

December 27, 2024

RE: Exelon / Quince Orchard Tower Replacement Project - 17101 Germantown Road, Germantown MD 20874

Montgomery County Board of Appeals

100 Maryland Avenue, Suite 217, Rockville MD 20850

Dear Sir or Madam,

The current 350'-foot four-legged self-supporting tower at the Quince Orchard substation, which was constructed over four decades ago, has reached the end of its functional lifespan. As a result, Pepco plans to replace it with a new 350'-foot self-supporting tower that has been designed to be located where the existing tower stands, necessitating the demolition of the existing structure before the new one can be erected. The first step in the process involves transferring all active Pepco telecommunications equipment to a temporary tower structure, which will enable the safe dismantling of the current tower. The temporary tower will be positioned outside the substation fence line and adjacent to the existing wireless carrier communication shelter. The temporary tower's design features a ballast mount foundation, which facilitates quick deployment and easy removal, as it does not include permanent fixtures. This efficient setup ensures minimal disruption during the transition. Once the new tower is constructed, the equipment will be moved back, and the temporary tower will be dismantled within 60 days.

The Quince Orchard tower site location utilizes a range of advanced technologies and networks that enable Pepco to deliver several critical infrastructure services. These services encompass power and grid management, smart meter systems, specialized equipment monitoring and management solutions specific to the Quince Orchard substation, and an internal emergency management network.

Section 59-G-1.3(c) (Montgomery County Code, 2004, as amended) sets forth the standard that will be used in evaluating a request for an administrative modification, unless an applicant elects to proceed under the new Zoning Ordinance (2014), and provides, with respect to modification of existing special exceptions, that:

If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the Board, without convening a public hearing to consider the proposed change, may modify the term or condition.

Modification of a special exception without a public hearing is called administrative or minor modification.

This project meets the standard for the grant of an administrative modification:

- (1) If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood, the board, without convening a public hearing to consider the proposed change, may modify the term or condition. However, if the matter involves an accessory apartment, the Board must not act until 10 days after the posting of the property with a special exception for accessory apartment sign under Section [59-A-4.43](#). The sign must remain posted until at least 15 days after the mailing of the Board's resolution. The affirmative vote of at least 4 members of the Board is required to modify the terms or conditions.

*PEPCO Response: The proposed project is not changing the nature, character or intensity of the use and is not substantially changing the effect on traffic or on the immediate neighborhood.*

- (2) If the proposed modification substantially alters the nature, character, intensity of use or the conditions of the original grant, the Board must convene a public hearing to consider the proposed modification. The Board must notify the special exception holder that, except as otherwise provided in this section, such request for modification is subject to the requirements set forth in Sections 59-A-4.2 and 59-A-4.4. The Board must receive and process petitions for modification of a special exception in accordance with the provisions of those sections.

*PEPCO Response: The proposed project is not changing the nature, character or intensity of the conditions of the original grant.*

- (3) Petitions for modification of the terms or conditions of a special exception must be scheduled for hearing as promptly as possible, provided that hearings on petitions for modifications of a special exception must be held not less than 30 days following the date of public notice. Nothing herein prohibits the Board from convening a hearing within a shorter period of time if the Board determines by the vote of at least 3 members that an emergency exists which poses an immediate threat to the public health, safety, convenience, welfare or necessity, or that delay would impose unusual individual or community hardship.

*PEPCO Response: Any petitions made will be scheduled for hearing as promptly as possible.*

- (4) The public hearing must be limited to consideration of the proposed modifications noted in the Board's notice of public hearing and to (1) discussion of those aspects of the special exception use that are directly related to those proposals, and (2) as limited by paragraph (a) below, the underlying special exception, if the modification proposes an expansion of the total floor area of all structures or buildings by more than 25%, or 7,500 square feet, whichever is less.

*PEPCO Response: If hearing is deemed necessary, consideration of the proposed modifications noted in the Board's notice will be discussed.*

Should you require any further information, please do not hesitate to contact me.

Best Regards,

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Senior Land Use Specialist  
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