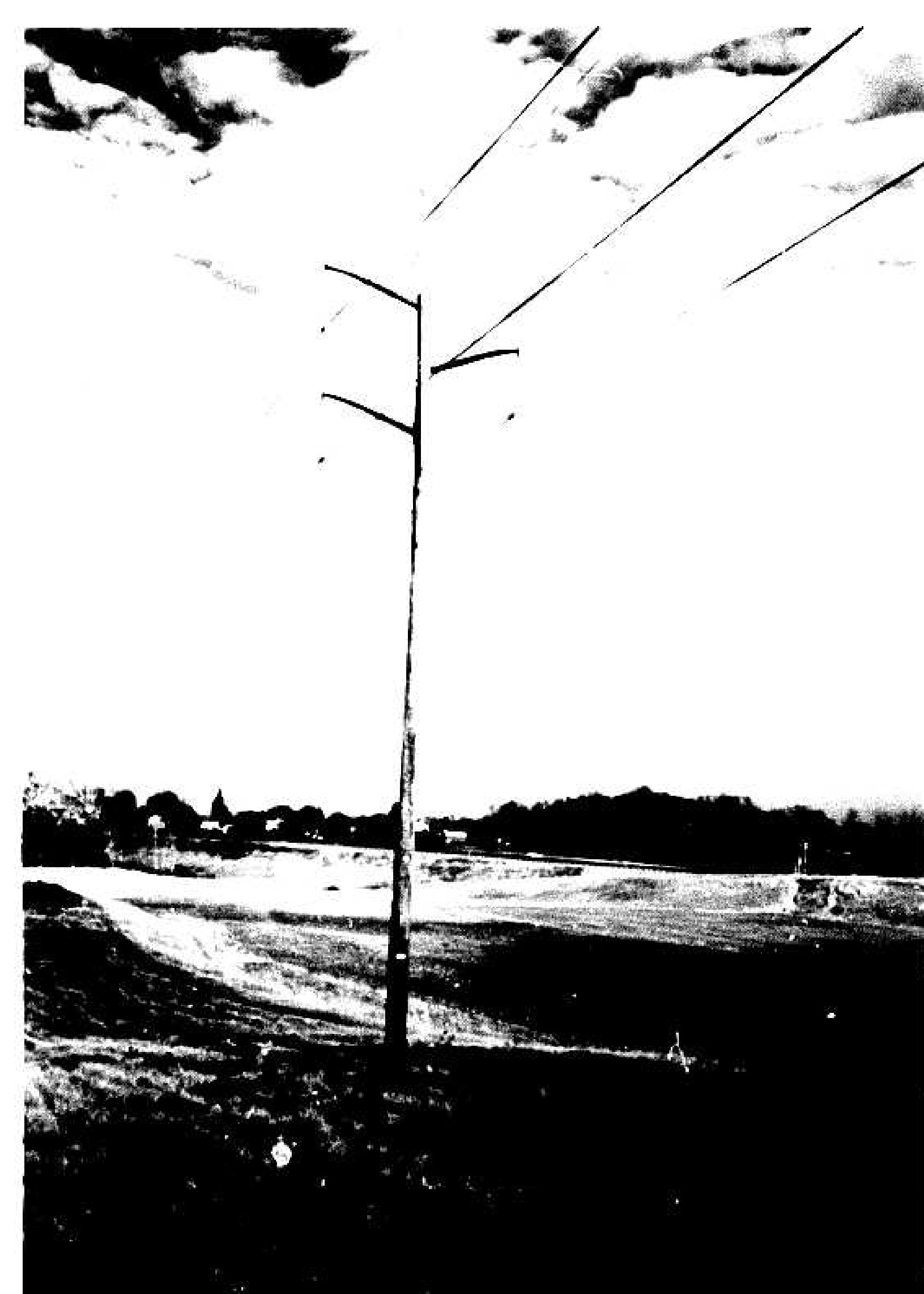
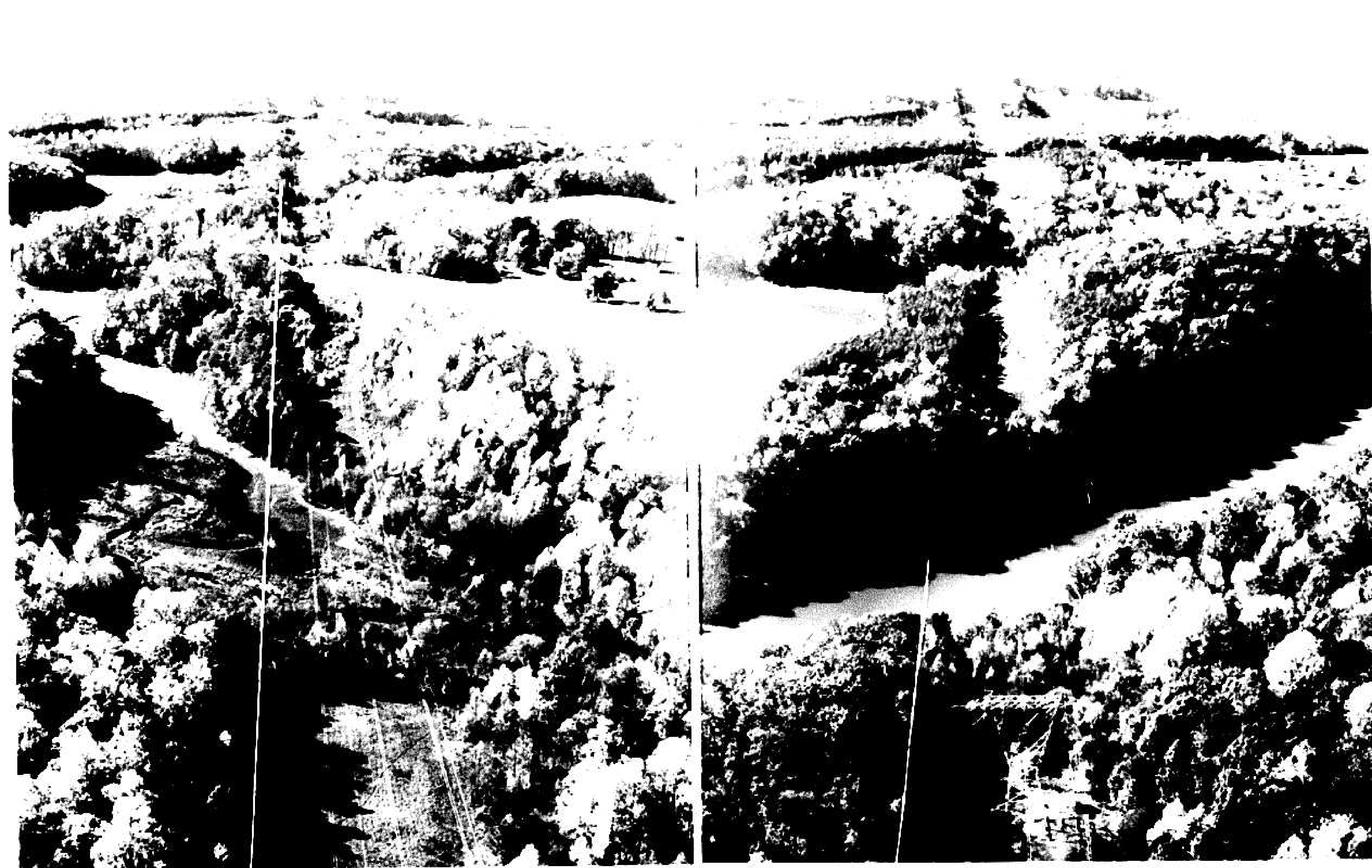
TOWSON, MD. Nov. 12, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov. 12, 1987

THE JEFFERSONIAN.

Susan Seider O'Brien
Publisher







10-11
10-12
10-13

SCALE	TOP & PLAN SHEETS	KEY SHEET
1:50,000	10-11 10-12	10-13
	10-14 10-15	10-16
	10-17 10-18	10-19
	10-20 10-21	10-22

