



APPROVAL PAGE



2428 Reedle Drive
Floor 14
Wheaton, MD 20996
MontgomeryPlanning.org

May 20, 2024

Mark Fisher
Telecom Capital Group
6150 Sheridan Point Road
Prince Frederick, Maryland 20678

Re: Final Forest Conservation Plan
Property Name: "GG Barnesville
Plan Number: F32040500
Tract Size/Land Use Category: 40.58 acres/ARA

Dear Mr. Fisher:

On March 20, 2024, Mark Fisher ("Applicant") filed an application for approval of a Final Forest Conservation Plan on approximately 40.58 acres of land located at 23900 Old Hundred Road, Barnesville, MD 20838 ("Subject Property"). Final Forest Conservation Plan No. F32040500 ("Forest Conservation Plan", "FCP" or "Application"). The Application proposes to install a telecommunications tower on the property.

Based on the review by the Planning Staff ("Staff") of The Maryland National Capital Park and Planning Commission ("M-NCPPC"), the FCP submitted to M-NCPPC is approved with the following conditions:

- The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
- Before the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must:
 - Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Little Monocacy watershed or Priority Area to satisfy the reforestation requirement of 0.47 acres of mitigation credit. If no off-site forest banks exist within the Little Monocacy watershed or Priority Area, then the off-site requirement may be met by purchasing 0.67 acres of mitigation credits from a mitigation area bank within Montgomery County outside of the Little Monocacy watershed or Priority Area, subject to Staff approval. If forest

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval.

13500 Planning Division, 301-955-8445 Fax: 301-955-1344
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mitigation bank credits are not available for purchase, a fee-in-lieu-payment must be made to M-NCPPC for the appropriate mitigation credits outside of the same watershed or Priority Area.

FOREST CONSERVATION

The Application meets the requirements of Chapter 12A of the Montgomery County Forest Conservation Law ("FC") and the Montgomery County Planning Department's Environmental Guidelines. As required by Chapter 22A, an FCP was submitted with the Application. The total net tract area for forest conservation purposes is 0.37 acres which includes the Subject Property of 40.58 acres. The Subject Property is zoned AR and is classified as Agricultural Resource Area as defined in Section 22A-3 of the FC, and specified in the Trees Technical Manual. The Subject Property contains 0.36 acres of forest. The Applicant proposes to remove 0.35 acres of forest retain 0.00 acres of forest. This results in a total reforestation requirement of 0.40 acres or 0.67 acres as calculated in the Forest Conservation Worksheets. The Applicant proposes to meet this requirement via an M-NCPPC approved off-site forest bank.

TREE VARIANCE REQUEST

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-21 ("Variance"). Otherwise such resources as defined under Section 22A-12(b)(3) must be left in an undisturbed condition.

This Application will require the CRZ impact to two Protected Trees as identified in [Table 1]. The Variance request is for the impact to two Protected Trees for the construction of the proposed telecommunications tower and proposed site grading. Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made for a Variance to be granted. Staff has made the following determinations in the review of the Variance request and the proposed Forest Conservation Plan.

| Tree ID | Common Name | Scientific Name | DBH | % Impact | Status |
|---------|-------------|-----------------|----------|----------|-----------|
| 6 | N. Red Oak | Quercus rubra | 32.0 in. | 3% | Save tree |
| 8 | N. Red Oak | Quercus rubra | 32.0 in. | 3% | Save tree |

Table 1 - Impacted Protected Trees

In accordance with Section 22A-21(a), the Applicant requested a Variance, and the Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship because in accordance with Section 22A-21(a), the Applicant requested a Variance, and the Staff agrees that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance. The Applicant has demonstrated that the denial of the Variance request would cause an unwarranted hardship because the work will require a very minor disturbance to the root zones of two (2) specimen trees. The variance trees lie opposite the existing entrance to the study area. The trees that require a variance are the only obstacle to the use of an existing entrance to the study area.

TREE VARIANCE FINDINGS

- Will not confer on the Applicant a special privilege that would be denied to other applicant. Granting the Variance to impact Trees 6 and 8 will not confer a special privilege on the Applicant as the impacts are due to necessary development requirements of the site. Staff has determined that the impacts to protected trees has been minimized but cannot be avoided. Therefore, the granting of this Variance is not a special privilege that would be denied to other applicants.
- Is not based on condition or circumstance which are the result of the actions by the Applicant. The requested Variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based on existing site conditions and the requirements to meet development standards.
- Is not based on a condition relating to land or building use, either permitted or non-conforming on a neighboring property. The requested Variance is a result of the existing conditions and the required improvements, and not as a result of land or building use on a neighboring property.
- Will not violate State water quality standards or cause measurable degradation in water quality. The Variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being impacted are not located within a stream buffer, wetland or a special protection area.

In order to prepare the plans for certification, please download this Approval Letter, attach it to the FCP, sign the Qualified Professional and Developer's Certificate, and re-upload the plans for final review and approval. The FCP must be certified before a pre-construction meeting can be scheduled.

Any changes from the approved FCP may constitute grounds to rescind or amend any approval actions taken, and to re-evaluate the Subject Property for additions or amended planings. If there are any subsequent additions or modifications planned for this development, a separate amendment must be submitted to M-NCPPC for review and approval prior to those changes occurring. Please contact Michael Sharp at 202-741-3601 & michael.sharp@montgomeryplanning.org at least 7 days in advance to schedule your pre-construction meeting. If you have any questions regarding these actions, please feel free to contact Joshua Penn at 301-439-4546 or joshua.penn@montgomeryplanning.org.

Sincerely,

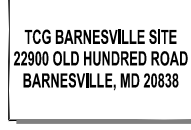
Joshua Penn

Patrick Jutler, Chief
Upcountry Planning Division, Montgomery County Planning Department

cc: File F32040500
Mike Norton

Exhibit 18(b)
OZAH Case No: CU 24-17

| DEVELOPER'S CERTIFICATE | |
|--|---|
| The undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. F32040500, including: tree/salvage, forest planting, maintenance, and all other applicable agreements. | |
| Developer's Name: | Telecom Capital Group Printed Company Name |
| Contact Person or Owner: | Mark Fisher Printed Name |
| Address: | 6150 Sheridan Point Road, Prince Frederick MD 20678 |
| Phone and Email: | 301-802-3758, mfisher@tcg.com |
| Signature: | |



SEAL:

| SUBMITTALS | | |
|------------|-------------|------|
| DATE | DESCRIPTION | REV. |
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PROJECT NO: 1163.001
DESIGNER:
ENGINEER:

THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 22"x34" SCALE AS SHOWN ON PLAN DETAIL

TITLE:
FINAL FOREST CONSERVATION PLAN MNCPPC F20240500
SHEET NUMBER:
L-1.1