



Chair, and Allison Ishihara Fultz, Chair, in agreement, and David K. Perdue necessarily absent, the Board **grants** the requested modification subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in the Hearing Examiners Report and Recommendation and in the Opinion of the Board.
2. All terms and conditions of the approved special exception remain in full force and effect, except as modified in the Board's order granting this modification request.
3. The number of permitted employees may be increased by up to 14 new staff to accommodate the expanded emergency room services.
4. Petitioner's hours of operation are 24 hours per day, seven days a week. These hours are unchanged by the instant modification.
5. All existing and proposed trees and shrubs must be maintained as depicted on the revised landscape plan (Exhibit 45(d) and (e)).
6. Petitioner must plant all un-forested and non-impervious areas of the stream valley buffer in accordance with the Environmental Enhancement Plan (Exhibit 23(d)), submitted to Environmental Planning Staff on September 19, 2007.
7. Petitioner must place all existing forest and all areas to be planted in forest within the stream buffer, within a Category 1 conservation easement, except for that portion which will be impervious for location of the helipad; create forest on all remaining open areas of the stream valley buffer (approximately 1.55 acres), with suitable native species; apply enhanced SWM and BMP's per the "non-conformance" criteria in Chapter VII (page 50 & 52) of the Environmental Guidelines (*Guidelines for Environmental Management of Development in Montgomery County*) to the entire site; and no new parking in stream buffer/conservation easement areas. The Conservation Easement must be recorded within twelve months of the issuance of this opinion, and the Petitioner must provide a copy of the recorded easement to the Board for its records.
8. Petitioner must limit expansion related to this special exception modification request at the hospital to no more than 82,250 square feet of additional gross floor area.
9. Petitioner must obtain permits from appropriate agencies and post bond to improve the westbound Old Baltimore Road approach to Georgia Avenue (MD 97) by providing a separate right turn lane prior to the release of any building permit for the expansion.

10. Petitioner must provide the following lead-in sidewalks from Prince Philip Drive and Old Baltimore Road to the various hospital buildings:
  - From Prince Philip Drive:
    - i. Along the north side of the main hospital driveway connecting to the existing Medical and Professional Office Buildings and the proposed new west addition.
    - ii. Along the north side of the northern hospital driveway connecting to the existing connecting walkway through the parking lot in front of the existing Professional Office Building.
  - From Old Baltimore Road:

Along the hospital driveway connecting to the existing sidewalk along the east side parking lot (in front of the existing Oncology Building).

The above sidewalks must be shown on the approved special exception site plan and must be constructed prior to occupancy of the proposed additions.

11. Petitioner must provide a minimum of ten (10) bike lockers for employees and four (4) bike racks for visitors at the hospital. The bike lockers and bike racks must be shown on the approved special exception site plan and must be constructed prior to occupancy of the proposed additions.
12. Any temporary construction signs must comply with all applicable requirements of Article 59-F. All signs placed on the property must meet the requirements of Section 59-F-4.2 (a) in terms of number, location and area and Section 59-F-4.1 (e) regarding illumination.
13. If the specifications for the proposed helipad change materially, including its orientation or location, Petitioner will timely file a revised Site Plan with the Board of Appeals indicating any changes to the helipad.
14. Petitioner must maintain a log of helicopter flights to and from the hospital to insure that it is being used only for emergency purposes, which is the basis for its permitted use status under Zoning Ordinance §59-A-6.6. "Emergency" in this context should be broadly construed to include all flights deemed medically necessary for individual patients. The log should indicate at least the date and time of flight, the destination and origination points, the operator of the helicopter, and the reason for the flight (Patient names should not be included to protect privacy rights). The log should be made available for review by the Department of Permitting Services upon request.
15. Petitioner should review the helicopter flight paths and determine which flight paths will minimize disturbance to the surrounding community. To the extent that

MGH has control over the flight paths used, it should establish a preference, consistent with safety and operational concerns, for using the flight paths which minimize disturbance to the surrounding community. If Petitioner does not control the flight paths, then it should consult with the appropriate controlling authority to encourage use of the flight paths which minimize disturbance to the surrounding community, without adversely impacting safety and operational considerations. The results of Petitioner's review should be submitted to the Board within six months after the relocated helipad becomes operational.

16. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 18<sup>th</sup> day of January, 2008.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63

of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.