



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 6
10/23/03

MEMORANDUM: SPECIAL EXCEPTION

DATE: September 17, 2003
TO: Montgomery County Planning Board
VIA: John Carter, Chief, Community-Based Planning Division *JC*
FROM: *JD* Judy Daniel, AICP, Team Leader, Rural Area Team - Department of Park and Planning (301-495-4555)

SUBJECT: S-2582 - Telecommunications Facility by Sprint PCS/APC Realty and Equipment Company, and Potomac Conference of the Seventh Day Adventists. 8425 Damascus Road. RDT Zone – Damascus Master Plan.

FILING DATE: June 2, 2003
PUBLIC HEARING: October 15, 2003

STAFF RECOMMENDATION: APPROVAL with conditions:

1. The applicant is bound by all submitted statements and plans.
2. The monopole must be removed at the cost of the applicant when the telecommunication facility is no longer in use by any telecommunication carrier.
3. The flagpole must follow approved federal regulations governing the flying of the United States flag.
4. Provide additional trees on the perimeter of the site or convert non-used area of lawn into a "Bayscape" landscape in keeping with the County-wide goal of increasing forest and improving water quality.
5. The facility must display a contact information sign as required in 59-G-2.43(j)(8).
6. Each owner of the telecommunication facility is responsible for maintaining the telecommunication facility in a safe condition.

PROJECT SUMMARY

PROJECT DESCRIPTION: Surrounding Neighborhood

This is an application for a cellular communications tower for Sprint PCS on the site of the Grace Fellowship Church located at 8425 Damascus Road at the northwest quadrant of its intersection with Mullinix Mill Road. This property is owned by the Potomac Conference Corporation of 7th Day Adventists, co-petitioners for the application with Sprint. The property is in an area with a mix of open space, agricultural and residential uses located approximately one mile east of Damascus. Zoning in the area is RDT north of Damascus Road and Rural Cluster (RC) to the south. There are several small subdivisions located in the vicinity including across from the church, and along and across Damascus Road nearby in a linear development pattern of dwellings in the 2-5 acre lot range.

PROJECT DESCRIPTION: Site Description

The church property consists of approximately 5.36 acres known as Parcel N173 on Tax Map GX12, in the RDT Zone. Existing structures on the property include a brick church building with steeple and a shed behind that structure. Access is via an asphalt driveway off Mullinix Mill Road and a parking lot that surrounds the church. The applicant proposes to utilize a 1,690 square-foot portion of the property for the flagpole/monopole facility.

The property is level at the building site, sloping slightly upward from Damascus Road. The rear parking area is built against a small slope. The site contains the church structure and two "portable" storage structures on the parking area. Land uses immediately adjoining the proposed use include a home and open fields.

PROJECT DESCRIPTION: Proposal

Sprint PCS is requesting a special exception to construct a telecommunications facility on the property in the form of a 100-foot tall "flagpole" monopole, with three antennas. Sprint is proposing the facility in order to meet its requirement for "seamless" coverage for its customers. The "flagpole" design was chosen to protect the visual character of the surrounding area. Access would be from the existing driveway and parking lot.

The monopole is to be located directly behind the church structure, screened from Mullinix Mill and Damascus Roads to the 70-foot height of the steeple. Sprint's three antennas will be hidden inside the structure, which will daily fly the American flag. From Damascus Road and Mullinix Mill Road, the view will primarily be the top 1/3 of the pole and the flag. The flag will be "uplighted" at night from the base, as was approved for a recent flagpole/monopole located along Woodfield Road near Damascus. The 100 foot tall pole diameter will be 36 inches at the base tapering to 26 inches at the top; anchored to a concrete and steel foundation.

The monopole will be setback approximately 313 feet from Mullinix Mill Road, 118 feet from the north property line (the smallest setback), 345 feet from Damascus Road, and 305 feet from the nearest dwelling located to the west. There will be capacity for at least two additional carriers to use the structure.

Six equipment cabinets enclosed in a wood board-on-board fenced compound are proposed. The equipment compound is located on the edge of the parking area at the northwest side of the parking lot. It will be partially screened by existing trees to the west. The fenced enclosure for the cabinets is 26 x 65 by 6 feet high set on a concrete pad. The enclosed equipment cabinets are no more than 6-feet high by 3 feet x 3 feet each.

The equipment compound will be buffered from the view of area residents by intervening trees and distance. The proposed equipment compound will be closer to the north and northwest property line, approximately 30 feet at the closest, and that is deeper than the minimum 20-foot side yard setback for the RDT Zone. As with most cellular monopoles, there will be only periodic visits of one to two times per month to check or repair the equipment.

ANALYSIS

Conformance with the Applicable Master Plan

The Damascus Master Plan is silent on special exceptions. The RDT Zone allows certain special exceptions including public utility structures.

Conformance with the Zoning Ordinance Development Standards

The application conforms to the requirements of the Zoning Ordinance for a telecommunication facility, an allowable special exception within the RDT Zone. A telecommunications facility is defined in Section 59-A-2.1 as *“Any facility established for the purpose of providing wireless voice, data and image transmission within a designated service area. A telecommunication facility must not be staffed. A telecommunication facility consists of one or more antennas attached to a support structure and related equipment...”*

Transportation

The proposed use is located at the intersection of Damascus Road and Mullinix Mill Road. Access to the site will be through the existing driveway off Mullinix Mill Road. Damascus Road (MD 108) is a two-lane major highway (M-60) with a master plan recommended 120' right-of-way. Mullinix Mill Road is not a master planned roadway. There are no significant transportation issues related to this special exception since there will be no on-site personnel and only periodic visits to check or repair the equipment. The proposed facility will have no adverse effect on area roadway conditions.

Regarding the Adequate Public Facilities (APF) review of the subject special exception, the staff recommends no conditions since the application meets the transportation-related requirements of the APF test. And the proposed installation of the cellular monopole will not increase the number of weekday peak period trips generated by the site therefore no Local Area Transportation Review is required. The site is located in a rural policy area where the Policy Area Transportation Review is not applicable.

Environmental

The proposed site is an existing use located within the Patuxent River watershed, although it is near the ridgeline and away from sensitive areas. The site is not located within a Special Protection Area. This church received an exemption for forest conservation when originally built through a grandfathering provision in the legislation. It was granted an exemption (#4-0322E) March 3, 2003 because of the slight disturbance (less than 10,000 square feet) of an existing use with no disturbance of trees.

The property is located in the Scott's Branch subwatershed of the Patuxent River watershed, a subwatershed with good stream and habitat conditions. Because the property is located within the Patuxent River watershed, the staff recommends that the applicant place additional trees on the perimeter of the site or convert non-used areas of lawn into a *Bayscape* landscape in keeping with the County-wide goal of increasing forest and improving water quality.

BayScapes are environmentally-sound landscapes designed to benefit people, wildlife, and the Chesapeake Bay. *BayScaping* advocates a holistic approach to landscaping through principles inspired by relationships in the natural environment. Landscapes planned with *Bayscaping* principles protect the water quality in streams, rivers, and ultimately the Chesapeake Bay. The primary principles underlying this concept are:

- Low maintenance landscape plans that require little mowing, and less use of fertilizers and pesticides.
- Use of attractive, colorful primarily native plants (with hundreds of colorful and beneficial plants to choose from) that reduce pollution and provide diverse habitats for songbirds, small mammals, butterflies, and other creatures.

Landscaping and Lighting

There is some existing landscaping on this site consisting primarily of large evergreen trees along the driveway and clustered trees along the western property boundary. Since the monopole will be built next to the church building, and the equipment compound will be fenced and built "into" the sloped area adjoining the parking lot, the existing landscaping should be sufficient.

The only additional lighting proposed will be night "up-lights" to softly illuminate the flag, as required by federal regulations. This is an acceptable method to comply with federal regulations.

Compatibility

Because of this "stealth" design, and its location behind the church building, the proposed facility will be compatible with the surrounding rural area. The equipment shelter area (to be enclosed within a six foot high board on board fence) is to be constructed on a hill on the other side of the driveway from the monopole. Although it will be visible from the adjoining property owner's home and yard, the fencing should provide adequate screening.

The adjoining home already has a clear view of the parking lot and “portable” storage buildings. Otherwise, the shelter area is behind the church and backs to farmland, barns, and distant wooded areas.

Historic Preservation

The M-NCPPC Historic Preservation staff noted no specific concerns with this proposal.

Required Findings for Special Exception

As outlined in the attached full review, the application meets the standards for a telecommunications public utility use in the zoning ordinance.

Community Concerns

As of the date of this report, the staff has received no comments regarding this application. Notices were sent to the adjoining and confronting property owners and area civic groups registered with the M-NCPPC.

Inherent and Non-Inherent Effects

Section 59-G-1.2.1 of the Zoning Ordinance provides that:

“A special exception must not be granted absent the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site.”

The staff believes that the only significant inherent characteristic for this type of use is that it must provide a means of mounting antennas at a sufficient height to accomplish the job of transmitting cellular telephone signals, and that it must have equipment shelters to protect the transmitting equipment. The means of getting the antennas to the proper altitude to accomplish their job can vary and be visible or hidden, and the altitude to which they must be raised can vary depending on ground elevation and area to be covered. Other impacts are limited as the required mechanical equipment is easily located within screened fenced compounds and employee visits are rare.

The staff does not believe there are significant non-inherent effects for this use at this location because the proposed “stealth” flagpole design and level of use anticipated will not significantly impact the character of this area. The visibility of the structure will be mitigated by its distance from the road and location behind the church building, and the equipment compound will be screened by elevation from the public roads, fencing, and being built into the slope adjoining the parking area. The infrequency of maintenance access also indicates a use with little potential for other non-inherent effects or impacts.

Tower Committee Report

The application has been reviewed by the Telecommunications Transmission Facilities Coordinating Group (the Tower Committee [TC]), which recommended approval of the facility. Their review of the RF plots indicated area in the vicinity of the site without reliable coverage that can be covered via this structure, and they did not find any existing structures to which Sprint could attach its antennas. Their report noted that the "stealth" design in the guise of a "flagpole" would minimize the potential for controversy over a structure of this height. As with the "flagpole" monopoles at the Wesley Grove Methodist Church (on Woodfield Road) and on Sundown Road (east of Laytonsville), this will appear to be a rather tall flagpole plainly visible from the roadway, but the base will be screened and the distance from the road will further mitigate the visual impact. The Tower Committee approval notes that there is a need for coverage in the area, the proposed facility will meet Sprint's objectives, and that lowering the height will diminish coverage.

CONCLUSION

The staff believes that the proposed special exception can satisfy all general and specific requirements for the use found in Sections 59-G-1.21 and 59-G-2.43 of the Zoning Ordinance. The "stealth" design is appropriate at this location behind a church, which is a quasi-public structure. The staff recommends approval of this application.

Attachments

General Conditions

Sec. 59-G-1.21 of the Zoning Ordinance (General Conditions) provides:

- (a) A special exception may be granted when the board, the hearing examiner, or the district council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

- (1) Is a permissible special exception in the zone.

The use is so allowed in the RDT Zone.

- (2) Complies with the standards and requirements for the use in division 59-G-2.

The use complies with these standards as noted below.

- (3) Will be consistent with the general plan for the physical development of the district, including any master plan or portion thereof adopted by the Commission.

The proposed use is consistent with the Damascus Master Plan, which is silent in regard to special exceptions.

- (4) Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses.

The "stealth" flagpole design location behind the church building and its distance from the roads will allow the proposed structure to be more in harmony with the general character of the area.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

This use will have a visual impact on the surrounding neighborhood but will not cause objectionable noise, vibrations or other detrimental physical activity. Because it uses the "stealth" flagpole design it will have less detrimental impact to the use, peaceful enjoyment, and economic value of the general neighborhood than similar "non-stealth" uses.

- (6) Will not, when evaluated in conjunction with existing and approved special exceptions in the neighboring one-family residential area, increase the number, intensity or scope of special exception uses sufficiently to affect the area adversely or alter its predominantly residential nature.

The proposed use will not so impact the surrounding area.

- (7) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area.

The use will not have such adverse impact on the area or its residents.

- (8) Will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.

Existing public facilities are sufficient and subdivision is not required.

Special Findings for a Telecommunications Facility

Section 59-G-2.43 of the Zoning Ordinance (Public utility buildings, public utility structures, and telecommunication facilities) provides:

- (a) A public utility building or public utility structure, not otherwise permitted may be allowed by special exception. The Board must make the following findings:
- (1) The proposed building or structure at the location selected is necessary for public convenience and service.
- The Tower Committee has determined that additional telecommunication service is necessary for public convenience and service and the location is appropriate.*
- (2) The proposed building or structure at the location selected 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.
- The use will have a visual impact, but it will not endanger the health and safety of area residents. Because of the proposed "stealth" flagpole design and distance from the public road it will have less detrimental impact on neighboring properties than many similar uses without a "stealth" design.*
- (b) A public utility building allowed in any permitted residential zone, must, whenever practicable, have the exterior appearance of a residential building and must have suitable landscaping, screen planting and fencing, wherever deemed necessary by the Board.
- This proposed use is not within a residential zone, but the base of the proposed facility will be adequately screened by a proposed board-on-board fence and shielded by the church building. Existing vegetation will further screen the service facility. The base of the structure will be primarily screened by its location behind the church structure.*
- (c) The Board may approve a public utility building and public utility structure exceeding the height limits of the applicable zone if, in the opinion of the Board, adjacent residential developments and uses will not be adversely affected by the proposed use.

The height limit of the RDT Zone is 50 feet. Approval of the proposed 100-foot tall "flagpole" monopole is recommended. The proposed stealth design is appropriate for this location on a church property, and the use will not adversely impact the surrounding area.

- (d) Any proposed broadcasting tower shall have a setback of one foot from all property lines for every foot of height of the tower, provided, that any broadcasting tower lawfully existing on September 1, 1970, is exempt from the setback limitations imposed by this subsection...

The proposed structure will be 100 feet in height. The monopole will be setback approximately 313 feet from Mullinix Mill Road, 118 feet from the north property line (the smallest setback), 345 feet from Damascus Road, and 305 feet from the nearest dwelling to the west. The proposed equipment compound will be closer to the north and northwest property line, approximately 30 feet at the closest, and that is deeper than the minimum 20 foot side yard setback for the RDT Zone.

- (e) Examples of public utility buildings and structures for which special exceptions are required under this section are buildings and structures for the occupancy, use, support or housing of switching equipment,..or television transmitter towers and stations; telecommunication facilities. Additional standards for telecommunication facilities are found in subsection (j).

The proposed use is a telecommunications facility.

- (f) Reserved

- (g) In addition to the authority granted by Section 59-G-1.22, the Board may attach to any grant of a special exception under this section other conditions that it may deem necessary to protect the public health, safety, or general welfare.

Recommended conditions are given.

- (h) Petitions for special exception may be filed on project basis.

Not Applicable.

- (i) A petitioner shall be considered an interested person for purposes of filing a request for a special exception if he states in writing under oath that he has made a bona fide effort to obtain a contractual interest in the subject property ... should the special exception be granted.

Not Applicable.

- (j) Any telecommunication facility must satisfy the following standards:

(1) A support structure must be set back from the property line as follows:

- a. In agricultural and residential zones, a distance of one foot from the property line for every foot of height of the support structure.

As noted above, the 100 foot tall structure will be setback a more than 100 feet from all perimeter lot lines.

- b. In commercial and industrial zones, a distance of one-half foot from the property line for every foot of height of the support structure from a property

line separating the subject site for commercial or industrial zoned properties, and one foot for every foot of height of the support structure from residential or agricultural zoned properties.

Not applicable.

- c. The setback from a property line is measured from the base of the support structure to the perimeter property line.
- d. The Board of Appeals may reduce the location requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and evidence indicates a support structure can be located on the property in a less visually unobtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, if any and visibility from the street.

(2) A support structure must be setback from any off-site dwelling as follows:

- a. In agricultural and residential zones, a distance of 300 feet.

The proposed structure 100-foot tall structure will be setback 305 feet, and behind the church building, from the closest off-site dwelling.

- b. In all other zones, one foot for every foot in height.

Not applicable.

- c. The setback is measured from the base of the support structure to the base of the nearest off-site dwelling.
- d. The Board of Appeals may reduce the location requirement to not less than the building setback of the applicable zone if the applicant requests a reduction and evidence indicates a support structure can be located on the property in a less visually unobtrusive location after considering the height of the structure, topography, existing vegetation, adjoining and nearby residential properties, if any and visibility from the street.

(3) The support structure and antenna must not exceed 155 feet in height, unless it can be demonstrated that additional height up to 199 feet is needed for service, co-location, or public safety communication purposes. At the completion of construction and before the final inspection of the building permit, the applicant must submit documentation to the Department of Permitting Services as to the height and location of the support structure.

The proposed structure is 100 feet in height.

(4) The support structure must be sited to minimize its visual impact. The Board may require the support structure to be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options, after considering the

height of the structure, topography, existing vegetation and environmental features, and adjoining and nearby residential properties. The support structure and any related equipment buildings or cabinets must be surrounded by landscaping or other screening options that provide a screen of at least 6 feet in height.

The proposed facility is a "stealth" design, and the equipment will be screened by a fence of 6 feet in height.

- (5) The property owner must be an applicant for the special exception for each support structure. A modification of a telecommunication facility special exception is not required for a change to any use within the special exception area not directly related to the special exception grant. A support structure must be constructed to hold no less than 3 telecommunication carriers. The Board may approve a support structure holding less than 3 telecommunication carriers if: 1) requested by the applicant and a determination is made that co-location at the site is not essential to the public interest; and 2) the Board decides that construction of a lower support structure with fewer telecommunication carriers will promote community compatibility. The equipment compound must have sufficient area to accommodate the equipment sheds or cabinets associated with the telecommunication facility for all the carriers.

The property owner is a co-applicant for this facility, and the proposed monopole is designed to hold up to three carriers. The proposed site for the use is on a property of approximately 5.36 acres owned by the Potomac Conference Corporation of the Seventh Day Adventist Church (operated as the Grace Fellowship Church), co-applicants for the special exception.

- (6) No signs or illumination are permitted in the antennas or support structure unless required by the Federal Communications Commission, the Federal Aviation Administration, or the County.

No signs or illumination are required for a structure of this height. However, the pole will provide ground level lights to shine upward toward the flag at night to meet Federal regulations for display of the United States flag.

- (7) Every freestanding support structure must be removed at the cost of the applicant when the telecommunication facility is no longer in use by any telecommunication carrier.

This is a condition of approval that is accepted by the applicant.

- (8) All support structures must be identified by a sign no larger than 2 square feet affixed to the support structure or any equipment building. The sign must identify the owner and the maintenance service provider of the support structure or any attached antenna and provide the telephone number of a person to contact regarding the structure. The sign must be updated and the Board of Appeals notified within 10 days of any change in ownership.

This is a condition of approval that is accepted by the applicant.

- (9) Outdoor storage of equipment or other items is prohibited.

All equipment is to be stored within the proposed storage cabinets for protection from weather and vandalism.

- (10) Each owner of the telecommunication facility is responsible for maintaining the telecommunication facility in a safe condition.

This is a condition of approval that is accepted by the applicant.

- (11) The applicants for the special exception must file with the Board of Appeals a recommendation from the Telecommunications Transmission Facility Coordinating Group regarding the telecommunication facility. The recommendation must be no more than one year old.

Such recommendation (for approval) dated November 2002 is included in the file.

- (12) Prior to the Board granting any special exception for a telecommunication facility, the proposed facility must be reviewed by the County Telecommunication Transmission Facility Coordinating Group.

The Board and Planning Board must make a separate, independent finding as to need and location of the facility.

The Telecommunication Transmission Facility Coordinating Group reviewed the facility and found a need for the structure and found the location appropriate.

- (k) Any telecommunication facility special exception application for which a public hearing was held before November 18, 2002 must be decided based on the standards in effect when the application was filed.
- (l) Any telecommunication facility constructed as of November 18, 2002 may continue as a conforming use.

**Preliminary Plan No. 1-04013 - B.F. Leighton's Addition to Woodside
(Resubdivision)**

R-60 Zone; Two (2) Lots Requested (One (1) Existing Single Family Detached Dwelling Unit and One (1) New Single Family Dwelling Unit Proposed); 0.52 Acres (22,651 Square Feet)

Community Sewer and Community Water

Located on the South Side of Grace Church Road, Approximately 300 Feet Southwest of Second Avenue

Policy Area: Silver Spring/Takoma Park

Applicant: Lyle R. Graser
Engineer: Landmark Engineering

Staff Recommendation: Approval, Pursuant to Section 50-29(b)(2) of the Subdivision Regulations, Subject to Conditions:

- (1) Prior to Planning Board release of building permit, applicant to provide a final tree protection plan for technical staff reviews and approval. Tree protection plan must include on-site tree protection measures prior to, during and after construction
- (2) Compliance with the conditions of approval of the MCDPS stormwater management approval
- (3) Prior to issuance of building permits, applicant to submit an engineered sediment and erosion control plan to MCDPS for review and approval
- (4) Compliance with conditions of MCDPW&T letter dated October 15, 2003, unless otherwise amended
- (5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (6) Other necessary easements

Preliminary Plan No. 1-01066 – North Glen Hills

RE-1 Zone Two (2) Lots Requested (Single Family Detached Dwelling Units); 2.26

Private Sewer and Community Water

Located on the East End of Bratton Court, Approximately 500 Feet South of Sunset Drive

Policy Area: Potomac

Applicant: The Haines Company

Engineer: PG Associates

Staff Recommendation: Approval, Including the Abandonment of Bratton Court, Subject to the Following Conditions:

- (1) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (2) Conditions of MCDPS stormwater management approval
- (3) Prior to recording of plat, Planning Board approval of abandonment resolution for Bratton Court
- (4) Access and improvements to Bratton Drive, as required, to be reviewed and approved by MCDPW&T prior to recording of plat
- (5) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the planning board opinion. Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (6) Other necessary easements

Preliminary plan No. 1-04006 – John Deere Acres

Rural Density Transfer; One (1) lot Requested; 36.75 Acres

Private Sewer and Private Well

Located on the East Side of Ridge Road (MD 27), Approximately 2,000 Feet Northeast of Kemptown Road

Policy Area: Damascus

Applicant: John Deere Landscapers Inc.

Engineer: GLM Engineering

Staff Recommendations: Approval, Subject to the Following Conditions:

- (1) Approval under this preliminary plan is limited to a Horticultural Nursery and Landscape operation as defined and approved under Board of Appeals Case No. 1684. Any further modification or expansion to the existing operation may require further Planning Board review
- (2) All roads shown on the approved preliminary plan shall be dedicated by the applicant, to the full width mandated by the Damascus Master Plan, unless otherwise designated on the preliminary plan
- (3) Access and improvement to Ridge Roar (MD 27), as required, to be reviewed by MDSHA prior to the issuance of any building permits
- (4) Compliance with the conditions of approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording of plat or MCDPS issuance of sediment and erosion control permit, as appropriate
- (5) Record plat to reflect delineation of a Category I conservation easement over the areas of flood plain and stream valley buffer
- (6) The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- (7) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed
- (8) Other necessary easements