

Thursday, Dec. 16, 2010

## Allegheny Energy seeks reconsideration of PATH plan

### Group does not change plan but asks for Board of Zoning Appeals to take another look

By Tripp Laino | Staff Writer

Allegheny Energy has sent a request to the Frederick County Board of Zoning Appeals for reconsideration of the board's Nov. 18 denial of the special exception request, and will go in front of the board on Thursday to make their case.

Allegheny Energy sought a special exception to place the PATH substation in an agricultural zone, as required by the county's zoning guidelines. The project is opposed by several groups, including Citizens Against Kempton Electrical Substation, the Sierra Club and the Sugarloaf Conservancy. The hearing stretched for more than 25 hours, ending with nearly 10 hours of testimony on Nov. 13.

The eight-page reconsideration request received by the county on Dec. 9 details nine reasons Allegheny believes the board ruled incorrectly to deny the special exception request. Doug Kaplan, the president of the Sugarloaf Conservancy, said his group would file a countering document on Wednesday, and that he didn't think Allegheny's motion had new information.

"It seems to be a rehash of the same arguments they made in front of the board, to a great extent," Kaplan said. "They did a couple of things... Attacking board member Sepe because she has knowledge of this kind of thing. Judges all the time have prior knowledge from prior cases."

Kaplan said he doesn't believe Allegheny is correctly interpreting the county's comprehensive plan, which sets standards for land usage.

"When you read the comprehensive plan it talks in general about land use," Kaplan said. "It doesn't mention hospitals, it doesn't mention factories; it doesn't mention anything like that. It seems to be a great deal of rehash. They made a big deal that it is with the comprehensive plan because there's existing power lines. They don't want to look right next to it at the houses."

The next step for Allegheny may lie with the Maryland Public Service Commission, who could overrule any Frederick County decision, if they determine that the line is needed.