

Agenda Date: February 10, 2011
Item # 13
Reconsideration Request

February 2, 2011

REQUEST FOR RECONSIDERATION

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Carol S. Rubin, Associate General Counsel 
301-495-4646

RE: Reconsideration Request for Downcounty Consortium School #29
(McKenney Hills)
Forest Conservation Plan No. MR2010720
MCPB Resolution No. 10-150

With this memorandum we forward for the Board's review a request for reconsideration filed January 20, 2011, by Thomas C. Gleason on behalf of the McKenney Hills Forest Preservation Group) ("MHFPG") of the Downcounty Consortium School #29 (McKenney Hills) Preliminary Forest Conservation Plan approval (Attachment 1).

I. **BACKGROUND**

On October 28, 2010, the Planning Board voted to approve the Preliminary Forest Conservation Plan for the Downcounty Consortium School #29 (McKenney Hills) ("Forest Conservation Plan") with a vote of 5-0; Commissioners Alfandre, Carrier, Dreyfuss, Presley, and Wells-Harley all voting in favor. The Resolution memorializing the Board's approval was mailed on January 10, 2011 (Attachment 2).

The Forest Conservation Plan application was made in conjunction with a mandatory referral review by the Planning Board for the construction of McKenney Hills Elementary School. However, this reconsideration request is limited to the Forest Conservation Plan, which is a separate and distinct action by the Board;¹ specifically

¹ The mandatory referral review by the Planning Board is advisory in nature. However, in accordance with Sec. 22A-11(e)(2) of the Montgomery County Code the Planning Board must consider the forest conservation plan, which is a regulatory approval when reviewing a mandatory referral application.

whether the Planning Board's approval was subject to the terms of a Memorandum of Understanding ("MOU") between the Montgomery County Public Schools ("MCPS"), MHFPG, and the Audubon Naturalist Society. The agreed upon conditions in the MOU and whether it was appropriate for the Board to require MCPS' compliance with such conditions as part of the FCP was fairly debated during the hearing.

II. APPLICABLE RULES

A reconsideration request must "specify any alleged errors of fact or law and state fully all grounds for reconsideration because of mistake, inadvertence, surprise, fraud, or other good cause." The Board is responsible for determining if the grounds stated in support of the reconsideration request are sufficient to merit reconsideration.

Only a Board member who voted in the majority of the decision that is the subject of the request for reconsideration can move to reconsider the decision. And any motion to reconsider must be supported by a majority of the Board members who either participated in the previous decision or read the record on which it was based. In this case, any of the Commissioners are eligible to move for reconsideration and participate in the decision whether to reconsider. If there is no motion for reconsideration, the request for reconsideration fails, and no further action is necessary. However, if the Board grants the reconsideration request, the Resolution approving the FCP is void, and a new hearing on the FCP must be scheduled².

In this case, MCPS' final design for the site requires a sewer line running under the area approved in the preliminary FCP for a Category I Conservation Easement, which requires i) an amendment to the approved preliminary FCP, and ii) a revision to the tree variance granted by the Board due to two additional impacted trees. For administrative convenience, staff has requested that the Board approve the final FCP instead of amending the preliminary FCP and having staff in turn approve the final FCP³. That action has been scheduled on the Board's agenda for February 17, 2011, and the Staff Report will be timely posted in order to provide the required public notice. Therefore, if the Board decides to reconsider the preliminary FCP as requested, the issue raised in the reconsideration request - whether to incorporate the MOU into the FCP - will be considered as part of the final FCP on the 17th.

III. RECONSIDERATION REQUEST

In his request for reconsideration, Mr. Gleason relies on the hearing minutes which read as follows:

² Under Planning Board Rules of Procedure, if the Board votes to reconsider, the reconsidered Resolution is void, and the Chair must promptly schedule a public hearing. (Rules 4.12.2 and 4.12.3)

³ The Board generally approves the preliminary FCP, and unless there is a significant change to the plan, approval of the final FCP has been delegated to staff.

“Action: A [Forest Conservation Plan]. Approved staff recommendation for approval, subject to revised conditions and forest conservation recommendation included in the Memorandum of Understanding submitted by the McKenney Hills Forest Conservation (*sic*) Group, and as stated in the attached Board Resolution.

B [Mandatory Referral]. Approved staff recommendation for approval to transmit comments to Montgomery County Public Schools.”

A copy of the minutes for October 28, 2010, are attached as Attachment 3. Mr. Gleason suggests that since the Board intended that the FCP be subject to the recommendations included in the MOU, the Resolution should be amended to include a condition that MCPS must comply with the forest conservation recommendations contained in the MOU. Unfortunately, the hearing minutes do not correctly reflect the Planning Board’s action at the hearing. The Board’s approval of the FCP did not incorporate the MOU, while the Board’s approval of the mandatory referral did.

I listened to the archived recording of the October 28, 2010 hearing, and the pertinent discussion by the Board can be heard beginning at counter 8:56:06 and again at counter 9:35:45⁴. Most of the public who testified with regard to the MOU agreed with the staff’s recommended conditions and suggested that there was a lot of overlap with the MOU conditions. Whether the additional forest protection measures contained in the MOU should be incorporated into the preliminary FCP or the final FCP was a point of disagreement among the public. However, staff was very clear that they had not had an opportunity to review the conditions contained in the MOU to determine whether they were achievable. In fact, staff was concerned that some of the MOU conditions went beyond site design and into technical engineering, an area that staff does not generally review, nor does it have the expertise to do so. In fact, both Commissioners Carrier and Presley indicated that MCPS’ willingness to enter into the MOU demonstrated that they were operating in good faith, and they expected the same cooperative posture would continue with MCPS’ final FCP submission.

IV. RECOMMENDATION

The Legal Department does not believe there is any legal or factual deficiency in the Planning Board’s action approving the preliminary Forest Conservation Plan for the Downcounty Consortium School #29 (McKenney Hills) or the Resolution memorializing that action. The Board made clear that it is MCPS’ obligation to fulfill their obligations under the MOU. In fact, it is longstanding Planning Board policy neither to intervene in nor to accept responsibility to enforce agreements between third parties.

However, if the Board determines that Mr. Gleason’s reconsideration request demonstrates that there was a mistake, inadvertence, surprise, or fraud in its earlier

⁴ The entire hearing lasted more than 2 hours and is available for your listening pleasure. However, for your ease of review, the discussion between the Board and staff with regard to the MOU, and the motions on both the FCP and the mandatory referral are at the locations indicated.

decision or that Mr. Gleason has shown other good cause for reconsideration, the Board may grant the request. As indicated above, when reviewing the final Forest Conservation Plan on February 17, 2011, the Board could also reconsider whether the Forest Conservation Plan should be subject to the conditions of the MOU.

In any event, I recommend that the Approved Minutes of the Planning Board hearing held October 28, 2010 be revised to reflect the action of the Board at that hearing.

IV. ATTACHMENTS

Attachment 1 –Forest Conservation Plan reconsideration request dated May 7, 2011

Attachment 2 –Planning Board Resolution dated April 28, 2010

Attachment 3 –Approved Minutes of the Planning Board hearing held October 28, 2010

Attachment 1

JAN 20 2011

January 18, 2011

Rollin Stanley, Director
Montgomery County Planning Department
8787 Georgia Ave
Silver Spring, MD 20910

Re: Petition to Reconsider Resolution MCPB No. 10-150
(January 10, 2011), Forest Conservation Plan MR 2010720
Downcounty Consortium School #29 (McKenney Hills)

Dear Director Stanley:

The McKenney Hills Forest Preservation Group hereby Petitions to Reconsider the above-referenced Resolution (copy attached). We request that the Board correct an error in the Resolution, the details of which are as follows.

At an October 28, 2010, hearing the Board considered the following matter (text quoted directly from the hearing minutes):

*****A. Forest Conservation Plan: Downcounty Consortium (McKenney Hills) Elementary School #29 Replacement Facility - 2600 Hayden Drive, R-60 Zone, Kensington/ Wheaton Master Plan
Staff Recommendation: Approval with Conditions*****

The Planning Board voted 5-0 to approve the following action:

“Action: A. Approved staff recommendation for approval, subject to revised conditions and forest conservation recommendations included in the Memorandum of Understanding submitted by the McKenney Hills Forest Conservation Group, and as stated in the attached Board Resolution.”

We believe that it is clear from the hearing minutes that the Board intended that the MCPS’ McKenney Hills ES Forest Conservation Plan be subject to the “recommendations included in the Memorandum of Understanding submitted by the McKenney Hills Forest Conservation Group”. However, Resolution 10-150 makes no mention of the MOU or its specific conditions. To ensure there is no future question about Plan compliance, we believe this omission should be corrected.

According to the Board Rules of Procedure, Section 4.12, Reconsideration of Resolution, the McKenney Hills Forest Preservation Group, as a Party to the Planning Board action to approve MCPS’ McKenney Hills ES Preliminary Forest Conservation Plan, has the right to petition the Board

Attachment 1

for reconsideration of the Resolution. Accordingly, we request that the Resolution be corrected to include an 8th condition, to read as follows:

“Applicant must comply with the forest conservation recommendations contained in the MOU executed among MCPS, ANS and MHFPG on October 26, 2010.”

While our request is being made under Board Rule 4.12 we note that the omission of this condition appears to be an error that can be corrected administratively at the initiative of the Planning Director under Rule 4.11.4. We alternatively request (and would prefer) that solution over proceeding under Rule 4.12, because it would mean there would be no delay or uncertainty regarding the final approval of the Resolution.

Thank you in advance for your consideration of our request.

Sincerely,

Thomas C. Gleason
McKenney Hills Forest Preservation Group
10209 Menlo Avenue
Silver Spring, MD 20910
Tel: 301-588-6296

cc: Francoise Carrier, Chair,
Montgomery County Planning Board

Carol Rubin,
Planning Board, Legal Department

Attached Documents:
MCPB Resolution No. 10-150
McKenney_MOU.pdf
McKenney_Plan_Board_Hearing_Minutes_10.28.10

Attachment 1

Memorandum of Understanding
October 26, 2010

On Tuesday, October 26, 2010, representatives of MCPS Division of Construction met with representatives of Audubon Naturalist Society and the McKenney Hills Forest Preservation Group, to discuss the site design, Forest Conservation Plan and stormwater management plan of the McKenney Hills Elementary School project. The following are the points agreed to by all parties present. (The names of all participants are listed at the end of this summary.)

The parties (MCPS, MHFPG and ANS) each committed to publicly supporting these points of agreement, including at the Planning Board hearing on this project, this Thursday, October 28, 2010. Going forward, Diane Cameron agreed to serve as the main point of contact for ANS and MHFPG.

1) MCPS will revise its current plans and designs to reduce the Limits of Disturbance (LOD) in the woods adjacent to the planned basketball court and athletic field (the western edge of the LOD), as follows:

a. In order to preserve a wedge-shaped area of existing woods on top of the steep slope, the current LOD will be reduced by approximately 10' on the southwestern end and by approximately 25' at the northeastern end. The total additional protected area for this section would be approximately 2,830 square feet. To accomplish this, MCPS must employ non-conventional construction methods by rerouting a stormwater pipe eastward, to place it underneath and through the athletic/geothermal well field rather than placing it in the woods. This will require the construction of an additional retaining wall approximately 3' in height and that several storm drain access manhole covers be buried 12" below grade.

b. A triangular-shaped forest section of approximately 446 square feet will be protected due to an additional reduction in the LOD just to the north of the basketball court.

2) At the request of the Department of Parks MCPS will revise its current plans and designs to provide a 25' buffer zone along the southern edge of the site adjoining the M-NCPPC Legacy Open Space property (the Milton Property), to protect the roots of trees located near the property boundary. Except for the construction of

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a short length of 4'-wide sidewalk, the buffer is to be free of any and all construction, footings, stormwater facility elements, and play equipment. The total additional protected area resulting from this provision is approximately 1296 square feet.

3) MCPS will preserve as many large trees as possible in removing the concrete stairway on the eastern hillslope, through use of light equipment such as jack hammers and other similar hand tools with no use of heavy equipment. Demolition and clearing will be done in a manner that minimizes tree losses and impacts.

The portion of the stairway that currently adjoins the wooden foot bridge will be preserved if warranted by placement of the new bridge. Construction and placement of a replacement bridge will be done in a manner that minimizes tree losses and impacts.

4) MCPS will work with Department of Permitting Services (DPS), to evaluate the feasibility of incorporating infiltration as a function of the stormwater conveyance on the western woods slope. Should it be deemed acceptable to and approvable by DPS without necessitating a formal revision to the already approved stormwater management concept plan, MCPS will incorporate outfall infiltration into the final design. They will also explore the possibility of a constructed wetland, instead of the current outfall design. Stan will provide photos and documentation of other similar projects he's worked on in this region; Diane Cameron and Stan Sersen for ANS and MHFPG, will support MCPS in these efforts.

5) No fill dirt will be deposited past the LOD.

6) Lighting at night will consist of "cut off" lighting that will be on timers, except for the security lights at the entrance to the school building. MCPS will use perimeter lighting only while school is in session, and will seek to minimize direction of lighting into the woods, except as needed for security purposes during hours of operation (e.g. the woods will not be lit up all night long.)

7) There will be two arborists on call during the active construction phase – one being a consultant for the MCPS Division of Construction and the other employed by the MCPS Construction

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Manager. The MHFPG and ANS representatives have requested to receive notices of possible or recommended tree removal actions or other actions affecting significant trees. MCPS agreed to provide Diane Cameron advance notice prior to any action that will affect specimen tree(s) as defined by the County beyond the approved limit of disturbance that were not identified as being potentially affected on the approved final forest conservation plan. The MHFPG and ANS representatives also noted that they would walk the site regularly from the public access portions of the woods to monitor the construction work. Jack Gleason will work on a plan for representatives of MHFPG to walk the LOD with MCPS officials once the LOD is established with an MCPS official and/or Parks inspector, in December 2010 or January 2011.

8) MCPS will consider ways to feasibly direct some runoff into the eastern wooded hillslope, in order to provide as much naturally-infiltrated water as possible and to mimic the pre-development hydrology, in order to provide effective watering of the existing trees and other vegetation on that slope next to the school building.

The ability to implement designs/methods proffered by MCPS are contingent upon receiving the approval of and permitting by the appropriate governing/regulatory agencies without any delay to the project construction schedule.

Parties to this Understanding:

MCPS

Joyce Jesell, Acting Director
Jim Tokar
Craig Shuman
Seth Adams

MHFPG

Marion Edey
Jack Gleason
Bruce Cohen
Margaret Turner
Stan Sersen

ANS

Diane Cameron

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5. Downcounty Consortium (McKenney Hills) Elementary School #29

*A. Forest Conservation Plan: Downcounty Consortium (McKenney Hills) Elementary School

#29 Replacement Facility - 2600 Hayden Drive, R-60 Zone, Kensington/Wheaton Master Plan

Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 10720-MCPS-1: Downcounty Consortium (McKenney Hills)-Elementary School #29 Replacement Facility -2600 Hayden Drive, Zone R-60, Kensington/Wheaton Master Plan

Staff Recommendation: Approval to Transmit Comments to MCPS

BOARD ACTION

Motion: A. PRESLEY/ALFANDRE

B. PRESLEY/ALFANDRE

Vote:

Yea: A. 5-0

B. 5-0

Nay:

Other:

Action: A. Approved staff recommendation for approval, subject to revised conditions and forest conservation recommendations included in the Memorandum of Understanding submitted by the McKenney Hills Forest Conservation Group, and as stated in the attached Board Resolution.

B. Approved staff recommendation for approval to transmit comments to Montgomery County Public Schools.

In keeping with the October 15 and 21 technical staff reports, Community-Based Planning and Environmental Planning staff offered a multi-media presentation of the mandatory referral request to construct an elementary school to replace the previously demolished McKenney Hills Elementary school on a 12.67-acre site located at the western terminus of Hayden Drive, north of the Glenmont Recreation Center in the Kensington/Wheaton Master Plan area. Staff discussed the proposed plan for the replacement school, including site design, stormwater management, parking, and traffic circulation. Staff noted that the proposed school building was used as a special education facility until its demolition this year, and increasing enrollments from rising school-aged children and the absorption of transferring students from private schools in this planning area have caused significant and unacceptable levels of crowded classes at nearby Oakland Terrace and Woodlyn Elementary Schools.

Environmental Planning staff discussed the proposed forest conservation plan which proposes to remove 0.55 acres of forest to accommodate construction of the new school and associated facilities. Staff noted that loss of high priority forest is unavoidable and Montgomery County Public Schools (MCPS) is proposing to minimize the impact on the adjacent forest and specimen trees as best it can to take into account concerns raised by citizens and community MCPB. 10-28-10, APPROVED

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5. Downcounty Consortium (McKenney Hills) Elementary School #29

organizations during the numerous meetings organized by MCPS. Staff recommends approval of the proposed forest conservation plan, subject to the conditions included in

Attachment 1

the staff report, and taking into account proposed forest conservation plan recommendations stated in the

Memorandum of Understanding (MOU) submitted by the McKenney Hills Forest Conservation Group, and discussed with staff.

Messrs. James Song, Jim Tokar, and Craig Shuman of Montgomery County Public Schools offered comments.

The following speakers offered testimony: Mr. Peter Howard of Churchill Road; Ms. Marion Edey of Menlo Avenue; Ms. Stacy Miller of Gates Avenue; Mr. Brian Bhandari of Gardiner Avenue; Ms. Deborah Beck of Arthur Avenue; Ms. Jennifer Anderson of Hildarose Drive; Ms. Janis Sartucci of Limestone Court; Ms. Margaret Turner of Barker Street; Ms. Rochelle Bartolomei of Rosensteel Avenue; Ms. Diane Cameron of Edgewood Road and representing the Audubon Naturalist Society; Mr. Morgan Edey of Menlo Avenue; Mr. Thomas Gleason of Menlo Avenue and representing the McKenney Hills Forest Preservation Group; Mr. Bruce Cohen of Capitol View Avenue; Ms. Patricia Mulready of Capitol View Avenue; Ms. Teresa Peachey of Conover Drive and representing the Oakland Terrace Elementary School PTA; Mr. Jean Claude Zenkluser of Capitol View and representing the Montgomery County Parents and Teachers Association; Mr. Stanley Sersen of Waterloo Road; Ms. Sheryl Kreischer of Gates Avenue; Mr. Richard Tingley of Eccleston Street and representing the McKenney Hills/Caroll Knolls Civic Association; Ms. Tricia Steadman of Leslie Street; Ms. Susie Eig of West Kirke Street and member of the Legacy Open Space Advisory Group; and Ms. Ginny Barnes of Glen Road and representing the Legacy Open Space Advisory Group. There followed considerable Board discussion with questions to staff and MCPS' representatives regarding the proposed forest conservation plan.

Attachment 2



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

JAN 10 2011

MCPB No. 10-150
Forest Conservation Plan No. MR2010720
Downcounty Consortium School #29 (McKenney Hills)
Date of Hearing: October 28, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 22A, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review forest conservation plan applications; and

WHEREAS, on August 26, 2010, Montgomery County Public Schools ("Applicant"), filed an application for approval of a preliminary forest conservation plan on approximately 12.6 acres of land located at the terminus of Hayden Drive ("Property" or "Subject Property"), in the Kensington-Wheaton master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary forest conservation plan application was designated Forest Conservation Plan No. MR2010720, Downcounty Consortium School #29 (McKenney Hills) ("Forest Conservation Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated October 15, 2010, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, the Planning Board held a public hearing on the Application (the "Hearing") on October 28, 2010; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 28, 2010, the Planning Board approved the Forest Conservation Plan subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Alfandre; with a vote of 5-0, Commissioners Carrier, Wells-Harley, Presley, Alfandre, and Dreyfuss voting in favor.

Approved as to
Legal Sufficiency:

88 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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Forest Conservation Plan No. MR2010720

Downcounty Consortium School #29 (McKenney Hills)

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NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 22A, the Planning Board approved Forest Conservation Plan No. MR2010720 on the Property, subject to the following conditions, which Applicant shall satisfy prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits and any land disturbing activities, including clearing or grading onsite:

1. Approval of a Final Forest Conservation Plan consistent with the approved Preliminary Forest Conservation Plan.
2. The development shall comply with the conditions of the approved Final Forest Conservation Plan.
3. The electronic file containing the signed Final Forest Conservation plan must be submitted to the Environmental Planning Division for approval. Submission of a final forest conservation plan must be in accordance with section 1.09(B) of the forest conservation regulations, and consistent with the approved preliminary Forest Conservation Plan. Electronic files must have Environmental Planning approval signature, be in PDF format, and be in only one file.
4. Final forest conservation plan must include:
 - a) Detailed and specific tree protection measure for impacted trees prepared by an ISA-certified arborist.
 - b) A detailed planting plan to replant areas of clearing, where possible, and minimize further tree loss due to the creation of new forest edges.
 - c) Provide an edge determination with all trees with a 6" DBH or greater located within 25' of the LOD.
 - d) Field locate all disturbance into the forest to minimize tree loss. This includes areas of erosion repair and path removal or development.
 - e) Revise the stream valley buffer to accurately reflect the approved NRI/FSD.
5. Applicant must record a Category I conservation easement, prior to any clearing or grading occurring onsite, over all areas of forest retention.
6. A certified arborist must be present at the pre-construction meeting, during construction, and after construction to oversee specific tree protection measures as identified on the Final Forest Conservation Plan.
7. Required site inspections by M-NCPPC monitoring staff (as specified in "Trees Technical Manual").

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *Applicant has met all criteria required to grant a variance to Section*

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Forest Conservation Plan No. MR2010720

Downcounty Consortium School #29 (McKenney Hills)

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1607(c) of the Natural Resources Article, MD Ann. Code in accordance with Section 22A-21 of the Montgomery County Code.

Section 1607(c) of the Natural Resources Article, MD Ann. Code identifies certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or any disturbance within a tree's critical root zone (CRZ), requires a variance. The following trees require a variance for disturbance within their critical root zone:

Tree #	Species	D.B.H (Inches)	Tree Condition	Ownership	Comments	Removed	% Impact
2	WHITE PINE	32	FAIR	SCHOOL			
4	BLACK CHERRY	46	FAIR	SCHOOL		REMOVED*	49% IMPACT
5	YELLOW POPLAR	32	GOOD	SCHOOL		REMOVED*	84% IMPACT
7	YELLOW POPLAR	34	GOOD	SCHOOL		REMOVED*	84% IMPACT
11	YELLOW POPLAR	33	GOOD	SCHOOL		REMOVED*	42% IMPACT
29	RED OAK	33	GOOD	SCHOOL			17% IMPACT
30A	YELLOW POPLAR	30	POOR	SCHOOL	HEARTROT, CRACK	REMOVED	
31	YELLOW POPLAR	30	GOOD	SCHOOL		REMOVED*	27% IMPACT
32	RED OAK	34	GOOD	SCHOOL		REMOVED*	30% IMPACT
36	RED OAK	36	GOOD	SCHOOL		REMOVED*	26% IMPACT
44	YELLOW POPLAR	33	GOOD	SCHOOL			4% IMPACT
45	YELLOW POPLAR	30	GOOD	SCHOOL		REMOVED*	41% IMPACT
46	YELLOW POPLAR	33	GOOD	SCHOOL		REMOVED*	41% IMPACT
53	YELLOW POPLAR	39	GOOD	SCHOOL		REMOVED*	20% IMPACT
58	RED OAK	58	GOOD	PARK PROPERTY		REMOVED*	3% IMPACT
59	YELLOW POPLAR	42	GOOD	SCHOOL			18% IMPACT
67	PIN OAK	36	GOOD	SCHOOL		REMOVED	
68	WHITE OAK	34	GOOD	SCHOOL			14% IMPACT
69	YELLOW POPLAR	38	GOOD	SCHOOL		REMOVED	
70	RED OAK	40	GOOD	SCHOOL		REMOVED*	27% IMPACT
77	YELLOW POPLAR	34	GOOD	CO-OWNED		REMOVED*	20% IMPACT
78	BLACK LOCUST	37	POOR	CO-OWNED	BROKEN SCAFFOLDS, CAVITY,	REMOVED	
79	BLACK LOCUST	31	FAIR	CO-OWNED	BROKEN SCAFFOLDS, LEANING	REMOVED	
102	BLACK LOCUST	33	GOOD	PARK PROPERTY	STEM REMOVED		
103	YELLOW POPLAR	30	GOOD	PARK PROPERTY			3% IMPACT
106	YELLOW POPLAR	30	GOOD	PARK PROPERTY			7% IMPACT
115	WHITE OAK	34	GOOD	SCHOOL			2% IMPACT
116	YELLOW POPLAR	46	GOOD	SCHOOL			16% IMPACT
301	YELLOW POPLAR	37		SCHOOL			3% IMPACT
302	YELLOW POPLAR	32		SCHOOL		REMOVED	
308	YELLOW POPLAR	42		SCHOOL		REMOVED*	30% IMPACT
310	WHITE OAK	41		SCHOOL		REMOVED	
315	YELLOW POPLAR	34		SCHOOL		REMOVED*	29% IMPACT
322	RED OAK	46		SCHOOL		REMOVED*	29% IMPACT
323	YELLOW POPLAR	36		SCHOOL			7% IMPACT
401	RED OAK	41		PARK PROPERTY		REMOVED*	49% IMPACT
402	RED OAK	39	FAIR/POOR	PARK PROPERTY			6% IMPACT
403	WHITE OAK	38	DEAD	PARK PROPERTY		REMOVED*	35% IMPACT
404	RED OAK	31		PARK PROPERTY		REMOVED*	DEAD
405	WHITE OAK	30		PARK PROPERTY		REMOVED*	14% IMPACT
406	RED OAK	36		PARK PROPERTY			20% IMPACT
407	LINDEN	34		PARK PROPERTY		REMOVED*	6% IMPACT
						REMOVED*	26% IMPACT

In accordance with Section 22A-21(e), the Applicant has met all of the following criteria required for the Board to grant the variance.

- a. Will not confer on the applicant a special privilege that would be denied to other applicants.

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Downcounty Consortium School #29 (McKenney Hills)

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The Applicant has minimized impacts to trees by restricting limits of disturbance. The use of this site for a public elementary school is an established use and is not a special privilege conferred on the applicant.

b Is not based on conditions or circumstances which are the result of the actions by the applicant.

The inherent site characteristics of stream valley buffer and steep slopes with highly erodible soils severely limit the development footprint of the school. The Applicant has minimized disturbance by taking the following steps:

- a) Using a compact building form that works with the natural landform. The proposed school is a three-storey building that takes advantage of the natural grade in the design of outdoor spaces associated with the building and the needed ingress/egress points.
- b) Reducing the parking constructed to support the school by working with the adjacent Glenwood Recreation Club to share an existing parking lot on the recreation club's property.
- c) Minimizing outdoor recreation facilities associated with the school. An optimal elementary school facility incorporates two softball fields (with a 200' radius) and one soccer field (sized 150' x 240') superimposed over them. This school proposes only one multipurpose field (sized 85' x 160'), with a single backstop (with a 80' radius).
- d) Using facilities provided to meet multiple functions. For example, the basketball courts also serve as required turnarounds for fire and rescue equipment.

The Applicant will further reduced tree loss by:

- a) Field locating the stormwater management outfall. The exact placement of the necessary outfall and conveyance was determined in the field to minimize tree loss and the design takes advantage of the natural landform by using an existing gully.
- b) Using an arborist to provide detailed and specific tree protection measures to retain trees impacted by development.
- c) Developing a detailed planting plan to replant areas of clearing, where possible, and minimize further tree loss due to the creation of new forest edges.

c Does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.

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Downcounty Consortium School #29 (McKenney Hills)

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The requested variance is a result of the proposed site design and layout on the subject property and not a result of land or building use on a neighboring property.

d. *Will not violate Site water quality standards or cause measurable degradation in water quality.*

While some trees are proposed to be removed within the stream valley buffer, the site currently has no stormwater management controls on it. On balance, development of this site should be a positive contribution to water quality, even with the loss of trees.

2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and Forest Conservation Regulations Section 1.09(B) (COMCOR 22a.00.01.09B).*

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board in this matter, and the date of this Resolution is JAN 10 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners

Attachment 2

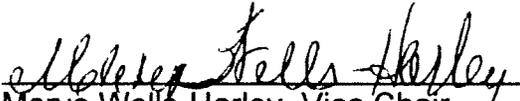
MCPB No. 10-150

Forest Conservation Plan No. MR2010720

Downcounty Consortium School #29 (McKenney Hills)

Page 6

Alfandre, Dreyfuss, and Presley voting in favor of the motion, at its regular meeting held on Thursday, December 16, 2010, in Silver Spring, Maryland.


Marye Wells-Harley, Vice Chair
Montgomery County Planning Board

Attachment 3



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

APPROVED MINUTES

The Montgomery County Planning Board met in regular session on Thursday, October 28, 2010, at 9:02 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:20 p.m.

Present were Chair Françoise M. Carrier, Vice Chair Marye Wells-Harley, and Commissioners Joe Alfandre and Amy Presley. Commissioner Norman Dreyfuss joined the meeting shortly after it was called to order.

Items 1, 2, and 4 are reported on the attached agenda. Item 3 was postponed to the afternoon session.

The Board recessed at 12:54 p.m. for lunch and to take up Items 11 and 12 in Closed Session.

In compliance with §10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session:

The Board convened in Closed Session at 1:14 p.m. in the third floor conference room, on motion of Commissioner Presley, seconded by Commissioner Alfandre, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre, Dreyfuss, and Presley present and voting in favor of the motion. The meeting was closed under authority of §10-508(a)(1), State Government Article, Annotated Code of Maryland, to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects one or more specific employees; and §10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto.

Also present for all or part of the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; Director Rollin Stanley, John Carter, Alison Davis, Richard DeBose, Dan Hardy, Rose Krasnow, Glenn Kreger, Mark Pfefferle, and Piera Weiss of the Planning Department; Deputy Director Mike Riley and Bill Gries of the Parks Department; and Ellyn Dye of the Commissioners' Office.

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In Closed Session, the Board continued its discussion of the proposed reorganization of the Planning Department with the Planning Director and discussed proposed acquisition of property for parkland.

The Closed Session was adjourned at 2:09 p.m.

The Board reconvened in the auditorium at 2:20 p.m.

Item 3, Worksession on Land Use and Zoning for the Wheaton Central Business District and Vicinity Sector Plan, deferred to the afternoon session, and Items 5 and 6 are reported on the attached agenda.

Item 10, a Closed Session item, was postponed.

The Board recessed for dinner at 6:35 p.m. and reconvened in the auditorium at 7:35 p.m.

Items 7 through 9 are reported on the attached agenda.

There being no further business, the meeting was adjourned at 10:20 p.m. There will be a Planning Board meeting on Monday, November 1, 2010, in the evening to continue discussion of the FY12 proposed budget in Closed Session. The next regular meeting of the Planning Board will be held Thursday, November 4, 2010, in the Montgomery Regional Office in Silver Spring, Maryland.

Ellyn Dye
Technical Writer

M. Clara Moise
Technical Writer

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Montgomery County Planning Board Meeting
Thursday, October 28, 2010, 9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Consent Agenda

A. Adoption of Resolutions

1. Kensington Heights Subdivision Regulations Waiver No. SRW 201001 - ADOPTION OF MCPB RESOLUTION No. 10-140
2. Hungerford property Pre-Preliminary Plan No. 720080110 - ADOPTION OF MCPB RESOLUTION No. 10-144

BOARD ACTION

Motion: PRESLEY/ALFANDRE

Vote:

Yea: 4-0

Nay:

Other: DREYFUSS ABSENT

Action: Adopted the Resolutions cited above.

B. Record Plats

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: There were no Record Plats submitted for approval.

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C. Other Consent Items

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: **There were no Other Consent Items submitted for approval.**

D. Approval of Minutes

Minutes of September 30, 2010

BOARD ACTION

Motion: **WELLS-HARLEY/PRESLEY**

Vote:

Yea: **4-0**

Nay:

Other: **DREYFUSS ABSENT**

Action: **Approved the minutes of September 30, 2010, as presented.**

2. Commercial/Residential Zones Zoning Text Amendment

Discuss proposed amendments to (1) limit certain uses near residential zones, (2) expand shared parking provisions, (3) allow DPS to waive drive-through and parking restrictions when site plans are not required, (4) allow master plans to permit fewer public benefits for incentive density in limited circumstances, (5) allow master plans to exempt areas from BLT requirements, and (6) allow master plans to designate additional public benefits.

Staff Recommendation: Transmit to County Council for Introduction

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BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Deferred action with guidance to staff for provision of additional information on issues raised in discussion.

Development Review staff presented proposed amendments to the CR Zones, for transmittal to the County Council for introduction, as detailed in the staff report. Staff noted that the proposed changes do not affect the framework or the objectives of the zones; rather, they provide refinements to reflect the evolution of the ongoing area Plans and the Zoning Ordinance rewrite. Staff included one additional amendment in the oral presentation.

Mayor Peter Fosselman, Councilmember Mackie Barch, and Ms. Suellen Ferguson, representing the Town of Kensington, discussed the CR Zones, and the proposed amendments, as they apply to the pending Kensington and Vicinity Sector Plan.

Ms. Judy Higgins, representing the Kensington View Civic Association; Ms. Lydia Sullivan of Kensington; Ms. Anne Martin, attorney representing the 10524 St. Paul Street LLC; Mr. William Kominers, attorney; and Mr. Barry Peoples of Kensington offered comments.

3. Worksession #2 - Wheaton CBD and Vicinity Sector Plan — Land Use and Zoning

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed and provided guidance to staff.

In worksession # 2 of the Wheaton Central Business District and Vicinity Sector Plan, the Board discussed the Plan's districts and individual parcels specific issues and provided recommendations to staff. Community-Based Planning staff also provided an overview of the land use and zoning recommendations in the plan and there was extensive discussion about the general vision and implementation of the plan, including base density, density transfers, and

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realignment of Ennalls Avenue with Price Avenue and the closing of alleyways. Staff noted that the Urban Design Guidelines will be discussed at the next worksession.

Messrs. Bob Simpson from Montgomery County Department of Transportation (MCDOT), Robert Klein from Montgomery County Department of General Services, and Chris Lindsay representing Lindsay Management, offered comments.

Due to time constraint, Chair Carrier instructed staff to schedule another Board meeting to conclude the discussion on Land Use and Zoning.

4. Site Plan Review No. 820110010, Wheaton Safeway

CBD-3 zone; 1.92 acres; 195-foot tall, 17-story building with 486 residential dwelling units (including 12.5% MPDUs), 59,500 square foot of commercial uses, and a multi-level parking garage; located at 11215 Georgia Avenue; Wheaton CBD

Staff Recommendation: Approval with Conditions

BOARD ACTION

Motion: DREYFUSS/PRESLEY

Vote:

Yea: 5-0

Nay:

Other:

Action: **Approved the staff recommendation to approve with conditions, as revised, as stated in the attached Board Resolution.**

Development Review staff presented the site plan for the redevelopment of the Wheaton Safeway site with a 17-story building with 486 dwelling units, 59,500 square feet of commercial uses, and a multi-level parking garage, as detailed in the staff report. Staff distributed an errata sheet and a revised list of conditions of approval. Staff noted that the project plan approved a height of 200 feet, subject to the required finding by the Board at site plan that the increased height will not adversely affect surrounding properties. The site plan proposes 195 feet, and staff recommended that the Board make that finding.

Mr. Steve Robbins, attorney representing the applicant, concurred in the staff recommendation and elaborated on the proposed development; Ms. Judy Moore, the artist, discussed her public art project for the site; and Mr. Timothy Baker of the applicant company responded to questions from the Board.

Mr. Greg Baker, representing the Wheaton Redevelopment Advisory Committee; Ms. Jeannette Feldner, representing the Wheaton Urban District Advisory Committee; and Ms. Elizabeth Chaussan, representing the Green Wheaton Sustainable Initiatives Workshop, offered comments.

There followed some discussion of the required payment to the amenity fund and the recipient public amenity project, as well as the need to maintain and repair the public art.

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12. Closed Session

Pursuant to Annotated Code of Maryland, State Article, Section 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

11. Closed Session

Pursuant to Annotated Code of Maryland, State Article, Section 10-508(a)(3) to consider the acquisition of real property for a Commission purpose and matters directly related thereto

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Discussed in Closed Session. See State citation and open session report in narrative minutes.

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5. Downcounty Consortium (McKenney Hills) Elementary School #29

***A. Forest Conservation Plan:** Downcounty Consortium (McKenney Hills) Elementary School #29 Replacement Facility - 2600 Hayden Drive, R-60 Zone, Kensington/Wheaton Master Plan
Staff Recommendation: Approval with Conditions

B. Mandatory Referral No. 10720-MCPS-1: Downcounty Consortium (McKenney Hills)-Elementary School #29 Replacement Facility -2600 Hayden Drive, Zone R-60, Kensington/Wheaton Master Plan
Staff Recommendation: Approval to Transmit Comments to MCPS

BOARD ACTION

Motion: **A. PRESLEY/ALFANDRE**
 B. PRESLEY/ALFANDRE

Vote:
 Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to revised conditions and forest conservation recommendations included in the Memorandum of Understanding submitted by the McKenney Hills Forest Conservation Group, and as stated in the attached Board Resolution.**

B. Approved staff recommendation for approval to transmit comments to Montgomery County Public Schools.

In keeping with the October 15 and 21 technical staff reports, Community-Based Planning and Environmental Planning staff offered a multi-media presentation of the mandatory referral request to construct an elementary school to replace the previously demolished McKenney Hills Elementary school on a 12.67-acre site located at the western terminus of Hayden Drive, north of the Glenmont Recreation Center in the Kensington/Wheaton Master Plan area. Staff discussed the proposed plan for the replacement school, including site design, stormwater management, parking, and traffic circulation. Staff noted that the proposed school building was used as a special education facility until its demolition this year, and increasing enrollments from rising school-aged children and the absorption of transferring students from private schools in this planning area have caused significant and unacceptable levels of crowded classes at nearby Oakland Terrace and Woodlyn Elementary Schools.

Environmental Planning staff discussed the proposed forest conservation plan which proposes to remove 0.55 acres of forest to accommodate construction of the new school and associated facilities. Staff noted that loss of high priority forest is unavoidable and Montgomery County Public Schools (MCPS) is proposing to minimize the impact on the adjacent forest and specimen trees as best it can to take into account concerns raised by citizens and community

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5. Downcounty Consortium (McKenney Hills) Elementary School #29

organizations during the numerous meetings organized by MCPS. Staff recommends approval of the proposed forest conservation plan, subject to the conditions included in the staff report, and taking into account proposed forest conservation plan recommendations stated in the Memorandum of Understanding (MOU) submitted by the McKenney Hills Forest Conservation Group, and discussed with staff.

Messrs. James Song, Jim Tokar, and Craig Shuman of Montgomery County Public Schools offered comments.

The following speakers offered testimony: Mr. Peter Howard of Churchill Road; Ms. Marion Edey of Menlo Avenue; Ms. Stacy Miller of Gates Avenue; Mr. Brian Bhandari of Gardiner Avenue; Ms. Deborah Beck of Arthur Avenue; Ms. Jennifer Anderson of Hildarose Drive; Ms. Janis Sartucci of Limestone Court; Ms. Margaret Turner of Barker Street; Ms. Rochelle Bartolomei of Rosensteel Avenue; Ms. Diane Cameron of Edgewood Road and representing the Audubon Naturalist Society; Mr. Morgan Edey of Menlo Avenue; Mr. Thomas Gleason of Menlo Avenue and representing the McKenney Hills Forest Preservation Group; Mr. Bruce Cohen of Capitol View Avenue; Ms Patricia Mulready of Capitol View Avenue; Ms. Teresa Peachey of Conover Drive and representing the Oakland Terrace Elementary School PTA; Mr. Jean Claude Zenkluser of Capitol View and representing the Montgomery County Parents and Teachers Association; Mr. Stanley Sersen of Waterloo Road; Ms. Sheryl Kreischer of Gates Avenue; Mr. Richard Tingley of Eccleston Street and representing the McKenney Hills/Caroll Knolls Civic Association; Ms. Tricia Steadman of Leslie Street; Ms. Susie Eig of West Kirke Street and member of the Legacy Open Space Advisory Group; and Ms. Ginny Barnes of Glen Road and representing the Legacy Open Space Advisory Group.

There followed considerable Board discussion with questions to staff and MCPS' representatives regarding the proposed forest conservation plan.

6. Silver Spring Park (aka The Moda Vista Residences)

A. Preliminary Plan 120070420, Silver Spring Park (a.k.a. The Moda Vista Residences); CBD-0.5 & CBD-1 and Fenton Village Overlay zones; 1.57 acres; request to combine 7 lots into one 50,351 SF lot for 58 DU multi-family, 59,870 SF hotel, 9,234 SF retail, and 22,538 SF office; located in the southeast quadrant of the intersection of Fenton Street and Silver Spring Avenue; Silver Spring CBD Plan

Staff Recommendation: Approval with Conditions

B. Site Plan Review No. 820100120, Silver Spring Park; CBD 0.5/CBD-1 zones; 1.57 acres; mixed-use development consisting of a high-rise with 58 dwelling units including 7 MPDUs, 59,870 square foot hotel with 110 rooms, 9,234 square feet of retail and 22,538 square feet of office space; located in the southeast quadrant of the intersection of Silver Spring Avenue and Fenton Street; Silver Spring CBD

Staff Recommendation: Approval with Conditions

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BOARD ACTION

Motion: **A. DREYFUSS/WELLS-HARLEY**
 B. DREYFUSS/PRESLEY

Vote:

Yea: **A. 5-0**
 B. 5-0

Nay:

Other:

Action: **A. Approved staff recommendation for approval, subject to conditions, as stated in the attached Board Resolution.**

B. Approved staff recommendation for approval, subject to conditions, as stated in the attached Board Resolution.

In keeping with the October 18 technical staff report, Development Review staff offered a multimedia presentation of the request to combine seven lots into one lot for a mixed-use development of 147,888 square feet of ground floor retail; 28,170 square foot of office space and a multi-family residential building with 58 dwelling units, including seven Moderately Priced Dwelling Units (MPDUs) and five Work Force Housing Units (WFHUs) on a 1.57-acre property located on Fenton Street in the Silver Spring Central Business District with access to the building from Fenton Street. Staff noted that the workforce housing is optional however the applicant has agreed to leave this option in. Staff added that the Board approved the preliminary forest conservation plan for the site on March 4, 2010, and the applicant will meet the requirement by an in-lieu fee payment. The approved stormwater concept for the project includes a buried stormwater management system and green roofs.

Mr. Todd Brown, attorney representing the applicant, offered brief comments and concurred with the staff recommendation.

Ms. Karen Roper representing the Silver Spring Citizens Association offered testimony in favor of the project.

7. Roberts Tavern Drive Extended - Facility Planning Study Phase 1

Staff Recommendation: Transmit Comments Regarding Recommended Alternative to Montgomery County Department of Transportation (MCDOT)

BOARD ACTION

Motion: **PRESLEY/ALFANDRE**

Vote:

Yea: **4-1**

Nay: **CARRIER**

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Other:

Action: Approved staff recommendation to transmit comments to Montgomery County Department of Transportation (MCDOT).

In keeping with the October 20 technical staff report, Transportation Planning staff offered a detailed multimedia presentation of the Transportation Facility Planning Study, Phase I for Roberts Tavern Drive Extended. Staff noted that the purpose of this briefing is to solicit comments on the project prospectus, which will be taken into consideration by MCDOT before transmittal of the final report to the County Council.

Messrs. Bob Simpson, Bruce Johnston, and Greg Hwang of MCDOT offered comments.

At the Board' request, Mr. Carl Starkey of Street Traffic Studies, Ltd., offered comments.

There followed extensive Board discussion, with questions to staff and MCDOT's representatives regarding the other alternatives discussed in the staff report and the estimated project cost in relation to its small traffic benefit.

Chair Carrier voted against the motion stating that she does not see the urgency in having this study done at this time and that she recommends that the project be included in the County's Capital Improvements Program (CIP) or be built as an offsite improvement for developer participation.

10. Closed Session - DEFERRED TO NOVEMBER 1

Pursuant to Annotated Code of Maryland, State Article, Section 10-508(a)(1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of Commission appointees, employees, or officials; or to discuss any other personnel matter that affects 1 or more specific employees

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: This item was postponed.

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9. Public Hearing, Josiah Henson Special Park Draft Master Plan

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and evidence submitted into the record.

A VERBATIM TRANSCRIPT FOR THIS ITEM IS ON FILE IN THE RECORDS MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.

8. Amendments to the Department of Parks' FY11-16 Capital Improvements Program (CIP) Continuation

The Department of Parks' biennial FY11-16 CIP is due to the Council by November 1. The Department is recommending changes to its adopted FY11-16 CIP that it would like to include in its biennial submission to the Council. Staff will present information on major CIP projects that may be delayed in an effort to reduce Operating Budget Impacts (OBI). Staff is specifically recommending delaying the schedule and/or opening of the following CIP projects: Germantown Town Center Urban Park, Greenbriar Local Park, Woodlawn Barn Visitors' Center, and Woodstock Equestrian Center.

Staff Recommendation: Approval

BOARD ACTION

Motion: WELLS-HARLEY/DREYFUSS

Vote:

Yea: 5-0

Nay:

Other:

Action: Approved staff recommendation for approval.

A VERBATIM TRANSCRIPT FOR THIS ITEM IS ON FILE IN THE RECORDS MANAGEMENT OFFICE IN SILVER SPRING, MARYLAND.