

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
Beginning at Ramp 1 of proposed
White Marsh Blvd., 920' SE of
Pulaski Hwy., a strip 150' wide
running 5.4 miles NE to the
Harford County Line
11th & 15th Election Districts
6th Councilmanic District
* OF BALTIMORE COUNTY
* Case No. 89-477-X
Baltimore Gas & Electric Co.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to use the subject property for the construction, operation and maintenance of an above-ground 230KV electric transmission line in accordance with that depicted in Petitioner's Exhibit 1.

The Petitioner, by William Colburn, Esquire, appeared, testified, and was represented by John B. Howard, Esquire and Robert A. Hoffman, Esquire. Also appearing and testifying on behalf of the Petition by proffer were the following witnesses: Lawrence A. Rectanus, Civil Engineer, Irvin Bauer, Jr., General Supervisor of Forestry Management, Frank Cullen, Electric Systems Planner, Richard W. Filling and Edward M. Davis, all representing the Baltimore Gas and Electric Company, hereinafter referred to as BG & E; Dale R. Trott, Project Manager, and Steve Rodich of Burns & McDonald, Engineers; and Walter A. Reiter, Jr., Real Property Consultant. There were no Protestants.

Testimony indicated that the subject property consists of a strip of land approximately 150' wide and 5.4 miles long, running from proposed White Marsh Boulevard approximately 3.3 miles to Petitioner's substation at Raphael Road and an additional 1.6 miles east to the Baltimore County/Harford County line. Testimony indicated the subject property is cur-

rently improved with a BG & E transmission line which Petitioners would like to replace with upgraded towers and expand the line to meet present load requirements as a result of increased development in this area. Testimony presented indicated the first leg of the line, which includes the 3.3 miles from White Marsh Boulevard to the Raphael Road substation, has been in existence since approximately 1930. The remaining 1.6 miles of the line has been in existence since 1917. Petitioners are desirous of replacing the 21 existing towers along the 3.3 mile segment of the line with 22 new electronic transmission poles as set forth in Petitioner's Exhibit 7, and over the remaining 1.6 miles of the line, Petitioners propose installing 11 new poles, while retaining the existing towers, to service the Edgewood area.

In support of Petitioners' contention that the proposed use complies with the requirements of Section 502.1, Section 411 and Section 411.3 of the B.C.Z.R., the following is a brief summary of the testimony presented at the hearing.

Initially, Petitioners submitted a copy of the certificate dated May 17, 1989 by the Public Service Commission (PSC) in Case No. 6688, Order No. 60722 certifying that on April 3, 1974 the PSC found "that the construction, rebuilding and reinforcement of transmission lines as proposed by the Applicant and modified by the Examiner, is in the public interest and that a Certificate of Public Convenience and Necessity should be issued" subject to the conditions set forth therein. Mr. Cullen's testimony further corroborated the need for the proposed replacement, rebuilding, and expansion of the existing transmission lines due to the increased development in the area. Testimony presented indicated that the Petitioners' request will not result in any adverse affect upon the

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health, safety, or general welfare of the community, and that the requirements of Section 502.1 of the B.C.Z.R. will be met.

Mr. Reiter, a qualified real estate appraiser, testified that having reviewed the area, it is his opinion the proposed changes will not result in any adverse affect on property values or visual impact as there will be no substantial difference between the existing and proposed improvements for the 23 residential properties along the 3.3 mile stretch of the transmission line and the 9 residential properties in the 1.6 mile stretch. Mr. Reiter further testified one of the existing towers, which is located close to a church, will be replaced with a new pole which will be installed farther away from the church than the existing tower.

Testimony presented by Mr. Bauer indicated that clearing along the 3.3 mile segment will be minimal. In his opinion, the replacement of the towers with above-ground poles will have less of an adverse impact on the environmental area than would be the case if underground lines were placed in the area. Testimony presented indicated that the line crosses the Chesapeake Bay Critical Areas in two locations, one along the White Marsh Boulevard area and the other by the Baltimore County/Harford County line in the area of the Little Campowder River. Testimony presented indicated that Petitioners can comply with the requirements of the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their comments dated April 17, 1989 submitted hereto and made a part of the file, unless waived or modified hereafter by DEPRM. Testimony indicated Petitioners retained the services of Burns and McDonald to complete the environmental impact study, which was submitted as Petitioner's Exhibit 4, to insure that the proposed plan would comply with Federal, State and County regulations.

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Mr. Trott, who has extensive and varied experience in environmental studies, including, but not limited to, various electronic transmission projects, testified in his opinion that Petitioners' request will not result in any detriment to the health, safety or general welfare of the community or have an adverse impact on the environment. Mr. Trott further testified that there are no endangered species of wildlife or plantlife in the area of the proposed new electronic transmission line.

It is clear that the B.C.Z.R. permits the use proposed in the M.L. and R.C. zones by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

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After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of

the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1989 that the Petition for Special Exception to use the subject property for the construction, operation and maintenance of an above-ground 230KV electric transmission line in

accordance with that depicted in Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 17, 1989, attached hereto and made a part hereof.

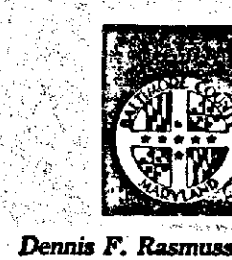
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Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

June 1, 1989



John Howard, Esquire
Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION
Beginning at Ramp 1 of proposed White Marsh Boulevard,
920' SE of Pulaski Highway, a strip 150' wide running 5.4 miles
NE to the Baltimore County/Harford County Line
11th & 15th Election Districts - 6th Councilmanic District
Baltimore Gas & Electric Company - Petitioners
Case No. 89-477-X

Dear Messrs. Howard & Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

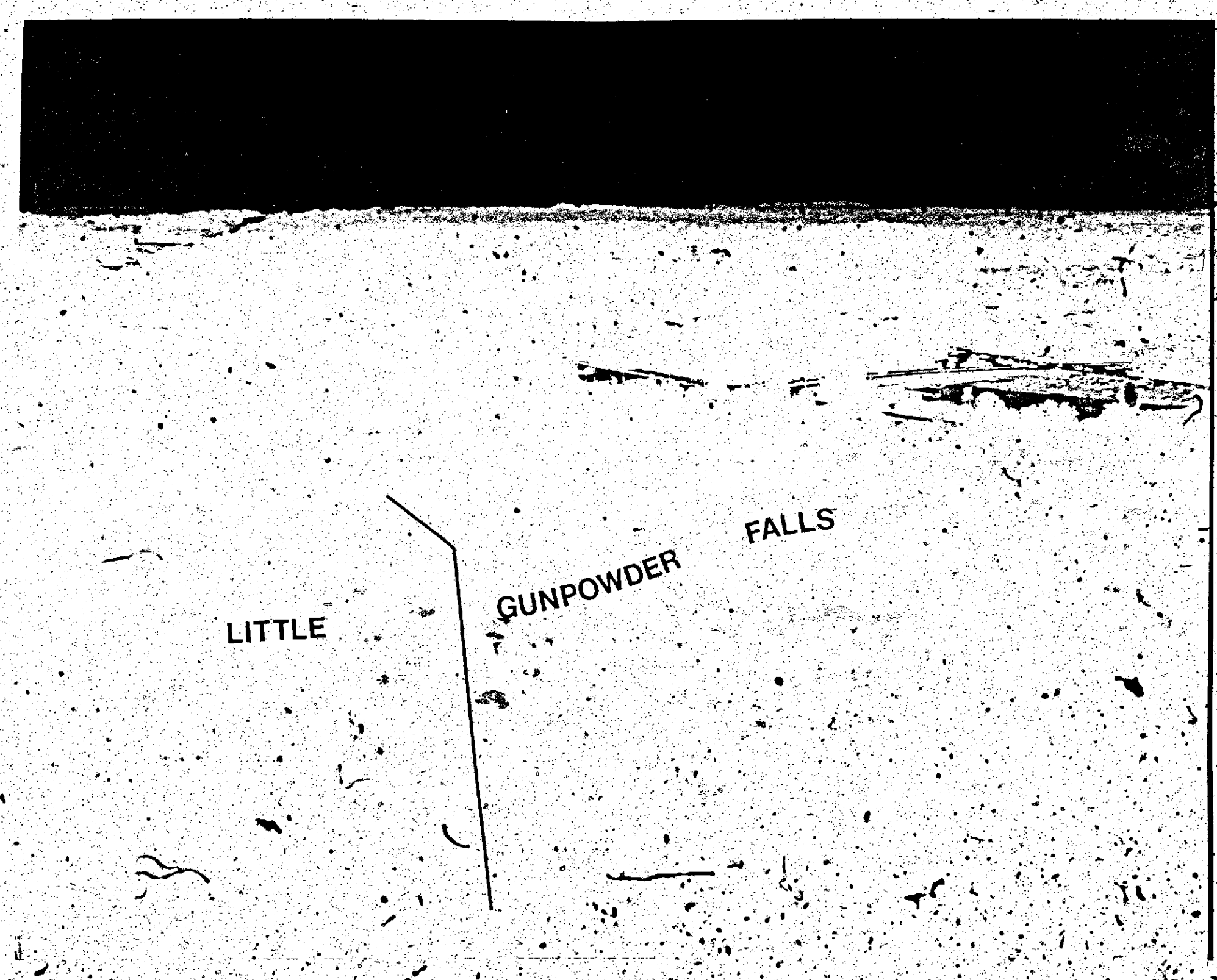
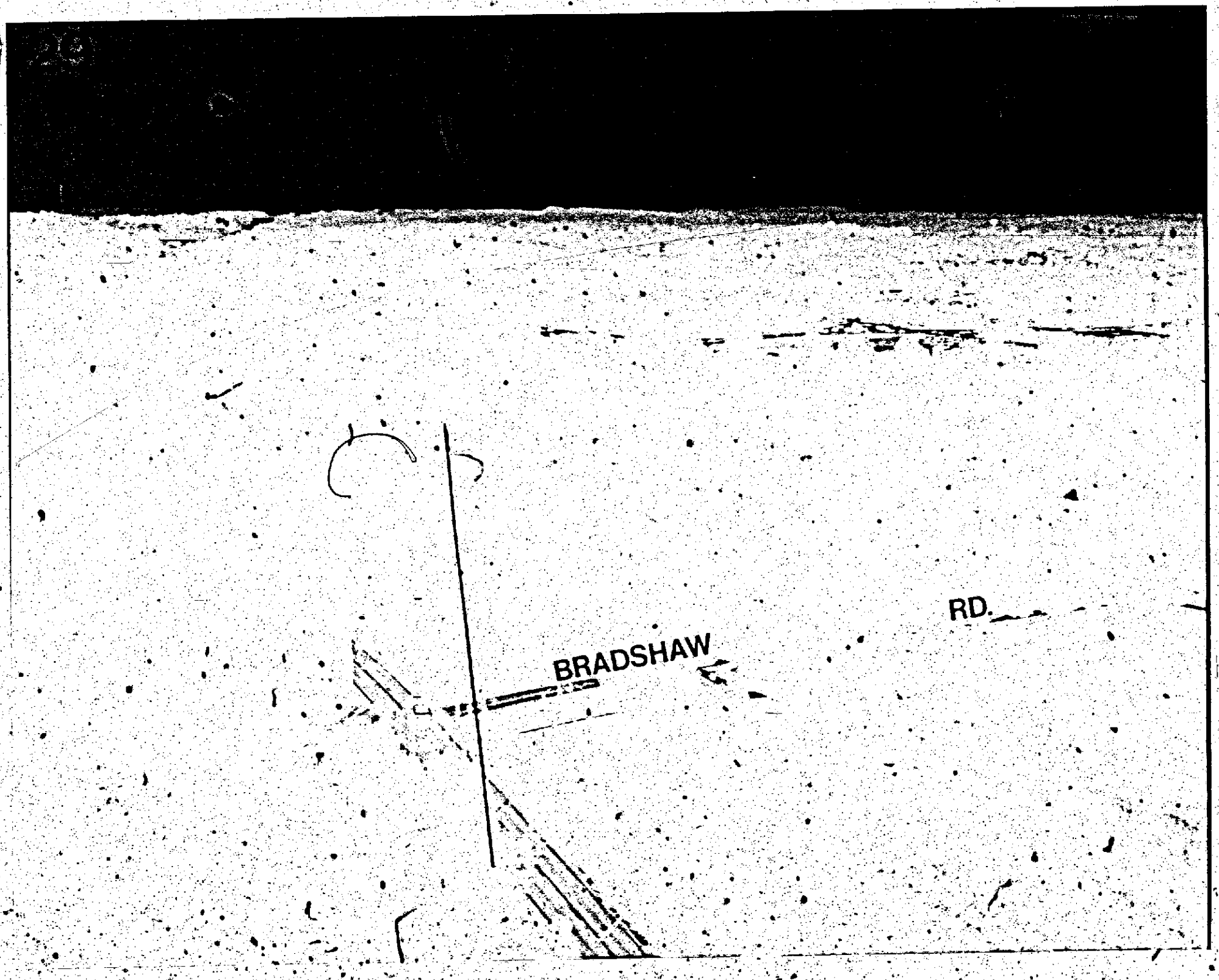
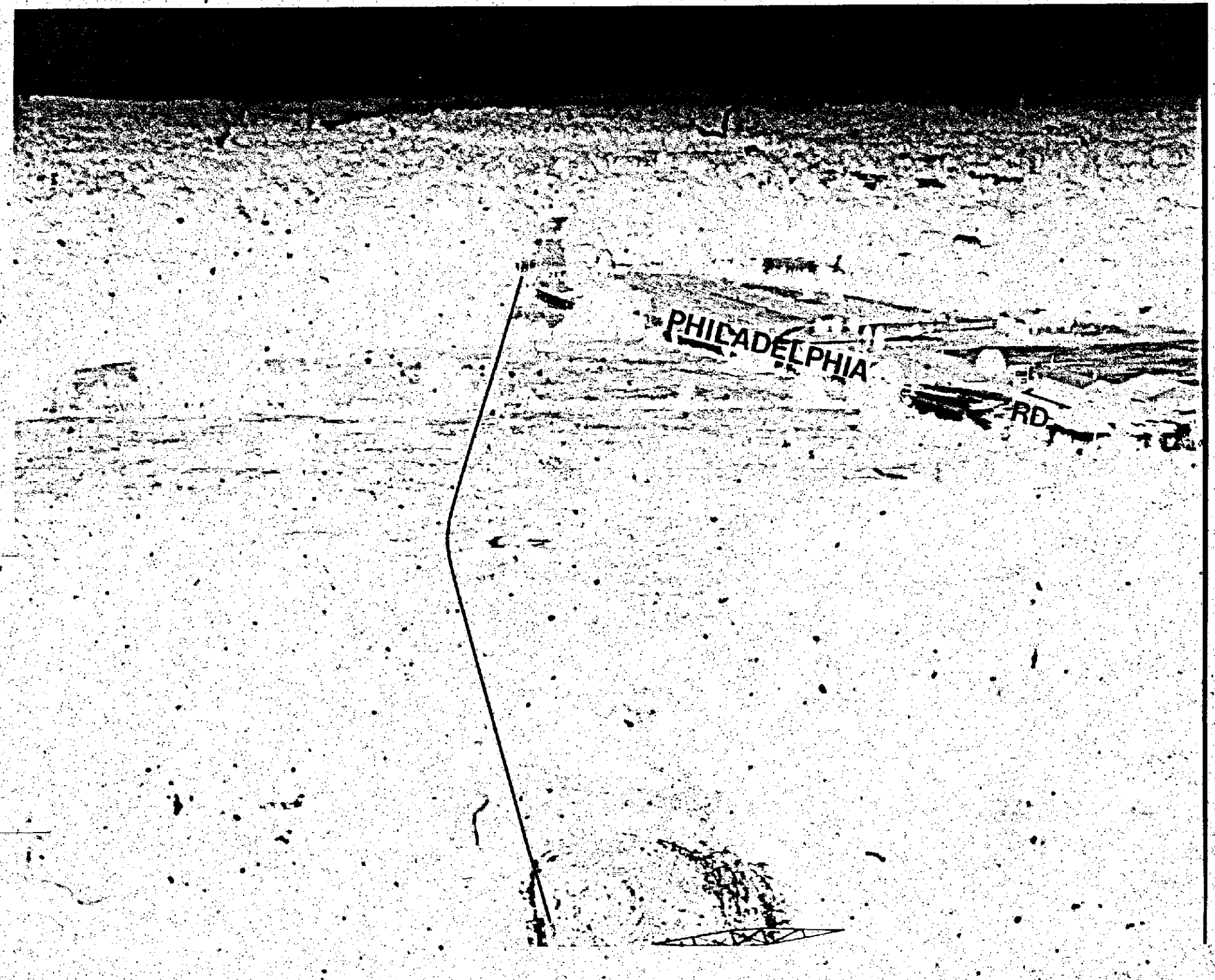
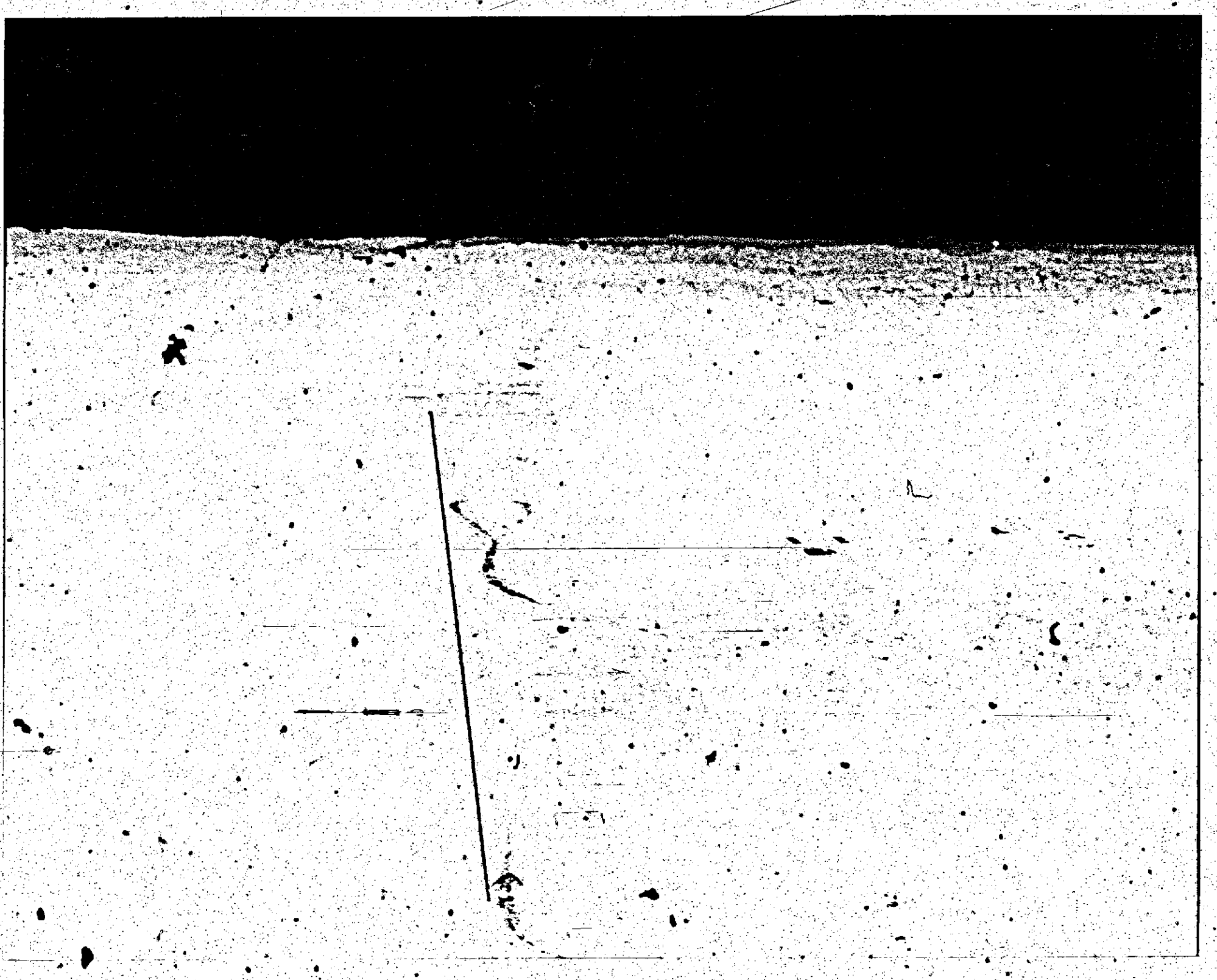
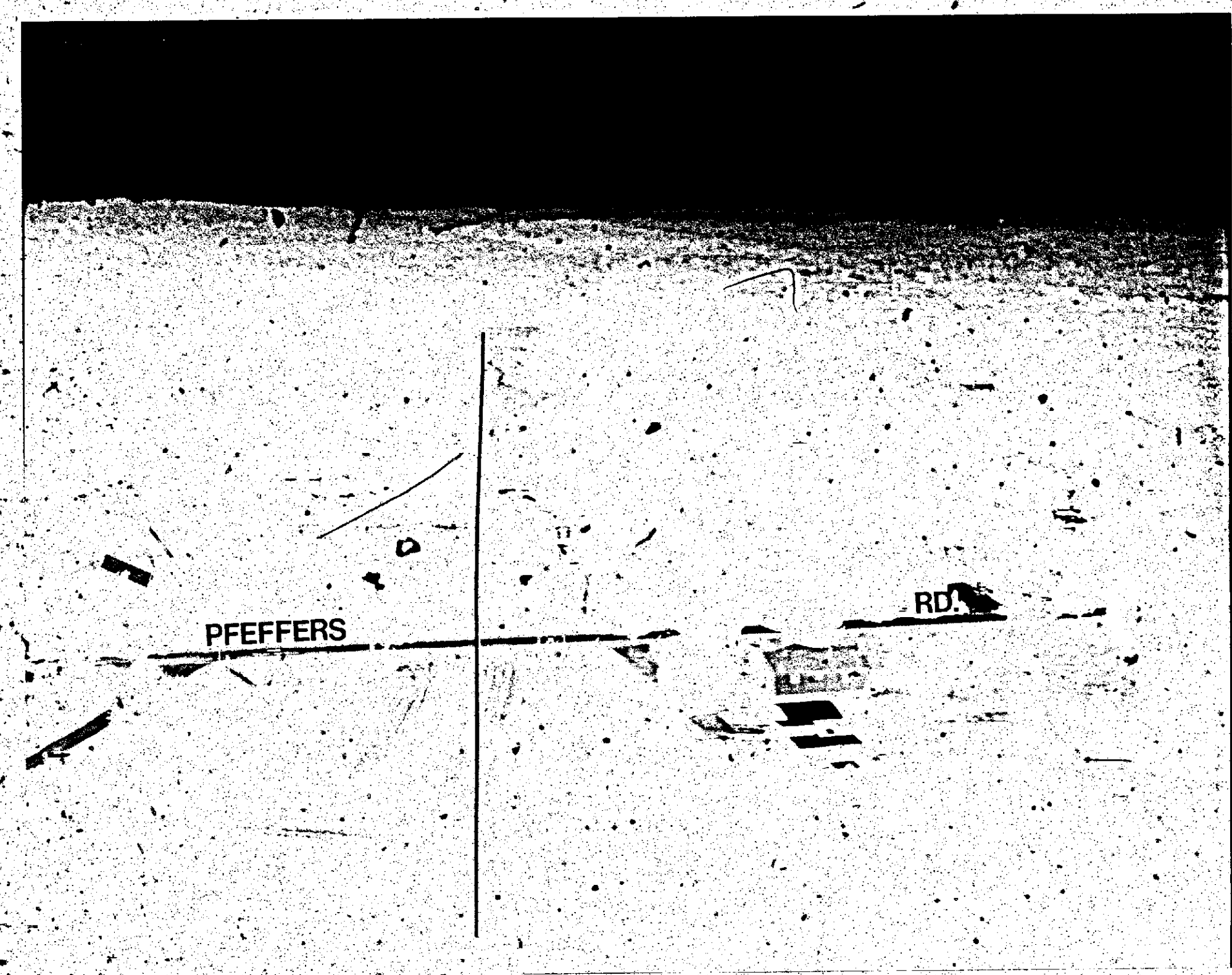
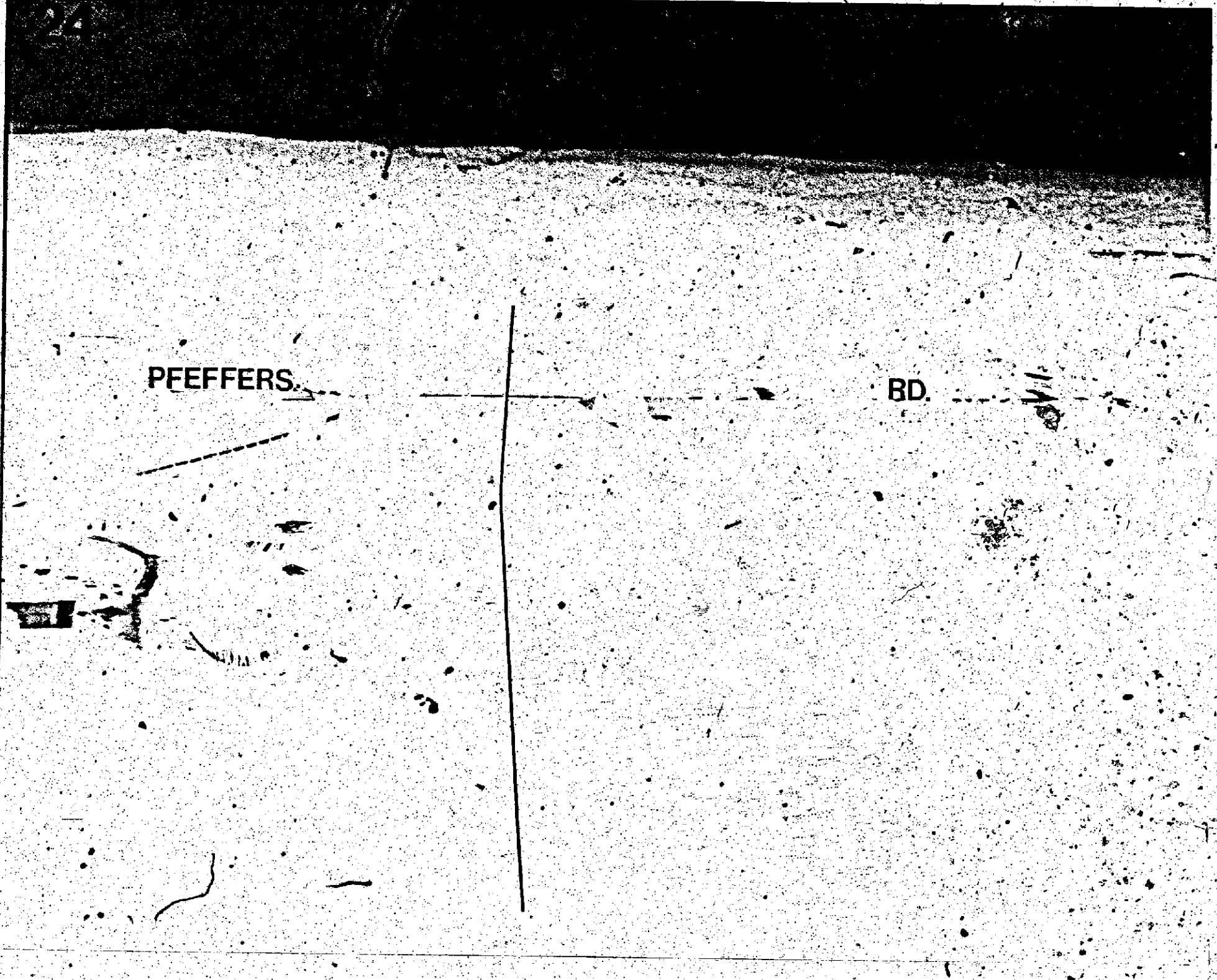
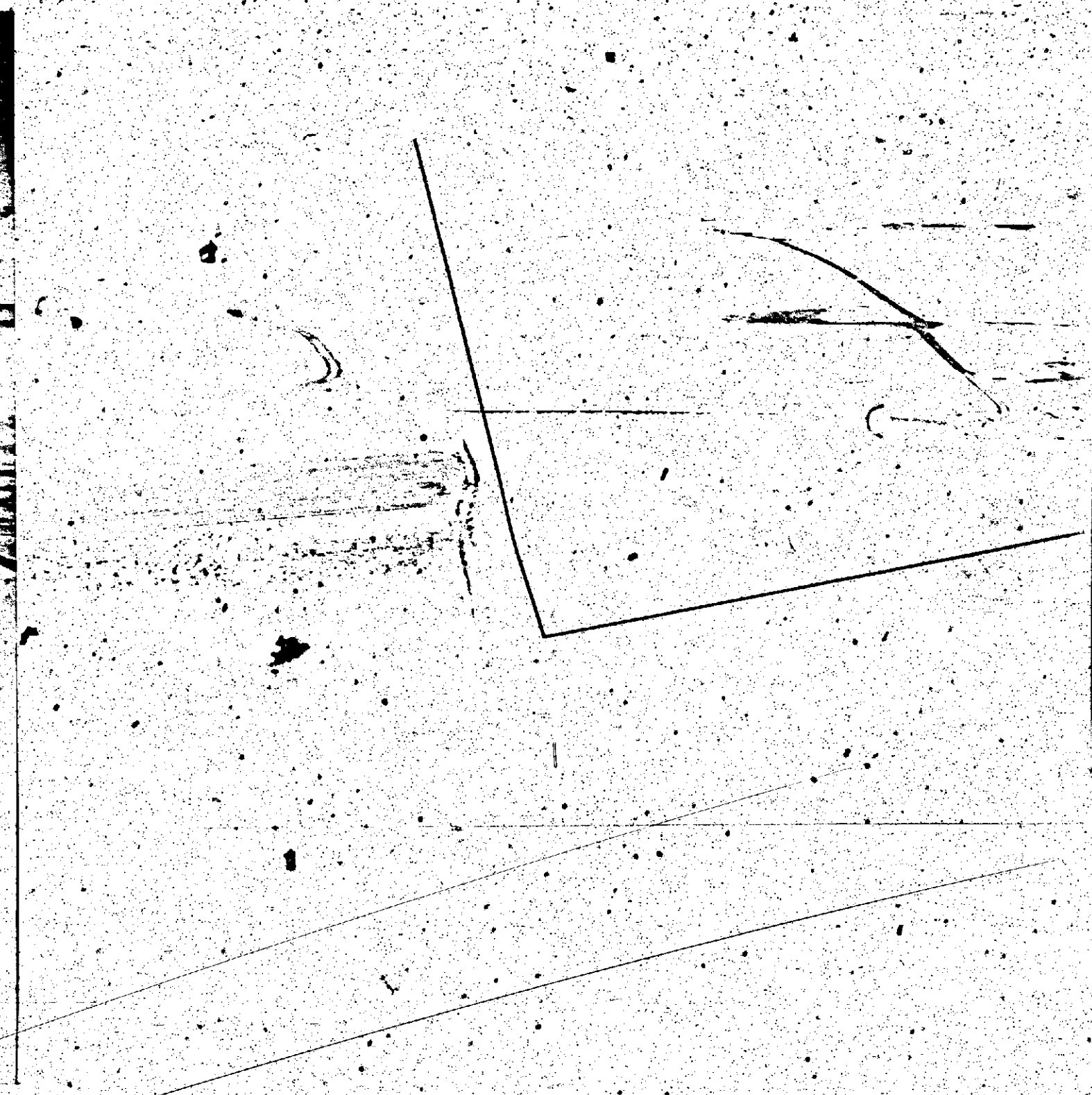
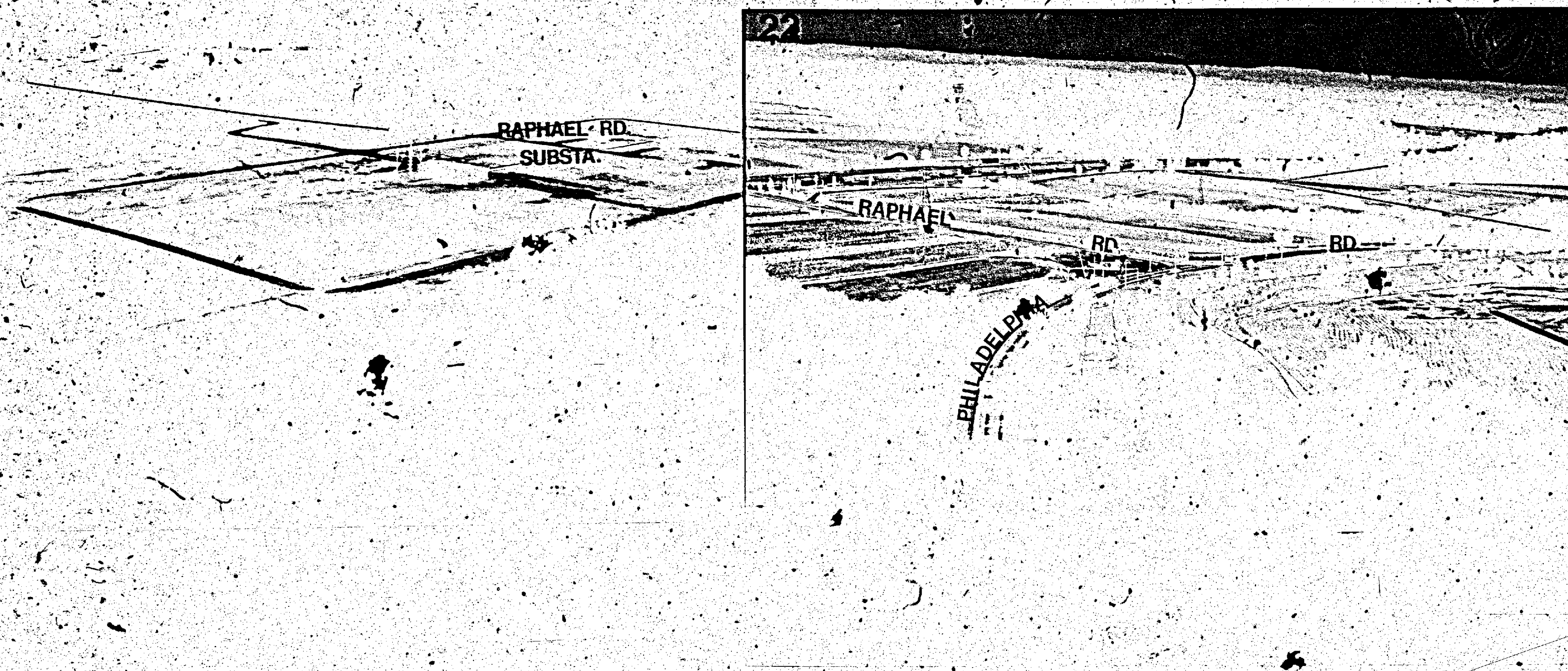
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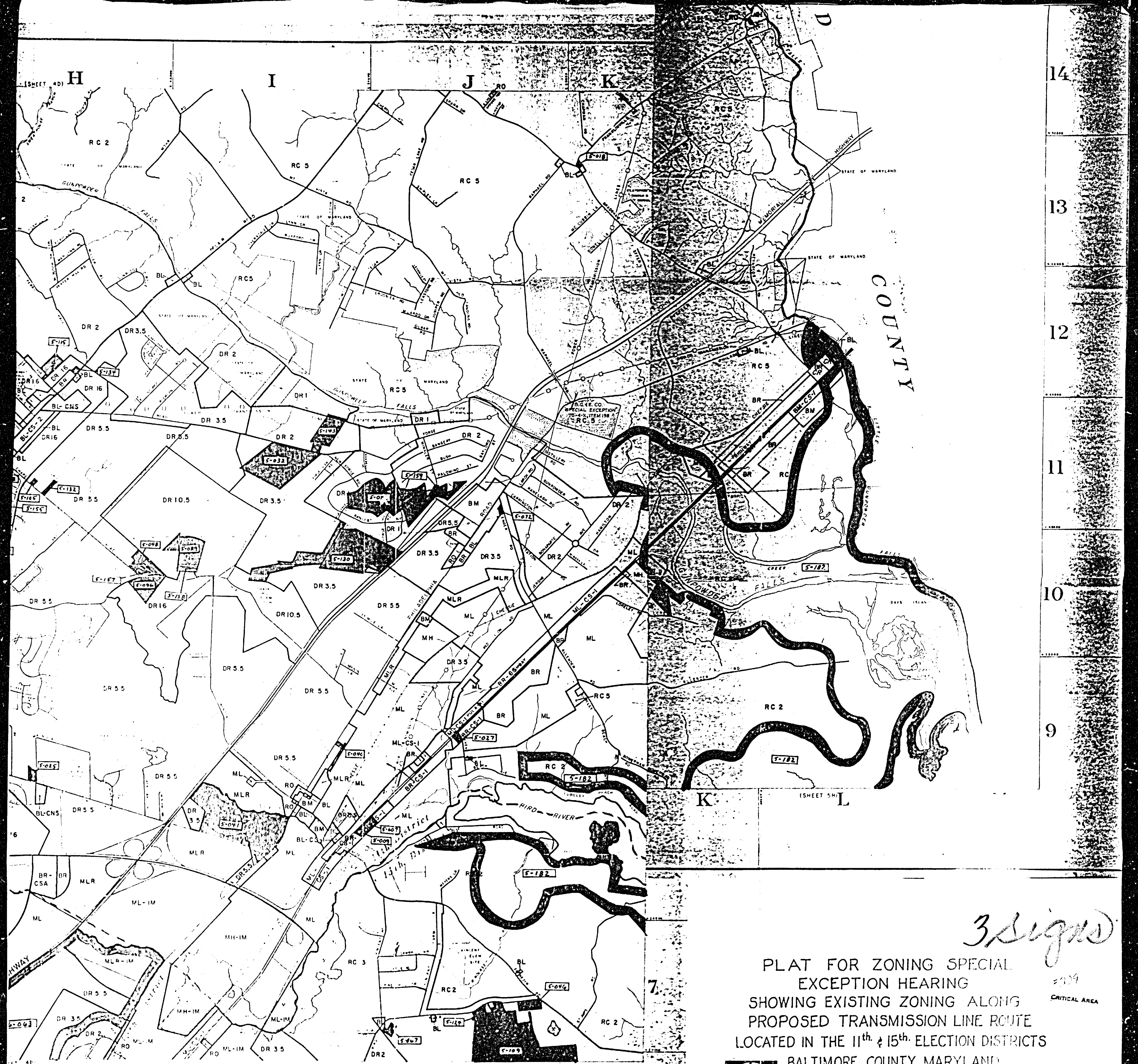
cc: People's Counsel

File

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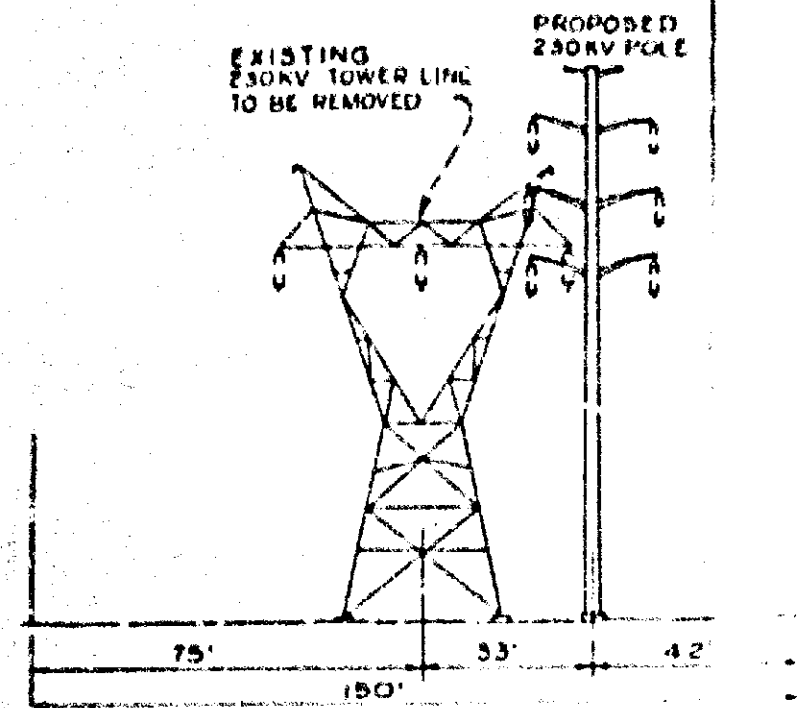




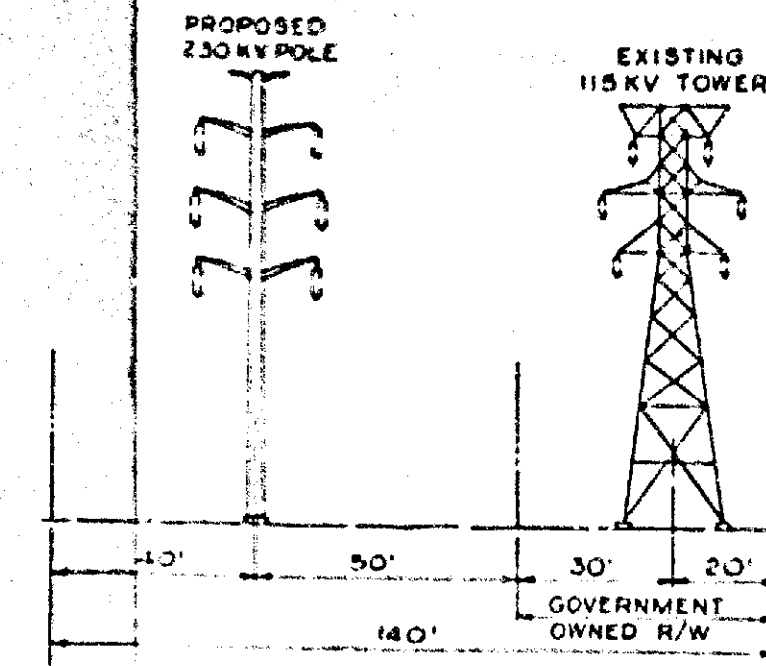
3 Signs

PLAT FOR ZONING SPECIAL
EXCEPTION HEARING
SHOWING EXISTING ZONING ALONG
PROPOSED TRANSMISSION LINE ROUTE
LOCATED IN THE 11th & 15th ELECTION DISTRICTS
BALTIMORE COUNTY, MARYLAND

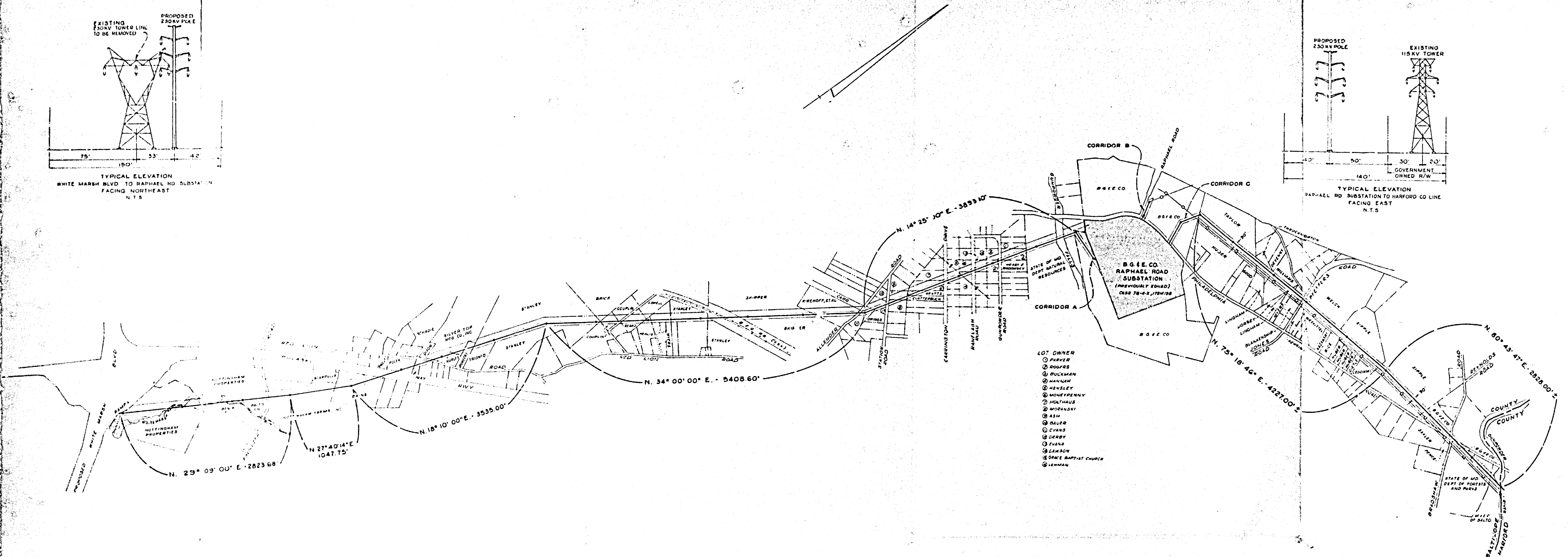




TYPICAL ELEVATION
WHITE MARSH BLVD TO RAPHAEL RD SUBSTATION
FACING NORTHEAST
N.T.S.



TYPICAL ELEVATION
RAPHAEL RD SUBSTATION TO HARFORD CO LINE
FACING EAST
N.T.S.



- LOT OWNER
- ① PARKER
 - ② ROGERS
 - ③ BUCKMAN
 - ④ HANNAH
 - ⑤ HENSLEY
 - ⑥ MONEYPENNY
 - ⑦ MUTHAUS
 - ⑧ MORAVSKI
 - ⑨ ASH
 - ⑩ BAUER
 - ⑪ EVANS
 - ⑫ DERRY
 - ⑬ EVANS
 - ⑭ LARSON
 - ⑮ GRACE BAPTIST CHURCH
 - ⑯ LENHAM

KEY

- INDICATES PROPOSED STEEL POLE
- INDICATES EXISTING STEEL TOWER TO REMAIN
- AREA PREVIOUSLY ZONED FOR SUBSTATION USE

NOTE

1. BEARINGS SHOWN HEREON REFER TO THE STATE OF MARYLAND GRID MERIDIAN
2. AREA OF B.G. & E. CO. R/W = 72.10 ACRES ±

JOHN W. MCKEE, PROP. L.S. 716

PLAT FOR ZONING SPECIAL EXCEPTION HEARING
SHOWING PROPOSED TRANSMISSION LINE ON
B.G. & E. CO. RIGHT-OF-WAY LOCATED IN THE
11th AND 15th ELECTION DISTRICTS
BALTIMORE COUNTY, MARYLAND

SCALE 1" = 600'

DRAWN C.A. FLOYD
CHECKED W.E.C.

DATE 11-18-88
APPROVED

Petitioner's Exhibit



1984 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
NOV. 13, 1984
BILL NOS. 133-84, 134-84, 135-84,
136-84, 137-84, 138-84 AND 139-84
William M. ...
BALTIMORE COUNTY COMMISSIONER

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	NORTHWEST OF GUNPOWDER	N. E.
		DATE OF PHOTOGRAPHY APR. 1958		12
Compiled By: Photogrammetric Methods MAPS INCORPORATED - BALTIMORE 22, MARYLAND				

#200
CRITICAL AREA

CRITICAL AREA #209 PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for the construction, operation and maintenance of an above-ground 230 kv electric transmission line.

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

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Attorney of Petitioner

John B. Howard

(Type or Print Name)

Signature

210 Allegheny Avenue

Towson, MD 21204

City and State Tel. No.: 823-4111

Attorney for Petitioner:

William E. Colburn

(Type or Print Name)

Signature

Liberty & Lexington Sts., S. & E. Electric Bldg.

P. O. Box 1475

Baltimore, MD 21203

City and State

Attorney's Telephone No.: 234-5489

Legal Owner(s):

Baltimore Gas and Electric Company

(Type or Print Name)

Signature

George B. England, Vice President

(Type or Print Name)

Signature

Liberty & Lexington Streets, Gas & Electric Bldg.

P. O. Box 1475

Baltimore, MD 21203

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

John B. Howard, Esq.

Name 210 Allegheny Avenue

Towson, MD 21204

Address 823-4111

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of April, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of May, 1989, at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ECO-No. 1 (over)

CRITICAL AREA #209 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 11th & 15th
Posted for: Special Exception
Petitioner: Balto. Gas & Electric Co.
Location of property: Beginning at Pulaski Hwy. & running S. 4 miles N.E. to Harford County line
Location of Signs: 1. Four (4) signs at intersection of Pulaski Hwy. & 11th & 15th Election Districts
Remarks: None
Posted by: J. Robert Haines
Number of Signs: 3

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 27, 1989
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 April 27, 1989.

NORTHEAST TIMES
THE JEFFERSONIAN,

S. Zeke Olson
Publisher

PO 11994
NY 108211
cc 89-477-X
price \$78.66

CRITICAL AREA #209 DESCRIPTION FOR ZONING SPECIAL EXCEPTION BALTIMORE GAS AND ELECTRIC COMPANY TRANSMISSION LINE RIGHT-OF-WAY WHITE MARSH BOULEVARD TO RAPHAEL ROAD SUBSTATION

All that existing combination fee simple and easement right-of-way, 150 feet wide, lying and being in the 11th and 15th Election Districts of Baltimore County, State of Maryland, the centerline of which is described as follows:

Beginning for the same at the intersection of the centerline of an existing steel tower electric transmission line with the easterly right-of-way line of "Ramp L - White Marsh Boulevard" at a point 88.50 feet right of the "Ramp L" baseline station 10+84.83 as shown on State Roads Commission of Maryland Plat No. 27639; thence leaving said road right-of-way boundary and running with the centerline of said steel tower electric transmission line the five following courses and distances:

1. N 29° 09' 00" E - 2823.68 feet, crossing White Marsh Run and Ebenezer Road, to a point;
2. N 29° 40' 14" E - 1047.75 feet to a point;
3. N 16° 10' 00" E - 3535.00 feet, crossing Pulaski Highway and Red Lion Road, to a point;
4. N 34° 00' 00" E - 5408.60 feet, crossing the Baltimore and Ohio Railroad right-of-way and Allender Road, to a point;
5. N 14° 25' 00" E - 3893.10 feet, crossing Station Road, Carrin, in Road, Ranelagh Road, Gunpowder Road and the Gunpowder Falls, to intersect the south side of N 65° 25' 00" W - 1359.56 feet boundary line of the Baltimore Gas and Electric Company's Raphael Road Substation property at a point 27.80 feet from the end thereof, said property having been acquired by Baltimore Gas and Electric Company from John George Bauer and Lily May Bauer, his wife, by deed dated April 11, 1974, and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 5438, Folio 123.

Saving and excepting that portion of the above 150 feet wide right-of-way crossing the property of the Baltimore and Ohio Railroad Company (now CSX) which was acquired by "License Agreement" dated September 1, 1937, the centerline of which is described as follows:

Beginning for the same in the centerline of an existing steel tower electric transmission line at the point where said centerline intersects the south edge of the Baltimore and Ohio Railroad (Baltimore Division - Philadelphia Branch) right-of-way, said point being distant N 34° 00' 00" E - 120.70 feet from the centerline of steel tower no. 190; thence leaving the south edge of said railroad right-of-way and running with the centerline of an existing steel tower electric transmission line, N 34° 00' 00" E - 471.30 feet to intersect the north edge of said railroad right-of-way at a point 63.00 feet southwest of tower no. 189.

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



John W. Micky
Distribution & Transmission Engineering Department
Baltimore Gas & Electric Company

89-477-X
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 11th day of April, 1989.

Petitioner: Baltimore Gas & Electric Company
Petitioner's Attorney: William E. Colburn, Esquire
Chairman, Zoning Plans Advisory Committee: James R. Dyer

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date	Receipt	FEE	TYPE	Identification Number	Council District	Election District	Zip Code
22/1/88	05			01-615	12	24	

Petitioner: Balto. Gas & Electric Co.
Property Address: 5.4 mile x 150' R/W (Tract)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 11-22-88 ACCOUNT R-01-615-000
AMOUNT \$ 100.00
RECEIVED FROM Balto Gas & Electric Co.
FOR Commercial - Special Election Filing Fee

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 5/24/89 ACCOUNT R-01-615-000
AMOUNT \$ 123.60
RECEIVED FROM J. Robert Haines
FOR P.A. for 5/23/89 Hearing 89-477-X

CRITICAL AREA #209 DESCRIPTION FOR ZONING SPECIAL EXCEPTION BALTIMORE GAS AND ELECTRIC COMPANY TRANSMISSION LINE RIGHT-OF-WAY RAPHAEL ROAD SUBSTATION TO BALTIMORE-HARFORD COUNTY LINE

All that existing combination fee-simple and easement right-of-way 90 feet wide, adjacent to and parallel with an existing transmission line right-of-way, lying and being in the 11th Election District of Baltimore County, State of Maryland, the centerline of which is described as follows:

Beginning for the same on the northeast boundary or S 30° 13' 24" E - 832.31 feet line of the Baltimore Gas and Electric Company's Raphael Road Substation 425 feet more or less from the end thereof, said property having been acquired by Baltimore Gas and Electric Company from John George Bauer and Lily May Bauer, his wife, by deed dated April 11, 1974 and recorded among the Land Records of Baltimore County in Liber E. H. K. Jr. 5438, folio 123; said point of beginning also being located N 38° 10' 10" W - 411.87' and N 39° 13' 24" W - 418.00 feet measured along the northeast outline of said Raphael Road Substation from the centerline of Philadelphia Road Substation and running with the centerline of the existing 90 feet wide right-of-way, N 75° 18' 46" E - 4227 feet more or less crossing Pfeifers Road to a point; thence N 80° 43' 47" E - 7928 feet more or less crossing Bradshaw Road to the middle of the Gunpowder River, said river being the dividing line between Baltimore and Harford Counties.

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



John W. Micky
Distribution & Transmission Engineering Department
Baltimore Gas and Electric Company

CRITICAL AREA #209 DESCRIPTION FOR ZONING SPECIAL EXCEPTION BALTIMORE GAS AND ELECTRIC COMPANY TRANSMISSION LINE RIGHT-OF-WAY ON RAPHAEL ROAD SUBSTATION PROPERTY

All those three corridors, 80 feet wide, lying and being within the outline of the Raphael Road Substation property in the 11th Election District of Baltimore County, State of Maryland, the centerlines of which are described as follows:

Corridor A Beginning for the same within an existing 150 feet wide 230 kv transmission line right-of-way and on the southern boundary or N 46° 39' 00" E - 225.28 feet line of the Baltimore Gas and Electric Company's Raphael Road Substation property 10.00 feet more or less from the beginning thereof; said point of beginning also being located S 60° 09' 00" E - 264.00 feet and S 46° 39' 00" W - 215.28 feet measured along the south outline of said Raphael Road Substation from the centerline of Philadelphia Road (MD Route 7); thence leaving the boundary of said Raphael Road Substation and running S 88° 08' 15" E - 800 feet more or less to intersect the N 75° 14' 00" W - 1587.56 feet line of the area previously zoned for substation use (case 75-4-X (Item 198)) 665 feet more or less from the end thereof.

Corridor B Beginning for the same on the westernmost edge of an existing 150 feet wide 230 kv transmission line right-of-way, S 14° 25' 00" W - 170 feet more or less from a point opposite the centerline of existing tower no. 182; thence leaving the edge of said right-of-way and crossing over same S 30° 10' 17" E - 346.83 feet to a point; thence S 22° 24' 25" E - 90 feet more or less, crossing Philadelphia Road (MD Route 7) to intersect the southeastern right-of-way line of said road and also to intersect the N 63° 13' 35" E - 202.70 feet line of the area previously zoned for substation use (case 75-4-X (Item 198)) 55 feet more or less from the beginning thereof.

Corridor C Beginning for the same on the northeast boundary or S 39° 13' 24" E - 832.21 feet line of the Baltimore Gas and Electric Company's Raphael Road Substation property 425 feet more or less from the end thereof; thence leaving the boundary of said Raphael Road Substation and running S 15° 18' 46" W - 322 feet more or less, crossing existing 50 feet wide U.S. Government owned transmission line right-of-way, to a point; thence S 26° 33' 09" E - 420 feet more or less, crossing Philadelphia Road (MD Route 7) to intersect the south right-of-way line of said road and also to intersect the N 88° 42' 21" E - 286.19 feet line of the area previously zoned for substation use (case 75-4-X (Item 198)) 98 feet more or less from the end thereof.

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

Being a part of all that property acquired by Baltimore Gas and Electric Company for its Raphael Road Substation, from John George Bauer and Lily May Bauer, his wife, by deed dated April 11, 1974 and recorded among the Land Records of Baltimore County in Liber E. H. K. 5438, Folio 123.



John W. Micky
Distribution & Transmission Engineering Department
Baltimore Gas and Electric Company

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 5/15/89

Baltimore Gas & Electric Company
P. O. Box 1475
Baltimore, Maryland 21203
ATTN: WILLIAM E. COLBURN, ESQ.

Re: Petition for Special Exception
CASE NUMBER: 89-477-X
Begin at Ramp L of proposed White Marsh Boulevard, 920' SE of Pulaski Highway, a strip 150' wide running S. 4 miles Northeasterly to Harford County line.
11th & 15th Election Districts - 6th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING SCHEDULED: TUESDAY, MAY 23, 1989 at 9:30 a.m.

Gentlemen:

Please be advised that \$123.60 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) 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(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines
Zoning Commissioner of Baltimore County

JRH:gs
cc: John B. Howard, Esq.
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

April 14, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Exception
CASE NUMBER: 89-477-X
Begin at Ramp L of proposed White Marsh Boulevard, 920' SE of Pulaski Highway, a strip 150' wide running S. 4 miles Northeasterly to Harford County line.
11th & 15th Election Districts - 6th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING SCHEDULED: TUESDAY, MAY 23, 1989 at 9:30 a.m.

Special Exceptions The construction, operation and maintenance of an above-ground 230 kv electric transmission line.

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

cc: Baltimore Gas & Electric/William E. Colburn, Esq.
John B. Howard, Esq.
File
Chesapeake Bay Critical Area Commission

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

May 4, 1989

William E. Colburn, Esquire
Liberty & Lexington Street
P.O. Box 1475
Baltimore, MD 21203

RE: Item No. 209, Case No. 89-477-X
Petitioner: Baltimore Gas & Electric Co., et
Petition for Special Exception

Dear Mr. Colburn:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIAREKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 837-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. George D. England
Vice President
Liberty & Lexington Street
P.O. Box 1475
Baltimore, MD 21203

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(801) 887-5554

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 199, 205, (209) 237, 238, 239, 240, 241, 243, 244, 245, 246, and 247.

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lwv

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

Paul H. Reinke
Chief

December 29, 1988

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Baltimore Gas & Electric Co. (Portion Critical)

Location: beg. at ramp L of prop. White Marsh Blvd., 920' SE of Pulaski Hwy., a strip 150' wide running 5.4 miles NE to Harford County line
Item No.: 209
Zoning Agenda: Meeting of 12/20/88

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 or _____ 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'Neill* NOTED & APPROVED:
Planning Group Fire Prevention Bureau
Special Inspection Division

/j1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: April

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Special Exception - Item #209
Proposed Baltimore Gas & Electric
230 KV Transmission Line
Chesapeake Bay Critical Area Findings

The Baltimore Gas & Electric Company (BG&E) is proposing to construct a new double circuit 230 KV transmission line from the existing Northeast Substation in Baltimore County to the Perryman Station in Harford County. Approximately 5.4 miles of the line is proposed to be located in Baltimore County. Segments of the proposed transmission line are within the Chesapeake Bay Critical Area and can be seen on the attached maps.

The proposed line is located at two locations in the Critical Area. The first is adjacent to the Little Gunpowder Falls in Gunpowder State Park and the second location is adjacent to White Marsh Run. The Little Gunpowder Falls location is classified as a Resource Conservation Area. The White Marsh Run location is classified as an Intensely Developed Area.

The Chesapeake Bay Critical Area Program provides for development in Resource Conservation Areas and Intensely Developed Areas in accordance with the Critical Area Criteria (COMAR 14.15.02.04) and Baltimore County Bill No. 35-89.

The Chesapeake Bay Critical Area Criteria states that:

"Certain new development, or redevelopment activities or facilities, because of their intrinsic nature, or because of their potential for adversely affecting habitats or water quality, may not be permitted in the Critical Area except in Intensely Developed Areas under Regulation .03 of this Chapter, and only after the activity or facility has demonstrated to all appropriate local and State permitting agencies that there will be a net improvement in water quality to the adjacent body of water. These activities include the following:

- (1) Non-maritime heavy industry; and
- (2) Transportation facilities and utility transmission facilities, except those necessary to serve permitted uses; or where regional or interstate facilities must cross tidal waters (utility transmission facilities do not include power plants)." (COMAR 14.15.02.02.F)

Mr. J. Robert Haines
April 17, 1989
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This project is considered a "permitted use" by this Department because of the existing right-of-way and the regional scope of the project.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on findings which assure that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality resulting from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

(COMAR 14.15.01.01.C).

These findings support the proposed transmission line provided that the following Chesapeake Bay Critical Area Regulations are met which pertain to each of the lines' locations and those which pertain to sediment control.

Gunpowder Falls Location:

The first location of this proposed right-of-way transects the Chesapeake Bay Critical Area at the Little Gunpowder Falls watershed, and passes through Gunpowder Falls State Park approximately one-fourth mile east of the intersection of Maryland Rt. 7 and Bradshaw Road. This new right-of-way covers approximately 0.5 acres in the Critical Area, classified as a Resource Conservation Area. This segment of the proposed transmission line is completely forested with the majority of this area located in the shoreline buffer.

The following portions of the Critical Area Regulations pertain to buffers:

- I. Buffer means - "an existing, naturally vegetated area, or an area established in vegetation and managed to protect aquatic, wetlands, shoreline, and terrestrial environments from man-made disturbances."

(COMAR 14.15.01.01.B)

Mr. J. Robert Haines
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Page 3

II. "Buffers - Subject to Section 22-213 of the Development Regulations, and except as provided in Sections 38-23 and 38-24 for agriculture and forestry uses:

- (1) A minimum 100 foot vegetated buffer shall remain undisturbed landward from the mean high water line of tidal waters, including tidal wetlands and tributary streams."

(Baltimore County Code Sec. 38-22(1)).

III. "Cutting trees or vegetation in the buffer - Within the buffer required by Section 38-22, cutting or clearing of trees shall be prohibited except that:

- (1) Commercial harvesting of trees by selection may be permitted to within 50 feet of the landward edge of the mean high water line of tidal waters and perennial tributary streams, or the edge of tidal wetlands, provided that this cutting is conducted pursuant to the requirements of the Baltimore County Code and in conformance with a Buffer Management Plan prepared by a registered professional forester and approved by the Maryland Forest Park and Wildlife Service. The plan is required for all commercial harvests within the buffer, regardless of the size of the area to be cut, and shall comply with the following minimum requirements:
- (2) That the cutting does not involve the creation of logging roads and skid trails within the buffer.
- (2a) Individual trees may be cut for personal use providing that this cutting does not impair the water quality or existing habitat value or other functions of the buffer as set forth in COMAR 14.15.01 and provided that the trees are replaced on an equal basis for each tree cut.
- (2b) Individual trees may be removed which are in danger of falling and causing damage to dwellings or other structures, or which are in danger of falling and therefore causing the blockage of streams, or resulting in accelerated shore erosion."

(Baltimore County Code Sec. 38-25)

BG&E is permitted to remove individual trees which pose a threat to transmission lines. The felling of certain undesirable trees due to their height and growth rate is necessary to protect the integrity of the high voltage lines; and the topping or trimming of other trees will be necessary to maintain a minimum 25-foot clearance from the lowest conductor to the top of the trees.

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BG&E shall comply with the following requirements within the 50 foot buffer in order to be in compliance with the Chesapeake Bay Critical Area Regulations:

- 1) In the 50 foot portion of the Buffer, additional selected trees may be removed and used for personal use by the landowner (Baltimore City).
- 2) Also in the 50 foot portion, a few trees may be removed which are in danger of falling and causing the blockage of Little Gunpowder Falls, or resulting in accelerated shore erosion.

BG&E shall comply with the following requirements within the 100 foot buffer in order to be in compliance with the Chesapeake Bay Critical Area Regulations.

- 1) Harvesting shall be in compliance with a Buffer Management Plan prepared by BG&E Forester Daniel L. Davis and approved by Mr. Chris Stuhlinger, Forester of Maryland Forest, Park and Wildlife Service for Baltimore County.
- 2) In the 50 to 100 foot portion of the Buffer, selected trees may be removed as part of a commercial harvest that may be conducted on the rest of the right-of-way outside the Critical Area. BG&E shall submit a Buffer Management Plan which will describe how the integrity of the Buffer will be maintained.
- 3) Where possible, cut trees shall be allowed to resprout from the stump. This will allow a low canopy to develop, about ten feet high, and the resprouted trees may be maintained (trimmed) periodically for adequate conductor clearance.
- 4) Each tree that is cut shall be replaced by a small tree or shrub planted nearby on the site.
- 5) Cut trees shall be winched out from outside the 100 foot Buffer. No heavy equipment shall be allowed in the Buffer.
- 6) Wood chips (mulch) shall be spread on the forest floor where soil disturbance occurs and bare soil is exposed due to dragging out the trees.
- 7) Trees shall be replaced on a one to one basis and the remaining stumps allowed to resprout.

This area of the Little Gunpowder Falls is also classified as a Habitat Protection Area according to Baltimore County's Habitat Assessment Study dated December 31, 1987. The Little Gunpowder Falls is protected as an Anadromous Fish Spawning Area.

Mr. J. Robert Haines
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Page 5

"Anadromous fish propagation waters means those streams that are tributary to the Chesapeake Bay where spawning of anadromous species of fish (e.g., rock fish, yellow perch, white perch, shad, and river herring) occurs or has occurred. The streams are designated by the Tidewater Administration. For purposes of this Regulation "stream" refers to designated anadromous fish propagation waters within the Critical Area." (COMAR 14.15.09.05 (A))

"Local jurisdictions shall develop policies and programs for avoiding adverse impacts of any activities occurring on those positions of any watershed within the Critical Area which drain into anadromous fish spawning streams. These policies and programs shall address at least the following objectives:

- a) Minimize development activities or other land disturbances in the watershed.
- b) Maintain, or if practicable, improve water quality in streams.
- c) Minimize, to the extent possible, the discharge of sediments into streams.
- d) Maintain, or if practicable, increase the natural vegetation of the watershed.

Local jurisdictions are encouraged to adopt land-use policies and programs in watersheds outside the Critical Area to minimize the impacts of any activities on anadromous fish spawning streams.

In developing their Critical Area Programs, local jurisdictions shall use all of the following complementary State laws and regulations:

The construction or placement of dams or other structures that would interfere with or prevent the movement of spawning fish or larval forms in streams shall be prohibited. If practical, the removal of existing barriers shall be effected." (COMAR 08.05.03.02)

"Local jurisdictions shall assure that the construction, repair, or maintenance activities associated with bridges, or other stream crossings or with utilities and roads, which involve disturbance within the Buffer or which occur in stream, as described in COMAR .08.05.03.09B(4), shall be prohibited between March 1 and May 15." (COMAR 14.15.09.05.C.(2.b)).

Mr. J. Robert Haines
April 17, 1989
Page 6

In addition to the requirements listed under "Buffers" above, BGSE shall comply with the following in order to be in compliance with the Critical Area Regulations for Anadromous Fish Spawning Areas:

- 1) BGSE shall minimize the removal of trees from the area adjacent to the Little Gunpowder Falls by removing only those trees which pose a threat to high voltage lines or are in danger of falling into the Little Gunpowder Falls.
- 2) Tree removal and replanting shall be accomplished as detailed in (1) through (7) on page 4.
- 3) The construction or placement of dams or other structures that would interfere with or prevent the in-stream movements of spawning fish and larval forms is prohibited.
- 4) BGSE shall remove any debris or felled trees from the streambank and waterway that are a direct result of activity in the area.
- 5) Disturbance or activities within the 100 ft. buffer is prohibited from March 1 to May 15. This requirement will help to minimize disruption to fish reproduction during the prime spawning season.
- 6) The loss of sediment caused by construction activities and tree removal shall be controlled in accordance with an approved Sediment Control Plan. This plan shall be required before any construction can begin.

These actions are required in order to be in compliance with the Chesapeake Bay Critical Area Regulations.

White Marsh Run Location:

The second location of this proposed right-of-way within the Chesapeake Bay Critical Area is from a point approximately 500 feet north of Ebenezer Road to a point approximately 850 feet east of U.S. Rt. 40. The entire right-of-way occupies approximately 7.4 acres of the Critical Area, classified as an Intensely Developed Area.

A non-tidal wetland, approximately 1.8 acres in size, is identified on the FWS National Wetlands Inventory Map between two (2) of the existing transmission towers and partially within the Critical Area. Proposed construction around the wetland will consist of new single-posted towers to replace the existing four-posted towers. Wires will be strung between each of the new towers.

Mr. J. Robert Haines
April 17, 1989
Page 7

The following Critical Area Regulations apply to non-tidal wetlands:

- (a). "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein"

<Baltimore County Code Sec. 22-212(a)>.

BGSE shall comply with the following requirements at the Gunpowder Falls location in order to be in compliance with Chesapeake Bay Critical Area Regulations:

- 1) No construction shall occur within the wetlands. A 25 foot undisturbed Buffer shall be established around all of the non-tidal wetlands.
- 2) Stringing ropes shall be walked across the wetland to prevent disturbance by heavy equipment.
- 3) Various tensioning and construction equipment shall access the tower sites from U.S. Rt. 40 and Ebenezer Road. Right-of-way maintenance procedures shall remain unchanged from those currently being implemented and will not affect the wetland.
- 4) Tree trimming shall be accomplished by hand within the wetland and buffer areas.

The White Marsh Run right-of-way is also considered a Habitat Protection Area, protected for plant and wildlife habitat. Field investigations have revealed the occurrence of a plant species listed as threatened by the State of Maryland. The threatened plant *Biden biternoides* was found in the tidal marsh at the confluence of White Marsh Run and Bird River. The proposed right-of-way will not impact this location as determined by Ms. Jill Swearingen, Field Ecologist, Department of Environmental Protection and Resource Management.

The following Critical Area Regulations pertain to Habitat Protection Areas protected for Plant Habitat:

"Plant Habitat means a community of plants commonly identifiable by the composition of its vegetation and its physiographic characteristics as described in COMAR 14.15.09.04 (C)." <COMAR 14.15.09.04(A)>.

Mr. J. Robert Haines
April 17, 1989
Page 8

Local jurisdictions shall establish programs for conserving or protecting the plant and wildlife habitat areas identified in COMAR 14.15.09 (C).

"These programs and the protection measures suggested below, should accomplish the following objectives:

a) Provide protection measures including a buffer area where appropriate, for other plant and wildlife habitat sites identified in the future by State and Federal agencies as important plant or wildlife habitat areas.

b) Protect and conserve those forested areas required to support wildlife species identified above and by developing management programs which have as their objective, conserving the wildlife that inhabit or use the areas. The programs should assure that development activities, or the clearing or cutting of trees which might occur in the areas, is conducted so as to conserve riparian habitat, forest interior wildlife species and their habitat. Management measures may include incorporating appropriate wildlife protection elements into forest management plans, and cluster zoning or other site design criteria which provide for the conservation of wildlife habitat. Measures may also be included in soil conservation plans which have wildlife habitat protection provisions appropriate to the areas defined above, and incentive programs containing the acquisition of easements and other similar techniques.

Require to the extent practical, that when development activities, or the cutting or clearing of trees, occurs in forested areas, corridors of existing forest or woodland vegetation be maintained to provide effective connections between wildlife habitat areas.

Protect by appropriate means those plant and wildlife habitats considered to be of significance by local jurisdictions. Examples of these areas are those whose habitat values may not be of Statewide significance, but are of importance locally or regionally because they contain species uncommon or of limited occurrence in the jurisdiction, or because the species are found in unusually high concentrations." <COMAR 14.15.09.04(C)(2.b iii - vi)>

BGSE shall comply with the following requirements in order to be in compliance with the Critical Area Regulations for protecting plant habitats:

- 1) Disturbance and construction activities shall be accomplished as detailed above in (1) through (4) on page 7.
- 2) Areas adjacent to the proposed right-of-way shall not be disturbed by any construction activity or equipment.

Mr. J. Robert Haines
April 17, 1989
Page 9

- 3) An approved Sediment Control Plan is required before any construction may begin.
- 4) Construction activities shall not alter existing hydrology within the wetland.

These items are required in order to be in compliance with the Chesapeake Bay Critical Area Regulations.

Sediment Control:

The following Critical Area Regulation applies to sediment control throughout the Critical Area:

"A sediment control plan shall be required for all harvests of 5,000 square feet or more of disturbed area in the Critical Area, including harvesting on agricultural lands. This plan shall be developed according to the State guidelines entitled, "Standard Erosion and Sediment Control Plan for Harvest Operations". The operations shall be implemented in accordance with specifications set out by the Maryland Forest, Park and Wildlife Service of the Department of Natural Resources or the local jurisdiction" <COMAR 14.15.05.02.C(2)>.

An approved Sediment Control Plan is required for both locations of the proposed right-of-way before any construction may begin.

Upon compliance with the above requirements, this project will be approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Shesley
Robert W. Shesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:tjg
cc: The Honorable Ronald B. Hickernell
The Honorable Norman R. Lauenstein
The Honorable Dale T. Volz

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: 4/20/89
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMENTS

Case # 89-477-X
Item # 209

Re: Baltimore Gas and Electric Company

The Petitioner requests a special exception for the construction operation and maintenance of an above ground 230KV electric transmission line. In reference to this request, this office offers no comment.

A:52389.txt pg.1

cc: John B. Howard, Esq.
4/24/89 JH



CHARLES CENTER • P.O. BOX 1475 • BALTIMORE, MARYLAND 21203

WILLIAM E. COLBURN
ATTORNEY
(301) 234-5663

November 22, 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Department of Environmental
Protection and Resource Management
Room 416
New Courts Building
Bosley Avenue
Towson, MD 21204

ATTENTION: David Flowers

Re: Item No. 209

Gentlemen:

In accordance with Baltimore County's Zoning Regulations, please be advised that, on November 22, 1988, Baltimore Gas and Electric Company, Petitioner, filed a Petition for Special Exception with the Office of the Zoning Commissioner in connection with the Petitioner's construction of an above-ground 230 kv electric transmission line.

If your office has any questions regarding this matter, please do not hesitate to contact the undersigned.

Very truly yours,
William E. Colburn
William E. Colburn

WEC/sbf

cc: Robert Hoffman, Esquire ✓

PG Form 3811, Mar. 1987 U.S.G.P.O. 1987-178-258 DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.	
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent you from being returned to you. The return receipt fee will provide you the name of the person delivering the article and the date of delivery. For additional fees the following services are available. Consult 1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery (Extra charge) 3. Article Addressed to: Department of Environmental Protection and Resource Management ATTENTION: David Flowers Room 416, New Courts Building Bosley Avenue Towson, MD 21204 4. Article Number 4585 5. Type of Service: ☐ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail 6. Signature - Address <i>W. E. Colburn</i> 7. Date of Delivery 11/25/88 8. Addressee's Address (ONLY if requested and fee paid)	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
William Colburn
John Howard
Rob Hoffman
IRVIN BAUER
Lawrence A. Reisman
W.A. REITER
Stephen Rodich
FRANK COLLEN
RICHARD W. FULING
Dale R. Trutt
EDWARD M. DAVIS

ADDRESS
Levin & Robert H. Ball, III
210 Allegany Ave
PO#5
BGE Co. PO Box 1475, Bayo, 21203
REAL PROPERTY CONSULTANT-744-1000
Burns & McDowell
PO Box 41473 Kansas City, Mo 64141
BGE PO Box 1475 Bayo 21203
BGE PO Box 1475 Bayo 21203
BGE, FSR, 1000 Broadway St. Bayo, MD 21203

Form No. 4

State of Maryland
Office of Public Service Commission

The preceding copy has been compared with the original Order No. 60722, Case No. 6688 - In the matter of the Application of Baltimore Gas and Electric Company for a Certificate of Public Convenience and Necessity for the construction of double-circuit 230 kv transmission lines from a proposed switching station to be located in the vicinity of Raphael Road and Maryland Route 7, Baltimore County, etc.,

on file in this office and I do HEREBY CERTIFY the same to be a correct transcript therefrom and of the whole thereof.

Witness, my hand and the Seal of Office of the Public Service Commission, at the city of Baltimore, this 17th day of May one thousand nine hundred and Eighty-nine.

Donald P. Eichen
Acting Secretary.

Exhibit 2

Baltimore Gas and Electric Company
P. O. Box 1475
Baltimore, MD 21203

BUFFER MANAGEMENT PLAN

FOR THE

Northeast Substation to Perryman Station
Double-Circuit 230 kv Transmission Line

LOCATION

1 Mile East of Intersection of Route 7 and Bradshaw Road
Maryland Grid 976/579
in
Baltimore County

PREPARED BY: *Donny L. Davis*
Donny L. Davis, Forester - RPF No. 295
Forestry Management - North
Baltimore Gas and Electric Company

APPROVED BY: *I. O. Bauer, Jr.*
I. O. Bauer, Jr., General Supervisor
Forestry Management
Baltimore Gas and Electric Company

DATE: February 9, 1989
(Revision)



Petition's Exhibit 3

Environmental Impact Study

230-kV Transmission Line
Northeast Substation to
Baltimore County Line

1988
88-150-4-001

Petition's Exhibit 4

BALTIMORE
GAS AND
ELECTRIC

EMPLOYEE-OWNED
Burns & McDonnell
ENGINEERS - ARCHITECTS - CONSULTANTS
Kansas City, Missouri

Dale R. Trott
Position:
Project Manager

Firm:
Burns & McDonnell

Years of Experience:
11

Education:
B.A. in Biology, University of Missouri St. Louis, 1975
M.S. in Biology, Kansas State University, 1977

Expertise:
Environmental Effects of Electrical Transmission and Generation
Terrestrial Ecology
Permits
Expert Testimony

Organizations:
National Audubon Society
Ecological Society of America
The Wildlife Society

Mr. Trott is a senior level biologist in the Planning and Environmental Analysis Division. His duties include all aspects of environmental consulting including client and agency liaison, investigation and report preparation, responding to agency and public comments, and testifying at public hearings. His broad base of project experience enables him to effectively deal with today's environmental concerns.

Mr. Trott's specific project experience includes preparing air permits for emission sources in Missouri, Colorado, Kansas, Iowa, Texas and Utah; routing several extra high-voltage transmission lines in Arkansas, Colorado, Maryland, Missouri, Texas, and Virginia; conducting endangered species surveys in Texas and Kansas; surveying existing biological communities for projects in several states; assisting in the environmental permitting for coal mines in Missouri, Kansas, and Alabama, and an abandoned lead mine in Missouri; comparing alternative water treatment facility sites in Oklahoma; analyzing the effects of major reservoir projects in Arkansas, Oklahoma, and Texas; assessing the environmental effects of several major power plants in Colorado, Kansas, Iowa, New Mexico, Oklahoma, and Texas for rural electric cooperatives; obtaining permits for two fiber-optic cable lines in Virginia, West Virginia, Maryland, and Pennsylvania; studying two major highway alternatives in the Chicago metropolitan area; and providing expert testimony at hearings in Oklahoma and Arkansas and Virginia.

Mr. Trott's experience in environmental studies is varied and extensive. Although a biologist by training, he has expanded his areas of TROTT, EXP

Petition's Exhibit #5

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
AIREA - Condemnation - Mock Trial

CONTINUING
EDUCATION - AIREA - Courses I, II and Industrial VII

SERVED AS
OFFICER AND/OR
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
Society of Real Estate Appraisers -
Director

MAJOR
CONTRACTS - State of MD Dept. of Health & Mental
Hygiene - Nursing Homes
State of Maine - Consultant - Nursing
Homes
MD Stadium Authority - appraisal,
relocation, negotiation Camden Site

Petition's Exhibit 6

