



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, January 10, 2008, at 9:00 a.m. in the Montgomery Regional Office in Silver Spring, Maryland, and adjourned at 10:05 p.m.

Present were Chairman Royce Hanson, Vice Chair John Robinson, and Commissioners Allison Bryant and Jean Cryor. Commissioner Gene Lynch was necessarily absent.

Items 1 through 4 are reported on the attached agenda.

The Board recessed at 1:15 p.m. for lunch and reconvened in the auditorium at 2:10 p.m. with four Commissioners present.

Items 5, 6, 7 and 9 are reported on the attached agenda. Item 8 was postponed.

In compliance with Section 10-509(c)(2), State Government Article, Annotated Code of Maryland, the following is a report of the Board's Closed Session, open agenda Item 11, deferred from earlier in the day.

The Board convened in Closed Session at 5:45 p.m. in the auditorium, on motion of Commissioner Bryant, seconded by Vice Chair Robinson, with Chairman Hanson, Vice Chair Robinson, and Commissioners Bryant and Cryor present and voting in favor of the motion, and with Commissioner Lynch absent. The meeting was closed under authority of State Government Article, Annotated Code of Maryland Section 10-508(a)(3), to consider the acquisition of real property for a Commission purpose and matters directly related thereto, and Section 10-508(a)(7), to consult with counsel to obtain legal advice.

Also present for the Closed Session were Associate General Counsel Carol Rubin of the Legal Department; Acting Planning Director Gwen Wright, Parks Deputy Director Michael F. Riley and Dan Hertz of the Parks Department; Secretary-Treasurer Patti Barney of the Finance Department; and Ann Daly of the Commissioners' Office.

In Closed Session, the Board discussed issues related to the SilverPlace headquarters and the adjacent Parking Lot District property.

The Closed Session was adjourned at 6:10 p.m. and the Board immediately recessed for dinner.

The Board reconvened in the auditorium at 7:35 p.m., with Acting Chairman Robinson, presiding, and Commissioners Bryant and Cryor present. Chairman Hanson was absent for the evening session because he was participating in the League of Women Voters Forest Conservation Forum in Rockville.

Item 10 is reported on the attached agenda.

There being no further business, the meeting was adjourned at 10:05 p.m. The next regular meeting of the Planning Board will be held Thursday, January 17, 2008, in the Montgomery Regional Office in Silver Spring, Maryland.

E. Ann Daly
Technical Writer

Ellyn Dye
Technical Writer

**Agenda for Montgomery County Planning Board Meeting
Thursday, January 10, 2008
9:00 A.M.
8787 Georgia Avenue
Silver Spring, MD 20910-3760**

Consent Agenda

1. Adoption of Opinions/Resolutions

Group A: All Five Commissioners Eligible to Vote [Commissioners Bryant, Cryor, Hanson, Lynch and Robinson]

i) Preliminary Plan No. 120060540, Midtown Silver Spring; ADOPTION OF RESOLUTION No. 08-01

Group B: Four Commissioners Eligible to Vote [Commissioners Bryant, Cryor, Hanson and Lynch]

ii) Preliminary Plan No. 120060850, Batchellors Forest; ADOPTION OF RESOLUTION No. 08-15

BOARD ACTION

**Motion: (A.) ROBINSON/CRYOR
(B.) CRYOR/BRYANT**

Vote:

Yea: (A.) 4-0
(B.) 3-0-1

Nay:

Other: (A.) LYNCH ABSENT
(B.) ROBINSON ABSTAINS; LYNCH ABSENT

Action: (A.) Adopted the Resolution as presented in Group A.
(B.) Adopted the Resolution as presented in Group B.

2. Record Plats

Subdivision Plat No. 220062420, Highland Park CBD-2 zone; 1 parcel; located in the southeast quadrant of the intersection of Waverly Street and Montgomery Avenue; Bethesda CBD. *Staff Recommendation: Approval*

BOARD ACTION

Motion: CRYOR/ROBINSON

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Approved staff recommendation for approval.

Hearings on Applications

3. Site Plan Review No. 82001018A (Formerly 8-01018A) and Subdivision Regulations Waiver No. SRW01006A , The Woods Academy

R-200 zone; 6.15 acres; amendment to increase enrollment of students from 302 to 410; existing private educational facility on an unrecorded parcel of land; request to waive the requirements for a preliminary plan of subdivision and record plat; located at the intersection of Burdette Road and Greentree Road; Potomac

Staff Recommendation: Approval with conditions

(Testimony Limited to One Hour)

BOARD ACTION

Motion: **BRYANT/ROBINSON**

Vote:

Yea: **4-0**

Nay:

Other: **LYNCH ABSENT**

Action: **Accepted the applicant’s request for a deferral for a period not longer than 60 days.**

Development Review Division staff presented highlights of the December 10 technical staff report on the Site Plan (82001018A), a proposal to increase enrollment from 302 to 410 students. The Woods Academy is a private elementary and Montessori pre-school in Bethesda operating on public land under a lease with the County on a 6.14-acre parcel (P-184), formerly the site of Fernwood Elementary School. This R-200 residentially zoned property is surrounded by residential lots to the east, west and southeast, and to M-NCPPC property - Fernwood Local Park to the north and McCrillis Gardens Special Park to the southwest. Staff recommends approval of a phased increase of 20 students each year over a three-year period, subject to a number of conditions stated in the report. An increase to the requested 410 maximum student population is dependent upon satisfying certain criteria delineated in the report.

As noted in the staff report, this is the first site plan to be reviewed under the amended Section 59-G-2.19(e)(2) of the Zoning Ordinance. Formerly, this type of project would have been submitted under a mandatory referral.

The application, as detailed in a separate December 27 technical staff report, also requests a waiver (SRW01006A) of the requirement of a preliminary plan of subdivision and associated record plat. The application includes a full traffic study, a requirement of an earlier

3. Site Plan Review No. 82001018A (Formerly 8-01018A) and Subdivision Regulations Waiver No. SRW01006A , The Woods Academy

Waiver. Staff recommends approval of this request subject to one condition: “Issuance of any future building permit(s) for this property will be subject to the applicable record plat requirements of Chapter 50 of the County Code.”

The Board requested and received clarification and/or additional information on a number of issues from staff.

Ms. Anne Martin and Mr. Robert Dalrymple, attorneys representing the applicant, introduced others representing the applicant. Ms. Martin reviewed accommodations made by the school with respect to traffic management; determined there are about 208 families represented in the school population and the Montessori program has about 60 to 90 students. The transportation management plan requires school staff oversight and employs a part-time, off-duty County police officer for traffic control.

Mr. Randy Branitsky, Chair of the The Woods Academy Board of Trustees, provided background and history in support of an increased enrollment, which will allow the school to satisfy an increase in the demand for the Montessori pre-school, and to reduce overall class size to between 15 and 20.

Mr. Larry Sufcik of Wells and Associates, consultant to the applicant, provided specifics on transportation issues, including on-site queuing capacity during both the morning and afternoon arrivals and dismissals, among others.

Ms. Mary Worch, Head Administrator, testified the school has worked hard to be a good neighbor and described details and enforcement efforts and tactics taken to manage the traffic. Ms. Worch said the school has an open campus, but with exclusive use of its athletic fields until 5:00 p.m., and the right to request County-use field permits thereafter.

Mr. Norman Knopf, attorney representing the Bradley Hills Citizens Association (BBCA), and Ms. Linda Kauskay of Burning Tree Road, past president of the BBCA, opposed the applications, enumerating reasons.

Also testifying in opposition were Ms. Rhonda Eisenstein of Renshaw Drive, an adjoining property owner; Ms. Louise Howe of Armat Drive; Mr. Jay Rosenblatt of Greentree Road; Mr. Jeffrey H. Reynolds, also representing Ms. Dorothy Broadman, of Michaels Drive; Ms. Barbara J. Goldberg of Burning Tree Road; Mr. Edward Hauck of Renshaw Drive and an abutting property owner; Ms. Rosanna Morrison of Greentree Road representing her family; Mr. Joel Poznansky of Greentree Road representing his family; Mr. Harry Eisenstein of Renshaw Drive and an abutting property owner; Mr. Jason Smolen of Armat Drive; and Mr. Jack Sando of St. Elmo Avenue and former president of the BBCA in 2001, when the school's expansion to 302 students was granted. Issues addressed in testimony included transportation backups, the absence of traffic enforcement measures, overuse of the athletic fields to the exclusion of neighbors, the inability to resolve problems, absence of school busing, double parking in the neighborhood, and the ineffectiveness of the Community Liaison Committee.

3. Site Plan Review No. 82001018A (Formerly 8-01018A) and Subdivision Regulations Waiver No. SRW01006A , The Woods Academy

Testifying in support were Mr. Carl Swisler of Hillmead Road, a member of the BBCA whose children graduated from the Woods Academy; Ms. Elizabeth Downes, Executive Director of the Association of Independent Schools of Greater Washington; and Ms. Gerald D. Borger of Brooke Drive, a resident who works at home and observes a different traffic situation.

Mr. Michael R. Jeffers of Michaels Drive testified that his experience with respect to field use differs from that presented in testimony.

Mr. Martin Klauber, People's Counsel, recommended that a feasibility study and analysis be undertaken of the transportation and field use issues, a public hearing be held whenever there is an incremental increase in enrollment. He explained that part of his position duties is to facilitate Community Liaison Committees and clarified the purpose of each committee is for an exchange of information. Mr. Klauber explained that the committees are not regulatory repositories. He recommended that the Board defer this application to obtain additional information. Mr. Dalrymple rebutted much of the testimony and expressed a preference to not defer the application.

In discussion, the Board considered Mr. Klauber's professional opinion that the transportation

management plan needs more work. Commissioner Bryant, after querying the applicant about certain concerns, identified a number of measures, generally endorsed by the other Commissioners, that might better manage traffic; for example, removing one car from the road for each new student, identifying a trigger with respect to student buses, executing an off-site parking agreement for special events, replanting the buffer, prohibiting exclusive-use athletic field signage; and proffering to submit to Planning Board review at the time each student increment is accomplished to demonstrate that conditions are met.

Mr. Knopf testified the record is clear there are deficiencies with the proposal, no standards, and no meaningful conditions. He supported deferral.

Vice Chair Robinson requested that the applicant be required to review and to certify that all problems identified be surveyed and remedied. In seconding the motion, he asked all parties to recognize that the Board does not oppose an expansion, but in deferring the application, the Board promises neither denial nor approval when it is again reviewed.

Chairman Hanson concurred in the request to verify that the application is in full compliance with past approvals and said he is not ill disposed toward expansion, but would like to feel that it can be accomplished in a way that maintains or achieves a level and sense of compatibility that is currently not uniformly present.

Mr. Dalrymple at this time requested a deferral, preferably no longer than 30 days, but conceded that a maximum of 60 days is acceptable.

The Board in approving the motion to defer, stated its expectation that the community, the BBCA, and the school will work towards a mutually acceptable resolution.

4. Zoning Text Amendment No. 07-16

Introduced by Council President Knapp: amending the Zoning Ordinance to allow outdoor storage yards as a special exception in the Rural Cluster Zone; establish standards for the approval of outdoor storage yards as a special exception; and generally amending provisions related to special exceptions in the Rural Cluster Zone

Staff Recommendation: Transmit Comments to the County Council
(Action required for County Council public hearing of 1/15/07)

BOARD ACTION

Motion: BRYANT/CRYOR

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Approved staff recommendation for approval of the Zoning Text Amendment to allow outdoor storage yards as a special exception in the Rural Cluster Zone and to

establish standards for the approval of outdoor storage yards as a special exception, as modified to recommend application to other zones, as reflected in the attached letter of transmittal to the County Council, sitting as the District Council.

Development Review Division staff presented an overview of the January 2 technical staff report.

Mr. William J. Chen, Jr., attorney representing Gene's Johns and Rentals, Inc., located on Ridge Road in Germantown, cited his December 21 letter to Development Review Division staff, and endorsed the Zoning Text Amendment.

**5. Roundtable Discussion Including Briefings and Worksessions
(No public testimony will be taken at this time)**

- A. Approval of Minutes
- B. Commissioner's Report
- C. Director's Report
- D. **Forest Conservation Law Revisions** Postponed
- E. SilverPlace: Status report

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: LYNCH ABSENT

- Action:**
- (A.) Approved as presented December 6 and December 13, 2007.
 - (B.) None
 - (C.) None
 - (D.) Postponed
 - (E.) Received briefing from Parks Department staff on SilverPlace funding options, timeline, design charette, and program of requirements.

11. CLOSED SESSION: SilverPlace (Added)

Pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(3) to consider acquisition of real property.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other: LYNCH ABSENT

Action: Met in Closed Session; see State citation and open session report in narrative minutes.

6. Planning Board Briefing and Public Meeting: BRAC Draft Environmental Impact Study

Examine the potential environmental impacts of relocating major functions of the Walter Reed Army Medical Center to the National Naval Medical Center in Bethesda, Maryland.

Staff Recommendation: Transmit Comments to County Council

BOARD ACTION

Motion: BRYANT/CRYOR

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Following briefing from Transportation Planning Division staff and Board discussion, approved staff recommendation to transmit comments to County Council, as stated in the attached transmittal letter.

Transportation Planning and Community-Based Planning Divisions staff gave a briefing on the Environmental Impact Statement for the Base Realignment and Closure (BRAC) for the National Naval Medical Center (NNMC) in Bethesda, as discussed in detail in the December 20 technical staff report. Environmental Planning Division staff also discussed the environmental recommendations proposed for the site, and staff from Historic Preservation Division discussed the significance of this historic site through the designation of the entire parcel of the NNMC to the Montgomery County Master Plan for Historic Preservation.

The following speakers offered testimony: Mr. Patrick O’Neal Vice President for Economic Development and Government Relations for the Greater Bethesda-Chevy Chase Chamber of Commerce; Mr. John Carman Chairman of the BRAC Implementation Committee; Mr. Ken Strickland, President of the Chevy Chase Valley Citizens’ Association; Ms. Deborah Michaels representing the Glenbrook Village Homeowners Association; Ms. Avice Meehan, Vice President

of Communications and Public Affairs for Howard Hughes Medical Institute; Mr. Allen Myers of Fresno Road and President of the Maplewood Citizens Association; Ms. Haya Hopkins, President of the East Bethesda Citizens Association; Ms. Linda Skalet of Montgomery Lane and President of the Bethesda Civic Coalition; Ms. Pam Browning of Elm Street and representing Save the Rail Petition, Mr. Malcolm Rivkin of Fairfax Road and a former Planning Board Vice Chair; Ms. Amy Shiman of Hoover Street and representing the Huntington Terrace Citizens Association; and Ms. Judy Koenick of Chevy Chase.

There followed a brief Board discussion during which the Board recommended that the Navy improve its analysis of the impact of the medical center expansion on roads both adjacent to the site and arteries to get to and through Bethesda. He also added that the Navy should consider roads and sidewalks improvements, and the proposed pedestrian tunnel, as qualifying for federal defense funds.

7. Local Area Transportation Review Guidelines Worksession

Review Final Draft.

Staff Recommendation: Adopt Revised Guidelines

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received briefing from Transportation Planning Division staff and instructed staff to resubmit Revised Guidelines at a future Board meeting, including revisions discussed during the meeting.

Transportation Planning Division staff presented the final draft of the Local Area Transportation Review (LATR) Guidelines, including Board recommendations made during previous worksessions. Staff noted that the purpose of the LATR and the Policy Area Mobility Review (PAMR) Guidelines is to implement the elements of the 2007-2009 Growth Policy relating to the adequacy of transportation facilities in Montgomery County. Staff noted that the final draft contains seven issues raised at the Public Hearing for which staff is seeking Board approval.

The following speakers offered testimony: Mr. Ron Welke of the Traffic Consultants Group, and Ms. Natalie Goldberg of Jolly Way in Kensington.

There followed an extensive Board discussion with questions to staff and the speakers. The Board recommended that staff resubmit the revised guidelines, including revisions discussed dur-

ing the meeting, to the Board for approval when Commissioner Lynch is present because he is the deciding vote regarding the trip reduction calculation issue.

8. Public Hearing – SPA Environmental Review- POSTPONED

Review for environmental concerns proposed design for ICC Sections in Upper Rock Creek Special Protection Area.

Staff Recommendation: Transmit comments to MD SHA and MD Dept of Environment

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: THIS ITEM WAS POSTPONED.

9. Parkland Transfer for Contract C

Authorization to convey 6,678 square feet (0.1533 acres) of parkland at Cross Creek Club Local Park, in fee simple, to the State Highway Administration of the Maryland Department of Transportation, as Right-of-Way for the Intercounty Connector.

Staff Recommendation: Approve Staff Recommendation

BOARD ACTION

Motion: ROBINSON/BRYANT

Vote:

Yea: 4-0

Nay:

Other: LYNCH ABSENT

Action: Following a brief presentation by Parks staff, approved staff recommendation to convey 6,678 square feet of parkland at Cross Creek Club Local Park in fee simple to the State Highway Administration of the Maryland Department of Transportation, as right-of-way for the Intercounty Connector.

Chairman Hanson noted that this parkland transfer request will be discussed at the full Commission meeting on January 19, 2008.

10. [Montgomery County Planning Board Public Hearing on Amendment to the Master Plan for Historic Preservation](#)

Perpetual Building Association Building, 8700 Georgia Avenue, Resource #36-56
Staff Recommendation: Designate Resource on the Master Plan for Historic Preservation

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: Received testimony and evidence submitted into the record.

Prior to taking up this item, Acting Chairman Robinson cited the absence of Chairman Hanson and Commissioner Lynch and said that the Board will receive testimony and evidence submitted into the record at tonight's hearing, but the Board's deliberations and action will take place at a later date.

Historic Preservation staff presented an evaluation of the Perpetual Building Association building in Silver Spring and the proposed amendment to the Master Plan for Historic Preservation to designate the building as a historic resource, as detailed in the staff report. Staff reported that the building was identified as having potential historic/architectural significance in the 2002 survey of properties in the Silver Spring Central Business District, but it was not analyzed in that survey because the building was less than 50 years old, having been built in 1958. In May 2007, the Silver Spring Historical Society nominated the building for designation as a historic resource, which prompted the analysis. Staff reported that the Historic Preservation Commission voted to recommend designation, based on two of the designation criteria, 1a and 2e. In staff's view, the building also meets criteria 1d, 2a, and 2c.

Ms. Pat Harris, attorney representing the property owner, spoke in opposition to the proposed designation, stating that the burden of proof has not been met to justify designation. Ms. Harris also argued that the proposed designation should be taken up in the context of the submitted project plan for the property, to allow the Board to balance competing public policies.

Commissioner Caroline Alderson, Historic Preservation Commission (HPC), elaborated on the HPC recommendation to designate the building as a historic resource based on two designation criteria.

The following people offered testimony and submitted evidence into the record: Mr. Jerry McCoy of the Silver Spring Historical Society, Ms. Emily Eig of EHT Traceries, Inc., Ms. Kim Williams of the D.C. Historic Preservation Office, and Ms. Marcie Stickel of the Silver Spring Historical Society, the nominators; Ms. Sabrina Baron, representing Historic Takoma; Ms. Linda Lyons, representing the Art Deco Society; Mr. Robert Scholz and Ms. Josie Scholz, representing

10. [Public Hearing on Amendment to the Master Plan for Historic Preservation](#)

the family of the building architect; Mr. Wayne Goldstein, representing Montgomery Preservation, Inc.; Ms. Mary Reardon of Silver Spring; Ms. Sally Lichtenstein Berk of Washington, D.C.; Mr. David Paris of Takoma Park; Ms. Christine Morgan, representing the Woodside Park Civic Association; Mr. James Jacobs, representing Recent Past Preservation Network; Ms. Bonnie Rosenthal of Silver Spring; Ms. Teresa Lachin, representing Peerless Rockville Historic Preservation, Ltd.; and Mr. Robert Nieweg of the National Trust for Historic Preservation.

In rebuttal, Ms. Harris and Mr. Bert Foer, the property owner, responded to queries from the Board and reiterated their contention that the building does not meet any of the criteria for designation as a historic resource.

In brief discussion the Board directed staff to prepare additional information for presentation at the Board's worksession.