

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(301) 317-6600

Case Nos. CBA-764, CBA-1148, CBA-2126, CBA-2693, S-260 and S-581

PETITIONS OF POTOMAC ELECTRIC POWER COMPANY

RESOLUTION TO MODIFY SPECIAL EXCEPTION

(Resolution adopted February 20, 1997)

(Effective date of Resolution, April 11, 1997)

The Board received correspondence dated February 13, 1997, from Michael J. Boland, petitioner's attorney, which states, in part:

"Potomac Electric Power Company (PEPCO) owns and operates the Quince Orchard Substation (No. 118) located at 1701 Darnestown-Germantown Road in Montgomery County. The property consists of 36.4 acres in an RDT Zone. As a result of the proposed merger with the Baltimore Gas and Electric Company (BGE), it is necessary to construct an additional telecommunications equipment building at this site to service the wireless needs of the new company. BGE is cooperating with PEPCO in this effort. The proposed 24' X 48' X 12' high preengineered metal building, as shown on the attached PEPCO Site Plan No. 7E-118-039, would be located in the enclosed and secured portion of the substation, adjacent to the existing communications tower and control building. It represents an insignificant addition to the overall site. Enclosed is a picture of an identical structure located at the Windy Edge Substation in Baltimore County (Exhibit A)."

"Pursuant to Section 59-G-1.3(c) of the Zoning Ordinance, we respectfully request an administrative modification to the referenced special exceptions. It is imperative that construction begin on this proposed building as soon as possible. The building will house equipment for the 800 Mhz radio system that controls various types of telecommunications, including voice and mobile data communications for all bulk power operations, distribution and substation operations, gas operations, and customer service operations. These functions are all indispensable components of both normal and emergency utility operations and are critical in the restoration of service. The Federal Communications Commission (FCC) has granted licenses for this site with the understanding that they be in service by September of this year."

"All radio equipment and facilities associated with the building have been approved and type accepted by the FCC. The addition of this building can be accomplished without changing the nature, character or intensity of the use of the property as the site for an electric substation. It will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. There will be no substantial change in traffic or the immediate neighborhood, and the facility will remain unmanned. The enclosed photos, marked Exhibits B, C, and D, show the site to be well screened and large enough that this would represent an insignificant addition."

The Board, after careful consideration of the correspondence and a review of the record in the above-referenced case, finds that the request to permit construction of an additional telecommunications equipment building can be granted without the necessity of a public hearing. The Board further finds that the request will have no effect on traffic and on the immediate neighborhood.

THEREFORE, in accordance with the provisions of Section 59-G-3.1(c)(1) of the Zoning Ordinance, BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland, that the records of Case Nos. CBA-764, CBA-1148, CBA-2126, CBA-2693, S-260 and S-581, shall be and hereby are reopened to receive the following exhibits: Mr. Boland's February 13, 1997, letter, with its enclosures, including a site plan, No. 7E-118-039, a photograph of an identical structure located at Windy Edge Substation in Baltimore County, and photographs of the subject property, with the originals entered in Case No. CBA-764, and copies in the other case files; and

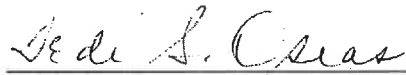
BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that petitioner may construct the additional telecommunications equipment building, as shown on the site plan, with the condition that the merger between PEPCO and BGE must take place for the building to be retained; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland, that, except as modified herein, all terms and conditions of the original special exceptions, and any modifications thereto, shall remain in full force and effect.

The subject property contains approximately 36.4 acres, located on the east side of Maryland Route 118, at 1701 Darnestown-Germantown Road, Germantown, Maryland, in the RDT zone.

On a motion by Allison Bryant, seconded by William S. Green, with Susan W. Turnbull, Chair, Donna L. Barron and Wendell M. Holloway, in agreement, the Board adopted the foregoing Resolution.

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland,
this 11th day of April, 1997.



Tedi S. Osias
Executive Secretary to the Board

NOTE: Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

COUNTY OFFICE BUILDING
ROCKVILLE, MARYLAND 20850

CASES NOS. 764, 1148, 2126, 2693, S-260 and S-581
(Quince Orchard Substation No. 118)

Telephone
Area Code 301
279-1226

and

CASES NOS. 2516 and S-258
(Norbeck Substation No. 158)

PETITIONS OF POTOMAC ELECTRIC POWER COMPANY

RESOLUTION TO MODIFY SPECIAL EXCEPTIONS
(Resolution adopted December 4, 1980)

The Board has received a letter dated November 26, 1980, from Thomas E. O'Dea, Associate General Counsel, requesting modification to the special exceptions on the above-entitled cases, governing use of the Potomac Electric Power Company's Quince Orchard Substation and the Norbeck Substation. Mr. O'Dea's letter states, in part:

"...The Company now proposes to install emergency standby engine generators and associated enclosures at these two substations to provide on-site power to permit rapid, orderly and efficient restoration of the electric system in the event of a system shutdown. The equipment will maintain the integrity of the oil insulated pipe cable system, maintain the gas pressure for the gas operated circuit switching equipment and operate the critical 230kV ring switching substations. The location of the equipment to be installed is marked in red on the enclosed drawings: Quince Orchard Substation No. 118 Drawing No. 118-S-041 Rev. A (given Exhibit No. 16(a) in Case No. S-581) and Norbeck Substation No. 158 Drawing No. 158-S-11 Rev. B (given Exhibit No. 20(a) in Case No. S-258).

"The proposed installations of the standby facilities would be within the existing fenced area of both substation properties and their operation will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. The proposed installations can be accomplished without substantially changing the nature, character or intensity of the use of the properties as the sites for electric substations, and without

Cases Nos. 764, 1148, 2126, 2693, S-260 and S-581
and

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Cases Nos. 2516 and S-258 (re: Modifications)

substantially effecting traffic or the neighborhoods in the vicinity of the substations ..."


Based on the foregoing information and upon review of the plans submitted, the Board finds that the proposed installations at the Quince Orchard Substation No. 118 and the Norbeck Substation No. 158 will be minor additions to the sites, and will not substantially change the nature, character or intensity of the use of the properties, and will not substantially change the effect on traffic or on the immediate neighborhoods. Therefore, pursuant to the authority granted the Board in Section 59-G-1.3 (c) (1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals that the special exceptions granted in the above-entitled cases shall be re-opened to admit the letter from Thomas E. O'Dea, Esq., as Exhibit No. 16 in Case No. S-581, and Exhibit No. 20 in Case No. S-258, and the attachments, Drawing No. 118-S-041 Rev. A, Exhibit No. 16(a) in Case No. S-581, and Drawing No. 158-S-11 Rev. B in Case No. S-258; and

BE IT FURTHER RESOLVED that these cases, Quince Orchard Sub-station No. 118 and Norbeck Sub-station No. 158, shall be, and hereby are amended to permit the installations of the emergency standby engine generators and associated enclosures according to Exhibit No. 16(a) in Case No. S-581, and Exhibit No. 20(a) in Case No. S-258.

The foregoing Resolution was proposed by Mrs. Marjorie H. Sonnenfeldt, Chairman, and concurred in by Mrs. Doris Lipschitz, Mrs. Rita A. Morgan, Mr. Wallace I. Babcock and Mr. Joseph E. O'Brien, Jr.

Entered in the Minute Book of the County Board of Appeals for Montgomery County, Maryland, this 10th day of December, 1980.


Clerk to the Board

Cases Nos. 764, 1148, 2126, 2693, S-260 and S-581
and

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Cases Nos. 2516 and S-258 (re: Modifications)

NOTE: Any party may, within 15 days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision, ...

COUNTY BOARD OF APPEALS

For
MONTGOMERY COUNTY

Case No. S-260

PETITION OF POTOMAC ELECTRIC POWER COMPANY
(Hearing held August 30, 1973)

OPINION OF THE BOARD

This proceeding is on a petition for a Special Exception filed pursuant to Section 111-37. u.(1) of the Zoning Ordinance (Chap. 111, Mont. Co. Code 1965, as amended) (now Chap. 59, Mont. Co. Code 1972) to permit the continued operation and expansion of an electric substation. The subject property contains approximately 36.4 acres located on the east side of Maryland Route No. 118, at 1701 Darnestown-Germantown Road, Germantown, Maryland, in an R-R Zone. (This is the same property approved for an electric substation in Cases Nos. 764, 1148, 2121 and 2693.)

Decision: Special Exception granted.

Petitioner proposes to expand its existing 230/69KV Quince Orchard electric substation (Exhibit 5) by the installation of one 100 MVA, 230/69KV transformer; two 230KV oil circuit breakers; one 69KV oil circuit breakers; six 230 KV disconnect switches; three 230KV coupling capacitor potential devices; three 230KV potential transformers; three 69KV disconnect switches; three 69KV coupling capacitor potential devices, associated structures and foundations; and four single circuit transmission line towers installed inside the station yard to support transmission circuit N2W. The substation acts as a transmission station from the Dickerson plant to the Mt. Zion and Burtonsville substations and to the Bell's Mill substation.

Exhibit 6 in the record shows the plans for the installation and future additions to the substation. The existing facilities are shown in blue, proposed additions are shown in red, orange designates the ultimate plan for the site, and green represents the tree line and proposed additional screening.

The proposed addition to the substation will support transmission lines as they pass through from the Dickerson generating plant to its other substations. The transformers are proposed to be enclosed in a masonry, sound block, building. Pictures were entered into the record to show the existing and proposed transformers and structures. Based on a study of the substation for noise, sound barriers will be installed around the existing transformers, which is expected to reduce the noise level.

The expanded facility will be fully automatic and unattended, and its use is not expected to overburden existing public services. The substation will be visited by company personnel approximately once a week to change charts, and visited by the maintenance crew as necessary. There will be no signs on the property. There is an existing street light at the gate, and other than air craft warning lights on the microwave tower, no other lights will be used. There are adequate parking spaces provided on the site for personnel parking. The proposed expansion will be within the chain link fence area and the petitioner has no plans to expand outside the area. The gates will be locked and secured at all times.

Petitioner's representative stated that the operation of the expanded facility will have no adverse affect on television or radio reception in the area.

Additional testimony was given regarding the need for the expansion for public convenience and service. The facilities at this location supply electric service to substations located in Montgomery Village, Middlebrook (Germantown), National Bureau of Standards, Olney area, and the Colonial Pipeline Installation. The combined load on these distribution facilities will exceed the capability of the existing two 230/69KV transformers. The fourth 230KV transformer line from the Dickerson generating station will be required to provide sufficient outlet capacity for an additional generating unit which PEPCO hopes to install at Dickerson in 1976 and to provide additional 230KV supply to petitioner's Bell Mill Road substation.

The petitioner has developed a landscape plan, Exhibit No. 14, for the subject property at the suggestion of the Park and Planning Commission. The additional screening would be primarily along Maryland Route No. 118. The existing trees and topography screen the substation as it is at present from view of the residences nearby. The new transformers would be located on the east side of the tract where the terrain and elevation are lower than the front of the property.

The area is generally rural with few homes along Route No. 118. Black Rock Estates has been developed to the northwest of the substation subsequent to the installation of the substation.

A complaint had been received by the petitioner from an adjoining property owner concerning noise. Upon investigation, it was found that one wall of the home of Mr. and Mrs. Alexander was at a critical distance from the existing transformers resulting in an enhancement of the noise from the transformers. Petitioner's witness stated they have met with Mr. & Mrs. Alexander and explained their plans for reducing the noise by

enclosing the present transformers in sound absorbing enclosures and the Alexanders were satisfied with the plan.

Upon consideration of the testimony and evidence in the record, the Board finds that, as conditioned, (a) the proposed expansion at the subject location is necessary for public convenience and service; (b) the proposed expansion at the subject location will not endanger the health and safety of workers and residents in the community and will not substantially impair or prove detrimental to neighboring properties. It would not be practicable to house the proposed structures in a residential type building; however, the property will be adequately screened and the structures will be contained within a fenced area with the gate securely locked at all times. The Board finds that the petitioner's application meets the general and special requirements for a special exception for a public utility facility at the location selected. Conditions are imposed below to overcome any noise problem affecting the Alexander home.

Accordingly, the requested special exception to expand its facilities at the subject location is granted, subject to the following conditions:

1. Additional landscaping shall be planted in accordance with Exhibit 14.
2. The present and proposed transformers shall be enclosed in sound absorbing structures as described by the petitioner's witness and shown on the site plan, Exhibit No. 12.
3. There shall be no signs and only necessary lighting will be used.

Petitioner is reminded that Section 59-122, Section 6.(c), Chap. 59, Mont. Co. Code 1972, as amended, requires an annual certification of operations, and that "...On or before March 15 of each year, each applicant who has been granted a special exception shall file with the Department of Environmental Protection a sworn certificate specifying current hours of operation, number of employees and occupants, equipment utilized, and stating that such operation is in all respects in full compliance with the terms and conditions imposed by the Board; provided, however, that the first such certificate shall not be filed unless and until at least twelve months have elapsed since the date of the grant of the special exception."

The Board adopted the following Resolution:

"Be it Resolved by the County Board of Appeals for Montgomery County, Maryland, that the opinion stated above be adopted as the Resolution required by law as its decision on the above-entitled petition."

The foregoing Resolution was proposed by Mr. Bernard D. Gladhill and concurred in by Mrs. Beverly S. Pearson, Chairman, Mrs. Shirley S. Lynne, Messrs. James G. Early and Joseph E. O'Brien, Jr.

I do hereby certify that the foregoing Minutes were officially entered in the Minute Book of the County Board of Appeals this 3rd day of October, 1973.


Clerk to the Board

NOTE: See Section 59-6.(c) of the Zoning Ordinance regarding the 12-months' period within which the right granted by the Board must be exercised.

COUNTY BOARD OF APPEALS
FOR
MONTGOMERY COUNTY

STELLA B. WERNER COUNCIL OFFICE BUILDING
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Case Nos. S-260 and S-581

PETITION OF POTOMAC ELECTRIC POWER COMPANY

RESOLUTION TO MODIFY SPECIAL EXCEPTION
(Resolution adopted December 19, 1985)

The Board has received a letter from Betty K. Cauley, attorney for the petitioner, which states, in part:

"Potomac Electric Power Company (Company) obtained an order on October 19, 1977 from the Board in Case No. S-581 to expand Quince Orchard Substation. Previous cases involving this substation for which zoning special exceptions were granted are Numbers 764, 1148, 2126, 2693, S-260 and the aforementioned Case No. S-581.

"The Company's last zoning special exception, Case No. S-581, provided for installation of equipment in four construction phases. Due to a delayed construction program, Phase IV construction was not started. The Company now has a need for the electrical equipment originally planned to be installed as part of Phase IV construction. To meet a June, 1987 in-service date, the Company needs to begin construction in August, 1986. Phase IV construction will be slightly modified from the exact units as originally approved. Construction will now include the installation of five switch structures, two oil circuit breakers and foundations and the erection of one "BD" transmission tower on an existing foundation. The proposed electrical equipment is needed at the Quince Orchard Substation in order to receive the 4th 230kV circuit which will be built on an existing tower line from the Dickerson Generating Station. The installation of this new transmission circuit will permit greater participation by Pepco in economic electric generation purchases from sources external to the Pepco system.

"Previously, Case Nos. S-260 and S-581 included a site plan which indicated that the ultimate development of the Quince Orchard Substation would include the installation of Transformer No. 4 with associated electrical equipment. The installation of Transformer No. 4 is now required to relieve a predicted firm capacity overload projected for the winter of 1987-88. ...

"The proposed addition of electrical equipment, similar to existing equipment, will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. The proposed installation of additional equipment can be accomplished without changing the nature, character or intensity of the use of the property as the site for an electric substation. There will be no substantial change in the traffic or on the immediate neighborhood. The electric substation would remain an unmanned facility. The proposed locations for the additional electrical equipment is shown on the enclosed Pepco Drawing No. 118-S-041.

"Also enclosed in connection with the Company's request are ... Attachments A and B which set forth information with respect to the various properties which adjoin the Company's Quince Orchard Substation.

"Accordingly, Potomac Electric Power Company hereby requests that the zoning special exceptions granted under Case Nos. S-260 and S-581 be modified to permit the installation of additional but similar types of electrical equipment as described herein."

Based on the foregoing information, the Board is of the opinion that Potomac Electric Power Company's request represents a minor modification to the special exception and can be granted without substantially changing the nature, character or intensity of the use of the property, nor changing the effect on traffic or on the immediate neighborhood. Therefore, in accordance with the provisions of Section 59-G-1.3(c) (1) of the Zoning Ordinance,

BE IT RESOLVED by the County Board of Appeals for Montgomery County, Maryland, that Case Nos S-260 and S-581, Petition of Potomac Electric Power Company, shall be and hereby are re-opened to receive the following exhibits into Case No. S-581: Letter dated November 19, 1985, from Betty K. Cauley, Associate Counsel for the petitioner, as Exhibit No. 18 ; Proposed site plan as Exhibit No. 18(a); Tax Map as Exhibit No. 18(b); and updated list of adjoining/confronting property owners as Exhibit No. 18(c); and

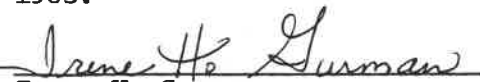
BE IT FURTHER RESOLVED by the County Board of Appeals that petitioner may modify the type of equipment to be installed at the Quince Orchard Substation as stated in Ms. Cauley's letter (Exhibit No. 18) and as shown on the Site Plan (Exhibit No. 18(a)).

All other terms and conditions of the special exception, except as modified herein, shall remain in full force and effect.

The subject property contains approximately 36.4 acres, located on the east side of Maryland Route No. 118, at 1701 Darnestown-Germantown Road, Germantown, Maryland, in an R-200 Zone.

The foregoing Resolution was proposed by Doris Lipschitz, Chairman, and concurred in by Joseph E. O'Brien, Jr., Harry M. Leet, Thomas S. Israel and Howard Jenkins, Jr.

Entered in the Minute Book of
the County Board of Appeals
for Montgomery County, Mary-
land, this 24th day of December,
1985.


Irene H. Gurman
Clerk to the Board