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July 31, 2024

Ms. Sterling Seay
Chief, Current Planning/Zoning Division
Office of Planning and Zoning
Anne Arundel County
2664 Riva Road – Third Floor
Annapolis, MD 21401

**RE: Special Exception Application
Baltimore Gas & Electric Company (“BGE”)
Pinehurst Substation
4884 Mountain Road
Pasadena, MD 21122**

Dear Ms. Seay:

Accompanying this letter is a special exception application that I am filing on behalf of my client, the Baltimore Gas & Electric Company (“BGE”). The application requests approval of a zoning special exception to allow BGE to rebuild an existing electrical substation located at 4884 Mountain Road in the Pasadena area of the County. The substation rebuild will include removing the substation’s existing transformer and replacing it with a new transformer that will occupy a location slightly to the west of the existing transformer.

Property Location and Description

BGE’s Pinehurst substation is situated on property that is designated on tax map 25, grid 5, as parcel 0028 (the “Property”). The Property is also known as lots 55 and 56 in Block D of the Green Gables subdivision. The Green Gables subdivision was recorded in 1930 in the Land Records of Anne Arundel County in plat book 7 at page 39.

The Property is almost perfectly square in shape, with each side measuring about 200 feet in length. At 40,075 square feet, the Property is about 0.92 of an acre in size. The Property fronts 200 feet along the north side of Mountain Road (Maryland Route 177), approximately 300 feet west of the intersection of Mountain Road and Pinehurst Road.

The Property is zoned R-2, Residential. Section 18-1-101(107) of the Anne Arundel County Code (the “Code”) defines a public utility use to include an electrical substation. Section 18-4-106 of the Code allows a public utility use in R-2 zoning districts as a special exception use.

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BGE's Property is not located in the Chesapeake Bay Critical Area.

Topographically, the Property is flat and generally at road level. There are no steep slopes on the Property and no areas of nontidal wetlands or 100-year (1%) floodplain. The existing substation occupies a fenced rectangular area offset slightly to the west of the Property's exact center. Within the fence line, areas of the property not occupied by structures are covered with yard stone. There is a safety grounding grid under the yard stone.

The substation is surrounded by a 8-foot chain-link fence for safety and security. On the east side of the Property, the fence is set back about 45 to 47 feet from the lot line shared with parcel to the east, a setback area that is mostly wooded. The fence has a side setback along the west of about 14 to 17 feet and a relatively consistent rear setback of about 13 feet. BGE maintains landscaping on the Property within the fence's eastern and rear setbacks. Along Mountain Road, the fence is set back about 24 to 25 feet. Notably, structures within the fence are located even farther from the Property's lot lines, such that applicable R2 setbacks are readily met.

Improvements and equipment at the substation include the existing transformer, bus supports, switch gear, and some smaller equipment. The existing transformer and its related equipment will be removed as part of the rebuild project. In addition, the substation contains a small one-story control house, a 50-foot lightning mast, and a 106-foot communications monopole. The control house, lightning mast, and communications monopole will remain on the Property. At present, there is also an 80-foot WAN tower on the Property that was formerly used for BGE communications, but this tower is slated to be removed as part of the 2019 building permit that authorized the monopole. The Property is served by a short driveway off Mountain Road that requires a locked gate to be opened for entry into the fenced area of the substation. Electrical feeder lines also enter and leave the substation from Mountain Road.

Two sides of the Property are landscaped outside of the fence, the west side and the north (or rear) side. The east side of the Property outside the fence is wooded, and added landscaping is not necessary. The Property's road frontage was landscaped in the past, but recently BGE had to remove the landscaping as part of preparing the substation for the proposed rebuild. At the site plan stage, BGE will submit a formal landscaping plan to address the front side of the Property, as well as to supplement existing landscaping along the west and rear sides as may be necessary. The Property's existing landscaping was approved via a landscaping plan submitted as part of the 2019 monopole building permit review process.

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Background and Substation Proposal

BGE acquired title to the Property on May 23, 1968. At that time, the Property was zoned HC, Heavy Commercial. Under the County's zoning regulations in effect in the late 1960s (and until about 1973 in the Pinehurst area), an electrical substation was allowed as a permitted use in the Heavy Commercial zoning district. Therefore, BGE did not have to obtain special exception approval for the substation when BGE originally built the facility.

In 1975, BGE obtained a special exception and height variance to add the now-existing 50-foot lightning mast to the substation (Case Nos. S-95-75 and V-96-75). In 2019, pursuant to building permit No. B-02363719, BGE erected the 106-foot monopole on the property. BGE uses the monopole for communications to monitor and operate the substation remotely, and to coordinate the distribution of electricity among other BGE substations in the general area. The Office of Planning and Zoning approved the monopole as a permitted accessory use to the existing substation. As noted, the monopole and lightning mast, as they presently exist, will remain on the Pinehurst substation Property to serve the rebuilt substation.

The Pinehurst substation has now been operating for about 55 years. Due to the age of the transformer and growth in the greater Pasadena area, BGE must upgrade the substation with a new transformer and related equipment. As noted, the existing transformer and its equipment will be removed; however, BGE's longer range plans call for a second transformer to be added to the substation. The second transformer will be located generally where the existing transformer is presently located. According to BGE's load projections, a second transformer will not be needed for about 10 years, perhaps more, which is why the second transformer has not been included in this special exception application as part of a phasing plan.

The new transformer that BGE will be installing on the Property if the special exception is approved will be sited approximately 40 feet from the Property's western lot line. Transformer failures that result in the release of coolant are very rare. But as an added measure of safety, the new transformer will be situated over an impermeable containment area. Related new electrical equipment and structures will include circuit switches, bus supports, and feeder foundations. The existing transformer and its related older support equipment at the substation will stay in operation during the rebuild. After removal of the existing transformer and its equipment, existing foundation structures will be cut to grade and abandoned in place.

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As is the existing substation, the rebuilt substation will be operated remotely. There will be no routine traffic to or from the substation on a daily or weekly basis. After construction is complete and the new transformer is placed in operation, maintaining and operating the substation will involve only about a dozen vehicle trips to the property per year. Generally, BGE inspectors will visit the substation in a van or pickup truck once a month for an in-person inspection. The only other traffic will be service trucks in the event substation equipment needs repairs.

Significantly, the proposed rebuilding of the substation will involve disturbing less than 5,000 square feet of land area. Moreover, all disturbed areas will be within the already graded, cleared, and stone-covered substation fence line. No trees will be cut and no other vegetation will be removed as part of rebuilding the substation. In addition, as with most BGE substations, little if any stormwater leaves (nor will leave) the property. Impervious coverage at the substation is essentially limited to the small control house and the Property's short driveway. The substation yard inside the existing fence is (and will remain) covered with yard stone as part of the substation's grounding grid. The yard stone is not compacted, and thus provides air pockets, or voids, that retain rainwater, allowing percolation into the soil below.

Regarding other public facilities, the substation is unmanned and thus uses no water or sewer, and of course has no impact on school capacity. Accordingly, the rebuilt substation will not affect adequacy of public facilities in the Pasadena area.

In addition to meeting zoning setbacks and Landscape Manual requirements, the rebuilt substation will not produce noise at the property lines that exceeds State-established limits for residential receiving properties. There will be no lighting at the substation on a routine basis. If emergency maintenance is required after dark (due to, for example, storm damage), repair crews will use portable lighting only while on the Property. The new transformer and related electrical equipment will not produce odors or perceptible vibrations.

Furthermore, the rebuilt substation will incorporate several elements that will mitigate environmental risks. The existing transformer is not surrounded by an oil-containment structure. The new transformer will be. The new substation equipment will reduce the number of oil-filled pieces of equipment, including removing an existing oil-filled circuit breaker. The rebuilt substation will also include perimeter landscaping enhancements.

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In summary, the proposed new transformer represents a significant upgrade of the substation, consistent with BGE Program Charters that involve the replacement of aging equipment to improve reliability and meet current industry standards. The new transformer will operate more efficiently and at a higher capacity, allowing the substation to serve increased loads as may be needed in the Pinehurst and nearby Pasadena areas. The rebuilt substation will also add a more robust component to the overall electrical distribution grid in northern Anne Arundel County, thus helping to assure the continued reliability and efficiency of the grid. Reliability and efficiency are important factors in keeping the distribution costs of electricity as low as possible, thus benefiting County rate-payers.

Specific Special Exception Standards

BGE’s proposal to rebuild the Pinehurst substation meets the requirements of § 18-11-144 of the Code for public utility uses. Below and on the following two pages is an explanation for each standard.

§ 18-11-144. Public utility uses.

A public utility use shall comply with all of the following requirements.

(1) The architectural scale, design, and landscaping treatment of the use shall be compatible with other development in the area and shall be fully or partially enclosed as may be necessary to provide compatibility.

The proposed substation rebuild will continue the scale, design, and landscaping in place at the existing substation. The substation as it exists has proven compatible with other land uses and development in the area for nearly 55 years. The proposed rebuild will not affect that compatibility. Certain substation equipment is in an existing enclosed control house. But most equipment is outside, and will continue to be outside, as is typical of electrical substations in suburban and rural locations. As noted previously, BGE will be adding landscaping to the Property to increase buffering and visual appeal. The existing wooded portion of the Property along the east will remain wooded.

Regarding adjacent and nearby development, directly confronting the substation on the south side of Mountain Road is a large, undeveloped parcel. This parcel is wooded and appears to contain areas of nontidal wetlands. To the east of this undeveloped parcel, on the east side of the portion of Mountain Road that serves as the approach to Gibson Island, is land owned by Anne Arundel County. This County land forms the southwestern portion of Downs Park. A few hundred feet southwest of the Property is a single-family dwelling and several outbuildings on a large parcel that abuts Cooks Pond. This dwelling

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is well buffered from both Mountain Road and the substation by intervening woodlands and other vegetation.

On the north side of Mountain Road to the east of the substation is an undeveloped lot, next to which is a lot developed with a single-family dwelling and accessory swimming pool. The developed lot is well buffered from the substation by woodlands and distance. Beyond that lot are other undeveloped lots and then the intersection of Mountain Road with Pinehurst Road. There are a series of four single-family dwellings east of Dock Road that abut Mountain Road to the west of the substation. The immediately abutting dwelling (4876 Mountain Road) sits roughly in the center of a one-acre parcel, about 80 feet from the lot line shared with BGE's parcel. According to SDAT records, the dwelling contains about 3,750 square feet of floor area. Improvements on this one-acre parcel also include a fenced rear yard with an accessory building that has a footprint about the same size as the dwelling's. The dwelling and accessory structure together create a significant buffer from the substation for the three dwellings farther to the west.

Three residential lots, each improved with a single-family dwelling, adjoin or are proximate to the BGE substation to the north. These lots are wooded, and the dwellings face away from the substation. The owner of the lot directly behind the substation has erected an 8-foot wood privacy fence next to the landscaping at the rear of BGE's Property.

Except for the unusually large area of undeveloped land to the south that lowers what otherwise might be the normal density of residential development close to the substation, the land uses and development patterns are typical of land uses and patterns near BGE rural and suburban substations. For the foregoing reasons, the proposed substation rebuild is compatible with nearby development and will have no significant effect on the use, development, or redevelopment of any adjacent or confronting parcels.

(2) The use shall be necessary for public convenience at the designated location.

The age of the existing transformer at the Pinehurst substation and the growth in the Pasadena area over the last 55 years have together created a public need for a modern electrical substation. By far, the most convenient location to meet this public need is on the Property. Rebuilding the existing substation on the Property entails significantly fewer—and lesser—potential impacts than impacts associated with developing a new substation on some other nearby property. A new substation would have to be located nearby because a substation must be sited as close as possible to the center of the communities the substation serves to maximize efficiency and reliability. There are no suitable sites nearby that are better buffered than is the Property, and no sites where the community has already matured around a substation.

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(3) Utility corridors shall be used to the extent practical.

The substation is located along the Mountain Road utility corridor.

(4) The alignment shall follow the topography to minimize any effects to the terrain.

Topography in the vicinity is comparatively flat. The new transformer and related equipment will be constructed within the substation's existing fence line. There will be no significant change in the existing topography, and the total area of disturbance will be under 5,000 square feet.

(5) There shall be selective vegetative clearance for the right-of-way for soil erosion control.

This standard is not specifically applicable to the proposed substation rebuild. The substation is not part of a right-of-way. In any event, all new construction will be limited to the area of the Property within the existing safety and security fence, which is already cleared and stone-covered. Thus, there will be no vegetative clearing. Moreover, total disturbance will be less than 5,000 square feet, which will minimize the possibility of soil erosion inside the substation's fenced area.

(6) Structures, such as antennas and lightning masts, may exceed the maximum height limitations of the zoning district in which the use is located if the excess height is the minimum necessary to accomplish the purpose of the structure and minimum setbacks are increased by one foot for each excess foot in height.

The improvements proposed as part of this special exception application do not include a new antenna or lightning mast. The then-Zoning Hearing Officer approved a 50-foot lightning mast as part of a 1975 special exception and variance case. The lightning mast is still in place, and will remain in place, at the location the accompanying special exception site plan shows. As previously noted, the WAN tower on the Property is to be removed soon, and the County issued a building permit for the existing communications monopole in 2019.

General Special Exception Standards

BGE's proposal to rebuild the Pinehurst substation also meets the requirements of § 18-16-304 of the Code for special exception uses. On the following six pages is an explanation for each standard.

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§ 18-16-304. Special exceptions.

(a) Requirements. A special exception use may be granted only if the Administrative Hearing Officer makes each of the following affirmative findings:

(1) The use will not be detrimental to the public health, safety, or welfare;

BGE's proposal to rebuild the Pinehurst substation will not be detrimental to the public health, safety, and welfare—as is perhaps best illustrated by the fact the substation has operated for 55 years without any reported negative impacts. Electrical substations are essential land uses, and fortunately they are also comparatively benign land uses. The rebuilt Pinehurst substation, for example, will not produce significant amounts of traffic, will not need public water or sewer, will not burden public schools, will meet State noise regulations, will not produce odors, fumes, or perceptible vibrations, will not require large areas of impervious surfaces, and will consist mainly of low-rise, well set back structures surrounded by landscaping and a safety and security fence—none of which is detrimental to the public health, safety, and welfare.

Furthermore, a rebuilt Pinehurst substation will promote and be beneficial to the public health, safety, and welfare. The substation's new equipment will pose less of an environmental risk, the new transformer will be located over a containment area in case of an oil leak, perimeter landscaping will be enhanced, and transformer sound levels (typically described as a soft "hum") will be reduced and will meet State noise regulations. Perhaps most importantly, the rebuilt substation will help assure greater efficiency and reliability in the delivery of electricity to homes, businesses, institutions, and public land uses in this portion of the County. The plentiful availability of electricity obviously has a positive effect on the public health, safety, and welfare.

(2) The location, nature, and height of each building, wall, and fence, the nature and extent of landscaping on the site, and the location, size, nature, and intensity of each phase of the use and its access roads will be compatible with the appropriate and orderly development of the district in which it is located;

BGE's special exception involves only one phase: replacement of most of the existing structures and equipment at the Pinehurst substation. One of items not being replaced, however, is the Property's existing access, which is gained via a short private driveway off Mountain Road. The private driveway, which includes a safety and security gate to restrict access to the substation portion of the Property, has served the existing substation well and is suitable to serve the rebuilt substation. There is no need or plan to

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change the existing access, which is used only about once a month. Proposing one phase of construction and keeping the existing access as it has been for 55 years is inherently compatible with the appropriate and orderly development of the surrounding district.

Regarding the location, nature, and height of each building, wall, and fence, BGE is not proposing a building, wall, or a new fence. The existing control house and 8-foot safety and security fence will remain as there are. The tallest structure being proposed is the new transformer, which has a height of 15 feet, 9 inches. This height is well below the 35-foot maximum height for principal structures in the R2 zoning district and is even lower than the 25-foot R2 height maximum for accessory structures.

The locations proposed for the new structures and equipment on the Property are in large part driven by substation design considerations, including industry standards and the laws of physics. The other significant locational consideration is the fact that the existing equipment cannot be taken offline until the new equipment goes on line. Nevertheless, the proposed locations for the new equipment and structures more than meet R2 setback requirements, which coupled with comparatively low structure heights, assures that the rebuilt substation will be compatible with the appropriate and orderly development of the surrounding district.

Regarding the nature and extent of landscaping on the Property, as one can imagine, electrical substations cannot support interior landscaping. Exterior landscaping is possible, but only certain types of landscaping, planted at certain locations, is feasible due to safety and security concerns, including the safety of wildlife that could access the substation by using trees or other large vegetation located too close to the fence. The County's Landscape Manual unfortunately does not contain specific standards for electrical substations. But BGE has worked with the Office of Planning and Zoning in the past, and will work with County planners in the future, to design effective and safe landscaping around substations. A good example is the existing landscaping along the Property's western and rear sides. Planning and Zoning approved this landscaping when it approved the 2019 monopole building permit. The 2019 landscaping is still in place and fulfilling its purposes except along the Property's Mountain Road frontage.

Regarding landscaping along the Property's Mountain Road frontage, BGE recently had to remove the frontage landscaping to prepare the substation for the proposed rebuild, including accommodating new feeders to connect the rebuilt substation to the electrical distribution grid. As the special exception site plan depicts, BGE will replace the removed landscaping as part of the substation rebuild project. BGE will also cooperate with County planners to enhance landscaping along the other sides of the

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Property if the Office of Planning and Zoning requests additional landscaping. In any event, the Property's existing landscaping and the new landscaping shown on the special exception site plan together will assure that the rebuilt substation will be compatible with the appropriate and orderly development of the district.

- (3) *Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in other uses allowed under this article;*

The rebuilt substation will not produce noise in excess of State of Maryland noise regulations for residential receiving properties. Because State noise regulations include exceptions for residential HVAC equipment, lawn mowers, and certain other residentially related activities, and the substation will meet the regulations without an exception, the substation will not be more objectionable than residential uses or other nonresidential uses allowed in residential zoning districts. The substation will not produce fumes. The substation will not produce vibrations perceptible on other properties. The substation will not be lit, although crews responding to nighttime emergencies must use temporary lighting while on the Property. Such very occasional use of temporary lighting is not more objectionable than permanent nighttime street and private lighting commonly used in residential areas.

- (4) *The use at the location proposed will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district;*

Rebuilding the Pinehurst substation at the location of the existing substation, on land BGE has owned since 1968, will not have any adverse effects above and beyond those potential effects associated with a substation use irrespective of the substation's location in the R2 zoning district. Land uses in the vicinity of the BGE Property that existed in 1968 have matured without above-and-beyond adverse effects from the substation. Similarly, new development in proximity to the substation has located in the vicinity despite the presence of the substation, and the substation has had no above-and-beyond adverse effects on such post-substation development. Moreover, the new transformer and related equipment planned for the rebuild will have lower potential environmental risks and produce lower sound levels than the existing equipment at the substation.

In effect, over the last 55 years, the Pinehurst substation has become part of the fabric of the community it serves. Abandoning the substation entirely and locating a new substation elsewhere would interject a new land use in another area, which would surely

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prove to be less desirable than upgrading the existing substation with modern equipment. Moreover, to maintain a reliable and efficient supply of electricity, the Pinehurst substation must remain near the center of its service area. Given the large landholdings of Anne Arundel County in the area (Downs Park), the exclusive nature of land on Gibson Island, and the presence of nontidal wetlands and Critical Area on many vacant lots in the vicinity, there simply are no other feasible locations more suitable than the site of the existing substation and no other locations that would highlight any potential above-and-beyond adverse effects that could in theory be associated with rebuilding the Pinehurst substation at the location the substation has occupied for 55 years.

Furthermore, it is important to note that one of the specific special exception standards for a public utility use is that the facility should be sited in a transmission corridor. Locating a substation in a transmission corridor means the substation, at the location proposed, will have fewer and less intense inherent adverse effects than at other locations in the district. For one thing, the substation would be sited in an area already cleared for the transmission corridor. If a substation were to be located on a site outside a transmission corridor, presently undeveloped land would have to be cleared, new electrical lines would have to be placed along roadways or other rights-of-way to connect the substation to the electrical grid, and operations would not be as efficient. The fact that the rebuilt Pinehurst substation will remain in a utility corridor, and thus meet the specific special exception standard in § 18-11-144(3) of the Code, helps assure that the rebuilt substation will not have any adverse effects above and beyond those inherently associated with the use irrespective of its location within the zoning district.

(5) The proposed use will not conflict with an existing or programmed public facility, public service, school, or road;

Inherently, BGE's electrical substations do not impact existing or programmed public facilities, public services, schools, or roads. The Pinehurst substation, as rebuilt, will not use public facilities, public services (except fire services in an emergency), and public schools. The Pinehurst substation, as rebuilt, will not generate rush hour or any other routine daily traffic, or otherwise negatively impact public roads. Regarding public fire services, BGE works with the County to train firefighters in the proper way to handle emergencies at electrical substations.

(6) The proposed use has the written recommendations and comments of the Health Department and the Office of Planning and Zoning;

The Office of Planning and Zoning will transmit a copy of BGE's special exception application to various County review agencies, including the Health Department. BGE's

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proposed use will thus have the written recommendations of both the Health Department and the Office of Planning and Zoning during, or before, the public hearing on BGE's special exception application.

(7) The proposed use is consistent with the County General Development Plan;

BGE's proposal to rebuild the Pinehurst substation is consistent with Plan2040, which is the County's adopted General Development Plan. During the review of BGE's special exception prefile, the reviewing long-range planner noted that Plan2040 contains no specific recommendations for BGE's Property. The reviewing planner, however, concluded that BGE's special exception proposal is "generally consistent" with Plan 2040's goals, policies, and strategies. BGE agrees.

In addition, it is noteworthy that Plan2040's policy BE1.3 calls for the County to provide adequate schools, roads, and other infrastructure necessary to serve the public welfare. Electrical power infrastructure is also vital infrastructure. An adequate and reliable supply of electricity is vital for the County to provide its own public infrastructure (such as water and sewage treatment plants, pumping stations, and emergency-services communications) to serve the public welfare.

It is also noteworthy that Plan2040 designates a large area around the substation as a "Peninsula" Development Policy Area. The plan envisions that new development in Peninsula areas will primarily be infill development and redevelopment. BGE's proposal to redevelop the existing Pinehurst substation is thus consistent with this aspect of the Peninsula policy area's description in Plan2040.

(8) The applicant has presented sufficient evidence of public need for the use;

The best evidence of public need for the rebuilt substation includes the fact that the existing substation is a crucial facility presently helping to provide electricity in the greater Pinehurst area and nearby areas of Pasadena, including Downs Park, Gibson Island, Bodkin Neck, Chesapeake High School, Chesapeake Middle School, Bodkin Elementary, and portions of Sylvan View, among other communities, land uses, and areas along the north shore of the Magothy River and the south shore of Main Creek. Evidence of public need also comes from BGE's own programs to monitor the age and functionality of substation equipment and replace aging infrastructure. The 55-year-old age of the existing substation, coupled with the loads the substation presently handles, is strong evidence of public need for BGE's proposed substation rebuild project.

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In addition, a rebuilt substation is needed to help BGE meet electrification goals related to the increasing use of electric motor vehicles. BGE has developed these goals to meet demand as the public buys and operates more electric vehicles, which in the not-too-distant future may be the only mass-produced vehicles available due to governmental mandates and consumer preferences.

(9) The applicant has presented sufficient evidence that the use will meet and be able to maintain adherence to the criteria for the specific use;

BGE's proposal complies with the County Code's specific criteria for a public utility use, as explained on pages 5 through 7 of this letter. BGE will present witnesses and other evidence to establish such compliance at the public hearing before the County's Administrative Hearing Officer.

(10) The application will conform to the critical area criteria for sites located in the critical area;

The Property is not located in the Chesapeake Bay Critical Area.

(11) [and] The administrative site plan demonstrates the applicant's ability to comply with the requirements of the Landscape Manual.

As previously noted, the County's Landscape Manual does not contain standards for electrical substations specifically or public utility uses in general. For electrical substations, BGE has always worked cooperatively with the County's Office of Planning and Zoning to determine the appropriate types and amounts of landscaping around substations. In 2019, in conjunction with the building permit to add the now-existing communications monopole to the substation, the County approved the existing landscaping (shown on the special exception site plan) for the Property's western side and rear lot lines. No landscaping was required along the Property's wooded eastern lot line.

Also as previously noted, BGE recently had to remove landscaping along the Property's Mountain Road frontage. As the site plan shows, BGE is proposing new landscaping for the Property's road frontage. BGE will work with the Office of Planning and Zoning as usual to make sure that all proposed landscaping is safe to plant next to an electrical substation and also meets OPZ's reasonable expectations. In addition, BGE will work with the Office of Planning and Zoning to supplement existing landscaping along the Property's western side and rear lot lines if County planners deem additional landscaping desirable.

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Application Materials

In addition to this letter of explanation, the following documents are being submitted via the County's Land Use Navigator system in connection with BGE's special exception application.

1. Payment in the amount of \$1,235.00, which includes the \$1,200.00 special exception filing fee and \$35.00 for a public notice sign, which will be posted along the Property's Mountain Road frontage.
2. The special exception application form provided by the County's Land Use Navigator.
3. A special exception administrative site plan, depicting the existing physical features of the Property, the proposed substation improvements and landscaping, as well as the existing substation improvements (most of which will be removed).
4. A copy of the latest title deed for the Property and a copy of the 1930 plat of Green Gables.
5. A list of the names and mailing addresses of the owners of real property, as obtained from the latest ownership information available on-line from the State Department of Assessments and Taxation, located within 300 feet of the Property, including adjoining and confronting properties and those properties that adjoin or confront the adjoining and confronting properties.
6. A copy of the November 19, 1975 special exception and variance decision by the then-Zoning Hearing Officer approving the addition of a 50-foot lightning mast to the substation.

Summary

BGE's special exception application seeks zoning authorization to rebuild an existing 55-year-old electrical substation. The proposed rebuilt substation will be about the same size as the existing substation, offset slightly to the western portion of the Property's fenced area (just as the existing substation is offset slightly to the eastern portion of the Property's fenced area). The rebuilt substation will utilize the latest technology and equipment, thereby increasing efficiency and reliability, as well as capacity to handle increased loads in the future. Rebuilding the substation is necessary

The Law Office of Sager A. Williams, Jr.

410-266-0532 - 202-768-4592

mdzoninglaw@verizon.net

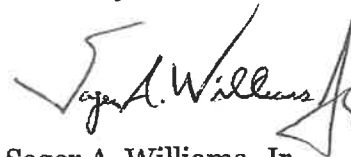
Ms. Sterling Seay
Chief, Zoning Division
July 31, 2024
Page 15 of 15

to replace aging equipment and prepare for future demands for electricity, especially as County residents and businesses shift from gasoline and diesel-powered vehicles to electric vehicles.

If you have questions about any of the information set forth in this letter, or about any of the accompanying application materials, please contact me at your convenience. If you believe a meeting would be useful during the County's review of BGE's special exception application, BGE officials and BGE's consultants will be standing by. Please let me know if you would like to meet, and I will make the arrangements.

On behalf of BGE, I thank you for your assistance with BGE's special exception request. I am hopeful that once you and your staff have reviewed the application, the Office of Planning and Zoning will be able to recommend to the Administrative Hearing Officer that the Hearing Officer approve BGE's requested special exception.

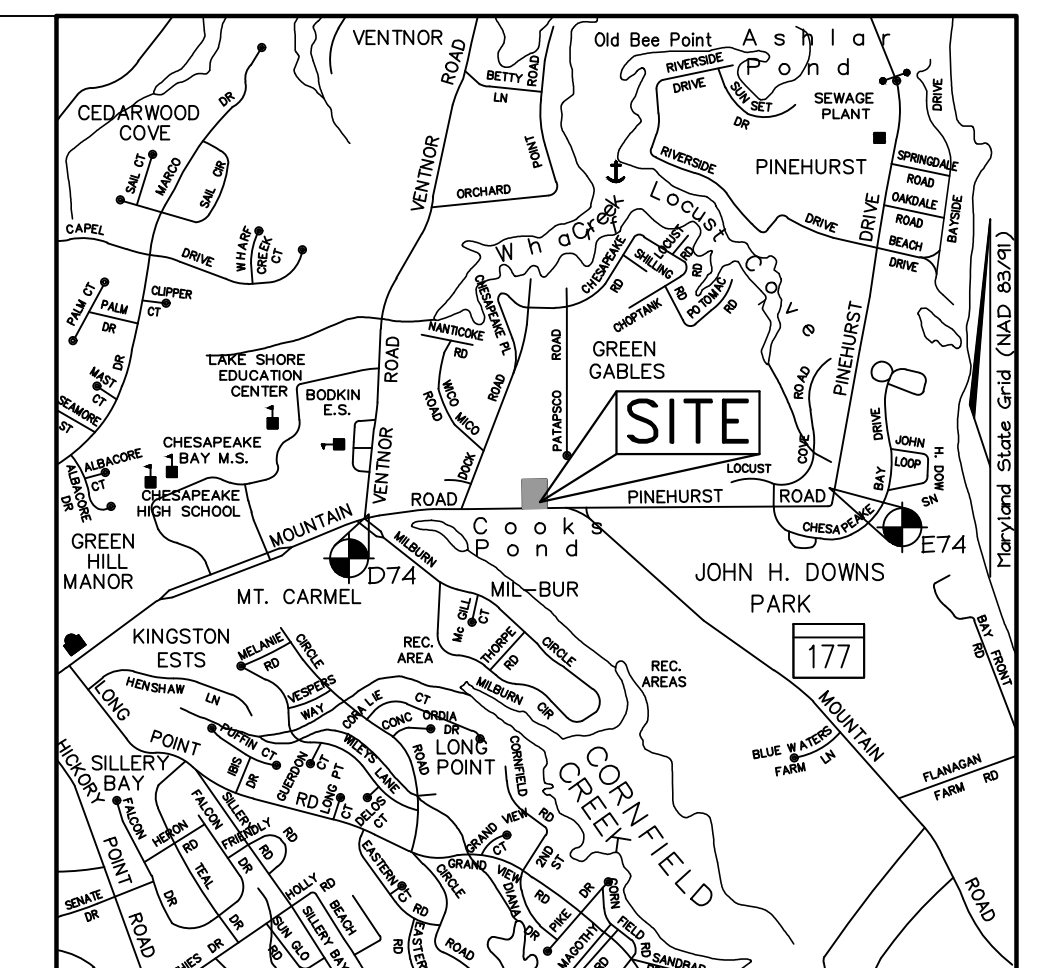
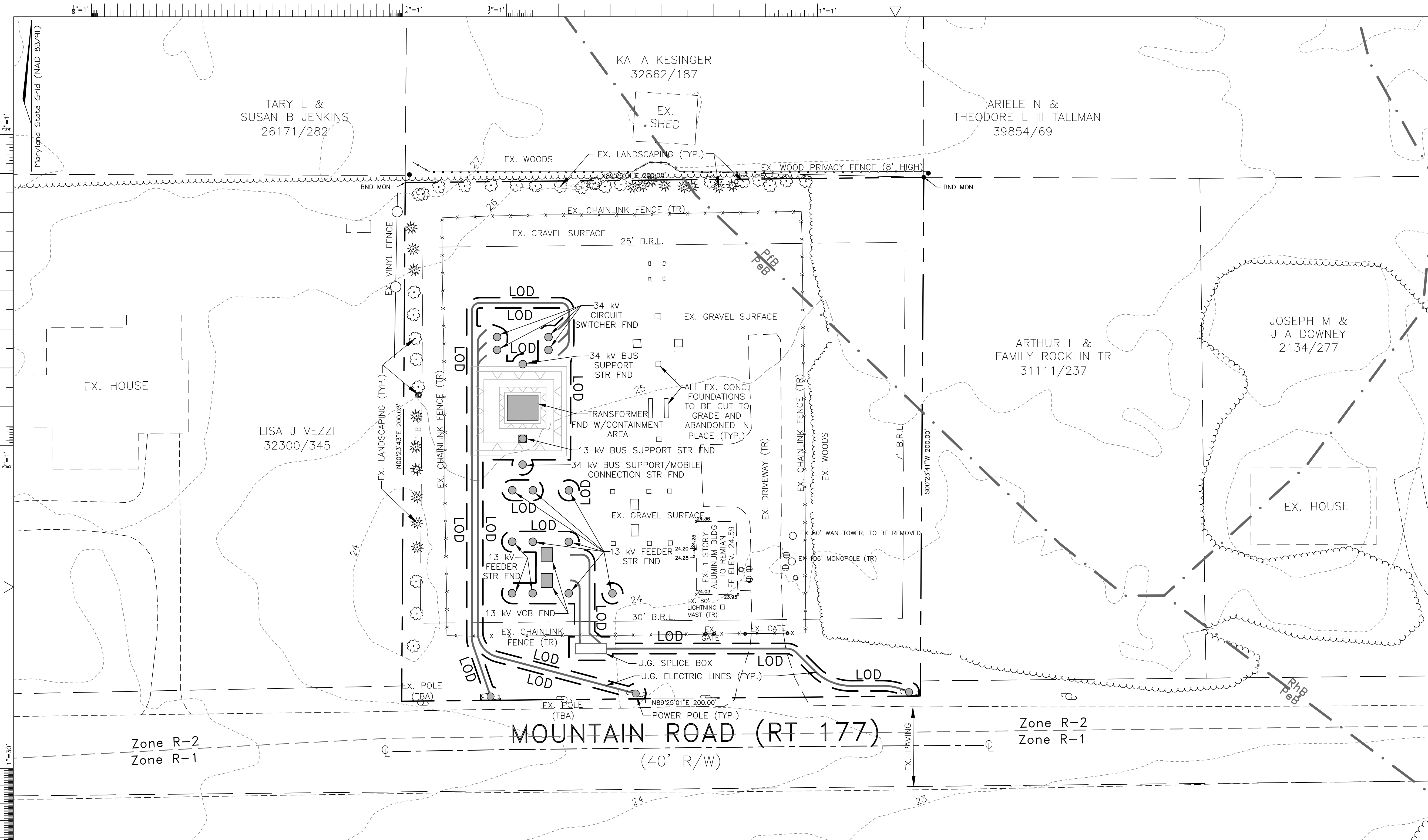
Sincerely,



Sager A. Williams, Jr.

enclosures

dc: Adam Siedman
Olusegun Falusi
Jose Santiago
Connie Pierce, Esq.
Shep Tullier



VICINITY MAP
SCALE: 1"=2000'

ANNE ARUNDEL COUNTY ADC MAP 10 F-12

BENCHMARKS

Geodetic Control Points are based on the Anne Arundel County Geodetic Control monuments:
D74 N 526,017.06 E 1,467,125.99 (NAD 83) Elev. 26.76 (NGVD 88)
E74 N 526,200.79 E 1,471,837.27 (NAD 83) Elev. 15.85 (NGVD 88)

GENERAL NOTES

- PROPERTY DATA: TAX MAP 25, GRID 5, PARCEL 28, 3rd ELECTION DISTRICT
DEED: Liber 2172 Folio 153
PLAT: 400 BOOK: 7 FOLIO: 39
ZONING: R-2
TOTAL AREA: 40,075 SQ.FT. = 0.92 ACRES ±
ANNE ARUNDEL COUNTY, MARYLAND
PROPERTY ADDRESS: 4884 MOUNTAIN ROAD PASADENA, MARYLAND 21122
- PROPERTY EXIST. & PROP. USE: ELECTRIC SUBSTATION
- PER FEMA MAP 24003C0177F THERE ARE NO FEMA FLOODPLAINS WITHIN OR SURROUNDING THE PROPERTY.
- THERE IS NO WATER AND SEWER ON-SITE.
- THE SUBSTATION IS UNMANNED AND MONITORED REMOTELY.
- THERE ARE NO CRITICAL AREAS, WETLANDS OR STEEPSLOPES ON-SITE OR IMMEDIATELY SURROUNDING THE SITE.
- THE EXISTING ON-SITE FEATURES AND TOPOGRAPHY IS BASED ON A SURVEY PERFORMED BY ERI IN JUNE 2024. ALL OFF-SITE FEATURES AND TOPOGRAPHY WERE TAKEN FROM ANNE ARUNDEL COUNTY GIS.

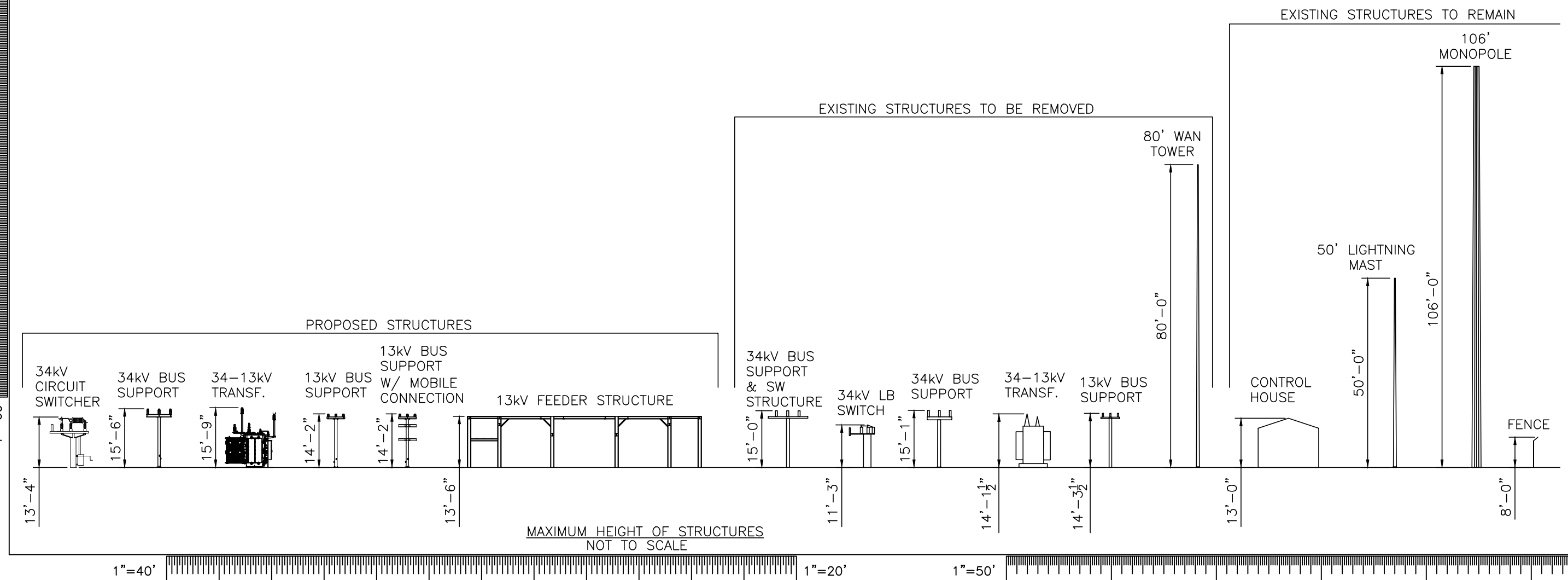
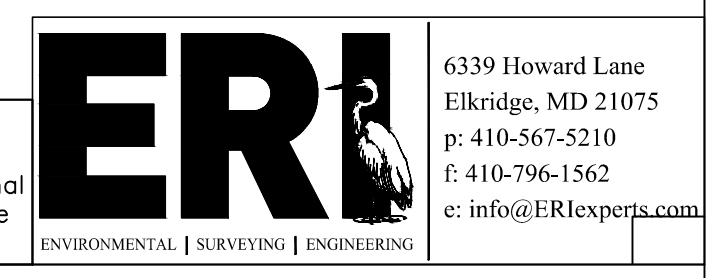
PLAN VIEW
SCALE: 1"=20'

SOILS LEGEND		
SYMBOL	NAME / DESCRIPTION	SOIL GROUP
PeB	Patapsco-Evesboro-Fort Mott complex, 0 to 5 percent slopes	A
PfB	Patapsco-Fort Mott complex, 0 to 5 percent slopes	A
Rhb	Russett-Christiana-Hambrook complex, 0 to 5 percent slopes	C

LEGEND	
Existing Contour	----- 24 -----
Property Line	-----
Centerline of Road	-----
Building Restriction Line	----- BRL -----
Existing Power Pole	○
Existing Sign	○
Existing Communications Tower	○
Existing Bollards	○
Existing Metal Pole	○
Existing Conc. Foundation	□
Existing Woods Line	-----
Existing Chain Link Fence	X X
Existing Wood Privacy Fence	-----
Existing Vinyl Fence	-----
Proposed Conc. Foundation	■
Proposed Power Pole	○
Proposed UG Electric	-----

OWNER/DEVELOPER
BGE Substation Contracting & Design
2900 Lord Baltimore Drive
Baltimore, MD 21244
Attn. Mr. Jose Santiago, P.E.
Tel: (410) 470-8739

PROFESSIONAL CERTIFICATION
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. #34689, Expiration Date: 7/08/2025.

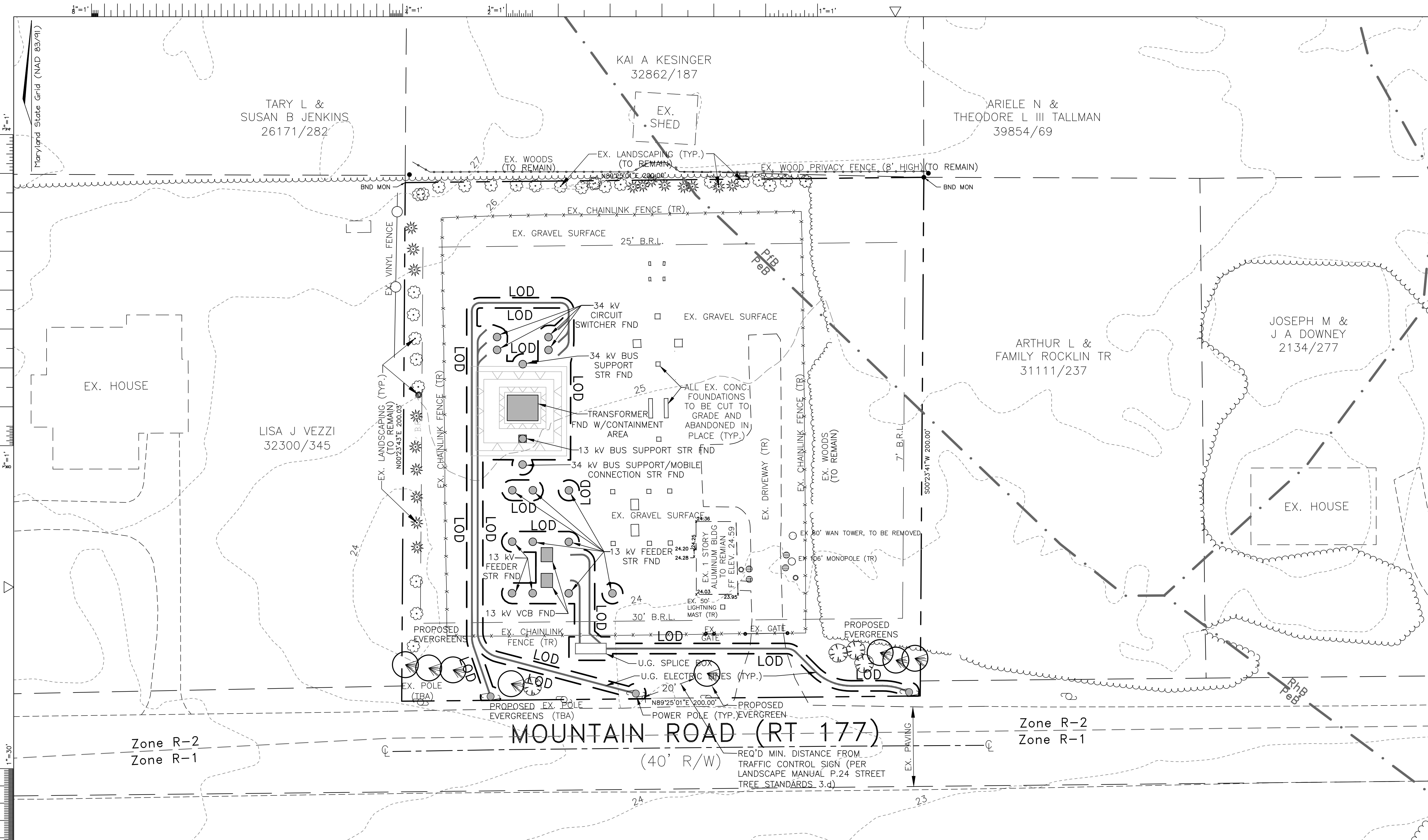


REV.	DATE	ACCOUNT NO.	DESCRIPTION	APPROVED

ADMINISTRATIVE SITE PLAN FOR SPECIAL EXCEPTION & VARIANCE
TAX MAP 25, GRID 5,
PARCEL 28, 3rd DISTRICT
ANNE ARUNDEL COUNTY, MD
SHEET 1 OF 2
34.5 - 13 kV SUBSTATION

BGE PINEHURST SUBSTATION
ELECTRIC SUBSTATION ENGINEERING

SCALE 1" = 20'
DWG NO. D



PLAN VIEW
SCALE: 1"=20'

LEGEND

Existing Contour	--- 24 ---
Property Line	-----
Centerline of Road	-----
Building Restriction Line	----- BRL
Existing Power Pole	⊙
Existing Sign	4
Existing Cell Tower	⊙
Existing Bollards	⊙
Existing Metal Pole	⊙
Existing Conc. Foundation	□
Existing Woods Line	~~~~~
Existing Chain Link Fence	x x
Existing Wood Privacy Fence	—□—
Existing Vinyl Fence	—○—
Proposed Conc. Foundation	■
Proposed Power Pole	⊙
Proposed UG Electric	—

LANDSCAPE SCHEDULE

KEY	QUAN.	BOTANICAL/Common NAME	SIZE AT INSTALL	NOTE	MATURE SIZE
⊙	8	Nellie Stevens Holly, Ilex x 'Nellie Stevens'	6' Ht. Min.	B & B	15'-25' Ht.
⊙	4	Juniperus virginiana 'Hilli', Hilli Eastern Red Cedar	6' Ht. Min.	B & B	6'-16' Ht.

LANDSCAPE NARRATIVE

All existing landscape shown on east, north and west sides of property to remain. 12 proposed evergreen trees have been shown along the frontage as allowed by distance restrictions from underground and overhead power lines, as well as setbacks from existing substation fence, existing private drive and existing traffic control (speed limit sign along road).

SOILS LEGEND

SYMBOL	NAME / DESCRIPTION	SOIL GROUP
PeB	Patapsco-Evesboro-Fort Mott complex, 0 to 5 percent slopes	A
PIB	Patapsco-Fort Mott complex, 0 to 5 percent slopes	A
RhB	Russett-Christiana-Hambrook complex, 0 to 5 percent slopes	C

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I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. #34689, Expiration Date: 7/08/2025.



6339 Howard Lane
Elkridge, MD 21075
p: 410-567-5210
f: 410-796-1562
e: info@ERIExperts.com

REV.	DATE	ACCOUNT NO.	DESCRIPTION	APPROVED	AUTOCAD

DESIGNED	MLT
DRAWN	CRH2/SMM
CHECKED	ZYF
APPROVED	
DATE	2024/JULY/31

ADMINISTRATIVE SITE PLAN FOR SPECIAL EXCEPTION & VARIANCE
TAX MAP 25, GRID 5,
PARCEL 28, 3rd DISTRICT
ANNE ARUNDEL COUNTY, MD
SHEET 2 OF 2
34.5 - 13 kV SUBSTATION

BGE PINEHURST SUBSTATION	
ELECTRIC SUBSTATION ENGINEERING	
SCALE 1" = 20'	REV D

IN THE OFFICE OF ZONING HEARINGS

CASE NUMBER S-95-75
and
CASE NUMBER V-96-75

IN RE: THE BALTIMORE GAS AND ELECTRIC COMPANY
3rd Assessment District

Date Heard: November 6, 1975

OPINION BY: BORDEN, ZONING HEARING OFFICER

Date Filed: November 19, 1975

The Baltimore Gas and Electric Company (hereinafter referred to as the Petitioner) has filed an application for a Special Exception pursuant to Title 13, Subtitle 3, Article IX, Section 13-343.21, Alternate Zoning Regulations, Anne Arundel County Code, (1967 edition, as amended) to permit the erection of a lightning mast with VHF antenna thereon. Concomitantly the Petitioner has filed an application for a Variance to Section 13-305.6, Code, supra, to permit an increase in structure height by 27 feet for said mast and antenna. The site is known as the Green Gables/Pinehurst Substation, comprising an area of .92 acres, fronting for a distance of 200 feet on the north side of Mountain Road in the Third Assessment District, and is zoned in the R2 Residential classification.

Mr. Bayard Koch, associate engineer with the corporate Petitioner, in the communications and locations division, first testified for the Petitioner. He described the lot, the existing building thereon and the function of the substation as a convertor for power from high voltage to lower levels suitable for consumer use. He said that the purpose of the higher mast and antenna would be to convert the equipment to radio signal control in order to regulate capacitors which in turn control voltage at customer level. He then described in some detail, which is not necessary to repeat here, the operation of the VHF controls, and the role this particular one plays in the distribution system of which it is an integral part. He concluded his testimony by emphasizing the safety factors built into the mast and the construction rig and assurances that it would not succumb to high winds short of extreme hurricane force.

Maurice C. Ogle, real estate appraiser and consultant, after qualifying as an expert in his field, next testified for the Petitioner. He also described the location of the site, the

neighborhood in which its located and confirmed Mr. Koch's testimony in respect to the building and its grounds. He rendered the professional opinion that the mast and antenna would not adversely affect land values of surrounding properties, nor would it otherwise be detrimental to the general neighborhood.

Steve Callahan, associate planner with the Office of Planning and Zoning, submitted the following findings and recommendation on behalf of that Office:

1. The Office of Planning and Zoning finds that the petitioners are requesting under two applications a Special Exception for utility structure, a lightning mast with antenna, and a Variance to the provisions of Section 13-305.6, a 27 foot increase in height permitted - 25 feet to 52 feet for mast and antenna.
2. The property known as the Green Gables/Pinehurst Substation comprises an area of .92 acres fronting for 200 feet on the north side of Mountain Road.
3. The property is zoned in the R2 Residential classification and is improved with a substation facility of the Baltimore Gas and Electric Company.
4. That Section 13-343.21 sets forth the minimum standards for public utilities.
5. That Section 13-339 sets forth the criteria by which a Variance may be authorized.
6. That the application has been reviewed in accordance with these Code provisions and the provisions of Section 13-341.1 and Section 13-344 and site plan review approval has been granted subject to the recommendations contained in correspondence of September 18, 1975.
7. That this Office finds that exceptional circumstances exist with reference to the height variance; namely, the necessity of height for the proposed antenna mast and the existing pole lines adjacent to the facility.
8. That for the foregoing reasons, this Office recommends both applications for approval but suggests that the following conditions be considered for inclusion in the Order granting the applications:
 1. That the proposed tower, if practical, be relocated to be centrally located on the site; and
 2. That the pole be painted to blend with the sky for less visual impact; and
 3. That landscaping be provided as required by the Code.


Mr. Carl Clark, a nextdoor neighbor, protested. His main concern for complaint seemed to be what he considered a breach of previous agreement by the Petitioner in respect to screening between his property and the existing site. However, a review of Petitioner's Exhibit Number 1, an aerial photograph, and a discussion between all witnesses who are knowledgeable of the site and the natural screening surrounding it, indicates that there is indeed considerable screening in place. However, to insure that all legal requirements in this respect will be met, Petitioner will be granted a conditional approval.

It is the opinion of the Hearing Officer that the necessity of the height for the proposed antenna and mast is necessary in order to provide public service which Petitioner desires to do. This constitutes an exceptional circumstance for which the Variance should be granted in order to avoid practical difficulties and unnecessary hardship. The granting of the Variance will not alter the essential character of the neighborhood nor will it substantially impair the appropriate use or development of adjacent properties, and will not be detrimental to the public welfare. It is the minimum Variance necessary to afford relief. Accordingly, it should be conditionally granted.

CASE NUMBER S-95-75

Pursuant to the application of The Baltimore Gas and Electric Company for a Special Exception to permit the erection of a lightning mast with VHF antenna on the property described in the application, and pursuant to the advertising, posting of the property, and a public hearing, all in accordance with the provisions of the law, it is this *19th* day of November, 1975, ORDERED by the Zoning Hearing Officer of Anne Arundel County that the application for a Special Exception to permit the erection of a lightning mast with VHF antenna on the property described in the application, be and the same is hereby granted, subject, however, to the following condition:

1. That Petitioner comply with screening requirements put upon him by the Office of Planning and Zoning.

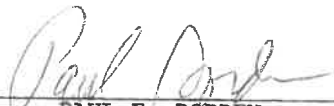


PAUL F. BORDEN,
Zoning Hearing Officer

CASE NUMBER V-96-75

Pursuant to the application of The Baltimore Gas and Electric Company for a Variance to permit a lightning mast with antenna to exceed structure height by 27 feet, on the property described in the application, and pursuant to the advertising, posting of the property, and a public hearing, all in accordance with the provisions of the law, it is this 19th day of November, 1975, ORDERED by the Zoning Hearing Officer of Anne Arundel County, that the application for a Variance to permit a lightning mast with antenna to exceed structure height by 27 feet, on the property described in the application, be and the same is hereby granted, subject, however, to the following condition:

1. That Petitioner comply with screening requirements put upon him by the Office of Planning and Zoning.



PAUL F. BORDEN,
Zoning Hearing Officer

PLANNING AND ZONING RECOMMENDATION

RE: THE BALTIMORE GAS & ELECTRIC COMPANY
Cases S95 & V96-75 - 3rd District

FINDINGS:

- 1 The Office of Planning and Zoning finds that the petitioners are requesting under two applications a Special Exception for utility structure, a lightning mast with antenna, and a Variance to the provisions of Section 13-305.6, a ~~25~~ 27 foot increase in height permitted - 25 feet to 50 feet for mast and antenna.
- 2 The property known as the Green Gables/Pinehurst Substation comprises an area of .92 acres fronting for 200 feet on the north side of Mountain Road.
- 3 The property is zoned in the R2 Residential classification and is improved with a substation facility of the Baltimore Gas and Electric Company.
- 4 That Section 13-343.21 sets forth the minimum standards for public utilities.
- 5 That Section 13-339 sets forth the criteria by which a Variance may be authorized.
- 6 That the application has been reviewed in accordance with these Code provisions and the provisions of Section 13-341.1 and Section 13-344 and site plan review approval has been granted subject to the recommendations contained in correspondence of September 18, 1975.
- 7 That this Office finds that exceptional circumstances exist with reference to the height variance; namely, the necessity of height for the proposed antenna mast and the existing pole lines adjacent to the facility.
- 8 That for the foregoing reasons, this Office recommends both applications for approval but suggests that the following conditions be considered for inclusion in the Order granting the applications:
 1. That the proposed tower, if practical, be relocated to be centrally located on the site; and
 2. That the pole be painted to blend with the sky for less visual impact; and
 3. That landscaping be provided as required by the Code.

PETITIONERS	Per
EXHIBIT #	5
NAME	BG & E
CASE	S95 V96-75
DATE	11-6-75

DBS
Paid 8/12/75

ANNE ARUNDEL COUNTY
ANNAPOLIS, MARYLAND
PETITION FOR VARIANCE

R2
Zoned
OK

TO THE OFFICE OF PLANNING AND ZONING OF ANNE ARUNDEL COUNTY:

(I, We) Baltimore Gas and Electric Company

who have a financial, contractual or proprietary interest, equal to or in excess of 10% (list all) of the property situated in Anne Arundel County, which is described in the description and plat attached hereto and made a part hereof, (I, We) hereby petition for a variance to Section 13-305.6 of the Anne Arundel County Zoning Ordinance to permit a lightning mast with antenna to exceed maximum necessary structure height by 25' (50' vs 25')

for the following reasons: To provide protection for existing installations and radio control of the voltage.

27' variance

District 3 Lot 55 & 56 Block D Subdivision or Community ~~Pinehurst~~ Green Cobles

Title reference to latest deed, contract or estate Liber M.S.H. No. 2172, folio 153

Located on the North 200 Side of Mountain Road
(Compass Direction) (Frontage in Feet) (Name of Road, Street, Lane, Etc.)

200 feet West of Pinehurst Road
(Compass Direction) (Known Road Intersection)

None
(Frontage on side Street)

The application number and date of application and action taken with dates on all known prior applications filed within three years previously for the whole or any part of the land proposed for re-classification, special exception or variance.

(I, We) agree to pay expenses of above variance including advertising and posting upon filing of this petition, and further agree to be bound by the zoning laws and regulations for Anne Arundel County.

Baltimore Gas and Electric Company same as applicant
(Applicant) (Legal owner(s) of property)
c/o Harry C. Blumenthal, Esq.

Address 182 Duke of Gloucester Street Address _____
Annapolis, Maryland 21404

Phone Number 301-268-7707 Phone Number _____

Petition accepted by the Office of Planning and Zoning September 26, 1975
(date)

Case or Docket Number V 96-75
Theresa F. Kunkle
Office of Planning and Zoning of Anne Arundel County

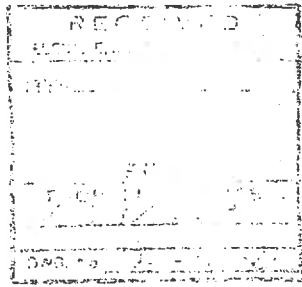
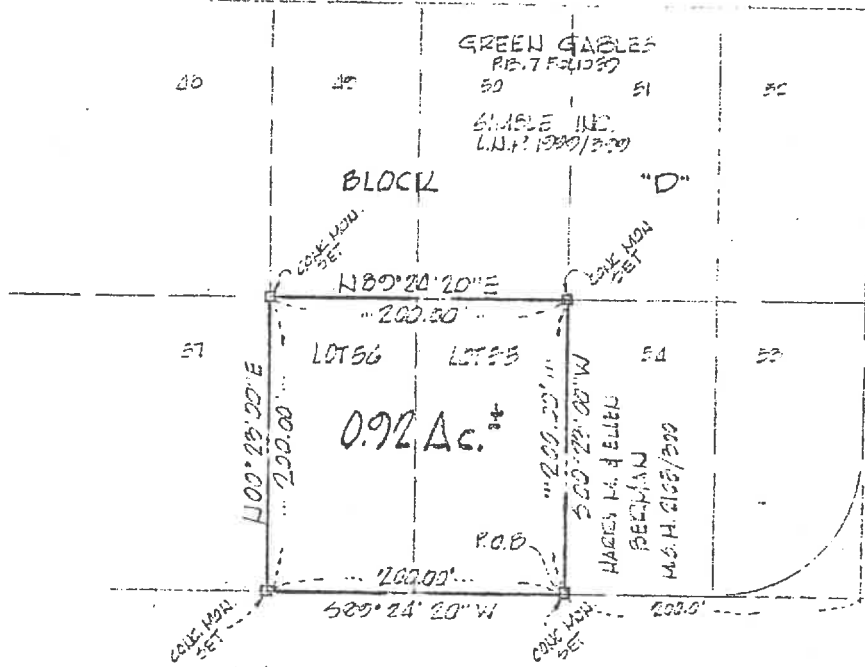
Petition referred to the Zoning Hearing Officer of Anne Arundel County, this 26th day of September, 1967, that the subject matter of this petition be advertised as required by the zoning laws and regulations of Anne Arundel County, and that the public hearing be had before the Zoning Hearing Officer of Anne Arundel County, in Room 4, Anne Arundel County Court House, Annapolis, Maryland, on the 6th day of November, 1967, at 10:30 AM O'Clock.

Form # 07-01-14

Zoning Hearing Officer of Anne Arundel County

TITLE REF. BEING PART OF PARCEL
 55 IN CONVEYANCE TO SIMBLE INC.
 RECORDED IN DEED L&L 1980 FOLIO
 999; BEING ALSO LOTS 55 AND 56
 BLOCK "D" PLAT OF GREEN GABLES
 RECORDED IN PLAT BOOK 7 FOLIO 30.

TERRE NORTH



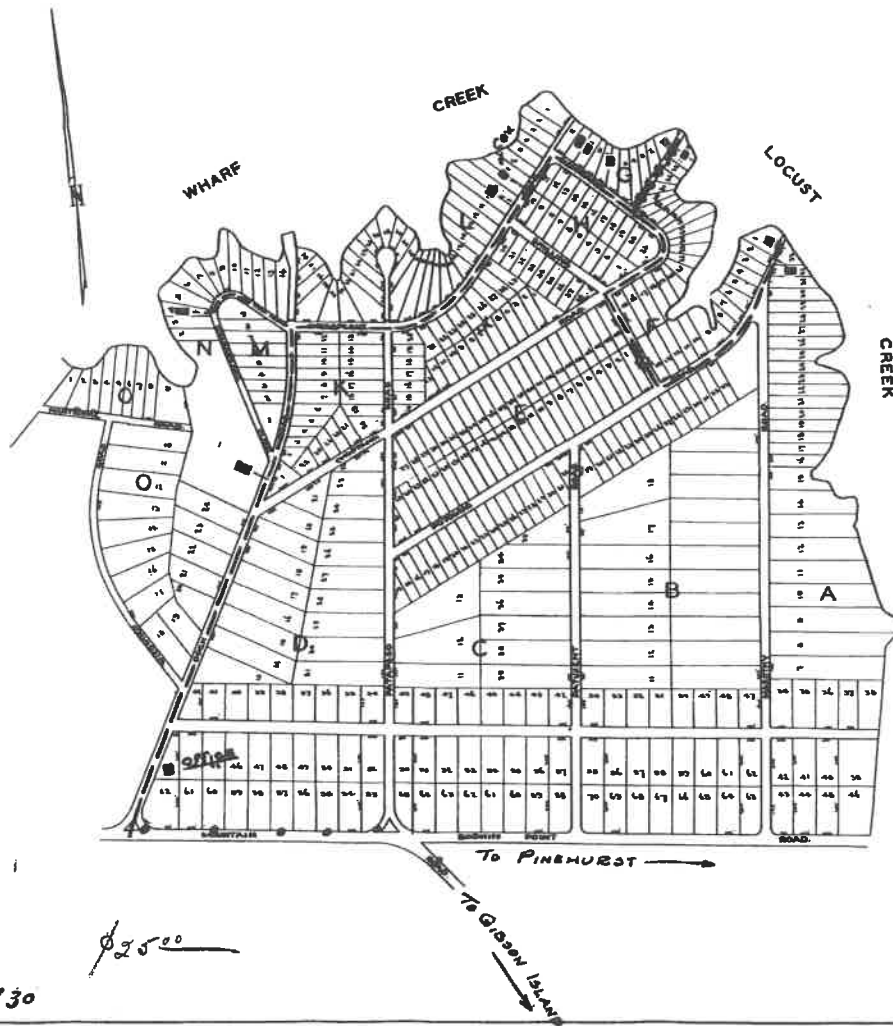
Russell E. Lowman 5-15-68
 RUSSELL E. LOWMAN REG. L. S. 3947 DATE

C. D. MESSICK, JR. & ASSOCIATES, INC.
 CONSULTING ENGINEERS & LAND SURVEYORS
 Professional Building
 21 WEST STREET ANNAPOLIS, MD.

PLAT SHOWING PROPERTY TO BE ACQUIRED
 BY
BALTIMORE GAS & ELECTRIC CO
 6120 ECT. ANNE ARUNDEL CO. MD
 SCALE 1"=50' DATE 5-13-68

PLAT NO 400 BOOK NO. 7 FOLIO 39 SPEED 22

GREEN GABLES



June 2nd 1930

\$2500

C-415



OFFICE OF PLANNING AND ZONING

CONFIRMATION OF PRE-FILE

PRE-FILE #: 2024-0065-P
DATE: 07/18/2024
STAFF: Joan A. Jenkins (OPZ)
Jeff Torney (OPZ)
Jessica Levy (OPZ)

APPLICANT/REPRESENTATIVE: Baltimore Gas & Electric Co/Sager Williams

EMAIL: mdzninglaw@verizon.net

SITE LOCATION: 4884 Mountain Rd, Pasadena

LOT SIZE: 40,075 sf

ZONING: R2 **CA DESIGNATION:** n/a **BMA:** **or BUFFER:** **APPLICATION TYPE:** Variance

DESCRIPTION:

The applicant proposes rebuilding the Pinehurst BGE substation. The rebuild project will include installing a new transformer and supporting electrical equipment, with the existing transformer and much of its supporting equipment being removed from the property. The existing control building, a 50-foot lightning mast, and a 106-foot communications monopole (for BGE use only) will remain.

COMMENTS:

Development Division (Regional Team):

In response to your request for comments regarding a Special Exception to allow for a BG & E power substation facility in an R2 – Residential District, we defer to the Zoning Division on whether that applicant meets the Special Exception standards. Should the Special Exception be approved, the following comments are offered.

1. Per Article 17, Title 4, a Preliminary Plan (PP) and Site Development Plan (SDP) application must be submitted and approved.
2. As per County Code Section 17-2-107(c), In the six-month period before the initial submission of a Preliminary Plan that falls within the scope of this section, the developer shall hold a community meeting. Additionally, within 45 days after submission of a Site Development Plan that falls within the scope of this section, the developer shall hold a community meeting.
3. The proposed development may be subject to the grading and building permit review and approval process.

Long Range Planning: Plan2040 General Development Plan: Plan2040 does not have recommendations that are specific to this site and the proposal is generally consistent with the goals, policies and strategies of Plan2040. This proposal is within Region Planning Area 4. The Region 4 Plan is anticipated to be adopted in July 2024. No applications were submitted during the 2011 Comprehensive Rezoning process or the Region Plans Comprehensive Zoning Process. The zoning is recommended to remain R2.

2022 Water and Sewer Master Plan: The site is in the No Public Service category in the Rural Sewer Service Area and the No Public Service category in the Rural Water Pressure Zone. The proposal is consistent with the 2022 Water and Sewer Master Plan.

Zoning Administration Section:

The letter of explanation must address the specific special exception criteria for utility uses under 18-11-144 of the County Code and must address the general criteria under 18-16-304. The application appears to meet **bulk** regulations and specific criteria and does not require any variances.

INFORMATION FOR THE APPLICANT

Section 18-16-301 (c) Burden of Proof. The applicant has the burden of proof, including the burden of going forward with the production of evidence and the burden of persuasion, on all questions of fact. The burden of persuasion is by a preponderance of the evidence.

A variance to the requirements of the County's Critical Area Program may only be granted if the Administrative Hearing Officer makes affirmative findings that the applicant has addressed all the requirements outlined in Article 18-16-305. Comments made on this form are intended to provide guidance and are not intended to represent support or approval of the variance request.